

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

09-60116 CR-MARRA MAGISTRATE JUDGE
VITUNAC
22 U.S.C. §2778(b)(1)(A)(ii)
22 U.S.C. §2797a

UNITED STATES OF AMERICA

vs.

JUWHAN YUN,
a/k/a JW YUN,

Defendant.

FILED
2009 APR 29 PM 4:12
P.O.

INDICTMENT

The Grand Jury charges:

At all times material to this Indictment:

GENERAL ALLEGATIONS

1. Defendant JUWHAN YUN, a/k/a JW Yun was a Naturalized United States Citizen.
2. Defendant JUWHAN YUN, a/k/a JW Yun was an owner, officer, employee or agent of Blue Hill Corporation, P.O. Box 177, Short Hills, New Jersey, an entity used by the Defendant in furtherance of his illegal export and brokering activities.
3. Defendant JUWHAN YUN, a/k/a JW Yun, used the e-mail addresses jwyun@hotmail.com, and jwyun88@yahoo.com.
4. Neither Defendant JUWHAN YUN, a/k/a JW Yun, nor Blue Hill Corporation was registered with the Department of State, Directorate of Defense Trade Controls to engage in the

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export, import or business of brokering activities for any item on the United States Munitions List or the Missile Technology Control Annex.

5. Neither Defendant JUWHAN YUN, a/k/a JW Yun, nor Blue Hill Corporation was licensed by the Department of State, Directorate of Defense Trade Controls to engage in the export, *ja* import or business of brokering activities for any item on the United States Munitions List or the Missile Technology Control Annex.

6. Defendant JUWHAN YUN, a/k/a JW Yun, had been debarred by the Department of State, Directorate of Defense Trade Controls and had not re-registered or reapplied for a license to import, export *OR ja* or engage in the business of brokering activities involving items on the United States Munitions List.

The Statutes and Regulations

7. In furtherance of the security and foreign policy interests of the United States, the United States regulates and restricts the export of arms, munitions, implements of war, and defense articles, pursuant to the Arms Export Control Act (AECA). Title 22, United States Code, Section 2778.

8. The regulations which govern such exports are entitled the International Traffic in Arms Regulations (ITAR). Title 22, Code of Federal Regulations, Sections 120-130.

9. The ITAR contains a list of defense articles and defense services which are subject to control by these regulations. The list is called the United States Munitions List. Title 22, Code of Federal Regulations, Section 121.1.

10. "Defense Article", as defined in Title 22, Code of Federal Regulations, Section 120.6

means any item or technical data designated in the United States Munitions List. Title 22, Code of Federal Regulations, Section 121.1.

11. "Foreign Defense Article" as defined in Title 22, Code of Federal Regulations, Section 129.2, includes any non-United States defense article of a nature described on the United States Munitions List, Title 22, Code of Federal Regulations, Section 121.1, regardless of whether such article is of United States origin or whether such article contains United States origin components.

12. The RD-180 Propulsion System is a controlled item on the United States Munitions List, Title 22, Code of Federal Regulations, Section 121.1 (hereinafter USML), under Category IV(d).

13. The RD-180 Propulsion System is "significant military equipment" under Title 22, Code of Federal Regulations, Section 120.7.

14. Technical data related to the RD-180 Propulsion System is a controlled item on the United States Munitions List, Title 22, Code of Federal Regulations, Section 121.1 (hereinafter USML), under Category IV(I) and is also considered "significant military equipment" under Title 22, Code of Federal Regulations, Section 120.7.

15. The RD-180 Propulsion System is a controlled item on the Missile Technology Control Regime Annex. Title 22, Code of Federal Regulations, Section 121.16, under Category I.

Brokering Activities Defined

16. "Broker" is defined by the ITAR as any person who acts as an agent for others in negotiating or arranging contracts, purchases, sales or transfers of defense articles or defense services

in return for a fee, commission or other consideration. Title 22, Code of Federal Regulations, Section 129.2 (a).

17. “Brokering activities” as used in the ITAR means “acting as a broker” and includes “activities by U.S. persons who are located inside or outside of the United States or foreign persons subject to U.S. jurisdiction involving defense articles or defense services of U.S. or foreign origin which are located inside or outside of the United States.” Title 22, Code of Federal Regulations, Section 129.2 (b).

18. “Brokering activities” includes the financing, transportation, freight forwarding, or taking of any other action that facilitates the manufacture, export or import of a defense article or defense service, irrespective of its origin, Title 22, Code of Federal Regulations, Section 129.2 (b).

19. Any U.S. person, wherever located, who engages in the business of brokering activities with respect to the transfer of any defense article or defense service is required to register with the United States Department of State, Directorate of Defense Trade Controls. Title 22, Code of Federal Regulations, Section 129.3.

20. At no time material to this indictment, did the defendant JUWHAN YUN, a/k/a JW Yun, or Blue Hill Corporation, register with the United States Department of State, Directorate of Defense Trade Controls, to engage in the business of brokering activities as required by Title 22, Code of Federal Regulations, Section 129.3.

21. No person may engage in the business of brokering activities without the written approval (license) of, or prior notification to, the United States Department of State, Directorate of Defense Trade Controls. Title 22, Code of Federal Regulations, Section 129.6.

22. At no time material to this indictment, did the defendant JUWHAN YUN, a/k/a JW Yun, or Blue Hill Corporation, receive the prior approval of the United States Department of State, Directorate of Defense Trade Controls to engage in the business of brokering activities as required by Title 22, Code of Federal Regulations, Sections 129.6 and 129.7(a)(1)(v).

23. Any U.S. person, wherever located who engages in the business of exporting defense articles is required to register with the United States Department of State, Directorate of Defense Trade Controls. Title 22, Code of Federal Regulations, Section 122.1.

24. At no time material to this indictment, did the defendant JUWHAN YUN, a/k/a JW Yun, or Blue Hill Corporation, register with the United States Department of State, Directorate of Defense Trade Controls to engage in the business of exporting defense articles as required by Title 22, Code of Federal Regulations, Section 122.1.

25. At no time material to this indictment, did the defendant JUWHAN YUN, a/k/a JW Yun, or Blue Hill Corporation, receive the prior approval of the United States Department of State, Directorate of Defense Trade Controls to engage in the business of exporting defense articles as required by Title 22, Code of Federal Regulations, Section 123.1.

COUNT 1

1. Paragraphs 1 through 25 of the General Allegations above are restated and realleged as if fully set forth herein.

2. From on or about December 7, 2008, to April 15, 2009, in Broward County, in the Southern District of Florida, and elsewhere, the defendant,

**JUWHAN YUN,
a/k/a JW Yun,**

did knowingly and willfully engage in the business of brokering activities in negotiating and arranging contracts, purchases, sales and transfers of defense articles and foreign defense articles to the Republic of Korea, that is: RD-180 Propulsion Systems and related technology, without first registering with the Department of State, Office of Defense Trade Controls, in violation of Title 22, United States Code, Sections 2778 (b)(1)(A)(ii) and (c); and Title 22, Code of Federal Regulations, Sections 129.3 and 127.1(a)(6); and Title 18, United States Code, Section 2.

COUNT 2

1. Paragraphs 1 through 25 of the General Allegations above are restated and realleged as if fully set forth herein.

2. From on or about December 7, 2008, to April 15, 2009, in Broward County, in the Southern District of Florida, and elsewhere, the defendant,

**JUWHAN YUN,
a/k/a JW Yun,**

did knowingly and willfully engage in the business of exporting and attempting to export defense articles and foreign defense articles to the Republic of Korea, that is: RD-180 Propulsion Systems and related technology, without first registering with the Department of State, Office of Defense Trade Controls, in violation of Title 22, United States Code, Sections 2778 (b)(1)(A)(i) and (c); Title 22, Code of Federal Regulations, Sections 122.1, and 127.1(a)(5); and Title 18, United States Code, Section 2.

COUNT 3

1. Paragraphs 1 through 25 of the General Allegations above are restated and realleged as if fully set forth herein.

2. From on or about December 7, 2008, to April 15, 2009, in Broward County, in the Southern District of Florida, and elsewhere, the defendant,

**JUWHAN YUN,
a/k/a JW Yun,**

did knowingly and willfully engage in the business of brokering activities in negotiating and arranging contracts, purchases, sales and transfers of defense articles and foreign defense articles to the Republic of Korea, that is: RD-180 Propulsion Systems and related technology, without obtaining the written permission of the Department of State, Office of Defense Trade Controls, in violation of Title 22, United States Code, Sections 2778(b)(1)(A)(ii) and (c); Title 22, Code of Federal Regulations, Sections 127.1(a)(6) and 127.3; and Title 18, United States Code, Section 2.

COUNT 4

1. Paragraphs 1 through 25 of the General Allegations above are restated and realleged as if fully set forth herein.

2. From on or about December 7, 2008, to April 15, 2009, in Broward County, in the Southern District of Florida, and elsewhere, the defendant,

**JUWHAN YUN,
a/k/a JW Yun,**

did knowingly and willfully attempt to export defense articles and foreign defense articles from the United States to the Republic of Korea, that is: RD-180 Propulsion Systems and related technology, without obtaining the written permission of the Department of State, Office of Defense Trade Controls, in violation of Title 22, United States Code, Sections 2778(b)(1)(A)(ii) and (c); Title 22, Code of Federal Regulations, Sections 127.1(a)(1) and 127.3; and Title 18, United States Code, Section 2.

COUNT 5

1. Paragraphs 1 through 25 of the General Allegations above are restated and realleged as if fully set forth herein.

2. From on or about December 7, 2008, to April 15, 2009, in Broward County, in the Southern District of Florida, and elsewhere, the defendant,

**JUWHAN YUN,
a/k/a JW Yun,**

did knowingly and willfully engage in the business of brokering activities in negotiating and arranging contracts, purchases, sales and transfers to the Republic of Korea of an item on the Missile Technology Control Annex that is: RD-180 Propulsion Systems and related technology, without obtaining the written permission of the Department of State, Office of Defense Trade Controls, in violation of Title 22, United States Code, Sections 2797a (a)(1)(B),(a)(1) (C) and (b); Title 22, United States Code, Sections 2778(b)(1)(A)(ii) and (c); Title 22, Code of Federal Regulations, Sections 129.6, 129.7(a)(1)(v), 127.1(a)(6); and 127.3, and Title 18, United States Code, Section 2.

COUNT 6

1. Paragraphs 1 through 25 of the General Allegations above are restated and realleged as if fully set forth herein.

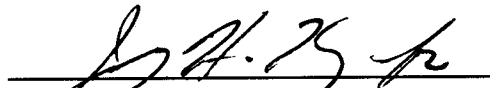
2. From on or about December 7, 2008, to April 15, 2009, in Broward County, in the Southern District of Florida, and elsewhere, the defendant,


**JUWHAN YUN,
a/k/a JW Yun,**

did knowingly and willfully attempt to export and facilitate the export of and transfer to the Republic

of Korea of an item on the Missile Technology Control Annex that is: RD-180 Propulsion Systems and related technology, without obtaining the written permission of the Department of State, Office of Defense Trade Controls, in violation of Title 22, United States Code, Sections 2797a (a)(1)(B),(a)(1)(C) and (b); Title 22, United States Code, Sections 2778(b)(1)(A)(ii) and (c); Title 22, Code of Federal Regulations, Sections 127.1(a)(1), and 127.3; and Title 18, United States Code, Section 2.

A TRUE BILL


R. ALEXANDER ACOSTA
UNITED STATES ATTORNEY


MICHAEL WALLEISA
ASSISTANT UNITED STATES ATTORNEY

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
PENALTY SHEET**

Defendant's Name: JUWHAN YUN No.: _____

Count #1

Failure to Register as a Broker for the export sale and transfer of defense articles, in violation of 22 U.S.C. 2778

Max Penalty: 10 years, and a \$1,000,000 fine, 3 years supervised release

Count #2

Failure to Register as an Exporter for the export sale and transfer of defense articles, in violation of 22 U.S.C. 2778

Max Penalty: 10 years, and a \$1,000,000 fine, 3 years supervised release

Count #:3

Brokering and/or exporting the sale and transfer of defense articles, in violation of 22 U.S.C. 2778

Max Penalty: 10 years, and a \$1,000,000 fine, 3 years

Count #:4

Attempt to export defense articles, in violation of 22 U.S.C. 2778

Max Penalty: 10 years, and a \$1,000,000 fine, 3 years

Count #:5

Brokering and/or exporting the sale and transfer of items on the Missile Technology Control Annex, in violation of 22 U.S.C. 2797a

Max Penalty: 10 years, and a \$1,000,000 fine, 3 years

Count #:6

Attempt to export items on the Missile Technology Control Annex, in violation of 22 U.S.C. 2797a

Max Penalty: 10 years, and a \$1,000,000 fine, 3 years

***Refers only to possible term of incarceration, does not include possible fines, restitution, special assessments, parole terms or forfeitures that may be applicable.**

REV. 12/12/96

UNITED STATES OF AMERICA

CASE NO. _____

vs.

CERTIFICATE OF TRIAL ATTORNEY*

JUWHAN YUN

Defendant.

Superseding Case Information:

Court Division: (Select One)

New Defendant(s) Yes _____ No X
Number of New Defendants 0
Total number of counts 6

X Miami _____ Key West _____
FTL _____ WPB _____ FTP _____

I do hereby certify that:

- I have carefully considered the allegations of the indictment, the number of defendants, the number of probable witnesses and the legal complexities of the Indictment/Information attached hereto.
- I am aware that the information supplied on this statement will be relied upon by the Judges of this Court in setting their calendars and scheduling criminal trials under the mandate of the Speedy Trial Act, Title 28 U.S.C. Section 3161.

3. Interpreter: (Yes or No) NO
List language and/or dialect _____

4. This case will take 11 days for the parties to try.

5. Please check appropriate category and type of offense listed below:
(Check only one) (Check only one)

I	0 to 5 days	_____	Petty	_____
II	6 to 10 days	_____	Minor	_____
III	11 to 20 days	<u>X</u> _____	Misdem.	_____
IV	21 to 60 days	_____	<u>Felony</u>	_____
V	61 days and over	_____		_____

6. Has this case been previously filed in this District Court? (Yes or No) NO


If yes:
Judge: _____ Case No. _____

(Attach copy of dispositive order)
Has a complaint been filed in this matter? (Yes or No) Yes

If yes:
Magistrate Case No. 09-6139-RSR
Related Miscellaneous numbers: _____
Defendant(s) in federal custody as of _____
Defendant(s) in state custody as of _____
Rule 20 from the _____ District of _____

Is this a potential death penalty case? (Yes or No) NO

- Does this case originate from a matter pending in the U.S. Attorney's Office prior to April 1, 2003? _____ Yes X No
- Does this case originate from a matter pending in the U. S. Attorney's Office prior to April 1, 1999? _____ Yes X No
If yes, was it pending in the Central Region? _____ Yes _____ No
- Does this case originate from a matter pending in the Northern Region of the U.S. Attorney's Office prior to October 14, 2003? _____ Yes X No
- Does this case originate from a matter pending in the Narcotics Section (Miami) prior to May 18, 2003? _____ Yes X No
- Does this case originate from a matter pending in the Central Region of the U.S. Attorney's Office prior to September 1, 2007? _____ Yes X No


ASSISTANT UNITED STATES ATTORNEY
Florida Bar No. 539570