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NEW YORK WOMAN SENTENCED TO 8 MONTHS INCARCERATION FOR TRAFFICKING IN COUNTERFEIT CIGARETTES

Charles M. Oberly, III, United States Attorney for the District of Delaware, announced that Su Lian Wu, age 54, was sentenced today by United States District Court Judge Sue L. Robinson to 8 months incarceration for trafficking in counterfeit cigarettes.

According to statements made and documents filed in court, Wu was the last of six defendants to plead guilty to trafficking in counterfeit cigarettes and be sentenced by Judge Robinson. On six occasions, from April 2010 through December 2010, the six defendants variously brought to Delaware from Flushing, New York City, where they each resided, a total of 2,580 cartons of counterfeit cigarettes, which had been imported from the People's Republic of China. These counterfeit cigarette packs and cartons appear identical to those of a popular American brand, which has trademarks registered with the United States Patent and Trademark Office. The defendants unwittingly sold the 2,580 cartons of counterfeit cigarettes to witnesses cooperating with special agents of the Bureau of Alcohol, Tobacco, Firearms and Explosives. Accordingly, these counterfeit cigarettes were not sold to the public. The equivalent wholesale price for a similar quantity of genuine cigarettes exceeds \$100,000. The counterfeit cigarettes bore various state cigarette tax stamps, also all counterfeit.

Among the five defendants previously sentenced are Wu's husband and son, respectively, Jin Ming Zhang, age 56, and Wei Feng Zhang, age 33. The family emigrated to the United States from the People's Republic of China in 1997 on visitor visas. While overstaying those visas, each applied for and received permanent legal residency (a green card). In February 2011, Jin Ming Zhang was arrested on the Delaware charges at the JFK International Airport in New York City, upon arriving on a flight from the People's Republic of China. He remained a pretrial detainee for the 11 months from his arrest through January 11, 2012, when he was sentenced to "time served" and a \$2,000 fine. Wei Feng Zhang, who has a 2008 New York conviction related to counterfeit cigarettes, similarly was sentenced, on March 1, 2012, to 11 months incarceration.

Also among the five previously sentenced defendants is Tian Yun Qu, age 25, and his mother, Shao Chai Weng, age 49. Qu served 42 days as a pretrial detainee before being sentenced to "time served" on September 21, 2011. Five days later, on September 26, 2011, Weng similarly was sentenced to 42 days incarceration and a \$5,000 fine

The remaining defendant, Liang Jiang, age 25, on October 13, 2011, was also sentenced to 42 days "time served."

In sentencing Wu to 8 months incarceration, United States District Court Judge Sue L. Robinson noted that of the six defendants only Wu and her family had direct contact with the source of the counterfeit cigarettes and thus their sentences were greater.

Qu, Weng, and Jiang emigrated to the United States from the People's Republic of China and were granted permanent legal status in the United States. Each of the six defendants, when entering his/her guilty plea, was warned by Judge Robinson that the conviction possibly could impact that status.

The sentences imposed on all defendants include a three year term of supervised release, to commence after incarceration.

Following the sentencing hearing, Charles M. Oberly, III, United States Attorney for the District of Delaware, stated, "Trafficking in counterfeit merchandise presents severe economic consequences. The U. S. Chamber of Commerce, in a 2005 study, estimated that between 5% and 7% of world trade is in counterfeit goods, the equivalent of greater than \$500 billion in global lost sales. When cases such as this are brought to my office, they will be prosecuted."

"This case exemplifies the collaboration between ATF and our federal, state, and local partners," said ATF Baltimore Field Division Acting Special Agent in Charge Debbie D. Bullock. "All of the entities involved in the investigation can cite this prosecution as a prime example of the successful use of federal laws to confront, engage, and eliminate those who attempt to generate revenue from criminal activity."

Tom Cook, Delaware Secretary of Finance, stated, "This case highlights the success of the federal and state government in working together to investigate and prosecute those who illegally distribute untaxed and counterfeit cigarettes in the State of Delaware – and the continuing need for such investigations. This type of criminal activity undermines legitimate retailers through tax evasion, puts an inferior product on the streets, and costs the State of Delaware significant tax revenue."

This case was jointly investigated by the Delaware Department of Finance, Division of Revenue; the New York Petroleum, Alcohol and Tobacco Bureau; the United States Alcohol and Tobacco Tax and Trade Bureau; and the United States Bureau of Alcohol, Tobacco, Firearms and Explosives. This case was prosecuted by Assistant United States Attorney Edmond Falgowski.

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