

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Criminal Case No.

UNITED STATES OF AMERICA,

Plaintiff,

v.

1. KAH POH CHEAH,
2. WAI CHONG KONG,
3. KIT CHI HO,

Defendants.

INDICTMENT

18 U.S.C. §§ 371, 1952, 1956, 2421 and 2

The Grand Jury charges:

COUNT ONE

18 U.S.C. § 371

1. Between on or about January 2006 and on or about October 2006, in the State and District of Colorado, the defendants KAH POH CHEAH, WAI CHONG KONG and KIT CHI HO, did conspire together and with persons both unknown to the Grand Jury and known but not charged herein (hereinafter also referred to as “the co-conspirators”) to commit offenses against the United States, namely violations of Title 18 U.S.C. §§ 1952 and 2421.

2. Defendants and the co-conspirators used the following means and methods, among others, to achieve the objects of the conspiracy.

3. Defendants and the co-conspirators advertised in newspapers in the Denver area using pictures of nude or scantily clad women and listing prices of \$140 for a half hour and \$180 for one hour services. The advertisements listed a phone number.

4. Defendants and the co-conspirators leased several apartments in the Denver metro area. Defendants transported Asian women, who were prostitutes, from Denver International Airport (DIA) and took them to one of the apartments. One of the prostitutes would stay for approximately 10 days before defendants would drive her back to DIA. Defendants ordered shipments of 1000 condoms. Defendants would deliver these condoms along with food and water to the prostitutes in the apartments.

5. Individuals who called the number listed in the advertisements would talk to one of the defendants on the telephone. Defendants would ask them questions concerning the sexual services they desired and then set up an appointment at one of the apartments. At the appointments the individuals would pay money to the prostitute and receive sexual services in return. If the prostitutes were arrested, defendants or the co-conspirators would post the prostitutes' bond and drive them to DIA.

6. Defendants and the co-conspirators collected the money the prostitutes earned from their sexual services and deposited a portion of their money into their

individual bank accounts. They kept the remainder of such money for themselves in local bank accounts or they wired the money overseas to foreign bank accounts.

7. Overt Acts

The defendants and the co-conspirators, within the State and District of Colorado, committed overt acts, including but not limited to the following to effect the objects of the conspiracy:

On or about the date listed for each overt act, the defendants or co-conspirators knowingly transported and caused to be transported an individual in interstate and foreign commerce with intent that such individual engage in prostitution and in any sexual activity for which any person can be charged with a criminal offense.

| <u>Date</u> | <u>Person transported</u> |
|---------------------|---------------------------|
| 1. June 15, 2006 | Eunkyong Jo |
| 2. June 20, 2006 | Young Shin Im |
| 3. June 22, 2006 | Wannika Sakaeo |
| 4. July 21, 2006 | Suk Jung You |
| 5. July 30, 2006 | Yan Yun Ma |
| 6. October 7, 2006 | Suk Hee Jung |
| 7. October 25, 2006 | Ae Ni Kim |

On or about the date listed for each overt act, the defendants or co-conspirators knowingly used a facility in interstate and foreign commerce with intent to distribute the

proceeds of any unlawful activity, to wit prostitution, or to otherwise promote, manage, establish, carry on and facilitate the promotion, management, establishment and carrying on of an unlawful activity, mainly prostitution offenses in violation of Colorado law.

| <u>Date</u> | <u>Facility in interstate or foreign commerce</u> |
|------------------------|---|
| 8. January 10, 2006 | Internet order for 1000 condoms from Go Live |
| 9. March 12, 2006 | Internet order for 1000 condoms from Go Live |
| 10. May 12, 2006 | Internet order for 1000 condoms from Go Live |
| 11. May 8, 2006 | Wire transfer of \$1000 to Cheah Kian Phang at Hong Kong Bank of West Malaysia |
| 12. July 18, 2006 | Four telephone calls setting up appointments for exchange of sexual services for money |
| 13. July 20, 2006 | Three telephone calls setting up appointments for exchange of sexual services for money |
| 14. September 22, 2006 | Two telephone calls setting up appointments for exchange of sexual services for money |

All in violation of Title 18 U.S.C. § 371.

COUNT TWO
18 U.S.C. §§ 2421 and 2

On or about June 15, 2006, in the State and District of Colorado, the defendants KAH POH CHEAH, WAI CHONG KONG and KIT CHI HO, knowingly transported an individual, to wit Eunkyong Jo, in interstate and foreign commerce with intent that such individual engage in prostitution and in any sexual activity for which any person can be charged with a criminal offense.

All in violation of Title 18 U.S.C. §§ 2421 and 2.

COUNT THREE
Title 18 U.S.C. §§ 2421 and 2

On or about June 20, 2006, in the State and District of Colorado, the defendants KAH POH CHEAH, WAI CHONG KONG and KIT CHI HO, knowingly transported an individual, to wit Young Shin Im, in interstate and foreign commerce with intent that such individual engage in prostitution and in any sexual activity for which any person can be charged with a criminal offense.

All in violation of Title 18 U.S.C. §§ 2421 and 2.

COUNT FOUR
Title 18 U.S.C. §§ 2421 and 2

On or about June 22, 2006, in the State and District of Colorado, the defendants KAH POH CHEAH, WAI CHONG KONG and KIT CHI HO, knowingly transported an individual, to wit Wannika Sakaeo, in interstate and foreign commerce with intent that such individual engage in prostitution and in any sexual activity for which any person can be charged with a criminal offense.

All in violation of Title 18 U.S.C. §§ 2421 and 2.

COUNT FIVE
Title 18 U.S.C. §§ 2421 and 2

On or about July 21, 2006, in the State and District of Colorado, the defendants KAH POH CHEAH, WAI CHONG KONG and KIT CHI HO, knowingly transported an individual, to wit Suk Jung You, in interstate and foreign commerce with intent that such

individual engage in prostitution and in any sexual activity for which any person can be charged with a criminal offense.

All in violation of Title 18 U.S.C. §§ 2421 and 2.

COUNT SIX
Title 18 U.S.C. §§ 2421 and 2

On or about July 30, 2006, in the State and District of Colorado, the defendants KAH POH CHEAH, WAI CHONG KONG and KIT CHI HO, knowingly transported an individual, to wit Yan Yun Ma, in interstate and foreign commerce with intent that such individual engage in prostitution and in any sexual activity for which any person can be charged with a criminal offense.

All in violation of Title 18 U.S.C. §§ 2421 and 2.

COUNT SEVEN
Title 18 U.S.C. §§ 2421 and 2

On or about October 7, 2006, in the State and District of Colorado, the defendants KAH POH CHEAH, WAI CHONG KONG and KIT CHI HO, knowingly transported an individual, to wit Suk Hee Jung, in interstate and foreign commerce with intent that such individual engage in prostitution and in any sexual activity for which any person can be charged with a criminal offense.

All in violation of Title 18 U.S.C. §§ 2421 and 2.

COUNT EIGHT
Title 18 U.S.C. §§ 2421 and 2

On or about October 25, 2006, in the State and District of Colorado, the defendants KAH POH CHEAH, WAI CHONG KONG and KIT CHI HO, knowingly transported an individual, to wit Ae Ni Kim, in interstate and foreign commerce with intent that such individual engage in prostitution and in any sexual activity for which any person can be charged with a criminal offense.

All in violation of Title 18 U.S.C. §§ 2421 and 2.

COUNT NINE
Title 18 U.S.C. § 1952

On or about May 12, 2006, in the State and District of Colorado, the defendant KAH POH CHEAH, did knowingly use a facility in interstate commerce with intent to promote, manage, establish, carry on and facilitate the promotion, management, establishment and carrying on of an unlawful activity, mainly prostitution offenses in violation of Colorado law, to wit: placing an internet order for 1000 condoms from cathy2dy@yahoo.com to Go live, Inc/Condom Depot.com, and thereafter performed and attempted to perform an act that promoted, managed, established, carried on and facilitated the promotion, management, establishment and carrying on of an unlawful activity, mainly prostitution offenses in violation of Colorado law.

All in violation of Title 18 U.S.C. § 1952.

COUNT TEN
Title 18 U.S.C. § 1952

On or about May 8, 2006, in the State and District of Colorado, the defendant KAH POH CHEAH, did knowingly use a facility in interstate and foreign commerce with intent to distribute the proceeds of any unlawful activity, to wit: wire transfer of \$1000 from Bank of the West to Hong Kong Bank in Malaysia.

All in violation of Title 18 U.S.C. § 1952.

COUNT ELEVEN
Title 18 U.S.C. § 1952

On or about July 19, 2006, in the State and District of Colorado, the defendant KIT CHI HO, did knowingly use a facility in interstate commerce with intent to promote, manage, establish, carry on and facilitate the promotion, management, establishment and carrying on of an unlawful activity, mainly prostitution offenses in violation of Colorado law, to wit: answering telephones associated with brothels and arranging appointments for sexual activity in exchange for money, and thereafter performed and attempted to perform an act that promoted, managed, established, carried on and facilitated the promotion, management, establishment and carrying on of an unlawful activity, mainly prostitution offenses in violation of Colorado law.

All in violation of Title 18 U.S.C. § 1952.

COUNT TWELVE
Title 18 U.S.C. § 1952

On or about September 22, 2006, in the State and District of Colorado, the defendant KIT CHI HO, did knowingly use a facility in interstate commerce with intent to

promote, manage, establish, carry on and facilitate the promotion, management, establishment and carrying on of an unlawful activity, mainly prostitution offenses in violation of Colorado law, to wit: answering telephones associated with brothels and arranging appointments for sexual activity in exchange for money, and thereafter performed and attempted to perform an act that promoted, managed, established, carried on and facilitated the promotion, management, establishment and carrying on of an unlawful activity, mainly prostitution offenses in violation of Colorado law.

All in violation of Title 18 U.S.C. § 1952.

COUNT THIRTEEN
Title 18 U.S.C. § 1956

On or about February 2, 2006, in the State and District of Colorado, the defendant WAI CHONG KONG, tendered a United States Postal Service Money Order in the amount of \$652.36 as payment on his lease agreement with Heritage Creek apartments in Denver, Colorado, knowing that the money order represented the proceeds of an unlawful activity, to wit: prostitution, with intent to promote the carrying on of specified unlawful activity to wit: prostitution.

All in violation of 18 U.S.C. § 1956.

COUNT FOURTEEN
Title 18 U.S.C. § 1956

On or about April 4, 2006, in the State and District of Colorado, the defendant WAI CHONG KONG, tendered a United States Postal Service Money Order in the

amount of \$670.00 as payment on his lease agreement with Heritage Creek apartments in Denver, Colorado, knowing that the money order represented the proceeds of an unlawful activity, to wit: prostitution, with intent to promote the carrying on of specified unlawful activity to wit: prostitution.

All in violation of 18 U.S.C. § 1956.

COUNT FIFTEEN
Title 18 U.S.C. § 1956

On or about June 2, 2006, in the State and District of Colorado, the defendant WAI CHONG KONG, tendered a United States Postal Service Money Order in the amount of \$864.00 as payment on his lease agreement with Promenade Place apartments in Denver, Colorado, knowing that the money order represented the proceeds of an unlawful activity, to wit: prostitution, with intent to promote the carrying on of specified unlawful activity to wit: prostitution.

All in violation of 18 U.S.C. § 1956.

COUNT SIXTEEN
Title 18 U.S.C. § 1956

On or about August 4, 2006, in the State and District of Colorado, the defendant WAI CHONG KONG, tendered a United States Postal Service Money Order in the amount of \$865.00 as payment on his lease agreement with Promenade Place apartments in Denver, Colorado, knowing that the money order represented the proceeds of an

unlawful activity, to wit prostitution, with intent to promote the carrying on of specified unlawful activity to wit: prostitution.

All in violation of 18 U.S.C. § 1956.

COUNT SEVENTEEN
Title 18 U.S.C. § 1956

On or about October 2, 2006, in the State and District of Colorado, the defendant WAI CHONG KONG, tendered a United States Postal Service Money Order in the amount of \$865.00 as payment on his lease agreement with Promenade Place apartments in Denver, Colorado, knowing that the money order represented the proceeds of an unlawful activity, to wit: prostitution, with intent to promote the carrying on of specified unlawful activity to wit: prostitution.

All in violation of 18 U.S.C. § 1956.

COUNT EIGHTEEN
FORFEITURE ALLEGATION

Upon conviction of one or more of the offenses alleged in Counts 1-17 of this Indictment, defendants Wai Chong Kong, Kit Chi Ho, and Kah Poh Cheah shall forfeit to the United States pursuant to 18 U.S.C. § 981(a)(1)(C), 18 U.S.C. § 1956(c)(7), 18 U.S.C. § 1961(1), 28 U.S.C. § 2461(c), 18 U.S.C. §2253, and 18 U.S.C. § 981(a)(1)(A) any property constituting or derived from proceeds and gross proceeds, and any property traceable to such proceeds and gross proceeds, obtained directly or indirectly as a result of said violation(s), any property used or intended to be used to commit or to promote the

commission of said violation(s), and any property involved in said violation(s), including but not limited to the following:

a) All that lot or parcel of land, together with its buildings, appurtenances, improvements, fixtures, attachments, and easements located at 11081 Valleybrook Circle, Highlands Ranch, Colorado, more particularly described as: Lot 285 Highlands Ranch 122-Y 0.153 AM/L;

b) 2006 Toyota Sienna VIN 5TDBA23C66S060541;

c) 2002 Mercedes Benz VIN 4JGAB54E12A292574;

d) 2003 Toyota Camry VIN JTDDBE32K630193821;

e) \$6,310.00 in United States Currency.

If any of the above-described forfeitable property, as a result of any act or omission of the defendant(s):

(a) cannot be located upon the exercise of due diligence;

(b) has been transferred or sold to, or deposited with, a third party;

(c) has been placed beyond the jurisdiction of the court;

(d) has been substantially diminished in value; or

(e) has been commingled with other property which cannot be divided without difficulty;

it is the intent of the United States, pursuant to 21 U.S.C. § 853(p) as incorporated by 18 U.S.C. § 982(b) and 28 U.S.C. § 2461, to seek forfeiture of any other property of said

defendant(s) up to the value of the said property as being subject to forfeiture, including but not limited to:

- a) All that lot or parcel of land, together with its buildings, appurtenances, improvements, fixtures, attachments, and easements located at 11081 Valleybrook Circle, Highlands Ranch, Colorado, more particularly described as: Lot 285 Highlands Ranch 122-Y 0.153 AM/L;
- b) 2006 Toyota Sienna VIN 5TDBA23C66S060541;
- c) 2002 Mercedes Benz VIN 4JGAB54E12A292574;
- d) 2003 Toyota Camry VIN JTDDBE32K630193821;
- e) \$6,310.00 in United States Currency.

A TRUE BILL

s/Foreperson
FOREPERSON

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