

DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT
 BY: ☐ COMPLAINT ☒ INFORMATION ☐ INDICTMENT
☐ SUPERSEDING
OFFENSE CHARGED

COUNT 1: Mail Fraud, in violation of 18 USC 1341

- ☐
- Petty
-
- ☐
- Minor
-
- ☐
- Misdemeanor
-
- ☒
- Felony

 PENALTY: Maximum prison term: 20 years
 Maximum supervised release term: 3 years
 Maximum fine: \$250,000, or if greater, twice gross gain or loss
 Mandatory special assessment: \$100
 Restitution & Forfeiture

Name of District Court, and/or Judge/Magistrate Location

NORTHERN DISTRICT OF CALIFORNIA

OAKLAND DIVISION

DEFENDANT: U.S.

S. DARIN KINION

DISTRICT COURT NUMBER

CR 16 97**PROCEEDING**

Name of Complainant Agency, or Person (& Title, if any)

US Department of Energy, Office of the Inspector General

☐ person is awaiting trial in another Federal or State Court, give name of court

☐ this person/proceeding is transferred from another district per (circle one) FRCrp 20, 21, or 40. Show District

☐ this is a reprosecution of charges previously dismissed which were dismissed on motion of:

☐ U.S. ATTORNEY ☐ DEFENSE

SHOW DOCKET NO.

☐ this prosecution relates to a pending case involving this same defendant

MAGISTRATE CASE NO.

☐ prior proceedings or appearance(s) before U.S. Magistrate regarding this defendant were recorded under

Name and Office of Person

Furnishing Information on this form BRIAN J. STRETCH

☒ U.S. Attorney ☐ Other U.S. Agency

Name of Assistant U.S.

Attorney (if assigned) AUSA Jeffrey Shih

IS NOT IN CUSTODY

Has not been arrested, pending outcome this proceeding.

 1) ☒ If not detained give date any prior summons was served on above charges
2) ☐ Is a Fugitive3) ☐ Is on Bail or Release from (show District)**IS IN CUSTODY**4) ☐ On this charge5) ☐ On another conviction
☐ Federal ☐ State
6) ☐ Awaiting trial on other charges

If answer to (6) is "Yes", show name of institution

 Has detainer been filed? ☐ Yes ☐ No

If "Yes" give date filed

DATE OF ARREST

Month/Day/Year

Or... if Arresting Agency & Warrant were not

DATE TRANSFERRED TO U.S. CUSTODY

Month/Day/Year

☐ This report amends AO 257 previously submitted
ADDITIONAL INFORMATION OR COMMENTS**PROCESS:**
☒ SUMMONS ☐ NO PROCESS* ☐ WARRANT

Bail Amount: _____

If Summons, complete following:

☒ Arraignment ☒ Initial Appearance

Defendant Address:

* Where defendant previously apprehended on complaint, no new summons or warrant needed, since Magistrate has scheduled arraignment

Date/Time: 3/15/2016 @ 930 am Before Judge: Hon. Donna M. Ryu

Comments: Defendant is represented by James Phillip Vaughns (510-583-9622), 6114 LaSalle Ave, Suite 289, Oakland, CA

1 BRIAN J. STRETCH (CABN 163973)
2 Acting United States Attorney

FILED
2016 MAR -8 P 3:44
SUGAN Y. CHONG
CLERK, US DISTRICT COURT
NO. DIST. OF CA.

JSW

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8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
10 OAKLAND DIVISION

11 UNITED STATES OF AMERICA,

12 Plaintiff,

13 v.

14 S. DARIN KINION,

15 Defendant.
16
17

CR 16 97

CASE NO.

) VIOLATIONS: 18 U.S.C. § 1341 – Mail Fraud;
) 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461(c) –
) Forfeiture
)
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18
19 INFORMATION

20 The United States Attorney charges:

21 INTRODUCTORY ALLEGATIONS

22 At all times relevant to this Information:

23 1. Defendant S. DARIN KINION was a physicist and research scientist for the Lawrence
24 Livermore National Laboratory (“LLNL”) located in Livermore, California, and within the Northern
25 District of California.

26 2. LLNL was a research facility that was operated by contractor Lawrence Livermore
27 National Security, LLC, and that received its funding primarily from the U.S. Department of Energy.
28

c. KINION falsely reported and represented to IARPA and to IARPA's testing and validation team that he had successfully tested and obtained results from components at LLNL at high frequencies (specifically, more than 2 GHz). While making such false representations repeatedly, KINION never conducted such high frequency tests for IARPA at LLNL.

d. KINION made such false representations by telephone, through email, and in person.

e. KINION, in order to conceal his fraudulent scheme, acted to deceive and to obstruct the efforts of IARPA to test and validate KINION's purported results and the components that KINION purportedly built and tested. Such deceptive and obstructive acts included KINION mailing "bogus" components, conducting a "charade" experiment, and altering Federal Express shipping labels.

COUNT ONE: (18 U.S.C. § 1341 – Mail Fraud)

7. The factual allegations in paragraphs 1 through 6 are re-alleged and incorporated as if fully set forth herein.

8. On or about the date set forth below, in the Northern District of California and elsewhere, the defendant,

S. DARIN KINION,

for the purpose of executing his material scheme and artifice to defraud IARPA and the United States, and to obtain money and property by means of materially false and fraudulent pretenses, representations, and promises, and by omission and concealment of material facts, did knowingly deposit and cause to be deposited the mail matter listed below to be sent and delivered by private and commercial interstate carrier, and did knowingly cause to be delivered by such carrier according to the direction thereon, the item described below:

COUNT	APPROXIMATE DATE OF MAILING	MAILING
1	August 27, 2012	Federal Express shipment of approximately 1 package, containing approximately 1 standard connector, from KINION in California to MIT Lincoln Laboratory in Massachusetts.

All in violation of Title 18, United States Code, Section 1341.

1 FORFEITURE ALLEGATION: (18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461(c) – Forfeiture)

2 9. The factual allegations contained in Count One are re-alleged and incorporated as if fully
3 set forth herein for the purpose of alleging forfeiture pursuant to the provisions of 18 U.S.C.
4 § 981(a)(1)(C) and 28 U.S.C. § 2461(c).

5 10. Upon a conviction of the offense alleged in Count One, the defendant,
6 S. DARIN KINION,
7 shall forfeit to the United States all property constituting and derived from proceeds traceable to that
8 offense, including but not limited to a forfeiture money judgment and a sum of money equal to the
9 amount of proceeds obtained as a result of the offense.

10 11. If, as a result of any act or omission of the defendant, any of said property:


- 11 a. cannot be located upon the exercise of due diligence;
12 b. has been transferred or sold to or deposited with, a third person;
13 c. has been placed beyond the jurisdiction of the Court;
14 d. has been substantially diminished in value; or
15 e. has been commingled with other property which cannot be divided without
16 difficulty;

17 any and all interest defendant has in any other property (not to exceed the value of the above forfeitable
18 property) shall be forfeited to the United States pursuant to 21 U.S.C. § 853(p) as incorporated by 28
19 U.S.C. § 2461(c) and Rule 32.2 of the Federal Rules of Criminal Procedure.

20
21 BRIAN J. STRETCH
Acting United States Attorney

22
23 DATED: 3/8/2016

24 PHILIP GUENTERT
Deputy Chief, Criminal Division

25
26 (Approved as to form: )

27 JEFFREY SHIH
28 Assistant United States Attorney

United States District Court
Northern District of California

CRIMINAL COVER SHEET

Instructions: Effective January 3, 2012, this Criminal Cover Sheet must be completed and submitted, along with the Defendant Information Form, for each new criminal case.

Case Name:

USA v. S. DARIN KINION

CR

Case Number:

16**97**

Total Number of Defendants:

1 ☒2-7 ☐8 or more ☐

Is This Case Under Seal?

Yes ☐No ☒

Does this case involve ONLY charges under 8 U.S.C. § 1325 and/or 1326?

Yes ☐No ☒

Venue (Per Crim. L.R. 18-1):

SF ☐ OAK ☒SJ ☐EUR ☐MON ☐

Is any defendant charged with a death-penalty-eligible crime?

Yes ☐No ☒

Assigned AUSA (Lead Attorney):

Jeffrey L. Shih

Is this a RICO Act gang case?

Yes ☐No ☒

Date Submitted:

03/08/2016

Comments:

Save

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Clear Form