

AO 91 (Rev. 08/09) Criminal Complaint

UNITED STATES DISTRICT COURT  
for the  
Southern District of Florida

United States of America  
v.

Case No. 19-6040-SNOW

LYUYOU LIAO,

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief:

On or about the date(s) of 12/26/2019 in the county of Monroe in the  
Southern District of Florida, the defendant(s) violated:

*Code Section*  
18 U.S.C. § 1382

*Offense Description*  
Entering Military, Naval, or Coast Guard Property for the purpose of  
Photographing Defense Installations, in violation of 18 U.S.C. § 795, and in  
violation of 18 U.S.C. § 1382.

This criminal complaint is based on these facts:  
SEE ATTACHED AFFIDAVIT.

Continued on the attached sheet.

Michael W. Miller  
*Complainant's signature*

Special Agent Michael W. Miller, NCIS  
*Printed name and title*

Sworn to before me and signed in my presence.

Date: 12/26/19

Lurana S. Snow  
*Judge's signature*

City and state: Key West, Florida

Lurana S. Snow, United States Magistrate Judge  
*Printed name and title*

**AFFIDAVIT**

I, Special Agent Michael W. Miller, being duly sworn, depose and states as follows:

**INTRODUCTION AND AGENT BACKGROUND**

1. I am a Special Agent with the Naval Criminal Investigative Service ("NCIS") having been so employed since September 23, 2003. As a Special Agent, my duties include the investigation of violations of Titles 18 & 21 of the United States Code, as well as violations of the Uniform Code of Military Justice ("UCMJ"). I am currently assigned to the NCIS Southeast Field Office and focus on examining various national security and counterintelligence matters. Prior to my employment with the NCIS, I served in the United States Navy and as well as the Norfolk, VA Police Department.

2. I make this affidavit in support of an arrest warrant for **LYUYOU LIAO**, a Chinese national and citizen of China.

3. Based on the facts set forth in this affidavit, I submit there is probable cause to believe that **LYUYOU LIAO** has committed a violation of 18 U.S.C. § 1382 (Entering Military, Naval or Coast Guard Property) for the purpose of taking photographs of defense installations, which is a violation of 18 U.S.C. § 795.

4. The information contained in this affidavit is based upon my personal knowledge, as well as knowledge, information and documentation that I obtained from other law enforcement officers and civilian witnesses who have first-hand knowledge of the events described herein. Because this affidavit is submitted for the limited purpose of establishing probable cause, it does not contain all of the information known to me concerning this investigation, but contains only facts necessary to establish probable cause for the instant request.

**FACTS ESTABLISHING PROBABLE CAUSE**

5. On December 26, 2019, at approximately 6:50 A.M., **LYUYOU LIAO** was observed by witnesses walking along the secure fence line of the U.S. Military Installation, Naval Air Station Key West, FL, Truman Annex, and entering the restricted area by walking around the perimeter fence and entering the facility from the rocks along the water line. The fence line **LYUYOU LIAO** circumvented had numerous warnings posted on the security fence and grass property adjacent to the rocks that noted the fenced facility was a "U.S. Government Property - No Trespassing" and "NASKW Warning Restricted Area Keep Out Authorized Personnel Only."

6. After witnesses verbally warned **LYUYOU LIAO** that he was not allowed to go into the restricted area, they observed **LYUYOU LIAO** enter the area anyway and walk along the property of Truman Annex and take several photographs. Witnesses then observed **LYUYOU LIAO** take photographs of other government buildings within the vicinity of sensitive military facilities.

7. After several minutes on the restricted property, U.S. Military Police approached **LYUYOU LIAO**. The police officers observed **LYUYOU LIAO** taking photographs with his camera as they approached him on foot. In addition, officers observed **LYUYOU LIAO** in possession of a cellular telephone. When officers approached him, **LYUYOU LIAO** stated he was trying to take photographs of the sunrise. The officers obtained his consent to look at the photographs that were stored on his camera. They observed photographs of the buildings and other property on Truman Annex. **LYUYOU LIAO** was held until a NCIS agent arrived.


8. When the NCIS agent arrived, **LYUYOU LIAO** told the agent that he reads and understands English better than he can speak it. **LYUYOU LIAO** was advised of his *Miranda* rights verbally. He agreed to waive his rights and speak to the agent. **LYUYOU LIAO** who speaks

broken English, stated he was trying to take photographs of the sunrise. LYUYOU LIAO provided the passcode to his cellular telephone and allowed the agent to look at the photographs on the camera. The agent observed photographs of Truman Annex on the camera.

9. LYUYOU LIAO was transferred to the custody of the Key West, FL Police Department where he was arrested and charged with criminal trespass.

#### CONCLUSION

10. Based on the foregoing facts, I submit there is probable cause to believe LYUYOU LIAO has violated 18 U.S.C. § 1382 (Entering Military, Naval or Coast Guard Property).

  
Michael W. Miller, Special Agent  
Naval Criminal Investigative Service

Sworn to and subscribed before  
me this 26 day of December, 2019.

  
EUZANA S. SNOW  
UNITED STATES MAGISTRATE JUDGE

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

Case No. \_\_\_\_\_

UNITED STATES OF AMERICA

v.

LYUYOU LIAO,

Defendant.

\_\_\_\_\_ /

CRIMINAL COVER SHEET

- 1. Did this matter originate from a matter pending in the Central Region of the United States Attorney's Office prior to August 9, 2013 (Mag. Judge Alicia Valle)?    \_\_\_ Yes  No
- 2. Did this matter originate from a matter pending in the Northern Region of the United States Attorney's Office prior to August 8, 2014 (Mag. Judge Shaniek Maynard)?    \_\_\_ Yes  No

Respectfully submitted,

ARIANA FAJARDO ORSHAN  
UNITED STATES ATTORNEY

BY:



\_\_\_\_\_  
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