UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA	:	
	:	
v.	:	**Crim. No. 26-cr-00229-TNM**
	:	
JAMES BRIEN COMEY, JR.,	:	**UNDER SEAL**

CORRECTED COPY

CRIMINAL INFORMATION

The United States charges that at all times relevant to this Information:

COUNT ONE

On or about October 5, 2016, in the District of Columbia and elsewhere, the defendant, JAMES BRIEN COMEY, JR., while lawfully possessing, accessing, controlling, and being entrusted with any document, writing, code book, signal book, sketch, photograph, photographic negative, blueprint, plan, map, model, instrument, appliance, and note relating to the national defense, and information relating to the national defense—and having reason to believe such information could be used to injure the United States and to the advantage of any foreign nation—knowingly and willfully communicated, delivered, transmitted, and caused that information to be communicated, delivered, and transmitted to a person not entitled to receive it, all in violation of 18 U.S.C. § 793(d).

COUNT TWO

Between on or about a date unknown but not later than October 4, 2016, and up to and including the date of this filing, in the District of Columbia and elsewhere, the defendant, JAMES BRIEN COMEY, JR. and others known and unknown, knowingly and willfully conspired and agreed together and with each other to violate 18 U.S.C. § 793(d) as set forth in COUNT ONE, to

wit: while lawfully possessing, accessing, controlling, and being entrusted any document, writing, code book, signal book, sketch, photograph, photographic negative, blueprint, plan, map, model, instrument, appliance, and note relating to the national defense, and with information relating to the national defense—and having reason to believe such information could be used to injure the United States and to the advantage of any foreign nation—knowingly and willfully communicated, delivered, transmitted, and caused that information to be communicated, delivered, and transmitted to a person not entitled to receive it.

In furtherance of the conspiracy and to effect the objects thereof, on October 5, 2016, the defendant through one and more co-conspirators directed Individual #1 to disclose national defense information to a reporter for a national news publication.

All in violation of 18 U.S.C. §§ 793(d) and (g).

Notice of Forfeiture

Upon conviction of the offenses, the defendant, **JAMES BRIEN COMEY, JR.,** shall forfeit to the United States, pursuant to 18 U.S.C. §§ 793(h), 981(a)(1)(C), 21 U.S.C. § 853, and 28 U.S.C. § 2461(c), any property, real or personal, that constitutes or is derived from proceeds traceable to the offense. If any of the property described above, as a result of any act or omission of the defendant:

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 that cannot be divided without difficulty;

then the United States shall be entitled to any other property of the defendant, up to the value of the property described above, pursuant to 21 U.S.C. § 853(p).

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