

NEWS RELEASE



OFFICE OF THE UNITED STATES ATTORNEY SOUTHERN DISTRICT OF CALIFORNIA

San Diego, California

*United States Attorney
Karen P. Hewitt*

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For Immediate Release

NEWS RELEASE SUMMARY - August 13, 2009

United States Attorney Karen P. Hewitt announced that Robert Fred Smith, a fugitive recently extradited from Malta, pled guilty today in federal court in San Diego to conspiring to discharge pollutants and commit false statements in connection with the dumping of construction debris from the Fishing Vessel (FV) MARU into San Diego Harbor in 2006. Smith entered his guilty plea before Magistrate Judge Jan M. Adler, subject to final acceptance of the plea by United States District Court Judge M. James Lorenz, at the time of sentencing. The plea comes four days after Smith was extradited to the United States from Malta, and is based upon an indictment handed up by a grand jury sitting in San Diego on August 10, 2007.

In pleading guilty, Smith acknowledged that he had been employed aboard the FV MARU, which was docked at a pier in San Diego Harbor in early 2006. Smith stated that work crews conducted repair work aboard the vessel, including removing tiling, concrete, paint, and rust from the vessel. Smith said that the construction debris, including the tiling, concrete, paint, and rust were placed in buckets and barrels on the deck of the MARU by the work crews, for disposal at the end of the work day.

As part of his guilty plea, Smith admitted that he conspired with others to discharge the construction debris in the barrels and buckets on the deck of the MARU, as well as some debris contained in plastic bags, overboard into San Diego Harbor. Smith further admitted that he agreed with others to provide materially false information to investigators from the United States Coast Guard and Environmental Protection Agency (EPA) inquiring about the debris dumping in order to disguise the existence and extent of the disposal overboard.

Sentencing for Smith is scheduled before the Honorable M. James Lorenz on October 26, 2009, at 8:30 a.m. Co-defendant, Joseph Anthony O'Connor, remains in custody in Malta, pending the result of extradition proceedings.

DEFENDANT

Case No. 07CR2186L

Robert Fred Smith

SUMMARY OF CHARGES

Conspiracy, in violation of Title 18, United States Code, Section 371
Maximum Penalty: 5 years in custody and/or \$250,000 fine

PARTICIPATING AGENCIES

U.S. Environmental Protection Agency, Criminal Investigations Division
United States Coast Guard, Criminal Investigations Division
Federal Bureau of Investigation