

FILED by **CF** D.C.  
ELECTRONIC  
  
**APR 07, 2009**  
  
STEVEN M. LARIMORE  
CLERK U.S. DIST. CT.  
S.D. OF FLA. - MIAMI

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA  
**09-60088-CR-DIMITROULEAS/SNOW**

Case No. \_\_\_\_\_  
16 U.S.C. §§ 3372(a)(1), (a)(4), 3373(d)(1)(A)  
18 U.S.C. § 2

**UNITED STATES OF AMERICA**

v.

**RUZIAL LTD.,**

Defendant. /

**INFORMATION**

The United States Attorney charges that:

**COUNT I**  
(Lacey Act Violation)

**BACKGROUND**

At all times material to this Information:

1. Defendant, **RUZIAL LTD.**, was a corporation organized under the laws of the Cayman Islands, British West Indies, and the registered owner of the *M/Y MYSTERE C. I.*, Official Number 715826.

**The Convention on International Trade in Endangered  
Species of Wild Fauna and Flora**

2. In order to protect certain species of fish and wildlife against over-exploitation, the United States became a signatory to an international treaty known as the Convention on International Trade in Endangered Species of Wild Fauna and Flora, T.I.A.S. 8249, (hereinafter "CITES"). Appendix I of CITES includes wildlife species which are threatened with extinction and for which trade must be subject to particularly strict regulation and only authorized in exceptional

circumstances. CITES, Art. II, § 1. Appendix II of CITES includes wildlife species which although not necessarily threatened with extinction now, may become so unless trade in specimens of such species is strictly regulated. CITES, Art. II, § 2(a).

3. The United States Fish and Wildlife Service ("USFWS"), Department of the Interior, is designated by Congress pursuant to the Endangered Species Act, Title 16, United States Code, Section 1537(a), as the CITES enforcement authority within the United States. The Department of the Interior publishes regulations to implement CITES in 50 C.F.R. Part 23. A list of all species protected by CITES and the ESA implementation program is maintained pursuant to the Convention by the CITES Secretariat. 50 C.F.R. § 23.7 and 23.91. If the source country of a listed species is not a party to CITES, a corresponding document containing certain specified information must be provided. 50 C.F.R. § 23.5 [*CITES Document and Management Authority* defined]. Italy and Spain are parties to CITES.

4 The provisions of CITES are implemented by the Endangered Species Act (Title 16, United States Code, Section 1538(c)(1)) which states in relevant part, "It is unlawful for any person . . . to engage in any trade in any specimens [of wildlife] contrary to the provisions of . . . [CITES] or to possess any specimens [of wildlife] traded contrary to the provisions of . . . [CITES]." "Trade" means among other things "to import." CITES, Art. I(c). "Specimen" means: "(I) any animal . . . whether alive or dead . . ." CITES, Art. I(b).

5. The specimens of wildlife described in paragraph 7, *infra*, of this Count are variously protected under Appendix I and Appendix II of CITES. 50 C.F.R. § 23.7 and 23.91; <http://www.cites.org/eng/app/E-Jul01.pdf>. Before importing a specimen of any animal protected under Appendix I of CITES from any foreign country a valid foreign CITES export permit from the

country of origin, or a CITES re-export certificate from a country of re-export, must be obtained as well as a valid "import permit" from the destination country, prior to shipping any such wildlife specimens from one country to another. Before importing a specimen of any animal protected under Appendix II of CITES from any foreign country, a valid foreign export permit or re-export certificate, or a corresponding document must be obtained. CITES, Art. IV - , §§ 1, 2 and 4; 50 C.F.R. Subpart B.

6. No individual or corporation, including the defendant **RUZIAL LTD.**, presented to the United States Fish and Wildlife Service any of the required CITES Documents for the wildlife items imported into the United States aboard the *M/Y MYSTERE C. I.*, as described in paragraph 7, infra.

7. On or about December 18, 2007, at Port Everglades, Broward County, in the Southern District of Florida and elsewhere, the defendant, **RUZIAL LTD.**, did knowingly attempt to import, import, and thereafter transport wildlife, that is, approximately twenty-nine (29) wildlife items comprised of specimens of reticulated python (*Python reticulatus*), anaconda (*Eunectes spp.*), ivory of extant species of elephants (*Loxodonta africana / Elephas maximus*), tiger (*Panthera tigris*), leopard (*Panthera pardus*), jaguar (*Panthera onca*), Hartman's zebra (*Equus zebra hartmannae*), and lion (*Panthera leo*), knowing that said wildlife was transported and possessed in violation of and in a manner unlawful under the laws, treaties, and regulations of the United States, specifically, the Endangered Species Act, Title 16, United States Code, Section 1538(c) and Title 50, Code of Federal Regulations, Part 23, in violation of Title 16, United States Code, Sections 3372(a)(1), 3372 (a)(4), and 3373(d)(1)(A), and Title 18, United States Code, Section 2.

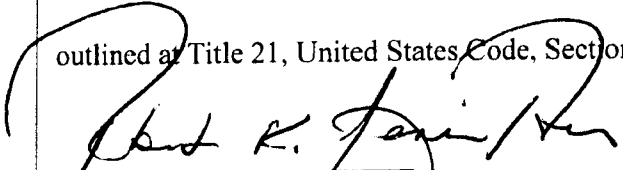
#### **CRIMINAL FORFEITURE**

Upon conviction of the violation alleged in Count 1 of this Information, the defendant,


**RUZIAL LTD.**, shall forfeit to the United States all wildlife imported, exported, transported, sold, received, acquired, or purchased contrary to the provisions of Title 16, United States Code, Section 3372, or any regulation issued pursuant thereto, as charged in Count 1 of this Information, including but not limited to the following:

- a. Eleven items made in whole or in part from the tanned skin of reticulated python (*Python reticulatus*).
- b. One item made from the tanned skin of anaconda (*Eunectes spp.*).
- c. Seven items made from the ivory tusks of extant elephants (*Loxodonta africana* / *Elephas maximus*).
- d. One mounted head and one skin of a tiger (*Panthera tigris*).
- e. Two rugs made from the hides of leopards (*Panthera pardus*).
- f. One rug and one hide of jaguar (*Panthera onca*).
- g. One rug and one box of zebra skin (*Equus zebra hartmannae*/ *E. spp.*).
- h. One full specimen mount and one rug of lion (*Panthera leo*)

All pursuant to Title 28, United States Code, Section 2461, Title 16, United States Code, Section 3374(a)(1), Title 15, Code of Federal Regulations, Section 904.505(d), and the procedures outlined at Title 21, United States Code, Section 853.



E. ALEXANDER ACOSTA  
UNITED STATES ATTORNEY

  
Thomas Watts-FitzGerald  
Assistant United States Attorney

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

UNITED STATES OF AMERICA

CASE NO. \_\_\_\_\_

vs.

CERTIFICATE OF TRIAL ATTORNEY\*

RUZIAL LTD.,

Defendant.

Superseding Case Information:

Court Division: (Select One)

New Defendant(s) Yes \_\_\_\_\_ No \_\_\_\_\_  
Number of New Defendants \_\_\_\_\_  
Total number of counts \_\_\_\_\_

Miami \_\_\_\_\_ Key West \_\_\_\_\_  
 FTL \_\_\_\_\_ WPB \_\_\_\_\_ FTP \_\_\_\_\_

I do hereby certify that:

- 1. I have carefully considered the allegations of the indictment, the number of defendants, the number of probable witnesses and the legal complexities of the Indictment/Information attached hereto.
- 2. I am aware that the information supplied on this statement will be relied upon by the Judges of this Court in setting their calendars and scheduling criminal trials under the mandate of the Speedy Trial Act, Title 28 U.S.C. Section 3161.

3. Interpreter: (Yes or No) No  
List language and/or dialect \_\_\_\_\_

4. This case will take 0 days for the parties to try.

5. Please check appropriate category and type of offense listed below:

(Check only one)	(Check only one)		
I 0 to 5 days	<u>X</u>	Petty	_____
II 6 to 10 days	_____	Minor	_____
III 11 to 20 days	_____	Misdem.	_____
IV 21 to 60 days	_____	Felony	<u>X</u>
V 61 days and over	_____		

6. Has this case been previously filed in this District Court? (Yes or No) No

If yes:  
Judge: \_\_\_\_\_ Case No. \_\_\_\_\_

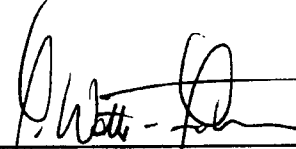
(Attach copy of dispositive order)  
Has a complaint been filed in this matter? (Yes or No) No

If yes:  
Magistrate Case No. \_\_\_\_\_  
Related Miscellaneous numbers: \_\_\_\_\_  
Defendant(s) in federal custody as of \_\_\_\_\_  
Defendant(s) in state custody as of \_\_\_\_\_  
Rule 20 from the \_\_\_\_\_ District of \_\_\_\_\_

Is this a potential death penalty case? (Yes or No) No

7. Does this case originate from a matter pending in the Northern Region of the U.S. Attorney's Office prior to October 14, 2003? \_\_\_\_\_ Yes X No

8. Does this case originate from a matter pending in the Central Region of the U.S. Attorney's Office prior to September 1, 2007? \_\_\_\_\_ Yes X No

  
\_\_\_\_\_  
Thomas Watts-FitzGerald  
ASSISTANT UNITED STATES ATTORNEY  
Florida Bar No. 0273538

\*Penalty Sheet(s) attached

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

PENALTY SHEET

Defendant's Name: RUZIAL LTD.

Case No: \_\_\_\_\_

Count #: 1

Attempted Illegal Importation of Wildlife

16 U.S.C. §§ 3372(a)(1), (a)(4), 3373(d)(1)(A)

\* Max. Penalty: \$500,000 Fine

Count #: \_\_\_\_\_

\*Max. Penalty: \_\_\_\_\_

Count #: \_\_\_\_\_

\*Max. Penalty: \_\_\_\_\_

Count #: \_\_\_\_\_

\*Max. Penalty: \_\_\_\_\_

**\*Refers only to possible term of incarceration, does not include possible fines, restitution, special assessments, parole terms, or forfeitures that may be applicable.**