

# United States District Court

FILED by [Signature] D.C.  
**MAY 22 2009**  
STEVEN M. LARIMORE  
CLERK U.S. DIST. CT.  
S.D. OF FLA. - W.P.B.

SOUTHERN DISTRICT OF FLORIDA

UNITED STATES OF AMERICA

V.  
BRUCE WAYNE BIVINS

## CRIMINAL COMPLAINT

CASE NUMBER: 09-8131-AEV

(Name and Address of Defendant)

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. From at least as early as May 8, 2009 in Palm Beach County, in the Southern District of Florida defendant(s), (Track Statutory Language of Offense)

Did possess, by any means whatsoever, an endangered species of fish or wildlife, taken within the United States; to wit: sea turtle eggs, in violation of Title 16, United States Code, Section 1538(a)(1)(D), Title 50 CFR Sections 17.42(b)(1), 17.31 (a) and 17.21(c); and did knowingly engage in conduct that involved the intent to sell any fish or wildlife with a market value in excess of \$350.00, that is sea turtle eggs, and did transport said wildlife, knowing that said wildlife was taken in violation of and in a manner unlawful under the laws and regulations of the United States, specifically Title 16, United States Code, Section 1538(a)(1)(D) and Title 50 CFR Section 17.42(b)(1), all in violation of Title 16, United States Code, Section 3372(a)(1) and 3373 (d)(1)(B).

in violation of Title 16 United States Code, Section(s) 1538(a)(1)(D), 3372(a)(1) and 3373(d)(1)(B)

I further state that I am a(n) Law Enforcement Officer and that this complaint is based on the following facts:  
Official Title

Please see attached affidavit.

Continued on the attached and made a part hereof:  Yes  No

[Signature]  
Signature of Complainant  
Supervisory Law Enforcement Officer William Calvert  
U.S. Fish and Wildlife Service

Sworn to before me, and subscribed in my presence, upon my finding of probable cause.

May 22, 2009  
Date

at West Palm Beach, Florida  
City and State

ANN E. VITUNAC  
UNITED STATES MAGISTRATE JUDGE  
Name and Title of Judicial Officer

[Signature]  
Signature of Judicial Officer

COMPLAINT AFFIDAVIT  
United States v. Bruce Wayne Bivins

I, William Calvert, being duly sworn, do state and depose as follows:

1. I am a law enforcement officer for the United States Fish and Wildlife Service and have been so employed for 11 years. Previously, I was employed as a law enforcement officer with the National Park Service for 4 years.

2. On May 8, 2009 at approximately 1:00 a.m. I was contacted by Officer Paul Alber of the Palm Beach Police Department, advising that his agency had arrested a black male identified as BRUCE WAYNE BIVINS ("BIVINS") for possession of sea turtle eggs. The following information is based on the investigation and on information and evidence related to your affiant by other law enforcement officers with personal knowledge of the events and evidence described herein. This affidavit does not contain all of the information known by your affiant, only that which is needed to establish probable cause.

3. On May 8, 2009 at approximately 1:45 a.m. I met with Sgt. Mike Bates and Officer Bruce Radi of the Palm Beach Police Department, and Captain Jeff Ardelean and Lieutenant Atwell Pride of the Florida Fish & Wildlife Conservation Commission, at the Palm Beach Police Station, and learned the following.

4. On May 8, 2009 at approximately 12:05 a.m. Palm Beach Police Department Officer Adam L. Pina conducted a traffic stop on a suspicious vehicle on South Ocean Boulevard near the entrance to Regents Park. The vehicle's driver was identified as a male with the initials "A.H." When asked by Officer Pina why he was in the area, A. H. stated "OK, I just came down here to drop off this guy I met. He saw you coming and jumped out of the car and jumped over

the wall over there.” A.H. stated to Officer Pina during the traffic stop that he had “...just come down here to drop off this guy I just met. He saw you coming and then jumped out of the car and jumped over the wall over there.”

5. Officer Pina advised A.H. of his Miranda rights and A.H. waived his rights on a waiver form. A.H. went on to say “Alright, the guy’s name is Bruce. I just met him 72 hours ago. Bruce tried to get me to bring him here three times. I told him I didn’t want to. But he told me he would give me ten dollars and some crack if I brought him over here. He said he was going to go and get some turtle eggs on the beach”. A.H. went on to further state that he “thought” that Bruce’s last name was BIVINS and that he was wearing blue jeans and a brown or blue shirt with a hat.

6. At this time, Palm Beach Police Officer Bruce Radi and several officers arrived at the scene to canvass the area for the subject identified by AUBREY HALL. At 12:50 a.m., Officer Radi began conducting surveillance from an undercover police vehicle in the southeast parking lot of the Southern Boulevard Causeway. While at that location, Officer Radi observed a silhouette pass in front of lights that line properties along the Intra-Coastal Waterway (ICW).

7. At approximately 12:54 a.m., Officer Radi observed a black male subject, who was later identified as BRUCE BIVINS, walking extremely fast westbound on the Southern Boulevard Causeway. BIVINS was wearing blue jeans and a black t-shirt and carrying a dark bag. Officer Radi alerted his dispatcher and then pulled his police vehicle near the subject. Officer Radi activated his blue lights and got out of his car wearing a readily identifiable police

uniform. Officer Radi announced to BIVINS that he was a Palm Beach Police Officer.

8. Officer Radi ordered BIVINS to stand still and turn towards him. At this time BIVINS took off running westbound and Officer Radi pursued him on foot and ordered him to stop. BIVINS ran into a group of trees and down toward the water line of the Intra-Coastal Waterway (ICW) on the north side of the roadway. Officer Radi was only five yards behind BIVINS when he observed BIVINS throw down the bag he was carrying. BIVINS then turned and ran back towards Officer Radi. Officer Radi placed BIVINS into custody. When Officer Radi asked him why he threw the bag down, BIVINS replied "what bag?"

9. Officer Radi and two other officers secured BIVINS. He was searched and after being placed into a patrol vehicle, verbally identified himself as BRUCE WAYNE BIVINS, with a date of birth of July 22, 1956.

10. At this time, Officer Radi and a fellow Palm Beach Officer returned to the location where Officer Radi observed BIVINS throw down the bag. Officer Radi recovered a dark green bag with a black strap, approximately 10 feet offshore in the exact location he observed BIVENS throw a bag down only moments before.

11. At this time, Officer Radi opened the dark green bag and observed white sea turtle eggs in the bag. The eggs were carefully removed from the bag and counted. The total number of eggs in the bag was 119.

12. When the turtle eggs were laid out on the ground to be counted, officers observed that approximately half of the eggs were covered in sand, and

the other half were not covered in sand, indicating that they may have been collected from a female sea turtle while she was laying the eggs and before they touched the sand in her nest.

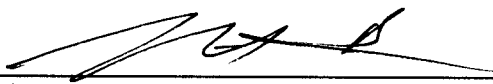
13. BIVINS had beach sand on his shoes and on his elbows, which were photographed that night, and which sand appeared similar to the beach sand on the turtle eggs.

14. At approximately 2:00 a.m., at the Palm Beach Police station, Captain Jeff Ardelean and I both confirmed that the 119 eggs were in fact sea turtle eggs. Because sea turtle eggs are illegal contraband, it is very difficult to establish a precise market value for the eggs. However, based upon research done by the Fish and Wildlife Service, the retail market value of the sea turtle eggs in this area is estimated to be approximately \$3.00 per egg, and in some cases as much as \$5.00 per egg, for a total value of the subject turtle eggs of more than \$350.00.

15. On the basis of the foregoing facts, your affiant believes probable cause exists to charge that Bruce Wayne Bivins did possess, by any means whatsoever, an endangered species of fish or wildlife, taken within the United States; to wit: sea turtle eggs, in violation of Title 16, United States Code, Section 1538(a)(1)(D) and Title 50 CFR Sections 17.42(b)(1), 17.31 (a) and 17.21(c); and did knowingly engage in conduct that involved the intent to sell any fish or wildlife with a market value in excess of \$350.00, that is sea turtle eggs, and did transport said wildlife, knowing that said wildlife was taken in violation of and in a manner unlawful under the laws and regulations of the United States, specifically

Title 16, United States Code, Section 1538(a)(1)(D) and Title 50 CFR Section 17.42(b)(1), all in violation of Title 16, United States Code, Section 3372(a)(1) and 3373 (d)(1)(B).

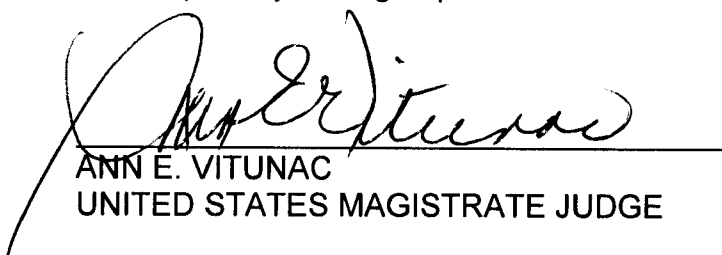
FURTHER YOUR AFFIANT SAYETH NAUGHT.



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WILLIAM CALVERT  
LAW ENFORCEMENT OFFICER  
UNITED STATES FISH & WILDLIFE SERVICE

Sworn to before me, and subscribed  
in my presence, this 22 day of May,  
2009, upon my finding of probable cause.



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ANN E. VITUNAC  
UNITED STATES MAGISTRATE JUDGE

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA**

No. 09-8131-AEV

UNITED STATES OF AMERICA,

v.

BRUCE WAYNE BIVINS,

Defendant.

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**CRIMINAL COVER SHEET**

1. Did this matter originate from a matter pending in the Northern Region of the United States Attorney's Office prior to October 14, 2003?  Yes  No
2. Did this matter originate from a matter pending in the Central Region of the United States Attorney's Office prior to September 1, 2007?  Yes  No

Respectfully submitted,

R. ALEXANDER ACOSTA  
UNITED STATES ATTORNEY

BY:



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