

NEWS RELEASE



OFFICE OF THE UNITED STATES ATTORNEY SOUTHERN DISTRICT OF CALIFORNIA

San Diego, California

***United States Attorney
Laura E. Duffy***

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For Immediate Release

NEWS RELEASE SUMMARY - January 26, 2012

United States Attorney Laura E. Duffy announced the unsealing of an indictment yesterday charging Sean M. Berry with four felony counts of communicating a false distress message to the United States Coast Guard, in violation of Title 14, United States Code, Section 88(c). The United States Coast Guard, Coast Guard Sector San Diego, is responsible for monitoring distress messages and communications, and executing search and rescue missions, within its area of responsibility.

According to the indictment, on December 18, 2007, June 17, 2008, November 12, 2010, and January 1, 2011, Berry knowingly and willfully communicated false distress messages to the Coast Guard. Specifically, on December 18, 2007, Berry falsely communicated that he was bailing out water and trying to salvage his boat, the "Timberwolf." On June 17, 2008, he falsely broadcast "MAYDAY" – an internationally recognized distress call – and stated that the Timberwolf was taking on water 5 miles north of the San Diego inlet. On November 12, 2010 and January 1, 2011, Berry again communicated false "MAYDAY" distress signals to the Coast Guard.

Special Agents of the United States Coast Guard Investigative Service arrested Berry on Monday. The defendant appeared before United States Magistrate Judge Ruben B. Brooks, who set bail at \$25,000.

United States Attorney Duffy stated, "Broadcasting false distress signals to the Coast Guard is not a joke – it is a serious felony carrying a maximum sentence of 6 years' imprisonment. False distress calls put at risk not only the lives of Coast Guard personnel who respond to such calls by searching the seas by boat and helicopter, often at night, but also the lives of persons in true distress, when search-and-rescue resources are distracted from true emergencies by needless hoaxes."

"We take hoax calls very seriously because they put our crews at risk unnecessarily, and reduce our ability to respond to mariners who are in actual distress. We applaud the efforts of the U.S. Attorney's office and Coast Guard Investigative Service to hold individuals criminally accountable for hoax calls," said Capt. Sean Mahoney, Commanding Officer U.S. Coast Guard Sector San Diego.

The defendant is next scheduled to be in court on February 27, 2012, before United States District Judge Michael M. Anello.

DEFENDANT

Criminal Case No. 12cr0244MMA

SEAN M. BERRY

SUMMARY OF CHARGES

Four Counts: Title 14, United States Code, Section 88(c) - Communicating a False Distress Message to the United States Coast Guard
Maximum penalties (per count): 6 years' imprisonment and a fine equal to all costs the Coast Guard incurs as a result of the individual's action.

AGENCY

United States Coast Guard Investigative Service

An indictment is not evidence that the defendant committed the crimes charged. The defendant is presumed innocent until the Government meets its burden in court of proving guilt beyond a reasonable doubt.