

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

Case No. 11-20283

CR-LENARD

21 U.S.C. §§ 601(m)(4), 610(c)(1)-(2), 676(a)
7 U.S.C. § 1902(a)
18 U.S.C. § 1001(a)(2)
18 U.S.C. § 2

MAURISTATE JUDGE
O'BULLIVAN

UNITED STATES OF AMERICA

vs.

MAURET CURBELO,

Defendant. /

FILED by _____ D.C.
APR 19 2011
STEVEN M. LARIMORE
CLERK U. S. DIST. CT
S. D. of FLA. - MIAMI

INDICTMENT

The Grand Jury charges that:

GENERAL ALLEGATIONS

At all times relevant to this Indictment:

1. Danilo Ranch was an unincorporated enterprise located at 13880 N.W. 97th Avenue, Hialeah, Florida 33018 which was engaged in the business of slaughtering, processing, handling, storing, and selling of meat and meat food products in commerce, for human consumption.
2. Defendant MAURET CURBELO was the manager of Danilo Ranch, responsible for the day to day management and oversight of its activities, including the slaughtering, processing, handling, storing, and selling of meat and meat food products in commerce, for human consumption.
3. Effective December 2, 1997, the State of Florida was designated pursuant to the provisions of the Federal Meat Inspection Act (FMIA), as amended, Title 21, United States Code, Section 661(c)(1), as a state in which the requirements of Titles I and IV of the FMIA, Title 21, United States Code, Sections 601-624, 671-680, were applicable to establishments that prepared cattle, sheep, swine, goats, equines, or products thereof for use as human food, solely for distribution

within the state. Persons engaged in operations and transactions wholly within Florida, which involve certain meat food products including swine, are subject to the requirements of Titles I and IV of the FMIA to the same extent and in the same manner as if such operations were conducted in or for interstate commerce. Title 9, Code of Federal Regulations, Section 331.2. Therefore the operations and transactions involving the meat and meat products, that is swine, described herein, were subject to the requirements of the FMIA.

4. The Humane Methods of Slaughter Act (HMSA), Title 7, United States Code, Section 1901, et seq., prohibited the slaughtering or handling for slaughter of various animals, including swine, contrary to the public policy of the United States, reflected in Section 1902(a), which mandated that such animals be rendered insensible to pain by one of the methods described in the HMSA, prior to the animal being shackled, hoisted, thrown, cast, or cut.

COUNT 1
Sale of Adulterated Meat Products
(21 U.S.C. §§ 601(m)(4), 610(c)(1), 676(a))

1. Paragraphs 1 through 3 of the General Allegations section of this Indictment are incorporated herein by reference as if set forth in their entirety.

2. On or about June 26, 2010, in Miami-Dade County, in the Southern District of Florida, and elsewhere, the defendant,

MAURET CURBELO,

did knowingly distribute and attempt to distribute in commerce adulterated meat and meat food product, that is, swine, which was capable of use as human food, in that at the time of said distribution and attempted distribution, the swine had been prepared, packed, and held under unsanitary conditions whereby it may have become contaminated with filth and may have been

rendered injurious to health, in violation of Title 21, United States Code, Sections 601(m)(4), 610(c)(1), and 676(a).

COUNT 2
Sale of Uninspected Meat
(21 U.S.C. §§ 610(c)(2) and 676(a))

1. Paragraphs 1 through 3 of the General Allegations section of this Indictment are incorporated herein by reference as if set forth in their entirety.

2. On or about June 26, 2010, in Miami-Dade County, in the Southern District of Florida, and elsewhere, the defendant,

MAURET CURBELO,

did knowingly sell and offer for sale in commerce misbranded meat and meat food products, that is, swine, which were capable of use as human food, which was not first inspected and passed as required by the FMIA, in violation of Title 21, United States Code, Sections 610(c)(2), 676(a), and Title 18, United States Code, Section 2.

COUNT 3
Inhumane Slaughter
(7 U.S.C. § 1902(a) and 21 U.S.C. § 610(b))

1. Paragraphs 1 through 4 of the General Allegations section of this Indictment are incorporated herein by reference as if set forth in their entirety.

2. On or about June 26, 2010, in Miami-Dade County, in the Southern District of Florida, and elsewhere, the defendant,

MAURET CURBELO,

did knowingly slaughter and handle in connection with slaughter, swine, without first rendering the swine insensible to pain as required by law, before the swine was shackled, hoisted, thrown, cast, and

cut, all in violation of Title 7, United States Code, Section 1902(a), Title 21, United States Code, Section 610(b), and Title 18, United States Code, Section 2.

COUNT 4
False Statement
(18 U.S.C. §1001(a)(2))

On or about March 13, 2010, in Miami-Dade County, in the Southern District of Florida, and elsewhere, in a matter within the jurisdiction of the United States Department of Agriculture (USDA), Food Safety and Inspection Service (FSIS), an agency of the executive branch of the Government of the United States, the defendant,

MAURET CURBELO,

did knowingly and willfully make a materially false, fictitious, and fraudulent statement, in that the defendant stated to a Compliance Specialist of USDA FSIS that he only engaged in the slaughter of swine for his personal use and never slaughtered any swine he sold to his customers, when in truth and in fact and as the defendant then and there well knew, he slaughtered and directed the slaughter of numerous swine he sold to customers, in violation of Title 18, United States Code, Section 1001(a)(2).

A TRUE BILL

FOREPERSON



WIFREDO A. FERRER
UNITED STATES ATTORNEY



Thomas A. Watts-FitzGerald
Assistant United States Attorney