



# Bulletin

## Environmental Crimes Section

December 2022

### Inside this Issue:

<b><u>Trials</u></b>	4
<b><u>Indictments</u></b>	5-9
<b><u>Guilty Pleas</u></b>	10-17
<b><u>Sentencings</u></b>	18-25
<b><u>ECS Contacts</u></b>	26

Send your federal case updates to:



This is what remains of a demolished cockfighting arena, which previously held 150 people. Inset photo shows how it appeared before. See, inside, for more details on [U.S. v. George William Easterling, et al.](#), a case involving animal fighting on “an exceptional scale.”



District/Circuit	Case Name	Statutes
Middle District of Alabama	<a href="#"><u>United States v. William C. Easterling, et al.</u></a>	Game Bird Fighting/Animal Fighting Venture, Conspiracy, Gambling
District of Alaska	<a href="#"><u>United States v. Prince William Sound Aquaculture Corporation</u></a> <a href="#"><u>United States v. Patrick Fleming, et al.</u></a>	Waste Disposal/RCRA Emissions Tampering/Conspiracy
Central District of California	<a href="#"><u>United States v. Carl Bradley Johansson, et al.</u></a>	Truck Explosion/HMTA, Bank Fraud, Conspiracy, Tax Evasion
Eastern District of California	<a href="#"><u>United States v. Jaime Alejandro Sanchez Robles</u></a> <a href="#"><u>United States v. Horacio Ortega-Martinez, et al.</u></a>	Marijuana Cultivation/Drugs, Depredation Public Lands Game Bird Fighting/Animal Fighting Venture
Southern District of California	<a href="#"><u>United States v. Timofey V. Barnyak</u></a>	Pesticide Smuggling/Conspiracy
District of Connecticut	<a href="#"><u>United States v. David Foster</u></a>	Baiting/MBTA
Southern District of Florida	<a href="#"><u>United States v. Omaliss Keo, et al.</u></a> <a href="#"><u>United States v. Ka Yeung Marvin Chan, et al.</u></a> <a href="#"><u>United States v. Chun Ku, et al.</u></a>	Primate Smuggling/Conspiracy, ESA, Lacey Act, Smuggling Reptile Smuggling/Conspiracy, Lacey Act, Smuggling
Western District of Kentucky	<a href="#"><u>United States v. Joshua M. Franklin</u></a>	Oil Waste Discharge/CWA
Middle District of Louisiana	<a href="#"><u>United States v. Aquintas K. Singleton</u></a>	Dog Fighting/Animal Fighting Venture, Conspiracy
District of Maine	<a href="#"><u>United States v. Andrew Banow, et al.</u></a>	Fish Harvesting/Conspiracy, Mail Fraud, Obstruction, Wire Fraud





District/Circuit	Case Name	Statutes
Western District of Michigan	<a href="#"><u>United States v. Robert Jensen, et al.</u></a>	Fish Harvesting/Lacey Act
Southern District of New York	<a href="#"><u>United States v. Badru Abdul Aziz Saleh, et al.</u></a>	Rhino Horn and Ivory Trafficking/Conspiracy, Drugs, Lacey Act
Eastern District of North Carolina	<a href="#"><u>United States v. Lee Crawford</u></a>	E-Waste/RCRA
Western District of Pennsylvania	<a href="#"><u>United States v. Erie Coke Corporation, et al.</u></a>	Coke Manufacturer/CAA, Conspiracy
District of Puerto Rico	<a href="#"><u>United States v. Antonio Casillas-Montero</u></a>	Dog Fighting/Animal Welfare Act, Conspiracy
Southern District of Texas	<a href="#"><u>United States v. Savannah Nicole Valdez</u></a>	Monkey Smuggling/Fleeing Immigration Checkpoint/Smuggling
District of Utah	<a href="#"><u>United States v. Wade Lemon, et al.</u></a>	Cougar Hunts/Conspiracy, Lacey Act
Eastern District of Virginia	<a href="#"><u>United States v. Jonathan Long</u></a> <a href="#"><u>United States v. Derek Garcia, et al.</u></a>	Emissions Tampering/CAA Dog Fighting/Animal Welfare Act, Conspiracy
Western District of Virginia	<a href="#"><u>United States v. William R. Stump, et al.</u></a>	Timber Taken from Public Lands/Conspiracy
District of Virgin Islands	<a href="#"><u>United States v. Jonian Management, Inc., et al.</u></a>	Vessel/APPS
Western District of Washington	<a href="#"><u>United States v. Herdade Lokua, et al.</u></a>	Rhino Horn and Ivory Trafficking/Conspiracy, Lacey Act



## Trials

### *United States v. William R. Stump, et al.*, No. 7:21-CR-00019 (W.D. Va.), AUSA Michael Baudinet.

On November 9, 2022, a jury convicted Derrick Thompson of conspiracy to violate the Lacey Act, to steal government property, and remove timber from public lands (18 U.S.C. § 371).

Between August 2019 and February 2020, Thompson, and co-defendants William R. Stump and Justin W. Johnson, conspired to cut and remove black walnut trees located in the Bluestone Project in Giles County, Virginia, and transport them to Lindside, West Virginia, for sale. The U.S. Army Corps of Engineers designed the Bluestone Project to help inhibit flood-level water flow along both the New River and Bluestone River. The federally-protected 21,000 acres provides fertile habitat for a variety of trees and plants, including the highly valuable black walnut trees. Walnut trees are among the largest and longest living hardwood trees in the United States.

Stump pleaded guilty in October 2022, to illegally removing timber from public lands (18 U.S.C. § 1852). He is scheduled for sentencing on February 27, 2023. Johnson is scheduled for trial on April 3, 2023, and is charged with conspiracy, violating the Lacey Act, theft of government property, removal of timber from lands of the United States, and illegally cutting trees on lands of the United States (18 U.S.C. §§ 371, 1852, 1853; 16 U.S.C. § 3372(a)(1)).

The U.S. Forest Service and the Army Corps of Engineers conducted the investigation.



*Illegally felled tree*





## Indictments

***United States v. Erie Coke Corporation, et al.***, No. 1:22-CR-00023, (W.D. Pa.), AUSAs Nicole Vasquez Schmitt and Michael L. Ivory, and SAUSAs Perry D. McDaniel and Martin Harrell.

On November 15, 2022, prosecutors charged Erie Coke Corporation (ECC), and corporate officer Anthony Nearhoof, with conspiracy and Clean Air Act (CAA) Title V and tampering violations (18 U.S.C. §§ 371, 2; 42 U.S.C. §§ 7413(c)(1), (c)(2)(C)).

ECC owned a coke manufacturing plant in Erie, Pennsylvania, that operated from April 1987 until its closure in December 2019. The facility was located along Lake Erie, adjacent to the inlet to Presque Isle Bay. A number of private residences, public facilities, and several schools were nearby. ECC hired Nearhoof in 2001, where he rose up the ranks until reaching the plant superintendent position in 2015 until December 2019. He was the highest-ranking ECC employee on site on a daily basis.

Turning coal into coke generates a variety of pollutants, including volatile gases such as benzene, toluene, and xylene, as well as particulate matter. The facility operated under a Clean Air Act Title V permit issued by the U.S. Environmental Protection Agency. This permit prohibited the company from emitting coke oven gas (COG) into the outdoor air without burning the gas first. Additionally, the company utilized a Continuous Opacity Monitor (COM) to measure its opacity levels, another way to measure particulate matter emissions. Authorities required ECC to install the COM in July 2010 as part of a state-level enforcement action. The company previously violated its Title V permit and state air pollution laws, including exceeding opacity levels from the coke oven battery stack. In September 2011, ECC implemented additional remedial measures to reduce emissions to resolve an EPA civil enforcement action.

Between October 2015 and December 2019, ECC and Nearhoof continued to violate the CAA by tampering with monitoring devices. Nearhoof directed employees to vent emissions that bypassed the COM. He also directed employees to remove coke oven flue caps to reduce opacity measured by the COM at the battery smokestack. This became standard procedure when COM began detecting opacity levels near or above the 20% limit, thereby reducing the number of permit violations reported to authorities.

During this time, Nearhoof signed and submitted quarterly and semi-annual compliance reports to Pennsylvania Department of Environmental Protection authorities (PADEP), certifying the facility complied with federal regulations, despite the fact this was not true.

In July 2019, the PADEP rejected ECC's permit application renewal due to the continued noncompliance, among other factors, and the facility closed in December 2019.

The U.S. Environmental Protection Agency Criminal Investigation Division conducted the investigation.





## Indictments

### ***United States v. Jaime Alejandro Sanchez Robles*, No. 2:22-CR-00227 (E.D. Calif.), AUSA Alstyn Bennett.**

On November 17, 2022, prosecutors charged Jaime Alejandro Sanchez Robles in a three-count indictment with conspiracy to manufacture marijuana, manufacture of marijuana, and depredation of public lands and resources (21 U.S.C. §§ 846, 841(a)(1); 18 U.S.C. § 1361))

In October 2022, law enforcement officers accessed a marijuana grow operation located in a remote area of the Shasta-Trinity National Forest in Trinity County. They found the remnants of more than 1,200 pounds of soluble fertilizer, 20 gallons of liquid fertilizer, 50 pounds of rodenticide, and at least one dead animal. Workers on site had diverted water from a nearby stream. Law enforcement officers eradicated close to 2,000 marijuana plants and arrested Sanchez Robles.

The U.S. Forest Service, the California Department of Fish and Wildlife, and the Trinity County Sheriff's Office conducted the investigation. Integral Ecology Research Center (a nonprofit organization dedicated to the research and conservation of wildlife and their ecosystems) analyzed and documented the environmental damage.

### ***United States v. Jonathan Long*, No. 2:22-CR-00139 (E.D. Va.), AUSA Joseph Kosky.**

On November 16, 2022, prosecutors charged Jonathan Long with violating the Clean Air Act for his role in tampering with monitoring devices (41 U.S.C. § 7413(c)(2)(C)).

Long owned and operated Open Wide Performance, LLC, (from his residence) marketing "aftermarket defeat devices" for diesel trucks. Long works as a diesel technician and is an active-duty member of the U.S. Navy, stationed in Norfolk, Virginia.

Between 2019 and 2020, Long sold "delete kits," including delete pipes, software, cables, and tunes. Long also helped his customers use this equipment to manipulate their diesel truck's onboard diagnostic system. During this period, Long earned approximately \$300,000 from this criminal enterprise.

The U.S. Environmental Protection Agency Criminal Investigation Division conducted the investigation.





## Indictments

***United States v. Omaliss Keo, et al.***, No. 1:22-CR-20340 (S. D. Fla.), AUSAs Tom Watts-FitzGerald and Emily Stone.

On November 16, 2022, prosecutors unsealed an indictment charging six individuals for their roles in an international primate smuggling scheme, specifically bringing wild long-tailed macaques into the United States. The indictment charges two officials of the Cambodian Forestry Administration, Ministry of Agriculture, Forestry and Fisheries (MAFF); the owner/founder of a major primate supply organization and its general manager; and four of its employees with smuggling and conspiracy to violate the Lacey Act and the Endangered Species Act (18 U.S.C. §§ 371, 545, 2; 16 U.S.C. §§ 3372(a)(1), 3373(d)(1), 3374). Long-tailed macaques are protected under the Convention on International Trade in Endangered Species (CITES).

Named in the indictment are: Omaliss Keo, Director General of the Cambodian Forestry Administration, MAFF; Masphal Kry, Deputy Director of the Department of Wildlife and Biodiversity for the Cambodian Forestry Administration, MAFF; James Man Sang Lau, Founder/Owner Vanny Resources Holdings, Ltd., and Vanny Bio Research (Cambodia) Corporation Ltd.; Dickson Lau, General Manager Vanny Resources Holdings; Sunny Chan, Deputy General Manager (Operations) at Vanny Group; Raphael Cheung Man, Public Relations and Export Manager for Vanny Bio Research (Cambodia) Corporation; Sarah Yeung, Finance Officer of Vanny Group; and Hing Ip Chung, General Manager of Vanny Bio Research (Cambodia) Corporation.

James Lau and Dickson Lau, operating from Hong Kong, owned and managed corporations that conspired with black market collectors and corrupt Cambodian officials to acquire wild-caught macaques and launder them through the Cambodian entities for export to the United States and elsewhere, falsely labelled as captive-bred.

To address a shortage of suitable monkeys at the presumed breeding facilities, the co-conspirators enlisted the assistance of the CITES authority in Cambodia and the MAFF to deliver wild-caught macaques taken from national parks and protected areas. These macaques were taken to breeding facilities and provided false CITES export permits. MAFF officials received cash payments in exchange for allowing others to collect 3,000 “unofficial” monkeys.

Between December 2017 and September 2022, Kry negotiated with co-conspirators regarding the cost for capturing wild macaques and delivering them to breeding facilities operated by the co-conspirators. Kry also received payment for personally delivering these “unofficial” macaques to the facilities, including Vanny Bio Research (Cambodia) Corporation Ltd.

The conspiracy involved numerous meetings, financial transactions, and shipments of hundreds of macaques (wild caught mixed in with captive bred) to locations in Florida and Texas using false documents.

The U.S. Fish and Wildlife Service, Homeland Security Investigations, and the Internal Revenue Service conducted the investigation.





## Indictments

### ***United States v. Antonio Casillas-Montero, No 3:22-CR-00437 (D.P.R.), AUSA Jonathan Gottfried.***

On November 3, 2022, prosecutors filed a superseding indictment charging Antonio Casillas-Montero a.k.a. Stone City Kennel, with conspiracy to violate the Animal Welfare Act and possessing dogs for use in an animal fighting venture (18 U.S.C. §§ 371, 49; 7 U.S.C. § 2156(b)).

For more than 30 years, Casillas, operating as Stone City Kennel, and co-conspirators (including a Florida resident) participated in more than 150 dog fights in locations including: Puerto Rico, México, Ecuador, Perú, the Dominican Republic, New Jersey, and New York. The defendants purchased, received, bred, trained, and delivered pit bull-type dogs for the purpose of entering them in animal fighting ventures. As part of the training regime, Casillas injected the dogs with steroids, and chained them to tread mills, forcing them to run or walk for miles. Some of the fights could last more than an hour.

Casillas sold pit bull-type dogs, including a female “champion” (a dog who has won a number of fights) for approximately \$20,000. Other dogs could sell for between \$1,000 and \$10,000. Casillas encouraged potential buyers to fly to Puerto Rico to pick up the dogs he possessed.

While executing a search warrant in October 2022, authorities rescued four pit bull-type dogs chained to stakes on property associated with Casillas in Humacao, Puerto Rico.

The U.S. Department of Agriculture Office of the Inspector General and Immigration and Customs Enforcement Homeland Security Investigations conducted the investigation, with assistance from the Humacao Strike Force East; the Puerto Rico Police Bureau Welfare and Protection of Animals (Bienestar y Protección de los Animales); the Federal Bureau of Investigation San Juan Cyber Division; the Bureau of Alcohol, Tobacco, Firearms and Explosives; and the Humane Society of the United States.



*Dog rescued by authorities*





## Indictments

### ***United States v. Wade Lemon, et al., No. 4:22-CR-00122 (D. Utah), AUSA Ruth Hackord-Peer and SAUSA Ben Willoughby.***

On November 2, 2022, prosecutors filed an indictment charging Wade Lemon and Kasey Yardley with conspiracy, violating the Lacey Act, and Utah state regulations for participating in illegal cougar hunts (18 U.S.C. § 371, 2; 16 U.S.C. §§ 3372(a)(1)(A), (a)(2)(A), 3373(d)(1)(B)).

Lemon worked as a licensed big game outfitter and offered services in Utah. Yardley worked for Lemon as a cougar hunting guide and houndsman. Lemon sold guiding services for cougar hunts for between \$5,000 and \$7,000 per hunt, with Yardley often leading as houndsmen.

Utah strictly regulates the means by which cougars may be lawfully captured, killed, or collected. For example, Utah law prohibits the practice of "canned" hunts. Canned hunts are defined as "when a cougar is treed, cornered, held at bay or its ability to escape is otherwise restricted to allow a person who was not a member of the initial hunting party to arrive and take the cougar." Utah law also requires that a hunter participate in a hunt from start to finish if using dogs to pursue a cougar.

Between November 2020 through March 2021, defendants provided illegal guiding services by, among other things: conducting "canned hunts" on Bureau of Land Management (BLM) land; conducting hunts on BLM land without proper permits; conducting hunts for out-of-state hunters; and facilitating the transportation of an illegally caught cougar pelt out of the state.

The Utah Attorney General's Office and the U.S. Forest Service conducted the investigation.





## Guilty Plea

### ***United States v. Derek Garcia, et al., No. 1:22-CR-00154 (E.D. Va.), AUSAs Gordon Kromberg and Cristina Stam.***

On November 29, 2022, Derek Garcia and Ricardo Thorne pleaded guilty for their roles in a dog fighting conspiracy that extended throughout the Washington D.C. area (18 U.S.C. §§ 371, 49; 7 U.S.C. § 2156 (b), (c)).

Between May 2015 and August 2020, Garcia, Thorne, and other co-conspirators from Virginia, Washington D.C., and Maryland, used a messaging app private group, which they generally referred to as "The DMV Board" or "The Board." The defendants and their associates used this private messaging group to discuss training fighting dogs, exchange videos about dog fighting, and arrange and coordinate fights, without alerting law enforcement. The DMV Board members also used the messaging app to compare methods of killing dogs that lost fights, as well as circulating media reports about others caught by law enforcement and discuss methods to reduce the odds of their capture.

In November 2015, Thorne told an associate about all the money he made from admissions' charges to dog fights he held at a downtown D.C. warehouse over the years. Thorne further said that he owned a dog that killed six other dogs in less than a year.

In December 2016, Garcia sold a dog to another individual for \$1,700. In March 2017, upon the arrest of another individual involved in the fights, Garcia instructed one of his co-conspirators to delete the messages on The DMV Board without deleting the group from the messaging app.

In January 2019, Thorne posted to The DMV Board that his "Darkside Kennels" has been in business for more than 20 years. In July 2019, Thorne possessed at his residence dogfighting paraphernalia and nine pit bull-type dogs, many with scarring patterns and lacerations consistent with dogfighting. When questioned by law enforcement agents, Thorne denied any involvement ever in dogfighting, claiming to not know about the nine dogs tied up in his backyard.

On June 28, 2020, Garcia posted on The Board a narrative of a fight between dogs, one of which he conditioned and handled. Garcia notified the DMV Board that his dog won, after his opponent's dog stopped moving at 32 minutes into the fight.

Prosecutors charged a total of seven individuals in August 2022. Michael Roy Hilliard, Charles Edward Williams, III, Laron Mecco West, pleaded guilty November 9, 2022. Shaborn Nesbitt and Tarry Wilson remain charged in the indictment.

The Federal Bureau of Investigation conducted the investigation, with assistance from the U.S. Department of Agriculture Office of Inspector General.



*Defendant Williams participating in fight*





## Guilty Plea

### ***United States v. Joshua M. Franklin*, No. 1:22-CR-00006 (W.D. Ky.), ECS Senior Trial Attorney Dan Dooher and ECS Trial Attorney Ryan Connors.**

On November 28, 2022, Joshua M. Franklin pleaded guilty to violating the Clean Water Act (33 U.S.C. §§ 1311(a); 1319(c)(2)(A)). The charge stems from his discharging oil and brine waste into Adair County creeks in 2018. Sentencing is scheduled for March 1, 2023.

Franklin worked as an operator at an oil lease tank battery in Columbia, Kentucky. His duties included ensuring that workers separate brine water (a waste product generated during oil production) from the oil before delivering it to customers. On August 22, 2018, the oil/water separator at the site used to remove brine water failed. As a result, Franklin attached a conduit to the bottom of the oil tank and placed the open end of the conduit just yards from a nearby creek. Franklin opened the tank valve, allowing a mixture of brine water and oil to discharge from the tank. With the valve still open, Franklin left the site. Approximately 100 barrels (about 4,000 gallons) of the oily mixture discharged into a nearby creek and eventually flowed into connecting tributaries.

The U.S. Environmental Protection Agency Criminal Investigation Division and the Kentucky Department of Environmental Protection conducted the investigation.

### ***United States v. Andrew Banow, et al.*, No. 2:22-CR-00012 (D. Maine), AUSA David Joyce.**

On November 28, 2022, Andrew Banow pleaded guilty to conspiracy to defraud the National Oceanic and Atmospheric Administration (NOAA) and the Internal Revenue Service (IRS). Banow worked as a crewmember on the *F/V Western Sea*, a 99-foot herring vessel based in Rockland, Maine.

A superseding indictment charges the owner and captain of the vessel, five crewmembers (including Banow), three herring dealers, and three corporations with conspiracy to defraud NOAA, conspiracy to defraud the IRS, mail fraud, wire fraud, and obstruction of justice (18 U.S.C. §§ 371, 1341, 1343, 1519.) The charges arise out of a multi-year scheme to sell unreported Atlantic herring and falsify fishing records.

Between June 2016 and September 2019, the vessel owner, captain, and crew sold more than 2.6 million pounds of Atlantic herring that was not reported to NOAA. NOAA relies upon accurate reports to set policies designed to ensure a sustainable fishery. Fish dealers and lobster vessel operators paid crew members directly for the unreported herring. The vessel owner also supplied crewmembers with tax forms that failed to account for all of their fishing income.

The following are named in the indictment: Captain Glenn Robbins who also owns Western Sea, Inc.; crewmembers Ethan Chase, Neil Herrick, Andrew Banow, Stephen Little, and Jason Parent; bait dealers Duston Reed, Samuel Olson, and Glenn Lawrence; and bait companies New Moon Fisheries, Inc., and Sam's Seafood, LLC.

The National Oceanic and Atmospheric Administration, the Maine Marine Patrol, and the Internal Revenue Service Criminal Investigation conducted the investigation.





## Guilty Plea

***United States v. Timofey V. Barnyak*, No. 3:22-mj-02931 (S.D. Calif.), ECS Senior Trial Attorney Steve DaPonte and AUSA Melanie Pierson.**

On November 22, 2022, Timofey Barnyak pleaded guilty to conspiring to smuggle illegal Mexican pesticides (18 U.S.C. § 371). Sentencing is scheduled for February 10, 2023.

In August 2022, authorities detained Barnyak as he entered the United States at the San Ysidro Port of Entry with 600 bottles of undeclared "Taktic" (amitraz) concealed behind bags and suitcases inside a cargo trailer he was towing. Amitraz (in the concentration found in "Taktic") is a canceled pesticide in the United States. Amitraz was primarily used for flies and mites on cotton and pear crops; livestock ticks, lice, and mange mites on beef and dairy cattle and swine; ticks on dogs; and parasitic mites on honeybees. In humans, amitraz poses oral and inhalation risks, as well as a possible cancer and neurotoxicity risks.

The U.S. Environmental Protection Agency Criminal Investigation Division and Homeland Security Investigations conducted the investigation.

***United States v. Ka Yeung Marvin Chan, et al.*, Nos. 1:22-CR-20460, 20025, 1:21-CR-20513 (S.D. Fla.), ECS Senior Trial Attorney Banu Rangarajan, AUSA Tom Watts-FitzGerald, and ECS Paralegal Claudia Garin.**

On November 17, 2022, Ka Yeung Marvin Chan pleaded guilty to conspiracy to violate the Lacey Act and to smuggle goods out of the United States, and a Lacey Act false labeling violation for smuggling protected reptiles (18 U.S.C. §§ 371, 554; 16 U.S.C. §§ 3372(d)(2), 3373(d)(3)(A)(i)). Sentencing is scheduled for January 30, 2023. Co-defendant Chun Ku was sentenced on November 18, 2022 to a year and a day of incarceration, followed by two years' supervised release. Ku also will pay a \$20,000 fine.

Chan was an international reptile dealer associated with a reptile business located in MongKok, Kowloon, Hong Kong. Through his business, Chan sold, among other reptiles, ball pythons, common iguanas, argentine tegus, and common tegus, all of which are protected under the Convention on International Trade in Endangered Species (CITES) Appendix II. Chan secured a significant portion of his reptile inventory from individuals and businesses in the United States. Prior to 2019, Chan travelled to the United States to attend reptile shows and purchase reptiles, working with convicted co-conspirators Diasuke Miyauchi and Chun Ku to smuggle the reptiles out of the country under Ku's Master File permit. After 2019, Chan relied on Ku to, among other things: (1) receive, pack, and export CITES Appendix II species purchased from others in the United States; and (2) smuggle the animals out of the country by causing the filing of false declarations for exportation of wildlife and accompanying CITES permits. Authorities estimate the retail market value of the animals Chan smuggled exceeded \$680,000.

The U.S. Fish and Wildlife Service conducted the investigation.





## Guilty Plea

***United States v. Robert Jensen, et al.***, No. 2:22-CR-00013 (W.D. Mich.), ***United States v. Garden Bay Fisheries, et al.***, No. 2:22-CR-00014 (W.D. Mich.), ECS Trial Attorney Joel LaBissonniere, AUSA Paul Lochner, and ECS Paralegal Sam Goins.

On November 16, 2022, James and Michael Hermes, and their company Garden Bay Fisheries (GBF), pleaded guilty to false labelling, and illegally selling commercially harvested lake trout in violation of the Lacey Act (16 U.S.C. §§ 3372(d)(2), 3373(d)(3)(B); 18 U.S.C. § 2). Sentencing is scheduled for April 5, 2023.

Robert Jensen, and his son, Joseph Jensen, are members of the Sault Ste. Marie Tribe, who commercially fish Lake Michigan pursuant to licenses issued by their tribe. James and Michael Hermes are non-tribal fish wholesalers doing business as GBF, located in Michigan's Upper Peninsula.

During 2017, the Jensens repeatedly harvested lake trout in excess of established daily trip limits. Big Bay de Noc Fisheries (the predecessor to Garden Bay Fisheries) purchased this fish for sale in interstate commerce. To conceal the illegal harvesting, Robert Jensen falsified monthly catch reports filed with the tribe, and Big Bay de Noc Fisheries falsified wholesale reports filed with the State of Michigan.

The U.S. Fish and Wildlife Service conducted the investigation.

***United States v. Badru Abdul Aziz Saleh, et al.***, No. 1:19-CR-00338 (S.D.N.Y.), AUSAs Sagar K. Ravi and Jarrod L. Schaeffer.

On November 15, 2022, Badru Abdul Aziz Saleh pleaded guilty to a narcotics conspiracy charge for his role in an international wildlife and drug smuggling ring (21 U.S.C. § 846; 18 U.S.C. § 3238). Sentencing is scheduled for February 28, 2023.

Between December 2012 and May 2019, Moazu Kromah, Amara Cherif, Mansur Mohamed Surur, and Abdi Hussein Ahmed conspired to transport, distribute, sell, and smuggle approximately 190 kilograms of rhinoceros horns and 10 tons of elephant ivory from countries in East Africa, including Uganda, the Democratic Republic of the Congo, Guinea, Kenya, Mozambique, Senegal, and Tanzania, to buyers located in the United States and countries in Southeast Asia. Authorities estimate the combined total retail value of trafficked rhinoceros horn and elephant ivory at close to \$8 million.



Rhino horn

(Continued on page 14)





## Guilty Plea

(Continued from page 13)

The defendants trafficked in millions of dollars' worth of rhinoceros horns and elephant ivory, both endangered species. They poached approximately 35 rhinoceros and more than 100 elephants. They exported the horns and ivory in packaging that deliberately concealed the contents, hiding it among pieces of art such as African masks and statues. They received and deposited wire transfer payments as well as cash from foreign customers.

The court previously sentenced three defendants: Kromah will serve 63 months' incarceration, and forfeit one black and two white rhino horns, after pleading guilty to conspiracy and Lacey Act wildlife trafficking (18 U.S.C. § 371; 16 U.S.C. §§ 3372(a)(2)(A) and 3373 (d)(1)(B)). Surur will serve 54 months' incarceration, and forfeit a black rhinoceros horn, two white rhinoceros horns, and \$1,000 in cash, after pleading guilty to conspiracy and distributing heroin (18 U.S.C. §§ 371, 841, 846.) Cherif was sentenced on December 13, 2022, to 57 months' incarceration.

Between August 2018 and May 2019, Abdi Hussein Ahmed (working with Surer) distributed more than 10 grams of heroin to a buyer in New York. Ahmed remains in custody following his recent arrest.

The U.S. Fish and Wildlife Service and the U.S. Drug Enforcement Administration, conducted the investigation, with assistance from: the Uganda Wildlife Authority, the Uganda Office of the Director of Public Prosecution, the Uganda Police Force, the Kenya Directorate of Criminal Investigations, and the Kenyan Office of the Director of Public Prosecutions.

### ***United States v. Prince William Sound Aquaculture Corporation, No. 3:22-CR-00087 (D. Alaska), AUSAs Jennifer Lowe Ivers and Gwendolyn Russell.***

On November 10, 2022, Prince William Sound Aquaculture Corporation (PWSAC) pleaded guilty to violating the Resource Conservation and Recovery Act for illegally disposing of hazardous waste (42 U.S.C. § 6928(d)(2)(A)). Sentencing is scheduled for February 16, 2023.

PWSAC is a nonprofit corporation that owns and operates two fish hatcheries in Alaska.

PSWAC also operates an additional three fish hatcheries owned by the State of Alaska, including Cannery Creek Hatchery. PWSAC has operated Cannery Creek Hatchery (CCH) since 1988. The hatchery is located in a remote area in Unakwik Inlet, Alaska, where employees live on-site in company residences. Supplies are transported to and from the



*Barrel that sprayed hazardous waste on employee*

(Continued on page 15)





## Guilty Plea

*(Continued from page 14)*

site by plane or PWSAC's landing craft boat. Over time, a variety of waste oils, fuel, and chemicals accumulated on site.

In 2013, a 400-gallon heating oil tank spilled diesel fuel at CCH. The State of Alaska filed criminal charges against PWSAC and two employees. The defendants resolved the charges through a civil settlement in 2017, requiring them to implement environmental audits at all five hatcheries. Consulting firm Nortech prepared Spill Prevention, Control, and Countermeasures Plans (SPCCP) for each hatchery, however, company personnel failed to come into compliance with the plan due to insufficient storage capacity for accumulating wastes. In 2018, Nortech completed its audit of all of the hatcheries. Among other areas of concern, the audit found CCH lacked a formal waste management plan, and that employees burned solid waste in an open pit at the site without any official guidance. The report also noted employees stored a variety of fuel and oils on site, which was a long-standing issue with the other hatcheries. As a result, employees resorted to burning waste so they could dispose of the drums.

In July 2018, a CCH manager directed employees to dispose of four 55-gallon drums containing a mixture of waste oil and jet fuel by burning the drums on the site's open burn pit. Jet fuel in one of the drums ignited severely burning an employee. Following the accident, local officials alerted federal authorities who searched the site in August 2018. They investigated the site of the accident, and observed many other drums, including those in damaged and rusted condition. PWSAC ultimately hired a third-party contractor to dispose of the waste from its hatchery sites. According to shipping manifests, several tons of accumulated hazardous waste, and several more tons of various oils and fuels, were removed from the CCH site.

The U.S. Environmental Protection Agency Criminal Investigation Division, the U.S. Forest Service, and the Alaska Department of Environmental Conservation conducted the investigation.





## Guilty Plea

***United States v. Horacio Ortega-Martinez, et al., Nos. 1:22-CR-00130, 00152 (E.D. Calif.), AUSA Karen Escobar.***

On November 10, 2022, Mexican national Horacio Ortega-Martinez pleaded guilty to unlawful possession of animals for an animal fighting venture (7 U.S.C. § 2156(b), 18 U.S.C. §49(a)). Sentencing is scheduled for February 6, 2023.

In February 2022, Ortega-Martinez communicated frequently with Jorge Calderon-Campos about illegal cockfighting events, including an event Calderon-Campos attended where 15 roosters fought to win a \$5,000 purse.

In April 2022, law enforcement executed a search warrant at Ortega-Martinez's residence and discovered approximately 250 roosters, approximately 250 "gaffs" (razor-sharp steel blades that are tied to the birds' legs), and miscellaneous antibiotics, vitamins, and supplements that are commonly used for breeding and training roosters for fighting.

Agents arrested Ortega-Martinez and Calderon-Campos, along with six other Kern County residents.

Homeland Security Investigations, the Drug Enforcement Administration, the Kern County Sheriff's Office, the Kern County High Intensity Drug Trafficking Area, the U.S. Marshals Service, the U.S. Customs and Border Protection, the Bakersfield Police Department, the Kern County Probation Department, the California Department of Corrections and Rehabilitation, the U.S. Secret Service, the U.S. Department of Agriculture Office of Inspector General and the California Highway Patrol conducted the investigation.

***United States v. Patrick Fleming et al., Nos. 3:22-CR-00046, 00008, 00009 (D. Alaska), AUSA Charisse Arce and SAUSA Karla Perrin.***

On November 9, 2022, Patrick Fleming pleaded guilty to conspiring to violate the Clean Air Act for his role in tampering with vehicle emissions monitoring devices (18 U.S.C. § 371). Sentencing is scheduled for February 10, 2023.

Fleming, along with Zachary Czubak and Michael Hanzuk, II, co-owned Arm Rippin Toys, Inc., an Anchorage vehicle repair shop specializing in modifying, repairing, and maintaining diesel vehicles. The defendants tampered with monitoring devices on private and commercial diesel vehicles and removed required air pollution control equipment on close to 40 vehicles between July 2019 and September 2020.

In July 2019, the defendants began "tuning and deleting" customers' diesel vehicles. This process involves removing the emissions control systems that are designed to reduce pollutants emitted from vehicles. Under normal operating conditions, an on-board diagnostic (OBD) system will detect any removal and/or malfunction of a vehicle's



*Gaffs used as weapons on birds' legs*

*(Continued on page 17)*





## Guilty Plea

(Continued from page 16)

emissions control equipment. By modifying the OBDs, however, the modified vehicle could continue to function despite the removal or deletion of emissions control equipment. In total Arm Rippin Toys collected approximately \$100,000 for performing unlawful deletes and tunes on diesel vehicles.

A court previously sentenced Czubak and Hanzuk to each pay a \$66,000 fine, complete five-year terms' of probation, and perform 180 hours of community service. Hanzuk additional will spend six months in home confinement and issue a public statement on the Diesel Performance podcast.

Removing or disabling a vehicle's emissions control system can increase particulate matter by a factor of about 40 times; nitrogen oxides by a factor of about 310 times; carbon monoxide (CO) by a factor of about 120 times; and non-methane hydrocarbons (NMHC) by a factor of about 1,100 times.

The U.S. Environmental Protection Agency Criminal Investigations Division conducted the investigation.

### ***United States v. Savannah Nicole Valdez, No. 1:22-CR-00311 (S.D. Tex.), AUSA Edgardo Javier Rodriguez.***

On November 1, 2022, Savannah Nicole Valdez pleaded guilty to smuggling and fleeing from federal law enforcement officers for smuggling a spider monkey into the United States and evading an immigration checkpoint (18 U.S.C. §§ 545, 758). Sentencing is scheduled for January 25, 2023.

On March 21, 2022, Valdez attempted to enter the United States in Brownsville, Texas. Law enforcement observed a wooden box with holes inside her vehicle, which Valdez said contained beer she had purchased in Mexico. However, when authorities opened the box, they discovered a live spider monkey and referred Valdez to secondary inspection. Valdez refused to comply with their instructions and instead sped off, running a traffic light and nearly colliding with officers and other vehicles.

Later that day, agents found multiple online postings advertising the spider monkey for sale that included Valdez's phone number. Valdez turned herself in shortly thereafter, and authorities placed the monkey in an animal shelter in the Central Florida area.

Homeland Security Investigations, Customs and Border Protection, and the U.S. Fish and Wildlife Service conducted the investigation, with assistance from the Kingsville Police Department.



*Rescued spider monkey*





## Sentencings

***United States v. William C. Easterling, et al.***, No. 2:21-CR-00455 (M.D. Ala.), ECS Trial Attorney Leigh Rende, ECS Senior Trial Attorney Gary Donner, and ECS Paralegals Sam Goins and John Taylor.

On December 6, 2022, a court sentenced the seventh and final defendant in this case involving an extensive cockfighting operation. The defendants, primarily members of the Easterling family, operated a large-scale cockfighting arena, gambling, and fighting-bird breeding business. At sentencing, the judge noted that the defendants' conduct involved animal fighting on an "exceptional scale" and imposed sentences reflecting the unusual cruelty of a business model that relies on the death or injury of thousands of birds for entertainment and profit.

George William "Billy" Easterling will serve 22 months' incarceration, followed by one year of supervised release for violating the Animal Welfare Act's (AWA) prohibition against animal fighting and for conspiring with others to violate the Act in connection with the cockfighting pit and the Swift Creek Gamefarm fighting-bird breeding operation (7 U.S.C. § 2156(a)(1); 18 U.S.C. §§ 371, 2, 49(a)).

On November 30, 2022, the court sentenced Brent Colon Easterling to 24 months' incarceration, followed by one year of supervised release for violating the AWA's prohibition against animal fighting and for conspiring with others to violate the Act in connection with the cockfighting pit and the L&L Gamefarm fighting-bird breeding operation. William "Tyler" Easterling was sentenced to 20 months' incarceration, followed by one year of supervised release, for violating the AWA's prohibition against animal fighting and for conspiring with others to violate the Act in connection with the cockfighting pit and the Swift Creek Gamefarm fighting-bird breeding operation. William Colon "Jim" Easterling was sentenced to two years' home detention (rather than incarceration, due to his declining health) and to pay an \$8,000 fine for violating the AWA's prohibition against animal fighting ventures, for conspiring with others to violate the Act, and to operate an illegal gambling business in connection with the cockfighting pit.

Three other family members were sentenced on October 13, 2022: Kassi Brook Easterling will complete a two-year term of probation, to include six months' home

*(Continued on page 19)*



*Brent Easterling on the cover; Tyler Easterling interviewed.*





## Sentencings

*(Continued from page 18)*

confinement, for conspiring with others to violate the AWA's prohibition against animal fighting ventures, including the sale of cockfighting knives, and for her involvement with the L&L Gamefarm fighting-bird breeding operation. Amber Nicole Easterling was sentenced to complete a one-year term of probation for her involvement with the cockfighting pit. Thomas Glyn "Junior" Williams will complete a one-year term of probation for his involvement with the cockfighting pit and the Swift Creek Gamefarm fighting-bird breeding operation.

Between January 2018 and June 2021, the defendants participated in illegal cockfighting events at the cockfighting pit, which consisted of an arena with stadium-style seating for approximately 150 people. The arena faced several cockfighting pits and a number of nearby outbuildings, including a merchandise stand. The illegal derbies involved a series of cockfights in which at least two or more roosters fought each other, each with a sharp blade attached to its leg. These fights were conducted for the purpose of sport, wagering, and entertainment. The defendants charged participants expensive fees to enter their birds in the derbies, and helped to outfit the birds with weapons (short knives, long knives, or spurs) strapped to their legs.

Near the cockfighting pit, members of the Easterling family ran two large fighting-bird breeding businesses known as Swift Creek Gamefarm and L&L Gamefarm at which they bred and sold thousands of birds for using in fights.

This family ran one of the largest cockfighting enterprises in the country. With the help of six of his family members, Jim Easterling owned and operated the cockfighting pit for many years, even enlisting his granddaughter, Amber Easterling, to sell the weaponry used to kill birds at the merchandise stand. Brent Easterling was one of the most widely known fighting-bird breeders in the country, running L&L Gamefarm with his wife Kassi Easterling and charging as much as \$1,500 for three chickens due to their fighting pedigrees. Brent Easterling also promoted the cockfights at his father's, Jim, cockfighting pit. Tyler Easterling helped his father, Billy Easterling, operate a vast fighting-bird breeding business known as Swift Creek Gamefarm where they employed their in-law, Junior Williams, and others to help maintain and ship fighting birds. Tyler Easterling also promoted several cockfights at his grandfather's, Jim, cockfighting pit, and was featured in the publication "The Brunnerman" with Brent Easterling on the cover (See photo, page 19.)

As part of his plea agreement, William Colon Easterling dismantled and destroyed the entire cockfighting arena and associated outbuildings ( See cover photo.)

The U.S. Department of Agriculture Office of Inspector General and Homeland Security Investigations conducted the investigation, with assistance from the U.S. Postal Inspection Service, the Alabama Law Enforcement Agency, and the Greenville County South Carolina Sheriff's Office.





## Sentencings

***United States v. Carl Bradley Johansson, et al.***, Nos. 5:18-CR-00114, 21-CR-00170 (C.D. Calif.), AUSAs Matthew W. O'Brien and Joseph O. Johns.

On November 29, 2022, a court sentenced Carl Bradley Johansson, the owner of several trucking companies, to 120 months' incarceration, followed by five years' supervised release, for ordering workers to illegally repair a tanker that caused an explosion and killed one of his employees – the second time he contributed to the death of one of his welders. Johansson also will pay \$1,252,979 in restitution for evading taxes and fraudulently obtaining approximately \$954,417 in COVID-relief money while free on bond in the tanker explosion case.

Johansson pleaded guilty in September 2021 to the following charges: one count of conspiring to make illegal repairs on the cargo tanks and to defraud the United States Department of Transportation, and one count of welding without required certifications (18 U.S.C. § 371; 49 U.S.C. § 5124). He also pleaded guilty to tax evasion, conspiracy to commit bank fraud, and a bank fraud charge (18 U.S.C. §§ 1344, 1349, 3127). Johansson engaged in a Paycheck Protection Program (PPP) scam while under pretrial release in the explosion case.

### **Tanker Explosion Case**

Johansson controlled and operated two Corona-based trucking companies: National Distribution Services, Inc. (NDSI), which operated from 2009 through 2015, and NDSI's successor company, Wholesale Distribution, Inc. (WDI), doing business as Quality Services. Johansson established NDSI following a 15-month federal prison sentence he served after he caused the death of one of his welders in 1993 in a previous tanker explosion. Johansson created WDI to take over NDSI's operations to enable him to continue operating without scrutiny from law enforcement.

On May 6, 2014, NDSI management ordered workers to perform welding work on a tanker that still contained crude oil. This resulted in an explosion that killed a company welder and severely injured a second worker. In August 2014, the Federal Motor Carrier Safety Administration (FMCSA) issued an imminent hazard order (known as an "Out-of-Service Order" or Order) to NDSI. This order prohibited NDSI from operating 37 cargo tanks to haul gasoline or ethanol due to safety risks.

Over the next four years, Johansson and other NDSI and WDI employees conspired to obstruct the explosion investigation by making multiple false statements to local, state, and federal officials. To convince regulators to rescind the Order, Johansson and NDSI submitted false statements, among them, a claim that NDSI never engaged in tank repairs.

To further circumvent the Order, Johansson converted NDSI to operate under WDI. This practice (known as creating a "reincarnated" or "chameleon" carrier) serves to continue identical operations, using a new name to evade regulators. WDI continued to violate the Order through early 2018 by using the prohibited cargo tanks to haul gasoline

*(Continued on page 21)*





## Sentencings

*(Continued from page 20)*

and ethanol.

As part of the conspiracy and to further conceal his control of NDSI and WDI, Johansson failed to report \$1,174,173 in income from his trucking companies between 2012 and 2017. He used that income to pay for personal expenses, including renting a large home for approximately \$12,000 per month and using company accounts to make \$200,000 in tuition payments at his children's private high schools.

### COVID-Relief Fraud

In April 2020, while free on bond in the explosion case, Johansson directed another trucking company he controlled, Ontario-based Western Distribution, LLC, (Western Distribution) to apply for a \$436,390 PPP loan. After receiving the funds, Johansson directed Western Distribution in May and June of 2020 to immediately spend the PPP funds. Rather than use the funds to keep the company's employees on staff, Johansson laid most of them off, but rehired many of them in late 2020. To create the impression that the company had spent more of its PPP loan on its payroll than it did, in September 2020, Johansson moved 21 employees from a separate company that Johansson controlled onto Western Distribution's payroll, even though those employees never worked for that company.

In March 2021, Johansson caused Western Distribution to apply for a second PPP loan, which was approved for \$231,52. The total loss in the COVID-relief fraud matter was approximately \$954,417.

The court sentenced NDSI and WDI to complete one-year terms of probation. Each company pleaded guilty to one count of conspiring to make illegal repairs on cargo tanks and defrauding the United States Department of Transportation (DOT). NDSI pleaded guilty to an additional count of welding without required certifications. The court also sentenced Western Distribution to complete a three-year term of probation and ordered it to pay \$667,917 in restitution (joint and several with Johansson). Western Distribution pleaded guilty to one count of conspiracy to commit bank fraud and one count of bank fraud.

Enrique Garcia, Johansson's shop manager, pleaded guilty to welding without required certifications and was sentenced in April 2022 to 30 months' incarceration, followed by one year of supervised release.

Donald Cameron Spicer, Johansson's safety manager, pleaded guilty to conspiring to make illegal repairs on the cargo tanks and to defraud the DOT. He is scheduled for sentencing on February 6, 2023.

The U.S. Department of Transportation Office of Inspector General and the Internal Revenue Service Criminal Investigation conducted the investigation.





## Sentencings

***United States v. Chun Ku, et al.*, Nos. 1:22-CR-20460, 20025, 1:21-CR-20513 (S.D. Fla.), ECS Senior Trial Attorney Banu Rangarajan, AUSA Tom Watts-FitzGerald, and ECS Paralegal Claudia Garin.**

On November 18, 2022, a court sentenced Chun Ku to a year and a day of incarceration, followed by two years' supervised release. Ku also will pay a \$20,000 fine for his role in smuggling reptiles out of the United States. Co-defendant Ka Yeung Marvin Chan pleaded guilty on November 17, 2022, to conspiracy to violate the Lacey Act and to smuggle goods out of the United States, and a Lacey Act false labeling violation for smuggling protected reptiles (18 U.S.C. §§ 371, 554; 16 U.S.C. §§ 3372(d)(2), 3373(d)(3)(A)(i)) Chan is scheduled for sentencing on January 30, 2023.

Chan was an international reptile dealer associated with a reptile business located in MongKok, Kowloon, Hong Kong. Through his business, Chan sold, among other reptiles, ball pythons, common iguanas, argentine tegus, and common tegus, all of which are protected under the Convention on International Trade in Endangered Species (CITES) Appendix II. Chan secured a significant portion of his reptile inventory from individuals and businesses in the United States. Prior to 2019, Chan travelled to the United States to attend reptile shows and purchase reptiles, working with convicted co-conspirators Diasuke Miyauchi and Chun Ku to smuggle the reptiles out of the country under Ku's Master File permit. After 2019, Chan relied on Ku to, among other things: (1) receive, pack, and export CITES Appendix II species purchased from others in the United States; and (2) smuggle the animals out of the country by causing the filing of false declarations for exportation of wildlife and accompanying CITES permits. The retail market value for the CITES Appendix II protected species smuggled by Ku exceeded \$5M.

The U.S. Fish and Wildlife Service conducted the investigation.

***United States v. Aquintas K. Singleton*, No. 3:22-CR-00036 (M.D. La.), ECS Trial Attorney Matt Evans, AUSA Jon Shih, and ECS Law Clerks Amanda Backer and Nate Borelli.**

On November 17, 2022, a court sentenced Aquintas K. Singleton to 12 months' and one day of incarceration, followed by two years' supervised release. Singleton pleaded guilty to violating the Animal Welfare Act for possessing animals in an animal fighting venture (7 U.S.C. § 2156(b)).

During a drug-trafficking investigation, law enforcement officers learned Singleton participated in an illegal interstate dogfighting venture. Beginning in late June 2017, agents intercepted numerous communications between the defendant and others. These phone conversations discussed dogfights (in states including Louisiana, Arkansas, and Georgia),

*(Continued on page 23)*





## Sentencings

*(Continued from page 22)*

upcoming matches, the possible stakes (cash) they would wager on upcoming matches, and the breeding, sale, and training of dogs for fighting.

In October 2017, agents executed a search warrant at Singleton's residence in Baton Rouge, Louisiana, finding 17 pit bull-type dogs kept in a manner consistent with dogfighting and exhibiting wounds from fighting. Agents also found firearms (including a loaded semiautomatic rifle with a high-capacity magazine), ammunition, dog training paraphernalia, and close to \$2,000 in cash.

The U.S. Department of Agriculture and the Federal Bureau of Investigation conducted the investigation.

***United States v. Lee Crawford*, No. 4:21-CR-00055 (E.D.N.C.), AUSA William Gilmore.**

On November 17, 2022, a court sentenced Lee Crawford to complete a five-year term of probation and perform 12 hours of community service. Crawford pleaded guilty to violating the Resource Conservation and Recovery Act (RCRA) for illegally storing hazardous waste (42 U.S.C. § 6928(d)(2)(A)).

Crawford owned and operated Eastern Electronics Recycling, USA (Eastern Electronics). Eastern Electronics purported to collect and properly dispose of e-waste, such as televisions, computer monitors, and other electronic equipment. Old televisions and computer monitors contain cathode ray tubes (CRTs) that, when improperly stored, can release toxic levels of lead.

In 2012, Crawford began collecting and storing large volumes of e-waste (including broken CRTs and scrapped waste), at his facility in Robersonville, North Carolina. Crawford did not possess a RCRA permit to store this waste, nor did he recycle or otherwise properly dispose of the CRTs.

Following a fire at the facility, the U.S. Environmental Protection Agency executed a search warrant in June 2019, finding large quantities of shattered CRTs. Samples taken from various locations on site yielded hazardous amounts of lead (102 to 188 milligrams per liter).

The U.S. Environmental Protection Agency Criminal Investigative Division and the North Carolina State Bureau of Investigation conducted the investigation.





## Sentencings

***United States v. David Foster*, No. 3:22-CR-00136 (D. Conn.), AUSA Nathaniel Gentile.**

On November 1, 2022, a court sentenced David Foster to pay a \$4,000 fine for violating the Migratory Bird Treaty Act (16 U.S.C. §§ 704(b)(2), 707(c)).

In September 2020, following an anonymous complaint about illegal baiting, local and federal wildlife officials initiated an investigation around a hunting blind on Menunketesuck Island. On duck season opening day (October 10, 2020), officers surveilling the area observed Foster and two other hunters shoot and retrieve ducks over an area baited with whole kernel corn. Foster previously received a summons for waterfowl baiting/taking violations in the same area in October 2009.

The U.S. Fish and Wildlife Service and the Connecticut Environmental Conservation Police conducted the investigation.



*Hunting blind near bait in the water*

***United States v. Ionian Management, Inc., et al.*, No. 1:19-CR-00009 (D.V.I.), ECS Senior Trial Attorney Kenneth Nelson and AUSA Kim Chisholm.**

On November 1, 2022, a court sentenced Ionian Management, Inc. (Ionian M.) to pay a \$250,000 fine and complete a one-year term of probation. This is the first time a vessel commercial manager has been convicted of violating the Act to Prevent Pollution from Ships (APPS) (33 U.S.C. § 1908(a)). The company pleaded guilty to violating APPS for authorizing the use of non-compliant fuel. The court previously sentenced Ionian Shipping & Trading Corp. (Ionian ST) and Lily Shipping Ltd. (Lily) to each pay \$1.5 million, complete four-year terms of probation, and implement environmental compliance plans. The companies pleaded guilty to violating APPS and obstruction of justice related to the burning of dirty fuel on the *M/T Ocean Princess*.

In July 2018, U.S. Coast Guard inspectors boarded the vessel in St. Croix to conduct a routine Port State Control inspection. The inspection revealed that the vessel used high-sulfur diesel fuel as it transited through, and operated within, the U.S. Caribbean Emission Control Area (ECA). MARPOL Annex VI and related Environmental Protection Agency regulations prohibit the use of high-sulfur fuel within the ECA. Ionian M, a New York City-based company, authorized transferring high-sulfur diesel fuel from the ship's cargo tanks for use as bunker for the main engine, generators, and auxiliary equipment.

*(Continued on page 25)*





## Sentencings

(Continued from page 24)

During the Coast Guard inspection, the Chief Mate, Rey Espulgar, instructed lower level crewmembers to lie to the inspectors about where the ship took on its fuel. The Master, Stamatios Alekidis, emailed Ionian M. and requested authorization to transfer high-sulfur diesel cargo for use as fuel. After Ionian M. authorized the transfer, Alekidis directed Espulgar and the Chief Engineer, Athanasios Pittas, to carry out the transfer. Espulgar falsified the oil record book (ORB) by failing to log the transfer of cargo to the engine room. Pittas also falsified the ORB by indicating that the bunkers had actually been loaded from a shore-side facility in St. Martin, French West Indies (F.W.I.). Pittas also created documents to corroborate the fictitious ORB entries.

The U.S. Coast Guard conducted the investigation.

***United States v. Herdade Lokua, et al.*, No. 2:21-CR-00185 (W.D. Wash.), ECS Senior Trial Attorneys Ryan Connors and Patrick Duggan, and ECS Law Clerk Maria Wallace.**

On November 1, 2022, a court sentenced Herdade Lokua to 20 months' incarceration and Jospin Mujangi to 14 months' incarceration. The defendants pleaded guilty to conspiracy and Lacey Act false labelling violations for trafficking elephant ivory and white rhinoceros horn from the Democrat Republic of Congo (DRC) to Seattle, Washington (18 U.S.C. §§ 371; 16 U.S.C. §§ 3372(d)(2), 3373(d)(3)(A)(i)).

Lokua and Mujangi worked with a middleman to smuggle four packages into the United States. In August and September 2020, the defendants sent three shipments containing close to 50 pounds of ivory by airfreight to Seattle. In May 2021, they sent another package with approximately five pounds of rhinoceros horn. At the same time, the defendants conspired to conduct large transactions via ocean freight, offering the buyer more than two tons of elephant ivory, one ton of pangolin scales, and multiple intact rhino horns.

In order to conceal the tusks and horn, Lokua and Mujangi ensured they were cut into smaller pieces and painted black. They mixed the pieces with ebony wood to avoid detection by customs authorities. They declared the packages as "wood" valued between \$50 and \$60. The buyer paid the defendants \$14,500 for the ivory and \$18,000 for the horn. They also sold 55 pounds of pangolin scales to a U.S. buyer, but ultimately did not ship them.

Lokua and Mujangi paid bribes to authorities in Kinshasa, DRC, to facilitate shipping the merchandise, and discussed how they concealed their shipments in timber and corn (packed in 20-foot shipping containers) to avoid detection.

The investigation was part of "Operation Kuluna," an international operation conducted between HSI Seattle, the government of the DRC, and the U.S. Embassy in Kinshasa. After the arrests, the task force in DRC acted on information provided by HSI Seattle to seize 2,067 pounds of ivory and 75 pounds of pangolin scales in Kinshasa worth more than \$1 million.

Homeland Security Investigations conducted the investigation, with assistance from Internal Revenue Service Criminal Investigation.





*Environmental Crimes Section Attorneys: (Main # 202 305 0321)*

Position	Name	Phone
Chief	Deborah Harris	
Deputy Chief	Joseph Poux	
Assistant Chief	Thomas Ballantine	
Assistant Chief	Wayne Hettenbach	
Assistant Chief	Lana Pettus	
Assistant Chief	Jennifer Whitfield	
Senior Litigation Counsel	Richard Udell	
Senior Counsel for Wildlife	Elinor Colbourn	
Senior Counsel	Kris Dighe	
Senior Trial Attorney	Cassandra Barnum	
Senior Trial Attorney	Ryan Connors	
Senior Trial Attorney	Christopher Costantini	
Senior Trial Attorney	Adam Cullman	
Senior Trial Attorney	Stephen DaPonte	
Senior Trial Attorney	Gary Donner	
Senior Trial Attorney	Daniel Dooher	
Senior Trial Attorney	Patrick Duggan	
Senior Trial Attorney	Ethan Eddy	
Senior Trial Attorney	Todd Gleason	
Senior Trial Attorney	Jeremy Korzenik	
Senior Trial Attorney	Ken Nelson	
Senior Trial Attorney	RJ Powers	
Senior Trial Attorney	Banu Rangarajan	
Trial Attorney	Sarah Brown	
Trial Attorney	Matthew Evans	
Trial Attorney	Stephen Foster	
Trial Attorney	Christopher Hale	
Trial Attorney	Joel LaBissonniere	
Trial Attorney	Samuel (Charlie) Lord	
Trial Attorney	Matt Morris	
Trial Attorney	Shennie Patel	
Trial Attorney	Erica Pencak	
Trial Attorney	Leigh Rende	
Trial Attorney	Rachel Roberts	
Trial Attorney	Mark Romley	
Trial Attorney	William Shapiro	
Trial Attorney	Lauren Steele	