



Bulletin

Environmental Crimes Section

February 2023

Inside this Issue:

| | |
|----------------------------|-------|
| <u>Decisions</u> | 4-5 |
| <u>Indictments</u> | 6 |
| <u>Guilty Pleas</u> | 7-11 |
| <u>Sentencings</u> | 12-21 |
| <u>ECS Contacts</u> | 22 |

Send your federal case
updates
to:

Elizabeth.Janes@usdoj.gov



Seized trophy wildlife from the Hidden Hills Outfitters, LLC, prosecution. See *U.S. v. Bowmar Bowhunting, LLC*, [inside](#), for details on the final case sentenced from this investigation.



| District/Circuit | | |
|----------------------------------|---|--|
| Sixth Circuit Court of Appeals | <u>United States v. Emanuele Palma, et al.</u> | Emissions Fraud/Wire Fraud |
| District of Alaska | <u>United States v. Derek Kelley</u> | Coral Trafficking/Conspiracy, Lacey Act |
| Northern District of Alabama | <u>United States v. ABC Polymer Industries, LLC</u> | Worker Death/OSHA |
| Central District of California | <u>United States v. Starlite Reclamation Environmental Services, Inc., et al.</u> | Wastewater Discharges/CWA |
| | <u>United States v. Klean Waters, Inc., et al.</u> | Wastewater Discharges/CWA |
| | <u>United States v. Stephany Perez, et al.</u> | Wildlife Trafficking/Lacey Act, Smuggling |
| Eastern District of California | <u>United States v. Carson S. Wilhite</u> | Marijuana Cultivation/Drugs, Depredation of Public Lands |
| Southern District of California | <u>United States v. Fernanda Chendel Ramirez</u> | Pesticide Smuggling/Smuggling |
| District of Colorado | <u>United States v. Megan Hess, et al.</u> | Cremation Services Fraud/HMTA, Wire Fraud |
| District of Delaware | <u>United States v. Gordon W. Lindamood</u> | Emissions Tampering/CAA |
| Southern District of Florida | <u>United States v. Wendy Kilheffer</u> | Deer Killing/ESA |
| | <u>United States v. Ka Yeung Marvin Chan, et al.</u> | Reptile Smuggling/Conspiracy, Lacey Act, Smuggling |
| District of Maryland | <u>United States v. Hakan Agro DMCC, et al.</u> | Organic Grain Fraud/Conspiracy, Smuggling, Wire Fraud |
| | <u>United States v. Kyle J. Campbell</u> | Eagle Killing/BGEPA |
| Southern District of Mississippi | <u>United States v. Partridge Sibley Industrial Services</u> | Wastewater Discharges/CWA |



| District/Circuit | Case Name | Statutes |
|------------------------------------|--|---|
| District of Montana | <u>United States v. Curtis Floyd</u> | Mine Worker Injury/MSHA, False Statement |
| District of Nebraska | <u>United States v. Bowmar Bowhunting, LLC, et al.</u> | Hunting and Guiding/Conspiracy, Lacey Act |
| Western District of New York | <u>United States v. Jose A. Der, Jr.</u> | Exotic Boot Sales/Lacey Act |
| Western District of Oklahoma | <u>United States v. James Love</u> | Emissions Tampering/CAA |
| District of Oregon | <u>United States v. Hydro Extrusion USA</u> | Aluminum Processor/CAA |
| Northern District of Texas | <u>United States v. Richard Kazmaier</u> | Wildlife Smuggling/Lacey Act |
| Southern District of Texas | <u>United States v. Jonathan Roberto Rojas-Casados, et al.</u> | Wildlife Smuggling/Lacey Act |
| Northern District of West Virginia | <u>United States v. Tenley M. Miller</u> | Lab Fraud/False Statement |
| Southern District of West Virginia | <u>United States v. Western River Assets, LLC, et al.</u> | Oil Spill/OPA, RHA |



Decisions

***United States v. Emanuele Palma, et al.*, Nos. 21-17822, 19-CR-20626 (6th Cir. Jan. 18, 2023; E.D Mich.), ECS Senior Trial Attorney Todd Gleason and ECS Law Clerks Maria Wallace and Amanda Backer.**

On January 18, 2023, the Sixth Circuit Court of Appeals overturned a decision of the United States District Court dismissing wire fraud and related claims against Emanuele Palma. The case was remanded to the District Court.

Palma and two co-conspirators employed by Fiat Chrysler Automobiles (FCA) were indicted in April 2021 in the Eastern District of Michigan. A superseding indictment alleged that Palma and his co-conspirators purposely calibrated the emissions control functions of several “clean diesel vehicles” to produce lower NOx emissions under conditions when the subject vehicles would be undergoing testing on the federal test procedures or driving “cycles,” and higher NOx emissions under conditions when the subject vehicles would be driven in the real world. The superseding indictment also alleges that Palma and his co-conspirators employed “cycle beating” to achieve best-in-class fuel efficiency and to make the subject vehicles more attractive to FCA’s potential customers,(i.e., by increasing fuel economy and reducing the frequency of a required emissions control system service interval). Prosecutors charged the defendants with, among other things, a conspiracy to defraud the United States and violate the Clean Air Act and conspiracy to commit wire fraud against consumers who thought they were purchasing “clean diesel” vehicles that could both achieve 30mpg and pass federal emissions testing.

Judge Nancy Edmunds dismissed the wire fraud-related counts on October 28, 2021. As in a previous ruling, Judge Edmunds dismissed the wire fraud conspiracy count on the basis that there was “an insufficient causal nexus between Palma’s conduct and customers being induced to purchase vehicles.” More specifically, Judge Edmunds noted that Palma was not personally responsible for marketing the vehicles and that any marketing goals were “intertwined” with obtaining regulatory approval which, by itself, cannot form the basis of a wire fraud claim. The United States took an interlocutory appeal claiming that the bases upon which Judge Edmunds based her decision were not ripe for determination at the pleading stage, that the United States had adequately alleged sufficient facts to establish the elements of a wire fraud conspiracy, and that the goals of the conspiracy were to both defraud the regulators and to swindle customers out of money.

Reversing Judge Edmunds, the Sixth Circuit recognized that “the government need only allege facts showing that the conspiracy as a whole had the object of using deception to deprive consumers of property and Palma joined the conspiracy.” In its written opinion, the Sixth Circuit went on to state that, “it is also uncontested that the government-approved vehicles have been sold for revenues running in the billions of dollars And it is plausible that the scheme’s goal was not merely to deceive regulators but also to sell the resulting products to consumers.” In its conclusion, the Sixth Circuit held that, “[w]eighing

(Continued on page 5)



Decisions

(Continued from page 4)

the issues and considering the relatively lenient standard for pleading charges in an indictment as opposed to proving them at trial, the government has met its bar of alleging a conspiracy to commit wire fraud. Based on these alleged facts, it is eminently plausible that an object of this scheme was to deceive consumers in order to falsely induce them to purchase goods.”



Indictments

***United States v. Hakan Agro DMCC, et al.*, No. 1:22-CR-00274 (D. Md.), ECS Senior Trial Attorney Adam Cullman, AUSA LaRai Everett, and ECS Paralegal Sam Goins.**

On January 5, 2023, prosecutors unsealed an indictment charging two Dubai entities and several individuals for their roles in a multimillion-dollar scheme to export non-organic grain into the United States for sale as certified organic.

Hakan Agro DMCC and Hakan Organics DMCC, both based in Dubai, and Goksal Beyaz, Nuray Beyaz and Mustafa Cakiroglu, all Turkey nationals, were each charged with conspiracy, smuggling, and wire fraud (18 U.S.C. §§ 2, 371, 545, 1343).

Between November 2015 and May 2017, the defendants operated a scheme where Hakan Agro, Hakan Organics and associated entities purchased non-organic soybeans and corn from Eastern Europe before shipping to the United States as “organic.” This scheme allowed the defendants to charge as much as 50% more for organic grains.

The U.S. Department of Agriculture Office of Inspector General conducted the investigation.

***United States v. Western River Assets, LLC, et al.*, No. 3:23-CR-00005 (S.D.W.V.), AUSA Erik Goes and SAUSA Perry McDaniel.**

On January 5, 2023, prosecutors charged David Smith, Western River Assets, LLC (WRA) and River Marine Enterprises, LLC (RME) with violating the Rivers and Harbors Act and the Oil Pollution Act (33 U.S.C. §§ 1321(b)(3), 1319(c)(1)(A), 407, 411).

Smith owned and managed WRA and RME. WRA owned a towboat (*M/V Gate City*) that the company moored along the West Virginia side of the Big Sandy River from 2010 to 2018. During this period, the defendants failed to maintain the vessel in a seaworthy condition, and authorities had warned that it could leak oil due to its condition.

On January 10, 2018, the boat ultimately sank, spilling oil into the water. The spill forced officials from the City of Kenova, West Virginia, to close the municipal drinking water intake for three days.

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



Guilty Plea

***United States v. Tenley M. Miller*, No. 1:22-CR-00084 (N.D.W.V.), AUSA Steve Warner, SAUSA Perry McDaniel, with assistance from ECS Senior Trial Attorney Jeremy Korzenik.**

On January 30, 2022, Tenley M. Miller pleaded guilty to making a false statement for falsifying laboratory results (18 U.S.C. § 1001).

Miller owned Reliance Laboratories, Inc., a company that tested public drinking water samples. In May 2021, the City of Martinsburg sent water samples to Miller's laboratory for testing. Miller reported that she tested the samples and found them to be safe. Investigators then discovered that Miller did not test the samples because her laboratory equipment was not operational. The City of Martinsburg unwittingly reported the false test results to the State of West Virginia pursuant to U.S. Environmental Protection Agency regulations.

The U.S. Environmental Protection Agency Office of Inspector General and Criminal Investigations Division conducted the investigation.

***United States v. Starlite Reclamation Environmental Services, Inc., et al.*, No. 2:15-CR-00361 (C.D. Calif.), AUSAs Dennis Mitchell and Erik Silber.**

On January 30, 2023, Starlite Reclamation Environmental Services (Starlite) pleaded guilty to violating the Clean Water Act (CWA) (33 U.S.C. §§ 1317(d), 1319(c)(2)(A)). Sentencing is scheduled for April 24, 2023. Starlite is the fifth and final defendant to plead guilty in this case involving illegal wastewater discharges into the Los Angeles County sewer system.

Companies hired Starlite to treat and dispose of their industrial wastewater prior to discharging it into the publicly owned treatment works (POTW). Between November 2014 and June 2015, Starlite employees, Fernando Torres and Andrew Hucks, former vice president Robert Conn, and company president Christopher Jaramillo, repeatedly and routinely discharged acidic wastewater into the POTW operated by the Inland Empire Utilities Agency, which flowed to a POTW operated by the Sanitation Districts of Los Angeles County. They discharged wastewater with an average pH of 3, below its permitted pH level of 5. The defendants tampered with monitoring devices by, among other things, placing pH probes into buckets of clean water.

Hucks and Torres pleaded guilty to negligently violating the CWA and have not yet been sentenced. A court sentenced Conn in May 2021 to complete a four-year term of probation and Jaramillo was sentenced in June 2021 to pay a \$6,000 fine and complete a three-year term of probation. Both pleaded guilty to violating the CWA.

The U.S. Environmental Protection Agency Criminal Investigation Division, the Inland Empire Utilities Agency, and the Sanitation Districts of Los Angeles County, conducted the investigation.



Pleas

***United States v. Hydro Extrusion USA*, No. 3:22-CR-00299 (D. Ore.), AUSA Ryan Bounds.**

On January 24, 2023, Hydro Extrusion USA (Hydro) pleaded guilty to violating the Clean Air Act (CAA) for negligently releasing a hazardous air pollutant from its facility, endangering employees and nearby community members (42 U.S.C. § 7413(c)(4)). Sentencing is scheduled for April 24, 2023.

Hydro operates a secondary aluminum processing facility in The Dalles, where it melts aluminum scrap to produce reusable aluminum billets. The CAA Title V permit requires facilities such as this to use aluminum scrap that is free of paints, coatings or lubricants. Between July 2018 and June 2019, Hydro acquired and melted scrap aluminum coated in a mineral-oil based mixture that, when combusted, produced hazardous smoke. During this time, Hydro employees noticed excessive smoke inside the building. Despite both federal and local authorities notifying Hydro that it was violating its permit, Hydro continued melting the unclean material, releasing hazardous air pollutants to the ambient air, and placed individuals in imminent danger of death or serious bodily injury.

The U.S. Environmental Protection Agency Criminal Investigation Division conducted the investigation, with assistance from the Oregon Department of Environmental Quality.

***United States v. Fernanda Chendel Ramirez*, No. 3:22-CR-02697 (S.D. Calif.), ECS Senior Trial Attorney Stephen DaPonte and AUSA Melanie Pierson.**

On January 23, 2023, Fernanda Chendel Ramirez pleaded guilty to smuggling Mexican pesticides (18 U.S.C. § 545). Sentencing is scheduled for May 1, 2023.

On October 28, 2022, authorities apprehended Ramirez as she attempted to enter the United States at the Calexico port of entry with twelve 1-liter bottles of Metaldane 600. All twelve containers were labelled in Spanish and bore no EPA registration numbers, and, in fact, were not registered under the Federal Insecticide, Fungicide, and Rodenticide Act as an EPA-registered pesticide.

Those involved in clandestine marijuana grows use illegal pesticides to cultivate unregulated marijuana on both public and private land in the United States.

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



Pleas

***United States v. Wendy Kilheffer*, No. 4:22-CR-10023 (S.D. Fla.), AUSA Tom Watts-FitzGerald.**

On January 20, 2022, Wendy C. Kilheffer pleaded guilty to violating the Endangered Species Act for shooting and killing a Key deer (16 U.S.C. §§ 1538 (a)(1)(C), 1540(b)(1)). Sentencing is scheduled for March 23, 2023. Kilheffer killed the deer, an endangered species, with a handgun on November 16, 2022, at Big Pine Key. She saw that it was injured and thought she would put it out of its misery.

The Florida Fish & Wildlife Conservation Commission conducted the investigation, with support from the National Fish & Wildlife Service Forensics Laboratory in Ashland, Oregon, and the Monroe County State Attorney's Office.



Key Deer

***United States v. Gordon W. Lindamood*, No. 1:22-CR-00124 (D. Del.), AUSA Edmond Falgowski.**

On January 18, 2023, Gordon W. Lindamood pleaded guilty to violating the Clean Air Act for tampering with vehicle emissions' systems (42 U.S.C. § 7413(c)(2)(C)). Sentencing is scheduled for May 18, 2023.

Lindamood tampered with the onboard diagnostic systems (OBDS) of diesel trucks. Manufacturers equip motor vehicles with emission control devices that are monitored by computer software in the vehicles' OBDS. This software, often referred to as a "tune," detects and identifies malfunctions, illuminating a light on the vehicle's dashboard.

Emission control devices operate to protect the environment at the expense of horsepower and fuel efficiency. Ordinarily, when a diesel truck owner removes a factory-installed emission control device, the truck's OBD automatically renders the truck inoperable.

Lindamood owned a company called GL Tuning Solutions, LLC, which he operated from his home in Delaware. He custom altered tunes and sold them throughout the United States to customers who had removed the emission control devices from their trucks. His software (or "tunes") enabled those "deleted" trucks to operate without emission control devices.

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



Pleas

***United States v. Klean Waters, Inc., et al.*, No. 8:21-CR-00060 (C.D. Calif.), AUSA Rosalind Wang.**

On January 13, 2023, Klean Waters, a wastewater treatment facility, and company owner Tim Miller, pleaded guilty to violating the Clean Water Act for discharging untreated industrial wastewater into publicly-owned treatment works (POTW) (18 U.S.C. § 371; 33 U.S.C. § 1319 (c)(2)(A)). Sentencing is scheduled for April 14, 2023.

Klean Waters was only permitted to receive non-hazardous industrial wastewater, treat it for pollutants as necessary, and discharge the water into the Orange County Sanitation District's POTW. Between 2012 and 2015, the defendants discharged untreated wastewater that contained pollutants, including firefighting foam and a variety of metals. Additionally, they failed to perform self-monitoring, made false statements regarding the discharges, tampered with monitoring devices, and prevented inspectors from reviewing company documents or collecting samples from the facility.

The Federal Bureau of Investigation and the U.S. Environmental Protection Agency Criminal Investigation Division conducted the investigation.

***United States v. Curtis Floyd*, No. 1:22-CR-00142 (D. Mont.), AUSA Colin Rubich.**

On January 5, 2023, Curtis Floyd pleaded guilty to conspiring to make a false statement in a record required to be maintained under the Mine Safety and Health Act (MSHA) (18 U.S.C. § 371). Sentencing is scheduled for May 23, 2023.

Floyd worked as a safety manager for Signal Peak Energy (SPE), a coal mine near Roundup, Montana. In 2018, an employee under Floyd's supervision (John Doe) injured his fingers while loading mining materials. The injury eventually required partial amputation. While taking Doe to the hospital, the VP of Underground Operations (VP) called Doe on the phone, in Floyd's presence. The VP instructed Doe to tell medical staff that he sustained the injury at home, not at work. Doe agreed and did as instructed. Though Floyd knew about this scheme, he did not intervene, despite his duty to do so. Later, Floyd also failed to complete an MSHA Mine Accident, Injury and Illness Report and omitted Doe as an "MSHA reportable injury or illness" on the MSHA Mine Accident, Quarterly Mine Employment, and Coal Production Report.

The Internal Revenue Service, the Federal Bureau of Investigation, and the U.S. Environmental Protection Agency Criminal Investigation Division conducted the investigation.



Pleas

***United States v. Stephany Perez, et al.*, No. 2:22-CR-00057 (C.D. Calif.), ECS Senior Trial Attorney Gary Donner, AUSAs Matthew W. O'Brien and Brian R. Faerstein, and ECS Paralegal John Taylor.**

On January 5, 2023, Stephany Perez pleaded guilty to a misdemeanor Lacey Act violation (16 U.S.C. §§ 3372(a)(1), 3373(d)(2)). Her brother, Jose Manuel Perez, a.k.a. "Julio Rodriguez," previously pleaded guilty to smuggling and Lacey Act trafficking charges (18 U.S.C. § 545; 16 U.S.C. §§ 3372(a)(1), 3373(d)(1)(B)). Both illegally imported more than 1,700 reptiles (including 60 reptiles Perez hid in his clothes) into the United States at the Mexico border. Stephany is scheduled for sentencing on April 27, 2023, and Jose is set for May 4, 2023.

Between January 2016 and February 2022, the Perez siblings and co-conspirators used social media to buy and negotiate the sale and delivery of wildlife in the United States. The defendants advertised for sale on social media the animals smuggled from Mexico into the United States, posting photos and video that depicted the animals being collected from the wild.

The defendants and others imported animals (including Yucatan box turtles, Mexican box turtles, baby crocodiles, and Mexican beaded lizards) illegally into the United States from Mexico and Hong Kong without any required permits or documentation. For the animals smuggled from Mexico, co-conspirators retrieved the wildlife from Ciudad Juarez International Airport in Mexico and eventually shipped the animals by car to El Paso, Texas. Jose Perez paid his co-conspirators a "crossing fee" for each border crossing – the amount of which depended on the number of animals transported, the size of the package, and the risk of detection by authorities.

The superseding indictment includes additional charges based upon Perez entering the United States from Mexico on February 25, 2022, with approximately 60 reptiles, including dozens of lizards and four snakes, concealed inside his jacket pockets, pants pockets, groin area, and pant legs. During the search, Perez initially denied to customs officials that he had anything to declare, later saying "the animals were his pets." Authorities valued the wildlife smuggled at \$739,000.

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



Sentencings

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 January 30, 2023, a court sentenced Ka Yeung Marvin Chan to 14 months' incarceration, followed by two years' supervised release for his role in a conspiracy to smuggle reptiles from the United States to Asia (18 U.S.C. §§ 371, 554; 16 U.S.C. §§ 3372(d)(2), 3373(d)(3)(A)(i)). Chan is the final defendant sentenced in this case.

Chan worked as 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.

Ku was sentenced in November 2022 to one year and one day imprisonment, two years' supervised release and a \$20,000 fine. Miyauchi was sentenced in February 2022 to 13 months' incarceration. Ku and Miyauchi cooperated with the government during the investigation.

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



Illegal shipment seized in August 2021



Sentencings

***United States v. ABC Polymer Industries, LLC*, No. 2:22-CR-00294 (N.D. Ala.), ECS Trial Attorney Bill Shapiro, ECS Senior Trial Attorney Ethan Eddy, AUSAs Robert Posey and Ryan Rummage, and ECS Law Clerk Maria Wallace.**

On January 24, 2023, a court sentenced ABC Polymer Industries, LLC, to pay a \$167,928 fine, complete a two-year term of probation (to include a workplace safety compliance plan), and pay \$242,928 in restitution to the victim's family. The company pleaded guilty to causing the death of an employee by violating an Occupational Safety and Health Act (OSHA) standard (29 U.S.C. § 666(e)).

ABC Polymer manufactured plastic sheets using assembly lines that pulled the plastic through clusters of large spinning rollers. The machine at issue posed a hazard due to moving roller "pinch points." OSHA requires this type of machinery to employ guards while the machine is energized. To save time, however, the company, routinely caused employees to run the machine without a proper guard when the rollers were moving. Supervisors instructed the operators to reach between or near the roller drums to cut tangles in the plastic sheet without stopping the line, allowing production to continue.

Despite knowing the machine previously hurt other workers who used it without a proper guard in place, ABC Polymer assigned the victim and others to cut tangles out of plastic sheeting from among the machine's unguarded spinning rollers with a hand tool. The victim died in August 2017, after becoming entangled in the spinning rollers. The company had a history of nearly two dozen injuries caused by the rollers, including two amputations and multiple other serious injuries requiring hospitalization.

The Occupational Safety and Health Administration conducted the investigation.



Photo taken following fatal accident on this machine



Sentencings

United States v. James Love, No. 5:21-CR-00264 (W.D. Okla.), AUSA Charles W. Brown.

On January 23, 2023, a court ordered James Love to pay a \$10,000 fine and complete a one-year term of probation. Love pleaded guilty to violating the Clean Air Act for tampering with a monitoring device (42 U.S.C. § 7413(c)(2)(C)).

Love owned and operated Southwest Diesel Service. Between February 2015 and April 2019, Love caused others to modify and delete the emissions control systems of diesel engines. He did this by removing the emissions control components and replacing the relevant portion of the exhaust system with straight pipes or by hollowing out and replacing the existing emissions control system. Love then directed others to “tune” the heavy-duty diesel trucks by reprogramming the trucks' onboard diagnostic systems. This prevented the trucks from going into “limp mode,” precluding the triggering of a malfunction indicator light.

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



“NOW DOING DPF & EGR DELETES”

United States v. Kyle J. Campbell, No. 1:20-CR-00147 (D. Md.), AUSA P. Michael Cunningham.

On January 23, 2023, a court sentenced Kyle J. Campbell to pay \$1,000 in restitution to the Maryland Natural Resources Police. Campbell violated the Bald and Golden Eagle Protection Act by shooting and killing a juvenile bald eagle (16 U.S.C. § 668(a)).



Juvenile bald eagle

Campbell raised free-range chickens and ducks and had problems with predators. In April 2020, after hearing noise near his chicken coop, Campbell borrowed a shotgun to kill an eagle, hiding the carcass in a nearby brush pile. After killing the eagle, Campbell exchanged text messages with a family member, admitting to the crime.

The U.S. Fish and Wildlife Service Office of Law Enforcement and the Maryland Natural Resources Police conducted the investigation.



Sentencings

United States v. Jonathan Roberto Rojas-Casados, et al., No. 7:22-CR-01383 (S.D. Tex.), AUSA Devin Victoria Walker.

On January 17, 2023, a court sentenced Mexican national Roberto Angel Roman-Alvarez to time-served after pleading guilty to violating the Lacey Act. Co-defendants Jonathan Roberto Rojas-Casados and Roberto Rojas-Ramirez pleaded guilty in December 2022 to similar charges for attempting to export wildlife from the United States into Mexico (16 U.S.C. §§ 3372(a)(1), 3372(a)(4), 3373(d)(1)(A)(a)).



Wildlife seized at the border

On August 3, 2022, the three men drove two vehicles into the Hidalgo Port of Entry and attempted to travel outbound into Mexico. Rojas-Ramirez had collected the wildlife and loaded the boxes into a vehicle. He then paid Rojas-Casados to assist with transporting the wildlife. None of the men possessed permits to export wildlife from the United States. Rojas-Casados and Roman-Alvarez rode together in a van, while Rojas-Ramirez followed behind in a separate vehicle. Authorities stopped both vehicles for inspection. Upon searching the van, they discovered two boxes holding more than 160 animals concealed in small plastic containers and fabric bags inside the boxes. Authorities identified a number of reptiles as protected species, including snakes, iguanas, scorpions, tarantulas, frogs, geckos and lizards.

Homeland Security Investigations and the U.S. Fish and Wildlife Service conducted the investigation, with assistance from U.S. Customs and Border Protection and the Gladys Porter Zoo.



Sentencings

United States v. Carson S. Wilhite, No. 1:20-CR-00106 (E.D. Calif.), AUSA Karen Escobar.

On January 13, 2023, a court sentenced Carson S. Wilhite to seven years and six months' incarceration, followed by four years' supervised release. Wilhite pleaded guilty to conspiring to manufacture, distribute and possess with intent to distribute marijuana and possessing firearms in furtherance of the conspiracy (21 U.S.C. §§ 846, 841; 18 U.S.C. § 924). Wilhite was also ordered to pay \$46,680 in restitution to the U.S. Forest Service for the damage caused by the cultivation operation.



Trash found on grow site

Wilhite operated a marijuana cultivation at his residence on private land in the Carter Creek watershed drainage network in the Sierra National Forest and on public land adjacent to his residence. While executing a search warrant in the summer of 2019, law enforcement officers located marijuana growing inside and outside of Wilhite's residence and 2,261 marijuana plants growing on the adjacent public land. They also found three firearms, including an AR-15 type assault rifle (without a serial number) and a .40 caliber semi-automatic pistol with a live round chambered. In a second residence on the property, officers located a safe, under Wilhite's control, that held an additional 11 guns.

In exchange for \$3,000 in cash and an additional \$300 per month, Wilhite allowed other individuals to pass through his property to the public land so that they could grow marijuana there. Upon harvest, Wilhite arranged to be paid with marijuana and an additional \$10,000.

According to a report by the Integral Ecology Research Center, several rare species lived in the cultivation area, including the California red-legged frog and the California spotted owl. Biologists located significant quantities of fertilizers and hazardous chemicals, including aluminum phosphide (a restricted use rodenticide legal for use only by licensed applicators), and methamidophos (an illegal and highly toxic pesticide). Marijuana plants were splattered with a white substance that tested positive for methamidophos. The grow site contained trash pits, latrines, and close to 2,000 pounds of trash and irrigation pipe. Workers diverted water from a tributary of Carter Creek to irrigate the marijuana plants. The grow site used an estimated 7.84 million gallons of water annually.

The U.S. Forest Service; the California Department of Fish and Wildlife; the Madera Narcotic Enforcement Team (MADNET), a task force consisting of law enforcement officers of the Madera County Sheriff's Office; the California Department of Justice; the Madera Police Department; the Chowchilla Police Department; the California Highway Patrol; the Madera County District Attorney's Office; the Madera County Probation Department; and the Madera County Sheriff's Office conducted this investigation.



Sentencings

United States v. Bowmar Bowhunting, LLC, et al., No. 8:20-CR-00178 (D. Neb.), AUSA Donald Kleine.

On January 12, 2023, a court sentenced Josh T. Bowmar, Sarah E. Bowmar, and Bowmar Bowhunting LLC, for conspiring to violate the Lacey Act (18 U.S.C. § 371). All three defendants will each complete three-year terms' of probation. The Bowmars will also perform 40 hours of community service. All three defendants will each pay \$25,000 fines (for a total of \$75,000) and are jointly and severally liable for a \$44,000 money judgment in lieu of forfeiting certain property. The court further ordered them to pay \$13,000 in restitution to Nebraska Game and Parks. As part of the probation terms, the Bowmars shall not hunt or engage in any activities associated with hunting within the District of Nebraska while under supervision.



Bowmar shot this white-tailed deer as it approached a bait pile

The Bowmars operated a hunting and outdoor video production company called Bowmar Bowhunting. They video-recorded archery hunts for white-tailed deer, mule deer, wild turkey, and other wildlife species in multiple states and countries. Between September 2015 through November 2017, the Bowmars conducted approximately five hunts per year at Hidden Hills Outfitters (HHO), a commercial big game guiding and outfitting business, near Broken Bow, Nebraska. The Bowmars conspired with HHO and other hunters to illegally transport wildlife, or parts thereof, from Nebraska to Ohio, which they should have known had been taken contrary to Nebraska state law.

This sentencing marks the completion of a lengthy investigation into the owners, guides, and clients of Hidden Hills Outfitters. A total of 52 people were prosecuted, with 39 of them pleading guilty and paying a sum total of \$759,732 in fines, restitution, and forfeiture. A court sentenced a total of 30 months' incarceration and 47 years of probation. The court restricted all defendants from hunting and guiding activities, due to multiple hunting violations, including: unlawfully taking big game animals or wild turkey, including deer taken within baited areas; deer, pronghorn, and wild turkeys taken with weapons or firearms prohibited during their respective hunting seasons; deer taken during closed season hours, from the road, or without a valid permit; and mule deer taken within the Mule Deer Conservation Area. An additional 13 individuals resolved their cases through administrative abandonment of various wildlife trophies originating from unlawful hunts at Hidden Hills Outfitters.

The U.S. Fish and Wildlife Service Office of Law Enforcement and the Nebraska Game and Parks Commission Law Enforcement Division conducted the investigation.



Sentencings

United States v. Partridge Sibley Industrial Services, No. 3:22-CR-00131 (S.D. Miss.) AUSA Gaines Cleveland.

On January 11, 2023, a court sentenced Partridge Sibley Industrial Services (PSIS) to pay a \$200,000 fine after pleading guilty to violating the Clean Water Act (33 U.S.C. § 1319(c)(1)(A)).

PSIS is a wastewater hauling business based in Jackson, Mississippi, that illegally discharged industrial waste into the Jackson sewer system. Between January 2017 through November 2017, the company transported and disposed of industrial waste from Gold Coast Commodities, Inc., (in Brandon, Mississippi) to a site at a commercial entity in Jackson, where workers deposited wastes into a holding tank that PSI installed. This tank connected to a pipe leading directly into the Jackson wastewater system. Employee William Roberts was recently sentenced to pay a \$1,000 fine and complete a one-year term of probation.



PSIS employee installing illegal pipe

The U.S. Environmental Protection Agency Criminal Investigation Division, the Federal Bureau of Investigation, the Brandon Police Department, and the Mississippi Department of Environmental Quality, conducted the investigation, with assistance from the Cities of Brandon and Jackson municipal governments.

United States v. Derek Kelley, No. 22-CR-00037 (D. Alaska), AUSA Steven Skrocki and former AUSA Charise Arce.

On January 11, 2023, a court sentenced Derek Kelley to complete a two-year term of probation, publish a public apology on his Facebook pages, and make a \$2,000 community service payment to the Marine Environment and Resources Foundation.

In April 2022, prosecutors charged the following ten individuals for smuggling protected marine corals from the Philippines into the United States: Jerome A. Stringfield, Albert B. Correia, Allen W. Ockey, Wayne R. King, James Knight, Valeriy V. Gorbounov, Nathan C. Meisner, Ricky A. Spires, Michael J. Lecam, and Kelley (18 U.S.C. 371, §§ 545; 16 U.S.C. §§ 3372(a)(1), 3373(d)(1)(A)).

Between July 2017 and August 2018, the defendants paid a Philippine national to dive for and collect protected marine corals. The Philippine national falsely labelled and shipped the coral through common carriers. All shipments landed and traveled through Anchorage, Alaska. Following receipt, the defendants sold the coral online to coral

(Continued on page 19)



Sentencings

(Continued from page 18)

collectors and hobbyists. Some of the coral is protected by the Convention on International Trade in Endangered Species (CITES). Additionally, Philippine law prohibits any person to gather, possess, commercially transport, sell or export corals commercially regardless of CITES status. In total, the defendants illegally purchased and sold more than 3,000 separate pieces of coral in violation of Philippines and U.S. law.

The Republic of the Philippines is one of six countries straddling the Coral Triangle, a 5.4 million-square-kilometer stretch of ocean that contains 75 percent of the world's coral species, one-third of the Earth's coral reefs, and more than 3,000 species of fish. Poaching for corals and other detrimental forces have left only five percent of coral reefs in the Philippines in "excellent" condition, and just one percent in a "pristine" state.

The U.S. Fish and Wildlife Service Office of Law Enforcement conducted the investigation.

***United States v. Richard Kazmaier*, No. 2:22-CR-00005 (N.D. Tex.), ECS Senior Trial Attorney Ryan Connors, AUSA Anna Bell, and ECS Paralegal Chloe Harris.**

On January 10, 2023, a court sentenced Dr. Richard Kazmaier to six months' incarceration, followed by three years' supervised release, and to pay a \$5,000 fine. Kazmaier pleaded guilty to violating the Lacey Act for illegally importing wildlife into the United States (16 U.S.C. §§ 3372(a)(1), 3373(d)(1)(A)).

Kazmaier worked as a biology professor at West Texas A&M University. From approximately 2009, Kazmaier purchased wildlife items from around the world for his personal collection. He imported the wildlife without declaring it to customs or the U.S. Fish and Wildlife Service. The wildlife included protected species.

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



Sentencings

United States v. Jose A. Der, Jr., No. 1:22-CR-00014 (W.D.N.Y.), AUSA Aaron Mango.

On January 6, 2023, a court sentenced Jose A. Der, Jr., to pay a \$10,000 fine and complete a two-year term of probation after pleading guilty to a Lacey Act trafficking charge (16 U.S.C. §§ 3372(a)(1), 3373(d)(1) (B)).

Der, doing business as Der Dau Custom Made Boots & Shoes, in Brooklyn, New York, created custom equestrian riding boots. In November 2016, authorities intercepted four shipments (nine pairs) of custom-made boots from Canada that customers paid Der to make repairs. The seized boots were trimmed with skins such as elephant, python and alligator. No one declared the boots to authorities nor provided the permits required to accompany the shipments. Investigators determined that following the boot seizures, in an effort to keep his customers happy, Der remade/replaced the boots with the same types exotic skins as the original pairs and shipped them back to customers in Canada and elsewhere, undeclared and without permits.

Between 2015 and 2020, Der shipped 48 pairs of boots with exotic wildlife trim (including stingray, crocodile, python, and monitor lizard) to customers in Canada. Der failed to obtain the necessary permits or file appropriate paperwork with any of the required authorities. In total, experts value these custom-made boots at \$129,361.

The U.S. Fish and Wildlife Service, the New York State Department of Environmental Conservation, and Environment and Climate Change Canada Wildlife Enforcement Division conducted the investigation.

United States v. Megan Hess, et al., No. 1:20-CR-00098 (D. Colo.), AUSAs Jeremy Chaffin and Tim Neff.

On January 3, 2023, a court sentenced Megan Hess and her mother, Shirley Koch, after they pleaded guilty to mail fraud for illegally selling body parts or entire bodies without the consent of the families of the deceased (18 U.S.C. § 1341).

Megan Hess was sentenced to 20 years' incarceration and Koch was sentenced to 15 years, followed by three years' supervised release. A hearing to determine restitution is scheduled for March 6, 2023.

Between 2010 and 2018, Hess and Koch operated the Sunset Mesa Funeral Home in Montrose, Colorado. The business purported to provide burial and cremation services.



Boots comprised of elephant, python, and alligator

(Continued on page 21)



Sentencings

(Continued from page 20)

Hess and Koch met with families seeking cremation services, offered to cremate the decedents' bodies, and provided the remains to the families. The Home charged a minimum of \$1,000 for cremations that often did not occur.

In 2009, Hess created a nonprofit called Sunset Mesa Funeral Foundation, d/b/a Donor Services, a body broker service operated out of the same location. On numerous occasions, the defendants failed to follow family's wishes, and neither discussed nor obtained authorization for Donor Services to transfer decedents' bodies or body parts to third parties. In the few instances where families agreed to donation, Hess and Koch sold the remains of those decedents beyond what was authorized by the family (often limited to small tissue samples, tumors, or portions of skin.) Hess and Koch also delivered cremains to families with the representation that the cremains were that of the deceased when, frequently, that was not the case.

The defendants shipped bodies and body parts that tested positive for, or belonging to people who had died from, infectious diseases, including Hepatitis B and C, and HIV, after certifying to buyers that the remains were disease free. They made these shipments through the mail or on commercial air flights in violation of Department of Transportation regulations regarding the transportation of hazardous materials.

The Federal Bureau of Investigation and the Department of Transportation Office of the Inspector General conducted the investigation.



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

| Position | Name | Phone |
|-----------------------------|------------------------|--------------|
| Chief | Deborah Harris | 202-305-0347 |
| Deputy Chief | Joseph Poux | 202-305-0357 |
| Assistant Chief | Thomas Ballantine | 202-514-2956 |
| Assistant Chief | Wayne Hettenbach | 202-305-0213 |
| Assistant Chief | Lana Pettus | 202-305-0403 |
| Assistant Chief | Jennifer Whitfield | 202-305-0348 |
| Senior Litigation Counsel | Richard Udell | 202-305-0361 |
| Senior Counsel for Wildlife | Elinor Colbourn | 202-305-0205 |
| Senior Counsel | Kris Dighe | 202-305-1574 |
| Senior Trial Attorney | Cassandra Barnum | 202-305-0333 |
| Senior Trial Attorney | Ryan Connors | 202-305-0363 |
| Senior Trial Attorney | Christopher Costantini | 202-305-0375 |
| Senior Trial Attorney | Adam Cullman | 202-305-0227 |
| Senior Trial Attorney | Stephen DaPonte | 202-305-2729 |
| Senior Trial Attorney | Gary Donner | 202-305-0338 |
| Senior Trial Attorney | Daniel Dooher | 202-305-0351 |
| Senior Trial Attorney | Patrick Duggan | 202-305-0366 |
| Senior Trial Attorney | Ethan Eddy | 202-305-0202 |
| Senior Trial Attorney | Todd Gleason | 202-305-0379 |
| Senior Trial Attorney | Jeremy Korzenik | 202-305-0325 |
| Senior Trial Attorney | Ken Nelson | 202-305-0435 |
| Senior Trial Attorney | RJ Powers | 202-514-5472 |
| Senior Trial Attorney | Banu Rangarajan | 202-305-0348 |
| Trial Attorney | Sarah Brown | 202-305-0459 |
| Trial Attorney | Matthew Evans | 202-305-0381 |
| Trial Attorney | Stephen Foster | 202-305-4682 |
| Trial Attorney | Christopher Hale | 202-305-0327 |
| Trial Attorney | Joel LaBissonniere | 202-616-0029 |
| Trial Attorney | Samuel (Charlie) Lord | 202-305-0328 |
| Trial Attorney | Matt Morris | 202-598-3105 |
| Trial Attorney | Shennie Patel | 202-305-0295 |
| Trial Attorney | Erica Pencak | 202-514-1543 |
| Trial Attorney | Leigh Rende | 202-514-1461 |
| Trial Attorney | Rachel Roberts | 202-305-0360 |
| Trial Attorney | Mark Romley | 303-844-1368 |
| Trial Attorney | William Shapiro | 916-207-3080 |
| Trial Attorney | Lauren Steele | 202-305-0897 |