Monthly Bulletin

Environmental Crimes Section

February 2017

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Photo of the *Wild Alaskan* from *U.S. v Byler*, a case involving violations of the Rivers and Harbors Act and False Statements. See inside for more details on the case.

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[redacted]	[redacted]	[redacted]
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District/Circuit	Case Name	Case Type/Statutes
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Decisions

United States v. Donald L. Blankenship, ___F. 3d ___, 2017 WL 218868 (4th Cir. Jan. 19, 2017).

On January 19, 2017, the Fourth Circuit Court of Appeals upheld the conviction of Donald L. Blankenship, former Chairman and CEO of Massey Energy Company, for conspiring to violate federal mine safety laws and regulations. In 2009, the Mine Safety Administration identified 549 violations of the Mine Safety Act (30 U.S.C. § 801) at the Upper Big Branch mine owned by Massey. In April 2010, an accident at the Upper Big Branch mine killed 29 miners. Evidence suggested that Blankenship viewed fees for safety violations as a cost of doing business and avoided safety compliance. After a six-week trial, a jury convicted Blankenship under 30 U.S.C. § 820(d). The district court sentenced him to one year of imprisonment and a $250,000 fine, the maximum permitted by law. On appeal, Blankenship argued that the district court: (1) erroneously concluded that the superseding indictment sufficiently alleged a violation of 30 U.S.C. § 820(d); (2) improperly denied Blankenship the opportunity to engage in re-cross examination of an alleged co-conspirator; (3) incorrectly instructed the jury regarding the meaning of "willfully" in 30 U.S.C. § 820(d), which makes it a misdemeanor for a mine "operator" to "willfully" violate federal mine safety laws and regulations; and (4) incorrectly instructed the jury as to the government's burden of proof.

On (1) the Court stated that an indictment citing general statutory language will satisfy the Constitution if it includes "an accompanying statement of facts that apprises a defendant of the specific offense the government alleges the defendant committed." The Court noted the government included a 30-page factual background identifying numerous mine safety regulations that Blankenship conspired to violate. The Court distinguished two cases where it held an indictment to be insufficient because the indictments did not include an "essential statutory element of the offense." The Court held that the superseding indictment tracked the statutory language and did not broaden the scope of the offense.

On (2) the Court stated that an opposing party has the right of cross-examination on "new matter" that is opened up on redirect, but the privilege of re-cross on matters not brought up on redirect lies within the trial court's discretion. There is no bright line rule as to what "new matter" is, but redirect testimony can only be considered "new matter" when a "witness offers materially different testimony regarding a subject first introduced on direct." The Court concluded that the subjects Blankenship was requesting re-cross on were dealt with on cross or "cumulative of other evidence introduced at trial." Therefore, to the extent the district court erred in denying re-cross on those subjects, the Court concluded the "error was harmless beyond a reasonable doubt" and Blankenship could have recalled the witness during the trial.

On (3) the Court stated that it considers the jury instructions defining "willfully" as a whole in the context of the charge and whether the instructions accurately reflect controlling law. The Court upheld the district court's instructions. The Court drew parallels between Section 924(d)(1) of the Gun Control Act and Section 820(d) in the Mine Safety Act to show that "willfully" can be interpreted in terms of "reckless disregard." The Court

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explained that based on prevailing Circuit and Supreme Court case law, "willfully" can be defined as "reckless disregard" in the civil and criminal contexts. The Court, in response to *amici* pleadings, reviewed legislative history and noted that Congress included incarceration for mine operators in the Mine Safety Act to prevent internalizing the costs associated with noncompliance of safety regulations even if noncompliance meant increased profits from the business perspective. The Court further explained that mine operators have responsibility for safety compliance and an operator acts with "reckless disregard" by failing to operate in close adherence to the safety regulations creating a "should have known" standard for liability under Section 820(d).

On (4) the Court cited disfavor in the other Circuits of the "two-inference" instruction and directed the district courts to no longer use it going forward. The "two-inference" instruction provides that if the jury views the evidence as "reasonably permitting either of two conclusions—one of innocence, the other of guilt—the jury should, of course, adopt the conclusion of innocence." The Court cited to *United States v. Khan*, 821 F.2d 90 (2nd Cir. 1987) to explain that this instruction implies the application of a preponderance of the evidence standard when it should not. However, despite its disapproval of the instruction, the Court held that the district court's use of the "two-inference" instruction did not amount to reversible error.

United States v. Willie Henderson, ___Fed Appx.___, 2017 WL 56287 (11th Cir. Jan. 5, 2017).

On January 5, 2017, the Eleventh Circuit Court of Appeals vacated the sentence and remanded back to the district court for resentencing.

Willie Henderson was charged with eight counts of dog-fighting for his management of a large-scale dog-fighting operation. After the execution of a search warrant, 20 pit-bull terriers were found with scars and injuries consistent with dog fights, an array of items and devices used to train the dogs for fighting, drugs, and two guns. Pursuant to a plea agreement, Henderson pleaded guilty to one count of conspiracy in interstate commerce in aid of unlawful activities and to sponsor and exhibit a dog in an animal fighting venture, and one count of possession of a firearm by a convicted felon. The government dismissed the six remaining counts.

Due to an error calculating Henderson's offense level under USSG Chapter 3, Part D (multiple-count adjustment rule), the district court sentenced Henderson under a higher guideline range. While both the government and Henderson agreed that the district court erred, the error went overlooked in the court's proceedings. The appellate court held that because the issue was raised for the first time on appeal, it required remand only if Henderson could show that the plain error had affected his substantial rights. Looking to *Molina-Martinez v. United States*, 578 U.S. ___, 136 S. Ct. 1338 (2016) for guidance, the Court concluded that Henderson's substantial rights had been affected due to "a substantial probability that, but for the error, the outcome of the proceeding would have

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been different." The Court reasoned that because the record is silent as to how the district court would have sentenced Henderson absent its error, the judge's reliance on an incorrect range to sentence Henderson was sufficient on its own to show prejudice to his substantial rights.

United States v. Egan Marine Corporation, 843 F.3d 674 (7th Cir. Dec. 2016).

On December 12, 2016, the Seventh Circuit Court of Appeals reversed the convictions of Egan Marine Corporation and Dennis Egan, directing judgments of acquittal.

Egan and Egan Marine were charged and sentenced in the district court for the 2005 explosion of a barge carrying slurry oil and the death of a deckhand working on the barge. However, the criminal prosecution of these defendants was the second trial of these allegations on the same evidence as the government had brought a civil suit against them two years prior to the criminal case. The Court then held that the criminal action against these defendants was barred by collateral estoppel since the same issues had been raised against both defendants in the civil matter. After a bench trial in the civil matter, the judge held that the government had not proven by a preponderance of the evidence that the deckhand was using a torch on the cargo pump of the barge at the time of the incident. The government had the opportunity to appeal the civil decision, but did not and instead proceeded with the criminal prosecution.

The Court asserted that the Supreme Court had established in *Yates v. United States*, 354 U.S. 298 (1957) that outcomes in civil matters have preclusive force in criminal prosecutions. Relying on that case, the Court explained that if a factual claim cannot be proven by a preponderance of the evidence standard then it cannot logically show the same factual claim beyond a reasonable doubt. The Court, citing to *United States v. Weems*, 49 F.3d 528 (9th Cir. 1995), and *United States v. Rogers*, 960 F.2d 1501 (10th Cir. 1992), explained that both of those circuits took *Yates* at face value holding that a criminal prosecution can be blocked by the preclusive effect from the decision in a civil matter. The Court distinguished preclusion in the civil-criminal sequence from instances where preclusion did *not* apply in the administrative-criminal and criminal-criminal sequence. The Court asserted that the rules of preclusion can be flexible citing to the *Restatement (Second) of Judgments* § 28, but that the criminal trial judge had not established that any of those exceptions applied here and had simply disregarded the decision in the civil matter. The Court then determined that Egan and Egan Marine were entitled to the "normal principles of mutual preclusion" because they were "in privity" therefore, both were granted the preclusive effect of the decision in the civil matter.

Trials

United States v. DNRB d/b/a Fastrack Erectors, **No. 4:15-CR-00362 (W.D. Mo.), AUSA Paul S. Becker and DOL SAUSAs Evert Van Wijk and Rachel Parsons.**

On January 20, 2017, the court issued its findings of fact and conclusions of law, following the conviction of DNRB, Inc., doing business as Fastrack Erectors. In August 2016, the company was convicted after a bench trial of violating OSHA (29 U.S.C. § 666(e)), and causing the death of an ironworker.

Photo showing where accident occurred.

In July 2014, Fastrack was a subcontractor in the construction of a 300,000-square-foot distribution warehouse. Fastrack is an American Institute of Steel Construction-certified steel erection company. It supplied onsite supervisors, while the ironworkers were hired from a union local.

On July 24, 2014, two Fastrack ironworker employees were receiving a bundle of roof decking sheet metal and setting it on top of the building's bar joists. The employees' task required them to guide the decking bundle to land it. Each bundle was 26 feet long by 36 inches wide. They accessed the top of the building from a scissor lift and walked approximately 15 feet along a joist without wearing any fall protection. They walked on trusses that were nine inches wide, or bar joists which were five inches wide. Other ironworkers secured the decking to the trusses with screws and welds. These workers did not use fall protection.

Eric Roach, one of the employees landing the decking, fell approximately 30 feet to the ground and was transported to a local hospital where he died the following day.

Fastrack was a subcontractor to ARCO National Construction-KC, Inc. The contract between ARCO and Fastrack required that "Fastrack personnel who are working or present at heights in excess of 6 feet shall be provided, by (Fastrack) adequate fall protection." No fall protection equipment was provided by the company. Both working foremen on the site were told, or questioned, about the lack of fall protection equipment and were in a position to personally observe employees failing to use it. At least one of the foremen was working on the decking in the immediate area of the employees; he failed to wear fall protection himself and failed to enforce the use of protection by the employees.

This case was investigated by the Occupational Safety and Health Administration.

Indictments

[redacted]

Indictments

United States v. Hector M. Cruz, No. 1:17-mj-00642 (S.D.N.Y.), AUSAs Michael C. McGinnis and Alison G. Moe.

On January 31, 2017, a complaint was unsealed following Hector M. Cruz's arrest for possessing, selling, and transporting roosters for purposes of participation in animal fights around the United States (7 U.S.C. § 2156(b)).

According to the complaint, between December 2012 and January 2017, Cruz, a New York City public school teacher, maintained a rooster farm in the Bronx, where he bred, raised, and trained roosters for cockfighting. He sold and shipped his roosters to individuals across the country, knowing that the birds were intended for cockfights. Cruz allegedly communicated with customers through social media and received payments of as much as $600 for the birds.

This case was investigated by the U.S.D.A. Office of Inspector General, and the N.Y. Police Department Animal Cruelty Investigation Squad.

United States v. Lonnie M. Ray, No. 1:16-CR-00094 (S.D. Miss.), AUSA Gaines Cleveland.

On January 19, 2017, Lonnie M. Ray and Shelley H. Ray, the principal officers of Cowart Seafood, Inc., were named in a five-count indictment with conspiracy and Lacey Act violations related to the illegal harvest of seafood (18 U.S.C. § 371; 16 U.S.C. §§ 3372 (a)(2)(A), 3373(d)(1)). Lonnie Ray also is charged with illegal possession of a short-barreled shotgun (26 U.S.C. § 5861(d)).

The owners of Cowart Seafood in Bay St. Louis have been indicted on charges involving the illegal sale of red drum, also known as redfish, and spotted sea trout.

Bay seafood supplier accused of illegal sales

BY ROBIN FITZGERALD
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GULFPORT

The owners of Cowart Seafood in Bay St. Louis have been indicted on charges involving the illegal sale of red drum and spotted sea trout to Louisiana businesses in 2014 and 2015.

Lonnie M. Ray and Shelley H. Ray face the charges in U.S. District Court in Gulfport.

An indictment unsealed Thursday shows both face a charge of conspiracy to violate the Lacey Act, which makes it illegal to sell fish taken in violation of state laws and to cross state lines with those fish.

Both face two counts each of Lacey Act violations.

Lonnie Ray also faces a charge alleging he illegally possessed a short-barrel shotgun on June 17, 2015. That's when he allegedly was found cultivating marijuana, and was jailed on two drug distribution charges.

The indictment alleges they illegally sold seafood to businesses in Louisiana failed to notify the state Department of Marine Resources of purchases from commercial fishermen, illegally bought seafood from recreational fishermen and kept two sets of books.

One set of books showed seafood sales, as shown on "trip tickets" given to DMR, and the other set showed the amount of their actual sales, the indictment said.

They are accused of selling red drum, also known as redfish, to Kenney Seafood Inc. of Slidell on March 20, 2015, and selling red drum and spotted sea trout to the New Orleans Fish House in New Orleans on May 12, 2015.

The Rays each pleaded not guilty Thursday and were released on bond.

Their trial is set on a court calendar that starts March 6.

The charges against both are punishable by up to 15 years in prison. The firearm charge carries up to 10 years.

The case represents combined investigative work on the part of several agencies, U.S. Attorney Gregory Davis and NOAA Acting Assistant Director said in a news release.

Federal fish and wildlife agents and firearm agents also assisted.

Photo and article from Mississippi Sun Herald

The defendants are charged with selling fish to Louisiana seafood buyers that was taken in violation of Mississippi law in 2015. Seafood dealers are required to submit information about each seafood purchase from a commercial fisherman on a trip ticket that is provided to the Mississippi Department of Marine Resources (DMR). Lonnie and Shelly Ray allegedly failed to report seafood purchases to the DMR and maintained separate records of their actual seafood sales. They also are charged with buying fish from recreational fishermen in violation of state law.

The indictment alleges that, on March 18, 2015, Lonnie Ray sold approximately 200 pounds of red drum to a wholesale seafood purchaser in Louisiana. On May 12, 2015, he purchased approximately 75 pounds of red drum and 78 pounds of spotted seatrout, but did not submit a trip ticket to the DMR. Later that day, he completed the transaction by selling seven red drum and 33 spotted sea trout to a wholesale seafood purchaser in

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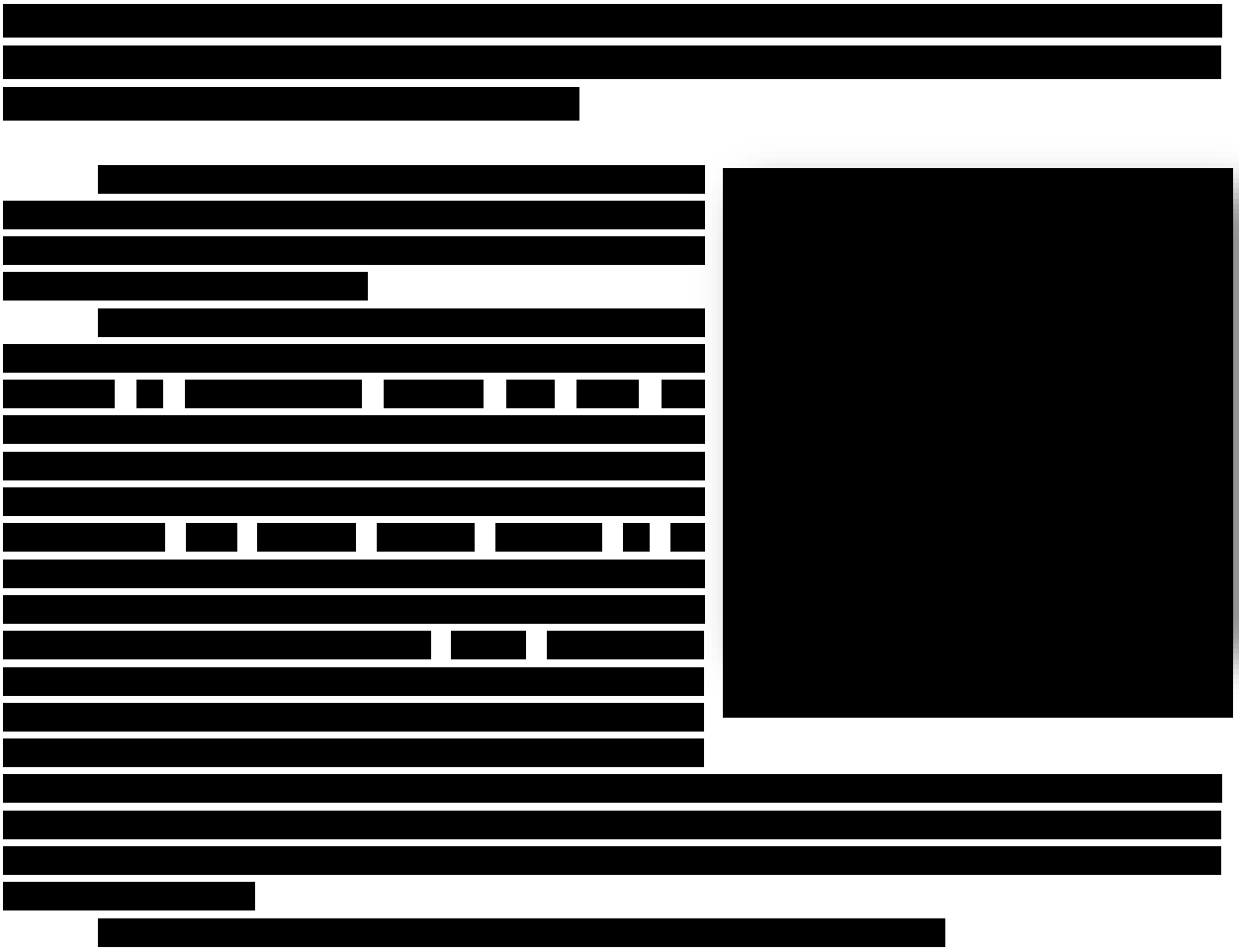
Louisiana.

During the execution of a search warrant, agents found an Essex SX Gun Works 12-gauge double-barrel shotgun, with a barrel that was less than l8 inches long.

This case was investigated by NOAA; the U.S. Fish and Wildlife Service; the Mississippi DMR; and the Bureau of Alcohol, Tobacco, Firearms, and Explosives.



Indictments

United States v. Sean Gerson, No. 2:17-CR-00013 (C.D. Calif.), AUSA Joe Johns.

On January 10, 2017, a four-count indictment was filed charging Sean Gerson and his business, Vaccination Services, with one misbranding and three FIFRA charges (21 U.S.C. §§ 331(a), 333(a)(2); 7 U.S.C. § 136*j*(a)(1)(A)) stemming from his selling misbranded veterinary medications via the Internet, without a prescription. Gerson was arrested on a complaint filed last December.

Anti-flea product not registered in the U.S.

According to the complaint, Gerson delivered into interstate commerce a few misbranded drugs: Advantix and Comfortis (anti-flea medications) and ciprofloxacin, a powerful antibiotic commonly called "Cipro" that can be used in dogs and cats to treat skin, respiratory, and urinary tract infections. The drugs were allegedly dispensed without a prescription. Gerson used several websites to market prescription animal products to buyers without valid prescriptions, rendering the medications misbranded. Additionally, it is a violation of FIFRA to import or sell veterinary medicines that have not been approved by the FDA and EPA for use in this country. The anti-flea medication Gerson sold was designed for the South African market and was not approved for distribution in the United States. At the time of his arrest, investigators executed a search warrant at a storage unit linked to Gerson, where they seized a variety of veterinary prescription products.

In 2006, the State of California Department of Pesticide Regulations obtained a $444,700 administrative judgment against Gerson and his business for 108 violations related to the unlawful distribution of unapproved and misbranded pesticides (pet flea and tick medication products). In addition, Gerson has two previous criminal convictions involving the illegal sale of pet medications and products in the state of Texas.

In 2014, he pleaded guilty in Texas to delivery of a dangerous drug, specifically a prescription drug called Clenbuterol. Following that conviction, Gerson agreed to work as a confidential informant for authorities, with the stipulation he could not sell animal prescription drug products. In 2015, Gerson pleaded guilty to money laundering in relation to the distribution of animal prescription drug products. He remains on probation as part of that sentence. Trial is scheduled to begin on March 7, 2017.

This case was investigated by the California Department of Pesticide Regulation, the Food and Drug Administration Office of Criminal Investigations, Homeland Security Investigations, and the U.S. EPA Criminal Investigation Division.

Indictments

[redacted]

Indictments

[redacted]

United States v. Robert Walsh, No. 3:16-CR-02872 (S.D. Calif.), AUSA Melanie Pierson.

On December 8, 2016, a San Diego property manager and his firm were charged with four counts of wire fraud (18 U.S.C. § 1343) in connection with a scheme to defraud a homeowners' association (HA), including the costs for removing asbestos.

The indictment states that Cornerstone Management Professionals, Inc., and Robert Walsh falsely represented that Cornerstone could properly submit bids to the HA for construction projects. In submitting such bids, the defendants concealed the lower bids to make it appear as if Cornerstone was the low bidder in order to be awarded the projects.

The indictment further alleges that on March 26, 2015, the defendants sent an email seeking a change order from the HA to cover the cost of asbestos removal. On April 28, 2015, they sent an email to the contractor working on the project, falsely representing that no asbestos was present. This was done to convince the contractor to conclude the demo project, without involving an asbestos abatement firm so that the defendants could retain the entire value of the change order. The indictment seeks forfeiture of $247,000 from illegal proceeds.

This case was investigated by the FBI and the U.S. EPA Criminal Investigation Division.

Guilty Pleas

United States v. Ellis Leon Gibbs, Jr., and Dwayne J. Hopkins, Nos. 4:14-CR-00009, 2:15-CR-00008 (E.D.N.C.), ECS Trial Attorneys Shennie Patel and Shane Waller, AUSA Banu Rangarajan, and ECS Paralegal Jon Jones.

On January 23, 2017, fishermen Dwayne J. Hopkins and Ellis Leon Gibbs, Jr., pleaded guilty to a Lacey Act trafficking charge for illegally harvesting and selling Atlantic striped bass off the coast of North Carolina in 2010 (16 U.S.C. §§ 3372(a)(1) & 3373 (d)(1)). Gibbs also pleaded guilty to obstructing a boarding by the United States Coast Guard (18 U.S.C. § 1505).

In February 2010, NOAA received information that commercial trawlers were illegally fishing for Atlantic striped bass in federal waters off the coast of North Carolina. Since 1990, there has been a ban on the harvesting of Atlantic striped bass in the United States' Exclusive Economic Zone (EEZ) that spans between three and 200 miles seaward of the U.S. Atlantic coastline.

After receiving the information, NOAA engaged the assistance of the Coast Guard. A patrol vessel intercepted and boarded the *F/V Lady Samaira,* one of 17 commercial trawlers in the EEZ. At the time of the boarding, the boat was captained by Gibbs. Upon questioning, Gibbs admitted that he was targeting Atlantic striped bass. When asked where he caught the fish, he produced electronically-saved track lines from the vessel's navigation computer. The track lines, however, were fishing tows he made in state waters (where the harvest of striped bass would have been lawful at the time) on February 13, 2009, almost a year prior to the February 9, 2010 boarding.

Inspectors counted 173 Atlantic striped bass on the deck of the *Lady Samaira*, and directed Gibbs to take the vessel to port in Engelhard, North Carolina, where NOAA agents awaited to conduct a dockside investigation. Upon boarding, NOAA agents found only 99 striped bass aboard the vessel. The vessel's crew had discarded 74 fish prior to their arrival. The value of the missing fish was estimated at more than $12,000. When questioned, Gibbs initially lied and told the agents that he had caught the fish within state waters. When confronted with the data from NOAA's vessel monitoring system, he subsequently confessed to fishing nine miles offshore and signed a written statement of his admission.

Between January 27, 2009, and February 10, 2010, Gibbs harvested more than 9,000 pounds of Atlantic striped bass from the EEZ, which he sold to a fish dealer in Engelhard, North Carolina. The retail market value of the fish illegally harvested and sold

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exceeded $72,000.

During its investigation, NOAA determined that between January 29, 2009, and February 10, 2010, Hopkins, the captain of the commercial trawler *Lady Carolyn*, harvested more than 7,000 pounds of Atlantic striped bass from the EEZ, which he sold to fish dealers in Wanchese, North Carolina. The retail market value of the fish illegally harvested and sold by Hopkins exceeded $55,000. To conceal the illegal harvests, he submitted false statements to NOAA, claiming to have caught the fish in state waters.

Three other commercial fisherman, Dewey W. Willis, Jr., James Ralph Craddock, and Joseph Howard Williams, have pleaded guilty to Lacey Act violations.

This case was investigated by NOAA OLE, with assistance from the U.S. Coast Guard, the North Carolina Marine Patrol, and the Virginia Marine Police.

United States v. Terminix International Company LP, No. 3:17-CR-00007 (D.V.I.), ECS Senior Litigation Counsel Howard Stewart, AUSA Kim L. Chisholm, RCEC Patricia Hick, and ECS Paralegal Ashley Patterson.

On January 20, 2017, a new information and plea agreement were filed against Terminix International Company LP and Terminix, USVI. The companies are charged with multiple FIFRA violations (7 U.S.C. §§ 136*j*(a)(2)(G) and 136*l*(b)(l)(B)) for illegally applying fumigants containing methyl bromide in multiple residential locations in the U.S. Virgin Islands. A family of four from Delaware vacationing in St. John in March 2015 fell seriously ill after the unit below them was fumigated.

The EPA banned the indoor use of methyl bromide products in 1984. The few remaining uses are severely restricted due to their acute toxicity, and must only be applied by a certified applicator. After the government began its investigation, Terminix LP voluntarily ceased its use of methyl bromide in the U.S. and in U.S. territories, except for one remaining project at the Port of Baltimore.

In October 2014 and March 2015, the defendants allegedly applied restricted-use fumigants at the Sirenusa resort in St. John for the purpose of exterminating household pests. The companies also applied the chemical in 12 residential units in St. Croix and one additional unit in St. Thomas between September 2012 and February 2015. Terminix, USVI provided pest control services in the Virgin Islands including fumigation treatments for Powder Post Beetles, a common problem in the islands. These fumigation treatments were referred to as "tape and seal" jobs, meaning that the affected area was to be sealed off from the rest of the structure with plastic sheeting and tape prior to the introduction of the fumigant. Customers were generally told that they could not enter the building for two to three days after a treatment.

On March 18, 2015, two Terminix, USVI employees fumigated a lower rental unit at Sirenusa in St. John. The upper unit was occupied by the Esmond family. Methyl bromide migrated upstairs, causing serious injury to and hospitalization of the entire family.

This case was investigated by the U.S. EPA Criminal Investigation Division, with assistance from the Virgins Islands government, and the Agency for Toxic Substances and Disease Registry.

Guilty Pleas

United States v. Charles E. Bayer, Jr. No., 5:16-CR-00393 (N.D.N.Y.), ECS Senior Trial Attorney Todd Gleason and AUSA Michael F. Perry.

On January 12, 2017, Charles Edward Bayer, Jr., pleaded guilty to conspiracy to commit mail fraud and to violate the Clean Air Act (18 U.S.C. § 371).

Between 2011 and 2013, Bayer purchased and re-sold motor vehicle simulator devices that were designed and programmed to allow vehicles to fraudulently by-pass emissions inspections tests. Bayer admitted that he initially purchased an inventory of these devices, along with a customer list, from a co-conspirator, and that he subsequently manufactured and sold additional devices for the same purpose. He further admitted that he understood his customers were using the devices to fraudulently bypass motor vehicle inspections and that he added a disclaimer to the instructions that the devices were for "development/off road use only" to make the devices appear legitimate.

This case was investigated by the U.S. EPA Criminal Investigation Division and the New York State Department of Environmental Conservation.

United States v. Volkswagen AG, No. 16-CR-20394 (E.D. Mich.), ECS Senior Trial Attorney Jennifer Blackwell, Fraud Attorney David Fuhr, and AUSAs Mark Chutkow, John Neal and Timothy Wyse. ECS paralegal Diana Greenberg Patterson. Contract law clerks: Ellen Czajkowski, Jon DeCarlo, and Lisa Villacis.

On January 11, 2017, Volkswagen AG agreed to plead guilty to three criminal felony counts and to pay a $2.8 billion criminal penalty. The plea comes as a result of the company's long-running scheme to sell close to 600,000 diesel vehicles in the U.S. by using a defeat device to cheat on emissions tests mandated by the U.S. EPA and the California Air Resources Board, and lying and obstructing justice.

In separate civil resolutions of environmental, customs, and financial claims, VW has agreed to pay $1.5 billion. This includes EPA's claim for civil penalties against VW in connection with the importation and sale of these cars, as well as U.S. Customs and Border Protection claims for customs fraud. In addition, the EPA agreement requires injunctive relief to prevent future violations. The agreements also resolve alleged violations of the Financial Institutions Reform, Recovery and Enforcement Act.

VW has agreed to plead guilty to participating in a conspiracy to defraud the United States and VW's U.S. customers and to violate the Clean Air Act by lying and misleading the EPA and U.S. customers about whether certain VW, Audi, and Porsche-branded diesel vehicles complied with U.S. emissions standards, using cheating software to circumvent the U.S. testing process and concealing material facts about its deception from regulators. VW also is charged with obstruction of justice for destroying documents related to the scheme, and with importing these cars into the U.S. by means of false statements about the vehicles' compliance with emissions limits (18 U.S.C. §§ 371, 542, 1512(c)).

Under the terms of the plea agreement, which must be accepted by the court, VW

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will plead guilty to these charges, complete a three-year term of probation, will be supervised by an independent corporate compliance monitor who will oversee the company for at least three years, and agrees to fully cooperate in the Justice Department's ongoing investigation and prosecution of individuals responsible for these crimes.

In addition, six VW executives and employees, all German nationals, were named in an 18-count indictment for their roles in the nearly decade-long conspiracy: Heinz-Jakob Neusser, Jens Hadler, Richard Dorenkamp, Bernd Gottweis, Oliver Schmidt, and Jürgen Peter are charged with one count of conspiracy to defraud the United States, defraud VW's U.S. customers and violate the CAA by making false representations to regulators and the public about the ability of VW's "clean diesel" vehicles to comply with U.S. emissions requirements. The indictment also charges Dorenkamp, Neusser, Schmidt and Peter with CAA violations and charges Neusser, Gottweis, Schmidt and Peter with wire fraud counts (18 U.S.C. §§ 371, 1343; 42 U.S.C. § 7413(c)(2)(A)).

This case was investigated by the FBI and the U.S. EPA Criminal Investigation Division.

United States v. Wayne Martin, No. 1:16-CR-02722 (D.N.M.), AUSA Jeremy Peña.

On January 5, 2017, Wayne Martin, a Cochiti Pueblo Man, pleaded guilty to violating the Migratory Bird Treaty Act (16 U.S.C. §§ 703, 707(b)). In February 2012, Martin offered to sell three hawks without a permit. The defendant will forfeit a rifle at the time of sentencing.

This case was investigated by the U.S. Fish and Wildlife Service.

Birds defendant offered for sale to undercover agent

Sentencings

[redacted]

United States v. Michael Collalto, No. 6:16-CR-06048 (W.D.N.Y.), AUSAs Tiffany Lee and Craig Gestring, and ECS Trial Attorney Christopher Hale.

On January 30, 2017, Michael Collalto pleaded guilty to four violations of the Lacey Act (16 U.S.C. §§ 3372(a)(2)(A), 3373(d)(2)) and was sentenced to pay a $5,000 fine, complete a four-year term of probation, and perform 300 hours of community service. Collalto admitted to knowingly receiving or transporting six snakes that were protected and illegally collected under the laws of Oregon or New Jersey in 2011 and 2012.

Kingsnake

Collalto is a reptile collector who traded with Gerard Kruse, who was previously prosecuted for knowingly

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Sentencings

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receiving or transporting 59 snakes that were illegally collected under the laws of California, Oregon, North Carolina, or New Jersey. In 2011, Kruse received a rattlesnake that was shipped by U.S. Mail. Collalto shipped three Kingsnakes, a Northern pine snake, a pregnant Coastal Plains milk snake, and a pregnant corn snake, all taken in violation of state law.

This case was investigated by the U.S. Fish and Wildlife Service.

United States v. James Powers, Nos. 15-CR-00163, 1:16-CR-00076 (D.D.C.), ECS Trial Attorney Cassie Barnum, AUSAs Virginia Cheatham and Zia Faruqui, and ECS Paralegal Cindy Longmire.

On January 30, 2017, James Powers was sentenced to 20 months' incarceration, followed by three years' supervised release, after pleading guilty to violating the Clean Air Act (42 U.S.C. § 7413(c)(1)) for his role in a scheme to improperly remove asbestos from a historic building in the District of Columbia.

In March 2010, Powers formed a partnership with a local real estate development firm to purchase and renovate the historic Friendship House into condominiums, a development known as the Maples. Prior to renovation, Powers was informed of the presence of asbestos throughout the building. After taking bids for the proper removal of the asbestos, Powers hired Larry Miller, a general contractor with no asbestos abatement certification or experience. Powers represented to his partners that a qualified entity would conduct appropriate asbestos abatement at the property and emailed them a proposed contract, but the contract was with a corporation that, unbeknownst to his partners, was an alter-ego for Powers.

In September and October 2011, Miller and his crew conducted interior demolition at the Maples without removing any asbestos. Even after an inspection by local environmental authorities revealed asbestos in the building, Powers directed the workers to continue the demolition. Over the course of the project, the workers disturbed substantial quantities of asbestos.

Miller pleaded guilty in November 2015 to one count of negligent endangerment under the CAA (42 U.S.C. §§ 7413(c)(4)) and scheduled to be sentenced on May 12, 2017.

This case was investigated by the U.S. EPA Criminal Investigation Division and the Department of Transportation.

Sentencings

United States v. Richard Estes, Nos. 15-CR-06042, 06044, 06047 – 06048 (E.D. Wash.), ECS Trial Attorney Adam Cullman; AUSAs Sara Sweeney, Megan Kistler, and Scott Jones; RCECs Karla Perrin and Jennifer Lewis; and ECS Paralegal Amanda Backer.

On January 27, 2017, Richard Estes was sentenced to 105 months' incarceration, followed by three years' supervised release. He also was held jointly and severally liable for $4,360,724 in restitution to be paid to the IRS.

Estes is one of six defendants involved in a multi-state scheme to defraud biodiesel buyers and U.S. taxpayers by fraudulently selling biodiesel credits and claiming alternative fuel tax credits. He previously pleaded guilty to a money laundering conspiracy charge (18 U.S.C. § 1956(h)).

Thomas Davanzo, Robert Fedyna, Nancy Bush-Estes, and Richard Estes worked with Gen-X Energy Groups (and its subsidiary, Southern Resources and Commodities (SRC)) to carry out crimes in 2013 and early 2014. Davanzo and Fedyna set up several shell companies throughout the country, including two in Florida. The three worked with the Washington-based Gen-X companies to repeatedly cycle batches of renewable biofuels through the shell companies. With each cycle of the old product, Gen-X falsely claimed it had generated new biofuel, thereby generating fraudulent Renewable Identification Numbers (RINs) for renewable fuel credits issued by EPA, and receiving new alternative fuel tax credits from the IRS. Afterwards, the shell companies used false paperwork to transform the "fuel" back into "feedstock."

From March 2013 to March 2014, the co-conspirators generated at least 60 million RINs that were based on fuel that was either never produced or was merely re-processed at the Gen-X or SRC facilities. They received at least $42 million from the sale of these fraudulent RINs to third parties. In addition, Gen-X received approximately $4,360,700 in false tax credits for this fuel.

Davanzo and Fedyna were sentenced in November 2016 to 121 months and 135 months in prison, and were ordered to pay jointly and severally approximately $4.4 million to the IRS. They also will forfeit $46 million in ill-gotten gains from the conspiracy, not all of which can be recovered. Gold coins, jewelry, Rolex watches, thoroughbred horses, vehicles, and properties will be forfeit. Davanzo and Fedyna previously pleaded guilty to conspiracy to commit wire fraud and to a money laundering conspiracy charge. Bush-Estes is scheduled to be sentenced on February 17, 2017. Gen-X CEO and founder Scott Johnson and Gen-X Vice President and COO Donald Holmes each pleaded guilty to conspiracy to commit wire fraud and conspiracy to defraud the government by making fraudulent claims for tax credits. Johnson is scheduled for sentencing on April 14, 2017 and Holmes is set for June 22, 2017.

This case was investigated by the U.S. Secret Service, the U.S. EPA Criminal Investigation Division, and the IRS Criminal Investigations.

Sentencings

United States v. Pacific Gas and Electric Company, No. 14-CR-00175 (N.D. Calif.), AUSAs Hailey Mitchell Hoffman, Jeff Schenk, and Hartley West.

Houses burn after natural gas pipeline explosion

On January 26, 2017, Pacific Gas and Electric Company (PG&E) was sentenced to pay a $3 million fine and complete a five-year term of probation with the following special conditions: implement an environmental compliance plan; place a full-page advertisement in both the *Wall Street Journal* and *San Francisco Chronicle* publicizing the nature of the convictions, the nature of the punishment imposed, and the steps that will be taken to prevent the recurrence of similar offenses; and air television commercials of a similar nature. The company estimates that it will air approximately 12,500 60-second commercials across broadcast and cable outlets over a three-month period. PG&E also will complete 10,000 hours of community service, with at least 2,000 of these hours to be performed by high-level personnel.

The company was convicted by a jury in August 2016, after a five and a half week trial of multiple violations of the Pipeline Safety Act (PSA) and obstructing an agency proceeding (18 U.S.C. § 1505; 49 U.S.C. § 60123). The PSA violations were discovered after a fatal San Bruno natural gas pipeline explosion in 2010 that killed eight people. The obstruction charge was added after the company attempted to mislead the National Transportation Safety Board during its investigation. The evidence at trial demonstrated that between 2007 and 2010, PG&E willfully failed to address recordkeeping deficiencies concerning its larger natural gas pipelines knowing that their records were inaccurate or incomplete. The evidence further demonstrated that PG&E failed to identify threats to these pipelines and to take appropriate actions to investigate the seriousness of threats to pipelines when they were identified. In addition, the company failed to adequately prioritize as high risk (and properly assess) threatened pipelines after they were over-pressurized. The jury found PG&E guilty of five of the 11 PSA violations charged. The obstruction conviction stems from PG&E's use of a letter in an attempt to mislead the NTSB during its investigation of the explosion.

This case was investigated by the U.S. DOT Office of Inspector General, the FBI, the Pipeline and Hazardous Material Safety Administration, and the City of San Bruno Police Department.

Sentencings

United States v. SCP Management, LLC, No. 3:17-CR-00010 (D. Conn.), AUSA Sarala V. Nagala and RCEC Peter Kenyon.

On January 19, 2017, SCP Management LLC, pleaded guilty to a Clean Air Act violation (42 U.S.C. § 7413 (c)(2)(B)). The company was sentenced to pay a $200,000 fine, and will make a $200,000 community service payment to the National Fish and Wildlife Foundation for projects benefitting air quality in Connecticut.

Photo of coating machine from Syntac website

Syntac Coated Products, LLC (Old Syntac) operated a manufacturing facility from 2007 until April 2013, when it sold all of its assets, including its trade name to Syntac Coated Products, LLC (New Syntac). Since April 2013, Old Syntac has continued to exist under the name of SCP Management, LLC.

Old Syntac designed and manufactured specialty adhesive films for various applications used in the automotive, electronics, and medical industries. In its manufacturing process, the company used three adhesive coating lines. When operating, those coating lines emitted volatile organic compounds (VOCs). Beginning in 2008, the company controlled its VOC emissions and hazardous air pollutants from its coating lines with two catalytic oxidizers. The company replaced its catalytic oxidizers with a regenerative thermal oxidizer in April 2013.

As required under the CAA New Source Performance Standards, Old Syntac performed an initial performance test on each catalytic oxidizer in 2008 to demonstrate that VOC emissions from its coating lines were captured and properly controlled. Following the performance tests, the company was required to monitor, record, and report the gas temperature upstream and downstream of each incinerator catalyst bed continuously during coating operations to demonstrate that the incinerator continued to function properly. Every six months, Old Syntac was required to submit a report to the EPA that identified any three-hour periods during which the average temperature difference across the catalyst bed in each of its oxidizers was less than 80 percent of the average temperature difference of the device during the test. If no such three-hour periods occurred during the reporting period, the company was required to report this.

Between 2008 and April 2013, Old Syntac used paper temperature charts to record the upstream and downstream temperatures of its catalytic oxidizers during coating operations. Each day, a new chart was installed and the one for the previous day was removed, reviewed and preserved. On numerous occasions the charts showed that the temperature difference across the catalyst bed was less than 80 percent of the average temperature difference of the device during the test. The company also performed tests of its catalyst blocks that indicated the catalysts were likely not destroying all of the VOCs

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emitted during its production processes. The company failed to file any of the required reports with the EPA.

This case was investigated by the U.S. EPA Criminal Investigation Division, with assistance from the Connecticut Department of Energy and Environmental Protection.

United States v. Andrew A. Praskovsky, No. 2:13-CR-04015 (W.D. Mo.), Former ECS Senior Trial Attorney Jim Nelson, AUSA Lawrence Miller, and former ECS Paralegal Casey Rybak.

On January 26, 2017, Andrew A. Praskovsky was sentenced to pay a $5,000 fine, complete a two-year term of probation, and perform 250 hours of community service. Praskovsky previously pleaded guilty to a Lacey Act trafficking violation (16 U.S.C. § 3372 (a)(2)(A), 3373(d)(2)), and is the final defendant to be prosecuted in this multi-defendant scheme involving the illegal purchase and sale of paddlefish eggs.

Arkadiy Lvovskiy, Dmitri Elitchev, Felix Baravik, Bogdan Nahapetyan, Fedor Pakhnyuk and Artour Magdessian pleaded guilty to Lacey Act trafficking violations and were sentenced to terms of probation. Petr Babenko was convicted by a jury of conspiracy and Lacey Act violations and also was sentenced to probation.

In 2011 and 2012, the defendants travelled to Missouri, and engaged in numerous transactions with agents posing as fishermen for the purchase and sale of female paddlefish. They then processed the paddlefish eggs into caviar that was then transported to Colorado. The retail value of the caviar was estimated to be between $30,000 and $50,000.

This case was investigated by the U.S. Fish and Wildlife Service and the Missouri Department of Conservation, with assistance from the Oklahoma Department of Wildlife Conservation.

United States v. Omega Protein, Inc., No. 6:16 -CR-00292 (W.D. La.), AUSA Robert C. Abendroth.

On January 24, 2017, Omega Protein, Inc. was sentenced to pay a $1 million fine and to make a $200,000 community service payment to the Louisiana State Police Emergency Service Unit. The company also will complete a three-year term of probation.

Omega is a dietary supplement corporation located in Louisiana and incorporated under the laws of Virginia. It is one of the world's leading producers of fish oil and the United States' leading manufacturer of fish meal.

On December 8, 2014 and February 1, 2016, a manager at the Abbeville Omega plant directed

Discharging into canal that empties into the Vermillion River

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employees to place a hose in a treatment pond and drain polluted water into a canal that emptied into the Vermilion River. The company pleaded guilty to two felony violations of the Clean Water Act (33 U.S.C. § 1319(c)(2)(A)).

Omega has a previous CWA conviction from 2013 in the E.D. of Virginia. It was sentenced to pay a $5.5 million fine, make a $2 million community service payment to the National Fish and Wildlife Foundation, complete a three-year term of probation, and implement an environmental management system plan at all of its facilities. Because of this new case, the probation was extended two years.

This case was investigated by the U.S. EPA Criminal Investigation Division and the Louisiana State Police.

United States v. Darren K. Byler, No. 3:15-CR-00008 (D. Alaska), AUSA Kyle Reardon and SAUSA William George.

On January 23, 2017, Darren K. Byler was sentenced to pay a $10,000 fine and will complete a five-year term of probation. Byler was convicted by a jury after an 11-day trial in December 2015 of violating the Rivers and Harbors Act and making false statements (33 U.S.C. §§ 403, 407; 18 U.S.C. § 1001).

Pipe directly discharging overboard from restroom

Byler was an owner of the Wild Alaskan, a floating strip club anchored in Kodiak Harbor between June 2014 and November 2014. During its operation, more than 1,000 customers visited the club. Evidence at trial confirmed that sewage from the two bathrooms on board was piped to flow directly overboard into the harbor, as there weren't any appropriate storage facilities on board. When asked to produce documentation about his sewage disposal from the facility, Byler provided inspectors with a falsified ship's log. In the log he claimed to have disposed of 1,500 gallons of sewage at a disposal facility in Kodiak Harbor in July 2014. Byler also claimed to have disposed of five additional 800-gallon loads in September and October 2014, by dumping it at sea beyond three nautical miles. Witnesses, video, and documentary evidence presented at trial disproved his claims.

This case was investigated by the U.S. Coast Guard, the FBI, and the Kodiak Police Department.

Sentencings

United States v. John Brewer, No. 5:16-CR-00186 (S.D.W.V.), AUSA Eric Baca and SAUSA Perry McDaniel.

On January 18, 2017, lab manager John Brewer was sentenced to 24 months' incarceration, followed by one year of supervised release. Brewer also will perform 50 hours of community service. The defendant previously pleaded guilty to a Clean Water Act violation (33 U.S.C. § 1319(c)(4)) for tampering with water samples.

Brewer worked as a lab and field manager for Appalachian Labs. Coal mines and coal processing plants hired Appalachian Labs to gather, test, and analyze water samples to ensure their compliance with the CWA. From approximately 2008 through the summer of 2013, investigators found evidence of irregularities in the sampling. Brewer admitted that he approved employees falsifying the date that water samples were taken, as well as falsifying dates himself. Brewer further admitted that lab employees would falsify the date a sample was taken in order to avoid collecting samples that they believed to be in violation of permit limits. Instead, they waited until they believed the water was within permit limits, took a sample, and backdated it. Brewer also caused this falsified data to be submitted to the West Virginia DEP.

Field supervisor John Shelton previously pleaded guilty to a CWA conspiracy violation (18 U.S.C. § 371) and was sentenced to 21 months in prison, followed by three years' supervised release, for his role in the sampling scheme.

This case was investigated by the FBI and the U.S. EPA Criminal Investigation Division.

United States v. Richard Delph, No. 16-CR-02022 (N.D. Iowa), AUSAs Shawn Wehde and Forde Fairchild, with assistance from ECS Senior Counsel Kris Dighe.

On January 18, 2017, Richard Delph was sentenced to 24 months' incarceration, followed by three years' supervised release, after pleading guilty to violating RCRA (42 U.S.C. § 6928(d)(2)(A)).

From approximately January 2004 through October 2012, Delph owned and operated Cedar Valley Electroplating (CVE), a now defunct electroplating facility. Even though CVE produced more than 1,000 kilograms of hazardous waste per month, it did not possess a permit to store the wastes generated during the plating process.

Delph continued to unlawfully store the hazardous waste despite being alerted to the problem in 2005 and, again, in 2010 by U.S. EPA civil inspectors. He then abandoned the wastes when he closed the business in September 2011. Cleanup costs are close to $790,000.

This case was investigated by the U.S. EPA Criminal investigation Division.

Sentencings

United States v. Coleman Slade, No. 2:16-CR-00002 (S.D. Miss.), AUSA Darren LaMarca.

On January 17, 2017, Coleman Slade was sentenced to pay a $10,000 fine and will complete a three-year term of probation, to include 45 days' home confinement. Slade is one of three defendants who pleaded guilty to Lacey Act conspiracy violations (18 U.S.C. § 371) for illegally importing white-tailed deer into Mississippi.

From January 2009 through December 2012, Don Durrett, Dewayne Slade, and Coleman Slade spent more than $100,000 to purchase live white-tailed deer for delivery from Texas to Mississippi, where they were kept in a high-fence enclosure. The purchase and transportation records used in this transaction were falsified.

Durrett and Dewayne Slade pleaded guilty to misdemeanor Lacey Act conspiracy violations and were each sentenced to pay $10,000 fines and complete three-year terms' of probation. All three are prohibited from hunting for one year.

This case was investigated by the U.S. Fish and Wildlife Service OLE; the U.S. Department of Agriculture OIG; and the Mississippi Department of Wildlife, Fisheries, and Parks.

United States v. Isaac Cole, No. 2:16-CR-00270 (W.D. Wash.), AUSA Seth Wilkinson.

On January 13, 2017, Isaac Cole was sentenced to complete a five-year term of probation to include three months' home confinement. He previously pleaded guilty to violating TSCA and to falsifying asbestos certification training certificates (15 U.S.C. § 2615 (b); 18 U.S.C. § 1001(a)(3)).

Cole owns and operates Cole and Associates, Inc., a business licensed by Washington State to provide asbestos training courses for workers and supervisors in exchange for an enrollment fee. Cole admitted that he took additional fees to provide false certifications to people he knew had not actually taken the course.

Between 2013 and 2016, Cole caused the company to certify that various asbestos workers had successfully completed required safety courses when they had not done so. After receiving additional fees for these false certifications, Cole directed his employees to certify to the Washington State Department of Labor and Industries (L&I) that the worker had attended the training program. He encouraged participants to claim they had attended training on dates when they were on vacation (rather than on dates when they were working) so that L&I could not compare work and class attendance records.

This case was investigated by the U.S. EPA Criminal Investigation Division, and the Washington State Department of Labor and Industries.

Sentencings

United States v. Oceanic Illsabe, Ltd., No. 7:15-CR-00108 (E.D.N.C.), ECS Senior Trial Attorney Ken Nelson, ECS Trial Attorneys Brendan Selby and Shane Waller, AUSA Banu Rangarajan, and ECS Paralegals Diana Choe and Christopher Kopf.

On January 11, 2017, two Greek shipping companies were sentenced to pay a total of $2.7 million after being convicted last year of obstructing justice, violating APPS, tampering with witnesses, and conspiracy (18 U.S.C. §§ 371, 1505, 1512(b)(3); 33 U.S.C. § 1908(a)). The penalty includes community service payments to Gray's Reef National Marine Sanctuary in recognition of the damage the companies' oil pollution caused to the marine environment.

Overboard discharge piping from the M/V Ocean Hope

In July 2015, the U.S. Coast Guard inspected the *M/V Ocean Hope* at the Port of Wilmington, North Carolina. During that inspection, senior engineers tried to hide that the vessel had been dumping oily wastes into the ocean for months.

Oceanfleet Shipping Limited, the vessel's operator, was sentenced to pay a $1,350,000 fine and make a $450,000 community service payment to Gray's Reef. Oceanic Illsabe Limited, the vessel's owner, was sentenced to pay a $650,000 fine and will make a $250,000 community service payment to the Reef. Each company was placed on a five-year term of probation and barred from sending ships to United States ports until its financial penalty has been satisfied.

The evidence at trial demonstrated that the companies maintained a lax "paper" compliance regime focused on avoiding liability rather than adequately training and supervising engineers. The companies failed to follow their own environmental policies and also ignored important red flags, such as the vessel's failure to offload oil sludge for many months and its rare use of the oil-water separator. The regular dumping of tons of bilge water into the ocean continued for at least six months. In addition, and on at least two occasions, senior engineers conspired to connect a flexible hose, known in the industry as a "magic pipe," to discharge tons of heavy oil sludge. The most recent discharge occurred in June 2015, as the vessel headed for U.S. waters. Coast Guard inspectors and laboratory testing confirmed the presence of heavy oils in the vessel's overboard discharge piping.

When the *Ocean Hope* arrived at Wilmington, Chief Engineer Rustico Yabut Ignacio

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and Second Engineer Cassius Flores Samson ordered subordinates to lie to inspectors and to cover up evidence. Ignacio also presented inspectors with a doctored oil record book, in which false accountings of the ship's production and disposal of oily wastes were recorded.

Ignacio was sentenced to 12 months' incarceration, and Flores Samson was sentenced to nine months. Both also will complete one-year terms of supervised release.

This case was investigated by the U.S. Coast Guard.

[redacted]

United States v. Juan Carlos Martinez-Tinoco, No. 15-CR-00304 (E.D. Calif.), AUSA Karen Escobar.

On January 4, 2017, Arnoldo Martinez-Tinoco was sentenced to ten months' time-served, after previously pleading guilty to being a deported alien found in the U.S. (8 U.S.C. § 1326). Four individuals were charged in this case involving illegal marijuana operation located in the Sequoia National Forest. Mexican national Juan Carlos Martinez-Tinoco was sentenced in October 2016 to time-served and ordered to pay $4,283 in restitution to the U.S. Forest Service. Tinoco previously pleaded guilty to depredation of government property (18 U.S.C. § 1361). Luis Enrique Flores pleaded guilty to unlawful entry by an alien (8 U.S.C. § 1325) and was sentenced to time-served.

Between March and August 2015, the defendants were involved in a cultivation operation consisting of approximately 2,600 marijuana plants in the Needles area of the Sequoia National Park (named for a series of massive granite rock formations). They caused extensive damage to public land and natural resources. Agents observed evidence of the use of harmful poisons, including 50-pound bags of high-nitrogen fertilizer. They also noted that many native plants and trees had been cut and water was diverted from a spring that supports the Kern River Rainbow Trout, designated as a "Species of Special Concern" in California. Ivan De Jesus Jimenez remains charged with conspiracy to cultivate marijuana on public land, cultivating and possessing marijuana with intent to distribute, and damaging public land and natural resources.

This case was investigated by the U.S. Forest Service, the U.S. Drug Enforcement Administration, the U.S. Immigration and Customs Enforcement Homeland Security Investigations, the California Department of Fish and Wildlife, the Tulare County Sheriff's Office, and the Kern County Sheriff's Office.

Announcements

Please send [redacted] any pleadings you believe would be useful for posting in the Brief Bank. Older materials are still available on the Document Bank Archives page.

If you are in need of sentencing data for your wildlife or pollution cases, please contact [redacted] with your search requests.

The public version of the ECS Bulletin is available for non-law enforcement readers.

Please notify ECS of any appeals taken in your cases, per section 5-11.118 of the U.S. Attorneys' Manual.

Position	Name	Phone
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Deputy Chief	Joseph Poux	[redacted]
Assistant Chief	Thomas Ballantine	[redacted]
Assistant Chief	Wayne Hettenbach	[redacted]
Assistant Chief	Lana Pettus	[redacted]
Assistant Chief	Jennifer Whitfield	[redacted]
Senior Litigation Counsel	Howard P. Stewart	[redacted]
Senior Litigation Counsel	Richard Udell	[redacted]
Senior Counsel for Wildlife	Elinor Colbourn	[redacted]
Senior Counsel	Kris Dighe	[redacted]
Senior Trial Attorney	Jennifer Blackwell	[redacted]
Senior Trial Attorney	Georgiann Cerese	[redacted]
Senior Trial Attorney	Christopher Costantini	[redacted]
Senior Trial Attorney	Daniel Dooher	[redacted]
Senior Trial Attorney	Todd Gleason	[redacted]
Senior Trial Attorney	David Kehoe	[redacted]
Senior Trial Attorney	Jeremy Korzenik	[redacted]
Senior Trial Attorney	Ken Nelson	[redacted]
Trial Attorney	Cassandra Barnum	[redacted]
Trial Attorney	Mary Dee Carraway	[redacted]
Trial Attorney	John Cashman (USCG)	[redacted]
Trial Attorney	Ryan Connors	[redacted]
Trial Attorney	Adam Cullman	[redacted]
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Trial Attorney	Erica Pencak	[redacted]
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