

1 UNITED STATES DISTRICT COURT  
2 EASTERN DISTRICT OF NEW YORK  
3 CENTRAL ISLIP

4 UNITED STATES OF AMERICA,

5 - against -

6 CHRISTOPHER WINKLER,

7 Defendant.  
8  
9

RECEIVED  
JAN 25 2022  
IND. CR. DIV.  
SUPERSEDING INDICTMENT

Case No. 2:21-cr-00217-JMA  
(T. 18, U.S.C. § 371; T. 18, U.S.C.  
§§ 1341 & 2; T. 18, U.S.C § 1519)

10 THE GRAND JURY CHARGES THAT:

11 COUNT ONE  
12 (Conspiracy - 18 U.S.C. § 371)

13 FACTUAL BACKGROUND

14 At all relevant times:

15 A. Defendant and Co-Conspirators

16  
17 1. Defendant CHRISTOPHER WINKLER ("WINKLER") was a resident of Montauk in  
18 Suffolk County, New York. WINKLER was a fishing captain and licensed National Oceanic and  
19 Atmospheric Administration ("NOAA") operator of the Fishing Vessel (*F/V*) *New Age*, a 45.7-  
20 foot trawler/dragger. During 2014 through 2017, WINKLER owned the *New Age*.

21  
22 2. During 2014 and 2015, WINKLER routinely sold his catch to a corporation (referred  
23 to herein by the pseudonym, "BronxCo"), which was a fish dealer in the New Fulton Fish Market  
24 in the Bronx, New York. By July 2016, BronxCo had ceased operation, and the corporation was  
25 dissolved in 2017. BronxCo is an unindicted co-conspirator, which participated in the conspiracy  
26 through the actions of at least one agent or employee.  
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1           3. From August 2015 through February 2017, WINKLER routinely sold his catch to a  
2 corporation (herein "DealerCo"), which was a long-established fish dealer in the New Fulton  
3 Fish Market in the Bronx, New York. By June 2019, DealerCo had ceased operations. DealerCo  
4 is an unindicted co-conspirator, which participated in the conspiracy through the actions of at  
5 least one agent or employee.  
6

7           4. "MontaukCo" was a wholesale and retail seafood business in Montauk, New York.  
8 MontaukCo is a co-conspirator, which participated in the conspiracy through the actions of at  
9 least one agent or employee. The MontaukCo facility had a dock, cold storage, and pack-out  
10 infrastructure that the company utilized to offload commercial fishing vessels. MontaukCo also  
11 had a federal dealer permit to account for fish that the company directly purchased from fishing  
12 vessels. From May 2014 through February 2017, the *New Age* frequently offloaded its catch at  
13 the MontaukCo facility in Montauk, New York. When WINKLER landed his catch at  
14 MontaukCo, MontaukCo would collect a fee for each box (also referred to as "carton") of fish  
15 that came through the facility. In addition, trucks operated by MontaukCo would take fish  
16 offloaded from the *New Age* to BronxCo and DealerCo. In 2016, after BronxCo ceased  
17 commercial operations, WINKLER sold some of his illegal catch to MontaukCo.  
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20           5. Co-Conspirator "ManagerA" was a resident of Montauk in Suffolk County, New  
21 York. During 2014 through 2017, he had a management and ownership role in MontaukCo.  
22 During this time and before BronxCo went out of business, ManagerA also had an ownership  
23 interest in BronxCo. ManagerA held the federal dealer permit that BronxCo utilized to file dealer  
24 reports with NOAA. One of ManagerA's duties at BronxCo was to file dealer reports on behalf  
25 of that company.  
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1           6. Co-Conspirator “ManagerB” was a resident of Montauk in Suffolk County, New  
2 York. During 2014 through 2017, he had a management and ownership role in MontaukCo.  
3 During this time and before BronxCo went out of business, ManagerB also had an ownership  
4 interest in BronxCo. One of ManagerB duties at BronxCo was to engage with WINKLER.  
5

6 **B. Legal Framework**  
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8           7. In New York, the commercial fishing industry was regulated by both state and federal  
9 authorities in order to ensure a sustainable fishery in which harvesters could fairly participate,  
10 and to prevent fish stocks from becoming depleted. Commercial harvesters, *i.e.*, commercial  
11 fishing vessels, are required to comply with state and federal regulations. As part of regulating  
12 the summer flounder (“fluke”) and black sea bass fisheries, limits are set on the amount of fish a  
13 commercial harvester can catch and land. NOAA sets the limit each state may harvest, and then  
14 each state divides that limit among its own commercial harvesters to share.  
15

16           8. To comply with limits set by NOAA, New York established a system for commercial  
17 fishing vessels that landed their catch at New York ports. *See* N.Y. State Environmental  
18 Conservation Law §§ 13-0340-b, 13-0340-f. At different times, New York set limits on the  
19 amount of each type of fish a commercial harvester could catch in one day (called a daily trip  
20 limit), or a limit on the amount of each type of fish a commercial harvester could catch in one  
21 week (called a weekly limit). At some times the limit would be set at zero, meaning that no fish  
22 of that type could be landed; the fishery for that type of fish was considered closed during those  
23 times. The daily trip limit and the weekly limit are collectively referred to as “trip limits” within  
24 this Superseding Indictment. Trip limits are a type of fishing quota.  
25

26           9. To help ensure that commercial harvesters were abiding by the rules, and to help  
27 monitor how much fish was being caught, vessels were required to create and submit various  
28

1 reports about the fish that they caught. One requirement was that vessel operators had to  
2 accurately complete a Fishing Vessel Trip Report ("FVTR") at the end of each trip. 50 C.F.R. §  
3 648.7(b)(1)(i). The FVTR required information such as date, vessel name, permit number, Coast  
4 Guard document number, gear used, species caught, species weight, number of hauls, port of  
5 landing, and if available, identity of the fish purchaser(s) ("fish dealers"). For vessels such as the  
6 *New Age*, which held a Northeast multispecies permit, FVTRs were required to be mailed to a  
7 NOAA office in Gloucester, Massachusetts, on a weekly basis. 50 C.F.R. § 648.7(f)(2). In  
8 addition, federal regulations provided that "[c]opies of fishing log reports must be kept on board  
9 the vessel and available for review for at least 1 year, and must be retained for a total of 3 years  
10 after the date the fish were last possessed, landed, and sold." 50 C.F.R. § 648.7(e)(2).

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12  
13 10. In addition to setting limits on the amount of fish a commercial harvester could catch  
14 at certain times, the federal government also required the harvester and buyer to follow certain  
15 rules when they sold and bought the fish. Federally permitted fishing vessels, such as those with  
16 a federal summer flounder permit or a multispecies permit, *e.g.*, *New Age*, were required to sell  
17 their catch to a federally-licensed fish dealer. 50 C.F.R. § 648.14(c).

18  
19 11. NOAA required that federally-licensed fish dealers submit weekly, electronic reports  
20 detailing information about the fish they purchased. Federally-licensed fish dealers were required  
21 to provide information about black sea bass, bluefish, butterfish, dogfish, fluke, hake, monkfish,  
22 scup, skate, and squid to NOAA. The dealer reports included information such as date of  
23 landing, port of landing, catch vessel, corresponding FVTR numbers, commercial grade, species,  
24 price, and weight. NOAA utilized the dealer reports as a check on the information submitted in  
25 FVTRs, as well as a source of information for fisheries management.  
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12. Pursuant to the Magnuson-Stevens Fishery Conservation and Management Act (“Magnuson-Stevens”), at 16 U.S.C. § 1860(a), NOAA could seize and sell “any fish (or the fair market value thereof) taken or retained, in any manner, in connection with or as a result of the commission of any act prohibited by [a Magnuson-Stevens regulation].” Magnuson-Stevens regulations made it unlawful for any person to “[m]ake any false statement or provide any false information on, or in connection with, an application, declaration, record or report under the [Magnuson-Stevens regulations].” 50 C.F.R. § 648.14(a)(5); *see also* 50 C.F.R. §§ 600.725(l), 648.14(a)(6). The State of New York had an independent property interest in fish that was landed in New York in excess of an applicable trip limit or during a closed season. *See* N.Y. State Environmental Conservation Law §§ 11-0519, 71-0907, 71-0909; N.Y. State Finance Law § 83.

## THE CONSPIRACY

13. Beginning on or about May 1, 2014, and continuing to on or about March 7, 2017, in the Eastern District of New York, and elsewhere, CHRISTOPHER WINKLER did knowingly and willfully conspire, confederate, and agree with BronxCo, DealerCo, and MontaukCo, acting through their respective agents and employees on behalf of the respective companies, and individuals ManagerA, ManagerB, and persons known and unknown to the Grand Jury:

- (a) to defraud the United States by interfering with and obstructing, by deceitful and dishonest means, a lawful function of NOAA: the collection, evaluation, and analysis of biological, economic, and catch data;
- (b) to knowingly falsify and make false entries into records and documents with the intent to impede, obstruct, and influence the proper administration of any matter, and in relation to and in contemplation of such matter, within the jurisdiction of any

1 department and agency of the United States, in violation of Title 18, United States  
2 Code, Sections 1519 and 2; and

- 3 (c) to knowingly and intentionally defraud NOAA and the State of New York of fish and  
4 the fair market value thereof, and to obtain money and property from NOAA and the  
5 State of New York by means of materially false and fraudulent pretenses and  
6 representations, and for the purpose of executing such scheme and artifice, to place in  
7 any post office and authorized depository for mail matter any matter and thing  
8 whatever to be sent and delivered by the Postal Service, in violation of Title 18,  
9 United States Code, Sections 1341 and 2.

10 MANNER AND MEANS

11 14. In furtherance of the conspiracy, WINKLER, BronxCo, DealerCo, MontaukCo,  
12 ManagerA, and ManagerB employed the following manner and means:  
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- 14 (a) From May 1, 2014 through February 3, 2017, on at least two hundred and twenty  
15 separate occasions, WINKLER took his vessel, the *New Age*, out on fishing trips, on  
16 which he cumulatively overharvested at least 200,000 pounds more fluke, and at least  
17 20,000 pounds more black sea bass, than he was allowed to catch under applicable  
18 trip limits during this time. WINKLER created false FVTRs that failed to report that  
19 he landed this fish in excess of applicable trip limits.
- 20 (b) From May 2014 through June 2016, ManagerA and ManagerB used their companies,  
21 BronxCo and then MontaukCo, to purchase illegal fish from WINKLER.
- 22 (c) From May 2014 through April 2016, BronxCo paid WINKLER approximately  
23 \$237,000 for unreported and overharvested fluke, and approximately \$15,000 for  
24 unreported and overharvested black sea bass.
- 25 (d) From May 2016 through July 2016, MontaukCo paid WINKLER approximately  
26 \$16,000 for unreported and overharvested fluke.  
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1 (e) From September 1, 2015, through March 7, 2017, DealerCo paid WINKLER  
2 approximately \$550,000 for unreported and overharvested fluke, and approximately  
3 \$70,000 for unreported and overharvested black sea bass.

4 (f) Depending on what business was purchasing illegal fish from WINKLER, to avoid  
5 detection of their scheme by New York State and federal authorities, WINKLER,  
6 BronxCo, DealerCo, MontaukCo, ManagerA, and ManagerB coordinated to enter  
7 false amounts and species of fish on records that were required to be submitted to  
8 NOAA. This included multiple species of fish such as black sea bass, bluefish,  
9 butterfish, dogfish, goosefish, fluke, hake, monkfish, scup, skate, and squid.

10 (g) WINKLER mailed and caused to be mailed false FVTRs from New York State to  
11 NOAA's Regional Fisheries Management Office in Massachusetts.

12 OVERT ACTS

13  
14 15. In furtherance of the conspiracy, and to effect the objects thereof, there was  
15 committed by at least one of the co-conspirators in the Eastern District of New York, at least one  
16 of the following overt acts, among others:

17 Illicit Fishing Activity

18 *Overt Act 1:* Between on or about May 1, 2014, and August 28, 2015, on at least one  
19 occasion, WINKLER harvested fluke in excess of the applicable trip limit.  
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21 *Overt Act 2:* Between on or about April 20, 2015, and August 25, 2015, on at least one  
22 occasion, WINKLER harvested black sea bass during a closed season.

23 *Overt Act 3:* On or about April 25, 2015, while engaged in fishing activity aboard the  
24 *New Age*, WINKLER intentionally discarded and caused to be intentionally discarded  
25 overharvested fluke when the *New Age* was approached by a Coast Guard vessel.  
26

27 *Overt Act 4:* Between on or about August 31, 2015, and May 17, 2016, on at least one  
28 occasion, WINKLER harvested fluke in excess of the applicable trip limit.

*Overt Act 5:* Between on or about May 18, 2016, and June 3, 2016, on at least one occasion, WINKLER harvested fluke in excess of the applicable trip limit.

*Overt Act 6:* Between on or about June 4, 2016, and January 24, 2017, on at least one occasion, WINKLER harvested fluke in excess of the applicable trip limit.

*Overt Act 7:* Between on or about October 12, 2016, and October 16, 2016, on at least one occasion, WINKLER harvested black sea bass in excess of the applicable trip limit.

*Overt Act 8:* Between on or about January 26, 2017, and February 3, 2017, on at least one occasion, WINKLER harvested fluke in excess of the applicable trip limit.

## Offloads

*Overt Act 9:* Between on or about May 1, 2014, and August 28, 2015, on at least one occasion, WINKLER offloaded fluke in excess of the applicable trip limit at the MontaukCo facility.

*Overt Act 10:* Between on or about April 20, 2015, and August 25, 2015, on at least one occasion, WINKLER offloaded black sea bass during a closed season at the MontaukCo facility.

*Overt Act 11:* Between on or about August 31, 2015, and November 7, 2016, on at least one occasion, WINKLER initiated a text message communication with ManagerB for the purpose of asking ManagerB to act as a lookout for the presence of law enforcement prior to WINKLER docking at the MontaukCo facility.

*Overt Act 12:* Between on or about August 31, 2015, and May 17, 2016, on at least one occasion, WINKLER offloaded fluke in excess of the applicable trip limit at the MontaukCo facility.



*Overt Act 13:* Between on or about May 18, 2016, and June 3, 2016, on at least one occasion, WINKLER offloaded fluke, that was in excess of the applicable trip limit, at the MontaukCo facility.

*Overt Act 14:* Between on or about June 4, 2016, and January 24, 2017, on at least one occasion, WINKLER offloaded fluke in excess of the applicable trip limit at the MontaukCo facility.

*Overt Act 15:* Between on or about January 26, 2017, and February 4, 2017, WINKLER offloaded fluke in excess of the applicable trip limit at the MontaukCo facility.

*Overt Act 16:* Between on or about January 26, 2017, and February 4, 2017, MontaukCo charged DealerCo a pack-out fee for fish, including fluke harvested in excess of the applicable trip limit, that WINKLER offloaded at the MontaukCo facility.

*Overt Act 17:* Between on or about January 26, 2017, and February 4, 2017, on at least one occasion, WINKLER caused to be transported a container, which held fluke, from Montauk, New York, to DealerCo that omitted WINKLER's name and date of landing in violation of New York State marine fisheries regulations.

### False FVTRs

*Overt Act 18:* Between on or about May 1, 2014, and September 28, 2015, on at least one occasion, WINKLER created a false FVTR that underreported the total amount of fluke harvested during the fishing trip.

*Overt Act 19:* Between on or about May 1, 2014, and September 28, 2015, on at least one occasion, WINKLER caused the mailing of a fraudulent FVTR to NOAA that failed to accurately report the amount of fluke caught during a fishing trip.

1           *Overt Act 20:* Between on or about September 29, 2015, and May 17, 2016, on at least  
2 one occasion, WINKLER created a false FVTR that underreported the total amount of fluke  
3 harvested during the fishing trip.

4           *Overt Act 21:* Between on or about September 29, 2015, and May 17, 2016, on at least  
5 one occasion, WINKLER caused the mailing of a fraudulent FVTR to NOAA that failed to  
6 accurately report the amount of fluke caught during a fishing trip.

7           *Overt Act 22:* Between on or about May 18, 2016, and June 24, 2016, on at least one  
8 occasion, WINKLER created a false FVTR that underreported the total amount of fluke  
9 harvested during the fishing trip.

10           *Overt Act 23:* Between on or about May 18, 2016, and June 24, 2016, on at least one  
11 occasion, WINKLER caused the mailing of a fraudulent FVTR to NOAA that failed to  
12 accurately report the amount of fluke caught during a fishing trip.

13           *Overt Act 24:* Between on or about June 25, 2016, and January 24, 2017, on at least one  
14 occasion, WINKLER created a false FVTR that underreported the total amount of fluke  
15 harvested during the fishing trip.

16           *Overt Act 25:* Between on or about June 25, 2016, and January 24, 2017, on at least one  
17 occasion, WINKLER caused the mailing of a fraudulent FVTR to NOAA that failed to  
18 accurately report the amount of fluke caught during a fishing trip.

19           *Overt Act 26:* Between on or about October 12, 2016, and October 16, 2016, on at least  
20 one occasion, WINKLER created a false FVTR that underreported the total amount of black sea  
21 bass harvested during the fishing trip.

1       *Overt Act 27:* Between on or about October 12, 2016, and November 7, 2016, on at least  
2 one occasion, WINKLER caused the mailing of a fraudulent FVTR to NOAA that failed to  
3 accurately report the amount of black sea bass caught during a fishing trip.

4       *Overt Act 28:* Between on or about January 26, 2017, and February 3, 2017, on at least  
5 one occasion, WINKLER created a false FVTR that underreported the total amount of fluke  
6 harvested during the fishing trip.

7       *Overt Act 29:* Between on or about January 26, 2017, and February 8, 2017, on at least  
8 one occasion, WINKLER caused the mailing of a fraudulent FVTR to NOAA that failed to  
9 accurately report the amount of fluke caught during a fishing trip.

10                               False Dealer Reports

11       *Overt Act 30:* Between on or about May 1, 2014, and December 31, 2015, on at least one  
12 occasion, ManagerA created a false dealer report, on a computer located at the MontaukCo  
13 office, which failed to accurately record the amount of fish, including fluke, that BronxCo  
14 purchased from WINKLER.

15       *Overt Act 31:* Between on or about April 20, 2015, and December 31, 2015, on at least  
16 one occasion, ManagerA created a false dealer report that failed to accurately record the amount  
17 of black sea bass that BronxCo purchased from WINKLER.

18       *Overt Act 32:* Between on or about May 23, 2016, and June 27, 2016, on at least one  
19 occasion, MontaukCo created a false dealer report that failed to accurately record the quantity  
20 and species of fish that MontaukCo purchased from WINKLER.

21       *Overt Act 33:* Between on or about October 20, 2015, and December 29, 2016, on at  
22 least one occasion, DealerCo created a false dealer report, which failed to accurately record the  
23 amount of fish, including fluke, that DealerCo purchased from WINKLER.

Sales and Payments

*Overt Act 34:* Between on or about May 1, 2014, and August 25, 2015, on at least one occasion, WINKLER sold fluke, which he caught in excess of the applicable trip limit, to BronxCo.

*Overt Act 35:* Between on or about April 20, 2015, and August 25, 2015, on at least one occasion, WINKLER sold black sea bass to BronxCo during a closed season.

*Overt Act 36:* Between on or about April 20, 2015, and August 25, 2015, on at least one occasion, at the direction of ManagerB, BronxCo paid WINKLER for black sea bass that was not reported on WINKLER'S FVTR.

*Overt Act 37:* Between on or about May 1, 2014, and April 19, 2016, on at least one occasion, at the direction of ManagerB, BronxCo generated a check to pay WINKLER for fish, which included fluke that WINKLER harvested in excess of the applicable trip limit.

*Overt Act 38:* Between on or about May 1, 2014, and April 1, 2016, on at least one occasion, WINKLER deposited into a bank account, for which he was an authorized signer, a BronxCo check that paid for fish, including fluke taken in excess of the applicable trip limit, which was unreported on WINKLER's FVTR and BronxCo's dealer report.

*Overt Act 39:* On or about April 21, 2016, WINKLER deposited into a bank account, for which he was an authorized signer, a BronxCo check that paid for fish, including fluke taken in excess of the applicable trip limit. WINKLER did not report this excess fluke on his FVTR.

*Overt Act 40:* On or about April 27, 2016, at the direction of ManagerB, BronxCo generated a check to pay WINKLER for fish, which included fluke that WINKLER harvested in excess of the applicable trip limit.

1       *Overt Act 41:* Between on or about May 18, 2016, and June 3, 2016, on at least one  
2 occasion, WINKLER sold fluke, which the *New Age* landed in excess of the applicable trip limit,  
3 to MontaukCo.

4       *Overt Act 42:* Between on or about June 20, 2016, and July 11, 2016, on at least one  
5 occasion, WINKLER deposited into a bank account, for which he was an authorized signer, a  
6 MontaukCo check that paid for fish, including overharvested fluke. WINKLER did not report  
7 this excess fluke on his FVTR.  
8

9       *Overt Act 43:* Between on or about August 31, 2015, and January 24, 2017, on at least  
10 one occasion, WINKLER sold fluke, which he caught in excess of the applicable trip limit, to  
11 DealerCo.  
12

13       *Overt Act 44:* Between on or about August 31, 2015, and January 24, 2017, on at least  
14 one occasion, DealerCo generated a check to pay WINKLER for fish, which included fluke that  
15 WINKLER harvested in excess of the applicable trip limit.  
16

17       *Overt Act 45:* Between on or about August 31, 2015, and January 22, 2017, on at least  
18 one occasion, WINKLER deposited into a bank account, for which he was an authorized signer,  
19 a DealerCo check that paid for fish, including fluke taken in excess of the applicable trip limit,  
20 which was unreported on WINKLER's FVTR and DealerCo's dealer report.  
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22       *Overt Act 46:* Between on or about January 26, 2017, and January 30, 2017, on at least  
23 one occasion, DealerCo generated a check to pay WINKLER for fish, which included fluke that  
24 WINKLER harvested in excess of the applicable trip limit.

25       *Overt Act 47:* On or about January 23, 2017, WINKLER deposited into a bank account,  
26 for which he was an authorized signer, a DealerCo check that check paid for fish, including fluke  
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1 taken in excess of the applicable trip limit. WINKLER did not report this excess fluke on his  
2 FVTR.

3 *Overt Act 48:* On or about February 6, 2017, WINKLER deposited DealerCo Check No.  
4 60556 into a bank account for which he was an authorized signer. That check paid for fish,  
5 including fluke taken in excess of the applicable trip limit. WINKLER did not report this excess  
6 fluke on his FVTR.

7  
8 *Overt Act 49:* On or about February 6, 2017, WINKLER deposited DealerCo Check No.  
9 60631 into a bank account for which he was an authorized signer. That check paid for fish,  
10 including fluke taken in excess of the applicable trip limit. WINKLER did not report this excess  
11 fluke on his FVTR.

12  
13 *Overt Act 50:* On or about February 6, 2017, WINKLER deposited DealerCo Check No.  
14 60657 into a bank account for which he was an authorized signer. That check paid for fish,  
15 including fluke taken in excess of the applicable trip limit. WINKLER did not report this excess  
16 fluke on his FVTR.

17  
18 *Overt Act 51:* On or about February 13, 2017, DealerCo generated a check to pay  
19 WINKLER for fish, which included fluke that WINKLER harvested in excess of the applicable  
20 trip limit.

21  
22 *Overt Act 52:* On or about March 7, 2017, WINKLER deposited \$34,500 into a bank  
23 account for which he was an authorized signer. That money was for fish that WINKLER sold to  
24 DealerCo, including fluke taken in excess of the applicable trip limit. WINKLER did not report  
25 this excess fluke on his FVTR.

26 All in violation of Title 18, United States Code, Section 371.  
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**COUNTS TWO and THREE**  
**(Mail Fraud - 18 U.S.C. §§ 1341 and 2)**

16. Paragraphs 1 through 12 of Count One of this Superseding Indictment are incorporated here.

17. Fraudulent Scheme: During the years 2016 and 2017, WINKLER captained the *New Age*. In May and June 2016 and in January and February 2017, WINKLER knowingly and unlawfully harvested fluke in excess of New York State trip limits. In May 2016, WINKLER knowingly and unlawfully landed black sea bass in excess of the applicable trip limit. In order to conceal and cover-up his illegal harvest of this fish, WINKLER knowingly falsified the FVTRs that corresponded to those fishing trips. In the course of the scheme, WINKLER mailed and caused to be mailed false FVTRs to NOAA. NOAA and New York State each had the legal right to seize and sell over-trip limit fluke and black sea bass, as well as other fish that were unreported on FVTRs.

18. On or about the dates set forth in the table below, within the Eastern District of New York, the defendant,

CHRISTOPHER WINKLER,

having knowingly and intentionally devised a scheme and artifice to defraud NOAA and the State of New York of fish and the fair market value thereof, and to obtain money and property from NOAA and New York State by means of materially false and fraudulent pretenses and representations (to wit: that fish represented as caught on a Fishing Vessel Trip Report were a certain species, quantity, and weight, when in fact, the fish were not as represented on federal forms, and were in excess of an applicable New York State trip limit), and for the purpose of executing such scheme and artifice, placed in any post office and authorized depository for mail

1 matter any matter and thing whatever to be sent and delivered by the Postal Service (to wit: at  
2 least one Fishing Vessel Trip Report per count):

3

COUNT	DATE (On or about, and between)
4 2	May 18, 2016, and June 24, 2016
5 3	January 26, 2017, and February 8, 2017

6

7 All in violation of Title 18, United States Code, Sections 1341 and 2.

8

9 **COUNTS FOUR and FIVE**  
10 **(Obstruction - 18 U.S.C. § 1519)**

11 19. Paragraphs 1 through 12 of Count One of this Superseding Indictment are  
12 incorporated here.

13 20. On or about the dates set forth in the table below, within the Eastern District of New  
14 York, the defendant,

15 CHRISTOPHER WINKLER,

16 did knowingly falsify and make false entries into records and documents (to wit: at least one  
17 Fishing Vessel Trip Report, also known as a fishing log) with the intent to impede, obstruct, and  
18 influence the proper administration of any matter, and in relation to and in contemplation of such  
19 matter, within the jurisdiction of any department and agency of the United States (to wit: NOAA,  
20 an agency of the Department of Commerce):

21

COUNT	DATE (On or about, and between)
22 4	May 18, 2016, and June 24, 2016
23 5	January 26, 2017, and February 3, 2017

24

25 All in violation of Title 18, United States Code, Section 1519.

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27

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**FORFEITURE ALLEGATION**  
**(Conspiracy and Mail Fraud)**

21. The allegations contained in Counts One through Three of this Superseding Indictment are hereby re-alleged and incorporated by reference for the purpose of alleging forfeitures pursuant to Title 18, United States Code, Sections 371, 981(a)(1)(C), 1341, 1956(c)(7), and 1961(1) and Title 28, United States Code, Section 2461(c).

22. Upon conviction of one or more of the offenses alleged in Counts One through Three of this Superseding Indictment, the convicted defendant shall forfeit to the United States, pursuant to Title 18, United States, Code, Section 981(a)(1)(C), any property, real or personal, constituting or derived from proceeds traceable to the fraud offenses, *i.e.*, Conspiracy and Mail Fraud.

23. If any of the property, as a result of any act or omission of the defendant:

- (a) cannot be located upon the exercise of due diligence;
- (b) has been transferred or sold to, or deposited with, a third party;
- (c) has been placed beyond the jurisdiction of the court;
- (d) has been substantially diminished in value; or
- (e) has been commingled with other property which cannot be divided without difficulty;

*\*\*\* This portion of the page is blank. Forfeiture Allegation continues on page 18. \*\*\**


1 Then, the United States of America shall be entitled to forfeiture of substitute property pursuant  
2 to Title 21, United States Code, Section 853(p), incorporated by Title 18, United States Code,  
3 Section 2461(c).

4 All pursuant to Title 18, United States Code, Sections 371, 981(a)(1)(C), 1341,  
5 1956(c)(7), and 1961(1) and Title 28, United States Code, Section 2461(c).  
6

7  
8 TODD KIM  
9 ASSISTANT ATTORNEY GENERAL  
10 GENERAL, ENVIRONMENT AND  
11 NATURAL RESOURCES DIVISION  
12 U.S. DEPARTMENT OF JUSTICE

13 Dated: January 25, 2022

14 By:

15   
16 Christopher L. Hale, Trial Attorney  
17 Kenneth Nelson, Senior Trial Attorney  
18 Environmental Crimes Section  
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23  
24  
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26  
27  
28

19 A TRUE BILL

20   
21 Grand Jury Foreperson

22 1/25/2022  
23 Date  
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