

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF LOUISIANA**

**UNITED STATES OF AMERICA** \* **CRIMINAL DOCKET NO. 15-28**

**v.** \* **SECTION: "B"**

**JOHN TOKOSH** \*  
**a/k/a Jay Rockington** \*

\* \* \*

**FACTUAL BASIS**

The defendant, JOHN TOKOSH, a/k/a Jay Rockington ("TOKOSH"), has agreed to plead guilty as charged to Counts One and Three of the nine-count Indictment. Count One charges TOKOSH with conspiring to smuggle turtles from the United States, in violation of Title 18, United States Code, Section 554, and to make false labels for turtles being shipped in foreign and interstate commerce, in violation of Title 16, United States Code, Sections 3372(d) and 3373(d)(3)(A); all in violation of Title 18, United States Code, Section 371. Count Three charges TOKOSH with use of a fictitious name or address in mailing, in violation of Title 18, United States Code, Sections 1342 and 2.

Should this matter have gone to trial, the government would have proven, through the introduction of competent testimony and other admissible evidence, the following facts, beyond a reasonable doubt, to support the allegations in the Indictment:

In June 2013, investigators with the United States Fish and Wildlife Service (USFWS), United States Postal Inspection Service (USPIS), and United States Department of Homeland Security, Homeland Security Investigations (HSI) began investigating coconspirator Lawrence

Treigle for illegally exporting turtles. Initial research showed that Treigle had a Facebook page titled "Lawrence Turtleman" and that Treigle had several photographs of baby and adult turtles posted on his Facebook page. Treigle's Facebook page had several groups associated with it indicating the sale of reptiles including; Reptiles, Exotics, and other pets for sale, Low Country Online Auction, and Reptiles and Redheads.

Investigators also checked law enforcement databases for records related to Treigle. The USFWS law enforcement database had one result. In 2004-2005, Treigle was targeted by USFWS in an illegal interstate commerce scheme selling and bartering illegally captured North American Wood turtles (*Glyptemys Insculpta*). Agents executed a search warrant on the residence of the main target of the investigation, coconspirator John TOKOSH, and a computer was seized. Emails between TOKOSH and Treigle showed that both had knowledge that their activities were unlawful. That investigation revealed that TOKOSH was capturing the North American Wood turtles from the wild and that Treigle was brokering deals for sale and barter of the turtles. Treigle would then send TOKOSH his share of the proceeds from the sale. USFWS agents conducting the investigation were preparing an application for a search warrant on Treigle's home, but Hurricane Katrina made landfall in New Orleans area before the warrant was finalized. Treigle was never contacted about that investigation; however, TOKOSH was convicted of Lacey Act charges in Pennsylvania. *United States v. TOKOSH*, W.D. Pa., Crim. No. 05-258. In June 2006, TOKOSH was sentenced to serve one year and one day in prison.

In the preliminary stages of the instant investigation, the government subpoenaed records related to Treigle's bank accounts at First NBC Bank. The records revealed that between November 2011 and October 2012, Treigle received approximately \$206,500 in 16 incoming

wire transfers from Hong Kong, China. Further subpoenaed financial records revealed that from October 2011 through May 2013, Treigle received funds in various amounts totaling \$19,624.93 from a PayPal account registered to him. Combined, the wires and PayPal transfers total \$221,780.

In June 2014, agents received additional, updated banking records from First NBC Bank. The records showed that Treigle opened a new account #XXXX9374 with First NBC Bank on January 10, 2014. In the first approximately six months that the account was open, Treigle received 8 foreign wires from Hong Kong totaling \$78,973 into this account. The wires corresponded with the dates and times of the shipments of turtles, as detailed below. The senders of the wires were the same persons that Treigle has been receiving money from since 2011 (*i.e.*, coconspirators John Lau and Barry WONG).

Subpoenaed financial records also revealed that Treigle had many charges on his credit card from the United States Postal Service. A USPIS inspector gathered information related to these charges and shipments made by Treigle from November 2011 to November 2012. Over this one year period, Treigle used the USPS Express Mail system 42 times.

41 of the 42 Express Mail shipments had the Slidell address of a rental home owned by Treigle or a slight variation thereof posted as a return address. Specifically, he used 6549 Lauren Drive 11 times, 6540 Lauren Drive 3 times, 6541 Lauren Drive 1 time, 6548 Lauren Drive 13 times, and 6544 Lauren Drive 13 times. A postal agent would testify that the use of slight variations in addresses is indicative of a desire to conceal a true address and commonly associated with criminal activity.

During the November 2011 to November 2012 time period, Treigle shipped to several

different addresses, but two addresses were shipped to 35 times. 13 shipments were sent to John TOKOSH, XXX 11th St. Charlera, PA 15022, and 22 shipments were sent to April Wu, XXXX Newby Ave. Rosemead, CA 91770.

The mailing records show that the shipping costs and weights of the shipments sent to April Wu (*i.e.*, coconspirator SO YI CHAN) were of a significantly higher amount than the shipments made to TOKOSH. This pattern demonstrates how the scheme works: the larger, heavier boxes sent to April Wu (*i.e.*, CHAN) contain the turtles, while the smaller packages sent to TOKOSH contain cash obtained by Treigle from the proceeds for the illegal turtle sales.

In June 2014, investigators received records from Federal Express (FedEx) related to shipments sent and received by Treigle. Records received from FedEx confirmed that Treigle also used FedEx to transport turtles and had switched from USPS Express Mail to FedEx following the interception by investigators of a January 21, 2014 shipment to April Wu (*i.e.*, CHAN). FedEx records show that Treigle sent a package of turtles on April 15, 2014, to “Ken Lau” XXXX Remer St., South El Monte, CA 91733. The parcel bearing FedEx tracking number 802278163370, weighed twenty-two (22) pounds, and again Treigle used the sender address of 6544 Lauren Dr., Slidell, LA 70460. Scrutiny of the shipping label by investigators found that the contact number used for “Ken Lau” was actually the contact number that had been used for the packages sent to April Wu (*i.e.*, CHAN), confirming that Treigle and CHAN were transporting turtles again. Treigle sent an additional 4 packages of turtles from April 24, 2014, through May 29, 2014, to “Kary Lee” in California. The addresses used for “Kary Lee,” “Ken Lau,” and “April Wu” are all located within a few miles of each other in the same area of California.

By comparing dates and times from USPS and Fedex records with the records subpoenaed from financial institutions, investigators were able to see a correlation between payments from the turtle buyers and shipments of money and turtles. Specifically, Treigle received a payment for a brokered sale, generally via wire from Hong Kong or PayPal. Treigle then removed cash from his account, and a short time after this withdrawal, sent out two packages. One package was sent to April Wu (*i.e.*, CHAN or another coconspirator who also serves as a drop location in California) and a second to TOKOSH in Pennsylvania. The one to April Wu (*i.e.*, CHAN or CHIU) was turtles, as evidenced by the large weights (and later confirmed through the interception of shipments and admissions of Treigle and Lau). The second to TOKOSH was cash or money orders, as evidenced by the lighter weight and the near-time withdrawals of cash observed in Treigle's bank accounts (and later confirmed through the interception of shipments and admissions of Treigle). Two examples are listed below.

An incoming wire for \$9,625.00 was sent to Treigle's account #XXXXXX9374 on April 24, 2014, from Miss Lam Kit Fong, Flat D, 13/F, Blk 8 Nam Fung Sun Ch Uen 23 Greig Crescent Quarry Bay Hk (account controlled by WONG). On the same day, Treigle shipped a FedEx package to Kary Lee, 2437 S. Louis St, West Covina, CA (CHAN or CHIU). This package had a weight of 44 lbs. Also, on the same day, Treigle cashed a check for \$5000 from account #XXXXXX9374 and sent a USPS package to TOKOSH the next day.

An incoming wire for \$9,625.00 was sent to Treigle's account #XXXXXX9374 on May 27, 2014, from Miss Lam Kit Fong, Flat D, 13/F, Blk 8, Nam Fung Sun Ch. On May 29, 2014, Treigle shipped a FedEx package to Kary Lee, 2437 S. Lois St, West Covina, CA. The package had a weight of 47lbs. Also, on the same day, Treigle cashed a check from account

#XXXXXX9374 for \$2,500 and sent a USPS package to TOKOSH.

On June 25, 2014, the government sought a search warrant to search Treigle's home at XXX Stephanie Lane, Covington, LA, and a seizure warrant to seize funds in Treigle's First NBC Bank account #XXXXXX9374. The Honorable Karen Wells Roby, United States Magistrate Judge for the Eastern District of Louisiana, signed both warrants on June 26, 2014, and agents executed them later that day.

In the course of executing the search warrant, agents initiated a conversation with Treigle. Although he was never in custody, agents nonetheless read Treigle his *Miranda* rights. After acknowledging those rights, Treigle agreed to speak with agents and ultimately to cooperate with the investigation. Treigle supplied agents with details of the illegal turtle smuggling scheme that corroborated and added to the information that they had learned during the investigation.

Treigle confirmed TOKOSH's role as his supplier of illegally captured North American Wood turtles in Pennsylvania.<sup>1</sup> Treigle told agents about shipments he had received and additional shipments that he expected to receive from TOKOSH. Based on that information, agents intercepted a package of turtles that TOKOSH had shipped to Treigle, and with Treigle's consent, opened the package, which contained North American Wood turtles. Treigle also confirmed that the shipments he had made to TOKOSH contained cash or cash equivalents and

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<sup>1</sup> The capture and sale of the turtles discussed herein was in violation of various state laws, including Louisiana Revised Statute, Title 3, Sections 2358.1 through 2358.1 4; Louisiana Revised Statute, Title 7, Chapter 19; and Pennsylvania Code, Title 58, Chapter 79, Sections 3 and 9. The shipments of turtles from California to the buyers in Hong Kong failed to declare that the shipments contained turtles. The international shipments also failed to comply with the various laws and regulations listed in Count One of the Indictment.

that the shipments he made to CHAN in California contained North American Wood turtles. Treigle told agents that he arranged shipments with TOKOSH through text messages and that he brokered the sales of turtles with buyers in Hong Kong through email.

In order to obtain further evidence of the unlawful conspiracy, investigators continued to facilitate the scheme as described above. Treigle agreed to cooperate with investigators by processing the turtle and money transactions, while law enforcement efforts were made in Pennsylvania, California, and Hong Kong, China.

#### **Shipments of Turtles and Cash between Pennsylvania and Louisiana**

Treigle provided information about TOKOSH, the individual illegally capturing the turtles from the wild in Pennsylvania. The communications between Treigle and TOKOSH facilitating the unlawful taking, shipment, storage, and payment for North American Wood turtles were conducted through phone texts. The phone numbers associated with these texts are 985-XXX-XXXX (Treigle) and 724-XXX-XXXX (TOKOSH). The following paragraphs outline communications and transactions that occurred between Treigle and TOKOSH after Treigle began cooperating in the investigation and document TOKOSH's role as the supplier of the North American Wood turtles in the illegal scheme. The prior shipments discussed above also contained North American Wood turtles.

On June 27, 2014, TOKOSH shipped 13 North American Wood turtles from Pennsylvania to Treigle in Louisiana via the United States Postal Service (USPS). TOKOSH and Treigle communicated via phone texts, that the turtles were sent, how many were sent, and how much money TOKOSH was owed. TOKOSH gave Treigle the tracking number and Treigle affirmed that the shipment had arrived. With Treigle's consent, agents opened the package and

took photos of the turtles. The shipping label falsely listed TOKOSH's name and return address, substituting "Jay Rockington, 505 Main Street, Washington, PA 15301" for TOKOSH's true name and address. TOKOSH used the false name and false address in order to avoid detection by law enforcement. As discussed herein, the shipment of turtles was part of conducting and carrying on the unlawful business of dealing in North American Wood turtles, which cannot be legally captured from the wild in Pennsylvania.

On June 30, 2014, TOKOSH shipped 10 North American Wood Turtles from Pennsylvania to Treigle in Louisiana via the USPS. TOKOSH and Treigle communicated via phone texts, that the turtles were sent, how many were sent, and how much money TOKOSH was owed. TOKOSH gave Treigle the tracking number and Treigle affirmed that the shipment had arrived. With Treigle's consent, agents opened the package and took photos of the turtles.

On July 1, 2014, Treigle sent \$2,500 in cash to TOKOSH as payment for the turtles he had received. Treigle communicated via phone texts with TOKOSH affirming shipment was sent. TOKOSH relayed that he was sending an additional 3 pairs of North American Wood Turtles, and asked for \$2860 to be sent instead of \$2500. Treigle replied that shipment had already been sent and that he would pay the difference on the next cash payment. On July 3, 2014, the package was delivered to TOKOSH at the address listed on the package, XXX 11th Street Charleroi, PA. USPIS inspectors in PA conducted surveillance on TOKOSH's residence and confirmed delivery of the cash.

On July 1, 2014, TOKOSH shipped 15 North American Wood turtles from Pennsylvania to Treigle in Louisiana via the USPS. TOKOSH and Treigle communicated via phone texts, that the turtles were sent, how many were sent, and how much money TOKOSH was owed.



TOKOSH gave Treigle the tracking number and Treigle affirmed that the shipment had arrived. With Treigle's consent, agents opened the package and took photos of the turtles.

On July 3, 2014, TOKOSH shipped 9 North American Wood turtles from Pennsylvania to Treigle in Louisiana via the USPS. TOKOSH and Treigle communicated via phone texts, that the turtles were sent, how many were sent, and how much money TOKOSH was owed. TOKOSH gave Treigle the tracking number and Treigle affirmed that the shipment had arrived. With Treigle's consent, agents opened the package and took photos of the turtles.

On July 9, 2014, Treigle sent \$1,690 in cash to TOKOSH as payment for the turtles he had received. Treigle communicated via phone texts with TOKOSH affirming shipment was sent and relaying the tracking number. TOKOSH texted that he was sending North American Wood turtles to Treigle and was going hunting for North American Wood turtles on July 10, 2014. On July 10, 2014, the package was delivered to TOKOSH at the address listed on the package, XXX 11th Street Charleroi, Pa 15022. A controlled delivery was conducted by a USPIS inspector. The inspector witnessed TOKOSH sign for and accept the cash.

On July 11, 2014, TOKOSH shipped 20 North American Wood turtles from Pennsylvania to Treigle in Louisiana via the USPS in two separate packages. TOKOSH and Treigle communicated via phone texts, that the turtles were sent, how many were sent, and how much money TOKOSH was owed. TOKOSH texted that he had only caught male North American Wood turtles on his hunting trip that had taken place on July 10, 2014, but was going to hunt for North American Wood turtles again on Saturday, July 12th. With Treigle's consent, agents opened the package and took photos of the turtles.

On July 14, 2014, TOKOSH shipped 9 North American Wood turtles from Pennsylvania

to Treigle in Louisiana via the USPS. When TOKOSH delivered the package to the United State Post Office in Dunlevy, Pennsylvania, USPS inspectors conducted surveillance and took photos of TOKOSH arriving and leaving the Post Office in his Black GMC Yukon PA registration XXXXXXXX. Video was also taken of TOKOSH as he completed shipping documents and made payment to the USPS. On July 14, 2014, TOKOSH and Treigle communicated via phone texts, that the turtles were sent, how many were sent and how much money TOKOSH was owed. TOKOSH gave Treigle the tracking number and Treigle affirmed that the shipment had arrived. TOKOSH texted that he was going hunting for North American Wood turtles on July 16, 2014. He also texted that he had a large amount of Eastern Box turtles that he wanted to sell. As with North American Wood turtles, it is illegal to capture Eastern Box turtles in Pennsylvania. With Treigle's consent, agents opened the package on July 16, 2014, and took photos of the turtles.

On July 17, 2014, Treigle sent \$1,050 in cash to TOKOSH as payment for the turtles he had received. Treigle communicated via phone texts with TOKOSH affirming shipment was sent and relaying the tracking number. On July 23, 2014, investigators in PA conducted a trash pull at TOKOSH's residence at approximately 04:30 hours. Two bags were removed from the trash that was placed outside the fenced yard for normal trash pickup. In the trash, investigators discovered a USPS "Flat Rate Mailing Envelope" that had been torn into several small pieces. The envelope contained the following information: "From: Treigle, XXX Stephanie Ln., Covington, LA 70435"; "TO: [TOKOSH], XXX 11th St, Charleroi, PA 15022." The envelope had the following postage information: "U.S. Postage Paid, Madisonville, LA 70447, Jul 17, 14, amount \$5.60" and was assigned "USPS Tracking# 9114901230803655398201," which was the tracking number on the envelope that was used to send the payment of \$1,050 to TOKOSH on

July 17, 2014.

On July 22, 2014, TOKOSH shipped 10 North American Wood turtles from Pennsylvania to Treigle in Louisiana via the USPS in two separate packages. TOKOSH delivered the packages to the United State Post Office in Dunlevy, Pennsylvania. Video was taken of TOKOSH as he completed shipping documents and made payment to the USPS. Treigle communicated via phone texts with TOKOSH affirming shipment arrival. TOKOSH also texted that he was hunting North American Wood turtles on this same date. With Treigle's consent, agents opened the package and took photos of the turtles.

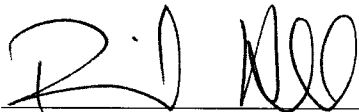
Throughout these mailings, TOKOSH consistently used a false name and address (*i.e.*, "Jay Rockington, 505 Main Street, Washington, PA 15301") when shipping the North American Wood turtles. During the text message exchanges between Treigle and TOKOSH, Treigle told TOKOSH that he was waiting on money to arrive from Hong Kong before Treigle could send money to TOKOSH for the turtles that he was capturing and sending to Treigle, demonstrating that TOKOSH knew that the North American Wood turtles he was sending to Treigle were ultimately destined to be shipped outside the United States. Agents took numerous photos of each of the shipments and these photos would be introduced into evidence. Agents also capture the text message exchanges, which would also be introduced into evidence.

On Tuesday August 12, 2014, agents executed a search warrant at the residence of John TOKOSH, XXX 11<sup>th</sup> Street Charleroi, PA 15022. In a post-*Miranda* interview, TOKOSH stated he and Treigle had become friends approximately 10 years ago by meeting online through either the website Turtletimes.com or Kingsnake.com. TOKOSH admitted that he had sent turtles to Treigle for money. TOKOSH stated the turtles he was sending were mostly native (*i.e.*,

not bred in captivity) and that he knows that you cannot collect or send native animals. TOKOSH stated he would travel on Interstate 76 to the Fort Littleton or Willow Hill exits, and hunt there. He would capture the turtles in the wild, by hand, and bring them back to his residence. When an order from Treigle came in, TOKOSH would wrap duct tape around the turtles to keep them from scratching, put the turtles in individual socks and send them out via US Mail Priority 2-3 day. TOKOSH admitted to using a false name and address on the packages and not declaring there was live wild life in the packages because he wanted to avoid detection. TOKOSH stated there was not a set price per turtle between he and Treigle. He would send the turtles out and Treigle would send money based on the appearance of the turtles. TOKOSH stated he would receive anywhere from \$40-\$125 per turtle. TOKOSH stated the most he received for a shipment was \$2,500 for 20 turtles.

The government would introduce evidence establishing that the North American Wood turtles that TOKOSH sent to Treigle were ultimately sold to buyers in Hong Kong. The government would introduce emails arranging the sales. The government would prove that Treigle shipped the turtles to California and that coconspirators in California then shipped the turtles on to Hong Kong without declaring them or complying with any of the customs/wildlife exportation laws that govern the export of turtles, including but not limited to the laws and regulations listed in Count One of the Indictment. The government's evidence would include testimony from coconspirator John Lau, who is from Hong Kong and who pled guilty to a conspiracy to smuggle turtles. Lau's role in the conspiracy was to provide money to pay Treigle for the turtles. Lau would confirm that all the turtles that were sent by TOKOSH to Treigle and then sold to Lau and WONG were ultimately shipped to Hong Kong. Lau would also testify that

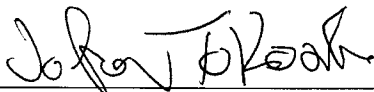
the shipments did not comply with United States export laws governing the export of turtles. In addition to the testimony from Lau, the government would introduce photos of videos taken of the coconspirators in California (CHAN and CHIU) receiving the packages of turtles from Treigle and then hours or days later, going to the Post Office and shipping the turtles to Hong Kong in unmarked and undeclared packages. The government would present evidence showing that some of the packages were opened after they were dropped off by CHAN and CHIU and that they contained turtles despite being marked as containing legos, magazines, and other items. As part of a controlled delivery operation, Hong Kong authorities delivered one of the packages to the recipient address in Hong Kong, where it was received by WONG and his mother.



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12/2/15

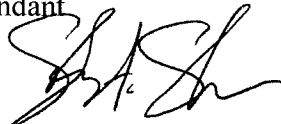
Date



JOHN TOKOSH  
Defendant

12-2-15

Date



STEPHEN SHAPIRO  
Attorney for Defendant

12/2/15

Date