



Monthly

Bulletin

Environmental Crimes Section

October 2018

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As a result of [Operation Ornerly Bird](#), this Blue Grosbeak was rescued from the residence of Reynaldo Mederos. At the conclusion of the investigation, more than 100 birds were released into the Everglades. See *U.S. v. Mederos*, [inside](#), for more details on this case.

District/Circuit	Case Name	Case Type/Statutes
Fourth Circuit Court of Appeals	<u>United States v. Julian</u>	Brady Issue in Vessel Trial
Eastern District of California	<u>United States v. Gilbert Garcia-Garcia</u> <u>United States v. Gregorio Moreno-Valencia et al.</u>	Marijuana Grow/Conspiracy, Drugs, Depredation to Natural Resources
Southern District of California	<u>United States v. Blessings, Inc. a/k/a Blessing Seafood, Inc., et al.</u>	Marine Wildlife Harvesting/Conspiracy, Lacey Act, Smuggling
Middle District of Florida	<u>United States v. Tyler C. McGovern</u>	Dog Fighting/Conspiracy
Southern District of Florida	<u>United States v. Reynaldo Mederos</u>	Migratory Bird Sales/MBTA
Northern District of Georgia	<u>United States v. Carlos Conde</u>	Chemical Mixing Plant/CWA, False Statement
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Northern District of Illinois	<u>United States v. Brian Brundage</u>	E-Waste/Wire Fraud, Tax Evasion
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District of Massachusetts	<u>United States v. Jake M. Bell</u>	Whale Teeth Sales/Lacey Act
Northern District of Mississippi	<u>United States v. Frederick A. Corder</u>	Migratory Bird Killing/Conspiracy, MBTA
Southern District of Mississippi	<u>United States v. Edward L. Donaldson, Jr., et al.</u>	Deer Imports/Conspiracy, Lacey Act

District/Circuit	Case Name	Case Type/Statutes
Eastern District of New York	<u>United States v. Anchor Frozen Foods, Inc., et al.</u>	Seafood Processor/Conspiracy, Lacey Act
Western District of New York	<u>United States v. Tonawanda Coke Corporation</u> <u>United States v. Michael Yount</u> <u>United States v. Margaret M. Tobin</u>	Probation Violation/CAA, RCRA Oil Spill/False Statement False Training Documents/ Possession of Unlawful Identification
Middle District of Pennsylvania	<u>United States v. Brian Mellott et al.</u> <u>United States v. Bitner Brothers Construction Company</u>	Vehicle Emissions Fraud/CAA, Conspiracy Lead Removal/TSCA
District of South Carolina	<u>United States v. Joseph L. Brooks, et al.</u> <u>United States v. Caleb E. Hartzog, Jr.</u>	Reptile Smuggling/Conspiracy, Lacey Act Municipal Employee/False Statement
District of South Dakota	<u>United States v. Juan Mesteth</u>	Eagle Part Sales/Conspiracy, Firearm
District of Virgin Islands	<u>United States v. Jose Rivera</u>	Pesticide Application/FIFRA
Eastern District of Virginia	<u>United States v. James R. Casey</u>	Seafood Processor/Conspiracy, Lacey Act
Western District of Washington	<u>United States v. Hoon Namkoong</u>	Marine Wildlife Sales/Conspiracy, Lacey Act
Western District of Wisconsin	<u>United States v. Markos Diderrich</u>	Reptile Sales/Lacey Act

Decisions

***United States v. Julian*, No. 17-4546 (4th Cir. Oct. 23, 2018).**

In an October 23, 2018, unpublished opinion, the Fourth Circuit Court of Appeals affirmed in part Herbert Julian's convictions and dismissed in part an appeal of his sentence. A jury convicted Julian of knowingly failing to maintain an accurate Oil Record Book in violation of 33 U.S.C. § 1908(a) and of obstructing an agency proceeding in violating of 18 U.S.C. § 1505. The district court sentenced Julian to time-served on both counts followed by a one-year term of supervised release.

Julian appealed claiming that the government violated its obligations to disclose evidence favorable to Julian under *Brady v. Maryland*, 373 U.S. 83 (1963), violating his due process rights. Julian contends that photographs or samples of a modified "magic" valve utilized as a discharge method and testimony from a government witness that the Coast Guard inspected the valve were favorable to his case. However, the Court found that the relevant evidence did not satisfy the materiality prong of the *Brady* elements. The Court noted that all of the defendants used the relevant evidence to impeach the government's key witness and Julian addressed the alleged withholding of evidence in his closing argument to attack the credibility of the government's case. Further, the jury was instructed that it was permitted to infer the relevant evidence as beneficial to Julian and to consider that inference in assessing the credibility of the government's key witness. Accordingly, the Court held that the favorable evidence could not be reasonably taken to put the whole case in such a light as to undermine the confidence of the verdict. Thus, the district court did not abuse its discretion by denying Julian's motion for mistrial based on the government's alleged withholding of evidence.

Additionally, the Court dismissed Julian's appeal of his sentence as moot because he already fully served his sentence and his supervised release had expired. Therefore, there was no longer an actual case or controversy between the parties as to the validity of the sentence.

Indictments/Informations

***United States v. Gilberto Garcia-Garcia*, No. 2:18-CR-00197 (E.D. Calif.), AUSA David W. Spencer.**

On September 27, 2018, prosecutors charged Gilberto Garcia-Garcia in a three-count indictment with conspiring to manufacture and manufacturing marijuana plants and depredation of public lands and resources (21 U.S.C. §§ 841, 846; 18 U.S.C. § 1361).

During an aerial surveillance operation, law enforcement officers located two large marijuana cultivation sites in the Shasta-Trinity National Forest. They hiked into the area and observed Garcia and another individual tending the plants and harvesting the marijuana. Garcia was apprehended at the site, where officers found more than 11,000 plants. The plants were covered in a white powder that appeared to be carbofuran, an insecticide that is highly toxic to both humans and wildlife.

This case was investigated by the Bureau of Land Management, the California Department of Fish and Wildlife, and the Trinity County Sheriff's Department.

***United States v. Gregorio Moreno-Valencia et al.*, No. 2:18-CR-00194 (E.D. Calif.), AUSA Samuel Wong.**

On September 27, 2018, prosecutors charged Gregorio Moreno-Valencia and Alexandro Ayala-Acosta in a four-count indictment with drug, firearms, and depredation of public lands and resources in connection with a marijuana grow operation in the Mendocino National Forest (21 U.S.C. §§ 841, 846, 924; 18 U.S.C. § 1361).

At the time of their arrest in August 2018, Valencia was armed with a Colt .22 caliber semi-automatic pistol and Acosta had a Mossberg short-barrel 12 gauge pump shotgun.

This case was investigated by the U.S. Forest Service, the Tehama County Sheriff's Department, the California Department of Fish and Wildlife, the California National Guard, and the California Department of Justice.

***United States v. Anchor Frozen Foods, Inc., et al.*, No. 2:18-CR-00522 (E.D.N.Y.), ECS Trial Attorney Ryan Connors and ECS Senior Trial Attorney David Kehoe.**

On September 26, 2018, prosecutors charged two companies and two individuals with conspiracy to commit wire fraud and to violate the Lacey Act, as well as four counts of Lacey Act false labeling (18 U.S.C. § 371; 16 U.S.C. §§ 3372 (d)(2), 3373(d)(3)(A)).

Roy Tuccillo, Sr., and his son, Roy Tuccillo, Jr., own and manage multiple food processing and distribution companies on Long Island, including Anchor Frozen Foods, Inc. and Advanced Frozen Foods, Inc. They repeatedly imported giant squid from Peru and then sold it to grocery stores across the country as octopus. They solicited business and processed payments by email and wire transfers while carrying out their scheme to defraud grocery stores and customers.

This case was investigated by the National Oceanic and Atmospheric Administration Office of Law Enforcement, with assistance from the U.S. Food and Drug Administration.

Indictments/Informations

United States v. Carlos Conde, 1:18-CR-00377 (N.D. Ga.), AUSA Chris Huber.

On September 25, 2018, prosecutors charged Carlos Conde with violating the Clean Water Act and for making false statements (33 U.S.C. § 1319(c)(2)(A); 18 U.S.C. § 1001).

Conde was the plant manager for an Apollo Technologies chemical mixing plant in Smyrna, Georgia. On August 12, 2016, a batching tank leaked, spilling thousands of gallons of carburetor cleaner. The next morning, two workers discovered the spill and called Conde. Conde arrived at the plant and allegedly instructed the employees to wash the chemical into a tributary leading to Nickajack Creek and the Chattahoochee River. As a result, the creek turned milky white, and the chemical killed all the fish, frogs, and other wildlife. During interviews with the EPA, Conde allegedly twice denied being involved in the spill cleanup.

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

United States v. Brian Mellott et al., No. 4:18-CR-00267 (M.D. Penn.), AUSAs Phillip J. Caraballo and Sean Camoni, and SAUSA Patricia C. Miller.

On September 10, 2018, prosecutors unsealed an indictment charging Brian Mellott with conspiring to impede the lawful functions of the U.S. Environmental Protection Agency (EPA) and the Department of Transportation (DOT), and to violate the Clean Air Act. Mellott also was charged with three Clean Air Act violations (18 U.S.C. § 371; 42 U.S.C. § 7413(c)(2)(C)). Trial is scheduled to begin on February 4, 2019.

The indictment alleges that Mellott worked as an analyst at Rockwater Northeast LLC, a company that serviced the fracking industry in Pennsylvania. In the course of his employment, he conspired to modify the emissions systems on approximately 30 Rockwater heavy-duty diesel trucks by using “defeat devices.” It is further alleged that the defeat device purchases were concealed in Rockwater’s books and records by mislabeling them as exhaust systems, including invoices approved by Mellott.

Gavin Rexer, Dennis Paulhamus, Joseph Powell, John Joseph, and Timothy Sweitzer previously pleaded guilty to conspiring to defraud the government and violate the Clean Air Act. They also took the modified commercial motor vehicles to state-approved inspection stations, including Sweitzer’s Garage, in order to pass inspections.

This case was investigated by the U.S. EPA Criminal Investigation Division and the Department of Transportation Office of the Inspector General, with assistance from the Federal Motor Carrier Safety Administration, and the Pennsylvania State Police.

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Guilty Pleas

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things, buy jewelry, gamble, and pay the wages for a nanny and housekeeper.

Brundage caused employees to sell some of the e-waste and other materials to vendors whom Brundage knew would ship it overseas. Some of the waste contained Cathode Ray Tubes (CRT) that contain potentially hazardous amounts of lead. Brundage caused the destruction of multiple tons of CRT glass and other potentially hazardous materials.

This case was investigated by the U.S. EPA Criminal Investigation Division, the Internal Revenue Service Criminal Investigation Division, the U.S. Immigration and Customs Enforcement's Homeland Security Investigations; and the U.S. General Services Administration Inspector General's Office.

***United States v. Jose Rivera*, No. 3:18-CR-00011 (D.V.I.), ECS Senior Litigation Counsel Howard Stewart, AUSA Kim L. Chisholm, RCEC Patricia Hick, and ECS Paralegal Ashley Patterson.**

On September 17, 2018, Terminix employee Jose Rivera pleaded guilty to violating the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) (7 U.S.C. §§ 136j(a)(2)(G), 136l(b)(1)(B)). Rivera illegally applied pesticides containing methyl bromide in multiple residences, including the condominium resort complex in St. John where a family of four fell seriously ill in 2015, after the unit below them was fumigated. Sentencing is scheduled for January 17, 2019.

Rivera was a certified and properly trained pesticide applicator. Based on his training, Rivera knew that he was required to follow all instructions when using any pesticide. The methyl bromide label clearly states it is prohibited from use within a residential unit.

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 supervised government contract. In November 2017, the court sentenced Terminix LP and Terminix, USVI, after they pleaded guilty to four FIFRA violations. The companies paid a total of approximately \$10 million in criminal fines, community service, and restitution payments.

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

Guilty Pleas

United States v. Joseph L. Brooks et al., No. 5:18-CR-00205 (D.S.C.), AUSA Winston Holliday.

On September 5, 2018, four more defendants pleaded guilty for their involvement in an international wildlife smuggling ring: Joseph L. Brooks; Matthew T. Fischer; and Matthew H. Kail pleaded guilty to conspiracy to smuggle wildlife; and William Fischer pleaded guilty to a Lacey Act trafficking violation (18 U.S.C. § 371; 16 U.S.C. § 3372(a)). Steven V. Baker, who previously pleaded guilty to conspiracy, was the one who led the scheme.

Between January and June 2016, Baker obtained protected turtles from Hong Kong that were later shipped from the United States to Asia. Brooks accepted delivery of international packages containing protected turtles, including Reeves' Turtles, Indian Roofed Turtles, and South American River Turtles. Matthew Fischer gave Baker access to his bank account to receive international wire transfers. Kail was involved in a number of transactions involving the purchase and sale of a variety of protected turtles. William Fischer negotiated for the purchase of Indian Star Tortoises. The defendants used the Facebook text messaging feature to conduct the transactions. Several packages were intercepted during parcel inspections at the John F. Kennedy International Airport Mail Facility.

In many instances, Baker and his cohorts shipped or received rare turtles in boxes labeled as snacks. Inside the boxes, the turtles were covered in candy wrappers or stuffed in socks. The value of the wildlife has been estimated at approximately \$410,000.

To date, prosecutors have charged nine individuals, with four remaining under seal. William Gangemi is scheduled for trial to begin during the January/February term.

This case was investigated by the U.S. Fish and Wildlife Service, the U.S. Postal Inspection Service, and the South Carolina Department of Natural Resources.



Turtles concealed in white tube socks

Sentencings

***United States v. Hoon Namkoong*, No. 18-CR-00081 (W.D. Wash.), AUSAs Matthew Diggs and Seth Wilkinson.**

On September 28, 2018, a court sentenced Hoon Namkoong to two years' incarceration, followed by three years' supervised release. He also will pay a total of \$1.5 million in restitution to state and tribal entities. Namkoong previously pleaded guilty to conspiring to violate the Lacey Act for his role in a scheme to under-report, falsely label, transport and sell sea cucumbers purchased from state and tribal fishers in Washington State (18 U.S.C. § 371; 16 U.S.C. § 3372(a), (d)).



Dried sea cucumbers

Between August 2014 and November 2016, Namkoong, the owner of Orient Seafood Products, conspired with others to underreport the amount of sea cucumbers he purchased for processing by approximately 250,000 pounds. Namkoong purchased sea cucumbers from both tribal and non-tribal fishers in the Puget Sound region. Sea cucumbers are classified as shellfish, and the harvests are regulated by both state and tribal authorities. To protect the resource, the harvests are to be tracked by fish tickets signed by both the fisher and the purchaser. Namkoong falsified the fish tickets, failed to prepare them or retain them, and frequently paid fishers in cash. His company processed the seafood and sold it to wholesale buyers in both the U.S. and in Asia, for a profit of nearly \$1.5 million.

The case was investigated by the National Oceanic and Atmospheric Administration Office of Law Enforcement and the Washington State Department of Fish and Wildlife.

***United States v. Tonawanda Coke Corporation*, No. 1:10-CR-00219 (W.D.N.Y.), ECS Trial Attorney Patrick Duggan, AUSA Aaron Mango, and former Senior Counsel Rocky Piaggione.**

On September 21, 2018, a court sentenced Tonawanda Coke Corporation (TCC), after finding it had violated the terms of its probation for exceeding its daily emissions limits on more than 100 occasions in 2018. The court modified and enlarged TCC's conditions of probation to include: 1) Additional testing of emissions within 60 days of required repair work; 2) implementation of compliance and construction recommendations provided by a third-party analysis of the causes of emissions increases; and, 3) appointment of an independent monitor, funded by TCC (but reporting to the court) regarding compliance with environmental regulations, progress on repairs, and conditions of probation.

TCC was initially sentenced in March 2014 (following a five-week trial in 2013) after a jury convicted it on multiple counts for improperly operating a coke facility. Coke is used in the steel-mill and foundry industries as an additive in the steel making process. It was

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Sentencings

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convicted of 11 Clean Air Act violations that took place over a five-year period, and three Resource Conservation and Recovery Act (RCRA) violations spanning almost two decades 42 U.S.C. §§ 6928(d)(2)(A), 7413(c)). The company was ordered to pay a \$12.5 million fine, \$12.2 million in community service, and complete a five-year term of probation.

This case was investigated by the U.S. EPA Criminal Investigation Division, and the N.Y. State Department of Environmental Conservation Police Bureau of Environmental Crimes Investigation.

United States v. Bitner Brothers Construction Company, No. 18-CR-00157 (M.D. Pa.), AUSA William Behe.

On September 18, 2018, a court sentenced Bitner Brothers Construction Company to pay a \$10,000 fine and complete a two-year term of probation, after pleading guilty to violating the Toxic Substances Control Act (15 U.S.C. §§ 2689, 2615(b)).

Bitner Brothers was an experienced construction contractor certified by the U.S. Environmental Protection Agency as a lead renovator since October 2010. In February 2017, employees replaced ten windows in an apartment building that had been built before 1978. The work required them to cut into walls that were covered in lead-based paint. They did not test for lead prior to starting the work nor were they trained for proper dust containment. During the project, residents were present including small children. The EPA took paint chips samples in May 2017 that confirmed the presence of lead.

While under probation, Bitner Brothers is required to notify probation officials before engaging in any new work involving lead-based paint. The company also must disclose details of the criminal case to any new customers seeking its services.

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

United States v. Frederick A. Corder, No. 1:18-CR-00127 (N.D. Miss.), AUSA Robert Mims.

On September 19, 2018, a court sentenced Frederick A. Corder to pay a \$50,000 fine, followed by a two-year term of probation, for trapping and killing migratory birds. As a condition of probation, Corder is prohibited from hunting anywhere in the world or participating in field trials for a period of two years.

In August 2018, a judge found Corder guilty of conspiracy and violating the Migratory Bird Treaty Act (MBTA) (18 U.S.C. § 371; 16 U.S.C. § 703). Evidence proved that Corder and his employee killed numerous birds between October 2010 and January 2015, including hawks and owls. Corder used a property known as Cedar Oak Plantation for purposes of training bird dogs and releasing pen-raised quail for field trials (which are



Owl captured by defendant

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competitions for owners of pointers and other hunting dogs in the pursuit of quail.) Corder used traps to kill approximately 100 hawks and owls that could have preyed on the quail.

This case was investigated by the U.S. Fish and Wildlife Service Office of Law Enforcement and the Mississippi Department of Wildlife, Fisheries and Parks.

***United States v. Tyler C. McGovern*, No. 8:18-CR-00283 (M.D. Fla.), AUSA Christopher F. Murray.**

On September 19, 2018, a court sentenced Tyler C. McGovern to one year and a day of incarceration, followed by three years' supervised release. McGovern previously pleaded guilty to conspiring to exhibit an animal in an animal fighting venture, and to buy, sell, deliver, possess, train, and transport an animal for participation in an animal fighting venture (18 U.S.C. § 371).

Between 2015 and 2016, McGovern and his co-conspirators, operating as the Triangle Gang, sponsored pit bull-type terriers in fights in Duval, Sumter, and Marion counties. On March 1, 2017, law enforcement officers executed a search warrant in Sumter County at a property belonging to a gang member and seized eight dogs, along with equipment and supplements used to condition the animals for fighting.

This case was investigated by the Federal Bureau of Investigation, the Pasco Sheriff's Office, and the Sumter County Sheriff's Office.

***United States v. Michael Yount*, No. 1:18-CR-00088 (W.D.N.Y.), AUSA Aaron Mango.**

On September 18, 2018, a court sentenced Michael Yount to pay a \$1,000 fine, complete a two-year term of probation, and perform 100 hours of community service. Yount previously pleaded guilty to making a false statement in connection with an oil spill investigation (18 U.S.C. § 1001).

On July 18, 2016, the New York State Department of Environmental Conservation (DEC) responded to an oil spill in Cayuga Creek in Niagara Falls, New York. A significant amount of suspected waste oil was found in the creek and in a large storm sewer water pipe along Niagara Falls Boulevard.

Investigators began looking for the potential source of an estimated 300 to 500 gallon oil spill. Yount is the environmental compliance officer for Delta Sonic Car Wash Systems, Inc., which has a



Hose used to discharge oily waste to catch basin

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location approximately a half a mile from the creek. During a meeting at the Delta Sonic location, the investigator learned that employees were renovating the oil change and lube shop garage, which involved the removal of concrete floors. At that time, Yount stated that there had not been any problems except for a minor two-gallon oil spill that was immediately cleaned up.

The investigator returned to the facility the following day and observed an absorbent boom with oil on it in a storm sewer in the parking lot. Yount claimed that booms were often left in the sewers over an extended period. Another employee had previously informed authorities that oily wastewater was being pumped in to the creek at the time of the renovation.

Delta Sonic entered into consent agreements with both the DEC and the U.S. EPA for violating the Clean Water Act. The company agreed to pay the \$25,364 in clean-up costs and an additional \$25,000 as a civil penalty to the DEC. It will pay an additional \$30,000 to the EPA as a civil penalty.

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

United States v. Blessings, Inc., et al., No. 1:17-CR-01254 (S.D. Calif.), AUSA Melanie Pierson.

On September 17, 2018, a court sentenced Blessings, Inc. (aka Blessing Seafood, Inc.) and David Mayorquin to pay a \$973,490 fine (joint and several), to be divided between the Lacey Act Rewards Fund and the Magnuson Stevens Fishery Conservation and Management Act Fund. In addition, the company will forfeit \$237,879 and David Mayorquin will pay \$40,000 in restitution to the government of Mexico for the loss of its natural resources. Ramon Torres Mayorquin will pay a \$1,000 fine and complete a two-year term of probation. David and the company were placed on five-year terms probation.

The defendants previously pleaded guilty to charges related to smuggling illegally harvested sea cucumbers worth more than \$17 million into the United States and selling the Chinese delicacy on Asian markets. Ramon Torres Mayorquin pleaded guilty to smuggling and his son, David Mayorquin, pleaded guilty to violating the Lacey Act. Their company, Blessing Seafood, Inc. pleaded guilty to conspiracy (18 U.S.C. §§ 371, 545; 16 U.S.C. §§ 3372(a)(2)(A), 3373(d)(2)).

David Mayorquin, on behalf of Blessings, contacted suppliers of sea cucumbers in Mexico and agreed to purchase approximately \$13 million worth, knowing they had been illegally harvested (either in excess of permit limits, without a proper permit, or out of season).

Ramon Mayorquin received the shipments from poachers off the Yucatan Peninsula and created invoices to be submitted to U.S. Customs officials, which falsely stated the value of the product. The company then illegally exported the product from the U.S. without filing the proper export declaration with the U.S. Fish and Wildlife Service.

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As part of the scheme, they made payments to bank accounts held under false names to conceal the illegal sales, and they also bribed Mexican officials.

The sausage-shaped marine animals are prized by some Asian communities as a culinary delicacy and folk-medicine ingredient. Depending on the species, sea cucumbers can sell for as much as \$300 a pound in China and Hong Kong.

This case was investigated by the National Oceanic and Atmospheric Administration Office of Law Enforcement, the U.S. Fish and Wildlife Service Office of Law Enforcement, and Homeland Security Investigations.

***United States v. Juan Mesteth*, No. 5:17-CR-50035 (D.S.D.) AUSAs Meghan Dilges and Eric Kellerman.**

On September 14, 2018, a court sentenced Juan Mesteth to 18 months' incarceration after pleading guilty to conspiracy to commit wildlife trafficking, and being a felon in possession of a firearm (18 U.S.C. §§ 371, 922).

Between July 2015 and April 2016, Mesteth illegally bought and sold bald and golden eagle parts. He also sold a rifle, although being banned from owning firearms due to a previous felony drug conviction.

This case is a result of Project Dakota Flyer. This U.S. Fish and Wildlife Service operation exposed the existence of a significant black market where eagle feathers and other bird parts were being sold for profit.

***United States v. Reynaldo Mederos*, No. 18-CR-20140 (S.D. Fla.), AUSA Jaime Raich.**

On September 13, 2018, a court sentenced Reynaldo Mederos to complete a two-year term of probation and perform 50 hours of community service. Mederos previously pleaded guilty to violating the Migratory Bird Treaty Act for knowingly selling and offering to sell migratory birds (16 U.S.C. §§ 703, 707(b)(2)).

In July 2016, undercover officers entered a private Facebook chat group called Palomeros de Miami ("Pigeon enthusiasts of Miami"). Mederos advertised a Blue Grosbeak for sale for \$140. Between August 2016 and January 2017, Mederos posted additional advertisements for Painted Buntings, Indigo Buntings, and Blue Grosbeaks.



Some of the migratory birds found in Mederos' residence

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In October 2017, an undercover agent arranged to meet with Mederos for the purchase of two Blue Grosbeaks and two Painted Buntings. The agent observed several birds in cages in Mederos' residence. Mederso also unloaded several bird traps from the trunk of his car that contained Blue Grosbeaks. Mederos stated that he generally captures close to 60 Painted Buntings annually, and had already caught close to 30.

Operation Ornery Bird culminated in the filing of charges against six defendants for trafficking more than 400 migratory birds over two migration seasons. This case was investigated by the U.S. Fish and Wildlife Service, the Florida Fish and Wildlife Conservation Commission, Customs and Border Protection, the National Park Service, and the U.S. Postal Inspection Service.

United States v. Edward L. Donaldson, Jr., et al., No. 2:17-CR-00018 (S.D. Miss.), AUSAs Darren J. LaMarca and Dave Fulcher.

On September 11, 2018, a court sentenced Edward L. Donaldson, Jr., and John J. Oertling to each pay \$10,000 fines, complete three-year terms' of probation, and banned them from hunting for one year. Oertling also will complete six months' home detention. They previously pleaded guilty to conspiring to violate the Lacey Act for importing live white-tailed deer into Mississippi for trophy hunting (18 U.S.C § 371).

Donaldson and Oertling manage a 1,000-acre high-fenced enclosure known as Turkey Trott Ranch. Between February 2010 and November 2012, the two illegally bought and transported numerous live white-tailed deer into Mississippi. The deer came from a herd of captive white-tailed deer in Pennsylvania that tested positive for Chronic Wasting Disease (CWD). This disease is the chief threat to deer and elk populations in North America. As part of the sentencing, the property will be quarantined for five years and the defendants will together pay \$120,000 in restitution to the Mississippi Department of Wildlife, Fisheries, and Parks (MDWFP) to test the deer for CWD.

This case was investigated by the U.S. Fish and Wildlife Service Office of Law Enforcement, the U.S. Department of Agriculture Office of the Inspector General, and the MDWFP.



Pen used for deer breeding

Sentencings

United States v. Caleb E. Hartzog, Jr., No. 5:18-CR-00440 (D.S.C.), AUSA Winston Holliday.

On September 11, 2018, a court sentenced Caleb E. Hartzog, Jr., to pay a \$500 fine and complete a two-year term of probation, after pleading guilty to making a false statement (18 U.S.C. § 1001).

In 2014, Hartzog, a former drinking water operator for the town of Branchville, South Carolina, forged forms certifying that residents had taken drinking water samples from within their homes. The samples were to be drawn by the residents and picked up by town employees. Several residents claimed no one had been collecting water samples from their homes for some time, and, in certain cases, ever. The samples were to be analyzed for potential lead and copper contamination. Despite Hartzog falsifying forms for at least ten residences, subsequent testing confirmed that the local water supply was not contaminated.

This case was investigated by the U.S. EPA Criminal Investigation Division and the South Carolina Department of Health and Environmental Control.

United States v. Jake M. Bell, No. 1:09-CR-10334 (D. Mass.), ECS Trial Attorneys Gary Donner and Erica Pencak.

On September 6, 2018, a court sentenced Jake M. Bell to five months' incarceration (with credit for two months' time served in Russia), followed by one year of supervised release, to include seven months' home confinement. Bell previously pleaded guilty to a Lacey Act trafficking violation for selling sperm whale teeth (16 U.S.C. §§ 3372 (a)(1), 3373(d)(1)(B)). Prosecutors charged Bell in 2009, but he had resided in the Ukraine until his arrest in December 2017.

Bell and others conspired to traffic in sperm whale teeth. Between July 2005 and June 2006, they smuggled close to 50 pounds of sperm whale teeth into the United States, worth an approximate value of \$26,600. Between June 2007 and April 2008, Bell sold nine sperm whale teeth to customers in the United States, with an approximate value of \$20,300.

Sperm whale teeth are commonly used for scrimshaw and can fetch large sums of money from collectors and tourists. Scrimshaw is an art form which involves etching or engraving designs upon, or carving figures or designs from bones or teeth tooth from any whale, dolphin or porpoise.

This case was investigated by the National Oceanic and Atmospheric Administration.

Sentencings

***United States v. Margaret M. Tobin*, No. 6:18-mj-00604 (W.D.N.Y.), AUSA Melissa M. Marangola.**

On September 6, 2018, a court sentenced Margaret M. Tobin to pay a \$500 fine, complete a six-month term of probation, and perform 24 hours of community service. Tobin previously pleaded guilty to unlawfully possessing a United States identification document (18 U.S.C. §§ 1028(a)(6),(b)(6)).

In September 2016, Tobin was hired as a subcontractor for a state-funded construction project in the City of Rochester (City). For the City to obtain state funding for the project, each employee was required to complete an Occupational and Safety Health Administration (OSHA) training course before performing any work on the contract. Between September 2016 and November 2016, Tobin gave her employees OSHA training certification cards, despite no actual training. The fake cards displayed the employees' names and registration numbers as if they had actually been issued by OSHA. The cards were then submitted to the City for the defendant and her employees to be paid for their services.

This case was investigated by the U.S. Department of Labor Office of Inspector General.

***United States v. Markos Diderrich*, No. 3:17-CR-00122 (W.D. Wis.), AUSA Daniel Graber.**

On September 5, 2018, a court sentenced Markos Diderrich to 44 days' time-served, followed by a three-year term of supervised release. He also will pay a \$2,000 fine, and perform ten hours of community service.

Diderrich previously pleaded guilty to violating the Lacey Act for transporting wildlife in interstate commerce in violation of state laws (16 U.S.C. §§ 3372(a)(2)(A), 3373(d)(1)(B)).

Between January and June 2016, Diderrich shipped and sold a number of turtles, salamanders and other reptiles, from Wisconsin to several other states, including Virginia, New York, and Pennsylvania, knowing it was illegal to do so.

This case was investigated by the U.S. Fish and Wildlife Service, and the Wisconsin and Minnesota Departments of Natural Resources.



Turtles rescued from shipment

Announcements

~~AUSA Tom Watts-FitzGerald is the 2018 Recipient of the Raymond W. Mushal Award for Outstanding Contribution to Federal Criminal Law Enforcement~~

Tom has worked as a prosecutor in the Southern District of Florida for the past 33 years. His service has included both the Civil and Criminal Divisions, with most of his work involving the investigation and prosecution of environmental and white-collar crime. He is currently a Deputy Chief in the Economic & Environmental Crimes Section and was formerly the Chief of the Major Crimes Section.

During more than three decades of service, Tom has prosecuted, literally, hundreds of cases covering every media and nearly every industry with impacts on human health and the environment. Whether protecting the sensitive and unique habitats and ecosystems in Florida, or working cases addressing water, air, waste – Tom is a “yes we can” professional. Tom has lead the nation, and the world, in prosecuting the passenger cruise industry, wildlife trafficking, airlines, watershed protection, and ozone depleting substances matters. Tom has never failed to prosecute a matter because it is an issue of first impression, or overly complex, or unpopular.

Tom has also made a significant impact on environmental policy issues, as well as supervising and training many AUSAs within and outside of his district. There are few career prosecutors who have devoted as much time to teaching and mentoring as Tom.

Ray Mushal was a giant of person and mind. His legacy teaches us to live in the moment and to pursue, with integrity and passion, our best selves. Tom and Ray are cut of similar cloth. If Ray were here, pipe in hand, he would say, emphatically, that this is time to honor Tom.

Announcements

*** When submitting a press release for posting with the Executive Office of U.S. Attorneys <https://www.justice.gov/usao/pressreleases>, please be sure it is tagged for the “Environment/Wildlife” topic. This will help ensure that your case is not overlooked for reporting in the Bulletin. ***

News from state, local, and Canadian cases is posted on the Regional Environmental Enforcement Associations [website](#) .

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.

Please notify ECS of any appeals taken in your cases, as per [Section 5-11.118](#) of the U.S. Attorneys’ Manual.

A public version of the [Bulletin](#) is available for non-law enforcement readers.

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

Position	Name	Phone
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Deputy Chief	Joseph Poux	████████
Assistant Chief	Thomas Ballantine	████████
Assistant Chief	Wayne Hettenbach	████████
Assistant Chief	Lana Pettus	████████
Assistant Chief	Jennifer Whitfield	████████
Senior Litigation Counsel	Howard P. Stewart	████████
Senior Litigation Counsel	Richard Udell	████████
Senior Counsel for Wildlife	Elinor Colbourn	████████
Senior Counsel	Kris Dighe	████████
Senior Trial Attorney	Jennifer Blackwell	████████
Senior Trial Attorney	Georgiann Cerese	████████
Senior Trial Attorney	Christopher Costantini	████████
Senior Trial Attorney	Daniel Dooher	████████
Senior Trial Attorney	Todd Gleason	████████
Senior Trial Attorney	David Kehoe	████████
Senior Trial Attorney	Jeremy Korzenik	████████
Senior Trial Attorney	Ken Nelson	████████
Trial Attorney	Cassandra Barnum	████████
Trial Attorney	Mary Dee Carraway	████████
Trial Attorney	John Cashman (USCG)	████████
Trial Attorney	Ryan Connors	████████
Trial Attorney	Adam Cullman	████████
Trial Attorney	Stephen DaPonte	████████
Trial Attorney	Gary Donner	████████
Trial Attorney	Patrick Duggan	████████
Trial Attorney	Ethan Eddy	████████
Trial Attorney	Matthew Evans	████████
Trial Attorney	Stephen Foster	████████
Trial Attorney	Christopher Hale	████████
Trial Attorney	Joel LaBissonniere	████████
Trial Attorney	Samuel (Charlie) Lord	████████
Trial Attorney	Shennie Patel	████████
Trial Attorney	Erica Pencak	████████
Trial Attorney	Richard Powers	████████
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