



Monthly

Bulletin

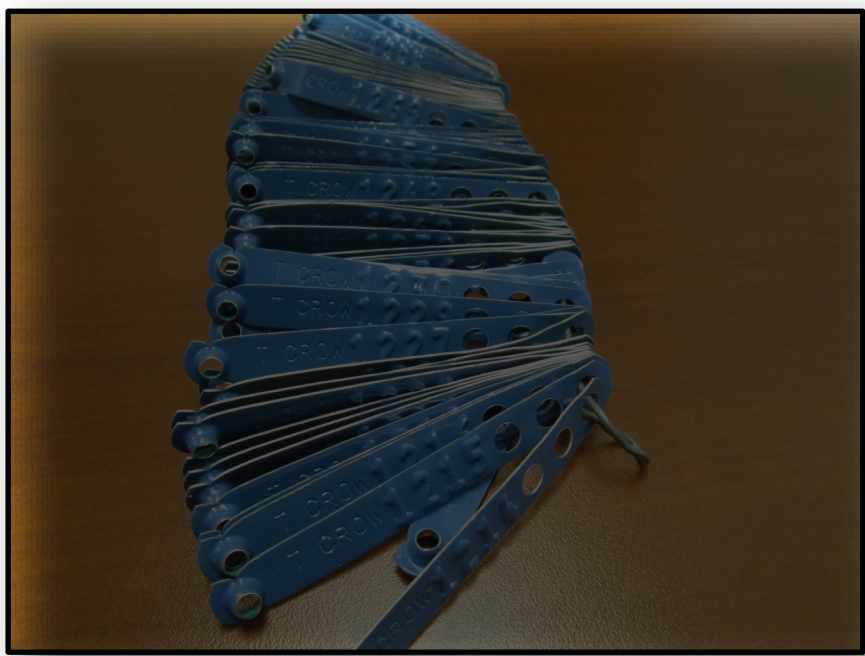
Environmental Crimes Section

January 2019

Inside this Issue:

Award	2
Trials	4
Indictments	5-6
Guilty Pleas	7-12
Sentencings	13-18
Announcements	19
ECS Contacts	20

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During the sentencing of Thomas Lee Crow to 24 months' incarceration, U.S. District Judge Lawrence J. O'Neill stated: "This is nothing short of a case of animal torture. His animals were treated without compassion." The photo depicts personalized leg bands in Crow's name for sponsoring his birds in cockfighting events. See *U.S. v. Crow*, [inside](#), for more details on the case.

Award

Special Agent Thomas Gage, U.S. Coast Guard Investigative Service, Receives the 2018 Ethical Courage Award from the Institute for Law Enforcement Administration

On December 26, 2018, the Institute for Law Enforcement Administration (ILEA) awarded U.S. Coast Guard Special Agent Thomas Gage with its 2018 Ethical Courage Award for the extraordinary efforts he took to help a whistleblower and his family in a vessel pollution case that was prosecuted by ECS and the U.S. Attorney's Office for the Eastern District of Texas. The ILEA presents the award each year to a law enforcement individual or organization for outstanding ethics and integrity.

The whistleblower was a crew member from Egypt who served on a large, foreign-flagged oil tanker called the [REDACTED]. On [REDACTED], the whistleblower contacted the Coast Guard's Marine Safety Unit in [REDACTED], and informed the Coast Guard that the tanker had been illegally dumping oily bilge waste overboard into the ocean. The crewmember provided a written statement, photographs, and video of the alleged illegal conduct. The Coast Guard acted immediately on the notification and boarded and inspected the tanker that same day. Ultimately, the investigation resulted in a guilty plea from [REDACTED] (the owner and operator of the tanker), a [REDACTED] penalty, and a four-year term of probation that included a comprehensive environmental compliance plan for the other vessels operated by [REDACTED] that come to the United States.

Crew members in vessel cases often have to endure significant personal and professional hardships as a result of their assistance in the government's investigation. For example, the crew members are often foreign nationals who spend many months in the United States away from their families and are unable to work during the investigation of the case. In addition, the crew members are often blackballed by the shipping industry and are unable to find work in their chosen field when they return home after the case is concluded.

In this case, the court granted the government's motion and ordered a [REDACTED] award to the whistleblower for his substantial assistance in the investigation. Unfortunately, the whistleblower was apparently informed by representatives of the [REDACTED] government that they wanted to meet with him when he returned home with his award money, and the shipping companies took steps to revoke his mariner's license. Furthermore, the whistleblower's family members in [REDACTED] were threatened because of his role [REDACTED].

Special Agent Gage received the award, because he went far beyond the expected duties of a criminal investigator after the case was successfully concluded and worked diligently to help the crew member deal with these problems. For example, Special Agent Gage helped the whistleblower and members of his family obtain asylum in the United States. Special Agent Gage also helped the witness obtain a position as an instructor in maritime courses at a local technical college in Houston. For his meritorious leadership in this case, Special Agent Gage received the 2018 ILEA Ethical Courage Award.

District/Circuit	Case Name	Case Type/Statutes
Eastern District of California	<u>United States v. Armando Mayorga Garcia et al.</u> <u>United States v. Thomas Lee Crow</u>	Marijuana Grow/Conspiracy, Drugs, Depredation to Natural Resources Gamefowl Fights/Animal Fighting Venture
District of Delaware	<u>United States v. Navimax Corporation et al.</u>	Vessel/ APPS, Obstruction
District of Hawaii	<u>United States v. Hamada Suisan Co., Ltd., et al.</u>	Shark Fin Trafficking/Lacey Act, Smuggling
██████████	████████████████████	██████████
Northern District of Indiana	<u>United States v. Kenneth R. Morrison</u>	Scrap Metal/Interstate Transportation of Stolen Property
Western District of Michigan	████████████████████ <u>United States v. Jarvis Askew et al.</u>	████████████████████ Dog Fights/Conspiracy
District of Minnesota	<u>United States v. Rene P. Vargas</u>	Turtle Sales/Lacey Act
Western District of Missouri	<u>United States v. Brian D. Fleming et al.</u>	Grease Recycler/CWA
██████████ ██████	████████████████████	████████████████████
Northern District of New York	<u>United States v. Robert J. Carville</u> ████████████████████	Tannery/RCRA ████████████████████ ██████████
Southern District of New York	<u>United States v. Thomas Carrano et al.</u>	Gamefowl Fights/Conspiracy
Middle District of Pennsylvania	<u>United States v. David D. Klepadlo et al.</u>	Wastewater Plant Operator/CWA, Witness Tampering
District of South Carolina	<u>United States v. William T. Gangemi et al.</u>	Turtle Sales/Conspiracy, Lacey Act
District of South Dakota	<u>United States v. Ronald Fisher et al.</u>	Eagle Part Sales/BGEPA, MBTA
Eastern District of Virginia	<u>United States v. Keith Foster et al.</u>	Wildlife Sales/Lacey Act, Smuggling
Northern District of West Virginia	<u>United States v. Timothy Peer</u>	Sewage Discharges/CWA, Mail Fraud
Western District of Wisconsin	<u>United States v. Robert Peters et al.</u>	Mountain Lion Hunt/Accessory-after-the-Fact, Conspiracy, Lacey Act

Trials

***United States v. Kenneth R. Morrison*, No. 2:17-CR-00130 (N.D. Ind.), ECS Trial Attorney Richard Powers, AUSA Toi Houston, and ECS Paralegal Ashley Patterson.**

On December 13, 2018, after a three-day trial, a jury convicted Kenneth R. Morrison of interstate transportation of stolen property (18 U.S.C. § 2314). Without authority from the owner, the City of Hammond, Morrison demolished a railroad bridge that had spanned the Grand Calumet River in northwest Indiana for more than 105 years and was eligible for inclusion in the National Registry of Historic Places. Sentencing is scheduled for May 31, 2019.



The Monan Bridge

Morrison first approached the City of Hammond's Board of Public Works in November 1991 and asked to purchase the bridge in order to dismantle it and scrap the metal, but Hammond denied the request. In September 2014, Morrison again offered to buy the bridge from Hammond. However, while awaiting the City's decision, Morrison went to the Board of Public Works, falsely claiming that the bridge was owned by the railroad company and that he was negotiating with that company to purchase and remove the bridge. Between December 2014 and January 2015, Morrison hired laborers, dismantled the bridge, and transported and sold the cut metal to a scrap yard across the state line in Burnham, Illinois.

The Indiana Department of Environmental Management also cited Morrison for state environmental violations including leaving potentially contaminated material in the river.

This case was investigated by the U.S. EPA Criminal Investigation Division with assistance from the U.S. Coast Guard Investigative Service.

Indictments/Informations

United States v. Hamada Suisan Co., Ltd., et al., Nos. 1:18-mj-01253, 01347 (D. Hawaii), AUSA Marc Wallenstein, with assistance from ECS Senior Counsel Elinor Colbourn.

On December 11, 2018, prosecutors charged the owner and officers of a Japanese-flagged fishing vessel with violating the Lacey Act and smuggling. The defendants trafficked in and smuggled 960 shark fins into and out of Hawaii (16 U.S.C. §§ 3372(a)(2)(A),(a)(4), (b), 3373(d); 18 U.S.C. § 554(a)). Many of fins were taken from species protected by the Convention on International Trade in Endangered Species.

According to the complaint, the Japanese-flagged fishing vessel, *M.V. Kyoshin Maru* No. 20, engaged in longline tuna fishing in the southern Pacific Ocean for approximately one year. Japanese nationals and Indonesian fishermen comprised the crew. During the voyage, the fishermen harvested fins from approximately 300 sharks, in some instances while the sharks were stunned but still alive, and discarded the finless carcasses into the ocean, all while under the Captain's supervision and the Fishing Master's and First Engineer's direction.

On November 6, 2018, the vessel met a water taxi more than 12 miles off the coast of Honolulu. After the 18 Indonesian fishermen disembarked, the *Kyoshin Maru* left for Japan with the Captain, Fishing Master, and First Engineer onboard and still in possession of shark fins. The Indonesian fishermen headed to the airport to travel back to Indonesia.

During routine screening, Transportation Security Administration (TSA) officers discovered shark fins in checked luggage. TSA personnel immediately notified the U.S. Fish and Wildlife Service, which determined the luggage belonged to ten of the Indonesian fishermen and included approximately 190 pounds of shark fins (worth approximately \$58,000 on the black market).

Prosecutors previously charged ten of the 18 Indonesian fishermen. The new complaint brings Lacey Act and smuggling charges against five additional defendants: Hamada Suisan Co., Ltd, the Japanese business that owned and operated the vessel; JF Zengyoren, a Japanese fishing cooperative; vessel Captain Hiroyuki Kasagami; Fishing Master Toshiyuki Komatsu; and First Engineer Hiroshi Chiba. The three Japanese nationals remain at large, presumably in Japan.

This case was investigated by the U.S. Fish and Wildlife Service Office of Law Enforcement, with assistance from: the National Oceanic and Atmospheric Administration Office of Law Enforcement; Homeland Security Investigations; U.S. Customs and Border Protection; the U.S. Postal Inspection Service; and the U.S. Coast Guard.

Indictments/Informations

[REDACTED]

[REDACTED]

[REDACTED]

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[REDACTED]

[REDACTED]

[REDACTED]

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[REDACTED]

[REDACTED]

[REDACTED]

***United States v. Timothy Peer*, No. 3:18-CR-00066 (N.D. W.V.), AUSA David J. Perri and SAUSA Perry McDaniel.**

On December 4, 2018, prosecutors charged Timothy Peer with violating the Clean Water Act and mail fraud for discharging untreated sewage from his sewage treatment plant (33 U.S.C. §§ 1311(a); 1319(c)(2)(A); (c)(4); 18 U.S.C. § 1341).

Between 2008 and July 2016, Peer owned and operated Mountaineer Village Utility, LLC, a sewage water treatment plant serving the residents of Mountaineer Village near Ridgeley, West Virginia. According to the indictment, Peer failed to maintain the treatment plant between 2014 and 2016. As a result, the plant discharged untreated and undertreated sewage into the North Branch of the Potomac River, in violation of its NPDES permit. Peer submitted falsified discharge monitoring reports claiming zero wastewater discharges and continued to charge customers for sewage treatment services.

This case was investigated by the U.S. EPA Criminal Investigation Division and the West Virginia Department of Environment Protection.

Guilty Pleas

United States v. Darren Johnson et al., Nos. 3:18mj-00156, 157, 158 (W.D. Wisc.), AUSA Daniel Graber.

On December 20, 2018, Darren Johnson pleaded guilty to violating the Lacey Act and conspiracy. David Johnson previously pleaded guilty to the same charges (18 U.S.C. § 371; 16 U.S.C. §§ 3372(a)(2)(A), 3373(d)(2)).

On January 6, 2017, the Johnsons (along with Robert Peters and Steven Reindahl) went hunting for mountain lions in Mosby, Montana. Only Darren Johnson and Reindahl had valid licenses to hunt mountain lions. Despite not having a valid license, David Johnson used Darren Johnson's rifle to shoot and kill a mountain lion. Darren Johnson took out his tag and tagged the animal, advising the group that everyone needed to stick to the story that Darren Johnson killed the mountain lion. On January 10, 2017, all four men drove back from Montana to Wisconsin, and Darren Johnson and Reindahl transported the mountain lion hide. A few days later, Darren Johnson dropped off the hide at David Johnson's home.

In late May 2018, Peters and Reindahl were ordered to testify before a federal grand jury on June 21, 2018. On June 17, 2018, the four men met at Peters' home to discuss the upcoming grand jury session. Darren Johnson reminded them to stick to the story that he killed the Montana mountain lion, and that the agents did not have any proof to say otherwise.

After testifying before the grand jury, Peters and Reindahl admitted that they lied and agreed to cooperate. They recanted their prior testimony stating that David Johnson killed the mountain lion and Darren Johnson tagged it, urging the group to stick to that story. Peters and Reindahl pleaded guilty to accessory-after-the-fact for hindering a federal grand jury investigation (18 U.S.C. § 3). All are scheduled to be sentenced on February 26, 2019.

This case was investigated by the U.S. Fish and Wildlife Service Office of Law Enforcement, the Wisconsin Department of Natural Resources Bureau of Law Enforcement, and the Montana Department of Fish, Wildlife and Parks.

Guilty Pleas

***United States v. Keith Foster et al.*, Nos. 3:18-CR-00455, 00456 (E.D. Va.), AUSA Gordon Krombert.**

On December 19, 2018, the co-owner of an antiques and specialty shop in Middleburg, Virginia, pleaded guilty to violating the Lacey Act for selling large numbers of items made from endangered and protected species. The Outpost LLC pleaded guilty to smuggling (16 U.S.C. §§ 3372(a)(1), 3373(d)(1)(B); 18 U.S.C. § 545). Sentencing is scheduled for March 8, 2019.

Keith Foster co-owned The Outpost LLC, which specialized in foreign-sourced merchandise sales, including wildlife products made from crocodiles, sea turtles, sawfish and other endangered species. In 2012, Foster attempted to import an Indian leopard skin rug without any required paperwork or permits. The rug was seized by the U.S. Fish and Wildlife Service; Foster petitioned for its release, but his petition was denied. In response to his petition, Foster received a detailed summary of the rules applicable to the import of wildlife and wildlife products, including rules related to species protected by the Endangered Species Act and the Convention on International Trade in Endangered Species (CITES). After his business opened in April 2013, Foster made multiple trips abroad to source and purchase items later sold at The Outpost. Foster relied on a shipping company to falsify import records to conceal these items and avoid law enforcement attention.

On numerous occasions in December 2016, Foster discussed the unlawful nature of his conduct with a customer admitting, for example, that while he knew it was illegal to import sawfish blades, he was going to continue to smuggle them anyway. In March and April 2017, Foster imported more than 100 undeclared wildlife pieces, including CITES-protected sea turtle shells, sawfish blades, crocodile skin bags, coral, and mounted birds of prey.

In April 2017, Foster told the same customer about how he lacked any CITES permits to purchase, export, or import wildlife, and about the dangers of being caught by U.S. Customs. The customer (an undercover U.S. Fish and Wildlife Service agent) then purchased a number of pieces Foster had displayed in the store, including sawfish blades, a mounted barn owl, and a jar made from sea turtle shell. After executing a search warrant at the store and his home in November 2017, investigators determined that Foster illegally sold between \$250,000 and \$500,000 worth of items made from endangered species, migratory birds, and other wildlife between April 2013 and December 2017.

As part of his plea, Foster and The Outpost forfeited \$275,000 and more than 175 wildlife items.

This case was investigated by the U.S. Fish and Wildlife Service, Office of Law Enforcement, with assistance from Homeland Security Investigations, U.S. Customs and Border Protection, and the U.S. Postal Inspection Service.



CITES-protected species for sale

Guilty Pleas

United States v. Rene P. Vargas, No. 18-CR-00188 (D. Minn.), AUSA Miranda E. Dugi.

On December 19, 2018, Rene P. Vargas pleaded guilty to violating the Lacey Act for illegally exporting turtles to Hong Kong (16 U.S.C. §§ 3372(d)(2), 3373(d)(3)(A)(i)). Sentencing is scheduled for April 18, 2019.

From approximately June 1, 2017 through June 14, 2017, Vargas attempted to submit three packages for international shipment containing a total of 38 box turtles. The packages were falsely labeled as “toys” or “components.”

North American box turtle populations, native to the United States and Mexico, are declining due to habitat loss and illegal trade, including export to Hong Kong and China for use in food, traditional medicine, and the pet trade. Although box turtles are not currently threatened with extinction, they are protected under the Convention on International Trade in Endangered Species.

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



Turtles shipped in falsely-labelled packages

United States v. David D. Klepadlo et al., No. 3:16-CR-00254 (M.D. Pa.), AUSA Michelle Olshefski.

On December 19, 2018, David D. Klepadlo and David D. Klepadlo & Associates, Inc., pleaded guilty to a Clean Water Act false statement charge and tampering with a witness (18 U.S.C. § 1512(c)(2); 33 U.S.C. §§ 1319(c)(4)).

Klepadlo and his company are a certified waste water treatment plant operation. He and his engineering company contracted with local municipalities to operate and manage their waste water treatment plants. Between May 2012 and June 2014, the defendants failed to properly operate and maintain the facilities, by, among other things: failing to take daily and weekly discharge samples, diluting samples that were believed to exceed permit limits, generating reports containing falsified data, and submitting those reports to local and federal environmental officials.

The facilities identified in the indictment are the Greenfield Township Sewer Authority and the Benton/Nicholson Sewer Authority. Waste water from the Greenfield Publically Owned Treatment Works is discharged into a tributary of Dundaff Creek, which flows into Tunkhannock Creek, and into the Susquehanna River. Waste water from the Benton/Nicholson facility flows into a tributary of South Branch Tunkhannock Creek, which also flows into the Susquehanna.

Klepadlo attempted to persuade his employee (a government witness) to fabricate a false explanation for the CWA violations. Cooperating with investigators, the employee recorded multiple conversations between himself and Klepadlo. If questioned by

(Continued on page 10)

This case was investigated by the U.S. EPA Criminal Investigation Division, the Pennsylvania Department of Environmental Protection, and the Federal Bureau of Investigation.

This case was investigated by the U.S. Forest Service with assistance from the U.S. Bureau of Land Management, the California Department of Fish and Wildlife, the North State Marijuana Investigation Team, and the Trinity County Sheriff's Office.

Guilty Pleas

***United States v. William T. Gangemi et al.*, No. 5:18-CR-00205 (D.S.C.), AUSA Winston Holliday.**

On December 18, 2019, William T. Gangemi pleaded guilty to conspiracy to smuggle wildlife for his role in an international wildlife smuggling ring (18 U.S.C § 371).

Between January and June 2016, ringleader Steven V. Baker obtained protected turtles from Hong Kong that were later shipped from the United States to Asia. Gangemi collected turtles that he also helped Baker ship domestically.

Joseph L. Brooks took 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. Matthew H. Kail conducted 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. Inspectors intercepted several packages 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. Baker, Brooks, Kail and Matthew Fischer previously pleaded guilty to conspiracy, and William Fischer pleaded guilty to a Lacey Act trafficking violation (18 U.S.C. § 371; 16 U.S.C. § 3372(a)).

To date, prosecutors have charged nine individuals, with four remaining under seal. 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.



Big-headed turtle

Guilty Pleas

***United States v. Ronald Fisher et al.*, No. 5:17-CR-50070 (D.S.D.), AUSAs Meghan Dilges and Eric Kelderman.**

On December 13, 2018, Ronald Fisher pleaded guilty to violating the Migratory Bird Treaty Act and Gary Fisher pleaded guilty to violating the Bald and Golden Eagle Protection Act (16 U.S.C. § 668(a), 703(a), 707(b)). Gary Fisher is scheduled to be sentenced on March 25, 2019 and Ron Fisher is set for April 8, 2019.

Between June 18, 2015, and July 8, 2015, the defendants sold, bartered, transported, and offered to sell, barter, and transport, a bald eagle and a golden eagle, and parts from eagles.

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 violators sold for profit eagle feathers and other bird parts.

***United States v. Robert J. Carville*, No. 1:18-CR-00081 (N.D.N.Y.), AUSA Michael F. Perry.**

On December 3, 2018, Robert J. Carville pleaded guilty to violating the Resource Conservation and Recovery Act for storing hazardous waste without a permit (49 U.S.C. § 6928(d)(2)(A)). Sentencing is scheduled for May 20, 2019.

Carville owned and operated a family-owned tannery known as Carville National Leather that operated between 1976 and September 2013. Carville was responsible for operations approximately ten years leading up to its closing.

The tannery used both a "tanning," or "wet" line, and a "finishing" line to convert pre-tanned (dehaired) animal hides into finished leather. The tanning and finishing lines used ignitable and corrosive chemicals, including chromium and lead.

After the business closed in September 2013, Carville was responsible for the hundreds of containers of chemicals left behind, many of which were labelled "corrosive," "caustic," and "hazardous." Carville moved out of state and abandoned the wastes.

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



Chemicals spilled on floor inside tannery

Sentencings

***United States v. Brian D. Fleming et al.*, Nos. 3:15-CR-03109, 05002; 3:17-CR-03068 (W.D. Mo.), AUSA Abram McGull, II.**

On December 20, 2018, a court sentenced Brian D. Fleming to pay a \$15,000 fine, complete a one-year term of probation, and pay \$3,819 in restitution to the Missouri Department of Natural Resources. Fleming previously pleaded guilty to violating the Clean Water Act for knowingly discharging used grease into the Big Piney River, without a permit (33 U.S.C. §§ 1311(a), 1319(c)(2), 1342(a)).

Fleming owns BF Byproducts, LLC, a grease-recycling business (BFP). The company employed trucks to collect used grease from hundreds of restaurants in Missouri, Arkansas, and elsewhere. The grease transported to the facility was recycled for resale.

Drivers who work for BFB collect the used grease for further processing at the Cabool facility where it is hosed from the collection trucks to a pit at the facility. From the pit, the grease is pumped to tanks located on the facility for further heating. The heating process allows solid materials to separate out from the used grease and drop to the bottom of the processing tank. This material that falls to the bottom is considered waste. Because the waste was not needed, Fleming instructed employees to pump the waste grease down the hill from the main plant processing facility. This waste grease then flowed into an unnamed tributary that leads into the Big Piney River. In 2015, numerous residents complained about the discharges, prompting agents to execute a search warrant in April 2015, and initiate a criminal investigation.

Fleming previously served a year and a day of incarceration for two other separate criminal cases. He pleaded guilty to conspiracy and money laundering for stealing used cooking oil from restaurants in 2011 and transporting it across state lines to a grease recycling business in Tulsa, Oklahoma. A court also sentenced him to 15 months' concurrent as a felon in possession of a firearm in 2015.

This case was investigated by the U.S. EPA Criminal Investigation Division, the U.S. Coast Guard, the Missouri Department of Natural Resources, the Texas County, Missouri, Sheriff's Department, and the Cabool, Missouri, Police Department.



Truck heading uphill after dumping grease

Sentencings

***United States v. Thomas Lee Crow*, No. 1:17-CR-00242 (E.D. Calif.), AUSA Karen Escobar, with assistance from ECS Trial Attorney Ethan Eddy.**

On December 17, 2018, a court sentenced Thomas Lee Crow to 24 months' incarceration, followed by three years' of supervised release. Crow will pay a \$5,500 fine, perform 50 hours' community service and pay \$6,279 in restitution to the Fresno County Sheriff's Office. The court further barred Crow from owning any animals for ten years.

Crow previously pleaded guilty to aiding and abetting an unlawful animal fighting venture involving a large cockfighting enterprise (7 U.S.C. § 2156 (a) (1); 18 U.S.C. § 49(a)). In April 2017, law enforcement officers searched Crow's rural residential property, after he was found at a large cockfighting event in Kerman. They recovered 129 fighting roosters, including

28 dead and nine injured birds. Investigators seized \$22,800 in cash from Crow, along with a score sheet that tracked fighting bird entries and winnings.

During the search of Crow's residence in Fresno, officers found an additional 200 fighting roosters and other items associated with cockfighting. They seized more than 300 gaffs, including Mexican slashers, and other equipment.

This case was investigated by the U.S. Department of Agriculture Office of Inspector General, U.S. Immigration and Customs Enforcement Homeland Security Investigations, the Fresno County Sheriff's Office, the Humane Society, and Central California Society for the Prevention of Cruelty to Animals.

The U.S. Attorney's Office partnered with the Rural Crimes and Animal Cruelty Unit of the Fresno County District Attorney's Office in coordinating the filing of charges against Crow and three spectators. The DA prosecuted Job Hernandez, Javier Flores-Arreola, and Javier Cerda, on animal cruelty charges.



Bird used in cock fight

Sentencings

***United States v. Jarvis Askew et al.*, No. 1:18-CR-00041 (W.D. Mich.), ECS Senior Trial Attorney Jennifer Blackwell, AUSAs Kate Zell and Hagen Frank, and ECS Law Clerk Amanda Backer.**

On December 17, 2018, a court sentenced Jarvis Askew to 46 months' incarceration, followed by three years' supervised release. A total of five individuals have pleaded guilty for their involvement in a dog fighting conspiracy.

Between November 2016 and December 2017, Charles Davis, Damiane Buehrer, Charles Miller, Kian Miller, and Askew conspired to sponsor and exhibit pit bull-type terriers in dog fights; possess, train, and breed them to have the dogs or their offspring participate in fights; and help others train and condition dogs for the purpose of having them participate in fights.

Agents seized a number of the animals after executing federal search warrants at their residences in December 2017.

The defendants possessed medications used to treat wounded dogs, in addition to specialized equipment. They exchanged numerous electronic messages with information about training and conditioning dogs for fighting; breeding fighting dogs; contracting for and sponsoring dog fights; and sharing videos and photos from the fights.

This case was investigated by the U.S. Department of Agriculture Office of Inspector General, the Ingham County Animal Control, the American Society for the Prevention of Cruelty to Animals, the Federal Bureau of Investigation, and the Michigan State Police.



Dog rescued from defendant's property

Sentencings

***United States v. Thomas Carrano et al*, Nos. 1:17-CR-00460, 726 (S.D.N.Y.), AUSAs Alison G. Moe and Michael C. McGinnis.**

On December 13, 2018, a court sentenced Thomas Carrano to 14 months' incarceration, followed by three years' supervised release, and 120 hours of community service. A jury convicted Carrano in June 2018 on the single charge of conspiring to raise, train, and sell roosters for cock fighting (18 U.S.C. § 371).

Between January 2012 and June 2017, Carrano, a member and former leader of the New York chapter of the United Gamefowl Breeders Association (NYUGBA), conspired with others to buy, sell, transport, and receive roosters for fighting. He used two social media accounts to communicate with co-conspirators, including members of the NYUGBA. In a 2014 newsletter to its members, the NYUGBA stated that "We DO NOT promote cock fighting in any way." Despite this admonition, Carrano sent messages discussing breeding and training roosters for fighting, the sale and purchase of metal and plastic spurs (gaffs and postizas), and his participation in cock fighting.

On May 23, 2017, agents executed a search warrant at the defendant's game fowl farm in Ontario, New York. During the search, law enforcement officers discovered, among other things, gaffs, postizas, shears for dubbing roosters, training equipment, steroids, and fight training videos. In addition, they recovered approximately 104 chickens, including 19 adult roosters and 12 adolescent roosters. The comb, wattles, and/or earlobes were removed from more than three-quarters of the male birds and the spurs were altered on more than a third.

Carrano purchased gaffs from Dwight Orr, a gaff manufacturer from Tennessee. A court sentenced Orr in May 2018 to pay a \$10,000 fine and complete a two-year term of probation after pleading guilty to conspiracy.

This case was investigated by the U.S. Department of Agriculture Office of Inspector General and the New York Police Department's Animal Cruelty Investigations Squad, with assistance from the American Society for the Prevention of Cruelty to Animals.

Sentencings

United States v. Navimax Corporation et al., Nos. 18-CR-00085, 00086 (D. Del.), ECS Trial Attorney John Cashman and AUSA Corky Falgowksi.

On December 12, 2018, a court sentenced Navimax Corporation to pay a \$2 million fine and complete a four-year term of probation. Chief Officer Roman Maksymov will complete a one-year term of unsupervised probation in his home country of Ukraine. Both pleaded guilty to violating the Act to Prevent Pollution from Ships and the company also obstructed justice (33 U.S.C. § 1908(a); 18 U.S.C. § 1505).

Navimax operated the *M/T Nave Cielo*. Maksymov was responsible for cleaning the vessel's cargo tanks, handling the oil cargo residue, and maintaining the Oil Record Book (ORB). Prior to boarding the vessel in December 2017, a crewmember told the Coast Guard about illegal overboard waste discharges and gave them video evidence. The ORB presented to inspectors failed to note those discharges.

The company (acting through the ship's Master and Chief Officer) further obstructed the Coast Guard's inspection by presenting inspectors with a falsified Bridge Log Book (BLB). On November 3, 2017, the vessel slowed for several hours to allow the crew to clean oil cargo-residue from the side of the ship, following one of the illegal discharges. The BLB did not reflect this event, nor was an appropriate checklist filed in the ship's Safety Management records.

During the term of probation, the company will modify its existing environment management system. This Environmental Management Augmentation Plan requires specific oversight of oil cargo residue handling, oil discharge monitoring equipment operations, and crewmember reporting obligations. The company also will pay for a third-party auditor and court-appointed monitor to conduct ship inspections (five per year) and oversee their compliance.

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



Image from whistleblower's video. Oil discharged from cargo residue tank.

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.

Position	Name	Phone
Chief	Deborah Harris	██████
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 (Cincinnati field office)	██████
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	██████
Trial Attorney	Lauren Steele	██████