



Monthly

# Bulletin

## Environmental Crimes Section

July/August 2020

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Send your federal case updates to:

“The illegal harvest and trafficking of reef species is a significant problem that contributes to habitat destruction, coastal erosion, and the decline of coral ecosystems worldwide,” said Assistant Attorney General Jeffrey Bossert Clark of the Justice Department’s Environment and Natural Resources Division. “The Department of Justice and its partners will continue to investigate and prosecute those who violate our environmental laws for illicit commercial gain.” [From [press release](#) of guilty plea taken in *U.S. v. Ramos*. See [inside](#) for more detail on this case]

District/Circuit	Case Name	Case Type/Statutes
District of Alaska	<a href="#"><u>United States v. James L. Connolly</u></a>	Black Bear Killing/Lacey Act
District of Arizona	<a href="#"><u>United States v. Dennis R. McPherron</u></a>	Eagle Feather Sales/Smuggling
Eastern District of California	<a href="#"><u>United States v. Carson S. Wilhite</u></a> <a href="#"><u>United States v. Marco Lizandro Duarte-Beltran</u></a> <a href="#"><u>United States v. Gregorio Moreno-Valencia, et al.</u></a>	Marijuana Cultivation/ Drug, Depredation of Public Lands, Firearms
Southern District of California	<a href="#"><u>United States v. Claudia Castillo</u></a>	Sea Cucumber Sales/ Conspiracy, Smuggling
Middle District of Florida	<a href="#"><u>United States v. Novita Indah, et al.</u></a> <a href="#"><u>United States v. Misuga Kaiun Co. Ltd., et al.</u></a>	Wildlife Trafficking/Lacey Act Vessel/ APPS
Southern District of Florida	<a href="#"><u>United States v. Carl L. Cobb, et al.</u></a>	Turtle Egg Poaching/ Conspiracy, Lacey Act, Recidivists
██████████ ██████████	██	██ ████████████████████
Northern District of Georgia	<a href="#"><u>United States v. Rong Sun</u></a>	Pesticide Sales/FIFRA
Eastern District of Kentucky	<a href="#"><u>United States v. Corey D. Hoskins</u></a>	Radioactive Material Shipments/HMTA, Mail Fraud
Western District of Louisiana	<a href="#"><u>United States v. Kaenon A. Constantin</u></a> <a href="#"><u>United States v. William K. Sutton, et al.</u></a>	Whooping Crane Deaths/Lacey Act Hunting Guide Service/Lacey Act
District of Massachusetts	<a href="#"><u>United States v. Nathan Boss</u></a> <a href="#"><u>United States v. Bay State Gas Company</u></a>	Turtle Sales/False Statements, Smuggling Gas Explosion/Pipeline Safety Act
██████████ ██████████	██	██
District of Montana	██ <a href="#"><u>United States v. Peter Margiotta, et al.</u></a>	██ Natural Gas Explosion/CAA, Knowing Endangerment

District/Circuit	Case Name	Case Type/Statutes
Southern District of New York	<a href="#">Natural Resources Defense Council Inc., et al. v. U.S. Department of the Interior, et al.</a>	MBTA
Northern District of Ohio	<a href="#">United States v. Anthony Gray</a> <a href="#">United States v. Mohamed Salem, et al.</a>	Drum Reconditioning/ Conspiracy  Animal Slaughtering/CWA, Counterfeit Goods, Firearms, Money Laundering, Unpermitted
District of Puerto Rico	<a href="#">United States v. Juan Pablo Castro Torres</a> <a href="#">United States v. Raymond Michael Torres Ramos</a>	Coral Sales/Lacey act
District of South Carolina	<a href="#">United States v. SC Distributors, et al.</a>	Fireworks Sales/Importing Goods by False Pretenses
District of South Dakota	<a href="#">United States v. Larry Belitz</a> <a href="#">United States v. Dugan Traversie</a>	Eagle Part Sales/BGEPA  Deer Hunt/Lacey Act
Western District of Texas	<a href="#">United States v. Alejandro Carrillo</a> <a href="#">United States v. Harry George Bock, II, et al.</a> <a href="#">United States v. John Slattery, et al.</a> [REDACTED]	Wildlife Trafficking/ Conspiracy, Smuggling  Cacti Smuggling Ring/ESA, Lacey Act  Rhino Horn Trafficking/ Conspiracy, Lacey Act [REDACTED] [REDACTED]
Eastern District of Virginia	<a href="#">United States v. Michael P. Casey</a>	Crabmeat Sales/Conspiracy, Lacey Act

## Decisions

***Natural Resources Defense Council Inc., et al. v. U.S. Department of the Interior, et al., No. 1:18-CV-04596 (S.D.N.Y.).***

On August 11, 2020, in three consolidated cases (*Natural Resources Defense Council v. U.S. Department of the Interior and Daniel Jorjani*, 18-CV-04596; *National Audubon Society, et al. v. U.S. Department of the Interior and Daniel Jorjani*, 18-CV-04601, and; *State of New York, et al. v. U.S. Department of the Interior, U.S. Fish and Wildlife Service, and Daniel Jorjani*, 18-CV-08084), the U.S. District Court for the Southern District of New York held that the Migratory Bird Treaty Act (MBTA) prohibits killing migratory birds, whether that killing occurs as a result of hunting activities or industrial activities.

The holding came in the context of a challenge to the issuance of a December 2017 memorandum by the Principal Deputy Solicitor of the U.S. Department of the Interior Daniel Jorjani (the “M-Opinion”), opining that the MBTA does not prohibit incidental takes or kills because the statute applies only to activities specifically aimed at birds. The court, after declining to apply *Skidmore* deference, and finding that the M-Opinion violated the plain meaning of the MBTA, vacated the M-Opinion and remanded to the agency.

## Indictments/Informations

### ***United States v. Cory D. Hoskins*, No. 20-CR-00010 (E.D. Ky.), AUSA Tashena A. Fannin.**

On July 16, 2020, prosecutors charged Cory D. Hoskins in a 27-count indictment with multiple counts of mail fraud and illegal transportation of hazardous materials (18 U.S.C. § 1341; 49 U.S.C. § 5124).

Between July 2015 and December 2015, Hoskins used his companies (Advanced TENORM Services, LLC, and BES, LLC) to illegally transport technologically enhanced naturally occurring radioactive material (TENORM) from Fairmont, West Virginia, to a landfill in Irvine, Kentucky. Hoskins falsified shipping papers and arranged for unwitting non-hazardous trucking companies to transport loads of TENORM. By misrepresenting and omitting critical information on shipping documents, Hoskins' businesses profited from causing the illegal transportation of hazardous material.

The Department of Transportation Office of Inspector General conducted the investigation, with assistance from the Pipeline and Hazardous Materials Safety Administration.

### ***United States v. Carl L. Cobb, et al.*, No. 9:20-mj-08242 (S.D. Fla.), AUSA John McMillan and former AUSA Lauren Jorgensen.**

On July 10, 2020, prosecutors charged Carl L. Cobb and Bruce W. Bivins with conspiracy and violating the Lacey Act for poaching close to 100 sea turtle eggs in May 2020 (18 U.S.C. § 371; 16 U.S.C. §§ 3372(a)(1), 3373(d)(1)(B)). Both defendants previously served jail time for illegally possessing sea turtle eggs.

On May 24, 2020, Cobb took Bivins to Singer Island Beach, where Bivins located a sea turtle nest. Bivins removed 93 eggs and called Cobb to pick him up. Local authorities knew Cobb and his vehicle from previous cases. On the night of the incident, they observed him traveling toward the beach at night, which is when the poaching occurs.

Wildlife agents observed Bivins taking the eggs and Cobb returning to pick him up. After officers stopped the truck, they found Cobb in the driver's seat, Bivins in the passenger's seat, and 93 sand-dusted turtle eggs inside a black bag in the bed of the truck. Marine biologists relocated the recovered eggs, but none of them hatched.

The U.S. Fish and Wildlife Service and the Florida Fish and Wildlife Conservation Commission conducted the investigation.

## **Indictments/Informations**

***United States v. Carson S. Wilhite*, No. 1:20-CR-00106 (E.D. Calif.), AUSA Karen Escobar.**

On July 2, 2020, prosecutors charged Carson S. Wilhite in a five-count indictment for his involvement in a large marijuana cultivation operation located in the Sierra National Forest (21 U.S.C. §§ 846, 84I; 18 U.S.C. §§ 1361, 924).

Between April and July 2019, Wilhite conspired to manufacture, distribute, and possess marijuana; damaged public lands and natural resources; and possessed 12 firearms in furtherance of drug trafficking while using methamphetamine.

The U.S. Forest Service, the California Department of Fish and Wildlife, and the Madera County Sheriff's Office conducted the investigation. The Integral Ecology Research Center (a nonprofit organization dedicated to the research and conservation of wildlife and their ecosystems) analyzed and documented the environmental damage.

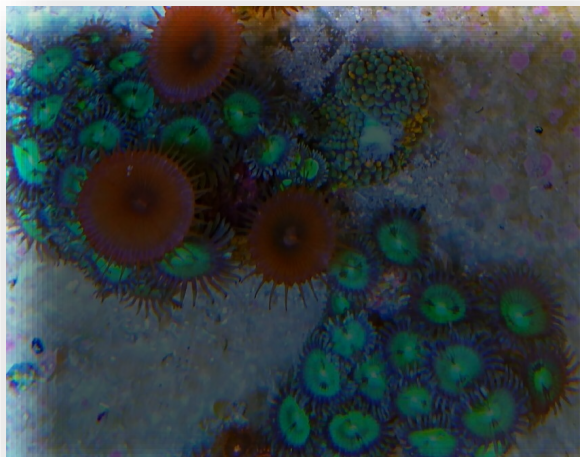


## Guilty Pleas

### ***United States v. Juan Pablo Castro Torres*, No. 20-CR-00234 (D.P. R.), ECS Trial Attorney Christopher Hale and AUSA Carmen Marquez.**

On July 24, 2020, Juan Pablo Castro Torres pleaded guilty to violating the Lacey Act for collecting, falsely labeling, and shipping protected corals and other reef species (16 U.S.C. §§ 3372(a)(2)(A),(d)(2), 3373(d)(1)(B),(d)(3)(A)).

Castro worked as a supplier for the aquarium business, collecting illegally harvested marine invertebrates taken from the waters of Puerto Rico. Castro provided those animals to Aristides Sanchez, an aquarium business owner, who sold them to customers in the mainland United States. Sanchez previously pleaded guilty and currently awaits sentencing. On behalf of Sanchez, Castro also falsely labeled packages to hide the fact that the shipments contained marine species.



*Zoanthids*

Castro sent specimens off-island to customers in the mainland United States and other countries by commercial courier services. Castro also knew that one of the most popular items Sanchez shipped was a coral-like organism from the genus *Ricordea*. These animals are known as “rics,” “polyps,” or “mushrooms” in the aquarium industry, and spend their adult lives fastened to reefs. While they are colorful in natural light, what makes them particularly interesting to aquarium owners is that they “glow” under the UV lights typically used in high-end saltwater aquariums.

Castro knew it was illegal to harvest *Ricordea*, zoanthids, and anemones in Puerto Rico for commercial purposes. He personally collected some of the *Ricordea* and other reef creatures that Sanchez sold off-island. The fair market retail value of the wildlife directly attributable to Castro was between \$14,000 and \$15,000.

The U.S. Fish and Wildlife Service and the National Oceanic and Atmospheric Administration conducted the investigation.

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[REDACTED]

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[illegible]

**Figure 1.**

[REDACTED]



[illegible]

## Guilty Pleas

***United States v. Alejandro Carrillo*, No. 3:19-CR-03932 (W.D. Tex.), ECS Trial Attorneys Gary Donner and Mary Dee Carraway, and ECS Paralegal Dan Hauser.**

On July 9, 2020, Alejandro Carrillo pleaded guilty to conspiracy to smuggle and traffic wildlife (18 U.S.C. §§ 371, 545). Sentencing is scheduled for September 16, 2020.

Between 2015 and December 2019, Carrillo acted as the middleman in a wildlife trafficking ring that smuggled hundreds of species of wildlife from Mexico into the United States. Suppliers based in Mexico sold protected species of reptiles, amphibians, and birds to U.S.-based customers. Carrillo transported the wildlife across the border to ship to customers. As the middleman, he charged a “crossing-fee,” based on the number and size of animals he transported, many of which are CITES-protected.

Law enforcement apprehended Carrillo as part of Operation Bale Out, an ongoing effort by the U.S. Fish and Wildlife Service to detect, deter, and prosecute those engaged in the illegal trafficking in protected species. A “bale” (or a group of turtles) was used as an identifier of the operation due to the numerous species of turtles trafficked by Carrillo and his co-conspirators.

The U.S. Fish and Wildlife Service conducted the investigation.



*Reptiles killed during transport*

***United States v. Dennis R. McPherron*, No. 4:17-CR-00242 (D. Ariz.), AUSA Michael Jette.**

On June 26, 2020, after a bench trial that concluded in January 2020, a court found Dennis R. McPherron guilty of illegally smuggling bald eagle feathers (and other feathers from protected species) into the United States (18 U.S.C. § 545). Sentencing is scheduled for October 9, 2020.

On February 17, 2017, authorities apprehended McPherron as he attempted to smuggle protected wildlife items into the U.S. at the Mariposa Port of Entry in Nogales, Arizona. McPherron possessed 220 feathers forensically determined to include: eight Northern Flickers, four Military Macaws, one Bald Eagle, one Golden Eagle, one Crested Caracara, one Greater Roadrunner, one Blue-and-Yellow Macaw, and one Scarlet Macaw.

The U.S. Fish and Wildlife Service conducted the investigation.

## Guilty Pleas

***United States v. Raymond Michael Torres Ramos*, No. 3:20-CR-00188 (D. P. R.), ECS Trial Attorney Christopher Hale and AUSA Carmen Marquez.**

On June 9, 2020, Raymond Michael Torres Ramos pleaded guilty to violating the Lacey Act and smuggling for collecting, falsely labeling, and shipping protected corals and other reef species (18 U.S.C. § 554; 16 U.S.C. §§ 3372(a)(2)(A), 3373(d)(1)(B); (d)(3)(A)). Torres is scheduled for sentencing on November 13, 2020.

Torres co-owned a San Sebastian, Puerto Rico-based saltwater aquarium business, known as Carebbean Reefers (spelling error intentional) that also operated online. A large part of the business was devoted to the sale of native Puerto Rican marine species that are popular in the saltwater aquarium trade.

Torres sent illegally collected live specimens to customers in the mainland United States and foreign countries by commercial courier services. One of the most popular items that Torres and his business sent off-island was an organism from the genus *Ricordea*. These animals are known as “rics,” “polyps,” or “mushrooms” in the aquarium industry. Members of the genus form part of the reef structure and spend their adult lives fastened in place to the reef. These animals are colorful in natural light, but what makes them particularly interesting to aquarium owners is that they “glow” under the UV lights that are typically used in high-end saltwater aquariums.

It is illegal to harvest *Ricordea*, zoanthids, and anemones in Puerto Rico if the specimens are shipped off-island or otherwise sold commercially, nor is there a permit available to do so. Torres personally snorkeled from the shoreline to collect *Ricordea* and other reef creatures. Because *Ricordea* attach themselves to the reef substrate, Torres used a chisel to break them off, and in doing so damaged the reef.

In order to cover up the nature of his shipments, Torres falsely labelled many of his live shipments as inanimate objects. Between January 2014 and March 2016, Torres sent or caused to be sent at least 100 shipments of marine species that were illegally harvested in the waters of Puerto Rico. The estimated aggregate retail value of illegal *Ricordea* shipped by Torres is approximately \$400,000.

The U.S. Fish and Wildlife Service and the National Oceanic and Atmospheric Administration conducted the investigation as part of Operation Rock Bottom and Operation Borinquen Chisel.



*Ricordea polyps*

## Guilty Pleas

***United States v. Harry George Bock, II, et al., No. 4:20-CR-00252 (W.D. Tex.), AUSA James J. Miller, Jr.***

On June 9, 2020, Harry George Bock, II, pleaded guilty to violating the Lacey Act for his role in a scheme to illegally sell CITES-protected living rock cactus plants (16 U.S.C. §§ 3372 (d), 3373(d)(3)(A)). Sentencing is scheduled for September 21, 2020.

In 2012, the U.S. Fish and Wildlife Service uncovered a substantial trafficking ring engaged in smuggling thousands of protected living rock cactus from the Big Bend region of Western Texas to customers around the globe. Cooperative investigative work led to the execution of six residential search warrants served mostly in remote areas of far southwest Texas. Individuals advertised the sale of living rock cacti with many buyers in Europe and Asia. Authorities arrested a number of people after intercepting multiple falsely labelled parcels at international mail facilities.

Between May 2017 and August 2018, Bock illegally sold and exported living rock cacti. Specifically, authorities seized 41 cacti Bock attempted to ship in May 2018, at the International Mail Facility in Chicago, Illinois.

To date, five other individuals have been prosecuted and sentenced in the Western District of Texas in relation to this scheme:

–In ***U.S. v. Paul A. Armstrong, 4:16-CR-00509 (W.D. Tex.)***, a court sentenced Armstrong in 2016 to pay a \$25,000 fine and complete a one-year term of probation after pleading guilty to violating the Endangered Species Act for engaging in the trade of a CITES protected species, living rock cacti, from the U.S. without a permit. He also will forfeit approximately 1,300 living rock cacti plants.

–In ***U.S. v. Mark Rehfield, Nos. 4:16-CR-00557, 1:17-CR-00182 (W.D. Tex.)***, a court sentenced Rehfield in 2017 to pay \$18,000 in restitution and complete a three-year term of probation. Rehfield pleaded guilty to violating the Lacey Act and forfeited close to 600 living rock cacti. Authorities also seized 17 firearms.

–In ***U.S. v. Morris Carter, No. 4:17-CR-00230 (W.D. Tex.)***, a court sentenced Carter in 2017 to pay \$60,000 in restitution and complete a three-year term of probation after pleading guilty to violating the Lacey Act. Carter also will forfeit close to 2,000 living rock cacti.

–In ***U.S. v. Troy Baker, No. 4:18-CR-00303 (W.D. Tex.)***, a court sentenced Baker in 2018 to pay \$15,800 in restitution and complete a three-year term of probation after pleading guilty to violating the Lacey Act. Baker also will forfeit approximately 200 living rock cacti.



*Law enforcement agents executing a search warrant*

*(Continued on page 13)*

## Guilty Pleas

*(Continued from page 12)*

—In **U.S. v. William Gornto, No. 4:20-CR-00065 (W.D. Tex.)**, a court sentenced Gornto in June 2020 to pay \$10,800 in restitution and complete a three-year term of probation after pleading guilty to violating the Lacey Act. Gornto also will forfeit close to 600 living rock cacti.

Thousands of live cacti seized by law enforcement during this investigation were cared for and donated to non-profit entities through assistance from the Sul Ross State University.

The U.S. Fish and Wildlife Service Office of Law Enforcement and, Homeland Security Investigations conducted the investigation.

### ***United States v. Nathan Boss, No. 4:19-CR-40050 (D. Mass.), AUSA Nadine Pellegrini.***

On June 9, 2020, Nathan Boss pleaded guilty to smuggling and making false statements for his involvement in turtle smuggling (18 U.S.C. §§ 545, 1001(a)(2)). Sentencing is scheduled for September 24, 2020.

In September 2019, federal investigators intercepted an inbound U.S. Postal Service package from Hong Kong addressed to “Shelton Boss” in Worcester, Massachusetts. The package contained four black-breasted leaf turtles, a CITES-protected species. Following a controlled delivery, Boss told the postal clerk that he used “Shelton Boss” as an alias. Boss received an earlier shipment of turtles in August 2019, and exported two shipments in October 2019 using other aliases.

Boss also received a shipment of salamanders in August 2019 that carried a fungal disease injurious to native salamander species.

The U.S. Fish and Wildlife Service Office of Law Enforcement conducted the investigation, with assistance from the U.S. Postal Inspection Service, U.S. Customs and Border Protection, and the Massachusetts Division of Fisheries and Wildlife.

### ***United States v. Marco Lizandro Duarte-Beltran, No. 1:18-CR-00198 (E.D. Calif.), AUSA Karen Escobar.***

On June 1, 2020, Marco Lizandro Duarte-Beltran pleaded guilty to conspiring to possess, manufacture, and distribute marijuana (21 U.S.C. §§ 841(a)(1), 846). Sentencing is scheduled for September 21, 2020.

Between March and August 2018, law enforcement officers located 1,865 marijuana plants in the Millwood Creek area of the Sequoia National Forest after a two-month investigation. When officers apprehended Duarte-Beltran at the site, he was armed with a loaded revolver.

The cultivation operation caused significant damage to the land and natural resources. Growers cut native vegetation to make room for the plants, terraced three areas for the campsite, and diverted water for irrigation. They tossed trash, fertilizers, and pesticides throughout the site.

The U.S. Forest Service conducted the investigation, with assistance from Homeland Security Investigations and Enforcement and Removal Operations, the Campaign Against Marijuana Planting, the California National Guard, and the Fresno Sheriff’s Office.



## Sentencings

***United States v. Kaenon A. Constantin*, No. 6:19-CR-00345 (W.D. La.), AUSA Joseph D. Siefker, Jr.**

On July 31, 2020, a court sentenced Kaenon A. Constantin to pay a \$10,000 fine, complete a five-year term of probation, and perform 360 hours of community service. Constantin also will pay \$75,000 in restitution to the Louisiana Department of Wildlife and Fisheries for killing and transporting an endangered whooping crane, in violation of the Lacey Act (16 U.S.C. §§ 3372 (a)(2), 3373(d)(3)).

On May 20, 2016, using .22 caliber rifles, Constantin and a juvenile shot at a pair of whooping cranes located in a field. After killing one of the cranes, identified as L5-15, they retrieved its carcass. Investigators later recovered the carcass of the other crane, identified as L3-15

After retrieving L5-15's carcass, the defendants noticed the transponders on the bird's legs. After taking it to the juvenile's residence, they severed the legs and removed the transponders (subsequently discarding the knife, carcass, severed legs, and transponders along a nearby road.) When investigators questioned Constantin shortly after the crime, he denied knowing anything. The investigation continued for nearly two more years before he finally confessed in April 2018.

The United States Fish and Wildlife Service and the Louisiana Department of Wildlife and Fisheries conducted the investigation.



*Dead whooping crane*

***United States v. Novita Indah, et al.*, No. 8:19-CR-00266 (M.D. Fla.), ECS Trial Attorneys Ryan Connors and Matt Evans, with assistance from AUSA Kelley Howard-Allen.**

On July 30, 2020, a court sentenced Novita Indah and Larry Malugin to complete three-year terms' of probation, to include six months' home detention, and barred them from selling wildlife. Malugin also will pay a \$42,000 fine. They previously pleaded guilty to violating the Lacey Act for trafficking in protected Southeast Asian wildlife (16 U.S.C §§ 3372(a)(1), 3373(d)(1)(B)).



*Babirusa skull*

*(Continued on page 15)*

## Sentencings

(Continued from page 14)

The defendants, a married couple, began smuggling wildlife from their Indonesian home to the United States in 2011. They continued to do so as they moved to Puerto Rico and eventually Port Richey, Florida.

Between 2011 and 2017, the defendants made approximately 4,600 wildlife sales on eBay worth \$211,000. Agents seized nearly 370 wildlife items from their house while executing a search warrant. The CITES-protected animals included taxidermy mounts, skins, and bones of the slow loris, babirusa, spitting cobra, reticulated python, macaque, and monitor lizards.

The U.S. Fish and Wildlife Service conducted the investigation.

***United States v. Misuga Kaiun Co. Ltd., et al.*, Nos. 6:20-CR-00102 and 00103 (M.D. Fla.), ECS Senior Trial Attorney Ken Nelson, AUSA John Gardella, and ECS Paralegal John Jones.**

On July 29, 2020, a court sentenced Japanese Shipping Company Misuga Kaiun Co. Ltd. (Misuga) to pay a \$1,500,000 fine, complete a four-year term of probation, and implement a comprehensive environmental compliance plan. Misuga pleaded guilty to violating the Act to Prevent Pollution from Ships (APPS) (33 U.S.C. § 1908). Chief Engineer Cloyd Dimapilis, was sentenced on July 30, 2020, to complete a one-year term of probation, after pleading guilty to violating APPS.



*M/V Diamond Queen*

Acting on behalf of Misuga, Dimapilis knowingly failed to record multiple overboard discharges of oily bilge water in the *M/V Diamond Queen*'s oil record book. These discharges bypassed the vessel's pollution-prevention equipment from approximately April 2019 until the vessel arrived in Port Canaveral, Florida, on May 22, 2020. Prior to the ship's arrival in Florida, a junior crewmember informed the U.S. Coast Guard of the illegal discharges. After a subsequent inspection of the vessel, Coast Guard officials discovered how Dimapilis directed the crew to manipulate the valve system, enabling them to empty the bilge tank while bypassing the oily water separator.

The U.S. Coast Guard conducted the investigation.



## Sentencings

### ***United States v. SC Distributors, et al., No. 7:18-CR-00644 (D.S.C.), AUSA Winston Holliday.***

On July 23, 2020, a court sentenced SC Distributors d/b/a/ Herbie's Famous Fireworks, Inc., to pay a \$200,000 fine. The company previously pleaded guilty to importing goods into the United States by false pretenses (18 U.S.C. § 542).

Between January and April 2012, a Chinese fireworks manufacturer affiliated with SC Distributors sent a series of emails to a customer in South Carolina arranging for the shipment of unapproved, illegal fireworks. To prevent seizure from customs officials, they agreed to conceal the contents using bogus invoices with false labelling. They generated and mailed separate invoices describing the true contents.

The illegal fireworks are comprised primarily of fuses known as Cannon Fuses, Quick Fuses, and Perfect Fuses. These fireworks contain explosive powder mixed in dangerous ratios. The Pipeline and Hazardous Materials Administration (PHMSA) rejected all three in 2014.

Between May and July 2015, the Chinese fireworks manufacturer affiliated with S.C. Distributors sent four additional containers of illegal fireworks. Officials intercepted all four containers, two of which were shipped to co-defendant Eric Stajos, who previously pleaded guilty to a similar violation. SC Distributors received the other two shipments.

The Department of Homeland Security's Customs and Border Protection Agency and the PHMSA conducted the investigation.

### ***United States v. William K. Sutton, et al., No.1:19-CR-00103 (W.D. La.), AUSA Brian Flanagan.***

On July 23, 2020, a court sentenced William K. Sutton and his wife, Karen S. Sutton, for illegally operating a hunting guide service. William Sutton will pay a \$5,000 fine, Karen Sutton will pay a \$1,000 fine, and each will complete three-year terms of probation. They both are responsible for \$7,850 in restitution to be divided between the Richard K. Yancey Wildlife Management Area and the U.S. Fish and Wildlife Service.

Between December 2016 and April 2018, the Sutton's owned and operated SDW Outfitters, a Woodcock guide service. The state of Louisiana allows hunters to access wildlife management areas (WMA) if they use self-clearing permits, comply with daily limits, and adhere to any other applicable rules. Paid, guided hunts on the WMA are unlawful.

In January 2017, the Louisiana Department of Wildlife and Fisheries cited William Sutton for guiding woodcock hunts on the WMA with an out-of-state hunter. Authorities initiated a federal investigation after receiving information that the defendants continued to provide guided hunts. William Sutton knew the hunts were illegal, but he kept doing them because he invested a great deal of money on his lodge and feared losing it. Investigators determined the Suttons participated in more than 80 illegal guided hunts on the WMA over a two-year period, netting an estimated \$100,000. They pleaded guilty to violating the Lacey Act (16 U.S.C. §§ 3372(a)(2)(A), 3373(d)(1)(B)).

The United States Fish and Wildlife Service and the Louisiana Department of Wildlife and Fisheries conducted the investigation.



## Sentencings

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

On July 13, 2020, a court sentenced Gregorio Moreno-Valencia to 120 months' incarceration, followed by 48 months' supervised release. Moreno-Valencia also will pay \$22,105 in restitution to the U.S. Forest Service, after pleading guilty to conspiracy to grow marijuana, felon in possession of a firearm, and depredation of public lands and resources (21 U.S.C. §§ 841, 846, 924; 18 U.S.C. § 1361.) Co-defendant Alexandro Ayala-Acosta is scheduled for a change of plea hearing on September 28, 2020.

Agents arrested the defendants in August 2018 in the Mendocino National Forest. The illegal cultivation caused damage to the land and resources. Valencia possessed a Colt .22 caliber semi-automatic pistol and Acosta had a Mossberg short-barrel 12 gauge shotgun.

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 conducted the investigation.

***United States v. Larry Belitz*, No. 5:17-CR-50157 (D.S.D.), AUSAs Meghan Dilges and Eric Kelderman.**

On July 10, 2020, a court sentenced Larry Belitz to pay a \$10,000 fine, complete a one-year term of probation, and pay \$19,900 in restitution to the U.S. Fish and Wildlife Service. Belitz previously pleaded guilty to violating the Bald and Golden Eagle Protection Act (16 U.S.C. § 668(a)).

Belitz owned and operated a mail order business called Sioux Replications. The business specialized in constructing and selling Native American art items. Belitz bought and resold Native American items that included eagle and other protected migratory bird parts. He also maintains a museum of Native American items, some of which contain eagle and other migratory bird parts.

The U.S. Fish and Wildlife Service conducted the investigation.

## Sentencings

### ***United States v. Peter Margiotta, et al.*, No. 17-CR-00143 (D. Mont.), AUSA Bryan Dake and SAUSA Eric Nelson.**

On July 10, 2020, a court sentenced Canadian national Peter Margiotta to 18 months' incarceration, followed by three years' supervised release, and to pay a \$50,000 fine. The court has not yet ruled on a restitution amount.

A jury convicted Margiotta in September 2019, of conspiracy, violating the Clean Air Act (CAA) General Duty Clause, and CAA Knowing Endangerment (18 U.S.C. §§ 371; 42 U.S.C. §§ 7413(c)(1), 7412(r)(1), 7413(c)(5)).



*Burning truck following explosion*

Margiotta was the President and Director of Custom Carbon Processing, Inc. (CCP). Under his direction, CCP constructed and operated a slop oil reclamation and saltwater injection well disposal facility near Wibaux, Montana. The facility began operating during the summer of 2012. Mark Hurst, also a Canadian citizen, reported directly to Margiotta as the company's Montana Program Manager, overseeing the facility's operations.

In July 2012, Hurst warned Margiotta of dangers posed by deficiencies at the facility, including the failure to employ explosion proof wiring for control panels, stating "[w]e also run the risk of killing someone, not only our operators but also customers." Later in July 2012, CCP accepted shipments of highly volatile and flammable natural gas condensate, also known as "drip gas," in a purported effort to help thin and process the slop oil during reclamation operations. In December 2012, Hurst once again warned Margiotta of outstanding deficiencies at the facility relating to improper ventilation.

On December 29, 2012, during the offloading of a shipment of drip gas at the facility, flammable vapors were released into and outside of the CCP facility, spreading to a tanker truck delivering the materials. The vapors ignited and exploded destroying the entire facility and injuring three employees. The truck continued to burn for over a week despite firefighting efforts to extinguish the fire.

In a related case, Kelly Steen, a truck driver for Woody's Trucking, LLC, pleaded guilty to violating the Hazardous Materials Transportation Act (HMTA) for failing to post hazardous materials placards on his truck. In May 2018, a jury convicted Woody's Trucking and owner Donald E. Woody, Jr., on 13 of the 14 counts for HMTA, wire fraud, mail fraud, and obstruction of justice offenses. Evidence proved that the defendants failed to secure proper hazmat shipping papers and did not post proper placards on numerous shipments of drip gas to CCP. They also submitted false claims to the Occupational Safety and Health Administration; the U.S. Environmental Protection Agency; and the Great West Casualty Company (its insurance provider), stating that Woody's Trucking only hauled non-hazardous

*(Continued on page 20)*

## Sentencings

(Continued from page 19)

slop oil and water.

In November 2018, a court sentenced Woody to 12 months' and one day of imprisonment, followed by three years' supervised release. His company will complete a four-year term of probation and pay a \$644,690 forfeiture judgment to its insurer, Great West Casualty Company (Great West). Both Woody and Woody's Trucking are jointly and severally liable for restitution to Great West in the same amount.

The court sentenced Hurst in October 2019, to pay a \$5,000 fine and complete a two-year term of probation. Hurst previously pleaded guilty to a CAA negligent endangerment violation (42 U.S.C. § 7413(c)(4)). He was further ordered to pay \$12,000 in restitution to be divided between two victims.

The U.S. Environmental Protection Agency Criminal Investigation Division and the Department of Transportation Office of Inspector General investigated this case, with assistance from the U.S. Occupational Safety and Health Administration.

### ***United States v. Anthony Gray, No. 1:19-CR-00556 (N.D. Ohio), AUSA Brad Beeson.***

On July 1, 2020, a court sentenced Anthony Gray to complete a three-year term of probation to include eight months' home confinement and perform 250 hours of community service. Gray pleaded guilty to conspiracy for improperly operating an incinerator (18 U.S.C. § 371).

Gray co-owned Lomack Drum Company (LDC), also known as L. Gray Barrel & Drum Company, and Gray Container LLC. The company reconditioned metal drums. Gray worked as the operations manager and sales manager, while another person, (referred to as Owner 2, now deceased) acted as the environmental manager and maintenance manager.

As part of the reconditioning process, some drums passed through an incinerator at a particular temperature. In July 2009, officials issued a temporary restraining order for LDC to cease operating the incinerator, for violating a number of its permit requirements, including visible emissions.

As a result, Gray and Owner 2 agreed to comply with a number of new permit conditions, including testing the incinerator with an inspector present to prove it could maintain and operate above the required temperature. The incinerator, however, failed to maintain this operating temperature. In 2013 and 2014, the defendants operated the incinerator at night, and, upon questioning, lied to authorities.

The U.S. Environmental Protection Agency Criminal Investigation Division, the Ohio Bureau of Criminal Investigation, and the Ohio Environmental Protection Agency, conducted the investigation, with assistance from the Cleveland Division of Police, the Cleveland Fire Department, and the Cleveland Division of Air Pollution Control.



## Sentencings

### ***United States v. Mohamed Salem, et al., No. 1:18-CR-00758 (N.D. Ohio), AUSAs Duncan Brown and Brad Beeson.***

On July 2, 2020, a court sentenced Amin Salem to 33 months' incarceration, followed by three years' supervised release. Zahran Al-Qadan will complete a two-year term of probation, to include four months' home confinement, and pay a \$4,000 fine. Mohamed Salem is set for sentencing on September 8, 2020

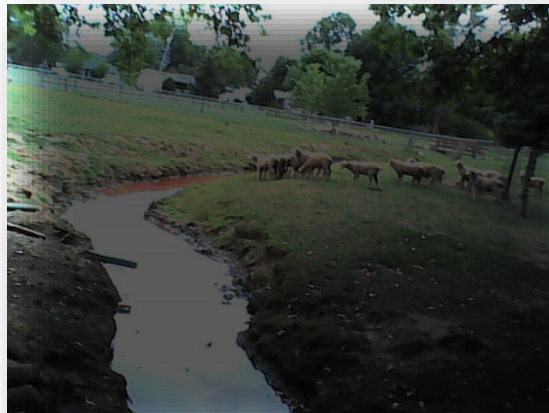
Mohamed Salem, Amin Salem, and Zahran Al-Qadan previously pleaded guilty to violations stemming from a complex scheme whereby they sold meat from illegally slaughtered goats and lambs, violating the Clean Water Act and a number of other statutes.

The Salems and Al-Qadan owned several gas stations. Mohamed Salem managed the gas station's finances of behalf of his father, Amin. Zahran also owned and operated a bakery. Terminals were placed in the gas stations and bakery that accepted and processed Electronic Benefits Transaction (EBT) cards as part of the Supplemental Nutrition Assistance Program (SNAP), formerly known as food stamps. A court previously convicted Amin Salem for food stamp fraud and related crimes, prohibiting him from owning stores that processed EBT transactions. The Salems used the gas station terminals to process more than \$2.7 million in fraudulent SNAP transactions between 2010 and 2016. They deposited proceeds from the EBT transactions into bank accounts of "Annie's Properties," a company owned by the Salems. Amin Salem used the funds to purchase a farm.

During 2015 and 2016, the Salems slaughtered and sold lambs and goats at Amin's farm. They allowed customers to pay for the illegally slaughtered and uninspected meat using SNAP cards, which is forbidden under the SNAP regulations. The defendants discharged blood and other fluids from the slaughtered animals (without a permit) into Engle Ditch, which flows into the Black River and eventually Lake Erie. In total, they deposited close to \$700,000 into the gas station accounts, with approximately \$88,000 attributed to the illegal meat sales.

Amin Salem pleaded guilty to conspiracy to launder money, violating the Clean Water Act, and distribution of adulterated meat (18 U.S.C. § 1956(h); 33 U.S.C. § 1319(c)(2)(A)); 21 U.S.C. §§ 610(c), 676(a)). Mohamed Salem pleaded guilty to engaging in real estate transactions using laundered funds and trafficking in counterfeit goods (18 U.S.C §§ 2320 (a)(1), 1957). Al-Qadan pleaded guilty to conspiracy to launder money.

The Federal Bureau of Investigation, the Internal Revenue Service Criminal Investigations, the U.S. Department of Agriculture Office of Inspector General, the U.S. Department of Agriculture Food Safety and Inspection Service, the U.S. Environmental Protection Agency Criminal Investigation Division, the Ohio Investigative Unit, the Ohio Department of Taxation, the Ohio Department of Agriculture, the Ohio Environmental Protection Agency, the Lorain County Sheriff's Office, the Guernsey County Sheriff's Department, the Cleveland Division of Police, the Westlake Police Department, and the Strongsville Police Department, conducted the investigation.



*Lambs prior to slaughter*

## Sentencings

***United States v. Rong Sun*, No. 1:20-mj-00289 (N.D. Ga.), ECS Senior Counsel Kris Dighe and AUSA Christopher Huber.**

On June 29, 2020, a court sentenced Rong Sun, aka Vicky Sun to pay a \$659 fine and complete a two-year term of probation. Sun previously pleaded guilty to violating the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) for illegally importing and selling an unregistered pesticide (7 U.S.C. §§ 136j(a)(1)(A), 136j(a)(1)(E), and 136l(b)(1) (B)).

Sun sold an unregistered pesticide, Toamit Virus Shut Out, through eBay, claiming that it would help protect individuals from viruses. She marketed the pesticide as “Virus Shut Out” and “Stop The Virus.” Additionally, the listing stated, “its main ingredient is ClO<sub>2</sub>, which is a new generation of widely effective and powerful fungicide recognized internationally at present. Bacteria and viruses can be lifted up within one meter of the wearer’s body, just like a portable air cleaner with its own protective cover.” It also stated that “In extraordinary times, access to public places and confined spaces will be protected by one more layer and have one more layer of safety protection effect, thus reducing the risks and probability of infection and transmission.”

FIFRA regulates the production, sale, distribution, and use of pesticides in the United States. A pesticide is any substance intended for preventing, destroying, repelling, or mitigating any pest. The term “pest” includes viruses. Toamit Virus Shut Out was not registered with the Environmental Protection Agency.

The U.S. Environmental Protection Agency Criminal Investigation Division, Homeland Security Investigations, and the U.S. Postal Inspection Service conducted the investigation.

***United States v. Bay State Gas Company d/b/a Columbia Gas of Massachusetts*, No. 2:20-CR-10066 (D. of Mass.), AUSAs Neil J. Gallagher, Jr., and Evan Gotlob.**

On June 23, 2020, a court sentenced Bay State Gas Company d/b/a Columbia Gas of Massachusetts (CMA) to pay a \$53,030,116 fine and complete a three-year term of probation to include an environmental compliance plan. Prosecutors also entered into a Deferred Prosecution Agreement (DPA) with CMA’s parent company, NiSource, Inc. As part of the DPA, NiSource agreed to undertake its best efforts to sell CMA after which NiSource and CMA would stop all gas pipeline operations in Massachusetts. NiSource also will forfeit any profit from the sale of CMA and implement each of the safety recommendations from the National Transportation Safety Board (NTSB) resulting from the incident.

On September 13, 2018, the over-pressurization of a low pressure gas distribution system in South Lawrence caused multiple fires and explosions in the communities of Lawrence, Andover, and North Andover. The explosions killed one individual in Lawrence, injured 23 others, and damaged approximately 130 residential homes and commercial buildings.

Investigators determined that the company recklessly disregarded a known safety risk related to regulator control lines (sections of pipe connected to regulator stations that helped monitor and control downstream gas pressure). According to an internal company

*(Continued on page 23)*



notice, CMA knew back in 2015 that the failure to properly account for control lines in construction projects could lead to a “catastrophic event,” including fires and explosions. The company replacing aging cast iron pipes, but failed to remove or relocate control line pipes (later abandoned) causing regulator stations to continually increase pressure to the point of dangerous over-pressurization.

The U.S. Department of Transportation Office of Inspector General, and the Federal Bureau of Investigation, conducted the investigation, with assistance from the Massachusetts State Police and Lawrence Fire Department.

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## Sentencings

### ***United States v. James L. Connolly, No. 3:19-CR-00086 (D. Ak.), AUSA Kelly Cavanaugh.***

On June 15, 2020, a court sentenced James L. Connolly to pay an \$8,000 fine and complete a two-year term of probation, after pleading guilty to violating the Lacey Act (16 U.S.C. §§ 3372 (a)(1), (a)(2)(A), 3373(d)(2)).

In May 2018, Connolly shot and killed a black bear in the Skilak Wildlife Recreation Area on the Kenai Peninsula, an area closed to all hunting and trapping. Connolly transported the carcass from Alaska to a tannery in California, which then shipped the hide to Connolly in Florida.

Eyewitnesses in Alaska saw the remains of a black bear and others spoke with Connolly, who told them he shot and killed a black bear in the area. Law enforcement officers took DNA samples of the blood from the kill site and matched them with samples taken from Connolly's bear hide in Florida. As part of the sentence, Connolly will forfeit the hide.

The Kenai National Wildlife Refuge and the U.S. Fish and Wildlife Service's Office of Law Enforcement conducted the investigation, with assistance from the Florida Wildlife Commission and Federal Wildlife Officers in Alaska, Florida, and North Carolina.

### ***United States v. Michael P. Casey, No. 4:19-CR-00067 (E.D. Va.), ECS Trial Attorney Gary Donner and AUSA Eric Hurt.***

On June 12, 2020, a court sentenced Michael P. Casey to pay a \$10,000 fine and complete a three-year term of probation. Casey previously pleaded guilty to conspiracy and to violating the Lacey Act for falsely labelling millions of dollars-worth of foreign crabmeat (18 U.S.C. § 371; 16 U.S.C. §§ 3372(d), 3373(d)(3)(A)).

Casey worked as the vice president for marketing and operations for Casey's Seafood Inc., a wholesale processor of crabmeat and other seafood located in Newport News, Virginia. He conspired with his father, James R. Casey, and others to substitute foreign crabmeat for Atlantic blue crab. A court previously sentenced James R. Casey, the company owner and president, to 48 months' incarceration.

From approximately 2010 through June 2015, Michael Casey and others directed employees to unpack foreign crabmeat from suppliers' containers, commingle it with domestic blue crab and/or other types of crab, and re-pack it into Casey's Seafood containers, all of which were labeled "Product of USA." Some of this foreign crabmeat was referred to as "distressed" because it was approaching or beyond the posted "best used by" dates. Employees "re-conditioned" the "distressed" crabmeat by re-pasteurizing it, and then packaging the "re-conditioned" meat into the company's containers, which were labeled and sold as blue crab and "Product of USA." Employees placed labels with "Product of USA" on containers that concealed labels marked as "Product of China" and "Product of Brazil."

Employees falsely labelled approximately 183 tons of crabmeat purchased by

*(Continued on page 25)*

## Sentencings

(Continued from page 24)

grocery stores and independent retailers. Michael Casey and James Casey sold approximately 367,765 pounds of falsely labelled crabmeat with a total wholesale value of more than \$4 million.

The National Oceanic and Atmospheric Administration Office of Law Enforcement investigated this case, in coordination with the Food and Drug Administration, the Department of Homeland Security Office of Investigations, and the Virginia Marine Police.

**United States v. Claudia Castillo, No. 19-CR-004039 (S.D. Calif.), AUSA Melanie Pierson.**

On June 9, 2020, a court sentenced Claudia Castillo to eight months' incarceration, followed by three years' supervised release, for smuggling endangered sea cucumber into the United States from Mexico (18 U.S.C. §§ 371, 545). Castillo also will pay \$12,000 in restitution to the government of Mexico.

Between January 2018 and September 2019, Castillo conspired with others to smuggle and illegally import sea cucumbers, a CITES-protected species, into the U.S. from Mexico. Castillo obtained bags containing approximately two kilograms of sea cucumbers from others in Mexico and, either smuggled the packages into the United States herself, or delivered the packages to people she recruited for delivery. She directed her recruits to deliver the sea cucumbers to a self-storage unit near the border in San Ysidro, California, where others took care of the sales. In May 2018, authorities apprehended Castillo at the border as she attempted to smuggle six bags of undeclared sea cucumbers hidden in her vehicle.

The total fair market value of the sea cucumbers illegally imported was between \$40,000 and \$95,000.

The U.S. Fish and Wildlife Service Office of Law Enforcement, and the National Oceanic and Atmospheric Administration Office of Law Enforcement conducted the investigation.

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## Sentencings

***United States v. Dugan Traversie*, No. 3:20-CR-30032 (D.S.D.), AUSA Meghan Dilges.**

On June 4, 2020, a court sentenced Dugan Traversie to complete a one-year term of probation and pay \$9,000 in restitution to the Timberlake Elk Ranch. He is banned from hunting while on probation. Traversie pleaded guilty to violating the Lacey Act for illegally hunting deer (16 U.S.C. §§ 3372(a)(1), 3373(d)(2)).

Between October 28, 2019, and November 4, 2019, Traversie harvested a white-tailed deer outside the tribal hunting season, in violation of Cheyenne River Sioux Tribe regulations. After Traversie shot the deer, he left and returned the next day to remove the head, leaving the carcass behind. The deer belonged to the Timberlake Elk Ranch.

The U.S. Fish and Wildlife Service; and the Cheyenne River Sioux Tribe, Game, Fish, and Parks Department conducted the investigation.

# Announcements

**CANCELLED:** The Financial Investigations Seminar that was scheduled for September in Chicago has been cancelled:

If you would like to submit a brief article/announcement discussing an environmental topic (a practice tip, statute/regulation/policy issue or update) for possible publication in the Bulletin, please send it to [REDACTED]

Over the last several months, we have updated a number of chapters in [Volume 1](#) of the Environmental Crimes Manual:

- Chapter 2 (Hudson/Double Jeopardy)
- Chapter 5 (Guidance on Sampling and Analysis)
- Chapter 8 (RCRA)
- Chapter 9c (Rivers and Harbors Act)
- Chapter 11 (CERCLA)
- Chapter 14 (TSCA)
- Chapter 15 (Safe Drinking Water Act)
- Chapter 17b (Pipeline Safety Act)

\*ECS also offers the assistance of Subject Matter Experts who can assist you with a [variety of topics](#).

**SEE** page 28 for a U.S. Fish and Wildlife Service Illegal Import and Trade Alert regarding Hummingbirds.

[REDACTED]

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Trial Attorney	Ethan Eddy	
Trial Attorney	Matthew Evans	
Trial Attorney	Stephen Foster	
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