



# Bulletin

## Environmental Crimes Section

August 2021

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[Redacted email address]

“When people steal trees from our public lands, they are stealing a beautiful and irreplaceable resource from all of us and from future generations,” said Acting U.S. Attorney Gorman. “That theft, coupled with the sheer destruction of the forest fire that resulted from this activity, warrants federal criminal prosecution. I commend the various branches of the U.S. Forest Service who worked diligently to investigate and hold this defendant accountable.” [From [press release](#) following the conviction in *U.S. v. Wilkinson*.] See [inside](#) for more details on this case.



District/Circuit	Case Name	Statutes
Eastern District of California	<u>United States v. Gregorio Moreno-Valencia, et al.</u>	Marijuana Cultivation/ Depredation, Drugs, Felon in Possession
Southern District of California	United States v. Kathy Velazquez Montufar	Pesticide Smuggling/Conspiracy, Smuggling
	United States v. Esther Guadalupe Garibay Chirinos	
	United States v. Manuel Efren Vidal-Sales	
	United States v. Veronica Perez	
	United States v. Jose de Jesus Uribe	
	United States v. Arturo Fuentes	
	United States v. Jesus Montano Espinoza	
	United States v. Jose Maxines et al.	Monkey Smuggling/Conspiracy, Smuggling
	United States v. Uribe Alonso et al.	
District of Connecticut	United States v. King Sheung Chan	Eel Sales/Smuggling
Middle District of Georgia	United States v. Kizzy Solomon et al.	Dog Fighting/ Animal Fighting Venture
	United States v. Derick Owens et al.	
Eastern District of Louisiana	United States v. Vincent F. Rivere et al.	Turtle Sales/Lacey Act
	United States v. William McGinness et al.	Bird Sales/Conspiracy, Lacey Act
District of Nebraska	United States v. Nebraska Railcar Cleaning Services LLC et al.	Tanker Car Explosion/Conspiracy, Obstruction, OSHA, RCRA Knowing Endangerment



District/Circuit	Case Name	Case Type/Statutes
District of Nevada	<b>United States v. Bobby Babak Khalili et al.</b> <b>United States v. Rene Morales et al.</b>	Asbestos Abatement/CAA
Middle District North Carolina	<b>United States v. Delontay Moore</b>	Dog Fighting/Animal Welfare Act, Conspiracy
Northern District of Ohio	<b>United States v. Wayne Robert Banks, Jr.</b>	Boat Scuttling/Destruction of Vessel, RHA
District of Oregon	<b>United States v. Tyler Glenn Chance Warren, et al.</b>	Bull Trout Fishing/Lacey Act
Western District of Pennsylvania	<b>United States v. Vincent F. Rivere et al.</b> <b>United States v. James Paprocki</b>	Fish Trafficking/Lacey Act Municipal Water Employee/Conspiracy, CWA
District of Puerto Rico	<b>United States v. Carlos David Flores Rios et al.</b>	Bird Sales/MBTA
Eastern District of Tennessee	<b>United States v. Michael K. Turner, et al.</b>	Ginseng Harvesting/Lacey Act
Western District of Washington	<b>United States v. Justin A. Wilke et al.</b>	Forest Fire/Timber Theft, Depredation of Public Property, Lacey Act
Western District of Wisconsin	<b>United States v. Chang Xiong</b>	Rhino Feet Purchase/Lacey Act



## Trials

***United States v. Justin A. Wilke et al.*, No. 3:19-CR-005364 (W.D. Wash.), AUSAs Seth Wilkinson and William Dreher.**

On July 9, 2021, a jury convicted Justin A. Wilke for stealing maple wood that resulted in a massive forest fire in 2018. The jury found Wilke guilty on conspiracy, theft of public property, depredation of public property, trafficking in unlawfully harvested timber, and attempting to traffic in unlawfully harvested timber (18 U.S.C. §§ 371, 641, 1361; 16 U.S.C. §§ 3372(a)(1), 3373 (d)). Sentencing is scheduled for October 18, 2021.

Between April and August 2018, Wilke conducted an illegal logging operation in the Elk Lake area of the Olympic National Forest. In July 2018, just days after completing a state prison sentence, Shawn E. Williams began helping Wilke remove maple wood from the forest and transporting it to a mill in Tumwater, Washington. Those who craft musical instruments greatly value this type of maple.

This is the first instance where an expert testified about tree DNA during a federal criminal trial. Wilke claimed the wood he sold to the mill had been legally harvested. The expert testified, however, that the wood Wilke sold genetically matched the remains of three poached maple trees recovered from the Elk Lake area. Based upon this evidence, the jury concluded Wilke sold stolen wood.

The defendants were accused of causing the August 2018 forest fire when they set fire to a bee's nest in a tree they wanted harvest. The resulting fire (known as "The Maple Fire") burned more than 3,300 acres at a cost of approximately \$4.5 million to contain. Since the testimony was unclear as to Wilke's role in starting the fire, the jury did not convict Wilke of the two counts related to the fire.

A court sentenced Williams in September 2020, to 30 months' incarceration, followed by three years' supervised release, and ordered him to pay \$4,276,483 in restitution: \$2,512,444 to the U.S. Forestry Service and \$1,764,039 to the Washington Department of Natural Resources. Williams pleaded guilty to theft of public property and setting timber afire (18 U.S.C. §§ 641, 1855).

The United States Forest Service conducted the investigation.



*The Maple Fire*



***United States v. Bobby Babak Khalili et al.*, No. 2:19-CR-00242 (D. Nev.), ECS Trial Attorney Cassie Barnum and SAUSA Rachel Kent.**

On July 14, 2021, prosecutors filed a superseding indictment against a California-based landlord and a contractor. The original indictment charged Bobby Babak Khalili and Gonzalo Aguilar Doblado with violating the Clean Air Act (CAA) by failing to remediate and remove asbestos from a downtown Las Vegas apartment complex prior to renovations (42 U.S.C. § 7413(c)(1)). The new indictment charges Khalili with additional CAA violations for engaging in a different apartment building renovation while on pre-trial release for the original crime. The government also charged Khalili with aggravated identity theft for attempting to frame someone else for the new violations (18 U.S.C. § 1028A).

In March 2016, local air quality specialists observed a 40-cubic yard dumpster containing regulated asbestos-containing material (RACM) at the apartment building. They documented RACM debris and residue in the dumpster, in several apartment units, and in common areas. Between March 2016 and April 2016, the defendants failed to inspect the apartments and remove and remediate RACM prior to starting renovation. During the renovation, residents occupied half of the building's units. Khalili and Doblado also failed to provide written notice to the U.S. Environmental Protection Agency and Clark County Department of Air Quality before starting removal and renovation work. The material remained dry during removal and the defendants failed to properly dispose of it.

Between October 2019 through May 2020, Khalili engaged in similar behavior while under pre-trial release for crimes committed in 2016.

The U.S. Environmental Protection Agency Criminal Investigation Division conducted the investigation.

***United States v. Rene Morales et al.*, No. 2:21-CR-00199 (D. Nev.), ECS Trial Attorney Cassie Barnum.**

On July 14, 2021, prosecutors charged Rene Morales and Hector Vasquez with violating asbestos work practice standards at a warehouse in Las Vegas, as well as conspiracy to defraud the United States by concocting a fake story to cover up the existence of the crime (18 U.S.C. § 371; 42 U.S.C. § 7413(c)(1)).

Knowing that a warehouse contained asbestos-containing materials, Morales and Vasquez hired workers to tear out ceiling and wall texture, storing the dry debris in open bags at another room in the facility. Inspectors discovered approximately 200 bags of dry, asbestos-containing debris during a surprise site inspection. Morales and Vasquez both attempted to blame a third party for the illegal removal.

The U.S. Environmental Protection Agency Criminal Investigation Division conducted the investigation.





## Indictments/Informations

***United States v. Uribe Alonso et al.*, No. 3:21-CR-00331 (S.D. Calif.), AUSA Melanie Pierson.**

On July 13, 2021, prosecutors filed a superseding indictment charging four individuals for smuggling a Mexican spider monkey (18 U.S.C. §§ 371, 545).

On December 31, 2020, David Sotelo and Jennifer Madrigal entered the United States at the San Ysidro Port of Entry with an undeclared juvenile Mexican spider monkey. Inspectors turned them away, forcing them to return to Mexico with the monkey. On the way back, Madrigal texted Uribe Alonso, who directed her to take the monkey to a residence in Mexico. On January 4, 2021, Alonso and Klissman Zavala entered the United States from Mexico with the same monkey hidden in the center console of their vehicle. A search of Alonso's phone revealed he had purchased the monkey on December 30, 2020. Alonso crossed into the United States within 15 minutes of Sotelo and Madrigal on December 31, 2020. None of the defendants possessed any appropriate documentation for the monkey.

The U.S. Fish and Wildlife Service, Homeland Security Investigations, and U.S. Customs and Border Protection conducted the investigation.

***United States v. Wayne Robert Banks, Jr.*, No. 3:21-CR-00511 (N.D. Ohio), AUSA Jody King.**

On July 8, 2021, prosecutors charged Wayne Robert Banks, Jr., with destruction of a vessel, deposit of refuse in navigable waters, obstruction of navigable waters and failure to mark or light a sunken vessel (18 U.S.C. § 2274; 33 U.S.C. §§ 407, 409, 411).

On October 29, 2020, Banks sunk and destroyed a 24-foot Reinell boat within navigable channels of the Maumee River. Banks failed to immediately mark the sunken craft with a buoy, beacon or light. He further disposed of refuse materials, including bottles, electronic equipment, batteries, cardboard and other garbage into the river.

The U.S. Coast Guard conducted the investigation.



## Guilty Pleas

### ***United States v. Vincent F. Riviere et al.*, No. 2:20-CR-00151 (E.D. La.), AUSA Jon Maestri.**

On July 26, 2021, Vincent F. Riviere and his wife, Megan L. Shoemaker, pleaded guilty to violating the Lacey Act for illegally selling Louisiana box turtles (16 U.S.C. §§ 3372(a)(2)(A), 3373(d)(1)(B)). Sentencing is scheduled for October 26, 2021.

Investigators initiated an undercover investigation after receiving information from a confidential informant that the defendants illegally captured and sold common box turtles, a protected species, exporting them to New Jersey. In July 2017, an undercover agent arranged to purchase turtles from the defendants for approximately \$700 in an Office Depot parking lot. After making the exchange, other agents arrested the pair.

The United States Fish and Wildlife Service, Homeland Security Investigations, and the United Postal Service conducted the investigation.

### ***United States v Anthony Nguyen*, No. 2:20-CR-00350 (W.D. Pa.), ECS Trial Attorney Patrick Duggan, AUSA Eric Olshan, and ECS Paralegal Jillian Grubb.**

On July 20, 2021, Anthony Nguyen pleaded guilty to violating the Lacey Act for trafficking in endangered Asian arowana and invasive snakehead fish (16 U.S.C. §§ 3372(a)(1), 3372(a)(2)(A), 3373(d)(1)(B)). Sentencing is scheduled for November 1, 2021.

Nguyen owned and operated Ichiban Tropical Fish in Pittsburgh, specializing in the sale of rare and exotic freshwater tropical fish species.

In 2016, Nguyen sold illegally imported Asian arowana, and snakehead fish, an invasive and injurious species, in 2019. Nguyen also falsified paperwork related to the snakehead shipment. People purchase both species to keep in aquariums.

Snakeheads can grow to be quite large and aggressive. As a result, those who purchase them often decide to release them into the wild.

The U.S. Fish and Wildlife Service conducted the investigation, with assistance from the Pennsylvania Fish and Boat Commission, the California Department of Fish and Wildlife, and the Texas Parks and Wildlife Department.



*Asian arowana*



## Guilty Pleas

### ***United States v. Kathy Velazquez Montufar*, No. 3:21-CR-02057 (S.D. Calif.), ECS Trial Attorney Stephen DaPonte and AUSA Melanie Pierson.**

On July 15, 2021, Kathy Velazquez Montufar pleaded guilty to conspiring to violate the Federal Insecticide, Fungicide, and Rodenticide Act (18 U.S.C. § 371). Sentencing is scheduled for October 14, 2021.

Authorities apprehended Montufar on June 17, 2021, as she entered the United States from Mexico at the San Ysidro Port of Entry. Upon inspection, they found 36 one-liter bottles of Monitor 600, an illegal Mexican pesticide, in her vehicle.

Those involved in clandestine marijuana grows use illegal pesticides to cultivate unregulated marijuana on both public and private land in the United States.

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

### ***United States v. James Paprocki et al.*, Nos. 2:20-CR-00342, 00360, 2:21-CR-00259 (W.D. Pa.), AUSA Michael Ivory and SAUSA Martin Harrell.**

On July 14, 2021, James Paprocki pleaded guilty to conspiring to violate the Clean Water Act (CWA) (18 U.S.C. § 371). Sentencing is scheduled for November 17, 2021.

Paprocki worked as a former supervisor for the Pittsburgh Water and Sewer Authority (PWSA), the second largest municipal water authority in Pennsylvania. The investigation initially centered on the PWSA's drinking water treatment plant located on the banks of the Allegheny River. As the investigation progressed, it focused on the treatment and disposal of clarifier sludge.

The process of transforming raw, untreated water into potable drinking water requires several steps. Workers add chemicals to the water causing the solids to clump together. Afterwards, they pump the water to sedimentation basins, where it sits for a period of time. They then transfer the water to the Clarifier Building, where it undergoes additional processing. Workers move the sludge created at this stage to a holding facility (known as the sludge pit) with pipes leading to a sewer line, as well as the river. Workers periodically clean and drain the clarifiers, pumping the accumulated sludge into the sludge pit. They refer to the wastewater generated during this process as "clarifier blowdown."

The National Pollutant Discharge Elimination System permit (NPDES) permit only authorized PWSA to discharge rainwater and clarifier blowdown directly into the river. On a number of occasions between 2010 and 2017, however, plant supervisors and other personnel discharged raw, untreated clarifier sludge directly into the river. These discharges only occurred when workers shut down the clarifiers for cleaning. The sludge removed daily automatically flows via the sludge pit and piping to the wastewater treatment plant.

In addition to the NPDES permit, regulators required the PWSA to comply with an

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## Guilty Pleas

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Industrial User permit. This permit allowed it to discharge one million gallons of sludge per day to the publically owned treatment works. The PWSA installed sludge flow monitors at the sludge pit and the clarifier basins to measure and monitor the sludge. The biannual Self Compliance Monitor Reports (SCMR) submitted to regulators included this flow meter data. By approximately late December 2014, four of the flow meters failed to operate. Instead of fixing the meters, at least two plant supervisors directed personnel to use estimated numbers extrapolated from the data provided by the unbroken meters. They included this data on multiple SCMRs. These reports also falsely stated that plant personnel regularly calibrated and checked the flow meters. Employees repaired the meters only after one of them alerted investigators to the problem.

PWSA pleaded guilty to one count of violating a condition of its CWA NPDES permit and making a false statement (33 U.S.C. §§ 1319(c)(4), 1311, 1342, 1319(c)(2)). Sentencing is scheduled for September 14, 2021.

Plant supervisor, Glenn Lijewsky, is charged with conspiracy and violating the CWA. Trial is scheduled to begin on November 29, 2021.

The U.S. Environmental Protection Agency Criminal Investigation Division conducted the investigation.

***United States v. Nebraska Railcar Cleaning Services LLC et al., No. 8:18-CR-00216 (D. Neb.), ECS Senior Counsel Kris Dighe, AUSA Donald J. Kleine, and ECS Law Clerk Nate Borrelli.***

On July 12, 2021, Nebraska Railcar Cleaning Services LLC (NRCS), its president and owner, Stephen Michael Braithwaite, and vice president and co-owner, Adam Thomas Braithwaite, pleaded guilty to charges stemming from their mishandling wastes removed from rail cars, causing the deaths of two employees and severely injuring a third. Adam Braithwaite pleaded guilty to violating the Occupational Safety and Health Act (OSHA), obstruction, and perjury (29 U.S.C. § 666(e); 18 U.S.C. § 1519, 1622). Steven Braithwaite pleaded guilty to violating OSHA and the Resource Conservation and Recovery Act's knowing endangerment provision (42 U.S.C. § 6928(e); 29 U.S.C. § 666(e)). NRCS pleaded guilty to the same charges, including conspiracy (18 U.S.C. §§ 371). Sentencing is scheduled for October 25, 2021.

NRCS and Steve and Adam Braithwaite failed to implement worker safety standards



*Emergency personnel*

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## Guilty Pleas

(Continued from page 9)

and then tried to cover up their actions during the OSHA inspection. They also mishandled hazardous wastes removed from rail tanker cars during the cleaning process.

After a 2013 inspection, Steve Braithwaite entered into a written Corrective Action Agreement where he represented that NRCS had been testing for benzene since July 2014. In March 2015, Steve Braithwaite refused to allow OSHA inspectors on-site for a follow-up inspection. Soon thereafter, Steve and Adam Braithwaite falsified documents they submitted to OSHA to show that the company purchased equipment to test the contents of railcars for benzene and taken other required safety precautions. During inspections by the Nebraska Department of Environmental Quality and the U.S. Environmental Protection Agency in 2013 and 2014 respectively, authorities informed the company that it must test its wastes to determine its hazardous nature for proper disposal. NRCS failed to test the wastes, however, until April 2015.

On April 14, 2015, while employees cleaned out a railcar, the car ignited, killing two of them and injured a third worker. Two days after the explosion, NRCS determined tested three railcars and found that two of them were determined to be hazardous.

The U.S. Environmental Protection Agency Criminal Investigation Division and the U.S. Department of Labor Office of Inspector General conducted the investigation.

### ***United States v. Carlos David Flores Rios et al., No. 3:20-CR-00424 (D.P.R.), AUSA Carmen M. Marquez Marín.***

On July 8, 2021, Carlos David Flores Rios pleaded guilty to violating the Migratory Bird Treaty Act for selling short-eared owls (16 U.S.C. §§ 703, 707(b)(1), (b)(2)). Prosecutors charged Rios, along with Edgardo Marin Candelaria and Misael Cruz Rivera for selling and bartering a variety of migratory birds in March 2019. Candelaria sold two short-eared owls and Rivera sold an American kestrel.

The defendants captured and illegally sold migratory birds, offering them for sale on private internet chat groups, as well as to local buyers as pets. They sold the birds in Puerto Rico and off the island.; sold the birds to local purchasers; negotiated the price

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



*American Kestrel*



## Guilty Pleas

***United States v. Esther Guadalupe Garibay Chirinos*, No. 3:20-CR-02871 (S.D. Calif.), ECS Trial Attorney Stephen DaPonte and AUSA Melanie Pierson.**

On July 8, 2021, Esther Guadalupe Garibay Chirinos pleaded guilty to conspiracy to violate the Federal Insecticide, Fungicide and Rodenticide Act (18 U.S.C. § 371). Sentencing is scheduled for October 7, 2021.

In August 2020, authorities apprehended Chirinos as she attempted to drive into the United States from Mexico at the San Ysidro Port of Entry in San Diego, California. A subsequent inspection of her vehicle yielded 120 bottles of highly toxic and cancelled or restricted-use unregistered Mexican pesticides.

Those involved in clandestine marijuana grows use these and other illegal pesticides to cultivate unregulated marijuana on both public and private land.

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

***United States v. Delontay Moore*, Nos. 1:21-CR-000036, 00118 (M.D.N.C.), ECS Trial Attorney Erica Pencak and AUSA Ashley Waid.**

On July 8, 2021, Delontay Moore pleaded guilty to one count of conspiracy to violate the Animal Welfare Act. Moore also pleaded guilty to a felon-in-possession charge brought in a separate indictment (18 U.S.C. § § 922, 924, 371). Sentencing is scheduled for November 17, 2021.

Evidence showed that Moore participated in a dog fight in December 2019, with his dog losing and dying on the way home. In February 2021, agents executed a search warrant, seizing 25 dogs from Moore's residence. The animals exhibited scars and wounds consistent with dog fighting.

The U.S. Department of Agriculture Office of Inspector General conducted the investigation.

***United States v. Manuel Efren Vidal-Sales*, No. 3:20-CR-03109 (S.D. Calif.), ECS Trial Attorney Stephen DaPonte and AUSA Melanie Pierson.**

On July 2, 2021, Manuel Efren Vidal-Sales pleaded guilty to conspiring to violate the Federal Insecticide, Fungicide and Rodenticide Act (18 U.S.C. § 371). Sentencing is scheduled for October 7, 2021.

Authorities apprehended Vidal-Sales in September 2020, as he entered the United States from Mexico with 17 bottles and 3 bags of undeclared pesticides.

Those involved in clandestine marijuana grows use illegal pesticides to cultivate unregulated marijuana on both public and private land in the United States.

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



## Guilty Pleas

### ***United States v. King Sheung Chan*, No. 3:21-CR-0011 (D. Conn.), AUSA Hal Chen.**

On July 1, 2021, King Sheung Chan, a resident of Hong Kong, pleaded guilty to attempted smuggling of glass eels from the United States (18 U.S.C. § 554). Sentencing is scheduled for October 12, 2021.

Investigators initiated an undercover investigation after developing information that Chan had been smuggling illegally harvested juvenile American glass eels, commonly known as “glass eels” or “elvers,” from the United States to Hong Kong, where others distributed them to “eel farms” in mainland China. The eel farms cultivated the baby eels to adult size for human consumption.

Chan worked for Asia Aquatic Company, Ltd., based in Hong Kong, and a Canadian company named Laknock Trading. Chan procured large quantities of illegally harvested glass eels from fishermen in the United States, as well as from Canada and the Dominican Republic, in violation of the Lacey Act.

South Carolina and Maine are the only states that permit the commercial harvest of glass eels, with Maine using a heavily regulated quota system granting permits to a limited number of fishermen. Foreign seafood companies have damaged American eel populations by engaging in illegal eel harvest and sales. Currently, buyers will pay between \$3,000 to \$5,000 per kilogram of eels.

In 2017, Chan smuggled American glass eels through New York’s JFK Airport to Hong Kong at least seven times. On one occasion, he purchased elvers from undercover agents, posing as fishermen, who told Chan the glass eels were illegally harvested from the waters of Connecticut, Massachusetts, and Virginia. For these shipments, the defendant ensured that they were packed with seaweed on top of the plastic bags to conceal the eels from inspectors. Chan falsely declared the shipments as “seaweed.”

In 2021, Chan arranged to purchase glass eels illegally harvested from Virginia, Maryland, and Massachusetts, and directed employees to store them at a seafood facility in Connecticut. Chan shipped special packing boxes from Canada to JFK Airport containing bags of water with mainly dead glass eels and a few live ones.

Chan proceeded to drive with 20 kilograms of eels taken from the Connecticut facility to a location near JFK Airport. He met the freight forwarder handling the shipment of ten boxes shipped by Laknock Trading from Canada. Chan opened the boxes and switched out the dead eels with the ones he had packed hours before in Connecticut. He ensured that those boxes were shipped to Hong Kong.

Shortly thereafter, the agents arrested Chan and seized the glass eels from the JFK airline cargo area. Authorities later released the glass eels into the wild. The total value of approximately 120 kilograms Chan smuggled over four years was \$430,000.

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



*Chan packing glass eels*





## Sentencings

***United States v. Veronica Perez*, No. 3:20-CR-00869 (S.D. Calif.), ECS Trial Attorney Stephen DaPonte and AUSA Melanie Pierson.**

On July 30, 2021, a court sentenced Veronica Perez to pay \$12,847 in restitution. This is in addition to two months' incarceration, followed by three years' supervised release, the court previously imposed.

A jury convicted Perez in November 2020, for smuggling an unregistered Mexican pesticide into the United States (18 U.S.C. § 545). The jury found that Perez failed to declare 20 containers of Fosfuro de Zinc (zinc phosphide) at the border as she attempted to cross into the country from Mexico in July 2019.

Those involved in clandestine marijuana grows use illegal pesticides to cultivate unregulated marijuana on both public and private land in the United States.

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

***United States v. Jose de Jesus Uribe*, No. 3:21-CR-01052 (S.D. Calif.), ECS Trial Attorney Stephen DaPonte and AUSA Melanie Pierson.**

On July 30, 2021, a court sentenced Jose de Jesus Uribe to time-served (11 days), followed by three years' supervised release, and \$3,000 in restitution. He pleaded guilty to smuggling (18 U.S.C. § 545).

Authorities apprehended Uribe in March 2021, as he attempted to enter the United States with 60 bottles of Metaldane 600 and 3 bottles of Biomec.

Those involved in clandestine marijuana grows use illegal pesticides to cultivate unregulated marijuana on both public and private land in the United States. Uribe admitted to making a previous trip for which he was paid \$1,000 for smuggling pesticides.

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

***United States v. Kizzy Solomon et al*, No. 1:18-CR-00058 (M.D. Ga.), ECS Trial Attorney Ethan Eddy, AUSA Jim Crane, and ECS Paralegal Jillian Grubb.**

Between July 21 and July 22, 2021, a court sentenced seven defendants for their involvement in an animal fighting venture: Kentre Gibson received 21 months' incarceration, Terry Driggers 17 months, Maurice Glover 12 months, and Starlin Morgan and Timothy White will serve 11 months' incarceration. All are subject to three years' supervised release. Alonza Jordan will serve three months' incarceration, three months' home confinement, and one year supervised release. Shadon Johnson received a two-year term of probation. The court continued Leslie Meyers, Kevin Charles, Orlando Johnson, and Kizzy Solomon to September 24, 2021.

A jury also convicted Solomon in June 2021 on 15 counts of aiding and abetting the

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## Sentencings

*(Continued from page 13)*

possession and training of dogs for purposes of an animal fighting venture (7 U.S.C. § 2156 (a)(1) and (b); 18 U.S.C. § 49.) Solomon is the 12<sup>th</sup> and final defendant prosecuted in this case based largely on a “two-card” dog fight in Sumter County, Georgia, raided in progress on January 21, 2017.

According to evidence presented at trial, federal agents executed a search warrant at Solomon’s property on September 12, 2018, seizing twenty-seven pit bull-type dogs housed on chains. All but the puppies exhibited scarring and injuries consistent with use in dog fighting. Agents also seized a large amount of dog fighting equipment throughout the house, including a treadmill with a ledger noting dogs’ fighting histories (including those that died).

The other eleven defendants previously pleaded guilty to conspiracy to violate the federal Animal Welfare Act, related substantive charges, and weapons charges, for participating in this dog fight in January 2017. One of the defendants traveled with dogs from Florida to attend and exhibit a dog in the fight. Agents recovered two injured dogs and one dead animal from the scene, along with several firearms and more than \$18,000 in U.S. currency.

The U.S. Department of Agriculture Office of Inspector General, the Sumter County Sheriff’s Office, and Decatur County Animal Control conducted the investigation.

***United States v. Michael K. Turner, et al.*, Nos. 2:19-CR-00158, 3:20-CR-00059 (E. D. Tenn.), ECS Senior Trial Attorney Todd Gleason and AUSA Matt Morris.**

On July 20, 2021, a court sentenced Michael K. Turner to six months’ home confinement as a condition of three years’ probation. Turner also will pay \$1,600 in restitution, perform 100 hours’ community service, surrender his ginseng licenses, and forfeit 0.38 pounds of ginseng. Turner previously pleaded guilty to falsifying records under the Lacey Act for illegally harvesting and selling ginseng (16 U.S.C. §§ 3372(d)(2), 3373(d)(3)(A)(ii)).

Turner owned and operated “High Mountain Ginseng”, and co-defendant Randall F. Henry owned a business called “Tennessee Herbs.” The State of Tennessee permitted both to buy and sell American Ginseng.

Between 2014 and 2016, the two submitted falsified paperwork with the state that failed to accurately record their illegal ginseng purchases and sales. A court sentenced Henry in December 2020 to complete a three-year term of probation, to include six months’ home confinement. Henry also will pay \$2,557 in restitution to the Tennessee Department

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## Sentencings

(Continued from page 14)

of Environment and Conservation, perform 100 hours of community service, and forfeit 71.88 pounds of ginseng (valued at close to \$18,000) seized during the search. The court further waived Henry's licensing during the term of probation. Henry pleaded guilty to falsifying records under the Lacey Act.

This case is the result of "Operation Green Gold," a multi-jurisdiction investigation conducted by the U.S. Fish and Wildlife Service into the illegal harvesting, trafficking, and smuggling of American Ginseng.

### ***United States v. Tyler Glenn Chance Warren, et al., Nos. 6:19-CR-00399, 400 (D. Ore.), AUSAs Will McLaren and Pam Paaso.***

On July 14, 2021, a court sentenced Tyler Glenn Chance Warren to pay a \$1,000 fine, complete a three-year term of probation, and perform 40 hours of community service for illegally taking bull trout (an endangered species) from the Metolius River in the Deschutes National Forest. The court also banned Warren from fishing while under supervision. Warren is the fourth defendant prosecuted in this case as a result of "Operation No Bull," an anti-poaching law enforcement operation, launched in 2017. Since its inception, the operation has resulted in criminal charges, civil penalties, or citations for more than 30 bull trout poachers in federal, state, and tribal courts.



*Illegally harvested bull trout*

On December 3, 2017, Warren and co-defendant Thomas R. Campbell, illegally took several bull trout from the Metolius River and the Eyerly Property, a portion of protected land adjacent to the Metolius near its confluence with Lake Billy Chinook. The Eyerly Property is held in trust by the U.S. for the Confederated Tribes of Warm Springs and only accessible to tribal members.

The next day, Campbell posted a photo of himself on Instagram holding a juvenile bull trout. Another Instagram post showed Warren holding a bull trout on the Metolius. Investigators found additional photos on Campbell's phone including several that Campbell and Warren texted to each other. Warren transported the fish to his residence in Redmond where he texted Campbell two additional photos of Ziploc bags filled with bull trout fillets.

A court sentenced Campbell in November 2020 to pay a \$6,000 fine, and complete a five-year term of probation, during which he may not angle or hunt anywhere in the United States. Campbell also will perform 300 hours of community service on habitat restoration and conservation projects. He also will pay \$650 in restitution to the Oregon State Police for destroying a trail camera designed to catch poachers. Joshua Alan

(Continued on page 16)



## Sentencings

(Continued from page 15)

Hanslovan was sentenced in June 2021 to complete a three-year term of probation (to include a three-year angling ban), and perform 125 hours of community service. Tyrone T. Wacker will pay a \$1,000 fine, complete a five-year term of probation (with a three-year angling and hunting ban), and perform 90 hours of community service. All defendants pleaded guilty to violating the Lacey Act (16 USC §§ 3372(a)(1), 3373(d)(2)).

The U.S. Fish and Wildlife Service Office of Law Enforcement, the Oregon State Police Fish and Wildlife Division, the Confederated Tribes of Warm Springs Branch of Natural Resources, and the U.S. Forest Service Law Enforcement conducted the investigation.

***United States v. William McGinness et al.*, No. 2:18-CR-00118 (E.D. La.), ECS Trial Attorney Mary Dee Carraway, AUSA Melissa Bucher, and ECS Paralegal John Jones.**

On July 14, 2021, a court sentenced William McGinness to pay a \$7,500 fine, complete a two-year term of probation, and forfeit macaws and parrots seized by law enforcement along with the van he used to commit the crime.

McGinness is the final defendant to be sentenced in this conspiracy to violate the Lacey Act for trafficking in protected birds (18 U.S.C. § 371; 16 U.S.C. §§ 3372(d)(2), 3373(d)(3)(A)).

Paul Tallman, owner of Aerotyme Inc., helped McGinness ship birds from California to the Port of New Orleans for export to Taiwan. Their scheme sought to avoid a 2015 Taiwanese ban on the import of all California birds due to the risk of highly pathogenic avian flu. In July 2015, they shipped 86 birds to Taiwan, including three falsely labeled macaws.

In July 2018, McGinness instructed Tallman and Rene Rizal to create and certify false paperwork to facilitate another shipment from New Orleans. McGinness trucked the birds from California to Aerotyme, in Kenner, Louisiana, where he and Tallman submitted false paperwork, including a veterinary health certificate certifying that the birds were disease free, to agents of the U.S. Fish and Wildlife Service. Federal law enforcement officers seized 14 birds prior to export.

Wayne Andrews, a bird breeder, and Alex Madriaga, a veterinarian, both from California, pleaded guilty to creating false documents to facilitate McGinness' plan. They were sentenced to complete two-year terms' of probation. Andrews paid a \$3,000 fine and Madriaga paid \$7,000. Rizal was ordered to pay a \$3,000 fine and complete a two-year term of probation. Tallman paid a \$6,000 fine and was ordered to complete a three-year term of probation.

The U.S. Fish and Wildlife Service 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 12, 2021, a court sentenced Alexandro Ayala-Acosta to 120 months' incarceration, followed by 48 months' supervised release, and \$22,105 in restitution joint and several with Gregorio Moreno-Valencia.

Both pleaded 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.)

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 court previously sentenced Moreno-Valencia to the same terms.

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. Arturo Fuentes*, No. 2:20-CR-03729 (S.D. Calif.), ECS Trial Attorney Stephen DaPonte and AUSA Melanie Pierson.**

On July 9, 2021, a court sentenced Arturo Fuentes to time-served, followed by one year of supervised release. Fuentes will pay \$2,497 in restitution and perform 50 hours of community service. Fuentes pleaded guilty to smuggling (18 U.S.C. § 545).

Authorities apprehended Fuentes in October 2002, as he attempted to enter the United States with 50 one-liter bottles of Bovitraz, illegal Mexican pesticides.

Those involved in clandestine marijuana grows use illegal pesticides to cultivate unregulated marijuana on both public and private land in the United States.

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

***United States v. Jesus Montano Espinoza*, No. 3:20-CR-02842 (S.D. Calif.), ECS Trial Attorney Stephen DaPonte and AUSA Melanie Pierson.**

On July 8, 2021, a court sentenced Jesus Montano Espinoza to complete a two-year term of probation, pay a \$1,000 fine, and \$500 in restitution. Espinoza pleaded guilty to conspiring to violate the Federal Insecticide, Fungicide and Rodenticide Act (18 U.S.C. § 371).

Authorities apprehended Espinoza in August 2020, as he attempted to enter the United States from Mexico with three bottles of undeclared Mexican pesticides: a one-liter bottle of "Metaldane 600," a one-liter bottle of "Qufuran," and a one-liter bottle of "Lucaphos." Those involved in clandestine marijuana grows use illegal pesticides to cultivate unregulated marijuana on both public and private land in the United States.

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



## Sentencings

***United States v. Derick Owens et al.*, Nos. 5:21-CR-00003, 00039, 00040 (M.D. Ga.), ECS Trial Attorney Banu Rangarajan, AUSA William Keyes, and ECS Law Clerks Amanda Backer and Nate Borelli.**

On July 6, 2021, a court sentenced Rodrick Walton to 24 months' incarceration, followed by three years' supervised release, after pleading guilty to possessing dogs for purposes of using them in an animal fighting venture (7 U.S.C. § 2156(b); 18 U.S.C. § 49).

Prosecutors variously charged the following defendants with Animal Welfare Act, conspiracy, and drug violations: Jarvis Lockett, Christopher Raines, Armard Davis, Vernon Vegas, Lekey Davis, Kathy Ann Whitfield, Jason Carter, Bryanna Holmes, Shaquille Bentley, and Walton,

Between May 2019 and February 2020, Lockett, Owens, Raines, Davis, Walton, Benney, and Crimes participated in a conspiracy to sponsor and exhibit dogs in a dog fight, and possess, train, transport, and deliver dogs to use for fights. They attended a number of dog fights during this period and supplied many of the dogs themselves.

Lockett, Owens, Raines, Davis, Carter, Bentley, Holmes, Vegas, Davis, and Whitfield further conspired to possess cocaine base and cocaine, with the intent to distribute. Prosecutors charged Lockett, Davis, Holmes, and Walton with additional drug violations.

The U.S. Drug Enforcement Administration and the U.S. Department of Agriculture Office of the Inspector General conducted the investigation, with assistance from the U.S. Marshals Service and local law enforcement agencies.

***United States v. Jose Maxines et al.*, No. 3:21-CR-00330 (S.D. Calif.), ECS Trial Attorney Stephen DaPonte and AUSA Melanie Pierson.**

On July 6, 2021, a court sentenced Jose Maxines to complete a two-year term of probation and pay \$3,250 in restitution. Maxines pleaded guilty to conspiring to violate the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) (18 U.S.C. § 371.)

Authorities apprehended Maxines and co-defendant Heather Ramirez in January 2021 as they crossed the border with 72 bottles of Metaldane in their vehicle. Ramirez was sentenced to one day time-served, followed by one year of supervised release. Ramirez also will perform 20 hours of community service. Ramirez pleaded guilty to violating FIFRA (7 U.S.C §§ 136a (1)(A), 136l(b)(2)).

Those involved in clandestine marijuana grows use illegal pesticides to cultivate unregulated marijuana on both public and private land in the United States.

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





## Sentencings

### *United States v. Chang Xiong*, No. 3:20-CR-00138 (W.D. Wisc.), AUSA Daniel Graber.

On July 2, 2021, a court sentenced Chang Xiong to time-served and to pay a \$40,000 fine. Xiong pleaded guilty to violating the Lacey Act for illegally purchasing endangered rhinoceros feet in July 2016, September 2017, and December 2018 (16 U.S.C. §§ 3372(a)(1), 3373(d)(1)(B)).

In May 2016, the U.S. Fish and Wildlife Service (FWS) enlisted a wildlife dealer in the United Kingdom as a confidential informant (CI). The CI received an email from Chang asking to purchase a rhinoceros foot. The CI informed Xiang it was illegal to ship one from the United Kingdom to the United States, but he could arrange for a contact (an undercover FWS agent) in the United States to assist. The agent ultimately arranged to meet Xiong in a Home Depot parking lot in July 2016 with the rhino foot (after exchanging multiple communications with the defendant concerning the illegality of this transaction). Xiong paid \$1,100 for the foot in July 2016. Xiong arranged to purchase another foot in September 2017 for \$1,100, and purchased two feet for \$1,600 in December 2018.

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



*Rhino horn seized from Xiong*



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	Christopher Costantini	
Senior Trial Attorney	Daniel Dooher	
Senior Trial Attorney	Todd Gleason	
Senior Trial Attorney	Jeremy Korzenik	
Senior Trial Attorney	Ken Nelson	
Trial Attorney	Cassandra Barnum	
Trial Attorney	Mary Dee Carraway	
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	
Trial Attorney	Banu Rangarajan	
Trial Attorney	Leigh Rende	
Trial Attorney	Lauren Steele	