



Monthly Bulletin

Environmental Crimes Section

October 2016

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Domeland Wilderness Area within the Sequoia National Forest. See [U.S. v. Lopez](#), inside, for more information on this case involving an illegal marijuana grow operation.

“The American Black Bear is a beautiful sight to behold by hikers and campers in the Blue Ridge Mountains and elsewhere in North America, and we will not allow their parts, such as gall bladders, to be taken and sold,” said Assistant Attorney General John C. Cruden of the Justice Department’s Environment and Natural Resources Division. “Black bears are a protected species under both U.S. and North Carolina laws and we will prosecute those who attempt to deal illegally in their parts.” [From *U.S. v. Nguyen*, [press release](#), additional details are on page 12, [inside](#)].

District/Circuit	Case Name	Case Type/Statutes
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██████████ ██████████	██████████	██████████
Eastern District of California	United States v. Juan Carlos Lopez United States v. Gary Lee Ortiz United States v. Juan Carlos Martinez-Tinoco United States v. Alejandro Ramirez-Rojo United States v. Angel Gilberto Garcia-Avalos	Marijuana/Drug, Depredation to Public Land, Firearms Forest Fire/Causing Fire Federal Land, False Statements
██████████ ██████████	██████████	██████████
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District of Columbia	United States v. Pacific Breeze Fisheries United States v. James Powers	Vessel/ APPS Renovation/CAA
District of Delaware	United States v. Joseph L. Capano	Developer/Bank Fraud, CWA
District of Hawaii	United States v. Jeon Seon Han	Vessel/ APPS, Obstruction, Witness Tampering
District of Maine	United States v. Gregory Logan	Narwhal Tusk Imports/ Conspiracy, Money Laundering
Eastern District of Michigan	United States v. James R. Liang	VW Emissions Software/CAA, Conspiracy
Southern District of Mississippi	United States v. Don Durrett	Deer Hunt/Conspiracy
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District of New Jersey	United States v. Robert A. Elliott, Sr.	Dog Fighting/ Animal Fighting Venture
Eastern District of North Carolina	United States v. Oceanic Illsabe, Ltd. United States v. Dewey W. Willis, Jr. United States v. Christopher D. Miller	Vessel/ APPS, Conspiracy, False Statement, Obstruction, Witness Tampering Fisheries/Lacey Act WWTP Operator/False Statements
Western District of North Carolina	United States v. Vu Johnnie Nguyen	Bear Parts/Lacey Act
Southern District of Ohio	United States v. Malek Jalal	RINS/Conspiracy, Obstruction

Middle District of Pennsylvania	<u>United States v. David D. Klepadlo</u>	WWTP Operator/Conspiracy, CWA, Witness Tampering
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District of South Dakota	<u>United States v. Theodore Nelson, Jr.</u>	Baiting/FIFRA, BGEPA
Southern District of Texas	<u>United States v. Graham S. Griglow</u>	Orangutan Import/Smuggling
Western District of Virginia	<u>United States v. Chem-Solv</u>	Chemical Distributor/RCRA

Trials

***United States v. Oceanic Illsabe, Ltd.*, No. 7:15-CR-00108 (E.D.N.C.), ECS Senior Trial Attorney Ken Nelson, ECS Trial Attorney Brendan Selby, AUSA Banu Rangarajan, and ECS Paralegal Diana Choe.**

On September 1, 2016, a jury convicted two individuals and two companies on all counts charged stemming from the illegal discharge of oily wastes into the sea. Chief Engineer Rustico Yabut Ignacio, Second Engineer Cassius Flores Samson, Oceanic Illsabe, Ltd., and Oceanfleet Shipping, Ltd., were variously convicted on APPS, conspiracy, obstruction, witness tampering, and false statement charges (18 U.S.C. §§ 371, 1001, 1505, 1512(b)(3); 33 U.S.C. § 1908 (a)).



M/V Ocean Hope

Oceanic Illsabe, Ltd. is the owner of the *M/V Ocean Hope*, a large cargo vessel that was responsible for dumping tons of oily waste into the Pacific Ocean last year. Oceanfleet Shipping, Ltd. was the managing operator of the vessel. The evidence showed that in June 2015, the vessel discharged around ten metric tons of sludge into the ocean. The vessel also was regularly pumping contaminated water directly overboard. None of these discharges were disclosed as required. The evidence presented during the nine-day trial demonstrated that the companies were aware that the ship had not offloaded any oil sludge from the vessel since September 2014 and that the ship rarely used its oil-water separator. Instead, the vessel's second engineer, Samson, ordered crewmembers to connect a "magic pipe" to bypass the vessel's oil-water separator and pump oil sludge overboard. In addition, crewmembers were ordered to pump oily water from the vessel's bilges directly into the ocean several times per week. The dumping occurred with the knowledge and approval of the ship's chief engineer, Ignacio. Finally, the engineers used a tank designated for oily wastes to store diesel fuel for sale on the black market.

Upon arriving at the Port of Wilmington, Oceanic, Oceanfleet, Ignacio, and Samson attempted to hide these discharges by presenting a false and fictitious oil record book to Coast Guard inspectors. When inspectors uncovered evidence of dumping, the defendants ordered lower-level crewmembers to lie to Coast Guard personnel. Samson also made several false statements to a Coast Guard inspector regarding the bypass of the oil-water separator.

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

Indictments

***United States v. Pacific Breeze Fisheries LLC*, Nos. 16-CR-00172, 00512 (D.D.C., D. Hi.), ECS Senior Trial Attorney Ken Nelson, ECS Trial Attorneys Brendan Selby and Stephen DaPonte, AUSA Kenneth Sorenson, and ECS Paralegal Christopher Kopf.**

On September 29, 2016, an information was filed charging tuna fishing company Pacific Breeze Fisheries LLC with four APPS violations (33 U.S.C. § 1908(a)). The charges stem from the company's failure to maintain an accurate Oil Record Book on the *F/V Pacific Breeze*, and for illegal discharges of oily bilge water from the vessel into the waters of the South Pacific.

Between October 2013 and July 2015, senior engineers failed to accurately account for the transfer and disposal of sludge and machinery space bilge water in the vessel's ORB. In addition, they failed to document illegal overboard wastewater discharges without the use of pollution prevention equipment. Chief Engineer Jeon Seon Han has been charged with APPS, obstruction, and witness tampering violations (33 U.S.C. § 1908; 18 U.S.C. §§ 1505, 1512) in the District of Hawaii.

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

***United States v. Juan Carlos Lopez*, No. 1:16-CR-00145 (E.D. Calif.), AUSA Karen Escobar.**

On September 8, 2016, Juan Carlos Lopez, Rafael Torres-Armenta, Javier Garcia-Castaneda, and Carlos Piedra-Murillo, all Mexican nationals, were charged in a four-count indictment with conspiring to cultivate marijuana with intent to distribute, cultivating marijuana, and damaging public land and natural resources (21 U.S.C. §§ 841, 846; 18 U.S.C. § 1361). The charges stem from a large-scale marijuana cultivation operation in the Domeland Wilderness area of the Sequoia National Forest.

According to the indictment, between May and August 2016, the defendants cultivated more than 8,000 marijuana plants within the Domeland Wilderness, a federally designated wilderness area known for its many granite domes and unique geologic formations. The site covered approximately ten acres and was located in an area that had suffered fire damage in 2000. The new vegetation was subsequently cut back to accommodate the grow site, with water diverted from a tributary stream of Trout Creek that supports trout. Fertilizer, pesticides and large piles of trash were found on site.

This case was investigated by the U.S. Forest Service, the Bureau of Land Management, U.S. Immigration and Customs Enforcement Homeland Security Investigations, and the California Department of Fish and Wildlife.

Indictments

***United States v. Robert A. Elliott, Sr.*, No. 1:16-mj-02035 (D.N.J.), ECS Trial Attorneys Ethan Eddy and Shennie Patel, ECS Paralegal Cynthia Longmire, and AUSAs Jihee Suh and Kathleen O’Leary.**

On September 7, 2016, Robert A. Elliott, Sr., was charged in a complaint with two counts of possessing pit bull-type dogs for dog fighting ventures in New Jersey and elsewhere (7 U.S.C. § 2156(b)).

On June 1, 2016, Frank Nichols and eight others were charged by complaint with violations of the Animal Welfare Act pertaining to dog fighting. On this same day, a search warrant was executed at Nichols and Elliott’s residence. As a result of the search, 13 live pit bull-type dogs were seized. Several of them had scars and other signs of injury and all of the dogs had untreated veterinary conditions. Agents also found other indications that the dogs were used in dog-fighting ventures.

Elliott claimed ownership of several of the dog-fighting paraphernalia found in his home and indicated that he and his family owned ten of the 13 dogs found at his residence.

This case is part of Operation Grand Champion, a coordinated effort across numerous federal judicial districts to combat organized dog fighting. The phrase “Grand Champion” is used by dog fighters to refer to a dog with more than five dog-fighting “victories.” This is an ongoing investigation by the U.S. Department of Agriculture Office of the Inspector General, Department of Homeland Security Homeland Security Investigations, and the Federal Bureau of Investigation.

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

On September 6, 2016, David D. Klepadlo and David D. Klepadlo & Associates, Inc., were charged with conspiracy to violate the Clean Water Act, CWA violations, and witness tampering (18 U.S.C. §§ 371, 1512(c)(2); 33 U.S.C. §§ 1319(c)(2)(A), (c)(4)).

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

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

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

Indictments

United States v. Gary Lee Ortiz, No. 1:16-CR-00141 (E.D. Calif.), AUSA Karen Escobar.

On September 1, 2016, a seven-count indictment was returned against Gary Lee Ortiz charging him in connection with a large-scale marijuana cultivation operation located in the Sierra National Forest. Ortiz was charged with drug and firearm violations, in addition to damaging public land and natural resources (21 U.S.C. §§ 841, 856; 18 U.S.C. §§ 922, 924, 981, 1361).

According to the indictment, Ortiz oversaw a large marijuana cultivation operation with almost 13,000 plants, which was in close proximity to Shaver Lake and other recreational areas. Law enforcement officers eradicated the plants and seized four firearms from the property where Ortiz resided. At the time, Ortiz was prohibited from possessing a firearm.

The cultivation operation caused extensive damage to the land and natural resources. The plants were irrigated by water that had been diverted from Mill Creek. Mill Creek flows into the San Joaquin River above Millerton Lake's Friant Dam, which is a major water supply for the San Joaquin Valley. In addition to the plants, more than 2,000 pounds of irrigation hose, fertilizers, and trash were removed from the cultivation area.

This case was investigated by the U.S. Forest Service; the Bureau of Alcohol, Tobacco, Firearms, and Explosives; the California Department of Fish and Wildlife; the Fresno County Sheriff's Office; and the Fresno County Probation Department.

Guilty Pleas

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Guilty Pleas

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United States v. Gregory R. Logan, No. 12-CR-00188 (D. Me.), ECS Trial Attorney Lauren Steele and ECS Paralegal Casey Rybak.

On September 28, 2016, Gregory R. Logan pleaded guilty to conspiracy to launder money and substantive money laundering violations related to the smuggling of narwhal tusks (18 U.S.C. § 1956(h), (a)(2)(h)).

Logan, a retired member of the Royal Canadian Mounted Police, was arrested in Canada after being indicted in November 2012. He pleaded guilty to a related wildlife smuggling crime in Canada and was extradited to the U.S. in March 2016.

Starting in 2000, Logan smuggled approximately 250 narwhal tusks worth more than \$2 million by transporting them across the border in false compartments in his vehicle. Co-defendants Jay Conrad and Andrew Zaruskas bought the narwhal tusks from Logan (knowing they had been illegally imported into the United States) and sold or attempted to sell them. Logan utilized a shipping store in Ellsworth, Maine, to send the tusks to customers throughout the United States, including Zaruskas and others. Logan knew that his customers would re-sell the tusks for a profit, and in an attempt to increase that re-sale price, he would occasionally provide fraudulent



Narwhal tusks and skull

(Continued on page 10)

Guilty Pleas

(Continued from page 9)

documentation claiming that the tusks had originally belonged to a private collector in Maine who had acquired them legally.

In addition to shipping the tusks from Maine, Logan maintained a post office box in a shipping store, as well as an account at a bank in Bangor. Logan instructed his customers to send payment in the form of checks to the post office box, or wire money directly to his Maine bank account. He then transported the money to Canada by having the shipping store forward his mail to him in Canada, and by using an ATM card to withdraw money from his Maine bank account at Canadian ATM machines. At times, Logan also directed his customers to send funds directly to him in Canada.

Zarauskas was convicted by a jury in 2014 and was sentenced to 33 months in prison. Conrad is deceased.

This case was investigated by the NOAA Office of Law Enforcement, the U.S. Fish and Wildlife Service Office of Law Enforcement, and Environment and Climate Change Canada.

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***United States v. Malek Jalal*, No. 2:16-CR-00180 (S.D. Ohio), ECS Trial Attorney Adam Cullman, ECS Senior Trial Attorney Jeremy Korzenik, AUSA Mike Marous, and ECS Paralegal Casey Rybak.**

On September 27, 2016, Malek Jalal pleaded guilty to conspiracy and obstruction of justice charges (18 U.S.C. §§ 371, 1519). The charges relate to Jalal's tampering with records, and his participation in a "rounding" scheme designed to illegally claim RIN and tax credits multiple times on the same material.

Jalal formerly served as a managing partner and co-owner of Unity Fuels. Unity's primary business was to collect and process used cooking oil, selling it as "recycled vegetable oil" to biodiesel producers. In 2011, Jalal conspired with others to purchase a fuel called "biomass" that was not processed and was kept in separate tanks at Unity. They then agreed that this material would be sold back (either neat or blended with other product that Unity had on hand) to "Company A" as purported "recycled vegetable oil." This arrangement allowed multiple RIN credits and tax credits to be generated.

In June 2014, Jalal was served a subpoena *duces tecum*. Following the receipt of

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Guilty Pleas

(Continued from page 10)

the subpoena, he ordered that that a number of records related to Unity's purchase of biomass be altered or falsified for purposes of obstructing the grand jury.

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

United States v. Dewey W. Willis, Jr., No. 15-CR-00003 (E.D.N.C.), ECS Trial Attorney Shennie Patel, AUSA Banu Rangarajan, and ECS Paralegal John Jones.

On September 26, 2016, Dewey W. Willis, Jr., pleaded guilty to a Lacey Act violation (16 U.S.C. §§ 3372(a)(1), 3373(d)(1)) for his role in the illegal harvest and sale of Atlantic Striped Bass off the coast of North Carolina in 2010.

This multi-defendant investigation began as a result of NOAA receiving intelligence and directing the U.S. Coast Guard to board the fishing vessel Lady Samaira in February 2010, based on a complaint that multiple vessels were illegally fishing Striped Bass. Willis, the captain of one of the vessels illegally fishing, admitted that he transported and sold the fish, knowing that they were unlawfully harvested from federal waters. In an effort to hide his activities, Willis falsely reported harvesting the fish from state waters, where it would have been legal to do so. A total of 12 commercial fishermen are variously charged with Lacey Act violations and filing false reports.

This case was investigated by NOAA Office of Law Enforcement, with assistance from the U.S. Coast Guard Investigative Service, the North Carolina Marine Patrol, and the Virginia Marine Police.

United States v. Christopher D. Miller, No. 5:16-CR-00205 (E.D.N.C.), AUSA Banu Rangarajan and SAUSA Jennifer Lewis.

On September 26, 2016, Christopher Dale Miller pleaded guilty to false statement violations (18 U.S.C. § 1001(a)(2)) for falsifying more than 275 water samples in 2014.

Miller was employed for 13 years by the town of Cary as a water system technician. The investigation revealed that Miller made false statements by certifying to the town that he obtained drinking water samples from the required locations when he only took them from a few places. The certified sample locations were submitted along with the lab results to North Carolina Department of Environmental Quality (formerly known as the North Carolina Department of Environment and Natural Resources).

Between August 2014 and December 2014, Miller falsified documentation for at least 278 samples. Town officials discovered the falsified sampling in late December 2014,



F/V Helen W. Smith

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Guilty Pleas

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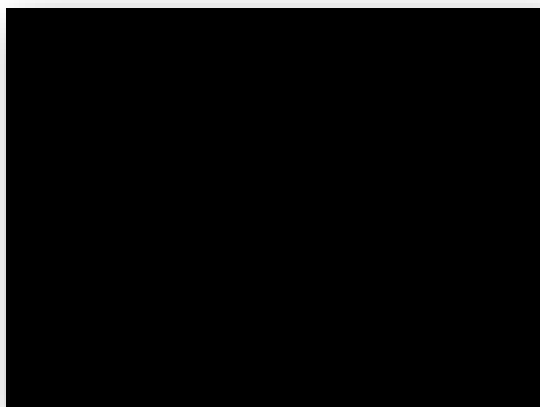
after supervisors asked Miller about his schedule and noticed it didn't reconcile with reports of where he said he collected samples. He was fired in January 2015, and is scheduled to be sentenced on December 12, 2016.

This case was investigated by the U.S. EPA Criminal Investigation Division and the North Carolina State Bureau of Investigation's Drug Diversion and Environmental Crimes Unit.

United States v. Vu Johnnie Nguyen, No. 1:16-mj-000104 (W.D.N.C.), ECS Trial Attorney Shennie Patel and AUSA David Thorneloe.

On September 19, 2016, Vu Johnnie Nguyen pleaded guilty to a felony violation of the Lacey Act (16 U.S.C. §§ 3372(a)(2)(A), 3373(d)(1) (B)) in connection with the sale of American black bear parts. On three occasions in 2014, Nguyen engaged in conduct that involved the sale of 18 American black bear gall bladders, two bear paws, sixteen bear claws, and 50 pounds of bear meat. The parts were transported from North Carolina to Virginia following the sale.

This case was investigated by the U. S. Fish and Wildlife Service Office of Law Enforcement and the North Carolina Wildlife Resources Commission Division of Law Enforcement.



United States v. Juan Carlos Martinez-Tinoco, No. 15-CR-00304 (E.D. Calif.), AUSA Karen Escobar.

On September 14, 2016, Mexican national Juan Carlos Martinez-Tinoco pleaded guilty to depredation of government property (18 U.S.C. § 1361) for his involvement in a marijuana operation in the Sequoia National Forest. Arnoldo Martinez-Tinoco, Luis Enrique Flores, and Ivan De Jesus Jimenez remain charged with conspiracy to cultivate marijuana on public land, cultivating and possessing marijuana with intent to distribute, and damaging public land and natural resources (21 U.S.C. §§ 841, 856; 18 U.S.C. § 1361).

According to the indictment, between March and August 2015, the defendants were involved in a cultivation operation consisting of approximately 2,608 marijuana plants in the Needles area of the Sequoia National Park. They caused extensive damage to public land and natural resources. Agents observed evidence of the use of harmful poisons, including 50-pound bags of high-nitrogen fertilizer. They also noted that many native plants and trees had been cut to make room for the plants, and water was diverted from a spring that supports the Kern River Rainbow Trout (designated as a "Species of Special Concern"

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Guilty Pleas

(Continued from page 12)

in California).

This case was investigated by the U.S. Forest Service, the U.S. Drug Enforcement Administration, the U.S. Immigration and Customs Enforcement Homeland Security Investigations, the California Department of Fish and Wildlife, the Tulare County Sheriff's Office, and the Kern County Sheriff's Office.

***United States v. James R. Liang*, No. 2:16-CR-20394 (E.D. Mich.), ECS Trial Attorney Jennifer L. Blackwell, Deputy Chief Benjamin D. Singer, Trial Attorney Alison L. Anderson of the Criminal Division's Fraud Section, and AUSAs Mark Chutkow and John K. Neal.**

On September 9, 2016, Volkswagen engineer James R. Liang pleaded guilty for his role in a decade-long conspiracy to defraud U.S. regulators and U.S. VW customers by implementing software specifically designed to cheat U.S. emissions tests in hundreds of thousands of VW "clean diesel" vehicles. Liang pleaded guilty to one count of conspiracy to defraud the United States, to commit wire fraud, and to violate the Clean Air Act (18 U.S.C. § 371).

From 1983 until May 2008, Liang was an employee of Volkswagen AG, working in its diesel development department in Wolfsburg, Germany. Beginning in approximately 2006, Liang and co-conspirators started to create a new "EA 189" diesel engine for sale in the U.S. that was designed to cheat the emissions tests. Liang admitted that he used the defeat device while working on the EA 189 and assisted in making the device work.

In May 2008, Liang moved to the U.S. to assist in the launch of VW's new "clean diesel" vehicles in the U.S. market. During this time, he and others were aware that the company marketed its diesel vehicles to the U.S. public as "clean diesel" knowing this to be false. They continued to lie to regulators and customers even after the regulatory agencies started raising questions about the vehicles' on-road performance following the results of an independent study that showed the diesel vehicles' emissions were up to 40 times higher than shown on the dynamometer.

This case was investigated by the Federal Bureau of Investigation and the U.S. EPA Criminal Investigation Division.

Guilty Pleas

***United States v. James Powers*, No. 1:16-CR-00076 (D.D.C.), ECS Trial Attorney Cassie Barnum, AUSAs Virginia Cheatham and Zia Faruqui, and ECS Paralegal Cindy Longmire.**

On September 7, 2016, James Powers pleaded guilty to a Clean Air Act violation (42 U.S.C. § 7413(c)(1)) for his involvement in a scheme to improperly remove asbestos from a historic building in the District of Columbia.

In March 2010, Powers formed a partnership with a local real estate development firm to purchase and renovate the historic Friendship House into condominiums, a development known as the Maples. Prior to renovation, Powers was informed of the presence of asbestos throughout the building. After taking bids for the proper removal of the asbestos, Powers hired Larry Miller, a general contractor with no asbestos abatement certification or experience. Powers represented to his partners that a qualified entity would conduct appropriate asbestos abatement at the property and emailed them a proposed contract, but the contract was with a corporation that, unbeknownst to his partners, was an alter-ego for Powers.

In September and October 2011, Miller and his crew conducted interior demolition at the Maples without removing any asbestos. Even after an inspection by local environmental authorities revealed asbestos in the building, Powers directed the workers to continue the demolition. Over the course of the project, the workers disturbed substantial quantities of asbestos.

Miller pleaded guilty in November 2015 to one count of negligent endangerment under the CAA (42 U.S.C. §§ 7413(c)(4)) and is awaiting sentencing.

This case was investigated by the U.S. EPA Criminal Investigation Division and the Department of Transportation.

Sentencings

United States v. Theodore Nelson, Jr., No. 4:15-CR-40109 (D.S.D.), AUSA Meghan Dilges.

On September 27, 2016, Theodore Nelson, Jr., was sentenced after being convicted by a jury in July 2016 of FIFRA and BGEPA violations (16 U.S.C. § 668(a); 7 U.S.C. §§ 136j(a)(2)(G), 136l(b)(2)). Nelson is already serving a 70-month prison sentence for tax evasion charges. The court ordered that he serve eight months' incarceration for the BGEPA violation, plus 30 days concurrently on the FIFRA count. Of the eight-month sentence, two months will be consecutive, for a total of 72 months. As a special condition of a one-year term of supervised release, Nelson will pay \$2,500 in restitution.

Between January 2015 and May 2015, Nelson injected Carbofuran, also known as Furadan 4F, into the carcasses of cows in order to kill predators. Carbofuran is a restricted-use pesticide that is extremely toxic to wildlife. Use of this pesticide for baiting purposes is strictly prohibited. As a result of the defendant's actions, animals, including coyotes and an adult Bald eagle, were poisoned. Laboratory results from the National Fish and Wildlife Forensic Laboratory confirmed that the eagle died of Carbofuran poisoning, after eating tainted coyote carcasses.

This case was investigated by the U.S. Fish and Wildlife Service; the U.S. EPA Criminal Investigation Division; and the South Dakota Department of Game, Fish and Parks.



Bottle of Furadan

Sentencings

***United States v. Angel Gilberto Garcia-Avalos*, No. 5:16-mj-00036 (E.D. Calif.), AUSA Karen Escobar.**

On September 29, 2016, Mexican national Angel Gilberto Garcia-Avalos was sentenced to 13 months' incarceration for causing a fire on federal land that resulted in the Cedar Fire, which spread across two counties. The defendant pleaded guilty to causing the fire as well as giving false statements to Forest Service officers (16 U.S.C. § 551). Garcia also was ordered to pay \$61 million in restitution. In sentencing Garcia, the court noted that he demonstrated "significant negligence" and took no action to get help after the fire started.



Cedar Fire

The Cedar Fire started on August 16, 2016, when Garcia was driving off-road in the Sequoia National Forest. Garcia falsely stated to a Forest Service law enforcement officer on the day the fire started that his vehicle had been stolen after he parked it on the side of a nearby highway. Two weeks later, he continued to lie to law enforcement officers about the whereabouts of his vehicle.

The fire started in the area of the Cedar Creek Campground in the Sequoia National Forest in Kern County and spread to Tulare County. Garcia drove his vehicle off Highway 155 onto an unimproved, rough dirt road in the forest. After his car got stuck in some dead grass, the muffler and catalytic converter sparked the fire. To date, the Cedar Fire has destroyed approximately 29,332 acres of National Forest land, including at least six residences.

This case was investigated by the U.S. Forest Service, ICE Homeland Security Investigations and Enforcement and Removal Operations, and the Kern County Fire Department.

Sentencings

United States v. Alejandro Ramirez-Rojo No. 1:15-CR-00226 (E.D. Calif.), AUSA Karen Escobar.

On September 26, 2016, Alejandro Ramirez-Rojo was sentenced to 27 months in prison and ordered to pay \$8,752 in restitution to the U.S. Forest Service for conspiring to manufacture, distribute, and possess marijuana with intent to distribute (21 U.S.C. §§ 841, 846).

Between March and August of 2015, Humberto Ceballos-Rangel, Francisco Javier Gomez-Rodriguez, Anthony Isaac Santibanez, and Rojo tended close to 6,000 plants covering five acres in the Sierra National Forest in Madera County. Throughout the grow site, natural vegetation had been cut to make room for trails, cooking/sleeping areas, and the plants. A reservoir had been dug to divert water from a nearby creek for irrigation. Two large net loads of trash, two five-gallon propane tanks, insecticide and 2,000 feet of irrigation hose were removed, along with the marijuana.

This case was investigated by the U.S. Forest Service, ICE Homeland Security Investigations, the California Department of Justice’s Campaign against Marijuana Planting, the California Department of Fish and Wildlife, and the Madera County Narcotic’s Enforcement Team.

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Sentencings

***United States v. Chem-Solv Inc.*, No. 7:15-CR-00106 (W.D. Va.), former ECS Senior Trial Attorney Jim Nelson, AUSA Jennie Waering, RCEC David Lastra, and ECS Paralegal Casey Rybak.**

On September 16, 2016, Chem-Solv Inc., (formerly known as Chemicals & Solvents Inc.), was sentenced to pay a \$1 million fine and will make a \$250,000 community service payment after previously pleading guilty to RCRA storage and transportation violations (42 U.S.C. §§ 6928 (d)(5), (d)(2)(A)). The company also will complete a five-year term of probation and implement an environmental compliance plan.

Chem-Solv operates a chemical blending and distribution facility in Roanoke, Virginia, as well as distribution facilities in other states. Chem-Solv is in the business of purchasing chemicals and then reselling them to customers, generating hazardous waste in the process.

In June 2012, several hundred gallons of ferric chloride spilled at the Roanoke facility. Although most of the waste was cleaned up, some of the ferric chloride flowed onto an adjoining property, both before and during the cleanup. The company arranged for the waste to be removed to a disposal facility, but did not tell the transporter that it was hazardous waste.

It was therefore not properly tested, placarded, or manifested prior to transport.

In December 2013, Chem-Solv was given advance notice of an EPA inspection. As a result, employees were directed to load three trailers with illegally stored waste in an attempt to prevent inspectors from discovering it. Two of the trailers were taken offsite. The third trailer, which was not roadworthy, was stored on the company's property until it was discovered during the execution of a search warrant in November 2014.

As part of the sentencing, the company paid an additional \$250,000 in a civil settlement with U.S. EPA.

This case was investigated by the U.S. EPA Criminal Investigation Division and the U.S. Department of Transportation Office of Inspector General, with assistance from the Roanoke Fire-EMS Department, the Virginia Department of Environmental Quality, Roanoke City Police Department, and other members of the Blue Ridge Environmental Task Force.



Ferric Chloride spill

A dark, carved wooden mask with large eye sockets and a wide mouth, secured with white straps, resting on a light-colored, crumpled fabric.

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Sentencings

October 2016

Sentencings

United States v. Don Durrett, No. 2:16-CR-00002 (S.D. Miss.), AUSA Darren LaMarca.

On August 31, 2016, three individuals pleaded guilty to violations stemming from the illegal importation of white-tailed deer into Mississippi. Don Durrett and Dewayne Slade pleaded guilty to misdemeanor Lacey Act conspiracy violations (18 U.S.C. § 371) and were each sentenced to pay a \$10,000 fine, complete three-year terms of probation, and are prohibited from hunting for one year. Coleman Virgil Slade pleaded guilty to a felony Lacey Act conspiracy count (18 U.S.C. § 371) and is scheduled to be sentenced on November 21, 2016.

From January of 2009 through December of 2012, the Slades and Durrett spent more than \$100,000 to purchase live white-tailed deer for delivery from Texas to Mississippi, where they were kept in a high-fence enclosure. The purchase and transportation records used in this transaction were falsified.

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

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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	Georgiann Cerese	████████
Senior Trial Attorney	Christopher Costantini	████████
Senior Trial Attorney	Daniel Dooher	████████
Senior Trial Attorney	Todd Gleason	████████
Senior Trial Attorney	David Kehoe	████████
Senior Trial Attorney	Jeremy Korzenik	████████
Senior Trial Attorney	Ken Nelson	████████
Trial Attorney	Cassandra Barnum	████████
Trial Attorney	Jennifer Blackwell	████████
Trial Attorney	Mary Dee Carraway	████████
Trial Attorney	John Cashman (USCG)	████████
Trial Attorney	Ryan Connors	████████
Trial Attorney	Adam Cullman	████████
Trial Attorney	Stephen DaPonte	████████
Trial Attorney	Gary Donner	████████
Trial Attorney	Patrick Duggan	████████
Trial Attorney	Ethan Eddy	████████
Trial Attorney	Thomas Franzinger	████████
Trial Attorney	Christopher Hale	████████
Trial Attorney	Joel LaBissonniere	████████
Trial Attorney	Leslie Lehnert	████████
Trial Attorney	Charlie Lord	████████
Trial Attorney	Erica Pencak	████████
Trial Attorney	Shennie Patel	████████
Trial Attorney	Erica Pencak	████████
Trial Attorney	Richard Powers	████████
Trial Attorney	Mark Romley	████████
Trial Attorney	Brendan Selby	████████
Trial Attorney	Lauren Steele	████████
Trial Attorney	Shane Waller	████████

Announcements

~Kris A. McLean: Recipient of the 2016 Raymond W. Mushal Award for Outstanding Contribution to Federal Environmental Criminal Law Enforcement~

Kris McLean, retired AUSA from the District of Montana, was selected as this year's recipient of the Ray Mushal Award.

Kris McLean moved to Montana in the early 1980's. Following an internship at the University of Montana studying grizzly bears and acquiring a BS in wildlife biology, Kris attended law school at the University of Montana. Kris' desire to practice law has always been focused on protecting wildlife, human health, and the environment. In 1986, at the early age of 26, Kris was appointed an Assistant United States Attorney in Butte. Following two decades as a front-line prosecutor, he was promoted to the position of Deputy Criminal Chief in 2006, and Criminal Chief in 2009. In November 2013, U.S. Attorney Michael Cotter appointed Kris as First Assistant U.S. Attorney for the District of Montana. Despite these greatly increased responsibilities within the U.S. Attorney's Office, Kris still prosecuted environmental and wildlife cases while serving as a mentor to young attorneys on all aspects of criminal prosecutions throughout the office and across the country. During the last week of his storied career, Kris negotiated a plea agreement in an Oil Pollution Act prosecution, and tried a Safe Drinking Water Act case before attending his retirement ceremony.

In 2009, Kris served as the lead attorney in *United States v. W.R. Grace et al.* The W.R. Grace prosecution has been widely described as the most substantial and complex environmental crime prosecution in U.S. history. The late Raymond Mushal served as a close advisor to Kris, along with SAUSA Eric Nelson and former ECS prosecutor Kevin Cassidy, during the five-year course of this vigorously contested litigation. Kris spearheaded the unrelenting effort to bring this case to trial, including a pre-trial interlocutory appeal that successfully reinstated key evidence and forged important appellate case law regarding enforcement of the criminal "knowing endangerment" provisions of the Clean Air Act. The crucible of this prosecution tested Kris' commitment, character, integrity, and work ethic to the extreme. While the outcome of this trial fell short of a conviction, Kris' performance was nothing short of remarkable during the 11-week trial.

In a letter written to the prosecution following the trial, a Montana citizen wrote the following statement to Kris and the prosecution team:

I wish to express my sincere gratitude for your diligence, tenacity, and stoic resolution in the face of an avalanche of false accusations and theatrics by the Grace attorneys. I realize how heavily you were outnumbered but not outclassed.

Again, thank you for taking this case to court. Thank you for the last 4 (or was it 5) years of each of your lives to get it there. Thank you for standing up in court day after day to stand up for the people of Libby.

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Announcements

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The character of a true prosecutor is sometimes better measured by the cases they bring than the cases they win.

In addition to his trailblazing case work, Kris was actively involved in the Environmental Crimes Policy Committee, lending his expertise to the development of sound environmental criminal policy issues confronting the Department of Justice and EPA for more than a decade. He also provided national leadership by teaching scores of federal, state, and local law enforcement and regulatory officials on the nuances of criminal prosecution of environmental pollution and wildlife crimes.