

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

13-20544-CR-WILLIAMS/TURNOFF

CASE NO:

16 U.S.C. § 3372(d)(1)
16 U.S.C. § 3373(d)(3)(A)(ii)
18 U.S.C. § 1001(a)(3)
18 U.S.C. § 2

UNITED STATES OF AMERICA

vs.

PATTY CHEN,

Defendant.

INDICTMENT

RECEIVED
JUL 2013
S/F
WARRANTS

The Grand Jury charges that:

GENERAL ALLEGATIONS

At all times relevant to this Indictment:

1. PATTY CHEN d/b/a AMERICAN OCEAN TRADING COMPANY was the operator of a business engaged in the purchase and sale of *inter alia* eel, fish maw, shark fins, conch, and seahorses.

The Lacey Act Amendments of 1981

2. The Lacey Act makes it unlawful for a person to make or submit any false record, account, or label for, or any false identification of, any fish or wildlife which has been, or is intended to be, imported, exported, transported, sold, purchased or received from any foreign country or transported in interstate or foreign commerce. 16 U.S.C. §§ 3372(d)(1) and 3372(d)(2).

3. Pursuant to the Lacey Act, the term "fish or wildlife" means any wild animal, whether alive or dead, including without limitation any wild mammal, bird, reptile, amphibian, fish, mollusk,

crustacean, arthropod, coelenterate, or other invertebrate, whether or not bred, hatched, or born in captivity, and includes any part, product, egg, or offspring thereof. 16 U.S.C. § 3371 (a).

4. The term "import" for purposes of the Lacey Act means to land on, bring into or introduce into any place subject to the jurisdiction of the United States, whether or not such landing, bringing, or introduction constitutes an importation within the meaning of the customs laws of the United States. Title 16, United States Code, Section 3371(b).

COUNT 1
False Statement
(18 U.S.C. § 1001(a)(3))

1. Paragraphs 1 through 4 of the General Allegation section are realleged and incorporated by reference herein, as if set forth in their entirety.

On or about November 19, 2009, at Miami International Airport, in Miami-Dade County, in the Southern District of Florida, and elsewhere, the defendant,

PATTY CHEN,

in a matter within the jurisdiction of United States Immigration and Customs Enforcement, an agency of the executive branch of the government of the United States, did knowingly and willfully make and use a false writing and document, knowing the same to contain a materially false, fictitious, and fraudulent statement, to wit: a United States Customs Service Form 6059B, Customs Declaration, in which she reported that she was not transporting meats, animals, animal/wildlife products or food from a place outside the United States to a place within the United States, when in truth and in fact, as the defendant then and there well knew, she was transporting meats, animals, animal/wildlife products or food, in violation of Title 18, United States Code, Section 1001(a)(3).

COUNT 2
False Statement
(18 U.S.C. § 1001(a)(3))

1. Paragraphs 1 through 4 of the General Allegation section are realleged and incorporated by reference herein, as if set forth in their entirety.

On or about October 10, 2011, at Miami International Airport, in Miami-Dade County, in the Southern District of Florida, and elsewhere, the defendant,

PATTY CHEN,

in a matter within the jurisdiction of United States Immigration and Customs Enforcement, an agency of the executive branch of the government of the United States, did knowingly and willfully make and use a false writing and document, knowing the same to contain a materially false, fictitious, and fraudulent statement, to wit: a United States Customs Service Form 6059B, Customs Declaration, in which she reported that she was not transporting meats, animals, or animal/wildlife products from a place outside the United States to a place within the United States, when in truth and in fact, as the defendant then and there well knew, she was transporting meats, animals or animal/wildlife products, in violation of Title 18, United States Code, Section 1001(a)(3).

COUNT 3
Lacey Act False Labeling
(16 U.S.C. § 3372 (d)(1) and 18 U.S.C. § 2)

1. Paragraphs 1 through 4 of the General Allegation section are realleged and incorporated by reference herein, as if set forth in their entirety.

On or about November 19, 2009, at Miami International Airport, in Miami-Dade County, in the Southern District of Florida, and elsewhere, the defendant,

PATTY CHEN,

did knowingly make and submit a false record, account, label for, and false identification of wildlife which had been, and was intended to be imported, exported, transported, sold, purchased, and received from a foreign country, and transported in foreign commerce, that is, by transporting in foreign commerce and importing into the United States from Ecuador, meats, animals, animal/wildlife products and food not described as such on United States Customs Service Form 6059B, Customs Declaration, in which she reported that she was not transporting meats, animals, animal/wildlife products and food from a place outside the United States to a place within the United States, when, in fact, her suitcases contained meats, animals, animal/wildlife products and food.

In violation of Title 16, United States Code, Sections 3372(d)(1) and 3373 (d)(3)(A)(ii), and Title 18, United States Code, Section 2.

COUNT 4
Lacey Act False Labeling
(16 U.S.C. § 3372 (d)(1) and 18 U.S.C. § 2)

1. Paragraphs 1 through 4 of the General Allegation section are realleged and incorporated by reference herein, as if set forth in their entirety.

On or about October 10, 2011, at Miami International Airport, in Miami-Dade County, in the Southern District of Florida, and elsewhere, the defendant,

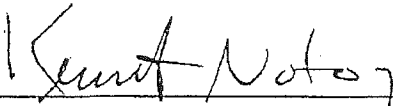
PATTY CHEN,

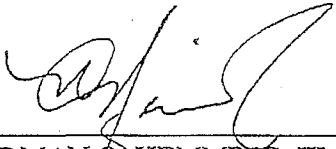
did knowingly make and submit a false record, account, label for, and false identification of wildlife which had been, and was intended to be imported, exported, transported, sold, purchased, and received from a foreign country, and transported in foreign commerce, that is, by transporting in foreign commerce and importing into the United States from Ecuador, meats, animals, and animal/wildlife products not described as such on United States Customs Service Form 6059B,

Customs Declaration, in which she reported that she was not transporting meats, animals, and animal/wildlife products from a place outside the United States to a place within the United States, when, in fact, her suitcases contained meats, animals and animal/wildlife products,

In violation of Title 16, United States Code, Sections 3372(d)(1) and 3373 (d)(3)(A)(ii), and Title 18, United States Code, Section 2.

A TRUE BILL


WIFREDO A. FERRER
UNITED STATES ATTORNEY


NORMAN O. HEMMING, III
ASSISTANT UNITED STATES ATTORNEY

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

UNITED STATES OF AMERICA

CASE NO. _____

vs.

CERTIFICATE OF TRIAL ATTORNEY*

PATTY CHEN,

Defendant.

Superseding Case Information:

Court Division: (Select One)

X Miami Key West
 FTL WPB FTP

New Defendant(s) _____
Number of New Defendants _____
Total number of counts _____

Yes _____ No _____

I do hereby certify that:

1. I have carefully considered the allegations of the indictment, the number of defendants, the number of probable witnesses and the legal complexities of the indictment/information attached hereto.

2. I am aware that the information supplied on this statement will be relied upon by the Judges of this Court in setting their calendars and scheduling criminal trials under the mandate of the Speedy Trial Act, Title 28 U.S.C. Section 3161.

3. Interpreter: (Yes or No) No
List language and/or dialect _____

4. This case will take 3 days for the parties to try.

5. Please check appropriate category and type of offense listed below:

(Check only one)

(Check only one)

I 0 to 5 days
II 6 to 10 days
III 11 to 20 days
IV 21 to 60 days
V 61 days and over

 X

Petty _____
Minor _____
Misdem. _____
Felony X

6. Has this case been previously filed in this District Court? (Yes or No) No

If yes:
Judge: _____

Case No. _____

(Attach copy of dispositive order)

Has a complaint been filed in this matter?
If yes:

(Yes or No) No

Magistrate Case No. _____

Related Miscellaneous numbers: _____

Defendant(s) in federal custody as of _____

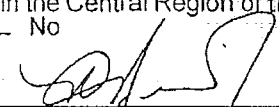
Defendant(s) in state custody as of _____

Rule 20 from the _____ District of _____

Is this a potential death penalty case? (Yes or No) NO

7. Does this case originate from a matter pending in the Northern Region of the U.S. Attorney's Office prior to October 14, 2003? Yes X No

8. Does this case originate from a matter pending in the Central Region of the U.S. Attorney's Office prior to September 1, 2007? Yes X No


NORMAN O. HEMMING, III
ASSISTANT UNITED STATES ATTORNEY
Florida Bar No. _____ Court No. A5500680

*Penalty Sheet(s) attached

REV 4/8/08

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

PENALTY SHEET

Defendant's Name: PATTY CHEN

Case No: _____

COUNTS 1-2:

False Statements

Title 18, United States Code, Section 1001(a)(3)

*Max. Penalty: 5 Years' Imprisonment

COUNTS 3-4:

False Labeling

Title 16, United States Code, Section 3372(d)(1)

*Max. Penalty: 5 Years' Imprisonment

COUNT:

*Max. Penalty:

*Refers only to possible term of incarceration, does not include possible fines, restitution, special assessments, parole terms, or forfeitures that may be applicable.