



Monthly

# Bulletin

## Environmental Crimes Section

November 2016

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*M/V Nils B. See U.S. v. W. Bockstiegel Reederei GmbH & CO. KG, [inside](#), for more details on this vessel pollution case.*

District/Circuit	Case Name	Case Type/Statutes
Central District of California	<a href="#">United States v. Huang Ching Liu</a>	Ivory Pool Cue Imports/Smuggling
Eastern District of California	<a href="#">United States v. Audencio Pineda-Gaona</a> <a href="#">United States v. Juan Carlos Martinez-Tinoco</a>	Marijuana/Drug, Depredation to Public Land, Firearms
Southern District of California	<a href="#">United States v. W. Bockstiegel Reederei GmbH &amp; CO. KG</a>	Vessel/APPS
District of Columbia	<a href="#">United States v. Pacific Breeze Fisheries LLC</a>	Vessel/APPS
District of Connecticut	<a href="#">United States v. Thomas Kapusta</a>	Hawk Killing/Conspiracy, MBTA
██████████ ██████████	████████████████████	████████████████████
Southern District of Florida	<a href="#">United States v. Leah Gould</a>	Marine Wildlife Sales/Conspiracy, Lacey Act
██████████ ██████████	████████████████████	████████████████████
District of Hawaii	<a href="#">United States v. Pacific Breeze Fisheries LLC</a>	Vessel/Obstruction
Northern District of Indiana	<a href="#">United States v. Fred Witmer</a>	RINS/CAA, Conspiracy, False Statement, Wire Fraud
Southern District of Indiana	<a href="#">United States v. Dipen Patel</a>	Indoor Pesticide Application/FIFRA
██████████ ██████████	████████████████████	████████████████████
District of Maine	<a href="#">United States v. Yarann Im</a>	American Eel Trafficking/Lacey Act
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Eastern District of New York	<a href="#">United States v. A&amp;L Cesspool Services Corporation</a>	Cesspool Service Providers/CAA, Conspiracy
Northern District of Ohio	<a href="#">United States v. Lizandro Orellana</a> <a href="#">United States v. David N. Jenkins</a>	Lead Paint/Bribery, Conspiracy, TSCA Oil and Gas Company/CWA
Eastern District of Texas	<a href="#">United States v. KTX Ltd.</a> <a href="#">United States v. Trey Joseph Frederick</a>	Petroleum Plant Explosion/CAA, Title V Whooping Crane Deaths/ESA, MBTA
Western District of Washington	<a href="#">United States v. Angelakos (Hellas) S.A.</a>	Vessel/APPS, False Statements, Falsification of Records

## Indictments

***United States v. Dipen Patel*, No. 2:16-CR-00155 (S.D. Ind.), ECS Trial Attorney Richard Powers, RCEC Dave Mucha, and AUSA Toi Houston.**

On October 27, 2016, Dipen Patel was charged with violating FIFRA (7 U.S.C. §§ 136j(a)(1)(A), 136l(b)(1)(B)).

Between February 2014 and January 2015, Patel allegedly distributed a pesticide known as “DOOM” that was not registered with the EPA. The pesticide was applied to rooms at a motel located in Michigan City, Indiana, and a motel located in Howe, Indiana. A plea hearing has been scheduled for November 21, 2016.

This case was investigated by the Northern District of Indiana Environmental Crimes Task Force, led by the U.S. EPA Criminal Investigation Division.

***United States v. Audencio Pineda-Gaona*, No. 1:16-CR-00156 (E.D. Calif.), AUSA Karen Escobar.**

On October 6, 2016, Mexican nationals Audencio Pineda-Gaona and Calendario Jimenez-Ramirez, were charged in a three-count indictment with drug violations and damaging public land and natural resources stemming from a marijuana grow operation in the Sequoia National Forest (21 U.S.C. § 841; 18 U.S.C. § 1361).

Between August and September 2016, the defendants were allegedly found tending to marijuana plants at a grow site in the Giant Sequoia National Monument area of the Forest. Agents found close to 6,000 plants and 200 pounds of processed marijuana. The operation caused extensive damage to the land and natural resources. Native trees and shrubs were cut down and water was diverted from a tributary of the Kern River, which supports Kern River Rainbow Trout. Banned pesticides and large amounts of trash also were found.

This case was investigated by the U.S. Forest Service, the California Department of Justice’s Campaign Against Marijuana Planting, the California Department of Fish and Wildlife, and the Tulare County Sheriff’s Office.

# Guilty Pleas

*United States v. W. Bockstiegel Reederei GmbH & CO. KG*, No. 3:16-CR-02440 (S.D. Calif.), ECS Senior Trial Attorney Ken Nelson and AUSA Melanie Pierson.

W. Bockstiegel Reederei GmbH & CO. KG was a German corporation that operated the *Nils B*. W. Bockstiegel GmbH & Co. Reederei KG MS NILS B was the corporation that owned the vessel. On August 5, 2014, in the Port of San Diego, the defendants (through the actions of their employees) failed to maintain an accurate ORB for the ship by omitting disposals of oil residue, overboard discharges of oil and oily mixtures, and disposals of machinery space bilge water and sludge wastes from the vessel. Sentencing is scheduled for November 3, 2016.

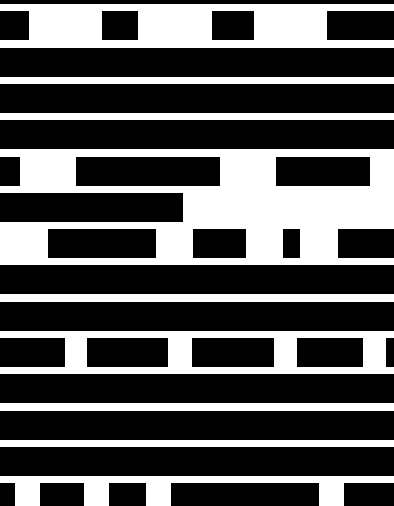
This case was investigated by the U.S. Coast Guard and the U.S. EPA Criminal Investigation Division.

November 2016

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## Guilty Pleas

***United States v. KTX Ltd.*, No. 1:16-CR-00075 (E.D. Tex.), ECS Trial Attorney Richard Powers, ECS Senior Trial Attorney David Kehoe, AUSA Joe Batte, and ECS Paralegal Casey Rybak.**

On October 12, 2016, four corporations pleaded guilty to a two-count information charging them with Clean Air Act violations.

KTX Ltd., KTX Properties, Inc., Crosby LP, and Ramsey Properties LP were the owners and operators of two chemical and petroleum facilities. The plant located in the Eastern District of Texas in Port Arthur produced petroleum products through the distillation of various feedstocks. On March 31, 2011, Tank 223 (which contained gasoline blend stock) exploded when two contract workers were doing welding on a pipe connected to the tank. The explosion injured the two welding contract workers and killed a nearby third contractor. The primary cause of the explosion was the failure to comply with applicable OSHA regulations while performing hot work on the pipe. The secondary cause was the failure to have procedures in place to ensure the safety and integrity of Tank 223 in violation of American Petroleum Institute Standards.



*Aerial view of Port Arthur facility*

The second facility (an organic chemical toll processing plant) is located in the Southern District of Texas in Crosby. This facility operated under a CAA Title V Operating Permit. The permit required that the plant conduct a leak detection and repair program (LDAR) to limit fugitive emissions for volatile organic compounds and Nitrogen Oxides. Between 2008 and 2012, the facility knowingly failed to conduct the LDAR program and then falsified LDAR logs and reports to EPA and the Texas Commission on Environmental Quality.

KTX and KTX Properties pleaded guilty to a negligent release of a hazardous air pollutant (42 U.S.C. § 7413(c)(4)). Crosby and Ramsey pleaded guilty to a knowing violation of a Title V permit (42 U.S.C. § 7413(c)(1)).

This case was investigated by the U.S. EPA Criminal Investigation Division, with assistance from the Texas Commission on Environmental Quality, the Texas Parks and Wildlife Department, and OSHA.



## Guilty Pleas

***United States v. Fred Witmer*, Nos. 1:16-CR-00064, 00065 (N.D. Ind.), ECS Trial Attorney Adam Cullman, ECS Senior Trial Attorney Jeremy Korzenik, and ECS Paralegal Casey Rybak.**

On October 12, 2016, Fred Witmer and Gary Jury, the owners of Triton Energy LLC, pleaded guilty to conspiracy, wire fraud, and Clean Air Act false statement charges. The defendants admitted to participating in a scheme that generated more than \$60 million in fraudulent tax and RIN credits at Triton Energy, a company that purported to produce and sell biofuel for use as transportation fuel. Specifically Witmer pleaded guilty to conspiracy and wire fraud violations (18 U.S.C. §§ 371, 1343). Jury pleaded guilty to conspiracy and CAA false statement charges (18 U.S.C. 371; 42 U.S.C. § 7413(c)(2)(A)).

Witmer and Jury were co-owners of both Triton Energy and Gen2 Renewable Diesel LLC, both located in Waterloo, Indiana. Witmer admitted to participating in a scheme with other coconspirators to fraudulently claim tax credits and RIN credits on non-qualifying renewable fuel. Although the credits required that the fuel be used domestically for transportation, Witmer admitted selling it for uses that included the production of fire starter logs and asphalt, for power generation, and also for export. Jury admitted to participating in a scheme to claim tax credits and to providing false statements to the EPA. Sentencing is scheduled for February 15, 2017.

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

***United States v. Yarann Im*, Nos. 2:16-CR-00123–00129 (D. Maine), ECS Trial Attorneys Cassie Barnum and Shane Waller, and ECS Paralegal Casey Rybak.**

Between October 4 and October 6, 2016, seven individuals pleaded guilty to trafficking in more than \$1.9 million worth of juvenile American eels, also known as “elvers,” in violation of the Lacey Act (16 U.S.C. §§ 3372, 3373).

Yarann Im, Mark Green, John Pinkham, Thomas Reno, Michael Bryant, and George Anestis each pleaded guilty to selling or transporting elvers in interstate commerce that they had harvested illegally, or knew had been harvested illegally, in various East Coast states, including Virginia, New Jersey, Massachusetts, and Rhode Island. Thomas Choi pleaded guilty to exporting elvers that he knew had been harvested illegally in New Jersey, Massachusetts, and elsewhere.



*Juvenile American eels*

Eels are highly valued in East Asia for human consumption. Historically, Japanese and European eels were harvested to meet this demand; however, overfishing has led to a decline in the population of these eels. As a result, harvesters have turned to the American

*(Continued on page 9)*



## Guilty Pleas

*(Continued from page 8)*

eel to fill the void.

American eels spawn in the Sargasso Sea, an area of the North Atlantic Ocean bounded on all sides by ocean currents. They travel as larvae from the Sea to the coastal waters of the eastern United States, where they enter a juvenile or elver stage, swim upriver and grow to adulthood in fresh water. Elvers are exported for aquaculture in East Asia, where they are raised to adult size and sold for food. Harvesters and exporters of American eels in the United States can sell elvers to Asian buyers for more than \$2,000 per pound.

Because of the threat of overfishing, elver harvesting is prohibited in the United States in all but three states: Maine, South Carolina, and Florida. Maine and South Carolina heavily regulate these fisheries, requiring that individuals be licensed and report all quantities of harvested eels to state authorities. Although Florida does not have specific elver-related regulations, the limited population of elvers in Florida waters makes commercial elver fishing impossible.

The seven defendants all illegally harvested, sold, transported, or exported elvers, knowing they had been harvested in violation of state law. Further, as a means of concealing the illegal sale and export of elvers, the defendants used Maine or Florida eel harvest licenses (theirs or someone else's) to claim that they were obtained legally from Maine or Florida waters, which was false. Elver export declaration packages submitted to authorities included this false documentation in order to disguise the illegal origins of the elvers and to facilitate their export from the United States.

This case was investigated by the U.S. Fish and Wildlife Service Office of Law Enforcement, in collaboration with Maine Marine Patrol, South Carolina Department of Natural Resources Law Enforcement Division, New Jersey Division of Fish and Wildlife Bureau of Law Enforcement, Connecticut Department of Energy and Environmental Protection Conservation Police, Virginia Marine Resources Commission Police, U.S. FWS Refuge Law Enforcement, National Oceanic and Atmospheric Administration Office of Law Enforcement, Massachusetts Environmental Police, Rhode Island Department of Environmental Management Division of Law Enforcement, New York State Environmental Conservation Police, New Hampshire Fish and Game Division of Law Enforcement, Maryland Natural Resources Police, North Carolina Wildlife Resource Commission Division of Law Enforcement, Florida Fish and Wildlife Conservation Commission, Yarmouth, Massachusetts Division of Natural Resources, North Myrtle Beach, South Carolina Police Department, and the Atlantic States Marine Fisheries Commission.

## Sentencings

***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 October 27, 2016, tuna fishing company Pacific Breeze Fisheries LLC pleaded guilty to four APPS violations (33 U.S.C. § 1908(a)). The company was sentenced to pay a \$1.6 million fine, plus make a \$400,000 community service payment to the National Marine Sanctuaries Foundation for the benefit



*M/V Pacific Breeze*

of the National Marine Sanctuary of American Samoa. Pacific Breeze also will complete a three-year term of probation and implement an environmental compliance plan. 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 pleaded guilty to an obstruction charge (18 U.S.C. § 1505) on October 25, 2016, in the District of Hawaii, and is scheduled to be sentenced on February 6, 2017.

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

***United States v. Angelakos (Hellas) S.A.*, No. 2:16-CR-00062 (W.D. Wash.), AUSAs Seth Wilkinson and Matthew Digs, and USCG SAUSA Stephen Bor.**

On October 21, 2016, a vessel owner and operator were sentenced after being convicted by a jury in June 2016. Angelakos (Hellas) S.A., the operator of the cargo ship *M/V Gallia Graeca*, and owner Gallia Graeca Shipping, Ltd., will each pay \$650,000 fines, complete five-year terms of probation, and implement environmental compliance plans. In addition, Angelakos will make a \$100,000 community service payment to the National Fish and Wildlife Foundation, and Gallia will pay \$100,000 to the National Parks Foundation.

The companies, along with engineers Konstantinos Chrysovergis and Tryfon Angelou, each were found guilty of the three counts charged: APPS, false statements, and falsification of records violations related to the illegal discharge of oily wastewater from the

*(Continued on page 11)*

## Sentencings

(Continued from page 10)

**Gallia Graeca** (33 U.S.C. § 1908(a); 18 U.S.C. §§ 1001(a)(1), 1519).

In October 2015, the ship travelled from China to Seattle. Over several days during the voyage, the defendants discharged more than 5,000 gallons of contaminated waste water overboard while the oil water separator (OWS) was inoperable. They concealed these discharges from the Coast Guard by making false statements to inspectors, and by making false statements and/or omissions in the ship's oil record book. When Coast Guard inspectors asked the engineers to operate the OWS, they did so in such a way to make it appear that the equipment was working properly. The engineers were previously sentenced to ten days in jail.

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

**United States v. A&L Cesspool Service Corporation, No. 1:16-CR-00524 (E.D.N.Y.), AUSA Lauren Elbert.**

On October 26, 2016, A&L Cesspool Service Corporation pleaded guilty to conspiracy and to violating the Clean Water Act for dumping waste removed from blocked sewer lines into manholes that flowed directly into the Gowanus Canal, among other locations in New York City (18 U.S.C. § 371, 33 U.S.C. § 1319(c)(2)(A)).

A&L Cesspool is one of the largest cesspool service providers in New York City. Between November and December 2013, the company illegally discharged pollutants, without a permit, into the Gowanus Canal. Between October 2013 and June 2014, it also illegally dumped sewage at four different locations in violation of its permit. A&L Cesspool was ordered to pay a \$375,000 fine, \$350,000 in criminal forfeiture, and make a \$175,000 community service payment to the National Fish and Wildlife Foundation to be used toward projects benefiting the Gowanus area of Brooklyn. The company also will complete a two-year term of probation.

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



*Defendant discharging sewage into Canal*

## Sentencings

### ***United States v. Trey Joseph Frederick, No. 1:16-CR-00007 (E.D. Tex.), AUSA Joseph R. Batte.***

On October 25, 2016, Trey Joseph Frederick was sentenced to pay \$25,815 in restitution and will complete a five-year term of probation, after previously pleading guilty to violating the Migratory Bird Treaty Act and the Endangered Species Act (16 U.S.C. §§ 703, 707(a), 1538(a)(1)(D) and 1540(b)(1)). As a condition of probation, Frederick will perform 200 hours of community service on behalf of the Texas Parks and Wildlife Department and/or the U.S. Fish & Wildlife Service. He is forbidden from hunting and fishing in any state for the duration of probation. The restitution will be divided between the Texas Parks Wildlife Foundation and the International Crane Foundation.

On January 11, 2016, a Texas Game Warden received calls reporting that two whooping cranes had been shot. Further investigation revealed that Frederick had been seen in the area with a hunting rifle and had claimed to be hunting geese. Agents subsequently contacted him at his home where he admitted to killing the cranes.

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



*Deceased whooping cranes*

## Sentencings

### ***United States v. Lizandro Orellana*, No. 1:16-CR-00186 (N.D. Ohio), SAUSA Brad Beeson.**

On October 13, 2016, Lizandro Orellana and Modern Construction Group, LLC were sentenced after previously pleading guilty to violations stemming from their involvement in taking cash bribes and kickbacks, in addition to the illegal abatement of lead-based paint. Orellana pleaded guilty to conspiracy to commit bribery concerning programs receiving federal funds, as well as a TSCA violation (15 U.S.C. §§ 2615(b), 2689; 18 U.S.C. §§ 371, 666(a)(1)(A), (a)(1)(B)). Modern pleaded guilty to a TSCA charge. Orellana was sentenced to 18 months' incarceration, followed by three years' supervised release. He also will pay a \$1,000 fine. Modern will complete a five-year term of probation and pay \$1,600 to cover the cost of lead abatement worker training and licensing for the eight employees who conducted lead-based paint abatement.

Cleveland Housing Network (CHN), a recipient of HUD funding, awarded contracts to rehabilitate abandoned homes in Cleveland, Ohio. As a manager at CHN, James Todt requested and received items of value in exchange for approving and steering CHN contracts to Orellana and James Peterson. Todt also submitted false invoices to CHN that were deposited into his personal bank account.

Between October 2010 and October 2012, under Orellana's direction, Modern employees gutted houses without following proper lead-based paint abatement procedures. Orellana was aware that these employees were not licensed to perform this work. Peterson and Todt previously pleaded guilty to the conspiracy violations; Todt also pleaded guilty to two charges of theft concerning program receiving federal funds (18 U.S.C. §§ 371, 666(a)(1)(A), (a)(1)(B)).

Peterson was sentenced on October 13, 2016, to a year and a day of incarceration, followed by one year of supervised release. He was ordered to pay a \$3,000 fine. Todt was sentenced on October 11, 2016, to 30 months' incarceration, followed by three years' supervised release. Todt was ordered to pay a \$5,000 fine and additional restitution will be ordered.

This case was investigated by the Federal Bureau of Investigation, the Office of Inspector General Housing and Urban Development, U.S. EPA Criminal Investigation Division, Ohio EPA, Ohio Bureau of Criminal Investigation, Ohio Department of Health Environmental Compliance Program, and the Cleveland Division of Police.



## Sentencings

### ***United States v. Thomas Kapusta*, Nos. 16-CR-00031, 00144 (D. Conn.), AUSA Harold Chen.**

On October 25, 2016, Thomas Kapusta was sentenced after pleading guilty to conspiracy and to violating the Migratory Bird Treaty Act for killing red-tailed hawks and Cooper's hawks in September and October 2015 (16 U.S.C. §§ 703, 707(a); 18 U.S.C. § 371). Kapusta will pay a \$5,500 fine, complete a one-year term of probation, and perform 90 hours of community service at a local animal shelter.

Racing pigeon enthusiasts Adam Boguski and Kapusta constructed and maintained a pigeon coop. They kept a large number of racing pigeons and let them fly outside regularly for exercise. Viewing hawks as a threat to their pigeons, the defendants systematically captured the hawks in a trap specifically designed to capture birds of prey, shot and killed them in the trap, and disposed of their carcasses. Kapusta was aware this was illegal, and instructed Boguski to refer to the hawk trap as a "breeding cage" if law enforcement ever inquired.

Boguski also pleaded guilty to conspiracy and MBTA violations. He is scheduled to be sentenced in April 2017.

This case was investigated by the U.S. Fish and Wildlife Service Office of Law Enforcement and the Division of Refuge Law Enforcement, and the Environmental Conservation Police of the Connecticut Department of Energy and Environmental Protection, with the assistance of the Stamford Police Department.

### ***United States v. Huang Ching Liu*, No. 2:16-CR-00335 (C.D. Calif.), AUSA Amanda Bettinelli.**

On October 17, 2016, Huang Ching Liu and Wen Shou Wei Chen were sentenced to time served, followed by two years' supervised release. The two previously pleaded guilty to smuggling charges (18 U.S.C. § 554) for attempting to smuggle high-end pool cues inlaid with endangered African elephant ivory. The defendants were apprehended in April 2016, at the Los Angeles International Airport.



*Defendant shooting a Cooper's Hawk near pigeon coop*



*Seized pool cues*

*(Continued on page 15)*

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

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## Sentencings

### ***United States v. Leah Gould*, No. 4:16-CR-100009 (S.D. Fla.), AUSA Tom Watts-FitzGerald.**

On October 11, 2016, Leah and Phillip Gould were each sentenced to pay \$5,000 fines and will complete five-year terms of probation, to include six months' home confinement. The Goulds previously pleaded guilty to Lacey Act and conspiracy violations (18 U.S.C. § 371; 16 U.S.C. §§ 3372(a)(2)(A), 3373(d)(1)(B)) for their involvement in the sale and purchase of juvenile bonnethead sharks.

The Goulds owned and operated Florida Keys Marine Life, LLC, a wholesale marketing company of ornamental fish and live rock. Between May and August 2012, they purchased the sharks from an unlicensed harvester in the Florida Keys. The sharks were taken from the Key Deer National Wildlife Refuge, and subsequently shipped via rental trucks as well as commercial air cargo.

This case was investigated by the NOAA Office of Law Enforcement and the U.S. Fish and Wildlife Service Office of Law Enforcement. These agencies were key participants in a long-term investigation of the illegal harvesting and sale of marine life resources from the Florida Keys known as Operation Rock Bottom. Florida Keys National Wildlife Refuges and the U.S. Customs and Border Protection Air Marine Branch also provided assistance in this case.

### ***United States v. Champion ES Holdings, Inc.*, No. 2:16-CR-00160 (E.D. La.), AUSA Emily Greenfield.**

On October 5, 2016, Champion ES Holdings, Inc., was sentenced after pleading guilty to misprision of a felony (18 U.S.C. § 4). The company will complete a one-year term of probation, pay a \$1 million fine, and make a \$250,000 community service payment to the Barataria-Terrebonne Estuary Foundation.

In February 2010, Champion's former affiliate, Champion Technologies, Inc., entered into a service agreement with the facility operator of the Innovator (an offshore oil and gas production facility) to provide chemical management services. Between October 2010 and March 2012, the company knew that the Innovator's operator was violating its NPDES permit by discharging approximately 4,000 gallons of chemicals into the Gulf of Mexico to hide oil sheens. Despite this knowledge, Champion continued to sell the chemicals to the facility, and failed to report the discharges to law enforcement.

As part of its plea agreement, Champion will discontinue selling Cleartron ZB-103 and will provide offshore personnel with training on the Clean Water Act and its restrictions governing the use of dispersants and surfactants on offshore oil and gas platforms.

This case was investigated by the U.S. EPA Criminal Investigation Division and the DOT Office of Inspector General.

## Sentencings

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

On October 5, 2016, Mexican national Juan Carlos Martinez-Tinoco was sentenced to time-served and ordered to pay \$4,283 in restitution to the U.S. Forest Service. Tinoco previously pleaded guilty to depredation of government property (18 U.S.C. § 1361) for his involvement in a marijuana operation in the Sequoia National Forest. Luis Enrique Flores pleaded guilty to unlawful entry by an alien (8 U.S.C. § 1325) and was sentenced to time served. Arnoldo Martinez-Tinoco pleaded guilty to being a deported alien found in the U.S (8 U.S.C. § 1326), and is scheduled for sentencing on

January 3, 2017. Ivan De Jesus Jimenez remains 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, 18 U.S.C. § 1361).

Between March and August 2015, the defendants were involved in a cultivation operation consisting of approximately 2,600 marijuana plants in the Needles area of the Sequoia National Park (named for a series of massive granite rock formations). 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 and water was diverted from a spring that supports the Kern River Rainbow Trout, designated as a “Species of Special Concern” 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.



*Needles area of Sequoia National Park*

## Sentencings

### ***United States v. David N. Jenkins, No. 4:16-CR-00190 (N.D. Ohio), SAUSA Brad Beeson.***

On October 5, 2016, David N. Jenkins was sentenced to complete a three-year term of probation and perform 150 hours' community service. A fine was not assessed. Jenkins previously pleaded guilty to a felony Clean Water Act violation (33 U.S.C. § 1319(c)(2)(A)) for directing another employee to dump fracking waste into a tributary of the Mahoning River.

Jenkins was an employee of Hardrock Excavating, LLC. The company provided services to the oil and gas industry in Ohio and Pennsylvania, including the storage of brine and oil-based drilling mud used in hydrofracturing, or fracking. There were approximately 58 mobile storage tanks on site, with each holding approximately 20,000 gallons. On a number of occasions, company owner Benedict Lupo directed employees to use a hose to empty stored waste into a nearby stormwater drain over a several-month period. On occasion, Lupo told Jenkins to direct the employees to dump these wastes at night into the storm drain.

Lupo was sentenced to 28 months' incarceration and to pay a \$25,000 fine. Hardrock was sentenced to pay a \$75,000 fine and to make a \$25,000 community service payment to be divided between Friends of the Mahoning River and Midwest Environmental Enforcement Association. The company also will complete a two-year term of probation. Employee Michael Guesman was sentenced to complete a three-year term of probation. All three previously pleaded guilty to violating the CWA (33 U.S.C. § 1319(c)(2)(A)).

This case was investigated by the Ohio Environmental Protection Agency, the Ohio Department of Natural Resources, the U.S. EPA Criminal Investigation Division, the Ohio Bureau of Criminal Investigation, the Youngstown Department of Public Works, and the Youngstown Fire Department.

## Announcements

Please send [REDACTED] any pleadings you believe would be useful for posting in the Brief Bank. Older materials are still available on the [Document Bank Archives](#) page.

Please send information regarding State and local cases to the [Regional Environmental Enforcement Associations' Webpage](#). Updates on federal cases should be sent to [REDACTED]

If you are in need of sentencing data for your wildlife or pollution cases, please contact [REDACTED] with your search requests.

The public version of the [ECS Bulletin](#) is available for non-law enforcement readers.

Please notify ECS of any appeals taken in your cases. [Section 5-11.118](#) of the U.S. Attorneys' Manual requires that ECS be notified.

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	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	████████