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# ENVIRONMENTAL CRIMES



## MONTHLY BULLETIN

*July 2008*

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*EDITOR'S NOTE:*

Please continue to submit information on relevant case developments in federal prosecutions for inclusion in the Bulletin. If you have any significant and/or interesting photographs from the case, you may email these, along with your submission, to Elizabeth Janes: [REDACTED]. Material also may be faxed to Elizabeth at (202) 305-0396. If you have information to submit on state-level cases, please send this to the Regional Environmental Enforcement Associations' website: <http://www.regionassociations.org>.

You may navigate quickly through this document using electronic links for *Active Cases*, *Additional Quick Links* and *Back to Top*. (Some of you may need to hold down the ctrl key while clicking on the link.)

## **ATA GLANCE**

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☛ [United States v. Grace, F3d. 2008 WL 2052204 \(9<sup>th</sup> Cir. May 15, 2008\).](#)

Districts	Active Cases	Case Type / Statutes
D. Alaska	<a href="#"><u>United States v. Fairport Shipping, Ltd.</u></a>	Vessel/ APPS
C. D. Calif.	<a href="#"><u>United States v. Union Pacific Railroad Company</u></a>	Wastewater Discharge/ CWA misdemeanor
D. Colo.	<a href="#"><u>United States v. Oscar Cueva</u></a> <a href="#"><u>United States v. George Caraveo</u></a>	Sea Turtle Products/ Conspiracy, Smuggling, Money Laundering
S. D. Fla.	<a href="#"><u>United States v. George Townsend</u></a>	Yellowfin Tuna Import/ Lacey Act
D. Idaho	<a href="#"><u>United States v. Abner Schultz et al.</u></a>	Dredge and Fill/ CWA
D. Minn.	<a href="#"><u>United States v. Tia Yang et al.</u></a>	Smuggled Wildlife Parts/ Conspiracy to Smuggle Wildlife and Anabolic Steroids
[REDACTED]	[REDACTED]	[REDACTED]
D. N. J.	<a href="#"><u>United States v. Clipper Marine Services et al.</u></a>	Vessel/ Conspiracy, APPS, False Statement
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S. D. N. Y.	<a href="#"><u>United States v. Nicholas Miritello</u></a>	NYDEP Employee/ False Statement
D. Ore.	<a href="#"><u>United States v. Durbin Hartel</u></a> <a href="#"><u>United States v. Spencer Environmental Inc. et al.</u></a>	Worker Death/ Obstruction, False Statement  Waste Recycler/ RCRA
E. D. Pa.	<a href="#"><u>United States v. Reederei Karl Schlueter et al.</u></a>	Vessel/ APPS

Districts	Active Cases	Case Type / Statutes
E. D. Tenn.	<a href="#"><u>United States v. Gerald Lakota</u></a>	<i>Film Developing Plant/ CWA, False Statement</i>
N. D. Tex.	<a href="#"><u>United States v. James Epting et al.</u></a>	<i>Paint Waste/ RCRA, CWA Misdemeanor</i>
S. D. Tex.	<a href="#"><u>United States v. The Hunting Consortium et al.</u></a>	<i>Hunting from Helicopters/ Lacey Act</i>
S. D. W. V.	<a href="#"><u>United States v. Michael Joe Clark</u></a>	<i>Meth Lab/ CAA Negligent Endangerment, Controlled Substances Act</i>

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## Significant Opinions

### 2<sup>nd</sup> Circuit

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## 9<sup>th</sup> Circuit

### **W.R. Grace v. United States, \_\_ U.S. \_\_, \_\_ S.Ct. \_\_ 2008 WL 1740074 (9<sup>th</sup> Cir. June 23, 2008).**

On June 23, 2008, the Supreme Court denied both of the defendants' petitions for certiorari. The defendants' petitions sought review of two specific holdings of a September 20, 2007, Ninth Circuit decision (504 F.3d 745), which had reversed the district court's earlier orders. The first issue was whether the Clean Air Act's inclusion of "asbestos" in its list of hazardous air pollutants, 42 U.S.C. §7412(b)(1), provides an independent definition and gives fair notice of its scope in a criminal prosecution charging defendants with "knowingly releas[ing] into the ambient air [a] hazardous air pollutant listed pursuant to section 7412," and knowing at the time of the release "that [they] thereby place[] another person in imminent danger of death or serious bodily injury" in violation of 42 U.S.C. §7413(c)(5)(A). The second issue was whether the knowing endangerment object of the Clean Air Act conspiracy count in the superseding indictment was timely filed pursuant to 18 U.S.C. §3288, which allows the government six months to re-indict whenever an indictment is dismissed for any reason after the applicable statute of limitations has expired, except "where the reason for the dismissal was the failure to file the indictment or information within the period prescribed by the applicable statute of limitations or some other reason that would bar a new prosecution."

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## ***Trials***

**United States v. Hunting Consortium et al., No. 4:07-CR-00381 (S.D. Tex.), ECS Trial Attorneys Wayne Hettenbach [REDACTED] and Madison Sewell [REDACTED] with assistance from ECS Senior Trial Attorney Claire Whitney [REDACTED] and ECS Paralegal Kate Hasty ([REDACTED])**

On June 12, 2008, jurors acquitted The Hunting Consortium, a hunting outfitter based in Berryville, Virginia, and Robert Kern, the company president, after hearing 11 witnesses in this five-day trial. The defendants were charged in September 2007 with violating the Lacey Act for conducting an illegal hunt in Russia.

There were several rulings during the trial that adversely affected the government's case. U.S. District Judge David Hittner denied the government's request to instruct on the lesser included offense (negligence), and would not allow the government to show jurors a video of a



defense witness (a Russian hunting official) showing that, **Snow Sheep** contrary to his testimony, he had received cash from U.S. hunters on other hunts outfitted by Kern.

According to the indictment, in the summer of 2002, Kern organized and participated in a big-game hunt in Russia. During the hunt, Kern employed helicopters to locate trophy-sized moose and sheep for hunters on the trip. The helicopters then were used as airborne shooting platforms by the hunters. The use of helicopters in the taking of wildlife is prohibited by Russian law. The trophy parts of the wildlife were then transported from Russia and imported into the United States at Bush Intercontinental Airport in Houston. The defense claimed that, under Russian law, the hunt was legal because the meat was to be used at a Russian children's school.

This case was investigated by the United States Fish and Wildlife Service.

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**United States v. Tia Yang et al., No. 0:08-CR-00150 (D. Minn.), AUSA LeeAnn Bell**



**Elephant teeth**

On May 13, 2008, a mother and daughter were indicted in connection with smuggling protected wildlife into the U.S. for financial gain. Pa Lor and Tia Yang each were charged with one count of conspiracy to smuggle wildlife and one count of conspiracy to distribute and possess with intent to distribute anabolic steroids.

The indictment alleges that from October 2005 to August 2006, the two women conspired to fraudulently bring wildlife into the U.S. for sale and offer wildlife for sale at a booth at the International Marketplace in St. Paul. The wildlife included parts of Asian elephant, giant squirrel, leopard cat, mongoose,

and the elegant flying squirrel. On October 23, 2005, Lor arrived at the Minneapolis-St. Paul International Airport from Laos and did not declare any animal or wildlife items on her Customs and Border Protection Declaration form. During an inspection of Lor's baggage, approximately 1,388 individual pieces of undeclared wildlife, including two Asian elephant teeth, 17 serow horns, 51 pieces of douc langur (a primate), leopard cat, red or rusty-spotted cat and giant squirrel.

Two undercover buys were made by agents in November of 2005 and June 2006, yielding animal parts from species including slow loris, bear and unidentified primates. A search warrant was executed in August 2006 at the booth that was leased by Yang and operated by Lor, with several wildlife items recovered including: black-striped weasel, gibbon, leaf monkey, monitor lizard, tapir, slider turtles, reticulated python and small-clawed otter. Additionally, agents recovered a total of 184 units of anabolic steroid smuggled into the U.S. or offered for sale at the flea market.

This case was investigated by the United States Fish and Wildlife Service.

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## *Pleas*

**United States v. Clipper Marine Services et al., No. 2:07-CR-00264 (D.N.J.), ECS Senior Trial Attorney David Kehoe and AUSA Brad Harsch**

On June 19, 2008, Clipper Marine Services ("Clipper Marine") pleaded guilty to the first three counts of an 11-count indictment charging conspiracy, an APPS violation, and a false statement violation arising from the dumping of oily waste in international waters from the *M/T Clipper Trojan*. Clipper Marine signed the agreement on behalf of the other two defendants, Clipper Wonsild Tankers

Holding A/S ("Clipper Wonsild") and Trojan Shipping Co., Ltd. ("Trojan Shipping"). In this novel agreement, the company has agreed, as part of an environmental compliance plan ("ECP"), to retrofit certain ships with state-of-the-art oily water separators and implement a real-time remote monitoring system to track oil waste levels and the usage of oil waste processing equipment on board five of its ships.

Clipper Marine also has agreed to pay a \$3.25 million fine and make a community service payment of \$1.5 million, for a total monetary payment of \$4.75 million. The remote monitoring system will allow the Coast Guard and on-shore employees of the company to monitor waste levels and the use of oil waste processing equipment using data transmitted via satellite.

In accordance with the plea agreement, Clipper Marine, a subsidiary of Clipper Wonsild, has agreed to pay the fine, as well as the community service payment, and will manage the ECP. The Plan will be funded by both Clipper Wonsild and Trojan Shipping, the Bahamian owner of the *Clipper Trojan*.

The indictment returned in March 2007 charged vessel crew members with dumping oil sludge directly overboard in May and June of 2006 and with regularly dumping oil-contaminated bilge water overboard between March and June of 2006. Clipper Wonsild and Clipper Marine are Danish companies that commercially operated and managed the vessel. All three companies are part of The Clipper Group A/S, a global shipping consortium based in Denmark.

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This case was investigated by the United States Coast Guard Investigative Service.

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**United States v. Gerald Lakota, No. 3:07-CR-0019663 (E.D. Tenn.), ECS Assistant Chief Joseph Poux [REDACTED] and AUSA Matthew Morris [REDACTED]**

On June 18, 2008, Gerald Lakota, a former employee of Fujicolor Processing, pleaded guilty to a Clean Water Act violation for falsifying discharge monitoring reports ("DMRs").

As an employee at Fujicolor's film developing facility in Terrell, Texas, Lakota was responsible for environmental compliance at the plant, which included preparing and submitting the plant's wastewater DMRs. In order to ensure compliance, from January 1999 through May 2002, Lakota selectively screened samples of the facility's wastewater effluent and did not report those results that contained unpermitted levels of silver.

Due to the defendant's health problems, he agreed to waive venue and agreed to plead guilty in the Eastern District of Tennessee where he now resides.

In a related matter, after disclosing the findings of an internal investigation to federal and state officials, Fujicolor pleaded guilty in September 2007 to negligently operating a source in violation of a pretreatment permit at its facility in Terrell and was sentenced to pay a \$200,000 fine.

This case was investigated by the United States Environmental Protection Agency Criminal Investigation Division and the Texas Commission on Environmental Quality.

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**United States v. Abner Schultz et al., No. 4:08-CR-00101 (D. Idaho), ECS Trial Attorney James B. Nelson [REDACTED] and AUSA Michael J. Fica [REDACTED]**

On May 29, 2008, Abner Schultz pleaded guilty to a felony Clean Water Act violation arising out of unlawful dredge and fill work in the Salmon River between June and November 2005. The unlawful activity occurred on the Wagonhammer Campground property in North Fork, Idaho, which is owned by Schultz. A spring-fed tributary to the Salmon River flows across the Wagonhammer Campground and into the Salmon River.



**Upper fill along Salmon River**

Specifically, Schultz pleaded guilty to discharging dredge and fill material below the ordinary high water mark of both the Salmon River and the tributary. The information charges that Schultz directed employees of Dahle Construction, L.L.C., to place more than 400 linear feet of perforated irrigation pipe into the tributary and to cover the pipe with approximately 300 cubic yards of rock and topsoil. Schultz later directed Dahle Construction employees to dredge approximately 500 cubic yards of dirt and rock from the tributary and place that dredged material along the bank of the Salmon River, below the ordinary high water mark, and in low-lying wetland areas connected to the tributary. The dredge and fill work was in violation of a permit issued by the United States Army Corps of Engineers.

Pursuant to the plea agreement, Schultz has agreed to remove all fill material from the tributary and the Salmon River. He faces a maximum penalty of three years' imprisonment, five years'

probation, and a \$250,000 fine. Dahle Construction and its owner Kent Dahle each pleaded guilty to misdemeanor CWA violations on April 1, 2008, for their roles in the unlawful dredge and fill activity. Sentencing in that case is scheduled for August 5, 2008, and Schultz is scheduled to be sentenced on August 15, 2008.

This case was investigated by the United States Environmental Protection Agency Criminal Investigations Division and National Oceanic and Atmospheric Administration.

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### **United States v. Michael Joe Clark, No. 2:08-CR-00063 (S.D.W.V.), SAUSA Perry McDaniel**



**Anhydrous ammonia tank**

On May 27, 2008, Michael Joe Clark pleaded guilty to violating the negligent endangerment provision of the Clean Air Act and also to a violation of the Controlled Substances Act for the theft of anhydrous ammonia and for causing a release of this extremely hazardous substance.

On February 27, 2008, Clark broke into a 1,000 gallon tank of anhydrous ammonia that was used to treat acidic water at a former coal mining site, with the intent to steal ammonia to manufacture methamphetamine. As Clark was siphoning the ammonia into a propane tank, the valve broke and caused a release of anhydrous ammonia. The release burned Clark's hands and lungs, resulting in his being hospitalized. Several emergency responders also required medical attention. The chemical release further resulted in a voluntary shelter-in-place for residents adjacent to the site. The release lasted for several hours and required numerous attempts by emergency personnel to stop the leak.

Clark is scheduled to be sentenced on September 3, 2008. This case was investigated by the United States Environmental Protection Agency Criminal Investigation Division.

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## ***Sentencings***

### **United States v. Fairport Shipping, Ltd. (D. Alaska), No. 3:04-CR-00130, AUSA Karen Loeffler and AUSA Aunnie Steward**

On June 23, 2008, Fairport Shipping, LTD, headquartered in Athens, Greece, pleaded guilty to, and was sentenced for, an APPS oil record book violation. The company was sentenced to pay a \$250,000 fine with \$150,000 suspended on the condition that it commit no further violations of United States' laws.

On March 6, 2002, the *M/V Asahi*, a refrigerated cargo vessel operated by Fairport Shipping, entered Dutch Harbor, Alaska. A subsequent inspection by the U.S. Coast Guard revealed a seven-foot "by-pass" hose that allowed oily water and pump oil waste to be discharged from bilge and waste oil storage tanks directly overboard. On at least two occasions during a voyage from Tokyo, the hose was

used to bypass pollution control equipment. The chief engineer, despite never using the oil water separator ("OWS"), entered statements in two oil record books indicating that the OWS had been used, further falsifying the amounts of sludge that were burned.

The company was originally charged in November 2004 in a five-count indictment, but avoided prosecution until this month.

This case was investigated by United States Environmental Protection Agency Criminal Investigation Division and the United States Coast Guard Investigative Service.

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**United States v. Oscar Cueva, No. 1:07-CR-00358 (D. Colo.), ECS Senior Trial Attorney Robert Anderson [REDACTED] Trial Attorney Colin Black [REDACTED] and AUSA Linda McMahan [REDACTED]**

On June 20, 2008, Oscar Cueva was sentenced to serve 16 months' incarceration followed by three years' supervised release. He also will be required to make either a \$5,000 community service payment to the Ocean Conservancy's "SEE Turtles" project, complete 350 hours of community service for an approved sea turtle conservation program or project, or participate in the production of a public service announcement encouraging the observance of laws that conserve sea turtles and prohibit the smuggling of their parts and products.

Cueva pleaded guilty in January of this year to a felony count of conspiracy to smuggle protected sea turtle and exotic skins and skin products into the United States and to launder funds in support of that smuggling.

Cueva and ten others were indicted in Denver in August 2007, following a multi-year U.S. Fish and Wildlife Service undercover investigation named "Operation Central." Cueva was charged with co-defendants Miguel Vazquez Pimentel, Martin Villegas Terrones, and Esteban Lopez Estrada, all Mexican nationals, in connection with the smuggling of sea turtle and other exotic leathers and exotic leather products into the United States from Mexico. Cueva, acting as a "mule" or middleman, received sea turtle and other exotic skins, boots, and other products from his co-defendants in Mexico, and brought these products into the United States in violation of U.S. and international law. In furtherance of the smuggling activities, Cueva also participated in the transfer of funds from the United States to Mexico.

There are seven known species of sea turtles. Five of the seven species are listed as "endangered" under the Endangered Species Act. Sea turtles often are killed illegally for their meat, skins, eggs and shell, all of which have commercial value. Cueva was involved in smuggling into the United States wildlife parts and products with a total fair market value of between \$200,000 and \$400,000.

This case was investigated by the United States Fish and Wildlife Service and the result of a joint operation among the Department of Justice; the United States Fish and Wildlife Service, Branch of Special Operations; and Mexican law enforcement authorities.

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**United States v. Nicholas Miritello, No. 7:07-CR-00603 (S.D.N.Y.), AUSA Anne Ryan**

On June 12, 2008, Nicholas Miritello, an employee of the New York City Department of Environmental Protection ("NYDEP") was sentenced to serve two years' probation. A fine was not assessed.

Miritello pleaded guilty in January of this year to a felony false statement violation, after being charged with four false statement violations for making false entries in NYDEP records relating to the turbidity levels of drinking water.

NYDEP is required to monitor water for turbidity at four-hour intervals every day at the facility known as the Catskill Lower Effluent Chamber. The defendant was charged with making false entries in the log book, which supposedly reflect numerical results derived by the various tests he was required to run, when in fact he had not performed all of the required steps on four separate occasions in 2005.

Although turbidity itself causes no ill health effects, it can interfere with disinfection and provide a medium for microbial growth. Turbidity further may indicate the presence of disease-causing organisms, including bacteria, viruses, and parasites.

This case was investigated by the United States Environmental Protection Agency Criminal Investigation Division, the New York City Department of Investigation, and the Federal Bureau of Investigation.

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**United States v. James Epting et al., No. 3:07-CR-00112 (N.D. Tex.), AUSA Marcus Busch**

On June 11, 2008, James Epting is the final defendant to be sentenced in this case involving the illegal storage, transportation and disposal of hazardous paint waste at an unpermitted facility. Epting, an employee of The Store Decor Company, Inc.-Retailgraphics Inc. ("Store Decor") will complete a three-year term of probation and pay \$3,412 in restitution to the Texas Commission on Environmental Quality ("TCEQ").

On June 4, 2008, Store Decor and company president Robert Potts were sentenced. The company will pay a \$50,000 fine, pay \$50,000 in restitution to the Kaufmann County Sheriff's Office Federal Seizure Fund and complete a two-year term of probation. Potts will pay a \$25,000 fine, \$3,412 in restitution to the TCEQ and complete a one-year term of probation.,

Store Decor, Potts, Epting and plant manager Willie Thames were variously charged in June 2007 with conspiracy to violate RCRA, plus three substantive RCRA violations.

The Store Decor is a retail graphics business that used paint, solvents, and inks and did not have a permit to store the resultant hazardous waste. The indictment states that, from January 2002 until early May 2004, the defendants conspired to illegally store, transport, and dispose of this paint waste. Store Decor, Potts, and Thames were further charged with transporting seven 55-gallon drums of hazardous waste paint without a manifest in May 2004, and then disposing of these drums at an unpermitted facility.

In February 2008 the company pleaded guilty to a RCRA violation and the three individuals each pleaded guilty to one CWA misdemeanor violation. Thames was sentenced May 21, 2008, to pay a \$25,000 fine, \$3,412 restitution to the TCEQ, and will complete a one-year term of probation.

This case was investigated by the United States Environmental Protection Agency Criminal Investigation Division with assistance from the Kaufman County Sheriff's Office.

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**United States v. Union Pacific Railroad Company, No. 2:06-CR-00607 (C.D. Calif.), AUSA Dorothy Kim**

On June 9, 2008, Union Pacific Railroad Company ("UPRC") was sentenced to pay a \$200,000 fine and will make a \$200,000 community service payment to the United States Fish and Wildlife Foundation. The company will further complete a three-year term of probation with a special condition to pay full restitution to the California Department of Fish and Game, the United States Coast Guard, and the Los Angeles County Fire Department, Health Hazardous Materials Division for cleanup costs.

UPRC pleaded guilty in April of this year to two misdemeanor Clean Water Act violations for negligently discharging pollutants, specifically petroleum and oil-contaminated wastewater, into the Los Angeles River from January 2001 through March 2003.

The company engaged in locomotive maintenance and repair operations at the Taylor Yard ("the Yard"), which is located on the eastern banks of the Los Angeles River. The Yard also is adjacent to an area designated as a bird sanctuary. Operations at the Yard generated large amounts of pollutants, including waste petroleum and oils, waste lubrication and hydraulic oils, used antifreeze, and petroleum and oil-contaminated wastewater. These pollutants were discharged via piping systems into wastewater ponds located on the Yard.

During rain events in January and August 2001, a combined total of approximately 350 gallons of wastewater was discharged from the ponds into the River due to the company's failure to properly maintain its treatment system.

This case was investigated by the California Department of Fish and Game, the Los Angeles County Fire Department, Hazardous Materials Division, and the Federal Bureau of Investigation.

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**United States v. Spencer Environmental Inc. et al., No. 3:07-00381 (D. Ore.), ECS Trial Attorney Ron Sutcliffe and AUSA Dwight Holton**

On June 5, 2008, Donald Spencer was sentenced to serve six months' incarceration followed by one year of supervised release. A fine was not imposed. His company, Spencer Environmental Inc. ("SEI"), was sentenced to pay \$150,000, half of which will be paid as a fine, and the other half will be paid to the National Fish and Wildlife Fund to promote resource conservation and rehabilitation in Oregon.

SEI and company president Donald Spencer pleaded guilty last year to RCRA charges stemming from mishandling waste at a recycling and wastewater treatment plant they operated. Specifically, SEI pleaded guilty to a RCRA violation for accepting



Waste oil

corrosive and ignitable hazardous wastes without a permit between 2001 and 2003. The company also pleaded guilty to mishandling waste oil in violation of RCRA. Donald Spencer pleaded guilty to a single count of mishandling waste oil stemming from repeatedly overfilling a waste pit used for oily wastes and then failing to properly clean up the resultant spills between 1999 and 2003.

SEI received a variety of waste streams for recycling, including used oil, which was the bulk of its business. It also received wastewater from a leaking underground gasoline storage tank remediation site, which was tested to be ignitable. The company also discharged molybdenum, zinc, and grease to Portland's POTW in excess of its permit limitations.

The case arose from an investigation into a fire at SEI's former facility. Following the sale of SEI's facility, a fire broke out when a welding spark touched off used oil residue in a pit and quickly spread to other oil-soaked parts of the facility, largely destroying the facility and leading to the contamination of Johnson Creek, a tributary of the Willamette River known to contain threatened salmonids.

This case was investigated by the United States Environmental Protection Agency Criminal Investigation Division.

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**United States v. George A. Townsend III, No. 1:08-CR-20056 (S.D. Fla.) AUSA Tom Watts-FitzGerald** [REDACTED]

On June 2, 2008, George A. Townsend III was sentenced to pay a \$3,000 fine which will be paid into the Magnuson-Stevens Fisheries Fund and will complete a two-year term of probation.

Townsend pleaded guilty in March of this year to a Lacey Act violation for the illegal importation of more than 11,000 pounds of yellowfin tuna from Trinidad and Tobago into Miami, Florida. The defendant owned and operated the Canadian-registered commercial longline fishing vessel, the *UNDA*, through a Bahamian-registered company and a business he incorporated in Canada. He did not hold a license to fish or transship fish on the high seas.

On June 7, 2005, Townsend caused approximately 11,063 pounds of yellowfin tuna to be shipped in foreign commerce from Trinidad and Tobago to a seafood dealer in Miami. As part of the plea agreement, Townsend also will forfeit the fish.

This case was investigated by the National Oceanic and Atmospheric Administration Office of Law Enforcement.

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**United States v. Jorge Caraveo et al., No.1:07-CR-00358 and 00359 (D. Colo.), ECS Senior Trial Attorney Robert Anderson ( [REDACTED] ECS Trial Attorney Colin Black [REDACTED] and AUSA Linda McMahan [REDACTED].**

On May 30, 2008, Jorge Caraveo was sentenced to serve 18 months' incarceration followed by three years' supervised release. A fine was not assessed. Caraveo pleaded guilty in January of this year to three felony smuggling violations in connection with the smuggling of sea turtle and other exotic skins and skin products into the United States from Mexico.

Caraveo received sea turtle and other exotic skins, boots, and other products from his co-defendants in Juarez, Mexico, and brought these and other products into the United States in violation of U.S. and international law. Co-defendant Carlos Leal Barragan admitted to buying sea turtle skins in Mexico and then selling them to customers in Mexico and undercover agents in the United States. He then sent the skins to Caraveo for smuggling across the border into the United States. It is estimated

that Caraveo smuggled wildlife parts and products into the United States with a total fair market value of between \$200,000 and \$400,000.

Caraveo, Leal Barragan and nine others were charged in Denver in August 2007, following a multi-year United States Fish and Wildlife undercover investigation.

This case was investigated by the United States Fish and Wildlife Service.

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issues?

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