
ENVIRONMENTAL CRIMES SECTION



MONTHLY BULLETIN

August 2012

EDITOR'S NOTE:


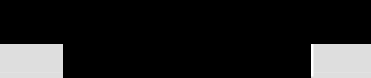
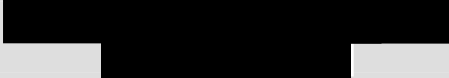
If you have other significant updates and/or interesting photographs from a case, please email them to Elizabeth Janes: [REDACTED]. If you have information concerning state or local cases, please send it directly to the National Environmental Enforcement Associations' website: www.regionalassociations.org.



**Bow and arrow used to kill endangered Florida Panther.
See [U.S. v. Benfield](#), below, for more details.**

AT A GLANCE:

DISTRICT	CASES	CASE TYPE/ STATUTES
S.D. Ala.	<u>United States v. Giuseppe Bottiglieri Shipping Company S.P.A., et al.</u>	<i>Vessel/ APPS</i>
S.D. Calif.	<u>United States v. Asgard Associates, LLC</u>	<i>Laboratory/ RCRA</i>
M.D. Fla.	<u>United States v. Todd Alan Benfield</u> <u>United States v. Harris David Spicer</u>	<i>Panther Hunt/ ESA</i> <i>Field Baiting/ MBTA</i>
C. D. Ill.	<u>United States v. Duane O'Malley et al.</u>	<i>Asbestos Abatement/ CAA</i>
E.D. La.	<u>United States v. CTCO Shipyard of Louisiana, LLC</u> [REDACTED]	<i>Barge Repair Facility/ CWA</i> [REDACTED]
D. Md.	<u>United States v. Rodney R. Hailey</u>	<i>Fuel Production Fraud/ CAA, Money Laundering, Wire Fraud</i>
[REDACTED]	[REDACTED]	[REDACTED]
E.D. Mo.	<u>United States v. Michael Terry et al.</u>	<i>Emissions Testing/ Mail Fraud</i>
D. Mont.	<u>United States v. William E. Hugs, Sr., et al.</u>	<i>Eagle Feather Sales/ MBTA, BGEPA, Conspiracy</i>
D.N.J.	<u>United States v. Thomas Reeves et al.</u>	<i>Oyster Harvesting/ Lacey Act, Obstruction, Conspiracy</i>

DISTRICT	CASES	CASE TYPE/ STATUTES
S.D. Ohio	<u>United States v. Ohio Valley Coal Company</u> <u>United States v. Steve T. Kinder et al.</u> <u>United States v. Allan Wright</u>	<i>Slurry Spills/ CWA misdemeanor</i> <i>Paddlefish Harvesting/ Lacey Act</i> <i>Deer Hunt/ Lacey Act</i>
D. S. D.	<u>United States v. William E. Hugs, Sr., et al.</u>	<i>Eagle Feather Sales/ MBTA, BGEPA, Conspiracy</i>
E.D. Tex.	<u>United States v. Port Arthur Chemical Environmental Services LLC</u> <u>United States v. Raymond Favero</u>	<i>Waste Transporter/ OSHA, HMTL, RCRA, False Statement, DOT, Conspiracy</i> <i>Deer Breeder/ Lacey Act</i>
E.D. Va.	<u>United States v. Steven E. Avery et al.</u>	<i>Ship Scrapping/ CWA, Refuse Act</i>
E.D. Wash.	<u>United States v. Tom David White et al.</u>	<i>Wolf Hunt/ Lacey Act, ESA, Conspiracy</i>
W.D. Wash.	<u>United States v. Bret A. Simpson</u>	<i>Ship Scrapping/ CWA</i>
		

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Trials

United States v. Thomas Reeves, et al., No. 1:11-CR-00520 (D.N.J.), ECS Senior Trial Attorney Wayne Hettenbach, ECS Trial Attorney Patrick Duggan, AUSA Matt Smith, and former ECS Paralegal Kathryn Loomis.



Harvested oysters

On July 20, 2012, after a seven-week trial, multiple defendants were convicted on various felony counts of creating false records, trafficking in illegally possessed oysters, obstructing the Food and Drug Administration’s regulation of public health and safety, and conspiring to commit those crimes. Thomas Reeves, Todd Reeves, Renee Reeves, Mark Bryan, Kenneth Bailey, Harbor House, Inc., and Shellrock, LLC, were variously convicted of the Lacey Act, obstruction, and conspiracy violations charged in a 15-count indictment (18 U.S.C. §§ 371, 1505, 1519; 16 U.S.C. §§ 3372, 3373).

From 2004 through 2007, the Reeves and their company, Shellrock, over-harvested oysters from the Delaware Bay in New Jersey and then sold them to Bryan at Harbor House in Delaware. The defendants also conspired to falsify records to conceal their illegal activities. Some of the records they falsified were federally-required shellfish sanitation records that are vital for protecting the U.S. food supply and public health. The fair-market retail value of the oyster over-harvest was in excess of \$600,000. Bailey also over-harvested oysters in the same manner and falsified similar documents, involving an over-harvest of oysters of approximately \$160,000.

Todd Reeves, Thomas Reeves, and Shellrock were convicted on all seven counts charged; Kenneth Bailey and Mark Bryan were found guilty of all five counts charged; Harbor House was

convicted of five of the six counts charged; and Renee Reeves was convicted on one of the three counts charged.

The indictment identified ten vessels that were used by the Reeves and/or Bailey to engage in the illegal harvest, and therefore are potentially subject to forfeiture. To ensure that the vessels are available for forfeiture and in the same condition, five of them (the *Janet R*, the *Amanda Lournen*, the *Miss Lill*, the *Crab Daddy* and the *Conch Emperor*) were seized by U.S. Marshals. The other five vessels (the *Martha Meerwald*, the *Louise Ockers*, the *Linda W*, the *Turkey Jack* and the *Beverly Ray Bailey*) are subject to a restraining order that prohibits their use or operation pending the outcome of the case. A forfeiture hearing is scheduled for September 13, 2012.

This case was investigated by the National Oceanic and Atmospheric Administration Office of Law Enforcement, and the New Jersey Department of Environmental Protection Division of Fish and Wildlife.

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United States v. Rodney R. Hailey, No. 1:11-CR-00540 (D. Md.), AUSA Stefan Cassella and RCEC David Lastra.

On June 26, 2012, a jury convicted Rodney R. Hailey of all 45 counts charged, including money laundering, wire fraud, and violations of the Clean Air Act (18 U.S.C. §§ 1343, 1957; 42 U.S.C. § 7413(c)(2)(A)) stemming from the fabrication of documentation related to the production of bio-diesel fuel.

In March, 2009, Hailey registered his business, Clean Green Fuel (CGF), with the EPA as a producer of bio-diesel fuel, claiming that CGF would produce bio-diesel fuel in a production facility located in Maryland. The registration was part of EPA's Renewable Fuel Standards regulations mandated by the Energy Policy Act of 2005. This Act amended the Clean Air Act to require EPA to promulgate regulations to increase the amount of renewable fuels used in motor vehicles in the United States.

The Energy Policy Act required oil companies that market petroleum products in the United States to either (1) produce a given quantity of renewable fuel themselves or (2) purchase credits called renewable identification numbers (RINs) from producers of renewable fuels to satisfy their renewable fuel quota requirements. Pursuant to the RIN credit program, when a producer of renewable fuel produces a given quantity of product, it can generate a RIN (a unique 38-digit number that identifies the production of a specific quantity of renewable fuel by a specific producer). When the producer distributes the renewable fuel the producer is entitled to sell the RIN to a broker or a major oil company, which could then use the RIN to satisfy its EPA obligation.

Hailey, claiming to be a bio-diesel fuel producer, only generated false RINs on his computer and marketed them to brokers and oil companies. He sold more than 32 million RINs to a variety of companies for approximately \$9 million. The RINs that Hailey sold to the brokers were resold as often as two or three times at increased prices.

When investigators attempted to inspect his facility they were directed to an empty warehouse containing no biodiesel production equipment. The defendant further claimed that he had sold all of his biodiesel equipment but was unable to identify the equipment buyer or produce any records of the sale. The government is seeking forfeiture of the property, automobiles, jewelry, and bank accounts that the defendant acquired as a result of this scheme. Sentencing is scheduled for October 11, 2012.

This case was investigated by the United States Environmental Protection Agency Criminal Investigation Division, the USEPA Office of the Inspector General, the Internal Revenue Service Criminal Investigation Division, the United States Postal Inspection Service, and the United States Marshalls Service.

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Informations/Indictments

United States v. Port Arthur Chemical Environmental Services LLC, No. 1:12-CR-00042(E.D. Tex.), ECS Senior Counsel Rocky Piaggione, AUSA Joseph Batte, and ECS Paralegal Ben Laste.

On July 18, 2012, a 13-count superseding indictment was filed charging Port Arthur Chemical and Environmental Services LLC (PACES) and its president Matthew Bowman. The indictment charges the defendants with two counts of violating OSHA standards that caused the deaths of two employees; conspiracy to violate Department of Transportation (DOT) regulations; four counts of transportation of hazardous materials without placards; one count of treatment of hazardous waste without a permit; and five counts related to false transportation documents (18 U.S.C. §§ 371, 1001; 29 U.S.C. § 666; 42 U.S.C. § 4928; 49 U.S.C. §§ 5104 and 5124).

The company recovered hydrogen sulfide from spent caustics to create a product used by paper mills called NaSH. The production and resulting waste in this process caused the release of highly toxic hydrogen sulfide gas. The defendants are charged with failing to safeguard their employees from exposure to this gas, resulting in the deaths of two truck drivers in separate incidents. They also are alleged to have failed to properly placard and identify hydrogen sulfide wastes in transportation documents as required by the DOT. Additional charges accuse the defendants of falsifying transportation documents and improperly labeling trucks carrying other hazardous materials which were either flammable, corrosive, or high in phenols and formaldehyde. The defendants are further accused of redirecting trucks carrying ignitable hazardous waste to PACES, which did not have a RCRA permit to treat it.

This case was investigated by the United States Environmental Criminal Investigation Division, United States Department of Transportation, the Texas Commission on Environmental Quality, the Houston Police Department, the United States Department of Labor, and the United States Coast Guard.

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Plea Agreements

United States v. Asgard Associates, LLC, No. 12-CR-02905 (S.D. Calif.), AUSA Melanie Pierson.

On July 18, 2012, Asgard Associates, LLC, pleaded guilty to a RCRA storage violation (42 U.S.C. § 6928(d)(2)(A)) for illegally storing chemicals and biological agents that are known to be a potential threat to public health and safety.

Between January 2010 and March 2010, Asgard Associates was aware that a variety of chemicals were being improperly stored at its Roselle Street laboratory. Despite knowing the hazardous nature of these chemicals, the company refused to provide funds for their proper disposal. From May 2010 through June 2010, the San Diego County Department of Environmental Health Services inspected and sampled the chemicals, and in August 2010, the U.S. EPA conducted a cleanup removing more than 2,500 vials and containers from the premises.

Among the chemicals removed were Diethyl Ether, sodium chlorate, potassium borohydride, calcium hydride, potassium chlorate, and perchloric acid. The chemicals had to be detonated by the EPA and the San Diego Fire Department Bomb Squad as they were too unstable for safe transport. Sentencing is scheduled for September 17, 2012.

This case was investigated by the United States Environmental Protection Agency Criminal Investigations Division, the Federal Bureau of Investigation, and the San Diego County Department of Environmental Services Hazardous Materials Management Division.

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United States v. Bret A. Simpson, No. 3:11-CR-05472 (W.D. Wash.), AUSA James Oesterle and SAUSA USCG Lt. Cdr. Marianne Gelakoska.



M/V Davy Crockett



Chemicals removed from lab

On July 12, 2012, Bret A. Simpson, the owner of Principle Metals, LLC, pleaded guilty to two violations of the Clean Water Act (33 U.S.C. §§1321(b)(3), 1319(c)(2)(A), 1321(b)(5)) for unlawfully discharging oil into the Columbia River, and for failing to report those discharges.

Simpson knew when he purchased the *M/V Davy Crockett*, a former Navy vessel, in June 2010, that the vessel contained several thousand gallons of fuel oil and diesel fuel. When the scrapping operation began in October 2010, no

arrangements were made to remove these tanks from the ship. By December, the crew had cut into a structural beam and the ship began to break apart and leak oil where it was moored on the Columbia River. The scrapping operation was briefly halted, but authorities were not notified of the spill. By January 2011, additional oil leaked into the river and the Coast Guard responded with an administrative order. Simpson satisfied the requirements of the order; however, additional oil was released from the vessel, initiating a state and federal clean up response. Sentencing is scheduled for October 12, 2012.

This case was investigated by the United States Environmental Protection Agency Criminal Investigation Division, the United States Coast Guard, the United States Coast Guard Investigative Service, the Washington State Department of Ecology, and the Oregon Department of Environmental Quality.

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United States v. Raymond Favero, No. 6:12-CR-00052 (E.D. Tex.), AUSA Jim Noble.

On July 11, 2012, Raymond Favero pleaded guilty to two Lacey Act violations (16 U.S.C. §§ 3372(a)(2)(A) and 3373(d)(2)).

Favero was in the business of collecting semen from whitetail bucks and then inseminating the deer as a service for whitetail deer breeders. In February 2007, the defendant unlawfully acquired approximately 184 straws of whitetail deer semen valued at approximately \$92,000, which he took from a buck that had been transported illegally from an out-of-state source. In January 2008, he unlawfully acquired another 110 straws valued at approximately \$55,000 that had been taken from an illegally transported buck.

This case was investigated by the Texas Parks and Wildlife Department, and the United States Fish and Wildlife Service.

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United States v. Giuseppe Bottiglieri Shipping Company S.P.A., et al., No. 1:12-CR-00057 (S.D. Ala.), ECS Trial Attorneys Todd Mikolop and Gary Donner, and Paralegal Jessica Egler.

On July 11 and 12, 2012, Giuseppe Bottiglieri Shipping Company S.P.A. and chief engineer Vito La Forgia pleaded guilty to an APPS violation (33 § U.S.C. 1908(a)). The Italian-based owner and operator of the *M/V Bottiglieri Challenger* and the engineer had been charged in a four-count indictment with APPS, conspiracy, and obstruction of justice violations.

During an inspection of the ship at the port of Mobile in January 2012, Coast Guard inspectors found evidence of false entries made in the oil record book, along with evidence that overboard discharges of oily waste had been made via a bypass pipe that had been removed prior to the ship's arrival at port.

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

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United States v. Ohio Valley Coal Company, No. 2:12-CR-00137 (S.D. Ohio), AUSA Mike Marous and RCEC Dave Mucha.

On July 5, 2012, Ohio Valley Coal Company (OVCC) pleaded guilty to two negligent Clean Water Act violations (33 U.S.C. §§ 1311(a), 1319(c)(1)(A)) stemming from two coal slurry spills that blackened a local stream in 2008 and 2010. The company admitted to violating its NPDES permit and to bypassing its surface impoundment treatment works.



Oil spill from creek bank into water

In 2008, slurry pumped from a company settling pond polluted the Captina Creek for 22 miles to the Ohio River. The 2010 spill was caused by a ruptured slurry pipeline. There have been at least nine OVCC coal slurry spills in Captina Creek dating back to 1999. Officials

consider Captina a high-quality stream, in part because it is the last known breeding ground in Ohio for the Eastern hellbender salamander, a state endangered species.

The company has already spent \$6 million on the construction of a new pipeline, which is double-walled to help prevent future spills. Employees Donald Meadows and David Bartsch were previously prosecuted for their roles in the 2008 incident.

These cases were investigated by the United States Environmental Protection Agency Criminal Investigative Division, the Ohio Environmental Protection Agency, and the Ohio Bureau of Criminal Identification and Investigation.

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United States v. Michael Terry, et al., No. 4:12-CR-00082 (E.D. Mo.) AUSAs Dianna Collins and Michael Reap.

On June 27, 2012, Michael Terry pleaded guilty to a mail fraud violation relating to the registration of vehicles using fictitious emission certificates, sales tax documents, and insurance cards. Co-defendant Sedrix Blumingburg previously pleaded guilty to a similar charge (18 U.S.C. §1341).

Terry and Blumingburg were employees of Sure Start Battery & Tire Company, a vehicle repair shop that also offered safety and auto emissions testing. In December 2010, the defendants conducted false safety and auto emissions tests and provided erroneous safety documentation to the vehicle owners for a fee, bypassing Missouri state laws and federal EPA regulations.

In September and October 2011, they also falsified other documents including titles, bills of sale, and insurance documents, for which they received additional compensation from vehicle owners.

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

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Sentencings

United States v. Duane O'Malley et al., No. 2:10-CR-20042 (C.D. Ill.), AUSA Eugene Miller and RCEC James Cha.



Asbestos-laden pipe

On July 26, 2012, Duane O'Malley was sentenced to serve 120 months' incarceration, followed by a three-year term of supervised release. O'Malley also was ordered to pay a \$15,000 fine and \$47,086 in restitution to the U.S. Environmental Protection Agency related to the clean-up of illegally disposed asbestos. Due to his prior conviction for a "Solicitation of Murder for Hire" charge in the State of Illinois, O'Malley was sentenced using Criminal History Category II.

O'Malley was previously convicted by a jury on all five Clean Air Act counts (42 U.S.C. § 7413(c)(1)) stemming from his involvement in an illegal asbestos abatement of a five-story building.

Co-defendant James Mikrut pleaded guilty to five CAA violations and Michael Pinski pleaded guilty to one CAA violation. They are scheduled to be sentenced on August 16, 2102.

In August 2009, Pinski hired O'Malley, owner and operator of Origin Fire Protection, to remove asbestos-containing insulation from pipes in the building. Neither O'Malley nor his company was trained to perform asbestos removal work. O'Malley agreed to remove the asbestos insulation for a substantially reduced cost than what a trained asbestos abatement contractor would have charged. O'Malley arranged for Mikrut to recruit five individuals to remove the asbestos insulation from the pipes inside the building during a five-day period in August 2009. The asbestos insulation was placed in approximately 100 unlabeled plastic garbage bags that later were emptied onto an open field in a residential area resulting in asbestos contamination of the soil.

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

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United States v. Todd Alan Benfield, No. 1:12-CR-00060 (M.D. Fla.), AUSA Jeffrey Michelland.

On July 26, 2012, Todd Alan Benfield was sentenced to serve 60 days' home confinement, followed by 30 days of intermittent incarceration. Benfield also will complete a three-year term of probation, pay a \$5,000 fine, and make a \$5,000 community service payment to the National Fish and Wildlife Foundation. He will perform 200 hours of community service, issue a public apology in the *Naples Daily News*, complete a hunter safety course, and is banned from hunting during the term of probation. Lastly, the court ordered Benfield to forfeit the compound bow, arrows, ladder tree stand, and accessories he used to shoot a Florida Panther.



Florida Panther

On May 18, 2012, Benfeld pleaded guilty to a violation of the Endangered Species Act (16 U.S.C. § 1538). In October 2009, while bow hunting for deer, Benfield knowingly shot and killed a Florida Panther, in violation of the Act. The following day, the defendant and another person moved the panther in order to conceal it. Local inspectors found the animal, and subsequent forensic analysis confirmed that the carcass was that of an endangered Florida Panther.

This case was investigated by the Joint Wildlife Crime Scene Response Team, which includes the United States Fish and Wildlife Service, the Florida Fish and Wildlife Conservation Commission, the Collier County Sheriff's Office, and the Florida Department of Law Enforcement.

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United States v. Steve T. Kinder, et al., No. 1:11-CR-00035 (S.D. Ohio), ECS Trial Attorney Jim Nelson, AUSA Laura Clemmens, and former ECS Paralegal Rachel Van Wert.

On July 17, 2012, Steve T. Kinder, Cornelia J. Kinder, Kinder Caviar, Inc., and Black Star Caviar Company were sentenced to complete three-year terms of probation. The individuals will both perform 100 hours of community service and are subject to various fishing restrictions. Kinder Caviar will pay a \$5,000 fine, which is directed to the Lacey Act Reward Account. The court found Black Star Caviar to be defunct, so no fine was assessed. A truck and boat will be forfeited.

The defendants previously pleaded guilty to trafficking in and falsely labeling illegally harvested paddlefish. They also variously admitted to making false statements on required paperwork in 2007 and to illegally harvesting paddlefish in 2010 (16 U.S.C. §§ 3372(a)(2)(A), 3372(d)(1) and 3373(d)(3)(A)).

Paddlefish eggs, which are marketed as caviar, are protected by both federal and Ohio law. It is illegal to harvest paddlefish in Ohio waters, but they can be harvested legally in Kentucky waters. Kinder and his wife owned and operated Kinder Caviar, Inc. At some point in April 2010, the Kinders formed the Black Star Caviar Company after they became aware of the investigation against them. They then ceased to do business through Kinder Caviar. Steve Kinder illegally harvested paddlefish from Ohio waters and falsely reported to the Kentucky Department of Fish and Wildlife Resources that he caught the fish in Kentucky. Cornelia Kinder provided false information about the

paddlefish eggs to federal agents (including the amount of eggs to be exported, the names of the fishermen who harvested the paddlefish, and the location where the paddlefish were harvested) in order to obtain permits to export the eggs to foreign customers. These violations occurred between March 2006 and December 2010.

This case was investigated by the United States Fish and Wildlife Service Office of Law Enforcement, the Ohio Department of Natural Resources Division of Wildlife, and the Kentucky Department of Fish and Wildlife Resources.

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United States v. Allan Wright, No. 1:11-CR-00103 (S.D. Ohio), ECS Trial Attorney Jim Nelson and former ECS Paralegal Rachel Van Wert.

On July 17, 2012, Allan Wright was sentenced to complete a five-year term of probation with the first three months to be spent in home confinement. Wright also was sentenced to pay a \$1,000 fine, and is barred from any hunting or fishing during the probationary term.

Wright previously pleaded guilty to four Lacey Act violations (16 U.S.C. §§ 3372(a)(2)(A), 3373(d)(2)) for trafficking in illegally harvested white-tailed deer and for making false records while employed as a wildlife officer for the Ohio Department of Natural Resources Division of Wildlife.

The defendant knowingly sold an Ohio resident hunting license to a South Carolina resident who then illegally shot three deer during the 2006 white-tailed deer season. Using his authority as a wildlife officer, Wright seized white-tailed deer antlers from a hunter who had killed a deer illegally during the 2009 season. Rather than dispose of the antlers through court proceedings, Wright arranged for their transport to another individual in Michigan.

This case was investigated by the United States Fish and Wildlife Service Office of Law Enforcement.

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United States v. Steven E. Avery et al., No. 2:11-CR-00190 (E.D. Va.), AUSAs Joseph Kosky and Melissa O'Boyle.

On July 12, 2012, Steven E. Avery was sentenced to serve 12 months' incarceration, followed by one year of supervised release. Billy J. Avery was sentenced to serve nine months' home confinement as a condition of a five-year term of probation. Both will pay \$25,000 fines and are held jointly and severally liable (along with Sea Solutions, Inc.) for paying \$66,402 in restitution to the Coast Guard. The company also will complete a one-year term of probation.

In February 2010, Sea Solutions, a Chesapeake-based ship-scraping company, purchased the *M/V Snow Bird* for the purpose of scrapping the vessel knowing that it contained petroleum products and other pollutants. Despite this knowledge, the defendants began scrapping operations with the pollutants onboard. In October 2010, they caused a major spill of oil, oily water, and other pollutants into the Elizabeth River. During the ensuing cleanup, several thousand gallons of oily waste was removed from the river and the shoreline by the Coast Guard.

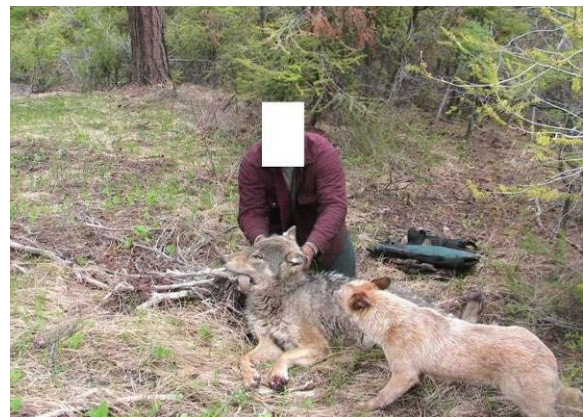
The company pleaded guilty to a felony Clean Water Act violation (33 U.S.C. §§ 1311(a), 1319(c)(2)(A)) and the individuals pleaded guilty to a Refuse Act violation (33 U.S.C. § 407).

This case was investigated by the United States Environmental Protection Agency Criminal Investigation Division, the United States Coast Guard Investigative Service, the Virginia Department of Environmental Quality, and the Chesapeake Fire Marshal's Office.

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United States v. Tom David White et al., No. 2:11-CR-00094 (E.D. Wash.), AUSA Timothy Ohms.

On July 11, 2012, Tom David White and his wife, Erin Jill White, were sentenced after previously pleading guilty to Endangered Species Act and conspiracy violations (16 U.S.C. § 1538(a)(1)(B), 18 U.S.C. §371) stemming from their attempt to ship a gray wolf pelt via FedEx in December 2008. Tom White will pay a \$10,000 fine and was held jointly and severally responsible for \$20,000 in restitution. He also will complete a three-year term of probation to include three months' home confinement. Erin White will pay a \$5,000 fine and complete a three-year term



Defendant with deceased wolf

of probation. They also will forfeit a variety of weapons and animal parts.

Authorities were contacted after a woman dropped off a package for shipment that was leaking blood and found to contain a fresh hide from a gray wolf. Investigation confirmed that Erin White had dropped off the package, and her husband subsequently admitted to agents that he had killed a gray wolf approximately one week prior to their attempting to ship the skin to Canada.

William White, Tom White's father, previously pleaded guilty to conspiracy to take an endangered species, conspiracy to export an endangered species, and to illegally importing wildlife that had been unlawfully taken in Canada (18 U.S.C. § 371; 16 U.S.C §§ 1538(a)(1)(B), 1538 (a)(1)(A), 3372(a)(2)(A)). He was sentenced to pay a \$15,000 fine and is held jointly and severally

liable for the \$20,000 in restitution. William White will complete a five-year term of probation to include six months' home confinement, and is subject to the same forfeiture provisions.

This case was investigated by the United States Fish and Wildlife Service, the Washington Department of Fish and Wildlife, the Washington Department of Agriculture, Immigrations and Customs Enforcement, and the United States Forest Service.

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United States v. Harris David Spicer, No. 8:11-CR-00527 (M.D. Fla.), AUSA Cherie Krigsman.

On June 28, 2012, Harris David Spicer was sentenced to pay a \$7,500 fine and will complete a two-year term of probation. Spicer was found guilty after a bench trial of a Migratory Bird Treaty Act (16 U.S.C. § 704) violation for unlawfully placing bait for the purpose of shooting migratory birds.

According to evidence presented at trial, sometime in September or early October 2009, Spicer placed sorghum (otherwise known as milo) seeds in the vicinity of a horse track located on his property. This type of seed is traditionally used as a lure for certain species of birds. In October 2009, Spicer hosted several hunters for a dove shoot around the horse track.

The defendant engaged in similar activity in October 2003 and had been advised at that time of the prohibitions against hunting doves over a baited field.

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

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United States v. CTCO Shipyard of Louisiana, LLC, No. 2:12-CR-00139 (E.D. La.), AUSA Dorothy Taylor.

On June 28, 2012, CTCO Shipyard of Louisiana, LLC, (CTCO Shipyard) was sentenced to pay a \$375,000 fine, and will make a \$150,000 community service payment to the Louisiana Department of Environmental Quality (LDEQ). The company also will complete a three-year term of probation.

CTCO Shipyard previously pleaded guilty to violating the Clean Water Act (33 U.S.C. § 1319(c)(2)(A)) for failing to properly sample discharges, as well as for failing to submit monthly reports to the LDEQ.

The defendant owned and operated a marine towing and barge repair facility. Under its permit, it was required to monitor its effluent discharges, take samples, and provide discharge monitoring reports to local regulators. Investigation confirmed that between June 2008 and January 2010, the company failed to do any of this and was responsible for the discharge of raw sewage into the facility's storm water system, which ultimately discharged into the Intracoastal Waterway Canal, a water of the United States.

This case was investigated by the Louisiana Department of Environmental Quality and the United States Environmental Protection Agency Criminal Investigation Division.

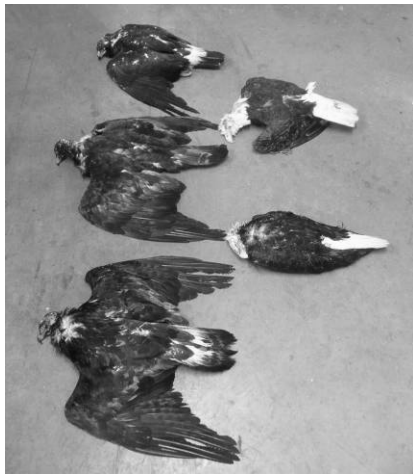
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United States v. William E. Hugs, Sr., et al., Nos. 1:11-CR-00054 - 00055, 00065; 3:11-CR-30016, 5:11-CR-50024-50026 (D. Mont., D.S.D.), AUSAs Mark Steger Smith, Kris McLean, Eric Kelderman, and Tim Maher.



Deceased eagles

On June 14, 2012, William Esley Hugs, Sr., was sentenced as one of the remaining defendants from Operation Rolling Thunder, a two year-plus United States Fish and Wildlife investigation that was focused on the illegal trafficking of protected migratory birds, primarily bald and golden eagles, in Montana and South Dakota. A total of 12 people have been charged and sentenced.

The investigation involved the development of an undercover business and multiple transactions with the defendants. In total, the covert business spent \$26,376 to purchase feathers, other bird parts (wings, claws), and whole birds, including approximately 80 eagles and 30 hawks.

Hugs, Sr., was sentenced to 18 months' incarceration, followed by three years' supervised release, after pleading guilty to a violation of the Bald and Golden Eagle Protection Act (BGEPA) (16 U.S.C. § 668).

His son, William Esley Hugs, Jr., was previously sentenced to time served (four months), followed by three years' supervised release after pleading guilty to conspiracy, two violations of the Migratory Bird Treaty Act (MBTA) (18 U.S.C. §371; 16 U.S.C. §§ 703, 707), and two BGEPA violations. Harvey Hugs was sentenced to serve six months' incarceration, followed by one year of supervised release, after pleading guilty to one violation of the BGEPA. Marc Little Light was sentenced to pay a \$2,000 fine and will complete a one-year term of probation after pleading guilty to one MBTA violation. Gilbert G. Walks, Jr., was sentenced to serve a two-year term of incarceration, followed by one year of supervised release, and will perform 100 hours of community service after pleading guilty to two MBTA violations and two BGEPA counts.

Ernie Stewart was charged and pleaded guilty in both South Dakota and Montana. He pleaded guilty to a single BGEPA charge in South Dakota and two BGEPA charges in Montana. He was sentenced to serve a year and a day of incarceration followed by one year of supervised release.

From the District of South Dakota, Tilden Reddest was sentenced to serve 52 consecutive weekends in jail as a condition of a five-year term of probation and will perform 400 hours of community service, after pleading guilty to two BGEPA violations. Stanley Littleboy was previously sentenced to serve five months' incarceration and five months' community confinement, followed by one year of supervised release, after pleading guilty to two violations of the BGEPA. Shane Red Hawk was sentenced to serve one month incarceration followed by five months' home confinement and one year of supervised release. He also was ordered to perform 100 hours of community service after

pleading guilty to two violations of the BGEPA. Noella Red Hawk was sentenced to serve six months' home confinement as a condition of a one-year term of probation and will perform 50 hours of community service after pleading guilty to one BGEPA violation.

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