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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA  
December 2012 Grand Jury

**'13CR1311CAB**

10	UNITED STATES OF AMERICA,	)	Case No.
		)	
11	Plaintiff,	)	<u>I N D I C T M E N T</u>
		)	
12	v.	)	Title 18, U.S.C., Sec. 371 -
		)	Conspiracy; Title 16, U.S.C.,
13	JASON JIN SHUN XIE (1),	)	Secs. 3372(a)(2)(A) and
14	ANTHONY SANCHEZ BUENO (2),	)	3373(d)(1) - Unlawful Importation
		)	of Wildlife; Title 18, U.S.C.,
15	Defendants.	)	Sec. 545 - Smuggling; Title 18,
		)	U.S.C., Sec. 2 - Aiding and
16		)	Abetting; Title 18, U.S.C.,
		)	Sec. 928(a)(2)(B), Title 16,
17		)	U.S.C., Sec. 3374(a), and Title 28
		)	U.S.C., Sec. 2461(c) - Forfeiture

The grand jury charges:

Introductory Allegations

20 1. The Endangered Species Act (16 U.S.C. 1538 et seq.) was  
21 enacted in 1973, and provides for the conservation of species that are  
22 in danger or threatened with extinction throughout all or a  
23 significant portion of their habitat. There are approximately 2,050  
24 total species listed under the Endangered Species Act.

25 2. Because many of the covered species are highly migratory,  
26 enforcement of the Endangered Species Act intersects with the  
27 implementation of the Convention on International Trade in Endangered  
28 Species of Wild Fauna and Flora ("CITES"), an international agreement

1 signed by 176 nations and implemented in 1975, which restricts the  
2 international trade and transportation of covered species. Both Mexico  
3 and the United States are signatories to CITES.

4 3. One species protected by the ESA and CITES is the *Totoaba*  
5 *macdonaldi*, also known as *Cynoscion macdonaldi*. This marine fish is  
6 the largest species within the *scaienidae* family. It can grow to more  
7 than 6 ½ feet in length, weigh up to 220 pounds, and can live up to  
8 25 years. They are endemic only to the Gulf of California, the narrow  
9 inlet between Baja California and the Mexico's mainland (also called  
10 the Sea of Cortez). This fish can be identified by its dusky silver  
11 color, elongated body, sharp snout, a projecting lower jaw, and a  
12 slightly convex tail. During the *Totoaba's* spawning season, which runs  
13 from approximately March to May each year, *Totoaba* travel to the  
14 shallower waters at the mouth of the Colorado River, making them  
15 vulnerable to commercial and sport fishermen.

16 4. The *Totoaba macdonaldi* was included in the most protected  
17 list of species covered by CITES (Appendix I) in 1976, and was listed  
18 as endangered under the Endangered Species Act in 1979. Mexico  
19 included it on its list of species "In Danger of Extinction" in 1994.

20 5. The *Totoaba macdonaldi's* large swim bladders are highly  
21 prized for use in Chinese soups. A single swim bladder can cost  
22 between \$1500-\$1800 in Mexico on the black market, and can be sold for  
23 many times that amount after illegal export.

24 Count 1

25 (Conspiracy)

26 6. The Introductory Allegations in paragraphs 1-5 are  
27 incorporated herein as if set forth in full.

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1 c. On or about March 30, 2013, in Calexico, California,  
2 defendant JASON JIN SHUN XIE accepted delivery of three coolers  
3 containing approximately 170 *Totoaba macdonaldi* swim bladders  
4 concealed under layers of ordinary fish fillets and placed them in the  
5 rear of his vehicle.

6 All in violation of Title 18, United States Code, Section 371.

7 Count 2

8 (Unlawful Importation of Wildlife)

9 11. The Introductory Allegations in paragraphs 1-5 are  
10 incorporated herein as if set forth in full.

11 12. On or about March 30, 2013, within the Southern District of  
12 California, defendants JASON JIN SHUN XIE and ANTHONY SANCHEZ BUENO  
13 did knowingly import, export, transport, sell, receive and acquire in  
14 interstate and foreign commerce, fish with a market value in excess  
15 of \$350.00, to wit: *Totoaba macdonaldi*, taken, possessed, transported  
16 and sold in violation of any foreign law, to wit: Mexican law  
17 implementing CITES, knowing that the fish were taken, possessed,  
18 transported and sold in violation of or in a manner unlawful under any  
19 underlying law, treaty or regulation, in violation of Title 16,  
20 United States Code, Sections 3372(a)(2)(A) and 3373(d)(1), and  
21 Title 18, United States Code, Section 2.

22 Count 3

23 (Smuggling)

24 13. The Introductory Allegations in paragraphs 1-5 are  
25 incorporated herein as if set forth in full.

26 14. On or about March 30, 2013, within the Southern District of  
27 California, defendants JASON JIN SHUN XIE and ANTHONY SANCHEZ BUENO  
28 did knowingly and willfully, with the intent to defraud the

1 United States, smuggle merchandise into the United States from Mexico,  
2 to wit: *Totoaba macdonaldi* swim bladders, which should have been  
3 invoiced, in violation of Title 18, United States Code,  
4 Sections 545 and 2.

5 Forfeiture Allegation

6 15. As a result of the commission of the felony offenses alleged  
7 in Counts 1 and 3, and pursuant to Title 18, United States Code,  
8 Section 982(a)(2)(B), defendants JASON JIN SHUN XIE and ANTHONY  
9 SANCHEZ BUENO shall, upon conviction, forfeit to the United States all  
10 rights, title and interest in any and all property constituting or  
11 derived from proceeds obtained directly or indirectly as the result  
12 of such violations, including, but not limited to: \$350,000 in  
13 United States currency.

14 16. As a result of the commission of the felony offense alleged  
15 in Count 2, and pursuant to Title 16, United States Code,  
16 Section 3374(a) and Title 28, United States Code, Section 2461(c),  
17 defendants JASON JIN SHUN XIE and ANTHONY SANCHEZ BUENO shall, upon  
18 conviction, forfeit to the United States all rights, title and  
19 interest in approximately 170 *Totoaba macdonaldi* swim bladders seized  
20 on March 30, 2013.

21 17. If any of the above-described forfeitable property, as a  
22 result of any act or commission of defendants JASON JIN SHUN XIE and  
23 ANTHONY SANCHEZ BUENO -

- 24 (1) cannot be located upon the exercise of due diligence;  
25 (2) has been transferred or sold to, or deposited with, a  
26 third person;  
27 (3) has been placed beyond the jurisdiction of the Court;  
28 (4) has been substantially diminished in value; or

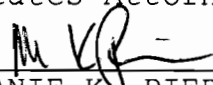
1 (5) has been commingled with other property which cannot  
2 be subdivided without difficulty;  
3 it is the intent of the United States, pursuant to Title 21,  
4 United States Code, Section 853(p), Title 18, United States Code,  
5 Section 982(b), and Title 28, United States Code, Section 2461(c) to  
6 seek forfeiture of any other property of the defendants up to the  
7 amounts alleged above as being subject to forfeiture.

8 DATED: April 10, 2013.

9 A TRUE BILL:

10   
11 \_\_\_\_\_  
12 Foreperson

12 LAURA E. DUFFY  
13 United States Attorney

13 By:   
14 \_\_\_\_\_  
15 MELANIE K. PIERSON  
16 Assistant U.S. Attorney  
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