

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

UNITED STATES OF AMERICA	*	CRIMINAL DOCKET NO. 18-130
	*	
v.	*	SECTION: "T"
	*	
ROBERT GLENN HENNESSEY	*	
	*	
	*	
	*	

FACTUAL BASIS

The defendant, **ROBERT GLENN HENNESSEY** ("HENNESSEY"), has agreed to plead guilty as charged to Count Four of the four-count indictment. Count Four charges **HENNESSEY** with violating the Lacey Act by purchasing and importing into New Jersey and exporting from Louisiana, common box turtles (*Terrapene Carolina*), from May 19, 2017, to on or about June 14, 2017, knowing that they were taken in violation of a state law, all in violation of Title 16, United States Code, Sections 3372(a)(2)(A), 3373(d)(1)(B) and Title 18, United States Code, Section 2.

Should this matter have gone to trial, the government would have proven, through the introduction of competent testimony and other admissible evidence, the following facts, beyond a reasonable doubt, to support the allegations in the indictment:

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Defendant BG/H
Defense Counsel BC

Special Agents of the United States Fish & Wildlife Service ("USFWS"), Homeland Security Investigations, and the United States Postal Inspection Service, would testify that they were conducting an investigation into the unlawful capture, possession, interstate sale, and export of various domestic turtle species. Specifically, testimony would prove that common box turtles fall under the "wildlife" section of the Lacey Act and are incorporated into Appendix II of CITES.¹ Evidence would be introduced to prove that states have their own laws and regulations that prohibit taking, possessing, transporting and selling wildlife without a valid license or permit, as well as the import/export of any endangered or threatened species of wildlife. Louisiana has a number of statutes that criminalize such actions.²

During the course of the investigation, testimony would show that agents developed evidence that a Louisiana resident, B.P., had committed various offenses related to the unlawful export of common box turtles. Following an interview with B.P., he agreed to cooperate with the respective agencies in the ongoing investigation of others involved in the capture, gathering, unlawful sale, and import/export of common box turtles (*Terrapene Carolina*).

B.P. would testify that he was familiar with at least two individuals who were gathering/capturing common box turtles, V.R. and H.S., as well as the defendant, HENNESSEY, who was a purchaser that exported the turtles from Louisiana. Testimony would also prove that

¹ Under the Lacey Act, it is unlawful to import, export, sell, acquire, or purchase fish, wildlife or plants that are taken, possessed, transported, or sold: 1) in violation of U.S. or Indian law, or 2) in interstate or foreign commerce involving any fish, wildlife, or plants taken possessed or sold in violation of State or foreign law. The law covers all fish and wildlife and their parts or products, plants protected by the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) and those protected by State law. Commercial guiding and outfitting are considered to be a sale under the provisions of the Act. CITES provides a mechanism for regulating international trade in species whose continued survival is considered threatened by trade. By agreement of the parties, species are listed on 3 "appendices," based on the level of protection necessary to protect the species. Species listed on Appendix II of CITES may become threatened with extinction unless trade is strictly regulated. Appendix II species are those for which trade is subject to strict regulation and is only authorized in particularized circumstances. Since February 16, 1995, the common box turtle (*Terrapene Carolina*) has been listed on Appendix II of CITES.


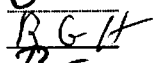
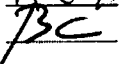
² No threatened native reptiles such as the common box turtle (*Terrapene Carolina*) shall be taken for commercial purposes, sold, traded or otherwise entered into commerce, without proper licensing. This applies to persons within the state of Louisiana and outside the state of Louisiana. For recreational purposes, no person may take more than two wild box turtles per day, or have in his or her possession more than four box turtles at any time. Louisiana Revised Statute, Title 56, Sections 632.1, 632.3, 632.4, 632.5, 632.5.1, 636, 637, 637.1, and 1904.

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 Defendant B.G.H.
 Defense Counsel J.B.C.

the defendant was aware that V.R. and H.S. were illegally capturing/gathering the turtles for B.P. to sell/export in interstate commerce from Louisiana to New Jersey.

B.P. would testify that he told the agents that he paid cash to V.R. and H.S. for them to capture/gather the common box turtles and that **HENNESSEY**, who resides in New Jersey, in turn paid him via United States Postal Service ("USPS") money orders for the turtles. Records would show that on or about May 19, 2017, **HENNESSEY** negotiated a \$500 purchase of common box turtles from B.P. via cell phone text messages. On or about May 24, 2017, B.P. received a USPS money order, serial number 19563227842, through the U.S. mail in the amount of \$300. On or about June 5, 2017, B.P. received a second USPS money order, serial number 19563242670, through the U.S. mail in the amount of \$200 (totaling \$500). Witnesses and records would prove that this satisfies the element of the offense requiring that the market value of the turtles exceed \$350.

USFWS agents would testify that on June 12, 2017, they met at the home of B.P., and collected the 25 common box turtles that **HENNESSEY** had ordered and that B.P. had recently purchased from V.R. and H.S. The turtles were then PIT (Passive Integrated Transponder) tagged, packaged and transported to the United States Postal Inspection Service (USPIS). The turtles were addressed to **HENNESSEY** and a Louisiana USWFS Special Agent then facilitated the shipping of the package from Louisiana to a USPIS Special Agent located in New Jersey. Testimony would show that on June 14, 2017, USPIS agents conducted a controlled delivery of the package of turtles to **HENNESSEY**, who signed for the package of turtles when they arrived. Records would show that **HENNESSEY** then confirmed via text message to B.P., that he had received the common box turtles. Evidence would further show that **HENNESSEY** knew that his conduct in purchasing and importing/exporting the unlawfully captured common box turtles in interstate commerce from

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Louisiana to New Jersey, was illegal.

On December 20, 2017, USFWS agents executed a search warrant on the defendant's house in New Jersey. Testimony would show that **HENNESSEY** admitted that he did not possess any permits for the turtles located on his property and that the agents located some of the PIT tagged turtles in his possession that he had purchased from B.P. Furthermore, agents would testify and evidence would prove that **HENNESSEY** admitted that he is a collector of turtles, not a seller, and that he had knowledge that state and federal laws prohibit the illegal capturing/gathering of common box turtles and their subsequent resale in interstate commerce.

Robert Glenn Hennessey 9-4-19
ROBERT GLENN HENNESSEY Date
Defendant

[Signature] 9.6.19
JON MAESTRI Date
Assistant United States Attorney

Brian Capelli 9-5-19
BRIAN CAPITELLI Date
Attorney for Defendant