



U.S. Department of Justice

United States Attorney
Southern District of Florida

99 NE 4th Street
Miami, Florida 33132
(305) 961-9001

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NEWS RELEASE:

HIALEAH SEAFOOD DEALERS CHARGED IN INTERNATIONAL SMUGGLING OPERATION

R. Alexander Acosta, United States Attorney for the Southern District of Florida, Eddie McKissick, Resident Agent in Charge, U.S. Fish & Wildlife Service, and H. Jeff Radonski, Assistant Special Agent in Charge, National Oceanic and Atmospheric Administration (NOAA), Office for Law Enforcement, announced that defendants **Janitse Martinez**, 33, and **Ramon Placeres**, 58, both of Miami, Florida, have been charged in a criminal Information in connection with a conspiracy to smuggle large quantities of queen conch taken from Caribbean waters to customers throughout Canada and the United States, in violation of the laws, treaties, and regulations of the United States, contrary to the Lacey Act, Title 16, United States Code, Sections 3372(a)(1) and 3373(d)(1)(A), all in violation of Title 18, United States Code, Section 371.

The charges in the Information carry possible sentences for each defendant of up to five years of imprisonment, three years of supervised release, and a criminal fine of the greater of \$250,000, or twice the intended gain from the relevant conduct.

According to the allegations in the Information and a sworn affidavit in support of a search warrant issued in this matter, from about May 2004 through November 2006, **Martinez** and **Placeres** were, respectively, the owners of Caribbean Conch, Inc., and Placeres & Sons Seafood, Inc., companies located in Hialeah, Florida, and engaged in the business of selling seafood products. According to the court documents, during the relevant period, the defendants caused the shipment of more than 113,000 pounds of queen conch from Haiti, Honduras, and Columbia to Canada without proper permits.

Queen conch (*Strombus gigas*) is a commercially valuable seafood product, which falls within the taxonomic phylum *Mollusca*. Queen conch is a protected species under the Endangered Species Act ("ESA"), 16 U.S.C. § 1533(c), and is a species listed for protection since 1992 in Appendix II of an international treaty known as the Convention on International Trade in Endangered Species of Wild Fauna and Flora ("CITES"). A purpose of CITES is to monitor and restrict trade in certain species of fish, wildlife, and plants to protect them from commercial exploitation that might diminish the ability of the species to survive in the wild. More than 170

countries cooperate in the enforcement of the provisions of CITES, including the United States and Canada, by implementing domestic laws to effectuate its underlying goals.

CITES classifies protected species in its Appendices. Appendix II includes all species “which although not necessarily now threatened with extinction may become so unless trade in specimens of such species is subject to strict regulation in order to avoid utilization incompatible with their survival.” Accordingly, the importation of queen conch, alive or dead, and its parts and derivatives, is subject to the requirements of CITES, the ESA, and the regulations thereto. To engage in trade in queen conch, all imports or exports must be accompanied by a CITES export certificate from the country of origin, or a re-export permit from a country of re-export.

In September 2003, an embargo was enacted by the CITES parties for queen conch and conch products that originated from many of the conch producing countries of the Caribbean in an effort to help stem the continued and significant declines in the species, due in large part to rampant illegal harvest of the conch. The embargo banned all imports of queen conch to any nation that was a signatory to CITES.

The defendants’ smuggling activities were detected in March 2006 when a shipment of 2,100 pounds of queen conch, falsely labeled as “Frozen Whelk meat, product of Canada” was intercepted by a Fish & Wildlife Service Inspector at the Peace River bridge in Buffalo, New York, consigned to Caribbean Conch, Inc., in Hialeah. The Fish & Wildlife Service’s National Forensic Laboratory in Ashland, Oregon conducted DNA analysis of the seafood product and confirmed it was queen conch, and not whelk as indicated on the shipping documents. Whelk is another species of marine mollusc, not indigenous to the Caribbean, sometimes used as a cheap substitute for queen conch. However, it is not as desirable in the seafood industry, is considerably cheaper, and is not subject to ESA or CITES protection.

Investigative efforts by Canadian and American enforcement authorities led to the simultaneous execution of search warrants in both countries and the seizure of more than 63,000 pounds of illegally traded queen conch.

Mr. Acosta commended the coordinated investigative efforts of the U. S. Fish & Wildlife Service, NOAA Office For Law Enforcement, and the Wildlife Officers of Environment Canada’s Wildlife Enforcement Branch, Wildlife Enforcement Division, in Halifax, Montreal, Toronto, and Vancouver which brought the investigation to a successful conclusion. This case is being prosecuted by Assistant United States Attorneys Thomas Watts-FitzGerald and Certified Legal Intern Leslie Armendariz.

A copy of this press release may be found on the website of the United States Attorney's Office for the Southern District of Florida at www.usdoj.gov/usao/fls. Related court documents and information may be found on the website of the District Court for the Southern District of Florida at www.flsd.uscourts.gov or on <http://pacer.flsd.uscourts.gov>. Related information regarding the investigation by Environment Canada may be found on www.ec.gc.ca