

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 11-20525-CR-LENARD

UNITED STATES OF AMERICA

vs.

ELIAS GARCIA GARCIA
and
MARIA ANGELA PLANCARTE,

_____ Defendants. _____ /

GOVERNMENT'S FACTUAL PROFFER

If this matter were to proceed to trial, the United States would prove the following facts through the introduction of the witnesses involved, electronic and physical documents, audio recordings and photographs of the sales activities referenced herein to prove beyond a reasonable doubt that defendants **ELIAS GARCIA GARCIA** and **MARIA ANGELA PLANCARTE** committed the following acts:

1. In early June 2008, information was received through the Florida Fish & Wildlife Conservation Commission that the defendants had provided two jaguar skins (*Panthera onca*) to a farm and nursery owner in southwest Miami-Dade. The source identified Elias Garcia as the source of the pelts, and further advised that he brought them in from Mexico and was asking \$1,200 each for the skins. Garcia and Plancarte were identified in the course of the investigation as the source for the skins, which they were unable to sell at the time. They reside in the area of Brownsville - McAllen, Texas, and frequently cross the border at Brownsville into Mexico to secure product for sale in their advertised business of plant seed suppliers. During the relevant period they traveled on a regular basis to South Florida, selling seeds and plants to local nurseries and tree farms. On June

1, a meeting was arranged, through an intermediary, which included the presence of a Special Agent of the U.S. Fish & Wildlife Service (FWS) acting in an undercover capacity. Although general business matters were discussed, no one broached the subject of the jaguar pelts. Thereafter, the subjects returned to Texas by van, taking the two jaguar skins with them. Thereafter, on multiple occasions they contacted the FWS Special Agent, inviting him to their ranch in Texas to drink tequila and offering to do business with him.

In May 2010, the FWS Special Agent was contacted by Plancarte in response to the agent's request for a seed price list. To continue the investigation regarding the jaguar skins, the FWS Special Agent made a purchase of non-protected plant species seeds from the defendants.

In November 2010 the lead FWS Special Agent and others convened in McAllen and arranged to meet the subjects in what became both a social meeting and a sales meeting. The subjects, in an audio-recorded meeting, jointly sold two jaguar skins to the agents for a total of \$3,000. They also advised they could provide as many skins as the agents wanted, "market-ready," which they advised they smuggled over the border from Mexico when they brought loads of seed into the United States. During the meeting they also exhibited several other high quality skins which they offered to sell, but the agents had exhausted their undercover funds. After further discussion, the defendants advised they would be traveling to Miami in the ensuing few days to make a seed delivery. Arrangements were set for the agents to meet the subjects in Miami to effect the purchase of the additional pelts.

On November 12, 2010, in Homestead, Florida, the agents met with the subjects, and in a recorded meeting purchased two additional jaguar skins for \$ 3,000. Defendants had driven from Texas and were returning there after the meeting with the agents. They offered to acquire ten

additional skins as soon as they could make a trip into Mexico, and were given \$1,000 in cash as earnest money.

Following the November 12 meeting, the undercover agent caused an additional down payment to be sent to defendants' bank account by wire transfer, and there were further contacts by phone and email with the subjects regarding the planned sale of ten additional jaguar skins.

Based on the foregoing, the United States respectfully submits that a reasonable jury would find defendants guilty beyond a reasonable doubt of conspiring to violate the Lacey Act, by willfully, that is, with the intent to further the object of the conspiracy, and knowingly combine, conspire, confederate, and agree with each other and with others known and unknown, to knowingly engage in conduct that involved the sale, offer of sale, and the intent to sell wildlife in interstate commerce, that is, jaguar skins (*Panthera onca*), with a market value in excess of \$350.00, knowing that said wildlife was possessed, transported, and sold, and attempted to be possessed, transported, and sold in violation of the laws and regulations of the United States, as specifically charged in Count 1 of the Indictment.

Respectfully submitted,

WIFREDO A. FERRER
UNITED STATES ATTORNEY

By: /s/ Thomas A. Watts-FitzGerald
Assistant United States Attorney
Florida Bar No. 0273538
99 Northeast 4th Street
Miami, Florida 33132-2111
Tel: (305) 961-9413
Fax: (305) 536-4651