



DEPARTMENT OF JUSTICE

**United States Attorney Randolph J. Seiler
District of South Dakota**

FOR IMMEDIATE RELEASE
Date: September 29, 2016

CONTACT: Ace Crawford
Phone: 605.341.1915

**Letcher Man Sentenced for Unlawful Taking of
Bald Eagle and Unlawful Use of Pesticide**

United States Attorney Randolph J. Seiler announced that a Letcher, South Dakota, man who was found guilty of Unlawful Taking of Bald Eagle and Unlawful Use of Pesticide after a two day jury trial in April of 2016 was sentenced on September 27, 2016, by U.S. District Judge Lawrence L. Piersol.

Theodore Nelson, Jr., a/k/a Ted Nelson, age 69, was sentenced to 8 months in custody on the Unlawful Taking of a Bald Eagle charge, with 6 months to run concurrent with a prior federal tax evasion sentence and 2 months to run consecutive, and one year of supervised release, with a condition that Nelson must pay \$2,500 in restitution. Nelson was also sentenced to 30 days in custody on the Unlawful Use of Pesticide charge to run concurrent with the sentence imposed on the above count. Nelson was ordered to pay a special assessment to the Federal Crime Victims Fund in the amount of \$35 for both offenses.

“Today’s sentence reaffirms our commitment to the protection of eagles and other wildlife in the District of South Dakota.” said United States Attorney

Randy Seiler. “We will continue to prosecute and hold accountable those who intentionally and recklessly kill eagles and other protected wildlife in the District of South Dakota”

Nelson was indicted by a federal grand jury on September 9, 2015.

The conviction stemmed from incidents between January 1, 2015, and May 12, 2015, when Nelson, who is a landowner in Sanborn County, without being permitted to do so, knowingly and with wanton disregard for the consequences of his actions, injected a poison, Carbofuran, also known as Furadan 4F, into the carcasses of cows in order to kill predators, including coyotes. Carbofuran is a restricted use pesticide that is extremely toxic to wildlife, including birds. Use of this pesticide for baiting purposes is strictly prohibited, and the label of the Carbofuran’s container says so.

As a result of Nelson’s actions, area animals, including coyotes, and an adult Bald eagle, died of Carbofuran poisoning. Laboratory results from the National Fish & Wildlife Forensic Laboratory in Ashland, Oregon, confirmed that the eagle died of Carbofuran poisoning, after eating coyote carcasses that were poisoned with Carbofuran poisoning in its system.

“The purposeful misapplication of a pesticide like Furadan 4F to kill coyotes and other predators can be devastating to all wildlife up and down the food chain, including eagles” said U.S Fish and Wildlife Service Mountain-Prairie Region Assistant Special Agent in Charge Dan Rolince. "This conviction and sentence send a clear message that intentional and unlawful activities that result in the death of federally protected species will not be tolerated."

"The defendant intentionally and illegally used a restricted use pesticide as bait, which put people, wildlife and the environment at risk," said Jeffrey D. Martinez, Special Agent in Charge of EPA's criminal enforcement program in South Dakota. "Today's sentence sends a strong signal that individuals who misuse restricted use pesticides will be prosecuted."

This case was investigated by the U.S. Fish & Wildlife Service, the Environment Protection Agency and the South Dakota Department of Game, Fish and Parks. Assistant U.S. Attorney Meghan N. Dilges prosecuted the case.

Nelson was immediately turned over to the custody of the U.S. Marshals Service.

#