

U.S. Department of Justice

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**NEWS RELEASE: MIAMI WILDLIFE DEALER SENTENCED FOR
TRAFFICKING IN RHINOCEROS HORN**

Wilfredo A. Ferrer, United States Attorney for the Southern District of Florida, and Dan Ashe, Director, U.S. Fish and Wildlife Service announced that **GENE HARRIS**, 76, of Miami, Florida, was sentenced today in federal District Court in Miami to knowingly engaging in conduct that involved the sale and purchase of, the offer of sale and purchase of, and the intent to sell and purchase wildlife with a market value in excess of \$350.00, that is, horns of a black rhinoceros (*Diceros bicornis*), and did knowingly transport, receive, acquire, and purchase said wildlife, knowing that the wildlife was possessed, transported, and sold in violation of and in a manner unlawful under the laws and regulations of the United States, specifically, the Endangered Species Act, Title 16, United States Code, Sections 1538(a)(1)(E) and (F), and 1540(b), all in violation of Title 16, United States Code, Sections 3372(a)(1) and 3373(d)(1)(B); and Title 18, United States Code, Section 2

HARRIS was sentenced by the Honorable Marcia G. Cooke, United States District Court Judge, who had previously accepted HARRIS's guilty plea, to a term of probation of three years, the first six on home confinement with electronic monitoring, and a criminal fine of \$10,000.

According to case records, a Joint Factual Proffer submitted to the Court, and statements at sentencing at the relevant times, GENE HARRIS was engaged in the retail sale of wildlife products, including taxidermy mounts from locations in Miami-Dade County, Florida and Laredo, Texas through a business known as Art By God. Further, HARRIS engaged in the arrangement, brokerage, and purchase/sale of wildlife on a private basis, of various wildlife specimens, specifically including Black rhinoceros (*Diceros bicornis*) horns.

The charges related to an illegal deal that occurred between June 2011 and July 2011, in which HARRIS engaged in a series of telephone conversations from Miami to a customer in California to discuss and arrange for the sale of Black rhinoceros horns by a resident of Phoenix, Arizona. HARRIS traveled from Miami to Phoenix, and on July 23, 2011, HARRIS personally drove the customer to the home of a Phoenix couple who were in possession of a Black rhinoceros shoulder mount, including the two horns. At that meeting, the mount was purchased by the customer for approximately \$60,000 in cash, and the horns pried from the mount. To conceal the nature of the transaction and make it appear that it was solely an intra-state deal, a false invoice was prepared, listing a third-party Arizona resident as the buyer. HARRIS was paid

a “finder’s fee” by the California customer of approximately \$10,000 for his services in locating the seller and arranging the deal. The government also described a second illicit deal in Black rhino horns, mirroring the July deal, that occurred in San Antonio, Texas in October 2011, involving the same customer. On that occasion, HARRIS provided a fraudulent hand-written statement to the sellers assuring them that as his business was Texas-based, he would insure the horns did not leave the state – in an effort to make the transaction appear lawful

In the Joint Factual Statement, HARRIS admitted to the Court that based on his prior familiarity with the California-based buyer, and his experience in the industry, he knew that the rhinoceros horns in the July deal would be and in fact were, transported to California and thereafter exported from the United States without compliance with the laws and regulations governing such transactions.

Trade in rhinoceros horn has been regulated under the Convention on International Trade in Endangered Species of Wild Fauna and Flora (“CITES”) since 1976. CITES is a treaty providing protection to fish, wildlife and plants that are or could become imperiled due to the demands of international markets. CITES has been signed by over 170 countries including the United States. CITES is implemented in the United States through the Endangered Species Act (“ESA”). 16 U.S.C. § 1538(c); 50 C.F.R. §§ 14 and 23. An animal species listed as protected under CITES cannot be exported from the United States without prior notification to, and approval from, United States Fish and Wildlife Service. 50 C.F.R. §§ 20.13 and 20.20. Species protected under CITES are listed in a series of appendices (Appendices I, II and III) designating the level of protection afforded each species. Under Appendix II of CITES, a species can have been exported from the United States to a foreign country only if, prior to exportation, the exporter possessed a valid CITES export permit issued by the United States. Under Appendix I of CITES, a species can only be exported from the United States if, prior to exportation, the exporter possesses a valid foreign import permit issued by the country of import and a valid export permit issued by the United States. All rhinoceros species are protected under either CITES Appendix I or II. The ESA also made it unlawful to export any endangered wildlife species (Title 16, United States Code, Section 1538(a)(1)(A)).

Rhinoceros horn is a highly valued and sought after commodity despite the fact that international trade in it has been largely banned or otherwise highly regulated since 1976. Libation cups and ornamental carvings are particularly sought after in China and other Asian countries. The escalating value of these items has heightened demand for the horn and fostered a thriving black market, including modern carvings being sold as antiques. Most species of rhinoceros are extinct or on the brink of extinction as a result of this thriving black market.

Mr. Ferrer commended the investigative efforts of the Special Agents of the Fish & Wildlife Service Office of Law Enforcement who participated in the investigation dubbed “Operation Crash” (named for the term used to describe a herd of rhinoceros), which is an ongoing multi-agency effort to detect, deter, and prosecute those engaged in the illegal killing of rhinoceros and the unlawful trafficking of rhinoceros horns. This matter was prosecuted by Assistant U.S. Attorney Thomas Watts-FitzGerald of the Economic & Environmental Crimes Section.

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>.