

FILED

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

2018 JUN 18 AM 8:23
CLERK, US DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS, FLORIDA

UNITED STATES OF AMERICA

v.

CASE NO. 2:18-CR-88-FM-38MRM

JACK W. TURTLE

16 U.S.C. §§ 3372(a)(1), 3373(d)(2)
18 U.S.C. § 2

INFORMATION

The United States Attorney charges:

INTRODUCTION

At all times material to this Information:

1. The Seminole Tribe of Florida was a federally recognized Indian tribe based in the state of Florida. The Brighton Seminole Indian Reservation was an Indian reservation of the Seminole Tribe of Florida, located in northeast Glades County near the northwest shore of Lake Okeechobee.

2. Defendant JACK W. TURTLE was a member of the Seminole Tribe of Florida. He resided on the Brighton Seminole Indian Reservation.

The Lacey Act

3. The Lacey Act makes it unlawful for a person to transport, sell, receive, acquire or purchase any wildlife, including American alligator eggs, that are taken, possessed, transported, or sold in violation of any law, treaty, or regulation of the United States. 16 U.S.C. § 3372(a)(1).

a. The Lacey Act defines the term “wildlife” to mean any wild animal, whether alive or dead, including without limitation any wild mammal, bird, reptile, amphibian, mollusk, crustacean, arthropod, coelenterate, or other invertebrate, whether or not bred, hatched, or born in captivity, and includes any part, product, egg, or offspring thereof. 16 U.S.C. § 3371(a).

b. The Lacey Act defines the term “taken” to mean “captured, killed, or collected.” 16 U.S.C. § 3371(j)(1).

The Endangered Species Act

4. The Endangered Species Act makes it unlawful to violate any regulation pertaining to any threatened species of wildlife. 16 U.S.C. § 1538(a)(1)(AG). The American alligator is a threatened species of wildlife under Title 50, Code of Federal Regulations, Section § 17.11(h). Title 50, Code of Federal Regulations, Section 17.42(a)(2) provides that no person may take American alligator eggs unless in accordance with the laws and regulations of the State in which the taking occurs, and no person may sell American alligators eggs unless in accordance with the laws and regulations of the State or Tribe in which the taking occurs and the State or Tribe in which the sale or transfer occurs.

Florida Law

5. It is lawful for members of the Seminole Tribe to take wild game and fish at any time within the boundaries of its reservations provided that the game may be taken only for food for the Indians. Florida Statutes § 285.09.

COUNT ONE

On or about June 19, 2015, in the Middle District of Florida, the defendant,

JACK W. TURTLE,

did knowingly sell wildlife, that is, American alligator eggs, and when in the exercise of due care, the defendant should have known that said wildlife was taken and possessed in violation of and in a manner unlawful under the laws and regulations of the United States, specifically, 16 U.S.C. § 1538(a)(1)(G) and 50 C.F.R. § 17.42(a)(2).

All in violation of 16 U.S.C. § 3372(a)(1), § 3373(d)(2), and 18 U.S.C. § 2.

COUNT TWO

On or about July 2, 2015, in the Middle District of Florida, the defendant,

JACK W. TURTLE,

did knowingly sell wildlife, that is, American alligator eggs, and when in the exercise of due care, the defendant should have known that said wildlife was taken and possessed in violation of and in a manner unlawful under the laws and regulations of the United States, specifically, 16 U.S.C. § 1538(a)(1)(G) and 50 C.F.R. § 17.42(a)(2).

All in violation of 16 U.S.C. § 3372(a)(1), § 3373(d)(2), and 18 U.S.C. § 2.

COUNT THREE

On or about July 16, 2015, in the Middle District of Florida, the defendant,

JACK W. TURTLE,

did knowingly sell wildlife, that is, American alligator eggs, and when in the exercise of due care, the defendant should have known that said wildlife was taken and possessed in violation of and in a manner unlawful under the laws and regulations of the United States, specifically, 16 U.S.C. § 1538(a)(1)(G) and 50 C.F.R. § 17.42(a)(2).

All in violation of 16 U.S.C. § 3372(a)(1), § 3373(d)(2), and 18 U.S.C. § 2.

COUNT FOUR

On or about July 27, 2015, in the Middle District of Florida, the defendant,

JACK W. TURTLE,

did knowingly sell wildlife, that is, American alligator eggs, and when in the exercise of due care, the defendant should have known that said wildlife was taken and possessed in violation of and in a manner unlawful under the laws and regulations of the United States, specifically, 16 U.S.C. § 1538(a)(1)(G) and 50 C.F.R. § 17.42(a)(2).

All in violation of 16 U.S.C. § 3372(a)(1), § 3373(d)(2), and 18 U.S.C. § 2.

COUNT FIVE

On or about July 13, 2016, in the Middle District of Florida, the defendant,

JACK W. TURTLE,

did knowingly sell wildlife, that is, American alligator eggs, and when in the exercise of due care, the defendant should have known that said wildlife was taken and possessed in violation of and in a manner unlawful under the laws and regulations of the United States, specifically, 16 U.S.C. § 1538(a)(1)(G) and 50 C.F.R. § 17.42(a)(2).

All in violation of 16 U.S.C. § 3372(a)(1), § 3373(d)(2), and 18 U.S.C. § 2.

COUNT SIX

On or about July 16, 2016, in the Middle District of Florida, the defendant,

JACK W. TURTLE,

did knowingly sell wildlife, that is, American alligator eggs, and when in the exercise of due care, the defendant should have known that said wildlife was taken and possessed in violation of and in a manner unlawful under the laws and regulations of the United States, specifically, 16 U.S.C. § 1538(a)(1)(G) and 50 C.F.R. § 17.42(a)(2).

All in violation of 16 U.S.C. § 3372(a)(1), § 3373(d)(2), and 18 U.S.C. § 2.

COUNT SEVEN

On or about July 30, 2016, in the Middle District of Florida, the defendant,

JACK W. TURTLE,

did knowingly sell wildlife, that is, American alligator eggs, and when in the exercise of due care, the defendant should have known that said wildlife was

taken and possessed in violation of and in a manner unlawful under the laws and regulations of the United States, specifically, 16 U.S.C. § 1538(a)(1)(G) and 50 C.F.R. § 17.42(a)(2).

All in violation of 16 U.S.C. § 3372(a)(1), § 3373(d)(2), and 18 U.S.C. § 2.

FORFEITURE

1. The allegations contained in Counts One through Seven are incorporated by reference for the purpose of alleging forfeiture pursuant to the provisions of 16 U.S.C. § 3374 and 28 U.S.C. § 2461(c).

2. Upon conviction of a violation of 16 U.S.C. § 3372, the defendant shall forfeit to the United States, pursuant to 16 U.S.C. § 3374 and 28 U.S.C. § 2461(c), all fish or wildlife or plants imported, exported, transported, sold, received, acquired, or purchased contrary to the provisions of 16 U.S.C. § 3372, or any regulation issued pursuant thereto.

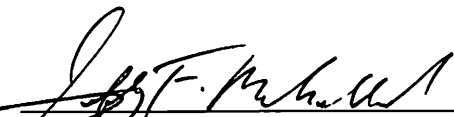
3. If any of the property described above, as a result of any act or omission of the defendant:

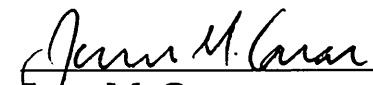
- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third party;
- c. has been placed beyond the jurisdiction of the court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be divided

without difficulty, the United States of America shall be entitled to forfeiture of

substitute property under the provisions of Title 21, United States Code, Section 853(p).

MARIA CHAPA LOPEZ
United States Attorney

By: 
Jeffrey F. Michelland
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By: 
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