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U.S. DISTRICT COURT
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DISTRICT OF UTAH
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IN THE UNITED STATES DISTRICT COURT, DISTRICT OF UTAH
CENTRAL DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JEREMY STONE and KERI ANN STONE,

Defendants.

Case No.

INDICTMENT

Count I: 18 U.S.C. § 371 (conspiracy to knowingly import merchandise contrary to law in violation of 18 U.S.C. § 545); **Count II:** 18 U.S.C. § 545 (knowingly importing merchandise contrary to law); **Count III:** 18 U.S.C. § 545 (transporting merchandise knowing it was imported into the United States contrary to law); **Count IV:** 16 U.S.C. §§ 3372(d), 3373(d)(3)(A)(i) (knowingly making and submitting false records for wildlife imported into the United States).

Case: 2:14-cr-00009
Assigned To : Waddoups, Clark
Assign. Date : 01/08/2014
Description: USA v.

The Grand Jury charges:

At all times material to this Indictment:

INTRODUCTION

1. Defendant Jeremy Stone was the owner and principal agent for Jeremy Stone Reptiles ("Stone Reptiles"), which is a business located in Lindon, Utah.

2. In the course of its operations, Stone Reptiles bred and sold boa constrictors to customers in the United States and foreign countries.

3. The international trade of boa constrictors is regulated under the Convention on International Trade in Endangered Species (“CITES”) through the Endangered Species Act (“ESA”), 16 U.S.C. § 1538, and its implementing regulations.

4. CITES, as implemented through the ESA and its regulations, requires those exporting wildlife listed in CITES to, among other things, obtain a certificate of origin from the governmental authority in the exporting country showing that the specimen to be exported “originated in the country that issued the certificate [of origin].”

5. Additionally, the United States Fish and Wildlife Service (“USFWS”) requires those importing or exporting wildlife to state on USFWS Form 3-177 the country of origin for the imported specimen, the total monetary value of the imported specimen.

THE CONSPIRACY: THE OBJECT

6. Beginning at a time unknown to the Grand Jury, but at least from December 2009, Jeremy Stone, Keri Ann Stone, and others known and unknown to the Grand Jury agreed and conspired to unlawfully import a rare white leucistic boa constrictor (“the white boa”) into the United States for the purpose of breeding it with other boa constrictors and selling its offspring for a profit.

THE CONSPIRACY: THE OVERT ACTS

7. Jeremy Stone, Keri Ann Stone, and others known and unknown to the Grand Jury committed overt acts, including but not limited to the following, in furtherance of the conspiracy.

8. At a time unknown to the Grand Jury, but at least from December, 2006, Jeremy Stone

became aware of the existence of a rare white boa which was under the care of the Niteroi Zoo near the city of Rio de Janeiro, Brazil.

9. From 2007 until 2009, Jeremy Stone sent thousands of dollars to the administrator of the Niteroi Zoo (“the Administrator”) as payment for the white boa.

10. Jeremy Stone knew that the white boa was caught in the wild in Brazil, and was given to the Niteroi Zoo. Mr. Stone also knew that Brazil did not allow the export of wild-caught boa constrictors.

11. From 2007 to 2009, Jeremy Stone sent and had others known and unknown to the Grand Jury send the Administrator several emails discussing how he could obtain the white boa and leave Brazil with it without obtaining the proper export permits from Brazil. These emails include a message that Jeremy Stone sent to the Administrator containing photos demonstrating how the Administrator should pack the white boa in her luggage.

12. On or about January 2009, Jeremy Stone paid for passage and accommodations for himself and his sister, Keri Ann Stone, to travel to Brazil and meet with the Administrator to obtain the white boa. On or about January 14, 2009, Jeremy Stone and Keri Ann Stone traveled from Salt Lake City, Utah to Manaus, Brazil.

13. On or about January 14, 2009, the Administrator traveled from Rio de Janeiro to Manaus, Brazil where she met with Jeremy Stone and Keri Ann Stone and gave them the white boa.

14. On or about January 16, 2009, Jeremy Stone and Keri Ann Stone attempted to leave Brazil on a cruise ship back to the United States, but they were denied permission to board the cruise ship because Keri Ann Stone appeared to be in the late months of pregnancy.

15. On or about January 18, 2009, Jeremy Stone and Keri Ann Stone attempted to board a flight to the United States. However, airport security temporarily detained them upon finding that Keri Ann Stone was wearing a hollow, false pregnancy belly and brassiere. Both Jeremy Stone and Keri Ann Stone were testing airport security in Brazil.

16. Unable to leave Brazil by either cruise ship or airplane, Jeremy Stone, with the assistance of Keri Ann Stone and others who are known and unknown to the Grand Jury, transported or caused to be transported the white boa from Brazil into Guyana. On or about January 22, 2009, with the assistance of others who are known and unknown to the Grand Jury, both Jeremy Stone and Keri Ann Stone exited Brazil by crossing the border into Guyana.

17. On or about January 28, 2009, Jeremy Stone and others who are known and unknown to the Grand Jury used a veterinarian in Guyana to generate a certificate of origin falsely claiming that the white boa had been caught in the wild in Guyana.

18. With a certificate of origin from Guyana, Jeremy Stone and others known and unknown to the Grand Jury facilitated the export of the white boa with other snakes from Guyana to the United States.

19. To facilitate the shipment of snakes containing the white boa from Guyana into the United States, Jeremy Stone caused a USFWS Form 3-177 to state that the value of the shipment of snakes was \$220.00 and that the shipped snakes, including the white boa, had been caught in the wild in Guyana.

20. The snakes, including the white boa, were shipped from Guyana and entered the United States in Miami, Florida, after being cleared for entry by the USFWS (on the basis of the false

USFWS Form 3-177) on or about January 29, 2009. Jeremy Stone facilitated shipment of the snakes from Miami, Florida to Stone Reptiles in Lindon, Utah.

21. Jeremy Stone bred the white boa with other boa constrictors at Stone Reptiles and sold the offspring for tens of thousands of dollars to buyers in the United States, Canada, and Italy, among other places.

COUNT I

18 U.S.C. § 371

(Conspiracy to Knowingly Import Merchandise Contrary to Law)

22. The United States incorporates paragraphs 1-21 herein.

23. Beginning at a time unknown to the Grand Jury, but at least from December 2009, in the Central Division of the District of Utah,

JEREMY STONE and KERI ANN STONE

defendants herein, agreed and conspired with one another and with others known and unknown to the Grand Jury to unlawfully import the white boa into the United States, breed it with other boa constrictors, and sell the offspring for a profit. Defendants knowingly and voluntarily participated in overt acts in furtherance of the conspiracy; all in violation of 18 U.S.C. §§ 371, 545, and 2(a).

COUNT II

18 U.S.C. § 545

(Knowingly Importing Merchandise Into the United States Contrary to Law)

24. The United States incorporates paragraphs 1-21 herein.

25. On or about January 29, 2009, in the Central Division of the District of Utah,

JEREMY STONE and KERI ANN STONE

defendants herein, knowingly imported or caused to be imported the white boa into the United States contrary to law by falsely stating on a USFWS Form 3-177 that the white boa's country of origin was Guyana and falsely stating on a USFWS Form 3-177 that the value of the shipment of snakes containing the white boa was \$220.00; all in violation of 18 U.S.C. § 545 and 18 U.S.C. § 2(a).

COUNT III

18 U.S.C. § 545

(Transporting Merchandise Knowing It Was Imported Into the United States Contrary to Law)

26. The United States incorporates paragraphs 1-21 herein.

27. On or about January 29, 2009, in the Central Division of the District of Utah,

JEREMY STONE

defendant herein, knowingly facilitated the transportation of the white boa after importation from Miami, Florida to Lindon, Utah knowing that the white boa had been imported contrary to law; all in violation of 18 U.S.C. § 545 and 18 U.S.C. § 2(a).

COUNT IV

16 U.S.C. §§ 3372(d), 3373(d)(3)(A)(i)

(Knowingly Making and Submitting False Label for Wildlife Imported into the United States)

28. The United States incorporates paragraphs 1-21 herein.

29. On or about January 29, 2009, continuing to the Central Division of the District of Utah,

JEREMY STONE

defendant herein, knowingly made and submitted a false record, account, label, and false identification of wildlife imported into the United States: to wit: falsely stating on a USFWS Form 3-177 that the white boa's country of origin was Guyana; and falsely stating on a USFWS Form


3-177 form that the value of the shipment of snakes containing the white boa was only \$220.00; all in violation of 16 U.S.C. §§ 3372(d), 3373(d)(3)(A)(i), and 18 U.S.C. § 2(a).

A TRUE BILL:



Foreperson of the Grand Jury

DAVID B. BARLOW
United States Attorney


CARLIE CHRISTENSEN
JARED C. BENNETT
Assistant United States Attorneys