

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF FLORIDA
PENSACOLA DIVISION

UNITED STATES OF AMERICA

v.

CHARLES KOKESH
_____ /

INDICTMENT

3:13cr48/RV

THE GRAND JURY CHARGES:

COUNT ONE

A. INTRODUCTION

At all times material to this Indictment:

1. The Convention on International Trade in Endangered Species (“CITES”) is an international agreement, to which the United States is a party, entered in force in 1975. CITES regulates the international trade and transport of species that are threatened with extinction, species that are not currently threatened with extinction, but would become so absent regulation, and species for which a member country requests assistance in controlling trade. CITES is implemented in the United States as part of the Endangered Species Act, 16 U.S.C. §§ 1537a-1538, and through regulations found at Part 23 of Title 50 of the Code of Federal Regulations.

2. Certain populations of African elephants, including those elephants from Namibia, are listed on Appendix II of CITES. Since 2000, this listing has been accompanied by an annotation that specifies that any member of the species—regardless

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Date
<i>Elizabeth M. Brown</i>
United States Magistrate Judge

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5-21-13

of its provenance—may not be used for commercial purposes. To implement this prohibition, implementing regulations found at Title 50, Code of Federal Regulations, Section 23.⁵⁵~~27~~, proscribe the commercial use, including sale, of sport-hunted African elephant trophies in the United States.

3. In March 2006, the defendant, **CHARLES KOKESH**, imported a sport-hunted African elephant trophy into the United States from Namibia, pursuant to a permit issued to him by the Namibian government under CITES. He subsequently engaged in the commercial use of that trophy, as charged below.

B. THE CHARGE

Between on or about December 2, 2011, and on or about December 23, 2011, in the Northern District of Florida and elsewhere, the defendant,

CHARLES KOKESH,

did knowingly engage in the interstate sale and transport, for commercial purposes, of two African elephant tusks harvested in Namibia and imported into the United States, in that he sold from New Mexico to a buyer in Florida the two elephant tusks he had imported in 2006 for approximately \$8,100, to be paid in both currency and firearms. This commercial use was in violation of Title 50, Code of Federal Regulations, Part 23.55, a regulation issued to implement Title 16, United States Code, Section 1538(c).

In violation of Title 16, United States Code, Section 1540(b)(1).

COUNT TWO

On or about January 3, 2012, in the Northern District of Florida and elsewhere,
the defendant,

CHARLES KOKESH,

did knowingly make and submit a false record and account of wildlife having a market value greater than \$350, namely African elephant tusks, which he sold and transported in interstate commerce, by falsely describing, in an electronic message to a Senior Biologist in the United States Fish and Wildlife Service, a sale of those tusks as a donation to a non-profit entity.

In violation of Title 16, United States Code, Sections 3372(d)(2) and 3373(d)(3)(A)(ii).

COUNT THREE

On or about January 16, 2012, in the Northern District of Florida and elsewhere,
the defendant,

CHARLES KOKESH,

did knowingly make and submit a false record and account of wildlife having a market value greater than \$350, namely African elephant tusks, which he sold and transported in interstate commerce, in that the defendant sent correspondence to the United States Fish and Wildlife Service and to the Rosenbruch Wildlife Museum, containing false records and accounts of the location and disposition of those tusks.

In violation of Title 16, United States Code, Sections 3372(d)(2) and 3373(d)(3)(A)(ii).

CRIMINAL FORFEITURE

The allegations contained in Counts Two and Three of this Indictment are hereby realleged and incorporated by reference for the purpose of alleging forfeitures, pursuant to the provisions of Title 16, United States Code, Section 3374(a), Title 28, United States Code, Section 2461(c), and Title 21, United States Code, Section 853.

From his engagement in the violations charged in Counts Two and Three of this Indictment, punishable by imprisonment for more than one year, the defendant,

CHARLES KOKESH,

shall forfeit to the United States, pursuant to Title 16, United States Code, Section 3374(a), Title 28, United States Code, Section 2461(c), and Title 21, United States Code, Section 853, all of his interest in any and all of the wildlife identified in Counts One, Two, and Three, namely, two tusks of an African elephant (*Elephantidae Loxodonta*).

If any of the property described above as being subject to forfeiture, as a result of acts or omissions of the defendant:

- i. cannot be located upon the exercise of due diligence;
- ii. has been transferred, sold to, or deposited with a third party;
- iii. has been placed beyond the jurisdiction of this Court;
- iv. has been substantially diminished in value; or
- v. has been commingled with other property that cannot be subdivided without difficulty,


it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of the defendant, up to the value of the above forfeitable property.

All pursuant to Title 16, United States Code, Section 3374(a), Title 28, United States Code, Section 2461(c), and Title 21, United States Code, Section 853.


A TRUE BILL:


FOREPERSON

5/21/2013
DATE


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United States Attorney


EDWIN KNIGHT
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CASSANDRA BARNUM
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