

GOVERNMENT OF PUERTO RICO

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Session

PUERTO RICO SENATE

S. R. 1234

May 6, 2010

Introduced by *Mrs. Romero-Donnelly*

Referred to the Committee on

RESOLUTION

To recognize Assistant United States Attorney Thomas Watts-Fitzgerald for his outstanding participation on the investigation, prosecution and conviction regarding the smuggling of fifty (50) Puerto Rican slider turtles and twenty-five (25) Puerto Rican brown tarantulas into South Florida from Puerto Rico, in violation of the Lacey Act, 16 U.S.C. § 3372(a)(2)(A) and 3373(d)(1)(B).

STATEMENT OF MOTIVES

Assistant United States Attorney Thomas A. Watts-Fitzgerald has been practicing law for 31 years and has been a prosecutor in the Southern District of Florida for the past 25 years. His service has included both the Civil and Criminal Divisions, with most of his work involving the investigation and prosecution of environmental and white-collar crime.

AUSA Watts-Fitzgerald received a Bachelor of Science degree from the U.S. Coast Guard Academy, and served for 12 years on active duty. His assignments varied from deck officer on a Coast Guard Cutter in New England to Commander of an isolated electronics station in Alaska. While with the Coast Guard he attended the University of Miami School of Law where he served on the Law Review, was Editor of a Symposium Edition, and received his Juris Doctor, Cum Laude, in 1979. He was also awarded a Master of Laws In Taxation from Georgetown University in 1982.

Mr. Watts-Fitzgeralds' legal work in the Coast Guard included participation as a delegation member to the Third U.N. Conference on the Law of the Sea and to the International

Maritime Organization in London. He also provided advice on law enforcement issues to operational commands and served on the staff of the Commandant as a legislative liaison officer to House and Senate Committees.

AUSA Watts-Fitzgerald has published on such varied topics as theories of product liability and protection of offshore assets from terrorist activities. He has taught on the faculty of the University of Miami School of Law as an Adjunct Professor and lectured at the Federal Law Enforcement Training Centers at Glynco, Georgia and Artesia, New Mexico. He has also provided specialized training for enforcement agencies ranging from the National Park Service to the FBI.

Over the past twenty years AUSA Watts-Fitzgerald has handled civil and criminal environmental litigation, including cases related to Everglades restoration and implementation of the Clean Air Act phase-out of ozone depleting chemicals. He supervises the Environmental Crimes Unit of the U.S. Attorney's Office and was the principal legal advisor and prosecutor for Operation Cool Breeze, a multi-agency effort addressing transactions in ozone depleting substances. AUSA Watts-Fitzgerald was a member of the prosecuting team which secured convictions of Royal Caribbean Cruise Lines and Norwegian Cruise Lines for conduct involving false statements to the Coast Guard, illegal discharges of oil and hazardous materials in waters of the United States and obstruction of justice, and has conducted numerous multi-national cases involving the smuggling of protected wildlife and marine resources.

In reference to Puerto Rico, Watts-Fitzgerald lead the case in the prosecution of a Florida resident who according to the charge in the case, Court records, and statements at the plea hearing, in February 2009 the Florida resident secured restricted wildlife from Puerto Rico through two residents of the island, who shipped the wildlife in return for payment of approximately \$275.00 and a variety of animals which were shipped to Puerto Rico by mail from Miami. The wildlife had a retail value of more than \$8,000 on the mainland.

Thereafter, the accused marketed the restricted wildlife from his business in Hialeah, Florida through various internet sites specializing in reptiles. A sale to a customer in Nebraska, who subsequently attempted to re-sell the wildlife led to the detection of the illegal conduct.

The New Wildlife Law of Puerto Rico, Law 241 of August 15, 1999, prohibits the take, possession, transportation, and export of Puerto Rican slider turtles (*Trachemys stejnegeri*) and Puerto Rican brown tarantulas (*Cyrtopholis portoricae*) for use in commercial activities unless a

valid permit for such activities had been issued by the “Departamento de Recursos Naturales y Ambientales” (DRNA). The defendant, and his Puerto Rico based suppliers, never received or possessed a permit from DRNA to take, possess, or transport the slider turtles and brown tarantulas to Florida. Anyone who knowingly engages in conduct involving the sale or purchase of wildlife with a market value in excess of \$350 in interstate commerce, knowing that the wildlife was taken, possessed, transported, and sold in violation of the laws or regulations of any state, a definition which legally includes Puerto Rico, commits a federal crime.

The Puerto Rico Senate recognizes and commends the outstanding contributions of Assistant US Attorney Thomas Watts-Fitzgerald on all issues pertaining to Environmental Law, with particular regards to those crimes committed against the environmental stability of fragile ecosystems and protected and endangered wildlife and marine resources.

AUSA Watts-Fitzgerald recognized and took serious action when local authorities brought him the case of a Miami resident and business owner who conspired with Puerto Rico residents to illegally smuggle the aforementioned protected species with the intention of selling them for economic advancement.

Not often do we see such dedication to apprehend, prosecute and convict environmental crime offenders and Puerto Rico owes AUSA Watts-Fitzgerald an enormous gratitude for defending our beloved protected wildlife and marine resources.

Thus, it is fitting and necessary that the Puerto Rico Senate express its gratitude and appreciation to Assistant US Attorney Thomas Watts-Fitzgerald for a job well done.

BE IT RESOLVED BY THE PUERTO RICO SENATE:

1 **Section 1.-** To recognize Assistant United States Attorney Thomas Watts-Fitzgerald for
2 his outstanding participation on the investigation, prosecution and conviction regarding the
3 smuggling of fifty (50) Puerto Rican slider turtles and twenty-five (25) Puerto Rican brown
4 tarantulas into South Florida from Puerto Rico, in violation of the Lacey Act, 16 U.S.C. §
5 3372(a)(2)(A) and 3373(d)(1)(B).

6 **Section 2.-** A copy of this Resolution, will be delivered to Attorney General Eric H.
7 Holder, Jr., US Attorney for the Southern District of Florida, Wilfredo A. Ferrer, Assistant

1 United States Attorney Thomas Watts-Fitzgerald, and to Puerto Rico and United States news
2 media for their information and disclosure.

3 **Section 3.-** This Resolution shall take effect upon approval.

4

