

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

UNITED STATES OF AMERICA * CRIMINAL DOCKET NO. 20-151
v. * SECTION: D
*
MEGAN LYNN SHOEMAKER *
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* * *

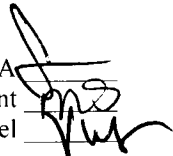
FACTUAL BASIS

The defendant, **MEGAN LYNN SHOEMAKER** (“**SHOEMAKER**”), has agreed to plead guilty as charged to Count One of the one-count misdemeanor superseding bill of information. Count One charges **SHOEMAKER** with violating the Lacey Act by selling Louisiana common box turtles (*Terrapene Carolina*) on July 13, 2017, when in the exercise of due care should have known that they were taken in violation of a state law and knowing that they would be exported to buyers outside of Louisiana, in violation of Title 16, United States Code, Sections 3372(a)(2)(A) and 3373(d)(2).

Should this matter have gone to trial, the government would have proven, through the introduction of competent testimony and other admissible evidence, the following facts, beyond a reasonable doubt, to support the allegations in the indictment:

Special Agents of the United States Fish & Wildlife Service (“USFWS”), Homeland Security Investigations, and the United States Postal Inspection Service, would testify that they were conducting an investigation into the unlawful capture, possession, interstate sale, and export of various domestic turtle species. Specifically, testimony would prove that common box turtles

AUSA _____
Defendant _____
Defense Counsel _____



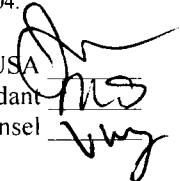
fall under the “wildlife” section of the Lacey Act and are incorporated into Appendix II of CITES.¹ Evidence would be introduced to prove that states have their own laws and regulations that prohibit taking, possessing, transporting and selling wildlife without a valid license or permit, as well as the import/export of any endangered or threatened species of wildlife. Louisiana has a number of statutes that criminalize such actions.²

During the course of the investigation, testimony would show that agents developed evidence that a Louisiana resident, B.P., had committed various offenses related to the unlawful export of common box turtles. Following an interview with B.P., he agreed to cooperate with the respective agencies in the ongoing investigation of others involved in the capture, gathering, unlawful sale, and import/export of common box turtles (*Terrapene Carolina*).

B.P. would testify that he was familiar with at least two individuals who were involved in gathering/capturing Louisiana common box turtles, including **SHOEMAKER**, and her husband who was facilitating the purchase, negotiating the sales, collecting the money, and then exporting the turtles to a purchaser in New Jersey. Testimony would also prove that **SHOEMAKER**, when in the exercise of due care, should have known that it was illegal to capture/gather turtles knowing that they would be sold or exported in interstate commerce from Louisiana to locations outside of the state.

¹ Under the Lacey Act, it is unlawful to import, export, sell, acquire, or purchase fish, wildlife or plants that are taken, possessed, transported, or sold: 1) in violation of U.S. or Indian law, or 2) in interstate or foreign commerce involving any fish, wildlife, or plants taken possessed or sold in violation of State or foreign law. The law covers all fish and wildlife and their parts or products, plants protected by the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) and those protected by State law. Commercial guiding and outfitting are considered to be a sale under the provisions of the Act. CITES provides a mechanism for regulating international trade in species whose continued survival is considered threatened by trade. By agreement of the parties, species are listed on 3 “appendices,” based on the level of protection necessary to protect the species. Species listed on Appendix II of CITES may become threatened with extinction unless trade is strictly regulated. Appendix II species are those for which trade is subject to strict regulation and is only authorized in particularized circumstances. Since February 16, 1995, the common box turtle (*Terrapene Carolina*) has been listed on Appendix II of CITES.

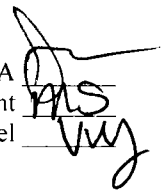
² No threatened native reptiles such as the common box turtle (*Terrapene Carolina*) shall be taken for commercial purposes, sold, traded or otherwise entered into commerce, without proper licensing. This applies to persons within the state of Louisiana and outside the state of Louisiana. For recreational purposes, no person may take more than two wild box turtles per day, or have in his or her possession more than four box turtles at any time. Louisiana Revised Statute, Title 56, Sections 632.1, 632.3, 632.4, 632.5, 632.5.1, 636, 637, 637.1, and 1904.



B.P. would testify that he told the agents that he paid cash to **SHOEMAKER's** husband so that he would capture/gather the common box turtles and that the New Jersey purchaser, in turn paid him via United States Postal Service ("USPS") money orders for the turtles. Records would show that on or about July 12, 2017, a USFWS undercover agent negotiated a \$680 purchase of Louisiana common box turtles from **SHOEMAKER's** husband, Vincent Rivere, via cell phone text messages.

On July 13, 2017 at approximately 3 PM, the agent and a Homeland Security Investigations (HSI) agent arrived at the Office Depot parking lot in Covington, LA (located within the Eastern District of Louisiana). **SHOEMAKER** and Rivere were waiting at the location. The USFWS agent greeted them, and **SHOEMAKER** and Rivere began removing sacks containing Louisiana common box turtles from the trunk of their car. Rivere carried the bags over to the rear of the agent's truck. Rivere transferred the turtles from the bags into transport containers in the bed of the truck. He also hid the turtles so they would not be seen. The agent spoke briefly to Rivere about a mistake that was made on a previous transaction of the agent received only 19 Louisiana common box turtles instead of 20. The agent also explained that he had promised 15 turtles to "Chris" who resided outside of Louisiana, and would only be sending 9. Rivere agreed to make up the difference on the next sale. The agent paid Rivere \$680.00 in cash for the 29 Louisiana Common box turtles.


Witnesses and records would prove that this satisfies the element of the offense requiring that the market value of the turtles exceed \$350, as to Rivere, but that **SHOEMAKER** did not receive the money (market value of the turtle is less than \$350 as to her) or negotiate the number of turtles to be sold or the price of each.



After the USFWS agent was clear of the meeting area, other agents stopped their vehicle in the parking lot of I-Hop on Highway 190 in Covington, LA. RIVERE was operating the vehicle and both were advised of their Miranda Rights and signed a Waiver of Rights form. Rivere agreed to speak to the agent during the contact. Rivere was determined to be in possession of the \$680 he had received from undercover USFWS agent. An agent checked the serial numbers on the money that Rivere possessed and it matched the serial numbers on the money that had been provided from the undercover USFWS agent.

During the interview, **SHOEMAKER** admitted that she, in the exercise of due care, should have known that state and federal laws prohibit the illegal capturing/gathering of Louisiana common box turtles and their subsequent resale in interstate commerce.


MEGAN LYNN SHOEMAKER 7-27-21
Date
Defendant


JON MAESTRI 7/27/21
Date
Assistant United States Attorney


VALERIE WELZ JUSSEIN 7-27-2021
Date
Attorney for SHOEMAKER