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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA, Plaintiff, vs. GYPSY LAWSON, FRAN OGREN, and JAMES EDWARD PRATT, Defendants.	08-CR-00026-FVS SUPERSEDING INDICTMENT Vio: 18 U.S.C § 371 Conspiracy to Smuggle Goods into the United States (Count 1) Vio: 18 U.S.C.§§ 545 and 2 Smuggling Goods into the United States (Counts 2 and 3) Vio: 18 U.S.C. § 1001 False Statement (Count 4)

Preamble

1. The United States, Thailand, and approximately 170 other countries are signatories to a multilateral treaty called the Convention on International Trade in Endangered Species of Wild Fauna and Flora, 27 U.S.T. 1087, T.I.A.S. 8249 (commonly referred to as "the CITES treaty" or "the Convention"). The CITES treaty provides a mechanism for regulating international trade in species whose survival is considered threatened by trade. By agreement of the parties, such species are listed on "appendices," depending on the level of protection needed for the species. International trade in species listed on these appendices (and their body parts or products made therefrom) is monitored and regulated by permits and quotas. The

permit restrictions apply to live and dead specimens, as well as the skins, parts and products made in whole or in part from a listed species.

2. Wildlife species in danger of extinction and which are, or may be, affected by trade (tigers, pandas, elephants and all species of sea turtles, for example) are listed on Appendix I of CITES. CITES allows very limited trade in Appendix I species for scientific and research purposes, and only if the specimen is lawfully acquired and a valid "foreign export permit" issued by the specimen's country of origin (or a valid "foreign re-export certificate" issued by the country of re-export), as well as a valid "import permit" from the destination country, are obtained prior to shipping any such wildlife from one country to another. International trade in Appendix I species for "primarily commercial purposes" is prohibited.

3. Listed on Appendix II of CITES are species not necessarily threatened with extinction, but in which trade must be controlled in order to avoid utilization incompatible with their survival. International trade in these species (or skins or products made from them) for commercial purposes is allowed, but only if a valid "foreign export permit" issued by the specimen's country of origin (or a valid "foreign re-export certificate" issued by the country of re-export) is obtained prior to the shipment. The Rhesus Macaque (*macaca mullata*) described below is subject to the Appendix II permit requirements.

4. The CITES treaty is implemented in the United States by the Endangered Species Act of 1973 (the "ESA"), which directs the U.S. Fish and Wildlife Service ("USFWS") to administer the treaty. 16 U.S.C. 1537a, 1540(f). The ESA makes it unlawful to knowingly "trade in any specimen contrary to the provisions of [CITES], or to possess any specimen traded contrary to the provisions of [CITES]." 16 U.S.C. §§ 1538(c)(1), 1540(b)(1). "Trade," in this context, includes importation into the United States. The USFWS has promulgated extensive regulations incorporating the specific permit requirements and provisions of CITES and listing the species contained on the

CITES appendices. 50 C.F.R. Part 23.

5. The Rhesus Macaque (*mucaca mullata)* has been listed under CITES Appendix II since April 4, 1977. 50 CFR Part 23.

6. In addition to the requirements of CITES and the ESA, federal law generally requires that all wildlife, including rhesus macaques, or parts thereof, must be declared to the United States Customs Service at the port of first arrival in the United States. 19 C.F.R. § 148.11. When importing any wildlife, importers or their agents must file with the USFWS a completed Declaration for Importation or Exportation of Fish and Wildlife. 50 C.F.R. § 14.61. A USFWS or United States Customs Service officer must clear (or refuse) wildlife being imported into the United States, and the importer or his agent must make available to the officer the wildlife being imported, as well as all required permits, licenses or other documents. 50 C.F.R. § 14.52.

COUNT ONE

From on or about November 4, 2007, and continuing until on or about January 11, 2008, in the Eastern District of Washington and elsewhere, the defendant(s), GYPSY LAWSON, FRAN OGREN, and JAMES PRATT, knowingly and intentionally combined, conspired, confederated and agreed together and with each other, and with other persons known and unknown to the Grand Jury, to commit the following offense against the United States: Smuggling/Concealing/Receiving of Goods into the United States, to wit: a Rhesus Macaque, in violation of Title 18, United States Code, Section 545, all in violation of 18 United States Code 371.

In furtherance of this conspiracy and to effect and accomplish the objects of it, one or more of the defendants or conspirators, both indicted and unindicted, committed, among others, the following overt acts in the Eastern District of Washington, Country of Thailand and elsewhere:

1. On or about November 4, 2007, Defendants FRAN OGREN and GYPSY LAWSON, flew from Spokane, Washington to Seattle,

Washington, to Inchon, South Korea, arriving in Bangkok Thailand on or about November 6, 2007.

2. On or about November 17, 2007, FRAN OGREN solicited the assistance of Boris (identified as Boris Mimietz) at the Thai Horse Farm via email, (info@thethaihorsefarm.com) to help them find a baby monkey for sale.

3. On or about November 17, 2007, FRAN OGREN and GYPSY LAWSON looked for on-line advertisements offering baby monkeys for sale and responded to one via email at jetset4real@yahoo.com.

4. On or about November 20, 2007, FRAN OGREN and GYPSY LAWSON attended a monkey training center in Thailand.

5. On or about November 22, 2007, FRAN OGREN or GYPSY LAWSON replied to jetset4real@yahoo.com and advised they were still interested in purchasing a monkey. They asked for pictures, age of the monkey, shipping locations and stated they preferred to obtain a female.

6. On or about November 22, 2007, FRAN OGREN emailed her mother (Bernice Cannon) and asked her to research the availability of Capuchin monkeys for sale in California.

7. On or about November 23, 2007, FRAN OGREN replied to jetset4real@yahoo.com and stated that they were in Thailand, so the nearest airport was in Bangkok. FRAN OGREN then inquired about shipping costs, health certificates, and vaccinations for the monkey.

8. On or between November 23, 2007 and November 25, 2007, Boris Mimietz called FRAN OGREN and stated he may have found a monkey for them. FRAN OGREN and GYPSY LAWSON traveled to Phrao, Thailand, met Boris and they all drove to several villages where

FRAN OGREN and GYPSY LAWSON finally acquired a young rhesus macacque monkey.

9. On or about November 25, 2007, FRAN OGREN and GYPSY LAWSON traveled with the monkey by bus to Bangkok, Thailand. FRAN OGREN and GYPSY LAWSON gave the monkey sleeping pills to sedate him for the bus ride.

10. On or about November 26, 2007, FRAN OGREN sent an email to NE_Washington_Witches_and_Pagans@yahoogroups.com and asked for last minute energy to help them safely smuggle the monkey into the United States. The Witches group replied by e-mail "consider it done."

11. On or about November 27, 2007, GYPSY LAWSON traveled to a vet clinic in Bangkok, Thailand, to obtain drugs to sedate the monkey for the trip back to the United States.

12. On or about November 27, 2007, FRAN OGREN and GYPSY LAWSON checked into the Bangkok Airport. GYPSY LAWSON concealed the monkey under her shirt, pretending to be pregnant. GYPSY LAWSON and FRAN OGREN did not declare any merchandise or goods to the airline or customs officials in Thailand.

13. On or about November 27, 2007, OGREN emailed Boris Mimietz at the Thai Horse Farm (info@thethaihorsefarm.com) and described to him how they were smuggling the monkey and other items they obtained in Thailand, through customs.

13. FRAN OGREN and GYPSY LAWSON flew from Bangkok, Thailand to Seoul Korea, stopped in Tokyo, Japan and then on to Los Angeles, California arriving on November 28, 2007.

14. On or about November 28, 2007, FRAN OGREN and GYPSY

LAWSON signed their Customs Declaration Form (OCP Form 6059B) when they landed in the United States. In section 11(b) they did not declare any meats, animals, animal/wildlife products or other goods. FRAN OGREN and GYPSY LAWSON then passed through the customs check point, while FRAN LAWSON concealed the monkey under her shirt.

15. On or about November 28, 2007, FRAN OGREN and GYPSY LAWSON rented a car and drove to Bernice Cannon's residence, the mother of FRAN OGREN. FRAN OGREN and GYPSY LAWSON showed Bernice and Ray Cannon (stepfather) the monkey and told them they purchased the monkey in California after arriving at LAX.

16. On or between November 28, 2007 and December 5, 2007, FRAN OGREN and GYPSY LAWSON drove back to Spokane, Washington, with the monkey. They returned the rental car to the Spokane Airport and JAMES PRATT picked them up, including the monkey.

17. On or about December 26, 2007, JAMES PRATT, accompanied by GYPSY LAWSON and the monkey, visited friends at the Fashion Bug Store in Spokane. JAMES PRATT discussed with witnesses how GYPSY LAWSON smuggled the monkey into the United States.

18. On or about January 3, 2008, Special Agent McClain contacted JAMES PRATT and told him they were investigating whether he was in possession of a monkey and the monkey's origin. It was also explained there was a public health concern about the monkey. JAMES PRATT admitted he was the owner of a monkey but stated to SA McClain that his girlfriend (GYPSY LAWSON) purchased the monkey during a recent trip to California. JAMES PRATT also stated they were trying to obtain a license and shots for the monkey.

19. On or about January 3, 2008, JAMES PRATT and ~~FRAN OGREN~~ Gypsy Lawson went to the Immigration Customs Enforcement Office in Spokane to be interviewed. JAMES PRATT requested to be present for GYPSY LAWSON'S interview and when his request was denied, he advised GYPSY LAWSON not to continue with the interview.

20. On or about January 11, 2008, the monkey was found in the possession of PRATT and LAWSON at their shared residence.

All in violation of Title 18, United States Code, Section 371.

COUNT TWO

On or about November 28, 2007, within the Eastern District of Washington, GYPSY LAWSON and FRAN OGREN, Defendants herein, did fraudulently and knowingly import and bring into the United States merchandise, to wit: a Rhesus Macaque, contrary to law in that said merchandise was imported in violation of the Endangered Species Act, and was not declared to any official of the United States government upon its entry into the United States, in violation of Title 16, United States Code, Sections 1538(c)(1), 1540(b)(1) and 3372(a)(1), and Title 19 Code of Federal Regulations, Section 148.11, Title 50 Code of Federal Regulations, Sections14.61 and 14.52 and Section 23, and did knowingly receive, conceal and in any manner facilitated the transportation, and concealment of such merchandise after importation, knowing the same to have been imported and brought into the United States contrary to law, all in violation of Title 18, United States Code, Sections 545 and 2.

COUNT THREE

On or about November 28, 2007 until on or about January 11, 2008, within the Eastern District of Washington, JAMES EDWARD PRATT, Defendant herein, did receive, conceal and in any manner facilitated the transportation and concealment of merchandise, to wit: a Rhesus Macaque, contrary to law in that said merchandise was imported into the United States contrary to law, knowing that said merchandise was

imported in violation of the Endangered Species Act, and was not declared to any official of the United States government upon its entry into the United States, in violation of Title 16, United States Code, Sections 1538(c)(1), 1540(b)(1) and 3372(a)(1), and Title 19 Code of Federal Regulations, Section 148.11, Title 50 Code of Federal Regulations, Sections 14.61 and 14.52 and Section 23, all in violation of Title 18, United States Code, Sections 545 and 2.

COUNT FOUR

On or January 3, 2008, in the Eastern District of Washington, in a matter within the jurisdiction of Immigration and Customs Enforcement, an agency of the United States, the defendant, JAMES PRATT, did knowingly and willfully make a false, fraudulent, and fictitious material statement and representation; to wit: he stated to Immigration and Customs Enforcement Special Agent Jack McClain that the Rhesus Macaque monkey he was in possession of was purchased in California, when in truth and in fact he then knew the monkey had been smuggled into the United States by GYPSY LAWSON and FRAN OGREN from Thailand, all in violation of Title 18, Section 1001.

Dated this 22 of July, 2008.

A TRUE BILL

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Stephanie A. Van Marter
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