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CLERK U.S. DISTRICT COURT
CENTRAL DIST. OF CALIF.
LOS ANGELES

UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA
February 2010 Grand Jury

UNITED STATES OF AMERICA,
Plaintiff,
v.
ANDREE GUNAWAN,
Defendant.

CR 10-00470

I N D I C T M E N T

[18 U.S.C. § 545: Importing
Wildlife Contrary to Law; 16
U.S.C. §§ 1538(a)(1)(F),
1540(b): Illegal Offer to
Sell Endangered Species in
Interstate and Foreign
Commerce; 16 U.S.C. §§
1538(a)(1)(A), 1540(b)(1):
Illegal Importation of
Endangered Species; 18 U.S.C.
§ 2(b): Causing an Act to be
Done]

The Grand Jury charges:

INTRODUCTORY ALLEGATIONS

At all times relevant to this Indictment:

A. The Endangered Species Act

1. The Scleropages formosus, commonly known as the Asian
Arowana or Dragon Fish (hereinafter the "Asian Arowana"), was
listed as an endangered wildlife species under the Endangered
Species Act. 50 C.F.R. § 17.11.

JOJ:jjj

1 2. The Endangered Species Act made it unlawful for any
2 person to commit, to attempt to commit, to solicit another to
3 commit, or to cause to be committed, any of the following acts:

4 a. The importation of any endangered wildlife species
5 without a permit issued by the United States. 50 C.F.R. §
6 17.21(b).

7 b. The sale or offer for sale in interstate or foreign
8 commerce of any endangered wildlife species without a permit
9 issued by the United States. 50 C.F.R. § 17.21(f).

10 3. These Introductory Allegations are hereby re-alleged and
11 incorporated by reference into each and every count of this
12 Indictment.

COUNT ONE

[18 U.S.C. §§ 545, 2(b)]

On or about July 26, 2005, in Los Angeles County, within the Central District of California, and elsewhere, defendant ANDREE GUNAWAN ("GUNAWAN") did fraudulently and knowingly import, bring, and cause the importation and bringing of merchandise, namely, endangered Asian Arowana fishes, into the United States contrary to law. Specifically, defendant GUNAWAN brought, imported, and caused the bringing and importation of approximately two Asian Arowana fishes into the United States contrary to law, namely, without first obtaining a valid import permit from the United States, in violation of Title 16, United States Code, Section 1538(c)(1), and Title 50, Code of Federal Regulations, Sections 17.21(a) and (b).

COUNT TWO

[18 U.S.C. §§ 545, 2(b)]

On or about August 10, 2005, in Los Angeles County, within the Central District of California, and elsewhere, defendant ANDREE GUNAWAN ("GUNAWAN") did fraudulently and knowingly import, bring, and cause the importation and bringing of merchandise, namely, endangered Asian Arowana fishes, into the United States contrary to law. Specifically, defendant GUNAWAN brought, imported, and caused the bringing and importation of approximately ten Asian Arowana fishes into the United States contrary to law, namely, without first obtaining a valid import permit from the United States, in violation of Title 16, United States Code, Section 1538(c)(1), and Title 50, Code of Federal Regulations, Sections 17.21(a) and (b).

COUNT THREE

[16 U.S.C. §§ 1538(a)(1)(F), 1540(b)(1)]

On or about July 26, 2005, in Los Angeles County, within the Central District of California, and elsewhere, defendant ANDREE GUNAWAN did knowingly offer for sale in interstate and foreign commerce endangered wildlife species, namely, approximately two Asian Arowana fishes, without a permit issued by the United States.

COUNT FOUR

[16 U.S.C. §§ 1538(a)(1)(F), 1540(b)(1)]

On or about August 10, 2005, in Los Angeles County, within the Central District of California, and elsewhere, defendant ANDREE GUNAWAN did knowingly offer for sale in interstate and foreign commerce endangered wildlife species, namely, approximately ten Asian Arowana fishes, without a permit issued by the United States.

COUNT FIVE

[16 U.S.C. §§ 1538(a)(1)(A), 1540(b)(1); 18 U.S.C. § 2(b)]

On or about July 26, 2005, in Los Angeles County, within the Central District of California, and elsewhere, defendant ANDREE GUNAWAN did knowingly import and cause the importation of endangered wildlife species, namely, two Asian Arowana fishes, without a permit issued by the United States.

COUNT SIX

[16 U.S.C. §§ 1538(a)(1)(A), 1540(b)(1); 18 U.S.C. § 2(b)]

On or about August 10, 2005, in Los Angeles County, within the Central District of California, and elsewhere, defendant ANDREE GUNAWAN did knowingly import and cause the importation of endangered wildlife species, namely, ten Asian Arowana fishes, without a permit issued by the United States.

A TRUE BILL

/s/
Foreperson

ANDRÉ BIROTTE, JR.
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CHRISTINE C. EWELL
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