

Subject: NEWS RELEASE: TWO KEYS RESIDENTS CHARGED WITH DESTRUCTION OF GOVERNMENT PROPERTY AND REFUGE VIOLATIONS



U.S. Department of Justice

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August 31, 2006

NEWS RELEASE:

TWO KEYS RESIDENTS CHARGED WITH DESTRUCTION OF GOVERNMENT PROPERTY AND WILDLIFE REFUGE VIOLATIONS

R. Alexander Acosta, United States Attorney for the Southern District of Florida, Eddie McKissick, Resident Agent in Charge, United States Fish & Wildlife Service, Major Jeff Russo, Regional Commander, Special Protection Area, Florida Fish & Wildlife Conservation Commission (FWCC), and Florida Keys Wildlife Refuge Manager Anne Morkill announced that a federal grand jury sitting in Miami returned a four count Indictment today against **FERMIN FORTUN**, 60, and **FERMIN FORTUN, JR.**, 39, both of Tavernier, Florida, charging both men with destruction of federal property valued in excess of \$1,000.00, as well as trespassing, illegally searching for objects of antiquity, and the lighting of fires, all within the Key West National Wildlife Refuge. Destruction of federal property is proscribed by Title 18, United States Code, Section 1361. Title 16, United States Code, Section 668dd, and the regulations promulgated in 50 Code of Federal Regulations, Sections 26.21, 27.62, and 27.95, prohibit trespassing, the search for antiquities, and the lighting of fires, without special authorization, within federal Wildlife Refuges.

According to the Indictment and court records, Refuge Officers, Fish & Wildlife Service Special Agents, and FWCC Investigators and Officers began their joint investigation of the defendants shortly after June 19 of this year when the defendants were observed visiting uninhabited Keys within the Refuge. Over the course of almost

two months, the defendants were seen within the closed areas of several of the Refuge Keys. By mid-July, the **FORTUNS** had established themselves at an inland campsite on Boca Grande Key and begun excavation of a site that grew to be approximately eight feet in diameter and ten feet deep. Surveillance by air, from the adjacent waters, and by a team of enforcement officers on the Key confirmed the illegal digging activity, and the fact that the **FORTUNS** had entered a closed part of the Key, set fires at their campsite, and were searching for objects of antiquity without the required authorizations or permit for such activities. On August 26, 2006, agents approached the father and son team and placed them under arrest. According to court records, a similar operation in the recent past, causing less intrusion and damage to Refuge property, was assessed at almost \$10,000 for remediation.

Arraignment of the defendants on the charges is set for September 8, 2006 at 3:00 pm. If convicted on all four counts of the Indictment, the **FORTUNS** face possible prison sentences of up to twelve years in jail and fines of up to \$390,000.

Under federal law, the Secretary of the Interior administers, through agency, the Fish and Wildlife Service, the national system of Wildlife Refuges, which are intended to provide for the conservation, management, and where appropriate, the restoration of the fish, wildlife, plant resources, and their habitats within the United States for the benefit of present and future generations of Americans. Boca Grande Key has been part of the Key West National Wildlife Refuge since it was established in 1908 by President Theodore Roosevelt as a preserve and breeding ground for native birds and other wildlife. This refuge was the first established in the Florida Keys and one of the earliest refuges in the United States. The refuge encompasses more than 200,000 acres with only 2,000 acres of land. The area is home to more than 250 species of birds and is important for sea turtle nesting. The islands are predominately mangrove with a few beaches and salt ponds.

Mr. Acosta commended the investigative efforts of the Special Agents and Refuge Officers of the Fish & Wildlife Service and the Investigators and Officers of the Florida Fish & Wildlife Conservation Commission who participated in the joint investigation which led to the charges in this matter. The case is being prosecuted by Assistant United States Attorney Thomas Watts-FitzGerald.

A copy of all press release may be found on the website of the United States Attorney's Office for the Southern District of Florida at www.usdoj.gov/usao/fls [<http://www.usdoj.gov/usao/fls/>](http://www.usdoj.gov/usao/fls/). Related court documents and information may be found on the website of the District Court for the Southern District of Florida at www.flsd.uscourts.gov [<http://www.flsd.uscourts.gov/>](http://www.flsd.uscourts.gov/) or on <http://pacer.flsd.uscourts.gov> [<http://pacer.flsd.uscourts.gov/>](http://pacer.flsd.uscourts.gov/).