

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

**FILED**

AUG 15 2012

Clerk, U.S. District and  
Bankruptcy Courts

UNITED STATES OF AMERICA,

Plaintiff,

v.

SANFORD, LTD., and  
JAMES POGUE,

Defendants.

Criminal Action No. 11-352-1 (BAH)

Criminal Action No. 11-352-3 (BAH)

VERDICT FORM

COUNT ONE

1. We, the jury, unanimously find that the defendant, **SANFORD LTD.**, is



                   **GUILTY**

                   **NOT GUILTY as to Count One**

If you find that the defendant **SANFORD LTD.** is guilty of Count One, please check the OVERT ACT(S) you unanimously found the Government proved beyond a reasonable doubt were performed by the defendant **SANFORD, LTD.**, acting through its agents and employees, who were acting within the scope of their agency or employment and, and at least in part, for the benefit of the company, or a co-conspirator, during and in furtherance of the charged conspiracy. *(You may check more than one.)*

OVERT ACTS

During fishing voyages ending in Pago Pago, American Samoa, on the dates listed in the table below, the defendant **SANFORD LTD.**, acting through its agents and employees, who were acting within the scope of their agency or employment, and, at least in part, for the benefit of the company, or other members of the conspiracy, directed subordinates to discharge and caused the discharge of machinery space bilge waste from the *F/V San Nikunau* overboard into

the sea, bypassing the ship's Oil Water Separator and other required pollution prevention equipment without recording the discharge into the vessel's Oil Record Book as required.

Overt Act	Date	Check if Proven Beyond a Reasonable Doubt
1	November 25, 2006	
2	October 21, 2007	
3	November 30, 2007	
4	January 12, 2008	
5	April 24, 2008	
6	December 9, 2008	
7	January 11, 2009	
8	March 4, 2009	
9	May 3, 2009	
10	July 18, 2009	
11	April 5, 2010	
12	July 9, 2010	
13	July 1, 2008	
14	September 13, 2008	
15	July 14, 2011	
16	March 7, 2007	
17	August 10, 2007	
18	September 27, 2007	
19	September 15, 2009	
20	August 17, 2010	

Defendant **SANFORD LTD.**, acting through its agents and employees, who were acting within the scope of their agency or employment, and, at least in part, for the benefit of the company, or other members of the conspiracy, caused the *F/V San Nikunau* to enter the navigable waters, internal waters and ports of the United States in the United States territory of American Samoa with a knowingly falsified Oil Record Book on or about the following dates:

Overt Act	Date	Check if Proven Beyond a Reasonable Doubt
21	November 25, 2006	
22	March 7, 2007	
23	August 10, 2007	
24	September 27, 2007	
25	October 21, 2007	

26	November 30, 2007	
27	January 12, 2008	
28	April 24, 2008	
29	July 1, 2008	
30	September 13, 2008	
31	December 9, 2008	
32	January 11, 2009	
33	March 4, 2009	
34	May 3, 2009	
35	July 18, 2009	
36	September 15, 2009	
37	April 5, 2010	
38	July 9, 2010	✓
39	August 17, 2010	
40	July 14, 2011	

**OVERT ACT 41.** On or about July 15, 2011, the First Mate (A.K.A. "Navigator") of the *F/V San Nikunau* instructed a crewmember while in the galley of the vessel, in sum and substance, to falsely tell United States Coast Guard personnel that only water is pumped overboard from the vessel. \_\_\_\_\_ **(Check if proven)**

**OVERT ACT 42.** On or about July 15, 2011, the First Mate (A.K.A. "Navigator") of the *F/V San Nikunau* instructed a crewmember during a vehicle ride to a Coast Guard office, in sum and substance, to falsely tell United States Coast Guard personnel that only water is pumped overboard from the vessel. \_\_\_\_\_ **(Check if proven)**

2. We, the jury, unanimously find that the defendant, **JAMES POGUE**, is

\_\_\_\_\_ **GUILTY**      ✓  
 \_\_\_\_\_ **NOT GUILTY as to Count One.**

If you find that the defendant **JAMES POGUE** is guilty of Count One, please check the **OVERT ACT(S)** you unanimously found the Government proved beyond a reasonable doubt were performed by the defendant or a co-conspirator, during and in furtherance of the charged conspiracy. (*You may check more than one.*)

**OVERT ACTS**

During fishing voyages ending in Pago Pago, American Samoa, on the following dates as listed in the table below, the defendant **JAMES POGUE**, or other members of the conspiracy, directed subordinates to discharge and caused the discharge of machinery space bilge waste from the *F/V San Nikunau* directly overboard into the sea, bypassing the ship's Oil Water Separator and other required pollution prevention equipment without recording the discharge into the vessel's Oil Record Book as required.

Overt Act	Date	Check if Proven Beyond a Reasonable Doubt
1	November 25, 2006	
2	October 21, 2007	
3	November 30, 2007	
4	January 12, 2008	
5	April 24, 2008	
6	December 9, 2008	
7	January 11, 2009	
8	March 4, 2009	
9	May 3, 2009	
10	July 18, 2009	
11	April 5, 2010	
12	July 9, 2010	

**COUNT TWO**

3. We, the jury, unanimously find that the defendant, **SANFORD LTD.**, is

  ✓   **GUILTY**                                 **NOT GUILTY as to Count Two**

If you find that the defendant **SANFORD LTD.** is guilty of **Count Two**, please check the act(s) you unanimously found the Government proved beyond a reasonable doubt were performed by the defendant **SANFORD, LTD.**, acting through its agents and employees, who were acting within the scope of their agency or employment and, at least in part, for the benefit of the company. (*You may check more than one*):

On or about July 9, 2010, within a port of the United States in the United States territory of American Samoa:

           The defendant knowingly maintained an Oil Record Book that failed to disclose overboard discharges of oily bilge waste without the use of a properly functioning Oil Water Separator and oil monitoring equipment and falsely stated the Oil Water Separator was used when in fact it was not.

  ✓   The defendant knowingly maintained an Oil Record Book that failed to account for internal transfers of oily bilge waste from machinery spaces to other areas of the ship.

4. We, the jury, unanimously find that the defendant, **JAMES POGUE**, is

**GUILTY**  **NOT GUILTY as to Count Two**

If you find that the defendant **JAMES POGUE** is guilty of **Count Two**, please check the act(s) you unanimously found the Government proved beyond a reasonable doubt were performed by the defendant. (*You may check more than one*):

On or about July 9, 2010, within a port of the United States in the United States territory of American Samoa:

The defendant knowingly maintained an Oil Record Book that failed to disclose overboard discharges of oily bilge waste without the use of a properly functioning Oil Water Separator and oil monitoring equipment and falsely stated the Oil Water Separator was used when in fact it was not.

The defendant knowingly maintained an Oil Record Book that failed to account for internal transfers of oily bilge waste from machinery spaces to other areas of the ship.

**COUNT THREE**

5. We, the jury, unanimously find that the defendant, **SANFORD LTD.**, is

**GUILTY**  **NOT GUILTY as to Count Three**

If you find that the defendant **SANFORD LTD.** is guilty of **Count Three**, please check the act(s) you unanimously found the Government proved beyond a reasonable doubt were performed by the defendant, acting through its agents and employees, who were acting within the scope of their agency or employment and, at least in part, for the benefit of the company. (*You may check more than one.*)

During a fishing voyage ending on or about July 9, 2010, terminating in and within the navigable waters, internal waters and ports of the United States in the United States territory of American Samoa, the:

The defendant, with the intent to impede, obstruct, and influence the investigation and proper administration of a matter within the jurisdiction of the United States Coast Guard, did knowingly conceal, cover up, falsify, or make a false entry in the Oil Record Book for the *F/V San Nikunau* that concealed the overboard discharge of oil contaminated waste.

The defendant, with the intent to impede, obstruct, and influence the investigation and proper administration of a matter within the jurisdiction of the United States Coast Guard did knowingly conceal, cover up, falsify, or make a false entry in the Oil Record Book for the *F/V San Nikunau* by falsely stating that required pollution prevention equipment had been used when it had not.

6. We, the jury, unanimously find that the defendant, **JAMES POGUE**, is

                     **GUILTY**                      **NOT GUILTY as to Count Three**

If you find that the defendant **JAMES POGUE** is guilty of **Count Three**, please check the act(s) you unanimously found the Government proved beyond a reasonable doubt were performed by the defendant. *(You may check more than one.)*

During a fishing voyage ending on or about July 9, 2010, terminating in and within the navigable waters, internal waters and ports of the United States in the United States territory of American Samoa, the:

                     The defendant, with the intent to impede, obstruct, and influence the investigation and proper administration of a matter within the jurisdiction of the United States Coast Guard, did knowingly conceal, cover up, falsify, or make a false entry in the Oil Record Book for the *F/V San Nikunau* that concealed the overboard discharge of oil contaminated waste.

                     The defendant, with the intent to impede, obstruct, and influence the investigation and proper administration of a matter within the jurisdiction of the United States Coast Guard, did knowingly conceal, cover up, falsify, or make a false entry in the Oil Record Book for the *F/V San Nikunau* by falsely stating that required pollution prevention equipment had been used when it had not.



**COUNT FOUR**

7. We, the jury, unanimously find that the defendant, **SANFORD LTD.**, is

**GUILTY**  **NOT GUILTY as to Count Four**

If you find that the defendant **SANFORD LTD.** is guilty of **Count Four**, please check the act(s) you unanimously found the Government proved beyond a reasonable doubt were performed by the defendant **SANFORD, LTD**, acting through its agents and employees, who were acting within the scope of their agency or employment, and, at least in part, for the benefit of the company. *(You may check more than one.)*

On or about July 14, 2011, within a port of the United States in the United States territory of American Samoa:

The defendant knowingly maintained an Oil Record Book that failed to disclose overboard discharges of oily bilge waste without the use of a properly functioning Oil Water Separator and oil monitoring equipment and falsely stated the Oil Water Separator was used when in fact it was not.

The defendant knowingly maintained an Oil Record Book that was inaccurate because it failed to account for internal transfers of oily bilge waste from machinery spaces to other areas of the ship.

**COUNT FIVE**

8. We, the jury, unanimously find that the defendant, **SANFORD LTD.**, is

**GUILTY**  **NOT GUILTY as to Count Five**

If you find that the defendant **SANFORD LTD.** is guilty of **Count Five**, please check the act(s) you unanimously found the Government proved beyond a reasonable doubt were performed by the defendant, acting through its agents and employees, who were acting within the scope of their agency or employment. (*You may check more than one.*)

During a fishing voyage ending on or about July 14, 2011, terminating in and within the navigable waters, internal waters and ports of the United States in the United States territory of American Samoa:

The defendant, with the intent to impede, obstruct, and influence the investigation and proper administration of a matter within the jurisdiction of the United States Coast Guard, did knowingly conceal, cover up, falsify, or make a false entry in the Oil Record Book for the *F/V San Nikunau* that concealed the overboard discharge of oil contaminated waste.

The defendant did, with the intent to impede, obstruct, and influence the investigation and proper administration of a matter within the jurisdiction of the United States Coast Guard, knowingly conceal, cover up, falsify, or make a false entry in the Oil Record Book for the *F/V San Nikunau* by falsely stating that required pollution prevention equipment had been used when it had not.

**COUNT SIX**

9. We, the jury, unanimously find that the defendant, SANFORD LTD., is

\_\_\_\_\_ **GUILTY**  \_\_\_\_\_ **NOT GUILTY as to Count Six**

**COUNT SEVEN**

10. We, the jury, unanimously find that the defendant, SANFORD LTD., is

\_\_\_\_\_ **GUILTY** \_\_\_\_\_ **NOT GUILTY as to Count Seven**

Føfepersøn/s signature

Aug. 15, 2012  
Date