

United States District Court

MIDDLE DISTRICT OF ALABAMA

UNITED STATES OF AMERICA

v.

TIELMAN ERASMUS

CRIMINAL COMPLAINT

CASE NUMBER: 2:13mj17-WC

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about October 6, 2009, in Montgomery county and elsewhere within the Middle District of Alabama defendant(s) did, (Track Statutory Language of Offense)

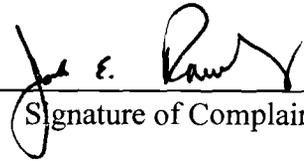
unlawfully make and submit a false record, account, and label for, a leopard (Panthera pardus), which had been, and was intended to be transported in interstate and foreign commerce

in violation of Title 16 United States Code, Section(s) 3372(d)(2). I further state that I am

a(n) Special Agent with U.S. Fish & Wildlife Service and that this complaint is based on the following facts: Official Title

SEE ATTACHED AFFIDAVIT WHICH IS INCORPORATED BY REFERENCE

Continued on the attached sheet and made a part hereof: Yes No



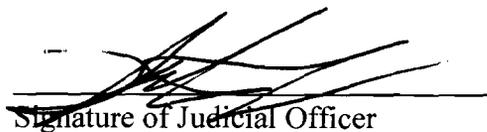
Signature of Complainant

Sworn to before me and subscribed in my presence,

February 11, 2013
Date

at Montgomery, Alabama
City and State

Wallace Capel, Jr.
Name & Title of Judicial Officer



Signature of Judicial Officer

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

I, John Rawls, Special Agent for the United States Fish and Wildlife Service, after being duly sworn, declare as follows:

I. INTRODUCTION

1. I am a Special Agent (“SA”) of the United States Fish and Wildlife Service (“USFWS” or “Service”), Office of Law Enforcement, and am therefore an “investigative or law enforcement officer...” of the United States within the meaning of Title 16, United States Code, Section 3375. As such, I am a Federal Law Enforcement Officer within the meaning of Rule 41(a), Federal Rules of Criminal Procedure. I have been so employed for approximately 11 years. During that time I have worked as a Special Agent in Miami, Florida, Savanna, Georgia, Fairbanks, Alaska and am currently stationed in the Millbrook, Alabama field office. Prior to my employment with the USFWS I was a Game Warden for the state of Alabama. I am familiar, based on my training, education, and experiences, with the laws and regulations primarily enforced by the USFWS, and have participated in numerous investigations.

2. This affidavit is in support of a criminal complaint charging Tielman ERASMUS, a South African national, with various crimes related to the killing, transportation and importation of protected wildlife, specifically a leopard (*Panthera pardus*) in violation of federal law.

II. LEGAL BACKGROUND

3. The United States has ratified a treaty known as the Convention on the International Trade in Endangered Species of Wild Fauna and Flora (“CITES”). Under CITES, codified at 16 U.S.C. § 1538, et. seq., species are protected according to a

classification system known as “appendices.” Wildlife species listed in Appendix I of CITES (such as the leopard) are species that are threatened with extinction and that are, or may be affected by trade. This regulation takes the form of particularly strict requirements for documentation from the country of export or re-export and the country of import as well as monitoring of trade, and national export quotas.

Leopard Protected Status

4. Since 1975, the leopard (Panthera pardus) has been listed as threatened (in the area in question) under U.S. law and on Appendix I of the international CITES treaty. This classification requires that leopard parts (including skins and skulls from sport hunts) crossing any international boundary must be accompanied by a valid import permit issued by the receiving country and a valid export permit (or re-export certificate) from the exporting country. Importation of leopard parts without such documentation, or with false or fraudulent documents, is contrary to CITES and violates the implementing statute and regulation (ESA and Title 50 of the CFR), and by extension, the anti-smuggling statute, 18 U.S.C. § 545 and the false labeling provisions of the Lacey Act, 16 U.S.C. § 3372(d)(1), which are charged in this case.

5. Title 18, United States Code, Section 545 makes it unlawful for anyone who knowingly imports or brings into the United States, any merchandise contrary to law, or receives, conceals, buys, sells, or in any manner facilitates the transportation, concealment, or sale of such merchandise after importation, knowing the same to have been imported or brought into the United States contrary to law.

6. Title 16 United States Code, Section 3372(d)(1) makes it unlawful for any person to make or submit any false record, account, or label for, or any false identification of,

any fish wildlife or plant which has been or is intended to be imported, exported, transported, sold, purchased, or received from any foreign country.

III. FACTS ESTABLISHING PROBABLE CAUSE

7. On October 16, 2009, U.S. Fish and Wildlife Service (USFWS) Wildlife Inspector (WI) Michael Martynenko was advised of a shipment of game trophies being imported into the United States from South Africa. WI Martynenko inspected the shipment at the Fauna and Flora bonded warehouse in Jamaica, New York, within the Eastern Judicial District of New York. The shipment contained a total of six animals, including one leopard and was consigned to A.G.D. in Kyle, Texas.

8. WI Martynenko reviewed the CITES documents that were presented with the shipment. Because the leopard is CITES Appendix I, these documents included both the U.S. CITES import permit and the South African CITES export permit. Upon review, he noticed a conflict in the U.S. paperwork compared to that presented from South Africa. Under block 5 (Special Conditions) of the U.S. import CITES permit a special condition stated "trophy must have been taken during the 2006 hunting season." WI Martynenko examined the South Africa CITES export permit and noticed that under block 5 of that permit the leopard tag number was "ZA PAR 2008000028" indicating that the leopard was killed and tagged in 2008.

9. On January 22, 2010, USFWS Resident Agent in Charge (RAC) David Hubabrd received information from Mr. S. P. Coetzee of the Environmental Compliance and Enforcement Division of the Limpopo Provincial government of South Africa concerning the possible illegal export of a leopard. Mr. Coetzee provided a permit application submitted by Dawie Groenewald for the export of a leopard that was killed by A.G.D. of

Kyle, Texas in 2008. Mr. Coetzee stated that he had checked the South African border crossing information and found that Glenn Davey was last in South Africa in 2006 and had not entered the country since. Mr. Coetzee also provided a "South African Professional Hunting Register and Trophy Export Application" (Hunting Register) that was submitted to the Limpopo provincial government in order to obtain a permit for export of sport hunted trophies. The register showed that the hunt commenced on October 27, 2008, and ended on November 03, 2008. The client was listed as A.G.D. of Kyle, Texas and Tielman ERASMUS was listed as the "professional hunter" or "guide". The hunting register was signed and dated by both Tielman ERASMUS and A.G.D. Mr. Coetze stated that ERASMUS is a licensed professional hunter and as such is employed by outfitter Dawie Groenewald of Out of Africa Adventurous Safaris (OAAS).

10. RAC Hubbard and others have determined through numerous sources and records that OAAS is owned by brothers Dawie and Janneman Groenewald. OAAS operates a hunting safari business in the Limpopo province of South Africa and promotes hunting safaris to U.S. clients at sports and outdoor shows throughout the U.S. J. Groenewald, a South African National, lived in Autaugaville, Alabama as a permanent legal resident of the U.S. from approximately 2006 to January of 2011 and during that time managed the business activities of OOAS in the U.S., to include, marketing, booking hunts and collecting money for the business. J. Groenewald maintained two bank accounts located in Prattville and Montgomery, Alabama under the business name of OAAS. Both bank accounts were used for the purpose of handling funds and financial transactions of OAAS.

11. In further communications with Mr. Coetze, RAC Hubbard was advised that a search of the relevant records in South Africa showed that no permits or hunting rights existed for the 2006 leopard hunt and that all of the records created or submitted by ERASMUS and others for the purpose of exporting the leopard to the U.S. were fraudulent.

12. Mr. Coetze advised that he interviewed Tielman ERASMUS on February 11, 2010 concerning the leopard killed by A.G.D. ERASMUS stated in the interview that he had filled out and signed a hunting register and export application in 2008 knowing that the leopard was actually killed in 2006. ERASMUS further stated that he understood that A.G.D. wished to have the leopard mounted in South Africa and then exported to the United States.

13. On January 23, 2010, A.G.D. was interviewed at his residence in Kyle, Texas by SA Carl Wilson. A.G.D. stated that he booked a leopard hunt with OAAS in 2006 after meeting Dawie Groenewald and his brother, Janneman Groenewald at a Safari Club International (SCI) show. A.G.D. stated that he paid Dawie Groenewald \$36,000 for the safari. A.G.D. traveled to South Africa in July 2006 for the hunt with his wife and kids and during that hunt he killed a leopard along with several other game animals killed by him and his family. A.G.D. provided SA Wilson a copy of a photograph of his family with the leopard that was date stamped "18Jul06." A.G.D. further stated that he has not been back to South Africa since the 2006 hunt.

14. A.G.D. was shown the hunting register and permit application that were used by OAAS to obtain the South African CITES permit and stated that he had never seen any of

those documents before. A.G.D. and his wife examined the signature under his name on the hunting register and stated that the signature was not his and was a forgery.

15. A.G.D. stated during an interview on February 7, 2013 that he had contacted J. Groenewald in 2008 or 2009 on his cell phone in Alabama inquiring about the Leopard trophy. A.G.D. stated that J. Groenewald told him that there was a problem with the paperwork in South Africa and he would look into it. During this same time period, A.G.D. engaged in e-mail communication with representatives of Out of Africa, including Jannemen Groenewald, who was then located in Autauga County, Alabama, to obtain assurances that he would receive his leopard trophy.

16. In sum and substance and as set forth herein, the investigation has produced evidence demonstrating that a U.S. hunter did not promptly receive his hunting trophy because unbeknownst to him, the leopard had been not lawfully hunted. After he complained about not receiving the trophy, records were created to provide the basis for issuance of a CITES export permit from South Africa. However, the CITES export permit issued by South Africa had a false hunting date based upon the false, forged and fictitious hunting record that was created by ERASMUS and OAAS.

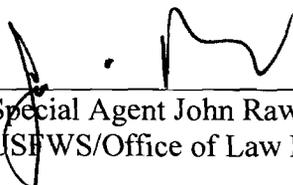
17. RAC Hubbard has been conducting an investigation of OAAS that includes allegations that representatives of OAAS, including ERASMUS, have defrauded hunting clients in the U.S. by selling what were represented to be legal hunts when in sum and substance, OAAS was engaged in illegal hunting operations. Among the allegations being investigated is that ERASMUS and OAAS sold and caused the selling of rhinoceros hunts to U.S hunters in violation of South African and U.S. law. RAC Hubbard has also been assisting the government of South Africa in its prosecution of

those associated with OAAS for related crimes in South Africa, including racketeering as defined by South African law.

18. RAC Hubbard is aware that ERASMUS recently traveled from the U.S. to Mexico and is scheduled to return to the U.S. on Monday, February 11, 2013, at the Atlanta Hartsfield-Jackson International Airport. His current travel itinerary indicates that he will return to South Africa in the next few days.

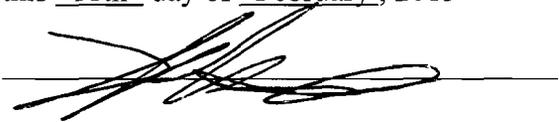
19. Pursuant to 18 U.S.C. § 3238, because this offense began or was committed upon the high seas, and elsewhere out of the jurisdiction of any particular State or district, the trial of the offense shall be in the district in which the offender or any one of two or more joint offenders, is arrested or is first brought. One of the joint offenders and co-conspirators in this investigation, Dawie Groenewald, was arrested in Montgomery, Alabama in January of 2010. He was indicted and ultimately pleaded guilty to charges in the Middle District of Alabama related to the illegal killing and the eventual smuggling of the Leopard into the U.S.

20. Based upon the foregoing, your Affiant has probable cause to believe that Tielman ERASMUS violated the following federal laws: Title 16, United States Code, Section 1538(c)(1) and Title 50, Code of Federal Regulations, Part 23.13(a), Title 18 United States Code, Section 545 and Title 16 United States Code Section 3372(d)(1) and (2).


Special Agent John Rawls
USFWS/Office of Law Enforcement

Subscribed and sworn to before me,

this 11th day of February, 2013

A handwritten signature in black ink, consisting of several overlapping loops and strokes, positioned above a horizontal line.

United States Magistrate Judge