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Attorneys for Plaintiff

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

COREY POTTER, KYLE POTTER, and
JUSTIN WELCH,

Defendant.

No. 3:24-cr-00047-JMK-MMS

COUNTS 1–2

LACEY ACT — UNLAWFUL
TRANSPORTATION OF FISH OR
WILDLIFE

Vio. of 16 U.S.C §3372(a)(2)(A) and
3373(d)(1)(B)

CRIMINAL FORFEITURE
ALLEGATION

16 U.S.C. § 3374(a)(2); 28 U.S.C. §
2461(c); and Fed. R. Crim. P. 32.2(a)

INDICTMENT

The Grand Jury charges that:

RELEVANT LAW AND REGULATIONS

1. Pursuant to the Lacey Act, 16 U.S.C. § 3372(a)(2)(A), it is unlawful for any person to transport, sell, receive, acquire, or purchase in interstate or foreign commerce, any wildlife taken, possessed, transported, or sold in violation of any law or regulation of any State.

2. Pursuant to Alaska Statute (AS) 16.10.240 (a), it is unlawful for a person to take out of or ship, transport, or send from Alaska any commercially taken live crab, unless the crab have been landed in a port in the state and recorded on a fish ticket form prescribed by the Alaska Department of Fish and Game.

3. Pursuant to 5 Alaska Administrative Code (AAC) 39.130(c), provides commercial fishermen are required to complete a fish ticket for all fish or byproducts of fish harvested in the waters of Alaska and for all fish or byproducts of fish harvested in waters outside of the waters of Alaska and offloaded or processed in the waters of Alaska. Fish tickets for each fishery must be finalized and submitted to a local representative of the Alaska Department of Fish and Game not later than seven days after a delivery or partial delivery, or as otherwise specified by the department, such as for each vessel trip. The operator of a vessel that has harvested fish in the waters of Alaska and whose port of delivery is outside this state, or who sells, transfers, receives, or delivers fish in the Exclusive Economic Zone (EEZ), shall submit a completed hailed weight fish ticket or a fish ticket to the department before the fish are transported out of the jurisdiction of Alaska.

4. Pursuant to the Lacey Act, 16 U.S.C. § 3372(d), it is unlawful for any person to make or submit any false record, account, or label for, or any false identification of, any wildlife, which has been, or is intended to be transported in interstate or foreign commerce.

COUNT 1

On or about March 5, 2024, within the District of Alaska, the defendants, COREY POTTER and JUSTIN WELCH did knowingly transport, sell, receive, acquire, and purchase in interstate commerce, fish and wildlife with a market value in excess of \$350,

which COREY POTTER and JUSTIN WELCH knew was taken, possessed, transported and sold in violation of the laws and regulations of the State of Alaska, to wit: AS 16.10.240 (a) and 5 AAC 39.130(c), in that COREY POTTER and JUSTIN WELCH, transported commercially taken live king crab from Alaska that they knew had not been landed in a port in the state and recorded on a fish ticket form prescribed by the Alaska Department of Fish and Game.

All of which is in violation of 16 U.S.C §§ 3372(a)(2)(A) and 3373(d)(1)(B).

COUNT 2

On or about March 5, 2024, within the District of Alaska, the defendants, COREY POTTER and KYLE POTTER did knowingly transport, sell, receive, acquire, and purchase in interstate commerce, fish and wildlife with a market value in excess of \$350, which COREY POTTER and KYLE POTTER knew was taken, possessed, transported and sold in violation of the laws and regulations of the State of Alaska, to wit: AS 16.10.240 (a) and 5 AAC 39.130(c), in that COREY POTTER and KYLE POTTER, transported commercially taken live tanner crab from Alaska that they knew had not been landed in a port in the state and recorded on a fish ticket form prescribed by the Alaska Department of Fish and Game.

All of which is in violation of 16 U.S.C §§ 3372(a)(2)(A) and 3373(d)(1)(B).

CRIMINAL FORFEITURE ALLEGATION

The allegations contained in Counts 1–2 of this Indictment are hereby re-alleged and incorporated by reference for the purpose of alleging forfeitures pursuant to 16 U.S.C. § 3374(a)(2); 28 U.S.C. § 2461(c); and Rule 32.2(a) of the Federal Rules of Criminal Procedure.

Upon conviction of Counts 1–2 of this Indictment, the defendants, COREY POTTER, KYLE POTTER, and JUSTIN WELCH, shall forfeit to the United States pursuant to 16 U.S.C. § 3374(d) and 28 U.S.C. § 2461(c), any vessels, vehicles, aircraft, and other equipment used to aid in the importing, exporting, transporting, selling, receiving, acquiring, and purchasing of fish and wildlife involved in the commission of the offense.

All pursuant to 16 U.S.C. § 3374(a)(2); 28 U.S.C. § 2461(c); and Rule 32.2(a) of the Federal Rules of Criminal Procedure.

A TRUE BILL

s/ Grand Jury Foreperson
GRAND JURY FOREPERSON

s/ Seth Brickey
SETH BRICKEY
Assistant U.S. Attorney
United States of America

s/ S. Lane Tucker
S. LANE TUCKER
United States Attorney

DATE: 4/16/2024