

JUL-18-2003 15:46

ASSOCIATED PRESS, MIAMI

03-205777  
UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA  
CASE NO. CR-ALTONAGA  
18 U.S.C. § 371  
18 U.S.C. § 2279

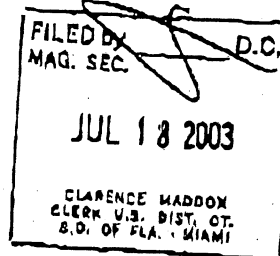
MAGISTRATE JUDGE  
BANDSTRA

UNITED STATES OF AMERICA

vs.

GREENPEACE, INC.,  
d/b/a "Greenpeace USA,"

Defendant.



INDICTMENT

The Grand Jury charges that:

GENERAL ALLEGATIONS

At all times material to this Indictment:

1. GREENPEACE, INC. was incorporated under the laws of California and was doing business under the name GREENPEACE USA.
2. SCOTT ANDERSON was employed by GREENPEACE, INC. as a "climber."
3. HILLARY HOSTA was employed by GREENPEACE, INC. as a "climber."
4. The "M/V APL Jade" was a vessel owned and operated by APL Limited for the purpose of transporting cargo by sea.

COUNT 1

From a date unknown to the Grand Jury, but at least as early as on or about April 6, 2002, and continuing through on or about April 12, 2002, in Miami-Dade County, in the Southern District of Florida, and elsewhere, the defendant,

GREENPEACE, INC.,  
d/b/a "Greenpeace USA,"

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did knowingly and willfully combine, conspire, confederate, and agree with SCOTT ANDERSON, MARK DOMBOWSKY, HILLARY HOSTA, JEREMY PASTER, SCOTT PAUL, PELLE PETERSON, and others known and unknown to the Grand Jury, without being in the United States service and without being duly authorized by law for the purpose, to go on board a vessel, namely, the "M/V APL Jade," which was about to arrive at the place of her destination, namely, the Port of Miami, before her actual arrival, and before she had been completely moored; in violation of Title 18, United States Code, Section 2279.

#### Purpose and Object of the Conspiracy

It was a purpose and object of the conspiracy to place individual members, employees, and agents of the defendant on board the cargo vessel "M/V APL Jade," without the cargo vessel's permission and without other lawful authority.

#### Manner and Means

The manner and means by which the defendant and other participants sought to accomplish the purpose and object of the conspiracy included the following:

1. It was part of the conspiracy that the defendant hired the individual co-conspirators as "climbers," whose job was to go on board the "M/V APL Jade."
2. It was further a part of the conspiracy that the defendant selected the "M/V APL Jade" as the target of the conspiracy based upon the defendant's erroneous belief that the "M/V APL Jade" carried a shipment of Brazilian mahogany lumber.
3. It was further a part of the conspiracy that the defendant caused the individual co-conspirators and small boats registered to the defendant to be transported to Miami Beach, Florida, in preparation for the boarding of the "M/V APL Jade."

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Overt Acts

In furtherance of this conspiracy and to effect the object thereof, there was committed by at least one of the co-conspirators herein, at least one of the following overt acts, among others, in the Southern District of Florida:

1. On or about April 12, 2002, SCOTT ANDERSON, HILLARY HOSTA, JEREMY PASTER, PELLE PETTERSSON, and other persons known to the Grand Jury were on board a vessel bearing registration number MD1485BN, which was registered to GREENPEACE, INC.
2. On or about April 12, 2002, PELLE PETTERSSON operated a vessel bearing registration number MD1485BN, which was registered to GREENPEACE, INC.
3. On or about April 12, 2002, MARK DOMBOWSKY and other persons known to the Grand Jury were on board a vessel bearing registration number MD0467BG, which was registered to GREENPEACE, INC.
4. On or about April 12, 2002, MARK DOMBOWSKY operated a vessel bearing registration number MD0467BG, which was registered to GREENPEACE, INC.
5. On or about April 12, 2002, JEREMY PASTER chartered a vessel bearing registration number FL3476LD, using American Express credit card number ~~3631 062976 01000~~, at Club Nautico, 300 Alton Road, Suite 112, Miami Beach, Florida.
6. On or about April 12, 2002, SCOTT PAUL and other persons known to the Grand Jury were on board a vessel bearing registration number FL3476LD.
7. On or about April 12, 2002, SCOTT ANDERSON and HILLARY HOSTA boarded the "M/V APL Jade" as it approached the Port of Miami, Florida, on an international voyage.

All in violation of Title 18, United States Code, Section 371.

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**COUNT 2**

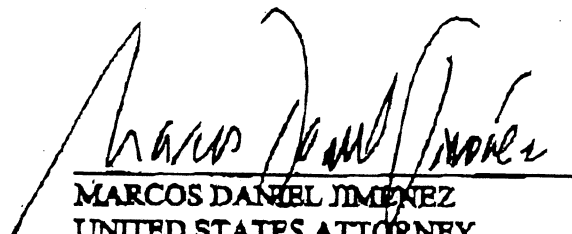
On or about April 12, 2002, in Miami-Dade County, in the Southern District of Florida, and elsewhere, the defendant,

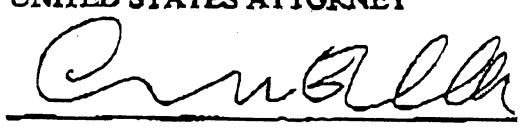
**GREENPEACE, INC.,  
d/b/a "Greenpeace USA,"**

not being in the United States service and not being duly authorized by law for the purpose, did go on board a vessel, namely, the "M/V APL Jade," which was about to arrive at the place of her destination, namely, the Port of Miami, before her actual arrival, and before she had been completely moored; in violation of Title 18, United States Code, Sections 2279 and 2.

A TRUE BILL

  
FOREPERSON

  
MARCOS DANIEL JIMENEZ  
UNITED STATES ATTORNEY

  
CAMERON ELLIOT  
ASSISTANT UNITED STATES ATTORNEY

03-20577 CR-ALTONAGA  
 UNITED STATES DISTRICT COURT  
 SOUTHERN DISTRICT OF FLORIDA  
 UNITED STATES OF AMERICA CASE NO.

MAGISTRATE JUDGE  
 BANDSTRA

vs.

## CERTIFICATE OF TRIAL ATTORNEY\*

GREENPEACE, INC.,  
 Defendant.

## Superseding Case Information:

Court Division: (Select One)

X Miami Key West  
 FTL WPB FTP

New Defendant(s) Yes \_\_\_ No \_\_\_  
 Number of New Defendants \_\_\_  
 Total number of counts \_\_\_

I do hereby certify that:

- I have carefully considered the allegations of the indictment, the number of defendants, the number of probable witnesses and the legal complexities of the indictment/information attached hereto.
- I am aware that the information supplied on this statement will be relied upon by the Judges of this Court in setting their calendars and scheduling criminal trials under the mandate of the Speedy Trial Act, Title 28 U.S.C. Section 3161.

- Interpreter: (Yes or No) NO  
 List language and/or dialect \_\_\_\_\_

- This case will take 2 days for the parties to try.

- Please check appropriate category and type of offense listed below.  
 (Check only one) (Check only one)

I	0 to 5 days	<u>X</u>	Petty
II	6 to 10 days	_____	Minor
III	11 to 20 days	_____	Misdem.
IV	21 to 60 days	_____	Felony
V	61 days and over	_____	

FILED by	D.C.
MAG. SEC.	
JUL 18 2003	
CLARENCE MADDOX CLERK U.S. DIST. CT. S.D. OF FLORIDA MIAMI	

- Has this case been previously filed in this District Court? (Yes or No) NO

If yes:

Judge: \_\_\_\_\_ Case No. \_\_\_\_\_

(Attach copy of dispositive order)

Has a complaint been filed in this matter? (Yes or No) NO

If yes:

Magistrate Case No. 02-20470-CR-JORDAN

Related Miscellaneous numbers: \_\_\_\_\_

Defendant(s) in federal custody as of \_\_\_\_\_

Defendant(s) in state custody as of \_\_\_\_\_

Rule 20 from the \_\_\_\_\_ District of \_\_\_\_\_

Is this a potential death penalty case? (Yes or No) \_\_\_\_\_

- Does this case originate from a matter pending in the U.S. Attorney's Office prior to April 1, 2003? Yes X No

- Does this case originate from a matter pending in the U. S. Attorney's Office prior to April 1, 1999? Yes X No

If yes, was it pending in the Central Region? Yes \_\_\_ No

- Did this case originate in the Narcotics Section, Miami? Yes X No

Cameron Elliot  
 CAMERON ELLIOT  
 ASSISTANT UNITED STATES ATTORNEY  
 Florida Bar No. A5500606

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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDAMAGISTRATE JUDGE  
RANDSTRA

03-2057-10 ALTONAGA

Defendant's Name: GREENPEACE, INC., No.: \_\_\_\_\_  
d/b/a "Greenpeace USA"

Count #: 1

Title 18, United States Code, Section 371CONSPIRACY TO BOARD A VESSEL BEFORE ARRIVAL\*Max. Penalty: \$10,000 fine; 5 years probation

Count #: 2

Title 18, United States Code, Section 2279BOARDING A VESSEL BEFORE ARRIVAL\*Max. Penalty: \$10,000 fine; 5 years probation

Count #:

FILED by _____	D.C.
MAG. SEC.	
JUL 13 2003	
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\*Max. Penalty:

Count #:

\*Max. Penalty:

Count #:

\*Max. Penalty:

Count #:

\*Max. Penalty:

Count #:

\*Max. Penalty:\*Refers only to possible term of incarceration, does not include possible fines, restitution, special assessments, parole terms, or forfeitures that may be applicable.

REV. 12/12/96