

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA	:	
	:	Hon.
	:	
v.	:	Criminal No. 08-
	:	
	:	18 U.S.C. § 545
DANNY M. CHIEN and	:	18 U.S.C. § 2
STYLE CRAFT FURNITURE CO.,		
LTD.		

INDICTMENT

The Grand Jury in and for the District of New Jersey,
sitting at Newark, charges:

COUNT ONE
(18 U.S.C. § 545 & § 2)

At all times relevant to this Indictment:

1. Defendant STYLE CRAFT FURNITURE CO. LTD. was a manufacturer of wood baby furniture located primarily in China. Between approximately January 2004 and December 2005, defendant STYLE CRAFT FURNITURE CO., LTD. imported into the United States approximately \$15 million in declared value of wood furniture.

2. Defendant DANNY M. CHIEN was the president and manager of defendant STYLE CRAFT FURNITURE CO. LTD. He held a Taiwanese passport and resided in China. Defendant DANNY M. CHIEN was a hands-on manager of the business with intimate knowledge of the woods used in the furniture produced, including their sources, his stocks thereof, and their uses in particular component parts.

3. Ramin wood (scientific name *Gonystylus bacanus*)

(hereinafter "Ramin") was a light-colored tropical hardwood found in tropical forests in parts of Southeast Asia, including Indonesia and Malaysia. Some of these forests form habitat of the endangered orangutan. Ramin was commonly used in the manufacture of picture frames and mouldings, pool cues, dowel rods and baby cribs.

4. Indonesia has one of the highest rates of deforestation of any country, the majority of it due to illegal timber harvest. Indonesia is attempting to combat this illegal activity and protect the remaining orangutan habitat through a variety of means. As part of this effort, in 2001 Indonesia placed Ramin in Appendix III of the Convention on International Trade in Endangered Species of Wild Fauna and Flora, commonly known as CITES.

5. The United States, along with Indonesia, Malaysia, China and over 170 other nations, is a signatory to CITES. CITES resulted from an international recognition that the pressures of international trade on plants and wildlife require an international partnership of nations, both producers and consumers. The main purpose of CITES is to conserve protected plants and wildlife for future generations.

6. Under CITES, species are protected according to a classification system known as "appendices." Plant species listed on Appendix III of CITES are those species which any party

to CITES (hereinafter "Party" or "Parties") identifies as being subject to regulation within its jurisdiction for the purpose of preventing or restricting exploitation, and as needing the co-operation of other Parties in the control of trade. The nations that are members of CITES have agreed to monitor and regulate trade in Appendix III species by requiring that any import of an Appendix III species be accompanied by a certificate of origin or a re-export certificate, or if the export is from a country that listed the species, an export permit from that listing country.

7. Effective January 12, 2005, Ramin was listed in Appendix II of CITES. Plant species listed on Appendix II of CITES are not necessarily now threatened with extinction, but may become so unless trade in them is strictly regulated in order to avoid uses which are incompatible with their survival. The nations which are members of CITES have agreed to monitor and regulate trade in Appendix II species by prohibiting their international trade unless certain permits are first obtained and presented.

8. To bring an Appendix II specimen into the United States, CITES, as implemented in the United States through federal regulations, requires that the importer obtain a valid export permit from the country of origin of the specimen, or a valid re-export certificate from the country of re-export, prior to such importation. Title 50, Code of Federal Regulations,

Sections 23.11 and 23.12(a)(2)(i). "Import" means to land on, bring into, or introduce into, or attempt to do so into any place subject to the jurisdiction of the United States. Title 50, Code of Federal Regulations, Section 10.12.

9. The Endangered Species Act ("ESA") implements the provisions of CITES by prohibiting any person subject to the jurisdiction of the United States from engaging in trade in any specimens contrary to the provisions of CITES. Title 16, United States Code, Section 1538(c)(1).

