

**U.S. District Court  
District of Oregon (Portland (3))  
CRIMINAL DOCKET FOR CASE # 3:03-cr-00506-BR-2**

Case title: USA v. Botelho Shipping, et al

Date Filed: 11/06/2003

Date Terminated: 11/25/2003

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Assigned to: Judge Anna J. Brown

**Defendant (2)**

**Fairmont Shipping (Canada) Ltd**  
*TERMINATED: 11/25/2003*

represented by **Kenneth Lerner**  
Attorney at Law  
3439 NE Sandy Boulevard  
Suite 286  
Portland, OR 97232-1959  
503-223-0442  
Fax: 503-223-3151  
Email: ken@kclerner.com  
*TERMINATED: 11/25/2003*  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**  
*Designation: Retained*

**Pending Counts**

33:1908(a) and 33 CFR 151.25(a), (d) and  
(h) = VIOLATION OF OIL POLLUTION  
PREVENTION REGULATIONS  
(4)

**Disposition**

SENTENCING DATE: 11/21/03;  
PROBATION 4 YEARS; FINE:  
\$450,00.00; SPECIAL ASSESSMENT:  
\$400.00

**Highest Offense Level (Opening)**

Felony

**Terminated Counts**

18:371 = CONSPIRACY TO DEFRAUD  
THE UNITED STATES  
(1)

18:2 and 1512(c)(2) = OBSTRUCT,  
INFLUENCE AND IMPEDE AN  
OFFICIAL PROCEEDING  
(2)

18:2 and 1512(c)(1) = OBSTRUCTION OF  
OFFICIAL PROCEEDING  
(3)

18:2 and 1001 = FALSE STATEMENTS TO  
GOVERNMENT

**Disposition**

(5)

**Highest Offense Level (Terminated)**

Felony

**Complaints**

None

**Disposition**

**Plaintiff**

USA

represented by **Robert B. Ross**  
United States Attorney's Office  
1000 S.W. Third Avenue  
Suite 600  
Portland, OR 97204  
(503) 727-1023  
Fax: (503) 727-1117  
Email: bob.ross@usdoj.gov  
*TERMINATED: 01/09/2008*  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Scott M. Kerin**  
United States Attorney's Office  
1000 S.W. Third Avenue  
Suite 600  
Portland, OR 97204  
503-727-1002  
Fax: 503-727-1117  
Email: scott.kerin@usdoj.gov  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

<b>Date Filed</b>	<b>#</b>	<b>Docket Text</b>
11/06/2003	<a href="#">1</a>	5-COUNT INDICTMENT by AUSAs Robert B Ross and Scott M. Kerin. Counts filed against Defendant Botelho Shipping (1) (in Count(s) 1, 2, 3, 4, 5), Defendant Fairmont Shipping (2) (in Count(s) 1, 2, 3, 4, 5), Defendant Virgio G Perillo (3) (in Count(s) 1, 2, 4, 5) and Defendant Felix S Sicapero (4) (in Count(s) 1, 2, 3, 4, 5); COUNT 1: 18 USC 371 = CONSPIRACY; COUNT 2: 18 USC 2 AND 1512(c)(2) = OBSTRUCTION OF OFFICIAL PROCEEDING; COUNT 3: 18 USC 2 AND 1512(c)(1) = OBSTRUCTION OF OFFICIAL PROCEEDING; COUNT 4: 33 USC 1908(a) AND 33 CFR 151.25(a), (d) AND (h) = VIOLATION OF OIL POLLUTION PREVENTION REGULATIONS; COUNT 5: 18 USC 2 AND 1001 = FALSE STATEMENTS TO GOVERNMENT (kw) (joha). (Additional attachment(s) added on 9/29/2016: # <a href="#">1</a> Backers) (joha). (Entered: 11/07/2003)
11/06/2003	<a href="#">0</a>	PURSUANT to this Court's Case Assignment Plan, this case to be assigned to JUDGE ANNA J. BROWN for all further proceedings. (kw) (joha). Modified on 9/29/2016 (joha). (Entered: 11/07/2003)
11/12/2003	<a href="#">6</a>	CRIMINAL TRIAL MANAGEMENT ORDER re: Defendant Felix S. Sicapero by

		Honorable Anna J. Brown; (See formal 4-page Order for full text); s/ 11/12/03 (cc: Counsel notified) (kw) (joha). (Entered: 11/12/2003)
11/12/2003	<a href="#">8</a>	PLEA AGREEMENT as to Defendant Fairmont Shipping (kw) (joha). (Entered: 11/13/2003)
11/13/2003	<a href="#">9</a>	MEMORANDUM IN SUPPORT OF PLEA AGREEMENT by Plaintiff USA re: Defendant Fairmont Shipping (Canada) Ltd [8-1] (kw) (joha). (Entered: 11/13/2003)
11/14/2003	<a href="#">11</a>	MINUTES OF PROCEEDINGS before Honorable Anna J. Brown regarding Defendant Fairmont Shipping - Arraignment and Entry of Plea held before Honorable Anna J. Brown ; Defendant's counsel and authorized representative Kenneth Lerner present; Assistant US Attorneys Robert Ross and Scott Kerin present; Defendant Fairmont Shipping arraigned; Defendant Fairmont Shipping entered GUILTY PLEA TO COUNT 4 of the Indictment; Sentencing SET for 9:00 am on 11/24/03 for Defendant Fairmont Shipping before Honorable Anna J. Brown (cc: Counsel notified) Court Rptr Amanda LeGore (kw) (joha). (Entered: 11/17/2003)
11/14/2003	<a href="#">12</a>	PETITION TO PLEAD GUILTY with attached Plea Agreement (with all original signatures) filed by Defendant Fairmont Shipping (Canada) Ltd (kw) (joha). (Entered: 11/17/2003)
11/21/2003	<a href="#">14</a>	MOTION TO AWARD PORTION OF FINE by USA (kw) (joha). (Entered: 11/21/2003)
11/21/2003	<a href="#">15</a>	ORDER by Honorable Anna J. Brown GRANTING MOTION TO AWARD PORTION OF FINE by USA [14-1] IT IS HEREBY ORDERED that a payment of the amount of \$225,000 be awarded to Ferdinand Simpao payable from the fine imposed on Fairmont Shipping (Canada) Ltd, to be paid in installments of one half of each installment payment of the fine made by Fairmont Shipping (Canada) Ltd.(cc: Counsel notified) (schman) (joha). (Entered: 12/02/2003)
11/25/2003	<a href="#">17</a>	JUDGMENT AND COMMITMENT issued to U.S. Marshal as to defendant Fairmont Shipping (2) count(s) 4. SENTENCING DATE: 11/21/03; PROBATION 4 YEARS; FINE: \$450,00.00; SPECIAL ASSESSMENT: \$400.00 by Honorable Anna J. Brown (schman) (joha). (Entered: 12/03/2003)
11/25/2003	<a href="#">18</a>	MOTION FOR AMENDED ORDER OF AWARD by USA (Kirk) (joha). (Entered: 12/03/2003)
11/25/2003	<a href="#">19</a>	MEMORANDUM IN SUPPORT OF PLEA AGREEMENT, MOTION FOR SUBSTANTIAL ASSISTANCE REDUCTION & SENTENCING MEMORANDUM by Plaintiff USA (Kirk) (joha). (Entered: 12/03/2003)
12/01/2003	<a href="#">23</a>	ORDER by Honorable Anna J. Brown GRANTING MOTION FOR AMENDED ORDER OF AWARD by USA [18-1] - court's order of 11/21/03 awarding \$225,000 from the criminal fine imposed in the case to the person who provided information leading to the conviction under 33 USC 1908(a) shall be amended to read that the award shall be paid by the Clerk of the Court to Ferdinand Martin Simpao s/ 11/26/03 (cc: Counsel notified) (rr) (joha). (Entered: 12/04/2003)
12/03/2003	<a href="#">24</a>	ORDER by Honorable Anna J. Brown GRANTING MOTION TO DISMISS Indictment as to Botelho Shipping Corporation [20-1] dismissing counts Botelho Shipping (1) count(s) 1, 2 , 3 , 4 , 5 . Indictment and charges filed 11/6/03 against Defendant Betheloho Shipping Corporation are dismissed s/ 12/2/03 (cc: Counsel notified) (rr) (joha). (Entered: 12/04/2003)
02/23/2004	<a href="#">27</a>	MINUTES OF ORDER by Honorable Anna J. Brown regarding Defendant Fairmont Shipping - Status Conference SET for 2:30 pm on 3/4/04 for Defendant Fairmont Shipping before Honorable Anna J. Brown (cc: Counsel notified) (kw) (joha). (Entered: 02/23/2004)

03/04/2004	<a href="#">28</a>	<b>Minutes of Proceedings:</b> Status Conference held before Judge Anna J. Brown as to Defendant Fairmont Shipping (Canada) Ltd. Counsel Present for Plaintiff: Robert Ross and Scott Kerin.Counsel Present for Defendant: Ken Lerner and John Mercer.(Court Reporter: Amanda LeGore) (kw, ) (Additional attachment(s) added on 9/29/2016: # <a href="#">1</a> Minutes of Proceedings) (joha). (Entered: 03/11/2004)
03/11/2004	<a href="#">29</a>	Letter with attachment entitled "Environmental Compliance Standards and Requirements Pursuant to Plea Agreement" by USA as to Defendant Fairmont Shipping (Canada) Ltd. (kw, ) (Main Document 29 replaced on 9/29/2016) (joha). (Entered: 03/16/2004)
01/09/2008	<a href="#">32</a>	Notice of Attorney Withdrawal: Attorney Robert B. Ross withdraws as counsel of record for Felix S Sicapero, Virgio G Perillo, Botelho Shipping Corporation, Fairmont Shipping (Canada) Ltd (Kerin, Scott) (Entered: 01/09/2008)
02/25/2008	<a href="#">33</a>	Administrative Correction of the Record: A clerical error pursuant to Fed. R. Crim. P 36 has been discovered in the case record and the Clerk is directed to make the following administrative corrections to the record and to notify all parties accordingly: This case file has not been sent to the Federal Records Center. The Clerk shall modify the record to strike the FRC entry. by Judge Anna J. Brown signed on 2/25/08. (tomg) (Entered: 02/25/2008)

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