

UNITED STATES DISTRICT COURT
DISTRICT OF MARYLAND

UNITED STATES OF AMERICA

v.

IRIKA SHIPPING, S.A.,

Defendant.

2010 NOV -8 P 12:38

Criminal Nos. JFM-10-0372

CLERK'S OFFICE
AT BALTIMORE

BY _____)

Supplemental Sentencing Order Regarding Whistleblower Awards

The United States has moved that one-half of the criminal fine assessed against Defendant Irika Shipping, S.A., be paid to four whistleblowers that provided information leading to conviction pursuant to the Act to Prevent Pollution from Ships, Title 33, United States Code, Section 1908(a) (APPS).

Mr. Renato Torreliza, Mr. Augustin Lelis, Jr., Mr. Rafael Eslit and Mr. Ruel Potestades were crew members on the M/V Iorana, a marine cargo vessel operated by Defendant Irika Shipping. According to the United States, all four were whistleblowers who provided information that initiated the government's investigation and also provided additional information leading to conviction of Irika Shipping, S.A. The United States has further proposed that Mr. Torreliza receive half of the available award and that the other three crew members, who played a supporting role, receive equal shares of the other half. All four individuals were represented by court-appointed counsel who indicated that the four individuals do not oppose the proposed allocation of the award. The defendant did not oppose the motion for an award.

The Court has ordered that defendant Irika Shipping, S.A. be fined \$1 million pursuant to counts 5 and 6 of the Criminal Information. This Court has the authority and discretion to issue a monetary award of up to one-half of any criminal fine under APPS to those providing information leading to a conviction. 33 U.S.C. § 1908(a). Accordingly, there is Five Hundred Thousand Dollars (\$500,000) available for an APPS award based. Based on the entire record of this case, including the government's motion, the motion of the whistleblowers made by their

counsel at the sentencing hearing, the information provided in both court pleadings and proceedings, this Court finds an award to these witnesses would further the purpose of the Act to Prevent Pollution from Ships and would be consistent with the manifest purpose of the statute of encouraging those with information about unlawful conduct to come forward and disclose that information to authorities.

IT IS HEREBY ORDERED that a total payment in the amount of Two Hundred and Fifty Thousand Dollars (\$250,000) be awarded to Mr. Renato Torreliza.

IT IS FURTHER ORDERED that a payment in the amount of Two Hundred and Fifty Thousand Dollars (\$250,000) be split in equal amounts of Eighty Three Thousand Three Hundred and Thirty-Three Dollars (\$83,333.33), such equal amounts to be awarded to Mr. Augustin Lelis, Jr., Mr. Rafael Eslit and Mr. Ruel Potestades.

IT IS FURTHER ORDERED that the government shall provide a copy of this Order to counsel for the whistleblowers and shall request that counsel notify his clients of the Court's award, provide those clients with a copy of this Order, and enter an appearance in this matter if he has not already done so.

IT IS FURTHER ORDERED that the Clerk's Office shall pay each whistleblower through counsel upon receipt of, and in accordance with, an executed "Authorization to Receive Payment," in which each whistleblower must expressly authorize his counsel to receive payment on his behalf.

IT IS FURTHER ORDERED that counsel for the whistleblowers shall make safe and secure arrangements for his clients to receive their awards. Accordingly, any proposed legal fees in excess of \$10,000.00 for legal services performed solely in connection with the granting of whistleblower awards in this case, must be approved by the Court after notice to the government.

DATED this 8th day of November 2010.



J. FREDERICK MOTZ
U.S. District Court Judge