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Release #253-2006
www.queensda.org

FOR IMMEDIATE RELEASE
Tuesday, December 5, 2006

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COMMERCIAL FISHERMAN CHARGED
WITH ILLEGALLY FISHING IN LOCAL WATERS

Officials Cite Health and Environmental Concerns Following 938 Pound Catch

Queens District Attorney Richard A. Brown, joined by New York State Department of Environmental Conservation Commissioner Denise M. Sheehan, today announced that a local commercial fisherman has been charged with violating various New York State laws and regulations pertaining to fishing – including illegally taking fish from banned waters, fishing without a license and fishing out of season.

District Attorney Brown said, “Allegedly driven by greed and with a total disregard for the health and safety of people and the environment, the defendant is accused of fishing for striped bass in waters that are closed to commercial fishermen due to toxins that might accumulate in the fish. Such contaminated fish then make their way through the back doors of restaurants and retail fish markets at a reduced price and put unsuspecting New Yorkers at risk.”

Commissioner Sheehan said, “DEC is committed to protecting the environment and natural resources of this State. By working with our local partners, like the Queens District Attorney’s office, the environmental conservation law will continue to be enforced and violators will be held accountable for their actions. I commend all who were involved in this case for their hard work and dedication to conserving our valuable marine resources, such as the Atlantic Sturgeon.”

The District Attorney identified the defendant as Francis M. Sabatino, 54, of 1733 East 38th Street in Brooklyn, who is charged with one count of Illegal Commercialization of Fish (as a felony), one count of Taking Striped Bass for Commercial Purposes Without Permit and two counts of Unlawful Possession of Atlantic Sturgeon. If convicted, the defendant faces up to four years in prison.

The defendant was arraigned last night before Queens Criminal Court Judge Suzanne Melendez who released the defendant on his own recognizance and ordered him to return to court on December 19, 2006.

According to the criminal complaint filed in the case, a state environmental conservation officer observed the defendant this past weekend on his trawler, the 45-foot Tammy Gale, fishing in various New York City area waterways– including off the coast of Rockaway Beach in Queens. When the defendant docked the Tammy Gale in the Sheepshead Bay section of Brooklyn on the evening of December 3, 2006, conservation officers allegedly discovered on the trawler approximately 872 pounds of stripped bass, 32 pounds of fluke, 2 Atlantic Sturgeons native to New York City waters (with a weight of approximately 32 pounds) and numerous quantities of crabs, each containing egg masses.

The complaint further charges that when requested by officers, the defendant was unable to produce any valid license or permit for fishing or possessing striped bass. Also, as a registered commercial fisherman, the defendant had previously been notified by mail by New York State authorities that fluke season had ended on November 2, 2006, and that any fluke fishing done thereafter would be illegal. In addition, all New York City waters are closed to commercial striped bass fishing due to health concerns (i.e., various toxins accumulate in this fish from their eating of other smaller fish).

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According to the District Attorney, while Atlantic Sturgeon are not officially listed as endangered, they are considered a rare species and there is a moratorium on catching such sturgeon in New York State. Moreover, many of the striped bass allegedly caught by the defendant were too small in size and the crabs had egg masses on them, thus depleting the population of such fish and crustacea in the region.

The investigation was conducted by Police Officer Matthew Lacroix, of the New York State Environmental Conservation Police, under the supervision of Lieutenant John Fitzpatrick and the overall supervision of Captain Jill Kaufmann, of Conservation Police Region 2 in New York City.

Assistant District Attorney Jason P. Garelick of the District Attorney's Economic and Environmental Crimes Bureau is prosecuting the case under the supervision of Assistant District Attorneys Gregory C. Pavlides, Bureau Chief, and Christina Hanophy, Deputy Chief, and the overall supervision of Executive Assistant District Attorney for Investigations Peter A. Crusco and Deputy Executive Assistant District Attorney for Investigations Linda M. Cantoni.

It should be noted that criminal charges are merely an accusation and that defendants are presumed innocent until proven guilty.

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