



Lobster ruling stands

Justices refuse to hear appeal of four convicted of smuggling seafood into Bayou La Batre

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WASHINGTON -- In a case that had drawn national attention, the U.S. Supreme Court has refused to hear the appeals of four people convicted in Mobile on charges of smuggling thousands of Honduran lobster tails into Bayou La Batre in the late 1990s.

The high court decision, released Monday without comment, lets stand a ruling by the 11th U.S. Circuit Court of Appeals from last March. In that 2-1 ruling, the Atlanta-based court concluded that changes in the Honduran law under which the four were prosecuted did not justify overturning their convictions.

The Supreme Court agrees to hear only a tiny fraction of the thousands of appeals brought before it each year. Nonetheless, its refusal to take the lobster case was "a shocker," said one of the defendants, Robert Blandford.

"It's devastating, no question about it," Blandford said Monday by telephone from south Florida, where he has continued to work as a seafood broker. "I just wonder, what is the crime?"

Like fellow defendants Abner Schoenwetter of Florida and Diane Huang of New Jersey, Blandford had remained free during the appeals process. Now, all three will hear from the U.S. Marshals Service in coming days as to when they are to begin serving their sentences, which range from two years to 97 months.

A spokeswoman for the Federal Bureau of Prisons said the Marshals

Service would set the date, while Bureau of Prisons officials would choose where the defendants are to be held. The Marshals Service office in Mobile was closed Monday for Mardi Gras. The fourth defendant, David Henson McNab of Honduras, had been ordered to begin serving his 97-month sentence in August 2001 after he was deemed a flight risk.

A federal jury in Mobile convicted the four in the fall of 2000 on charges ranging from smuggling to transgressions of a federal law that bars the importation of fish or wildlife "taken, possessed, transported or sold" in violation of U.S., state or foreign laws. The case dated back to early 1999, when federal agents seized almost 71,000 pounds of spiny lobster tails in Bayou La Batre. At issue was whether McNab's crew violated Honduran fishing regulations by clipping eggs from pregnant lobsters and keeping undersized lobsters.

The case received heavy publicity in recent months because of the international ramifications and because critics saw it as an example of prosecutorial overkill.

"We cited cases where drug dealers got a lot less time than Blandford and McNab," said Paul Kamenar of the Washington Legal Foundation, a public interest law firm that represents Blandford, Huang and Schoenwetter. Among the possible remaining options is an appeal for presidential clemency, Kamenar said.

The Honduran government and groups such as the conservative Heritage Foundation, the National Association of Manufacturers, the Wilderness Institute and the National Association of Criminal Defense Lawyers all made pleas to on the defendants' behalf.

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