

U.S. Department of Justice



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FOR IMMEDIATE RELEASE

Bay City, Michigan

CHEBOYGAN MARINER INDICTED FOR SINKING BOAT

Wayne T. Duffiney, 57, of Cheboygan, Michigan was indicted by a federal grand jury in Bay City, Michigan on four charges stemming from his conduct on May 14 and 15, 2007, United States Attorney Stephen J. Murphy announced today.

Murphy was joined in the announcement by Rear Admiral John E. Crowley, Jr., Commander of the Ninth Coast Guard District.

Count 1 of the indictment alleges that Duffiney caused and permitted the destruction and injury of his boat, the Misty Morning, in the territorial waters of the United States, i.e. Lake Huron and the Cheboygan River. Count 2 charges that Duffiney violated the federal Clean Water Act by discharging pollutants into the navigable waters of the United States. Count 3 alleges that Duffiney sank the Misty Morning in the navigable channels of Lake Huron, while count 4 charges that he failed to mark the sunken vessel with navigation aids after it was sunk in the navigation channel of Lake Huron.

U.S. Attorney Stephen J. Murphy said, "The safe navigation of our waterways requires that all ship-owners comply with our laws prohibiting the destruction and intentional sinking of vessels in an unlawful manner. I commend the concerned citizens, local, state and federal authorities that brought this conduct to the attention of law enforcement."

Rear Admiral Crowley said, "The Great Lakes are a national treasure of the United States and Canada. The Coast Guard is committed to working closely with our federal, state, local and Canadian partners to safeguard the Great Lakes from environmental harm. This indictment resulted from the Coast Guard and Michigan Department of Environmental Quality working side-by-side to investigate this matter."

If convicted, Duffiney faces a maximum penalty of 10 years in custody and a fine of \$250,000 on count 1, and 3 years in custody and per diem penalties of \$50,000 per day on count 2. Convictions on counts 3 and 4 would subject Duffiney to a mandatory minimum sentence of 30 days in custody and a maximum of a year in custody, plus per diem fines of \$25,000 per day. Forfeiture of the vessels used by Duffiney to tow the Misty Morning, as well as a loss of his mariner's license, are additional potential consequences of convictions in this case.

An indictment is only a charge and is not evidence of guilt. A defendant is entitled to a fair trial in which it will be the government's burden to prove guilt beyond a reasonable doubt.

The case was investigated by the Coast Guard Sector Sault Ste. Marie, Coast Guard Investigative Service, and the Michigan Department of Environmental Quality and is being prosecuted by the U.S. Attorney's Office in Bay City.