



U.S. Department of Justice

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FOR IMMEDIATE RELEASE

Bay City, Michigan

CHEBOYGAN MARINER CONVICTED FOR SINKING BOAT

Wayne T. Duffiney, 57, of Cheboygan, Michigan was convicted by a federal jury in Bay City, Michigan on three of four charges stemming from his conduct on May 14 through 15, 2007, United States Attorney Terrence Berg announced today.

Berg was joined in the announcement by Captain David R. Callahan, Acting Commander of the Ninth Coast Guard District.

Duffiney was convicted of violating the federal Clean Water Act by discharging pollutants into the navigable waters of the United States; sinking or causing the sinking of the *Misty Morning* in the navigable channels of Lake Huron; and of failing to mark the sunken vessel with navigation aids after it was sunk in the navigation channel of Lake Huron. He was acquitted on the charge that alleged willfully causing and permitting destruction and injury to the *Misty Morning* in the territorial waters of the United States.

U.S. Attorney Berg said, "The safe navigation of our waterways requires that all ship-owners comply with our pollution control laws, as well as laws prohibiting the unlawful sinking of vessels. I commend the concerned citizens, local, state and federal authorities that participated in the successful prosecution which resulted from the defendant's illegal conduct."

Captain Callahan 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 conviction resulted from the Coast Guard and Michigan Department of Environmental Quality working side-by-side to investigate this matter."

Duffiney faces a maximum penalty of 3 years in custody and per diem penalties of \$50,000 per day on the pollution count, and 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 on the other two counts of conviction. Administrative 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.

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