



U.S. Department of Justice

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Eastern District of Michigan

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October 19, 2009

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FOR IMMEDIATE RELEASE

Bay City, Michigan

**CHEBOYGAN MARINER TURNS FUGITIVE; WIFE CHARGED WITH
HELPING HIM AVOID ARREST**

Wayne T. Duffiney, 59, of Cheboygan, Michigan failed to appear for his sentencing, which was scheduled to be conducted by U.S. District Judge Thomas L. Ludington on September 30, 2009. Wayne Duffiney was convicted by a federal jury in April of 2009 in Bay City, Michigan on three of four charges stemming from his conduct on May 14 through 17, 2007. Judge Ludington signed a warrant for Wayne Duffiney's arrest on September 30, 2009.

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.

After Wayne Duffiney failed to appear for his sentencing, his wife, Michele Duffiney, 61, also of Cheboygan, was charged in a criminal complaint with offenses arising out of her conduct apparently designed to help Wayne Duffiney avoid arrest. The complaint alleges that Michele Duffiney provided materially false information to law enforcement officers from the U.S. Marshal Service and the U.S. Coast Guard, suggesting that Wayne Duffiney had committed suicide when she knew otherwise through her recent telephone contact with her husband. The complaint also alleges that Michele Duffiney knowingly concealed Wayne Duffiney from arrest and made herself an accessory after the fact.

Michele Duffiney was arrested on the criminal complaint on October 15, 2009, and released on bond the following day after her initial appearance in Bay City, Michigan. As a condition of her bond, she must report any communications she receives from Wayne Duffiney and not initiate any contact on her own.

The maximum penalties for the false statement and concealment charges against Michele Duffiney are 5 years in custody and a fine of \$250,000. The potential penalty for being an accessory after the fact is half the maximum sentence to which Wayne Duffiney is exposed. The allegations in the complaint are only charges and are not evidence of guilt. Michele Duffiney is entitled to a fair trial in which it will be the government's burden to prove guilt beyond a reasonable doubt.

United States Attorney Terrence Berg stated, "Failure to appear for sentencing is a serious matter, as is providing false information to the authorities in order to assist a person to avoid prosecution." U.S. Attorney Berg asked that anyone having information regarding the whereabouts of Wayne Duffiney contact any of the following law enforcement agencies:

U.S. Marshal Service, 989/225-1015 (Deputy Kubczak)
U.S. Coast Guard, 906/630-0208 (Agent Petty)
Michigan State Police, 231/627-9974 (D.Sgt. Nightingale)

Information may be provided confidentially, if that is desired. A reward for information leading to the arrest of Wayne Duffiney may be available.