

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA**

UNITED STATES OF AMERICA

*** CRIMINAL NO: 11-238**

v.

*** SECTION: G**

BLAKE A. MITCHELL

*** VIOLATION: 16 U.S.C. § 3372(a)(2)(A)
16 U.S.C. § 3373(d)(1)
* 18 U.S.C. § 2**

*** * ***

FACTUAL BASIS

Should this matter proceed to trial, both the government and the defendant, **BLAKE A. MITCHELL** (hereinafter “defendant” or “**MITCHELL**”), do hereby stipulate and agree that the following facts set forth a sufficient factual basis for the crime to which the defendant is pleading guilty and that the government would prove the following beyond a reasonable doubt at trial. The Government and the defendant further stipulate that the Government would have proven, through the introduction of competent testimony and admissible, tangible exhibits, the following facts, beyond a reasonable doubt, to support the allegations in the Bill of Information now pending against the defendant:

The Government would show that at all times mentioned in the Bill of Information, **MITCHELL** was a resident of Gretna, Louisiana. **MITCHELL** owned and operated a commercial fishing, hunting, and guiding service named “**Louisiana Bowfishing, Inc.**” **Louisiana Bowfishing,**

Inc. was based, and had its primary place of business located, in Gretna, Louisiana. **MITCHELL** provided drive-in day hunts (with or without a guide) and full service hunts for migratory game birds as well as full-service bowfishing trips for various species of fish, including redfish.

The laws and regulations of the State of Louisiana, namely LA Rev. Stat. §56:325.1(A)(2)(a), limit the maximum number of redfish (a/k/a “red drum”) an individual may take on a given day to five (5).

Beginning in or about December 2009, **MITCHELL** began negotiating with **UC1**, whom **MITCHELL**, about providing a hunt in January 2010 to **UC1** and his friends. On or about January 7, 2010, **MITCHELL** and **UC1** spoke via telephone and scheduled a combined duck hunt and bow fishing trip for the next week. **UC1** agreed to pay **MITCHELL** \$1850 for the trip. **MITCHELL** understood that **UC1** was from Tennessee and that **UC1** would be coming from, and returning to, Tennessee.

On or about January 13, 2010, **MITCHELL** and **UC1** discussed via telephone how the logistics of the hunt, including when and where **MITCHELL** and **UC1** would meet and how **UC1** and his fellow travelers would get to the New Orleans-area from Tennessee. **MITCHELL** also encouraged **UC1** to buy an ice chest to take fish back to Tennessee.

On or about January 13, 2010, **MITCHELL** and **UC1**, among others, met in person in Plaquemines Parish, in the Eastern District of Louisiana, and boarded an airboat owned by **MITCHELL** for the purpose of going bowfishing. **MITCHELL** operated the boat. While **MITCHELL** drove the boat to the hunting area, **MITCHELL** instructed **UC1** where to position himself on the boat for the hunt, provided **UC1** with a bow and arrow for hunting, and explained how to operate the bow, string, and fishing arrow. During the hunt, **UC1** asked **MITCHELL** how

many redfish they could take during the hunt, and **MITCHELL** indicated that the legal limit was five (5) per person. **MITCHELL** was correct; under Louisiana law, namely Louisiana Revised Statute 56:325.1(A)(2)(a), the daily bag and possession limit for redfish is five (5) fish per person.

Over the next several hours, **MITCHELL** and **UC1**, among others, hunted for redfish. During that hunt, **MITCHELL** assisted **UC1** in hunting and taking eight (8) redfish, and **MITCHELL** himself shot and took ten (10) redfish.

On or about January 14, 2010, **MITCHELL UC1**, and two other individuals, engaged in another bowfishing expedition, leaving from a boat launch in Plaquemines Parish. **MITCHELL** again operated the boat, instructed **UC1** and the other passengers where to stand, and provided them with a bow and arrow. **MITCHELL**, **UC1**, and the other two individuals collectively took twenty (20) redfish. **MITCHELL** then drove the boat back to the boat launch, placed the redfish into his truck, and recommended that they go for another redfish hunt and take another limit of redfish. In an attempt to hide the first limit of fish caught on January 14, 2010, **MITCHELL** put the fish in an ice chest and hid the fish in an obscure location next to a nearby convenience store.

On or about January 14, 2010, **MITCHELL UC1**, and two other individuals, engaged in a second bowfishing expedition of the day, leaving from a boat launch in Plaquemines Parish. **MITCHELL** again operated the boat, instructed **UC1** and the other passengers where to stand, and provided them with a bow and arrow. **MITCHELL**, **UC1**, and the other two individuals collectively took twenty (20) redfish. In total, **MITCHELL** himself took ten (10) redfish on January 14, 2010, and he guided, outfitted, directed, and encouraged **UC1** to take fourteen (14) redfish on January 14, 2010.

On or about January 14, 2010, after completing both bowfishing excursions for that day,

MITCHELL took the fish to location nearby the boat launch, where he cleaned the fish, placed them into an ice chest, and prepared them for transport back to Tennessee. **MITCHELL** knew and expected that **UC1** would transport the redfish from Louisiana to Tennessee. **UC1** then paid **MITCHELL** \$1850 for the entire hunt.

The above facts come from an investigation conducted by, and would be proven at trial by credible testimony from, agents from the United States Fish and Wildlife Service, documents and records obtained by USFWS, and the statements of the defendant, **BLAKE A. MITCHELL**.

BLAKE A. MITCHELL
Defendant

DATE

CLIF STOUTZ
Counsel for Defendant

DATE

JORDAN GINSBERG
Assistant United States Attorney

DATE