

AO 91 (Rev. 08/09) Criminal Complaint

FILEDUNITED STATES DISTRICT COURT
ROSWell, NEW MEXICO**UNITED STATES DISTRICT COURT**for the
District of New Mexico

DEC 02 2010

United States of America

v.

John D. HUGHES

Case No. 10-2605PO

CLERK

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

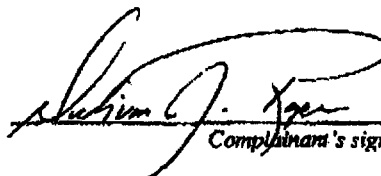
On or about the date(s) of January 7, 2006 in the county of Dona Ana in the
District of New Mexico, the defendant(s) violated:*Code Section*

16 USC 668dd(c)

*Offense Description*No person shall enter, use, or otherwise occupy any such area of the
National Wildlife Refuge System for any purpose unless such activities are
permitted.

This criminal complaint is based on these facts:

See Attached

☒ Continued on the attached sheet.

Complainant's signature

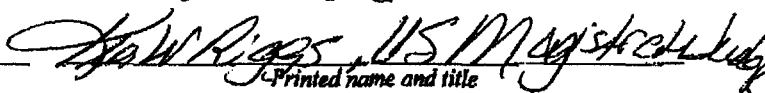
Delivan J. Roper, Special Agent

Printed name and title

Sworn to before me and signed in my presence.

Date: 12/2/10

Judge's signature

City and state: Roswell, NM

Printed name and title

Attachment to Criminal Complaint:

On January 9, 2006, U.S. Fish and Wildlife Service/Office of Law Enforcement (USFWS/OLE) Special Agent (SA) Delivan J. Roper received information from San Andres National Wildlife Refuge (SANWR) Manager Kevin Cobble that on January 7, 2006, several hunters may have trespassed onto the SANWR in Southern New Mexico, and killed an oryx. The information had been provided to Refuge Manager (RM) Cobble from White Sands Missile Range (WSMR) game wardens. The WSMR game wardens stated that three (3) individuals were observed within the SANWR boundary during a WSMR Small Missile Range oryx hunt. The individuals were identified as John D. HUGHES (owner of ELITE OUTFITTERS), Kenneth ESPINOSA (contract guide for ELITE OUTFITTERS), and James GLADIN. A vehicle belonging to HUGHES was also observed parked near a SANWR boundary sign, placing the vehicle within the SANWR. When contact was made with the hunting party by New Mexico Department of Game and Fish (NMG&F) officers, the hunting party was in possession of one (1) oryx carcass. NMG&F officers conducted initial field interviews and then allowed the hunters to depart the location before WSMR game wardens could locate additional evidence pertaining to the trespass violation. A subsequent search within the SANWR (near the location of where HUGHES had parked his vehicle) yielded three (3) sets of footprints approximately one and one quarter (1 ¼) miles within the SANWR. Blood droplets were also located in the same location as the footprints. All of the aforementioned evidence was documented and photographed. SA Roper later conducted follow-up interviews of all NMG&F officers that had initially interviewed HUGHES, ESPINOSA, and GLADIN. During these interviews, it was learned that the hunting party could not provide an exact location as to where they had killed the oryx in their possession. There were also some contradictions among the hunting party as to the direction the hunters had traveled upon exiting their vehicle (whether into the SANWR or away from the SANWR).

On March 24, 2006, USFWS/OLE Special Agents interviewed GLADIN at his residence in Georgia. During the interview, GLADIN was requested to provide his hunting shoes for inspection. Upon inspecting the shoes, USFWS/OLE Special Agents determined that the size and tread pattern of the hunting shoes matched one (1) set of the footprints located on the SANWR.

On December 28, 2008, SA Roper interviewed ESPINOSA regarding the events that occurred on January 7, 2006. During the interview, ESPINOSA admitted to trespassing on to the SANWR though he initially stated that he was unaware that the hunting party had entered the SANWR until after they had returned to their vehicle. Upon further questioning, ESPINOSA stated that "maybe" he did see boundary sign. ESPINOSA further stated that he believed all the hunters had been advised not to enter the SANWR during their morning briefing provided by the NMG&F.

On January 13, 2010, SA Roper interviewed HUGHES regarding the events that occurred on January 7, 2006. During the interview, HUGHES stated that the only area he was familiar with on the Small Missile Range was near the SANWR. HUGHES further stated that he did not observe the SANWR boundary sign that was next to his parked vehicle and added that he "would have ignored it" even if he had seen it or remembered seeing it.