

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA	)	
	)	
v.	)	Criminal No. 1:24-CR-10074-WGY
	)	
JOHN D. MURPHY,	)	
	)	
	)	
Defendant	)	

**UNITED STATES' SENTENCING MEMORANDUM**<sup>1</sup>

The United States of America, by and through the undersigned counsel, submits this memorandum to support its sentencing recommendation. Defendant John D. Murphy pleaded guilty to nine counts of Possessing Animals for Use in Animal Fighting Venture, in violation of Title 7, United States Code, Section 2156(b). Consistent with the plea agreement between the parties, the United States respectfully requests the Court sentence the Defendant to a term of imprisonment within the applicable guidelines range as determined by this Court and specifically recommends 18 months imprisonment. Additionally, the United States recommends a \$10,000 fine, and three years of post-release supervision, to include a prohibition on possessing pit-bull type dogs.

---

<sup>1</sup> The parties conferred and Defendant does not object to admission of Attachments A and B referenced herein. Accordingly, the government will seek to admit Attachments A and B at the outset of the sentencing hearing.

## **I. BACKGROUND**

### **A. Introduction**

The United States submits this memorandum in support of the sentence that the United States requests. This memorandum sets forth facts and law in support of the United States' recommendation. As this is the first federal dog fighting sentence in this district, and there is insufficient Judiciary Sentencing Information available for these charges (Presentence Investigation Report (PSR) ¶ 110), this memorandum also provides case law from other districts to provide context for how other federal districts have approached sentencing in dog fighting cases. This memorandum and its attachments will illustrate, based on that precedent and the facts of this case, the appropriateness of a sentence at the high end of the United States Sentencing Guidelines ("Guidelines" or "U.S.S.G.") range, as calculated by the United States Probation Office in its PSR, for Defendant.

### **B. Legal Framework**

The Animal Welfare Act makes it unlawful to "knowingly sponsor or exhibit an animal in an animal fighting venture" – *i.e.*, the animal fights themselves. 7 U.S.C. § 2156(a)(1). Congress also criminalized the many predicate activities without which animal fighting would not occur. It is accordingly unlawful to "knowingly sell, buy, possess, train, transport, deliver, or receive any animal for purposes of having the animal participate in an animal fighting venture." 7 U.S.C. § 2156(b). Each of these violations is punishable by the same maximum statutory penalty – five years in prison. 18 U.S.C. § 49.

### **C. Background Regarding Dog Fighting**

Organized dog fighting of the type involved in this case bears no resemblance to the quarreling that pet dogs might do in a backyard over a toy. It is an extreme form of cruelty to

animals – not only inside the fighting ring itself, but also in the specific practices leading up to a fight and, if either dog survives, after a fight. A survey of the grotesque rituals of the dog fighting “industry” can be found in an annotated memorandum authored by Judge Reagan of the Southern District of Illinois as part of the sentencing proceedings in *United States v. Berry, et al.*, 3:09-cr-30101, 2010 WL 1882057 (S.D. Ill., May 11, 2010) (included as Attachment A).<sup>2</sup>

This survey summarizes the nature of the crime, the burden it places on communities, and its links to other types of criminal activity. As Judge Reagan’s memorandum shows, dog fighters take cruel advantage of pit bull-type dogs’ eagerness to please humans, all for gambling purposes, financial gain, or a disturbing form of “entertainment.”

#### **D. Federal Dog Fighting Sentencing Case Law**

Congress first enacted the federal animal fighting prohibition in 1976. *See* Pub. L. No. 94-279, § 17, Apr. 22, 1976, 90 Stat. 421. It was prosecuted for the first time twenty-two years later, and not again until the prosecution of Michael Vick in 2007. The Vick case, for the first time, exposed the public to the true “horrors of dog fighting,” Att. A at 7, including the acute animal suffering that occurs before, during, and after dog fights. In particular, the defendants in that case admitted as part of their guilty pleas to having drowned, hung, and bludgeoned underperforming fighting dogs to death. The following year, Congress increased the penalty to a five-year felony and significantly broadened the scope of the offense. *See* Pub. L. No. 110-234, Title XIV, § 14207(a), May 22, 2008, 122 Stat. 1461 (initial passage); Pub. L. No. 110-246, § 4(a), Title XIV, § 14207(a), June 18, 2008, 122 Stat. 1664, 2223 (re-enacting entire Farm Bill after enrollment glitch).

---

<sup>2</sup> Some of the defendants in *Berry* challenged the district court’s reliance on this memorandum on appeal. The Seventh Circuit rejected this challenge, affirming both the district court’s use of its own sentencing memorandum, and the above-Guidelines sentences imposed in that dog fighting case. *See United States v. Courtland, et al.*, 642 F.3d 545, 551 (7th Cir. 2011).

Since that time, federal and state authorities have increased prosecutions in the subject matter area. Even so, only a few dozen defendants have been prosecuted in federal dog fighting cases since the first federal prosecution in 1998. From this relatively small body of cases, a clear pattern has emerged from the sentencing case law: a notable trend toward above-Guidelines sentences, based largely on the cruelty of the offense.

In 2016, the U.S. Sentencing Commission increased the base offense level of the pertinent Guideline, U.S.S.G. §2E3.1, from 10 to 16, in November 2016. The Commission stated that the increased base offense level “better accounts for the cruelty and violence that is characteristic of these crimes.” Sentencing Guidelines for United States Courts, 81 Fed. Reg. 27,262, 27,265 (May 5, 2016). When it increased the base offense level in 2016, the Commission found that “offenders who received the base offense level of 10 under § 2E3.1” were sentenced to above-Guidelines sentences at a rate more than fifteen times higher than the average across all offenses. *Id.* Further, “[f]or those animal fighting offenders sentenced above the range, the average extent of the upward departure was more than twice the length of imprisonment at the high end of the guideline range.” *Id.*; *see also id.* (finding “a high percentage of above range sentences in these cases”).

In multi-defendant cases, or in cases involving regionally or nationally significant dog fighters, courts often have sentenced the primary defendants to terms of imprisonment at (or above, in cases involving multiple counts of conviction) the statutory maximum penalty of 60 months, based largely on the nature and circumstances of the offense (dog fighting). *See, e.g., United States v. Anderson*, 3:13-cr-100 (M.D. Ala., Nov. 17, 2014) (ECF No. 723) (sentencing lead defendant to 96 months on two dog fighting counts, departing and varying up from 12-18 month Guidelines range); *United States v. Allen*, 3:13-cr-100 (M.D. Ala. 2014) (ECF No. 581) (same case, sentencing second most culpable co-defendant to statutory maximum penalty of 60 months on one dog

fighting count); *United States v. Hargrove*, 701 F.3d 156, 159-160 (4th Cir. 2012) (affirming 60-month sentence imposed on single dog fighting count for 78-year old defendant who had been a prolific dog fighter, where Guidelines range was zero to six months);<sup>3</sup> *United States v. Richardson*, 7:16-cr-122, 2017 WL 6055773, \*2-3 (E.D.N.C. Dec. 1, 2017) (varying upward from 12-18 months Guidelines range to 96-month sentence on two dog fighting counts), *aff'd*, 796 Fed. App'x 795, 803 (4th Cir. Dec. 12, 2019); *United States v. Chadwick*, 7:16-cr-122, 2017 WL 6055384, \*2-3 (E.D.N.C. Dec. 1, 2017) (same case, upward variance from 12-28 month Guidelines range to 60-month sentence on single dog fighting charge; affirmed in same appeal).

In other dog fighting cases, courts have sentenced defendants to terms of imprisonment that are less than the statutory maximum penalty, but that well exceed, or even multiply, the high end of the applicable Guidelines range, generally based on the nature and circumstances of the offense (dog fighting). *See, e.g., United States v. McCoy*, 4:17-cr-40009 (C.D. Ill. Sep. 26, 2017) (sentencing defendant to double the high end of Guidelines range on dog fighting charge, 24 months); *United States v. Lee*, 3:11-cr-30092 (S.D. Ill. Nov. 17, 2011) (sentencing defendant to double the high end of Guidelines range on dog fighting charge, 12 months); *United States v. Jacobs*, 7:12-cr-84 (E.D.N.C. Mar. 6, 2013) (varying upward in dog fighting case to 29 months where guidelines range was 8-14 months); *Courtland, supra*, 642 F.3d at 553 (affirming upward variance in dog fighting case that more than tripled the Guidelines range sentence); *United States*

---

<sup>3</sup> In sentencing Hargrove to the statutory maximum of 60 months on the single count of conviction, the court made clear that it would have imposed an even greater sentence if it could have:

It seems to me that the salient or critical event given the incredibly barbaric nature of this case, the critical event was being able to manage a plea to one five-year case. That drove the whole outcome of this case, because if he had been charged independently and . . . if he had been indicted for other charges, he would be facing significantly more time.

*See Hargrove*, Tr. of Sentencing H'g, 7:10-cr-135, ECF No. 42 at 45–46 (E.D.N.C. Aug 4, 2011).

*v. Love*, 3:17-cr-51 (D.N.J. July 8, 2019) (varying upward from 18-24 month Guidelines range sentence and sentencing dog fighting defendant to 54 months for trafficking in and possessing fighting dogs); *United States v. Arellano*, 3:17-cr-51 (D.N.J. Apr. 10, 2019) (varying upward from Guideline range of 15-18 months to 48 month sentence for regionally significant dog fighter); *United States v. Cuellar*, 3:17-cr-312 (D.N.J. Mar. 12, 2018) (sentencing cooperating, *de minimis* defendant in dog fighting case to twice the high end of his Guidelines range, varying upward due to nature of the offense).

Even after the Sentencing Commission increased the base offense level in 2016, defendants in some dog fighting cases have still received sentences well above the Guidelines range, which were sustained on appeal. *See, e.g., Richardson, supra*, 2017 WL 6055773, \*2-3 (varying upward from 12-18 month Guidelines range to 96 months), *aff'd*, 796 Fed. App'x at 803; *Chadwick, supra*, 2017 WL 6055384, \*2-3 (same case, upward variance from 12-28 month Guidelines range to 60-month sentence; affirmed in same appeal); *United States v. Cook*, 7:16-cr-122, 2017 WL 6055385, \*2 (E.D.N.C. Dec. 1, 2017) (varying upward from 15-21 month Guidelines range to 45 month sentence; affirmed in same appeal); *United States v. Thompson*, 7:16-cr-122 (E.D.N.C. Dec. 22, 2017) (varying upward from 24-30 month Guidelines range to 48 month sentence; affirmed in same appeal). Although not all federal defendants in dog fighting cases have received above-guidelines sentences, there has been a clear trend among judges in these cases to impose significant sentences. In a recent case arising from same investigation that netted defendant Murphy, the court varied upward from an 18- to 24-month Guidelines range and imposed an 84-month sentence. *United States v. Carrillo*, 8:23-CR-222 (M. D. Fl. Feb. 18, 2025).<sup>4</sup>

---

<sup>4</sup> The defendant was also convicted of being a felon in possession of a firearm under 18 U.S.C. §922(g). The court imposed the 60-month statutory maximum sentence for conspiracy to participate in an animal fighting venture, and another 24 months to be run consecutively on the firearms charge. A notice of appeal has been filed by the defendant.

To be clear, the government is not arguing that an above guidelines sentence is warranted here, and it does not recommend such a sentence. Instead, consistent with its obligations in the plea agreement, the United States is offering this legal background in support of its position that a top-end sentence of 18 months is warranted.

## **II. PROCEDURAL HISTORY FOR DEFENDANT’S CASE**

Following the execution of a federal search warrant on his residence on June 7, 2023, a grand jury returned an indictment on March 28, 2024, charging Murphy with nine counts of Possessing Animals for Use in Animal Fighting Venture, in violation of Title 7, United States Code, Section 2156(b). On November 26, 2024, Murphy pleaded guilty to all counts pursuant to a written plea agreement. In pleading guilty, Murphy admitted that he knowingly possessed pit bull-type dogs for use in animal fights.

## **III. FACTUAL SUPPORT FOR SENTENCING RECOMMENDATION**

As described in the Plea Agreement and PSR, an undercover investigation into a dog fighting ring in New York State revealed that the Murphy actively discussed dog fighting on recorded calls. For example, on June 14, 2021, Murphy spoke with a New York-based dog fighting target about breeding pit bulls, the results of dogfights, and injuries sustained by various dogs. Federal agents obtained search warrants for Murphy’s Facebook accounts, which yielded significant additional evidence of Murphy’s ongoing involvement in dog fighting, to include photographs and videos related to dog fighting over multiple years. For example, one account contained access to a private Facebook Group used by dogfighters to share the results of dogfights, buy and sell dogs for dog fighting, exchange information on training and conditioning dogs for dog fighting, and to engage in other dog fighting-related activities.

In addition, videos found in Murphy's Facebook accounts showed pit bull-type dogs physically tethered to different carpet/slat mills, i.e. treadmill-like devices that dogfighters commonly use to physically condition dogs for dogfights. Another video depicted a live raccoon caged in front of the carpet mill, to serve as a stimulus for the pit bull-type dog (included as Attachment B, Photo Exhibit 1).

In June 2023, federal agents executed a search warrant at Murphy's home in Hanson, Massachusetts, which revealed that he was keeping nine pit bull-type dogs at his home, along with a slew of animal fighting paraphernalia. During the execution of the warrant, agents observed that several of the dogs had scarring consistent with being involved in organized dog fighting. For example, one dog had severe, deep scarring around the neck and on the left front leg. Another dog had scarring on the front and hind legs, face, neck and head, as well as notching and scarring on the left ear, luxating patella (i.e., self-dislocating kneecap) in both knees, worn teeth, and several masses on the left flank, right front leg, and undercarriage). Another dog had scarring on the head and both front legs, notching on both ears, and scarring and/or hair loss on both back legs. *See, e.g.,* Photo Exhibit 2 (images of one of the scarred pit bull-type dogs seized from Murphy, USM-3).

Murphy possessed all nine pit bulls seized at his residence for participating in an animal fighting venture. Eight out of nine dogs were in locked pens (measuring approximately 10' x 10') or other locked crate-like housing structures. The remaining dog was wearing a thick collar and was chained to the ground. *See* Photo Exhibit 3.

Numerous items associated with an illegal dog fighting operation were observed at and/or seized from Murphy's residence, to include:



- (i) Several treadmills, slat mills, and carpet mills, used to condition dogs to build stamina and muscle (*See Photo Exhibit 4*);
- (ii) Flirt poles, used to entice a dog to chase a stimulus and Spring poles, used to build a dog's jaw strength and increase aggression (*See Photo Exhibit 5*);
- (iii) Heavy chains and Dog collars, including one leather collar embossed with the text "GR CH ALPO" (i.e., "Grand Champion Alpo") and one leather collar with a metal plate engraved with the text "International Champion Gold Day" (*See Photo Exhibit 6*);
- (iv) Break sticks, used to force a dog's bite onto another dog's body open, specifically at the termination of a fight or while training (*See Photo Exhibit 7*);
- (v) Various "keep" regimens, found in correspondence, notebooks, published booklets, and on a whiteboard, prescribing a dog's training and diet in preparation for a fight (*See Photo Exhibit 8*);
- (vi) Various informational and instructional books on dog fighting (e.g., "The Pit Bull Bible," "The World of Fighting Dogs," and "As the Son of a Dog Man . . . I Smell Blood"); (iv) DVDs and/or CD-ROMs containing interviews with dogfighters, videos of dogfights, and prior issues of the *American Game Dog Times* (*See Photo Exhibit 9*);
- (vii) Breeding stand, used to restrain female dogs during breeding (*See Photo Exhibit 10*);
- (viii) a significant quantity of veterinary supplies, such as antibiotics, deworming medication, wound care materials (including alcohol prep pads, iodine solution, chlorhexidine solution, and surgical forceps), medical supplies, (including syringes, I-V kits, and hemoglobin test kits), fertility medications, several types of steroids, (including winstrol (expired), an anabolic steroid), vaccines, painkillers, nutritional supplements, (including high calorie nutritional gel for puppies, injectable vitamin B-12 (expired), liquid B-12 for chickens, and canine exercise supplements for weight gain, tissue development, and stamina), Injectable bacteriostatic water (used to dilute or dissolve medications); a local anesthetic, and Lactated Ringer's injection, a solution used to replace water and electrolyte loss in patients with blood loss and/or low blood pressure (*See Photo Exhibit 11*);
- (ix) Dog fighting clothing (*See Photo Exhibit 12*); and
- (x) Digital hanging scales, and a test weight, used to weigh dogs for matches (*See Photo Exhibit 13*).

In addition to the foregoing, agents seized Murphy's cellular phone from the master

bedroom of his residence. A forensic extraction from that phone revealed significant additional evidence of Murphy's involvement in dog fighting, including multiple dog fighting videos. For example, agents viewed a 2-minute-and-10-second video of Murphy, wearing blue coveralls, encouraging a dog to fight another dog in a dog fighting pit. The video was contained in the Telegram application on the phone. (See Photo Exhibit 14, still shot from video). In addition, agents located WhatsApp messages between Murphy and other individuals discussing elements of dog fighting. Within one of those messages from March 2023 (approximately three months before the search warrant execution in Hanson), agents recovered a voice message sent from Murphy to an individual with whom he previously discussed dogfighting, in which he relates his anger over having animal control called to his property, complains about the 25 years he has invested in breeding and conditioning dogs, and asserts he will "never never never" quit what he is doing with the dogs.

#### **IV. SENTENCING CALCULATION**

The United States concurs with the United States Probation calculations of the advisory Sentencing Guidelines. The PSR recommends level 13 and a criminal history category of I. PSR ¶ 96. Therefore, the advisory sentencing guidelines range for imprisonment is 12 to 18 months. The United States recommends a term of 18 months' incarceration. *Id.*

#### **V. ANALYSIS OF SECTION 3553(a) SENTENCING FACTORS**

Congress has provided, through 18 U.S.C. § 3553(a), the relevant objectives and factors to be considered by sentencing courts in imposing a "sentence sufficient, but not greater than necessary." Those factors are: (1) the nature and circumstances of the offense, and the history and characteristics of the defendant; (2) the need for a sentence to reflect the basic aims of sentencing (including retribution, deterrence, incapacitation, and rehabilitation); (3) the kinds of sentences

legally available; (4) the Sentencing Guidelines; (5) Sentencing Commission policy statements; (6) the need to avoid unwarranted sentencing disparities among defendants with similar records who have been found guilty of similar conduct; and (7) the need for restitution.

In addition to the advisory Sentencing Guidelines range analyzed above, an analysis of the § 3553 factors supports the United States' argument that the defendant merits a term of imprisonment at the top of the guideline range of 18 months.

**A. Nature and circumstances of the offense**

Dog fighting is a serious offense that involves subjecting animals to extremely cruel treatment, including pain, gruesome injuries, and death. Of the above-Guidelines range sentences imposed in dog fighting cases summarized above, many were premised on upward variances under 18 U.S.C. § 3553(a)(1), due to the nature and circumstances of the offense. For instance, in *United States v. Gaines*, a companion case to *Love* and *Arellano*, the court varied upward to a sentence of 42 months under the pre-2016 Guideline, finding that:

this offense embodies such cruelty, just the enterprise of training dogs to fight, of staging dogs to fight, of keeping dogs in boxes in the basement, of medicating them by people who are not trained in medicine, clearly not professionals, all of the materials that were seized showed how these dogs were treated by these amateurs with all kinds of medications that were for cattle and for other kinds of animals, the very concept of this enterprise of staging dogs to fight each other and kill each other is so despicable and so uncivilized that I think the nature of the offense warrants a variance.

*United States v. Gaines*, 3:17-cr-309, Tr. of Sentencing H'g at 17 (D.N.J. Mar. 5, 2018), *aff'd*, 765 Fed. App'x 730, 733 (3d Cir. Apr. 3, 2019) (affirming above-Guidelines sentence and remarking that the case was “a sad reminder that man’s best friend is susceptible to man’s worst impulses”); *see also id.* at 19 (“I don’t know that there’s any way we can quantify really how harmful this crime is”).

A different district judge sentenced other defendants in that case, and likewise found that:

dog fighting ventures engage in a very depraved, horrific, cruel, activity. There needs to be some deterrence to this criminal conduct generally, because I'm not certain that many people in the United States understand that this is criminal conduct . . . and it's, as I said, depraved. So it needs to have a serious penalty with it, and that's why I'm varying upwards.

*United States v. Ware*, 3:17-cr-51, ECF No. 296, Tr. of Sentencing Hrg. at 24 (D.N.J. May 29, 2019) (varying upwards by 10 months as to lower-tier defendant who possessed only two fighting dogs); *see also United States v. Ware*, 2020 WL 1677077, \*2 (D.N.J. Apr. 3, 2020) (denying motion for bail pending appeal in part because dog fighting is “a serious and inherently violent crime”); *United States v. Atkinson*, 3:17-cr-222, Tr. of Sentencing H'g at 67-68 (D.N.J. Apr. 18, 2018) (varying upwards by 12 months because “[t]here needs to be a longer period of imprisonment. We need to give a message to society that anyone that's involved in dog fighting is going to be subject to greater penalties than this, because the activity itself is depraved – it's just a very depraved activity; it's horrific and it's upsetting to everybody to see that our animal friends would be treated in such a manner”).

Indeed, the entire purpose of keeping dogs to engage in dog fighting is to ensure that your dog will be able to inflict the most damage upon the other dog in the fight, thereby ensuring your dog wins the fight and escapes with as little damage to it as possible. Not only is there a substantial risk of the use of physical force against the property of another, indeed, the use of force is the heart of the enterprise itself. But for the contemplated and actual use of force, often lethal force, by one dog against another's there would be no “animal fighting venture” and no crime.

As applied to the charges in this case, Murphy pleaded guilty to possessing nine pit bull-type dogs at his home for the purpose of engaging in a dog fighting venture. These crimes go far beyond other possession crimes, such as the charge of felon in possession under 18 U.S.C. 922(g)(1), because it requires more than mere possession. It requires a violent purpose. In other

words, the defendant did not simply possess a dog, or even possess a “fighting dog,” but rather he possessed possessing nine dogs *for the purpose* of engaging in the inherently physically violent and cruel venture of dog fighting. Defendant’s participation in this dog fighting venture likewise merits a top-of-guideline sentence of 18 months.

### **B. History and Characteristics of the Defendant**

The history and characteristics of the defendant support the sentence of incarceration recommended by the United States. This was not an isolated incident, as the conduct appeared to stretch on for years. Furthermore, the evidence gathered from Murphy’s residence, Facebook history, and recorded phone calls demonstrate that his participation in the dog fighting venture for which he kept these nine dogs included arranging, participating, and profiting off of multiple dog fights during the course of his years’ long conduct in addition to breeding and selling dogs for future fights.

### **C. Seriousness of the Offense, Respect for the Law, and Just Punishment**

The Court’s sentence should reflect the scope and seriousness of this offense, and the need to promote respect for the criminal laws in the District of Massachusetts.

### **D. Need to Afford Adequate Deterrence to Criminal Conduct**

Over the last decade, there has been increased public awareness of the serious, violent nature of animal fighting, as reflected by Congress’s repeated strengthening of the Animal Welfare Act.<sup>5</sup> The recent amendment of the substantive guideline by the Sentencing Commission,

---

<sup>5</sup> Congress has strengthened the law five times over the last fourteen years, including: the Animal Fighting Prohibition Enforcement Act of 2007, Pub. Law 110–22, 121 Stat. 88, which increased animal fighting from a misdemeanor with a one-year statutory maximum to a felony with a three-year statutory maximum; the 2008 Farm Bill, Pub. Law 110–234, Sec. 12407, 122 Stat. 923, which raised the statutory maximum to five years, relaxed the interstate commerce element, and added substantive prohibitions; the 2014 Farm Bill, Pub. Law 113-79, Sec. 12308, 128 Stat. 649, which made attending animal fights a misdemeanor offense and added a felony offense for bringing anyone 16 years or younger to an animal fight; and an

discussed above, further underscores the seriousness of the offense. *See* Sentencing Guidelines for United States Courts, 81 Fed. Reg. at 27, 265 (“[t]he Commission [ ] determined that the increased base offense level better accounts for the cruelty and violence that is characteristic of these crimes”). Also, given the extensive, secretive networks that are needed to solicit opponents and to locate, buy, and sell dogs of coveted bloodlines, dog fighting is organized crime in the traditional sense of that term.<sup>6</sup> Indeed, it was an investigation in New York that uncovered the interstate network and led law enforcement to Murphy in Massachusetts.

Dog fighting is a highly secretive enterprise that is difficult for law enforcement and investigative professionals to infiltrate. A dog fighting investigation requires many of the same skills and resources employed in major undercover narcotics investigations, thus challenging the resources of any agency that seeks to respond to it.

Given the limited law enforcement resources available for cases such as this, and the strain it places upon animal shelters called upon to care for the large numbers of dogs seized in these investigations, it is imperative that the sentences imposed in the few cases that can be brought send a strong message of deterrence. Those who choose to brutalize animals for entertainment and profit must know that their criminal conduct will be severely punished. *See Gaines, supra*, Tr. of Sentencing Hrg. at 18 (“animal cruelty is a horrible offense, uncivilized, and warrants punishment and deterrence. It’s important for society to know that this is a serious offense, that it’s a grievous offense, that the animals deserve something better than this”).

---

amendment effective December 20, 2019, which broadened the reach of the statute to all U.S. territories. *See* Pub. Law 115-334, Sec. 12616(a)-(c), 132 Stat. 5015.

<sup>6</sup> In recognition of the seriousness and violent nature of the charges (now offenses of conviction), Magistrate Judge David H. Hennessy specifically found at Murphy’s detention hearing that 7 U.S.C. § 2456(b) constitutes a “crime of violence” for purposes of the Bail Reform Act. ECF No. 23.

Consequently, a strong sentence is needed to “afford adequate deterrence to criminal conduct,” both to the defendant and to other potential offenders. 18 U.S.C. § 3553(a)(2)(B). To advance the goal of specific deterrence, the United States also requests that the Court require a condition of supervised release that the Defendant shall not possess or engage in the sale or transport of any pit bull-type dogs.

#### **E. Need to Avoid Unwarranted Sentencing Disparities**

The federal dog fighting cases, cited above, provide a reference point in avoiding unwarranted sentencing disparities under 18 U.S.C. § 3553(a)(6), because in those cases, as in this matter, the defendants had varying roles, and their varying sentences reflected that.

For example, in *Anderson*, the defendants ranged from a regionally significant dog fighter (Anderson) to a defendant whose sole involvement was as a passenger found in a co-defendant’s car with the co-defendant’s fatally wounded dog (McDonald). *See Anderson, et al., supra*, No. 3:13-cr-100 (M.D. Ala.) (ECF No. 208) (second superseding indictment). The prison sentences varied from two months (for the passenger) to 96 months (for the ringleader). The middle-tier participants in that conspiracy received sentences ranging from 36 months to 48 months. The *Anderson* defendants were sentenced under the pre-2016 substantive Guideline (offense level of 10 instead of 16 points), and most of the sentences were multiple times the high end of the Guidelines range.

In the *Richardson, et al.* case, the court sentenced seven dog fighting defendants to sentences ranging from 96 months for the ringleader (varying upward from 12-18 month Guidelines range), to four years of probation for the least culpable defendant, who had spectated at a dog fight but otherwise had no involvement of his own in dog fighting. *Richardson, supra*, (E.D.N.C. Dec. 1, 2017 and Dec. 22, 2017). The middle-tier defendants received sentences ranging

from 45 to 60 months. *Id.* The Fourth Circuit recently affirmed each of these sentences on appeal. *Richardson, supra*, 796 Fed. App'x at 803.

The *Arellano, et al.* case was premised exclusively on the trafficking of fighting dogs; there were no charges for sponsoring or exhibiting an animal in a dog fight. *See Arellano, et al., supra*, 3:17-cr-51 (D.N.J. Apr. 10, 2018). That case was sentenced under the old base offense level (10 instead of the current 16). All but one defendant received an above-Guidelines sentence. The participants broke into three tiers. The top tier of participants in the conspiracy received sentences of 54, 48, and 42 months. This included, respectively, the conspiracy's most violent and obstructive player, a regionally significant dog fighter who acted as the source of supply, and the hub of the conspiracy. The hub participant pleaded early, and the other two top tier defendants were convicted at trial. The middle tier participants all pleaded guilty and were sentenced to 24, 18, and 17 months. Two of the lower tier participants were convicted at trial and sentenced to 24 months each. The sole cooperating defendant received a sentence of double the high end of his guidelines range, 12 months. Most of these had a criminal history category of I.

The United States' recommendation of a top-end of guideline sentence is appropriate in that it ensures that Murphy is treated similarly to other defendants who have possessed dogs for fighting. It would also meet the goals Congress set forth in § 3553 that would be "sufficient, but not greater than necessary."



**VI. CONCLUSION**

Based on the foregoing and for the reasons to be articulated at the sentencing hearing, the United States respectfully recommends that the Court sentence the defendant to 18 months of imprisonment, to be followed by three years of post-release supervision. Furthermore, the United States urges the Court require the defendant to pay a fine of \$10,000.

Respectfully submitted,

LEAH B. FOLEY  
United States Attorney

By: /s/ Danial E. Bennett  
Danial E. Bennett  
Kaitlin J. Brown  
Assistant U.S. Attorneys  
United States Attorney's Office  
595 Main Street, Suite 206  
Worcester, MA 01608

[REDACTED]

ADAM R.F. GUSTAFSON  
Acting Assistant Attorney General  
Environment and Natural Resources  
Division  
United States Department of Justice

By: /s/ Matthew T. Morris  
Matthew T. Morris  
Senior Trial Attorney  
Environmental Crimes Section  
GA Bar No. 524420  
800 Market Street, Suite 211  
Knoxville, TN 37902  
Phone: [REDACTED]  
Email: [REDACTED]

**CERTIFICATE OF SERVICE**

I hereby certify that on April 3, 2025, I electronically filed the foregoing with the Clerk of the Court by using the CM/ECF system, which will send a notice of electronic filing to counsel of record.

/s/ Danial E. Bennett  
Danial E. Bennett  
Assistant U.S. Attorney  
United States Attorney's Office  
595 Main Street, Suite 206  
Worcester, MA 01608



2010 WL 1882057

Only the Westlaw citation is currently available.  
United States District Court,  
S.D. Illinois.

UNITED STATES of America, Plaintiff,

v.

William BERRY; Derrick Courtland; John Bacon;  
Julius Jackson; Joseph Addison; James H. Milburn,  
III; and Ricky Stringfellow, Jr., Defendants.

No. 09–CR–30101–MJR.

1

May 11, 2010.

### Attorneys and Law Firms

Jennifer D.L. Hudson, Assistant U.S. Attorney, Fairview Heights, IL, for Plaintiff.

Phillip J. Kavanaugh, III, Federal Public Defender, Julie Kathryn Morian, Federal Public Defender's Office, East St. Louis, IL, Ronald E. Jenkins, Jenkins & Kling, St. Louis, MO, James M. Stern, James Stern, P.C., Turner A. Rouse, Rouse Law Firm, Belleville, IL, Robert L. Elovitz, Law Offices of Robert L. Elovitz, Edwardsville, IL, for Defendants.

### *Court's Sentencing Memorandum*

REAGAN, District Judge.

\*1 The Court, as part of its sentencing obligation, is to consider the “the nature and circumstances of the offense.”<sup>1</sup> With that obligation in mind, the Court enters this sentencing memorandum regarding dog fighting. Unlike drug and gun cases, this Court has no experience with the crime of dog fighting and felt additional background and research was necessary to fulfill its sentencing obligation. This memorandum is entered well in advance of the sentencing hearing in the instant case in order to provide the parties with research the Court has gleaned outside the record in this case.

#### *I. Introduction*

Dog fighting has attracted much social attention in recent years. Although it was once considered an acceptable form of entertainment, today it is illegal in all 50 states and by Act of Congress. This memo will explore the unseemly world of dog

fighting, discussing the origin and the history of dog fighting, the procedures for training dogs and holding dog fights today and notable dog fighting cases which serve as an example and reference for the judiciary, such as Michael Vick's case.

This review of the history and methodology of dog fighting is generic; that is, it is not meant to be construed as applicable to the cases currently on the Court's docket which have their own histories and fact patterns.

#### *II. History of Dog Fighting in the United States*

Dog fighting began in the United States as a cultural import from England. While historians believe that dog fighting was introduced to colonial America as early as 1750, the blood sport did not gain in popularity in America until the nineteenth century.<sup>2</sup> The surge in popularity corresponded with a surge in England around the same time. Parliament passed the Humane Act of 1835,<sup>3</sup> which banned baiting sports—when dogs would fight larger animals, like bulls and bears, while the larger animal was tethered to stake.<sup>4</sup> Baiting sports were enormously popular within all circles of British society. With the new ban on these activities, dog handlers and baiting enthusiasts were left searching for a legal substitute to fill the void. As an alternative to baiting events, handlers of fighting dogs began to stage dog fights.<sup>5</sup> While fighting events between larger animals and dogs were banned, dog fighting was a legal alternative that British society could enjoy.<sup>6</sup>

English and Irish immigrants arrived to the United States, bringing their fighting dogs with them. As a result, fighting dogs began to arrive in large numbers to the United States, initiating the start of a popular pastime for American culture. Initially, the sport was endorsed by the United Kennel Club, and the organization provided official rules and referees.<sup>7</sup> Immensely popular among firefighters and police officers, dog fighting events became common entertainment for the working class in the United States, so much so that public forums, like local taverns and sporting halls, would regularly host dog fights.<sup>8</sup> During the height of the sport's popularity, upcoming dog fights would be advertised in national magazines, like the *National Police Gazette*.<sup>9</sup> The blood sport was so popular with Americans that railroad companies would even offer special fares to a dog fight.<sup>10</sup> Despite the popularity, local state legislatures began to ban the sport during the 1860s but did little to enforce the new

laws.<sup>11</sup> Lax enforcement resulted in the continued popularity of the sport to the 1930s, when the support of the United Kennel Club as well as other high profile organizations was lost, driving dog fighting underground.<sup>12</sup>

\*2 During the late 1960s, dog fighting received a new resurgence because two periodicals dedicated to the sport of dog fighting were published. Both *Sporting Dog Journal* and *Pit Dog Report* helped renew interest by providing information about dog fighting. As a result of these periodicals, the numbers of dog fights in the United States increased.<sup>13</sup>

### **III. Dog Fighting on an International Scale**

Presently, despite an almost global ban on dog fighting, the sport has grown into a billion dollar industry and continues to draw new fans and handlers each year.<sup>14</sup> In countries where dog fighting is illegal, the sport continues to surreptitiously grow at an accelerated rate out of the public eye. “Legal or not, dog fights are openly held in parts of Latin America, Pakistan and Eastern Europe, and clandestinely in the U.S. and the United Kingdom.”<sup>15</sup> In the United Kingdom, for example, the government has issued reports stating dog fighting has gone up 400% in the last three years and is expected to continue to gain in popularity, especially among children and teenagers.<sup>16</sup> Afghanistan is another country that has seen an increase in dog fighting in recent years. Originally banned by the Taliban, who viewed the sport as “un-Islamic,” dog fighting was an almost unheard of practice under the Taliban rule, but since the overthrow of the Taliban regime, Afghanistan has seen a resurgence of the sport as a form of entertainment.<sup>17</sup> In the capital of Afghanistan, dog fights draw as many as 2000 people in attendance, and betting pots run as high as \$10,000.<sup>18</sup> Furthermore, in Italy, the sport flourishes under the control of the Italian Mafia, which makes an estimated five hundred million dollars yearly from it.<sup>19</sup>

While some countries have outlawed dog fighting, it has not been specifically banned in many parts of Eurasia. Russia, for example, is one country where dog fighting is legal, with the exception of the capital city of Moscow, and has experienced a new surge of popularity for dog fighting as a source of entertainment for the locals. It is growing especially popular among young people, who view owning a fighting dog as a status symbol in Russian culture.<sup>20</sup> Like Russia, Japan is another country which has sanctioned dog fighting, in almost

all parts of the country.<sup>21</sup> However, Japanese dog fighting is not as lethal as it is elsewhere. Comparable to Sumo wrestling, Japanese dog fights are judged by points, while dogs attempt simply to pin their opponent to the floor, as opposed to merely inflicting as much damages as possible onto the other dog. Like Sumo wrestlers, the fighting dogs are ranked according to their success rate and don ceremonial dressings at fights.<sup>22</sup> Dating back to the times of the Samurai, Japanese dog fighting is not as popular as it once was but still attracts tens of thousands every year.<sup>23</sup>

## **IV. The Details of the Blood Sport**

### **a. The Levels of Dog Fighting**

\*3 Like other criminal activities, law enforcement agents profile dog fighters according to their level of sophistication. The three categories in which law enforcement classifies dog handlers are professionals, hobbyists, and street fighters.<sup>24</sup>

Professional dog fighting is both lucrative and well organized. Regarded as the most sophisticated group of dog fighters, professional handlers focus on the monetary gains to be had from fighting, breeding, or selling fighting dogs.<sup>25</sup> To professional handlers, dogs are viewed only as investments, and as a result, the dogs are constantly evaluated for their potential return rate. If a dog is a poor investment, the dog will either be killed or abandoned. In an effort to increase their profits, professional handlers will keep a larger number of dogs, usually fifty or more at a time.<sup>26</sup> Because professional handlers fight dogs for monetary returns, creating the best specimen for fighting is their main concern. Professional handlers are careful to record each dog's training regiment in what is referred to as a ‘keep journal.’ Here the handlers record all the details of a dog's training, including the nutrition and drugs that are injected into the dog. These journals are kept secret, so that another handler does not discover the training techniques.<sup>27</sup>

Often, professional handlers will travel long distances to participate at larger events that offer a higher purse. Because large amounts of money exchange hands at professional dog fighting events, they sophisticated organization and security and, as a result, are notoriously difficult for police to infiltrate.<sup>28</sup> Most events require knowledge of code words and identification before a person is allowed to enter.<sup>29</sup> To guard against police raids, organizers may listen to police monitors, and armed guards sometimes patrol the

venue, careful to keep an eye open for law enforcement or others who would disrupt the event.<sup>30</sup> According to reports, officials believe that there are roughly forty thousand active professional dog fighters in the United States and that the number will continue to rise as long as dog fighting remains lucrative.<sup>31</sup>

Like professionals, hobbyists also view dog fighting as a lucrative venture but are more drawn to the sport for its entertainment value.<sup>32</sup> While most hobbyists occasionally fight their dogs for money, the majority of their involvement in the sport comes from being spectators and wagering on the fights.<sup>33</sup> Generally, hobbyists own few fighting dogs, but they will still participate in organized fights.

Of all the dog fighters, the largest and fastest growing group is referred to as the “street fighters.” Associated most commonly with gangs and young people, this group views dog fights as a forum to prove their own superiority and toughness.<sup>34</sup> Generally, these dog fights are unorganized and devoid of any formal rules. The fights often take place in full public view on streets, alleyways, or in backyards.<sup>35</sup> The cruelty associated with the street fighters is often where the most harrowing stories of dog abuse originate because most street fighters view the dogs as disposable, even more so than typical handlers.<sup>36</sup> In a particularly brutal and heinous case two pit bulls, one of which was either pregnant or still nursing a litter, were stabbed, dragged by a moving vehicle, and then burned alive by two teenage boys, who were believed to be associated with dog fighting.<sup>37</sup>

\*4 Perhaps even more alarming than the cruelty associated with this group is the pervasiveness of the sport to young children. According to Sgt. Steve Brownstein of Chicago's Animal Abuse Control Team, “In many neighborhoods where gangs are strong, you now have 8-, 9-, and 10-year olds conducting their own dogfights. Or being spectators at the fights people are holding.”<sup>38</sup> Officials agree this is the largest and fastest growing group of dog fighters with an estimated one hundred thousand “street fighters” currently in the United States.<sup>39</sup>

#### ***b. The Dogs Used***

Although the types of dogs used for dog fighting varies greatly depending upon the geographic region, the breeds most commonly used in the United States are Fila Brasileiros,

Dogo Argentinos, Presa Carnarios, and Pit Bulls.<sup>40</sup> The term Pit Bull has a broad definition that can refer to as many as five breeds. The narrowest definition includes only the American Pit Bull Terrier and the American Staffordshire Terrier; the broadest definition also includes the Bull Terrier, the American Bulldog, the Staffordshire Bull Terrier and mixes of the five breeds.<sup>41</sup> No matter the name given to these animals, generally speaking they are very powerful dogs and can inflict substantial damage against animals and humans alike.

Although recent events have painted pit bulls as aggressive and violent, generally speaking, pit bulls are known for their intelligence, strength and courage.<sup>42</sup> Interestingly enough, pit bulls can also be gentle, devoted and affectionate.<sup>43</sup> During the early twentieth century, pit bulls were often referred to as “nursemaids or nanny dogs” because of their gentle disposition and protective nature towards young children.<sup>44</sup> This gentle nature and devotion to humans makes these breeds particularly appealing to dog fighters because “[pit bulls] will withstand considerable abuse and neglect at the hands of their owners and will remain loyal and non-aggressive towards humans.”<sup>45</sup> Because of their inherent strength and gentle demeanor towards humans, pit bulls are favored more than any other breed by dog fighters, and as a result of this favor, “pit bulls have been subjected to cruelty, abuse and mistreatment to a degree and on a scale that no other breed in recent history has ever had to endure.”<sup>46</sup>

#### ***c. How they are treated***

The lives of fighting dogs are not to be envied. These dogs do not lead normal lives, but rather every aspect of the dog's life is carefully calculated to antagonize and thereby increase the aggression level of the dog. Many fighting dogs spend their entire lives without basic nutrition, shelter and healthy socialization with humans and other animals. Rather, fighting dogs spend the majority of their lives in filthy conditions, pinned in small cages or chained up with heavy chains across their neck.<sup>47</sup> As the dog grows, owners will add weights to the chains in order to increase the dog's strength.<sup>48</sup> Generally, the dogs are kept in close proximity to other fighting dogs in order to further antagonize and increase anxiety levels.<sup>49</sup> The dogs are also beaten and goaded on a daily basis in order to raise the dog's tolerance towards pain and increase the “fight” within the dog.<sup>50</sup> At the professional level, fighting dogs receive better care in that they are at least fed on a daily



basis and their exercise is monitored. However, these dogs are often injected with steroids, and various other legal and illegal drugs to increase the size, strength, and aggressiveness in the dog.<sup>51</sup> If the dog fighters are hobbyists or even street dog fighters, the dogs may receive significantly less care. To increase aggression, these dogs may be starved, have lit cigarettes burned into their coats, or may be beaten with a variety of crude instruments including broken bottles, pipes, or even machetes.<sup>52</sup>

\*5 Further adding to the suffering of these animals, some handlers purposefully disfigure their dogs in a crude attempt to give their dog an advantage in a fight. Handlers will cut off a dog's ears and tail, lest another dog latches onto them during a fight.<sup>53</sup>

While tail docking, as it is referred to by the veterinarians, can be done without [anesthesia](#), cropping a dog's ears is a very invasive procedure and requires [anesthesia](#) and extensive care for the dog to successfully recover.<sup>54</sup> Both procedures are often done in the dogfighting world with dull, unsterilized objects, such as scissors or knives, without any anesthetic and without proper medical attention, leaving the dog disfigured and at risk for infection or other serious health problems.<sup>55</sup> Dog fighters also employ teeth filing or teeth sharpening as another method to increase their dog's prowess in the ring. Though not done by all handlers, the procedure of teeth sharpening is essentially where a dog's teeth are filed to be as sharp as possible, which in turn would inflict greater injury on the opposing dog.<sup>56</sup>

For fighting dogs, training begins while the dog is still a puppy. While the level of training a particular dog receives depends highly upon each individual handler. Each handler strives to increase the level of "gameness" or aggressiveness in their dog and will resort to any means necessary to accomplish this goal. Most commonly, fighting dogs will exercise on small treadmills for long periods of time to increase the dog's stamina.<sup>57</sup> Less affluent trainers tie the dog's leash to a running vehicle, forcing the dog to run behind a moving car for miles on end.<sup>58</sup> Trainers will also employ "jump poles," which is where a tire dangles from a large pole and the dog attempts to hang from the tire as long as possible to increase stamina and jaw strength.<sup>59</sup>

One of the more sadistic training methods utilized by handlers is referred to as the "Catmill or Jenny." Similar to a "carnival

horse walker with several beams jetting out from a central rotating pole," the Jenny is used to increase the dog's stamina by attaching the dog to one part of the pole and attaching "bait" to another end of the pole, thus allowing the dog to run continuously for long periods of time.<sup>60</sup> The bait can range anywhere from toys to actual animals, including rabbits, cats, or even small dogs, and in some instances, these "bait" animals are household pets that have been stolen from backyards.<sup>61</sup> After the workout, the dog is usually rewarded with the bait animal and mauls it to death.<sup>62</sup>

Early in the dog's training, it may be forced to participate in a "roll," which is a controlled fight where young dogs are taught to lunge at each other.<sup>63</sup> As the dog's training progresses, the dog is paired against an older dog to ascertain the dog's demeanor and "gameness." Trainers will also steal larger dogs, such as German Shepherds, Doberman Pinchers, or Labs, from neighborhoods to stage "rolls" against their fighting dogs. Often times, these bait dogs are muzzled in an attempt to limit injuries to the fighting dogs, while the trainer encourages the fighting dog to attack. Other times, handlers utilize metal wiring to tie bait animals legs together in order to prevent the bait from fleeing.<sup>64</sup> During any of these rolls, the trainers attempt to determine the aggressiveness, strength, and willingness to fight present in the dogs. If the dog shows the requisite level of aggression, it is deemed ready to fight, but if the dog exhibits any signs of disinterest in fighting or fear, the dog will most likely be neglected, abandoned or killed.<sup>65</sup>

#### *d. The Fights and Rules*

\*6 Similar to other clandestine activities, dog fighting can take place in a variety of locations as long as the location provides a certain level of privacy. Experts report that dog fights takes place in a multitude of locations, including abandoned buildings, barns, basements or garages.<sup>66</sup> The actual dog fight takes place in a pit, which can be an actual hole dug in the ground or a ring constructed of wood and spanning anywhere around fifteen to twenty feet.<sup>67</sup> Normally, the floor of the pit is covered with carpet to absorb blood from the dogs.<sup>68</sup> At more structured dog fighting events, a referee is selected to oversee the match and ensure certain rules are followed. While dog fighting rules may vary from venue to venue, the most commonly followed rules governing dog fighting are the Cajun Rules.<sup>69</sup> Written by former Louisiana police chief G.A. Trahan, these rules are the most popular among professional dog fighters.<sup>70</sup>

Before each fight referees will ask the handlers to weigh their dogs and wash the opponent's dog to ensure the dogs' coats are not covered in poison.<sup>71</sup> After which, the dogs are placed behind their separate scratch lines, which is similar to corners in boxing, until the referee sounds for the start of the match. According to the rules, handlers are forbidden from physically interfering during the match but may shout at the dogs instead. The match continues until one of the dogs can no longer fight. A dog is deemed unable to continue if it refuses to fight, jumps out of the ring, or sustains a serious injury.<sup>72</sup>

Aside from ending a match, a referee will usually only stop the match for two other reasons. One instance is when a dog turns away from the other dog, in which case, the referee will call a "turn" and both dogs will return to their handlers.<sup>73</sup> The dogs will then return to their "scratch lines" and the referee will restart the fight. If a dog fails to attack or stays at its scratch line, the dog will forfeit and the match will be called. The other instance is when a dog's upper lip becomes hooked on its own teeth, termed "fanged" in the fighting world, in which case, the handler will be allowed to unhook the dog's teeth. During each break in the fight, handlers are allowed to provide water for their dogs from a water bottle, which is subject to inspection prior to the match.<sup>74</sup>

The duration of a dog fight on average is roughly about an hour, but it is not uncommon for fights to last longer.<sup>75</sup> During the fight, fans and spectators place bets and watch eagerly as the dogs rip into one another. Like the sport itself, fans and spectators range in backgrounds from affluent to low income. Disturbingly, fans often bring their children to these sporting events and view these grisly events as family appropriate forms of entertainment. As one father commented, when asked whether it was appropriate to bring his five year old son to a dog match, "Life in general is violent ... big fish eat little fish, the world we live in is cynical and cruel. I want my son to adapt to this from the very beginning of his childhood.... Maybe the sight of these dogs fighting will instill in him the determination to fight for his place under the sun."<sup>76</sup>

#### *e. The Winners and Losers*

\*7 If a dog is successful at a fight, the handlers can receive substantial prizes and monetary rewards. First, winning handlers receive cash prizes ranging from a few hundred dollars to several thousand dollars depending on the size

of the event.<sup>77</sup> At highly organized events, the low-end winning handlers receive around \$50,000, but at larger dog fights, involving international handlers, purses can be as high as \$1–2 million.<sup>78</sup> Assuming the dog survives the injuries sustained during the fight, another benefit winning handlers can expect is breeding. One of the most lucrative aspects of dog fighting occurs when handlers attempt to create good fight lines through their dogs by breeding winning dogs with other winning dogs. Generally, the more successful a dog is during its campaign as a fighter, the more money its puppies will be worth.<sup>79</sup> If a dog wins three or more fights and reaches the title of "Champion," the puppies of that dog will be substantially more valuable. Puppies from a good champion bloodline can cost anywhere from a few hundred to several thousand dollars per puppy.<sup>80</sup> To date, the most expensive fighting dogs sold were raised by Floyd Bourdeaux. At one time considered one of the biggest figures in dog fighting, Floyd Bourdeaux reportedly charged \$5000 per dog.<sup>81</sup>

The losing dogs, however, do not fare as well. Almost always, the losing dogs are killed or abandoned by their handlers following the match, unless they have a history of prior wins or come from a good blood line. This practice of abandoning or killing these dogs is done for a number of reasons. First, most losing dogs suffer such severe injuries that they stand little or no chance of survival without substantial medical care, and as such, handlers are unable to fight the dogs again.<sup>82</sup> Second, handlers dispose of these injured animals to destroy the evidence that they are involved in anything illegal. Caring for an injured dog may raise suspicion and jeopardize a handler's dog fighting operation so handlers will either kill or abandon the injured dogs to avoid attracting unwanted attention.<sup>83</sup> Another reason handlers kill losing dogs is to avoid embarrassment and damage to the handler's reputation. In the dog fighting world, a handler's dog and its prowess as a fighter are often viewed as a personal reflection on the handler.<sup>84</sup> This is especially common among though not limited to gang members who view their own dog as a reflection of their status in the gang.<sup>85</sup> While a successful dog may elevate a gang member's status, a losing dog reflects poorly on a gang member's image. In order to save face, gang members will torture and kill the losing dog in horrific ways to reassert their tough image within the gang.<sup>86</sup> For example, it is not uncommon for losing dogs to be drowned, hanged, electrocuted, burned alive, doused with corrosive chemicals or beaten to death with blunt objects.<sup>87</sup> This list is

not exhaustive, however, and animal rescuers are constantly surprised at how grisly these deaths are as handlers resort to more disturbing tactics to reassert their tough image.<sup>88</sup> No matter the reason for disposing of the losing dog, the torture and ultimate death of the dog is almost always done in front of the crowd, who view this simply as part of the sport.<sup>89</sup>

### *V. Criminal Activity Associated with Dog Fighting*

\*8 A fundamental misconception most Americans have about dog fighting is that dog fighting is isolated from other criminal activity and is only a concern for animal rights activists. This concept that dog fighting is really an animal rights issue is misguided. In reality, dog fighting is closely associated with some of the most serious crimes plaguing our society and may involve people with extensive criminal backgrounds.<sup>90</sup> Because of the secretive nature of dog fighting, the events are frequently the scenes of other more dangerous crimes including illegal gambling, drug distribution, prostitution, illegal weapons exchange, and even homicide.<sup>91</sup> For example, one state trooper stated that in a three year period, “We’ve seized AK-47’s, explosive devices, [and] a kilo of crack. The drugs and weapons associated with this sport are unbelievable.”<sup>92</sup> Another law enforcement agent jokingly compared dog fights to convenience stores for criminals: “It’s like one-stop shopping.”<sup>93</sup> Police departments across the United States are realizing how interwoven dog fighting is with other serious crimes. Because of the connection dog fighting has with other crimes, police departments across the nation are forming specialized operations to concentrate only on dog fighting because busting a dog fight could potentially help police “take out a whole miniature crime syndicate.”<sup>94</sup>

### *VI. The Victims of Dog Fighting*

While many dog fighting enthusiasts advertise the blood sport as a victimless crime, there are in fact many who suffer at the hands of these handlers. The obvious victims of this blood sport are the dogs themselves, who spend their entire lives trapped in a violent and brutal world, but this sport has other, less obvious victims like the children who are forced to bear witness to these violent acts and society which shoulders the economic burden this sport creates.

#### *a. Children*

The effect dog fighting has on children may at first seem limited but studies report exposing children to organized violence and torture of animals has a lasting impact on children. First, the dog fighting world may expose children to a multitude of dangerous and illegal activities that threaten their general welfare, such as drugs, gangs, prostitution, and even murder. Criminal activity aside, children raised in homes with fighting dogs are also at risk for potential injury, since these dogs are poorly socialized, antagonized to bring out aggression, and lack “positive attachment to humans”.<sup>95</sup>

Furthermore, many studies indicate that children who witness organized torture and violence, like dog fights, are more likely to become anesthetized to violence and will be more likely to commit future crimes. “Countless studies indicate that children who are raised in violent, bullying, abusive homes learn that behavior and repeat it throughout their lives.”<sup>96</sup> Further studies suggest, “people who abuse animals are five times more likely to commit violent crimes against humans.”<sup>97</sup> Moreover, the FBI has studied the connection between violence involving animals and the effect on children. Indeed, the FBI has found that witnessing and imitating violent behaviors against animals is extremely damaging to a young child and helps to condition that child for future violent behaviors, so much that the FBI uses animal abuse to profile serial killers. The connection between animal abuse and the effect on children is undeniable, simply view a list of recent serial killers to find that generally their first victims were usually animals.<sup>98</sup> Studies focusing specifically on sex offenders provide “that 48% of rapists and 30% of child molesters admitted to acts of animal cruelty in childhood or adolescence.”<sup>99</sup> When children witness dog fights, where violence, torture, and cruelty are valued, even glorified, such statistics come as little surprise. In such a setting, children learn to inhibit their compassion for the suffering of other creatures, which are both smaller and weaker.

\*9 The effect of dog fighting on children has not gone unnoticed by gangs. “Some gangs use the bloody sport to desensitize younger gang members, [Chicago Police Sergeant Brian] Degenhardt said. ‘It’s initiation through blood,’ he said. ‘They use them to deaden their senses to violence.’”<sup>100</sup> More troubling still is the rate at which American children are becoming exposed to this sport. A recent study indicates one out of every five children in Chicago has witnessed a dog fight, but another study suggests the number is closer to four out of every five children.<sup>101</sup> Because of the significant damage the sport causes children, dog fighting



offenses must be treated with the utmost seriousness in order to avoid a future generation that is devoid of compassion and anesthetized to violence.

**b. Society**

Dog fighting also negatively affects our society because of the economic burden the sport places on our society. Animal shelters are constantly overwhelmed by the large numbers of fighting dogs they receive each year. Nationwide, pit bulls and pit bull mixes comprise up to a third of dog intake; in city facilities, that figure can be as high as seventy percent.<sup>102</sup> In many instances, these dogs must be housed for months on end, while the handlers are prosecuted and lose legal custody of their dogs. While handlers are being prosecuted, animal shelters try and meet the unique challenge of providing shelter for dogs, which have been trained to be both strong and aggressive towards other animals. “We had to go back and re-engineer our housing because the dogs were able to literally pull apart the cages,” said Mark Kumpf, director of the Montgomery, Ohio animal shelter in Dayton.<sup>103</sup> Aside from housing issues, animal shelters must also provide extra security in order to prevent handlers from taking back their own dogs or other handlers stealing rescued fighting dogs to use in their own matches.<sup>104</sup> As a result, it has fallen to tax payers across the United States to foot the bill to house these dogs. For example, in Houston, \$133,000 were spent housing pit bulls annexed from a single property.<sup>105</sup> Another Ohio county has reported spending over a half a million dollars to house fighting dogs since 2002.<sup>106</sup> The most famous example comes out of the Michael Vick case, discussed later. Vick was required “to pay close to a million dollars for the costs of caring for the [fighting] dogs.”<sup>107</sup>

Another source of economic drain regarding dog fighting is the effect it has had on the feral dog population in the United States. Directly tied with dog fighting, feral dog populations have increased dramatically due to handlers abandoning their fighting dogs on the streets or in deserted rural areas.<sup>108</sup> The cities of Los Angeles, Detroit, New Orleans, Cleveland, New York, Baltimore, Houston, Indianapolis, Santa Fe and Pittsburgh all reported an increase in the feral dog population to the point it has reached epidemic proportions.<sup>109</sup> In Los Angeles alone, the city estimates the feral dog population is as high as 50,000 dogs, and as a result of this growing population, two hundred thousand people sustained dog bites from abandoned dogs in a single year.<sup>110</sup> In urban areas,

dog bites from feral dogs are not uncommon, especially among children, making many neighborhoods unsafe because packs of feral dogs patrol the streets in search of food.<sup>111</sup> In rural areas when food supplies dwindle, feral dogs have been known to attack livestock and wild animals living in the area, resulting in the destruction of millions of dollars in livestock and shrinking wild animal populations.<sup>112</sup> The main problem facing cities across the United States is that feral dog population increases on a daily basis, and animal control simply lacks the financial resources to control the feral dog population. As a result, these dogs and the damage they create inevitably become the tax payer's burden.

**VII. Congressional Action**

\*10 The Animal Welfare Act was the first federal law in which Congress banned animal fighting. Originally enacted in 1966 under the commerce clause,<sup>113</sup> the 1976 amendment to the act became the first instance of Congress exercising its power to ban animal fighting.<sup>114</sup> On May 3, 2007, President Bush signed into law the Animal Fighting Prohibition Enforcement Act of 2007, which increased the penalties for dog fighting to up to three years in prison.<sup>115</sup> “In 2008, the passage of the Food Conservation and Energy Act increased the maximum time for imprisonment for dog fighting ventures to five years.”<sup>116</sup> In 2008, dog fighting became a crime in all fifty states, with Idaho and Wyoming being the final states to make the crime a felony.<sup>117</sup>

**VIII. Michael Vick Case and Its Effect as a Deterrent**

While Congress continues to combat dog fighting, many animal activists cite to the recent Michael Vick case as a key victory because the case brought national media attention to the problem, exposing the dark world of dog fighting to the American public. One of the most famous dog fighting cases in recent legal history, Michael Vick, an NFL football player, was sentenced to 23 months in prison after he pled guilty to “conspiring to travel in interstate commerce in aid of unlawful activities and sponsoring a dog in an animal fighting venture.”<sup>118</sup> As stipulated by his plea agreement, Michael Vick admitted to killing between six to eight pit bulls by drowning or hanging.<sup>119</sup> Having now served his twenty-three month sentence, Vick has been conditionally reinstated in the NFL and the Commissioner of the NFL has hinted that Vick may be officially reinstated by October of 2009.<sup>120</sup> Furthermore, Michael Vick has recently been picked up by

the Philadelphia Eagles, who offered Vick a one year, \$1.6 million contract with a \$5.6 million option.<sup>121</sup>

Even though animal advocates may view the Michael Vick case as a triumph, Michael Vick has failed to serve as an adequate deterrent to our society. A problem with using Michael Vick's case as a deterrent is that many people believe Vick was simply a victim of the establishment and believe he was only targeted because he was a celebrity. For example, Redskin football player Clinton Portis publicly defended Vick, stating "I know a lot of back roads that got a dog fight if you want to go see it. But they're not bothering those people because those people are not big names."<sup>122</sup> When asked what if Vick is charged and convicted, Portis stated: "Then I think he got cheated.... You're putting him behind bars for no reason—over a dog fight."<sup>123</sup> Furthermore, despite Vick's status as a felon, he is still viewed by children as a role model or someone to emulate. It has not deterred "young

urban tough guys."<sup>124</sup> As Randy Grim, executive director of Stray Rescue of St. Louis, stated: "It actually generated more interest among urban youth," as kids who believed that dog fighting was a sport for rural or poor urban areas saw that the affluent were also involved.<sup>125</sup> While the Michael Vick case may have raised awareness of the horrors of dog fighting, it is clear that it has done little to combat the ever growing popularity of this sport.

#### **IX. Conclusion**


\*11 Dog fighting, once an accepted form of entertainment is now illegal in all 50 states and by Act of Congress as well. It has been driven underground and may be associated with other forms of illegal activities.

#### **All Citations**

Not Reported in F.Supp.2d, 2010 WL 1882057

---

### **Footnotes**

- 1  18 U.S.C. § 3553(a)(1) (2006).
- 2 ASPCA, Dog Fighting FAQ, <http://www.aspc.org/fight-a-nimal-cruelty/dog-fighting/dog-fighting-faq.html> (last visited Mar. 15, 2010).
- 3 Julie Bank & Stephen Zawistowski, *History of Dog Fighting*, ASPCA ANIMAL WATCH, Fall 1997, available at <http://www.aspc.org/fight-a-nimal-cruelty/dog-fighting/history-of-dog-fighting.html>.
- 4 *Id.*; see also Humane Act, 1835, 5 & 6 Will. 4, 6 Will. 4, c. 59, § 3 (Eng.).
- 5 Bank & Zawistowski, *supra* note 3.
- 6 *The Humane Act of 1835 ... Promoted Dog Fighting*, LAMPPOST (Colonial Terrier Club, Virginia Beach, Va.), Oct. 2007, at 1.
- 7 Hanna Gibson, Dog Fighting Detailed Discussion (2005), [http:// www.animallaw.info/articles/ddusdogfighting.htm](http://www.animallaw.info/articles/ddusdogfighting.htm).
- 8 *Id.*
- 9 See Bank & Zawistowski, *supra* note 3.
- 10 See Gibson, *supra* note 7.
- 11 *Id.*

2010 WL 1882057

- 12 *Id.*
- 13 See *The Humane Act of 1835 ... Promoted Dog Fighting*, *supra* note 6, at 2.
- 14 See OFF THE CHAIN: A SHOCKING EXPOSE ON AMERICA'S FORSAKEN BREED (Bobby J. Brown producer 2004).
- 15 Monica Villavicencio, *Inside the Underground World of Dog Fighting*, NPR, July 19, 2007, <http://www.npr.org/templates/story/story.php?storyId=12098479>.
- 16 *The Report: Inside the World of Dog-Fighting* (BBC Radio 4 broadcast July 30, 2009), available at <http://www.bbc.co.uk/programmes/b00fszhl>.
- 17 Kirk Semple, *Dogfighting Making a Comeback in Afghanistan*, N.Y. TIMES, Dec. 28, 2008, at A6, available at <http://www.nytimes.com/2008/12/28/world/asia/28dogfight.html>.
- 18 *Id.*
- 19 See Gibson, *supra* note 7.
- 20 *Fighting by Proxy: New Russians Send Their Dogs Into Battle*, RUSSIA J., Apr. 26, 1999, available at <http://www.russiajournal.com/node/1086>.
- 21 Douglas G. Link, *History of Animal Fighting*, <http://game-bred.com/history-animal-fighting.htm> (last visited Mar. 15, 2010).
- 22 Catherine Marien-de Luca, *Tosa Inu, Tosa Ken (Japanese Mastiff, Tosa Dog, Tosa Touken, Tosa Tôken)*, <http://www.bulldoginformation.com/Tosa-inu.html> (last visited Mar. 15, 2010).
- 23 Ben Hills, *It's Dog Fight Dog in Japan's Dying Sport: The Fighting Dogs of Shikoku*, SYDNEY MORNING HERALD, Aug. 29, 1994, at 10, available at <http://www.benhills.com/articles/articles/JPN32a.html>.
- 24 See Bank & Zawistowski, *supra* note 3.
- 25 *Id.*
- 26 *Id.*
- 27 See Nancy Lawson, *The Cost of Dog Fighting*, ANIMAL SHELTERING, Nov./Dec.2007, at 32, 34, available at [http://www.animalsheltering.org/resource\\_library/magazine\\_articles/nov\\_dec\\_2007/costs\\_of\\_dogfighting.pdf](http://www.animalsheltering.org/resource_library/magazine_articles/nov_dec_2007/costs_of_dogfighting.pdf).
- 28 Jamey Medlin, *Pit Bull Bans and the Human Factors Affecting Canine Behavior*, 56 DEPAUL L.REV. 1285, 1300-03 (2007).
- 29 THE FINAL ROUND: A FIGHT TO THE FINISH (Humane Soc'y of the U.S. Prods.2007).
- 30 Medlin, *supra* note 29, at 1300.
- 31 Bank & Zawistowski, *supra* note 3.
- 32 *Id.*
- 33 See Medlin, *supra* note 29, at 1301.

2010 WL 1882057

- 34 See Bank & Zawistowski, *supra* note 3.
- 35 *Id.*
- 36 See *Id.*
- 37 See Liz Ford, *2 Pit Bull Terriers Euthanized After Being Set on Fire in Dallas*, DALLAS MORNING NEWS, April 9, 2009, available at 2009 WLNR 6536625.
- 38 Gibson, *supra* note 7.
- 39 *Dogfighting a Booming Business, Experts Say*, CNN, July 19, 2007, <http://www.cnn.com/2007/US/07/18/dogfighting>.
- 40 ASPCA, *supra* note 2.
- 41 ASPCA, *Virtual Pet Behaviorist—The Truth About Pit Bulls*, <http://www.aspcabehavior.org/articles/193/The-Truth-About-Pit-Bulls.aspx> (last visited May 6, 2010).
- 42 *Id.*
- 43 *Id.*
- 44 *Id.*; see Tyla Hafstrom, *America's Nanny Dog*, TIMES–STANDARD (Eureka, Cal.), Sept. 25, 2007, available at [http://www.times-standard.com/opinion/ci\\_6993026](http://www.times-standard.com/opinion/ci_6993026).
- 45 See Gibson *supra* note 7.
- 46 KAREN DELISE, *FATAL DOG ATTACKS: THE STORIES BEHIND THE STATISTICS* 85 (2002).
- 47 See Jacob Silverman, *How Dog Fighting Works*, HOWSTUFFWORKS, July 27, 2007, <http://www.howstuffworks.com/dogfigthing.htm/printable>.
- 48 *Id.*
- 49 Brittany Bacon, *Inside the Culture of Dogfighting: From Blood Money to Bragging Rights, Dogfighting is More Popular Than You Might Think*, ABC NEWS, July 19, 2007, <http://abcnews.go.com/print?id=3390721>.
- 50 See Bank & Zawistowski, *supra* note 3.
- 51 See Gibson, *supra* note 7.
- 52 See *Pet Pit Bull—Sad Reality*, <http://www.pitbullsontheweb.com/petbull/sadreality.php> (last visited May 6, 2010).
- 53 Kate Bonny, *Cosmetic Surgery: Tail Docking, Ear Cropping, and De-Clawing*, TAILS (Vernon County Humane Soc'y, Viroqua, Wis.), Fall 2004, at 1, 2, available at [http://www.vchumane.org/files/VCHS\\_Tails\\_fall04.pdf](http://www.vchumane.org/files/VCHS_Tails_fall04.pdf).
- 54 Vet4Petz, *Pet Health: Cosmetic Surgery*, [http://www.vet4petz.com/articles/cosmetic\\_surgery.htm#de bark](http://www.vet4petz.com/articles/cosmetic_surgery.htm#de bark) (last visited May 6, 2010).
- 55 Deanna Raeke, *Pit Bull Puppy Maimed—Video*, FOR LOVE OF DOG BLOG, April 6, 2009, <http://fortheloveofthedogblog.com/news-updates/pitbull-puppy-maimed-video>.
- 56 See OFF THE CHAIN, *supra* note 14.

2010 WL 1882057

- 57 See Gibson, *supra* note 7.
- 58 Bacon, *supra* note 49.
- 59 Gibson, *supra* note 7.
- 60 *Id.*
- 61 Maryann Mott, *U.S. Dog–Fighting Rings Stealing Pets for “Bait,”* NAT'L GEOGRAPHIC NEWS, Feb. 18, 2004, [http://www.news.nationalgeographic.com/news/2004/02/0218\\_040218\\_dogfighting.html](http://www.news.nationalgeographic.com/news/2004/02/0218_040218_dogfighting.html)
- 62 See Gibson, *supra* note 7.
- 63 *Id.*
- 64 Stray Rescue of St. Louis, History of Stray Rescue, <http://www.strayrescue.org/node/35> (last visited May 6, 2010).
- 65 See OFF THE CHAIN, *supra* note 14.
- 66 See Gibson, *supra* note 7.
- 67 See OFF THE CHAIN, *supra* note 14.
- 68 *Id.*
- 69 G.A. (Gaboon) Trahan, Cajun Rules, <http://www.sporting-dog.com/select-pages/cajunrules.htm> (last visited May 6 2010).
- 70 Sporting Dog Online, Features, <http://www.sporting-dog.com/features.html> (last visited May 6, 2010).
- 71 See Trahan, *supra* note 69; Silverman, *supra* note 47.
- 72 Silverman, *supra* note 47.
- 73 *Id.*
- 74 *Id.*
- 75 Humane Soc'y of the U.S., Dog Fighting Fact Sheet, [http://hsus.org/acf/fighting/dogfight/dogfighting\\_fact\\_sheet/](http://hsus.org/acf/fighting/dogfight/dogfighting_fact_sheet/) (last visited August 12, 2009).
- 76 See *Fighting by Proxy*, *supra* note 20.
- 77 Best Friends Animal Soc'y, Dog Fighting in Georgia, [http://fightdogfighting.com/dogfighting\\_georgia.cfm](http://fightdogfighting.com/dogfighting_georgia.cfm) (last visited Aug. 12, 2009).
- 78 See Bacon, *supra* note 49.
- 79 See Silverman, *supra* note 47.
- 80 *Id.*
- 81 Tom Weir, *Vick Case Sheds Light on Dark World of Dogfighting*, USA TODAY, July 27, 2007, available at [http://www.usatoday.com/sports/football/nfl/falcons/2007-07-18-vick-cover\\_N.htm](http://www.usatoday.com/sports/football/nfl/falcons/2007-07-18-vick-cover_N.htm).

2010 WL 1882057

- 82 See Laura Smith–Spark, *Brutal Culture of U.S. Dog Fighting*, BBC NEWS, Aug. 24, 2010, <http://www.bbc.co.uk/2/hi/americas/6960788.stm>.
- 83 See OFF THE CHAIN, *supra* note 14.
- 84 See Bacon, *supra* note 49.
- 85 *Id.*
- 86 See Gibson, *supra* note 7.
- 87 See Weir, *supra* note 81.
- 88 See Pet Pit Bull—Sad Reality, *supra* note 52.
- 89 See Silverman, *supra* note 47.
- 90 See Gibson, *supra* note 7.
- 91 *Id.*
- 92 Weir, *supra* note 81.
- 93 Lawson, *supra* note 27, at 36.
- 94 *Id.*
- 95 Karen Delise, *The Pit Bull Placebo: The Media, Myths, and Politics of Canine Aggression* 135 (2007).
- 96 Jared Squires, *The Link Between Animal Cruelty and Human Violence: Children Caught in the Middle*, 8 KY. CHILD. RTS. J. 2, 2 (2000).
- 97 *Id.* at 5.
- 98 *Id.* at 3.
- 99 *Id.* at 5.
- 100 Angela Rozas, *Cops Look for Gangs Behind Each Dogfight: Animal Crimes Unit Now Part of Gang Investigations*, CHI. TRIB., Aug. 29, 2008, at 3, available at 2008 WLNR 16335238.
- 101 Nancy Lawson, *Animal Cruelty & Fighting Campaign*, Humane Soc'y of the U.S., *A Nation in the Ring Part 3: Pit Bulls as Currency* (Sept. 7, 2007), [http://www.hsus.org/acf/news/dogfighting\\_national\\_epidemic\\_3.html](http://www.hsus.org/acf/news/dogfighting_national_epidemic_3.html).
- 102 Nancy Lawson, *Animal Cruelty & Fighting Campaign*, Humane Soc'y of the U.S., *A Nation in—the Ring Part 2: The Costs of Dogfighting* (Sept. 7, 2007), [http://www.hsus.org/acf/news/dogfighting\\_national\\_epidemic\\_2.html](http://www.hsus.org/acf/news/dogfighting_national_epidemic_2.html).
- 103 See Lawson, *supra* note 27, at 35.
- 104 *Id.*
- 105 *Id.*
- 106 *Id.*



2010 WL 1882057

- 107 Rebecca Huss, *Lessons Learned: Acting as Guardian/Special Master in the Bad Newz Kennels Case*, 15 ANIMAL L. 69, 73 (2008).
- 108 See Maryann Mott, *U.S. Facing Feral Dog Crisis*, NAT'L GEOGRAPHIC NEWS, August 21, 2003, [http://news.nationalgeographic.com/news/2003/08/0821\\_030821\\_straydogs.html](http://news.nationalgeographic.com/news/2003/08/0821_030821_straydogs.html).
- 109 Stray Rescue of St. Louis, *An Underground Epidemic: America's Wild Street Dogs Bringing the Feral Dog Epidemic to the Forefront of Animal Welfare*, <http://www.strayrescye.org/node/319> (last visited May 6, 2010).
- 110 *Id.*
- 111 See *Panorama: Dog Fighting Undercover* (BBC One television broadcast Aug. 30, 2007), transcript available at <http://news.bbc.co.uk/2/hi/programmes/panorama/6976011.stm>.
- 112 *Id.*
- 113 Pub.L. No. 89-544, 80 Stat. 350 (1966) (codified at 7 U.S.C. §§ 2131-2159 (2006)).
- 114 See Gibson, *supra* note 7.
- 115 Pub.L. No. 110-22, 121 Stat. 88.
- 116 Huss, *supra* note 107, at 72; see also 18 U.S.C. § 49 (Supp. I 2007).
- 117 Huss, *supra* note 107, at 72.
- 118 See *id.* at 71.
- 119 *Id.* at 72.
- 120 *NFL Reinstates Michael Vick on Conditional Basis*, CNN, July 27, 2009, <http://www.cnn.com/2009/US/07/27/michael.vick/index.htm>.
- 121 Judy Battista, *In a Surprise, Vick Signs with the Eagles*, N.Y. TIMES, Aug. 13, 2009, at B8, available at <http://www.nytimes.com/2009/08/14/sports/football/14vick.html>.
- 122 *Portis, Samuels Mock Dogfighting Cases*, RICHMOND TIMES-DISPATCH, May 22, 2007, at D3, available at 2007 WLNR 9792313.
- 123 *Id.*
- 124 Sharon L. Peters, *A Fight to Save Urban Youth From Dogfighting*, USA TODAY, Sept. 29, 2008, available at [http://www.usatoday.com/news/nation/2008-09-29-dogfighting\\_N.htm](http://www.usatoday.com/news/nation/2008-09-29-dogfighting_N.htm).
- 125 *Id.* (alteration in original).

End of Document

© 2025 Thomson Reuters. No claim to original U.S. Government Works.

**Photo Exhibit 1**





**Photo Exhibit 2**



**Photo Exhibit 3**



**Photo Exhibit 3 (cont'd)**

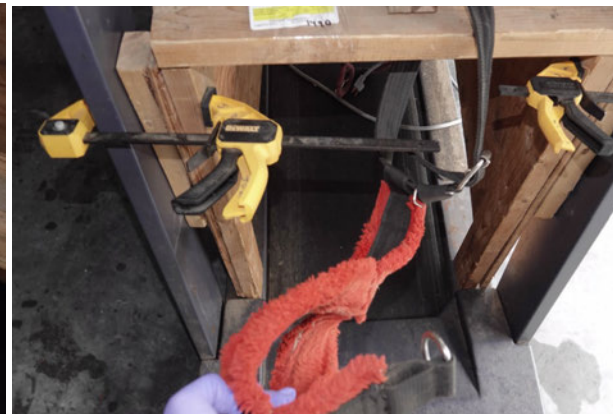


**Photo Exhibit 3 (cont'd)**





**Photo Exhibit 4**



**Photo Exhibit 5**



**Photo Exhibit 6**

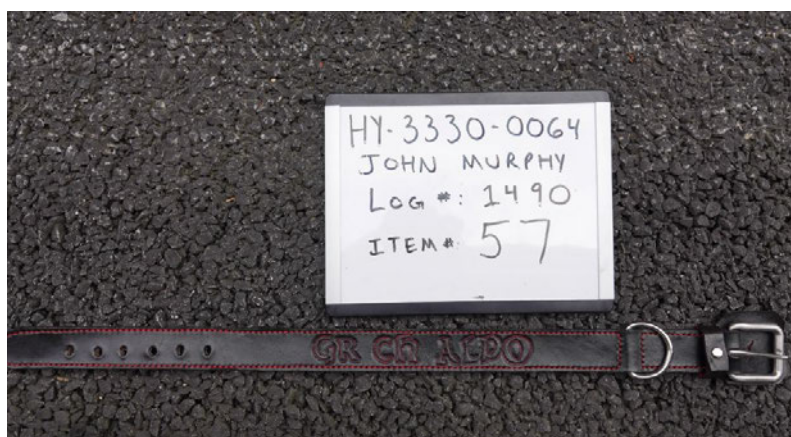
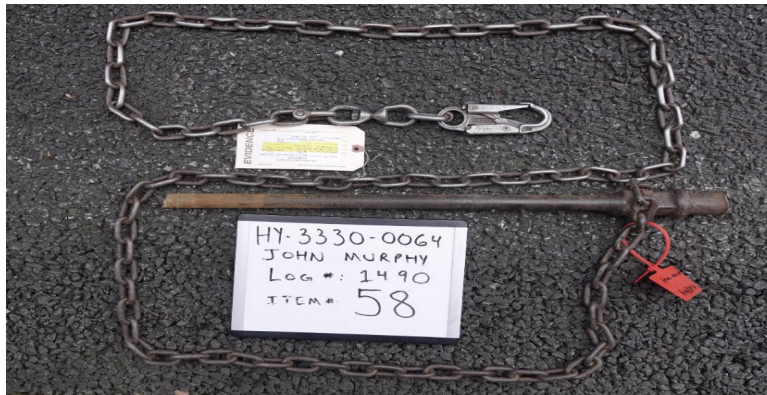


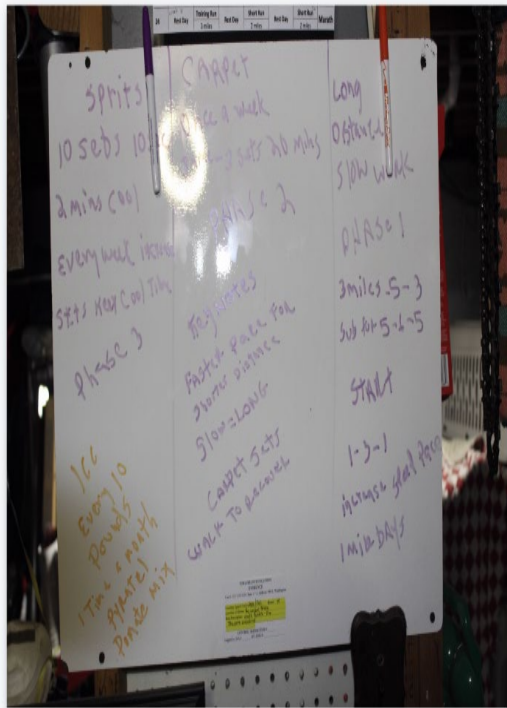
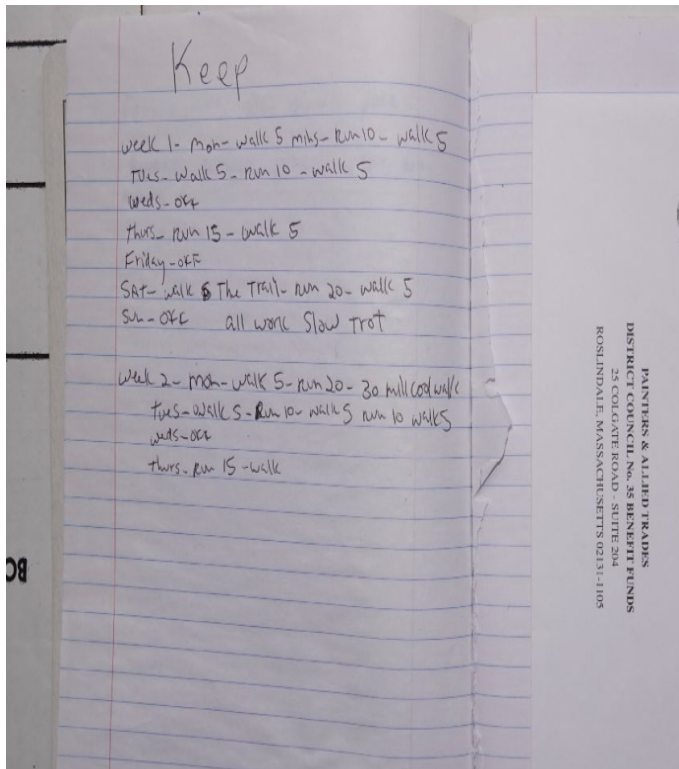
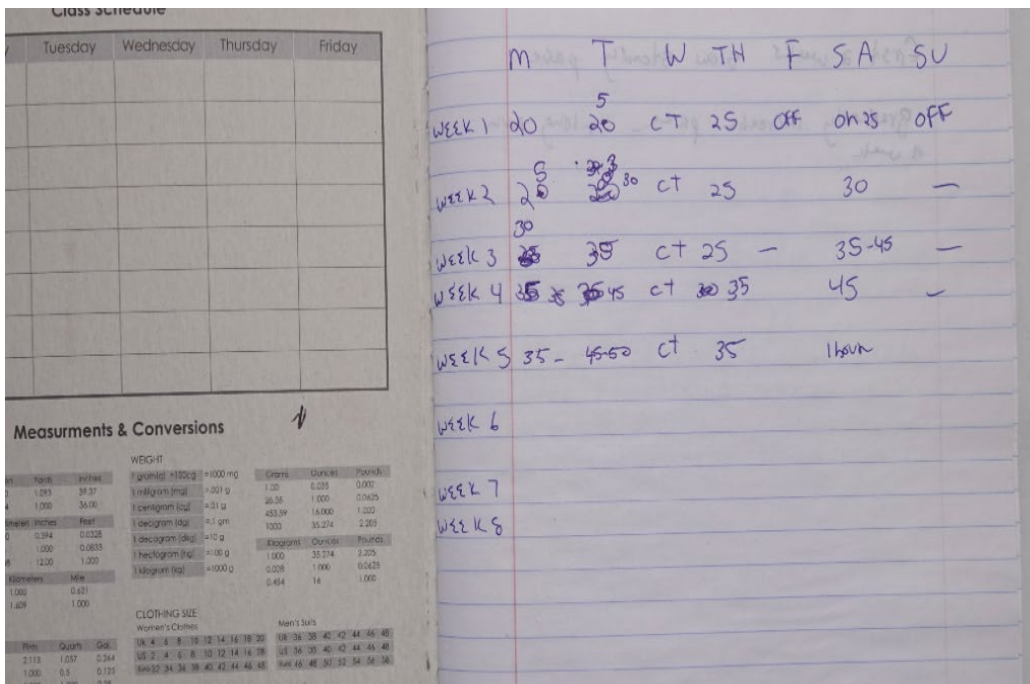


Photo Exhibit 7





**Photo Exhibit 8**



**Photo Exhibit 8 (cont'd)**

One cup dog food	24 hours before show	Walk to empty, Mill 53 min's Wa	amount. Stop the Electrolyte Water the last Four days. The last feeding give only,
Two teaspoons of Peanut Butter	Dog should be a pi	Rest Day (1/2 cc Wv)	One cup RICE, One can TUNA FISH, One cup VEGETABLES, 1/2 a cup of dog f
One teaspoon of Honey	Walk dog to empty	Walk to empty, Mill 55 min's Wa	Dog should be a pound and a 1/2 above pit weight if possible.
One teaspoon of Cod liver Oil	Walk dog to empty	Walk to empty, Mill 57 min's Wa	Walk dog to empty out, mill 5 minutes, Walk 20 minutes to cool off, Rub & Feed
One pinch fresh garlic	Walk dog to empty	Rest Day (Sixth Week) (1/2 cc Te	Walk dog to empty out, mill 5 minutes, Walk 20 minutes to cool off, Rub & Feed
Three sprays of vinegar	Walk dog to empty	Walk to empty, Mill 59 min's, W	Walk dog to empty out, mill 7 minutes, Walk 20 minutes to cool off, Rub & Feed
One pill Vitamin C 500mg	Walk dog to empty	Walk to empty, Mill 1hr. 1 minute	Walk dog to empty, mill 7 min's, Walk 20 to cool off, Rub & Feed
Two pills Desiccated Liver	Walk dog to empty	Rest Day	Walk dog to empty, mill 9 min's Walk 20 to cool off, Rub & Feed
One 1/2 cup Electrolyte water	Rest Day, Short w	Walk to empty, Mill 1hr.3 minute	Walk dog to empty, mill 9 min's Walk 20 to cool off, Rub & feed
SECOND FEEDING 2 <sup>nd</sup>	Walk to empty, mi	Walk to empty, Mill 1hr. 5 minu	Rest Day, Short walk to empty out. (First Week) (1/2 cc Testosterone)
One can Tuna Fish(in water)	Rest Day, Short w	Rest Day	Walk to empty, mill 11 min's Walk 30 min's cool off, Rub & Feed (1/2 cc Winstrol V)
One cup of Rice	Walk to empty, Mil	Walk to empty, Mill 1hr. 7 min's	Walk to empty, Spring Pole 13 min's Walk 30 min's cool off, Rub & Feed
One cup dog food	Walk to empty, Spr	(1/2cc Wv)	Rest Day, Short walk to empty out.
One cup mixed vegetables	Rest Day	Walk to empty, Mill 1hr. 9 min'	Walk to empty, Mill 15 min's Walk 30 min's cool off, Rub & Feed (1/2 cc Wv)
Two teaspoons Peanut Butter	Walk to empty, Mil	Rest Dog, Short Walk to empty	Walk to empty, Spring Pole 17 min's Walk 30 min's cool off Rub & Feed
One teaspoon Honey	Test)	Rest Dog, Short Walk to empty	Rest Day
One teaspoon Cod liver Oil	Walk to empty, Spr	Walk to empty, Mill 1hr. 11 mi	Walk to empty, Mill 19 min's Walk 30 min's cool off, Rub & Feed (Second Week) (1/2cc
One teaspoon Red Cell	Rest Day	Rest Day, Short Walk to empty	Test)
One pinch fresh garlic	Walk to empty, Mil	Walk to empty, Mill 1hr. 13 mi	Walk to empty, Spring Pole 21 min's Walk 30 min's cool off, Rub & Feed (1/2 cc Wv)
Three sprays vinegar	Walk to empty, Spr	Rest Day, Short Walk to empty	Rest Day
Two pills Desiccated liver	Rest Day (Worm I	Rest Day, Short Walk to empty	Walk to empty, Mill 23 min's Walk 30 min's cool off, Rub & Feed
One pill cyan Pepper	Walk to empty, Mi	Walk to empty, Mill 1hr. 15 mi	Walk to empty, Spring Pole 25 min's Walk 30 min's cool off, Rub & Feed (1/2cc Wv)
One 1/2 cup Electrolyte water	Walk to empty, Pul	Walk to empty, Mill 38 min's '	Rest Day (Worm Dog Out)
THIRD FEEDING 3 <sup>rd</sup>	Rest Day (Third W	Walk to empty, Mill 19 min's '	Walk to empty, Mill 27 min's Walk 30 min's cool off, Rub & Feed
One can Tuna Fish(in water) Or Chic	Walk to empty, Mi	Walk to empty, Mill 10 min's '	Walk to empty, Pull weight 29 min's Rub & Feed (1/2 cc Wv)
One cup dog food	Rest Day	Walk Dog 30 minutes Rub & I	Rest Day (Third Week) (1/2cc Test)
One cup of mixed Vegetables	Walk to empty, Mi	Walk Dog 20 minutes Rub & I	Walk to empty, Mill 31 min's Walk 30 min's cool off, Rub & Feed
Two teaspoons Peanut Butter	Walk to empty, Pul	Walk dog every three hours ju	Walk to empty, Pull weight 33 min's Walk 30 min's cool off, Rub & Feed (1/2 cc Wv)
One teaspoon Honey	Rest Day	If not using Juise increase ha	Rest Day
One teaspoon Cod liver Oil	Walk to empty, Mi	miles by	Walk to empty, Mill 35 min's Walk 30 min's cool off, Rub & Feed
One teaspoon Red Cell	Walk to empty, Pul	the 8th week..	Walk to empty, Pull weight 37 min's Rub & Feed (1/2 cc Wv)
One pinch fresh garlic	Rest Day		Rest Day
Three sprays Vinegar	Walk to empty, Mil		Walk to empty, Mill 39 min's Walk 30 min's cool off, Rub & Feed (Forth Week) (1/2 c
Two pills Desiccated liver	Test)		Test)
One pill Cyan Pepper	Walk to empty, Pul		Walk to empty, Pull weight 41 min's Rub & Feed (1/2 cc Wv)
One pill Vitamin C	Rest Day		Rest Day
Two cup Electrolyte water	Walk to empty, M		Walk to empty, Mill 43 min's Walk 30 min's cool off, Rub & Feed
1 <sup>st</sup> Feeding on the 4 <sup>th</sup> Day, 2 <sup>nd</sup>	Walk to empty, Pi		Walk to empty, Pull weight 45 min's Walk 30 min's cool off, Rub & Feed (1/2 cc
in this feeding pattern.	Rest Day (Worm		Rest Day (Worm Dog Out)
When give 1/3 cup cooked C	Walk to empty, M		Walk to empty, Mill 47 min's Walk 30 min's cool off, Rub & Feed (1/2 cc
	Walk to empty, P		Walk to empty, Pull weight 49 min's Walk 30 min's cool off, Rub & Feed
	ccTest)		ccTest)



## Photo Exhibit 8 (cont'd)

### TREADMILL BAIT

HERE ARE MANY DIFFERENT TYPES OF BAITS USED TO ENCOURAGE THE DOG TO RUN THE MILL. THE BAITS THAT HAVE HAD THE MOST SUCCESS WITH ARE . . . LIVE CHICKENS, LIVE RABBITS, LIVE RACCOONS, ETC. SOMETHING LIVE WILL ALMOST ALWAYS ENTICE THE DOG TO SPRINT. OTHER BAITS THAT PEOPLE WILL USE CAN BE SQUEAK CYS, HIDES, BATTERY OPERATED PREDATOR BAITS, ANOTHER DOG, OR JUST ABOUT ANYTHING.

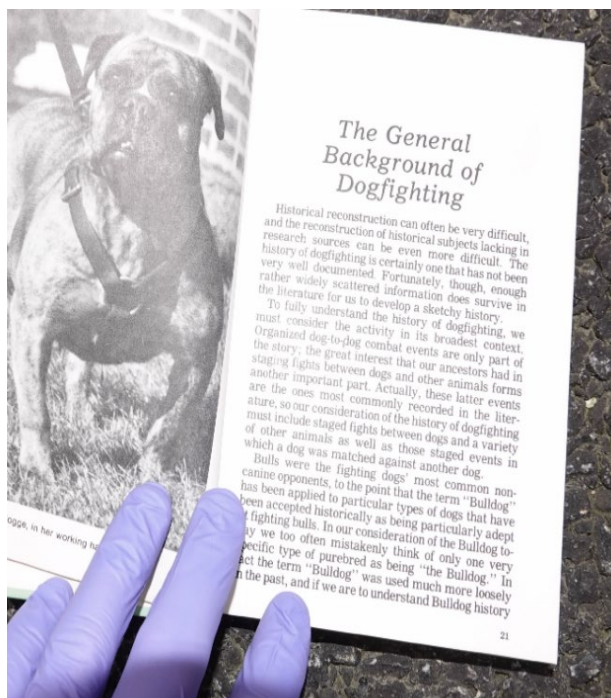
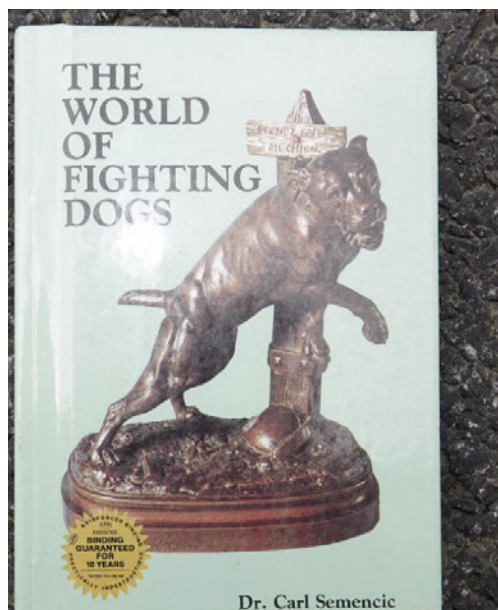
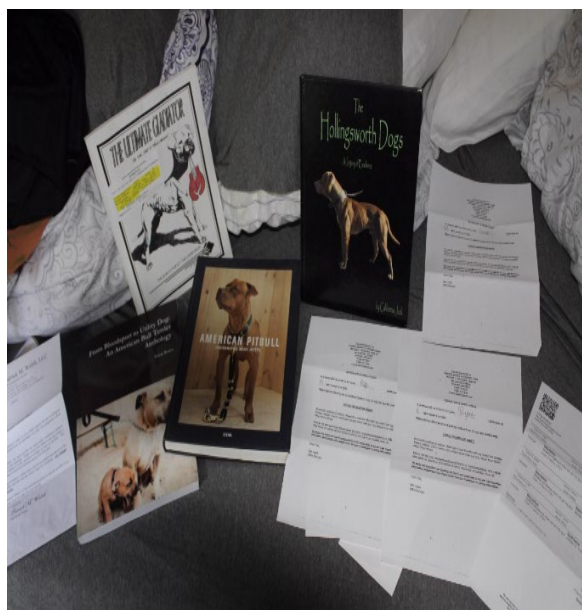
THE PROPER WAY TO USE THE BAIT: HAVE THE "CAGED" BAIT ANIMAL ALREADY CLOSE TO THE MILL. YOU DON'T WANT TO PUT THE DOG ON THE MILL AND THEN HAVE TO LEAVE THE BUILDING TO GO GET THE BAIT. PUT THE DOG ON THE MILL, AND ALLOW HIM TO START TROTting FOR 10-15 SECONDS, THEN SHOW HIM THE BAIT. YOU CAN MOVE THE BAIT CLOSER OR FARTHER AWAY FROM THE DOG, AND ALSO SHAKE THE BAIT, OR WHATEVER IT TAKES TO GET A GOOD FULL SPRINT FROM THE DOG. ALLOW THE DOG TO SPRINT FOR THE 1 MINUTE PERIOD, THEN REMOVE THE BAIT FROM HIS SIGHT, HIDE THE BAIT, ETC. THE PERFECT WORKING DOG WILL THEN FALL INTO A HALF SPEED TROT OR FULL COYOTE TROT AFTER YOU REMOVE THE BAIT. THE OBJECT IS TO KEEP THE DOG ENCOURAGED TO RUN THE MILL BY ENTICING HIM WITH THE BAIT . . . AT THE PROPER TIME. USING THE BAIT USUALLY COMES AFTER YOU HAVE WORKED SEVERAL DOGS. AFTER THE DOG RECOVERS, SHOW HIM THE BAIT AGAIN FOR 1 MINUTE. THEN JUST CONTINUE THIS PROCESS TO GET THE REQUIRED NUMBER OF SPRINTS.

AFTER THE SPRINT AND RECOVERY SESSION, HOPEFULLY, YOU'RE DOG WILL CONTINUE TO TROT THE MILL EVEN WITH NO BAIT IN FRONT OF HIM. MOST DOGS WILL. HOWEVER, YOU MAY NEED TO SHOW THE DOG THE BAIT OR JUST A SPLIT SECOND TO KEEP HIM TROTting THE MILL DURING THE COOL DOWN PERIOD. THIS IS ONCE AGAIN, AN ART AND NOT A SCIENCE. THE COOL DOWN PERIOD IS TROTting ONLY, SO YOU HAVE TO FIGURE OUT A WAY TO KEEP HIM TROTting AND NOT SPRINTING OR STOPPING ALL TOGETHER.

WORKING EXAMPLE: I WORKED A DOG THAT WOULD GO CRAZY OVER A CHICKEN. AT THE BEGINNING OF THE KEEP, ALL YOU HAD TO DO WAS SHOW THE DOG THE CHICKEN FROM A FEW FEET AWAY AND HE WOULD RUN GOOD SPRINTS. AS THE KEEP PROGRESSED, THE CHICKEN HAD TO BE CLOSER AND CLOSER TO HIS MOUTH IF YOU WANTED HIM TO KEEP RUNNING. AT THE END OF THE KEEP, YOU ALMOST HAD TO PUT THE CHICKEN IN HIS MOUTH TO GET HIM TO RUN AT ALL. THIS WAS NOT AN OVERWORKED DOG. THIS WAS A SMART DOG THAT FIGURED OUT HE WASN'T GOING TO CATCH THIS CHICKEN. THESE ARE COMMON OBSTACLES YOU MIGHT RUN INTO DURING THE KEEP. A WAY TO FIX THIS IS TO GET SEVERAL CHICKENS. LET HIM KILL ONE AT THE END OF THE MILL SESSION. IF YOU HAVE TO LET HIM KILL 1 PER WEEK, THEN SO BE IT. YOU HAVE TO KEEP HIM EXCITED AND ENCOURAGED TO KEEP WORKING EACH TIME. SOME DOGS ARE SO SMART THAT THEY HAVE TO BELIEVE THERE IS A REWARD FOR ALL THEIR HARD WORK. OTHERWISE THEY WILL QUIT ON YOU.

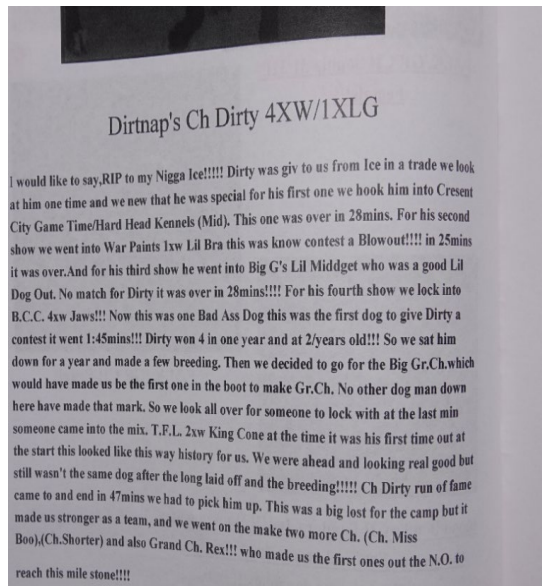
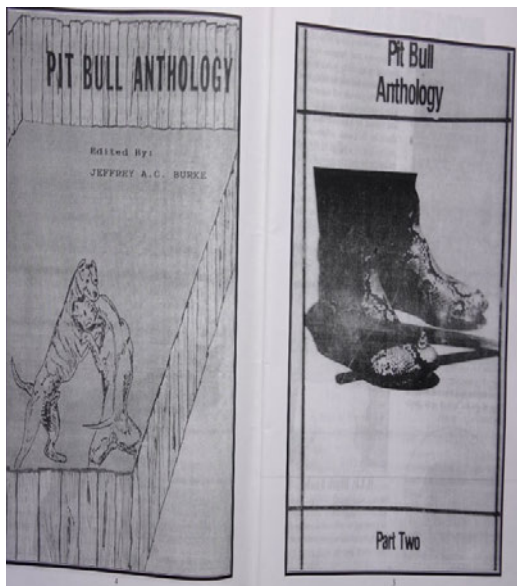
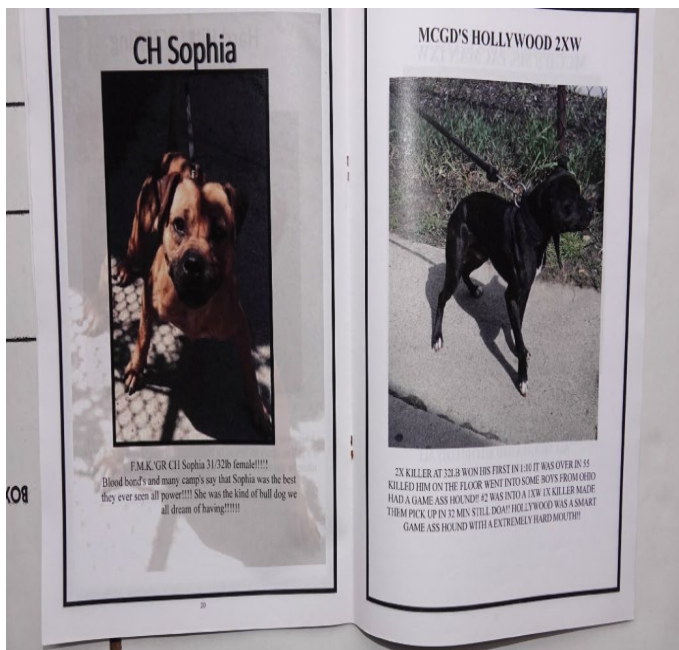
CHICKENS, RABBITS, ETC. CAN BE PURCHASED AT FEED STORES ALONG WITH A SMALL CAGE. YOU ALSO NEED FOOD, WATER, AND A RABBIT HUTCH OR CAGE TO KEEP THE ANIMAL ALIVE FOR THE KEEP. TIE-CORDS AND TEE PEEES WORK WELL FOR KEEPING A CHICKEN. I HAVE GOTTEN THE BEST RESULTS WITH CHICKENS. CHICKENS ARE EASY TO HOLD AND HANDLE, AND THEY CAN BE TEASED UP TO FLAP THEIR WINGS AND CLUCK, WHICH WILL USUALLY GET THE DOG EXCITED. THIS CAN HELP YOU IF THE DOG IS GETTING BORED WITH THE ANIMAL AT THE END OF THE KEEP. RABBITS DON'T MOVE MUCH AND THEY DON'T MAKE NOISE, THEY JUST SIT THERE. RACCOONS IN A CAGE CAN BE POKED WITH A STICK AND WILL OFTEN HISS AND SWIPE AT THE CAGE WIRE. THIS IS GOOD FOR KEEPING THE DOG EXCITED. SOMETIMES SWITCHING BETWEEN 2 OR 3 DIFFERENT ANIMALS WILL KEEP THE DOG INTERESTED FOR THE ENTIRE KEEP. I WILL USUALLY EXPERIMENT WITH DIFFERENT TYPES OF BAIT DURING THE PRE-KEEP TO DETERMINE WHICH WORKS THE BEST. THERE IS THE RARE DOG THAT WILL NOT GET EXCITED ABOUT ANYTHING, LIVE OR DEAD, OR EVEN ANOTHER DOG. THIS DOG IS ALMOST IMPOSSIBLE TO WORK. I ALWAYS WANT TO MAKE SURE THE DOG WILL WORK IN THE PRE-KEEP BEFORE I GET IN OVER MY HEAD.

**Photo Exhibit 9**






**Photo Exhibit 9 (Cont'd)**



### Photo Exhibit 9 (cont'd)


I've seen good head and face dogs beat those types and I've also seen average head and face dogs get bit to pieces by those types. The north used to prefer a more gamey type of dog that plays the head and face. One of my favorite that had his style was CH.Ruby she was an excellent defensive dog. At the end of the day these dogs dont know if they come from the north south east or west the dogs coming from those regions are merely representatives of the philosophies of the people who breed and select the hounds they choose to complete with!!!

BY:Pittalker




M.boys Ch pup pup 34lb male!!!


**S.U.KNLS CH POPEYE 39LB MALE!!!**




Dirtnap's 2xw spider 42lb male!!!



Reggie Bush Hardcore 1xw (34)



Reggie Bush Demolition 1xw (29)  
R.L.P



Reggie Bush 1.1. Man 1xw (36)

Blood Bred's TELLY SHANKTON (age 11-10). TELLY was bred by my partner, FMS, along with Face2Face & Nitman, and was the first breeding done with FMS's V-DAWG (SCM). His sire, after being purchased from New World Order. V-DAWG has produced a long line of winners and game bulldogs over the years, which includes Gr.Ch. SOPHIA, Gr. TATER SALAD, Ch. ROSEY, Ch. HONEY, Ch. CROCOTHE GREAT, Ch. V-GRIP, and Ch. NERVO. And TELLY proved to be just as good as his siblings in his own right. TELLY's dam is Nitman's VEDA LOCA, who was 3 OFC (males) herself, and she was highly rated by many. After schooling, TELLY was matched with Reggie Bush's HARTDIME, which turned out to be one hell of a race. But could have went either way. It proved pretty even for the first 50, although, HARTDIME pulled out first score thereafter. TELLY never showed any signs of falling behind, discouragement, or anything of the sort that would lead one to believe that he wasn't a true racer, or that he was!

I deeply determined to win at any cost. So even in defeat, he showed all in attendance what a racer in the first time should look like, and how a true competitor runs a race to the checkered flag. And even after conceding the race, he ran two laps... just as hard and fast as he did when the race first started. Unfortunately, TELLY SHANKTON won't run anymore races, but he will be on the sidelines building bridges and mowing other racers that will keep going... and continue his family's success around the big track on far lanes all across the country. Nonetheless, those in attendance to his race will likely go quite some time, before they see another racer like TELLY SHANKTON, whose determination to win out weighed the damage and condition of his car...

**Furthest North's "Ginger" -vs- R.F.C.'s "Nell"**  
 Females 37 Lbs Top Reference: S. O'N

"Ginger" a red at 36 Lbs 14 oz, sired by Furthest North's "Diesel" out of Furthest North's "Storm" handled by Jim.  
 "Nell" a white with patches at 35 Lbs 13 oz sired by K + K's "Nato" out of "Peggy Sue" handled by B.C.

From the start "Nell" is in the chest and looks to be doing damage with "Ginger" trying to get her out with muzzle holds. "Ginger" looks a little green and "Nell" is putting pressure on her, a turn called on "Ginger" at 12 minutes.  
 "Ginger" can do damage too, when she works a holds and hits a bleeder on "Nell's" low leg. First handle at 19 minutes and "Ginger" scratches, but "Nell" gets back in the chest doing more damage.  
 Furthest North asks for a scratch to continue, "Ginger" gets counted out in her corner.

Winner: R.F.C.'s "Nell"  
 Time: 29 minutes  
 Reported by: R.S

**Rydeman's "Taisto" -vs- One Mans Army's "Brock"**  
 Males 18.6 Kg Top Reference: Magnus  
 Timekeeper: Celtic dog

"Taisto" a buckskin, in bred on Gr.Ch. "Mayday" at 18 kg.  
 "Brock" a red with some white, a 2x winner, in bred on Gr.Ch. "Badger. Both dogs handled by their owners. "Brock" is at 18.4 kg.

"Brock" seems stronger from the start fighting on the head and side of the neck, but by 10 minutes "Brock" starts to blow and a turn is called on him. He still seems to be the stronger, but fighting in flurries when he gets his wind back.  
 "Taisto" hits a small bleeder on "Brock's" cheek, and begins to bite the chest and legs, and "Brock" begins to weaken. "Brock" makes real good stumbling scratch at 1hour 07 minutes.  
 "Taisto" pulling more in front after this working head and legs and then the backend "Brock" looks done in. An offer of scratch to win is taken up by "Taistos" owner he goes good to win.

Winner: Rydeman's "Taisto"  
 Time: 1 hour 32 minutes

**Photo Exhibit 9 (cont'd)**





**Photo Exhibit 10**





**Photo Exhibit 11**



**Photo Exhibit 11 (cont'd)**

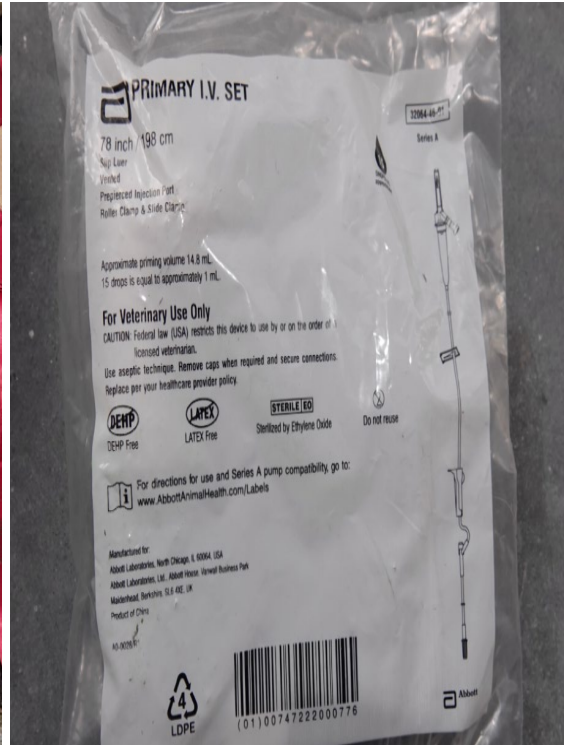


Photo Exhibit 12





**Photo Exhibit 12 (cont'd)**



**Photo Exhibit 13**



**Photo Exhibit 13 (cont'd)**



**Photo Exhibit 14**

