

JS/2016R00190

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

UNITED STATES OF AMERICA	:	Hon.
	:	Crim. No. 16- <u>581-MLC</u>
v.	:	
	:	18 U.S.C. § 371
FRANK NICHOLS	:	18 U.S.C. § 922(g)(1)

**INDICTMENT**

The Grand Jury in and for the District of New Jersey, sitting at Newark, charges:

**COUNT ONE**  
**(Possession of Firearms by a Convicted Felon)**

On or about June 1, 2016, in Cumberland County, in the District of New Jersey, and elsewhere, the defendant,

FRANK NICHOLS,

having been convicted of a crime punishable by imprisonment for a term exceeding one year in the Superior Court of New Jersey, Cumberland County, did knowingly possess in and affecting commerce two firearms, namely: a Mossberg & Son Model 340KC .22 caliber rifle bearing serial number 128883; and a Beretta PX4 Storm .40 caliber pistol bearing serial number PY154733.

In violation of Title 18, United States Code, Section 922(g)(1).

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**COUNT TWO**  
**(Conspiracy to Transport, Deliver, and Receive a Dog For an  
Animal Fighting Venture)**

**Relevant Individuals**

1. At all times relevant to Counts Two and Three of this Indictment, unless otherwise indicated:

a. Defendant Frank Nichols ("NICHOLS") was a resident of Millville, New Jersey.

b. Co-conspirator-1 ("CC-1") was a resident of Vineland, New Jersey.

c. Co-conspirator-2 ("CC-2") was a resident of Fort Wayne, Indiana.

d. Co-conspirator-3 ("CC-3") was a resident of Willow Springs, Illinois.

**The Conspiracy**

2. From in or around October 2015, through in or around November 2015, in Cumberland and Gloucester Counties, in the District of New Jersey, and elsewhere, the defendant,

FRANK NICHOLS,

and others, did knowingly and intentionally conspire and agree to knowingly transport, deliver, and receive a dog for purposes of having the dog participate in an animal fighting venture, namely, an event, in and affecting interstate and foreign commerce, that involved a fight conducted or to be conducted between at least two animals for purposes of sport, wagering and entertainment, contrary

to Title 7, United States Code, Section 2156(b), and did an act to effect the object of the conspiracy.

**Object of the Conspiracy**

3. The object of the conspiracy was for defendant NICHOLS, CC-1, and CC-2, to knowingly transport, deliver, and receive a dog intended for use in animal fighting ventures.

**Manner and Means of the Conspiracy**

4. It was part of the conspiracy that CC-1 maintained a supply of dogs used for dog fights, including a dog named "Bubbles," at or around his residence, in Vineland, New Jersey.

5. It was a further part of the conspiracy that CC-1 trained dogs at or around his residence in Vineland, New Jersey, to be used for dog fights.

6. It was a further part of the conspiracy that defendant NICHOLS and CC-1 communicated about exhibiting "Bubbles," and other dogs they owned, in dog fights.

7. It was a further part of the conspiracy that defendant NICHOLS and CC-1 transported and delivered "Bubbles" from in or around Vineland, New Jersey, to CC-2 at or around his residence in Fort Wayne, Indiana, for use in dog fighting.

8. It was a further part of the conspiracy that CC-1 and CC-2 communicated about training "Bubbles" for dog fights while the dog was in CC-2's custody and control.

**Overt Acts**

9. In furtherance of the conspiracy and to effect its unlawful object, the following overt acts, among others, were committed in the District of New Jersey and elsewhere:

a. On or about October 10, 2015, defendant NICHOLS and CC-1 discussed engaging "Bubbles" and another dog owned or possessed by defendant NICHOLS in a "two-card" dog fight involving a person located in or around Chicago, Illinois.

b. On or about October 29, 2015, CC-1 asked defendant NICHOLS if he would help transport and deliver "Bubbles" to Indiana, and defendant NICHOLS agreed to help transport and deliver "Bubbles" with CC-1.

c. Between on or about October 30, 2015, and on or about October 31, 2015, defendant NICHOLS and CC-1 drove from in or around Vineland, New Jersey, to in or around Fort Wayne, Indiana, to deliver "Bubbles" to CC-2.

d. On or about October 31, 2015, CC-2 received "Bubbles" from defendant NICHOLS and CC-1 in or around Fort Wayne, Indiana.

All in violation of Title 18, United States Code, Section 371.

**COUNT THREE**  
**(Conspiracy to Transport, Deliver, and Receive Dogs For an  
Animal Fighting Venture)**

10. The allegations set forth in Paragraph 1(a), (b), and (d) of Count Two of this Indictment are hereby repeated, realleged, and incorporated as if set forth in full herein.

11. From in or around October 2015, through in or around November 2015, in Cumberland and Gloucester Counties, in the District of New Jersey, and elsewhere, the defendant,

FRANK NICHOLS,

and others, did knowingly and intentionally conspire and agree to knowingly transport, deliver, and receive dogs for purposes of having the dogs participate in an animal fighting venture, namely, an event, in and affecting interstate and foreign commerce, that involved a fight conducted or to be conducted between at least two animals for purposes of sport, wagering and entertainment, contrary to Title 7, United States Code, Section 2156(b), and did an act to effect the object of the conspiracy.

**Object of the Conspiracy**

12. The object of the conspiracy was for defendant NICHOLS, CC-1, and CC-3, to transport, deliver, buy, sell, and receive dogs intended for use in animal fighting ventures.

**Manner and Means of the Conspiracy**

13. It was part of the conspiracy that CC-1 maintained a supply of dogs used for dog fights, including dogs named "Tommy" and "Sampson," at or near his residence, in Vineland, New Jersey.

14. It was a further part of the conspiracy that CC-1 trained dogs at or around his residence in Vineland, New Jersey, to be used for dog fights.

15. It was a further part of the conspiracy that CC-3 maintained a supply of dogs used for dog fights and traded dogs used for dog fights, at or around his residence in Willow Springs, Illinois.

16. It was a further part of the conspiracy that defendant NICHOLS and CC-1 transported and delivered "Tommy" and "Sampson" from in or around Vineland, New Jersey, to CC-3 at a location in or near Chicago, Illinois, for use in dog fighting.

**Overt Acts**

17. In furtherance of the conspiracy and to effect its unlawful object, the following overt acts, among others, were committed in the District of New Jersey and elsewhere:

a. On or about October 26, 2015, CC-1 asked CC-3 if he would receive dogs "Tommy" and "Sampson," and CC-3 agreed to receive "Tommy" and "Sampson."

b. In or around October, 2015, CC-1 and CC-3 discussed the fighting dog lineage of "Tommy" and "Sampson."

c. On or about October 29, 2015, CC-1 asked defendant NICHOLS if he would help transport and deliver dogs to Illinois, and defendant NICHOLS agreed to help transport and deliver dogs with CC-1.

d. Between on or about October 30, 2015, and on or about November 1, 2015, defendant NICHOLS and CC-1 drove from in or around Vineland, New

Jersey, to a location in or near Chicago, Illinois, to deliver "Tommy" and "Sampson" to CC-3.

e. On or about November 1, 2015, CC-3 received "Tommy" and "Sampson" from defendant NICHOLS and CC-1 at a location in or near Chicago, Illinois.

f. On or about November 1, 2015, defendant NICHOLS and CC-1 received two dogs intended for use in dog fights from CC-3 at a location in or near Chicago, Illinois, and transported the dogs to in or near Vineland, New Jersey.

All in violation of Title 18, United States Code, Section 371.

**FORFEITURE ALLEGATION**

1. The allegations contained in Counts One through Three of this Indictment are incorporated by reference as though set forth in full herein for the purpose of alleging forfeiture pursuant to Title 18, United States Code, Section 924(d)(1); Title 7, United States Code, Section 2156(f); and Title 28, United States Code, Section 2461(c).

2. As a result of committing the offense alleged in Count One of this Indictment, the defendant,

FRANK NICHOLS,

shall forfeit to the United States, pursuant to Title 18, United States Code, Section 924(d)(1) and Title 18, United States Code, Section 2461(c), any firearm and ammunition involved in or used in the commission of such offense, including but not limited to, the following:

- a. a Mossberg & Son Model 340KC .22 caliber rifle bearing serial number 128883;
- b. a Beretta PX4 Storm .40 caliber pistol bearing serial number PY154733; and
- c. ammunition, consisting of ten Hornady .40 caliber rounds, one Federal hollow point .40 caliber round, one magazine for the Beretta pistol, one magazine for the Mossberg & Son rifle, two .40 caliber magazines, thirty-seven Winchester .40 caliber rounds, one American Eagle 9mm round, one Independence 9mm round, and one Glock magazine loader.



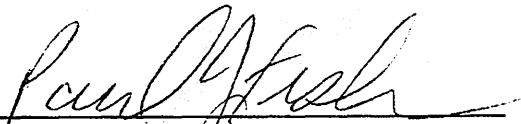
3. As a result of committing the offenses alleged in Counts Two and Three of this Indictment, the defendant,

FRANK NICHOLS,

shall forfeit to the United States, pursuant to Title 7, United States Code, Section 2156(f) and Title 28, United States Code, Section 2461(c), any and all animals involved in the commission of such offenses.

A TRUE BILL

FOREPERSON

  
\_\_\_\_\_  
PAUL J. FISHMAN  
UNITED STATES ATTORNEY

CASE NUMBER: 16- CR-581-NLC

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**United States District Court  
District of New Jersey**

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**UNITED STATES OF AMERICA**

**v.**

**FRANK NICHOLS**

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**INDICTMENT FOR**

**18 U.S.C. §§ 371 and 922(g)(1)**

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**A True Bill,**

**FORFEITURE**

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**PAUL J. FISHMAN**  
*UNITED STATES ATTORNEY*  
*NEWARK, NEW JERSEY*

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**JIHEE G. SUH**  
*ASSISTANT U.S. ATTORNEY*  
*973-645-2836*

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