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

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UNITED STATES OF AMERICA : CRIMINAL COMPLAINT  
 :  
 v. : Mag. No. 13-8280  
 :  
 ROBERT LOSASSO : HON. MADELINE COX ARLEO

I, Amy Snyder, the undersigned complainant, being duly sworn, state the following is true and correct to the best of my knowledge and belief:

**SEE ATTACHMENT A**

I further state that I am a Special Agent with U.S. Fish and Wildlife Service, Office of Law Enforcement, and that this Complaint is based on the following facts:

**SEE ATTACHMENT B**

continued on the attached pages and made a part hereof.



Special Agent Amy Snyder  
U.S. Fish and Wildlife Service,  
Office of Law Enforcement

Sworn to before me and subscribed in my presence,

August 22, 2013, at Newark, in the District of New Jersey

HONORABLE MADELINE COX ARLEO  
UNITED STATES MAGISTRATE JUDGE



Signature of Judicial Officer

ATTACHMENT A

COUNTS ONE THROUGH SIX  
(Violations of the Migratory Bird Treaty Act)

On or about the dates listed below, in Atlantic County, in the District of New Jersey, and elsewhere, defendant

ROBERT LOSASSO

did unlawfully kill, and attempt to kill, by gunshot, the following migratory birds:

<b>Count</b>	<b>Approximate Date</b>	<b>Migratory Bird Species</b>
1	December 2012	Red-Tailed Hawk ( <i>Buteo jamaicensis</i> )
2	December 11, 2012	Red-Tailed Hawk ( <i>Buteo jamaicensis</i> )
3	December 23, 2012	Sharp-Shinned Hawk ( <i>Accipiter striatus</i> )
4	January 4, 2013	Red-Shouldered Hawk ( <i>Buteo lineatus</i> )
5	January 23, 2013	Cooper's Hawk ( <i>Accipiter cooperi</i> )
6	April 7, 2013	Red-Tailed Hawk ( <i>Buteo jamaicensis</i> )

All in violation of Title 16, United States Code, Sections 703 and 707(a).

## ATTACHMENT B

I, Amy Snyder, am a Special Agent with the U.S. Fish and Wildlife Service, Office of Law Enforcement (“USFWS-OLE”). I have knowledge of the facts set forth below as a result of my participation in this investigation as well as my review of reports from, and discussions with, other law enforcement personnel. Where statements of others are related herein, they are related in substance and in part. Because this complaint is being submitted for a limited purpose, I have not set forth each and every fact that I know concerning this investigation.

1. At all times relevant to the Complaint:

### The Defendant

- a. ROBERT LOSASSO (hereinafter, “defendant LOSASSO”) lived in a residential neighborhood of Somers Point, New Jersey.

### Migratory Bird Treaty Act and Regulations Thereunder

- b. The Migratory Bird Treaty Act (the “MBTA”), 16 U.S.C. § 703 *et seq.*, was enacted in 1918. The MBTA implemented in the United States protections afforded migratory birds under several international conventions to which the United States was a party. Species of birds covered by the MBTA were listed in Title 50, Code of Federal Regulations, Section 10.13. Each of the red-tailed hawk (*Buteo jamaicensis*), the sharp-shinned hawk (*Accipiter striatus*), the red-shouldered hawk (*Buteo lineatus*), and the Cooper’s hawk (*Accipiter cooperi*) was listed as a covered species under that regulation. These species were among the tens of thousands of birds of prey that migrate every year from Canada along the Atlantic Flyway through New Jersey. The MBTA makes it a strict liability crime to unlawfully “kill [or] attempt to kill . . . any migratory bird. . .” 16 U.S.C. §§ 703 and 707(a).

### Background

2. At various times known and unknown from at least in or about August 2010 through on or about April 7, 2013, residents of Somers Point, New Jersey, living within a four-house radius of defendant Losasso, observed a total of more than 40 dead or injured raptors in or around their yards, some with bloody feathers or beaks, or open wounds. Certain of these residents at various times also heard sounds of gunfire in the neighborhood coming from the direction of defendant LOSASSO’s property and observed what appeared to be bullet holes or pellet marks on their houses.

### Recovered Hawks

3. One of the raptors, referenced in Paragraph 2, was recovered in or about December 2012 from the yard of a residence caddy-corner to the back of defendant LOSASSO’s

residence. A second raptor that was alive, but injured, was recovered on December 11, 2012, from the backyard of another residence also situated caddy-corner to the back of defendant LOSASSO's residence. On or about December 12, 2013, both raptors were examined by a veterinarian who worked for a bird rescue and research facility in the State of Delaware and determined to be red-tailed hawks. The injured hawk was subsequently euthanized due to irreparable bone and tissue damage. The veterinarian performed necropsies on both birds and determined that one of the hawks had been killed by a bullet shot at level with, or just below, the hawk while it was sitting with its wings folded. A .22 caliber bullet was recovered from inside that hawk. The veterinarian concluded that the second hawk had been shot once by multiple pellets as it was sitting with its wings folded. No rounds were recovered from that hawk.

4. Another two raptors, among those referenced in Paragraph 2, were recovered on or about December 23, 2012, and on or about January 4, 2013, respectively, in the yard of the residence just behind defendant LOSASSO's residence. They were examined by a forensic scientist at the National Wildlife Forensics Laboratory ("NWFL") on or about January 15, 2013. One was identified as a sharp-shinned hawk and the other as a juvenile red-shouldered hawk. Breeding populations of red-shouldered hawks are listed as endangered on the State of New Jersey's Endangered and Threatened Wildlife list. Non-breeding populations of this species are listed as a population of special concern. Sharp-shinned hawks are listed as a species of special concern. The proximate cause of death for both hawks was a gunshot wound to the neck, originating from a low-velocity projectile air gun pellet. An air gun pellet was recovered from inside each hawk and sent to NWFL ballistics department for analysis.

5. A fifth raptor was recovered on or about January 23, 2013, also in the yard of the residence just behind defendant LOSASSO's residence, and examined by a forensic scientist at NWFL on or about February 20, 2013. The raptor was identified as a juvenile Cooper's hawk. Breeding populations of Cooper's hawks are listed as a population of special concern in the State of New Jersey. A necropsy conducted on or about February 22, 2013, revealed that the hawk had suffered two penetrating wound tracts to the body and that the proximate cause of death was gunshot wound. One of the wound tracts terminated in an impacted metal particle, which was submitted to NWFL ballistics department for analysis.

6. A sixth raptor was recovered on or about April 7, 2013, on the block that runs immediately parallel to that of defendant LOSASSO's residence. It was examined by a forensic scientist at NWFL on or about May 9, 2013. The raptor was identified as an adult red-tailed hawk. A necropsy conducted on or about May 16, 2013, at NWFL revealed that the hawk had suffered a gunshot wound to the skull.

#### Camera Footage

7. On or about January 14, 2013, Your Affiant arranged for the installation of a camera in the vicinity of defendant LOSASSO's residence. The camera recorded video of the backyard of the residence. Footage taken in the morning hours of January 23, 2013, showed

what appeared to be a large bird of prey perched in different elevated positions in the backyard of defendant LOSASSO's residence. Footage taken early that afternoon showed the rear sliding door of defendant LOSASSO's house open several feet and the barrel of a black long gun emerge, four seconds later, from the opening of the sliding glass door. Footage then displayed defendant LOSASSO leaning out of the door holding the gun. Defendant LOSASSO held the gun in an aimed position, while he visually scanned the yard and looked upwards. Defendant LOSASSO shortly thereafter leaned back into his residence with the gun in his hand and closed the sliding glass door. The dead hawk referenced in Paragraph 5 was discovered later that same afternoon.

8. Camera footage taken in the early morning hours of February 3, 2013, showed a long gun emerging from the rear sliding glass door of defendant LOSASSO's residence. The gun was pointed out of the door and was held in a high aimed position. Approximately four seconds later, the gun was pulled back into the residence and the door closed. Approximately fifteen minutes later, the door opened again and what appeared to be the same gun was pointed out of the door and raised in a high aimed position. Approximately, four seconds later, the gun was pulled back again into defendant LOSASSO's residence and the door closed.

9. Camera footage taken on February 5, 2013, captured the rear sliding glass door of defendant LOSASSO's residence open and what appeared to be the barrel of a black long gun emerge from an opening in the door. The gun was pointed out of the door and raised in a high aimed position. Seconds later, the gun was pulled back into defendant LOSASSO's residence and the door closed. Footage taken approximately three minutes later showed defendant LOSASSO open the sliding glass door, look around the backyard of his residence, and then dispense what appeared to be bird or squirrel feed.

10. Camera footage taken in the late afternoon of April 7, 2013, captured defendant LOSASSO opening his rear sliding glass door. The footage captured defendant LOSASSO using a pair of binoculars to scan upwards and to the right before closing the door. Approximately a minute later, defendant LOSASSO opened the door and stepped out of sight into his residence. Seconds later, defendant LOSASSO stepped back into view holding in both hands what appeared to be a black long gun in a firing position. Defendant LOSASSO partially closed the door seconds later, leaving a small opening visible. Seconds later, defendant LOSASSO stepped back into view with the long gun still in his hands and shortly thereafter closed the door.

#### Search of Defendant Losasso's Residence

11. On or about June 27, 2013, Your Affiant and other law enforcement officers executed a search warrant at defendant LOSASSO's residence. During that search, agents recovered a .17 caliber pellet gun and a .22 caliber rifle, both equipped with scopes and both of which defendant LOSASSO admitted were his. The guns were found propped up against a wall immediately adjacent to the rear sliding glass door of defendant LOSASSO's residence described

above. Ammunition designed for each type of gun was found in the drawer of a television stand near the same rear sliding glass door. Defendant LOSASSO acknowledged during the search that he knew it was illegal to kill birds of prey. When asked by law enforcement if he denied shooting raptors, defendant LOSASSO first said that he would not answer the question because if he lied it would be a felony and then stated "I ain't shot any."

### Ballistics Examinations

12. NWFL conducted a ballistics examination of the two air gun pellets recovered from the hawks referenced in Paragraph 4. The examination revealed that each of these air gun pellets had been discharged from the .17 caliber pellet gun recovered from defendant LOSASSO's residence.

13. NWFL also conducted a ballistics examination of the .22 caliber bullet found in the hawk referenced in Paragraph 3. The examination revealed that the bullet had been discharged from a .22 caliber rifle bearing the same rifling class characteristics as the .22 caliber rifle recovered from defendant LOSASSO's residence.

14. NWFL also conducted a ballistics examination of the impacted metal particle found in the hawk referenced in Paragraph 5. The examination revealed that the metal in that particle was lead, which is consistent with the metal found in the .22 caliber bullet referenced in Paragraph 3 and the air gun pellets referenced in Paragraph 4.

### Permits

15. At no time did defendant LOSASSO have permission from any local, state, or federal wildlife agencies to kill, or attempt to kill, a migratory bird.