

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY



UNITED STATES OF AMERICA : Hon. Leda Dunn Wettre  
:   
v. : Mag. No. 16-8051  
:   
MARIO ATKINSON : **CRIMINAL COMPLAINT**  
:

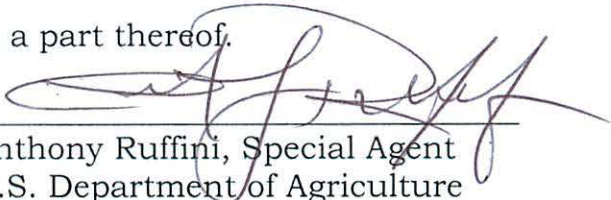
I, the undersigned complainant, being duly sworn, state that the following is true and correct to the best of my knowledge and belief:

SEE ATTACHMENT A

I further state that I am a Special Agent with the United States Department of Agriculture, Office of Inspector General, and that this complaint is based on the following facts:

SEE ATTACHMENT B

continued on the attached page and made a part thereof.

  
Anthony Ruffini, Special Agent  
U.S. Department of Agriculture  
Office of Inspector General

Sworn to before me and subscribed  
in my presence, May 27, 2016 in  
Newark, New Jersey

HONORABLE LEDA DUNN WETTRE  
UNITED STATES MAGISTRATE JUDGE

  
Signature of Judicial Officer

**ATTACHMENT A**

On or about April 4, 2016, in Monmouth County in the District of New Jersey, and elsewhere, defendant

MARIO ATKINSON,

knowingly possessed 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, in violation of Title 7, United States Code, Section 2156 and Title 18 United States Code Section 49; and Title 18, United States Code, Section 2.

## **ATTACHMENT B**

I, Anthony Ruffini, am a Special Agent with the United States Department of Agriculture, Office of Inspector General. I have knowledge of the facts set forth herein based on my personal participation in this investigation, my conversations with other members of law enforcement and my review of oral and written reports from other law enforcement officers, and my training and experience investigating dog fighting ventures. Where statements of others are set forth herein, including statements that were intercepted, these statements are related in substance and in part. Because Attachment B is being submitted for the limited purpose of establishing probable cause, I have not set forth each and every fact that I have learned during the course of the investigation.

### **I. BACKGROUND**

At all times relevant to this complaint, unless otherwise indicated:

1. Defendant MARIO ATKINSON ("ATKINSON") was a resident of Neptune, New Jersey or Asbury Park, New Jersey.

2. On or about July 2, 2014, local authorities in Monmouth County, New Jersey, responded to a complaint of animal cruelty at the residence of defendant ATKINSON. Authorities seized and forfeited a male pit bull-type dog with injuries and extensive scarring consistent with dog fighting.

3. On or about February 9, 2015, defendant ATKINSON was convicted in Neptune Township Municipal Court in New Jersey of multiple counts of animal cruelty under New Jersey state law, pertaining to his housing and treatment of multiple pit bull-type dogs. As part of the judgment of conviction, defendant ATKINSON was forbidden from obtaining additional dogs. The judgment of conviction also authorized local authorities, including the Monmouth County Society for the Prevention of Cruelty to Animals ("SPCA"), to conduct probationary searches of defendant ATKINSON's residence to inspect dogs without prior notice.

### **II. Overview of Dog Fighting**

4. Dog fighting typically involves pit bull-type dogs that are released by their owners or handlers in a controlled environment to attack each other and fight. The fight ends when one dog withdraws, when a handler "picks up" its dog and forfeits the match, or when one or both dogs die.

5. Prior to a dog fight, dog owners or handlers may enter into an agreement with their opponent, often referred to as a "match," "fight," or "show." The owners or handlers may agree upon: (1) the sex and set weight of the dogs at the time of the fight; (2) the geographic area in which the fight will occur (the

exact location of which is often a secret until shortly before the fight); (3) a referee; (4) the payment of “forfeit” money that is lost if one participant pulls out of the match or if a participant’s dog does not arrive at the agreed-upon weight; and (5) monetary wagers placed by the respective fighters.

6. Dogs used in animal fighting ventures are housed separately from other dogs, in pens, cages, or on chains, so that they will not hurt or kill other dogs when the handler is absent. Heavy chains are often used when restraining dogs to develop neck strength in dogs used for fighting purposes.

7. Dog fighters often take steps to house fighting dogs away from public view, such as placing them inside sheds, garages, or barns, or by erecting tall opaque fences around areas where fighting dogs are housed.

8. “Champion” or “Grand Champion” status refers to a dog who has won three or five fights, respectively.

9. Dog fighters may keep multiple dogs at a time in order to maintain a stock of dogs at different weights and both sexes for dogs to be matched for a fight according to weight and sex; to selectively breed, sell, and fight dogs displaying certain traits or to otherwise advance a particular dog fighting bloodline; and to have a sufficient number of dogs to fight dogs more than two to three times a year.

10. Finding an opponent who has a dog of the same weight and sex and who is looking to fight that dog at the same time of the year is known as “calling out a weight.” Dog fighters often “call out a weight,” by telephone, text, or e-mail, to known dog fighters in several states to increase their odds of finding a match.

11. Once a dog fighter locates an opponent and agrees upon terms, the match is “hooked” or set up. The dog then typically undergoes a conditioning process dog handlers refer to as a “keep.” This “keep” may involve treadmills to run and exercise the dogs away from public view; weight pulls to increase the dog’s strength and stamina; “spring poles” and “flirt poles” to build jaw strength and increase aggression; and the administration of drugs (such as steroids), vitamins, and other medicine. Animal pelts are also common for dog fighters to use to excite and bait dogs during dog fighting training sessions.

12. Dogs matched for future fights are expected to achieve their established target weight by the scheduled match, much like in human boxing matches.

13. Dog fighters often attempt to mend the injuries of their own dogs, rather than seek veterinary attention, which might raise suspicion regarding the cause of their dogs’ injuries. Dog fighters also use veterinary supplements and

pharmaceuticals to enhance fighting dogs' stamina and to keep injured dogs fighting longer.

### **III. ATKINSON'S POSSESSION OF DOGS FOR DOG FIGHTS**

14. From in or around October 2015 through in or around November 2015, law enforcement officers lawfully intercepted telephone conversations occurring over a cellular telephone used by an individual ("Associate 1") (hereinafter, the "Target Facility"). As set forth in Paragraphs 15 through 19 below, the lawfully intercepted conversations included calls and text messages between defendant ATKINSON and Associate 1 and others in which, among other things, dog fights, breeding of dogs for dog fights, and treating dogs injured during dog fights were discussed. A sample of these calls and text messages is summarized below in sum and substance. Not all intercepted conversations to or from defendant ATKINSON pertaining to dog fighting are summarized herein.

15. On or about October 20, 2015, defendant ATKINSON sent a text message to Associate 1 over the Target Facility. This lawfully intercepted text message indicated: "Ch peewee 39 7k." Based on my training and experience investigating dog fighting ventures, I believe that in this text message, ATKINSON is soliciting a dog fight involving a dog named "Peewee" who has previously won three or more dog fights, for a wager of \$7,000, whereby each dog would weigh 39 pounds at the time of the fight.

16. On or about October 21, 2015, Associate 1 sent a text message to defendant ATKINSON over the Target Facility. This lawfully intercepted text message from Associate 1 indicated that he might accept the dog fighting match that defendant ATKINSON had previously solicited by text message and that he would respond to defendant ATKINSON later.

17. On or about October 23, 2015, defendant ATKINSON received an incoming call from Associate 1 over the Target Facility. During this lawfully intercepted conversation, defendant ATKINSON told Associate 1 that he had a "male going out" who could use some more "wind" but should be alright at 43 pounds. I know from this investigation and from my investigation of animal fighting activities generally that the phrase a "male going out" refers to an upcoming fight with a male dog, and "wind" is a term that dog fighters use to refer to the cardiovascular stamina of their dogs.

18. On or about October 28, 2015, defendant ATKINSON received an incoming call from Associate 1 over the Target Facility. During this lawfully intercepted conversation, defendant ATKINSON described a dog fight between two female dogs, stating, "that bitch wasn't all that. His conditioning got him over cause (phonetic) if that other bitch would have had some wind, she woulda

ate her the fuck up cause she was biting the shit out of that bitch. Man, she was biting the fuck out of that bitch, man. She had bleeders on that bitch.”

19. On or about October 28, 2015, defendant ATKINSON received an incoming call from Associate 1 over the Target Facility. During this lawfully intercepted conversation, defendant ATKINSON told Associate 1 that he had lost a fight three days prior because his dog “just couldn’t fight right” and was at his “bottom” weight of 43 pounds while the other dog was “half a pound over.” Defendant ATKINSON also told Associate 1 that his dog “got dead-ass weak at like an hour . . . He wasn’t really fighting back . . . he was just hanging on.” Defendant ATKINSON further stated, “I got another one after this, so I’m gonna be alright.”

20. On or about April 4, 2016, officials from the SPCA searched the residence of defendant ATKINSON in Asbury Park, New Jersey, pursuant to a condition of defendant ATKINSON’s probationary sentence on local animal cruelty convictions, as referenced above in Paragraph 3.

21. At defendant ATKINSON’s residence, SPCA officials observed 20 pit-bull-type dogs. Fourteen of the dogs were housed in individual crates and kennels, and one female dog was housed in a crate with five puppies. The crates inside the residence were arranged so that the dogs could not see one another.

22. At defendant ATKINSON’s residence, SPCA officials further observed seven individually crated dogs in the basement near a dog treadmill.