

Eastern District of Kentucky

FILED

FEB 24 2022

AT LONDON
ROBERT R. CARR
CLERK U.S. DISTRICT COURT

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF KENTUCKY
SOUTHERN DIVISION
LONDON**

UNITED STATES OF AMERICA

V.

INDICTMENT NO. 6:22-cr-06-CHB

**MILLARD OSCAR HUBBARD,
TIMOTHY SIZEMORE,
BEACHEL COLLETT,
LESTER COLLETT, and
JUSTIN SMITH**

* * * * *

THE GRAND JURY CHARGES:

BACKGROUND

1. At all relevant times, **MILLARD OSCAR HUBBARD** resided in the Eastern District of Kentucky.
2. At all relevant times, **TIMOTHY SIZEMORE** resided in the Eastern District of Kentucky.
3. At all relevant times, **BEACHEL COLLETT** resided in the Eastern District of Kentucky. At various times, **BEACHEL COLLETT** worked for the Clay County Sheriff's Office.
4. At all relevant times, **LESTER COLLETT** resided in the Eastern District of Kentucky. At various times, **LESTER COLLETT** worked for the Clay County Sheriff's Office.

5. At all relevant times, **JUSTIN SMITH** resided in the Eastern District of Kentucky.

6. At all relevant times, the federal Animal Welfare Act defined “animal fighting venture” as “any event, in or affecting interstate or foreign commerce, that involves a fight conducted or to be conducted between at least 2 animals for purposes of sport, wagering, or entertainment.” 7 U.S.C. § 2156(f)(1).

7. At all relevant times, Riverside Game Club (“Riverside”) was an animal fighting venture located in Clay County, in the Eastern District of Kentucky, owned and operated by **MILLARD OSCAR HUBBARD**, with the assistance of **TIMOTHY SIZEMORE**.

8. At all relevant times, the Blackberry Chicken Pit (“Blackberry”) was an animal fighting venture located at the left fork of Blackberry Road, Ransom, KY, located in Pike County, in the Eastern District of Kentucky. As alleged below, Blackberry was operated by **TIMOTHY SIZEMORE**.

9. At all relevant times, the federal Animal Welfare Act prohibited sponsoring or exhibiting an animal in an animal fighting venture. 7 U.S.C. § 2156(a). It further prohibited anyone from possessing, training, selling, buying, transporting, delivering or receiving an animal for purposes of having the animal participate in an animal fighting venture. 7 U.S.C. § 2156(b). Additionally, it prohibited use of the United States Postal Service or an instrumentality of interstate commerce for commercial speech for purposes of advertising an animal for use in an animal fighting venture, or for promoting or furthering an animal fighting venture. 7 U.S.C. § 2156(c).

10. At all relevant times, it was unlawful to attend an animal fighting venture in the Eastern District of Kentucky, and it was unlawful to knowingly cause an individual who has not attained the age of 16 to attend an animal fighting venture. 7 U.S.C. § 2156(a)(2).

11. At all relevant times, it was unlawful to participate in animal fighting under Kentucky law. K.R.S. § 525.130.

COUNT 1
18 U.S.C. § 371

12. The Background of this Indictment is re-alleged and incorporated by reference as if set forth fully herein.

13. Beginning on a date unknown, but no later than on or about November 2018, and continuing through on or about January 2020, in Clay County, in the Eastern District of Kentucky, and elsewhere,

**MILLARD OSCAR HUBBARD,
TIMOTHY SIZEMORE,
BEACHEL COLLETT,
LESTER COLLETT, and
JUSTIN SMITH**

knowingly and voluntarily conspired with each other, and others, to violate laws of the United States, that is 7 U.S.C. § 2156, knowingly sponsor and exhibit animals in an animal fighting venture.

MANNER AND MEANS OF THE CONSPIRACY

14. It was part of the conspiracy that **MILLARD OSCAR HUBBARD** owned the Riverside Game Club, located in Clay County, east of the intersection of Phil Young

Road and Panama School Road.

15. It was part of the conspiracy that **HUBBARD**, with the assistance of **TIMOTHY SIZEMORE**, sponsored weekly animal fighting ventures, namely cock-fights, at Riverside. The Riverside venue consisted of stadium style seating, storage areas under the seating for storing live birds, enclosed cock-fighting pits, a concession stand, two areas for weighing birds, a room for selling animal fighting accessories, and two additional side pits for fights.

16. The Defendants also collected parking, admission, and seating fees, sold concessions, and rented trailers and utilities to more than one hundred individuals who participated in and attended the animal fighting ventures. The Defendants, and others, maintained security at the animal fighting events.

OVERT ACTS

17. During the conspiracy, one or more of the co-conspirators committed one or more of the following overt acts, in the Eastern District of Kentucky, and elsewhere, in furtherance of the conspiracy and to effect the objects of the conspiracy.

- a. Throughout the conspiracy, the Defendants operated weekly animal fighting ventures at Riverside that routinely drew participants from the Eastern District of Kentucky and other states.
- b. At the fights, **TIMOTHY SIZEMORE**, with the assistance of **BEACHEL COLLETT** and **LESTER COLLETT**, organized the participants into various fights, cataloged the entry fees, the weight of the roosters, tracked the weapons used on the animals, arranged

the fights, and tracked the wins and losses of the various participants.

- c. **TIMOTHY SIZEMORE** and others distributed advertising material about the fights including distributing the animal fighting schedule using an instrumentality of interstate commerce.
- d. Throughout the conspiracy, **HUBBARD** collected admission fees, sold concessions, and had approximately 142 trailers that could be rented to individuals who participated in the animal fighting ventures.
- e. Throughout the conspiracy, the Defendants paid regular employees, including referees and kitchen staff, including **JUSTIN SMITH**, who worked the fights. The Defendants, and others, maintained security at the animal fighting events.
- f. Throughout the conspiracy, **HUBBARD** and **TIMOTHY SIZEMORE** split the proceeds of the animal fighting ventures between them.
- g. On or about September 20, 2019, **TIMOTHY SIZEMORE** used an instrumentality of interstate commerce for commercial speech for purposes of promoting or furthering the animal fighting venture at Riverside.
- h. On or about November 4, 2019, **TIMOTHY SIZEMORE** used an instrumentality of interstate commerce for commercial speech for

purposes of promoting or furthering the animal fighting venture at Riverside.

- i. On or about December 7, 2019, **TIMOTHY SIZEMORE** organized and managed an animal fighting event at Riverside, with the assistance of **BEACHEL COLLETT** and **LESTER COLLETT**, including approximately 27 entries.
- j. On or about December 14, 2019, **TIMOTHY SIZEMORE** organized and managed an animal fighting event at Riverside, with the assistance of **BEACHEL COLLETT** and **LESTER COLLETT**, including approximately 118 entries.
- k. On or about December 21, 2019, **SIZEMORE** used an instrumentality of interstate commerce for commercial speech for purposes of promoting or furthering the animal fighting venture at Riverside.

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

COUNT 2
7 U.S.C. § 2156(c)

18. The Background of this Indictment is re-alleged and incorporated by reference as if set forth fully herein.

19. On or about September 20, 2019, in Clay County, in the Eastern District of Kentucky, and elsewhere,

TIMOTHY SIZEMORE

did knowingly use an instrumentality of interstate commerce for commercial speech for purposes of promoting an animal fighting venture, as defined in Title 7, United States Code, Section 2156(f)(1), namely distributing the Riverside animal fighting schedule via Facebook, all in violation of Title 7, United States Code, Section 2156(c).

COUNT 3
7 U.S.C. § 2156(c)

20. The Background of this Indictment is re-alleged and incorporated by reference as if set forth fully herein.

21. On or about December 21, 2019, in Clay County, in the Eastern District of Kentucky, and elsewhere,

TIMOTHY SIZEMORE

did knowingly use an instrumentality of interstate commerce for commercial speech for purposes of promoting an animal fighting venture, as defined in Title 7, United States Code, Section 2156(f)(1), namely distributing the Riverside animal fighting schedule via Facebook, all in violation of Title 7, United States Code, Section 2156(c).

COUNT 4
18 U.S.C. § 371

22. The Background of this Indictment is re-alleged and incorporated by reference as if set forth fully herein.

23. Beginning on a date unknown, but no later than on or about May 5, 2020, and continuing through on or about December 4, 2021, in Pike County, in the Eastern District of Kentucky, and elsewhere,

TIMOTHY SIZEMORE

knowingly and voluntarily conspired with others known and unknown to the Grand Jury, to violate laws of the United States, that is 7 U.S.C. § 2156, knowingly sponsor and exhibit animals in an animal fighting venture.

MANNER AND MEANS OF THE CONSPIRACY

24. It was part of the conspiracy that, in concert with the owners and operators of Blackberry, **TIMOTHY SIZEMORE** organized and sponsored weekly animal fighting ventures, namely cock-fights, at Blackberry.

25. The Blackberry venue consisted of stadium style seating, storage areas for storing live birds, one main enclosed cock-fighting pit, a concession stand, one area for weighing birds, a room for selling animal fighting accessories, an announcer booth and four additional side pits, also known as drag pits, for fights.

26. **TIMOTHY SIZEMORE** and others organized the collection of admission fees, and sold concessions, merchandise, and sharp instruments for use in animal fighting to individuals who participated in and attended the animal fighting ventures. The animal fighting venture at Blackberry was maintained with extensive security operations, including two check points for attendees.

OVERT ACTS

27. During the conspiracy, one or more of the co-conspirators committed one or more of the following overt acts, in the Eastern District of Kentucky and elsewhere, in furtherance of the conspiracy and to effect the objects of the conspiracy.

a. Beginning in or about May 6, 2020, **TIMOTHY SIZEMORE**

operated weekly animal fighting ventures at Blackberry that routinely drew participants from the Eastern District of Kentucky and other states.

- b. At the fights, **TIMOTHY SIZEMORE** organized the participants into various fights, cataloged the entry fees, the weight of the roosters, tracked the weapons used on the animals, arranged the fights, and tracked the wins and losses of the various participants.
- c. Throughout the conspiracy, co-conspirators collected admission fees, sold concessions and merchandise, and maintained trailers that could be rented to individuals who participated in the animal fighting ventures.
- d. **TIMOTHY SIZEMORE** and others distributed advertising material about the fights at Blackberry including distributing the animal fighting schedule using an instrumentality of interstate commerce.
- e. Throughout the conspiracy, **TIMOTHY SIZEMORE** and others paid regular employees, including referees, kitchen staff, and security personnel, who worked the fights.
- f. Throughout the conspiracy, **TIMOTHY SIZEMORE** and others maintained extensive security systems to protect the animal fighting venture at Blackberry.
- g. On or about April 17, 2021, **TIMOTHY SIZEMORE** organized

and managed an animal fighting event at Blackberry including approximately 93 entries.

- h. On or about June 19, 2021, **TIMOTHY SIZEMORE** organized and managed an animal fighting event at Blackberry including approximately 52 entries, a purse of approximately \$42,000, and numerous individuals under the age of 16 in attendance.
- i. On or about August 7, 2021, **TIMOTHY SIZEMORE** organized and managed an animal fighting event at Blackberry including approximately 12 entries.
- j. On or about September 27, 2021, **TIMOTHY SIZEMORE** used an instrumentality of interstate commerce for commercial speech for purposes of promoting or furthering the animal fighting venture at Blackberry.

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

A TRUE BILL

FOR PERSON



CARLTON S. SHIER, IV
UNITED STATES ATTORNEY

PENALTIES

COUNTS 1-4: Not more than 5 years imprisonment, \$250,000 fine, and 3 years supervised release.

PLUS: Mandatory special assessment of \$100 per count.

PLUS: Restitution, if applicable.