

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF KENTUCKY
SOUTHERN DIVISION
LONDON

Eastern District of Kentucky
FILED
MAY 03 2022
AT LONDON
ROBERT R. CARR
CLERK U.S. DISTRICT COURT

CRIMINAL ACTION NO. 6:22-CR-0007-CHB-HAI

UNITED STATES OF AMERICA

PLAINTIFF

V.

PLEA AGREEMENT

RICKIE D. JOHNSON

DEFENDANT

* * * * *

1. Pursuant to Federal Rule of Criminal Procedure 11(c), the Defendant will enter a guilty plea to Count 1 of the Indictment, charging a violation of 18 U.S.C. § 371. Pursuant to Rule 11(c)(1)(A), the United States will move at sentencing to dismiss Count 1 of the Superseding Indictment. Pursuant to Rule 11(c)(1)(A), the United States will not bring additional charges against the Defendant based upon evidence in its possession at the time of the execution of this Agreement and arising out of the Defendant's conduct within the Eastern District of Kentucky, unless the Defendant breaches this Agreement.

2. The essential elements of Count 1 are as follows:

- (a) Two or more persons conspired, or agreed, to knowingly sponsor and exhibit animals in an animal fighting venture, a violation of federal law; and
- (b) The defendant knowingly and voluntarily joined the conspiracy.

3. As to Count 1, the United States could prove the following facts that establish the essential elements of the offense beyond a reasonable doubt, and the Defendant admits these facts:

(a) Bald Rock Chicken Pit (hereinafter Bald Rock) was located in Laurel County, in the Eastern District of Kentucky. Bald Rock was operated by RICKIE D. JOHNSON and others. In 2021, Bald Rock hosted animal fighting ventures which were events in or affecting interstate or foreign commerce, that involved cockfights between at least two roosters for the purposes of sport, wagering, or entertainment. Bald Rock contained stadium style seating, one central cockfighting pit, additional side pits, a concession stand, an area for weighing birds, a station for sharpening animal fighting instruments (gaffs), and storage areas for storing live birds. Admission fees were collected from spectators who attended the cockfights at Bald Rock and concessions were sold to those who attended. Competitors paid a fee to enter his/her rooster into the animal fighting venture.

(b) Beginning no later than May 10, 2021, and continuing through on or about July 10, 2021, RICKIE D. JOHNSON conspired with others to host regular animal fighting ventures, in the form of cockfights at Bald Rock, that drew participants from Kentucky and other states. On or about July 10, 2021, JOHNSON and others held an animal fight at Bald Rock with at least eighty people in attendance, 47 entries in the fights, and raising approximately \$7,000.

4. The statutory punishment for Count 1 is imprisonment for not more than 5 years, a fine of not more than \$250,000.00, and a term of supervised release of not more than 3 years. A mandatory special assessment of \$100 applies to Count 1, and the Defendant will pay this assessment to the U.S. District Court Clerk at the time of the entry of the plea.

5. Pursuant to Rule 11(c)(1)(B), the United States and the Defendant recommend the following sentencing guidelines and range:

(a) The United States Sentencing Guidelines (U.S.S.G.), August 1, 2021 manual, will determine the Defendant's guidelines range.

- (b) Pursuant to U.S.S.G. § 2E3.1(a)(1) the base offense level is 16 because the offense involved an animal fighting venture.
- (c) The parties have not reached agreement on the application of U.S.S.G. § 3B1.1.
- (d) Pursuant to U.S.S.G. § 3E1.1 and unless the Defendant commits another crime, obstructs justice, or violates a court order, the offense will decrease by 2 levels for the Defendant's acceptance of responsibility. If the offense level determined prior to this 2-level decrease is level 16 or greater, the United States will move at sentencing to decrease the offense level by 1 additional level based on the Defendant's timely notice of intent to plead guilty.

6. No agreement exists about the Defendant's criminal history category pursuant to U.S.S.G. Chapter 4.

7. The Defendant will not file a motion for a decrease in the offense level based on a mitigating role pursuant to U.S.S.G. § 3B1.2 or a departure motion pursuant to U.S.S.G. Chapter 5, Part K.

8. The Defendant waives the right to appeal the guilty plea and conviction. Except for claims of ineffective assistance of counsel, the Defendant also waives the right to attack collaterally the guilty plea, conviction, and sentence.

9. The Defendant will forfeit all interest in the funds seized by Kentucky State Police in the related state citation 21-DT83342, and will execute any documents necessary for this forfeiture. The Defendant agrees to cooperate fully with the United States Attorney's Office by making a full and complete financial disclosure. Within 30 days of pleading guilty, the Defendant agrees to complete and sign a financial disclosure statement or affidavit disclosing all assets in which the Defendant has any interest or over which the Defendant exercises control, directly or indirectly, including those held by a spouse,

nominee, or other third party, and disclosing any transfer of assets that has taken place within three years preceding the entry of this plea agreement. The Defendant will submit to an examination, which may be taken under oath and may include a polygraph examination. The Defendant will not encumber, transfer, or dispose of any monies, property, or assets under the Defendant's custody or control without written approval from the United States Attorney's Office. If the Defendant is ever incarcerated in connection with this case, the Defendant will participate in the Bureau of Prisons Inmate Financial Responsibility Program, regardless of whether the Court specifically directs participation or imposes a schedule of payments. If the Defendant fails to comply with any of the provisions of this paragraph, the United States, in its discretion, may refrain from moving the Court pursuant to U.S.S.G. § 3E1.1(b) to reduce the offense level by one additional level, and may argue that the Defendant should not receive a two-level reduction for acceptance of responsibility under U.S.S.G. § 3E1.1(a).

10. The Defendant understands and agrees that pursuant to 18 U.S.C. § 3613, whatever monetary penalties are imposed by the Court will be due and payable immediately and subject to immediate enforcement by the United States. If the Court imposes a schedule of payments, the Defendant agrees that it is merely a minimum schedule of payments and not the only method, nor a limitation on the methods, available to the United States to enforce the judgment. The Defendant waives any requirement for demand of payment on any fine, restitution, or assessment imposed by the Court and agrees that any unpaid obligations will be submitted to the United States Treasury for offset. The Defendant authorizes the United States to obtain the Defendant's credit reports at any time.

The Defendant authorizes the U.S. District Court to release funds posted as security for the Defendant's appearance bond in this case, if any, to be applied to satisfy the Defendant's financial obligations contained in the judgment of the Court.

11. If the Defendant violates any part of this Agreement, the United States may void this Agreement and seek an indictment for any violations of federal laws, and the Defendant waives any right to challenge the initiation of additional federal charges.

12. This document and the supplement contain the complete and only Plea Agreement between the United States Attorney for the Eastern District of Kentucky and the Defendant. The United States has not made any other promises to the Defendant.

13. This Agreement does not bind the United States Attorney's Offices in other districts, or any other federal, state, or local prosecuting authorities.

14. The Defendant and the Defendant's attorney acknowledge that the Defendant understands this Agreement, that the Defendant's attorney has fully explained this Agreement to the Defendant, and that the Defendant's entry into this Agreement is voluntary.


CARLTON S. SHIER, IV
UNITED STATES ATTORNEY

Date: 5.3.2022


By: 

Kate K. Smith
Andrea Mattingly-Williams
Assistant United States Attorney

Date: 5/3/2022


Rickie D. Johnson
Defendant

Date: 5/3/22


Kelly Kirby Ridings
Attorney for Defendant