

FILED

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

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF KENTUCKY
CENTRAL DIVISION
FRANKFORT**

UNITED STATES OF AMERICA

V.

INDICTMENT NO. 5:22-cr-21-KKC

**WALTER H. MITCHELL,
JERRARD D. MCVEY and
LINDA A. MCVEY**

* * * * *

THE GRAND JURY CHARGES:

BACKGROUND

1. At all relevant times, **WALTER H. MITCHELL** resided in the Eastern District of Kentucky.

2. At all relevant times, **JERRARD D. MCVEY** resided in the Eastern District of Kentucky.

3. At all relevant times, **LINDA A. MCVEY** resided in the Eastern District of Kentucky.

4. 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).

5. At all relevant times, the Valley (“Valley”) was an animal fighting venture

located in Nicholas and Fleming Counties, in the Eastern District of Kentucky, owned by **WALTER H. MITCHELL**, and operated with the assistance of **JERRARD D. MCVEY, LINDA A. MCVEY** and others.

6. 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 any 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).

7. 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).

8. 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

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

10. Beginning on a date unknown, but no later than on or about June 25, 2021,

and continuing through at least July 30, 2021, in Nicholas County and Fleming County, in the Eastern District of Kentucky, and elsewhere,

**WALTER H. MITCHELL,
JERRARD D. MCVEY and
LINDA A. MCVEY**

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

11. It was part of the conspiracy that **WALTER H. MITCHELL** owned the property where the Valley pit operated, located in Nicholas County and Fleming County, at 350 Abner Mill Road, Ewing, Kentucky.

12. It was part of the conspiracy that **WALTER H. MITCHELL, JERRARD D. MCVEY and LINDA A. MCVEY**, and others, sponsored weekly animal fighting ventures, namely cock-fights, at the Valley. The Valley venue consisted of stadium style seating, storage areas for storing live birds, an enclosed cock-fighting pit, a concession stand, an area for sharpening animal fighting instruments, two areas for weighing birds, an area for selling animal fighting accessories, and additional side pits for fights.

13. The Defendants, and others, also collected admission fees, and sold concessions and merchandise, to dozens of individuals who participated in and attended the animal fighting events. The Defendants, and others, maintained security at the animal fighting events.

OVERT ACTS

14. 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, 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 the Valley that routinely drew participants from the Eastern District of Kentucky and other states.
- b. At the fights, **JERRARD D. MCVEY and LINDA A. MCVEY** organized the participants into various fights, cataloging the entry fees, the weight of the roosters, tracking the weapons used on the animals, arranging the fights, and tracking the wins and losses of the various participants.
- c. At the fights, **JERRARD D. MCVEY and LINDA A. MCVEY**, and others, collected admission fees, and sold concessions and merchandise, to individuals who participated in the animal fighting ventures.
- d. Throughout the conspiracy, the Defendants employed other individuals, including referees, kitchen staff and security personnel, who worked the fights.
- e. On or about June 25, 2021, **WALTER H. MITCHELL**, **JERRARD D. MCVEY and LINDA A. MCVEY**, organized and managed an animal fight at the Valley including at least a dozen

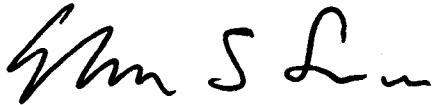
entries in a 4-cock fight, and approximately one hundred and fifty attendees.

- f. On or about July 30, 2021, **WALTER H. MITCHELL**, **JERRARD D. MCVEY** and **LINDA A. MCVEY**, organized and managed an animal fight at the Valley including at least a dozen entries in a 5-cock fight, and approximately one hundred attendees.

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

A TRUE BILL

FOREPERSON



CARLTON S. SHIER, IV
UNITED STATES ATTORNEY

PENALTIES

COUNT 1: 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.