

Eastern District of Kentucky

FILED

MAY 10 2022

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

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

CRIMINAL ACTION NO. 6:22-CR-030-CHB

UNITED STATES OF AMERICA

PLAINTIFF

V.

PLEA AGREEMENT

HIRAM B. CREECH, JR.

DEFENDANT

* * * * *

1. Pursuant to Federal Rule of Criminal Procedure 11(c), the Defendant will enter a guilty plea to the Information, charging a violation of 7 U.S.C. § 2156(a)(2)(B). Pursuant to Rule 11(c)(1)(A), the United States will move at sentencing to dismiss Count 4 of the indictment and superseding indictment in *United States v. Johnson, et al*, 6:22-CR-007-CHB-HAI.

2. The essential elements of 7 U.S.C. § 2156(a)(2)(B) are as follows:

- (a) The defendant caused someone who had not attained the age of 16;
- (b) To attend an animal fighting venture, as defined in Title 7, United States Code, Section 2156(f)(1); and
- (c) The defendant did so knowingly.

3. As to the charge in the Information, 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. 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) On or about July 10, 2021, HIRAM B. CREECH, JR. caused his son, who had not attained the age of 16, to attend an animal fighting event at Bald Rock.

4. The statutory punishment for 7 U.S.C. § 2156(a)(2)(B) is imprisonment for not more than 3 years, a fine of not more than \$250,000.00, and a term of supervised release of not more than 1 year. A mandatory special assessment of \$100 applies, 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 10 because the offense of conviction is under 7 U.S.C. § 2156(a)(2)(B).
- (c) 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.

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, Parts H or 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 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.

10. 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.

11. 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.

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

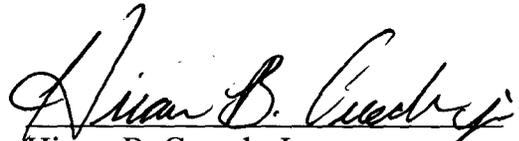
13. The Defendant and the Defendant's attorney acknowledge that the Defendant understands this Agreement, that the Defendant's attorney has fully explained this Agreement to the Defendant, and that the Defendant's entry into this Agreement is voluntary.

CARLTON S. SHIER, IV
UNITED STATES ATTORNEY

Date: 5/10/22

By: 
Kate K. Smith
Assistant United States Attorney

Date: 5-10-22


Hiram B. Creech, Jr.
Defendant

Date: 5-10-22


B. J. Foley
Attorney for Defendant