

FILED

MAR 27 2007

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

JAMES BONINI, Clerk
DAYTON, OHIO

UNITED STATES OF AMERICA :

v. :

CORNELIUS BURNETT a/k/a "Cory" (1) :
(Counts 1, 3-8, 14-17, 27-28, 34, 45) :

LARONTAY G. BENNETT a/k/a "Tay" (2) :
(Counts 1, 14, 18-20, 29, 45) :

MALVIN COBLER a/k/a "Butch" (3) :
(Counts 2, 9-10, 36-37, 41, 44) :

PAUL D. PENNINGTON a/k/a "Pig" (4) :
(Counts 11-13, 30-31, 38-40, 42-43) :

JACK D. GLISSON (5) :
(Counts 11-13) :

JERRY POUNDS a/k/a "J.P." (6) :
(Counts 14, 24-26, 33, 35) :

TERRY KENDRICK a/k/a "O.G." (7) :
(Counts 14, 21, 23, 32, 45-47) :

JON E. POLLARD (8) :
(Counts 14, 45) :

DOUGLAS M. BLACKWELL (9) :
(Counts 14, 45) :

CASE NO.

3 : 07 cr 0034

WALTER HERBERT RICE

INDICTMENT

- 21 U.S.C. § 846
 - 21 U.S.C. § 841 (a)(1)
 - 21 U.S.C. § 841 (b)(1)(B)
 - 21 U.S.C. § 841 (b)(1)(C)
 - 18 U.S.C. § 2318(a)
 - 18 U.S.C. § 2318 (c)(3)
 - 18 U.S.C. § 2318 (d)
 - 18 U.S.C. § 2313
 - 18 U.S.C. § 2312
 - 18 U.S.C. § 1955
 - 18 U.S.C. § 924 (a)(2)
 - 18 U.S.C. § 924 (a)(1)(B)
 - 18 U.S.C. § 924 (c)(1)(A)
 - 18 U.S.C. § 922 (k)
 - 18 U.S.C. § 842(i)(1)
 - 18 U.S.C. § 371
 - 18 U.S.C. § 2
 - 7 U.S.C. § 2156(a)
 - 7 U.S.C. § 2156(c)
- FORFEITURE

THE GRAND JURY CHARGES THAT:

COUNT 1

(Conspiracy to Possess With Intent to Distribute and to Distribute "Crack" Cocaine)

Beginning at an exact date unknown to the Grand Jury, but approximately on or about April 1, 2006, and continuing through August 9, 2006, in the Southern District of Ohio, defendants, **CORNELIUS BURNETT a/k/a "Cory"** and **LARONTAY G. BENNETT a/k/a "Tay,"** did knowingly, intentionally and unlawfully combine, conspire, confederate and agree with each other and others, whose identities are both known and unknown to the Grand Jury, to commit offenses against the United States, to wit: to knowingly, intentionally and unlawfully possessing with intent to distribute and to distribute in excess of 5 grams of "crack" cocaine, also referred to as cocaine base, a Schedule II controlled substance in violation of Title 21, United States Code, Sections 841(a)(1) and (b)(1)(B).

All in violation of Title 21, United States Code, Section 846.

COUNT 2

(Possession With Intent to Distribute and Distribution a Controlled Substance)

On or about March 4, 2006, in the Southern District of Ohio, defendant, **MALVIN COBLER a/k/a "Butch,"** knowingly and intentionally possessed with intent to distribute and did distribute approximately 7.17 grams of powdered cocaine, a Schedule II controlled substance.

In violation of Title 21, United States Code, Sections 841(a)(1) and (b)(1)(C).

COUNT 3

(Possession With Intent to Distribute and Distribution a Controlled Substance)

On or about April 13, 2006, in the Southern District of Ohio, defendant, **CORNELIUS BURNETT a/k/a "Cory,"** knowingly and intentionally possessed with intent to distribute and did distribute approximately 14.17 grams of powdered cocaine, a Schedule II controlled substance.

In violation of Title 21, United States Code, Sections 841(a)(1) and (b)(1)(C).

COUNT 4

(Possession With Intent to Distribute and Distribution a Controlled Substance)

On or about April 19, 2006, in the Southern District of Ohio, defendant, **CORNELIUS BURNETT a/k/a "Cory,"** knowingly and intentionally possessed with intent to distribute and did distribute approximately 11.40 grams of "crack" cocaine, also referred to as "cocaine base," a Schedule II controlled substance.

In violation of Title 21, United States Code, Sections 841(a)(1) and (b)(1)(B).

COUNT 5

(Possession With Intent to Distribute and Distribution a Controlled Substance)

On or about May 7, 2006, in the Southern District of Ohio, defendant, **CORNELIUS BURNETT a/k/a "Cory,"** knowingly and intentionally possessed with intent to distribute and did distribute approximately 11.29 grams of "crack" cocaine, also referred to as "cocaine base," a Schedule II controlled substance.

In violation of Title 21, United States Code, Sections 841(a)(1) and (b)(1)(B).

COUNT 6

(Possession With Intent to Distribute and Distribution a Controlled Substance)

On or about May 16, 2006, in the Southern District of Ohio, defendant, **CORNELIUS BURNETT a/k/a "Cory,"** knowingly and intentionally possessed with intent to distribute and did distribute approximately 5.84 grams of "crack" cocaine, also referred to as "cocaine base," a Schedule II controlled substance.

In violation of Title 21, United States Code, Sections 841(a)(1) and (b)(1)(B).

COUNT 7

(Possession With Intent to Distribute and Distribution a Controlled Substance)

On or about August 2, 2006, in the Southern District of Ohio, defendant, **CORNELIUS BURNETT a/k/a "Cory,"** knowingly and intentionally possessed with intent to distribute and did distribute approximately 5.85 grams of "crack" cocaine, also referred to as "cocaine base," a Schedule II controlled substance.

In violation of Title 21, United States Code, Sections 841(a)(1) and (b)(1)(B).

COUNT 8

(Possession With Intent to Distribute and Distribution a Controlled Substance)

On or about August 9, 2006, in the Southern District of Ohio, defendant, **CORNELIUS BURNETT a/k/a "Cory,"** knowingly and intentionally possessed with intent to distribute and did distribute approximately 5.67 grams of "crack" cocaine, also referred to as "cocaine base," a Schedule II controlled substance.

In violation of Title 21, United States Code, Sections 841(a)(1) and (b)(1)(B).

COUNT 9

(Possession With Intent to Distribute and Distribution a Controlled Substance)

On or about August 31, 2006, in the Southern District of Ohio, defendant, **MALVIN COBLER a/k/a "Butch,"** knowingly and intentionally possessed with intent to distribute and did distribute approximately 3.47 grams of powdered cocaine, a Schedule II controlled substance.

In violation of Title 21, United States Code, Sections 841(a)(1) and (b)(1)(C).

COUNT 10

(Possession With Intent to Distribute and Distribution a Controlled Substance)

On or about November 2, 2006, in the Southern District of Ohio, defendant, **MALVIN COBLER a/k/a "Butch,"** knowingly and intentionally possessed with intent to distribute and did distribute approximately 9.15 grams of powdered cocaine, a Schedule II controlled substance.

In violation of Title 21, United States Code, Sections 841(a)(1) and (b)(1)(C).

COUNT 11

(Conspiracy to Sell and Transport Stolen Vehicles in Interstate Commerce)

Beginning at a date unknown to the Grand Jury, but at least by June 29, 2006 and continuing thereafter until on or about February 8, 2007, in the Southern District of Ohio and elsewhere, **PAUL D. PENNINGTON a/k/a "Pig"** and **JACK D. GLISSON**, the defendants herein, did knowingly, willfully, intentionally and unlawfully combine, conspire, confederate and agree together with each other, and with others, whose identities are both known and unknown to the Grand Jury, to commit certain offenses against the United States, to wit:

1. Knowingly and unlawfully receive, possess, conceal, store, barter and dispose of a motor vehicle, knowing same to have been stolen, which had crossed a State boundary after being stolen, in violation of Title 18, United States Code, Section 2313.

2. Knowingly and unlawfully transport a motor vehicle, knowing same to have been stolen, which had crossed a State boundary after being stolen, in violation of Title 18, United States Code, Section 2312.

OBJECTS OF THE CONSPIRACY

The objects of the conspiracy were the wrongful acquisition and subsequent transfer, transportation and disposition of stolen vehicles in exchange for United States currency and other things of value for the personal benefit of the conspirators.

MANNER AND MEANS

1. It was part of the conspiracy that **PAUL D. PENNINGTON a/k/a "Pig"** and **JACK D. GLISSON**, the defendants herein, would knowingly and illegally acquire stolen vehicles physically located in the states of Indiana and Kentucky.

2. It was further part of the conspiracy that **PAUL D. PENNINGTON a/k/a "Pig"** and **JACK D. GLISSON**, the defendants herein, would contact certain individuals located within the Southern District of Ohio inquiring of their interest in purchasing said stolen vehicles.

3. It was further part of the conspiracy that **PAUL D. PENNINGTON a/k/a "Pig"** and **JACK D. GLISSON**, the defendants herein, would negotiate terms of sale for said stolen vehicles with said customers and assist in making arrangements for the transportation and shipment of said vehicles from the States of Indiana and Kentucky to the Southern District of Ohio.

4. It was further part of the conspiracy that **PAUL D. PENNINGTON a/k/a "Pig"** and **JACK D. GLISSON**, the defendants herein, would receive United States currency, contraband U.S. Department of Agriculture Electronic Benefits Transfer (hereinafter referred to as "EBT") Cards, and other things of value from said customers in exchange for said stolen vehicles.

5. It was further part of the conspiracy that between September 21, 2006 and continuing thereafter until on or about September 28, 2006, **PAUL D. PENNINGTON a/k/a "Pig"** and **JACK D. GLISSON**, the defendants herein, received from undercover law enforcement agents approximately \$2,600 in United States currency, and a purportedly contraband EBT Card valued at worth approximately \$560, for stolen vehicles.

OVERT ACTS

In furtherance of the conspiracy, and to effect the objects thereof, on the dates indicated below, a conspirator committed at least one of the following Overt Acts in the Southern District of Ohio:

1. On or about July 26, 2006, defendant **PAUL D. PENNINGTON a/k/a "Pig"** met with an undercover law enforcement agent at a residence located at a residence located at 10814 Heeter Road, Brookville, Ohio in order to direct the undercover law enforcement agent as to the whereabouts of a tractor being targeted for theft.

2. On or about July 26, 2006, defendant **PAUL D. PENNINGTON a/k/a "Pig"** directed the said undercover law enforcement agent to a residence located at 9344 Post Town Road, Trotwood, Ohio where a Yellow Bear Tractor BL200 targeted for theft was observed sitting in the front yard with a for sale sign.

3. On or about July 26, 2006, defendant **PAUL D. PENNINGTON a/k/a "Pig"** met with an undercover law enforcement agent at a residence located at 2191 N. Union Road, Trotwood, Ohio where he advised the undercover law enforcement agent that he was prepared to sell the said yellow Bear tractor BL200 targeted for theft for \$1,500.

4. On or about July 31, 2006, defendant **PAUL D. PENNINGTON a/k/a "Pig"** and an undercover law enforcement agent engaged in a telephone conversation taking place in the Southern District of Ohio wherein the topic of acquiring and selling a stolen tractor was discussed.

5. On or about August 13, 2006, defendant **PAUL D. PENNINGTON a/k/a "Pig"** left a voice mail message on the telephone of the undercover law enforcement agent which was located within the Southern District of Ohio indicating the fact the said defendant was able to steal and sell him a large Kubota farm tractor for \$1,500.

6. On or about September 17, 2006, defendant **PAUL D. PENNINGTON a/k/a "Pig"** telephonically contacted an undercover law enforcement agent, who was then located within the Southern District of Ohio, informing him that he was prepared to sell him a stolen trailer for \$400.

7. On or about September 17, 2006, defendant **PAUL D. PENNINGTON a/k/a "Pig"** met two undercover law enforcement agents at a parking lot adjacent to a Wal-Mart Store located at 7725 Hoke Road, Englewood, Ohio.

8. On or about September 17, 2006, defendant **PAUL D. PENNINGTON a/k/a "Pig"** directed the two aforesaid undercover law enforcement agents to a construction site located off Hoke Road, Clayton, Ohio whereupon defendant **JACK D. GLISSON** hooked up a stolen 2004 Texas Bragg Utility Trailer, bearing Serial Number 17XFF182941041228 to the truck operated by said under cover law enforcement agents.

9. On or about September 17, 2006, defendant **PAUL D. PENNINGTON a/k/a "Pig"** collected \$400 from said undercover law enforcement agents at said construction site located off Hoke Road, Clayton, Ohio for the sale of the said stolen 2004 Texas Bragg Utility Trailer.

10. On or about September 21, 2006, defendant **PAUL D. PENNINGTON a/k/a "Pig"** telephonically contacted an undercover law enforcement agent, who was located in the Southern District of Ohio, about the prospect of purchasing a stolen tractor for \$1,500. During this conversation, said defendant suggested that the undercover law enforcement utilize the previously stolen 2004 Texas Bragg Utility Trailer to transport the stolen tractor. Also during this conversation, said defendant directed the undercover law enforcement agent to travel to Exit 156A of Interstate Highway 70 in the State of Indiana.

11. On or about September 21, 2006, defendant **PAUL D. PENNINGTON a/k/a "Pig"** met the undercover law enforcement agent at a location at or near Exit 156A of Interstate Highway 70 in the State of Indiana.

12. On or about September 21, 2006, **PAUL D. PENNINGTON a/k/a "Pig"** and **JACK D. GLISSON**, the defendants herein, directed the undercover law enforcement to a location at or near 505 W. Eaton Pike, Richmond, Indiana whereupon a Kubota Model 5000D Tractor, bearing serial number 51214, was observed.

13. On or about September 21, 2006, **PAUL D. PENNINGTON a/k/a "Pig"** and **JACK D. GLISSON**, the defendants herein thereupon stole the said Kubota Model 5000D Tractor and assisted in loading it on the said stolen 2004 Texas Bragg Utility Trailer which was then attached to the undercover law enforcement agent's truck.

14. On or about September 21, 2006, defendant **PAUL D. PENNINGTON a/k/a "Pig"** collected \$400 in U.S. Currency from the undercover law enforcement agent as purchase price for the stolen Kubota Model 5000D Tractor.

15. On or about September 21, 2006, **PAUL D. PENNINGTON a/k/a "Pig"** and **JACK D. GLISSON**, the defendants herein, escorted the undercover law enforcement agent's truck with the stolen Kubota Model 5000D Tractor loaded upon the attached stolen 2004 Texas Bragg Utility Trailer back into the Southern District of Ohio.

16. On or about September 28, 2006, defendant **PAUL D. PENNINGTON a/k/a "Pig"** contacted an undercover law enforcement agent then located in the Southern District of Ohio, for the purpose of inquiring whether he would be interested in purchasing a stolen 1967 Ford Mustang automobile for \$1,200 that was then located in the State of Kentucky. The undercover law enforcement agent indicated that he was interested.

17. On or about September 28, 2006, defendant **PAUL D. PENNINGTON a/k/a "Pig"** advised the said undercover law enforcement agent to meet him at Exit 90 of Interstate Highway 75 near Richmond, Kentucky.

18. On or about September 28, 2006, the said undercover law enforcement agent met **PAUL D. PENNINGTON a/k/a "Pig"** and **JACK D. GLISSON**, the defendants herein and a female co-conspirator at Exit 90 of Interstate Highway 75 near Richmond, Kentucky.

19. On or about September 28, 2006, defendant **PAUL D. PENNINGTON a/k/a "Pig"** directed the said undercover law enforcement agent to a location at or near 106 Ridgeway, West McKee, Kentucky. At that location said defendant introduced the undercover law enforcement to a male co-conspirator who assisted in loading the stolen 1967 Ford Mustang automobile onto the stolen 2004 Texas Bragg Utility Trailer then attached to the undercover law enforcement agent's truck. The stolen 1967 Mustang was then transported back to the Southern District of Ohio.

20. On or about September 28, 2006, defendant **PAUL D. PENNINGTON a/k/a "Pig"** received \$1,000 in U.S. Currency and an EBT Card worth \$560 from the undercover law enforcement agent in payment for the stolen 1967 Mustang automobile.

21. On or about September 28, 2006, defendant **JACK D. GLISSON** received \$400 in U.S. Currency from the undercover law enforcement agent in partial payment for the stolen 1967 Ford Mustang automobile.

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

COUNT 12
(Interstate Transportation of a Stolen Vehicle)

On or about September 21, 2006, in the Southern District of Ohio, and elsewhere, **PAUL D. PENNINGTON a/k/a "Pig"** and **JACK D. GLISSON**, the defendants herein, did unlawfully transport in interstate commerce a stolen motor vehicle, to wit: a Kubota Model 5000D Tractor, bearing serial number 51214, from the State of Indiana to the Southern District of Ohio, knowing the same to have been stolen.

In violation of Title 18, United States Code, Sections 2, and 2312.

COUNT 13
(Receipt and Sale of a Stolen Vehicle)

On or about September 28, 2006, in the Southern District of Ohio, and elsewhere, **PAUL D. PENNINGTON a/k/a "Pig"** and **JACK D. GLISSON**, the defendants herein, did receive, possess, conceal, store, sell and dispose of a stolen motor vehicle, to wit: a 1967 Ford Mustang automobile, bearing vehicle identification number (VIN) 7F01C184308, which had crossed the State boundaries of Indiana, Kentucky and Ohio after being stolen, knowing same to have been stolen.

In violation of Title 18, United States Code, Sections 2 and 2313.

COUNT 14
(Conspiracy to Sponsor and Promote an Animal Fighting Venture)

Beginning at a date unknown to the Grand Jury, but at least by January 30, 2006 and continuing thereafter until on or about March 24, 2007, in the Southern District of Ohio and elsewhere, **CORNELIUS BURNETT a/k/a "Cory," JERRY POUNDS a/k/a "J.P.,"**

LARONTAY G. BENNETT a/k/a "Tay," JON E. POLLARD, and DOUGLAS M. BLACKWELL, the defendants herein, did knowingly, willfully, intentionally and unlawfully combine, conspire, confederate and agree together with each other, and with others, whose identities are both known and unknown to the Grand Jury, to commit certain offenses against the United States, to wit:

1. Knowingly exhibit pit bull dogs in an animal fighting venture at which a participating animal had previously moved in interstate commerce, in violation of Title 7, United States Code, Section 2156(a).

2. Knowingly use an interstate instrumentality for the purposes of promoting and furthering an animal fighting venture, in violation of Title 7, United States Code, Section 2156(c).

OBJECTS OF THE CONSPIRACY

The objects of the conspiracy were the wrongful promotion and exhibition of pit bull dogs in animal fighting ventures at which illegal gambling activities were sponsored and conducted, all of which effected interstate commerce.

MANNER AND MEANS

1. It was part of the conspiracy that the defendants herein, would knowingly and illegally acquire, breed and train pit bull dogs for the purpose of entering them in animal fighting ventures.

2. It was further part of the conspiracy that the defendants herein, would organize and operate unlicensed kennels for pit bull dogs.

3. It was further part of the conspiracy that the defendants herein, would communicate via telephone, cellular telephone, electronic mail and other forms of interstate communication, with various individuals, both indicted and unindicted co-conspirators located within and without the Southern District of Ohio, in order to promote, sponsor and conduct animal fighting ventures.

4. It was further part of the conspiracy that the defendants herein, would collect admission fees to spectators attending these animal fighting ventures.

5. It was further part of the conspiracy that the defendants herein, would operate concessions at these animal fighting ventures wherein beer, liquor and food would be sold to spectators and other attendees.

6. It was further part of the conspiracy that the defendants herein, would promote, sponsor and conduct illegal gambling and bookmaking activities in conjunction with aforesaid animal fighting ventures.

7. It was further part of the conspiracy that, the defendants herein, would deny pit bull dogs which participated in animal fighting ventures, adequate and humane medical treatment of wounds and injuries suffered as a result of in dog fights.

8. It was further part of the conspiracy that the defendants herein, would routinely and inhumanely abandon and destroy certain pit bull dogs that became severely injured, wounded or disabled as a result of participating in animal fighting ventures.

OVERT ACTS

In furtherance of the conspiracy, and to effect the objects thereof, on the dates indicated below, a conspirator committed at least one of the following Overt Acts in the Southern District of Ohio:

1. On or about May 20, 2006, defendant **CORNELIUS BURNETT a/k/a "Cory"** attended an animal fighting venture held in Cincinnati, Ohio.

2. On or about May 20, 2006, defendant **CORNELIUS BURNETT a/k/a "Cory"** exhibited a pit bull terrier fighting dog at an animal fighting venture held in Cincinnati, Ohio.

3. On or about May 20, 2006, defendant **LARONTAY G. BENNETT a/k/a "Tay"** attended an animal fighting venture held in Cincinnati, Ohio.
4. On or about May 20, 2006, defendant **LARONTAY G. BENNETT a/k/a "Tay"** exhibited a pit bull terrier fighting dog at an animal fighting venture held in Cincinnati, Ohio.
5. On or about May 20, 2006, defendant **TERRY KENDRICK a/k/a "OG"** hosted an animal fighting venture held in Cincinnati, Ohio and collected a \$100 per person entry fee.
6. On or about May 20, 2006, defendant **DOUGLAS M. BLACKWELL** served as a referee at an animal fighting venture held in Cincinnati, Ohio.
7. On or about October 28, 2006, defendant **CORNELIUS BURNETT a/k/a "Cory"** hosted an animal fighting venture held in Moraine, Ohio and collected entry fees from the approximate twenty (20) attendees.
8. On or about October 28, 2006, defendant **CORNELIUS BURNETT a/k/a "Cory"** exhibited a pit bull terrier fighting dog at an animal fighting venture held in Moraine, Ohio.
9. On or about October 28, 2006, defendant **LARONTAY G. BENNETT a/k/a "Tay"** hosted an animal fighting venture held in Moraine, Ohio at which entry fees were collected from the approximate twenty (20) attendees.
10. On or about October 28, 2006, defendant **LARONTAY G. BENNETT a/k/a "Tay"** operated a concession stand which sold beer, liquor and food at an animal fighting venture held in Moraine, Ohio.
11. On or about March 24, 2007, defendant, **LARONTAY G. BENNETT a/k/a "Tay"** appeared at 3059 Dryden Road, Moraine, Ohio for the purpose of attending a scheduled animal fighting venture.
12. On or about March 24, 2007, defendant, **CORNELIUS BURNETT a/k/a "Cory"** appeared at 3059 Dryden Road, Moraine, Ohio for the purpose of attending a scheduled animal fighting venture.

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

COUNT 15
(Exhibiting an Animal in a Fighting Venture)

On or about May 20, 2006, in the Southern District of Ohio, defendant **CORNELIUS BURNETT a/k/a "Cory,"** did knowingly exhibit a pit bull dog in an animal fighting venture at which a participating animal had previously moved in interstate commerce.

In violation of Title 7, United States Code, Section 2156(a).

COUNT 16
(Exhibiting an Animal in a Fighting Venture)

On or about October 28, 2006, in the Southern District of Ohio, defendant **CORNELIUS BURNETT a/k/a "Cory,"** did knowingly exhibit a pit bull dog in an animal fighting venture at which a participating animal had previously moved in interstate commerce.

In violation of Title 7, United States Code, Section 2156(a).

COUNT 17
(Promoting an Animal Fighting Venture)

On or about October 28, 2006, in the Southern District of Ohio, defendant **CORNELIUS BURNETT a/k/a "Cory,"** did knowingly use an interstate instrumentality for the purposes of promoting and furthering an animal fighting venture.

In violation of Title 7, United States Code, Section 2156(c).

COUNT 18
(Exhibiting an Animal in a Fighting Venture)

On or about May 20, 2006, in the Southern District of Ohio, defendant **LARONTAY G. BENNETT, a/k/a "Tay,"** did knowingly exhibit a pit bull dog in an animal fighting venture at which a participating animal had previously moved in interstate commerce.

In violation of Title 7, United States Code, Section 2156(a).

COUNT 19
(Exhibiting an Animal in a Fighting Venture)

On or about October 28, 2006, in the Southern District of Ohio, defendant **LARONTAY G. BENNETT, a/k/a "Tay,"** did knowingly exhibit a pit bull dog in an animal fighting venture at which a participating animal had previously moved in interstate commerce.

In violation of Title 7, United States Code, Section 2156(a).

COUNT 20
(Promoting an Animal in a Fighting Venture)

On or about October 28, 2006, in the Southern District of Ohio, defendant **LARONTAY G. BENNETT, a/k/a "Tay,"** did knowingly use an interstate instrumentality for the purposes of promoting and furthering an animal fighting venture.

In violation of Title 7, United States Code, Section 2156(c).

COUNT 21
(Promoting an Animal in a Fighting Venture)

On or about October 28, 2006, in the Southern District of Ohio, defendant **TERRY KENDRICK, a/k/a "OG,"** did knowingly use an interstate instrumentality for the purposes of promoting and furthering an animal fighting venture.

In violation of Title 7, United States Code Section, 2156(c).

COUNT 22

RESERVED.

COUNT 23

(Promoting an Animal in a Fighting Venture)

On or about March 24, 2007, in the Southern District of Ohio, defendant, **TERRY KENDRICK a/k/a "OG,"** did knowingly use an interstate instrumentality for the purposes of promoting and furthering an animal fighting venture.

In violation of Title 7, United States Code, Section 2156(c).

COUNT 24

(Felon in Possession of a Firearm)

On or about February 24, 2006, in the Southern District of Ohio, **JERRY POUNDS a/k/a "J.P.,"** defendant herein, being a person who had been convicted of a crime punishable by imprisonment for a term exceeding one year, that is, on or about June 25, 1992, **JERRY POUNDS a/k/a "J.P.,"** defendant herein who was convicted in the Court of Common Pleas of Montgomery County, Ohio, in Case Number 92-CR-283, of Burglary, did knowingly possess, in commerce and affecting commerce, a firearm, to wit: one (1) Winchester Model 1400, 20 Gauge Shotgun bearing Serial Number 653275.

In violation of Title 18, United States Code, Sections 922(g)(1) and 924(a)(2).

COUNT 25
(Felon in Possession of a Firearm)

On or about March 16, 2006, in the Southern District of Ohio, **JERRY POUNDS a/k/a "J.P.,"** defendant herein, being a person who had been convicted of a crime punishable by imprisonment for a term exceeding one year, that is, on or about June 25, 1992, **JERRY POUNDS a/k/a "J.P.,"** defendant herein who was convicted in the Court of Common Pleas of Montgomery County, Ohio, in Case Number 92-CR-283, of Burglary, did knowingly possess, in commerce and affecting commerce, a firearm, to wit: one (1) fully automatic rifle appearing to be similar to that of an AK-47 assault rifle.

In violation of Title 18, United States Code, Sections 922(g)(1) and 924(a)(2).

COUNT 26
(Felon in Possession of Ammunition)

On or about April 26, 2006, in the Southern District of Ohio, **JERRY POUNDS a/k/a "J.P.,"** defendant herein, being a person who had been convicted of a crime punishable by imprisonment for a term exceeding one year, that is, on or about June 25, 1992, **JERRY POUNDS a/k/a "J.P.,"** defendant herein who was convicted in the Court of Common Pleas of Montgomery County, Ohio, in Case Number 92-CR-283, of Burglary, did knowingly possess, in commerce and affecting commerce, ammunition, to wit: Wolf 9 mm Lugar ammunition.

In violation of Title 18, United States Code, Sections 922(g)(1) and 924(a)(2).

COUNT 27

(Possession of a Firearm in Furtherance of a Drug Trafficking Crime)

On or about May 7, 2006, in the Southern District of Ohio, **CORNELIUS BURNETT a/k/a "Cory,"** defendant herein, in furtherance of a drug trafficking crime for which he may be prosecuted in a court of the United States, did knowingly, willfully, and unlawfully possess a firearm, to wit: one (1) black Makorov, 9 mm pistol bearing Serial Number BMK00470.

In violation of Title 18, United States Code, Section 924(c)(1)(A).

COUNT 28

(Felon in Possession of a Firearm)

On or about July 25, 2006, in the Southern District of Ohio, **CORNELIUS BURNETT a/k/a "Cory,"** defendant herein, being a person who had been convicted of a crime punishable by imprisonment for a term exceeding one year, that is, on or about April 9, 2001, **CORNELIUS BURNETT a/k/a "Cory,"** defendant herein who was convicted in the Court of Common Pleas of Montgomery County, Ohio, in Case Number 2000 CR 03280 of Carrying Concealed Weapon (loaded/ammunition ready at hand), did knowingly possess, in commerce and affecting commerce, a firearm, to wit: one (1) Smith and Wesson, Model 39, 9 mm pistol bearing Serial Number 35175.

In violation of Title 18, United States Code, Sections 922(g)(1) and 924(a)(2).

COUNT 29

(Felon in Possession of a Firearm)

On or about July 25, 2006, in the Southern District of Ohio, **LARONTAY G. BENNETT a/k/a "Tay,"** defendant herein, being a person who had been convicted of a crime punishable by imprisonment for a term exceeding one year, that is, on or about December 8, 2005, **LARONTAY G. BENNETT a/k/a "Tay,"** defendant herein who was convicted in the Court of Common Pleas of Montgomery County, Ohio, in Case Number 2005 CR 02016, of Trafficking in Cocaine, and Possession of Cocaine, did knowingly possess, in commerce and affecting commerce, a firearm, to

wit: one (1) Smith and Wesson, Model 39, 9 mm pistol bearing Serial Number 35175.

In violation of Title 18, United States Code, Sections 922(g)(1) and 924(a)(2).

COUNT 30

(Felon in Possession of a Firearm)

On or about March 5, 2007, in the Southern District of Ohio, **PAUL D. PENNINGTON a/k/a "Pig,"** defendant herein, being a person who had been convicted of a crime punishable by imprisonment for a term exceeding one year, that is, on or about June 3, 1974, **PAUL D. PENNINGTON a/k/a "Pig,"** defendant herein who was convicted in the Court of Common Pleas of Montgomery County, Ohio, in Case Number 74-CR-275, of Breaking and Entering (Night Season), did knowingly possess, in commerce and affecting commerce, a firearm, to wit: one (1) Kimel Model E15, .22 caliber pistol, Serial Number E65438.

In violation of Title 18, United States Code, Sections 922(g)(1) and 924(a)(2).

COUNT 31

(Felon in Possession of a Firearm)

On or about March 19, 2007, in the Southern District of Ohio, **PAUL D. PENNINGTON a/k/a "Pig,"** defendant herein, being a person who had been convicted of a crime punishable by imprisonment for a term exceeding one year, that is, on or about June 3, 1974, **PAUL D. PENNINGTON a/k/a "Pig,"** defendant herein who was convicted in the Court of Common Pleas of Montgomery County, Ohio, Case Number 74-CR-275, of Breaking and Entering (Night Season), did knowingly possess, in commerce and affecting commerce, a firearm, to wit: one (1) Heritage Rough Rider, .22 caliber long rifle, Serial Number B71733, and a Remington, .44 caliber rifle, with no serial number shown.

In violation of Title 18, United States Code, Sections 922(g)(1) and 924(a)(2).

COUNT 32
(Felon in Possession of a Firearm)

On or about March 24, 2007, in the Southern District of Ohio, **TERRY KENDRICK a/k/a "O.G.,"** defendant herein, being a person who had been convicted of a crime punishable by imprisonment for a term exceeding one year, that is, on or about October 14, 1994, **TERRY KENDRICK a/k/a "O.G.,"** defendant herein who was convicted in the Court of Common Pleas of Hamilton County, Ohio, in Case Number B 946070, of Trafficking in Marihuana, did knowingly possess, in commerce and affecting commerce, a firearm, to wit: one (1) Taurus .44 pistol, Model Number 2445129, Serial Number RF656423.

In violation of Title 18, United States Code, Sections 922(g)(1) and 924(a)(2).

COUNT 33
(Felon in Possession of an Explosive Device)

On or about March 29, 2006, in the Southern District of Ohio, **JERRY POUNDS,** defendant herein, being a person who had been convicted of a crime punishable by imprisonment for a term exceeding one year, that is, on or about on or about June 25, 1992, **JERRY POUNDS a/k/a "J.P.,"** defendant herein who was convicted in the Court of Common Pleas of Montgomery County, Ohio, in Case Number 92-CR-283, of Burglary, did knowingly possess, in commerce and affecting commerce, an explosive device, to wit: a blasting cap.

In violation of Title 18, United States Code, Section 842(i)(1).

COUNT 34

(Possession of a Firearm With an Obliterated Manufacturer's Serial Number)

On or about April 19, 2006, in the Southern District of Ohio, **CORNELIUS BURNETT** a/k/a "Cory," defendant herein, knowingly received in interstate commerce, a firearm to wit: one (1) Llama, Model Mini Max .45 caliber semi automatic handgun on which the manufacturer's serial number had been obliterated.

In violation of Title 18, United States Code, Sections 922(k) and 924(a)(1)(B).

COUNT 35

(Unauthorized Possession of Federal Food Stamp Access Devices)

On or about February 24, 2006, in the Southern District of Ohio, defendant **JERRY POUNDS**, did knowingly acquire and possess a United States Department of Agriculture electronic benefit transfer food stamp benefits access device as defined by Title 7, United States Code, Section 2012 (t), having a value of more than \$100, in a manner not authorized by Title 7, United States Code, Chapter 51 and the regulations issued pursuant thereto (Title 7, Code of Federal Regulations, Sections 271-285), in that he knowingly and unlawfully purchased one (1) electronic benefit transfer food stamp benefits access device having face value of approximately \$560 in return for \$280 in United States currency.

In violation of Title 7, United States Code, Section 2024(b).

COUNT 36
(Unauthorized Possession of Federal Food Stamp Access Devices)

On or about March 4, 2006, in the Southern District of Ohio, defendant **MALVIN COBLER a/k/a "Butch,"** did knowingly acquire and possess a United States Department of Agriculture electronic benefit transfer food stamp benefits access device as defined by Title 7, United States Code, Section 2012 (t), having a value of more than \$100, in a manner not authorized by Title 7, United States Code, Chapter 51 and the regulations issued pursuant thereto (Title 7, Code of Federal Regulations, Sections 271-285), in that he knowingly and unlawfully purchased one (1) electronic benefit transfer food stamp benefits access device having face value of approximately \$541 in return for approximately 7.17 grams of powdered cocaine, a Schedule II controlled substance and \$70 in United States currency.

In violation of Title 7, United States Code, Section 2024(b).

COUNT 37
(Unauthorized Possession of Federal Food Stamp Access Devices)

Between on or about August 29, 2006 and August 31, 2006, in the Southern District of Ohio, defendant **MALVIN COBLER a/k/a "Butch,"** did knowingly acquire and possess a United States Department of Agriculture electronic benefit transfer food stamp benefits access device as defined by Title 7, United States Code, Section 2012 (t), having a value of more than \$100, in a manner not authorized by Title 7, United States Code, Chapter 51 and the regulations issued pursuant thereto (Title 7, Code of Federal Regulations, Sections 271-285), in that he knowingly and unlawfully purchased one (1) electronic benefit transfer food stamp benefits access device having face value of approximately \$540 in return for approximately 3.47 grams of powdered cocaine, a Schedule II controlled substance and \$150 in United States currency.

In violation of Title 7, United States Code, Section 2024(b).

COUNT 38
(Unauthorized Possession of Federal Food Stamp Access Devices)

On or about September 28, 2006, in the Southern District of Ohio, and elsewhere, defendant **PAUL D. PENNINGTON a/k/a "Pig,"** did knowingly acquire and possess a United States Department of Agriculture electronic benefit transfer food stamp benefits access device as defined by Title 7, United States Code, Section 2012 (t), having a value of more than \$100, in a manner not authorized by Title 7, United States Code, Chapter 51 and the regulations issued pursuant thereto (Title 7, Code of Federal Regulations, Sections 271-285), in that he knowingly and unlawfully purchased one (1) electronic benefit transfer food stamp benefits access device having face value of approximately \$560 in return for a stolen 1967 Ford Mustang automobile in United States currency.

In violation of Title 7, United States Code, Section 2024(b).

COUNT 39
(Unauthorized Possession of Federal Food Stamp Access Devices)

On or about October 16, 2006, in the Southern District of Ohio, defendant **PAUL D. PENNINGTON a/k/a "Pig,"** did knowingly acquire and possess a United States Department of Agriculture electronic benefit transfer food stamp benefits access device as defined by Title 7, United States Code, Section 2012 (t), having a value of more than \$100, in a manner not authorized by Title 7, United States Code, Chapter 51 and the regulations issued pursuant thereto (Title 7, Code of Federal Regulations, Sections 271-285), in that he knowingly and unlawfully purchased one (1) electronic benefit transfer food stamp benefits access device having face value of approximately \$520 in return for a stolen 1990 Chevrolet pick-up truck.

In violation of Title 7, United States Code, Section 2024(b).

COUNT 40

(Unauthorized Possession of Federal Food Stamp Access Devices)

On or about October 28, 2006, in the Southern District of Ohio, defendant **PAUL D. PENNINGTON a/k/a "Pig,"** did knowingly acquire and possess a United States Department of Agriculture electronic benefit transfer food stamp benefits access device as defined by Title 7, United States Code, Section 2012 (t), having a value of more than \$100, in a manner not authorized by Title 7, United States Code, Chapter 51 and the regulations issued pursuant thereto (Title 7, Code of Federal Regulations, Sections 271-285), in that he knowingly and unlawfully purchased one (1) electronic benefit transfer food stamp benefits access device having face value of approximately \$500 in return for \$250 in United States currency.

In violation of Title 7, United States Code, Section 2024(b).

COUNT 41

(Unauthorized Possession of Federal Food Stamp Access Devices)

On or about November 1, 2006, in the Southern District of Ohio, defendant **MALVIN COBLER a/k/a "Butch,"** did knowingly acquire and possess a United States Department of Agriculture electronic benefit transfer food stamp benefits access device as defined by Title 7, United States Code, Section 2012 (t), having a value of more than \$100, in a manner not authorized by Title 7, United States Code, Chapter 51 and the regulations issued pursuant thereto (Title 7, Code of Federal Regulations, Sections 271-285), in that he knowingly and unlawfully purchased one (1) electronic benefit transfer food stamp benefits access device having face value of approximately \$560 in return for \$230 in United States currency.

In violation of Title 7, United States Code, Section 2024(b).

COUNT 42
(Unauthorized Possession of Federal Food Stamp Access Devices)

On or about November 17, 2006, in the Southern District of Ohio, defendant **PAUL D. PENNINGTON a/k/a "Pig,"** did knowingly acquire and possess a United States Department of Agriculture electronic benefit transfer food stamp benefits access device as defined by Title 7, United States Code, Section 2012 (t), having a value of more than \$100, in a manner not authorized by Title 7, United States Code, Chapter 51 and the regulations issued pursuant thereto (Title 7, Code of Federal Regulations, Sections 271-285), in that he knowingly and unlawfully purchased one (1) electronic benefit transfer food stamp benefits access device having face value of approximately \$520 in return for a stolen 1974 Chevrolet Corvette.

In violation of Title 7, United States Code, Section 2024(b).

COUNT 43
(Unauthorized Possession of Federal Food Stamp Access Devices)

Between on or about January 9, 2007 and January 10, 2007, in the Southern District of Ohio, defendant **PAUL D. PENNINGTON a/k/a "Pig,"** did knowingly acquire and possess a United States Department of Agriculture electronic benefit transfer food stamp benefits access device as defined by Title 7, United States Code, Section 2012 (t), having a value of more than \$100, in a manner not authorized by Title 7, United States Code, Chapter 51 and the regulations issued pursuant thereto (Title 7, Code of Federal Regulations, Sections 271-285), in that he knowingly and unlawfully purchased one (1) electronic benefit transfer food stamp benefits access device having face value of approximately \$505 in return for a stolen dump truck bed.

In violation of Title 7, United States Code, Section 2024(b).

COUNT 44
(Unauthorized Possession of Federal Food Stamp Access Devices)

Between on or about January 17, 2007 and February 8, 2007, in the Southern District of Ohio, defendant **MALVIN COBLER a/k/a "Butch,"** did knowingly acquire and possess a United States Department of Agriculture electronic benefit transfer food stamp benefits access device as defined by Title 7, United States Code, Section 2012 (t), having a value of more than \$100, in a manner not authorized by Title 7, United States Code, Chapter 51 and the regulations issued pursuant thereto (Title 7, Code of Federal Regulations, Sections 271-285), in that he knowingly and unlawfully purchased one (1) electronic benefit transfer food stamp benefits access device having face value of approximately \$520 in return for approximately .25 ounces of powdered cocaine, a Schedule II controlled substance.

In violation of Title 7, United States Code, Section 2024(b).

COUNT 45
(Illegal Gambling Business)

From on or about January 30, 2006, and continuously thereafter up to and including March 24, 2007, in the Southern District of Ohio, the defendants **CORNELIUS BURNETT a/k/a "Cory," LARONTAY G. BENNETT a/k/a "Tay," TERRY KENDRICK a/k/a "O.G.," JON E. POLLARD, DOUGLAS M. BLACKWELL,** together with other persons, both known and unknown to the Grand Jury, unlawfully, willfully and knowingly did conduct, finance, manage, supervise, direct and own all or part of an illegal gambling business, said illegal gambling business involving bookmaking and facilitating bookmaking on animal fighting ventures in violation of Ohio Revised Code, Section 2915.02(A)(1), in which said business was conducted; which illegal gambling business involved, during the period aforesaid, five or more persons who conducted, financed,

managed, supervised, directed and owned all or part thereof; and which gambling business remained in substantially continuous operation in excess of thirty days, or had a gross revenue of \$2,000.00 in any single day.

In violation of Title 18, United States Code, Section 1955.

COUNT 46
(Trafficking in Counterfeit Labels)

On or about January 23, 2007, in the Southern District of Ohio, the defendant **TERRY KENDRICK a/k/a "O.G.,"** did knowingly and willfully traffic in counterfeit labels affixed to and designed to be affixed to motion pictures or other audiovisual works copyrighted by the American Motion Picture Association, to include: "Dream Girls," "We Are Marshall," "Freedom Writers" and "Rocky Balboa."

In violation of Title 18, United States Code, Sections 2318(a) and (c)(3).

Notice of Forfeiture

That all counterfeit labels and all articles to which counterfeit labels have been affixed or which were intended to have had such labels affixed are subject to forfeiture, pursuant to Title 18, United States Code, Section 2318(d).

COUNT 47
(Trafficking in Counterfeit Labels)

On or about February 21, 2007, in the Southern District of Ohio, the defendant **TERRY KENDRICK a/k/a "O.G.,"** did knowingly and willfully traffic in counterfeit labels affixed to and designed to be affixed to motion pictures or other audiovisual works copyrighted by the American Motion Picture Association, to include: "Eragon," "Night at the Museum," "Welcome to the Slammer," "Detroit G Code," "Stomp the Yard," "Knockouts," "Solitaire," "Snoop Dogg's Hood

of Horror," "Uncle Tom Forgotten," "Death Before Dishonor," "Felony Fights," "Ghost Rider," "The Hitcher," "Al Pacino in 88 Minutes," "Beverly Hood," "We Are Marshall," "Rocky Balboa," "naked Weapon," "Bar-B-Q," "Snuffed Out," "Van Wilder the Rise of Taj," "A Scanner Darkly," "The Illusionist," "Hanibal Rising," "Freedom Writers," "Cocaine Cowboys," "quick Sand," "Clawed," "The Return," "Endz," "The Pursuit of Happyness," "Norbit," "Smokin Aces," "Home of the Brave," "The Messengers," "Hood Angels," "Alpha Dogs," "Dejavu," "Scenes of the Crime," "Dream Girls, and ""Daddy's Little Girls."

In violation of Title 18, United States Code, Sections 2318(a) and (c)(3).

Notice of Forfeiture

That all counterfeit labels and all articles to which counterfeit labels have been affixed or which were intended to have had such labels affixed are subject to forfeiture, pursuant to Title 18, United States Code, Section 2318(d).

FORFEITURE ALLEGATION

1. The allegations contained in Count 45 of this Indictment are hereby realleged and incorporated by reference for the purpose of alleging forfeitures pursuant to the provisions of Title 18, United States Code, Sections 981(a)(1)(C) and 1955(d) and Title 28, United States Code, Section 2461(c).
2. From their engagement in the violations alleged in Count 45, of this Indictment, punishable by imprisonment for more than one year, the defendants **CORNELIUS BURNETT a/k/a "Cory," LARONTAY G. BENNETT a/k/a "Tay," TERRY KENDRICK a/k/a "O.G.," JON E. POLLARD,** and **DOUGLAS M. BLACKWELL,** shall forfeit to the United States of

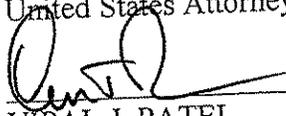
America, pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c), all of their right, title, and interest in any property, real or personal, which constitutes or is derived from proceeds traceable to the said violation(s) and pursuant to Title 18, United States Code, Section 1955(d) and Title 28, United States Code, Section 2461(c) any property, including money, used in violation of the provisions of this section.

3. If any of the subject forfeitable property:
- a. cannot be located upon the exercise of due diligence;
 - b. has been transferred or sold to, or deposited with, a third party;
 - c. has been placed beyond the jurisdiction of the court;
 - d. has been substantially diminished in value; or
 - e. has been commingled with other property which cannot be divided without difficulty,

the United States of America shall be entitled to forfeiture of substitute property under the provisions of Title 21, United States Code, Section 853(p), as incorporated by Title 28, United States Code, Section 2461(c).

A T R U E B I L L
15/
F O R E M A N

GREGORY G. LOCKHART
United States Attorney


VIPAL J. PATEL
Deputy Chief, Criminal Division