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CHEROKEE COUNTY DEER BREEDER SENTENCED FOR SMUGGLING DEER

Prominent breeder Agrees to Pay \$1.5 million for Smuggling Deer into East Texas

TYLER, Texas – After a lengthy 4 year investigation a 77-year-old Cherokee County, Texas licensed deer breeder was sentenced for illegally transporting wildlife in the Eastern District of Texas and then lying about it to a U.S. Fish and Wildlife agent announced U.S. Attorney John M. Bales today.

Billy Powell pleaded guilty on June 14, 2011, to the felony offense of smuggling at least 37 whitetail deer, over a 3 year time span, from Indiana, Illinois, and Ohio into Texas in violation of state and federal laws. Powell also admitted that he made a false statement and submitted a false document to a U.S. Fish and Wildlife special agent who was looking into the matter. Today, Powell agreed to pay a \$1,000,000.00 fine, to be deposited into the U.S. Fish and Wildlife Lacey Act Reward Fund, as well as \$500,000.00 in restitution to Texas Parks and Wildlife. Powell's agreement with the government calls for Powell to serve 3 years probation with six months of home confinement which will be monitored with an electric anklet. During the term of probation, Powell is prohibited from participating in any manner in commercial deer breeding. Additionally, Powell must forfeit any illegally imported deer, any progeny of those deer, and any biological material derived from said deer, which would include any semen, antlers, mounts, and cloned deer. Powell has already forfeited over 1,300 straws of frozen semen valued at approximately \$961,500.00 to U.S. Fish and Wildlife.

According to information presented in court, on at least four separate occasions, spanning from October 2006 through June 2008, Powell knowingly imported at least thirty seven (37) live whitetail deer, many of whom came from captive deer farm in Ligonier, Indiana, into the state of Texas and to his "5-P Farms", high fenced deer breeding facility in Cherokee County Texas. These deer included bucks known as "Fat Boy" aka "Barry", "Silver Storm" aka "Hit Man", "Y 009", "Eagle Storm" aka "BJ", "Thunderstruck", "High Five", and "Primer" aka "Spikes". At all times Powell knew that Texas law prohibited any person from "possess[ing] a deer acquired from an out-of-state source" In spite of this Powell agreed to participate in the above-described transactions in which whitetail deer would be secretly transported from Illinois, Indiana, and/or Pennsylvania, to Texas in order to evade Texas laws and regulations.

Powell acknowledged that the fair market value of all of the illegally imported, whitetail deer, exceeded approximately \$800,000.00, that the value of the illegally accumulated white-

tailed deer semen exceeded approximately \$961,000.00, and that the value of the progeny exceeded approximately \$290,000.00.

Powell further admitted that he lied to a U.S. Fish and Wildlife Special Agent during a voluntary statement at the United States Attorney's Office in Tyler, Texas. Powell told the agent that he had illegally imported approximately thirty-five (35) white-tailed deer into the state of Texas when in truth, Powell knew that he had illegally imported no less than forty-one (41) white-tailed deer, including six (6) white-tail deer fawns. During the same statement, Powell also submitted lists identifying 35 white-tailed, deer as the total number of white-tailed deer that he had illegally imported into the state of Texas when he knew that he had actually illegally imported no less than forty-one (41) white-tailed, including six (6) white-tail deer fawns.

Findings of the investigation also prompted the Wildlife Division of Texas Parks and Wildlife Department to conduct an epidemiological investigation in consultation with veterinarians and wildlife disease experts from Texas Animal Health Commission, Texas Department of State Health Services, and Texas A&M College of Veterinary Medicine and accredited veterinarians actively involved in the deer breeding industry. This process was carried out in three separate phases. Ultimately all 334 deer contained in Powell's deer breeding facility were euthanized to facilitate testing for chronic wasting disease (CWD) and bovine tuberculosis (TB). This process was necessary in order to provide an acceptable level of assurance that neither disease was prevalent in Powell's deer breeding facility nor in any deer breeding facility that had received deer from Powell's facility since October 2004.

Texas Parks and Wildlife Department has had an intensive CWD surveillance program since 2002, and this disease has yet to be detected in Texas. Likewise, bovine tuberculosis has not been detected in any Texas deer population. However, illegal entry of white-tailed deer from other states poses a serious risk of introducing these diseases and others into Texas. Introduction of these diseases into Texas could have a detrimental impact on the longtime cultural tradition of deer hunting, which generates an estimated \$1.2 billion in retail sales and has a total economic output of more than \$2 billion in Texas each year. Disease monitoring is also necessary to protect legal deer breeding activity from risk of disease exposure. Furthermore, bovine tuberculosis could have a significant impact on the Texas livestock industry. Prevention is the most effective tool to combat diseases because once established in wild populations, these diseases are extremely difficult, if not impossible to eradicate.

Since no live-animal test for CWD exists, TPWD consulted with trained experts to ensure the most humane euthanasia method and treatment of the animals was used. Texas Parks and Wildlife officials are presently awaiting the test results for the tissue samples submitted to the Texas Veterinarian Medical Diagnostic Laboratory located in College Station, TX

This case was investigated by the Special Operations Unit of the Texas Parks and Wildlife and U.S. Fish and Wildlife Service and prosecuted by Assistant U.S. Attorney Jim Noble.

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