



# Department of Justice

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## **Cherokee County Man Sentenced for Negligent Transport of Wildlife in East Texas**

TYLER, Texas – A 32-year-old Cherokee County, Texas man has been sentenced for federal wildlife violations in the Eastern District of Texas, announced U.S. Attorney John M. Bales today.

Blake Powell pleaded guilty on Dec. 12, 2011, to a three-count Information charging him with negligent transportation of wildlife and was sentenced to two years probation today by U.S. Magistrate Judge Judith K. Guthrie. Powell was also ordered to pay a fine of \$243,000 to the U.S. Fish and Wildlife Lacey Act Reward Account and \$157,000 in community restitution to the Texas Parks and Wildlife Foundation. Additionally, Powell will be prohibited from participating in the deer breeding business during the term of his probation.

According to information presented in court, Powell owned and operated Rockin' P White Tails, a high-fence deer breeding facility in Cherokee County, Texas. On three separate occasions, Powell transported and possessed illegally imported live whitetail deer valued at over \$350.00. On Feb. 17, 2007, Powell sold a live whitetail deer, known as Diablo, valued at over \$350.00 that was acquired from an out-of-state source, which is prohibited by Texas law. On Mar. 4, 2007, Powell sold 10 live whitetail deer, valued at over \$350.00, and on Nov. 22, 2007, Powell acquired through interstate commerce from an out-of-state source, a live whitetail deer, known as Thunderstruck, valued at over \$350.00. The fair market value of the illegally imported whitetail deer, including relevant conduct, exceeded approximately \$208,500.00. Additionally, through the unlawful importation of whitetail deer, Powell accumulated whitetail deer semen valued at approximately \$85,000.00 and progeny valued at approximately \$172,500.00. Powell was required to forfeit the illegally derived deer semen to the U.S. Fish and Wildlife Service.

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 two separate phases. Ultimately all 66 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 neither in Powell's deer breeding facility nor in any deer breeding facility that had received deer from Powell's facility since February 2007.

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. The Texas Veterinarian Medical Diagnostic Laboratory located in College Station, TX reported “not detected” test results for all tissue samples submitted.

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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