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**IN THE UNITED STATES DISTRICT COURT
FOR THE STATE OF ALASKA**

UNITED STATES OF AMERICA)
)
 Plaintiff,)
)
 vs.) Case No.: 3:23-cr-00089-MMS
)
 CHRISTOPHER BRUMWELL,) **DEFENDANT’S SENTENCING**
) **MEMORANDUM**
 Defendant.)
)

DEFENDANT’S SENTENCING MEMORANDUM

I. INTRODUCTION

Defendant Christopher Brumwell (“Mr. Brumwell”) stands before this Court accepting responsibility for his actions and seeking to move forward with his life from this unfortunate set of circumstances and events. This matter, which started as a great adventure, has turned into a literal nightmare for Mr. Brumwell. He acknowledges he should have known better, and he acknowledges he should have acted differently. But at the time, he and his brother-in-law, Mr. McDonald, were engulfed with “buck fever” that otherwise clouded their senses.

Mr. Brumwell has honorably served his country for the past twenty years. He understandably does not want to endanger all he has worked toward at this point in his military career. In an effort to accomplish this goal, Mr. Brumwell has reached a Criminal Rule 11 Agreement with the United States (“Government”). He has agreed to plead guilty to Count 1 of the Information charging Unlawful Transport of Illegally Taken Wildlife (“Lacey Act”) as a misdemeanor in violation of 16 U.S.C. §§ 3372(a)(1)(d)(2). Mr. Brumwell is a young man with no history of criminal conduct. There is no Pre-Sentence Report. Per the Plea Agreement, Mr. Brumwell has agreed to probationary sentence up to 4 years with significant special conditions. The Court is free to reject or accept the negotiated plea agreement between the parties. If the Court rejects the negotiated plea agreement, Mr. Brumwell is free to withdraw his plea pursuant to Criminal Rule 11(c)(1)(C). For the reasons set forth below, Mr. Brumwell requests the Court accept the terms of the Plea Agreement and sentence him accordingly.

II. DEFENDANT BRUMWELL’S BACKGROUND

A. Family Background.

Mr. Brumwell was born on November 2, 1981, and grew up in Columbia Falls Montana, where he went to high school and graduated in 2000. His mother and father still live in Columbia Falls. He has two younger sisters; one who lives in Colorado and the other who lives in Montana. Mr. Brumwell has maintained a good and healthy relationship

with all parents, siblings, and their husbands. After high school, he attended ITT Technical Institute in Spokane, Washington for electrical engineering¹.

He met his wife Katie in Germany in 2010 where she was stationed in the Air Force. They were married in 2012. His wife left the Air Force in 2011 after approximately 8 years of service. Their first child, Delany, was born in 2015 and is now 8 years old. Their second daughter, Carly, is now six years old. Finally, their son Brandon was born in 2020. He is four years old now.

B. Military Background.

In May 2003, Mr. Brumwell enlisted in the Army in May of 2003 at the age of 21. He enlisted in Spokane, Washington and did his basic combat training at Ft. Benning, Georgia. Thereafter he has been assigned to the following locations for training and or work in matters primarily involving communications for the military:

- Ft Gordon Georgia (2003-4²)
- California (2004-9)
- Germany (2009-12)
- Colorado (2012-2015)—while stationed here, Mr. Brumwell was deployed overseas on a number of missions and locations
- New York (2015-16)

¹ The school was closed permanently in 2016.

² The following dates are approximations.

- Ft. Rucker for warrant officer school training to become a leader and technical expert to provide skills, guidance and expertise to commanders and organizations in his field of satellite and network communications
- Ft Gordon, Georgia (2016) again for specialized training in network management;
- Ft. Riley (2017-2020) deployed overseas at numerous locations;
- JBER (2020-present) been here ever since.

Since nearly the beginning of his active duty, Mr. Brumwell has been involved in communications and the satellite environment. He has maintained a “TOP SECRET” clearance the entire time. As a consequence of the charges in this case, his clearance designation was required to be reassessed. Attached to this Sentencing Memorandum and labeled Exhibit A are letters from people who know Mr. Brumwell well and vouched for his clearance being maintained as is. *See Exhibit A.*

Mr. Brumwell will be eligible to submit his application to retire next month and he and his family’s plan is to take advantage of this opportunity and file for retirement to be effective March 1, 2026. Obviously, a military retirement for years of service in excess of twenty years under honorable circumstances includes a monthly salary, medical provisions, pension, access to on post facilities and veteran preference in employment. A felony conviction, in addition to precluding a defendant from possessing a firearm, would also result in a dishonorable discharge from the Army. A soldier who cannot carry a firearm cannot be a soldier. A dishonorable discharge can prevent a soldier from receiving their

veteran benefits, carries with them for their entire life, and can significantly impact ones employment opportunities moving forward.

C. Criminal History.

Mr. Brumwell has no criminal history, nor any history of violating hunting or fishing statutes or regulations.

D. Hunting and Fishing Background.

Mr. Brumwell grew up hunting and fishing with his family in Montana. He and his father actively hunted mostly for white tail deer for meat. He also attended hunter education and bow hunting education classes sponsored by the Montana Fish and Game while growing up. He began his hunting experience with gophers and graduated to bigger game including deer and elk. When he had the occasion to hunt over the last twenty years, he has tried to take advantage of his opportunities, but this has primarily been limited to Montana, Colorado, Kansas and Alaska.

When Mr. Brumwell was told he would be stationed in Alaska, he was excited at the opportunity because of his love of the outdoors and his interest in hunting. That year, he met a friend who he hunted with near Eklutna lake. Although he did not shoot the moose, he helped pack out the moose his friend shot.

III. THE HUNT IN QUESTION

This hunt occurred in the fall of 2021. Mr. Brumwell was excited for the 2021 hunting season because it was an opportunity for him to go on a moose hunt with his brother-in law, Mr. McDonald. Mr. McDonald had no prior experience hunting moose.

Mr. Brumwell had one prior experience hunting moose. But of course, that was part of the adventure for both. Initially, they tried hunting in the same unit where Mr. Brumwell had hunted the year before. Unfortunately, they saw more bears than legal moose and determined it was not safe, nor likely to be productive, if they remained in the area.

Mr. Brumwell had a 4x4 and a camper. He then decided to take Mr. McDonald, his wife, his kids, and his wife's parents up to Otto Lake road campground where they would make a family event of the hunt. The idea was that Mr. Brumwell and Mr. McDonald would go out moose hunting from there on four-wheelers and the remaining folks would do camping activities in the area. This occurred on September 20, 2021.

On the evening of September 20, 2021, Mr. Brumwell and Mr. McDonald operated their four wheelers in the Dry Creek area. At some point in the evening, they spotted what they believed to be a legal bull moose in the area with a number of cow moose. They left their four wheelers and travelled on foot to where they looked at the moose more closely to ensure it met state requirements.

Mr. Brumwell knew that they could not kill a bull moose in the park. He also knew if a moose was to be killed, it had to be on state land and have antlers at least 50" wide or have three brow tines on one antler. The two men knew that they were close to the boundary area between state and federal land but did not actually know where they were at this time.³ Ultimately, Mr. McDonald shot at the moose several times and finally killed

³ The Government will argue as the Plea Agreement reflects that they had a Garmin gps and it showed where they were in relation to the park boundary. While a reasonable conclusion, it was getting dark and Mr. Brumwell's gps was placed in a setting so low that he was not able to see the boundary line on his gps. Clearly Mr. Brumwell and Mr. McDonald show have confirmed the position of the moose before making the decision to take the moose.

it. Mr. Brumwell did not fire his weapon. As noted in the Plea Agreement, investigation would ultimately revealed that this bull moose, while legal under state hunting regulations, was located 936 yards inside the Park boundary. Clearly Mr. Brumwell and Mr. McDonald should have known better.

Under Alaska law, the person who kills a big game animal is responsible for the salvaging of the big game animal⁴. But since neither person actually knew the moose was killed within the Park, they worked on salvaging and bagging all the meat that night. Each person carried the meat back to a place where they could come back with their four wheelers the next day and start packing back the meat. Mr. Brumwell and Mr. McDonald then returned to their camp site with every intention of returning in the morning and complying with their obligation to salvage and process the meat. No one confronted them. No one told them they had done anything wrong. In fact, they did not even know that there were other hunters in the area.

The next morning, Mr. Brumwell and his wife got in his 4x4 along with Mr. McDonald to return to the site and bring back the meat. Mr. Brumwell certainly would not have involved his wife if he thought he and Mr. McDonald had acted illegally the night before. They left their children at the camp ground with her parents. While travelling to the site, Mr. McDonald had to turn around because of mechanical problems and returned to the camp site.

⁴ See e.g. AS 16.30.010(a) ("It is a class A misdemeanor for a *person who kills a big game animal*...to fail to intentionally, knowingly, recklessly, or with criminal negligence to salvage for human consumption the edible meat of the animal or fowl.").

When they approached the place where the packs of meat were located, they were confronted by an unhappy hunter who informed them the moose had been killed in the Park and not on state land. At that point, Mr. Brumwell did not want to be involved with a person he did not know, who was making allegations he did not understand, and who had a rifle, interact with his wife. Therefore, he declined the offer to use the satellite phone and told him he would contact law enforcement when he returned to the camp.

When Mr. Brumwell and his wife returned to camp, he learned that Mr. McDonald had been contacted by law enforcement officials, that he had initially lied to them and then confessed to shooting the moose. Mr. Brumwell then called law enforcement as requested and sat waiting to be interviewed. At some point, Mr. Brumwell checked his GPS and learned that the site marked on it was inside the Park boundaries. Mr. Brumwell was contacted by NPS Rangers who told him he had to go back and pack out the remaining amounts of the meat. They also advised to wait until the morning because it was too late in the day.

The next morning, Mr. Brumwell, his wife and Mr. McDonald returned to the kill site. When they arrived there, the sacked meat had been buried and there was clear evidence of a bear feeding on the remains. Neither Mr. Brumwell nor Mr. McDonald had confronted bears under this type of situation, but they both knew it was potentially very dangerous. It is common in situations like this for brown bears to urinate on big game like this and then bury the meat for later retrieval. Mr. Brumwell did not feel safe with the situation, particularly with his wife there, and his children back in camp. The party made

a cursory review of the situation and backed away to avoid further confrontation. Mr. Brumwell agrees the rangers may have packed out 70 pounds of salvageable meat, but Mr. Brumwell disagrees that it was edible, which is the requirement under the law. Even so, the bear made more than 350 pounds of the moose meat unsalvable.

IV. INVESTIGATION LEADING UP TO THE PLEA AGREEMENT

Mr. Brumwell received notice from the U.S. Attorney's Office of the possibility of being charged via correspondence dated November 15, 2022. He immediately hired private counsel who has represented him for the past 14 months. In December 2022, the Government invited counsel and Mr. Brumwell to a meeting to demonstrate the Government's case against him and co-defendant McDonald. Because of the schedules of the various parties, a meeting was not scheduled until April 5, 2023. Neither Mr. Brumwell nor his counsel received any of the discovery prior to this meeting. After the presentation, Mr. Brumwell cooperated with the investigation by forwarding a video of the scene of the moose kill site when he, his wife, and Mr. McDonald returned to salvage the remaining meat from the hunt.

Mr. Brumwell did not receive an offer to resolve this matter until August 22, 2023, nearly two years after this unfortunate incident. Mr. Brumwell received the first draft of a Plea Agreement on September 13, 2023, with a deadline of September 29, 2023 to accept the offer. After negotiations, Mr. Brumwell signed the plea agreement. The Government did not make discovery available until January 10, 2024, pursuant to the Court's Order.

V. THE PLEA AGREEMENT

Mr. Brumwell entered a plea agreement in October of 2023. The factual basis for the plea to one count of violating the Lacey Act as a misdemeanor is found in the Plea Agreement itself. The pertinent part of the agreement are as follows:

- On October 13, 2023, Mr. Brumwell signed a plea agreement agreeing to plead guilty to one count of violating Unlawful Transport of Illegally Taken Wildlife (“Lacey Act”) as a misdemeanor.
- In the same plea agreement, Mr. Brumwell agreed to the following as part of his sentence to be recommended by both parties:
 - He agreed he would not be allowed to hunt anywhere in the world for a period of four years.
 - He agreed not seek a reduction in the probationary period.
 - He agreed to a fine of \$10,000 to be paid to the Lacey Act Fund as part of his sentence.
 - He agreed to abandon his interest in the moose meat or parts from the taken moose including the skull.
 - He agreed to abandon and forfeit his interest in the rifle and scope he carried at the time of the incident⁵.

⁵ Before the plea agreement was signed, Mr. Brumwell sold this rifle. In order to avoid an additional fine, he bought it back so it could be forfeited.

- He agreed to abandon and forfeit his interest in his Garmin GPS which was seized as part of the investigation.
- He agreed to give up his right to appeal his conviction and sentence the Court imposes at the upcoming sentencing hearing.
- The Government agreed to dismiss Counts 2 and 3 of the Information.
- The Government agreed to recommend a 4 year probationary sentence with the conditions outlined in the Plea Agreement.
- The Government agreed not to pursue any other charges against related out of this event.

VI. CHANGE OF PLEA/SENTENCING

On January 5, 2024, Mr. Brumwell pled guilty to one misdemeanor count of violating the Lacey Act. Several matters concerning the special terms of probation were taken up and resolved. At the conclusion of the proceedings, this Court let it be known he was not inclined to accept the terms of either Plea Agreement. The implication of the Court's comments was that the terms of the Plea Agreement were too lenient. The Court noted no present report was filed, nor had either of the Defendants filed Sentencing Memorandums. The Court gave the Defendants the option of withdrawing their pleas, or continuing the sentencing to allow the filling of sentencing memorandums to further explain the basis for the Plea Agreement and why its terms should be accepted.

VII. FEDERAL SENTENCING GUIDELINES

Mr. Brumwell entered a guilty plea to one count of Unlawful Transport of Illegally Taken Wildlife. Under the federal sentencing guidelines, his total offense level is a 4 with a Criminal History Level of I. This is calculated as follows:

1. One Lacey Act violation has a base offense level of 6 under §2Q2.1.(a).
2. Mr. Brumwell disagrees this base offense level should be increased based on application of §2Q2.1.(b)(3). Assignment of \$7,500 for the value an Alaska moose is an arbitrary figure not based on a statute or regulation, nor is it based on market value. Additionally, this is not the case of a guided or outfitted hunt where Courts have approved the market value of a big game animal based on the amount hunters are willing to pay⁶. The Guidelines provisions do not define “market value.” But an application note instructs: However, an application note instructs that:

When information is reasonably available, “market value” under subsection (b)(3)(A) shall be based on the fair-market retail price. Where the fair-market retail price is difficult to ascertain, the court may make a reasonable estimate using any reliable information, such as the reasonable replacement or *restitution cost* or the acquisition and preservation (e.g., taxidermy) cost.

⁶ See U.S. v. Atkinson, 966 F.2nd 1270 (Ninth Circuit 1992); *but see* also U.S. V. Hughes, 75 F.3d 800, 805 (8th Cir 2015) (“Clearly, then, the price of guide services is not the same thing as the market value of wildlife”); and U.S. v. Butler, 694 F.3d 1177 (Tenth Circuit 2012)(“price of the animal was the price of the animal itself, not the price of an expedition to hunt the animal”) criticizing the holding in Atkinson.

Market value, however, shall not be based on measurement of aesthetic loss (so called “contingent valuation” methods). (Emphasis added.)

United States v. Butler, 694 F.3d 1177, 1180–81 (10th Cir. 2012). Here Alaska law has a statute which defines the restitution value for a moose to be \$1,000. *See* AS 16.05.930(b)(8). Therefore, it is inappropriate to increase the base level offense beyond six points.

3. The Government has not alleged the existence of any statutory adjustments that would merit enhancing the base level offense beyond six points.

4. Mr. Brumwell should receive two points for acceptance of responsibility, reducing his level from six to four. This determination obviously cannot be made until his next hearing date. It is safe to say, however, that Mr. Brumwell will accept responsibility for his actions at the appropriate time.

5. Because Mr. Brumwell’s offense level will be four and he has no criminal history, he should be determined to be a Criminal History Category I defendant.

6. Mr. Brumwell should be categorized as Zone A defendant entitled to a probationary sentence. Absent a showing statutory enhancements, his sentence can involve a fine only, a sentence of probation (with or without conditions of community confinement or home detention) or a term of imprisonment not to exceed six months. He could be place on supervised release for up to one year and receive a fine from \$1,000 to

\$9,500⁷. Finally, the Court must impose a \$25 special assessment fee.

VIII. ANALYSIS: WHY THE COURT SHOULD ACCEPT THE PLEA AGREEMENT NEGOTIATED BY THE PARTIES.

1. **The Plea Agreement was the Result of a Negotiations between Willing and Motivated Parties.**

The Government investigated this moose kill case for many months before setting up a meeting with Mr. Brumwell and his counsel. It produced an electronic presentation that must have cost thousands of dollars or many hours of preparation. There were mentions of Obstruction of Justice as well as other crimes against both Defendants. In the end, the Government set the terms of Plea Agreement with minimal input from the Defendant. A misdemeanor probationary sentence was on the table from the beginning. It is hard to imagine the terms of this Plea Agreement were not at least discussed with Park Officials beforehand. The Government conducted an intensive and coordinated investigation as revealed by the discovery received and was ably represented by skilled and competent counsel.

As shown below, the terms of this Plea Agreement were in line with other similarly situated defendants, if not harsher. From the Government's perspective, this Plea Agreement is a huge driver in deterring other potential defendants. The publicity associated with losing one's privilege to hunt anywhere in the world for four years cannot be understated in Alaska. Additionally, large fines and forfeitures operate as significant deterrents. Additionally, the Plea Agreement avoided a large expense for a trial.

⁷ See §5E1.2(b). While guidelines

Mr. Brumwell, on the other hand, did not have any discovery when this Plea Agreement was negotiated but had significant incentive to resolve this as a misdemeanor, with the least impact on his family and his work. He is also not a man of unlimited means. He was always willing to accept responsibility for being a part of the taking of a moose on Park land. He had little to no bargaining power because he knew he was guilty of the underlying crime, and he did not want to spend the money he did not have fighting for different terms. These factors led him in part to accept the terms of the Plea Agreement. But he certainly was not on the same footing as the Government in dictating the terms of this Plea Agreement.

Ultimately, this Plea Agreement was the result of both parties getting what was necessary to appease their respective positions. The Court should take this into account when determining whether or not to accept the terms of the settlement.

2. The Negotiated Probationary Sentence is Consistent with 18 USC §3553 and the Federal Sentencing Guidelines.

Under 18 USC §3553, the Court must consider the following factors in deciding on an appropriate sentence: 1) the nature and circumstances of the offense and the history and characteristics of the defendant; 2) the need for the sentence imposed to reflect the seriousness of the offense, promote respect for the law and to provide just punishment for the offense, 3) to afford adequate deterrence to criminal conduct, 4) to protect the public from further crimes of the defendant, 5) to provide the defendant with needed educational or vocational training, medical care, or other correctional treatment in the most effective manner; 6) the kinds of sentences available; the kinds of sentences and ranges under the

Sentencing Guidelines; 7) the need to avoid unwarranted sentence disparities, and 8) the need to provide restitution. *See* 18 USC §3553.

Mr. Brumwell understands that from a hunting perspective, the nature of his conduct was serious. As a resident of Alaska, as an experienced hunter, as a person with moose hunting experience out with a person without moose hunting experience—all these factors make it clear that his failure to be more accountable to the situation was unacceptable. He also acknowledges the visual of his actions afterward were less than noble. Therefore, he realizes the sentencing terms of the Plea Agreement need to adequately reflect the seriousness of the offense. Being barred from hunting for the next four years is extremely punitive and adequately fulfills this consideration. He will not be able to engage in an activity has been involved with for the past 35 years of his life. He will not be able to take his children into the field to hunt for the next four years. He has agreed to a fine which exceeds the sentencing guidelines. He is agreeing to forfeit a rifle that was not even used during the hunt. Each of these components of the Pleas Agreement reflect the seriousness of this offense.

On the other hand, there is no indication in his background that he will not be an excellent candidate for rehabilitation or that there is a need to protect society from him in the future. Given his age, lack of criminal history, and working history, rehabilitation should be the major factor in whether the Court accepts the terms of the Plea Agreement. Enclosed are letters from his superiors reflecting his good work ethic written in support of his continuing security clearance. See Exhibit A.

Deterrence of others and reaffirmation of societal norms obviously must be addressed. But as noted above, forfeitures, a steep fine, and direct loss of hunting privileges all have significant deterrence effect on any potential defendants. There is no reason to burden Mr. Brumwell with a period of incarceration or home arrest. This will only negatively impact his work. A conviction of record, a probationary period, a manageable fine, and no hunting for the period of his probation all satisfy the sentencing criteria under for Mr. Brumwell. *See* 18 USC §3553.

3. Mr. Brumwell is Being Sentenced for Assisting in the Transportation of One Moose He Knew or Should have Known Was Taken Illegally.

Mr. Brumwell pled guilty to violating the Lacey Act. In essence, he is being sentenced for pleading guilty to transporting a moose he knew or should have known was taken illegally. This is not an assault case or a case involving drugs. That is not to diminish or otherwise lessen the severity of his actions—only to put it in perspective.

All Lacey Act violations are assessed at a base level offense of 6. In certain circumstances involving guides, at least in the 9th Circuit, this base level offense can be increased based on the value of a hunt. The sentencing guidelines could have assigned a base level of offense of 10, 12 or 16 for hunting violations inside of national parks thus requiring a period of minimal incarceration, but this is not the case. Most defendants who plead guilty in fish and game cases get two points for acceptance of responsibility. The people responsible for the guidelines surely anticipated this and knew that most violators of hunting and fish laws would be entitled to receive a base level offense within Zone A, entitling them to receive a probationary sentence. If this was not intended, they would have

assigned a higher base level offense to these types of crimes. This Plea Agreement anticipates and understands these principles and was crafted to comply with this in mind.

4. The Negotiated Plea Agreement Is Harsher Than Other Similarly Situated Individuals.

18 USC §3553 requires the court only impose a sentence sufficient, but not greater than necessary, to comply with the sentencing criteria. As exhibits to this Sentencing Memorandum, Mr. Brumwell is providing several federal and state criminal fish and game cases which show the type of sentences ordinarily negotiated in cases like this.

1. USA v. Deric Hart, et al 3:13 cr-00123-02 DMS (2013) In this case, Mr. Hart reached a plea agreement with the Government and pled guilty to one count of Lacey Act. As the attached Plea Agreement sets forth, Mr. Hart was part of a group of four hunters who hunted in an inholding within the Park. Ultimately, they killed two moose. As part of their hunting techniques, they used an electronic moose call (illegal) to lure bull moose within range. In both cases, the two moose were killed on Park land and drug back onto the private inholding land. Afterwards, the hunters paraded their two moose kills through the Park to the consternation of both tourists and park officials alike. See Exhibit B, pp 5-7. In this case, the court accepted the terms of the parties' Plea Agreement and imposed a two year probationary sentence (with no jail time or home confinement) upon Mr. Hart, precluded him from hunting in the US for one year, forfeiting the moose game parts, and ordering payment of a \$15,000 fine. The fine was jointly and severally owed by three other co-defendants. See Exhibit C.

2. USA v. Alan Bundy, 3:23-CR-00029-001-KFR (2023) In this case, Mr. Bundy reached a plea agreement with the Government and pled guilty to one count of a Lacey Act violation for transporting the parts of a Caribou in interstate commerce he knew or should have known were taken illegally. Mr. Bundy was investigated for hunts that occurred in 2015-2017 when he claimed residency status in Alaska. The Government alleged he was a resident of another state. During this period, Mr. Bundy and hunted and killed a moose (2016), several caribou (2015 and 2017) and a black bear (2016) over a period of several years. After considerable negotiation, the parties reached the Plea Agreement set out in Exhibit D. At his sentencing, he received an 18 month probationary sentence with no jail time or home confinement. He was precluded from hunting anywhere in the world for a period of 18 months. He received a fine of \$12,000 and was required to abandon a moose, mount, two caribou mounts, and a bear mount. See Exhibit E.

3. USA v. Roger Alexander, This defendant was accused of multiple violations of the Marine Mammal Act and the Lacey Act for his involvement in the taking of sea otters and turning the pelts into native crafts. He was an Alaska native who was found to have a number of sea otter skulls and pelts that were not properly registered and who made a number of trades of protected wildlife to non-Native individuals. He ultimately reached a plea agreement with the government. In return for him pleading guilty to three misdemeanor counts of violating the Marine Mammal Act, the Government agreed to recommend a period of home confinement for six months, one year probation, a fine of

\$10,000 and forfeiture of 144 sea otter pelts. See Exhibit F. The Court followed this Plea Agreement. See Exhibit G.

This case involved a large scale violation (144 sea otter pelts) conducted over a period of years for commercial profit. These are common factors in cases where the courts or the Government require a period of incarceration.

4. SOA v. Chad Rupe, 4NE-23-00057 Cr. (2023). Mr. Rupe was charged with three counts arising out of the taking of a moose in an area that required a specific permit he did not have, failure to salvage all the edible moose meat from the kill site, unlawful possession and transportation of the moose parts, possessing the moose antlers before removing all the edible meat and exceeding his bag limit for this area. See Exhibit H. Mr. Rupe was an out of state hunter with a resident who killed the moose in question area of Denali State Park. In a negotiated disposition with the SOA, the magistrate sentenced Mr. Rupe on the hunting bag limit count and the unlawful possession count to \$4,500 with \$3,000 suspended on each count (consecutive). He was also required to pay \$1,000 in restitution—the statutory amount. He was placed on informal probation with the conditions that he obey all local, state, and federal laws and forfeit the firearm involved. See Exhibit I.

5. SOA v. Nathanel Lea, 4DJ-21-00037 Cr. (2021). In this case, Mr. Lea (an out of state resident) and a hunting partner (also an out of state resident), traveled to Delta Junction to participate in a fly out moose hunting trip. Mr. Lea and his partner both ended up shooting bull moose approximately one mile away from camp at the beginning of a

blizzard snow storm. They claimed conditions prevented them from recovering more than one half of one moose . Mr. Lea was charged with Failure to Salvage all Edible Meat and Possessing the Antlers before all the Edible Meat was Removed. *See* Exhibit J. He ultimately was sentenced on the count one and received a sentence of 10 days incarceration with all ten days suspended, a fine of \$8,000 with \$5,000 suspended, \$3,000 to pay, forfeiture of moose parts and the rifle used in the offense, loss of hunting privileges for fifteen months and three years probation. *See* Exhibit K.

These cases stand for the proposition that the Plea Agreement negotiated between the parties is certainly within the zone of reasonableness. Although several of the facts of these cases are arguably much worse than the facts of Mr. Brumwell's case, none of these cases imposed active jail time. Additionally, none of these cases imposed close to the four year prohibition of worldwide hunting privileges that is being proposed for Mr. Brumwell.

IX. CONCLUSION

This Court should find that the terms negotiated between the parties and memorialized in the Plea Agreement meet the factors identified in the sentencing guidelines and accept its terms and conditions. Mr. Brumwell, therefore, asks the Court to sentence him in accordance with the terms of the Plea Agreement.

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DATED this 14th day of February, 2024, at Anchorage, Alaska.

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CERTIFICATE OF SERVICE

This is to certify that on this 14th day of February, 2024, a true and correct copy of the foregoing document was

- Mailed
- Hand-delivered
- Faxed
- Emailed

to the following:

Ainsley McNeerney, *Esq*
Assistant U.S. Attorney
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Staff at Law Office of Brent R. Cole, P.C.

November 8, 2023

Dear Sir/Madam,

I would like to take the opportunity to speak on behalf of CW2 Christopher Brumwell, who has been with the 59th Signal Battalion for the last 3+ years. I am currently Chief Brumwell's Battalion Commander and can attest that his personal character, integrity, reliability, and commitment are in keeping with the Army Values and his professional status as a Leader and Officer in our organization. Chris has always displayed excellent competency, and professionalism in all facets of his duties. Chris continues to be integrated and involved in multiple complex projects throughout our entire battalion footprint.

Regarding his recent legal matter with the State of Alaska (e.g., hunting violation). I am confident that the correct adjudicative process took place and fully addressed the matter. However, nothing in the available evidence substantiates a lack of integrity on CW2 Brumwell's part nor do the material facts in this case reveal a pattern of poor performance or indicate a pattern of previously undetected misconduct. He is highly regarded by me, his seniors, peers, and subordinates within the organization.

I would also like to comment that CW2 Brumwell's personal culpability in this legal matter boils down to a knowledge of the Alaska State hunting regulations he 'should have known but made an unintentional mistake' vs 'forthright knowledge of the rules and blatant disregard. Despite this unintended mistake, Chris has taken full accountability and personal responsibility in these matters and from the very beginning has kept this Command fully informed. Furthermore, I am confident in CW2 Brumwell's integrity, loyalty to the Army, and professional trustworthiness, and that this case should not negatively affect his ability to maintain his security clearance. I can attest that Chris continues to be a Patriot and worthy of the Army's and DoD's trust.

Thank you for time and consideration in this matter.

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Glen S. Nettrour
Lieutenant Colonel, USA
Battalion Commander

MAJ Michael McCasland

1267 Airborne Dr, Unit A

JBER AK, 99505

Michael.j.mccasland4.mil@army.mil

509-315-6571

Subject: Recommendation for CW2 Christopher Brumwell

To whom it may concern,

I am writing to provide my recommendation for CW2 Christopher Brumwell, who I have supervised for over 3 years. I am confident in affirming that Mr. Brumwell is not a security risk and possesses the necessary qualities and attributes to maintain his current clearance.

During the last three years, I have had the opportunity to observe Chris's character, worth ethic, and professionalism. I can confidently assert that Chris consistently demonstrates a high level of integrity, responsibility, and a strong commitment to his duties.

Due to the nature of some of our work, I have had firsthand experience in observing Chris maintaining confidential information. He understands the importance of safeguarding sensitive information and has demonstrated the ability to handle confidential matters professionally.

Based on personal experience and observations, I whole heartedly recommend that Chris maintain his current security status and is no way a threat to security.

If you have any further questions or required additional information, please do not hesitate to contact me at the information provided above. Thank you for considering my recommendation.

MCCASLAND.MI
CHAELJOSEPH.
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Date: 2023.10.16 13:45:46
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MAJ Michael McCasland

US Army, Signal Corps

CPT Isabella Meaux

18156 Harbor Point Loop

Eagle River, AK 99577

Isabella.w.meaux.mil@army.mil

443-875-8745

Subject: Recommendation for CW2 Christopher Brumwell

To whom it may concern,

The purpose of this memorandum is to speak on behalf of CW2 Christopher Brumwell, who I have worked with for over 2 years. During my time in this organization, Mr. Brumwell has displayed excellent competency and professionalism regarding his work and his supervision of Soldiers.

In the past, I have had to confer with Mr. Brumwell on many different topics that include sensitive and sometimes classified information. He has displayed extensive knowledge on the importance of safeguarding classified information.

I highly recommend that Mr. Brumwell maintains his security clearance. He has displayed the ability to handle all aspects of his work professionally while keeping the "need-to-know" basis to the required minimum. He poses no threat to security from what I have witnessed.

If you request any additional information, feel free to contact me with the provided information. Thank you.

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Date: 2023.10.17 17:01:26
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CPT Isabella Meaux

U.S. Army, Signal Corps

KAREN L. LOEFFLER
United States Attorney

STEVEN E. SKROCKI
Assistant U.S. Attorney
Federal Building & U.S. Courthouse
222 West Seventh Avenue, #9, Room 253
Anchorage, Alaska 99513-7567
Tel: (907) 271-5071
Fax: (907) 271-1500
E-mail: Steven.Skrocki@usdoj.gov

Attorneys for Plaintiff

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA

UNITED STATES OF AMERICA,) Case No. 3:13-cr-00123-DMS
)
Plaintiff,)
)
vs.) PLEA AGREEMENT
)
)
CHARLES W. HART, DERIC C.)
HART, JIM C. RIGGS, and)
MICHAEL C. BARTH,,)
)
Defendants.)

Unless the parties jointly inform the Court in writing of any additional agreements, this document in its entirety contains the terms of the plea agreement between the defendant and the United States. This agreement is limited to the District of Alaska; it does not bind other federal, state, or local prosecuting authorities.

I. TERMS OF AGREEMENT, FEDERAL RULE OF CRIMINAL

PROCEDURE 11, WAIVER OF CLAIM FOR ATTORNEY'S FEES AND COSTS

A. Terms of Agreement

The defendant DEREK C. HART agrees to plead guilty to Count 1 of the Information in in this case charging him with a violation of the Lacey Act. The parties agree pursuant to Federal Rule of Criminal Procedure 11(c)(1)(B) that they will recommend the defendant receive a sentence of two years of probation, along with a condition that the defendant not hunt wildlife for one year to begin on imposition of sentence, and to pay a fine in the amount of \$2,500. The parties further agree that restitution is owed to the Denali National Park in the amount of \$7,500 for each bull moose unlawfully taken, for a total not to exceed \$15,000. The parties agree that the \$15,000 amount will be joint and several between CHARLIE C. HART, DEREK D. HART, MICHAEL M. BARTH, and JAMES C. RIGGS. The parties agree that upon full payment of the \$15,000 restitution amount that the restitution obligation as to CHARLIE C. HART, DEREK D. HART, MICHAEL M. BARTH, and JAMES C. RIGGS will be extinguished.

The defendant also agrees to voluntarily abandon to the United States any interest he has in one Browning A Bolt .300 Winchester Magnum Rifle, serial number 64439NZ7S7 along with attached Leupold Vari-X III scope, 3.5x10 power.

The defendant also agrees to abandon to the United States one set of moose antlers, approximately 64" in width, from the moose illegally taken by him during the hunt referenced in Count 1 and agrees that all of the moose meat obtained from the hunt referenced in this Information be abandoned to the United States. As part of this agreement, the defendant expressly agrees not to file with the court a petition for early termination of probation.

The United States agrees not to prosecute the defendant further for any other offense(s) related to the event that resulted in the charge contained in the information. The parties are free to make any other sentencing recommendations consistent with this agreement. Any agreements the parties have on sentencing recommendations and guideline applications are set forth in Section III. The defendant will waive all rights to appeal the conviction and sentence imposed under this agreement, and will waive all rights to collaterally attack the conviction and sentence, except on the grounds of ineffective assistance of counsel or the voluntariness of the pleas.

B. Federal Rule of Criminal Procedure 11

Unless the parties otherwise inform the Court in writing, Federal Rule of Criminal Procedure 11(c)(1)(B) will control this plea agreement. Under the terms of this Agreement, the parties may not withdraw from this Agreement if the Court

deviates from the sentencing recommendations made by the parties as outlined in this Agreement in Section III.

C. Waiver of Claim for Attorney Fees and Costs

Because this is a negotiated resolution of the case, the parties waive any claim for the award of attorney fees and costs from the other party.

II. CHARGES, ELEMENTS, FACTUAL BASIS, STATUTORY PENALTIES AND OTHER MATTERS AFFECTING SENTENCE, FORFEITURE

A. Charges

The defendant agrees to plead guilty to one count of an illegal take and transport of a bull moose and his role in the transport of a second illegally taken bull moose within Denali National Park. All in violation of 16 U.S.C. §§ 3372(a)(1) and 16 U.S.C. § 3373(d)(2).

B. Elements

The elements of the charges to which the defendant is pleading guilty are as follows:

As to Count 1, a violation of the Lacey Act:

- 1) The defendant did unlawfully hunt for and take a bull moose in Denali National Park,
- 2) and thereafter unlawfully transported two bull moose from

Denali National Park to Anchorage, Alaska,

3) when, in the exercise of due care the defendant knew or should have known that the transport of the illegally taken bull moose was in violation of federal law.

C. Factual Basis

The defendant admits the truth of the allegations in Count 1 of the Information and the truth of the following statement, and the parties stipulate that the Court may rely upon this statement to support the factual basis for the guilty pleas and for the imposition of the sentence for Count 1:

Prior to September, 2012, defendant CHARLIE W. HART sought, through a third party, permission to moose hunt on a private in-holding of land in the Kantishna area of Denali National Park owned by Landowner A. Based on CHARLIE C. HART'S request, the third-party contacted Landowner A who granted permission to CHARLIE W. HART and any associates to hunt Landowner A's property on the express condition that only one (1) bull moose be taken, and that the hunt occur within the confines of the private inholding.

In September, 2012, CHARLIE W. HART, DERIC C. HART, JAMES C. RIGGS, MICHAEL C. BARTH and Individual A traveled the Denali National Park Road to the Kantishna area of Denali National Park to the private inholding. The

hunting party obtained appropriate Denali Park Road permits prior to traveling.

On or about September 3, 2012, CHARLES W. HART, DERIC C. HART, JAMES C. RIGGS, MICHAEL C. BARTH and Individual A hunted for bull moose outside the confines of the private inholding and on Denali National Park property by using electronic moose cow calls and hunting the lands well outside the boundary of the inholding, including the mountainsides above the inholding.

On or about September 3, 2012, DERIC C. HART, in the company of Individual A and MICHAEL C. BARTH, hunted for bull moose outside Landowner A's inholding. While hunting outside Landowner A's property the group spotted a bull moose a short distance outside the property boundary and/or adjacent the boundary line. DERIC C. HART killed the bull moose. Thereafter, CHARLIE W. HART, DERIC C. HART and others in the hunt party dragged the unlawfully hunted and killed bull moose onto the private inholding by ATV. The bull moose was thereafter field dressed and the antlers removed from the skull. The bull moose's antlers measured approximately 64."

Thereafter, on September 5, 2012, DERIC C. HART and MICHAEL C. BARTH continued to hunt moose on Denali National Park property. At the same time, JAMES C. RIGGS was hunting moose outside of Landowner A's property and while on another landowner's property who did not give permission for his land to

be hunted. On that date, JAMES C. RIGGS shot and killed a bull moose on Denali National Park property which MICHAEL C. BARTH was stalking. MICHAEL C. BARTH was also hunting off of Landowner A's parcel. Subsequent to JAMES C. RIGGS killing the bull, JAMES C. RIGGS permitted MICHAEL C. BARTH to tag the bull moose as if he, MICHAEL J. BARTH, shot and killed the moose. After shooting the bull moose, the party illegally used ATV's and a UTV in a closed ORV area to drag the moose from the location where it fell, on Denali National Park property, approximately ½ mile from Landowner A's property, back to Landowner A's property for field dressing. The bull moose's antlers measured approximately 65". The following day, CHARLES W. HART, DERIC C. HART, JAMES C. RIGGS, MICHAEL C. BARTH and Individual A loaded the meat and antlers of the two unlawfully killed bull moose into vehicles belonging to CHARLIE C. HART and DEREK C. Hart and transported them to Anchorage. On the way out of Denali National Park, the party was stopped by the National Park Service and questioned. During the questioning, the hunting party lied to a National Park Ranger about the location of the kills, the rifles used to kill the moose and that MICHAEL C. BARTH killed one of the moose when in fact the second moose was killed by JAMES C. RIGGS.

D. Statutory Penalties and Other Matters Affecting

U.S. v. Deric Hart

Page 7 of 18

Sentence

1. Statutory Penalties

The statutory penalties applicable to the charges to which the defendant is pleading guilty, based on the facts to which the defendant will admit in support of the guilty pleas, are as follows:

Count 1, Lacey Act

- 1) up to 1 year incarceration;
- 2) a maximum \$100,000 fine;
- 3) a \$25 mandatory special assessment; and
- 4) one year of supervised release.

2. Other Matters Affecting Sentence

a. Conditions affecting the defendant's sentence

The following conditions may also apply and affect the defendant's sentence:

- 1) pursuant to Comment 7 of U.S.S.G. § 5E1.2, the Court may impose an additional fine to pay the costs to the government of any imprisonment and supervised release term;
- 2) pursuant to 18 U.S.C. § 3612(f), unless otherwise ordered, if the Court imposes a fine of more than \$2,500, interest will be charged on the balance not paid within 15 days after the judgment date;
- 3) upon violating any condition of supervised release, a further term of imprisonment equal to the period of the

supervised release may be imposed, with no credit for the time already spent on supervised release; 4) the Court may order the defendant to pay restitution pursuant to 18 U.S.C. § 3663 and U.S.S.G. § 5E1.1.

b. Payment of Special Assessment

The defendant agrees to pay the entire special assessment in this case on the day the Court imposes the sentence. All payments will be by check or money order, and are to be delivered to the Clerk of Court, United States District Court, 222 W. 7th Ave. Box 4, Rm. 229, Anchorage, AK 99513-7564.

E. Forfeiture/Abandonment

Assets to be forfeited or interest abandoned under this agreement include any interest DERIC C. HART has in one Browning A Bolt .300 Winchester Magnum Rifle, serial number 64439NZ7S7 along with attached Leupold Vari-X III scope, 3.5x10 power. The defendant also agrees to abandon to the United States one set of moose antlers, approximately 64" in width, from the moose illegally taken during the hunt giving rise to the charges in this case as well as all moose meat from the illegal hunt.

**III. ADVISORY UNITED STATES SENTENCING GUIDELINES;
GUIDELINE APPLICATION AGREEMENTS; SENTENCING**

RECOMMENDATIONS

A. Advisory United States Sentencing Guidelines

The Court must consult the advisory United States Sentencing Commission Guidelines [U.S.S.G.] as well as the factors set forth in 18 U.S.C. § 3553(a) when considering the sentence to impose. The U.S.S.G. do not establish the statutory maximum or minimum sentence applicable to the offenses to which the defendant is pleading guilty. The U.S.S.G. are not mandatory and the Court is not bound to impose a sentence recommended by the U.S.S.G.

B. Guideline Application Agreements

The parties have no agreements on any guideline applications unless set forth below in this section.

1. Acceptance of responsibility

Subject to the defendant satisfying the criteria set out in U.S.S.G. § 3E1.1 and the applicable application notes, the United States agrees to recommend the defendant for a two level downward adjustment for acceptance of responsibility and, if U.S.S.G. § 3E1.1(b) applies, to move for the additional one level adjustment for acceptance of responsibility. If, at any time prior to imposition of the sentence, the defendant fails to fully satisfy the criteria set out in U.S.S.G. § 3E1.1, or acts in a manner inconsistent with acceptance of responsibility, the United States will not

make or, if already made, will withdraw this recommendation and motion.

C. Sentencing Recommendations

The United States Probation Office will prepare the defendant's pre-sentence report in which it will include a recommended calculation of the defendant's sentence range under the U.S.S.G. Both the United States and the defendant are free to recommend a sentence of two years of probation, a fine of \$2,500, joint and several restitution to Denali National Park for the illegally killed bull moose in the amount of \$15,000 between DEREK C. HART and codefendants CHARLIE C. HART, MICHAEL C. BARTH and JAMES C. RIGGS, forfeiture/abandonment of the rifle and scope listed herein, all moose meat, and moose antlers referenced herein, and agree to recommend that as a condition of probation that the defendant not hunt or participate in the hunting of any game anywhere in the world for a term of one year from imposition of sentence.

IV. WAIVER OF TRIAL, APPELLATE RIGHTS, AND COLLATERAL ATTACK RIGHTS

A. Trial Rights

Being aware of the following, the defendant waives these trial rights:

- If pleading to an Information, the right to have the charges presented to the grand jury prior to entering the guilty plea;

- The right to a speedy and public trial by jury on the factual issues establishing guilt or any fact affecting the mandatory minimum and statutory penalties, and any issue affecting any interest in any assets subject to forfeiture;
- The right to object to the composition of the grand or trial jury;
- The right to plead not guilty or to persist in that plea if it has already been made;
- The right to be presumed innocent and not to suffer any criminal penalty unless and until the defendant's guilt is established beyond a reasonable doubt;
- The right to be represented by counsel at trial and if necessary to have a counsel appointed at public expense to represent the defendant at trial -- the defendant is not waiving the right to have counsel continue to represent the defendant during the sentencing phase of this case;
- The right to confront and cross-examine witnesses against the defendant, and the right to subpoena witnesses to appear in the defendant's behalf;
- The right to remain silent at trial, with such silence not to be used

against the defendant, and the right to testify in the defendant's own behalf; and

- The right to contest the validity of any searches conducted on the defendant's property or person.

B. Appellate Rights

The defendant waives the right to appeal the convictions resulting from the entry of guilty pleas to the charges set forth in this agreement. The defendant further agrees that if the Court imposes a sentence that does not exceed the statutory maximum penalties – as set forth in Section II D above in this agreement, the defendant waives without exception the right to appeal on all grounds contained in 18 U.S.C. § 3742 the sentence the Court imposes– including forfeiture (if applicable) or terms or conditions of probation (if applicable) or supervised release, and any fines or restitution.

C. Collateral Attack Rights

The defendant agrees to waive all rights to collaterally attack the resulting convictions and/or sentence – including forfeiture (if applicable) or terms or conditions of probation (if applicable) or supervised release, and any fines or restitution – the Court imposes. The only exceptions to this collateral attack waiver

are as follows: 1) any challenge to the conviction or sentence alleging ineffective assistance of counsel -- based on information not now known to the defendant and which, in the exercise of reasonable diligence, could not be known by the defendant at the time the Court imposes sentence; and 2) a challenge to the voluntariness of the defendant's guilty pleas.

V. ADDITIONAL AGREEMENTS BY UNITED STATES

In exchange for the defendant's guilty pleas and the Court's acceptance of the defendant's plea and the terms of this agreement, the United States agrees that it will not prosecute the defendant further for any other offense -- now known -- arising out of the subject of the investigation related to the charges brought in the indictment in this case and the defendant's admissions set forth in Section II C. Provided, however, if the defendant's guilty pleas are rejected, withdrawn, vacated, reversed, or set aside, or if the defendant's sentence is vacated, reversed, set aside, or modified, at any time, in any proceeding, for any reason, the United States will be free to prosecute the defendant on all charges arising out of the investigation of this case including any charges dismissed pursuant to the terms of this agreement, which charges will be automatically reinstated as well as for perjury and false statements.

VI. ADEQUACY OF THE AGREEMENT

Pursuant to Local Criminal Rule 11.2 (d)(7) and (8), this plea agreement is

appropriate in that it conforms with the sentencing goals that would otherwise be applicable to the defendant's case if the defendant had gone to trial and had been convicted on all counts in the charging instrument.

**VII. THE DEFENDANT'S ACCEPTANCE OF THE TERMS OF THIS
PLEA AGREEMENT**

I, **DERIC C. HART**, the defendant, affirm this document contains all of the agreements made between me – with the assistance of my attorney – and the United States regarding my pleas. There are no other promises, assurances, or agreements the United States has made or entered into with me that have affected my decision to enter any plea of guilty or to enter into this agreement. If there are any additional promises, assurances, or agreements, I and the United States will jointly inform the Court in writing before I enter my guilty pleas.

I understand that no one, including my attorney, can guarantee the outcome of my case or what sentence the Court may impose if I plead guilty. If anyone, including my attorney, has done or said anything other than what is contained in this agreement, I will inform the Court when I stand before it to enter my plea. If there were, I would so inform the Court.

I enter into this agreement understanding and agreeing that the conditions set forth herein are obligatory and material to this agreement and that any failure on my

part to fulfill these obligations will constitute a material breach of this agreement. If I breach this agreement, I agree the United States, in its sole discretion, may withdraw from this agreement and may reinstate prosecution against me on any charges arising out of the investigation in this matter. If my compliance with the terms of this plea agreement becomes an issue, at an appropriate hearing, during which I agree any of my disclosures will be admissible, the Court will determine whether or not I have violated the terms of this agreement. I understand the government's burden to prove a breach will be by a preponderance of the evidence.

I understand the Court will ask me under an oath to answer questions about the offenses to which I am pleading guilty and my understanding of this plea agreement. I understand that I may be prosecuted if I make false statements or give false answers and may suffer other consequences set forth in this agreement.

I have read this plea agreement carefully and understand it thoroughly. I know of no reason why the Court should find me incompetent to enter into this agreement or to enter my pleas. I enter into this agreement knowingly and voluntarily. I understand that anything that I discuss with my attorney is privileged and confidential, and cannot be revealed without my permission. Knowing this, I agree that this document will be filed with the Court.

I am fully satisfied with the representation given me by my attorney and am

prepared to repeat this statement at the time I stand before the Court and enter my guilty pleas. My attorney and I have discussed all possible defenses to the charges to which I am pleading guilty. My attorney has investigated my case and followed up on any information and issues I have raised to my satisfaction. My attorney has taken the time to fully explain the legal and factual issues involved in my case to my satisfaction. We have discussed the statutes applicable to my offense and sentence as well as the possible effect the U.S.S.G. may have on my sentence.

Based on my complete understanding of this plea agreement, I therefore wish to enter a plea of guilty to Count 1 of the Information.

DATED: 11/26/13

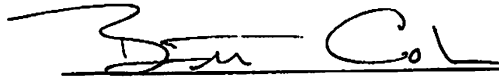


DERIC C. HART
Defendant

As counsel for the defendant, I have discussed with the terms of this plea agreement with the defendant, have fully explained the charge(s) to which the defendant is pleading guilty and the necessary elements, all possible defenses, and the consequences of a guilty plea to a ^{wisdom} ~~felony~~ ^{felony}. Based on these discussions, I have no reason to doubt that the defendant is knowingly and voluntarily entering into this agreement and entering a plea of guilty. I know of no reason to question the defendant's competency to make these decisions. If, prior to the imposition of

sentence, I become aware of any reason to question the defendant's competency to enter into this plea agreement or to enter a plea of guilty, I will immediately inform the court.

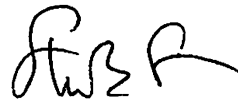
DATED: 11/24/13



BRENT COLE
Attorney for DERIC C. HART

On behalf of the United States, the following accept DERIC C. HART'S offer to plead guilty under the terms of this plea agreement.

DATED: 11/27/13



STEVEN E. SKROCKI
United States of America
Assistant U.S. Attorney

DATED: 11/27/13



KAREN L. LOEFFLER
United States of America
United States Attorney

UNITED STATES DISTRICT COURT

District of Alaska

UNITED STATES OF AMERICA
V.

AMENDED JUDGMENT IN A CRIMINAL CASE

DERIC C. HART

Case Number: 3:13-cr-00123-02-DMS
USM Number: 17409-006

Brent R. Cole
Defendant's Attorney

THE DEFENDANT:

pleaded guilty to count(s) 1 of the Misdemeanor Information.

pleaded nolo contendere to count(s) _____
which was accepted by the court.

was found guilty on count(s) _____
after a plea of not guilty.

The defendant is adjudicated guilty of these offenses:

<u>Title & Section</u>	<u>Nature of Offense</u>	<u>Offense Ended</u>	<u>Count</u>
16 U.S.C. § 3372 (a)(1) and 16 U.S.C. § 3373(d)(2)	Lacey Act	9/7/2012	1

The defendant is sentenced as provided in pages 2 through 5 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

The defendant has been found not guilty on count(s) _____

Count(s) 2 and 3 of the Misdemeanor Information are dismissed on the motion of the United States.

It is ordered that the defendant must notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of material changes in economic circumstances.

DECEMBER 16, 2013
Date of Imposition of Judgment

S/DEBORAH M. SMITH
Signature of Judge

DEBORAH M. SMITH, U.S. MAGISTRATE JUDGE
Name and Title of Judge

JANUARY 29, 2014
Date

DEFENDANT: DERIC C. HART
CASE NUMBER: 3:13-cr-00123-02-DMS

PROBATION

The defendant is hereby sentenced to probation for a term of: 2 years.

The defendant shall not commit another federal, state or local crime.

The defendant shall not unlawfully possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of placement on probation and at least two periodic drug tests thereafter, not to exceed 12 tests per month, as directed by the probation officer.

- The above drug testing condition is suspended, based on the court's determination that the defendant poses a low risk of future substance abuse. (Check, if applicable.)
- The defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon. (Check, if applicable.)
- The defendant shall cooperate in the collection of DNA as directed by the probation officer. (Check, if applicable.)
- The defendant shall register with the state sex offender registration agency in the state where the defendant resides, works, or is a student, as directed by the probation officer. (Check, if applicable.)
- The defendant shall participate in an approved program for domestic violence. (Check, if applicable.)

If this judgment imposes a fine or restitution, it is a condition of probation that the defendant pay in accordance with the Schedule of Payments sheet of this judgment.

The defendant must comply with the standard conditions that have been adopted by this court as well as with any additional conditions on the attached page.

STANDARD CONDITIONS OF SUPERVISION

- 1) the defendant shall not leave the judicial district without the permission of the court or probation officer;
- 2) the defendant shall report to the probation officer in a manner and frequency directed by the court or probation officer;
- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 4) the defendant shall support his or her dependents and meet other family responsibilities;
- 5) the defendant shall work regularly at a lawful occupation, unless excused by the probation officer for schooling, training, or other acceptable reasons;
- 6) the defendant shall notify the probation officer at least ten days prior to any change in residence or employment;
- 7) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician;
- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 9) the defendant shall not associate with any persons engaged in criminal activity and shall not associate with any person convicted of a felony, unless granted permission to do so by the probation officer;
- 10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view of the probation officer;
- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court; and
- 13) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

DEFENDANT: DERIC C. HART
CASE NUMBER: 3:13-cr-00123-02-DMS

SPECIAL CONDITIONS OF SUPERVISION

1. The defendant shall not hunt wildlife in the United States for one year of probation, beginning December 16, 2013.
2. The defendant shall forfeit one set of moose antlers and any meat harvested from the moose.
3. The defendant shall pay all fines and restitution in full immediately.
////////////////////////////////////

DEFENDANT: *DERIC C. HART
CASE NUMBER: *3:13-cr-00123-02-DMS

CRIMINAL MONETARY PENALTIES

The defendant must pay the total criminal monetary penalties under the schedule of payments on Sheet 6.

	<u>Assessment</u>	<u>Fine</u>	<u>Restitution</u>
TOTALS	\$ 25.00	\$ 2,500.00	\$ 15,000.00

The determination of restitution is deferred until _____. An *Amended Judgment in a Criminal Case* (AO 245C) will be entered after such determination.

The defendant must make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid.

<u>Name of Payee</u>	<u>Total Loss*</u>	<u>Restitution Ordered</u>	<u>Priority or Percentage</u>
Denali National Park	\$15,000.00	\$15,000.00	100%

The restitution amount will be paid jointly and severally by the co-defendants.

TOTALS \$ 15,000.00 \$ 15,000.00

Restitution amount ordered pursuant to plea agreement \$ 15,000.00

The defendant must pay interest on restitution and a fine of more than \$2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 6 may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).

The court determined that the defendant does not have the ability to pay interest and it is ordered that:

- the interest requirement is waived for the fine restitution.
- the interest requirement for the fine restitution is modified as follows:

* Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

DEFENDANT: *DERIC C. HART
CASE NUMBER: *3:13-cr-00123-02-DMS

SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties are due as follows:

- A Payment of \$15,000.00 Restitution to Denali National Park and \$2,500.00 payable to the Lacy Act Fund, both
X not later than 12/16/2013, or
in accordance C, D, E, or F below; or
- B Payment to begin immediately (may be combined with C, D, or F below); or
- C Payment in equal _____ (e.g., weekly, monthly, quarterly) installments of \$ _____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after the date of this judgment; or
- D Payment in equal _____ (e.g., weekly, monthly, quarterly) installments of \$ _____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after release from imprisonment to a term of supervision; or
- E Payment during the term of supervised release will commence within _____ (e.g., 30 or 60 days) after release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay at that time; or
- F Special instructions regarding the payment of criminal monetary penalties:

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the clerk of the court.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

Joint and Several

Defendant and Co-Defendant Names and Case Numbers (including defendant number), Total Amount, Joint and Several Amount, and corresponding payee, if appropriate.

Deric C. Hart, 3:13-cr-00123-02-DMS; \$15,000.00 restitution; joint and several to Denali National Park.
James C. Riggs, 3:13-cr-00123-03-DMS; \$15,000.00 restitution; joint and several to Denali National Park.
Michael J. Barnes, 3:13-cr-0123-04-DMS; \$15,000.00 restitution; joint and several to Denali National Park.

The defendant shall pay the cost of prosecution.

The defendant shall pay the following court cost(s):

The defendant shall forfeit the defendant's interest in the following property to the United States:

One set of moose antlers approximately 64", one Browning A Bolt .300 Winchester Magnum Rifle serial number 64439NZ7S7 along with attached Leupold Vari-X III scope, 3.5x10 power.

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) fine interest, (6) community restitution, (7) penalties, and (8) costs, including cost of prosecution and court costs.

S. LANE TUCKER
United States Attorney

STEVEN SKROCKI
Assistant United States Attorney
Federal Building & U.S. Courthouse
222 West 7th Avenue, Room 253
Anchorage, Alaska 99513-7567
Phone: (907) 271-5071
Fax: (907) 271-1500
Email: steven.skrocki@usdoj.gov

Attorneys for Plaintiff

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF ALASKA

UNITED STATES OF AMERICA,)	No. 3:23-cr-00029-KFR
)	
Plaintiff,)	
)	PLEA AGREEMENT
vs.)	
)	
EDWARD A. BUNDY,)	
)	
Defendant.)	

Unless the parties jointly inform the Court in writing of any additional agreements, this document in its entirety contains the terms of the plea agreement between the defendant and the United States. This agreement is limited to the District of Alaska; it does not bind other federal, state, or local prosecuting authorities.

I. SUMMARY OF AGREEMENT, FEDERAL RULE OF CRIMINAL PROCEDURE 11

A. Summary of Agreement

The defendant agrees to plead guilty to the following count(s) of the Information in this case. As part of this agreement, in summary, the defendant agrees to plead to Count 1 of the Information filed in this case and charging him with a violation of the Lacey Act, in violation of 16 U.S.C. § 3372(a)(2)(A) and 16 U.S.C. § 3372(d)(1)(B). As part of this agreement, the defendant agrees to pay a fine of \$12,000, abandon various illegally taken big game animals, and agree to a sentence of 18 months' probation, wherein during that time the defendant agrees not to hunt worldwide. The United States agrees not to prosecute the defendant further for any other offense related to the event(s) that resulted in the charge(s) contained in the Information.

The defendant will waive all rights to appeal the conviction(s) and sentence imposed under this agreement. The defendant will also waive all rights to collaterally attack the conviction(s) and sentence, except on the grounds of ineffective assistance of counsel or the voluntariness of the plea(s).

B. Federal Rule of Criminal Procedure 11

Unless the parties otherwise inform the Court in writing, Federal Rule of Criminal Procedure 11(c)(1)(A) will control this plea agreement. Thus, the defendant may not withdraw from this agreement or the guilty plea(s) if the Court rejects the parties' sentencing recommendations at the sentencing hearing.

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II. CHARGES, ELEMENTS, FACTUAL BASIS, STATUTORY PENALTIES AND OTHER MATTERS AFFECTING SENTENCE

A. Charges

- 1. The defendant agrees to plead guilty to the following count(s) of the Information: Count 1, a violation of the Lacey Act, 16 U.S.C. § 3372(a)(2)(A).**

B. At trial, the United States would be required to show:

- 1. The defendant transported a caribou which he unlawfully killed in Alaska in violation of the laws of the state of Alaska,**
- 2. The defendant did so when he knew or should have known that when he transported the Caribou he did so in violation of the laws of the state of Alaska**
- 3. The defendant transported the caribou in interstate commerce.**

C. Factual Basis

The defendant admits the truth of the allegations in Count 1 of the Information and the truth of the following statement, and the parties stipulate that the Court may rely upon this statement to support the factual basis for the guilty plea(s) and for the imposition of the sentence:

On or about April 27, 2018, in the State and District of Alaska and elsewhere, EDWARD A. BUNDY did transport in interstate commerce wildlife, to wit, one bull caribou, which, in the exercise of due care, Bundy should have known was taken, possessed and transported in violation of Alaska state laws, in that EDWARD A.

BUNDY killed caribou in violation of the laws of the state of Alaska, to wit, that EDWARD A. BUNDY was not a resident of the state of Alaska and killed the caribou without the proper non-resident Alaska Department of Fish and Game hunting license and locking tag.

D. Statutory Penalties and Other Matters Affecting Sentence

1. Statutory Penalties

The maximum statutory penalties applicable to the charges to which the defendant is pleading guilty, based on the facts to which the defendant will admit in support of the guilty plea(s), are as follows: up to one (1) year imprisonment, a fine of up to \$100,000, and five (5) years' probation.

2. Other Matters Affecting Sentence

a. Conditions Affecting the Defendant's Sentence

The following conditions may also apply and affect the defendant's sentence: 1) pursuant to Comment 7 of United States Sentencing Guidelines (U.S.S.G). § 5E1.2, the Court may impose an additional fine to pay the costs to the government of any imprisonment and supervised release term; 2) pursuant to 18 U.S.C. § 3612(f), unless otherwise ordered, if the Court imposes a fine of more than \$2,500, interest will be charged on the balance not paid within 15 days after the judgment date; 3) upon violating any condition of supervised release, a further term of imprisonment equal to the period of the supervised release may be imposed, with no credit for the time already spent on supervised release; 4) the Court may order the defendant to pay restitution pursuant to the 18 U.S.C. § 3663 and U.S.S.G. § 5E1.1, and if 18 U.S.C. § 3663A (mandatory

restitution for certain crimes) applies, the Court shall order the defendant to pay restitution.

b. Payment of Special Assessment

The defendant agrees to pay the entire special assessment in this case on the day the Court imposes the sentence. All payments will be by check or money order and are to be delivered to the Clerk of Court, United States District Court, 222 W. 7th Ave. Box 4, Rm. 229, Anchorage, AK 99513-7564.

c. Consequences of Felony Conviction

Any person convicted of a federal felony offense may lose or be denied federal benefits including any grants, loans, licenses, food stamps, welfare or other forms of public assistance, as well as the right to own or possess any firearms, the right to vote, the right to hold public office, and the right to sit on a jury. If applicable, any defendant who is not a United States citizen may be subject to deportation from the United States following conviction for a criminal offense, be denied citizenship, and not permitted to return to the United States unless the defendant specifically receives the prior approval of the United States Attorney General. In some circumstances, upon conviction for a criminal offense, any defendant who is a naturalized United States citizen may suffer adverse immigration consequences, including but not limited to possible denaturalization.

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E. Restitution

There is currently no identifiable restitution owed for the offense(s) of conviction. The Court will have sole discretion ultimately to determine if the defendant has liability for any restitution.

F. Voluntary Abandonment

“Personal property to be voluntarily abandoned under this agreement include the following items: Two caribou trophies and one black bear trophy. The defendant warrants that the defendant had sole possession and ownership of the property referenced above, and that there are no claims to, or liens or encumbrances on the property referenced above. Defendant will take all steps as requested by the United States to pass clear title to the property, including but not limited to, executing documents, and testifying truthfully in any legal proceeding. The defendant agrees to forever abandon and disclaim any right, title, and interest the defendant may have in the property described above, and warrant to the Court free, clear and unencumbered title to the aforelisted property.

III. ADVISORY UNITED STATES SENTENCING GUIDELINES, GUIDELINE APPLICATION AGREEMENTS, SENTENCING RECOMMENDATIONS

A. Advisory United States Sentencing Guidelines

The Court must consult the advisory United States Sentencing Guidelines (U.S.S.G). as well as the factors set forth in 18 U.S.C. § 3553(a) when considering the sentence to impose. The U.S.S.G. do not establish the statutory maximum or minimum sentence applicable to the offense(s) to which the defendant is pleading guilty. The

U.S.S.G. are not mandatory and the Court is not bound to impose a sentence recommended by the U.S.S.G.

B. Guideline Application Agreements

The parties have no agreements on any guideline applications unless set forth below in this section.

1. Acceptance of Responsibility

If the United States concludes that the defendant has satisfied the criteria set out in U.S.S.G. § 3E1.1 and the applicable application notes, the United States agrees to recommend the defendant for a two-level downward adjustment for acceptance of responsibility and, if U.S.S.G. § 3E1.1(b) applies, to move for the additional one level adjustment for acceptance of responsibility. If, at any time prior to imposition of the sentence, the United States concludes that the defendant has failed to fully satisfy the criteria set out in U.S.S.G. § 3E1.1 or has acted in a manner inconsistent with acceptance of responsibility, the United States will not make or, if already made, will withdraw this recommendation and motion.

C. Sentencing Recommendations

The United States Probation Office (U.S.P.O) will prepare the defendant's pre-sentence report in which it will include a recommended calculation of the defendant's sentence range under the U.S.S.G. Both the United States and the defendant will have the opportunity to argue in support of or in opposition to the guideline sentence range calculation the U.S.P.O. recommends, as well as present evidence in support of their respective sentencing arguments.

The parties agree that the defendant will pay a fine of \$12,000 to the Lacey Act fund, administered by the United States Fish and Wildlife Service as restitution for 5 animals unlawfully taken by the defendant while hunting in the state of Alaska illegally. The parties agree that the defendant voluntarily abandons the caribou referenced in Count 1 of the Information, an additional illegally killed caribou and one black bear. The parties agree that that the defendant should serve a sentence of 18 months' probation, and, as a condition of that probation, the defendant is prohibited from hunting anywhere in the world for the 18-month term of probation. The parties are free to recommend to the Court their respective positions on the appropriate sentence to be imposed in this case based on the stipulated facts set forth in Section II.C, any additional facts established at the imposition of sentence hearing, the applicable statutory penalty sections, the advisory U.S.S.G., and the sentencing factors set forth in 18 U.S.C. § 3553.

IV. ADDITIONAL AGREEMENTS BY UNITED STATES

In exchange for the defendant's guilty plea(s) and the Court's acceptance of the defendant's plea(s) and the terms of this agreement, the United States agrees that it will not prosecute the defendant further for any other offense – now known – arising out of the subject of the investigation related to the charges brought in the Information in this case and the defendant's admissions set forth in Section II.C. The United States also agrees, as part of this agreement, that the defendant is permitted to retain possession of a set of bull moose antlers.

Provided, however, if the defendant's guilty plea(s) or sentence is/are rejected, withdrawn, vacated, reversed, set aside, or modified, at any time, in any proceeding, for

any reason, the United States will be free to prosecute the defendant on all charges arising out of the investigation of this case including any charges dismissed pursuant to the terms of this agreement, which charges will be automatically reinstated as well as for perjury and false statements. The defendant hereby agrees that he/she waives any defense that the statute of limitations bars the prosecution of such a reinstated charge.

V. WAIVER OF TRIAL RIGHTS, APPELLATE RIGHTS, COLLATERAL ATTACK RIGHTS, CLAIM FOR ATTORNEY FEES AND COSTS, AND RULE 410

A. Trial Rights

Being aware of the following, the defendant waives these trial rights:

- If pleading to an Information, the right to have the charges presented to the grand jury prior to entering the guilty plea;
- The right to a speedy and public trial by jury on the factual issues establishing guilt or any fact affecting the mandatory minimum and statutory penalties, and any issue affecting any interest in any assets subject to forfeiture;
- The right to object to the composition of the grand or trial jury;
- The right to plead not guilty or to persist in that plea if it has already been made;
- The right to be presumed innocent and not to suffer any criminal penalty unless and until the defendant's guilt is established beyond a reasonable doubt;

- The right to be represented by counsel at trial and if necessary to have a counsel appointed at public expense to represent the defendant at trial – the defendant is not waiving the right to have counsel continue to represent the defendant during the sentencing phase of this case;
- The right to confront and cross examine witnesses against the defendant, and the right to subpoena witnesses to appear in the defendant’s behalf;
- The right to remain silent at trial, with such silence not to be used against the defendant, and the right to testify in the defendant’s own behalf; and
- The right to contest the validity of any searches conducted on the defendant’s property or person.

B. Appellate Rights

The defendant waives the right to appeal the conviction(s) resulting from the entry of guilty plea(s) to the charges set forth in this agreement. The defendant further agrees that if the Court imposes a sentence that does not exceed the statutory maximum penalties – as set forth in Section II.D above in this agreement, the defendant waives without exception the right to appeal on all grounds contained in 18 U.S.C. § 3742 the sentence the Court imposes. The defendant understands that this waiver includes, but is not limited to, forfeiture (if applicable), terms or conditions of probation (if applicable) or supervised release, any fines or restitution, and any and all constitutional (or legal) challenges to defendant’s conviction(s) and guilty plea[s], including arguments that the statute(s) to which defendant is pleading guilty (is/are) unconstitutional, and any and all

claims that the statement of facts provided herein is insufficient to support defendant's plea[s] of guilty.

Should the defendant file a notice of appeal in violation of this agreement, it will constitute a material breach of the agreement. The government is free to reinstate any dismissed charges, and withdraw any motions for downward departures, or sentences below the mandatory minimum made pursuant to 18 U.S.C. § 3553(e).

C. Collateral Attack Rights

The defendant agrees to waive all rights to collaterally attack the resulting conviction(s) and/or sentence – including forfeiture (if applicable) or terms or conditions of probation (if applicable) or supervised release, and any fines or restitution – the Court imposes. The only exceptions to this collateral attack waiver are as follows: 1) any challenge to the conviction or sentence alleging ineffective assistance of counsel – based on information not now known to the defendant and which, in the exercise of reasonable diligence, could not be known by the defendant at the time the Court imposes sentence; and 2) a challenge to the voluntariness of the defendant's guilty plea(s).

D. Claim for Attorney Fees and Costs

Because this is a negotiated resolution of the case, the parties waive any claim for the award of attorney fees and costs from the other party.

E. Evidence Rule 410 and Fed. R. Crim. P. 11(f)

By signing this agreement, the defendant admits the truth of the facts in the Factual Basis portion of this agreement set forth in Section II.C. The defendant agrees that the statements made by him in signing this agreement shall be deemed usable and

admissible against the defendant as stipulations in any hearing, trial or sentencing that may follow. The foregoing provision acts as a modification, and express waiver, of Federal Rule of Evidence 410 and Fed. R. Crim. P. 11(f), and is effective upon the defendant's in-court admission to the factual basis supporting the plea(s). This provision applies regardless of whether the court accepts this plea agreement.

F. Potential Plea before Magistrate Judge

The defendant has the right to enter a plea before a United States District Court Judge. The defendant, defense counsel, and the attorney for the Government consent to have the defendant's plea(s) taken by a United States Magistrate Judge pursuant to Fed. R. Cr. P. 11 and 59. The parties understand that if the Magistrate Judge recommends that the plea(s) of guilty be accepted, a pre-sentence investigation report will be ordered pursuant to Fed. R. Crim. P. 32. The parties agree to file objections to the Magistrate Judge's Report and Recommendation within seven calendar days, thereby shortening the time for objections set forth in Fed. R. Crim. P. 59. The District Court Judge will decide whether to accept this plea agreement at the time it imposes sentence in the case. The defendant agrees that if the defendant is pleading guilty to an offense described in 18 U.S.C. §. 3142(f)(1)(A), (B), or (C) (involving a crime of violence, a crime punishable by a maximum sentence of life or death, or a Title 21 controlled substance offense for which the maximum sentence is ten years or more), that the defendant will remand into custody on the day that he/she agrees in court to the factual basis supporting the plea. The defendant further agrees not to seek release at any time between the date of the guilty

plea before the Magistrate Judge and the date of imposition of sentence before the District Court Judge.

VI. THE DEFENDANT'S ACCEPTANCE OF THE TERMS OF THIS PLEA AGREEMENT

I, EDWARD A. BUNDY, the defendant, affirm this document contains all of the agreements made between me – with the assistance of my attorney – and the United States regarding my plea(s). There are no other promises, assurances, or agreements the United States has made or entered into with me that have affected my decision to enter any plea of guilty or to enter into this agreement. If there are any additional promises, assurances, or agreements, United States and I will jointly inform the Court in writing before I enter my guilty plea(s).

I understand that no one, including my attorney, can guarantee the outcome of my case or what sentence the Court may impose if I plead guilty. If anyone, including my attorney, has done or said anything other than what is contained in this agreement, I will inform the Court when I stand before it to enter my plea.

I enter into this agreement understanding and agreeing that the conditions set forth herein are obligatory and material to this agreement and that any failure on my part to fulfill these obligations will constitute a material breach of this agreement. If I breach this agreement, I agree the United States, in its sole discretion, may withdraw from this agreement and may reinstate prosecution against me on any charges arising out of the investigation in this matter. If my compliance with the terms of this plea agreement becomes an issue, at an appropriate hearing, during which I agree any of my disclosures

will be admissible, the Court will determine whether or not I have violated the terms of this agreement. I understand the government's burden to prove a breach will be by a preponderance of the evidence.

I understand the Court will ask me under an oath to answer questions about the offense(s) to which I am pleading guilty and my understanding of this plea agreement. I understand that I may be prosecuted if I make false statements or give false answers and may suffer other consequences set forth in this agreement.

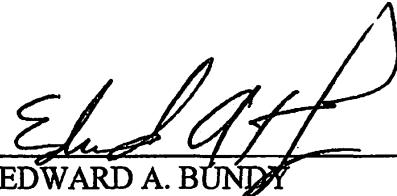
I have read this plea agreement carefully and understand it thoroughly. I know of no reason why the Court should find me incompetent to enter into this agreement or to enter my plea(s). I enter into this agreement knowingly and voluntarily. I understand that anything that I discuss with my attorney is privileged and confidential, and cannot be revealed without my permission. Knowing this, I agree that this document will be filed with the Court.

I am fully satisfied with the representation given me by my attorney and am prepared to repeat this statement at the time I stand before the Court and enter my guilty plea(s). My attorney and I have discussed all possible defenses to the charge(s) to which I am pleading guilty. My attorney has investigated my case and followed up on any information and issues I have raised to my satisfaction. My attorney has taken the time to fully explain the legal and factual issues involved in my case to my satisfaction. We have discussed the statute(s) applicable to my offense and sentence as well as the possible effect the U.S.S.G. may have on my sentence.

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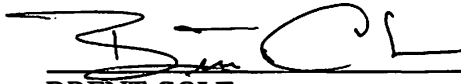
Based on my complete understanding of this plea agreement, I therefore admit that I am guilty of of the Information.

DATED: 4-20-23


EDWARD A. BUNDY
Defendant

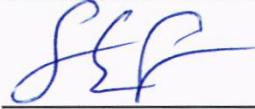
As counsel for the defendant, I have conveyed all formal plea offers. I have discussed the terms of this plea agreement with the defendant, have fully explained the charge(s) to which the defendant is pleading guilty, the necessary elements thereto, all possible defenses, and the consequences of a guilty plea to a felony. Based on these discussions, I have no reason to doubt that the defendant is knowingly and voluntarily entering into this agreement and entering a plea of guilty. I know of no reason to question the defendant's competence to make these decisions. If, prior to the imposition of sentence, I become aware of any reason to question the defendant's competency to enter into this plea agreement or to enter a plea of guilty, I will immediately inform the court.

DATED: 4/20/23


BRENT COLE
Attorney for Edward A. Bundy

On behalf of the United States, the following accepts the defendant's offer to plead guilty under the terms of this plea agreement.

S. LANE TUCKER
United States Attorney



STEVEN SKROCKI
Assistant United States Attorney

DATED: 4/20/23

UNITED STATES DISTRICT COURT
District of Alaska

UNITED STATES OF AMERICA
v.
EDWARD A. BUNDY

AMENDED JUDGMENT IN A CRIMINAL CASE
(For Probation)

Case Number: 3:23-CR-00029-001-KFR

USM Number: 68857-510

Brent R. Cole
Defendant's Attorney

THE DEFENDANT:

- pleaded guilty to count(s) 1 of the Information
- pleaded nolo contendere to count(s) _____
which was accepted by the court.
- was found guilty on count(s) _____
after a plea of not guilty.

The defendant is adjudicated guilty of these offenses:

<u>Title & Section</u>	<u>Nature of Offense</u>	<u>Offense Ended</u>	<u>Count</u>
16 U.S.C. § 3372(a)(2)(A) and 16 U.S.C. § 3372(d)(2)	Violation of the Lacey Act	04/27/2018	1

The defendant is sentenced as provided in pages 2 through 6 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

- The defendant has been found not guilty on count(s) _____
- Count(s) _____
- is are dismissed on the motion of the United States.

It is ordered that the defendant must notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States Attorney of material changes in economic circumstances.

7/18/2023
Date of Imposition of Judgment

/s/ Kyle F. Reardon
Signature of Judge

Kyle F. Reardon, United States Magistrate Judge
Name and Title of Judge

8/15/2023
Date

PROBATION

You are hereby sentenced to probation for a term of:

18 MONTHS

MANDATORY CONDITIONS

1. You must not commit another federal, state or local crime.
2. You must not unlawfully possess a controlled substance.
3. You must refrain from any unlawful use of a controlled substance. You must submit to one drug test within 15 days of placement on probation and at least two periodic drug tests thereafter, as determined by the court.
 - The above drug testing condition is suspended, based on the court's determination that you pose a low risk of future substance abuse. *(check if applicable)*
4. You must cooperate in the collection of DNA as directed by the probation officer. *(check if applicable)*
5. You must comply with the requirements of the Sex Offender Registration and Notification Act (34 U.S.C. § 20901, et seq.) as directed by the probation officer, the Bureau of Prisons, or any state sex offender registration agency in the location where you reside, work, are a student, or were convicted of a qualifying offense. *(check if applicable)*
6. You must participate in an approved program for domestic violence. *(check if applicable)*
7. You must make restitution in accordance with 18 U.S.C. §§ 2248, 2259, 2264, 2327, 3663, 3663A, and 3664. *(check if applicable)*
8. You must pay the assessment imposed in accordance with 18 U.S.C. § 3013.
9. If this judgment imposes a fine, you must pay in accordance with the Schedule of Payments sheet of this judgment.
10. You must notify the court of any material change in your economic circumstances that might affect your ability to pay restitution.

You must comply with the standard conditions that have been adopted by this court as well as with any additional conditions on the attached pages.

STANDARD CONDITIONS OF SUPERVISION

As part of your probation, you must comply with the following standard conditions of supervision. These conditions are imposed because they establish the basic expectations for your behavior while on supervision and identify the minimum tools needed by probation officers to keep informed, report to the court about, and bring about improvements in your conduct and condition.

1. You must report to the probation office in the federal judicial district where you are authorized to reside within 72 hours of the time you were sentenced, unless the probation officer instructs you to report to a different probation office or within a different time frame.
2. After initially reporting to the probation office, you will receive instructions from the court or the probation officer about how and when you must report to the probation officer, and you must report to the probation officer as instructed.
3. You must not knowingly leave the federal judicial district where you are authorized to reside without first getting permission from the court or the probation officer.
4. You must answer truthfully the questions asked by your probation officer.
5. You must live at a place approved by the probation officer. If you plan to change where you live or anything about your living arrangements (such as the people you live with), you must notify the probation officer at least 10 days before the change. If notifying the probation officer in advance is not possible due to unanticipated circumstances, you must notify the probation officer within 72 hours of becoming aware of a change or expected change.
6. You must allow the probation officer to visit you at any time at your home or elsewhere, and you must permit the probation officer to take any items prohibited by the conditions of your supervision that he or she observes in plain view.
7. You must work full time (at least 30 hours per week) at a lawful type of employment, unless the probation officer excuses you from doing so. If you do not have full-time employment you must try to find full-time employment, unless the probation officer excuses you from doing so. If you plan to change where you work or anything about your work (such as your position or your job responsibilities), you must notify the probation officer at least 10 days before the change. If notifying the probation officer at least 10 days in advance is not possible due to unanticipated circumstances, you must notify the probation officer within 72 hours of becoming aware of a change or expected change.
8. You must not communicate or interact with someone you know is engaged in criminal activity. If you know someone has been convicted of a felony, you must not knowingly communicate or interact with that person without first getting the permission of the probation officer.
9. If you are arrested or questioned by a law enforcement officer, you must notify the probation officer within 72 hours.
10. DELETED
11. You must not act or make any agreement with a law enforcement agency to act as a confidential human source or informant without first getting the permission of the court.
12. If the probation officer determines that you pose a risk to another person (including an organization), the probation officer may require you to notify the person about the risk and you must comply with that instruction. The probation officer may contact the person and confirm that you have notified the person about the risk.
13. You must follow the instructions of the probation officer related to the conditions of supervision.

SPECIAL CONDITIONS OF SUPERVISION

- 1. The defendant is prohibited from hunting anywhere in the world for the 18-month term of probation.



U.S. Probation Office Use Only

A U.S. probation officer has instructed me on the conditions specified by the court and has provided me with a written copy of this judgment containing these conditions. For further information regarding these conditions, see *Overview of Probation and Supervised Release Conditions*, available at www.uscourts.gov.

Defendant's Signature _____ Date _____

CRIMINAL MONETARY PENALTIES

The defendant must pay the total criminal monetary penalties under the schedule of payments on Sheet 6.

	<u>Assessment</u>	<u>Restitution</u>	<u>Fine</u>	<u>AVAA Assessment*</u>	<u>JVTA Assessment**</u>
TOTALS	\$ 25.00	N/A	\$ 12,000.00	N/A	N/A

- The determination of restitution is deferred until _____. An Amended Judgment in a Criminal Case (AO 245C) will be entered after such determination.
- The defendant must make restitution (including community restitution) to the following payees in the amount listed below.
If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid.

<u>Name of Payee</u>	<u>Total Loss***</u>	<u>Restitution Ordered</u>	<u>Priority or Percentage</u>
TOTALS	<u>\$ 0.00</u>	<u>\$ 0.00</u>	

- Restitution amount ordered pursuant to plea agreement \$ _____
- The defendant must pay interest on restitution and a fine of more than \$2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 6 may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).
- The court determined that the defendant does not have the ability to pay interest and it is ordered that:
 - the interest requirement is waived for the fine restitution
 - the interest requirement for the fine restitution is modified as follows:

* Amy, Vicky, and Andy Child Pornography Victim Assistance Act of 2018, Pub. L. No. 115-299
 ** Justice for Victims of Trafficking Act of 2015, Pub. L. No. 114-22.
 *** Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties is due as follows:

- A Lump sum payment of \$12,025.00 due immediately, balance due
 not later than _____, or
 In accordance with C, D, E, or F below; or
- B Payment to begin immediately (may be combined with C, D, or F below); or
- C Payment in equal _____ (e.g., weekly, monthly, quarterly) installments of \$ _____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after the date of this judgment; or
- D Payment in equal _____ (e.g., weekly, monthly, quarterly) installments of \$ _____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after release from imprisonment to a term of supervision; or
- E Payment during the term of supervised release will commence within _____ (e.g., 30 or 60 days) after release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay at that time; or
- F Special instructions regarding the payment of criminal monetary penalties:

Any unpaid amount is to be paid during the period of incarceration at a rate of 50% of wages earned while in the custody of the Bureau of Prisons and during the period of supervision in monthly installments of not less than 10% of the defendant's gross monthly income or \$25, whichever amount is greater. The Court designated 100% of the fine to the Lacey Act fund.

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during the period of imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program are made to the United States District Court, District of Alaska. For restitution payments, the Clerk of the Court is to forward money received to the party(ies) designated to receive restitution specified on the Criminal Monetary Penalties (Sheet 5) page.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

- Joint and Several
Defendant and Co-Defendant Names and Case Numbers (including defendant number), Total Amount, Joint and Several Amount, and corresponding payee, if appropriate.
- The defendant shall pay the cost of prosecution.
- The defendant shall pay the following court cost(s):
- The defendant shall forfeit the defendant's interest in the following property to the United States: The defendant's personal property will be voluntarily abandoned to include the following items: Two caribou trophies and one black bear trophy.

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) AVAA assessment, (5) fine principal, (6) fine interest, (7) community restitution, (8) JVTA Assessment, (9) penalties, and (10) costs, including cost of prosecution and court costs.

KAREN L. LOEFFLER
United States Attorney

STEVEN E. SKROCKI
Assistant United States Attorney
Federal Building & U.S. Courthouse
222 West Seventh Avenue, #9, Room 253
Anchorage, Alaska 99513-7567
Phone: (907) 271-5071
Fax: (907) 271-1500
Email: steven.skrocki@usdoj.gov

Attorneys for Plaintiff

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA

UNITED STATES OF AMERICA,)	No. 1:12-cr-00004-LCL
)	
Plaintiff,)	UNITED STATES' SENTENCING
)	MEMORANDUM
vs.)	
)	
SHERMAN ROGER ALEXANDER,)	
)	
Defendant.)	

I. SUMMARY OF SENTENCING RECOMMENDATIONS

TERM OF IMPRISONMENT..... 6 Months Home Confinement
Supervised Release. 1 Year
FINE..... \$10,000.00
FORFEITURE/ABANDONMENT 144 Sea Otter Pelts
SPECIAL ASSESSMENT. \$25 per count, Total \$75

The plea agreement in this case is controlled by Federal Rule of Criminal Procedure 11(c)(1)(C).

II. GUIDELINE APPLICATIONS

A. Adjusted and Total Offense Level

The United States agrees with the guideline calculation for this offense as stated in the final presentence report although it differs in result from the agreement reached between the parties. In terms of the offense conduct, the Final Presentence Report essentially mirrors and confirms the factual basis agreed to by the parties.

For the reasons set forth herein, the United States requests that the Court accept the agreement between the parties and impose sentence in conformity with the agreement as well as with other terms as specifically set forth below.

B. Acceptance of Responsibility

The defendant has accepted responsibility and is entitled to a reduction which has been credited in the guideline calculation.

C. Criminal History Category Computation

While the defendant has criminal history activity from when he was a younger man, the convictions are of such an age that they do not add any criminal history points to the criminal history calculation.

III. APPLICATION OF 18 U.S.C. § 3553(a)

In addition to the Guidelines, the following sentencing factors set forth in 18 U.S.C. § 3553(a) apply: (1) the nature and circumstances of the offense and history and characteristics of the defendant; (2) the need for the sentence to reflect the seriousness of the offense, afford deterrence, protect the public from further crimes and provide the defendant training and treatment; (3) the kinds of sentences available; (4) the established Guidelines sentencing ranges; (5) any pertinent Guidelines policy statements; (6) the need to avoid unwarranted sentence disparity between defendants with similar records convicted of similar crimes; and (7) the need to provide restitution to victims of the offense. 18 U.S.C. § 3553(a)(1) through (7). Each sentencing factor is addressed in turn:

A. Nature and Circumstances of Offense and the History and Characteristics of the Defendant.

1. History and Characteristics of the Defendant-Unlawful Conduct

The defendant has minimal (and old) criminal history. The defendant is married, and prior to this offense ran a business selling sea otter fur products.

2. The Instant Offense

The Presentence Report (PSR) in paragraphs 7 through 9 provide the factual basis for the instant offense. Primarily, the defendant's offenses concern non-

compliance with the Marine Mammal Act's prohibitions and regulations concerning the taking, tagging and sale of sea otter pelts. Count 1 concerns the methods of the take of sea otters as well as failure in tagging the 87 hides after the animals were taken. Count 2 concerns the illegal transfer and transport of 14 of the illegally taken sea otters. Count 3 charges the defendant with selling a sea otter hide blanket made from the illegally taken otter hides to an individual who was not an Alaska Native.

All of the aforementioned acts were in violation of the Marine Mammal Protection Act.

B. Need for the Sentence to Reflect the Seriousness of the Offense, Afford Deterrence, Protect the Public, and Rehabilitate the Defendant.

Given the extent of the foregoing information, and the information in the PSR a sentence of 6 months home confinement and a fine of \$10,000. along with abandonment/forfeiture of of 144 sea otter hides reflects the seriousness of the offense, affords deterrence and protect the public and the wildlife resources of Alaska. Compliance with the rules and regulations concerning the take of Marine Mammals is not an onerous task, and in order to appropriately and legally conduct trade in their fur or other products, the regulations concerning take, tagging and sale must be complied with. The agreed upon sentence months for this defendant

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would send a strong and significant message to others inclined towards this illegal activity of the consequences of their actions. This sentence also protects the public, to whom this natural resource is ultimately entrusted and does not in any way reward Alexander for his crimes.

Additionally, the parties agreed to a sentence of 6 months imprisonment, however after being provided access to the defendant's medical records and speaking with his treating physicians a decision was made to alter the terms of the plea agreement to a term of 6 months home confinement (with release for medical treatment) given the nature of his illness, which is not insignificant. Given the very real fact that the defendant's illness can be determined to be life threatening, and debilitating, the parties stipulated and agreed to modifying the plea agreement so that the defendant can complete the six month imprisonment condition as home confinement instead of a Bureau of Prison's run facility.

C. Kinds of Sentences Available.

The only other type of sentence available for this defendant is one that imposes a term of jail time. Due to the defendant's medical condition, the parties agreement seeks to have the court impose a term of six months home confinement and one year of supervised release, along with other conditions listed both in the

plea agreement and herein based upon the totality of the circumstances of this offense, the defendant's background, characteristics and conduct.

D. Sentencing Ranges Available.

The sentence recommended by the United States and agreed upon by the parties was in line with that calculated by the Presentence Report and the Sentencing Guidelines.

E. Pertinent Policy Statements.

The United States is unaware of any pertinent policy statements applicable to the sentence it recommends.

F. Need to Avoid Sentence Disparity.

The sentence sought takes into account the full range of offense conduct and is, save for the fine amount, no more significant than the sentencing recommendation of the guidelines.

G. Fine, Restitution, Forfeiture and Victim Impact Statement.

As the court knows, the fine amount exceeds the guideline range. The amount was set at this level for several reasons. First and foremost, the nature and the extent of the illegal conduct warrants a significant fine and the defendant has the ability to pay. The judgment should also include an order that the defendant, as part of the plea agreement in this case, abandons 144 sea otter pelts.

IV. CONCLUSION

The United States and the defense structured an agreement with a sentence that was in line with that calculated in the presentence report. Given the defendant's pressing medical concerns, which are not unsubstantial, the parties have endeavored to strike a balance between the offense conduct, and the defendant's background and situation based on the section 3553 factors with a sentence of home confinement. Based on the overall offense conduct and the terms of the plea agreement entered into between the United States and the defendant the government respectfully requests that the court adopt the sentencing recommendations and the plea agreement in this case and sentence the defendant to the terms agreed to by the parties.

Finally, as part of the plea agreement in this case the defendant agrees to forego, while on supervised release, not hunting or having any business dealings

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with marine mammals. The government would request the court to impose this condition as a condition of supervised release and so list it in the judgment.

RESPECTFULLY SUBMITTED this 11th day of January, 2013 in
Anchorage, Alaska.

KAREN L. LOEFFLER
United States Attorney

s/ Steven E. Skrocki
STEVEN E. SKROCKI
Assistant U.S. Attorney
United States of America

CERTIFICATE OF SERVICE

I hereby certify that on January 11, 2013 a true and correct copy of the foregoing was served electronically on the following:

Brent R. Cole, Esq.

s/ Steven E. Skrocki
Office of the U.S. Attorney

U.S. v. Alexander
1:12-cr-00004-LCL

Page 8 of 8

KAREN L. LOEFFLER
United States Attorney

STEVEN E. SKROCKI
Assistant U.S. Attorney
Federal Building & U.S. Courthouse
222 West Seventh Avenue, #9, Room 253
Anchorage, Alaska 99513-7567
Phone: (907) 271-5071
Fax: (907) 271-1500
Email: steven.skrocki@usdoj.gov

Attorneys for Plaintiff

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA

UNITED STATES OF AMERICA,)	No. 1:12-cr-00004-LCL
)	
Plaintiff,)	SUPPLEMENT TO
)	UNITED STATES' SENTENCING
vs.)	MEMORANDUM
)	
SHERMAN ROGER ALEXANDER,)	[FILED UNDER SEAL]
)	
Defendant.)	

There is no supplement to this sentencing memorandum.

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//

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RESPECTFULLY SUBMITTED this 11th day of January, 2013 at

Anchorage, Alaska.

KAREN L. LOEFFLER
United States Attorney

s/ Steven E. Skrocki
STEVEN E. SKROCKI
Assistant U.S. Attorney
United States of America

CERTIFICATE OF SERVICE

I hereby certify that on January 11, 2013 a true and correct copy of the foregoing was served electronically on the following:

Brent R. Cole, Esq.

s/ Steven E. Skrocki
Office of the U.S. Attorney

UNITED STATES DISTRICT COURT

District of Alaska

UNITED STATES OF AMERICA
V.

JUDGMENT IN A CRIMINAL CASE

SHERMAN ROGER ALEXANDER
a/k/a ROGER ALEXANDER

Case Number: 1:12-cr-00004-LCL

USM Number: None

Brent Cole
Defendant's Attorney

THE DEFENDANT:

pleaded guilty to count(s) 1-3 of the Misdemeanor Information.

pleaded nolo contendere to count(s) _____
which was accepted by the court.

was found guilty on count(s) _____
after a plea of not guilty.

The defendant is adjudicated guilty of these offenses:

<u>Title & Section</u>	<u>Nature of Offense</u>	<u>Offense Ended</u>	<u>Count</u>
16 U.S.C. §§ 1372 (a)(4)(B), 1375(b)	Marine Mammal Protection Act	8/31/2008	1-3

The defendant is sentenced as provided in pages 2 through 5 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

The defendant has been found not guilty on count(s) _____

Count(s) _____ is are dismissed on the motion of the United States.

It is ordered that the defendant must notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of material changes in economic circumstances.

JANUARY 17, 2013
Date of Imposition of Judgment

S/LESLIE C. LONGENBAUGH
Signature of Judge

LESLIE C. LONGENBAUGH, U.S. MAGISTRATE JUDGE
Name and Title of Judge

FEBRUARY 11, 2013
Date

DEFENDANT: SHERMAN ROGER ALEXANDER a/k/a ROGER ALEXANDER
CASE NUMBER: 1:12-cr-00004-LCL

PROBATION

The defendant is hereby sentenced to probation for a term of: 1 year.

This is a term of 1 year on each of counts 1-3, to be served concurrently to each other.

The defendant shall not commit another federal, state or local crime.

The defendant shall not unlawfully possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of placement on probation and at least two periodic drug tests thereafter, not to exceed 12 tests per month, as direct by the probation officer.

- The above drug testing condition is suspended, based on the court's determination that the defendant poses a low risk of future substance abuse. (Check, if applicable.)
- The defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon. (Check, if applicable.)
- The defendant shall cooperate in the collection of DNA as directed by the probation officer. (Check, if applicable.)
- The defendant shall register with the state sex offender registration agency in the state where the defendant resides, works, or is a student, as directed by the probation officer. (Check, if applicable.)
- The defendant shall participate in an approved program for domestic violence. (Check, if applicable.)

If this judgment imposes a fine or restitution, it is a condition of probation that the defendant pay in accordance with the Schedule of Payments sheet of this judgment.

The defendant must comply with the standard conditions that have been adopted by this court as well as with any additional conditions on the attached page.

STANDARD CONDITIONS OF SUPERVISION

- 1) the defendant shall not leave the judicial district without the permission of the court or probation officer;
- 2) the defendant shall report to the probation officer in a manner and frequency directed by the court or probation officer;
- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 4) the defendant shall support his or her dependents and meet other family responsibilities;
- 5) the defendant shall work regularly at a lawful occupation, unless excused by the probation officer for schooling, training, or other acceptable reasons;
- 6) the defendant shall notify the probation officer at least ten days prior to any change in residence or employment;
- 7) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician;
- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 9) the defendant shall not associate with any persons engaged in criminal activity and shall not associate with any person convicted of a felony, unless granted permission to do so by the probation officer;
- 10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view of the probation officer;
- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court; and
- 13) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

DEFENDANT: SHERMAN ROGER ALEXANDER a/k/a ROGER ALEXANDER
CASE NUMBER: 1:12-cr-00004-LCL

SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties are due as follows:

- A Lump sum payment of \$ 10,075.00 due immediately, balance due
 - not later than _____, or
 - in accordance C, D, E, or F below; or
- B Payment to begin immediately (may be combined with C, D, or F below); or
- C Payment in equal _____ (e.g., weekly, monthly, quarterly) installments of \$ _____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after the date of this judgment; or
- D Payment in equal _____ (e.g., weekly, monthly, quarterly) installments of \$ _____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after release from imprisonment to a term of supervision; or
- E Payment during the term of supervised release will commence within _____ (e.g., 30 or 60 days) after release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay at that time; or
- F Special instructions regarding the payment of criminal monetary penalties:
Over the term of probation.

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the clerk of the court.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

Joint and Several

Defendant and Co-Defendant Names and Case Numbers (including defendant number), Total Amount, Joint and Several Amount, and corresponding payee, if appropriate.

The defendant shall pay the cost of prosecution.

The defendant shall pay the following court cost(s):

The defendant shall forfeit the defendant's interest in the following property to the United States:
144 Sea Otter pelts.

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) fine interest, (6) community restitution, (7) penalties, and (8) costs, including cost of prosecution and court costs.

4NE-23-00057CR State of Alaska vs. Rupe, Chad Alan RDH

- Case Type:
Criminal
- Case Status:
Closed
- File Date:
09/26/2023
- Case Judge:
Huisingh, Raechyl D

All Information Party Charge Event Docket Financial Receipt Financial Dockets

Party Information

Rupe, Chad Alan
- Defendant

- DOB
06/09/1972

Alias

Party Attorney

- Attorney
Cole, Brent R
- Bar Code
8606074
- Phone
(907)277-8001

State of Alaska
- Prosecution

- DOB

Alias

Party Attorney

- Attorney
District Attorney (4FA)
- Bar Code
DA4FA
- Phone
- Attorney
Plantamura, Dominic Gerard
- Bar Code
2202008
- Phone
(907)451-5970

Party Charge Information

- Rupe, Chad Alan
- Defendant

Charge # 1:

5AAC85045A11/MISD - Class A Misdemeanor 5AAC85.045(a)(11): Hunting Seasons And Bag Limits For Moose-Unit 13

- Original Charge
- 5AAC85045A11/MISD 5AAC85.045(a)(11): Hunting Seasons And Bag Limits For Moose-Unit 13 (Class A Misdemeanor)
- Indicted Charge
- Amended Charge
- DV Related?
No
- Modifiers
None
- Stage Date
09/27/2023

- ATN #
116873028
- Tracking #
001
- Offense Location
Cantwell
- Date of Offense
09/07/2023

Party Charge Disposition

Disposition Date
Disposition
12/21/2023
Guilty Conviction After Guilty Plea

- Rupe, Chad Alan

• - Defendant
Charge # 2:
5AAC92220D/MISD - Class A Misdemeanor 5AAC92.220(d): Failure to Salvage All Edible Meat

- Original Charge
- 5AAC92220D/MISD 5AAC92.220(d): Failure to Salvage All Edible Meat (Class A Misdemeanor)
- Indicted Charge
- Amended Charge
- DV Related?
- No
- Modifiers
- None
- Stage Date
- 09/27/2023

- ATN #
- 116873028
- Tracking #
- 002
- Offense Location
- Cantwell
- Date of Offense
- 09/07/2023

Party Charge Disposition
Disposition Date
Disposition
12/21/2023
Dismissed by Prosecution (CrR43(a)(1))

• **Rupe, Chad Alan**
• - Defendant
Charge # 3:
5AAC92140A/MISD - Class A Misdemeanor 5AAC92.140(a): Unlawful Possession or Transportation of Game

- Original Charge
- 5AAC92140A/MISD 5AAC92.140(a): Unlawful Possession or Transportation of Game (Class A Misdemeanor)
- Indicted Charge
- Amended Charge
- DV Related?
- No
- Modifiers
- None
- Stage Date
- 09/27/2023

- ATN #
- 116873028
- Tracking #
- 003
- Offense Location
- Cantwell
- Date of Offense
- 09/07/2023

Party Charge Disposition
Disposition Date
Disposition
12/21/2023
Guilty Conviction After Guilty Plea

• **Rupe, Chad Alan**
• - Defendant
Charge # 4:
5AAC92150C/MISD - Class A Misdemeanor 5AAC92.150(c): Big Game Antler Requirements

- Original Charge
- 5AAC92150C/MISD 5AAC92.150(c): Big Game Antler Requirements (Class A Misdemeanor)
- Indicted Charge
- Amended Charge
- DV Related?
- No
- Modifiers
- None
- Stage Date
- 09/27/2023

- ATN #
- 116873028
- Tracking #
- 004
- Offense Location
- Cantwell
- Date of Offense
- 09/07/2023

Party Charge Disposition
Disposition Date
Disposition
12/21/2023
Dismissed by Prosecution (CrR43(a)(1))

• **Rupe, Chad Alan**
• - Defendant
Charge # 5:
5AAC85045A11/MISD - Class A Misdemeanor 5AAC85.045(a)(11): Hunting Seasons And Bag Limits For Moose-Unit 13

- Original Charge
- 5AAC85045A11/MISD 5AAC85.045(a)(11): Hunting Seasons And Bag Limits For Moose-Unit 13 (Class A Misdemeanor)
- Indicted Charge
- Amended Charge

- ATN #
- 116873028
- Tracking #
- 005
- Offense Location
- Cantwell

- o DV Related?
- o No
- o Modifiers
- o None
- o Stage Date
- o 09/27/2023

- o Date of Offense
- o 09/07/2023

Party Charge Disposition

Disposition Date
 Disposition
 12/21/2023
 Dismissed by Prosecution (CrR43(a)(1))

Events

<u>Date/Time</u>	<u>Location</u>	<u>Type</u>	<u>Result</u>	<u>Event Judge</u>
10/09/2023 02:30 PM	Nenana Courthouse	Arrestment	Hearing Held	Huisingh, Raechyl D
12/19/2023 03:30 PM	Nenana Courthouse	Rural Calendar Call	Hearing Held	Huisingh, Raechyl D
12/21/2023 11:00 AM	Nenana Courthouse	Change of Plea	Calendared in Error	Huisingh, Raechyl D
12/21/2023 03:00 PM	Nenana Courthouse	Change of Plea	Case Disposed	Huisingh, Raechyl D

Docket Information

<u>Date</u>	<u>Docket Text</u>
09/26/2023	Charging Document Pending
09/26/2023	Initial Charging Document ST- Complaint and Dated Citation Truefiled 09-26-2023
10/03/2023	Entry of Appearance Attorney: Cole, Brent R (8606074) Chad Alan Rupe (Defendant);
10/03/2023	Consent to Service by Email Attorney: Cole, Brent R (8606074) Chad Alan Rupe (Defendant);
10/03/2023	PROOF OF SERVICE
10/03/2023	Consent to Misdemeanor Proceedings in Defendant's Absence Chad Alan Rupe (Defendant);
10/03/2023	Attorney Information Attorney Cole, Brent R representing Defendant Rupe, Chad Alan as of 10/03/2023
10/09/2023	Bail Order / Conditions of Release: Temp Order
10/09/2023	Order to Report for Fingerprinting
10/10/2023	Log Notes: Arrestment
10/11/2023	Court Order: Pretrial
11/15/2023	PROOF OF SERVICE
11/15/2023	Entry of Appearance ST-EOA (Plantamura) 11-15-2023
11/16/2023	Attorney Information Attorney Plantamura, Dominic Gerard representing Prosecution State of Alaska as of 11/16/2023
12/06/2023	Proof of Fingerprint Completion Signed Order to Report for Fingerprinting
12/06/2023	PROOF OF SERVICE
12/15/2023	Request for Hearing Request for COP - Rupe
12/15/2023	PROOF OF SERVICE
12/18/2023	Notice Notice of Hearing
12/18/2023	Notice Notice of Hearing
12/19/2023	Log Notes: Calendar Call
12/21/2023	Judgment Related Document: Judgment
12/21/2023	Restitution Judgment: Restitution Judgment
12/21/2023	Log Notes: Change of Plea
12/21/2023	Restitution for Fish or Wildlife

<u>Date</u>	<u>Docket Text</u>
	(AS 16.05.925 Game Restitution or AS 16.35.210 Nonindigenous Fish) Receipt: 2155566 Date: 12/22/2023
12/21/2023	Charge Dismissed by Prosecutor Charge #2: Originating - 5AAC92.220(d): Failure to Salvage All Edible Meat
12/21/2023	Charge Dismissed by Prosecutor Charge #4: Originating - 5AAC92.150(c): Big Game Antler Requirements
12/21/2023	Charge Dismissed by Prosecutor Charge #5: Originating - 5AAC85.045(a)(11): Hunting Seasons And Bag Limits For Moose-Unit 13
12/21/2023	Charge Disposition: Defendant Convicted on Charge For sentencing information, see the Judgment in the case file. Charge(s) 1, 3 disposed with a disposition of Charge Disposition: Defendant Convicted on Charge Charge #1: Originating - 5AAC85.045(a)(11): Hunting Seasons And Bag Limits For Moose-Unit 13
12/21/2023	Case Closed Case disposed with disposition of Guilty Plea After Arraignment on 12/21/2023
12/21/2023	Fine Due Charge #1: Originating - 5AAC85.045(a)(11): Hunting Seasons And Bag Limits For Moose-Unit 13 Receipt: 2155566 Date: 12/22/2023
12/21/2023	Fine Due Charge #3: Originating - 5AAC92.140(a): Unlawful Possession or Transportation of Game Receipt: 2155566 Date: 12/22/2023
12/21/2023	Police Training Surcharge Receipt: 2155566 Date: 12/22/2023
12/21/2023	\$100 Suspended Jail Surcharge. Court will order defendant to pay the suspended \$100 surcharge if probation is revoked and, in connection with the revocation, defendant is arrested and taken to a correctional facility or jail time is ordered served. AS 12.55.041(c).

Financial Summary

<u>Cost Type</u>	<u>Amount Owed</u>	<u>Amount Paid</u>	<u>Amount Adjusted</u>	<u>Amount Outstanding</u>
Cost	\$1,000.00	\$1,000.00	\$0.00	\$0.00
Fine	\$9,000.00	\$3,000.00	i \$6,000.00	\$0.00
Surcharge(2)	\$100.00	\$100.00	\$0.00	\$0.00
	\$10,100.00	\$4,100.00	\$6,000.00	\$0.00

Receipts

<u>Receipt Number</u>	<u>Receipt Date</u>	<u>Payment Amount</u>
2155566	12/22/2023	\$4,100.00
		\$4,100.00

Financial Docket Information

<u>Date</u>	<u>Description</u>	<u>Owed</u>	<u>Adjusted</u>	<u>Paid</u>	<u>Due</u>	<u>Due Date</u>
12/21/2023	Game Animal Restitution Judgment - AS16.05.925(b)	\$1,000.00	\$0.00	\$1,000.00	\$0.00	
12/21/2023	Fine Due	\$4,500.00	i \$3,000.00	\$1,500.00	\$0.00	12/21/2024
12/21/2023	Fine Due	\$4,500.00	i \$3,000.00	\$1,500.00	\$0.00	12/21/2024
12/21/2023	Police Training Surcharge	\$100.00	\$0.00	\$100.00	\$0.00	12/31/2023
		\$10,100.00	\$6,000.00	\$4,100.00	\$0.00	

IN THE DISTRICT COURT FOR THE STATE OF ALASKA
FOURTH JUDICIAL DISTRICT AT NENANA

State of Alaska,
vs.
Chad Alan Rupe,

Plaintiff,

Defendant.

CASE NO: 4NE-23-00057CR

JUDGMENT

DOB: 06/09/1972 APSIN: 9350932
DL/ID (CDL): 49315538 - CA ATN: 116873028
 Victim Case

<u>CTN</u>	<u>Offense</u>	<u>Date of Offense</u>	<u>DV Offense per AS 18.66.990</u>
001	5AAC85.045(a)(11): Hunting Seasons And Bag Limits For Moose-Unit 13	09/07/2023	No
003	5AAC92.140(a): Unlawful Possession or Transportation of Game	09/07/2023	No

PLEA: Guilty
PLEA AGREEMENT: Yes

Defendant was found and adjudged:
 GUILTY and convicted of the offense(s) named above.
 Any bond in this case is exonerated.

The following charges were dismissed:

<u>CTN</u>	<u>Offense</u>	<u>Dismissal Reason:</u>
002	5AAC92.220(d): Failure to Salvage All Edible Meat	43(a)(1)
004	5AAC92.150(c): Big Game Antler Requirements	43(a)(1)
005	5AAC85.045(a)(11): Hunting Seasons And Bag Limits For Moose-Unit 13	43(a)(1)

SENTENCE


- Sentence is imposed as follows:
 - FINE:

<u>CTN:</u>	<u>Fine:</u>
001	Defendant is fined <u>\$4500</u> with <u>\$3000</u> suspended. The unsuspended amount is due by <u>the end of probation.</u>
003	Defendant is fined <u>\$4500</u> with <u>\$3000</u> suspended. The unsuspended amount is due by <u>the end of probation.</u>
 - POLICE TRAINING SURCHARGE: To be paid within 10 days: For offenses on or after 1/1/19: \$100 (non-DUI Misd)
 - SUSPENDED STATE JAIL SURCHARGE: \$100 per case with \$100 suspended. Surcharge must be paid if probation is revoked and, in connection, defendant is arrested and taken to jail or is sentenced to jail.
 - RESTITUTION:
 - Defendant is ordered to pay restitution as stated in the Restitution Judgment and to apply for an Alaska Permanent Fund dividend, if eligible, each year until restitution is paid in full.
 - PROBATION: Defendant is placed on probation for 1 year, subject to the following conditions:
 - Comply with all direct court orders listed above by the deadlines stated.

- Obey all state, federal, and local laws and ordinances.
- The seized firearm is forfeited.

Find payment instructions online at www.courts.alaska.gov/trialcourts/.htm, or contact your local court clerk.

December 21, 2023
Effective Date
Clerk: RH


Magistrate Judge Raechyl D Huising
Date signed: 12/21/2023

Alaska Trial Courts

Certificate of Distribution

Case Number: 4NE-23-00057CR

Case Title: SOA VS. RUPE, CHAD ALAN

The Alaska Trial Courts certify that the Judgment Related Document: Judgment was distributed to:

Recipient	Servicing Method	Distribution Date
District Attorney (4FA)	Email	12/21/2023
Brent Cole	Email	12/21/2023
Nicole Miller	Email	12/21/2023
AWT - MO/CR Judgment Distribution	Email	12/21/2023
DPS - R and I	Email	12/21/2023

4DJ-21-00037CR State of Alaska vs. Lea, Nathanael E YY

- Case Type:
Criminal
- Case Status:
Closed
- File Date:
10/05/2021
- Case Judge:
Young, Yvette

[All Information](#) [Party](#) [Charge](#) [Event](#) [Docket](#) [Financial](#) [Receipt](#) [Financial Dockets](#)

Party Information

Lea, Nathanael E
- Defendant

- DOB
08/13/1977

Alias

Party Attorney

- Attorney
Cole, Brent R
- Bar Code
8606074
- Phone
(907)277-8001

State of Alaska
- Prosecution

- DOB

Alias

Party Attorney

- Attorney
District Attorney (4FA)
- Bar Code
DA4FA
- Phone

Party Charge Information

- **Lea, Nathanael E**
- Defendant

Charge # 1:

5AAC92220D/MISD - Class A Misdemeanor 5AAC92.220(d): Failure to Salvage All Edible Meat

- Original Charge
- 5AAC92220D/MISD 5AAC92.220(d): Failure to Salvage All Edible Meat (Class A Misdemeanor)
- Indicted Charge
- Amended Charge
- DV Related?
No
- Modifiers
None
- Stage Date
10/05/2021

- ATN #
114567822
- Tracking #
001
- Offense Location
Delta Junction
- Date of Offense
09/20/2021

Party Charge Disposition

Disposition Date
Disposition
01/27/2022
Guilty Conviction After Guilty Plea

- **Lea, Nathanael E**
- Defendant

Charge # 2:

5AAC92220F/MISD - Class A Misdemeanor 5AAC92.220(f): Antlers or Horns May Not be Transported Unless Acc by All Edible Meat or Poss of Meat

- Original Charge

- ATN #

- 5AAC92220F/MISD 5AAC92.220(f): Antlers or Horns May Not be Transported Unless Acc by All Edible Meat or Poss of Meat (Class A Misdemeanor)
- Indicted Charge
- Amended Charge
- DV Related?
- No
- Modifiers
- None
- Stage Date
- 10/05/2021

- 114567822
- Tracking #
- 002
- Offense Location
- Delta Junction
- Date of Offense
- 09/20/2021

Party Charge Disposition
Disposition Date
Disposition
01/27/2022
Dismissed by Prosecution (CrR43(a)(1))

Events

<u>Date/Time</u>	<u>Location</u>	<u>Type</u>	<u>Result</u>	<u>Event Judge</u>
10/26/2021 03:00 PM	Delta Junction Courthouse	Arrest	Hearing Held	Young, Yvette
01/06/2022 08:30 AM	Courtroom 203, Fairbanks Courthouse	Pre-Trial Conference: District Court Criminal	Hearing Held	Bahr, Maria P
01/20/2022 03:00 PM	Delta Junction Courthouse	Change of Plea	Hearing Reset	Young, Yvette
01/27/2022 03:00 PM	Delta Junction Courthouse	Change of Plea	Case Disposed	Young, Yvette
03/10/2022 08:30 AM	Courtroom 203, Fairbanks Courthouse	Pre-Trial Conference: District Court Criminal	Hearing Vacated	Bahr, Maria P
03/15/2022 10:30 AM	Delta Junction Courthouse	Rural Calendar Call	Hearing Vacated	Young, Yvette
03/21/2022 09:30 AM	Courtroom 203, Fairbanks Courthouse	Scheduled Trial Week	Hearing Vacated	Bahr, Maria P

Docket Information

<u>Date</u>	<u>Docket Text</u>
10/05/2021	Initial Charging Document Filed
10/08/2021	Attorney Information Attorney Cole, Brent R representing Defendant Lea, Nathanael E as of 10/08/2021
10/08/2021	Entry of Appearance and Consent to Service by Email Attorney: Cole, Brent R (8606074) Nathanael E Lea (Defendant);
10/08/2021	Consent to Misdemeanor Proceedings in Defendant's Absence Nathanael E Lea (Defendant);
10/20/2021	Sentencing Memorandum - AWT Sentencing Recommendations
10/26/2021	Pretrial Order
10/26/2021	Temporary Order
01/18/2022	Administrative Judicial Reassignment
01/18/2022	Request for Change of Plea Hearing (no motion link) Attorney: Cole, Brent R (8606074) Nathanael E Lea (Defendant);
01/27/2022	Charge Dismissed by Prosecutor Charge(s) 2 disposed with a disposition of Charge Dismissed by Prosecutor Charge #2: Originating - 5AAC92.220(f): Antlers or Horns May Not be Transported Unless Acc by All Edible Meat or Poss of Meat
01/27/2022	Charge Disposition: Defendant Convicted on Charge For sentencing information, see the Judgment in the case file. Charge(s) 1 disposed with a disposition of Charge Disposition: Defendant Convicted on Charge

<u>Date</u>	<u>Docket Text</u>
	Charge #1: Originating - 5AAC92.220(d): Failure to Salvage All Edible Meat
01/27/2022	Case Closed Case disposed with disposition of Guilty Plea at Arraignment on 01/27/2022
01/27/2022	Fine Due Charge #1: Originating - 5AAC92.220(d): Failure to Salvage All Edible Meat Receipt: 2076820 Date: 04/07/2023
01/27/2022	Police Training Surcharge Receipt: 1936569 Date: 02/01/2022

Financial Summary

<u>Cost Type</u>	<u>Amount Owed</u>	<u>Amount Paid</u>	<u>Amount Adjusted</u>	<u>Amount Outstanding</u>
Fine	\$3,000.00	\$3,000.00	\$0.00	\$0.00
Surcharge(2)	\$100.00	\$100.00	\$0.00	\$0.00
	\$3,100.00	\$3,100.00	\$0.00	\$0.00

Receipts

<u>Receipt Number</u>	<u>Receipt Date</u>	<u>Payment Amount</u>
1936569	02/01/2022	\$100.00
2076820	04/07/2023	\$3,000.00
		\$3,100.00

Financial Docket Information

<u>Date</u>	<u>Description</u>	<u>Owed</u>	<u>Adjusted</u>	<u>Paid</u>	<u>Due</u>	<u>Due Date</u>
01/27/2022	Fine Due	\$3,000.00	\$0.00	\$3,000.00	\$0.00	12/31/2024
01/27/2022	Police Training Surcharge	\$100.00	\$0.00	\$100.00	\$0.00	02/06/2022
		\$3,100.00	\$0.00	\$3,100.00	\$0.00	

IN THE DISTRICT COURT FOR THE STATE OF ALASKA
FOURTH JUDICIAL DISTRICT AT DELTA JUNCTION

State of Alaska,
vs.
Nathanael E Lea,

Plaintiff,
Defendant.

CASE NO: 4DJ-21-00037CR

**JUDGMENT
FISH & GAME**

DOB: 08/13/1977
DL/ID (CDL): LEA**NE232NL - WA
Address: 12055 Banner Rd SE Olalla WA 98359

APSIN: 9255817
ATN: 114567822

<u>CTN:</u>	<u>Offense:</u>	<u>Date of</u>	
001	5AAC92.220(d): Failure to Salvage All Edible Meat	<u>Offense:</u>	<u>Misd</u>
		09/20/2021	<input checked="" type="checkbox"/>

Defendant came before the court on January 27, 2022 with counsel, Brent R Cole, and Assistant District Attorney, Anna Ralph, present.

PLEA: Guilty
RULE 11 PLEA: Yes

The defendant was found and adjudged: Guilty of the offense named above.
The following charges were dismissed:

<u>CTN:</u>	<u>Offense:</u>	
002	5AAC92.220(f): Antlers or Horns May Not be Transported Unless Accompanied by All Edible Meat or Possession of Meat	09/20/2021

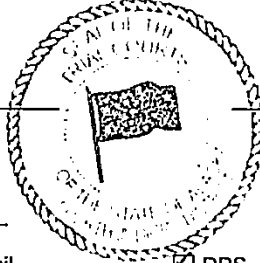
SENTENCE

- Sentence is imposed as follows:
 - JAIL: Defendant is committed to the custody of the Commissioner of Corrections to serve
CTN: Period:
001 Ten (10) days with ten (10) days suspended.
 - FINE:
CTN: Fine:
001 Defendant is fined \$8,000.00 with \$5,000.00 suspended. The unsuspended \$3,000.00 shall be paid by 12/31/2024.
 - POLICE TRAINING SURCHARGE: To be paid within 10 days (one per case):
Offense on or after 1/1/19: \$100(Misd).
 - SUSPENDED JAIL SURCHARGE: \$100 per case with \$100 suspended. Must pay if probation is revoked and, in connection, defendant is arrested and taken to jail or is sentenced to jail.
 - The following are forfeited (*seized fish or game, equipment used in or in aid of violation, etc.*):
Moose antlers, moose meat, and the hunting rifle used in the above offense.
 - LICENSE ACTIONS:
 Defendant's hunting license is revoked until 4/26/2023.

- PROBATION: Defendant is placed on probation for three (3) years, subject to the following conditions:
 - Comply with all direct court orders listed above by the deadlines stated.
 - Commit no jailable offenses during the probation period.

To make a payment visit www.courts.alaska.gov/trialcourts/payments.htm, or contact your local court clerk.

January 27, 2022
Effective Date
CLK: yy



Yvette J. Young
Yvette J. Young, Magistrate Judge

I certify that on 1/27/22
a copy of this judgment was sent to:

- Prosecutor
- Def Atty
- Jail
- DPS
- Police
- DOC
- PED
- CFEC (for commercial fishing offenses)
- DMV
- _____

Clerk: Kella