

Summary of Charges:

DEFENDANT	COUNTS
RICK P. HIHATH, (1)	1, 2, 3
CRIS E. BOTTCHEER a/k/a Chris Bottcher, (2)	1, 2, 3
JILL D. MAKSTALLER, (3)	1, 4
JULIO REYES, (4)	1, 4
ZACHARY R. CONNELLY, (5)	1, 5
KEVIN P. TASLER, (6)	1, 4
RYAN J. TASLER, (7)	1, 5

INDICTMENT

THE GRAND JURY CHARGES THAT:

COUNT ONE

(Conspiracy to Travel in Interstate Commerce to Sponsor a Dog in an Animal Fighting Venture and in Aid of Unlawful Activities)

Background

At all times material and relevant to this Indictment:

1. Defendant RICK P. HIHATH (“HIHATH”) was a resident of Andrew County, St. Joseph, Missouri.
2. Defendant CRIS E. BOTTCHEER a/k/a CHRIS E. BOTTCHEER (“BOTTCHEER”) was a resident of Harrison County, Gilman City, Missouri.
3. Defendant JILL D. MAKSTALLER (“MAKSTALLER”) was a resident of Boone County, Perry, Iowa.
4. Defendant JULIO REYES (“REYES”) was a resident of Johnson County, Tecumseh, Nebraska.

5. Defendant ZACHARY R. CONNELLY (“CONNELLY”) was a resident of Boone County, Ogden, Iowa.

6. Defendant KEVIN P. TASLER (“KEVIN TASLER”) was a resident of Green County, Jefferson, Iowa.

7. Defendant RYAN J. TASLER (“RYAN TASLER”) was a resident of Boone County, Woodward, Iowa.

Conspiracy and Its Objects

8. Between on or about January 15, 2009, to and including May 8, 2009, said dates being approximate, in the Western District of Missouri and elsewhere, RICK P. HIHATH, CRIS E. BOTTCHER a/k/a CHRIS E. BOTTCHER, JILL D. MAKSTALLER, JULIO REYES, ZACHARY R. CONNELLY, KEVIN P. TASLER and RYAN J. TASLER; defendants herein, did knowingly combine, conspire, confederate and agree with each other and with persons known and unknown to the Grand Jury, to commit the following offenses against the United States, to wit:

a. knowingly sponsoring and exhibiting an animal in an animal fighting venture, in which an animal was moved in interstate commerce, in violation of Title 7, United States Code, Section 2156(a)(1);

b. knowingly buying, transporting, delivering and receiving for the purposes of transportation, in interstate commerce, any dog for the purpose of having the dog participate in an animal fighting venture, in violation of Title 7, United States Code, Section 2156(b); and

c. traveling in interstate commerce and using the mail or any facility in interstate commerce with intent to commit any crime of violence to further any unlawful activity to promote, manage, establish, carry on and facilitate the promotion, management, establishment and carrying on of an

unlawful activity, to wit: a business enterprise involving gambling in violation of Missouri Revised Statutes, Section 572.020, and thereafter performing and attempting to perform acts to commit any crime of violence to further any unlawful activity and to promote, manage establish and carry on and to facilitate the promotion, management, establishment and carrying on of the unlawful activity, in violation of Title 18, United States Code, Section 1952.

Manner and Means By Which the Conspiracy Was Carried Out

9. The members of the conspiracy used various manners and means to effect the object and purpose of the conspiracy, including but not limited to the following:

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

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

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

d. It was further part of the conspiracy that the defendants herein would collect forfeit fees for those participating in the animal fighting ventures.

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

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

g. It was further part of the conspiracy that defendant herein would routinely and inhumanely abandon and destroy certain pit bull dogs that became severely injured, wounded or disabled as a result of participating in animal fighting ventures by shooting the dogs in the head, throwing the dogs into the river, or burning the dogs in a barrel.

Overt Acts

10. In furtherance of and to effect the objectives of the conspiracy, and to accomplish its purposes and objectives, the defendants committed and caused to be committed the following overt acts, among others, in the Western District of Missouri and elsewhere:

FEBRUARY 28, 2009, DOGFIGHT

11. On or about February 28, 2009, two dog fights occurred at the farm homestead of BOTTCHER, 33335 East State Highway CC, Gilman City, Missouri.

12. HIHATH participated in the fights along with BOTTCHER; HIHATH fought a dog named "Black Sheep" and BOTTCHER fought and handled a dog named "Pope Joe" for the match fight.

13. HIHATH and BOTTCHER constructed the fighting pit/box for the dog fights.

14. HIHATH was the referee of the match fight when BOTTCHER handled the dog named "Pope Joe," and also held the bet monies for that fight. Both HIHATH and BOTTCHER placed bets on that match fight.

15. Three dog fighters from central Iowa attended the fight: KEVIN P. TASLER, RYAN J. TASLER, and CONNELLY.

16. RYAN J. TASLER was the spongeman providing the sponges to the dog fighting handlers during the fights.

17. HIHATH, BOTTCHEER, RYAN J. TASLER, KEVIN P. TASLER, and CONNELLY spoke during the fight of owning, breeding, and fighting dogs.

18. CONNELLY and RYAN J. TASLER talked about how they dispose of their dogs that they kill. They said they burn their dogs in a barrel so if police come to their property all the police would see are holes burned in the ground.

19. BOTTCHEER and HIHATH spoke of disposing of the dogs they kill by throwing them in the river.

20. The total monies wagered/bet for the match fight was \$2,100.

APRIL 25, 2009 "ROLL" DOGFIGHT

21. On or about April 25, 2009, twelve "roll" dog fights occurred at BOTTCHEER'S farm homestead, 33335 East State Highway CC, Gilman City, Missouri.

22. BOTTCHEER facilitated those dog fights in an outbuilding garage on the homestead.

23. HIHATH promoted this dog fighting event and had at least two dogs fight in the event.

24. Several dog fighters from Iowa attended and participated in the fight, including KEVIN TASLER, and MAKSTALLER.

25. MAKSTALLER transported a dog she owned in interstate commerce in her 2004 Ford Excursion and carried it into BOTTCHEER'S garage for the dog fights.

26. A dogfighter from Nebraska, REYES, attended the fights and transported two dogs

in interstate commerce in a 1998 Dodge pick-up truck to participate in the dog fights.

27. KEVIN TASLER and RYAN TASLER transported a dog from Iowa to participate in the fight at BOTTCHEER'S home in Missouri.

28. At the fight, HIHATH had a spiral notebook with detailed information about dogs who were fighting that day, and he continually referred to that notebook throughout the twelve dogfights to keep track of the dogs fighting in the rolls.

29. HIHATH handled a dog in five of the twelve rolls, while BOTTCHEER handled a dog in four of the twelve rolls.

30. At the end of the fight, BOTTCHEER used a .22 caliber rifle to shoot and kill two dogs (one belonged to HIHATH and the other belonged to REYES) who fought in roll fights that night but did not perform to the handlers/owner's expectations.

31. BOTTCHEER shot each animal twice in the head; thereafter, he placed the carcasses in plastic containers outside of the garage.

32. The following items related to the dog fights were seen in the garage where the fights took place: a digital scale hanging in the garage; a slat mill with what appeared to be a pulling harness; break sticks; and the .22 caliber rifle BOTTCHEER used to kill the two dogs.

33. No betting occurred on the roll fights.

MAY 8, 2009 DOGFIGHT

34. On or about May 8, 2009, two match dog fights occurred at the BOTTCHEER farm homestead in Gilman City, Missouri.

35. BOTTCHEER facilitated the fights in an outbuilding garage on his homestead

and was the handler for his dog “Pope Joe” for the first fight of the night.

36. HIHATH promoted the fights, handled the bet monies for the fights, and was the referee for the second fight.

37. BOTTCHEr and HIHATH constructed the pit/box for the fight.

38. Thirteen dogs were observed on the curtilage of BOTTCHEr’s homestead and an unknown number of dogs were seen behind a board fence in BOTTCHEr’S dog yard.

39. Four dog fighters, CONNELLY, RYAN TASLER, KEVIN TASLER, and JILL MAKSTALLER, from Iowa, attended the fights.

40. CONNELLY handled his dog “Tommy” in the second fight of the night.

41. JILL MAKSTALLER was the referee for the first fight and the timekeeper for the second fight. RYAN TASLER was the timekeeper and spongeman for the first fight. REYES from Nebraska brought his dog to the fights and was the spongeman for the second fight.

42. BOTTCHEr, HIHATH, RYAN TASLER, REYES, CONNELLY, and JILL MAKSTALLER all wagered bets that night.

43. The total monies wagered/bet for those fights was \$5,100.

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

COUNTS TWO THROUGH FOUR
(Sponsoring or exhibiting an animal in an animal fighting venture)

On or about the dates set forth below, with said dates being approximate, within the Western District of Missouri and elsewhere, the defendants identified below, did knowingly sponsor and exhibit a pit bull dog in an animal fighting venture at which a participating dog had previously moved in interstate commerce.

Count	Date	Defendant
2	April 25, 2009	Rick Hihath Cris Bottcher
3	May 8, 2009	Rick Hihath Cris Bottcher

All in violation of Title 7, United States Code, Sections 2156(a) and Title 18, United States Code, Sections 2 and 49.

COUNTS FOUR THROUGH FIVE

**(Buying, selling, delivering or transporting animals for participation
in an animal fighting venture)**

On or about the dates set forth below, and with said dates being approximate, within the Western District of Missouri and elsewhere, the defendant identified below, did knowingly deliver and transport animals for participation in an animal fighting venture in interstate commerce.

Count	Date	Defendants
4	April 25, 2009	Jill Makstaller Julio Reyes Kevin Tasler
5	May 8, 2009	Zachary Connelly Ryan Tasler

All in violation of Title 7, United States Code, Sections 2156(b) and Title 18, United States Code, Sections 2 and 49.

A TRUE BILL.

FOREPERSON OF THE GRAND JURY

Jane Pansing Brown #30658
Assistant United States Attorney

Dated: _____
Kansas City, Missouri