IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF VIRGINIA

Richmond Division

FILED
AUG 24 2007
CLERK, U.S. DISTRICT COURT
RICHMOND, VA

UNITED STATES OF AMERICA	)	
	)	
v.	)	CRIMINAL NO. 3:07CR274
	)	
MICHAEL VICK,	)	
a/k/a "Ookie"	)	
	)	
Defendant.	)	

SUMMARY OF THE FACTS

If this matter were to proceed to trial, the Government would prove the following facts beyond a reasonable doubt:

1. Beginning in or about early 2001 and continuing through in or about April 2007, in the Eastern District of Virginia and elsewhere, defendant MICHAEL VICK, also known as "Ookie," knowingly and unlawfully combined, conspired, confederated and agreed with PURNELL A. PEACE, also known as "P-Funk" and "Funk," QUANIS L. PHILLIPS, also known as "Q," TONY TAYLOR, also known as "T," and with other known and unknown persons, to commit the following offenses against the United States, to wit:

a. traveling in interstate commerce and using the mail or any facility in interstate commerce with intent 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 Virginia Code Annotated Sections 3.1-796.124(A)(2), 18.2-326, and 18.2-328, 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;

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

c. knowingly buying, transporting, delivering, and receiving for purposes of transportation, in interstate commerce, any dog for purposes of having the dog participate in an animal fighting venture, in violation of Title 7, United States Code, Section 2156(b). VICK agrees that he entered into the conspiracy willfully and with the intent to further the conspiracy's unlawful purposes.

2. As part of this conspiracy, members of the conspiracy would and did purchase and develop a parcel of property to serve as the main staging area for housing and training pit bulls involved in the animal fighting venture and for hosting dog fights; establish a kennel name to represent the animal fighting venture in dog fighting competitions; purchase pit bulls for use in dog fighting competitions; train and breed pit bulls for participation in dog fighting competitions; travel to other locations in interstate commerce to participate in dog fighting competitions; sponsor and exhibit dogs in animal fighting competitions in interstate commerce involving dogs that have moved across state lines; provide funding for the expenses associated with the ongoing animal fighting venture, including improvements on the property, dog food, medicine, travel expenses, and purse fees for dog fighting competitions; and develop the animal fighting venture's pool of pit bulls by testing the fighting prowess of dogs within the venture, providing veterinary treatment for injured dogs slated to stay with the kennel,

and destroying or otherwise disposing of dogs not selected to stay with the ongoing animal fighting venture.

3. As described in greater detail below, VICK, his co-defendants, and others were involved in dog fights at 1915 Moonlight Road, Smithfield Virginia. They also participated in dog fights in other states. In connection with the vast majority of these fights, the co-conspirators and other participants in the dog fights traveled in interstate commerce and then committed multiple acts in furtherance of committing, promoting, managing, establishing, and carrying on the unlawful activities described in the indictment. VICK and the co-conspirators operated "Bad Newz Kennels" for the dog fighting venture. VICK agrees that "Bad Newz Kennels" qualifies as a "business enterprise" that engaged in a continuous course of conduct and series of transactions in furtherance of the dog fighting operation from the time of its creation until April 25, 2007.

4. VICK agrees that the "Bad Newz Kennels" business enterprise involved gambling activities in violation of the laws of the Commonwealth of Virginia as set forth in the indictment. In general, only those accompanying the opposing kennels and "Bad Newz Kennels'" associates were allowed to attend the fights. For a particular dog fight, the opponents would establish a purse or wager for the winning side, ranging from the 100's up to 1,000's of dollars. The purse was contingent and dependent on the uncertain outcome of the dog fight, with the winner taking all of the purse at the conclusion of the fight. Participants and spectators would also occasionally place side-bets on the fight, dependent on the ultimate outcome or certain events occurring during the course of the dog fight. Most of the "Bad Newz Kennels'" operation and gambling monies were provided by VICK. When "Bad Newz Kennels" won a particular fight, the gambling proceeds were generally split by TAYLOR,

PHILLIPS, and, sometimes, PEACE. VICK did not gamble by placing side bets on any of the fights. VICK did not receive any of the proceeds from the purses that were won by "Bad Newz Kennels."

5. On or about the dates set forth below, VICK agrees and stipulates that in furtherance of the conspiracy and to effect the objects thereof, the following overt acts, among others, were committed by VICK and other conspirators in the Eastern District of Virginia and elsewhere:

2001-2002: Establishment of "Bad Newz Kennels" at 1915 Moonlight Road, Smithfield, Virginia:

6. At some point in or about early 2001, TAYLOR, PHILLIPS, and VICK decided to start a venture aimed at sponsoring American Pit Bull Terriers in dog fighting competitions. Later that same year, PEACE joined the venture.

7. In or about May 2001, TAYLOR identified the property at 1915 Moonlight Road, Smithfield, Virginia, as being a suitable location for housing and training pit bulls for fighting.

8. On or about June 29, 2001, VICK paid approximately $34,000 for the purchase of property located at 1915 Moonlight Road, Smithfield, Virginia. From this point forward, the defendants, aided and assisted by others known and unknown to the Grand Jury, used this property as the main staging area for housing and training the pit bulls involved in the dog fighting venture and hosting dog fights.

9. In or about 2001-2002, the exact dates being unknown, PEACE, PHILLIPS, TAYLOR, and VICK started acquiring pit bulls for the fighting operation from various locations inside and outside of Virginia, including the purchasing approximately 4 dogs from an individual in North Carolina, approximately 6 dogs and 6 puppies from an individual in Richmond, Virginia, and a female pit bull named "Jane" from an individual in Williamsburg, Virginia.

10. In or about 2002, PEACE, PHILLIPS, TAYLOR, and VICK established a dog fighting business enterprise known as "Bad Newz Kennels." At one point, the defendants obtained shirts and headbands representing and promoting their affiliation with "Bad Newz Kennels."

11. Beginning in 2002 and continuing through April 2007, "Bad Newz Kennels" members, aided and assisted by others known and unknown, continued to develop the 1915 Moonlight Road property for the ongoing dog fighting venture, including building: a fence to shield the rear portion of the compound from public view; multiple sheds used at various times to house training equipment, injured dogs, and organized fights; a house to be occupied by the defendants and others associated with maintaining the property; and kennels and buried car axles with chains for the pit bulls. The buried car axles allow the dog chains to pivot, allowing the pit bulls to avoid getting tangled in the chains.

2002: Killing of "Bad Newz Kennels" Pit Bulls that Performed Poorly in "Testing" Sessions:

12. In or about the summer of 2002 at various times, PEACE, PHILLIPS, TAYLOR, and VICK "rolled" or "tested" additional "Bad Newz Kennels" dogs by putting the dogs through fighting sessions at 1915 Moonlight Road to determine which animals were good fighters. VICK was aware that PHILLIPS, PEACE, and TAYLOR killed a number of dogs that did not perform well in testing sessions around this same time period. VICK did not kill any dogs at this time.

Spring 2003: Fight Involving "Jane," a Female Pit Bull Owned by "Bad Newz Kennels," Versus Another Pit Bull in North Carolina:

13. In or about the Spring of 2003, PEACE, PHILLIPS, TAYLOR, and VICK traveled from Virginia to North Carolina with a female pit bull named "Jane" to participate in a dog fight against a female pit bull owned by unknown individuals from North Carolina. The purse for the dog fight was established at an unknown amount.

14. In or about the Spring of 2003, PEACE, PHILLIPS, TAYLOR, and VICK sponsored "Jane" in a dog fight against the female pit bull from North Carolina.

15. In or about the Spring of 2003, "Bad Newz Kennels," represented by PEACE, PHILLIPS, TAYLOR, and VICK, won the purse when"Jane" prevailed over the female pit bull from North Carolina.

2003-2004: Fights Involving "Big Boy," a Male Pit Bull Owned by "Bad Newz Kennels," Versus Other Pit Bulls:

16. In or about the spring of 2003, an unknown individual traveled from the South Carolina to Virginia with a male pit bull to participate in a dog fight against a male pit bull named "Big Boy," owned by "Bad Newz Kennels." "Bad Newz Kennels" hosted the dog fight at 1915 Moonlight Road and established the purse at an unknown amount.

17. In or about the spring of 2003, PEACE, PHILLIPS, TAYLOR, and VICK sponsored "Big Boy" in a dog fight against the male pit bull from the Carolinas.

18. In or about the spring of 2003, "Bad Newz Kennels," represented by PEACE, PHILLIPS, TAYLOR, and VICK, won the purse when "Big Boy" prevailed over the male pit bull from the Carolinas.

19. In or about late 2003, PEACE, PHILLIPS, TAYLOR, and VICK traveled from Atlanta, Georgia to South Carolina with a male pit bull named "Big Boy" to participate in a dog fight against a male pit bull owned by an unknown individual from South Carolina. The purse for the dog fight was established at an unknown amount.

20. In or about late 2003, PEACE, PHILLIPS, TAYLOR, and VICK sponsored "Big Boy" in a dog fight against the male pit bull from South Carolina.

21. In or about late 2003, "Bad Newz Kennels," represented by PEACE, PHILLIPS, TAYLOR, and VICK, won the purse when "Big Boy" prevailed over the male pit bull from South Carolina.

Early 2004: A Fight Involving "Magic," a Male Pit Bull Owned by "Bad Newz Kennels," Versus a Male Pit Bull in South Carolina:

22. In or about early 2004, PEACE, and TAYLOR traveled from Virginia to North Carolina with a male pit bull named "Magic" to participate in a dog fight against a male pit bull owned by individuals from North Carolina. PHILLIPS and VICK traveled from Atlanta, Georgia to the fight in North Carolina. The purse for the dog fight was established at an unknown amount.

23. In or about early 2004, PEACE, PHILLIPS, TAYLOR, and VICK sponsored "Magic" in a dog fight against the male pit bull from North Carolina.

24. In or about early 2004, "Bad Newz Kennels," represented by PEACE, PHILLIPS, TAYLOR, and VICK, won the purse when "Magic" prevailed over the male pit bull from North Carolina.

2003-2004: A Fight Involving a Male Pit Bull Owned by "Bad Newz Kennels":

25. In or about 2003 or 2004, Cooperating Witness Number 3 (C.W.#3) traveled to Surry County, Virginia with a male pit bull to participate in a dog fight against a male pit bull named "Tiny," owned by "Bad Newz Kennels." "Bad Newz Kennels" hosted the dog fight at 1915 Moonlight Road and established the purse at an unknown amount.

26. In or about 2003 or 2004, PEACE, PHILLIPS, TAYLOR, and VICK sponsored "Tiny" in a fight against the male pit bull sponsored by C.W.#3.

27. In or about 2003 or 2004, "Bad Newz Kennels," represented by PEACE, PHILLIPS, TAYLOR, and VICK, won the purse when "Tiny" prevailed over the male pit bull owned by C.W.#3.

Early 2004: A Fight Involving "Too Short," a Male Pit Bull Owned by "Bad Newz Kennels," Versus a Pit Bull from Maryland:

28. In or about early 2004, unknown individuals traveled from Maryland to Virginia with a male pit bull to participate in a dog fight against a male pit bull named "Too Short" owned by "Bad Newz Kennels." "Bad Newz Kennels" hosted the dog fight at 1915 Moonlight Road and established the purse at an unknown amount.

29. In or about early 2004, PEACE, PHILLIPS, TAYLOR, and VICK sponsored "Too Short" in a dog fight against the male pit bull from Maryland.

30. In or about early 2004, "Bad Newz Kennels," represented by PEACE, PHILLIPS, TAYLOR, and VICK, won the purse when "Too Short" prevailed over the male pit bull from Maryland.

2004-2007: "Bad Newz Kennels" Continues Dog Fighting Operation at 1915 Moonlight Road, Smithfield, Virginia:

31. From in or about late 2004 through 2007 at various times, PEACE, PHILLIPS, VICK, and others continued operation of the animal fighting venture at 1915 Moonlight Road and hosted a few dog fights on the property. Many of these fights were held on the second floor of a shed on the property. Participants in these fights came from various places, including New Jersey, North Carolina, South Carolina, and Maryland.

32. In or about April 2007, PEACE, PHILLIPS, VICK, and two others "rolled" or "tested" additional "Bad Newz Kennels" dogs by putting the dogs through fighting sessions at 1915

Moonlight Road to determine which animals were good fighters. PEACE, PHILLIPS, and VICK agreed to the killing of approximately 6-8 dogs that did not perform well in "testing" sessions at 1915 Moonlight Road and all of those dogs were killed by various methods, including hanging and drowning. VICK agrees and stipulates that these dogs all died as a result of the collective efforts of PEACE, PHILLIPS, and VICK.

33. On or about April 25, 2007, PEACE, PHILLIPS, and VICK possessed various items associated with the continued operation of the dog fighting operation at 1915 Moonlight Road, including the sheds and kennels associated with housing the fighting dogs and hosting dog fights; approximately 54 American Pit Bull Terriers, some of which had scars and injuries appearing to be related to dog fighting; a breeding stand; a "break" or "parting" stick used to pry open fighting dogs' mouths during fights; treadmills and "slat mills" used to condition fighting dogs; and other items.

Respectfully submitted,

CHUCK ROSENBERG
UNITED STATES ATTORNEY

By: Michael Gill
Michael R. Gill
Assistant United States Attorney

By: Brian Whisler
Brian Whisler
Assistant United States Attorney

After consulting with my attorney and pursuant to the plea agreement entered into this date between the defendant MICHAEL VICK and the United States, I hereby stipulate that the above Statement of Facts are true and accurate, and that had the matter proceeded to trial, the United States could prove these facts beyond a reasonable doubt.

MICHAEL VICK
Defendant

We are MICHAEL VICK'S attorneys. We have carefully reviewed the above Statement of Facts with him. To our knowledge, his decision to stipulate to these facts is an informed and voluntary one.

William Martin
Counsel for the Defendant

Lawrence Woodward, Jr.
Counsel for the Defendant