

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
NORTHERN DIVISION

NO.: 4:06-MJ-49-BO

UNITED STATES OF AMERICA .  
 .  
 v. .  
 . March 12, 2007  
 JONES ISLAND CLUB, INC. . Elizabeth City, NC  
 .  
 DEFENDANT .  
 . . . . .

SENTENCING  
BEFORE THE HONORABLE TERRENCE W. BOYLE  
UNITED STATES DISTRICT JUDGE

APPEARANCES:

For the Government: LORA TAYLOR,  
ASSISTANT UNITED STATES ATTORNEY  
UNITED STATES ATTORNEY'S OFFICE  
310 NEW BERN AVENUE  
SUITE 800, FEDERAL BUILDING  
RALEIGH, NC 27601-1461

For the Defendant: MICHAEL P. SANDERS, ESQUIRE  
HORNTAL, RILEY, ELLIS & MALAND, LLP  
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Court Reporter: STACY SCHWINN, CCR, CVR  
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dictation.

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P R O C E E D I N G S

1  
2 THE COURT: I'LL DO THE SENTENCING IN THE RICKY  
3 BROOKS AND JONES ISLAND CLUB.

4 MR. WILLIAMS: YOUR HONOR, MR. BROOKS AND I, IF WE  
5 COULD HAVE JUST A FEW MINUTES. I WANTED TO SPEAK WITH THE  
6 U.S. ATTORNEY ABOUT ONE THING THAT CAME TO MY ATTENTION.

7 THE COURT: OKAY. WELL, WE'LL TAKE A BRIEF RECESS.  
8 NOW, YOU'RE IN THAT CASE TOO, MR. TEAGUE?

9 MR. TEAGUE: YES, SIR, YOUR HONOR. YES, SIR.

10 THE COURT: OKAY. WE'LL TAKE A BRIEF RECESS.

11 (RECESS FROM 10:22 A.M., UNTIL 10:40 A.M.)

12 THE COURT: ALL RIGHT. ARE YOU READY IN THE CASE OF  
13 BROOKS AND JONES ISLAND? CAN THEY BE SENTENCED TOGETHER?

14 MS. TAYLOR: NO, SIR, RICKY BROOKS IS A --

15 THE COURT: OH. I'M SORRY.

16 MS. TAYLOR: THEY'RE TWO DISTINCT CASES.

17 THE COURT: I THOUGHT THOSE CASES WERE RELATED. I'M  
18 SORRY. IS THERE JUST ONE PERSON IN THE JONES ISLAND CASE?

19 MS. TAYLOR: IT'S THE CORPORATE DEFENDANT, SO, YES.

20 THE COURT: OKAY. THAT'S THE ONLY DEFENDANT IN THAT  
21 CASE?

22 MR. SANDERS: THAT IS CORRECT.

23 MS. TAYLOR: THAT'S CORRECT.

24 THE COURT: I CONFUSED YOU BY SAYING THAT. I  
25 THOUGHT THAT THOSE CASES WERE TOGETHER. JONES ISLAND CLUB,

1 THAT'S WHAT I'M GOING TO DO.

2 SEE, MR. TEAGUE, YOU WEREN'T IN THE BROOKS CASE,  
3 WERE YOU?

4 MR. TEAGUE: NO, SIR.

5 THE COURT: NOW, YOU'RE IN IT?

6 MR. TEAGUE: YES, SIR, I AM.

7 THE COURT: OKAY.

8 (PAUSE.)

9 THE COURT: WAS THERE SOME POSITION THAT THE  
10 GOVERNMENT AND THE DEFENDANT WANTED TO BRING FORWARD ON  
11 SENTENCING?

12 MR. SANDERS: YES, SIR. I BELIEVE THE GOVERNMENT  
13 HAS A RECOMMENDATION, WHICH THEY'VE SHARED WITH US.

14 THE COURT: AND WHAT IS THAT?

15 MS. TAYLOR: YOUR HONOR, WE'RE GOING TO STAND BY THE  
16 AGREEMENT THAT WE PREVIOUSLY OFFERED TO THE DEFENDANTS, WHICH  
17 IS A \$25,000 FINE.

18 THE COURT: OKAY. AND A CORPORATE DEFENDANT, IF I'M  
19 CORRECT, DOES NOT HAVE THE RIGHT TO ALLOCUTE. DO YOU KNOW?

20 MR. SANDERS: YOUR HONOR, I'VE NEVER HEARD OF A  
21 CORPORATE DEFENDANT NOT HAVING THAT RIGHT.

22 THE COURT: WHO'S A SMART LAWYER IN HERE?

23 MR. SANDERS: MAYBE MR. TEAGUE.

24 THE COURT: MR. WILLIAMS, YOU WANT TO CLAIM THAT  
25 MANTLE?

1 MR. WILLIAMS: NO, SIR.

2 THE COURT: WELL, WHAT'S YOUR OPINION? THERE ARE  
3 CERTAIN CONSTITUTIONAL RIGHTS OR RIGHTS THAT DO NOT REST ON  
4 CORPORATE CRIMINAL DEFENDANTS.

5 MR. WILLIAMS: YES, SIR. I DON'T KNOW, YOUR HONOR.  
6 AS YOU'RE WELL AWARE, WITHIN THE LAST FEW WEEKS THE FOURTH  
7 CIRCUIT REVERSED A CASE WHERE THE INDIVIDUAL DEFENDANT WAS NOT  
8 GIVEN THE RIGHT TO ALLOCUTE.

9 THE COURT: CORRECT.

10 MR. WILLIAMS: I DON'T KNOW. IF MAYBE TO BE ON THE  
11 SAFE SIDE.

12 THE COURT: WELL, THEY DON'T HAVE A RIGHT AGAINST  
13 INCRIMINATION. A CORPORATION HAS NO FIFTH AMENDMENT RIGHT.  
14 SO, IT WOULD SEEM THAT THEIR PERSONAL RIGHTS DON'T ATTACH.

15 MR. WILLIAMS: YES, SIR.

16 THE COURT: WELL, WE'LL BE BOLD AND RECKLESS AND NOT  
17 GIVE THEM THE RIGHT TO ALLOCUTE HERE, BUT SINCE YOU'RE  
18 REPRESENTED BY COUNSEL, I'LL HEAR WHATEVER YOU WANT TO SAY.

19 MR. SANDERS: THANK YOU, YOUR HONOR. YOUR HONOR,  
20 THE JONES ISLAND CLUB HAS, AS I'M SURE YOU SEE FROM THE  
21 PRESENTENCE REPORT, IS A SUCCESSOR IN INTEREST TO ANOTHER CLUB  
22 WHICH PREVIOUSLY OWNED THIS PROPERTY. IT IS A -- THE OWNER --

23 THE COURT: YOU UNDERSTAND THAT THE WHOLE CRITICAL  
24 MASS HERE IS WHETHER THEY'RE GOING TO BE PUT ON PROBATION AND  
25 CLOSED DOWN?

1 MR. SANDERS: YES, SIR. THAT IS CORRECT.

2 THE COURT: I MEAN, THAT'S IT. THAT'S WHAT THIS IS  
3 ALL ABOUT.

4 MR. SANDERS: YES, SIR. WHEN --

5 THE COURT: IT'S NOT ABOUT THE MONEY. I MEAN, THE  
6 MONEY IS THE MONEY, BUT THERE'S NO AMOUNT OF REASONABLE AND  
7 PRUDENT FINE THAT THEY WOULDN'T PAY IN ORDER TO CONTINUE TO  
8 HAVE THE RIGHT TO HUNT. I SAY REASONABLE AND PRUDENT, WITHIN  
9 THE LIMITS HERE.

10 MR. SANDERS: YES, SIR.

11 THE COURT: I MEAN, IF THE FINE WERE 25,000, 50,000  
12 OR SOMETHING ELSE, THEY'D PAY THE FINE.

13 MR. SANDERS: YES, SIR.

14 THE COURT: IT'S ABOUT CUTTING OFF THEIR RIGHT TO  
15 HUNT.

16 MR. SANDERS: YES, SIR.

17 THE COURT: WHICH IS SOMETHING THAT THE COURT HAS  
18 THE ABILITY TO DO BECAUSE I CAN PUT THE CORPORATION ON  
19 PROBATION EVEN THOUGH IT'S A CORPORATION.

20 MR. SANDERS: YES, SIR.

21 THE COURT: AND IMPOUND THE HUNTING ON THAT  
22 PROPERTY. AND I'M JUST -- YOU KNOW, I WANT TO HEAR FROM YOU  
23 ABOUT THAT AND WHY THAT'S NOT THE APPROPRIATE THING GIVEN THE  
24 FACT THAT THIS VIOLATION WAS PRETTY ACUTE.

25 MR. SANDERS: IT WAS.

1 THE COURT: ISN'T IT IN THE TONS, AS I RECALL.

2 MR. SANDERS: I BELIEVE THAT THERE WAS ROUGHLY 2,000  
3 POUNDS OF CORN, IS THAT CORRECT, AGENT BAKER? SOMETHING IN  
4 THAT RANGE IN THE DISCOVERY THAT WAS REVEALED TO YOU AT THE  
5 LAST APPEARANCE IN OCTOBER. SO, IT WAS A LARGE AMOUNT OF  
6 CORN.

7 THE COURT: AND THERE'S -- YOU KNOW, IT'S HIGHLY  
8 UNLIKELY THAT THAT COULD BE DONE BY ROGUE MEMBERS WHO WERE NEW  
9 AND ENTHUSIASTIC. ALTHOUGH, THAT'S THE WAY I REMEMBER IT  
10 BEING PRESENTED TO THE COURT.

11 MR. SANDERS: WELL, WHAT HAPPENED, YOUR HONOR, IN  
12 THIS CASE IS THAT THIS CLUB HAS A MANAGER WHO STAYS BASICALLY  
13 ON SITE BECAUSE OF THE WAY IT IS IT'S REMOTE. THERE ARE SOME  
14 LIVING QUARTERS THERE, KITCHENS, THAT SORT OF THING. HE  
15 MANAGES THE SITE AS WELL AS THE HUNTING TO MAKE SURE THE  
16 BLINDS ARE KEPT UP AND THAT SORT OF THING. HIS NAME IS FRED  
17 HAMPTON. AND THE PLACING OF THE BAIT IN THIS CASE WAS DONE AT  
18 THE DIRECTION OF THE CLUB MANAGER, MR. HAMPTON. AND SO,  
19 THAT'S HOW IT WORKED.

20 THE CLUB PRESIDENT, MR. LAMPE, WHO'S SEATED BESIDE  
21 ME, THE OFFICERS AND THE MEMBERSHIP OF THE CLUB CLEARLY  
22 ACKNOWLEDGE THE RESPONSIBILITY OF THE CLUB ITSELF FOR THE  
23 MANAGER'S ACTIONS NO MATTER AT WHOSE DIRECTION, WHETHER IT WAS  
24 ONE MEMBER OR THE OTHER WHO ASKED HIM TO INCREASE OR PUT OUT  
25 THESE LARGE AMOUNTS OF CORN. THE CLUB UNDERSTANDS THAT THEY

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1 ARE EACH A PART OF HIS ACTIONS. HE WORKS FOR THE CLUB. THEY  
2 LIVE WITH WHAT HE DOES IN HIS ROLE AS CLUB MANAGER.

3 THE COURT: I KNOW WHAT I'M GOING TO DO. I'M GOING  
4 TO PUT THEM ON PROBATION, BUT I'M NOT GOING TO EMBARGO THEM  
5 FROM HUNTING, AND I'M GOING TO ALLOW THEM TO CONTINUE TO  
6 OPERATE AS THEY ARE INTENDED FOR THE NEXT TWO YEARS WITH THE  
7 QUALIFICATION THAT ANY VIOLATIONS OR UNLAWFUL CONDUCT WOULD BE  
8 A VIOLATION OF THAT PROBATION. AND BECAUSE THEY'LL BE ON  
9 PROBATION, I'LL GO ALONG WITH THE FINE AND IMPOSE THE \$25,000  
10 FINE.

11 I WAS GOING TO IMPOSE A HIGHER FINE, BUT I THINK  
12 THAT THIS WILL NOT PREJUDICE THE INNOCENT PEOPLE INVOLVED IN  
13 THE CASE AND ALLOW THE CLUB TO CONTINUE ITS OPERATIONS AND TO  
14 ACT IN GOOD FAITH. AND MAYBE AS A WAY OF SHOWING THAT THEY  
15 CAN ENGAGE IN COLLECTIVELY A HUNDRED HOURS OF COMMUNITY  
16 SERVICE IN THE WILDLIFE AREA AS A PART OF THEIR PROBATION, A  
17 HUNDRED HOURS A YEAR. AND THAT CAN BE SOMETHING THAT MEMBERS  
18 OF THE CLUB CAN VOLUNTEER TO DO TO ENHANCE THE ENVIRONMENT AND  
19 ENHANCE THE RESOURCE AND ENHANCE AND PROTECT THE NATURAL  
20 ASPECTS OF THEIR LOCATION SINCE THEY HOLD THAT IN TRUST FOR  
21 EVERYBODY.

22 MR. SANDERS: YES, SIR.

23 THE COURT: AND SO, THE CLUB WILL BE ON PROBATION  
24 FOR A PERIOD OF TWO YEARS ON CONDITION THAT IT COMPLY WITH ALL  
25 WILDLIFE REGULATIONS AND HUNTING AND GAME REGULATIONS AND

1 DEDICATE A HUNDRED HOURS OF COMMUNITY SERVICE EACH YEAR TO THE  
2 WILDLIFE RESOURCE AND PAY A FINE OF \$25,000 AND A SPECIAL  
3 ASSESSMENT.

4 MR. SANDERS: THANK YOU VERY MUCH, YOUR HONOR.

5 THE COURT: AND THEY CAN -- ACTUALLY, THEY CAN TAKE  
6 THIS AND BE AN EXAMPLE AND A MODEL FOR OTHERS TO CLEAN UP AND  
7 CORRECT VIOLATIONS.

8 MR. SANDERS: WELL, NOT TO BELABOR YOUR SENTENCING,  
9 YOUR HONOR, BUT I WILL POINT OUT THAT THEY HAVE JUST FINISHED  
10 A HUNTING SEASON, OBVIOUSLY, ON WHICH NO BAIT AT ALL WAS PUT  
11 OUT. MR. LAMPE INFORMS ME THAT THEY HAD A GOOD SEASON, NO ONE  
12 WAS DISAPPOINTED.

13 I WILL ALSO LET YOU KNOW THAT THEY PASSED A  
14 RESOLUTION UNANIMOUSLY. I ATTENDED THE MEETING BACK IN  
15 DECEMBER OF THE MEMBERS. THEY PASSED IT UNANIMOUSLY, WHICH  
16 PROVIDES INTERNALLY THAT IF YOU, AS A MEMBER, DIRECT THE  
17 ILLEGAL PLACEMENT OF BAIT OR PUT THE BAIT OUT YOURSELF THEN  
18 YOU'RE OUT. AND SO, THEY HAVE TAKEN THOSE ACTIONS INTERNALLY  
19 AS A CLUB RULE ALSO.

20 THE COURT: WELL, IT MAY BE NAIVE ON MY PART, AND IF  
21 IT IS, FORGIVE ME, BUT HAVING SAT THROUGH THESE CASES FOR  
22 YEARS OR DECADES NOW, NOT BY CHOICE, IT SEEMS TO ME THAT  
23 THERE'S A NATURAL WAY TO ATTRACT WILDLIFE, AND INTRODUCING  
24 ARTIFICIAL MEANS LIKE THROWING A TON OF CORN OUT IS THE NON-  
25 SPORTSMAN WAY TO DO IT, THAT THERE'S A NATURAL WAY TO DO IT

1 AND IT'S DEVELOPING HABITAT THAT ATTRACTS AND IS COMPATIBLE  
2 WITH THE ENVIRONMENT THAT WILDLIFE LIVES IN AND I WOULD THINK  
3 THAT WOULD BE A GOOD THING FOR THEM TO USE THEIR COMMUNITY  
4 SERVICE TO DO.

5 IF THEY'VE GOT A PIECE OF LAND THIS BIG IT WILL HAVE  
6 LOCATIONS THAT BY THEMSELVES PROPERLY DIRECTED WILL SATISFY  
7 THEIR WANTS.

8 MR. SANDERS: THANK YOU.

9 THE COURT: ALL RIGHT. THANK YOU.

10 (WHEREUPON, THESE PROCEEDINGS CONCLUDED AT 10:55 A.M.)

I CERTIFY THAT THE FOREGOING IS A TRUE AND ACCURATE  
TRANSCRIPT OF SAID PROCEEDINGS.

/s/ STACY SCHWINN

7/29/08

STACY SCHWINN, CCR, CVR

DATE

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