

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT WINCHESTER**

UNITED STATES OF AMERICA)	
)	Case No. 4:12-cr-9
vs.)	
)	JUDGE MATTICE
JACKIE L. McCONNELL)	MAGISTRATE JUDGE CARTER

**SENTENCING MEMORANDUM OF
DEFENDANT JACKIE L. MCCONNELL**

Jackie McConnell, the Defendant, submits this Sentencing Memorandum for consideration of the Court.

A. All Parties Agree that a Probated Sentence is the Appropriate Sentence Under the Guidelines and 18 U.S.C. § 3553(a).

This case comes before the Court for sentencing pursuant to a Plea Agreement entered into by both the United States and Mr. McConnell, as authorized by Rule 11(c)(1)(C), Federal Rules of Criminal Procedure.

The United States and Mr. McConnell agreed that a sentence of probation was appropriate in his case, and have jointly recommended to the Court that this sentence be accepted and imposed by the Court. In the negotiations, though, no mention was made that a fine, much less a maximum fine, would be sought by the Government. In the Plea Agreement that it prepared, the United States affirmed that “a sentence of probation is the appropriate disposition” of this case. (Plea Agreement, Court Doc. No. 49, p. 11) In its Sentencing Memorandum, the United States once again agrees that “a sentence of probation rather than imprisonment” is “appropriate” for Mr. McConnell.

Mr. McConnell has already agreed to a lifetime ban from

showing, exhibiting or entering any horse, directly or indirectly through any agent, employee, or other device, and from judging, managing or otherwise participating in any horse show, horse exhibition, or horse sale or auction.

(Consent Decision and Order, attached as **Exhibit A**)

Although the Presentence Investigation Report is a privileged court document, the contents of which are not to be released without specific Court authorization, the United States makes specific reference to the PSR in its Sentencing Memorandum (Sentencing Memorandum, Court Doc. 101, pp. 10, 13-14). The Government knows this to be true—both from experience and because the admonition appears on the first page of the PSR—but it nevertheless proceeds to do what is forbidden by this Court.

Because the Court has not specifically authorized disclosure of the contents of the PSR, Mr. McConnell will not reference the specifics of it in this Memorandum. Suffice it to say, however, that the PSR also fully supports the probated sentence recommended by the Government as consistent with the Sentencing Guidelines and 18 U.S.C. § 3553(a).

B. The U.S. Department of Agriculture Has Already Assessed a Civil Penalty of \$150,000.00 Against Mr. McConnell. No Additional Fine Is Necessary to Promote Respect for the Law.

For the first time in this case—and apparently in response to the negative outcry of some to its agreement as to a probated sentence for Mr. McConnell—the Government now urges the “maximum fine” be imposed upon Mr. McConnell in this case. Such a fine is neither appropriate, nor consistent with the sentencing objectives set forth in 18 U.S.C. § 3553(a).

Mr. McConnell has taken full responsibility for his actions in this case, and the Government personally knows that this case has been devastating for him. The terms of pre-trial release had the expected impact of removing Mr. McConnell from the industry and eliminating

all of his income and his livelihood. In his cooperation with the Government and its investigation, Mr. McConnell has fully accepted his responsibility and the results that have followed, but the destruction that the case has had upon him is a significant factor to consider in deciding whether **additional** monetary penalties are needed or are appropriate. The Government makes much of its deterrence argument, but it is questionable how much more deterrence could be achieved than the full and complete loss and destruction of occupation, income, and reputation.

Although the Government argues for a large fine now principally for deterrence purposes, the plain fact is that no additional specific or general deterrence is reasonably needed in this case. If other persons aware of this case would not be deterred first by arrest, seizure of property, Federal indictment and subsequent court proceedings, conviction as a felon, and USDA administrative proceedings—followed by the constant drum-beat of negative local, regional and national publicity, stories played and re-played on every national news channel and ABC's Nightline, complete loss of reputation, abandonment by former "friends" and the "Industry," and being the daily subject of utter contempt and hatred expressed from around the world—no amount of fine will ever work any additional deterrence.

Although the suggestion is not made lightly, the maximum-fine-as-deterrence argument in this case is, respectfully, a sham. If deterrence were really the objective, the Government would have mentioned the prospect of a large fine previous to its sentencing memorandum, and would likely have sought some sort of agreement in its plea agreement. Indeed, it would have sought larger fines in all of the other cases that have preceded Mr. McConnell's, as the same argument would presumably be applicable. That it did not, and has not, shows that the Government's position here is advocated essentially to redeem itself among those who are most

vocal in their criticism. Whatever merit this approach may have from a public relations perspective, it is not among the factors appropriate for consideration at sentencing in 18 U.S.C. § 3553(a).

Second, it is important to note that Mr. McConnell has already been the subject of a substantial fine for his conduct. For whatever reason, the United States did not advise, and has not advised, the Court that nearly a month ago the USDA entered a Consent Decision and Order in which Mr. McConnell agreed to assessment of a civil penalty of \$150,000.00 for violations of the Horse Protection Act. Respectfully, this failure to even mention this fact in its sentencing memorandum advocating for a “maximum fine” is inexplicable, as the Government can hardly claim lack of knowledge itself when it has had USDA agents working closely with it during all phases of this case.

And, as noted above, in this Consent Decision and Order Mr. McConnell has **already accepted** a permanent disqualification from showing, exhibiting or entering any horse, directly or indirectly through any agent, employee, or other device, and from judging, managing or otherwise participating in any horse show, horse exhibition, or horse sale or auction.

The fact that the fine is held in abeyance is the sole result of USDA’s decision to ensure that Mr. McConnell never again violates “the [Horse Protection] Act or any provision of this consent decision and order.” (See **Exhibit A**, ¶ 1)

Mr. McConnell and the USDA have agreed that if he ever violates the lifetime ban imposed upon him, he will be required to pay the fine. This fine not only promotes respect for the law, it also acts as a powerful specific deterrent for the rest of Mr. McConnell’s life. Given that this fine has already been imposed, the deterrence aspects cited repeatedly in the Government’s memorandum simply do not carry significant force.

Third, no fine is needed to substitute for adequate forfeiture as the Government's memorandum suggests. As he has throughout this case, Mr. McConnell fully cooperated with the Government regarding forfeiture of assets. As part of his acceptance of responsibility, he agreed to the forfeiture order that the Government proposed without further negotiation; he cooperated with Government agents in the actual seizure of the assets, confirming and assisting in the identification, location and availability of the assets; and he did so without remonstrance or complaint. The assets have already been seized, and the Government has possession of these assets now. Thus, having agreed to the forfeiture that the Government believed appropriate, Mr. McConnell should not now be subject to additional forfeiture under the guise of a "fine," as the Government suggests.

Finally, it is important to note that, although the Government fails to do so, no other defendant in any of the similar cases brought by the Government has received a fine from the Court any greater than \$4,000.00. Mr. McConnell's lack of criminal record and similarity of conduct with other trainers who have been convicted of felonies shows that the gross disparity in punishment so strenuously and lately advocated by the Government cannot be justified in law or fact. *See* 18 U.S.C. § 3553(a)(6). The fact that Mr. McConnell's case has been the subject of extensive public criticism of the Government does not justify the excessive fines proposed by the Government as a method to placate its critics.

Any conditions of probation imposed by the Court are limited to five years. Mr. McConnell, as a powerful indication of his remorse and acceptance of responsibility for his actions, has agreed with the USDA to accept and live by this lifetime ban.

C. **Mr. McConnell Poses No Danger to the Public and Those that Know Mr. McConnell Personally Show a Very Different Picture of Him.**

After disclaiming that protection of the public “is not a serious concern” in this case, (Sentencing Memorandum, Court Doc. No. 101, p. 14), the Government inexplicably proceeds to passively condemn him as someone who would be among those likely to commit violent crimes against people. Made in the context of this particular case, and without the slightest shred of evidence to support the argument as to Mr. McConnell, and much against it, this argument is incredible. Respectfully, the insinuation that Mr. McConnell is a danger to the community is absurd, and whatever merit it possesses with other persons and other situations, such an argument in this case should have been beneath the Government and its counsel.

After stating that “protection of the public,” one of the four factors to be considered by the Court in imposing a sentence (18 U.S.C. §3553), “is not a serious concern” with respect to Mr. McConnell, the Government goes on to discuss 1997 study that found that “Seventy percent of the people who committed violent crimes against animals also had criminal records for violent, property, drug, or disorder crimes.” (“Cruelty to Animals and Other Crimes,” MSCPA (1997), p. 8) But, as the Government knows well, Mr. McConnell has no criminal record at all,¹ and certainly not for any “violent, property, drug, or disorder crimes.”

Perhaps the best indicator for the Court of whether Mr. McConnell poses any danger to the public comes from the more than 50 individuals **who actually know** Mr. McConnell – many for some 30, 40, or 50 years – and who wrote the Court. These letters are in stark contrast to the other letters sent to the Court opposing Mr. McConnell’s sentence (recommended as appropriate

¹ To the extent that the Government here is arguing that the administrative proceedings show a need for deterrence, the USDA has already resolved the need for general and specific deterrence through the USDA’s Consent Order.

by the Government), all of whom were written by persons who do not know Mr. McConnell personally, do not know of his circumstances, do not know of the facts of this case, and who have not taken the time to understand this process.

It is significant that in all of the letters, **no one who actually knows** Mr. McConnell speaks ill of him, as a person, at all. The comments in the letters from persons with personal knowledge of Mr. McConnell, and those who are best able to know whether Mr. McConnell poses a danger to the public, have this to say:

- Jackie and his family stood behind my late husband and I during his terminal cancer. His concern and love to my family and I is something I will always treasure greatly. (*VC, known 35 yrs.*)²
- My wife was having complications upon the arrival of our second child and Jackie and his family kept our first child during many trips to the hospital. The baby was born seven weeks early and my wife was diagnosed with ovarian cancer. Both survived and a great deal of their present good health is directly related to the friendship, love and compassion that Jackie and Cyndi have for my family. He is my friend and has been a great, positive influence on my family. (*CJ, known 30 yrs.*)
- As friends, his concerns about personal matters were genuine. He showed this by calling and offering any help if needed. When my mother died, the McConnells flew up for four hours and were standing outside the church when I arrived. I will never forget that moment for as long as I live. (*KO, known 30 yrs.*)
- I have observed Jackie and Cindy to be fine people who could be counted on to do everything in their power to make Collierville a better place to live, work and raise a family. (*ST, known 30 yrs.*)
- Personally I have never known Jackie to be other than kind, considerate, compassionate and friendly. Certainly he has never been a threat to society. (*SO, known 50 yrs.*)

² Obviously, persons daring to write a letter of reference on behalf of Mr. McConnell will face the same scorn, ridicule, and threats of personal injury experienced by Mr. McConnell, his family, his legal counsel, and his friends. To save this prospect, the identities of the respective authors are referenced only by their initials.

- It is truly my belief that Jackie is in no way a threat to the community and although he has deeply struggled with this life changing event, he will be a better person in the end. *(CS, known seven yrs.)*
- He is a wonderful person and has always been an asset to his community, friends, and family. *(WK, known all his life)*
- He is a good family man, a true friend, someone you wouldn't mind your kids being around, someone who puts others first and a man who loves his family. *(MW and DW, known 25 yrs.)*
- Jackie has been active in his church, his community and his neighborhood for many yrs. as a positive leader and worker helping charities like St. Jude Children's Hospital and the Shriners. *(JE, known 45 yrs.)*
- Hands down, you will never find another man more honest, loyal and dedicated to his community and family. ... Jackie is the first to always help out others. I have witnessed many times his unselfish-like attitude. He is a constant giver of his time and talent. Jackie is the type of man that would stop at nothing to help someone in need. *(JW, known 12 yrs.)*
- He has given his personal time and talents to many projects that helped make our town a better place to live. ... Jackie has been involved in helping many young people to become moral and accountable adults. *(RA, known 40 yrs.)*

No doubt exists that those who presently condemn Mr. McConnell will continue to subject him to abuse and ridicule. They will diminish, reject, and dismiss out of hand the observations of those who actually know him and would show a side different from that painted in the daily stream of articles by those who know him not. So be it.

However, Jackie McConnell poses absolutely no danger to the public. Any suggestion to the contrary in the context of this case—in the context of this defendant—is wholly without merit, and it should be recognized and condemned as such.

D. A Sentence of Probation is Within the Guidelines, and Appropriate. An Additional Fine is Not Necessary in Order to Recognize Any of the §3553 Factors.

The United States agreed that a sentence of probation would be appropriate for him in this case, and the United States affirmed its view of the case by entering into a Plea Agreement

under Rule 11(c)(1)(C), Federal Rules of Criminal Procedure. In its Sentencing Memorandum (Court Doc. No. 101), the Government supports this Plea Agreement (Court Doc. No. 49).

Although the parties may disagree regarding the merits or need for a fine, the fact remains that Mr. McConnell has already agreed to, and an administrative Order has already been entered assessing a civil penalty of \$150,000.00 against him.

And in order to provide “adequate deterrence to criminal conduct” (18 U.S.C. § 3553(a)(2)(B)) the agency charged with front line enforcement of the HPA, the USDA, holds that fine in abeyance, to be paid by Mr. McConnell should he ever be found to have violated the HPA. No further monetary penalty is needed.³

E. The Agreed-Upon Probationary Sentence is supported by Mr. McConnell’s background, history, and character as revealed by the letters of reference.

Under 18 U.S.C. § 3553(a), the Court should consider Mr. McConnell’s background, history, and character in arriving at the appropriate sentence. In order to demonstrate these factors, friends, family, and others who know Mr. McConnell have written letters of reference to the Court to show what type of person Mr. McConnell truly is. As can be seen, he is not the monster that the repeated attacks have attempted to make him out to be. Rather, he is a caring husband, father, son, friend, and member of the community. He is also someone who has accepted complete responsibility for his actions and has worked to remedy those actions in full cooperation with the Government, even despite some of the incredible assertions made by the

³ In its Memorandum the United States purports to quote from an article by Gary S. Becker. (Sentencing Memorandum, p. 13) However the quoted language does not appear in the article. “Crime and Punishment: An Economic Approach,” Gary S. Becker, Essays in the Economics of Crime and Punishment, Gary S. Becker and William M. Landes, eds., UMI (1974). In June, 2012 the United States Court of Appeals for the Sixth Circuit reversed a District Court sentence that was based on the writings of Gary S. Becker. United States v. Ciccolini, Nos. 10-4483, 10-4552 (6th Cir. 2012), not recommended for full text publication. 2012 WL 2545802

Government lately. Although hardly an exhaustive account of these letters, the following excerpts help complete the picture of Mr. McConnell as a person⁴:

1. Mr. McConnell's reputation for honesty, integrity, and compassion:

- I can't think of one time when I saw him act in a manner unbecoming of a gentleman. (*YA; known 30 yrs., #3*)
- "as a person I think we need more like him in this world." (*JHB; known 30 yrs., #5*)
- Jackie was always looked up to by my wife and two daughters when we had horses in training with him. Jackie has been a very compassionate person with his family, friends and customers. (*TB; known 30 yrs., #7*)
- My father has always been a respected person in his profession dating back 40 years or more. This has been terribly hard on him to lose some of that respect. That, coupled with his health problems, is the worst punishment he could receive. He does have many supporters in his life to this day and that shows the genuine character that he exudes day in and day out. (*WMD; daughter, #11*)
- He has a great love for people with a kind and generous heart. He treats everyone fairly and kindly whether you are a client, friend or a stranger. He will help someone in need in a heartbeat. ... For 36 years I have taught young children right from wrong, morals, values, and the importance of telling the truth. I would not call Jackie McConnell my friend if he was not a respectable man. (*DG; known 35 yrs., #15*)
- He poured his heart and soul into everything he did ... always having someone else's best interest ahead of his own. (*AH; known all his life, #18*)
- I never remember hearing Jackie use profanity, I've never seen him drink alcohol or use illegal drugs. He was always a highly respected businessman, husband and father. (*SSH; known 45 yrs., #19*)
- He is a wonderful person and has always been an asset to his community, friends, and family. (*WK; known all his life, #24*)
- He has never shown any malice toward anyone during my association with him. (*RL; known 20 yrs., #25*)

⁴ The numbers at the end of each entry identify the actual letters separately submitted to the Court.

- He has never been anything but a true gentleman in my presence. He has shown outstanding character in the past and given the chance would demonstrate the same in the future. *(ML; known 35 yrs., #26)*
- Jackie is a good person. He is true, genuine, kind, compassionate, and caring. He is respectful to both people and animals. *(JO, known 25 yrs., #32)*
- Jackie is a person with great integrity and high values. I believe that the people in the industry are very fond of him as a friend and a business acquaintance. *(CR, known 50 yrs., #35)*
- I have always known Jackie to be a man of high morals and character. *(JDS, known 40 yrs., #38)*
- He is a fine, compassionate family man, friend and mentor to many. *(AS, mother-in-law, #41)*
- I have witnessed him in good times and bad. He is not the sinister person that has been portrayed. His kindness and compassion are real. *(VS, sister-in-law, #42)*
- At age 83, I have questioned the character of more than a few individuals ... but not that of Jackie. *(VS, father-in-law; #43)*
- I have always known him to be an honest, easy going, responsible person that was an asset to the community. *(RT, known 40 yrs., #45)*
- Hands down, you will never find another man more honest, loyal and dedicated to his community and family. *(JW; known 12 yrs., #49)*
- He is a good family man, a true friend, someone you wouldn't mind your kids being around, someone who puts others first and a man who loves his family. *(MW and DW, known 25 yrs., #51)*
- Jackie's personality certainly complimented his talents. He was always amicable, jovial, pleasant, respectful, friendly and trustworthy. He was not forceful, deceitful, aloof, conceited or beyond reproach. The true Jackie McConnell is not the despicable horse trainer, but a congenial, caring, considerate, conscientious, compassionate, champion companion to us all. *(AS, known 25 yrs., #52)*
- He has suffered in the loss of his reputation as well as community standing. *(CM, known 14 yrs., #54)*

2. Mr. McConnell as a good member of his family:

- It isn't often now you see a family stay together as one unit. It takes hard work and a long term commitment many people are unwilling to give. *(GB; known 25 yrs., #6)*
- Jackie has always been a great leader and family man with his wife Cindy always by his side both professionally and in their personal life. Committed to his family, he has a daughter and grandson, both the apple of his eye. *(LB; known 40 yrs., #8)*
- Growing up in my home was the best experience a child could ask for. It was full of love and respect. *(WMD; daughter; #11)*
- Jackie has always been a loving husband and devoted father. To this day he continues to help with support of his divorced daughter and his grandchild. *(JE; known 45 yrs., #13)*
- His love for his family surpasses that of most men. His love for his wife, daughter and grandson is event. They are the light of his life. *(DG; known 35 yrs., #15)*
- He has a great love of family. I have personally seen him go without so that his family could have what they needed. *(AH; known 35 yrs., #18)*
- He is a loving husband, father and grandfather. He is happiest when surrounded by family and friends. *(DK and GK; known 35 yrs., #21)*
- I consider all of the McConnells as my family, especially Mr. Jackie who is a father like figure to me since my own dad passed away in 2004. *(LM; known 20 yrs., #29)*
- Always putting his family first, Jackie did everything in his power to be a great husband and father and he still is. *(JM and BM; known 50 yrs., #30)*
- He and his wife had a special home and raised a fine daughter who was an honor student in school. They always had a household of high values and love. He is a family man and his family loves him. *(CR; known 50 yrs., #35)*
- When I had surgery for a fracture in my spine, my daughter and Jackie took me into their home to care for me for months while I recuperated. *(AS; mother-in-law; #41)*

- Jackie has been an outstanding husband to my sister, father to my niece and grandfather to his grandson. (*VS; sister-in-law; #42*)
- Even with the success he has attained, his greatest accomplishment has been being a wonderful husband, father and grandfather. His family is what is most important to him. (*VS; father-in-law; #43*)
- Jackie has been married to his wife for many years; something that is not seen much anymore. They have raised an incredible daughter and now have a seven year old grandson who loves his grandfather very much. (*LW; known 17 yrs., #47*)
- Jackie is a good father and excellent husband. He is truly devoted to his wife and their extended family. (*JW; known 12 yrs., #49*)
- He is a great family man. He raised his daughter to be an outstanding citizen. (*MW and DW; known 25 yrs., #51*)
- He has been devoted family man staunchly supported by his kind, caring wife, who has done everything humanly possible to help in the management of their business, which has been his only source of financial livelihood. (*AS; known 25 yrs., #52*)
- Jackie is a very proud husband, father and grandfather. Anyone who knows Jackie knows all about his family and how important they are to him. He is a vital part of their lives as much as they are to his. (*CS; known 7 yrs., #53*)
- Jackie has a wonderful family that he is very involved with. In fact, he named his farm after his daughter, Whitney. He always has a smile on his face when talking about her, his grandson and his wife. (*CM; known 14 yrs., #54*)

3. Mr. McConnell as a good and faithful friend:

- My granddaughter had cancer and Jackie and Cindy were some of the first to call and offer any help they could give. (*GB; known 25 yrs., #6*)
- Jackie and his family stood behind my late husband and I during his terminal cancer. His concern and love to my family and I is something I will always treasure greatly. (*VC; known 35 yrs., #10*)

- My wife was having complications upon the arrival of our second child and Jackie and his family kept our first child during many trips to the hospital. The baby was born 7 weeks early and my wife was diagnosed with ovarian cancer. Both survived and a great deal of their present good health is directly related to the friendship, love and compassion that Jackie and Cyndi have for my family. He is my friend and has been a great, positive influence on my family. (*CJ; known 30 yrs., #20*)
- When Mom suffered a serious injury, he insisted she recuperate at their home. Mom adored him. He is a generous person, always ready to come to the aid of someone in need. (*DK and GK; known 35 yrs., #21*)
- I went through a divorce with 2 small children and the McConnells drove to Mobile, Alabama and picked us up and we stayed in their home for three weeks. They were wonderful to us and made sure that we felt welcome in their home. (*ML; known 35 yrs., #26*)
- Jackie is the person you can turn to for help at any time and he will be there for you. (*GM; known 45 yrs., #28*)
- When we moved back to Tennessee from Texas, we asked Jackie if we could use his horse trailer so we could make the trip in one load. Without hesitation, Jackie said yes and even sent a friend to help us. Mind you, this was done on a weekend during the summer when he needed to be working, but we were in need and he jumped to our rescue putting our needs well before his. (*JM and BM; known 50 yrs., #30*)
- When a local family lost their wife and mother, the husband was left with a young daughter to care for and his work demanded he travel. Jackie took the daughter under his wing letting her show his horses, helping the family with their finances. (*SO; known 50 yrs., #31*)
- As friends, his concerns about personal matters were genuine. He showed this by calling and offering any help if needed. When my mother died, the McConnells flew up for four hours and were standing outside the church when I arrived. I will never forget that moment for as long as I live. (*KO; known 30 yrs., #32*)
- He has always been a very giving person and would always be there and do anything for you. (*DR; known 20 yrs., #36*)

- The Jackie McConnell I know is trustworthy, devoted to family, and loyal and generous to his friends. ... Jackie agreed to host my daughter's wedding and reception at the barn. Jackie had taken great pains, at his own expense, to make the grounds as perfect as the image my daughter saw in her mind. *(GR; known 20 yrs., #37)*
- Jackie is a caring and compassionate person and I feel I could depend on him for anything I needed. *(TS; known 38 yrs., #39)*
- I know what a great friend Jackie has always been to me and if I ever needed anything or anyone, he was and is one I can rely on. *(RT; known 40 yrs., #45)*

4. Mr. McConnell as a good citizen and hard-working member of the Community:

- Jackie has always been an asset and respectable citizen to our community. He has given his personal time and talents to many projects that helped make our town a better place to live. *(RA; known 40 yrs., #2)*
- “worked hard not only as a teen but all his life” *(GB; known 25 yrs., #6)*
- Jackie came from a family that knew only hard work with both sons working side by side with their father in the fields. *(TB; known 30 yrs., #7)*
- Jackie has always been kind and shown loyalty and respect. He is committed to his family, friends and community. He is dependable and strives to be a better person. *VC; known 35 yrs., #10)*
- He is loved by many people and respected by more. *(LP; known all his life, #34)*
- Jackie is one of the most honest and hard-working men I know. He goes to work early and stays late. If Jackie tells you he is going to do something, you can rest assured that he will do it. *(CT; known all his life; #44)*
- I have observed Jackie and Cindy to be fine people who could be counted on to do everything in their power to make Collierville a better place to live, work and raise a family. *(ST; known 30 yrs., #46)*

5. Mr. McConnell and charitable and community activities:

- He has given his personal time and talents to many projects that helped make our town a better place to live. *(RA; known 40 yrs., #2)*
- When my son's father died and his stepmom decided to close their barn, my son was left with no job and no career path. It was Jackie and his wife who gave him a job and a place to live. Jackie continued to be a father figure and friend to my son. *(NB; known 35 yrs., #4)*
- Jackie has been active in his church, his community and his neighborhood for many years as a positive leader and worker helping charities like St. Jude Children's Hospital and the Shriners. *(JE; known 45 yrs., #13)*
- My son was a struggling young trainer and the McConnells were kind and generous to him and his wife. Jackie rented stalls from them for the show season and he paid a very generous amount. The stall rent paid our son's lease on the barn for a year. Jackie did this for the entire time our son was in this barn. *(NK; known 40 yrs., #23)*
- Jackie was a supporter of our charitable event, the Germantown Charity Horse Show, and represented himself in the utmost professional manner. We relied on his expertise and knowledge to assist the event to make it better. *(RL; known 20 yrs., #25)*
- Many years ago, I was with Jackie and we pulled over at this run-down house on the way to the barn and he left a large bag of groceries and wrapped Christmas presents on the front porch from the "secret Santa." It was a carefree comment that illustrated anonymous compassion. Jackie repeated this kindness every Christmas until the house was finally torn down. *(VM; known 20 yrs., #27)*
- Jackie also worked with the Star Center, a program for handicapped adults. These adults benefitted greatly from horseback riding. Civic clubs, such as Kiwanis, Lions, Rotary and Shriners have all benefitted from the funds raised by the McConnells. Jackie is a community minded man that goes out of his way to make time for the community's needs and wants. He is a man always ready to help someone less fortunate, no matter the circumstance, with no attention drawn to he or his family for any act of kindness on their part. *(SO; known 50 yrs., #31)*
- I know of numerous charities that Jackie and his wife have worked on in the horse industry. If not for the caring people they are, someone might not have received the help that they needed. *(Cr; known 50 yrs., #35)*

- Jackie has a very kind and caring heart. He has made numerous contributions to those less fortunate. One Christmas Jackie took presents and food to a neighborhood family with a young child who he knew would not be able to have Christmas. The boundaries of his love and compassion show no limits. My life and the lives of so many have been positively affected by knowing him. *(VS; sister-in-law; #42)*
- He has helped many people by giving them a job when needed and even opening his home to them when they needed a place to stay. *(RT; known 40 yrs., #45)*
- I was a member of the Optimist Club and our main fundraiser was an annual Walking Horse Classic. Jackie was one of our most faithful participants. Whether he had a horse as an entry or not, he was always in attendance and gave generously of his time, talent and funds to ensure that our show was successful and able to meet its obligations. Jackie was always someone I could count on to fund any and all of our charitable programs. *(ST, known 30 yrs., #46)*
- Jackie is the first to always help out others. I have witnessed many times his unselfish-like attitude. He is a constant giver of his time and talent. Jackie is the type of man that would stop at nothing to help someone in need. *(JW; known 12 yrs., #49)*

6. Impact of Present Proceedings on Mr. McConnell and his Family:

- Jackie is more important to his family than ever. A wife and daughter [single mother] that look to him for help and a grandson that needs a grandfather. *(GB; known 25 yrs., #6)*
- My mother, my son and I need my father in our lives. He is a very important unit to our family and we love him very much. There would be a huge void that nothing could fill if we could not continue our daily interactions. *(WMD; daughter; #11)*
- I do not feel as though incarceration would serve him well, as he understands and regrets what has happened. ... Jackie's wife is under great emotional stress and it would be a real hardship on her if he were not present to help her. *(JE; known 45 yrs., #13)*
- His grandson truly needs the love and guidance in his life as he grows up that only a grandfather can give. *(DG; known 35 yrs.; #15)*
- Jackie has a wonderful wife, daughter and grandson that love and need him very much. *(DH; known all his life; #16)*

- To my knowledge, Jackie has no way of making a living now, Cyndi has never worked outside the home and has no formal job training. Placing Jackie in prison will serve little more than to create further hardship on his wife and the rest of the family. (*SSH; known 45 yrs., #24*)
- These circumstances have been devastating to Jackie and all his family members. (*WK; known all his life, #24*)
- Jackie has already had a sentence passed on him. He has been stripped of his pride, good family name and standing in the community. He has been financially ruined by this. Please realize that he will be punished for the rest of his life and there should be no reason for additional punishment. ... Jackie and Cyndi have a daughter and a grandson who depend on them for stability in their life. It would be a tragedy to remove him from their daily life. (*GM; known 45 yrs., #28*)
- The only people that will suffer from any legal action are Jackie's family. (*KO; known 30 yrs., #32*)
- His wife, daughter, grandson, family members and friends need him in their daily lives. (*VS; sister-in-law, #42*)
- Cyndi has spent her life supporting Jackie in his profession and goals, making this a financial hardship as well as a mental hardship. (*RT; known 40 yrs., #45*)
- The outcome would be just devastating on his wife, daughter and grandson and the rest of his family. It already has. (*MW and DW; known 25 yrs., #51*)
- I am unsure if Jackie or his family will be able to endure the emotional stress of possible incarceration. This has changed Jackie's life significantly, possibly more than anything ever has. (*CM; known 14 yrs., #54*)

7. Mr. McConnell's good business dealings:

- A feed company, Ward Feed, in Mississippi named one of their feeds, Jackie's Pro Mix. Jackie formulated the recipe with vitamins, minerals and all the ingredients essential to a horse's diet. When Ward Feed closed, another company now carries the seed. (*DG; known 35 yrs., #15*)
- I was president of [a horse show association]. He could have given me suggestions that were self-serving, but he always informed me of what was best for the organization and the horse industry. (*CJ; known 30 yrs., #20*)

- In our business dealings, he was trustworthy and always kept his word on every rent agreement which was crucial in keeping our barn successfully running and making our monthly rent. (*WK; known all his life; #24*)

8. Mr. McConnell and his reputation as a horse trainer:

- I have been around horses all my life and can honestly say I have never known a horse trainer to love and care for his horses the way Jackie does. (*NB; known 35 yrs., #4*)
- “always been a respected trainer with a successful business” (*JHB; known 30 yrs., #5*)
- Jackie has always been hard-working, honest and considered highly ethical with the utmost moral standards in all aspects of his profession. ... The horses, customers and friends are his extended family and everyone was treated as such. (*LB; known 40 yrs., #8*)
- In over 40 years in the horse business, not once have I ever heard Jackie’s character, integrity or morals impugned. Never a whisper of doubt of the quality of the atmosphere if one chose to send their daughter or granddaughter to his family for equine tutelage (a rare quality in the horse business). (*MG; #14*)
- He has always provided the utmost care for the horses in his stables even when their owners did not pay their bills. Several aged horses have lived out their days under Jackie’s care after being abandoned by their owners. I have witness him send sick animals all over the U.S. for care. On numerous occasions, he would remain at the barn with a horse that was ill rather than join friends for dinner. (*DG; known 35 yrs., #15*)
- My horses were always well cared for and I have never seen Jackie harm mine or anyone else’s horse. (*DH; known all his life, #16*)
- I know of no other man that respects the walking horse any more than Jackie McConnell. I know no trainer that takes better care of horses entrusted to him. It was Jackie that taught me the importance of cleaning stalls every day. I quote him, “Their stall is where they live and they deserve to lie down on a clean bed.” (*CJ; known 30 yrs., #20*)

- I was newly married and moved to Memphis looking for a barn to keep my 22 year old horse that I had had for 20 years. Most trainers turned me away when they realized I would not be a high-end owner. I went to Jackie's very full barn where he only had one or two empty stalls. He had a mare about the same age and understood why I didn't want to turn out my old horse in to a pasture to live in the heat, rain and cold. It is not as common as you think to meet a horse person who has enough compassion to honor a horse well past her prime. My mare lived to be well over 30 years at Jackie's barn and died of natural causes. *(VM; known 20 yrs., #27)*
- He is a great horse trainer and was always attentive to all the horse's needs. The horses were exercised appropriately and cared for better than some people I know. If I still had a show horse today, I would without a doubt put it in training with Mr. Jackie. *(LM; known 20 yrs., #29)*
- When our horses were trained by Mr. McConnell, they were treated better than many pets and for that matter, children of families that I have dealt with. ... When it comes to Horsemanship and animal handling capability, upon a surprise visit or planned, the horses were always in good condition, handled with respect and treated as professional athletes. I have never seen a horse mishandled or mistreated while in the care of Mr. McConnell. *(JO; known 25 yrs., #32)*
- Jackie has always been highly respected. He never failed to take exceptional care of his horses. They were always health and in show performance condition. *(CR; known 50 yrs., #35)*
- I have watched as Jackie worked and trained horses and he always displays such a genuine care for animals. Any display other than this is completely out of character with the Jackie McConnell I know. *(JDS; known 40 yrs., #38)*
- We have witnessed countless horses come to Jackie's barn where you could count every bone in their body and 90 days later, he would have them fat, slick and beautiful. Throughout our 15 years as customers, we never experienced any problem with the health or safety of our horses that were under Jackie's care. *(CS and SS; known 20 yrs., #40)*
- Jackie always stressed the importance of proper care, nutrition, stable accommodations and treatment of these animals. He has had a very successful and accomplished career. The caliber of horses that have been entrusted in his care to train and show reflect the person that he truly is. *(VS; sister-in-law, #42)*
- Jackie has always taken great pride in the care and well-being of his horses and the horses in his care. I had horses in training with Jackie for over a decade. There was never a time that I questioned the treatment, conditions and care for the horses I owned. *(VS; father-in-law, #43)*

- Jackie and his family were visitors in our home on many occasions and there were times when he would be late or not come because he had a horse to care for and would not leave it. *(RT; known 40 yrs., #45)*
- The barn was always immaculate and the horses well cared for. It was evident that Jackie had a great love for his horses and their care. Jackie and Cyndi are true ambassadors of the breed. *(KW; known 30 yrs., #50)*
- Jackie has always called for veterinary care for the horses in his barn regularly, even for the slightest problem. He was never one to let anything go untreated and always ensured that each horse was cared for when ill or injured. *(CS; known 7 yrs., #53)*
- Jackie has never exhibited any abnormal or even questionable practices in my presence. He cares about the horses' well-being and always calls if he has any concerns regarding the horses' health or soundness. *(CM; known 14 yrs., #54)*

9. Mr. McConnell's work with youth:

- "taken time to teach children how to ride ... and the responsibility of taking care of the horse. He took time with our grandson He encouraged him in his love of horses." *(BA and JA; known 50 yrs., #1)*
- Jackie has been involved in helping many young people to become moral and accountable adults. *(RA; known 40 yrs., #2)*
- Jackie has always treated my daughter like she was his own and provided a variety of life lessons as well as equine knowledge Has been nothing but compassionate and respectful to her since she was 2 years old riding in the saddle with him. *(LB; known 40 yrs., #8)*
- I have trusted Jackie with the responsibility many times of watching my two daughters. His love and gentleness towards children is something I have always admired most. My oldest daughter, who is now 18, spent many afternoons at Jackie's barn beginning at the age of 3. He instilled in her a passion for horses and a passion to be the best she can be. *(CB; known 30 yrs., #9)*
- Jackie has given numerous young people an opportunity with their first job and instilled in them good worth ethic, punctuality, and honesty in the work place. My son was employed by him and carried that with him into his later business efforts. *(JE; known 45 yrs., #13)*

- I allowed many times my daughter and son to ride 100 miles to a horse show with no concerns about their safety or well-being. Jackie put my children and many others on horses over the years and never have I seen even one attempt to behave in a way that might hurt a child. A child's safety was his first concern and he never waiver from that for any benefit to himself. Outside of immediate family, Jackie was the most important male figure in my son's life [Jackie had given him work several times and much needed discipline and coaching] and I am thankful for his kindness. *(DH; known all his life, #16)*
- Jackie was a mentor to my children and provided a family safe and nurturing environment. Jackie allowed my son (now deceased) to work with him and taught him about work ethic, accountability and responsibility. Jackie considered my son as a member of his own family and my son looked up to him as more than his boss or horse trainer – he considered him as a father figure and trusted and respected him. “Because he opened his heart to that young boy that could drive you crazy, my son was a better man.” *(SH; known 20 yrs., #17)*
- We leased a section of our barn to a riding instructor who gave riding lessons to children from as young as two. Jackie was always willing to lend a hand with whatever or whoever needed encouragement or help when he was at our barn during trips to Middle Tennessee. *(WK; known all his life; #24)*
- The Methodist and Baptist churches brought children to Jackie's barn each year for their Mother's Day Out Program. The children were shown how to properly care for a horse and given the chance to love, pet and/or ride the horses. This was done for many years. The barn was also used for Girl Scout troops to earn their badges. The barn hosted the year end parties for the Collierville Community Center Basketball Awards. This was appreciated by the children who had never seen horses nor had any luxury, polish or grace in their young lives. *(SO; known 50 yrs., #31)*
- When I was young, I was terrified of horses and I remember Mr. McConnell having the utmost patience with me. He was calm, cool, collected and kind, even though I was petrified. *(JO; known 25 yrs., #32)*
- As an amateur rider, my safety and concerns were his top priority. *(KO; known 30 yrs., #33)*
- He has been a good mentor to many children. He not only taught them to ride but taught them important life lessons and values. Jackie's riders have grown to be doctors, lawyers, and professional people with high standards. *(CR; known 50 yrs., #35)*
- There was seldom a summer that parents did not farm out their children to stay in the McConnell home and learn. *(AS; mother-in-law, #41)*

- When I was 11, I trained under Jackie. He was so kind, patient, caring and helped me to become a disciplined, competitive and accomplished rider. Cyndi and Jackie have mentored numerous children. They invited client's children to stay in their home to ride and show while out on summer break. Their stable is known for being family oriented. *(VS; sister-in-law, #42)*
- The environment at the training facility was always that of being family and child friendly. Jackie was an outstanding mentor and instructor to my younger daughter. His professionalism, patience and kindness were a catalyst for her love for riding and competing. *(VS; father-in-law, #43)*
- When I trained with Jackie, I won a world championship. The next year, my horse was ill with colic and Jackie called the vet and my horse was transported for immediate surgery, saving my horse's life. After a long rehabilitation, my goal was to show again that year but on the morning of the show Jackie informed me that he did not believe my horse was well. My father and I decided to go ahead and show, against Jackie's advice. While showing that night, my horse was not his normal self and after two laps, Jackie asked for permission to leave the ring. My horse was rushed to the barn by two vets and had coliced again and almost died had it not been for the loving heart of Jackie. I was able to enjoy my horse for ten more years. *(LW; known 17 yrs., #47)*
- I have never known a man to be more loving and kind to children than Jackie. Not only did he teach my daughter to ride, he also taught her that it was not always about winning. I never saw him be anything but gentle, kind and caring to the children and their horses. ... I knew Jackie to be an upstanding, well respected, esteemed member of the Walking Horse circuit. There was a time when Jackie was not paid for training my daughter's horse, however he allowed her to show because he didn't want her sitting out because he wasn't getting paid. This shows his character and compassion for young children. *(SW; known 15 yrs., #48)*
- We had horses with Jackie from the time our daughter was 5 until she was 12. It was a perfect atmosphere for her to grow up in, no drinking, no cussing, just good family fun. *(MW and DW; known 25 yrs., #51)*

10. Comments Regarding Mr. McConnell:

- I could share countless testimonies on the positive impact Jackie has made on my life as well of the lives of my family and others. He indeed is a good man with a great heart. *(CB; known 30 yrs., #9)*

- I know there are many who will stand on his behalf just as myself. (*VC; known 35 yrs., #10*)
- As a nurse, I have seen many patients who have been through abuse and they do not want to be touched, looked at, talked to, etc. Of all the years I have been to Whitter Stables, I have never seen a horse who did not love to be petted, fed or ridden. (*LW; known 17 yrs., #47*)
- Once when a dog arrived on the farm just prior to having puppies, Jackie gave her shelter in a horse stall. After she had the puppies, he kept them all until they were of weaning age, and without our help, found a low cost facility to have all 8 spayed or neutered, then took them back to the farm until he found homes for all of them. (*CS; known 7 yrs., #53*)
- Please take into account that a 60 year history cannot be summed up in a 60 second video where only one side has been shown. (*WMD; daughter, #11*)

F. Mr. McConnell Has Done Everything to Show his Acceptance of Responsibility and to Cooperate With and Assist the Government.

A sentence of probation, with no additional monetary penalty, is appropriate under the law and the Guidelines.

Following the charges in this case, Mr. McConnell did everything that could be asked of him:

1. He promptly admitted his guilt, and agreed to plead guilty, as charged;
2. He has fully cooperated with the Government's investigation, meeting on multiple occasions with representatives of the United States Attorneys' office, USDA, and other agencies;
3. He agreed to and facilitated the forfeiture of property sought by the Government;
4. He agreed to an Order with the Government in which he accepted a permanent ban from showing, exhibiting or entering any horse, directly or indirectly

through any agent, employee, or other device, and from judging, managing or otherwise participating in any horse show, horse exhibition, or horse sale or auction;

5. He agreed to be assessed a civil penalty of \$150,000.00, which he will be required to pay should he ever again, in his lifetime, violate the administrative Order, or the Act.

He appears before this Court remorseful for his conduct, and submits that the agreed-upon sentence of probation, and no additional fine, are a sentence fully in accord with 18 U.S.C. § 3553, and the United States Sentencing Guidelines.

Respectfully submitted,

CHAMBLISS, BAHNER & STOPHEL, P.C.

By: s/ Hugh J. Moore, Jr.

Hugh J. Moore, Jr., BPR # 00883

Tom Greenholtz, BPR # 20105

1000 Tallan Building

Two Union Square

Chattanooga, TN 37402

Phone: (423) 756-3000

Attorneys for Defendant Jackie L. McConnell

CERTIFICATE OF SERVICE

I hereby certify that on this 13th day of September, 2012, a copy of the foregoing pleading was filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. All other parties will be served by regular U.S. mail. Parties may access the filing through the Court's electronic filing system.

CHAMBLISS, BAHNER & STOPHEL, P.C.

By: s/ Hugh J. Moore, Jr.

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

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In re:

JACKIE McCONNELL,

Respondent.

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No. 0466

CONSENT DECISION AND ORDER

This proceeding was instituted under the Horse Protection Act (“Act”), as amended (15 U.S.C. § 1821 et seq.), by a complaint filed by the Administrator, Animal and Plant Health Inspection Service, United States Department of Agriculture, alleging that respondent Jackie McConnell violated the Act, as well as an order of disqualification issued under the Act. This decision is entered pursuant to the consent decision provisions of the Rules of Practice applicable to this proceeding (7 C.F.R. § 1.138).

Respondent McConnell admits the jurisdictional allegations in paragraph 1 of the complaint and specifically admits that the Secretary has jurisdiction in this matter, neither admits nor denies the remaining allegations, waives oral hearing and further procedure, and consents and agrees, for the purpose of settling this proceeding and for such purpose only, to the entry of this decision.

Findings of Fact

Respondent Jackie McConnell is an individual whose mailing address is 125 E. Valleywood Drive, Collierville, Tennessee 38017 and has done business as both Jackie McConnell Stables and Whitter Stables.

Conclusions

The Respondent having admitted the jurisdictional facts and the parties having agreed to the entry of this decision, such decision will be entered.

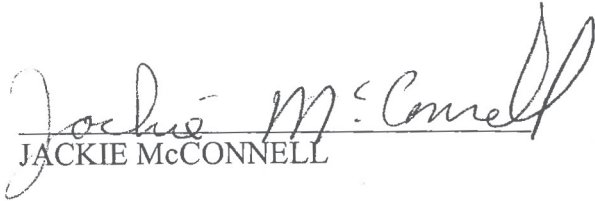
Order

1. Respondent Jackie McConnell is assessed a civil penalty of \$150,000.00, all of which is hereby held in abeyance provided that the respondent, after notice and opportunity for a hearing, is not found to have violated the Act or any provision of this consent decision and order.

2. Respondent Jackie McConnell is permanently disqualified from showing, exhibiting or entering any horse, directly or indirectly through any agent, employee, or other device, and from judging, managing or otherwise participating in any horse show, horse exhibition, or horse sale or auction. For the purposes of this Order, "participating" means engaging in any activity beyond that of a spectator and includes, without limitation, transporting or arranging for the transportation of horses to or from any horse show, horse exhibition, or horse sale or auction, personally giving instructions to exhibitors, and being present in the warm-up or inspection areas, or in any area where spectators are not allowed. Jurisdiction is retained for the limited purpose of enforcement of this paragraph. This Order shall not be construed to prohibit the arm's length one-on-one purchase or sale of horses.

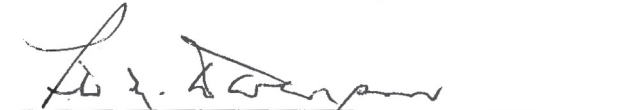
This Order settles all claims against the respondent arising from the Act, up to and including August 1, 2012. It shall have the same effect as if entered after a full hearing and shall become effective on the first day after service of this decision on the respondent.

Copies of this decision shall be served upon the parties.


JACKIE McCONNELL


BRIAN HILL
Attorney for Complainant

Done at Washington, D.C.
This 13th day of August, 2014.


Administrative Law Judge