

***IN THE DISTRICT COURT OF THE UNITED STATES***

***for the Western District of New York***

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**MAY 2019 GRAND JURY  
(Impaneled 05/03/2019)**

**THE UNITED STATES OF AMERICA**

**INDICTMENT**

**-vs-**

**CHRISTOPHER D. CASACCI  
d/b/a Exotic Cubs.com**

**Violation:**

Title 16, United States Code, Sections 3372(a)(2)(A), 3372(d)(2), 3373(d)(1)(B), and 3373(d)(3)(A)(ii); Title 7, United States Code, Sections 2134 and 2149(d)  
(33 Counts)

**INTRODUCTORY ALLEGATIONS**

**The Grand Jury Charges That:**

At all times relevant to this Indictment:

1. The defendant, CHRISTOPHER D. CASACCI, was a resident of Amherst, New York, and operated the website [www.exoticcubs.com](http://www.exoticcubs.com), which engaged in the import and retail sale of African wild cats.

2. The Lacey Act, 16 U.S.C. §§ 3371 *et seq.*, made it unlawful for any person to transport, sell, receive, acquire, or purchase in interstate commerce any fish or wildlife, when the person knew or should have known that fish or wildlife was taken, possessed, transported, or sold in violation of a wildlife-related law or regulation of a State.

3. Pursuant to New York Environmental Conservation Law Section 11-0512(1)(a), it was unlawful in New York for any person to knowingly possess, harbor, sell, barter, transfer, exchange or import any wild animal for use as a pet.

4. The Lacey Act also made it unlawful to make or submit any false record, account, label for or identification of wildlife that has been or is intended to be transported in interstate or foreign commerce.

5. The Animal Welfare Act, 7 U.S.C. § 2134, prohibited anyone acting as a “dealer” or “exhibitor,” as those terms are defined under 7 U.S.C. §§ 2132, *et seq.*, and the Act’s implementing regulations, from selling or transporting, or offering to sell or transport, any animals, unless and until that person has demonstrated compliance with minimum standards for the humane treatment of animals and has a received a license from the United States Department of Agriculture (USDA).

6. The caracal (*Caracal caracal*), also known as the “desert lynx,” was a species of wild cat native to Southern and Eastern Africa. Caracals grow to approximately 45 pounds, and are nocturnal carnivores typically found in deserts, savannas, and dry forests.

7. Caracals have been listed on Appendix II of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (“CITES”) since 1975.

8. The serval (*Leptailurus serval*) was a species of wild cat native to Africa, predominately the sub-Saharan region. Servals grow to approximately 40 pounds, and are crepuscular carnivores typically found in grasslands and wetlands.

9. Servals have been listed on Appendix II of CITES since 1977.

**COUNTS 1 to 14**  
**(Lacey Act Trafficking)**

**The Grand Jury Further Charges That:**

1. The Introductory Allegations of this Indictment are incorporated by reference and re-alleged as if fully set forth herein.

2. On or about the dates set forth below, in the Western District of New York, and elsewhere, the defendant, CHRISTOPHER D. CASACCI, knowingly engaged in conduct involving the sale of, offer of sale of, and intent to sell the wildlife set forth below, with a market value in excess of \$350, by knowingly selling and transporting such wildlife in interstate commerce, knowing such wildlife was possessed and transported in violation of the laws and regulations of New York State, specifically New York Environmental Conservation Law Section 11-0512(1)(a):

<b>COUNT</b>	<b>DATE</b>	<b>SPECIES (number)</b>	<b>PURCHASER (each a person known to the Grand Jury)</b>
1	February 19, 2018	Caracal (1) Serval (1)	Person A
2	February 23, 2018	Caracal (1) Serval (1)	Person B
3	February 23, 2018	Caracal (1)	Person C

<b>COUNT</b>	<b>DATE</b>	<b>SPECIES (number)</b>	<b>PURCHASER (each a person known to the Grand Jury)</b>
4	March 6, 2018	Caracal (2)	Person D
5	March 24, 2018	Serval (1)	Person E
6	March 25, 2018	Caracal (1)	Person D
7	April 6, 2018	Caracal (1)	Person F
8	April 8, 2018	Caracal (1)	Person G
9	April 11, 2018	Serval (1)	Person B
10	April 20, 2018	Caracal (1)	Person H
11	May 15, 2018	Caracal (1)	Person I
12	May 15, 2018	Caracal (1)	Person J
13	May 16, 2018	Caracal (1)	Person K
14	June 7, 2018	Serval (1)	Person L

**All in violation of Title 16, United States Code, Sections 3372(a)(2)(A) and 3373(d)(1)(B), and Title 18, United States Code, Section 2.**

**COUNTS 15 to 18**  
**(Lacey Act False Labeling)**

**The Grand Jury Further Charges That:**

1. The Introductory Allegations of this Indictment are incorporated by reference and re-alleged as if fully set forth herein.

2. On about the dates listed below, in the Western District of New York, and elsewhere, the defendant, CHRISTOPHER D. CASACCI, knowingly engaged in conduct involving the sale of, offer of sale of, and intent to sell wildlife with a market value greater than \$350, by knowingly making and submitting, and causing to be made and submitted, a false record, account, label for, and false identification of wildlife, which wildlife were and were intended to be transported in interstate commerce, in that the defendant falsely labeled, and caused to be falsely labeled, the animals set forth below:

<b>COUNT</b>	<b>DATE</b>	<b>DESCRIPTION OF FALSIFICATION</b>
15	April 6, 2018	Caracal falsely labeled as a "CAT-SAVANNAH"
16	April 10, 2018	Caracal falsely labeled as a "Caracat"
17	April 20, 2018	Caracal falsely labeled as a "CAT-SAVANNAH"
18	May 15, 2018	Caracal falsely labeled as a "CAT-BENGAL"

**All in violation of Title 16, United States Code, Sections 3372(d)(2) and 3373(d)(3)(A)(ii), and Title 18, United States Code, Section 2.**

**COUNTS 19 to 33**  
**(Animal Welfare Act)**

**The Grand Jury Further Charges That:**

1. The Introductory Allegations of this Indictment are incorporated by reference and re-alleged as if fully set forth herein.

2. On or about the dates listed below, in the Western District of New York, and elsewhere, the defendant, CHRISTOPHER D. CASACCI, did knowingly, and while acting

as a “dealer” under the Animal Welfare Act, sell, transport, and offer to sell and transport, in interstate commerce for use as pets, the animals set forth below, without demonstrating compliance with minimum standards for the humane treatment of animals and obtaining the requisite license from the United States Department of Agriculture:

<b>COUNT</b>	<b>DATE</b>	<b>SPECIES (number)</b>	<b>PURCHASER (each a person known to the Grand Jury)</b>
19	February 15, 2018	Caracal (1)	Person M
20	February 19, 2018	Caracal (1) Serval (1)	Person A
21	February 23, 2018	Caracal (1) Serval (1)	Person B
22	February 23, 2018	Caracal (1)	Person C
23	March 6, 2018	Caracal (2)	Person D
24	March 24, 2018	Serval (1)	Person E
25	March 25, 2018	Caracal (1)	Person D
26	April 6, 2018	Caracal (1)	Person F
27	April 8, 2018	Caracal (1)	Person G
28	April 11, 2018	Serval (1)	Person B
29	April 20, 2018	Caracal (1)	Person H
30	May 15, 2018	Caracal (1)	Person I
31	May 15, 2018	Caracal (1)	Person J
32	May 16, 2018	Caracal (1)	Person K
33	June 7, 2018	Serval (1)	Person L

**All in violation of Title 7, United States Code, Sections 2134 and 2149(d).**

DATED: Buffalo, New York, January 8, 2020.

JAMES P. KENNEDY, JR.  
United States Attorney

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A TRUE BILL:

S/FOREPERSON