

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION

UNITED STATES OF AMERICA

v.

CRIMINAL NO. *1:12-cr-00031-LG-RHW*

TERRY WHITE,
GERALD MILLER, and
PATRICK MCCLAIN

18 U.S.C. § 371
18 U.S.C. § 1001
21 U.S.C. §§ 611(b)(4) and 676(a)

The Grand Jury charges:

COUNT 1

That from in or about January 2009 and continuing until on or about October 22, 2009, in Jackson County in the Southern Division of the Southern District of Mississippi, and elsewhere, the defendants, **TERRY WHITE, GERALD MILLER, and PATRICK MCCLAIN**, did knowing and willfully conspire with each other and with others known and unknown to the Grand Jury, to commit offenses against the United States as follows:

Making or Using a False Writing or Document in violation of Section 1001, Title 18, United States Code.

It was part of the conspiracy that defendants **WHITE and MILLER** would discuss removing poultry products from blast freezers before it reached approved temperatures for export shipment to Russia to increase productivity for the company in which they were employed.

It was part of the conspiracy that defendant **WHITE** would then instruct certain individuals to remove poultry products from blast freezers before it reached approved temperatures for export shipment to Russia.

It was further a part of the conspiracy that defendant **WHITE** would instruct certain individuals to not report accurate temperatures of poultry products removed from blast freezers if

such temperatures were higher than the approved temperature for export shipment to Russia.

It was further a part of the conspiracy that defendant **MCCLAIN** would instruct certain individuals to place poultry products which had reached temperatures above approved temperatures for export shipment to Russia, into blast freezers to cool them back down to approved temperatures for export shipment to Russia. Defendant **MCCLAIN** would then authorize these loads of poultry products to be shipped to Russia in violation of the trade agreement between the United States and Russia.

OVERT ACTS

In furtherance of the conspiracy and to carry out its objectives, the following overt acts, among others, were committed:

1. On or about April 18, 2009, an Application for Export Certificate with Export Certificate Number RFA-057992 was submitted to the United States Department of Agriculture.
2. On or about May 11, 2009, an Application for Export Certificate with Export Certificate Number RFA-058013 was submitted to the United States Department of Agriculture.
3. On or about June 26, 2009, an Application for Export Certificate with Export Certificate Number RFA-058067 was submitted to the United States Department of Agriculture.

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

COUNT 2

On or about April 18, 2009, in Jackson County in the Southern Division of the Southern District of Mississippi, and elsewhere, in a matter within the jurisdiction of the United States Department of Agriculture, an agency of the United States of America, the defendants, **TERRY**

WHITE and GERALD MILLER, aided and abetted by others known and unknown to the Grand Jury, knowingly and willfully made or used a false writing or document, knowing the same to contain a material false and fraudulent statement or entry, in that the defendants caused an Application for Export Certificate to be executed, certifying that the product covered by the application for export met the inspection requirements for the country of destination, when in truth and in fact the product covered by the application for export did not meet the inspection requirements for the country of destination.

All in violation of Sections 1001 and 2, Title 18, United States Code.

COUNT 3

On or about May 11, 2009, in Jackson County in the Southern Division of the Southern District of Mississippi, and elsewhere, in a matter within the jurisdiction of the United States Department of Agriculture, an agency of the United States of America, the defendants, **TERRY WHITE and GERALD MILLER**, aided and abetted by others known and unknown to the Grand Jury, knowingly and willfully made or used a false writing or document, knowing the same to contain a material false and fraudulent statement or entry, in that the defendants caused an Application for Export Certificate to be executed, certifying that the product covered by the application for export met the inspection requirements for the country of destination, when in truth and in fact the product covered by the application for export did not meet the inspection requirements for the country of destination.

All in violation of Sections 1001 and 2, Title 18, United States Code.

COUNT 4

On or about June 26, 2009, in Jackson County in the Southern Division of the Southern District of Mississippi, and elsewhere, in a matter within the jurisdiction of the United States


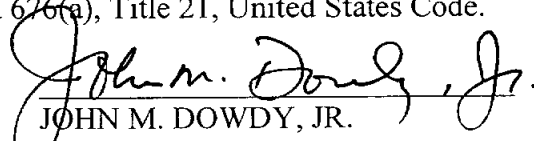
Department of Agriculture, an agency of the United States of America, the defendants, **TERRY WHITE and GERALD MILLER**, aided and abetted by others known and unknown to the Grand Jury, knowingly and willfully made or used a false writing or document, knowing the same to contain a material false and fraudulent statement or entry, in that the defendants caused an Application for Export Certificate to be executed, certifying that the product covered by the application for export met the inspection requirements for the country of destination, when in truth and in fact the product covered by the application for export did not meet the inspection requirements for the country of destination.

All in violation of Sections 1001 and 2, Title 18, United States Code.

COUNT 5

On or about January 1, 2009, through on or about October 22, 2009, in Jackson County in the Southern Division of the Southern District of Mississippi, and elsewhere, the defendant, **TERRY WHITE**, knowingly possessed with the intent to defraud an official device, to wit: United States Department of Agriculture Export Stamps, without notifying the Secretary of Agriculture of the United States or his representative.

All in violation of Sections 611(b)(4), and 676(a), Title 21, United States Code.



JOHN M. DOWDY, JR.
United States Attorney

A TRUE BILL:
S/signature redacted

Foreperson of the Grand Jury —

This indictment was returned in open court by the foreperson or deputy foreperson of the grand jury on this the 3rd day of April, 2012.


UNITED STATES MAGISTRATE JUDGE