



ATTACHMENT 1

STATE OF KANSAS  
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Testimony of James Pinegar and Josh Winkler  
for HB 2253  
House Committee on Judiciary  
February 13, 2025

Chair Humphries Members of the Committee:

Our Livestock Investigation Unit (LIU) would like to thank you for taking the time to review and evaluate some of the issues we face with prosecution and plea agreements. Our Livestock Investigation Unit went beyond your request for only the 2024 fiscal year. Many of these cases were in litigation for years before they were brought to resolution. Some were pled to minimal charges and resulted in probation sentences. Others included diversion agreements and minimal restitution. With the diversion program, if the suspects do not violate the agreement, their criminal records can be expunged at the end of the probation period.

When suspects are allowed to enter a civil agreement and all criminal charges are dropped, it is frustrating. We realize the ultimate goal is to make the victim whole, but the suspect knows how to manipulate the system to their advantage. In most cases, they become repeat offenders. As you will see below, the entries highlighted in **RED** indicate this pattern. The suspect in these cases is the same individual. He learned these tactics from his father and grandfather and is notorious across the country for negotiating minimal civil agreements prior to court.

**Eastern Kansas – 2019:**

**This case is included because the suspect was not sentenced until July 25, 2024.** The suspect pastured 46 cow/calf pairs for a producer from Oklahoma. When the producer lost contact with the suspect, he drove to Kansas and was unable to locate his cattle. Our LIU determined that the victim's cows had gone through a sale barn in Southeast Kansas. We located some of the missing cows by their brand.

The suspect was convicted on three (3) counts of felony theft. He was sentenced to probation and ordered to pay **\$50.00 per month** in restitution. He is working day and night to service his debt, which has placed a significant hardship on him and his family. Not only is he out the cows, but he has also lost three (3) years of calf crops.

### **Central Kansas – 2020:**

A Central Kansas livestock auction received an insufficient funds check for approximately **\$85,000.00**. A local investigator contacted our LIU, stating that the local prosecutor had deemed this a civil matter. We presented the case to the prosecutor, who reluctantly charged it. The suspect was ultimately allowed to plead to a **misdemeanor**.

### **Southwest Kansas – 2021:**

Nebraska Brand Investigators requested assistance regarding stolen cattle shipped from Nebraska and sold at a livestock market in Southwest Kansas. The suspect sold **nine (9) stolen steers** for **\$7,826.83**.

Our LIU filed possession of stolen property charges, and a warrant was issued on **December 9, 2021**, with a **\$15,000 cash/surety bond** and extradition from surrounding states. However, the charges were later dismissed when the local county attorney learned that the suspect had already been convicted in Nebraska on the theft charges. The total theft from Nebraska involved **70 head of cattle valued at \$70,000**.

### **North Central Kansas – 2021:**

The suspect purchased **18 head of cattle** from a sale barn on **October 24, 2021**, using two canceled checks. The total loss to the market was **\$6,010.00**. Charges were filed, and an **active arrest warrant** remains in place as of **April 7, 2022**, set at **\$7,500 cash/surety** with extradition originally limited to **200 miles within Kansas**. The suspect is from Tennessee. The warrant is still active.

### **North Central Kansas – 2022:**

A sale barn reported the theft of **515 head of sheep and goats** valued at **over \$124,000** due to nonpayment. Prosecution was declined after the victim accepted a **partial payment of \$75,000** from the suspect. This is a **common tactic** the suspect has used in numerous states to avoid prosecution. The suspect is from Wisconsin.

### **Southeast Kansas – 2022:**

Two (2) producers sent approximately **150 cows** to a man in Kansas. When the victims and their agricultural loan officers conducted an annual inspection, the suspect refused to allow them to see their cattle.

Our LIU tracked the purchase of the cows using **production sale records, Brucellosis tag numbers, and canceled checks**, confirming without a doubt that the two (2) victims owned the reported stolen cattle. We located livestock records, including matching Brucellosis tag numbers, and were able to positively connect the suspect's sales to the victims' cows.

Despite this evidence, it took **approximately 14 months** for the prosecutor to allow us to present our case. Ultimately, prosecution was denied, citing a lack of sufficient evidence.

### **Northwest Kansas – 2023:**

The suspect stole nearly **\$2,000,000 in cattle** from a cattle buyer in Southeast Kansas. Our LIU tracked **1,005 head** shipped to a feedlot in Northwest Kansas. The suspect falsely represented the cattle as **his own, lien-free**, to the feedyard. He then **borrowed \$1,591,394.08** against the cattle from the feedyard, which was financed by a bank in Omaha, Nebraska.

When the cattle were ready for harvest, the suspect **rerouted payment to himself** from the slaughter facilities for **five (5) loads valued at \$277,850.06**.

The suspect was charged with **nine felonies**, and a summons was issued. However, the case was later dismissed when the victim (the feedyard) reached a **civil settlement** with the suspect for a total of **\$150,000** to be paid over **five years**—on the condition that the criminal case be dismissed. This is a **common tactic** the suspect has used in multiple states.

The following case is connected.

**Eastern Kansas – 2022 to Present:**

The **same suspect** from the **Northwest Kansas case** contacted a Kansas-licensed and bonded order buyer. Between **October 2, 2022, and November 16, 2022**, he purchased **2,109 head of cattle** valued at **\$1,815,172.50**.

The Kansas order buyer expected payment, which was promised. Instead, the suspect wrote **insufficient fund checks** and **stopped payment on additional checks**. The Kansas victim is now on the verge of **bankruptcy** and may lose his farm.

The suspect was charged with:

- **Ten (10) counts of Felony Theft**
- **Six (6) counts of Writing a Worthless Check**
- **One (1) count of Mistreatment of an Elder Person**

This case will likely remain in litigation for **years**. Our elderly victim has **minimal** hope of being made whole. When our LIU spoke with him last week, he said he will likely have to file for bankruptcy in the near future.

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Thank you for your assistance. If you have any further questions, please don't hesitate to reach out.

**Sincerely,**

**Jim Pinegar**

**Josh Winkler**