

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

GARRETT FITZGERALD,

Defendant.

CASE NO. 2:25-cr-64

JUDGE SARGUS

**GOVERNMENT'S SENTENCING
MEMORANDUM**

Defendant Garrett Fitzgerald has pleaded guilty to conspiring to create and distribute animal crush videos, in violation of 18 U.S. Code § 371. Fitzgerald's United States Sentencing Guidelines ("Guidelines" or "U.S.S.G.") range is 27-33 months of incarceration. A sentence of 33 months is the minimum sentence that will accomplish the goals of sentencing, although there are also facts from which this Court could find that an upward variance is warranted.

FACTUAL BACKGROUND

The offense conduct is accurately set forth in paragraphs 14 through 30 of the Pre-Sentence Investigation Report (PSR), incorporated herein by reference. Below is a summarized description of the factual background. The government respectfully advises the Court and public readers that the details of the offense are disturbing, and graphic statements and descriptions follow.

PLEA AGREEMENT AND APPLICABLE SENTENCING GUIDELINES

On July 8, 2025, Garrett Fitzgerald pleaded guilty to a one-count information charging him with conspiring to create and distribute animal crush videos.

As part of the plea agreement, the parties agreed to the following partial calculation under the Sentencing Guidelines:

- U.S.S.G. § 2G3.1 10 (base offense level for “obscenity”)
- U.S.S.G. § 2G3.1(b)(1)(B) +5 (distribution for valuable consideration)
- U.S.S.G. § 2G3.1(b)(3) +2 (use of a computer or interactive computer service)
- U.S.S.G. § 2G3.1(b)(4) +4 (portrayal of sadistic or masochistic conduct)

The parties agree that no additional enhancements or reductions under the Sentencing Guidelines apply, including §3B1.1 (Aggravating Role) and §3B1.2 (Mitigating Role).

The Government does not oppose a 2-level reduction in offense level pursuant to U.S.S.G. § 3E1.1(a) based upon the Defendant’s acceptance of responsibility and an additional 1-level decrease pursuant to U.S.S.G. § 3E1.1(b) in recognition of the Defendant’s timely notification of his intention to plead guilty, provided that the Defendant continues to demonstrate compliance with the terms of § 3E1.1.

SENTENCING FACTORS UNDER 18 U.S.C. § 3553(a)

A sentence at the high end of the guidelines is the minimum necessary to achieve the goals of sentencing. Such a sentence is necessary in light of the considerations set out in 18 U.S.C. § 3553(a). In particular, the nature and circumstances of the offense, the need for the sentence imposed to reflect the seriousness of the offense, to promote respect for the law, and to provide just punishment for the offense, the need for the sentence imposed to afford adequate deterrence to criminal conduct, the need for the sentence imposed to protect the public from further crimes of the defendant, and the need for the sentence imposed to avoid unwarranted sentence disparities among defendants with similar records who have been found guilty of similar conduct.

The Violent Acts Perpetuated by the Defendant

Beginning no later than June 2021 and continuing until he was approached by law enforcement in 2024, Garrett Fitzgerald (a/k/a “G Money” a/k/a “Ratsmasher”) belonged to an association of people who gathered online to solicit, share, and discuss videos of monkeys being

tortured and sexually abused. Six of the core members have now been charged: Fitzgerald, Ronald Bedra, Robert Berndt, Katrina Favret, Robert Craig, and Joe Herrera. Although Fitzgerald did not exercise a leadership role within this group, he was a key, longstanding member who demonstrated a strong affinity for acts of extreme violence and brutality.

For instance, during the group's first attempt to create a video of a heated screwdriver inserted into a monkey's anus, it was Fitzgerald who collected the funds and transferred the money to the Indonesian videographer. Following the receipt of the video, which only showed a heated screwdriver being touched to the anus of the monkey, Fitzgerald commented, "Look at this shit. This was also supposed to be the hot screwdriver up ass and look. What a joke."

There are numerous other examples of Fitzgerald reveling in the most grotesque acts of violence imaginable. In addition, Fitzgerald's requests very often related to the monkey's genitals. The following comments illustrate this tendency:

Fitzgerald: Omg I just rewatched the dick fire vid and realized the thing came.

Wow. Apparently it didn't register during the first couple times.

Berndt: They gave it a circumcision... and they didn't BREAK THE BONES...

Fitzgerald: It's @:38-42 check the closeup... Third vid when yoked to tree... Looks like a rancid monkey load to me. I seen a couple vids of em beatin off and it looked similar

Berndt: It's cumming

Fitzgerald: I knew it! Hahahahaha... Next comes the Monkey Fire [c]um fetish...

...

Fitzgerald: Here's an idea: squirt super glue in a monkey's dick hole so it cant pee and watch the fun escalate! They prob rip/chew it off from havin to piss so bad.

...

Fitzgerald: Better yet – burn its asshole shut for maximum monkey fun!!

And these statements were not just bluster. The videos commissioned and shared by the group included multiple videos of a monkey having their genitals cut off, videos of monkeys having their genitals burned, videos of monkeys having limbs cut off, and videos of a monkey having a heated screwdriver pressed against its genitals and anus, among others.

The Victims of the Offense

The immediate victims of the Defendant’s conduct were the monkeys that were tortured at the request of the Defendant and his co-conspirators. The monkeys observed by investigators, including the screwdriver video, appear to be long-tailed macaques. Below are two photographs of long-tailed macaques for reference:



Photographs courtesy of University of Wisconsin National Primate Research Center

This species is native to Southeast Asia, including Indonesia. The average lifespan of a long-tailed macaque is 31 years, and they feed on fruit, roots, crabs, and insects. They sleep in trees, often huddled in large groups for warmth. Depending on their habitat, these creatures spend their days foraging in mangrove swamps, collecting fruit, swimming in rivers, and swinging through trees.¹

The individual monkeys that the Defendant subjected to prolonged torture were generally baby or juvenile macaques. They were sometimes dressed up in children's clothing or diapers prior to being tortured. The Defendant and his co-conspirators often expressed a preference for monkeys that had been coddled prior to being tortured.

The Defendant's celebration of these videos, when contrasted with the sheer brutality attendant to them, is difficult to fathom. This conduct is harmful to the monkeys, to the videographers, and to society. At a minimum, this behavior warrants a sentence at the high end of the guideline range.

The Human Impacts of the Offense

When fashioning a sentence, this Court should also consider the psychological harm undoubtedly suffered by those conscripted into creating the videos by the Defendant and his co-conspirators.² Fitzgerald and his co-conspirators knew that these individuals (known as

¹ *Long-tailed macaque fact sheet*, UNIVERSITY OF WISCONSIN NATIONAL PRIMATE RESEARCH CENTER (last accessed Sep. 25, 2024), available at <https://primate.wisc.edu/primate-info-net/pin-factsheets/pin-factsheet-long-tailed-macaque/#evolution-ecology>

² The Government is not suggesting that the videographers, who knowingly participated in the conduct in question, are victims for purposes of any Guidelines enhancement. *See, e.g., United States v. Emor*, 850 F.Supp.2d 176, 209 (D.D.C. 2012) (holding, in the context of the Mandatory Victim Restitution Act that “a number of courts have held that a party who participated in the defendant's offense cannot be considered a ‘victim’ under the statute.”). *See also The Attorney General Guidelines for Victim and Witness Assistance*, U.S. Department of Justice (“A person’s knowing and willful participation in a...criminal scheme or transaction...generally negates a determination of direct harm from the crimes being investigated.”).

“videographers” or “VOs”), who were generally Indonesian, were poor and were capable of being manipulated into performing acts of grotesque violence for incredibly small sums of money. For instance, after Fitzgerald sent \$40 to a videographer in the first attempt to create a “screwdriver video,” he expressed anger that the video created did not depict the act exactly as requested and described the videographer as a “dip shit” who “just takes advantage of rabid mon[³yet]-pain enthusiasts.”

Sentences in Other Animal Crush Offenses and Similar Offenses

To date, there have been several cases sentenced involving conduct similar to that committed by the Defendant. Of the defendants convicted and sentenced for commissioning violent monkey crush videos, three have been sentenced in the Southern District of Ohio: Ronald Bedra, the defendant’s co-conspirator, who was sentenced to 54 months’ incarceration, Robert Berndt, another of Fitzgerald’s co-conspirators, who was sentenced to 38 months’ incarceration, and Giancarlo Morelli, who received an above-guideline sentence of 48 months’ incarceration. 1:24-cr-66 (S.D. Ohio Sep. 30, 2025). Other individuals convicted of monkey torture video-related offenses have received sentences of 51 months, *United States v. Devilbiss*, 3:23-cr-153, (MDFL, June 18, 2024); 48 months, *United States v. Noble*, 6:23-cr-181 (D. Ore. April 24, 2024); 40 months, *United States v. Macartney*, 2:24-cr-25 (E.D.Va. Oct. 2, 2024); 30 months, *United States v. Hacker*, 5:25-cr-00002 (E.D. Ky. May 13, 2025) and 366 days, *United States v. Herrera*, 3:23-cr-76 (W.D. Wisc. Dec. 20, 2023). Another individual, Brent Justice, was sentenced to 57 months’ incarceration for producing and distributing videos of puppies,

³ Note that “monyet” is the Indonesian word for monkey.

chickens, and kittens being tortured, *United States v. Justice*, 4:12-cr-731 (S.D. Tex. Aug. 18, 2016), although Justice had already been sentenced to 50 years' imprisonment at the state level.⁴

Deterrence

Finally, a sentence at the high end of the Guidelines is necessary in light of the need to deter others and to protect the public from the Defendant. Fitzgerald himself administered several of these groups and engaged in this conduct on a daily basis for a period of several years. He only stopped when law enforcement approached him, not before. As such, there is the need to deter the defendant personally from engaging in this conduct.

In addition, a significant sentence is necessary to deter other individuals from engaging in similar conduct going forward. Unfortunately, there are many people who have shown an interest in this content. A strong sentence would provide a powerful argument to those who may consider going down the same path as the defendant.

Upward Variance

There are facts from which this Court could conclude that an upward variance is warranted. In general, the range calculated by the application of the Sentencing Guidelines “reflect a rough approximation of sentences that might achieve § 3553(a)’s objectives.” *See Rita v. United States*, 551 U.S. 338 at 350 (2007). According to the Sixth Circuit, “the Guidelines provide a transparent and predictable sentencing range for defendants who fall within the ‘heartland’ of average cases ‘to which the Commission intends individual Guidelines to apply.’” *United States v. Boucher*, 937 F.3d 702, 708 (6th Cir. 2019) (quoting *Kimrough v. United States*, 552 U.S. 85 (2007)). However, U.S.S.G. § 2G3.1 is not specific to animal crushing

⁴ Justice was later re-sentenced to 20 years' incarceration in Texas state court after an appellate court ruled that a deadly weapon enhancement could not be applied to animal cruelty cases. His revised sentencing range was 2 to 20 years.

offenses. It is the guideline section for various obscenity-related offenses, including, *inter alia*, 18 U.S.C. § 2252B (misleading domain names) and 18 U.S.C. § 2252C (misleading words or digital images). *See* U.S.S.G. Appendix A.

Given their relative scarcity, it is difficult to assess what a “typical” animal crush case looks like. Most cases charged under 18 U.S.C. § 48 have been charged in the last two years, and involve individuals who were members of the same, or related, monkey torture Telegram groups as Fitzgerald. One unrelated case involved a fifty-second video in which an individual performed oral sex on a dog. *See United States v. Vincent*, 2022 WL 2452301 (N.D. Ga. July 6, 2022). Another involved an individual who decapitated a cat. *United States v. Phillips*, 2023 WL 3346096 (E.D. Okla. May 10, 2023). Compared to the defendants in *Vincent* and *Phillips*, defendant Fitzgerald’s conduct was noteworthy.

Even in comparison to a “typical” animal crush case, there are facts that distinguish Fitzgerald. The species of animal tortured, the age of the monkeys, the number of videos at issue, and the fact that Fitzgerald directly paid videographers all distinguish him. In addition, as already discussed, his desire for more extreme torture and for genital torture also set him apart. Finally, he engaged in this conduct over a long period of time, only stopping when he was contacted by law enforcement. These are all facts from which this Court could determine that a variance is warranted.

CONCLUSION

The nature and circumstances of Fitzgerald’s offense are extreme. For this reason, a significant sentence of incarceration is necessary. A sentence of 33 months is the minimum sentence that will accomplish the goals of sentencing, although there are also facts from which this Court could find that an upward variance is warranted.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on this 28th day of December 2025, a copy of the foregoing Government's Sentencing Memorandum was filed electronically. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system.