Ex-Marine Jailed For Cudahy Plant Fire

DINESH RAMDE Associated Press Writer — October 9, 2009

MILWAUKEE (AP) — An Iraq veteran whose military flare sparked a costly fire at a meatpacking plant this summer was sentenced Thursday to jail time, probation and community service.

The fire caused at least $50 million in damage at the Patrick Cudahy plant in Cudahy, a Milwaukee suburb.

Joshua J. Popp, 23, was charged with second-degree recklessly endangering safety, which carries a maximum penalty of 10 years in prison and a $25,000 fine. In exchange for his guilty plea in August, prosecutors agreed to recommend a far lighter sentence.

Milwaukee County Circuit Judge Dennis Cimpl largely followed the recommendation, sentencing Popp to 90 days in jail, three years of probation and 500 hours of community service. If Popp violates the terms of his probation, he'll be sentenced to prison time.

Popp acquired the flare about two years ago when he was in the U.S. Marine Corps. He let his brother fire it July 5, and it landed on the roof of a building at the plant.

The plant, which is owned by Smithfield Foods Inc., was nearly empty because of the holiday weekend. The flare sparked a blaze that raged for days and destroyed four buildings. Thousands of residents were evacuated, but no one was hurt.

Popp apologized to the judge on Thursday and said he took responsibility for his actions.

"I must take everything here as a very difficult life lesson and earn my way to good standing in my family and my community," he said, reading from a statement.

The jail sentence was structured to keep Popp behind bars for the next three Independence Day celebrations. He was ordered to spend every July in jail for the next three years.

As a felon, Popp is barred from owning firearms, which the judge said included fireworks such as M-80 firecrackers and sparklers.

"Your days of celebrating the Fourth of July that way are over," Cimpl said.

Popp showed no emotion as the sentence was read. He left the courtroom without speaking to reporters.

Assistant District Attorney Kent Lovern said he was satisfied with the sentence. He said he didn't ask that Popp pay restitution because the damage was "immeasurable."

"Our concern was how Mr. Popp can give back to the community, and that's why we recommended community service and jail," Lovern said.

Popp's brother, Kurtis J. Popp, 25, is scheduled to be sentenced on the same charge on Oct. 26. He reached a similar plea agreement after acknowledging he fired the flare, but his attorney has said he hopes for more leniency because the elder Popp lacked his brother's knowledge of the flare's firepower.

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