

TRIBAL JUSTICE NEWS

WEEK OF AUGUST 3, 2010

Contact: Hannah August, Office of Public Affairs: (202) 514-2007

Department of Justice Releases First National Strategy for Child Exploitation Prevention and Interdiction (Office of Public Affairs)

Attorney General Eric Holder announced on Aug. 2, 2010, that the Department of Justice released its first-ever National Strategy for Child Exploitation Prevention and Interdiction. The strategy also provides the first-ever comprehensive threat assessment of the dangers facing children from child pornography, online enticement, child sex tourism, commercial sexual exploitation and sexual exploitation in Indian Country, and outlines a blueprint to strengthen the fight against these crimes. The strategy builds upon the department's accomplishments in combating child exploitation by establishing specific, aggressive goals and priorities and increasing cooperation and collaboration at all levels of government and the private sector.

- **District of Wyoming** - www.justice.gov/usao/wy/pressrel/index.html - Examples of successful prosecutions involving the prosecution of individuals who have sexually abused children in Indian Country include U.S. v. Travis J. McGill, 28, of Fort Washakie, Wyo. McGill who was sexually abusing a child over an extended period of time, was sentenced on Sept. 22, 2008, to 560 months in prison on six counts of aggravated child sexual abuse and an additional 120 months on one count of possession of child pornography. Another Indian Country case involved Terrence Paul Jenkins, 24, of Arapaho, Wyo. He was sentenced on Oct. 1, 2009, to serve 168 months in prison for one count of sexual abuse of a minor.
- **District of Idaho** - www.justice.gov/usao/id/public_info/public_info.html - Mervin Fisher was indicted in May 2009 for abusive sexual contact. The indictment alleges that Fisher inappropriately touched a 14-year old girl. Fisher has filed a notice of intent to plead guilty, and the court has scheduled a plea hearing for Aug. 25, 2010. Clyde Osborne was indicted in May 2010 for aggravated sexual abuse. The indictment alleges that Osborne forcibly raped a 17-year old at Fort Hall. Osborne is set for trial on Sept. 7, 2010. Buford Nipwater, 49, of Fort Hall, Idaho, a member of the Eastern Shoshone tribe, was sentenced in September 2009 to one year of incarceration and five years of supervised release for sexual contact with a minor. In a delayed disclosure case, Fort Hall Police detectives found that Nipwater had molested a 10-year old female relative five years earlier. Darwin Dick Jr., 35, a Shoshone-Paiute tribal member from the Duck Valley Reservation, entered a guilty plea on June 29, 2010, to failure to register as a sex offender.

- **District of Arizona** - www.justice.gov/usao/az/press_releases/index.html - Since March 2010, the U.S. Attorney's Office has charged, convicted or sentenced 14 cases involving the sexual abuse and/or aggravated sexual abuse of minors in Indian Country. In *United States v. Cecil Jose*, a Tohono O'odham man pleaded guilty to abusive sexual contact with a minor and was sentenced in May to nine years in prison. In May, the Department of Justice announced it would add 33 new Assistant U.S. Attorney positions to those districts with Indian Country jurisdiction. The District of Arizona received five of those positions, more than any other district, and is currently in the process of filling these new positions. With the five new prosecutors added, that will bring the district's total number of AUSAs dedicated to Indian Country to 19. These unprecedented resources will help support our strategy to fight child sexual exploitation in Indian Country.

- **District of Montana** - www.justice.gov/usao/mt/pressreleases/last20.html - The U.S. Attorney's Office for the District of Montana currently has 63 open child sexual exploitation cases. Since January 2010, 23 defendants have been sentenced for child sexual exploitation cases; their sentences range from 24 months to 480 months, with the average sentence for all crimes of 124 months. The cases referenced include child sexual exploitation cases on each of the six partner Indian Reservations in Montana: the Blackfeet Indian Reservation; the Crow Indian Reservation; the Fort Belknap Indian Reservation; the Fort Peck Indian Reservation; the Northern Cheyenne Indian Reservation; and the Rocky Boy's Indian Reservation.

- **District of Utah** - www.justice.gov/usao/ut/press/index.html - Indictments were returned by a Utah grand jury last week in two child sexual exploitation cases originating on the Navajo Nation reservation. Marvell Begay, 21, of Aneth, Utah, is charged in a four-count indictment with aggravated sexual abuse of a child and sexual abuse of a minor while within Indian Country. The first count of the indictment alleges Begay engaged in a sexual act with a child under the age of 12. The remaining three counts allege he engaged in a sexual act with another child between 12 and 16 years old. Jason Lamour Keith, 32, of Aneth, is charged in a three-count indictment with aggravated sexual abuse of a child while within Indian Country. The indictment alleges Keith engaged in sexual acts with a minor between 12-16 years old. He also faces a potential life sentence with a 30-year mandatory minimum sentence if he is convicted of the charges.

Dustin Mark Flying Sentenced in U.S. District Court (U.S. Attorney for the District of Montana)

U.S. Attorney Michael Cotter announced that during a federal court session in Great Falls, Mont., on Aug. 2, 2010, before U.S. District Judge Sam E. Haddon, Dustin Mark Flying was sentenced to 63 months in prison, a \$100 special assessment and three years supervised release. Flying was sentenced in connection with his guilty plea to being a habitual domestic offender. From approximately Nov. 8 through Nov. 15, 2009, Flying had continually assaulted his wife, S.F., at her sister's residence in Lodge Pole, on the Fort Belknap Indian Reservation.

www.justice.gov/usao/mt/pressreleases/last20.html

Dennis Ray Eagle Sentenced in U.S. District Court (U.S. Attorney for the District of Montana)

U.S. Attorney Michael Cotter announced that during a federal court session in Great Falls, Mont., on July 30, 2010, before U.S. District Judge Sam E. Haddon, Dennis Ray Eagle, a 49-year-old resident of Wolf Point, Mont., was sentenced to 180 months in prison, a \$100 special assessment and lifetime supervised release. Eagle was sentenced in connection with his guilty plea to sexual abuse.

www.justice.gov/usao/mt/pressreleases/last20.html

Douglas Floyd Main Sentenced in U.S. District Court (U.S. Attorney for the District of Montana)

U.S. Attorney Michael Cotter announced that during a federal court session in Great Falls, Mont., on Aug. 2, 2010, before U.S. District Judge Sam E. Haddon, Douglas Floyd Main, a 23-year-old resident of Fort Belknap, appeared for sentencing. Main was sentenced to 37 months in prison, a \$100 special assessment and three years supervised release. Main was sentenced after having been found guilty during trial of assault resulting in serious bodily injury.

www.justice.gov/usao/mt/pressreleases/last20.html

South Dakota Man Charged with Sexual Abuse (U.S. Attorney for the District of South Dakota)

U.S. Attorney Brendan V. Johnson announced that Mickey W. McCloskey, age 29, of St. Francis, S.D., appeared before U.S. District Judge Roberto A. Lange on July 29, 2010, and pleaded guilty to an indictment that charged him with sexual abuse. The charge relates to McCloskey's sexual abuse of a Rosebud woman in August 2009.

www.justice.gov/usao/sd/Media.html

Red Lake Woman Sentenced for Murder, Assault (U.S. Attorney for the District of Minnesota)

U.S. Attorney B. Todd Jones announced on July 28, 2010, that a 19-year-old woman from the Red Lake Indian Reservation was sentenced in federal court in Minneapolis for murdering a 14-year-old boy and assaulting a 17-year-old boy with a knife on April 12, 2009. U.S. District Court

Judge Joan N. Ericksen sentenced Patricia Ann Brown to 30 years in prison on one count of murder and one count of assault with a dangerous weapon.

www.justice.gov/usao/mn/press.html

South Dakota Woman Charged with Theft of Government Funds (U.S. Attorney for the District of South Dakota)

U.S. Attorney Brendan V. Johnson announced that Marie Elsie Flying, age 51, of Rosebud, S.D., appeared before U.S. District Judge Roberto A. Lange on July 28, 2010, and pleaded guilty to an indictment that charged her with theft of government funds. The charge relates to Flying receiving and cashing Treasury checks to which she was not entitled and using the money for her own benefit.

www.justice.gov/usao/sd/Media.html

North Dakota Man Found Guilty of Child Sexual Abuse (U.S. Attorney for the District of North Dakota)

Acting U.S. Attorney Lynn Jordheim announced that on July 28, 2010, Deven J. Poitra, 18, of Dunseith, N.D., was found guilty by a federal jury on charges of aggravated sexual abuse of a child and failure to update sex offender registration. On Dec. 20, 2009, a juvenile was playing in the basement of a house in the Dunseith area. Poitra entered the room, picked up the juvenile and carried the juvenile to a laundry room in the house, where Poitra sexually assaulted the juvenile. Poitra was required to register as a sex offender for a previous April 2007 offense of gross sexual imposition from Rolette County, N.D. Poitra violated the sex offender registration requirements, when he moved to the victim's home in Dunseith without notifying law enforcement authorities.

www.usdoj.gov/usao/nd/

South Dakota Man Sentenced for Assault of a Federal Officer (U.S. Attorney for the District of South Dakota)

U.S. Attorney Brendan V. Johnson announced that a man charged with assault of a federal officer was sentenced on July 27, 2010, by U.S. District Judge Jeffrey L. Viken. Dustin Joe Merrival, age 35, of Pine Ridge, S.D., was sentenced to 12 months in prison, three years of supervised release and ordered to pay \$100 to the Victim Assistance Fund. Merrival was indicted for assault of a federal officer by a federal grand jury on Feb. 18, 2010. On May 2, 2009, Merrival was drunk in violation of tribal law. A federal officer attempted to take Merrival into custody for the tribal law violation. Merrival refused to be handcuffed, resisted the police officer's attempts and engaged in physical contact with the federal officer.

www.justice.gov/usao/sd/Media.html

South Dakota Woman Pleads Guilty to Involuntary Manslaughter (U.S. Attorney for the District of South Dakota)

U.S. Attorney Brendan V. Johnson announced that Rita Miner, aka Rita Paz, age 48, of La Plant, S.D., appeared before U.S. District Judge Roberto A. Lange on July 27, 2010, and pleaded guilty to an indictment that charged her with involuntary manslaughter. The charge relates to a

September 2009 car/pedestrian crash in which Miner's motor vehicle struck and killed a Batesland, S.D., woman. Miner admitted in open court that she was under the influence of alcohol and marijuana prior to the collision.

www.justice.gov/usao/sd/Media.html

Ft. Apache Man Sentenced to 51 Months in Federal Prison for Illegally Possessing a Firearm (U.S. Attorney for the District of Arizona)

U.S. Attorney Dennis K. Burke announced on July 27, 2010, that Vernon Gatewood, 34, of McNarry, Ariz., was sentenced by U.S. District Judge Earl H. Carroll to 51 months in federal prison for being a felon in possession of a firearm. This offense occurred on the Ft. Apache Indian Reservation in Whiteriver, Ariz. On March 2, 2009, tribal police were called regarding an aggravated assault, wherein shots were allegedly fired at an individual. At that time, Gatewood was found to be in possession of a loaded .38 special revolver with one spent cartridge. Gatewood, having previously been convicted of a felony in the District Court of Arizona, was thereby legally prohibited from possessing a firearm.

www.justice.gov/usao/az/press_releases/index.html

South Dakota Man Sentenced for Possession of a Short-Barreled Shotgun (U.S. Attorney for the District of South Dakota)

U.S. Attorney Brendan V. Johnson announced that a man charged with possession of a short-barreled shotgun was sentenced on July 26, 2010, by U.S. District Judge Jeffrey L. Viken. Jonathan Andrew Blacksmith, age 34, of Oglala, S.D., was sentenced to 30 months in prison, three years of supervised release and ordered to pay \$100 to the Victim Assistance Fund. Blacksmith was indicted for possession of short-barreled shotgun by a federal grand jury on March 16, 2010. He possessed a 20 gauge shotgun with a barrel of less than 18 inches which was not registered to him in the National Firearms Registration and Transfer Record. Blacksmith was seen with the firearm during an altercation at his residence and while threatening another individual with the firearm. Blacksmith pleaded guilty to the charge on May 7, 2010.

www.justice.gov/usao/sd/Media.html

Apache Junction Man Sentenced to Eight Years in Prison for Bullhead City Post Office Robbery (U.S. Attorney for the District of Arizona)

U.S. Attorney Dennis K. Burke announced on July 27, 2010, that Donallen Leroy McFarlin, 64, of Apache Junction, Ariz., was sentenced to 96 months in federal prison by U.S. District Court Judge Frederick J. Martone. McFarlin pleaded guilty on March 19, 2010, to one count of armed postal robbery. On Sept. 11, 2009, McFarlin walked into the post office in Bullhead City, Ariz., displayed a handgun, and demanded all the money from the postal worker on duty. McFarlin took \$778 from the worker and fled the area.

www.justice.gov/usao/az/press_releases/index.html

###

DO NOT REPLY TO THIS MESSAGE. IF YOU HAVE QUESTIONS, PLEASE USE THE CONTACTS IN THE MESSAGE OR CALL THE OFFICE OF PUBLIC AFFAIRS AT 202-514-2007.