



2017 ANNUAL REPORT

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District of South Dakota

Message from U. S. Attorney Ron Parsons

After being confirmed by the United States Senate to be the 42nd U.S. Attorney for the District of South Dakota, I took the oath of office before U.S. District Judge Karen E. Schreier on January 5, 2018.

Just a few days earlier, my predecessor, U.S. Attorney Randy Seiler, retired following a distinguished career as a federal prosecutor. Randy's strong and steady leadership, his kindness and dedication, and the wonderful team of public servants he helped to assemble will leave an enduring legacy of excellence. Our State, the District of South Dakota, and our Nation owe a tremendous debt of gratitude for his stewardship of this office.



He certainly has my heartfelt thanks, and I am grateful to call him a friend.

Attorney General Jeff Sessions has outlined a series of priorities for the new Administration. I have pledged to do my best to implement them. They include:

- Reducing violent crime in every community
- Reinvigorating Project Safe Neighborhoods to target gun crimes
- Dismantling drug trafficking organizations
- Combatting the opioid crisis and reducing overdose deaths
- Supporting Federal, State, Local, and Tribal law enforcement; and
- Curbing illegal immigration

This critical work is nothing new for the District of South Dakota; it is what we have always done, and always will continue to do.

But the stakes have never been higher. Methamphetamine, heroin, fentanyl, and other drugs are poisoning our communities and causing suffering and death at unprecedented levels in every corner of our nation. Violence and lawlessness have been on the rise as well.

The Department of Justice understands the depths of the crisis and is doing everything it can to reverse these trends, including pushing out new funding and resources. By the end of 2018, our office will have added at least three new Assistant U.S. Attorneys and two legal assistant positions to our Pierre and Rapid City offices to focus on violent crime and drugs, and specifically in Indian Country.

Only two things can defeat us in our efforts against these problems: lack of commitment and failing to work together. We must not let either of these afflictions gain any foothold here. The accomplishments highlighted in this year's report reflect the continuing commitment of the U.S. Attorney's Office and all of our incredible partner agencies to ensuring that we live up to the mission set before us.

I have confidence that, with your help, we will succeed.

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INTRODUCTION

In 1789, the U.S. Congress passed the Judiciary Act which, among other things, directed the President to appoint an attorney in each federal judicial district to represent the interests of the United States. In fact, U.S. Attorneys were independent of the Attorney General and did not come under the Attorney General's supervision and authority until 1870 when the U.S. Department of Justice was created.

South Dakota has had 42 U.S. Attorneys dating back to 1861 when William Gleason served as the first U.S. Attorney for Dakota Territory. U.S. Attorneys began serving solely for the District of South Dakota in 1889 when Dakota Territory was divided into individual states and the District was created.

U.S. Attorneys are nominated by the President and must be confirmed by the U.S. Senate. Following confirmation, U.S. Attorneys serve at the will of the President for a term of four years, which may be renewed.

U.S. Attorneys are the chief federal law enforcement officers in each federal district. They ensure the fair and impartial enforcement of federal criminal laws and also represent the U.S. government in civil claims brought by and against the government. In 1935, Supreme Court Justice George Sutherland described the role of the U.S. Attorney in the following terms:

The United States Attorney is the representative not of an ordinary party to a controversy, but of a sovereignty whose obligation to govern impartially is as compelling as its obligation to govern at all, and whose interest, therefore, in a criminal prosecution is not that it shall win a case, but that justice shall be done. As such, he is in a peculiar and very definite sense the servant of the law, the two-fold aim of which is that guilt shall not escape or innocence suffer. He may prosecute with earnestness and vigor -- indeed, he should do so. But, while he may strike hard blows, he is not at liberty to strike foul ones. It is as much his duty to refrain from improper methods calculated to produce a wrongful conviction as it is to use every legitimate means to bring about a just one.

Berger v. United States, 295 U.S. 78, 88 (1935).

YEAR IN REVIEW

Changing of the Guard: After 22 years of dedicated and honorable service with the United States Attorney's Office, U.S. Attorney Randolph J. Seiler announced his retirement, and stepped down on December 31, 2017.



Randy Seiler was nominated in 2015 by President Barack Obama as the 41st United States Attorney for the District of South Dakota. Prior to his appointment, he served as both Acting and Interim U.S. Attorney, and also as the First Assistant U.S. Attorney and the Tribal Liaison for the District of South Dakota. Seiler had a distinguished career as an Assistant U.S. Attorney, where he spent 14 years prosecuting violent crime offenses.

Ronald A. Parsons, Jr. was sworn into office as the 42nd United States Attorney for the District of South Dakota, by U.S. District Judge Karen E. Schreier at a brief ceremony in Sioux Falls, South Dakota, on January 5, 2018. He began his duties immediately. Before his confirmation, Mr. Parsons was a partner at the law firm of Johnson Janklow Abdallah Reiter & Parsons LLP. He received his B.A. from the University of Minnesota and his J.D. from the University of South Dakota School of Law. Following law school, he clerked for the Honorable Roger L. Wollman, Circuit Judge, U.S. Court of Appeals for the Eighth Circuit.



Attorney General Jeff Sessions Recognizes South Dakota Prosecutor for Exceptional Service in Indian Country: At an October 25, 2017, ceremony in Washington, D.C., Attorney General Jeff Sessions recognized 202 department employees for their distinguished public service. The 65nd Annual Attorney General's Awards Ceremony was held in the Great Hall of the Robert F. Kennedy Main Justice Building. Among the honorees was Gregg Peterman, Supervisory Assistant United States Attorney for the District of South Dakota, who received national recognition for his work in Indian Country. Peterman was the recipient of the Attorney General's Award for Exceptional Service in Indian Country – Outstanding Dedication to Lowering Crime Rates in Indian Country.



Peterman supervises all federal prosecutors in the Rapid City branch of the U.S. Attorney's Office. The office is responsible for criminal prosecutions in western South Dakota, including violent crime on the Pine Ridge Reservation. Under Peterman's careful guidance, his talented team of prosecutors have persevered and achieved an appreciable increase in the number of defendants indicted year-upon-year out of the Rapid City office.

Peterman joined the U.S. Attorney's Office for the District of South Dakota in 1995. Shortly thereafter, he showed an interest in working on Indian Country issues, and quickly displayed a passion and energy focused on these cases. Over the years, he has handled some of the District's toughest Indian Country matters, ranging from violent homicides to heart wrenching child sexual abuse cases.

Protecting Tribal Communities Meetings on the Pine Ridge Reservation: U.S. Attorney Randy Seiler, joined by the Oglala Sioux Tribe, Bureau of Indian Affairs, the Bureau of Alcohol, Tobacco, Firearms & Explosives, and other Federal entities, held a series of meetings over the course of the year at different communities on the reservation. The meetings were an effort to address gun violence, drugs, public corruption, and other crime in Indian Country.

The first event in Pine Ridge was held on April 6, in conjunction with National Crime Victim's Rights Week. Following the conference, a ceremony was held recognizing four individuals who have provided outstanding service to victims of crime in Indian Country. The honorees included: Darrell Robinson, Criminal Investigator, Bureau of Indian Affairs; John Long, Acting Superintendent, Bureau of Indian Affairs (former Pine Ridge BIA Special Agent in Charge); Misty Hunter, Certified Nurse Specialist, Sexual Assault Nurse Examiner, Four Directions Clinic in Kyle; and Mary Beth Nielson, Certified Nurse Midwife, Four Directions Clinic.

Establishment of Office Hours in Pine Ridge: The U.S. Attorney's Office launched an initiative in April of 2017, where it staffed an office one day each week in Pine Ridge. Referred to as "Walk-In Wednesday," a representative of the U.S. Attorney's office will be on-site at Pine Ridge each Wednesday between the hours of 9:00 a.m. to 3:00 p.m. U.S. Attorney Seiler began this initiative to allow citizens to more easily communicate with the U.S. Attorney's Office concerning crime on the reservation, inquire about existing cases, or to obtain any information about federal activities. The office is located within the Bureau of Indian Affairs office, inside the Justice Center for the people in Pine Ridge.

Conference on the Opioid Epidemic: "The Opioid Epidemic: A Wicked Problem of the Worst Kind" was held in Sioux Falls on Oct. 18, 2017, sponsored by Avera and the U.S. Attorney's Office. The keynote speaker was Stacey Hail, MD, FACMT, Associate Professor of Emergency Medicine and Medical Toxicology at the University of Texas Southwestern Medical Center, and toxicologist at Parkland Hospital and North Texas Poison Center. Dr. Hail is a forensic and medical expert witness and analyzes overdose cases from all over the country. There were also panel discussions featuring state and local experts on legal implications, medical implications, child endangerment, and innovative solutions and prevention.



This was the fourth annual conference co-sponsored by Avera and the U.S. Attorney's Office, along with other community sponsors, to explore issues of justice, well-being, and safety in our state and region. Past topics have included human trafficking, living with disabilities, and child sexual abuse.

Forum on Protecting Arab, Muslim, Sikh, and South Asian Communities and Responding to Hate and Bias Crimes: The U.S. Attorney's Office, in conjunction with the Federal Bureau of Investigation, Minnehaha County States Attorney's Office, Minnehaha County Sheriff's Office, Sioux Falls Police Department, and the U.S. Commission on Civil Rights presented a forum on protecting Arab, Muslim, Sikh, and South Asian Communities. The discussion revolved around responding to hate and bias crimes targeted against these groups. A

representative from the Department of Justice's Community Relations Service helped facilitate the discussion.

The forum was held in Sioux Falls on March 30, and featured conversations with leaders of diverse community, faith-based, and non-profit organizations in Sioux Falls and the surrounding areas.



Project Dakota Flyer: The United States Attorney's Office and the U.S. Fish and Wildlife Service held two press conferences in 2017, to discuss the Indictments of 31 defendants charged with illegal trafficking of eagle and other migratory birds during a two-year undercover operation, dubbed *Project Dakota Flyer*. Fifteen defendants were announced at the April press conference, and an additional 16 defendants at the September press conference.

National Reentry Week 2017: The Department of Justice designated the week of April 23-30, 2017, as National Reentry Week. National Reentry Week seeks to promote a reduction in recidivism through the elimination of barriers to successful reentry as formerly incarcerated individuals compete for jobs, attain stable housing, and seek support for their families.

Leading up to National Reentry Week, the U.S. Attorney's Office for the District of South Dakota participated in a Reentry Task Force meeting on April 11, 2017, in Rapid City. The Reentry Task Force is made up of local partners who gather to share and discover innovative methods to address the challenges and gaps in service that can impact the success of formerly incarcerated individuals. Referencing the Federal Bureau of Prisons webpage, in 2016 alone, there were 396 former federal prisoners released back to their South Dakota community after spending time in federal custody. Statistically, 20 percent of all those individuals released will return to prison within three years of their initial release, signaling that we still have work to do.

Ted L. McBride Receives Lifetime Achievement Award:

Longtime federal prosecutor, Ted L. McBride, was awarded the *Lifetime Achievement Award* by the South Dakota State's Attorney's Association, at an event in Sioux Falls on November 8, 2017. The presentation took place during the Law Enforcement Appreciation and Children's Charity Dinner. Presenting the award to McBride was former Federal colleague, and current Pennington County State's Attorney, Mark Vargo. This is only the second *Lifetime Achievement Award* ever bestowed by the association.



McBride, an Assistant U.S. Attorney for the District of South Dakota, announced his retirement as of November 11, 2017, following a storied career in federal service that spanned almost 28 years. McBride's tenure with the U.S. Attorney's Office included two stints as Interim U.S. Attorney, as well as First Assistant U.S. Attorney. Additionally, Gov. Dennis Daugaard officially proclaimed November 11th as "Ted McBride Day" in South Dakota.

U.S. Attorney's Office Honors Two Law Enforcement Agents: Two law enforcement agents were honored with a Distinguished Service Award at the South Dakota Police Chiefs' Association and South Dakota Sheriffs' Association Spring Conference in Deadwood on April 19, 2017.

The first honoree was Brent Gromer, South Dakota Division of Criminal Investigation Supervisory Special Agent and Internet Crimes Against Children (ICAC) Commander. SSA Gromer was honored for his dedication to protecting children from online predators. He has been involved in numerous undercover operations, and part of his job with ICAC is to investigate offenders who use the internet, online communication systems, or computer technology to sexually exploit children. SSA Gromer's investigative abilities and techniques have resulted in the prosecution of numerous child predators. SSA Gromer has been the architect of the proactive Sturgis Bike Rally operations, targeting online predators since 2013.

Also honored was John Long. Agent Long is the former Assistant Special Agent in Charge of the Bureau of Indian Affairs after having served virtually his entire distinguished career in South Dakota. Agent Long singlehandedly revitalized the Bureau of Indian Affairs Office of Justice Services upon his arrival in Pine Ridge in 2004. As a result of his extraordinary determination and commitment to the safety of the citizens of the Oglala Sioux Tribe, hundreds of important violent crimes were prosecuted in federal court over many years.

Outreach – Eagle Butte Schools, August 22, 2017: Assistant U.S. Attorney SaraBeth Donovan, Federal Bureau of Investigation Special Agent Joel Torgrude, and Cheyenne River Sioux Tribe (CRST) Narcotics Division Sergeant Jeremy Reede and Officer Cody Norman presented to the faculty, staff, and administration of the Cheyenne Eagle Butte Schools as part of their pre-school year in-service programming. A power-point presentation on methamphetamine and other controlled substances was shown, and discussion ensued about recent enforcement efforts by the federal government and the tribe to combat the methamphetamine epidemic in and around the reservation. Also discussed was how school officials and staff could assist law enforcement, their students, and the communities as a whole to help eradicate the methamphetamine distribution problem, what to look for, and how to engage students about the topic. Agent Torgrude brought samples of meth and drug paraphernalia. The program lasted approximately 2.5 hours and the audience of about 300 individuals were very engaged in the discussion.

CRIMINAL DIVISION

The primary responsibility of the Criminal Division for the U.S. Attorney's Office is the prosecution of federal crimes in the District. Many of the offenses prosecuted by the Criminal Division arise on the District's Indian reservations and other Indian lands which constitute Indian Country under federal law. By Act of Congress, the most serious offenses involving Native Americans which take place in Indian Country must be prosecuted in federal court under the Major Crimes Act, the Assimilative Crimes Act, or other federal statutes. Our office works closely with tribal prosecutors to coordinate the prosecution of offenses arising in Indian Country

The other crimes prosecuted by Assistant U.S. Attorneys assigned to the Criminal Division cover a wide range of criminal activities, including drug trafficking, firearms violations, corporate and financial institution fraud, bankruptcy fraud, mail fraud, healthcare fraud, computer fraud, agricultural program fraud, public corruption, terrorism, child pornography, environmental crimes, civil rights violations, federal wildlife violations, and any of the more than 900 federal offenses that have been created by Congress.

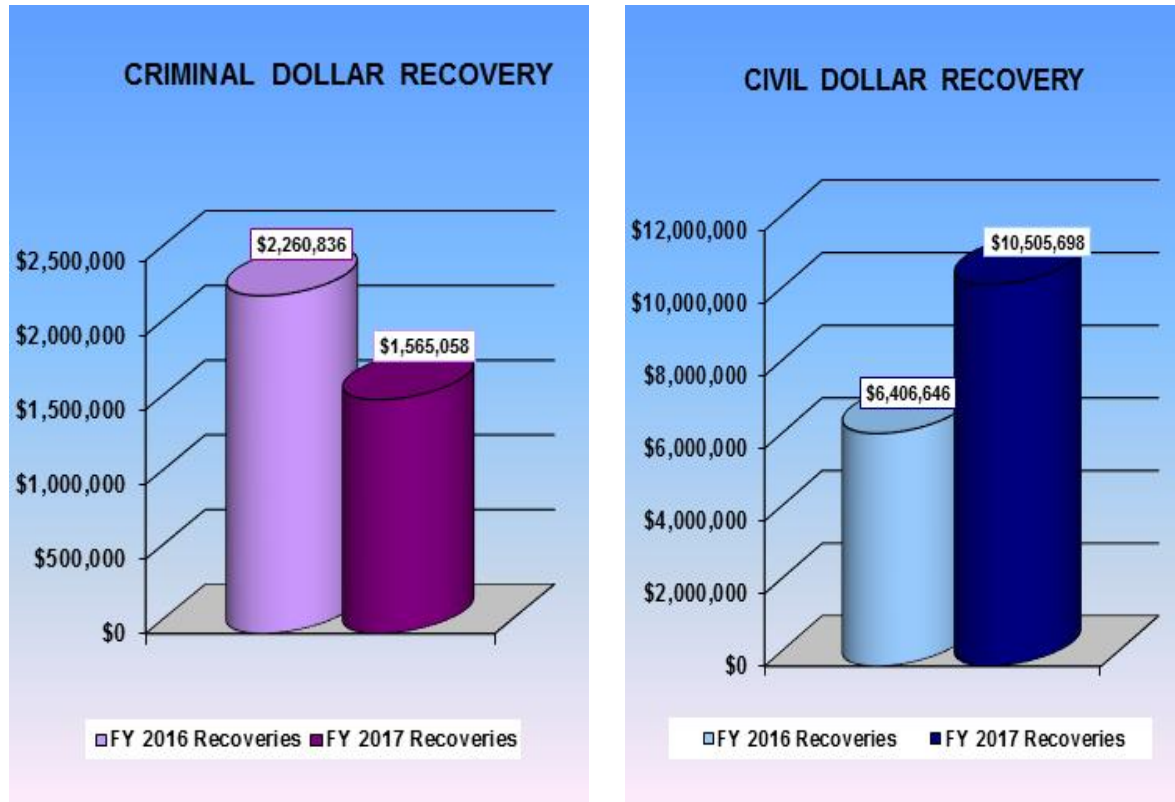


Twenty-one attorneys are assigned to the Criminal Division. This includes two office supervisors and the Criminal Chief, Dennis Holmes. Within the Division, one attorney is assigned to the Organized Crime Drug Enforcement Task Force to handle major drug trafficking prosecutions. One attorney in the Division serves as the District's anti-terrorism coordinator. One attorney and one auditor are assigned to healthcare fraud investigations.

The District's asset forfeiture and financial litigation attorneys are also assigned to the Criminal Division.

Financial Litigation Unit

The Financial Litigation Unit (FLU) is responsible for activities related to the collection of civil debts owed to federal agencies, as well as the collection of restitution, fines, penalties, assessments, and court costs imposed by the court in criminal judgments.



The goal of the U.S. Attorney's Office is to fairly achieve the maximum amount of recovery with the least amount of cost for each affirmative claim or debt. This office strives to collect debts due to the United States and victims of crimes in a timely, aggressive, efficient, and cost-effective manner.

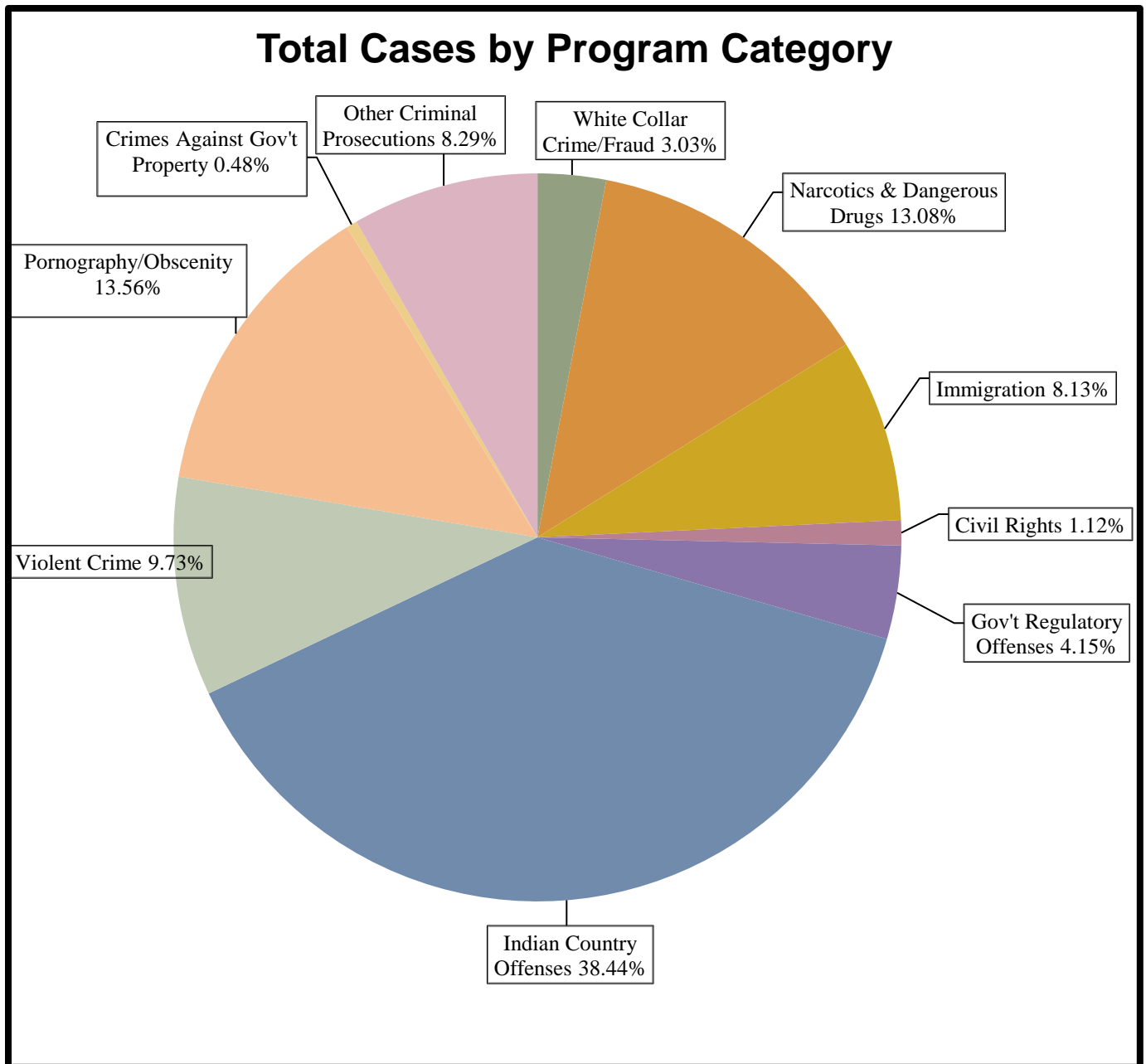
Collection Efforts

FLU collected \$12 million in civil judgments and criminal payments in fiscal year 2017. Although all recoveries are vitally important, the recovery of restitution in an effort to make victims whole is a high priority of this office. In 2017, of the \$1,565,057 recovered from criminal judgments, \$1,352,941 was returned to victims of crime. The rest of the money was deposited into the Crime Victims Fund to fund programs that assist crime victims.

STATISTICAL HIGHLIGHTS

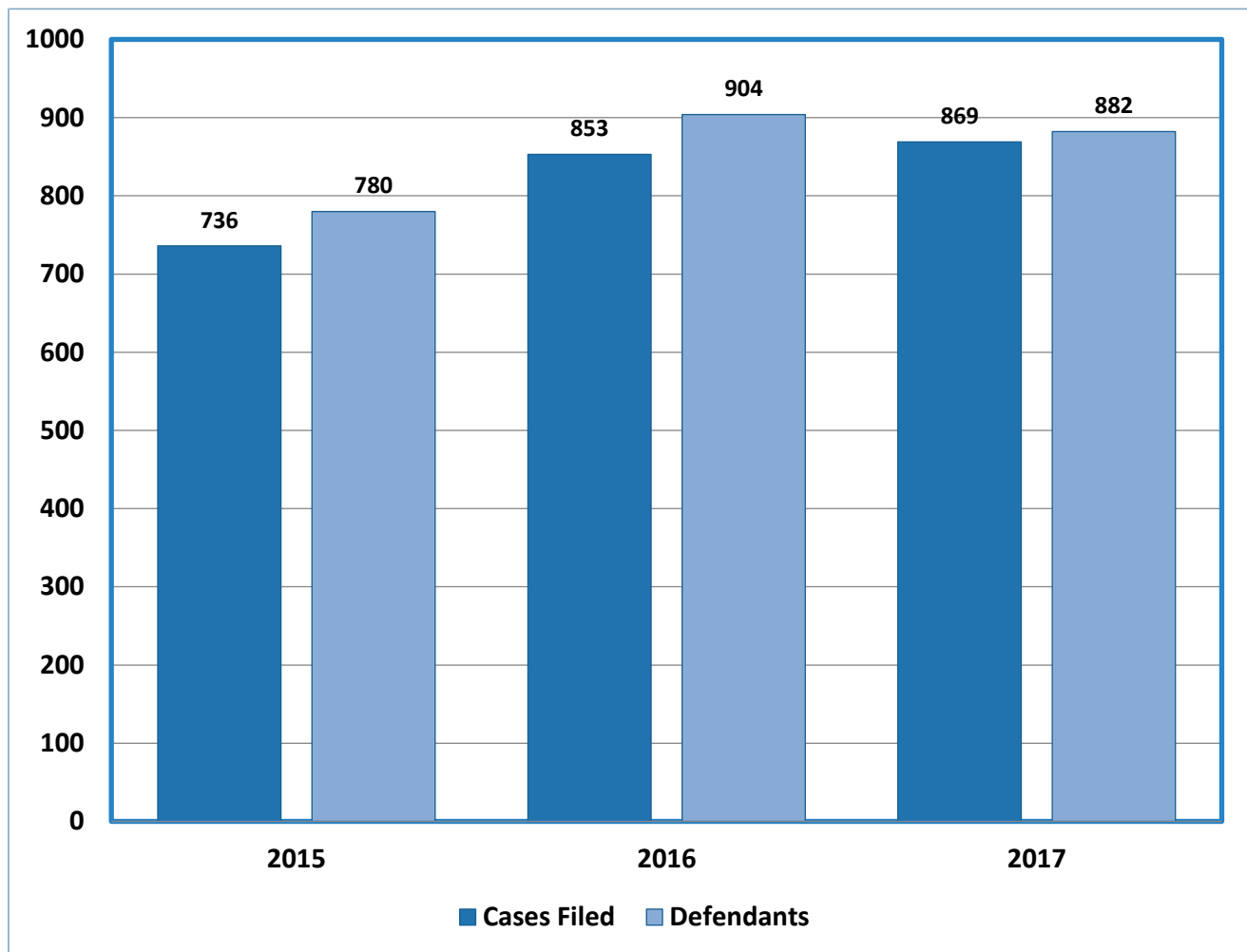
Criminal Caseload Statistics

Total Cases Filed



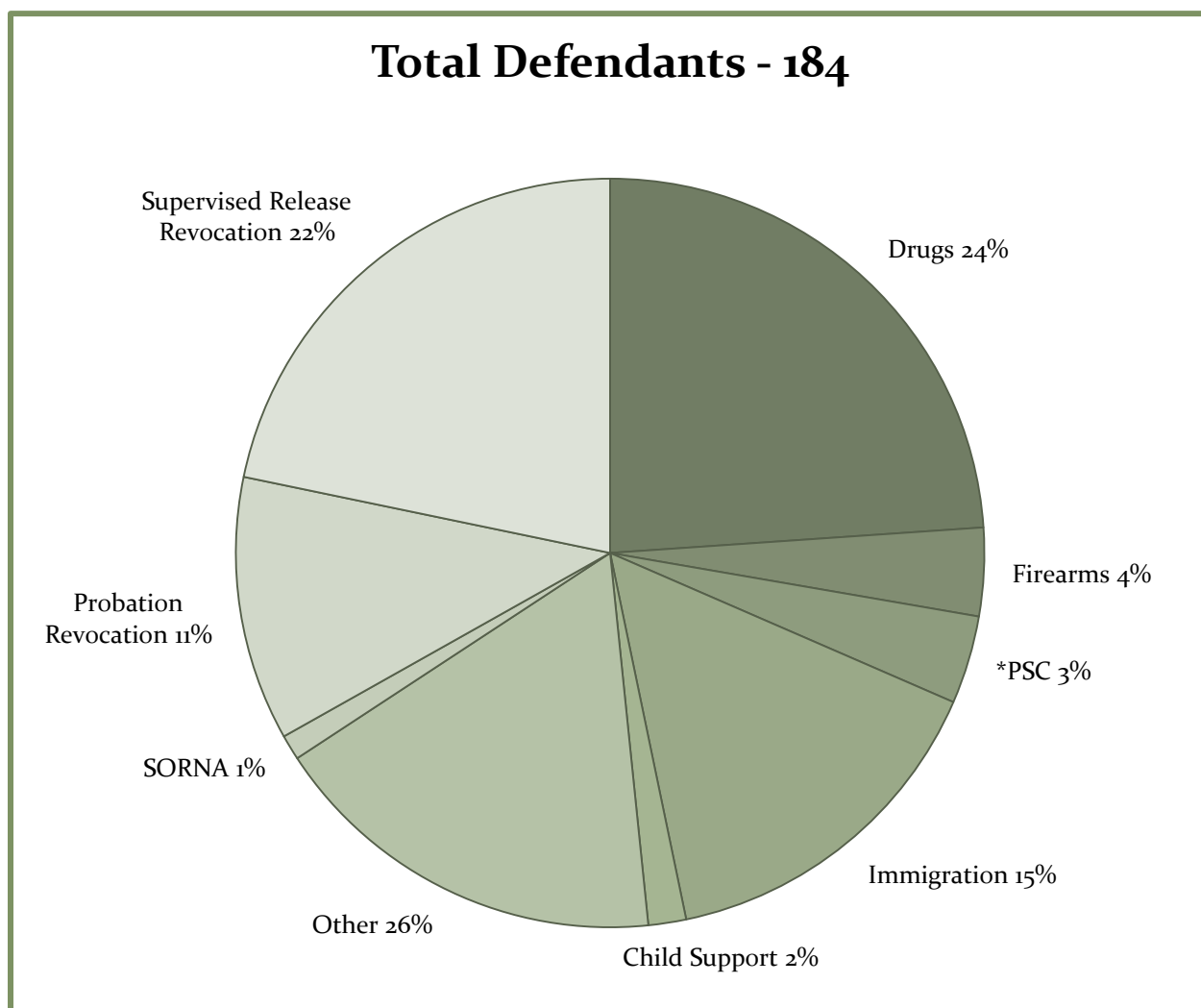
Cases & Defendants Filed

Calendar Year 2015 - 2017¹



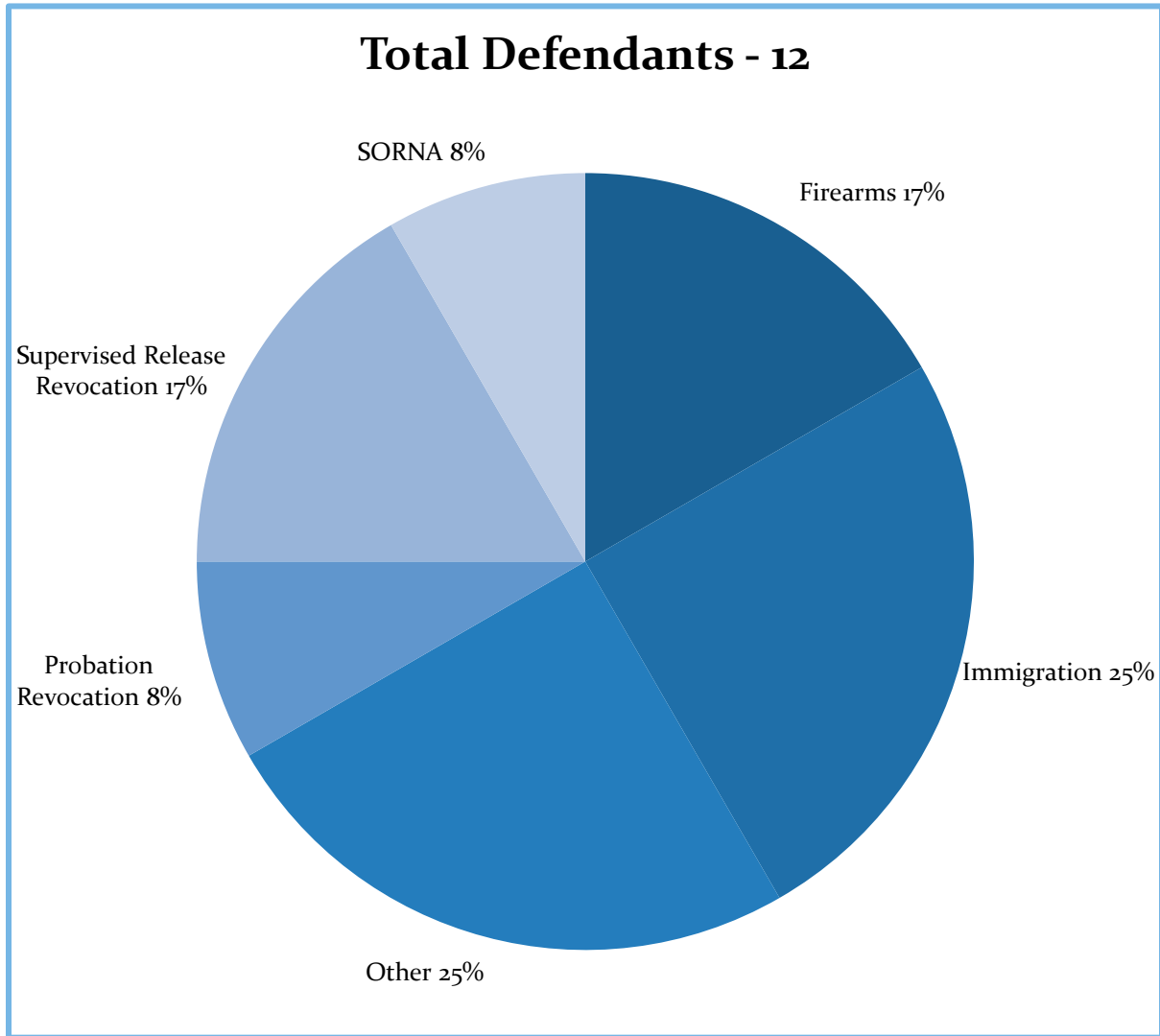
¹ Includes Revocations

Non-Indian Country Defendants by Offense Per Division Southern Division

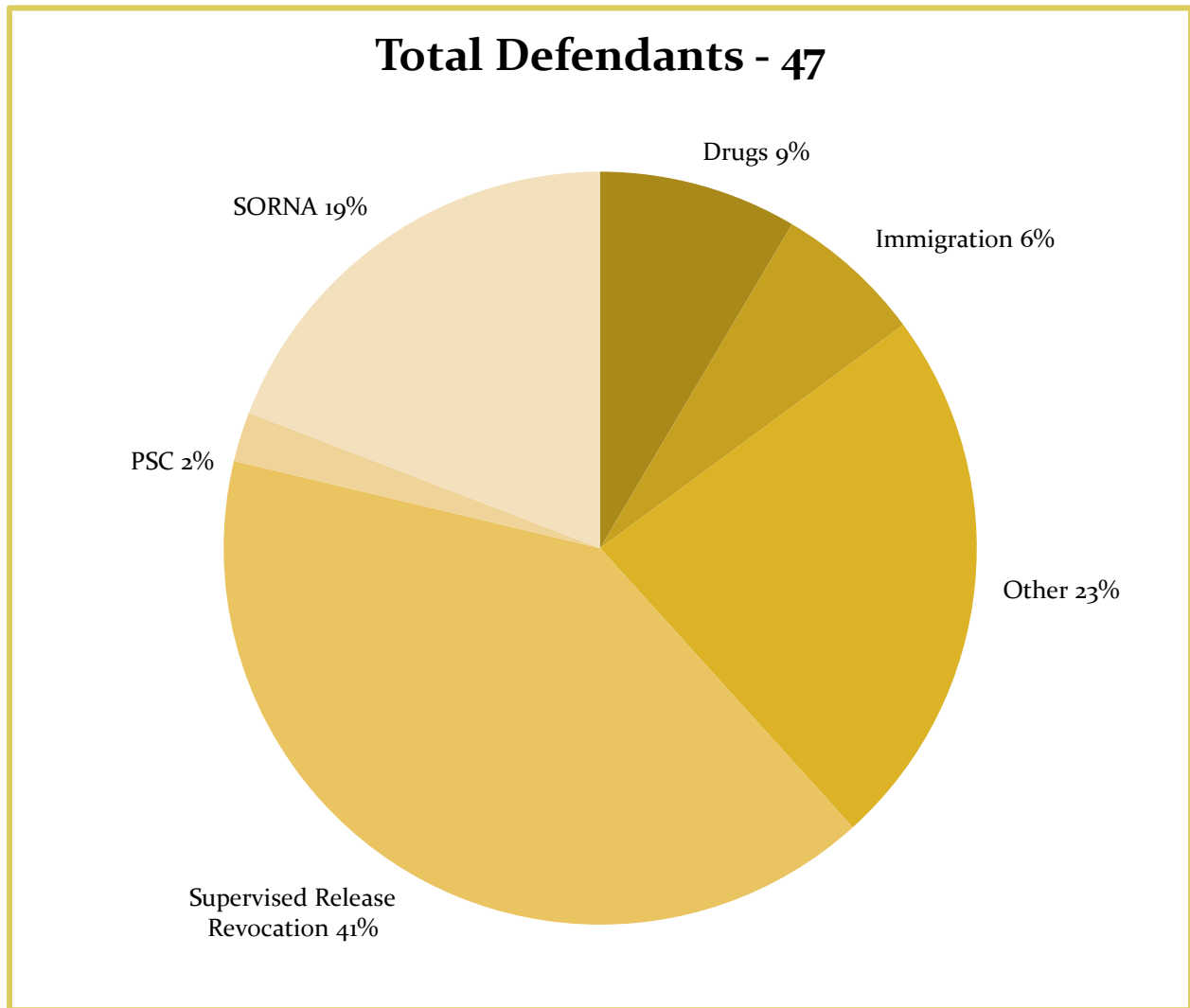


*PSC (Project Safe Childhood) includes all cases concerning child pornography, sex trafficking, human trafficking and obscenity.

Non-Indian Country Defendants by Offense Northern Division

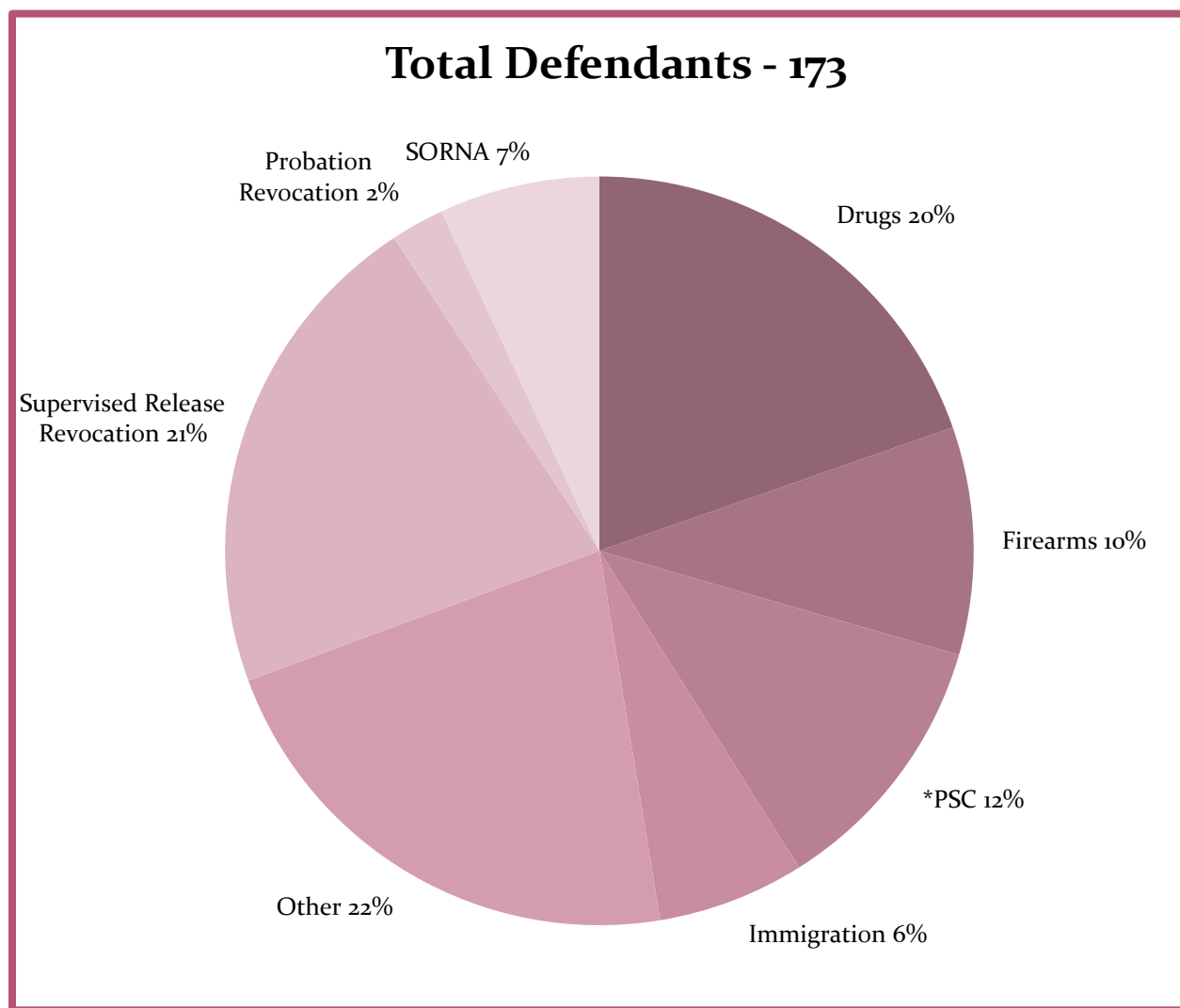


Non-Indian Country Defendants by Offense Central Division



*PSC (Project Safe Childhood) includes all cases concerning child pornography, sex trafficking, human trafficking and obscenity.

Non-Indian Country Defendants by Offense Western Division



*PSC (Project Safe Childhood) includes all cases concerning child pornography, sex trafficking, human trafficking and obscenity.

NON-INDIAN COUNTRY

Significant Cases

Environmental

Project Dakota Flyer

Following a two-year undercover operation, 31 defendants have been indicted for the illegal trafficking in eagles and other migratory birds and bird parts in violation of the Lacey Act, Bald and Golden Eagle Protection Act, and Migratory Bird Treaty Act. Defendants include both Native Americans and non-Native Americans who were selling numerous eagles and other migratory birds on the black market. Undercover individuals, who were both Native American and non-Native American, working with USFWS agents, purchased numerous eagle feathers, wings, tails, talons, and heads for thousands of dollars in cash. They also purchased hawks, owls and other migratory bird feathers, wings, tails, and talons for hundreds of dollars in cash. The evidence recovered included species from every continent in the world except Antarctica.

During the course of the investigation, all of the defendants are on audio or video admitting that they knew it was illegal to traffic in eagles and other migratory birds and they would get in trouble if the “feds” found out. Defendants used code words for the illegal items, referring to them as other legal wildlife items such as furs or car parts. Defendants sold many different types of items including Regalia, such as bustles and fans, knowing they were selling those items to a non-Native American. Defendants sold raw parts and feathers of the protected birds including legs and talons that had been cut off the birds, complete wings, tails and heads. Defendants also sold loose feathers that they retrieved from plastic containers, or Walmart sacks. The transaction were not sacred or religious in nature, the items were sold for money.

As part of the investigation, the items were sent to the USFWS Forensic lab in Oregon. There, for the first time that we are aware of in a criminal case, scientists did DNA analysis of the items purchased and seized from specific individuals. With these results, we are able to more accurately determine the number of birds involved with a particular defendant. As an example, the DNA results tell us that one individual had approximately 100 eagles in his possession.

Honoring and maintaining the ability of Native Americans to practice their culture and religious beliefs is a top priority of the U.S. Attorney’s Office (USAO). Trafficking in eagles and other migratory bird parts impairs the ability of Native Americans to lawfully acquire eagle feathers and other bird parts. Protection of our natural resources, specifically the Bald and Golden Eagle, is also a top priority of the USAO. The illegal taking of eagles and other migratory birds has a negative impact on the bird populations. These trafficking prosecutions demonstrate a commitment to these priorities.

Drug Cases

United States v. Shawn Sorensen

Conspiracy to Distribute a Controlled Substance

In April 2017, Shawn Sorensen was sentenced to life in federal prison for conspiracy to distribute 500 grams or more of methamphetamine and being a felon in possession of firearms. In 2015, the U.S. Postal Inspection Service intercepted a package Sorensen had sent from Arizona to a co-conspirator in Luverne, Minnesota, containing 10 pounds of methamphetamine and a half-pound of cocaine. The co-conspirator held the package for Sorensen until he could come from Sioux Falls to pick it up. Sorensen was arrested when he arrived to pick up the intercepted package in Luverne. A continued investigation found that Sorensen travelled to Arizona on multiple occasions and sent his Minnesota co-conspirator several packages of methamphetamine in this fashion. Sorensen was found guilty after a three-day jury trial that began on October 4, 2016. Sorensen faced a mandatory life sentence due to two prior felony drug convictions.

United States v. Jessica and Noe Trevino

Conspiracy to Distribute a Controlled Substance

In December 2017, Jessica Trevino was sentenced to 180 months in federal prison for her role in a conspiracy to distribute 500 grams or more of methamphetamine. In August 2017, her husband, Noe Trevino, was sentenced to 120 months for his participation. The Trevinos were stopped in April 2016 outside of Rapid City, driving a rental car that contained over seven pounds of high purity methamphetamine, which was destined for distribution in Sioux Falls.

United States v. Thomas Thompson

Possession with Intent to Distribute a Controlled Substance (methamphetamine)

On March 22, 2017, Thomas Thompson, of Rapid City, South Dakota, was the driver and sole occupant of a vehicle involved in a one-car rollover accident east of White River, South Dakota. Thompson exited the vehicle and ran off through a field carrying four cellophane-wrapped bundles, each containing approximately one pound of pure methamphetamine. A criminal complaint was filed against Thompson on March 29, 2017, for possession with intent to distribute methamphetamine. He was indicted on the same charges on April 4, 2017, and pled guilty to the charges on August 14, 2017. At the time of the accident and his indictment, Thompson was on parole for state methamphetamine charges, for which he was sentenced to five years in prison on April 7, 2014. On October 30, 2017, Thompson was sentenced to 235 months in federal prison, followed by six years of supervised release, on the federal charges.

United States v. Brandon Dykzeul, Carla Tulusso-Mujwid, & Scott Allen

Conspiracy to Distribute Methamphetamine

Brandon Dykzeul was sending methamphetamine from Arizona to South Dakota through the U.S. mail. He recruited Carla Tulusso-Mujwid and Scott Allen to receive the meth in the mail and sell it in South Dakota. They all pled guilty. Dykzeul received a sentence of 70 months in federal prison; Tulusso-Mujwid received a time-served sentence; Allen received a sentence of 12 months.

United States v. Paul Looyenga

Possession with Intent to Distribute Methamphetamine

Law enforcement received information Paul Looyenga was dealing. During a search of a storage unit belonging to Looyenga, officers located 481 grams of meth, along with small amounts of heroin and marijuana. Looyenga was sentenced to 72 months in federal prison.

United States v. Charles Pacer

Possession with Intent to Distribute Methamphetamine

Charles Pacer was stopped by law enforcement. Inside his vehicle officers found over 1.5 kilograms of methamphetamine he intended to sell. Pacer was sentenced to 120 months in federal prison.

United States v. Gerald Baker

Conspiracy to Distribute a Controlled Substance

Gerald Baker was dealing methamphetamine on Pine Ridge Indian Reservation. The quantity estimated at over 500 grams. Baker was sentenced to 120 months in federal prison.

United States v. Keith Brown

Possession with Intent to Distribute Marijuana

The Court sentenced Keith Brown to 36 months in federal prison and departed upward because his conduct involved distributing to a minor. Brown's vehicle was stopped on Pine Ridge Indian Reservation returning from Colorado. Inside the vehicle, Brown had marijuana and paraphernalia.

U.S. v. Stephen Stinson, Alyssa Couch, and Hollie Gramling

Conspiracy to Distribute Methamphetamine

Stephen Stinson, Alyssa Couch, and Hollie Gramling were involved in distributing methamphetamine, which was being shipped from Fresno, California, to Mitchell, South Dakota. Stinson was sentenced to 262 months in federal prison for his role in the offense; Gramling received 108 months; and Couch received 36 months.

Operation Crankton

Agents targeted a drug organization responsible for distributing multi-pound quantities of methamphetamine in Yankton, and other southeastern South Dakota communities. Confidential sources indicated that this organization was receiving large shipments of methamphetamine from an out-of-state supplier. Some members of the conspiracy worked at a repair shop in Yankton, hiding their illegitimate drug business behind legitimate motorcycle and automobile sales and repair. Some of the drug proceeds were used to buy a residence in Yankton.

Law enforcement officers used a confidential informant to purchase methamphetamine from the defendants. The sales were observed by law enforcement and recorded. The methamphetamine purchased during these buys was found to be of high purity and retained as evidence. Search warrants were served on the auto repair business and several homes where defendants were living. Five pounds of high purity methamphetamine was found in the searches. The investigation revealed that before the defendants were caught, they distributed approximately 35 pounds of methamphetamine using this scheme.

Six defendants were arrested and charged. All six pleaded guilty and received federal prison sentences of 235 months or more. The home that was purchased with drug money was forfeited to the government.

Firearms Cases

United States v. Casey Fogg

Possession of a Firearm by a Prohibited Person, Possession of an Unregistered Firearm

On January 19, 2017, several police officers in Rapid City became involved in a high-speed pursuit with a vehicle containing five passengers. One of those passengers was Casey Fogg. As the pursuit ended, Fogg got out of the vehicle through the front passenger window and ran from the officers. Fogg was apprehended shortly thereafter. During a search of the vehicle, officers located a sawed-off shotgun where Fogg was seated. Fogg was prohibited from possessing firearms because of a prior felony conviction, and was charged with possession of a firearm by a prohibited person and possession of an unregistered firearm. Fogg proceeded to a jury trial on the charges. In July 2017, following a two-day jury trial, Fogg was found guilty on both charges. On March 21, 2018, Fogg was sentenced to 60 months in federal prison, followed by 3 years of supervised release. Fogg's appeal is pending.

United States v. Christopher Taylor

Possession of Firearm by Prohibited Person

Christopher Taylor was found in possession of six firearms and ammunition in Vermillion, but was prohibited from possessing them by virtue of a previous involuntary commitment to a mental institution. Following that discovery, Taylor left South Dakota, obtained another handgun, and was ultimately arrested in Missouri in possession of that firearm and ammunition. Taylor was sentenced on October 23, 2017, to approximately 14 months in federal prison.

United States v. Nicholas Ryan Hemsher

Firearm

Nicholas Ryan Hemsher was convicted for illegal possession of stolen firearms. On February 18, 2016, the Sioux Falls Police Department investigated the theft of twelve firearms and two gun safes from a local residence. Following the theft report, officers searched a Sioux Falls residence and recovered seven firearms. Officers also searched a vehicle Hemsher was driving and recovered an eighth firearm. During the investigation, law enforcement found evidence that connected Hemsher, as well as three co-defendants, to the stolen firearms. Hemsher went to trial and the jury convicted him of being a felon in possession of firearms and possessing stolen firearms. Hemsher was sentenced to 120 months in federal prison.

United States v. Mark Anthony Reyna Sr.

Firearm

Mark Anthony Reyna, Sr., was convicted of being a prohibited person in possession of firearms. On October 20, 2017, law enforcement officers searched Reyna's Sioux Falls home. During the search, officers found two firearms and ammunition, multiple drugs, and drug related items. Reyna admitted ownership of the firearms found within the home. Reyna entered a plea to the charge. Reyna was sentenced to 63 months in federal prison.

United States v. Gary Lee Hamen **Firearm**

Gary Lee Hamen, of Castlewood, was convicted of being a prohibited person in possession of firearms. On June 9, 2016, law enforcement officers attempted to serve a felony arrest warrant on Hamen. He fled his home and went into hiding near the Big Sioux River, where a standoff with law enforcement occurred. Several law enforcement agencies were called to the scene to assist. Eventually, officers took Hamen into custody. It was later determined that he possessed several firearms during the standoff. Hamen entered a plea being a felon in possession of a firearm. Hamen was sentenced to 63 months in federal prison.

Project Safe Childhood Cases

United States v. Terance Highbull

On February 9, 2015, officers from the Sioux Falls Police Department responded to a family dispute at the home of Highbull's girlfriend. While at the residence, a report of naked photographs on Highbull's cell phone was made. Police seized the cell phone and began investigating the claims. Highbull had engaged in sexual contact with his girlfriend's 13-year-old daughter and recorded it on his cell phone. Highbull pleaded guilty and was sentenced to 20 years in federal prison, followed by 15 years supervised release. Highbull's appeal is pending.

United States v. Nathaniel Weibel

Nathaniel Weibel enticed dozens of local minors using the internet. He attempted to lure minors into illegal sex and repeatedly sent images of his genitalia. Weibel was sentenced to 25 years in federal prison, followed by lifetime of supervised release.

United States v. Christopher Fox

Christopher Fox enticed two out of state minors into producing multiple images of child pornography, one of the victims was only 11. Fox was sentenced to 20 years in federal prison, followed by 10 years of supervised release.

United States v. Shane Davison

Shane Davison paid multiple adults in foreign countries, like the Philippines, to produce images of child pornography involving very young children. Davison was sentenced to 20 years in federal prison, followed by 15 years of supervised release.

United States v. Dustin Scott

Dustin Scott enticed an undercover agent acting as the father of two young girls to engage in sex with the girls. Scott showed up at the meeting place with the previously discussed chocolate ice cream and condoms. Scott was sentenced to 12 years in federal prison, followed by 15 years of supervised release.

United States v. Michael Vinton

Michael Vinton was previously convicted by the state for possession of child pornography. He again received, distributed and possessed numerous images of child pornography depicting very young children, including infants. Vinton was sentenced to 11.25 years in federal prison, followed by 15 years of supervised release.

United States v. Colby Haggerty

On pretrial release for possessing child pornography while an airman at Ellsworth AFB, Colby Haggerty was found in possession of numerous images of child pornography. The case went to trial and the jury convicted Haggerty of all counts. Haggerty was sentenced to 10 years in federal prison, followed by 5 years of supervised release.

White Collar/Fraud Cases**United States v. Mike Lundy, a/k/a Barkley J.W. Lundy**
Wire Fraud, Making and Subscribing a False Tax Return

Mike Lundy, a registered investment advisor, encouraged numerous clients to invest in a company called Associates Investments, which he claimed offered investments in municipal bonds or other types of securities. Numerous victims provided Lundy a total of \$4,247,123.19. Associate Investments was not an actual investment firm, but rather Lundy took the investors' money and deposited it into a checking account solely controlled by him. Despite leading the victims to believe he was investing their money, the money was never invested. Although some investors received payments on their investments, those payments were largely funded with incoming money fraudulently obtained from new investors. Lundy also used a portion of the monies for his own personal expenses; such as a mortgage, vacations, a car, and remodeling projects. During the years in which Lundy was fraudulently running his scheme, he underreported his income to the Internal Revenue Service. Lundy pleaded guilty to wire fraud and making and subscribing a false tax return. On May 19, 2017, Lundy was sentenced to 60 months in federal prison on the wire fraud charge, and 36 months on the tax charge, with the sentencing to run concurrently. He was also given 3 years of supervised release, and ordered to pay \$1,368,671.96 in restitution to the victims and \$257,399.00 in restitution to the Internal Revenue Service.

United States v. Steven Knigge
Bank Fraud; Money Laundering

Steven Knigge, an auditor and former fraud investigator for the South Dakota Department of Revenue, participated in scheme in which e-mails were sent to various banks across the United States containing false and fraudulent information. The writer claimed to be an account holder and instructed bank employees to wire large amounts of money to a separate bank account in South Dakota belonging to Knigge. In each case, the account holder's e-mail address had either been hacked or mimicked using an e-mail address that closely resembled the bank customer's actual e-mail address. A total of five banks were targeted, two of which transferred the money to Knigge's account. In total, Knigge requested \$146,473.00 to be wired into his account, \$42,200.00 of which was successfully transferred. When the money arrived, Knigge took a large portion of the money and sent it overseas using MoneyGram and Western Union. Knigge pleaded guilty to Bank Fraud and Money Laundering. On March 9, 2018, Knigge was sentenced to 24 months in federal prison, followed by 3 years of supervised released, and ordered to pay \$31,793.60 in restitution.

United States v. Keith Hagen and Amanda Holy Bull
Conspiracy to Commit Mail Fraud and Wire Fraud, Mail Fraud, Wire Fraud, Aiding and Abetting

Keith Hagen and Amanda Holy Bull were a married couple who leased pasture land from the Bureau of Indian Affairs. They used the land to provide custom cattle grazing services to cattle

producers. They entered into contracts with several cattle producers, knowing that they did not lease enough pasture land to graze all of the cattle for which they had contracted. They took up-front payments from several producers, failed to provide the grazing services, and used the money for personal purposes. In all Hagen and Holy Butt defrauded producers out of \$236,000. Holy Bull pleaded guilty to the conspiracy charge. Hagen proceeded to trial. On June 28, 2017, after a three-day jury trial, Hagen was convicted on all counts. On October 16, 2017, Hagen was sentenced to 46 months in federal prison, followed by three years of supervised release. On October 30, 2017, Holy Bull was sentenced to 5 years of probation. Hagen and Holy Bull were ordered to pay restitution, jointly and severally, to the victims in the total amount of \$236,000. Hagen's appeal is pending.

United States v. Crystal Neuman
Wire Fraud

Crystal Neuman embezzled more than \$530,000 from her employer, School Bus Inc., between July 2006 and August 31, 2016. She did so by paying herself her normal wage, plus additional fraudulently taken funds. She was sentenced on November 13, 2017, ordered to pay restitution of \$537,460.67, and sentenced to 12 months and one day in federal prison.

U.S. v. Eli Cristian Escalante-Gonzalez

Possession with Intent to Sell Fraudulent Social Security Cards

Eli Cristian Escalante-Gonzalez was selling fraudulent identity documents to individuals in South Dakota and elsewhere. He was arrested after attempting to sell fraudulent identity documents to a confidential informant working with law enforcement. Escalante-Gonzalez was convicted and sentenced to approximately 5 months in federal prison.

United States v. Fagin & Hatch-Pequin

Bank Fraud Conspiracy & Aggravated Identity Theft

On November 16, 2016, Angelica Marie Hatch-Pequin and Justin Maurice Fagin were arrested at the Royal River Casino in Flandreau, South Dakota, for attempting to negotiate counterfeit checks. While trying to negotiate the check, Hatch-Pequin presented a driver's license belonging to another individual. Hatch, aided and abetted by Fagin, used the identification of that individual without lawful authority.

Between September 2016 and November 16, 2016, Fagin and Hatch-Pequin engaged in a bank fraud scheme while using the personal identifying information of other individuals. Fagin would use the proceeds of the scheme to purchase methamphetamine for his use and to sell to others. Hatch-Pequin and Fagin would steal mail from mailboxes located in affluent neighbors of Minneapolis, Minnesota. Hatch-Pequin and Fagin would target mail that appeared to contain bills and checks. Fagin would then use the personal, business, and banking information contained in those mail matters to create fraudulent checks. After Fagin created the fraudulent checks, Hatch-Pequin would usually cash them at convenience stores and casinos located throughout Minnesota, Iowa, and South Dakota. The loss amount relating to the scheme was between \$40,000 and \$95,000. Fagin was sentenced to 65 months in federal prison, followed by 3 years of supervised release. Hatch-Pequin was sentenced to 35 months in federal prison.

Bank Robbery/Kidnapping

United States v. David William Giese

Bank Robbery

On July 26, 2016, David William Giese robbed the Wells Fargo Bank in Yankton. At approximately 4:55 p.m., Giese entered the bank wearing an old man mask and carrying a cardboard box. He approached the teller and stated, "Give me all your money. There's a bomb in the box." Giese also handed the teller a handwritten note that stated he had a bomb and demanded money. After the teller provided cash from the drawer, Giese left the sealed cardboard box on the counter and told all of the bank employees not to call the police for 30 minutes otherwise the bomb would detonate. Giese walked out of the bank building and left the scene in his vehicle. Giese pleaded guilty to the robbery and was sentenced to 4 years in federal prison.

United States v. Jon Henri Bryant

Kidnapping

On October 25, 2016, Sioux Falls Police Officers were dispatched to check on a report of a male and female fighting, which report was derived from a mobile phone call. The phone owner, the victim in this case, resided in a residence near the area at which the call was made, where Jon Henri Bryant, Sr., hid in the victim's garage to confront her upon her return to the residence. During the initial confrontation, Bryant punched the victim in the face and forced her into the trunk of her vehicle. Dispatch determined Bryant's identification, and the victim also reported to 911 that Bryant was going to kill her. During the commission of the offenses, Bryant traveled into Minnesota and later re-entered South Dakota, parking the victim's car at a rural residence located in Garretson. At this point, Bryant removed the victim from the trunk and placed her in the passenger seat, where Bryant then strangled the victim to unconsciousness.

Responding officers located the vehicle, and Bryant engaged them in a pursuit on the farmstead. At the scene where the vehicle finally stopped, officers found a roll of duct tape and a roll of electrical tape that Bryant retrieved from his car during the beginning minutes of the kidnapping. During the sentencing hearing, the Court found that Bryant's kidnapping would also be deemed as an attempted murder. Bryant was sentenced to 30 years in federal prison, followed by five years of supervised release, and ordered to pay \$1,000 in restitution to the victim.

Internet Crimes

United States v. Eugene Ogden

Cyberstalking

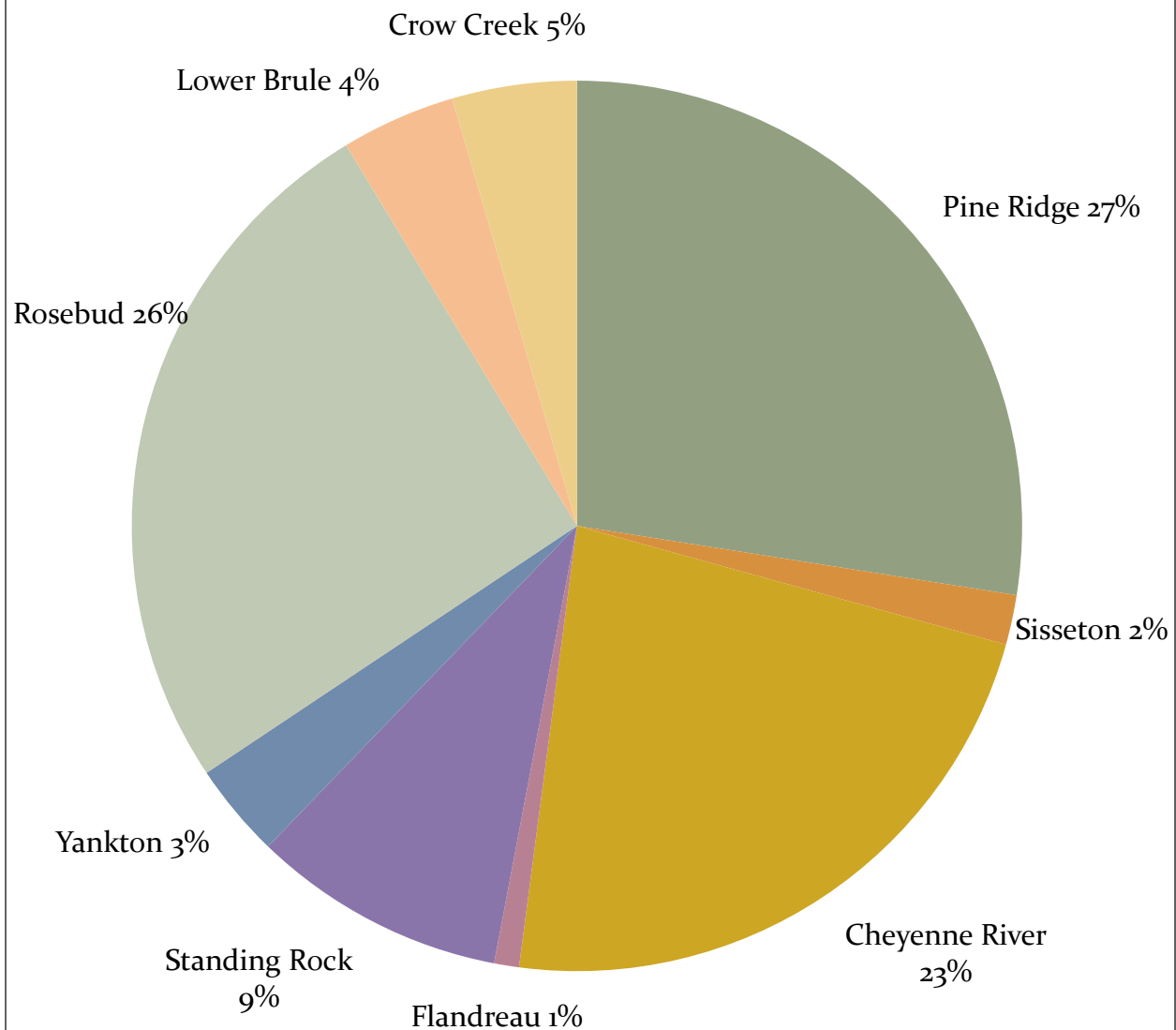
In July 2016, the victim in this case contacted the Sioux Falls Police Department reporting that strange men were coming to her home indicating they were responding to a Craigslist ad for sex. Further investigation revealed that Eugene Ogden posted eight ads on the personal section of Craigslist that invited men to the victim's home for sex. Each of the ads provided the victim's address, along with a photo of the victim. Ogden pleaded guilty and explained that he had posted the ads in retaliation for the victim ending their four-year relationship. Ogden was sentenced to 30 months in federal prison.

STATISTICAL HIGHLIGHTS

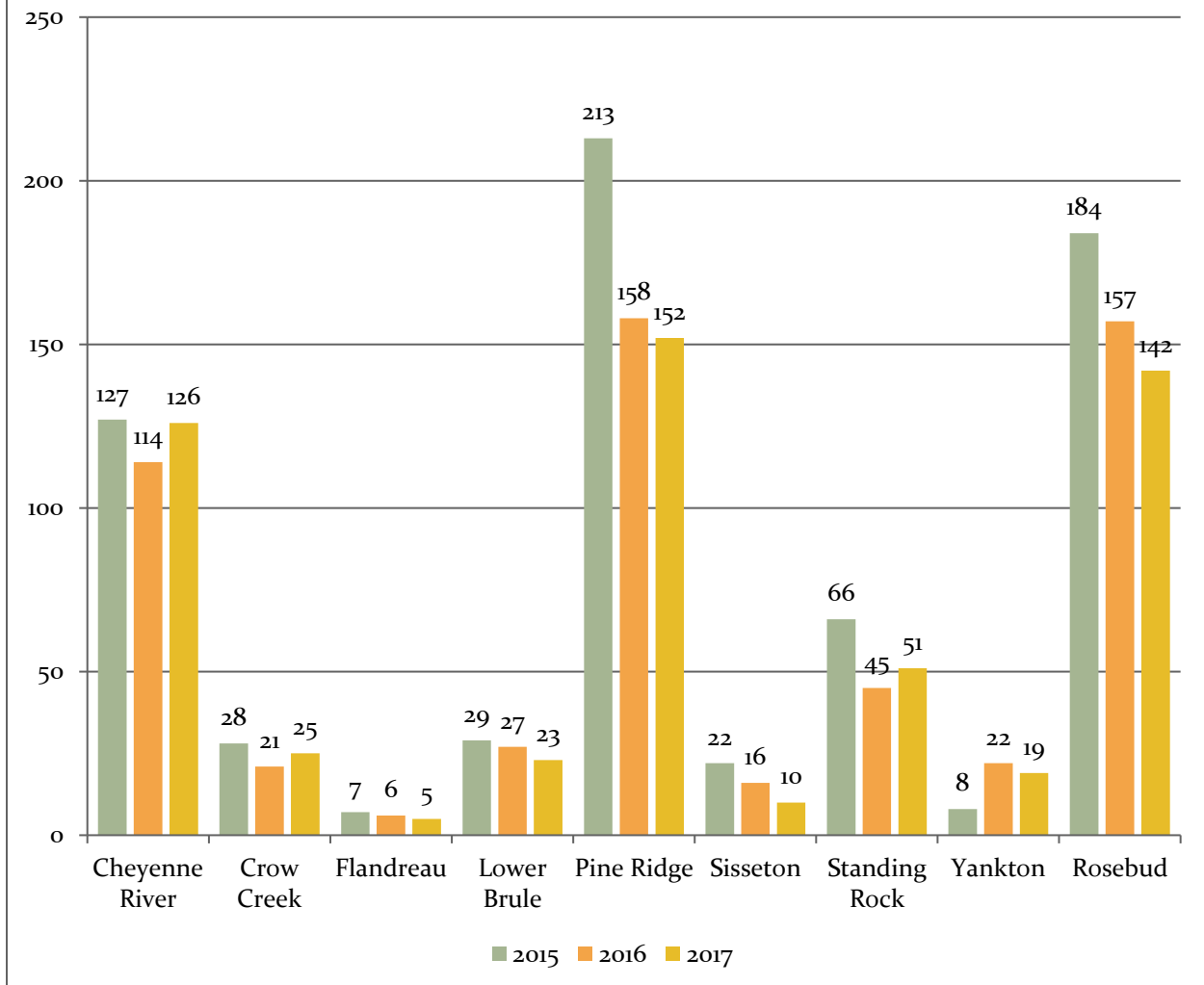
INDIAN COUNTRY

2017

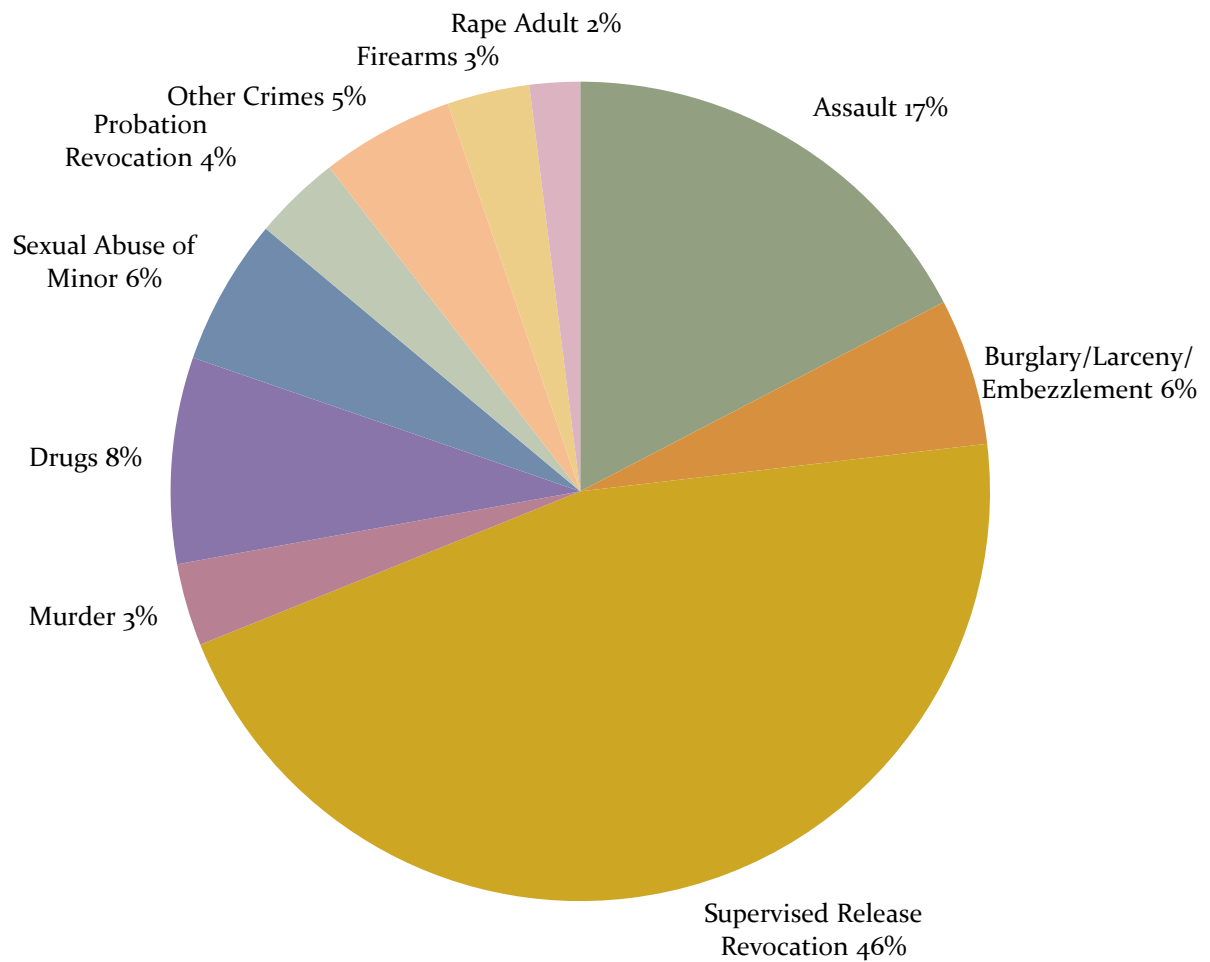
Percentage of Defendants Charged by Reservation



Defendants Charged by Reservation 2015 - 2017



Defendants by Criminal Charge



INDIAN COUNTRY DEFENDANTS² CHARGED BY CRIMINAL OFFENSE

Reservation	Assault	Burglary/ Larceny/ Embezzlement	Drugs	Firearms	Manslaughter/ Murder
Cheyenne River	32	13	17	4	1
Crow Creek	2	0	3	0	1
Flandreau	0	0	0	0	0
Lower Brule	5	2	0	1	0
Pine Ridge	22	3	12	4	14
Rosebud	25	9	13	9	0
Sisseton	1	4	0	0	1
Standing Rock	8	1	0	0	1
Yankton	1	0	0	0	0
Totals	96	32	45	18	18

² Includes juveniles

Reservation	Other	Supervised Release Revocation	Probation Revocation	Sexual Abuse of Minor	Rape Adult	SORNA	Total
Cheyenne River	5	43	7	2	1	1	126
Crow Creek	4	15	0	0	0	0	25
Flandreau	2	1	0	2	0	0	5
Lower Brule	0	13	0	1	1	0	23
Pine Ridge	2	78	0	11	4	2	152
Rosebud	4	59	10	5	2	6	142
Sisseton	0	0	0	3	1	0	10
Standing Rock	3	32	0	4	2	0	51
Yankton	0	12	2	4	0	0	19
Totals	20	253	19	32	11	9	553

Pine Ridge Reservation



United States v. Thomas Joseph Brewer

Voluntary Manslaughter, Discharge of a Firearm During the Commission of a Crime of Violence

On November 30, 2016, Thomas Brewer was driving a vehicle in Pine Ridge. Shortly after midnight on November 30, Brewer and others were approached by the victim who believed Brewer may have hit his car. A verbal altercation ensued and eventually Brewer got back into his vehicle, drove up the street, and parked. Brewer then walked back down the street to where the victim was standing, produced a 9mm semi-automatic pistol, and fired one round. The round struck and killed the victim. Brewer pleaded guilty to Voluntary Manslaughter and Discharge of a Firearm During the Commission of a Crime of Violence. On October 3, 2017, Brewer was sentenced to 18 years and 1 month in federal prison, followed by 5 years of supervised release, and ordered to pay \$7,680.13 in restitution.

United States v. Samuel Kills Crow Indian, a/k/a Samuel High Hawk

Assault with a Dangerous Weapon, Assault Resulting in Serious Bodily Injury

On August 11, 2016, Samuel Kills Crow (High Hawk) got into an argument with the victim about a knife High Hawk believed belonged to him. During the argument, High Hawk stabbed the victim in the left forearm, transecting his radial artery and the nerve that provides feeling to the thumb. High Hawk also attempted to stab the victim a second time, cutting the victim's right upper arm with the knife. High Hawk was charged with Assault with a Dangerous Weapon and Assault Resulting in Serious Bodily Injury. High Hawk pleaded not guilty and proceeded to a jury trial. In June 2017, following a two-day jury trial, High Hawk was found guilty on both charges. On October 26, 2017, High Hawk was sentenced to 60 months in federal prison, followed by 3 years of supervised release. High Hawk's appeal is pending.

United States v. Darrell Janis**Abusive Sexual Contact**

On December 11, 2015, Darrell Janis used force to have sexual contact with a child, who was between the ages of 12 and 16. Janis was indicted by a federal grand jury in October 2016. Following a jury trial, Janis was found guilty of two counts of Abusive Sexual Contact. The jury returned the verdict on May 11, 2017. On September 5, 2017, Janis was sentenced to 8 years in federal prison, followed by 5 years of supervised release.

United States v. Calmer Cottier**Second Degree Murder, Conspiracy to Commit Assault**

On July 12, 2015, Calmer Cottier and others struck the victim with a cinder block, kicked the victim in the head and face, beat the victim with a stick, and struck the victim in the back of his head with a machete. The cause of death to the victim was multiple blunt trauma to the head, including a skull fracture and hemorrhaging. Cottier was indicted on December 15, 2015. Following a federal jury trial in Rapid City, Cottier was found guilty of Second Degree Murder and Conspiracy to Commit Assault. The jury returned the verdict on June 9, 2017. Cottier was sentenced to 210 months in federal prison, followed by 5 years of supervised release, on the Second Degree Murder charge; and 120 months in federal prison, followed by 3 years of supervised release, on the Conspiracy to Commit Assault charge. The sentences are to run concurrently.

United States v. Marlin Iron Crow**Second Degree Murder**

On November 11, 2016, Marlin Iron Crow beat a man in Porcupine, with his hands and shod feet, resulting in the victim's death. Iron Crow was indicted on November 16, 2016. Following a federal trial in Rapid City, Iron Crow was found guilty of Second Degree Murder. The jury returned the verdict on June 30, 2017. Sentencing is pending.

United States v. Lori Ann Wisecarver**Second Degree Murder**

Lori Ann Wisecarver murdered a toddler in her foster care via long-term and severe torture, including severe trauma to his head and abdomen. Wisecarver was charged on September 15, 2015, and pleaded guilty on February 3, 2017. On November 17, 2017, Wisecarver was sentenced to 40 years in federal prison, followed by 5 years of supervised release.

United States v. James Shangreaux Sr.**Felony Child Abuse and Neglect**

James Shangreaux, Sr., severely abused his infant son. Shangreaux was charged on November 3, 2015, and pleaded guilty on January 3, 2017. On May 18, 2017, Shangreaux was sentenced to 10 years in federal prison, followed by 3 years of supervised release.

United States v. James Robert Dowty**Second Degree Murder, Discharge of Firearm During Crime of Violence**

A group of teenagers noticed James Robert Dowty walking on the street in Pine Ridge in the early morning hours. The teenagers all recognized Dowty from previous encounters with him. After one of the teens in the group threw a rock that rolled near Dowty, he turned, cocked a gun, and

fired it at the group. The bullet from the gun struck a 13-year-old victim in the abdomen, killing her minutes later. After firing the gun, the Dowty turned toward a side street and continued walking away. Dowty was charged with Second Degree Murder and Discharging a Firearm During the Commission of a Crime of Violence. Dowty was convicted of both counts after a jury trial. His sentencing hearing is pending.

United States v. Jason Poor Bear

Aggravated Sexual Abuse

Jason Poor Bear and the victim were drinking with others at a house party in the Wanblee community. The victim passed out in a bedroom at the house. She awoke to find Poor Bear on top of her, engaging in sexual intercourse with her against her will. A barbell later found in the room also was used in commission of the sexual assault. The victim experienced pain in her vagina and her backside hurt. She sustained a 5-6 inch laceration to her rectum and colon, which required surgery. Poor Bear was charged with Aggravated Sexual Abuse. He pleaded guilty to Abusive Sexual Contact by Force and was sentenced to 14 years in federal prison, followed by 5 years of supervised release.

United States v. William Corbine and Tristan Amos

Assault of a Federal Officer, Discharge of Firearm During a Crime of Violence

An Oglala Sioux Tribe Department of Public Safety Officer attempted a traffic stop of the stolen vehicle William Corbine was driving. The OST officer recognized the Corine and Tristan Amos in the vehicle. Corbine did not stop, and a chase ensued into the Oglala area on the Pine Ridge Reservation. As the vehicle drove at high speeds through the housing area, Corbine told his passenger, Amos, to shoot at the officer. Amos fired a rifle through the back window of the vehicle, shooting five rounds at the officer, and Corbine drove away at high speeds. The vehicle eventually stopped in a remote area outside Oglala, where Corbine and Amos abandoned the vehicle and fled. Corbine and Amos were charged with Assaulting a Federal Officer and Discharging a Firearm During the Commission of a Crime of Violence. Corbine pleaded guilty, and was sentenced to 180 months in federal prison, followed by 3 years of supervised release. Amos pleaded guilty, and was sentenced to 120 months in federal prison, followed by 3 years of supervised release.

Rosebud Sioux Reservation



United States v. Lavern Luxon **Sexual Abuse of a Minor**

On September 4, 2015, Lavern Luxon sexually assaulted a 15-year-old girl at her home in Parmelee. Luxon had been working at the house that day and was permitted by the girl's parents to spend the night. Luxon then sexually assaulted the girl in the middle of the night while everyone else in the house was asleep. Luxon was indicted by a federal grand jury on April 13, 2016. On January 24, 2017, Luxon pleaded guilty to Sexual Abuse of a Minor. On April 10, 2017, Luxon was sentenced to 96 months in federal prison, followed by 5 years of supervised release. As a result of his conviction, Luxon is required to register as a sex offender.

United States v. Arvin Brave Bird and Michael Yellow Eyes **Abusive Sexual Contact**

On December 7, 2015, the victim went to Arvin Brave Bird's house after she had been out drinking alcohol. The victim continued to drink alcohol at the house with Brave Bird, Michael Yellow Eyes, and others. At some point, the victim blacked out, during which time Yellow Eyes sexually assaulted her. The defendants were indicted by a federal grand jury on April 13, 2016. On January 24, 2017, both defendants pleaded guilty to Abusive Sexual Contact. On April 10, 2017, Brave Bird was sentenced to 60 months in federal prison, followed by 5 years of supervised release. Yellow Eyes was sentenced the same day to 24 months in federal prison, followed by 5 years of supervised release. As a result of their convictions, Brave Bird and Yellow Eyes are required to register as sex offenders.

United States v. Linn Cross Dog, III **Assaulting, Resisting, and Impeding Federal Officers; Discharging a Firearm During and in Relation to a Crime of Violence**

On May 11, 2016, Linn Cross Dog, III, was riding in a vehicle that was the subject of a traffic stop near Parmelee. During the traffic stop, a Rosebud Sioux Tribe Police Officer walked a drug detector canine dog around the vehicle. The canine dog alerted to a rear passenger door of the vehicle. Cross Dog, who had been seated in a passenger seat, climbed into the driver's seat and told the remaining passengers, two women and two small children, that they were coming with

him and drove away. While he was driving, Cross Dog produced a handgun, brandished it at the passengers, and put the gun in his mouth.

The police officers pursued Cross Dog's vehicle at speeds up to 90 mph. After several minutes, he turned onto a gravel road, and then fled on foot with the handgun. One of the officers eventually caught up to Cross Dog, who was ignoring commands to stop, and struck Cross Dog with his baton. Cross Dog turned and fired his handgun at the officer, wounding the officer in the forearm. Cross Dog escaped on foot.

On May 13, 2016, law enforcement received information that Cross Dog was at a house in Parmelee, and went there to arrest him. Cross Dog was indicted by a federal grand jury on May 17, 2016. On March 7, 2017, Cross Dog pleaded guilty to two counts of Assaulting, Resisting, and Impeding a Federal Officer; and one count of Discharging a Firearm During and in Relation to a Crime of Violence. On May 22, 2017, Cross Dog was sentenced to 240 months in federal prison, followed by 5 years of supervised release.

United States v. Jacob McCloskey

Involuntary Manslaughter

On April 7, 2016, Jacob McCloskey, then age 18, invited a group of friends, including the 17-year-old victim, to his home near the Lakeview Community in Todd County. At one point, the victim picked up a loaded .22 caliber long rifle and asked if it was a BB gun. The victim was unfamiliar with firearms and loaded a round into the chamber. McCloskey then walked into the room, took the rifle from the victim, and removed the ammunition from the rifle. Believing the rifle was now unloaded, he pointed it at the victim and playfully asked if the victim wanted to be shot. The victim jokingly agreed, and McCloskey pointed the rifle at the victim's forehead and pulled the trigger. The rifle discharged, fatally wounding the victim. McCloskey immediately called 911 and requested an ambulance. He told the other juveniles who were present to lie and say the rifle had discharged accidentally.

When law enforcement arrived, McCloskey falsely stated that the rifle had discharged accidentally after the victim had set it down. McCloskey subsequently admitted that he had pointed the rifle at the victim and pulled the trigger. He also admitted to telling the other juveniles who were present to lie about what happened. McCloskey was indicted by a federal grand jury on August 16, 2016. On March 7, 2017, he pleaded guilty to Involuntary Manslaughter. On May 23, 2017, McCloskey was sentenced to 24 months in federal prison, followed by 2 years of supervised release.

United States v. Luther Blue Thunder

Abusive Sexual Contact, Failure to Appear

Between May 2011 and September 2012, in Mission, Blue Thunder engaged in sexual contact with a child who was between six and seven years old. Blue Thunder was indicted by a federal grand jury on August 16, 2016. The case was scheduled for a change of plea hearing on May 16, 2017, but Blue Thunder failed to appear on that date. Blue Thunder was subsequently apprehended in Eagle Butte, and charged with Failure to Appear. On May 22, 2017, Blue Thunder pleaded guilty to Abusive Sexual Contact and Failure to Appear. On August 9, 2017, he was sentenced to a total

of 128 months in federal prison, followed by 10 years of supervised release. As a result of his conviction, Blue Thunder is required to register as a sex offender.

United States v. Keena Two Eagle

Assault With a Dangerous Weapon, Felon in Possession of a Firearm

On August 16, 2016, Keena Two Eagle stabbed a woman multiple times with a kitchen knife at a house in Antelope, causing deep lacerations to the victim's arms and face. Two Eagle fled the scene before police arrived. The victim was subsequently hospitalized and treated for her injuries. On December 25, 2016, police responded to a report that Two Eagle was at a house in Parmelee, brandishing a gun. Police responded to the scene and recovered a 9mm handgun from Two Eagle that had the serial number scratched off, along with multiple rounds of ammunition. Two Eagle was previously convicted of Assault Resulting in Serious Bodily Injury (felony) in U.S. District Court in 2006, making it illegal for him to possess firearms. Two Eagle was indicted by a federal grand jury on March 15, 2017. On June 22, 2017, Two Eagle pleaded guilty to Assault With a Dangerous Weapon and Felon in Possession of a Firearm. On September 19, 2017, Two Eagle was sentenced to 54 months in federal prison, followed by 3 years of supervised release.

United States v. Verna Blue Thunder and Lorraina Stead

Child Abuse

Between October 2014 and June 2016, two small children were placed in Verna Blue Thunder and Lorraina Stead's home in Mission. During that period, the children were subject to physical abuse, emotional abuse, and starvation at the hands of Blue Thunder and Stead. They repeatedly avoided attempts by the South Dakota Department of Social Services to assess the children. In June 2016, a relative from Spokane, Washington, took physical custody of the children and promptly sought medical attention for them. Both children were severely malnourished, and the younger child had fractures to both arms and two ribs. Blue Thunder and Stead were indicted by a federal grand jury on August 16, 2016. On August 14, 2017, Blue Thunder, pleaded guilty to Child Abuse. On November 27, 2017, Blue Thunder was sentenced to 90 months in federal prison, followed by 3 years of supervised release. On July 17, 2017, Stead pleaded guilty to Simple Assault of a Child and Aiding and Abetting. On September 27, 2017, Stead was sentenced to 1 year in federal prison, followed by 1 year of supervised release.

United States v. Odell Goodshield, Jr.

Failure to Register as a Sex Offender

On June 14, 1999, Odell Goodshield, Jr., was convicted of Aggravated Sexual Abuse of a Minor and received 188 months in federal prison, followed by a 5-year term of supervised release. Goodshield was convicted on June 6, 2016, for Failure to Register as a Sex Offender and received 13 months in federal prison, followed by a 5-year term of supervised release.

On May 26, 2017, Goodshield was released from a halfway house at the Community Alternatives of the Black Hills and commenced his 5 years of supervised release. From May 26, 2017, to June 13, 2017, Goodshield did not contact his probation officer or register a new address.

Goodshield was subsequently arrested for sex offender registration violations. He pleaded guilty to Failure to Register as a Sex Offender and was sentenced to 16 months in federal prison, followed by a 5-year term of supervised release.

United States v. Jeremiah Waln, Jesse Waln, Dominic Stoneman, Danielle White Eyes, Dakota Marshall, and Ronald Moran

First Degree Burglary, Larceny, Possession of Stolen Firearm, Drug User in Possession of a Firearm, and Accessory After The Fact

On May 22, 2016, in the nighttime, Jeremiah Waln, Jesse Waln and others broke into a home in Mission. The burglars ransacked the home and took household items, jewelry, appliances, and a pickup truck. The burglars attempted to take a sink from the bathroom. The value of items taken from the home was at least \$14,000. During the weekend of November 11–13, 2016, in the nighttime, Jeremiah Waln and Dakota Marshall broke into another home located in Mission. The burglars ransacked the home and took many household items, clothes, tools, power tools, an ATV, and ammunition. The burglars took 14 firearms from the home, with the total value being at least \$24,900. During the weekend of November 11–13, 2016, the burglars also cut a fence surrounding Cherry Todd Electric in two areas. The burglars took approximately \$135 worth of copper wire from the Cherry Todd Electric yard. Keller Construction, a sub-contractor for Cherry Todd Electric, also had a service vehicle parked in the yard. The burglars took several tools and a generator out of the vehicle. The value of items missing from Keller Construction was at least \$2,500.

Jeremiah Waln then called Jesse Waln and Danielle White Eyes to help load and transfer the property back to the Waln residence, where the property and guns were divided up. Jesse Waln, Marshall, White Eyes, and Moran Dakota trafficked some of the stolen property in and around the Mission area. A gun was traded for meth in Mission, and another gun was traded for meth in Rapid City. Marshall cut up one of the firearms into a prohibited “short shotgun.” This gun was later trafficked. Dominic Stoneman was aware of these burglaries and assisted the defendants in hiding or moving things, and not reporting the burglaries to law enforcement. Jeremiah Waln was sentenced to 84 months in federal prison; Jesse Waln to 71 months; Stoneman to 4 months; Marshall to 70 months; White Eyes to 13 months; and Moran has been sentenced to 3 years of probation.

United States v. Keith Bordeaux, Kevin Bordeaux, Dakota Marshall, Angelito Moran, and Stephanie Bear Heels

Between November 11-13, 2016, 14 firearms were stolen from a home in Mission, including a Henry Repeating Arms Mini Bolt .22 rifle, pink/orange in color, with leather shoulder strap engraved with the name “Broden” and a Weatherby 20 Gauge Youth shotgun TA-o8. This shotgun was later chopped up into a prohibited “short shotgun.”

Dakota Marshall took many of the items to Jesse and Jeremiah Waln’s home in Mission, where they stored the stolen goods. Marshall also stored items, including the Marlin Bolt Action .22 Rifle, and the Weatherby 20 Gauge Youth shotgun, at his home. Marshall and others disposed of the firearms by trafficking many of the firearms to other individuals.

Stephanie Bear Heels obtained the stolen “Broden” firearm following the burglary. She and Angelito Moran knew that the Bordeaux brothers were looking for guns to buy/trade for narcotics. Keith Bordeaux purchased the “Broden” rifle from Moran and Bear for \$50 worth of methamphetamine.

As part of the investigation, law enforcement found Kevin Bordeaux advertising the “Broden” rifle for sale on a Facebook online garage sale site for the Rosebud Reservation. The “Broden” rifle was recovered from the Bordeaux home. After Marshall cut the stock and butt off the Weatherby shotgun, Keith Bordeaux acquired the Weatherby “short shotgun” with a barrel length of approximately 14 and 5/8 inches, the same night law enforcement seized the stolen “Broden” rifle from his home.

All defendants in this case are regular users of methamphetamine. As individuals addicted to and users of a controlled substance, they are not permitted to possess any firearm under federal law. This applies to all defendants. Marshall was sentenced to 70 months in federal prison to run concurrently with his sentence in the *Waln* case. Keith Bordeaux was sentenced to 33 months in federal prison; Moran to 18 months; Bear Heels to 12 months; and Kevin Bordeaux to 13 months.

Rosebud Sioux Tribe Notable Drug Sentencings

United States v. Monte Dinehdeal

Monte Dinehdeal was sentenced on July 17, 2017, to 120 months in federal prison, followed by 5 years of supervised release, for Conspiracy to Distribute Methamphetamine. Dinehdeal was previously convicted in 2010 on methamphetamine charges in Phoenix, Arizona, and sentenced to 36 months in federal prison.

United States v. Lonnie Ray Erickson

Lonnie Ray Erickson was sentenced on January 30, 2017, to 132 months in federal prison, followed by 5 years of supervised release, for Conspiracy to Distribute Methamphetamine. Erickson was previously convicted in South Dakota for maintaining a place for the purpose of distributing a controlled substance, and sentenced in 2005 to 169 months in federal prison.

United States v. Shaun Adam Espino, et al.

Shaun Adam Espino was sentenced on May 16, 2017, to 121 months in federal prison, followed by 4 years of supervised release, for Conspiracy to Distribute Methamphetamine between January 2015 and March 2016. Espino’s co-conspirators were all sentenced to the following federal prison terms in 2016: Rogelio Guel, Jr., was sentenced on November 28, 2016, to 63 months; Chelsea Little Long Crow was sentenced on December 12, 2016, to 51 months; and Sarah Jean Roblez was sentenced on December 19, 2016, to 46 months.

United States v. Stephan George Jones

Stephan George Jones was sentenced on April 11, 2017, to 120 months in federal prison, followed by 5 years of supervised release, for Conspiracy to Distribute Methamphetamine between September 2013 and May 2016.

United States v. Adam Dean Stoneman

Adam Dean Stoneman was sentenced on June 27, 2017, to 70 months in federal prison, followed by 3 years of supervised release, for Conspiracy to Distribute Methamphetamine between July 2014 and December 2016.

Standing Rock Sioux Reservation



United States v. Desarae Makes Him First and Matthew St. Pierre **Second Degree Murder**

Desarae Makes Him First and Matthew St. Pierre were convicted of Second Degree Murder and sentenced to 30 and 40 years in federal prison, respectively. The convictions stem from a series of events that occurred between October 11, 2016, and October 12, 2016, when Makes Him First and St. Pierre participated in severe beatings to Makes Him First's five-year-old daughter.

As a result of the beatings, the young child suffered severe abdominal injuries, which led to her death. The young child was brought by Makes Him First to the Mobridge Hospital following the weekend, where hospital staff noticed she was not breathing and was "cool" to the touch. Resuscitative efforts were not successful. Makes Him First ultimately confessed to authorities that she and St. Pierre were responsible for the injuries that led to the death of her child.

United States v. Frankie Marshall **Abusive Sexual Contact**

Frankie Marshall, of McLaughlin, was convicted of Abusive Sexual Contact by Use of Force, Abusive Sexual Contact by Fear, and Abusive Sexual Contact, was sentenced to 180 months in federal prison. The conviction stems from an incident on March 29, 2017, when Marshall was at the home of the victim, and had forcible abusive sexual contact with the victim.

United States v. Brian Thunder Shield

Sexual Abuse of a Minor, Abusive Sexual Contact of a Person Incapable of Consent

Brian Thunder Shield, of McLaughlin, was convicted of Sexual Abuse of a Minor and Abusive Sexual Contact of a Person Incapable of Consent, and was sentenced to 120 months in federal prison on the Sexual Abuse of a Minor charge, and 36 months for Abusive Sexual Contact of a Person Incapable of Consent, to be served concurrently. Thunder Shield was also sentenced to 10 years of supervised release on each count. The convictions stem from incidents between January 1, 2016, and March 15, 2016, when Brian Thunder Shield sexually abused two juvenile females.

United States v. Chavez Spotted Horse

Child Abuse; Sexual Assault with a Dangerous Weapon

Following a three-day jury trial, Chavez Spotted Horse, of Little Eagle, was convicted of three counts of Child Abuse and three counts of Assault with a Dangerous Weapon. Spotted Horse was sentenced to 76 months in federal prison on each count, to be served concurrently. He was also sentenced to 3 years of supervised release on each count, also to be served concurrently. The convictions stem from incidents occurring over a four-day period in November 2016. BIA law enforcement was summoned to a school in Little Eagle, on December 1, 2016, to investigate a reported child abuse matter. Upon arrival, officers made contact with the 11-year-old victim, who was visibly bruised over large portions of her body.

United States v. Chavez Spotted Horse

Child Pornography

Following a three-day jury trial, Chavez Spotted Horse was also convicted of two counts of Receipt of Imaging Depicting the Sexual Exploitation of Minors, and Possession of Child Pornography. Spotted Horse was sentenced to 78 months in federal prison, to be served consecutive to his sentence in a previous child abuse and assault with a dangerous weapon sentence. The Possession of Child Pornography charge was later dismissed. The conviction stems from an incident in the fall of 2015, when the FBI received information indicating someone was accessing child pornography on a computer in Little Eagle.

United States v. Jeremy Agard

Aggravated Sexual Abuse, Assault with a Dangerous Weapon, and Assault Resulting in Serious Bodily Injury

On the evening of October 15, 2016, the victim went to Jeremy Agard's home in McLaughlin. When the victim arrived, Agard asked the victim to have sex with him, who told him no. Agard became angry and forced himself on the victim, and then repeatedly punched her on the face and body, causing her to lose consciousness. When the victim regained consciousness, she saw she was naked and bleeding from her face. The victim walked toward the kitchen sink, and Agard attacked her again. The victim stumbled and lost her balance, which caused her to strike her face on the counter before she fell to the floor. While on the floor, Agard kicked her on her left side repeatedly. Following the second assault, the victim got up and ran to a neighbor's house.

The victim was taken to a Mobridge Hospital and seen at the emergency room. A CT scan was ordered noting several facial fractures, as well as an internal hemorrhage. Further medical exams revealed injuries to the victim's genitalia. Agard pleaded guilty to Abusive Sexual Contact and Assault Resulting in Serious Bodily Injury. Agard was sentenced to 235 months in federal prison, to be followed by 10 years of supervised release.

United States v. River Grey Bull

Assault of an Intimate Partner by Strangulation

On April 10, 2017, River Grey Bull and the victim, who shared an intimate relationship, spent the evening together at a residence in McLaughlin. The following morning, when the victim awoke, Grey Bull demanded that she leave the residence immediately. The victim began to gather clothes when Grey Bull suddenly got up from the bed, threw her against the wall, and began to strangle her with his left hand. The victim struggled to breathe during the assault. Law enforcement was

called and Grey Bull was found in a bedroom with an unloaded firearm. Grey Bull pleaded guilty to Assault of an Intimate Partner by Strangulation, and was sentenced to 18 months in federal prison, followed by a 3-year term of supervised release.

Cheyenne River Sioux Reservation



United States v. Kirk Johnson

Discharge of a Firearm During, and in Relation to, a Crime of Violence

On January 9, 2017, the victim was leaving his home in Dupree to go to work. When the victim exited his house, he was approached by Kirk Johnson, who was a friend. Johnson accused the victim of sleeping with his wife, and the victim denied the allegation. Johnson threatened to kill the victim, his fiancée, and his children. Johnson pointed a gun at the victim's face, then pointed it downward and shot at the ground 6 or 8 times around the victim's feet. Johnson then pistol-whipped the victim behind his left ear with the gun. On April 25, 2017, Johnson pleaded guilty to Discharging a Firearm During, and in Relation to, a Crime of Violence. He was sentenced on July 17, 2017, to 90 months in federal prison, to be followed by three years of supervised release.

United States v. Diego Lara

Tampering with a Witness

The FBI and Cheyenne River Sioux Tribe were investigating a homicide that took place near Eagle Butte on October 20, 2015. Federal grand jury proceedings were held in conjunction with that investigation in October of 2016. Diego Lara and several other individuals were subpoenaed to testify before the grand jury regarding any knowledge they may have regarding the homicide. Lara and three other witnesses were in custody on unrelated matters at the time of the grand jury proceeding.

The four in-custody witnesses were transported by the United States Marshal's Service to the Federal Courthouse to testify before the grand jury. Prior to any of the witnesses being called to testify, Lara tried to influence the other witnesses' testimony before the grand jury, by asking them to say that Lara had committed the homicide even though he did not do it. Lara told them that when he appeared before the grand jury that he was going to "take the wrap" for the homicide.

However, when Lara did appear before the grand jury, he refused to testify. Lara pleaded guilty on February 14, 2017, to Tampering With a Witness. On April 25, 2017, Lara was sentenced to 60 months in federal prison, followed by 2 years of supervised release.

United States v. Kevin Yellow Earring

Assault

Kevin Yellow Earring committed two separate and unrelated assaults. In the first case, Yellow Earring assaulted a woman who he had been in a relationship with since March of 2014. The couple had two children together and the victim was pregnant with their third child. On the evening of January 19, 2017, Yellow Earring returned home very intoxicated. Yellow Earring first spit on the victim, and he then pulled a pocket knife out of his pocket, unfolded it, and began moving towards the victim, motioning/poking the knife at her stomach as if he was going to stab her. Yellow Earring told the victim that her unborn child was not his. The other two kids were in the room when this happened. The victim picked the two kids up, exited the room, went to the bathroom, and locked the door. Yellow Earring forced the door open. The victim was able to escape from the bathroom with the two kids, and then went and sat with them on the couch in the living room, with one of the two children in her arms. Yellow Earring followed her and sat on the couch beside her. Yellow Earring used his left hand clenched in a fist to backhand the victim in the face, who slid down onto the floor, and began crawling away. Yellow Earring pulled out the pocket knife again, and told the victim that he was going to “Merk” her. The couple had guests staying in the apartment, who called the police.

In the other case, Yellow Earring was at the home of a close friend on February 11, 2017. Yellow Earring asked the victim if he could use her cell phone. After the victim gave Yellow Earring her phone, he went outside with it, but did not come back to return it. She was able to find him in the adjoining duplex. Yellow Earring attempted unsuccessfully to hide from her. When the victim asked for her phone back, Yellow Earring denied taking it, and he got mad when the victim persisted that he return her phone. Yellow Earring punched the victim on the left side of her upper body. He then kicked/shoved the victim in the lower back area, causing her to fall forward and hit her head on a shelf. Once the woman was on the ground, Yellow Earring began kicking her repeatedly with his shoes on. The woman was eventually able to escape, return home, and call the police. Two of the victim’s ribs were fractured as a result of the assault.

Yellow Earring pleaded guilty to both assaults on August 15, 2017. Yellow Earring was sentenced to 5 years in federal prison on each of the two assaults, with the two sentences to be served concurrently. Following Yellow Earring’s release from custody, he will be on supervised release for three years.

United States v. Delano White Eagle

Assault With a Dangerous Weapon

The victim and Delano White Eagle were in a relationship and living together near Dupree. On the morning of August 24, 2016, White Eagle asked the victim to drive him to Timber Lake. White Eagle had a baseball bat and wanted to confront his brother. The victim refused to take White Eagle, and left and went to work in Eagle Butte. After the victim got off work that evening, she drove to Dupree to pick up White Eagle. He was intoxicated. When they arrived home, White

Eagle grabbed the victim around the upper body, swinging her around, throwing her on the ground. White Eagle then jumped on top of her and a struggle ensued.

During the struggle, White Eagle, amongst other things, bit the victim's upper left arm and placed his left forearm against the victim's throat, pushing down. The victim managed to push White Eagle away far enough for her to get out from under him. The victim then dialed 911, and while the victim was on the phone with law enforcement, White Eagle went towards her, and she kicked at him in order to keep him back. White Eagle then grabbed a knife, and placed the knife's blade to his neck area and began poking his neck with the knife.

The Ziebach County Sheriff responded to the victim's 911 call. The sheriff ordered White Eagle to place his hands behind his back. White Eagle was not compliant, and the sheriff tazed White Eagle, taking him into custody. The victim sustained internal injuries. White Eagle pleaded guilty on January 24, 2017. White Eagle was sentenced on April 10, 2017, to 46 months in federal prison, followed by three years of supervised release.

United States v. Allen Garreau

Assault by Strangulation and Suffocation; and Assaulting, Resisting, Opposing, and Impeding a Federal Officer

The victim and Allen Garreau had been in a relationship for three years and had a two-year-old son together. Garreau also has a six-year-old son from a previous relationship. On May 23, 2016, Garreau was arrested tribally for domestic abuse against the victim. The victim later allowed Garreau to move back into their apartment. During the evening of July 10, 2016, the couple got into an argument, Garreau retrieved the victim's cell phone and wanted her to unlock it, but she refused to do so. Garreau grabbed the victim by the hair, threw her to the floor, and straddled her. He put one hand around her neck and began to apply pressure. At that point, she agreed to unlock the phone, so Garreau got off from on top of her. Garreau took the phone and broke it. The next day, the victim was scheduled to work at 5:30 a.m., and a co-worker was scheduled to pick her up. The co-worker pulled up in her car behind Garreau and the victim, who were in Garreau's car. The victim jumped out of the car, ran back to her co-worker's car, and told her co-worker what had happened. The victim was taken to the hospital, and the police were called.

After speaking to the victim, officers with the Cheyenne River Sioux Tribe Police Department went to the couple's residence. The officers entered the residence, cleared the ground floor, and headed upstairs. They heard crying from one of the bedrooms and entered. Garreau was sitting on the bed with his arm around two small children. His hands, as well as the children, were covered with a blanket. The children were crying. The officers made repeated requests for Garreau to put the children down, get up, and to walk out. Garreau refused. When one of the officers attempted to approach Garreau, he told the officer that he needed to back up. The officer then asked the Garreau if he had anything dangerous in his hands. After several minutes of talking, Garreau stood up, showed his hands, and walked towards the officers. As the officers attempted to take Garreau into custody, he resisted. The officers were eventually able to restrain Garreau and take him into custody. Garreau pleaded guilty on April 17, 2017, to Assault by Strangulation and Suffocation, and Assaulting, Resisting, Opposing, and Impeding a Federal Officer. He was sentenced to 42 months in federal prison for the domestic assault, and 18 months

for the assault upon the officer, to be served concurrently. Following his release from custody, he will be on supervised release for three years.

United States v. Charles Hollow Horn and Bradley Speker

Assault

The United States Attorney's Office recognized the heroics of an 8-year-old boy for saving the life of an assault victim on Cheyenne River Sioux Tribe Reservation. The victim was a neighbor of the 8-year-old boy and his mother. On December 8, 2015, the victim went to the boy's house, but neither the boy nor his mother were home. A woman and her boyfriend who had been staying at the residence were in the house. The victim began drinking with the couple. A third man later joined them. The two men got into an argument with the victim, and the victim was severely beaten and left for dead. The 8-year-old boy returned home from school later that day, and found the man unresponsive in his home. The boy ran and got a neighbor for help. Law enforcement and an ambulance were called.

The victim was near death upon his arrival at the emergency room. The victim's brain was swelling, creating increased intracranial pressure. The victim was life-flighted to Rapid City. Medical personnel indicated that but for the boy's quick action, the victim would have died. Hollow Horn pleaded guilty to Assault Resulting in Serious Bodily Injury on November 22, 2016. He was sentenced on February 13, 2017, to 24 months in federal prison, followed by two years of supervised release to follow. Speker pleaded guilty to Assault By Striking, Beating, and Wounding on March 7, 2017. He was sentenced on May 22, 2017, to 11 months in federal prison, to be followed by one year of supervised release. Hollow Horn and Speker were ordered to pay \$1,505.45 in restitution to the victim.

United States v. Kristina Lofton, et al.

United States v. Alfredo Chavez-Mendoza

United States v. Roy Antrim

Conspiracy to Distribute a Controlled Substance (methamphetamine)

Kristina, Robert, and Stephanie Lofton, and Tyler and Ashley Peterson, all from Eagle Butte, South Dakota, as well as Alfredo Chavez-Mendoza, from Utah, were indicted on April 13, 2016, for Conspiracy to Distribute Methamphetamine in and around the Cheyenne River Sioux Tribe Reservation and elsewhere in South Dakota. Roy Antrim, from Faith, South Dakota, was indicted on the same charges on June 14, 2016. All eventually pleaded guilty and were sentenced during 2017 to federal prison for the following amounts of time: Kristina Lofton – 156 months; Antrim – 121 months; Mendoza – 110 months; Robert Lofton – 78 months; Tyler Peterson – 70 months; Stephanie Lofton – 68 months; Ashley Peterson – 38 months. Kristina Lofton and Roy Antrim stipulated that their conduct involved the distribution of between 1.5 and 5 kilograms of methamphetamine. Mendoza stipulated that his conduct involved between 350 and 500 grams of methamphetamine. All defendants were sentenced to between three and five years of supervised release following their incarceration.

Lower Brule Sioux Reservation



United States v. Kyle Flute

Assault Resulting in Serious Bodily Injury

On the evening of Friday March 4, 2016, the victim was closing up her store in Lower Brule. She was on the phone with her boyfriend when he heard her scream, some scuffling, and the line go dead. At that time, the victim was assaulted from behind with a board, and was struck several times. Law enforcement found the victim in her car, covered in blood. They also recovered a wooden board with blood on it. The victim was transported to the ER in Chamberlain and onto Sioux Falls due to her injuries. She suffered a fractured orbital, bleeding on the brain, and staples were required to close the wound to her head. Kyle Flute admitted to assaulting the victim by hitting her several times with the wooden board about her head and body. Flute stated he has a terrible meth problem and just wanted money for drugs. Flute was sentenced to 102 months in federal prison, followed by 3 years of supervised release.

United States v. James St. Cloud

Sexual Abuse

On September 16, 2016, the 16-year-old victim and her friend were walking along the road in Lower Brule. They were approached by a silver Jeep being driven by the victim's uncle, James St. Cloud. St. Cloud and his girlfriend offered the girls a ride, and they accepted. They began to drink and drive around Lower Brule. While in Lower Brule, they stopped at a house and picked up St. Cloud's 19-month-old son. They drove to another house so that his girlfriend could use the bathroom. While she was inside the house using the bathroom, St. Cloud left with the victim, her friend, and his 19-month-old son in the jeep. They drove down near the river. The victim's friend was passed out in the back seat. St. Cloud flirted with the victim, saying how small she was and tried to put his arm around her while they walked near the river. She ignored his flirting.

When they got back to the jeep, St. Cloud told the victim he needed to fix the radio and had her get into the driver's seat. The victim passed out in the driver's seat and when she awoke, St. Cloud was having sex with her. She tried to kick and honk the horn, but she was too drunk to move. St. Cloud then dropped her and her friend off near the victim's grandmother's house. St. Cloud was convicted in 1999 of Aggravated Sexual Abuse. The victim of that offense was 14 years old and he was 18 years old. St. Cloud was convicted in 2012 of Failure to Register as a Sex Offender. At the

time St. Cloud committed the instant offense, he was on supervised release. St. Cloud was sentenced to 156 months in federal prison.

United States v. Corey Johnson

Assaulting, Resisting, and Impeding Federal Officers

Corey Johnson was charged in two separate assaulting federal officer cases.

The conviction for his 2015 case stems from an incident on September 13, 2015, when Johnson's mother called the Lower Brule dispatch because Johnson was talking about taking his own life. An officer went to Johnson's girlfriend's home in Lower Brule. After confirming Johnson's identity, the officer told him to turn around and put his hands behind his back, as he was going to be detained for state authorities due to a state warrant. Johnson did not comply and took off running. The officer gave chase and was able to subdue Johnson. The two fell to the ground and wrestled around, with Johnson continuing to resist arrest. Johnson was able to get to his feet first, and took off running again. The officer gave chase but was unable to locate Johnson. An Indictment was obtained and a warrant for Johnson's arrest issued.

The conviction from his 2016 case stems from an incident when Johnson was located on November 2, 2016 by two U.S. Marshals Service deputies in Lower Brule. The deputies arrived at the home and saw Johnson's girlfriend in the driver seat of a vehicle and Johnson outside at the back of the vehicle. The deputies attempted to arrest Johnson on the federal warrant from the 2015 case. Johnson turned, looked at the deputies, and then dove into a Jeep and locked the doors. Johnson was ordered to get out of the vehicle, but did not comply.

Johnson's girlfriend was in the driver's seat and they could see an infant in a car seat near Johnson. The deputies then saw Johnson clench his fists and hold a weapon to his girlfriend's neck. Johnson was yelling that he had a knife, that he would harm or kill his girlfriend and for the officers to leave. His girlfriend was seen to be visibly upset, crying and holding her hands up. The deputies ordered Johnson to get out of the car, but he continued to ignore commands, stating he had a knife and would harm his girlfriend. One of the deputies broke out two of the windows of the Jeep. Johnson finally dropped his hands, opened the door, and was taken into custody by the deputies. A knife was recovered from inside the vehicle.

Johnson was sentenced to 33 months in federal prison on a 2015 case, and 96 months in federal prison in the 2016 case, to be served concurrently, followed by 3 years of supervised release.

Crow Creek Sioux Reservation



United States v. Tally Colombe **Program Fraud, Wire Fraud**

Tally Colombe was the Executive Director of Hunkpati Investments in Fort Thompson. Hunkpati Investments is a Native Community Development Financial Institution established to provide financial opportunities to stimulate economic development on the Crow Creek Sioux Reservation. Hunkpati Investments is funded by grants from the U.S. Department of Treasury, the U.S. Department of Agriculture, the U.S. Department of Health and Human Services, the Northwest Area Foundation, and several other small foundations. Between on or about June 1, 2015, and October 1, 2016, Colombe used a debit card belonging to Hunkpati Investments to make personal purchases from several businesses, all without knowledge and authorization from Hunkpati Investments. On June 27, 2017, Colombe pleaded guilty to Program Fraud and Wire Fraud. On September 19, 2017, Colombe was sentenced to 27 months in federal prison, to be followed by three years of supervised release. Colombe was ordered to pay \$39,997 in restitution.

United States v. Matthew Long Crow **Assault with a Dangerous Weapon, Assault Resulting in Serious Bodily Injury**

The victim and Matthew Long Crow had been in an intimate, dating relationship for a year and a half. In early March 2016, Long Crow and the victim were driving around and drinking alcohol. Long Crow got upset with the victim, accusing her of being with other men while he had been in jail. Long Crow hit the victim in the face, pulled out some of her hair, and threatened to kill her.

Long Crow then stopped near the river area of North Shore Road, made the victim walk to the beach area, and sat her on a log. At some point, he tied the victim up, pushed her back into the sand, and covered her mouth with his hand. He then slit her throat with a kitchen knife. Long Crow then dug a hole in the sand with his hands and pushed the victim into the hole. Later, he went back to the truck with the victim still tied up. Long Crow kept the victim in the truck while he got some food. Long Crow and the victim spent the night in the truck, and Long Crow continued to hit and kick the victim at various times.

On March 19, 2016, Long Crow took the victim to the Crow Creek Ambulance because her neck wound was getting infected. The victim was seen in Chamberlain and transferred to Sioux Falls. It was determined she had an 11 cm deep gaping laceration from the left side of her neck across the midline, requiring multiple stitches and a drain tube. She also suffered a broken arm and other lacerations, cuts, and bruises. Long Crow was sentenced to 10 years in federal prison, followed by 3 years of supervised release.

United States v. Merle Seeking Land
Conspiracy to Distribute a Controlled Substance (methamphetamine)

On June 5, 2015, Merle Seeking Land was arrested on a supervised release violation from a 2011 conviction for Conspiracy to Distribute Methamphetamine, with drug paraphernalia and trace amounts of methamphetamine on his person. Seeking Land was sentenced to 78 months in federal prison on the 2011 conviction, and 63 months in federal prison for a 2005 conviction, both on the same charges. During a post-arrest interview, Seeking Land admitted to law enforcement that since he was released from prison, he had obtained methamphetamine, utilizing his prison contacts, to distribute to others for further distribution in Ft. Thompson and Rosebud. Seeking Land pleaded guilty to Conspiracy to Distribute 500 grams or more of methamphetamine. On February 27, 2017, the defendant was sentenced to 180 months in federal prison.

Sisseton Wahpeton Oyate Sioux Reservation



United States v. Dashawn Keys
Aggravated Sexual Abuse of a Child

Dashawn Keys, of Milwaukee, Wisconsin, was found guilty of four counts of Aggravated Sexual Abuse of a Child and two counts Abusive Sexual Contact of a Child, as a result of a federal jury trial in Aberdeen, South Dakota.

The convictions stem from incidents which occurred between November 1, 2013, and January 1, 2016, when Keys repeatedly sexually abused two minor victims, both under the age of 12. The

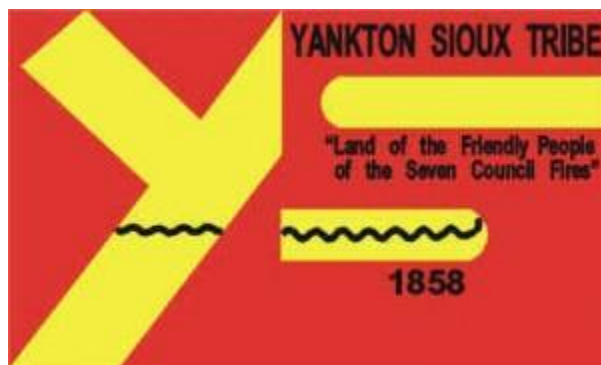
incidents occurred while Keys was a houseguest, staying at the home of one of the victims. Keys was sentenced to 45 years in federal prison, followed by a lifetime of supervised release.

United States v. Leslie Barse, Sr., et al.

Conspiracy to Commit Theft from an Indian Tribal Organization; Theft from an Indian Tribal Organization

Leslie Barse, Sr., Thomas Adams, and Barbara Kirk were elected executive board members of the Old Agency District of the Sisseton Wahpeton Oyate Tribe. From approximately January 2011 through March 2013, Barse, Adams, and Kirk stole money from the District by writing checks to themselves for payroll, stipends, assistance, travel, and other miscellaneous reasons. They stole a total of \$360,499 from the District. On October 31, 2016, Adams pleaded guilty to the conspiracy count. On June 12, 2017, Adams was sentenced to 20 months in federal prison, to be followed by three years of supervised release. Adams was ordered to pay restitution in the amount of \$151,477. On July 5, 2017, Barse pleaded guilty to the conspiracy count. On October 13, 2017, Barse was sentenced to six months in federal prison, to be followed by three years of supervised release. Barse was ordered to pay restitution in the amount of \$147,312. On December 4, 2017, Kirk pleaded guilty to the theft count. On May 14, 2018, Kirk was sentenced to 16 months in federal prison, followed by three years of supervised release, and ordered to pay restitution in the amount of \$100,620.

Yankton Sioux Reservation



United States v. Gary Cournoyer

Aggravated Sexual Abuse

Gary Cournoyer had sexual contact with an 11 year-old girl in January 2016. The contact occurred in Cournoyer's home in Charles Mix County. Law enforcement was contacted after a relative discovered suspicious messages on a computer between Cournoyer and the girl. The girl was interviewed and disclosed that Cournoyer had the sexual contact with her after he brought her to his home to do some laundry. Investigators also learned that another child witnessed the sexual act. Cournoyer pleaded guilty and was sentenced to 135 months in federal prison, followed by 10 years of supervised release.

CIVIL DIVISION

The Civil Division represents the interests of the United States in litigation involving the federal government in the District of South Dakota. The mission of the Civil Division is to promote the fiscal integrity of the federal government by conducting meaningful community outreach to educate citizens about fraud prevention and by filing affirmative lawsuits against individuals and companies who misuse or falsely claim entitlement to federal money. The Civil Division defends the interests of the United States in cases where the government or a government employee are sued for acts related to official business. Our defensive work includes supporting Final Agency Decisions in regulatory and employment determinations. We also defend the United States in personal injury or medical malpractice litigation brought pursuant to the Federal Tort Claims Act.

DEFENSIVE LITIGATION

Carol Robinson v. Megan J. Brennan, Postmaster General (Employment Discrimination)

While Carol Robinson was working for the United States Postal Service (USPS), a complaints-and-inquiry clerk position opened in Sioux Falls, South Dakota. Robinson applied for the position, but another candidate was chosen for the job. After Robinson was not selected, she sued the USPS for employment discrimination, claiming that she was not chosen because of age discrimination under the Age Discrimination in Employment Act and in retaliation for her previous protected Equal Employment Opportunity (EEO) activity. The District Court granted the USPS's motion for summary judgment on Robinson's age discrimination claim, finding that Robinson had not established a strong *prima facie* case of age discrimination and had provided virtually no evidence that the USPS's reason for choosing another candidate was pretext for age discrimination. After a two-day jury trial, the jury found that USPS had not retaliated against Robinson and entered a verdict in favor of the USPS.

John N. Newell v. John M. McHugh, Secretary of the Army, and the United States Army Corps of Engineers Agency (Employment Discrimination)

In litigation that was ongoing from prior years, the United States Army Corps of Engineers issued a Final Agency Decision denying John Newell's hostile work environment and retaliation claims related to a seven-day suspension Newell received from his employer. The Final Agency Decision was needed in order for Newell to proceed with those claims in federal court. Thereafter, Newell filed a complaint of discrimination alleging his race was the basis for management's decisions for the disciplinary actions, retaliation, a hostile work environment, and constructive discharge. In this final round of litigation, the Court found Newell's claims only amounted to a few occurrences taking place in 2007 and 2013, not the kind of severe and pervasive conduct that would constitute a hostile work environment. The Court held that Newell's allegations constituted, at most, a "frustrating work situation" and not harassment that affected a term or condition of his employment. As to Newell's retaliation claim arising from his seven-day suspension, the Court found Newell's supervisor had legitimate reasons to impose disciplinary action. The Court declined to sit as a super-personnel department reviewing the wisdom or fairness of the business judgments made by employers except to the extent those judgments involve intentional

discrimination. As to Newell's constructive discharge claim, the Court found that being promoted to his current position as a Power Plant Shift Operator did not constitute a constructive discharge.

Emerson and Linda Little Elk, as Administrators for the Estate of Peter Little Elk v. United States of America (Federal Tort Claims Act, FTCA)

Emerson and Linda Little Elk brought an action against the United States on behalf of their deceased son, Peter Little Elk, alleging that employees at the Rosebud Indian Health Services acted negligently by failing to: (1) administer Lovenox at an earlier time, (2) administer the proper dose of Lovenox, (3) transport the decedent in a vehicle capable of handling a trauma patient, (4) have a vehicle ready (fueled) to transport the decedent, (5) expedite transportation of the decedent by using an air ambulance, and (6) expedite ground transportation of the decedent. As a result of these alleged acts of negligence, The Little Elks asserted that their son experienced pain and suffering, which ultimately led to his death. However, they failed to secure expert testimony to support their negligence claims. The Court therefore granted summary judgment for the United States and dismissed the case with prejudice.

Maranda Packard v. United States of America (FTCA)

Maranda Packard filed a lawsuit against the United States alleging that an on-duty officer with the Oglala Sioux Tribe Department of Public Safety negligently operated his patrol vehicle; thereby, crossing the centerline and striking her vehicle. The officer was cited for careless driving and driving on the wrong side of the road. Packard suffered injuries to her neck and shoulder. The matter was resolved through mediation before United States Magistrate Judge Daneta Wollman.

Pamela Renville v. United States of America (FTCA)

Pamela Renville slipped and fell outside the Woodrow Wilson Keeble Memorial Health Care Center (WWKM) in Sisseton, SD. She had fractures to her left tibia and fibula. Renville alleged that staff at the WWKM failed to notify her of the danger posed by slippery ice and failed to remove the danger when she presented for a medical appointment. The case was resolved through mediation before United States Magistrate Judge Veronica Duffy.

Denise Lightning Fire, on behalf of and as Legal Guardian of S.C., a minor child v. United States (FTCA)

S.C. was a student attending the Cheyenne-Eagle Butte School on the Cheyenne River Indian Reservation. She was injured when the Home Economics class was making fry bread and hot oil splattered on to her face, wrist, and neck. S.C.'s guardian brought a FTCA case against the United States alleging that the home economics teacher was negligent, causing personal injuries to S.C.. The Cheyenne-Eagle Butte school district is unique in that it is jointly operated by the Bureau of Indian Education and by the Eagle Butte-South Dakota Public School District under a cooperative agreement. The school district is governed by a cooperative school board made up of representatives from each entity. Certain teachers are employed by the Bureau of Indian Education (federal employees) and others are employed by the South Dakota Public School District (non-federal employees). The home economics teacher in question had a contract with the Public School District and was paid out of its budget. The District Court granted the United

States' motion for summary judgment and found that the teacher was not a federal employee for purposes of the FTCA. Thus, the lawsuit was subsequently dismissed.

Ann Melham v. United States of America (FTCA)

In January 2016, Ann Melham was driving near Watertown SD, when a vehicle being driven by a rural mail carrier for the United States Postal Service failed to yield and struck Melham's vehicle. Melham was injured in the crash, and as a result of her injuries, she had to be admitted to a nursing home for several months before she was able to return home. There was a dispute as to the extent of the damages suffered, and the case was resolved through mediation before United States Magistrate Judge Veronica Duffy.

Christine Clifford v. United States of America (FTCA)

In July of 2013, Christine Clifford was taken by ambulance to the Pine Ridge Indian Health Service (IHS) emergency room for a serious medical condition. It was determined that Clifford should be transferred by ambulance to Rapid City, SD, for care. During the trip to Rapid City, the driver of the Oglala Sioux Tribe Ambulance Service failed to negotiate a curve and went off the road, drove through a fence, and hit a light pole. Clifford suffered additional injuries from this collision. The OST Ambulance Service is a tribal self-determination contractor. The case was settled.

John Raymond Oskar, III v. United States of America (FTCA)

In this lawsuit, John Raymond Oskar, III, alleged that the Sioux Falls Veteran's Administration Medical Center failed to appropriately diagnose and treat a pancreatic condition that led to insulin dependent diabetes and the development of pancreatitis. However, Oskar failed to produce any expert reports to substantiate his claim that medical malpractice had occurred. Instead, he listed four treating physicians, including his treating physician at the Veteran's Administration Medical Center. Oskar failed to disclose any expert reports or testimony that contained the opinions of his disclosed experts. Despite additional opportunities to substantiate his claims by producing expert reports, he failed to produce any expert evidence that any provider from the Veteran's Administration Medical Center deviated from the standard of care. Accordingly, the Court dismissed this lawsuit and granted summary judgment in favor of the United States.

Karrie Yankton v. United States of America (FTCA)

Karrie Yankton was at her home when she stepped on a sewing needle that lodged in her foot. She sought treatment at the Pine Ridge IHS emergency room, but doctors were unable to remove the needle. Yankton was referred to a surgeon. During the delay to see a surgeon, Yankton alleged the sewing needle caused an infection which caused permanent nerve damage. The emergency room physician was not a federal employee, but worked for a private company. Yankton failed to produce any expert witness to prove that any federal employee caused her harm. Thus, she was unable to prove negligence and voluntarily dismissed the action against the United States.

Tamaleon Wilcox, as Guardian Ad Litem of L. M., a Minor Child, and L. M., a minor child v. United States of America (FTCA)

The Sicangu Oyate Ho, Inc., or St. Francis Indian School, is a school operated by the United States Department of the Interior, Bureau of Indian Education. It is located in Todd County, SD. During the St. Francis Indian School's 2013 homecoming parade, a seventh grade student (L.M.) fell off

her class float. L.M. was run over by the tires on a flatbed trailer (which was pulling the class float) and fractured her leg and ankle. L.M. suffered some other less serious injuries. A Rosebud Police Department officer was driving the pickup that pulled the flatbed trailer float during the parade. The case was settled.

Rhonda Uses Many, Administratrix of the Estates of Brittany Buffalo, deceased, and Waco Buffalo, deceased v. United States of America (FTCA)

In the early morning hours of July 2013, Brittany Buffalo was driving her car on SD Highway 212 on the Cheyenne River Sioux Indian Reservation. Her brother Waco Buffalo was a passenger. A Cheyenne River Sioux Tribal police officer attempted to stop the vehicle after he witnessed erratic and swerving of the vehicle. Instead of stopping, Brittany decided to outrun the officers and a traffic pursuit ensued. During the chase, Brittany overcorrected, swerved, and rolled the vehicle. Neither Brittany nor Waco survived the rollover accident. Rhonda Uses Many, as Administratrix of the Estates, brought suit claiming that the tribal officer was negligent. The Court held that the officer's decision to initiate and continue the pursuit fell within the type of judgments shielded by the discretionary function exception to the FTCA and dismissed the lawsuit.

Christine Fatterusso v. United States of America (FTCA)

Dr. Christine Fatterusso was employed as a contract physician at the VA Black Hills Healthcare System in Ft. Meade, SD. Fatterusso injured herself after she tripped on an overnight bag and slipped on a pillowcase lying on the floor in the doctor's "on call" lounge. Fatterusso filed suit against the VA alleging negligence in failing to maintain a reasonably tidy and safe doctor's lounge. Fatterusso passed away unexpectedly from conditions unrelated to her injuries, and following her death, the lawsuit was voluntarily dismissed.

Supreme Pro Clean v. Lowry (Contract Disputes Act)

Supreme Pro Clean brought a small claims action against employees of the Army and Air Force Exchange Service located on the Ellsworth Air Force Base, SD, contending that Supreme Pro Clean was owed money for cleaning the floors in the EAFB Base Exchange building. The United States removed this action to federal district court and sought to substitute the government for the employee defendants. After advising Supreme Pro Clean that the district court lacked subject matter jurisdiction (under the Contract Disputes Act), it voluntarily dismissed the case.

Elizabeth Marie Big Crow v. Gary Stanley (Tribal Court)

Elizabeth Marie Big Crow sued an individual Federal Emergency Management Agency (FEMA) employee (Gary Stanley) in OST tribal court claiming that Gary Stanley destroyed her mobile home and gave a replacement mobile home to the person who was renting her trailer. The renter relocated the new mobile home to a different property. Big Crow sought compensation for the loss of her mobile home. The tribal court case was removed to federal court where the United States was substituted as the proper defendant, and the case was dismissed for Big Crow's failure properly exhaust her administrative remedies with FEMA before filing a federal tort claim against the United States.

AFFIRMATIVE FRAUD LITIGATION

The U.S. Attorney's Office worked jointly with the State of South Dakota, the Department of Health and Human Services, the Bureau of Indian Affairs, the National Science Foundation, the United States Postal Service, and the Department of Agriculture to recover reimbursement for money fraudulently obtained through false statements made to federal agencies, and for services not rendered or not provided by qualified medical personnel. Highlights of our civil affirmative enforcement efforts in 2017 include the following:

United States v. Jason Sparling (USDA)

The 2014 Farm Bill established the Livestock Disaster Program (LFP) providing compensation to eligible livestock producers who have suffered grazing losses due to qualifying drought conditions during a normal grazing period. Jason Sparling submitted an LFP application and certified that his cattle were grazing in Fall River County, SD. After he received the \$96,696 LFP payment, another producer filed a LFP claiming his cattle were grazing on the same property. Sparling eventually admitted to investigators that he had leased the land and that he had no cattle on the land during the qualifying time. A federal grand jury indicted Sparling for submitting a false claim (18 U.S.C. §§ 287 and 1001), and a pre-trial diversion was granted. Sparling entered into a settlement agreement with regard to his civil FCA liability, and paid civil penalties in the amount of \$180,000.

United States v. Karl Knutson (USDA)

In 2014, Karl Knutson submitted a Livestock Indemnity Program (LIP) application for over \$116,000 to the county Farm Service Agency (FSA) claiming to have lost 129 head of cattle due to the adverse weather conditions caused by winter storm Atlas in October 2013. When asked to submit documentation to support his application, Knutson submitted a false handwritten invoice showing he had purchased the cattle in 2013. A federal grand jury indicted Knutson for making a false claim and false statement. He pleaded guilty and was sentenced to 12 months' imprisonment and fined \$7,380.04. Based upon the conviction and inability to pay, Knutson entered into a settlement and paid civil penalties in the amount of \$15,000.

United States v. Craig Christeson (USPS)

Craig Christeson, an employee of the United States Post Office, began falsifying customer spoiled postage meter refunds, printing out and cashing money orders, and keeping the money for himself. A total of 61 money orders resulted in a loss of \$8,970.71 for the post office. A grand jury indicted Christeson for theft of government funds (18 U.S.C. § 641), and he pleaded guilty. Settlement negotiations regarding his civil liability broke down. Based upon his admissions in the criminal case, a civil action alleging fraud and common law actions for unjust enrichment, conversion, and breach of fiduciary duty was authorized to be filed in district court.

United States v. Scott Thompson (NSF)

Scott Thompson submitted many requests for grants from the National Science Foundation (NSF) and received approximately \$2.5 million for eight different grants since 1994. In 2009, Thompson submitted a proposal, via the internet, claiming that a post doctorate candidate would be a principle investigator of a project. Thompson received a grant (\$100,000) and used \$80,241.56

for personal transactions not related to the project. Thompson was indicted and found guilty at trial of two counts of False Claims (18 U.S.C. § 287), two counts of False Statements (18 U.S.C. § 1001), two counts of Wire Fraud (18 U.S.C. § 1343), and one count of Receiving Stolen Government Money (18 U.S.C. § 641). Thompson was sentenced to probation and ordered to pay restitution in the amount of \$87,637.89 (\$32,486.86 is payable to the South Dakota State University and \$55,151.03 is payable to the NSF). Based on the criminal conviction, a civil complaint was filed and the United States moved for summary judgment seeking \$322,000 (treble damages and penalties). During this reporting period, Thompson filed a *habeas* petition seeking relief from the criminal verdict and obtained a stay of the civil matter until the *habeas* is resolved.

QUI TAM LITIGATION

United States, ex rel. Jackie Mattheis v. Community Coordinated Transport System, d/b/a River Cities Public Transit (RCPT) (qui tam – Transportation)

The Relator filed a complaint under seal on July 19, 2016, alleging, in part, that since 2011, RCPT submitted monthly false requests for federal rural transit funds (49 U.S.C. § 5311) without disclosing § 5311 funds it received from Tribes, but included the expenses incurred under Tribal contracts, thus double dipping. The State of South Dakota administers the federal funds, and the program is self-certifying. After an investigation, the United States Attorney's Office declined to intervene. The complaint has been unsealed, and the Relator decided to proceed with the *qui tam* and wrongful termination claims. The litigation is ongoing.

United States, ex rel. Dr. John Millin v. Larry Krause, et al (qui tam- USDA)

The Relator filed a complaint under seal on July 18, 2016, alleging that during his marriage to the defendant's daughter, defendant made false statements, and falsely certified ownership interests in farming operations to obtain farm program payments from the USDA he was not entitled. The Relator maintains that any farm program payments received were based on false representations. After an investigation, the U.S. Attorney's Office declined to intervene. The complaint was unsealed, and the Relator decided to proceed with the *qui tam* and wrongful termination claims.

United States, ex rel. Brian Gravely v. National American University (NAU), et al (qui tam- Education)

The Relator filed a complaint under seal on April 26, 2017, alleging that NAU violated conditions of its Program Participation Agreement with the Department of Education in order to receive Title IV federal funds. Specifically, the Relator alleges violations of: 1) the 90/10 rule, by falsely reporting the percentage of non-Title IV revenues, 2) the incentive compensation ban, by awarding bonuses based on securing enrollments, and 3) failing to meet CAAHEP's accreditation requirements for its Medical Assisting Program. The U.S. Attorney's Office and the Department of Justice jointly investigated the Relator's allegations, and the United States declined to intervene. The complaint was unsealed and the case is currently proceeding.

OTHER AFFIRMATIVE LITIGATION

United States v. Robert L. Lytle, a/k/a Larry Lytle (FDA)

Working with the Food and Drug Administration (FDA) and DOJ Consumer Affairs, the U.S. Attorney's Office obtained a permanent injunction in 2015 against Larry Lytle, a retired dentist, and his business entities in Rapid City, SD, prohibiting the manufacturing and marketing of low-level light lasers (QLasers). Lytle claimed the QLasers had a multitude of health benefits. However, the lasers were only approved by the FDA for the *limited purpose* of treating osteoarthritis of the hand. During this reporting period, the injunction was upheld on appeal and Lytle's subsequently filed motions seeking relief have been denied. Lytle has filed five appeals and his fifth appeal (which is still pending) is from the district court's order denying several motions for relief from the Amended Permanent Injunction.

United States v. 4.70 Acres of Land, et al (WAPA)

Western Area Power Administration, Department of Energy (WAPA), brought this cause of action in condemnation for the taking of an interest in the property to erect transmission lines as part of the Pick Sloan Project, which is related to power generated from the use of water resources in the Missouri River Basin. All other affected property owners settled with WAPA before the suit. The United States deposited its estimated just compensation with the Clerk of Court, and the Court released those funds to the affected landowner. The parties engaged in discovery solely on the issue of just compensation and eventually reached an agreed-upon price for the property. Other settlements on two other properties were reached without litigation.

United States v. Virgil A. Borns, et al (SBA)

Defendants were three shareholders of a business entity that operated a hotel and restaurant. The business borrowed a significant amount of money from the Small Business Administration (SBA), and the three defendants guaranteed the loan. The business entity went out of business, and there were other foreclosure proceedings brought by superior creditors against the real estate and other business assets to the point where SBA's liens were unsecured. The United States filed a request for judgment upon the promissory note and to require each defendant to pay the maximum payment allowed under their unconditional limited guarantees, which amounted to approximately \$200,000. The parties entered into a settlement agreement where each debtor agreed to pay the maximum amount of money under each debtor's unconditional limited guarantee through a payment plan with SBA. Each debtor paid a substantial down payment per the terms of the settlement agreement totaling \$67,516.40. Eventually, the full \$200,000 will be collected by the Financial Litigation Unit of the District of South Dakota.

United States v. Farrah Big Crow, et al (HUD)

The United States filed a foreclosure complaint against debtors Farrah Big Crow, Robert Clifford, and the Oglala Sioux Tribe. The United States Department of Housing and Urban Development (HUD) issued a loan to the borrowers under the provisions of Section 184 of the Housing and Community Development Act that was secured by a leasehold mortgage/interest on real property that was held in trust for members of the Oglala Sioux Tribe. Debtors defaulted on their mortgage, and the Tribe was offered the right of first refusal to assume the mortgage. However, the Tribe did not exercise that right. The United States moved for a default judgment, as the debtors never

appeared. The Tribe appeared and attempted to have the case dismissed, but that motion was denied by the Court. The United States obtained a default judgment against the borrowers and purchased the property at foreclosure sale on behalf of HUD. The property will be resold to the Tribe, a Tribal member, or a Tribal entity.

United States v. Dorothy Two Bulls, et al (HUD)

The United States filed a foreclosure complaint against debtors Dorothy and Francis Two Bulls, and the Oglala Sioux Tribe. The United States Department of Housing and Urban Development (HUD) issued a loan to the borrowers under the provisions of Section 184 of the Housing and Community Development Act that was secured by a leasehold mortgage/interest on real property that was held in trust for members of the Oglala Sioux Tribe. Debtors defaulted on their mortgage, and the Tribe was offered the right of first refusal to assume the mortgage. However, the Tribe did not exercise that right. The Tribe has appeared, but will not defend this non-personal action. The borrowers recently obtained counsel and will admit service. The litigation is ongoing.

United States v. Shawn Keith, et al (HUD)

The United States filed a foreclosure complaint against debtors Shawn Keith, Michelle Belt (f/k/a Keith), and the Oglala Sioux Tribe. The United States Department of Housing and Urban Development (HUD) issued a loan to the borrowers under the provisions of Section 184 of the Housing and Community Development Act that was secured by a leasehold mortgage/interest on real property that was held in trust for members of the Oglala Sioux Tribe. Debtors defaulted on their mortgage. The Tribe was offered the right of first refusal to assume the mortgage, but did not exercise that right. The Tribe has appeared, but will not defend this non-personal action. Belt has admitted service, but Keith has yet to be served. The litigation is ongoing.

United States v. Thomas Eskens (FSA)

The Farm Service Agency (FSA) approved two loans for Thomas Eskens--one was a loan to purchase cattle and the other loan was an operating loan. Approximately \$21,000 was advanced to Eskens. He admitted he did not purchase the cattle but used the money for living expenses. Eskens voluntarily liquidated one piece of collateral and paid down his balance, but he refused to liquidate any other collateral. Eskens refused further contact with FSA. The U.S. Attorney's Office filed a complaint to obtain judgment on the promissory notes because Eskens has unsecured collateral. The USAO has obtained the clerk's entry of default against Eskens, and will obtain a default judgment. The case will then be referred to our Financial Litigation Unit (FLU) to collect upon the unsecured assets.

United States v. Thomas Nebelsick (FSA)

Thomas Nebelsick obtained four restructuring loans from the Farm Service Agency (FSA) that followed four earlier loans that were operating and related loans. For the restructuring, FSA took a security interest in the debtor's beehive equipment, vehicles, and other machinery and filed a mortgage on Nebelsick's home and acreage. The USAO worked with Nebelsick for an extended period to voluntarily liquidate the security to pay off the loans. Nebelsick sold some collateral and paid down a portion of the balance. Eventually, he sold the acreage, and the USAO received \$53,186.81 in April of 2017 to pay FSA's debt in full without costs of litigation.

Kinney Fire (USFS, BLM, NPS)

The Kinney Fire started on private property on September 4, 2012, and burned approximately 1,503 acres of public and private land. The majority of the land, 1,157 acres, is on National Forest Service (NFS) managed land. The fire started during logging operations. Travis and Sandra Upton (Uptons), private property owners, hired Neiman Timber Company (Neiman) to log a portion of their land. Neiman subcontracted that work to Woodward Logging (Woodward) whose employee caused the fire while operating logging equipment. Woodward's logging equipment was leaking oil and alleged to be the cause of the fire. Net NFS losses included actual fire suppression costs of \$749,147.44 and Burned Area Emergency Restoration (BAER) costs of \$25,462.77 for a total of \$774,610.21. The Bureau of Land Management and the National Park Service had claims too, (approximately \$94,761 and \$23,557 respectively). Woodward tendered \$1,000,000 policy limits, which was claimed by the Uptons and another private party, Howell Ranch, in addition to the NFS, BLM and NPS. The parties sought additional compensation from Neiman's insurance because Neiman subcontracted with Woodward without ensuring that Woodward's equipment was in good operating condition. The case was resolved through mediation involving all parties, with the government recovering \$545,000 on behalf of all three agencies.

AFFIRMATIVE CIVIL RIGHTS LITIGATION

Amber Ishmael v. BioFusion Health Products, Inc. (USERRA)

The United States brought this case against a Rapid City-based business, therein alleging that the Defendant violated the Uniformed Services Employment and Reemployment Rights Act (USERRA) when it refused to reemploy South Dakota Air National Guard Staff Sergeant Amber Ishmael following an extended period of military leave. Under USERRA, employers are prohibited from discriminating or retaliating against an employee or applicant for employment because of such person's past, current, or future military obligation. The case resulted in a \$3,000 settlement for Ishmael.

United States v. Calvin Salem, et al (Fair Housing)

The United States brought this action against a Sioux Falls property owner, alleging a violation of the Fair Housing Act when the owner refused to rent an apartment to a former tenant who began using a wheelchair. The property owner subsequently provided the tenant a reference that negatively affected the tenant's ability to secure rental housing. As a result, the tenant became homeless. The complaint alleges the property owner denied housing due to the property owner's concern that the tenant's wheelchair would destroy the carpet in the apartment. The case resulted in a \$20,000 settlement for the tenant.

United States v. Aimee Kelly (Fair Housing)

The United States filed suit on November 2, 2016, against Amie Kelly on behalf of Jennifer Seiler. The United States alleges that Kelly discriminated against Seiler on the bases of sex and familial status, in violation of 42 U.S.C. §§ 3604(a)-(d). More specifically, the United States asserted that after receiving Seiler's rental application, Kelly told Seiler, "I decided to go with a bachelor. In the past, I have always rented to bachelors, [and] that has worked best." As a result of Kelly's alleged actions, Seiler had to hastily sign a lease at a significantly more expensive apartment complex,

buy a vehicle because the new complex was not on a bus line, and switch her daughter's school. This matter is currently in discovery.

PROGRAM LITIGATION

Jerry Albrecht Water Permit Application – wetlands protection (USFWS)

The U.S. Fish and Wildlife Service (USFWS) asked for assistance in protecting a wetland easement which was potentially impacted by a SD water permit. Actions were taken in the application to protect the wetlands from drainage (direct and indirect), leveling, filling and burning. The location for the proposed well was moved to another area away from a protected wetland basin. Additional agreements were made concerning irrigation to minimize any impact upon the wetland and USFWS easement.

Bureau of Indian Education – Pine Ridge School Nutrition Program (BIE)

The community of Pine Ridge, South Dakota, is located in one of the poorest counties in America. As a result, all of the students who attend school in Pine Ridge are deemed eligible for free breakfasts and school lunches. The United States Department of Agriculture provides funding through a reimbursement to the Bureau of Indian Education (BIE) school, but requires the South Dakota Department of Education to monitor compliance with the USDA reporting and nutritional requirements. South Dakota determined that the Pine Ridge School was not in compliance. Thus, the State gave notice that they would no longer reimburse the Pine Ridge School for breakfasts and lunches unless a number of corrective actions were completed. An administrative hearing was scheduled. The U.S. Attorney's Office obtained the dismissal of the administrative action and began working with the Pine Ridge School and agency counsel to ensure that necessary corrective action is taken to ensure compliance. Compliance efforts of the Pine Ridge School continue.

Institute of Range and American Mustang (USFS)

The United States Forest Service engaged in efforts to prevent wild horses living on the Institute of Range and American Mustang property from trespassing on and damaging federal forest properties near Hot Springs, SD. In an attempt to avoid litigation, the parties met and worked out fencing priorities areas, as well as a schedule for the completion of erecting fences to ensure IRAM horses do not trespass upon the Black Hills National Forest.

BANKRUPTCY

When a debtor files for bankruptcy and owes student loans to the Department of Education, owes taxes to the Internal Revenue Service (IRS), or when tax liens are filed by the IRS against a debtor, or other debt is owing to a governmental agency, the United States of America is often listed as a creditor. The majority of the bankruptcy cases opened in 2017 by the U.S. Attorney's Office involved the IRS.

2017 BANKRUPTCY SUMMARY

The Clerk's office at the South Dakota Bankruptcy Court reported that there were 1,047 bankruptcy cases filed in 2017, a 4 percent decrease from the total number of bankruptcies filed in 2016. However, more Chapter 11 cases were filed last year than in any year since 2011 and more Chapter 13 cases were filed last year than in any year since 2012. Here is the breakdown by chapter:

Chapter 7: 895
Chapter 11: 7
Chapter 12: 8
Chapter 13: 137

DEFENSIVE FORECLOSURES

The USAO opened 69 defensive foreclosure files in 2017. This is compared to:

90 cases in 2016
73 cases in 2015
55 cases in 2014
82 cases in 2013
84 cases in 2012
86 cases in 2011
116 cases in 2010

In most foreclosures, banks or other lending institutions bring the action in state court. The U.S. Attorney's Office becomes involved in a defensive foreclosure when a government agency has a lien on the foreclosed property. The agencies most often involved in these types of cases are the Internal Revenue Service (IRS), Department of Housing and Urban Development (HUD), Farm Service Agency (FSA), and Rural Housing Service (RHS). The majority of the defensive foreclosures cases of the U.S. Attorney's Office involve tax liens filed by the IRS.

APPELLATE DIVISION



The Appellate Division supervises all appellate litigation involving criminal and civil cases in which the U.S. Attorney's Office represents the federal government. Handling appeals represents a distinct form of advocacy. Appellate courts do not take evidence or adjudicate facts like a trial court or a jury. Instead, appellate courts consider only discrete legal issues arising out of one party's challenge to an order or judgment of a trial court.

Appellate lawyers for the U.S. Attorney's Office carefully review the records of trial court proceedings, prepare detailed written briefs, and, in most cases, argue their appellate cases before the U.S. Court of Appeals for the Eighth Circuit which is based in St. Louis, Missouri. Eighth Circuit appellate decisions are generally precedential and govern the disposition of subsequent similar issues litigated in the trial courts of all seven states within the Eighth Circuit, not just South Dakota's federal district courts.

The Appellate Division's caseload involves a wide variety of legal issues and different types of substantive law. In many cases, it represents the government in appeals filed by criminal defendants who are seeking appellate review of their convictions or sentences. Roughly half of these cases involve violent crimes committed in Indian Country. The remaining criminal appeals deal with other federal offenses such as large-scale drug conspiracies, immigration, firearms offenses, human trafficking, and child pornography cases.

The Appellate Division also handles civil appeals which result from civil claims brought by the government or against it. These appellate cases include defending against tort claims brought by individuals or representing federal agencies in challenges to their administrative actions. Civil appeals can also include cases in which the United States has brought an action to advance or enforce a federal right.

SIGNIFICANT CASES

United States v. Thompson

The defendant was convicted of possessing and intending to distribute methamphetamine. He had moved to suppress evidence discovered by agents from trash he left outside his home for routine trash collection. The district court denied the motion and, following his trial conviction, Thompson appealed that order denying suppression. The Eighth Circuit affirmed the decision, holding that no protected privacy right exists for trash left for collection in an area accessible by the public.

United States v. Long

The defendant appealed a denial of post-conviction relief after he alleged his trial counsel was ineffective for failing to object when his incriminatory comment was introduced before the jury without defense objection. The Eighth Circuit held that defendant had failed to show that his lawyer had performed deficiently to such a level that would justify post-conviction relief.

United States v. McGhee

The defendant appealed the district court's decision to sentence him above the advisory guidelines range upon his second supervised release revocation. McGhee argued that the district court erred by not stating with specificity which statutory sentencing factors it was considering in its decision to grant an upward variance. The Eighth Circuit affirmed the sentence, holding that a district court is not required to list mechanically its reasons for arriving at a sentence so long as the record is sufficient to show the court was aware of and considered the appropriate sentencing factors.

United States v. Long

A jury convicted defendant of various assault and firearms offenses after he fired upon a vehicle driving away from a convenience store in St. Francis, South Dakota. On appeal, he argued that the district court erred by denying his motion for a mistrial after the government disclosed a law enforcement report during trial. He argued his Fourteenth Amendment rights were violated by the late disclosure. The Eighth Circuit affirmed the convictions, holding that the late disclosure was not intentional or prejudicial, because the government had just then received the report also, and because he was not denied his ability to review and cross examine based on the report. He also argued that a tribal conviction for domestic violence should not have qualified as a valid predicate denying him the right to possess a firearm because he was not provided licensed counsel in that prior proceeding. The Eighth Circuit disagreed, holding that the federal statute at issue only requires that a defendant was afforded the level of counsel required by the tribunal in the underlying proceeding.

United States v. Adams

The defendant pleaded guilty to conspiring to distribute a large quantity of marijuana, and he was sentenced to 60 months in prison. He filed a motion to vacate his sentence, claiming his counsel was ineffective when it advised him to enter his guilty plea. The district court denied the motion after his attorneys submitted affidavits that differed from Adams' claims. On appeal, he argued that he deserved an evidentiary hearing before the district court denied his motion because there were factual differences between his account and his attorneys' accounts. The Eighth Circuit affirmed, holding that an inmate is not automatically entitled to an evidentiary hearing just because he files an affidavit disagreeing with his lawyers. Moreover, the transcript of Adams' plea hearing showed that his account was inaccurate.

United States v. Lovato

The defendant was convicted of sexual abuse of a minor, and he was sentenced to 180 months' imprisonment. On appeal, he argued that the district court double counted when it applied both a sentencing enhancement for dangerous and repeat sex offender while also departing upward for dismissed and uncharged conduct. The Eighth Circuit affirmed, holding that no impermissible double counting had occurred where the defendant's eight-year pattern of sexual abuse far exceeded two occasions required for first enhancement.

United States v. LeBeau

The defendant was convicted by a jury for possession with the intent to distribute cocaine and marijuana. On appeal, he made various arguments about the propriety of law enforcement searches of his hotel room and of a car, and about the admission at trial of statements he made

during those searches. He claimed that his consent was involuntary, and that his Fourth Amendment rights were violated. He also argued that the district court erred during trial when it denied his efforts to subpoena certain witnesses, and when it allowed the admission of evidence including jail statements of a co-defendant and evidence of LeBeau's prior drug conviction. The Eighth Circuit affirmed in all respects, holding that LeBeau freely consented to the searches and that his statements were voluntarily made. It also held that the district court did not err in admitting the questioned evidence at trial and in denying LeBeau's subpoena requests.

United States v. Harding

The defendant was convicted by a jury of being a felon in possession of a firearm. On appeal, he argued (1) that the district court erred by overruling his objection to the preemptory strikes of two Native American prospective jurors, (2) that the district court should have appointed counsel for two prosecution witnesses to advise them of their Fifth Amendment rights, and (3) that the district court abused its discretion by denying motions for a mistrial and a continuance. The Eighth Circuit affirmed the conviction. It held that the government offered acceptable, race-neutral reasons for the preemptory strikes, that the defendant lacked standing to raise Fifth Amendment violations on behalf of witnesses, and that the denial of a mistrial or continuance was appropriate because no discovery violations had occurred.

United States v. Johnson

The defendant was convicted by a jury and sentenced to 30 years in prison for physically assaulting and raping his estranged wife. On appeal, he challenged four of the district court's trial evidentiary rulings and the application of sentencing enhancements for obstructing justice and for targeting a vulnerable victim. The Eighth Circuit affirmed in all respects. It held that the district court did not err in allowing the testimony of a qualified expert to discuss a recognized model for understanding power/control dynamics in domestic abuse. It held that there was no error in admitting the defendant's prior tribal convictions for assaulting the victim. There was also no error in admitting evidence about the nature of those prior assaults. It held that any error in admitting a written statement the victim gave to police was harmless given the substantial admissible evidence of guilt. Finally, the appellate court held that the sentencing enhancements for obstructing justice and for targeting a vulnerable victim were applied appropriately.

ADMINISTRATIVE DIVISION

The Administrative Division of the United States Attorney's Office for the District of South Dakota provides consistent and effective administrative services and support to the employees and programs of the United States Attorney's Office.

The division provides guidance concerning Department of Justice policies and procedures as well as central services support in all areas of Administration, including; Human Resources, Budget and Finance, Information Technology, Facilities Management, Records Management, Purchasing, Property Management, and Security. The Division is responsible for planning and executing a comprehensive range of administrative services that support the mission of the United

States Attorney's Office. The Division is managed by the Administrative Officer, who is the principal advisor to the United States Attorney and the District on administrative matters. The Administrative Officer provides guidance on the management and use of the District's financial, manpower, and physical resources, and on administrative policies, procedures, and practices.

Employment opportunities include varied legal and administrative jobs. Currently, the District of South Dakota has 60 positions in support of three offices in Sioux Falls, Rapid City and Pierre. In the Criminal, Civil, and Appellate Divisions, these positions are made up of Assistant United States Attorneys, Paralegal Specialists, Legal Assistants, Victim Witness Coordinators, and Debt Collection Agents. In the Administrative Division these positions are made up of an Administrative Officer, Administrative Support Services Specialist, Human Resource Specialist, Contracting Officer, Budget Analyst, and Information Technology Specialists focusing on litigation support and computer network management.

In addition the Administrative Division follows internal control practices that ensure proper use and reporting of tax payer funded assets. At the direction of the United States Attorney, the Administrative Division manages an annual operating plan budget of approximately \$6 million dollars. The Division also manages equipment and facilities in three locations valued at approximately \$2 million. The Administrative Division is also responsible for the coordination, development, and maintenance of office policies and procedures related to the mission of the U.S. Attorney's Office. In this regard, the Administrative Division works closely with the United States Attorney, Assistant United States Attorneys, and support staff to ensure compliance with a strong internal controls program.

The Administrative Division is led by Jeff Traill, Administrative Officer who supervises a number of subject matter experts, including an Administrative Support Services Specialist, two Information Technology Specialists, a Human Resources Specialist, a Contracting Officer and general Administrative students focusing on litigation support and computer network management.

VICTIM RIGHTS AND ADVOCACY

The U.S. Attorney's Office Victim/Witness Assistance Program was developed to assure that victims of federal crimes are treated with fairness and respect as they journey through the federal criminal justice system. This program carries out the mandates of the *Federal Victim and Witness Protection Act of 1982*, the *Victims' Rights and Restitution Act of 1990*, the *Victims of Child Abuse Act of 1990*, the *Crime Victims' Rights Act of 2004* and other victim-related legislation. These victim/witness assistance and protection laws apply to all victims and witnesses of federal crime who have suffered physical, financial, or emotional trauma.

A variety of notification and assistance services are provided to victims and witnesses of federal crime by our Victim/Witness Assistance Program staff, Assistant U.S. Attorneys and other U.S.

Attorney's Office staff with the assistance of tribal and federal law enforcement. The U.S. Attorney's Office victim/witness staff work closely with South Dakota's FBI victim specialists and the Bureau of Indian Affairs victim's specialists who assist victims of federal crime in the period between the reporting of a crime and charges being filed by our office. Our shared goal is to provide a seamless path to assist victims of federal crime.

Many victims of federal crime reside on South Dakota's Indian reservations or in rural areas. The U.S. Attorney's Office staff often travel to rural communities to meet with the victim in person. This provides an opportunity to assess their need for services, garner their input towards potential case status, and if necessary, prepare for trial. In-person contact has proven to be much more effective in building a trust relationship than communication by telephone or written notifications. Direct contact allows the victim to consult with the Assistant United States Attorney assigned to prosecute the case pursuant to the Crime Victims' Rights Act and provide the victim with a voice in the criminal process. The victim witness staff accompany and assist with these meetings.

When a federal criminal case reaches the prosecution stage of the criminal justice process, the victim is notified of the status of the case. Victims are notified of all case events through the Department of Justice Victim Notification System (VNS). They may be notified by letter and/or by calling the VNS automated call center. Notifications that may be made include the release or detention status of an offender pending judicial proceedings; the filing of charges against a suspected offender; the scheduling, including scheduling changes and/or continuances, of each court proceeding that the victim is either required to attend or entitled to attend; the acceptance of a plea of guilty or the rendering of a verdict after trial; the opportunity to present to the court in the presentence report a victim impact statement containing information concerning any harm, including financial, social, psychological and physical harm, done to or loss suffered by the victim of the crime; the date set for sentencing if the offender is found guilty; and the sentence imposed and entry of the victim into the Bureau of Prisons' Victim and Witness Notification Program.

Our victim witness program staff also provides personal support and assistance to victims and witnesses during court appearances and/or testimony. Each of our offices has a toll-free number to allow victims and witnesses to easily contact our victim/witness staff. When needed, referrals are provided to existing agencies for shelter, counseling, compensation, and other types of assistance services.

CONTACT INFORMATION

Sioux Falls Office 325 South First Avenue Suite 300 Sioux Falls, SD 57104	Pierre Office 225 South Pierre Street Suite 337 Pierre, SD 57501	Rapid City Office 515 Ninth Street Suite 201 Rapid City, SD 57701
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605-330-4400**605-224-5402****605-342-7822**

DEPARTMENT OF JUSTICE GRANTS

Award Title	Awardee	Amount	Program Office	Solicitation Title
Tribal Coalition with programming for the Tribal domestic violence and sexual assault programs in the northern Great Plains area	Native Women's Society of the Great Plains	\$450,000	OVW	OVW FY 17 CTAS Purpose Area 5: Violence Against Women Tribal Governments Program
South Dakota FY 17 John R. Justice Program	South Dakota Office of Attorney General	\$31,818	BJA	BJA FY 17 John R. Justice Grant Program
FY2017 DNA Capacity Enhancement and Backlog Reduction (CEBR) Program (formula)	South Dakota Office of Attorney General	\$282,379	NIJ	NIJ FY17 DNA Capacity Enhancement and Backlog Reduction (CEBR) Program (Formula)
FY17 Paul Coverdell Forensic Science Improvement Grants Program	South Dakota Office of Attorney General	\$108,332	NIJ	NIJ FY17 Paul Coverdell Forensic Science Improvement Grants Program (Formula)
State of South Dakota FY2017 Title II Formula Grant	South Dakota Department of Corrections	\$400,478	OJJDP	OJJDP FY 17 Title II Formula Award
South Dakota ICAC Task Force Program	South Dakota Office of Attorney General	\$243,938	OJJDP	OJJDP FY 17 ICAC Task Forces Invited Applications
OVC FY17: Building State Technology Capacity	South Dakota Department of Social Services	\$250,000	OVC	OVC FY 17 Vision 21: Building State Technology Capacity - Victim Compensation
OVC FY 17 VOCA Victim Compensation Formula	South Dakota Department of Social Services	\$81,000	OVC	OVC FY 17 VOCA Victim Compensation
OVW Fiscal Year 2017 STOP Formula Grant Program	South Dakota Department of Social Services	\$908,287	OVW	OVW FY 2017 STOP Formula Grant Program
OVW FY2017 Sexual Assault Services Formula Program	South Dakota Department of Social Services	\$350,955	OVW	OVW FY 2017 Sexual Assault Services Formula Program Solicitation
South Dakota FY2017 SMART - Support for Adam Walsh Act Implementation Grant Program	South Dakota Office of Attorney General	\$49,267	SMART	Adam Walsh Act Implementation Grant Program
Young Mothers Project	Lutheran Social Services of South Dakota	\$331,250	OJJDP	Category 2: Young Mothers and Their Children
State Domestic and Sexual Violence Project	South Dakota Coalition Ending Domestic and Sexual Violence	\$239,136	OVW	OVW FY 2017 State and Territorial Sexual Assault and Domestic Violence Coalitions Program
Rapid City Police Department and Pennington County Sheriff's Office Body Camera building trust and legitimacy grant.	Rapid City Police Department	\$300,000	BJA	FY 17 Body-Worn Camera Policy and Implementation Program: Implementation Or Expansion Of BWC Programs For Mid-Sized Agencies

Security Crystals: NIR-To-NIR Upconverting Nanoparticles for Fingerprint Identification and DNA Extraction	South Dakota School of Mines & Technology	\$841,307	NIJ	NIJ FY17 Research and Development in Forensic Science for Criminal Justice Purposes
Sisseton Wahpeton Tribal Government Domestic Violence & Family Support Program	Sisseton Wahpeton Oyate	\$414,376	OVW	OVW FY 17 CTAS Purpose Area 5: Violence Against Women Tribal Governments Program
White Buffalo Calf Women's Society Inc. Sicangu MVP	White Buffalo Calf Woman's Society	\$660,000	OVC	OVC FY 17 Supporting Male Survivors of Violence Invitation to Apply
Rosebud Sioux Tribe	Rosebud Sioux Tribe	\$899,994	OVW	OVW FY 17 CTAS Purpose Area 5: Violence Against Women Tribal Governments Program

CRIMINAL PROSECUTIONS

