



2018 ANNUAL REPORT

Ronald A. Parsons, Jr.
United States Attorney

United States Attorney's Office
District of South Dakota

Message from U.S. Attorney Ron Parsons



It is an honor to serve as the U.S. Attorney for the District of South Dakota, where our mission is to protect and serve the people of South Dakota through the vigorous and impartial enforcement of the laws of the United States.

Upon taking office on January 5, 2018, I pledged to do all that I could to implement this Administration's priorities to reduce violent crime, reinvigorate Project Safe Neighborhoods to target gun crimes, dismantle drug trafficking organizations, combat the opioid crisis, and reduce overdose deaths. Working hand in hand with our federal, state, local, and tribal law enforcement partners, we have been taking action and making progress on those goals.

From 2017 to 2018, our prosecution of gun crime cases increased by more than 50 percent. Drug trafficking prosecutions increased by 33 percent. This was possible in large part due to new resources provided by the Department of Justice, allowing us to add three new Assistant U.S. Attorneys (AUSAs) and additional support staff, as well as an increased focus on expanding our valuable partnerships with law enforcement agencies across the State.

Many of the new resources we have been given are specifically directed toward promoting public safety in Indian Country. The addition of new staff allowed us to transfer federal coverage of the Standing Rock Indian Reservation from Sioux Falls to our Pierre office, which is closer and will allow for better service. Another new AUSA position is dedicated to providing additional coverage for the Pine Ridge Reservation. Through an Indian Country Fellowship, part of the Attorney General's Honors Program, the Department of Justice has assigned an additional attorney to prosecute cases both in tribal court on the Pine Ridge Reservation and in federal court. And another DOJ program is funding an additional Special AUSA position to prosecute cases in tribal court on the Rosebud Indian Reservation and in federal court. We are grateful for these partnerships with Tribal governments.

A substantial grant awarded by DOJ to the South Dakota Division of Criminal Investigation has allowed for expansion of our joint drug task forces working to combat methamphetamine and other drug trafficking both in and outside of Indian Country. This Administration's opioid legislation has delivered substantial new funding to agencies across the state to help combat that crisis. Finally, the addition of a new AUSA to our Civil Division allows us to expand affirmative civil enforcement of federal laws, including laws regulating controlled substances. And we will now have at least one AUSA in the Civil Division stationed in each of our three district offices.

We are grateful to the Administration for this unprecedented expansion of federal resources into the District of South Dakota. We are determined to put them to optimal use. I have confidence that, with your help, we will succeed.

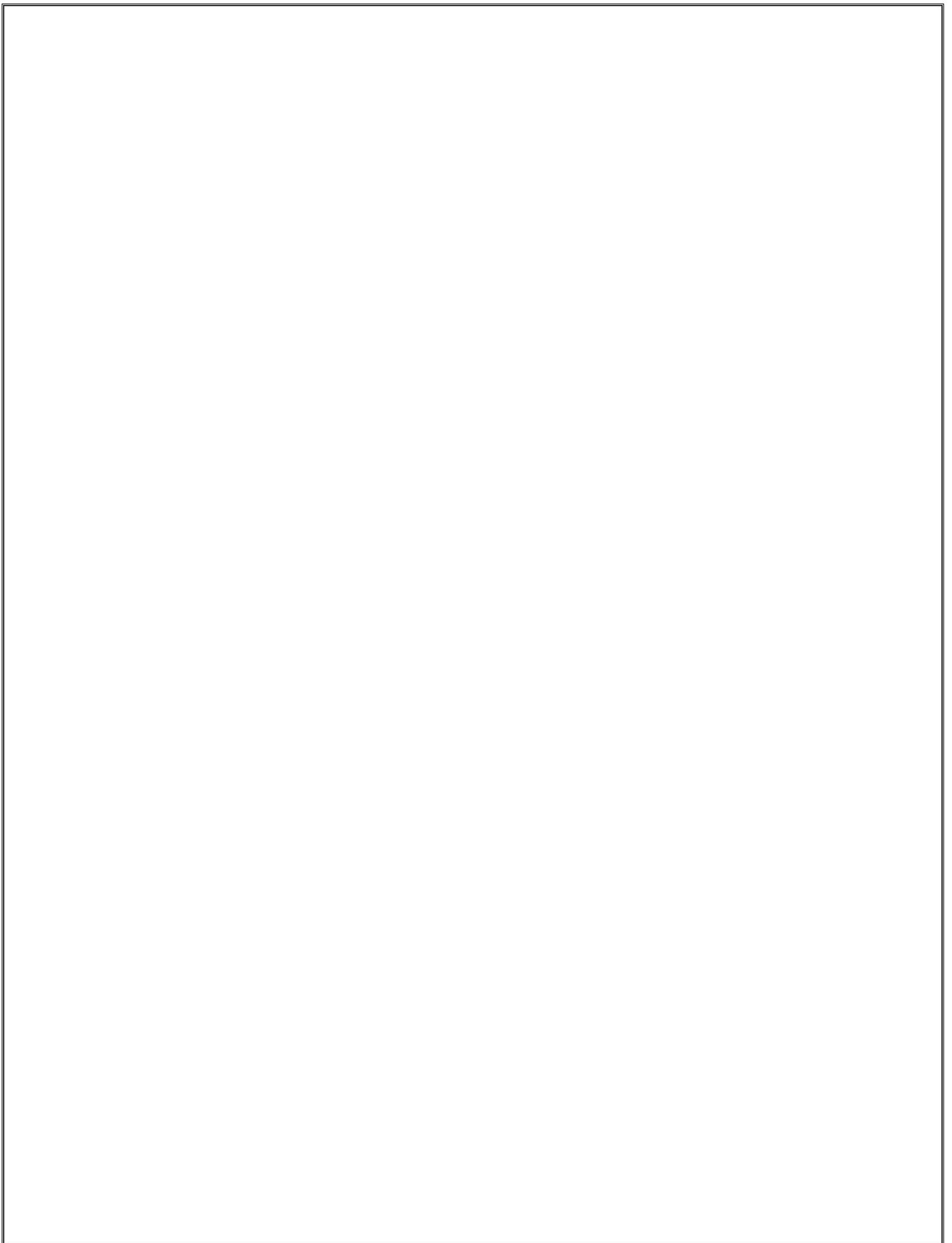
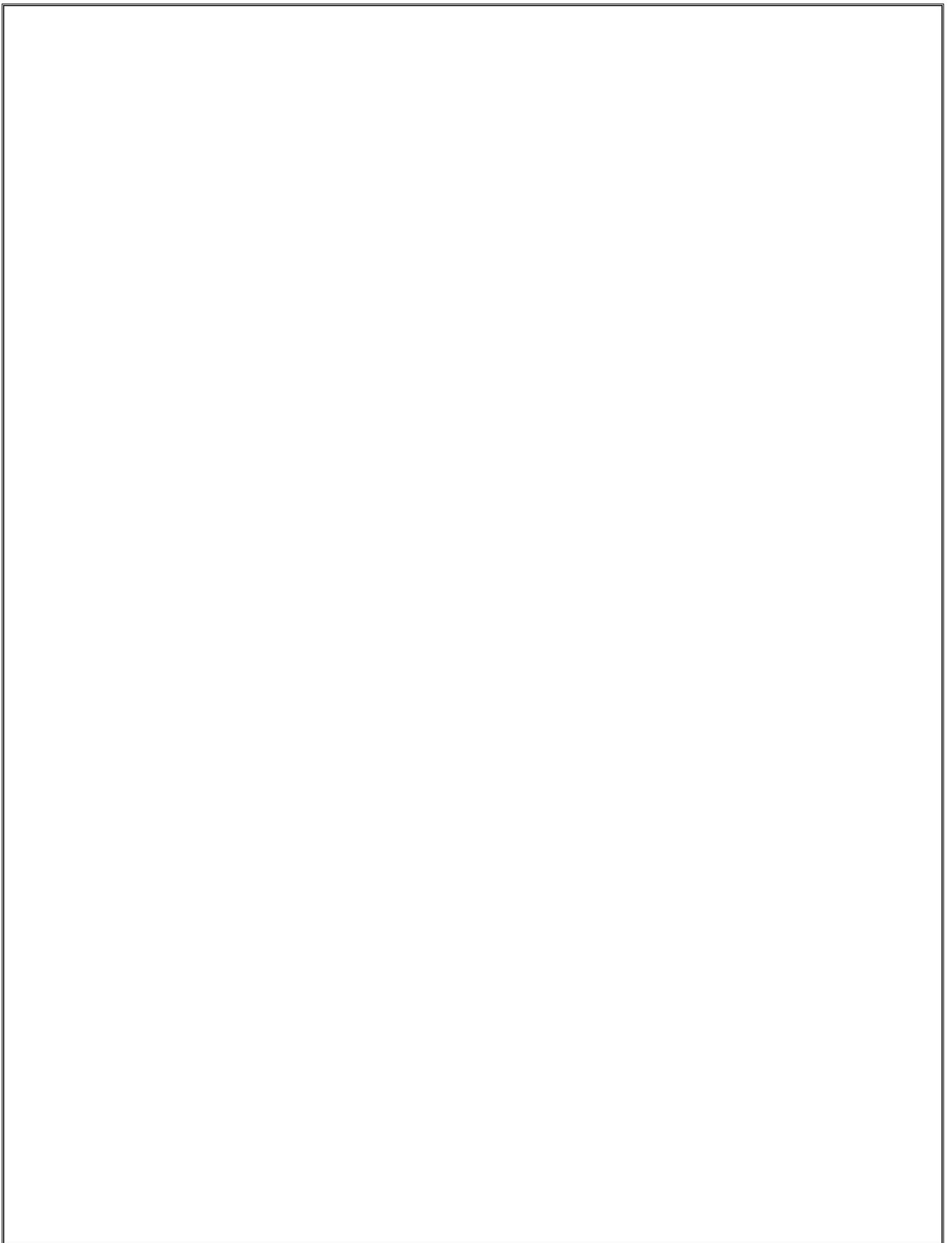


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INTRODUCTION



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 the 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).

Addressing the role of federal prosecutors at the Second Annual Conference of United States Attorneys held at the Department of Justice on April 1, 1940, Attorney General Robert Jackson famously remarked that "the citizen's safety lies in the prosecutor who tempers zeal with human kindness, who seeks truth and not victims, who serves the law and not factional purposes, and who approaches his task with humility."

UNITED STATES ATTORNEYS FOR THE DISTRICT OF SOUTH DAKOTA

WILLIAM E. GLEASON 1861	HENRY M. VALE 1861	JAMES CHRISTIAN 1865	GEORGE H. HAND 1866	WARREN GOWLES 1869	WILLIAM POUND 1872
HUGH J. CAMPBELL 1877	JOHN E. CARLAND 1885	WILLIAM E. PURCELL 1888	JOHN MURPHY 1889	WILLIAM E. STERLING 1890	EZRA W. MILLER 1893
JAMES D. EILLIOT 1897	WILLIAM G. PORTER 1907	EDWARD E. WAGNER 1907	CHARLES J. MORRIS 1913	ROBERT P. STEWART 1913	E.W. FISKE 1919
S. WESLEY CLARK 1921	OLAF EIDEM 1926	GEORGE PHILIP 1934	LEO P. FLYNN 1947	CLINTON G. RICHARDS 1953	HAROLD C. DOYLE 1961
WILLIAM F. CLAYTON 1969	DAVID V. VROOMAN 1977	ROBERT D. HIARING * 1978	TERRY L. PECHOTA 1979	JEFFREY L. VIKEN * 1981	PHILIP N. HOGEN 1981
KEVIN V. SCHIEFFER* 1991	TED L. MCBRIDE * 1993	KAREN E. SCHREIER 1993	TED L. MCBRIDE * 1999	MICHELLE G. TAPKEN * 2001	SCOTT A. ABDALLAH 2001
MICHELLE G. TAPKEN * 2002	JAMES E. MCMAHON 2002	MICHELLE G. TAPKEN * 2005	STEVEN K. MULLINS 2005	MARTY J. JACKLEY 2006	DENNIS R. HOLMES * 2009
BRENDAN V. JOHNSON 2009	RANDOLPH J. SEILER * 2015	DENNIS R. HOLMES * 2018	RONALD A. PARSONS, JR. 2018		

*Interim Appointment

YEAR IN REVIEW



Crow Creek Inauguration

On May 1, 2018, U.S. Attorney Parsons was a guest at the Crow Creek Sioux Tribe Inauguration for the Tribe's newly elected Chairman, Lester Thompson, Jr., and Tribal Council. The ceremony, held at the Crow Creek Tribal School, began with a processional honor song and presentation of the Color Guard by the Hunkpati Oyate Veterans. Chairman Thompson and the members of the Tribal Council were elected on April 19, 2018, to serve two-year terms.

- U.S. Attorney Parsons attended the Spring Conference of the South Dakota Police Chiefs' Association and South Dakota Sheriffs' Association held in Deadwood, South Dakota, on April 17-19, 2018. Dennis Holmes, Criminal Chief for the District, also represented the U.S. Attorney's Office at the conference. U.S. Attorney Parsons briefed the gathering of top local law enforcement officers on Department of Justice efforts to combat violent crime and drug trafficking, including the reinvigoration of Project Safe Neighborhoods and increased focus on prosecuting drug dealers responsible for overdose deaths. During the conference, several South Dakota law enforcement officers were honored for their bravery in the line of duty and other extraordinary efforts on behalf of the people they serve.
- The U.S. Attorney's Office hosted a roundtable discussion on Combatting Sexual Harassment in Housing on April 26, 2018, in conjunction with National Sexual Assault Awareness and Prevention Month. The event brought together local law enforcement, legal services providers, public housing authorities, and other non-profit organizations who work with South Dakota's vulnerable populations, specifically in the areas of housing, homelessness, and domestic violence. Participants discussed how they see such problems manifesting within the Sioux Falls area, and brainstormed ways in which local entities might collaborate to combat them.
- The South Dakota Law Enforcement Memorial Services were held in Pierre on May 16, 2018. U.S. Attorney Parsons and other members of the office attended the event. The Memorial began with a Wreath Laying Ceremony at the Capitol Lake Monument, followed by a memorial service at a local church. Chief Justice David Gilbertson of the South Dakota Supreme Court gave the Keynote Address, honoring the commitment, dedication, and sacrifice of law enforcement officers. Following the



Law Enforcement Memorial Event

keynote, a musical tribute to our fallen officers was presented. Sully County Sheriff Bill



USA Parsons at LE Memorial Event

Stahl, President of the South Dakota Sheriffs' Association, read the Roll Call of South Dakota law enforcement officers who have given their lives in the line of duty. Since 1791, more than 22,000 law enforcement officers across the United States have made the ultimate sacrifice. At least 69 line of duty deaths have occurred in South Dakota since Territorial days.

- On May 11, 2018, U.S. Attorney Parsons, Supervisory AUSA Gregg Peterman and others from the Rapid City USAO attended the Investiture of U.S. Magistrate Judge Daneta Wollmann. Judge Wollmann is the first person to serve in the newly created full-time federal magistrate position in the Western Division of the District of South Dakota.



Chief Judge Jeffrey L. Viken and United States Magistrate Judge Daneta Wollmann

- Timothy M. Maher, Supervisory Assistant U.S. Attorney for the District of South Dakota, was one of 58 individuals or group prosecution teams or administrative teams recognized for exceptional performance at the Department of Justice by Deputy Attorney General Rod Rosenstein, and Executive Office for U.S. Attorneys (EOUSA) Director James Crowell, IV at the 34th Director's Awards Ceremony in Washington D.C. on June 15, 2018. The District of South Dakota was one of 35 districts represented at the ceremony, which was held in the Great Hall at the Robert F. Kennedy Department of Justice Building.

Maher has been the Supervisor in the Pierre branch of the U.S. Attorney's office since March 2015. He has been an AUSA since the Fall of 2008. Throughout, he has provided



Tim Maher Award: L to R: Executive Office for U.S. Attorneys (EOUSA) Director James Crowell, IV; Deputy Attorney General Rod Rosenstein; Supervisory Assistant U.S. Attorney Tim Maher; U.S. Attorney Ron Parsons

exceptional contributions to the Department of Justice's efforts in Indian country, in his case handling, his leadership, training conducted, and in his outreach to our tribal partners. As branch supervisor, Maher currently leads a team of ten AUSAs and five support staff covering the Central third of the State. The majority of the case load consists of the prosecution of offenses occurring on the Rosebud Sioux Indian Reservation, Cheyenne River Indian Reservation, Crow Creek Indian Reservation, Lower Brule Indian Reservation, and Standing Rock Indian Reservation.

- U.S. Attorney Parsons, Civil Rights Coordinator-AUSA Alison Ramsdell, and AUSA Jeremy Jehangiri participated in the Sioux Falls Pride Festival on June 16, 2018, as part of its ongoing effort to increase awareness of the various civil rights protections available to South Dakotans under federal statute. The U.S. Department of Justice enforces a



Pride Festival

number of laws that prohibit various forms of discrimination in areas covering employment, education, housing, police practices, and other Department-funded programs.

- The 2018 Indian Country Conference: Offering Hope to Victims in the Spirit of Justice, was held in Bismarck, ND, on July 19-20, 2018, at the North Dakota Heritage Center. U.S. Attorney Parsons provided opening remarks, along with officials from the District of North Dakota. The conference offered several speakers on a variety of

topics, including Native Sexual Violence Victimology; Communication & Intervention - Knowing What to Say and How to Say It Matters; Building Effective Partnerships in Assisting Victims of Mass Casualty Incidents; and strategies for avoiding burnout.



Indian Country Conference in Bismarck, ND

The case presented for the mass casualty component was that of Dylan Roof, the convicted mass murderer in the shootings at the Emanuel African Methodist Episcopal Church in Charleston, South Carolina, on June 17, 2015. Presenting were an FBI agent and Victim Witness Specialist from Charleston, and Victim Witness Coordinator Marlys Big Eagle from the District of South Dakota, who assisted with the Charleston victims during the Roof trial.

- U.S. Attorney Parsons attended the Attorney General's Advisory Subcommittee on Native American Issues (NAIS) in Tulsa, Oklahoma from August 13-15, 2018. Mr. Parsons, who was appointed to the NAIS by former Attorney General Jeff Sessions, moderated a panel on Law Enforcement Resources in Indian Country. Troy Morley, Assistant U.S. Attorney and Tribal Liaison for the District of South Dakota, participated in a panel discussion on Cooperative Law Enforcement Models in Indian Country. The NAIS is made up of U.S. Attorneys from across the United States whose districts contain Indian country or one or more federally recognized tribes. The NAIS focuses exclusively on Indian country issues, both criminal and civil, and is responsible for making policy recommendations to the Attorney General regarding public safety and legal issues that affect tribal communities. The meetings provided an opportunity to discuss specific crime reduction strategies in Indian Country.

- U.S. Attorney Parsons joined Acting Associate Attorney General Jesse Panuccio and Office on Violence Against Women’s (OVW) Acting Director Katherine Sullivan at the 13th Annual Conference on Violence Against Women Tribal Consultation held at the Sioux Falls Convention Center on August 21-22, 2018.

The purpose of this annual Government-to-Government conference was to solicit recommendations from tribal leaders on enhancing safety and strengthening federal law enforcement efforts to combat crimes of domestic violence, dating violence, sexual assault, stalking and sex trafficking of American Indian and Alaskan Native women. In addition, the conference solicited recommendations on administering funds and programs for tribal governments established by the Violence Against Women Act (VAWA) and subsequent legislation.

The conference was hosted by the Great Plains Tribal Chairman’s Association. The U.S. Departments of Justice, Health and Human Services and the Interior, and tribal leaders of federally-recognized Indian Tribes from across the nation participated in the two-day event. Assistant U.S. Attorney Troy Morley and Tribal Liaison for the District of South Dakota, and Victim Witness Coordinator Marlys Big Eagle also attended the conference on behalf of the District of South Dakota.



OVW Tribal Consultation



SDPSN Delegation Press Conference

- The Department of Justice has a renewed emphasis on the Project Safe Neighborhood (PSN) initiative. In 2018, the District named AUSA Ben Patterson as its PSN Coordinator. The U.S. Attorney’s Office has selected Rapid City as a location of immediate concern in its PSN efforts. Through an established PSN task force, the USAO collaborates with key law enforcement and community partners to share intelligence and prosecute those who are driving violent crime and distribution of illegal drugs. The growth of methamphetamine and other drug trafficking, driven by violent Mexican drug cartels, is inflicting suffering on communities in every part of the state, and both the threat and actual instances of gun violence have been on the rise. It has become commonplace to find methamphetamine distributors and users in possession of firearms.

The U.S. Attorney's Office held a press conference in Rapid City on August 28, 2018, with federal, state, and local law enforcement partners, to discuss the reinvigoration of PSN, the function of the newly created Task Force, and recent prosecutions.

In further support of the PSN initiative, a South Dakota delegation attended the national PSN conference in Kansas City in December 2018, hosted by the Department of Justice and featuring addresses by President Donald J. Trump, Acting Attorney General Matt Whitaker, and former Attorney General John Ashcroft.



PSN Conference Delegation L to R: Kelsey Weber, Deputy State's Attorney, Pennington County; Riley Cook, ATF; Ron Parsons, USA; Ben Patterson; AUSA and PSN Coordinator; Chad Sayles, ATF Task Force Officer, RCPD

- The 2018 Staff Retreat was held in September at the Crazy Horse Memorial by Custer. The retreat included several speakers and presentations on a variety of topics. The Crazy Horse staff treated the retreat participants to a tour of the mountain carving. The final day included a presentation at the Journey Museum in Rapid City.



- In the largest increase in decades, the Department of Justice allocated 311 new Assistant U.S. Attorneys to assist in priority areas. The District of South Dakota was selected for two new AUSA's – Civil and Criminal. One of these additional AUSAs will focus on violent crime and one on civil enforcement of federal laws, including those regulating the use and

distribution of prescription opioids. In addition to these newly created positions, the District of South Dakota hired four new AUSAs in 2018, who will focus on prosecuting violent crime and drug crimes. The District is also hosting an Indian Country Fellow from the DOJ Honors program, who will devote two years to prosecuting crime both in federal court and in Tribal Court on the Pine Ridge Reservation.



Ryan Leaf and Denise Blomberg of Samaritan's Feet International

- The U.S. Attorney's Office, together with Avera Health, hosted a conference on "Addiction and Suicide: Communities in Crisis" on September 6, 2018, at the Sioux Falls Convention Center. The keynote speaker was Ryan Leaf, former NFL quarterback and collegiate football coach, who experienced addiction to prescription opioids and now is a strong and hopeful voice for recovery. More than 400 conference attendees also heard compelling stories from individuals who had personal or family experience with the tragedies of addiction, depression, and suicide.

U.S. Attorney Parsons moderated a panel on Drug Crisis Intervention and Prevention with Dr. Benjamin Aaker, Emergency Medicine Specialist with Avera Medical Group, Sioux Falls Police Chief Matt Burns, and Dr. Kenneth Snell, Minnehaha County Coroner and Medical Examiner. In addition, Janet Kittams, President of the Helpline Center, and J.R. LaPlante, Director of Tribal Relations at Avera, moderated panels on the topic of Suicide Crisis Intervention and Prevention in general and from a tribal perspective. This was the fifth annual conference sponsored by Avera and the U.S. Attorney's Office to explore issues of justice, well-being, and safety in our state and region.



U.S. Attorney Ron Parsons moderating panel

- U.S. Attorney Parsons attended the Rural and Tribal Elder Justice Summit in Des Moines, IA, on November 14-15, 2018. The Summit highlighted innovative practices, available resources, and ongoing initiatives to enhance the ability of elder justice professionals to more robustly respond to elder abuse and support victims in rural and tribal communities. As part of the event, U.S. Attorney Parsons moderated a panel discussion entitled *Showcasing the Strength of Tribal Communities*, which featured promising practices used by elder justice professionals in responding to elder abuse in tribal communities.
- In November 2018, U.S. Attorney Parsons joined the U.S. Department of Justice in announcing that the South Dakota Attorney General's Office was awarded a new \$1,029,958 federal grant to combat the illegal trafficking of methamphetamine in South Dakota.

The funds were awarded through the Community Oriented Policing Services Office (COPS) Anti-Methamphetamine Program as part of a \$7.2 million grant to law enforcement agencies in nine states (Indiana, Iowa, Kansas, Kentucky, Montana, Oklahoma, South Dakota, Tennessee, and Wisconsin) to support the investigation of illicit activities related to the manufacture and distribution of methamphetamine.

The grant to South Dakota is equal to the largest amount awarded to any state agency under this program.

COPS Anti-Methamphetamine Program

FY 2018 Overview

The COPS Office is pleased to announce the awarding of a total of \$7,241,531 in FY 2018 funding through the COPS Anti-Methamphetamine Program (CAMP) to the following states: Indiana, Iowa, Kansas, Kentucky, Montana, Oklahoma, **South Dakota**, Tennessee, and Wisconsin.

CAMP is a competitive grant program designed to advance public safety by providing funds to support the investigation of illicit activities related to the manufacture and distribution of methamphetamine. CAMP provides two years of grant funding directly to state law enforcement agencies in states with high seizures of precursor chemicals, finished methamphetamine, laboratories, and laboratory dump seizures for the purpose of locating and investigating illicit activities including precursor diversion, laboratories, and methamphetamine traffickers. Since 1998, the COPS Office has invested more than \$500 million nationwide to combat the spread of methamphetamine.

HONORING TED McBRIDE

With deep sadness and enduring respect, the U.S. Attorney's Office for the District of South Dakota mourned the passing of our friend and colleague Ted L. McBride. Ted passed away on December 16, 2018.



Ted L. McBride

In so many ways, Ted McBride was the true embodiment of a federal prosecutor. After clerking for U.S. District Judge Fred J. Nichol during his first year out of USD law school, Ted joined the U.S. Attorney's Office. He handled a wide array of cases ranging from assaults to large scale white collar crimes. Eventually, U.S. Attorney Phil Hogan named Ted as his First Assistant U.S. Attorney. Ted was the first person to ever hold that position in the District of South Dakota. In 1998, he was honored with the Director's Award for Superior Performance from the Executive Office for U.S. Attorneys.

Ted served as interim U.S. Attorney two different times. On the latter occasion, he was appointed by President Clinton in 1999 to replace outgoing U.S. Attorney Karen E. Schreier, who had been appointed to be a U.S. District Judge. Ted also served on a detail with the Office of Legal Education at the U.S. Department of Justice in Washington D.C. He eventually moved on to private practice in Rapid City, but then returned to prosecution, his first calling, as an Assistant U.S. Attorney and finally as a Deputy State's Attorney for Pennington County. Throughout his long and distinguished career, Ted took special pride and care in mentoring young attorneys, helping to hone their skills and promote their professional development.

"Among South Dakota prosecutors, no one was more beloved and respected than Ted McBride," said U.S. Attorney Ron Parsons.

"He was always a powerful advocate for the United States," said First Assistant U.S. Attorney and Criminal Chief Dennis Holmes, who worked alongside Ted for many years. "He mentored so many of us, in the law and in life. All who knew him were enriched by the experience."

Ted was honored with the Lifetime Achievement Award by the South Dakota State's Attorneys Association at a law enforcement dinner in Sioux Falls on November 8, 2017. Presenting the award to McBride was his former colleague, and current Pennington County State's Attorney, Mark Vargo. It was only the second Lifetime Achievement Award ever bestowed by the association.

The men and women of the U.S. Attorney's Office for the District of South Dakota pay tribute to their friend and colleague, Ted McBride. He is greatly missed.

CRIMINAL DIVISION

First Assistant U.S. Attorney Dennis Holmes is the Chief of the 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 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.



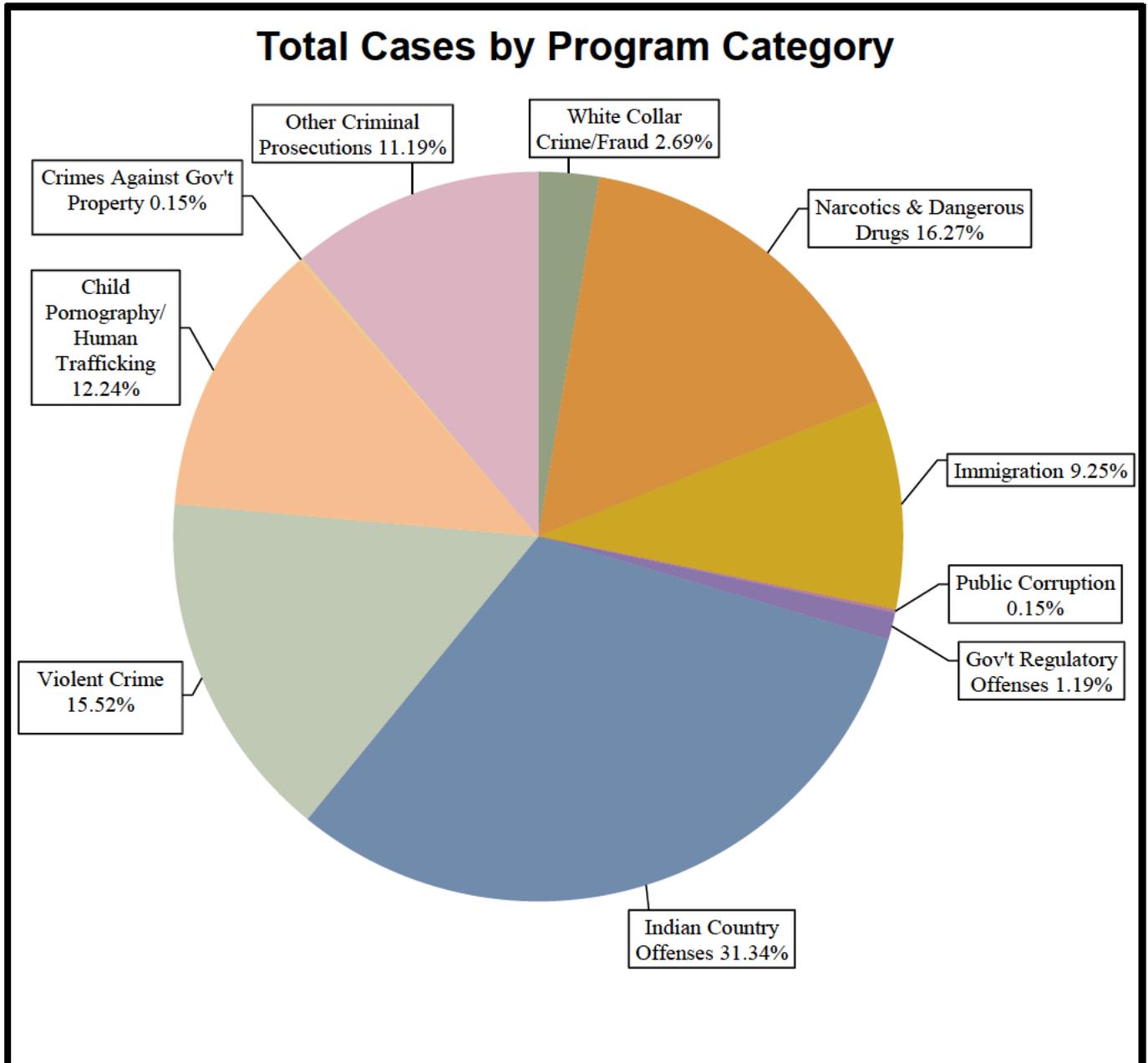
Figure 14 Courtroom in Rapid City, South Dakota

Twenty-three attorneys are assigned to the Criminal Division. This includes Criminal Chief Dennis Holmes and Deputy Criminal Chief John Haak, both in Sioux Falls, and two office supervisors, Gregg Peterman in Rapid City and Tim Maher in Pierre. AUSA Sarah Collins serves as the District's Senior Litigation Counsel in the Criminal Division. AUSA Troy Morley serves as the District's Tribal Liaison to the nine Tribal governments located in South Dakota. In addition, one attorney in the Division is assigned to the Organized Crime Drug Enforcement Task Force to handle major drug trafficking prosecutions. One attorney serves as the District's Project Safe Neighborhoods Coordinator focusing on federal gun crimes. One attorney in the Division serves as the District's anti-terrorism coordinator. One attorney and one auditor are assigned to healthcare fraud investigations.

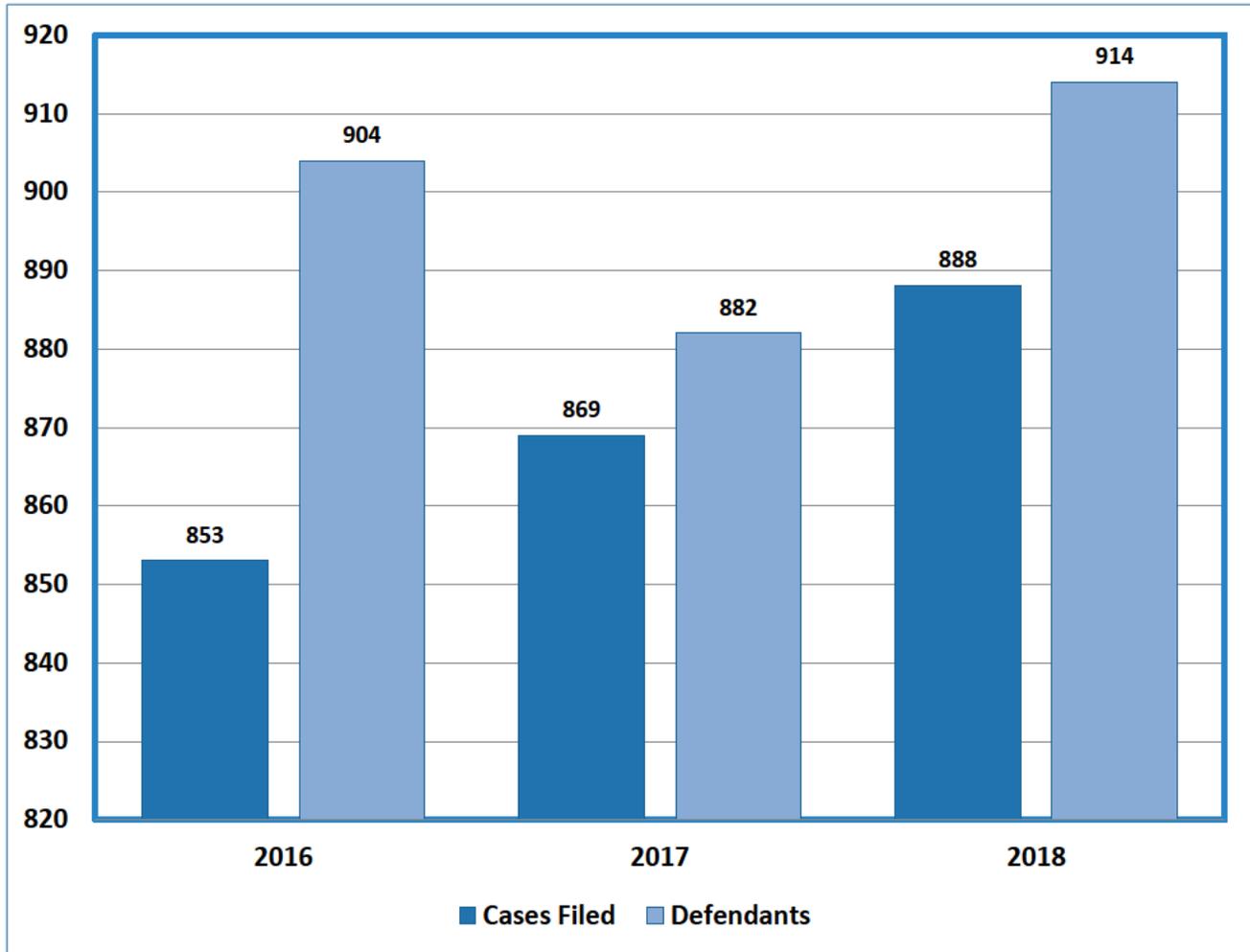
The District's asset forfeiture program is also assigned to the Criminal Division.

STATISTICAL HIGHLIGHTS

Criminal Caseload Statistics Total Cases Filed

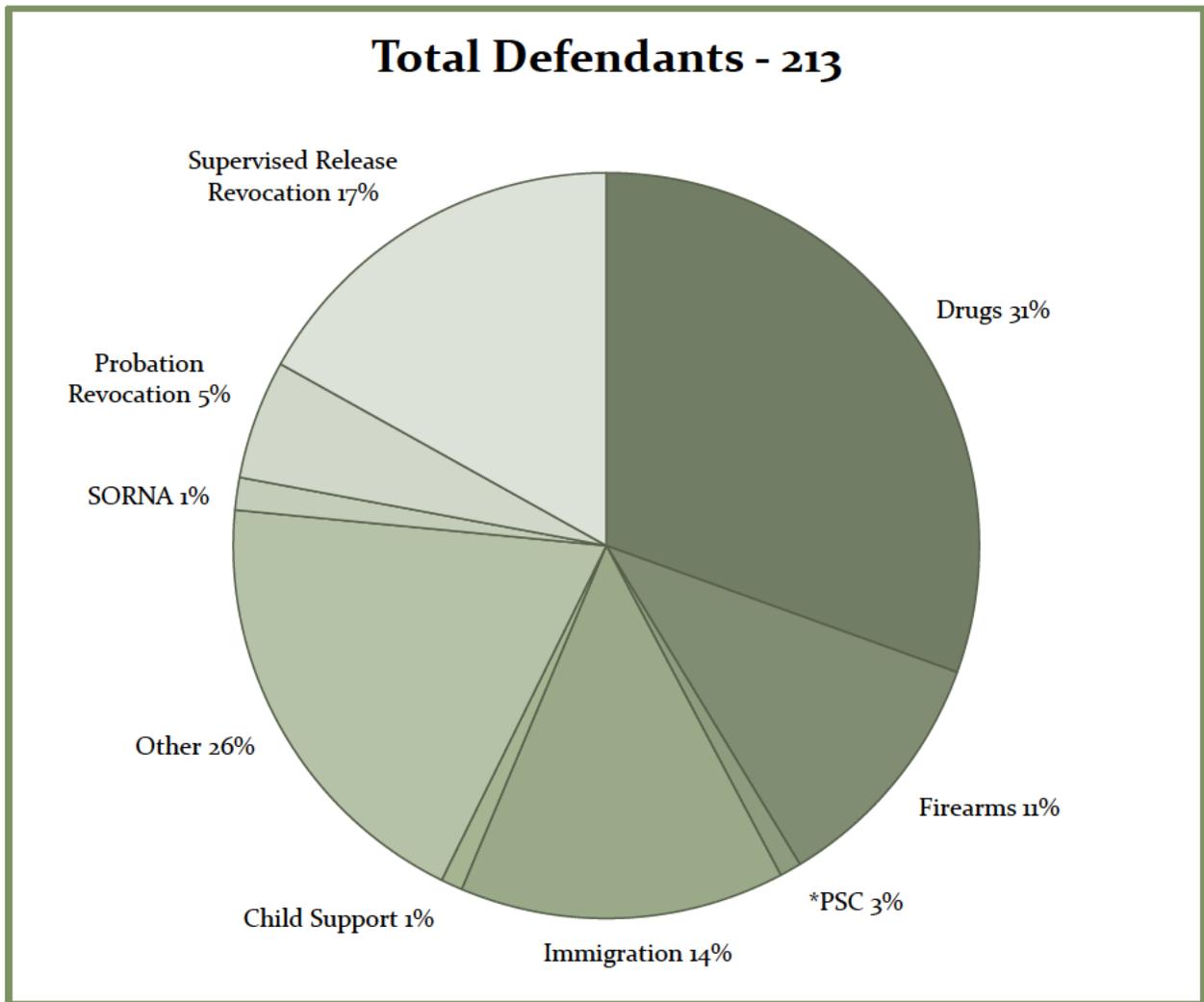


Cases & Defendants Filed Calendar Years 2016 - 2018¹



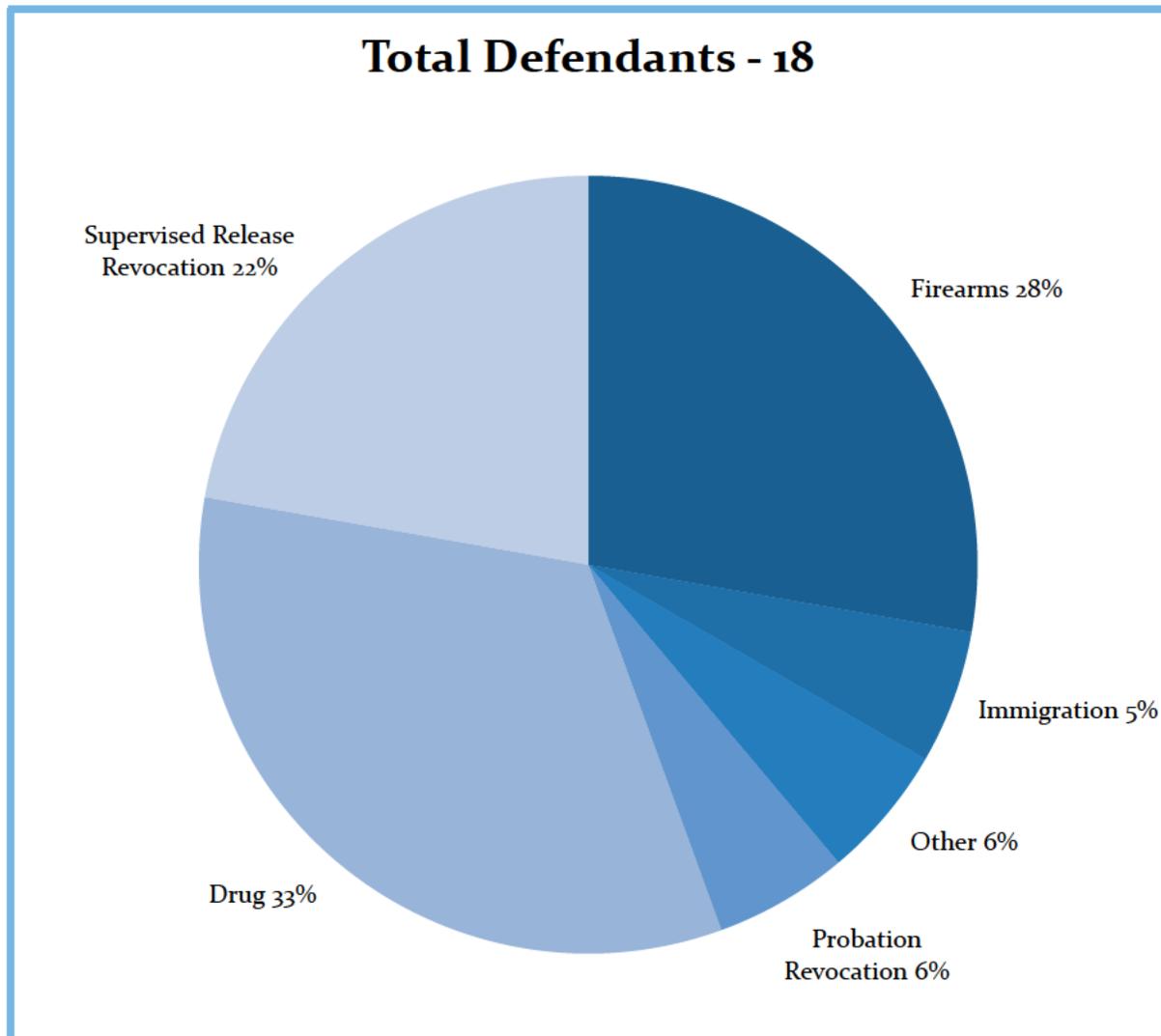
¹ Includes Revocations of Supervised Release and Probation

Federal Defendants by Offense (excluding Indian Country) Per Division Southern Division

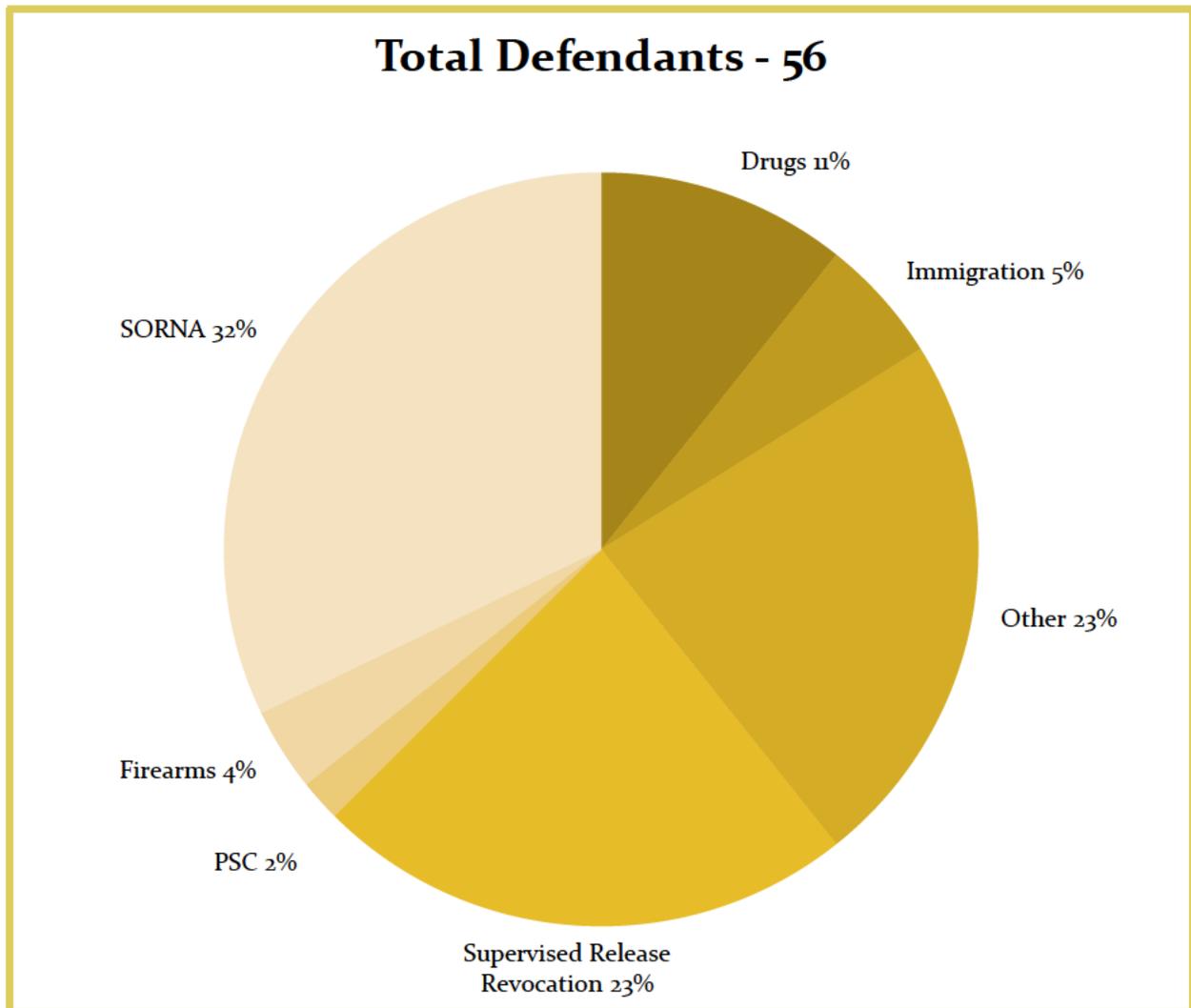


*PSC (Project Safe Childhood) includes all cases concerning child pornography, sex trafficking, human trafficking and obscenity.

Federal Defendants by Offense (excluding Indian Country) Northern Division

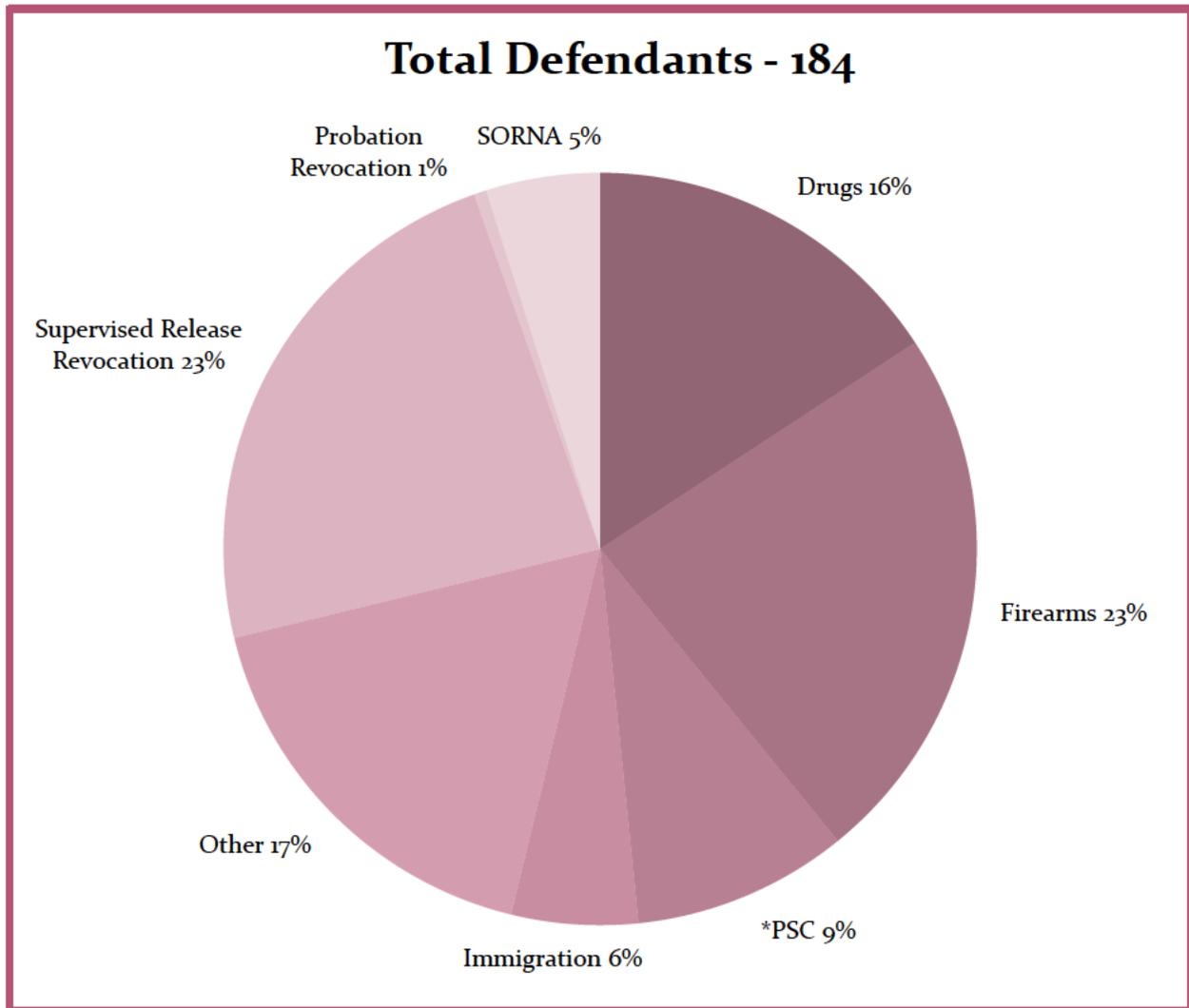


Federal Defendants by Offense (excluding Indian Country) Central Division



* SORNA (Sex Offender Registration Notification Act)

Federal Defendants by Offense (excluding Indian Country) Western Division



* SORNA (Sex Offender Registration Notification Act)

Significant Federal Cases

(Non-Indian Country)

Project Safe Neighborhood – Firearm/Drug Cases

United States v. Kathleen Head **Drug Trafficking, Firearms**

On June 7, 2016, law enforcement found Kathleen Head and her co-conspirator, Tyee Hiedeman, in a motel room in Sturgis, South Dakota. A search of a hotel room and the vehicle they were using produced 987 grams of methamphetamine, small amounts of marijuana and heroin, drug distribution and use paraphernalia, notebooks containing information related to drug transactions, and two firearms. Further investigation revealed Head was distributing methamphetamine in the northern Black Hills. On April 17, 2018, Head was sentenced to 10 years in federal prison. Head's co-conspirator, Tyee Hiedeman was previously sentenced in September 2017 to 97 months in federal prison.

United States v. Nathaniel Geiger **Firearms**

On February 22, 2017, Rapid City Police were attempting to execute an arrest warrant for Nathaniel Geiger after locating him in a vehicle in Rapid City. Geiger fled the scene and during a high speed pursuit threw a short barreled shotgun with an obliterated serial number out the window of his car. Geiger is prohibited from possessing firearms based on a prior felony conviction. Geiger pleaded guilty to a firearms related charge and, on March 8, 2018, Geiger was sentenced to 7 years in federal prison, followed by three years of supervised release.

United States v. William Andrews **Possession of a Firearm by a Prohibited Person**

On January 24, 2018, William Andrews was found by officers with the Rapid City Police Department and Pennington County Sherriff's Office hiding in a shed that had been made into a makeshift residence behind a home in Rapid City. Andrews was found to be in possession of a firearm, which he was not permitted to possess based on a prior felony conviction. Andrews was convicted at trial and, on October 9, 2018, was sentenced to 42 months in federal prison, followed by three years of supervised release.

United States v. Adam Peters, et al
Interference with Commerce by Robbery; Use and Brandishing a Firearm During the Commission of a Crime of Violence and Aiding and Abetting; and Conspiracy to Use or Brandish a Firearm During the Commission of a Crime of Violence

On November 22, 2017, Adam Peters, Matthew Wainman, and David Jackson, Jr., discussed and ultimately carried out the armed robbery of a convenience store located in Spearfish, South Dakota. Jackson provided the firearm to Peters, who then went into the convenience store, pointed the gun directly at the clerk and a customer, and demanded cash from the register. After taking the cash, Peters fled back to the vehicle and Wainman drove Peters and Jackson away. Peters, Jackson, and Wainman then dumped clothing and other items they used during the robbery. Jackson pleaded guilty to aiding and abetting the use and brandishing of a firearm during the commission of a crime of violence and, on December 3, 2018, was sentenced to 7 years in federal prison, followed by 3 years of supervised release. Peters pleaded guilty to interference with commerce by robbery and use and brandishing of a firearm during a crime of violence and, on December 18, 2018, was sentenced to 10 years in federal prison, followed by 5 years of supervised release. Wainman has pleaded guilty to aiding and abetting the interference with commerce by robbery and conspiracy to use and brandish a firearm during the commission of a crime of violence, and is awaiting sentencing.

United States v. Mark Reyna, Jr.
Felon in Possession of a Firearm

At 2:30 in the morning on November 30, 2017, a Sioux Falls police officer spotted Reyna riding a bicycle through a construction zone while carrying an assault rifle. The rifle was stolen and Reyna was prohibited from possessing any firearms because he was a convicted felon. Reyna was convicted of being a felon in possession of a firearm and sentenced to 3 years in federal prison, followed by 3 years of supervised release.

United States v. Austin Gengler
Possession of a Firearm by a Prohibited Person

Austin Gengler of Hawarden, Iowa, was sentenced to 67 months in federal prison, concurrent to a state sentence he is currently serving, to be followed by 3 years of supervised release. Gengler was indicted for Possession of a Firearm by a Prohibited Person by a federal grand jury on October 10, 2018. On May 8, 2018, law enforcement arrested Gengler for absconding parole. His vehicle was searched and a .410 gauge shotgun was located. On March 25, 2019, Gengler was sentenced for his conduct.

United States v. Shaun Condon
Prohibited Person in Possession of Firearm and Possession with Intent to Distribute

On May 25, 2017, a K9 officer with the Cheyenne River Sioux Tribe made contact with a vehicle. He found two persons, aged 17 and 19, inside the vehicle and could smell the strong odor of marijuana coming from inside. He spoke with the two occupants and they admitted they had marijuana. Officers seized 4.3 grams of marijuana, a smoking bong, and a grinder from the vehicle. The persons were interviewed by Narcotics Officers and they admitted to purchasing the marijuana from the defendant earlier that day at Condon's residence in Eagle Butte. Based on this information, a tribal search warrant for Condon's residence was obtained. Officers searched the home and found a black duffel bag in the laundry room that contained a large gallon Ziploc bag with marijuana, 4 Ball canning jars with marijuana, 2 boxes of sandwich bags, and 2 digital scales. Officers further recovered a 9mm Smith and Wesson pistol. Condon was sentenced to 2 years in federal prison, followed by 3 years of supervised release.

United States v. Zach Alto
Prohibited Person in Possession of Firearm and Possession of Methamphetamine

On July 12, 2017, officers with the Rosebud Sioux Tribe Narcotics Division made contact with the defendant and three others outside a residence at 2:00 AM in the midst of a drug transaction. Following a K9 alert and search of two vehicles, officers seized a black backpack and metal box containing plastic bags, pipes, syringes, just shy of 20 grams of methamphetamine, \$1,098 in cash, a scale, and two firearms, one of which was stolen. Alto was sentenced to 2 years in federal prison, followed by 3 years of supervised release.

United States v. Sean Stinson
Prohibited Person in Possession of Firearm

On August 28, 2016, Rosebud Sioux Tribe Law Enforcement officers made contact with the defendant and his passenger. Officers could smell the strong odor of burnt marijuana coming from the two men. Following a K9 alert on the vehicle, the defendant told an officer he had a pistol in the vehicle. The officers conducted a search of the vehicle. Inside they found two baggies containing marijuana, and a .45 caliber 1911 pistol with a loaded magazine. Stinson was sentenced to 21 months federal prison, followed by 2 years of supervised release.

United States v. Michael Mamola, et al
Conspiracy to Distribute a Controlled Substance

Beginning in April 2016, Michael Mamola and Timothy Conwell obtained methamphetamine for distribution in South Dakota. On several occasions, Mamola and Conwell, working together sold

methamphetamine to other individuals. Mamola would sell larger quantities, but would also give quantities of methamphetamine to Conwell to sell. Conwell, after selling the methamphetamine, would then return a portion of the money he received to Mamola. Both Mamola and Conwell pleaded guilty to Conspiracy to Distribute a Controlled Substance. On February 26, 2018, Conwell was sentenced to 71 months in federal prison followed by 5 years of supervised release. On June 29, 2018, Mamola was sentenced to 8 years in federal prison, followed by 5 years of supervised release.

United States v. Stuart Siecke, Dean Bourn, and Deon Hillard
Conspiracy to Distribute a Controlled Substance

On October 10, 2018, Stuart Harlon Siecke of Worthing, South Dakota, Dean Joseph Bourn of Vermillion, South Dakota, and Deon Lee Hillard of Minneapolis, Minnesota, were indicted by a federal grand jury in Sioux Falls for Conspiracy to Distribute a Controlled Substance. The three men are alleged to be part of a fentanyl distribution ring stretching from Minneapolis to Yankton, South Dakota. Hillard's federal indictment came while he was released on bond after being charged in Minnesota state court for causing a fentanyl overdose death.

United States v. Maurice Cathey and Corrod Phillips
Distribution of a Controlled Substance; Distribution of a Controlled Substance Resulting in Death; and Distribution Resulting in Serious Bodily Injury

On October 10, 2018, a superseding indictment was filed against Maurice Bellafonta Cathey, also known as "Short," and Corrod Leon Phillips, both of Sioux Falls, South Dakota, for Conspiracy to Distribute a Controlled Substance, namely heroin. Cathey also was charged with one count of Distribution of a Controlled Substance Resulting in Death and two counts of Distribution Resulting in Serious Bodily Injury. In addition, Phillips was charged with two counts of Distribution Resulting in Serious Bodily Injury. The defendants are alleged to have been heroin dealers responsible for numerous overdoses in the Sioux Falls area.

United States v. Sarah Bailey, a/k/a/ Sarah Johnson and Justin Johnson
Conspiracy to Distribute a Controlled Substance; Distribution of a Controlled Substance Resulting in Serious Bodily Injury; and Distribution of a Controlled Substance to a Person under Age 21

On October 23, 2018, a superseding indictment was filed against Sarah Bailey, also known as Sarah Johnson, and Justin Johnson, both of Rapid City, South Dakota, charging them with Conspiracy to Distribute a Controlled Substance, namely heroin. Bailey also was charged with Distribution of a Controlled Substance Resulting in Serious Bodily Injury and Distribution of a Controlled Substance to a Person under Age 21. In addition, Justin Johnson was charged with

two counts of Distribution of a Controlled Substance. It is alleged that these defendants were dealing heroin in Rapid City, and that Bailey provided the heroin that caused the overdose of a 15-year-old boy.

United States v. Alyssa Tuttle

Obtaining a Controlled Substance by Fraud

Alyssa Tuttle of Peever, South Dakota, was indicted by a federal grand jury for Obtaining a Controlled Substance by Fraud on September 5, 2018. It is alleged that on or about February 2, 2018, Tuttle knowingly and intentionally acquired and obtained hydrocodone, a Schedule II controlled substance, by misrepresentation, fraud, forgery, deception, and subterfuge in Watertown, South Dakota.

United States v. Darcy Hoff and Michael Cooper

Distribution of a Controlled Substance Resulting in Serious Bodily Injury

Michael Wayne Cooper and Darcy Ranee Hoff, both of Sioux Falls, South Dakota, were indicted by a federal grand jury on November 6, 2018, for Distribution of a Controlled Substance Resulting in Serious Bodily Injury. It is alleged these defendants were dealing fentanyl that resulted in the overdose of a victim in Sioux Falls.

United States v. Arrow Curry

Conspiracy to Distribute Methamphetamine

Arrow Curry was involved with a group of drug dealers in Rapid City who were receiving their methamphetamine through the mail from California. Law enforcement intercepted a package containing meth. Curry was involved in the conspiracy both selling meth and in an enforcement capacity. After trial in April 2017, Curry was convicted of Conspiracy to Distribute Methamphetamine. In June 2018, Curry was sentenced to 8 years in federal prison.

United States v. Dugan, Storms, Kindle, and Richards **Drug Conspiracy**

Multiple persons have been charged as part of a methamphetamine and heroin distribution conspiracy. They were being supplied by a male from Colorado and then selling the substances in western South Dakota. In 2018, four of the involved conspirators were sentenced to the following terms in federal prison: Jade Dugan to 135 months; Braden Storms to 180 months; Doug Kindle to 240 months; and Daniel Richards to 210 months. Remaining co-conspirators will be sentenced in 2019. One co-conspirator's case, the source from Colorado, remains pending trial.

United States v. Linda Pastian & Rudolph Engel
Conspiracy to Distribute Methamphetamine

The Unified Narcotics Enforcement Taskforce received information that Pastian was receiving pounds of methamphetamine from sources in Colorado and California. Law enforcement learned that Engel was on a trip to Colorado to pick up methamphetamine and was going to stop at Pastian's house with the drugs. After a search warrant for the house was executed, law enforcement arrested the two defendants. They located over \$70,000 in cash, 1.5 pounds of methamphetamine, and firearms. The defendants were charged with conspiracy to distribute a controlled substance. Pastian pleaded guilty, and was sentenced to 17.5 years in federal prison, followed by 5 years of supervised release. Engel pleaded guilty, and was sentenced to 10 years in federal prison, followed by 5 years of supervised release.

United States v. Sierra Bridwell
Conspiracy to Distribute over 50 Grams of Meth

Beginning in at least March of 2017, the defendant received distributable quantities of methamphetamine and distributed some of that methamphetamine in South Dakota with co-defendant Heideman. During the summer and fall of 2017, Cheyenne River Sioux Tribe officers recovered over 100 grams of meth from them. In addition, several individuals have admitted to buying large quantities of meth from the defendants. Bridwell was sentenced to 5 years in federal prison, followed by 4 years of supervised release.

United States v. Reymundo Saucedo, Ramiro Reyna, Martin Rios and Dakota Wright
Conspiracy to Distribute Methamphetamine

Reymundo Saucedo, Ramiro Reyna, Martin Rios, and Dakota Wright were involved in distributing more than 500 grams of methamphetamine, which was being shipped and delivered from southern Texas to South Dakota. All have entered guilty pleas, and all are scheduled to be sentenced in March and April 2019.

United States v. Shania Hofer
Distribution of a Controlled Substance Resulting in Serious Bodily Injury

On October 22, 2018, Shania Rose Hofer of Sioux Falls, South Dakota, pleaded guilty to Distribution of a Controlled Substance Resulting in Serious Bodily Injury. On April 23, 2018, Hofer knowingly and intentionally distributed a mixture and substance containing heroin to an individual in Sioux Falls. Later that day, the person used the heroin sold by Hofer and was found unconscious. First responders were unable to detect the victim's pulse and observed that

he was not breathing. They began to perform CPR and administered two doses of Narcan before he was revived. While at the scene, law enforcement collected a syringe found next to the victim that tested positive for both heroin and fentanyl. But for the use of the heroin provided by Hofer, the victim would not have stopped breathing, which caused a substantial risk of death. Hofer was sentenced to 20 years in federal prison.

United States v. Cory Poelstra
Conspiracy to Distribute a Controlled Substance

On October 31, 2018, Cory Michael Poelstra of Yankton, South Dakota, pleaded guilty to a Superseding Information that charged him with Conspiracy to Distribute a Controlled Substance, namely fentanyl. During his involvement in the conspiracy, Poelstra ordered fentanyl from the "Dark Web" and had it shipped to Yankton. He then sold fentanyl to various customers in South Dakota. He also was aware that some of his fentanyl customers were reselling it to others.

United States v. John Edward Monette
Conspiracy to Distribute a Controlled Substance

John Edward Monette of Sioux Falls, South Dakota, was convicted of Conspiracy to Distribute a Controlled Substance on November 15, 2018. On April 25, 2018, a federal search warrant was executed on Monette's residence. Law enforcement officers seized approximately 838 grams of MDMA, numerous ecstasy pills, approximately 69 grams of cocaine, drug packaging, scales, shipping materials, computers, cell phones, and a rifle. Also seized were 3.3882104 Bitcoin (approximate value \$32,464.38) from a Mycelium wallet on Monette's cell phone. Monette had been buying MDMA and other controlled substances from sellers in Europe and elsewhere via the Dark Web. He used Bitcoin to pay his suppliers, and received the drugs via mail. He also used the mail to deliver drugs to his customers.

United States v. Troy Adolfson
Distribution of a Controlled Substance

On November 14, 2018, Troy Edward Adolfson, now of Pella, Iowa, pleaded guilty to Distribution of a Controlled Substance in violation of federal law. Between January 9 and April 17, 2017, Adolfson, then a licensed physician in Aberdeen, South Dakota, illegally distributed oxycodone to others by writing prescriptions for oxycodone pills to a coworker, who would get the prescriptions filled and give Adolfson the pills. Adolfson would give the coworker some of

the pills and cash for getting the prescription filled. He made the same arrangement with two other people, and estimates that he illegally prescribed 1,400 pills of oxycodone in this manner.

United States v. Devlin Tommeraasen
Conspiracy to Distribute a Controlled Substance

On November 16, 2018, Devlin Tommeraasen of Harrisburg, South Dakota, pleaded guilty to Conspiracy to Distribute a Controlled Substance. As part of his involvement in the conspiracy, Tommeraasen purchased heroin from co-conspirators and sold it in the Sioux Falls area. He accompanied a co-conspirator on a trip from Sioux Falls to Minneapolis and back to purchase heroin for distribution in the Sioux Falls area.

United States v. Landon Quenzer
Conspiracy to Distribute Methamphetamine

Landon Quenzer was involved in distributing methamphetamine in the Aberdeen area for over a year. Law enforcement tracked a shipment of methamphetamine coming from out-of-state destined for Quenzer's operation. On November 28, 2017, law enforcement stopped the car on Interstate 29 and seized 5 pounds of methamphetamine. Quenzer was convicted of conspiracy to distribute methamphetamine. He was sentenced to 20 years in federal prison, followed by 10 years of supervised release.

United States v. Alvin Felicianosoto
Conspiracy to Distribute Methamphetamine

In July 2018, Felicianosoto was sentenced to 17.5 years in federal prison for conspiracy to distribute 500 grams or more of a mixture and substance containing methamphetamine, and possession with intent to distribute 50 grams of methamphetamine. Felicianosoto was found guilty of both counts after a three-day jury trial in February 2018. Witnesses at trial testified that Felicianosoto was in possession of approximately 214 grams of meth in his home and on his person, and that he was also responsible for distributing several pounds of meth in Sioux Falls.

United States v. Orlando Dones-Vargas
Conspiracy to Distribute Methamphetamine

In July 2018, Orlando Dones-Vargas was sentenced to 19.5 years in federal prison for conspiracy to distribute 500 grams or more of methamphetamine and possession with intent to distribute five grams of methamphetamine. Dones-Vargas was found guilty on both counts after a jury trial in January 2018. Witnesses testified that Dones-Vargas was responsible for the distribution of multiple pounds of methamphetamine in the Sioux Falls area. Shortly before the

trial, law enforcement located an apartment he secretly rented that contained approximately two kilograms of meth and four loaded handguns in a child's bedroom.

United States v. Todd Wiedmeier
Conspiracy to Distribute Methamphetamine

Todd Wiedmeier from Yankton, South Dakota, was sentenced to 20 years in federal prison for his role in a conspiracy to distribute 500 grams or more of methamphetamine. Wiedmeier was indicted based on his role in the previously indicted "Operation Crankton" case, in which law enforcement targeted a drug organization responsible for distributing multi-pound quantities of methamphetamine in Yankton, and other southeastern South Dakota communities. Wiedmeier was indicted for his role in the conspiracy on November 7, 2017. He was sentenced on August 27, 2018.

United States v. Andy Ontiveros
Drug Trafficking

Andy Ontiveros from Minneapolis, Minnesota, was sentenced to 151 months in federal prison, followed by 5 years of supervised release for his role in transporting heroin and fentanyl through South Dakota. Ontiveros came into contact with law enforcement while parked in his vehicle on the shoulder of I-29 on May 28, 2018. Subsequently, he consented to a search of his vehicle. While searching, law enforcement found 2,680 grams of heroin and 993 grams of fentanyl hidden in the vehicle. On January 14, 2019, he was sentenced for his conduct. This was the largest combined seizure of heroin and fentanyl in South Dakota history.

United States v. Tyler Woodraska, Trevor Harden, Rodney Rohrbach, Sr., Rodney Rohrbach, Jr.
Fentanyl Trafficking

Four South Dakota fentanyl dealers convicted of Conspiracy to Distribute a Controlled Substance were sentenced. Tyler Wayne Woodraska of Oacoma, South Dakota, was sentenced on October 15, 2018, to 63 months in federal prison, followed by three years of supervised release. Trevor Robert Harden of Chamberlain, South Dakota, was sentenced on April 30, 2018, to 108 months in federal prison, followed by three years of supervised release. Rodney Scott Rohrbach, Sr., a/k/a "Scott" of Chamberlain was sentenced on August 20, 2018, to 84 months in federal prison, followed by three years of supervised release. Rodney Scott Rohrbach, Jr., a/k/a "Bubba" of Chamberlain was sentenced on July 30, 2018, to 97 months in federal prison, followed by three years of supervised release. The convictions stem from incidents ending on or about June 19, 2017, when the defendants knowingly and intentionally conspired with others to

acquire fentanyl and cyclopropylfentanyl, both Schedule II controlled substances, using the “Dark Web” and distribute it in South Dakota.

United States v. Justin Morales **Meth Trafficking**

Justin Morales, from Wichita, Kansas, and others were intent on expanding their illegal methamphetamine operation to South Dakota. Morales sold methamphetamine to a police operative on two different occasions and on September 22, 2016, police caught him and two accomplices with two pounds of methamphetamine and a Glock semi-automatic pistol. Morales was convicted and sentenced to 20 years in federal prison, followed by 10 years of supervised release.

Project Safe Childhood Cases

United States v. Maksim Stefanyuk

Maksim Stefanyuk, of Sioux Falls, South Dakota, was convicted of distributing child pornography and failing to register as a sex offender. This was his second federal conviction for possession of child pornography, as Stefanyuk had previously pleaded guilty to possession in 2014. Upon his release from custody in 2016, he registered as a sex offender, but claimed to live across the state border in Minnesota. After officers with the South Dakota Internet Crimes Against Children Task Force downloaded child pornography from Stefanyuk from a location in Sioux Falls, they obtained a search warrant. Not only did they discover child pornography on his computer, but also that he had been living in Sioux Falls without registering as a sex offender. Stefanyuk went to trial and the jury convicted him of all counts. He was sentenced to 262 months in federal prison.

United States v. James Sides

James Sides was charged in March 2017 for Attempted Enticement of Minor Using the Internet and for Receipt and Possession of Child Pornography. Sides fantasized about sexual encounters with very young children and their parents. He placed ads on several websites setting forth those fantasies, catching law enforcement agents’ attention. Sides communicated over a period of time, ultimately negotiating for sex with a 14-year-old girl and appearing at the meeting location. He was sentenced to 20 years in federal prison, followed by 20 years of supervised release.

United States v. Chance Williams

Chance Garrett Williams repeatedly molested his step-daughter starting when she was 5 years old and continuing until she reported at 8 years old. During his molestation, Williams produced pornographic images of the victim. Williams also produced child pornography of two additional, very young relatives, distributing at least one of those images to another offender. He was sentenced to 30 years in prison on each count of Production of Child Pornography, to run consecutively for a total of 60 years in federal prison, followed by a lifetime of supervised release.

United States v. Waylon Block

Waylon Block, a previously registered sex offender, was sentenced to 20 years in federal prison, followed by 20 years supervised release for his prolific receipt, distribution, and possession of images of child pornography. His collection of images included very young children enduring the most unimaginable types of abuse.

White Collar/Fraud Cases

United States v. Brent Bednarz **Bank Fraud and Tax Evasion**

Between 2008 and 2013, Brent Bednarz was employed as the general manager of Rapid Motors, LLC, a car dealership located in Rapid City. Between 2010 and 2013, Bednarz employed fraudulent practices in order to steal more than one million dollars belonging to Rapid Motors. Bednarz created a scheme whereby he sold vehicles owned by Rapid Motors to Cars R Us, another car dealership in Rapid City, and had the checks for the sales of those vehicles made to him personally. In order to conceal the fraud and theft from Rapid Motors, Bednarz created false, fictitious, and fraudulent sales invoices to be entered in Rapid Motors' financial statements. Bednarz also stole money from Rapid Motors by knowingly overpaying an advertising firm and then having the overpayment paid personally to him rather than Rapid Motors. In each instance, Bednarz knowingly took the money he knew belonged to Rapid Motors for his own personal use and benefit. While committing this fraudulent scheme, Bednarz caused materially false financial statements to be sent to Converse County Bank, which held a security interest in Rapid Motors' vehicle inventory. Bednarz knew the financial statements were false in that they omitted the sales of vehicles Bednarz sold to Cars R Us in which Bednarz diverted the proceeds of the sales for his own personal benefit, and contained inflated advertising expenses for which Bednarz personally received kickback payments.

Bednarz pleaded guilty to Bank Fraud and Tax Evasion. On July 9, 2018, Bednarz was sentenced to 115 months in federal prison, 5 years of supervised release, and ordered to pay \$1,050,238.64 in restitution on the Bank Fraud conviction, and \$490,873.00 in restitution on the Tax Evasion conviction.

United States v. Kevin S. Lewis
Theft from a Program Receiving Federal Funds

Between August 2014 and June 2017, Kevin S. Lewis, as the Managing Attorney for Dakota Plains Legal Services (“DPLS”) in Pine Ridge, South Dakota, submitted vouchers for payment to Bennett County and Jackson County on behalf of DPLS for payments rightfully belonging to DPLS. After submitting the vouchers, Lewis knowingly did not remit the payments to DPLS and instead kept the vouch payments, totaling \$24,857.75, and converted them to his own use and benefit. Lewis pleaded guilty to the offense and was sentenced on August 14, 2018, to 1 year in federal prison and ordered to pay \$20,128.60 in restitution.

United States v. Wallace Tang, Laserlith Corp, Black Hills Nanosystems Corp., and Blue Sky Engineering, Inc.
Wire Fraud & Conspiracy

Wallace Tang, age 55, of Alamo, California, pleaded guilty to Wire Fraud and three Bay Area corporations pleaded guilty to Conspiracy to Commit Wire Fraud. Laserlith Corporation, Black Hills Nanosystems Corporation, and Blue Sky Engineering, Incorporated, entered their guilty pleas by and through Tang, and two other corporate representatives. As part of the plea agreements filed with the Court, the defendants paid restitution totaling \$1,084,418.60. The restitution was paid before the time each defendant appeared to plead guilty. The amount of criminal restitution represents the monies derived from the defendants’ fraudulent conduct perpetrated against the National Aeronautics and Space Administration (“NASA”), the National Science Foundation (“NSF”), and the Department of Energy (“DoE”).

The defendants applied for and received federal awards for essentially equivalent work, or portions thereof, concealing the existence of the awards and the relationships between related companies from the awarding agencies. During the application process, the defendants misrepresented the existence and use of distinct company facilities, equipment, and operations in South Dakota and North Dakota, and elsewhere outside of California. These representations and statements were false in that all of the companies were co-located in a common facility in Richmond, California, sharing the same resources and performing essentially equivalent work,

or portions thereof. The defendants' fraudulent conduct included the preparation and submission of proposals for awards under the NSF, NASA, and DOE programs, specifically involving costs, employees, the eligibility of principal investigators, suitability of facilities, location of facilities, subcontractors, consultants, letters of support, and certifications submitted to NSF, NASA, and DOE. As a result of the defendants' conduct, fraudulently-obtained NSF, NASA, and DOE contracts were awarded, totaling \$1,084,418.60 between Blue Sky Engineering, Black Hills Nanosystems, Laserlith, and others.

United States v. Jacques Eviglo, d/b/a Global Income Tax Services
Wire Fraud, False Claims

Jacques Eviglo did business as Global Income Tax Services, located in Sioux Falls. He prepared and electronically filed federal income tax returns for clients. Eviglo claimed large, false itemized deductions on hundreds of those returns. These false deductions were used to lower the federal tax liability on the returns and falsely inflate the refund amounts. The clients did not provide Eviglo with the false information he submitted to the United States government. Eviglo then utilized a third party company as an intermediary to receive and disburse his clients' federal income tax refund payments, instead of having the payments directly deposited into his clients' bank accounts. Unbeknownst to his clients, Eviglo skimmed additional "fees" from those refund payments. Eviglo kept the skimmed portion for himself. On August 28, 2018, after a five-day jury trial, Eviglo was convicted on all counts. On January 4, 2019, Eviglo was sentenced to 9 years in federal prison on the wire fraud counts and 5 years on the false claim counts, to be served concurrently, followed by 2 years of supervised release. Eviglo was ordered to pay restitution in the total amount of \$2,543,286.41. Eviglo's appeal is pending.

United States v. Brandy Scholl, Brande Black, Brittany Hockett, Vanessa Carr, Wakinyan Gay, and Cornell Butler
Conspiracy to Commit Bank Fraud, Bank Fraud, Theft or Receipt of Stolen Mail Matter

Brandy Scholl, Brande Black, Brittany Hockett, Vanessa Carr, Wakinyan Gay, and Cornell Butler participated in a conspiracy to defraud banks in the Sioux Falls area. One or more of the co-conspirators stole legitimate checks from the unsecured mailboxes of various individuals and businesses, altered the stolen checks by removing some of the original information regarding the payee and the payment amount of the checks, added fraudulent payee information and fraudulent payment amounts, and then presented the checks to various banks for negotiation. Each co-defendant pled guilty. On September 24, 2018, Brande Black was sentenced to 18 months in federal prison and 5 years of supervised release. On October 22, 2018, Wakinyan Gay was sentenced to 18 months in federal prison and 5 years of supervised release. Gay was

ordered to pay \$11,135.90 in restitution. On December 10, 2018, Cornell Butler was sentenced to time served and 5 years of supervised release. Butler was ordered to pay \$3,093.13 in restitution. On December 27, 2018, Vanessa Carr was sentenced to time served and 3 years of supervised release. On January 28, 2019, Brandy Scholl was sentenced to 41 months in federal prison and 4 years of supervised release. Scholl was ordered to pay \$32,189.07 in restitution. On April 12, 2019, Brittany Hockett was sentenced to time served and 4 years of supervised release. Hockett was ordered to pay \$17,110.04 in restitution.

United States v. Kiana Diaz and Niquoya Standeven
Conspiracy to Possess Counterfeit Access Devices; Possession of Counterfeit Access Devices

Kiana Diaz and Niquoya Standeven traveled to Brookings from the Atlanta, Georgia, area and attempted to purchase laptop computers from the South Dakota State University bookstore using fraudulent credit cards. Diaz and Standeven were in possession of 26 counterfeit and fraudulent credit cards. Diaz and Standeven each pled guilty. On July 27, 2018, Niquoya Standeven was sentenced to 6 months in federal prison, to be followed by 2 years of supervised release. On July 30, 2018, Kiana Diaz was sentenced to 6 months in federal prison, to be followed by 2 years of supervised release.

United States v. Kyle Stalder
Identity Theft and Mail Theft

Kyle Stalder was convicted of mail theft and identity theft, after stealing mail from mailboxes in the Sioux Falls area, and using the information and items contained therein to commit credit card fraud. He was sentenced on January 14, 2019, to 33 months in custody, consecutive to sentences he is serving in the state prison system.

United States v. Roger Kappel
Wire Fraud

Roger Kappel stole more than \$600,000 from the retirement account of his father-in-law. He was charged with wire fraud, entered a guilty plea, and was sentenced on September 10, 2018, to 33 months in federal prison and ordered to pay restitution of more than \$500,000.

United States v. Daphne Janis
False Statements Relating to Health Care Matters, Obtaining Controlled Substances by Fraud, and Using a Communications Facility to Commit a Felony

Daphne Janis was found guilty by a federal jury of False Statements Relating to Health Care Matters, Obtaining Controlled Substances by Fraud, and Using a Communications Facility to

Commit another Felony. Evidence at trial established that between March 2016 and April 2017, Janis obtained Tramadol and health care services by failing to inform medical providers of previous active controlled substance prescriptions through fraud and deception. Janis acquired in excess of 3,500 Tramadol pills, over half of which were acquired by fraud. She was sentenced to 5 months in custody.

Environmental

Project Dakota Flyer

Following a two year undercover operation, 31 defendants have been indicted and 25 defendants have been sentenced for the illegal trafficking in eagle and other migratory birds and bird parts in violation of the Lacey Act, Bald and Golden Eagle Protection Act, and Migratory Bird Treaty Act. Sentences have ranged from probation to 18 months in custody. Total fines assessed is \$33,500 and total restitution ordered is \$187,150.

Defendants include both Native Americans and Non-Native Americans who were selling numerous eagle and other migratory birds on the black market. Undercover individuals, working with U.S. Fish & Wildlife Service agents, purchased numerous eagle feathers, wings, tails, talons, and heads for thousands of dollars in cash. They also purchased hawk, owl, and other migratory bird feathers, wings, tails, and talons for hundreds of dollars in cash. Evidence recovered includes species from every continent in the world except Antarctica.

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 transactions were not sacred or religious in nature. The items were sold for money.

United States v. Kevin Mast **Wetlands Violation**

A 61 year-old farmer in Brookings County was found guilty by a jury of disturbing protected wetland areas on his property. In 1973, the U.S. Fish & Wildlife Service purchased an easement for waterfowl management rights. The easement prohibited the drainage of any wetland areas on the property without permission. In 2010, U.S. Fish & Wildlife notified Kevin Mast that his plan to install drain tile conflicted with the protected wetlands and was not authorized. Despite the warning, Mast installed the drain tile in the fall of 2013. The sentence imposed by the Court

requires Mast to restore all six protected wetland areas on his property. Mast's appeal is pending.

Interstate Threatening Communications

United States v. Graham Garnos

In 2007, the Lyman County Sheriff arrested the defendant on felony drug charges. Since that time, there has been longstanding hostility by the defendant towards the Sheriff, his family, and various members of the defendant's family. Over the last few years, the defendant has left voicemail messages, sent e-mails, and posted messages on Facebook and YouTube, all discussing his hostility towards the Sheriff.

On February 22, 2015, the defendant called the cell phone of the victim. He called from the same number he had always called from and it showed up on the victim's caller ID. The victim did not answer. Garnos left an approximately 5 minute voicemail to the victim where he mentioned her husband, the Sheriff, and then proceeded to threaten her with harm. The defendant did transmit, from Pennsylvania where he was residing at the time, in interstate commerce this phone call to the victim in South Dakota. The defendant was sentenced to 37 months in federal prison, followed by 3 years of supervised release.

Internet Crimes

United States v. Danny Vincent **Cyberstalking**

A 32 year-old man from Council Bluffs, Iowa, pled guilty to cyberstalking and failure to pay child support and was sentenced to 71 months in federal prison. When Danny Vincent became upset at the mother of his child in February 2017, he posted advertisements on the internet website Craigslist. The ads included the previous intimate partner's name, employment location, and cell phone number. The advertisements also included nude photos of the female, claimed she wanted to have sex, and requested photos from interested men. The victim reported the matter to the Sioux Falls Police Department after strange men started sending naked pictures of themselves to her phone, and started showing up at her place of employment. When officers investigated the matter, they also learned that Vincent had not paid child support in years. At the time of sentencing, the child support arrearages were over \$19,000.

Other Crimes

United States v. Michael Jaime **Carjacking**

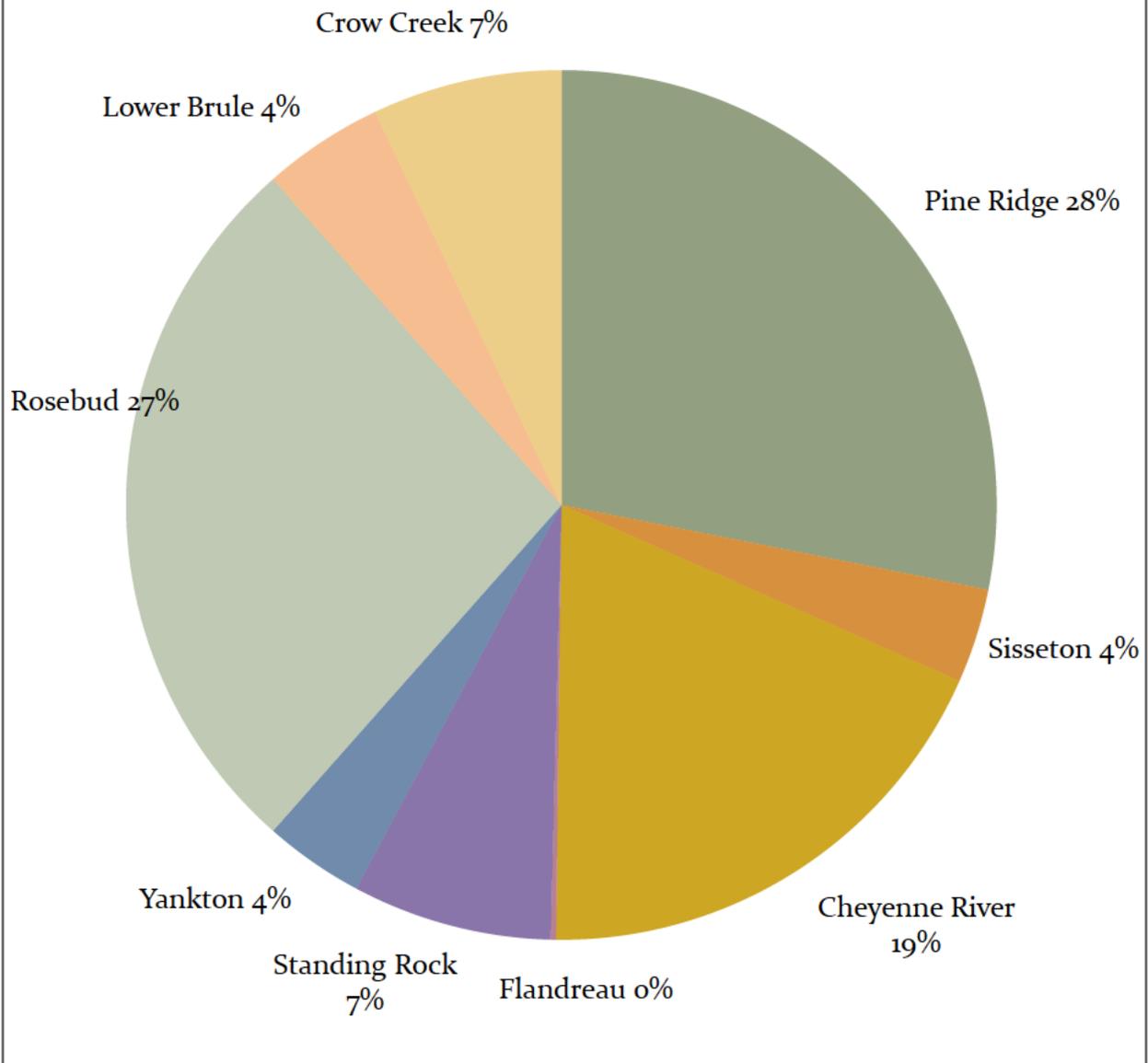
Michael Jaime of Dilworth, Minnesota, pled guilty to carjacking and was sentenced to 110 months in federal prison. On October July 23, 2016, Jaime pointed a handgun at the driver of a Mercedes car in the parking lot of Denny's Restaurant at the Flying J Truck Stop in Sioux Falls, South Dakota. While inserting a magazine into the handgun, Jaime told the 18 year-old driver and the four teenage passengers that he was taking the car. Jaime and an adult female got into the vehicle and sped away from the scene. Later the same day, officers in Moorhead, Minnesota saw Jaime in the stolen vehicle and attempted to stop him. Jaime, however, failed to stop and the officers discontinued their pursuit after speeds reached 140 miles per hour. The car was found abandoned the next day in Dilworth, Minnesota.

STATISTICAL HIGHLIGHTS

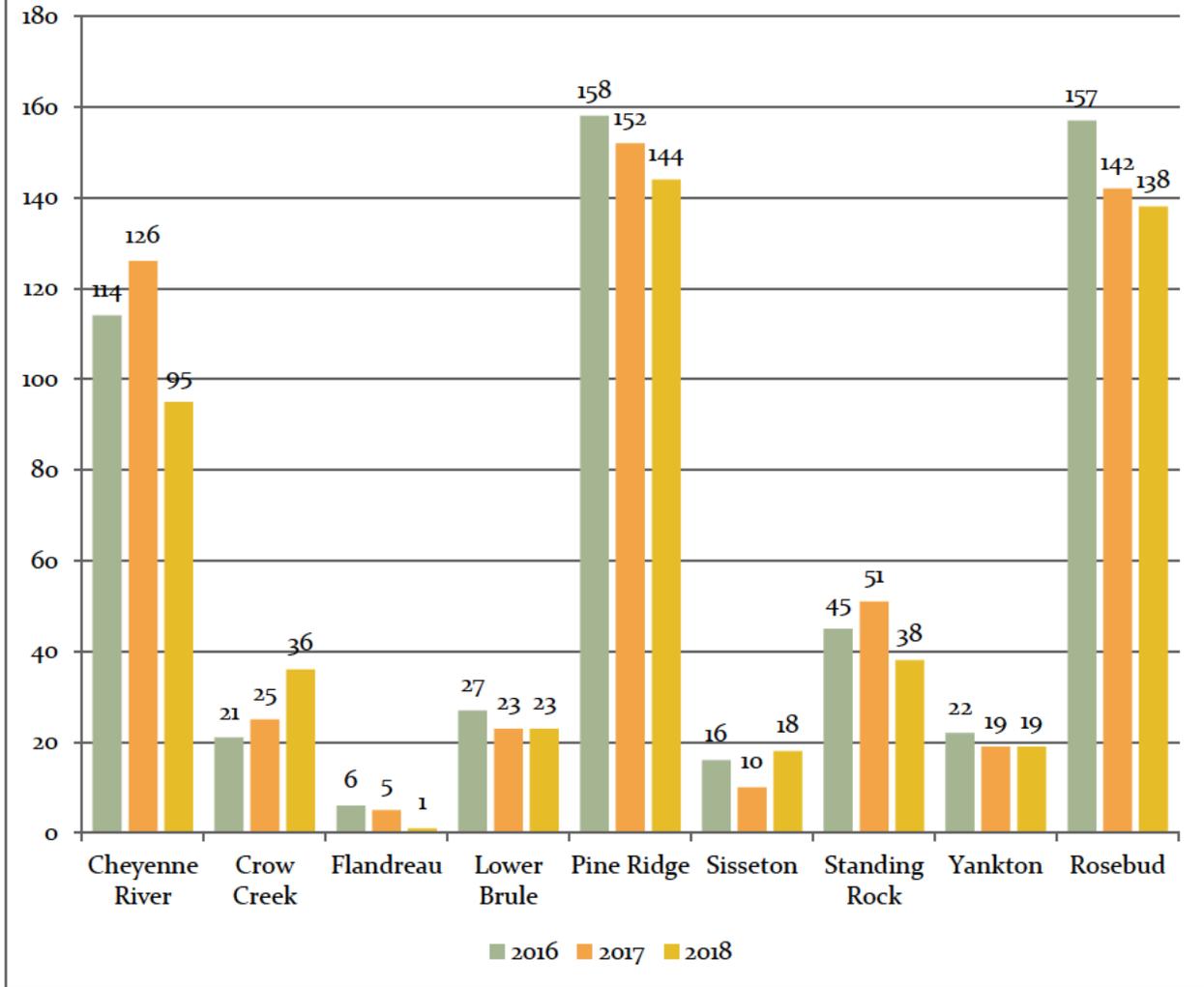
INDIAN COUNTRY

2018

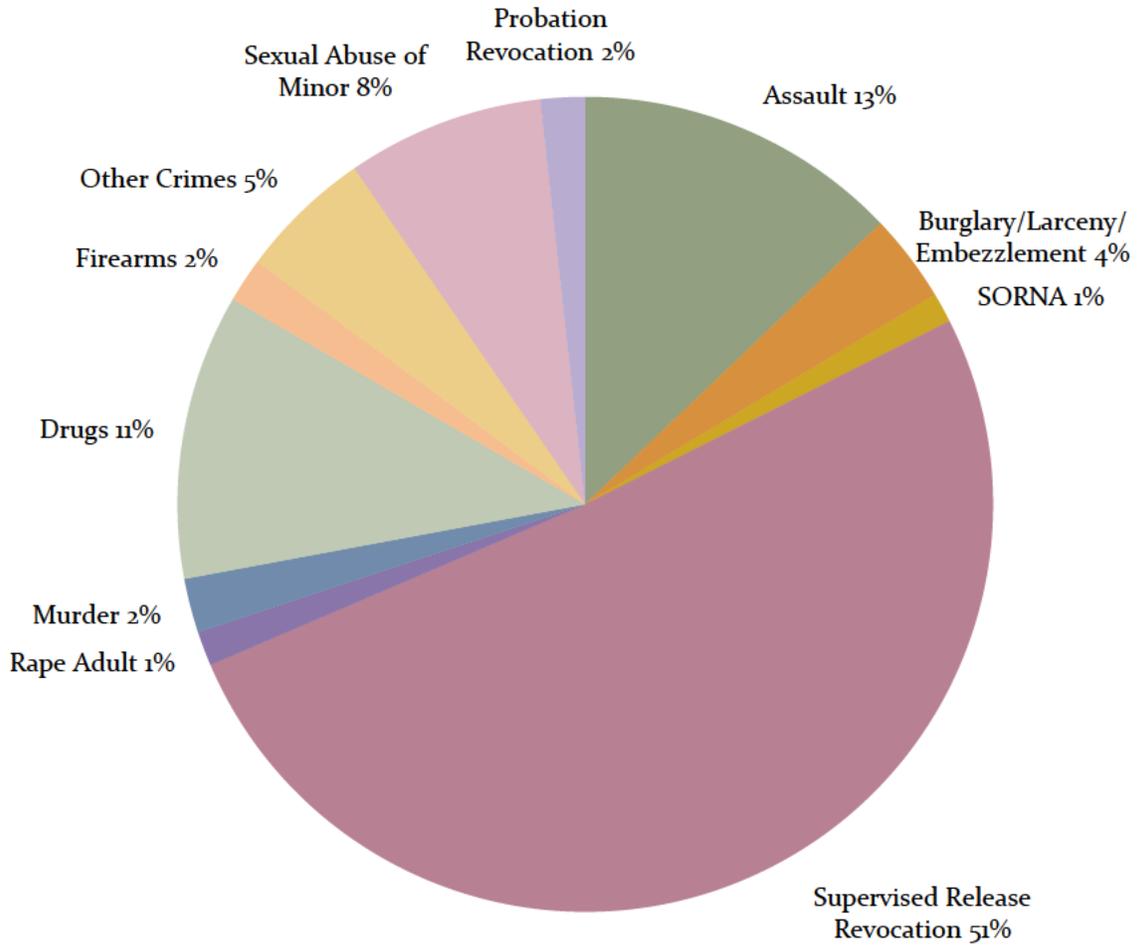
Percentage of Defendants Charged by Reservation



Defendants Charged by Reservation 2016 - 2018



Defendants by Criminal Charge



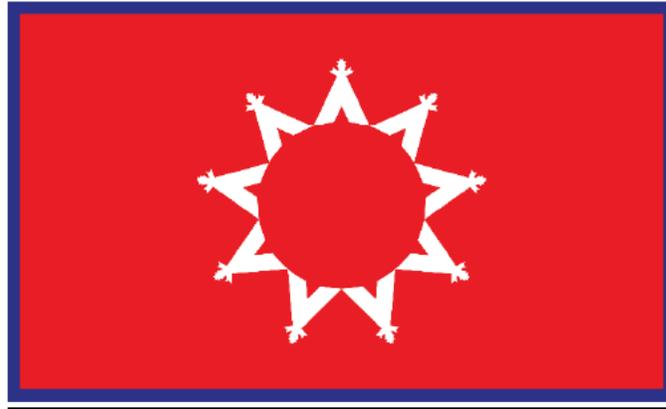
INDIAN COUNTRY DEFENDANTS² CHARGED BY CRIMINAL OFFENSE

Reservation	Assault	Burglary/ Larceny/ Embezzlement	Drugs	Firearms	Manslaughter/ Murder
Cheyenne River	18	4	9	1	1
Crow Creek	2	3	4	3	0
Flandreau	0	1	0	0	0
Lower Brule	5	1	1	1	0
Pine Ridge	6	2	9	1	5
Rosebud	25	6	27	2	4
Sisseton	3	0	1	0	0
Standing Rock	4	1	4	1	1
Yankton	3	0	3	0	0
Totals	66	18	58	9	11

² Includes juveniles

Reservation	Other	Supervised Release Revocation	Probation Revocation	Sexual Abuse of Minor	Rape Adult	SORNA	Total
Cheyenne River	3	52	0	4	0	3	95
Crow Creek	7	15	0	1	1	0	36
Flandreau	0	0	0	0	0	0	1
Lower Brule	1	12	0	0	2	0	23
Pine Ridge	10	91	1	19	0	0	144
Rosebud	3	55	7	5	1	3	138
Sisseton	3	3	0	6	2	0	18
Standing Rock	0	26	1	0	0	0	38
Yankton	0	7	0	5	1	0	19
Totals	27	261	9	40	7	6	512

Pine Ridge Reservation



United States v. Scott Benson

Law enforcement began receiving information from cooperating persons in approximately 2015 that Scott Benson was involved with distributing methamphetamine. Benson primarily sold methamphetamine on the Pine Ridge Reservation. Law enforcement conducted several controlled purchases of methamphetamine from him using a confidential informant. He was indicted and, on May 23, 2018, Benson was sentenced to 100 months in federal prison.

United States v. Katrina Shangreaux

Katrina Shangreaux beat and tortured her young son to death by kicking, stomping, biting and striking him with a studded belt. The victim suffered from profound internal abdominal and head injuries and had bruises over most of his body, including profound injury to his scrotum. Shangreaux was sentenced to 40 years in federal prison, followed by 5 years of supervised release.

United States v. Elizabeth Ann LeBeau

Second Degree Murder and Accessory to Second Degree Murder

Elizabeth Ann LeBeau, a/k/a Ann LeBeau, was sentenced on July 13, 2018, to 25 years in federal prison, followed by 5 years of supervised release on the Second Degree Murder charge. As to the Accessory to Second Degree Murder charge, LeBeau was sentenced to 15 years in federal prison, followed by 3 years of supervised release. The time in federal prison and supervised release are to run concurrently. The charges related to LeBeau strangling a woman to death. The victim was also struck in the head several times with a hammer. After the homicide, LeBeau and codefendant, Fred Quiver, covered up the homicide by hiding the body to prevent their apprehension.

United States v. Fred Quiver
Accessory to Second Degree Murder

Fred Quiver, a/k/a Fred Brings Plenty, was sentenced on May 21, 2018, to 15 years in federal prison, followed by 3 years of supervised release. The charge related to Quiver covering up the homicide of a woman and hiding her body to prevent his and his co-defendant's, Elizabeth Ann LeBeau, apprehension, trial, and punishment.

United States v. Kison Robertson
Assault Resulting in Serious Bodily Injury, Discharge of Firearm During Crime of Violence

The defendant got into a fistfight with other individuals on a street in Evergreen Housing. After the fight broke up, the defendant drove away toward his home. Five minutes later, he returned to the area of the earlier fight. The defendant got out of his car and shot one of the men with whom he had fought earlier, striking the victim in the abdomen and causing permanent injury. After the first shot, the defendant turned and fired a shot that missed the second victim. The defendant was charged with attempted murder, assault with a dangerous weapon, assault resulting in serious bodily injury, and discharging a firearm during the commission of a crime of violence. After a jury trial, he was convicted of assault with a dangerous weapon, assault resulting in serious bodily injury, and discharging a firearm during the commission of a crime of violence. He was sentenced to 197 months in federal prison.

United States v. Connie Wilson
Assault of a Federal Officer/Discharge of Firearm During Crime of Violence

Oglala Sioux Tribe Department of Public Safety officers responded to the defendant's residence in response to a stolen vehicle report. The defendant was arrested and placed in the back seat of a patrol vehicle. After becoming agitated while yelling at people outside the vehicle, the defendant broke a partition to retrieve full cans of beer stored there. After consuming two beers, the defendant then turned and broke the partition farther before being able to reach back to retrieve a rifle that had been confiscated from her. After commenting that she would shoot officers, the defendant pointed the semiautomatic rifle at an officer who opened the door. As another officer opened the door on the other side, the defendant fired the gun while attempting to swing it around toward the second officer. She pleaded guilty to Assault of a Federal Officer and Discharge of Firearm During Crime of Violence and was sentenced to 120 months in federal prison, consecutive to the 14 months she had served on the underlying assault charge, to be followed by three years of supervised release.

United States v. Bishop Cottier
Sexual Abuse of a Minor

Bishop Cottier, age 29, was sentenced on August 14, 2018, to 41 months in federal prison, followed by 5 years of supervised release. Cottier was indicted by a federal grand jury in November 2017. The charge related to Cottier finding the victim roadside and then sexually abusing her at his home. Prior to Cottier finding the victim, she had been in a car accident and had injured her leg.

United States v. Virgil Left Hand Sr.
Assault with a Dangerous Weapon and Assault Resulting in Serious Bodily Injury

Virgil Left Hand, Sr. was found guilty of Assault with a Dangerous Weapon and Assault Resulting in Serious Bodily Injury following a federal jury trial. Evidence at trial established Left Hand assaulted another man with a golf club at Wounded Knee on September 23, 2017. This assault resulted in the victim suffering a depressed skull fracture that required emergency surgery to repair. Left Hand Sr. was sentenced to 8 years in federal prison, followed by 3 years of supervised release.

Rosebud Sioux Reservation



United States v. Eli Erickson

Conspiracy to Distribute a Controlled Substance; Possession of a Firearm in Furtherance of a Drug Trafficking Crime; Possession of a Firearm by a Prohibited Person; Possession of a Firearm with an Obliterated Serial Number; and Unlawful Possession of a Short-Barreled Shotgun

Eli Erickson conspired with others to distribute kilograms of methamphetamine on the Rosebud Sioux Tribe Reservation over the last decade. He would collect firearms and use them to protect his drug-dealing operations. On October 22, 2016, law enforcement executed a search warrant on his home in Mission, South Dakota, and recovered methamphetamine, drug paraphernalia, and six long guns, including a short-barreled shotgun. On November 14, 2018, a federal grand jury indicted Erickson for several drug and firearm charges. His case is set for trial on June 11, 2019.

United States v. Roger Watts

Assaulting a Federal Officer

On January 20, 2017, Rosebud Sioux Tribe Police Officers questioned the defendant at his home regarding an allegation of stolen property. After being questioned, the defendant was informed he was under arrest. He became combative and charged at one of the officers, physically engaging the officer and injuring his knee. The defendant was indicted by a federal grand jury on February 15, 2017. Following a two-day jury trial, the defendant was convicted of Assaulting, Resisting, and Impeding a Federal Officer. On March 7, 2018, the defendant was sentenced to 10.5 years in prison, followed by 3 years of supervised release.

United States v. Rylan Black Lance

Sexual Abuse of a Minor

On August 5, 2017, the defendant invited a 15-year-old girl to his residence, provided her alcohol and marijuana, and engaged in sexual intercourse with her. The defendant was indicted by a federal grand jury on November 14, 2017. On March 7, 2018, the defendant pled guilty to Sexual Abuse of a Minor. On May 22, 2018, the defendant was sentenced to 34 months in prison, followed by 5 years of supervised release. As a result of the conviction, the defendant is required to register as a sex offender.

United States v. Matthew Peneaux

Sexual Abuse of a Minor

Between March 2015 and April 2016, the Defendant repeatedly engaged in sexual intercourse with a girl he knew to be between 12 and 13 years old. The defendant was indicted by a federal grand jury on October 24, 2017. On April 11, 2018, the defendant pled guilty to Sexual Abuse of a Minor. On June 25, 2018, the defendant was sentenced to 37 months in prison, followed by 5 years of supervised release. As a result of his conviction, the defendant is required to register as a sex offender.

United States v. Dallas Burning Breast

Voluntary Manslaughter, Assault Resulting in Serious Bodily Injury

On July 2, 2017, the Defendant and another man assaulted an individual with brass knuckles, causing a fractured orbital bone and multiple lacerations to the victim's head and face. Based on this incident, the defendant was indicted by a federal grand jury on February 14, 2018. On March 5, 2018, the Defendant was involved in an altercation with another man at a house in Rosebud. The argument became physical and the defendant picked up a knife and stabbed the victim in the upper thigh, penetrating the femoral artery and causing significant blood loss. The victim died as a result of his injuries. Based on this incident, the defendant was indicted by a federal grand jury on March 13, 2018. On September 5, 2018, the defendant pled guilty to Assault Resulting in Serious Bodily Injury and Voluntary Manslaughter. On November 26, 2018, the defendant was sentenced to 8 years in federal prison for the Voluntary Manslaughter and 3 years in prison for the Assault Resulting in Serious Bodily Injury, followed by 3 years of supervised release.

United States v. Roger Moran

Abusive Sexual Contact of a Child

Between February, 2014 and August, 2016, Roger Moran sexually assaulted a female victim under the age of 12. On March 21, 2019, Moran pleaded guilty to Abusive Sexual Contact of a Child. Moran faces 15 to 20 years in federal prison, followed by a period of supervised release of at least 5 years. Moran will be required to register as a sex offender upon release from prison.

United States v. Brady Makes Room For Them

Escape From Custody, Failure to Register as a Sex Offender

On September 20, 2005, Brady Makes Room For Them was convicted of Abusive Sexual Contact. He received 41 months in federal prison and was ordered to register as a sex offender for 25 years. On May 1, 2012, Makes Room For Them was convicted of Failure to Register as a Sex Offender and sentenced to 62 months in federal prison. On April 4, 2016, Makes Room For Them escaped from the Community Alternatives of the Black Hills residential reentry center. He was charged with Escape From Custody on April 19, 2016, and Failure to Register as a Sex Offender on May 15, 2018. Makes Room For Them was apprehended on August 16, 2018, and pleaded guilty to both charges. Makes Room For Them was sentenced to 20 months in federal prison, followed by 5 years of supervised release.

United States v. Chelsea Okiya Wi Nixon

Manslaughter

On August 18, 2018, Chelsea Nixon killed her infant child, in a grossly negligent manner. Nixon was charged with Manslaughter on December 11, 2018, and pleaded guilty on February 7, 2019. Nixon faces between 15 and 21 months in federal prison, followed by a period of supervised release.

Standing Rock Sioux Reservation



United States v. Jerome Goodhouse **Abusive Sexual Contact**

A McLaughlin, South Dakota, man was convicted of Abusive Sexual Contact of a Person Incapable of Consent and sentenced to 3 years in federal prison on September 17, 2018. The conviction stemmed from an incident on April 5, 2016, in which Goodhouse gave a ride home to a female acquaintance and took a detour to a remote location where he parked the vehicle and began to fondle and kiss the victim. Goodhouse knew that the victim had been drinking and was incapable of consenting to the sexual contact.

United States v. Alexander James Oka **Domestic Assault by an Habitual Offender and Obstruction of Justice by Tampering with Victim**

Alexander James Oka, age 27, of McLaughlin, South Dakota, was charged with Domestic Assault by an Habitual Offender and Obstruction of Justice by Tampering with Victim. On July 5, 2017, Oka unlawfully committed a domestic assault upon the victim, when at the time of the domestic assault, Oka had two prior convictions involving assaults against a spouse or intimate partner. During this assault, Oka smacked the victim's head and then kicked the victim in the back while she was not looking, and while she was feeding the baby she shares with Oka. The kick caused the victim significant pain and bodily injury. After being arrested for the assault, Oka sent a letter from jail to the victim instructing her not to cooperate and not to show up for court proceedings. Following a federal jury trial, Oka was convicted of both counts. Oka was sentenced to 47 months in federal prison, followed by 3 years of supervised release.

Cheyenne River Sioux Reservation



United States v. David Little Wounded

Conspiracy to Distribute Methamphetamine

David Little Wounded distributed methamphetamine in central South Dakota from April of 2016 through January of 2018. On June 3, 2017, he was arrested after a traffic stop, which uncovered 28 grams of methamphetamine and baggies in a WD-40 can with a false bottom. Little Wounded eventually confessed to law enforcement that he sold a total of eight ounces of methamphetamine on the Cheyenne River Sioux Tribe Reservation. He pled guilty and was sentenced on February 20, 2019, to 40 months in federal prison, followed by three years of supervised release.

United States v. Cherae Runs After

Conspiracy to Distribute in Excess of 500 Grams of Methamphetamine

Cherae Runs After was indicted on February 14, 2018, for Conspiracy to Distribute in Excess of 500 grams of Methamphetamine in and around the Cheyenne River Sioux Tribe Reservation and elsewhere in South Dakota. Runs After introduced a Utah man, Alfredo Chavez-Mendoza, to local people in the Cheyenne River area for the purpose of facilitating the trafficking of methamphetamine. Runs After and Mendoza have both pled guilty and been sentenced. Runs After was sentenced to 120 months in federal prison. Following her release from prison, she will be on supervised release for five years. Chavez-Mendoza was sentenced in 2017 to 110 months in federal prison. Other people sentenced as a part of this methamphetamine trafficking conspiracy are: Kristina Lofton – 156 months; Roy Antrim – 121 months; Robert Lofton – 78 months; Tyler Peterson – 70 months; Stephanie Lofton – 68 months; Ashley Peterson – 38 months.

Payton Bartlett & Bevan Bordeaux

Assault Resulting in Serious Bodily Injury

On April 18, 2017, the two defendant's went to the victim's home. Once inside the residence, they punched the victim, knocking him to the floor. After the victim was on the ground, he was kicked and stomped on by one, or both of the defendants. A knife was then used to slit the victim's throat. The laceration to his throat was approximately 2 inches in length, and through the dermis and epidermis. The wound was a clean transverse incision to the trachea, which appeared to communicate to the airway between the second and third tracheal rings. The injury to the victim's nose was a complex laceration from the bridge down to the tip. The wound was down to the bone and required debridement. The victim also had multiple superficial abrasions to his arms, neck, face, and head. Due to the severity of his injuries, the victim was life-flighted to Rapid City Regional Hospital. The two defendants were indicted on June 14, 2017. Bartlett pled guilty on February 20, 2018, and Bordeaux plead guilty on March 7, 2018. Bartlett was sentenced on June 12, 2018, and Bordeaux was sentenced on July 11, 2018. Both defendants were sentenced to 6 years in federal prison, followed by 3 years of supervised release.

Timothy Bear Eagle

Assault Resulting in Serious Bodily Injury

On September 7, 2017, a Cheyenne River Sioux Tribe (CRST) Police Officer arrested Timothy Bear Eagle. Bear Eagle was transported and booked into the CRST Adult Detention Facility (ADF) within the Walter Miner Law Enforcement Detention Center in Eagle Butte. At the jail, Bear Eagle learned that his girlfriend had also been arrested. Upon hearing this, Bear Eagle got angry, stood up, and threw his shoes to the floor. As one of the Cheyenne River Sioux Tribe Correctional Officers approached Bear Eagle, he swung his right arm, and struck the Correctional Officer with a closed fist on the left side of his face, next to his left ear. The blow broke the Correctional Officer's jaw, necessitating his jaw being wired shut. Bear Eagle was indicted for Assaulting, Resisting, Opposing, and Impeding a Federal Officer, and Assault Resulting in Serious Bodily Injury on October 17, 2017. He pled guilty to Assault Resulting in Serious Bodily Injury on December 21, 2017. On February 21, 2018, Bear Eagle was sentenced to 5 years in federal prison.

Charles Edwards

Sexual Abuse of a Minor

On March 21, 2017, the defendant was indicted on multiple counts of sexually abusing, and having sexual contact with, a female beginning when she was approximately eight years old and continuing until she was 15 years old. The girl reported the sexual abuse to one of her teachers, who reported the crimes to the Department of Social Services. The defendant pled guilty to Sexual Abuse of a Minor on January 14, 2018. On May 3, 2018, Edwards was sentenced to 3 years in federal prison, followed by 5 years of supervised release.

United States v. Stuart Turning Heart

Arson

On August 14, 2017, the defendant and his girlfriend had been drinking at a friend's residence in Eagle Butte. They were asked to leave by the owner, as they were being disrespectful and disorderly. The owner then went up to the Dollar Store in Eagle Butte. When he arrived back to his residence a short time later, it was on fire. During the investigation, the defendant's girlfriend saw the defendant come running from the victim's home and say, "I finally lit it; I lit the house on fire." Turning Heart admitted to several people that he had lit the home on fire and was laughing and joking about it. ATF concluded that the fire started at the back of the home where a mattress was lit on fire. Turning Heart was sentenced to 42 months in federal prison, followed by 3 years of supervised release.

United State v. Christopher Arpan

Assault with a Dangerous Weapon

On August 24, 2017, Cheyenne River Sioux Tribe law enforcement was dispatched to a house in Eagle Butte. A sergeant and an officer responded and arrived at the victim's home where they saw a male lying on the ground bleeding profusely from a head wound. One witness advised that the man responsible was still on scene. The sergeant made contact with the defendant and noticed what appeared to be blood on his hand. The investigation revealed that the defendant had struck the victim in the head with a willow cane, breaking the cane, during an argument. The blows caused multiple injuries to the victims head that required several staples to close. The defendant was sentenced to 30 months in federal prison, followed by 3 years of supervised release.

Lower Brule Sioux Reservation



United States v. Brooke Shields

Conspiracy to Distribute a Controlled Substance

Brooke Shields worked with others to distribute methamphetamine in Sioux Falls and on the Lower Brule and Crow Creek Sioux Tribe Reservations from 2015 through 2018. The methamphetamine she helped distribute was brought to South Dakota from several other states. On February 19, 2019, Shields plead guilty to conspiring to distribute between 1.5 and 5 kilograms of methamphetamine. Shields' sentencing hearing is set for May 13, 2019.

United States v. Erroll Flute

Sexual Abuse of a Minor

On December 28, 2016, the 14-year-old victim went to her boyfriend's home in Lower Brule. The defendant was engaged to the victim's boyfriend's mother. The victim's boyfriend was sleeping on the couch, so the victim began visiting with the defendant and others. The defendant's fiancé left the residence. A little while later, the defendant and the victim ended up in the back bedroom and engaged in sexual intercourse. The defendant was sentenced to 18 months in federal prison, followed by 5 years of supervised release.

United States v. Cody Crazy Bull

Domestic Assault by an Habitual Offender

A Lower Brule, South Dakota, man was convicted of Domestic Assault by an Habitual Offender and sentenced to 60 months in federal prison on September 4, 2018. The conviction stemmed from an altercation between the defendant and his dating partner on or about between October 14, 2017, and October 17, 2017. The defendant verbally and physically assaulted her by briefly strangling her, grabbing and twisting her arm, and pulling chunks of her hair out. At the time of

the assault, the defendant had a final conviction on at least two separate prior occasions, for offenses that would have been, if subject to federal jurisdiction, an assault against a spouse and intimate partner.

United States v. Bates Hood

Abusive Sexual Contact

A Lower Brule, South Dakota, man was convicted of Abusive Sexual Contact of a Person Incapable of Consent and sentenced to 3 years in federal prison October 29, 2018. The conviction stemmed from an incident on January 31, 2016, in which the defendant knowingly attempted to engage in sexual intercourse with a woman he knew to be intoxicated and unconscious.

Crow Creek Sioux Reservation



United States v. Zachery Ziegler

Manslaughter

On May 23, 2017, the victim was a guest at a residence in Fort Thompson where an acquaintance of the defendant lived. The defendant had purchased \$20 of bad meth from an individual at the home. The defendant returned to the home to get his \$20 back, and the owner of the residence asked the defendant to leave. The defendant and the victim entered into a physical confrontation, where the defendant struck the victim in the head with his fist, incapacitating him on the ground. The defendant then fled the scene. Witnesses moved the victim inside and called 9-1-1. The victim was then transported via ambulance to the Sanford Chamberlain Hospital, where he was pronounced deceased. An autopsy revealed that the cause of death was subdural hemorrhage due to blunt force injury of the head due to assault. The defendant was sentenced to 20 months in federal prison, followed by 3 years of supervised release.

United States v. Austin Abernathy

Assault Resulting in Substantial Bodily Injury

A Fort Thompson, South Dakota, man was convicted of Assault Resulting in Substantial Bodily Injury and sentenced to 18 months in federal prison July 23, 2018. The conviction stemmed from a domestic dispute on August 27, 2017, in which the defendant assaulted his intimate partner in the back bedroom of the house they shared. The defendant repeatedly struck her about the head and face, causing lacerations that required medical treatment.

United States v. Darrell Touche

Abusive Sexual Contact

A Fort Thompson, South Dakota, man was convicted of Abusive Sexual Contact of a person incapable of consent and sentenced to 18 months in federal prison on December 17, 2018. The conviction stemmed from an incident on or about October 20, 2016, in which the defendant engaged in sexual contact with an intoxicated female in the basement of his residence.

Sisseton Wahpeton Oyate Sioux Reservation

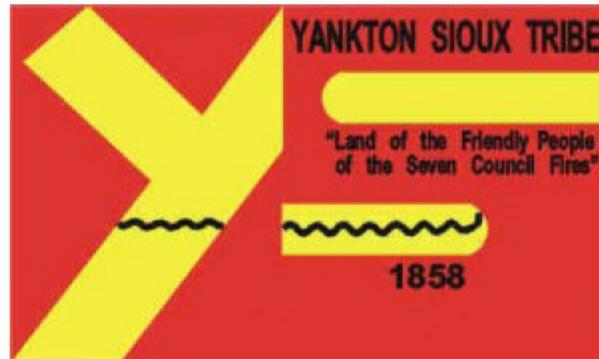


United States v. Ira Alan Arias

Aggravated Sexual Abuse of a Child

Ira Alan Arias, age 42, of Fort Worth, Texas, and Sisseton, South Dakota, was charged with three counts of Aggravated Sexual Abuse of a Child. On or about May 3, 2015, Arias forcefully engaged in three sexual acts with the victim, who was 14 years old at the time of the sexual abuse. Arias was the victim's uncle. The sexual abuse occurred in a hotel room in Codington County. Following a federal jury trial, Arias was convicted on all counts. Arias sentenced to three concurrent terms of 30 years in federal prison and ordered to serve six years of supervised release after his release from prison.

Yankton Sioux Reservation



United States v. Quentin P. Bruguier, a/k/a “JB” **Aggravated Sexual Abuse of Children (Yankton Sioux Reservation)**

Quentin P. Bruguier, Jr., a/k/a “JB” was charged in a 15-count indictment for various aggravated sexual abuse charges involving children. Between 1992 and 2016, Bruguier, who was a former Yankton Sioux Tribal Official, engaged in these sexual acts using fear, force, or both, when perpetrating the sexual assaults. Following a week-long trial, Bruguier was convicted on all counts by a federal jury on November 16, 2018. Bruguier was sentenced to 12 concurrent life sentences for each of the 12 counts of aggravated sexual abuse of a child and to 10 years, the statutory maximum, for each of the 3 counts of abusive sexual contact.

CIVIL DIVISION

The Civil Division, headed by Civil Chief Diana Ryan, 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 also defends the interests of the United States in cases where the government or government employees 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

Keller Special Trust et. al. v. United States of America (USDA, USFS - Federal Tort Claims Act)

During the unusually hot and dry summer of 2012, the U.S. Forest Supervisor implemented Stage II Fire Restrictions in the Black Hills National Forest in early July. Under these restrictions, some activities, such as the operation of a chain saw, welding, smoking, campfires, off-road travel, operation of vehicles with internal combustion engines that did not have approved spark arrestor devices, and fireworks, were prohibited in the Black Hills National Forest. There was no restriction, however, on road maintenance activities or the operation of road graders in the Black Hills National Forest. On July 19, 2012, the Myrtle Fire was ignited after a diesel powered road grader operated by a USFS employee struck a rock in the dirt road being graded and ignited the fine fuels nearby in Pringle, South Dakota. The Myrtle Fire ultimately consumed approximately 10,000 acres of public and private property. Nine separate landowners sued the United States under the Federal Tort Claims Act for damages they sustained when their land was burned in the fire. The cases were resolved through mediation.

Daniel Biel v. United States of America (HHS, IHS – Federal Tort Claims Act)

Deloris Biel, plaintiff's 81-year-old mother, was injured when the medical transport van she was riding in following a dialysis appointment nearly collided with a car being driven by an Indian Health Service Community Health Representative near the Woodrow Wilson Keeble Memorial Health Care Center in Sisseton. When the driver of the medical transport van braked suddenly, Mrs. Biel fell out of her wheelchair, breaking both of her legs and a finger. After being

transported to Fargo, North Dakota for treatment, Mrs. Biel died four days later. Plaintiff sued the United States under the FTCA for wrongful death and a survival personal injury action. The United States disputed the extent of its fault, relative to the medical transport van driver, and the extent of damages. The case was resolved through mediation.

Burns Landrum v. United States of America (VA - Federal Tort Claims Act)

Burns Landrum brought an action against the United States alleging that an employee of the Department of Veterans Affairs negligently operated a transport van, causing the van to collide with another vehicle while traveling down Interstate 90 near Sturgis, South Dakota. The van rolled several times, injuring four passengers, and causing the death of a fifth passenger. The matter was resolved through mediation.

Peggy Paterson v. United States of America (DOT - Federal Tort Claims Act)

Peggy Paterson brought an action against the United States after she was hit by a vehicle while walking across an intersection in Pierre, South Dakota, in July 2015. The driver of the vehicle was on a personal errand at the time of the accident. Mrs. Paterson suffered extensive injuries, and after recovering money from the driver's personal insurance carrier, she sought an additional \$480,000 in damages from the United States because the driver was an employee of the U.S. Department of Transportation's Federal Highway Association. Arguing that the driver was not acting within the scope of his employment at the time of the accident, the Government filed a motion to dismiss which the court granted with prejudice.

Robert & Colleen Stover v. Brenda Jacobsen and the United States of America (IHS – Federal Tort Claims Act/medical malpractice)

Robert and Colleen Stover brought an action against the United States alleging that medical staff at the Pine Ridge Indian Health Services were negligent in the treatment of an injury to Mr. Stover's knee. As a result, Mr. Stover developed sepsis and required an extended hospitalization. The matter was resolved through mediation.

Joni Bettelyoun, as Guardian Ad Litem for A.B., a Minor Child v. United States of America (BIE Tribal School– Federal Tort Claims Act)

On May 9, 2015, the American Horse School eighth grade class and their parents/caregivers volunteered to decorate the school gym for an eighth grade graduation banquet. A.B., who was then 14 years old, was injured when she fell 12-13 feet from some scaffolding, which collapsed when an American Horse staff member, who was also a parent, pushed the scaffolding to move it. A.B. broke her right hip and ankle and sustained contusions to her face from the fall.

Because there was a winter storm occurring that day, she could not be transported to the Rapid City Regional Hospital until two days later. Her injuries required three separate surgeries. The case was resolved through mediation.

Guadalupe Gonzalez v. R. Bendt (BOP – Constitutional Claims)

Guadalupe Gonzalez filed a *Bivens* action against various personnel at the Federal Prison Camp in Yankton, South Dakota, alleging retaliatory discipline, retaliatory transfer, retaliatory work reassignment, and a violation of his rights under the Equal Protection Clause. Although the Government moved to dismiss the action in its entirety, the Court allowed the case to proceed against R. Bendt for allegedly retaliating against Gonzalez by not providing him with necessary forms to complete the administrative remedy appeal process. Gonzalez was utilizing the administrative remedy process to challenge FPC’s refusal to provide Gonzalez access to a particular book—Federal Aviation Regulations/Aeronautical Information Manual (FAR/AIM). At the close of discovery, the Government filed a motion for summary judgment arguing that the Court should depart from other circuits and find no available *Bivens* remedy for an alleged violation of the First Amendment. Relying on the analysis set forth in *Ziglar v. Abbasi*, 137 S. Ct. 1843 (2017), the Court found that this action was meaningfully different from other *Bivens* cases and declined to find a *Bivens* remedy in the First Amendment context because there were “special factors counseling hesitation.” The Court dismissed the case. The prisoner filed an appeal, which is now pending before the Eighth Circuit Court of Appeals.

Raymond C. Oyen et. al. v. Lawrence County Commission et. al. (USDA, USFS – Quiet Title Action)

Two landowners brought a complaint against Lawrence County, South Dakota, to provide snow removal and maintenance over a road in or near the Black Hills National Forest known as South Rapid Creek Road. The Forest Service had an easement over this road, in addition to the full ownership by Lawrence County. Lawrence County attempted to join the Forest Service to the litigation in South Dakota State Court. The United States removed the action to Federal District Court and moved to dismiss the action for lack of subject matter jurisdiction and failure to state a claim. The Forest Service terminated its easement over the road pursuant to the easement’s own terms. Thereafter, the Federal Court dismissed the United States as a party because the United States formally disclaimed any interest in the easement such that any jurisdiction of the Court under the Quiet Title Act had ceased.

Cheyenne River Sioux Tribe (CRST) v. Department of Interior, Bureau of Indian Education, et. al. (DOI/BIE)

In 2015, the CRST filed a complaint seeking to enjoin the defendants from restructuring the Bureau of Indian Education (BIE). The court granted the government’s motion for summary judgment concluding: (1) the BIE satisfied their obligation to use a process designed to meaningfully consult with the Tribes about the proposed restructuring; (2) the Tribes have failed to demonstrate that any of the alleged “actions” taken by defendants constitute “agency action” under 5 U.S.C. § 702; and (3) the Tribes’ trust relationship claims fail because the Tribes failed to identify any assets taken over by the government which would give rise to a special trust duty and failed to identify a specific duty that required defendants to act for the benefit of the Tribes. The Tribes’ reading of the 1868 Fort Laramie Treaty as requiring defendants to operate on their reservations is inconsistent with the text and the understanding that the signatory members to the Treaty would have had in 1868.

Rosebud Sioux Tribe v. Indian Health Service, et. al. (HHS/IHS)

The Rosebud Sioux Tribe (RST) filed a complaint seeking declaratory and injunctive relief due to alleged inadequate health care provided to tribal members. The United States’ motion to dismiss was granted, in part. Counts I and II, based on a provision of the Indian Health Care Improvement Act (IHCA) and the Administrative Procedures Act (APA), were dismissed for lack of subject matter jurisdiction. Count IV alleging violations of equal protection and due process stemming from the Rosebud IHS hospital’s emergency department temporary closure was dismissed for failure to state a claim. Count III, alleging that a specific special trust duty, pursuant to the Snyder Act, the IHCA, the Treaty of Fort Laramie and common law, to provide health care services and to ensure that health care services do not fall below the highest possible standards of professions care, was deemed sufficient to survive a motion to dismiss. The litigation is ongoing.

AFFIRMATIVE FRAUD LITIGATION

The USAO works jointly with the State of South Dakota, the Department of Health and Human Services, the National Science Foundation, NASA, the Department of Education, and the U.S. Postal Service 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 2018 include the following:

United States of America v. Craig Christeson (USPS)

Craig Christeson, an employee of the United States Post Office, falsified customer spoiled postage meter refunds, printed and cashed money orders, and kept the money for his own benefit. 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 filed in district court. During this reporting period, a judgment totaling \$353,441 was obtained. Collection efforts also obtained a partial payment on the criminal restitution.

United States of America v. Scott Thompson (NSF)

Scott Thompson submitted multiple 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 claiming that a post doctorate candidate would be a principle investigator of a project. Thompson received a grant of \$100,000. 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. Based on the criminal conduct, the United States filed a civil action alleging fraud and obtained a judgment of \$222,362 (double damages and penalties) under the False Claims Act. During this reporting period, Thompson appealed the civil judgment. The appeal is pending.

United States of America v. Gina Kim et. al. (NASA, NSF, DOE)

Wallace Tang, d/b/a/ MicroAssembly Technologies, Inc., and Blue Sky Engineering, Inc.; Gina Kim, d/b/a Black Hills Nanosystems, Inc.; and Sine Chao, d/b/a Laserlith Corp submitted several Small Business Innovation Research (SBIR) Program and Small Business Transfer Technology Research (STTR) Program proposals to the National Science Foundation (NSF), the National Aeronautics and Space Administration (NASA), and the Department of Energy (DOE). NASA OIG initiated a review of SBIR/STTR awards and referred the matter to the United States Attorney's Office (USAO). In May 2018, the USAO reached a pre-indictment plea agreement where Wallace Tang, and the corporations listed through their principals, pleaded to Wire Fraud, Conspiracy to Commit Wire Fraud and paid restitution totaling \$1,084,418 to the

agencies involved. Based on the criminal conduct, the United States has filed a civil action alleging fraud and seeks penalties under the False Claims Act. The litigation is ongoing.

QUI TAM LITIGATION

United States of America, 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 is unsealed and the litigation remains ongoing.

The following Qui Tam litigation listed in last year's Annual Report have been dismissed:

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

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 USAO declined to intervene. During this reporting period, the litigation was dismissed without prejudice.

United States of America, 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, in part 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 USAO declined to intervene. During this reporting period, Relator resolved his separate claims against the Defendant and the litigation was dismissed without prejudice as to the United States.

OTHER AFFIRMATIVE LITIGATION

United States of America v. Rockne Alexander (USDA/FSA loan)

USDA requested foreclosure of a promissory note in the amount of \$198,662 secured by real estate. Prior to litigation being filed, the debtors paid off the note in full.

United States of America v. Brendan LaBatte et. al. United States of America v. Branden LaBatte et. al. (USDA/FSA loan)

These two brothers took out multiple loans from the Farm Service Agency with the intention of purchasing farming equipment to begin a haying business. Both brothers defaulted on their loans to the FSA, and the debts were accelerated. The federal court granted summary judgment in favor of the United States and ordered that all farm chattel was to be sold at a Marshal sale and entered a judgment of dismissal and decree of sale. The farm equipment will be sold this spring, and the proceeds will be applied to pay down the outstanding debt.

United States of America v. 4.70 Acres of Land, et. al. (Dept. of Energy, Western Area Power Administration - eminent domain/taking claim)

In July of 2015, the Western Area Power Administration, a division of the United States Department of Energy, initiated an eminent domain taking action against a landowner near Rapid City, South Dakota, for the purpose of obtaining an easement to erect a transmission line (power line) and access a roadway to be used as an integral part of the power transmission system for the Pick Sloan Project. The case was settled, with the United States agreeing to pay \$84,600 for the taking of property.

AFFIRMATIVE CIVIL RIGHTS LITIGATION

United States of America v. Amie Kelly (Fair Housing Act)

The United States brought this action against a Rapid City property owner, therein alleging the Defendant violated the Fair Housing Act by refusing to rent an apartment to a woman with a minor child. The complaint alleges the property owner discriminated on the basis of sex and familial status, thereby violating the Fair Housing Act. While the Government's summary judgment motion was pending, the case was settled.

PROGRAM LITIGATION

Stanley County v. Federal Emergency Management Agency (FEMA/ disaster grant)

Following the catastrophic flooding in central South Dakota in the spring and summer of 2011, President Obama issued a disaster declaration authorizing FEMA to provide disaster assistance in the form of public assistance grants to South Dakota as grantee and to counties and municipalities as subgrantees. As the subgrantee of a public assistance grant, Stanley County

constructed a box culvert stream crossing at the west branch of War Creek. Although FEMA initially reimbursed Stanley County for the project in March 2012, it later deobligated those funds because Stanley County had failed to complete the work as agreed in the scope of work and failed to obtain a permit from the South Dakota Historical Preservation Office, in violation of the applicable federal regulations. Stanley County sued FEMA under the Administrative Procedure Act seeking a determination that FEMA's decision to deobligate the funds was arbitrary and capricious. The case was resolved through settlement negotiations between Stanley County's counsel, counsel for the state of South Dakota, and the United States Attorney's Office.

Dirk Deighton v. Federal Bureau of Investigation (firearm background appeal)

The FBI granted plaintiff's request for a Unique Personal Identification Number which will allow him to purchase firearms.

Harold Frazier, CRST Chairman v. Gina Douville, Acting BIA Superintendent (BIA facilities dispute)

Chairman Frazier attempted to sue the Bureau of Indian Affairs Acting Superintendent in Cheyenne River Sioux Tribal Court for allegedly failing to supply satisfactory facilities for the tribal government operations. The United States removed the case to federal court and filed a motion to dismiss. Chairman Frazier voluntarily dismissed this case.

Charmaine White Face v. Jerrilyn Church, CEO, Great Plains Tribal Chairmen's Health Board, and James Driving Hawk, Area Director Great Plains Area U.S. Indian Health Service (Indian Self-Determination contracting dispute)

Charmaine White Face filed suit to enjoin the IHS from taking any actions that would allow the Great Plains Tribal Chairmen's Health Board to enter into an Indian Self-Determination contract to provide medical care at the Sioux San IHS Service Unit in Rapid City. After a full hearing, the court denied the injunction and granted the government's motion to dismiss the case based on a lack of subject matter jurisdiction.

United States of America v. Roberta Featherman (BOP – Order to Show Cause)

After extended delays in completing a competency evaluation, a hearing was held in Rapid City. The warden of the Federal Medical Center, Carswell, Ft. Worth, Texas, and his staff were ordered to appear before the judge and explain why they should not have been held in contempt of court. The USAO was authorized to represent the individual employees at the show cause hearing. Following the hearing, the court did not hold the individuals in contempt of court.

FREEDOM OF INFORMATION ACT (“FOIA”)

In 2018, the U.S. Attorney’s Office opened eight new cases relating to requests for information under the Freedom of Information Act (“FOIA”). FOIA defines when an individual or third-party can receive records from a government agency.

Argus Leader v. U.S. Department of Agriculture (Food Stamp Redemption Disclosure Case)

This case arose when the Sioux Falls newspaper sought yearly food stamp redemption amounts listed for all individual retailers across the United States from 2005 to 2010. The *Argus Leader* sought the information by filing a Freedom of Information Act request with the United States Department of Agriculture (“USDA”), the agency that administers the food stamp program. The USDA tried the matter before the United States District Court for the District of South Dakota, arguing that the information should not be disclosed because of a statutory prohibition on the release of confidential business information. The District Court ruled that the information should be disclosed. Food Marketing Institute (FMI), a trade association representing food retailers, moved to intervene and appealed to the United States Court of Appeals for the Eighth Circuit, arguing in part that an incorrect standard was used to determine that the particular FOIA exemption was inapplicable. The Eighth Circuit affirmed the holding of the District Court and held the records should be released. FMI filed a petition for certiorari with the United States Supreme Court. The Supreme Court agreed to hear the case. FMI is again arguing that the test that has been applied to the particular FOIA exemption is incorrect.

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 another debt is owed to a governmental agency, the United States of America is often listed as a creditor. The majority of the bankruptcy cases opened in 2018 by the U.S. Attorney’s Office involved the IRS.

The Clerk’s office at the South Dakota Bankruptcy Court reported that the number of bankruptcy cases filed in 2018 in South Dakota increased by 4% from the number of bankruptcies filed in 2017. More Chapter 12 cases were filed last year in South Dakota than in any year since 1999. Our office opened 17 new bankruptcy cases and handled 3 adversarial hearings involving a farm loan, a student loan, and a social security overpayment.

Nationwide statistics show that 755,182 bankruptcy cases were filed in the United States in 2018, a two percent decrease from 2017 and the ninth consecutive year nationwide filings have declined.

DEFENSIVE FORECLOSURES

The USAO opened 63 defensive foreclosure files in 2018. This is compared to 69 cases in 2017, 90 cases in 2016, 73 defensive foreclosure cases in 2015, 55 cases in 2014, 82 cases in 2013, 84 cases in 2012, 86 cases in 2011, and 116 cases in 2010. In most foreclosures, banks or other lending institutions bring an action in state court. The USAO 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 USAO's defensive foreclosure cases involve tax liens filed by the IRS.

Plains Commerce Bank v. Zing, Inc. et. al. (SBA loan foreclosure)

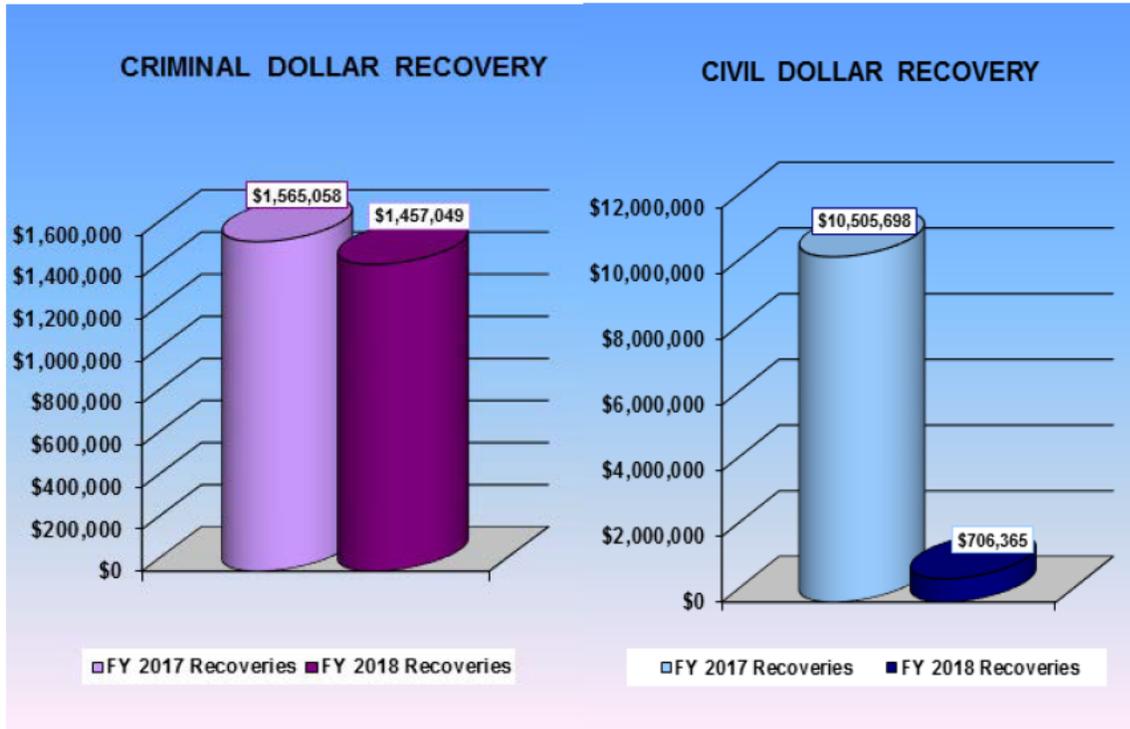
Zing was a furniture and design business located in Sioux Falls, South Dakota. Zing took out multiple loans from both Plains Commerce Bank and the Small Business Administration to begin operation of the business. Zing defaulted on all loans, and individual owners of the business put up personal guarantees for the loans. The case was litigated for many years, with individual owners denying the legitimacy of certain loan documents. Eventually, a settlement agreement was reached between individual owners, the bank, and the SBA, and as such, the SBA's remaining loan balance of \$35,904.71 was paid in full.

Aberdeen Federal Credit Union v. Jeffrey F. Fix et. al. (DOJ criminal restitution lien enforcement)

The Aberdeen Federal Credit Union began foreclosure procedures against Mr. Fix and his wife for a defaulted mortgage on their real property. The United States had a lien on the property due to a criminal restitution lien from Mr. Fix's criminal case where there were financial victims entitled to restitution. The United States' lien was superior to all other liens on the property. The foreclosure case proceeded to the point of foreclosure sale, and the bank executed a credit bid at the foreclosure sale. Eventually, the bank sold the property, and the United States' criminal restitution lien was paid in full for the remaining balance of \$24,186.48.

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 \$2.2 million in civil judgments and criminal payments in fiscal year 2018. 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 2018, of the \$1,457,049 recovered from criminal judgments, \$1,231,053 was returned to victims of crime. The balance of the money was deposited into the Crime Victims Fund to fund programs that assist crime victims.

Some of these recoveries come from referrals to the Treasury Offset Program. Treasury Offset is a program where the Department of Treasury will offset money owed to an individual when that individual also owes other federal agencies money and that debt has been referred for offset. In 2018, we received \$188,582.17 from these offsets. Another highly effective enforcement tool used by the U.S. Attorney's Office is garnishment of wages. In 2018, 27 wage garnishments were filed. We closed 89 cases where fines and restitution were owed and paid in full.

Our Financial Litigation Unit works closely with victim agencies to collect as much restitution as possible. One such agency we collaborate with is the South Dakota Department of Social Services, Division of Child Support, to collect past due child support from defendants who were convicted of felony nonpayment of child support. Of the \$1.4 million recovered from criminal judgments, \$346,419.20 was recovered with the assistance of the South Dakota child support enforcement office.

The FLU is overseen by Diana Ryan, Civil Division Chief, Cheryl Dupris, Senior Litigation Counsel for the Civil Division, and supervised by FLU Paralegal Specialist Erin Bidne.

APPELLATE DIVISION



The Appellate Division, supervised by Appellate Chief Kevin Koliner, oversees 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. Cottier

The defendant was convicted by a jury of second degree murder and conspiracy to commit assault for his role in a vicious gang beating that took the life of a Pine Ridge man. On appeal, he challenged the sufficiency of the evidence against him, the court's jury instructions on the elements of second degree murder, statements made by the prosecution during trial, the admission of testimony regarding a prior sexual encounter, and the calculation of his criminal history for sentencing purposes. After analyzing the record and applying the appropriate precedent, the Eighth Circuit affirmed the convictions and Cottier's 210-month sentence in all respects.

United States v. Hemsher

The defendant was convicted of possessing a stolen firearm and of being a felon in possession of a firearm. The trial evidence involved various witnesses tracing a cache of firearms stolen from a

Sioux Falls home, ultimately passing through Hemsher’s tattoo parlor before being recovered at an apartment where Hemsher’s accomplice had taken them before a planned sale. On appeal, Hemsher urged that the evidence against him was insufficient because the witnesses lacked credibility, that the trial court allowed inadmissible hearsay, and that inappropriate sentencing enhancements were applied to him. The Eighth Circuit affirmed the trial convictions and the sentence, holding the jury was entitled to make credibility determinations and that the sentencing enhancements were justified by the record.

United States v. Thompson

The defendant was convicted at trial of possessing with intent to distribute a controlled substance. On appeal, he urged that the district court improperly denied his motion to suppress evidence officers gained from the warrantless search of garbage he placed out for pick up. He also claimed the evidence was insufficient that he, not his roommate, possessed the drugs seized from his home. The Eighth Circuit affirmed the convictions, holding “trash pull” searches are allowable under long-standing circuit precedent, and that his possession of the drugs was also confirmed by other witnesses who the jury was entitled to believe.

United States v. Guide

The defendant was convicted by a jury of possessing a firearm by a prohibited person because of a prior conviction for domestic abuse. On appeal, he urged that he did not voluntarily plead guilty to that prior offense. Rather, he claimed his guilty plea was involuntary because he entered it without understanding the consequences due to a language barrier. The Eighth Circuit affirmed the sentence, holding the record showed that Guide was sufficiently informed of his rights in his native language during the prior proceedings.

United States v. Highbull

The defendant pleaded guilty to sexual exploitation of a child, but reserved the right to appeal the denial of a motion to suppress the nude photographs of a child discovered on his cell phone. The photographs were discovered when officers responded to a domestic dispute call. They encountered Highbull’s girlfriend who volunteered that she had seen nude pictures of a child on his phone. She retrieved the phone and showed the officer. On appeal, Highbull argued that the warrantless search was improper because she was acting as an agent of law enforcement, not as a private citizen, self-motivated to report the crime. The Eighth Circuit rejected the argument and affirmed the conviction, holding that, under these particular circumstances, the woman was not enlisted as an agent of law enforcement when she provided the evidence.

United States v. Waln

The defendant was convicted by a jury of possessing two stolen firearms following a string of residential burglaries on the Rosebud Reservation. He was sentenced to 70 months in prison. On appeal, he argued the district court allowed improper expert testimony, that the evidence was insufficient to support his convictions, and that his sentence was miscalculated. The Eighth Circuit analyzed the particular facts giving rise to the various evidentiary and sentencing rulings, and it affirmed the convictions and sentence.

United States v. Davison

The defendant pleaded guilty to enticing a minor using the internet. He appealed, arguing that his sentence was unreasonably high. The Eighth Circuit affirmed, holding that the sentence was reasonable and that Davison voluntarily waived his right to appeal in his plea agreement.

United States v. Stepp-Zafft

The defendant was convicted at trial on three counts of possessing unregistered firearms after officers executed a search warrant on his apartment and found a variety of explosives, firearms, and homemade silencers. On appeal, he argued the registration requirement for silencers was unconstitutional and that barring possession of unregistered silencers violates the Second Amendment. The Eighth Circuit affirmed the convictions, holding that the issues were squarely determined by its own precedent and by that of the Supreme Court.

United States v. Sorenson

The defendant was convicted of conspiracy to distribute controlled substances, and he was sentenced to life imprisonment. On appeal, he argued that trial evidence offered by a fingerprint expert should have been excluded, and that the sentence violates the Eighth Amendment. The Eighth Circuit affirmed the conviction and sentence, holding the fingerprint evidence did not matter to his guilty verdict, and the sentence was permissible in light of Sorenson's criminal history, Congress's intent, and the gravity of the offense.

United States v. Swimmer

The defendant pleaded guilty to failing to pay child support, and he was sentenced to five years of probation and ordered to pay restitution. His probation was revoked and reinstated several times. Ultimately, he was sentenced to 21 months' imprisonment, and he appealed the length of the sentence. The Eighth Circuit affirmed the sentence, holding it was justified given the multiple failed chances at probation.

United States v. Archambault

The defendant was convicted of distributing a controlled substance and sentenced to 18 months in prison. After her release, she admitted to multiple drug-related violations of her supervised release. She was sentenced to another 24 months in prison. The Eighth Circuit affirmed the sentence, holding it was justified given her various violations.

United States v. Ogden

The defendant pleaded guilty to cyberstalking, and he was sentenced to 30 months in prison. On appeal, he argued that the district court miscalculated his sentencing range under the United States Sentencing Guidelines.

United States v. Hines

The defendant was convicted of being a felon in possession of a firearm. On appeal, she challenged the district court's decision denying a motion to suppress the evidence of that shotgun found in her home. The Eighth Circuit rejected her arguments, holding the shotgun was in plain view during a lawful arrest of her ex-boyfriend.

United States v. Janis

The defendant was convicted of involuntary manslaughter when he killed a small child who was playing in a driveway. Janis was heavily intoxicated, and he ran over the child with a vehicle. The sentence included an upward variance from the recommended Guidelines range, which the district court imposed because of a serious criminal history that included child abuse, sexual abuse of a child, domestic violence, and frequent alcohol consumption. The Eighth Circuit affirmed the sentence, holding that it was justified by the record.

United States v. Swallow

The defendant robbed multiple Rapid City casinos, each time brandishing a firearm and forcing employees into a bathroom. He was charged with Hobbs Act robbery and brandishing a firearm during a crime of violence. At his sentencing, the district court departed upward from the Guidelines range and sentenced Swallow to ten years in prison on the brandishing count. On appeal, he argued that the higher sentence was not adequately justified. The Eighth Circuit affirmed the sentence, holding that it was justified by the record and that Swallow did not meet his burden of showing a probability that a resentencing would result in a lower sentence.

United States v. Hopkins

The defendant pleaded guilty to assault by strangulation during a domestic assault. He was sentenced to prison, then released to a residential reentry center on supervised release. His supervised release was revoked several times because he absconded from the center and consumed alcohol and illicit drugs. The district court sentenced him to ten additional months in prison, and he appealed, claiming the sentence was substantively unreasonable. The Eighth Circuit affirmed the sentence, holding that it was justified by the record.

ADMINISTRATIVE DIVISION

The Administrative Division of the United States Attorney's Office for the District of South Dakota is headed by Jeff Traill, Administrative Officer, who supervises a number of subject matter experts, including an Administrative Assistant, a Budget Officer, a Human Resources Specialist, a Contracting Specialist, and two Information Technology Specialists focusing on litigation support and computer network management.

The Administrative Division provides consistent and effective administrative services and support to the 62 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.

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 \$6.5 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.

VICTIM RIGHTS AND ADVOCACY

The U.S. Attorney's Office Victim/Witness Assistance Program is coordinated by Marlys Big Eagle. It 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. Our victim witness program staff also provides personal support and assistance to victims and witnesses during court appearances or testimony.

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 (AUSAs) and other staff with the assistance of tribal and federal law enforcement. We work closely with South Dakota's FBI victim specialists and Bureau of Indian Affairs victim 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. 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, 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 AUSA 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, 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 of each court proceeding that the victim is either required 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 a victim impact statement containing information concerning any harm (financial, social, psychological or physical) done to or loss suffered by the victim of the crime; the date set for sentencing and the sentence imposed; and entry of the victim into the Bureau of Prisons' Victim and Witness Notification Program.

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.

RECOGNITION OF HEROES

LAW ENFORCEMENT LINE OF DUTY DEATHS IN SOUTH DAKOTA

Since 1791, more than 22,000 law enforcement officers across the United States have made the ultimate sacrifice. On behalf of us all, the U.S. Attorney's Office of the District of South Dakota and the U.S. Department of Justice honor and mourn our fallen law enforcement heroes, and express our deepest thanks to all law enforcement officers for their bravery and dedication to the safety of our communities and the rule of law.

Bravery is not the *absence* of fear; it is *action* in the face of fear. At least 69 line of duty deaths have occurred in South Dakota since Territorial days. These fallen heroes are:

Aberdeen Police Department (1)

Joseph Daly (August 16, 1919)

Alcester Police Department (1)

Alf Amundsen (September 10, 1940)

Andover Police Department (1)

Daniel Passage (July 29, 1916)

Brown County Sheriff's Office (2)

Ike Fuller (July 1, 1923) Ole Solberg (February 25, 1939)

Brule County Sheriff's Office (2)

James Boney (September 6, 1926) Clarendon Miller (September 6, 1931)

Bureau of Indian Affairs (7)

Paul Afraid of Soldiers (December 15, 1890) John Armstrong (December 15, 1890)

Henry Bullhead (December 19, 1890) David Hawkman (December 15, 1890)

James Little Eagle (December 15, 1890) Charles Shavehead (December 16, 1890)

Frank Horn Cloud (March 10, 1910)

Butte County Sheriff's Office (1)

Dave Malcolm (January 24, 1946)

Campbell County Sheriff's Office (2)

Walter Salzsiedler (April 25, 1949) John Bechtold (August 4, 2004)

Cheyenne River Sioux Tribal Police (1)

Merrill Bruguier (October 9, 2010)

Custer Police Department (1)

James Sawyer (June 13, 1972)

Dallas Marshals Office (1)

Walter Wood (February 25, 1921)

DeSmet Police Department (1)

Arthur Back (September 13, 1932)

Emery Marshals Office (1)

George Shocker (September 24, 1935)

Grant County Sheriff's Office (1)

Melbourne Lewis (July 30, 1941)

Gregory Police Department (1)

William Bearshield (July 26, 1976)

Haakon County Sheriff's Office (1)

Matthew Schofield (March 21, 1985)

Huron Police Department (3)

Clifford Hawley (September 7, 1909) Virgil Deyo (November 29, 1966)

Thomas Callies (March 30, 1982)

Hyde County Sheriff's Office (1)

Hugh McNamara (April 30, 1926)

Lead Police Department (1)

Milan Miller (November 22, 1938)

Leola Police Department (1)

Clarence Berry (December 12, 1921)

Miller Police Department (1)

William Stender (May 15, 1963)

Mitchell Department of Public Safety (1)

John Pierce (April 9, 1884)

Moody County Sheriff's Office (1)

William Davis (November 3, 2003)

Oglala Sioux Tribal Police (3)

John Red Horse (November 16, 1894) Glenn Hollow Horn (April 5, 1980)

Kelmer One Feather (July 1, 2000)

Pierre Police Department (1)

Alva Burnett (June 12, 1944)

Rapid City Police Department (8)

Billy Wilson (November 6, 1885) James Hawkes (December 28, 1916)

Jack O'Leary (November 6, 1926) Elmer Simons (April 2, 1955)

Daniel Wickard (June 9, 1972) Leslie Hollers (September 16, 1985)

Ryan McCandless (August 2, 2011) Nick Armstrong (August 6, 2011)

Sioux Falls Police Department (2)

Edward Pike (September 23, 1922) George Saville (October 6, 1935)

South Dakota Department of Corrections (4)

Eugene Reily (March 6, 1936) Edward Jaworski (September 6, 1951)

Russell Anderson (March 3, 1998) Ronald Johnson (April 12, 2011)

South Dakota Department of Game, Fish and Parks (2)

George Driscoll (April 26, 1964) Ronald Brandt (December 20, 1979)

South Dakota Division of Criminal Investigation (1)

Thomas Matthews (January 24, 1946)

South Dakota Highway Patrol (5)

Bernard Benson (September 17, 1941) Henry Russell (November 19, 1958)

Verlyn Mettler (March 9, 1976) Steven Hoffman (March 12, 1980)

Oren Hindman (May 2, 1985)

South Dakota State Deputy Sheriff (1)

Charles Halpin (May 13, 1927)

Turner County Sheriff's Office (1)

Chad Mechels (March 15, 2009)

United States Department of Justice Alcohol, Tobacco, & Firearms (2)

Charles Bintliff (May 13, 1927) Oscar Hanson (March 28, 1928)

United States Federal Bureau of Investigation (2)

Jack Coler (June 26, 1975) Ronald Williams (June 26, 1975)

United States Marshals Service (1)

Edward Flanery (March 28, 1928)

Webster Police Department (1)

Albert Hubsch (December 5, 1954)

White Lake Police Department (1)

Clyde Rogers (February 3, 1948)

CONTACT INFORMATION

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