

**UNITED STATES ATTORNEY'S OFFICE  
DISTRICT OF NEBRASKA  
2018 ANNUAL REPORT**



**JOSEPH P. KELLY  
UNITED STATES ATTORNEY**

# WELCOME TO THE DISTRICT OF NEBRASKA



Nebraska, is a state that lies in both the Great Plains and the Midwestern United States. It is the 16th largest state geographically, and became the 37th state to join the Union on March 1, 1867. Its 77,000 square miles encompass 93 counties, and a population more than 1.9 million people. As one of the 26 states with only one federal judicial district, Nebraska boasts a diverse and varied topography, geography, and economy. Nebraska is also unique in having the only state legislature that is a unicameral and non-partisan. Nebraska has more underground water reserves than any other state in the continental U.S. The name Nebraska is from an Oto Indian word that means "flat water" (referring to the Platte River, which means "flat river" in French).

The Omaha and surrounding cities make up a population of more than 900,000 which accounts for a large majority of the District's population. Lincoln, the state's capital, is home to more than 280,000 residents. Much of the state is rural, with more than 90% of Nebraska's cities and towns having fewer than 3,000 people.

The state has a mixed economic base with substantial agricultural and agri-business sectors, as well as significant manufacturing, technical, and service sectors. More than 93% of Nebraska's land is in production agriculture with approximately 46,000 farms and ranches. The state is a national leader in production of beef, pork, corn, and soy beans. Other economic sectors include freight transport by rail and truck, manufacturing, telecommunications, information technology, and insurance. Nebraska is also known for its production of ethanol, accounting for an estimated 12 percent of the nation's operating production. Several Fortune 500 companies, including Berkshire Hathaway, Union Pacific, Mutual of Omaha, and Peter Kiewit & Sons, are headquartered in Nebraska, and many others such as TD Ameritrade, Valmont, Gallup Organization, and Woodmen of the World have substantial operations in the District. In 1974 Lincoln's Kawasaki Motors plant was established which manufactures various all-terrain, utility, and recreational vehicles, along with passenger rail cars.



The United States Strategic Command is headquartered at Offutt Air Force Base, located just south of Omaha in Bellevue. Various other federal sites, including the Niobrara Scenic River, the Missouri National Recreational River, several national monuments, historic sites, National Wildlife Refuges, and U.S. Army Corp of Engineers recreational sites are located throughout Nebraska.

The National Park Service Regional Headquarters is located along the Nebraska side of the Missouri River at Omaha. The U.S. Department of Agriculture operates several facilities in the District, including research national forests, and a national grassland. Omaha's Henry Doorly Zoo & Aquarium, ranked as one of the best zoos in the world, is home to the world's largest indoor desert, the largest indoor rainforest in the United States, and the largest zoo aquarium in the country.



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# STRATEGIC GOALS OF THE UNITED STATES ATTORNEY'S OFFICE — DISTRICT OF NEBRASKA

## **I. PREVENT TERRORISM AND PROMOTE THE NATION'S SECURITY CONSISTENT WITH THE RULE OF LAW**

- STRENGTHEN PARTNERSHIPS TO PREVENT, DETER AND RESPOND TO TERRORIST INCIDENTS

## **II. COMBAT CRIME, PROTECT THE RIGHTS OF THE AMERICAN PEOPLE AND ENFORCE FEDERAL LAW**

- COMBAT THE THREAT, INCIDENTS AND PREVALENCE OF VIOLENT CRIME
- PREVENT, SUPPRESS AND INTERVENE IN CRIMES AGAINST NATIVE AMERICANS AND IMPROVE SERVICES TO CRIME VICTIMS
- COMBAT THE THREAT, TRAFFICKING, AND USE OF ILLICIT DRUGS AND THE DIVERSION OF PRESCRIPTION DRUGS
- COMBAT CORRUPTION, ECONOMIC CRIMES, FRAUD, CYBER-CRIMES, HUMAN TRAFFICKING AND INTERNATIONAL ORGANIZED CRIME
- PROMOTE AND PROTECT AMERICAN'S CIVIL RIGHTS
- PROTECT THE FEDERAL MONIES AND DEFEND THE INTERESTS OF THE UNITED STATES

## **III. ENSURE AND SUPPORT THE FAIR, IMPARTIAL, EFFICIENT AND TRANSPARENT ADMINISTRATION OF JUSTICE AT THE FEDERAL, STATE, LOCAL , TRIBAL, AND INTERNATIONAL LEVELS**

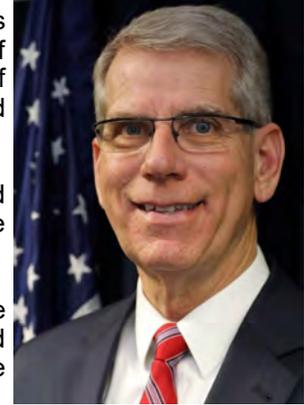


## MESSAGE FROM THE UNITED STATES ATTORNEY

The United States Attorney's Office embarked on another industrious year as we increased our efforts to ensure public safety and accomplish the mission of the Department of Justice. I am honored to work with an extraordinary group of dedicated Assistant U.S. Attorneys, Special Assistant U.S. Attorneys and support staff.

This mission cannot be achieved without the valiant efforts of the men and women, from federal, tribal, state and local law enforcement with whom we partner. Their hard work and selfless dedication to duty is inspiring to all.

We are immensely grateful to our numerous community partners. These organizations and individuals are vital to our community outreach and education, and significantly contribute to a safer community for all. We are privileged to serve the United States Department of Justice, the U.S. Attorney's Office - District of Nebraska, and all Nebraskans.

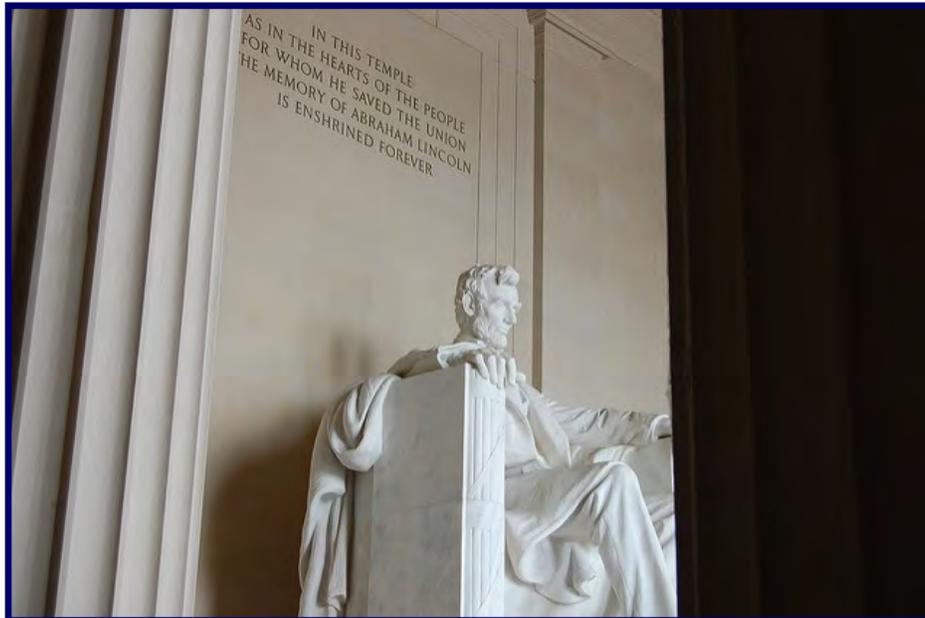


*Joe Kelly*  
*United States Attorney*

Joe Kelly  
United States Attorney  
District of Nebraska

## United States Attorney's Office — Mission Statement

To enforce the law and defend the interests of the United States according to the law; ensure public safety against threats foreign and domestic; to provide federal leadership in preventing and controlling crime; to seek punishment for those guilty of unlawful behavior; and to ensure fair and impartial administration of justice for all Americans.

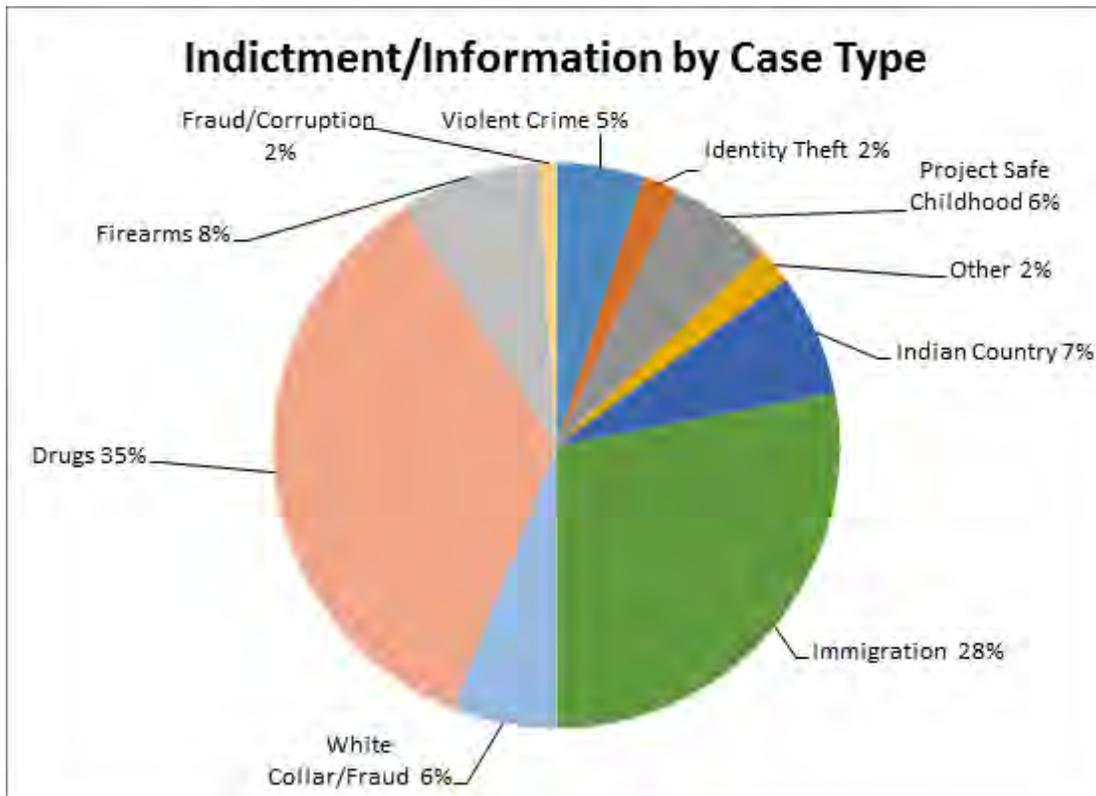


## CRIMINAL DIVISION

The United States Attorney's Office (USAO) Criminal Division, which consists of the General Crimes Unit and the Narcotics Enforcement Unit, prosecutes violations of federal criminal law. The attorneys in the General Crimes Unit are supervised by Criminal Chief Michael Norris, while John Higgins, supervises the Narcotics Enforcement Unit and Asset Forfeiture. AUSA Steve Russell is the Lincoln Branch Officer Manager and the Senior Litigation Counsel/Appellate Coordinator.

General criminal cases include child pornography, financial crimes, criminal immigration, identity theft, robbery, Indian Country major crimes, etc. The Narcotics Enforcement Unit cases include drugs, guns, money laundering, structuring and interstate transportation in aid of racketeering. For 2018, the USAO filed 480 criminal cases involving 571 defendants. Between the two units, there were a total of 16 trials and 36 civil and criminal 8th Circuit Court appeals.

In 2018 the Criminal Division continued to focus its efforts on areas identified as national priorities by the Department of Justice: anti-terrorism, assuring the safety of our communities, and drug enforcement. Working closely with federal, state, tribal, and local law enforcement agencies, there are 22 Assistant United States Attorneys and three Special Assistant United States Attorneys in the general crime and drug units. The majority of these cases related to illegal drugs; however, firearms cases, immigration cases, and offenses involving identity theft and fraud comprised a significant portion of the criminal cases filed. The USAO prosecutes numerous individuals for immigration-related offenses every year. Those offenses can involve charges of illegally reentering the United States after removal, identity theft, possession of false documents, or distributing false documents. During 2018, the USAO saw an increase in the filing of immigration cases. The office charged 137 cases involving immigration offenses, an increase of 9% percent as compared to calendar year 2017.



## GENERAL CRIMES UNIT

The General Crimes Unit, under the direction of the Criminal Division, handles a wide range of criminal cases to include terrorism, violent crime, white collar crime, child pornography and child enticement cases. Crimes occurring in Indian country are also handled by the General Crimes Unit.

## ANTI-TERRORISM

The fight against terrorism, both international and domestic, continues to be the first priority of the Department of Justice. The Criminal Division in the District of Nebraska has committed significant resources to this effort. Working closely with the FBI and other federal, state, and local law enforcement agencies, office personnel continue their active membership in the Joint Terrorism Task Force (JTTF) and the Nebraska Information Analysis Center (NIAC) to detect indications or warnings of terrorist activities, identify potential targets of terrorist activities within the District, disrupt activities that support terrorism, and prevent through aggressive prosecution, any crimes that may in some way contribute to terrorism.



The District of Nebraska continues to chair the Suspicious Activity Report (SAR) Review Team. The SAR Review Team is comprised of members from more than a dozen different federal, state, and local law enforcement agencies. Monthly, each member reviews the previous month's SAR(s) through their respective organizational filters and shares information that arise from their investigative efforts. This has been successful in bringing investigative and prosecutorial resources to bear on individuals and entities engaging in violations of the Bank Secrecy Act, and de-confliction with ongoing investigations.

The USAO also serves as a member of the U.S. Strategic Command Threat Working Group, whose mission is to identify and mitigate threats to the command and its supporting Department of Defense elements, including innumerable private contractors. Reduction of these threats requires a concerted effort which includes information sharing and networking among law enforcement personnel at every level.

## PROJECT SAFE NEIGHBORHOODS AND HOBBS ACT CASES

In cooperation with federal and local law enforcement agencies and prosecutors, Project Safe Neighborhoods (PSN) continues to be a high priority of the USAO. PSN is a nationwide commitment to reduce gun and gang crime in America by networking existing local programs that target gun and gun crime, and providing these programs with additional tools necessary to be successful. The goal of PSN is to create safer neighborhoods through a sustained reduction in gang violence and gun crime. Assistant U.S. Attorney Matt Lierman serves as the point of contact on PSN-related matters for the USAO.

The USAO worked closely with the Bureau of Alcohol, Tobacco, Firearms & Explosives, the Omaha Police Department's Gang and Firearm Units and other agencies to target gang members and others who committed violent, firearm and drug trafficking offenses.

In 2018, as part of the PSN initiative, the Omaha Police Department traced and tracked 1,045 guns. Of these 448 guns were used in criminal activity. The Federal Grand Jury returned 80 indictments which included firearms associated with the delivery or conspiracy to deliver narcotics.

The Hobbs Act is a tool increasingly utilized by the United State's Attorney's Office to prosecute those engaged in serial robberies. Through this act, and under the Project Safe Neighborhoods initiative, a broad spectrum of criminal justice investigators and prosecutors work together to identify the most pressing violent crime problems in the community and develop comprehensive solutions to address them.

As part of this strategy, PSN focuses enforcement efforts on the most violent offenders. Some of the dollar amounts of these robberies are not significant, but these violent crime sprees target innocent, hard-working members of the community. The convictions result in lengthy prison sentences for those who show a total and repeated disregard for law and order and the lives and well-being of the community.

There is no parole in the federal system, and these are important reasons for law enforcement to consider federal prosecution in these types of cases.

Although federal prosecution is a powerful tool in the fight to reduce violent crime, not every offender needs to be prosecuted federally. In some cases, prosecution in the state, local, or tribal system can effectively remove a criminal from the community and provide the most appropriate sanction for violent offenders.

Featured below are some of the PSN and Hobbs Act cases.

### **Terrece Cox and Tyrrel Davis**

Cox and Davis both pleaded guilty to Bank Robbery and Use of a Firearm in connection with the armed robbery of the Creighton Federal Credit Union in Omaha. Cox received 9 years and Davis 10 years for their roles in this robbery.

### **Israel Holmes**

Holmes was sentenced to 10 years for his involvement in five bank robberies and one gas station. Although no firearms were used, Holmes and his accomplices used pepper spray on the bank tellers. Huffman and the Stablers' (below) are accomplices in these robbery cases.

**Julian Huffman** served as a getaway driver for one bank robbery while still on parole in the State of Missouri and was sentenced to 5 years in prison;

**Kiana Stabler**, was sentenced to 7 years imprisonment. She, along with four other defendants, worked together to rob six banks in Lincoln, Nebraska, in 2017. All five defendants pleaded guilty to a conspiracy to interfere with commerce by robbery, a count that carries a term of up to 20 years' imprisonment, and up to three years of supervised released.

**Kaylene Stabler** entered one of the banks brandishing a pellet gun. She was also sentenced to 5 years in prison.

**Crystal Stabler** served as a getaway driver for two robberies, and was sentenced to 4 years in prison.

## PROJECT SAFE NEIGHBORHOODS AND HOBBS ACT CASES

**Warren Dwayne Vasser**  
**Warren Copeland**  
**Angelo Douglas**

Vasser was sentenced to 11 years' imprisonment and Copeland and Douglas were sentenced to prison terms of 12 and 11 years respectively. for the robbery of the First State Bank in Fremont, NE. In November 2017, Vasser, Copeland and Douglas all entered the First State Bank brandishing firearms, robbing the bank of more than \$84,000. After the robbery they led police on a high speed chase into Omaha. All three were arrested and the money was located. Each had gang affiliations.

**Preston Pope, age 28, and Jeron Morris, age 25,** both of Omaha, Nebraska, were sentenced for their involvement in two Omaha robberies. Pope received a sentence of 62 years, 3 months of imprisonment to be followed by 5 years of supervised release. Morris received a 10-year sentence to be followed by 3 years of supervised release. They were both ordered to pay a total of \$11,555.92 in restitution.

On August 11, 2015, Morris and Pope robbed the Walgreen's at 3001 Dodge Street, Omaha. They took \$556.14 from the store and \$12 from a customer.

At approximately 5:43 p.m. the same day, Pope and Morris, entered the U.S. Bank inside the No Frills grocery store at 4240 South 50th Street. Both were waving a handgun. Two tellers had \$9,984 taken at gunpoint.

Officers located the car about a mile away and discovered it had been stolen. Morris's DNA was found in the car and officers located a .40 caliber magazine in the car.

On August 14, 2015, officers attempted to stop a van for a traffic violation. The driver of the vehicle, Pope, fled from officers first in the vehicle and then on foot. Pope was caught. Officers retraced the chase route and found a .40 handgun on the side of the road.

The gun was tested for DNA and it was found to contain Pope's DNA. The magazine in the gun matched the magazine found in the white car three days prior. Officers served a search warrant at the residence where Pope was staying and they found an empty box for a .40 handgun with two magazines. The serial number of the box matched the gun discarded when Pope was chased.

Morris previously pleaded guilty to one charge of brandishing a firearm at Walgreen's and robbing the U.S. Bank. Pope went to trial and was convicted of being a felon in possession of a firearm, robbing Walgreen's, robbing U.S. Bank and brandishing a firearm at each location. Based on his prior criminal history, he was deemed to be a career offender.

**Justin C. McCoy, 30,** was sentenced in federal court to 16 years imprisonment or his role in a number of robberies.

On January 13, 2018, McCoy, brandishing a firearm, robbed the Scooter's at 766 Gold Coast Drive in Papillion, Nebraska. He threatened an employee through the drive-through window and obtained \$550.00.

On January 14, 2018, McCoy robbed Valentino's Pizza at 5070 Leavenworth in Omaha. He waived a firearm at the two employees before taking \$75.00.

On the same day McCoy robbed the Bucky's at 11955 Pacific Street in Omaha. Brandishing a firearm, he demanded money. He obtained \$155.00

The use of a firearm to rob three businesses of a total of \$780.00 resulted in more than 16 years of imprisonment.

## PROJECT SAFE NEIGHBORHOODS COMMUNITY OUTREACH



*PSN National Award - Willie Barney center, with members of the U.S. Attorney's Office and the Omaha Police Department*

### National PSN Award

The Omaha PSN initiative garnered national recognition at the Department of Justice Project Safe Neighborhoods conference in Kansas City, Missouri in December 2018. It was recognized as one of only two community-based programs in the nation for its substantial contribution to the reduction of gun violence in the community. Willie Barney, founder of the Empowerment Network and Omaha 360, received the award for his vision and determination to make Omaha a safer community. The Omaha 360 Violence Prevention Collaborative serves as a model of how PSN and federal prosecutors can partner with community-based efforts to enhance the law enforcement response to violent crime.

The success of this program has dramatically decreased gun violence in Omaha and demonstrates that partnerships with non-criminal justice can greatly assist enforcement efforts through comprehensive prevention and community support.

Omaha 360 is a group of more than 400 organizations and thousands of participants. It grew out of the Omaha Empowerment Network founded in 2006 by Barney. The focus of Omaha 360 is to work together to end gun and gang violence, and develop peaceful and prosperous neighborhoods.

The collaborative effort brings together residents and stakeholders to reduce gun violence (gun assaults), reduce youth violence and gang violence, provide positive alternatives and activities.

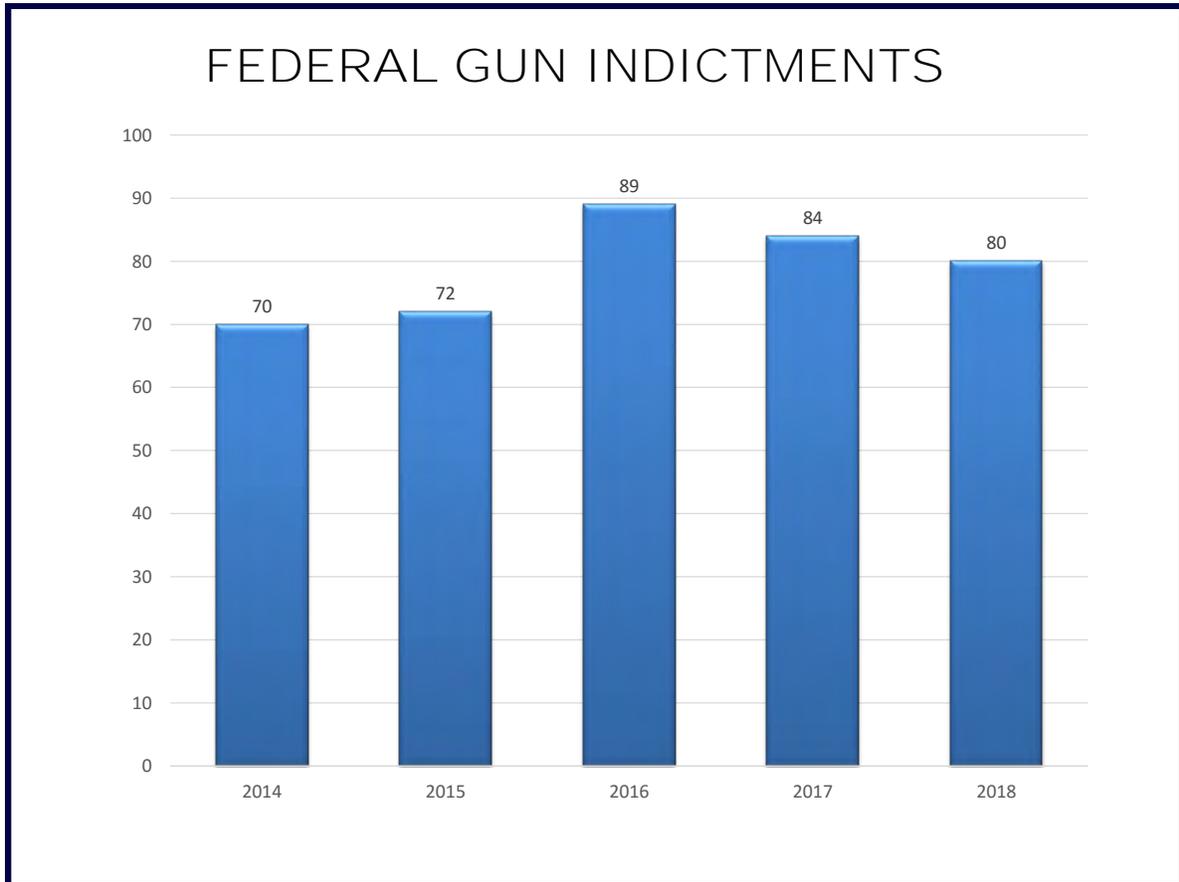
These stakeholders meet on a weekly basis and work together to address the root causes of gun violence and develop positive opportunities as alternatives to violence. Omaha has developed strong police-community relations as a result of this collaboration, and OPD's strong community engagement programs.

These efforts have been key to violence reduction and community building, resulting in increased calls for service, witness cooperation, and clearance rates. Omaha 360 has fully embraced its partnership with the United States Attorney's Office.

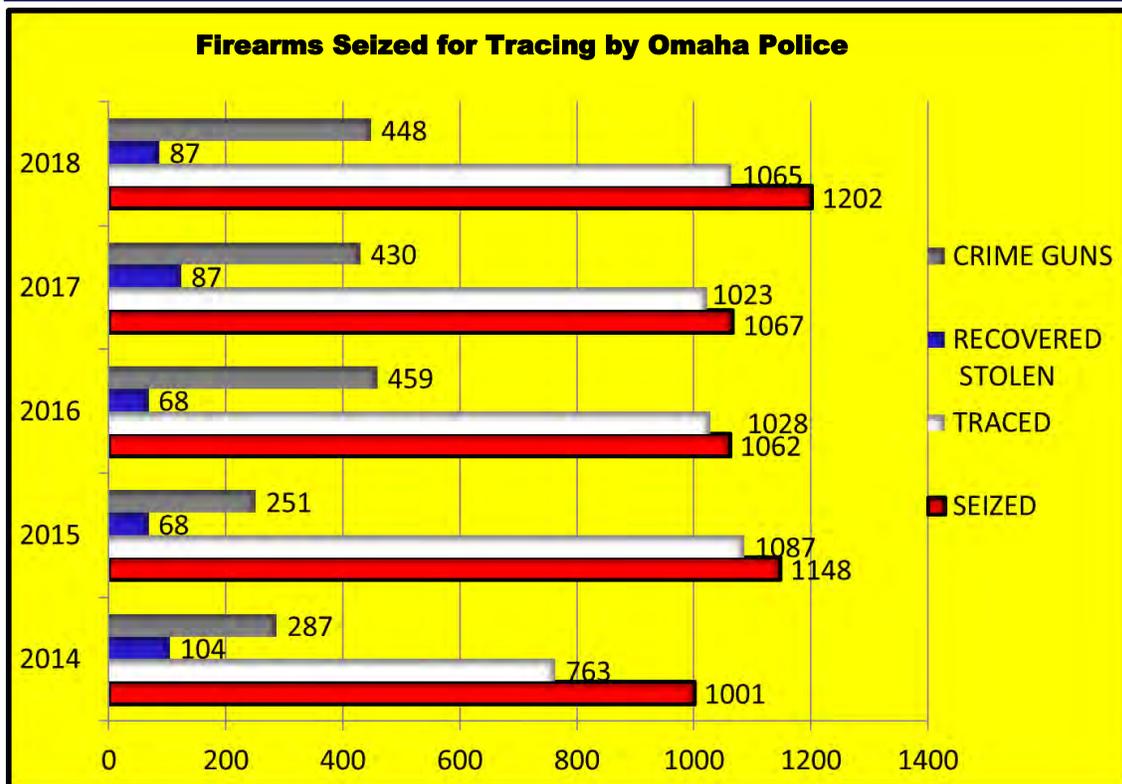
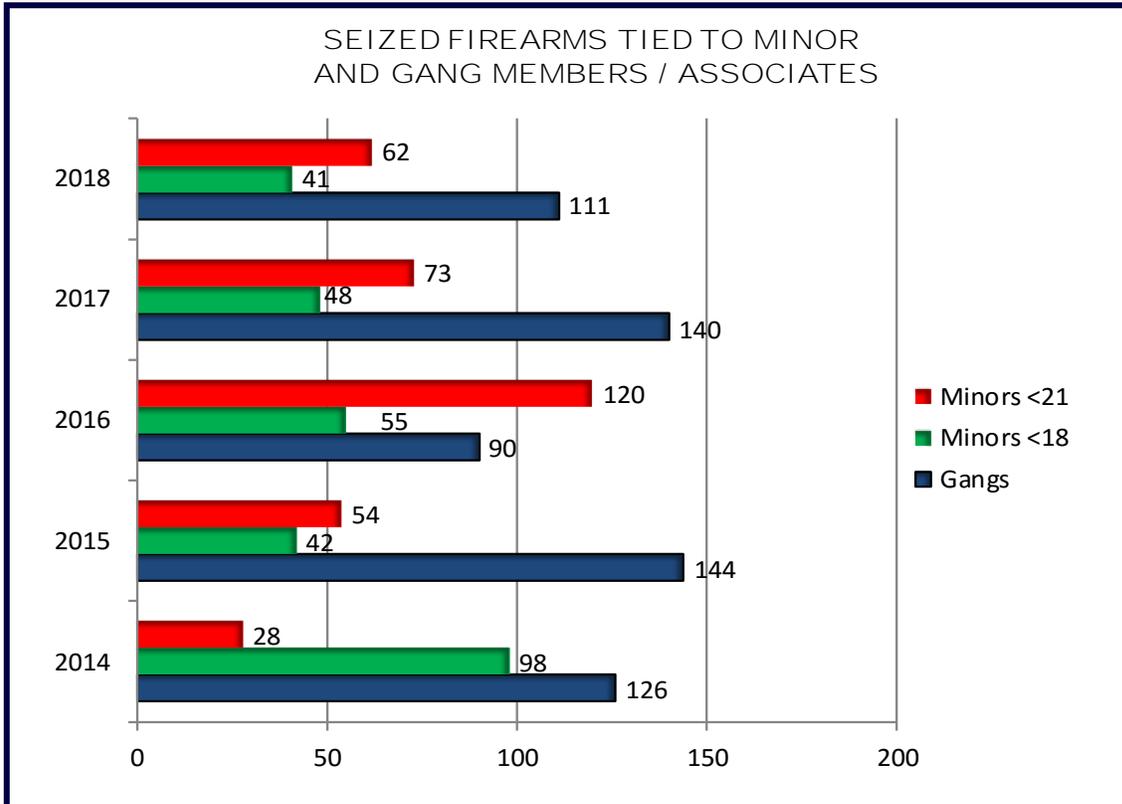
This partnership allows the United States Attorney's Office to focus on its primary role = enforcing the law, and by doing so, improving public safety, while supporting other individuals and organizations to address the factors that contribute to violent crime. The combination of these efforts has made a significant impact in Omaha and is an integral component of the PSN effort.



PROJECT SAFE NEIGHBORHOODS



PROJECT SAFE NEIGHBORHOODS



## VIOLENT CRIME

In addition to robberies of financially insured banks and establishments of interstate commerce, the USAO assists in the investigation of matters conducted by federal law enforcement officers, offenses involving interstate threats (to include narcotics), threats against judges and threats against, or assaults of, federal law enforcement. All are within the office's area of responsibility.

### **Taylor Michael Wilson, 26**

Wilson, of St. Charles, Missouri, was sentenced to 168 months' imprisonment for violence against a transportation system and possession of an unregistered short barrel rifle. At sentencing, the government secured a hate crime enhancement, in part, by showing a "Frontline" excerpt of Wilson assaulting a protestor in Charlottesville earlier in the year. After his release from prison, Wilson will be on a five-year term of supervised release. Wilson was further ordered to make restitution to Amtrak in the amount of \$9,350.

Wilson, carrying a .380 caliber handgun and cards of the National Socialist Movement, disabled an Amtrak train in rural Nebraska. Wilson stated he was "trying to save the train from black people."

Wilson boarded an Amtrak train in California on October 19, 2017. He remained on the train as it traveled into Nebraska. Near rural Furnas County, Nebraska, Wilson, armed with a handgun, broke into the engine compartment of the train. He cut the lights to the passenger compartment and disabled the train. Some passengers panicked and attempted to escape through the windows.

Train conductors subdued Wilson. During the struggle, Wilson declared that he was the conductor. He stated that he was "trying to save the train from black people." Wilson was restrained until law enforcement arrived, confiscated his gun and took him into custody.

Wilson claims membership in the National Socialist Movement. A search of his residence in Missouri recovered the unregistered short barrel rifle, a copy of Mein Kampf and a play Wilson wrote about taking over America.



## PROJECT SAFE CHILDHOOD CASES

**P**roject Safe Childhood (PSC) is a nationwide initiative to combat the growing epidemic of child sexual exploitation and abuse. Launched in May of 2006 by the United States Department of Justice, it is led by United States Attorneys' Offices nationwide and the Criminal Division's Child Exploitation and Obscenity Section (CEOS). The program marshals federal, state and local resources to better locate, apprehend and prosecute individuals who exploit children via the Internet, as well as to identify and rescue victims. Assistant U.S. Attorney Mike Norris serves as the point of contact for PSC.

In calendar year 2018, the USAO filed charges involving the receipt or production of child pornography against 38 people. In total, 15 people were convicted and sentenced in 2018 for sentences involving child pornography. In addition, charges were brought against 10 others who failed to register as sex offenders. Indictments were returned against several individuals for other crimes involving the exploitation of children via the Internet or other crimes of sexual abuse.

Those indictments included charges for interstate travel to engage in sexual acts with a juvenile. The Nebraska Attorney General's office has collaborated with the USAO on child pornography cases and cross-designated assistant attorney generals assist in bringing federal charges on individuals throughout the state.

Here are a number of the significant cases that were prosecuted under this initiative.

### **Francisco A. Saldana**

Saldana of Omaha, Nebraska, was sentenced to 324 months' imprisonment for the production of child pornography. Saldana will begin a 15-year term of supervised release and will also be required to register as a sex offender upon his release from prison.

On or about October 6, 2017, agents with Homeland Security Investigations (HSI) executed a federal search warrant at the residence of Saldana in Omaha, Nebraska. During a search of Saldana's computers and other electronic items, HSI agents identified child pornography including images and videos. The child pornography included images of a seven-year-old female and an eight-year-old male, both of whom were known by Saldana.

Agents determined through forensic analysis of Saldana's computers and other electronic items that he induced both minors to take part in sexually explicit conduct on or about August 26, 2017. Using a digital device, Saldana produced at least eight (8) digital images of the minors engaging in sexually explicit conduct.

### **Kenneth Joseph Jacobsen**

Jacobsen, formerly of Lincoln, Nebraska, was sentenced to 30 years in prison for the production, distribution and receipt of child pornography. In addition to his prison sentence, Jacobsen will serve 20 years on supervised release and be required to register as a sex offender. Jacobsen was also ordered to pay \$1,000 in restitution to his victims.

In December, 2016, Homeland Security Investigations (HSI) received a request from an agent in Boston asking for assistance in identifying victims of child sexual abuse believed to reside in Lincoln, Nebraska. Upon a review of the images provided and additional investigation by law enforcement, investigators of the Lincoln Police Department and HSI were led to the residence of Jacobsen. In December, 2016, law enforcement executed a search warrant at Jacobsen's residence. When interviewed, Jacobsen admitted to taking sexually explicit digital videos and images of minor children, including prepubescent minors, and posting those pictures through emails and internet-based web services. He also admitted to possessing images of child porn.

Forensic examination of items of computer storage media found at Jacobsen's residence uncovered approximately 16,374 images and approximately 1,444 videos of child pornography, including images of prepubescent minors engaged in sexually explicit conduct. Of that number, approximately 1,918 images and 125 videos appear to have been produced by the Defendant. Of the videos produced by the defendant, seven of the eleven victims have been identified from the investigation. Investigation also determined that the defendant used the Internet, a means and facility of interstate and foreign commerce, to receive and distribute images of child pornography.

## PROJECT SAFE CHILDHOOD CASES

### Nicholas Alford

Alford of Bellevue, Nebraska, pleaded guilty on Feb. 15, 2018 to one count of production of child pornography and sentenced to 15 years' imprisonment and a five-year term of supervision after his release. He will be required to register as a sex offender.

According to admissions made in connection with his guilty plea, in July 2015, Alford provided a 13-year-old minor with the username for a Kik Messenger account. Alford would pay the minor money in exchange for sexually explicit images. Alford was actually the user of the Kik Messenger account, and, in that capacity, he persuaded the minor to send dozens of sexually explicit images to his Kik Messenger account.

A search warrant executed on Alford's Bellevue residence resulted in the discovery of dozens of images and videos depicting the minor engaged in sexually explicit conduct.

### Eric J. Becker

Becker, formerly of Lincoln, Nebraska, was sentenced to 11 years in prison for distribution and receipt of child pornography. After his release from federal prison, Becker will be required to serve 14 years on supervised release and register as a sex offender. He is also required to pay \$1,000 restitution.

In November of 2016, Facebook provided several cybertips to the National Center for Missing and Exploited Children regarding a Facebook account using the name "Ashley Morris". The account was opened in December of 2015 and indicated that the account holder was a 19-year-old female living in York, Nebraska. Facebook reported that the account was receiving images of underage individuals engaged in sexually explicit conduct. Facebook identified 5 accounts belonging to users under the age of 18. Facebook also provided portions of messages between "Ashley" and the underage users.

Using information from Facebook and IP addresses, a second Facebook account for Becker (using his real name) was identified as using the same device as the "Ashley Morris" account. Becker's account showed that he lived in Lincoln.

The Nebraska State Attorney General's Office obtained a search warrant for Becker's residence and recovered approximately 25,000 images of child pornography, including those sent from minor victims, from Becker's computer and phone. These images, in addition to other images of child pornography, were received and distributed by Becker between May, 2014 and January, 2017.

### Lawrence Quignon

Quignon was sentenced to 15 years of imprisonment for distributing child pornography. After his release from prison, he will begin a 10-year term of supervised release.

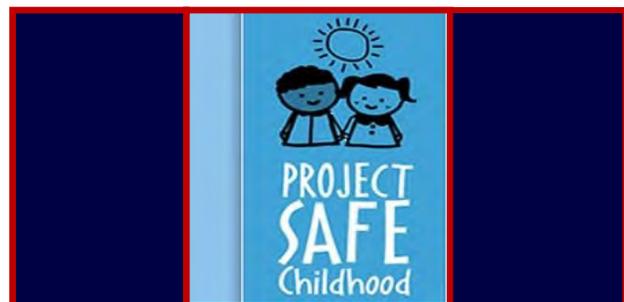
Quignon has a lifetime registration requirement in Nebraska as a sex offender. The requirement was the result of prior state convictions for First Degree Sexual Assault and child pornography.

Quignon was identified through a Nebraska State Patrol investigation as an individual uploading child pornography onto an online chat service. A search warrant was executed at his residence and recovered child pornography. Quignon admitted to uploading images to the online chat service.

### Douglas Goldsberry

Goldsberry was sentenced to 72 months' imprisonment. After his release from prison, he will begin a 10-year term of supervised release and be required to register as a sex offender.

Goldsberry was arrested for pandering after it was determined that he was ordering escorts to his neighbor's home on a regular basis. His digital devices were seized from his home. More than 20 videos and 1,000 images of child pornography were found on two devices.



## WHITE COLLAR CRIME CASES

The USAO investigates and prosecutes a broad range of “white collar” offenses. Cases involving government program fraud, tax fraud, financial institution fraud, health care fraud and frauds targeting the elderly and other citizens are prosecuted every year. Prosecutions of such crimes can often yield substantial prison sentences and/or fines, along with restitution.

**Bailey Marie Boswell and Aubrey Clifton Trail** were sentenced for interstate transportation of stolen property. Boswell received a sentence of 5 years, while Trail was sentenced to 10 years in prison. Restitution in the total amount of \$407,782 was also ordered to be paid to the two victims in this case. Both were also given 3 years of supervised release.

Beginning in December, 2015, through November, 2017, Trail was falsely representing himself as “Alan Russell,” and approached the victims in this scheme with a proposal to jointly purchase a rare gold coin and share in the profits from the “sale” of that coin. Trail falsely represented the value of the gold coin to be far in excess of the price to be paid by “Russell” and the victim. Trail then requested money from the victims in order to help the “sale” of the coin to purchasers that he claimed to have, when in reality there was never a “sale” and the coin was not a gold coin of such high value.

In an attempt to make the victims believe that the “sale” of the coin was legitimate, in February, 2017, Trail and Boswell set up false documents and websites and Boswell falsely portrayed herself as a broker. Through the course of the scheme, Trail and Boswell would travel from Nebraska to Kansas to pick up money and property from the victims, all under the guise that such money and property was to aide in the “sale” of the gold coin. In total, Trail and Boswell received more than \$400,000 in money and property from the victims which they used for personal use.

Trail and Boswell have also been charged in state court in Nebraska with the disappearance and homicide of Sydney Loofe. The United States Attorney’s Office and the Federal Bureau of Investigation assisted in the investigation of the homicide through the issuance of search warrants and other legal processes.

**Daniel Kinnison** of Verdigre, Nebraska, was sentenced to eighteen months’ imprisonment, a three-year term of supervised release, and ordered to pay restitution in the amount of \$607,210 to the IRS. During the years 2002 through 2005 the defendant, a participant in multi-level marketing companies, evaded the payment of Federal Income Taxes totaling more than \$607,000 by concealing and placing his assets, including real estate and salaried income in other individuals’ names in order to defeat the IRS’s ability to collect on said taxes. Additionally, he falsely stated to the IRS that he had no income generating employment during the period 2009 to the present.

**Thomas Beatty Jr.**

Beatty was sentenced to 30 months imprisonment, a three-year term of supervised release, and ordered Beatty to make restitution in the amount of \$142,000, for mail fraud and money laundering.

From June 2017 through November 2017, the defendant advertised and sold on *ebay* rare and valuable sports trading cards including two of Mickey Mantle, and one each of Joe Namath and Bill Russell, worth \$117,500. The cards were in fact not authentic but rather counterfeit and worth less than \$10 each.

**Mark Martin Ackerman** of Crete, Nebraska, was sentenced in federal court in Lincoln, Nebraska, on August 30, 2018, for 15 counts of wire fraud. He was sentenced to 10 years’ imprisonment. After his release from prison, Ackerman will begin a three-year term of supervised release.

Over the course of five years, Ackerman embezzled \$1,400,000 from Vertical Horizons Contracting, Inc., a closely held corporation based in Lincoln, Nebraska. Ackerman was the office manager for VHC for ten years. Ackerman was ordered to pay more than \$2,000,000 in restitution, with a portion of that money having already been paid to the Court. Ackerman was further ordered to forfeit numerous luxury vehicles and his home in Crete. It was determined that Ackerman purchased these assets with the stolen money from the small, family-owned business. These assets will be sold for the benefit of victim restitution.

## WHITE COLLAR CRIME CASES

**Sarah E. Batenhorst** of Lincoln, Nebraska, was sentenced to 10 months in prison for wire fraud. Batenhorst was also ordered to serve a period of 3 years on supervised release and pay restitution in the amount of \$343,773.55.

From 2006 to 2016 Batenhorst worked as an assistant bookkeeper and then accountant at the Nebraska Rural Electric Association (NREA) with access to the NREA checking account. Beginning in 2014, without authorization or approval of the NREA board or other officers, Batenhorst increased her annual salary. Also in 2015, Batenhorst, began increasing printing and set-up rates for the Rural Electric Nebraska magazine, and used the increased income to pay her own Discover credit card account and personal loans.

Additionally, Batenhorst paid her Discover credit card and personal loan accounts from checks fraudulently written on the NREA account and then, to conceal her actions, she altered copies of those checks and also altered the NREA bank statements. These checks were processed through wire transfers from Nebraska, in interstate commerce, through intermediate banks, to the bank used by Discover Card, located in the state of Delaware.

**Valerie M. Stevens** was sentenced to 15 months in prison for wire fraud. In addition to the prison sentence, Stevens will also be required to pay restitution in the amount of \$222,322.43 and serve three years on supervised release.

From January, 2011, until October, 2016, Stevens served as the office manager for Lincoln Family Wellness, P.C. During this period of time Stevens was given use of a Pinnacle Bank Visa card, in the name of Lincoln Family Wellness. The credit card was billed to Lincoln Family Wellness and Stevens at their business address in Lincoln, Nebraska. Stevens was provided the credit card for the exclusive purpose of paying for office expenditures and was aware that she was not authorized to use the Visa credit card for the purchase of personal items.

During this period of her employment, Stevens made numerous unauthorized charges to the Visa card, to pay for personal expenses for herself and others. Once the Visa card bills were received in the office, Stevens would then pay for these unauthorized personal credit card charges by using the proceeds of Lincoln Family Wellness, P.C. In total, Stevens charged more than \$130,000 in personal expenses on the Visa credit

WHITE  
COLLAR  
CRIME



## INDIAN COUNTRY

The USAO has jurisdiction over major crimes committed on the Omaha, Winnebago and Santee Reservations.

The Omaha and Winnebago reservations are contiguous to one another and are situated 80 miles north of the City of Omaha. The Santee Sioux Reservation is located 190 miles northwest of the City of Omaha and 115 miles west of the Winnebago and Omaha reservations.

The population on the Winnebago Indian Reservation is approximately 2,600. The Omaha Reservation is home to 5,194 Native Americans and the Santee Sioux has approximately 800 people residing on their reservation.

Although Nebraska was originally designated as a Public Law 280 state, each of these reservations has retroceded jurisdiction so that the USAO has jurisdiction under Title 18, United States Code, Section 1153 for major crimes committed by Native Americans against other Native Americans or property owned by other Native Americans. Additionally, the USAO has jurisdiction under Title 18, United States Code, Section 1152 for all offenses committed by non-Native Americans against Native Americans or property owned by Native Americans.

Federal laws of general applicability which are not dependent on Indian Country or exclusive federal jurisdiction as a jurisdictional basis also apply in Indian Country. These crimes include, but are not limited to, mail and wire fraud, felon in possession of a firearm, use of a weapon during a crime of violence, interstate violence against women, interstate violation of protection orders, and illegal distribution of controlled substances.

Felony assaults, rapes, child sexual assaults and child physical abuse are the main offenses routinely prosecuted federally on the three reservations.

The Federal Bureau of Investigation (FBI) assumes primary responsibility for these investigations on the Omaha and Santee Sioux Reservations to investigate major crimes. A Bureau of Indian Affairs (BIA) criminal investigator assumes primary responsibility on the Winnebago Reservation.

There is one Bureau of Indian Affairs (BIA) investigator assigned in Nebraska and this agent covers criminal matters on the Winnebago Reservation.

The Winnebago Reservation is covered by uniformed BIA sworn officers with federal certification and Winnebago Tribal Police officers without federal certification. The Omaha Reservation and the Santee Sioux Reservation are covered by tribal officers who do not have federal certification.

The USAO, dedicates a Tribal Liaison AUSA, and several other AUSA's to the prosecution of Indian Country cases. The Tribal Liaison AUSA assists in the coordination among the three tribes and local, state, and federal investigators and prosecutors; bridges gaps in jurisdictional coverage; establish cohesive relationships between federal prosecutors and tribal communities; and improve the quality of violence against women cases through effective case management.

All three reservations have domestic violence shelters. The AUSA and the Victim advocates work closely with the directors of these shelters in regard to domestic violence cases. The shelter directors are kept informed of the status of cases concerning their residents and the directors aid in facilitating contact with victims. The USAO Tribal Liaison, and the Victim advocates are members of the Child Abuse multi-disciplinary teams for the tribes. These teams monitor the coordination of services in regard to child abuse and neglect cases.

### **Ponca Tribe of Nebraska**

The Ponca Tribe of Nebraska with a population of slightly more than 3,100 nationwide, does not have a reservation. In 1858, the Ponca Tribe relinquished most of its land to the federal government. In 1962, Congress terminated its relationship with the Ponca Tribe. However, federal recognition was restored in 1990 when Congress re-recognized the Ponca Tribe. Although the Ponca Tribe lacks a land base in Nebraska, the Tribe does have designated "Service Delivery Area" counties; fifteen counties in Nebraska with 1,100 members in these counties.

## INDIAN COUNTRY CRIME

The following cases highlight some of the Indian Country cases prosecuted on the Omaha, Winnebago and Santee Indian Reservations in 2018.

### **Jeremiah Wolfe, Lawrencia Merrick and Natasha Wolfe**

Jeremiah Wolfe and Merrick were both sentenced to fifteen years for second degree murder and Natasha Wolfe, Jeremiah's mother, was sentenced to 14 years for conspiracy to commit second degree murder. All three were given 5 years of supervised release to begin upon completion of their prison terms.

On April 23, 2017, Jeremiah Wolfe, Lawrencia Merrick, Natasha Wolfe and a juvenile were sitting inside a Chevy Tahoe parked in the lot of the Ho Chunk Incorporated building on the Winnebago Indian Reservation. They were using their phones while connected to the building's free wireless internet.

At nearly 5:00 a.m., the victim was outside the building, looking for cigarettes. After verbally engaging the victim, all of the occupants inside the Chevy Tahoe got out of the car, approached the victim, and assaulted him. The victim turned to run away from the group, but was caught by Jeremiah Wolfe.

Merrick caught up to Jeremiah Wolfe and the two proceeded to repeatedly hit and punch the victim. Jeremiah Wolfe put him into an arm-bar hold while Merrick continuously hit him. Wolfe would later tell police that he believed the victim would regain consciousness. When Wolfe, his mother, and Merrick left the area, the victim was still alive.

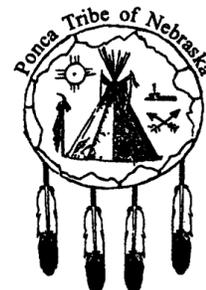
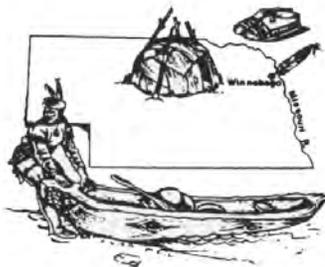
Natasha Wolfe struck the victim in the head three times with a flashlight, he lost consciousness and Jeremiah Wolfe let him go. Merrick then kicked him and he fell face down after the assault, and never got back up. Jeremiah Wolfe and Merrick had no prior contact with the victim and did not know who he was. Only Natasha Wolfe knew who he was, but did not have a relationship of any kind with him. His body was discovered several hours later when a local resident on his way to church drove by the scene.

### **Darrell Lee Blackfish**

Darrell Lee Blackfish was sentence to 9 years' imprisonment for sexual abuse. After his release from prison Blackfish will serve a five-year term of supervised release and will be required to register as a sex offender. Blackfish sexually abused an eight-year-old girl on the Winnebago Reservation. He threatened to harm the girl if she told anyone.

### **Silas L. Kitto**

Silas L. Kitto was sentenced to 96 months' imprisonment for the sexual abuse of a minor and abusive sexual contact with a minor. After his release from prison Kitto will begin a five-year term of supervised release and will be required to register as a sex offender. During April 2016 Kitto engaged in sexual intercourse with one 14-year-old minor and, on a separate occasion, touched the breast and buttocks of another 14-year-old female minor. Both incidents occurred on the Winnebago Reservation.



## INDIAN COUNTRY CRIME

**Stanley L. White, Jr.**

Stanley L. White, Jr. was sentenced to five years of imprisonment for engaging in the abusive sexual contact of a child under 12 and for domestic assault by a habitual offender. After his release from prison White will begin a five year term of supervised release and will be required to register as a sex offender.

For a one-year period ending in March 2016, White engaged in sexual contact of a child who had not attained his twelfth birthday. The contact involved the touching, over the clothing, of a penis. In March 2017, White struck an intimate partner who was also the mother of his children. At the time White had accrued three other domestic violence offenses making him a habitual offender. Both crimes occurred on the Santee Sioux Reservation.

**Vincent Decora**, was sentenced to 24 months for committing a domestic assault as a habitual offender. After completing his term of imprisonment, Decora will begin a three-year term of supervised release.

In September 2017, Decora assaulted his domestic partner on the Winnebago Indian Reservation over a two-day period by punching her repeatedly in the face and torso. At the time of the assault, Decora had three prior convictions for assaulting intimate partners.

**Winnebago Tribal Council prosecution**

In 2016, nine members of the Winnebago Tribal Council were charged with theft or misapplication of funds belonging to an Indian gaming establishment and other charges. Two defendants were dismissed due to health reasons. Five of the defendants were sentenced in 2017.

**In 2018, Darwin Snyder**, former tribal council member, was sentenced to probation. One last defendant will be sentenced later in 2019. The total amount of restitution ordered through 2018 was \$218,000 with \$50,612 having been recovered by the time of sentencing.

In all of these cases the council members were removed from office. Their felony convictions will preclude them from running for any elected office with their respective tribes.

**Omaha Tribal Council prosecution**

In 2018, **seven members of the Omaha Tribal Council** and two other employees of the Omaha tribe were sentenced for their roles in a scheme involving theft or misapplication of funds belonging to a health care benefit program. Each of the defendants was convicted of a violation of 18 U.S.C. § 669. All defendants were sentenced to probation and community service and were ordered to pay restitution in the amount of funds they had wrongfully obtained which belonged to the Carl T. Curtis Health Care Center. **Jessica Webster** and **Barbara Freemont**, the tribal employees, were each ordered to repay \$89,000. **Jeff Miller**, the tribal council treasurer was ordered to repay \$40,213. **Amen Sheridan, Rodney Morris, Doran Morris, Forrest Aldrich, Tillie Aldrich, and Mitchell Parker**, the other tribal council members were each ordered to repay \$13,404. The total amount of restitution ordered from all 9 defendants was \$298,637.

## INDIAN COUNTRY CONTACTS

### USAO District of Nebraska Indian Country Contacts

**Tribal Liaison Coordinator**

Lecia E. Wright  
Assistant U.S. Attorney for Indian Country  
Office: 402-661-3705  
E-mail: [lecia.wright@usdoj.gov](mailto:lecia.wright@usdoj.gov)

**Victim Assistance Specialist**

Kim Roewert  
Omaha Office: 402-661-3701  
E-mail: [kim.roewert@usdoj.gov](mailto:kim.roewert@usdoj.gov)

**Victim Assistance Specialist**

Jose Palacios  
Omaha Office: 402-661-3742  
E-mail: [jose.palacios@usdoj.gov](mailto:jose.palacios@usdoj.gov)

### District of Nebraska Tribal Police Chiefs

**Omaha Tribe of Nebraska**

Chief Ed Tyndall  
Macy Police Department  
P.O. Box 368  
Macy, NE 68039  
(402) 937-5906

**Santee Sioux Nation**

Chief Rob Henry  
Route 2, Box 5160  
Niobrara, NE 68760  
(402) 857-2527

**Winnebago Tribe of Nebraska**

Chief Jason Lawrence  
103 Bluff Avenue  
Winnebago, NE 68071  
(402) 878-2245



## NARCOTICS ENFORCEMENT UNIT

The fight against illegal drug trafficking continued to be a major priority of the USAO in 2018. Nebraska is a significant trans-shipment area for drug traffickers due to its location in the central United States, between western drug sources and eastern drug markets, and a major interstate and other highways which pass through the State. Omaha, Lincoln, Grand Island, and other Nebraska cities serve as redistribution points for drug markets within Nebraska and neighboring states and markets, and to smaller rural communities within the District.

The coordinated efforts of Assistant United States Attorneys (AUSAs) and Special Assistant United States Attorneys (SAUSAs) address the comprehensive threat posed to the United States and the District of Nebraska by the trafficking, diversion and abuse of illegal drugs. SAUSAs from the Douglas County Attorney's Offices have multiplied the prosecutorial resources dedicated to this effort.

Attorneys who prosecute drug cases are supported by the cooperative investigative efforts of federal, state and local enforcement agencies throughout the District. To enforce the Nation's drug and firearm laws, prosecutors in the Narcotics Enforcement Unit obtained 204 indictments this year charging 236 defendants.

In addition to traditional controlled substances, defendants continued to traffic in prescription medications and synthetic drugs. The DEA's Diversion Task Force in Omaha coordinated with pharmacies and with State and local law enforcement to investigate persons obtaining and distributing prescription controlled substances unlawfully. Several cases investigated and prosecuted during 2018 involved doctors, pharmacists and medical assistants.

Such cases have become more prevalent in Nebraska. Medical professionals divert opioids for their own use or for use by persons close to the professionals. Prosecuting such cases resulted in the surrender of the offender's medical license and of their privilege to dispense controlled substances. Opioid diversion in the medical professional community has become a priority for the DEA's Diversion unit.

### **Luis Haro Ramirez**

In December 2017, the Omaha Police Department utilized a CI to purchase distribution quantities of meth from Luis Haro Ramirez. In February 2018, officers arrested Haro Ramirez after a pursuit in which he abandoned approximately 1 pound of meth and a pistol along his flight path. Further investigation revealed that Haro Ramirez was in possession of an AK47-style rifle, numerous rounds of ammunition, items used for narcotics distribution, and cash proceeds of narcotics trafficking. Haro Ramirez was an illegal alien with multiple prior deportations. He has two prior meth distribution convictions, including one federal, and a history of firearms crimes. OPD believes Haro Ramirez is affiliated with Mexican cartels. In February 2019, Haro Ramirez pleaded guilty to conspiracy to distribute meth, alien in possession of a firearm and use of a firearm in furtherance of drug trafficking.

### **Operation Speculation**

The DEA attempted to conduct a controlled delivery in Nebraska of meth that had been discovered during an interdiction stop in another state. The DEA's subsequent investigation revealed an organization that was transporting 15-20 pound loads of meth from California to Lincoln, NE, via vehicles with hidden compartments. His confederates distributed meth to customers in Lincoln and Norfolk. Agents seized approximately 40 pounds of meth and nearly \$100,000 in cash. Fifteen defendants were indicted in 2018, of whom six have pleaded guilty and nine remain pending.

### **Nicole L. Delgado**

On March 5, 2018, an undercover Lincoln Police officer delivered a package to Delgado in Lincoln which had previously been intercepted by Homeland Security Investigations in Ohio. The package contained meth and fentanyl tablets. Delgado accepted the package, which was addressed to her, and was arrested. The package contained at least 370 grams of actual (pure) meth and 197 full and six partial fentanyl tablets. Delgado pleaded guilty and was sentenced to 15 years in prison in January of 2019.

## DRUG TRAFFICKING CASES

### Rodney P. Mazzulla

During April of 2017, two search warrants were executed at a large storage garage in southwest Lincoln. Mazzulla and his girlfriend were living in a camper inside the garage. On April 2, 2017, officers found 49 grams of pure meth, and on April 22, 2017 found an additional 210 grams of pure meth.

The case was tried in April of 2018. Witnesses testified that Mazzulla had been involved in the distribution of large quantities of meth since sometime in 2015. In July of 2015, Mazzulla was found in possession of a small amount of meth and told officers he had been obtaining ounce quantities of meth once or twice a week for about a year, much of which he sold to his employees at a tree service business in Cheney, Nebraska. Mazzulla was found guilty of conspiracy to distribute 50 grams or more of actual meth and two counts of possession with intent to distribute actual meth. He was sentenced to 26 years in prison.

### Operation River Run

In early 2018, using historical information dating back to 2014, the DEA, the Omaha Police Department, the Southwest Iowa Narcotics Enforcement Task Force, and the Iowa Division of Narcotics Enforcement initiated an investigation of a meth trafficking and money laundering organization operating in the Omaha/Council Bluffs metropolitan area. Investigators received confidential source information that Jose Galvez-Inzunza, formerly of Omaha, was supplying multi-pound quantities of meth to Jasive Zamora-Carrillo, a resident of Council Bluffs. Galvez-Inzunza had been deported from the United States to Mexico in 2015 following his felony drug trafficking conviction in state court.

Investigators initiated a series of wiretaps of Zamora-Carrillo's cell phones, leading to her arrest and indictment in June of 2018. Over the course of the investigation, investigators learned that although Zamora-Carrillo had initially been supplied meth by Galvez-Inzunza into late 2017, she moved on to Reiko Penunuri as her main supplier in 2018. Both Galvez-Inzunza and Penunuri coordinated the importation of meth into the United States from Sinaloa, Mexico. To date, investigators have seized approximately 24 pounds of meth, \$35,200.00 in United States Currency, six firearms, and secured the indictment of 16 defendants.

### Operation Javilina

In November 2016, the DEA, working with the Omaha Police Department and the Internal Revenue Service, initiated an investigation of a meth trafficking and money laundering organization with a base of operations in Sinaloa, Mexico and a distribution network consisting of multiple cells in the Omaha/Council Bluffs area. The investigation continued in earnest in 2017, resulting in the indictments of 40 defendants in the District of Nebraska and in other districts. Investigators have seized more than 57 kilograms of meth, more than a kilogram of cocaine, and more than \$580,000.00 in United States Currency.

Early on, investigators developed a target list through an exhaustive evaluation and analysis of wire transfers, financial databases, toll analysis and information derived from prior investigations. Using this information, the case agents were able to identify a wire transfer scheme in which multiple persons sent drug proceeds collected in the Omaha area to multiple recipients in Mexico via money remitter services. Agents further identified two main Mexico-based sources of supply who coordinated meth deliveries through intermediaries in California and Arizona to the local area.

### Baldemar Arambul

In July of 2015, HSI learned from a cooperating witness that Arambul was selling pound quantities of meth from his South Omaha auto shop. During the next two years, HSI received similar information from several other cooperating witnesses. Investigators corroborated the information with several investigation techniques to include tracking devices, wire intercepts, surveillance and searches of cellular telephones.

In January of 2018, Arambul was convicted after a three-day jury trial and was held responsible for distributing hundreds of pounds of meth and transferring the drug proceeds to parties in Mexico during a three year period. Arambul was sentenced to a term of 20 years.

## DRUG TRAFFICKING CASES

### Alfredo Valquier, et al

On June 7, 2017, a Lancaster County Deputy Sheriff conducted a traffic stop on a rental vehicle traveling eastbound on Interstate 80 near Lincoln, Nebraska. The driver was Blanca Avila De Vega from Phoenix, Arizona. A subsequent search revealed 35 pounds of crystal meth hidden in suitcases.

HSI was called and they conducted a controlled delivery in Omaha that resulted in the arrest of Alejandro Buendia-Ramirez and Carlos Valquier and the recovery of \$92,500 in U.S. currency. Statements during the arrest led agents to a suspected stash house in South Omaha. There agents encountered Alfredo Valquier, who stated that he was there looking for a rental property. A search of the residence revealed \$19,000 of U.S. currency. Alfredo Valquier was convicted after a 3 day jury trial and was sentenced in 2018 to a term of 16 years. The other four defendants all pled guilty.

### Boyz Town

This long-term OCDETF investigation culminated in 2018 with the conviction of the lead defendant following a two-week jury trial. The multi-agency investigation led by the DEA spanned more than a year. Investigators used a wide range of techniques, including controlled buys, a Title III wire interception, GPS trackers, cell phone location warrants, pen registers and search warrants.

The investigation targeted an organization that transported meth hidden in vehicles that were driven or towed from Arizona to Nebraska, then laundered the proceeds. Eleven persons were indicted for drug trafficking and money laundering offenses. All but one defendant was found guilty. The leader of the network was sentenced to life in prison. His appeal is pending.

### Dante Vasser

Vasser was convicted of two counts of distribution of a controlled substance. He was sentenced to 10 years' incarceration for this conduct, which occurred while he was on supervised release following his previous federal conviction for drug distribution. Vasser's supervision was revoked and he received an additional sentence of one year of incarceration, consecutive to the 10-year sentence on the drug distribution charges. He is reported as a Victor Street Bloods gang member.



## MIDWEST HIDTA AWARDS

The Narcotics Unit works closely with the **Midwest High Intensity Drug Trafficking Area (HIDTA)** Program. HIDTA provides funding for prosecutors and drug investigators in designated geographic areas to enhance America's drug-control efforts among local, state and federal law enforcement agencies in order to eliminate or reduce drug trafficking and its harmful consequences in critical regions of the United States. The mission includes coordination efforts to reduce the production, manufacturing, distribution, transportation and chronic use of illegal drugs, as well as the attendant money laundering of drug proceeds.

In early 2019 the Midwest HIDTA recognized these Nebraska task forces and individuals for their outstanding work in the investigation and prosecution of drug cases for their efforts in 2018.

### 2018 HIDTA NOMINATION - Outstanding Investigative Effort

In August of 2017, a DTO began producing and distributing Fentanyl-based street drugs in the Metro Omaha area. Almost overnight the Omaha Metro Area was flooded with these products, which resulted in fatal and near death overdoses becoming a daily occurrence.

The Omaha Metro drug task force immediately focused on this life-threatening epidemic. They concentrated on known heroin users and utilized confidential informants in an attempt to infiltrate any group using or selling these fentanyl products. Several street level buys were made which evolved into much larger buys.

As a result of this investigation, the entire organization was completely destroyed and all of the management-level participants were arrested. Immediately after the arrests there was a significant reduction in fentanyl-related overdoses in the Omaha Metro area. The investigation resulted in 4 federal indictments, 14 felony state arrests, and 4 search warrants. The true impact of the investigation was taking these deadly drugs off the streets and stopping the overdoses and deaths as a result of this DTO.

Agencies involved in this investigation are Omaha DEA, the Nebraska State Patrol, the Douglas County Sheriff's office, the Council Bluffs Police Department, and the Bellevue Police Department. The Douglas County Attorney's office, the Sarpy County Attorney's office, and Nebraska and Iowa U.S. Attorney's Offices have aggressively prosecuted the defendants in federal and state court.



## MIDWEST HIDTA AWARDS

### HIDTA Intel Officer Award

Intelligence Analyst (IA) Kevin Donlan has been a dedicated and devoted Intelligence Analyst for the Metro Drug Task Force for the past eleven years. He was an Omaha Police Officer for 25 years and spent a majority of his law enforcement career investigating drug and gang-related crimes. His investigative experience has been an invaluable asset to the officers assigned to the Metro Drug Task Force.

He provides guidance and investigative ideas to the officers to further their cases. Donlan provides support for at least 83 members of the Metro Drug Task Force. He is highly respected by the members of the Metro Drug Task Force and the supporting agencies (i.e. local and federal prosecutors, federal law enforcement partners etc.) due to his knowledge and expertise that he brings to the position.

He provides analytical support in a wide variety of areas for nearly all of the drug-related investigations in the Omaha Metro area. Investigators from all of the participating agencies rely on Donlan's expertise, especially in the area of phone analysis to further their investigations. He provides training and guidance to investigators throughout the task force and other outside agencies for obtaining and listening to jail calls.

He has also been responsible for training all of the Metro Drug Task Force and Omaha Police Department on the HIDTA deconfliction program, and is the in-house expert on HIDTA deconfliction and is available to answer any and all questions pertaining to the program.

Donlan is committed to the mission and the goals of the Metro Drug Task Force and the HIDTA program. Officers of the Metro Drug Task Force work two shifts, so he voluntarily flexes his hours to assist officers on the various shifts.

He has developed more than 20 different drug related presentations so that he is able to cover a variety of age ranges and/or groups.

Donlan does not hesitate to conduct these presentations on the weekends and/or the evenings when requested. Donlan established a rapport with a meth dealer/addict/cook who graduated from the Douglas County Nebraska Drug Diversion Program. This recovering addict assisted for approximately eight years with his drug presentations. This presentation ultimately led to the DEA creating a PSA on meth addiction. Donlan has voluntarily taken on this drug presentation role outside of his analytical duties because of the passion that he possesses to curtail drug related crimes.



## MIDWEST HIDTA AWARDS

**Trooper Samuel Mortensen** is a fifteen-year veteran of the Nebraska State Patrol, assigned to the Commercial Vehicle Enforcement team within the Carrier Enforcement Division. He is a leader for the Nebraska State Patrol in interdiction efforts. His exemplary work has resulted in seven major interstate interdiction cases resulting in the seizure of 118 pounds of fentanyl, 920 pounds of marijuana, 51 pounds of cocaine, 36 pounds of Meth, 1,000 THC vape tubes, 2.5 pounds of THC wax and 72 stolen credit cards.

These drug seizures have resulted in one semi-tractor and one dry van trailer being seized with one tractor, one refrigerated trailer, and a child pornography case. His fentanyl seizure is the largest domestic seizure of fentanyl to date. Several of cases are currently being prosecuted through the federal courts.

Some of his specific interdiction stops involving passenger vehicles and commercial motor vehicles traveling within the Midwest HIDTA district since April 12, 2018 are:

- A truck-tractor semi-trailer contacted for driving on the shoulder resulted in the seizure of 118 pounds of fentanyl, one refrigerated trailer and two arrests. His fentanyl seizure is the largest domestic seizure of fentanyl to date.
- A truck-tractor semi-trailer contacted for driving on the shoulder resulted in the seizure of 530 pounds of marijuana, the truck-tractor semi-trailer and one arrest.

lane change resulted in the seizure of 285 pounds of marijuana, 2.5 pounds of THC wax, 21 THC vape tubes and two arrests. A child pornography case is currently being conducted on one of the subjects arrested. The truck-tractor semi-trailer is in the process of being forfeited.

- A truck-tractor semi-trailer contacted for speeding resulted in the seizure of 40 stolen credit cards. The case is being actively investigated.
- A truck-tractor semi-trailer contacted for speeding resulted in the seizure of 32 stolen credit cards. The case is being actively investigated.
- A truck-tractor semi-trailer contacted for a license plate violation resulted in the seizure of 51 pounds of cocaine, 36 pounds of Meth, 996 THC vape tubes, and two arrests.

He has collaborated with federal, state and local agencies to share important information obtained from his interdiction stops to further national criminal investigations. His seizures are forwarded to the Midwest HIDTA center for analysis.

Trooper Mortensen has done an exemplary job of sharing his interdiction experience with his fellow Troopers to assist them in making their own criminal interdiction cases.



- A truck-tractor semi-trailer contacted for unsafe

## MIDWEST HIDTA AWARDS

### Outstanding Interdiction Effort

The Commercial Interdiction Unit (CIU) works venues such as the airport, bus terminal, hotels and motels, travel plazas, and parcel shipment facilities.

From October 1, 2017 to September 30, 2018, CIU arrested 108 people in 134 cases. In those cases, they confiscated 26.7 kilos of fentanyl, 20.6 kilos heroin, 280.6 kilos of marijuana, 32.7 kilos of meth, 4.8 kilos of cocaine, 9 kilos of THC edibles, 8 kilos of THC oil, 14 kilos of THC resin and 623 g of THC.

They seized \$80,620 in US Currency and 9 weapons. This group has traveled to other states to instruct on the procedures and techniques they utilize at these commercial facilities to find drugs and money used for drugs. This has aided efforts in forwarding certain cases for delivery of the drugs in states where they were destined and gaining prosecution for all parties involved in the operation.

The CIU has instructed around the United States on the indicators, trends, and techniques they have seen and experienced during their work at the commercial transportation and package facilities. Over the years, this group has made significant impact interdicting drugs in commercial travel.

CIU officers were working the bus station in Omaha when they observed a suspect near a big bag with a coat on top of it. The suspect claimed the jacket on top of the bag, but not the bag itself. Because the bag was abandoned, a search was conducted. A total of 8,274 grams of Fentanyl and 1,149 grams of Heroin were discovered. A backpack belonging to the suspect had items in it implicating a second suspect and video surveillance showed the two traveling together.

On October 16, 2017, while working the train, CIU observed a new suitcase with no identification on it. No one claimed it, but a 27 year-old-male said it was his friends suitcase.

The male said he was traveling from Denver to Chicago, but his ticket showed departing from Sacramento, California. After receiving permission to search the bag from the male, CIU found 15 packages containing 33 pounds of Fentanyl. The amount of Fentanyl was worth \$15 million and could have killed millions of people. After further investigation, the drugs were headed to New York or New Jersey.



## CIVIL DIVISION

Attorneys in the Civil Division of the United States Attorney's Office represent the United States, as well as federal agencies, officers, and employees, in civil litigation in federal and state courts throughout Nebraska. Civil Division AUSAs work closely with lawyers from the federal agencies involved in each case to develop and present the position of the federal parties to the suit. Attorneys from the Department of Justice also assist in some civil litigation in the District of Nebraska.

Work on 207 civil cases and matters were completed in 2018. Included in that number are defensive cases in which the validity of federal laws, or the acts of federal agencies and employees, was challenged. Also included were affirmative cases brought to enforce federal statutory and regulatory requirements, and to collect debts owed to the United States. The chart on page 33 of this report depicts the types of civil cases and matters completed during 2018.

The Internal Revenue Service, Housing and Urban Development, and Department of Justice, were the agencies involved in the largest number of civil cases in the District during 2018. There was a sharp decrease in the number of bankruptcy matters and social security cases filed this past year and a substantial increase in the number of tort cases. In 2018, the number of foreclosure and employment cases remained the same as the prior year. A variety of cases involving the agencies within the Department of Justice also made up a significant portion of the overall civil workload again this past year. The number of cases completed for various federal agencies is reflected in the chart on page 33.

A primary function of the Civil Division is to provide quality representation to the United States and its agencies and officers in defensive litigation in federal and state court. During 2018, Civil Division AUSAs defended a number of cases brought in federal court to set aside or modify the actions of federal agencies and officers. Civil Division AUSAs also handled several cases seeking damages for alleged negligence or other wrongful conduct by federal employees, as well as cases alleging discrimination in federal employment.

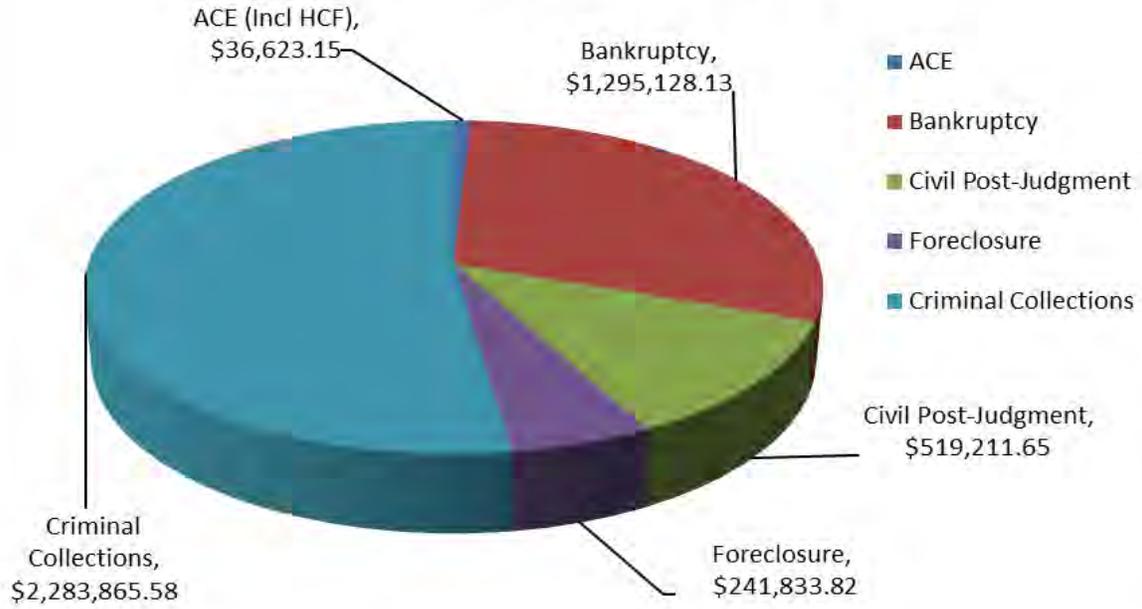
In the area of affirmative litigation, the Civil Division continued its Affirmative Civil Enforcement (ACE) program, which involves various initiatives designed to collect civil monetary penalties and damages for violations of federal law, to recover costs incurred by agencies as a result of violations of federal statutes and regulations, and to obtain compliance with the requirements of federal law through civil litigation.

The United States Attorney's Office ACE program includes an active Health Care Fraud Task Force made up of civil and criminal AUSAs, Special AUSAs from the Nebraska Attorney General's Office, investigators from various state and federal agencies, and representatives of insurance providers and intermediaries. The task force approach enhances communication regarding the investigation of health care fraud in the District of Nebraska, and allows oversight agencies to pursue cases in the manner most effective to deter fraudulent activity and recover losses.

As in most years, Civil Division AUSAs also conducted a significant amount of litigation in 2018 to collect debts owed to the United States. Suits to obtain judgments for unpaid balances of delinquent loans made by agencies such as the U.S. Department of Agriculture, the U.S. Department of Education, the U.S. Department of Veteran's Affairs, and the U.S. Department of Health and Human Services comprise a significant portion of the office's civil workload. Those cases are litigated in federal district court, in bankruptcy court, and in state courts throughout Nebraska. All told, the Financial Litigation Unit, within the Civil Division, collected slightly more than \$4 million.

CIVIL DIVISION

**Nebraska Collections - Calendar Year 2018**  
**1/1/2018 - 12/31/2018**



## CIVIL LITIGATION CASES

### **AFFIRMATIVE CIVIL ENFORCEMENT AMERICANS WITH DISABILITIES ACT CenturyLink Center**

A young woman who uses a wheelchair purchased an ADA accessible seat on the floor of the venue for a Coldplay concert. She indicated that although the box office staff told her she would be able to see the stage from this seat, when everyone stood up, her view was obstructed. The citizen complained the floor staff was unhelpful, but that Guest Services did relocate her to another accessible seat. In response to our inquiry, the Metropolitan Entertainment and Convention Authority (MECA) agreed to continue to provide training to the box office staff on the potential for obstructed views from ADA floor seats by standing guests so they could inform purchasers of that possibility. Changes were also made concerning online purchases, whereby MECA worked with Ticketmaster so that for any events with ADA floor seating which may have obstructed views as a result of standing guests, that seating will be designated "limited view" on the Ticketmaster website.

### **CIVIL RIGHTS ENFORCEMENT Twin Creek Apartments**

Twin Creek Apartments, LLC in Bellevue, adjacent to Offutt Air Force Base, agreed to a settlement to resolve allegations it violated the Servicemembers Civil Relief Act (SCRA) by imposing lease termination charges against 65 servicemembers who had exercised their federal right to terminate their residential leases. The charges ranged from \$72 to \$1,498 per servicemember. DOJ initiated an investigation after receiving a referral from a U.S. Air Force Community Legal Services office. The SCRA provides certain protections to servicemembers who must terminate their residential leases in order to comply with military orders for a permanent change of station, deployment, or retirement. Under the terms of the settlement, Twin Creek must pay a total of \$76,516 in damages to the 65 identified servicemembers. Under the agreement, Twin Creek will also pay a civil penalty of \$20,000 to the United States. The case was significant because it was the first time DOJ sued a housing provider for forcing servicemembers to repay rent incentives when they terminate their leases early pursuant to military orders.

### **HEALTH CARE FRAUD/QUI TAM**

Qui Tam Plaintiff, a medical doctor, alleged a colleague surgeon violated the Anti-Kickback Statute (AKS) by engaging in a prohibited financial arrangement with the surgeon's spouse, a physician's assistant. Plaintiff alleged the surgeon referred his patients to his wife/her company for assistant-at-surgery services. Plaintiff alleged that because the surgeon benefitted financially from the referrals, he violated the AKS. After full review by the USAO of all relevant claims data, Plaintiff's allegations were not supported in that the surgeries for which the physician's assistant provided services for her husband were minimal.

### **DEFENSIVE LITIGATION - TOUHY - SUBPOENA ENFORCEMENT**

#### **Department of Justice (DOJ)**

In connection with an inmate's ongoing litigation against his defense attorney, the inmate subpoenaed the USAO's complete case file to include its plea negotiations with the attorney. The USAO moved to quash the subpoena based on the inmate's failure to comply with federal Touhy regulations, sovereign immunity, and the Supremacy Clause. After a hearing in Lancaster County, the USAO's motion was granted.

#### **Department of Labor**

A terminated Union Pacific employee filed a discrimination complaint against his employer on the grounds that his career advancement was derailed because of his military service.

In accordance with federal regulations, the Department of Labor (DOL) investigated the claim. DOL concluded the claim was meritorious. The employee elected to retain private counsel as opposed to being represented by DOJ, Civil Rights. His attorney subpoenaed the DOL investigator who was to be deposed. The USAO filed a response on behalf of DOL and extensively briefed the matter, first in a successful motion to quash the subpoena, then in an equally successful opposition to the employee's motion for reconsideration.

## CIVIL LITIGATION CASES

### DEFENSIVE TORT LITIGATION

#### Federal Tort Claims Act – Medical Malpractice

The USAO obtained a voluntary dismissal with prejudice of a medical malpractice case following the filing of a motion for summary judgment. The motion was supported by a declaration of an expert nephrologist, indicating that there was no causal link between the alleged malpractice and resultant kidney transplantation. Plaintiff did not oppose such motion and prior to the District Court issuing a ruling on the government's summary judgment motion, Plaintiff voluntarily dismissed the action.

#### Federal Tort Claims Act – Trip and Fall

The USAO was able to resolve a tort claim litigation in District Court where Plaintiff suffered significant injuries requiring more than \$800,000 in medical costs after stumbling over a floor mat located in a federally owned and operated building. After extensive discovery was conducted in the case, as well as court ordered mediation, the parties reached a mutually acceptable settlement of all claims. The settlement was for far less than the billed medical costs of the Plaintiff.

### CONSTITUTIONAL TORTS

In this Bivens action, the USAO represented two Omaha Police Department officers that were Special Deputy U.S. Marshals serving on the Metro Fugitive Task Force. Plaintiff alleged these officers and others, including the K-9 officer from Douglas County, violated his constitutional rights in the use of excessive force in his arrest. The USAO filed a motion to dismiss on behalf of the two officers because there was no waiver of sovereign immunity for official capacity claims, the Complaint failed to state a claim against the federal officers, and Plaintiff could not maintain a negligence claim because the FTCA is the exclusive remedy alleging negligence by a federal officer. Plaintiff did not oppose the federal defendants' motion to dismiss and the District Court granted the motion. The case is proceeding against other non-federal defendants.

In a different Bivens case, a young man was shot and killed at Offutt Air Force Base after he entered the heavily guarded base without proper authorization to do so.

This individual engaged the base authorities and other local law enforcement officers in a high-speed chase travelling throughout the Base. Nearing the end of the car chase, the young man

drove his vehicle and crashed into three separate parked cars prior to making a complete stop at one of the Base's guarded entrance/exit gates. Law enforcement at the gate yelled several commands to the driver to which the driver failed or refused to comply. Instead, the driver revved his engine surging forward as if to continue his dangerous flight from law enforcement.

Civilian Base law enforcement, posted at the gate, shot the driver and he died from his injuries. The driver's estate then filed personal liability claims (Bivens claims) against various individuals who were officials of the Department of Defense (serving in both national and local positions) and civilian law enforcement officers serving at the Base, for alleged violations of Plaintiff's constitutional rights and improper use of deadly force.

Following extensive briefing by the USAO in connection with a motion seeking dismissal of all personal liability claims against the individually named defendants, the District Court granted the motion to dismiss. All individually named defendants have been dismissed from the case. The case, however, continues to move forward as a Federal Tort Claims Act case against the United States and remains pending.

### DEFENSE OF EMPLOYMENT AND LABOR LITIGATION

#### United States Postal Service (USPS)

Plaintiff filed an employment discrimination case alleging discrimination based on retaliation related to USPS management's decisions to reassign Plaintiff to a split shift schedule, deny her annual leave requests and not select Plaintiff for two other supervisor positions. The USAO engaged in extensive discovery and then filed a motion for summary judgment, which the District Court granted in favor of the government. The case was dismissed as the District Court found that Plaintiff had not met her burden to make a prima facie showing of retaliation.

## CIVIL LITIGATION CASES

### USPS

Plaintiff filed an employment discrimination case alleging discrimination based on race, sex/gender stereo-typing and retaliation. Plaintiff was fired from USPS during her probationary period at the USPS Plant in Omaha. Following depositions of Plaintiff and a USPS manager, the parties settled the case under mutually acceptable terms.

### Veterans Affairs

The government obtained voluntary dismissal with prejudice of the employment discrimination lawsuit. The USAO successfully filed an initial partial dispositive motion as to many of Plaintiff's significant claims based upon her failure to exhaust her administrative remedies prior to commencing action in federal court. After the District Court granted the government's partial dismissal, Plaintiff sought to amend her lawsuit and revive these unexhausted theories. The USAO successfully opposed such amendment, leaving Plaintiff's lawsuit with a majority of her claims dismissed. The matter was dismissed with prejudice.

### PROGRAM LITIGATION (REVIEW OF AGENCY ACTION)

#### **Simmons v. National Park Service (NPS)**

This is a case which was appealed to the Eighth Circuit Court of Appeals, which the Circuit Court affirmed the District Court. The Eighth Circuit found that NPS complied with its prior decision in *Sokol v. Kennedy*, and correctly identified the outstandingly remarkable values and their location within the Niobrara Scenic River boundary. They found NPS was not arbitrary or capricious, and conducted a public, thorough and comprehensive process to establish the boundaries of the Niobrara Scenic River. Further, the Eighth Circuit dismissed Plaintiff's claims of bad faith and differential treatment by the NPS, finding there was no evidence to support these claims. Simmons moved for en banc review, which was denied. Simmons then filed a petition for writ of certiorari, and the United States Supreme Court denied this petition in early January of 2019.

### **Sandahl Farms v. USDA**

Plaintiff, Sandahl Farms, a Nebraska general partnership, filed an action seeking judicial review of a final agency determination by the National Appeals Division (NAD) of the United States Department of Agriculture (USDA). NAD upheld a determination by the Farm Service Agency (FSA) that Plaintiff was ineligible for USDA program benefits in 2010 and 2011, because it was not "actively engaged in farming" under 7 C.F.R. § 1400.201 and had adopted a scheme or device to evade USDA Payment regulations. Plaintiff also claimed it was denied due process with respect to the "scheme or device" finding, for which it requested declaratory and injunctive relief to prevent withholding of the USDA program benefits.

The USAO filed a motion for summary judgment and the District Court granted the motion. The District Court concluded: (1) the final agency decision should be affirmed because (a) it was not arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law, and (b) it was supported by substantial evidence; and (2) Plaintiff's due process claim should be dismissed because it fails as a matter of law. Plaintiff filed a Notice of Appeal to the Eighth Circuit Court of Appeals and the appeal remains pending.

### **Teague v. Ginnie Mae**

Ed Teague, II, filed an action in District Court against several commercial lenders who he alleges were involved with his secured real estate loans and who improperly foreclosed on his property. The Government National Mortgage Association ("Ginnie Mae"), was also named as a Defendant. On behalf of Ginnie Mae, the USAO filed a motion to dismiss which was granted by the District Court who found that all claims against Ginnie Mae should be dismissed for lack of subject matter jurisdiction or, alternatively, for failure to state a claim upon which relief can be granted. Teague has a Notice of Appeal to the Eighth Circuit Court of Appeals and the appeal remains pending.

## CIVIL LITIGATION CASES

### COMMERCIAL LITIGATION

#### **Farm Service Agency - Bankruptcy – Non-Dischargeability**

In connection with a Chapter 7 bankruptcy, on behalf of the Farm Service Agency (FSA), the USAO engaged in considerable discovery and litigation to get a judgment of non-dischargeability and a corresponding money judgment. The parties reached a settlement which was filed and contained provisions protecting against FSA's concerns regarding the Debtor's: (a) application for FSA loans; (b) cash flow/use of funds agreements; (c) sale of FSA collateral and use of proceeds thereof; and (d) testimony at the §341 hearing.

The FSA also has concerns regarding: (a) unauthorized use of loan proceeds; (b) fraudulent transfers of loan and/or collateral proceeds; (c) unauthorized disposition of collateral without remitting the proceeds to FSA; (d) failure to obtain promised replacement collateral after FSA released the proceeds from the sale of basic security; and (e) failure to remit insurance proceeds to the FSA which related to loss of or damage to FSA collateral. The USAO maintained the foregoing provides grounds for non-dischargeability of the debt owed to FSA under 11 U.S.C. §§523(a)(2), 523(a)(6) and 727 of the Bankruptcy code

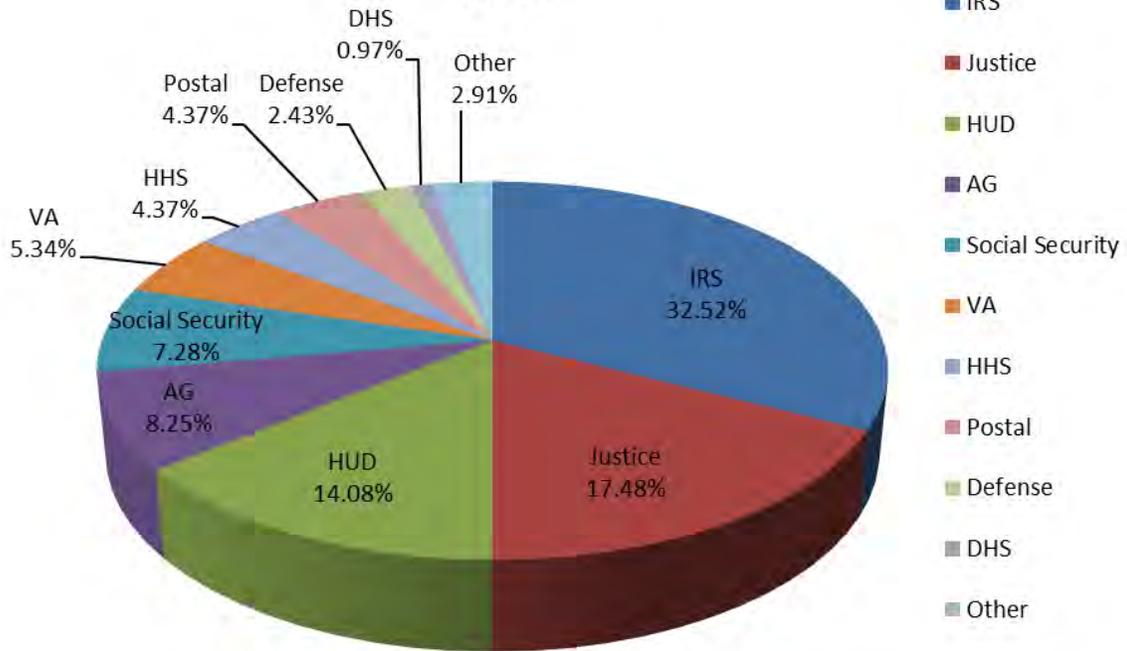
#### **FSA – Non-Dischargeability**

After considerable discovery, the USAO filed an Adversary Proceeding in a Chapter 12 case seeking a determination that FSA's debt was non-dischargeable and for a judgment in the approximate amount of \$145,000. As an offshoot of this case, the USAO separately pursued a Food Security Act claim against a major grain elevator for grain purchased without honoring FSA's UCC lien. Without the necessity for filing a lawsuit, the USAO recovered \$45,834 in 2018. Another claim was pursued on an additional Food Security Act claim against a local livestock market for \$26,060 for cattle purchased without honoring FSA's UCC lien.

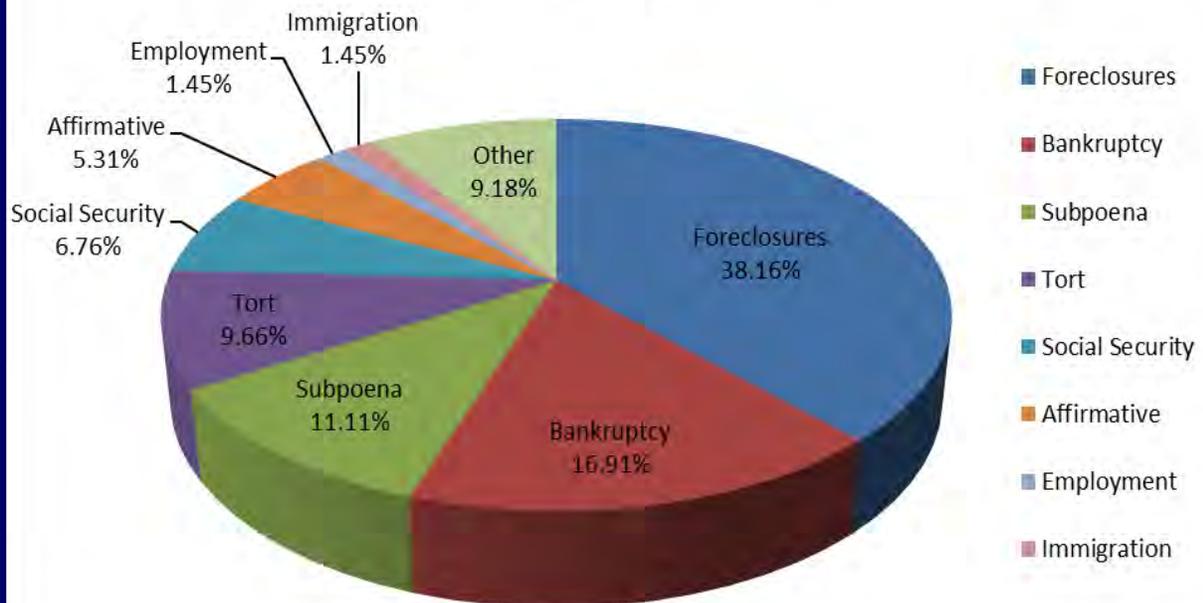


CIVIL DIVISION

**Civil Cases Closed by Agency  
2018**



**Civil Cases Closed by Cause of Action  
2018**



## LAW ENFORCEMENT COORDINATION AND COMMUNITY OUTREACH

The USAO Law Enforcement and Community Coordination (LECC) and Victim's Unit facilitate a number of programs designed to support and coordinate the objectives of the criminal justice system at various levels; provides services to victims of federal crime; conducts training; and apprises the community at large about issues related to the criminal justice system. In 2018, the Unit continued its work to maintain strong collaborative partnerships with federal, state, tribal, and local law enforcement agencies to maintain the effectiveness of law enforcement in the District. The Law Enforcement Coordination/Victim Services Unit is headed up by Joe Jeanette. Kimberly Roewert heads the day-to-day activities of victim services.

The LECC works with the Nebraska Sheriff's Association, the Police Officers' Association of Nebraska, the Police Chiefs' Association of Nebraska, Nebraska Coalition for Victims of Crime and the Nebraska County Attorneys Association to develop and present training on subjects related to criminal justice and victim assistance. A three-day LECC criminal justice conference hosted by the USAO and the Nebraska County Attorneys Association is held in Kearney each year. Awards recognizing accomplishments in law enforcement are presented at the 2018 conference. They are described on page 36 of this report. Trainings and conferences are held across the state at various venues. The trainings hosted by the USAO in 2018 focused on a number of topics to include:

- ◆ Speaking of Children Annual Conference
- ◆ Victim Services Training and Academy
- ◆ Crime Victim Issues in Indian Country
- ◆ Regional Human Trafficking Trainings
- ◆ Crime Victim's Rights Week Training
- ◆ Valor Training

In April 2018, the USAO continued its partnership with Project Harmony and Children's Hospital & Medical Center to host the annual Speaking of Children Conference and luncheon. This conference provides training on the most current issues regarding crimes against children; specifically child sexual/physical abuse, online enticement, and child pornography. The conference features national and local experts in these fields, and is an excellent opportunity for various disciplines to build partnerships with local, state and federal agencies to benefit child victims, and contribute to a more effective investigation and prosecution of the offenders.

This annual conference is designed to address the needs of law enforcement, prosecutors, victim service providers, social workers, probation/parole/correctional officers, judges, child advocates, therapists, educators and health care providers. The conference addresses the priority initiatives of the Department of Justice, through Project Safe Childhood.

One of the most successful initiatives in Omaha in regard to gun violence is Omaha 360, a collaborative effort under the Umbrella of Omaha's Empowerment Network. The Omaha Police Department gang units and precinct captains attend these weekly meetings with members of the community, government officials and non-profit organizations to focus on the timeline of gun violence and discuss on-going prevention efforts to address the gun violence.

The meetings are also attended by the Law Enforcement Coordinator. The meetings feature shooting timeline reports, scheduling of prayer walks for homicide victims, mentoring efforts and reports of reward money paid out each week for gun assault/homicides from Omaha Crimestoppers. Omaha 360 was recognized at the PSN national conference in Kansas City in December 2018 for its outreach efforts and contribution to the reduction of gun violence in Omaha. The award is featured on page 8 of this report.

## LAW ENFORCEMENT COORDINATION AND VICTIM SERVICES

The Victim Assistance Unit is an integral part of the LECC Unit, and provides victim advocacy services for federal prosecutions in the District. The Victim Assistance Unit, funded by the Office for Victims of Crime, works with victims of federal crime from the time of the occurrence of the crime through the completion of the prosecution. The Victim Notification System (VNS) notifies victims of the status of investigations, as well as developments in cases accepted for prosecution.

In 2018, the VNS provided 13,503 notices to victims of federal crime in Nebraska. There were 122 new victim cases involving 713 new victims of federal crime identified and entered into the system during 2018. There are currently 195 active victim cases providing notice and services to 1,811 victims. Services include information and assistance with travel and lodging related to court appearances, courtroom support, and referrals to other agencies for counseling, shelter, and other assistance. The Victim Assistance Unit provides oversight and coordination to the Multi-disciplinary Child Abuse Investigation Teams located on the three Tribal Reservations. The Victim Assistance Unit hired a new Victim Assistance Specialist, Jose Palacios in 2018. Jose has past experience working with the veteran population on workplace development and employment assistance.

The Crime Victims' Rights Conference was held in August, 2018, the Victim Assistance Unit, along with the Nebraska Alliance of Child Advocacy Centers and the Nebraska Coalition for the Victims of Crime, held the 14th Annual Crime Victims' Rights Conference. This conference provides training for victim service providers, mental health professionals, law enforcement and corrections personnel on coordinating and enhancing services to victims. The theme for the 2018 CVRW Conference was "Expand the Circle - Reach All Victims" The conference agenda featured a special case study presentation by District Attorney Maryclare Flynn and Cheryl Robinson, Victim Advocate, from Taunton, Massachusetts, involved in the landmark case of Commonwealth v Michelle Carter.

The United States Attorney's Office, in partnership with Creighton University and University of Nebraska, Kearney, held the fifth Nebraska Victim Assistance Academy (NEVAA). In 2018, Creighton University accepted complete ownership of NEVAA which will keep the academy moving forward as a standard course of education. This was the final step in the overarching goal of standardizing courses in the field of victim advocacy in Nebraska. Nebraska now has a comprehensive, foundation level victim assistance course of study with a focus on victimology, victims' rights, and victim services that reflect the laws and practices of the state, specifically for Nebraska. NEVAA is available to victim service providers, prosecutors, educators, clergy and all allied professionals who routinely assist crime victims.

# Office for Victims of Crime

# OVC

## 2018 LECC AWARDS

The three-day LECC criminal justice conference hosted by the USAO and the Nebraska County Attorneys Association features an awards banquet recognizing accomplishments by those in the criminal justice system who have initiated or participated in cases, or developed programs that had a substantial impact in their community. The nominees may also be individuals who have made a major contribution to the sponsorship, development, or maintenance of cooperation between agencies.

### **Criminal Interdiction Unit (CIU) - Omaha**

The Criminal Interdiction Unit is made up of Nebraska State Patrol, Douglas County Sheriffs Office, Omaha Police Department and the DEA. This Unit is tasked with disrupting the flow of criminal activity through and to the State of Nebraska by way of commercial transport. They work venues such as the airport, bus terminal, hotels and motels, travel plazas, and parcel shipment facilities. The CIU uses the latest in police technology to assist them with their mission: Body worn cameras, portable AFIS, cloud based evidence storage, mobile data terminals, electronic control devices and K-9's on a daily basis. This unit is a team effort and each agency involved brings a different set of resources to the table.

Communication and teamwork are essential to the success of this unit. The actions of each member reflect the highest degree of professionalism, dedication, and integrity to CIU and their parent agency. The following are a glimpse into some the accomplishments of this unit:

- Cases: 151
- Arrests: 119
- Search Warrants (electronic and other/package/residence): 98
- Drugs Seized: Cocaine: 10.8 lbs Heroin: 6.9 lbs
- Meth: 36.8 lbs Marijuana: 751.6 lbs THC Wax: 1 lbs
- THC resin: 74 lbs
- THC oil: 17.1 lbs
- THC edibles: 15.3 lbs
- Fentanyl: 40.5 lbs
- Guns Seized: 24

Sixty-nine of the 151 cases had a Nebraska nexus with an impact on contraband and suspects in transit, as well as here in Nebraska.

The fentanyl arrest at the time was the third largest in the USA and was enough to kill multiple millions of people, it can be inferred that this seizure alone saved lives that would have been lost due to an overdose. CIU's mission is truly "Pro Bono Publico" for the good of the public.

Sgt. Tom Meola – Nebraska State Patrol  
Investigator Kevin Finn - Nebraska State Patrol  
Investigator Steve Peck - Nebraska State Patrol  
Investigator Nic Jaworski - Nebraska State Patrol  
Deputy Jay Wineinger –Douglas County Sheriff's Office  
SA Kelly Quernemoen – Drug Enforcement Administration  
Staff Sergeant William Stollberg - Nebraska National Guard Counter Drug Unit

2018 LECC AWARDS



**Criminal Interdiction Unit of the Metro Omaha Area**

## 2018 LECC AWARDS

### **Outstanding Violent Crime Investigation (Homicide) Lancaster Deputy County Attorney Eric Miller Lincoln Police Department Investigator Matthew Franken**

In December of 2016, Lincoln police officers were alerted to a disturbance in a parking lot with several individuals fleeing from the area in two different vehicles. In the parking lot officers discovered the lifeless body of Jamie Watson dead of a gunshot wound to the head. Evidence at the scene indicated the individuals who had fled were attempting to transfer Watson's body from one vehicle to the trunk of a second vehicle.

Early in the investigation, Eric Miller participated as the prosecutor assigned to the case and Investigator Matt Franken was the Chief Investigator. The investigation determined the murder occurred elsewhere in a home several miles from where the body was located - the result of a drug deal gone wrong. Miller and Investigator Franken were pivotal in guiding the investigation, and securing search warrants for multiple vehicles and the homicide location. They guided the complex case through the investigation and prosecution, which involved at least 197 officers from Lincoln Police Department, Lancaster County Sheriff's Office, Nebraska State Patrol, and the United States Marshal's Fugitive Task Force. DNA from 18 people suspected of being involved in the murder and attempted cover-up was collected and analyzed by the State Crime Lab. Various pieces of evidence seized during the investigation were submitted to the Nebraska State Patrol Crime Lab - who reported it was the largest single submission of evidence that they had ever received. Over the course of a year, ten defendants pleaded guilty to a variety of felony offenses and were sentenced to the Nebraska Department of Correctional Services. The primary offender received 19-20 years for Manslaughter and 35-45 years consecutive for Possession of Meth with the Intent to Deliver.

Pictured below is Eric Miller along with U.S. Attorney Joe Kelly



## 2018 LECC AWARDS

**Omaha RICO investigation**

This case was a three-year long federal racketeering case in which six defendants were charged in a RICO conspiracy. The case targeted the 40th and 44th Avenue Crips gangs which operated in North Omaha. These gangs engaged in criminal conduct to include using threats of violence and actual violence to protect the prestige of the gangs and to control its territory; intimidating rival gangs, and threatening and discouraging people from cooperating with the police. The gangs routinely engaged in drug trafficking, and committed violent crimes to include murders, robberies, assaults, and shootings.

Six defendants were charged in this complex RICO conspiracy. The central conspirator in this, Dionte Dortch, pleaded guilty to all four counts with which he was charged – the RICO conspiracy, felon in possession of a firearm, witness tampering, and attempted obstruction of justice. He was sentenced to 20 years' imprisonment, the maximum possible sentence for the conspiracy. Dortch was involved with shooting at a vehicle in an attempt to murder one of the witnesses, and he contacted an undercover ATF agent to carry out a hit on a witness. Gregory Bahati pleaded guilty to all three counts with which he was charged - the RICO conspiracy, making threats in aid of racketeering, and brandishing a firearm during a crime of violence.

Jerell Haynie was charged with the RICO conspiracy, as well as three charges relating to one shooting – attempted murder, attempted assault, and discharging a firearm in relation to a crime of violence. Other defendants in this case were also involved in attempts to kill witnesses, shooting at them in their vehicles or into their homes. This three-year investigation involved some very dangerous individuals committing some very dangerous crimes that reigned terror on the North Omaha community. The collaborative and persistent work of these investigators and prosecutors was incredible, and matched any case investigated and prosecuted on the federal level in Nebraska.

Resident Agent in Charge Mike Parker - Bureau of Alcohol, Tobacco, Firearms and Explosives  
Agent Donald Mann - Bureau of Alcohol, Tobacco, Firearms and Explosives  
Agent Cory Shelton - Bureau of Alcohol Tobacco, Firearms and Explosives  
Officer Jim Shields – Omaha Police Department  
Officer Daniel Torres – Omaha Police Department  
Officer Nikki Lasater – Omaha Police Department  
Sgt. Michael Kozelichki – Omaha Police Department  
Officer Doug Herout – Omaha Police Department  
Deputy U.S. Marshal Rovance Lewis – U.S. Marshals Service  
Matthew Molsen – Assistant United States Attorney

Pictured below are members of the RICO investigation



## 2018 LECC AWARDS

### **NSP Troop E Investigative Services and the WING Drug Task Force**

NSP Troop E Investigative Services and the WING Drug Task Force were honored for their outstanding cooperative work. Moreover, they did it in a very stressful time and environment after several officers with the State Patrol were placed on suspension pending an internal investigation. This personnel shortage, both from these suspensions and retirements, had a direct impact on Troop E investigative services and the WING Drug Task Force.

All of the Sworn officers and civilian staff for Troop E Investigative Services, and the WING Task Force put together a cooperative effort to reinvigorate and support the Task Force and communities. This reinvigoration and teamwork showed some significant positive results in statistical data. In 2017 Troop E Investigative Services and WING made 266 drug cases, an increase of 127.35% over the 117 made in 2016.

Through their overall teamwork, they showed that being proactive and working together as a group with different specialties they were able to increase the number of arrests made and overall show a decrease in crimes against people. These dedicated individuals persevered during these tumultuous times; and were able to have a large impact on the overall criminal presence in the area. Their efforts have had an effect on the safety of the Panhandle and have shown a demonstration of what teamwork can accomplish in any condition.

Lt. Tim Arnold, Nebraska State Patrol  
Sgt. Brian Eads, Nebraska State Patrol/WING  
Sgt. Travis Wallace, Nebraska State Patrol  
Inv. Dean Christensen, Nebraska State Patrol  
Inv. Keith Drinkwalter, Nebraska State Patrol (retired)  
Inv. Cassie Wegelin, Nebraska State Patrol  
Inv. Rob Jackson, Nebraska State Patrol  
Inv. Clint Bruhn, Nebraska State Patrol  
Sgt. Chris Baer, Nebraska State Patrol  
Inv. Dave Hunter, Nebraska State Patrol/WING  
Inv. Craig Kumpf, Nebraska State Patrol/WING  
Inv. Alex Sinnett, Nebraska State Patrol/WING  
Crime Analyst Staci Behne, Nebraska State Patrol  
ISO Admin. Wendy Romey, Nebraska State Patrol  
Inv. Matt Holcomb, WING/Scotts Bluff County Sheriff's Office  
Inv. Rob Kiesel, WING/Scottsbluff PD  
Inv. Dominic Peterson, WING/Scottsbluff PD  
Sgt. James Jackson, WING/Gering PD  
Inv. Jordan McBride, WING/Gering PD  
Lt. Jake Henion, WING/Alliance PD  
Inv. David Laduke, WING/Alliance PD  
Inv. Jim Bush, WING/Sidney PD  
Inv. Zach Goodrich, WING/Cheyenne County Sheriff's Office  
WING Admin, Louise Ojeda, WING/ Scotts Bluff County Sheriff's office

2018 LECC AWARDS



**Pictured are members of the WING Drug Task Force and NSP Troop E investigators**

## 2018 LECC AWARDS

The Lincoln/Lancaster County Narcotics Task Force and the Nebraska State Patrol Headquarters Drug Division were recognized for their diligent work in the development of a formal investigative partnership.

The Task Force, under the command of Lincoln Police Department Captain Christopher Peterson, began working with State Patrol Investigative Sergeant Drew Ferguson and Lincoln Police Sergeants Bill Koepke, Daren Reynolds, Jon Kossow, and Duane Winkler to establish the formal integration of these units. With the new partnership, State Deputy Sheriff credentials were issued to all investigators on the TASK FORCE, knowing that narcotics enforcement will take them outside of their normal jurisdiction.

The TASK FORCE concluded a yearlong OCDETF (Operation Windstream – a HIDTA award recipient investigation in 2017) that utilized LE technology from GPS trackers, PEN registers, phone pings, and the utilization of a federal Title III wire intercepts. Collaborative efforts resulted in execution of five search warrants; three in Lincoln, one in Norfolk, and one in California. As a result, three persons were arrested for conspiring to distribute meth. During the searches more than 5 pounds of meth \$135,000 in cash - were seized, along with other conspiratorial evidence.

These listed cases are just the start of a great partnership between these agencies. The State Deputy sheriff credentials for the entire Task Force allows for extra personnel resources outside Lancaster County when needed in an all-out effort to disrupt narcotics distribution coming into Nebraska.

Captain Chris Peterson – Lincoln Police Department  
Sgt. Bill Koepke - Lincoln Police Department  
Sgt. Daren Reynolds - Lincoln Police Department  
Sgt. Jon Kossow - Lincoln Police Department  
Sgt. Duane Winkler - Lincoln Police Department  
Sgt. Drew Ferguson – Nebraska State Patrol



## 2018 LECC AWARDS

### Officer Cleo “Butch” Hurst

Officer Cleo “Butch” Hurst was honored for his outstanding career-long contributions to both the Grand Island Police Department and the community of Grand Island.

During his career, Butch implemented and conducted community-based policing before anyone had coined the term. He was instrumental in implementing and building both the DARE and GREAT programs in Grand Island. During his years as a School Resource Officer, Butch tirelessly advocated for the youth of Grand Island and helped to establish a unique summer youth camp that served thousands of under-privileged youngsters during their summer break from school.

In addition to his work with the schools, Butch took on the role of Community Service Officer. Butch gave presentations at a number of community events over the years. He helped educate elderly residents about the hazards of scams and fraud directed at retirees. Butch organized an alliance of local motels that was instrumental in notifying known drug users and dealers they were not welcome in Grand Island’s hotels/motels. He was assigned as the GIPD desk officer for many years, and assisted many citizens of Grand Island with help for various situations and reports, often going out of his way to even clear up civil issues that, while frustrating to the citizen, did not really fall within the realm of law enforcement.

Butch Hurst retired in 2018, after 30 years at GIPD, which followed his 11 years as a Police Officer in Ord.



## 2018 LECC AWARDS

### **Chief Jim Davis of the University of Nebraska at Kearney Police Department**

Jim Davis has made a tremendous impact on the University since he began working there in 2015. Since that time, he has fostered a strong relationship between other local law enforcement agencies and the UNK Police.

He has made huge inroads in a number of areas in the department's transition with the development of crime prevention strategies, new uniforms and equipment, and trainings and education. He was the driving force in combining the department into one building from two separate locations, creating a much more comfortable and efficient space.

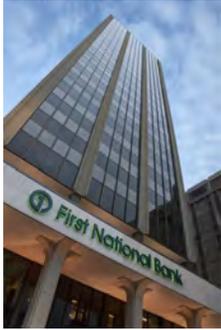
Chief Davis serves as adjunct faculty for the University and has also assists with instruction at the South Dakota Law Enforcement Training Academy. Jim has taken on a leadership role in the UNK/UNO/UNL safety committee, and further fostering the relationships of these police departments. He was instrumental in the establishing the "Officer Down Appreciation Team" for UNK, the mission of that team to reach out and send condolences to the departments of fallen officers.





**CONTACT INFORMATION:**

BY MAIL:



U.S. Attorney's Office  
1620 Dodge Street  
Suite 1400  
Omaha, Nebraska 68102-1506

U.S. Attorney's Office  
487 Federal Building  
100 Centennial Mall North  
Lincoln, Nebraska 68508-3865



BY PHONE & FAX:

OMAHA: (402) 661-3700  
(800) 889-9124  
FAX: (402) 661-3082

LINCOLN: (402) 437-5241  
(800) 889-9123  
FAX: (402) 437-5390

Website:

<http://www.usdoj.gov/usao/ne/>

Titter: @USAO\_NE

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Equal Justice Under the Law

Honesty and Integrity

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**United States Attorney**

Joseph P. Kelly  
402-661-3700; [joe.kelly@usdoj.gov](mailto:joe.kelly@usdoj.gov)

**First Assistant U.S. Attorney**

Jan W. Sharp  
402-661-3778; [jan.sharp@usdoj.gov](mailto:jan.sharp@usdoj.gov)

**General Crimes Unit Chief**

Michael P. Norris  
402-661-3779; [michael.norris@usdoj.gov](mailto:michael.norris@usdoj.gov)

**Narcotics Enforcement Unit/Asset Forfeiture Chief  
Lead OCDEF AUSA**

John E. Higgins  
402-661-3717; [john.higgins@usdoj.gov](mailto:john.higgins@usdoj.gov)

**Civil Division Chief**

Robert L. Homan  
402-661-3736;  
[robert.Homan@usdoj.gov](mailto:robert.Homan@usdoj.gov)

**Senior Litigation Counsel/Appellate Coordinator  
Lincoln Branch Office Manager**

Steven A. Russell  
402-437-5240; [steve.russell@usdoj.gov](mailto:steve.russell@usdoj.gov)

**Law Enforcement Coordinator**

Joseph P. Jeanette  
402-661-3725; [joe.jeanette@usdoj.gov](mailto:joe.jeanette@usdoj.gov)

**Victim Assistance Specialist**

Kimberly Roewert  
402-661-3701; [kim.roewert@usdoj.gov](mailto:kim.roewert@usdoj.gov)

## WEBSITES OF INTEREST



Other U.S. Attorney's Offices: <http://www.usdoj.gov/usao/>

Department of Justice: <http://www.usdoj.gov/>

Federal Bureau of Prisons: <http://www.bop.gov>

Federal Bureau of Investigation: <http://www.fbi.gov/>

Bureau of Citizenship and Immigration Services: <http://www.uscis.gov/>

Bureau of Alcohol, Tobacco, and Firearms and Explosives:  
<https://www.atf.gov/kansas-city-field-division/nebraska-field-offices>

U.S. Immigration and Customs Enforcement: <http://www.ice.gov/>

U.S. Marshals Service: <http://www.usmarshals.gov/>

U.S. Department of Homeland Security: <http://www.dhs.gov/>

Extensive list of official Federal Government websites: <http://www.usa.gov/>



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