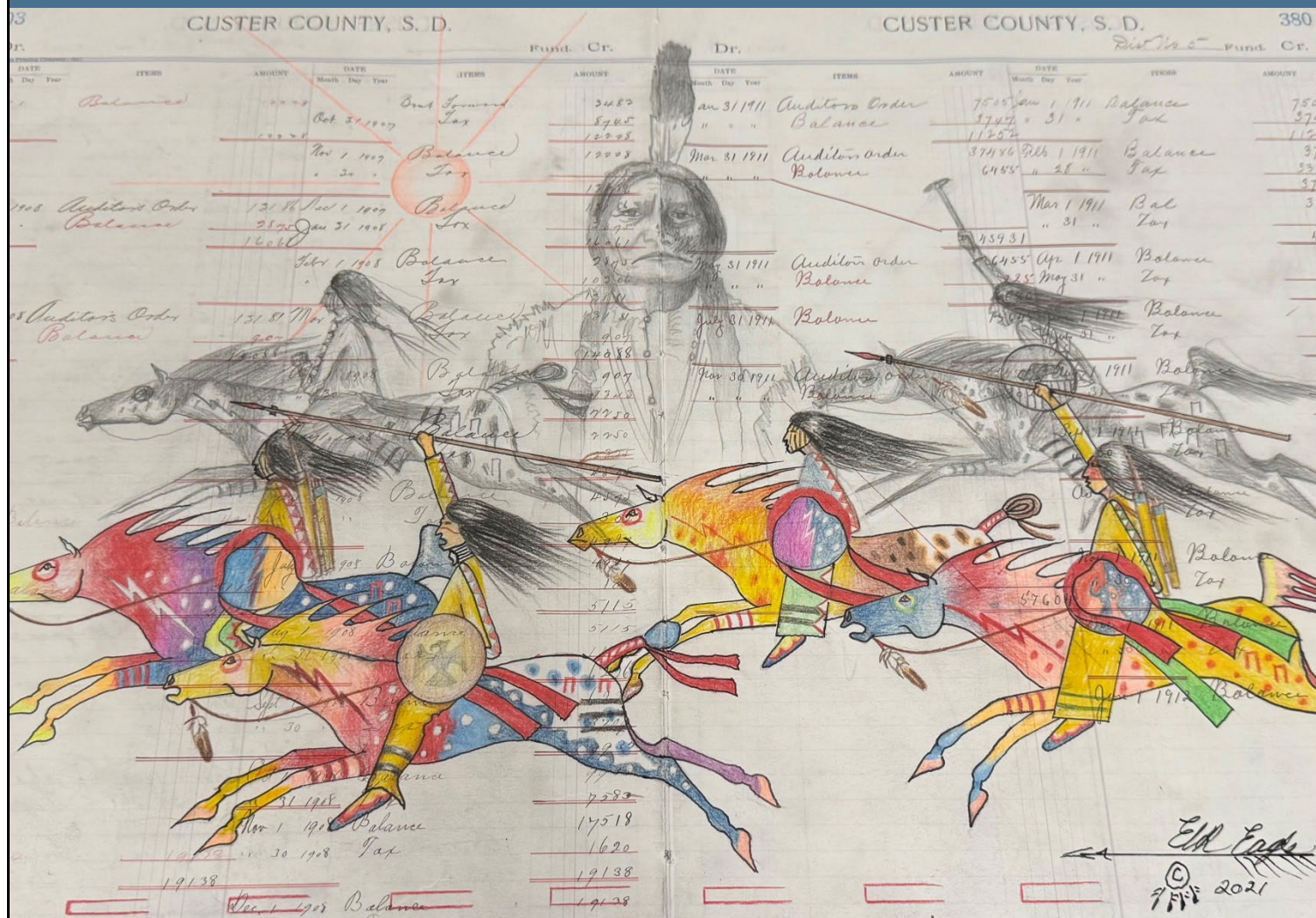


United States Attorney's Office District of South Dakota

Alison J. Ramsdell, United States Attorney



2024 Annual Report

A Message from U.S. Attorney Alison J. Ramsdell

The United States Attorney's Office for the District of South Dakota is committed to upholding the rule of law, keeping communities safe, protecting the financial interests of the United States, and ensuring equal justice for all. I am privileged to carry out this critical mission with a team of career professionals who take seriously their oath to the U.S. Constitution, believe deeply in the pursuit of justice, and work tirelessly to improve public safety in communities throughout South Dakota.



This report presents statistics related to matters charged and summaries of cases resolved in 2024. More than that, it is an opportunity to highlight three distinct characteristics of the work we do at the U.S. Attorney's Office in South Dakota—the unparalleled collaboration between federal, state, tribal, and local law enforcement; the sheer volume of matters handled by our Assistant U.S. Attorneys and support staff; and the enormous amount of time and effort our colleagues devote to community engagement.

We owe much of our success to the relentless work of our law enforcement partners, including the cross-jurisdictional efforts of the Sioux Falls Violent Crime Unit, Rapid City's Project Safe Neighborhood Task Force, the Badlands Safe Trails Task Force, the Northern Plains Safe Trails Drug Enforcement Task Force, the South Dakota Unified Narcotics Enforcement Team, the Sioux Falls Area Drug Task Force, and South Dakota's Internet Crimes Against Children Task Force. In 2024, as a result of the tremendous collaboration between these partners and other law enforcement agencies, we seized more than 230 illegally possessed firearms, prosecuted nearly 120 individuals for drug trafficking offenses, and prosecuted more than 45 individuals for child exploitation and human trafficking offenses. Moreover, the District's engagement with targeted violent crime reduction efforts in South Dakota's two largest cities—Sioux Falls and Rapid City—contributed to lower rates of violent crime in 2024.

Our success also reflects the unmatched knowledge, experience, and tenacity of the attorneys and staff at the U.S. Attorney's Office. In FY 2024, the Criminal Division filed 434 new cases against 526 defendants, once again making the District of South Dakota one of the most productive districts in the nation for number of cases filed per prosecutor. On top of these demanding caseloads, our colleagues tried 38 federal jury trials—almost triple the national average among U.S. Attorney's Offices. Our Civil Division was similarly busy, responding to more than 400 new lawsuits and recovering nearly \$3.5 million dollars on behalf of victims of crime and in debts owed to the United States. These large caseloads resulted in 98 appeals before the Eighth Circuit Court of Appeals last year.

We also remain civically engaged with the communities we serve. Much of that work is captured in the Outreach Section of this report. Of particular note is our regular engagement with tribal communities, where we routinely address public safety concerns at tribal council meetings, tribal law enforcement trainings, and leadership conferences. In addition to targeted outreach, our prosecutors and victim witness specialists engage in regular multi-disciplinary team (MDT) meetings in each reservation. This engagement reflects our unwavering commitment to maintaining meaningful relationships with the tribal communities with whom we work.

This year's Annual Report demonstrates the remarkable work the U.S. Attorney's Office is doing alongside our law enforcement partners to improve public safety in communities throughout South Dakota. We remain committed to advancing this work without fear or favor in the year ahead.



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INTRODUCTION



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

South Dakota has had 44 U.S. Attorneys, beginning in 1861 with William Gleason, who served as the U.S. Attorney for the Dakota Territory. In 1889, when the Dakota Territory was divided into individual states, U.S. Attorneys began serving solely for the District of South Dakota. United States Attorneys are nominated by the President and must be confirmed by the United States Senate. Following confirmation, U.S. Attorneys serve at the will of the President for a term of four years, which may be renewed.

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

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

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

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

OUTREACH

In the District of South Dakota, outreach is a cornerstone of our practice and an extension of our commitment to improving public safety in the communities we serve. The following features just some of the outreach our colleagues conducted in 2024.



Freedom Expo. In January 2024, Assistant U.S. Attorney and Human Trafficking Coordinator, Heather Knox, participated in Freedom Journey's 6th Annual Freedom Expo in Rapid City. There, AUSA Knox helped raise awareness about trafficking in our region and educated the public about law enforcement's ongoing efforts to bring traffickers to justice.

Missing and Murdered Indigenous Relatives Walk. In February 2024, U.S. Attorney Alison Ramsdell, First Assistant U.S. Attorney Gregg Peterman, and Assistant U.S. Attorney and Tribal Liaison Troy Morley participated in USD School of Law's Missing and Murdered Indigenous Relatives Walk. Afterward, U.S. Attorney Ramsdell discussed the role of the U.S. Attorney's Office in Indian country; First Assistant Peterman discussed his experiences serving on the Not Invisible Act Commission and the Commission's published Report; and AUSA Morley introduced the Department of Justice's newly formed Missing and Murdered Indigenous Persons (MMIP) Regional Outreach Program, through which he serves as an MMIP AUSA for the Great Plain Region.



Victim Advocacy. In Spring 2024, Assistant U.S. Attorney Heather Knox contributed to the quarterly publication issued by the South Dakota Network Against Family Violence and Sexual Assault. Therein, AUSA Knox discussed federal prosecution and the difficult work of protecting women and children from abusive situations.



Native American Issues Subcommittee. In her role as Chair of the AGAC's Native American Issues Subcommittee, U.S. Attorney Ramsdell joined with representatives from the Department of Interior and Department of Justice to deliver a congressional briefing to staff members of the Senate Committee on Indian Affairs. Department representatives discussed the findings of the Not Invisible Act Commission (NIAC), as well as information about what their respective components have been or will be doing in response to those findings. The NIAC was an advisory committee composed of law enforcement, tribal leaders, federal partners, service providers, and survivors, who gathered over the course of more than one year to make recommendations to the Departments of Justice and Interior to improve intergovernmental coordination and establish best practices for law enforcement to combat MMIP issues, as well as the trafficking of Native Americans and Alaska Natives. First Assistant U.S. Attorney Gregg Peterman served as a member of the Commission.

In Plain Sight. In April 2024, former Assistant U.S. Attorney Jeff Clapper presented on behalf of the office at Call to Freedom’s “In Plain Sight” event at the State Theater in downtown Sioux Falls to discuss the types of human trafficking cases our office prosecutes in South Dakota.

Raising Community Awareness of MMIP Issues. In April 2024, U.S. Attorney Ramsdell, AUSA Morley, and DOJ’s National Native American Outreach Services Liaison Marlys Big Eagle participated in a panel discussion at the Yankton Community Library. The panel was moderated by the City of Yankton’s Mayor, Stephanie Moser, and included remarks from American Indian Studies professors from the University of South Dakota. The program was the second of two programs organized by the City of Yankton to raise community awareness of MMIP issues in South Dakota.



Domestic Violence Training. In May 2024, Assistant U.S. Attorneys Megan Poppen and Anna Lindrooth conducted domestic violence training with the Oglala Sioux Tribe Department of Public Safety’s criminal investigators and patrol officers. The training focused on best practices for investigating strangulation cases and a roundtable discussion about issues that arise in aggravated domestic violence assaults between intimate partners.

National Indian Gaming Commission. In May 2024, U.S. Attorney Ramsdell presented at the National Indian Gaming Commission’s training in Flandreau, SD. She joined Michael Camal, Senior Engagement Manager of the Department of Homeland Security’s “Blue Campaign,” a national public awareness campaign designed to educate the public, law enforcement, and other industry partners to recognize the indicators of human trafficking and how to appropriately respond. U.S. Attorney Ramsdell discussed the role of the U.S. Attorney’s Office in prosecuting human traffickers. Training participants included approximately 100 casino workers from across the region.



Tribal MMIP Summit. In May 2024, the U.S. Attorney’s Office hosted a Tribal MMIP Summit in Pierre. Assisting in the effort were the FBI, the U.S. Marshals Service, South Dakota’s Division of Criminal Investigation, members of the Fort Peck Assiniboine and Sioux Tribes, and representatives from the National Criminal Justice Training Center. Attendees included tribal leadership and law enforcement personnel from seven South Dakota tribes. The Summit featured presentations related to Savanna’s Act Guidelines, the role of federal law enforcement in missing person cases, and the availability of state resources. The Summit then turned to presentations related to Tribal Community Response Plans, which are cross-jurisdictional protocols tailored to a specific Tribal community that govern law enforcement and community responses to emergent missing person cases in a Tribal community.

Summer Law Camp. In June 2024, the U.S. Attorney's Office hosted 36 high school students at its First Annual Summer Law Camp in Sioux Falls. The three-day camp featured presentations from attorneys and staff from the U.S. Attorney's Office, an attorney from the Federal Public Defender's Office, and personnel from federal, state, and local law enforcement agencies. The final day featured a mock trial before U.S. District Judge Karen E. Schreier. The Camp was organized to inspire high school students to consider pursuing one of various career paths in law enforcement.



Civil Rights Roundtable. In June 2024, the U.S. Attorney's Office re-convened community stakeholders, including non-profit community organizations, faith-based community leaders, and law enforcement agencies to engage in conversations about civil rights issues in the community, learn from one another's expertise and experience, and develop relationships to better serve the Sioux Falls community. These meetings are scheduled to occur on a quarterly basis.



Savanna's Act Meeting. In July 2024, U.S. Attorney Ramsdell, First Assistant U.S. Attorney Peterman, and AUSA Morley participated in a Savanna's Act Meeting with the Standing Rock Sioux Tribe in Fort Yates, ND. The meeting was organized by the U.S. Attorney's Office for the District of North Dakota and included tribal leaders, federal prosecutors, and law enforcement officials from federal, state, local, and tribal agencies. Attendees discussed available resources and best practices for collaborating when a tribal member is reported missing.

Law Enforcement Certification. In July 2024, U.S. Attorney Ramsdell joined SD Attorney General Marty Jackley at the Basic Law Enforcement Certification Course to discuss collaboration between federal, state, local, and tribal agencies. In August, Criminal Chief John Haak, Civil Chief Diana Ryan, former AUSA Tim Maher, AUSA Morley, and AUSA Brian Murphy returned to the training center to conduct a two-day course for tribal officers, making it possible for them to sit for BIA's Special Law Enforcement Commission (SLEC) exam. SLECs permit certified officers to assist in federal investigations of major crimes in Indian country.



Victim Services Conference. In August 2024, the U.S. Attorney's Offices for the Districts of South Dakota and North Dakota hosted a two-day Victim Services Conference in Pierre. The conference was attended by over 100 social service providers and included presentations from Assistant U.S. Attorneys, as well as training on topics ranging from mandatory reporting of child abuse to the investigation of non-fatal strangulation cases.

U.S. Attorney General Visits South Dakota. In August 2024, the U.S. Attorney's Office had the privilege of hosting the Honorable Merrick B. Garland, United States Attorney General. During his visit, Attorney General Garland met with federal, state, local, and tribal law enforcement officials to listen to each agency's concerns and answer any pressing questions. He then met with staff of the U.S. Attorney's Office before traveling to Wagner, SD, where he participated in Senator Mike Rounds' Tribal Roundtable with tribal leadership.



Opioid Overdose Training. Throughout 2024, Law Enforcement Coordinator Dave Stephan and Assistant U.S. Attorney Mark Hodges joined with local law enforcement partners to provide three-hour trainings on Opioid Awareness, Overdose Investigations, and Federal Prosecutions.



Domestic Violence Awareness Month. October is National Domestic Violence Awareness Month, a time to honor domestic violence survivors and raise awareness about the issue in our communities. In October 2024, staff at the U.S. Attorney's Office joined the call to action and wore purple as a symbol of peace, courage, honor, and personal dedication to domestic violence awareness. The U.S. Attorney's Office prosecutes certain domestic violence matters as they arise in Indian Country and in situations where individuals who have been previously convicted of a domestic violence offense are found in possession of firearms.

State Law Enforcement Outreach. The U.S. Attorney's Office participated in outreach with state and local law enforcement partners and prosecutors throughout the year. For example, in April 2024, former Assistant U.S. Attorney Abby Roesler presented at the State's SORNA Conference; First Assistant U.S. Attorney Gregg Peterman presented to the U.S. Marshals Service's Indian Country Policy Committee and at the South Dakota Narcotics Officers Conference; former Assistant U.S. Attorneys Tim Maher and Brian Murphy presented at the SORNA Summit; and U.S. Attorney Ramsdell presented at the Joint Conference of Police Chiefs and Sheriffs, the South Dakota States Attorney's Conference, the Sheriff's Conference in Watertown, and the Chiefs of Police Conference in Sioux Falls.

Outreach to State Universities. Throughout the year, Assistant U.S. Attorneys present to classes at the University of South Dakota on various topics, including hate crimes, criminal prosecution, and career pathways. Similarly, the USAO coordinates with federal partners such as the U.S. District Court and the U.S. Probation Office to talk with college students about the federal criminal justice system. Pictured here is a class of political science students from South Dakota State University along with U.S. District Judge Karen E. Schreier.





Law Enforcement Coordination Conference. In October 2024, the U.S. Attorney's Office, in conjunction with the South Dakota Attorney General's Office, hosted the Annual Law Enforcement Coordination Conference (LECC) in Sioux Falls. The two-day conference featured training on topics such as Investigating Child Exploitation, Securing and Utilizing Title III Wires, Responding to and Investigating Bomb Threats and Swatting Hoaxes, Officer Mental Health, Cryptocurrency Investigations, How to Distinguish between a Murder, Suicide, Natural, or Accidental Death, and a Critical Incident Debrief with the North Dakota Bureau of Criminal Investigations on the recent officer ambush in Fargo, ND.

Public Sector Section Leadership Summit. In October 2024, Criminal Chief John Haak and Civil Chief Diana Ryan participated in a panel discussion at the Annual Leadership Summit, sponsored by the Public Sector Section of the South Dakota Bar Association. Panel participants discussed their path to leadership and the challenges that each encountered along the way. They also offered advice to young attorneys on how to pursue positions of leadership in the public sector.



International Visitor Leadership Program. In November 2024, Supervisory AUSA Ben Patterson joined with U.S. Magistrate Judge Daneta Wollman to host an international group of visitors through the Department of State's International Visitor Leadership Program. Attendees were from various Middle Eastern countries and represented varied legal backgrounds, including private firms, government agencies, academia, and the judiciary. AUSA

Patterson discussed the functions of the U.S. Attorney's Office and general case progression.

E-Litigation Training. Throughout the year, Senior E-Litigation Counsel Jeremy Jehangiri and Systems Manager Jeff Peters provided hands-on training to federal, state, local, and tribal law enforcement partners on the U.S. Attorney's Office's revised case intake procedures and the use of file-sharing systems to facilitate the exchange of case information. Pictured here are Jehangiri and Peters with Assistant U.S. Attorney Wayne Venhuizen and Victim Witness Specialist Jo Lepkowski during a training for local and tribal law enforcement in Eagle Butte.



CRIMINAL DIVISION

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

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

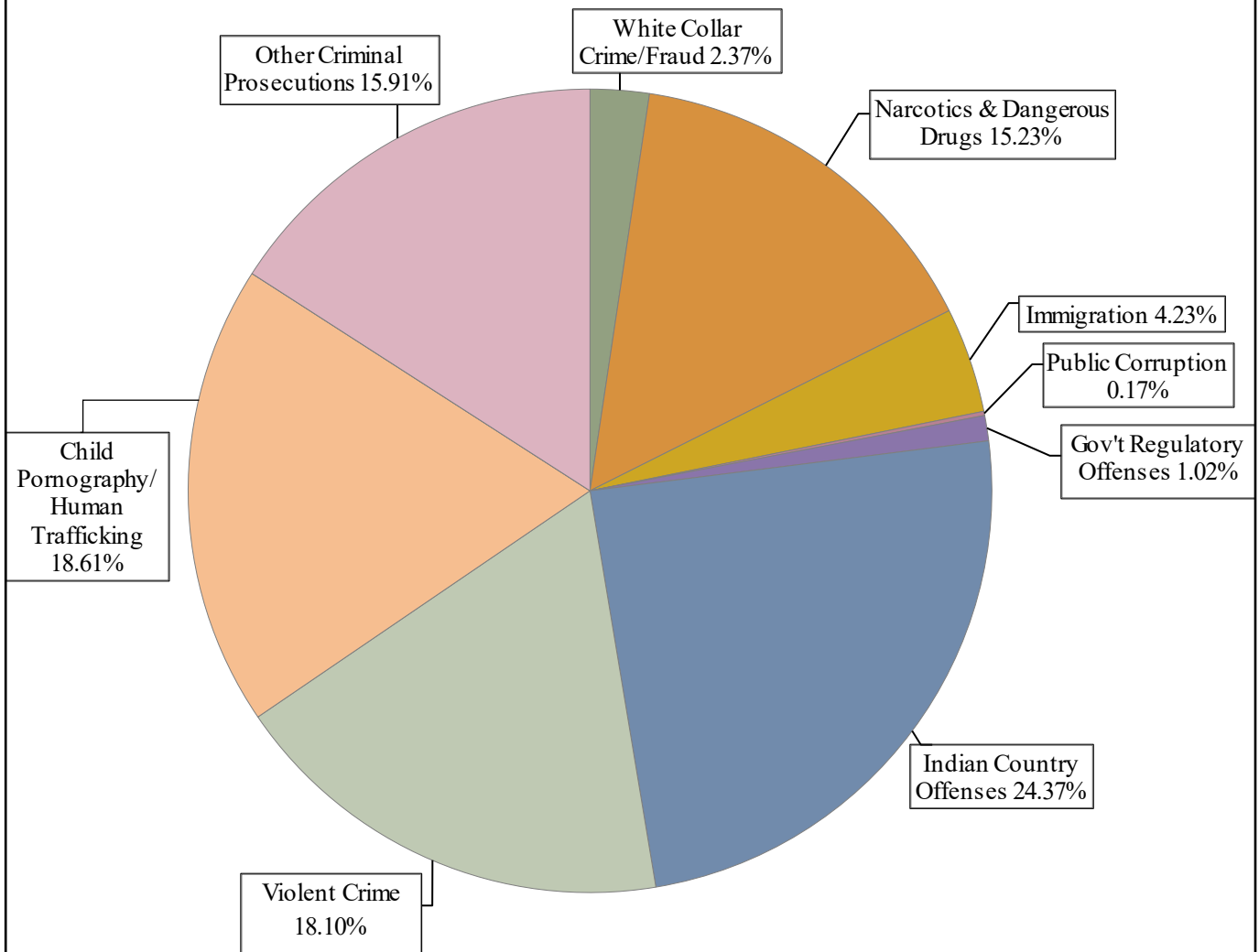


Staff of the U.S. Attorney's Office at the Federal Courthouse in Sioux Falls, SD, in September 2024

The Criminal Division is comprised of 24 Assistant U.S. Attorneys. In 2024, this included Criminal Chief John Haak, as well as three office supervisors—Connie Larson in Sioux Falls, Tim Maher in Pierre, and Ben Patterson in Rapid City. AUSA Jeff Clapper served as the District's Senior Litigation Counsel in the Criminal Division, a role that was transferred to AUSA Kirk Albertson when AUSA Clapper became a state circuit court judge. AUSA Heather Knox continues to serve as the District's Human Trafficking Coordinator and further acquired the role of Project Safe Childhood Coordinator focusing on Internet crimes against children; AUSA Troy Morley serves as the District's Tribal Liaison to the nine Tribal governments located in South Dakota; AUSA Mark Hodges serves as the District's Organized Crime and Drug Enforcement Task Force Coordinator; Supervisory AUSA Ben Patterson and SAUSA Mark Joyce serve as the District's Project Safe Neighborhoods Coordinators focusing on federal gun crimes; AUSA Ann Hoffman serves as the District's Healthcare Fraud Coordinator; and AUSA Carl Thunem leads the District's forfeiture program. Of critical importance, the Criminal Division's work is supported by Legal Administrative Specialists, a Paralegal, and three Victim Witness Specialists.

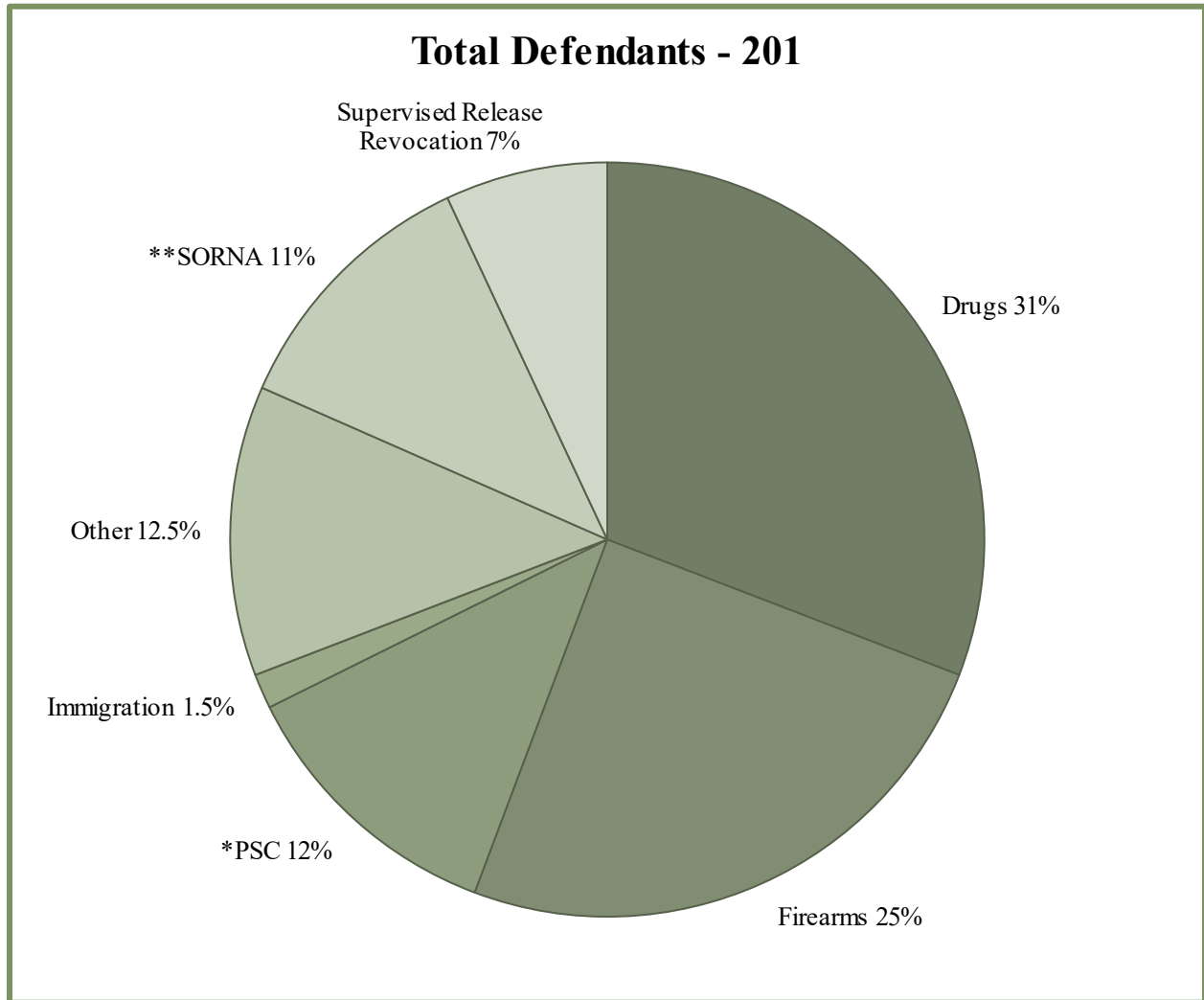
STATISTICAL HIGHLIGHTS
Criminal Caseload Statistics
Total Cases Filed

Total Cases by Program Category



STATISTICAL HIGHLIGHTS

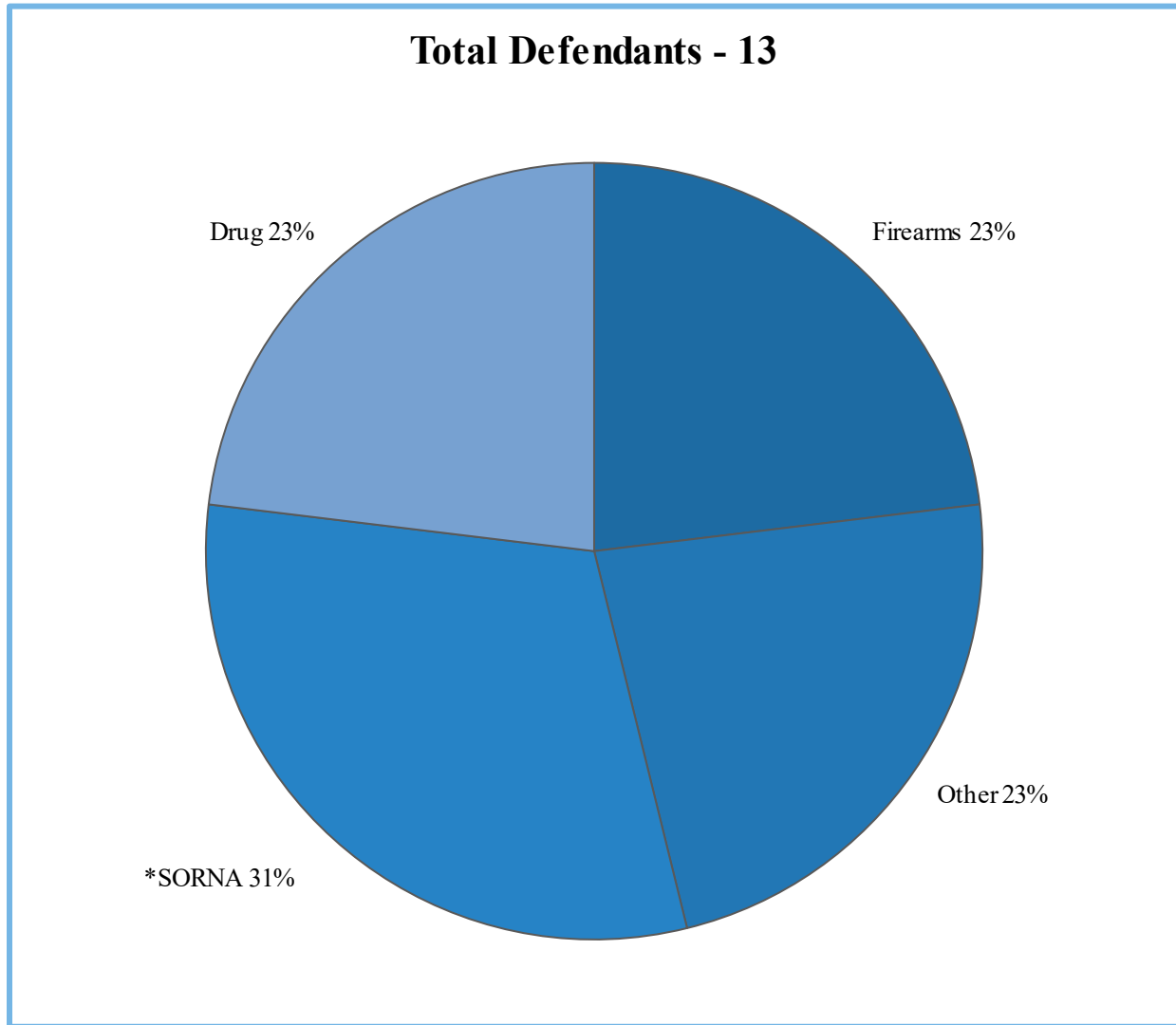
Federal Defendants by Offense (excluding Indian Country) Southern Division



- * The PSC (Project Safe Childhood) Offense Category includes all cases concerning child pornography, sex trafficking, human trafficking, and obscenity.
- ** The SORNA (Sex Offender Registration and Notification Act) Offense Category captures cases filed against previously convicted sex offenders who fail to register with the national sex offender registration following their release into the community.

STATISTICAL HIGHLIGHTS

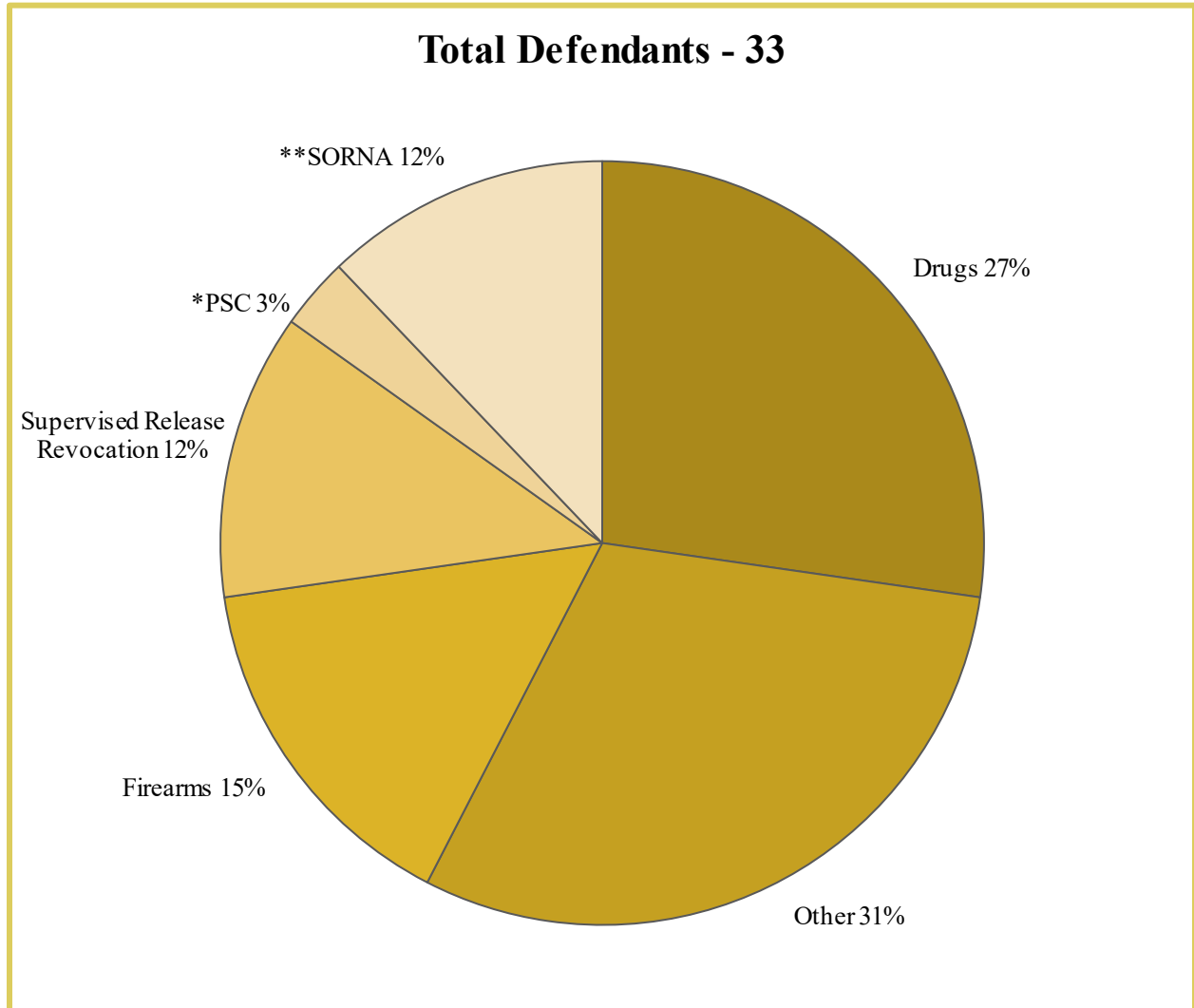
Federal Defendants by Offense (excluding Indian Country) Northern Division



- * The SORNA (Sex Offender Registration and Notification Act) Offense Category captures cases filed against previously convicted sex offenders who fail to register with the national sex offender registration following their release into the community.

STATISTICAL HIGHLIGHTS

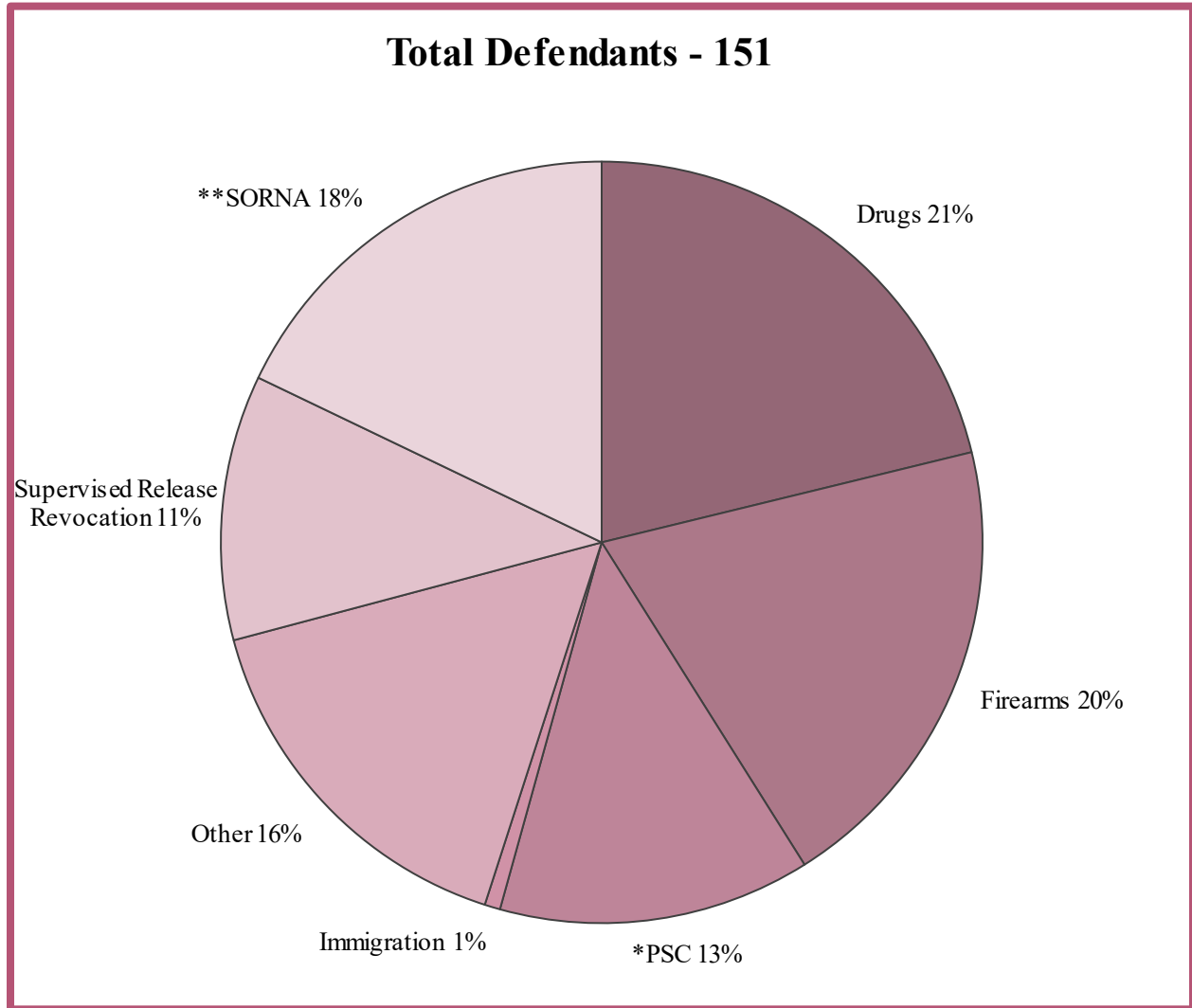
Federal Defendants by Offense (excluding Indian Country) Central Division



- * The PSC (Project Safe Childhood) Offense Category includes all cases concerning child pornography, sex trafficking, human trafficking, and obscenity.
- ** The SORNA (Sex Offender Registration and Notification Act) Offense Category captures cases filed against previously convicted sex offenders who fail to register with the national sex offender registration following their release into the community.

STATISTICAL HIGHLIGHTS

Federal Defendants by Offense (excluding Indian Country) Western Division



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

** The SORNA (Sex Offender Registration and Notification Act) Offense Category captures cases filed against previously convicted sex offenders who fail to register with the national sex offender registration following their release into the community.

SIGNIFICANT CRIMINAL PROSECUTIONS

Non-Indian Country

DRUG PROSECUTIONS

United States v. Jeff Bailey, James Hand, and Vonda Hand

Conspiracy to Distribute a Controlled Substance (Methamphetamine)

Between October 2022 and February 2023, Jeff Bailey and James Hand obtained methamphetamine from Arizona and brought it back to South Dakota for further distribution. Hand, working alongside his wife, Vonda Hand, distributed methamphetamine throughout the area of Platte, South Dakota. On February 10, 2023, while traveling back from visiting their source in Arizona, Bailey and Vonda Hand were stopped by law enforcement and found to be in possession of 13.5 pounds of methamphetamine that they intended to distribute to others throughout South Dakota, including James Hand. Vonda Hand pleaded guilty to conspiracy to distribute a controlled substance and was sentenced to 10 years in federal prison. Bailey and James Hand proceeded to trial, where they were convicted of conspiracy to distribute a controlled substance. Bailey and James Hand were each sentenced to 12 years in federal prison. This case was investigated by the Drug Enforcement Administration (DEA), South Dakota Division of Criminal Investigation (DCI), South Dakota Highway Patrol (SDHP), and Platte Police Department. The case was prosecuted by Assistant U.S. Attorney (AUSA) Paige Petersen with support from Legal Administrative Specialist (LAS) Kristina Mechaley.

United States v. Mario Castro Covarrubias and Melecio Medina Rodriguez (OCDETF)

Conspiracy to Distribute a Controlled Substance (Cocaine)

Members of the Sioux Falls Area Drug Task Force (SFADTF) worked an investigation stemming from minor traffic stops resulting in seizures of small quantities of methamphetamine up through two levels of distributors to a large source in Sioux Falls who turned over approximately 38 pounds of methamphetamine. DEA Agents then determined that the source in Sioux Falls had been obtaining narcotics from Melecio Medina Rodriguez and Mario Castro Covarrubias, who were both based in Mexico. Agents learned that Rodriguez was involved in the organization of methamphetamine and fentanyl shipments from Mexico to the United States and was responsible for trafficking hundreds of pounds of methamphetamine. They learned that Covarrubias primarily trafficked cocaine. DEA agents intercepted two shipments of cocaine sent to the United States by Covarrubias and Rodriguez. The total weight of the cocaine seized during the investigation was approximately 67 kilograms. Agents also seized approximately 43 pounds of methamphetamine. Both defendants were extradited to the United States and eventually pleaded guilty to conspiracy to distribute cocaine. Rodriguez was sentenced to 27 years and three months in federal prison and Covarrubias was sentenced to 20 years in federal prison. The case was prosecuted by OCDETF Lead Attorney and AUSA Mark Hodges.

United States v. Curtis Cummings, Christina Sanchez, Katey McGruder, and Wyatt Nygaard

Conspiracy to Distribute a Controlled Substance Resulting in Death

Curtis Cummings, Katey McGruder, Christina Sanchez, and Wyatt Nygaard were involved in the large-scale distribution of fentanyl in the Rapid City area from December 2021 through June 2023. Cummings and McGruder would travel to Colorado on a weekly basis to obtain significant quantities of fentanyl pills. When they returned to Rapid City, they distributed the fentanyl pills from their home to Sanchez, Nygaard, and various other individuals. Tens of thousands of fentanyl pills were distributed during the course of the conspiracy. In particular, on April 26, 2022, fentanyl pills were distributed by Cummings and McGruder to Sanchez, who distributed the pills to Nygaard. Nygaard then distributed two pills to a Rapid City man, who overdosed when ingesting the fentanyl and died. Cummings was convicted at trial in November 2024 and sentenced to 30 years in federal prison. Sanchez and McGruder were each sentenced to 20 years in federal prison. Nygaard was sentenced to 23 years and three months in federal prison. This case was investigated by the Unified Narcotics Enforcement Team (UNET), which is comprised of law enforcement from the Pennington County Sheriff's Office (PCSO), the Rapid City Police Department (RCPD), DCI, SDHP, and the South Dakota National Guard. The case was prosecuted by AUSAs Meghan N. Dilges and Edward C. Tarbay with support from LAS Kristina Mechaley.

United States v. Brittany Enstad

Obtaining Controlled Substances by Fraud

Brittany Enstad worked as a registered nurse at a medical facility in Canton, South Dakota. Between July 2022 and December 2022, Enstad obtained blister packs from the narcotics cabinet containing OxyContin, removed the OxyContin, and replaced the drug with other medications, such as melatonin and acetaminophen. Enstad then resealed the blister packs knowing that the other medications could be dispensed to patients at the medical facility instead of OxyContin. Enstad used the stolen OxyContin for her own use. In March 2024, Enstad pleaded guilty to obtaining a controlled substance by misrepresentation, fraud, forgery, deception, and subterfuge. In May 2024, Enstad was sentenced to two years of probation. This case was investigated by the DEA and the Department of Health and Human Services Office of Inspector General. The case was prosecuted by AUSA Ann Hoffman with support from LAS Cecile Reynolds.

United States v. Sean Flynn, Brian White III, Marcelo Moreno, and Thomas Delong

Conspiracy to Distribute a Controlled Substance (Cocaine)

Sean Flynn, Brian White III, and Marcelo Moreno were convicted for their involvement in the large-scale distribution of cocaine in Rapid City, South Dakota. Flynn, who organized and coordinated drug sales and distribution between Denver and Rapid City, was the source of supply for Thomas Delong, who distributed the cocaine with others in Rapid City. Flynn's primary source of supply was White, who obtained cocaine from Moreno for much of the conspiracy. In August 2024, Flynn and White were sentenced to 11 years and three months in federal prison. Moreno was sentenced to 10 years and 10 months in federal prison. Delong previously pleaded guilty to conspiracy to distribute a controlled substance and was sentenced in August 2023 to 12 years and seven months in federal prison. This case was investigated by UNET. The case was prosecuted by AUSAs Wayne Venhuizen and Kathryn Rich with support from LAS Kristina Mechaley.

United States v. Heath Hagen

Conspiracy to Distribute a Controlled Substance (Fentanyl)

Jevon McLeod ran a fentanyl pill distribution ring in the Sisseton, South Dakota, area from approximately 2021 to 2022. During that time, he obtained pills from outside South Dakota and then distributed the pills to customers and other dealers. Hagen began working with McLeod to distribute pills around the fall of 2021. The two initially worked as partners helping to transport the pills they obtained from a source in Washington via Minneapolis, but eventually Hagen took over most of the pill distribution duties. Multiple people identified Hagen as the most prolific fentanyl dealer in the Watertown/Sisseton area at the beginning of 2022. All told, Hagen and his co-conspirators were responsible for distributing over 20,000 pills in South Dakota. Hagen pleaded not guilty and proceeded to jury trial. After three days of trial, the jury convicted Hagen of conspiracy to distribute 400 grams or more of a mixture containing fentanyl. He was sentenced to 31 years and eight months in federal prison. This case was investigated by the Bureau of Indian Affairs (BIA) and DCI. The case was prosecuted by AUSA Mark Hodges and Special Assistant U.S. Attorney (SAUSA) Mark Joyce with support from LAS Cecile Reynolds.

United States v. Nathan Johnson, et al.

Conspiracy to Distribute a Controlled Substance (Methamphetamine)

Conspiracy to Commit Money Laundering

From December 2022 to July 2023, numerous co-conspirators transported multiple pounds of methamphetamine from California to Sioux Falls, South Dakota. Nathan Johnson, acting as the leader of the conspiracy, would travel from his home in Denver, Colorado, to meet with his source of supply in Southern California. While there, Nathan Johnson would receive approximately 150 pounds of methamphetamine which would later be distributed in Colorado and South Dakota. While in Sioux Falls, Nathan Johnson would distribute bulk amounts of methamphetamine to his co-conspirators, Michele Johnson, Jesse Richmond, and Tony Hunter. Michele Johnson, Richmond, and Hunter would go on to further distribute the methamphetamine throughout the Sioux Falls area and into southwest Minnesota. The conspiracy involved more than 300 pounds of methamphetamine, and over \$450,000 in laundered drug proceeds.

- Nathan Johnson pleaded guilty to Conspiracy to Distribute a Controlled Substance and Conspiracy to Launder Monetary Instruments on June 17, 2024. He was sentenced to 36 years and eight months in federal prison.
- Michele Johnson pleaded guilty to Conspiracy to Distribute a Controlled Substance and Conspiracy to Launder Monetary Instruments on July 29, 2024. She was sentenced to 31 years and eight months in federal prison.
- Jesse Richmond pleaded guilty to Conspiracy to Distribute a Controlled Substance and Conspiracy to Launder Monetary Instruments on June 18, 2024. He was sentenced to 24 years and four months in federal prison.
- Tony Hunter pleaded guilty to Conspiracy to Distribute a Controlled Substance on May 29, 2024. He was sentenced to 27 years in federal prison.

This case was investigated by the DEA (including the Rocky Mountain Field Division, Omaha Field Division, Mexico City Country Office, Los Angeles Field Division, and Special Operations Division), as well as the DCI, SFADTF, FBI, SDHP, U.S. Postal Inspection Service, IRS Criminal Investigations, and El Paso Intelligence Center, in collaboration with the U.S. Attorney's Office for the District of Colorado, BIA, U.S. Marshals Service (USMS), MCSO, SFPD, Mitchell Police Department, Denver Police Department, Las Vegas Metro Police Department, Worthington Police Department, Brookings Police Department, Rock County Sheriff's Office, Lake Superior Violent Offender Task Force, Central Minnesota Violent Offender Task Force, Minnesota River Valley Drug Task Force, and the Colorado Department of Corrections. The case was prosecuted by AUSA Paige Petersen with support from LAS Alissa Thorson-Meester.

United States v. Carlin Mellette and Laycie Williams

Distribution of a Controlled Substance Resulting in Death

On February 26, 2023, Carlin Mellette met with Laycie Williams at her home in Aberdeen, South Dakota, to sell her blue pills. Williams then snorted the crushed pills with an individual who shortly thereafter died of a fentanyl overdose. The following day, Mellette led law enforcement on a high-speed pursuit, which ended with his arrest and the recovery of additional fentanyl pills, methamphetamine, and a firearm. Mellette and Williams both pleaded guilty and will be sentenced in June 2025. This case was investigated by the Aberdeen Police Department, the Walworth County Sheriff's Office, and the Northern Plains Safe Trails Drug Enforcement Task Force, which is comprised of law enforcement members from the FBI, BIA, SDHP, DCI, Cheyenne River Sioux Tribe Law Enforcement Services, and Rosebud Sioux Tribe Law Enforcement Services. The case was prosecuted by AUSA Meghan N. Dilges with support from LAS Andrea Fosheim.

United States v. Charles Merrival

Conspiracy to Distribute a Controlled Substance (Methamphetamine)

Charles Merrival was involved in a conspiracy to distribute methamphetamine from July 2021 to January 2022 in western South Dakota. Merrival would receive methamphetamine from different sources and then re-sell the methamphetamine in smaller amounts. Merrival was arrested in January 2022 by law enforcement officers conducting surveillance in Rapid City. Officers witnessed Merrival pass a black backpack out of his vehicle to a waiting accomplice in a parking lot. Officers conducted a traffic stop on the recipient vehicle and discovered a 9mm handgun and methamphetamine. Merrival pleaded guilty and was sentenced to eight years in federal prison. This case was investigated by the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF). The case was prosecuted by AUSA Brian Murphy with support from LAS Kristina Mechaley.

United States v. Jeremy Simon and Rundial Biliu

Distribution of Fentanyl Resulting in Death

Jeremy Simon obtained fentanyl pills from Rundial Biliu in Sioux Falls, South Dakota. Simon returned to Flandreau, South Dakota, where he used some of the fentanyl pills and shared some of them with others. One of the people he shared the fentanyl pills with overdosed and died. Both Simon and Biliu pleaded guilty to distribution of fentanyl resulting in death. Both were sentenced to 20 years in federal prison. This case was investigated by the FBI. The case was prosecuted by AUSA Mark Hodges.

United States v. Stevie Thomas, Antoine Thomas, Tyrin Thomas, and Lyric Tschetter

Conspiracy to Distribute a Controlled Substance (Methamphetamine)

Conspiracy to Commit Money Laundering

Stevie Thomas, Antoine Thomas, Tyrin Thomas, and Lyric Tschetter worked together to distribute fentanyl and methamphetamine in Sioux Falls, South Dakota, from 2021 to 2022. Stevie Thomas was based in California and organized the shipments of multiple pounds of methamphetamine and thousands of fentanyl pills at a time to his co-conspirators in Sioux Falls. Antoine Thomas, Tyrin Thomas, and Lyric Tschetter then worked to distribute the methamphetamine and fentanyl pills to others in Sioux Falls. During the course of the conspiracy, the group sold over 50 pounds of methamphetamine and tens of thousands of fentanyl pills. Stevie Thomas also directed members of the group to send drug proceeds to him through the use of wire transfers sent by third parties to conceal the nature and ownership of the proceeds. Stevie Thomas pleaded guilty to conspiracy to distribute methamphetamine and conspiracy to commit money laundering. He was sentenced to 30 years in federal prison. Tyrin Thomas pleaded guilty to conspiracy to distribute a controlled substance and was sentenced to 27 years and three months in federal prison. Antoine Thomas pleaded guilty to conspiracy to distribute methamphetamine and possession of a firearm by a convicted felon. He received a sentence of 20 years in federal prison. Lyric Tschetter pleaded guilty to conspiracy to distribute methamphetamine and was sentenced to nine years and two months in federal prison. This case was investigated by the FBI and the Sioux Falls Area Drug Task Force. The case was prosecuted by AUSAs Mark Hodges and Elizabeth Ebert-Webb with support from LAS Cecile Reynolds.

United States v. Jennifer Walsh and Andrea Pitts

Conspiracy to Distribute a Controlled Substance (Methamphetamine)

On November 24, 2022, Jennifer Walsh and her co-defendant, Andrea Pitts, were pulled over for speeding on I-90 in Chamberlain, South Dakota. During the course of the traffic stop, a K-9 was called and alerted to the presence of drugs. A search of the vehicle revealed five pounds of methamphetamine in a hidden compartment. Walsh and Pitts were transporting the drugs from California to South Dakota where the methamphetamine would be further distributed. Walsh and Pitts were each sentenced to eight years and one month in federal prison. This case was investigated by the Northern Plains Safe Trails Drug Enforcement Task Force. The case was prosecuted by AUSA Meghan N. Dilges with support from LAS Kristina Mechaley.

United States v. Anthony Ward

Distribution of Fentanyl Resulting in Serious Bodily Injury

Conspiracy to Distribute a Controlled Substance (Fentanyl)

Anthony Ward sourced fentanyl pills from Denver, Colorado, to Rapid City, South Dakota. He later traveled to Rapid City and worked with others there to sell thousands of pills. An individual ingested one of the pills sold by Ward and overdosed. Fortunately, the person who sold the pill to the victim retrieved Narcan and gave it to the victim's wife to administer to the victim. A medical expert determined that the Narcan likely saved the victim's life. Eventually, a DCI Special Agent working with a PCSO Investigator identified Ward as a large-scale distributor. They were then able to utilize the SDHP to conduct a traffic stop on Ward and find him in possession of approximately 150 pills and a stolen firearm. Investigators were able to establish that the pill that caused the

victim's overdose was ultimately distributed by Ward. Ward elected to go to trial and was convicted by a jury of distribution of fentanyl resulting in serious bodily injury and of conspiracy to distribute 40 grams or more of fentanyl. Ward was sentenced to 30 years in federal prison. This case was investigated by UNET. The case was prosecuted by former AUSA Gina Nelson and AUSA Mark Hodges with support from LAS Kristina Mechaley.

PROJECT SAFE CHILDHOOD PROSECUTIONS

United States v. Treton Anderson

Receipt and Distribution of Child Pornography

Between December 2021 and June 2022, Treton Anderson, of Madison, South Dakota, used his cell phone to access his Kik account and distribute digital files containing child pornography. Anderson pleaded guilty to Receipt and Distribution of Child Pornography, and in January 2024, he was sentenced to 15 ½ years in federal prison. This case was investigated by Homeland Security Investigations (HSI), South Dakota's Internet Crimes Against Children (ICAC) Task Force, the National Center for Missing and Exploited Children (NCMEC), and the Madison Police Department. The case was prosecuted by former AUSA Jeffrey C. Clapper with support from LAS Cecile Reynolds.

United States v. Miguel Antonio Alvarez

Enticement of a Minor Using the Internet and Receipt of Child Pornography

In June 2022, Miguel Antonio Alvarez, of Wall, South Dakota, produced and distributed to others photographs and video recordings of naked female children exposing their genitalia. Investigators ultimately discovered hundreds of images and video recordings of sexual activity involving children as young as toddlers. Alvarez pleaded guilty, and in April 2024, he was sentenced to 30 years in federal prison. This case was investigated by South Dakota's ICAC Task Force, the FBI, the PCSO, and the Lynnwood Police Department in Snohomish County, Washington. The case was prosecuted by former AUSA Sarah B. Collins with support from LAS Nicole Graff.

United States v. Vincent Alberto Barrios

Sexual Exploitation of a Minor, Attempted Sexual Exploitation of a Minor, and Enticement of a Minor Using the Internet

In August 2023, from Box Elder, South Dakota, Vincent Barrios communicated with a person he believed to be a 13-year-old girl about engaging in prohibited sexual activity. In fact, the "girl" was an undercover police officer working on an operation designed to discover and catch on-line sexual predators. After agreeing on a location to meet, Barrios drove to Rapid City, where he was arrested by law enforcement personnel. Later, investigators discovered images of child pornography Barrios had solicited from an underage girl. Following a jury trial, Barrios was convicted of Sexual Exploitation of a Minor, Attempted Sexual Exploitation of a Minor, and Enticement of a Minor Using the Internet. In April 2024, he was sentenced to life in federal prison. This case was investigated by South Dakota's ICAC Task Force, HSI, and the RCPD. The case was prosecuted by former AUSA Sarah B. Collins with support from LAS Nicole Graff.

United States v. Tell Cadotte

Receipt of Child Sexual Abuse Material

For several years prior to February 2021, Tell Cadotte sexually abused a minor female he was asked to babysit. Cadotte recorded the sexual abuse using his cell phone. When law enforcement executed a search warrant on Cadotte's residence, they located images and videos of Cadotte sexually abusing the minor female. He also possessed hundreds of sexually explicit depictions of other minors, some of whom were identified by NCMEC. Cadotte pleaded guilty to receiving child pornography, and in July 2024, he was sentenced to 20 years in federal prison. This case was investigated by South Dakota's ICAC Task Force, HSI, the PCSO, and the RCPD. The case was prosecuted by AUSA Heather Knox with support from LAS Nicole Graff.

United States v. Tyler Grimes

Enticement of a Minor Using the Internet

In 2021, Tyler Grimes used the Internet-based application Omegle and his cell phone to entice a minor to engage in sexually explicit activity. The minor, who lived in Rapid City, South Dakota, was seven years old. During his communications with the minor, Grimes repeatedly asked for nude photos and videos and the minor complied. After Grimes' communications were discovered by the minor's father, the minor was forensically interviewed. Many images and videos of child pornography between Grimes and the victim were located on the victim's iPad. Grimes pleaded guilty, and in August 2024, he was sentenced to 10 years in federal prison. This case was investigated by South Dakota's ICAC Task Force and HSI. The case was prosecuted by AUSA Heather Knox with support from LAS Sandy Koedam.

United States v. Nathan David Hankins

Sexual Exploitation of a Minor

In March 2014, in Rapid City, South Dakota, Nathan Hankins engaged in sexual intercourse with a 14-year-old girl, which he recorded. Years later, in 2023, the recording came to light in the course of an investigation of Hankins leading to his conviction for Possession of Child Pornography. Hankins pleaded guilty, and in January 2024, he was sentenced to 24 years in federal prison. This case was investigated by South Dakota's ICAC Task Force, HSI, the PCSO, and the RCPD. The case was prosecuted by former AUSA Sarah B. Collins with support from LAS Nicole Graff.

United States v. Johnny Ray Heath

Sex Trafficking by Force, Fraud, or Coercion and Enticement of a Minor Using the Internet

In March 2023, Johnny Ray Heath traveled to a parking lot in Rapid City, South Dakota, to have sex with someone he believed to be a 14-year-old girl. In reality, the person was an undercover agent. Forensic analysis of Heath's cell phone revealed that he coerced vulnerable young females into engaging in sex with him by providing them with alcohol, vapes, marijuana, money, and other things of value or to which they were addicted. Heath recorded himself sexually abusing multiple victims while they were unconscious or highly intoxicated. Heath pleaded guilty to sex trafficking and to enticing a minor using the Internet. In April 2024, Heath was sentenced to 40 years in federal prison. This case was investigated by South Dakota's ICAC Task Force, HSI, the PCSO, and the RCPD. The case was prosecuted by AUSA Heather Knox with support from LAS Sandy Koedam.

United States v. Brad Hicks

Receipt and Distribution of Child Pornography

In January 2024, a CyberTip was traced to Brad Hicks in Sioux Falls, South Dakota. Further investigation revealed Hicks had 3,045 images and 743 videos of child pornography on his devices, some of which involved infants or toddlers. NCMEC reports advised that Hicks' collection included 97 known child exploitation victim series, some dating back to the late 1980s and early 1990s. Hicks pleaded guilty. In November 2024, he was sentenced to 12 years in federal prison and ordered to pay \$39,000 in restitution. This case was investigated by HSI and the FBI. The case was prosecuted by AUSA Elizabeth Ebert-Webb with support from LAS Cecile Reynolds.

United States v. Ted Jeffrey Hurkes

Production of Child Pornography

On October 2, 2022, in Watertown, South Dakota, Ted Jeffrey Hurkes used his cell phone to photograph and make video recordings of a partially unclothed minor female while she was asleep. The child was unaware of the images being created. Hurkes pleaded guilty, and in June 2024, he was sentenced to 30 years in federal prison. This case was investigated by HSI, DCI, and the Watertown Police Department. The case was prosecuted by former AUSA Jeffrey C. Clapper with support from LAS Cecile Reynolds.

United States v. Lance Longie

Failure to Register as a Sex Offender

Due to his 2004 conviction for Criminal Sexual Conduct in the First Degree in state court in Minnesota, Lance Longie is required under the Sex Offender Registration and Notification Act to maintain his state registration as a sex offender. Longie last registered with the Moorhead Police Department in June 2022. Later that summer, Longie took up residence in New Effington, South Dakota, yet failed to update the sex offender registry until he was arrested by officers with the Roberts County Sheriff's Office in March 2024. Longie proceeded to trial in August 2024 and was found guilty by the jury. In November 2024, Longie was sentenced to three years and nine months in federal prison. This case was investigated by the Roberts County Sheriff's Office and the USMS. The case was prosecuted by AUSA Beau Blouin with support from LAS Alissa Thorson-Meester.

United States v. Timothy Raymond Myers

Production of Child Pornography

Between 2016 and 2017, Timothy Meyers, a New Jersey resident, communicating through Facebook, persuaded a 14-year-old South Dakota girl to share naked pictures of her genitalia with him. Meyers has also been convicted in New York State of producing child pornography. Myers pleaded guilty. In July 2024, he was sentenced to 30 years in federal prison. This case was investigated by HSI. The case was prosecuted by former AUSA Jeffrey C. Clapper with support from LAS Cecile Reynolds.

United States v. Charles Nichols

Sexual Exploitation of a Minor

In October 2022, Charles Nichols was arrested after he drove to the Black Hills Pow Wow in Rapid City, South Dakota, to exchange a vape pen for sexual acts with a minor female. Examination of Nichols' cell phone revealed he communicated with a different minor female over Instagram for several months and routinely offered her alcohol, marijuana, and vape pods in exchange for sexual activity between August 2022 and October 2022. Nichols used his phone to record some of these sexual acts. Nichols pleaded guilty, and in June 2024, he was sentenced to more than 24 years in federal prison. This case was investigated by HSI and South Dakota's ICAC Task Force. The case was prosecuted by AUSA Heather Knox with support from LAS Sandy Koedam.

United States v. Gerber Santos-Gonzalez

Attempted Enticement of a Minor and Attempted Sex Trafficking of a Minor

In March 2024, South Dakota's ICAC Task Force conducted an undercover chat operation in Sioux Falls, South Dakota. On March 12, 2024, Gerber Santos-Gonzales reached out to persona "Joci" over Facebook. He quickly turned the conversation sexual and offered her \$100 to engage in sexual activity. Santos-Gonzales then arrived at the meet location wearing a condom. Santos-Gonzales was later found guilty at trial, and in January 2025, he was sentenced to just over 10 years in federal prison. This case was investigated by HSI and South Dakota's ICAC Task Force. The case was prosecuted by AUSA Elizabeth Ebert-Webb with support from LAS Cecile Reynolds.

United States v. Gordon Weston

Enticement of a Minor Using the Internet and Commercial Sex Trafficking

From 2009 to 2021, Gordon Weston was employed as the Activities Coordinator at the Emergency Youth Shelter in Pine Ridge, South Dakota. During his employment he met several females, one of which was the charged victim in the case. The victim was a vulnerable child who had been removed from her household due to neglect, violence, and drug and alcohol abuse. After the victim was released from the shelter, Weston contacted her through social media and solicited her for sexual intercourse in exchange for money. Weston engaged in two acts of Commercial Sex Trafficking on two separate occasions. Through the investigation, it was revealed that Weston had victimized at least one other female. Following a jury trial, Weston was convicted of all charges. In May 2024, he was sentenced to 15 years in federal prison. This case was investigated by the FBI. The case was prosecuted by AUSA Megan Poppen and former AUSA Jeffrey C. Clapper with support from LAS Sandy Koedam.

United States v. Timothy Scott White

Sexual Exploitation of a Minor, Attempted Enticement of a Minor Using the Internet, and Receipt of Child Pornography

In December 2022, Timothy White and his wife lived in Vale, South Dakota. While there, the couple photographed a naked toddler-aged girl in various sexual poses and engaged in myriad sexual acts with the child. Investigators ultimately discovered thousands of images and videos depicting child sexual abuse on dozens of White's electronic devices. White pleaded guilty, and in February 2024, he was sentenced to 45 years in federal prison and ordered to pay \$28,000 in

restitution. This case was investigated by South Dakota's ICAC Task Force, the FBI, and the Butte County Sheriff's Office. The case was prosecuted by former AUSA Sarah B. Collins with support from LAS Nicole Graff.

United States v. Jayden Kusiek Wolf

Production of Child Pornography

Between May 2021 and July 2021, Jayden Kusiek Wolf used Snapchat to persuade a 14-year-old female in Sioux Falls, South Dakota, to send him sexually explicit images of herself. Wolf pleaded guilty to Production of Child Pornography, and in March 2024, he was sentenced to nearly 20 years in federal prison. This case was investigated by HSI, the MCSO, and the SFPD. The case was prosecuted by former AUSA Jeffrey C. Clapper with support from LAS Cecile Reynolds.

VIOLENT CRIME PROSECUTIONS

United States v. Juan Alvarez-Sorto, Deyvin Morales, and Karla Lopez-Gutierrez

Kidnapping an Employee of the FBI, Carjacking, Brandishing a Firearm during a Crime of Violence, Possession of Firearms by Prohibited Persons, and Illegal Reentry after Deportation

On May 5, 2022, Juan Alvarez-Sorto, Deyvin Morales, and Karla Lopez-Gutierrez traveled from Colorado into southwestern South Dakota for the purpose of trafficking methamphetamine, fentanyl, and heroin. During their trip, the defendants engaged a highway patrol officer in a high-speed chase and hid in a remote area. While heavily armed, the defendants decided to carjack the next vehicle that passed. At about 2:00 a.m. on May 6, the victim, an employee of the FBI, left an unrelated crime scene investigation in which a child was shot and killed and began traveling back towards his duty station in his assigned FBI vehicle. As the victim passed the defendants' vehicle, the defendants turned their lights on, causing the victim to believe he was being contacted by tribal law enforcement. After pulling over, the victim saw a masked male pointing an assault rifle at him and ordering him out of the vehicle. The victim was forced to the ground with the barrel of the assault rifle pushed to the back of his head and then robbed of his personal effects. Wearing FBI issued gear and clothing, the victim was next kidnapped by the defendants in his FBI vehicle. Alvarez held his rifle on his captive, while Morales was armed with two handguns. The group told the victim to cooperate to remain safe; if not, they would come for his family claiming they knew where he lived, cruelly showing him his identification and family photographs. They traveled several miles to a gas station, where the defendants purchased gas, a gas can, and zip ties. As the car doors momentarily unlocked, the victim opened a rear door, fought with Morales, slipped out of his FBI jacket to escape Morales's grip, and burst into the station. The three defendants fled and later switched to another vehicle. The identities of the defendants remained unknown for weeks, with each returning to Colorado. Following an extensive investigation to identify the defendants, each was charged for their criminal conduct. Lopez pleaded guilty to kidnapping and a firearm offense, and on January 24, 2024, a jury convicted Morales and Alvarez of all counts. Morales, Alvarez, and Lopez were later sentenced to 47 years, 35 years, and 27 years in federal prison, respectively. This case was investigated by the FBI, HSI, DCI, SDHP, Oglala Sioux Tribe Department of Public Safety (OSTDPS), the RCPD, the PCSO, the Greeley, Colorado Police Department, and the Custer County Sheriff's Office. The case was prosecuted by AUSAs Jeremy R. Jehangiri and Paige Petersen with support from LAS Alissa Thorson-Meester.

United States v. Charles Colhoff

Possession of a Firearm by a Prohibited Person

On November 4, 2023, Charles Colhoff exchanged gunfire with another individual following an argument. Colhoff was uninjured, while the other individual sustained two gunshot wounds. Colhoff fled the scene but was later located by law enforcement and found to be in possession of a 9mm semi-automatic pistol confirmed to be the same firearm Colhoff used in the shooting. Colhoff is prohibited from possessing firearms as a result of a prior felony conviction. Colhoff pleaded guilty to possession of a firearm by a prohibited person, and in December 2024, he was sentenced to nine years in federal prison. This case was investigated by the ATF, the PCSO, and the RCPD. The case was prosecuted by Supervisory AUSA Benjamin Patterson with support from Paralegal Lori Climis.

United States v. Devin Dolphus

Possession of a Firearm by a Prohibited Person

On March 1, 2024, Devin Dolphus was found passed out in a running vehicle at a gas station in New Underwood, South Dakota. When officers made contact with Dolphus, they found him to be disoriented with bloodshot eyes, slurred speech, and hand tremors. A search of the vehicle recovered a Bushmaster model XM15-E2S rifle and two magazines, marijuana, pills, syringes with methamphetamine residue, and other drug related items. At the time of his arrest, Dolphus tested positive for THC and methamphetamine. Dolphus is a prohibited person due to two previous federal firearm convictions in 2019 and 2021. Dolphus pleaded guilty, and in November 2024, he was sentenced to five years and eight months in federal prison. This case was investigated by the PCSO and the ATF. The case was prosecuted by AUSA Meghan N. Dilges with support from LAS Kristina Mechaley.

United States v. Melvin Gatlin

Bank Robbery

On March 22, 2024, Melvin Gatlin walked into a US Bank in Sioux Falls, South Dakota, and handed the teller a note indicating he was robbing the bank and demanding all of the money from the cash drawers. The teller complied and Gatlin fled the bank with just over \$3,500 in stolen cash. Investigators were able to track Gatlin's movements using traffic and surveillance cameras in the area of the bank. They saw that he had run to a nearby apartment complex and drove off in a Hyundai Sonata. Investigators were then able to identify Gatlin based on the vehicle's registration. Gatlin fled to Richfield, Minnesota, where a state search warrant was served on his residence. Gatlin was stopped while in an Uber on his way to the Minneapolis Airport. He had approximately \$3,400 on his person at the time of the stop. Gatlin has pleaded guilty to the charge of Bank Robbery and is awaiting sentencing. He faces a maximum sentence of 20 years in federal prison. This case was investigated by the SFPD and the FBI. The case is being prosecuted by SAUSA Mark Joyce with support from LAS Alissa Thorson-Meester.

United States v. William Godoy

Labor Trafficking, Extortion, Illegal Reentry, and Possession of a Firearm by a Prohibited Person

William Waldemar Godoy brought individuals into the United States illegally to work and then threatened them with physical or financial harm if they did not pay him for the smuggling fee and associated high interest rates. After trial in April 2024, Godoy was convicted of Illegal Reentry after Deportation; Trafficking with Respect to Peonage, Slavery, Involuntary Servitude or Forced Labor; Harboring Aliens; Extortion; and Possession of a Firearm by a Prohibited Person. In June 2024, Godoy was sentenced to seven years and three months in federal prison and ordered to pay \$2,810 in restitution. He was further ordered to forfeit \$8,750. This case was investigated by HSI. The case was prosecuted by Supervisory AUSA Connie Larson with support from LAS Alissa Thorson-Meester.

United States v. Joseph Henry

Possession of a Firearm by a Prohibited Person

In January 2021, law enforcement in Dell Rapids, South Dakota, responded to a call of a burglary in progress at an area residence. Law enforcement arrived and found Joseph Henry asleep inside his vehicle parked outside the home where the call to dispatch came from. Henry appeared under the influence and was found in possession of a firearm. Henry is prohibited from possessing firearms due to his prior felony conviction as well as his use of controlled substances. In October 2024, Henry proceeded to jury trial and was found guilty of both charges. His sentencing is scheduled for May 2025. This case was investigated by the ATF. The case was prosecuted by AUSA Paige Petersen with support from LAS Alissa Thorson-Meester.

United States v. Tanner Hershman

Possession of a Stolen Firearm

On December 21, 2023, officers were called to a residence in Sioux Falls, South Dakota, for a report of a domestic disturbance. The reporting party alleged that she had been assaulted by Tanner Hershman inside the residence that evening. In speaking with the reporting party, law enforcement learned that Hershman, a convicted felon, was also in possession of a firearm. A Glock model 44, semi-automatic handgun was subsequently located in the garage of the residence and confirmed to be a firearm previously reported stolen. Through investigation, detectives discovered that Hershman had stolen the firearm from the gun owner's vehicle in October 2023. Hershman pleaded guilty to possession of a stolen firearm, and in November 2024, he was sentenced to 27 months in federal prison. This case was investigated by the SFPD and HSI. The case was prosecuted by AUSA Beau Blouin with support from LAS Alissa Thorson-Meester.

United States v. Odarie Massiah

Sex Trafficking by Force and Coercion

From the Summer of 2020 until February 2021, Odarie Massiah used physical force and threats to cause his victim to engage in prostitution for his financial benefit. Massiah started a romantic relationship with the victim and had her move herself and her kids into his home. He then flipped the switch. When traditional employment failed to generate enough money for Massiah, he forced the victim into prostitution and kept the money for himself, all the while refusing to work. Whenever the victim resisted prostitution or attempted to leave, Massiah would brutally beat her.

This matter went to a bench trial, where Massiah was found guilty. In June 2024, he was sentenced to 27 years and three months in federal prison. This case was investigated by the SFPD and HSI. The case was prosecuted by AUSA Elizabeth Ebert-Webb with support from LAS Cecile Reynolds.

United States v. Todd Peltier

Possession of an Unregistered Firearm

On May 23, 2024, detectives with the Sioux Falls Police Department observed Todd Peltier enter a vehicle and drive to a casino on West 41st Street in Sioux Falls, South Dakota. At the time, Peltier was on parole and had an active warrant for his arrest. Detectives entered the casino and placed Peltier under arrest. A search incident to arrest revealed a bag of methamphetamine in Peltier's pants pocket. Detectives completed a search of Peltier's vehicle following his arrest and located a pistol bearing an obliterated serial number under the driver's seat. Peltier later admitted to law enforcement that he knowingly possessed the firearm and was a methamphetamine user. Peltier pleaded guilty to possession of a firearm with an obliterated serial number. In January 2025, he was sentenced to five years in federal prison. This case was investigated by the SFPD and HSI. The case was prosecuted by AUSA Beau Blouin with support from LAS Alissa Thorson-Meester.

United States v. Jordan Running Hawk

Possession of a Firearm and Ammunition by a Prohibited Person

In April 2024, an officer with the Rapid City Police Department conducted a traffic stop on a vehicle driven by Jordan Running Hawk. During the traffic stop, the officer discovered Running Hawk was in possession of a firearm and a firearm magazine loaded with 31 rounds of ammunition. When the officer asked Running Hawk about the firearm, Running Hawk attempted to flee but was apprehended by officers shortly thereafter and arrested. Running Hawk is prohibited from possessing firearms and ammunition because he was previously convicted of a felony crime. Running Hawk pleaded guilty to the offense, and in November 2024, he was sentenced to three years and one month in federal prison. This case was investigated by the RCPD and ATF. The case was prosecuted by AUSA Benjamin Schroeder with support from LAS Nicole Graff.

WHITE COLLAR AND OTHER FRAUD PROSECUTIONS

In re Seizure of 114,184.92 USDT

Crypto-Wallet Currency

On November 28, 2023, a Madison, South Dakota, woman telephoned "Microsoft security" after her computer was infected with malware. Unbeknownst to the woman, a Norwegian fraudster answered the call and told the woman her bank accounts had been compromised and gradually gained her trust over the next several weeks. At his behest, the woman transferred nearly \$600,000 to a "locker account" to protect her assets, not realizing she was being defrauded. The swindler took the money and quickly laundered it through several crypto-wallets and currencies. In May 2024, the FBI seized one of these wallets. It held over \$114,000 in cryptocurrency. With the assistance of AUSA Carl Thunem, the FBI administratively forfeited this cryptocurrency and is returning the recovered money to the defrauded woman.

United States v. Joshua Booth

Wire Fraud

In May 2021, Joshua Booth fraudulently submitted an application for a Paycheck Protection Program (PPP) loan on behalf of his purported business through Fountainhead, a third-party participating lender. In support of his application, Booth submitted a fraudulent Schedule C, an IRS form for profit or loss from a business, for “Booth cleaning service,” located in Sioux Falls, South Dakota. In actuality, the business did not exist and the form contained false statements, which Booth knew were false, including the gross income of the purported business. As a result of Booth’s false and fraudulent application, Booth received a PPP loan in the amount of \$20,833, which he used for his own purposes. Booth pleaded guilty to wire fraud. In April 2024, he was sentenced to 18 months in federal prison. This case was investigated by HSI. The case was prosecuted by AUSA Ann Hoffman with support from LAS Cecile Reynolds.

United States v. James Bunker

False Statement to a Financial Institution

James Bunker owned multiple businesses in South Dakota, including Genuine Builders, Inc. In January 2021, Bunker knowingly made a false statement and report for the purpose of influencing the action of a bank in connection with an application and loan under the PPP. Bunker knew that to be eligible for a second draw loan under the PPP, a 25% revenue reduction must exist in at least one quarter of 2020 as compared to that same quarter of 2019. In order to meet that reduction for Genuine Builders, Inc., Bunker worked with an employee to move certain invoices that had previously been classified as accruing in quarter four of 2020 into quarter three of 2020 in a profit and loss statement. By doing so, Bunker intended to falsely reduce Genuine Builders, Inc.’s reported revenue for quarter four of 2020, which then allowed Genuine Builders, Inc. to illustrate a more than 25% reduction in quarter four of 2020 as compared to quarter four of 2019. Bunker then utilized this information to submit an application to the bank on or about January 8, 2021, seeking to obtain a second draw loan under the PPP for Genuine Builders, Inc. in the amount of \$1,318,023.00. In November 2023, Bunker pleaded guilty to one count of false statement to a financial institution. Bunker also agreed to repay loans to another bank that he received funds through via the Main Street Lending program and to the U.S. Small Business Administration for loans he received under the Economic Injury Disaster Loan program. Bunker has also agreed to forfeit \$20,000 in U.S. currency and properties located in Sioux Falls, South Dakota. In April 2024, Bunker was sentenced to 21 months in federal prison and ordered to pay \$2,633,219.31 in restitution. This case was investigated by the FBI, the IRS, and the U.S. Attorney’s Office. The case was prosecuted by AUSA Ann Hoffman with support from LAS Cecile Reynolds.

United States v. Sonny Chao, Anthony Martinez, and Gino Martinez

Possession of Electronic Image for Counterfeiting Obligations or Securities, Possession of a Firearm by a Prohibited Person, and Passing Counterfeit United States Currency

Sonny Chao used electronic images on his computer to create counterfeit \$100.00 Federal Reserve Notes that were passed at various businesses throughout central South Dakota. Chao would soak genuine \$1.00 Federal Reserve Notes in a solution that removed the ink and print the image of a \$100.00 Federal Reserve Note on the blank genuine paper. Then he used others, including his co-defendants, to pass the currency throughout central South Dakota between November 28, 2023,

and March 17, 2024. During the execution of a search warrant at his residence in Oacoma, South Dakota, law enforcement located two firearms in Chao's bed. Chao was prohibited from possessing firearms due to prior felony convictions. Chao pleaded guilty to Possession of an Electronic Image for Counterfeiting Obligations or Securities and Prohibited Person in Possession of a Firearm. In January 2025, Chao was sentenced to seven and a half years in federal prison. Anthony Martinez was sentenced to one month in federal prison and two years of supervised release. Gino Martinez was sentenced to two years of probation. This case was investigated by the U.S. Secret Service with the assistance of the ATF, the FBI, SDHP, the South Dakota Fusion Center, DCI, the Chamberlain Police Department, the Lyman County Sheriff's Office, the Brule County Sheriff's Office, the Jerauld County Sheriff's Office, the Winner Police Department, the Mitchell Police Department, and the Pierre Police Department. The case was prosecuted by AUSA Wayne Venhuizen.

United States v. Steven Arthur Knigge

Wire Fraud, Larceny, and Embezzlement and Theft from an Indian Tribal Organization

Beginning in April 2021 and continuing through April 2022, Steven Knigge devised a scheme to defraud several banking institutions including Med5 Federal Credit Union, Wells Fargo Bank, Black Hills Federal Credit Union, and Highmark Federal Credit Union. As part of his scheme, Knigge deposited seven fraudulent checks totaling approximately \$200,000 knowing the checks were fraudulent. Knigge then transferred a portion of the fraudulent funds to another account or withdrew cash before the banks were able to determine the funds were fraudulent. In April 2021, Knigge also submitted a fraudulent PPP loan application requesting \$20,833 of government funds. In the PPP application, Knigge claimed he owned and operated a residential remodeling business. However, Knigge never owned or operated a residential remodeling business, and the investigation showed the banking and Form W-2 documents that were submitted in support of the application were fraudulent. Knigge received the PPP funds and then immediately withdrew nearly the entire amount in cash. Knigge pleaded guilty to three counts of bank fraud and three counts of money laundering and in July 2024, was sentenced to 33 months in federal prison and ordered to pay \$27,198 in restitution to banking institutions. The case was investigated by IRS-Criminal Investigation. The case was prosecuted by Supervisory AUSA Benjamin Patterson with support from Paralegal Lori Climis.

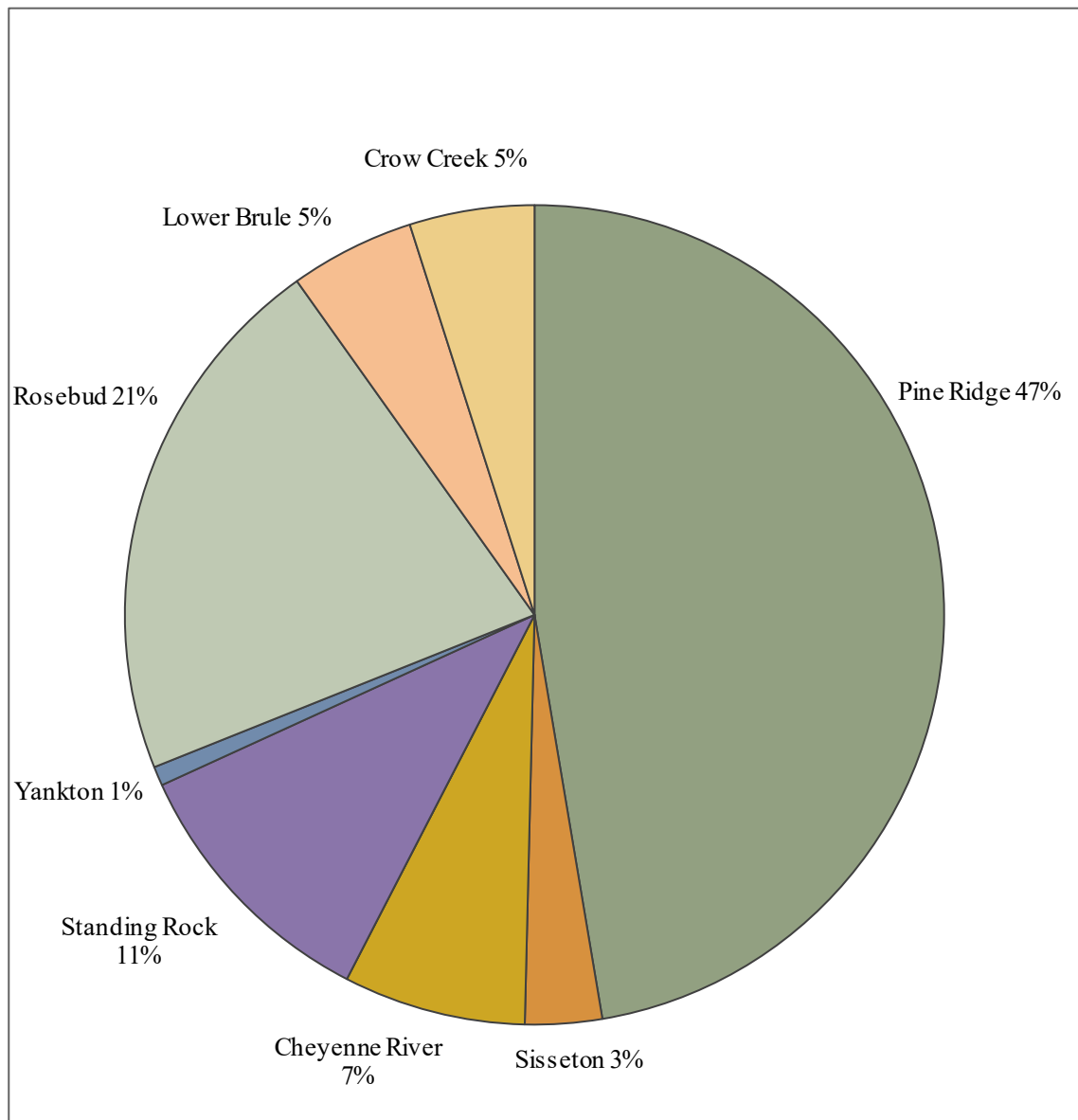
United States v. Michelle Warner

Wire Fraud

Alcester-area resident Michelle Warner was employed as the bookkeeper/accountant, and later as business administrator, for a business located in South Sioux City, Nebraska. On multiple occasions between June 2018 and May 2022, Warner stole money from her employer by fraudulently paying herself unauthorized payroll payments and then using the funds for her own purposes. Additionally, Warner used her employer's credit card without authority for her own personal use. Warner stole a total of \$261,066.09 from her employer. Warner pleaded guilty to wire fraud, and in August 2024, she was sentenced to two years in federal prison. This case was investigated by the FBI, the U.S. Attorney's Office, the Union County Sheriff's Office, and the South Sioux City (NE) Police Department. The case was prosecuted by AUSA Ann Hoffman with support from LAS Cecile Reynolds.

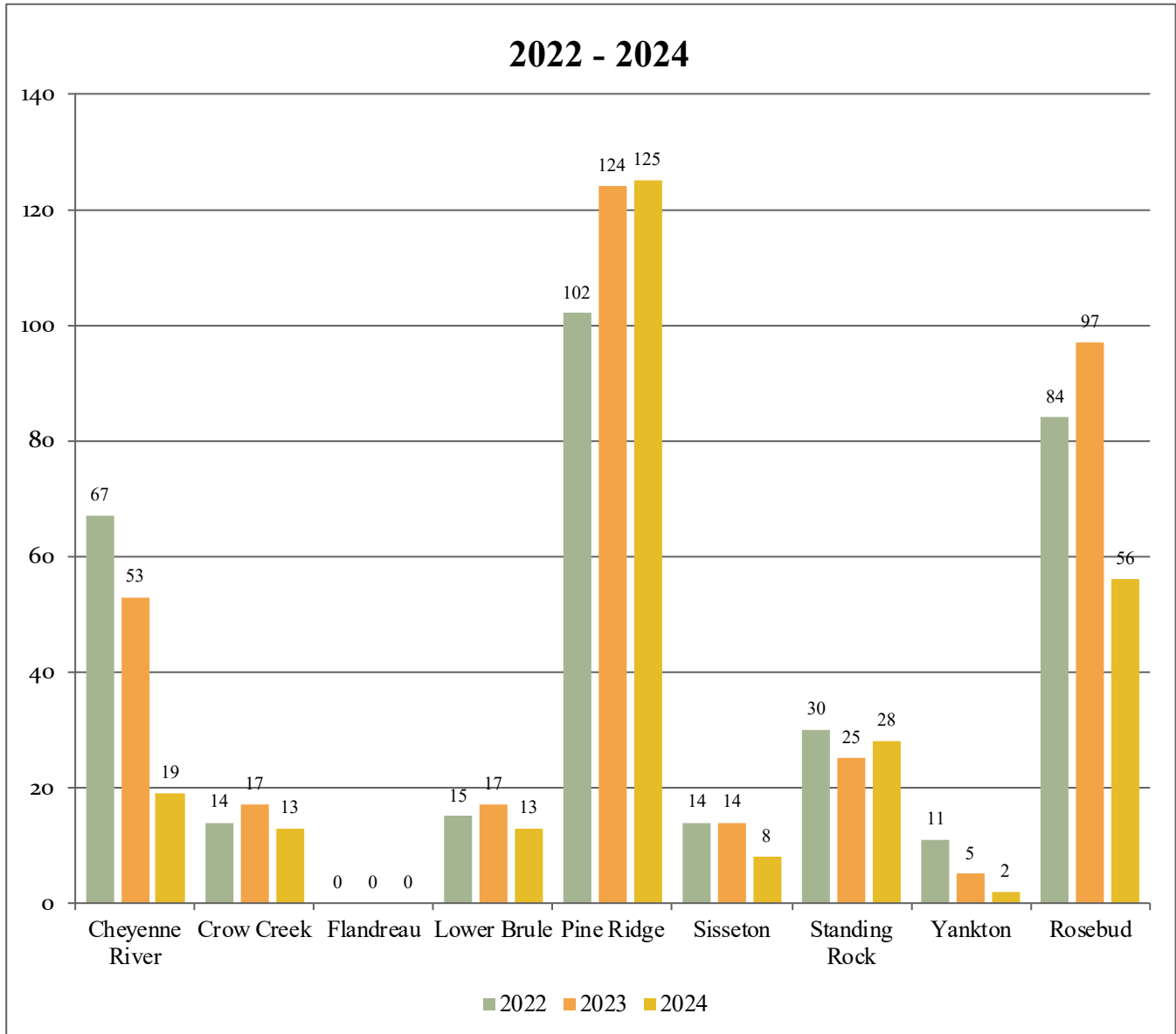
STATISTICAL HIGHLIGHTS

Percentage of Indian Country Defendants Charged by Reservation



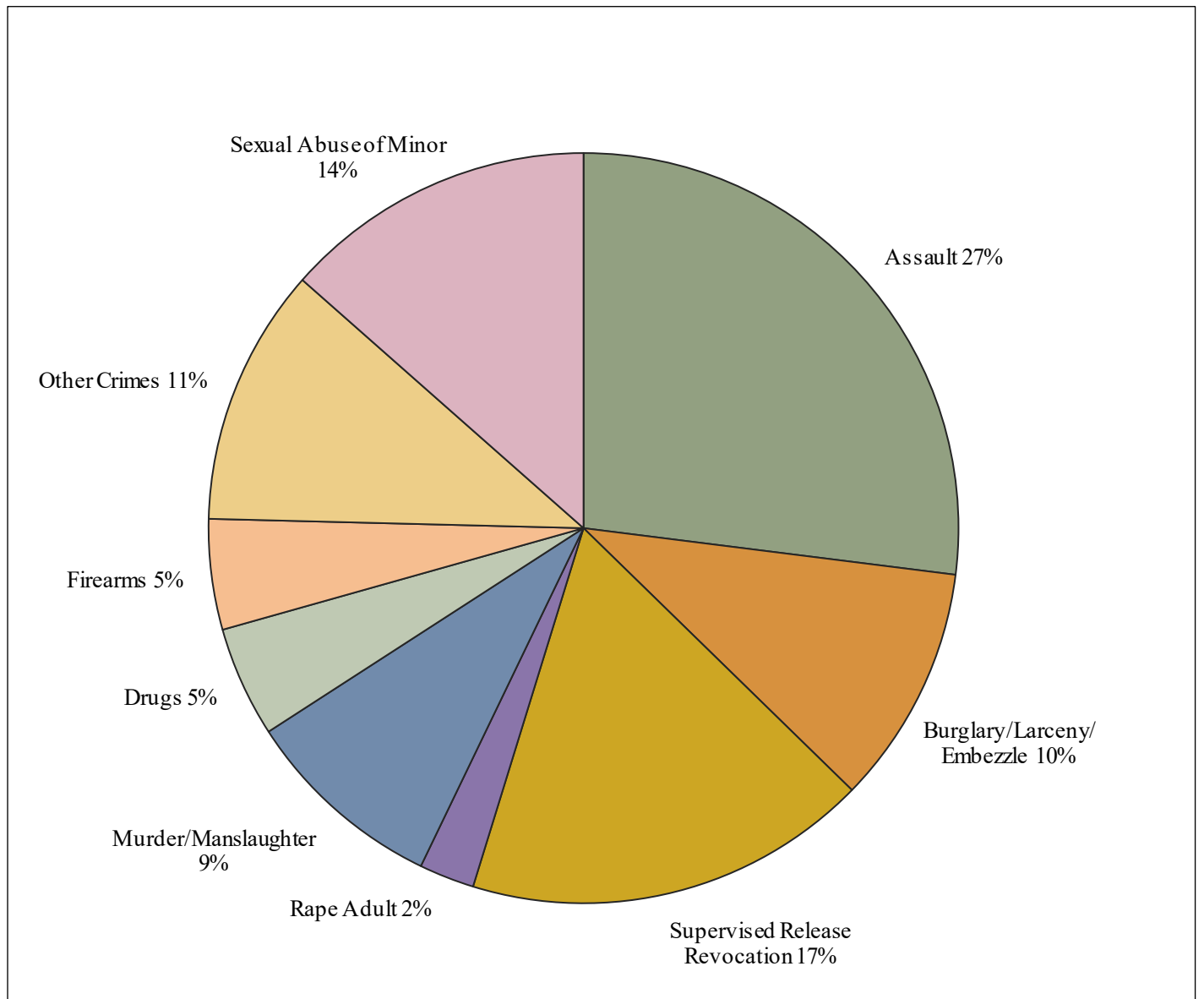
STATISTICAL HIGHLIGHTS

Indian Country Defendants Charged by Reservation



STATISTICAL HIGHLIGHTS

Indian Country Defendants¹ Charged by Criminal Offense



¹ Including juvenile defendants

Reservation	Assault	Burglary/ Larceny/ Embezzlement	Drugs	Firearms	Manslaughter/ Murder	Other	Supervised Release Revocation	Probation Revocation	Sexual Abuse of Minor	Rape Adult	Total
Cheyenne River	1	0	0	0	1	2	12	0	2	1	19
Crow Creek	2	5	0	1	1	0	3	0	1	0	13
Flandreau	0	0	0	0	0	0	0	0	0	0	0
Lower Brule	4	0	4	1	0	1	3	0	0	0	13
Pine Ridge	27	2	29	5	16	7	20	3	16	0	125
Rosebud	19	7	0	3	8	4	12	0	2	1	56
Sisseton	2	1	0	0	0	0	0	0	4	1	8
Standing Rock	6	0	2	1	1	7	3	0	8	0	28
Yankton	1	0	0	0	0	0	1	0	0	0	2
Totals	62	15	35	11	27	21	54	3	33	3	264

SIGNIFICANT CRIMINAL PROSECUTIONS

Indian Country



CHEYENNE RIVER RESERVATION

Cheyenne River Sioux Tribe

United States v. Theodora Belt and Bailey Belt

Second Degree Murder, Assault with a Dangerous Weapon, and Assault Resulting in Serious Bodily Injury

In May 2023, in Bridger, South Dakota, Theodora Belt and Bailey Belt were socializing at the victims' home. An argument began between the parties, and the defendants assaulted Victim #1 by punching, kicking, and beating him with a shovel. As Victim #1 lay on the ground outside the home, he was run over with Theodora's car, causing fatal injuries. In addition, Bailey struck Victim #2 in the head with a shovel, causing him to be life-flighted to Rapid City for medical treatment. Victim #2 survived the assault. In June 2024, following a four-day jury trial, Theodora and Bailey Belt were found guilty of Second Degree Murder, Assault with a Dangerous Weapon, and Assault Resulting in Serious Bodily Injury. In October 2024, Theodora Belt was sentenced to 22 years in federal prison and Bailey Belt was sentenced to 27 years in federal prison. This case was investigated by the FBI and Cheyenne River Sioux Tribe Law Enforcement Services (CRSTLES). The case was prosecuted by AUSAs Troy R. Morley and Brian J. Murphy with support from Paralegal Lori Climis.

United States v. Arthur Butcher

Assault with a Dangerous Weapon and Assaulting, Resisting, and Impeding a Federal Officer

On May 29, 2023, in Cherry Creek, South Dakota, Arthur Butcher strangled his ex-wife, hit and kicked her multiple times, and cut her with a knife. When a Cheyenne River Sioux Tribe Law Enforcement Services officer arrived at the residence, Butcher kicked a taser out of the officer's hand and charged at him with the knife. Butcher stabbed the officer in an area of his chest protected by body armor and pushed the officer onto a couch. The officer then kicked Butcher back and fired his gun at Butcher, who dropped the knife after being shot. Butcher pleaded guilty to Assault with a Dangerous Weapon and Assaulting, Resisting, and Impeding a Federal Officer. In July 2024, Butcher was sentenced to seven and a half years in federal prison. This case was investigated by the FBI and CRSTLES. The case was prosecuted by AUSA Wayne Venhuizen.

United States v. Dustin Todd Long

Assaulting, Resisting, and Impeding a Federal Officer

On August 22, 2023, in Eagle Butte, South Dakota, Dustin Todd Long pointed a handgun toward Cheyenne River Sioux Tribe Law Enforcement Services officers after refusing to obey their commands to drop the firearm. Long pleaded guilty, and in November 2024, he was sentenced to five years in federal prison. This case was investigated by the FBI and CRSTLES with the assistance of the ATF. The case was prosecuted by AUSA Wayne Venhuizen.

United States v. Dana James Marshall

Abusive Sexual Contact

In April 2022, Dana James Marshall, age 38, invited a young woman into his bedroom in a home in Cherry Creek, SD, and grabbed and sexually groped her against her will. Marshall pleaded guilty, and in June 2024, he was sentenced to five years in federal prison. This case was investigated by the CRSTLES and the FBI. The case was prosecuted by AUSA Carl Thunem.



CROW CREEK RESERVATION

Crow Creek Sioux Tribe

United States v. Earlwyn Makes Room For Them

Abusive Sexual Contact of a Minor

In 2014, in Fort Thompson, South Dakota, Earlwyn Makes Room For Them repeatedly abused a young girl living in the same home as him. Makes Room For Them forced the young victim, who was under the age of 12, to touch his genitalia. Makes Room For Them also forced his hand down the young victim's pants and touched her groin. Makes Room For Them pleaded guilty, and in June 2024, he was sentenced to 15 years in federal prison. This case was investigated by the FBI. The case was prosecuted by AUSA Troy R. Morley with support from LAS Nicole Graff.

United States v. Johnston Last Horse

Third Degree Burglary

During the evening hours of September 3, 2023, in Fort Thompson, South Dakota, Last Horse broke the locks on multiple storage sheds on the Crow Creek Early Head Start campus. Last Horse then stole various power tools, power lawn equipment, and other goods, the value of which exceeded \$1,000. Crow Creek Early Head Start caught the entire break-in on surveillance cameras. When Last Horse was interviewed, he admitted he broke in and stole the items to sell for cash. Last Horse pleaded guilty, and in August 2024, he was sentenced to 10 months in federal prison. This case was investigated by the BIA. The case was prosecuted by AUSA Brian Murphy.



LAKE TRAVERSE RESERVATION

Sisseton-Wahpeton Oyate

United States v. Jay Adams

Voluntary Manslaughter

In 1992, in Roberts County, Jay Adams killed a minor victim, in the heat of passion, by inflicting fatal blunt force trauma to her head. Adams did not seek medical attention for the child and later the same day discovered she had died. For more than 30 years, Adams feigned ignorance as to the cause of the child's injury. In early 2023, new evidence came to light implicating Adams in the death of the child. Adams pleaded guilty and admitted he used violent force to inflict the injury on the victim in the early hours of September 4, 1992. In June 2024, Adams was sentenced to 10 years in federal prison. This case was investigated by the Sisseton Wahpeton Tribal Police Department and the FBI. The case was prosecuted by AUSA Troy R. Morley with support from Paralegal Lori Climis.

United States v. Deserick Jake Bird

Abusive Sexual Contact

Over a three-year period, Deserick Jake Bird sexually assaulted a young girl between eight and 11 years old. A second victim then reported Bird had sexually assaulted her when she was 14 years old. Bird pleaded guilty, and in June 2024, he was sentenced to 20 years in federal prison. This case was investigated by the FBI and the Sisseton Wahpeton Tribal Police Department. The case was prosecuted by AUSA Elizabeth Ebert-Webb with support from LAS Alissa Thorson-Meester.

United States v. Daniel Oscar Seaboy

Sexual Abuse of a Minor

In March 2023, a 13-year-old female and a 14-year-old female were visiting another minor female at Daniel Seaboy's house within the Lake Traverse Reservation. Seaboy provided alcohol and marijuana to the girls. Seaboy then had sexual intercourse with the 14-year-old female and infected her with a sexually transmitted disease. Seaboy also had sexual intercourse with the 13-year-old female without her consent. Separately, in October 2023, Seaboy lured a 14-year-old female from her home, provided her with alcohol and a vape pen, and had sexual intercourse with her without her consent. Seaboy also infected this minor female with a sexually transmitted disease. Seaboy pleaded guilty, and in November 2024, he was sentenced to eight years in federal prison. This case was investigated by the FBI and the Sisseton Wahpeton Tribal Police Department. The case was prosecuted by AUSA Elizabeth Ebert-Webb with support from LAS Alissa Thorson-Meester.



LOWER BRULE RESERVATION

Lower Brule Sioux Tribe

United States v. Isaac Goodface

Domestic Assault by an Habitual Offender

In September 2022, in Lyman County, Isaac Goodface threw a female on the ground, strangled her, struck her about the head and face, and prevented her from leaving the residence. In June 2023, Goodface struck the same female on the face and pointed a gun at her during an argument. Prior to these assaults, Goodface had been convicted in tribal court of two other domestic assaults against two separate women. Goodface pleaded guilty to Domestic Assault by an Habitual Offender, and in June 2024, he was sentenced to four years in federal prison. This case was investigated by the BIA. The case was prosecuted by AUSA Troy R. Morley with support from Paralegal Lori Climis.



PINE RIDGE RESERVATION

Oglala Sioux Tribe

United States v. Julian Bear Runner

Wire Fraud, Larceny, and Embezzlement and Theft from an Indian Tribal Organization

Between January 2019 and January 2020, Julian Bear Runner, while acting in his capacity as President of the Oglala Sioux Tribe, fraudulently submitted travel vouchers for official business travel and received payment for travel to which he was not entitled. Specifically, Bear Runner submitted multiple travel authorizations to different locations outside South Dakota, including New Mexico, Montana, Ohio, North Carolina, New York, and Arizona, claiming the need to travel for official business. As a result of the fraudulently submitted travel authorizations, Bear Runner received more than \$80,000 in advance travel payments but did not actually travel anywhere. Instead, Bear Runner cashed the checks at a casino, gambled, and stayed in local hotels. Following a jury trial, Bear Runner was convicted of multiple counts of wire fraud, larceny, and embezzlement and theft from an Indian Tribal Organization. In June 2024, Bear Runner was sentenced to 22 months in federal prison and ordered to pay \$82,483.71 in restitution to the Oglala Sioux Tribe. This case was investigated by the Department of Health and Human Services, Office of Inspector General, and the FBI. The case was prosecuted by Supervisory AUSA Benjamin Patterson and AUSA Megan Poppen with support from Paralegal Lori Climis.

United States v. Mark Bond, Todd Pape, Marlena Pond, Anthony Tibbitts, Chris Janis, Tessie LaForge, and Tyler LaForge

Conspiracy to Distribute a Controlled Substance (Methamphetamine)

Beginning in 2020 and continuing through 2023, Mark Bond and his co-defendants, Todd Pape, Marlena Pond, Anthony Tibbitts, Chris “Izzy” Janis, Tessie LaForge, and Tyler LaForge distributed significant quantities of methamphetamine within the Pine Ridge Reservation. During the course of the conspiracy, Bond and Pape acquired significant pound quantities of methamphetamine and transported it from Colorado to South Dakota. Once in South Dakota it would be distributed by Pond, Tibbitts, Janis, and the LaForges in the Rapid City and Pine Ridge areas. During the conspiracy, between 15 and 45 kilograms of methamphetamine were distributed in western South Dakota. All defendants pleaded guilty, and in 2024, Bond was sentenced to over 26 years in federal prison; Pape was sentenced to 25 years in federal prison; Pond was sentenced to six years in federal prison; Tibbitts was sentenced to five years in federal prison; Janis was sentenced to six years in federal prison; Tessie LaForge was sentenced to two-and-a-half years in federal prison; and Tyler LaForge was sentenced to four years and eight months in federal prison. This case was investigated by the Badlands Safe Trails Task Force, which is comprised of agents from the FBI, DCI, BIA’s Division of Drug Enforcement (DDE), the Martin Police Department, and the Oglala Sioux Tribe Department of Public Safety (OSTDPS). The case was prosecuted by AUSA Meghan N. Dilges with support from LAS Kristina Mechaley.

United States v. Justin Bradford

Conspiracy to Distribute a Controlled Substance and Possession of a Firearm by a Prohibited Person

In September 2022, in Pine Ridge, South Dakota, law enforcement officers executed a search warrant upon Justin Bradford’s home. In the course of the search, officers located three handguns and several different calibers of ammunition. Bradford was previously convicted of a felony and is, therefore, prohibited from possessing either guns or ammunition. Separately, in another investigation, Bradford was indicted for conspiring with others to distribute methamphetamine in the Pine Ridge Reservation. Bradford eventually pleaded guilty, and in May 2024, he was sentenced to over 19 years in federal prison in connection with the drug conspiracy and to 15 years in federal prison in connection with the firearms charge, with the sentences to run concurrently. This case was investigated by the OSTDPS, the FBI, and the ATF. The case was prosecuted by AUSA Megan Poppen with support from LAS Sandy Koedam.

United States v. Charles Brings Plenty

Accessory After the Fact

In April 2023, Charles Brings Plenty and a juvenile companion (charged separately) picked up a third person and drove to a place within the Pine Ridge Reservation known as the Old Sundance Grounds. At that place, the juvenile assaulted the victim first by hitting him with the vehicle and then with a baseball bat. Brings Plenty aided him in doing so. In July 2023, skeletal remains were discovered in the area and identified as the victim. Brings Plenty pleaded guilty to aiding the juvenile in the assault, and in August 2024, he was sentenced to 10 years in federal prison. This case was investigated by the OSTDPS and the FBI. The case was prosecuted by AUSA Megan Poppen with support from LAS Sandy Koedam.

United States v. Evan Brown Bull

Conspiracy to Distribute a Controlled Substance (Methamphetamine)

In the early 2020s, Evan Brown Bull conspired to distribute methamphetamine within the Pine Ridge Reservation and in Rapid City, South Dakota. Brown Bull was recorded selling methamphetamine to a confidential informant during four controlled buys. Following a jury trial in Rapid City, at which it was established that Brown Bull distributed over ten pounds of methamphetamine, he was convicted of Conspiracy to Distribute Methamphetamine. In June 2024, Brown Bull was sentenced to 33 years in federal prison. This case was investigated by the Badlands Safe Trails Task Force. The case was prosecuted by AUSA Troy R. Morley with support from LAS Kristina Mechaley.

United States v. Rudolfo Ceron

Sexual Abuse of a Minor

In September 2023, in Kyle, South Dakota, Rudolfo Ceron sexually assaulted a 13-year-old girl. Ceron pleaded guilty to this offense, and in August 2024, he was sentenced to 14 years in federal prison. This case was investigated by the FBI and the OSTDPS. The case was prosecuted by AUSA Anna Lindrooth with support from LAS Nicole Graf.

United States v. Jacob Denker and Jamie Lee

Conspiracy to Distribute a Controlled Substance (Fentanyl)

In early March 2023, Jacob Denker and Jamie Lee began traveling to the Denver, Colorado, area to purchase large quantities of fentanyl to further distribute in the Rapid City area and within the Pine Ridge Reservation. Both Denker and Lee pleaded guilty. In November 2024, Denker was sentenced to 10 years in federal prison, and in January 2025, Lee was sentenced to just under five years in federal prison. This case was investigated by the Badlands Safe Trails Task Force. The case was prosecuted by AUSA Edward C. Tarbay with support from LAS Kristina Mechaley.

United States v. Richard Glover, Teresa Goodroad, Kaylee Heppner, and Dalton Fiala

Conspiracy to Distribute a Controlled Substance (Methamphetamine)

Beginning around 2021, Richard Glover and Teresa Goodroad transported large amounts of methamphetamine from Colorado to South Dakota for distribution in Rapid City and within the Pine Ridge Reservation. Once the drugs were in South Dakota, they were further distributed by multiple individuals, including Kaylee Heppner and Dalton Fiala. Between 15 and 45 kilograms of methamphetamine were distributed during the course of this conspiracy. In the summer of 2024, after pleading guilty, Glover and Goodroad were each sentenced to 17 ½ years in federal prison; Heppner was sentenced to 5 years in federal prison; and Fiala was sentenced to 4 years and 8 months in federal prison. This case was investigated by the Badlands Safe Trails Task Force. The case was prosecuted by AUSA Meghan N. Dilges with support from LAS Kristina Mechaley.

United States v. Lloyd Emerson Elk

Aggravated Sexual Abuse of a Minor, Abusive Sexual Contact, and Witness Tampering

Around 2013, while living within the Pine Ridge Reservation, Lloyd Elk, a former tribal law enforcement officer, sexually abused his stepdaughter multiple times when she was between the

ages of five and seven years old. Elk engaged in years of domestic violence to control the victim and her family, including physical and emotional abuse. Elk told the victim if she ever told anyone about the sexual abuse, he would kill her, her mother, and her brother. When the victim finally disclosed the abuse in late 2023, the FBI launched an investigation and learned that Elk had sexually abused another seven-year-old girl in 1998, then while employed as a police officer in Idaho, and made similar threats to keep that victim quiet. Following a jury trial, Elk was convicted of multiple counts of Aggravated Sexual Abuse of a Minor, Abusive Sexual Contact, and Witness Tampering. In October 2024, Elk was sentenced to 50 years in federal prison. The case was prosecuted by AUSAs Anna Lindrooth and Megan Poppen with support from LAS Nicole Graff.

United States v. Loren Goodlow

Sexual Abuse of a Minor, Sexual Exploitation of a Minor, Receipt of Child Pornography, and Witness Tampering

Between December 2022 and March 2023, within the Pine Ridge Reservation, Loren Goodlow, an adult male, began requesting nude photos from a young minor female and began grooming her to engage in sexual intercourse with him. Ultimately, Goodlow engaged in sexual acts with the minor victim on a number of occasions. In March 2023, he further engaged in sexual acts with the minor victim's younger sister. When the victims disclosed the abuse, Goodlow attempted to tamper with the investigation by asking the victims to change their stories. Further investigation later revealed that in 2021, Goodlow had enticed yet another minor female and attempted to procure child pornography from her. Following a jury trial, Goodlow was convicted of multiple counts of Sexual Abuse of a Minor, Abusive Sexual Contact, Sexual Exploitation of a Minor, Attempted Receipt of Child Pornography, and Tampering with a Witness. In April 2024, Goodlow was sentenced to 40 years in federal prison. This case was investigated by the FBI. The case was prosecuted by AUSA Anna Lindrooth with support from LAS Nicole Graff.

United States v. Douglas Hennigar

Abusive Sexual Contact of a Minor

In 2010, Douglas Hennigar moved to the Pine Ridge Reservation after meeting a woman through social media who was both a grandmother and mother to multiple children. Almost immediately after moving in, Hennigar sexually abused two female children, who were between the ages of 5-10 years old. The abuse spanned multiple years and occurred in and outside the Pine Ridge Reservation. At the time of the abuse, the youngest child victim was 5 years old, but she did not disclose the abuse until she was 14 years old. Hennigar, age 66, pleaded guilty, and in May 2024, he was sentenced to 27 years in federal prison. This case was investigated by the FBI. The case was prosecuted by AUSA Megan Poppen with support from LAS Sandy Koedam.

United States v. Ronald Janis

Assault Resulting in Serious Bodily Injury

In October 2023, within the Pine Ridge Reservation, Ronald Janis used a sharp-edged object to strike a woman in the head. The woman was immediately flown to an out-of-state hospital to receive life-saving medical treatment. Janis pleaded guilty, and in November 2024, he was sentenced to three-and-a-half years in federal prison. This case was investigated by the OSTDPS. The case was prosecuted by AUSA Benjamin Schroeder with support from LAS Nicole Graff.

United States v. Wilbur Morrison

Aggravated Sexual Abuse of a Minor and Assault Resulting in Serious Bodily Injury

On January 12, 2023, the OSTDPS was dispatched to Wilbur Morrison's residence for a report of a physical assault between Morrison and his adult brother. Law enforcement learned from a neighbor that Morrison was intoxicated and sexually abusing his eight-year-old daughter in the living room of the home. The child victim and her siblings ran to the neighbor's house where the incident was reported to law enforcement. All children were forensically interviewed by the Child Advocacy Center in Rapid City, where the victim disclosed sexual abuse occurring on the evening of January 12, 2023, and on at least one other occasion. The victim was treated by medical professionals and diagnosed with latent stage syphilis, a sexually transmitted disease. Morrison was also positive for syphilis prior to January 12, 2023. Following a jury trial, Morrison was convicted of all counts, including Assault Resulting in Serious Bodily Injury for having infected the child victim with a sexually transmitted disease. In May 2024, Morrison was sentenced to 40 years in federal prison. This case was investigated by the FBI and OSTDPS. The case was prosecuted by AUSA Megan Poppen with support from LAS Sandy Koedam.

United States v. JT Myore

Second Degree Murder, Robbery, Carjacking, and Brandishing a Firearm During the Commission of a Crime of Violence

In August 2019, in Pine Ridge, South Dakota, JT Myore and a co-defendant brandished firearms in order to carjack a Ford Freestyle from another person. In May 2021, Myore and his co-defendants forcibly assaulted a male in Pine Ridge in order to steal his Toyota Celica. The male sustained a broken arm and cuts and contusions to his head and face. At another time in May 2021, Myore was at a party at a residence just outside of Pine Ridge. He was intoxicated, and a verbal confrontation ensued among some of the party-goers including a male. The male attempted to walk away, but before he could get away, Myore fatally stabbed him with a knife. All three incidents were tried in two separate jury trials. Jurors convicted Myore in each trial. In February 2024, Myore was sentenced to 45 years in federal prison. This case was investigated by the FBI, the ATF, and the OSTDPS. The case was prosecuted by AUSAs Megan Poppen and Anna Lindrooth with support from LAS Sandy Koedam.

United States v. Leslie Pond, Phillip Pond, Monique Merrival, Breohnna Big Crow, Logan Cottier, Dawn Dowty, and Rowdy Sierra

Distribution of a Controlled Substance (Methamphetamine)

In 2021, Leslie "Luke" Pond and the six individuals listed above conspired to distribute methamphetamine within the Pine Ridge Reservation. Pond and others distributed more than 500 grams of methamphetamine, including to minor females. All seven defendants have pleaded guilty. In the fall of 2024, Leslie Pond and Merrival were each sentenced to 18 ½ years in federal prison; Big Crow was sentenced to more than 11 years in federal prison; Cottier was sentenced to 10 ½ years in federal prison; Dowty was sentenced to just over 10 years in federal prison; and Sierra was sentenced to 10 years in federal prison. Phillip Pond is scheduled to be sentenced in May 2025. This case was investigated by the FBI, BIA, and OSTDPS. The case was prosecuted by AUSAs Megan Poppen and Anna Lindrooth with support from LAS Sandy Koedam.

United States v. Lance Red Cloud, Vine Phillip Hayes, and Michael Red Cloud

Second Degree Murder, Assault Resulting in Serious Bodily Injury, and Accessory to Second Degree Murder

On November 28, 2021, Lance Red Cloud, Vine Phillip Hayes, and Michael Red Cloud drove an adult male to a remote area outside of Pine Ridge, South Dakota. The defendants pulled the victim out of their vehicle and beat him. They then drove back to Pine Ridge, leaving the victim lying on the ground with severe injuries. The victim subsequently died from his injuries. Lance Red Cloud pleaded guilty to Second Degree Murder, and in August 2023, he was sentenced to 14 years in federal prison. Hayes pleaded guilty to Assault Resulting in Serious Bodily Injury, and in January 2024, he was sentenced to 10 years in federal prison. Michael Red Cloud pleaded guilty to Accessory to Second Degree Murder, and in December 2023, he was sentenced to three years in federal prison. This case was investigated by the FBI and OSTDPS. The case was prosecuted by former AUSA Sarah B. Collins with support from LAS Nicole Graff.

United States v. Jerel Running Bear and Serena Fast Horse

Second Degree Murder, Discharge of a Firearm During the Commission of a Crime of Violence, and Misprision of a Felony

In November 2023, in Wounded Knee, South Dakota, Jerel Running Bear and two other persons, including a 21-year-old girl (the eventual victim), attempted to obtain fentanyl. When the seller failed to show, Running Bear, under the influence of controlled substances, shot the victim, who was then sitting in the back seat of the vehicle. Running Bear left the scene, picked up his girlfriend, Serena Fast Horse, and removed the victim from the vehicle, leaving her on the side of the road. Fast Horse merely watched and took no action to aid the victim or alert authorities. The next day, the pair fled to Nebraska but were eventually apprehended. Fast Horse did not report what she had seen Running Bear do to the victim. Running Bear pleaded guilty to Second Degree Murder and Discharge of a Firearm During the Commission of a Crime of Violence. In August 2024, he was sentenced to just over 27 years in federal prison on the murder charge and an additional 10 years on the firearm charge to be served consecutive to the prior sentence. Fast Horse pleaded guilty to Misprision of a Felony, and in August 2024, she was sentenced to just over one year in federal prison. This case was investigated by the FBI and the OSTDPS. The case was prosecuted by AUSA Megan Poppen with support from LAS Sandy Koedam.

United States v. Benjamin Sitting Up, Jr.

Sexual Abuse of a Minor

In November 2023, in Wanblee, South Dakota, Benjamin Sitting Up, Jr. digitally molested a female child while he was on federal supervision following his previous conviction for transferring obscene material to another person. Sitting Up pleaded guilty in the instant case, and in July 2024, he was sentenced to 15 years in federal prison. This case was investigated by the FBI and the OSTDPS. The case was prosecuted by AUSA Anna Lindrooth with support from LAS Nicole Graf.

United States v. Sinte White Butterfly

Assault Resulting in Serious Bodily Injury

In August 2024, Sinte White Butterfly assaulted his infant daughter when she was between one and two months old, resulting in numerous bone fractures throughout the infant's body and brain damage. More specifically, White Butterfly broke both of her legs, both of her arms, fractured nearly all of her ribs, and caused a skull fracture and a brain bleed. The victim required extensive medical treatment. White Butterfly admitted he assaulted the baby because he was intoxicated and lost his temper. White Butterfly pleaded guilty to Assault Resulting in Serious Bodily Injury, and in January 2025, he was sentenced to 10 years in federal prison. This case was investigated by the OSTDPS. The case was prosecuted by AUSA Anna Lindrooth with support from LAS Nicole Graff.

United States v. Tyson White Plume

Voluntary Manslaughter and Misprision of a Felony

In February 2022, near Rockyford, South Dakota, within the Pine Ridge Reservation, Tyson White Plume's girlfriend was shot and killed in a manner not amounting to second degree murder. The shooting occurred in the home of Sarah Stone, who was present at the time. Stone subsequently lied about and concealed what she knew of the incident when questioned by law enforcement authorities. White Plume pleaded guilty to Voluntary Manslaughter, and in August 2024, he was sentenced to 15 years in federal prison. Stone pleaded guilty to Misprision of a Felony, and in August 2024, she was sentenced to time served. This case was investigated by the OSTDPS and the FBI. The case was prosecuted by AUSA Heather Knox with support from LAS Sandy Koedam.

United States v. Darin Wherley

Conspiracy to Distribute a Controlled Substance (Methamphetamine)

In the early 2020s, Darin Wherley, of Black Hawk, South Dakota, conspired with several other persons to distribute methamphetamine in western South Dakota, including within the Pine Ridge Reservation. Through the course of the conspiracy, Wherley and his co-conspirators distributed between 15 and 45 kilograms of methamphetamine. Wherley pleaded guilty, and in November 2024, he was sentenced to over 26 years in federal prison. This case was investigated by the Badlands Safe Trails Task Force. The case was prosecuted by AUSA Meghan N. Dilges with support from LAS Kristina Mechaley.

United States v. Lloyd Yankton, Jr.

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

In July 2023, in Kyle, South Dakota, Lloyd Yankton, Jr. assaulted a woman using a blow torch and a metal bar, thereby inflicting serious bodily injury. Earlier, in July 2022, he assaulted the same woman with a metal pole. He pleaded guilty to charges stemming from both assaults, and in January 2024, he was sentenced to 22 ½ years in federal prison. This case was investigated by the OSTDPS. The case was prosecuted by AUSA Anna Lindrooth with support from LAS Nicole Graf.



ROSEBUD RESERVATION

Rosebud Sioux Tribe

United States v. Christopher Franklin Beauvais

Abusive Sexual Contact of a Minor

Between June 2006 and November 2012, Christopher Franklin Beauvais sexually abused three adolescent daughters of his close friend and employer in Mission, South Dakota. He repeatedly touched the girls' buttocks, breasts, and genital areas in his friend's home, his workplace, and in public. The children were between 12 and 15 years old. Several years later, in 2020, Beauvais touched yet another 12-year-old girl's genital area over the clothing while she slept in her bed. Beauvais pleaded guilty to seven counts of Abusive Sexual Contact, and in October 2024, he was sentenced to 15 years in federal prison. This case was investigated by the FBI and the Rosebud Sioux Tribe Law Enforcement Services (RSTLES). The case was prosecuted by AUSAs Carl Thunem and Wayne Venhuizen.

United States v. Arthur Black Bull and Therryn Black Horse

Assault with a Dangerous Weapon

On April 13, 2023, Arthur Black Bull and Therryn Black Horse drove by a residence in Winner Tribal Housing. Black Horse had a previous disagreement with an individual who was at the residence and wanted to scare him. As Black Bull and Black Horse drove by, Black Bull fired multiple 9mm rounds at the residence, striking the home. The victim and his family were in the residence at the time of the shooting, but no one was injured. Black Bull and Black Horse each pleaded guilty to Assault With a Dangerous Weapon. In November 2024, Black Bull was sentenced to 10 years in federal prison and Black Horse was sentenced to five years in federal prison. This case was investigated by the FBI and the RSTLES. The case was prosecuted by Senior Litigation Counsel (SLC) Kirk Albertson with support from LAS Andrea Fosheim.

United States v. Marcus Cloke

Assaulting, Resisting, and Impeding a Federal Officer

In May 2023, while serving a sentence in the Rosebud Sioux Tribe Adult Corrections Facility in Martin, South Dakota, Marcus Cloke struck a correctional officer in the face with his fists and then used the officer's baton to strike him about his head. The assault resulted in significant facial and head injuries to the officer. Cloke pleaded guilty, and in March 2024, he was sentenced to nine years in federal prison. This case was investigated by the RSTLES. The case was prosecuted by former AUSA Abby Roesler.

United States v. Eugene Hollow Horn Bear

Abusive Sexual Contact and Failure to Register as a Sex Offender

On July 20, 2023, a woman awoke to Eugene Hollow Horn Bear touching her vagina and breasts in an abandoned carwash in Mission, South Dakota. Hollow Horn Bear, a convicted sex offender, committed this offense after failing to update his sex offender registration. Following a jury trial, Hollow Horn Bear was convicted of two counts of Abusive Sexual Contact and later pleaded guilty to Failure to Register as a Sex Offender. In November 2024, Hollow Horn Bear was sentenced to nine years in federal prison. This case was investigated by the RSTLES and the USMS. The case was prosecuted by AUSA Wayne Venhuizen.

United States v. Canku Martinez

Aggravated Sexual Abuse and Kidnapping

On October 29, 2023, Canku Martinez agreed to give a juvenile female a ride home from a party near Rosebud, South Dakota. Rather than give her a ride home, however, Martinez drove her to a secluded area outside of town and made sexual advances toward her. When the juvenile rejected Martinez's advances, Martinez produced a knife and forced the juvenile to engage in sexual activity. Martinez subsequently dropped the juvenile off at her residence, told her not to tell anyone what he had done, and left the area shortly thereafter. Following a jury trial, Martinez was convicted of Aggravated Sexual Abuse and Kidnapping. In January 2024, he was sentenced to 25 years in federal prison. This case was investigated by the FBI and the RSTLES. The case was prosecuted by SLC Kirk Albertson with support from LAS Andrea Fosheim.

United States v. Daryl Plumman

Possession of a Firearm by a Prohibited Person

On April 21, 2023, in Rosebud, South Dakota, law enforcement officers were preparing to serve a search warrant at a residence. Daryl Plumman was inside a vehicle in the driveway of the residence. When asked to exit the vehicle, Plumman attempted to hide an object under the front seat, which was found to be a firearm. Plumman, a prior felon, pleaded guilty, and in December 2024, he was sentenced to nearly five years in federal prison. This case was investigated by the RSTLES. The case was prosecuted by AUSA Brian Murphy with support from Paralegal Lori Climis.

United States v. Tyson Quigley

Possession of a Firearm by a Prohibited Person

In January 2023, law enforcement was searching for Tyson Quigley based on an alleged home invasion that occurred that morning in St. Francis, South Dakota. Quigley was subsequently located in a parked vehicle at a residence near St. Francis, while possessing a .40 caliber pistol. Quigley has three prior felony convictions. Following a jury trial, Quigley was convicted of being a Prohibited Person (Felon) in Possession of a Firearm, and in July 2024, he was sentenced to seven-and-a-half years in federal prison. This case was investigated by the ATF and the RSTLES. The case was prosecuted by SLC Kirk Albertson with support from LAS Sandy Koedam.

United States v. Louis Andrew Rabbitt, Jr.

Failure to Register as a Sex Offender, Assaulting, Resisting, and Impeding a Federal Officer with a Dangerous Weapon, and Commission of a Crime of Violence while Failing to Register as a Sex Offender

In July 2023, Louis Andrew Rabbitt, Jr., failed to update his sex offender registration after moving from his registered address. In September 2023, when the U.S. Marshals Service arrived to arrest Rabbitt, he threatened Deputy U.S. Marshals with a baseball bat before being apprehended. Following a jury trial, Rabbitt was convicted of all counts, and in April 2024, he was sentenced to six years and five months in federal prison. This case was investigated by the USMS and the RSTLES. The case was prosecuted by AUSAs Wayne Venhuizen and Meghan N. Dilges.

United States v. Derek Sharpfish

Sexual Abuse of a Minor and Abusive Sexual Contact

On multiple occasions between October 2020 and January 2023, Derek Sharpfish sexually abused a minor female who was between the ages of 13 and 15 years old. Separately, in December 2022, Sharpfish groped an adult female while she was sleeping, touching her inner thigh and genitalia. Sharpfish pleaded guilty to one count of Sexual Abuse of a Minor and two counts of Abusive Sexual Contact, and in April 2024, he was sentenced to 20 years in federal prison. This case was investigated by the FBI and the RSTLES. The case was prosecuted by SLC Kirk Albertson with support from LAS Sandy Koedam.

United States v. Christopher Wright

Abusive Sexual Contact with a Child

In the mid-2010s, Christopher Wright sexually abused a child who was between the ages of eight and nine years old, and for whom his mother was providing daycare. The defendant admitted that he put the victim through “traumatizing stuff” and pleaded guilty. In March 2024, he was sentenced to 20 years in federal prison. This case was investigated by the FBI. The case was prosecuted by former AUSA Abby Roesler.

United States v. Dillon Yellow Hawk

Assault Resulting in Serious Bodily Injury

In April 2023, Dillon Yellow Hawk lived in rural Gregory County in the Rosebud Reservation. In the course of an alcohol-fueled argument between him and family members, he shot a cousin in the abdomen with a shotgun. When another person attempted to grab the shotgun from Yellow Hawk’s possession, Yellow Hawk fired again resulting in the second victim sustaining injuries to her arm. Both victims survived the shootings. Yellow Hawk pleaded guilty, and in May 2024, he was sentenced to seven years in federal prison. This case was investigated by the RSTLES, the Gregory County Sheriff’s Office, the Burke Police Department, and the SDHP. The case was prosecuted by former AUSA Abby Roesler.



STANDING ROCK RESERVATION

Standing Rock Sioux Tribe

United States v. Sheyenne Cadotte

Felony Child Abuse and Neglect

In 2021, Sheyenne Cadotte lived with her four-year-old daughter in Kenel, South Dakota. Cadotte's daughter is a delayed non-verbal child who requires a feeding tube for sustenance. During the summer and fall of 2021, Cadotte starved her daughter, routinely skipping scheduled feedings and swapping whole milk for formula. Due to this neglect, the girl's weight dropped from 34 pounds in May 2021, to 25 pounds in December 2021, at which time she was removed from Cadotte's care. The child is currently thriving in an institutional setting. Cadotte pleaded guilty to Child Abuse, and in September 2024, she was sentenced to three years in federal prison. This case was investigated by the FBI and the BIA. The case was prosecuted by AUSA Carl Thunem.

United States v. Benjamin Eagle

Abusive Sexual Contact

Around August 9, 2022, Benjamin Eagle was visiting a residence in McLaughlin, South Dakota, where he was consuming alcohol. Eagle used force to engage in sexual contact with a nine-year-old child. The child later disclosed the abuse at a child advocacy center in Bismarck, North Dakota. Eagle pleaded guilty and admitted he had no excuse or justification for abusing the child. In May 2024, he was sentenced to 10 years in federal prison. This case was investigated by the BIA. The case was prosecuted by former Supervisory AUSA Tim Maher.

United States v. Johnathan Guggolz

Voluntary Manslaughter

On August 29, 2023, a 62-year-old man pulled into a school driveway in McLaughlin, South Dakota, to pick up his wife from work. Johnathan Guggolz pulled up next to the man and mocked and badgered him. The man eventually exited his car, secured a pair of duct-taped nunchucks to protect himself, and squared up with Guggolz, a former amateur boxer. After a few moments of posturing, the man thrust the nunchucks towards Guggolz's hip. Guggolz then punched the man in the face, knocking him unconscious. The man fell backwards and struck his head on the concrete. Guggolz glanced down at the man, now lying helpless on the driveway, then returned to his pickup and drove away. The man subsequently died of a traumatic brain injury incurred in the assault. Guggolz pleaded guilty to Voluntary Manslaughter, and in September 2024, he was sentenced to five years in federal prison. This case was investigated by the BIA and the FBI. The case was prosecuted by AUSA Carl Thunem.

United States v. Lance Tomas Mata

Assault of an Intimate Partner by Strangulation and Suffocation

During the night of November 21-22, 2022, at his home in Little Eagle, South Dakota, Lance Tomas Mata got high and intoxicated on methamphetamine and alcohol. Around 7:30 a.m., he woke up his live-in girlfriend and dragged her by the hair across the floor, then choked her for 30 seconds, telling her she would die “today” and no one wanted her. After throwing her over a couch, Mata coerced her to kneel before him and began assaulting her with his fists. Whenever the victim fell, Mata forced her to get back on her knees. If his girlfriend whimpered, Mata threatened to throw her down the stairs and chain her in the basement. This torture continued for two hours. When Mata finished, he told his girlfriend he would bury her with another woman, then fell asleep on the couch. The girlfriend fled the home and began walking the 37-mile trek through the snow to her mother’s home in Fort Yates, North Dakota, until she was picked up by a friend. Mata pleaded guilty, and in August 2024, he was sentenced to four years and three months in federal prison. This case was investigated by the BIA. The case was prosecuted by AUSA Carl Thunem.

United States v. Justin James Schneider

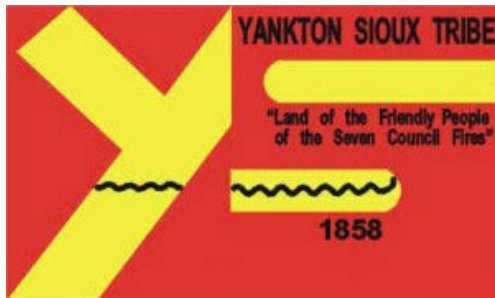
Possession of a Firearm by a Prohibited Person

On June 20, 2023, Justin Schneider quarreled with his wife in rural Watuaga, South Dakota, after she received a subpoena to testify against him in a separate criminal case. After his wife left for work, Schneider tossed her clothing on the lawn, poured gasoline on it, and threatened to shoot anyone who came to his home, discharging a revolver to underscore the point. After learning about this conduct, the Corson County Sheriff decided to arrest Schneider. A BIA officer found Schneider in Bullhead that evening and tried to arrest him. Schneider fled in his pickup to a nearby pasture and engaged in an armed stand-off with Corson County deputies and BIA police officers. Schneider eventually got back into his pickup and fled to Bullhead, striking a squad car *en route*. As Schneider exited his pickup, he brandished his pistol, gestured wildly towards nearby civilians, and disregarded repeated police commands to drop his gun. Schneider then moved quickly towards unarmed children, and a police officer shot him to protect the public. Schneider was taken into custody without further incident. Schneider had several previous violent and drug felony convictions. Following a jury trial, Schneider was convicted of Prohibited Person in Possession of a Firearm and Simple Assault on a Federal Officer. In November 2024, Schneider was sentenced to over 13 years in federal prison. This case was investigated by the FBI, the BIA, the ATF, and the Corson County Sheriff’s Office. The case was prosecuted by AUSA Carl Thunem.

United States v. Phillip Lewis Young Hawk

Assault Resulting in Serious Bodily Injury to an Intimate Partner

On April 7, 2023, Phillip Young Hawk quarreled with his girlfriend on a rural roadside near Wakpala, South Dakota. Young Hawk knocked his girlfriend down, then kicked her twice with shod feet as she lay helpless on the ground, whimpering and pleading. The assault ended when Young Hawk’s brother forcibly restrained him. Young Hawk’s girlfriend briefly lost consciousness from the assault and incurred significant bruising to her face. Young Hawk has several prior convictions for domestic violence. Young Hawk pleaded guilty, and in June 2024, he was sentenced to five years in federal prison. This case was investigated by the BIA. The case was prosecuted by AUSA Carl Thunem.



YANKTON RESERVATION

Yankton Sioux Tribe

United States v. Shane Mousseaux

Sexual Abuse of a Minor and Abusive Sexual Contact

Between August 2020 and June 2022, Shane Mousseaux engaged in multiple sexual acts with one of his then-girlfriend's daughters, who was 14-15 years old at the time. Between May 2022 and June 2022, Mousseaux engaged in sexual contact with another one of his then-girlfriend's daughters, who was 14 years old at the time. Following a jury trial, Mousseaux was convicted of multiple counts of sexual abuse of a minor and abusive sexual contact. In August 2024, Mousseaux was sentenced to 11 years and three months in federal prison. This case was investigated by the FBI and Yankton Sioux Law Enforcement (YSLE). The case was prosecuted by AUSAs Ann Hoffman and Paige Petersen with support from LAS Cecile Reynolds.

CIVIL DIVISION

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



Courtroom in Federal Courthouse in Sioux Falls, South Dakota

SIGNIFICANT DEFENSIVE LITIGATION

TORT LITIGATION

Michael Benetti v. U.S. Marshals Service et al.

Constitutional Tort/Bivens—U.S. Marshals Service, U.S. Public Health Service

Michael Benetti sued the U.S. Marshals Service (USMS) and the Pennington County Jail alleging the jail failed to provide adequate medical treatment for a broken hand he sustained while in custody. The USMS contracts with the U.S. Public Health Service (USPHS) to approve or deny medical requests from inmates. Upon motion filed by the U.S. Attorney's Office, the District Court dismissed the case holding that the Federal Tort Claims Act is the exclusive remedy for any personal injury caused by a public health officer or employee performing a medical or related function while acting within the scope of their employment. There was no dispute that the individually named defendants were acting within the scope of their employment with the USPHS when they made decisions about Benetti's medical care. Thus, they could not be held liable. The District Court granted summary judgment in favor of all defendants. This case was defended by AUSA Alexis Warner with support from Paralegal Suzy Schramm

Tristan Eastman v. United States

Federal Tort Claims Act—U.S. Department of Health and Human Services, Indian Health Service

Tristan Eastman sued several Indian Health Service (IHS) employees at the Woodrow Wilson Keeble Memorial Health Care Center in Sisseton, South Dakota, claiming they improperly disclosed his medical records to law enforcement. At the time Eastman received medical care, he was an inmate at the Roberts County jail, and he was taken by officers to IHS to receive the care. Eastman objected to the medical providers disclosing his diagnosis and treatment to the officers, alleging the disclosure violated his constitutional right to medical privacy because the officers lacked a court order to access this information. Eastman, however, failed to properly serve individuals, so the District Court ordered him to show cause as to why the case should not be dismissed for failure to prosecute. He failed to respond, and the Court dismissed his case with prejudice. This case was defended by AUSA Stephanie Bengford with support from Legal Administrative Specialist (LAS) Jennifer Hatton.

Kaden Knapp v. United States

Federal Tort Claims Act—U.S. Postal Service

Kaden Knapp sued the U.S. Postal Service in Small Claims Court, claiming a mail truck hit his personal truck that was parked on a street. Knapp sought approximately \$3,200 in damages. The case was removed to federal court and subsequently dismissed because Knapp had not exhausted administrative remedies by filing a claim for damages with the U.S. Postal Service. This case was defended by Civil Chief Diana Ryan with support from LAS Jennifer Hatton.

Chadwick Miner-Ratigan v. United States

Federal Tort Claims Act—U.S. Department of Health and Human Services, Indian Health Service

Chadwick Miner-Ratigan filed suit seeking \$2,000,000 for medical malpractice after an IHS physician allegedly placed his shoulder in a position of apprehension during post-operative physical therapy at the Oyate Health Center in Rapid City, South Dakota. During therapy, Miner-Ratigan claimed his shoulder was dislocated. The physical therapist disputed these claims. Miner-Ratigan later had a second shoulder surgery to repair a labral tear. This case resolved through mediation. The case was defended by AUSA Yvette Lafrentz with support from LAS Tyle Doerr.

Michael and Alicia Sleighter v. United States

Federal Tort Claims Act—U.S. Department of the Interior, Bureau of Indian Affairs

Michael and Alicia Sleighter were driving on BIA Route 41 within the Pine Ridge Reservation when they hit a horse and were injured. They sued the United States, claiming the Oglala Sioux Tribe's road maintenance department failed to properly maintain a cattle guard, which allowed the horse to enter the highway. In dismissing their lawsuit against the United States, the District Court found that maintaining the cattle guards at issue involved an element of discretion exercised by the Tribe in carrying out their Road Maintenance Program and Tribal Transportation Program. Both programs allowed the Tribe to determine priority and amount of funding to be used to perform road maintenance. The Tribe's failure to maintain the cattle guard was further based on considerations of resource allocation, which is grounded in policy considerations. The District Court therefore entered Judgment in favor of the United States. This case was defended by AUSA Sharla Svennes with support from LAS Tyle Doerr.

Randene Yankton, individually and as Guardian ad Litem of JW and RY, and as the Personal Representative for the Estate of EW, and Rhonda Yankton, Personal Representative of the Estate of Raquel Yankton Reinhart v. United States

Federal Tort Claims Act—U.S. Department of the Interior, Bureau of Indian Affairs

This case arose from a vehicle collision between a van driven by Raquel Yankton Reinhart and a patrol car driven by an Oglala Sioux Tribal Officer. The officer was responding to a call alleging “shots fired” and was therefore traveling at a high rate of speed when he accidentally crashed into the back of Reinhart’s minivan, which had suddenly pulled out from the shoulder of the road and attempted to make a left-hand turn in front of him. Reinhart and a 7-year-old child died at the scene, and three other passengers sustained injuries. There were two separate lawsuits filed against the United States, which were eventually consolidated and resolved through mediation. This case was defended by Civil Chief Diana Ryan with support from Paralegal Suzy Schramm.

Sheldon Yellow Head and Joseph Garreau as Co-Personal Representatives of the Estate of Tamara Garreaux et al. v. Chance Anderson and United States

Federal Tort Claims Act—U.S. Department of Health and Human Services, Indian Health Service

Tamara Garreaux died as the result of injuries suffered in a motor vehicle accident involving an Indian Health Service (IHS) transport van and a flatbed trailer. The accident occurred in Dewey County on Highway 63. At the time of the accident, the IHS transport van was attempting to pass the semi-truck and trailer that was 40-feet long and loaded with 20 round hay bales. As the van was passing, the truck executed a left-hand turn onto an intersecting street without signaling the turn. Based on the physical evidence at the scene, the South Dakota Highway Patrol opined that the left front tire and bumper of the semi-truck hit the right rear panel of the van, causing the van to spin out of control and roll. Garreaux was trapped in the vehicle and died at the scene of the accident after emergency personnel extracted her from the van. This case resolved through mediation, with each defendant contributing equally to the settlement. The case was defended by AUSA Michael Hofmann with support from LAS Tyle Doerr.

PROGRAM LITIGATION

Brenton and Robin Lavelle v. United States Forest Service

Road Easement Dispute—U.S. Department of Agriculture, U.S. Forest Service

Brenton and Robin Lavelle sued the U.S. Forest Service (USFS) over a public right-of-way road on their property. They claimed the road easement was terminated because the USFS failed to maintain the road for more than five years. The Lavelles sought to quiet title the easement and declare that the easement did not provide for public use on the road. In the alternative, they asked the District Court to order the USFS to better maintain the road. The government provided evidence that the easement had not been terminated or abandoned, and that it was acquired for all National Forest Service purposes, including public access. As to disputes about road maintenance obligations, the government argued that the Quiet Title Act does not confer jurisdiction to resolve such disputes, and the court should not insert a road maintenance obligation that does not exist into a deed because road funds are subject to the availability of appropriated funding. In response to the government’s motion to dismiss, the Lavelles sold their property and voluntarily dismissed the case. This case was defended by AUSA Michael Hofmann with support from LAS Tyle Doerr.

Shawn Schweitzer v. United States and Marty LaCompte, individually

Employment Discrimination—U.S. Department of Health and Human Service, Indian Health Service

Shawn Schweitzer was an Information Technology Specialist at the Indian Health Service (IHS) in Eagle Butte, South Dakota. He filed a complaint of gender and disability discrimination, retaliation, and hostile work environment arising from alleged sexist and racist comments made by his supervisor. Schweitzer failed to serve the Secretary of Health and Human Services or the Director of IHS, however, and absent a good-cause showing as to why he failed to serve either individual in their official capacity, that portion of his lawsuit was dismissed. Thereafter, the suit against his supervisor was dismissed because individual employees are not personally liable under Title VII of the Civil Rights Act of 1964 or under the Rehabilitation Act and the Americans with Disabilities Act. The District Court declined to exercise supplemental jurisdiction over plaintiff's state law tort alleging intentional infliction of emotional distress. This case was defended by AUSA Stephanie Bengford with support from Paralegal Suzy Schramm.

Iris Wilson v. United States

Employment Discrimination—U.S. Department of the Interior, Bureau of Indian Education

Iris Wilson, an experienced Special Education teacher at Pine Ridge Elementary School, filed a complaint of discrimination alleging she was subjected to disparate treatment, harassment, and age discrimination when she was not selected for a position as an Assistant Principal. There were other employees who voiced their objection to Wilson's selection, and she was thereafter not hired despite being the first alternate as determined by the hiring committee when the first candidate declined. This case was resolved through mediation, and Wilson was appointed to her desired position. The case was defended by AUSA Sharla Svennes with support from LAS Tyle Doerr.

DEFENSIVE FORECLOSURES

The U.S. Attorney's Office opened 110 defensive foreclosure files in 2024. This is compared to 96 cases in 2023, 34 cases in 2022, 19 cases in 2021, 56 cases in 2020, and 61 cases in 2019. In most defensive foreclosures, a bank or other lending institution brings an action in state court. The USAO-SD becomes involved in a defensive foreclosure when a government agency has a lien on the foreclosed property. The agencies most involved in these types of cases are the Internal Revenue Service, Department of Housing and Urban Development, Rural Housing Service, the Veterans Administration, or Farm Service Agency. Many of these cases involve tax liens filed by the IRS and HUD partial claim mortgages.

BANKRUPTCY LITIGATION

The Clerk's Office at the United States Bankruptcy Court for the District of South Dakota reported that 464 bankruptcy cases were filed in South Dakota in 2024, up just slightly from the 459 cases filed in 2023. Nationwide statistics show that 504,112 total bankruptcy cases were filed in the United States in 2024. The USAO opened 55 new cases in 2024. Of that number, three were adversarial matters, four were filed under Chapter 7, two were filed under Chapter 11, two were filed under Chapter 12, and 44 were filed under Chapter 13.

FREEDOM OF INFORMATION ACT LITIGATION

Since 1967, the Freedom of Information Act (FOIA) has provided the public the right to request access to records from any federal agency. Some records, however, may be protected from release pursuant to one of the nine FOIA exemptions. Although FOIA may entitle the requester to existing records, it does not allow for the opportunity to ask federal agencies questions, to request opinions, or require the creation of records. In 2024, the USAO-SD opened 3 FOIA requests, compared to the eight FOIA requests received in 2023 and six FOIA requests received in 2022. If a party wishes to challenge a federal agency's response to a FOIA request, the party may file a complaint in U.S. District Court and proceed to litigate the FOIA request. At present, there is just one FOIA case in active litigation in the District of South Dakota.

SIGNIFICANT AFFIRMATIVE LITIGATION

The U.S. Attorney's Office works jointly with the State of South Dakota, the Department of Health and Human Services, the National Science Foundation, NASA, the Department of Education, the U.S. Postal Service, and more to recover reimbursement for money fraudulently obtained through false statements made to federal agencies and for services not rendered or not provided by qualified medical personnel. The USAO-SD prioritizes the investigation and litigation of affirmative civil enforcement matters. Highlights of our civil affirmative enforcement efforts in 2024 include the following matters.

Dunes Surgical Hospital

False Claims Act—U.S. Department of Health and Human Services, Office of Inspector General

In April 2021, the Centers for Medicare & Medicaid Services (CMS) received a lengthy self-disclosure from the Dunes Surgical Hospital (DSH) detailing various problematic agreements in which the Stark and Anti-Kickback laws were implicated. An FCA investigation was opened, which was jointly handled by DOJ Civil Frauds and the U.S. Attorney's Offices for the District of South Dakota and the Northern District of Iowa. The parties participated in settlement negotiations throughout 2023, and in early January 2024, the parties agreed to settle the case for approximately \$14.1 million. Of that amount, South Dakota, Iowa, and Nebraska collectively received approximately \$1.37 million for their share of the Medicaid portion of the settlement.

The settlement ultimately resolved allegations that, from at least 2014 through 2019, DSH made significant financial contributions to a non-profit affiliate of a physician group whose physicians referred patients to Dunes. Those payments allegedly funded the salaries of athletic trainers who generated referrals to both the physician group and to Dunes. The settlement also resolves allegations that during the same time period, Dunes provided another physician group with free or below-fair-market-value clinic space, staff, and supplies. The United States alleged that these arrangements violated both the Anti-Kickback Statute and the Physician Self-Referral Law, commonly known as the Stark Law. This case was litigated by AUSA Alexis Warner with support from Paralegal Suzy Schramm.

CIVIL RIGHTS ENFORCEMENT

Bennett County

Voting Rights Act

In collaboration with the Voting Rights Section of DOJ's Civil Rights Division, the U.S. Attorney's Office responded to claims that Bennett County had violated Section 2 of the Voting Rights Act. The investigation found that Native Americans in Bennett County did not have equal access to the in-person registration and absentee voting available under state law because they disproportionally lacked the ability to travel to the county seat of Martin, SD, for in-person voting services. In November 2024, DOJ entered into a Memorandum of Understanding (MOU) with Bennett County. Under the terms of the agreement, Bennett County will utilize funding made available through the Help America Vote Act to operate a satellite office in Allen, SD, and provide in-person registration and absentee voting services during regular business hours for the full state-mandated 46-day absentee voting period prior to federal, state and county elections. The MOU remains in effect through December 31, 2028. This case was litigated by attorneys from the Voting Rights Section and AUSA Sharla Svennes with support from LAS Jennifer Hatton.

Perkins Restaurant, Rapid City

Americans with Disabilities Act

An individual in a wheelchair filed a complaint with the Department of Justice reporting he was unable to access the men's restroom at Perkins Restaurant in Rapid City, SD, resulting in a distressing incident. Following a thorough investigation, which revealed several ADA compliance issues, the U.S. Attorney's Office consulted with ADA experts and engaged with Perkins Restaurant through their legal counsel, Perkins committed to achieving maximum ADA compliance required under the law. The resolution included the installation of a wheelchair-accessible men's restroom and other necessary modifications. This case was litigated by AUSA Sharla Svennes with support from LAS Jennifer Hatton.

Sioux Falls Ford

Americans with Disabilities Act

The Department of Justice received a complaint regarding barriers to entry at Sioux Falls Ford. The U.S. Attorney's Office initiated an investigation and later resolved the matter through a Letter of Resolution, which requires the business to remove barriers to entry and create accessible parking spaces. This case was litigated by AUSA Sharla Svennes with support from LAS Jennifer Hatton.

South Dakota Board of Medical Examiners

Servicemembers Civil Relief Act

After receiving a complaint from a local military spouse regarding the South Dakota Board of Medical Examiners' (SDBME) failure to comply with the Servicemembers Civil Relief Act, the U.S. Attorney's Office opened an investigation to determine whether the SDBME had provided for the portability of professional licenses for military spouses. Soon thereafter, the SDBME took voluntary corrective action to amend its website and policies, thereby allowing the licensure of qualified military spouses. This case was litigated by AUSA Sharla Svennes with support from LAS Jennifer Hatton.

United States v. Retsel Corporation d/b/a Grand Gateway Hotel

Civil Rights Act of 1964, Title II

In 2022, the U.S. Attorney's Office collaborated with the Civil Rights Division's Housing and Civil Enforcement Section to file a complaint against Retsel Corporation, d/b/a Grand Gateway Hotel and d/b/a Cheers Sports Lounge and Casino, seeking declaratory and injunctive relief to prevent the hotel and lounge from banning Native American guests at their public accommodations. In November 2023, after protracted discussions, the United States and the defendants filed a Consent Decree with terms that banned Connie Uhre from all involvement in the Retsel Corporation or Grand Gateway Hotel for four years. Further, the defendants were required to post a public apology and distribute it to certain organizations, implement an anti-discrimination policy, develop an outreach and marketing plan to Native American communities, undergo training on nondiscrimination in public accommodations, and hire a Compliance Officer to monitor compliance with the Consent Decree. The Department of Justice continues to monitor the four-year Consent Decree, which in 2024 included translating the public apology into the Lakota language. This case was litigated by attorneys from the Housing and Civil Enforcement Section and U.S. Attorney Alison J. Ramsdell with support from LAS Tyle Doerr.

FINANCIAL LITIGATION PROGRAM

In Fiscal Year 2024, the United States Attorney's Office collected \$3,496,288.47 in criminal and civil actions. Of this amount, \$1,584,408.91 was collected in criminal actions and \$1,911,879.56 was collected in civil actions. The District of South Dakota worked with other U.S. Attorney's Offices and components of the Department of Justice to collect an additional \$775,964.79. Excluded from these fiscal year totals are significant recoveries obtained at the end of Calendar Year 2024, such as the \$12.7M settlement to resolve alleged False Claims Act violations relating to improper financial relationships between Dunes Surgical Hospital and two physician groups, and the \$1.4M paid toward restitution in a pandemic fraud prosecution.

"Ensuring the collection of federal debt restores justice to victims of crime and reinforces the integrity of our governmental institutions," said U.S. Attorney Alison J. Ramsdell.

In addition to filing 14 new garnishment actions, the Financial Litigation Unit of the U.S. Attorney's Office closed 44 civil and criminal restitution cases where the federal debt or victims were paid in full. For example, in a civil case involving the Farm Service Agency (FSA), the Financial Litigation Unit recovered \$52,561.75 from a borrower who sold calves in violation of his loan agreement with a local bank. In a criminal case arising from a wire fraud conviction, the Financial Litigation Unit recovered \$36,773.79 from an inheritance the defendant received while in custody, thus providing a substantial recovery to the victims of the defendant's wire fraud.

United States Attorney's Offices, along with DOJ's litigating divisions, are responsible for enforcing and collecting debts owed to the United States and federal crime victims. The law requires defendants to pay restitution to victims of federal crimes who have suffered a physical injury or financial loss. While restitution is paid to the victim, criminal fines and assessments are paid to DOJ's Crime Victims Fund, which distributes the funds to victim assistance programs.

APPELLATE DIVISION



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

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

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

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

In 2024, the Appellate Division handled 98 appeals to the Eighth Circuit. It also handled various post-conviction motions before the District Court, including 44 motions for compassionate release under the First Step Act, 175 motions for retroactive sentencing reductions pursuant to amendments to the United States Sentencing Guidelines, and 16 motions to vacate convictions or sentences under 28 U.S.C. § 2255. The vast majority of this work is handled by Appellate Chief Kevin Koliner and AUSA Kathryn N. Rich, with extensive support from Paralegal Debbie Gilman. Whenever possible, AUSAs from the Civil and Criminal Divisions assist the Appellate Division by drafting appeal briefs and handling oral arguments in their own cases.

During the past year, among the cases handled by the Appellate Division that resulted in decisions by the Eighth Circuit were the following opinions of particular significance.

SIGNIFICANT APPELLATE MATTERS

Thomas Joseph Brewer v. United States

Voluntary Manslaughter and Discharge of a Firearm During a Crime of Violence

In *Brewer v. United States*, a federal jury convicted the defendant of Voluntary Manslaughter and for Discharging a Firearm During a Crime of Violence. He received a sentence of just over eight years in custody for manslaughter and a mandatory consecutive term of 10 years in custody for the firearm conviction. He moved to vacate the firearm conviction following various U.S. Supreme Court cases that raised the question of whether his manslaughter conviction remained a “crime of violence” within the meaning of the statute since it can be committed with a level of “reckless” intent. The Eighth Circuit affirmed the conviction, holding that federal voluntary manslaughter requires a mental state of heightened or “depraved heart” recklessness, in contrast to cases holding that crimes that can be committed through “ordinary recklessness” cannot be deemed categorical “crimes of violence” for purposes of certain federal offenses requiring predicate convictions.

United States v. Luis Antonio Flores Atilano

Alien in Possession of a Firearm

In *United States v. Atilano*, a federal jury convicted the defendant of being an Alien in Possession of a Firearm. On appeal, he argued the government failed to prove he knew his presence in the United States was unlawful and, in the alternative, that he committed the offense while under duress. The Eighth Circuit affirmed, holding that Atilano admitted he entered the country illegally in 2008 and that his claimed reliance on a form completed by his wife was dubious given the form was not an application for asylum or other legal status. It also determined his duress claim was an insufficient defense because it was a generalized claim of speculative fear, not one of present, imminent, or impending threats placing him in reasonable fear of death or serious bodily injury.

United States v. Colton Bagola

First Degree Murder and Discharge of a Firearm During a Crime of Violence

In *United States v. Bagola*, a federal jury convicted the defendant of First Degree Murder and Discharge of a Firearm during a Crime of Violence. On appeal, he argued the District Court admitted unreliable expert testimony, the jury instructions failed to adequately address whether he was an “Indian” for purposes of federal jurisdiction, there was insufficient evidence to support the murder verdict, and first degree murder is not a crime of violence. The Eighth Circuit affirmed, holding there was no need to determine if the ATF agent who testified had sufficient evidence to render an opinion because the testimony was harmless. The Eighth Circuit also held that photographs of the firearm, as well as eyewitness statements, supported the jury’s findings that defendant was the shooter. As to the element of “Indian” status, there was sufficient uncontroverted evidence presented to the jury, including a certificate of tribal enrollment. The Eighth Circuit further held the facts of the case established the defendant acted with premeditation, including bringing a loaded firearm to the house and making statements about his desire to kill someone. Finally, the Eighth Circuit held that prior case law confirmed homicides committed with malice aforethought and completed through the use of force constitute “crimes of violence,” thus enabling the firearm enhancement to apply.

United States v. Nathaniel Crawford

Possession of a Firearm by a Prohibited Person

In *United States v. Crawford*, the defendant was charged with Possession of a Firearm by a Prohibited Person (based upon prior felony convictions) after officers located a firearm in his vehicle when they arrested him following calls regarding a domestic dispute between him and his ex-girlfriend. He moved to suppress the firearm, arguing the officers lacked probable cause to search his vehicle. The motion was denied, and he appealed. The Eighth Circuit affirmed the denial of the suppression motion, holding that the officers established sufficient probable cause for the search and seizure based on the 911 calls, the statements of the ex-girlfriend, and seeing in plain view the handle of the firearm through the window of the vehicle.

United States v. Rusty James Driscoll

Conspiracy to Distribute Controlled Substances (Methamphetamine)

In *United States v. Driscoll*, a federal jury convicted the defendant of Conspiracy to Distribute Controlled Substances and was sentenced to 45 years in federal custody. He appealed, raising a number of challenges. The Eighth Circuit affirmed, finding that the defendant failed to show good cause as to why he should have been relieved from complying with the district's standard discovery order. The Court further held that the photographs of items found during the search were properly admitted based on the agent's participation in the search. Finally, the Court held that the sentence, which was below the recommended Guidelines range, was not an abuse of discretion.

United States v. James Garrett and Levi Garrett

False Statement in Connection with Federal Crop Insurance

In *United States v. James and Levi Garrett*, a federal jury convicted the defendants of multiple counts of making False Statements in Connection with Federal Crop Insurance claims. They appealed, challenging various evidentiary rulings by the District Court and its denial of their post-trial motions for acquittal. The Eighth Circuit analyzed each of the many claims of error in detail and affirmed the convictions in all respects.

United States v. James Dean Hanapel

Attempted Enticement of a Minor Using the Internet

In *United States v. Hanapel*, a federal jury convicted the defendant of Attempted Enticement of a Minor Using the Internet after he conversed online with an undercover officer posing as a 14-year-old girl and made plans to meet her for a sexual encounter. The Eighth Circuit affirmed his conviction, determining Hanapel was not entrapped. Evidence at trial established Hanapel initiated the contact and was the first to introduce the topic of sex, the age-regressed photo of the girl sent to Hanapel was not sexual or suggestive in nature, and the content of his messages established he was predisposed to commit the crime.

United States v. Spencer High Hawk

Aiding and Abetting Second Degree Murder

In *United States v. High Hawk*, a federal jury convicted defendant of Aiding and Abetting Second Degree Murder. High Hawk challenged both the sufficiency of the evidence and the jury instructions. The Eighth Circuit affirmed, holding that the evidence at trial, including eyewitness testimony and corroborating physical evidence, established High Hawk beat the victim to death with a bat. High Hawk also bragged on Facebook that he murdered someone and needed help fleeing the area. Next, because no reasonable jury would have convicted him of involuntary manslaughter given that the evidence did not suggest the killing was accidental, the Eighth Circuit held the trial court did not plainly err in failing to give an instruction for a lesser-included offense. Additionally, there was no evidence High Hawk acted with “imperfect” self-defense during the attack on the victim.

United States v. Cody Wayne Hopkins

Attempted Enticement of a Minor Using the Internet

In *United States v. Hopkins*, a federal jury convicted the defendant of Attempted Enticement of a Minor Using the Internet following a law enforcement sting operation in which an officer posed as a 13-year-old child and with whom the defendant arranged a meeting for sex. On appeal, he claimed the District Court erred by failing to grant him a new trial because the prosecution unfairly attacked his credibility, misstated elements of the charge, and engaged in generalized prosecutorial misconduct. The Eighth Circuit affirmed the conviction, holding that the claims of misconduct were overstated and, in any event, the evidence of guilt was sufficiently overwhelming that the alleged errors did not have a reasonable probability of affecting the verdict.

United States v. Harvey Allen Hugs

Violation of the Bald and Golden Eagle Protection Act

In *United States v. Hugs*, a federal jury convicted the defendant of unlawfully selling eagle parts. He was sentenced to three years of federal imprisonment and ordered to pay \$70,000 in restitution. He appealed the order of restitution, arguing the District Court did not specify its legal basis for ordering restitution. The Eighth Circuit vacated the judgment and ordered modification of the restitution order. The Court explained that because the defendant was convicted only of selling eagle parts, the actual loss caused by his crime was limited to the money the government spent to buy the eagle parts during the sting operation, not the value of the estimated fourteen eagles he killed.

United States v. Tjuane Leno Lowry

Possession of a Firearm by a Prohibited Person

In *United States v. Lowry*, the defendant pleaded guilty to Possession of a Firearm by a Prohibited Person. He then appealed the District Court’s denials of his motions to dismiss, arguing the government failed to promptly arrange for his appearance in federal court. Lowry had been in state custody for at least seven months on state charges for related conduct. The Eighth Circuit affirmed, ruling that the requirement to present him to a federal judge was not triggered when he was provided paperwork of the pending federal charges, and he did not suffer any due process violations based on the lapse in time.

United States v. Gabriel White Plume, Sr.

Aggravated Sexual Abuse by Use of Force, Assault Resulting in Serious Bodily Injury, Assault by Strangulation or Suffocation, Distribution of a Controlled Substance, and Witness Tampering

In *United States v. White Plume*, a federal jury convicted the defendant of physically and sexually assaulting his girlfriend, witness tampering, and distribution of a controlled substance. On appeal, he argued there was insufficient evidence at trial and that the charges placed him in double jeopardy. The Eighth Circuit affirmed, holding that the evidence established White Plume attempted to prevent the victim from testifying on several occasions. The Court also determined that the victim's significant bruising constituted a "temporary but substantial disfigurement." As to double jeopardy, the Court ruled the charges of aggravated sexual abuse, assault resulting in serious bodily injury, and aiding and abetting sexual abuse all required proof of an element not required by the other two, and so his argument failed.

United States v. John Radermacher

Conspiracy to Distribute a Controlled Substance (Methamphetamine)

In *United States v. Radermacher*, a federal jury convicted the defendant of Conspiracy to Distribute a Controlled Substance. He appealed his conviction, arguing the District Court erred by admitting evidence of his prior drug conviction and for denying his motion for acquittal alleging insufficient evidence. The Eighth Circuit affirmed the conviction, holding the District Court exercised its appropriate discretion in allowing evidence of the prior conviction because it was sufficiently relevant and similar in kind to the charged offense. It also held that the evidence, which included testimony by a co-conspirator and corroborating text messages and financial records, was sufficient to sustain the conviction.

United States v. Jesse Sierra, aka Jesse Sierro, and Dustin Sierra, aka Dustin Sierro

Aggravated Sexual Abuse by Force, Assault Resulting in Serious Bodily Injury, Assault by Strangulation of a Dating Partner, Kidnapping, and Interstate Domestic Violence

In *United States v. Sierra*, a federal jury convicted Jesse Sierra of each of the above charges. The same jury also convicted Jesse's brother, Dustin Sierra, of aiding and abetting the kidnapping and interstate domestic violence. Both Sierra brothers appealed, challenging the District Court's decisions to exclude evidence of the victim's prior trauma, the denial of a motion for a new trial, the denial of a motion to sever, the denial of a claim that the prosecution had failed to turn over evidence, and the denial of challenges to the sufficiency of the evidence. The Eighth Circuit disagreed with all the appellants' arguments, and it affirmed the convictions in all respects, thereby upholding Jesse Sierra's sentence of life imprisonment and Dustin Sierra's 10-year sentence.

United States v. Tina Sully

Felony Child Abuse, Abusive Sexual Contact with a Child, and Assault with a Dangerous Weapon

In *United States v. Sully*, a federal jury convicted the defendant of abusing her three adopted children. Sully's first trial resulted in a mistrial, and her second trial began 18 days later. On appeal, Sully argued the District Court should have granted her requests for a continuance. The Eighth Circuit affirmed, holding the defendant failed to explain what additional arguments, evidence, or witnesses she would have discovered if a continuance had been granted. The Eighth Circuit also

affirmed the admission of hearsay statements by four witnesses who spoke with a victim shortly after her escape from the defendant. If there was any error, it was harmless given the convincing case and because the statements were cumulative of other presented evidence.

United States v. Ronald Totaro

Modification of Restitution

In *United States v. Totaro*, the defendant had been convicted in 2001 of 61 related federal fraud counts regarding his “advance fee” scheme in which he posed as an international banker and bilked investors out of millions of dollars. He was sentenced to 30 years in federal prison and ordered to pay nearly \$2.3 million in restitution. He was released from prison in 2022, and the District Court increased his required monthly restitution payment obligation. He appealed, arguing the District Court failed to adequately consider his financial situation. The Eighth Circuit affirmed, holding that the District Court properly considered all necessary information and did not abuse its discretion when it increased his payment obligations.

United States v. Francisco Villanueva, Estevan Baquera, and Adan James Corona

First Degree Murder, Conspiracy to Commit Assault, Use of a Firearm During a Crime of Violence, and Possession of Ammunition by a Prohibited Person

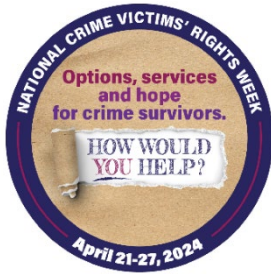
In *United States v. Villanueva et al.*, a federal jury convicted the defendants of murdering Vinny Brewer over an alleged drug debt. Baquera pleaded guilty to acting as an accessory to Brewer’s murder by driving a getaway car. He challenged his 15-year sentence. The Eighth Circuit affirmed, determining he was not treated differently than others who were similarly involved with Brewer’s murder, and that he beat Brewer before he was killed and was also threatening onlookers. Two other defendants, Villanueva and Corona, proceeded to trial and appealed multiple rulings. The Eighth Circuit affirmed, determining there was no error in allowing eyewitness testimony identifying Villanueva as a shooter because the picture the eyewitness had seen of Villanueva after the shooting, but before trial, was found by the victim’s sister, not by law enforcement. There was also no error in the District Court’s decision to exclude a proposed defense expert who would say the identification was problematic because the reliability of the eyewitness testimony was for the jury to decide. The Eighth Circuit also ruled the District Court did not abuse its discretion in declining a jury instruction about a juvenile witness’s testimony because the jury was already properly instructed about motivations it could consider. Corona also challenged the denial of a motion to suppress. The Eighth Circuit affirmed, stating *Miranda* warnings were not required because Corona was only temporarily detained, not “in custody” for purposes of interrogation.

United States v. Eric Virrueta

Possession of a Controlled Substance with Intent to Distribute

In *United States v. Virrueta*, the defendant pleaded guilty to Possession with Intent to Distribute a Controlled Substance. He appealed the denial of a suppression motion regarding the stop of his vehicle and subsequent search. The Eighth Circuit affirmed the denial, holding the stop was based on a reasonable suspicion of criminal activity due to Virrueta’s irregular activity at a nearby store and operating a vehicle without a license. The Eighth Circuit also ruled the stop was not impermissibly extended because the officer smelled marijuana. Finally, Virrueta was on parole and his parole agreement legally allowed his parole officer to consent to a search of his vehicle.

VICTIM RIGHTS AND ADVOCACY



The U.S. Attorney's Office Victim/Witness Assistance Program assists victims of federal crime during the prosecution process, provides information and referrals, helps protect victims' rights, and notifies them of public court proceedings. The USAO-SD is committed to ensuring that victims of crime remain an integral part of the criminal justice process. The Victim/Witness Assistance Program was developed to assure that victims of federal crimes are treated with fairness and respect as they journey through the criminal justice system. This program carries out the mandates of the *Federal Victim and Witness Protection Act of 1982*, the *Victims' Rights and Restitution Act of 1990*, the *Victims of Child Abuse Act of 1990*, the *Crime Victims' Rights Act of 2004*, and other victim-related legislation. These victim/witness assistance and protection laws apply to all victims and witnesses of federal crime who have suffered physical, financial, or emotional trauma. Central to the USAO-SD's work on behalf of victims are our experienced Victim Witness Specialists, Kelli Corrigan, Aileen "Ace" Crawford, and Jo Lepkowski.

A variety of notification and assistance services are provided to victims and witnesses of federal crime by our Victim/Witness Assistance Program staff, Assistant U.S. Attorneys, and other staff with the assistance of tribal and federal law enforcement. We work closely with FBI's victim specialists and the Bureau of Indian Affairs' victim specialists who assist victims in the period between the reporting of a crime and charges being filed by our office. Our shared goal is to provide a seamless path to assist victims of federal crime.

Many victims of federal crime reside within South Dakota's Indian reservations or in rural areas. Staff from the USAO-SD often travel to these communities to meet with victims in person. This provides an opportunity to assess the need for services, gather input, and if necessary, prepare for trial. Direct contact helps to build trust and allows the AUSA assigned to prosecute the case an opportunity to consult with the victim, thereby providing the victim with a voice in the criminal justice process. The victim witness staff accompany and assist with these meetings.

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

Each of our offices has a toll-free number to allow victims and witnesses to easily contact our victim/witness staff. In Sioux Falls, victims and witnesses can call (800) 804-6790; in Pierre, (800) 603-8157; and in Rapid City, (800) 603-3750. When needed, referrals are provided to existing agencies for shelter, counseling, compensation, and other types of assistance services.

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