

TRIBAL JUSTICE NEWS
WEEK OF FEB. 2, 2010

Contact: Melissa Schwartz, Office of Public Affairs: (202) 514-2007

Department of Justice FY 2011 Budget Request (AG)

Attorney General Eric Holder announced on Feb. 1, 2010, that President Obama's Fiscal Year (FY) 2011 budget proposal totals \$29.2 billion for the Department of Justice (DOJ) to increase support for the department's national security and traditional law enforcement missions, renewed focus on economic crime and financial fraud, while strengthening state, local and tribal public safety efforts. Specifically, the FY 2011 President's Budget requests \$448.8 million in total resources for public safety initiatives for tribal communities. New investments include significant grant resources for addressing a broad range of criminal justice issues and additional FBI agents and forensic support to help tribal communities combat illegal drug use, trafficking and violent crime. For more information, view the Indian Country Public Safety Initiatives Information Sheet at

<http://www.justice.gov/jmd/2011factsheets/>

<http://www.justice.gov/opa/pr/2010/February/10-ag-109.html>

Oglala Man Sentenced for Possessing a Pistol (U.S. Attorney for the District of South Dakota)

U.S. Attorney Brendan V. Johnson announced that a man from Oglala, S.D., charged with being a felon in possession of a firearm was sentenced on Feb. 1, 2010, by Chief U.S. District Judge Karen E. Schreier. Dorian New Holy, age 27, was sentenced to 27 months in prison, three years supervised release and a \$100 special assessment.

<http://www.justice.gov/usao/sd/Media.html>

Wakpala Man Gets 24 months for Assaulting Woman (U.S. Attorney for the District of South Dakota)

U.S. Attorney Brendan V. Johnson announced that a Wakpala, S.D., man charged with assault with a dangerous weapon and assault resulting in serious bodily injury was sentenced on Feb. 1, 2010, by U.S. District Judge Charles B. Kornmann. Allen C. Shillingstad, age 46, was sentenced to 80 months in prison, three years of supervised release and a \$200 special assessment to the Victim Assistance Fund. The charges stemmed from an assault Shillingstad inflicted by hitting a Wakpala woman with a board in December 2008.

<http://www.justice.gov/usao/sd/Media.html>

Woman Sentenced for Possession With Intent to Distribute a Controlled Substance (U.S. Attorney for the District of South Dakota)

U.S. Attorney Brendan V. Johnson announced that a Rapid City, S.D., woman charged with possession with intent to distribute a controlled substance was sentenced on Feb. 1, 2010, by Chief U.S. District Judge Karen E. Schreier. Nicole Big Crow, age 33, was sentenced to time served, three years supervised release and a \$100 special assessment. Big Crow was indicted by a federal grand jury on May 19, 2009. On Oct. 24, 2008, during a traffic stop, Big Crow was found to be in possession of cocaine which she intended to distribute on the Pine Ridge Indian Reservation.

http://www.justice.gov/usao/sd/media_news/RC-02-01-10-Crow.html

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

U.S. Attorney Brendan V. Johnson announced that Wenona Rooks, age 38, of Cherry Creek, S.D., appeared before U.S. District Judge Roberto A. Lange on Feb. 1, 2010, and pleaded guilty to felony child abuse. The maximum penalty upon conviction is 10 years in custody, a \$250,000 fine, or both; three years of supervised release; and a \$100 special assessment. The charge relates to the suspect's abuse of a Cherry Creek child from July 2006 to November 2008.

http://www.justice.gov/usao/sd/media_news/Pierre-02-01-10-Rooks.html

Elwyn Floyd Has The Eagle, Jr., Sentenced in U.S. District Court (U.S. Attorney for the District of Montana)

The U.S. Attorney for the District of Montana announced that during a federal court session in Great Falls, Mont., on Feb. 1, 2010, before U.S. District Judge Sam E. Haddon, Elwyn Floyd Has The Eagle, Jr., a 26-year-old resident of Lodge Pole, Mont. was sentenced to multiple life terms in prison. Has The Eagle was sentenced after having been found guilty at trial of a number of charges, including three counts of first degree murder.

<http://www.justice.gov/usao/mt/pressreleases/last20.html>



Thirty-Year Sentence for Sexual Abuse of a Child (U.S. Attorney for the District of North Dakota)

Acting U.S. Attorney Lynn Jordheim announced that on Feb. 1, 2010, Michael P. Baker, 34, of Dunseith, N.D., was sentenced before U.S. District Court Judge Daniel L. Hovland on a charge of aggravated sexual abuse of a child. Baker pleaded guilty to the charge on Sept. 15, 2009. Baker acknowledged sexually abusing a child on Jan. 31, 2009, in Dunseith. Judge Hovland sentenced Baker to serve 30 years in federal prison, to be followed by five years of supervised release.

<http://www.justice.gov/usao/nd/pressreleases/2010/02-01-2010-Baker%20Sentenced.pdf>

30-Year Sentence for Voluntary Manslaughter and Child Abuse (U.S. Attorney for the District of North Dakota)

Acting U.S. Attorney Lynn Jordheim announced that on Feb. 1, 2010, James Haggerty, 25, of Dunseith, N.D., was sentenced to 30 years in federal prison, to be followed by five years of supervised release, by U.S. District Court Judge Daniel L. Hovland on charges of voluntary manslaughter and child abuse. The voluntary manslaughter charge resulted from Haggerty's conduct on March 19, 2009, when he threw his three-month-old child against a wall causing traumatic injury and death to the child.

<http://www.justice.gov/usao/nd/pressreleases/2010/02-01-2010-Haggerty%20Sentenced.pdf>

Man Sentenced for Embezzlement and Theft from an Indian Tribal Organization (U.S. Attorney for the District of South Dakota)

U.S. Attorney Brendan V. Johnson announced that a man charged with embezzlement and theft from an Indian tribal organization was sentenced on Jan. 29, 2010, by U.S. Magistrate Judge Veronica L. Duffy. Donald Bettelyoun, age 42, of Pine Ridge, S.D., was sentenced to one year probation and ordered to pay \$17,552 in restitution and \$100 to the Victim Assistance Fund. Bettelyoun pleaded guilty to a superseding information on Nov. 3, 2009, and admitted to willingly and knowingly endorsing and cashing a check drawn on the Oglala Sioux Tribe Home Improvement Program, for a construction project. Bettelyoun then converted all of the money to his own use and did no work on the project.

http://www.justice.gov/usao/sd/media_news/RC-02-01-10-Bettelyoun.html

Nebraska Man Indicted for Sexual Abuse (U.S. Attorney for the District of South Dakota)

U.S. Attorney Brendan V. Johnson announced that a Broken Bow, Neb., man has been indicted by a federal grand jury for sexually abusing a girl under the age of 16. Cody Jay Grass, age 26, was indicted by a federal grand jury for sexual abuse and sexual abuse of a minor. He appeared before U.S. Magistrate Judge Veronica L. Duffy on Jan. 29, 2010, and pleaded not guilty to the indictment. The maximum penalty upon conviction of the sexual abuse charge is any term of years up to life in prison and/or a \$250,000 fine; the maximum penalty upon conviction of the sexual abuse of a minor charge is 15 years in prison and/or a \$250,000 fine.

http://www.justice.gov/usao/sd/media_news/RC-02-01-10-Grass.html

Man Pleads Guilty to Burglary Charge (U.S. Attorney for the District of South Dakota)

U.S. Attorney Brendan V. Johnson announced that Michael Eldon Red Hawk, age 20, of Pine Ridge, S.D., appeared before U.S. District Judge Jeffrey L. Viken on Jan. 29, 2010, and pleaded guilty to an indictment that charged him with third degree burglary. The maximum penalty upon conviction is 10 years in prison and/or a \$250,000 fine. On July 21, 2007, Red Hawk broke into a business on the Pine Ridge Indian Reservation, stealing computer equipment and causing damage by spray painting.

http://www.justice.gov/usao/sd/media_news/RC-02-01-10-Hawk.html

Woman Sentenced for Assault Resulting in Substantial Bodily Injury (U.S. Attorney for the District of South Dakota)

U.S. Attorney Brendan V. Johnson announced that a St. Francis, S.D., woman charged with assault resulting in substantial bodily injury was sentenced on Jan. 28, 2010, by U.S. District Judge Charles B. Kornmann. Timmi White Bird, age 19, was sentenced to two years of probation and was given credit for having already served seven months in custody. The charges relate to the events that took place in Todd County, S.D., on June 14, 2009, when the defendant assaulted an individual who had not attained the age of 16 years, and said assault resulted in substantial bodily injury.

http://www.justice.gov/usao/sd/media_news/Pierre-02-01-10-Bird.html

Redby Man Pleads Guilty to Assault (U.S. Attorney for the District of Minnesota)

A 31-year-old Redby, Minn., man pleaded guilty on Jan. 28, 2010, in federal court to assaulting another man without cause on Sept. 2, 2009. Appearing before U.S. District Court Chief Judge

Michael J. Davis in Minneapolis, Roy Randolph White, Sr., pleaded guilty to one count of aggravated assault. According to a FBI affidavit, Red Lake tribal police found the 35-year-old victim lying on a cement porch in a pool of blood on the Red Lake Indian Reservation on Sept. 2, 2009. Witnesses reported that White had kicked the victim numerous times in addition to repeatedly punching him.

<http://www.justice.gov/usao/mn/major/major0492.pdf>

Man Sentenced for Failure to Register as a Sex Offender (U.S. Attorney for the District of South Dakota)

United States Attorney Brendan V. Johnson announced that a Fort Thompson, S.D., man charged with failure to register as a sex offender was sentenced on Jan. 28, 2010, by U.S. District Judge Charles B. Kornmann. Richard Ashley Irving, age 21, was sentenced to two years of probation to be served concurrently with his pending state court sentence and supervision. He must also pay a special assessment of \$100 to the Victim Assistance Fund. Irving was indicted for two counts of failure to register as a sex offender by a federal grand jury on June 23, 2009. The charge stems from Irving failing to register in Ft. Thompson following his relocation there between March and May of 2009.

http://www.justice.gov/usao/sd/media_news/Pierre-01-28-10-Irving.html

U.S. Attorney's Office hosting Tribal Listening Conference (U.S. Attorney for the District of South Dakota)

U.S. Attorney for the District of South Dakota Brendan V. Johnson announced on Jan. 27, 2010, that his office is hosting a tribal listening conference on Feb. 4, 2010, at the Cedar Shore Resort in Oacoma, S.D. The listening conference will provide an opportunity for leaders, law enforcement officials and members of South Dakota's nine Indian tribes to present specific concerns involving the issue of public safety in tribal communities.

http://www.justice.gov/usao/sd/media_news/SF-01-27-10-Conference.html

Woman Sentenced for Abuse of a Minor (U.S. Attorney for the District of South Dakota)

U.S. Attorney Brendan V. Johnson announced that a woman charged with abuse of a minor was sentenced on Jan. 27, 2010, by U.S. District Judge Richard H. Battey. Jackie Black Hawk, age 28, of Wanblee, S.D., was sentenced to 27 months in prison, three years supervised release, and ordered to pay \$100 to the Victim Assistance Fund. Black Hawk was a passenger in a vehicle wherein she knew the driver was intoxicated and was driving too fast for the road conditions. The vehicle left the road and rolled numerous times. The driver and Black Hawk placed her five-month-old child in the vehicle who was not restrained in a car seat and was killed as a result of the crash.

http://www.justice.gov/usao/sd/media_news/RC-01-28-10-Hawk.html

Man Pleads Guilty for Abuse of a Minor (U.S. Attorney for the District of South Dakota)

U.S. Attorney Brendan V. Johnson announced that John Bissonette, age 37, of Pine Ridge, S.D., appeared before U.S. District Judge Richard H. Battey on Jan. 27, 2010, and pleaded guilty to abuse of a minor. The maximum penalty upon conviction is 15 years in prison and a \$250,000 fine. Bissonette and the child's mother had consumed alcoholic beverages and then placed their 5-month old child in

the same bed in which both adults were sleeping. The child was killed as a result of being rolled upon by one of the adults.

http://www.justice.gov/usao/sd/media_news/RC-01-27-10-Bissonette.html

Woman Pleads Guilty for Abuse of a Minor (U.S. Attorney for the District of South Dakota)

U.S. Attorney Brendan V. Johnson announced that Kendra Warrior, age 23, of Pine Ridge, appeared before U.S. District Judge Richard H. Battey on Jan. 27, 2010, and pleaded guilty to involuntary manslaughter. The maximum penalty upon conviction is eight years imprisonment and a \$250,000 fine. Warrior and the child's father had consumed alcoholic beverages and then placed their 5-month old child in the same bed in which both adults were sleeping. The child was killed as a result of Warrior lying on top of him.

http://www.justice.gov/usao/sd/media_news/RC-01-28-10-Warrior.html

Court Appearances in Montana (U.S. Attorney for the District of Montana)

On Jan. 27, 2010, the following people appeared in federal court in Montana:

- Chase Ray Strike, a 30-year-old resident of Billings, Mont., appeared on charges of conspiracy to possess with the intent to distribute ecstasy and possession with the intent to distribute ecstasy. If convicted of these charges, Strike faces possible penalties of 20 years in prison, a \$1,000,000 fine and at least three years supervised release.
- Otis Yellow Mule, a 23-year-old resident of Wyola, Mont., appeared on charges of robbery and assault with a dangerous weapon. If convicted of these charges, Yellow Mule faces possible penalties of 15 years in prison, a \$250,000 fine and three years supervised release.
- Sarah Plain Bull, a 28-year-old resident of Lodge Grass, Mont., appeared on a charge of robbery. If convicted of this charge, Plain Bull faces possible penalties of 15 years in prison, a \$250,000 fine and three years supervised release.

<http://www.justice.gov/usao/mt/pressreleases/20100127154842.html>

Ernest William Peltzer Sentenced in U.S. District Court (U.S. Attorney for the District of Montana)

The U.S. Attorney for the District of Montana announced that during a federal court session in Billings, Mont., on Jan. 27, 2010, before Senior U.S. District Judge Jack D. Shanstrom, Ernest William Peltzer, a 49-year-old resident of Lodge Grass, Mont., sentenced to a term of 135 months in prison, followed by five years of supervised release. Peltzer was sentenced in connection with his guilty plea to aggravated sexual abuse of a minor.

<http://www.justice.gov/usao/mt/pressreleases/20100127142432.html>

Fort Hall Man Sentenced for Illegal Possession of a Firearm (U.S. Attorney for the District of Idaho)

James Callahan, 41, of Fort Hall, Idaho, was sentenced on Jan. 27, 2010, to 15 months in federal prison for illegal possession of a firearm, the U.S. Attorney's Office announced. In October 2009, Callahan entered a guilty plea to possessing a shotgun at a residence in Fort Hall in June 2008.

Callahan had previously been convicted in Wyoming of aggravated assault, a felony, and was prohibited from possessing firearms because of the felony conviction.

http://www.justice.gov/usao/id/public_info/pr10/jan/callahan01272010.html

Man Sentenced for Interference with Commerce, Use and Brandishing of a Firearm During Commission of a Violent Felony and Possession of a Stolen Firearm (U.S. Attorney for the District of South Dakota)

U.S. Attorney Brendan V. Johnson announced that a man charged with interference with commerce (Hobbs Act), use and brandishing of a firearm during commission of a violent felony, and possession of a stolen firearm was sentenced on Jan. 26, 2010, by U.S. District Judge Richard H. Battey. Arlen Hatten, age 19, of Rapid City, S.D., was sentenced to 84 months in prison, three years supervised release and ordered to pay \$1,100 in restitution and \$100 to the Victim Assistance Fund. Hatten held up at gunpoint an attendant who was manning the ticket booth at the Crazy Horse Memorial in Custer, and absconded with \$1,100.

http://www.justice.gov/usao/sd/media_news/RC-02-01-10-Hatten.html

Red Lake Man Pleads Guilty to Sexual Abuse, Failing to Register as a Sex Offender (U.S. Attorney for the District of Minnesota)

A 27-year-old Red Lake, Minn., man pleaded guilty on Jan. 26, 2010, in federal court to sexually abusing a woman physically unable to defend herself. Jeremy Charles Wind also pleaded guilty to failing to register as a sex offender. He was indicted on Aug. 11, 2009. As to the charge of sexual abuse, Wind admitted entering the victim's bedroom on May 22, 2009, and proceeding to have sex with her, knowing she was incapable of declining participation or communicating unwillingness to engage in the sexual act. In addition, Wind admitted that from October 2008 to May 2009, he was not properly registered as a sex offender under the Sex Offender Registration and Notification Act.

<http://www.justice.gov/usao/mn/major/major0489.pdf>

Man Pleads Guilty to Assault with a Dangerous Weapon (U.S. Attorney for the District of South Dakota)

U.S. Attorney Brendan V. Johnson announced that Sky Chasing His Horse, age 19, of Rosebud, S.D., appeared before U.S. District Judge Roberto A. Lange on Jan. 26, 2010, and pleaded guilty to the indictment that charged him with assault with a dangerous weapon. The maximum penalty upon conviction is 10 years in prison, a \$250,000 fine, or both; three years of supervised release; and a special assessment of \$100 to the Victim Assistance Fund.

http://www.justice.gov/usao/sd/media_news/Pierre-01-27-10-Horse.html

Man Indicted for Assault with a Dangerous Weapon and Assault Resulting in Serious Bodily Injury (U.S. Attorney for the District of South Dakota)

U.S. Attorney Brendan V. Johnson announced on Jan. 26, 2010, that a McLaughlin, S.D., man has been indicted by a federal grand jury for assault with a dangerous weapon and assault resulting in serious bodily injury. Matthew D. Hawk Bear, age 24, appeared before U.S. Magistrate Judge William D. Gerdes and pleaded not guilty to the indictment. The maximum penalty upon conviction is

10 years in custody, a \$250,000 fine, or both; three years of supervised release; and a \$100 Special Assessment. The charges relate to an alleged assault of several McLaughlin residents with a motor vehicle.

http://www.justice.gov/usao/sd/media_news/Pierre-01-27-10-Bear.html

Fort Yates Man Sentenced for Assault (United States Attorney's Office District of North Dakota)

Acting U.S Attorney Lynn Jordheim announced that on Jan. 26, 2010, Matthew St. Pierre, 24, Fort Yates, N.D., was sentenced before U.S. District Court Judge Daniel L. Hovland on a charge of assault resulting in serious bodily injury. St. Pierre pleaded guilty on Nov. 2, 2009. Judge Hovland sentenced St. Pierre to serve three years and five months in federal prison, to be followed by three years of supervised release.

<http://www.justice.gov/usao/nd/pressreleases/2010/01-25-2010-St%20Pierre%20Sentenced.pdf>

###