

2007 ANNUAL REPORT

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CHILD PORNOGRAPHY and COERCION/ENTICEMENT

JERALD ELMO BROBST

JERALD ELMO BROBST, a resident of Bigfork, was sentenced to a term of:

- Prison: 84 months
- Special Assessment: \$200
- Fine: \$15,000
- Supervised Release: life
- Forfeiture: computer equipment

BROBST was sentenced after having been found guilty during a 1-day trial of receipt and possession of child pornography.

At trial, the government presented evidence of the following:

On July 11, 2006, a contractor reported to the Lake County Sheriff's Office that he had been hired by BROBST to perform some work at BROBST'S residence in Bigfork. The contractor reported that while at BROBST'S residence on that day, he was attempting to move a filing cabinet out of the way, which he did by rocking the cabinet back and forth. The contractor reported that he walked around the back of the cabinet and saw a small stack of papers lying on the floor. The top paper had a picture of a young girl, approximately 6 or 7 years old. The girl was naked and in a sexual position. The contractor reported that he believed the photo had been printed out from the Internet because it had printing on the edge of it which he felt was consistent with an Internet page.

A search warrant for BROBST'S residence was obtained and a search conducted. Found during the search was the filing cabinet referenced by the contractor, along with 28 pages of printed material, most of which were photographs of children engaged in sexual conduct. BROBST came home with a friend while the search was underway. The officers told BROBST that they had located child pornography in his bedroom under a filing cabinet and asked him if it was his. BROBST replied that the house was his and thus the material must be his also. He also noted that no one else lived in the house; the officer asked if the papers might belong to someone else, to which BROBST again replied that it was his house so they must be his.

After the search was completed and numerous items of computer equipment were seized, BROBST was questioned at the Sheriff's Office. BROBST admitted that he began ordering child pornography approximately 3 years earlier. BROBST said he had gotten interested in child pornography as it was "forbidden fruit." BROBST admitted that he had printed the child pornography images found by the contractor several years ago, and believed they had fallen out of the filing cabinet.

A forensic analysis of the computer equipment was conducted and numerous images and videos of child pornography, including images of children clearly under age 12 or prepubescent, and children engaged in sadistic or masochistic abuse or other depictions of violence.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that BROBST will likely serve **all** of the time imposed by the court. In the federal system, BROBST does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Marcia K. Hurd prosecuted the case for the United States.

The investigation was conducted by the Lake County Sheriff’s Office and the Montana Department of Criminal Investigation.

This case was brought as part of Project Safe Childhood. In February 2006, Attorney General Alberto R. Gonzales created Project Safe Childhood, a nationwide initiative designed to protect children from online exploitation and abuse. Led by the United States Attorneys’ Offices, Project Safe Childhood marshals federal, state and local resources to better locate, apprehend, and prosecute individuals who exploit children via the Internet, as well as identify and rescue victims. For more information about Project Safe Childhood, please visit www.projectsafefchildhood.gov/.

DANIEL CHILDS

DANIEL CHILDS, a 24-year-old resident of Great Falls, was sentenced to a term of:

- Prison: 88 months
- Special Assessment: \$200
- Supervised Release: 5 years
- Forfeiture: computer equipment

CHILDS was sentenced in connection with his guilty plea to receipt and possession of child pornography.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

The Wyoming Internet Crimes Against Children Taskforce initiated an undercover operation targeting peer-to-peer file sharing networks offering child pornography.

In March of 2006, a computer utilizing the IP address assigned to CHILDS’ computer at his residence in Great Falls had images of child pornography available to other peer-to-peer users.

On May 5, 2006, agents with the U.S. Immigration and Customs Enforcement (ICE) executed a search warrant at CHILDS' residence on the Air Force Base in Great Falls.

Found during the search was a computer that CHILDS admitted he used to receive and possess child pornography. Forensic analysis of CHILDS' computer revealed numerous image files and movies containing images of children engaged in sexually explicit conduct.

When questioned, CHILDS admitted his role in receiving and possessing child pornography via the Internet.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that CHILDS will likely serve **all** of the time imposed by the court. In the federal system, CHILDS does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Marcia K. Hurd prosecuted the case for the United States.

The investigation was conducted by the U.S. Immigration and Customs Enforcement.

MARCUS DEAN

MARCUS DEAN, a 27-year-old resident of Helena, was sentenced to a term of:

- Prison: 120 months
- Special Assessment: \$300
- Restitution: \$768.40
- Supervised Release: life

DEAN was re-sentenced in connection with his guilty plea to interstate transportation of a minor; travel with the intent to engage in illicit sexual conduct; and distribution of drugs to a person under the age of 21, after his original sentence was appealed to the Ninth Circuit Court of Appeals. The sentence was reversed and remanded back to U.S. District Court for re-sentencing.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

In late 2005, DEAN became acquainted with a 15-year-old girl. DEAN introduced her to the intravenous use of narcotics, including oxycodone and morphine, both Schedule II drugs. DEAN provided the young girl with the narcotics and injected her with the drugs at various locations in Helena from December of 2005 through February of 2006.

DEAN and the young girl also engaged in a sexual relationship that included sexual intercourse, even though DEAN was aware that she was only fifteen.

In January of 2006, DEAN, the young girl, and two other people traveled to Portland, Oregon. DEAN transported or caused the young girl to be transported across state lines. DEAN and the young girl engaged in sexual intercourse in several states during the drive to and from Portland. DEAN also procured heroin that he injected into the girl.

When questioned, DEAN admitted that he had distributed the narcotics to the young girl and that he had intravenously injected her with the drugs. He also admitted that he had transported or caused her to be transported across state lines and that he had traveled across state lines to Portland where they engaged in sexual activity and heroin use.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that DEAN will likely serve **all** of the time imposed by the court. In the federal system, DEAN does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Marcia K. Hurd prosecuted the case for the United States.

The investigation was a cooperative effort between the Federal Bureau of Investigation and the Helena Police Department.

GARY DOERR

GARY DOERR, a 49-year-old resident of Helena, was sentenced to a term of:

- Prison: 18 months
- Special Assessment: \$100
- Supervised Release: 20 years
- Forfeiture: computer equipment

DOERR was sentenced in connection with his guilty plea to possession of child pornography.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On October 3, 2005, the Helena Crimestoppers Office received a phone call from a caller alleging that DOERR had a computer disk that had child pornography on it at his residence in Helena. Two law enforcement officers went to DOERR’S residence to speak with him about the allegations.

DOERR gave verbal and written consent for the officers to search his computer, which they did. No child pornography was found on the computer. The officers asked DOERR about any disks that he had that might contain child pornography and he retrieved a Zipdisk titled “Private Collection.” DOERR advised that he had received the child pornography on the disk via the Internet some years ago while residing in Idaho.

The agents viewed the images on the disk and found child pornography. DOERR detailed for the agents how he came to be in possession of the child pornography and gave a hand-written confession.

The computer disk in question was forensically searched and items of mostly male child pornography were located. The images included children clearly under the age of 12, and included images of sadistic or masochistic abuse or images of violence. The images included pictures of infants and toddlers being penetrated, and also included a number of images of previously identified victims.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that DOERR will likely serve **all** of the time imposed by the court. In the federal system, DOERR does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Marcia K. Hurd prosecuted the case for the United States.

The investigation was a cooperative effort between the Federal Bureau of Investigation and the Helena Police Department.

This case is being brought as part of Project Safe Childhood. In February 2006, Attorney General Alberto R. Gonzales created Project Safe Childhood, a nationwide initiative designed to protect children from online exploitation and abuse. Led by the United States Attorneys’ Offices, Project Safe Childhood marshals federal, state and local resources to better locate, apprehend, and prosecute individuals who exploit children via the Internet, as well as identify and rescue victims. For more information about Project Safe Childhood, please visit www.projectsafefchildhood.gov/.

RICHARD DROST

RICHARD DROST, a 29-year-old resident of Great Falls, was sentenced to a term of:

- Prison: 168 months
- Special Assessment: \$200
- Supervised Release: lifetime

DROST was sentenced in connection with his guilty plea to receipt and possession of child pornography.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

In December of 2006, the Great Falls Police Department received a report that DROST had what appeared to be child pornography in his possession via a computer. DROST’S roommate in Great Falls reported that she had observed DROST in front of

the computer masturbating, holding a pair of the roommate's panties and watching a movie which appeared to depict a female child engaged in sexual activity with a dog.

When interviewed, DROST admitted that he had a juvenile history of sexual offenses against children, including offenses while he was in sexual offender treatment. DROST admitted that he used a peer-to-peer program to search out movies, and that some of the movies depicted children engaged in sexually explicit activity. DROST also admitted that he had an interest in child pornography movies and had downloaded more of them than adult pornography movies. DROST further admitted that he knew it was illegal to download and possess child pornography. DROST also admitted to the conduct described by the roommate to the Great Falls Police Department.

The computers used by DROST were seized and analyzed for the presence of child pornography. Numerous movies were found, including those with titles and descriptions specifically mentioned by DROST as being child pornography. Some of the movies are difficult to determine the age of the child involved, but DROST took a substantial step towards the receipt and possession of child pornography and believed the images to be those of children, including a thirteen-year old girl.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that DROST will likely serve **all** of the time imposed by the court. In the federal system, DROST does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Marcia K. Hurd prosecuted the case for the United States.

The investigation was conducted by the U.S. Immigration and Customs Enforcement.

WILLIAM GALLENARDO

WILLIAM JAMES GALLENARDO, a 46-year-old resident of Belgrade, was sentenced to a term of:

- Prison: life imprisonment on Count I, and 240 months on Count II, to run concurrently
- Special Assessment: \$200
- Supervised Release: life
- Forfeiture: media cards

GALLENARDO was sentenced after having been found guilty during a 2-day trial of sexual exploitation of children and possession of child pornography.

At trial, the government presented evidence of the following:

GALLENARDO was married in June of 2002, to a woman hereafter referred to as

"L.G.". GALLENARDO reported to "L.G." that he served time in prison for sexually abusing a child, but that he had changed. GALLENARDO purchased a black Olympus camera that he used during their marriage. In 2005, "L.G." found 4 camera memory cards and a video tape that contained nude images of a juvenile male, hereafter referred to as "B.L.". She also found separate images of two other males. "L.G." hid the items, but GALLENARDO was mad that she had found them. "L.G." gave two of the memory cards and the video back to GALLENARDO and he burned them. "L.G." kept the two memory cards that contained the nude images of "B.L.", a juvenile. "L.G." turned those cards over to law enforcement when allegations surfaced in 2006 that GALLENARDO had sexually abused another male child.

"B.L." was questioned and reported that GALLENARDO had taken both digital pictures of him as well as videotape and that the events took place during 2003 - 2005 at Belgrade and various other locations the two were together. "B.L." reported that he complied with GALLENARDO'S requests because he did not want GALLENARDO to do something to him. "B.L." has some developmental delays as well.

During the investigation, "B.L." made a recorded telephone call to GALLENARDO wherein GALLENARDO told "B.L." that the pictures were "burned" and told him what to say if contacted by law enforcement. GALLENARDO told "B.L." to keep with that story or GALLENARDO would spend 25 years in prison. GALLENARDO told "B.L." that he burned the pictures in the burn barrel.

GALLENARDO was sentenced as a repeat offender pursuant to 18 U.S.C. § 3559(e), the "two-strikes and you're out" law. GALLENARDO has prior sexual abuse convictions involving children in Montana from 1987 for which he spent time at the Montana State Prison. Because there is no parole in the federal system, GALLENARDO will serve the remainder of his life in federal prison.

Assistant U.S. Attorney Marcia K. Hurd prosecuted the case for the United States.

The investigation was conducted by the Federal Bureau of Investigation, Gallatin County Sheriff's Office, and Montana Department of Criminal Investigations.

This case was brought as part of Project Safe Childhood. In February 2006, Attorney General Alberto R. Gonzales created Project Safe Childhood, a nationwide initiative designed to protect children from online exploitation and abuse. Led by the United States Attorneys' Offices, Project Safe Childhood marshals federal, state and local resources to better locate, apprehend, and prosecute individuals who exploit children via the Internet, as well as identify and rescue victims. For more information about Project Safe Childhood, please visit www.projectsafefchildhood.gov/.

THOMAS HENRY GINN

THOMAS HENRY GINN, a 27-year-old resident of Louisiana, was sentenced to a term

of:

- Prison: 97 months
- Special Assessment: \$200
- Supervised Release: life
- Forfeiture: computer equipment

GINN was sentenced in connection with his guilty plea to guilty to receipt and possession of child pornography.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

U.S. Immigration and Customs agents were investigating allegations of child pornography distribution by users utilizing the peer-to-peer file sharing network. One investigation involved a person in Missoula, who had child pornography available via a file sharing program in 2005. ICE agents tracked the computer IP address to GINN at a residence in Missoula.

The agents executed a search warrant on that residence on August 3, 2005. They learned from the current occupant that GINN was no longer residing there. The agents located where GINN was then occasionally living in Missoula, and another search warrant was obtained. During the search, agents seized GINN'S laptop computer and a pen drive for forensic analysis.

The homeowner of the residence also consented to the agents looking at her computer that GINN occasionally used, as she had found a program installed that she was not familiar with. Items of child pornography were found on that computer also. A forensic examination of GINN'S computer found numerous items of child pornography that GINN had received and possessed via the Internet during 2005.

When questioned, GINN admitted that he had begun using the Internet to download files containing child pornography for five or six months. GINN organized his child pornography collection into three folders with images in one, videos in another, and stories in a third. GINN admitted that he used his computer equipment to access the child pornography, as well as the computers of two other women with whom he stayed. GINN had images of children under the age of twelve, as well as images of sadistic or masochistic sexual abuse or depictions of violence as defined under Ninth Circuit law.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that GINN will likely serve **all** of the time imposed by the court. In the federal system, GINN does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Marcia K. Hurd prosecuted the case for the United States.

The investigation was conducted by the U.S. Immigration and Customs Enforcement.

This case was brought as part of Project Safe Childhood. In February 2006, Attorney General Alberto R. Gonzales created Project Safe Childhood, a nationwide initiative designed to protect children from online exploitation and abuse. Led by the United States Attorneys' Offices, Project Safe Childhood marshals federal, state and local resources to better locate, apprehend, and prosecute individuals who exploit children via the Internet, as well as identify and rescue victims. For more information about Project Safe Childhood, please visit www.projectsafefchildhood.gov/.

SCOTT PATRICK HEDDINGS

SCOTT PATRICK HEDDINGS, a 37-year-old resident of Cascade, was sentenced to a term of:

- Prison: 240 months
- Special Assessment: \$300
- Supervised Release: lifetime

HEDDINGS was sentenced in connection with his guilty plea to receipt and possession of child pornography and destruction of property to prevent seizure.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On September 12, 2005, detectives with the Cascade County Sheriff's Office, Riverside Police Department in Missouri and Kansas City Police Department, arrested HEDDINGS at his residence in Cascade. HEDDINGS was arrested on state court sexual abuse charges. During that interview, HEDDINGS also admitted that he had received and possessed child pornography via the Internet using various computer equipment at his residence. He consented to the seizure of that equipment for analysis.

Forensic analysis revealed a large number of images of child pornography that HEDDINGS received and saved via the Internet. While incarcerated, HEDDINGS telephoned his wife and walked her through the deletion of certain other child pornography files on a computer that the agents had not seized, as HEDDINGS claimed that it was clean of any child pornography. After listening to the tape recorded telephone conversation, the agents returned to the HEDDINGS' residence and seized the computer in question. A forensic examination found the files that HEDDINGS had instructed his wife to delete and they contained additional child pornography.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that HEDDINGS will likely serve **all** of the time imposed by the court. In the federal system, HEDDINGS does have the opportunity to earn a sentence reduction for

“good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Marcia K. Hurd prosecuted the case for the United States.

The investigation was a cooperative effort between the U.S. Immigration and Customs Enforcement, the Cascade County Sheriff’s Office, the Riverside Missouri Police Department and the Kansas City Police Department.

This case was brought as part of Project Safe Childhood. In February 2006, Attorney General Alberto R. Gonzales created Project Safe Childhood, a nationwide initiative designed to protect children from online exploitation and abuse. Led by the United States Attorneys’ Offices, Project Safe Childhood marshals federal, state and local resources to better locate, apprehend, and prosecute individuals who exploit children via the Internet, as well as identify and rescue victims. For more information about Project Safe Childhood, please visit www.projectsafefchildhood.gov/.

GLENN HELLER

GLENN HELLER, a resident of Helena, was sentenced to a term of:

- Prison: 87 months
- Special Assessment: \$200
- Supervised Release: life

HELLER was sentenced after having been found guilty of receipt and possession of child pornography following a 1-day bench trial.

At trial, the government presented evidence of the following:

From 2001-2004 in Helena, Heller provided paid caregiving services for a disabled adult male with cerebral palsy, depression, brain seizures, and an IQ of 74, who was under the guardianship of the State of Montana.

While HELLER cared for the individual, hereafter referred to as “John Doe”, HELLER directed “John Doe” to connect with websites on the Internet which offered child pornography and had “John Doe” download the child pornography to “John Doe’s” computer hard drive. HELLER and “John Doe” would then watch the movies and HELLER would engage “John Doe” in sexual activity. HELLER also directed “John Doe” to download child pornography images to a computer file titled “Glenn’s Files” and had him make several CDs that specifically referenced HELLER on the label of the CD. HELLER would lock the door to “John Doe’s” room so that he would not be interrupted while viewing child pornography and engaging in sexual activity. HELLER used the easily manipulated developmentally disabled individual to procure and store child pornography in a place that was easily and regularly accessed by HELLER.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that HELLER will likely serve **all** of the time imposed by the court. In the federal system, HELLER does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Marcia K. Hurd prosecuted the case for the United States.

The investigation was a cooperative effort between the Federal Bureau of Investigation and the Helena Police Department.

This case was brought as part of Project Safe Childhood. In February 2006, the Department of Justice launched Project Safe Childhood, a nationwide initiative designed to protect children from online exploitation and abuse. Led by the United States Attorneys’ Offices, Project Safe Childhood marshals federal, state and local resources to better locate, apprehend, and prosecute individuals who exploit children via the Internet, as well as identify and rescue victims. For more information about Project Safe Childhood, please visit www.projectsafechildhood.gov/.

JEFFREY HILGER

JEFFREY HILGER, a 53-year-old resident of Helena, was sentenced to a term of:

- Prison: 60 months
- Special Assessment: \$200
- Supervised Release: lifetime

HILGER was sentenced in connection with his guilty plea to receipt and possession of child pornography.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On In 2002, the FBI served a search warrant on a web hosting company in California. Seized was the company’s database which contained over 20,000 names of suspected purchasers of child pornography who had used credit cards to purchase the material. HILGER was among the names on the list. Based upon this attempt to purchase, the FBI began an investigation of HILGER.

On August 25, 2005, FBI agents interviewed HILGER at his residence in Helena. HILGER admitted that he had tried to purchase access to a child pornography website in approximately 2002 but was denied access.

HILGER then gave the agents consent to do a pre-search of his computers while at his residence. The agents found numerous images of child pornography and his computers were seized. HILGER admitted that all three of the computers contained

child pornography that he had searched for, found, and saved via the Internet.

A forensic analysis of HILGER'S computer revealed numerous image files and movies containing images of children engaged in sexually explicit conduct.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that HILGER will likely serve **all** of the time imposed by the court. In the federal system, HILGER does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Marcia K. Hurd prosecuted the case for the United States.

The investigation was conducted by the Federal Bureau of Investigation.

This case was brought as part of Project Safe Childhood. In February 2006, Attorney General Alberto R. Gonzales created Project Safe Childhood, a nationwide initiative designed to protect children from online exploitation and abuse. Led by the United States Attorneys' Offices, Project Safe Childhood marshals federal, state and local resources to better locate, apprehend, and prosecute individuals who exploit children via the Internet, as well as identify and rescue victims. For more information about Project Safe Childhood, please visit www.projectsafechildhood.gov/.

DAVY KENFIELD

DAVY KENFIELD, a 44-year-old resident of Inverness, was sentenced to a term of:

- Prison: 121 months
- Special Assessment: \$200
- Supervised Release: life
- Forfeiture: computer equipment

KENFIELD was sentenced in connection with his guilty plea to receipt and possession of child pornography.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On November 24, 2005, law enforcement agents executed a search warrant at KENFIELD'S residence in Inverness. Found during the search were photographs of nude females under the age of 18, which appeared to be printed from computer images.

In addition, agents seized a floppy diskette labeled "underage girls" and numerous items of computer equipment.

A forensic analysis of KENFIELD'S computer revealed numerous image files and movies containing images of children engaged in sexually explicit conduct. The images included children of infant and toddler age, and included sadistic or masochistic conduct or other depictions of violence. KENFIELD used the Internet and computer equipment to receive and possess the child pornography.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that KENFIELD will likely serve **all** of the time imposed by the court. In the federal system, KENFIELD does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Marcia K. Hurd prosecuted the case for the United States.

The investigation was a cooperative effort between the Liberty County Sheriff's Office, the Hill County Sheriff's Office, the Montana Department of Criminal Investigation, and the Tri-Agency Task Force.

This case was brought as part of Project Safe Childhood. In February 2006, Attorney General Alberto R. Gonzales created Project Safe Childhood, a nationwide initiative designed to protect children from online exploitation and abuse. Led by the United States Attorneys' Offices, Project Safe Childhood marshals federal, state and local resources to better locate, apprehend, and prosecute individuals who exploit children via the Internet, as well as identify and rescue victims. For more information about Project Safe Childhood, please visit www.projectsafefchildhood.gov/.

JOHN CHARLES KUCHINSKI

JOHN CHARLES KUCHINSKI, a 55-year-old resident of Belfry, was sentenced to a term of:

- Prison: 63 months
- Special Assessment: \$200
- Forfeiture: computer equipment

KUCHINSKI previously pleaded guilty to possession of child pornography, admitting that in 2003 he had computer files containing one or more images of child pornography that had been transported in interstate commerce by a computer located in Belfry. During the investigation into his conduct, KUCHINSKI'S computer was seized for forensic analysis, revealing numerous images of child pornography. That computer was forfeited to the government pursuant to KUCHINSKI'S plea agreement.

Assistant U.S. Attorney Marcia Hurd prosecuted this case for the United States.

The investigation was a cooperative effort between the Federal Bureau of Investigation

and the Internal Revenue Service Criminal Investigation Division. Assistance was provided by the Department of Justice's High Technology Investigative Unit and Trial Attorney Jill Trumbull-Harris of the Child Exploitation and Obscenity Section.

JEFF GENE MADER

JEFF GENE MADER, a 43-year-old resident of Washington, was sentenced to a term of:

- Prison: 30 months
- Special Assessment: \$100
- Supervised Release: 25 years

MADER was sentenced in connection with his guilty plea to possession of child pornography.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

In October of 2003, law enforcement officials from the Flathead County Sheriff's Office received information that a local citizen had found printed images of child pornography in an adult magazine located under the bed in MADER'S bedroom in Kalispell.

On October 7, the girlfriend of MADER'S then-roommate J., was looking for her kitten which had run under MADER'S bed. When she found the kitten, she also found adult magazines that had folded printed images of child pornography stuffed inside. She put the pictures back in the magazine and walked over to a friend's residence. The friend was MADER'S prior roommate and had moved out on October 4, 2007, into her own residence.

The two decided that they should go back to MADER'S residence and retrieve the child pornography images, which they did. The two then took the images to the friend's mother for her advice on what to do, as the mother owned the trailer where MADER lived. The mother took the pictures and locked them in the glove compartment of her car until she could speak with a detective with the Flathead County Sheriff's Office. After receiving the child pornography pictures from the mother, the detective logged them into evidence. The detective then received a search warrant to search MADER'S residence.

Law enforcement officers served the search warrant on MADER'S residence on October 7, 2003. MADER was advised what property the warrant covered and he showed the officers where the computer was located. MADER reported that he had purchased the computer a year previously from a friend. MADER stated that he had purchased the computer in question from a friend who had a teenage son who had pornography on the computer. MADER refused to give the name of the friend from

whom he purchased the computer, saying that he didn't want them to be in trouble. MADER also noted that he took the computer to a repair shop and had all the pornography deleted and the computer reprogrammed. MADER stated that to his knowledge, there should be no more pornography on the computer, but that he got pop-ups occasionally.

During a cursory search of MADER'S computer, the detective located an image of child pornography on MADER'S computer dated July 18, 2003, which was after MADER had stated that he had had the computer cleaned.

MADER'S computer and printer were seized and reviewed by a computer service technician for the county. The technician found numerous images of child pornography on MADER'S computer, in addition to the images found beneath MADER'S bed.

Centurytel acknowledged that MADER had an Internet account with them, under the user name "jeff MADER", with an email address of "jMADER@centurytel.net". MADER disconnected that service at the end of October of 2003 and moved from the area. Centurytel provided a list of connection times for MADER'S account.

MADER'S current roommate was interviewed and reported that he never used the computer and was even unaware if the computer had Internet access.

Further computer analysis was done by a computer forensic examiner with the Montana Department of Criminal Investigation. This analysis showed extensive searches and browsing for child pornography images, including use of search terms such as "preteen lolitas" and others. However, the images were not saved, and were located only in the temporary Internet cache files.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that MADER will likely serve **all** of the time imposed by the court. In the federal system, MADER does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Marcia K. Hurd prosecuted the case for the United States.

The investigation was a cooperative effort between the Flathead County Sheriff's Office and the Montana Department of Criminal Investigation.

This case was brought as part of Project Safe Childhood. In February 2006, Attorney General Alberto R. Gonzales created Project Safe Childhood, a nationwide initiative designed to protect children from online exploitation and abuse. Led by the United States Attorneys' Offices, Project Safe Childhood marshals federal, state and local resources to better locate, apprehend, and prosecute individuals who exploit children via the Internet, as well as identify and rescue victims. For more information about Project Safe Childhood, please visit www.projectsafefchildhood.gov/.

KELLY RUTH MORTENSON

KELLY RUTH MORTENSON, a 22-year-old resident of Great Falls, was sentenced to a term of:

- Prison: 120 months
- Special Assessment: \$100
- Supervised Release: 5 years

MORTENSON was sentenced after having been found guilty during a 4-day trial of possession of child pornography.

At trial, the government presented evidence of the following:

On December 29, 2005, a Great Falls Police officer was dispatched to the Mortenson residence regarding a disturbance. KELLY MORTENSON and another individual were located outside the residence where the other individual provided the officer with binders of pictures of children in various states of undress or in undergarments.

The Mortensons appeared to be in a dispute over the custody of their children. The officer spoke with Shaun Mortenson in the family's residence, the condition of which did not appear suitable for young children. While in the apartment, the officer observed framed collages of various undergarments that appeared to be of women and children's sizes, with photographs of KELLY and writings to include references to child pornography.

Shaun admitted to the officer that he had a problem with child pornography and stated that his wife had taken some of that with her. The officer received other three ring binders from KELLY and the other individual that contained child pornography.

Shaun admitted that his wife had taken some of his child pornography collection with her during the custody dispute. He also admitted receiving and possessing child pornography via the Internet. He reported that he used the child pornography in an attempt to get over the urge for young girls. Shaun also admitted that his wife wrote out child pornography stories for him as well. He further admitted that he and his wife had acted out some of those fantasies.

When questioned, KELLY first claimed that she had just located the child pornography at her apartment when stopping to get her children. She admitted that she took the binders that had been given to the police. She also admitted that she hadn't given all of them to the officers at the apartment however, and that the other individual gave the rest of them to the officers while KELLY was being questioned. KELLY admitted that she had written the child pornography stories at Shaun's request, and claimed they were fabricated, but admitted that they involved girls known to her. She reported her knowledge that Shaun had been looking at child pornography on the Internet, and

finally admitted that she knew the child pornography was there. She admitted fulfilling his fantasies, admitted writing the child pornography stories, admitted that she viewed child pornography with Shaun, and admitted she had printed some of it out and knew he put it on CDs.

Both KELLY and Shaun were interviewed a second time. KELLY admitted again that Shaun had downloaded child pornography from the Internet and that he would ask her to come to the computer to view it. She stated that she believed that he possessed thousands of images of young children. KELLY also stated that the computer had two profiles, and both contained child pornography in image and video format. KELLY admitted that one of the movies was of a 16-year-old girl engaging in rather violent sexually explicit conduct that she and Shaun acted out in their own sexual activity several times. KELLY admitted stealing underwear from a pre-teen child for Shaun, and that stated that Shaun would take pictures of young girls out in public, hoping to get them with their underwear exposed.

When questioned the second time, Shaun again admitted using the Internet to receive and possess child pornography, confirmed that he would call KELLY over to look at the images, and confirmed that he would take pictures as described by KELLY.

A forensic computer analysis confirmed that child pornography was located on the computers in the Mortenson residence.

Shaun Mortenson pled guilty to federal charges and has been sentenced.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that MORTENSON will likely serve **all** of the time imposed by the court. In the federal system, MORTENSON does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Marcia K. Hurd prosecuted the case for the United States.

The investigation was a cooperative effort between the U.S. Immigration and Customs Enforcement, the Great Falls Police Department and the Montana Division of Criminal Investigation.

This case was brought as part of Project Safe Childhood. In February 2006, Attorney General Alberto R. Gonzales created Project Safe Childhood, a nationwide initiative designed to protect children from online exploitation and abuse. Led by the United States Attorneys’ Offices, Project Safe Childhood marshals federal, state and local resources to better locate, apprehend, and prosecute individuals who exploit children via the Internet, as well as identify and rescue victims. For more information about Project Safe Childhood, please visit www.projectsafefchildhood.gov/.

SHAUN DELMORE MORTENSON

SHAUN DELMORE MORTENSON, a 25-year-old resident of Great Falls, was sentenced to a term of:

- Prison: 135 months
- Special Assessment: \$200
- Forfeiture: computer equipment
- Supervised Release: life

MORTENSON was sentenced in connection with his guilty plea to receipt and possession of child pornography.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On December 29, 2005, a Great Falls Police officer was dispatched to the MORTENSON residence regarding a disturbance. MORTENSON'S wife, Kelly Ruth Mortenson, and another individual were located outside the residence where the other individual provided the officer with binders of pictures of children in various states of undress or in undergarments.

The Mortensons appeared to be in a dispute over the custody of their children. The officer spoke with SHAUN MORTENSON in the family's residence, the condition of which did not appear suitable for young children. While in the apartment, the officer observed framed collages of various undergarments that appeared to be of women and children's sizes, with photographs of Kelly Mortenson and writings to include references to child pornography.

SHAUN MORTENSON admitted to the officer that he had a problem with child pornography and stated that his wife had taken some of that with her. The officer received other three ring binders from Kelly Mortenson and the other individual that contained child pornography.

The Mortenson children were removed by the Department of Family Services, and both of the Mortensons were then questioned.

SHAUN MORTENSON admitted that his wife had taken some of his child pornography collection with her during the custody dispute. He also admitted receiving and possessing child pornography via the Internet. He reported that he used the child pornography in an attempt to get over the urge for young girls. SHAUN MORTENSON also admitted that his wife wrote out child pornography stories for him as well. He further admitted that he and his wife had acted out some of those fantasies.

When questioned, Kelly Mortenson first claimed that she had just located the child

pornography at her apartment when stopping to get her children. She admitted that she took the binders that had been given to the police. She also admitted that she hadn't given all of them to the officers at the apartment however, and that the other individual gave the rest of them to the officers while Kelly was being questioned. Kelly admitted that she had written the child pornography stories at SHAUN MORTENSON'S request, and claimed they were fabricated, but admitted that they involved girls known to her. She reported her knowledge that SHAUN MORTENSON had been looking at child pornography on the Internet, and finally admitted that she knew the child pornography was there. She admitted fulfilling his fantasies, admitted writing the child pornography stories, admitted that she viewed child pornography with SHAUN, and admitted she had printed some of it out and knew he put it on CDs.

Both Kelly and SHAUN MORTENSON were interviewed a second time. Kelly admitted again that SHAUN had downloaded child pornography from the Internet and that he would ask her to come to the computer to view it. She stated that she believed that he possessed thousands of images of young children. Kelly also stated that the computer had two profiles, and both contained child pornography in image and video format. Kelly admitted that one of the movies was of a 16-year-old girl engaging in rather violent sexually explicit conduct that she and SHAUN acted out in their own sexual activity several times. Kelly admitted stealing underwear from a pre-teen child for SHAUN, and that stated that SHAUN would take pictures of young girls out in public, hoping to get them with their underwear exposed.

When questioned the second time, SHAUN MORTENSON again admitted using the Internet to receive and possess child pornography, confirmed that he would call Kelly over to look at the images, and confirmed that he would take pictures as described by Kelly.

A forensic computer analysis confirmed that child pornography was located on the computers in the MORTENSON residence.

Kelly Ruth Mortenson was found guilty of possession of child pornography after a 4-day federal district court trial and has been sentenced.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that MORTENSON will likely serve **all** of the time imposed by the court. In the federal system, MORTENSON does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Marcia K. Hurd prosecuted the case for the United States.

The investigation was a cooperative effort between the Great Falls Police Department, the U.S. Immigration and Customs Enforcement, and the Montana Department of Criminal Investigation.

This case was brought as part of Project Safe Childhood. In February 2006, Attorney General Alberto R. Gonzales created Project Safe Childhood, a nationwide initiative designed to protect children from online exploitation and abuse. Led by the United States Attorneys' Offices, Project Safe Childhood marshals federal, state and local resources to better locate, apprehend, and prosecute individuals who exploit children via the Internet, as well as identify and rescue victims. For more information about Project Safe Childhood, please visit www.projectsafefchildhood.gov/.

DANIEL ROY NARD

DANIEL ROY NARD, a 36-year-old resident of Albuquerque, New Mexico, was sentenced to a term of:

- Prison: 63 months
- Special Assessment: \$100
- Supervised Release: 5 years

NARD was sentenced in connection with his guilty plea to transportation of child pornography.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On November 30, 2006, an individual in Arenas Valley, New Mexico, hereafter referred to as "L.W.", notified local law enforcement authorities that his 1997 white Ford Taurus had been stolen. "L.W." and his common-law wife, hereafter referred to as "T.B.", reported that their 15-year-old daughter was also missing.

On December 1, 2006, "T.B." filed a runaway complaint regarding her 15-year-old daughter.

The runaway complaint and information about the stolen vehicle was entered into the National Crime Information Center (NCIC) and National Law Enforcement Telecommunications System (NLETS) databases.

On December 2, 2006, a Canadian Border Services Agency (CBSA) officer saw a white car resembling a Ford Taurus with a yellow rear license plate run through the Monchy, Saskatchewan, Port of Entry. The Monchy Port of Entry is directly across from the Morgan, Montana, Port of Entry. The officer observed that the car made no attempt to slow down or stop at the Port of Entry. He contacted the Royal Canadian Mounted Police (RCMP) however they could not locate the car at the time of report.

On December 3, 2006, the Battleford, Saskatchewan, RCMP office received a complaint of theft of gasoline from the gas station in North Battleford. A short time

later, the vehicle suspected of the gasoline theft was located, stuck in a ditch on Highway 16, west of Battleford. NARD and the 15-year-old girl were with the car. The RCMP confirmed that this vehicle was involved in the previous fuel theft and that it had been reported stolen in New Mexico. The RCMP placed NARD and the 15-year-old girl under arrest and transported them to Battleford for further investigation.

NARD stated that the 15-year-old girl was his girlfriend and they had decided to move to Canada.

On December 12, 2006, Canadian Immigration authorities issued the 15-year-old girl a deportation order and she was returned to Albuquerque, New Mexico, and the custody of her mother.

On December 28, 2006, NARD was convicted in Canada for failure to report or make application for entry into Canada and was issued a deportation order by Canadian Immigration authorities.

On December 29, 2006, NARD arrived at the Raymond, Montana, Port of Entry upon deportation from Canada and was arrested for transportation of a stolen motor vehicle.

When NARD arrived at the Raymond POE upon deportation from Canada, his briefcase was transported with him but was not in his possession, as it contained contraband. A Canadian immigration investigator recovered NARD'S briefcase as part of his property. The briefcase contained child pornography in the form of sexually explicit photographs of the 15-year-old girl taken by NARD and found on January 11, 2007. There were approximately six photographs of the 15-year-old girl naked (two are posed in the bathtub).

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that NARD will likely serve **all** of the time imposed by the court. In the federal system, NARD does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Elizabeth Horsman prosecuted the case for the United States.

The investigation was a cooperative effort between the Royal Canadian Mounted Police and the Canada Border Services Agency in Saskatchewan, and the U.S. Immigration and Customs Enforcement in Great Falls.

GREGORY HILTON NEUFELD

GREGORY HILTON NEUFELD, a 32-year-old resident of Billings, was sentenced to a term of:

- Prison: 262 months

- Special Assessment: \$200
- Restitution: (to be determined)
- Supervised Release: 7 years

NEUFELD was sentenced in connection with his guilty plea to sexual exploitation of children and possession of child pornography.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

In February of 2005, an investigation was undertaken into allegations that NEUFELD had sexually abused and photographed a young teen-aged girl at various locations in Billings and elsewhere in Montana.

The investigation revealed that NEUFELD had begun a sexual relationship with the girl in 2003 when she was thirteen, and had continued until NEUFELD left the area to join the military in 2005. The investigation also revealed that NEUFELD had videotaped and photographed their sexual activity throughout this time period.

NEUFELD produced the visual depictions using materials that had been mailed, shipped, or transported across state lines or in foreign commerce. NEUFELD also received and possessed numerous images of child pornography via the Internet using the girl's computer during that same time.

A search of that computer revealed numerous images of child pornography, including images of prepubescent children and children engaged in sadistic or masochistic sexual activity or other forms of violence.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that NEUFELD will likely serve **all** of the time imposed by the court. In the federal system, NEUFELD does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Marcia K. Hurd prosecuted the case for the United States.

The investigation was a cooperative effort between the Federal Bureau of Investigation, the Bureau of Immigration and Customs Enforcement, and the Billings Police Department.

This case was brought as part of Project Safe Childhood. In February 2006, Attorney General Alberto R. Gonzales created Project Safe Childhood, a nationwide initiative designed to protect children from online exploitation and abuse. Led by the United States Attorneys' Offices, Project Safe Childhood marshals federal, state and local resources to better locate, apprehend, and prosecute individuals who exploit children via the Internet, as well as identify and rescue victims. For more information about

Project Safe Childhood, please visit www.projectsafefchildhood.gov/.

MICHAEL SALLIS

MICHAEL SALLIS, a 52-year-old resident of Billings, was re-sentenced to a term of:

- Prison: 150 months
- Special Assessment: \$400
- Supervised Release: 3 years

SALLIS was re-sentenced in connection with his trial at which he was convicted of two counts of coercion and enticement, one count of transportation of an individual with the intent that such individual engage in prostitution, and one count of transportation of a minor with the intent to engage in criminal sexual activity, after his original sentence was appealed to the Ninth Circuit Court of Appeals. The sentence was reversed and remanded back to U.S. District Court for re-sentencing.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that SALLIS will likely serve **all** of the time imposed by the court. In the federal system, SALLIS does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Marcia K. Hurd and former Assistant U.S. Attorneys C. Ed Laws and Shelley Hicks prosecuted this case for the United States.

The investigation was a cooperative effort between the Federal Bureau of Investigation and the Billings Police Department.

GARY ALLAN SCHLAKE

GARY ALLAN SCHLAKE, a 35-year-old resident of Missoula, was sentenced to a term of:

- Prison: 210 months, consecutive to another sentence
- Special Assessment: \$100
- Supervised Release: life

SCHLAKE was sentenced after having been found guilty during a 2-day trial of coercion and enticement.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that SCHLAKE will likely serve **all** of the time imposed by the court. In the federal system, SCHLAKE does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Marcia K. Hurd prosecuted the case for the United States.

The investigation was a cooperative effort between the Federal Bureau of Investigation and the Flathead County Sheriff's Office.

This case was brought as part of Project Safe Childhood. In February 2006, Attorney General Alberto R. Gonzales created Project Safe Childhood, a nationwide initiative designed to protect children from online exploitation and abuse. Led by the United States Attorneys' Offices, Project Safe Childhood marshals federal, state and local resources to better locate, apprehend, and prosecute individuals who exploit children via the Internet, as well as identify and rescue victims. For more information about Project Safe Childhood, please visit www.projectsafechildhood.gov/.

MICHAEL PAUL SCHMITZ

MICHAEL PAUL SCHMITZ, a resident of Lambert, was sentenced to a term of:

- Prison: 108 months
- Special Assessment: \$200
- Supervised Release: life

SCHMITZ was sentenced in connection with his guilty plea to receipt and possession of child pornography.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

In January of 2006, a credit card belonging to SCHMITZ of Lambert was used to pay for a subscription to an illegal child pornography website.

On October 19, 2006, agents with the U.S. Immigration and Customs Enforcement (ICE) conducted an interview of SCHMITZ at his residence in Lambert. When questioned, SCHMITZ admitted his role in receiving and possessing child pornography via the Internet, using approximately fifteen to twenty paid subscriptions to the child pornography websites. A computer SCHMITZ admitted he used to receive and possess child pornography was seized. Forensic analysis of SCHMITZ'S computer revealed numerous image files and movies containing images of children engaged in sexually explicit conduct.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that SCHMITZ will likely serve **all** of the time imposed by the court. In the federal system, SCHMITZ does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Marcia K. Hurd prosecuted the case for the United States.

The investigation was conducted by the U.S. Immigration and Customs Enforcement.

This case was brought as part of Project Safe Childhood. In February 2006, the Department of Justice launched Project Safe Childhood, a nationwide initiative designed to protect children from online exploitation and abuse. Led by the United States Attorneys' Offices, Project Safe Childhood marshals federal, state and local resources to better locate, apprehend, and prosecute individuals who exploit children via the Internet, as well as identify and rescue victims. For more information about Project Safe Childhood, please visit www.projectsafefchildhood.gov/.

JUSTIN SHERRARD

JUSTIN SHERRARD, a 22-year-old resident of Missoula, was sentenced to a term of:

- Prison: 60 months
- Special Assessment: \$200
- Forfeiture: computer equipment
- Supervised Release: 5 years

SHERRARD was sentenced after having been found guilty during a 1-day trial of receipt and possession of child pornography.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that SHERRARD will likely serve **all** of the time imposed by the court. In the federal system, SHERRARD does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Marcia K. Hurd prosecuted the case for the United States.

The investigation was a cooperative effort between the Federal Bureau of Investigation and the Criminal Investigation Division of the Internal Revenue Service.

This case was brought as part of Project Safe Childhood. In February 2006, Attorney General Alberto R. Gonzales created Project Safe Childhood, a nationwide initiative designed to protect children from online exploitation and abuse. Led by the United States Attorneys' Offices, Project Safe Childhood marshals federal, state and local resources to better locate, apprehend, and prosecute individuals who exploit children via the Internet, as well as identify and rescue victims. For more information about Project Safe Childhood, please visit www.projectsafefchildhood.gov/.

CHARLES THEODORE SQUIRES

CHARLES THEODORE SQUIRES, a 41-year-old resident of Livingston, was sentenced

to a term of:

- Prison: 151 months
- Special Assessment: \$200
- Supervised Release: lifetime

SQUIRES was sentenced in connection with his guilty plea to receipt and possession of child pornography.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

During the evening of September 15, 2006, SQUIRES took a silver and black Toshiba Qosmio laptop computer into the Billings Best Buy store for repair. While repairing the computer, technicians found images of child pornography and Best Buy management contacted the FBI.

On September 18, 2006, a search warrant was obtained to search SQUIRES' computer for child pornography. Found during the search and subsequent forensic analysis of the computer, were numerous items of child pornography that SQUIRES received via the Internet and saved. The files contained images of children engaged in sexually explicit conduct. When questioned, SQUIRES admitted his role in receiving and possessing child pornography via the Internet.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that SQUIRES will likely serve **all** of the time imposed by the court. In the federal system, SQUIRES does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Marcia K. Hurd prosecuted the case for the United States.

The investigation was a cooperative effort between the Federal Bureau of Investigation and the U.S. Immigration and Customs Enforcement.

This case was brought as part of Project Safe Childhood. In February 2006, Attorney General Alberto R. Gonzales created Project Safe Childhood, a nationwide initiative designed to protect children from online exploitation and abuse. Led by the United States Attorneys' Offices, Project Safe Childhood marshals federal, state and local resources to better locate, apprehend, and prosecute individuals who exploit children via the Internet, as well as identify and rescue victims. For more information about Project Safe Childhood, please visit www.projectsafefchildhood.gov/.

JAMES THORNE

JAMES THORNE, a 42-year-old resident of Kalispell, was sentenced to a term of:

- Prison: 360 months
- Special Assessment: \$400
- Forfeiture: computer equipment
- Supervised Release: lifetime

THORNE was sentenced in connection with his guilty plea to sexual exploitation of children and receipt and possession of child pornography.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On August 5, 2006, a parent contacted the Flathead County Sheriff's Office regarding a possible sexual assault committed against her two and one-half year old son while attending a daycare operated by THORNE and his wife in Kalispell.

The child's mother stated that during the last month the child had not wanted to be dropped off at the daycare and he had also not wanted contact with adult males during the last several weeks. The child also told her that he did not want to go to the bathroom. When asked why, he stated to her that "Jimmy does this to him," and proceeded to pull his penis and scrotum and the child then stated that "it hurts when Jimmy does it." The child told his mother that this occurred in the bathroom when he was alone with THORNE.

Detectives from the Flathead County Sheriff's Office went to THORNE'S residence and spoke with him. THORNE denied any inappropriate sexual contact with the child and the detectives seized computers from his residence for analysis. Found during the analysis were numerous images of child pornography THORNE had received via the Internet and kept in his possession. Also found were numerous images and movies sexually explicit in nature of young male children in THORNE'S care that THORNE had taken. The sexually explicit images were taken by THORNE during 2006, and some specifically in April of 2006, at his residence.

On August 10, 2006, one of the detectives was informed by a DPHHS worker that she visited the THORNE residence earlier on that day for the purposes of establishing a safety plan for foster children that had been placed with the THORNES. At that time, the DPHHS worker was informed by THORNE'S mother-in-law that THORNE had admitted to her the previous evening that he had taken nude photographs of his nephews.

On August 14, 2006, the detective returned to the THORNE residence to speak with THORNE'S wife and his mother-in-law regarding a statement THORNE made to his wife on August 10th. THORNE'S wife stated that THORNE admitted to having taken naked pictures of the child while he or the child were performing a sexual act. The sexual act was photographed and THORNE downloaded the image to his computer. He further admitted to having photographed another child nude and he that he also

downloaded those images to his computer.

When questioned, one of the children told the detective that THORNE took the photographs of him (the child) in underwear, then would download the pictures of the child and sell the underwear on E-Bay. The child said on multiple occasions while having his photograph taken, THORNE would need to place his hand on his “privates” and rub up and down in order for his “privates” to look better in the underwear, which the child did not like. The child recalled also that THORNE placed his mouth on his “privates” and sucked on them.

A detective confirmed with THORNE’S wife and mother-in-law that THORNE had an online business in which he sold boys’ underwear on E-bay. He would purchase the underwear from out of the country, have his nephews model the underwear, photograph them in the underwear, then download the images onto his computer in order to sell the underwear on E-bay. When interviewed, the other child also reported that THORNE had taken sexually explicit photographs of him.

The images found on the numerous computer items included children clearly under the age of twelve, children engaged in sadistic or violent sexual activity, and numerous images of known victims.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that THORNE will likely serve **all** of the time imposed by the court. In the federal system, THORNE does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Marcia K. Hurd prosecuted the case for the United States.

The investigation was a cooperative effort between the Flathead County Sheriff’s Office and the U.S. Immigration and Customs Enforcement.

This case was brought as part of Project Safe Childhood. In February 2006, the Department of Justice launched Project Safe Childhood, a nationwide initiative designed to protect children from online exploitation and abuse. Led by the United States Attorneys’ Offices, Project Safe Childhood marshals federal, state and local resources to better locate, apprehend, and prosecute individuals who exploit children via the Internet, as well as identify and rescue victims. For more information about Project Safe Childhood, please visit www.projectsafefchildhood.gov/.

DONALD VOSS

DONALD VOSS, a 41-year-old resident of Chandler, Arizona, was sentenced to a term of:

- Prison: 108 months

- Special Assessment: \$200
- Supervised Release: 5 years

VOSS was sentenced in connection with his guilty plea to transportation and possession of child pornography.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

During June of 2006, VOSS purchased a laptop computer in California. At the time, VOSS was employed as a tourist bus driver for a tour company and was transporting approximately 20 European travelers to Canada. Several days after purchasing the computer, VOSS began downloading child pornography images and videos from the Internet using the computer and a file sharing program.

On June 26, 2006, VOSS and the tourist bus attempted to enter Canada through the Port of Piegan in Montana. VOSS was determined inadmissible to Canada due to his criminal history. During a search of VOSS' laptop computer, the child pornography images were found. When questioned, VOSS admitted that he had received and possessed the child pornography images via the laptop computer and the Internet. He transported them across the United States and through Montana on that computer through the Port.

VOSS served a short jail sentence in Canada and was deported to the United States.

A forensic examination of VOSS' computer revealed child pornography images and movies.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that VOSS will likely serve **all** of the time imposed by the court. In the federal system, VOSS does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Marcia K. Hurd prosecuted the case for the United States.

The investigation was a cooperative effort between the Bureau of Immigration and Customs Enforcement, the Royal Canadian Mounted Police, and the Canada Border Services Agency.

This case was brought as part of Project Safe Childhood. In February 2006, Attorney General Alberto R. Gonzales created Project Safe Childhood, a nationwide initiative designed to protect children from online exploitation and abuse. Led by the United States Attorneys' Offices, Project Safe Childhood marshals federal, state and local resources to better locate, apprehend, and prosecute individuals who exploit children via the Internet, as well as identify and rescue victims. For more information about

Project Safe Childhood, please visit www.projectsafefchildhood.gov/.

JEREMIAH WIBERG

JEREMIAH WIBERG, a 24-year-old resident of Roseville, Minnesota, and Billings, was sentenced to a term of:

- Prison: 168 months
- Special Assessment: \$200
- Supervised Release: 15 years
- Forfeiture: computer equipment

WIBERG was sentenced in connection with his guilty plea to receipt and possession of child pornography.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On October 2, 2005, a woman residing in Billings reported to the Billings Police Department that she had discovered child pornography on her home computer. She believed that her new boyfriend, WIBERG, was responsible for the images.

The woman reported that on the evening of October 1, 2005, she was at work and left WIBERG at her residence watching her children while she was working. WIBERG and her two minor children were the only persons present at her residence that evening. She repeatedly attempted to call home and was unable to get through due to a busy signal. Upon returning from work, the woman noticed that new files were visible on the computer's desktop but that she was unable to view them. When attempting to open the files, the woman received a message that something was disconnected. She observed a USB storage device lying next to the monitor, so she plugged it into her computer and then saw images of child pornography.

The woman turned the storage device over to the Billings Police Department and it was later forensically analyzed. Found were images of child pornography that had been received via the Internet and saved on October 1, 2005, during the evening hours when WIBERG was the only adult at the residence. Also found were images of WIBERG, wherein he appeared to be on vacation at another time and location.

When questioned, WIBERG admitted that the USB storage device was his, but denied any knowledge of the child pornography images. Shortly after being questioned by law enforcement, WIBERG left Billings. He was later located in Minnesota, where he was residing temporarily in an apartment with a man who owned a computer. A short time after WIBERG moved in, the computer was turned in to law enforcement because the owner found child pornography images located on that computer under a folder labeled "Jeremiah."

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that WIBERG will likely serve **all** of the time imposed by the court. In the federal system, WIBERG does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Marcia K. Hurd prosecuted the case for the United States.

The investigation was a cooperative effort between the Bureau of Immigration and Customs Enforcement and the Federal Bureau of Investigation.

This case was brought as part of Project Safe Childhood. In February 2006, Attorney General Alberto R. Gonzales created Project Safe Childhood, a nationwide initiative designed to protect children from online exploitation and abuse. Led by the United States Attorneys’ Offices, Project Safe Childhood marshals federal, state and local resources to better locate, apprehend, and prosecute individuals who exploit children via the Internet, as well as identify and rescue victims. For more information about Project Safe Childhood, please visit www.projectsafefchildhood.gov/.

DAVID ALLEN WILLIAMS

DAVID ALLEN WILLIAMS, a 64-year-old resident of Billings, appeared for sentencing. WILLIAMS was sentenced to a term of:

- Prison: 300 months
- Special Assessment: \$600
- Forfeiture: computer equipment and his residence
- Supervised Release: 15 years

WILLIAMS was sentenced in connection with his guilty plea to distribution, receipt and possession of child pornography.

District Court Judge Richard F. Cebull commented that Williams, “was the most prolific child pornography collector” he had seen in six and a half years on the bench and had “hundreds of thousands” of images.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

A detective with the Keene Police Department in Keene, New Hampshire, was conducting an undercover Internet investigation into the distribution of male child pornography by those using Yahoo! groups. A number of the groups were “private”, by invitation only. A person using the screen name “blewkrew” was a member of some of the groups and was found to have posted images of child pornography. “Blewcrew” was later identified as DAVID ALLEN WILLIAMS from Billings.

WILLIAMS also established a number of his own Yahoo! groups that were dedicated to the trading of male child pornography. WILLIAMS posted a number of images as well as text messages in the various groups.

On a number of occasions between November 16 and November 21, 2004, WILLIAMS distributed child pornography images by posting child pornography images in the Yahoo! group Sincerom.

On a number of occasions between November 14, 2004, and January 3, 2005, WILLIAMS distributed child pornography images by posting child pornography images in the Yahoo! group karmel_korn

On a number of occasions between November 21, 2004, and January 7, 2005, WILLIAMS distributed child pornography images by posting child pornography images in the Yahoo! group peaches-n-kreme.

On a number of occasions between November 25, 2004, and January 7, 2005, WILLIAMS distributed child pornography images by posting child pornography images in the Yahoo! group apple-pie-n-ice-kreme.

Based upon the investigation, a search warrant was obtained by ICE and FBI agents in Billings. The warrant was served on May 18, 2005, and WILLIAMS was questioned. Found during the search were a large number of computers and computer-related items that were set up to distribute child pornography. WILLIAMS had also printed a number of images of child pornography from the Internet that he had pasted on his bedroom wall. He admitted that he used the equipment to distribute, receive, and possess child pornography via the Internet. WILLIAMS was using his residence in Billings as the distribution center for images of child pornography world-wide.

Further investigation revealed that from 2001 through May of 2005, WILLIAMS received child pornography that had been mailed, shipped, or transported in interstate or foreign commerce by any means, including by computer located at his residence in Billings.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that WILLIAMS will likely serve **all** of the time imposed by the court. In the federal system, WILLIAMS does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Marcia K. Hurd prosecuted the case for the United States.

The investigation was a cooperative effort between Bureau of Immigration and Customs Enforcement and the Federal Bureau of Investigation.

This case was brought as part of Project Safe Childhood. In February 2006, Attorney General Alberto R. Gonzales created Project Safe Childhood, a nationwide initiative

designed to protect children from online exploitation and abuse. Led by the United States Attorneys' Offices, Project Safe Childhood marshals federal, state and local resources to better locate, apprehend, and prosecute individuals who exploit children via the Internet, as well as identify and rescue victims. For more information about Project Safe Childhood, please visit www.projectsafechildhood.gov/.

KENNETH KYLE WYNN

KENNETH KYLE WYNN, a 46-year-old resident of Helena, was sentenced to a term of:

- Prison: 168 months
- Special Assessment: \$400
- Forfeiture: computer equipment
- Supervised Release: 15 years

WYNN was sentenced in connection with his guilty plea to distribution and possession of child pornography.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

Beginning in 2004, WYNN had sexually explicit Internet conversations via his home computer in Helena with a person he believed to be an underage girl in Billings. Those chats continued for a number of months, during which time WYNN also sent sexually explicit pictures of himself.

On February 6, May 13, and May 22, 2006, WYNN distributed child pornography images to the "underage girl" via his home computer using the Internet. The "underage girl" was actually an undercover FBI agent. Further investigation revealed that WYNN was employed by the Department of Administration Information Technology Services Division for the State of Montana at the time.

Based upon the investigation, a search warrant was obtained for WYNN'S residence in Helena. Found during the search were the computers and computer-related items that WYNN used to distribute the child pornography. The forensic examination of WYNN'S computer equipment revealed numerous images of child pornography that WYNN possessed via the Internet.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that WYNN will likely serve **all** of the time imposed by the court. In the federal system, WYNN does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Marcia K. Hurd prosecuted the case for the United States.

The investigation was a cooperative effort between the Federal Bureau of Investigation, the Billings Police Department, and the U.S. Immigration and Customs Enforcement.

This case was brought as part of Project Safe Childhood. In February 2006, the Department of Justice launched Project Safe Childhood, a nationwide initiative designed to protect children from online exploitation and abuse. Led by the United States Attorneys' Offices, Project Safe Childhood marshals federal, state and local resources to better locate, apprehend, and prosecute individuals who exploit children via the Internet, as well as identify and rescue victims. For more information about Project Safe Childhood, please visit www.projectsafechildhood.gov/.

DRUGS

MICHAEL HOWARD ALLEN and CHAZ HAROLD CARRAWAY

CHAZ HAROLD CARRAWAY, a 19-year-old resident of Kalispell, and MICHAEL HOWARD ALLEN, a 19-year-old resident of Kalispell and Marion, were sentenced.

CARRAWAY was sentenced to a term of:

- Prison: 30 months
- Special Assessment: \$100
- Supervised Release: 5 years

ALLEN was sentenced to a term of:

- Prison: 34 months
- Special Assessment: \$100
- Supervised Release: 5 years

They were sentenced in connection with their guilty pleas to conspiracy to distribute cocaine.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

In June of 2006, the Missouri River Drug Task Force received information about a group of individuals that were bringing illegal drugs to Helena from Kalispell for distribution. An undercover operation and investigation ensued. CARRAWAY and ALLEN were two of the individuals who were arrested during the course of the investigation. Both were found to be part of the conspiracy, responsible for possessing with the intent to distribute or distributing 500 grams or more of a mixture containing cocaine.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that CARRAWAY and ALLEN will likely serve **all** of the time imposed by the court. In the federal system, CARRAWAY and ALLEN do have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Paulette L. Stewart prosecuted the case for the United States.

The investigation was a cooperative effort between the Northwest Drug Task Force and the Missouri River Drug Task Force.

ANTONIO ALVAREZ-GUIZAR

ANTONIO ALVAREZ-GUIZAR, a 33-year-old resident of Lakewood, Washington, was sentenced to a term of:

- Prison: 120 months
- Special Assessment: \$100
- Supervised Release: 5 years

ALVAREZ-GUIZAR was sentenced in connection with his guilty plea to conspiracy to distribute methamphetamine.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

In September of 2004, Antonio Rodriguez-Soriano began distributing methamphetamine in Deer Lodge, Butte, and Bozeman. He was joined in that enterprise by his girlfriend, Stacy Louise Winzenburg, and others. Rodriguez-Soriano and Winzenburg received the methamphetamine from ALVAREZ-GUIZAR in or near Seattle, Washington, and transported it to Montana for resale.

Rodriguez-Soriano was arrested in January of 2005. Winzenburg continued to receive methamphetamine from ALVAREZ-GUIZAR until her arrest in March of 2005.

During the course of the conspiracy, Rodriguez-Soriano and Winzenburg received in excess of 500 grams of methamphetamine from ALVAREZ-GUIZAR, including approximately 728 grams that was seized by law enforcement following Rodriguez-Soriano’s arrest in January of 2005.

Rodriguez-Soriano and Winzenburg would have testified concerning the number of trips they made to Montana from Washington to deliver methamphetamine and the amount of drugs provided by ALVAREZ-GUIZAR on each trip.

A forensic chemist would have testified as to the analysis he performed on the

methamphetamine seized from Rodriguez-Soriano's car in January of 2005.

Rodriguez-Soriano and Winzenburg have both pled to and been sentenced on federal charges.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that ALVAREZ-GUIZAR will likely serve **all** of the time imposed by the court. In the federal system, ALVAREZ-GUIZAR does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Timothy J. Racicot prosecuted the case for the United States.

The investigation was a cooperative effort between the Bureau of Immigration and Customs Enforcement and the Montana Southwest Drug Task Force.

**MYRTLE BALDWIN and FRANK HAZEL
(BALDWIN & HAZEL)**

FRANK HAZEL, a 30-year-old resident of Kila, and MYRTLE BALDWIN, a 72-year-old resident of Kalispell, were sentenced.

HAZEL was sentenced in connection with his guilty plea to possession with the intent to distribute methamphetamine to a term of:

- Prison: 178 months, concurrent with another sentence
- Supervised Release: 5 years

BALDWIN was sentenced in connection with her guilty plea to conspiracy to distribute methamphetamine to a term of:

- Prison: 47 months
- Special Assessment: \$100
- Supervised Release: 5 years

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

In the early spring of 2006, law enforcement officers attached to the Northwest Montana Drug Task Force began an investigation into the sale of methamphetamine in the Kalispell area by arranging controlled buys with small-time sellers of the drug. On several occasions the agents noted that at least one of the sellers was going to Dallas Koepfli's house prior to consummating a deal. Eventually the agents were able to convince the seller to allow them to deal with Koepfli directly.

They then began purchasing methamphetamine directly from Koepfli. On one occasion they purchased over 160 grams of methamphetamine from Koepfli. That methamphetamine was sent to the Montana State Crime Lab which confirmed that it was indeed the methamphetamine Koepfli purported it to be. During the course of the transactions, Koepfli was repeatedly on the phone to his supplier as the agents asked for greater quantities of the drug. During the transactions, Koepfli told the undercover agents that his supplier could provide large quantities and had once tried to leave a pound of methamphetamine (approximately 450 grams) at his house. He had declined that offer because he preferred not to keep large quantities around.

As agents continued to investigate Koepfli, they learned that he was dealing with Frank Hazel and an older woman whom everyone called "Granny", later identified as BALDWIN. Agents surveilled Koepfli after ordering methamphetamine from him, and noted that Koepfli went to BALDWIN'S home, and when he emerged, he would meet the agents and provide the promised methamphetamine. Similarly, agents followed BALDWIN, and noted that she associated with members of the conspiracy, including being present when agents inferred that drug transactions were taking place.

Among the people BALDWIN and Koepfli associated with was Frank Hazel. He was on probation, and at one point his car searched. Under the passenger seat, officers found 177 grams of a mixture of methamphetamine.

Testimony would have confirmed that Hazel was the main distributor of methamphetamine in the Kalispell area. Hazel would receive his methamphetamine in pound quantities from BALDWIN, and then redistribute it to Koepfli and others, who would then redistribute it still further.

Koepfli pled guilty to and has been sentenced on federal charges.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that BALDWIN and HAZEL will likely serve **all** of the time imposed by the court. In the federal system, BALDWIN and HAZEL do have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Josh Van de Wetering prosecuted the case for the United States.

The investigation was conducted by the Northwest Montana Drug Task Force.

**ISRAEL BARRAGAN-GARCIA AND MANUEL MENDEZ-ANGUINO
(BARRAGAN-GARCIA & MENDEZ-ANGUINO)**

ISRAEL BARRAGAN-GARCIA, a 31-year-old resident of Helena, and MANUEL

MENDEZ-ANGUINO, a 30-year-old resident of Mexico, appeared for sentencing.

BARRAGAN-GARCIA was sentenced in connection with his guilty plea to conspiracy to distribution of methamphetamine to a term of:

- Prison: 42 months
- Special Assessment: \$100
- Supervised Release: 4 years

MENDEZ-ANGUINO was sentenced in connection with his guilty plea to distribution of methamphetamine to a term of:

- Prison: 37 months
- Special Assessment: \$100
- Supervised Release: 4 years

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On March 2, 2006, a confidential informant (CI) purchased 3.75 grams of methamphetamine from BARRAGAN-GARCIA.

On March 3, 2006, BARRAGAN-GARCIA delivered an 8-ball of methamphetamine to the CI.

On March 7, 2006, BARRAGAN-GARCIA delivered 25 grams of methamphetamine to the CI.

On March 22, 2006, a CI made a controlled purchase of 6.9 grams methamphetamine from BARRAGAN-GARCIA.

On April 3, 2006, an undercover purchase of 1-1/2 ounces of methamphetamine was made from BARRAGAN-GARCIA and a co-conspirator.

On April 5, 2006, an undercover purchase of 49.8 grams of methamphetamine was made from BARRAGAN-GARCIA.

On April 17, 2006, a controlled purchase of three ounces of methamphetamine was made from BARRAGAN-GARCIA and MENDEZ-ANGUINO.

Law enforcement officers subsequently searched three vehicles belonging to BARRAGAN-GARCIA and/or a co-conspirator and an apartment rented by another co-conspirator in Helena. Two bags containing methamphetamine were located in the vehicles and drug paraphernalia was located in the apartment.

A search was also conducted at another residence in Helena where drug paraphernalia, copies of wire transfers, and cash were recovered.

A forensic chemist would have testified that the substances purchased were methamphetamine. Specifically, the April 3, 2006, delivery contained more than 5 grams of actual methamphetamine; and the April 17, 2006, delivery contained more than 50 grams of a mixture containing methamphetamine.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that BARRAGAN-GARCIA and MENDEZ-ANGUINO will likely serve **all** of the time imposed by the court. In the federal system, BARRAGAN-GARCIA and MENDEZ-ANGUINO do have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Paulette L. Stewart prosecuted the case for the United States.

The investigation was a cooperative effort between the Missouri River Drug Task Force and the Bureau of Immigration and Customs Enforcement.

TIMOTHY BAYES

TIMOTHY BAYES, a 35-year-old resident of Brentwood, California, was sentenced to a term of:

- Prison: 90 months
- Special Assessment: \$100
- Supervised Release: 5 years

BAYES was sentenced in connection with his guilty plea to conspiracy to possess with the intent to distribute and distribution of over 50 grams of actual methamphetamine.

At the sentencing proceeding, the government stated it would have proved at trial the following:

On or about June of 2004, and continuing until on or about June of 2005, in Billings, Richard Todd, with the assistance of BAYES, Samuel Ireland, and others, conspired to possess with the intent to distribute and distribute over 50 grams of actual methamphetamine or over 500 grams of a mixture or substance containing methamphetamine. The parties traveled from Brentwood, California, by automobile and by commercial airline to Billings transporting methamphetamine and/or U.S. currency.

In Billings, Todd and Ireland used a network of associates to distribute methamphetamine all over Billings. According to Todd, Ireland, and another individual, the source of supply for the methamphetamine after June of 2004 was BAYES.

Todd and BAYES were neighbors in Brentwood, California. In June of 2004, Todd purchased a half pound of methamphetamine from BAYES. After that initial purchase, Todd stated he purchased six more quantities of methamphetamine from BAYES. Todd also stated that BAYES drove approximately three of the pounds to Montana himself and that BAYES paid \$9,000 to \$10,000 a pound for the methamphetamine. BAYES would put the methamphetamine inside the bumper of his Toyota pickup truck and weld the bumper shut. The last methamphetamine BAYES brought to Montana was just prior to Todd's arrest in May of 2005.

During the period of the conspiracy, law enforcement officers conducted the following undercover buys of methamphetamine provided by BAYES:

<u>Date</u>	<u>Amount/Purity</u>	<u>Amount of Actual Methamphetamine</u>
12/08/04	1.4 grams / 23%	.32 grams
12/09/04	1.4 grams / 57%	.79 grams
12/14/04	1.3 grams / 40%	.52 grams
01/04/05	1.3 grams / 57%	.93 grams
01/05/05	1.4 grams / 44%	.61 grams
01/14/05	6.5 grams / 82%	5.3 grams
01/18/05	6.8 grams / 42%	2.8 grams
02/03/05	21.2 grams / 44%	9.3 grams
02/08/05	10.8 grams / 42%	4.5 grams
02/10/05	20.7 grams / 40%	8.2 grams
02/23/05	7.7 grams / 35%	2.6 grams
02/25/05	13.7 grams / 36%	4.92 grams
03/15/05	28.2 grams / 39%	10.9 grams
05/16/05	82 grams / 69%	56.9 grams
05/17/05	1.5 grams / 68%	1 gram

Todd and Ireland pled guilty to federal drug charges and have been sentenced.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that BAYES will likely serve **all** of the time imposed by the court. In the federal system, BAYES does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney James E. Seykora prosecuted the case for the United States.

The investigation was a cooperative effort between the Drug Enforcement Administration and the High Intensity Drug Trafficking Area (HIDTA) Task Force.

ADRIEN MONTRE BEAVERS

ADRIEN MONTRE BEAVERS, a 22-year-old resident of Spokane, Washington, was sentenced to a term of:

- Prison: 121 months
- Special Assessment: \$100
- Supervised Release: 5 years

BEAVERS was sentenced in connection with his guilty plea to conspiracy to possess with the intent to distribute over 50 grams of cocaine base and distribution of over 50 grams of cocaine base.

At the sentencing proceeding, the government stated it would have proved at trial the following:

From the spring of 2004 to July 30, 2005, BEAVERS provided a co-conspirator with a total of 16-20 ounces of cocaine, with 2-3 ounces in the form of crack cocaine or cocaine.

From August of 2004 to August of 2005, BEAVERS made five or six trips to Washington to pick up cocaine. On one trip, BEAVERS was accompanied by a co-conspirator. BEAVERS picked up "a brick" of powder cocaine, weighing sixteen to seventeen ounces, from another co-conspirator in Washington.

In March of 2005, BEAVERS asked another co-defendant to hold one ounce of powder cocaine for him. This co-defendant later began selling cocaine for BEAVERS. BEAVERS made four trips to Washington to pick up cocaine. On the first three trips, BEAVERS picked up 8 ounces per trip, for a total of 24 ounces of powder cocaine. BEAVERS brought back 18 ounces of cocaine on the last trip. The total amount of powder cocaine brought back on the four trips was 42 ounces. The co-defendant received four to five ounces of powder cocaine from two other co-conspirators, who had received the cocaine from BEAVERS. The powder cocaine was converted to crack and sold.

On April 6, 2005, an officer with the drug task force performed a search of a co-defendant's vehicle. Recovered during the search were 14.7 grams of 85% cocaine base. Also recovered was crack cocaine, which the co-defendant stated came from BEAVERS.

On July 22, 2005, officers with the Montana Probation and Parole conducted a search of a residence in Billings. Recovered were 125 grams of cocaine and wire transfers to BEAVERS and another co-conspirator.

On August 2, 2005, another co-conspirator traveled to Butte and picked up an ounce of crack cocaine from BEAVERS.

Witnesses would have testified to BEAVERS' role in the overall conspiracy and that the amounts involved in the conspiracy exceeded 150 grams of cocaine base.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that BEAVERS will likely serve **all** of the time imposed by the court. In the federal system, BEAVERS does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney James E. Seykora prosecuted the case for the United States.

The investigation was a cooperative effort between the Federal Bureau of Investigation, the Billing Big Sky Safe Streets Task Force and the Drug Enforcement Administration.

STEPHEN BURTON BERG

STEPHEN BURTON BERG, a 47-year-old resident of Billings, was sentenced to a term of:

- Prison: 60 months
- Special Assessment: \$400
- Supervised Release: 5 years

BERG was sentenced in connection with his guilty plea to possession with the intent to distribute cocaine, distribution of cocaine, and the use or possession of a firearm during a drug-trafficking crime or in furtherance of a drug-trafficking crime.

At the sentencing proceeding, the government stated it would have proved at trial the following:

On May 11, 2005, and again on May 27, 2005, undercover law enforcement officers conducted controlled buys from BERG, in which 1 gram and 1.4 grams of cocaine, respectively, were purchased either directly from BERG or through BERG.

On August 5, 2005, a search warrant was executed at BERG’S residence in Billings. Prior to the execution of the warrant, a law enforcement officer observed BERG leave the residence in a vehicle. The officer activated his lights and siren and attempted to stop BERG. During a short pursuit, the officer observed BERG throw suspected cocaine out of the vehicle’s window during the pursuit. The pursuit was captured on video. The evidence was retrieved and subsequently submitted to the DEA Lab which determined the substance to be cocaine base. Officers also recovered a handgun and a machete from under the front seat of BERG’S vehicle.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that BERG will likely serve **all** of the time imposed by the court. In the federal system, BERG does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney James E. Seykora prosecuted the case for the United States.

The investigation was conducted by the Federal Bureau of Investigation.

CHAD MICHAEL BERGMAN

CHAD MICHAEL BERGMAN, a 25-year-old resident of the Libby area, was sentenced to a term of:

- Prison: 85 months
- Special Assessment: \$200
- Community Service: 200 hours
- Supervised Release: 5 years

BERGMAN was sentenced in connection with his guilty plea to conspiracy to distribute methamphetamine and use or possession of a firearm during and in relation to a drug trafficking crime.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On or about March 24, 2003, and for at least two years prior thereto, in Libby and elsewhere, BERGMAN engaged in a conspiracy with other individuals to distribute methamphetamine.

During the period of the conspiracy, BERGMAN knew that one of the individuals was a drug dealer who engaged in the distribution of methamphetamine. BERGMAN also knew that this drug dealer would accept stolen property, including firearms, in exchange for methamphetamine.

BERGMAN burglarized residences and stole items of personal property, including firearms, which he then traded to the drug dealer for methamphetamine which he used and/or redistributed to his friends.

Testimony would have shown specifically that BERGMAN traded a Tikka, Model M695, 338 rifle; a Remington, Model 870, 12 gauge shotgun; and a Remington, Model M1187, 12 gauge shotgun, to the drug dealer in return for methamphetamine.

BERGMAN had personally stolen the firearms prior to the time he traded them to the drug dealer for the methamphetamine.

Evidence would have been presented to show that the conspiracy involved 50 grams or more of a mixture or substance containing a detectable amount of methamphetamine, a Schedule II controlled substance.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that BERGMAN will likely serve **all** of the time imposed by the court. In the federal system, BERGMAN does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Paulette L. Stewart prosecuted the case for the United States.

The investigation was a cooperative effort between the High Intensity Drug Trafficking Area (HIDTA) Task Force, the Missouri River Drug Task Force, the Lake County Sheriff’s Office, the Polson Police Department, the Flathead Tribal Law Enforcement, the Federal Bureau of Investigation, and the Bureau of Alcohol, Tobacco, Firearms and Explosives.

ROBERT BIGGS, II

ROBERT BIGGS, II, a resident of Billings, was sentenced to a term of:

- Prison: 102 months
- Special Assessment: \$400
- Supervised Release: 5 years

BIGGS was sentenced in connection with his guilty plea to three counts of distribution of methamphetamine and one count of possession of a firearm in furtherance of a drug trafficking crime.

At the sentencing proceeding, the government stated it would have proved at trial the following:

On January 19, 2006, an undercover police officer purchased 27.9 grams of a mixture containing 29% methamphetamine, or 8 grams of actual methamphetamine from BIGGS.

On January 24, 2006, an undercover police officer purchased 27.7 grams of a mixture containing 45% methamphetamine, or 12.4 grams of actual methamphetamine from BIGGS. BIGGS brought the methamphetamine in a small black shaving kit. While the methamphetamine was being delivered to the undercover officer, a confidential informant saw that the shaving kit also contained a handgun with green grips.

On January 31, 2006, another individual sold 14.5 grams of a mixture containing 44% methamphetamine, or 6.3 grams of actual methamphetamine to an undercover police officer. The methamphetamine was given to the individual for redistribution by BIGGS.

On January 31, 2006, another distribution was made to the same undercover police officer by BIGGS and it consisted of 27.6 grams of a mixture containing 40% methamphetamine, or 11 grams of actual methamphetamine.

A forensic chemist would have testified to the amount and purity of the methamphetamine seized.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that BIGGS will likely serve **all** of the time imposed by the court. In the federal system, BIGGS does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney James E. Seykora prosecuted the case for the United States.

The investigation was a cooperative effort between the Billings Big Sky Safe Streets Task Force and the Federal Bureau of Investigation.

FAUSTO BONILLA-DOMINQUEZ

FAUSTO BONILLA-DOMINQUEZ, age 26, was sentenced to a term of:

- Prison: 60 months
- Special Assessment: \$100
- Supervised Release: 4 years

BONILLA-DOMINQUEZ was sentenced in connection with his guilty plea to conspiracy to possess with the intent to distribute cocaine.

At the sentencing proceeding, the government stated it would have proved at trial the following:

From approximately mid-October of 2006, to November 17, 2006, in Billings, and elsewhere, BONILLA-DOMINQUEZ and other individuals were involved in a conspiracy to possess with the intent to distribute at least 500 grams of cocaine.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that BONILLA-DOMINQUEZ will likely serve **all** of the time imposed by the court. In the federal system, BONILLA-DOMINQUEZ does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney James E. Seykora prosecuted the case for the United States.

The investigation was a cooperative effort between the Drug Enforcement Administration, the High Intensity Drug Trafficking Area (HIDTA) Task Force, the Bureau of Immigration and Customs Enforcement, the Bureau of Alcohol, Tobacco, Firearms and Explosives, and the Federal Bureau of Investigation.

GREGORY BOYD

GREGORY BOYD, a 24-year-old resident of Oakley, California, was sentenced to a term of:

- Prison: 420 months
- Supervised Release: 8 years

BOYD was sentenced after having been found guilty during a 3-day trial of possession with the intent to distribute over 5 grams of pure methamphetamine, being a felon-in-possession of a firearm, and possession of a firearm in furtherance of a drug-trafficking crime.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that BOYD will likely serve **all** of the time imposed by the court. In the federal system, BOYD does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Special Assistant U.S. Attorney Sheila Kolar and Assistant U.S. Attorney James E. Seykora prosecuted the case for the United States.

The investigation was a cooperative effort between the Bureau of Alcohol, Tobacco, Firearms and Explosives, the Drug Enforcement Administration, and the Billings Police Department.

KATRINA CARNES

KATRINA CARNES, a 29-year-old resident of Sacramento, California, was sentenced to a term of:

- Prison: 60 months
- Special Assessment: \$100
- Supervised Release: 4 years

CARNES was sentenced in connection with her guilty plea to conspiracy to possess with the intent to distribute methamphetamine.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

Evan Qunell was a methamphetamine dealer in Great Falls. In late 2006, he began to cooperate with the authorities. He explained to the authorities that he had previously imported methamphetamine from Sacramento, California, to Great Falls with the assistance of his sister, Victoria Qunell.

In December of 2006, Victoria Qunell was arrested for drug trafficking. Following her arrest, she was interviewed by the authorities. Victoria Qunell indicated that around June of 2006 she and CARNES, who was her roommate, delivered one-quarter pound of methamphetamine from Sacramento, California, to Evan Qunell in Great Falls.

The authorities interviewed CARNES. CARNES admitted that, in approximately June of 2006, she and Victoria Qunell transported methamphetamine from Sacramento to Great Falls. CARNES admitted that she aided Victoria Qunell by helping her drive from California to Montana. CARNES also admitted that she knew they were transporting methamphetamine to Great Falls and that she received approximately \$200 for the assistance she provided to Victoria Qunell.

Evan Qunell and Victoria Qunell pled guilty to federal charges and have been sentenced.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that CARNES will likely serve **all** of the time imposed by the court. In the federal system, CARNES does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Joseph E. Thaggard prosecuted the case for the United States.

The investigation was conducted by the U.S. Immigration and Customs Enforcement and the Great Falls Police Department.

DESMON RAUL CERON and STEVEN JONES

STEVEN JONES, age 47, and DESMON RAUL CERON, age 36, residents of Salt Lake City, Utah, were sentenced.

STEVEN JONES was sentenced to a term of:

- Prison: 240 months
- Special Assessment: \$100
- Supervised Release: 10 years

DESMON RAUL CERON was sentenced to a term of:

- Prison: 188 months
- Special Assessment: \$100
- Supervised Release: 3 years

They were sentenced after having been found guilty during a 1½ -day trial of conspiracy to distribute methamphetamine.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that they will likely serve **all** of the time imposed by the court. In the federal system, they do have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Timothy J. Racicot prosecuted the case for the United States.

The investigation was conducted by the U.S. Immigration and Customs Enforcement and the Southwest Montana Drug Task Force.

CARLENE COBELL

CARLENE COBELL, a 33-year-old resident of Browning, was sentenced to a term of:

- Prison: 11 months
- Special Assessment: \$100
- Supervised Release: 6 years

COBELL was sentenced in connection with her guilty plea to distribution of cocaine within 1,000 feet of a public school.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

A confidential informant would have testified that he/she met COBELL at a location in Browning on September 22, 2005, as part of an effort to purchase cocaine from COBELL. The informant would have testified that the site was located within 1,000 feet of the real property of a public school.

The informant would have also testified that COBELL sold him/her approximately one-quarter gram of purported cocaine.

Several law enforcement agents associated with the Blackfeet Safe Trails Task Force would have testified they monitored the transaction between the informant and COBELL.

A forensic chemist would have testified that the substance did in fact contain cocaine, a Schedule II controlled substance.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that COBELL will likely serve **all** of the time imposed by the court. In the federal system, COBELL does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Joseph E. Thaggard prosecuted the case for the United States. The investigation was conducted by the Federal Bureau of Investigation in Browning.

DONALD CRAMER

DONALD CRAMER, a 62-year-old resident of Rathdrum, Idaho, was sentenced to a term of:

- Prison: 60 months
- Special Assessment: \$100
- Supervised Release: 4 years

CRAMER was sentenced in connection with his guilty plea to conspiracy to possess with the intent to distribute marijuana.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On August 17, 2006, an individual driving a pickup with an Idaho license plate was stopped by a law enforcement officer in Northwestern Montana. The vehicle which was stopped by the officer contained approximately 414 pounds of marijuana.

Law enforcement officers were aware that a float plane had just landed on Lake Koochanusa, in a spot that had previously been used by marijuana smugglers, and that this individual had been driving on a remote, little-used road that led directly to that spot.

Also driving on the road in the same location were two other pick-up trucks with Idaho license plates. A check of the license plate numbers revealed that the pickup truck the individual had used to transport the marijuana and as well as one of the pickups seen earlier in the same area were registered to CRAMER.

Law enforcement agencies in Montana and Wyoming were then notified to be on the lookout for CRAMER'S other pickup. Some time later, in Idaho, CRAMER was arrested in the pickup. When questioned about his involvement in marijuana smuggling, CRAMER admitted he had been involved in the smuggling operations, and confessed to making a total of ten trips of at least 100 pounds of marijuana per trip.

Laboratory analysis confirmed that the substance seized was marijuana.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that CRAMER will likely serve **all** of the time imposed by the court. In the federal system, CRAMER does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Josh Van de Wetering prosecuted the case for the United States.

The investigation was a cooperative effort between the Bureau of Immigration, Customs and Enforcement, the Lincoln County Sheriff's Office, the U.S. Border Patrol in Idaho, and the Montana Highway Patrol.

PATRICIA CURFMAN

PATRICIA CURFMAN, a 25-year-old resident of Billings, was sentenced to a term of:

- Prison: 30 months
- Special Assessment: \$100
- Supervised Release: 4 years

CURFMAN was sentenced in connection with her guilty plea to distribution of methamphetamine.

At the sentencing proceeding, the government stated it would have proved at trial the following:

During August of 2005, CURFMAN distributed over 50 grams of methamphetamine, a Schedule II controlled substance, in the Billings area.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that CURFMAN will likely serve **all** of the time imposed by the court. In the federal system, CURFMAN does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney James E. Seykora prosecuted the case for the United States.

The investigation was a cooperative effort between the Billings Big Sky Safe Streets Task Force and the Drug Enforcement Administration.

CRAIG DALAKOW

CRAIG DALAKOW, a 46-year-old resident of Miles City, was sentenced to a term of:

- House Arrest: 6 months
- Probation: 5 years
- Special Assessment: \$100

DALAKOW was sentenced in connection with his guilty plea to conspiracy to possess with the intent to distribute marijuana.

At the sentencing proceeding, the government stated it would have proved at trial the following:

From 1990 up to 2005, DALAKOW was involved in the purchase and distribution of kilogram quantities of marijuana with co-defendants Jeff Mitchell and Robert Baesler and other individuals.

From March 1994 until May 2004, bulk marijuana packaging material was seized from Mitchell's trash, to document his purchase and sale of multi-kilogram quantities of marijuana.

From 1990 up to 2005, DALAKOW was involved with Mitchell in the purchasing, packaging, and distribution of marijuana.

When questioned by DEA agents, DALAKOW admitted that on February 10, 2005, June 23, 2005, and February 8, 2006, that he had received, sold or distributed marijuana. Numerous witnesses would have testified to DALAKOW'S distribution of marijuana and the use of other individuals, including Mitchell and Baesler, in the marijuana conspiracy.

The amount of marijuana involved during the period of the conspiracy was 80 to 100 kilograms.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that DALAKOW will likely serve **all** of the time imposed by the court. In the federal system, DALAKOW does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney James E. Seykora prosecuted the case for the United States.

The investigation was a cooperative effort between the Drug Enforcement Administration, the Bureau of Alcohol, Tobacco, Firearms and Explosives, the Montana Department of Criminal Investigation, the Custer County Sheriff's Office and the Miles City Police Department.

LANE DEMARAIS

LANE DEMARAIS, a 26-year-old resident of Laurel, was sentenced to a term of:

- Prison: 150 months
- Special Assessment: \$300
- Supervised Release: 5 years

DEMARAIS was sentenced in connection with his guilty plea to conspiracy to possess with the intent to distribute methamphetamine, possession with the intent to distribute

cocaine, and possession of a firearm in furtherance of a drug trafficking crime.

At the sentencing proceeding, the government stated it would have proved at trial the following:

On May 03, 2006, the Laurel Police Department received a 911 call at approximately 12:58 p.m. from an employee at Lucky Lil's. The caller stated there were two males fighting between Lucky Lil's and Curt's Saloon.

Officers responded to the scene of the fight. One of the officer observed DEMARAIS get into a vehicle. A Montana Highway Patrol officer then yelled "don't reach for the gun" to DEMARAIS. Two officers were able to take control of DEMARAIS prior to him gaining control of a shotgun. The shotgun was loaded with a slug round in the chamber. When searched, DEMARAIS had \$3,007 in U.S. Currency in his pocket.

An assault rifle and a shotgun were removed from the vehicle. The shotgun was located behind the driver's seat and was covered, and the assault rifle was lying on the front passenger seat, also covered. A drug dog was then deployed on the vehicle which gave a positive alert.

A search was then conducted on the vehicle and the following items were recovered: a glass pipe; a FHN USA Inc. 5.7 x 28 semi-automatic pistol with a magazine in the pistol with 9 rounds of ammunition; a Glock Model 21, 45 caliber semi-automatic pistol with a magazine in the pistol containing 13 bullets; and from the rear compartment of the car, a white plastic Wal-Mart bag with the top tied, which contained a white powder substance. The DEA lab later determined it contained 326 grams of 84% cocaine, a Schedule II controlled substance.

Testimony would have shown that between November of 2003 and April of 2005, DEMARAIS possessed with the intent to distribute over 500 grams of methamphetamine, a Schedule II controlled substance.

A source of information (SOI) for the DEA would have testified that he/she purchased between thirty-five (35) to forty (40) pounds of marijuana from DEMARAIS in during this time. The SOI would have further testified that during this time period, DEMARAIS always had methamphetamine on him and was always trying to front the SOI methamphetamine to sell. DEMARAIS would show up at the SOI's house, take out a baggie of methamphetamine and smoke some. DEMARAIS usually had one or two ounce baggies of methamphetamine on him. The SOI said he/she did not take any of the methamphetamine to sell. DEMARAIS wanted \$2,000 per ounce for the methamphetamine. The SOI said in the one and half years he/she dealt with DEMARAIS, the SOI saw at least two pounds of methamphetamine in DEMARAIS' possession.

Because there is no parole in the federal system, the "truth in sentencing" guidelines

mandate that DEMARAIS will likely serve **all** of the time imposed by the court. In the federal system, DEMARAIS does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney James E. Seykora prosecuted the case for the United States.

The investigation was a cooperative effort between the Drug Enforcement Administration, the High Intensity Drug Trafficking Area (HIDTA) Task Force, the Montana Highway Patrol, and the Laurel Police Department.

MICHAEL RAY DOWNING and WILLIAM SOLYMANBEYK

MICHAEL RAY DOWNING, a 27-year-old resident of Columbia Falls, and WILLIAM SOLYMANBEYK, a 38-year-old resident of Modesto, California, were sentenced.

DOWNING was sentenced in connection with his guilty plea to conspiracy to distribute cocaine and possession with the intent to distribute cocaine to a term of:

- Prison: 70 months
- Special Assessment: \$100
- Supervised Release: 5 years

SOLYMANBEYK was sentenced in connection with his guilty plea to conspiracy to distribute cocaine to a term of:

- Prison: 78 months
- Special Assessment: \$100
- Supervised Release: 4 years

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

Beginning in or around February of 2006, and continuing through August 16, 2006, in and around Kalispell, DOWNING and SOLYMANBEYK conspired to distribute 500 grams or more of cocaine, a Schedule II controlled substance.

Several witnesses would have testified that DOWNING had cocaine available for sale for several weeks prior to August 16, 2006, and that he was offering it to people in the area. Witnesses would have testified that DOWNING had multiple pounds at his disposal.

When law enforcement agents went to DOWNING'S residence with a search warrant, DOWNING ran out the back door as the officers went in the front. As he ran, he threw handfuls of white powder out of a bag. Although DOWNING got away at that time, the officers recognized him and recovered some of the white powder for testing. Testing

concluded it was cocaine. Officers also recovered several more pounds of cocaine in the residence.

DOWNING later admitted to law enforcement that he had received the cocaine from SOLYMANBEYK, who had brought it from California. DOWNING stated that he and SOLYMANBEYK had been working together to sell the cocaine in Montana in order to pay off SOLYMANBEYK'S California supplier.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that DOWNING and SOLYMANBEYK will likely serve **all** of the time imposed by the court. In the federal system, DOWNING and SOLYMANBEYK do have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Josh Van de Wetering prosecuted the case for the United States.

The investigation was a cooperative effort between the U.S. Immigration and Customs Enforcement and the Northwest Drug Task Force (Kalispell HIDTA).

JESSICA LYNNE DURHAM

JESSICA LYNNE DURHAM, a 25-year-old resident of Gardiner, was re-sentenced to a term of:

- Prison: 24 months
- Supervised Release: 4 years

DURHAM was re-sentenced after having been found guilty of distribution of marijuana to a person younger than 18 years of age, DURHAM'S toddler daughter, after a 1-day district court trial. DURHAM'S original sentence was appealed to the Ninth Circuit Court of Appeals. The sentence was reversed and remanded back to the U.S. District Court for re-sentencing.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that DURHAM will likely serve **all** of the time imposed by the court. In the federal system, DURHAM does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Marcia Hurd prosecuted this case for the United States.

The investigation was conducted by the Missouri River Drug Task Force.

MICHAEL DANON EMERY

MICHAEL DANON EMERY, a 41-year-old resident of Bozeman, was sentenced to a term of:

- Prison: 108 months
- Special Assessment: \$100
- Supervised Release: 5 years

EMERY was sentenced in connection with his guilty plea to conspiracy to distribute methamphetamine.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On August 16, 2004, Roy Allen Bianchi, Jose Ramiro Pena and Joel Vargas Torres were stopped by a Gallatin County Sheriff's deputy for failing to dim the headlights of the vehicle they were driving. The vehicle, a white Chevy pickup, was registered to another individual. Bianchi, Pena, and Torres had some drugs and paraphernalia in the vehicle, as well as room keys for two rooms at the TLC Inn in Bozeman.

Officers searched the rooms and seized approximately three-quarters of a pound of methamphetamine, a pistol, and other indicia of drug use and drug distribution, including a digital scale. They also seized a deck of playing cards bearing the name "Mike" and a phone number. Gallatin County Sheriff's Office records indicated that phone number was linked to EMERY.

Bianchi, Pena, and Torres were indicted for conspiracy to distribute methamphetamine and possession of a firearm in furtherance of a drug trafficking crime. Bianchi pled guilty to both charges and was sentenced to 117 months imprisonment. Pena and Torres were convicted following trial.

After the indictment was returned, Bianchi turned himself in to Drug Enforcement Administration agents in Washington and consented to an interview concerning the scope of the conspiracy. He was de-briefed again prior to Pena's and Torres' trial. During those interviews, he fully admitted his involvement in the conspiracy and described the transportation of methamphetamine from Washington to Montana on several occasions during the spring and summer of 2004. He also identified three Montana buyers, one of which was EMERY. According to Bianchi, he met the other two buyers through EMERY, with whom he had grown up in Washington. EMERY had moved to Bozeman and Bianchi contacted him about the possibility of distributing drugs in Montana.

Based on the information provided by Bianchi, law enforcement officers obtained and reviewed occupancy and phone records from the hotels that Bianchi, Pena, and Torres

frequented during their drug runs. Records from the TLC Inn reflect that Bianchi rented rooms on July 30 and 31, 2004; August 6 and 7, 2004; August 10 and 11, 2004; and August 15 and 16, 2004. On August 15 and 16, 2004, five calls were placed from Bianchi's room at the TLC Inn to EMERY'S phone number. Those calls would have corroborated Bianchi's testimony that he would make contact with EMERY in order to facilitate the deliveries of methamphetamine to EMERY and the two other buyers.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that EMERY will likely serve **all** of the time imposed by the court. In the federal system, EMERY does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Timothy J. Racicot prosecuted the case for the United States.

The investigation was conducted by the Missouri River Drug Task Force.

STEVEN EUGENE ENGLERT

STEVEN EUGENE ENGLERT, a 44-year-old resident of Billings, was sentenced to a term of:

- Prison: 90 months
- Special Assessment: \$100
- Supervised Release: 5 years

ENGLERT was sentenced in connection with his guilty plea to conspiracy to distribute and distribution of methamphetamine.

At the sentencing proceeding, the government stated it would have proved at trial the following:

From approximately June of 2005 until ENGLERT was arrested in March of 2006, ENGLERT was involved in a conspiracy to possess with the intent to distribute methamphetamine.

In February of 2006, an agent with the Drug Enforcement Administration received information regarding ENGLERT'S drug trafficking activities.

On March 17, 2006, another source of information reported that an unnamed co-conspirator of ENGLERT'S had been distributing methamphetamine in Billings for some time. The source also admitted to purchasing drugs from ENGLERT at ENGLERT'S residence in Lockwood and had purchased as much as 1/8 ounce quantities of methamphetamine from ENGLERT.

On March 18, 2006, a detective with the City-County Special Investigation Unit received

information from an informant that ENGLERT was driving to Salt Lake City to purchase five ounces of methamphetamine. The detective and a DEA agent coordinated with the DEA Task Force in Salt Lake City for surveillance on ENGLERT. When ENGLERT and his co-conspirators were unable to locate five ounces of methamphetamine in Salt Lake City, they traveled to St. George, Utah, and Mesquite, Nevada, and two of the co-conspirators traveled to Las Vegas, Nevada. Once the methamphetamine was obtained in Las Vegas, ENGLERT and the co-conspirators returned to Salt Lake City.

Witnesses would have testified that ENGLERT had traveled to Salt Lake City to purchase five ounces of methamphetamine and that ENGLERT had approximately \$5,000 to make the purchase.

On March 22, 2006, at approximately 1:00 a.m., ENGLERT was stopped in Madison County for speeding and no rear tail light. ENGLERT gave the Madison County Sheriff's deputy consent to search his vehicle, a Ford truck which was pulling a trailer with a car on the trailer. Approximately five ounces of methamphetamine and drug paraphernalia were recovered during the search of the truck. Methamphetamine was also found on ENGLERT'S person. ENGLERT also admitted to the deputy that he had a Smith & Wesson, .45 caliber handgun.

On March 24, 2006, the Southwest Montana Drug Task Force executed warrants on ENGLERT'S truck, trailer and car. Drug paraphernalia, a cell phone and receipts were seized. Receipts included one from the Rodeway Inn in St. George, Utah, on March 19, 2006, and one from a Rite Aid Pharmacy in Mesquite, Nevada, dated March 20, 2006.

The methamphetamine seized from ENGLERT on March 22, 2006, was analyzed by the DEA's Western Regional Laboratory. Exhibit 1 was 1.1 grams methamphetamine, 77 percent pure, .84 grams actual methamphetamine; Exhibit 2 was 125.3 grams methamphetamine, 26 percent pure, 32.5 grams actual methamphetamine; and Exhibit 3 was 6.85 grams methamphetamine, 52 percent pure, 3.5 grams actual methamphetamine.

Because ENGLERT will likely serve **all** of the time imposed by the court. In the federal system, ENGLERT does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney James E. Seykora prosecuted the case for the United States.

The investigation was a cooperative effort between the Drug Enforcement Administration, the City-County Special Investigation Unit in Billings, the Southwest Montana Drug Task Force, and the Madison County Sheriff's Office.

BALTAZAR ESCOBAR

BALTAZAR ESCOBAR, age 28, was sentenced to a term of:

- Prison: 121months
- Special Assessment: \$300
- Supervised Release: 5 years

ESCOBAR was sentenced in connection with his guilty plea to conspiracy to possess with the intent to distribute cocaine, methamphetamine and marijuana.

At the sentencing proceeding, the government stated it would have proved at trial the following:

On February 24, 2005, at a business located in Billings Heights, ESCOBAR sold 56.2 grams of cocaine to an undercover detective. The detective paid ESCOBAR \$2,400 for the cocaine. The substance was tested by the DEA Western Regional Laboratory and the 56.2 grams were 74 percent pure or 41.5 grams of cocaine.

On March 8, 2005, in a parking lot of a downtown business in Billings, ESCOBAR sold 48.1 grams of cocaine to an undercover detective. The detective paid ESCOBAR \$2,400 for the cocaine. The substance was tested by the DEA Western Regional Laboratory and the 48.1 grams were 75 percent pure or 36.0 grams of cocaine.

On March 23, 2005, in the parking lot of another business in downtown Billings, ESCOBAR sold 49.5 grams of cocaine to an undercover detective. The detective paid ESCOBAR \$2,400 for the cocaine. The substance was tested by the DEA Western Regional Laboratory and the 49.5 grams were 75 percent pure or 37.1 grams of cocaine.

In April of 2005, agents learned that ESCOBAR was expecting an individual to bring 135 pounds of marijuana and two pounds of methamphetamine to Billings from California.

On April 23, 2005, agents placed an electronically monitored telephone call to ESCOBAR. ESCOBAR told the undercover detective that ESCOBAR was expecting the arrival of a shipment of drugs from California on April 24, 2005.

This information led to the interdiction of two vehicles traveling in tandem on Interstate 90 near Billings on April 24, 2005. The driver of the second vehicle was identified as the individual ESCOBAR had told the undercover detective he was expecting.

During a search, law enforcement officers seized 446.9 grams of 99 percent methamphetamine, or 442.4 grams of actual methamphetamine and 136.48 pounds of marijuana.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that ESCOBAR will likely serve **all** of the time imposed by the court. In the federal system, ESCOBAR does have the opportunity to earn a sentence reduction for

“good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney James E. Seykora prosecuted the case for the United States.

The investigation was a cooperative effort between the Drug Enforcement Administration and the High Intensity Drug Trafficking Area (HIDTA) Task Force.

BETTY JO FRIESE

BETTY JO FRIESE, a 47-year-old resident of Black Eagle, was sentenced to a term of:

- Prison: 120 months
- Special Assessment: \$100
- Forfeiture: \$12,207
- Supervised Release: 5 years

FRIESE was re-sentenced in connection with her guilty plea to conspiracy to distribute methamphetamine after her original sentence was appealed to the Ninth Circuit Court of Appeals. The sentence was reversed and remanded back to U.S. District Court for re-sentencing.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that FRIESE will likely serve **all** of the time imposed by the court. In the federal system, FRIESE does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Lori Suek prosecuted this case for the United States.

The investigation was conducted by the Central Montana High Intensity Drug Trafficking Area (HIDTA) Task Force.

DEAN FRIESE

DEAN FRIESE, a 41-year-old resident of Black Eagle, was re-sentenced to a term of:

- Prison: 144 months
- Special Assessment: \$100
- Forfeiture: \$12,207
- Supervised Release: 5 years

FRIESE was re-sentenced in connection with his guilty plea to conspiracy to distribute methamphetamine after his original sentence was appealed to the Ninth Circuit Court of Appeals. The sentence was reversed and remanded back to U.S. District Court for re-sentencing.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that FRIESE will likely serve **all** of the time imposed by the court. In the federal system, FRIESE does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Lori Suek prosecuted this case for the United States.

The investigation was conducted by the Central Montana High Intensity Drug Trafficking Area (HIDTA) Task Force.

RANDY L. GATEWOOD

RANDY L. GATEWOOD, a 21-year-old resident of Bozeman, was sentenced to a term of:

- Prison: 36 months
- Special Assessment: \$100
- Supervised Release: 5 years

GATEWOOD was sentenced in connection with his guilty plea to conspiracy to possess with the intent to distribute cocaine.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

Between early 2005 and February of 2007, an individual, hereafter referred to as “John Doe,” distributed cocaine in Bozeman.

Testimony would have been given that during that time period, “John Doe” received and distributed approximately 36 ounces of cocaine each month.

On May 16, 2007, GATEWOOD was interviewed by an FBI agent. GATEWOOD stated that near the beginning of 2006, GATEWOOD moved to Bozeman and that he knew “John Doe” through his brother.

GATEWOOD stated that “John Doe” distributed cocaine to several other drug dealers in the Bozeman area and that those drug dealers, in turn, distributed cocaine to others in Bozeman.

GATEWOOD also admitted that he acted as a “runner” for “John Doe’s” cocaine distribution business between May of 2006 and the end date of the conspiracy. He also admitted that, in his capacity as a runner, he delivered cocaine from “John Doe” to other drug dealers and delivered money from those drug dealers to “John Doe.”

The amount of cocaine distributed during the course of the conspiracy was in excess of

five kilograms.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that GATEWOOD will likely serve **all** of the time imposed by the court. In the federal system, GATEWOOD does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Joseph E. Thaggard prosecuted the case for the United States.

The investigation was a cooperative effort between the Federal Bureau of Investigation in Bozeman and the Missouri River Drug Task Force.

NANCY STOMBERG GEE

NANCY STOMBERG GEE, a 56-year-old resident of Stevensville, was sentenced to a term of:

- Prison: 87 months
- Special Assessment: \$300
- Supervised Release: 5 years

GEE was re-sentenced in connection with her guilty plea to two counts of conspiracy to possess methamphetamine with the intent to distribute and to distribution of over 500 grams of methamphetamine after her original sentence was appealed to the Ninth Circuit Court of Appeals. The sentence was reversed and remanded back to U.S. District Court for re-sentencing.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that GEE will likely serve **all** of the time imposed by the court. In the federal system, GEE does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Joseph E. Thaggard prosecuted the case for the United States.

The investigation was conducted by the Federal Bureau of Investigation.

JOEL MERANO GOMEZ

JOEL MERANO GOMEZ, a 21-year-old resident of Mexico, was sentenced to a term of:

- Prison: 87 months
- Special Assessment: \$200
- Supervised Release: 5 years

GOMEZ was sentenced in connection with his guilty plea to conspiracy to distribute methamphetamine and cocaine.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On February 5, 2007, Wyona Helen Morrison and another individual were arrested by the Central Montana Drug Task Force (CMDTF). When interviewed, Morrison admitted to possessing approximately one and a half pounds of methamphetamine secreted in the right rear interior panel of her Chevrolet Tahoe.

A search warrant later conducted on this vehicle resulted in the seizure of 720.5 grams of methamphetamine. Morrison identified her suppliers as men she knew as "Juan", who was later identified as GOMEZ, and "Nate", later identified as Manuel Ramos, and advised that they were staying at her mobile home. She also advised that she had seen the two in possession of large amounts of methamphetamine and cocaine. She stated that she had been enlisted by "Nate" (Ramos) to distribute the drugs in the Great Falls area.

The methamphetamine seized from Morrison's vehicle consisted of two separate exhibits. Exhibit one's listed weight was 482.1 grams and exhibit two's listed weight was 234.4 grams. On March 12, 2007, results were received from the DEA Western Laboratory. Exhibit one contained methamphetamine hydrochloride of approximately 42.0% purity, exhibit two contained methamphetamine hydrochloride of approximately 49.6% purity.

On February 6, 2007, Manuel Ramos and GOMEZ were arrested on state drug charges. Agents had received information that Ramos and GOMEZ were in possession of a large quantity of drugs and currency. A state search warrant was obtained. A search of Morrison's mobile home resulted in the seizure of 510.9 grams of suspected methamphetamine, 1,063 grams of cocaine and \$29,800 in US currency.

The narcotics seized from the search warrant conducted at Morrison's residence consisted of three exhibits, all located in a bedroom. Exhibit one's listed weight was 280.1 grams (suspected methamphetamine). Exhibit two's listed weight was 1,063.7 grams (suspected cocaine). Exhibit three's listed weight was 230.8 grams (suspected methamphetamine).

On March 12, 2007, results were received from the DEA Western Laboratory. Exhibit one was determined to consist entirely of cutting agents used to extend quantities of the marketable narcotic. By adding "cut" to methamphetamine, the distributor reduces the purity of the product but increases the amount or weight. As drugs are generally priced and sold based upon weight, not purity, this process generates more income for the distributor. Exhibit two contained cocaine hydrochloride at 90.3% purity, and Exhibit three contained methamphetamine hydrochloride of approximately 47.6% purity.

Ramos and Morrison pled guilty to federal charges and have been sentenced.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that GOMEZ will likely serve **all** of the time imposed by the court. In the federal system, GOMEZ does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Carl E. Rostad prosecuted the case for the United States.

The investigation was a cooperative effort between the Central Montana Drug Task Force and the U.S. Immigration and Customs Enforcement.

CURTIS DALE GRAHAM

CURTIS DALE GRAHAM, a 26-year-old resident of Great Falls, was sentenced to a term of:

- Prison: 90 months
- Special Assessment: \$300
- Supervised Release: 3 years

GRAHAM was sentenced in connection with his guilty plea to possession with the intent to distribute marijuana and carrying a firearm during a drug trafficking crime.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On December 15, 2006, using a confidential informant, agents of the Central Montana Drug Task Force (CMDTF) bought a small amount of marijuana from GRAHAM.

On December 19, 2006, a CMDTF agent met again with the informant regarding marijuana to be delivered to the informant's residence. The informant placed two recorded telephone calls to another individual, arranging the sale of a pound of marijuana to be conducted that evening. A recording device placed in the informant's phone enabled CMDTF agents to monitor several telephone calls from GRAHAM and the other individual. The informant was told by the other individual that GRAHAM would pick up the money for the pound of marijuana and he (the other individual) would shortly deliver the marijuana to the CI's residence. During one of the calls, the other individual advised the informant that if he, the informant, betrayed the individual and GRAHAM that he, the individual, would kill the informant.

Later on December 19, 2006, GRAHAM was observed by CMDTF agents entering the informant's residence. Shortly after GRAHAM arrived, the other individual arrived at the residence driving a silver Ford Taurus. CMDTF agents then confronted GRAHAM. GRAHAM advised officers that he was armed with a loaded 9mm pistol in his

waistband. One of the agents retrieved the firearm, a Taurus Model PT-92AF 9mm handgun, from GRAHAM and placed him under arrest.

GRAHAM provided a statement to CMDTF agents regarding the marijuana purchase and the firearm located on his person. According to GRAHAM, the firearm was purchased by the other individual at a Pawn Shop in Great Falls. GRAHAM stated that he and the individual discussed bringing the firearm to the narcotic transaction and that the other individual purchased ammunition at Wal-Mart that same day.

CMDTF agents were able to obtain surveillance video from Wal-Mart which shows the other individual purchasing ammunition on December 19, 2006. A receipt for this 100 count 9 mm ammunition was also located in GRAHAM'S front pocket during a search of GRAHAM. Also located on GRAHAM were 5 small individual plastic envelopes containing marijuana.

Later that evening, search warrants were conducted at several locations related to the other individual and GRAHAM. A search warrant was executed on the other individual's vehicle, resulting in the seizure of 497.5 grams of marijuana. A search warrant was conducted at the residence of the other individual and GRAHAM, resulting in the seizure of approximately 90 grams of marijuana. A search warrant was executed on a 1967 Blue Chevy Van that was parked at a residence owned by the other individual, this search resulted in the seizure of 1965.2 grams of marijuana.

Assistant U.S. Attorney Carl E. Rostad prosecuted the case for the United States.

The investigation was a cooperative effort between the Central Montana Drug Task Force and the United States Immigration and Customs Enforcement.

MICHAEL WAYNE GRAY

MICHAEL WAYNE GRAY, a 38-year-old resident of Great Falls, was sentenced to a term of:

- Prison: 16 months
- Special Assessment: \$200
- Supervised Release: 3 years

GRAY was sentenced in connection with his guilty plea to conspiracy to possess and possession with the intent to distribute marijuana.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On December 15, 2006, using a confidential informant, agents of the Central Montana Drug Task Force (CMDTF) bought a small amount of marijuana from Curtis Dale

Graham.

On December 19, 2006, a CMDTF agent met again with the informant regarding marijuana to be delivered to the informant's residence. The informant placed two recorded telephone calls to GRAY, arranging the sale of a pound of marijuana to be conducted that evening. A recording device placed in the informant's phone enabled CMDTF agents to monitor several telephone calls from Graham and GRAY. The informant was told by GRAY that Graham would pick up the money for the pound of marijuana and that GRAY would shortly deliver the marijuana to the CI's residence. During one of the calls, GRAY advised the informant that if he, the informant, betrayed GRAY and Graham that he, GRAY, would kill the informant.

Later on December 19, 2006, Graham was observed by CMDTF agents entering the informant's residence. Shortly after Graham arrived, GRAY arrived at the residence driving a silver Ford Taurus. CMDTF agents then confronted Graham. Graham advised officers that he was armed with a loaded 9mm pistol in his waistband. One of the agents retrieved the firearm, a Taurus Model PT-92AF 9mm handgun, from Graham and placed him under arrest.

Graham provided a statement to CMDTF agents regarding the marijuana purchase and the firearm located on his person. According to Graham, the firearm was purchased by GRAY at a Pawn Shop in Great Falls. Graham stated that he and GRAY discussed bringing the firearm to the narcotic transaction and that GRAY purchased ammunition at Wal-Mart that same day.

CMDTF agents were able to obtain surveillance video from Wal-Mart which shows GRAY purchasing ammunition on December 19, 2006. A receipt for this 100 count 9 mm ammunition was also located in Graham's front pocket during a search of Graham. Also located on Graham were 5 small individual plastic envelopes containing marijuana.

GRAY told the agents that a pound of marijuana was located in his vehicle.

Later that evening, search warrants were conducted at several locations related to GRAY and Graham. A search warrant was executed on GRAY'S vehicle, resulting in the seizure of 497.5 grams of marijuana. A search warrant was conducted at the residence of GRAY and Graham, resulting in the seizure of approximately 90 grams of marijuana. A search warrant was executed on a 1967 Blue Chevy Van that was parked at a residence owned by GRAY, this search resulted in the seizure of 1,965.2 grams of marijuana.

Graham pled to federal charges and has been sentenced.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that GRAY will likely serve **all** of the time imposed by the court. In the federal system, GRAY does have the opportunity to earn a sentence reduction for "good

behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Carl E. Rostad prosecuted the case for the United States.

The investigation was a cooperative effort between the U.S. Immigration and Customs Enforcement and the Central Montana Drug Task Force.

STEVEN SCOTT HALLADAY

STEVEN SCOTT HALLADAY, a 31-year-old resident of Great Falls and Las Vegas, was sentenced to a term of:

- Prison: 18 months
- Special Assessment: \$200
- Supervised Release: 3 years

HALLADAY was sentenced in connection with his guilty plea to conspiracy to distribute OxyContin and possession with the intent to distribute OxyContin.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

In April of 2006, the Central Montana Drug Task Force (CMDTF) received information from a cooperating subject that David Michael Waller was involved in the trafficking and distribution of large quantities of methamphetamine in the Great Falls area. Between April 27, 2006, and May 1, 2006, numerous phone calls, which were monitored by CMDTF, were made between the cooperating subject and Waller.

On May 1, 2006, the cooperating subject, acting at the direction and control of law enforcement, made several telephone calls to Waller in an attempt to arrange the purchase of two ounces of methamphetamine and an unknown amount of OxyContin tablets. Waller came to the meeting and was arrested.

Later that evening, a search warrant was executed on the vehicle which Waller had driven to the rendezvous. The search resulted in the discovery of a block of a crystalline/powdery substance that field tested positive for methamphetamine and approximately 102, 80 mg OxyContin pills.

After his arrest, Waller agreed to assist law enforcement. Waller stated that he had picked up the two pounds of methamphetamine at HALLADAY’S residence in Las Vegas, and that HALLADAY had accompanied him and the drugs on the return trip to Montana.

In subsequent conversations with another individual, Waller was told to deliver as much money as possible to HALLADAY. Law enforcement gave Waller \$7,000 to give to

HALLADAY. Waller, while being monitored by law enforcement and in the company of an undercover narcotics officer, delivered the money to HALLADAY. The recordings clearly indicated that the two discussed that this amount of money was for the OxyContin tablets.

Subsequent monitored telephone calls would have shown that HALLADAY had then returned to Las Vegas and had given the other individual the money from the Great Falls drug run.

Waller pled guilty to and was sentenced on federal drug charges.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that HALLADAY will likely serve **all** of the time imposed by the court. In the federal system, HALLADAY does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Carl E. Rostad prosecuted the case for the United States.

The investigation was conducted by the Central Montana Drug Task Force.

GARRY HAMILTON

GARRY HAMILTON, a 53-year-old resident of Calgary, Alberta, was sentenced to a term of:

- Prison: 97 months
- Special Assessment: \$100
- Supervised Release: 5 years

HAMILTON was sentenced in connection with his guilty plea to conspiracy to export cocaine and conspiracy to import marijuana.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

In February 2006, Terry Holt was stopped by the Montana Highway Patrol for speeding. After arousing the officer’s suspicions, Holt agreed to a search of his car. Inside the officer found approximately 30 kilograms of cocaine, as well as other drugs. Holt ultimately pleaded guilty and was sentenced to 135 months imprisonment.

Law enforcement agents searched his phone and obtained records for it. On the phone they found a number of saved text messages, as well other numbers, many originating in Canada. U.S. authorities contacted Canadian authorities, and the two countries began cooperating in an investigation of those Holt had contacted. The text messages indicated Holt was in contact with the pilot of an aircraft before he was stopped in the

United States. Authorities learned that Daniel Tican was the pilot, and from his phone – including its text messages – that both Graham Owen and Garry Hamilton were involved with Tican in some capacity. Specifically to Hamilton, it was clear that Hamilton was directing the operation from afar.

Law enforcement agents in Canada set up surveillance of all three, and remained in contact with law enforcement agents in the United States. On a number of occasions Canadian authorities observed Tican board Owen’s plane and fly toward the United States. They notified U.S. law enforcement who made attempts to track the plane. On at least one of the flights officers were able to follow one of the loads that was dropped off and stop the vehicle. A search revealed the vehicle to be loaded with what was later tested and found to be marijuana.

When questioned, Owen confirmed that Tican had piloted loads of marijuana to the United States for Owen, and cocaine back to Canada for Hamilton. Owen also explained that Hamilton was in the cocaine business, and when Tican flew marijuana to the United States, he would bring Hamilton’s cocaine back. Tican, when arrested and questioned, confirmed Hamilton’s role.

Owen and Tican pled guilty to federal charges and have been sentenced.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that HAMILTON will likely serve **all** of the time imposed by the court. In the federal system, HAMILTON does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Josh Van de Wetering prosecuted the case for the United States.

The investigation was conducted by the Bureau of Immigration and Customs Enforcement.

BOBBY JOHN HARRIS

BOBBY JOHN HARRIS, a 56-year-old resident of Sidney, was sentenced to a term of:

- Probation: 2 years
- Special Assessment: \$25
- Fine: \$1,000

HARRIS was sentenced after having been found guilty during a 2-day trial of criminal possession of dangerous drugs.

Because there is no parole in the federal system, the “truth in sentencing” guidelines

mandate that HARRIS will likely serve **all** of the time imposed by the court. In the federal system, HARRIS does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Special Assistant U.S. Attorney Sheila R. Kolar prosecuted the case for the United States.

The investigation was conducted by the Drug Enforcement Administration.

TYLER MARTIN HENDRICKSON

TYLER MARTIN HENDRICKSON, a 27-year-old resident of Livingston, was sentenced to a term of:

- Prison: 70 months
- Special Assessment: \$100
- Supervised Release: 5 years

HENDRICKSON was sentenced in connection with his guilty plea to conspiracy to possess with the intent to distribute and distribution of over 500 grams of methamphetamine.

At the sentencing proceeding, the government stated it would have proved at trial the following:

In the spring of 2002, HENDRICKSON entered into a conspiracy with Josh Myrstol, Marvin Quesenberry III (a.k.a. Buster Quesenberry), Crystal Busby, and other co-conspirators to distribute methamphetamine in the Billings, Livingston, and Bozeman areas.

HENDRICKSON’S first methamphetamine deal with the co-conspirators occurred when HENDRICKSON agreed to trade his 2001 Kawasaki motorcycle to one of the co-conspirators for three ounces of methamphetamine. The co-conspirator only gave HENDRICKSON a portion of the promised amount of drug, but Buster Quesenberry agreed to give the balance of the drug amount to HENDRICKSON. Soon thereafter, HENDRICKSON began selling methamphetamine for Buster Quesenberry.

Buster Quesenberry had been receiving methamphetamine from his source of supply, Josh Myrstol, of Billings, since early 2002. Buster Quesenberry and HENDRICKSON agreed to “split the proceeds” of the methamphetamine sales “50/50.” HENDRICKSON made several trips to Billings from Livingston and Bozeman, where he paid Myrstol for “fronted” methamphetamine and Myrstol would re-supply HENDRICKSON and Quesenberry with more of the drug.

HENDRICKSON would have admitted that he personally received approximately 4 to 8

ounces of methamphetamine directly from Myrstol which was sold as part of the agreement that HENDRICKSON had with Buster Quesenberry. Myrstol would have testified that he provided between 3½ to 7 pounds of methamphetamine to Buster Quesenberry, Crystal Busby, HENDRICKSON and others.

During the conspiracy, another co-conspirator also obtained methamphetamine from Myrstol for Quesenberry, which was provided to HENDRICKSON for further distribution. Later in the summer of 2002, this co-conspirator became the supplier of methamphetamine for Myrstol, Quesenberry, and HENDRICKSON. The co-conspirator transported approximately 3½ to 4 pounds of methamphetamine from California to Myrstol, Quesenberry, and HENDRICKSON, who distributed the drug to buyers in Montana. The last methamphetamine deal that occurred between the co-conspirators occurred in November 2002.

Myrstol, Quesenberry and Busby pled guilty to and were sentenced on federal drug charges.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that HENDRICKSON will likely serve **all** of the time imposed by the court. In the federal system, HENDRICKSON does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney James E. Seykora prosecuted the case for the United States.

The investigation was a cooperative effort between the Drug Enforcement Administration and the Missouri River Drug Task Force.

KAYLEE HENRY

KAYLEE HENRY, a 46-year-old resident of Great Falls, was sentenced to a term of:

- Prison: 74 months
- Special Assessment: \$200
- Supervised Release: 5 years

HENRY was re-sentenced in connection with her guilty plea to conspiracy to possess with the intent to distribute methamphetamine after her original sentence was appealed to the Ninth Circuit Court of Appeals. The sentence was reversed and remanded back to U.S. District Court for re-sentencing.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that HENRY will likely serve **all** of the time imposed by the court. In the federal system, HENRY does have the opportunity to earn a sentence reduction for

“good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Joseph E. Thaggard prosecuted the case for the United States.

The investigation was a cooperative effort between the Federal Bureau of Investigation and the Great Falls Police Department.

CHRISTAL DAWN HIGLEY

CHRISTAL DAWN HIGLEY, a 30-year-old resident of LaBarge, Wyoming, was sentenced to a term of:

- Prison: 66 months
- Special Assessment: \$500
- Supervised Release: 4 years

HIGLEY was sentenced in connection with his guilty plea to conspiracy to distribute and distribution of methamphetamine.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On February 23, 2005, a confidential informant, working with an undercover officer, agreed to make arrangements to purchase methamphetamine from HIGLEY. The undercover officer and the confidential informant met in a bar in Havre. When HIGLEY arrived at the bar, the confidential informant obtained two grams of methamphetamine from HIGLEY and delivered the methamphetamine, which was packaged in four plastic ziplock bags with ½ gram of methamphetamine in each bag, to the undercover officer for \$200.

On February 24, 2005, the undercover officer picked up the confidential informant and then proceeded to the bar in Havre to meet HIGLEY again. HIGLEY then sold one gram of methamphetamine to the undercover officer for \$100.

On March 9, 2005, the undercover officer and the confidential informant met HIGLEY outside the bar where they then got in HIGLEY’S truck and proceeded to drive around. During this time, HIGLEY sold the undercover officer five grams of methamphetamine for \$500.

On March 10, 2005, the undercover officer entered the bar where HIGLEY was working as a bartender. HIGLEY sold the undercover officer approximately eight grams of methamphetamine for \$500.

On March 11 and 15, 2005, the undercover officer made recorded phone calls to HIGLEY to discuss the possible sale of methamphetamine on the Fort Belknap

Reservation and splitting the proceeds half and half.

On March 16, 2005, when questioned by law enforcement officers, HIGLEY stated that two other individuals had provided her with methamphetamine over the last several months.

On March 17, 2005, agents conducted a search of HIGLEY'S pickup truck and her apartment in Havre. HIGLEY unlocked a safe and informed agents that it contained five grams of methamphetamine.

Between March of 2004 and March of 2005, HIGLEY conspired to distribute approximately 73 grams of methamphetamine.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that HIGLEY will likely serve **all** of the time imposed by the court. In the federal system, HIGLEY does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Anna S. Peckham prosecuted the case for the United States.

The investigation was conducted by the Tri-Agency Safe Trails Task Force in Havre.

MICHAEL JAMES HOLLIDAY

MICHAEL JAMES HOLLIDAY, a 45-year-old resident of Billings, was sentenced to a term of:

- Prison: 250 months
- Special Assessment: \$300
- Supervised Release: 8 years

HOLLIDAY was sentenced in connection with his guilty plea to possession of a firearm in furtherance of a drug trafficking crime; being a felon-in-possession of a firearm; and possession with the intent to distribute methamphetamine.

At the sentencing proceeding, the government stated it would have proved at trial the following:

On September 5, 1997, HOLLIDAY was convicted of federal program fraud in the United States District Court for the District of Montana.

On or about January 30, 2005, HOLLIDAY was found in possession of a firearm, a Hi-Point .45 caliber semi-automatic, ammunition, and various items of drug paraphernalia.

On or about July 27, 2005, HOLLIDAY was found in possession of another firearm, a

Beretta Model 96 .40 caliber semi-automatic pistol and ammunition.

In addition, HOLLIDAY possessed numerous items indicative of ongoing efforts to distribute and deliver methamphetamine, including approximately 31 grams of methamphetamine which had been individually packaged in baggies for sale. Law enforcement also recovered \$8,936 in U.S. currency and drug paraphernalia commonly associated with the sale of dangerous drugs, including a digital scale. The loaded firearm was recovered from a bag that contained some of the baggies of methamphetamine and syringes.

An expert would have testified that the purity of the recovered methamphetamine was 66%, resulting in 20.5 grams of pure methamphetamine.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that HOLLIDAY will likely serve **all** of the time imposed by the court. In the federal system, HOLLIDAY does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney James E. Seykora prosecuted the case for the United States.

The investigation was a cooperative effort between the Bureau of Alcohol, Tobacco, Firearms and Explosives and the Billings Big Sky Safe Streets Task Force.

ALAN HOWARD

ALAN HOWARD, a 59-year-old resident of Hauser Lake, Idaho, was sentenced to a term of:

- Prison: 12 months and 1 day
- Special Assessment: \$100
- Supervised Release: 4 years

HOWARD was sentenced in connection with his guilty plea to possession with the intent to distribute marijuana.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On August 17, 2006, David Newcomb was stopped by law enforcement in Northwestern Montana driving a pickup containing approximately 414 pounds marijuana. Law enforcement officers were aware that a float plane had just landed on Lake Koocanusa, in a spot that had previously been used by marijuana smugglers, and that Newcomb was driving on a remote, little-used road that led directly to that spot.

Driving on the road very near Newcomb were two other pickup trucks, which, like

Newcomb's truck, had Idaho license plates. Officers noted the license numbers. Later, after finding the marijuana in Newcomb's pickup, they learned that both the pickup Newcomb was using to transport the marijuana, and one of the pickups seen earlier were registered to Donald Cramer. They contacted law enforcement agencies in Montana and Wyoming asking that they be on the lookout for Cramer's other pickup. Some time later, in Idaho, HOWARD was arrested in that pickup.

When questioned about his involvement in marijuana smuggling, Cramer admitted he had been involved in the smuggling operations, and confessed to making a total of ten trips of at least 100 pounds of marijuana per trip. Officers had also found a receipt in the truck Newcomb was driving that had HOWARD'S name on it. Cramer also stated that HOWARD had also been involved in smuggling all of the previous loads.

When questioned by law enforcement, HOWARD confirmed that he had been involved in smuggling marijuana by driving the delivered marijuana from Idaho and Northern Montana to Seattle, and on one occasion to Chicago.

Cramer pled guilty to federal charges and has been sentenced. Newcomb was found guilty at trial and has been sentenced.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that HOWARD will likely serve **all** of the time imposed by the court. In the federal system, HOWARD does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Josh Van de Wetering prosecuted the case for the United States.

The investigation was a cooperative effort between the U.S. Immigration and Customs Enforcement, the Federal Bureau of Investigation, and the Northwest Drug Task Force.

TYRONE JACKSON

TYRONE JACKSON, a resident of Billings, was sentenced to a term of:

- Prison: 90 months
- Special Assessment: \$100
- Supervised Release: 8 years

JACKSON was sentenced in connection with his guilty plea to possession with the intent to distribute cocaine base.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On November 16, 2004, law enforcement received information that JACKSON possessed over 5 grams of cocaine base, also known as crack.

A controlled buy was set up and on November 16, 2004, JACKSON sold a portion of the cocaine base, 3.60 grams, to an undercover agent in Billings. Surveillance logs and recorded phone conversations of the transaction would have been presented at trial.

A DEA forensic chemist would have testified that cocaine base is a Schedule II controlled substance and that over 5 grams is a distributable amount.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that JACKSON will likely serve **all** of the time imposed by the court. In the federal system, JACKSON does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney James E. Seykora prosecuted the case for the United States.

The investigation was a cooperative effort between the Federal Bureau of Investigation and the Billings Big Sky Safe Streets Task Force.

KELLEN LAMOND JOHNSON

KELLEN LAMOND JOHNSON, a 25-year-old resident of Great Falls, was resentenced to a term of:

- Prison: 40 months in each case: CR-05-169-GF and CR-05-170-GF, sentences to run concurrently
- Special Assessment: \$100
- Supervised Release: 4 years

JOHNSON was sentenced in connection with his guilty pleas to a violation of the Arms Export Control Act in CR-05-170-GF and conspiracy to possess with the intent to distribute cocaine in CR-05-169-GF.

JOHNSON was re-sentenced after his original sentences were appealed to the Ninth Circuit Court of Appeals. The sentences were reversed and remanded back to U.S. District Court for re-sentencing.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that JOHNSON will likely serve **all** of the time imposed by the court. In the federal system, JOHNSON does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Carl E. Rostad prosecuted the case for the United States.

The investigation was a cooperative effort between the Drug Enforcement Administration, the Great Falls Police Department, the Bureau of Alcohol, Tobacco, Firearms and Explosives, the U.S. Immigration and Customs Enforcement, the United States Secret Service, and the Air Force Office of Special Investigations.

KEVIN DUANE JOHNSON

KEVIN DUANE JOHNSON, a 46-year-old resident of Missoula, was sentenced to a term of:

- Prison: 120 months
- Special Assessment: \$100
- Supervised Release: 5 years

JOHNSON was sentenced in connection with his guilty plea to conspiracy to possess with the intent to distribute methamphetamine.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On July 19, 2005, Michael Avrin was stopped on the interstate near Missoula and ultimately searched. In his possession, officers found approximately 400 grams of methamphetamine. The drugs were sent to the DEA lab for analysis and they returned a report showing that of the 400 grams seized, approximately 216 grams were of pure methamphetamine. Avrin named JOHNSON as the person to whom the methamphetamine was bound.

Officers began to investigate JOHNSON. One woman stated to officers that she bought methamphetamine from JOHNSON many times, and had seen 12 ounces of methamphetamine, packaged in one ounce bags in JOHNSON'S possession on one occasion.

When JOHNSON was arrested, officers found drug paraphernalia in JOHNSON'S vehicle, including a glass pipe and "pay and owe" sheets. When questioned, JOHNSON admitting purchasing methamphetamine from Avrin and admitted also that the methamphetamine Avrin was caught with was bound for him.

Avrin pled guilty to and was sentenced on federal charges.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that JOHNSON will likely serve **all** of the time imposed by the court. In the federal system, JOHNSON does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Josh Van de Wetering prosecuted the case for the United

States.

The investigation was conducted by the Drug Enforcement Administration.

LASHAWN JERMAINE JOHNSON

LASHAWN JERMAINE JOHNSON, a 29-year-old resident of California, was sentenced to a term of:

- Prison: 420 months
- Special Assessment: \$500
- Supervised Release: 5 years
- Forfeiture: a vehicle

JOHNSON was sentenced after having been found guilty during a 3-day trial of conspiracy to possess with the intent to distribute cocaine base, possession with the intent to distribute cocaine base, distribution of cocaine base, and the use or possession of a firearm during a drug-trafficking crime or in furtherance of a drug-trafficking crime.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that JOHNSON will likely serve **all** of the time imposed by the court. In the federal system, JOHNSON does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney James E. Seykora prosecuted the case for the United States.

The investigation was a cooperative effort between the Billings Big Sky Safe Streets Task Force and the Drug Enforcement Administration.

EDWARD ALBERT JONES

EDWARD ALBERT JONES, a resident of Canada, was sentenced to a term of:

- Prison: 30 months
- Special Assessment: \$200
- Supervised Release: 3 years

JONES was sentenced in connection with his guilty plea to importation of marijuana.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

At about 3:00 a.m. on December 9, 2006, JONES came through the Port of Roosevelt

driving a tractor-trailer rig carrying a commercial shipment of waney cants (squared rough cut logs).

Because the waney cants were not destined for a common market, had an unusual route of anticipated travel, and because of other suspicious behavior on the part of the driver indicating an unfamiliarity with commercial border protocols, Customs and Border Protection (CBP) officers elected to perform a search of the shipment.

CBP officers pulled back the tarp that covered the load of lumber and discovered several duffelbags stuffed into a void in the cargo near the tractor. The duffelbags were found to contain approximately 252 pounds of a green leafy material in heat sealed plastic bags. Upon opening the duffel bags, CBP officers detected the unmistakable odor of marijuana.

Before the marijuana was discovered, JONES was asked about the waney cant shipment and indicated that he had personally observed the lumber being loaded and had personally tarped the shipment for transport.

After the marijuana was discovered, JONES was interviewed and admitted that he had loaded the duffelbags of marijuana onto his truck with the assistance of another individual near Cranbrook, British Columbia. He was traveling to Whitefish to meet his contact and offload the duffelbags of marijuana. JONES told investigators that he was to be paid \$125 per pound to transport the marijuana. JONES also admitted that he knew it was illegal to smuggle marijuana into the United States and admitted that he had made one prior smuggling trip in the summer of 2006, transporting approximately 125 pounds to Kalispell.

A sample of the suspected marijuana was field tested and found positive for THC, the active ingredient in marijuana. The official weight of the marijuana was slightly under 100 kilograms.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that JONES will likely serve **all** of the time imposed by the court. In the federal system, JONES does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Carl E. Rostad prosecuted the case for the United States.

The investigation was conducted by the U.S. Immigration and Customs Enforcement.

CARL HANCE JORGENSEN and BARBARA LOUISE JORGENSEN
(JORGENSEN & JORGENSEN)

CARL HANCE JORGENSEN and BARBARA LOUISE JORGENSEN, age 49, residents of Longview, Washington, were sentenced

CARL HANCE JORGENSEN was sentenced to a term of:

- Prison: 180 months
- Special Assessment: \$200
- Supervised Release: 5 years

BARBARA LOUISE JORGENSEN was sentenced to a term of:

- Prison: 57 months
- Special Assessment: \$100
- Supervised Release: 3 years

CARL JORGENSEN was sentenced in connection with his guilty plea to conspiracy to distribute methamphetamine and the use or possession of a firearm in furtherance of a drug trafficking crime.

BARBARA JORGENSEN was sentenced in connection with her guilty plea to conspiracy to distribute methamphetamine.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On August 4, 2006, during an investigation into the transportation of methamphetamine by CARL and BARBARA JORGENSEN to Montana from Washington, a detective with the Missouri River Drug Task Force utilized a confidential informant to place a call to CARL JORGENSEN. The informant requested that CARL deliver one-half pound of methamphetamine to the informant in Bozeman.

On August 6, 2006, CARL and BARBARA JORGENSEN met the confidential informant at Bair's Truck Stop in Belgrade. Law enforcement officers conducted surveillance of the meeting and eventually arrested both CARL and BARBARA JORGENSEN.

Following his arrest, while he was seated with the informant in a police vehicle, CARL JORGENSEN stated, "I got that dope in the car.... The gun's in the car!"

After the JORGENSENS were arrested, a trained canine circled their vehicle and alerted to the presence of illicit substances. Both CARL and BARBARA JORGENSEN consented to a search of the vehicle. Approximately 220.8 grams of methamphetamine mix (145.2 grams actual), a Smith and Wesson revolver, drug paraphernalia, and \$12,345 in U.S. currency were recovered from the vehicle. The firearm and the bulk of the methamphetamine were seized from a suitcase in the back seat of the vehicle.

When interviewed, CARL JORGENSEN admitted bringing methamphetamine to Bozeman approximately six times, including the most recent trip that had resulted in his

arrest. He stated he brought one-quarter pound of meth on the first four trips, and one-half pound on the fifth and sixth trips, for a total weight of approximately two pounds (over 900 grams). He also stated that the methamphetamine was packed in his suitcase in the back seat of the car and acknowledged that the Smith and Wesson firearm was in the same suitcase.

When interviewed, BARBARA JORGENSEN admitted accompanying CARL to Bozeman to deliver one-half pound quantities of meth on approximately three prior occasions. She stated that CARL confirmed the quantities during each delivery. She also stated that CARL made additional trips to Bozeman to deliver one-half pound quantities, resulting in an approximation of three pounds of methamphetamine.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that the JORGENSENS will likely serve **all** of the time imposed by the court. In the federal system, they do have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Timothy J. Racicot prosecuted the case for the United States.

The investigation was conducted by the Missouri River Drug Task Force.

VICTOR AARON KING

VICTOR AARON KING, a 43-year-old resident of Havre, was sentenced to a term of:

- Prison: 220 months
- Special Assessment: \$200
- Supervised Release: 5 years

KING was sentenced in connection with his guilty plea to conspiracy to distribute methamphetamine and use of a firearm during a drug trafficking crime.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

Between May of 2005 and September of 2006, KING received and sold methamphetamine to individuals and confidential informants located in and around Havre.

On September 13, 2006, a confidential informant arranged to purchase one ounce of meth from KING in the parking lot of the Northern Montana Hospital in Havre. An agent with the Tri-Agency Safe Trails Task Force (TASTTF) surveilled KING’S house that day and saw KING drive away in his blue Chevy Suburban.

Before KING arrived at the hospital, agents conducted a traffic stop and executed a

search warrant on his vehicle. The agents recovered one ounce of methamphetamine and the following five firearms from KING'S vehicle: (1) a Remington 870 shotgun 12 gauge; (2) a Thompson Center Arms, encore 220 swift rifle with Leupold scope; (3) a Ruger red hawk, 44 mag revolver; (4) a Springfield Armory USA, model XD-40, 40 caliber pistol; and (5) a Glock model 31, 357 Sig.

A senior forensic chemist for the Drug Enforcement Administration tested the one ounce substance found in KING'S car and concluded it was methamphetamine.

On September 13 and 14, 2006, KING was questioned by law enforcement officers. KING admitted that he was involved in a conspiracy to distribute methamphetamine in the Havre area from the summer of 2005 to September 13, 2006. KING also admitted to receiving and distributing methamphetamine to individuals and confidential informants throughout this period of time. KING conspired to distribute at least 17½ pounds of methamphetamine between May of 2005 and September of 2006.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that KING will likely serve **all** of the time imposed by the court. In the federal system, KING does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Anna S. Peckham prosecuted the case for the United States.

The investigation was conducted by the Tri-Agency Safe Trails Task Force (TASTTF).

DALLAS KOEPFLI

DALLAS KOEPFLI, age 47, was sentenced to a term of:

- Prison: 78 months
- Special Assessment: \$100
- Supervised Release: 5 years

KOEPFLI was sentenced in connection with his guilty plea to conspiracy to distribute methamphetamine.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

In the early spring of 2006, law enforcement officers with the Northwest Drug Task Force began an investigation into the sale of methamphetamine in the Kalispell area by arranging controlled buys with small-time sellers of the drug.

On several occasions, the agents noted that at least one of the sellers was going to

KOEPFLI'S house prior to consummating a deal. Eventually the agents were able to convince the seller to allow them to deal with KOEPFLI directly.

The agents then began purchasing methamphetamine directly from KOEPFLI. On one occasion, they purchased over 160 grams of methamphetamine from KOEPFLI. The methamphetamine was sent to the Montana State crime lab which confirmed that it was methamphetamine.

During the course of the transactions, KOEPFLI was repeatedly on the phone to his supplier as the agents asked for greater quantities of the drug. During the transactions, KOEPFLI told the undercover agents that his supplier could provide large quantities and had once tried to leave a pound of methamphetamine (approximately 450 grams) at his house. KOEPFLI stated that he had declined that offer because he preferred not to keep large quantities around.

Later KOEPFLI gave a voluntary statement to agents. He admitted his involvement in the conspiracy, detailing that it had begun a couple of years earlier and that the conspiracy involved more than 500 grams of methamphetamine. During a search of KOEPFLI'S residence, a crudely encoded drug-ledger identifying customers, suppliers, and money owed was recovered.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that KOEPFLI will likely serve **all** of the time imposed by the court. In the federal system, KOEPFLI does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Josh Van de Wetering prosecuted the case for the United States.

The investigation was conducted by the Northwest Drug Task Force.

ROGER DEAN KRIEDEMANN, JR.

ROGER DEAN KRIEDEMANN, JR., a 38-year-old resident of Great Falls, was sentenced to a term of:

- Prison: 61 months
- Special Assessment: \$100
- Supervised Release: 4 years

KRIEDEMANN was sentenced in connection with his guilty plea to conspiracy to distribute methamphetamine.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

From approximately May 1, 2005, until December 14, 2006, KRIEDEMANN and several other individuals were engaged in a conspiracy to distribute methamphetamine in the Great Falls area.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that KRIEDEMANN will likely serve **all** of the time imposed by the court. In the federal system, KRIEDEMANN does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Joseph E. Thaggard prosecuted the case for the United States.

The investigation was conducted by the United States Immigration and Customs Enforcement.

THOMAS LONG

THOMAS LONG, a 34-year-old resident of Billings, was sentenced to a term of:

- Prison: 51 months
- Special Assessment: \$100
- Supervised Release: 5 years

LONG was sentenced in connection with his guilty plea to conspiracy to possess with the intent to distribute and distribution of over 50 grams of actual methamphetamine.

At the sentencing proceeding, the government stated it would have proved at trial the following:

Beginning in approximately June of 2004, and continuing until approximately June of 2005, Richard Todd, Samuel Ireland, Timothy Bayes, Kelly Mayes, LONG and other individuals conspired to possess with the intent to distribute and distribute over 50 grams of actual methamphetamine or over 500 grams of a mixture or substance containing methamphetamine. They traveled from Brentwood, California, by automobile and by commercial airline to Billings transporting methamphetamine and/or U.S. currency.

Todd and Ireland then used a network of associates to distribute methamphetamine throughout Billings.

In Billings, Todd and Ireland used a network of associates who distributed an array of quantities all over Billings. According to Todd and Ireland, the source of supply for the methamphetamine after June of 2004 was Timothy Bayes.

Ireland was Todd’s primary contact point in Billings. Ireland and Todd maintained

“stash houses” and moved the methamphetamine from location to location. The locations included LONG’S residence in Billings. The stash house was maintained by LONG to secrete the methamphetamine that was kept in a safe.

Testimony would have been shown that Ireland and Todd made multiple visits to LONG’S residence during the period of the conspiracy. Testimony would have confirmed the use of LONG’S residence for the storage and concealment of methamphetamine and money. Further testimony would have shown that LONG was paid for the use of his home as a “stash” house for methamphetamine.

Todd, Ireland, Bayes, and Mayes pled guilty and have been sentenced.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that LONG will likely serve **all** of the time imposed by the court. In the federal system, LONG does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney James E. Seykora prosecuted the case for the United States.

The investigation was a cooperative effort between the Drug Enforcement Administration and the High Intensity Drug Trafficking Area (HIDTA) Task Force.

CARL LUNDSTROM a/k/a BUDDY LUNDSTROM

CARL LUNDSTROM a/k/a Buddy Lundstrom, a 51-year-old resident of Malta, was sentenced to a term of:

- Prison: 130 months
- Special Assessment: \$300
- Fine: \$25,000
- Supervised Release: 5 years

LUNDSTROM was sentenced after having been found guilty during a 2-day trial of conspiracy to distribute methamphetamine, attempted possession with intent to distribute methamphetamine, and possession with intent to distribute methamphetamine.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that LUNDSTROM will likely serve **all** of the time imposed by the court. In the federal system, LUNDSTROM does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Vince Carroll prosecuted the case for the United States.

The investigation was a cooperative effort between the Tri-Agency Drug Task Force in Havre and the Federal Bureau of Investigation.

JOSE MARCIAL

JOSE MARCIAL, a 48-year-old resident of Great Falls, was sentenced to a term of:

- Prison: 70 months, consecutive to another sentence
- Special Assessment: \$100
- Supervised Release: 5 years

MARCIAL was sentenced in connection with his guilty plea to conspiracy to possess with the intent to distribute methamphetamine and distribution of methamphetamine.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On July 13, 2004, a confidential informant advised officers with the City-County Special Investigation Unit that MARCIAL had approached him and told him that he had two ounces of methamphetamine for sale.

In Billings, the confidential informant introduced MARCIAL to an undercover officer. MARCIAL told the undercover officer that if he likes the two “tomatoes” he also had two “trees” that he could sell him. The confidential informant explained to the officer that “tomatoes” were ounces of methamphetamine and “trees” were pounds of methamphetamine. MARCIAL indicated he would sell a “tree” of methamphetamine for \$15,000.

A short time later, the undercover officer had the confidential informant call MARCIAL and tell MARCIAL that he was ready to purchase the methamphetamine. Arrangements were then made as to where the purchase was to take place.

MARCIAL walked to the passenger side of the informant’s vehicle and gave a large plastic baggie containing a white crystal substance methamphetamine to the undercover officer. The officer then gave MARCIAL \$3,000 in cash.

A short time later, on July 13, 2004, an officer with the Billings Police Department conducted a vehicle stop on a 2000 gold Nissan Quest minivan. A search of the vehicle was conducted and \$8,550 in cash was recovered.

After the seizure of the money, a DEA agent compared the serial numbers on the money given to MARCIAL by the undercover officer for the two ounces of methamphetamine with the serial numbers of the money which had been seized. The serial numbers of the money used to purchase the methamphetamine was found in the money seized.

The DEA Western Regional Laboratory found the methamphetamine to weigh 55.5 grams with a purity of 51% or 28.3 grams of actual or pure methamphetamine.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that MARCIAL will likely serve **all** of the time imposed by the court. In the federal system, MARCIAL does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney James E. Seykora prosecuted the case for the United States.

The investigation was a cooperative effort between the High Intensity Drug Trafficking Area (HIDTA) Task Force, the Drug Enforcement Administration, and the Billings Police Department.

LIBIA ZULEMA MARQUEZ-LERMA

LIBIA ZULEMA MARQUEZ-LERMA was re-sentenced to a term of:

- Prison: 120 months
- Special Assessment: \$1,200
- Supervised Release: 5 years

MARQUEZ-LERMA was re-sentenced in connection with his guilty plea to conspiracy to possess with the intent to distribute cocaine, marijuana and methamphetamine and possession with the intent to distribute cocaine and marijuana after his original sentence was appealed to the Ninth Circuit Court of Appeals. The sentence was reversed and remanded back to U.S. District Court for re-sentencing.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that MARQUEZ-LERMA will likely serve **all** of the time imposed by the court. In the federal system, MARQUEZ-LERMA does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney James E. Seykora prosecuted this case for the United States.

The investigation was a cooperative effort between the Drug Enforcement Administration, the Montana Division of Criminal Investigation, the United States Bureau of Immigration and Customs Enforcement, and the United States Border Patrol.

CANDACE ELLEN MARTELL

CANDACE ELLEN MARTELL, a 26-year-old resident of Helena, was resentenced to a

term of:

- Prison: 44 months
- Special Assessment: \$100
- Supervised Release: 4 years

MARTELL was re-sentenced in connection with her guilty plea to possession with the intent to distribute methamphetamine after her original sentence was appealed to the Ninth Circuit Court of Appeals. The sentence was reversed and remanded back to U.S. District Court for re-sentencing.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that MARTELL will likely serve **all** of the time imposed by the court. In the federal system, MARTELL does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Carl E. Rostad prosecuted the case for the United States.

The investigation was a cooperative effort between the Federal Bureau of Investigation, the Drug Enforcement Administration, the Big Muddy River Drug Task Force, the Wolf Point Police Department, the Roosevelt County Sheriff’s Office and the Fort Peck Criminal Investigation Division.

CHESTER COLEMAN “Chet” MARTIN

CHESTER COLEMAN “Chet” MARTIN, a 20-year-old resident of Billings, was sentenced to a term of:

- Prison: 125 months, consecutive to another sentence
- Special Assessment: \$100
- Supervised Release: 5 years

MARTIN was sentenced in connection with his guilty plea to conspiracy to possess with the intent to distribute methamphetamine.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On February 5, 2007, MARTIN and Wyona Helen Morrison were arrested by the Central Montana Drug Task Force (CMDTF).

When interviewed, Morrison admitted to possessing approximately one and a half pounds of methamphetamine secreted in the right rear interior panel of her vehicle.

A search warrant later conducted on this vehicle resulted in the seizure of 720.5 grams

of methamphetamine. Morrison identified her suppliers by the names that the two men went by, later identified as Manuel Ramos and Joel Gomez, and Morrison stated that they were staying at her mobile home. She also advised that she had seen the two in possession of large amounts of methamphetamine and cocaine. She had been enlisted by Ramos to distribute the drugs in the Great Falls area.

The methamphetamine seized from Morrison's vehicle consisted of two separate exhibits. Exhibit one's listed weight was 482.1 grams and exhibit two's listed weight was 234.4 grams.

On March 12, 2007, results were received from the DEA Western Laboratory. Exhibit one contained methamphetamine hydrochloride of approximately 42.0% purity, exhibit two contained methamphetamine hydrochloride of approximately 49.6% purity.

On February 6, 2007, Ramos and Gomez were arrested on state drug charges. Agents had received information that Ramos and Gomez were in possession of a large quantity of drugs and currency. A state search warrant was obtained. A search of Morrison's mobile home resulted in the seizure of 510.9 grams of suspected methamphetamine, 1,063 grams of cocaine, and \$29,800 in U.S. currency.

The narcotics seized from the search warrant conducted at Morrison's residence consisted of three exhibits, all located in a bedroom. Exhibit one's listed weight was 280.1 grams (suspected methamphetamine). Exhibit two's listed weight was 1063.7 grams (suspected cocaine). Exhibit three's listed weight was 230.8 grams (suspected methamphetamine).

On March 12, 2007, results were received from the DEA Western Laboratory. Exhibit one was determined to consist entirely of cutting agents used to extend quantities of the marketable narcotic. By adding "cut" to methamphetamine, the distributor reduces the purity of the product but increases the amount or weight. As drugs are generally priced and sold based upon weight, not purity, this process generates more income for the distributor. Exhibit two contained cocaine hydrochloride at 90.3% purity, and Exhibit three contained methamphetamine hydrochloride of approximately 47.6% purity.

On March 22, 2007, Ramos provided a statement regarding his narcotic involvement with Morrison. Ramos stated that prior to his arrest in January of 2007, he traveled with Morrison throughout Montana while she distributed methamphetamine to several individuals. Ramos stated that he took two pounds of methamphetamine with them in a Ziploc bag and a black garbage bag.

Ramos also stated that he and Morrison traveled to Billings, where they met Morrison's then boyfriend, MARTIN, and an unknown male known to Ramos to be a friend of MARTIN'S at the Ramada Inn in Billings. Ramos stated that Morrison provided the unknown male individual one pound of methamphetamine. Guest registrations were requested from the Ramada Inn in Billings, confirming that Morrison checked into the

Ramada Inn on January 22, 2007, and checked out January 24, 2007. According to the receipt, two adults occupied the above-mentioned room.

Morrison, Gomez, and Ramos pled guilty to federal charges and have been sentenced.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that MARTIN will likely serve **all** of the time imposed by the court. In the federal system, MARTIN does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Carl E. Rostad prosecuted the case for the United States.

The investigation was a cooperative effort between the U.S. Immigration and Customs Enforcement and the Central Montana Drug Task Force.

ANTHONY MARTINEZ

ANTHONY MARTINEZ, a 19-year-old resident of Sacramento, California, was sentenced to a term of:

- Prison: 120 months
- Special Assessment: \$100
- Supervised Release: 5 years

MARTINEZ was sentenced in connection with his guilty plea to conspiracy to possess with the intent to distribute methamphetamine.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

Evan Qunell was engaged in the distribution of methamphetamine in Great Falls during a period which included May 1, 2005, to December 14, 2006. Victoria Qunell, Evan Qunell’s sister, had on certain occasions transported methamphetamine on his behalf to Montana.

In November of 2006, Evan Qunell began to cooperate with law enforcement agents in the investigation of drug trafficking. As part of that investigation, Evan Qunell arranged for Victoria Qunell to provide methamphetamine to a person in Sacramento, California, on December 13, 2006. That person would then transport the methamphetamine to Montana. Unbeknownst to Victoria Qunell, the recipient of the drugs was an undercover police officer.

On December 13, 2006, Victoria Qunell arranged for a quantity of methamphetamine to be delivered to the undercover police officer. Victoria Qunell met with the officer in a vehicle and arranged for the officer to obtain the drugs. She was arrested and

approximately 300 grams of purported methamphetamine were found in her vehicle.

MARTINEZ and Russell Stevenson were then arrested in a second vehicle which was detained near the scene of Victoria Qunell's arrest. MARTINEZ was the driver of the vehicle and a handgun registered to Stevenson was recovered from the vehicle.

Victoria Qunell would have testified that she obtained the methamphetamine recovered in her vehicle from Stevenson, who brought the drugs over to her residence shortly before she met with the undercover police officer. She would have also testified that MARTINEZ accompanied Stevenson to her residence. She stated that Stevenson distributed the methamphetamine to her in the presence of MARTINEZ and that during the course of the transaction at her residence, MARTINEZ placed a telephone call wherein he stated words to the effect of "I'm at point A and we're going to point B."

A roommate of Victoria Qunell's would have testified to being present during the time that Stevenson provided the drugs to Qunell on December 13, 2006. The roommate would have also testified that MARTINEZ and Stevenson followed Victoria Qunell to the meeting with the undercover officer because Qunell was nervous about conducting a drug transaction with a stranger.

A chemical analysis performed on the purported methamphetamine seized from Victoria Qunell on December 13, 2006, was found to contain 127 grams of actual (pure) methamphetamine, a Schedule II controlled substance.

Evan Qunell, Victoria Qunell, and Russell Stevenson pled guilty to federal charges and have been sentenced.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that MARTINEZ will likely serve **all** of the time imposed by the court. In the federal system, MARTINEZ does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Joseph E. Thaggard prosecuted the case for the United States.

The investigation was a cooperative effort between the U.S. Immigration and Customs Enforcement in Great Falls and the Great Falls Police Department.

JULIAN TIM MATHIS

JULIAN TIM MATHIS, a 49-year-old resident of Billings, was sentenced to a term of:

- Prison: 240 months
- Special Assessment: \$100
- Supervised Release: 10 years

MATHIS was sentenced in connection with his guilty plea to conspiracy to possess with the intent to distribute and distribution of cocaine and cocaine base.

At the sentencing proceeding, the government stated it would have proved at trial the following:

From approximately November of 2003 up to late 2005, MATHIS was involved in a conspiracy to obtain powder cocaine, some of which was then converted to crack cocaine and distributed along with powder cocaine in the Billings area.

Witnesses would have testified that MATHIS taught two co-conspirators how to make crack cocaine out of powder cocaine. MATHIS also distributed and sold cocaine and cocaine powder.

On the following dates, MATHIS and a co-conspirator sold gram quantities of cocaine powder or cocaine base to a confidential informant: May 11, 2005; May 12, 2005; May 27 2005; and June 1, 2005. Tapes of recorded phone calls and the controlled buys would have been presented at trial.

Law enforcement officers and co-conspirators would have testified as to MATHIS' role in the conspiracy.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that MATHIS will likely serve **all** of the time imposed by the court. In the federal system, MATHIS does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney James E. Seykora prosecuted the case for the United States.

The investigation was a cooperative effort between the Federal Bureau of Investigation, the Billings Big Sky Safe Streets Task Force and the Drug Enforcement Administration.

KELLY MAYES

KELLY MAYES, a 45-year-old resident of Brentwood, California, was sentenced to a term of:

- Prison: 96 months
- Special Assessment: \$100
- Supervised Release: 5 years

MAYES was sentenced in connection with her guilty plea to conspiracy to possess with the intent to distribute and distribution of methamphetamine.

At the sentencing proceeding, the government stated it would have proved at trial the

following:

Beginning in approximately June of 2004, and continuing until approximately June of 2005, Richard Todd, Samuel Ireland, Timothy Bayes, Thomas Long, MAYES, and other individuals conspired to possess with the intent to distribute and distribute over 50 grams of actual methamphetamine or over 500 grams of a mixture or substance containing methamphetamine. They traveled from Brentwood, California, by automobile and by commercial airline to Billings transporting methamphetamine and/or U.S. currency.

Todd and Ireland then used a network of associates to distribute methamphetamine throughout Billings.

In Billings, Todd and Ireland used a network of associates who distributed an array of quantities all over Billings. According to Todd and Ireland, the source of supply for the methamphetamine after June of 2004 was Timothy Bayes.

Ireland was Todd's primary contact point in Billings. Ireland and Todd maintained "stash houses" and moved the methamphetamine from location to location. The locations included Long's residence in Billings. The stash house was maintained by Long to secrete the methamphetamine that was kept in a safe.

Testimony would have been shown that Ireland and Todd made multiple visits to Long's residence during the period of the conspiracy. Testimony would have confirmed the use of Long's residence for the storage and concealment of methamphetamine and money. Further testimony would have shown that Long was paid for the use of his home as a "stash" house for methamphetamine.

Todd, MAYES, and Ireland owned and operated a rap music label, Gramcracker Entertainment. Gramcracker Entertainment was used for money laundering purposes. Todd, Ireland, MAYES and others sent thousands of dollars via Western Union between California and Billings. Todd, MAYES, and Ireland also used Federal Express to send drug proceeds to California. On or about April 8, 2005, MAYES used Federal Express to ship money orders that represented the proceeds of methamphetamine sales.

MAYES contributed to the conspiracy in many ways. She conducted financial transactions affecting interstate and foreign commerce by sending the following amounts by Western Union. MAYES knew that the property involved in the financial transaction represented proceeds from the unlawful distribution of methamphetamine.

Todd, Ireland, Bayes and Long pled guilty to federal charges and have been sentenced.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that MAYES will likely serve **all** of the time imposed by the court. In the

federal system, MAYES does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney James E. Seykora prosecuted the case for the United States.

The investigation was a cooperative effort between the Drug Enforcement Administration, the U.S. Immigration and Customs Enforcement, the Montana Department of Criminal Investigation, and the High Intensity Drug Trafficking Area (HIDTA) Task Force.

CARSON MAYNARD

CARSON MAYNARD, a 31-year-old resident of Red Lodge, was sentenced to a term of:

- Prison: 170 months
- Special Assessment: \$100
- Supervised Release: 5 years

MAYNARD was sentenced in connection with his guilty plea to possession with the intent to distribute methamphetamine.

At the sentencing proceeding, the government stated it would have proved at trial the following:

MAYNARD was involved in a lengthy conspiracy to possess with the intent to distribute methamphetamine, a Schedule II controlled substance. The investigation included undercover purchases of methamphetamine, execution of search warrants, and searches incident to arrest.

When questioned, MAYNARD admitted to possession with the intent to distribute over 500 grams of crystal methamphetamine.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that MAYNARD will likely serve **all** of the time imposed by the court. In the federal system, MAYNARD does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney James E. Seykora prosecuted the case for the United States.

The investigation was a cooperative effort between the Drug Enforcement Administration and the High Intensity Drug Trafficking Area (HIDTA) Task Force.

JASON McCALISTER

JASON McCALISTER, age 20, was sentenced to a term of:

- Prison: 90 months
- Special Assessment: \$200
- Supervised Release: 5 years

McCALISTER was sentenced in connection with his guilty plea to conspiracy to possess with the intent to distribute cocaine and cocaine base and possession of stolen firearms.

At the sentencing hearing, the government stated it would have proved at trial the following:

From August 2004 to August 2005, one of McCALISTER'S co-conspirators made five or six trips to Washington to pick up cocaine. McCALISTER accompanied this individual on one of these trips. The co-conspirator picked up "a brick" weighing sixteen to seventeen ounces of powder cocaine from another co-conspirator in Washington.

From November 2004 through September 2005, an individual purchased cocaine from McCALISTER and a co-defendant eight or nine times, totaling three to four ounces of cocaine.

In December of 2004, another co-defendant, Frank Sims, accompanied McCALISTER and the other co-defendant, who purchased one ounce of crack cocaine from a drug supplier. The other co-defendant and McCALISTER were upset over the weight of the cocaine. McCALISTER told Sims that he (McCALISTER) then shot up the drug supplier's car.

Sims received four to five ounces of powder cocaine from the other co-defendant and McCALISTER, who received the cocaine from another co-defendant. Sims converted the powder cocaine to crack and sold it.

On March 31, 2005, Billings Police officers responded to a domestic violence call at Sims' residence at 1042 Custer. His wife told police that Sims had crack cocaine and guns in their bedroom.

Upon questioning, Sims admitted the cocaine came from McCALISTER and another co-defendant, and that the stolen handgun came from McCALISTER.

On April 6, 2005, an officer with the drug task force performed a search of a vehicle Sims was driving when he was arrested for the domestic violence charge. Crack cocaine was recovered during the search. Sims admitted that the cocaine came from McCALISTER and another co-defendant.

On July 22, 2005, Montana Probation and Parole conducted a search of McCALISTER'S residence at 414 Sioux Lane in Billings. Recovered during the search were 125 grams of cocaine and wire transfers to two other co-defendants. McCALISTER admitted the cocaine came from one of the co-defendants.

Testimony would have shown that an undercover agent purchased cocaine from McCALISTER and a co-defendant on the dates and in the amounts listed below:

<u>Date</u>	<u>Amount</u>
3/2/2005	.73 grams of powder cocaine
3/11/2005	1.10 grams of cocaine base
6/1/2005	1.10 grams of cocaine base
6/10/2005	3.20 grams of cocaine
6/10/2005	2.40 grams of cocaine
6/17/2005	5.10 grams of cocaine
6/17/2005	13.70 grams of cocaine
6/21/2005	6.30 grams of cocaine
6/21/2005	10.70 grams of cocaine

Testimony from other cooperating witnesses and co-defendants would have established McCALISTER'S role in the overall conspiracy and that the amounts exceeded 150 grams of cocaine base.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that McCALISTER will likely serve **all** of the time imposed by the court. In the federal system, McCALISTER does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney James E. Seykora prosecuted the case for the United States.

The investigation was a cooperative effort between the Federal Bureau of Investigation, the Drug Enforcement Administration and the Big Sky Safe Streets Task Force.

BRIAN McCOY

BRIAN McCOY, a resident of Billings, was sentenced to a term of:

- Prison: 46 months
- Special Assessment: \$100
- Supervised Release: 5 years

McCOY was sentenced in connection with his guilty plea to possession with the intent to distribute methamphetamine.

At the sentencing proceeding, the government stated it would have proved at trial the following:

On December 3, 2004, McCOY and another individual were arrested in the Wal-Mart parking lot on Main Street in Billings during an undercover operation. The following were seized by law enforcement from McCOY and this individual:

- Exhibit 3 contained .94 grams of methamphetamine, 86 percent pure, or .80 grams pure methamphetamine;
- Exhibit 4.01 contained 1.4 grams methamphetamine, 78 percent pure, or 1.0 grams pure methamphetamine;
- Exhibit 6 contained 30.5 grams methamphetamine, 66 percent pure, or 20.1 grams pure methamphetamine; and,
- Exhibit 8 contained 25.8 grams methamphetamine, 67 percent pure, or 17.2 grams pure methamphetamine.

After his arrest, McCOY admitted selling methamphetamine to this individual. McCOY had a black bag that he would not consent to a search. After receiving a search warrant for the black bag, law enforcement also recovered over two ounces of methamphetamine, a scale, and methamphetamine pipes from the bag.

McCOY admitted to receiving methamphetamine from another individual on several occasions. He also admitted to being a user and a distributor. McCOY also stated that he had observed this individual in possession of up to a quarter pound of methamphetamine and the individual had asked McCOY to store methamphetamine in McCOY'S safe at McCOY'S residence. McCOY stated that he bought methamphetamine from this individual at the individual's shop and in different parking lots around Billings.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that McCOY will likely serve **all** of the time imposed by the court. In the federal system, McCOY does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney James E. Seykora prosecuted the case for the United States.

The investigation was conducted by the Drug Enforcement Administration.

JERALD EDWARD MELLEEM

JERALD EDWARD MELLEEM, a 62-year-old resident of Havre, was sentenced to a term of:

- Prison: 36 months
- Special Assessment: \$100

- Fine: \$1,500
- Supervised Release: 4 years

MELLEM was sentenced in connection with his guilty plea to conspiracy to distribute cocaine.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On December 14, 2005 members of the Central Montana Drug Task Force and the West Central Montana Drug Task Force executed a coordinated operation to arrest an individual who was suspected of having purchased cocaine in the past. A confidential source indicated that MELLEM was a kilogram cocaine distributor from Havre. The source agreed to meet MELLEM at the Half-Time Bar parking lot located in Great Falls to sell MELLEM a kilogram of cocaine for \$32,000 and a pound of marijuana.

Officers set up surveillance at the Half-Time Bar. At approximately 2:00 p.m., MELLEM arrived at the Half-Time Bar parking lot driving a white pickup with two passengers. MELLEM dropped the passengers at the bar before proceeding to the side of the building. MELLEM approached the confidential source's vehicle and entered the vehicle carrying a bag. The two discussed previous cocaine deals and the money that was suspected to be in the bag. Agents approached the vehicle to arrest MELLEM and placed him in custody. Agents also placed MELLEM'S two associates into custody on suspicion of conspiracy to distribute dangerous drugs.

MELLEM was searched and the officers discovered a small glass vial of white powder, which was later confirmed as cocaine. The bag that MELLEM brought into the source's vehicle was removed. Inside the bag were envelopes containing money. The officers seized \$33,990 from MELLEM. Recovered during a search of MELLEM'S vehicle were firearms, a blue bank book, drug ledger pages, and other items.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that MELLEM will likely serve **all** of the time imposed by the court. In the federal system, MELLEM does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Josh Van de Wetering prosecuted the case for the United States.

The investigation was a cooperative effort between the Central Montana Drug Task Force, the West Central Montana Drug Task Force, and the Drug Enforcement Administration.

WILLIAM CLIFFORD MENDENHALL

WILLIAM CLIFFORD MENDENHALL, a 66-year-old resident of Kalispell, was sentenced to a term of:

- Prison: 156 months
- Special Assessment: \$100
- Supervised Release: 5 years

MENDENHALL was sentenced in connection with his guilty plea to conspiracy to possess with the intent to distribute methamphetamine.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On October 18, 2005, law enforcement agents executed a search warrant on the residence of Dale Davidson in Great Falls. Authorities recovered 246.2 grams of almost pure methamphetamine, as well as small amounts of marijuana and cocaine.

Davidson would have testified that MENDENHALL supplied methamphetamine, cocaine, and marijuana between February of 2005 and October of 2005. Davidson would have further testified that he obtained as much as twenty-two pounds of a substance containing a detectable amount of methamphetamine from MENDENHALL which Davidson then distributed in Great Falls.

Another individual would have testified that he assisted Davidson in trafficking the methamphetamine between May and October of 2005. The individual would have further testified that MENDENHALL supplied the methamphetamine which Davidson distributed and that the individual observed Davidson provide large amounts of money to MENDENHALL. The individual would have also testified that he overheard conversations between Davidson and MENDENHALL wherein they talked about MENDENHALL "fronting" (selling on credit) controlled substances to Davidson.

Davidson pled guilty to and was sentenced on federal charges.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that MENDENHALL will likely serve **all** of the time imposed by the court. In the federal system, MENDENHALL does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Joseph E. Thaggard prosecuted the case for the United States.

The investigation was conducted by the U.S. Immigration and Customs Enforcement.

ROBERT SCOTT MERRY, MICHELLE DINEEN MERRY, and VICTORIA QUNELL

ROBERT SCOTT MERRY, MICHELLE DINEEN MERRY, and VICTORIA QUNELL, were each sentenced to the following in connection with their guilty pleas to conspiracy to possess with the intent to distribute methamphetamine:

- Prison: 71 months
- Special Assessment: \$100
- Supervised Release: 5 years

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

Between July 25 and August 23, 2006, a confidential informant made five controlled purchases of a substance containing a detectable amount of methamphetamine from Evan Qunell.

Law enforcement officers who monitored the controlled purchases took control of the methamphetamine following completion of the transactions. In total, they obtained approximately 69 grams of a substance, which when tested was found to contain a detectable amount of methamphetamine.

In November of 2006, Evan Qunell was questioned by law enforcement agents regarding his role in the distribution of methamphetamine. Evan Qunell admitted that he was engaged in the distribution of methamphetamine in Great Falls during a period which included May 1, 2005, to December 14, 2006.

Evan Qunell further admitted he obtained multiple pounds of methamphetamine from sources in California and distributed the methamphetamine in Great Falls, through other individuals, including ROBERT MERRY and MICHELLE MERRY.

Evan Qunell also stated that he had stored at least 500 grams of methamphetamine at the Great Falls home of ROBERT MERRY, and his wife MICHELLE MERRY, between May 1, 2005 and December 14, 2006.

Testimony would have shown that on December 13, 2006, VICTORIA QUNELL arranged for a quantity of methamphetamine to be delivered to an undercover police officer in Sacramento, California. VICTORIA QUNELL met with the officer in a vehicle and arranged for the officer to obtain the drugs. VICTORIA QUNELL was arrested and approximately 300 grams of purported methamphetamine was found in her vehicle.

A chemical analysis found that the substance contained 127 grams of actual (pure) methamphetamine, a Schedule II controlled substance.

When questioned by a Sacramento County Sheriff's Office detective, VICTORIA QUNELL admitted she had also previously transported methamphetamine from California to Montana.

On December 14, 2006, ROBERT MERRY admitted to law enforcement that he and MICHELLE MERRY had worked with Evan Qunell to distribute methamphetamine for a period of years. ROBERT MERRY stated that MICHELLE MERRY normally conducted

the methamphetamine distribution business, but that he was also involved. He also admitted that Evan Qunell had stored in excess of two pounds of methamphetamine in the MERRYS' house over the preceding three years.

When questioned by law enforcement, MICHELLE MERRY admitted she had distributed methamphetamine that had been stored at her residence.

Another co-defendant, Roger Kreideman, would have testified that he was supplied with methamphetamine from the MERRY residence and that he received approximately one pound of methamphetamine from the MERRY household between May and December of 2006.

Roger Kreideman and Evan Qunell pled guilty to federal charges and have been sentenced.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that they will likely serve **all** of the time imposed by the court. In the federal system, they do have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Joseph E. Thaggard prosecuted the case for the United States.

The investigation was conducted by the U.S. Immigration and Customs Enforcement.

LEWIS LYNN MITCHELL

LEWIS LYNN MITCHELL, a 37-year-old resident of Spokane, Washington, was sentenced to a term of:

- Prison: 288 months
- Special Assessment: \$100
- Supervised Release: 8 years

MITCHELL was sentenced in connection with his guilty plea to possession with the intent to distribute methamphetamine.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

Between December of 2006 and January 12, 2007, MITCHELL provided approximately six ounces of methamphetamine to a person in Great Falls.

On January 12, 2007, law enforcement officers in Great Falls contacted that person, who became a confidential informant.

The confidential informant subsequently asked MITCHELL to travel to Great Falls in order to provide methamphetamine to the informant. On January 22, 2007, MITCHELL arrived in Great Falls where he received \$5,000 from the informant. A portion of the money was for a previous drug debt the informant owed to MITCHELL. The other portion was for two ounces of methamphetamine which MITCHELL brought to Great Falls.

MITCHELL told the informant the methamphetamine was located in his car. At that point, MITCHELL was arrested. Law enforcement recovered approximately 63 grams of purported methamphetamine from MITCHELL'S car.

A forensic chemist analyzed the purported methamphetamine and concluded that the substance contained a detectable amount of methamphetamine, a Schedule II controlled substance.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that MITCHELL will likely serve **all** of the time imposed by the court. In the federal system, MITCHELL does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Joseph E. Thaggard prosecuted the case for the United States.

The investigation was a cooperative effort between the Central Montana Drug Task Force and the U.S. Immigration and Customs Enforcement.

MATTHEW MORLEDGE

MATTHEW MORLEDGE, a 23-year-old resident of Billings, was sentenced to a term of:

- Prison: 97 months
- Special Assessment: \$300
- Supervised Release: 5 years

MORLEDGE was re-sentenced in connection with his guilty plea to two counts of distribution of methamphetamine and possession of a destructive device after his original sentence was appealed to the Ninth Circuit Court of Appeals. The sentence was reversed and remanded back to U.S. District Court for re-sentencing.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that MORLEDGE will likely serve **all** of the time imposed by the court. In the federal system, MORLEDGE does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney James E. Seykora prosecuted this case for the United States.

The investigation was a cooperative effort between the Bureau of Alcohol, Tobacco, Firearms and Explosives, the Drug Enforcement Administration, the City-County Special Investigation Unit located in Billings, and the Billings Police Department.

WYONA HELEN MORRISON

WYONA HELEN MORRISON, a 28-year-old resident of Great Falls, was sentenced to a term of:

- Prison: 188 months
- Special Assessment: \$100
- Forfeiture: \$39,000
- Supervised Release: 5 years

MORRISON was sentenced in connection with her guilty plea to conspiracy to possess with the intent to distribute methamphetamine.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On February 5, 2007, MORRISON and another individual were arrested by the Central Montana Drug Task Force (CMDTF). When interviewed, MORRISON admitted to possessing approximately one and a half pounds of methamphetamine secreted in the right rear interior panel of her vehicle.

A search warrant later conducted on this vehicle resulted in the seizure of 720.5 grams of methamphetamine. MORRISON identified her suppliers by the names that the two men went by, one of which was later identified as Manuel Ramos, and MORRISON stated that they were staying at her mobile home. She also advised that she had seen the two in possession of large amounts of methamphetamine and cocaine. She had been enlisted by one of the men to distribute the drugs in the Great Falls area.

The methamphetamine seized from MORRISON'S vehicle consisted of two separate exhibits. Exhibit one's listed weight was 482.1 grams and exhibit two's listed weight was 234.4 grams.

On March 12, 2007, results were received from the DEA Western Laboratory. Exhibit one contained methamphetamine hydrochloride of approximately 42.0% purity, exhibit two contained methamphetamine hydrochloride of approximately 49.6% purity.

On February 6, 2007, the Ramos and the other individual that had been staying at MORRISON'S mobile home were arrested on state drug charges. Agents had received information that Ramos and the other individual were in possession of a large quantity

of drugs and currency. A state search warrant was obtained. A search of MORRISON'S mobile home resulted in the seizure of 510.9 grams of suspected methamphetamine, 1,063 grams of cocaine, and \$29,800 in U.S. currency.

The narcotics seized from the search warrant conducted at MORRISON'S residence consisted of three exhibits, all located in a bedroom. Exhibit one's listed weight was 280.1 grams (suspected methamphetamine). Exhibit two's listed weight was 1063.7 grams (suspected cocaine). Exhibit three's listed weight was 230.8 grams (suspected methamphetamine).

On March 12, 2007, results were received from the DEA Western Laboratory. Exhibit one was determined to consist entirely of cutting agents used to extend quantities of the marketable narcotic. By adding "cut" to methamphetamine, the distributor reduces the purity of the product but increases the amount or weight. As drugs are generally priced and sold based upon weight, not purity, this process generates more income for the distributor. Exhibit two contained cocaine hydrochloride at 90.3% purity, and Exhibit three contained methamphetamine hydrochloride of approximately 47.6% purity.

On March 22, 2007, Ramos provided a statement regarding his narcotic involvement with MORRISON. He stated that prior to his arrest, he traveled with MORRISON throughout Montana while she distributed methamphetamine to several individuals. Ramos also stated that he took two pounds of methamphetamine with them in a Ziploc bag and a black garbage bag.

Ramos further stated that he and MORRISON first traveled to Missoula to meet MORRISON'S brother. He stated that MORRISON'S brother met them at the Comfort Inn in Missoula. Ramos stated that during the transaction with MORRISON'S brother, he (Ramos) retrieved a pound of methamphetamine from the bathroom and gave it to MORRISON'S brother.

According to records provided by the Comfort Inn in Missoula, Ramos checked into the Comfort Inn on January 24, 2007, and checked out on January 25, 2007. According to the receipt, two adults checked into the room and the registered vehicle was a Chevy Blazer.

On May 1, 2007, MORRISON'S brother provided a statement to CMDTF agents which confirmed that he had received a pound of methamphetamine from Ramos at a hotel in Missoula approximately three or four months prior to the date of the interview. MORRISON'S brother indicated that MORRISON was present during the transaction.

Ramos also stated that he and MORRISON traveled to Billings, where they met MORRISON'S then boyfriend and another unknown male individual at the Ramada Inn in Billings. Ramos stated that MORRISON provided the unknown male individual one pound of methamphetamine.

Guest registrations from the Ramada Inn in Billings confirmed that MORRISON checked into the Ramada Inn on January 22, 2007, and checked out January 24, 2007. According to the receipt, two adults occupied the above-mentioned room.

Ramos pled guilty to federal charges and has been sentenced.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that MORRISON will likely serve **all** of the time imposed by the court. In the federal system, MORRISON does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Carl E. Rostad prosecuted the case for the United States.

The investigation was a cooperative effort between the U.S. Immigration and Customs Enforcement and the Central Montana Drug Task Force.

**MARGARET LOU MORSETTE , GINA MARIE MORSETTE, and
DEANNA DAWN MORSETTE**

MARGARET LOU MORSETTE, age 59, GINA MARIE MORSETTE, age 37, and DEANNA DAWN MORSETTE, age 36, residents of Great Falls, appeared for sentencing.

MARGARET MORSETTE was sentenced to the following term in connection with her guilty plea to conspiracy to possess methamphetamine with the intent to distribute:

- Prison: 108 months
- Special Assessment: \$100
- Supervised Release: 5 years

GINA MARIE MORSETTE was sentenced to the following term in connection with her guilty plea to conspiracy to possess methamphetamine with the intent to distribute:

- Prison: 108 months
- Special Assessment: \$100
- Supervised Release: 5 years

DEANNA DAWN MORSETTE was sentenced to the following term in connection with her guilty plea to distribution of methamphetamine:

- Prison: 60 months
- Special Assessment: \$100
- Supervised Release: 4 years

In Offer of Proofs filed by the United States, the government stated it would have proved at trial the following:

Between approximately March of 2003 and September of 2004, MARGARET MORSETTE, and her two daughters, GINA MORSETTE and DEANNA MORSETTE, and other individuals were involved in a conspiracy to possess with the intent to distribute at least 500 grams of methamphetamine in the Great Falls area.

A confidential source would have testified that he/she began to purchase methamphetamine directly from DEANNA MORSETTE beginning in December of 2003. The confidential source would have also testified he/she received a total amount of at least 900 grams of a substance containing methamphetamine from DEANNA MORSETTE.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that they will likely serve **all** of the time imposed by the court. In the federal system, they do have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Joseph E. Thaggard prosecuted these cases for the United States.

The investigation was a cooperative effort between the Federal Bureau of Investigation and the Great Falls Police Department.

MEDORA NANOFF

MEDORA NANOFF, a 40-year-old resident of Billings, was sentenced to a term of:

- Prison: 160 months
- Special Assessment: \$100
- Supervised Release: 10 years

NANOFF was sentenced in connection with her guilty plea to conspiracy to possess with intent to distribute and distribution of cocaine or cocaine base.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On March 31, 2005, Billings Police officers responded to a domestic violence call at Frank Sims' residence. His wife told police that Sims had crack cocaine and guns in their bedroom. Officers recovered 14.10 grams of 88% cocaine base and a pistol from the residence. When questioned, Sims admitted the cocaine came from NANOFF and a co-conspirator.

On April 6, 2005, an officer with the drug task force performed a search of a vehicle Sims was driving when he was arrested for the domestic violence charge. Recovered during the search were 14.7 grams of 85% cocaine base. Sims admitted the cocaine came from NANOFF and a co-conspirator.

On May 12, 2005, a confidential informant purchased 1.0 grams of cocaine from NANOFF and another co-conspirator.

On May 19, 2005, a confidential informant purchased .45 grams of cocaine from NANOFF.

On June 1, 2005, an undercover officer with the task force purchased 1.60 grams of cocaine from NANOFF and a co-conspirator.

On June 1, 2005, a confidential informant purchased 1.10 grams of cocaine base from NANOFF and a co-conspirator.

On June 1, 2005, a confidential informant purchased .28 grams of cocaine base from NANOFF and a different co-conspirator.

On June 10, 2005, an undercover officer with the task force purchased 3.20 grams and 2.40 grams of cocaine from NANOFF and a co-conspirator on two separate occasions.

On June 17, 2005, an undercover officer with the task force purchased 5.10 grams and 13.70 grams of cocaine from NANOFF and a co-conspirator on two separate occasions.

On June 21, 2005, an undercover officer with the task force purchased 6.30 grams and 10.70 grams of cocaine from NANOFF and a co-conspirator on two separate occasions.

On July 22, 2005, officers with the Montana Probation and Parole conducted a search of NANOFF and a co-conspirator's residence at 414 Sioux Lane in Billings. Recovered were 125 grams of cocaine and wire transfers to two other co-conspirators.

Several co-conspirators and co-defendants would have testified that NANOFF and a co-conspirator distributed four to five ounces of powder cocaine to Frank Sims and that NANOFF and a co-conspirator had received the cocaine from yet another co-conspirator.

Another witness would have testified that he had "cooked" crack cocaine for NANOFF and a co-conspirator to sell, every day, several times a day.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that NANOFF will likely serve **all** of the time imposed by the court. In the

federal system, NANOFF does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney James E. Seykora prosecuted the case for the United States.

The investigation was conducted by a cooperative effort between the Federal Bureau of Investigation and the Billings Safe Streets Task Force.

DAVID NEWCOMB

DAVID NEWCOMB, a 48-year-old resident of Rathdrum, was sentenced to a term of:

- Prison: 60months
- Special Assessment: \$200
- Supervised Release: 4years

NEWCOMB was sentenced after having been found guilty during a 2-day trial of conspiracy and possession with the intent to distribute marijuana.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that NEWCOMB will likely serve **all** of the time imposed by the court. In the federal system, NEWCOMB does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Josh Van de Wetering prosecuted the case for the United States.

The investigation was a cooperative effort between the U.S. Immigration and Customs Enforcement, the Lincoln County Sheriff’s Office, the U.S. Border Patrol and the U.S. Forest Service.

DAMIEN ALLEN NICKERSON

DAMIEN ALLEN NICKERSON, a resident of Kalispell, was sentenced to a term of:

- Prison: 210 months, concurrent with another sentence
- Special Assessment: \$100
- Supervised Release: 5 years

NICKERSON was sentenced after having been found guilty during a 3-day trial of conspiracy to distribute methamphetamine.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that NICKERSON will likely serve **all** of the time imposed by the court. In the

federal system, NICKERSON does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Josh Van de Wetering prosecuted the case for the United States.

The investigation was a cooperative effort between the Drug Enforcement Administration and the Northwest Drug Task Force.

LOGAN KEYS NICOL

LOGAN KEYS NICOL, a 19-year-old resident of Helena, was sentenced to a term of:

- Prison: 24 months
- Special Assessment: \$100
- Supervised Release: 5 years

NICOL was sentenced in connection with his guilty plea to distribution of cocaine.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On August 3, 2006, NICOL sold approximately 62 grams of a mixture containing cocaine to an undercover officer in Kalispell.

On August 9, 2006, NICOL sold approximately 123 grams of a mixture containing cocaine to the undercover officer in Helena.

On September 8, 2006, NICOL sold approximately 424 grams of a mixture containing cocaine to the undercover officer in Helena. Law enforcement arrested NICOL after the sale on September 8, 2006.

A forensic chemist would have testified that the substances purchased from NICOL during August and September 2006 did in fact contain cocaine.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that NICOL will likely serve **all** of the time imposed by the court. In the federal system, NICOL does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Paulette L. Stewart prosecuted the case for the United States.

The investigation was conducted by the Missouri River Drug Task Force.

GERALD EUGENE OLSEN, JR.

GERALD EUGENE OLSEN, JR. was sentenced to a term of:

- Prison: 240 months
- Special Assessment: \$100
- Supervised Release: 10 years

OLSEN was sentenced in connection with his guilty plea to conspiracy to possess with the intent to distribute methamphetamine and conspiracy to distribute methamphetamine.

At the sentencing proceeding, the government stated it would have proved at trial the following:

From approximately February of 2003, to approximately October of 2003, in and around Livingston and Bozeman, OLSEN conspired with several co-conspirators to possess and distribute methamphetamine.

During the course of the investigation into the conspiracy, agents conducted several interviews with witnesses and co-conspirators of OLSEN. Testimony would have proved that OLSEN received methamphetamine from several sources, including sources in Butte and Phoenix, Arizona. OLSEN then distributed the methamphetamine on numerous occasions to other individuals, including several of his co-conspirators.

Further testimony would have shown that OLSEN was usually armed while participating in the drug deals.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that OLSEN will likely serve **all** of the time imposed by the court. In the federal system, OLSEN does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney James E. Seykora prosecuted the case for the United States.

STEVEN JAMES OLSEN

STEVEN JAMES OLSEN, a 23-year-old resident of Bozeman, was sentenced to a term of:

- Prison: 37 months
- Special Assessment: \$100
- Supervised Release: 5 years

OLSEN was sentenced in connection with his guilty plea to conspiracy to possess with the intent to distribute cocaine.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

In approximately June of 2006, OLSEN began receiving shipments of cocaine from an individual hereafter referred to as "John Doe." "John Doe" would ship the cocaine to Bozeman from Columbus, Georgia, via Federal Express, in quantities of up to 24 ounces (680 grams). OLSEN would pay for the cocaine by shipping cash to "John Doe," also via Federal Express. Both OLSEN and "John Doe" often used aliases on the Federal Express shipment forms, including the names "Nick Harris" and "Richard Jones."

At the end of March of 2007, law enforcement officers monitored a phone conversation between a confidential informant and OLSEN, during which OLSEN stated that an 18-ounce shipment of cocaine would arrive in Bozeman from Georgia on April 3, 2007, and would be available for between \$12,500 and \$13,000. The officers monitored a second conversation concerning the same shipment on April 2, 2007. OLSEN again reported that the cocaine would arrive in Bozeman on April 3, 2007.

On April 3, 2007, OLSEN phoned the confidential informant to explain that the shipment had been delayed by bad weather in Great Falls and would arrive in Bozeman the following day, April 4, 2007. Law enforcement officers contacted agents of Federal Express and learned that air parcels had been temporarily delayed in Great Falls due to inclement weather, but would be delivered on schedule. The officers then applied for and received a search warrant for the package which they executed on April 3, 2007. The package contained 501 grams of cocaine, with a purity of 67.4 percent.

The law enforcement officers also applied for and received a search warrant for OLSEN'S residence, which they executed the same day they seized the Federal Express package, April 3, 2007. The items seized from the residence included \$1,200 of U.S. currency, digital scales that could be utilized to weigh cocaine and marijuana for distribution, and five packages of marijuana in weights ranging from approximately 8.6 grams to 90.6 grams.

Following the search of his residence, law enforcement officers interviewed OLSEN concerning his involvement in the distribution of cocaine and marijuana. He admitted that the seized Federal Express parcel contained approximately 18 ounces of cocaine that he received from "John Doe" in Columbus, Georgia. He further admitted that "John Doe" had been shipping him between nine and 18 ounces of cocaine every week since October 2006.

Based on OLSEN'S statements, the approximate total weight of cocaine he received from "John Doe" from October 2006 to April 2007 was between 234 ounces (6.63

kilograms) (at nine ounces per week) and 468 ounces (13.26 kilograms) (at 18 ounces per week).

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that OLSEN will likely serve **all** of the time imposed by the court. In the federal system, OLSEN does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Joseph E. Thaggard prosecuted the case for the United States.

The investigation was a cooperative effort between the Federal Bureau of investigation in Bozeman and the Missouri River Drug Task Force.

DAWN MARIE ORNELAS

DAWN MARIE ORNELAS, *a/k/a Dawn Marie Martinez, Dawn Marie Childs, Dawn Marie Bitz*, a 38-year-old resident of Havre, was sentenced to a term of:

- Prison: 6 months
- Special Assessment: \$100
- Supervised Release: 1 year

ORNELAS was sentenced in connection with her guilty plea to obtaining a controlled substance by forgery.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On October 26, 2006, ORNELAS went to the Great Falls Clinic Cancer Care Facility (Cancer Facility) for an appointment with a doctor. The doctor did not write any prescriptions for ORNELAS. However, at some point while ORNELAS was in the examination room, ORNELAS stole four blank prescription notes from a prescription notepad that was left out on the table.

On October 28, 2006, ORNELAS went to the Osco Drug pharmacy in Havre with two forged prescription notes from the Cancer Facility and obtained 90 Oxycontin (40mg) pills and 90 Oxycodone (15mg) pills.

On November 10, 2006, ORNELAS went to the Western Drug pharmacy in Havre with two more forged prescription notes from the Cancer Facility and obtained 90 Oxycontin (40 mg) pills and 90 Oxycodone (15 mg) pills.

On November 29, 2006, ORNELAS was interviewed by law enforcement. ORNELAS admitted to stealing the prescription notes from the Cancer Facility, forging

prescriptions on the notes, and furnishing the forged notes to two pharmacies, whereby she obtained Oxycontin and Oxycodone.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that ORNELAS will likely serve **all** of the time imposed by the court. In the federal system, ORNELAS does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Anna S. Peckham prosecuted the case for the United States.

The investigation was a cooperative effort between the Federal Bureau of Investigation and the Tri-Agency Safe Trails Task Force.

FABRICIO OROZCO-AMBRIZ

FABRICIO OROZCO-AMBRIZ, a 27-year-old resident of Colorado, was sentenced to a term of:

- Prison: 200 months
- Special Assessment: \$100
- Supervised Release: 5 years

OROZCO-AMBRIZ was sentenced in connection with his guilty plea to conspiracy to possess with the intent to distribute methamphetamine.

At the sentencing proceeding, the government stated it would have proved at trial the following:

On October 14, 2005, a detective with the City-County Special Investigation Unit received information from a source of information regarding suspicious behavior in a room at the Holiday Inn Express in Billings. The room had been rented by an individual from Billings. The detective went to the room to question the occupants.

Upon entry to the room, five Hispanic individuals were encountered. None of the individuals was the individual who had rented the room and all the individuals present denied knowing this individual. One of the individuals in the room was OROZCO-AMBRIZ. After receiving consent to search the hotel room, the detective and other law enforcement officers located and seized approximately 10 ounces of methamphetamine and \$6,201 in cash. The methamphetamine and the U.S. currency was found in the room occupied by OROZCO-AMBRIZ.

On April 5, 2006, and again on April 20, 2006, a confidential informant spoke with law enforcement officers regarding the drug trafficking activities of OROZCO-AMBRIZ in the Denver, Colorado, and Billings areas. The informant, while not present at that time, was aware of the drug seizure in October of 2005 and had been told by OROZCO-

AMBRIZ that the drugs seized by law enforcement were his and that law enforcement also seized money from OROZCO-AMBRIZ.

In a conversation with OROZCO-AMBRIZ on April 13, 2006, the informant was told by OROZCO-AMBRIZ that his distribution to Montana was still active. OROZCO-AMBRIZ stated he was not traveling to Montana himself, but that a guy from Montana was driving to Denver and picking up two to three pounds of methamphetamine at a time to take back to Montana.

The methamphetamine seized from OROZCO-AMBRIZ on October 14, 2005, was analyzed by the DEA's Western Regional Laboratory and found to be: 18.4 grams of methamphetamine, 63 percent pure, 11.5 grams actual methamphetamine; and 248.4 grams methamphetamine, 70 percent pure, 173.8 grams actual methamphetamine.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that OROZCO-AMBRIZ will likely serve **all** of the time imposed by the court. In the federal system, OROZCO-AMBRIZ does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney James E. Seykora prosecuted the case for the United States.

The investigation was a cooperative effort between the Drug Enforcement Administration, the U.S. Immigration and Customs Enforcement, and the High Intensity Drug Trafficking Area (HIDTA) Task Force.

LAWRENCE D. PALMER

LAWRENCE D. PALMER, a 39-year-old resident of Billings, was sentenced to a term of:

- Prison: 120 months
- Special Assessment: \$100
- Supervised Release: 8 years

PALMER was sentenced in connection with his guilty plea to conspiracy to possess with the intent to distribute methamphetamine.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

From an unknown date in 2003 to early 2005, PALMER was part of a conspiracy to possess with the intent to distribute methamphetamine. Upon receiving the methamphetamine, PALMER, in concert with others, used a cell phone and other means of communication to contact buyers to arrange meetings and deliveries of the

crystal methamphetamine to numerous individuals in Billings.

During the period of the conspiracy, undercover law enforcement agents also made controlled purchases of methamphetamine from PALMER. The amount of methamphetamine distributed during the conspiracy exceeded over 5 grams of actual or pure methamphetamine.

A DEA forensic chemist would have testified that methamphetamine is a Schedule II controlled substance.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that PALMER will likely serve **all** of the time imposed by the court. In the federal system, PALMER does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney James E. Seykora prosecuted the case for the United States.

The investigation was a cooperative effort between the Federal Bureau of Investigation and the Billings Big Sky Safe Streets Task Force.

JAMES DALE PARKER

JAMES DALE PARKER, a 36-year-old resident of Bozeman, appeared for sentencing. PARKER was sentenced to a term of:

- Prison: 70 months
- Special Assessment: \$100
- Supervised Release: 5 years

PARKER was sentenced in connection with his guilty plea to conspiracy to possess with the intent to distribute methamphetamine.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On August 16, 2004, Roy Allen Bianchi, Jose Ramiro Pena, and Joel Vargas Torres were stopped by a Gallatin County Sheriff’s deputy for failing to dim the headlights of the vehicle they were driving. The vehicle, a white Chevy pickup, was registered to PARKER. Bianchi, Pena and Torres had some drugs and paraphernalia in the vehicle, as well as room keys for two rooms at the TLC Inn in Bozeman.

Officers searched the rooms and seized approximately three-quarters of a pound of methamphetamine, a pistol, and other indicia of drug use and drug distribution, including a digital scale. They also seized a deck of playing cards bearing the name “Mike” and a phone number. Gallatin County Sheriff’s Office records indicated that

phone number was linked to Michael Emery.

Bianchi, Pena, and Torres were indicted for conspiracy to distribute methamphetamine and possession of a firearm in furtherance of a drug trafficking crime. Bianchi pled guilty to both charges and was sentenced to 117 months imprisonment. Pena and Torres were convicted following trial.

After the indictment was returned, Bianchi turned himself in to DEA agents in Washington and consented to an interview concerning the scope of the conspiracy. He was de-briefed again prior to Pena's and Torres' trial. During those interviews, he fully admitted his involvement in the conspiracy and described the transportation of methamphetamine from Washington to Montana on several occasions during the spring and summer of 2004. He also identified two of the Montana buyers as Michael Danon Emery and PARKER. According to Bianchi, he met Parker through Emery, with whom he had grown up in Washington. Emery had moved to Bozeman and Bianchi contacted him about the possibility of distributing drugs in Montana.

Based on the information provided by Bianchi, law enforcement officers obtained and reviewed occupancy and phone records from the hotels that Bianchi, Pena, and Torres frequented during their drug runs. Records from the TLC Inn reflect that Bianchi rented rooms on July 30 and 31, 2004, August 6 and 7, 2004, August 10 and 11, 2004, and August 15 and 16, 2004. On August 15 and 16, 2004, five calls were placed from Bianchi's room at the TLC Inn to Emery's phone number. Those calls would corroborate Bianchi's testimony that he would make contact with Emery in order to facilitate the deliveries of methamphetamine to Emery and Parker. On August 8, 2004, PARKER rented a room at the TLC Inn. He made three calls from the room, including one to Emery.

Emery pled guilty on April 11, 2007, and was interviewed by law enforcement on June 29, 2007. He provided information consistent with that provided by Bianchi, including information about the role played by Parker in the distribution of methamphetamine in the Bozeman area during the life of the conspiracy.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that PARKER will likely serve **all** of the time imposed by the court. In the federal system, PARKER does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Timothy J. Racicot prosecuted the case for the United States.

The investigation was conducted by the Missouri River Drug Task Force.

ROBERT MICHAEL PARRETT

ROBERT MICHAEL PARRETT, a 56-year-old resident of Billings, was sentenced to a

term of:

- Prison: 60 months
- Special Assessment: \$200
- Supervised Release: 3 years

PARRETT was sentenced in connection with his guilty plea to distribution of methamphetamine.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On March 9, 2005, and again on March 16, 2005, an undercover officer and a confidential informant made controlled buys of methamphetamine from PARRETT at PARRETT'S residence in Billings. The undercover officer purchased an "eight ball" for \$350 from PARRETT on each buy.

The drugs purchased on March 9, 2005, consisted of 3.3 grams of a mixture or substance containing a detectible amount of methamphetamine. The drugs purchased on March 16, 2006, also consisted of 3.3 grams of a mixture or substance containing a detectible amount of methamphetamine.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that PARRETT will likely serve **all** of the time imposed by the court. In the federal system, PARRETT does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Timothy J. Racicot prosecuted the case for the United States.

The investigation was conducted by the High Intensity Drug Trafficking Area (HIDTA) Task Force.

JO LYNN PENROD

JO LYNN PENROD, a 42-year-old resident of Salt Lake City, Utah, was sentenced to a term of:

- Prison: 52 months
- Special Assessment: \$100
- Supervised Release: 5 years

PENROD was sentenced in connection with her guilty plea to conspiracy to possess with the intent to distribute methamphetamine.

At the sentencing proceeding, the government stated it would have proved at trial the

following:

From approximately January until May of 2006, PENROD and several other individuals were engaged in a conspiracy to possess with the intent to distribute methamphetamine in the Billings area.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that PENROD will likely serve **all** of the time imposed by the court. In the federal system, PENROD does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney James E. Seykora prosecuted the case for the United States.

The investigation was a cooperative effort between the Drug Enforcement Administration and the High Intensity Drug Trafficking Area (HIDTA) Task Force.

ALBERT TITO PEREZ

ALBERT TITO PEREZ was re-sentenced to a term of:

- Prison: 64 months
- Special Assessment: \$2,600
- Supervised Release: 4 years

PEREZ was re-sentenced in connection with his guilty plea to conspiracy to distribute methamphetamine after his original sentence was appealed to the Ninth Circuit Court of Appeals. The sentence was reversed and remanded back to U.S. District Court for re-sentencing.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that PEREZ will likely serve **all** of the time imposed by the court. In the federal system, PEREZ does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Timothy J. Racicot prosecuted this case for the United States.

JAMES F. POLLENDER

JAMES F. POLLENDER was re-sentenced to a term of:

- Prison: 137 months
- Special Assessment: \$500
- Restitution: \$7,965.90 @ \$139.75 per month
- Supervised Release: 4 years

POLLENDER was re-sentenced after having been found guilty during a jury trial of conspiracy to manufacture methamphetamine; possession with intent to distribute methamphetamine; possession of listed chemicals with intent to manufacture methamphetamine; possession of a firearm in furtherance of drug trafficking; possession of an unregistered firearm, and being a felon-in-possession of a firearm. His original sentence was appealed to the Ninth Circuit Court of Appeals. The sentence was reversed and remanded back to U.S. District Court for re-sentencing.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that POLLENDER will likely serve **all** of the time imposed by the court. In the federal system, POLLENDER does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

U.S. Attorney James E. Seykora prosecuted this case for the United States.

The investigation was a cooperative effort between the United States Forest Service, the Drug Enforcement Administration, and the Missouri River Drug Task Force.

MARCOS QUINONES

MARCOS QUINONES, a 48-year-old resident of Billings, was sentenced to a term of:

- Prison: 60 months
- Special Assessment: \$100
- Supervised Release: 5 years

QUINONES was sentenced in connection with his guilty plea to conspiracy to possess with the intent to distribute methamphetamine.

At the sentencing hearing, the government stated it would have proved at trial the following:

Richard Todd, Samuel Ireland, and others traveled from Brentwood, California to Billings by automobile and commercial airline on numerous occasions transporting methamphetamine and/or U.S. currency.

In Billings, between June of 2004 and May of 2005, Todd and Ireland used a network of associates, including QUINONES, to distribute methamphetamine throughout Billings. A confidential source advised agents with the City-County Special Investigation Unit in Billings that Todd often traveled with pound quantities of methamphetamine per trip to Billings. According to the confidential source, Todd, Ireland or another individual would travel from Brentwood to Billings every three to five weeks.

Ireland was Todd’s primary contact point in Billings. Ireland and Todd maintained

“stash houses” and moved the methamphetamine from location to location, including to QUINONES.

On December 9, 2004, a confidential source purchased 1.4 grams of methamphetamine, 57 percent pure, or .79 grams pure methamphetamine for \$150.00 from QUINONES in Billings.

On December 12, 2004, a confidential source purchased 1.3 grams of methamphetamine, 40 percent pure, or .93 grams pure methamphetamine for \$150.00 from QUINONES in Billings.

On January 5, 2005, a confidential source purchased 1.4 grams of methamphetamine, 44 percent pure, or .61 grams pure methamphetamine for \$150.00 from QUINONES in Billings.

Testimony would have shown that QUINONES received an ounce to two ounces of methamphetamine a week when Ireland first arrived in Billings in June of 2004 until approximately December of 2004. Ireland and Todd then cut him off for approximately two months. They then again began providing QUINONES with half ounce quantities of methamphetamine from February of 2005 to approximately April of 2005. Testimony would have shown that Todd charged \$1,500 to \$1,700 an ounce for the methamphetamine.

The amount of methamphetamine given directly to QUINONES for redistribution exceeded 500 grams of a mixture or 50 grams of pure methamphetamine.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that QUINONES will likely serve **all** of the time imposed by the court. In the federal system, QUINONES does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney James E. Seykora prosecuted the case for the United States.

The investigation was a cooperative effort between the Drug Enforcement Administration, the Bureau of Immigration and Customs Enforcement, the Montana Department of Criminal Investigation and the High Intensity Drug Trafficking Area (HIDTA) Task Force.

EVAN JAMES QUNELL

EVAN JAMES QUNELL, a resident of Great Falls, was sentenced to a term of:

- Prison: 235 months
- Special Assessment: \$100
- Supervised Release: 10 years

QUNEL was sentenced in connection with his guilty plea to conspiracy to possess with the intent to distribute methamphetamine.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

Between July 25 and August 23, 2006, a confidential informant made five controlled purchases of a substance containing a detectable amount of methamphetamine from QUNELL.

Law enforcement officers who monitored the controlled purchases took control of the methamphetamine following completion of the transactions. In total, they obtained approximately 69 grams of a substance, which when tested was found to contain a detectable amount of methamphetamine.

In November of 2006, QUNELL was questioned by law enforcement agents regarding his role in the distribution of methamphetamine. QUNELL admitted that he was engaged in the distribution of methamphetamine in Great Falls during a period which included May 1, 2005, to December 14, 2006.

QUNELL further admitted he obtained multiple pounds of methamphetamine from sources in California and distributed the methamphetamine in Great Falls, through other individuals, including Robert Merry and Michelle Merry. QUNELL also admitted that he obtained at least 500 grams of methamphetamine from another individual, a source of supply who resided in California.

QUNELL also stated that he had stored at least 500 grams of methamphetamine at the Great Falls home of Robert Merry, and his wife Michelle Merry, between May 1, 2005 and December 14, 2006.

On December 14, 2006, Robert Merry admitted to law enforcement that he and Michelle Merry had worked with QUNELL to distribute methamphetamine for a period of years. Robert Merry stated that Michelle Merry normally conducted the methamphetamine distribution business, but that he was also involved. He also admitted that QUNELL had stored in excess of two pounds of methamphetamine in the Merrys' house over the preceding three years.

Another co-defendant, Roger Kreideman, would have testified that he was supplied with methamphetamine from the Merry residence and that he received approximately one pound of methamphetamine from the Merry household between May and December of 2006.

Roger Kreideman, Robert Merry, and Michelle Merry pled guilty to federal charges and have been sentenced.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that QUNELL will likely serve **all** of the time imposed by the court. In the federal system, QUNELL does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Joseph E. Thaggard prosecuted the case for the United States.

The investigation was conducted by the U.S. Immigration and Customs Enforcement.

MANUEL RAMOS

MANUEL RAMOS, a 32-year-old resident of Manteca, California, was sentenced to a term of:

- Prison: 360 months, concurrent with another sentence
- Special Assessment: \$300
- Supervised Release: 10 years

RAMOS was sentenced in connection with his guilty plea to possession with the intent to distribute methamphetamine and cocaine and re-entry of a previously deported alien.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On February 5, 2007, two individuals were arrested by the Central Montana Drug Task Force (CMDTF). During an interview, one of the individuals, hereafter referred to as “FI”, admitted to possessing approximately one and a half pounds of methamphetamine secreted in the right rear interior panel of her Chevrolet Tahoe.

A search warrant later conducted on this vehicle resulted in the seizure of 720.5 grams of methamphetamine. “FI” identified her suppliers as men she knew as “Juan” and “Nate” and advised that they were staying at her mobile home. She also advised that she had seen the two in possession of large amounts of methamphetamine and cocaine. She stated that she had been enlisted by “Nate” to distribute the drugs in the Great Falls area.

The methamphetamine seized from “FI’s” vehicle consisted of two separate exhibits. Exhibit one’s listed weight was 482.1 grams and exhibit two’s listed weight was 234.4 grams. On March 12, 2007, results were received from the DEA Western Laboratory. Exhibit one contained methamphetamine hydrochloride of approximately 42.0% purity, exhibit two contained methamphetamine hydrochloride of approximately 49.6% purity.

On February 6, 2007, RAMOS and the other individual were arrested on state drug charges. Agents had received information that RAMOS and the other individual, at that time not clearly identified, were in possession of a large quantity of drugs and currency.

A state search warrant was obtained. A search of "FI's" mobile home resulted in the seizure of 510.9 grams of suspected methamphetamine, 1,063 grams of cocaine and \$29,800 in U.S. currency.

The narcotics seized from the search warrant conducted at "FI's" residence consisted of three exhibits, all located in a bedroom. Exhibit one's listed weight of 280.1 grams (suspected methamphetamine). Exhibit two's listed weight of 1063.7 grams (suspected cocaine). Exhibit three's listed weight of 230.8 grams (suspected methamphetamine). On March 12, 2007, results were received from the DEA Western Laboratory. Exhibit one was determined to consist entirely of cutting agents used to extend quantities of the marketable narcotic. By adding "cut" to methamphetamine, the distributor reduces the purity of the product but increases the amount or weight. As drugs are generally priced and sold based upon weight, not purity, this process generates more income for the distributor. Exhibit two contained cocaine hydrochloride at 90.3% purity, and Exhibit three contained methamphetamine hydrochloride of approximately 47.6% purity.

On March 22, 2007, RAMOS provided a statement regarding his narcotic involvement with "FI." RAMOS stated that prior to his arrest, he traveled with "FI" throughout Montana while she distributed methamphetamine to several individuals. RAMOS stated that he took two pounds of methamphetamine with them in a Ziploc bag and a black garbage bag. RAMOS stated that he and "FI" first traveled to Missoula to meet "FI's" brother. RAMOS stated that "FI's" brother met them at the Comfort Inn in Missoula. RAMOS stated that during the transaction with "FI" brother, RAMOS retrieved a pound of methamphetamine from the bathroom and gave it to "FI's" brother.

According to records provided by the Comfort Inn in Missoula, Jose Quintero (a known alias for RAMOS), checked into the Comfort Inn on January 24, 2007, and checked out on January 25, 2007. According to the receipt, two adults checked into the room and the registered vehicle was a Chevy Blazer.

On May 1, 2007, "FI's" brother provided a statement to CMDTF agents confirming that he received a pound of methamphetamine from RAMOS at a hotel in Missoula approximately three or four months prior to the date of the interview. "FI's" brother indicated that "FI" was present during the transaction.

RAMOS also stated that he and "FI" traveled to Billings, where they met "FI's" then boyfriend and an unknown male at the Ramada Inn in Billings. RAMOS stated that "FI" provided the unknown male individual one pound of methamphetamine.

Guest registrations from the Ramada Inn in Billings confirmed that "FI" checked into the Ramada Inn on January 22, 2007, and checked out January 24, 2007. According to the receipt, two adults occupied the above-mentioned room.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that RAMOS will likely serve **all** of the time imposed by the court. In the

federal system, RAMOS does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Carl E. Rostad prosecuted the case for the United States.

The investigation was a cooperative effort between the Central Montana Drug Task Force and the U.S. Immigration and Customs Enforcement.

BRADLEY REBER

BRADLEY REBER, a 25-year-old resident of British Columbia, was sentenced to a term of:

- Prison: 30 months
- Special Assessment: \$100
- Supervised Release: 3 years

REBER was sentenced in connection with his guilty plea to possession with the intent to distribute marijuana.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

In early August of 2006, as part of a larger investigation, law enforcement agents in Canada and the United States working together tracked a load of marijuana being smuggled across the border from Canada to the United States.

The load was taken by plane to an airport near Anaconda where it was transferred to a vehicle. Law enforcement officers then followed the vehicle and eventually stopped it in Utah. The driver of the vehicle was REBER. They searched the vehicle and discovered approximately 396 pounds of marijuana in the vehicle. REBER was questioned and admitted his knowledge of the marijuana.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that REBER will likely serve **all** of the time imposed by the court. In the federal system, REBER does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Josh Van de Wetering prosecuted the case for the United States.

The investigation was conducted by the Drug Enforcement Administration.

FRANCISCO ISABEL ROMERO

FRANCISCO ISABEL ROMERO, a 26-year-old resident of Deer Lodge, was sentenced to a term of:

- Prison: 144 months
- Special Assessment: \$600
- Supervised Release: 5 years

ROMERO was sentenced in connection with his guilty plea to possession with the intent to distribute methamphetamine and harboring illegal aliens.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On June 7, 2006, an undercover officer working with the Southwest Montana Drug Task Force bought approximately two ounces of methamphetamine (56.2 grams) from ROMERO at Georgetown Lake.

On August 28, 2006, the same undercover officer purchased approximately four ounces (121.3 grams) from ROMERO near the intersection of Beck Hill Road and Highway 12 in Powell County.

On September 26, 2006, ROMERO was arrested while selling the undercover officer approximately one pound of methamphetamine (451.5 grams) at the Copper Bowl parking lot in Anaconda. ROMERO'S vehicle contained the methamphetamine, as well as approximately \$13,000 in cash.

Following his arrest, officers executed a search warrant at ROMERO'S campsite near Moose Lake Road in Granite County and seized approximately 2.5 pounds of methamphetamine (1,115.1 grams) from one of the camp trailers located on site.

When questioned by law enforcement, ROMERO admitted selling the methamphetamine on June 7, 2006, August 28, 2006, and September 26, 2006. He also admitted that the methamphetamine located at the campsite belonged to him and told law enforcement where the methamphetamine was located within the camp.

In addition, ROMERO admitted that the three individuals, all of whom had accompanied him to the June 7, 2006 drug deal, were illegal aliens that ROMERO had transported to Montana to work for his family's post and pole business in the Deer Lodge area.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that ROMERO will likely serve **all** of the time imposed by the court. In the federal system, ROMERO does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Timothy J. Racicot prosecuted the case for the United States.

The investigation was a cooperative effort between the Bureau of Immigration and Customs Enforcement and the Southwest Montana Drug Task Force.

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Because there is no parole in the federal system, the "truth in sentencing" guidelines

mandate that ROMERO will likely serve **all** of the time imposed by the court. In the federal system, ROMERO does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Timothy J. Racicot prosecuted the case for the United States.

The investigation was a cooperative effort between the Bureau of Immigration and Customs Enforcement and the Southwest Montana Drug Task Force.

EMILIO SAMSON, JR.

EMILIO SAMSON, JR., age 28, was sentenced to a term of:

- Prison: 46 months
- Special Assessment: \$100
- Supervised Release: 4 years

SAMSON was sentenced in connection with his guilty plea to conspiracy to possess with the intent to distribute methamphetamine and distribution of methamphetamine.

At the sentencing hearing, the government stated it would have proved at trial the following:

On July 13, 2004, a confidential informant advised detectives with the City-County Special Investigation Unit that Jose Marcial, a co-defendant of SAMSON, had approached him and told him that he had two ounces of methamphetamine for sale. Marcial said the methamphetamine was coming from “Omo,” who investigators later identified as EMILIO SAMSON.

In Billings, the confidential informant introduced Marcial to an undercover officer. Marcial told the undercover officer that if he likes the two “tomatoes” he also had two “trees” that he could sell him. The confidential informant explained to the officer that “tomatoes” were ounces of methamphetamine and “trees” were pounds of methamphetamine. Marcial indicated he would sell a “tree” of methamphetamine for \$15,000.

A short time later, the undercover officer had the confidential informant call Marcial and tell Marcial that he was ready to purchase the methamphetamine. Arrangements were then made as to where the purchase was to take place.

Marcial walked to the passenger side of the informant’s vehicle and gave a large plastic baggie containing a white crystal substance methamphetamine to the undercover officer. The officer then gave Marcial \$3,000 in cash.

A short time later, on July 13, 2004, an officer with the Billings Police Department

conducted a vehicle stop on a 2000 gold Nissan Quest minivan. The driver of the vehicle was identified as SAMSON. He consented to a search of the vehicle and during the search, officers found \$8,550 in cash.

After the seizure of the money, a DEA agent compared the serial numbers on the money given to Marcial by the undercover officer for the two ounces of methamphetamine with the serial numbers of the money which had been seized. The serial numbers of the money used to purchase the methamphetamine was found in the money seized.

The DEA Western Regional Laboratory found the methamphetamine to weigh 55.5 grams with a purity of 51% or 28.3 grams of actual or pure methamphetamine.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that SAMSON will likely serve **all** of the time imposed by the court. In the federal system, SAMSON does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney James E. Seykora prosecuted the case for the United States.

The investigation was a cooperative effort between the Drug Enforcement Administration, the City-County Special Investigation Unit, the Bureau of Immigration and Customs Enforcement and the Billings Police Department.

AUDREY SCOTT

AUDREY SCOTT, a resident of California, was sentenced to a term of:

- Prison: 42 months
- Special Assessment: \$100
- Supervised Release: 4 years

SCOTT was sentenced in connection with her guilty plea to possession with the intent to distribute methamphetamine.

At the sentencing proceeding, the government stated it would have proved at trial the following:

On January 12, 2006, using a cooperative individual, law enforcement officers conducted a controlled buy from SCOTT. This individual obtained 6.70 grams of 21% methamphetamine, or 1.40 grams of actual methamphetamine, from SCOTT. On the same date, a second controlled buy using the same cooperative individual was conducted and 12.60 grams of 16% methamphetamine, or 2.00 grams of actual methamphetamine, was obtained from SCOTT.

On February 2, 2006, SCOTT admitted to law enforcement that she distributed methamphetamine. She stated that she had bought two ounces from an individual in January of 2006 for redistribution. She further admitted that in the summer of 2005, she had purchased two to three ounces of methamphetamine from another individual and later resold it. SCOTT also admitted that she had stored a safe and guns for this individual.

On February 2, 2006, a search was conducted of SCOTT'S residence in Billings. A portion of the drug buy money used in the January 12, 2006 transactions was found in SCOTT'S dresser drawer.

A forensic chemist would have testified to the amount and purity of the methamphetamine that was seized.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that SCOTT will likely serve **all** of the time imposed by the court. In the federal system, SCOTT does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney James E. Seykora prosecuted the case for the United States.

The investigation was a cooperative effort between the Billings Big Sky Safe Streets Task Force and the Drug Enforcement Administration.

VICTORINO SANDOVAL SEPULVEDA

VICTORINO SANDOVAL SEPULVEDA, a 28-year-old resident of Mexico, was sentenced to a term of:

- Prison: 124 months, consecutive to another sentence
- Special Assessment: \$100
- Supervised Release: 5 years

SEPULVEDA was sentenced in connection with his guilty plea to conspiracy to distribute methamphetamine.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

Law enforcement agents and several already-convicted co-conspirators would have testified that SEPULVEDA personally brought drugs from California to Butte and delivered them to several people around Butte.

Witnesses would have included individuals who accompanied SEPULVEDA on trips; received drugs from him; saw him with large amounts of cash; and saw him delivering

drugs.

The drug was always methamphetamine, and the quantities were in pound, or multiple pound quantities, for a total of more than 500 grams.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that SEPULVEDA will likely serve **all** of the time imposed by the court. In the federal system, SEPULVEDA does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Josh Van de Wetering prosecuted the case for the United States.

The investigation was conducted by the Bureau of Immigration and Customs Enforcement.

BUDDY SHAW, JR.

BUDDY SHAW, JR., a 35-year-old resident of Livingston, was sentenced to a term of:

- Prison: 240 months
- Special Assessment: \$300
- Supervised Release: 10 years

SHAW was sentenced in connection with his guilty plea to conspiracy and possession with the intent to distribute over 500 grams of methamphetamine and conspiracy to commit money laundering.

At the sentencing proceeding, the government stated it would have proved at trial the following:

SHAW was involved with other individuals in a conspiracy to distribute methamphetamine and a conspiracy to commit money laundering.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that SHAW will likely serve **all** of the time imposed by the court. In the federal system, SHAW does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney James E. Seykora prosecuted the case for the United States.

The investigation was a cooperative effort between the Drug Enforcement Administration and the Missouri River Drug Task Force.

DANA SHEARER

DANA SHEARER, a 29-year-old resident of Billings, was sentenced to a term of:

- Prison: 63 months
- Special Assessment: \$100
- Supervised Release: 5 years

SHEARER was sentenced in connection with his guilty plea to conspiracy to possess with the intent to distribute methamphetamine.

At the sentencing proceeding, the government stated it would have proved at trial the following:

Richard Todd, Samuel Ireland, and others traveled from Brentwood, California to Billings by automobile and commercial airline on numerous occasions transporting methamphetamine and/or U.S. currency.

In Billings, between June of 2004 and May of 2005, Todd and Ireland used a network of associates, including SHEARER, to distribute methamphetamine throughout Billings. A confidential source advised agents with the City-County Special Investigation Unit in Billings that Todd often traveled with pound quantities of methamphetamine per trip to Billings. According to the confidential source, Todd, Ireland or another individual would travel from Brentwood to Billings every three to five weeks.

Ireland was Todd's primary contact point in Billings. Ireland and Todd maintained "stash houses" and moved the methamphetamine from location to location, including to SHEARER.

On December 8, 2004, a confidential source purchased 1.4 grams of methamphetamine, 23 percent pure, or .32 grams pure methamphetamine for \$150.00 from SHEARER in Billings.

On January 4, 2005, a confidential source purchased 1.3 grams of methamphetamine, 57 percent pure, or .93 grams pure methamphetamine for \$150.00 from SHEARER in Shepherd.

Testimony would have shown that SHEARER received an ounce and a half of methamphetamine a week when Ireland first arrived in Billings in June of 2004, and continued to obtain an ounce and a half a week for approximately nine months.

Further testimony would have shown that SHEARER obtained more than the ounce and a half of methamphetamine on occasion from Ireland and Todd and that Todd charged \$1,500 to \$1,700 an ounce for the methamphetamine.

The amount of methamphetamine SHEARER distributed was between 1.5 and 5 kilograms.

Todd and Ireland pled guilty to and have been sentenced on federal charges.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that SHEARER will likely serve **all** of the time imposed by the court. In the federal system, SHEARER does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney James E. Seykora prosecuted the case for the United States.

The investigation was a cooperative effort between the Drug Enforcement Administration, the Bureau of Immigration and Customs Enforcement, the Montana Department of Criminal Investigation, the City-County Special Investigation Unit, and the High Intensity Drug Trafficking Area (HIDTA) Task Force.

FRANK SIMS

FRANK SIMS, a 32-year-old resident of Billings, was sentenced to a term of:

- Prison: 240 months
- Special Assessment: \$200
- Supervised Release: 10 years

SIMS was sentenced in connection with his guilty plea to conspiracy to possess with the intent to distribute cocaine and cocaine base; distribution of cocaine and cocaine base; and being a felon-in-possession of a firearm.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On November 16, 2004, law enforcement officers conducted a controlled buy of cocaine from SIMS and purchased .61 grams of cocaine, a Schedule II controlled substance.

In December of 2004, SIMS accompanied two co-conspirators to purchase one ounce of crack cocaine from another co-conspirator.

In February of 2005, SIMS traveled to Washington with a co-conspirator to pick up two ounces of powder cocaine from yet another co-conspirator.

In March of 2005, a co-conspirator asked SIMS to hold one ounce of powder cocaine.

During the period of the conspiracy, SIMS received four to five ounces of powder

cocaine from two of his co-conspirators. SIMS converted the powder cocaine to crack cocaine and distributed it. Four to five ounces of powder cocaine convert to over 50 grams of crack cocaine.

On March 31, 2005, Billings Police officers responded to a domestic violence call at SIMS' residence at 1042 Custer. His wife told police that SIMS had crack cocaine and guns in their bedroom. Officers recovered 14.10 grams of 88% cocaine base and a Remington Rand, Model 1911, .45 caliber pistol from the residence.

On April 6, 2005, an officer with the drug task force performed a search of a vehicle SIMS was driving when he was arrested for the domestic violence charge. Recovered during the search were 14.7 grams of 85% cocaine base.

SIMS had previously been convicted on July 25, 2000, in the State of Nevada, District Court, Clark County, Nevada, of possession of a controlled substance with the intent to sell.

When questioned, SIMS admitted that he had participated in the transactions and had been in possession of the firearm.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that SIMS will likely serve **all** of the time imposed by the court. In the federal system, SIMS does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney James E. Seykora prosecuted the case for the United States.

The investigation was a cooperative effort between the Federal Bureau of Investigation and the Billings Big Sky Safe Streets Task Force.

DALE LEON SMITH

DALE LEON SMITH, a 45-year-old resident of Great Falls, was sentenced to a term of:

- Prison: 37 months
- Special Assessment: \$100
- Supervised Release: 4 years

SMITH was sentenced in connection with his guilty plea to possession with the intent to distribute methamphetamine.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On March 6, 2006, law enforcement officers in Great Falls observed SMITH and

another male exit a residence and have a short conversation. After their conversation ended, the other individual left and SMITH walked through an alley and proceeded to walk south.

The officers, who were in a vehicle, then pulled up to SMITH. When one of the officers identified himself, SMITH ran back into the alley and the officers then pursued SMITH on foot. Halfway down the alley, SMITH veered towards the rear of a residence which was enclosed both by a chain link fence and a wooden fence. Officers observed SMITH throw what appeared to be sandwich baggies containing a whitish substance into the back yard of the residence.

SMITH then continued to run toward the corner where the chain link fence and wooden fence intersected. At that point, an officer grabbed a hold of SMITH'S jacket and proceeded to gain control over SMITH after they both fell to the ground. After a brief struggle, SMITH was handcuffed. A methamphetamine pipe was recovered from SMITH'S right front pocket when searched.

Officers then entered the back yard of the residence and observed a plastic baggie laying next to the east side of the sidewalk. Two additional zip-lock bags were also found laying nearby. All three baggies contained a whitish crystal-like substance.

A chemist at the Forensic Science Division with the State of Montana tested the ziplock bags and substances which contained a "crystalline material." The results indicated that the substances were methamphetamine..

The total weight of the methamphetamine recovered was approximately 60 grams.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that SMITH will likely serve **all** of the time imposed by the court. In the federal system, SMITH does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Anna S. Peckham prosecuted the case for the United States.

The investigation was conducted by the Federal Bureau of Investigation.

RONALD EDWARD SMITH

RONALD EDWARD SMITH was sentenced to a term of:

- Prison: 360 months
- Special Assessment: \$100
- Supervised Release: 10 years

SMITH was re-sentenced in connection with his guilty plea to conspiracy to possess

methamphetamine for distribution after his original sentence was appealed to the Ninth Circuit Court of Appeals. The sentence was reversed and remanded back to U.S. District Court for re-sentencing.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that SMITH will likely serve **all** of the time imposed by the court. In the federal system, SMITH does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney James E. Seykora prosecuted the case for the United States.

RUSSELL STEVENSON

RUSSELL STEVENSON, a 33-year-old resident of Sacramento, California, was sentenced to a term of:

- Prison: 165 months
- Special Assessment: \$100
- Supervised Release: 5 years

STEVENSON was sentenced in connection with his guilty plea to conspiracy to possess with the intent to distribute methamphetamine.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

Evan Qunell was engaged in the distribution of methamphetamine in Great Falls during a period which included May 1, 2005, to December 14, 2006. Victoria Qunell, Evan Qunell’s sister, had on certain occasions transported methamphetamine on his behalf to Montana.

In November of 2006, Evan Qunell began to cooperate with law enforcement agents in the investigation of drug trafficking. As part of that investigation, Evan Qunell arranged for Victoria Qunell to provide methamphetamine to a person in Sacramento, California, on December 13, 2006. That person would then transport the methamphetamine to Montana. Unbeknownst to Victoria Qunell, the recipient of the drugs was an undercover police officer.

On December 13, 2006, Victoria Qunell arranged for a quantity of methamphetamine to be delivered to the undercover police officer. Victoria Qunell met with the officer in a vehicle and arranged for the officer to obtain the drugs. She was arrested and approximately 300 grams of purported methamphetamine was found in her vehicle.

STEVENSON and another individual were then arrested in a second vehicle detained near the scene of Victoria Qunell’s arrest. A handgun registered to STEVENSON was

recovered from the vehicle occupied by STEVENSON.

Victoria Qunell would have testified that she obtained the methamphetamine recovered in her vehicle from STEVENSON.

A chemical analysis performed on the purported methamphetamine seized from Victoria Qunell on December 13, 2006, was found to contain 127 grams of actual (pure) methamphetamine, a Schedule II controlled substance.

Evan Qunell and Victoria Qunell pled guilty to federal charges and have been sentenced.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that STEVENSON will likely serve **all** of the time imposed by the court. In the federal system, STEVENSON does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Joseph E. Thaggard prosecuted the case for the United States.

The investigation was conducted by the Bureau of Immigration and Customs Enforcement.

DAVID STUBBS

DAVID STUBBS, a 32-year-old resident of Denver, Colorado, was sentenced to a term of:

- Prison: 37 months
- Special Assessment: \$100
- Supervised Release: 8 years

STUBBS was sentenced in connection with his guilty plea to conspiracy to possess with the intent to distribute cocaine.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

From approximately mid-October of 2006, to November 17, 2006, in Billings, and elsewhere, STUBBS, co-defendant Fausto Bonilla-Dominquez, and other individuals were involved in a conspiracy to possess with the intent to distribute at least 500 grams of cocaine.

Bonilla-Dominquez pled guilty to and was sentenced on federal charges.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that STUBBS will likely serve **all** of the time imposed by the court. In the federal system, STUBBS does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney James E. Seykora prosecuted the case for the United States.

The investigation was a cooperative effort between the Drug Enforcement Administration, the High Intensity Drug Trafficking Area (HIDTA) Task Force, the Bureau of Immigration and Customs Enforcement, the Bureau of Alcohol, Tobacco, Firearms and Explosives, and the Federal Bureau of Investigation.

WAYNE SUNDELIUS

WAYNE SUNDELIUS, a resident of Billings, was sentenced to a term of:

- Prison: 30 months
- Special Assessment: \$100
- Supervised Release: 4 years

SUNDELIUS was sentenced in connection with his guilty plea to conspiracy to possess with the intent to distribute over 100 kilograms of marijuana.

At the sentencing proceeding, the government stated it would have proved at trial the following:

From mid-1998 through November, 2001, SUNDELIUS was involved in a conspiracy to possess with the intent to distribute over 100 kilograms of marijuana.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that SUNDELIUS will likely serve **all** of the time imposed by the court. In the federal system, SUNDELIUS does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney James E. Seykora prosecuted the case for the United States.

The investigation was a cooperative effort between the Drug Enforcement Administration, the U.S. Border Patrol, and the Montana Department of Criminal Investigation.

CAMERON WILLIAM SWIFT

CAMERON WILLIAM SWIFT, a 40-year-old resident of Billings, was sentenced to a

term of:

- Probation: 5 years with 6 months home arrest
- Special Assessment: \$100
- Restitution: \$6,260.08

SWIFT was sentenced in connection with his guilty plea to participating in a conspiracy to alter vehicle identification numbers, buy, receive or possess vehicles or vehicle parts knowing the identification numbers had been altered, and/or commit wire fraud by giving up vehicles and filing false insurance claims.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

Beginning in approximately September of 1999, and continuing until at least April 2, 2002, SWIFT, Wade Rodgers, Thomas Fitzpatrick, Cameron William Swift, Dustin Avery Spangle, Michael Joseph Stanisich and several other individuals were involved in a chop-shop conspiracy. Some of the individuals stole vehicles, usually from automobile dealerships, and provided the vehicles to one of the other individuals. Other conspirators participated in "owner give-ups" of their vehicles by providing the keys to another person, and then filing false police reports asserting that the vehicles had been stolen. In addition to the police reports, the individuals who engaged in owner give-ups also filed false insurance claims in order to fraudulently obtain the proceeds of their policy coverage. Fitzpatrick, who ran M&T Auto Body, received many of the stolen and surrendered vehicles from these individuals.

On November 10, 2002, Flathead County Sheriff's officers executed a search warrant at Fitzpatrick's M&T Auto Body property. At Fitzpatrick's property, officers recovered the following vehicles or vehicle parts:

- (1) a 2001 red Chevrolet Camaro that had been reported stolen from Lithia Motors in Spokane on April 30, 2001;
- (2) a 2000 white Chevrolet pickup truck that been reported stolen from America West Auto Sales in Kalispell on May 25, 2001;
- (3) a 1997 green Nissan Pathfinder that had been reported stolen by one of the individuals involved in the conspiracy in Spokane on November 2, 2001;
- (4) the frame to a 2001 blue and silver Dodge Ram pickup truck that had been reported stolen by another of the individuals involved in the conspiracy in Spokane on November 27, 2001; and
- (5) the engine to a 1999 gray Chevrolet Tahoe that had been reported stolen by Thrifty Car Rental in Spokane on April 21, 2001.

One of the individuals involved in the conspiracy was interviewed on several occasions by law enforcement and admitted to his involvement in the conspiracy. He described in

detail his role in the theft and receipt of several vehicles and further described providing those vehicles to Fitzpatrick or Rodgers.

The individual described participating with two of the other co-conspirators in which one of the co-conspirators gave up his 1997 green Nissan Pathfinder. The individual and the co-conspirator traveled to Spokane on November 2, 2001, where the co-conspirator provided the individual with the keys to the Pathfinder, which he then later reported stolen. The co-conspirator proceeded to file an insurance claim on the "stolen" vehicle and the individual eventually provided the vehicle to Fitzpatrick. As noted above, the vehicle was recovered from M&T Auto Body during the November 10, 2002 search.

Fitzpatrick was also interviewed on several occasions. He initially denied knowledge that the vehicles found on his property were stolen, but eventually admitted that he knowingly received stolen vehicles from the individual, including the red Camaro and white Chevrolet pickup.

SWIFT was interviewed and admitted to stealing a 1995 Chevrolet pickup truck from Karl Tyler Chevrolet in Missoula on April 2, 2002. Prior to the theft, he had asked Fitzpatrick whether he could use a truck. He then traveled to Missoula with a female companion, stole the truck, and provided it to Fitzpatrick for approximately \$800. He recalled that Fitzpatrick was upset that the vehicle had a manual transmission.

The female was interviewed on September 26, 2002, and described traveling with SWIFT to Missoula on April 2, 2002. She further described a conversation later with SWIFT during which he described his involvement in the "chopping" of cars. According to the female companion, SWIFT described obtaining vehicles for Fitzpatrick and others that could be used for parts and other repairs.

Fitzpatrick, Rodgers, Spangle, and Stanisich pled guilty and have been sentenced.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that SWIFT will likely serve **all** of the time imposed by the court. In the federal system, SWIFT does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Timothy J. Racicot prosecuted the case for the United States.

The investigation was a cooperative effort between the Federal Bureau of Investigation and the Flathead County Sheriff's Office.

DANIEL TICAN

DANIEL TICAN, a 25-year-old resident of Canada, was sentenced to a term of:

- Prison: 33 months

- Special Assessment: \$200
- Supervised Release: 5 years

TICAN was sentenced in connection with his guilty plea to conspiracy to import marijuana and conspiracy to export cocaine.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

In February of 2006, Terry Holt was stopped by the Montana Highway Patrol for speeding. After arousing the officer's suspicions, Holt agreed to a search of his car. Inside the officer found approximately 30 kilograms of cocaine, as well as other drugs. Holt ultimately pleaded guilty and was sentenced to 135 months imprisonment.

Law enforcement agents searched Holt's phone and obtained records for it. On the phone they found a number of saved text messages, as well other numbers, many originating in Canada. U.S. authorities contacted Canadian authorities, and the two countries began cooperating in an investigation of those Holt had contacted. The text messages indicated Holt was in contact with the pilot of an aircraft before he was stopped in the United States. Authorities learned that TICAN was the pilot, and from TICAN'S phone – including its text messages – learned that Graham Owen and another individual were involved with TICAN in some capacity.

Law enforcement agents in Canada set up surveillance of all three, and remained in contact with law enforcement agents in the United States. On a number of occasions, Canadian authorities observed TICAN board Owen's plane and fly toward the United States. They notified law enforcement agents in the United States, who made attempts to track the plane. On at least one of the flights officers were able to follow one of the loads that was dropped off and stopped the vehicle. A search revealed the vehicle to be loaded with what was later tested and found to be marijuana.

When questioned, Owen confirmed that TICAN had piloted loads of marijuana to the United States for Owen, and cocaine back to Canada for another individual.

Owen pled guilty to federal charges and has been sentenced.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that TICAN will likely serve **all** of the time imposed by the court. In the federal system, TICAN does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Josh Van de Wetering prosecuted the case for the United States.

The investigation was a cooperative effort between the Montana Highway Patrol, the

Calgary Police Service, the Drug Enforcement Administration and the Montana National Guard.

JOSE ANGEL TORRES-GUARDADO

JOSE ANGEL TORRES-GUARDADO, a 33-year-old resident of Billings, was sentenced to a term of:

- Prison: 327 months
- Special Assessment: \$100
- Supervised Release: 5 years

TORRES-GUARDADO was sentenced in connection with his guilty plea to conspiracy to distribute methamphetamine.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

Agents from the Crow/Northern Cheyenne Safe Trails Drug Task Force were conducting an investigation into methamphetamine trafficking on both reservations. Information obtained from confidential sources and cooperating witnesses led them to investigate TORRES-GUARDADO. The investigation began with a cooperating witness who was able to engage TORRES-GUARDADO in numerous monitored conversations. An undercover agent also had numerous conversations with TORRES-GUARDADO regarding the distribution of methamphetamine.

On January 18, 2007, the cooperating witness and the undercover agent met with TORRES-GUARDADO and purchased approximately 29 grams of methamphetamine from TORRES-GUARDADO for \$2,000. The transaction occurred at the Walmart parking lot on King Avenue West. The methamphetamine purchased was sent to the DEA laboratory for testing. The testing confirmed that they purchased methamphetamine from TORRES-GUARDADO weighing 26.7 grams. An additional \$500 was provided to TORRES-GUARDADO to purchase an additional 1/4 ounce of methamphetamine to be picked up at TORRES-GUARDADO'S residence later in the day.

Later on January 18, 2007, the cooperating witness and the undercover agent met with TORRES-GUARDADO and picked up 7.8 grams of methamphetamine, previously paid for, at his residence located in River Grove Estates in Billings. The methamphetamine was tested at the DEA laboratory. The testing confirmed that they had purchased 6.1 grams of methamphetamine.

On January 19, 2007, the cooperating witness and the undercover agent met with TORRES-GUARDADO and purchased approximately one ounce of methamphetamine for \$2,000. An additional two ounces of methamphetamine was fronted to the

undercover agent with the understanding that TORRES-GUARDADO would be paid at a later date. The total amount of methamphetamine purchased was 86.5 grams. The transaction occurred at the Sinclair Convenience Store located at the City Center exit in Hardin. The methamphetamine was sent to the DEA and tested. The testing confirmed that they had purchased 82.1 grams of methamphetamine. Additionally, the cooperating witness reported that TORRES-GUARDADO possessed a firearm that he was carrying in the vehicle.

On January 20, 2007, federal search warrants were served on TORRES-GUARDADO'S residence and his vehicle. Approximately two pounds of methamphetamine was seized from the vehicle. The methamphetamine was tested by the DEA laboratory. The testing confirmed that agents seized 878.6 grams of methamphetamine.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that TORRES-GUARDADO will likely serve **all** of the time imposed by the court. In the federal system, TORRES-GUARDADO does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Lori Harper Suek prosecuted the case for the United States.

The investigation was conducted by the Crow/Northern Cheyenne Safe Trails Drug Task Force.

MIGUEL VIDAL-NORIEGA

MIGUEL VIDAL-NORIEGA, a 35-year-old resident of Phoenix, Arizona, was sentenced to a term of:

- Prison: 180 months
- Special Assessment: \$1,700
- Supervised Release: 10 years

VIDAL-NORIEGA was sentenced after having been found guilty during a 4-day trial of conspiracy to possess with the intent to distribute methamphetamine, possession with the intent to distribute methamphetamine, and two counts of conspiracy to commit money laundering.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that VIDAL-NORIEGA will likely serve **all** of the time imposed by the court. In the federal system, VIDAL-NORIEGA does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney James E. Seykora prosecuted the case for the United States. The investigation was conducted by the Drug Enforcement Administration.

NICHOLE RENEE WALDHALM

NICHOLE RENEE WALDHALM, age 28, was sentenced to a term of:

- Prison: 113 months
- Special Assessment: \$100
- Supervised Release: 5 years

WALDHALM was sentenced in connection with her guilty plea to conspiracy to possess with the intent to distribute methamphetamine.

At the sentencing proceeding, the government stated it would have proved at trial the following:

On January 12, 2006, WALDHALM picked up 6.70 grams of 21% methamphetamine, or 1.4 grams of actual methamphetamine, from a co-conspirator which she then sold to an undercover law enforcement officer. Again on January 12, 2006, WALDHALM picked up another 12.60 grams of 16% methamphetamine, or 2.0 grams of actual methamphetamine, from the same co-conspirator which she also sold to an undercover law enforcement officer.

On January 12, 2006, WALDHALM also sold 5.80 grams of powder cocaine to the same undercover law enforcement officer and 6.90 grams of powder cocaine to an undercover task force officer.

On January 31, 2006, WALDHALM sold 14.5 grams of 44% methamphetamine, or 6.3 grams of actual methamphetamine, to a task force officer.

On February 2, 2006, a search warrant was executed at WALDHALM'S residence in Billings. Found in her possession were 16.20 grams of 37% methamphetamine, or 5.90 grams of actual methamphetamine, and 1.5 grams of a mixture containing 96% methamphetamine, or 1.4 grams of actual methamphetamine.

The co-conspirator would have testified to selling approximately 3/4 of an ounce of methamphetamine to WALDHALM on January 12, 2006.

When questioned, WALDHALM admitted to purchasing a 1/4 ounce and a 1/2 ounce of crystal methamphetamine from the co-conspirator on January 12, 2006.

WALDHALM also admitted purchasing methamphetamine from another co-conspirator in "teener" to one ounce quantities at least 20 times (2 ounces of methamphetamine

total).

WALDHALM further admitted to receiving approximately 2 to 3 ounces of crystal methamphetamine from Robert Biggs.

WALDHALM admitted to purchasing powder and crack cocaine from Heather Schutz in one gram or "teener" quantities, approximately 50 times.

A DEA forensic chemist would have testified that methamphetamine and cocaine are Schedule II controlled substances. The amount of methamphetamine in the conspiracy count exceeded 500 grams of a mixture or 50 grams of actual methamphetamine.

Biggs and Schutz pled to guilty to federal charges and have been sentenced.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that WALDHALM will likely serve **all** of the time imposed by the court. In the federal system, WALDHALM does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney James E. Seykora prosecuted the case for the United States.

The investigation was conducted by the Billings Big Sky Safe Streets Task Force.

CYNTHIA ANN WALSH

CYNTHIA ANN WALSH, a 39-year-old resident of Gallatin County, was sentenced to a term of:

- Prison: 57 months
- Special Assessment: \$100
- Supervised Release: 4 years

WALSH was sentenced in connection with her guilty plea to conspiracy to distribute methamphetamine.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On August 16, 2004, Roy Allen Bianchi, Jose Ramiro Pena and Joel Vargas Torres were stopped by a Gallatin County Sheriff's deputy for failing to dim the headlights of the vehicle they were driving. The vehicle, a white Chevy pickup, was registered to James Dale Parker. Bianchi, Pena and Torres had some drugs and paraphernalia in the vehicle, as well as room keys for two rooms at the TLC Inn in Bozeman.

Officers searched the rooms at the TLC Inn and seized approximately three-quarters of a pound of methamphetamine, a pistol, and other indicia of drug use and drug distribution, including a digital scale. They also seized a deck of playing cards bearing the name "Mike" and phone number. Gallatin County Sheriff's Office records indicated that the phone was linked to Michael Emery.

Bianchi, Pena, and Torres were indicted for conspiracy to distribute methamphetamine and possession of a firearm in furtherance of a drug trafficking crime. Bianchi pled guilty to both charges and was sentenced to 117 months imprisonment. Pena and Torres were convicted of the conspiracy charge following a trial.

After the indictment was returned, Bianchi turned himself in to DEA agents in Washington and consented to an interview concerning the scope of the conspiracy. He was de-briefed again prior to Pena's and Torres' trial. During those interviews, he fully admitted his involvement in the conspiracy and described the transportation of methamphetamine from Washington to Montana on several occasions during the spring and summer of 2004. He also identified the Montana buyers as Michael Danon Emery, James Dale Parker, and WALSH. According to Bianchi, he met Parker and Walsh through Emery, with whom he had grown up in Washington. Emery had moved to Bozeman and Bianchi contacted him about the possibility of distributing drugs in Montana.

Bianchi stated that on several occasions he delivered methamphetamine to Emery, Parker, and WALSH at their respective residences. He described WALSH as residing near Belgrade. According to Bianchi, each Montana buyer received between one-quarter and one-half pound of methamphetamine on each trip.

Based on the information provided by Bianchi, law enforcement officers obtained and reviewed occupancy and phone records from the hotels that Bianchi, Pena, and Torres frequented during their drug runs. Records from the TLC Inn reflect that Bianchi rented rooms on July 30 and 31, 2004, August 6 and 7, 2004, August 10 and 11, 2004, and August 15 and 16, 2004. On August 15 and 16, 2004, five calls were placed from Bianchi's room at the TLC Inn to Emery's phone number. Those calls would corroborate Bianchi's testimony that he would make contact with Emery in order to facilitate the deliveries of methamphetamine to Emery, Parker, and WALSH.

The phone records from the TLC Inn also show calls to a phone number on July 30, 2004, and August 11, 2004, that Gallatin County Sheriff's Office records reflect was associated with WALSH from September of 2002 until March of 2006. The address listed in those records is located in Gallatin Gateway, which corroborates Bianchi's statements about the location of WALSH'S residence.

Emery pled guilty on April 11, 2007, and Parker pled guilty on July 24, 2007. Parker was interviewed by law enforcement on July 11, 2007. He provided information consistent with the information provided by Bianchi, including information about

WALSH'S role in the conspiracy. Parker also related that after Bianchi's arrest in Bozeman on August 16, 2004, he (Parker) continued to distribute methamphetamine in Bozeman for several months to several individuals, including WALSH. He recalled providing WALSH with at least one ounce of methamphetamine on at least four occasions during the eight-week period from August to October 2004.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that WALSH will likely serve **all** of the time imposed by the court. In the federal system, WALSH does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Timothy J. Racicot prosecuted the case for the United States.

The investigation was a cooperative effort between the Missouri River Drug Task Force and the Drug Enforcement Administration.

PERRY CARL WILLINGHAM

PERRY CARL WILLINGHAM, a 41-year-old resident of Sweet Home, Oregon, was sentenced to a term of:

- Prison: 40½ months
- Special Assessment: \$300
- Restitution: \$12,235.63
- Supervised Release: 3 years

WILLINGHAM was sentenced in connection with his guilty plea to conspiracy to manufacture methamphetamine, wire fraud, and aggravated identity theft.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On October 15, 2005, WILLINGHAM and a co-defendant, Rose Brock Davis, checked into a room at a motel in Missoula.

On October 18, 2005, a housekeeper at the motel entered the room to service it and observed a white powdery substance on the bathroom vanity, computer equipment, and identification cards. The housekeeper contacted the manager who went into the room and discovered a computer, printer, several photo identification cards, photocopies of social security cards, a laminating machine, laminating material, a microwave, and a white powder on the bathroom vanity. The manager deactivated the electronic room key which the occupants needed to gain access and contacted the Missoula Police Department.

In the early morning of October 19, 2005, Davis entered the motel lobby and requested

a room key for that room. The night manager did not give Davis a room key and Davis left the motel. The night manager observed that Davis was accompanied by a male who remained in a vehicle outside the motel, later identified as WILLINGHAM. The night manager also noted the license plate number on the vehicle, as well as the vehicle type, and contacted the Missoula Police Department.

WILLINGHAM and Davis were subsequently stopped by Missoula police officers in the vehicle described by the night manager. During a search of Davis at the time of the stop, police officers found two syringes on her person.

During a search of the vehicle, officers recovered boxes and plastic bags containing cold tablets. Officers also found balloons, beakers, jars, other containers of substances, and a clear bottle containing a liquid. The officers would have testified that a strong chemical odor emanated from the trunk which caused their eyes to burn.

Laboratory tests that were conducted on the items found in the vehicle and in the motel room found that in containers recovered from the vehicle, one contained iodine and another phosphorous. Additional test results confirmed that samples of materials found during the search of the vehicle contained pseudoephedrine and methamphetamine.

Testimony would have shown that one commonly used method for the manufacture of methamphetamine involved reacting ephedrine or pseudoephedrine with phosphorous and iodine. Testimony would also have shown that the finding of iodine, phosphorous and pseudoephedrine, along with methamphetamine itself, is consistent with the illegal manufacture of methamphetamine.

During a search of motel room, officers recovered a computer, printer, laminating equipment, laminating materials, microwave, photocopied identification cards, blank identification cards, cut paper, cut plastic, several 8 x 10 plastic sheets, blank checks, filled out checks, copies of social security cards, and multiple forms of identification.

Also recovered were approximately sixty false identification cards in various stages of production and information pertaining to the identities of twelve individuals, including *Sherman Dunahee, Jr.* and *Kelly Newman*. False identification cards found in the motel room included several copies of a Montana driver's licenses in the names of *Sherman Dunahee, Jr.* and *Kelly Newman*.

Ten counterfeit checks written from an account purportedly held by *Kelly Newman* on which the signature of *Kelly Newman* had been forged were also recovered. In addition, two counterfeit payroll checks that had been cashed at Wal-Mart were recovered. On the back of each check was the forged signature of *Kelly Newman*.

In addition, four counterfeit checks written from an account purportedly held by *Sherman Dunahee, Jr.* on which the signature of *Sherman Dunahee, Jr.* had been forged were also recovered.

Testimony would have established that WILLINGHAM and Davis shared in the proceeds of the fraudulent scheme, including the proceeds of counterfeit checks written, signed and negotiated by WILLINGHAM and Davis.

Davis pled guilty to and has been sentenced on federal charges.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that WILLINGHAM will likely serve **all** of the time imposed by the court. In the federal system, WILLINGHAM does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Michael S. Lahr prosecuted the case for the United States.

The investigation was conducted by the U.S. Secret Service and the Missoula Police Department.

JAMES RICHARD WYSS

JAMES RICHARD WYSS, a 55-year-old resident of Miles City, was sentenced to a term of:

- Prison: 60 months
- Special Assessment: \$100
- Fine: \$5,000
- Supervised Release: 4 years

WYSS was sentenced in connection with his guilty plea to conspiracy to possess with the intent to distribute marijuana.

At the sentencing proceeding, the government stated it would have proved at trial the following:

An investigation began into a drug trafficking organization operating in Miles City and Bozeman. The two primary members were WYSS and Jeffrey Mitchell. WYSS, through Mitchell, had been a major source of marijuana in Miles City and the surrounding area, distributing multi-pound quantities of marijuana since the late 1980s.

In 2002, the DEA Billings Office initiated an investigation and it was determined that WYSS was the source of supply for Mitchell who was selling drugs through a distribution network in Montana.

When questioned, Mitchell admitted he had been a major source of marijuana in Miles City and the surrounding area, distributing marijuana since the early 1990s. Mitchell further admitted that WYSS was his source of supply for marijuana. Additionally, he

admitted marijuana seized from WYSS in 1998 was destined for Miles City for Mitchell to distribute.

The United States would have proven that the amount of marijuana provided by WYSS exceeded 100 kilograms but was less than 400 kilograms.

Mitchell pled guilty to and was sentenced on federal charges.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that WYSS will likely serve **all** of the time imposed by the court. In the federal system, WYSS does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney James E. Seykora prosecuted the case for the United States.

The investigation was conducted by the Drug Enforcement Administration.

KARL DAVID ZURMUEHLEN

KARL DAVID ZURMUEHLEN, a 32-year-old resident of Seeley Lake, was sentenced to a term of:

- Prison: 37 months
- Special Assessment: \$100
- Supervised Release: 5 years

ZURMUEHLEN was sentenced in connection with his guilty plea to conspiracy to possess with the intent to distribute methamphetamine.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On July 23, 2005, a Montana Highway Patrol officer stopped a passenger vehicle in Madison County. Corey Robert Fairchild was a passenger in the car. The officer found approximately 124 grams of a substance containing a detectable amount of methamphetamine in the vehicle. The methamphetamine had been seized from under a seat occupied by Fairchild.

The officer also seized a cell phone from the car which was later inspected by a Drug Enforcement agent who subsequently learned that ZURMUEHLEN had placed calls to the phone.

On November 16, 2005, the agent interviewed ZURMUEHLEN. ZURMUEHLEN stated he met Fairchild in April or May of 2005. ZURMUEHLEN stated they agreed ZURMUEHLEN would bring methamphetamine from Idaho to Montana for

ZURMUEHLEN to distribute in the Seeley Lake area. ZURMUEHLEN also stated he subsequently received one-half ounce of methamphetamine from Fairchild in late May or early June of 2005. ZURMUEHLEN further stated he received another ounce of methamphetamine from Fairchild later in June of 2005. ZURMUEHLEN stated that in mid-July of 2005, he had ordered another two ounces of methamphetamine from Fairchild.

Testimony would have shown that Fairchild was en route to Seeley Lake with the methamphetamine when he was arrested by the Montana Highway Patrol officer.

Fairchild has pled guilty to and been sentenced on federal drug charges.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that ZURMUEHLEN will likely serve **all** of the time imposed by the court. In the federal system, ZURMUEHLEN does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Joseph E. Thaggard prosecuted the case for the United States.

The investigation was conducted by the Drug Enforcement Administration.

ENVIRONMENTAL AND WILDLIFE

ROBERT DOLATTA

ROBERT DOLATTA, a 55-year-old resident of Terry, was sentenced to a term of:

- Probation: 5 years
- Special Assessment: \$400
- Restitution: \$5,750
- Fine: \$10,000

DOLATTA was sentenced in connection with his guilty plea to conspiracy and Lacey Act violations.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

Robert Dolatta was an outfitter licensed by the State of Montana Board of Outfitters doing business as Robert Dolatta Outfitters. The license required Dolatta to keep detailed records of his commercial outfitting activities, including the names of his clients, the Montana hunting licenses obtained and utilized by his clients and the species and sex of game animals harvested by his clients each year. Montana Board

of Outfitter rules required Dolatta to insure that his clients possessed the proper licenses to hunt game animals.

An investigation conducted jointly by the United States Fish and Wildlife Service and the State of Montana Department of Fish, Wildlife and Parks, determined that Dolatta provided outfitting and guiding services to clients and assisted his clients in killing and transporting mule deer even though his clients had not obtained the license required from the State of Montana. The clients involved paid Dolatta over \$350.00 for Dolatta's outfitting and guiding services during these illegal mule deer hunts. After killing mule deer illegally, Dolatta's clients transported their trophies from Montana to New York.

Dolatta's clients involved in the illegal hunts pled guilty to State of Montana charges of taking game illegally and cooperated with authorities concerning Dolatta's involvement. For his part, when confronted by authorities with the evidence gathered during the course of the investigation, Dolatta confessed to a majority of the allegations asserted in the Information.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that DOLATTA will likely serve **all** of the time imposed by the court. In the federal system, DOLATTA does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Kris A. McLean prosecuted the case for the United States.

The investigation was conducted by a cooperative effort of the United States Fish and Wildlife Service and the State of Montana Department of Fish, Wildlife and Parks.

DALE JACOBSEN

DALE JACOBSEN, a 50-year-old resident of Columbia Falls, was sentenced to a term of:

- Probation: 5 years
- Special Assessment: \$100
- Fine: \$2,000

JACOBSEN was sentenced in connection with his guilty plea to violating the Clean Water Act.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On April 24, 2006, JACOBSEN pumped the septic tank at a residence in Columbia Falls. After pumping the septic tank, JACOBSEN drove his truck to the Kokanee Bend fishing access site on the Flathead River.

A citizen witness watched JACOBSEN back his truck to the river's edge, place a hose from the truck into the river, and discharge sewage directly into the Flathead River. The witness confronted JACOBSEN concerning the sewage flowing into the river. JACOBSEN denied discharging sewage into the river and stated that he was actually drawing water into the truck. The witness then directed JACOBSEN'S attention to the sewage visible in the river. JACOBSEN turned off the pumping mechanism, packed up his hose and left the area. The witness reported the incident to the Columbia Falls Police Department.

An EPA-CID agent interviewed JACOBSEN concerning this incident on June 20, 2006. During this interview, JACOBSEN admitted intentionally dumping sewage into the Flathead River and lying to the citizen who approached him during the illegal discharge. JACOBSEN admitted he knew that dumping the waste into the river was illegal but justified it to himself by saying that the sewage was mostly water.

A records check with the Montana Department of Environmental Quality, Water Quality branch revealed that JACOBSEN was not permitted to discharge sewage into the Flathead River.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that JACOBSEN will likely serve **all** of the time imposed by the court. In the federal system, JACOBSEN does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Kris A. McLean prosecuted the case for the United States.

The investigation was conducted by the Criminal Investigation Division of the Environmental Protection Agency.

BRANNON T. STEPHANY

BRANNON T. STEPHANY, a 26-year-old resident of Minneapolis, Minnesota (formerly of Bozeman), was sentenced to a term of:

- Probation: 6 months
- Restitution: \$597.10

STEPHANY was sentenced after having been found guilty during a 1½ -day trial of willfully injuring government property.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that STEPHANY will likely serve **all** of the time imposed by the court. In the federal system, STEPHANY does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Timothy J. Racicot prosecuted the case for the United States.

The investigation was conducted by the U.S. Forest Service.

RONALD EUGENE TIBBETTS

RONALD EUGENE TIBBETTS, a resident of Terry, was sentenced to a term of:

- Probation: 6 months
- Special Assessment: \$10
- Restitution: \$5,000

TIBBETTS was sentenced in connection with his guilty plea to killing migratory birds.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On October 16, 2004, December 1, 2004, and April 25, 2005, near Terry, TIBBETTS admitted to federal agents that he placed approximately six “meatballs” soaked with anti-freeze and Carbofuran (Furadan) around his property to bait and poison skunks and racoons. Carbofuran is a toxic carbamate pesticide, marketed under the trade name Furadan. Carbofuran is a systematic insecticide which is currently banned in its granular form but available still available in liquid form.

The poisoned “meatballs” placed around TIBBETTS’ property were eaten by coyotes. The coyote carcasses were eaten by three Golden Eagles. After the eagles fed on the coyotes, they died. The eagle and coyote carcasses were tested by the United States National Fish and Wildlife Forensics Laboratory and all tested positive for Carbofuran.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that TIBBETTS will likely serve **all** of the time imposed by the court. In the federal system, TIBBETTS does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Jessica T. Fehr prosecuted the case for the United States.

The investigation was conducted by the U.S. Fish and Wildlife Service and the Montana Department of Fish, Wildlife and Park Service.

FIREARMS

EDWIN ROBERT ANDERSON

EDWIN ROBERT ANDERSON, a 51-year-old resident of Browning, was sentenced to a

term of:

- Prison: 12 months
- Special Assessment: \$100
- Supervised Release: 2 years

ANDERSON was sentenced in connection with his guilty plea to being a felon-in-possession of a firearm.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On September 20, 2001, ANDERSON was convicted in federal court for illegal taking, killing, or possessing a migratory bird.

In December of 2005, a resident of Browning visited a pawnshop in Great Falls. The man recognized a Ruger, M77 25-06 rifle which was on display, as a rifle that had been stolen from him. The man contacted the police.

During the ensuing investigation, investigators learned that ANDERSON had pawned the Ruger rifle and four other firearms at the pawnshop on July 23, 2005.

On July 10, 2005, an FBI agent interviewed ANDERSON. ANDERSON stated that he was the owner of Northern High Plains Outfitters in Browning and that one of his employees had taken the Ruger rifle in trade at the store and that ANDERSON had then pawned it and four other firearms in Great Falls.

Following his interview with the FBI, ANDERSON spoke with this employee. ANDERSON told the employee that he had told the FBI that the employee had taken the guns in trade. ANDERSON instructed the employee that if he was contacted by the FBI, the employee should state he had taken the guns in trade.

The FBI agent contacted the employee who revealed that he did not take the guns in trade. The employee further advised the agent of ANDERSON'S effort to persuade him to tell the FBI that he had.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that ANDERSON will likely serve **all** of the time imposed by the court. In the federal system, ANDERSON does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Joseph E. Thaggard prosecuted the case for the United States.

The investigation was conducted by the Federal Bureau of Investigation in Browning.

ELIUTH BANUELOS

ELIUTH BANUELOS, a 31-year-old resident of Huntington Park, California, was sentenced to a term of:

- Prison: 71 months, concurrent with another sentence
- Special Assessment: \$100
- Forfeiture: firearm
- Supervised Release: 3 years

BANUELOS was sentenced in connection with his guilty plea to being a felon-in-possession of a firearm.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On April 6, 2006, BANUELOS was convicted of assault with a dangerous weapon in the Superior Court for the State of California, thereby prohibiting him from the possession of firearms.

In the early morning hours of October 25, 2006, Central Montana Drug Task Force agents arrested two individuals based upon reliable information that the two Huntington Park, California residents were trafficking methamphetamine in Great Falls. Agents discovered a small amount of methamphetamine in the search of the rental car the two were using while in Great Falls.

An informant advised agents that the two had been accompanied from the Los Angeles area by a person known as "Dragon" and that "Dragon" was carrying several ounces of methamphetamine and a handgun.

In the afternoon of October 25, 2006, agents went to the Great Falls bus depot and inquired whether anyone had recently purchased a ticket to Los Angeles. The ticket agent advised that a one-way ticket to Los Angeles had been purchased shortly after noon by BANUELOS. Agents asked the ticket agent to page BANUELOS. When BANUELOS appeared, having gotten off the bus, agents asked him if he was known as "Dragon." BANUELOS denied being known by that name. BANUELOS produced identification indicating a Huntington Park, California address. Upon further questioning, BANUELOS admitted that he was called "Dragon." He denied having possession of any drugs, but as he was emptying his pockets, a small bag of methamphetamine dropped to the floor. BANUELOS stated that he forgot he was carrying the drug when he initially denied having any drugs on his person. BANUELOS was then arrested.

BANUELOS admitted that he and two others had been selling methamphetamine in Great Falls. When asked about the handgun, he advised the agents that it was in one

of his two bags of checked luggage. In an effort to locate his checked luggage, the agents boarded the bus to retrieve his ticket and claim stubs. When picking up BANUELOS' ticket, the investigating agent discovered a .38 caliber, Llama Model Super semi-automatic handgun on the bus seat.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that BANUELOS will likely serve **all** of the time imposed by the court. In the federal system, BANUELOS does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Carl E. Rostad prosecuted the case for the United States.

The investigation was a cooperative effort between the Bureau of Alcohol, Tobacco, Firearms and Explosives and the Central Montana Drug Task Force.

This conviction is yet another important outcome from Project Safe Neighborhoods, a national priority of the United States Department of Justice. PSN is designed as a partnership between federal and local law enforcement to reduce violent crime and gun-related crime through the vigorous enforcement of the criminal provisions of the federal firearms laws. In Montana, the effort under PSN is called "*Catch and No Release.*"

KENNETH FRANCIS BLACKCROW

KENNETH FRANCIS BLACKCROW, a 30-year-old resident of Hays, was sentenced to a term of:

- Prison: 30 months
- Special Assessment: \$100
- Restitution: \$100
- Supervised Release: 3 years

BLACKCROW was sentenced in connection with his guilty plea to being a felon-in-possession of a firearm.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On April 19, 2006, BLACKCROW pled guilty and was sentenced on the charge of felony forgery. BLACKCROW was placed on probation with the specific condition that he not own, possess, or control firearms.

Sometime between July 20, 2006, and August 14, 2006, an individual, hereafter referred to as "M.B.", informed the Fort Belknap Police Department that two firearms, a

pistol and a rifle, were stolen from his residence. The pistol was a Hi Standard Model HD-Military, .22 Long Rifle caliber semiautomatic pistol, and the rifle was a Marlin Model 783, .22 Winchester Magnum Rifle caliber bolt-action rifle.

On August 14, 2006, "M.B." was informed that another individual, hereafter referred to as "J.M.", had purchased his rifle. The following day, "M.B." purchased his rifle back from "J.M.", giving him the same price that "J.M." paid for it. "J.M." informed "M.B." that BLACKCROW had sold him the rifle and also attempted to sell him a pistol and a chain saw, the latter of which was reported stolen from "M.B.'s" home on August 14, 2006.

The pistol was recovered in early September of 2006 from another individual who advised authorities that he had purchased the pistol from BLACKCROW for \$50.

On September 25, 2006, an adult probation and parole officer went to the Hill County detention facility and interviewed BLACKCROW. BLACKCROW admitted to possessing the firearms at issue for a day or two. However, BLACKCROW denied stealing them from "M.B.'s" home.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that BLACKCROW will likely serve **all** of the time imposed by the court. In the federal system, BLACKCROW does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Anna S. Peckham prosecuted the case for the United States.

The investigation was conducted by the Bureau of Alcohol, Tobacco, Firearms and Explosives.

This conviction is yet another important outcome from Project Safe Neighborhoods, a national priority of the United States Department of Justice. PSN is designed as a partnership between federal and local law enforcement to reduce violent crime and gun-related crime through the vigorous enforcement of the criminal provisions of the federal firearms laws. In Montana, the effort under PSN is called "*Catch and No Release.*"

ANTHONY BLAYLOCK

ANTHONY BLAYLOCK, a 39-year-old resident of Billings, was sentenced to a term of:

- Prison: 30 months
- Special Assessment: \$100
- Supervised Release: 3 years

BLAYLOCK was sentenced in connection with his guilty plea to being a felon-in-possession of a firearm.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

BLAYLOCK is a convicted felon, with two felony convictions from Alabama in 1992.

On March 27, 2006, a couple reported that a Smith & Wesson .357 revolver had been stolen from their home. They named their daughter and her boyfriend, BLAYLOCK, as suspects in the theft.

On April 4, 2006, a Yellowstone County Sheriff's detective recovered the stolen firearm from Southside Pawn in Billings. The pawnshop's records indicated that BLAYLOCK pawned it on March 23, 2006, the last date the victims recalled seeing the gun.

The detective compared the thumbprint left on the pawnslip to BLAYLOCK'S known fingerprints and confirmed the thumbprint belonged to BLAYLOCK. On the pawnslip, BLAYLOCK claimed he had owned the firearm for three years.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that BLAYLOCK will likely serve **all** of the time imposed by the court. In the federal system, BLAYLOCK does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Special Assistant U.S. Attorney Ed Zink prosecuted the case for the United States.

The investigation was a cooperative effort between the Yellowstone County Sheriff's Office and the Bureau of Alcohol, Tobacco, Firearms and Explosives.

This conviction is yet another important outcome from Project Safe Neighborhoods, a national priority of the United States Department of Justice. PSN is designed as a partnership between federal and local law enforcement to reduce violent crime and gun-related crime through the vigorous enforcement of the criminal provisions of the federal firearms laws. In Montana, the effort under PSN is called "*Catch and No Release.*"

COLBEY JAMES BRADLEY

COLBEY JAMES BRADLEY, a 23-year-old resident of Billings, was sentenced to a term of:

- Prison: 24 months
- Special Assessment: \$100

- Supervised Release: 3 years

BRADLEY was sentenced in connection with his guilty plea to being a felon-in-possession of a firearm.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On May 23, 2002, BRADLEY was sentenced in Montana District Court on felony burglary and forgery charges, in two separate causes.

On August 16, 2002, BRADLEY'S sentences were revoked and the court imposed a new sentence committing BRADLEY to the Montana Department of Corrections for five years.

In June of 2005, BRADLEY was released. Shortly after being released, BRADLEY'S supervising probation and parole officer lost track of his whereabouts and efforts to find him were unsuccessful.

On November 8, 2005, the Billings Police Department received information that BRADLEY might be staying at a residence in Billings. At approximately 4:00 p.m., police and parole officers went to the residence in an attempt to locate and arrest BRADLEY.

The officers knocked on the door and a woman eventually answered the door. She advised the officers that BRADLEY was asleep inside. They followed her in and located BRADLEY face down on a bed. The officers roused BRADLEY and announced that he was under arrest. BRADLEY resisted their efforts to handcuff him and reached underneath his body as they tried to handcuff him. Eventually, the officers placed him in handcuffs, rolled him over and stood him up from the bed. As they did so, a revolver fell from his waist-band area onto the floor.

The firearm was a Hy-Hunter "Six Shooter" .22 caliber revolver, loaded with 5 rounds of ammunition.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that BRADLEY will likely serve **all** of the time imposed by the court. In the federal system, BRADLEY does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Special Assistant U.S. Attorney Ed Zink prosecuted the case for the United States.

The investigation was a cooperative effort between the Billings Police Department, Montana Probation and Parole, and the Bureau of Alcohol, Tobacco, Firearms and Explosives.

This conviction is yet another important outcome from Project Safe Neighborhoods, a national priority of the United States Department of Justice. PSN is designed as a partnership between federal and local law enforcement to reduce violent crime and gun-related crime through the vigorous enforcement of the criminal provisions of the federal firearms laws. In Montana, the effort under PSN is called “*Catch and No Release.*”

DAVID BURGERT

DAVID BURGERT, a resident of Kalispell, was sentenced to a term of:

- Prison: 100 months
- Special Assessment: \$600
- Supervised Release: 3 years

BURGERT was re-sentenced in connection with his guilty plea to conspiracy to possess illegal firearms, possession of a machine gun and being a felon-in-possession of a firearm, after his original sentence was appealed to the Ninth Circuit Court of Appeals. The sentence was reversed and remanded back to U.S. District Court for re-sentencing.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that BURGERT will likely serve **all** of the time imposed by the court. In the federal system, BURGERT does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Kris A. McLean prosecuted this case for the United States.

The investigation was a cooperative effort between the Federal Bureau of Investigation and the Bureau of Alcohol, Tobacco, Firearms and Explosives.

JEFFREY CARLISLE

JEFFREY CARLISLE, age 25, was sentenced to a term of:

- Prison: 63months, consecutive to another sentence
- Special Assessment: \$200
- Restitution: \$300
- Supervised Release: 3 years

CARLISLE was sentenced in connection with his guilty plea to being a felon-in-possession of a firearm and possession of a stolen firearm.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On July 6, 2004, CARLISLE was sentenced for felony possession of stolen property in Nebraska.

On December 13, 2005, an individual, hereafter referred to as "M.M.", went to the Sheriff's Office in Knox County, Nebraska, and reported that his 1988 Chevrolet truck was missing. He provided a description of the truck, along with a vehicle identification number and other identifying information. "M.M." also advised that there was an H&R "Topper" .22 Hornet in his truck and provided law enforcement with the serial number of the gun.

The next day, a Montana Highway Patrol officer encountered CARLISLE stopped near mile marker 25 on Interstate 94. CARLISLE stated that he had run out of fuel. The vehicle was a 1999 Dodge Ram 2500 pickup, bearing a Montana license plate. When the officer ran a check on the license plate of the truck, he learned it had been reported stolen that morning. He placed CARLISLE in custody.

The officer later learned there were two firearms associated with a vehicle stolen in Nebraska, including a .22 Hornet rifle. When the officer searched the vehicle CARLISLE had been driving, he located an H&R "Topper" .22 Hornet rifle.

Deputies with the Powder River Sheriff's Office located "M.M.'s" truck near Broadus and advised Nebraska authorities.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that CARLISLE will likely serve **all** of the time imposed by the court. In the federal system, CARLISLE does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Special Assistant U.S. Attorney Ed Zink prosecuted the case for the United States.

The investigation was a cooperative effort between the Montana Highway Patrol, the Bureau of Alcohol, Tobacco, Firearms and Explosives, and the Knox County Sheriff's Office in Nebraska.

This conviction is yet another important outcome from Project Safe Neighborhoods, a national priority of the United States Department of Justice. PSN is designed as a partnership between federal and local law enforcement to reduce violent crime and gun-related crime through the vigorous enforcement of the criminal provisions of the federal firearms laws. In Montana, the effort under PSN is called "*Catch and No Release.*"

CODY GORDON CARLSEN

CODY GORDON CARLSEN, a 27-year-old resident of Poplar/Ritchey, was sentenced

to a term of:

- Prison: 46 months, consecutive to another sentence
- Special Assessment: \$100
- Supervised Release: 3 years

CARLSEN was sentenced in connection with his guilty plea to being a felon-in-possession of a firearm.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On August 18, 2002, CARLSEN was convicted of felony theft and felony criminal mischief and was under the supervision of the Department of Corrections for the State of Montana.

On August 27, 2006, a bartender at a bar in Poplar refused to serve CARLSEN alcohol because CARLSEN was already intoxicated. Before being kicked out of the bar, CARLSEN lifted up his shirt to another bar patron to reveal a pistol tucked in CARLSEN'S pants.

At approximately 2:30 a.m., a Roosevelt County deputy received a dispatch that there was a possible drunk driver in a white car heading east on U.S. Highway 2 towards Culbertson. The car was being followed by a caller who said the car was driving in the wrong lane. The deputy identified the white car as a Buick which had no license plates. The driver was crossing the center line continuously and was unable to keep a steady speed. The deputy turned on his light bar to conduct a traffic stop, but the driver, later identified as CARLSEN, refused to stop his car and attempted to evade the officers. A vehicle chase ensued for over an hour. A Montana Highway Patrol officer was dispatched and took the lead behind CARLSEN'S car throughout the chase which ended in North Dakota.

CARLSEN'S car tires were spiked on three separate occasions and he was arrested in North Dakota. CARLSEN'S car was searched and officers found two loaded firearms. They were a Harrington and Richardson (H&R) Model 676, .22 caliber revolver and a Winchester Model 94, .30-.30 caliber lever action rifle.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that CARLSEN will likely serve **all** of the time imposed by the court. In the federal system, CARLSEN does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Paulette L. Stewart prosecuted the case for the United States.

The investigation was a cooperative effort between the Montana Highway Patrol, the

Roosevelt County Sheriff's Office, the North Dakota Highway Patrol, and the Bureau of Alcohol, Tobacco, Firearms and Explosives.

This conviction is yet another important outcome from Project Safe Neighborhoods, a national priority of the United States Department of Justice. PSN is designed as a partnership between federal and local law enforcement to reduce violent crime and gun-related crime through the vigorous enforcement of the criminal provisions of the federal firearms laws. In Montana, the effort under PSN is called "*Catch and No Release.*"

JAMES ERIC CASE

JAMES ERIC CASE, a resident of Lincoln, was sentenced to a term of:

- Prison: 16 months
- Special Assessment: \$100
- Supervised Release: 3 years

CASE was sentenced in connection with his guilty plea to possession of stolen firearms.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On November 3, 2005, the owner of a cabin located near Lincoln filed a report with the Lewis and Clark County Sheriff's Office that firearms had been stolen from his cabin sometime between October 27, 2005, and November 3, 2005.

On November 5, 2005, deputies from the Lewis and Clark County Sheriff's Office began an investigation into a shooting in Lincoln. During the course of the investigation deputies learned that CASE, Jessey Lee Charles Decelles, and another individual were in possession of two of the stolen firearms.

When questioned, Decelles, CASE, and the other individual admitted to burglarizing the cabin. Initially, all the property, including a rifle and shotgun, were stored in CASE'S apartment. Ultimately, Decelles took and kept the rifle, and the other individual took and kept the shotgun. The rifle was recovered from the CASE'S apartment during the shooting investigation, however the shotgun was never recovered.

Decelles pled guilty and has been sentenced.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that CASE will likely serve **all** of the time imposed by the court. In the federal system, CASE does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Paulette S. Stewart prosecuted the case for the United States.

The investigation was a cooperative effort between the Lewis and Clark County Sheriff's Office and the Bureau of Alcohol, Tobacco, Firearms and Explosives.

This conviction is yet another important outcome from Project Safe Neighborhoods, a national priority of the United States Department of Justice. PSN is designed as a partnership between federal and local law enforcement to reduce violent crime and gun-related crime through the vigorous enforcement of the criminal provisions of the federal firearms laws. In Montana, the effort under PSN is called "*Catch and No Release.*"

BRADLEY DEAN CHRISTIANSON

BRADLEY DEAN CHRISTIANSON, a 23-year-old resident of Helena/Lincoln, was sentenced to a term of:

- Prison: 20 months
- Special Assessment: \$100
- Supervised Release: 3 years

CHRISTIANSON was sentenced in connection with his guilty plea to possession of stolen firearms.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On November 3, 2005, the owner of a cabin located near Lincoln filed a report with the Lewis and Clark County Sheriff's Office that firearms had been stolen from his cabin sometime between October 27, 2005, and November 3, 2005.

On November 5, 2005, deputies from the Lewis and Clark County Sheriff's Office began an investigation into a shooting in Lincoln. During the course of the investigation deputies learned that CHRISTIANSON, James Eric Case, and Jessey Lee Charles Decelles were in possession of two of the stolen firearms.

When questioned, Decelles, Case, and CHRISTIANSON admitted to burglarizing the cabin. Initially, all the property, including a rifle and shotgun, were stored in Case's apartment. Ultimately, Decelles took and kept the rifle, and CHRISTIANSON took and kept the shotgun. The rifle was recovered from the Case's apartment during the shooting investigation, however the shotgun was never recovered.

Decelles and Case pled guilty and have been sentenced.

Because there is no parole in the federal system, the "truth in sentencing" guidelines

mandate that CHRISTIANSON will likely serve **all** of the time imposed by the court. In the federal system, CHRISTIANSON does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Paulette S. Stewart prosecuted the case for the United States.

The investigation was a cooperative effort between the Lewis and Clark County Sheriff's Office and the Bureau of Alcohol, Tobacco, Firearms and Explosives.

KENNETH WAYNE DAVIS

KENNETH WAYNE DAVIS, a 51-year-old resident of East Helena, was sentenced to a term of:

- Prison: 41 months, consecutive to another sentence
- Special Assessment: \$100
- Supervised Release: 3 years

DAVIS was sentenced in connection with his guilty plea to being a felon-in-possession of a stolen firearm.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On December 2, 2002, in the First Judicial District Court in Lewis and Clark County, DAVIS was convicted of driving or in actual physical control of a motor vehicle while under the influence of alcohol and/or drugs, a felony.

On July 15, 2005, law enforcement officers received information that DAVIS was in possession of firearms. DAVIS was currently under state supervision and there were outstanding warrants for his arrest. Law enforcement officers, along with Montana Probation and Parole officers, conducted a search of DAVIS' reported East Helena residence. Although DAVIS was not present, a shotgun and two disassembled rifles were recovered during the search. DAVIS later acknowledged their presence in his residence but stated that he had given them to his landlord as payment for rent.

On July 19, 2005, law enforcement officers and Montana Probation and Parole officers learned of DAVIS' newest residence. A search was then conducted of the new residence in East Helena. A Smith and Wesson, Model SW9V, 9mm pistol was located in a drawer where DAVIS kept his belongings. The officers later determined that the pistol had been reported as stolen in 2001. DAVIS arrived shortly after the search and was arrested. DAVIS acknowledged his possession and ownership of the pistol, stating that he received it in 1997 or 1998.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that DAVIS will likely serve **all** of the time imposed by the court. In the federal system, DAVIS does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Paulette L. Stewart prosecuted the case for the United States.

The investigation was a cooperative effort between Montana Probation and Parole, the Helena Police Department, and the Bureau of Alcohol, Tobacco, Firearms and Explosives.

This conviction is yet another important outcome from Project Safe Neighborhoods, a national priority of the United States Department of Justice. PSN is designed as a partnership between federal and local law enforcement to reduce violent crime and gun-related crime through the vigorous enforcement of the criminal provisions of the federal firearms laws. In Montana, the effort under PSN is called “*Catch and No Release.*”

JESSEY LEE CHARLES DECELLES

JESSEY LEE CHARLES DECELLES, a 19-year-old resident of Lincoln and Great Falls, was sentenced to a term of:

- Prison: 18 months
- Special Assessment: \$100
- Supervised Release: 3 years

DECELLES was sentenced in connection with his guilty plea to possession of stolen firearms.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On November 3, 2005, the owner of a cabin located near Lincoln filed a report with the Lewis and Clark County Sheriff’s Office that firearms had been stolen from his cabin sometime between October 27, 2005, and November 3, 2005.

On November 5, 2005, deputies from the Lewis and Clark County Sheriff’s Office began an investigation into a shooting in Lincoln. During the course of the investigation deputies learned that DECELLES and two other individuals were in possession of two of the stolen firearms.

When questioned, DECELLES and the other two individuals admitted to burglarizing the cabin. Initially, all the property, including a rifle and shotgun, were stored in one of

the individual's apartment. Ultimately, DECELLES took and kept the rifle; and, the other individual took and kept the shotgun. The rifle was recovered from the first individual's apartment during the shooting investigation, however the shotgun was never recovered.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that DECELLES will likely serve **all** of the time imposed by the court. In the federal system, DECELLES does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Paulette S. Stewart prosecuted the case for the United States.

The investigation was a cooperative effort between the Lewis and Clark County Sheriff's Office and the Bureau of Alcohol, Tobacco, Firearms and Explosives.

This conviction is yet another important outcome from Project Safe Neighborhoods, a national priority of the United States Department of Justice. PSN is designed as a partnership between federal and local law enforcement to reduce violent crime and gun-related crime through the vigorous enforcement of the criminal provisions of the federal firearms laws. In Montana, the effort under PSN is called "*Catch and No Release.*"

KANO DIEBITSCH

KANO DIEBITSCH, a 32-year-old resident of the United Kingdom, was sentenced to a term of:

- Prison: 14 months
- Special Assessment: \$100
- Supervised Release: 2 years

DIEBITSCH was sentenced in connection with his guilty plea to being an alien in possession of a firearm.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On November 24, 2006, an equipment operator was plowing the Going to the Sun Road near Lake McDonald when he encountered DIEBITSCH, who was dressed in winter camouflage. When the equipment operator stopped to make an inquiry, DIEBITSCH stated that he intended to spend a few nights in the woods and was thinking about hiking to Logan Pass. Concerned that DIEBITSCH looked ill-prepared for such an outing through avalanche terrain, the equipment operator contacted the Glacier National Park Service communication center. The Park Service had not issued any

back-country permits for the area.

A Glacier National Park officer was dispatched and responded to the area. DIEBITSCH was found and had only a small duffel bag in his possession. The officer requested to see identification after which DIEBITSCH began to dig into his pants pocket obscuring his hands. These movements made the officer nervous, so he asked DIEBITSCH whether he had any weapons, to which he responded he had a knife but no firearms. The officer took control over DIEBITSCH'S knife. DIEBITSCH ultimately produced a driver's license from Gurnsey, in the Channel Islands, United Kingdom (U.K.) and a U.K. passport. These documents identified DIEBITSCH as KANO DIEBITSCH. The officer received consent from DIEBITSCH to search his duffel bag and found another knife, cigarettes, binoculars and some food inside.

The officer and DIEBITSCH had a discussion about DIEBITSCH'S plans the officer subsequently transported DIEBITSCH to Lake McDonald and then to Apgar. As they approached Apgar, the Communications Center advised the officer that someone from Immigration and Customs Enforcement (ICE) wanted to talk to DIEBITSCH. At this point, DIEBITSCH confessed to being in the U.S. illegally and admitted that he overstayed his Visa.

As they arrived at Park Headquarters, the officer and another Glacier National Park ranger conducted a more thorough search of DIEBITSCH and his belongings for purposes of officer safety since they were detaining him for ICE. As they began a more thorough search, DIEBITSCH reached for his chest area and began to put his hand in his coat. The ranger asked him what he was reaching for and he said "a gun." At this point, both the ranger and officer secured DIEBITSCH'S arms so that he could not access a weapon. DIEBITSCH was handcuffed and a Walther .40-caliber pistol, Model P99 was removed from his jacket.

DIEBITSCH subsequently admitted his illegal status and possession of the firearm.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that DIEBITSCH will likely serve **all** of the time imposed by the court. In the federal system, DIEBITSCH does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Anna S. Peckham prosecuted the case for the United States.

The investigation was a cooperative effort between the Glacier National Park Service Law Enforcement, the U.S. Immigration and Customs Enforcement and the Bureau of Alcohol, Tobacco, Firearms and Explosives.

This conviction is yet another important outcome from Project Safe Neighborhoods, a national priority of the United States Department of Justice. PSN is designed as a partnership between federal and local law enforcement to reduce violent crime and

gun-related crime through the vigorous enforcement of the criminal provisions of the federal firearms laws. In Montana, the effort under PSN is called “*Catch and No Release.*”

CHASE CHRISTOPHER DOLAN and JOSEPH RYAN WILSON

CHASE CHRISTOPHER DOLAN, age 25, and JOSEPH RYAN WILSON, age 24, residents of Great Falls, were sentenced.

DOLAN was sentenced to a term of:

- Prison: 105 months, consecutive to another sentence
- Special Assessment: \$100
- Supervised Release: 3 years

WILSON was sentenced to a term of:

- Prison: 71 months, consecutive to another sentence
- Special Assessment: \$200
- Supervised Release: 3 years

They were sentenced in connection with their guilty pleas to possession of sawed-off shotguns.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

From early spring of 2005 through early April of 2005, WILSON was in possession of a CBC sawed-off shotgun.

On approximately April 10, 2005, WILSON transferred the CBC sawed-off shotgun to DOLAN. A witness would have testified that the witness convinced DOLAN to abandon the CBC sawed-off shotgun because it was illegal. DOLAN hid the CBC sawed-off shotgun under the 9th Street Bridge in Great Falls.

On April 17, 2005, a Great Falls citizen found the CBC sawed-off shotgun hidden by the 9th Street Bridge and turned it into the Great Falls Police Department.

Meanwhile, DOLAN had attempted to sell the CBC sawed-off shotgun, but no one would buy it because it was an illegal gun. DOLAN then learned the CBC sawed-off shotgun was gone.

Sometime after April 10, 2005, WILSON obtained another sawed-off shotgun with obliterated markings.

On approximately April 17, 2005, DOLAN went to WILSON and received the sawed-off shotgun with obliterated markings from WILSON. This sawed-off shotgun was turned into the Great Falls Police Department on April 25, 2005, by a friend of DOLAN and WILSON.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that DOLAN and WILSON will likely serve **all** of the time imposed by the court. In the federal system, DOLAN and WILSON do have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Paulette L. Stewart prosecuted the case for the United States.

The investigation was a cooperative effort between the Great Falls Police Department and the Bureau of Alcohol, Tobacco, Firearms and Explosives.

This conviction is yet another important outcome from Project Safe Neighborhoods, a national priority of the United States Department of Justice. PSN is designed as a partnership between federal and local law enforcement to reduce violent crime and gun-related crime through the vigorous enforcement of the criminal provisions of the federal firearms laws. In Montana, the effort under PSN is called “*Catch and No Release.*”

PHILIP DOMENICO

PHILIP DOMENICO, a 47-year-old resident of Belgrade, was sentenced to a term of:

- Prison: 57 months
- Special Assessment: \$100
- Fine: \$7,500
- Supervised Release: 3 years

DOMENICO was sentenced in connection with his guilty plea to being a felon-in-possession of firearms.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On October 6, 2004, in the Eighteenth Judicial District Court in Gallatin County, DOMENICO was convicted of felony partner family member assault and was under probationary supervision which prohibited him from possessing firearms.

On April 3, 2005, Montana Probation and Parole (“MT P&P”) officers conducted a probation search of DOMENICO’S residence in Belgrade. They had received

information regarding possible supervision violations by DOMENICO. During their search, the probation officers located the following ammunition: 39 rounds of .260 caliber ammunition, 13 rounds of .30 caliber ammunition, and 21 rounds of 12 gauge ammunition. No firearms were found during this search.

On April 6, 2005, the MT P&P officers again conducted a search of DOMENICO'S Belgrade residence. They had received information that DOMENICO'S firearms were in the basement. The officers located eight firearms in the basement hidden between the studs behind the insulation in an unfinished room in the basement. The following firearms were recovered in the search: a Marlin .22 caliber rifle, a Lakefield .22 caliber rifle, a Browning 12 gauge shotgun, an Ithaca 12 gauge shotgun, a Remington .30-06 caliber rifle, a Lakefield .22 caliber rifle, a Remington .30 caliber rifle, and a Ruger .260 caliber rifle.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that DOMENICO will likely serve **all** of the time imposed by the court. In the federal system, DOMENICO does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Paulette L. Stewart prosecuted the case for the United States.

The investigation was a cooperative effort between Montana Probation and Parole and the Bureau of Alcohol, Tobacco, Firearms and Explosives.

This conviction is yet another important outcome from Project Safe Neighborhoods, a national priority of the United States Department of Justice. PSN is designed as a partnership between federal and local law enforcement to reduce violent crime and gun-related crime through the vigorous enforcement of the criminal provisions of the federal firearms laws. In Montana, the effort under PSN is called "*Catch and No Release.*"

DOUGLAS BARRY DUTTON

DOUGLAS BARRY DUTTON, a 45-year-old resident of Troy, was sentenced to a term of:

- Prison: 56 months
- Special Assessment: \$100
- Supervised Release: 3 years

DUTTON was sentenced in connection with his guilty plea to being a felon-in-possession of firearms.

In an Offer of Proof filed by the United States, the government stated it would have

proved at trial the following:

On August 8, 2005, DUTTON received a suspended sentence following a felony conviction for criminal production or manufacture of dangerous drugs in the Montana Nineteenth Judicial District Court in Lincoln County.

On November 8, 2005, representatives of the Lincoln County Sheriff's Office participated in a probation search of DUTTON'S residence in Troy. The officers seized three firearms during the search.

On October 31, 2006, the ATF National Tracing Center produced a Firearms Trace Summary concerning a .22-caliber revolver that had been seized during the search. The Trace Summary reflected that DUTTON had purchased the revolver on August 25, 1985, in Lolo.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that DUTTON will likely serve **all** of the time imposed by the court. In the federal system, DUTTON does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Timothy J. Racicot prosecuted the case for the United States.

The investigation was a cooperative effort between the Lincoln County Sheriff's Office, Montana Probation and Parole, and the Bureau of Alcohol, Tobacco, Firearms and Explosives.

This conviction is yet another important outcome from Project Safe Neighborhoods, a national priority of the United States Department of Justice. PSN is designed as a partnership between federal and local law enforcement to reduce violent crime and gun-related crime through the vigorous enforcement of the criminal provisions of the federal firearms laws. In Montana, the effort under PSN is called "*Catch and No Release.*"

NIGEL GRAHAM ERNST

NIGEL GRAHAM ERNST, a 26-year-old resident of Missoula and Polson, was sentenced to a term of:

- Prison: 96 months, consecutive to another sentence
- Special Assessment: \$300
- Supervised Release: 5 years

ERNST was sentenced in connection with his guilty plea to being a felon-in-possession of firearms and possession with the intent to distribute methamphetamine.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On January 12, 2000, ERNST was convicted of felony criminal possession of methamphetamine with intent to distribute in the Twentieth Judicial District Court in Lake County. He was sentenced to five years of incarceration, with all but six months suspended, and probation.

On November 24, 2003, ERNST and his girlfriend were contacted by Missoula Police Department ("MPD") officers near the Greyhound bus depot concerning a potential domestic disturbance. ERNST fled from the officers on foot and two officers pursued him. During the course of the pursuit, ERNST accidentally shot himself in the leg with a Lorcin .380 caliber handgun then in his possession. ERNST was tried and acquitted in state court for attempted deliberate homicide, but admitted during his trial testimony that he possessed the Lorcin .380 caliber handgun on November 24, 2003.

On August 29, 2005, ERNST, driving a dark-colored Saturn, led MPD officers on a high-speed chase through downtown Missoula. After he was apprehended, one of the passengers in the Saturn disclosed to MPD officers the location and contents of ERNST'S other vehicle - a Chevrolet Lumina. According to that passenger, the Lumina contained ERNST'S drugs and firearms. A MPD detective then obtained search warrants for both vehicles.

Inside the Lumina was a blue bag containing a Lorcin .380 caliber handgun, a Glock 17 handgun, ammunition for both firearms, Ziploc baggies with 89 grams of methamphetamine and 5.2 grams of cocaine, and a Fuzion digital scale. The Lumina also contained an ARM semi-automatic rifle with ammunition and a loaded Winchester 1300 Defender shotgun. The ARM rifle had been reported stolen in Lake County. In addition, the Lumina contained additional ammunition, additional drug paraphernalia (a wooden grinder with marijuana residue and a water bong), a scanner with MPD frequencies, paperwork in the name of ERNST, and a neoprene brace for a prosthetic limb.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that ERNST will likely serve **all** of the time imposed by the court. In the federal system, ERNST does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Timothy J. Racicot prosecuted the case for the United States.

The investigation was a cooperative effort between the Bureau of Alcohol, Tobacco, Firearms and Explosives, the Drug Enforcement Administration, and the Missoula Police Department.

This conviction is yet another important outcome from Project Safe Neighborhoods, a

national priority of the United States Department of Justice. PSN is designed as a partnership between federal and local law enforcement to reduce violent crime and gun-related crime through the vigorous enforcement of the criminal provisions of the federal firearms laws. In Montana, the effort under PSN is called “*Catch and No Release.*”

PATRICK FISCHER

PATRICK FISCHER, a 27-year-old resident of Billings, was re-sentenced to a term of:

- Prison: 81months
- Special Assessment: \$300
- Supervised Release: 5 years

FISCHER was re-sentenced in connection with his guilty plea to two counts of possession of a firearm by an unlawful user and addict of a controlled substance and possession of a firearm in furtherance of a drug trafficking crime after his original sentence was appealed to the Ninth Circuit Court of Appeals. The sentence was reversed and remanded back to U.S. District Court for re-sentencing.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that FISCHER will likely serve **all** of the time imposed by the court. In the federal system, FISCHER does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Special Assistant U.S. Attorney Ed Zink prosecuted the case for the United States.

The investigation was conducted by the Bureau of Alcohol, Tobacco, Firearms and Explosives.

WILLIAM HENRY FLINT

WILLIAM HENRY FLINT, a 39-year-old resident of Great Falls, was sentenced to a term of:

- Prison: 57 months, concurrent with another sentence
- Special Assessment: \$100
- Supervised Release: 3 years

FLINT was sentenced in connection with his guilty plea to being a felon-in-possession of a firearm.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

At approximately 8:30 p.m. on January 22, 2006, Great Falls Police Department officers responded to a report of gun shots fired near Second Avenue South and Ninth Street in Great Falls.

A witness at the scene reported that he and a friend had been riding their bicycles on a sidewalk when “a man with a pony-tail” fired a handgun, yelled at them, and then ran into a residence on Second Avenue South. While questioning the witness, officers observed a man with a pony-tail observing the scene from a nearby street corner. The witness identified the man as the person who had fired at him.

As officers approached the man, he began to flee. Officers observed the subject in possession of a handgun pulled from underneath his clothing. The subject, later identified as FLINT, was subdued and placed under arrest. Officers found a Ruger .45 caliber semi-automatic handgun on the ground near where FLINT was arrested. The suspect was searched and found in possession of two knives. At the scene of the shooting, officers found one spent shell casing and one live .45 caliber round.

FLINT was later interviewed by an agent with the Bureau of Alcohol, Tobacco, Firearms and Explosives. FLINT admitted that he possessed the .45 caliber handgun and that he had purchased the firearm from a friend around Thanksgiving of 2005 for \$475. FLINT also admitted that he was a convicted felon and that he knew that there was an outstanding arrest warrant for him out of the state of Georgia prior to his purchase of the firearm.

At the time of the shooting incident, FLINT had been convicted of two narcotics felonies in Georgia in 2001 and 2003.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that FLINT will likely serve **all** of the time imposed by the court. In the federal system, FLINT does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Carl E. Rostad prosecuted the case for the United States.

The investigation was a cooperative effort between the Bureau of Alcohol, Tobacco, Firearms and Explosives and the Great Falls Police Department.

This conviction is yet another important outcome from Project Safe Neighborhoods, a national priority of the United States Department of Justice. PSN is designed as a partnership between federal and local law enforcement to reduce violent crime and gun-related crime through the vigorous enforcement of the criminal provisions of the federal firearms laws. In Montana, the effort under PSN is called “*Catch and No Release.*”

STEVE ALONZA FRENCH

STEVE ALONZA FRENCH, a 31-year-old resident of Billings, was sentenced to a term of:

- Prison: 63 months
- Special Assessment: \$100
- Supervised Release: 3 years

FRENCH was sentenced in connection with his guilty plea to being a felon-in-possession of a firearm.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

FRENCH has been convicted multiple times in the State of Montana. Most recently, he was convicted of criminal possession of dangerous drugs and carrying a concealed weapon, both felonies. The district court sentenced FRENCH on June 7, 2002, on these charges.

On October 11, 2006, detectives with the City-County Special Investigations Unit arrested FRENCH in a vehicle in Billings. Two females were in the vehicle as well. During the arrest, detectives recovered suspected methamphetamine, drug paraphernalia, ammunition and a receipt for a firearm from one woman's purse.

Following the arrest, the woman who owned the purse told a detective that she would provide a statement about FRENCH at a later time, but only when she was away from him.

On October 12, this woman again spoke to the detective. She said she purchased a Bryco firearm from Southside Pawn in August of 2006. She said she let FRENCH borrow this gun from her in late August of 2006. She said the firearm in question was presently in the possession of a third party, but that she would get it and turn it over. The next day, she gave the detective a Bryco 59 9mm handgun. She stated that this was the firearm she had given to FRENCH.

On October 29, 2006, detectives interviewed FRENCH at the Yellowstone County Detention Facility. FRENCH told the detectives that he possessed the Bryco firearm in late August of 2006. FRENCH stated that he had indeed received the gun from the woman that had spoken with the detective. FRENCH advised that he had given the firearm back to the woman.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that FRENCH will likely serve **all** of the time imposed by the court. In the federal system, FRENCH does have the opportunity to earn a sentence reduction for

“good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Special Assistant U.S. Attorney Ed Zink prosecuted the case for the United States.

The investigation was a cooperative effort between the City-County Special Investigations Unit in Billings and the Bureau of Alcohol, Tobacco, Firearms and Explosives.

This conviction is yet another important outcome from Project Safe Neighborhoods, a national priority of the United States Department of Justice. PSN is designed as a partnership between federal and local law enforcement to reduce violent crime and gun-related crime through the vigorous enforcement of the criminal provisions of the federal firearms laws. In Montana, the effort under PSN is called “*Catch and No Release.*”

CHRISTOPHER A. GARZA

CHRISTOPHER A. GARZA, age 20, was sentenced to a term of:

- Prison: 30 months
- Special Assessment: \$100
- Supervised Release: 3 years

GARZA was sentenced in connection with his guilty plea to being a felon-in-possession of a firearm.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On March 4, 2007, a Bureau of Land Management ranger was patrolling the 17-Mile recreation area near Billings. The 17-Mile recreation area is a public recreation area located north of Billings and is administered by BLM. The ranger observed GARZA and seven other persons enter the area in three vehicles. To ensure compliance with BLM regulations, the ranger contacted the individuals and provided them with a pamphlet advising them of the requirements that they remove any litter they might generate while using the area, such as shell casings. Suspecting that these individuals may not comply with regulations, and as this was a large group of people, the ranger requested the assistance of another ranger.

After a short time, the rangers observed and photographed several individuals, including GARZA, discharging firearms. The rangers observed that GARZA discharged at least two different firearms, including one later identified as a Smith and Wesson, Model 500, 500 S&W Magnum revolver (CJR8392). As the individuals prepared to leave the 17-Mile recreation area, the rangers observed the group had left substantial litter on the ground and initiated a traffic stop on the first vehicle to leave. This vehicle

had three people in it, including GARZA. The ranger learned that GARZA was on felony probation and contacted his probation officer, who came to the location and arrested GARZA. Two of the other persons there confirmed that GARZA discharged firearms, including the S&W 500, which the rangers recovered.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that GARZA will likely serve **all** of the time imposed by the court. In the federal system, GARZA does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Special Assistant U.S. Attorney Ed Zink prosecuted the case for the United States.

The investigation was a cooperative effort between the Bureau of Land Management Law Enforcement, the Bureau of Alcohol, Tobacco, Firearms and Explosives, and Montana Probation and Parole.

This conviction is yet another important outcome from Project Safe Neighborhoods, a national priority of the United States Department of Justice. PSN is designed as a partnership between federal and local law enforcement to reduce violent crime and gun-related crime through the vigorous enforcement of the criminal provisions of the federal firearms laws. In Montana, the effort under PSN is called “*Catch and No Release.*”

MITCHELL GILLIAM

MITCHELL GILLIAM, a 37-year-old resident of North Carolina, was sentenced to a term of:

- Prison: 60 months
- Special Assessment: \$100
- Supervised Release: 3 years

GILLIAM was sentenced in connection with his guilty plea to being a felon-in-possession.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On December 30, 2005, a search warrant was issued to the Carbon County Sheriff’s Office for an unattached garage in Bridger. The warrant pertained to an investigation of stolen property in which GILLIAM was the named suspect. GILLIAM lived at the residence beside the garage.

A deputy met GILLIAM in the front of his residence to conduct the search. Inside the

garage, the deputy located items of stolen property and observed a Mossberg 12 gauge shotgun also in plain view.

The shotgun was seized during the search as the deputy was aware that GILLIAM had several previous felony convictions from North Carolina and one from the State of Montana and was therefore prohibited from possessing firearms.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that GILLIAM will likely serve **all** of the time imposed by the court. In the federal system, GILLIAM does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Special Assistant U.S. Attorney Ed Zink prosecuted the case for the United States.

The investigation was a cooperative effort between the Carbon County Sheriff’s Office and the Bureau of Alcohol, Tobacco, Firearms and Explosives.

This conviction is yet another important outcome from Project Safe Neighborhoods, a national priority of the United States Department of Justice. PSN is designed as a partnership between federal and local law enforcement to reduce violent crime and gun-related crime through the vigorous enforcement of the criminal provisions of the federal firearms laws. In Montana, the effort under PSN is called “*Catch and No Release.*”

DERRICK ELLISON GOBLE

DERRICK ELLISON GOBLE, a 29-year-old resident of Lolo, was sentenced to a term of:

- Prison: 84 months, consecutive to another sentence
- Special Assessment: \$100
- Supervised Release: 3 years

GOBLE was sentenced in connection with his guilty plea to being a felon-in-possession of a stolen firearm.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On May 30, 2006, an anonymous call was received by a probation officer whereby the caller informed him that GOBLE was in town near Lolo at his home. At the time, GOBLE was wanted for absconding probation in April of 2006. Numerous officers assisted the probation officers in charge and prepared to conduct a probation search at GOBLE’S home.

On the same day, an officer responded to a 911 call from an individual who stated that an unknown male entered a house located in Lolo and stole a phone and a pistol, namely a Smith and Wesson, Model 4006, 40 caliber semi-automatic pistol. Officers subsequently responded to the area and arrived with a police K-9. Soon after the officers arrived, they spotted GOBLE outside in a wooded area. As they handcuffed and arrested him, one of the officers surveyed the area around GOBLE and noticed a box of .40 caliber ammunition on the ground next to him, in addition to the Smith and Wesson pistol which had a loaded magazine inserted. Another officer also located and removed a loaded .380 caliber magazine from GOBLE'S pants' pocket after his arrest.

The owner of the house subsequently informed officers that his .40 caliber Smith and Wesson pistol was missing from his bedroom armoire and that he was also missing a .380 caliber pistol magazine. In addition to the firearms, he was missing cash, credit cards and various prescription drugs. He explained that the Smith and Wesson had not been previously loaded.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that GOBLE will likely serve **all** of the time imposed by the court. In the federal system, GOBLE does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Paulette L. Stewart prosecuted the case for the United States.

The investigation was a cooperative effort between Montana Probation and Parole, the Missoula County Sheriff's Office, and the Bureau of Alcohol, Tobacco, Firearms and Explosives.

This conviction is yet another important outcome from Project Safe Neighborhoods, a national priority of the United States Department of Justice. PSN is designed as a partnership between federal and local law enforcement to reduce violent crime and gun-related crime through the vigorous enforcement of the criminal provisions of the federal firearms laws. In Montana, the effort under PSN is called "*Catch and No Release.*"

JOE TRAVIS GRIFFITH

JOE TRAVIS GRIFFITH, a 38-year-old resident of Bozeman and Butte, was sentenced to a term of:

- Prison: 37 months
- Special Assessment: \$100
- Supervised Release: 3 years

GRIFFITH was sentenced in connection with his guilty plea to being a felon-in-

possession of a firearm.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On January 20, 2006, GRIFFITH was convicted of three counts of felony criminal distribution of dangerous drugs in the Montana Second Judicial District in Silver Bow County. One of the conditions of his probation and parole was that he could not legally possess firearms.

On July 21, 2006, two members of the Missouri River Drug Task Force arrested GRIFFITH for an outstanding arrest warrant for absconding from his probation. During a search incident to the arrest, the officers located a methamphetamine pipe and a large amount of cash on GRIFFITH. The officers also located a Ruger .40 caliber pistol under the back left seat during a subsequent search of GRIFFITH'S vehicle.

When interviewed later, GRIFFITH admitted to knowledge and possession of the pistol. GRIFFITH stated that he placed the handgun into his vehicle a month or two before his arrest. He further stated that the handgun belongs to a friend named "Dustin."

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that GRIFFITH will likely serve **all** of the time imposed by the court. In the federal system, GRIFFITH does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Paulette L. Stewart prosecuted the case for the United States.

The investigation was a cooperative effort between the Missouri River Drug Task Force and the Bureau of Alcohol, Tobacco, Firearms and Explosives.

This conviction is yet another important outcome from Project Safe Neighborhoods, a national priority of the United States Department of Justice. PSN is designed as a partnership between federal and local law enforcement to reduce violent crime and gun-related crime through the vigorous enforcement of the criminal provisions of the federal firearms laws. In Montana, the effort under PSN is called "*Catch and No Release.*"

BRETT HAHN

BRETT HAHN, a 29-year-old resident of Florence, was sentenced to a term of:

- Prison: 46 months, concurrent to another sentence
- Special Assessment: \$100
- Supervised Release: 3 years

HAHN was sentenced in connection with his guilty plea to being a felon-in-possession of a firearm.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On March 5, 1998, HAHN was convicted of first degree malicious mischief and second degree theft, both felonies, in the Superior Court of the State of Washington in and for the County of Spokane. HAHN was therefore prohibited from possessing firearms.

On August 21, 2004, the Ravalli County Sheriff's Office responded to the Rustic Hut in Florence and arrested HAHN for disturbing the peace. Deputies found a Ruger pistol in HAHN'S possession upon his arrest.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that HAHN will likely serve **all** of the time imposed by the court. In the federal system, HAHN does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Kris A. McLean prosecuted the case for the United States.

The investigation was a cooperative effort between the Bureau of Alcohol, Tobacco, Firearms and Explosives and the Ravalli County Sheriff's Office.

This conviction is yet another important outcome from Project Safe Neighborhoods, a national priority of the United States Department of Justice. PSN is designed as a partnership between federal and local law enforcement to reduce violent crime and gun-related crime through the vigorous enforcement of the criminal provisions of the federal firearms laws. In Montana, the effort under PSN is called "*Catch and No Release.*"

JESSE DEAN HALL

JESSE DEAN HALL, a 29-year-old resident of Billings, was sentenced to a term of:

- Prison: 78 months, consecutive to state sentences
- Special Assessment: \$200
- Supervised Release: 3 years

HALL was sentenced in connection with his guilty plea to being a felon-in-possession of firearms and possession of a stolen firearm.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On September 13, 2005, HALL was sentenced on a felony criminal possession of dangerous drugs charge in the 13th Judicial District in Yellowstone County.

Between September 20-21, 2005, a Marlin Model 336RC .35 caliber rifle was stolen during a residential burglary in Huntley. The owner contacted the Yellowstone County Sheriff's Office and reported the theft and identified HALL, an acquaintance of his, as the likely suspect.

On September 29, 2005, an individual contacted the Billings Police Department and asked if they could determine whether a firearm he had just purchased was stolen. An officer with the Billings Police Department responded and determined that the firearm possessed by the individual was in fact the rifle stolen from the Huntley residence. The individual told the officer that he had purchased the firearm from HALL. The individual also identified HALL from a photographic lineup.

HALL was then interviewed by a detective from the Yellowstone County Sheriff's Office. HALL admitted to the burglary, to the theft of the rifle, and to selling it to the individual.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that HALL will likely serve **all** of the time imposed by the court. In the federal system, HALL does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Special Assistant U.S. Attorney Ed Zink prosecuted the case for the United States.

The investigation was a cooperative effort between the Billings Police Department, the Yellowstone County Sheriff's Office, and the Bureau of Alcohol, Tobacco, Firearms and Explosives.

This conviction is yet another important outcome from Project Safe Neighborhoods, a national priority of the United States Department of Justice. PSN is designed as a partnership between federal and local law enforcement to reduce violent crime and gun-related crime through the vigorous enforcement of the criminal provisions of the federal firearms laws. In Montana, the effort under PSN is called "*Catch and No Release.*"

DARREN JAMES HELLMAN

DARREN JAMES HELLMAN, a 38-year-old resident of the Bozeman/Belgrade area, was sentenced to a term of:

- Community Confinement: 6 months
- Special Assessment: \$100
- Supervised Release: 5 years

HELLMAN was sentenced in connection with his guilty plea to being a subject of a court order in possession of firearms and false impersonation of a United States Marshal.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On February 10, 2007, members of the Belgrade Police Department received a complaint regarding a man pretending to be a United States Marshal. During their investigation of the complaint, they arrested HELLMAN who lived below the complainants in an apartment building. At that time, they recovered a silver Taurus .357 caliber pistol.

At this time HELLMAN had a valid permanent order of protection against him that qualifies under the federal statute. The order was dated March 21, 2002, from the City of Bozeman by the Gallatin County Justice Court. HELLMAN had attended the hearing held March 21, 2002, before the Justice of the Peace.

During the investigation, HELLMAN admitted that he possessed two additional long guns at his storage unit in Belgrade. A Remington 7mm magnum caliber rifle was recovered from HELLMAN'S storage unit on March 8, 2007. HELLMAN admitted his possession of the pistol and the rifle. He stated that he got rid of his shotgun in December of 2006. He also stated that he knew a restraining order was still in effect because, "It's permanent."

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that HELLMAN will likely serve **all** of the time imposed by the court. In the federal system, HELLMAN does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Paulette L. Stewart prosecuted the case for the United States.

The investigation was a cooperative effort between the Belgrade Police Department, the U.S. Marshals Service, and the Bureau of Alcohol, Tobacco, Firearms and Explosives.

KEVIN ARTHUR HENDRICKSON

KEVIN ARTHUR HENDRICKSON, a 51-year-old resident of Poplar, was sentenced to a term of:

- Prison: 16 months
- Special Assessment: \$100
- Supervised Release: 3 years

HENDRICKSON was sentenced in connection with his guilty plea to being a felon-in-

possession of a firearm.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On February 17, 1981, HENDRICKSON was convicted of theft and thereby prohibited from possessing firearms.

On November 4, 2005, at approximately 11:30 p.m., a sergeant with the Poplar Police Department received a dispatch notifying her that a call had come in from a residence stating that HENDRICKSON was in front of his home waving a firearm stating that he was going to “pop” someone.

The sergeant and several other officers approached HENDRICKSON’S house and heard loud music and a male voice hollering inside. While standing outside the residence, the officers heard a shot fired inside the house.

The front door of the house then opened and HENDRICKSON pushed the screen door half-way open and stood in the doorway holding the screen door with his left hand. HENDRICKSON’S right hand was slightly behind the doorway entrance.

The sergeant instructed HENDRICKSON to show his hands. Meanwhile, another officer had stepped around to the south side and could see something shiny and black in HENDRICKSON’S right hand. The officer yelled out that HENDRICKSON had something in his hand. By this time, a deputy had yelled “gun,” and the officer ordered HENDRICKSON to drop his weapon. The officer would have testified that HENDRICKSON was focusing on him and was not responding to the commands from any of the other officers.

The sergeant also instructed HENDRICKSON to drop his weapon after she heard the officer yell “Gun, Gun.” HENDRICKSON did not comply and continued to stand in the doorway. HENDRICKSON then raised up his right hand which was holding a firearm.

When one of the officers saw HENDRICKSON bring the gun up, he advised another officer to deploy his taser. Two officers deployed tasers on HENDRICKSON who then fell into the doorway of the residence. One of the officers grabbed the gun away from HENDRICKSON and HENDRICKSON was subsequently restrained and taken into custody. The firearm, which had several rounds of ammunition in it, was confiscated.

A search was then conducted on HENDRICKSON’S residence to look for any possible injured persons. A hole was found in the ceiling of the kitchen area and a shell casing for a .22 caliber round was found next to the sink. One of the officers later collected twenty-nine .22 caliber bullets and one 9mm bullet.

Because there is no parole in the federal system, the “truth in sentencing” guidelines

mandate that HENDRICKSON will likely serve **all** of the time imposed by the court. In the federal system, HENDRICKSON does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Anna S. Peckham prosecuted the case for the United States.

The investigation was conducted by a cooperative effort between the Poplar Police Department, the Fort Peck Tribes Office of Law Enforcement, and the Bureau of Alcohol, Tobacco, Firearms and Explosives.

This conviction is yet another important outcome from Project Safe Neighborhoods, a national priority of the United States Department of Justice. PSN is designed as a partnership between federal and local law enforcement to reduce violent crime and gun-related crime through the vigorous enforcement of the criminal provisions of the federal firearms laws. In Montana, the effort under PSN is called “*Catch and No Release.*”

CARMEN CHAD HERNANDEZ

CARMEN CHAD HERNANDEZ, a 32-year-old resident of Poplar, was sentenced to a term of:

- Probation: 3 years
- Special Assessment: \$100

HERNANDEZ was sentenced in connection with his guilty plea to being a felon-in-possession of a firearm.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On January 27, 1995, HERNANDEZ was convicted of felony sexual contact with a minor in the Thirteenth Judicial District Court, Yellowstone County.

On November 18, 2006, HERNANDEZ was driving his vehicle in the Poplar area and was stopped by a Fort Peck Tribes police officer. At the time of the traffic stop, HERNANDEZ had a rifle in the rear window of the vehicle he was driving.

The vehicle was searched by law enforcement officers and during the search, the officers recovered a Marlin Model 1898, .357 magnum caliber, lever-action rifle and a Ruger Model Mini 14, .223 caliber, semi-automatic rifle. Both of the rifles were loaded. There were also spent bullet casings. Some were in the vehicle in the vent area on the hood and the driver’s side floor board. Casings were also recovered on the ground

near the driver's door.

On November 20, 2006, HERNANDEZ spoke to Fort Peck criminal investigators. He admitted to the investigators that he had been in possession of the two rifles and ammunition at the time he was stopped by law enforcement on November 18, 2006. HERNANDEZ stated that he had borrowed the firearms from a friend and intended to go hunting with them.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that HERNANDEZ will likely serve **all** of the time imposed by the court. In the federal system, HERNANDEZ does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Richard A. Hosley prosecuted the case for the United States.

The investigation was a cooperative effort between the Fort Peck Tribes Criminal Investigation Division and the Federal Bureau of Investigation.

This conviction is yet another important outcome from Project Safe Neighborhoods, a national priority of the United States Department of Justice. PSN is designed as a partnership between federal and local law enforcement to reduce violent crime and gun-related crime through the vigorous enforcement of the criminal provisions of the federal firearms laws. In Montana, the effort under PSN is called "*Catch and No Release.*"

LISA MARIE HIETT

LISA MARIE HIETT, a 22-year-old resident of Great Falls, was sentenced to a term of:

- Prison: 12 months
- Special Assessment: \$100
- Supervised Release: 2 years

HIETT was sentenced in connection with her guilty plea to making a false statement during a firearm transaction.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On August 2, 2006, HIETT purchased two 9mm pistols from American Pawn in Great Falls for another individual.

Later on August 2, 2006, two male individuals and a female were arrested by the

Nevada Highway Patrol on their way to California to sell firearms. Three (3) firearms and a small amount of cocaine were recovered. The firearms that were recovered from the vehicle included the firearms purchased by HIETT on August 2, 2006.

On September 26, 2006, HIETT was interviewed and stated that on August 2, 2006, she was hanging out with one of the male individuals when he asked if she would purchase a gun for him if he gave her the money. She admitted that she told him that she would.

HEITT and the male individual then went to American Pawn. Upon arriving at the store, HIETT stated that the male individual told the sales representative which pistols HIETT would like to purchase. According to HIETT, the sales representative then gave her a Firearms Transaction Record to fill out. The male individual gave the sales representative the money for the pistols, and the sales representative in turn gave the firearms directly to him; however, the sales representative gave the receipt for the firearms to HIETT. After purchasing the pistols, she and the male individual took the pistols back to her house.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that HIETT will likely serve **all** of the time imposed by the court. In the federal system, HIETT does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Paulette L. Stewart prosecuted the case for the United States.

The investigation was a cooperative effort between the Bureau of Alcohol, Tobacco, Firearms and Explosives and the Nevada Highway Patrol.

MICHAEL BRANDON HOBACK

MICHAEL BRANDON HOBACK, a 22-year-old resident of Great Falls, was sentenced to a term of:

- Prison: 27 months, concurrent with another sentence
- Special Assessment: \$100
- Supervised Release: 3 years

HOBACK was sentenced in connection with his guilty plea to being a felon-in-possession of a firearm.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On September 21, 2005, HOBACK was convicted and sentenced for committing the offense of felony theft in the State of Montana.

Some time before June 26, 2006, a friend of HOBACK'S bought a 10mm Glock from another individual and was subsequently informed by his father that he had to get rid of the gun because he wasn't old enough. HOBACK'S friend then gave the gun to HOBACK to keep for him.

On June 26, 2006, Great Falls Police Department officers responded to a complaint that a dog had been shot. In the course of their investigation, the officers learned that HOBACK had shot and killed his girlfriend's dog, a pit bull, in the living room of her home. Officers found a shell casing at the scene that had been fired by a 10 mm Glock.

When interviewed, HOBACK stated that he knew about the 10mm Glock and that he was holding it for a friend. HOBACK further stated that the Glock was inside the glovebox of his car. When officers searched his vehicle, they recovered a loaded pistol, namely a Glock, Model 20, 10mm semi-automatic pistol, serial number HYZ150, from the glovebox of HOBACK'S car.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that HOBACK will likely serve **all** of the time imposed by the court. In the federal system, HOBACK does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Paulette L. Stewart prosecuted the case for the United States.

The investigation was a cooperative effort between the Great Falls Police Department and the Bureau of Alcohol, Tobacco, Firearms and Explosives.

This conviction is yet another important outcome from Project Safe Neighborhoods, a national priority of the United States Department of Justice. PSN is designed as a partnership between federal and local law enforcement to reduce violent crime and gun-related crime through the vigorous enforcement of the criminal provisions of the federal firearms.

CURTIS HOLTHAUS

CURTIS HOLTHAUS, a 46-year-old resident of Missoula and Spirit Lake, Idaho, was sentenced to a term of:

- Prison: 36 months
- Special Assessment: \$100
- Supervised Release: 3 years

HOLTHAUS was sentenced in connection with his guilty plea to being a felon-in-possession of a firearm.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On September 1, 2004, at approximately 8:00 p.m., Missoula County Sheriff's deputies responded to HOLTHAUS' residence to investigate a reported domestic disturbance. HOLTHAUS answered the door and his wife appeared a few moments later.

The officers interviewed both HOLTHAUS and his wife and then waited at the residence while HOLTHAUS' wife and her eight-year-old son gathered some personal items. The officers then transported both individuals to a neighbor's house.

The neighbor reported that he was confident HOLTHAUS possessed a handgun and officers asked the neighbor to confirm that assertion by asking HOLTHAUS' wife. One of the deputies was then called back to the neighbor's house a few minutes later because HOLTHAUS' wife had discovered some marks on her arm that she concluded were inflicted by HOLTHAUS. She also confirmed for the neighbor that HOLTHAUS possessed a handgun.

Based on the discovery of HOLTHAUS' wife's injuries, the officers returned to HOLTHAUS' residence and placed him under arrest. During the course of the arrest he admitted to possessing a handgun and told officers where it was located. In HOLTHAUS' dresser drawer, officers located and seized an AMT "backup" model 380-caliber pistol.

On September 17, 2004, an agent with the Bureau of Alcohol, Tobacco, Firearms and Explosives determined that the firearm was manufactured outside the State of Montana and had traveled in interstate or foreign commerce. Law enforcement officers also reviewed HOLTHAUS' criminal history and determined that he had prior felony convictions for burglary in 1986 and 1990 and a felony conviction for theft in 1996.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that HOLTHAUS will likely serve **all** of the time imposed by the court. In the federal system, HOLTHAUS does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Timothy J. Racicot prosecuted the case for the United States.

The investigation was conducted by a cooperative effort between the Missoula County Sheriff's Office and the Bureau of Alcohol, Tobacco, Firearms and Explosives.

This conviction is yet another important outcome from Project Safe Neighborhoods, a national priority of the United States Department of Justice. PSN is designed as a partnership between federal and local law enforcement to reduce violent crime and gun-related crime through the vigorous enforcement of the criminal provisions of the federal firearms laws. In Montana, the effort under PSN is called "*Catch and No*

Release.”

JESSE JAMES JIMISON

JESSE JAMES JIMISON, an 19-year-old resident of Sidney, was sentenced to a term of:

- Prison: 87 months
- Special Assessment: \$100
- Supervised Release: 3 years

JIMISON was re-sentenced in connection with his guilty plea to being a felon-in-possession of a firearm after his original sentence was appealed to the Ninth Circuit Court of Appeals. The sentence was reversed and remanded back to U.S. District Court for re-sentencing.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that JIMISON will likely serve **all** of the time imposed by the court. In the federal system, JIMISON does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence. Assistant U.S. Attorney Paulette L. Stewart prosecuted the case for the United States.

The investigation was a cooperative effort between the Bureau of Alcohol, Tobacco, Firearms and Explosives, the Richland County Sheriff’s Office, the Sidney Police Department, and the Wibaux County Sheriff’s Office.

ERIC ROBERT KAHARL

ERIC ROBERT KAHARL, a 45-year-old resident of Thompson Falls, was sentenced to a term of:

- Prison: 12 months and 1 day
- Special Assessment: \$100
- Supervised Release: 3 years

KAHARL was sentenced in connection with his guilty plea to being a felon-in-possession of a firearm.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On February 14, 1990, KAHARL was convicted in Connecticut of felony assault with a gun.

On January 1, 2006, a Sanders County Sheriff's deputy went to KAHARL'S residence to inquire about an accident between a vehicle and a deer on Highway 471. The accident had dislodged the vehicle's license plate and the plate was registered in KAHARL'S name. KAHARL showed the deputy the deer and the damage to his wife's car, both of which were in KAHARL'S garage. While in the garage, the deputy observed a semi-automatic shotgun hanging on a gun rack above the doorway to the garage. KAHARL told the deputy the gun was his.

On January 2, 2006, a warden with Fish, Wildlife and Parks went to KAHARL'S residence to discuss his possession of the dead deer. KAHARL explained that he had gutted and skinned the deer so the meat would not be wasted and that he did not know it was against the law to pick up an animal killed along a road. The warden loaded the deer into his truck and issued KAHARL a warning for possession of the deer. During their discussion about the deer, KAHARL admitted to owning and possessing a semi-automatic M1 Grand rifle and a Winchester 94-80 rifle (.44 caliber).

On February 15, 2006, during the execution of a search warrant at KAHARL'S residence, the following firearms were discovered.

Make/Model
Smith and Wesson .38-caliber revolver, model 10-7
Rohm .22-caliber revolver, model RG24
Winchester 12-gauge shotgun, model 1400
Winchester 44-caliber rifle, model 94AE
Winchester .22-caliber rifle, model 9422
Springfield Armory .30-caliber rifle, model M1
Mossberg .22-caliber rifle, model 321B
Lowe Mauser 1898 .308-caliber rifle
J.C. Higgins 12-gauge shotgun

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that KAHARL will likely serve **all** of the time imposed by the court. In the federal system, KAHARL does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Timothy J. Racicot prosecuted the case for the United States.

The investigation was a cooperative effort between the Sanders County Sheriff's Office

and the Bureau of Alcohol, Tobacco, Firearms and Explosives.

This conviction is yet another important outcome from Project Safe Neighborhoods, a national priority of the United States Department of Justice. PSN is designed as a partnership between federal and local law enforcement to reduce violent crime and gun-related crime through the vigorous enforcement of the criminal provisions of the federal firearms laws. In Montana, the effort under PSN is called “*Catch and No Release.*”

JEREMY DRAKE KEISER

JEREMY DRAKE KEISER, a 26-year-old resident of Wolf Point, was sentenced to a term of:

- Prison: 37 months
- Special Assessment: \$100
- Supervised Release: 3 years

KEISER was sentenced in connection with his guilty plea to being a felon-in-possession of a ammunition.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On February 19, 2004 KEISER was convicted in federal district court of “assault resulting in serious bodily injury” and was thereby prohibited from possessing firearms or ammunition.

On August 10, 2006, KEISER was on supervised release as a result of the above mentioned conviction. He, along with several other individuals, was a passenger in a vehicle that was struck by a train in Wolf Point. When police officers responded to the scene, they found a Sears Model .22 caliber rifle lying on the floorboard of the damaged vehicle. There was also a spent Federal brand, .22 caliber casing lying on the floorboard.

KEISER was taken to the Wolf Point Hospital in Wolf Point for examination following the vehicle accident. While KEISER was lying on a stretcher in a hospital treatment room, four (4) cartridges of Federal .22 caliber rim fire ammunition fell out of his pocket and onto the stretcher. After KEISER was removed from the stretcher, in order to be transported to the x-ray room, a registered nurse who had treated KEISER discovered the four (4) rounds of ammunition lying on the stretcher. The nurse at the hospital subsequently delivered the four (4) rounds of ammunition to the officer investigating the accident. The nurse identified KEISER as the person who had possessed the ammunition.

KEISER departed the hospital and went into the parking lot where he was approached by the officer. When the officer showed KEISER the rounds of Federal .22 caliber rim fire ammunition and asked KEISER if the ammunition belonged to him, KEISER stated “yeah,” acknowledging that he had possessed the ammunition.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that KEISER will likely serve **all** of the time imposed by the court. In the federal system, KEISER does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Richard A. Hosley prosecuted the case for the United States.

The investigation was a cooperative effort between the Fort Peck Tribes Criminal Investigation Division and the Bureau of Alcohol, Tobacco, Firearms and Explosives.

This conviction is yet another important outcome from Project Safe Neighborhoods, a national priority of the United States Department of Justice. PSN is designed as a partnership between federal and local law enforcement to reduce violent crime and gun-related crime through the vigorous enforcement of the criminal provisions of the federal firearms laws. In Montana, the effort under PSN is called “*Catch and No Release.*”

KRYSTAL CAMILLE KEITHLEY

KRYSTAL CAMILLE KEITHLEY, a 21-year-old resident of Billings, was sentenced to a term of:

- Prison: 30 months, consecutive to a state sentence
- Special Assessment: \$100
- Supervised Release: 3 years

KEITHLEY was sentenced in connection with her guilty plea to being a felon-in-possession of ammunition.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On April 5, 2004, KEITHLEY was convicted of a felony crime under the laws of the State of Montana. She was under the supervision of the State of Montana, and precluded from possessing ammunition.

On June 7, 2006, at approximately 8:00 p.m., a Bureau of Land Management (BLM) ranger observed two males driving a white Chevrolet Avalanche, drinking beer and shooting handguns at a BLM shooting range, north of Billings, on Highway 87. The

ranger made contact with the individuals and identified them as the KEITHLEY'S co-defendant, Nathan Kelley, and his brother. The ranger determined that the Nathan Kelley was on felony probation and he was arrested.

After detaining KEITHLEY, law enforcement began inspecting the white Chevrolet Avalanche the men were driving when they were stopped. During the search of the vehicle, a purple folder containing KEITHLEY'S court and probation documents was found. The discovery of KEITHLEY'S documents prompted a probation officer to ask about the relationship between KEITHLEY and Nathan Kelley. The brother indicated that KEITHLEY and Nathan Kelley were dating and that the Avalanche was registered to KEITHLEY'S father. The brother also indicated that the three handguns in the vehicle were from KEITHLEY'S residence. Nathan Kelley later confirmed that at least two of the handguns were from KEITHLEY'S residence and that he had retrieved them from a drawer in KEITHLEY'S father's bedroom.

A short time after being placed into custody, Nathan Kelley, while handcuffed, retrieved a gun located outside of the wire cage he was secured in and shot himself. He survived his injuries.

KEITHLEY'S probation officer was contacted and confirmed that KEITHLEY was under her supervision. The probation officer was informed that the guns recovered at the scene were from KEITHLEY'S residence and that she was dating Nathan Kelley, a felon. The probation officer was also informed that Nathan Kelley and his brother believed there were additional firearms at KEITHLEY'S residence. The probation officer obtained back-up from the Billings Police Department and proceeded to KEITHLEY'S residence. When the officers arrived, KEITHLEY was at the home and was visibly upset. KEITHLEY told the officers she knew they were at her house because Nathan Kelley had been arrested, while driving her father's car and while in possession of her father's guns. She admitted she knew Nathan Kelley and his brother were going to the shooting range and that she had been in a relationship with Nathan for a couple of months. KEITHLEY later denied giving Nathan Kelley and his brother access to the guns. KEITHLEY told her probation officer that the guns were supposed to be stored in the home's basement in a locked gun safe. She said she did not know why or how the guns were removed from the safe. At that point, she was placed under arrest for violating the terms of her supervision and a search of her residence was conducted.

During the search of the home, it was discovered that KEITHLEY'S father's bedroom door was locked. KEITHLEY informed her probation officer that the room was locked and the key was on the key ring to her father's truck which Nathan still possessed. She disclosed that her sister also had a key to the bedroom. The sister was contacted and agreed to come to the house and unlock the bedroom. The sister informed the officers that she was the only one who was allowed to have a key to her father's bedroom and the gun safe. However, she did state that when she left on a weekend camping trip the keys were missing when she returned but re-appeared a few days later. When the

officers entered the bedroom they noticed several items of clothing which belonged to KEITHLEY. Officers also found two rifles in the bedroom.

On June 8, 2006, the next day, KEITHLEY'S outgoing calls from the Yellowstone County Detention Facility (YCDF) were reviewed by law enforcement. They listened to several calls KEITHLEY placed to a male individual. During one call, KEITHLEY can be heard asking "do you remember what I wanted to try and get rid of at my house?" She goes on to state, "it's at my house. I bet they have it." This conversation led law enforcement to believe that there was some illegal substance in KEITHLEY'S residence that she had hidden. Law enforcement contacted KEITHLEY'S probation officer and informed her of the content of the recorded conversation. Based on the conversation and the information gathered previously, KEITHLEY'S probation officer requested that officers respond to assist her in a second probation search of KEITHLEY'S residence.

During the probation search of the residence, officers discovered a Walmart receipt in the garage of the residence next to a white Walmart bag which contained approximately 115 pieces of Winchester 9mm Luger ammunition. The receipt indicated that on May 25, 2006, someone had purchased 3 boxes of Winchester .380 ammunition and 6 boxes of 100 count 9mm ammunition. Law enforcement later verified with Walmart security footage that KEITHLEY, Nathan Kelley, and two other persons purchased the ammunition indicated on the May 25, 2006, receipt. The purchases at Walmart were made with KEITHLEY'S father's credit card. The original credit card receipt was simply signed "Keithley." After further review of Walmart's sales receipts, it was discovered that KEITHLEY purchased ammunition using her father's credit card on May 28 and May 30 in addition to the purchases made on May 25.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that KEITHLEY will likely serve **all** of the time imposed by the court. In the federal system, KEITHLEY does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Lori Harper Suek prosecuted the case for the United States.

The investigation was conducted by the Bureau of Alcohol, Tobacco, Firearms and Explosives.

NATHAN THOMAS KELLEY

NATHAN THOMAS KELLEY, a 25-year-old resident of Billings, was sentenced to a term of:

- Prison: 34 months
- Special Assessment: \$100
- Supervised Release: 3 years

KELLEY was sentenced in connection with his guilty plea to being a felon-in-possession of a firearm.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On November 4, 2004, KELLEY was convicted of a felony crime under the laws of the State of Montana. He was under the supervision of the State of Montana, and precluded from possessing firearms.

On June 7, 2006, at approximately 8:00 p.m., a Bureau of Land Management (BLM) ranger observed two males driving a white Chevrolet Avalanche, drinking beer and shooting handguns at a BLM shooting range, north of Billings, on Highway 87. The ranger made contact with the individuals and identified them as KELLEY and his brother. The ranger determined that KELLEY was on felony probation. KELLEY and his brother were in possession of three firearms, ammunition and beer at the time of the stop. The ranger handcuffed KELLEY and placed him in the rear of his patrol vehicle and tried to contact KELLEY'S probation officer to determine if he was in violation of the terms of his probation. The ranger made contact with state probation officers, one of which confirmed that KELLEY was on felony probation and that his possession of alcohol, firearms, and ammunition were violations of the terms of his probation.

After detaining KELLEY, law enforcement officers began inspecting the white Chevrolet Avalanche the men were driving when they were stopped. During the search of the vehicle, a purple folder containing a female's court and probation documents was found. The discovery of the documents prompted a probation officer to ask KELLEY'S brother about the relationship. The brother indicated that the female and KELLEY were dating and that the Avalanche was registered to the girlfriend's father. The brother also indicated that the three handguns in the vehicle were from the girlfriend's residence.

KELLEY later confirmed that at least two of the handguns were from his girlfriend's residence and that he had retrieved them from a drawer in his girlfriend's father's bedroom.

A short time after being placed into custody, KELLEY, while handcuffed, retrieved a gun located outside of the wire cage he was secured in and shot himself. He survived his injuries.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that KELLEY will likely serve **all** of the time imposed by the court. In the federal system, KELLEY does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Lori Harper Suek prosecuted the case for the United States.

The investigation was a cooperative effort between the Bureau of Alcohol, Tobacco, Firearms and Explosives and the Bureau of Land Management.

GEOFFREY VON KINDER

GEOFFREY VON KINDER, age 24, was sentenced to a term of:

- Prison: 70 months
- Special Assessment: \$100
- Supervised Release: 3 years

KINDER was sentenced in connection with his guilty plea to being a felon-in-possession of a firearm.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

KINDER was under the supervision of the Montana Department of Corrections for multiple felony convictions in the State of Montana, including burglary and theft.

On June 15, 2005, a woman tried to purchase a Hi Point C9 9mm semi-automatic handgun at Butt's Guns in Billings. Her boyfriend, KINDER, was present with her and helped her pick it out. The woman took possession of the gun on June 21, 2005, and then gave this firearm to KINDER the same day. The firearm she purchased was identified as a Hi Point Model C9 9mm semi-automatic handgun. A few days later, KINDER left Billings, headed for Spokane, Washington.

On June 26, 2005, KINDER was arrested in connection with a drive-by shooting in Spokane. When arrested, KINDER was in a different vehicle than he drove from Montana, with the Hi Point C9 9mm underneath his seat.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that KINDER will likely serve **all** of the time imposed by the court. In the federal system, KINDER does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Special Assistant U.S. Attorney Ed Zink prosecuted the case for the United States.

The investigation was a cooperative effort between the Bureau of Alcohol, Tobacco, Firearms and Explosives and the Billings Police Department.

This conviction is yet another important outcome from Project Safe Neighborhoods, a national priority of the United States Department of Justice. PSN is designed as a partnership between federal and local law enforcement to reduce violent crime and gun-related crime through the vigorous enforcement of the criminal provisions of the

federal firearms laws. In Montana, the effort under PSN is called “*Catch and No Release.*”

BRANDON LECLAIR

BRANDON LECLAIR, age 31, was sentenced to a term of:

- Prison: 63 months
- Special Assessment: \$200
- Supervised Release: 3 years

LECLAIR was sentenced in connection with his guilty plea to being a felon-in-possession of a firearm.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On May 21, 1999, LECLAIR was convicted in the United States District Court in Billings of possession with the intent to distribute methamphetamine, and was thereby prohibited from possessing firearms.

On November 20, 2005, LECLAIR pawned two firearms to Western Pawnbrokers in Billings. On the pawnslip, LECLAIR claimed ownership of the two firearms for three years. The firearms were identified as a Remington Model 6, .22 caliber rifle and a Stevens Crack Shot .22 caliber rifle.

On December 3, 2005, LECLAIR pawned another firearm to a different Billings pawnshop, Northwest Title & Loan. On this pawnslip, LECLAIR claimed ownership of the firearm for two years. The firearm was identified as a Colt Peacemaker revolver, .22 caliber.

On June 7, 2006, an agent with the Bureau of Alcohol, Tobacco, Firearms and Explosives seized the original pawn tickets as evidence from the two pawnshops. Employees at both pawn shops indicated that LECLAIR was identified by a photo on his driver’s license and was required to provide a thumbprint. The transaction involving the revolver was a pawn, not a purchase, meaning LECLAIR had the option to pay the loan and receive his firearm back.

The agent then recovered two firearms from Western Pawnbrokers, the Stevens rifle and the Colt revolver. A thumbprint/fingerprint comparison later confirmed the identity of LECLAIR as the individual who pawned the three firearms.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that LECLAIR will likely serve **all** of the time imposed by the court. In the

federal system, LECLAIR does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Special Assistant U.S. Attorney Ed Zink prosecuted the case for the United States.

The investigation was conducted by the Bureau of Alcohol, Tobacco, Firearms and Explosives.

This conviction is yet another important outcome from Project Safe Neighborhoods, a national priority of the United States Department of Justice. PSN is designed as a partnership between federal and local law enforcement to reduce violent crime and gun-related crime through the vigorous enforcement of the criminal provisions of the federal firearms laws. In Montana, the effort under PSN is called “*Catch and No Release.*”

JOSEPH EUGENE LEMIEUX II

JOSEPH EUGENE LEMIEUX II, was sentenced to a term of:

- Prison: 24months
- Special Assessment: \$200
- Supervised Release: 3 years

LEMIEUX was sentenced after having been found guilty during a 2-day trial of possession of unregistered silencers, possession of a silencer without a serial number, and interstate transportation of an unregistered silencer.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that LEMIEUX will likely serve **all** of the time imposed by the court. In the federal system, LEMIEUX does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Paulette L. Stewart prosecuted the case for the United States.

The investigation was a cooperative effort between the United States Forest Service, the Lincoln County Sheriff’s Office and the Bureau of Alcohol, Tobacco, Firearms and Explosives.

This conviction is yet another important outcome from Project Safe Neighborhoods, a national priority of the United States Department of Justice. PSN is designed as a partnership between federal and local law enforcement to reduce violent crime and gun-related crime through the vigorous enforcement of the criminal provisions of the federal firearms laws. In Montana, the effort under PSN is called “*Catch and No Release.*”

JOHN ALLEN EUGENE MALDONADO

JOHN ALLEN EUGENE MALDONADO, a 36-year-old resident of Butte, was sentenced to a term of:

- Prison: 30 months
- Special Assessment: \$100
- Supervised Release: 3 years

MALDONADO was sentenced in connection with his guilty plea to possession of a firearm by an unlawful drug user.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On October 17, 2005, during the execution of a search warrant in Butte, law enforcement officers located empty baggies, methamphetamine residue in a container, drug paraphernalia, and a Desert Eagle .45 caliber pistol in MALDONADO'S residence.

On October 18, 2005, when interviewed, MALDONADO admitted ownership and possession of the pistol. He stated that he had purchased the firearm for \$700 to \$800 from a person on the street because he knew he could not purchase a firearm legitimately from a licensed dealer. MALDONADO also admitted to using methamphetamine since the age of 16 and to using methamphetamine within 2 days of the search. MALDONADO further admitted that he was an addict.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that MALDONADO will likely serve **all** of the time imposed by the court. In the federal system, MALDONADO does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Paulette L. Stewart prosecuted the case for the United States.

The investigation was a cooperative effort between the Southwest Montana Drug Task Force and the Bureau of Alcohol, Tobacco, Firearms and Explosives.

This conviction is yet another important outcome from Project Safe Neighborhoods, a national priority of the United States Department of Justice. PSN is designed as a partnership between federal and local law enforcement to reduce violent crime and gun-related crime through the vigorous enforcement of the criminal provisions of the federal firearms laws. In Montana, the effort under PSN is called "*Catch and No Release.*"

COBY JAMES MARLER

COBY JAMES MARLER, a 22-year-old resident of Great Falls, was sentenced to a term of:

- Prison: 57 months, consecutive to another sentence
- Special Assessment: \$100
- Supervised Release: 3 years

MARLER was sentenced in connection with his guilty plea to being a felon-in-possession of a firearm.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On December 12, 2003, MARLER was convicted of robbery in the District Court of the Eleventh Judicial District of the State of Montana. MARLER received a sentence of 12 years in prison, with seven years suspended.

On January 5, 2005, the Great Falls Prerelease Center reported MARLER as missing and a warrant for his arrest was issued the same day.

On January 7, 2005, the Great Falls Police Department received a call regarding bullet holes located in a Great Falls residence, as well as a hand-drawn map indicating a possible robbery plan. During their investigation, law enforcement recovered a projectile from the Great Falls residence. A ballistics comparison confirmed that the projectile was fired from the AMT .380 pistol which was later linked to MARLER.

The AMT .380 pistol had been turned into law enforcement by an associate of MARLER'S on January 11, 2005.

When interviewed by law enforcement, MARLER'S girlfriend identified the AMT .380 caliber pistol, which was loaded with three rounds of ammunition, as a firearm having been in MARLER'S possession. She was able to identify it as she had repaired the trigger on the pistol to make it function. She stated that it was the firearm that she and MARLER had shot in her Great Falls residence on January 5, 2005. She stated that MARLER shot the wall again a couple of nights later also. She stated that MARLER had acquired the .380 AMT pistol in November of 2004 in Great Falls for \$25. She also stated that she knew that MARLER had been convicted of robbery from Flathead County and that he could not possess firearms. She further admitted that she held the .380 pistol for MARLER while he was at the prerelease center.

Another associate of MARLER would have testified that he was also present on January 5, 2005, when MARLER and his girlfriend shot holes in the walls of the girlfriend's residence. He would have testified that he observed MARLER possess and

fire the .380 pistol.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that MARLER will likely serve **all** of the time imposed by the court. In the federal system, MARLER does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Paulette L. Stewart prosecuted the case for the United States.

The investigation was a cooperative effort between the Great Falls Police Department and the Bureau of Alcohol, Tobacco, Firearms and Explosives.

This conviction is yet another important outcome from Project Safe Neighborhoods, a national priority of the United States Department of Justice. PSN is designed as a partnership between federal and local law enforcement to reduce violent crime and gun-related crime through the vigorous enforcement of the criminal provisions of the federal firearms laws. In Montana, the effort under PSN is called “*Catch and No Release.*”

DANIEL SLAYTON MARTINSEN

DANIEL SLAYTON MARTINSEN, a 24-year-old resident of the Bozeman-Manhattan area, was sentenced to a term of:

- Prison: 12 months
- Special Assessment: \$100
- Supervised Release: 3 years

MARTINSEN was sentenced in connection with his guilty plea to being a felon-in-possession of a firearm.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On January 7, 2004, in the Eleventh Judicial District Court in Flathead County, MARTINSEN was convicted of forgery and was therefore under probationary supervision by the Montana Department of Corrections.

Between October 30, 2005, and January 24, 2006, MARTINSEN possessed and pawned eight firearms in pawn shops in Helena and Missoula. MARTINSEN had taken four of the firearms from his step-father’s residence.

The Manhattan Police Department had received a burglary complaint from MARTINSEN’S step-father that he had four firearms stolen while he was on vacation

sometime during December 30, 2005, through January 8, 2006.

Employees of pawn shops in Missoula and Helena would have testified that MARTINSEN had pawned firearms at their businesses. Pawn ticket receipts that had been completed using MARTINSEN'S identification would have been presented as evidence.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that MARTINSEN will likely serve **all** of the time imposed by the court. In the federal system, MARTINSEN does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Paulette L. Stewart prosecuted the case for the United States.

The investigation was a cooperative effort between the Manhattan Police Department, the Helena Police Department, Montana Probation and Parole, and the Bureau of Alcohol, Tobacco, Firearms and Explosives.

This conviction is yet another important outcome from Project Safe Neighborhoods, a national priority of the United States Department of Justice. PSN is designed as a partnership between federal and local law enforcement to reduce violent crime and gun-related crime through the vigorous enforcement of the criminal provisions of the federal firearms laws. In Montana, the effort under PSN is called "*Catch and No Release.*"

EARL MITCHELL

EARL MITCHELL, a 41-year-old resident of Carbon County, was sentenced to a term of:

- Prison: 30 months, consecutive to a state sentence
- Special Assessment: \$100
- Supervised Release: 3 years

MITCHELL was sentenced in connection with his guilty plea to being a felon-in-possession of a firearm.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

MITCHELL is a multi-convicted felon, who was on felony supervision with the Montana Department of Corrections. Most recently, he had been sentenced for carrying a concealed weapon, a felony, on April 28, 2003.

On January 9, 2006, a Montana Highway Patrol officer observed MITCHELL speeding on Highway 310 in Carbon County and he conducted a traffic stop. When the officer approached the vehicle, he observed a rifle scabbard on the rear floorboard of the vehicle in plain view. Dispatch advised the officer that MITCHELL had several felony convictions and was on probation. The officer searched the vehicle with MITCHELL'S consent and recovered the firearm, a .22 caliber rifle. Ammunition was also recovered.

MITCHELL stated that the firearm belonged to a friend, but he admitted that he knew he was not to be in possession of a firearm. The firearm was identified as a Marlin Glenfield Model 70 .22 caliber semi-auto rifle.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that MITCHELL will likely serve **all** of the time imposed by the court. In the federal system, MITCHELL does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Special Assistant U.S. Attorney Ed Zink prosecuted the case for the United States.

The investigation was conducted by a cooperative effort between the Montana Highway Patrol and the Bureau of Alcohol, Tobacco, Firearms and Explosives.

This conviction is yet another important outcome from Project Safe Neighborhoods, a national priority of the United States Department of Justice. PSN is designed as a partnership between federal and local law enforcement to reduce violent crime and gun-related crime through the vigorous enforcement of the criminal provisions of the federal firearms laws. In Montana, the effort under PSN is called "*Catch and No Release.*"

DAVID ALLEN MOORSE

DAVID ALLEN MOORSE was sentenced to a term of:

- Prison: 30 months
- Special Assessment: \$100
- Restitution: \$508.55
- Supervised Release: 3 years

MOORSE was sentenced in connection with his guilty plea to being an unlawful user of a controlled substance in possession of a firearm.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On August 29, 2005, a Glock 9mm handgun was stolen from a vehicle parked at the

Blue Mountain Recreation area near Missoula. The Glock 9mm handgun was later turned into law enforcement by a concerned citizen on October 11, 2005. During the interim time, two prohibited persons, MOORSE and another individual, both unlawful drug users, possessed the stolen handgun.

When questioned, the other individual stated that MOORSE had stolen the gun and wanted to sell or trade it. MOORSE and the other individual then traded the gun to a friend of theirs for \$20.00 and seven grams of marijuana.

However, when questioned, MOORSE stated that the other individual had broken into the car and stolen the firearm and that MOORSE later purchased the firearm, knowing it was stolen, from the other individual.

On October 11, 2005, the gun was located by the friend's father, who turned the gun over to law enforcement.

When questioned, the first individual admitted that he and MOORSE were regular marijuana users when the firearm was stolen and possessed. He also admitted that prior to trading the gun to their friend, he and MOORSE had fired the gun at Elks Meadows near Highway 12.

Testimony would have been given by officers with the Missoula Correctional Services that both MOORSE and the first individual had a history of drug use. Both had tested positive for marijuana use while under MCS supervision. Specifically, MOORSE tested positive for marijuana use on June 1, 5, and 9, 2006.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that MOORSE will likely serve **all** of the time imposed by the court. In the federal system, MOORSE does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Paulette L. Stewart prosecuted the case for the United States.

The investigation was conducted by the Bureau of Alcohol, Tobacco, Firearms and Explosives.

This conviction is yet another important outcome from Project Safe Neighborhoods, a national priority of the United States Department of Justice. PSN is designed as a partnership between federal and local law enforcement to reduce violent crime and gun-related crime through the vigorous enforcement of the criminal provisions of the federal firearms laws. In Montana, the effort under PSN is called "*Catch and No Release.*"

WILLIAM BRUCE OMSBERG

WILLIAM BRUCE OMSBERG, *a/k/a Bill Bruce Omsberg*, a 48-year-old resident of Cut Bank, was sentenced to a term of:

- Prison: 54 months
- Special Assessment: \$100
- Supervised Release: 3 years

OMSBERG was sentenced in connection with his guilty plea to being a felon-in-possession of a firearm.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On July 16, 2003, OMSBERG was convicted of felony assault with a weapon in Glacier County. OMSBERG was therefore under probationary supervision by the Montana Department of Corrections, during which time he was prohibited from possessing firearms.

A probation officer would have testified that he observed spent shell casings in the bed of OMSBERG'S truck on March 2, 2006. OMSBERG had left the truck at his daughter's house in Cut Bank while OMSBERG borrowed her car to go to Kalispell. The probation officer then located two handguns pawned by OMSBERG in Kalispell at Gold Rush Pawn on March 2, 2006.

The probation officer then located six rounds of .380 ammunition and a handgun case in OMSBERG'S Cut Bank residence on March 7, 2006.

The probation officer and a Glacier County Sheriff's deputy interviewed OMSBERG on March 7, 2006. OMSBERG admitted to possessing the two handguns to transport them from Cut Bank to Kalispell to pawn them.

On March 7, 2006, while he was at the Glacier County Sheriff's Office talking to his probation officer and the deputy sheriff, OMSBERG had his daughter remove four long-guns from his shed. The probation officer later retrieved the long-guns from OMSBERG'S ex-wife in Cut Bank.

On March 9, 2006, the probation officer and deputy sheriff again interviewed OMSBERG. OMSBERG again admitted to pawning the two handguns. He also admitted to possession of the ammunition and possessing four long-guns. OMSBERG admitted to showing the handgun to his daughter approximately one week prior to pawning it. He also admitted to secreting the long-guns in his shed because he knew he could not possess them.

A friend of OMSBERG would have testified that the friend sold OMSBERG an SKS rifle in July or August of 2005. They shot the SKS rifle and a 300 magnum rifle between 15 and 20 times between the time of OMSBERG'S purchase and November of 2005. The friend did not learn until the spring of 2006 that OMSBERG was prohibited from possessing firearms.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that OMSBERG will likely serve **all** of the time imposed by the court. In the federal system, OMSBERG does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Paulette L. Stewart prosecuted the case for the United States.

The investigation was a cooperative effort between Montana Probation and Parole, the Glacier County Sheriff's Office and the Bureau of Alcohol, Tobacco, Firearms and Explosives.

This conviction is yet another important outcome from Project Safe Neighborhoods, a national priority of the United States Department of Justice. PSN is designed as a partnership between federal and local law enforcement to reduce violent crime and gun-related crime through the vigorous enforcement of the criminal provisions of the federal firearms laws. In Montana, the effort under PSN is called "*Catch and No Release.*"

DANIEL WAYNE OSBORNE

DANIEL WAYNE OSBORNE, a 19-year-old resident of Hamilton, was sentenced to a term of:

- Home Arrest: 6 months (with electronic monitoring)
- Special Assessment: \$200
- Supervised Release: 5 years

OSBORNE was sentenced after having been found guilty during a 1-day trial of making and possessing pipe bombs.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that OSBORNE will likely serve **all** of the time imposed by the court. In the federal system, OSBORNE does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Paulette L. Stewart prosecuted the case for the United States.

The investigation was a cooperative effort between the Lewis and Clark County

Sheriff's Office and the Bureau of Alcohol, Tobacco, Firearms and Explosives.

This conviction is yet another important outcome from Project Safe Neighborhoods, a national priority of the United States Department of Justice. PSN is designed as a partnership between federal and local law enforcement to reduce violent crime and gun-related crime through the vigorous enforcement of the criminal provisions of the federal firearms laws. In Montana, the effort under PSN is called "*Catch and No Release.*"

JAYSON VIRGIL PADDOCK

JAYSON VIRGIL PADDOCK, a 23-year-old resident of Choteau, was sentenced to a term of:

- Prison: 6 months, to be followed by six months in a pre-release center
- Special Assessment: \$200
- Supervised Release: 3 years

PADDOCK was sentenced after having been found guilty during a 1-day trial of possession of an unregistered silencer and possession of a firearm without a serial number.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that PADDOCK will likely serve **all** of the time imposed by the court. In the federal system, PADDOCK does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Joseph E. Thaggard prosecuted the case for the United States.

The investigation was conducted by the Bureau of Alcohol, Tobacco, Firearms and Explosives in Helena.

GARRETT PETE

GARRETT PETE, age 42, was sentenced to a term of:

- Prison: 72 months, concurrent with another sentence
- Special Assessment: \$200
- Supervised Release: 3 years

PETE was sentenced in connection with his guilty plea to being a felon-in-possession of a firearm and possession of a sawed-off shotgun.

In an Offer of Proof filed by the United States, the government stated it would have

proved at trial the following:

PETE was on supervision with the Montana Department of Corrections for a 2002 felony drug conviction. Because he had not reported to see his probation officer, he was deemed an absconder and a warrant was issued for his arrest.

On May 19, 2006, Probation and Parole officers, with the assistance of the Billings Police Department, located PETE about 7:00 p.m. near a residence in Billings Heights where they expected to find him. They followed his vehicle as he drove away from that residence, and eventually stopped him at a gas station on Main Street.

The BPD officers placed PETE in custody. PETE'S probation officer authorized a search of his vehicle. A sawed-off 12 gauge shotgun was recovered from the trunk of the vehicle. The shotgun was wrapped in towels with black electrical tape holding them in place and the shotgun was loaded with one round. The shotgun was identified as a Shinkosha Model 200 12 gauge shotgun, with an overall length of only 19 inches and a barrel length measuring only 11.5 inches.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that PETE will likely serve **all** of the time imposed by the court. In the federal system, PETE does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Special Assistant U.S. Attorney Ed Zink prosecuted the case for the United States.

The investigation was conducted by Montana Probation and Parole, the Billings Police Department, and the Bureau of Alcohol, Tobacco, Firearms and Explosives.

This conviction is yet another important outcome from Project Safe Neighborhoods, a national priority of the United States Department of Justice. PSN is designed as a partnership between federal and local law enforcement to reduce violent crime and gun-related crime through the vigorous enforcement of the criminal provisions of the federal firearms laws. In Montana, the effort under PSN is called "*Catch and No Release.*"

KERRY JAMES PEYATT

KERRY JAMES PEYATT was sentenced to a term of:

- Prison: 18 months
- Special Assessment: \$100
- Supervised Release: 3 years

PEYATT was sentenced in connection with his guilty plea to being a felon-in-

possession of a firearm.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On October 29, 2002, PEYATT was sentenced for the crime of felony sexual assault. He was sentenced to 60 months deferred and placed under the supervision of the Montana Department of Corrections. In 2005, this sentence was revoked and converted to suspended time for probation violations.

On December 29, 2005, an ATF agent was notified that PEYATT had missed a court appearance and a \$100,000 warrant had been issued for his arrest.

ATF agents learned PEYATT might be staying at the Quality Inn in Billings registered under another name. The clerk at the motel provided law enforcement a key to the room. An agent knocked on the door and PEYATT answered. The agent advised PEYATT of the warrant for his arrest. PEYATT indicated he was aware of the warrant and asked to be allowed to dress. While PEYATT was getting dressed, Billings Police detective observed a handgun on a table near where PEYATT was standing. The firearm was recovered and identified as an H&R model 732 revolver, in .32 S&W caliber.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that PEYATT will likely serve **all** of the time imposed by the court. In the federal system, PEYATT does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Special Assistant U.S. Attorney Ed was a cooperative effort between the Bureau of Alcohol, Tobacco, Firearms and Explosives and the Billings Police Department.

This conviction is yet another important outcome from Project Safe Neighborhoods, a national priority of the United States Department of Justice. PSN is designed as a partnership between federal and local law enforcement to reduce violent crime and gun-related crime through the vigorous enforcement of the criminal provisions of the federal firearms laws. In Montana, the effort under PSN is called “*Catch and No Release.*”

JEREMY JOSEPH RODRIGUEZ

JEREMY JOSEPH RODRIGUEZ, a 20-year-old resident of Butte and Helena, was sentenced to a term of:

- Prison: 21 months
- Special Assessment: \$100

- Supervised Release: 3 years
- Community Service: 100 hours

RODRIGUEZ was sentenced in connection with his guilty plea to being an unlawful user of controlled substance in possession of a firearm.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On April 4, 2006, Helena police officers responded to a complaint about a man with a gun. Upon their arrival, officers were told that RODRIGUEZ had pointed a silver colored pistol at another young man who had called the police. The officers located RODRIGUEZ under the stairway of an apartment building. The officers recovered a loaded Bryco Arms .380 caliber pistol with the serial number scratched off from where RODRIGUEZ had been sleeping.

When questioned, RODRIGUEZ stated that he had smoked marijuana on a regular basis for approximately six years. RODRIGUEZ further stated that he smoked every two or three days, the last time being on April 3, 2006, and that he considered himself an addict.

RODRIGUEZ also admitted that he had stolen the gun from a guy in January or February of 2006. RODRIGUEZ stated that he had hid the gun in the ceiling of a friend's house and then brought the gun with him from Butte to Helena.

RODRIGUEZ further admitted that on April 1, 2006, he filed the serial number off the gun with a butter knife.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that RODRIGUEZ will likely serve **all** of the time imposed by the court. In the federal system, RODRIGUEZ does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Paulette L. Stewart prosecuted the case for the United States.

The investigation was a cooperative effort between the Helena Police Department and the Bureau of Alcohol, Tobacco, Firearms and Explosives.

This conviction is yet another important outcome from Project Safe Neighborhoods, a national priority of the United States Department of Justice. PSN is designed as a partnership between federal and local law enforcement to reduce violent crime and gun-related crime through the vigorous enforcement of the criminal provisions of the federal firearms laws. In Montana, the effort under PSN is called "*Catch and No Release.*"

FREDERIC SCOTT

FREDERIC SCOTT, a resident of Seattle, Washington, was sentenced to a term of:

- Prison: 84 months
- Special Assessment: \$200
- Supervised Release: 5 years

SCOTT was sentenced after having been found guilty during a 3-day trial of use of a firearm in relation to a drug-trafficking crime and distribution of cocaine.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that SCOTT will likely serve **all** of the time imposed by the court. In the federal system, SCOTT does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney James E. Seykora prosecuted the case for the United States.

The investigation was a cooperative effort between the Federal Bureau of Investigation and the Billings Big Sky Safe Streets Task Force.

TRACY LEE SHIELDS

TRACY LEE SHIELDS, a 46-year-old resident of Hays, was sentenced to a term of:

- Prison: 37months
- Supervised Release: 3 years

SHIELDS was sentenced in connection with his guilty plea to being a felon-in-possession of a firearm.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On November 23, 1998, in Spokane County, Washington, SHIELDS was convicted of the felony charge of possession of methamphetamine with intent to deliver.

On May 23, 2006, a cooperating witness provided information that an individual had provided approximately one ounce of methamphetamine to SHIELDS.

On the same day, a tribal search warrant for SHIELD’S vehicles and house was obtained. At approximately 11:00 p.m., agents executed the search warrant on SHIELD’S house. During the search, agents found a small amount of marijuana, drug paraphernalia, ammunition, and a Savage model 93, 17 HMR caliber rifle. SHIELDS

was then placed under arrest for possession of marijuana and drug paraphernalia.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that SHIELDS will likely serve **all** of the time imposed by the court. In the federal system, SHIELDS does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Anna S. Peckham prosecuted the case for the United States.

The investigation was conducted by the Bureau of Alcohol, Tobacco, Firearms and Explosives.

This conviction is yet another important outcome from Project Safe Neighborhoods, a national priority of the United States Department of Justice. PSN is designed as a partnership between federal and local law enforcement to reduce violent crime and gun-related crime through the vigorous enforcement of the criminal provisions of the federal firearms laws. In Montana, the effort under PSN is called “*Catch and No Release.*”

KARSTEN KARL SMITH

KARSTEN KARL SMITH, a 42-year-old resident of Missoula, was sentenced to a term of:

- Prison: 18 months
- Special Assessment: \$200
- Supervised Release: 3 years

SMITH was sentenced in connection with his guilty plea to possession of a firearm by an unlawful drug user and manufacturing methamphetamine.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On October 9, 2004, when stopped by Missoula County Sheriff’s deputies, SMITH was arrested for traffic violations and outstanding warrants.

During the execution of a search warrants for methamphetamine, drug paraphernalia, firearms, and methamphetamine lab components, officers recovered an SKS assault rifle, a New England Arms .22 caliber rifle, ammunition, methamphetamine, drug paraphernalia, \$1,000 in cash, pictures, and a passport. Methamphetamine residue was located inside a cap from the inside of the truck as well.

SMITH had two prior convictions for possession of dangerous drugs and possession of

drug paraphernalia as well as probation violations and revocations. SMITH also had two pending cases against him for possession of methamphetamine from 2002. SMITH also had a prior misdemeanor conviction for possession of dangerous drugs and drug paraphernalia from 1996.

When questioned, SMITH admitted to possession and ownership of one of the rifles and to shooting earlier that day.

Testimony would have shown that the methamphetamine lab was small and boxed up. According to a DEA chemist, the solutions sampled contained methamphetamine and 2 others contained P-2-P, a precursor to methamphetamine production. Additionally, there was 53.9 methamphetamine in solution and methamphetamine residue in two other samples.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that SMITH will likely serve **all** of the time imposed by the court. In the federal system, SMITH does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Paulette L. Stewart prosecuted the case for the United States.

The investigation was a cooperative effort between the Drug Enforcement Administration, the Missoula County Sheriff’s Office and the Missoula High Intensity Drug Trafficking Area (HIDTA) Task Force.

This conviction is yet another important outcome from Project Safe Neighborhoods, a national priority of the United States Department of Justice. PSN is designed as a partnership between federal and local law enforcement to reduce violent crime and gun-related crime through the vigorous enforcement of the criminal provisions of the federal firearms laws. In Montana, the effort under PSN is called “*Catch and No Release.*”

MARLON STIFFARM

MARLON STIFFARM, a 22-year-old resident of Havre, was sentenced to a term of:

- Probation: 3 years, with 8 months home arrest
- Restitution: \$1,144.94

STIFFARM was sentenced in connection with his guilty plea to possession of stolen firearms.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On October 11, 2004, STIFFARM rode into the Landusky campground on an ATV. The campground is located on Bureau of Land Management property outside of Hays. STIFFARM rode with two other individuals. While at the campground, STIFFARM, without permission from the owner, entered a camper trailer which was unlocked. The owner of the camper was not present as he was out hunting.

At the time STIFFARM entered the camper trailer, the other two individuals went to a nearby creek to get a drink. Upon exiting the camper, STIFFARM came out with two firearms: a Remington Model 78, .270 caliber rifle with a Nikon 3-9 scope; and a Remington Wing Master Express 12 gauge shotgun. The two individuals observed STIFFARM with the two firearms, after which STIFFARM stated, "let's go, let's go, let's go."

The two individuals and STIFFARM drove the ATV back to Hays, dropping STIFFARM off near his residence. STIFFARM took both of the stolen firearms with him to his residence.

On February 2, 2006, two Bureau of Land Management agents went to STIFFARM'S residence to interview him. STIFFARM admitted to possessing the stolen firearms.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that STIFFARM will likely serve **all** of the time imposed by the court. In the federal system, STIFFARM does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Anna S. Peckham prosecuted the case for the United States.

The investigation was conducted by the Bureau of Land Management.

This conviction is yet another important outcome from Project Safe Neighborhoods, a national priority of the United States Department of Justice. PSN is designed as a partnership between federal and local law enforcement to reduce violent crime and gun-related crime through the vigorous enforcement of the criminal provisions of the federal firearms laws. In Montana, the effort under PSN is called "*Catch and No Release.*"

EARL DEAN STIPE

EARL DEAN STIPE, a 55-year-old resident of Ronan, was sentenced to a term of:

- Prison: 18 months, consecutive to another sentence
- Special Assessment: \$100
- Supervised Release: 3 years

STIPE was sentenced in connection with his guilty plea to being a felon-in-possession of firearms.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On September 20, 2004, STIPE was convicted of issuing a bad check (common scheme) in the Montana Twentieth Judicial District Court in Lake County.

On February 14, 2006, representatives of the Lake County Sheriff's Office participated in a probation search of STIPE'S residence in St. Ignatius. The officers seized thirteen firearms during the search.

Two witnesses would have testified that they had observed STIPE in possession of firearms on several occasions.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that STIPE will likely serve **all** of the time imposed by the court. In the federal system, STIPE does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Timothy J. Racicot prosecuted the case for the United States.

The investigation was a cooperative effort between the Lake County Sheriff's Office, Montana Probation and Parole, and the Bureau of Alcohol, Tobacco, Firearms and Explosives.

This conviction is yet another important outcome from Project Safe Neighborhoods, a national priority of the United States Department of Justice. PSN is designed as a partnership between federal and local law enforcement to reduce violent crime and gun-related crime through the vigorous enforcement of the criminal provisions of the federal firearms laws. In Montana, the effort under PSN is called "*Catch and No Release.*"

MICHAEL DAVID WEST WISDOM

MICHAEL DAVID WEST WISDOM, age 20, was sentenced to a term of:

- Prison: 24 months
- Special Assessment: \$100
- Restitution: \$508.55
- Supervised Release: 3 years

WISDOM was sentenced in connection with his guilty plea to being an unlawful user of

a controlled substance in possession of a firearm.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On August 29, 2005, a Glock 9mm handgun was stolen from a vehicle parked at the Blue Mountain Recreation area near Missoula. The Glock 9mm handgun was later turned into law enforcement by a concerned citizen on October 11, 2005. During the interim time, two prohibited persons, WISDOM and another individual, both unlawful drug users, possessed the stolen handgun.

When questioned, WISDOM stated that the other individual had stolen the gun and wanted to sell or trade it. WISDOM and the other individual then traded the gun to a friend of theirs for \$20.00 and seven grams of marijuana. At some point during the transaction, WISDOM possessed the gun and fired the lone bullet.

However, when questioned, the first individual stated that WISDOM, not the individual, broke into the car and stolen the firearm. The first individual also stated that he then purchased the firearm from WISDOM, knowing it was stolen.

On October 11, 2005, the gun was located by the friend's father, who turned the gun over to law enforcement.

WISDOM also admitted that he and the first individual were regular marijuana users when the firearm was stolen and possessed. WISDOM also admitted that prior to trading the gun to their friend, WISDOM and the first individual fired the gun at Elks Meadows near Highway 12.

Testimony would have been given by officers with the Missoula Correctional Services that both WISDOM and the first individual had a history of drug use. Both had tested positive for marijuana use while under MCS supervision. Specifically, WISDOM tested positive for marijuana use on February 6, 14, 22, and 23, 2006; and on May 29 and 30, 2006.

On February 9, 2006, marijuana and drug paraphernalia were recovered from WISDOM'S residence.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that WISDOM will likely serve **all** of the time imposed by the court. In the federal system, WISDOM does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Paulette L. Stewart prosecuted the case for the United States.

The investigation was conducted by the Bureau of Alcohol, Tobacco, Firearms and

Explosives.

This conviction is yet another important outcome from Project Safe Neighborhoods, a national priority of the United States Department of Justice. PSN is designed as a partnership between federal and local law enforcement to reduce violent crime and gun-related crime through the vigorous enforcement of the criminal provisions of the federal firearms laws. In Montana, the effort under PSN is called “*Catch and No Release.*”

STEPHEN NEIL YOUNG

STEPHEN NEIL YOUNG, a 56-year-old resident of Libby, was sentenced to a term of:

- Prison: 37 months
- Special Assessment: \$100
- Supervised Release: 3 years

YOUNG was sentenced in connection with his guilty plea to possession of an unregistered destructive device.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On June 1, 2006, a pipe bomb was discovered in the parking lot of the Three Rivers Forest Service Ranger Station near Trout Creek.

A seasonal employee with the Forest Service was moving vehicles on June 1, 2006, in order to program their radios. One of the vehicles the employee intended to move, a white Dodge Ram 2500 pickup truck, USFS #4493, had been assigned to YOUNG, whose driving privileges were currently suspended. Before the employee moved YOUNG’S vehicle, YOUNG requested the keys and offered to start the vehicle for her. The employee moved a different vehicle and returned to move YOUNG’S vehicle. She found YOUNG cleaning out the vehicle. YOUNG directed her to move the vehicle, and she backed the vehicle out of a parking space and moved it to a different area of the parking lot.

Later on the morning of June 1, 2006, YOUNG alerted a Forest Service Law Enforcement Officer to a suspicious item in the parking lot. The officer responded to YOUNG’S location and observed an item on the ground. YOUNG told the officer the item was a pipe bomb. The item was laying on the ground in the parking space that had been occupied by YOUNG’S vehicle before it was moved by the other employee. The officer inspected the item, determined it did appear to be a pipe bomb, and secured it.

On June 2, 2006, members of the Missoula County Bomb Squad responded to the

scene to render the device safe by shooting the bomb from a safe distance with a pan disrupter round. The device was rendered safe, but exploded in the process. The bomb squad and ATF determined that the device was not a hoax, but rather a functioning bomb likely comprised of a low-explosive smokeless powder. An Explosives Enforcement officer with ATF later analyzed investigative reports and physical evidence and determined that the bomb was a destructive device. The blast site was searched for evidence and YOUNG'S vehicle was also examined. On the "Y" pipe of the vehicle's exhaust system, officers discovered three pieces of black electrical tape.

YOUNG was interviewed, once on June 1, 2006, and again on June 2, 2006. During the June 1, 2006 interview, YOUNG described finding the bomb, described its appearance, admitted he had been a certified blaster with the Forest Service, and suggested several people who may have planted the bomb.

During the second interview, on June 2, 2006, YOUNG admitted to assembling the bomb and placing it on his Forest Service vehicle. He described in detail how he constructed the device, what materials he used, and when, where, and how he placed it on vehicle #4493. He stated that he intended to kill himself and placed the bomb on a Forest Service vehicle as opposed to his own so his family could benefit from his life insurance policy.

On June 4, 2006, an ATF agent requested a review of National Firearms Registration and Transfer records and learned that ATF had no record of YOUNG registering the pipe bomb he constructed and possessed.

"The successful resolution of this case is a tribute to the strong working relationships between all the law enforcement agencies in Montana. This was a joint investigation where the federal, state and county levels all worked together. Their first priority was to protect the public from the danger of a live bomb. They then moved on to identify the suspect and collect the best evidence available."

"This case was a success not just in that the suspect was found and convicted, but because the Missoula County Bomb Squad was successful in rendering safe the device without an injury or death occurring" stated ATF Resident Agent in Charge Cheryl R. Glenn.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that YOUNG will likely serve **all** of the time imposed by the court. In the federal system, YOUNG does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Timothy J. Racicot prosecuted the case for the United States.

The investigation was conducted by the Bureau of Alcohol, Tobacco, Firearms and Explosives, U.S. Forest Service Law Enforcement, the Lincoln County Sheriff's Office

and the Missoula County Bomb Squad.

This conviction is yet another important outcome from Project Safe Neighborhoods, a national priority of the United States Department of Justice. PSN is designed as a partnership between federal and local law enforcement to reduce violent crime and gun-related crime through the vigorous enforcement of the criminal provisions of the federal firearms laws. In Montana, the effort under PSN is called “*Catch and No Release.*”

FRAUD

KEVIN EUGENE AMELINE

KEVIN EUGENE AMELINE, a 42-year-old resident of Box Elder, was sentenced to a term of:

- Prison: 15 months, consecutive to a state sentence
- Special Assessment: \$100
- Restitution: \$2,470
- Supervised Release: 5 years

AMELINE was sentenced in connection with his guilty plea to bank fraud.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

Bear Paw Hotshots is an unincorporated association of volunteer firefighters. On October 28, 2002, two agents of Bear Paw Hotshots opened a Bear Paw Hotshots checking account with Independence Bank in Havre, Montana. Funds raised and retained in the checking account were to be used to purchase supplies for the volunteer firefighters because they were unable to secure funds from the federal government. Federal funding was eventually secured and the checking account was no longer used. However, the checking account was never closed. When the Bear Paw Hotshots checkbook was stolen, there was a balance of \$39.12 in the checking account.

On a date unknown, but prior to September 6, 2005, AMELINE unlawfully took possession of the Bear Paw Hotshots checkbook. Between September 6, 2005, and on or about September 16, 2005, in Hill and Chouteau Counties in the State of Montana, the AMELINE forged and successfully cashed thirteen Bear Paw Hotshots checks at various locations in Havre, Big Sandy, and on the Rocky Boys Indian Reservation.

On each check, AMELINE authored all material information and signed, using a false name. Additionally, the AMELINE endorsed some of the checks by writing his own name. AMELINE unlawfully acquired approximately \$2,470.00 in cash due to passing

these thirteen forged checks. Independence Bank, when it received these forged checks, reasonably relied on the material information written on each check.

On October 11, 2005, FBI Special Agents contacted the person whose name was used by AMELINE. In a written statement, he stated that he never gave anyone permission to sign his name to a Bear Paw Hotshots check. He also stated that AMELINE never provided him work or services for payment, and that he never gave AMELINE any Bear Paw Hotshots checks.

On October 17, 2005, AMELINE admitted to special agents that he found the Bear Paw Hotshots checkbook in a couch at his residence and decided to write several checks for cash because he needed funds to support his drug habit. AMELINE explained that after he used all of the checks inside the checkbook, he threw the checkbook out of the car window while driving on the Rocky Boy's Indian Reservation. AMELINE admitted that he was the only person involved in forging and passing the checks for cash.

The Independence Bank in Havre, Montana, is certified and insured by the Federal Deposit Insurance Corporation (FDIC) provided by the Federal Deposit Insurance Act.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that AMELINE will likely serve **all** of the time imposed by the court. In the federal system, AMELINE does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Anna S. Peckham prosecuted the case for the United States.

The investigation was conducted by the Federal Bureau of Investigation.

STEPHANIE BALLENGER-BROOKS

STEPHANIE BALLENGER-BROOKS, a 21-year-old resident of Great Falls, was sentenced to a term of:

- Prison: 34 months
- Special Assessment: \$200
- Restitution: \$4,661.27
- Supervised Release: 3 years

BALLENGER-BROOKS was sentenced in connection with her guilty plea to bank fraud and aggravated identity theft.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On or about April 14, 2006, Dawn Whitmore, Brenda Valerio, and BALLENGER-

BROOKS gained possession of checks for the Valley Bank of Helena account of a woman hereby referred to as "R.M.B."

Whitmore, Valerio, and BALLENGER-BROOKS then used the checks to obtain money or merchandise from businesses in Helena and Great Falls by passing the checks at those businesses with the forged signature of "R.M.B."

Testimony would have also shown that some of the merchandise purchased was subsequently returned in exchange for cash and the cash was then divided among the three participants of the scheme.

BALLENGER-BROOKS admitted to law enforcement that she had passed "R.M.B." checks at Wal-Mart in Great Falls.

Surveillance tape from Wal-Mart would have shown BALLENGER-BROOKS completing transactions at Wal-Mart on April 15 and 16, 2006, utilizing checks belonging to "R.M.B."

Testimony would have shown that Whitmore cashed the first stolen check used by the group at Valley Bank of Helena after that check had been written out to her by Valerio.

When questioned by law enforcement, Whitmore admitted that she cashed the first check at Valley Bank of Helena and that she passed two other "R.M.B." checks at the Holiday Convenience Store in Great Falls.

When questioned by law enforcement, Valerio admitted to writing out the first check cashed at Valley Bank of Helena and that she wrote out another check which the group was not able to cash. Valerio also admitted that many of the items purchased from Wal-Mart with the "R.M.B." checks were given to her to keep at her residence.

Checks passed on the "R.M.B." account at various businesses in Helena and Great Falls between April 14 and April 16, 2006, totaled approximately \$4,601.27.

None of the participants in the scheme had the lawful authority to utilize the name "R.M.B."

Valerio and Whitmore pled guilty to federal charges and have been sentenced.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that BALLENGER-BROOKS will likely serve **all** of the time imposed by the court. In the federal system, BALLENGER-BROOKS does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Michael S. Lahr prosecuted the case for the United States.

The investigation was conducted by the Bureau of Immigration, Customs and Enforcement.

MARK ALAN BURGHART

MARK ALAN BURGHART, a 39-year-old resident of Great Falls, was sentenced to a term of:

- Prison: 44 months
- Special Assessment: \$300
- Restitution: \$3,678.06
- Supervised Release: 5 years

BURGHART was sentenced in connection with his guilty plea to bank fraud, aggravated identity theft, and possession of a document-making implement.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

In late July of 2005, Montana State Probation and Parole (MSPP) officers conducted a search on the apartment of a woman that was under their supervision. Although the woman who was under supervision was not in the residence when the officers went in, they did encounter two other individuals in the residence who were asked to identify themselves.

Although one of the individuals gave the officers a different name at that time, he was later identified as BURGHART. The officer told the two individuals to leave and continued with the search. In one room, the officer found BURGHART'S wallet and a bag containing a driver's license in the name of S.K. (initials used to protect the privacy interests of those whose property was found in BURGHART'S belongings), and checkbooks in the names of W.A. and J.T.

The officer then enlisted the assistance of an Intensive Supervision Program (ISP) officer. This officer was BURGHART'S parole officer and recognized the bag in which much of the identification and checks were found as belonging to BURGHART. A parole warrant was then issued for BURGHART'S arrest.

On August 29, 2005, another probation search was conducted on another probationer at another apartment. There, the officers discovered several other bags (backpacks, duffelbags, briefcase, etc.) which a resident of the apartment advised belonged to "Mark," who had left them at the apartment for safe keeping.

MSPP contacted detectives with the Great Falls Police Department (GFPD). The

probation officer reported that during her second probation search, several bags allegedly belonging to BURGHART had been located. BURGHART was then arrested on August 30, 2005. When arrested, BURGHART was in possession of a police scanner.

On September 12, 2005, individual search warrants were executed on the bags belonging to BURGHART which had been discovered during the probation searches. Some of the contents seized from BURGHART'S bags included items related to the manufacture of fraudulent identification, forgery and counterfeiting which included two styles of blank check stock, an Omega Enterprises check made payable to J.R., checkbook with an account number from Wells Fargo Bank, belonging to D.N.; an empty checkbook with an account number from Russell Country Federal Credit Union belonging to J.G. and J.V.; a Benefis hospital identification card displaying the name of J.G. and BURGHART'S photo; a Montana State temporary driver's license displaying the name J.G. and BURGHART'S photo; and numerous other items.

Law enforcement also discovered three compact disks. The first disk contained official seals for Cascade County Clerk and Recorder, Department of Motor Vehicles, and official record templates for Cascade County and the State of Montana. Disk two contained fraudulent State Farm Insurance cards and an incomplete driver's license bearing the photo of an unknown female. Disk three contained an incomplete counterfeit birth certificate template with no name.

Interviews with individuals whose property had been found to be in BURGHART'S possession revealed that the majority of the items recovered from BURGHART'S belongings had been stolen from unlocked vehicles. Police reports had been filed at the time of the thefts.

Testimony would have also shown that a camera and checkbook belonging to B.H. had been stolen from his vehicle when it was parked in the driveway of his residence sometime between August 17, 2005, and August 18, 2005. A police report was filed on August 19, 2005.

Financial records from the account of B.H. reflected that in the two week period between August 18, 2005, and September 1, 2005, BURGHART wrote \$2,349.71 worth of checks on the B.H. U.S. Bank account using B.H.'s name, social security account number or driver's licence number to negotiate the transactions.

On August 16, 2005, BURGHART negotiated a check for \$1,380 at Sound Pro using the name of R.N. and a Montana temporary driver's license in the same name.

On September 16, 2005, GFPD detectives and agents of the Bureau of Immigration and Customs Enforcement (ICE) interviewed BURGHART at the Cascade County Sheriff's Office. BURGHART stated that he began passing forged checks in early August of 2005 and had been provided stolen property, including checkbooks, in

exchange for narcotics, by an acquaintance.

BURGHART stated that he received a Montana identification card reflecting a driver's license number for B.H. from an unknown male. BURGHART admitted to forging all of the checks written on the B.H. account from August 18 to September 1, 2005. BURGHART also admitted that he had forged approximately an entire book of checks belonging to B.H. at various businesses in Great Falls.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that BURGHART will likely serve **all** of the time imposed by the court. In the federal system, BURGHART does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Carl E. Rostad prosecuted the case for the United States.

The investigation was conducted by the Bureau of Immigration, Customs and Enforcement.

KENNETH R. CHRISTENOT

KENNETH R. CHRISTENOT, a 38-year-old resident of Billings, was sentenced to a term of:

- Prison: 18 months
- Special Assessment: \$100
- Restitution: \$19,382
- Supervised Release: 3 years

CHRISTENOT was sentenced after having been found guilty during a 2-day trial of making false statements and theft of government property.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that CHRISTENOT will likely serve **all** of the time imposed by the court. In the federal system, CHRISTENOT does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Eric B. Wolff prosecuted the case for the United States.

The investigation was conducted by the Inspector General's Office for the United States Department of Housing and Urban Development.

PATRICK P. DAVISON

PATRICK P. DAVISON, a 50-year-old resident of Billings, was sentenced to a term of:

- Prison: 10 years
- Special Assessment: \$200
- Restitution: \$5,598,166.49
- Supervised Release: 3 years

DAVISON was sentenced in connection with his guilty plea to securities fraud.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

From approximately May of 1998 through February of 2003, DAVISON was employed by UBS Financial Services as an investment advisor in Billings.

From May 15, 1998, through March 7, 2003, DAVISON was registered by the State of Montana to sell securities, and was not lawfully registered to do so after that time.

From approximately March of 2003 until July of 2006, DAVISON continued to sell securities, including fraudulent securities, as an investment advisor and business consultant from an office in Billings.

DAVISON conducted business and sold securities under his own name and under the names Davison L.L.C., P & N Ventures and PPV.

Between June 15, 1995, and July 7, 2002, DAVISON induced Investor A to make nine (9) separate loans totaling \$810,000 to DAVISON and the Billings Catholic Schools for various financial needs of the Billings Catholic Schools, to be repaid in the principal amount plus interest. With the exception of the first two such loans, none of the amounts loaned by Investor A were used for the benefit of the Billings Catholic Schools.

On Billings Catholic School loans dated March 15, 1999, and July 14, 1999, DAVISON stated that the loans were backed by the Diocese of Great Falls/Billings, when, in fact, no such guarantee existed.

During the period of loans from Investor A to the Billings Catholic Schools, DAVISON repaid Investor A approximately \$645,000 of the original principal amounts.

On November 29, 2002, DAVISON induced Investor A to purchase a promissory note in the amount of \$250,000 from Mayfair Auction II, doing business as the Big Sky Gold Rush Charity Raffle, knowing that no such promise to pay existed and that he had forged the name on the promissory note. DAVISON repaid the principal amount to Investor A.

Between June 20, 1996, and January 12, 1999, DAVISON induced Investor B to purchase bonds issued by PPV through five (5) separate transactions totaling \$675,000, knowing that no such bonds existed. DAVISON regularly paid Investor B interest on the non-existent bonds. DAVISON also repaid Investor B approximately \$50,000.

Between May 16, 2000, and January 16, 2001, DAVISON induced Investor C to purchase bonds which were not named or described. In 2005, DAVISON represented that the bonds were issued by Northwest Telecommunications Network, Washington Power Consortium, and Portland Area Industrial Council in the approximate amount of \$900,000, knowing that no such bonds existed. DAVISON represented to Investor C that these bonds were secured by U.S. Treasuries and senior mortgages on telecommunication and power substations, knowing that no such security existed. DAVISON has repaid \$300,000 in principal.

DAVISON made quarterly interest payments to Investor C on the foregoing investments knowing that he had converted the invested funds and that no principal amount remained.

Between December of 2000, and September of 2002, DAVISON induced Investor D to invest approximately \$1,375,000 in seven (7) separate transactions for tax-free bonds paying 10% interest issued by the Foundation Assistance Group, knowing that no such bonds existed.

During the period of investment described above, DAVISON made quarterly interest payments to Investor D on the non-existent investments and provided Investor D with false statements of his account. DAVISON has made no repayment of principal amounts to Investor D.

In approximately July of 2002, DAVISON induced Investor E to purchase tax-free bonds in the amount of approximately \$275,000 issued by the St. Labre Indian School, knowing that no such bonds existed. DAVISON has made no repayment of principal amounts related to these bonds.

On August 7, 2003, DAVISON induced Investor A to loan approximately \$200,000 to the JNR trust knowing that no such trust existed and that the loan was not guaranteed with U.S. bonds contrary to the face of the loan documents. DAVISON repaid the principal amount to Investor A.

On November 11, 2003, DAVISON induced Investor A to loan approximately \$100,000 to Rustic Construction of Boise, Idaho, knowing that no such entity existed. DAVISON repaid the principal amount to Investor A.

On March 31, 2005, DAVISON induced Investor A to loan Davison L.L.C. approximately \$200,000 to be secured by coal leases held by Davison L.L.C. knowing that no such

coal lease security existed. DAVISON and Davison L.L.C. have made no repayment of the principal amount to Investor A.

In approximately October of 2003, DAVISON induced Investor B to invest approximately \$664,000 in a qualified profit sharing plan, the Qualified Plan Davison L.L.C., and Contracts 2003-1, 2, and 2005-1 knowing that no such investor accounts and contracts existed and that such funds were converted to the use of DAVISON. Investor B received statements of interest deposits made by DAVISON to these accounts although no principal balance existed. No repayment of principal occurred.

In 2005, DAVISON induced Investor B to invest \$250,000 in a contract paying 15% interest knowing that no such contract existed and that the funds were converted to the use of DAVISON. On this fraudulent investment, DAVISON repaid approximately \$100,000 of the principal amount plus interest.

On May 1, 2006, DAVISON represented to Investor C that his investment account balance had been rolled over into a note carried by Gateway L.L.C. knowing that no such note existed.

It was also part of the manner and means of the scheme and artifice to defraud that DAVISON made and caused to be made the following statements and transactions relative to Investor E:

In May of 2006, DAVISON induced Investor E to loan DAVISON approximately \$100,000 in return for a promissory note secured by 1,500 shares of Exxon Mobil stock, knowing that no such security for the promissory note existed. DAVISON has made no repayment of principal amount related to the promissory note.

On August 21, 2003, DAVISON induced Investor F to loan approximately \$150,000 to Mayfair II with the promissory note secured by assets of PPV, a \$100,000 U.S. Treasury note, and a \$50,000 Federal Home Loan Mortgage note, knowing that PPV had no assets and the other security for the promissory note did not exist. DAVISON has made no repayment of the principal amount related to the promissory note.

In December of 2003, DAVISON induced Investor G to loan DAVISON approximately \$250,000 on a promissory note secured by a \$250,000 U.S. Treasury note, knowing that no such security for the promissory note existed. DAVISON has made no repayment of the promissory note principal.

In 2003, DAVISON induced Investor H to purchase a contract worth approximately \$170,000 and paying approximately 8% interest knowing that no such contract existed and that the principal amount was converted by DAVISON. DAVISON paid interest on the note knowing that no principal balance existed.

Because there is no parole in the federal system, the "truth in sentencing" guidelines

mandate that DAVISON will likely serve **all** of the time imposed by the court. In the federal system, DAVISON does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Leif M. Johnson prosecuted the case for the United States.

The investigation was conducted by the Federal Bureau of Investigation.

DAVID DOWNS

DAVID DOWNS, a 38-year-old resident of Colorado, was sentenced to a term of:

- Prison: 45 months
- Special Assessment: \$300
- Restitution: \$7,748.96
- Supervised Release: 5 years

DOWNS was sentenced in connection with his guilty plea to bank fraud, mail fraud, and aggravated identity theft.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On September 2, 2005, DOWNS pledged a vehicle title in the name of *David Lance O'Connor* for a 1991 Ford Explorer to obtain a title loan from Helena Title Loans.

Testimony would have shown that DOWNS completed loan documentation in the name of *David Lance O'Connor* and represented that the Social Security number he used was his own account number in order to secure a \$1,500 loan. However, the Social Security number DOWNS used in securing the title loan was not his Social Security number, but rather a valid account number belonging to another person. DOWNS did not have lawful authority to use the number.

On September 21, 2005, DOWNS deposited a counterfeit check in the amount of \$6,800 at the Elkhorn Federal Credit Union in Helena.

The check was purportedly written from the Bank of America account of Computer Graphics, Inc. of Casa Grande, Arizona, and made out to O'Connor Enterprises. The memo line indicated that the funds were for “Office Equipment and Furniture.” Testimony and credit union documentation would have established that the check was counterfeit.

Testimony would have been presented to show that DOWNS proceeded to withdraw and expend funds from the Elkhorn account based on the fraudulent deposit of the

counterfeit Bank of America check.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that DOWNS will likely serve **all** of the time imposed by the court. In the federal system, DOWNS does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Michael S. Lahr prosecuted the case for the United States.

The investigation was conducted by the Bureau of Immigration and Customs Enforcement.

THOMAS EDWARD FITZPATRICK

THOMAS EDWARD FITZPATRICK, *d/b/a M&T Auto Body*, a 56-year-old resident of Kalispell, was sentenced to a term of:

- Home Confinement: 1 year, with 6 months electronic monitoring
- Special Assessment: \$100
- Restitution: \$133,367.76 @ \$1,000/month
- Supervised Release: 5 years

FITZPATRICK was sentenced in connection with his guilty plea to participating in a conspiracy to alter vehicle identification numbers, buy, receive or possess vehicles or vehicle parts knowing the identification numbers had been altered, and/or commit wire fraud by giving up vehicles and filing false insurance claims.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

Beginning in approximately September of 1999, and continuing until at least April 2, 2002, FITZPATRICK, Cameron William Swift, Wade Rodgers, Dustin Avery Spangle, Michael Joseph Stanisich, and several other individuals were involved in a chop-shop conspiracy. Some of the individuals stole vehicles, usually from automobile dealerships, and provided the vehicles to Rodgers. Other conspirators participated in “owner give-ups” of their vehicles by providing the keys to another person, and then filing false police reports asserting that the vehicles had been stolen. In addition to the police reports, the individuals who engaged in owner give-ups also filed false insurance claims in order to fraudulently obtain the proceeds of their policy coverage. FITZPATRICK, who ran M&T Auto Body, received many of the stolen and surrendered vehicles from these individuals.

Rodgers, who ran a body shop in a building located on land owned by one of the co-conspirators, received many of the stolen and surrendered vehicles from this individual and others, several of which Rodgers provided to Fitzpatrick.

On November 9, 2002, Flathead County Sheriff's officers executed a search warrant at Fitzpatrick's M&T Auto Body property and another co-conspirator's residence. At this co-conspirator's property, in and around the shop rented and run by Rodgers, officers recovered the following vehicle parts:

- (1) The engine to a 1999 gray Chevrolet Tahoe that had been reported stolen by Thrifty Car Rental in Spokane on April 21, 2001;
- (2) The engine to the 2001 Dodge pickup that was stolen from Kari Dodge in the spring of 2001 in Kalispell (referenced below); and
- (3) Four doors from the 2001 Chevrolet Geo Tracker that was stolen from Don K Chevrolet in May of 2001 in Whitefish (referenced below).

On November 10, 2002, Flathead County Sheriff's officers executed a search warrant at FITZPATRICK'S M&T Auto Body property. At FITZPATRICK'S property, officers recovered the following vehicles or vehicle parts:

- (1) a 2001 red Chevrolet Camaro that had been reported stolen from Lithia Motors in Spokane on April 30, 2001;
- (2) a 2000 white Chevrolet pickup truck that been reported stolen from America West Auto Sales in Kalispell on May 25, 2001;
- (3) a 1997 green Nissan Pathfinder that had been reported stolen by SPANGLE in Spokane on November 2, 2001;
- (4) the frame to a 2001 blue and silver Dodge Ram pickup truck that had been reported stolen by another of the individuals involved in the conspiracy in Spokane on November 27, 2001; and
- (5) the engine to a 1999 gray Chevrolet Tahoe that had been reported stolen by Thrifty Car Rental in Spokane on April 21, 2001.

One of the individuals involved in the conspiracy was interviewed on several occasions by law enforcement and admitted to his involvement in the conspiracy. He described in detail his role in the theft and receipt of several vehicles and further described providing those vehicles to FITZPATRICK or Rodgers.

This individual described traveling with Stanisich to Missoula on July 9, 2000, to "steal" a 1996 Ford Explorer that belonged to Stanisich. The individual provided that vehicle to another co-conspirator, who provided it to yet another co-conspirator. The theft was reported by Stanisich's mother, who was driving the Explorer at that time, and she also filed an insurance claim on the vehicle.

The individual described participating with Stanisich and Spangle in Spangle's owner give-up of his 1997 green Nissan Pathfinder. The individual and Stanisich traveled to Spokane on November 2, 2001, where Spangle provided the individual with the keys to the Pathfinder, which he then later reported stolen. Spangle proceeded to file an insurance claim on the "stolen" vehicle and the individual eventually provided the vehicle to Fitzpatrick. As noted above, the vehicle was recovered from M&T Auto Body

during the November 10, 2002 search.

FITZPATRICK was also interviewed on several occasions. He initially denied knowledge that the vehicles found on his property were stolen, but eventually admitted that he knowingly received stolen vehicles from the individual, including the red Camaro and white Chevrolet pickup.

Swift was interviewed and admitted to stealing a 1995 Chevrolet pickup truck from Karl Tyler Chevrolet in Missoula on April 2, 2002. Prior to the theft, he had asked FITZPATRICK whether he could use a truck. He then traveled to Missoula with a female companion, stole the truck, and provided it to FITZPATRICK for approximately \$800. He recalled that FITZPATRICK was upset that the vehicle had a manual transmission.

The female was interviewed on September 26, 2002, and described traveling with Swift to Missoula on April 2, 2002. She further described a conversation later with Swift during which he described his involvement in the "chopping" of cars. According to the female companion, Swift described obtaining vehicles for FITZPATRICK and others that could be used for parts and other repairs.

Swift, Stanisich, Spangle and Rodgers pled guilty to federal charges and have been sentenced.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that FITZPATRICK will likely serve **all** of the time imposed by the court. In the federal system, FITZPATRICK does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Timothy J. Racicot prosecuted the case for the United States.

The investigation was a cooperative effort between the Federal Bureau of Investigation and the Flathead County Sheriff's Office.

**RONALD DEAN GARLICK, and GARLICK HELICOPTERS, INC.
(GARLICK & GARLICK HELICOPTERS, INC.)**

RONALD DEAN GARLICK, a 69-year-old resident of Hamilton, and GARLICK HELICOPTERS, INC., (by and through Joyce Mildred Garlick), were sentenced.

RONALD GARLICK was sentenced to a term of:

- Home Arrest: 6 months
- Probation: 5 years

- Fine: \$10,000
- Special Assessment: \$100

GARLICK HELICOPTERS, INC., received the following sentence:

- Fine: \$12,000
- Special Assessment: \$400

They were sentenced in connection with their guilty pleas to fraud involving aircraft parts.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

GARLICK and GARLICK HELICOPTERS, INC. were in the process of assembling an experimental helicopter for an individual who resides in Freeport, Grand Bahama.

One of the parts that GARLICK intended to place on the aircraft was a swashplate support assembly, part number 206-010-452-1, serial number RE3563.

The chief inspector for GARLICK HELICOPTERS, INC. realized the swashplate support assembly, which is a time-limited part, had no traceable documents to verify its life history and remaining hours of service, if any. He was concerned that the Federal Aviation Administration ("FAA") would not certify the aircraft if it contained untraceable parts and, consequently, refused to place the assembly on the individual's aircraft. He informed GARLICK that a different swashplate would have to be installed on the individual's helicopter.

On May 23, 2006, after the conversation with the chief inspector, GARLICK filled out a "return to service" serviceable tag, or "yellow" tag, which would certify the airworthy nature of the part, and presented the tag to the parts manager for her signature.

The parts manager informed GARLICK that she did not hold the proper ratings, licenses, or certificates that would authorize her to sign the yellow tag, but GARLICK demanded that she sign it nonetheless. The parts manager felt coerced and threatened and eventually signed the tag despite the fact that she lacked the necessary qualifications to do so. She then reported the incident to the chief inspector, who alerted the FAA.

GARLICK prepared the form, which contained the GARLICK HELICOPTERS, INC. company name and address, while acting with apparent authority as an agent or representative of GARLICK HELICOPTERS, INC.

GARLICK faces possible penalties of 10 years in prison, a \$250,000 fine and 3 years supervised release. GARLICK HELICOPTERS, INC. faces possible penalties of 5

years probation and a \$10,000,000 fine.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that they will likely serve **all** of the time imposed by the court. In the federal system, they do have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Timothy J. Racicot prosecuted the case for the United States.

The investigation was conducted by the Office of the Inspector General for the Department of Transportation.

JAMES RALPH HENDERSHOT

JAMES RALPH HENDERSHOT was sentenced to a term of:

- Prison: 16 months
- Special Assessment: \$200
- Restitution: \$16,076
- Supervised Release: 3 years

HENDERSHOT was sentenced after having been found guilty during a 2-day trial of social security fraud and theft of government property.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that HENDERSHOT will likely serve **all** of the time imposed by the court. In the federal system, HENDERSHOT does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Ryan M. Archer prosecuted the case for the United States.

The investigation was conducted by the Inspector General’s Office for the Social Security Administration.

LOWELL TIMOTHY HOWELL

LOWELL TIMOTHY HOWELL, a 45-year-old resident of Georgia, was sentenced to a term of:

- Prison: 6 months
- Special Assessment: \$200
- Restitution: \$11,778
- Supervised Release: 3 years

HOWELL was sentenced in connection with his guilty plea to conspiracy and theft of government property.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

In 2005, HOWELL and another individual, James Gus Georgacopoulos, lived with a former desk clerk of the Esquire Hotel in Billings. The clerk was aware that Georgacopoulos had been stealing an individual's Veterans Administration (VA) checks since January 2005, when Georgacopoulos worked as a desk clerk at the Esquire. Georgacopoulos and HOWELL discussed their scheme in her presence. Georgacopoulos would steal the checks, forge the victim's signature, and then give them to HOWELL. HOWELL would then deposit the checks in his account and split the proceeds with Georgacopoulos. Conversation between the two relating to the scheme would occur approximately once a month. She also personally witnessed Georgacopoulos take the victim's mail from the Esquire and sign his name on some of the checks.

The intended recipient of these VA checks is currently an inmate at the Pinellas County Jail in Florida. He was interviewed regarding this matter and he stated that although he had applied for VA benefits, he had never received any money from the VA. He stated that he has memory problems, so he does not know if he knows HOWELL or Georgacopoulos. However, he stated that he never gave anyone permission to sign his name on checks and he has never given anyone a power of attorney.

A search for VA checks made payable to the victim by the Austin, Texas, Data Center for VA, initially revealed a total of 11 checks. The first check, for \$2,472, was cashed at Western Pawn Brokers.

The owner of Western Pawn Brokers, identified HOWELL as the person who cashed the check. HOWELL arrived at the store with another man, sitting in the truck, who the owner later learned to be Georgacopoulos. HOWELL told the owner that the check was written to the man in the truck, who was disabled and therefore unable to come and cash the check himself. The owner then cashed the check.

The other 10 checks were all negotiated at First Citizens Bank between February 1, 2005, and November 1, 2005 (date of checks). A search of First Citizens Bank's records indicated that HOWELL opened an account at that bank in October of 2004. Since then, 10 checks which had been made out to the victim, were all deposited into HOWELL'S account.

A later search at the Austin Data Center uncovered a check issued and deposited on November 1, 2005. That is the same date that Georgacopoulos stole the mail from the Esquire Motor Inn. That check, as well as another check issued December 2, 2005, were deposited into HOWELL'S account at First Citizens Bank.

The total amount of all the stolen VA checks is over \$11,000. Over the course of that time, HOWELL made numerous withdrawals from the First Citizens Bank account, completely depleting the funds in the account.

On December 21, 2005, HOWELL was interviewed and admitted to his role in the scheme. He stated that Georgacopoulos would steal the victim's checks and forge his signature on the back. Georgacopoulos would then give the checks to HOWELL, who would deposit them into his account and split the money with Georgacopoulos.

Georgacopoulos pled guilty to federal charges and has been sentenced.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that HOWELL will likely serve **all** of the time imposed by the court. In the federal system, HOWELL does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Carl E. Rostad prosecuted the case for the United States.

The investigation was a cooperative effort between the Federal Bureau of Investigation and the Office of the Inspector General for the Department of Veterans Affairs.

LEWIS ELDON HUFFINE

LEWIS ELDON HUFFINE, a 64-year-old resident of Bozeman, was sentenced to a term of:

- Prison: 6 months
- Special Assessment: \$100
- Restitution: \$6,482
- Fine: \$1,000
- Supervised Release: 2 years

HUFFINE was sentenced in connection with his guilty plea to social security fraud.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

Beginning on or about April 3, 2003, and continuing until on or about July 9, 2004, in Bozeman, HUFFINE made application to receive Social Security Retirement Insurance Benefit ("RIB") and Social Security Survivor's Insurance Benefit ("SIB") payments as Representative Payee for the use and benefit of his mother.

While acting as Representative Payee for his mother's RIB and SIB payments, HUFFINE converted such payments, or part of them, to a use other than for the use and benefit of his mother.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that HUFFINE will likely serve **all** of the time imposed by the court. In the federal system, HUFFINE does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

First Assistant U.S. Attorney Kurt G. Alme prosecuted the case for the United States.

The investigation was conducted by the Inspector General’s Office for the Social Security Administration.

MICHAEL DON HUTTON

MICHAEL DON HUTTON, a 59-year-old resident of Billings, was sentenced to a term of:

- Prison: 36 months
- Special Assessment: \$300
- Restitution: \$185,505.14
- Supervised Release: 3 years

HUTTON was sentenced in connection with his guilty plea wire fraud, mail fraud and money laundering.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

HUTTON was the principal of M.D. HUTTON Insurance, an insurance agency in Billings.

Between approximately May 1, 1999, and May 20, 2004, HUTTON issued thirty-eight performance and payment bonds on behalf of St. Paul Mercury Insurance Company and St. Paul Fire and Marine Company (the “St. Paul insurance companies”) to S.E., Incorporated (“SEI”). SEI paid HUTTON \$160,152 for the bonds.

Testimony would have shown that HUTTON did not notify the St. Paul insurance companies that it had issued the bonds and kept the insurance premiums that he had collected from SEI on the policies.

HUTTON admitted that he had known it was wrong for him to issue the unreported bonds and to retain the premiums from the bonds.

Between approximately September 24, 2002, and May 25, 2004, HUTTON submitted twenty-eight premium financing agreements to Provident Financial, Inc. (“Provident”), on behalf of twelve customers to obtain loans purportedly to pay the customers’ insurance premiums. HUTTON did not have the consent of the customers to obtain

premium loans on their behalf.

HUTTON forged the names of the customers on the premium finance agreements and submitted them to Provident, which resulted in Provident creating a loan account number for each customer's loan.

When Provident provided the loan proceeds to HUTTON, he kept them. When Provident provided the loan proceeds directly to the insurance company to pay the premium, HUTTON instead kept some or all of the premium paid to him by the customer that was supposed to be paid the insurance company. HUTTON used some of these loan proceeds and premiums to make payments on the loans to Provident. HUTTON repaid most of the premium loans on behalf of the customers before he reasonably should have known that the offense was about to be detected by a government agency, leaving a total of \$80,084 not repaid at that time.

On or about May 23, 2004, HUTTON mailed a check for \$7,067.83 from a U.S. Bank account to Provident, which Provident cashed. HUTTON knew that he had obtained the money transferred by the check from Provident in the premium loan mail fraud scheme described above. HUTTON mailed the check with the intent to make a payment on unauthorized customer loans to promote the premium loan mail fraud scheme with Provident.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that HUTTON will likely serve **all** of the time imposed by the court. In the federal system, HUTTON does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

First Assistant U.S. Attorney Kurt G. Alme prosecuted the case for the United States.

The investigation was conducted by the Federal Bureau of Investigation, the Criminal Investigation Division of the Internal Revenue Service, and the Montana State Auditor's Office.

CONNIE JO JENSEN

CONNIE JO JENSEN, a 37-year-old resident of Great Falls, was sentenced to a term of:

- Prison: 40 months
- Special Assessment: \$200
- Restitution: Jensen was ordered to pay restitution in the amount of \$31,000. Although the total loss was \$209,000, Jensen had made substantial repayment on the loss prior to resentencing
- Supervised Release: 5 years

JENSEN was sentenced in connection with her guilty plea to bank and credit card fraud.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On February 25, 1999, JENSEN began working for a Great Falls dentist, *dba Family Dental Center*. JENSEN began her employment with the dentist as a dental assistant.

In August of 2003, JENSEN assumed the responsibilities of office manager. As an office manager, her duties included paying Family Dental Center bills, preparing and issuing payroll, reconciling bank and credit accounts, other bookkeeping, and filling purchase orders.

As early as February of 2003, questionable charges appeared on the business credit card accounts, although the initial irregularities and all those that followed were not discovered until a private audit was performed in March and April of 2007. The audit revealed that JENSEN stole over \$200,000 from Family Dental Center and the dentist between February 18, 2003, and when she was terminated on March 2, 2007.

JENSEN conceived of and implemented two methods to embezzle monies from the Family Dental Center. With one scheme, JENSEN would either take cash advances off the office MBNA America credit card, or make purchases that were personal and not for office purposes. In the other scheme, accessing the business account at Mountain West Bank in Great Falls, a federally insured bank, JENSEN would have the dentist either sign blank office checks which she would then use to pay personal bills, get cash, or make personal purchases, or she would have the dentist sign checks already completed knowing that he would trust her to only issue checks for the benefit of the business and therefore sign them without additional review.

For the period of the indictment – approximately January of 2004 to March of 2007 – the total loss to the dentist and his business was \$204,669.99, or an average of \$5,250 per month.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that JENSEN will likely serve **all** of the time imposed by the court. In the federal system, JENSEN does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Carl E. Rostad prosecuted the case for the United States.

The investigation was a cooperative effort between the U.S. Immigration and Customs Enforcement and the Great Falls Police Department.

MICHAEL JOSEPH KENNEDY

MICHAEL JOSEPH KENNEDY, a 46-year-old resident of Butte, was sentenced to a term of:

- Probation: 5 years
- Special Assessment: \$100
- Restitution: \$15,621.81 plus interest

KENNEDY was sentenced in connection with his guilty plea to embezzlement from a labor union.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

From April 13, 2003, until June 4, 2005, KENNEDY was the financial-secretary for the Painters Local Union 720 in Butte.

Between October 22, 2003, and March 22, 2005, KENNEDY embezzled \$15,612.81 by writing 84 unauthorized checks to himself, for cash and to third parties. During that time, he also forged the names of other union officials and made false entries in the books and records of the union to conceal the embezzlement.

The thefts were discovered when nine of the checks written by KENNEDY at local bars were rejected due to insufficient funds. When interviewed, KENNEDY admitted the theft.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that KENNEDY will likely serve **all** of the time imposed by the court. In the federal system, KENNEDY does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Carl E. Rostad prosecuted the case for the United States.

The investigation was conducted by the Department of Labor.

THERESA L. KNOBLE

THERESA L. KNOBLE, a 37-year-old resident of Poplar, was sentenced to a term of:

- Prison: 14 months
- Special Assessment: \$100
- Restitution: \$5,071.11
- Supervised Release: 5 years

KNOBLE was sentenced in connection with her guilty plea to bank fraud/check kiting scheme.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On May 28, 2003, KNOBLE deposited a check for \$2,000 from her account at the First Community Bank (FCB) to her account at the Western Cooperative Credit Union (WCCU). The teller at WCCU called FCB to ensure that KNOBLE had sufficient funds to cover the check. The teller was informed that KNOBLE'S account could not cover the check. Suspicious that she may be check-kiting, the WCCU began to look into KNOBLE'S account. They found that she had been regularly depositing checks from her WCCU account into her FCB account, and vice versa. Convinced that KNOBLE was check-kiting, WCCU closed her account on June 2, 2003. When her account at WCCU was closed, she had a positive balance on that account.

On June 26, 2003, FCB was informed by WCCU that they had caught KNOBLE kiting checks between her accounts at FCB and WCCU. FCB examined her account, and discovered that she had a negative balance of \$5,920. Four checks, totaling \$10,000, had been written from KNOBLE'S WCCU account to her FCB account. Those checks had all been returned to FCB because of insufficient funds or closed account at WCCU. FCB had contacted KNOBLE about her overdrawn account and she expressed her desire to repay that amount to FCB. However, since that conversation, KNOBLE had not contacted FCB or made any payments toward that account.

WCCU confirmed that the bank had discovered KNOBLE'S check-kiting scheme. In response to that discovery, her accounts at WCCU were closed.

KNOBLE had two accounts at WCCU and one account at FCB. KNOBLE admitted to investigators that she had kited checks between her three accounts. She stated that she began by writing two checks from her FCB account to a business which cashed those checks. Her FCB account did not contain enough money to cover those checks. However, before those businesses had a chance to collect on those checks, she wrote a check from her WCCU account to her FCB account to cover the difference between her balance and the checks she had written. This gave FCB the illusion that her account had sufficient funds to cover those checks. KNOBLE admitted that she had known at the time that she did not have enough money in her WCCU accounts to cover the checks she had written to FCB. She then wrote a check from her FCB account to her WCCU account to cover the difference. Thus, her check-kiting scheme began when she continued to shuffle checks between those accounts in an attempt to deceive the banks into thinking her accounts contained more money than she had deposited. This process was possible, according to FCB at least in part, because it takes six-eight days to process checks between FCB and WCCU. As long as she deposited new checks within that window of time, she could maintain the illusion that she had sufficient funds in both of her accounts to cover her expenditures, while in reality her accounts

were substantially overdrawn.

KNOBLE stated that she began kiting checks at the end of April of 2003. A Check Kite Analysis System (CKAS) review of KNOBLE'S banking activities revealed at least 24 inter-account transfers that appear to have been part of her check-kiting scheme during May of 2003. These inter-account transfers enabled KNOBLE to maintain the illusion that she had positive balances on her accounts, while in reality her accounts were consistently overdrawn. By writing checks back and forth between her accounts, she was able to draw more than \$5,000 beyond her actual balance from her accounts, while maintaining the illusion of positive (or only slightly overdrawn) balances. In June of 2003, her check-kiting scheme was uncovered and terminated when WCCU closed her accounts. Between June of 2003 and September of 2003, she maintained a negative balance of at least \$5,000 at her FCB account, and when FCB was last contacted, she had not paid off that balance.

During the four months of the kite, from May 1 to September 4, KNOBLE deposited over \$44,100 in inter-account checks into her three accounts to perpetuate the "float," that is the fundamental transfer of non-existent funds between accounts.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that KNOBLE will likely serve **all** of the time imposed by the court. In the federal system, KNOBLE does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Carl E. Rostad prosecuted the case for the United States.

The investigation was conducted by the Federal Bureau of Investigation.

BERNARD LAMBERT AND DESIREE DEAN KIRN LAMBERT

BERNARD LAMBERT, age 58, and DESIREE DEAN KIRN LAMBERT, age 51, residents of Poplar, were sentenced.

BERNARD LAMBERT was sentenced in connection with his guilty plea to conspiracy to defraud the United States and making false claims to a term of:

- Prison: 12 months
- Special Assessment: \$100
- Restitution: \$12,000
- Supervised Release: 3 years

DESIREE LAMBERT was sentenced in connection with her guilty plea to theft and making false claims to a term of:

- Prison: 12 months

- Restitution: \$13,855.74
- Special Assessment: \$225
- Supervised Release: 3 years

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

The Office of the Inspector General for the Department of the Interior received information that the then Director of the Fort Peck Department of Education, DESIREE DEAN KIRN LAMBERT, had criminally misapplied federal funds by authorizing payments to BERNARD LAMBERT, ostensibly for writing grants on behalf of the Fort Peck Department of Education.

Testimony would have been provided that from November of 2001 to December of 2002, DESIREE LAMBERT authorized four payments to BERNARD LAMBERT, who at that time, was the Superintendent for the Brockton School District. The four payments totaled \$12,000, which was payment for writing ten grant applications on behalf of the Fort Peck Department of Education. The grant applications BERNARD LAMBERT had been paid to write were for grants from various corporations and a 21st Century Grant from the U.S. Department of Education (DOE). However, investigation revealed through contact with the various corporations and the DOE, that none of the grant applications that BERNARD LAMBERT had been paid to write were ever received or funded.

DESIREE LAMBERT was interviewed and stated that BERNARD LAMBERT wrote all of the grant applications for which he was paid. DESIREE LAMBERT further stated that the Education Department did not receive any of the grants for which BERNARD LAMBERT wrote applications. DESIREE LAMBERT claimed to be in possession of the diskette that BERNARD LAMBERT submitted that contained all of the grant applications; however, the diskette was never provided to the Department of Interior.

BERNARD LAMBERT was interviewed and admitted that he had been paid \$12,000. He also stated that he wrote all of the grant applications that he was paid to write. He claimed he submitted all ten of the grant applications on a single diskette to DESIREE LAMBERT in February or March of 2003. He further stated he was still in possession of the diskette which contained all of the grant applications. He repeatedly stated that he would provide this diskette to the Department of Interior, however, the diskette was never provided to the Department of Interior.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that BERNARD LAMBERT and DESIREE LAMBERT will likely serve **all** of the time imposed by the court. In the federal system, BERNARD LAMBERT and DESIREE LAMBERT do have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Carl E. Rostad prosecuted the case for the United States.

The investigation was a cooperative effort between the Office of the Inspector General for the Department of the Interior and the Office of the Inspector General for the U.S. Department of Education.

DARREN WILLIAM LEHUNE

DARREN WILLIAM LEHUNE, a 36-year-old resident of Canada, was sentenced to a term of:

- Prison: 42 months
- Special Assessment: \$400
- Supervised Release: 5 years

LEHUNE was sentenced in connection with his guilty plea to wire fraud, aggravated identity theft, bank fraud and interstate transportation of a stolen vehicle.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On April 11, 2005, an agent with the Immigration and Customs Enforcement (ICE) resident agency in Casper, Wyoming, was notified by the Wyoming Campbell County Sheriff's Office that they had LEHUNE, a Canadian citizen, in custody. LEHUNE had been arrested in Missouri and extradited to Wyoming on charges of larceny and theft of a pickup truck and horse trailer.

Upon investigation, it was determined that LEHUNE was a Canadian citizen illegally in the United States. The agent also learned of other possible criminal conduct by LEHUNE in or related to Montana and contacted the ICE resident agency in Montana. A joint investigation of the additional conduct ensued consisting of the following:

On October 25, 2004, LEHUNE began work for Faith Drilling, in Chinook, and represented himself to be an individual from Austin, Texas, hereafter referred to as "D.W.B." LEHUNE's employment with Faith Drilling terminated on December 12, 2004.

On December 14, 2004, LEHUNE appeared at the Musselshell Equipment Sales Company, Inc., a Chevrolet dealership in Roundup, where he falsely represented himself to be "D.W.B." and filled out a credit application to purchase a new 2005 Chevrolet 2500 extended cab pickup truck. On the application which was submitted to GMAC, LEHUNE stated that he was "D.W.B." and provided the real "D.W.B.'s" name, Social Security number and date of birth on the application. He also stated that he was employed by Faith Drilling when, in fact, that employment had terminated; and that he had been employed by Faith Drilling for two years when, in fact, he was employed by them approximately 6 weeks.

Through the application, LEHUNE obtained possession and control of GMAC funds with which he purchased the 2005 Chevy pickup truck. The amount financed exceeded \$30,000.

On December 29, 2004, LEHUNE appeared in Butte at the Thunderbolt Harley-Davidson motorcycle dealership. He filled out an "Eaglemark Savings Bank, Credit Application – Customer Statement" as part of the financing process for a 2005 HD motorcycle. The total purchase price was \$18,335 after accessories. On the credit statement, LEHUNE stated that he was "D.W.B." and provided the real "D.W.B.'s" name, Social Security number and date of birth on the application. He also stated that he was employed by Faith Drilling when, in fact, that employment had terminated; and that he had been employed by Faith Drilling for four and a half years when, in fact, he was employed by them approximately 6 weeks.

Through the false application, LEHUNE obtained possession and control over Eaglemark Saving Bank funds which he used to purchase the 2005 HD motorcycle on December 29, 2005.

Testimony would have been presented to show that LEHUNE transported, or caused to be transported, the HD motorcycle from Montana to Wyoming, and then to Texas where it was ultimately found. It was recovered in San Antonio, Texas, on March 28, 2005, after LEHUNE had abandoned it upon an accident near there.

The real "D.W.B." would have testified that he never gave permission to LEHUNE to use his identity in any manner. "D.W.B." would have also testified that he met LEHUNE in Austin, Texas, in September of 2004. LEHUNE gave his name as "Bill Knight."

LEHUNE had met a female friend of "D.W.B.'s" in Alaska while posing as Knight and became employed as a fishing guide. "D.W.B.'s" friend became "engaged" to LEHUNE while in Alaska for the summer, and brought LEHUNE to Texas. "D.W.B." agreed to let LEHUNE stay in his house as a favor to his friend.

On October 14, 2004, "D.W.B." went out of town. "D.W.B.'s" Mercedes car, his passport, his Social Security card, approximately \$5,000 in cash, and LEHUNE, were missing when he returned. "D.W.B.'s" Mercedes was recovered approximately one month later in Dallas, Texas, with \$4,000 in damages.

Since the theft of his identity by LEHUNE, "D.W.B." learned that LEHUNE had used his Social Security number and credit to obtain cell phone accounts, a pickup truck, and a motorcycle.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that LEHUNE will likely serve **all** of the time imposed by the court. In the federal system, LEHUNE does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Elizabeth A. Horsman prosecuted the case for the United States.

The investigation was a cooperative effort between the United States Immigration and Customs Enforcement agents in Wyoming and Helena, and the Campbell County Sheriff's Office in Casper, Wyoming.

JEFFREY R. LONEY and KEVIN J. MASSICK
(LONEY & MASSICK)

JEFFREY R. LONEY, age 51, and KEVIN J. MASSICK, age 49, residents of Billings, were sentenced as follows:

LONEY was sentenced to a term of:

- Probation: 4 years, with 6 months home detention
- Restitution: \$27,564
- Supervised Release: 2 years

MASSICK was sentenced to a term of:

- Prlson: 1 month, with 5 months home detention
- Restitution: \$55,128
- Supervised Release: 3 years

They were sentenced in connection with their guilty pleas to conspiracy to commit mail and wire fraud.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

In the summer of 1999, LONEY, the fleet manager of Thrifty Car Rental in Billings, and MASSICK, the owner of Fas-Break in Billings, agreed to a scheme where they would over bill Thrifty customers and insurers for windshield damage. LONEY and MASSICK both profited from the scheme which lasted until the FBI executed search warrants in January of 2003.

Customers returning vehicles with any kind of windshield damage, including minor nicks and chips, were told that the windshield had to be replaced. Fas-Break prepared invoices, frequently for over \$1,000, showing replacement of the windshield, when in numerous cases, the windshields were not replaced, instead a \$25 chip repair had been done.

The current owner of Thrifty Car Rental fully cooperated with the investigation.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that they will likely serve **all** of the time imposed by the court. In the federal system, they do have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorneys Eric B. Wolff and Leif M. Johnson prosecuted the case for the United States.

The investigation was conducted by the Federal Bureau of Investigation.

BRIDGET SUE LOUDON

BRIDGET SUE LOUDON, a resident of Circle, was sentenced to a term of:

- Prison: 1 day
- Special Assessment: \$100
- Supervised Release: 3 years

LOUDON was sentenced in connection with her guilty plea to embezzlement by a credit union employee.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

In September 2004, LOUDON was a loan officer and back-up teller at the McCone County Federal Credit Union, a federally insured credit union in Circle.

From approximately September of 2004 until July 26, 2006, LOUDON embezzled credit union funds by diverting monies into her personal account and then concealing the diversions through fraudulent computer entries.

On July 11, 2005, McCone County Federal Credit Union’s internal auditor conducted an audit of the teller drawers at the credit union. To cover the fact that her drawer would show a deficit of \$4,300, LOUDON made two computer transactions debiting McCone County Federal Credit Union student loan accounts and crediting the General Ledger. These two computer transactions were sufficient to conceal the shortage in her teller drawer. Immediately after the audit, LOUDON reversed the transactions. LOUDON was able to effect these transactions out of and into the student loan accounts because she was the credit union officer responsible for all but a small percentage of all student loans issued by the McCone County Federal Credit Union.

The following year, on July 19, 2006, while LOUDON was on vacation, the McCone County Federal Credit Union Head Teller decided to conduct a cash count of LOUDON’S cash drawer. The Head Teller had grown suspicious of LOUDON because LOUDON had made a series of unauthorized overriding account entries. The count

revealed that there was a \$12,300 difference between the computer balance and the actual cash on hand.

McCone County Federal Credit Union officials advised LOUDON on the morning of July 26, 2006, the day she returned from her vacation, that they were going to conduct a cash drawer audit of her drawer that afternoon. That afternoon, LOUDON began reducing the balance in her drawer by making a series of withdrawals from her own accounts and crediting the credit union's vault and cash accounts. Ultimately, LOUDON was able to nearly balance her teller account by taking money from her mother's account, depositing a \$9000 Citibank Federal Savings check (of the kind that are often issued with credit card accounts), and withdrawing money from her own savings account.

Later that day, LOUDON was asked what her cash drawer balance was and she pointed to the \$12,717.19 figure on the printed cash box sheet. She was then confronted with photographs taken of her teller drawer on July 19 reflecting its contents to be only a little more than \$350. LOUDON then confessed to embezzling the funds, explained how she had covered the \$4,300 shortage a year earlier, and explained how she had balanced her till that day when she found out about the audit.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that LOUDON will likely serve **all** of the time imposed by the court. In the federal system, LOUDON does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Carl E. Rostad prosecuted the case for the United States.

The investigation was conducted by the Federal Bureau of Investigation.

DAMIEN ALLEN NICKERSON

DAMIEN ALLEN NICKERSON, a 23-year-old resident of Kalispell, was sentenced to a term of:

- Prison: 36 months
- Special Assessment: \$200
- Restitution: \$16,969.79 (interest waived)
- Supervised Release: 3 years

NICKERSON was sentenced in connection with his guilty plea to conspiracy to commit bank fraud and aggravated identity theft.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

Beginning in October of 2005, the Flathead County Sheriff's Office began an investigation into the theft of checks from various individuals and the passing of those checks at various area businesses.

The investigation eventually led to an individual who was interviewed on January 10, 2006, regarding forged checks on a Mountain West Bank account of "D.R.B." She attempted to identify the checks that she had forged and the checks that NICKERSON had forged.

This individual indicated that NICKERSON had forged a check on October 30, 2005, in the amount of \$60, payable to Dam Town, a bar near Columbia Falls.

The individual further stated that both she and NICKERSON had stolen checks from "M.B." (from an account with BankOne) and forged some of those checks, as did yet another individual. The individual also stated that NICKERSON stole checks from "A.J.'s" residence.

On January 17, 2006, an agent interviewed the other individual that had been named. This individual also admitted her involvement in the conspiracy and admitted that she knew that NICKERSON and the first individual were stealing checks from several people, including "D.R.B." and "A.J."

On January 17, 2006, the Flathead County Sheriff's Office intercepted a letter from the first individual to NICKERSON, both of whom were then inmates at the Flathead County Detention Center. In the letter, the individual told NICKERSON to cooperate with the investigation and "tell them all about everyone and all the checks."

On August 1, 2006, NICKERSON was transported by an officer from Kalispell to Missoula. The officer told NICKERSON that he was being arrested on a federal warrant and being transported to Missoula for an initial appearance on federal charges. NICKERSON then asked whether the first individual would be charged federally and stated that she should also be charged because she wrote almost all the checks. NICKERSON acknowledged that he had made a mistake, but reiterated that the first individual "did the most."

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that NICKERSON will likely serve **all** of the time imposed by the court. In the federal system, NICKERSON does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Timothy J. Racicot prosecuted the case for the United States.

The investigation was conducted by the United States Secret Service.

SARA PLUID

SARA PLUID, a 20-year-old resident of Kalispell, was sentenced to a term of:

- Probation: 24 months
- Special Assessment: \$100
- Restitution: \$1,140.70

PLUID was sentenced in connection with her guilty plea to conspiracy to commit bank fraud.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

In October of 2005, the Flathead County Sheriff's Office initiated an investigation into the theft of checks from various individuals and the passing of those checks at various area businesses. That investigation eventually led to one of PLUID'S co-defendants, Krista Michelle Hummer. Hummer was interviewed on January 10, 2006. During the course of the interview, Hummer admitted that both she and another co-defendant, Damien Nickerson, had stolen checks from individuals and businesses and forged those checks in order to obtain goods, services, or cash.

Hummer acknowledged forging checks on the Mountain West Bank account of "D.R.B.", the BankOne account of "M.B.", the Wells Fargo Bank account of "A.J.", and the First Citizen's Bank Account of Glacier Lite Form, an area business.

Hummer also told law enforcement that PLUID was involved in the conspiracy, particularly with regard to the Glacier Lite Form checks. Hummer stated that she (Hummer) signed some of the Glacier Lite Form checks, using the name Bob Cook, and provided those checks to PLUID to complete and use as she pleased. Hummer also made two Glacier Lite Form checks payable directly to PLUID, which PLUID later cashed.

On January 17, 2006, PLUID was interviewed by law enforcement. PLUID admitted her involvement in the conspiracy and admitted that she knew that Nickerson and Hummer were stealing checks from several people, including "D.R.B." and "A.J." PLUID described watching Hummer forge some checks from a Glacier Lite Form account with First Citizen's Bank and PLUID admitted to using some of those checks to purchase clothing and food. PLUID also admitted that Hummer had filled out two checks as payable to her (PLUID) and that she had cashed those checks at a local grocery store. One of the checks she cashed was in the amount of \$337.64 and contained the words "Payroll Check" in the memo section. Nickerson and Hummer both pled guilty to federal charges and have been sentenced.

Because there is no parole in the federal system, the "truth in sentencing" guidelines

mandate that PLUID will likely serve **all** of the time imposed by the court. In the federal system, PLUID does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Timothy J. Racicot prosecuted the case for the United States.

The investigation was conducted by the United States Secret Service.

MISTY ILENE RAY

MISTY ILENE RAY, a 26-year-old resident of Great Falls, was sentenced to a term of:

- Prison: 39 months
- Special Assessment: \$200
- Restitution: \$55,948.39
- Supervised Release: 3 years

RAY was sentenced in connection with her guilty plea to wire fraud and aggravated identity theft.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

RAY and another individual worked for B & R Check Holders, Inc., a check cashing business in Great Falls.

Between January 8, 2005, and June 21, 2005, RAY and this individual completed loan documents in customer files at B & R without the customers’ consent. The loan documents showed that a loan had been made to the customer. RAY or the other individual would then take the amount of the fraudulent loan from B & R and keep it.

On June 3, 2005, the Denver office of B & R called the Great Falls office to determine what transactions had occurred the previous day, to permit the Denver office to balance the company books. RAY, or the other individual with RAY’S knowledge, spoke to the Denver office and reported false loans from the previous day.

On June 10, 2005, as part of the fraud scheme, RAY, using a customer’s name, completed a loan document in the customer’s file for a \$300 loan. RAY then took the \$300 loan proceeds. RAY did not have the customer’s consent to use her name to obtain the loan.

When questioned, RAY admitted making false loans on customer accounts and keeping the money. During the period of the scheme, B & R suffered a loss of \$51,091.52.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that RAY will likely serve **all** of the time imposed by the court. In the federal system, RAY does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

First Assistant U.S. Attorney Kurt G. Alme prosecuted the case for the United States.

The investigation was a cooperative effort between the Bureau of Immigration and Customs Enforcement and the Great Falls Police Department.

MICHAEL W. RYAN

MICHAEL W. RYAN, a resident of Billings, was sentenced to a term of:

- Prison: 71 months
- Fine: \$100,000
- Restitution: \$55,128
- Supervised Release: 3 years

RYAN was sentenced after having been found guilty during a 6-day trial of conspiracy to commit mail and wire fraud, (14) counts of mail fraud, and (2) counts of wire fraud.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that RYAN will likely serve **all** of the time imposed by the court. In the federal system, RYAN does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorneys Leif M. Johnson and Eric B. Wolff prosecuted the case for the United States.

The investigation was conducted by the Federal Bureau of Investigation.

TRACY A. SCHROEDER

TRACY A. SCHROEDER, a 36-year-old resident of Bozeman, was sentenced to a term of:

- Prison: 30 days, plus 11 months home confinement with electronic monitoring for 3 months
- Special Assessment: \$100
- Supervised Release: 3 years

SCHROEDER was sentenced in connection with his guilty plea to bank embezzlement.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

SCHROEDER was a branch manager for First Interstate Bank in Bozeman ("FIB").

From on March 15, 2002, until January 20, 2006, SCHROEDER embezzled approximately \$34,632.07 from FIB.

SCHROEDER had funds transferred from two overdraft accounts and an expense account at FIB to a credit card advance clearing account. She then had the funds transferred to two joint accounts she shared with her husband and an account belonging to his business. SCHROEDER concealed her identity by transferring funds on deposit tickets on which she only wrote the depositing account number, not personal information which was usually required.

When confronted, SCHROEDER admitted to taking the funds. SCHROEDER further admitted she knew it was wrong to take the funds.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that SCHROEDER will likely serve **all** of the time imposed by the court. In the federal system, SCHROEDER does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

First Assistant U.S. Attorney Kurt G. Alme prosecuted the case for the United States.

The investigation was conducted by the Federal Bureau of Investigation.

RANJEET SINGH

RANJEET SINGH, a 30-year-old citizen of India and Manchester, England, was sentenced to a term of:

- Prison: 38 months
- Special Assessment: \$300
- Supervised Release: 3 years

SINGH was sentenced after having been found guilty during a 2-day trial of visa fraud, aggravated identity theft and identification fraud/document production.

At trial, the government presented evidence of the following:

On December 2, 2006, at approximately 8:30 p.m., SINGH, a citizen of India, applied for entry into the United States at the Port of Sweetgrass, between Calgary, Alberta, and Great Falls. He presented his resident alien card with class of admission based

upon marriage to a citizen of the United States, but was with a woman identified as his Canadian girlfriend. SINGH stated that he resides in England where he is a student. In secondary inspection, Customs and Border Protection (CBP) officers searched the vehicle and found a wedding dress, but more importantly, in luggage found a paper copy of an altered Resident Alien Card of another person, letters of apparent acceptance of other persons to universities in England, and apparent bank statements of other persons. CBP officers opened SINGH'S computer and discovered hundreds more documents as found in the vehicle, including: two computer templates for resident alien cards; complete alteration of the biographical page of SINGH's Indian passport and his British residence permit into a new identity; I.R.S. income tax returns in the names as seen on the false resident alien card templates; more templates for university acceptance letters; and affidavits referencing these documents in support of visa applications to the United Kingdom. CBP officers called agents with U.S. Immigration and Customs Enforcement (ICE).

The responding ICE agent obtained incriminating statements from SINGH. SINGH admitted to owning the computer in the vehicle, and that he had made a few sets of fraudulent documents for subjects. The sets of documents included fraudulent green cards (resident alien cards), false bank statements, false Internal Revenue Service (IRS) forms, and fraudulent letters of acceptance to universities in England. The sets of documents were sold to subjects to submit to British High Commissions around the world to support applications for immigration entry and status as students in the United Kingdom. E-mails stored in SINGH'S computer indicated he charged a fee up to £ 2250 (approximately U.S. \$4,500) per set. SINGH later admitted to producing the fraudulent acceptance letters for approximately a year and a half, and that he had created an unknown quantity.

SINGH had also on his computer scanned copies of his Indian passport and British residence permit (visa) in his computer and applied another name to them. He told ICE he had erased his name from the passport and visa because he had planned to use the false identity to obtain an international driving license.

SINGH faces possible penalties of 10 years in prison, a \$250,000 fine and 3 years supervised release for visa fraud and identification/document production. In addition, SINGH faces an additional mandatory two year imprisonment, consecutive to any other sentence, for aggravated identity theft for use of a real alien number on the false resident alien cards submitted to the British High Commission overseas.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that SINGH will likely serve **all** of the time imposed by the court. In the federal system, SINGH does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Elizabeth A. Horsman prosecuted the case for the United States.

The investigation was conducted by U.S. Customs and Border Protection at the Port of Sweetgrass and U.S. Immigration and Customs Enforcement, Great Falls Resident Agency. The United States received outstanding cooperation from the British Consulate in New York City, the British Embassy Prosecution Liaison in Washington, D.C., and the British High Commissions in Pakistan and Ghana.

This conviction is a direct result of the District of Montana's multi-agency Border Policy Initiative in place since mid-2002. This initiative combines inspection requirements at the ports of entry with direct immediate access to an Assistant U.S. Attorney, and prompt ICE and FBI border response.

LANNY KIM SKALSKY

LANNY KIM SKALSKY, a 54-year-old resident of Powell, Wyoming, was sentenced to a term of:

- Prison: 24 months
- Special Assessment: \$200
- Restitution: \$147,437.67
- Supervised Release: 3 years

SKALSKY was sentenced in connection with his guilty plea to mail fraud and money laundering.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

SKALSKY was an agricultural chemical salesman for Helena Chemical Corporation (HCC) in Laurel.

Between April 2004 and December 2005, SKALSKY accepted orders for HCC chemicals from several weed and pest districts and several farmers in Wyoming. The customers paid SKALSKY for the chemicals and he kept some or all of the money.

SKALSKY had HCC provide most of the chemicals. SKALSKY did not have chemicals delivered to two customers, causing the loss of \$16,918 to one, and \$1,867.50 to the other.

SKALSKY had HCC send the bills for the chemicals by mail to Joliet Flying Services. SKALSKY told the owner of Joliet Flying Services that the accounts would not be paying SKALSKY until December of each year. The owner agreed to this billing arrangement because of the program benefits/rebates that were provided to volume buyers.

In 2004, SKALSKY got behind on his payments to the owner of Joliet Flying Services.

On December 22, 2004, SKALSKY made a \$95,000 payment of funds from the mail fraud scheme to the owner. The owner deposited the funds in an account at First Citizens Bank in Billings.

On March 23, 2005, SKALSKY also made a \$3,500 payment to the owner. The owner paid those amounts to HCC. Notwithstanding those payments, HCC suffered a loss of at least \$178,652.17.

When questioned by an investigator from HCC, SKALSKY admitted that he had intended to defraud the victims and confessed to the crime.

On September 25, 2005, SKALSKY had HCC send an envelope by mail to Joliet Flying Services which contained an invoice for \$16,627.60 for chemicals related to the scheme.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that SKALSKY will likely serve **all** of the time imposed by the court. In the federal system, SKALSKY does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

First Assistant U.S. Attorney Kurt G. Alme prosecuted the case for the United States.

The investigation was a cooperative effort between the Federal Bureau of Investigation and the Criminal Investigation Division of the Internal Revenue Service.

ROSCOE SMITH

ROSCOE SMITH, a 30-year-old resident of Memphis, Tennessee, was sentenced on the charge of false documents to a term of:

- Probation: 5 years
- Special Assessment: \$100.00
- Restitution: \$7,577

On or about September 23, 2001, SMITH knowingly and willfully used and caused to be used a false document knowing it contained a false material statement. Specifically, SMITH caused an Institutional Student Information Record form to be sent to Montana State University in Bozeman, Montana stating that his name was *John W. Mcguire* and that he was a first year student never having attended college before, when he knew that was not his real name and that he had attended college prior to the submission of the document

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that SMITH will likely serve **all** of the time imposed by the court. In the federal

system, SMITH and does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

First Assistant U.S. Attorney Kurt G. Alme prosecuted the case for the United States.

The investigation was conducted by Office of Inspector General for the Department of Education.

WILLIAM ORIN SMITH

WILLIAM ORIN SMITH, a 54-year-old resident of Billings, was sentenced to a term of:

- Prison: 42 months, consecutive to 2 state sentences
- Special Assessment: \$200
- Restitution: \$11,951
- Supervised Release: 7 years

SMITH was sentenced in connection with his guilty plea to bank fraud and aggravated identity theft.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On September 1, 2005, a customer purchased a recreational vehicle membership over the phone from a salesman of KM Resorts of America (“KM Resorts”). The customer provided the salesman with his personal information for the application. The salesman opened an MBNA America (“MBNA”) credit card account for the customer with the customer’s approval and agreement to be billed the membership fee.

On September 5, 2005, SMITH contacted MBNA, identified himself as the customer’s brother, and gave SMITH’S address in Billings. SMITH provided the customer’s name and date of birth which caused MBNA to honor SMITH’S request that it send him a credit card by priority overnight to SMITH’S address. On September 12, 2005, the customer informed MBNA that he has no brother and MBNA cancelled the card.

The owner of KM Resorts told investigators that SMITH used to work there and was good friends with a current employee. The customer’s application, taken by another employee, would have been accessible by SMITH’S friend. SMITH admitted that his friend gave him the customer’s information, but stated that his friend did not know that SMITH intended to commit a crime with it.

SMITH charged \$6,348 in purchases on the customer’s MBNA card. MBNA records show that the charges totaling \$6,348 were made on the customer’s MBNA card between September 2, 2005, and September 8, 2005. SMITH specifically admitted using the card to make two of the purchases on the account statement, a purchase at

Wal-Mart in Billings and the purchase of a Southern Leisure campground membership worth several thousand dollars.

On September 18, 2005, SMITH also obtained personal information of two other customers, a husband and wife, from his friend at KM Resorts. On September 19, 2005, SMITH used that information to make a charge on their MBNA credit card account without their consent. SMITH used the card to purchase a Southern Leisure campground membership for \$5,995 and collected a commission on the sale.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that SMITH will likely serve **all** of the time imposed by the court. In the federal system, SMITH does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

First Assistant U.S. Attorney Kurt G. Alme prosecuted the case for the United States.

The investigation was a cooperative effort between the U.S. Immigration and Customs Enforcement and Billings Police Department.

ANDRE RAMON SOMERSET

ANDRE RAMON SOMERSET was sentenced to a term of:

- Prison: 48 months
- Special Assessment: \$100
- Restitution: \$324,539
- Supervised Release: 3 years

SOMERSET was sentenced in connection with his guilty plea to mail fraud.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

In August of 2001, SOMERSET met an individual, hereafter identified as “S.W.”, a Billings auto broker. During this meeting, SOMERSET told “S.W.” he had people interested in purchasing high-end vehicles without going through dealerships. As their business relationship progressed, SOMERSET asked “S.W.” to locate the desired luxury cars and make arrangements for SOMERSET’S clients to buy them from various dealerships. All of the material information provided to the dealership regarding the car sales was false (i.e. stolen identities, incorrect addresses, false employment information, counterfeit driver’s licenses, false insurance information, etc.). SOMERSET would generally pick up the vehicles from the dealership.

Eight individual transactions, using “S.W.” as the middle-man, took place between October of 2001 and April of 2002. SOMERSET used the identities of eight people to

purchase expensive cars and obtain financing.

The individuals whose identities were stolen were all contacted and confirmed that they never participated in, or gave permission for their personal identification to be used for the purchase or financing of the vehicles.

The total loss caused by SOMERSET'S conduct was \$318,000.

On January 25, 2007, SOMERSET was interviewed, and although he initially denied any culpability in the use of the identities to obtain vehicles and financing, he subsequently admitted, by inference, that he had indeed committed the fraud, stating that it had been executed at a time when he was waiting for other criminal charges relating to a similar scheme involving real property to be resolved.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that SOMERSET will likely serve **all** of the time imposed by the court. In the federal system, SOMERSET does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Carl E. Rostad prosecuted the case for the United States.

The investigation was conducted by the Federal Bureau of Investigation.

DUSTIN AVERY SPANGLE

DUSTIN AVERY SPANGLE, a 33-year-old resident of Spokane Washington, was sentenced to a term of:

- Probation: 5 years
- Special Assessment: \$100
- Restitution: \$18,398.96

SPANGLE was sentenced in connection with his guilty plea to participating in a conspiracy to alter vehicle identification numbers, buy, receive or possess vehicles or vehicle parts knowing the identification numbers had been altered, and/or commit wire fraud by giving up vehicles and filing false insurance claims.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

Beginning in approximately September of 1999, and continuing until at least April 2, 2002, Thomas Fitzpatrick, Cameron William Swift, Dustin Avery SPANGLE, Stanisich, and several other individuals were involved in a chop-shop conspiracy. Some of the individuals stole vehicles, usually from automobile dealerships, and provided the

vehicles to one of the other individuals. Other co-conspirators participated in “owner give-ups” of their vehicles by providing the keys to another person, and then filing false police reports asserting that the vehicles had been stolen. In addition to the police reports, the individuals who engaged in owner give-ups also filed false insurance claims in order to fraudulently obtain the proceeds of their policy coverage. Fitzpatrick, who ran M&T Auto Body, received many of the stolen and surrendered vehicles from these individuals.

On November 10, 2002, Flathead County Sheriff’s officers executed a search warrant at Fitzpatrick’s M&T Auto Body property. At Fitzpatrick’s property, officers recovered the following vehicles or vehicle parts:

- (1) a 2001 red Chevrolet Camaro that had been reported stolen from Lithia Motors in Spokane on April 30, 2001;
- (2) a 2000 white Chevrolet pickup truck that been reported stolen from America West Auto Sales in Kalispell on May 25, 2001;
- (3) a 1997 green Nissan Pathfinder that had been reported stolen by SPANGLE in Spokane on November 2, 2001;
- (4) the frame to a 2001 blue and silver Dodge Ram pickup truck that had been reported stolen by another of the individuals involved in the conspiracy in Spokane on November 27, 2001; and
- (5) the engine to a 1999 gray Chevrolet Tahoe that had been reported stolen by Thrifty Car Rental in Spokane on April 21, 2001.

One of the individuals involved in the conspiracy was interviewed on several occasions by law enforcement and admitted to his involvement in the conspiracy. He described in detail his role in the theft and receipt of several vehicles and further described providing those vehicles to Fitzpatrick or another individual.

This individual described traveling with Stanisich to Missoula on July 9, 2000, to “steal” a 1996 Ford Explorer that belonged to Stanisich. The individual provided that vehicle to another co-conspirator, who provided it to yet another co-conspirator. The theft was reported by Stanisich’s mother, who was driving the Explorer at that time, and she also filed an insurance claim on the vehicle.

The individual further described participating with Stanisich and SPANGLE in SPANGLE’S owner give-up of his 1997 green Nissan Pathfinder. The individual and Stanisich traveled to Spokane on November 2, 2001, where SPANGLE provided the individual with the keys to the Pathfinder, which he then later reported stolen. SPANGLE proceeded to file an insurance claim on the “stolen” vehicle and the individual eventually provided the vehicle to Fitzpatrick. As noted above, the vehicle was recovered from M&T Auto Body during the November 10, 2002 search.

Fitzpatrick was also interviewed on several occasions. He initially denied knowledge that the vehicles found on his property were stolen, but eventually admitted that he

knowingly received stolen vehicles from the individual, including the red Camaro and white Chevrolet pickup.

Swift was interviewed and admitted that he stole a 1995 Chevrolet pickup truck from Karl Tyler Chevrolet in Missoula on April 2, 2002. Prior to the theft, he had asked Fitzpatrick whether he could use a truck. He then traveled to Missoula with a female companion, stole the truck, and provided it to Fitzpatrick for approximately \$800. Swift recalled that Fitzpatrick was upset that the vehicle had a manual transmission.

The female was interviewed on September 26, 2002, and described traveling with Swift to Missoula on April 2, 2002. She further described a conversation later with Swift during which he described his involvement in the “chopping” of cars. According to the female companion, Swift described obtaining vehicles for Fitzpatrick and others that could be used for parts and other repairs.

Fitzpatrick, Swift and Stanisich pled guilty to federal charges and have been sentenced.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that SPANGLE will likely serve **all** of the time imposed by the court. In the federal system, SPANGLE does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Timothy J. Racicot prosecuted the case for the United States.

The investigation was a cooperative effort between the Federal Bureau of Investigation and the Flathead County Sheriff’s Office.

MICHAEL JOSEPH STANISICH

MICHAEL JOSEPH STANISICH, a 34-year-old resident of California, was sentenced to a term of:

- Probation: 5 years
- Special Assessment: \$100
- Restitution: \$33,477.13

STANISICH was sentenced in connection with his guilty plea to participating in a conspiracy to alter vehicle identification numbers, buy, receive or possess vehicles or vehicle parts knowing the identification numbers had been altered, and/or commit wire fraud by giving up vehicles and filing false insurance claims.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

Beginning in approximately September of 1999, and continuing until at least April 2,

2002, Thomas Fitzpatrick, Cameron William Swift, Dustin Avery Spangle, STANISICH, and several other individuals were involved in a chop-shop conspiracy. Some of the individuals stole vehicles, usually from automobile dealerships, and provided the vehicles to one of the other individuals. Other co-conspirators participated in “owner give-ups” of their vehicles by providing the keys to another person, and then filing false police reports asserting that the vehicles had been stolen. In addition to the police reports, the individuals who engaged in owner give-ups also filed false insurance claims in order to fraudulently obtain the proceeds of their policy coverage. Fitzpatrick, who ran M&T Auto Body, received many of the stolen and surrendered vehicles from these individuals.

On November 10, 2002, Flathead County Sheriff’s officers executed a search warrant at Fitzpatrick’s M&T Auto Body property. At Fitzpatrick’s property, officers recovered the following vehicles or vehicle parts:

- (1) a 2001 red Chevrolet Camaro that had been reported stolen from Lithia Motors in Spokane on April 30, 2001;
- (2) a 2000 white Chevrolet pickup truck that been reported stolen from America West Auto Sales in Kalispell on May 25, 2001;
- (3) a 1997 green Nissan Pathfinder that had been reported stolen by Spangle in Spokane on November 2, 2001;
- (4) the frame to a 2001 blue and silver Dodge Ram pickup truck that had been reported stolen by another of the individuals involved in the conspiracy in Spokane on November 27, 2001; and
- (5) the engine to a 1999 gray Chevrolet Tahoe that had been reported stolen by Thrifty Car Rental in Spokane on April 21, 2001.

One of the individuals involved in the conspiracy was interviewed on several occasions by law enforcement and admitted to his involvement in the conspiracy. He described in detail his role in the theft and receipt of several vehicles and further described providing those vehicles to Fitzpatrick or another individual.

This individual described traveling with STANISICH to Missoula on July 9, 2000, to “steal” a 1996 Ford Explorer that belonged to STANISICH. The individual provided that vehicle to another co-conspirator, who provided it to yet another co-conspirator. The theft was reported by STANISICH’S mother, who was driving the Explorer at that time, and she also filed an insurance claim on the vehicle.

The individual further described participating with STANISICH and Spangle in Spangle’s owner give-up of his 1997 green Nissan Pathfinder. The individual and STANISICH traveled to Spokane on November 2, 2001, where Spangle provided the individual with the keys to the Pathfinder, which he then later reported stolen. Spangle proceeded to file an insurance claim on the “stolen” vehicle and the individual eventually provided the vehicle to Fitzpatrick. As noted above, the vehicle was recovered from M&T Auto Body during the November 10, 2002 search.

Fitzpatrick was also interviewed on several occasions. He initially denied knowledge that the vehicles found on his property were stolen, but eventually admitted that he knowingly received stolen vehicles from the individual, including the red Camaro and white Chevrolet pickup.

Swift was interviewed and admitted that he stole a 1995 Chevrolet pickup truck from Karl Tyler Chevrolet in Missoula on April 2, 2002. Prior to the theft, he had asked Fitzpatrick whether he could use a truck. He then traveled to Missoula with a female companion, stole the truck, and provided it to Fitzpatrick for approximately \$800. Swift recalled that Fitzpatrick was upset that the vehicle had a manual transmission.

The female was interviewed on September 26, 2002, and described traveling with Swift to Missoula on April 2, 2002. She further described a conversation later with Swift during which he described his involvement in the “chopping” of cars. According to the female companion, Swift described obtaining vehicles for Fitzpatrick and others that could be used for parts and other repairs.

Fitzpatrick, Swift and Spangle pled guilty to federal charges and have been sentenced.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that STANISICH will likely serve **all** of the time imposed by the court. In the federal system, STANISICH does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Timothy J. Racicot prosecuted the case for the United States.

The investigation was a cooperative effort between the Federal Bureau of Investigation and the Flathead County Sheriff’s Office.

JOHN F. TAYLOR

JOHN F. TAYLOR, a 68-year-old resident of Trout Creek, was sentenced to a term of:

- Prison: 12 months and 1 day
- Special Assessment: \$300
- Restitution: \$46,939.35
- Fine: \$14,000
- Supervised Release: 1 year

TAYLOR was sentenced in connection with his guilty plea to aiding and abetting the filing of false and fraudulent federal tax returns.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

TAYLOR owns and operates Taylor's Accounting in Trout Creek. Taylor's Accounting offers federal and state income tax return preparation, federal unemployment tax return preparation, employer's quarterly federal tax return preparation, and payroll accounting services. The business had clients in Montana and throughout the United States.

An Internal Revenue Service (IRS) investigation determined that TAYLOR had prepared materially false federal income tax returns for a taxpayer, identified as "A.S.", for tax years 2000 through 2002, which were filed with the Internal Revenue Service. Each tax return bore TAYLOR'S signature, was signed under penalty of perjury, and included false, inflated, or under-reported amounts. TAYLOR'S willful misstatements resulted in "A.S.'s" federal income tax obligations to be understated by approximately \$19,290 for years 2000 through 2002.

In October of 2003, the IRS notified "A.S." that his 2001 federal income tax return would be audited. After "A.S." notified TAYLOR of the impending IRS audit, TAYLOR instructed an employee to prepare two false affidavits and eighteen false invoice receipts to support misstated amounts that TAYLOR willfully reported on "A.S.'s" 2001 tax return.

TAYLOR also provided the employee with a set of actual receipts from one of the stores that "A.S." frequented for business supplies and told the employee what information he wanted on the false receipts. After creating the false receipts, the employee gave them to TAYLOR. The eighteen false invoice receipts falsely claimed that "A.S." spent an additional \$16,794.26 on business supply purchases in order to help substantiate the inflated business supply amounts that John TAYLOR reported on the 2001 federal income tax return.

The employee, also at TAYLOR'S direction, prepared affidavits for "A.S." based on the handwritten note that TAYLOR gave to her that detailed what TAYLOR wanted to be typed within the affidavits. The two affidavits falsely claimed that "A.S." received a total of \$20,000 in non-taxable gifts from both of "A.S.'s" parents, and were created to explain why "A.S.'s" gross receipts were under-reported on his 2001 federal income tax return. Neither parent had given \$10,000 to their son as claimed in the affidavits. TAYLOR convinced "A.S.'s" mother that she and her husband should sign the affidavits by telling her that the IRS would never see them, that they would merely serve as background information, and that it would be "okay."

The IRS conducted its initial audit interview of "A.S." and TAYLOR, who was appearing as Power of Attorney (POA) for "A.S.", on December 18, 2003. During this interview, TAYLOR reviewed the 2001 federal income tax return that he prepared for "A.S." which was filed with the IRS and stated that everything was fine on the return. Also during this interview, TAYLOR handed the eighteen false invoice receipts and the two false affidavits to the Revenue Agent. During the time period of the audit, TAYLOR advised "A.S." not to tell the Revenue Agent that certain invoice receipts were prepared by Taylor's Accounting. Furthermore, during the time period of the audit, "A.S." asked

TAYLOR if the IRS only charged penalties for bogus documents, whereby TAYLOR responded, "Well, the bogus documents, now, that's a whole different ball game."

On March 16, 2004, TAYLOR admitted to IRS agents that neither of the affidavits signed by "A.S.'s" parents was true and that the parents never told him they gave "A.S." \$20,000 in 2001. TAYLOR confessed that the false invoices had been created at his direction in Taylor's Accounting by one of his employees. TAYLOR confirmed that "A.S." had not asked him to prepare the invoices or the affidavits. TAYLOR admitted instructing "A.S." on what to say to the IRS during the audit

As a result of the investigation, a series of IRS audits were recommended on a few select federal income tax returns that TAYLOR prepared for other clients. At present, five completed audits of TAYLOR'S other clients have found a total of \$128,365 owed to the IRS in taxes. Adding "A.S.'s" criminal tax computation to this figure yields a total of approximately \$147,655 due to the IRS in taxes resulting from TAYLOR'S federal income tax preparation.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that TAYLOR will likely serve **all** of the time imposed by the court. In the federal system, TAYLOR does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Carl E. Rostad prosecuted the case for the United States.

The investigation was conducted by the Criminal Investigation Division of the Internal Revenue Service.

**BRENDA LEE VALERIO AND DAWN RAE WHITMORE
(VALERIO & WHITMORE)**

BRENDA LEE VALERIO, age 25, and DAWN RAE WHITMORE, age 24, residents of Great Falls, were sentenced.

VALERIO was sentenced to a term of:

- Prison: 31 months
- Special Assessment: \$200
- Restitution: \$4,661.27
- Supervised Release: 3 years

WHITMORE was sentenced to a term of:

- Prison: 16 months
- Special Assessment: \$200

- Restitution: \$4,661.27
- Supervised Release: 3 years

They were sentenced in connection with their guilty pleas to bank fraud and aggravated identity theft.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On or about April 14, 2006, WHITMORE, VALERIO, and Stephanie Ballenger-Brooks gained possession of checks for the Valley Bank of Helena account of a woman hereby referred to as "R.M.B."

WHITMORE, VALERIO, and Ballenger-Brooks then used the checks to obtain money or merchandise from businesses in Helena and Great Falls by passing the checks at those businesses with the forged signature of "R.M.B."

Testimony would have also shown that some of the merchandise purchased was subsequently returned in exchange for cash and the cash was then divided among the three participants of the scheme.

Testimony would have shown that WHITMORE cashed the first stolen check used by the group at Valley Bank of Helena after that check had been written out to her by VALERIO.

When questioned by law enforcement, WHITMORE admitted that she cashed the first check at Valley Bank of Helena and that she passed two other "R.M.B." checks at the Holiday Convenience Store in Great Falls.

When questioned by law enforcement, VALERIO admitted to writing out the first check cashed at Valley Bank of Helena and that she wrote out another check which the group was not able to cash. VALERIO also admitted that many of the items purchased from Wal-Mart with the "R.M.B." checks were given to her to keep at her residence.

Checks passed on the "R.M.B." account at various businesses in Helena and Great Falls between April 14 and April 16, 2006, totaled approximately \$4,601.27.

None of the participants in the scheme had the lawful authority to utilize the name "R.M.B."

Ballenger-Brooks pled guilty to federal charges and has been sentenced.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that VALERIO and WHITMORE will likely serve **all** of the time imposed by the

court. In the federal system, VALERIO and WHITMORE do have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Michael S. Lahr prosecuted the case for the United States.

The investigation was conducted by the Bureau of Immigration, Customs and Enforcement.

MICHELE VERRALL

MICHELE VERRALL, a 44-year-old resident of Butte, was sentenced to a term of:

- Probation: 1 year
- Special Assessment: \$100
- Restitution: \$28,286
- Community Service: 100 hours

VERRALL was sentenced in connection with her guilty plea to making false statements.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On November 17, 1998, VERRALL began receiving rental assistance from the Public Housing Authority of Butte (PHAB). VERRALL resided at a residence in Butte. When VERRALL applied for rental assistance from PHAB, she was required to report the income of all adults living in the home so PHAB could determine the appropriate amount of rent due for the PHAB residence. VERRALL reported that she was residing at the location with her three sons.

In April of 2006, the Office of Inspector General for the Office of Investigation with the U.S. Department of Housing and Urban Development in Billings was notified that VERRALL was concealing the fact that her husband was also residing in a public housing unit located in Butte.

On April 10, 2006, the PHAB notified the Office of the Inspector General that if VERRALL’S husband did in fact reside in the unit, program guidelines would require VERRALL to report his income to the PHAB, and consequently 30% of the family’s total income would be required to be paid as their rent.

PHAB was alerted to the fact that VERRALL’S husband was living in the unit by a private investigator who was seeking to confirm the husband’s home address. VERRALL’S husband had filed a lawsuit regarding a work-related injury and reported in a deposition that he lived with his wife in the PHAB unit and had for the entire time VERRALL was receiving rental subsidies.

At trial, deposition transcripts of both VERRALL and her husband would have been introduced in which the couple testified they had both resided in the PHAB unit since March of 1999.

VERRALL never notified PHAB that her husband was living in the home nor did she disclose it in any of the seven annual re-certifications she completed between November 1998 and May 2006. All of the annual re-certifications she signed clearly stated that failing to provide all necessary information or false statements was a violation of state and federal law.

During the course of the investigation, it was discovered that VERRALL requested that her employer not disclose the commissions she earned on her Employer Income Verification Form. The Employer Income Verification Form was another document the PHAB used to determine the amount of rent VERRALL paid for her unit.

During the course of the investigation, it was also discovered that VERRALL failed to disclose to the PHAB her involvement, and related income, in a cleaning business she owned with her sister-in-law.

VERRALL provided a signed confession in which she admitted she failed to disclose that her husband was living in the PHAB unit and that she under reported her income to the PHAB, despite being notified that such conduct was a violation of state and federal law.

Based on the earnings information provided by the Montana Department of Labor and Industry, and on VERRALL'S confession, it was determined that VERRALL received \$26,286 in additional PHAB benefits as a result of her false statements.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that VERRALL will likely serve **all** of the time imposed by the court. In the federal system, VERRALL does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Jessica T. Fehr prosecuted the case for the United States.

The investigation was conducted by the Office of Inspector General for the Office of Investigation for the U.S. Department of Housing and Urban Development.

WAYNE HARVEY WEISMAN

WAYNE HARVEY WEISMAN, a 51-year-old resident of Kalispell, was sentenced to a term of:

- Probation: 5 years

- Special Assessment: \$100
- Restitution: \$40,173.59

WEISMAN was sentenced in connection with his guilty plea to participating in a conspiracy to commit wire fraud.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

Beginning in approximately September of 1999, and continuing until at least April 2, 2002, several individuals, including WEISMAN and Thomas Edward Fitzpatrick, were involved in a conspiracy to alter vehicle identification numbers, receive vehicles or vehicle parts with altered identification numbers, or commit wire fraud.

WEISMAN was involved in the portion of the conspiracy involving wire fraud. He participated in an "owner give-up" of two vehicles, a 2001 blue and silver Dodge Ram pickup truck and a 2001 Wildwood travel trailer.

On November 27, 2001, WEISMAN, after meeting with another individual and discussing the possibility of surrendering his vehicles, traveled with this individual to Spokane, Washington, where WEISMAN filed a false police report alleging that the vehicles had been stolen. WEISMAN had earlier provided the vehicles to this individual in the Kalispell area.

Also on November 27, 2001, WEISMAN transmitted a wire communication in interstate commerce by calling a 1-800 telephone number and filing a claim with Allstate Insurance Company, in the amount of approximately \$29,610.

On January 7, 2002, WEISMAN received insurance payments of \$6,995.08 and \$1,748.77; and on January 9, 2002, he received another payment of \$450.

On November 10, 2002, Flathead County Sheriff's officers executed a search warrant at Thomas Edward Fitzpatrick's M&T Auto Body property and the residence of the individual referred to above. At Fitzpatrick's property, officers recovered the frame to WEISMAN'S 2001 blue and silver Dodge Ram pickup truck.

WEISMAN was interviewed by law enforcement on June 11, 2004, and admitted that the Dodge truck and Wildwood travel trailer were not stolen. He acknowledged providing the vehicles to another individual in an owner give-up, filing false police reports and false insurance claims, and receiving payments as a result of those claims.

Fitzpatrick pled guilty to federal charges and has been sentenced.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that WEISMAN will likely serve **all** of the time imposed by the court. In the

federal system, WEISMAN does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Timothy J. Racicot prosecuted the case for the United States.

The investigation was a cooperative effort between the Federal Bureau of Investigation and the Flathead County Sheriff's Office.

MELISSA ANNE WHIRLEY

MELISSA ANNE WHIRLEY, a 31-year-old resident of Billings, was sentenced to a term of:

- Prison: 54 months
- Special Assessment: \$200
- Restitution: \$206,493.27
- Supervised Release: 3 years

WHIRLEY was sentenced in connection with her guilty plea to mail fraud and aggravated identity theft.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

From about February 5, 2004, until early 2007, WHIRLEY worked for Design 3 Engineering ("Design 3") as a bookkeeper/receptionist.

Beginning March 24, 2004, and continuing until December 29, 2006, WHIRLEY wrote checks to herself totaling \$176,016. WHIRLEY was an authorized signor on the account, but she did not have the authorization of Design 3 to write checks to herself. She cashed the checks and stole the money. To cover up her actions, she made entries in the books of Design 3 showing that the checks were made out to and paid to vendors and other parties.

On November 13, 2006, WHIRLEY cashed a check at Western Security Bank causing the check to be transported by interstate commercial carrier to Glazier Data Center in Helena.

Also beginning in January of 2005, and continuing until November 20, 2006, WHIRLEY made unauthorized charges on the credit cards of two Design 3 owners totaling \$3,016, including a charge on one credit card on November 20, 2006, to pay her Verizon telephone bill of \$351.77. WHIRLEY used the owners' names and account numbers to make the charges without the owners' authorizations. The authorized users of the credit cards were personally liable for the debt on the credit card accounts together with Design 3.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that WHIRLEY will likely serve **all** of the time imposed by the court. In the federal system, WHIRLEY does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

First Assistant U.S. Attorney Kurt G. Alme prosecuted the case for the United States.

The investigation was conducted by the Federal Bureau of Investigation.

SHAWN WESLEY WALTER WOLFE

SHAWN WESLEY WALTER WOLFE, a 33-year-old resident of Bozeman, was sentenced to a term of:

- Prison: 70 months
- Special Assessment: \$300
- Restitution: \$4,985.96
- Supervised Release: 5 years

WOLFE was sentenced in connection with his guilty plea to bank fraud, aggravated identity theft, and wire fraud.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On September 30, 2005, an individual reported that his wallet had been stolen from his locker at the PE complex on the campus of Montana State University in Bozeman.

This individual subsequently received a call from a person claiming to be a Bozeman police officer stating that the wallet had been found and requesting the individual’s Social Security account number and employment information. The individual’s caller ID showed that the call from the purported police officer came from a Minneapolis, Minnesota area number.

The Bozeman Police Department confirmed for the individual that the wallet had not been found and that there was no police officer with the name used by the caller.

On October 2, 2005, WOLFE applied for a Zales Diamond credit card at the Zales jewelry store at the Main Mall in Bozeman. In applying for the credit card, WOLFE used the name and personal information of the individual whose wallet had been stolen from the PE complex on September 30, 2005.

Testimony and documentation would establish that WOLFE was able to use the individual’s name and personal information to receive credit from Zales and purchase a ring and extended warranty in the total amount of \$5,099.98 from the Zales store in

Bozeman.

On October 2, 2005, WOLFE used the same individual's name and personal information to obtain \$6,000 in credit from Riddle's Jewelry in Bozeman. WOLFE used the credit to purchase a ring.

The individual whose wallet was stolen from the PE complex at Montana State University did not give WOLFE permission to use his name or other personal information.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that WOLFE will likely serve **all** of the time imposed by the court. In the federal system, WOLFE does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Michael S. Lahr prosecuted the case for the United States.

The investigation was conducted by the U.S. Immigration and Customs Enforcement.

IDENTITY THEFT

REGINA MICHELLE BICKNELL

REGINA MICHELLE BICKNELL, a 36-year-old resident of Libby, was sentenced to a term of:

- Prison: 3 months
- Special Assessment: \$100
- Supervised Release: 3 years

BICKNELL was sentenced in connection with her guilty plea to misuse of a Social Security number.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On August 26, 2004, BICKNELL used a false Social Security number on an application to obtain a Montana driver's license. On September 1, 2004, BICKNELL obtained a replacement of the identification.

Records from the Montana Department of Justice (MDOJ), Motor Vehicle Division in Helena, would have shown that due to BICKNELL'S use of a false Social Security the MDOJ issued a driver's license to her bearing her photograph and in a false identity.

Records of the Social Security Administration would have shown that the Social Security number used by BICKNELL to obtain a Montana driver's license was not, in fact, issued to her.

When contacted by law enforcement, BICKNELL presented the fraudulently-obtained identification and represented herself under the false identity. She later admitted to having obtained the Montana driver's license through fraud.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that BICKNELL will likely serve **all** of the time imposed by the court. In the federal system, BICKNELL does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Elizabeth A. Horsman prosecuted the case for the United States.

The investigation was a cooperative effort between the Inspector General's Office for the Social Security Administration and the Motor Vehicle Division of the Montana Department of Justice.

MARGARET BLIXT

MARGARET BLIXT, a 43-year-old resident of Helena, was sentenced to a term of:

- Prison: 48 months
- Special Assessment: \$200
- Restitution: \$157,710.30
- Community Service: 300 hours
- Supervised Release: 3 years

BLIXT was sentenced after having been found guilty during a 3-day trial of mail fraud and aggravated identity theft.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that BLIXT will likely serve **all** of the time imposed by the court. In the federal system, BLIXT does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Michael S. Lahr prosecuted the case for the United States.

The investigation was conducted by the Federal Bureau of Investigation.

MARIBEL CASTELLANOS

MARIBEL CASTELLANOS, *aka Maribel Davilla, Maribel Castro and Maribel Arroyo-Rosario*, a 43-year-old resident of Manhattan, was sentenced to a term of:

- Prison: 25 months, with 5 months home arrest
- Special Assessment: \$300
- Supervised Release: 3 years

CASTELLANOS was sentenced in connection with her guilty plea to transferring false identification documents, aggravated identity theft, and the sale of social security cards.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

During March of 2004, agents with the U.S. Immigration and Customs Enforcement received anonymous calls that CASTELLANOS was selling Puerto Rican birth certificates from her residence in Manhattan.

Following further investigation and information, ICE agents arranged to purchase identification documents from CASTELLANOS with the assistance of a confidential informant. On September 2, 2005, the confidential informant purchased a Puerto Rican birth certificate in the name of *Luis Joan Nieves de Jesus* and a Social Security card from CASTELLANOS. The confidential informant purchased the birth certificate and Social Security card from CASTELLANOS for \$1,700.

On September 7, 2005, the confidential informant purchased additional identification documents from CASTELLANOS consisting of a Puerto Rican birth certificate in the name of *Juan Daniel Carrasquillo Medina* and another Social Security card for \$1,700.

Testimony would have established that both birth certificates were genuine birth certificates issued by the Commonwealth of Puerto Rico and had originated in Puerto Rico. Testimony would have also shown that the Social Security cards bore valid numbers issued by the Social Security Administration to persons other than CASTELLANOS.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that CASTELLANOS will likely serve **all** of the time imposed by the court. In the federal system, CASTELLANOS does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Michael S. Lahr prosecuted the case for the United States.

The investigation was conducted by the U.S. Immigration and Customs Enforcement.

HERMINIO CASTELLANOS-CORNEJO

HERMINIO CASTELLANOS-CORNEJO, a 32-year-old resident of Manhattan, was sentenced to a term of:

- Prison: 25 months
- Special Assessment: \$400
- Supervised Release: 3 years

CASTELLANOS-CORNEJO was sentenced in connection with his guilty plea to passport fraud and aggravated identity theft.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On June 9, 2005, CASTELLANOS-CORNEJO applied for a United States passport in Bozeman. He submitted a completed Application for United States Passport to the Clerk of District Court in Bozeman. The passport application submitted on June 9, 2005, had CASTELLANOS-CORNEJO's photograph affixed to the form. CASTELLANOS-CORNEJO identified himself on the passport application as *Abelardo Soto* who was born in Hatillo, Puerto Rico, on October 5, 1968.

Investigation found that CASTELLANOS-CORNEJO was actually born as Herminio Castellanos-Cornejo on August 5, 1975, in Guadalajara, Mexico.

CASTELLANOS-CORNEJO also listed on the application form a Social Security number which was a valid number assigned to another person in Puerto Rico. Further investigation found that CASTELLANOS-CORNEJO did not have a Social Security account number assigned to him.

On February 15, 2005, in Belgrade, CASTELLANOS-CORNEJO filled out an ATF Firearms Transaction Record Form 4473 at Debos V, a licensed firearms dealer, in order to purchase a Ruger M77 rifle.

On the Firearms Transaction Record Form, CASTELLANOS-CORNEJO represented that his name was *Abelardo Soto*, that his Social Security number was the valid number assigned to another person in Puerto Rico, that he was born in Puerto Rico on October 5, 1968, and that he was not an illegal alien. Testimony would have shown that each of these representations were false.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that CASTELLANOS-CORNEJO will likely serve **all** of the time imposed by

the court. In the federal system, CASTELLANOS-CORNEJO does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Michael S. Lahr prosecuted the case for the United States.

The investigation was a cooperative effort between the U.S. Immigration and Customs Enforcement and the State Department.

STEPHANI LYNN COOK

STEPHANI LYNN COOK, a resident of Missoula, was sentenced to a term of:

- Prison: 24 months
- Home Confinement: 5 months
- Special Assessment: \$200
- Restitution: \$16, 638.32
- Supervised Release: 3 years

COOK was sentenced in connection with her guilty plea to bank fraud and aggravated identity theft.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

In December of 2006, Glacier Bank of Bigfork Visa mailed a check card and PIN number for the account of an individual, hereafter referred to as "C.R.", to an incorrect address, which was the street address of an unoccupied house.

Transaction records from Glacier Bank would have shown that between December 23, 2005, and January 3, 2006, the check card issued to "C.R." was used to complete ninety-four transactions, totaling \$16,601.33. The transaction records show the date, time, amount and place of each transaction. The records also indicate whether the transaction was a credit transaction or a debit transaction utilizing the PIN number.

"C.R." notified the bank and law enforcement regarding the unauthorized use of his Visa check card. "C.R." would have testified that he did not receive the Visa check card in the mail and that he gave no one the authority to use the check card or PIN number.

A review of surveillance tapes and photos showed COOK completing numerous transactions at various merchants between December 23, 2005, and January 3, 2006.

Copies of recovered sales receipts would have shown that COOK forged the name of "C.R." on credit transaction slips.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that COOK will likely serve **all** of the time imposed by the court. In the federal system, COOK does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Michael S. Lahr prosecuted the case for the United States.

The investigation was conducted by the United States Immigration and Customs Enforcement.

KIMBERLY ANN KNUTSON

KIMBERLY ANN KNUTSON, a 39-year-old resident of Great Falls, was sentenced to a term of:

- Prison: 42 months
- Special Assessment: \$300
- Restitution: \$55,948.39
- Supervised Release: 3 years

KNUTSON was sentenced in connection with her guilty plea to two counts of wire fraud and one count of aggravated identity theft.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

KNUTSON and Misty Ilene Ray worked for B & R Check Holders, Inc., a check cashing business in Great Falls.

Between January 8, 2005, and June 21, 2005, KNUTSON and Ray completed loan documents in customer files at B & R without the customers’ consent. The loan documents showed that a loan had been made to the customer. KNUTSON or Ray would then take the amount of the fraudulent loan from B & R and keep it.

Between May 12, 2005 and May 25, 2005, KNUTSON provided personal information and checks containing account information of customers of B & R to another individual. From that information, this individual created fraudulent checks payable to the customer and then gave the checks to KNUTSON. KNUTSON then cashed the checks and shared the proceeds with this individual.

On May 23, 2005, KNUTSON completed a loan document in the customer file of “L.G.” for a \$300 loan. KNUTSON used “L.G.’s” name in completing the loan document. KNUTSON then took the \$300 loan proceeds. KNUTSON did not have the customer’s consent to use her name to obtain the loan.

On June 3, 2005, the Denver office of B & R called the Great Falls office to determine what transactions had occurred the previous day, to permit the Denver office to balance the company books. Either KNUTSON, or Ray with KNUTSON'S knowledge, spoke to the Denver office and reported false loans from the previous day.

When questioned, KNUTSON admitted cashing the fraudulent checks.

B & R suffered a loss of \$51,091.52 from the scheme charged in Count I of the indictment and a loss of \$4,856.87 from the scheme charged in Count II.

Ray pled guilty to federal charges and has been sentenced.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that KNUTSON will likely serve **all** of the time imposed by the court. In the federal system, KNUTSON does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

First Assistant U.S. Attorney Kurt G. Alme prosecuted the case for the United States.

The investigation was a cooperative effort between the Bureau of Immigration and Customs Enforcement and the Great Falls Police Department.

LESLIE JEAN McINTOSH

LESLIE JEAN McINTOSH, a resident of Kalispell, was sentenced to a term of:

- Home Arrest: 6 months
- Special Assessment: \$100
- Restitution: \$27,059.02
- Fine: \$2,000
- Probation: 5 years

McINTOSH was sentenced in connection with her guilty plea to theft of government property and identity theft.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On McINTOSH worked for Northwest Montana Head Start ("NWHS") in Kalispell, a non-profit entity, as Chief Financial Officer ("CFO").

NWHS received federal grants from the federal Administration for Children and Families, Health and Human Services ("HHS"). Specifically, NWHS received \$5,640,401 in HHS funds and an additional \$1,410,101 in non-federal dollars between 2003 and 2007.

As CFO for NWHS, McINTOSH had total control over accounts receivable, accounts payable, and the accounting software utilized by NWHS, Quickbooks.

Between August 25, 2003, and December 31, 2005, McINTOSH forged the signatures of NWHS Board of Directors members on twenty-seven misappropriated checks. All twenty-seven checks were recovered.

The NWHS Board of Directors members would testify at trial that they never approved the twenty-seven checks in question and that the signatures found on the twenty-seven checks were not their signatures.

Between August 25, 2003, and December 31, 2005, McINTOSH presented the forged checks to her financial institution as legitimate checks, and subsequently cashed or deposited the checks for her own benefit.

McINTOSH hid her forgeries by manipulating the NWHS Quickbooks entries. McINTOSH altered the Quickbooks reports so the NWHS federal and non-federal accounts balanced and substituted her name with other payee names in an attempt to hide her theft.

Affidavits of Alteration completed by NWHS for all of the forged checks would have been presented at trial as would McINTOSH'S personal bank records which documented the depositing of forged NWHS checks for her own use.

McINTOSH misappropriated \$27,054.02 in NWHS funds. Of the total amount misappropriated, at least \$16,001.12 is directly related to the HHS funds awarded to NWHS in the form of a grant and the remaining \$11,052.90 was obtained as non-federal monies.

On September 8, 2006, McINTOSH signed a voluntary statement admitting she unlawfully issued checks to herself from the NWHS checking account, forged the signatures on those checks, and deposited said checks in her personal bank account.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that McINTOSH will likely serve **all** of the time imposed by the court. In the federal system, McINTOSH does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Jessica T. Fehr prosecuted the case for the United States.

The investigation was conducted by the Inspector General's Office for the United States Department of Health and Human Services.

CHAD EVERETT MEEKS

CHAD EVERETT MEEKS, a 35-year-old resident of Missoula, was sentenced to a term of:

- Prison: 36 months
- Special Assessment: \$200
- Supervised Release: 3 years

MEEKS was sentenced in connection with his guilty plea to misuse of a Social Security number and aggravated identity theft.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

At approximately 3:30 a.m on the morning of August 9, 2005, two Butte-Silver Bow law enforcement officers responded to a call regarding a suspicious person in black clothing. When the officers arrived they saw a male and female walking together. The male attempted to conceal himself near a van parked on the street. When the officers turned the spotlight on the male, he dropped a duffel bag on the ground. In the duffel bag the officers found a pipe for smoking methamphetamine and a syringe.

The officers would testify that the male informed them that he did not have any personal identification but that his name was Jason Brintnell. A records check was run on that name and revealed a valid North Dakota driver's license

The officers also noticed a yellow highlighter pen on the ground that the individual identifying himself as Jason Brintnell was attempting to conceal by stepping on. Inside the pen was a plastic bag containing a white crystal substance which the officers believed to be methamphetamine.

While placing the suspect under arrest, a checkbook was found containing several drivers' licenses. The licenses all appeared to belong to individuals from the Missoula area.

The individual was taken to the police station and booked for possession of dangerous drugs and possession of drug paraphernalia. The individual was photographed but never fingerprinted.

The individual informed the booking officer that his name was Jason Robert Brintnell, that his date of birth was May 24, 1973, and that his Social Security account number was ***-**-1831 [complete number withheld to protect privacy of true account holder].

While being held at the Butte-Silver Bow detention facility, the individual requested health care services through the Community Health Center in Butte. On his patient

information form, he stated that his name was Jason Brintnell and that his social security number was ***-**-1831.

On September 1, 2005, the individual claiming to be Jason Robert Brintnell pleaded guilty to possession of dangerous drugs and was given a three-year deferred sentence and placed on probation.

On December 16, 2005, the Montana Adult Probation Office filed a report indicating that Jason Robert Brintnell had not submitted to probation supervision and had absconded.

On December 19, 2005, a district court judge issued a bench warrant for the arrest of Jason Robert Brintnell.

On April 17, 2006, Jason Robert Brintnell of Burlington, North Dakota contacted the Butte-Silver Bow Law Enforcement Agency to find out about the warrant for his arrest. He also indicated that he had received a bill from the Community Health Center in Butte. Law enforcement officers in North Dakota were able to confirm for Butte-Silver Bow officers that the person arrested and convicted in Butte was not Jason Robert Brintnell of Burlington, North Dakota. Jason Robert Brintnell confirmed that his date of birth was May 24, 1973, and that his social security number was ***-**-1831.

Testimony of law enforcement officers in Missoula would have established that they were contacted by Butte-Silver Bow officers regarding the matter and were sent photos of the individual arrested and convicted in Butte under the name Jason Robert Brintnell. Missoula law enforcement officers were able to identify the individual in the Butte photo as MEEKS. MEEKS was arrested in Missoula on September 11, 2005.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that MEEKS will likely serve **all** of the time imposed by the court. In the federal system, MEEKS does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Michael S. Lahr prosecuted the case for the United States.

The investigation was conducted by the U.S. Immigration and Customs Enforcement.

RAYMOND OZENNA

RAYMOND OZENNA, a 35-year-old resident of Prineville, Oregon, was sentenced to a term of:

- Prison: 48 months
- Special Assessment: \$300
- Restitution: \$55,948.39

- Supervised Release: 3 years

OZENNA was sentenced in connection with his guilty plea to wire fraud and aggravated identity theft.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

Misty Ray and Kimberly Knutson worked for B & R Check Holders, Inc., a check cashing business in Great Falls. OZENNA was Knutson's boyfriend.

Between January 8, 2005, and June 21, 2005, Ray and Knutson completed loan documents in customer files at B & R without the customer's consent. The loan documents showed that a loan had been made to the customer.

For some customers, Knutson would provide customer identification and financial information to OZENNA who would create a fraudulent check payable to B & R from the information. OZENNA would give the check to Knutson who would put it in the customer's file to support the fraudulent loan. Knutson would then take the amount of the fraudulent loan from B & R and share some of the proceeds with OZENNA.

Between May 12, 2005, and May 25, 2005, Knutson provided personal information and checks containing account information of customers of B & R to OZENNA. From that information, OZENNA created fraudulent checks payable to the customer and gave the checks to Knutson. Knutson cashed the checks and shared the proceeds with OZENNA.

On May 21, 2005, OZENNA created a fraudulent check made payable to B & R customer, hereafter referred to as "J.L." in the amount of \$562.15. Knutson took the check, cashed it and shared the proceeds with OZENNA. OZENNA used "J.L.'s" name in creating the fraudulent check. OZENNA did not have "J.L.'s" authority to use his name to create the fraudulent check.

On May 24, 2005, and again on June 3, 2005, the Denver office of B & R called the Great Falls office to determine what transactions had occurred the previous day, to permit the Denver office to balance the company books. Either Knutson or Ray with OZENNA'S knowledge spoke to the Denver office each time and reported false check cashing information from the previous day.

B & R lost \$51,091.52 from the scheme charged in Count I of the indictment and \$4,856.87 from the scheme charged in Count II.

Ray and Knutson pled guilty to federal charges and have been sentenced.

Because there is no parole in the federal system, the "truth in sentencing" guidelines

mandate that OZENNA will likely serve **all** of the time imposed by the court. In the federal system, OZENNA does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

First Assistant U.S. Attorney Kurt G. Alme prosecuted the case for the United States.

The investigation was a cooperative effort between the Bureau of Immigration and Customs Enforcement and the Great Falls Police Department.

TOMAS DANIEL RAMIREZ

TOMAS DANIEL RAMIREZ, a 33-year-old resident of Polson, was sentenced to a term of:

- Prison: 96 months
- Special Assessment: \$400
- Restitution: \$17,981.09
- Supervised Release: 3 years

RAMIREZ was sentenced in connection with his guilty plea to re-entry of a deported alien, federal education assistance fraud, aggravated identity theft, and perjury.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On August 27, 1987, RAMIREZ, using a birth date of 1963, in the Superior Court of the State of California, Napa County, was convicted of burglary and grand theft.

On November 7, 1987, RAMIREZ, an alien and citizen of El Salvador, was deported from the United States to Mexico through the Port of Calexico, California.

On May 6, 1989, RAMIREZ, using the name Dennis Golcoechea Gonzales, and a date of birth of 1964, was arrested in Portland, Oregon, for possession of a controlled substance.

Between 1989 and 1994, RAMIREZ was arrested on numerous occasions using the name Dennis Golcoechea Gonzales. On May 31, 1995, RAMIREZ, using the name Dennis G. Gonzales, was convicted in Washington County, Oregon, of second degree theft.

In January of 2000, RAMIREZ, using the name Dennis G. Gonzales, obtained a General Education Development certificate from the Oregon State Board of Education.

In May of 2002, RAMIREZ attempted to have the GED certificate in the name of Dennis G. Gonzalez changed to Pedro Rivera de Jesus.

During the academic year 2002-03, RAMIREZ attended Portland Community College, Portland, Oregon, using the name Pedro Rivera.

Food Stamp Fraud

On March 1, 2004, RAMIREZ, *aka* Pedro A. Rivera and his common-law wife, went to the Office of Public Assistance in Polson and applied separately for food stamps. RAMIREZ applied using the name Pedro Rivera and a date of birth of 1973 and SSN: ***-**-8945.

RAMIREZ falsely completed the Application for Assistance for Food Stamps, Temporary Assistance for Needy Families and Medicaid using the name of Pedro A. Rivera with a date of birth 1973 and SSN: ***-**-8945.

An Office of Public Assistance employee received the "Rivera" application and noted that "Rivera" had claimed that he had not received food stamps, indicated "None" and "0" for any income and claimed that he was not attending school. The employee contacted an Oregon public assistance office and discovered Rivera's case was still open and that he had received food stamps from Oregon, distributed that same day, and had received unemployment compensation from the State of Oregon. RAMIREZ, as Rivera, also stated he was going to return to Oregon soon to get some paperwork done for school.

Another Office of Public Assistance employee reviewed RAMIREZ'S common-law wife's application and contacted Oregon to verify that food stamps were not being received. The Oregon office verified that they had indeed been distributed. The Office of Public Assistance sent out a denial letter March 2, 2004, for March food stamps.

On March 10, 2006, RAMIREZ and his wife went to talk to their case workers. "Rivera" and the woman told the case workers they had a common law marriage and had been together for several years and planned to get married soon. Based on the common law/marriage relationship, one or both of the Office of Public Assistance employees informed "Rivera" and the woman that they needed to apply for food stamps under one name. "Rivera" said to use the woman's application. Based on the fact that both "Rivera" and the woman had made false statements regarding their existing food stamp and unemployment benefits, they were denied benefits in Montana for 12 months, from May 1, 2004, to April 30, 2005. "Rivera" wrote a withdrawal statement on his application.

However, on August 19, 2004, the common-law wife again attempted to apply for food stamps. In this application, she listed her common-law husband as Dennis Gonzalez, with no SSN or DOB. She was scheduled for an interview on August 18, 2004, with the expectation that she would bring in Gonzalez's SSN number and DOB necessary to complete the application. She failed to show for the interview.

The two did not seek to re-apply for benefits again until July 18, 2005, when she and RAMIREZ, using the name Pedro Rivera, reported for a scheduled interview. They both indicated they were full time students at the Kootenai College in 2004. However, "Rivera" had lost his funding when he went to jail for a period of time.

On July 19, 2005, the woman and RAMIREZ began receiving benefits. Benefits continued through June 6, 2006, for approximately \$278.00 per month. During the month of January and February of 2006, she was denied the Food Stamps benefit due to her college enrollment. However, RAMIREZ received the Food Stamps as a household member in the amount of \$152.00 per each month.

RAMIREZ'S common-law wife died on April 1, 2006, in a car accident near Pablo. On April 17, 2006, RAMIREZ, still posing as Pedro Rivera, called the Office of Public Assistance to report the death of his wife.

On June 1, 2006, "Rivera" was informed by the Office of Public Assistance that he needed to apply for food stamp benefits on his own behalf.

On July 6, 2006, RAMIREZ, using the name Pedro Rivera, reapplied for Food Stamps using date of birth 1973 and SSN ***-**-8945. On July 17, 2006, "Rivera" began receiving benefits and was issued an Electronic Benefit Transfer card (EBT), which by then had replaced the Food Stamp coupons, with his own pin number. He continued to receive Food Stamp benefits under the name and identifiers of Pedro Rivera through the date of the indictment. The overpayment, due to the fraudulent misrepresentations, was \$2,783.

Federal Student Aid Fraud

On October 27, 2004, RAMIREZ applied for Montana Vocational Rehabilitation benefits using the name of Pedro Rivera. In December of 2004, RAMIREZ, using the name Pedro Rivera De Jesus, enrolled at Salish Kootenai College and on December 26, 2004, applied for federal educational benefits, in the form of student assistance, in that alias name, using the date of birth of 1973 and SSN: ***-**-8945.

On December 26, 2004, RAMIREZ, using the name Pedro Rivera, completed a Free Application for Federal Student Aid resulting in approximately \$7,350 in federal student loans and Pell grants to be disbursed to him to attend college at the Salish Kootenai College during the 2005-2006 school year. In addition, RAMIREZ applied for and received approximately \$3,930 in Montana Vocational Rehabilitation student aid.

In Rivera's Salish Kootenai College file were copies of a Social Security card, Puerto Rico birth certificate, an Oregon Identification card, and an Oregon General Education Development certificate, or GED, all bearing the name Pedro Rivera. Investigation determined that the GED was issued in 2000 from the Oregon State Board of Education in Salem, Oregon. Investigators sent a copy of Salish Kootenai College student

Rivera's GED to the Oregon State GED Administrator who stated the certificate number represented one issued to Dennis G. Gonzales, not Pedro Rivera.

In 2005, a Financial Aid Officer at Caribbean University in Puerto Rico was attempting to assist a student, Pedro Rivera, complete and submit an application for student aid for the 2005-2006 academic year. Upon processing the application, the financial aid officer discovered that Rivera was already receiving student aid through the Salish Kootenai College in Pablo, Montana.

The Financial Aid Officer then contacted the Financial Aid Director at Salish Kootenai College, informing her that Pedro Rivera appeared to have obtained federal Pell grants to attend both Caribbean University and Salish Kootenai College during the same school year. The Financial Aid Director of Salish Kootenai College subsequently called the student she knew as Pedro Rivera into her office to inquire about the Pell grant issue.

Salish Kootenai College student Rivera told the Financial Aid Director that a man living in Puerto Rico had stolen his identity the year before, and used it to obtain financial aid at colleges in Puerto Rico. After re-contacting the Financial Aid Officer at Caribbean University, the Financial Aid Director of Salish Kootenai College learned the Caribbean University student Rivera reported similar allegations of identity theft by a man in Montana.

In January 2006, the Financial Aid Director of Salish Kootenai College reported the alleged identity theft to the U.S. Department of Education, Office of Inspector General, which resulted in an eight month long investigation of the identity theft claims by both individuals.

Investigation into Gonzales' and Salish Kootenai College student Rivera's backgrounds revealed identical addresses in Oregon and Montana from 1996 to the present. The Lake County Sheriff's Office in Polson advised that Salish Kootenai College student Rivera, aka Dennis Gonzales, had been arrested on several occasions for misdemeanor violations, but had recently been released because his wife had died in a car accident. Paperwork in Rivera's Salish Kootenai College file, compared to that in Logan's file, indicated he and Logan resided together in both Oregon and Montana over the past ten years.

Additional booking information and photos of Gonzales from the Lake County Sheriff's office were researched in addition to copies of fingerprint cards from the Montana Criminal Records Division in Helena. One print card stated Rivera as an alias, but all cards were signed Dennis G. Gonzales. The signatures on the Gonzales booking cards are clearly similar to the Pedro Rivera signature on the Social Security card from Salish Kootenai College and the 2004 Free Application for Federal Student Aid.

The Financial Aid Director of Salish Kootenai College identified Gonzales' photo to be

that of the individual she knew as Rivera, who had attended Salish Kootenai College.

U.S. Department of Education, Office of Inspector General Special Agents interviewed Caribbean University student Pedro Rivera in Puerto Rico in May 2006. Caribbean University student Rivera told the agents he thought something was wrong with his Social Security number back in 1993 when he applied for a personal loan and an unknown account appeared in his credit report. At the time, Rivera did not give it much thought until he applied for a federal Pell grant in 2005 and found out someone else was using his identity. Rivera claimed an individual from Montana called him in January 2006, accusing him of identity theft.

Caribbean University student Rivera provided agents with copies of various documents including a Social Security card, Puerto Rico birth certificate, High School diploma, Baptism Certificate, Driver's License, and U.S. Passport. In addition, Rivera told agents he had lived in Florida in 2000-2001, but never Oregon or Montana. Rivera said he had never lost any identification documents, and the Social Security statement he receives each year only revealed contributions from his jobs in Puerto Rico. Rivera did, however, provide agents with a copy of his most recent credit report, which revealed several unfamiliar accounts.

Social Security numbers that Gonzales had provided to law enforcement officials over the years were checked in the Social Security Administration database, revealing invalid numbers and numbers belonging to other individuals. Copies of Gonzales' Oregon Driver's License photos were compared to those taken at the Lake County Sheriff's Office, revealing the same individual in all photos.

Course of Federal Prosecution and Search

On September 18, 2006, RAMIREZ was indicted for educational program fraud and aggravated identity theft under the name Dennis G. Gonzales. He appeared before the U.S. District Court in Missoula and advised U.S. Magistrate Judge Jeremiah Lynch that his true name was Pedro Rivera de Jesus. The indictment was later superseded, still under the name Dennis G. Gonzales, to add the food stamp fraud allegations that were not developed until after the first indictment was handed down by the grand jury.

In January 2007, a comparison of fingerprints taken from TOMAS DANIEL RAMIREZ at the time of his 1987 arrest and deportation, from the man calling himself Dennis Golcochea Gonzales, and Dennis G. Gonzales, in arrests between 1989 and 1995, and the man arrested using the Pedro Rivera De Jesus, indicated that Gonzales and Rivera are only alias names of RAMIREZ, who assumed those identities presumably to avoid deportation. RAMIREZ may have taken the name Rivera as an attempt to discard the name Gonzales under which he had acquired a significant criminal record.

After his deportation in 1987, neither the Attorney General of the United States or the Secretary of Homeland Security have any record of an application being filed for

RAMIREZ for permission to lawfully re-enter the United States.

On January 24, 2007, a witness came forward to the Lake County Sheriff's Office and advised that she had known the man using the name Pedro Rivera, and his now deceased wife, Esther, for several years. She knew the man as Pedro, but he was commonly called "Danny." She advised that she had confronted "Danny" who confirmed that he was neither Dennis nor Pedro. RAMIREZ told the woman that he would retain the documents relating to Pedro Rivera so that he could "return to work" as Pedro Rivera upon this release from prison. He advised that he had no identification documentation for the Dennis Gonzales identity. He advised that his true birth certificate was in a manila envelope in a big black suitcase, and that in the event that "anything should happen," the birth certificate should be send to his mother.

On January 25, 2007, a federal search warrant was executed on a residence in Polson where the real birth certificate was believed to be located. A black suitcase was discovered in a room occupied by RAMIREZ. Inside the suitcase was a manila folder with an original birth certificate indicating that TOMAS DANIEL RAMIREZ was born in El Salvador.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that RAMIREZ will likely serve **all** of the time imposed by the court. In the federal system, RAMIREZ does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Carl E. Rostad prosecuted the case for the United States.

The investigation was a cooperative effort between the Office of the Inspector General for the Department of Education and the Office of the Inspector General for the Department of Agriculture.

RHIANNON NICOLE SIRIDEAN

RHIANNON NICOLE SIRIDEAN, *aka Deborah Nicholette Sheridan and Deborah Ann Moorefield*, a 47-year-old resident of Jacksonville, Florida, was sentenced to a term of:

- Prison: 33 months
- Special Assessment: \$200
- Supervised Release: 3 years

SIRIDEAN was sentenced in connection with her guilty plea to making false statements on a passport application and aggravated identity theft.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On October 1, 2004, SIRIDEAN submitted a completed application for a United States passport to the passport acceptance clerk at the Post Office in Kalispell. The passport application submitted had SIRIDEAN'S photograph affixed to the form. On the passport application form, SIRIDEAN identified herself as *Sandra Kay Hodges*, who was born in Huntington, West Virginia, on September 9, 1952.

Testimony would have shown that SIRIDEAN had been administered an oath and swore to the truth of the statements she made on the passport application when she executed the application in the presence of the passport acceptance clerk at the Kalispell Post Office on October 1, 2004.

Further testimony and documentation would have shown that SIRIDEAN had previously applied for a passport on September 14, 2004, in Orlando, Florida, and had been issued a passport under the name *Rhiannon Nicole Siridean* on September 22, 2004.

The Orlando passport application would have shown that SIRIDEAN'S photograph was affixed to it and that it was completed in the same handwriting as the Kalispell passport application.

SIRIDEAN'S Orlando passport application would have shown that SIRIDEAN'S date of birth is September 11, 1959, and that SIRIDEAN had previously applied for a passport under the name *Deborah Nicholette Sheridan*.

Testimony and documentation would have confirmed that SIRIDEAN was born as *Deborah Ann Moorefield* on September 11, 1959, in Jacksonville, Florida. Further testimony and documentation would have established that SIRIDEAN did not have lawful authority to use the name *Sandra Kay Hodges*.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that SIRIDEAN will likely serve **all** of the time imposed by the court. In the federal system, SIRIDEAN does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Michael S. Lahr prosecuted the case for the United States.

The investigation was conducted by the United States Department of State.

ILLEGAL ALIENS and IMMIGRATION OFFENSES

FRANCISCO ALVISUREZ-DAVILA

FRANCISCO ALVISUREZ-DAVILA, a 45-year-old resident of Laramie, Wyoming, was sentenced to a term of:

- Prison: 201 days (time served)
- Supervised Release: 3 years

ALVISUREZ-DAVILA was sentenced in connection with his guilty plea to harboring illegal aliens.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On January 13, 2007, an officer with the Butte-Silverbow Law Enforcement Agency was called to the Super 8 motel in Butte. The desk clerk at the motel reported that she was having difficulty communicating with two hotel guests. The hotel guests were two young, Spanish-speaking Hispanic males. The room in which they were staying had been rented by ALVISUREZ-DAVILA using a credit card.

The officer contacted an agent with Immigration and Customs Enforcement, who telephonically interviewed the two hotel guests. Both men admitted that they were Mexican citizens illegally in the United States. Both men further stated that ALVISUREZ-DAVILA had transported them from Wyoming to Butte and paid for their hotel room at the Super 8, where ALVISUREZ-DAVILA and his girlfriend also stayed.

The ICE agent later interviewed ALVISUREZ-DAVILA. He admitted to renting the room at the Super 8 and allowing the two men to stay in the room with himself and his girlfriend. He also admitted that he knew the process by which aliens receive permission to enter the United States and that he knew they were not in the country legally.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that ALVISUREZ-DAVILA will likely serve **all** of the time imposed by the court. In the federal system, ALVISUREZ-DAVILA does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Timothy J. Racicot prosecuted the case for the United States.

The investigation was a cooperative effort between the U.S. Immigration and Customs Enforcement and the Butte-Silverbow Law Enforcement Agency.

JOSE LUIS ALVAREZ-BALTAZAR

JOSE LUIS ALVAREZ-BALTAZAR, age 30, was sentenced to a term of:

- Prison: 90 days
- Special Assessment: \$100
- Supervised Release: 6 months

ALVAREZ-BALTAZAR was sentenced in connection with his guilty plea to illegal re-entry of a deported alien.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On June 9, 2007, a Montana Highway Patrolman stopped a vehicle for a traffic violation near Billings. The vehicle was occupied by six men, all of whom could not provide any paperwork to indicate they were in the United States legally. Among the passengers was ALVAREZ-BALTAZAR. ALVAREZ-BALTAZAR admitted to an agent with U.S. Immigration and Customs Enforcement that he was illegally in the country and that he was an alien and citizen of Mexico.

After being fingerprinted, a review of immigration records revealed that ALVAREZ-BALTAZAR had been deported from the United States on November 20, 2000, through Lukeville, Arizona.

Further review of the immigration records revealed that ALVAREZ-BALTAZAR did not have the consent of the Attorney General or his successor, the Secretary of the Department of Homeland Security, to re-enter the United States after being deported.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that ALVAREZ-BALTAZAR will likely serve **all** of the time imposed by the court. In the federal system, ALVAREZ-BALTAZAR does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Marcia K. Hurd prosecuted the case for the United States.

The investigation was a cooperative effort between Montana Highway Patrol and the U.S. Immigration and Customs Enforcement.

ELMIN AMAYA-BRIONES

ELMIN AMAYA-BRIONES, *a/k/a Joe David Arellano*, a 22-year-old citizen of Honduras, was sentenced to a term of:

- Prison: 115 days (time served)
- Supervised Release: 1 year

AMAYA-BRIONES was sentenced in connection with his guilty plea to re-entry of a previously deported alien.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On September 19, 2006, AMAYA-BRIONES was arrested as a result of a joint criminal investigation by the Great Falls Police Department and Cascade County Sheriff's Office. These agencies were investigating construction site burglaries in the Great Falls area. At the time of his arrest, AMAYA-BRIONES identified himself as Jose David Arellano. A fingerprint analysis revealed that he was AMAYA-BRIONES.

A review of immigration records revealed that AMAYA-BRIONES was a citizen of Honduras who was deported from the United States on July 30, 2003, through Williams Gateway Airport, Chandler, Arizona.

A further review of immigration records revealed no record that AMAYA-BRIONES had, since removal, applied for or received the permission of the Secretary of the Department of Homeland Security to apply for admission to reenter the United States.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that AMAYA-BRIONES will likely serve **all** of the time imposed by the court. In the federal system, AMAYA-BRIONES does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Elizabeth A. Horsman prosecuted the case for the United States.

The investigation was a cooperative effort between the Great Falls Police Department, the Cascade County Sheriff's Office, and the U.S. Immigration and Customs Enforcement.

MIGUEL ANDOJO-CHAVEZ

MIGUEL ANDOJO-CHAVEZ, age 26, was sentenced to a term of:

- Prison: 8 months
- Special Assessment: \$100
- Supervised Release: 2 years

ANDOJO-CHAVEZ was sentenced in connection with his guilty plea to illegal re-entry of a previously deported alien.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

April 14, 2007, ANDOJO-CHAVEZ was encountered by the Billings Police Department during an investigation involving individuals trying to cash a third-party check that was possibly fraudulent. The officer suspected that the men were illegal aliens and contacted the U.S. Border Patrol.

A Border Patrol agent responded and discovered that ANDOJO-CHAVEZ was one of the men. ANDOJO-CHAVEZ admitted that he was a native and citizen of Mexico and did not have any documentation to be in or remain in the United States legally.

A fingerprint analysis and a review of immigration records revealed that ANDOJO-CHAVEZ had been previously deported from the United States on October 25, 2005, through El Paso, Texas. Further investigation revealed that ANDOJO-CHAVEZ did not have the consent of the Attorney General or his successor, the Secretary of the Department of Homeland Security, to re-enter the United States after being deported.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that ANDOJO-CHAVEZ will likely serve **all** of the time imposed by the court. In the federal system, ANDOJO-CHAVEZ does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Marcia K. Hurd prosecuted the case for the United States.

The investigation was a cooperative effort between the Billings Police Department and the U.S. Customs and Border Protection.

ALVARO ANGELES-ORDONEZ

ALVARO ANGELES-ORDONEZ, a citizen of Mexico, was sentenced to a term of:

- Prison: 105 days, time served
- Supervised Release: 1 year

ANGELES-ORDONEZ was sentenced in connection with his guilty plea to illegal re-entry of a previously deported alien.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On January 10, 2007, the Montana Highway Patrol contacted the U.S. Border Patrol requesting language interpretation assistance to investigate a vehicle accident involving three Hispanic males who could not speak English.

Border Patrol and Immigration and Customs Enforcement agents responded to the request for assistance and interviewed the three individuals who were determined to be aliens from Mexico in the United States illegally. The three individuals were taken into custody and transported to the Billings Border Patrol Office for administrative processing.

A check of fingerprint records positively identified ANGELES-ORDONEZ. The records

also indicated that he had been previously removed from the United States on July 1, 2005, through Otay Mesa, California.

When questioned, ANGELES-ORDONEZ admitted he was an alien and citizen of Mexico. ANGELES-ORDONEZ further admitted that he did not have documentation allowing him to be in the United States and that he had previously been removed from the United States by immigration authorities.

A search of immigration records confirmed that ANGELES-ORDONEZ had not requested permission from immigration authorities to apply for re-entry into the United States.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that ANGELES-ORDONEZ will likely serve **all** of the time imposed by the court. In the federal system, ANGELES-ORDONEZ does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Michael S. Lahr prosecuted the case for the United States.

The investigation was a cooperative effort between the Montana Highway Patrol, the U.S. Border Patrol, and the Bureau of Immigration and Customs Enforcement.

CECILIA ARIAS-HERNANDEZ

CECILIA ARIAS-HERNANDEZ, a 39-year-old citizen of Mexico, was sentenced to a term of:

- Prison: 145 days (time served)
- Supervised Release: 1 year

ARIAS-HERNANDEZ was sentenced in connection with her guilty plea to re-entry of a previously deported alien.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On April 13, 2007, officers with the Great Falls Police Department responded to a domestic violence incident involving ARIAS-HERNANDEZ and her boyfriend and he was arrested. The Great Falls Police Department requested the assistance of U.S. Immigration and Customs Enforcement (ICE) agents with regard to the immigration status of ARIAS-HERNANDEZ and her boyfriend.

An ICE agent spoke to ARIAS-HERNANDEZ and asked her citizenship. She stated that she was from Mexico. The agent asked ARIAS-HERNANDEZ if she had any

documents that would allow her to be in the United States. She said that she did, but upon locating the documents and providing them to the agent, the agent determined that the documents were counterfeit. ARIAS-HERNANDEZ was then arrested as an illegal alien.

On April 14, 2007, through a review of immigration records, it was determined that ARIAS-HERNANDEZ had been previously deported from the United States to Mexico on June 13, 1991, and again on June 15, 2001.

A further review of immigration records revealed no record that ARIAS-HERNANDEZ had, since removal, applied for or received the permission of the Secretary of the Department of Homeland Security to apply for admission to reenter the United States.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that ARIAS-HERNANDEZ will likely serve **all** of the time imposed by the court. In the federal system, ARIAS-HERNANDEZ does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Elizabeth A. Horsman prosecuted the case for the United States.

The investigation was a cooperative effort between the Great Falls Police Department and the U.S. Immigration and Customs Enforcement.

RAMON ARCINIEGA-GARCIA

RAMON ARCINIEGA-GARCIA, a 28-year-old resident of Mexico, was sentenced to a term of:

- Prison: 46 months
- Special Assessment: \$100
- Supervised Release: 3 years

ARCINIEGA-GARCIA was sentenced in connection with his guilty plea to illegal re-entry of a previously deported alien.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On June 25, 2006, the Montana Highway Patrol encountered ARCINIEGA-GARCIA during a traffic stop. ARCINIEGA-GARCIA had no driver’s license or proof of insurance.

The Highway Patrol contacted the Bureau of Immigration and Customs Enforcement

(ICE) and ARCINIEGA-GARCIA was telephonically interviewed by an ICE agent.

During the interview, ARCINIEGA-GARCIA told the agent that his name was Raul Zapata-Gonzales and admitted that he was in the United States illegally. He had no form of identification lawfully assigned to him, but did have a California identification card in someone else's name.

Upon further questioning, ARCINIEGA-GARCIA informed the agent that he did not have an application pending before the Department of Homeland Security that would allow him to be in the United States. The agent determined that ARCINIEGA-GARCIA was in the United States illegally and lodged an immigration detainer with the Gallatin County Sheriff's Office.

On June 27, 2006, ARCINIEGA-GARCIA was taken into custody by ICE for administrative processing. A review of immigration records revealed that ARCINIEGA-GARCIA had previously been arrested by ICE agents in Kalispell on January 10, 2006. The records further revealed that ARCINIEGA-GARCIA had been removed from the United States on February 21, 2006, through El Paso, Texas.

After being advised by the agent of the immigration records, ARCINIEGA-GARCIA admitted that his true name is RAMON ARCINIEGA-GARCIA. He further admitted that he is a citizen of Mexico and was born in Manzanillo, Colima, Mexico on October 21, 1978. He informed the agent that he had last entered the United States on March 2, 2006, near Nogales, Arizona, and that he walked across the border with the assistance of a smuggler.

ARCINIEGA-GARCIA further admitted that he had been previously removed from the United States in February of 2006, and that he had not applied for permission to re-enter the United States.

A further search of immigration records confirmed there was no evidence that ARCINIEGA-GARCIA ever requested permission from immigration authorities to apply for re-entry into the United States.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that ARCINIEGA-GARCIA will likely serve **all** of the time imposed by the court. In the federal system, ARCINIEGA-GARCIA does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Michael S. Lahr prosecuted the case for the United States.

The investigation was a cooperative effort between the Montana Highway Patrol and the Bureau of Immigration and Customs Enforcement.

JUAN ARVISO-FLOREZ

JUAN ARVISO-FLOREZ, 73-year-old citizen of Mexico, was sentenced to a term of:

- Prison: 6 months
- Special Assessment: \$100
- Supervised Release: 1 year

ARVISO-FLOREZ was sentenced in connection with his guilty plea to illegal re-entry of a previously deported alien.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On June 23, 2007, ARVISO-FLOREZ was encountered by the Big Horn County Sheriff's Department during a traffic stop in Hardin. ARVISO-FLOREZ was arrested for driving under the influence of alcohol.

When questioned, it was determined that ARVISO-FLOREZ was an alien illegally in the United States from Mexico. ARVISO-FLOREZ was identified as an alien and citizen of Mexico.

An analysis of his fingerprints found that ARVISO-FLOREZ had been previously deported from the United States on June 3, 1988, and again on August 24, 2000, through the port of El Paso, Texas.

Further review of immigration records revealed that ARVISO-FLOREZ did not have the consent of the Attorney General or his successor, the Secretary of the Department of Homeland Security, to re-enter the United States after being deported.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that ARVISO-FLOREZ will likely serve **all** of the time imposed by the court. In the federal system, ARVISO-FLOREZ does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Marcia K. Hurd prosecuted the case for the United States.

The investigation was a cooperative effort between the Big Horn County Sheriff's Office and the U.S. Customs and Border Protection.

WILNER BACHEZ-GAMEZ

WILNER BACHEZ-GAMEZ, a 27-year-old resident of El Salvador, was sentenced to a

term of:

- Prison: 27 months
- Special Assessment: \$100
- Supervised Release: 3 years

BACHEZ-GAMEZ was sentenced in connection with his guilty plea to illegal re-entry of a deported alien.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On December 28, 2006, a Powell County Sheriff's deputy was dispatched to a truck stop in Deer Lodge to respond to a report of an intoxicated male causing a disturbance. The deputy encountered a Hispanic male who presented a resident alien card bearing the name Wilner Osmani-Bachez. He also presented an El Salvador identification card bearing the name Wilner Bachez-Gamez. The deputy contacted Immigration and Customs Enforcement to verify the documents.

An Immigration and Customs Enforcement agent responded and asked the individual where he was from. The individual informed the agent that he was from El Salvador and showed him the identification cards. The agent determined that the resident alien card was not authentic and took the individual into custody as an undocumented alien in the United States without authorization.

A fingerprint records check positively identified the individual as BACHEZ-GAMEZ. A further review of immigration records revealed that BACHEZ-GAMEZ had been previously removed from the United States on September 9, 2005, through Houston, Texas. No record was found that BACHEZ-GAMEZ ever requested permission from immigration authorities to apply for re-entry into the United States.

Upon further questioning, BACHEZ-GAMEZ admitted he was born in El Salvador and that he is a citizen of that country. He further admitted that he had previously been ordered deported by an immigration judge and sent by airplane from the United States to El Salvador.

BACHEZ-GAMEZ stated that he crossed back into the United States near El Paso, Texas, in January or February of 2006, and that he did so without requesting permission.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that BACHEZ-GAMEZ will likely serve **all** of the time imposed by the court. In the federal system, BACHEZ-GAMEZ does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Michael S. Lahr prosecuted the case for the United States.

The investigation was conducted by the U.S. Immigration and Customs Enforcement.

MARIA BARRAGAN-LOPEZ

MARIA BARRAGAN-LOPEZ, a 36-year-old resident of Belgrade, pled guilty and was sentenced on the charge of illegal re-entry of a previously deported alien.

BARRAGAN-LOPEZ was sentenced to a term of:

- Prison: 135 days (time served)
- Special Assessment: \$100

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On May 22, 2007, BARRAGAN-LOPEZ was encountered at the Melaque Mexican restaurant in Belgrade. BARRAGAN-LOPEZ was working at the restaurant when agents from the U.S. Immigration and Customs Enforcement (“ICE”) executed a search warrant to look for evidence of harboring and employing illegal aliens, and evidence of the possession and distribution of illegal drugs. Melaque restaurants were searched in Butte, Belgrade, Helena and Great Falls.

BARRAGAN-LOPEZ acknowledged that she was working at the restaurant and that she was an illegal alien who had been deported from the United States on February 24, 2007, at San Ysidro, California.

A review of BARRAGAN-LOPEZ’S immigration file confirmed the fact and date of her prior deportation. The file contained no evidence that she had applied for permission to reenter the United States with either the Secretary of the Department of Homeland Security or the Attorney General.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that BARRAGAN-LOPEZ will likely serve **all** of the time imposed by the court. In the federal system, BARRAGAN-LOPEZ does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Timothy J. Racicot prosecuted the case for the United States.

The investigation was conducted by the U.S. Immigration and Customs Enforcement.

LEW MERREL BEGLEY

LEW MERREL BEGLEY, a 72-year-old resident of Mesquite, Texas, pled guilty and was sentenced on the charge of attempted alien smuggling.

BEGLEY received the following sentence:

- Special Assessment: \$25
- Forfeiture: \$10,000, in lieu of forfeiting the vehicle used in the smuggling

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On August 26, 2006, at approximately 2:30 p.m., BEGLEY arrived at the Port of Chief Mountain in a 1999 Cadillac Deville bearing a Texas license plate. BEGLEY, the owner and driver of the vehicle, had two (2) passengers with him; one was a United States citizen, and the other was a citizen and national of South Africa.

During primary inspection, BEGLEY and the other two men all made claims to United States citizenship, and all provided Texas state drivers' licenses as identification and proof of citizenship. An officer questioned BEGLEY about the citizenship of everyone in the vehicle. BEGLEY stated that both of his passengers were United States citizens.

The officer then began to question the other two men about their citizenship. BEGLEY spoke on behalf of the man from South Africa and stated that the individual had two (2) voter registration cards as proof of citizenship. After more routine questioning, the officer referred BEGLEY and his passengers to secondary inspection.

During the secondary inspection, an officer queried the Central Index System (CIS) and discovered that the one individual was a resident of South Africa. The officer then questioned the individual further about his citizenship. The individual then admitted he was a citizen of South Africa and pulled out a false United States birth certificate and a valid South African passport that he had concealed in his underwear. He presented both documents to the officer. He admitted to the officer that the United States birth certificate was false, and that he had used it to fraudulently acquire the Texas driver's license and two (2) voter registration cards. The individual stated he had created the false birth certificate on his home computer. He further stated he had lived in the United States illegally for approximately twelve (12) years and was enroute to his residence in Texas. The individual's fraudulently-obtained Texas driver's license and voter registration cards indicated he used the same residence address as BEGLEY. The individual then advised the officer that he was infected with Acquired Immune Deficiency Syndrome (AIDS) and he had been receiving treatment for the AIDS by his partner, BEGLEY, who is a physician.

Officers then interviewed BEGLEY a second time. During this interview, BEGLEY

stated he was the individual's doctor and that the medication found by the officers in the car was for the individual's treatment. BEGLEY signed a written statement acknowledging he was fully aware that the individual was a citizen of South Africa. He admitted he had lied to the officers during the initial inspection

A review of Canadian and United States records indicated that the South African individual had recently returned to South Africa, but had flown by commercial aircraft not from Texas, but from Vancouver, British Columbia, Canada, approximately 2,260 miles from BEGLEY and his residence in Texas. He had returned to Canada via Vancouver, B.C., traveling on his South African passport, when arrested attempting to enter the United States using false United States documents.

BEGLEY had been the individual companion and doctor for the past 12 years. The individual had lived in the United States for 12 years without legal immigration status and had paid a U.S. citizen to marry him so he could obtain U.S. citizenship.

BEGLEY and the other U.S. citizen had driven to Vancouver, B.C., Canada, to pick the other individual up at the airport to bring him back into the United States. The individual stated that he planned to live with BEGLEY while getting treated by him for AIDS.

The individual from South Africa admitted he had been issued a voluntary departure from the United States by an immigration judge and that he had voluntarily left the United States, but returned illegally by crossing the Mexico/United States border approximately six (6) months after his departure.

Department of Homeland Security records indicate that this individual had been ordered deported from the United States on December 11, 1997, and left the U.S. on February 9, 1998.

After learning that the individual from South Africa would be refused entry into the United States, BEGLEY and the other passenger advised the officers that they wanted to travel with the other individual back into Canada. Canada Border Services Agency officers refused BEGLEY entry into Canada.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that BEGLEY will likely serve **all** of the time imposed by the court. In the federal system, BEGLEY does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Elizabeth Horsman prosecuted the case for the United States.

The investigation was a cooperative effort between Immigration and Customs Enforcement and Customs and Border Protection at the Port of Chief Mountain.

MIGUEL CABANAS-PATRICIO

MIGUEL CABANAS-PATRICIO, a resident of Mexico, was sentenced to a term of:

- Prison: 6 months
- Special Assessment: \$100
- Supervised Release: 3 years

CABANAS-PATRICIO was sentenced in connection with his guilty plea to fraud and misuse of visas, permits and other documents.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On January 4, 2007, at 3:34 a.m., a Dawson County Sheriff's deputy responded to a single-vehicle accident near Glendive. The Montana Highway Patrol was also dispatched to the scene. CABANAS-PATRICIO was the driver of the vehicle involved in the accident. CABANAS-PATRICIO did not have a driver's license and only provided a Mexican identification card to the investigating officers. As a result of the accident, CABANAS-PATRICIO was placed under arrest by the Montana Highway Patrol for traffic violations and taken to the Dawson County Detention Center.

Based on the Mexican identification document, U.S. Immigration and Customs Enforcement (ICE) was contacted regarding a possible illegal alien. An ICE agent conducted a telephonic interview of CABANAS-PATRICIO, who informed the agent that he had last entered the United States illegally near McAllen, Texas. He also admitted to having false identification documents in his possession.

On January 6, 2007, ICE agents took CABANAS-PATRICIO into custody for possible violations of the Immigration and Naturalization Act. CABANAS-PATRICIO gave permission to search his belongings and a false Resident Alien card and a false Social Security card were found. The Resident Alien card was in CABANAS-PATRICIO'S name but bore the immigration A-File number of another individual. The Social Security card was also in CABANAS-PATRICIO'S name but was a number not assigned to him.

CABANAS-PATRICIO admitted that he had purchased both documents after his initial illegal entry into the United States in 2002. He stated that he purchased the documents from an unknown individual in a K-Mart parking lot in Minneapolis, Minnesota, in February of 2002.

Testimony and documentation would have been introduced to establish that the Resident Alien card found in CABANAS-PATRICIO'S possession was a forged, counterfeited, altered or falsely made Resident Alien card.

Because there is no parole in the federal system, the "truth in sentencing" guidelines

mandate that CABANAS-PATRICIO will likely serve **all** of the time imposed by the court. In the federal system, CABANAS-PATRICIO does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Michael S. Lahr prosecuted the case for the United States.

The investigation was a cooperative effort between the Dawson County Sheriff’s Office, the Montana Highway Patrol and the U.S. Immigration and Customs Enforcement.

JORGE LUIS CARO-RAMOS

JORGE LUIS CARO-RAMOS, age 48, was sentenced to a term of:

- Prison: 40 months
- Special Assessment: \$100
- Supervised Release: 3 years

CARO-RAMOS was sentenced in connection with his guilty plea to illegal re-entry of a previously deported alien.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On November 27, 2006, agents with the U.S. Immigration and Customs Enforcement were contacted by the Montana Highway Patrol in Glendive. CARO-RAMOS had told Highway Patrol officers his name was Jorge Melgarejo, but he did not have any identification. A check of immigration records did not reveal any records for an individual under the name provided by CARO-RAMOS.

CARO-RAMOS subsequently admitted that he was an alien and citizen of Mexico who was in the United States illegally. He also stated that his real name was Jorge Caro-Ramos, that he was born on April 18, 1959, and that he had been deported from the United States in 1998.

A fingerprint analysis confirmed his identity and revealed that he had previously been removed from the United States on November 19, 1998, through Detroit, Michigan.

A further review of immigration records found no evidence that CARO-RAMOS had ever requested permission from immigration authorities to apply for re-entry into the United States.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that CARO-RAMOS will likely serve **all** of the time imposed by the court. In

the federal system, CARO-RAMOS does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Michael S. Lahr prosecuted the case for the United States.

The investigation was a cooperative effort between the Montana Highway Patrol and the U.S. Immigration and Customs Enforcement.

JESUS CERON-GONZALEZ

JESUS CERON-GONZALEZ, age 27, was sentenced to a term of:

- Prison: 12 months
- Special Assessment: \$100
- Supervised Release: 1 year

CERON-GONZALEZ was sentenced in connection with his guilty plea to re-entry of a previously deported alien.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On July 7, 2007, CERON-GONZALEZ was stopped for speeding by the Montana Highway Patrol near Roundup. He was cited for speeding, having no vehicle insurance, and was using a false name. Because CERON-GONZALEZ had a limited ability to converse in English, an agent with the U.S. Immigration and Customs Enforcement was contacted.

CERON-GONZALEZ was fingerprinted and thereby identified through immigration records as having been previously deported from the United States on December 14, 2006, through El Paso, Texas.

Further investigation revealed that CERON-GONZALEZ did not have the consent of the Attorney General or his successor, the Secretary of the Department of Homeland Security, to re-enter the United States after having been deported.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that CERON-GONZALEZ will likely serve **all** of the time imposed by the court. In the federal system, CERON-GONZALEZ does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Marcia K. Hurd prosecuted the case for the United States.

The investigation was a cooperative effort between the Montana Highway Patrol and the U.S. Immigration and Customs Enforcement and the U.S. Customs and Border Protection.

MAURICIO CIPRIANO-MARTINEZ

MAURICIO CIPRIANO-MARTINEZ, a 36-year-old resident of Mexico, was sentenced to a term of:

- Prison: time served (100 days)
- Supervised Release: 2 years

CIPRIANO-MARTINEZ was sentenced in connection with his guilty plea to fraud and misuse of visas, passports, or other immigration documents.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

CIPRIANO-MARTINEZ is a Mexican citizen. He was encountered on November 7, 2006, by Customs and Border Enforcement Agency (CBSA) officers when he and seven other illegal aliens attempted to enter Canada. CBSA officers refused entry to CIPRIANO-MARTINEZ and the other seven persons, and returned them to the United States at the Port of Sweetgrass.

At the Port of Sweetgrass, Customs and Border Protection (CBP) officers inspected CIPRIANO-MARTINEZ and determined he was a citizen of Mexico without legal authority to reside or work in the United States. CBP officers found upon CIPRIANO-MARTINEZ or in his belongings one false Social Security card and two false permanent resident alien cards, or I-551s, bearing his photograph and a false alien number.

The resident alien card, or I-551, is a document prescribed by statute or regulation as evidence of authorized stay or employment in the United States.

Immigration and Customs Enforcement (ICE) special agents learned that CIPRIANO-MARTINEZ had been previously encountered by the United States Border Patrol on April 11, 2006, on the United States-Mexico border at the Casa Grande, Arizona, Border Patrol. CIPRIANO-MARTINEZ was allowed informal removal, also known as a voluntary departure, and he was returned to Mexico.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that CIPRIANO-MARTINEZ will likely serve **all** of the time imposed by the court. In the federal system, CIPRIANO-MARTINEZ does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Elizabeth Horsman prosecuted the case for the United States.

The investigation was conducted by a cooperative effort between the Bureau of Immigration and Customs Enforcement and the Canadian Border Patrol at the Port of Sweetgrass.

BERNADINO DEJESUS-CLEMENTE

BERNADINO DEJESUS-CLEMENTE, a 32-year-old resident of Mexico, pled guilty and was sentenced on the charge of misuse of visas, passports and other documents.

DEJESUS-CLEMENTE was sentenced to a term of:

- Prison: time served (108 days)
- Supervised Release: 2 years

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On November 7, 2006, DEJESUS-CLEMENTE encountered Customs and Border Enforcement Agency (CBSA) officers when he and seven other illegal aliens attempted to enter Canada. CBSA officers refused entry to DEJESUS-CLEMENTE and the other seven persons, and returned them to the United States at the Port of Sweetgrass.

At the Port of Sweetgrass, Customs and Border Protection (CBP) officers questioned DEJESUS-CLEMENTE and determined he was a citizen of Mexico without legal authority to reside or work in the United States. CBP officers found upon DEJESUS-CLEMENTE, or in his belongings, a false Social Security Administration card, and a false permanent resident alien card bearing his photograph and a false alien number.

A review of immigration records found that DEJESUS-CLEMENTE had been previously encountered by the United States Border Patrol on March 1, 2006, on the United States-Mexico border at or near Casa Grande, Arizona. DEJESUS-CLEMENTE was allowed informal removal, also known as a voluntary departure, and he was returned to Mexico.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that DEJESUS-CLEMENTE will likely serve **all** of the time imposed by the court. In the federal system, DEJESUS-CLEMENTE does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Elizabeth Horsman prosecuted the case for the United States.

The investigation was a cooperative effort between Customs and Border Protection and

Canada Border Services Agency.

ARNULFO DIAZ-URBINA

ARNULFO DIAZ-URBINA, a 35-year-old resident of Mexico, was sentenced to a term of:

- Prison: 204 days, time served
- Special Assessment: \$100
- Supervised Release: 1 year

DIAZ-URBIN was sentenced in connection with his guilty plea to illegal re-entry of a previously deported alien.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On October 3, 2006, the Sweetgrass County Sheriff's Office contacted Border Patrol agents and informed them that DIAZ-URBINA had been arrested by the Montana Highway Patrol for driving under the influence and for failing to have a valid driver's license. His only form of identification was a Mexican Consular Identification Card which gave his name as Javier Diaz-Urbina.

When interviewed by the Border Patrol agents, DIAZ-URBINA admitted that he was a citizen of Mexico and that he was in the United States illegally.

A fingerprint records check indicated that his true name was ARNULFO DIAZ-URBINA and that he was previously removed from the United States on November 12, 2002, through El Paso, Texas.

A further review of immigration records confirmed that DIAZ-URBINA had not requested permission from immigration authorities to apply for re-entry into the United States.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that DIAZ-URBINA will likely serve **all** of the time imposed by the court. In the federal system, DIAZ-URBINA does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Michael S. Lahr prosecuted the case for the United States.

The investigation was a cooperative effort between the Sweetgrass County Sheriff's Office and the U.S. Border Patrol.

EDGAR RENE DOMINGUEZ-LOPEZ

EDGAR RENE DOMINGUEZ-LOPEZ, a resident of Guatemala, pled guilty and was sentenced on the charge of entry without inspection.

DOMINGUEZ-LOPEZ was sentenced to a term of:

- Prison: time served
- Supervised Release: 1 year

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On December 16, 2006, DOMINGUEZ-LOPEZ illegally entered the United States by walking across the United States-Canada border west of the Port of Sweetgrass, thus allowing him to evade inspection by immigration officials.

DOMINGUEZ-LOPEZ, a citizen of Guatemala, would have been refused entry into the United States as being ineligible for entry due to lack of an appropriate visa and a prior refused entry in December of 2005.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that DOMINGUEZ-LOPEZ will likely serve **all** of the time imposed by the court. In the federal system, DOMINGUEZ-LOPEZ does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Elizabeth A. Horsman prosecuted the case for the United States.

The investigation was conducted by the U.S. Border Patrol.

FRANCISCO DURAN-ESTRADA

FRANCISCO DURAN-ESTRADA, a 34-year-old resident of Mexico, was sentenced to a term of:

- Prison: 40 months
- Special Assessment: \$200
- Supervised Release: 3 years

DURAN-ESTRADA was sentenced in connection with his guilty plea to illegal re-entry of a previously deported alien and being an illegal alien in possession of a firearm.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On March 10, 2007, a Montana Highway Patrol officer contacted DURAN-ESTRADA at the scene of a one-vehicle accident near Arlee. DURAN-ESTRADA, who was the driver of the vehicle, was found in possession of an alien resident or “green” card bearing an “A-number” assigned to a citizen of Iran. Inside the vehicle, the officer located and seized a New England Firearms Company 12-gauge shotgun, model Pardner SB1.

On March 12, 2007, DURAN-ESTRADA was interviewed by an agent with U.S. Immigration and Customs Enforcement. DURAN-ESTRADA admitted to being in the United States illegally, buying and possessing the green card, and buying and possessing the shotgun.

A review of immigration records was conducted and it was determined that DURAN-ESTRADA is a citizen of Mexico who had been previously removed from the United States on November 30, 1999, and again on December 13, 1999. The records also reflected that DURAN-ESTRADA had not applied for permission to reenter the country with either the Secretary of the Department of Homeland Security or the Attorney General.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that DURAN-ESTRADA will likely serve **all** of the time imposed by the court. In the federal system, DURAN-ESTRADA does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Timothy J. Racicot prosecuted the case for the United States.

The investigation was a cooperative effort between the Montana Highway Patrol, the U.S. Immigration and Customs Enforcement, and the Bureau of Alcohol, Tobacco, Firearms and Explosives.

GABRIEL ESTALA-ESPARZA

GABRIEL ESTALA-ESPARZA, a 31-year-old resident of Mexico, was sentenced to a term of:

- Prison: 24 months
- Special Assessment: \$100
- Supervised Release: 2 years

ESTALA-ESPARZA was sentenced in connection with his guilty plea to illegal re-entry of a deported alien.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

Records of the Department of Homeland Security would have shown that ESTALA-ESPARZA was removed from the United States on October 15, 2001, through Chicago, Illinois.

On May 28, 2006, ESTALA-ESPARZA was found in Great Falls as the result of an unrelated criminal charge by the Great Falls Police Department. After disposition of the state charge, ESTALA-ESPARZA was turned over to the Bureau of Immigration and Customs Enforcement which verified that ESTALA-ESPARZA had previously been deported from the United States.

A review of ESTALA-ESPARZA'S immigration files within the Department of Homeland Security found no documentation that ESTALA-ESPARZA had ever applied for or received permission from the Attorney General or his successor, the Secretary of the Department of Homeland Security, to return to the United States.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that ESTALA-ESPARZA will likely serve **all** of the time imposed by the court. In the federal system, ESTALA-ESPARZA does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Elizabeth Horsman prosecuted the case for the United States.

The investigation was a cooperative effort between the Great Falls Police Department and the Bureau of Immigration and Customs Enforcement.

ELOY FIGUEROA

ELOY FIGUEROA, a 28-year-old resident of Kalispell *d/b/a Figueroa Framers*, was sentenced to a term of:

- House Arrest: 5 months with electronic monitoring
- Special Assessment: \$110
- Fine: \$4,500
- Probation: 3 years

FIGUEROA was sentenced after having been found guilty during a 4-day trial of harboring illegal aliens, transporting illegal aliens, and unlawful employment of illegal aliens.

Because there is no parole in the federal system, the "truth in sentencing" guidelines

mandate that FIGUEROA will likely serve **all** of the time imposed by the court. In the federal system, FIGUEROA does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Elizabeth A. Horsman prosecuted the case for the United States.

The investigation was a cooperative effort between the U.S. Immigration and Customs Enforcement and the Flathead County Sheriff’s Office.

GERMAN GARCIA-MENDOZA

GERMAN GARCIA-MENDOZA, a 30-year-old resident of Mexico, was sentenced to a term of:

- Prison: 116 days, (time served)
- Supervised Release: 3 years

GARCIA-MENDOZA was sentenced in connection with his guilty plea to illegal reentry of a removed alien.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On April 10, 2007, agents from U.S. Immigration and Customs Enforcement encountered GARCIA-MENDOZA in Missoula at his place of employment, the Fiesta el Jalisco restaurant. In response to questioning from the agents, he admitted he was a citizen of Mexico illegally present in the United States.

A review of GARCIA-MENDOZA’S immigration records provided confirmation that GARCIA-MENDOZA is a citizen of Mexico and that he was deported from El Paso, Texas, on December 20, 2005, after obtaining a conviction for partner-family assault in Missoula. There was no indication he had applied for or received permission to legally reenter the United States.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that GARCIA-MENDOZA will likely serve **all** of the time imposed by the court. In the federal system, GARCIA-MENDOZA does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Timothy J. Racicot prosecuted the case for the United States.

The investigation was conducted by the U.S. Immigration and Customs Enforcement.

JUAN GARCIA-PEREZ

JUAN GARCIA-PEREZ, *a/k/a Manuel Antonio Valencia, Juan Ramon Rodriguez*, a 49-year-old resident of Mexico, was sentenced to a term of:

- Prison: 41 months
- Special Assessment: \$100
- Supervised Release: 3 years

GARCIA-PEREZ was sentenced in connection with his guilty plea to re-entry of a previously deported alien.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On September 19, 2006, GARCIA-PEREZ was arrested as a result of a joint criminal investigation by the Great Falls Police Department and the Cascade County Sheriff's Office. These agencies were investigating construction site burglaries in the Great Falls area. At the time of his arrest, GARCIA-PEREZ identified himself as Manuel Antonio Valencia.

A fingerprint analysis revealed that he was in fact GARCIA-PEREZ.

A review of records found that GARCIA-PEREZ was a citizen of Mexico who was deported from the United States on April 2, 1998, through the Port of San Ysidro, California. He later returned to the United States and was convicted of second degree burglary in California on January 8, 1999. On April 15, 2003, GARCIA-PEREZ was deported from the United States to Mexico through the Port of San Ysidro as an aggravated felon. At the second removal, GARCIA-PEREZ was barred for life from obtaining permission to apply for admission to the United States.

A further review of immigration records revealed no record that GARCIA-PEREZ had since removal, applied for or received the permission of the Secretary of the Department of Homeland Security to apply for admission to reenter the United States.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that GARCIA-PEREZ will likely serve **all** of the time imposed by the court. In the federal system, GARCIA-PEREZ does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Elizabeth A. Horsman prosecuted the case for the United States.

The investigation was a cooperative effort between the Great Falls Police Department,

the Cascade County Sheriff's Office, and the U.S. Immigration and Customs Enforcement.

FLORIBERTO GARCIA-RAMIREZ

FLORIBERTO GARCIA-RAMIREZ, a 31-year-old resident of Mexico, was sentenced to a term of:

- Prison: 120 days
- Special Assessment: \$100
- Supervised Release: 1 year

GARCIA-RAMIREZ was sentenced in connection with his guilty plea to illegal re-entry of a deported alien.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On May 20, 2007, a Montana Highway patrolman GARCIA-RAMIREZ as the driver of a vehicle that he had stopped at a traffic safety checkpoint in Huntley. GARCIA-RAMIREZ presented an expired Mexican Passport bearing the name Floriberto Garcia-Ramirez to the officer who then advised an agent with the U.S. Immigration and Customs Enforcement (ICE). The ICE agent spoke telephonically with GARCIA-RAMIREZ and GARCIA-RAMIREZ admitted that he was illegally in the country and that he was an alien and citizen of Mexico. GARCIA-RAMIREZ was later transported to Billings for processing.

A fingerprint analysis revealed that GARCIA-RAMIREZ had previously been deported from the United States on May 14, 2004, through Otay Mesa, California.

Further review of immigration records revealed that GARCIA-RAMIREZ did not have the consent of the Attorney General or his successor, the Secretary of the Department of Homeland Security, to re-enter the United States after being deported.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that GARCIA-RAMIREZ will likely serve **all** of the time imposed by the court. In the federal system, GARCIA-RAMIREZ does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Marcia K. Hurd prosecuted the case for the United States.

The investigation was a cooperative effort between the U.S. Immigration and Customs Enforcement, the U.S. Customs and Border Protection, and the Montana Highway Patrol.

VICTOR GASPAR-SIERRA

VICTOR GASPAR-SIERRA, a 24-year-old resident of Mexico, was sentenced to a term of:

- Prison: 6 months
- Special Assessment: \$100
- Supervised Release: 1 year

GASPAR-SIERRA was sentenced in connection with his guilty plea to illegal re-entry of a previously deported alien.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On January 7, 2007, Rosebud County Sheriff's deputies contacted Immigration and Customs Enforcement agents regarding GASPAR-SIERRA and informed the agents that he had been arrested near Hysham.

A fingerprint records check indicated that he was VICTOR GASPAR-SIERRA and his immigration file established he was an alien and a citizen of Mexico.

The immigration file contained a Warrant of Removal regarding GASPAR-SIERRA'S prior deportation from the United States through San Ysidro, California on January 28, 2006.

A further review of immigration records confirmed that GASPAR-SIERRA had not requested permission from immigration authorities to apply for re-entry into the United States.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that GASPAR-SIERRA will likely serve **all** of the time imposed by the court. In the federal system, GASPAR-SIERRA does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Michael S. Lahr prosecuted the case for the United States.

The investigation was a cooperative effort between the Rosebud County Sheriff's Office and the Bureau of Immigration and Customs Enforcement.

LUIS ARMANDO GONZALEZ-BARRERA

LUIS ARMANDO GONZALEZ-BARRERA, a 40-year-old citizen of Mexico, was

sentenced to a term of:

- Prison: time served (183 days)
- Special Assessment: \$100
- Supervised Release: 3 years

GONZALEZ-BARRERA was sentenced in connection with his guilty plea to illegal re-entry of a previously deported alien.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On August 8, 2006, agents with the Bureau of Immigration and Customs Enforcement located GONZALEZ-BARRERA at a residence in Billings. When questioned, GONZALEZ-BARRERA admitted to being an alien and citizen of Mexico. GONZALEZ-BARRERA also admitted that he had not received permission to re-enter the United States.

A search of the Department of Homeland Security records revealed that GONZALEZ-BARRERA is a Mexican citizen who had previously been removed from the United States on April 10, 2003, through El Paso, Texas.

A further review of the records revealed no evidence that GONZALEZ-BARRERA ever requested permission to apply for re-entry into the United States from the Attorney General of the United States, or his successor, the Secretary of the Department of Homeland Security.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that will likely serve **all** of the time imposed by the court. In the federal system, GONZALEZ-BARRERA does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Michael S. Lahr prosecuted the case for the United States.

The investigation was conducted by the Bureau of Immigration and Customs Enforcement.

ALDO HERNANDEZ-MENDEZ

ALDO HERNANDEZ-MENDEZ, a 43-year-old resident of Bozeman/Big Sky, was sentenced to a term of:

- Prison: 27 months
- Special Assessment: \$100

- Supervised Release: 3 years

HERNANDEZ-MENDEZ was sentenced in connection with his guilty plea to illegal re-entry by a previously deported alien.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On January 11, 2007, the Gallatin County jail contacted agents from the Bureau of Immigration and Customs Enforcement (“ICE”) concerning HERNANDEZ-MENDEZ, who had been arrested for felony assault with a weapon. According to the jail officials, HERNANDEZ-MENDEZ claimed to have been born in Texas but had two social security numbers, one corresponding to a United States citizen and one corresponding to an alien and citizen of Mexico. The photos and fingerprints of the illegal alien matched HERNANDEZ-MENDEZ’S and reflected that he had been deported from the United States on five occasions, most recently on September 18, 2002.

During an interview with ICE agents, HERNANDEZ-MENDEZ admitted his true identity and alienage and further admitted that he had never applied for permission to reenter the United States.

A review of immigration records confirmed that HERNANDEZ-MENDEZ had not applied for permission to reenter with either the Secretary of the Department of Homeland Security or the Attorney General.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that HERNANDEZ-MENDEZ will likely serve **all** of the time imposed by the court. In the federal system, HERNANDEZ-MENDEZ does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Timothy J. Racicot prosecuted the case for the United States.

The investigation was a cooperative effort between the Gallatin County Sheriff’s Office and the U.S. Immigration and Customs Enforcement.

BRADFORD CHARLES HEWITT

BRADFORD CHARLES HEWITT, a 51-year-old citizen of Canada, was sentenced to a term of:

- Prison: 140 days, time served
- Special Assessment: \$100
- Supervised Release: 1 year

HEWITT was sentenced in connection with his guilty plea to illegal re-entry of a previously deported alien.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

HEWITT, a Canadian citizen, was found approximately six miles inside the United States near Sweetgrass. He had crossed the border about four miles west of the Sweetgrass Port of Entry. A local farmer had notified authorities. The farmer is a retired Border Patrol supervisor of the Sweetgrass Station. HEWITT had previously been removed on April 11, 2007, at Pembina, North Dakota.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that HEWITT will likely serve **all** of the time imposed by the court. In the federal system, HEWITT does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Elizabeth A. Horsman prosecuted the case for the United States.

The investigation was conducted by the U.S. Customs and Border Protection Havre Sector’s Sweetgrass Station.

RAUL HINOJOSA

RAUL HINOJOSA, a 39-year-old resident of Mexico and Livingston, was sentenced to a term of:

- Prison: 123 days, time served
- Special Assessment: \$200
- Supervised Release: 2 years

HINOJOSA was sentenced in connection with his guilty plea to misuse of a Social Security number to obtain a Montana driver’s license.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On August 2, 2002, HINOJOSA used a false Social Security number on an application to renew a Montana driver’s license that he had previously received through use of a false number.

A review of Montana Department of Justice (MDOJ), Motor Vehicle Division records in Helena revealed that, due to HINOJOSA’S use of a false Social Security number, the MDOJ issued a driver’s license to him bearing his photograph.

A review of the Social Security Administration's records found that the Social Security number used by HINOJOSA to obtain a Montana driver's license was not, in fact, issued to him.

Records of HINOJOSA'S employers were reviewed and which revealed that HINOJOSA also used the same false Social Security number on at least one U.S. Department of Treasury tax form (W-4) and a U.S. Department of Justice Employment Eligibility Verification from (I-9) to gain employment in Montana.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that HINOJOSA will likely serve **all** of the time imposed by the court. In the federal system, HINOJOSA does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Elizabeth A. Horsman prosecuted the case for the United States.

The investigation was a cooperative effort between the Montana Department of Justice/Montana All Threat Intelligence Center (MATIC) and the Federal Bureau of Investigation.

ABDIMALIK ABDIWAHID HUSSEIN

ABDIMALIK ABDIWAHID HUSSEIN, a 28-year-old resident of Somalia/Canada, was sentenced to a term of:

- Prison: 138 days, time served
- Supervised Release: 3 years

HUSSEIN was sentenced in connection with his guilty plea to making false statements.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On August 12, 2007, at approximately 6:00 p.m., HUSSEIN was observed walking on Interstate 15 approximately 2 miles south of the Sweetgrass Port of Entry. A U.S. Customs and Border Protection agent from the Sweetgrass Station stopped to check on HUSSEIN'S welfare due to the fact that HUSSEIN was in an area not normally used by pedestrians.

HUSSEIN told the agent that he was a citizen of Somalia and that he had entered the United States in a vehicle through the Sweetgrass Port of Entry at approximately 4:30 p.m. The agent requested a 72-hour lane check on HUSSEIN which came back negative. HUSSEIN was then transported to the Sweetgrass Border Patrol Station for further investigation.

HUSSEIN stated that he had been a passenger in a vehicle that entered through the Sweetgrass Port of Entry and that he was not inspected at entry. However, he was unable to identify what kind of vehicle he had entered in, and though he stated he had traveled with three other people, he did not know their names.

Further investigation, including an interview of HUSSEIN, revealed that he had entered the United States illegally by walking across the border east of the Sweetgrass Port of Entry, thereby evading inspection.

HUSSEIN initially used a false name and date of birth to conceal his true identity. When HUSSEIN was questioned at the time of apprehension and upon initial processing, he used the name and identity of his brother. HUSSEIN also possessed a fraudulent Ontario driver's license he had obtained in Ontario. The driver's license was in HUSSEIN'S brother's name but bears HUSSEIN'S own photograph.

HUSSEIN was also found in possession of 2.1 grams of marijuana. HUSSEIN was turned over to the Toole County Sheriff's Office for prosecution of the drug charge. HUSSEIN also used, at least initially, the false name of his brother as his own identity in the Toole County marijuana prosecution.

HUSSEIN pled guilty in the Toole County matter and was sentenced to 15 days in jail and a fine of \$385. The Toole County Sheriff's Office turned HUSSEIN over to the U.S. Customs and Border Protection on August 27, 2007, for the current offense.

A review of immigration records revealed no prior United States immigration record for HUSSEIN nor any previous criminal record in the United States. However, a search of the Canadian Police Information Center revealed HUSSEIN had been convicted in Canada of assault, possession of a weapon, and failure to appear.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that HUSSEIN will likely serve **all** of the time imposed by the court. In the federal system, HUSSEIN does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Elizabeth A. Horseman prosecuted the case for the United States.

The investigation was conducted by the U.S. Customs and Border Protection.

SEVERO LOPEZ-CASTRO

SEVERO LOPEZ-CASTRO, a 27-year-old citizen of Mexico, was sentenced to a term of:

- Prison: 12 months

- Special Assessment: \$100
- Supervised Release: 2 years

LOPEZ-CASTRO was sentenced in connection with his guilty plea to re-entry of a previously deported alien.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On April 22, 2007, LOPEZ-CASTRO, a Mexican citizen, appeared at the Coutts Port of Entry northbound to Canada. Canada Border Services Agency (CBSA) refused LOPEZ-CASTRO entry into Canada and returned him to the United States Sweetgrass Port of Entry.

Upon return to the Port of Sweetgrass, an agent with the U.S. Customs and Border Protection (CBP) determined that LOPEZ-CASTRO was an alien not authorized to be within the United States.

A fingerprint analysis revealed that LOPEZ-CASTRO had been apprehended approximately 44 times prior to the current arrest at Sweetgrass. A review of immigration records found that LOPEZ-CASTRO had been deported from the United States to Mexico on June 2, 2003, and again on September 15, 2003.

A further review of immigration records revealed no record that LOPEZ-CASTRO had, since removal, applied for or received the permission of the Secretary of the Department of Homeland Security to apply for admission to reenter the United States.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that LOPEZ-CASTRO will likely serve **all** of the time imposed by the court. In the federal system, LOPEZ-CASTRO does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Elizabeth A. Horsman prosecuted the case for the United States.

The investigation was a cooperative effort between the U.S. Immigration and Customs Enforcement and the U.S. Customs and Border Protection.

CESAR LOPEZ-VASQUEZ

CESAR LOPEZ-VASQUEZ, age 33, was sentenced to a term of:

- Prison: 152 days, time served

LOPEZ-VASQUEZ was sentenced in connection with his guilty plea to illegal re-entry of a previously deported alien.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On May 22, 2007, LOPEZ-VASQUEZ was encountered at a residence in Butte. Agents from the U.S. Immigration and Customs Enforcement ("ICE") located LOPEZ-VASQUEZ during a consensual search of the residence while they were looking for evidence of harboring and employing illegal aliens, as well as evidence of the possession and distribution of illegal drugs. The search of the residence followed the execution of a search warrant at the Butte Melaque Mexican restaurant.

The ICE agent conducting the search of the residence recognized LOPEZ-VASQUEZ as he exited a back bedroom. The agent was familiar with LOPEZ-VASQUEZ because LOPEZ-VASQUEZ had been apprehended in Helena in April of 2006 and was deported from the United States on April 27, 2006, at El Paso, Texas.

A review of LOPEZ-VASQUEZ'S immigration file confirmed his identity and the fact and date of his prior deportation. The file contained no evidence that LOPEZ-VASQUEZ applied for permission to reenter the United States with either the Secretary of the Department of Homeland Security or the Attorney General.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that LOPEZ-VASQUEZ will likely serve **all** of the time imposed by the court. In the federal system, LOPEZ-VASQUEZ does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Timothy J. Racicot prosecuted the case for the United States.

The investigation was conducted by the U.S. Immigration and Customs Enforcement.

VLADIMIR LORENZANO-IRRA

VLADIMIR LORENZANO-IRRA, a 28-year-old citizen of Mexico, was sentenced to a term of:

- Prison: 8 months
- Supervised Release: 1 year

LORENZANO-IRRA was sentenced in connection with his guilty plea to illegal re-entry of a previously deported alien.

In an Offer of Proof filed by the United States, the government stated it would have

proved at trial the following:

On September 6, 2007, LORENZANA-IRRA was encountered by a Montana Highway Patrol trooper during a traffic stop in Yellowstone County. The trooper became suspicious and contacted the U.S. Immigration and Customs Enforcement (ICE) for assistance. An ICE agent spoke with LORENZANA-IRRA and determined that he was a citizen of Mexico and in the United States illegally.

A fingerprint analysis identified LORENZANA-IRRA as having been previously deported from the United States on September 8, 2006, through San Ysidro, California.

A further review of immigration records revealed that LORENZANA-IRRA did not have the consent of the Attorney General or his successor, the Secretary of the Department of Homeland Security, to re-enter the United States after being deported.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that LORENZANO-IRRA will likely serve **all** of the time imposed by the court. In the federal system, LORENZANO-IRRA does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Marcia K. Hurd prosecuted the case for the United States.

The investigation was a cooperative effort between the Montana Highway Patrol and the U.S. Immigration and Customs Enforcement.

FELIPE MARTINEZ-CESARIO

FELIPE MARTINEZ-CESARIO, a 23-year-old resident of Mexico, pled guilty and was sentenced on the charge of fraud and misuse of visas, passports and other documents.

MARTINEZ-CESARIO was sentenced to a term of:

- Prison: time served (108 days)
- Supervised Release: 2 years

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On November 7, 2006, MARTINEZ-CESARIO was stopped by Customs and Border Enforcement Agency (CBSA) officers when he and seven other illegal aliens attempted to enter Canada. CBSA officers refused entry to MARTINEZ-CESARIO and the other seven persons and returned them to the United States at the Port of Sweetgrass.

At the Port of Sweetgrass, Customs and Border Protection (CBP) officers determined

MARTINEZ-CESARIO was a citizen of Mexico without legal authority to reside or work in the United States. MARTINEZ-CESARIO had in his possession two false Social Security cards and two false permanent resident alien cards bearing his photograph and a false alien number.

A search of immigration records revealed that MARTINEZ-CESARIO had been previously encountered by the United States Border Patrol on April 12, 2006, on the United States-Mexico border at the Casa Grande, Arizona Border Patrol Station. MARTINEZ-CESARIO was allowed informal removal, also known as a voluntary departure, and he was returned to Mexico.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that MARTINEZ-CESARIO will likely serve **all** of the time imposed by the court. In the federal system, MARTINEZ-CESARIO does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Elizabeth A. Horsman prosecuted the case for the United States.

The investigation was a cooperative effort between U.S. Customs and Border Protection, Canada Border Services Agency, and the Bureau of Immigration and Customs Enforcement.

ALEJANDRO MARTINEZ-CHIMAL

ALEJANDRO MARTINEZ-CHIMAL, a 29-year-old resident of Mexico, was sentenced to a term of:

- Prison: 4 months
- Special Assessment: \$100
- Supervised Release: 1 year

MARTINEZ-CHIMAL was sentenced in connection with his guilty plea to illegal re-entry of a deported alien.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On May 1, 2007, a Montana Highway patrolman encountered MARTINEZ-CHIMAL as the driver of a vehicle that he had stopped for a traffic violation near Glendive. MARTINEZ-CHIMAL presented a Washington State Identification Document, as well as three forms of identification from the country of Mexico to the officer. MARTINEZ-CHIMAL did not appear to understand English and a search of immigration records found that MARTINEZ-CHIMAL had prior immigration charges and that he was a

citizen of Mexico.

MARTINEZ-CHIMAL was later transported to Billings for processing. A fingerprint analysis revealed that MARTINEZ-CHIMAL had previously been deported from the United States on April 4, 2006, through Nogales, Arizona.

Further review of immigration records revealed that MARTINEZ-CHIMAL did not have the consent of the Attorney General or his successor, the Secretary of the Department of Homeland Security, to re-enter the United States after being deported.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that MARTINEZ-CHIMAL will likely serve **all** of the time imposed by the court. In the federal system, MARTINEZ-CHIMAL does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Marcia K. Hurd prosecuted the case for the United States.

The investigation was a cooperative effort between the Montana Highway Patrol, the U.S. Customs and Border Protection, and the U.S. Immigration and Customs Enforcement.

ELIS OMAR MARTINEZ-RODRIGUEZ

ELIS OMAR MARTINEZ-RODRIGUEZ, a 37-year-old resident of Honduras, was sentenced to a term of:

- Prison: 21 months
- Special Assessment: \$100.00
- Supervised Release: 3 years

MARTINEZ-RODRIGUEZ was sentenced in connection with his guilty plea to illegal re-entry of a previously deported alien.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On August 30, 2006, officers with the Glendive Police Department arrested an individual who claimed that his name was David Armando Molina. However, the individual did not match the description of the person described in the identification document which the individual provided to the police officers.

The police officers then fingerprinted the individual and a check of the immigration records revealed that the individual was actually ELIS OMAR MARTINEZ-RODRIGUEZ. The records further indicated that MARTINEZ-RODRIGUEZ had been

previously deported from the United States.

Agents with the Bureau of Immigration and Customs Enforcement (ICE) were then contacted. When questioned by the ICE agents, MARTINEZ-RODRIGUEZ admitted that he was an alien and citizen of Honduras who had been previously deported from the United States.

Immigration records would have shown that MARTINEZ-RODRIGUEZ had been previously deported from the United States, the last time being on August 6, 2004, through Miami, Florida.

Further review of the records revealed no evidence that MARTINEZ-RODRIGUEZ ever requested permission to apply for re-entry into the United States from the Attorney General of the United States, or his successor, the Secretary of the Department of Homeland Security.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that MARTINEZ-RODRIGUEZ will likely serve **all** of the time imposed by the court. In the federal system, MARTINEZ-RODRIGUEZ does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Michael S. Lahr prosecuted the case for the United States.

The investigation was a cooperative effort between the Glendive Police Department and the Bureau of Immigration and Customs Enforcement.

LUIS ALBERTO MAYA

LUIS ALBERTO MAYA, age 23, was sentenced to a term of:

- Prison: 8 months
- Special Assessment: \$100
- Supervised Release: 1 year

MAYA was sentenced in connection with his guilty plea to illegal re-entry of a previously deported alien.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On May 25, 2007, the Plentywood Station of the United States Border Patrol was notified by Plentywood law enforcement that MAYA was a suspect in a theft of a firearm and was also suspected to be illegally within the country. MAYA had left the Plentywood area for Glendive. MAYA was stopped in Dawson County, and he admitted

that he was an illegal alien and was in the United States illegally.

A fingerprint analysis and a review of immigration records revealed that MAYA had previously been deported from the United States on October 26, 2006, through El Paso, Texas.

Further investigation revealed that MAYA did not have the consent of the Attorney General or his successor, the Secretary of the Department of Homeland Security, to re-enter the United States after being deported.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that MAYA will likely serve **all** of the time imposed by the court. In the federal system, MAYA does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Marcia K. Hurd prosecuted the case for the United States.

The investigation was conducted by the U.S. Customs and Border Protection.

REYNALDO ENRIGUEZ MEMBRENO

REYNALDO ENRIGUEZ MEMBRENO, a 34-year-old resident of El Salvador, was sentenced to a term of:

- Prison: 101 days
- Supervised Release: 1 year

MEMBRENO was sentenced in connection with his guilty plea to illegal re-entry of a deported alien.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On October 11, 2006, a Lincoln County Sheriff’s deputy stopped a vehicle in which MEMBRENO was a passenger. Because none of the passengers spoke English and could not produce any forms of identification, the deputy contacted agents with the Bureau of Immigration and Customs Enforcement and Customs and Border Protection.

An agent then conducted a telephone interview of MEMBRENO, during which MEMBRENO admitted to being a citizen of El Salvador and being in the United States illegally.

A search of immigration records confirmed that MEMBRENO is a citizen of El Salvador unlawfully residing in the United States. The records revealed that MEMBRENO had previously been removed from the United States on June 1, 1998, through the port of

entry at Houston, Texas.

Further review of the records revealed no evidence that MEMBRENO ever requested permission to apply for re-entry into the United States from the Attorney General of the United States, or his successor, the Secretary of the Department of Homeland Security.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that MEMBRENO will likely serve **all** of the time imposed by the court. In the federal system, MEMBRENO does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Timothy J. Racicot prosecuted the case for the United States.

The investigation was conducted by the Bureau of Immigration and Customs Enforcement.

HOMERO MENDEZ-RUELAS

HOMERO MENDEZ-RUELAS, a 20-year-old resident of Mexico, was sentenced to a term of:

- Prison: 148 days (time served)
- Supervised Release: 3 years

MENDEZ-RUELAS was sentenced in connection with his guilty plea to illegal re-entry of a deported alien.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On May 22, 2007, MENDEZ-RUELAS was encountered at the Melaque Mexican restaurant in Butte. MENDEZ-RUELAS was working at the restaurant when U.S. Immigration and Customs Enforcement (“ICE”) agents executed a search warrant to look for evidence of harboring and employing illegal aliens and evidence of the possession and distribution of illegal drugs. Melaque restaurants were also searched in Belgrade, Helena and Great Falls.

When questioned, MENDEZ-RUELAS acknowledged that he worked at the restaurant and that he was an illegal alien who had been previously deported from the United States on April 27, 2006, at El Paso, Texas.

A review of MENDEZ-RUELAS’ immigration file confirmed the fact and date of his prior deportation. The file contained no evidence that he had applied for permission to reenter the United States with either the Secretary of the Department of Homeland

Security or the Attorney General.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that MENDEZ-RUELAS will likely serve **all** of the time imposed by the court. In the federal system, MENDEZ-RUELAS does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Timothy J. Racicot prosecuted the case for the United States.

The investigation was conducted by the U.S. Immigration and Customs Enforcement.

RAMON MORALES-RODRIGUEZ

RAMON MORALES-RODRIGUEZ, a 25-year-old resident of Mexico, was sentenced to a term of:

- Prison: 172 days, time served
- Special Assessment: \$100

MORALES-RODRIGUEZ was sentenced in connection with his guilty plea to illegal re-entry of a previously deported alien.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On May 21, 2007, MORALES-RODRIGUEZ was stopped on Highway 93 near Ronan. During the course of the stop, MORALES-RODRIGUEZ admitted to being illegally present in the United States.

A review of immigration records confirmed that MORALES-RODRIGUEZ is a citizen of Mexico and that he was removed from the United States on or about February 22, 2007, at San Ysidro, California, after attempting to enter the country and making false claims of citizenship. He was given an expedited removal and a five-year ban from re-entering the United States.

Further review of immigration records found no evidence that MORALES-RODRIGUEZ had applied for permission to reenter the United States with either the Secretary of the Department of Homeland Security or the Attorney General.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that MORALES-RODRIGUEZ will likely serve **all** of the time imposed by the court. In the federal system, MORALES-RODRIGUEZ does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed

15% of the overall sentence.

Assistant U.S. Attorney Michael S. Lahr prosecuted the case for the United States.

The investigation was conducted by the U.S. Immigration and Customs Enforcement.

FRANCISCO NOGUEDA-LOPEZ

FRANCISCO NOGUEDA-LOPEZ, a 26-year-old resident of Mexico, was sentenced to a term of:

- Prison: 16 months
- Special Assessment: \$100
- Supervised Release: 3 years

NOGUEDA-LOPEZ was sentenced in connection with his guilty plea to illegal re-entry of a deported alien.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On August 12, 2006, NOGUEDA-LOPEZ was arrested in Bozeman for a suspected burglary. When interviewed by the arresting officer, NOGUEDA-LOPEZ admitted he was not authorized to be in the United States.

A search of immigration records confirmed that NOGUEDA-LOPEZ was an illegal alien unlawfully residing in the United States. The records revealed that NOGUEDA-LOPEZ had previously been removed from the United States on November 5, 2002, at Otay Mesa, California, and again on January 28, 2004, at San Ysidro, California.

Further review of the records revealed no evidence that NOGUEDA-LOPEZ ever requested permission to apply for re-entry into the United States from the Attorney General of the United States, or his successor, the Secretary of the Department of Homeland Security.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that NOGUEDA-LOPEZ will likely serve **all** of the time imposed by the court. In the federal system, NOGUEDA-LOPEZ does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Timothy J. Racicot prosecuted the case for the United States.

The investigation was conducted by the Bureau of Immigration and Customs Enforcement.

MARCOS OLIVERAS-COYOTL

MARCOS OLIVERAS-COYOTL, *a/k/a Marcos Oloveras-Coyotl, a/k/a Marcos Galindo-Hernandez*, a 33-year-old resident of Mexico, was sentenced to a term of:

- Prison: 30 months
- Special Assessment: \$100
- Supervised Release: 3 years

OLIVERAS-COYOTL was sentenced in connection with his guilty plea to illegal reentry of a removed alien.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On April 1, 2007, at approximately 2:00 a.m., a Montana Highway Patrol officer observed OLIVERAS-COYOTL walking in his direction along the frontage road in Belgrade. After OLIVERAS-COYOTL passed the officer's vehicle, he began running, rounded a corner, and entered an alley. Two Belgrade Police officers also observed OLIVERAS-COYOTL run into the alley. They followed him and found him hiding behind a garbage can. OLIVERAS-COYOTL eventually obeyed the officers' directives and emerged from behind the garbage can. He was not in possession of any form of identification and provided the officers with two different names.

The officers contacted an Immigration and Customs Enforcement agent who conducted a telephonic interview with OLIVERAS-COYOTL. He admitted that he was not legally present in the United States. The agent reviewed OLIVERAS-COYOTL'S immigration records and confirmed that he was illegally present in the United States, having been deported on May 28, 1999, from Portland, Oregon, after being convicted of delivery of heroin in Multnomah County. OLIVERAS-COYOTL'S immigration records also indicated that he had not applied for lawful admission into the United States with either the Attorney General or the Secretary of the Department of Homeland Security.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that OLIVERAS-COYOTL will likely serve **all** of the time imposed by the court. In the federal system, OLIVERAS-COYOTL does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Timothy J. Racicot prosecuted the case for the United States.

The investigation was a cooperative effort between the Montana Highway Patrol, the Belgrade Police Department, and the U.S. Immigration and Customs Enforcement.

LUCIO OROZCO-MARTINEZ

LUCIO OROZCO-MARTINEZ, age 24, was sentenced to a term of:

- Prison: 8 months
- Special Assessment: \$100
- Supervised Release: 3 years

OROZCO-MARTINEZ was sentenced in connection with his guilty plea to illegal re-entry of a previously deported alien.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On January 2, 2007, U.S. Immigration and Customs Enforcement agents were contacted by authorities in Yellowstone County regarding OROZCO-MARTINEZ, who was facing state charges of assault and criminal mischief following his arrest on December 28, 2006.

An analysis of OROZCO-MARTINEZ'S fingerprints and a records check revealed that an immigration file existed in connection with OROZCO-MARTINEZ.

A review of the immigration records revealed that OROZCO-MARTINEZ was an alien and citizen of Mexico, and that he had previously been removed from the United States through the Port of El Paso, Texas on July 11, 2003.

A further search of immigration records confirmed there was no evidence that OROZCO-MARTINEZ ever requested permission from immigration authorities to apply for re-entry into the United States.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that OROZCO-MARTINEZ will likely serve **all** of the time imposed by the court. In the federal system, OROZCO-MARTINEZ does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Michael S. Lahr prosecuted the case for the United States.

The investigation was conducted by the U.S. Immigration and Customs.

MARY ETTA PICKETT

MARY ETTA PICKETT, a 57-year-old resident of Canada, was sentenced to a term of:

- Prison: 22 months
- Supervised Release: 2 years

PICKETT was sentenced in connection with her guilty plea to illegal re-entry of a deported alien.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On April 7, 2007, PICKETT appeared at the Port of Sweetgrass for inspection for entry into the United States as a Canadian citizen. An officer with U.S. Customs and Border Protection Officer questioned PICKETT about any prior criminal conviction or deportation, and PICKETT denied she had ever been convicted or deported.

However, a review of Department of Homeland Security computer records indicated that a person with the same name as PICKETT had a record in the National Criminal Information Computer (NCIC). PICKETT was required to complete a written declaration form on which she again indicated she had never been arrested, convicted, or deported.

When advised that she was going to be fingerprinted, PICKETT then admitted that she was the person identified in the NCIC record. PICKETT'S fingerprint comparison revealed that PICKETT had, in fact, been convicted of attempted forgery in Missouri in 1999 and removed from the United States on March 24, 2004, through Salt Lake City, Utah. She was removed as an aggravated felon and was under a lifetime bar to application for readmission to the United States.

A further review of DHS records found no record that PICKETT had, since removal, applied for or received the permission of the Secretary of the Department of Homeland Security to apply for admission to reenter the United States.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that PICKETT will likely serve **all** of the time imposed by the court. In the federal system, PICKETT does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Elizabeth A. Horsman prosecuted the case for the United States.

The investigation was a cooperative effort between the U.S. Customs and Border Protection and the U.S. Immigration and Customs Enforcement.

ADIEL QUINTANA-MARROQUIN

ADIEL QUINTANA-MARROQUIN, a 20-year-old citizen of Mexico, was sentenced to a

term of:

- Prison: time served (51 days)
- Special Assessment: \$100
- Supervised Release: 1 year

QUINTANA-MARROQUIN was sentenced in connection with his guilty plea to illegal re-entry of a deported alien.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On March 16, 2007, a Montana Highway patrolman stopped a vehicle for a traffic violation near Forsyth. The patrolman attempted to speak to the passengers of the vehicle, but was unable to do so as they appeared not to understand the English language. The driver communicated to the patrolman that the passengers, including QUINTANA-MARROQUIN, were Mexican citizens and illegally within the United States.

At that point, the subjects were transported to the Rosebud County Jail in Forsyth, and then later transported to the Office of the United States Border Patrol in Billings, Montana for processing.

A fingerprint analysis and a review of immigration records revealed that QUINTANA-MARROQUIN had previously been deported from the United States on July 15, 2006, through Brownsville, Texas.

Further investigation revealed that QUINTANA-MARROQUIN did not have the consent of the Attorney General or his successor, the Secretary of the Department of Homeland Security, to re-enter the United States after being deported on July 15, 2006.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that QUINTANA-MARROQUIN will likely serve **all** of the time imposed by the court. In the federal system, QUINTANA-MARROQUIN does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Marcia K. Hurd prosecuted the case for the United States.

The investigation was a cooperative effort between the Montana Highway Patrol and the U.S. Border Patrol.

PEDRO WALL REMPEL

PEDRO WALL REMPEL, a 27-year-old citizen of Mexico, was sentenced to a term of:

- Prison: 46 months
- Special Assessment: \$100
- Supervised Release: 3 years

REMPEL was sentenced in connection with his guilty plea to attempted re-entry of a previously deported alien.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On July 3, 2007, at approximately 5:08 a.m., REMPEL arrived in a vehicle at the Sweetgrass Port of Entry for inspection to enter the United States. He presented a Canadian citizenship card in the name of Jacob Rempel with date of birth of October 2, 1979. REMPEL and his female passenger, also not a citizen of the United States, were referred for secondary inspection.

In secondary inspection, REMPEL and his female passenger completed Immigration Declaration forms. A review of immigration records found that REMPEL'S prints were associated with a criminal record for Pedro Wall Rempel, with date of birth of October 1, 1979. The criminal history record indicated a prior deportation as an aggravated felon due to a drug smuggling conviction on August 15, 2000, for marijuana smuggling, and deportation on December 10, 2001, from El Paso to Mexico. On his written Immigration Declaration form, REMPEL denied previous convictions and deportations.

REMPEL was arrested and when interviewed continued to state his name was Jacob Wall Rempel, with date of birth of October 2, 1979, born in Chihuahua, Mexico, but raised in Canada. He stated he had never used any other names but has a twin brother, Peter, born 15 minutes before him on October 1, 1979. REMPEL stated he had never been deported but that his twin brother, Peter, had been arrested for drugs.

Later in the interview, after being confronted with the information that the woman passenger had admitted to lying, and that REMPEL had told her to lie, REMPEL admitted that he, too, had been lying, and that the name on the Canadian Citizenship card was not his. He finally admitted that he was the subject of the criminal record and deportation order. REMPEL further stated that he was deported on December 15, 2001, after serving 21 months in prison for smuggling 100.2 pounds of marijuana at Presidio, Texas. REMPEL also stated that he knew he was not allowed to enter the United States. He admitted to purchasing the Canadian citizenship card in Mexico and that it was fraudulent.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that REMPEL will likely serve **all** of the time imposed by the court. In the federal system, REMPEL does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Elizabeth A. Horsman prosecuted the case for the United States.

The investigation was conducted by the U.S. Customs and Border Protection at the Sweetgrass Port of Entry.

RAMON ROBLES-AYALA

RAMON ROBLES-AYALA, a 53-year-old citizen of Mexico, was re-sentenced to a term of:

- Prison: 52 months
- Supervised Release: 3 years

ROBLES-AYALA was re-sentenced in connection with his guilty plea to illegal re-entry of a deported alien after his original sentence was appealed to the Ninth Circuit Court of Appeals. The sentence was reversed and remanded back to U.S. District Court for re-sentencing.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that ROBLES-AYALA will likely serve **all** of the time imposed by the court. In the federal system, ROBLES-AYALA does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Elizabeth Horsman prosecuted this case for the United States.

The investigation was conducted by the U.S. Customs and Border Protection.

LUIS RODRIGUEZ-ESPINO

LUIS RODRIGUEZ-ESPINO, a 37-year-old resident of Temecula, California, was sentenced to a term of:

- Prison: 12 months
- Special Assessment: \$100
- Fine: \$3,000
- Supervised Release: 3 years
- Forfeiture: vehicles used in harboring

RODRIGUEZ-ESPINO was sentenced in connection with his guilty plea to harboring illegal aliens.

In an Offer of Proof filed by the United States, the government stated it would have

proved at trial the following:

On the evening of August 10, 2006, two agents with the Bureau of Immigration and Customs Enforcement (ICE) proceeded to a residence located in Deer Lodge in order to investigate complaints regarding underage drinking. At the residence, the agents encountered seven Hispanic males seated on the front lawn and stoop of the residence consuming alcoholic beverages.

A red four-door extended cab pickup was parked in the driveway bearing a California license plate. The vehicle had a sign on the door with the wording "FORMOST CONSTRUCTION COMPANY" on top and the phrase "doing one thing well" in smaller letters underneath.

An agent asked the individuals in English how they were all doing. Because of the lack of a reply, the agent then asked them the same question in Spanish. Several of the individuals responded at that point. The individuals stated that they were all performing construction work at the Rock Creek site.

When the agent asked who their supervisor was, another Hispanic individual from inside the house appeared, stating in English that he was the supervisor of the group. This individual informed them in English that he was employed by the Formost Construction Company located in Temecula, California, and that he and his crew were working until October, building a golf course on the Rock Creek site in Deer Lodge.

When questioned, the supervisor stated that he had rented the residence as well as another in Deer Lodge for the work crew. He stated that he had six other construction crew members at the other rental.

When asked if he was aware of the immigration status of the crew members under his supervision, the supervisor stated that he was a United States citizen, but that the members of his crew were Mexican nationals in the United States without papers. He further stated that they were only working and not doing anything else wrong.

Based upon the supervisor's statements regarding their immigration status, the agent questioned each of the seven individuals about what country they were from and whether they had documents authorizing them to live and work in the United States. Each one of them admitted that he was a Mexican citizen without immigration papers.

When questioned as to how they had traveled to Montana, the individuals informed the agent that they had traveled to Montana in company trucks and pointed to the red pickup parked in the driveway with the "FORMOST CONSTRUCTION COMPANY" sign on the door.

The agents then drove past the other residence where a second red extended cab pickup with a "FORMOST CONSTRUCTION COMPANY" sign on the door was parked

in the driveway.

On August 30, 2006, the agent conducted surveillance at the first residence and observed a red Chevrolet flatbed pickup bearing a California plate depart the residence at approximately 6:30 a.m. and travel to the I-90 Truck Stop in Deer Lodge. The agent observed six Hispanic males get out of the vehicle and go into the I-90 Truck Stop, including three of the individuals who had previously told him they were in the United States illegally.

The agent then conducted surveillance at both residences on September 4, 5, and 6, 2006. He observed a red Ford crew cab pickup with a California plate stop at the first residence where several Hispanic males got out of the vehicle and went inside the house. He also observed a red Chevrolet extended cab pickup with a California plate stop at the second residence where several male Hispanics got out of the vehicle and went inside the house.

On September 7, 2006, ICE agents took thirteen undocumented Mexican nationals into custody. None of the individuals had documentation allowing them to be in the United States, and all admitted to being in the United States illegally. All thirteen of these illegal aliens were employed by Formost Construction Company and supervised at the Rock Creek site by RODRIGUEZ-ESPINO.

On September 7, 2006, RODRIGUEZ-ESPINO was interviewed. He stated that he was the Foremost Construction Company's foreman on the Deer Lodge construction project and that he had worked for that company for approximately twenty years. He stated that he recalled the agent's visit on August 10, 2006, and recalled telling the agent at that time that he was aware of the illegal status of the employees under his supervision. RODRIGUEZ-ESPINO also stated during the interview that he had discussed the illegal status of the workers with the owners and managers of Formost Construction Company. RODRIGUEZ-ESPINO stated that two of the workers at the Deer Lodge site were his brothers. He also stated that the workers had traveled to the Montana site in vehicles owned by Formost Construction Company. He also stated that he had signed certain documents related to the leases of the residences in Deer Lodge where the workers were staying. He stated that Formost was paying the rent on those residences.

Testimony would have shown that RODRIGUEZ-ESPINO transported Formost Construction Company workers from the Deer Lodge residences to the work site in pickups owned by Formost Construction Company.

One of the workers would have testified that RODRIGUEZ-ESPINO directed his work; spoke to him in Spanish when directing his work; that he lived with RODRIGUEZ-ESPINO in the same residence in Deer Lodge; and that RODRIGUEZ-ESPINO provided him with his wage checks from Formost Construction Company every week. The worker would have also testified that he was hired by RODRIGUEZ-ESPINO; that RODRIGUEZ-ESPINO knew he was from Mexico; and that RODRIGUEZ-ESPINO did

not ask to see a green card or any other documentation when he was hired. A review of immigration records revealed that the worker was an alien and a citizen of Mexico who was in the United States illegally on September 7, 2006.

Lease documents pertaining to the residences in Deer Lodge would have shown that Formost Construction Company was the lessee on the agreements. RODRIGUEZ-ESPINO was listed as the 'head of household' on one of the applications to rent these residences.

A review of immigration records also revealed that RODRIGUEZ-ESPINO first entered the United States in January of 1988, and that he received Legal Permanent Resident status in August of 1990. RODRIGUEZ-ESPINO went through a series of interviews and took an English language proficiency examination in February of 2006 as part of the naturalization process. RODRIGUEZ-ESPINO became a naturalized citizen of the United States on March 6, 2006. This evidence would have been offered to show that RODRIGUEZ-ESPINO was well aware of the immigration laws of the United States and that he had firsthand knowledge of the proper documentation required by immigration authorities in the United States.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that RODRIGUEZ-ESPINO will likely serve **all** of the time imposed by the court. In the federal system, RODRIGUEZ-ESPINO does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Michael S. Lahr prosecuted the case for the United States.

The investigation was conducted by the U.S. Immigration and Customs Enforcement.

CARLOS SANCHEZ-JARQUIN

CARLOS SANCHEZ-JARQUIN, a 29-year-old resident of Missoula, was sentenced to a term of:

- Prison: 227 days (time served)
- Supervised Release: 1 year

SANCHEZ-JARQUIN was sentenced in connection with his guilty plea to illegal re-entry by a previously deported alien.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On February 2, 2007, Missoula Probation and Parole officers contacted agents from the Bureau of Immigration and Customs Enforcement ("ICE") concerning SANCHEZ-

JARQUIN, who is on probation for his third DUI conviction. SANCHEZ-JARQUIN had admitted to the probation office that he bought a fraudulent social security card in California.

The ICE agents conducted a records review and determined that SANCHEZ-JARQUIN was an alien and citizen of Mexico who was removed from the United States on September 25, 2003. The records also reflected that he had not applied for permission to reenter the country with either the Secretary of the Department of Homeland Security or the Attorney General.

On March 7, 2007, the ICE agents contacted SANCHEZ-JARQUIN at his place of employment in Missoula. SANCHEZ-JARQUIN admitted that he is a citizen of Mexico and further admitted that he does not possess valid documentation allowing his entry into or presence within the United States.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that SANCHEZ-JARQUIN will likely serve **all** of the time imposed by the court. In the federal system, SANCHEZ-JARQUIN does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Timothy J. Racicot prosecuted the case for the United States.

The investigation was a cooperative effort between the Montana Probation and Parole and the U.S. Immigration and Customs Enforcement.

JOSE MANUEL SALAS-CARDENAS

JOSE MANUEL SALAS-CARDENAS, a 29-year-old resident of Mexico, was sentenced to a term of:

- Prison: 46 months
- Special Assessment: \$100
- Supervised Release: 3 years

SALAS-CARDENAS was sentenced in connection with his guilty plea to illegal re-entry of a deported alien.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On September 5, 2006, SALAS-CARDENAS was detained in Havre after officers with the Border Patrol responded to assist officers with the Havre Police Department.

A check of Department of Homeland Security records revealed that SALAS-

CARDENAS is a Mexican citizen who had been formally removed from the United States on August 18, 2004, through Nogales, Arizona. The records indicated that SALAS-CARDENAS had been convicted of alien smuggling in Federal District Court in California and was removed after having served his sentence on that offense.

Further review of the records indicated that SALAS-CARDENAS had not received permission to apply for re-entry from the Attorney General of the United States, or his successor, the Secretary of the Department of Homeland Security.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that SALAS-CARDENAS will likely serve **all** of the time imposed by the court. In the federal system, SALAS-CARDENAS does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Elizabeth Horsman prosecuted the case for the United States.

The investigation was a cooperative effort between the Havre Police Department and the U.S. Border Patrol - Havre Section.

LUZ ELENA BETANCUR SANDOBAL

LUZ ELENA BETANCUR SANDOBAL, *a/k/a Luz Elena De Villa, Luz Elena Villa-Betancur, Elena Alvarez, Elena Luz Villa*, a 52-year-old citizen of Spain, was sentenced to a term of:

- Prison: 3 months and 13 days (time served) – remanded for deportation
- Supervised Release: 2 years

SANDOBAL was sentenced in connection with her guilty plea to making false statements.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On May 6, 2007, SANDOBAL arrived at the Sweetgrass Port of Entry in a vehicle driven by a friend. The vehicle driven by the friend was a rental vehicle from Calgary, Alberta. SANDOBAL presented a Spanish passport in the name of Luz Elena Betancur Sandobal listing a date of birth of March 23, 1955.

A U.S. Customs and Border Protection (CBP) officer noticed that SANDOBAL’S passport had been recently issued in the spring of 2007. The officer queried both names in the Department of Homeland Security computer database with negative

results under the names given.

SANDOBAL was then questioned by another CBP officer through SANDOBAL'S friend. Due to a language barrier with SANDOBAL, questions were initially answered by her friend. The friend stated that they were traveling to somewhere in the United States to look around and have some fun.

SANDOBAL completed the back of an I-94W in Spanish, to which she answered "NO" to all questions. Question B on the back of the I-94W asks, "Have you ever been arrested or convicted for an offense or crime involving moral turpitude or a violation related to a controlled substance..." Question D asks, "Are you seeking to work in the United States; or have you ever been excluded and deported; or been previously removed from the United States..."

SANDOBAL also completed an Immigration Declaration, which was translated to her by her friend. On the Immigration Declaration, SANDOBAL checked "NO" to the question, "Have you ever been deported from the U.S.?" SANDOBAL also checked "NO" to the questions, "Have you ever been arrested anywhere in the world?" and "Have you ever been convicted of a crime anywhere in the world?"

When the officer began processing SANDOBAL in the United States Visitor and Immigrant Status Indicator Technology for the I-94W, a hit in US-VISIT on SANDOBAL'S fingerprints indicated the subject was on a watch list.

A criminal history check in NCIC produced FBI# 284264T7 and FBI# 676897CB9 for a Luz Elena De Villa with the same date of birth and place of birth as her passport. SANDOBAL was found to have not only been previously arrested, but she had been convicted for and deported after conviction of a drug offense. At that time she was a citizen of Columbia and was returned there.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that SANDOBAL will likely serve **all** of the time imposed by the court. In the federal system, SANDOBAL does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Elizabeth A. Horsman prosecuted the case for the United States.

The investigation was conducted by the U.S. Customs and Border Protection at the Port of Sweetgrass.

EDWIN FERNANDO TURCIOS-CERRATO

EDWIN FERNANDO TURCIOS-CERRATO, a 25-year-old resident of Honduras, appeared for sentencing. TURCIOS-CERRATO was sentenced to a term of:

- Prison: 4 months
- Supervised Release: 1 year

TURCIOS-CERRATO was sentenced in connection with his guilty plea to illegal re-entry of a previously deported alien.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On September 5, 2007, TURCIOS-CERRATO was encountered an agent with the U.S. Customs and Border Protection at the bus depot in Billings. TURCIOS-CERRATO was identified as an alien and citizen of Honduras.

An analysis of his fingerprints found that TURCIOS-CERRATO had been previously deported from the United States on July 28, 2004, through Phoenix, Arizona,

Further review of immigration records revealed that TURCIOS-CERRATO did not have the consent of the Attorney General or his successor, the Secretary of the Department of Homeland Security, to re-enter the United States after having been deported.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that TURCIOS-CERRATO will likely serve **all** of the time imposed by the court. In the federal system, TURCIOS-CERRATO does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Marcia K. Hurd prosecuted the case for the United States.

The investigation was conducted by the U.S. Customs and Border Protection.

ALFREDO TURCIOS-LOPEZ

ALFREDO TURCIOS-LOPEZ, a 28-year-old resident of Mexico, was sentenced to a term of:

- Prison: 15 months
- Special Assessment: \$100
- Supervised Release: 3 years

TURCIOS-LOPEZ was sentenced in connection with his guilty plea to illegal re-entry of a previously deported alien.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On November 27, 2006, Yellowstone County Sheriff's deputies arrested TURCIOS-LOPEZ for possession of a stolen bicycle.

The deputies contacted the Border Patrol because TURCIOS-LOPEZ did not have valid identification, had trouble with the English language, and was inconsistent about his name and date of birth.

When questioned by a Border Patrol agent, TURCIOS-LOPEZ admitted that he was an alien and citizen of Mexico who was in the United States illegally. He also stated that his name was Alfredo Lopez.

The Border Patrol took TURCIOS-LOPEZ into custody. A fingerprint analysis revealed that his true and correct name was Alfredo Turcios-Lopez and that he had previously been removed from the United States.

Immigration records would have shown that TURCIOS-LOPEZ had been removed from the United States through El Paso, Texas on August 26, 2003.

A search of immigration records confirmed that TURCIOS-LOPEZ had never requested permission from immigration authorities to apply for re-entry into the United States.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that TURCIOS-LOPEZ will likely serve **all** of the time imposed by the court. In the federal system, TURCIOS-LOPEZ does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Michael S. Lahr prosecuted the case for the United States.

The investigation was conducted by the U.S. Border Patrol.

ALAN RODRIGUEZ VARGAS

ALAN RODRIGUEZ VARGAS, *aka ALAN RODRIQUEZ, aka ENRIQUE GONZALEZ*, a 30-year-old resident of Mexico, was sentenced to a term of:

- Prison: 133 days (time served)
- Special Assessment: \$100
- Supervised Release: 3 years

VARGAS was sentenced in connection with his guilty plea to misuse of a Social Security number.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On August 6, 2002, VARGAS used a false Social Security number on an application to obtain a Montana driver's license bearing his photograph from the Motor Vehicle Division of the Montana Department of Justice.

A review of Department of Homeland Security records showed that VARGAS is a citizen of Mexico and an alien and did not have permission to work in the United States.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that VARGAS will likely serve **all** of the time imposed by the court. In the federal system, VARGAS does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Elizabeth Horsman prosecuted the case for the United States.

The investigation was a cooperative effort between the Montana Department of Justice, the Joint Terrorism Task Force, and the Federal Bureau of Investigation.

MARIA JULIA VALENZUELA

MARIA JULIA VALENZUELA, a 34-year-old resident of Helena, was sentenced to a term of:

- Prison: 117 days (time served)
- Supervised Release: 3 years

VALENZUELA was sentenced in connection with her guilty plea to misuse of a social security number.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

Records of the Montana Department of Justice, Motor Vehicle Division, Helena, reflect that in Montana, on or about February 28, 2003, VALENZUELA used a false Social Security number on an application to obtain a State of Montana identification card.

On or about July 31, 2006, VALENZUELA used the fraudulently-obtained State of Montana Identification card and false Social Security number in an Employment Eligibility Verification form (Form I-9) to obtain employment by Arctic Circle restaurant, West Valley City, Utah. She further used the false Social Security number to complete an Employee's Withholding Allowance Certificate form (IRS Form W-4) with the same employer.

On or about August 16, 2005, VALENZUELA used a false Social Security number to complete an Employee's Withholding Allowance Certificate form (IRS Form W-4) and an Employment Eligibility Verification form (Form I-9) in employment by Moody Creek

Produce, Sugar City, Idaho. From this employer, the United States obtained a copy of the false Social Security card bearing number as submitted by VALENZUELA to this employer.

Testimony of an official of the Montana Department of Justice, Motor Vehicle Division, would prove that due to VALENZUELA'S use of a false Social Security number, and her fraud and deceit, the Montana Department of Justice issued an official identification card to her bearing her photograph.

Records of the Social Security Administration show that the Social Security number used by VALENZUELA to obtain a Montana identification card was not, in fact, issued to her.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that VALENZUELA will likely serve **all** of the time imposed by the court. In the federal system, VALENZUELA does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Elizabeth A. Horsman prosecuted the case for the United States.

The investigation was a cooperative effort between the Montana Department of Justice, the Federal Bureau of Investigation, the Joint Terrorism Task Force and the Office of the Inspector General for the Social Security Administration.

JUAN ZAMORA-MERAZ

JUAN ZAMORA-MERAZ, a citizen of Mexico, was sentenced to a term of:

- Prison: 46 months
- Special Assessment: \$100
- Supervised Release: 3 years

ZAMORA-MERAZ was sentenced in connection with his guilty plea to illegal re-entry of a previously deported alien.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On July 11, 2007, ZAMORA-MERAZ was encountered by a deputy with the Sweetgrass County Sheriff's Office when he was found sleeping inside his vehicle near Big Timber. ZAMORA-MERAZ claimed to be a legal permanent resident but was found to have several felony convictions, which was inconsistent with his claim.

ZAMORA-MERAZ then admitted he was an aggravated felon who had been previously deported on October 15, 2004, through Del Rio, Texas. ZAMORA-MERAZ had been deported after serving federal prison time for a drug conviction.

Further investigation revealed that ZAMORA-MERAZ did not have the consent of the Attorney General or his successor, the Secretary of the Department of Homeland Security, to re-enter the United States after having been deported.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that ZAMORA-MERAZ will likely serve **all** of the time imposed by the court. In the federal system, ZAMORA-MERAZ does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Marcia K. Hurd prosecuted the case for the United States.

The investigation was conducted by the U.S. Customs and Border Protection.

INDIAN COUNTRY - BLACKFEET RESERVATION

WESLEY ALLEN CROSS GUNS, JR.

WESLEY ALLEN CROSS GUNS, JR. was sentenced to a term of:

- Prison: 28 months
- Special Assessment: \$100
- Supervised Release: 3 years

CROSS GUNS was sentenced in connection with his guilty plea to assault resulting in serious bodily injury.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On January 19, 2007, the victim and a number of other juveniles were skateboarding near the Browning High School Annex. CROSS GUNS and at least one of his associates were also at the scene.

One of CROSS GUNS’ associates started a fight with one of the juveniles, an associate of the victim. The victim tried to stop the fight. CROSS GUNS then struck the victim in the face and the victim fell to the ground. CROSS GUNS then ran away.

The victim was taken to a local hospital for treatment of his injuries. The victim suffered a fracture to his sinus and cheek bone, a ruptured ear drum, and bleeding on the brain.

The treating physician concluded that the victim had suffered serious bodily injury.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that CROSS GUNS will likely serve **all** of the time imposed by the court. In the federal system, CROSS GUNS does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Joseph E. Thaggard prosecuted the case for the United States.

The investigation was conducted by the Bureau of Indian Affairs in Browning.

CHRISTOPHER PATRICK CRUZ

CHRISTOPHER PATRICK CRUZ, a 19-year-old resident of Browning, was sentenced to a term of:

- Prison: 45 months
- Special Assessment: \$100
- Supervised Release: 3 years

CRUZ was sentenced after having been found guilty during a 1-day trial of assault resulting in serious bodily injury.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that CRUZ will likely serve **all** of the time imposed by the court. In the federal system, CRUZ does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Joseph E. Thaggard prosecuted the case for the United States.

The investigation was conducted by the Bureau of Indian Affairs in Browning.

VERNON LEE INGRAHAM & PATRICK MARCEAU (INGRAHAM & MARCEAU)

VERNON LEE INGRAHAM, age 39, and PATRICK MARCEAU, age 20, residents of Browning were sentenced in connection with their guilty pleas to theft.

INGRAHAM was sentenced to a term of:

- Probation: 1 year
- Special Assessment: \$100

MARCEAU was sentenced to a term of:

- Probation: 1 year
- Special Assessment: \$100

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On March 18, 2006, a female individual was arrested and booked into the Blackfeet Tribal Jail. As part of a standard protocol, her personal possessions were seized from her during the booking process. Among those items were a diamond ring and a gold ring. The diamond ring had a value in excess of \$1,000.

Later in the day, when the female individual was released and her property was returned, she noticed the two rings were missing and advised the BIA.

During the investigation of the theft, footage from a surveillance system in the jail revealed that MARCEAU and INGRAHAM, both of whom were inmates at the jail at that time, stole items from the bag containing the female's possessions. Specifically, the footage showed INGRAHAM take the bag, then both he and MARCEAU each take a ring from the bag.

When MARCEAU and INGRAHAM were questioned, both admitted they each took one of the rings from the bag.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that INGRAHAM and MARCEAU will likely serve **all** of the time imposed by the court. In the federal system, INGRAHAM and MARCEAU do have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Joseph E. Thaggard prosecuted the case for the United States.

The investigation was conducted by the Bureau of Indian Affairs in Browning.

MICHAEL LEWIS JUNEAU

MICHAEL LEWIS JUNEAU, a 28-year-old resident of Browning, was sentenced to a term of:

- Prison: 57 months, concurrent with another sentence
- Special Assessment: \$200
- Restitution: \$3,202.09
- Supervised Release: 3 years

JUNEAU was sentenced after having been found guilty during a 1½-day trial of assault on a federal employee and assault with a dangerous weapon.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that JUNEAU will likely serve **all** of the time imposed by the court. In the federal system, JUNEAU does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Joseph E. Thaggard prosecuted the case for the United States.

The investigation was conducted by the Bureau of Indian Affairs in Browning.

LESLEY A. KIPP

LESLEY A. KIPP, a 29-year-old resident of Browning, was sentenced to a term of:

- Prison: 6 months
- Special Assessment: \$100
- Supervised Release: 1 year

KIPP was sentenced in connection with her guilty plea to acquiring or obtaining possession of a controlled substance by deception (prescription fraud).

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

From April of 2003 to March of 2005, KIPP worked as a registered nurse at the Browning Community Hospital.

As part of her duties, she provided primary care to patients at the hospital. That care included the provision of controlled substances to the patients. If any controlled substances remained after a patient was injected, they were to be “wasted” or destroyed. KIPP was not entitled to use those controlled substances for her own sake.

Between April of 2003 and March of 2005, KIPP was a daily user of opiates, which she purchased on the street. On one occasion in February of 2005 and on two occasions during the first week of March of 2005, KIPP took morphine which remained from the treatment of patients. She injected the morphine and did not “waste” it, as required by hospital protocol.

In mid-March of 2005, KIPP admitted to a co-worker that she had a drug addiction. The co-worker advised her to reveal the addiction to their supervisor. KIPP did so and ultimately resigned from her position with the hospital.

An inspector general for Department of Health and Human Services subsequently

reviewed records concerning the dispensation of opiates at the Browning Community hospital during KIPP'S tenure. His investigation revealed discrepancies surrounding the reported wastage of narcotics. When questioned, KIPP denied that she had any involvement with the illicit diversion of controlled substances from the hospital, other than the three occasions in February and March of 2005.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that KIPP will likely serve **all** of the time imposed by the court. In the federal system, KIPP does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Joseph E. Thaggard prosecuted the case for the United States.

The investigation was conducted by the Inspector General's Office for the United States Department of Health and Human Services.

JORDAN MARTELL

JORDAN MARTELL, a 23-year-old resident of Poplar, was sentenced to a term of:

- Prison: life
- Special Assessment: \$100
- Restitution: \$7,952
- Supervised Release: 5 years

MARTELL was sentenced after having been found guilty during a 2-day trial of first degree murder.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that MARTELL will likely serve **all** of the time imposed by the court. In the federal system, MARTELL does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Joseph E. Thaggard prosecuted the case for the United States.

The investigation was conducted by the Federal Bureau of Investigation.

CLYDE JOSEPH RUNNING RABBIT

CLYDE JOSEPH RUNNING RABBIT, a 26-year-old resident of Browning, was sentenced to a term of:

- Prison: 27 months
- Special Assessment: \$200

- Supervised Release: 3 years

RUNNING RABBIT was sentenced in connection with his guilty plea to two counts of burglary.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

As to Count I, on December 27, 2005, upon her return to her home in Browning, a resident discovered that someone had broken into her residence and stolen various items of property. She then found an individual's tribal identification card in the residence. She did not know the individual listed on the tribal identification card and therefore called the police department.

Officers responded to the woman's residence where they obtained the tribal identification card. They then advised other officers to look for the individual's vehicle.

About an hour later, BIA officers located and stopped the vehicle. RUNNING RABBIT was in the vehicle as was property which had been stolen from the woman's residence. When questioned, RUNNING RABBIT admitted that he had entered the residence using the other individual's identification card to jimmy the lock and then stole various items from the residence.

As to Count II, on March 30, 2006, a woman looked out her window and observed an unknown male crawling through the window of residence. The woman called the police department and when officers arrived to investigate, Blackfeet Housing Security Officers advised the officers that RUNNING RABBIT had been located in the residence and had been detained by them.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that RUNNING RABBIT will likely serve **all** of the time imposed by the court. In the federal system, RUNNING RABBIT does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Joseph E. Thaggard prosecuted the case for the United States.

The investigation was conducted by the Bureau of Indian Affairs in Browning.

FLOYD EDWARD TAKES GUN, JR.

FLOYD EDWARD TAKES GUN, JR., a 32-year-old resident of Browning, was sentenced to a term of:

- Prison: 33 months

- Special Assessment: \$100
- Supervised Release: 3 years

TAKES GUN was sentenced in connection with his guilty plea to assault resulting in serious bodily injury.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

During the early morning hours of September 17, 2005, at the Town Pump in Browning, a police officer observed an individual leave the store who was then approached by TAKES GUN. The individual was smiling at TAKES GUN and attempted to shake TAKES GUN'S hand. TAKES GUN then punched the individual in the left cheek area. The officer saw the individual fall and hit his head against the building. TAKES GUN then got into a vehicle in the parking lot.

The individual was lying on the ground, unconscious. The officer called dispatch and requested an ambulance. The individual began to regain consciousness upon the arrival of the ambulance. There was blood on the building and in the head area of the individual. He was then transported to the hospital.

TAKES GUN was arrested and taken to the Police Department. When interviewed, TAKES GUN admitted that he had hit the victim causing him to fall to the ground.

Medical professionals from the IHS Hospital in Browning would have testified as to the treatment the victim received. They would have further testified that the victim came back to the hospital a week after his original treatment, complaining of headaches. They referred him to the Marias Medical Center in Shelby for a CT scan.

The doctor there would have testified that a review of the CT scan revealed that the victim had suffered a right subdural hematoma to the right frontal and parietal lobes of his brain. The doctor then referred him to Benefis Healthcare in Great Falls for further treatment where he was operated on to remove the clot from his brain.

Medical testimony would have shown that the injury suffered by the victim constituted serious bodily injury.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that TAKES GUN will likely serve **all** of the time imposed by the court. In the federal system, TAKES GUN does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Joseph E. Thaggard prosecuted the case for the United States.

The investigation was conducted by the Federal Bureau of Investigation in Browning.

REX EMIL WETZEL

REX EMIL WETZEL, a 31-year-old resident of Cutbank, was sentenced to a term of:

- Prison: 10 months
- Special Assessment: \$100
- Restitution: \$12,000
- Supervised Release: 3 years

WETZEL was sentenced in connection with his guilty plea to larceny.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

The General Assistance Program (GAP) is a federally funded aid program through the Department of Housing and Urban Development (HUD), Office of Native American Programs, to promote Indian ownership of real property by providing the funds necessary for the down payment. Tribal housing authorities apply to HUD for GAP grant funds. A qualified buyer makes application through the local housing authority. If the application is approved by the housing authority, a check for the amount of the down-payment is issued and made payable to both the buyer and the seller. The grant funds can only be used for a single purpose – for an Indian person to make a down-payment on a personal residence he or she will own and occupy.

On January 10, 2002, WETZEL made application to the Blackfeet Housing Authority (BHA) on the Blackfeet Indian Reservation for a GAP Financing Grant. WETZEL is an enrolled member of the Blackfeet Tribe. On March 18, 2002, the BHA approved WETZEL'S GAP Financing Grant application.

On July 17, 2003, the BHA issued a GAP Financing Grant check, number 018730, in the amount of \$12,000, made payable to P.M. and N.M. (the sellers) and WETZEL (the buyer). The check was delivered to the original grant applicant, WETZEL.

The check was cashed at First State Bank in Shelby on July 21, 2003. It carried the endorsements of P.M. and N.M. The bank president told investigators that WETZEL had previously had an account at First State Bank but that it had been closed.

On or around July 21, 2003, WETZEL went to First State Bank in Shelby, reopened his account, and deposited the subject \$12,000 check. First State Bank assumed that all three endorsements on the backside of the check were legitimate. WETZEL requested to withdraw all \$12,000, but First State Bank placed a three-day hold on the check. WETZEL withdrew \$100 in cash. The check cleared through Native American Bank in Browning and WETZEL subsequently withdrew all of the funds by means of numerous

written checks.

N.M., after hearing that her husband had endorsed the check, became suspicious when WETZEL did not return with the check for her signature. She suspected that WETZEL had forged her name and converted the check to purposes for which the check was not intended. She notified the BHA of her suspicions and confirmed that if the check was negotiated with her endorsement the signature would be a forgery.

The BHA determined that the check had been negotiated but by that time the funds had been completely depleted by WETZEL through a series of transactions over a two-week period.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that WETZEL will likely serve **all** of the time imposed by the court. In the federal system, WETZEL does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Carl E. Rostad prosecuted the case for the United States.

The investigation was conducted by the U.S. Secret Service.

INDIAN COUNTRY - CROW RESERVATION

JOHN CHARLES BUFFALO

JOHN CHARLES BUFFALO, a 38-year-old resident of Crow Agency, was sentenced to a term of:

- Prison: 188 months
- Special Assessment: \$100
- Supervised Release: 3 years

BUFFALO was sentenced in connection with his guilty plea to assault on a federal officer.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On September 21, 2006, BIA law enforcement was notified about a disturbance at the detention center in Crow Agency. BUFFALO, a prisoner at the time, had assaulted three officers when they attempted to take him out of his cell. After receiving this information, BIA interviewed the officers involved. One of the officers was in the process of locking down the trustees at the detention center when BUFFALO started a disturbance with the jail staff and was cursing at the jail staff. BUFFALO was

attempting to flood his cell by clogging his toilet. A second officer attempted to assist the first officer, who was attempting to take BUFFALO out of his cell and place him in a restraint chair. Once BUFFALO was out of his cell, he began to resist. When one of the officer's grabbed BUFFALO'S wrist, BUFFALO pulled away and a scuffle ensued. BUFFALO swung at the first officer and hit him several times in the face. BUFFALO then elbowed the second officer in the left side of his rib cage several times. A third officer tried to place a handcuff on BUFFALO, but he continued to wrestle with the officers and he grabbed the third officer's knee as he was taken to the floor and subdued. The third officer, in her attempt to free herself from BUFFALO, hyper-extended her knee.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that BUFFALO will likely serve **all** of the time imposed by the court. In the federal system, BUFFALO does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Lori Harper Suek prosecuted the case for the United States.

The investigation was conducted by the Bureau of Indian Affairs.

GRANT EUDINE DILLON

GRANT EUDINE DILLON, age 43, was sentenced to a term of:

- Prison: 16 months
- Special Assessment: \$300
- Supervised Release: 4 years

DILLON was sentenced in connection with his guilty plea to conspiracy to distribute marijuana, distribution of marijuana, and distribution of marijuana within a 1,000 feet of a rest area.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

An investigation of DILLON and a female individual was initiated by the Crow/Northern Cheyenne Safe Trails Task Force after learning that they were involved in the distribution of marijuana on the Crow and Northern Cheyenne Indian Reservations. At the time that the investigation began, DILLON and the female individual lived in South Dakota, although they had formerly resided in Hardin. A cooperating witness was used by the task force to purchase marijuana from DILLON on the following dates and locations.

On August 31, 2005, the cooperating witness purchased a ½ pound of marijuana for

\$700 from DILLON. The suspected marijuana was tested by the Drug Enforcement Administration (DEA) laboratory. The testing confirmed the substance was marijuana with a net weight of 223.6 grams. This purchase took place at the rest area/weigh station east of Broadus on Highway 212. The cooperating witness and the witness's vehicle were searched by law enforcement prior to the transaction. The cooperating witness was outfitted with a wire so that the transaction could be monitored by law enforcement. The money was provided by law enforcement. After the purchase, the suspected marijuana was turned over to law enforcement and the cooperating witness and the witness's vehicle were again searched.

On September 12, 2005, the cooperating witness purchased 1½ pounds of marijuana from DILLON and the female individual for \$2,100. The suspected marijuana was tested by the DEA laboratory. The testing confirmed the substance was marijuana with a net weight of 620.5 grams. This purchase took place at the Camp Custer Motel in Crow Agency. The cooperating witness and the witness's vehicle were searched by law enforcement prior to the transaction. The cooperating witness was outfitted with a wire so that the transaction could be monitored by law enforcement. The money was provided by law enforcement. After the purchase, the suspected marijuana was turned over to law enforcement and the cooperating witness and the witness's vehicle were again searched.

On September 27, 2005, DILLON and another individual were stopped by members of the Task Force after receiving information from a cooperating witness. The vehicle was searched pursuant to a search warrant. Suspected marijuana was seized. The DEA lab confirmed that the substance was marijuana with a net weight of 605.7 grams.

Finally, the United States would have presented evidence that as far back as March 2, 2005, law enforcement in Montana had contact with DILLON and the female individual after receiving information that they were in Montana and distributing marijuana. DILLON was arrested in Big Horn County in possession of a small amount of marijuana. Subsequent to his arrest, however, he admitted that he had been bringing ½ pound and pound quantities of marijuana to Montana for approximately one year and that the female individual knew all about his drug trafficking activities.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that DILLON will likely serve **all** of the time imposed by the court. In the federal system, DILLON does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Lori Harper Suek prosecuted the case for the United States.

The investigation was conducted by the Crow/Northern Cheyenne Safe Trails Task Force.

VERONICA TIERZA DUST

VERONICA TIERZA DUST, a 20-year-old resident of Crow Agency, was sentenced to a term of:

- Home Arrest: 3 months
- Special Assessment: \$100
- Restitution: \$500.47
- Probation: 2 years

DUST was sentenced in connection with her guilty plea to burglary.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On January 7, 2006, the business manager of the Kentucky Fried Chicken, located south of Crow Agency within the boundaries of the Crow Indian Reservation, contacted law enforcement to report a theft of over \$1,000 from the previous day's operations.

Law enforcement began their investigation by taking statements from employees and by photographing the opened drawers of the office safe. The safe contained empty bank bags and an empty cashier's till tray. Law enforcement also reviewed the security camera videotape and, with the assistance of the employees, identified DUST as a suspect.

DUST was interviewed by law enforcement that same day, January 7, 2006. DUST, a former shift manager at the Kentucky Fried Chicken, admitted that she had taken the missing money the previous night. She stated that at approximately 1:00 a.m. on January 7, 2006, she had used an extra key that she had made for the front door to gain access to the business.

The total amount of money taken was \$1,549.74. DUST returned \$1,049.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that DUST will likely serve **all** of the time imposed by the court. In the federal system, DUST does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Lori Harper Suek prosecuted the case for the United States.

The investigation was conducted by the Bureau of Indian Affairs.

ROBERT VIRGIL GIPSON, JR.

ROBERT VIRGIL GIPSON, JR., a 37-year-old resident of Crow Agency, was sentenced to a term of:

- Home Arrest: 5 months
- Special Assessment: \$100
- Restitution: \$12,600
- Probation: 4 years

GIPSON was sentenced in connection with his guilty plea to theft from an Indian tribal organization.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

In December of 2001, the Finance Director for the Crow Tribe at that time, approached GIPSON with a request that GIPSON, who was a co-owner of Cedar River Construction, assist him in obtaining money from Crow Tribal accounts through the use of fictitious contracts where no goods or services would be provided in exchange for the tribal payments.

During the next four months, GIPSON received payments from two such contracts, totaling \$108,800, which GIPSON then shared with the Finance Director. GIPSON kept \$12,600 for his role in the scheme.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that GIPSON will likely serve **all** of the time imposed by the court. In the federal system, GIPSON does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Carl E. Rostad prosecuted the case for the United States.

The investigation was conducted by the Inspector General’s Office for the United States Department of the Interior.

THOMAS LION SHOWS, JR.

THOMAS LION SHOWS, JR., a 24-year-old resident of Lodge Grass, was sentenced to a term of:

- Prison: 22 months
- Special Assessment: \$100
- Supervised Release: 3 years

LION SHOWS was sentenced in connection with his guilty plea to sexual abuse of a minor.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

In October of 2005, the victim of this offense, then 17-years-old, disclosed that she had been sexually abused by LION SHOWS.

In March and again in June of 2006, LION SHOWS was interviewed by law enforcement. LION SHOWS initially denied any sexual activity with the victim; however, during the second interview, LION SHOWS admitted that he had digitally penetrated the victim on numerous occasions when she was between the ages of six and nine. LION SHOWS also admitted engaging in sexual intercourse with the victim on three occasions when the victim was approximately thirteen years old. LIONS SHOWS was nineteen years old at the time.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that LION SHOWS will likely serve **all** of the time imposed by the court. In the federal system, LION SHOWS does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Lori Harper Suek prosecuted the case for the United States.

The investigation was conducted by the Federal Bureau of Investigation

MURRAY DEAN McKAY

MURRAY DEAN McKAY, a 46-year-old resident of Billings, was sentenced to a term of:

- Prison: 18 months
- Special Assessment: \$100
- Restitution: \$1,095.80
- Supervised Release: 2 years

McKAY was sentenced in connection with his guilty plea to theft.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On the morning of April 5, 2006, an employee of the Battlefield Express Center Convenience Store, located within the exterior boundaries of the Crow Indian Reservation, reported money missing from the store. Someone had entered the back room, a posted restricted area, and absconded with over \$3,700. (The exact amount

was later determined to be \$3,733.70, with \$2,645 in cash and checks recovered).

Law enforcement viewed the surveillance system and spoke with the store employee to narrow the time frame that the money was taken to about half an hour. The officer observed a number of people in the store, but only one individual was behaving in a suspicious manner. This individual was looking over the store, pacing back and forth, and watching the store employee closely. When the store employee's back was turned, the individual disappeared from the camera's view at 8:36 a.m., and did not reappear in the camera until 8:37 a.m. At the time that the individual disappeared off camera, a shadow was cast on the doorway leading into the back room, and then a shadow again appeared in the same doorway before the individual reappeared. The outside surveillance camera footage within the same time frame showed the individual leave the store on foot in the direction of the Crow/Northern Cheyenne Indian Health Center, which is about a quarter mile from the store.

The investigator printed out a front and back view of the individual. The receptionist at the hospital identified the suspect as "McKay" and also stated that he was on federal probation. The investigator then talked with United States Probation, and found out that McKAY, a federal probationer, had an appointment at the hospital on that day.

McKAY was arrested on a probation warrant. When he was interviewed, he admitted stealing \$2,600 from the store.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that McKAY will likely serve **all** of the time imposed by the court. In the federal system, McKAY does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Lori Harper Suek prosecuted the case for the United States.

The investigation was conducted by the Bureau of Indian Affairs.

GARILYN NOME

GARILYN NOME, a 31-year-old resident of Crow Agency, was sentenced to a term of:

- Prison: 9 months
- Special Assessment: \$100
- Restitution: \$8,655.62
- Supervised Release: 3 years

NOME was sentenced in connection with her guilty plea to bank fraud.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

During June of 2006, the Federal Bureau of Investigation was contacted by Little Big Horn State Bank about approximately \$10,000 in forged checks. The forged checks were from the account of the Lodge Grass Public School.

Copies of the forged checks showed that several of the checks were cashed at the local grocery store. Employees at the store identified NOMEЕ as the individual who had cashed the checks from the Lodge Grass School's account.

During the course of the investigation, law enforcement also obtained a CD from the video cameras at the Little Big Horn Casino. The cameras captured NOMEЕ at the casino window cashing a check. When the video was zoomed in on the check, it showed the check number, date, and that it was written on the Lodge Grass Public School's account in the amount of \$462.

When NOMEЕ was questioned by law enforcement, she admitted that she had stolen checks from the Lodge Grass School and used a typewriter in the school library to fill out the checks. NOMEЕ also admitted that she had cashed checks at the local grocery store and at the casino. At the time of the theft, NOMEЕ had been a part-time employee at the Lodge Grass School.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that NOMEЕ will likely serve **all** of the time imposed by the court. In the federal system, NOMEЕ does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Lori Harper Suek prosecuted the case for the United States.

The investigation was conducted by the Federal Bureau of Investigation.

GARILYN NOMEЕ

GARILYN NOMEЕ, a 32-year-old resident of Crow Agency, was sentenced to a term of:

- Prison: 4 months, consecutive to another sentence
- Special Assessment: \$100
- Restitution: \$660
- Supervised Release: 3 years

NOMEЕ was sentenced in connection with her guilty plea to bank fraud.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On January 30, 2007, Crow law enforcement was contacted about the theft and forgery of three checks that were stolen from a car. The forged checks were written on the

same account.

The account holder had noticed that three checks were missing from her checkbook and, after reviewing her account, learned that one of the checks had been cashed at the IGA grocery store. The check had been written on January 24, 2007, for the amount of \$250. The account holder viewed the check on-line and saw that someone had forged her name on the check.

The account holder went to the store to inform them about the theft and the forgery. Employees at the store identified NOMEE as the individual who had cashed the check.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that NOMEE will likely serve **all** of the time imposed by the court. In the federal system, NOMEE does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Lori Harper Suek prosecuted the case for the United States.

The investigation was conducted by the Federal Bureau of Investigation.

NETA OLD ELK

NETA OLD ELK, a resident of Crow Agency, was sentenced to a term of:

- Probation: 3 years
- Special Assessment: \$25
- Restitution: \$5,000
- Fine: \$1,500

OLD ELK was sentenced in connection with her guilty plea to theft from a tribal organization.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On OLD ELK was employed as the Director of the Abandoned Mine Lands Program for the Crow Tribe. In that capacity, she had been permitted to use, for official government purposes, a 1997 GMC Yukon. The Yukon had been purchased with grant funds from the U.S. Environmental Protection Agency and was assigned to the Abandoned Mine Lands Program. The Abandoned Mine Lands Program is funded by the U.S. Department of Interior, Office of Surface Mining via grants.

On April 7, 2003, OLD ELK convinced the Chairman of the Crow Tribe to execute a transfer of the title to the 1997 GMC Yukon. The Chairman believed he was transferring the vehicle to another tribal agency as OLD ELK had not advised him that it

was her intention to obtain personal title to the vehicle. At the time of the transfer, the information relating to the transferee was left blank. OLD ELK later filled in the title in her own name, and, on May 2, 2003, traded the 1997 GMC Yukon to Rimrock Chrysler/Jeep in Billings towards her personal purchase of a used 2001 GMC Yukon Denali. The car dealership assessed an actual cash value of \$5,000 for the 1997 GMC Yukon.

OLD ELK was interviewed and stated she purchased the 1997 GMC Yukon at a Crow Tribal Auction in 2003 for \$1,000, but admitted she never paid the \$1,000 to the tribe. A review of the Crow Tribal Auction records for 2003 determined the 1997 GMC Yukon was never part of the auction, and the auction was held in July 2003, three months after the title was transferred to OLD ELK. OLD ELK finally conceded that she converted tribal property to her own use and misapplied that property to a personal rather than tribal use.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that OLD ELK will likely serve **all** of the time imposed by the court. In the federal system, OLD ELK does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Carl E. Rostad prosecuted the case for the United States.

The investigation was conducted by the Inspector General’s Office for the United States Department of the Interior.

RONNIE DAN PEASE, JR.

RONNIE DAN PEASE, JR., a 29-year-old resident of Lodge Grass, was sentenced to a term of:

- Prison: 52 months
- Special Assessment: \$100
- Restitution: \$35,296.92
- Supervised Release: 3 years

PEASE was sentenced in connection with his guilty plea to assault with a dangerous weapon.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On the evening of December 1, 2005, PEASE and a male individual, hereafter referred to as “the victim”, had been drinking at the victim’s residence in Lodge Grass. PEASE’S girlfriend was also present.

At some point during the evening, PEASE and the victim left the residence to buy more alcohol. PEASE'S girlfriend remained at the residence with her daughter. Sometime around 11:30 p.m., PEASE and the victim returned to the house. The girlfriend assumed that PEASE and the victim had gotten into a fight because the victim had blood on his face.

PEASE and the victim continued to argue as they entered the house. The argument escalated when PEASE grabbed a full bottle of whiskey and hit the victim in the face with the bottle. PEASE and the victim continued to fight and fell to the ground wrestling. The girlfriend then observed PEASE grab a VCR and throw it on the victim's head. She stated that she thought PEASE also threw a television on the head of the victim as well. During this time, the victim was on the floor in a defensive position. The girlfriend never saw the victim use any weapons during the fight.

The victim was treated for his injuries at St. Vincent's Hospital in Billings. The victim had been transferred to St. Vincent's from Crow Agency because he was unconscious and unresponsive. An X-ray revealed a subdural hematoma and facial lacerations. The hematoma was treated by performing a craniotomy during surgery.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that PEASE will likely serve **all** of the time imposed by the court. In the federal system, PEASE does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Lori Harper Suek prosecuted the case for the United States.

The investigation was conducted by the Federal Bureau of Investigation.

RICHARD REDFIELD

RICHARD REDFIELD, a 35-year-old resident of Lodge Grass, was sentenced to a term of:

- Prison: 72 months
- Special Assessment: \$100
- Restitution: \$13,313
- Supervised Release: 3 years

REDFIELD was re-sentenced in connection with his guilty plea to degradation of government property after his original sentence was appealed to the Ninth Circuit Court of Appeals. The sentence was reversed and remanded back to U.S. District Court for re-sentencing.

Because there is no parole in the federal system, the "truth in sentencing" guidelines

mandate that REDFIELD will likely serve **all** of the time imposed by the court. In the federal system, REDFIELD does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Lori Harper Suek prosecuted the case for the United States.

The investigation was conducted by the Federal Bureau of Investigation.

WAYLAND TWO MOONS

WAYLAND TWO MOONS, a 34-year-old resident of the Busby area, was sentenced to a term of:

- Prison: 24 months
- Special Assessment: \$100
- Restitution: \$3,499
- Supervised Release: 3 years

TWO MOONS was sentenced in connection with his guilty plea to involuntary manslaughter.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On December 31, 2006, the Federal Bureau of Investigation was notified that an individual had suffered a gun shot wound, and that he had been pronounced dead upon arrival at the Big Horn County Hospital in Hardin.

The individual who had driven the victim to the hospital advised law enforcement that the victim had been shot accidentally by TWO MOONS while TWO MOONS was attempting to place a hunting rifle back into a truck in which the victim was sitting. The shooting occurred behind the TWO MOONS' family home near the Crow/Northern Cheyenne reservation boundary.

Investigators located the scene of the shooting, which was within the boundaries of the Crow Indian Reservation. Through interviews of witnesses, law enforcement learned that TWO MOONS had been drinking heavily prior to the shooting.

When interviewed, TWO MOONS confirmed that he shot the victim while retrieving a hunting rifle from his truck in which the victim was seated. He also confirmed the location of the truck, and that he had been drinking prior to the shooting..

An autopsy performed on the victim confirmed that he died of a gunshot wound to the right buttock. The victim's right pelvic skeleton and surrounding soft tissues, which included the right common iliac artery and vein and their major branches, were severely

damaged. There was significant blood loss associated with the injury.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that TWO MOONS will likely serve **all** of the time imposed by the court. In the federal system, TWO MOONS does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Lori Harper Suek prosecuted the case for the United States.

The investigation was conducted by the Federal Bureau of Investigation.

SHANNON LEON YELLOWTAIL

SHANNON LEON YELLOWTAIL, a 29-year-old resident of Lodge Grass, was sentenced to a term of:

- Prison: 30 months
- Special Assessment: \$100
- Supervised Release: 3 years

YELLOWTAIL was sentenced in connection with his guilty plea to assault with a dangerous weapon.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

During the evening of December 4, 2005, Bureau of Indian Affairs police officers were investigating the theft of YELLOWTAIL’S truck which had been stolen earlier in the day in Hardin. YELLOWTAIL’S son had been in the truck when it was stolen. The child was later recovered unharmed.

Law enforcement had received information that the truck was at a residence in Lodge Grass. YELLOWTAIL rode with law enforcement to the residence to identify the vehicle.

Upon arrival at the residence, YELLOWTAIL confirmed that the truck parked outside the residence belonged to him. The officers then spoke with the owner of the home in an effort to locate the individual who was suspected of stealing the truck. This individual was then located and arrested.

As the individual was being led to a patrol vehicle in handcuffs, he exchanged words with YELLOWTAIL. The officer turned and saw YELLOWTAIL holding a handgun. The officer stood between YELLOWTAIL and the individual and ordered YELLOWTAIL to drop the gun. YELLOWTAIL did not heed this command and pointed the gun in the

direction of the officer and the individual and pulled the trigger. The officer heard the gun click as the hammer fell on an empty chamber. The officer then attempted to knock the gun out of YELLOWTAIL'S hand. At this point, YELLOWTAIL slipped on the snow and fell to the ground. The officer attempted to put the handcuffed individual inside the patrol vehicle for his protection, however, YELLOWTAIL got up and went to the opposite side of the patrol vehicle where he tried to get into the vehicle. Failing to do so, YELLOWTAIL ran around the vehicle. The officer moved for cover in front of the vehicle while retaining physical control of the handcuffed individual. At this point, YELLOWTAIL fired two rounds. The officer then drew his weapon while YELLOWTAIL continued to fire shots. The officer then heard the handcuffed individual exclaim that he had been shot. He had been shot in the leg. The handcuffed individual fell to the ground, causing the officer to lose his balance and slip on the snow. The officer got up and rushed toward YELLOWTAIL who threw the still-loaded handgun toward the handcuffed individual. YELLOWTAIL was then taken into custody and the gun was seized.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that YELLOWTAIL will likely serve **all** of the time imposed by the court. In the federal system, YELLOWTAIL does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Lori Harper Suek prosecuted the case for the United States.

The investigation was conducted by the Federal Bureau of Investigation and the Bureau of Indian Affairs.

INDIAN COUNTRY - FORT BELKNAP RESERVATION

CODY NEIL ADAMS

CODY NEIL ADAMS, a 22-year-old resident of Hays, was sentenced to a term of:

- Probation: 3 years
- Special Assessment: \$100
- Restitution: \$2,265.91
- Supervised Release: 3 years

ADAMS was sentenced in connection with his guilty plea to theft of federal government money.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On March 13, 2007, the Office of Inspector General for the General Services Administration (GSA) received allegations from a GSA Transportation Operations Specialist in Fort Sill, Oklahoma, that a GSA Voyager gas card for a GSA vehicle had provided incorrect odometer readings for the past six months. The Voyager card and its corresponding vehicle were assigned to the Fort Belknap Police Department Indian Reservation located at Fort Belknap.

The GSA Office in Billings contacted Fort Belknap to inquire about the improper odometer readings on the suspect gas card. According to the Fort Belknap Police Department, the suspect card had been missing for some time and the vehicle it was assigned to had been sitting idle and was not being used.

On March 15, 2007, the Chief of Police for the Fort Belknap Police Department informed the Office of Inspector General that on March 13, 2007, he went to the Exxon-Mobil Town Pump, in Havre and obtained interior and exterior video surveillance of the gas station for March 9, 2007. A review of the surveillance showed that ADAMS, a Fort Belknap police officer, had filled up his personal vehicle on March 9, 2007 at 3:41 a.m. This was the exact same date, time and location of a transaction made with the suspect Voyager card.

A review of the transaction report for suspect gas card from August 25, 2006, to March 18, 2007, revealed the same odometer input readings of 70,330 miles for the past 149 transactions, including the gas purchase made on March 9, 2007.

On March 19, 2007, agents with the Office of Inspector General for the GSA and Office of Inspector General for the Department of the Interior interviewed ADAMS. ADAMS admitted to stealing the GSA Voyager gas card on August 25, 2006, and using it to purchase gas for his personal vehicle from approximately August 25, 2006, to March 18, 2007. ADAMS also confessed that he fraudulently used the card approximately 152 times for a total amount of \$2,000 to \$2,500.

ADAMS retrieved the suspect card from his personal vehicle and surrendered the gas card to investigating agents.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that ADAMS will likely serve **all** of the time imposed by the court. In the federal system, ADAMS does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Carl E. Rostad prosecuted the case for the United States.

The investigation was a cooperative effort between the Office of Inspector General for the General Services Administration and the Office of Inspector General for the Department of the Interior.

ASHLEY LYNN GRAY

ASHLEY LYNN GRAY, a 22-year-old resident of Hays, was sentenced to a term of:

- Prison: 11 years
- Special Assessment: \$200
- Supervised Release: 5 years

GRAY was sentenced after having been found guilty during a 3-day trial of voluntary manslaughter and use of a firearm during a crime of violence.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that GRAY will likely serve **all** of the time imposed by the court. In the federal system, GRAY does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Anna S. Peckham prosecuted the case for the United States.

The investigation was conducted by the Federal Bureau of Investigation.

RADFORD MARTIN LINDBERG

RADFORD MARTIN LINDBERG, a 32-year-old resident of Harlem, was sentenced to a term of:

- Prison: 37 months
- Special Assessment: \$200
- Supervised Release: 3 years

LINDBERG was sentenced in connection with his guilty plea to sexual abuse of a minor and abusive sexual contact.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On or about June 23, 2006, LINDBERG and several other adults and children were at a residence located within the boundaries of the Fort Belknap Indian Reservation.

Around 2:00 a.m., one of the women put five young girls in a bedroom together and closed the door so that they could go to sleep.

Eventually the rest of the individuals fell asleep in the living room. One of the individuals, who was the last to fall asleep, saw LINDBERG walk down the hallway, urinate on the floor, and walk into the room where all five girls were sleeping together

on a bed.

LINDBERG went into the bedroom where he began to touch one of the girls, hereafter referred to as "K.W.", with his hand. "K.W." was 12-years-old at the time. When "K.W." woke up, she saw LINDBERG leaning against the bed. He was breathing heavily and "K.W." noticed he had one hand on her leg. LINDBERG proceeded to touch "K.W.'s" breasts and chest area with his hand under her shirt. He also placed his hands up "K.W.'s" shorts and touched the outside of her unclothed vaginal area with his fingers. "K.W." eventually got up and left the bedroom after telling LINDBERG to get out of the room.

Some time after 7:00 a.m., LINDBERG left the house.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that LINDBERG will likely serve **all** of the time imposed by the court. In the federal system, LINDBERG does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Anna S. Peckham prosecuted the case for the United States.

The investigation was conducted by the Federal Bureau of Investigation.

ALBERT CHARLES SNELL

ALBERT CHARLES SNELL, a 25-year-old resident of Hayes, was sentenced to a term of:

- Prison: 27 months
- Special Assessment: \$100
- Restitution: \$1,182.50
- Supervised Release: 3 years

SNELL was sentenced in connection with his guilty plea to assault resulting in serious bodily injury.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On January 5, 2007, SNELL and two other individuals were driving around on the Fort Belknap Indian Reservation. While driving around, they spotted the juvenile victim walking alongside the road. SNELL believed that the victim was the person responsible for beating up SNELL'S brother. SNELL subsequently pulled over, stopped the truck, and exited the driver's side of the truck. SNELL confronted the victim and asked him whether he had beaten up his brother.

SNELL and the victim then began to fight. At some point, the victim was pushed to the ground, and SNELL kicked him in the face. As a result, the victim sustained a fracture of the left orbital (eye socket). Surgery was required to repair the injury by placing an implant on the plate to support the victim's eyeball. The victim experienced extreme physical pain due to the injuries inflicted by SNELL.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that SNELL will likely serve **all** of the time imposed by the court. In the federal system, SNELL does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Vince Carroll prosecuted the case for the United States.

The investigation was conducted by the Federal Bureau of Investigation.

INDIAN COUNTRY - FORT PECK RESERVATION

MILTON RUSSELL ALEXANDER, JR.

MILTON RUSSELL ALEXANDER, JR., a 24-year-old resident of Poplar, was sentenced to a term of:

- Prison: 14 months
- Special Assessment: \$100
- Supervised Release: 3 years

ALEXANDER was sentenced in connection with his guilty plea to assault resulting in substantial bodily injury to a person under the age of sixteen.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On February 1, 2006, at approximately 8:30 p.m., ALEXANDER'S 2-month-old son, was left in his care at the home ALEXANDER shared with the child's mother. The mother went to her aunt's home and then to her sister's to visit.

At approximately 9:00 p.m., the child's mother was notified by a neighbor who lived in the house next door to where she and ALEXANDER lived, that ALEXANDER had dropped their son off at this house.

When the mother returned home, she went to the neighbor's house. By the time she arrived, ALEXANDER had already come and picked the child up. When the mother saw ALEXANDER, he was holding the child, who was crying. The mother took him from ALEXANDER and observed that the child was bleeding from his mouth and nose.

She also noticed bruising on the child's body.

When she questioned ALEXANDER about what happened, he told her that he was frustrated with the child because he would not stop crying. ALEXANDER asked her not to tell anyone about it. She subsequently left the house with the child and went to her sister's residence.

When questioned by law enforcement, ALEXANDER admitted that he had been drinking alcohol that evening. He also admitted that he bit the child on his body approximately four times because he was frustrated with the child for crying. ALEXANDER further admitted that after the last time he bit the child, the child threw his head forward and "head butted" ALEXANDER.

A doctor who examined the child would have testified that he found numerous injuries on his body that were consistent with shaking, tight gripping, and biting. Another doctor who also examined the child would have testified that he viewed bruising to the child's right cheek, right forearm, right elbow, chin, inner upper lip, and left ear. He would have also testified that the child had injuries consistent with bite marks.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that ALEXANDER will likely serve **all** of the time imposed by the court. In the federal system, ALEXANDER does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Anna S. Peckham prosecuted the case for the United States.

The investigation was conducted by the Federal Bureau of Investigation.

DARRELL WAYNE BESTON, JR.

DARRELL WAYNE BESTON, JR., a 23-year-old resident of Wolf Point, was sentenced to a term of:

- Prison: 51 months
- Special Assessment: \$100
- Restitution: \$1,269.90
- Supervised Release: 3 years

BESTON was sentenced in connection with his guilty plea to assault resulting in serious bodily injury.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

During the early morning hours of March 4, 2005, BESTON and one of his brothers were at the Town Pump Store in Wolf Point. While there, another one of BESTON'S brothers and a friend of his hereafter referred to as "R.G.", learned that BESTON and the first brother were on their way to Frazer and they decided to ride along.

BESTON was driving the vehicle when he asked "R.G." what his name was, after which "R.G." told him his name. BESTON became angry and asked "R.G." if he had sexually assaulted BESTON'S girlfriend in the past. "R.G." denied sexually assaulting her. Despite "R.G.'s" denials, BESTON stated that he was going to kill "R.G."

After reaching Frazer, BESTON and the occupants of the car drove around for a while. One of the brothers and "R.G." then got out of the car at a residence. The brother and "R.G." then got into a pickup truck at the residence and raced BESTON and the other brother. After the race, the brother and "R.G." dropped the pickup truck off at the residence and got back into the car with BESTON and the other brother.

Thereafter, they drove to a bar in Frazer. They then left the area of the bar with BESTON again driving the car. BESTON drove to a dumpsite east of Frazer. After arriving at that location, BESTON became angry once again with "R.G." BESTON got out of the car, took "R.G." out of the car, grabbed an aluminum baseball bat from the driver compartment and struck "R.G." in the head and upper body with the bat and punched and kicked him. The brother who was a friend of "R.G.'s" tried to stop BESTON and said, "You are going to kill him," and BESTON replied, "That's the point."

The brother eventually pushed BESTON away from "R.G." and grabbed the bat. However, the other brother then assisted BESTON by grabbing the brother with the bat. While the two brothers were struggling with each other, both of them were hit with the bat. The brother who had intervened on "R.G.'s" behalf then concluded that his brothers were going to kill "R.G." so he ran from the dumpsite back into Frazer and began going to houses asking for help. Eventually, he summoned a Frazer resident who called 911.

Immediately after his brother had left the dumpsite, BESTON continued to assault "R.G." He grabbed a knife and slashed "R.G." in the upper body and in the arm. "R.G." then pretended he was dead. Shortly thereafter, BESTON and the other brother drove away in the car, leaving "R.G." on the ground at the dumpsite.

"R.G." managed to get up and walk away from the dumpsite. He was bleeding from the head, arm, and torso. He walked a short distance to Highway 2 where he began to walk toward Wolf Point. While he was walking, a police officer saw him and picked him up. The officer took "R.G." to the hospital in Wolf Point for medical treatment where a doctor examined "R.G." and concluded that his injuries constituted serious bodily injury.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that BESTON will likely serve **all** of the time imposed by the court. In the

federal system, BESTON does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Anna S. Peckham prosecuted the case for the United States.

The investigation was conducted by the Federal Bureau of Investigation.

EVAN ALLEN BESTON

EVAN ALLEN BESTON, a 19-year-old resident of Frazer, was sentenced to a term of:

- Prison: 16 months, consecutive to another sentence
- Special Assessment: \$100
- Restitution: \$22,273.11
- Supervised Release: 5 years

BESTON was sentenced in connection with his guilty plea to arson.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

In the early morning hours of June 14, 2006, fire officials and law enforcement responded to multiple structure fires in Frazer. While a police officer was at the scene of a fire at a vacant house located on Flynn Avenue in Frazer, he received a call from dispatch notifying him of a fire in a utility trailer located near the Frazer Public School. The police officer drove to the school and found the burning utility trailer. The trailer was a 20 foot structure used to ship and store construction material. As the officer inspected the trailer fire, he saw BESTON riding a dirt bike near the public school.

When interviewed, BESTON stated that he and two other males were responsible for the utility trailer fire that occurred on June 14, 2006. BESTON explained that he and the other two individuals were drinking alcohol and walking around in the Frazer area. They walked to the school where several utility trailers were located, opened one of the trailers and went inside. BESTON confessed that once they were inside, all three of the males started small fires in the trailer, closed the trailer door, and departed.

BESTON also admitted that he was responsible for the fire at the vacant house that occurred on the same night as the trailer fire. BESTON said that he and another male, who also took part in the utility trailer fire, went inside the vacant house and set it on fire. BESTON stated that he started a fire in the attic of the home with matches and then left the house.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that BESTON will likely serve **all** of the time imposed by the court. In the federal system, BESTON does have the opportunity to earn a sentence reduction for

“good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Richard A. Hosley prosecuted the case for the United States.

The investigation was a cooperative effort between the Fort Peck Tribes Criminal Investigation Division and the Federal Bureau of Investigation.

JOHN F. BIG LEGGINS

JOHN F. BIG LEGGINS, a 19-year-old resident of Frazer, was sentenced to a term of:

- Prison: 24 months
- Restitution: \$22,273.11
- Supervised Release: 3 years

BIG LEGGINS was sentenced in connection with his guilty plea to arson.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

In the early morning hours of June 14, 2006, fire officials and law enforcement responded to multiple structure fires in Frazer. These fires included a fire at a vacant house located on Flynn Avenue in Frazer and a fire in a 20 foot utility trailer located near the Frazer Public School.

On September 14, 2006, BIG LEGGINS was interviewed and confessed to starting the fire at the vacant residence on Flynn Avenue. BIG LEGGINS gave a handwritten statement in which he admitted that he and Evan Beston started the fire at the vacant house.

Beston pled guilty to federal charges and has been sentenced.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that BIG LEGGINS will likely serve **all** of the time imposed by the court. In the federal system, BIG LEGGINS does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Richard A. Hosley prosecuted the case for the United States.

The investigation was a cooperative effort between the Fort Peck Tribes Criminal Investigation Division and the Federal Bureau of Investigation.

ROBERT LYNN BIG LEGGINS

ROBERT LYNN BIG LEGGINS, a/k/a ROBERT LYNN BIRTHMARK, a 32-year-old resident of Wolf Point, was sentenced to a term of:

- Prison: 63 months
- Special Assessment: \$100
- Restitution: \$85
- Supervised Release: 3 years

BIG LEGGINS was sentenced in connection with his guilty plea to assault with a dangerous weapon resulting in serious bodily injury.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On the evening of April 23, 2006, BIG LEGGINS was in a bar in Wolf Point, which is within the boundaries of the Fort Peck Indian Reservation. A male individual, hereafter referred to as "M.J.", who was previously acquainted with BIG LEGGINS, was also at the bar that evening.

During the evening, "M.J." confronted BIG LEGGINS about a previous incident in which "M.J." believed that BIG LEGGINS had been rude to "M.J.'s" wife. After exchanging words inside the bar, "M.J." challenged BIG LEGGINS to step outside of the bar for a fistfight.

When "M.J." and BIG LEGGINS stepped outside of the bar, BIG LEGGINS produced a knife and proceeded to stab "M.J." BIG LEGGINS stabbed "M.J." four times - once to "M.J.'s" right arm, once to "M.J.'s" right rear flank, once to the left side of "M.J.'s" chest, and once to the right side of "M.J.'s" chest.

The wound to the right side of the chest slightly penetrated "M.J.'s" right lung. The treating physician characterized the wounds to "M.J.'s" chest as serious bodily injury that involved a substantial risk of death.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that BIG LEGGINS will likely serve **all** of the time imposed by the court. In the federal system, BIG LEGGINS does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Richard A. Hosley prosecuted the case for the United States.

The investigation was a cooperative effort between the Federal Bureau of Investigation in Glasgow, the Fort Peck Tribes Criminal Investigation Division, and the Wolf Point

Police Department.

PATRICK AMBROSE BURSHIA

PATRICK AMBROSE BURSHIA, a 22-year-old resident of Poplar, was sentenced to a term of:

- Prison: 33 months
- Supervised Release: 3 years

BURSHIA was sentenced in connection with his guilty plea to assault resulting in serious bodily injury.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On the night of July 10, 2006, and the early morning hours of July 11, 2006, a female individual hereafter referred to as "MM", was sleeping at the residence of BURSHIA'S sister and her boyfriend, hereafter referred to as "EE".

In the early morning hours of July 11, 2006, "EE" awoke to find BURSHIA entering his home along with three women. "EE" saw BURSHIA and one of the women walk into the bedroom where "MM" was sleeping. After a couple of minutes, "EE" walked down the hallway and entered the bedroom to find BURSHIA and the woman standing next to the bed in which "MM" appeared to be sleeping. "MM" had been consuming alcohol earlier in the day, and "EE" thought that perhaps she was passed out. As "EE" looked into the room, BURSHIA walked out and told "EE", "now you can have her," or words to that effect.

A few minutes after BURSHIA left, "MM" came walking out of the bedroom. "EE" noticed that "MM" was having trouble speaking and that she appeared to be talking with a lisp. When "EE" turned on the lights, he and his girlfriend noticed that the left side of "MM's" face was swollen and red.

The police were contacted and "MM" was taken first to Poplar and then transported to the Mercy Medical Center in Williston, North Dakota. "MM" was diagnosed by medical personnel as having a fractured mandible (fractured jaw) and contusions about the face. "MM" was placed under general anesthesia and her jaw was surgically closed and wired shut. Testimony would have shown that if the surgery had not been performed, "MM's" jaw would not have closed properly or been correctly aligned. "MM" experienced extreme physical pain as a result of the injury inflicted by BURSHIA.

On September 7, 2006, BURSHIA was interviewed by criminal investigators. BURSHIA stated that he had gone to "EE's" home along with two women from the Fort Peck area. BURSHIA stated that the two women told him that they wanted to "beat up" the victim.

BURSHIA also stated that he took the two women into the bedroom where "MM" was sleeping. BURSHIA advised that he then told the women, "do what you have to do," and left the house.

BURSHIA was interviewed again on September 12, 2006. During this interview, BURSHIA admitted that he had assaulted "MM". BURSHIA provided a handwritten statement in which he admitted that he hit "MM" in her head and jaw with his right fist while she was at "EE's" home.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that BURSHIA will likely serve **all** of the time imposed by the court. In the federal system, BURSHIA does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Richard A. Hosley prosecuted the case for the United States.

The investigation was conducted by the Federal Bureau of Investigation.

SEASON HOPE EAGLEMAN

SEASON HOPE EAGLEMAN, a 21-year-old resident of Poplar, was sentenced to a term of:

- Prison: 114 months
- Special Assessment: \$200
- Supervised Release: 5 years

EAGLEMAN was sentenced in connection with her guilty plea to assault with a dangerous weapon and use of a firearm during a crime of violence.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On April 2, 2006, a Fort Peck Law Enforcement officer was dispatched to a residence in Poplar to investigate a report that a female (later identified as EAGLEMAN) had broken out a window at the residence. When the officer arrived at the residence, EAGLEMAN had left, but was located by the officer a short time later.

EAGLEMAN advised the officer that she had been beaten up by the owner of the residence. The officer transported EAGLEMAN back to the residence.

The officer and another officer were informed by the owner of the residence that EAGLEMAN had attacked her and broken out windows in her bathroom and rear bedroom. While the officers were attempting to locate the object EAGLEMAN had used to break the windows, EAGLEMAN, who was seated in the back seat of the officer's

patrol car, kicked out the driver's side rear window. The officer approached his car and instructed EAGLEMAN to get out of the vehicle. She responded with a derogatory comment and a threat to have the officer fired.

The first officer asked the other officer to handcuff EAGLEMAN. When the officer handcuffed her, EAGLEMAN kicked the first officer, while swearing at and threatening him. As the officer led EAGLEMAN to his patrol car, she was kicking and pulling away. The first officer approached her and instructed her to stop resisting. At that point, the officer saw that EAGLEMAN had a gun in her hand with her finger on the trigger pointed at him. As EAGLEMAN pulled the trigger, the officer grabbed the gun and pushed it down. The hammer hit the palm of the officer's hand. The officer then took the pistol from EAGLEMAN. EAGLEMAN had taken the pistol from the other officer.

EAGLEMAN was then transported to the detention center. When she arrived at the detention center, she stated that she should have shot the cop.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that EAGLEMAN will likely serve **all** of the time imposed by the court. In the federal system, EAGLEMAN does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Lori H. Suek prosecuted the case for the United States.

The investigation was conducted by a cooperative effort between the Federal Bureau of Investigation and Fort Peck Law Enforcement.

DANELLE KAY FERGUSON

DANELLE KAY FERGUSON, a resident of Poplar, was sentenced to a term of:

- Prison: 360 months
- Special Assessment: \$100
- Restitution: \$3,500
- Supervised Release: 5 years

FERGUSON was sentenced in connection with her guilty plea to second degree murder.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On July 21, 2006, law enforcement received notification that the FERGUSON'S 11-month old son was taken to the emergency room at Poplar Community Hospital because he was unresponsive. FERGUSON told law enforcement that she found her son laying on the floor of her residence, located in Poplar within the exterior boundaries

of the Fort Peck Indian Reservation, unconscious. Medical personnel in Poplar made the decision to transfer the infant to Denver Children's Hospital because of the severity of injuries. The infant was breathing and had a faint pulse, but he was unresponsive. Numerous bruises were found on both thighs, his abdomen, and his forehead.

On July 24, 2006, while under treatment at the Denver Children's Hospital, the infant went into cardiac arrest three times throughout the night. He was resuscitated each time. The infant never regained consciousness and died on July 25, 2006. FERGUSON accompanied her son to Denver. When questioned by medical personnel, she again reiterated that she found her son on the floor. She explained the bruises to his face by claiming that he fell off of her bed and hit his head on the carpet. The bruising to his legs, she explained, was caused by taking her son in and out of his walker.

On July 26, 2006, Dr. James W. Wahe performed an autopsy. Dr. Wahe described the infant as well-developed and well-nourished. He noted visual injuries (bruises) on his head, chest, and abdomen. Additional internal injuries included bilateral subdural hemorrhages and lateral retinal hemorrhages. Dr. Wahe opined that the injuries were consistent with Shaken Baby Syndrome with additional injuries reflecting that the infant had been slammed against something. Specifically, Dr. Wahe noted bruising to the right and left side of the infant's face, which he opined was caused by the infant's face hitting some object. The shaking as well as hitting the infant's head against another object were, in Dr. Wahe's opinion, the cause of death.

On September 13, 2006, FERGUSON was interviewed by law enforcement. FERGUSON admitted that she shook her son, holding him under his arms and out in front of her, and then placed him on the couch because he would not stop crying. She told law enforcement that her addiction to morphine caused her to act in this manner. She denied that she had ever abused her son previously.

On November 14, 2006, the infant's older brother (age 8) was interviewed. The brother told law enforcement that he was inside his house with his mother (FERGUSON) and his brother (the victim), playing with his brother. His brother began to cry. His mother picked him up by his ankles and held him upside down. His brother continued to cry so his mother shook him, and then slammed him against the bed and onto the floor. Then his mother put him on the floor on a pile of blankets. The older brother stayed with his brother after the incident. He continued to cry for awhile, and then he went to sleep. He never woke up. The older brother told law enforcement that he saw his mother pick up his younger brother by his ankles and shake him in a similar manner one other time.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that FERGUSON will likely serve **all** of the time imposed by the court. In the federal system, FERGUSON does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Lori H. Suek prosecuted the case for the United States.

The investigation was conducted by a cooperative effort between the Federal Bureau of Investigation and Fort Peck Criminal Investigations.

KAREN DAWN GOOD TRACK

KAREN DAWN GOOD TRACK, a 26-year-old resident of Poplar, was sentenced to a term of:

- Prison: 64 months
- Special Assessment: \$100
- Restitution: \$191,050.64
- Supervised Release: 5 years

GOOD TRACK was sentenced in connection with her guilty plea to arson.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

In the early morning hours of January 23, 2007, the residents of a home in Poplar awoke to find their house on fire. The residents of the home were asleep inside when the fire started. All of the people were able to escape the burning home, but the family house cat was killed in the fire.

A Deputy State Fire Marshal from the Montana Department of Justice, Fire Prevention and Investigation Section, conducted an investigation of the house fire. The fire investigator determined that the fire originated in the attached garage and spread to the living areas of the home. Additionally, the fire spread to and burned an automobile that was parked outside of the home and also caused damage to a house located next door. The fire investigator also determined that there were no accidental ignition sources available in the area of origin and thus surmised that the fire was most likely the result of arson.

Criminal Investigators from the Fort Peck Tribes and Special Agents from the Federal Bureau of Investigation (FBI) conducted a criminal investigation into the cause of the fire. During the criminal inquiry, investigators interviewed two witnesses who said that they spoke with GOOD TRACK on the night of the house fire. The witnesses told investigators that GOOD TRACK came to their home in the early morning hours of January 23, 2007, and asked if she could borrow paper. GOOD TRACK took several sheets of paper and a can of hair spray from their house and departed.

The witnesses told investigators that GOOD TRACK returned to their home approximately an hour later. From their porch, the witnesses could see the residence that was on fire. GOOD TRACK drove up in a car and announced that she had set fire

to some papers and thrown them on a mattress in the garage attached to the house. GOOD TRACK told them she did this because one of the residents of the home had accused her father of being a child molester. GOOD TRACK said that if “anyone is going to narc on me, then their house will be set on fire” or words to that effect.

On January 23, 2007, GOOD TRACK was interviewed. She stated that she had an argument with a male individual living at that residence sometime prior to the fire. During that argument, the male accused GOOD TRACK’S father of being a child molester. GOOD TRACK was angered by this comment and on January 23, 2007, she went to the home of a friend and acquired paper and hair spray. GOOD TRACK stated she then took the paper and hair spray went into the open garage attached to the home and sprayed the paper with the hair spray. She then used a lighter to set fire to the paper and placed the burning paper onto a mattress that was in the garage. The mattress caught fire and the fire spread to the garage and attached house.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that GOOD TRACK will likely serve **all** of the time imposed by the court. In the federal system, GOOD TRACK does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Richard A. Hosley prosecuted the case for the United States.

The investigation was a cooperative effort between the Fort Peck Tribes Criminal Investigation Division, the Federal Bureau of Investigation, and the Montana Department of Justice Fire Prevention and Investigation Division.

DALLAS EDWARD HOWARD, JR.

DALLAS EDWARD HOWARD, JR., a 48-year-old resident of Frazier and Fort Peck, was sentenced to a term of:

- Prison: 6 months
- Special Assessment: \$100
- Supervised Release: 2 years

HOWARD was sentenced in connection with his guilty plea to being an unlawful user of a controlled substance in possession of firearm.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On September 19, 2005, during the middle of the afternoon, a police officer observed HOWARD and a female in HOWARD’S pickup truck along Main Street in Wolf Point. The officer was aware that HOWARD and the female were thought to be involved with

illegal drugs. He observed them pass something between themselves while they were in the truck, but he could not tell what it was. The female then got out of the truck.

Based upon his observations, the officer contacted other officers to investigate what had occurred in HOWARD'S vehicle. The officers arrived at the scene and approached HOWARD. They asked HOWARD if they could search his truck and told him that he did not have to let them search the truck. HOWARD then told the officers that they could search the truck and participated in the initial phase of the search.

The officers located what appeared to be a marijuana roach in the ashtray and a smoked marijuana cigarette near the dash. They also found a generic percocet pill near the dash for which HOWARD did not possess a prescription. The officers also found two tubes used to consume illegal drugs. These items were located in the sunglass holder near the roof of the truck. In addition, a Remington Model 870, 12 gauge shotgun was found in the gun rack of the truck.

HOWARD was arrested and agreed to provide a blood sample. At that time, he stated that the sample would be positive for marijuana because he smoked marijuana two days before. The sample actually contained methamphetamine.

One of HOWARD'S ex-wives was subsequently interviewed. She stated that, to her knowledge, HOWARD began using drugs following their temporary separation in mid-2002. After they got back together, he continued to use drugs. In November 2002, she caught HOWARD after he had just finished snorting methamphetamine in a room in their residence. HOWARD repeatedly denied drug use, but eventually admitted, on numerous occasions, that he regularly uses methamphetamine and marijuana. She stated that HOWARD blamed his continued drug use on the death of his son in August 2004. She stated that she was in frequent contact with HOWARD until August 2005.

HOWARD'S girlfriend, the female in his truck on September 19, 2005, was interviewed on December 6, 2005. She stated that she was pregnant with HOWARD'S child and was living with him. She admitted that she had smoked marijuana with HOWARD just a few days before. She also admitted that she used marijuana with him at least once every couple of weeks since meeting him in September 2005. She denied receiving illegal drugs from him on September 19, 2005. At the end of the interview, she told investigators that HOWARD wanted to speak to them about his shotgun.

Investigators interviewed HOWARD on December 6, 2005. He stated that he received the shotgun as a gift in 2003. He put the shotgun in his truck about two days before the shotgun was seized because he planned on using it to shoot pheasants.

HOWARD denied being a drug dealer. He stated that he used methamphetamine "a lot" from August 2004 to August 2005. In August 2004, his son died and his second divorce occurred. He stated that he used methamphetamine daily or every other day during that period. He also stated that, after August 2005, he only used

methamphetamine once or twice a week. At the time of the interview, he was using methamphetamine about once a week. HOWARD also admitted to using marijuana. He would use more marijuana when he used less methamphetamine.

HOWARD reluctantly acknowledged that he was living with his girlfriend at the time of the interview and that she was pregnant with his child. He stated that he used methamphetamine and marijuana with his girlfriend in the months prior to the interview. In addition, he stated that he would fail a urinalysis test because he and his girlfriend had used methamphetamine within the past 48 hours and marijuana within the past several days.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that HOWARD will likely serve **all** of the time imposed by the court. In the federal system, HOWARD does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Carl E. Rostad prosecuted the case for the United States.

The investigation was a cooperative effort between the Bureau of Alcohol, Tobacco, Firearms and Explosives and the Fort Peck Tribes Criminal Investigation Division.

RONALD GLENN KEISER

RONALD GLENN KEISER, a 47-year-old resident of Wolf Point, was sentenced to a term of:

- Prison: 360 months
- Special Assessment: \$300
- Supervised Release: life

KEISER was sentenced after having been found guilty during a 2-day trial of sexual abuse, sexual abuse of a minor, and abusive sexual contact.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that KEISER will likely serve **all** of the time imposed by the court. In the federal system, KEISER does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorneys Richard A. Hosley and Joseph E. Thaggard prosecuted the case for the United States.

The investigation was a cooperative effort between the Fort Peck Tribes Criminal Investigation Division and the Federal Bureau of Investigation.

RAYMOND ANTHONY LEGGETT

RAYMOND ANTHONY LEGGETT, a 22-year-old resident of Wolf Point, was sentenced to a term of:

- Prison: 51months
- Special Assessment: \$200
- Restitution: \$13,473.82
- Supervised Release: 3 years

LEGGETT was sentenced in connection with his guilty plea to two counts of assault with a dangerous weapon.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On March 3, 2006, LEGGETT and three male friends were drinking at a bar in Wolf Point. At some point, an argument erupted between two of the individuals. All four individuals then went outside the bar. At this point LEGGETT and one of the individuals, hereafter referred to as "B.B.", started to fight. During the fight, LEGGETT stabbed "B.B." with a butterfly knife. One of the other individuals, hereafter referred to as "N.W.", then became involved in the fight when he attempted to pull LEGGETT off of "B.B." and was stabbed by LEGGETT in the forearm.

"B.B." and "N.W." were taken to the hospital in Wolf Point. "B.B." was treated for multiple stab wounds, including a stab wound to his head, a laceration under his left eye, and a stab wound to the left side of his abdomen. "N.W." was treated for one stab wound to his left forearm.

The knife used by LEGGETT was recovered on March 5, 2006, by a Wolf Point police officer near the crime scene.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that LEGGETT will likely serve **all** of the time imposed by the court. In the federal system, LEGGETT does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Lori Harper Suek prosecuted the case for the United States.

The investigation was conducted by the Federal Bureau of Investigation.

MICHAEL LONGTREE

MICHAEL LONGTREE, a 44-year-old resident of Poplar, was sentenced to a term of:

- Prison: 177 days, time served
- Special Assessment: \$10

LONGTREE was sentenced after having been found guilty of simple assault following a trial.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that LONGTREE will likely serve **all** of the time imposed by the court. In the federal system, LONGTREE does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Joseph E. Thaggard prosecuted the case for the United States.

The investigation was conducted by the Federal Bureau of Investigation in Glasgow.

KEVIN GERARD MITCHELL

KEVIN GERARD MITCHELL, a 38-year-old resident of Poplar, was sentenced to a term of:

- Prison: 151 months
- Special Assessment: \$100
- Supervised Release: 5 years

MITCHELL was sentenced in connection with his guilty plea to aggravated sexual abuse.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On May 4, 2006, at approximately 11:00 p.m., dispatch received a 911 call reporting a rape. Law enforcement responded to the Gateway Apartments in Poplar and spoke with the victim. The victim reported that she had been raped by MITCHELL and that he was still in her apartment. MITCHELL was arrested at the scene.

The victim was later interviewed. She reported that she was drinking with MITCHELL and some friends. They eventually returned to the victim’s apartment and continued drinking. The victim’s roommate was at the apartment as well. At some point, the victim became sick from the alcohol and went into her bedroom to sleep. She was awakened by MITCHELL putting his arm over her and laying next to her on the bed. He rubbed her side and grabbed her breast. The victim pushed MITCHELL away and tried to get up from the bed, but he pulled her back down. He told her that if she left him, he would kill her roommate. He levied more threats as well. He then pulled her pants down while still holding onto her arm and proceeded to rape her while she was crying. MITCHELL was interrupted when the roommate returned to the apartment with some

friends.

Biological evidence taken from the victim matched a DNA sample taken from MITCHELL.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that MITCHELL will likely serve **all** of the time imposed by the court. In the federal system, MITCHELL does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorneys Lori Harper Suek and Richard A. Hosley prosecuted the case for the United States.

The investigation was a cooperative effort between the Federal Bureau of Investigation and the Fort Peck Tribes Criminal Investigation Division.

ELMER RED EAGLE, JR.

ELMER RED EAGLE, JR., a 40-year-old resident of Poplar, was sentenced to a term of:

- Prison: life
- Special Assessment: \$200

RED EAGLE was sentenced after having been found guilty during a 3-day trial of aggravated sexual abuse of a minor and sexual abuse of a minor.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that RED EAGLE will likely serve **all** of the time imposed by the court. In the federal system, RED EAGLE does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Richard A. Hosley prosecuted the case for the United States.

The investigation was a cooperative effort between the Fort Peck Tribes Criminal Investigation and the Federal Bureau of Investigation.

ALFRED WALKING EAGLE, JR.

ALFRED WALKING EAGLE, JR., a 25-year-old resident of Poplar, was sentenced to a term of:

- Prison: 176 months

- Special Assessment: \$200
- Supervised Release: 3 years

WALKING EAGLE was sentenced in connection with his guilty plea to aiding and abetting assault with a dangerous weapon and use of a firearm in the commission of a crime of violence.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On the night of May 26, 2006, and into the early morning hours of May 27th, WALKING EAGLE, the victim, an unnamed adult and an unnamed juvenile went driving around the town of Poplar in WALKING EAGLE'S automobile.

At some point in the night, the unnamed adult got out of the vehicle to take a walk while WALKING EAGLE, the victim, and the unnamed juvenile drove to a local convenience store. The victim went inside the store while WALKING EAGLE and the unnamed juvenile remained in the car. While the victim was away from the car, WALKING EAGLE received a telephone call from the unnamed adult.

The unnamed adult told WALKING EAGLE that he believed the victim had been talking to people and spreading rumors. The unnamed adult asked WALKING EAGLE to drive the victim into the country and physically assault him. WALKING EAGLE replied that he would instead drive the victim to the unnamed adult's location in order to allow the unnamed adult to "do what he needed to do."

When the victim returned to the car, WALKING EAGLE drove the car to a local Poplar bar where the unnamed adult was waiting. WALKING EAGLE then drove the automobile while the victim rode in the front passenger seat and the unnamed juvenile rode in the backseat. Once they arrived at the bar, the unnamed adult got into the vehicle and sat in the back seat, directly behind the victim. WALKING EAGLE then drove the car away from the bar and into a nearby alley.

As WALKING EAGLE drove the car into the alley, the unnamed adult pulled out a rope and wrapped it around the victim's throat. WALKING EAGLE stopped the car as the unnamed adult began to strangle the victim with the rope. The unnamed adult demanded to know if the victim had been "running his mouth."

The victim would have testified that he struggled with the unnamed adult and managed to free himself from the rope. The victim then attempted to open the door and flee from the car, but WALKING EAGLE reached over and restrained him. The unnamed adult got out of the rear door of the car and pulled open the victim's door. As he did so, the unnamed adult produced a .38 revolver handgun and struck the victim in the face multiple times with the gun. The unnamed adult then discharged the handgun and shot the victim in the top of his right foot.

The unnamed adult pointed the revolver at the victim. The victim grabbed the revolver and he and the unnamed adult began to struggle for possession of the handgun. The victim would have testified that, as he struggled with the unnamed adult over the gun, WALKING EAGLE grabbed the victim from behind, thus enabling the unnamed adult to keep possession of the pistol.

The victim pushed himself free and began to run down the alley, away from the car and his assailants. As the victim fled down the alley, the unnamed adult fired the gun at him, multiple times, with one bullet striking the victim in the right flank. As the victim ran, he could hear WALKING EAGLE'S voice yelling "shoot him, he's getting away," or words to that effect.

When questioned, WALKING EAGLE initially told the investigators that he had been with the unnamed adult on May 26-27, 2006, but claimed that they had not seen the victim at all during that time. After further questioning, WALKING EAGLE acknowledged that he had participated in the incident.

WALKING EAGLE further admitted to the investigators that he personally procured the .38 revolver handgun for the unnamed adult that was used to shoot the victim. WALKING EAGLE stated that he initially obtained the gun by trading stereo equipment. He further told investigators that, on the night of the shooting, he retrieved the revolver from his home and gave it to the unnamed adult. WALKING EAGLE explained that he did so because the unnamed adult was angry about the rumors being spread on the reservation and requested the gun in order to "get a point across" to whomever was "running their mouth."

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that WALKING EAGLE will likely serve **all** of the time imposed by the court. In the federal system, WALKING EAGLE does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Richard A. Hosley prosecuted the case for the United States.

The investigation was a cooperative effort between the Fort Peck Tribes Criminal Investigation Division and the Federal Bureau of Investigation.

JACK DEAN WALKING EAGLE

JACK DEAN WALKING EAGLE, a 20-year-old resident of Poplar, was sentenced to a term of:

- Prison: 271 months
- Special Assessment: \$200
- Supervised Release: 3 years

WALKING EAGLE was sentenced in connection with his guilty plea to assault with the intent to murder and the use of a firearm during the commission of a crime of violence.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

Testimony would have been presented that JACK WALKING EAGLE and his brother, Alfred Walking Eagle Jr., operated a methamphetamine and marijuana distribution ring on the Fort Peck Indian Reservation. In the weeks preceding the assault, JACK WALKING EAGLE and his brother were told that someone was spreading rumors regarding their role as drug distributors at Fort Peck.

On the night of May 26, 2006, and into the early morning hours of May 27th, JACK WALKING EAGLE, the victim, Alfred Walking Eagle and an unnamed juvenile went driving around the town of Poplar in Alfred Walking Eagle's automobile.

At some point during the night, JACK WALKING EAGLE got out of the vehicle while Alfred Walking Eagle, the victim, and the unnamed juvenile drove to a local convenience store. The victim went inside the store while Alfred Walking Eagle and the unnamed juvenile remained in the car. While the victim was away from the car, Alfred Walking Eagle received a cellular telephone call from JACK WALKING EAGLE.

JACK WALKING EAGLE told Alfred Walking Eagle that he believed the victim was responsible for the rumors regarding their drug distribution. JACK WALKING EAGLE asked Alfred Walking Eagle to drive the victim to a remote area of the reservation, outside of the Poplar city limits, and physically assault him. Alfred Walking Eagle refused, but said that he would bring the victim to JACK WALKING EAGLE'S location and JACK WALKING EAGLE could "do what he needed to do."

When the victim returned to the car, Alfred Walking Eagle drove to a local Poplar tavern where JACK WALKING EAGLE was waiting outside. Alfred Walking Eagle drove the automobile, the victim rode in the front passenger seat, and the unnamed juvenile rode in the backseat. When they arrived at the bar, JACK WALKING EAGLE got into the vehicle and sat in the back seat, directly behind the victim. Alfred Walking Eagle drove the car away from the tavern and into a nearby alley in downtown Poplar.

As the car turned into the alley and came to a stop, JACK WALKING EAGLE pulled out a length of rope and wrapped it around the victim's throat. JACK WALKING EAGLE demanded to know if the victim had been "running his mouth." The victim struggled with JACK WALKING EAGLE and managed to free himself from the rope. The victim attempted to open the car door and escape from the vehicle, but Alfred Walking Eagle reached over from the driver's seat and physically restrained him. JACK WALKING EAGLE got out of the rear door of the car and pulled open the front passenger door. Then, JACK WALKING EAGLE produced a .38 revolver handgun and struck the victim in the face multiple times with the butt of gun. JACK WALKING EAGLE then

discharged the handgun and shot the victim's right foot.

JACK WALKING EAGLE then pointed the revolver at the victim. The victim reached out, grabbed the gun and attempted to wrest it from JACK WALKING EAGLE'S grip. After a momentary struggle, the victim broke away, turned and ran down the alley. JACK WALKING EAGLE fired the handgun at the fleeing victim. As the victim continued to run away, JACK WALKING EAGLE repeatedly fired the gun at the victim until all the ammunition had been expended. The victim managed to escape, but he was struck in the right flank by one of the fired rounds.

Alfred Walking Eagle pled guilty to federal charges and has been sentenced.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that WALKING EAGLE will likely serve **all** of the time imposed by the court. In the federal system, WALKING EAGLE does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Richard A. Hosley prosecuted the case for the United States.

The investigation was a cooperative effort between the Fort Peck Tribes Criminal Investigation Division and the Federal Bureau of Investigation.

CLIFFORD WILLIAM JOHN YOUPEE

CLIFFORD WILLIAM JOHN YOUPEE, a 19-year-old resident of Poplar, was sentenced to a term of:

- Prison: 51 months
- Special Assessment: \$100
- Supervised Release: 3 years

YOUPEE was sentenced in connection with his guilty plea to assault resulting in serious bodily injury.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On the morning of March 22, 2006, YOUPEE and several other individuals were consuming alcohol at the home of the victim which was located in Poplar.

Shortly after 11:00 a.m. that morning, the victim and another individual got into an argument. The argument escalated and the victim and the other person went outside and began to physically fight. The unnamed individual brandished a knife and then stabbed the victim. A third-party struck the unnamed individual, causing the knife to

release from his grip and fall to the ground. YOUPEE retrieved the knife from the ground and stabbed the victim multiple times, including in the victim's torso. The victim did not have a weapon during this altercation.

The victim was transported that morning to the Poplar Community Hospital emergency room where he was treated. The treating physician diagnosed the victim as suffering from multiple stab wounds. The doctor identified six stab wounds to the victim's body: on his right wrist, left neck, right anterior chest, left thigh, left abdominal wall, and left palm. The neck and abdominal wounds created a substantial risk of death due to the loss of blood. Additionally, the victim suffered extreme physical pain as a result of the stab wounds.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that YOUPEE will likely serve **all** of the time imposed by the court. In the federal system, YOUPEE does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Richard A. Hosley prosecuted the case for the United States.

The investigation was a cooperative effort between the Fort Peck Tribes Criminal Investigation Division and the Federal Bureau of Investigation.

INDIAN COUNTRY - NORTHERN CHEYENNE RESERVATION

ARLYN CASTRO

ARLYN CASTRO, a 23-year-old resident of Lame Deer, was sentenced to a term of:

- Prison: 18 months
- Special Assessment: \$100
- Restitution: to be determined if any within 60 days
- Supervised Release: 3 years

CASTRO was sentenced in connection with his guilty plea to sexual abuse of a minor.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On February 1, 2003, the Northern Cheyenne Police Department was advised that an intoxicated juvenile female needed medical attention. The girl, hereafter referred to as "RR", was taken to the Indian Health Service facility. While there, information developed that "RR" had possibly been sexually assaulted at a residence in Lame Deer. DNA testing of a semen sample was found to be that of CASTRO.

When questioned, CASTRO admitted that he had been drinking and had sexual intercourse with “RR” when she had been drinking. “RR” was under the age of 16 and CASTRO was more than four years older than “RR” at the time of the incident.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that CASTRO will likely serve **all** of the time imposed by the court. In the federal system, CASTRO does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Marcia K. Hurd prosecuted the case for the United States.

The investigation was conducted by the Bureau of Indian Affairs.

JOEL GONZALEZ and DOUGLAS MICHAEL LIMBERHAND

JOEL GONZALEZ and DOUGLAS MICHAEL LIMBERHAND were sentenced after having been found guilty during a 3-day trial.

GONZALEZ was sentenced after having been found guilty of involuntary manslaughter to a term of:

- Prison: 51 months
- Special Assessment: \$100
- Restitution: \$3,499
- Supervised Release: 3 years

LIMBERHAND was sentenced after having been found guilty of assault resulting in serious bodily injury and aiding and abetting to a term of:

- Prison: 46 months
- Special Assessment: \$100
- Restitution: \$3,499
- Supervised Release: 3 years

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that GONZALEZ and LIMBERHAND will likely serve **all** of the time imposed by the court. In the federal system, GONZALEZ and LIMBERHAND do have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Lori Harper Suck prosecuted the case for the United States.

The investigation was a cooperative effort between the Federal Bureau of Investigation and the Bureau of Indian Affairs.

CHANDA SPOTTED ELK JACKSON

CHANDA SPOTTED ELK JACKSON, a 30-year-old resident of Lame Deer, was sentenced to a term of:

- Prison: 99 days (time served)
- Special Assessment: \$100
- Restitution: \$219.98
- Supervised Release: 2 years

JACKSON was sentenced in connection with her guilty plea to theft.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

Early on the morning of November 3, 2006, an employee of the Cheyenne Depot located in Lame Deer reported that money was missing and possibly taken by another employee, JACKSON. The deposit made later that day was over \$8,000 short.

Bureau of Indian Affairs officers started their investigation by viewing the video tape for the relevant time period from the store. The tape showed JACKSON and another individual entering the store. It then showed JACKSON clock-in for work and enter the office area. She then walked to the vault and took out the money tray. After looking around as if to make sure that no one else was in the office area or watching her, she picked up her purse. She then walked back to the vault and placed the cash tray back in the vault. Then she walked out of the office, purchased some items from the store, and left the store.

After viewing the tape, law enforcement located and confronted JACKSON about the missing money. Although she initially denied taking the money, she eventually admitted that she took the money and told law enforcement where to find it. Law enforcement recovered \$8,704.96 from JACKSON, a total of \$8,924.94 had been taken. The remaining approximately \$220 has not been recovered.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that JACKSON will likely serve **all** of the time imposed by the court. In the federal system, JACKSON does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Lori Harper Suek prosecuted the case for the United States.

The investigation was conducted by the Bureau of Indian Affairs.

COLLINS RAY RUSSELL

COLLINS RAY RUSSELL, a 19-year-old resident of Lame Deer, was sentenced to a term of:

- Prison: 30 months
- Special Assessment: \$100
- Supervised Release: 3 years

RUSSELL was sentenced in connection with his guilty plea to assault on a federal officer.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

In the early morning hours of June 1, 2006, two uniformed Bureau of Indian Affairs (BIA) police officers were dispatched to the west side of Lame Deer to respond to reported gunshots.

Residents of the neighborhood directed the officers to the Pow Wow grounds. In the vicinity of the Pow Wow grounds, one of the officers located several vehicles parked off the dirt road. The officer stopped near the vehicles and observed three males and two females fleeing into the woods. The other officer arrived moments later.

After the officers located the females, they were advised that RUSSELL had a rifle. At this point, the officers heard a gunshot. The officers and the females took cover behind the vehicles. They heard a male yell “[expletive], you [expletive] cops! Come and get us!” The officers then heard several more shots. The officers believed that someone was intentionally trying to keep them “pinned down” so that the others could flee. The officers were in fear for their lives and the lives of the two females.

A short time later, RUSSELL was located by another BIA officer. The officer found an SKS rifle in RUSSELL’S possession.

RUSSELL was later interviewed by FBI agents. He admitted that he fired the rifle a couple of times in the presence of the police officers. He denied firing at the officers and stated that he fired the shots into the air. When asked if he fired the shots to intimidate the officers, RUSSELL admitted that he had.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that RUSSELL will likely serve **all** of the time imposed by the court. In the federal system, RUSSELL does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Lori Harper Suek prosecuted the case for the United States.

The investigation was conducted by the Federal Bureau of Investigation.

RICKY LEE SANDCRANE

RICKY LEE SANDCRANE, a 19-year-old resident of Lame Deer, was sentenced to a term of:

- Prison: 360 months
- Special Assessment: \$100
- Supervised Release: life

SANDCRANE was sentenced in connection with his guilty plea to aggravated sexual abuse.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On September 22, 2006, SANDCRANE was babysitting a 3-year-old girl at a residence while the victim's foster mother was gone. SANDCRANE and the victim were alone together for approximately two hours. When the foster mother returned to the residence, she observed that the victim was in the living room with a scared look on her face. The foster mother asked the victim what had happened, to which the victim replied – "He peed on me" and pointed to her vaginal area.

The foster mother then examined the victim and saw what she thought was blood in the front of the victim's panties. Although the victim was taken, first to the Lame Deer IHS clinic and then the Billings Clinic, because the victim was extremely upset, examinations could not be performed.

During the investigation, SANDCRANE was interviewed by law enforcement. He admitted that he sexually abused the victim while he was alone with her. Specifically, SANDCRANE admitted that he smoked marijuana and then, while in the living room kneeling on some cushions, he pulled the victim's pants and panties down and digitally penetrated her vagina with his right hand while he masturbated with his left hand. He admitted that he ejaculated.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that SANDCRANE will likely serve **all** of the time imposed by the court. In the federal system, SANDCRANE does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Lori Harper Suek prosecuted the case for the United States.

The investigation was conducted by the Federal Bureau of Investigation.

WILLIE JAMES SEQUI, SR.

WILLIE JAMES SEQUI, SR., a 57-year-old resident of Busby, was sentenced to a term of:

- Prison: 170 months
- Special Assessment: \$100
- Supervised Release: 5 years

SEQUI was sentenced after having been found guilty during a 3-day trial of aggravated sexual abuse.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that SEQUI will likely serve **all** of the time imposed by the court. In the federal system, SEQUI does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Lori Harper Suek prosecuted the case for the United States.

The investigation was conducted by the Federal Bureau of Investigation.

EARL THOMAS SIMPSON

EARL THOMAS SIMPSON, a 35-year-old resident of Lame Deer, was sentenced to a term of:

- Probation: 2 years
- Special Assessment: \$100

SIMPSON was sentenced in connection with his guilty plea to possession of a firearm with an obliterated serial number.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On October 28, 2004, Bureau of Indian Affairs (BIA) police officers executed a traffic stop of SIMPSON near the Muddy Cluster housing area within the boundaries of the Northern Cheyenne Indian Reservation.

SIMPSON was driving a pick-up truck. An officer approached the truck and identified the driver as SIMPSON. At the same time, another officer approached the truck on the passenger side and saw a rifle case on the seat of the pick-up. The officer then looked into the bed of the pick-up and saw an 18 pack box of beer.

At that point, the officer told the other officer about the beer. SIMPSON was then

placed under arrest for possession of alcohol. SIMPSON was handcuffed and placed in an officer's vehicle.

An officer then seized the beer. Because SIMPSON wanted the truck left on the highway, the arresting officer advised the other officer to secure the pick-up and record the serial numbers of the firearms, while the arresting officer transported SIMPSON to jail.

While securing the truck, the officer discovered that the rifle's serial number had been scratched off and was not legible. Because the serial number was scratched off, the officer seized both the rifle and another pistol that was in the vehicle.

When confronted with this information, SIMPSON volunteered that he knew the serial number had been scratched off.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that SIMPSON will likely serve **all** of the time imposed by the court. In the federal system, SIMPSON does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Lori Harper Suek prosecuted the case for the United States.

The investigation was a cooperative effort between the Bureau of Indian Affairs and the Bureau of Alcohol, Tobacco, Firearms and Explosives.

HORACE HUBERT SMALL, JR.

HORACE HUBERT SMALL, JR., a 44-year-old resident of Lame Deer, was sentenced to a term of:

- Prison: 37 months
- Special Assessment: \$500
- Supervised Release: 3 years

SMALL was sentenced in connection with his guilty plea to five counts of distribution of methamphetamine.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

During the months of June and July of 2005, the Bureau of Indian Affairs (BIA) and the FBI conducted an investigation of SMALL after receiving information that SMALL was distributing methamphetamine from his residence on the Northern Cheyenne Indian Reservation.

On five occasions during June and July of 2005, a BIA confidential source, at the

direction and under the supervision of law enforcement, purchased methamphetamine from SMALL at his residence. The five purchases took place on June 24, two on July 5, July 7, and July 20, 2005.

The purchases were monitored by law enforcement, both visually and with audio equipment. Approximately 5 grams of methamphetamine was purchased from SMALL.

On November 4, 2005, a search warrant was served at SMALL'S residence and drug paraphernalia was seized.

The methamphetamine that was purchased from SMALL was tested by the Drug Enforcement Administration laboratory in San Francisco. The lab results confirmed that the substance was methamphetamine.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that SMALL will likely serve **all** of the time imposed by the court. In the federal system, SMALL does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Lori Harper Suek prosecuted the case for the United States.

The investigation was a cooperative effort between the Bureau of Indian Affairs and the Federal Bureau of Investigation.

ADRIAN SPANG, SR.

ADRIAN SPANG, SR., a 38-year-old resident of Wyola, was sentenced to a term of:

- Prison: 9 months and 10 days, of which 6 months will be under community confinement
- Special Assessment: \$100
- Supervised Release: 3 years

SPANG was sentenced in connection with his guilty plea to assault resulting in substantial bodily injury.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On the evening of March 23, 2006, SPANG had been drinking. At some point, SPANG returned to his residence near Wyola, within the boundaries of the Crow Indian Reservation. SPANG'S thirteen-year-old son took SPANG'S keys and hid them from him.

When SPANG later attempted to leave the residence in his car and discovered that the

keys were missing, SPANG became angry. He struck his son and threw him to the ground, causing injuries to his face and head. The boy was knocked unconscious for a brief period of time.

When the boy regained consciousness, he ran to his grandmother's house and was then taken to the emergency room at Indian Health Services for treatment.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that SPANG will likely serve **all** of the time imposed by the court. In the federal system, SPANG does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Lori Harper Suek prosecuted the case for the United States.

The investigation was conducted by the Federal Bureau of Investigation.

JENNIFER MARIE SIMPSON WOODENLEGS

JENNIFER MARIE SIMPSON WOODENLEGS, a 28-year-old resident of Lame Deer, was sentenced to a term of:

- Probation: 2 years
- Special Assessment: \$100

WOODENLEGS was sentenced in connection with her guilty plea to making false statements.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

From December 14, 2004, through January 18, 2005, and, again, from March 19, 2005, until March 20, 2005, WOODENLEGS was incarcerated at the Bureau of Indian Affairs (BIA) jail in Lame Deer.

In March of 2005, and then again in April of 2005, WOODENLEGS alleged that she had been sexually assaulted by BIA officers while she was incarcerated. Given the nature of the allegations, the Federal Bureau of Investigation (FBI) opened an investigation.

On April 13, 2005, WOODENLEGS was interviewed by two FBI agents in Colorado, where she was living at the time. WOODENLEGS provided detailed, specific information to the agents. WOODENLEGS claimed that she was sexually assaulted multiple times by multiple BIA officers during her periods of incarceration.

When questioned, the officers vehemently denied the allegations.

After additional investigation uncovered inconsistencies in WOODENLEGS' story, WOODENLEGS was again interviewed by FBI agents on October 12, 2005. During this interview, WOODENLEGS admitted that she had lied to the FBI agents during the April 2005 interview. She admitted that she had never been sexually assaulted by any BIA officers.

On February 17, 2006, during a telephone conversation with an FBI agent, WOODENLEGS again admitted that she had fabricated the allegations.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that WOODENLEGS will likely serve **all** of the time imposed by the court. In the federal system, WOODENLEGS does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Lori Harper Suek prosecuted the case for the United States.

The investigation was conducted by the Federal Bureau of Investigation.

CHANNING ZILER

CHANNING ZILER, a 19-year-old living in the Ashland area, was sentenced to a term of:

- Prison: 24 months
- Special Assessment: \$100
- Supervised Release: 3 years

ZILER was sentenced in connection with his guilty plea to assault resulting in serious bodily injury.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On April 28, 2006, ZILER and several other individuals were drinking alcohol at a residence in Rabbit Town, located within the boundaries of the Northern Cheyenne Indian Reservation.

At some point during the evening, ZILER tried to pick a fight with an individual, hereafter referred to as "G.B." "G.B." refused to fight with ZILER, even though ZILER continued to taunt him. When ZILER went outside, "G.B." followed him out because "G.B." believed that ZILER was going to break the windows out of "G.B.'s" vehicle.

"G.B." told ZILER multiple times that he did not want to fight with him. "G.B." then sat down on the porch of the house. When "G.B." turned to look at another individual,

ZILER struck him. "G.B." regained consciousness in the ambulance.

Witnesses to the fight would have testified that they observed ZILER strike "G.B." without provocation and repeatedly hit and kick him in the head.

Photographs taken of "G.B." at the residence and at Indian Health Services in Lame Deer would have shown the severity of injuries to "G.B.'s" face and head.

On May 1, 2006, an oral and maxillofacial surgeon operated on "G.B." He had suffered multiple blows to his head and both eyes were swollen shut. His cheekbone was shattered into hundreds of egg-shell-type fragments. Hemorrhaging through the right eye socket resulted in enough pressure to force the eye out through the eye socket. The entire floor of the right eye socket was blown out by fractures. Extensive swelling pushed "G.B.'s" nose toward the left side of his face. The inside and outside plates on top of the right eye socket were broken. The injury to the right eye, in particular, was consistent with being stomped or kicked.

The doctor would have testified that in his opinion, ZILER had used a lot of force. In addition, bone fragments could easily have penetrated "G.B.'s" brain, resulting in death, with just one more blow.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that ZILER will likely serve **all** of the time imposed by the court. In the federal system, ZILER does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Lori Harper Suek prosecuted the case for the United States.

The investigation was conducted by the Federal Bureau of Investigation.

INDIAN COUNTRY - ROCKY BOY'S RESERVATION

BING WILLIAM AHENAKEW

BING WILLIAM AHENAKEW, a 26-year-old resident of Box Elder and Great Falls, was sentenced to a term of:

- Prison: 37 months
- Supervised Release: 3 years

AHENAKEW was sentenced after having been found guilty during a 3-day trial of assault resulting in serious bodily injury and assault resulting in substantial bodily injury to an individual under 16 years of age.

Because there is no parole in the federal system, the "truth in sentencing" guidelines

mandate that AHENAKEW will likely serve **all** of the time imposed by the court. In the federal system, AHENAKEW does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Anna S. Peckham prosecuted the case for the United States.

The investigation was conducted by the Federal Bureau of Investigation.

REBECCA ROSE EAGLEMAN

REBECCA ROSE EAGLEMAN, a 19-year-old resident of Box Elder, was sentenced to a term of:

- Prison: 50 months
- Special Assessment: \$200
- Supervised Release: 3 years

EAGLEMAN was sentenced after having been found guilty during a 1-day trial of assault resulting in serious bodily injury and assault with a dangerous weapon.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that EAGLEMAN will likely serve **all** of the time imposed by the court. In the federal system, EAGLEMAN does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Anna S. Peckham prosecuted the case for the United States.

The investigation was conducted by the Federal Bureau of Investigation.

ROBERT MATTHEW PAUL MITCHELL

ROBERT MATTHEW PAUL MITCHELL, a 31-year-old resident of Box Elder, was sentenced to a term of:

- Prison: 150 months
- Special Assessment: \$100
- Supervised Release: life

MITCHELL was sentenced in connection with his guilty plea to sexual abuse.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

During the evening of June 24, 2006, a young woman hereafter referred to as L.A.A.,

and a girlfriend were celebrating the girlfriend's 21st birthday. They went to two bars in Box Elder and then to a friend's house where they continued to drink. Several individuals were present at the house, including MITCHELL.

At some point after L.A.A. arrived the house, MITCHELL grabbed her after she had exited the bathroom. L.A.A. hit MITCHELL in the back of the head and told him to stop trying to grab her. MITCHELL then left the house.

At approximately 1:30 a.m., L.A.A., was given a ride to her grandmother's house. Later MITCHELL came to the house and asked to sleep on the couch as the police were looking for him. Shortly thereafter, MITCHELL went into the bedroom where L.A.A. was sleeping.

Approximately ten minutes later, L.A.A. was awakened by the presence of a male on top of her engaging in sexual intercourse. Upon waking up, L.A.A. initially thought it was her boyfriend. L.A.A. then reached up to feel the male's face and realized it was not her boyfriend. At this time, a female entered the bedroom and turned on the lights because she had heard noises coming from the bedroom. L.A.A. then saw that the male was not her boyfriend, but MITCHELL. L.A.A. subsequently put on some clothes and left the house. In a written statement, MITCHELL admitted that he had intended to have sex with L.A.A. and that he had indeed had sexual intercourse with her. MITCHELL also admitted that L.A.A. was initially unaware of what was happening to her, but after the first few minutes of contact and sexual intercourse, she woke up.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that MITCHELL will likely serve **all** of the time imposed by the court. In the federal system, MITCHELL does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Anna S. Peckham prosecuted the case for the United States.

The investigation was conducted by the Federal Bureau of Investigation.

MISCELLANEOUS

CATHERINE MABEL BROCK

CATHERINE MABEL BROCK, a resident of Billings and Poplar, was sentenced to a term of:

- Prison: 16 months
- Special Assessment: \$100
- Supervised Release: 3 years

BROCK was sentenced in connection with her guilty plea to failure to register as a sex

offender.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On November 15, 2000, BROCK was sentenced to a term of twenty-one months imprisonment to the Bureau of Prisons following a conviction for sexual abuse of a minor in the U.S. District Court in Great Falls. Based upon her federal conviction, BROCK was required to register as a sexual offender under the Sexual Offender Registration and Notification Act.

BROCK registered while living in Wolf Point in January of 2005. She moved from Montana to Salt Lake City, Utah, then returned back to Billings in July of 2006 and failed to register and/or keep her registration current.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that BROCK will likely serve **all** of the time imposed by the court. In the federal system, BROCK does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Marcia K. Hurd prosecuted the case for the United States.

The investigation was conducted by the U.S. Marshals Service.

MITCHELL CHANDLER

MITCHELL CHANDLER, a 24-year-old resident of Crow Agency, was sentenced to a term of:

- Prison: 18 months, concurrent with another sentence
- Special Assessment: \$100
- Supervised Release: 3 years

CHANDLER was sentenced after having been found guilty during a 1½ day trial of attempted escape.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that CHANDLER will likely serve **all** of the time imposed by the court. In the federal system, CHANDLER does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Ryan M. Archer prosecuted the case for the United States.

The investigation was conducted by the U.S. Marshals Service.

**MARK DAVID SCARFF, DERIC JAY DROSTEN AND KATHY JO CONWAY
(CONWAY, DROSTEN & SCARFF)**

MARK DAVID SCARFF, age 33, DERIC JAY DROSTEN, age 34, and KATHY JO CONWAY, age 30, residents of Helena, appeared for sentencing.

SCARFF was sentenced to a term of:

- Prison: 8 months
- Special Assessment: \$100
- Restitution: \$2,310
- Supervised Release: 3 years

DROSTEN was sentenced to a term of:

- Probation: 5 years
- Special Assessment: \$100
- Restitution: \$2,310

CONWAY was sentenced to a term of:

- Probation: 3 years, with 4 months of home detention
- Special Assessment: \$100
- Restitution: \$40

SCARFF was sentenced in connection with his guilty plea to manufacturing counterfeit obligations of the United States

DROSTEN and CONWAY were sentenced in connection with their guilty pleas to uttering counterfeit obligations of the United States.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

Beginning in November of 2003, SCARFF began manufacturing counterfeit Federal Reserve Notes in \$5, \$10, and \$20 denominations. Using an all-in-one printer, copier and scanner, SCARFF photocopied legitimate United States currency in the amount of approximately \$2,400.

SCARFF passed some of the counterfeit currency to various Helena businesses and provided about half of what he had made to DROSTEN. DROSTEN also passed the currency to Helena businesses. In addition, DROSTEN gave approximately \$100 to CONWAY, who passed two counterfeit \$20 notes to two different Helena businesses.

Continuing in November of 2003, SCARFF and DROSTEN drove to Portland, Oregon.

During the trip, and while in Portland, both passed counterfeit currency to businesses in Montana, Washington and Oregon. Upon their return to Montana, SCARFF and DROSTEN learned of an investigation into SCARFF'S manufacturing and SCARFF discarded the printer in a garbage dumpster and destroyed the remaining counterfeit currency.

When questioned by law enforcement during the investigation of this case, SCARFF, DROSTEN and CONWAY all admitted their involvement and described in detail the amounts of counterfeit currency they possessed and the businesses to which they passed that currency.

Agents with the United States Secret Service would have testified that approximately \$2,380 worth of counterfeit notes were seized and directly linked to SCARFF'S manufacturing operation.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that SCARFF, DROSTEN and CONWAY will likely serve **all** of the time imposed by the court. In the federal system, SCARFF, DROSTEN and CONWAY do have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Timothy J. Racicot prosecuted the case for the United States.

The investigation was conducted by the United States Secret Service.

MARCUS GUDIEL

MARCUS GUDIEL, an 18-year-old resident of Guatemala, was sentenced to a term of:

- Prison: time served (242 days)
- Special Assessment: \$200
- Restitution: \$1,100
- Supervised Release: 2 years

GUDIEL was sentenced after having been found guilty during a 2-day trial of conspiracy to pass counterfeit currency and passing counterfeit currency.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that GUDIEL will likely serve **all** of the time imposed by the court. In the federal system, GUDIEL does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Timothy J. Racicot prosecuted the case for the United States.

The investigation was conducted by the United States Secret Service.

BURTON ANDREW HOLLOWAY

BURTON ANDREW HOLLOWAY, a 28-year-old resident of Fairbanks, Alaska, was sentenced to a term of:

- Probation: 1 year
- Special Assessment: \$100

HOLLOWAY was sentenced in connection with his guilty plea to making false statements.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On July 30, 2006, HOLLOWAY arrived at the Coutts, Alberta, Port of Entry as a passenger in a pickup truck where he and the other passenger were refused entry into Canada by the Canada Border Services Agency (CBSA).

When questioned, HOLLOWAY gave the CBSA agents a false name, identity and Alaska driver's license in the name of Christopher Beisel. HOLLOWAY also falsely identified himself as Christopher Beisel on the Canadian refusal forms that he completed.

When instructed by a CBP inspector to complete U.S. Customs Declarations, HOLLOWAY completed the declaration falsely, under the false name and identity, and crossed out the signature line on the declaration form and signed Chris Beisel. When questioned by the CBP inspector why he had initially signed a different name and then crossed it out, HOLLOWAY responded that it was his brother's name.

Prior to inspection of the vehicle, inspectors again asked HOLLOWAY if the driver's license and name on the declaration form were his. HOLLOWAY responded "yes" to both questions.

During an inspection of the vehicle, a CBP inspector located a Social Security card in the name of Burton Holloway, with a date of birth of May 19, 1978, handwritten on the back. HOLLOWAY's true birth certificate was also located.

When questioned by CBP inspectors about the Social Security card and birth certificate in another name, HOLLOWAY admitted they were in his true identity. HOLLOWAY further admitted to having used the false Alaska driver's license and identity when he attempted to enter Canada.

HOLLOWAY then admitted to a Bureau of Immigration and Customs Enforcement (ICE) agent that he lived in Fairbanks, Alaska, and had traveled to New York via commercial airline to visit his girlfriend. HOLLOWAY stated that prior to leaving Alaska,

he was unable to locate his driver's license and chose to use the false Alaska driver's license to travel. HOLLOWAY also admitted that he had provided the false identity in pre-flight security to both the Transportation Security Administration and the airline. He also stated that he had attempted to acquire a new driver's license while in New York, but was unable to because he was not a resident of New York.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that HOLLOWAY will likely serve **all** of the time imposed by the court. In the federal system, HOLLOWAY does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Elizabeth Horsman prosecuted the case for the United States.

The investigation was a cooperative effort between Customs and Border Protection and the Bureau of Immigration and Customs Enforcement.

JOHN C. JETTER

JOHN C. JETTER, a 26-year-old resident of Bozeman, was sentenced to a term of:

- Probation: 18 months
- Special Assessment: \$25
- Restitution: \$597 and \$800 Attorney Fees

JETTER was sentenced in connection with his guilty plea to willfully damaging government property.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On May 4, 2002, two individuals heard several gun shots in the North Meadow Creek area on the Beaverhead-Deerlodge National Forest. Those same individuals later observed a greenish-blue Ford Explorer driving away from the direction of the shooting and identified the occupants of the vehicle as two men in their early to mid-20s. Both males were in possession of firearms. When the individuals departed the area, they noticed large holes in a Forest Service sign and blue shotgun shells under the sign. They recalled that the sign had been intact when they passed it earlier in the day, before the shooting commenced. They phoned the authorities and filed a complaint concerning the damaged sign.

A Montana Department of Fish, Wildlife and Parks warden responded to the North Meadow Creek area to investigate the shooting. He interviewed the complainants and collected several shotgun shells that appeared to have been fired at the Forest Service sign. He also observed that additional signs in the area had been damaged by gunfire.

During the course of his investigation, he encountered JETTER and another individual. He observed that the men had a shotgun and a .22-caliber rifle in their possession, as well as another long gun. He also observed a box of .22-caliber shells in a red box, a box of shotgun shells, and several blue shotgun shells that were the same brand as the shells he retrieved from under the damaged signs. JETTER admitted to the warden that the shotgun belonged to him.

On May 6, 2002, a Forest Service Law Enforcement officer returned to the North Meadow Creek area to continue to investigate the vandalized signs. He gathered additional shotgun and .22-caliber shell casings and determined that 12 signs had been damaged by gunfire.

On May 11, 2002, law enforcement officers executed search warrants at JETTER'S residence, the other individual's residence, and 1992 teal-green Ford Explorer. They seized four 22.-caliber firearms from the other individual's residence and two .22-caliber firearms and two 12-gauge shotguns from JETTER'S residence. Numerous rounds of ammunition were also seized. The firearms and ammunition, as well as the spent casings collected from the scene of the shootings, were submitted to the Montana State Crime Lab for forensic analysis on May 16, 2002.

On February 22, 2006, the Crime Lab advised that nearly all of the spent ammunition collected from the scenes of the damaged signs were functioned through one of the shotguns seized from JETTER'S residence or fired from various .22-caliber firearms seized from both JETTER'S and the other individual's residences.

The Forest Service replaced all 12 damaged signs at a total cost of \$1,194.20.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that JETTER will likely serve **all** of the time imposed by the court. In the federal system, JETTER does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Timothy J. Racicot prosecuted the case for the United States.

The investigation was a cooperative effort between the Montana Department of Fish, Wildlife and Parks, the Law Enforcement and Investigations Division of the Forest Service, and the Office of the Inspector General for the Department of Agriculture.

MARILYN LAKE

MARILYN LAKE, a 56-year-old resident of Billings, was sentenced to a term of:

- Prison: 30 months
- Special Assessment: \$100
- Supervised Release: 3 years

LAKE was sentenced in connection with her guilty plea to the use of an interstate facility in aid of a racketeering enterprise.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

During 2002 and continuing after January 29, 2003, Tina Nader was the owner of Sunset Bay Massage ("SBM") at 105 Moore Lane in Billings and LAKE was the manager.

Customers would go to SBM and the SBM employees would also do "outcalls" and visit customers at other locations, in both cases to exchange sex for money.

Customers that went to SBM would pay between \$30 and \$60 for massages ranging in length from 30 to 60 minutes. The customer would go into a room with an employee who would tell him to undress. During the massage, the employee would raise the issue of sex. The employee would use hand signals to indicate how much she charged for a particular sex act. The employee provided a condom to the customer and performed sex acts. The customer would pay the employee a "tip" by putting the money in a basket.

Employees would also go on "outcalls" for customers during which sex was exchanged for money. One employee said she received \$150 for "outcalls" and Nader told another to charge \$110.

After the massage, the employee would put information about the customer on an index card. If the employee performed a sex act, she would put the information on a colored index card. If not, she would use a white card.

For massages at SBM, employees would receive \$5 - \$7 of the massage price and the rest of the money went to SBM. The employees would also receive 100% of the tips they received. For "outcalls", one employee said \$90 was given to SBM and another was told that she had to give \$60 back to SBM.

Both Nader and LAKE coached employees to use hand signals to show customers how much the employee charged for a sex act; told employees not to discuss sex out loud or to accept money directly; told employees to fill out colored index cards if sexual acts were performed; instructed a confidential witness posing as an employee about a contraceptive sponge; and LAKE instructed the confidential witness not to discuss tips on the phone. Nader also provided the confidential witness condoms on her first day.

Nader provided sex to regular customers for free and asked about the performance of employees during those encounters.

LAKE performed sex acts on customers. LAKE also gave new applicants an

employment contract to fill out and hired new employees.

On January 29, 2003, Nader spoke to an undercover law enforcement officer several times by telephone to arrange an outcall of sex for money by the confidential witness. Nader dispatched the confidential witness on the outcall and told her to call Nader when she arrived at the outcall. The confidential witness called Nader twice.

LAKE and Nader promoted and facilitated the prostitution business after the phone calls on January 29, 2003, by collecting money from the business and performing some of the actions described above.

Nader pled guilty to federal charges and has been sentenced.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that LAKE will likely serve **all** of the time imposed by the court. In the federal system, LAKE does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

First Assistant U.S. Attorney Kurt G. Alme prosecuted the case for the United States.

The investigation was conducted by the Federal Bureau of Investigation.

MICHAEL DAX McTAGGART

MICHAEL DAX McTAGGART, *aka Michael Dax Maupin, Darrell Wilson Young and Shane A. Mello*, a 35-year-old resident of Port Orchard, Washington, was sentenced to a term of:

- Prison: 9 months (1 month incarceration, 8 months house arrest)
- Special Assessment: \$100
- Fine: \$1,000
- Supervised Release: 3 years

McTAGGART was sentenced in connection with his guilty plea to misuse of a Social Security number.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On December 7, 2001, McTAGGART applied for work at a café in Whitefish using the name and social security number of another individual.

Evidence would have been presented to show that McTAGGART utilized the false name and social security number in completing the I-9 Employment Eligibility Verification Form and the W-4 Form. Testimony and documentation would have also

shown that McTAGGART presented a counterfeit social security card bearing the name and social security number of the individual.

The co-owner and chef of the café would have testified that McTAGGART was the individual who applied for a job and worked at that establishment under the false name.

Evidence would have been presented that the Social Security number was a valid number which had been assigned to an individual who had died in an automobile accident in Brunswick, Georgia on October 20, 1990.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that McTAGGART will likely serve **all** of the time imposed by the court. In the federal system, McTAGGART does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Michael S. Lahr prosecuted the case for the United States.

The investigation was conducted by the Office of the Inspector General for the Social Security Administration.

TINA MICHELLE NADER

TINA MICHELLE NADER, a 44-year-old resident of Great Falls, was sentenced to a term of:

- Prison: 46 months
- Special Assessment: \$100
- Supervised Release: 2 years

She was sentenced in connection with her guilty plea to the use of an interstate facility in aid of a racketeering enterprise.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

During 2002 and continuing after January 29, 2003, NADER was the owner of Sunset Bay Massage (“SBM”) at 105 Moore Lane in Billings and Marilyn Lake was the manager.

Customers would go to SBM and the SBM employees would also do “outcalls” and visit customers at other locations, in both cases to exchange sex for money.

Customers that went to SBM would pay between \$30 and \$60 for massages ranging in length from 30 to 60 minutes. The customer would go into a room with an employee

who would tell him to undress. During the massage, the employee would raise the issue of sex. The employee would use hand signals to indicate how much she charged for a particular sex act. The employee provided a condom to the customer and performed sex acts. The customer would pay the employee a "tip" by putting the money in a basket.

Employees would also go on "outcalls" for customers during which sex was exchanged for money. One employee said she received \$150 for "outcalls" and NADER told another to charge \$110.

After the massage, the employee would put information about the customer on an index card. If the employee performed a sex act, she would put the information on a colored index card. If not, she would use a white card.

For massages at SBM, employees would receive \$5 - \$7 of the massage price and the rest of the money went to SBM. The employees would also receive 100% of the tips they received. For "outcalls", one employee said \$90 was given to SBM and another was told that she had to give \$60 back to SBM.

Both NADER and Lake coached employees to use hand signals to show customers how much the employee charged for a sex act; told employees not to discuss sex out loud or to accept money directly; told employees to fill out colored index cards if sexual acts were performed; instructed a confidential witness posing as an employee about a contraceptive sponge; and Lake instructed the confidential witness not to discuss tips on the phone. NADER also provided the confidential witness condoms on her first day.

NADER provided sex to regular customers for free and asked about the performance of employees during those encounters.

Lake performed sex acts on customers. Lake also gave new applicants an employment contract to fill out and hired new employees.

On January 29, 2003, NADER spoke to an undercover law enforcement officer several times by telephone to arrange an outcall of sex for money by the confidential witness. NADER dispatched the confidential witness on the outcall and told her to call NADER when she arrived at the outcall. The confidential witness called NADER twice.

Lake and NADER promoted and facilitated the prostitution business after the phone calls on January 29, 2003, by collecting money from the business and performing some of the actions described above.

Lake pled guilty to federal charges and has been sentenced.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that NADER will likely serve **all** of the time imposed by the court. In the

federal system, NADER does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

First Assistant U.S. Attorney Kurt G. Alme prosecuted the case for the United States.

The investigation was conducted by the Federal Bureau of Investigation.

DANIEL ROY NARD

DANIEL ROY NARD, a 35-year-old resident of Albuquerque, New Mexico, was sentenced to a term of:

- Prison: 6 months
- Special Assessment: \$100
- Restitution: \$3,250
- Supervised Release: 3 years

NARD was sentenced in connection with his guilty plea to interstate transportation of a stolen vehicle.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On November 30, 2006, an individual in Arenas Valley, New Mexico, hereafter referred to as "L.W.", notified local law enforcement authorities that his 1997 white Ford Taurus had been stolen. "L.W." and his common-law wife, hereafter referred to as "T.B.", reported that their 15-year-old daughter was also missing.

On December 1, 2006, "T.B." filed a runaway complaint regarding her 15-year-old daughter.

The runaway complaint and information about the stolen vehicle was entered into the National Crime Information Center (NCIC) and National Law Enforcement Telecommunications System (NLETS) databases.

On December 2, 2006, a Canadian Border Services Agency (CBSA) officer saw a white car resembling a Ford Taurus with a yellow rear license plate run through the Monchy, Saskatchewan, Port of Entry. The Monchy Port of Entry is directly across from the Morgan, Montana, Port of Entry. The officer observed that the car made no attempt to slow down or stop at the Port of Entry. He contacted the Royal Canadian Mounted Police (RCMP) however they could not locate the car at the time of report.

On December 3, 2006, the Battleford, Saskatchewan, RCMP office received a complaint of theft of gasoline from the gas station in North Battleford. A short time later, the vehicle suspected of the gasoline theft was located, stuck in a ditch on

Highway 16, west of Battleford. NARD and the 15-year-old girl were with the car. The RCMP confirmed that this vehicle was involved in the previous fuel theft and that it had been reported stolen in New Mexico. The RCMP placed NARD and the 15-year-old girl under arrest and transported them to Battleford for further investigation.

NARD stated that the 15-year-old girl was his girlfriend and they had decided to move to Canada.

On December 12, 2006, Canadian Immigration authorities issued the 15-year-old girl a deportation order and she was returned to Albuquerque, New Mexico, and the custody of her mother.

On December 28, 2006, NARD was convicted in Canada for failure to report or make application for entry into Canada and was issued a deportation order by Canadian Immigration authorities.

On December 29, 2006, NARD arrived at the Raymond, Montana, Port of Entry upon deportation from Canada and was arrested for transportation of a stolen motor vehicle.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that NARD will likely serve **all** of the time imposed by the court. In the federal system, NARD does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Elizabeth Horsman prosecuted the case for the United States.

The investigation was a cooperative effort between the Royal Canadian Mounted Police in Saskatchewan, the U.S. Immigration and Customs Enforcement in Great Falls, and the Grant County Sheriff's Office in New Mexico.

JERRY WAYNE O'BRIANT

JERRY WAYNE O'BRIANT, a resident of North Carolina, was sentenced to a term of:

- Prison: 12 months and 1 day
- Special Assessment: \$100
- Restitution: \$41,274.59
- Supervised Release: 1 year

O'BRIANT was sentenced in connection with his guilty plea to willful failure to pay child support.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On or about November of 2001 and continuing through November of 2006 and currently, O'BRIANT willfully failed to pay his child support obligation with respect to his child who resided in a different state than him. The obligation remained unpaid for a period longer than two years and was greater than \$10,000.

O'BRIANT is the father of a minor child, P., born in 1994. The custodial parent, the child's mother, resides in the state of Montana. O'BRIANT has a child support obligation for P. in the amount of \$341 per month. O'BRIANT resided in a state other than Montana and other than the child's mother during the pendency of the support obligation. O'BRIANT had notice of his support obligation for the child and failed to pay that support since November of 2001. O'BRIANT is currently in arrears in excess of \$ 34,000. During this time period, O'BRIANT was employed by various employers and had bank accounts and funds with which to pay his support obligation.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that O'BRIANT will likely serve **all** of the time imposed by the court. In the federal system, O'BRIANT does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Marcia K. Hurd prosecuted the case for the United States.

The investigation was conducted by the Inspector General's Office for the U.S. Department of Health and Human Services.

JAMES E. RANSOM, JR.

JAMES E. RANSOM, JR., a 30-year-old resident of Denver/Thornton, Colorado, was sentenced to a term of:

- Probation: 5 years, with 6 months home detention
- Special Assessment: \$100
- Restitution: \$16,172.48

RANSOM was sentenced in connection with his guilty plea to willful failure to pay child support.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On or about April of 2002 and continuing through November of 2006 and currently, RANSOM willfully failed to pay his child support obligation with respect to his child who resided in a different state than him. The obligation remained unpaid for a period longer than two years and was greater than \$10,000.

RANSOM is the father of a minor child, K., born in 2000. The custodial parent (the

mother) of the child resides in the state of Montana. RANSOM has a child support obligation for K. in the amount of \$273 per month, and resided in a state other than Montana during the pendency of the support obligation. RANSOM had notice of his support obligation for the child and failed to pay that support since April of 2002. RANSOM is currently in arrears in excess of \$ 12,000 and the only funds paid were those garnished from income tax withholding in an amount less than \$500 over the years. During the time period, RANSOM was employed by various employers and had bank accounts and funds with which to pay his support obligation.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that RANSOM will likely serve **all** of the time imposed by the court. In the federal system, RANSOM does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Marcia K. Hurd prosecuted the case for the United States.

The investigation was conducted by the Inspector General’s Office for the U.S. Department of Health and Human Services.

DANNY RAY REED II

DANNY RAY REED II, a 32-year-old resident of West Virginia, was sentenced on the misdemeanor charge of simple assault to a term of:

- Probation: 1 year
- Special Assessment: \$25
- Fine: \$250

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On January 7, 2007, REED boarded a Skywest Airlines Flight in Denver Colorado, which was bound for Great Falls. As REED boarded the flight, a flight attendant observed that REED’S speech was slurred, but she did not smell alcohol. She was the sole flight attendant on board the flight. REED took his assigned seat.

Prior to takeoff, the flight attendant conferred with the flight’s pilot concerning REED’S condition. They determined, at that time, that the flight would take off as scheduled.

While onboard the plane, the flight attendant served REED a watered down alcoholic beverage consisting of Jack Daniels, Coke, water and ice cubes. The flight attendant then served REED a non-watered down Jack Daniels and Coke and then proceeded to dim the lights in the cabin in the hopes that REED would fall asleep during the flight.

REED requested a third drink, specifically a vodka on the rocks. The flight attendant

proceeded to fill a mini-bottle labeled as vodka with water and served REED the “apparent” alcoholic drink. At this point, REED began to argue and instigate a fight with a nearby passenger. The flight attendant approached REED and began to speak with him. REED expressed offense and swung his hand back as if to strike her. The flight attendant immediately stood up to get out of the way.

REED then threatened to strike, in a similar manner, a passenger seated across the aisle from him. The threatened passenger’s wife began to cry due to REED’S threatening gesture. The flight attendant turned toward the female passenger in an attempt to console her. As the flight attendant turned toward the female, REED groped the flight attendant on her buttocks and made sexually explicit comments to her. The flight attendant told REED not to touch her again or she would notify the pilot.

The flight attendant proceeded to serve REED non-alcoholic drinks, but led him to believe that they, in fact, contained alcohol. When REED figured out that he was not being served alcohol, he threw his drink at the flight attendant while making a profane statement to her.

Approximately 30 to 45 minutes prior to landing, when the flight attendant served drinks and snacks to passengers, REED left his assigned seat and went into the galley of the airplane. The galley of the plane was positioned between the first row of passenger seating and the flight deck area. While approaching the galley area, the flight attendant observed REED with his hand on the flight deck door attempting to open it. REED informed the flight attendant that he was military and had more right than she did to enter the flight deck. He also stated that he wanted to ask the pilots about the “ETA” of the flight.

The flight attendant spoke with approximately five male passengers to solicit help with REED in the event he would get out of control. She also moved and seated two male passengers behind REED during the flight.

The pilot was in communication with the flight attendant during the flight regarding REED’S activities. The pilot was also in communication with flight authorities on the ground to prepare for the possibility of making a premature landing at a destination other than Great Falls. The flight was not diverted and landed at its scheduled destination in Great Falls.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that REED will likely serve **all** of the time imposed by the court. In the federal system, REED does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Anna S. Peckham prosecuted the case for the United States.

The investigation was conducted by the Federal Bureau of Investigation.

BRIAN SCOTT RILEY

BRIAN SCOTT RILEY, a 47-year-old resident of Utah, was sentenced to a term of:

- Prison: 18 months
- Special Assessment: \$100
- Restitution: \$60,000
- Supervised Release: 1 year

RILEY was sentenced in connection with his guilty plea to willful failure to pay child support.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

From approximately January of 2002 and to the present date, RILEY willfully failed to pay his child support obligation with respect to his children who resided in a different state than him.

RILEY is the father of two minor children, the first child was born in 1987, and the second child was born in 1988. The custodial parent (the mother) of the children resides in Wibaux. RILEY has a child support obligation for the children in the amount of \$475 per month and resided in a state other than the mother and the children during the pendency of the support obligation. RILEY had notice of his support obligation for the children and failed to pay that support since June of 1995, and since January 2002 during the statute of limitations period.

RILEY is currently in arrears in excess of \$60,000. During the relevant time period, RILEY was employed by various employers and had bank accounts and funds with which to pay his support obligation. RILEY has paid less than \$3,600 since June of 1995, with his last payment occurring in September of 2000.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that RILEY will likely serve **all** of the time imposed by the court. In the federal system, RILEY does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Marcia K. Hurd prosecuted the case for the United States.

The investigation was conducted by the Inspector General's Office for the United States Department of Health and Human Services.

RICHARD ALVIN ROSSMILLER

RICHARD ALVIN ROSSMILLER, a 38-year-old resident of Great Falls and Kalispell,

was sentenced to a term of:

- Prison: 30 months, consecutive to a state sentence
- Special Assessment: \$100
- Restitution: \$3,080
- Supervised Release: 3 years
- Forfeiture: car and printing equipment

ROSSMILLER was sentenced in connection with his guilty plea to the manufacture of counterfeit currency.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On August 25, 2006, a man driving a black Chevrolet pick-up truck passed a counterfeit \$10 bill at the downtown Hardee's restaurant in Great Falls.

That same day, ROSSMILLER purchased a 1999 Chrysler 300 Model sedan from a couple. ROSSMILLER paid for the car in cash – \$6,900 in \$100 bills. The couple deposited the \$6,700 into their bank account. Each retained one of the \$100 bills for spending money. One of the \$100 bills was later used in a transaction at the Eagle's Club. The other was still in their possession when they were interviewed by the Great Falls Police Department on September 1, 2006. That bill, a \$100 Federal Reserve Note was taken as evidence.

Soon after these transactions, Wells Fargo advised the Great Falls Police Department that a number of counterfeit bills had been received by the bank but they could not identify which customer or transaction was involved.

On August 29, 2006, a man passed two counterfeit \$100 bills at Safelite Auto Glass in Great Falls. The bills were transacted in payment for a windshield replacement in a 1999 Chrysler Model 300 sedan. The customer was ROSSMILLER.

Also on August 29, 2006, several other counterfeit passes occurred.

- A man identified as being in his mid to late 30s, purchased items at ACE Hardware Store in Great Falls. He paid for the purchase with a counterfeit \$20 bill.
- At a McDonald's restaurant, a counterfeit \$20 bill was passed.
- The Tokyo Massage parlor received two counterfeit \$100 bills.
- An unidentified male delivered a counterfeit \$100 bill to the Great Falls Police Department on August 31, 2006. The man left the police station without identifying himself or giving any other information.

Between August 22, 2006, and August 29, 2006, Wells Fargo received \$2,200 in

counterfeit \$100 bills.

On August 31, 2006, a man walking in the neighborhood of a local tavern collecting aluminum cans looked into a dumpster and found a garbage bag. Inside the garbage bag was a Thesis “acid-free” paper box with a “cut-out” through which he could see what appeared to be U.S. currency. As he examined the box further, he discovered several sheets of \$20 bills. He then called the Great Falls Police Department.

The Great Falls Police Department investigated and found that in addition to the counterfeit currency, there were ink cartridges, paper, and mail addressed to ROSSMILLER in other bags in the dumpster. The responding officer also determined that the serial numbers on the sheets of \$20 bills were identical – EG33102146D (a match to the \$20 bill passed at ACE Hardware and McDonald’s on August 29th.)

Later that day, on August 31, 2006, detectives from the Great Falls Police Department, working with the Secret Service, obtained search warrants for ROSSMILLER’S residence. Detectives seized computer equipment and printers.

On August 31, 2006, ROSSMILLER was arrested and jailed in Flathead County. He was driving the 1999 Chrysler purchased from the Great Falls’ couple. The Great Falls Police Department obtained a search warrant for the vehicle. Detectives recovered a brown wallet containing identification and credit cards in the name of ROSSMILLER. The officers also found several counterfeit bills in ROSSMILLER’S wallet and in the car itself. Many of the serial numbers matched the serial numbers on the bogus bills passed in Great Falls.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that ROSSMILLER will likely serve **all** of the time imposed by the court. In the federal system, ROSSMILLER does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Carl E. Rostad prosecuted the case for the United States.

The investigation was a cooperative effort between the Great Falls Police Department and the United States Secret Service.

RICHARD JAMES SULLIVAN

RICHARD JAMES SULLIVAN, a 50-year-old resident of Great Falls, was sentenced to a term of:

- Prison: 6 months
- Special Assessment: \$10

SULLIVAN was sentenced in connection with his guilty plea to aiding, abetting, and inducing the commission of a criminal contempt of court.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On or about August 21, 2006, in Great Falls, SULLIVAN advised a witness to claim a lack of recollection when testifying in the case of *United States v. Craig William Frazier*.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that SULLIVAN will likely serve **all** of the time imposed by the court. In the federal system, SULLIVAN does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Carl E. Rostad prosecuted the case for the United States.

The investigation was a cooperative effort between the Federal Bureau of Investigation and the U.S. Immigration and Customs Enforcement.

GREGORY ALLEN THOMPSON

GREGORY ALLEN THOMPSON, a 44-year-old resident formerly of Mandan, North Dakota, and currently of Plains, was sentenced to a term of:

- Probation: 3 years, with 30 days of home arrest
- Special Assessment: \$100
- Restitution: \$275

THOMPSON was sentenced in connection with his guilty plea to converting stolen United States Postal Service Money Orders to his own use.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On November 28, 2005, during an investigation into the possible theft of postal money orders, a postal inspector received two money orders that were suspected to have been stolen. The money orders, in the amounts of \$165.00 and \$110.00, were made payable to “Greg Thompson” from “Greg Thompson.” Both contained a non-existent post office box address in Missoula. Both were endorsed at Security First Bank in Mandan, North Dakota, with the name “Greg Thompson” and the date of September 8, 2005.

On December 19, 2005, Thompson was interviewed. He stated that he received the two money orders in question from two men he met at a bar in Mandan. He agreed to endorse the money orders in exchange for a ride to Lake Mille Lacs, Minnesota. He

stated that he cashed the orders at Security First Bank and delivered the cash to the two men.

Additional investigation revealed that the money orders were stolen from the customer counter at the post office in New Salem, North Dakota, and that THOMPSON rented a post office box in New Salem.

A third stolen money order contained a fingerprint belonging to another individual who was interviewed on January 18, 2006. This individual stated that he met THOMPSON in the summer of 2005 and gave him a ride to his apartment in Mandan on September 8, 2005. According to the individual, THOMPSON requested that they stop on the way at the New Salem post office and that THOMPSON went inside the post office for a few minutes and returned. THOMPSON did not carry mail into or out of the post office.

When they arrived at THOMPSON'S apartment in Mandan, THOMPSON removed three money orders from his wallet and told the individual and others, "this is how we're getting to Minnesota." THOMPSON then told the individual he had stolen the money orders. THOMPSON initially asked the individual to cash the money orders, but the individual became shaken when confronted about the legitimacy of the money orders. THOMPSON then directed the individual to drive him to the bank. The individual witnessed THOMPSON enter the bank and when he returned he reported that the bank cashed the money orders.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that THOMPSON will likely serve **all** of the time imposed by the court. In the federal system, THOMPSON does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Special Assistant U.S. Attorney Robert Anderson prosecuted the case for the United States.

The investigation was conducted by the United States Postal Inspection Service.

DAMEON ROBERT WELLINGTON

DAMEON ROBERT WELLINGTON, a 31-year-old resident of Boise, Idaho, appeared for sentencing. WELLINGTON was sentenced to a term of:

- Prison: 12 months
- Special Assessment: \$100
- Supervised Release: 3 years

WELLINGTON was sentenced in connection with his guilty plea to failure to appear for a hearing.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On December 7, 2005, WELLINGTON pled not guilty to a charge of making a false statement during a firearms transaction and trial was scheduled for January 10, 2006.

On January 9, 2006, WELLINGTON filed a Notice of Physical Condition and Inability to Appear in Person for Jury Trial due to an injury he had sustained over the prior weekend.

On January 10, 2006, at the time scheduled for the jury trial of WELLINGTON, the Court was not convinced that WELLINGTON'S complained-of condition was genuine, and issued a bench warrant.

On January 11, 2006, WELLINGTON was arrested in Idaho and appeared before a Magistrate Judge. WELLINGTON was detained pending a detention hearing on January 17, 2006.

On January 17, 2006, WELLINGTON was released with the understanding that he appear in Montana before Magistrate Judge Ostby on February 8, 2006 at 10:00 a.m.

On February 6, 2006, WELLINGTON filed a Motion to Vacate and Reset Hearing, stating he was scheduled for medical testing on February 8, 2006.

On February 7, 2006, Magistrate Judge Ostby denied WELLINGTON'S request, stating he could reschedule his medical testing appointment.

On February 7, 2006, WELLINGTON filed a Motion to Reconsider. No ruling was made on the Motion to Reconsider.

On February 8, 2006, Magistrate Judge Ostby found WELLINGTON knowingly did not appear on the date and time scheduled for hearing, and issued a second bench warrant for WELLINGTON'S arrest.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that WELLINGTON will likely serve **all** of the time imposed by the court. In the federal system, WELLINGTON does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Carl E. Rostad prosecuted the case for the United States.

The investigation was conducted by the Bureau of Alcohol, Tobacco, Firearms and Explosives.

TIMOTHY WURTH

TIMOTHY WURTH, a 41-year-old resident of Kalispell, was sentenced to a term of:

- Prison: 24 months, concurrent with another sentence
- Special Assessment: \$200
- Restitution: \$45,672 @ \$300/month
- Supervised Release: 3 years

WURTH was sentenced after having been found guilty during a 2-day trial of two counts of money laundering.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that WURTH will likely serve **all** of the time imposed by the court. In the federal system, WURTH does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Timothy J. Racicot prosecuted the case for the United States.

The investigation was conducted by the United States Secret Service.

OTHER VIOLENT CRIME, THREATS AND EXTORTION

DAVID S. HOWELL

DAVID S. HOWELL, a 34-year-old resident of Eugene, Oregon, was sentenced to a term of:

- Probation: 5 years
- Restitution: \$8,240

HOWELL was sentenced in connection with his guilty plea to interference with flight crew members and attendants.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On August 8, 2005, at 3:10 p.m., a United Airlines flight departed from Chicago, Illinois en route to Portland, Oregon. A Purser on the flight noted that the flight was completely full.

HOWELL had boarded the aircraft with a water bottle filled with vodka. He later admitted that he had also taken Valium (for which he had a prescription) for his insomnia.

Flight attendants first noticed the water bottle during boarding when HOWELL requested a cup of ice from them. After giving HOWELL a cup of ice, a flight attendant watched HOWELL retrieve the water bottle from an overhead bin. During the flight, a flight attendant performed the beverage service during which HOWELL again asked the flight attendant for a cup of ice, but this time with a lime or lemon. The flight attendant complied, and then asked HOWELL if the water bottle contained alcohol. HOWELL said no. The flight attendant informed HOWELL that passengers are not allowed to bring their own alcohol onto an airplane. HOWELL again denied that there was any alcohol in the water bottle.

A United Airlines employee who was pass-riding Flight 929 approached a flight attendant and informed her that HOWELL was acting "crazy" and using profanity. The flight attendant noticed that many children were sitting near HOWELL. The flight attendant told HOWELL that he must stop using profanity and calm down.

HOWELL advised the flight attendant that he required use of the lavatory. Once in the lavatory, HOWELL began banging on the walls and cursing. A female passenger notified the flight attendant that HOWELL had been drinking his own alcohol from a water bottle and had consumed $\frac{3}{4}$ of it within the first 30 minutes of the flight. While HOWELL was still in the lavatory, the flight attendant went to HOWELL'S seat, located the water bottle, opened it, and smelled alcohol. She then emptied the bottle, rinsed it out, and returned it to HOWELL'S seat.

HOWELL exited the lavatory and a male flight attendant attempted to help HOWELL to his seat. The male flight attendant stood to the front of row 15, blocking HOWELL access to move about the cabin, and told him approximately ten times to sit down.

HOWELL threatened the male flight attendant while pointing a finger within an inch of the male flight attendant's nose, saying "I'll kill you." HOWELL then pushed the male flight attendant with both hands, striking him in the chest area. HOWELL went to poke the male flight attendant again, but the male flight attendant grabbed HOWELL'S wrist, shoved him into his seat, and buckled his seat belt. Because HOWELL was located in an exit row seat, the male flight attendant notified the other exit row passengers that their responsibility had increased due to HOWELL'S intoxicated condition, and that they may have to man the exit row door in the event of an emergency.

The flight attendants had been keeping the Captain apprised of these incidents and their belief that HOWELL was intoxicated. The Captain then made the decision to divert the plane for a landing in Billings. The Captain announced that the plane was diverting due to operational problems, so as not to further upset HOWELL. During the descent into Billings, the first flight attendant noticed HOWELL poking a male passenger seated across the aisle from him in the chest with a pencil until the aircraft landed.

Upon landing at approximately 5:22 p.m., the aircraft taxied to a remote pad where fire

and police officers were waiting for them. Billings Police officers entered the plane. A flight attendant pointed to HOWELL and stated he was the one that was causing problems. The flight attendant then handed one of the police officers the empty water bottle and stated that HOWELL had been drinking from it. An officer opened the bottle and detected a strong odor of alcohol.

The officers informed HOWELL that he was going to be removed from the flight for causing such a disturbance as to cause the flight to divert to Billings. It was obvious to the officers that HOWELL was extremely intoxicated, and they instructed HOWELL to come with them. HOWELL then grabbed the side of the seat and straightened out his legs to lock them under the seat in front of him. An officer grabbed HOWELL by the arm and forced him out of the seat and into the aisle. The other officer grabbed HOWELL by the other arm and helped to escort HOWELL out of the aircraft. Once the officers reached the stairway ramp used to exit the plane, they handcuffed HOWELL. Half-way down the stairway ramp, HOWELL stopped walking and the officers had to carry him down the stairs.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that HOWELL will likely serve **all** of the time imposed by the court. In the federal system, HOWELL does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Carl E. Rostad prosecuted the case for the United States.

The investigation was conducted by the Federal Bureau of Investigation.

ROYAL GENE JONES

ROYAL GENE JONES, a 39-year-old resident of Great Falls, was sentenced to a term of:

- Prison: 70 months, consecutive to another sentence
- Special Assessment: \$100
- Supervised Release: 3 years

JONES was sentenced in connection with his guilty plea to solicitation of a crime of violence (armed bank robbery).

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

JONES was previously incarcerated in a federal prison following a conviction for a firearm offense. While in prison, he met J.A. and the men became friends. By the summer of 2006, both men were on supervised release and resided in Great Falls.

On July 19, 2006, JONES contacted J.A. by telephone and said they needed to meet. J.A. agreed to the meeting. After completing the telephone call, J.A. contacted his probation officer and received permission to meet with JONES.

J.A. and JONES met at the Holiday Mall in Great Falls later on July 19, 2006. JONES stated that he planned to rob a bank (later identified as the U.S. Bank) in Great Falls and wanted J.A. to help him.

JONES told J.A. that he knew a woman who worked at the bank and who had provided him with information which he planned on using to rob the bank. JONES stated that the robbery would occur early in the morning when only the woman and a coworker were at the bank. JONES stated that the woman had one-half of the access codes and alarm codes and her coworker had the other half of the codes.

JONES stated the bank would have a total of \$700,000 to \$1.3 million in cash delivered to it on the morning of July 25, 2006, around the time the robbery would occur. JONES stated the money would be contained in bags, each of which contained \$250,000. JONES stated that he and J.A. would wear wigs and makeup during the robbery. He also stated they would carry guns in the event a "hero" tried to stop the robbery.

While discussing this plot with J.A., JONES and J.A. scoured the mall, looking for wigs and makeup. They also looked for those items at a Goodwill Store, a Dollar Store, and a Target Store. JONES told J.A. that he would arrange a meeting later in the day at the woman's house in order to discuss the robbery plan.

J.A. informed authorities about the plot. A Great Falls police detective contacted the president of the U.S. Bank in Great Falls. The president confirmed that the woman worked for the bank and the bank would have approximately \$1,000,000 in bags in the vault ready to be picked up on July 27, 2006.

Another employee of the bank verified that the bags would contain \$250,000 each. The bank president stated JONES' plan to rob the bank could work, since the woman would have one-half of the access and security codes to the vault. Ultimately, the plan's success would turn on the willingness of JONES to use force against the woman's coworker in order to force her to provide the other half of the access and security codes.

JONES was unavailable to meet with J.A. later on July 19, 2006. Instead, he went to J.A.'s home at approximately 8:00 a.m. the following morning. That meeting occurred under surveillance by the police. JONES again spoke of the plan to rob the bank. He also stated that he "had to have a gun" in order to fend off any "heroes." Following completion of the discussion, JONES was taken into custody for violating the terms of his supervised release.

The authorities later spoke to the woman on at least two occasions. She admitted that

Jones had asked her specific questions about the bank's operations, including the amount of cash on hand, the vault code system, and the entrance code system. She also stated she told Jones about the procedures for opening the combination locks to the vault, the number of bank employees who would be present at opening time, the lack of security cameras in the bank vault, and other matters.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that JONES will likely serve **all** of the time imposed by the court. In the federal system, JONES does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Joseph E. Thaggard prosecuted the case for the United States.

The investigation was a cooperative effort between the Federal Bureau of Investigation, the Great Falls Police Department and Montana Probation and Parole.

CARLA LARSEN

CARLA LARSEN, a 40-year-old resident of Billings, was sentenced to a term of:

- Prison: 12 months
- Special Assessment: \$25
- Restitution: \$60
- Supervised Release: 1 year

LARSEN was sentenced in connection with her guilty plea to assault on a federal officer.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On April 21, 2006, law enforcement officers received information regarding the location of LARSEN, a fugitive sought by the United States Marshals Service Task Force. That evening, officers conducted surveillance of an area in Laurel that LARSEN was believed to be in.

At approximately 9:50 p.m., LARSEN was spotted walking in an alley. The officers commanded LARSEN to stop and she fled on foot with the officers in pursuit. After a short chase, LARSEN was apprehended and handcuffed.

A deputy U.S. Marshal patted LARSEN down and found drugs and drug paraphernalia on her person. LARSEN admitted to law enforcement that she had discarded other drugs and paraphernalia during the pursuit. LARSEN was handcuffed and physically controlled by a deputy while other officers then attempted to locate the discarded items.

LARSEN then kicked the deputy in the knee and fled. After a short foot pursuit, the deputy caught LARSEN and took her to the ground. The deputy received abrasions to both knees and tore her jeans during the process.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that LARSEN will likely serve **all** of the time imposed by the court. In the federal system, LARSEN does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Marcia K. Hurd prosecuted the case for the United States.

The investigation was conducted by the United States Marshals Service.

ROLANDO PEREZ

ROLANDO PEREZ, a 30-year-old resident of Billings, was sentenced to a term of:

- Prison: 147 months
- Special Assessment: \$200
- Supervised Release: 3 years

PEREZ was re-sentenced in connection with his guilty plea to a violation of the Hobbs Act by interfering with commerce by robbery and brandishing a firearm during a crime of violence after his original sentence was appealed to the Ninth Circuit Court of Appeals. The sentence was reversed and remanded back to U.S. District Court for re-sentencing.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that PEREZ will likely serve **all** of the time imposed by the court. In the federal system, PEREZ does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Lori Harper Suek prosecuted the case for the United States.

The investigation was conducted by the Bureau of Alcohol, Tobacco, Firearms and Explosives.

JONAH MICAH WARR

JONAH MICAH WARR, a 19-year-old resident of Florence, was sentenced to a term of:

- Prison: 120 months
- Special Assessment: \$900
- Restitution: \$455,229.03 @ \$200/month
- Supervised Release: 3 years

WARR was sentenced in connection with his guilty plea to nine counts of willfully setting fire to public domain.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On the following dates, and in the following locations, fires were set in timber, underbrush, grass, or other flammable material upon National Forest System lands:

- 1) on or about July 24, 2006, in the Gash Creek area of the Bitterroot National Forest;
- 2) on or about July 26, 2006, in the Elk Meadows area of the Lolo National Forest;
- 3) on or about July 26, 2006, in the Elk Meadows area of the Lolo National Forest, and approximately ¼ mile from the site of the fire setting referenced in (2), above;
- 4) on or about July 26, 2006, in the Bass Creek area of the Bitterroot National Forest;
- 5) on or about July 26, 2006, in the Sweeney Creek area of the Bitterroot National Forest;
- 6) on or about July 27, 2006, in the Lower Larry Creek area of the Bitterroot National Forest;
- 7) on or about July 27, 2006, in the Blue Mountain Recreation Area of the Lolo National Forest;
- 8) on or about August 7, 2006, in the Blue Mountain area of the Lolo National Forest; and,
- 9) on or about August 23, 2006, in the Lower Larry Creek area of the Bitterroot National Forest.

On July 24, 2006, the Forest Service interviewed a witness during the course of its investigation into the Gash Creek fire. The witness had observed a red car traveling down Gash Creek Road at a high rate of speed in the opposite direction from where the fire was burning. The driver of the red car was described as a white male in his twenties.

On August 9, 2006, law enforcement officers were investigating a fire on state land in Ravalli County when a local resident described a conversation he had with a young

man concerning the fire. The resident described the young man as tall with dark hair, and described his vehicle as a red sports car. The young man told the resident that he was a firefighter and was leaving in the next few days to fight fires near Miles City.

On August 14, 2006, the Lolo Rural Fire Department was dispatched to a fire started on fireworks stands on private property adjacent to Highway 12 in Missoula County. The Missoula County Sheriff's Department later received a report of a red car parked behind the fireworks stands prior to the fire.

On August 23, 2006, while investigating the Lower Larry Creek fire, law enforcement officers observed tire tracks in the roadway near the fire's origin. The officers photographed, measured, and obtained casts of the tracks, and submitted the evidence to the Montana State Crime Lab for analysis. A forensic analyst advised law enforcement that the tire and axle width were consistent with a small passenger car.

On August 31, 2006, while investigating a fire near Mormon Peak Road, a Forest Service agent encountered a witness who had observed an older model blue Ford Taurus leave the area of the fire at a high rate of speed. The witness described the driver as a young male with short, dark hair. Law enforcement officers later observed a blue Ford Taurus parked in the area and determined the car was registered to WARR'S father. They also learned that WARR had recently been driving the blue Ford Taurus, but had been driving a red Dodge Neon until August 25, 2006.

On September 1, 2006, a Forest Service agent traveled to WARR'S residence in Florence. He obtained consent to inspect a red Dodge Neon parked in the driveway and photographed and measured the tires, noting in the process that the passenger-side front tire was a different brand than the other three tires.

The photographic evidence and measurements were submitted to the crime lab for comparison and the crime lab concluded that the tire impressions from the Lower Larry Creek Fire were consistent with the impressions photographed by the officer at WARR'S residence.

On September 12, 2006, Forest Service agents interviewed WARR concerning the fires set on Forest Service lands. During the interview, WARR admitted to starting each of the nine fires. He also documented the location, dates and approximate times that he started the fires. Following the interview, WARR accompanied a Forest Service agent to each fire site and explained how, when, and approximately where he had started each of the fires. His explanation was consistent with the conclusions of the Forest Service concerning both the location of each fire and the likely methods used during their ignition.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that WARR will likely serve **all** of the time imposed by the court. In the federal system, WARR does have the opportunity to earn a sentence reduction for "good

behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Timothy J. Racicot prosecuted the case for the United States.

The investigation was conducted by the Law Enforcement and Investigations Division of the Forest Service.

TAX OFFENSES

BARRY A. BATES

BARRY A. BATES, a 51-year-old resident of Kalispell, appeared for sentencing. BATES was sentenced to a term of:

- Home arrest: 3 months
- Restitution: \$303,047 (\$303,000 paid today)
- Community Service: 300 hours
- Special Assessment: \$25
- Probation: 5 years

BATES was sentenced in connection with his guilty plea to failure to file income tax returns.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

BATES was a 25% partner in Professional Recovery Systems, L.L.C. (PRS).

Testimony would have shown that from 1999 through 2003, PRS made significant distributions to its partners, including BATES. PRS also sent K-1 schedules to all partners, including BATES, so they could file their individual federal and state income tax returns.

For the years 1999 through 2003, BATES received income from PRS and other sources in the approximate amounts of \$410,484, \$694,402, \$155,004, \$374,134, and \$236,707 respectively.

For each tax year from 1999 through 2003, BATES received income far exceeding the applicable threshold amount that triggers a duty to file a federal income tax return.

For the tax years 1999, 2000, and 2001, BATES filed Montana state income tax returns. As part of the returns, BATES included his draft federal income tax returns for each respective year.

Despite having prepared federal income tax returns for 1999, 2000, and 2001, BATES

never filed a federal income tax return for those years. In addition, BATES filed no federal income tax returns for 2002 and 2003.

In an interview with IRS officials concerning his missing tax returns, BATES admitted that he had a duty to file federal income tax returns and that he failed to do so. BATES explained his failure to file federal income tax returns by stating that he did not have money to pay the tax liability due to some bad investments.

A review of BATES' financial records for the period from 1999 through 2003 showed that, despite his stated inability to pay taxes, BATES purchased a home with an \$80,000 down payment, made mortgage payments of roughly \$2,400, purchased a vacation home for \$370,000 cash, purchased a 2002 GMC Yukon, and invested \$300,000 in a business venture with his father-in-law.

Proposed tax calculations for the period at issue indicate that BATES received taxable income of \$292,474 in 1999, \$594,168 in 2000, \$79,452 in 2001, \$128,349 in 2002, and \$59,000 in 2003.

As a result of his failure to file federal tax returns, BATES caused a tax loss to the United States of approximately \$138,146 in 1999, \$303,047 in 2000, \$34,695 in 2001, \$78,028 in 2002, and \$36,863 in 2003.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that BATES will likely serve **all** of the time imposed by the court. In the federal system, BATES does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Leif M. Johnson prosecuted the case for the United States.

The investigation was conducted by the Criminal Investigation Division of the Internal Revenue Service.

ROLAN RALPH BECKER

ROLAN RALPH BECKER, a 58-year-old resident of Ronan, was sentenced to a term of:

- Prison: 27 months
- Special Assessment: \$300
- Restitution: \$91,794 plus penalties and interest
- Fine: \$50,000
- Costs of Prosecution: \$1,704.45
- Supervised Release: 3 years

BECKER was sentenced after having been found guilty during a 3-day trial of three

counts of tax fraud.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that BECKER will likely serve **all** of the time imposed by the court. In the federal system, BECKER does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Kris A. McLean prosecuted the case for the United States.

The investigation was conducted by the Internal Revenue Service.

RONALD BRODMERKLE

RONALD BRODMERKLE, a 58-year-old resident of Noxon, was sentenced to a term of:

- Probation: 3 years, with 6 months home detention
- Special Assessment: \$25
- Restitution: \$15,611.24

BRODMERKLE was sentenced after having been found guilty during a 3-day trial of one count of failure to file tax returns.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that BRODMERKLE will likely serve **all** of the time imposed by the court. In the federal system, BRODMERKLE does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Michael S. Lahr prosecuted the case for the United States.

The investigation was conducted by the Criminal Investigation Division of the Internal Revenue Service.

JOHN CHARLES KUCHINSKI

JOHN CHARLES KUCHINSKI, a 55-year-old resident of Belfry, was sentenced to a term of:

- Prison: 71 months, consecutive to another sentence
- Special Assessment: \$200
- Restitution: \$1,207,471.55 to Sinclair Oil and \$209,546 to the I.R.S.
- Supervised Release: 3 years

KUCHINSKI was sentenced in connection with his guilty plea to mail fraud and filing a false tax return.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

For a period including September 1992, through November 2004, KUCHINSKI was employed by Wyoming Feeders, Inc. and had signature authority over its checking account.

In 1992, KUCHINSKI opened an account at the Yellowstone Bank in Laurel under the name "Agri Systems, John Kuchinski." Between September 21, 1992, and November 26, 2004, he wrote approximately \$1.4 million in checks from Wyoming Feeders, Inc. to Agri Systems and deposited them into the Yellowstone Bank account. KUCHINSKI then used the proceeds of the checks for personal purposes without the knowledge or consent of his employers.

KUCHINSKI also signed and filed a tax return for 2004 containing a written declaration that it was being signed under penalties of perjury. KUCHINSKI knew that the tax return contained false information as to a material matter, in that he knew he had not reported the money he had defrauded from Wyoming Feeders, Inc. through the Agri Systems bank account, which was approximately \$140,000 in 2004.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that KUCHINSKI will likely serve **all** of the time imposed by the court. In the federal system, KUCHINSKI does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

First Assistant U.S. Attorney Kurt G. Alme prosecuted the case for the United States.

The investigation was a cooperative effort between the Federal Bureau of Investigation and the Criminal Investigation Division of the Internal Revenue Service.

CARL SMITH and ELVA SMITH

CARL SMITH and ELVA SMITH, residents of Hamilton, appeared for sentencing.

CARL SMITH was sentenced to a term of:

- Probation: 3 years
- Special Assessment: \$25
- Restitution: all taxes, penalties & interest for 2000, 2001, 2002, & 2003

ELVA SMITH was sentenced to a term of:

- Probation: 2 years
- Special Assessment: \$25
- Restitution: all taxes, penalties & interest for 2000, 2001, 2002, & 2003

They were sentenced in connection with their guilty pleas to failure to file income tax returns.

At the sentencing hearing, the government stated it would have proved at trial the following:

CARL and ELVA SMITH received income for which they failed to file income tax returns even though they had received W-4s and 1099s for the relevant years (2001 for CARL SMITH and 2003 for ELVA SMITH)..

They both admitted that they knew they had received income for those years and were therefore obligated to file income tax returns but had not done so.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that they will likely serve **all** of the time imposed by the court. In the federal system, they do have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Kris A. McLean prosecuted the case for the United States.

The investigation was conducted by the Criminal Investigation Division of the Internal Revenue Service.