

United States Attorney's Office

District of South Dakota

Alison J. Ramsdell, U.S. Attorney

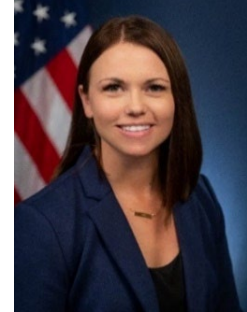


J. White, Owner of Post Pilgrim Gallery



2023 Annual Report

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



At the United States Attorney’s Office for the District of South Dakota, we are dedicated to impartially enforcing and upholding the laws of the United States while improving public safety in our communities, protecting the financial interests of the United States, and ensuring equal justice for all. I am privileged to carry out this mission alongside a team of colleagues who believe deeply in the pursuit of justice and who work tirelessly to see it through.

This report presents statistics related to matters charged and summaries of cases resolved in 2023. I am once again proud to highlight three distinct characteristics of the work accomplished by the U.S. Attorney’s Office in South Dakota that could not be captured by any singular case highlight—the unmatched collaboration between federal, state, tribal, and local law enforcement and prosecutive agencies; the sheer volume of matters handled by our Assistant U.S. Attorneys and support staff; and the enormous amount of time and effort our colleagues devote to community engagement.

We remain grateful for the relentless work of our law enforcement partners, and in particular the cross-jurisdictional efforts of the Sioux Falls Violent Crime Working Group, the Project Safe Neighborhood Task Force, the Badlands Safe Trails Drug Task Force, the Northern Plains Safe Trails Drug Task Force, the South Dakota Unified Narcotics Enforcement Team, the Sioux Falls Area Drug Task Force, and the Internet Crimes Against Children Task Force. In 2023, as a result of the tremendous collaboration between these partners and other law enforcement agencies, we seized 368 illegally possessed firearms, prosecuted nearly 150 individuals for drug trafficking offenses, and prosecuted more than 40 individuals for child exploitation and human trafficking offenses.

We are engaged as ever at the U.S. Attorney’s Office. In FY 2023, the Criminal Division filed 470 new cases against 576 defendants, making the District of South Dakota the most productive medium-sized federal district in the country for the third year in a row and placing our district among the top seven districts in the nation for the number of cases filed per prosecutor. On top of these robust caseloads, our colleagues tried 34 federal jury trials—more than double the national average among U.S. Attorney’s Offices. Our Civil Division also spent significant time in the courtroom in FY 2023, responding to more than 100 new lawsuits, conducting four trials, and recovering nearly two million dollars in civil judgments and criminal payments. These large caseloads inevitably resulted in a busy appellate docket, which included 66 appeals in FY 2023 and 37 oral arguments before the Eighth Circuit Court of Appeals.

We are also deeply involved in our communities. Much of that work is captured in the Outreach Section of this report. Of particular note, however, is our regular engagement with tribal communities, where we address MMIP issues and other public safety concerns at tribal council meetings, school assemblies, tribal law enforcement trainings, tribally organized conferences, and community forums. In addition to targeted outreach, our prosecutors and victim witness specialists engaged in monthly multi-disciplinary team (MDT) meetings in each reservation, and the District’s Law Enforcement Coordinator joined with our prosecutors and investigators to conduct in-person opioid training for federal, tribal, state, and local law enforcement officers and agents in Rosebud, Eagle Butte, Pine Ridge, Yankton, and Mobridge. This engagement reflects our unwavering commitment to maintaining meaningful relationships with tribal leaders and their communities.

This year’s Annual Report demonstrates the remarkable work the U.S. Attorney’s Office is doing alongside our law enforcement partners to protect communities throughout South Dakota. We remain committed to advancing this work in the year ahead.

A handwritten signature in blue ink that reads "Alison J. Ramsdell".

TABLE OF CONTENTS

Introduction.....	1
Outreach	2
Criminal Division.....	8
Statistical Highlights	9
Significant Prosecutions (General Federal Crimes).....	14
Statistical Highlights in Indian Country.....	26
Significant Prosecutions in Indian Country	
Cheyenne River	30
Crow Creek	31
Lake Traverse.....	32
Lower Brule.....	33
Pine Ridge.....	34
Rosebud	37
Standing Rock	41
Yankton.....	42
Civil Division.....	43
Significant Defensive Litigation	43
Significant Affirmative Litigation.....	51
Financial Litigation Program	53
Appellate Division.....	54
Significant Appellate Matters.....	55
Victim Rights and Advocacy	62
Contact Information.....	63

INTRODUCTION



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

South Dakota has had 43 U.S. Attorneys, beginning in 1861 with William Gleason, who served as the first U.S. Attorney for the Dakota Territory. In 1889, when the Dakota Territory was divided into individual states, U.S. Attorneys began serving solely for the District of South Dakota. United States Attorneys are nominated by the President and must be confirmed by the U.S. Senate. Following confirmation, U.S. Attorneys serve at the will of the President for a term of four years, which may be renewed.

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

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

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

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

OUTREACH

In the District of South Dakota, outreach is a cornerstone of our practice and part of what it means to be invested in improving the communities we serve. The following features just some of the outreach our colleagues conducted in 2023.



State Tribal Relations Day. On January 10, 2023, AUSA and Tribal Liaison Troy Morley presented at a tribal summit hosted by the Secretary of Tribal Relations, David Flute, in Pierre. The following day, AUSA Morley joined Victim Witness Specialist Jo Lepkowski at the State Capitol to disseminate information and answer questions during State Tribal Relations Day.

Freedom Expo. On January 15, 2023, AUSA Heather Knox participated in Freedom Journey's Freedom Expo. During the day-long event, experts in the field of human trafficking, including the USAO, Homeland Security Investigations, and DCI's Internet Crimes Against Children Taskforce, provided information to the public about trafficking in our region, what citizens can do to combat trafficking, and efforts in the field to bring traffickers to justice.



In Plain Sight. On January 26, 2023, U.S. Attorney Alison Ramsdell presented on behalf of the office at Call to Freedom's "In Plain Sight" event at the State Theater in downtown Sioux Falls. She joined HSI Outreach Coordinator Mary Hogan and DCI Human Trafficking Coordinator Mary Beth Holzwarth to discuss the types of human trafficking cases we see in South Dakota.



Victim Advocacy. In February 2023, AUSA Heather Knox participated in a panel discussion called, "The Role of Advocacy in Client Success in Indian Country." The panel was part of the Multi-Disciplinary Response to Victim Service Conference hosted by the South Dakota Judiciary, the South Dakota Network Against Family Violence and Sexual Assault, the Center for the Prevention of Child Maltreatment, the Children's Home Society, and the Children's Advocacy Centers of South Dakota.

Not Invisible Act Commission. On February 27-28, 2023, First Assistant U.S. Attorney Gregg Peterman participated in the first in-person plenary session of the Not Invisible Act Commission (NIAC) at the U.S. Department of the Interior. The NIAC was an advisory committee composed of law enforcement, tribal leaders, federal partners, service providers, and survivors, who gathered over the course of more than one year to make recommendations to the Departments of Justice and Interior to improve intergovernmental coordination and establish best practices for law enforcement to combat MMIP issues, as well as the trafficking of Native Americans and Alaska Natives.





Civil Rights Subcommittee. On March 5-6, 2023, U.S. Attorney Alison Ramsdell joined members of the AGAC's Civil Rights Subcommittee in Selma, AL, where members commemorated Bloody Sunday and the passage of the Voting Rights Act of 1965. Members also met with the district court, toured the Legacy Museum and the National Memorial for Peace and Justice, and heard from Bryan Stevenson, Executive Director of the Equal Justice Initiative.

Opioid Training. Throughout 2023, Law Enforcement Coordinator Dave Stephan joined federal prosecutors and law enforcement partners to conduct three-hour trainings on Opioid Awareness, Overdose Investigations, and Federal Prosecutions. With assistance from AUSAs Meghan Dilges, Mark Hodges, and Kathryn Rich, along with agents from DCI and the FBI, LEC Stephan trained federal, tribal, state, and local law enforcement officers in Watertown (January 19), Rosebud (March 15), Eagle Butte (April 25), Pine Ridge (April 26), Yankton (May 18), Faulkton (June 6), and Mobridge (June 29). Similar training was also provided to federal probation officers on October 1, 2023.



Dakota Territory's International Visitor Program. In late March 2023, the Rapid City Office hosted a team of prosecutors from Moldova, who were visiting South Dakota through the Dakota Territory's International Visitor Program. During their visit to the USAO, Supervisory AUSA Ben Patterson briefed the prosecutors on the workings of our District, including our work related to the Pine Ridge Reservation.

Native American Issues Subcommittee. On April 4-6, 2023, U.S. Attorney Alison Ramsdell travelled to Cherokee, NC, for meetings with the AGAC's Native American Issues Subcommittee. Members received training on various matters, including the investigation and prosecution of financial fraud, tribal reentry programs, and recent developments in case law. Members also discussed pressing issues related to violent crime, drug trafficking, environmental law, and MMIP.

Sexual Violence Institute. On April 13, 2023, AUSA Heather Knox presented at the South Dakota Network Against Family Violence and Sexual Assault's Sexual Violence Institute, in Spearfish. AUSA Knox presented on federal and tribal jurisdictional issues, discussed in general the types of human trafficking and sexual assault cases being prosecuted by the U.S. Attorney's Office, and fielded questions from law enforcement officers, advocates, and other practitioners in the field.

Forest Service Training. On April 13, 2023, AUSA Eric Kelderman traveled to Ft. Collins, CO, to conduct Annual Law Enforcement Refresher Training for Region 2 of the U.S. Forest Service. Training topics included federal criminal statutes and CFR violations, marijuana possession law, and search and seizure issues.

American Indian Justice Conference. On May 3, 2023, former AUSA Kathryn Rich traveled to Reno, NV, to present at the American Indian Justice Conference. AUSA Rich discussed the confluence between the growing drug trade and violent crime in Indian country, as well as the prosecution of Assaults on Federal Officers.



Missing and Murdered Indigenous Persons Awareness Day. In 2021, President Biden issued a proclamation designating May 5th as Missing and Murdered Indigenous Persons (MMIP) Awareness Day. On May 5, 2023, U.S. Attorney Alison Ramsdell and AUSA Troy Morley joined Native American Outreach Services Liaison Marlys Big Eagle in Lower Brule for an MMIP event, which included an awareness walk, a community meal, and open dialogue about public safety concerns.

Safe Schools, Safe Communities. On May 12, 2023, AUSA Meghan Dilges, VWS Jo Lepkowski, AUSA Troy Morley, U.S. Attorney Alison Ramsdell, and Law Enforcement Coordinator Dave Stephan joined U.S. Marshal Dan Mosteller, BIA Special Agent Andy Lepkowski, and South Dakota Highway Patrol Trooper Josh De Wild to discuss school and community safety with middle and high school students in Lower Brule and Crow Creek ahead of summer break.



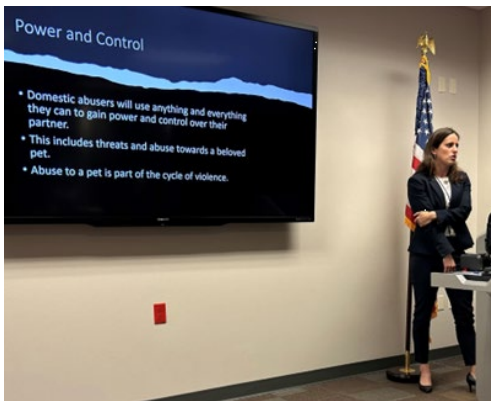
United Against Hate. On May 24, 2023, U.S. Attorney Alison Ramsdell and Appellate Chief Kevin Koliner participated in a hate crimes forum in Sioux Falls. The forum was organized by DOJ's Community Relations Service and featured presentations from federal, state, and local law enforcement, as well as various community leaders. In 2022, the USAO conducted over a dozen such outreach events.

Standing Rock Sioux Tribe Law Enforcement Meeting. On May 31, 2023, First Assistant U.S. Attorney Gregg Peterman, AUSA and Tribal Liaison Troy Morley, and Law Enforcement Coordinator Dave Stephan participated in a law enforcement resources meeting with the Standing Rock Sioux Tribe in Fort Yates, ND. Participants discussed the shortage of law enforcement resources and resulting response times, the possibility of entering into a Memorandum of Understanding with state highway patrol agencies, and the Savanna's Act guidelines.



Violent and Organized Crime Subcommittee. On June 14-15, 2023, U.S. Attorney Alison Ramsdell traveled to Seattle, WA, for meetings with the AGAC’s Violent and Organized Crime Subcommittee. Members received training on various matters, including violent crime reduction strategies, emergency risk protection orders, red flag laws, crime gun intelligence analytics, and prosecution strategies under the RICO and VICAR statutes.

Dakota Dreams Career Camp. On June 19, 2023, U.S. Attorney Alison Ramsdell joined DCI Agents Tyler Heine and Ryan Pennock, along with other members of the South Dakota State Bar, at the USD School of Law. Presenters spent time with South Dakota middle schoolers enrolled in the Dakota Dreams Career Camp, where they discussed their respective roles in the criminal justice system and worked with students to conduct a mock trial.



Domestic Violence Training. In July 2023, AUSA Anna Lindrooth presented on the link between domestic violence and animal abuse to local law enforcement, prosecutors, and animal welfare organizations. Statistics show approximately 75% of pet-owning domestic abuse victims have experienced their abuser threatening or harming their pet as a method of control. AUSA Lindrooth discussed ways to recognize the presence of this kind of abuse, resources for both the victims and their pets, and how to utilize this kind of evidence to strengthen prosecution cases and hold offenders accountable.

USAO Retreat. The District’s Annual Retreat was held in Pierre from September 6-8, 2023. In addition to 1.5 days of training, USAO staff engaged in outreach with the Crow Creek Sioux Tribe and the Lower Brule Sioux Tribe. Tribal leaders provided USAO staff with an overview of their history and culture, along with present-day public safety concerns. Afterward, USAO staff visited tribal schools in each community to discuss school safety concerns and answer questions about various career options in the criminal justice system.



State Law Enforcement Outreach. Throughout the year, the USAO participated in outreach with state and local law enforcement partners and prosecutors. In particular, on April 11, 2023, First Assistant U.S. Attorney Gregg Peterman presented at the Joint Conference of Police Chiefs and Sheriffs in Deadwood; on May 4, 2023, U.S. Attorney Alison Ramsdell presented at the South Dakota States Attorney’s Conference in Deadwood; on September 26, 2023, U.S. Attorney Ramsdell attended the Sheriff’s Conference in Aberdeen; on October 5, 2023, First Assistant U.S. Attorney Peterman attended the Chiefs of Police Conference in Rapid City; and on October 6, 2023, Supervisory AUSA Tim Maher attended the SORNA Summit with state, local, tribal, and federal law enforcement agencies in Pierre.

Community Response to Child Abuse Conference. On October 6, 2023, AUSA Heather Knox presented at the Center for Prevention of Child Maltreatment’s Community Response to Child Abuse Conference, which is a gathering of more than 500 multi-disciplinary team members from across South Dakota and the region. AUSA Knox presented on “Jurisdictional Challenges and Solutions in the Prosecution of Child Abuse and Exploitation.”



School Outreach. On October 10, 2023, U.S. Attorney Alison Ramsdell and AUSA Troy Morley engaged in school outreach at Tiospa Zina in Agency Village. USA Ramsdell and AUSA Morley met with three separate classes of middle school and high school students to discuss the dangers of methamphetamine and fentanyl, the importance of Internet safety, and career pathways.

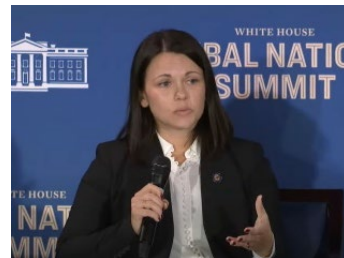


Domestic Violence Awareness Month. October is National Domestic Violence Awareness Month, a time to honor domestic violence survivors and raise awareness about the issue in our communities. On October 19, 2023—Purple Thursday—USAO staff joined the call to action and wore purple as a symbol of peace, courage, honor, and personal dedication to domestic violence awareness.

Law Enforcement Coordination Conference. On October 24-25, 2023, the U.S. Attorney’s Office, in conjunction with the South Dakota Attorney General’s Office, hosted the Annual Law Enforcement Coordination Conference (LECC) in Sioux Falls. The two-day conference featured training on topics such as Interacting with Children with Mental Illness and Autism Spectrum Disorder; Pursuit Liabilities: Reducing Litigation Risk in High-Speed Pursuits; Firearm Full Auto Conversions, 3D Printing, Firearms Tracing, and NIBIN; and Trauma-Informed Interviews of Sexual Assault Victims.

Sexual Assault Nurse Examiner Training. On November 3, 2023, AUSAs Ann Hoffman and Heather Knox conducted training for new Sexual Assault Nurse Examiners at an all-day training hosted by the Center for the Prevention of Child Maltreatment and the South Dakota Network Against Family Violence and Sexual Assault. AUSAs Hoffman and Knox spent the day conducting courtroom testimony training for sexual assault nurses from Monument Health, Avera McKenna, and Oyate Health Center. The training included mock direct examinations, cross examinations, and advanced concepts in witness testimony.

White House Tribal Nations Summit. On December 6, 2023, U.S. Attorney Alison Ramsdell participated in a panel discussion at the White House Tribal Nations Summit in Washington, D.C. The panel featured members of the Not Invisible Act Commission, who discussed the Commission’s findings and recommendations, and included remarks from Department of Justice officials, who detailed the Department’s response to the NIAC Report.



Violent Crime Reduction Summit. On December 11-13, 2023, U.S. Attorney Alison Ramsdell and Supervisory AUSA Ben Patterson joined detectives from the Sioux Falls Police Department at the Violent Crime Reduction Summit hosted by the Department of Justice’s Bureau of Justice Assistance in Indianapolis, IN. Participants received extensive training related to crime gun intelligence analytics, methods for investigating and prosecuting gun crimes, and strategies for targeting the most violent offenders in our communities.

Great Plains Tribal Chairmen’s Association. On December 15, 2023, First Assistant U.S. Attorney Gregg Peterman and AUSA Troy Morley presented at a meeting of the Great Plains Tribal Chairmen’s Association in Rapid City, where they discussed the work of the Not Invisible Act Commission, the Department of Justice’s MMIP Regional Outreach Program, the USAO’s prosecution of violent crime in Indian country, and the District’s engagement in community outreach.



CRIMINAL DIVISION

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

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



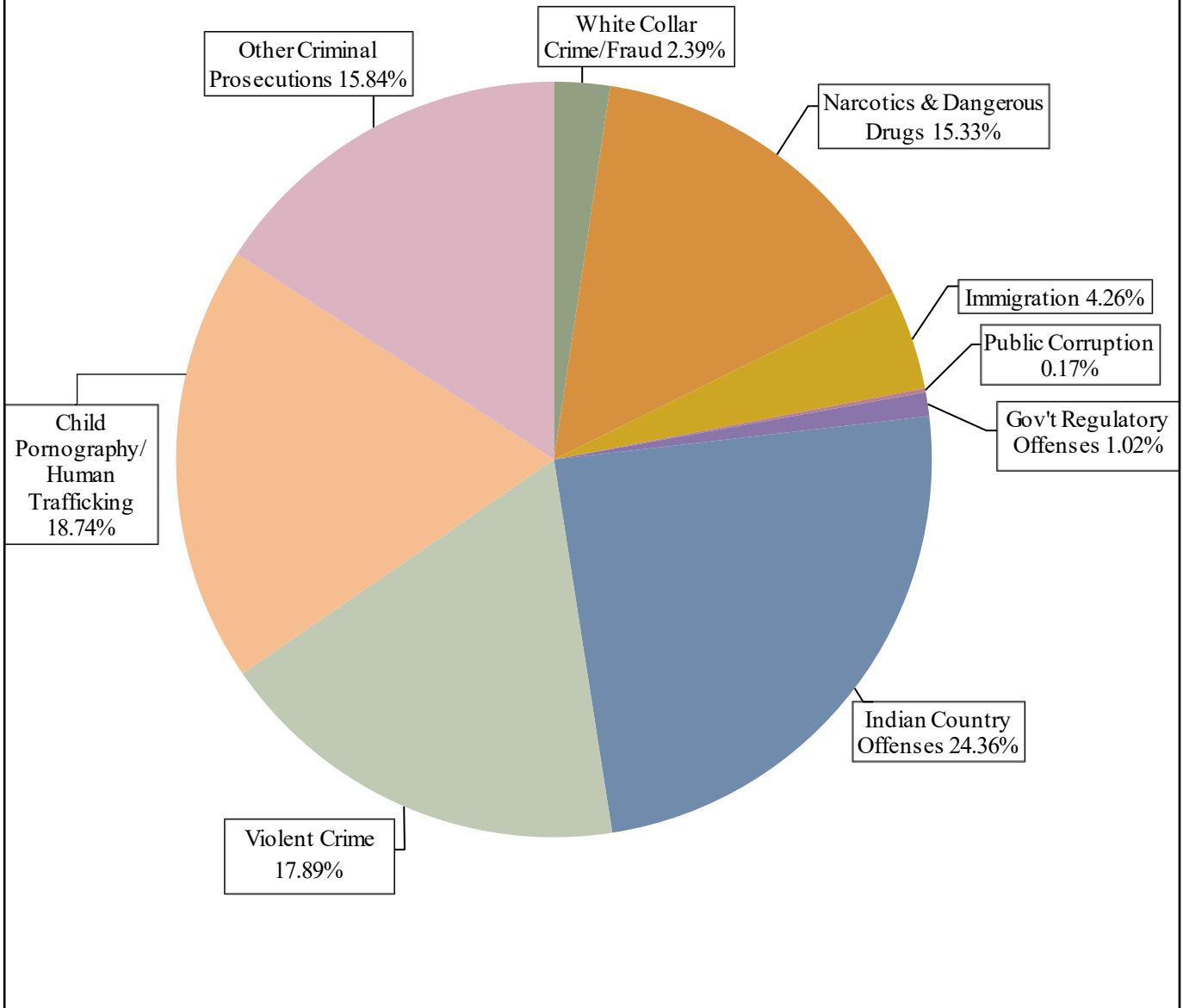
Courtroom in Federal Courthouse in Sioux Falls, South Dakota

The Criminal Division is comprised of 26 Assistant U.S. Attorneys. This includes Criminal Chief John Haak, as well as three office supervisors—Connie Larson in Sioux Falls, Tim Maher in Pierre, and Ben Patterson in Rapid City. AUSA Jeff Clapper currently serves as the District's Senior Litigation Counsel in the Criminal Division, as well as the District's Project Safe Childhood Coordinator focusing on Internet crimes against children; AUSA Troy Morley serves as the District's Tribal Liaison to the nine Tribal governments located in South Dakota; AUSA Mark Hodges serves as the District's Organized Crime Drug Enforcement Task Force Coordinator; AUSAs Ben Patterson and Elizabeth Ebert serve as the District's Project Safe Neighborhoods Coordinators focusing on federal gun crimes; AUSA Heather Knox serves as the District's Human Trafficking Coordinator; and AUSA Ann Hoffman serves as the healthcare fraud coordinator. The Criminal Division also manages the District's forfeiture program.

STATISTICAL HIGHLIGHTS

Criminal Caseload Statistics Total Cases Filed

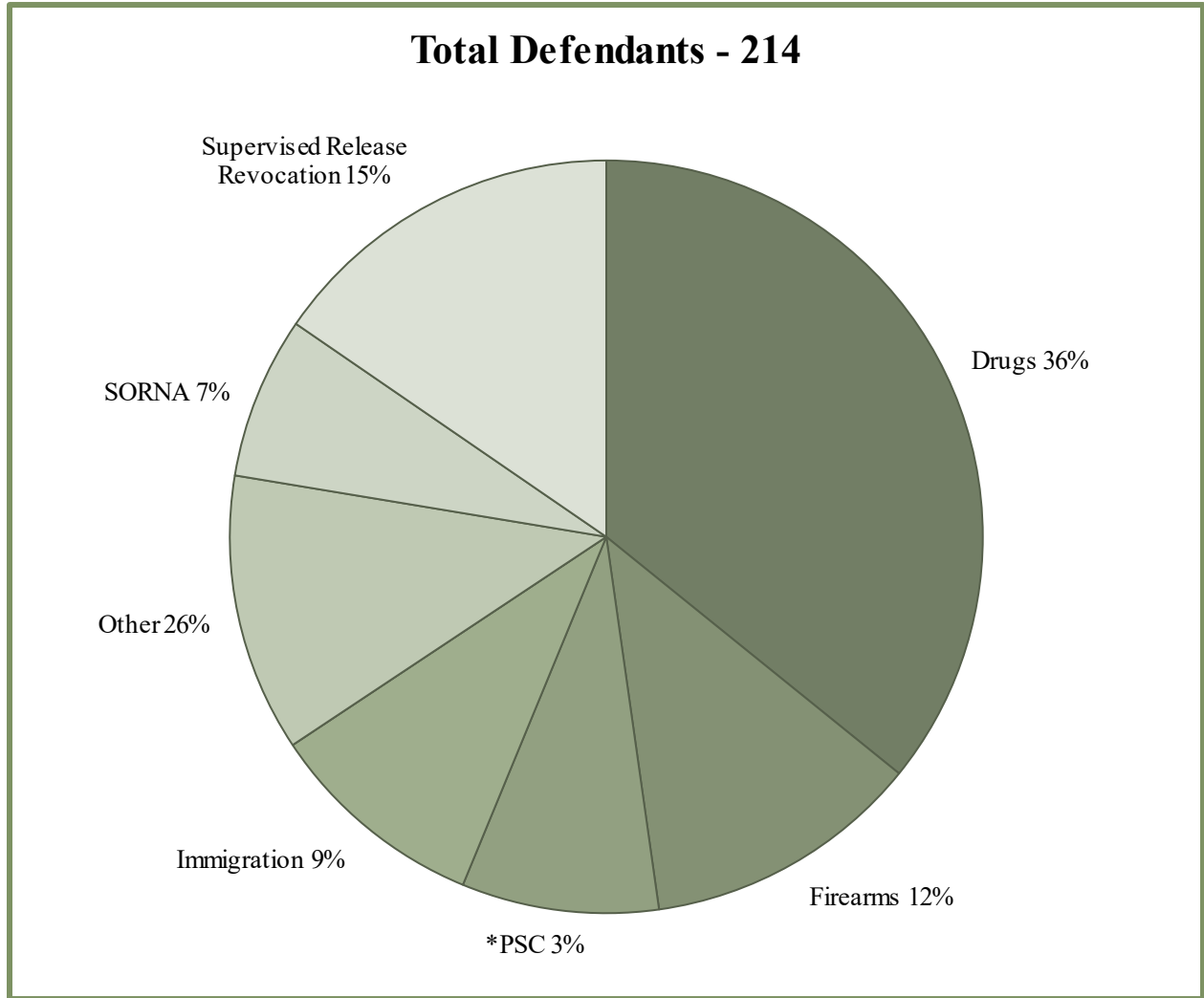
Total Cases by Program Category



¹ Includes Revocations of Supervised Release and Probation

STATISTICAL HIGHLIGHTS

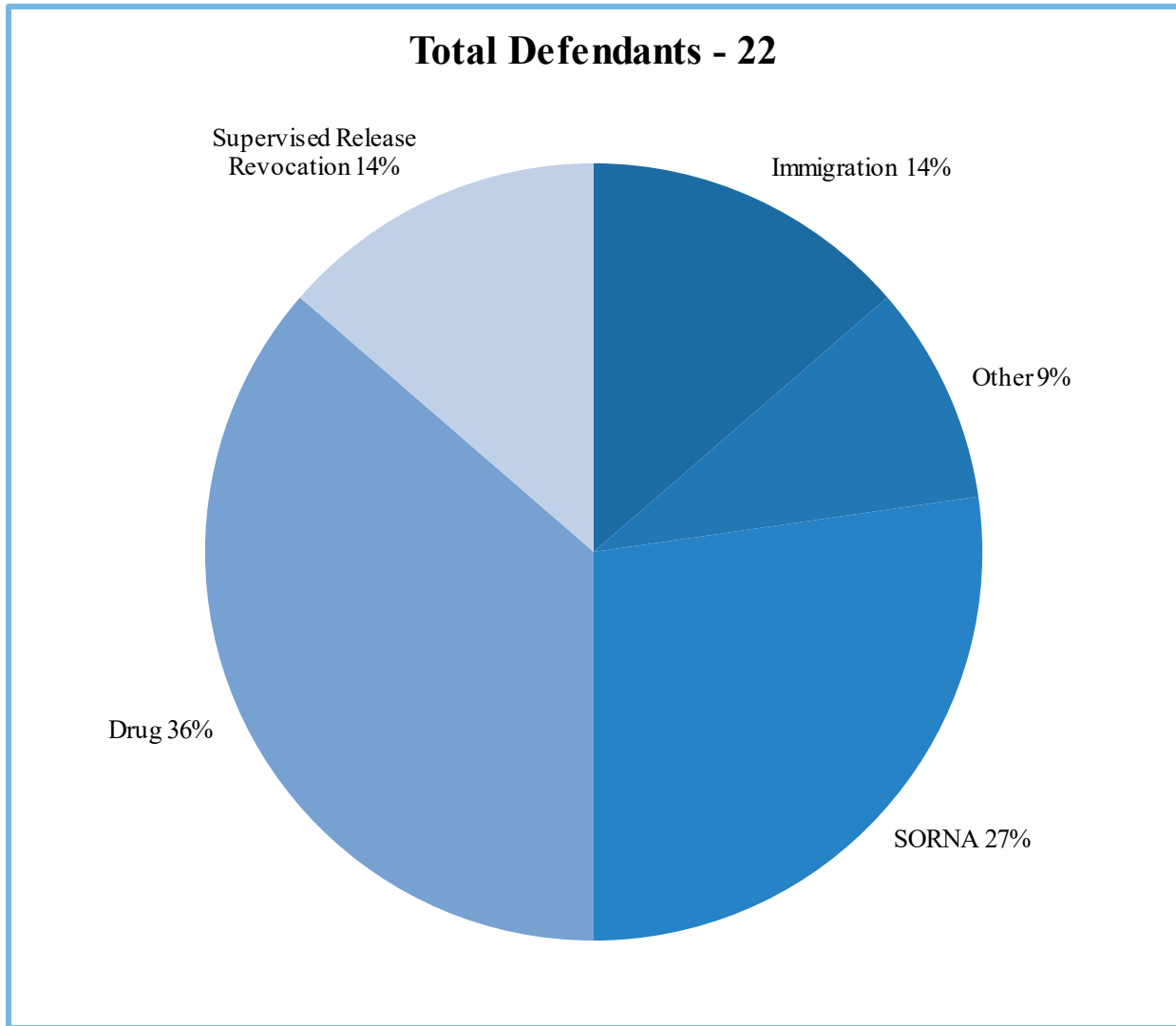
Federal Defendants by Offense (excluding Indian Country) Southern Division



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

STATISTICAL HIGHLIGHTS

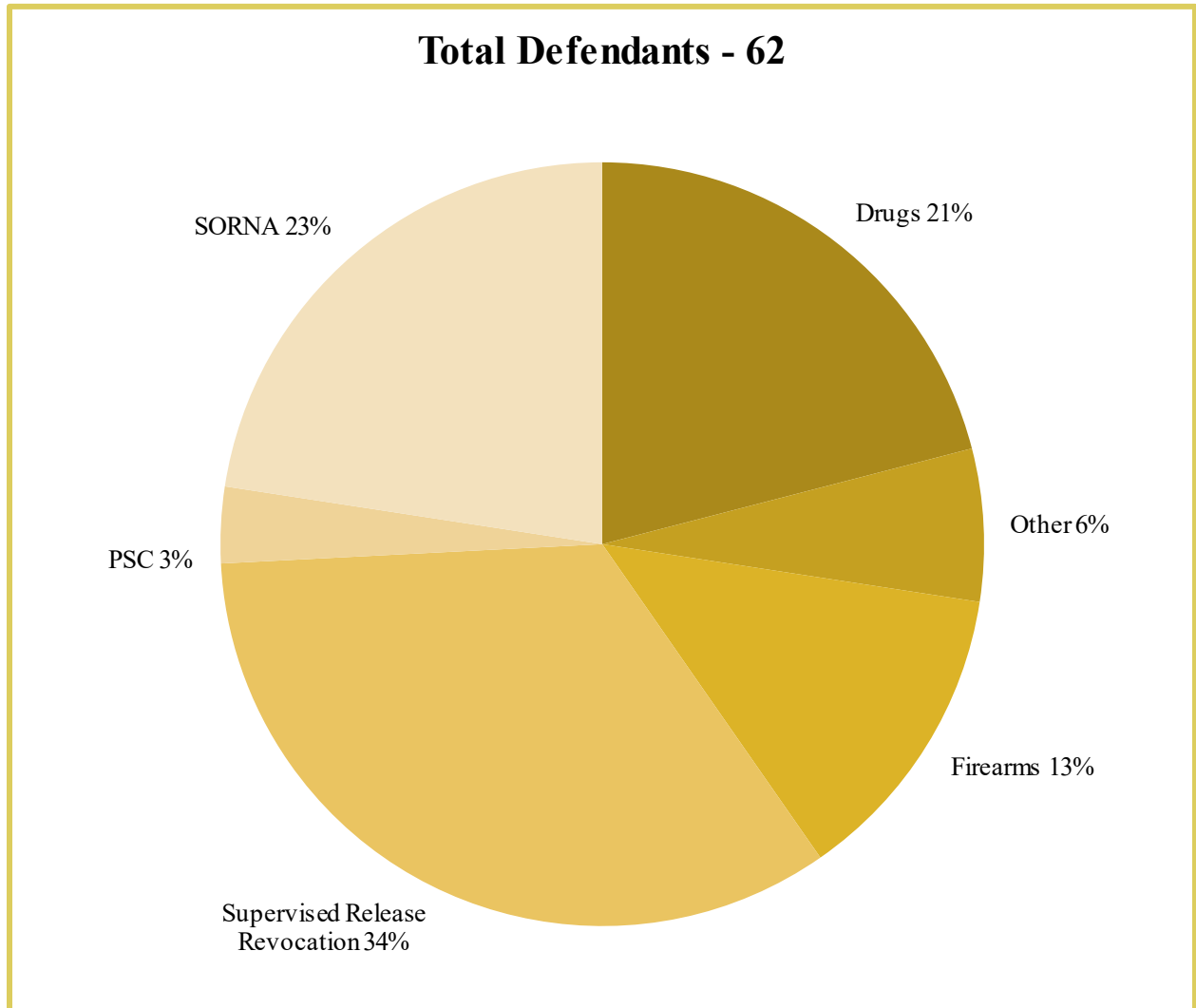
Federal Defendants by Offense (excluding Indian Country) Northern Division



* SORNA (Sex Offender Registration and Notification Act)

STATISTICAL HIGHLIGHTS

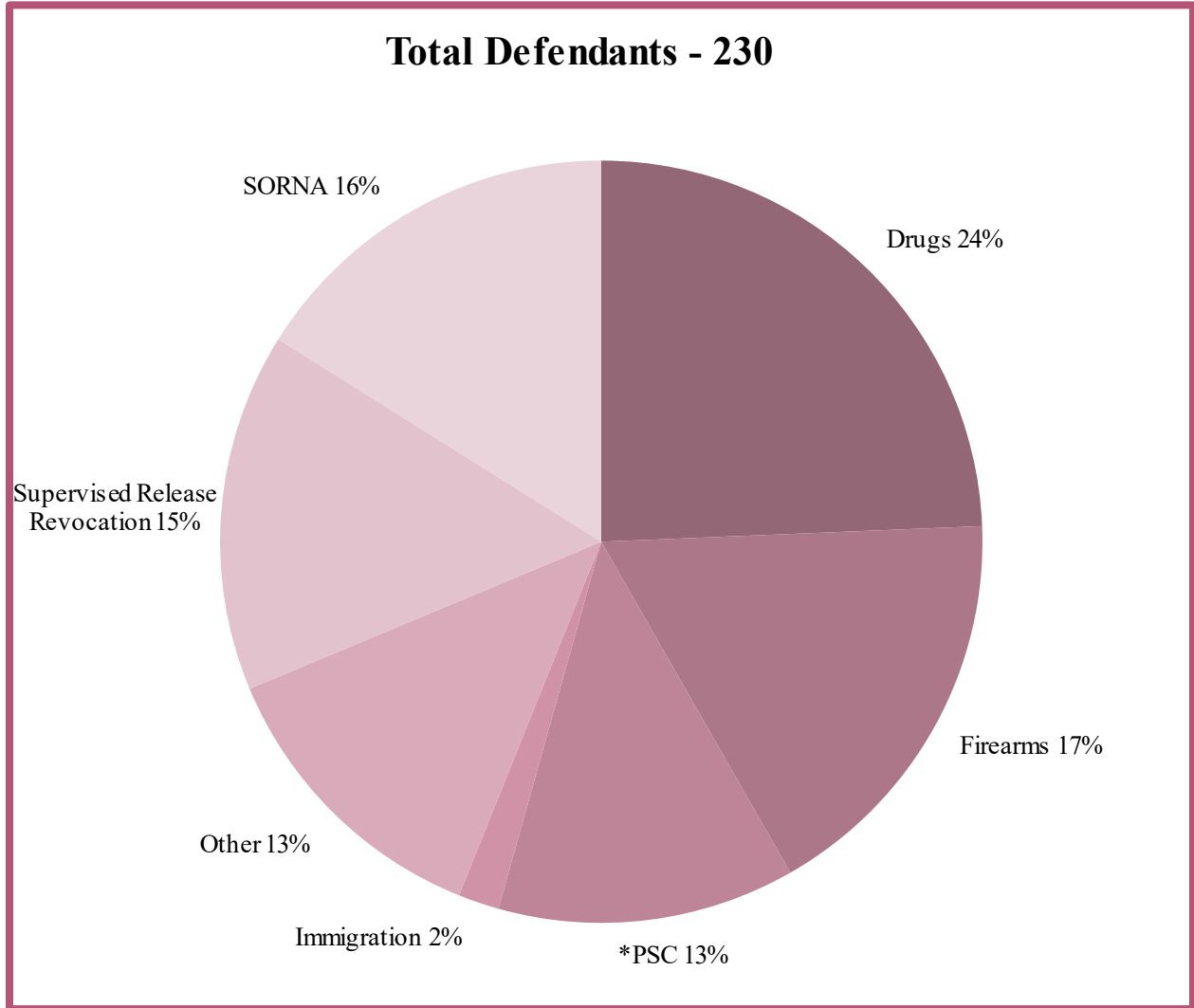
Federal Defendants by Offense (excluding Indian Country) Central Division



* SORNA (Sex Offender Registration and Notification Act)

STATISTICAL HIGHLIGHTS

Federal Defendants by Offense (excluding Indian Country) Western Division



* SORNA (Sex Offender Registration and Notification Act)

SIGNIFICANT CRIMINAL PROSECUTIONS

Non-Indian Country

DRUG PROSECUTIONS

United States v. Jose Arguello, et al.

Conspiracy to Distribute Methamphetamine

Jose Arguello and several co-conspirators began trafficking methamphetamine from Arizona and Mexico. The investigation revealed Arguello served as the lead organizer of the drug trafficking efforts and recruited and coordinated with others to send money packages through the U.S. Postal Service, United Parcel Service, other mail carriers, or wire to various locations. All of the money sent was to obtain large volumes of methamphetamine. When the bulk quantities of methamphetamine arrived in the Rapid City area, Arguello divided, packaged, and dispersed it to multiple sub-distributors for further distribution in the Black Hills. Arguello pleaded guilty to Conspiracy to Distribute a Controlled Substance and, in August 2023, he was sentenced to 25 years in federal prison. The case was investigated by the Unified Narcotics Enforcement Team (UNET), the Drug Enforcement Administration (DEA), and the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) and prosecuted by former AUSA Gina Nelson.

United States v. Amber Ashlin and Eugene Perez

Conspiracy to Distribute Methamphetamine

Amber Ashlin and Eugene Perez were responsible for obtaining large quantities of methamphetamine from Colorado and then distributing that methamphetamine throughout the Rapid City area. An investigation revealed Ashlin and Perez were responsible for trafficking approximately 20 pounds of methamphetamine in a six-month period during which they also possessed several firearms. Both Ashlin and Perez pleaded guilty to Conspiracy to Distribute a Controlled Substance. In September 2022, Ashlin was sentenced to 17 years in federal prison. In September 2023, Perez was sentenced to 11 ½ years in federal prison. The case was investigated by ATF and the South Dakota Division of Criminal Investigation (DCI) and prosecuted by Supervisory AUSA Ben Patterson.

United States v. Sam Boyd and Alexandria Warner

Conspiracy to Distribute Methamphetamine and Possession of a Firearm and Ammunition by a Prohibited Person

Sam Boyd, of Rapid City, obtained methamphetamine from a co-conspirator in Colorado. The methamphetamine was both mailed and transported to western South Dakota on multiple occasions by Boyd and his co-conspirator. Boyd, with the assistance of Alexandria Warner of Rapid City, then distributed the methamphetamine to others for use and further distribution. Throughout the conspiracy, Boyd routinely possessed multiple firearms and ammunition, despite being prohibited from doing so due to a prior felony conviction. Boyd proceeded to trial and a jury found him guilty of Conspiracy to Distribute Methamphetamine and Possession of a Firearm and Ammunition by a Prohibited Person. In February 2024, Boyd was sentenced to 23 1/3 years in federal prison. Warner pleaded guilty and was sentenced to 10 years in federal prison. The case was jointly investigated by the DEA, ATF, and UNET and prosecuted by former AUSA Kathryn Rich.

United States v. Eric Briseno, et al.

Conspiracy to Distribute Cocaine

Eric Briseno was responsible for the creation and management of a cocaine transport and distribution cell in Spearfish, South Dakota. Briseno and five other conspirators trafficked cocaine from Corpus Christie, Texas, to South Dakota utilizing the U.S. Postal Service. Spearfish Police officers initiated the investigation after a traffic stop of Briseno revealed he was in possession of cocaine residue and psilocybin mushrooms. A trash pull warrant was authorized and revealed drug paraphernalia and more evidence of cocaine use and distribution. In total, the investigation revealed five other conspirators and over 30 kilograms of cocaine that was shipped from Texas to South Dakota. Briseno pleaded guilty and was sentenced to 12 years in federal prison. Each of his co-conspirators also pleaded guilty. Slayte Petersen was sentenced to four years in federal prison; Joel Avila was sentenced to four years and four months in federal prison; Erasmo Briseno and Darius Neal were each sentenced to 18 months in federal prison; and Kevin Jarero was sentenced to 10 years in federal prison. The case was prosecuted by AUSA Brian Murphy.

United States v. Sean Gross, et al. (OCDETF)

Conspiracy to Distribute Methamphetamine and Conspiracy to Commit Money Laundering

Sean Gross and Rusty Driscoll worked together to obtain methamphetamine from a source in Mexico. They then coordinated shipments of methamphetamine, some sent by Sean's mother, Shauna, to Jessica Johnson, a/k/a Jessica Louviere in Louisiana and to Christopher Daniels and his associates in South Dakota. Through the use of a Title III wire intercept, agents identified and later convicted 13 individuals in South Dakota who received and distributed methamphetamine that came from Gross and Driscoll. In total, the two were responsible for shipping over 100 pounds of methamphetamine to South Dakota. Sean Gross pleaded guilty to conspiracy to distribute methamphetamine and conspiracy to commit money laundering, and in April 2023, he was sentenced to 26 years and eight months in federal prison. Jessica Louviere pleaded guilty to conspiracy to distribute methamphetamine and was sentenced to 14 years in federal prison. Driscoll and Shauna Gross proceeded to trial and were convicted of Conspiracy to Distribute Methamphetamine. In November 2023, Driscoll was sentenced to 45 years in federal prison and Shauna Gross was sentenced to 11 years and eight months in federal prison. The case was investigated by the DEA, the Sioux Falls Area Drug Task Force (SFADTF), the South Dakota Highway Patrol (SDHP), the Moody County Sheriff's Office, and the Internal Revenue Service (IRS) and prosecuted by AUSA Mark Hodges.

United States v. James Houseman

Possession with Intent to Distribute a Controlled Substance

In 2021, James Houseman was pulled over by a SDHP Trooper. His vehicle was searched, and the trooper located 8.6 grams of methamphetamine that had been separated into smaller baggies for distribution. Also found in Houseman's vehicle was \$6,636 in U.S. currency, a digital scale, and ammunition for a .22 caliber firearm. Later that same day, law enforcement officers executed a search warrant on Houseman's home and located a loaded semiautomatic pistol with an obliterated serial number. In total, Houseman's involvement in the distribution of methamphetamine included approximately 15-16 pounds. Houseman pleaded guilty, and in October 2023, he was sentenced to 12 years and 7 months in federal prison. The case was investigated by the SDHP, FBI, and the Charles Mix County Sheriff's Office and prosecuted by AUSA Elizabeth Ebert.

United States v. Victor Leon-Pacheco and Eduardo Acosta

Conspiracy to Distribute Methamphetamine and Fentanyl and Use of a Communication Facility in the Commission of a Drug Trafficking Crime

In 2016, Victor Leon-Pacheco was convicted of trafficking methamphetamine in Oklahoma and sentenced to 18 years' custody. While in a locked facility, he gained access to a contraband cell phone which he utilized to conduct drug trafficking activities. He arranged drug sales with people in several states, including South Dakota. Leon-Pacheco then recruited others in California, including co-defendant Eduardo Acosta, to accept payments for drug proceeds that were wired through money exchange services. This occurred multiple times the last several years. Acosta also sent packages containing controlled substances to South Dakota at the direction of Leon-Pacheco. Law enforcement was able to introduce an undercover agent to whom Leon-Pacheco organized three shipments of fentanyl and methamphetamine. Eduardo Acosta pleaded guilty to Use of a Communication Facility in the Commission of a Drug Trafficking Crime and was sentenced to three years and one month in federal prison. Leon-Pacheco proceeded to trial at the conclusion of which he was found guilty of Conspiracy to Distribute Methamphetamine, Conspiracy to Distribute Fentanyl, and Use of a Communication Facility in the Commission of a Drug Trafficking Crime. In December 2023, Leon-Pacheco was sentenced to 30 years in federal prison. The case was investigated by the DCI, United States Postal Inspection Service (USPIS), DEA, and the Oklahoma Department of Corrections and prosecuted by former AUSA Kathryn Rich.

United States v. Salvador Madrigal, et al. (OCDETF)

Conspiracy to Distribute Methamphetamine and Conspiracy to Commit Money Laundering

Salvador Madrigal had direct connections with Mexican drug sources from the time he spent in Mexico as a young adult. He utilized those contacts to arrange to have 150-250 pounds of methamphetamine shipped to South Dakota, which he then distributed to Robin and Lanny Vensand. The Vensands then distributed the methamphetamine to their drug customers. Madrigal recruited his relatives, including his aunt Maria Magana-Zavala, uncle William Hartwick, brother Oscar Madrigal, and wife Anahi Cardona to assist him in his drug trafficking activities. He also had his mother, Rosa Madrigal, and his wife assist him in laundering proceeds from the methamphetamine conspiracy. Investigators determined Madrigal and his co-conspirators moved more than \$1,000,000 in drug proceeds throughout the duration of the conspiracy. Madrigal was eventually arrested in May 2021, at which time agents found approximately \$215,000 in his garage. Oscar Madrigal, William Hartwick, and Maria Magana-Zavala all pleaded guilty to conspiring to distribute 500 grams or more of methamphetamine. Rosa Madrigal pleaded guilty to conspiracy to commit Money Laundering. Madrigal and Cardona pleaded not guilty and proceeded to trial. At trial, the Government presented testimony from 18 witnesses. The jury convicted both Madrigal and Cardona of Conspiracy to Distribute 500 Grams or more of Methamphetamine and of Conspiracy to Commit Money Laundering. In August 2023, Madrigal was sentenced to 33 years and four months in federal prison and Cardona was sentenced to 22 years and one month in federal prison. The case was investigated by the DEA, SFADTF, DCI, IRS, and SDHP and prosecuted by AUSAs Mark Hodges and Elizabeth Ebert.

United States v. Jevon McLeod, et al.

Conspiracy to Distribute Fentanyl

Jevon McLeod ran a fentanyl pill distribution ring in the Sisseton area from approximately 2021-2022. During that time, he obtained pills from outside South Dakota and then distributed the pills to customers and other dealers. All told, McLeod and his co-conspirators were responsible for distributing approximately 29,000 pills throughout the state. McLeod pleaded guilty to Conspiracy to Distribute Fentanyl, and in March 2023, he was sentenced to 40 years in federal prison. McLeod's co-defendants were sentenced as follows: Daren Lee Basche was sentenced to nine years and seven months in federal prison; Tiarah Grace Bissonette was sentenced to four years and nine months in federal prison; and Trey Byron Petrich was sentenced to 12 years and seven months in federal prison. The case was investigated by the Bureau of Indian Affairs (BIA) and the DCI and prosecuted by AUSA Mark Hodges.

United States v. Terry Morris, Jr., et al.

Conspiracy to Distribute Methamphetamine and Conspiracy to Commit Money Laundering

Terry Morris, Jr. ran a nationwide drug trafficking operation from his prison cell in California. He and another inmate at the facility worked to coordinate the shipment of methamphetamine and fentanyl to multiple states, including South Dakota. Morris recruited multiple accomplices in South Dakota to assist with his drug trafficking. All told, Morris was responsible for distributing approximately 200 pounds of methamphetamine and thousands of fentanyl pills to individuals in the state of South Dakota. He also directed other co-conspirators to use electronic payment methods to conceal the nature and source of the proceeds from the drug conspiracy. Morris pleaded guilty to Conspiracy to Distribute Methamphetamine and Conspiracy to Commit Money Laundering, and in November 2023, he was sentenced to 33 years and four months in federal prison. His co-defendants were sentenced as follows: Rigoberto Hernandez, of Los Angeles, California, was sentenced to 11 years and eight months in federal prison; Reginald Davis, also of Los Angeles, was sentenced to 17 years and one month in federal prison; Kessara Mikkelson, of Sioux Falls, was sentenced to 19 years and seven months in federal prison; Asia Gunhammer, also of Sioux Falls, was sentenced to 10 years and six months in federal prison; and Terry Morris III, of Los Angeles, was sentenced to 15 years in federal prison. The case was investigated by the SFADTF and the FBI and prosecuted by AUSA Mark Hodges.

United States v. Mark Olson

Possession with Intent to Distribute Methamphetamine and Prohibited Person in Possession of a Firearm

Mark Olson was a suspect in a stolen vehicle investigation in Sioux Falls when police officers approached him and discovered several individually packaged "8-balls" of methamphetamine (approximately 3.5 grams of meth each) in one of his pockets ready for sale and distribution. In another pocket, officers located a firearm. Olson is prohibited from possessing firearms because he is a convicted felon; most recently he had been convicted of possession of a controlled substance in 2020. Following a jury trial, Olson was convicted of possession of a firearm by a prohibited person and of possession with intent to distribute methamphetamine and in February 2023, he was sentenced to concurrent sentences of 10 years in federal prison for the firearm charge and 10 years and 10 months for the methamphetamine charge. The case was investigated by the Sioux Falls Police Department (SFPD), Minnehaha County Sheriff's Office (MCSO) and the ATF and prosecuted by AUSA Elizabeth Ebert.

United States v. Berta Gonzales and Edwin Salinas

Conspiracy to Distribute a Controlled Substance and Possession with Intent to Distribute a Controlled Substance

Berta Gonzales and co-defendant Edwin Salinas traveled from California with approximately 16 pounds of fentanyl for intended distribution in the Northern Plains and Upper Midwest. During their trip, Gonzales and Salinas were pulled over by Sisseton Wahpeton Oyate and Roberts County law enforcement. During a search of the vehicle, the tribal and county officers found 3.5 pounds of fentanyl powder and approximately 50,000 blue pills marked as counterfeit “M-30” pills. In addition to fentanyl, the pills were mixed with a horse tranquilizer. The street value of the controlled substances was estimated at \$2,000,000. Salinas proceeded to trial, while Gonzales pleaded guilty. The jury convicted Salinas of Conspiracy to Distribute a Controlled Substance and Possession with Intent to Distribute a Controlled Substance. In November 2023, Salinas was sentenced to life imprisonment and Gonzales was sentenced to three years and five months in federal prison. The case was investigated by tribal and county law enforcement authorities, as well as the BIA and was prosecuted by AUSAs Jeremy Jehangiri and Paige Petersen.

United States v. Alfred Sarco and Morningstar Kitto

Conspiracy to Distribute Methamphetamine

Alfred Sarco and Morningstar Kitto were involved in a methamphetamine conspiracy distribution ring in the course of which they arranged and participated in three controlled buys from an undercover DEA agent. In total, Sarco and Kitto sold approximately 2,288.5 grams or approximately 5 pounds of methamphetamine to the undercover agent in a five-month span. Kitto pleaded guilty, and in January 2024, she was sentenced to nine years in federal prison for her role in the conspiracy. Sarco also pleaded guilty, and in January 2024, he was sentenced to 21 years and 10 months in prison for his role. The case was investigated by the DEA, BIA, SDHP, Sisseton Wahpeton Oyate Tribal Police, DCI, North Dakota Highway Patrol and Crime Lab, and the Nebraska Highway Patrol and prosecuted by AUSA Elizabeth Ebert.

United States v. Brady Sigler

Possession with Intent to Distribute Fentanyl

Brady Sigler accepted \$200 cash to mail a package he knew contained approximately 923 blue pills containing fentanyl. While Sigler was trying to send the package at a UPS store in Sioux Falls, South Dakota, the worker became suspicious of Sigler’s behavior and asked Sigler to open the package. When Sigler did, the package was found to contain a sock which appeared to have small blue pills stuffed inside of it. The UPS worker called local law enforcement who reported to the scene and identified the small blue pills as M30 pills that commonly contain fentanyl. Sigler was arrested and charged with Possession with Intent to Distribute a Controlled Substance. Sigler pleaded guilty to the offense, and in January 2024, he was sentenced to two years and nine months in federal prison. The case was investigated by the SFADTF and DEA and prosecuted by AUSA Paige Petersen.

United States v. Antoine Thomas, et. al.

Conspiracy to Distribute Methamphetamine, Conspiracy to Distribute Fentanyl, and Possession of a Firearm by a Prohibited Person

Antoine Thomas, along with his brother, Tyrin Thomas, and Tyrin’s girlfriend, Lyric Tschetter, were the “regional managers” in South Dakota for a family drug trafficking organization (DTO) headquartered in California. Law enforcement had been tipped off to this DTO, but the investigation really took off after the Sioux Falls Police Department conducted a traffic stop of Antoine during which officers discovered 550 grams of methamphetamine, 31 grams of M30 fentanyl pills, 19 grams of crack cocaine, 185 grams of marijuana, and two firearms with ammunition. Antoine was arrested, and during a jail phone call, he was heard instructing his cousin “Ray” to “get to the storage locker bro.” Law enforcement beat him to the punch in locating and searching the storage unit where they discovered four more firearms and over a thousand rounds of ammunition. Later, Tyrin and Lyric were stopped in a traffic stop during which officers located a firearm and methamphetamine on Tyrin’s person. They were both arrested, and in a post-*Miranda* interview, Lyric painted the picture of the bigger DTO—over 50 pounds of meth and over 4,000 fentanyl pills passed through the DTO to be distributed in the Sioux Falls area. The investigation further revealed several overdoses, including a death, that were connected to the defendants’ illegal activities. Antoine, Tyrin, Lyric, Ray, and co-defendant Paige Delvecchio all pleaded guilty. In February 2024, Tyrin was sentenced to 27 years in federal prison; Antoine, Ray, and Delvecchio were each sentenced to 20 years in federal prison; and Lyric was sentenced to 12 years and two months in federal prison. The case was prosecuted by AUSA Elizabeth Ebert.

United States v. Abdul Vann, et al.

Conspiracy to Distribute a Controlled Substance

Abdul Vann was encountered by the SDHP at a gas station on I-90 in the course of which troopers recovered over 10 pounds of methamphetamine and several “blues” or illegal fentanyl pills. The methamphetamine was vacuumed sealed and wrapped as Christmas gifts in an effort to conceal it from law enforcement. Vann had acquired the drugs in Las Vegas and was enroute back to North Dakota where the drugs would be distributed. Vann pleaded guilty to Conspiracy to Distribute a Controlled Substance, and in August 2023, he was sentenced to 13 years in federal prison. Vann’s co-defendants were sentenced as follows: Samuel Vann was sentenced to time served; Kerstyn Lanz was sentenced to two years in federal prison; and Monica Yellow Bird was sentenced to 18 months in federal prison. The case was prosecuted by AUSA Meghan Dilges.

United States v. Michael Wilson

Possession with Intent to Distribute Methamphetamine

A Trooper with the SDHP attempted to stop a vehicle being driven by Michael Wilson. Wilson refused to stop, and a pursuit was initiated. Wilson eventually crashed his vehicle and then fled on foot. Law enforcement conducted a search of the vehicle and found that Wilson had been in possession of over 1,300 grams of methamphetamine and \$11,400 in cash. Wilson was later located by law enforcement and arrested. He pleaded guilty to Possession with Intent to Distribute a Controlled Substance, and in April 2023, he was sentenced to 14 years in federal prison. The case was prosecuted by former AUSA Gina Nelson.

PROJECT SAFE CHILDHOOD PROSECUTIONS

United States v. Keenan Chidaushe

Production of Child Pornography

Keenan Chidaushe frequently met with teenage girls in the Brookings, South Dakota area for sexual encounters. He used his cell phone to record sexual activity with a female that he knew was under 18 years old. Chidaushe pleaded guilty to Production of Child Pornography, and in July 2023, he was sentenced to 17 ½ years in federal prison. The case was investigated by the Brookings Police Department and Homeland Security Investigations (HSI) and prosecuted by AUSA Jeff Clapper.

United States v. Caleb Cook

Receipt of Child Pornography and Assault on a Federal Officer

Between September 2016 and December 2021, Caleb Cook used the Internet to download images and videos depicting child pornography into his Dropbox account and other devices. This conduct was brought to the attention of law enforcement through a Cybertip sent by Dropbox to the National Center for Missing & Exploited Children (NCMEC). When the Dakota Territory Fugitive Task Force executed the arrest warrant on Cook at his workplace, Deputy U.S. Marshals attempted to place Cook into custody. Cook pulled a handgun out of his waistband, racked the slide, and barricaded himself in a restroom. The Rapid City Special Response Team and their negotiators were called in and were able to talk Cook out of the restroom. In April 2023, Cook was sentenced to five years in federal prison for the child pornography offense and 18 months in federal prison for assaulting a federal officer. The case was investigated by the South Dakota Division of Criminal Investigation Internet Crimes Against Children Task Force (ICAC), Pennington County Sheriff's Office (PCSO), Rapid City Police Department (RCPD), and the U.S. Marshals Service (USMS) and prosecuted by AUSA Heather Knox.

United States v. Nathan Hankins

Production and Possession of Child Pornography

Nathan Hankins, previously convicted in state court of sexually assaulting an 8-year-old, was caught receiving and possessing hundreds of images of child pornography. He elected to go to trial and was convicted of two counts of Possession of Child Pornography and sentenced to 10 years in federal prison, to run consecutive to a sentence for the hands-on state offense. During the investigation into his internet child pornography case, investigators located a video of child pornography Hankins produced of his then-14-year-old girlfriend and him engaged in sexual activity. He proceeded to trial and was convicted of production of child pornography. In January 2024, Hankins was sentenced to 24 years and four months in prison with 10 years of that sentence imposed consecutive to both his earlier federal sentence for possessing child pornography and his state prison sentence. The case was investigated by ICAC, DCI, and the RCPD and prosecuted by former AUSA Sarah Collins.

United States v. Sky Roubideaux

Attempted Enticement of a Minor Using the Internet

Sky Roubideaux used the social media app “Grindr” to meet a 15-year-old boy. Unknown to Roubideaux, the 15-year-old male he was attempting to coerce into meeting for sexual activity was an undercover agent. Roubideaux drove to the proposed meeting location in Sioux Falls, where he was arrested. From Roubideaux’s vehicle, law enforcement officers collected condoms, lubricant, and Roubideaux’s cell phone that contained all of the Grindr text messages with the undercover officer. Roubideaux went to trial, where he was found guilty. In July 2023, he was sentenced to 10 years in federal prison. The case was investigated by ICAC, FBI, HSI, SFPD, MCSO, and the DCI and prosecuted by AUSA Jeff Clapper.

United States v. Jason Sejnoha

Production of Child Pornography

Jason Sejnoha intentionally hid a camera in a home to create video recordings. The camera was disguised to be part of an electrical outlet and was placed in the bathroom of a home in Yankton, South Dakota. Sejnoha used the hidden camera to create video recordings of unclothed minors. The investigation began from a Cybertip indicating Sejnoha had distributed an image of child pornography on a Russian-based, file-sharing website. In June 2023, Sejnoha was sentenced to 15 ½ years in federal prison. The case was investigated by HSI, DCI, and the Yankton Police Department and prosecuted by AUSA Jeff Clapper.

United States v. Timothy Scott White, et al.

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

Timothy Scott White and his wife Leslie began sexually abusing their daughter when she was three years old. White photographed and recorded the sexual abuse and then distributed the recordings and images to other predators on the Internet. He also enticed other minors to engage in sexual acts, including causing one father to have sex with his young daughter for the purpose of receiving a live recording of the abuse. He also received, distributed, and possessed thousands of images of child pornography of other victims. In February 2024, White was sentenced to 45 years in federal prison. Leslie White will be sentenced in July 2024. The case was investigated by ICAC, FBI, PCSO, and RCPD and prosecuted by former AUSA Sarah Collins.

United States v. Terry Zoppe

Transportation of Child Pornography

Terry Zoppe transported hundreds of child pornography files over the Internet. After searching the Internet for child pornography, he downloaded files with child pornography to his two e-mail accounts. He knew the files contained child pornography before he chose to download them. When law enforcement searched his residence, they found child pornography saved on three cell phones. In February 2023, Zoppe was sentenced to 11 years and three months in federal prison. The case was investigated by HSI, DCI, ICAC, SFPD, and USMS and prosecuted by AUSA Jeff Clapper.

VIOLENT CRIME PROSECUTIONS **(non-reservation)**

United States v. Carlos Gomez-Grajeda

Transporting of Unauthorized Aliens

Carlos Gomez-Grajeda agreed to transport an illegal alien from California to South Dakota for money in April 2023. He pleaded guilty to the sole charge and was sentenced in August 2023 to one year and nine months in federal prison. The case was investigated by SDHP and HSI and prosecuted by Supervisory AUSA Connie Larson.

United States v. Ayub Ibrahim Mohamed

Bank Robbery

A few minutes before 11:00 a.m. on August 23, 2022, Ayub Ibrahim Mohamed entered a Wells Fargo Bank branch in Sioux Falls, demanding \$200,000 from the tellers. During his interactions with the tellers, Mohamed made it clear he wanted \$200,000 and that he was not afraid to “do a suicide bombing.” He was wearing sunglasses, a hood over his head, and a scarf covering the lower part of his face. He was also carrying a backpack slung across the front of his body. Tellers could see Mohamed was holding a portable radio device inside the backpack and had his fingers near or on one of the buttons of the radio device. Bank employees complied and provided \$200,000 cash to Mohamed. Officers from the SFPD and the MCSO responded to the bank and had it surrounded within a few minutes. Mohamed was consequently apprehended outside of the bank. The FBI also responded to investigate, and while a bomb was not located, FBI agents recovered a high-end radio typically used by emergency responders. A stolen firearm was also located in Mohamed’s backpack. Following his guilty plea to bank robbery, in June 2023, Mohamed was sentenced to five years and three months in federal prison. The case was prosecuted by AUSA Jeremy Jehangiri.

United States v. Charles Ohman

Possession of Firearm by a Prohibited Person

Charles Ohman was driving a vehicle in Alcester, South Dakota, when law enforcement attempted to stop the car. Ohman did not stop the vehicle, but instead fled from law enforcement, throwing a handgun, belt, and holster out the window of the car during the pursuit. The firearm was later found and turned in by an uninvolved citizen. Ohman possessed the firearm despite knowing he was prohibited from doing so because of a felony conviction. Ohman pleaded guilty, and in July 2023, he was sentenced to six years and three months in federal prison. The case was investigated by ATF, the Alcester Police Department, the Lincoln County Sheriff’s Office, and the Hawarden (Iowa) Police Department and prosecuted by Supervisory AUSA Connie Larson.

United States v. Louis Andrew Rabbitt, Jr.

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

Louis Andrew Rabbitt, Jr., failed to update his sex offender registration after moving from his registered address in July 2023. On September 20, 2023, when the U.S. Marshals Service arrived to arrest Rabbitt, he had not yet updated his sex offender registration. In an effort to avoid arrest, Rabbitt threatened Deputy U.S. Marshals with a baseball bat before being apprehended. Rabbitt

was indicted and proceeded to trial where he was found guilty by a jury. In April 2024, he was sentenced to six years and five months in federal prison. The case was investigated by the USMS with assistance from the Rosebud Sioux Tribe Law Enforcement Services and prosecuted by AUSA Wayne Venhuizen.

United States v. Harold Salway, Jr.

Possession of a Firearm by a Prohibited Person, Use of a Firearm During and in Relation to a Drug Trafficking Crime, and False Statement During the Purchase of a Firearm

Between January 2021 and March 2022, Harold Salway, Jr. purchased at least 43 firearms from various firearms dealers in the Rapid City area. An investigation revealed Salway purchased the firearms for the purpose of trading them for drugs or selling or providing the firearms to others who were prohibited from possessing them. Several of these firearms were later recovered by law enforcement in crimes or in the possession of individuals, including minors, who were prohibited from possessing the firearms. At the time Salway purchased the firearms, he made false statements on each of the applications in order to obtain them. In several transactions, Salway would trade firearms he had unlawfully obtained for illegal substances, including marijuana, or other firearms. Salway pleaded guilty to Possession of a Firearm by a Prohibited person, Use of a Firearm During and in Relation to a Drug Trafficking Crime, and two counts of False Statement During the Purchase of a Firearm. In September 2023, Salway was sentenced to 10 years in federal prison. The case was investigated by the ATF and RCPD and prosecuted by Supervisory AUSA Ben Patterson.

United States v. Kujali Strawther

Possession of a Firearm by a Prohibited Person

The South Dakota Highway Patrol conducted a traffic stop on Kujali Strawther for driving over the speed limit. A search of his vehicle resulted in the discovery of over two pounds of marijuana and a Glock pistol which had been altered to shoot automatically. Strawther possessed the firearm despite knowing he was prohibited from doing so because of a prior felony conviction. Strawther pleaded guilty, and in December 2023, he was sentenced to four years in federal prison. The case was investigated by the SDHP and HSI and prosecuted by AUSA Paige Petersen.

United States v. Jose Uribe

Conspiracy to Commit Carjacking and Use and Brandishing of a Firearm During the Commission of a Crime of Violence

In May 2022, Uribe and two others conspired in Sioux Falls to forcibly take a car from its driver who had given them a ride. Uribe threatened the driver by pointing a shotgun at him, racking the slide, and telling him to get out of the car. The driver got out of the car and Uribe and the other two individuals drove the car away, eventually fleeing from police officers in the vehicle and on foot. In September 2023, Uribe entered guilty pleas to Conspiracy to Commit Carjacking and Use and Brandishing of a Firearm During the Commission of a Crime of Violence. He was sentenced in November 2023 to 12 years in federal prison. The investigation was completed by the SFPD and ATF and prosecuted by Supervisory AUSA Connie Larson.

WHITE COLLAR AND OTHER FRAUD PROSECUTIONS

United States v. Antyon Hamilton Hogan, Jr., et al.

Conspiracy to Commit Bank Fraud and Conspiracy to Launder Monetary Instruments

From 2020 to April 2022, Antyon Hamilton Hogan, Jr., Marvin Antuan Williams, Keyvon Hamilton Hogan, Giovanni Hamilton Hogan, Emilio Herrera, and Cameron Terrill Hardiman engaged in a wide-ranging conspiracy to defraud financial institutions throughout southeastern South Dakota. Hogan, Jr. and his co-conspirators engaged in a variety of financial crimes to perpetrate bank fraud, including stealing checks from mailboxes, altering legitimate checks as payable to members of the conspiracy, and taking over accounts via on-line banking applications. After obtaining funds through various fraudulent schemes, the co-conspirators laundered the ill-gotten gains through financial institutions to conceal and disguise the proceeds of the fraud scheme. The victims of the conspiracies included individual bank customers and over a dozen financial institutions, resulting in a loss amount exceeding \$1,500,000. Antyon and his brothers, Keyvon and Giovanni, each pleaded guilty to Conspiracy to Launder Monetary Instruments. Williams and Hardiman likewise pleaded guilty to the same offense, while Herrera pleaded guilty to Conspiracy to Commit Bank Fraud. Between March 2023 and June 2023, the six defendants were sentenced to the following terms and ordered to forfeit property and pay over \$563,000 in restitution: Antyon was sentenced to 11 years and 8 months in federal prison; Williams was sentenced to nine years in federal prison; Hardiman was sentenced to three years and ten months in federal prison; Keyvon was sentenced to one year and seven months in federal prison; Herrera was sentenced to two years of probation; and Giovanni was sentenced to two years of probation. The case was investigated by IRS-CI and HSI and prosecuted by AUSA Jeremy Jehangiri.

United States v. Harvey Hugs

Trafficking Golden Eagle Feathers in Violation of the Bald and Golden Eagle Protection Act

Following an investigation by the United States Fish and Wildlife Service and the Montana Fish and Game Department, Harvey Hugs was convicted at trial of three counts of Trafficking Golden Eagle Feathers in violation of the Bald and Golden Eagle Protection Act. In February 2020, Montana authorities received information that Hugs, who had been convicted of trafficking in eagle parts in 2012, was again involved in trafficking golden eagle feathers. Between August 2020, and November 2020, law enforcement utilized recorded phone calls and text messages in which Hugs offered to sell various eagle feathers. On three separate occasions, Hugs knowingly sold golden eagle tails and wings for hundreds to thousands of dollars. For each sale, Hugs mailed the golden eagle feathers to South Dakota. A search warrant was executed at Hugs' Montana home in March 2021, where multiple items, including several eagle tails and wings, were seized. The U.S. Fish and Wildlife Forensics Lab in Ashland, Oregon, was able to determine that items seized from Hugs' home genetically matched items Hugs sold and shipped to South Dakota during this investigation. In total, 14 juvenile eagles were genetically identified from the items seized. Hugs was sentenced in June 2023 to three years in federal prison. Hugs was also ordered to pay \$70,000 in restitution for the 14 juvenile eagles he killed. The case was prosecuted by AUSA Meghan Dilges.

United States v. Reva Plunkett

Wire Fraud

Reva Plunkett was employed as the bookkeeper for two businesses owned and operated by her mother-in-law and father-in-law in Watertown, South Dakota. In Plunkett's capacity as a bookkeeper for each business, she was responsible for managing and reconciling various business accounts. Her duties included writing checks to pay for business expenses, such as payroll and vendor payments. On multiple occasions between January 2015 and February 2022, Plunkett stole money from her in-laws' businesses by falsely and fraudulently writing checks payable to herself that were drawn on business accounts. The checks were not for her wages or salary, nor were they for any other legitimate purpose. Plunkett deposited the checks into her account and used the funds for her own purposes. Plunkett disguised her theft by falsely recording in the businesses' accounting system that the checks were payable to vendors, which made the checks appear to be legitimate business expenses. Plunkett also falsely adjusted the business inventory to make it appear the money was actually spent on products for the businesses. Plunkett stole a total of \$686,161.92 from her in-laws' businesses. Plunkett pleaded guilty to Wire Fraud, and in July 2023, she was sentenced to seven years and ten months in federal prison. The case was investigated by the FBI, DCI, and the Watertown Police Department and prosecuted by AUSA Ann Hoffman.

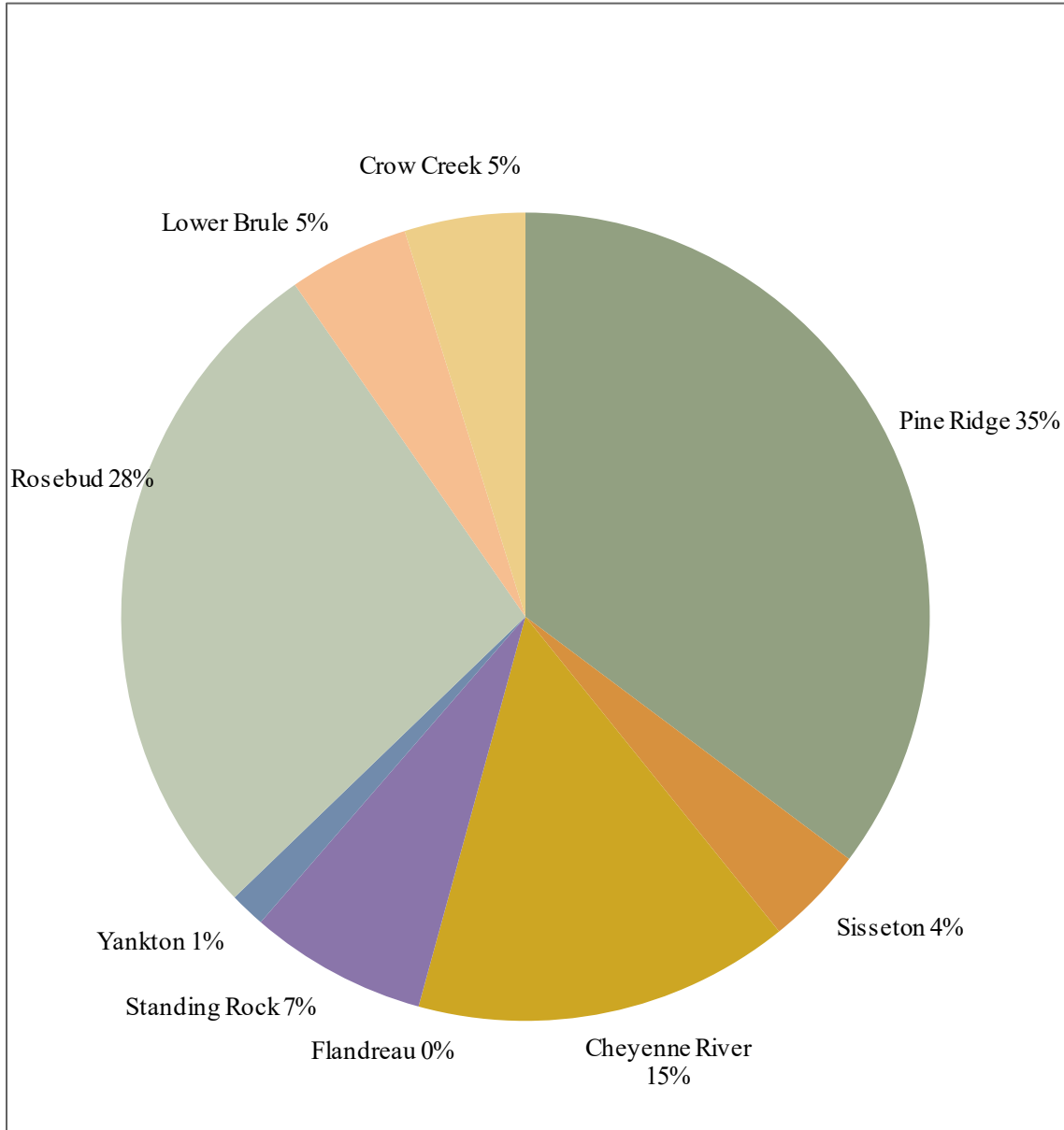
United States v. Asher Wagh

Failure to Withhold, Properly Account For, and Pay Over Tax

Between 2015 and 2017, Asher Wagh was a co-owner and the sole manager of Captech International LLC, an ammunition component manufacturing company located in Rapid City, South Dakota. As the sole manager, Wagh was responsible for withholding, accounting for, and paying over federal payroll taxes, including federal income tax, Social Security, and Medicare taxes. Between 2015 and 2017, Wagh withheld the payroll taxes from employees' paychecks and then willingly failed to pay over the taxes to the IRS. Thereafter, Wagh used at least a portion of the withholdings for his own personal use. In total, Wagh failed to pay over to the IRS more than \$273,000. Wagh pleaded guilty to Failure to Withhold, Properly Account For, and Pay Over Tax and was sentenced to 14 months in federal prison and ordered to pay \$273,766.98 in restitution to the Internal Revenue Service. The case was prosecuted by Supervisory AUSA Ben Patterson.

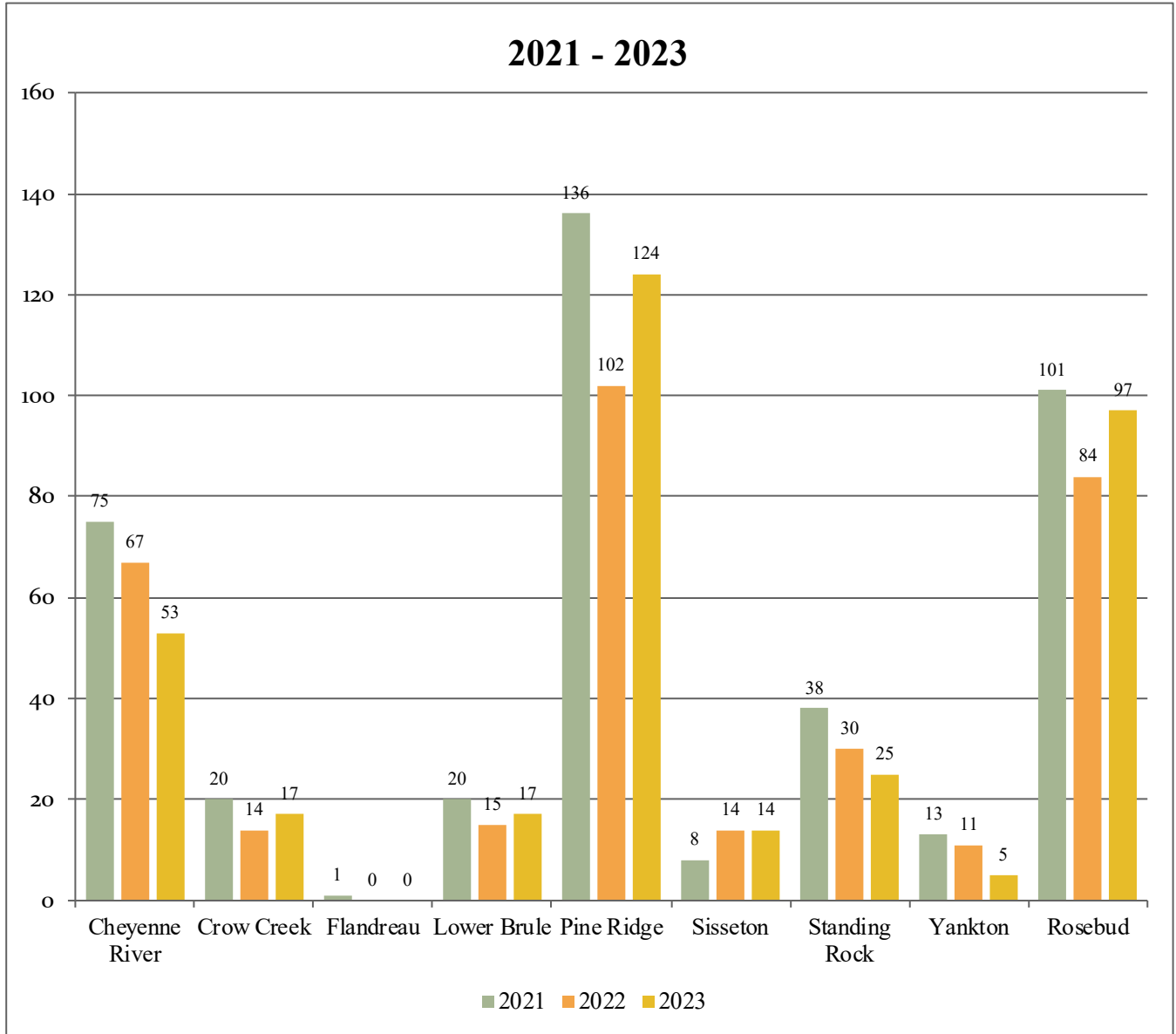
STATISTICAL HIGHLIGHTS

Percentage of Indian Country Defendants Charged by Reservation



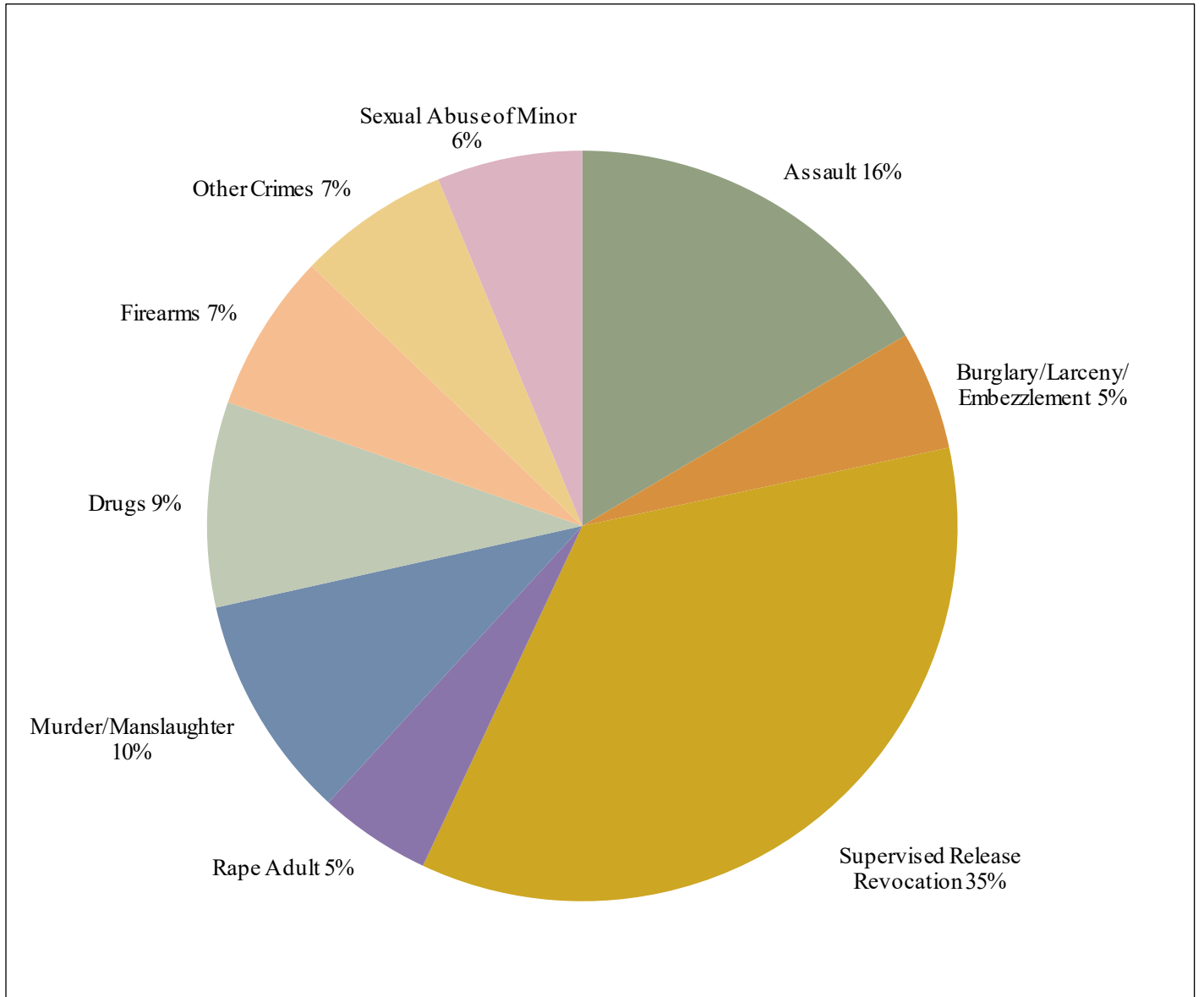
STATISTICAL HIGHLIGHTS

Indian Country Defendants Charged by Reservation



STATISTICAL HIGHLIGHTS

Indian Country Defendants² Charged by Criminal Offense



² Includes juveniles

Reservation	Assault	Burglary/ Larceny/ Embezzlement	Drugs	Firearms	Manslaughter/ Murder	Other	Supervised Release Revocation	Probation Revocation	Sexual Abuse of Minor	Rape Adult	Total
Cheyenne River	11	3	4	8	1	4	19	0	1	2	53
Crow Creek	1	1	4	0	1	2	6	0	1	1	17
Flandreau	0	0	0	0	0	0	0	0	0	0	0
Lower Brule	3	1	4	1	1	0	6	0	1	0	17
Pine Ridge	13	2	18	9	22	4	37	0	11	8	124
Rosebud	22	4	1	6	6	7	38	1	8	4	97
Sisseton	0	7	0	0	1	2	4	0	0	0	14
Standing Rock	8	0	0	0	2	2	11	0	0	2	25
Yankton	0	0	0	0	0	2	3	0	0	0	5
Totals	58	18	31	24	34	23	124	1	22	17	352

SIGNIFICANT CRIMINAL PROSECUTIONS

Indian Country



CHEYENNE RIVER RESERVATION

Cheyenne River Sioux Tribe

United States v. Ramon Louis Bagola

Assault Resulting in Serious Bodily Injury

On the evening of May 16, 2022, Ramon Louis Bagola received a ride from an acquaintance in Eagle Butte, South Dakota. As the acquaintance walked up a stairwell to his apartment, Bagola and another individual assaulted the acquaintance, knocked him unconscious, and stole his car keys and wallet. Bagola fled the scene in the acquaintance's Trailblazer. The assault and robbery were unprovoked. Bagola pleaded guilty to Assault Resulting in Serious Bodily Injury and was sentenced to three years and four months in federal prison. The case was investigated by the Cheyenne River Sioux Tribe Law Enforcement (CRSTLE) and prosecuted by AUSA Carl Thunem.

United States v. Sarah Jahner Clifford, Sydney Garreau, and Carlin Jimi Jewett, Jr.

Conspiracy to Distribute Methamphetamine and Possession of an Unregistered Firearm

Sarah Jahner Clifford was involved in an extensive conspiracy with several other individuals, including Sydney Garreau and Carlin Jimi Jewett, Jr., to distribute methamphetamine in and around the central South Dakota area, including on the Cheyenne River Indian Reservation and other reservations in South Dakota from 2021 through 2022. Federal and tribal investigators worked together to find that Clifford was receiving significant quantities of methamphetamine from sources in Denver, Colorado. Clifford and others would transport the methamphetamine back to South Dakota where it was sold by Clifford and those working for her, including Garreau and Jewett, on the reservations. As part of the conspiracy, Clifford, who is a felon, possessed various firearms, including a Stevens Arms shotgun with a barrel length of 14 inches that was not registered to Clifford in the National Firearms Registration and Transfer Record. Garreau and Jewett pleaded guilty to Conspiracy to Distribute a Controlled Substance. Garreau was sentenced in June 2023 to 12 ½ years in federal prison, and Jewett was sentenced in May 2024 to five years in federal prison. Clifford pleaded guilty to Conspiracy to Distribute a Controlled Substance and Possession of an Unregistered Firearm, and in September 2023, she was sentenced to 19 years in federal prison. The case was investigated by the FBI and CRSTLE and prosecuted by AUSA Meghan Dilges.

United States v. Stuart Cochran, Sr.

Second Degree Murder

On the morning of June 25, 2022, Stuart Cochran, Sr. was driving home to Dupree, South Dakota, from work in Eagle Butte when he passed a man walking on the shoulder of US Hwy 212. Cochran executed a U-turn and pulled up next to the man. Cochran strongly disliked the man based on a history of mutual provocations and altercations. After exchanging profanities with the man, Cochran drew a pistol, leveled it at the man, and pulled the trigger. When the gun did not fire, Cochran racked the pistol slide and pulled the trigger again, shooting the man in the face and killing him. Cochran pleaded guilty to Second Degree Murder and was sentenced in October 2023 to 16 years in federal prison. The case was investigated by the FBI and CRSTLE and prosecuted by AUSA Carl Thunem.

United States v. Weston Clausen, Jalen Ducheneaux, and Ford Traversie

Theft of a Firearm from Federal Firearm Licensee and Third Degree Burglary

During the weekend of August 13-15, 2022, Weston Clausen, Jalen Ducheneaux, and Ford Traversie burglarized Reloaders Corner, a licensed federal firearm retailer in Isabel, South Dakota. Investigators learned that Clausen and Ducheneaux planned the burglary after Clausen had purchased a firearm from the business. Traversie served as a lookout during the burglary. The three men broke into the business after hours and stole 105 firearms, along with ammunition and other items. Some of the firearms were then illegally trafficked to other individuals. Some of the stolen firearms have been recovered in various communities in South Dakota and throughout the Midwest. The three men all pleaded guilty to Theft of a Firearm from Federal Firearm Licensee and Third Degree Burglary. Traversie was sentenced in October 2023 to three years and four months in federal prison. In November 2023, Clausen was sentenced to 10 years in federal prison and Ducheneaux was sentenced to 12 years in federal prison. All three defendants were ordered to pay restitution in the amount of \$20,188 to the victim for the unrecovered firearms. The case was investigated by the Dewey County Sheriff’s Office, CRSTLE, ATF, BIA, and the FBI and prosecuted by AUSA Meghan Dilges.



CROW CREEK RESERVATION
Crow Creek Sioux Tribe

United States v. James Drapeau

Assault with a Dangerous Weapon and Child Abuse

James Drapeau was living in Crow Creek Housing in Buffalo County with his wife and her three children. In May 2022, Drapeau, frustrated over a perceived slight, beat one of the children relentlessly with a broomstick and electrical cord. The victim was able to escape from the back bedroom in which he was confined and run to the front living room. Drapeau caught up to the

victim, threw him to the ground, and proceeded to kick him about the body with shod feet. As a result of the brutal assault, the young victim sustained significant bruising on his head, lower back, arms, buttocks, and legs. A jury found Drapeau guilty following a two-day trial in April 2023. In July 2023, Drapeau was sentenced to two years and three months in federal prison. The case was investigated by the BIA and prosecuted by AUSA Troy Morley.

United States v. Carl Estes

Abusive Sexual Contact of a Child

Carl Estes was living in Buffalo County with his girlfriend and her children. In the spring/summer of 2021, Estes was observed touching the genitalia of his girlfriend's five-year-old child. Estes admitted to investigators that he had sexually abused the victim and drew a diagram indicating which part of his hand he used in the sexual assault. Estes pleaded guilty in January 2023, and in May 2023, he was sentenced to 13 years in federal prison. The case was investigated by the FBI and prosecuted by AUSA Troy Morley.

United States v. Jeffery Pickner

Aggravated Sexual Abuse of a Child

Jeffery Pickner was living in Crow Creek Housing in Buffalo County, in the early 1990s. On multiple occasions between 1994 and 1996, Pickner would crawl into bed with a juvenile male and sexually abuse him. The abuse was not reported until many years later when the child was an adult. In June 2022, Pickner was indicted by a federal grand jury. He later pleaded guilty to two counts of Aggravated Sexual Abuse of a Child, and in November 2023, he was sentenced to 11 years and 3 months in federal prison. The case was investigated by the FBI and prosecuted by AUSA Troy Morley.



LAKE TRAVERSE RESERVATION

Sisseton Wahpeton Oyate Sioux Tribe

United States v. Jay Adams

Voluntary Manslaughter

In 1992, in Roberts County, Jay Adams killed a minor victim, in the heat of passion, by inflicting fatal blunt force trauma to her head. Adams did not seek medical attention for the victim and later the same day discovered she had died. Adams feigned ignorance as to the cause of the victim's injury. In early 2023, new evidence came to light which implicated Adams in the death of the victim. In November 2023, Adams pleaded guilty and signed documents admitting he used violent force to inflict the injury upon the victim in the early morning hours of September 4, 1992. Adams will be sentenced in June 2024. The case was investigated by the Sisseton-Wahpeton Tribal Police Department and the FBI and prosecuted by AUSA Troy Morley.

United States v. Kayline Joy LaBelle, Elaine Blanche King, Duane Randy LaBelle, Jr., Shayline Lena Max, and Jacenta Rae Varns

Embezzlement from an Indian Tribal Organization and Aiding and Abetting

Kayline Joy LaBelle was the elected treasurer of the Buffalo Lake District of the Sisseton-Wahpeton Oyate Sioux Tribe. While serving in that capacity from 2018 to 2022, Kayline engaged in an embezzlement scheme that involved unlawfully stealing money through fraudulent checks for herself and her siblings, King and Duane, and her friends, Max and Varns. Kayline and her co-defendants cashed the checks at casinos and various businesses throughout northeastern South Dakota, spending the funds on gambling, controlled substances, and other personal items. The total loss attributable to this long-running embezzlement scheme amounted to over \$203,000. As a result of her conviction, Kayline was sentenced in December 2023 to five years in federal prison and ordered to pay \$203,283 in restitution. The case was investigated by the FBI and prosecuted by AUSA Jeremy Jehangiri.



LOWER BRULE RESERVATION
Lower Brule Sioux Tribe

United States v. Justice Long

First Degree Burglary

Justice Long unlawfully entered a Lower Brule residence in July 2022. Once inside the residence, he struck the homeowner about the head and face with a metal bar, causing injuries that required medical attention. Long was indicted in September 2022, pleaded guilty in April 2023, and was sentenced to three years and ten months in federal prison in July 2023. The case was investigated by the BIA and prosecuted by AUSA Troy Morley.

United States v. Joseph Thompson, Sr.

Voluntary Manslaughter

On March 25, 2023, in Lower Brule, Joseph Thompson, Sr. was at the home of an acquaintance when he heard a disturbance outside the residence. Thompson left the residence, walked around the corner of the home, and saw a man standing near the home. Thompson produced a knife and stabbed the man five times, piercing his heart and killing him. There was no indication that the other man was displaying a weapon when Thompson fatally stabbed him. Thompson was found guilty following a three-day jury trial in July 2023. In November 2023, Thompson was sentenced to 10 years and eight months in federal prison. The case was investigated by the FBI and BIA and prosecuted by AUSA Troy Morley.



PINE RIDGE RESERVATION

Oglala Sioux Tribe

United States v. Trent Brewer

Second Degree Murder

In April 2023, Trent Brewer was drinking in Pine Ridge, South Dakota, with his friend Alec Dillon and others. While walking back to Brewer's trailer, Brewer and Dillon got into a verbal argument. During the argument, Dillon called Brewer a "little bitch." Dillon then entered Brewer's trailer and sat on a couch with his girlfriend. Brewer, still upset about Dillon's insult, left the room and returned with a handgun. Brewer confronted Dillon about Dillon's insult and then opened fire on Dillon. Brewer shot Dillon six times, thereby killing him. A bullet also grazed Dillon's girlfriend's leg during the barrage. Brewer then fled to Rapid City where he hid out until a fugitive task force apprehended him on April 6, 2023. In August 2023, Brewer pleaded guilty to Second Degree Murder, and in November 2023, he was sentenced to 16 years and eight months in federal prison. The case was investigated by the FBI and prosecuted by AUSA Anna Lindrooth.

United States v. Spencer High Hawk

Aiding and Abetting Second Degree Murder

On June 24, 2022, seventeen-year-old Akicita Fast Horse and eighteen-year-old Dominick Jealous of Him walked over to the elderly Acorn High Hawk's home in Wounded Knee, South Dakota, to play cards and dice. Acorn and Dominick were related. Acorn's son, Spencer High Hawk, was visiting at the time and joined in the cards and dice. During the games, Dominick won a bottle of vodka. Dominick and Akicita tried to leave the house with the vodka. This angered Acorn and Spencer. Spencer shut the front door, grabbed a metal club, and blocked the exit while Acorn retrieved a wooden bat and began swinging at Akicita. Dominick tried to flee past Spencer, but Spencer knocked Dominick to the ground and beat him to death with the club. Acorn injured Akicita, but Akicita escaped the older man's clutches, successfully broke out the front door, and ran to his mother's home, where 911 was called. As Akicita escaped the home, he saw Dominick lying motionless on the ground while Spencer beat him repeatedly with the club. After Akicita ran, Spencer and Acorn cleaned the blood in the house, dragged Dominick's body to a creek about 900 feet from the home, and covered the body with sticks and logs. Spencer then logged onto Facebook and bragged to his sister and two female friends that he had killed "someone." Spencer High Hawk was arrested the next day. Co-defendant Acorn High Hawk passed away before trial. At trial, the forensic pathologist testified that Dominick suffered more than thirty separate blunt force injuries, most of which were concentrated to his head, and that the cause of death was blunt force trauma. In September 2023, Spencer High Hawk was convicted of aiding and abetting Second Degree Murder. In December 2023, he was sentenced to 30 years in federal prison. The case was investigated by the FBI and prosecuted by AUSAs Anna Lindrooth and Megan Poppen.

United States v. JT Myore

Second Degree Murder

In May 2021, JT Myore was at a party at a residence in the Number 4 Housing area, just outside of Pine Ridge, South Dakota. Myore and two other men had carjacked a red vehicle from a man in Pine Ridge just a few hours prior to arriving at the November 4 Housing area. The man who was carjacked suffered a broken arm as a result of the carjacking. When Myore arrived at the Number 4 Housing area, he was intoxicated. Many of the other partygoers were also intoxicated. One of the partygoers accused the victim, Leon Lakota, of being a child molester, and a knife was acquired from within the residence and brought outside. The victim tried to deescalate matters and attempted to walk away. Myore took the knife and followed the victim. Myore stabbed the victim three times leading to his death. After stabbing the victim, Myore went back inside the residence and attempted to sleep. Other partygoers disposed of the knife and developed a story that someone in a red vehicle had killed the victim. The murder case was tried to a jury in October 2023, and Myore was convicted of Second Degree Murder. His carjacking case was separately tried to a jury in September 2023, which convicted him of robbery and other charges. For all the convictions, Myore was sentenced to 45 years in federal prison. The case was investigated by the FBI and the Oglala Sioux Tribe Department of Public Safety (OSTDPS) and prosecuted by AUSAs Megan Popen and Anna Lindrooth.

United States v. Anthony Red Elk

Aggravated Sexual Abuse of a Minor by Force

Law enforcement received a report that Anthony Red Elk had sexually molested a male relative in 2020. The investigation revealed that Red Elk sexually assaulted another female relative over the course of more than a decade. Red Elk sexually assaulted the victim when she was ten years old, while she babysat Red Elk's child in his home. Red Elk then sexually abused the same female in 2018 and again in 2019 at Wanblee, South Dakota, after she had reached the age of 18. Red Elk threatened the victim not to tell anyone and taunted her, saying no one would believe her if she did come forward. Red Elk previously worked at the Crazy Horse School in Wanblee as a basketball coach, bus driver, and custodian. He also worked in a juvenile detention facility. In January 2019, he was fired from the Crazy Horse School for sending sexually explicit Facebook messages to a student. In July 2023, Red Elk was convicted by a jury of all charges concerning the female victim. In December 2023, Red Elk was sentenced to three life terms in federal prison. The case was investigated by the FBI and OSTDPS and prosecuted by AUSA Heather Knox.

United States v. Joshua Sharp

Abusive Sexual Contact and Possession of Child Pornography

Joshua Sharp and the minor victims' mother were involved in a long-term relationship. Sharp and the victims' mother shared one child together. The victims considered Sharp a stepfather. While the victims' mother was at work, Sharp sexually abused both victims multiple times over many years. The oldest victim did not report the abuse until she was approximately 11 years old. During the oldest victim's forensic interview, she disclosed that Sharp had her drink alcohol and smoke marijuana. After becoming high, Sharp would sexually abuse her. The oldest victim also reported that Sharp would have her and her sister watch pornographic videos on an electronic device. A search of Sharp's cell phone and email revealed at least 40 images and three videos of child pornography. One particular image on Sharp's device involved a prepubescent child engaging in

sexually explicit conduct. Sharp pleaded guilty to Abusive Sexual Contact and Possession of Child Pornography, and in October 2023, he was sentenced to 30 years in federal prison. The case was investigated by the FBI, OSTDPS, and ICAC and prosecuted by AUSA Megan Poppen.

United States v. Jesse Sierra and Dustin Sierra

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

In July 2019, Jesse Sierra and his brother Dustin convinced an adult female victim to leave her place of employment with them. When Dustin began driving the female to the Pine Ridge Reservation against her will, Jesse wrapped his arm around her neck and strangled her until she became unconscious. Each time the woman regained consciousness, Jesse strangled her again. Between July 13th and July 17th, Jesse inflicted multiple physical and sexual assaults upon the woman while he moved her to various hiding spots on the Pine Ridge Reservation. On July 17, 2019, Dustin drove Jesse and the woman to Chadron, Nebraska, to evade capture. Jesse then hid the victim in a motel in Crawford, Nebraska. On July 21, 2019, Jesse dropped the woman off at the emergency room in Chadron, Nebraska. Local, state, and federal law enforcement agencies searched for the victim from July 14, 2019, until July 21, 2019, when she was located at the Chadron hospital. The Sierra brothers were convicted on all counts following a jury trial in October 2022. In February 2023, Jesse Sierra was sentenced to life in federal prison, and Dustin Sierra was sentenced to 10 years and one month in federal prison for his role in the offenses. The case was investigated by the FBI, RCPD, BIA, OSTDPS, PCSO, Box Elder Police Department, Dawes County Sheriff's Office, Chadron Police Department, and the Nebraska State Patrol and prosecuted by AUSA Heather Knox.

United States v. Elijah West

First Degree Murder

A month-long, firearm-related crime spree ended on January 5, 2022, with Elijah West shooting three defenseless, unarmed people in a home near Manderson, South Dakota. He was invited in out of the cold by the homeowner and after a brief conversation, he opened fire, killing three of the four people present in the house. West forced the remaining witness out into the cold to find a ride to town. The witness immediately contacted the police when separated from the defendant. West proceeded to trial and was convicted of seven criminal counts, including First Degree Murder as to all three victims as well as additional firearms charges. In December 2023, he was sentenced to three consecutive life sentences in federal prison. The case was investigated by the FBI and OSTDPS and prosecuted by former AUSA Sarah Collins and Supervisory AUSA Ben Patterson.

United States v. Gabriel White Plume, Sr.

Aggravated Sexual Abuse, Sexual Abuse, Assault Resulting in Serious Bodily Injury, Tampering with a Witness, Assault by Strangulation and Suffocation, Distribution of a Controlled Substance to an Individual Under 21, and Assault Resulting in Substantial Bodily Injury of a Dating Partner

In January 2023, Gabriel White Plume, Sr., and the female victim used methamphetamine and alcohol together inside White Plume's mother's house in Manderson, South Dakota. White Plume and the victim had been engaged in an intimate relationship with one another for the last several months and were dating partners. On the evening of the assault, the victim was intoxicated and high on methamphetamine. White Plume knew the victim was intoxicated and high and caused the

victim to engage in a number of different sexual acts with a third party, Edison Jumping Eagle, a friend and relative of White Plume. Jumping Eagle was charged separately for these acts, and his case is still pending. During the criminal sexual acts, White Plume restrained the victim by grabbing her arm and strangling her so that she could not resist while Jumping Eagle sexually assaulted her. As a result of the violent assault, the victim also sustained serious bodily injury. Surgical intervention and hospitalization were required to repair the injury. While in custody in Pine Ridge, South Dakota, White Plume called the victim over Facebook messenger and encouraged her to drop the charges. White Plume was convicted at trial and sentenced to 40 years in federal prison. The case was investigated by the FBI and OSTDPS and prosecuted by AUSAs Megan Poppen and Anna Lindrooth.

United States v. Lloyd Yankton, Jr.

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

In July 2023, in Kyle, South Dakota, Lloyd Yankton, Jr. kidnapped his significant other, Gale One Horn, by holding her against her will in his trailer for three days. Yankton prevented One Horn from leaving by beating her with a wooden table leg and a four-foot-long metal bar, whipping her with a heavy electrical cord, and—most significantly—burning her from her feet to her shoulders with a blow torch. During the assaults, Yankton told One Horn he was going to kill her. The investigation revealed several years of severe domestic abuse by Yankton against One Horn, including a prior kidnapping where Yankton bound One Horn’s arms and legs with duct tape while assaulting her; an incident where Yankton sliced One Horn’s stomach open with a knife, leaving a six-inch laceration; an incident where Yankton stabbed One Horn in the back and the hand; and an assault where Yankton burned One Horn’s arm with a branding iron. In October 2023, Yankton pleaded guilty to two counts of Assault with a Dangerous Weapon and one count of Assault Resulting in Serious Bodily Injury. In January 2024, Yankton was sentenced to 22 ½ years in federal prison. The case was investigated by the OSTDPS and prosecuted by AUSA Anna Lindrooth.



ROSEBUD RESERVATION
Rosebud Sioux Tribe

United States v. Jamaul Carter, Anne Cordier, and Georgette Long Warrior

Conspiracy to Distribute Methamphetamine

Jamaul Carter, a/k/a Mud, a/k/a Mudd Roll, was responsible for organizing the shipment of large amounts of methamphetamine from California to South Dakota where it was then distributed on the Rosebud Sioux Indian Reservation. Investigators learned that from September 2021 and continuing until November 2022, Carter was utilizing the mail to send multi-pound packages of methamphetamine to various individuals on the reservation, including to Anne Cordier and Georgette Long Warrior, who then further distributed the drugs on the reservation. In addition to shipping the drugs, Carter would transport multiple pounds of methamphetamine to South Dakota

to his co-conspirators. During the course of the conspiracy, Carter was responsible for trafficking over 100 pounds of methamphetamine. Carter, Cordier, and Long Warrior each pleaded guilty to Conspiracy to Distribute a Controlled Substance. Cordier was sentenced in August 2023 to 10 years in federal prison; Long Warrior was sentenced in November 2023 to 18 years in federal prison; and Carter was sentenced in December 2023 to 25 years in federal prison. The case was investigated by the FBI and Rosebud Sioux Tribe Law Enforcement Services (RSTLES) and prosecuted by AUSA Meghan Dilges.

United States v. Joseph Cloudman

Assault with a Dangerous Weapon

Shortly after midnight on February 6, 2022, the victim and the victim's girlfriend returned to the girlfriend's residence in Rosebud, South Dakota, after an evening at the casino. Joseph Cloudman had been drinking at the residence with other individuals while the couple was at the casino. Cloudman was asked to leave the residence once the victim and the victim's girlfriend returned. Cloudman willfully exited the residence but remained outside the property. The victim then exited the residence to speak with Cloudman and the two walked down the road. According to the victim, Cloudman suddenly produced a knife and then used the knife to stab him. Cloudman admitted to stabbing the victim, stating he did so after the victim "got in his face." Cloudman further admitted that he should not have used the knife on the victim. The victim suffered at least seven stab wounds to his upper body and head. Cloudman pleaded guilty to Assault with a Dangerous Weapon, and in April 2023, he was sentenced to five years in federal prison. The case was investigated by the RSTLES and prosecuted by former AUSA Abby Roesler.

United States v. Stephen Fallis, et al.

Second Degree Murder, First Degree Burglary, Possession of a Stolen Firearm, and Prohibited Person in Possession of a Firearm

In the early morning hours of February 16, 2022, Sativa Looking Cloud and Stephen Fallis drove to a residence in Mellette County. Both were in possession of handguns. Looking Cloud entered the residence without permission and argued with the occupants. She then produced her handgun and fired multiple shots in the direction of the occupants, causing them to flee into another room. Looking Cloud and Fallis then departed the residence in their vehicle. The occupants of the residence called 911. On the morning of February 17, 2022, law enforcement executed a search warrant at Fallis's Todd County residence, seizing multiple firearms, including two firearms bearing obliterated serial numbers. In the evening of February 17, 2022, Fallis and Looking Cloud were at another residence in Mellette County. Looking Cloud got into an argument with a woman and produced her handgun. She fired a single shot at the woman at point blank range, striking her in the chest. Looking Cloud and Fallis fled the residence. The occupants of the residence heard the gunshot and called 911. The woman was pronounced dead at the scene. Looking Cloud and Fallis were subsequently arrested in possession of handguns. Fallis admitted to being an unlawful user of controlled substances. Looking Cloud pleaded guilty to Second Degree Murder and First Degree Burglary. In May 2023, she was sentenced to 20 years in federal prison. Fallis pleaded guilty to Possession of a Stolen Firearm and Prohibited Person in Possession of a Firearm. In May 2023, he was sentenced to eight years in federal prison. The case was investigated by the RSTLES, FBI, and USMS and prosecuted by AUSA Kirk Albertson.

United States v. Marshall Knife

Sexual Abuse of a Minor

In December 2021, a minor victim disclosed sexual acts committed by her stepfather, Marshall Knife. The victim provided details for a specific incident that occurred in the early part of September 2020, after Knife's brother passed away. Knife and others were consuming alcohol at Knife's residence in rural Todd County. As the night progressed, only three individuals remained outside in the family vehicle, namely the victim, Knife, and a friend of Knife's. At one point, Knife and his friend exited the vehicle and Knife made a comment about wanting to take the victim's virginity. With the driver's door open, Knife proceeded to position himself behind the victim as she was bent over the driver's seat and vaginally penetrated her. The victim was approximately 14 years old at the time while Knife was 37 years old. Knife pleaded guilty to Sexual Abuse of a Minor, and in May 2023, he was sentenced to five years and eleven months in federal prison. The case was investigated by the FBI and RSTLES and prosecuted by former AUSA Abby Roesler.

United States v. Justin Moreno

Abusive Sexual Contact

In January 2022, Justin Moreno came to the residence of the victim, an adult woman, who lived in Mellette County. The victim was sleeping, but Moreno woke her up and began to grope her. The victim tried to push Moreno away, but Moreno persisted and pulled the victim's pants down and vaginally raped her. Moreno pleaded guilty to Abusive Sexual Contact and was sentenced in May 2023 to nine years and six months in federal prison. The case was investigated by the RSTLES and prosecuted by AUSA Kirk Albertson.

United States v. Cordero Morris

Assault With a Dangerous Weapon

In September 2022, Cordero Morris was riding in a vehicle driven by the victim, Morris' spouse and intimate partner. Morris and the victim subsequently got into an argument and Morris produced a knife, which he used to cut the victim on her arm. The victim stopped the vehicle and Morris got out, at which point the victim drove away. The victim drove to the residence of a family member in Mission, South Dakota, and the family member called 911. In April 2023, while the case was pending trial, Morris called the victim from jail and attempted to persuade her to change her description of the incident and to say she did not remember what happened. Morris later pleaded guilty to Assault With a Dangerous Weapon. In July 2023, he was sentenced to 10 years in federal prison. The case was investigated by the RSTLES and prosecuted by AUSA Kirk Albertson.

United States v. Noah White Lance

Voluntary Manslaughter and Child Abuse

In early August 2022, Noah White Lance and his two daughters, ages 8 and 9, relocated to Mission, South Dakota, from Rapid City, South Dakota, while White Lance's wife remained in Rapid City. White Lance and his daughters lived with a relative of White Lance's wife. While residing in Mission, White Lance physically abused his younger daughter by striking her in the head and body. White Lance also ordered his older daughter to abuse her sister. On August 11, 2022, White Lance instructed his older daughter to "discipline" her sister for violating her bathroom

privileges. Consistent with White Lance's instructions, the older daughter abused her sister in a bedroom, and pulled her to the floor. That caused the younger girl to become non-responsive. Rosebud Sioux Tribe Law Enforcement Officers and Rosebud Sioux Tribe Emergency Medical Services were called to the scene and attempted life-saving efforts. The 8-year-old girl was transferred to Sanford Children's Hospital in Sioux Falls and succumbed to her injuries two days later. An autopsy revealed traumatic head injury including subdural and subarachnoid hemorrhages, severe cerebral edema, hypoxic/ischemic brain injury, intraventricular hemorrhage, galeal and subgaleal hemorrhages, and an ear contusion. Other injuries consistent with child abuse were also observed, including multiple rib fractures in various stages of healing, a remote subdural hemorrhage, and multiple cutaneous healing wounds and contusions. It was concluded that the fatal injury was likely inflicted previously by White Lance, and the symptoms of the injury were exacerbated when the victim was pulled to the floor. White Lance pleaded guilty to Voluntary Manslaughter in relation to his 8-year-old daughter and Child Abuse in relation to his 9-year-old daughter. He was sentenced in October 2023 to 15 years in federal prison on the Voluntary Manslaughter charge and 5 years in federal prison on the Child Abuse charge, with three years ordered to run consecutively. The case was investigated by the FBI, RSTLES, and SFPD and prosecuted by former AUSA Abby Roesler.

United States v. Jaret Wooden Knife

Sex Offender Registration and Notification Act (SORNA)

Jaret Wooden Knife was convicted of Sexual Abuse of a Minor for a sexual assault in the Rosebud Reservation. Wooden Knife began supervised release June 2, 2022. On June 5, 2023, Wooden Knife last updated his sex offender registration with the Sioux Falls Police Department. He then stopped checking in with United States Probation Office and was unable to be found at his registered address. Wooden Knife was arrested for a violation of supervised release. While pending appearance for a supervised release violation, Wooden Knife was indicted for a SORNA violation. Wooden Knife subsequently pleaded guilty to the Indictment and was sentenced in October 2023 to two years in federal prison. The case was investigated by the USMS and prosecuted by AUSA Brian Murphy.

United States v. Jeremy Young

Assault on a Federal Officer, Prohibited Person in Possession of a Firearm, and Possession of a Short Shotgun

In May 2022, in the Soldier Creek community in the Rosebud Reservation, Young, a previously convicted felon who is prohibited from possessing firearms, was found in possession of a short-barrel, 12-gauge shotgun, which was found after Young came into contact with law enforcement following a traffic stop. The short shotgun was not registered to Young in the National Firearms Registration and Transfer Record as required by law. As part of the investigation, Young admitted to law enforcement that he and another individual were on their way to Sioux Falls on a drug run to pick up methamphetamine. Separately, in March 2023, in the Soldier Creek community, Young assaulted a Rosebud Sioux Tribe Law Enforcement Officer. The officer had been called to the community over a concern of a running vehicle blocking the roadway, and the officer determined that Young was passed out in the driver's seat. When the officer contacted Young to get out of the vehicle, Young refused to exit, became argumentative and combative, and engaged in a physical struggle with the officer. Young then punched the officer in the face and fled on foot. Young was located and arrested an hour later. In October 2023, Young had two separate jury trials to address

the separate offenses. Following each trial, Young was convicted of all offenses charged. On February 1, 2024, Young was sentenced to six and a half years in federal prison for the firearms charges. For the assault charge, Young was sentenced to two and a half years in federal prison, with two of those years ordered to run concurrent with the sentence imposed in the firearm case, and six months to run consecutive. The case was investigated by the RSTLES and ATF and prosecuted by AUSAs Meghan Dilges and Brian Murphy.



STANDING ROCK RESERVATION

Standing Rock Sioux Tribe

United States v. James Edward Little Eagle

Arson

During the spring and early summer of 2022, James Edward Little Eagle was living in an old, dilapidated trailer belonging to his nephew in Bullhead, South Dakota. Little Eagle tried to fix it up, but to no avail. After Little Eagle's nephew began demanding that Little Eagle pay rent, Little Eagle disconnected the electricity to the trailer, set it ablaze, padlocked the door, and walked away. Volunteer firefighters responded, but the trailer was totaled. No one was injured and no other property was damaged in the fire. Little Eagle pleaded guilty to Arson and was sentenced to 18 months in federal prison. The case was investigated by the BIA and prosecuted by AUSA Carl Thunem.

United States v. Jesse James Clairmont

Conspiracy to Distribute Methamphetamine

Jesse James Clairmont conspired to distribute methamphetamine primarily within the Standing Rock Indian Reservation between January, 2015, and February, 2021. During this period, Clairmont was responsible for distributing at least 50 grams but less than 200 grams of methamphetamine. Clairmont pleaded guilty to Conspiracy to Distribute a Controlled Substance in July 2023 and on October 30, 2023, he was sentenced to four years and three months in prison. The case was investigated by the Northern Plains Safe Trails Drug Enforcement Task Force and the FBI and prosecuted by AUSA Wayne Venhuizen.

United States v. Calvin Killspotted

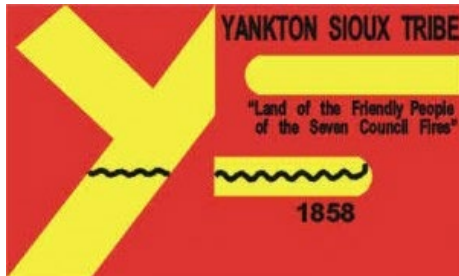
Assault Resulting in Serious Bodily Injury

In June 2021, near Little Eagle, South Dakota, Calvin Killspotted punched his dating partner and broke her jaw. He pleaded guilty to Assault Resulting in Serious Bodily Injury, and in June 2023, he was sentenced to four years and three months in federal prison. The case was investigated by the FBI, BIA, and the Corson County Sheriff's Office and prosecuted by former AUSA Cameron Cook.

United States v. Raul Mata

Assault Resulting in Serious Bodily Injury

In April 2022, in Little Eagle, South Dakota, Mata fired a rifle from a vehicle towards several houses. One of the bullets he fired struck a child in the abdomen, causing her serious and life-threatening bodily injury. Mata pleaded guilty to Assault Resulting in Serious Bodily Injury in March 2023. In June 2023, he was sentenced to 10 years in federal prison and ordered to pay \$5,150 in restitution. The case was investigated by the BIA, FBI, ATF, and the Corson County Sheriff's Office and prosecuted by former AUSA Cameron Cook.



YANKTON RESERVATION Yankton Sioux Tribe

United States v. Alexis Delarosa and Justina Tuttle

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

In December 2020, Alexis Delarosa and Justina Tuttle went to the residence of George Cournoyer, Jr. in Wagner, South Dakota. Once there, Delarosa and Cournoyer got into a physical fight. Delarosa hit Cournoyer multiple times with a hammer, including several blows to Cournoyer's head. Tuttle joined in at some point and hit Cournoyer with a baseball bat. Delarosa and Tuttle left Cournoyer's home and did not call for help. Cournoyer died in his home a short time later. Tuttle pleaded guilty to Assault Resulting in Serious Bodily Injury and Assault with a Dangerous Weapon. In December 2022, she was sentenced to six years and eight months in federal prison. Delarosa pleaded guilty to Second Degree Murder, and in July 2023, he was sentenced to 30 years and five months in federal prison. The case was investigated by the FBI and Yankton Sioux Law Enforcement and prosecuted by AUSA Ann Hoffman.

United States v. Tina Sully

Assault with a Dangerous Weapon and Felony Child Abuse

Tina Sully was a foster and adoptive mother to several children. Between the years 2003 and 2021, she repeatedly abused two of her adopted children, who lived in her home in rural Wagner, South Dakota. The children lived in Sully's home at different times, and she frequently beat the children with her hands and with various objects, including belts and hangers. Sully also withheld food from the children for days. In September 2023, following a four-day jury trial, Sully was convicted of six counts of Assault with a Dangerous Weapon and two counts of Felony Child Abuse. In November 2023, Sully was sentenced to 10 years in federal prison. The case was investigated by the FBI, Yankton Sioux Law Enforcement, and the Charles Mix County Sheriff's Office and prosecuted by AUSAs Ann Hoffman and Elizabeth Ebert.

CIVIL DIVISION

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

SIGNIFICANT DEFENSIVE LITIGATION

TORT LITIGATION

Candace Bishop, Personal Rep. for Estate of Charles Edward Bishop, Jr. v. United States

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

On March 3, 2017, the Bureau of Indian Affairs in Fort Thompson, South Dakota, received a report of a male who was lying in the middle of a roadway. An officer responded to the scene and made contact with the subject, Charles Bishop. The officer then transported Bishop to Bishop's residence. The next morning, Crow Creek EMS responded to the residence and located Bishop lying on the ground next to his residence; he was breathing but not responding. Bishop was transferred to a medical facility in Chamberlain, South Dakota, where he passed away the following day. Plaintiff subsequently alleged that the officer who aided Bishop used excessive force and failed to seek medical attention, thereby causing Bishop's death. The United States moved for summary judgment, which the District Court granted. The Eighth Circuit Court of Appeals affirmed the decision. U.S. Attorney Alison Ramsdell.

Tahlen Bourassa v. United States

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

In the early morning hours of June 18, 2017, South Dakota Highway Patrol (SDHP) initiated an investigatory stop on Tahlen Bourassa, who was driving his vehicle in rural Moody County, South Dakota. Bourassa stopped momentarily near an on-foot tribal officer who was assisting with the investigatory stop by flagging down Bourassa with a flashlight. The on-foot officer was employed by the Flandreau Santee Sioux Tribe under a Public Law 93-638 contract. Unexpectedly, Bourassa rapidly sped away, sideswiping the on-foot tribal officer. SDHP initiated a high-speed pursuit, joined by other SDHP officers, Moody County Sheriff's deputies, and the tribal officer. Bourassa fled law enforcement for nearly 20 minutes before tragically crashing and severely injuring himself and two passengers. Bourassa sued the tribal officer alleging negligence. Following discovery, the United States moved for summary judgment. Following a motions hearing, the District Court

granted summary judgment in favor of the United States, finding that Bourassa was contributorily negligent under South Dakota law and that Bourassa, through his own dangerous actions, assumed the risk of his injuries. AUSA Aron Hogden.

In companion cases, *Micah Roemen v. United States* and *Tom and Michelle Ten Eyck, Guardians of Morgan Ten Eyck v. United States*, Plaintiffs sued for damages they sustained as passengers in Bourassa's vehicle. Plaintiffs claim the tribal officer was negligent in continuing to pursue Bourassa, that the tribal officer was outside his legal jurisdiction, that he failed to follow pursuit guidelines, and that the negligent pursuit caused the accident. In defense of the accusations, the United States asserts 1) the driver of the fleeing vehicle is responsible for the accident as he could have stopped fleeing at any time; 2) there were opportunities for the passengers to exit the vehicle, but they chose to remain; 3) the tribal officer was acting pursuant to a Mutual Aid Agreement with Moody County; and 4) the officer used his legal discretion to engage in the continued pursuit, and therefore the discretionary function exception bars any liability against the United States. The matter proceeded to an eight-day trial to the court at the conclusion of which the court called for submission of post-trial briefs. This case remains in active litigation. AUSAs Aron Hogden, Alexis Warner, and Civil Chief Diana Ryan.

Gregory T. DeMarrias, Sr., Personal Rep. for Estate of Michael LaDeaux v. United States

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

Gregory T. DeMarrias Sr., as personal representative of the Estate of Michael LaDeaux, brought a survivors and wrongful death action under the FTCA. LaDeaux died as a result of a motor vehicle accident. The vehicle was driven by a Rosebud Sioux tribal officer. At the time of the accident, the officer had completed her duty shift and was driving to the Rosebud Adult Correctional Facility to deliver an energy drink to a friend. LaDeaux was intoxicated and walking in the middle of BIA Highway 1 at the time of the accident. The District Court granted the United States' Motion to Dismiss for lack of subject matter jurisdiction finding that the tribal officer was acting outside the scope of her employment at the time of the accident. The District Court also granted the United States' motion for summary judgment finding that LaDeaux's contributory negligence was more than slight as a matter of law. AUSA Michael Hofmann.

Donald Fazel v. Boyd, et al.

Constitutional Tort/Bivens—Bureau of Prisons

Yankton Federal Prison Center inmate Donald Fazel sued two prison employees claiming they committed constitutional torts against him by failing to properly treat his bladder troubles while he was incarcerated, and by making him move from one dorm room to another. The first employee was a nurse who gave Fazel Tylenol for pain but would not let him see the doctor. Fazel also claimed the nurse discriminated against him and other people of color. The second employee was the Unit Manager who made Fazel move into a different dorm and push a cart a quarter mile to his new dorm while he was wearing a catheter, which he alleged caused him harm. The United States filed a motion to dismiss based on the following grounds: (1) Fazel's claims were not cognizable under *Bivens*, (2) Defendants were entitled to qualified immunity, and (3) Fazel failed to exhaust administrative remedies under the Prison Litigation Reform Act (PLRA). Dismissal was granted for failure to exhaust administrative remedies under the PLRA. AUSA Alexis Warner.

Wesley Gortmaker v. United States

Federal Tort Claims Act—U.S. Department of Agriculture, U.S. Forest Service

Wesley Gortmaker filed suit against the United States under the FTCA for personal injury suffered in a motor vehicle accident involving a vehicle driven by a U.S. Forest Service Special Agent. The issue in dispute was which driver had the green light. After a court trial, there was a verdict in favor of the United States in the amount of \$13,223.92 plus costs for property damage to the Forest Service vehicle. AUSA Michael Hofmann.

Autumn Hilger v. United States

Federal Tort Claims Act—U.S. Department of the Interior, National Park Service

Plaintiff Autumn Hilger sought damages under the FTCA for injuries suffered when she fell on a temporary walkway at the Mount Rushmore National Memorial. The United States filed a motion to dismiss for failure to state a claim and for lack of subject matter jurisdiction under the discretionary function exception to the FTCA and South Dakota's Recreational Use Statutes. The District Court granted the motion to dismiss holding that the claims against the United States were barred by the discretionary function exception. The Eighth Circuit Court of Appeals affirmed the decision. AUSA Michael Hofmann.

Amy Lausen v. United States

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

On October 3, 2021, Sherissa Crawford was transporting the Tiospa Zina Tribal School girls volleyball team home from a tournament. They had stopped in Sioux Falls to eat and refuel. As they were leaving the mall, Crawford made a left turn and was struck by cross traffic. Crawford was cited for failure to obey a traffic signal. Amy Lausen was the passenger in the car that Crawford's vehicle hit after being struck by another vehicle. Lausen claimed injuries to her back and legs. In a companion case, *State Farm Insurance v. United States*, the insurance company that insured the driver of the first vehicle that collided with Crawford brought an action to recover claims paid on behalf of their insured. Both cases were settled prior to trial. AUSA Yvette Lafrentz.

Keva Mousseaux v. United States

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

Keva Fly Mousseaux filed a complaint seeking damages for the alleged unauthorized disclosure of personal health information. On April 18, 2018, Mousseaux went to the Pine Ridge Indian Health Service Unit in active labor. Later that evening, Mousseaux gave birth to a son. Mousseaux and baby boy Mousseaux were discharged from the hospital on April 20, 2018. In the days and weeks following her discharge from the hospital, Mousseaux began hearing rumors about her drug use as it related to the birth of her son and the idea that her son had been "taken away." Mousseaux was subsequently notified by the hospital that her medical record was inadvertently disseminated to a third party who was also a patient at the facility. In moving for summary judgment, the United States argued that Mousseaux could not prove the patient listing (which was the subject of the alleged privacy breach) was the source of the rumors regarding the plaintiff's drug use or CPS custody of baby boy Mousseaux. In response to the United States' motion for summary judgment, Mousseaux voluntarily dismissed her complaint. AUSA Michael Hofmann.

Special Administrators of Celeste Pretends Eagle, Jaylene Pretends Eagle, W.R.E.J., Annie Red Elk, and Waylon Red Elk v. United States

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

On November 4, 2017, an employee of the Oglala Sioux Tribe Department of Public Safety (OST DPS), drove drunk and crashed into a vehicle carrying a family (mother, father, and son). The mother was also 7 months pregnant. The entire family was tragically killed. Special administrators of the family sued the United States in negligence alleging that the drunk OST DPS employee was traveling from a work party. The United States filed a motion to dismiss for failure to properly present an administrative claim. Following oral argument on the motion, the District Court granted the United States motion for lack of subject matter jurisdiction and dismissed the case. AUSA Aron Hogden.

PROGRAM LITIGATION

Bruce and Janice Block v. United States

Administrative Procedures Act—U.S. Department of the Interior, Bureau of Indian Affairs

Plaintiffs, enrolled citizens of the Sisseton-Wahpeton Oyate Tribe, filed suit to compel the BIA to partition six parcels of tribal trust property in which they held an undivided ownership interest. The partition needed to ensure that the value of the affected minor landowners' allotment after partition was not less than the value to them before partition. The parties reached a settlement as to the partition of the six parcels, but the plaintiffs later changed their mind as to parcel 602-A. That parcel consisted of 80.69 acres of agricultural and lakefront property, of which the plaintiffs own 95.8%. This property was in a desirable area on Pickerel Lake known as Turtle Bay that has drastically increased in value in the last several years due to interest in residential development. Due to existing homes on the property, a cadastral survey—a formal survey conducted on federal lands by the Bureau of Land Management, which becomes the official public record of the boundaries of lands owned or managed by federal agencies—was required prior to the final partition of the property. The Tribe desired to maintain land in the north Turtle Bay area to retain rental income from homes located in that area, and because the northern portion of the property is located at the intersection of two highways and a small area of agricultural land which is well suited to the building of a gas station serving the area. A detailed appraisal was conducted by the BIA to ensure that the proposed partition complied with Public Law 98-513's requirement that the fair market value of the lands remaining after partition shall not be less than the fair market value of the interest, prior to partition, of the owners of such lands. An evidentiary hearing was held to determine whether the plaintiffs entered into a settlement agreement that the court should enforce, at which time the court found that a settlement had occurred during the January 20, 2023, landowners meeting and that the Blocks could not back out of that settlement as they have trust patents for parcels in which they received additional lakefront ownership in exchange for the agreed upon partition of parcel 602-A. The BIA was directed to proceed with the cadastral survey and issue the trust patent based on the partition agreed to by the parties. Civil Chief Diana Ryan.

Moira Coomes v. United States

Writ of Mandamus—U.S. Department of the Interior, Bureau of Indian Affairs

Moira Coomes, an enrolled citizen of the Oglala Sioux Tribe, filed a lawsuit alleging constitutional deprivations, breach of trust responsibility, breach of contract, and violations of the BIA Grazing

Permit Regulations. She sued multiple BIA officials in their official and individual capacities. After the verdict in favor of the United States in *Curtis Temple v. United States*, Coomes stipulated to a voluntarily dismissal of her complaint. AUSA Stephanie Bengford.

Michael Curran v. United States

Employment Discrimination—U.S. Department of the Interior, Office of Appraisal Services

Plaintiff brought this action alleging discrimination and a hostile work environment based on his race (Caucasian), national origin (American), and sex (male). Curran was a former Regional Supervisory Appraiser (RSA) for the Great Plains Region who claimed he was treated differently than other RSAs by his first level supervisor. He further alleged that his supervisor created a hostile work environment through her contentious and unprofessional conduct. At the completion of discovery, the United States moved for summary judgment, which the District Court granted in part and denied in part. Shortly thereafter, the parties reached a settlement agreement. U.S. Attorney Alison Ramsdell.

Timothy Engle v. United States

Age Discrimination in Employment Act (ADEA)—U.S. Department of Justice, Bureau of Prisons

Bureau of Prison (BOP) employee Timothy Engle sued the BOP alleging he was constructively discharged after being passed over for promotions and other positions he had applied for, achieving below his expected results on evaluations, and being subjected to a hostile environment created by his supervisor. In pre-trial briefing, the District Court agreed with the United States that Engle was not entitled to a jury trial under the public sector ADEA. Legal arguments also strongly indicated that Engle would not be entitled to attorney's fees under the public sector ADEA. The combination of these issues moved the parties to a reasonable settlement and dismissal of Engle's claims. AUSA Aron Hogden.

Ruth Esperance v. Thomas Vilsack, Secretary of Agriculture

Employment Discrimination—U.S. Department of Agriculture, U.S. Forest Service

From 2012 to 2018, Ruth Esperance was the Mystic District Ranger on the Black Hills National Forest. In October 2018, the Black Hills Forest Supervisor removed Esperance as District Ranger and reassigned her to work as a Biological Scientist and then as a Natural Resource Specialist for the Rocky Mountain Region, with a virtual duty station in Custer, South Dakota. The reassignment was at the same grade and step under the General Schedule classification with no loss in pay or benefits. Her supervisor indicated Esperance was reassigned because of her persistent failure to follow supervisory directives and effectively collaborate with forest leadership, fellow employees, and community stakeholders. Esperance filed suit, claiming her reassignment was because she was female. After a six-day jury trial, a verdict was rendered in favor of Esperance, awarding her \$400,000 in damages. The United States filed post-trial motions for a judgment notwithstanding the verdict or, in the alternative, a new trial. Those motions, as well as motions for attorney fees, are pending. AUSA Michael Hofmann and U.S. Attorney Alison Ramsdell.

Donna Gilbert, et al. v. Roselyn Tso, Director of Indian Health Services, et al.

Temporary Restraining Order—U.S. Department of Health and Human Services, Indian Health Service

Pro se plaintiffs Donna M. Gilbert, Julie Mohney, and Tammy Valdez sought a temporary restraining order to prevent the demolition of the Sioux San Hospital in Rapid City, South Dakota. The U.S. Attorney’s Office received notice and a copy of the complaint on March 30, 2023, and filed a motion for a Security Bond and expedited hearing the next day. The demolition was scheduled to begin the following Monday on April 3, 2023. A stop work order was issued by IHS. Estimated cost of delay was \$21,000 per day. On April 3, 2023, the District Court issued an Opinion and Order denying plaintiffs’ request for a temporary restraining order and dismissing the action for failure to establish jurisdiction. Due to blizzard conditions, the demolition of the Hospital was rescheduled to commence April 6, 2023.

On the eve of the scheduled demolition of Sioux San Hospital, Gilbert sought a second preliminary injunction to prevent the demolition from proceeding alleging that the defendants had violated the Administrative Procedure Act. Because the District Court had previously dismissed a similar complaint, and considering the substantial cost of further delay, IHS commenced demolition at 6 a.m. on April 6, 2023. A motion to dismiss the complaint for injunctive relief was filed on April 7, 2023. On April 26, 2023, the Court issued an Order denying Gilbert’s request for preliminary injunction and dismissing the action for failure to establish jurisdiction. Both matters were handled by AUSA Michael Hofmann.

Curtis Temple v. Bureau of Indian Affairs

Administrative Procedures Act—U.S. Department of the Interior, Bureau of Indian Affairs

In August, 2015, the BIA impounded 121 head of Curtis Temple’s cattle. Despite repeated notices of trespass and requests to remove his cattle, Temple continued to allow his cattle to access land the Oglala Sioux Tribe had leased to another party. Temple filed a Complaint under the APA along with a Temporary Restraining Order (TRO), claiming the BIA failed to follow regulations and violated his constitutional rights when they seized his cattle. The TRO was denied, but the Complaint survived even though Temple had not exhausted his administrative remedies. Temple did not redeem his cattle and they were, after a second TRO hearing, sold. Temple continued to allow his cattle to graze on land on which he did not hold a grazing permit. A second impoundment took place, after which Temple redeemed his cattle. During the pendency of this action, Temple appealed the BIA’s decision to the Interior Board of Indian Appeals (IBIA), and this action was stayed pending their decision. The District Court found that because years had passed and there was no decision by the IBIA, “exhaustion was futile.” Accordingly, the case was set for trial, where the Court found the BIA complied with the trespass regulations regarding notices of trespass, impoundment, and monetary assessments. Judgment was therefore entered in favor of Defendants. AUSAs Stephanie Bengford and Yvette Lafrentz.

PRISONER LITIGATION

Jacob Black v. Hector Urcelay

Social Security Administration

Jacob Black, appearing pro se, filed a complaint seeking to have his social security disability benefits related to hearing loss restored after those benefits were terminated when he turned 18

because the standards are different for children and adults. Black’s complaint also alleged *Bivens* violations and violations of the Americans with Disabilities Act (ADA). Upon review of the complaint, the District Court dismissed Black’s social security claim for lack of jurisdiction and his *Bivens* claims for failure to state a claim. The Court, however, found that the complaint stated a potential claim for violation of the ADA. Black alleged that a SSA Claims Specialist failed to provide reasonable accommodation related to his hearing impairment. Nonetheless, the District Court later granted the United States’ motion for summary judgment and dismissed Black’s complaint with prejudice. On appeal, the Eighth Circuit Court of Appeals agreed that SSA had done everything appropriately in the lengthy administrative process afforded to Black and therefore affirmed the District Court’s grant of summary judgment. AUSA Michael Hofmann.

Terry Burns v. United States

Habeas Corpus—U.S. Department of Justice, Bureau of Prisons

Terry Burns filed a writ of habeas corpus under 28 U.S.C. § 2241 alleging that BOP improperly calculated his good time credits, Second Chance Credits, and credits under the First Step Act. The District Court held that because Burns was not challenging a rule or policy promulgated by BOP, but instead challenging BOP’s application of the rules to his particular case, the Court was without jurisdiction to review the agency’s adjudicative decisions. AUSA Aron Hogden.

Timothy Dalton v. United States

Habeas Corpus—U.S. Department of Justice, Bureau of Prisons

Timothy Dalton filed a writ of habeas corpus under 28 U.S.C. § 2241 alleging that BOP improperly calculated his First Step Act (FSA) credits. Dalton also alleged a “class-of-one” equal protection claim based on his view that BOP treated other inmates more favorably. Regarding the calculation of Dalton’s FSA credits, the District Court held that because Dalton was not challenging a rule or policy promulgated by BOP, but instead challenging BOP’s application of the rules to his particular case, the Court was without jurisdiction to review the agency’s adjudicative decision. Regarding the class-of-one equal protection claim, the Court held Dalton failed to demonstrate facts which would sustain his claim under Eighth Circuit precedent. AUSA Aron Hogden.

DEFENSIVE FORECLOSURES

The U.S. Attorney’s Office opened 96 defensive foreclosure files in 2023. This is compared to 34 cases in 2022, 19 cases in 2021, 56 cases in 2020, and 61 cases in 2019.

In most defensive foreclosures, a bank or other lending institution brings an action in state court. The USAO-SD becomes involved in a defensive foreclosure when a government agency has a lien on the foreclosed property. The agencies most involved in these types of cases are the Internal Revenue Service, Department of Housing and Urban Development, Rural Housing Service, the Veterans Administration or Farm Service Agency. Most the USAO-SD’s defensive foreclosure cases involve tax liens filed by the IRS and HUD partial claim mortgages.

FREEDOM OF INFORMATION ACT LITIGATION

Since 1967, the Freedom of Information Act (FOIA) has provided the public the right to request access to records from any federal agency. Some records, however, may be protected from release pursuant to one of the nine FOIA exemptions. Although FOIA may entitle the requester to existing records, it does not allow for the opportunity to ask federal agencies questions, to request opinions, or require the creation of records. In 2023, the USAO-SD opened eight FOIA requests, compared to the six FOIA requests we received in 2022 and seven FOIA requests we received in 2021. If a party wishes to challenge the decision of the records that are provided when making a FOIA request to a federal agency, the party may file a complaint in Federal District Court and proceed to litigate that FOIA request. In 2023, our office received the following decision related to pending FOIA litigation.

Black Hills Clean Water Alliance vs. United States Forest Service

Freedom of Information Act Request and Litigation

In December 2018 the Black Hills Clean Water Alliance (BHCWA) sent a FOIA request to the Mystic Ranger District of the Black Hills National Forest. The request sought proposed mining Plans of Operation and other records. The Forest Service's Rocky Mountain Region responded in February 2019 and withheld all the records that the agency had identified. The FOIA requester filed an administrative appeal of the withholding in May 2019. The Forest Service acknowledged receipt of the appeal but subsequently provided no further response. In May 2020, BHCWA filed suit in the United States District Court for the District of South Dakota, seeking the agency records it believed were improperly withheld. After protracted litigation, the Forest Service moved for summary judgment, which the District Court granted in part and denied in part. The Forest Service then made additional disclosures and provided the Court with unredacted documents previously withheld under enumerated FOIA exemptions. Based on the Forest Service's additional disclosures and the Court's in-camera review of the Forest Service's withholdings, the Court dismissed the case and awarded BHCWA attorney fees. During the course of litigation, BHCWA filed a second lawsuit, which the Court eventually dismissed upon the Forest Service's motion for summary judgment. Since BHCWA did not prevail on its second lawsuit, the Court did not award attorney fees in that matter. U.S. Attorney Alison Ramsdell.

BANKRUPTCY LITIGATION

When a debtor files for bankruptcy and owes student loans to the Department of Education, taxes to the Internal Revenue Service, or other debt to a federal agency, the United States is often listed as a creditor. In 2023, The USAO-SD opened 35 new cases, including two Chapter 12 matters and 33 Chapter 13 matters. By way of comparison, the USAO-SD opened 19 new cases in 2022.

The Clerk's office at the South Dakota Bankruptcy Court reported that the number of bankruptcy cases filed in South Dakota increased by 13% compared to the number of cases filed in 2022. Nationwide statistics show that 452,990 total bankruptcy cases were filed in the United States in 2023, an 18% increase from 2022. Per the 2023 Year-End Report on the Federal Judiciary, Chapter 13 cases rose 20%.

SIGNIFICANT AFFIRMATIVE LITIGATION

The U.S. Attorney's Office works jointly with the State of South Dakota, the Department of Health and Human Services, the National Science Foundation, NASA, the Department of Education, the U.S. Postal Service, and more to recover reimbursement for money fraudulently obtained through false statements made to federal agencies, and for services not rendered or not provided by qualified medical personnel. The USAO-SD prioritizes the investigation and litigation of affirmative civil enforcement matters. Highlights of our civil affirmative enforcement efforts in 2023 include the following matters.

AFFIRMATIVE LITIGATION

Dunes Surgical Hospital

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

In April 2021, the Centers for Medicare & Medicaid Services (CMS) received a lengthy self-disclosure from the Dunes Surgical Hospital (DSH) detailing various problematic agreements in which the Stark and Anti-Kickback laws were implicated. An FCA investigation was opened, which was jointly handled by DOJ Civil Frauds, the District of South Dakota, and the Northern District of Iowa. In April 2023, the United States presented a counter-settlement proposal to counsel for DSH. The parties participated in settlement negotiations throughout 2023, and in early January 2024, the parties agreed to settle the case for approximately \$14.1 million. The settlement was being finalized at the time this report was submitted. AUSA Alexis Warner.

United States v. John and Judi Fritz Revocable Living Trust

Quiet Title Action—U.S. Department of Agriculture, Natural Resources Conservation Service (NRCS)

In 2022, the United States filed a declaratory judgment/quiet title complaint against Mr. and Mrs. Fritz concerning a duration discrepancy in the Wetland Easement Deed. The NRCS's position was that the deed was for perpetuity, while the Fritzes believed the deed was for 30 years. In January 2023, the United States moved for Default Judgment which was granted by the District Court. The Court's Order was filed with the Roberts County Register of Deeds to reflect the correct duration on the Wetland Easement Deed. AUSA Alexis Warner.

United States v. James Garrett and Levi Garrett

False Statement in Connection with Federal Crop Insurance—U.S. Department of Agriculture

James and Levi Garrett, a father-son pair, operated a family ranch in Sully County. Between 2016 and 2020, the Garretts falsely claimed they planted crops, when in fact, the Garretts either planted late or not at all. The Garretts lied to obtain crop insurance payouts from the companies, which were reinsured by the government. Additionally, James Garrett allegedly submitted false information to obtain \$1,000,000 from the CARES Act through a program administered by the State of South Dakota. James Garrett was charged with seven counts of False Statement in Connection with Federal Crop Insurance and two counts of Major Fraud Against the United States, while Levi Garrett was charged with two counts of False Statement in Connection with Federal Crop Insurance. After a six-day jury trial with 34 witnesses and over a hundred exhibits, a jury

convicted James Garrett of two counts of False Statement in Connection with Federal Crop Insurance and Levi Garrett of one count of False Statement in Connection with Federal Crop Insurance. They were acquitted of all other charges. James Garrett was sentenced to 18 months in federal prison and ordered to pay \$1,045,544 in restitution. Levi Garrett was sentenced to two years in federal prison and ordered to pay \$279,396 in restitution. In May of 2023, the United States filed an 8-count False Claims Act (FCA) Complaint against James and Levi Garrett for crop insurance and COVID-19 Fraud, as well as conspiracy under the FCA. AUSA Alexis Warner.

Dr. Robert Heath/Foot Surgical Center

U.S. Department of Health and Human Services, Office of Inspector General

This overbilling of custom orthotics case was referred to our office in January 2022. After receiving an HHS-OIG hotline complaint from a former employee regarding the overbilling of custom orthotics, HHS-OIG investigated the provider and uncovered an 82.4% error rate. Following negotiations between the United States and Dr. Heath’s counsel, the parties settled the case for approximately \$158,000. AUSA Alexis Warner.

Weston Engineering, Inc.

Environmental Protection Agency (EPA)

This referral from the EPA alleged that Weston Engineering violated the American Iron and Steel (AIS) requirement by using foreign-made steel on a well project done for the City of Hermosa, using EPA funding administered by the State of South Dakota. Following Civil Investigative Demand (CID) depositions of the president/co-owner and office manager, a settlement was reached with Weston Engineering for approximately \$62,000. AUSA Alexis Warner.

CIVIL RIGHTS ENFORCEMENT

Retsel Corporation d/b/a Grand Gateway Hotel and d/b/a Cheers Sports Lounge and Casino, Connie Uhre, and Nicholas Uhre

Civil Rights Act of 1964, Title II—Discrimination on Basis of Race in the Provision of Public Accommodations

In collaboration with the Civil Rights Division Housing and Civil Enforcement Section, the U.S. Attorney’s Office filed a complaint against Retsel Corporation, d/b/a Grand Gateway Hotel and d/b/a Cheers Sports Lounge and Casino, seeking declaratory and injunctive relief to prevent the hotel and lounge from banning Native American guests. After a homicide occurred at the Grand Gateway Hotel, Connie Uhre, the President of Retsel Corporation, sent an email stating she did not want to allow Natives on the property. This email continued, “The problem is we do not know the nice ones from the bad natives...so we just have to say no to them!!” On her Facebook account, she announced, “[W]e will no longer allow any Native American on property or in the Cheers Lounge.” Her social media post went viral, and shortly after the announcement, Native Americans who lived in Rapid City were denied rooms at the Grand Gateway Hotel under the stated reason that the hotel would not rent to “locals,” and that the hotel was closed for business. After protracted discussions, the United States and the defendants filed a Consent Decree with terms that banned Connie Uhre from all involvement in the Retsel Corporation or Grand Gateway Hotel for four years. Further, the defendants were required to place a public apology on the hotel website and distribute it to certain Native American organizations, implement an anti-discrimination policy, develop an outreach and marketing plan to Native American communities, undergo training on

nondiscrimination in public accommodations, and hire a Compliance Officer to monitor compliance with the Consent Decree. U.S. Attorney Alison Ramsdell and CRT Trial Attorneys Beth Pepper and Katie Legomsky.

FINANCIAL LITIGATION PROGRAM

In 2023, the USAO-SD collected \$1,937,264.31 in civil judgments and criminal payments. Although all recoveries are important, the recovery of restitution to make victims whole is a high priority of this office. Of the \$1.5 million recovered from criminal judgments, \$1,100,870.12 was returned to victims of crime. The balance of the money was deposited into the Crime Victims Fund to fund programs that assist crime victims. Our Financial Litigation Program staff enforce judgments using several tools. One such tool is garnishment. In 2023, there were 23 active garnishments with 8 more new garnishments initiated. Writs of Execution are also used to enforce against real and personal property.

United States v. Howard Aleff et al.

United States Department of Agriculture, Farm Service Agency

Howard Aleff and Reena Slominski were sentenced in 2012 and ordered to pay restitution and fines for Conspiracy to Defraud the United States. In 2014, a civil judgment was obtained against Aleff, Slominski, and their business L&J Wool & Fur for illegally submitting 132 separate false claims to the U.S. Department of Agriculture over 6 years. The USAO made requests to Aleff to voluntarily sell farmland in Iowa in 2019. These requests were ignored. The criminal restitution was paid in full in 2021, along with Aleff's fine. Slominski still owed a balance on her fine. A Writ of Execution was filed against Aleff and 3 parcels of his land. After the Writ of Execution and Notice of Levy were served upon Aleff, he contacted the USAO and requested to sell his property himself. The USAO agreed to allow Aleff to hire his own auctioneer to sell his land if he agreed to pay the remaining balance of Slominski's fine. The USAO began working with the auctioneer hired by Aleff, and an auction was held on October 11, 2023, at which time three parcels of land in Marion County, Iowa, were sold. Closings occurred at the end of November 2023 and beginning of December 2023. A total of \$1,407,978.55 was collected, paying the civil judgment and Slominski's fine in full. Civil Chief Diana Ryan.

United States v. Marcin Garbacz

Wire Fraud, Money Laundering, Transportation of Stolen Money—Internal Revenue Service

Marcin Garbacz was a pastor assigned to the Diocese of Rapid City from 2004-2018. He was indicted in 2019. He was sentenced to federal prison in 2020 following his federal convictions on numerous counts of stealing and unlawfully diverting cash donations made by parishioners and depositing them in his own personal bank account. After his indictment, items purchased by the defendant during his time with the Diocese of Rapid City were turned over to the government by an acquaintance of Garbacz. A writ of execution was filed and on November 22, 2023, an auction was held, and \$18,021.91 was sent to the U.S. Clerk to be disbursed to the victims of the defendant's crimes. AUSA Alexis Warner.

APPELLATE DIVISION



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

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

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

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

In 2023, the Appellate Division handled 32 appeals to the Eighth Circuit. It also handled various post-conviction motions before the District Court, including 44 motions for compassionate release under the First Step Act, and 31 motions to vacate convictions or sentences under 28 U.S.C. § 2255 and responses to retroactive sentence motions. During the past year, among the cases handled by the Appellate Division that resulted in decisions by the Eighth Circuit were the following opinions of particular significance.

SIGNIFICANT APPELLATE MATTERS

Autumn Hilger v. United States

Federal Tort Claims Act—U.S. Department of the Interior, National Park Service

In *Hilger v. United States*, the plaintiff sued the United States after she slipped and fell on a mat that the National Park Service had installed to allow temporary access to Mount Rushmore National Memorial during renovation of the permanent walkway. Her lawsuit was dismissed by the District Court upon a finding the agency acted within its appropriate discretion which provides an exception to an action under the FTCA. Hilger appealed that dismissal and the Eighth Circuit affirmed, agreeing with the District Court that there was no evidence the National Park Service acted in violation of any mandatory statute or regulation, and thus the challenged conduct was within the agency's discretion.

Tiffany Janis v. United States

Second Degree Murder and Discharging a Firearm During a Crime of Violence

In *Janis v. United States*, the defendant was convicted of Second Degree Murder and Discharging a Firearm During a Crime of Violence after she shot and killed her husband when she discovered him cheating. On appeal, she argued that intervening Supreme Court precedent required finding that federal second-degree murder no longer qualifies as a crime of violence because it can be committed recklessly. She therefore urged that her firearm conviction be vacated. The Eighth Circuit analyzed precedent surrounding the elements of second-degree murder and held that it categorically requires proving that a defendant acted with malice aforethought, which encompasses a higher intent element than ordinary recklessness, and, therefore, the firearms conviction would stand.

Lonnie Two Eagle, Sr. v. United States

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

In *Two Eagle v. United States*, the plaintiff sued the United States, claiming an Indian Health Services employee suffered a seizure while driving and struck plaintiff with his vehicle, and that the employee and his supervisor were negligent because the employee had prior seizures. The United States moved to dismiss for lack of subject-matter jurisdiction, and the District Court granted the motion, prompting the plaintiff to appeal. The Eighth Circuit affirmed the dismissal, holding that South Dakota's going-and-coming rule meant that the employee was not within the scope of his employment when the accident occurred, that the employer was protected by the discretionary-function exception to the FTCA, and that a physician who was also sued was an independent contractor rather than a government employee.

United States v. Bennett Belt

Sexual Abuse of a Child

In *United States v. Belt*, a jury convicted the defendant of Aggravated Sexual Abuse of A Child, Abusive Sexual Contact, and Aggravated Sexual Abuse of another child. His appeal challenged the introduction of expert testimony regarding statistics about the percentage of child sex abuse victims who do not disclose their abuse, claiming that the expert testimony led to improper

convictions. The Eighth Circuit held that evidence about the tendency of abused children to not report their abuse was appropriate because it properly educated the jury about the reasons why children might delay reporting their abuse. It also found that general statistics about the percentage of abused children who never disclose, although problematic, did not warrant reversal in this case because the evidence was sufficient to support the convictions and the jury was instructed to decide the case based only on the evidence regarding the charged crimes.

United States v. D.B. (Juvenile)

Burglary and Assault

In *United States v. D.B.*, the defendant was adjudicated a juvenile delinquent when he and another juvenile armed with a knife forced entry into a residence and attacked the two occupants. On appeal, he urged that his pretrial detention violated the statutory limit on how long an alleged defendant can be held pending trial, and that his sentence was unreasonably lengthy. The Eighth Circuit disagreed, holding that the defendant waived the complaint about the length of his detention when he entered a guilty plea under an agreement that included a waiver of appeal rights. The Court also held that the sentence was a fair exercise of the District Court's broad discretion.

United States v. Jerome Goodhouse

Aggravated Sexual Abuse of a Child and Witness Tampering

In *United States v. Goodhouse*, a jury convicted the defendant of two counts of Aggravated Sexual Abuse of a Child and one count of Witness Tampering. He appealed, claiming his sentence was unreasonable, and that the evidence was insufficient to support the verdicts. The Eighth Circuit affirmed the convictions and sentence, holding it is the jury's role to sort through inconsistent witness testimony and assess credibility, that it was not erroneous to admit into evidence his prior sexual assault conviction, and that the sentence of life in prison for each sex abuse count, and 20 additional years for witness tampering, was reasonable given the gravity of his offenses.

United States v. Tracy Jones, a/k/a Tracy Wilcox

Conspiracy to Distribute Methamphetamine

In *United States v. Jones*, the defendant was convicted of Conspiracy to Distribute Methamphetamine. She appealed the denial of a motion to dismiss her indictment and to suppress statements she made in a post-arrest interview. She claimed her post-arrest, pre-arraignment detention for 37 days violated her presentment rights. On appeal, the Eighth Circuit affirmed the conviction, holding that, although the delay violated her right to timely presentment, there was not a pattern of purposeful denial of presentment rights, and it was not done to coerce defendant into providing further evidence. The Court also held the defendant was properly *Mirandized* before engaging in her post-arrest interview.

United States v. Francis Kistler

Sexual Exploitation of Children

In *United States v. Kistler*, the defendant, a former sheriff's deputy, was convicted of two counts of Enticement of a Minor Using the Internet, and he was sentenced to 25 years in federal prison. He appealed the reasonableness of his sentence, which represented a significant increase above his advisory Guidelines range and above the parties' joint recommendation in the plea agreement. The

Eighth Circuit held the sentence was reasonable, and that the District Court's record at sentencing showed it would impose the same sentence if the matter were remanded for a resentencing.

United States v. Eric Ladeaux

Prohibited Person in Possession of Firearms

In *United States v. Ladeaux*, a jury convicted the defendant of three counts regarding his possession of firearms while being a convicted felon and possessing an unregistered and illegal firearm (sawed off shotgun). On appeal, he argued that he was deprived access to discovery while he was detained in pretrial, that the District Court should have instructed the jury about a possible duress and coercion defense, and that the evidence was insufficient to sustain the conviction regarding the sawed-off shotgun. The Eighth Circuit affirmed the convictions in all respects, holding that the District Court's standing orders regarding access to discovery for detained defendants were appropriate, that the coercion and duress defense instruction was not warranted under the circumstances of the case, and that evidence, including his own statements, showed Ladeaux knew he possessed the illegal firearm.

United States v. Brian Lebeau

Prohibited Person in Possession of a Firearm

In *United States v. Lebeau*, a jury convicted the defendant of unlawfully possessing a firearm as a convicted felon. He appealed evidentiary rulings at trial and the determination of his sentence. The Eighth Circuit affirmed his conviction and sentence, holding that admitted 911 calls were sufficiently relevant and not unfairly prejudicial, and that his 60-month sentence was reasonable and appropriately determined by the District Court.

United States v. Kimo Little Bird

Aggravated Sexual Abuse of a Child and Tampering with a Witness

In *United States v. Little Bird*, a jury convicted the defendant of Aggravated Sexual Abuse of a Child, committing a felony sex offense while required to register as a sex offender, and Witness Tampering. On appeal, he claimed the District Court erred by denying his motion for acquittal because there was insufficient evidence, and he also challenged the reasonableness of his sentence of Life in federal prison, plus 10 years. The Eighth Circuit affirmed his convictions and sentence in all respects, holding that the detailed trial testimony and other evidence supported the convictions, and that the sentence was reasonable and supported by the gravity of his offenses and his prior conviction for a sex offense against a child.

United States v. Jade LaRoche

Assault on a Federal Officer

In *United States v. LaRoche*, a jury convicted the defendant of assaulting a BIA officer who responded to a call defendant's mother made to dispatch requesting help because defendant was causing a disturbance. On appeal, defendant challenged various evidentiary rulings, as well as his three-year, eight-month sentence, which was reached after the District Court found the officer had sustained bodily injury. The Eighth Circuit affirmed in all respects, holding that the officer did not engage in unlawful questioning of defendant before he was arrested, that the evidence was sufficient to support the conviction, and that the sentence was appropriately determined.

United States v. Patrick Medearis

Prohibited Person in Possession of a Firearm

In *United States v. Medearis*, the defendant was convicted of possessing a firearm as a convicted felon following the discovery of various guns in a vehicle defendant used when he engaged in two separate high-speed police pursuits. On appeal, he challenged the denial of a motion to suppress statements he made in an interview following *Miranda* warnings. He also argued the prosecutor made an improper statement at trial, the District Court improperly denied a motion to exclude evidence of his second flight from law enforcement, and his prior convictions were inappropriately used to enhance his sentencing Guidelines range. The Eighth Circuit affirmed in all respects, holding he validly waived his right to remain silent following the *Miranda* warnings, the prosecutor's comment was harmless given the overwhelming evidence, and the second flight from law enforcement was sufficiently relevant and related to allow for its admission. The Court also held the District Court appropriately treated his prior convictions as qualifying for a Guidelines-range increase because one was a drug offense and the other—assaulting a federal officer—was a crime of violence.

United States v. Wichpe Milk

Conspiracy to Distribute Methamphetamine, Firearm Violation, and Obstruction of Justice

In *United States v. Milk*, the defendant was convicted of conspiring to distribute methamphetamine, possessing a firearm as a convicted felon, and obstructing justice. On appeal, he raised various challenges to the District Court's pre- and post-trial rulings, claimed the evidence was insufficient to support the convictions, and that his advisory sentencing Guidelines range was improperly calculated. The Eighth Circuit rejected all arguments, holding that (1) the District Court properly rejected his jurisdiction argument based on long-standing precedent, (2) a traffic stop leading to the discovery of incriminating evidence was lawful, (3) he was not unlawfully held in state custody, (4) the District Court properly rejected his motion for a Bill of Particulars, (5) his motion to sever his various counts was appropriately rejected, (6) his vagueness challenge to the federal obstruction statute was foreclosed by precedent, (7) the evidence supported his convictions, and (8) that the District Court properly calculated the quantity of drugs for sentencing purposes.

United States v. Jeffery Moore

Conspiracy to Distribute Heroin and Distribution of Fentanyl Resulting in Death

In *United States v. Moore*, a jury convicted the defendant of four drug-related charges stemming from his involvement in a distribution ring that culminated in two overdose deaths in Sioux Falls. He was sentenced to a combined 35 years in federal prison. On appeal, he claimed text messages were erroneously admitted at trial and that the evidence was insufficient to convict him. The Eighth Circuit affirmed the convictions, holding that the text messages were properly admitted because the chain of custody was adequately established and that the wealth of evidence presented to the jury was sufficient to support the convictions.

United States v. Frenchone One Horn, a/k/a Frenchone Kills in Water

Assault and Healthcare Fraud

In *United States v. One Horn*, the defendant was convicted of causing family members to inflict serious injuries on themselves, and of directly inflicting serious injuries on one family member, all

to enable them to obtain pain medications for her use. She was sentenced to 12 years in federal prison, and she appealed the reasonableness of the sentence, which involved an upward variance from her advisory Guidelines range. The Eighth Circuit affirmed, holding the sentence was reasonable given the egregious nature of her scheme to acquire controlled substances, and it held the District Court properly considered all the relevant sentencing factors in arriving at its decision.

United States v. Vincent Perez

Sexual Exploitation of Minors

In *United States v. Perez*, a jury convicted the defendant of two child pornography-related offenses. On appeal, he challenged the District Court's admission of social media evidence, the sufficiency of the evidence, and whether his Guidelines range was improperly calculated in a way that resulted in an unreasonably high sentence. The Eighth Circuit affirmed the convictions, holding the social media evidence was properly authenticated and that the evidence sufficiently showed that the defendant owned the accounts containing the incriminating evidence. The Court also remanded for a resentencing to correct the miscalculation of his Guidelines sentencing range.

United States v. Elizabeth Pounds

Possession with Intent to Distribute Methamphetamine

In *United States v. Pounds*, the defendant was convicted of possessing methamphetamine with the intent to distribute. She appealed the denial of a suppression motion that claimed officers lacked reasonable suspicion to stop her vehicle. The Eighth Circuit agreed with the District Court that the officers had reasonable suspicion to stop her vehicle because they had surveilled the residence she was leaving, had reports from informants regarding the drug transactions that were being conducted there, and her activities at the residence were consistent with being involved with drug trafficking.

United States v. Larry Rederick

Possession with Intent to Distribute Methamphetamine

In *United States v. Rederick*, a jury convicted defendant of possessing methamphetamine with the intent to distribute. He appealed the denial of a suppression motion after he was stopped in his vehicle and subjected to a warrantless search after a K9 unit arrived and a trained dog alerted to the vehicle. The Eighth Circuit affirmed the denial of suppression, holding that the officers lawfully stopped defendant for two separate and sufficient reasons for a traffic violation and because the investigation leading to his arrest had produced sufficient evidence for the traffic stop. The Court further held that the delay in waiting for the drug dog to arrive was permissible because of the information from the ongoing investigation regarding defendant's drug activities.

United States v. Moses Runs Against

Involuntary Manslaughter

In *United States v. Runs Against*, the defendant was driving under the influence of alcohol when he crossed over a center line on a highway and killed two people and seriously injured two others. After pleading guilty, the District Court sentenced him to two consecutive terms of seven years in federal prison, resulting in a combined sentence of 14 years. He appealed the reasonableness of the sentence, which represented a significant increase from his Guidelines sentencing range. The

Eighth Circuit affirmed the sentences, holding that the defendant's criminal history showed he had previously driven while intoxicated, crashed a vehicle, and severely injured his young son. The Court held the District Court properly considered the appropriate sentencing factors and arrived at a reasonable sentence.

United States v. James Rutledge

Conspiracy to Distribute a Controlled Substance and Illegal Possession of Firearm

In *United States v. Rutledge*, the defendant was convicted of methamphetamine distribution and possessing a firearm as a convicted felon. On appeal, he challenged the denial of a motion to suppress evidence found when his rental vehicle was stopped after officers who were monitoring his movements witnessed him roll through a stop sign on a rural highway. The Eighth Circuit affirmed the denial of his motion to suppress, holding that, despite the unique placement of the stop sign on the rural roadway, the officers were objectively reasonable in assessing the defendant had violated South Dakota traffic laws.

United States v. Heather Schaefer

Conspiracy to Distribute Methamphetamine

In *United States v. Schaefer*, the defendant was convicted of conspiracy to distribute methamphetamine. She appealed the denial of a suppression motion based on her claim that law enforcement subjected her to warrantless searches without sufficient reasonable suspicion, as required by her parole conditions. The Eighth Circuit affirmed the denial of suppression, holding that officers had sufficient reasons to suspect defendant was engaged in drug distribution based on a lengthy investigation and observations about her activities leading to her arrest. The arresting officer also observed a variety of suspicious behavior when he began following the defendant's vehicle immediately before she was arrested.

United States v. Kyle Soto

Sexual Exploitation and Enticement of a Minor

In *United States v. Soto*, a jury convicted the defendant of 15 child pornography-related offenses. On appeal, he argued the evidence was insufficient to sustain the convictions, that the District Court failed to instruct the jury that it could not convict him of receipt and possession of child pornography based on the same material, and that his 20-year sentence violated Supreme Court precedent because the jury failed to make a finding that a minor victim was under 12 years old. The Eighth Circuit upheld the convictions, but remanded the case for a resentencing on one count.

United States v. William Stevenson

Conspiracy to Distribute Methamphetamine

In *United States v. Stevenson*, the defendant was arrested after officers observed him leaving a hotel room just after they had secured a search warrant for the room. They discovered methamphetamine on him, and more in the room. He was convicted by a jury, and he appealed the denial of a suppression motion in which he claimed the warrant did not give officers authority to arrest him in a hotel parking lot. The Eighth Circuit affirmed, holding there was reasonable suspicion sufficient to stop the defendant, and his seizure was justified by his refusal to comply and his attempt to flee.

United States v. Christopher Truax, a/k/a Christopher Dale Sinchak

Attempted Enticement of a Minor

In *United States v. Truax*, a jury convicted the defendant of attempting to entice a minor using the internet after he was arrested as part of an undercover sting operation during the Sturgis Motorcycle Rally in which officers posed online as minors. He appealed, arguing the District Court improperly allowed the United States to use impeachment evidence not disclosed before trial, that the prosecutor inappropriately attacked his credibility during closing arguments, and that his 14-year sentence was unreasonable. The Eighth Circuit affirmed in all respects, holding the impeachment evidence was in the defendant's possession all along, that the evidence was overwhelming such that any error in the prosecutor's remarks during closing would not have changed the verdict, and that his Guidelines-range sentence was reasonable.

United States v. Garrett Waters

Aggravated Sexual Abuse of a Minor

In *United States v. Waters*, a jury convicted the defendant of three counts of aggravated sexual abuse of a minor. On appeal, he challenged certain jury instructions, an evidentiary ruling, and the sufficiency of the evidence. The Eighth Circuit affirmed the convictions, holding that although a jury instruction included an error, there was no reasonable probability the error affected the verdict. The Court also held that a response to a question at trial contained hearsay, but since the same evidence came in through other witnesses, it was cumulative and did not likely impact the verdict. Finally, the Court held the evidence was sufficient to sustain the verdicts because the credibility of the victim was for the jury to determine, and the verdict reflected they believed the child.

United States v. Jerry Wise

Conspiracy to Distribute Methamphetamine and Fentanyl

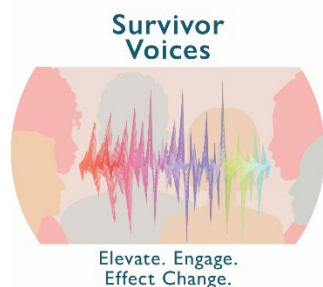
In *United States v. Wise*, a jury convicted the defendant of two counts of conspiring to distribute methamphetamine and fentanyl. On appeal, he claimed the District Court erred in allowing evidence from a cell phone and allowing a federal agent to testify about the phone. He also claimed the District Court erred by excluding evidence about his prior state marijuana conviction. The Eighth Circuit affirmed the convictions, finding the cell phone evidence was sufficiently authenticated and relevant, and the agent's testimony was fair given his training and experience. The Court also held the District Court did not exclude the evidence about his prior conviction arbitrarily, and at best, it had only a marginal relationship to his claimed defense.

United States v. Elmer Zahn

Possession with Intent to Distribute Methamphetamine

In *United States v. Zahn*, the defendant was convicted of possessing methamphetamine with the intent to distribute. He appealed the denial of a suppression motion that was based on his claim that his encounter with law enforcement that led to the seizure of drugs was based on a state warrant that was no longer active. The Eighth Circuit affirmed the denial of suppression, holding that although the warrant was no longer active, the involved officer had no reason to know it was inactive because it remained active within the computerized records. The Court held that there was no evidence that the mistake was a result of widespread systemic negligence, and the officer was reasonable in believing the warrant was active.

VICTIM RIGHTS AND ADVOCACY



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

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

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

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

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

CONTACT INFORMATION

Sioux Falls Office 325 South First Avenue Sioux Falls, SD 57104 (605) 330-4400	Pierre Office 225 South Pierre Street Pierre, SD 57501 (605) 224-5402	Rapid City Office 515 Ninth Street Rapid City, SD 57701 (605) 342-7822
Alison J. Ramsdell U.S. Attorney		Sioux Falls Office Alison.Ramsdell@usdoj.gov
Gregg S. Peterman First Assistant U.S. Attorney		Rapid City Office Gregg.Peterman@usdoj.gov
John E. Haak Chief, Criminal Division		Sioux Falls Office John.Haak@usdoj.gov
Diana J. Ryan Chief, Civil Division		Sioux Falls Office Diana.Ryan@usdoj.gov
Kevin M. Koliner Chief, Appellate Division		Sioux Falls Office Kevin.Koliner@usdoj.gov
Timothy M. Maher Supervisory AUSA		Pierre Office Tim.Maher@usdoj.gov
Connie A. Larson Supervisory AUSA		Sioux Falls Office Constance.Larson@usdoj.gov
Benjamin A. Patterson Supervisory AUSA		Rapid City Office Ben.Patterson@usdoj.gov
Troy R. Morley Tribal Liaison		Pierre Office Troy.Morley@usdoj.gov
Aileen “Ace” Crawford Public Information Officer		Rapid City Office Aileen.Crawford@usdoj.gov
Dave Stephan Law Enforcement Coordinator		Sioux Falls Office Dave.Stephan@usdoj.gov
Indian Country Contact Information		
Cheyenne River	Wayne Venhuizen	Wayne.Vehhuizen@usdoj.gov
Crow Creek Lower Brule	Brian Murphy	Brian.Murphy4@usdoj.gov
Flandreau Yankton	Ann Hoffman Paige Peterson	Ann.Hoffman@usdoj.gov Paige.Peterson@usdoj.gov
Lake Traverse	Elizabeth Ebert	Elizabeth.Ebert@usdoj.gov
Pine Ridge	Megan Poppen Heather Knox Anna Lindrooth	Megan.Poppen@usdoj.gov Heather.Sazama@usdoj.gov Anna.Lindrooth@usdoj.gov
Rosebud	Kirk Albertson	Kirk.Albertson@usdoj.gov
Standing Rock	Carl Thunem	Carl.Thunem@usdoj.gov