

**UNITED STATES ATTORNEY'S OFFICE
DISTRICT OF SOUTH DAKOTA
ANNUAL REPORT
2011**



**BRENDAN V. JOHNSON
UNITED STATES ATTORNEY**

Message from United States Attorney Brendan V. Johnson



The United States Attorney's Office takes an aggressive approach to prosecuting some of South Dakota's most dangerous and violent criminals. This includes prosecuting predators who prey on our children, drug dealers who pollute our communities with poison, and those who perpetrate horrific acts of violence. We have also been engaged in reaching out to communities throughout South Dakota to ensure that we are doing our best to keep them safe. Our outreach efforts over the past year featured a state-wide meeting on violence against women, as well as a civil rights conference which included national experts on timely topics like human trafficking and bullying.

Our efforts are showing results. In the past year, the number of defendants we prosecuted increased over 13% (from 655 to 759), and we increased new case filings by nearly 20% (from 555 to 691).

We continue to strengthen our commitment to public safety in Indian country. Using community prosecution principles, federal prosecutors do much of their work in the tribal communities where their cases originate, talking with witnesses, victims and community members. In an effort to foster closer coordination with our colleagues who are tribal prosecutors, I have initiated a program by which tribal prosecutors can be designated as Special Assistant United States Attorneys (SAUSA's). I have appointed prosecutors from three tribal governments to serve as SAUSA's.

Our successful efforts to hold offenders accountable would not be possible without the great contributions of our federal, state, tribal and local law enforcement partners. South Dakota is unique because of the close working relationships that exist among law enforcement officers at all levels of government. When these officers work together, everyone wins, including our office which benefits from criminal investigations which are the product of their concerted effort and selfless cooperation. We salute the outstanding work done by all South Dakota law enforcement officers.

Our office has also been focused on protecting the financial assets of the United States. Our Civil Division has defended the United States in civil litigation and pursued those who have sought to defraud tax payers. Our Appellate Division has made certain that our criminal and civil victories are upheld on appellate review.

I am proud of our successes, but we cannot become complacent. Each year, we see emerging trends in criminal activity that often require swift and firm federal intervention. I am particularly concerned about human trafficking and child exploitation in South Dakota. The internet can be a terrific tool for our children, but it also provides predators with new opportunities to solicit minors and those who are vulnerable. I am also troubled by the prevalence of prescription drugs as well as drug analogues in our communities. We will continue to focus on these trends and work to directly confront the threats they pose.

Finally, national security remains our top priority. We continue to meet regularly with all of our law enforcement partners to discuss potential threats to our state and our country.

It has been a tremendous honor to serve as your United States Attorney for the past three years. We have made great progress, but there is work yet to be done. Thank you and best regards.

Sincerely,

A handwritten signature in black ink, appearing to read "Brendan V. Johnson". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Brendan V. Johnson
United States Attorney
District of South Dakota

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INTRODUCTION

In 1789, the United States 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. In fact, United States Attorneys were independent of the Attorney General and did not come under the Attorney General's supervision and authority until 1870 when the United States Department of Justice was created.

South Dakota has had 40 United States Attorneys dating back to 1861 when Harvey M. Vale served as the first United States Attorney for Dakota Territory. United States Attorneys began serving solely for the District of South Dakota in 1889 when Dakota Territory was divided into individual states and the District was created.

United States Attorneys are nominated by the President and must be confirmed by the United States Senate. Following confirmation, United States 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 insure the fair and impartial enforcement of federal criminal laws and also represent the United States government in civil claims brought by and against the government. In 1935, Supreme Court Justice George Sutherland described the role of the United States 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).

YEAR IN REVIEW

AGAC/NAIS Conference

Attorney General Eric Holder and members of the Attorney General’s Advisory Committee (AGAC) and Native American Issues Subcommittee (NAIS) met in July with tribal leaders and advocates in Rapid City and Pine Ridge. The meetings focused on issues of tribal safety and domestic violence and coincided with the one-year anniversary of President Obama’s signing of the Tribal Law and Order Act (TLOA) into law—a measure aimed at helping both tribal governments and the federal government better address the unique public safety challenges facing Native American communities across the country.

Attorney General Holder, Associate Attorney General Thomas J. Perrelli, Assistant Attorney General Ignacia Moreno of the Environment and Natural Resources Division, Department of Interior Bureau of Indian Affairs Secretary Larry Echo Hawk, and 30 U.S. Attorneys engaged in a host of conversations on topics including combating violence against women, protecting tribal lands, honoring traditional Native American values, and training tribal prosecutors and police forces.

Attorney General Holder also participated in a special wreath laying ceremony at the Wounded Knee Memorial. He is the first administration official since President Clinton in 1999 to visit the historic site.

“Nearly half a century ago, following his tenure as Attorney General, Robert Kennedy traveled to Pine Ridge to signal the U.S. government’s commitment to ensuring peace, security, opportunity, justice on tribal lands. Today, this commitment lives on – and it has been renewed, and strengthened, by this Administration,” said Attorney General Holder. “I’m especially proud that, through the implementation the Tribal Law and Order Act



ATTORNEY GENERAL HOLDER & OGLALA SIOUX TRIBE
PRESIDENT JOHN YELLOW BIRD STEELE

and other critical efforts, the Justice Department's work to protect and empower people in Indian Country have never been stronger or more effective."

Soon after he came into office, Attorney General Holder identified building and sustaining safe and secure tribal communities as one of the Department of Justice's top priorities. In June of 2009, the department launched a wide-ranging initiative to strengthen public safety in Indian Country. Since that time, the Department has taken a number of steps to strengthen its commitment to tribal communities and to develop more effective partnerships with tribal leaders, police, prosecutors, courts and advocates to combat crime in tribal communities.



Attorney General Eric Holder at the SuAnne Big Crow Boys & Girls Club – Pine Ridge, SD



SD U.S. Attorney Brendan Johnson, Associate Attorney General Thomas Perrelli, ND U.S. Attorney Tim Purdon



Minnesota U.S. Attorney B. Todd Jones, Attorney General Eric Holder, South Dakota U.S. Attorney Brendan Johnson

Attorney General Appoints U.S. Attorney Johnson to Advisory Committee

In December, Attorney General Eric Holder announced the appointment of South Dakota U.S. Attorney Brendan Johnson to a two-year term on the Attorney General's Advisory Committee (AGAC). U.S. Attorney Johnson joined seven other U.S. Attorneys from across the country who were also named to fill positions on the AGAC.



“I am humbled and honored that Attorney General Holder has asked me to serve on this important committee and look forward to my role in shaping law enforcement policy at the national level,” U.S. Attorney Johnson said. “The U.S. Attorney’s Offices are on the front lines of our nation’s federal prosecutions and civil litigation. I’m excited about working with my colleagues on the AGAC to do everything we can to assist them.”

The AGAC was created in 1973. The committee represents the voice of the 93 U.S. Attorneys across the country and provides advice and counsel to the Attorney General on policy, management, and operational issues impacting the Offices of the U.S. Attorneys.

U.S. Attorney Johnson was also appointed by Attorney General Holder to chair the AGAC’s Native American Issues Subcommittee in 2009 and still serves in that capacity.

SECOND TRIBAL LISTENING CONFERENCE

Addressing Violence Against Women

The U.S. Attorney's Office held its Second Tribal Listening Conference on September 29, 2011. The Listening Conference focused on domestic violence and sexual assault against women and children. The conference brought together tribal leaders, prosecutors and victim advocates from across the state who shared ideas on how to prevent violence and abuse.



Breakout sessions during the one-day conference focused on timely and practical issues. Topics and issues addressed included sharing domestic violence resources across jurisdictions and service areas, sharing law enforcement information, U.S. Attorney's Office interaction with tribal communities, communities with shelter needs, coordination of full faith and credit for protection orders and victim/witness reporting, retaliation and safety concerns.



In response to the Listening Conferences it has sponsored, the U.S. Attorney's Office has reached cooperative agreements with tribal governments for the Rosebud and Standing Rock Reservations to make their tribal prosecutors Special Assistant United States Attorneys (SAUSAs). The purpose of the program is to provide enhanced training to tribal prosecutors, to create the groundwork for future cross-deputation agreements

between the tribes and other governmental agencies, and to allow tribal SAUSAs to participate directly in the federal prosecution of non-Indian and other offenders.

The listening conferences have also demonstrated the need for federal prosecutors to remain deeply engaged in the tribal communities we serve. This overarching principle is the basis for the Community Prosecution Strategy issued in July of 2010. Federal prosecutors are making a bigger impact in Indian country because they are so closely connected to it. In fact, on the Pine Ridge Reservation, the U.S. Attorney's Office Community Prosecutor pilot program is going strong and continues to operate with one Assistant U.S. Attorney working nearly full time from an office in Pine Ridge.



Posting of the Colors – Hunkpati Oyate Lodge, Fort Thompson, South Dakota



Robin Charbonneau Spoon, Devils Lake, North Dakota



Susan B. Carbon, Dept. of Justice Office on Violence Against Women; Nichole Emery, SD Coalition Ending Domestic & Sexual Violence, Mission, South Dakota; and SD U.S. Attorney Brendan Johnson

Rosebud Sioux Tribe

Defending Childhood Initiative

In January, the Department of Justice awarded \$1 million to the Rosebud Sioux Tribe as part of the Attorney General's Defending Childhood Initiative. The initiative was originally launched in 2010 to prevent children's exposure to violence as victims and witnesses, mitigate the negative effects experienced by children exposed to violence, and develop knowledge about and increase awareness of this issue.

The Rosebud Sioux Tribe was one of six sites selected from across the nation to implement strategies to assist children. It was selected because of the progress and energy it has demonstrated to prevent, reduce, and combat children's exposure to violence.

In this regard, the Rosebud Sioux Tribe has designated the Rosebud Sioux Attorney General's Office for managing its Defending Childhood program. Natalie Stites, a UCLA Law School graduate and enrolled member of the Cheyenne River Sioux Tribe, serves as the program's coordinator. Her responsibilities include planning, designing, and negotiating the development of a system that addresses the needs of children who have been exposed to violence. She is assisted by members of the U.S. Attorney's Office Multidisciplinary Team (MDT) for the Rosebud Sioux Tribe (RST), along with a Collaborative Body. The officers and agencies who comprise the MDT and the Collaborative Body include:

- RST Alcohol & Drug Program
- RST Attorney General's Office
- RST Law Enforcement Services
- RST HeadStart
- RST Tribal Court Officials
- White Buffalo Calf Woman Society, Inc.
- Sicangu Child & Family Services
- South Dakota Department of Social Services
- U.S. Attorney's Office
- Federal Bureau of Investigation
- Sinte Gleska University
- St. Francis Indian School
- Todd County School District
- Rosebud Indian Health Services
- Faith Based Representatives
- Community Representatives
- Sicangu Coalition Against Sexual and Domestic Violence
- University of South Dakota School of Social Work
- Tribal Leaders

GOALS

- To prevent and respond to children's exposure to violence on the Rosebud Sioux Reservation.
- To reduce the negative impact of children's exposure to violence on the Rosebud Sioux Reservation.
- To increase community awareness of children's exposure to violence on the Rosebud Sioux Reservation.

OBJECTIVES

- Develop a comprehensive approach with the collaborative body to address all aspects: prevention, interventions, response, outreach, tribal code changes, training, evaluations, and awareness.
- The comprehensive approach shall address increased identification: changes to screening, assessments, referrals, resources, and services on the Rosebud Indian Reservation.
- Recruit, retain, and engage victims and families to utilize and access quality programs that address a culturally sensitive and diverse range of our underserved populations.
- Identify the gaps between services and resources.
- Identify all children exposed to violence for purposes of voluntary, early intervention services and referrals, and victim witness services.
- Promote improvements to tribal law and policy changes, and implement organizational changes to systems and services to children exposed to violence.
- Develop and implement specific protocols, procedures, and policies responding to the needs of the children and their families.
- Develop and implement developmentally appropriate strategies for children and youth including developmentally challenged, handicapped, and disabled children.
- Improve cross agency response, prevention, intervention, promote and provide professional cross training, reform systems and reduce barriers in service.

In June, 2011, Stites learned that the RST Attorney General's Children Exposed to Violence program had been invited to apply for a grant of \$1 million to continue strategic planning and implement its proposed project.

CRIMINAL DIVISION

The primary responsibility of 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 District's Indian reservations and other Indian lands which constitute Indian country under federal law. By Act of Congress, 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. The office works closely with tribal prosecutors to coordinate the prosecution of offenses arising in Indian country.

The other crimes prosecuted by Assistant United States Attorneys assigned to 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.

Twenty attorneys are assigned to the Criminal Division. This includes two office supervisors and the Criminal Chief. Within the Division, one attorney is assigned to the Organized Crime Drug Enforcement Task Force (OCDETF) to handle major drug trafficking prosecutions. One attorney in the Division serves as the District's anti-terrorism coordinator. One attorney and one auditor are assigned to healthcare fraud investigations. The District's asset forfeiture attorney is also assigned to the Criminal Division.

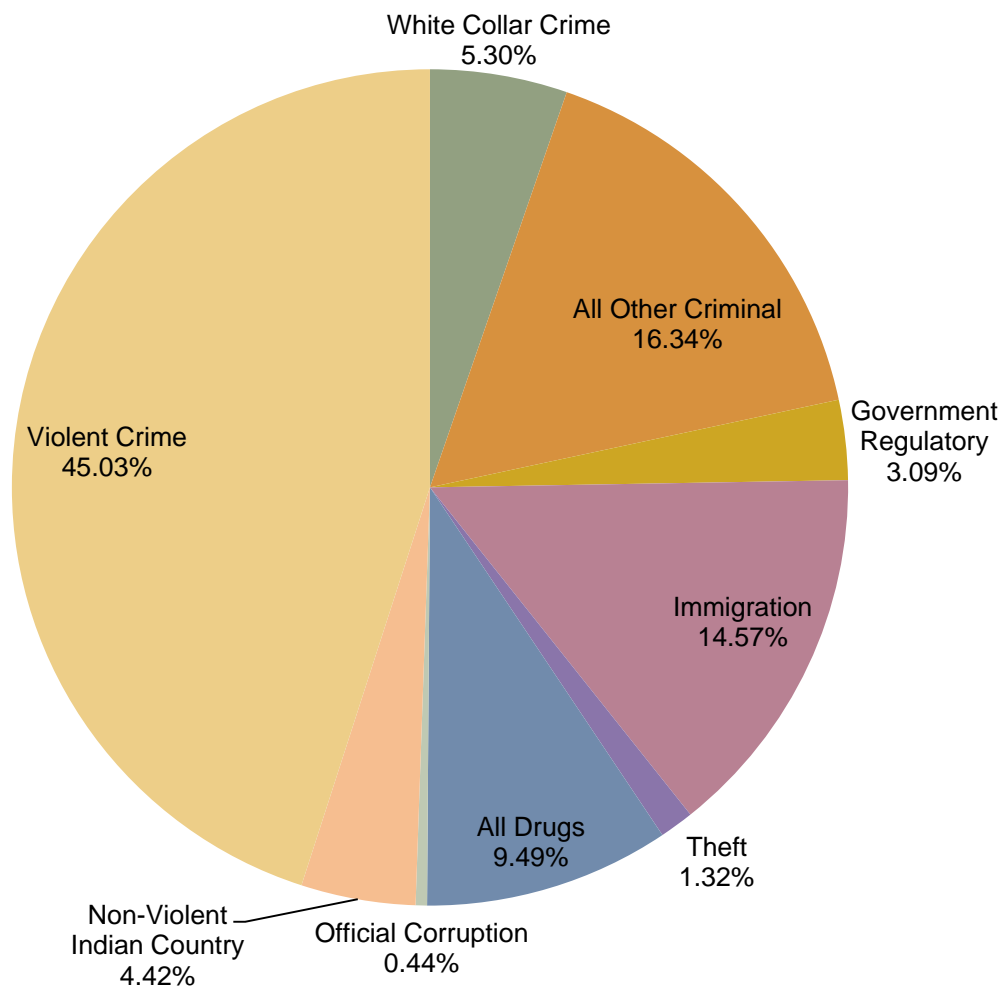


STATISTICAL HIGHLIGHTS

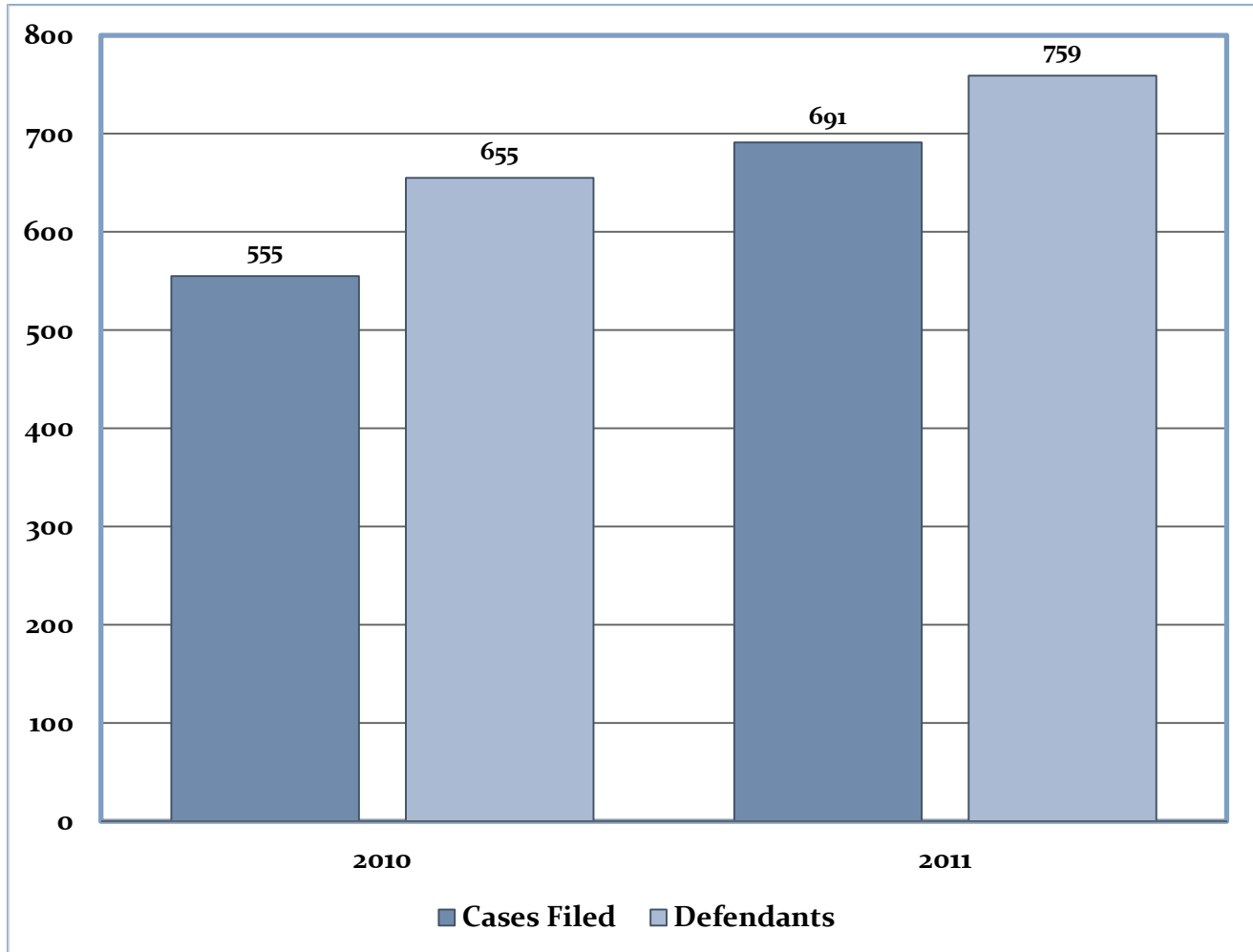
Criminal Caseload Statistics

691 Total Cases Filed

Total Cases by Program Category



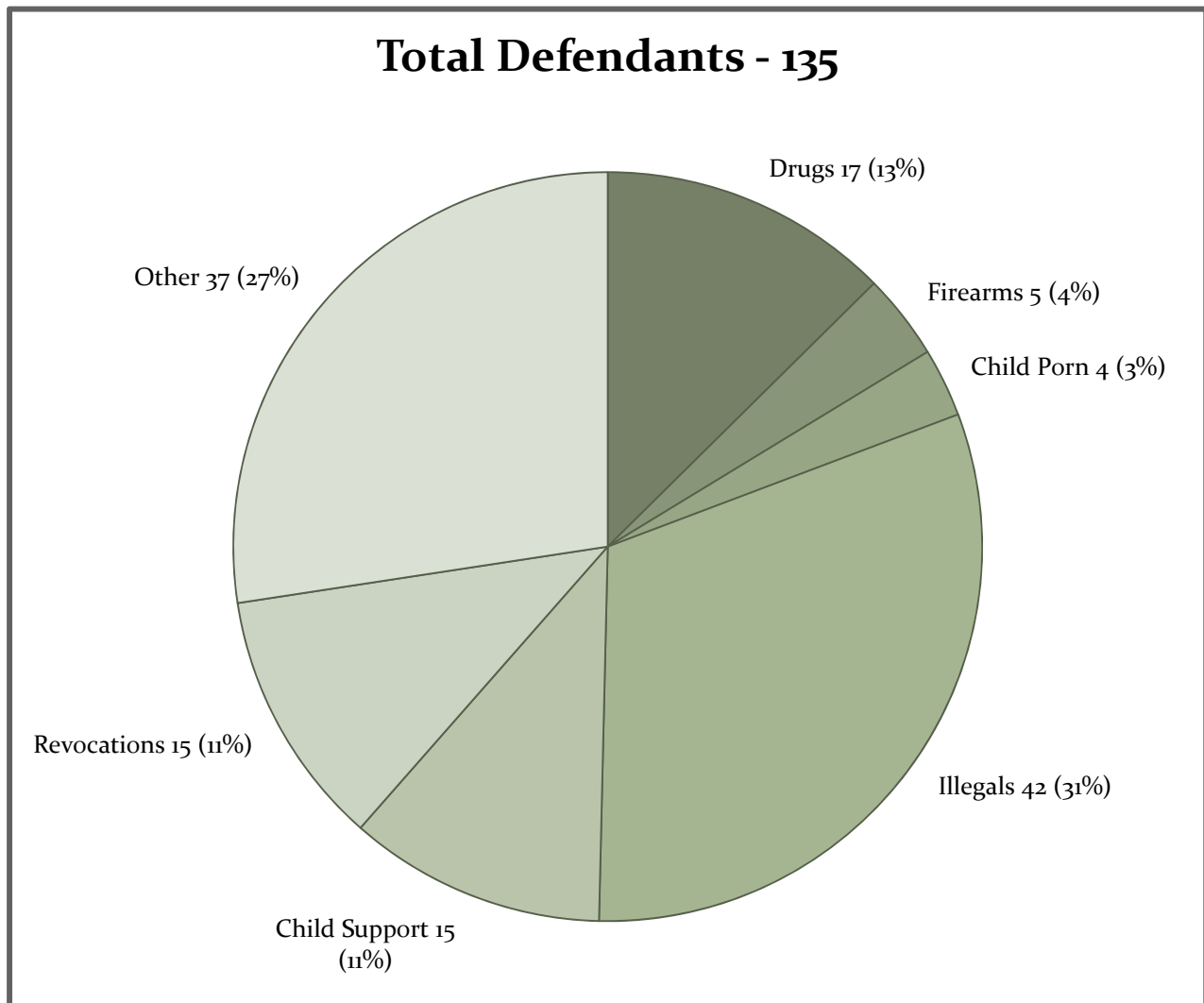
Cases & Defendants Filed 2010 - 2011



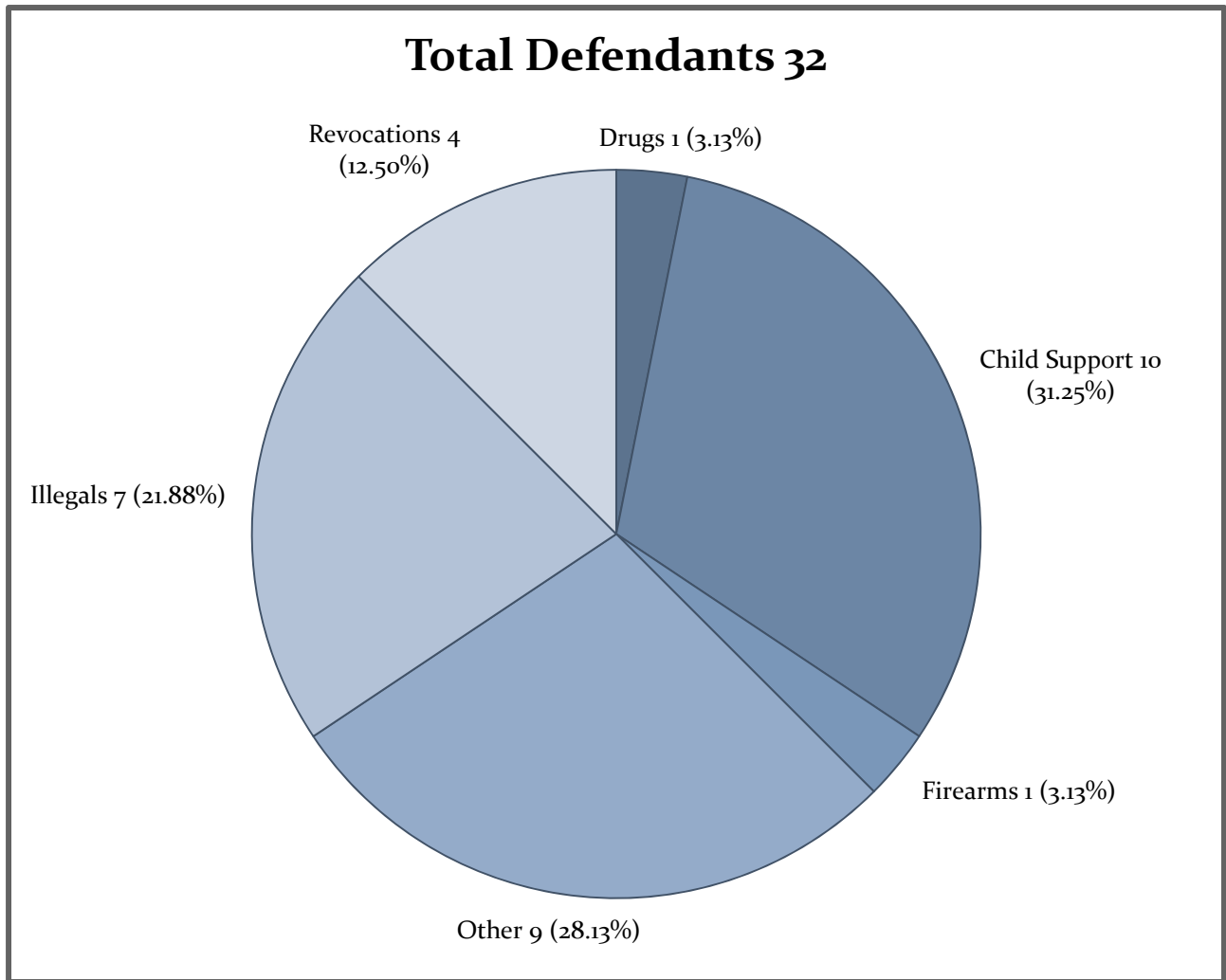
The US Attorney's Office has seen an increase of over 20% in the number of new criminal cases filed. Additionally, there was over a 13% increase in the number of defendants prosecuted in 2011.

Non-Indian Country Defendants by Program Category Per Division

Southern Division

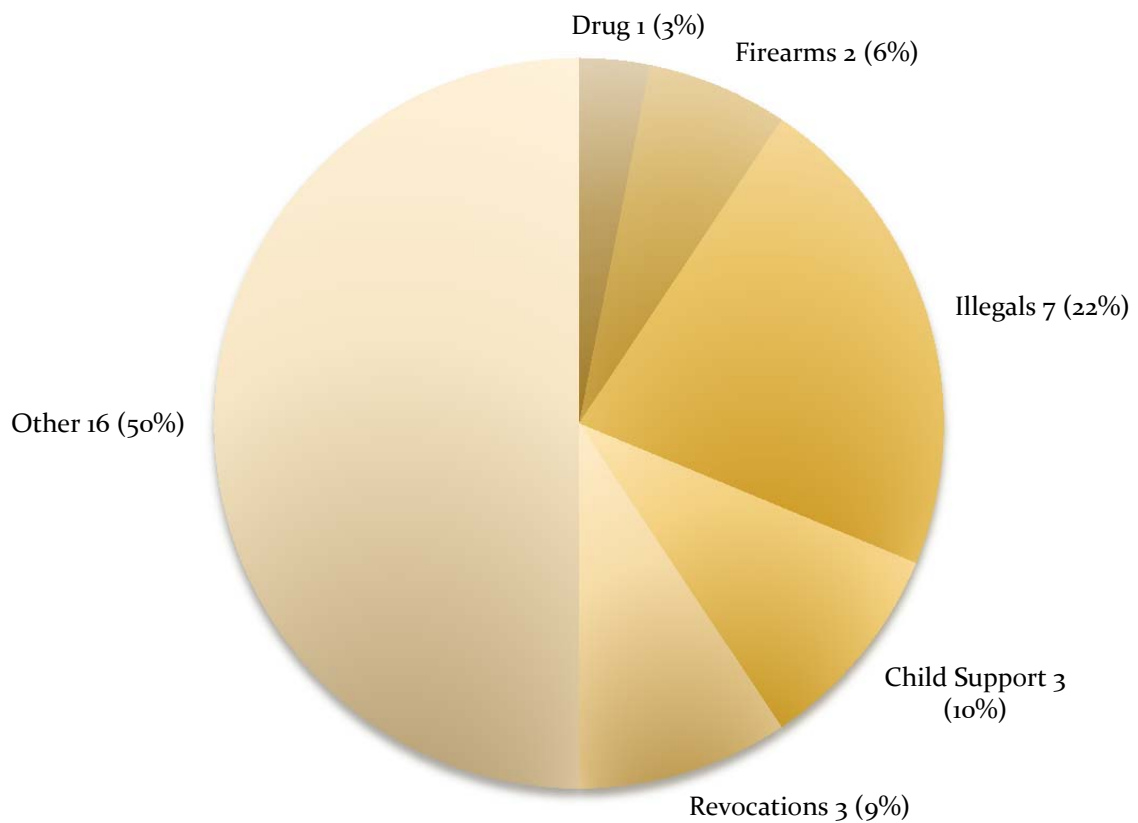


Northern Division

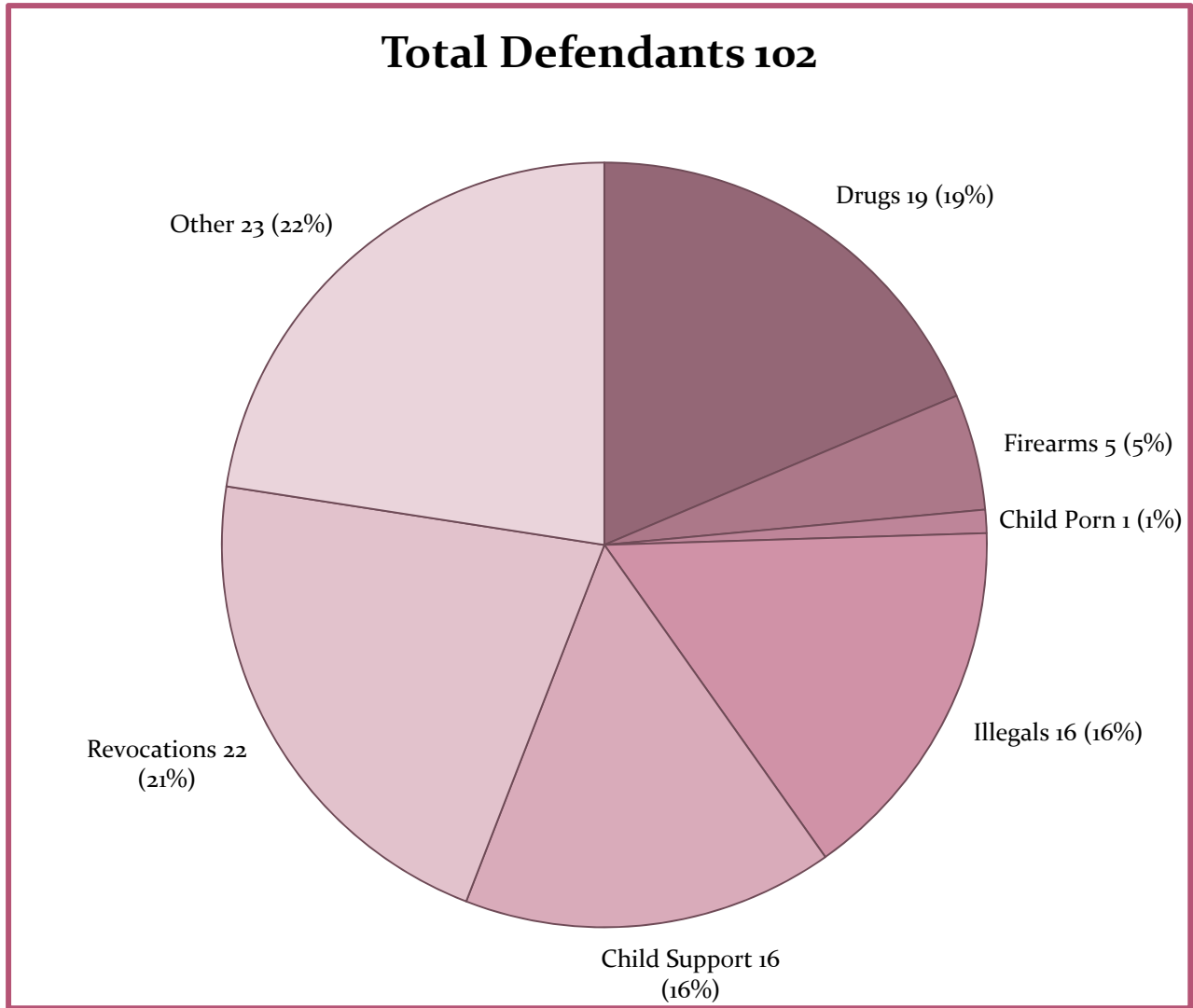


Central Division

Total Defendants 32



Western Division



NON-INDIAN COUNTRY

Significant Cases

FRAUD

Bank Fraud

In January of 2011, at least five individuals were responsible for attempting to deposit and cash nine counterfeit checks totaling over \$55,468 at Wells Fargo Bank and First Premier Bank in Sioux Falls. Once the counterfeit checks were accepted for deposit, the defendants would immediately attempt to withdraw funds from the accounts. In all, the defendants were able to defraud the banks out of \$15,200. The investigation and subsequent charges have led to convictions of at least three of the individuals, with cases pending against two others.

Conspiracy, Money Laundering, Tax Evasion

The U.S. Attorney's Office indicted two men for a variety of charges related to a fraud they perpetrated on South Dakota residents. The charges included Conspiracy, Wire Fraud, Money Laundering, and Tax Evasion. The defendants, from Colorado and Spearfish, South Dakota lined up investors to invest in a computer program start-up venture called Plato Systems. The two men raised over \$4.5 million with approximately \$3 million coming from South Dakota residents.

The principal means of recruitment used to entice investors was a business prospectus assembled by the defendant from Colorado which contained numerous false statements about his educational background, his professional experience, members of an alleged board of directors, and alleged partnerships he had forged with numerous multi-national corporations.

In addition, unbeknownst to the investors, the Spearfish defendant had previously been an investment recruiter for a number of such high-yield investment schemes which led to criminal indictments of others and the loss of millions of dollars of investor money.

Rather than use the money invested to establish and build Plato Systems, instead the Colorado defendant spent most of the money for nine years supporting his daily expenses and lavish lifestyle which included cruise trips, expensive hotel stays, home

mortgage payments, nearly one million dollars in cash, jewelry, payments to one of his girlfriends, and other non-business expenses.

After a multi-year investigation conducted by the Internal Revenue Service, the Department of Homeland Security, and the South Dakota Division of Criminal Investigation, followed by federal indictments, both men pled guilty to a variety of charges in the fall of 2011. The defendant from Colorado was sentenced to 8 years' imprisonment and the Spearfish defendant was sentenced to 5 years' imprisonment. Both defendants were also ordered to repay approximately \$1.8 million to the investors.

Conspiracy to Defraud

The Farm Security and Rural Investment Act of 2002 provides marketing assistance, loans and loan deficiency payments for wool and mohair to eligible producers who produce and shear wool and mohair from live sheep and goats. The Loan Deficiency Payment Program helps stabilize America's wool and mohair industry and insures the well-being of agriculture in the United States. Payments are made to producers who, although eligible to receive a loan from the Commodity Credit Corporation (CCC), agree to forego the loan in return for a payment on the eligible wool, mohair or unshorn pelt. The payment limitation is confined to \$75,000 in payments per crop year. The defendants in this case were all in the sheep business and they devised a scheme to secure undeserved loan deficiency payments from the United States Department of Agriculture. The scheme consisted of the defendants submitting false claim forms to the USDA regarding the shearing of sheep. The two defendants eventually collected over \$300,000 in undeserved payments when in fact neither of them had any sheep. The defendants were indicted for conspiracy to defraud the government with respect to claims and their case is still pending.

Embezzlement

Safe Harbor is a domestic violence center in Aberdeen, South Dakota, that receives thousands of dollars annually from the federal government in the form of grants to assist with their benevolent mission. The Director, who had access to the shelter's credit card and was responsible for making purchases for the shelter, embezzled or misappropriated almost \$25,000 worth of cash and goods belonging to the shelter for her personal use. Most of the embezzlement consisted of cash withdrawals that she made from the shelter's credit card. The Director was indicted in federal court for Program Fraud. She pled guilty and was sentenced to five years on probation. She violated her conditions of probation and was given 15 days in custody and 3 years of supervised release.

Use or Production of a Counterfeit Access Device Aggravated Identity Theft

While traveling in South Dakota, two female defendants manufactured and used several counterfeit credit cards. They started by receiving stolen credit cards from another person, who also showed them how to make the counterfeit cards. The defendants received legitimate credit card numbers, which they would attach to stolen credit cards. Using this information, the defendants made between 10 and 15 counterfeit cards. After making the false credit cards, the defendants would present them at different stores. They were caught while trying to use one of the fraudulent cards at an auto repair shop in Rapid City. The repair shop notified a cardholder and a credit card company of a potential fraud. The defendants were charged with several counts related to identity theft and use or production of counterfeit access devices. Both defendants pled guilty and were sentenced to 24 and 48 months' custody, 3 years of supervised release, were ordered to pay over \$9,000 in restitution, and forfeited computers, guns, and other property in their possession when they were arrested.

Aggravated Identity Theft, Passport Fraud

A disbarred attorney from New Jersey, who was previously convicted of mail fraud and credit card fraud, was sentenced to 58 months in custody and fined \$10,000. The defendant applied for a U.S. passport under the identity of a deceased individual from South Dakota. An investigation by the U.S. Department of State Diplomatic Security Service further revealed that between 2003 and 2010, the defendant had assumed multiple identities, some of deceased individuals, in furtherance of his illegal financial activities. He was charged with Passport Fraud and Aggravated Identity Theft.

CHILD PORNOGRAPHY

A 67 year-old defendant, previously convicted of a sex offense, was caught in possession of child pornography while on probation. The defendant had been convicted in another state of molesting a child under 16 years old and had been allowed to return to South Dakota on supervised probation. Three years of close supervision by a South Dakota court services officer eventually led to the discovery of child pornography on the defendant's home computer. A



subsequent search warrant revealed the presence of over 400 images of child pornography on three separate hard drives. In reviewing the case with the local State's Attorney, it was determined that federal prosecution would be appropriate. The defendant eventually pled guilty to Accessing Child Pornography with Intent to View. He was sentenced to 70 months in prison, 5 years of supervised release, a \$3,000 fine, and will be required to register as a sex offender upon his release from custody.

A 44- year-old South Dakota resident was being investigated for sexually molesting his niece in another state. South Dakota Division of Criminal Investigation assisted Wisconsin authorities with obtaining a local search warrant and seized a computer from the defendant's residence. When Wisconsin officials found evidence of child pornography, they shipped the computer back to DCI for further forensic examination. After discovering hundreds of images of child pornography, the case was referred for federal prosecution. Despite the defendant's motion to suppress evidence, he eventually pled guilty to the child pornography charge in South Dakota and was sentenced to 10 years in federal prison. (He also pled guilty in Wisconsin to the sexual molestation of a minor.)

When a 62-year-old Sioux Falls man was discharged from a health care facility, a nurse found printed images of child pornography among his possessions. A search of his residence revealed a separate room setup as a photo studio and various items of photography equipment. Law enforcement officers also found more printed images of child pornography, as well as a computer and other digital storage media. Forensic examination revealed the defendant's possession of over 1,000 images and some videos of child pornography. The defendant continued to attempt to access child pornography on the internet while on pretrial release. He eventually pled guilty to possessing child pornography and was sentenced to 97 months in custody, followed by 5 years of supervised release, and mandatory registration as a sex offender.

The defendant and the two victims were siblings and lived in a foster home. The defendant filmed his sisters, ages 6 and 9, engaging in sexually explicit conduct. The defendant's voice can be heard on the footage providing instructions to his siblings about what they should do. The movie was discovered when their foster sister put in what she

thought was a Disney movie that they recorded from television and found the pornographic movie made by the defendant instead.

The defendant was indicted for two counts of Production of Child Pornography. He had previously been indicted for Aggravated Sexual Abuse of a six-year-old girl on the Rosebud Sioux Tribe Indian Reservation. He was acquitted at a jury trial for that offense.

The defendant pled not guilty to the pornography charge. A jury trial was conducted and the jury returned guilty verdicts on both counts. The defendant was sentenced to 120 months' imprisonment on each count to be served concurrently, to be followed by 3 years supervised release on each count to run concurrently. The defendant appealed the conviction to the Eighth Circuit Court of Appeals and that conviction was affirmed.

DRUG AND FIREARM OFFENSES



Possession of a Firearm While Subject to a Domestic Violence Protection Order

The defendant pawned a handgun at a pawn shop. When he attempted to redeem the pawn, the pawn shop's query showed he was prohibited from possessing a firearm. The defendant was subject to a domestic violence restraining order, issued by a South Dakota court. His former live-in girlfriend had applied for the restraining order citing violence and harassment by the defendant. The defendant admitted possessing the handgun, pled guilty to the offense, and was sentenced to 14 months' imprisonment.

Possession of a Firearm by a Convicted Felon

Management at the Scheel's Store in Sioux Falls discovered a missing Winchester rifle from their display case. Store employees reviewed surveillance video to try to determine if the rifle had been stolen or had been moved. Video showed a man entering and leaving the store on two occasions. On the first occasion, the man was with a group of individuals. Loss prevention watched the group as they went through the store, noticing two of them enter the premium gun area and then on to where the stolen gun had been. Loss prevention also noted the vehicle they left in. Two of those individuals returned to the store a second time and again proceeded to the premium gun area. The man was then seen walking toward the escalator with what appeared to be a red tag at his

waistline, walking in a very stiff manner. After law enforcement was contacted, an investigation led law enforcement to the defendant. He was charged with possession of a firearm by a convicted felon and was sentenced to 92 months in custody.

Assault of a Federal Officer and Possession of a Prohibited Object

The defendant was an inmate at Yankton Federal Prison Camp. While performing rounds, an officer at the prison camp determined the defendant had a cellular phone, which is prohibited in the prison camp. The defendant attempted to push past the officer in order to get away. The officer was eventually able to restrain the defendant. Fortunately, the officer was not injured. The defendant pled guilty and received a 6 month sentence, to be served in addition to his current federal sentence, followed by 6 months' home confinement upon release.

Methamphetamine Coming to South Dakota from Worthington and St. Cloud

Worthington, Minnesota drug investigators received information of several Worthington residents delivering methamphetamine to Sioux Falls. They shared the information with law enforcement in Sioux Falls. Police surveillance in Sioux Falls located one of the Worthington suspects leaving a motel room. The police arrested the suspect, finding \$4,000 in his waistband and several small packets of methamphetamine. Police followed up on that arrest by locating two additional suspects in a car on the east side of Sioux Falls. A search of their car revealed \$30,000 cash.

Telephone records led the police to other suspects from the St. Cloud, Minnesota, area. On April 5, police arrested one of the St. Cloud suspects and found two ounces of methamphetamine in the suspect's car. Evidence from the April 5th stop was combined with information previously known to the police which led to the April 8, 2010, arrest of another suspect in Worthington. Evidence gathered in that arrest, included two more ounces of methamphetamine, telephone records, and bank deposit slips all leading to more enforcement activity in Sioux Falls. This time four more defendants were arrested at a drug house.

While the suspects were in the process of being prosecuted, law enforcement continued to gather information regarding the drug group, but no additional arrests were made in 2010, as a result of the investigation.

Then in January of 2011, the police obtained a search warrant to search a suspected drug house in St. Cloud. The search revealed an ounce of methamphetamine, \$3,000 and additional documentary evidence that allowed the police to renew the investigation.

With the new leads, the police were able to find another suspect who was driving a South Dakota registered vehicle in St. Cloud. The police found a pound of methamphetamine and \$40,000 hidden in the vehicle. Information gathered from the traffic stop led to the search of two homes near St. Cloud where the police recovered another \$100,000 in cash. All of the cash has been seized for forfeiture and 17 co-conspirators were indicted. Thirteen of those charged have pleaded guilty, two were convicted at trial and two are awaiting trial.

Methamphetamine Distribution

In July of 2010, the New Mexico Department of Public Safety responded to a car accident near Albuquerque, New Mexico. The car involved in the accident had South Dakota license plates and was registered to a Rapid City resident, but was being driven by a Colorado resident (Defendant 1). Seven handguns were found in the wrecked car. The driver was arrested and police learned that the firearms were being delivered to Texas for another Rapid City resident (Defendant 2).

Meanwhile, South Dakota investigators were independently investigating Defendant 2 for methamphetamine trafficking. Several cooperators revealed that Defendant 2 had made trips to the Denver, Colorado, area to obtain methamphetamine in pound quantities and that Defendant 2 had also recruited others to make drug trips to Colorado.

Narcotics investigators conducted surveillance and gathered information regarding the drug operation being run by Defendant 2. They learned that there were many short-term visitors at Defendant 2's trailer house in Rapid City. They located a drug customer who was willing to cooperate with the police and wear a recording device. However, when the cooperator attempted to contact Defendant 2, Defendant 2 instead had an associate meet with the cooperator while Defendant 2 and Defendant 3 watched from a vehicle nearby.

In November, 2010, the police received information that Defendant 2 and another person were returning to Rapid City from Colorado with methamphetamine. The police located the SUV being driven by Defendant 2. When they attempted to stop the vehicle, near the outskirts of Rapid City, Defendant 2 attempted to outrun the police, but ended up wrecking the SUV. Defendant 2 then fled on foot. The police found Defendant 2

hiding in a field. Tracing his path backwards, the police found a pound of methamphetamine hidden under a rock. There was a large speaker box in the wrecked SUV. The force of the accident had broken open the speaker box revealing two more pounds of methamphetamine inside.

After Defendant 2 was arrested and the SUV towed, a police officer noticed a person walking in a ditch, well removed from the accident site. The person had a small amount of methamphetamine in his possession. When questioned, he admitted that he was in the ditch looking for a pound of methamphetamine that Defendant 2 had tossed from the vehicle before the accident.

Defendant 2 was held in the Pennington County jail. While there, he made phone calls to several associates trying to get others to continue drug sales and collection efforts. The phone calls were monitored allowing the police to identify several others involved in the drug distribution scheme.

Police conducted additional investigation which revealed that much of the methamphetamine was distributed in the Rapid City area, but some of it was also distributed on the Pine Ridge and Rosebud reservations. The information was corroborated by wire transfers of money between members of the drug conspiracy and telephone records. The investigation resulted in the federal indictment of 16 persons on charges ranging from conspiracy to using a communication device to further drug activity.

Conspiracy to Distribute

In July of 2009, two defendants were in a vehicle driving eastbound on Interstate 90 in the passenger's vehicle. The car was stopped by a South Dakota Highway Patrol Trooper for following too closely. When the trooper approached the car, he noticed that the driver's hands were shaking. While the trooper was writing the ticket, the driver informed him that they were heading to Virginia to visit his brother and sister. The passenger, however, told the trooper that the two of them were headed to Monterrey, Mexico, to party for a few weeks. The driver had indicated that he had known the passenger for a year, but the passenger said he had met the driver only a month prior to the traffic stop. He also claimed he did not know the driver's first or last name. Both men indicated that they were coworkers; the driver said that they were fruit pickers, while the passenger indicated that they were framers on a construction crew. The passenger was also visibly nervous while speaking to the trooper.

Based on the inconsistent answers, the trooper walked a drug detection canine around the vehicle. The dog alerted to the odor of a narcotic. A search of the vehicle revealed a sophisticated false compartment where activating a code actually resulted in an electric piston lifting the entire dashboard up. If the full sequence for the code was not followed, the hidden compartment would not be released. Inside the compartment were eight packages, each containing approximately one pound of methamphetamine. One package was field-tested and was positive for methamphetamine. In the hidden compartment, there were also two air fresheners, which were the same type as the air freshener hanging from the steering wheel column.

Law enforcement investigation revealed that the passenger was familiar with the source of the methamphetamine in Washington State, while the driver had the specifics of where the narcotic was to be delivered in Minnesota. The buyer was to pay the two men \$22,000 per pound for the methamphetamine.

In 2007, the driver of the vehicle was stopped by law enforcement along I-90 in Minnesota. A large amount of cash (\$146,000) was seized and forfeited as a result of that stop. The passenger had numerous prior drug-related arrests.

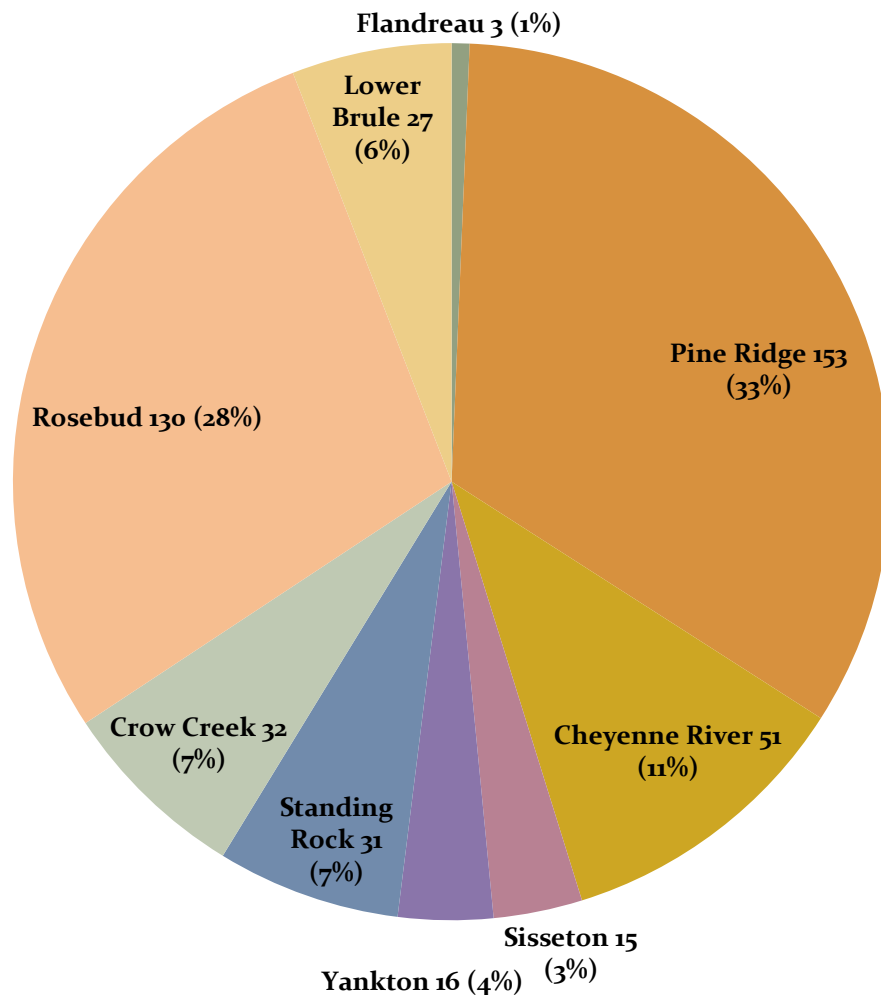
Both individuals pled guilty and received identical sentences of 120 months imprisonment to be followed by 5 years of supervised release.

STATISTICAL HIGHLIGHTS

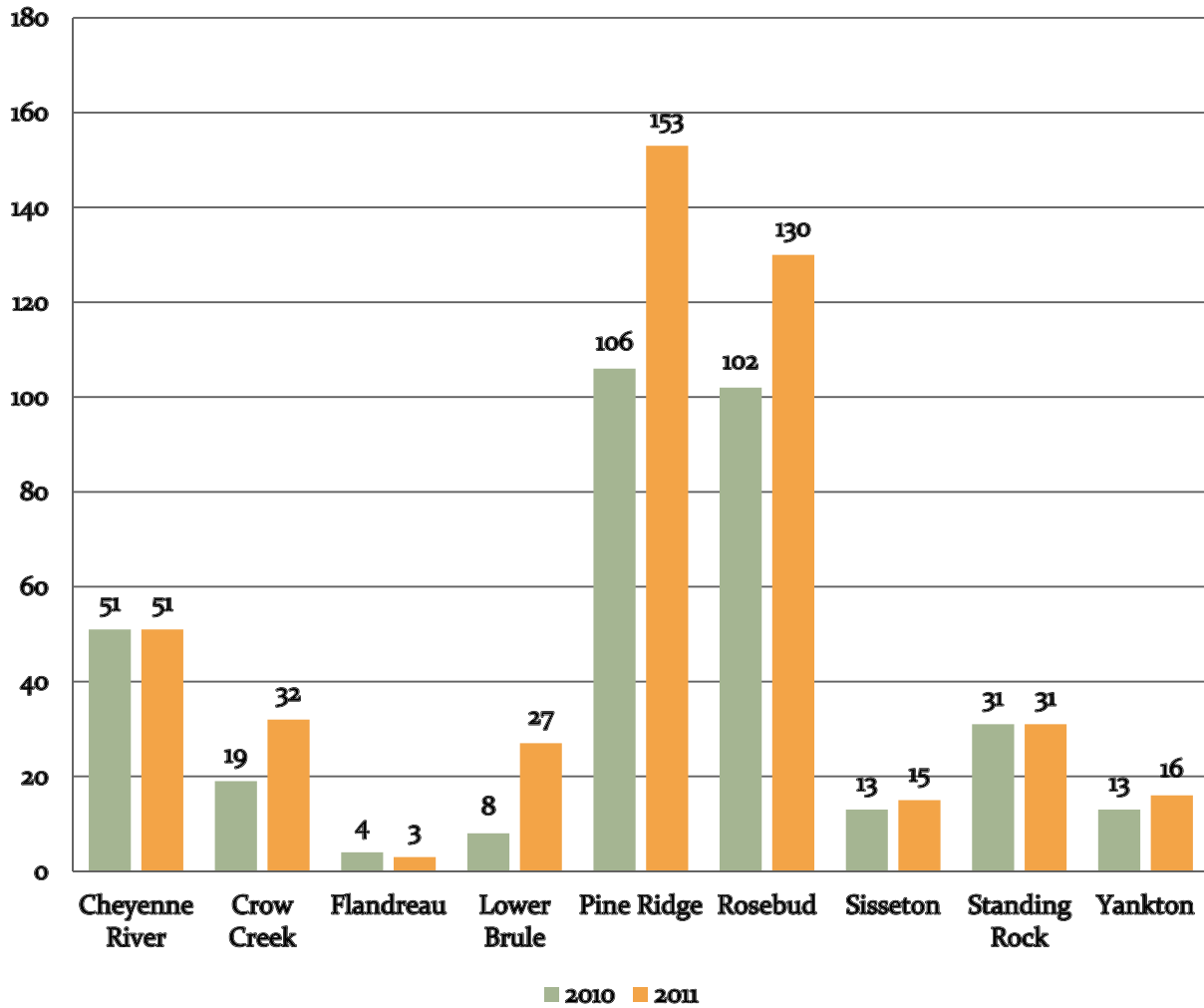
INDIAN COUNTRY

Calendar Year 2011

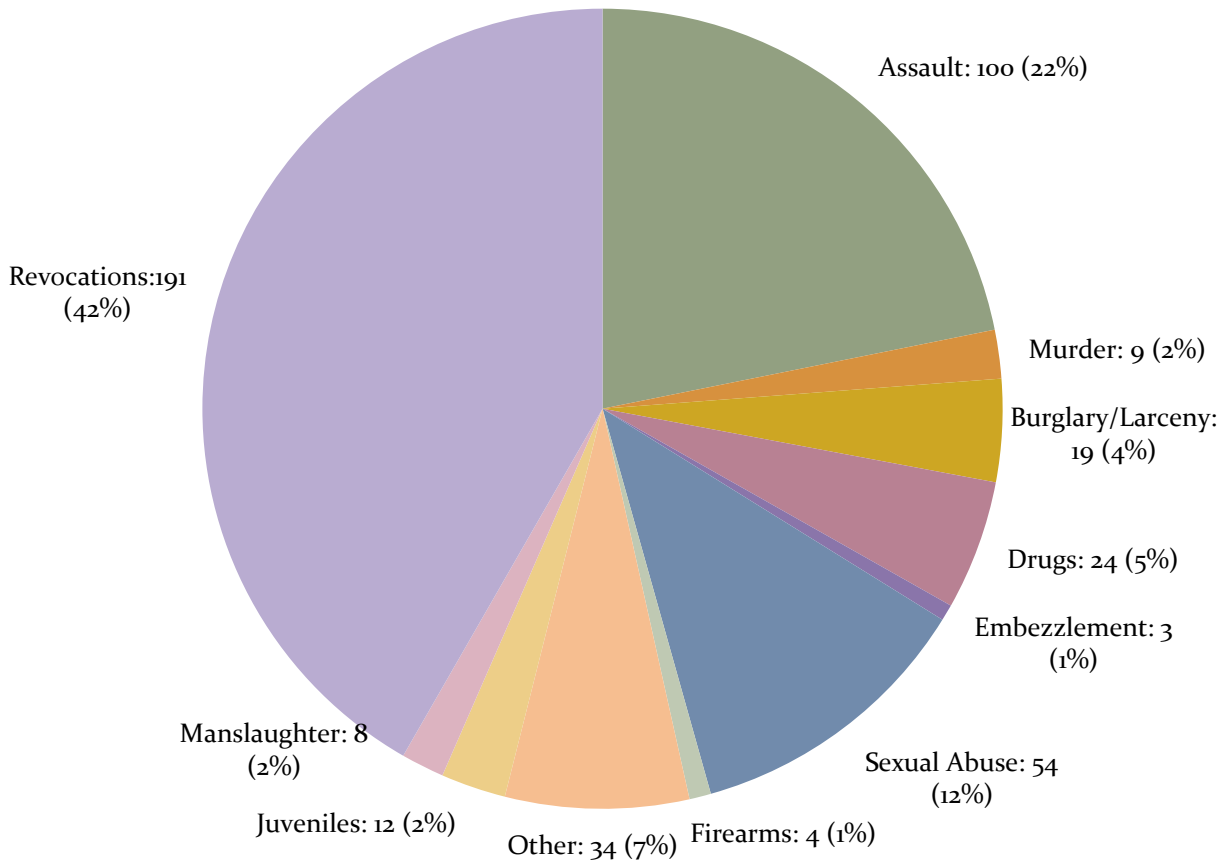
Total Defendants Charged By Reservation



Defendants Charged by Reservation 2010 - 2011



Defendants by Actual Charge



DEFENDANTS CHARGED BY PROGRAM CATEGORY

Reservation	Assault	Burglary/ Larceny/ Embezzlement	Drugs	Firearms	Juveniles	Manslaughter/ Murder
Cheyenne River	12	5	3			
Crow Creek	8	1	1			1
Flandreau		2				
Lower Brule	5	3	2			2
Pine Ridge	23	7	3		4	4
Rosebud	33	3	15	4	7	6
Sisseton	4					1
Standing Rock	9	1			1	3
Yankton	6					
Totals	100	22	24	4	12	17

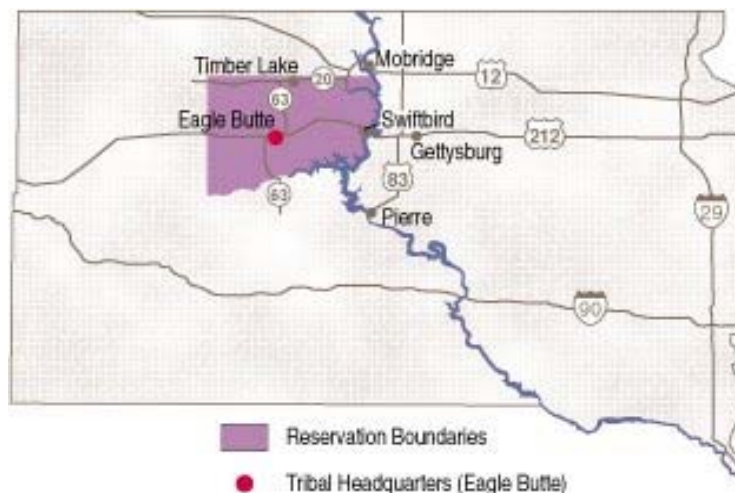
Reservation	Other	Revocations	Sexual Abuse of Minor	Rape Adult	Total
Cheyenne River	5	22	2	2	51
Crow Creek	2	15	2	2	32
Flandreau				1	3
Lower Brule	1	14			27
Pine Ridge	9	88	9	6	153
Rosebud	12	31	14	5	130
Sisseton	2	8			15
Standing Rock	3	7	3	4	31
Yankton		6	3	1	16
Totals	34	191	33	21	458

SOUTH DAKOTA RESERVATIONS

Cheyenne River Sioux Reservation



The Missouri River borders its eastern edge, the rugged Cheyenne River forms its southern border, and the Moreau River flows through the heart of the reservation. This land of sprawling prairies and abundant waters is home to the Cheyenne River Sioux Tribe. Creeks with names like Red Earth and Thunder Butte flow through the "Wakpa Waste Oyanke" or "Good River Reservation." The total land area is 4,266.987 square miles, making it the fourth-largest Indian reservation in land area in the United States.



Significant Cases

Assault with a Dangerous Weapon

The defendant was at a drinking party in Eagle Butte when he jumped off the couch and began hitting an individual, knocking him to the floor. He hit and kicked that individual inflicting serious injury to his ear. When a second individual attempted to render aid to the first person, the defendant hit and kicked her.

Several months later, the defendant approached two other individuals from behind. He tapped one of them on the shoulder and pushed her to the ground. He then pushed the other person to the ground and hit him with a small iron bar. The defendant struck the female on the head with the small iron bar and punched her in the face when she attempted to come to the man's aid.

The defendant was also charged with for assaulting a federal officer when he was being processed into the Cheyenne River Sioux jail on the federal warrants for assaults.

The defendant pled guilty to two counts of assault with a dangerous weapon, and the assault on a federal officer charge was dismissed. He was sentenced to 120 months in custody, 3 years of supervised release, and a \$100 special assessment to the Victim Assistance Fund for the first count and 70 months in custody, 3 years of supervised release, and a \$100 special assessment for the second count. The sentences are to run concurrently.

Conspiracy

Law enforcement received information that the defendants, a father and son from the Cheyenne River Reservation, were distributing marijuana. Agents with the Northern Plains Safe Trails Drug Enforcement Task Force made four controlled buys of marijuana at their residence. Based on the information developed during the investigation, law enforcement obtained and executed a search warrant at their residence. Approximately 156 grams of marijuana was located in the residence, along with numerous items of drug paraphernalia and other drug-related materials. Also located in the residence was a .22 caliber revolver. The father pled guilty to Conspiracy to Distribute Marijuana and was sentenced to 28 months' custody. The son pled guilty to a misdemeanor.

Conspiracy, Fraud, False Statements

For many years, non-tribal members have conspired with a select few tribal members to steal assets and funds from South Dakota tribes. These certain people have done this by disguising non-tribal member cattle as cattle owned by tribal members by putting a tribal member's brand on the non-tribal member cattle and then grazing them on tribal range units. By disguising the cattle as tribal member livestock, the co-conspirators cheat South Dakota tribes out of the \$6.00 per month, per-head fee that non-members must pay to graze their cattle on tribal range units. This year the U.S. Attorney's Office charged and convicted seven individuals for disguising cattle on the Cheyenne River Sioux Reservation. The seven defendants caused a loss to the Cheyenne River Sioux Tribe of approximately \$50,000. Several of these individuals were sentenced to custody and all were ordered to repay the approximately \$50,000 in loss to the Cheyenne River Sioux Tribe. It is important to note that South Dakota Lakota Indian Tribes use this grazing fee money from tribal range units to fund youth projects and to help care for elderly tribal members who need assistance.

Assault With a Dangerous Weapon

A non-tribal member with Hispanic heritage, who was also a former gang member from Denver, Colorado, moved to Eagle Butte and met up with two tribal members. The three individuals began a night of drinking. They later went to an apartment complex where they got into a verbal argument with a Native American male who was simply taking some trash out to the apartment dumpster. The defendant then escalated the verbal argument by taking out a .22 caliber pistol and shooting the victim in the abdomen. The defendant pled guilty to Assault with a Dangerous Weapon and being a Felon in Possession of a Firearm. He was sentenced to 71 months of custody and 3 years of supervised release.

Child Abuse

The defendant, a member of the Navajo Tribe from Arizona, was the day-care provider for a 10-month-old Cheyenne River Sioux infant. While the defendant was providing day care and was the sole adult present in the home, the infant victim suffered a massive subdural hematoma to her brain caused by blunt force trauma. The victim was airlifted to Sioux Falls where a piece of her skull was removed to relieve the pressure on her brain. The defendant was charged with Assault Resulting in Serious Bodily Injury and Child Abuse. At trial, the defendant admitted he caused the victim's head trauma while engaging in what he described as "horseplay" by throwing her across a room. The defendant was convicted of Child Abuse. Several experts testified that the infant's injury

could not have been caused by accident. The defendant was sentenced to 30 months of custody and 2 years of supervised release.

Aggravated Sexual Abuse of a Child

Following an extensive investigation by both federal and tribal officials, a 58-year-old defendant, who was an employee of Habitat for Humanity, was charged with two counts of Aggravated Sexual Abuse of a Child and two counts of Aggravated Sexual Contact with a Child. The victims were three younger female members of the defendant's extended family. After being charged, the defendant pled guilty to two counts of Aggravated Sexual Contact with a Child and was sentenced to 121 months of custody and 3 years of supervised release.

Assault Resulting In Serious Bodily Injury

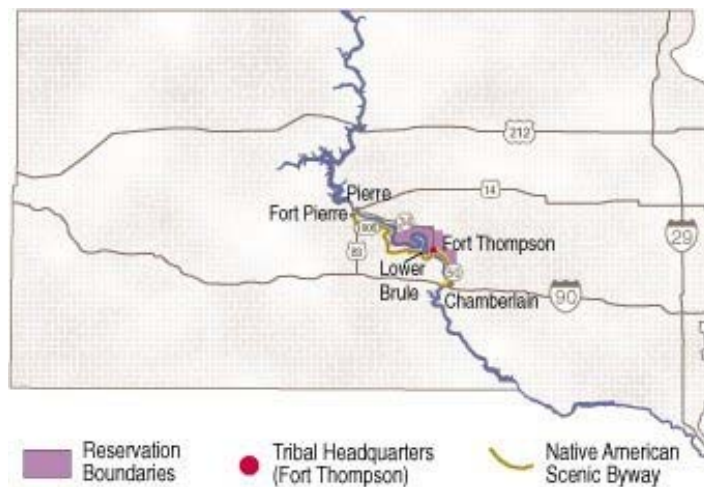
The defendant, who disliked his father's girlfriend, kicked in the door to his father's residence, went into his father's bedroom, and physically assaulted the 57-year-old girlfriend. During the assault, the defendant put his foot on the victim's neck and nearly suffocated her. The defendant pled guilty to Assault Resulting in Serious Bodily Injury and was sentenced to 72 months of custody and 3 years of supervised release.

Crow Creek Sioux Reservation



The Crow Creek Reservation is located in Buffalo, Hyde, and Hughes Counties along the north shore of the Big Bend stretch of the Missouri River in central South Dakota. It has a land area of 125,591 acres and is home to 1,230 enrolled members of the Mdewakanton (People of Spirit Lake) and Ihanktonwan (People of the End) bands. The Crow Creek Reservation is the third smallest reservation in South Dakota.

When originally established in 1889 as a result of the Treaty of 1868, it was much larger. It is directly across the river from the Lower Brule Reservation, and the two were combined for many years, separating administratively in 1971.



Significant Cases

Involuntary Manslaughter

The 19-year-old defendant was driving west on Pomani Road in Fort Thompson, South Dakota, after drinking several alcoholic beverages when he struck the 22-year-old victim who was walking east in the westbound lane. The defendant, who claimed he did not see the victim, did not stop after striking him. The victim died a short time later from his injuries. The defendant's blood alcohol content was extrapolated to 0.13 at the time he struck the victim. He entered a plea of guilty to involuntary manslaughter and was sentenced to 18 months in custody to be followed by 3 years of supervised release.

Sexual Abuse

The victim, her brother, and her mother's boyfriend settled into a motel room at Lode Star Casino in Fort Thompson, on the Crow Creek Sioux Tribe Reservation. The victim passed out after drinking several alcoholic beverages. She awoke to a sharp pain in her anus, opened her eyes and saw her mother's boyfriend behind her on the bed having anal sexual intercourse with her. She yelled, pushed him away, and ran into the bathroom. The victim's brother, who was sleeping at the time of the assault, left the room with the defendant not knowing what had actually happened. The victim reported the assault to law enforcement, who investigated the matter.

The defendant was indicted by the grand jury for sexual abuse. He pled not guilty and a jury trial was held. The defendant was found guilty at trial and was sentenced to 131 months in custody, to be followed by 5 years of supervised release.

Domestic Abuse by a Habitual Offender

The defendant, who was released from custody on supervised release 23 days prior to this incident, got into a verbal and physical altercation with his pregnant wife. During the course of the assault, the defendant hit the victim multiple times in the face and body with a closed fist. She suffered serious bodily injuries. The defendant, who had been convicted on three previous occasions of domestic violence and had served time in the state penitentiary, was sentenced to 87 months in custody with credit for 3 months served in tribal custody.

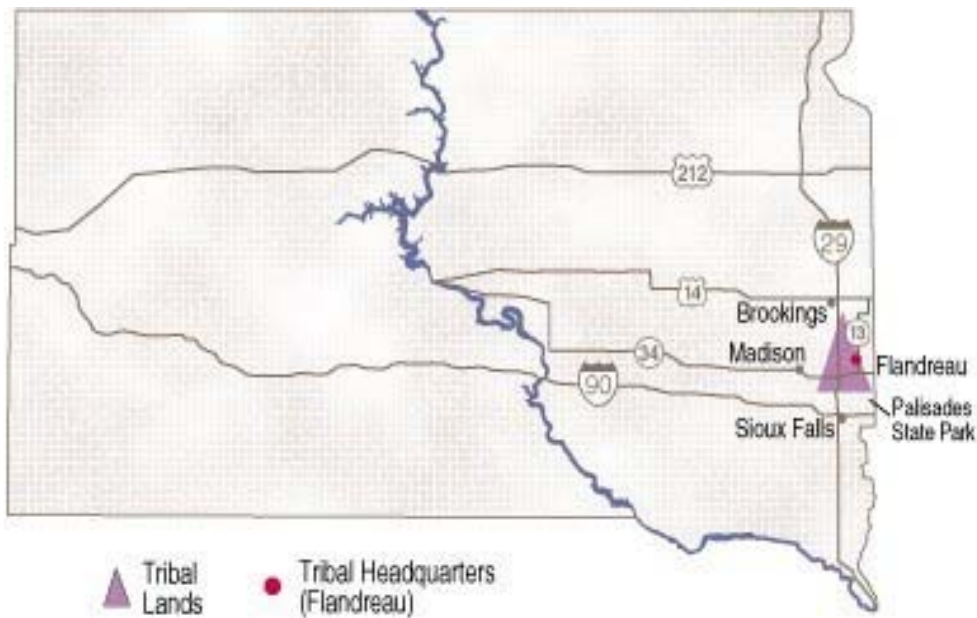
Sexual Abuse

Over the Halloween break, the 14-year-old victim, defendant's step-sister, was home from school staying with her father. The defendant came home in the early morning hours, intoxicated. He pulled the 14-year-old victim onto the couch, pinned her down, removed her clothing from the waist down, and proceeded to have sexual intercourse with her. He was sentenced to 120 months in custody to be followed by 5 years of supervised release.

Flandreau Santee Sioux Reservation



The Flandreau Santee Sioux Tribe is comprised primarily of descendants of "Mdewakantonwan," a member of the Isanti division of the Great Sioux Nation. They refer to themselves as Dakota, which means friend or ally. The Flandreau Santee Sioux Indian Reservation is 5,000 acres of combined trust and fee tribal land located along and near the Big Sioux River in Moody County, South Dakota, in a region know as the Prairie Coteau, which consists primarily of undulating or gently rolling land. There are over 725 enrolled members living on the reservation.



Significant Cases

Larceny

The Flandreau Police Department received a call from the Moody County Sheriff's Dispatch regarding a stolen vehicle. A police officer was dispatched to the victim's residence, where he found her on the phone with the Sioux Falls Police Department. The Sioux Falls police officer was notifying the victim that her stolen car had been found in Sioux Falls. Several days later, the victim notified the Flandreau police department that an individual had stopped by her house and apologized for her vehicle being stolen. He informed her he was in the vehicle, but that he was not the one who took it. Further investigation revealed the two individuals involved in the theft of the vehicle. Both were charged with larceny in federal court. They pled guilty and were placed on probation.

Sexual Abuse, Kidnapping

The victim was sleeping in her bedroom when her former boyfriend went into her room and engaged in nonconsensual sex with her while she was asleep. The victim woke up to find the defendant having sex with her. He refused to let her leave her bedroom or to summon help. The defendant was indicted for sexual abuse and kidnapping and is awaiting trial.

Assault

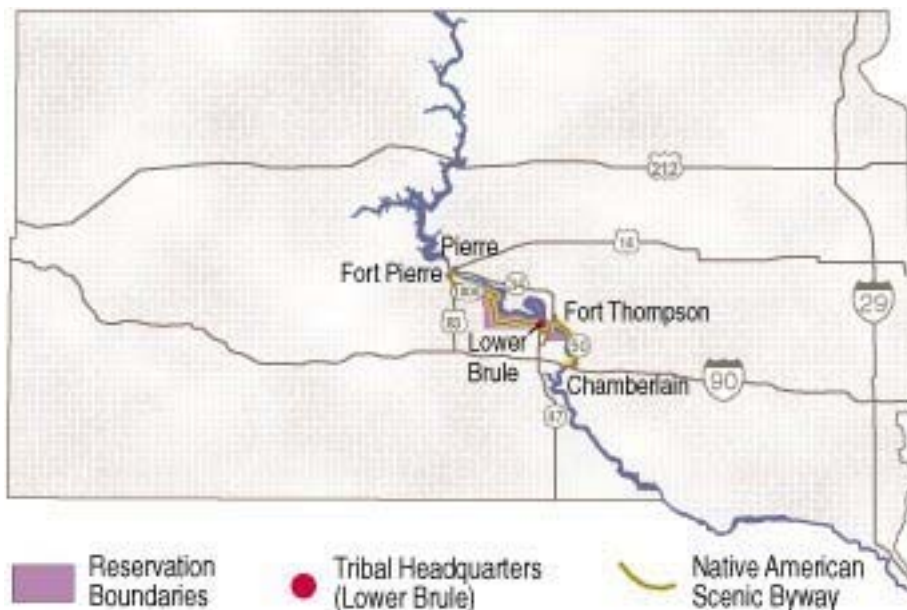
The defendant in this case was charged with three separate assaults from three separate incidents. During the first incident, the defendant stabbed a man with a knife. The second incident involved the defendant choking/strangling a woman at a party. The final unrelated incident involved an allegation that the defendant assaulted two men with a baseball bat. The defendant pled guilty to assault and is currently awaiting sentencing. He is being held without bail.

Lower Brule Sioux Reservation



The Lower Brule Reservation is located in Lyman and Stanley counties in central South Dakota and is home to 1,308 enrolled members from the Sicangu band.

The name “Brule” comes from the French word *brulé* (burnt), the name French fur traders used for the Sicangu in the late 1600s. The Sicangu divided into the Lower Brule and the *Heyata Wicasa*, or Upper Brule, in the late 1700s. The Lower Brule favored lands where the White River empties into the Missouri River, while the Upper Brule lived further south and west.



Significant Cases

Burglary, Larceny

Late in the evening, while drinking, the defendants decided to steal liquor and other items from a local bar and restaurant. After the defendants went to the bar, two of them broke a window and entered, grabbing numerous bottles of liquor and handing them to the others who waited outside the window. They stopped taking liquor during the burglary because an alarm sounded and they saw a car coming. Subsequent investigation revealed that the defendants were involved in other burglaries and larcenies around central South Dakota, including numerous convenience stores, bars, a bank ATM, a county maintenance shop, a residence, and vehicles. After guilty pleas to different charges, the defendants received custody sentences ranging from 7 months to 27 months of imprisonment, and were ordered to make restitution totaling over \$38,000 to the various businesses and individuals that were victims of the burglaries.

Assaulting a Federal Officer

A law enforcement officer responded to a call where he made contact with an individual who was passed out. Investigation revealed the individual had a tribal warrant out for his arrest. While the officer was attempting to make the arrest, the defendant became upset and belligerent. A physical struggle ensued and the defendant bit the officer on his arms. The defendant was able to get away from the officer, started to run, tripped and fell. The officer again tried putting the defendant into the patrol vehicle when another struggle began. During this struggle, the defendant bit the officer on both hands and forearms multiple times. The officer was in extreme physical pain as a result of the assault and placed on light duty for several weeks. The defendant was charged with assaulting a federal officer and was sentenced to 60 months custody and three years of supervised release.

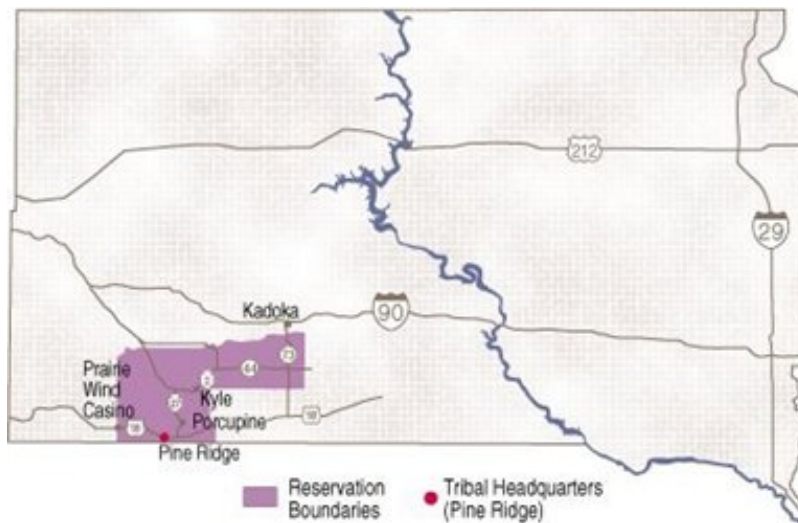
Pine Ridge Reservation



The Pine Ridge Reservation is the home of the Oglala Sioux Tribe. The Reservation is located in Shannon and Jackson counties in southwestern South Dakota.

The Pine Ridge Indian Reservation has 28,787 Indian people. The Oglala Sioux Tribe (OST) Census Office put tribal membership at 47,197 in 2008.

The Pine Ridge Reservation consists of 3,468 square miles of land area, the eighth-largest reservation in the United States. In fact, the Reservation is larger than Delaware and Rhode Island combined.



Significant Cases

Aggravated Sexual Abuse by Force, Sexual Abuse

After attending a party at the victims' home in Manderson, the defendant entered the bedroom where the victims were sleeping. The defendant sexually assaulted the 14-year-old victim while holding her hands and her body down and forcing himself upon her. After the victim fought to get away from the defendant, he then took off the clothing of the unconscious adult victim who was in the same room, and sexually assaulted her. The defendant was charged with aggravated sexual abuse by force and sexual abuse. He was convicted of both counts following a jury trial, and faced a maximum sentence of life in prison. The defendant was sentenced to 120 months in prison to be followed by 10 years on supervised release.

Aggravated Sexual Abuse, Sexual Contact

In early 1999, the defendant moved into his girlfriend's house near Kyle. The victims were the defendant's girlfriend's children. After moving into the home, the defendant began touching one of the victims by placing his hand under her clothing and rubbing her body and genitalia, telling the victim not to tell her mother. After this victim turned 12 years old, the defendant began having sexual contact with her younger sister. With this victim, the defendant repeatedly had sexual contact with her genitalia with his hand. The defendant was charged with aggravated sexual abuse and sexual contact. He pled guilty to sexual contact with both victims, and was sentenced to 120 months in prison and lifetime supervised release.

Sexual Abuse of a Minor

A couple returned to their house, unannounced, and found the 24-year-old defendant running from the living room, and their 14-year-old daughter laying on the couch, pulling up her shorts and panties. After being brought to Indian Health Services, the 14-year-old victim disclosed that she and the defendant had been having sex since he had moved in with the family. The victim was later found to be pregnant by the defendant. She eventually aborted the baby. The victim's parents had previously informed the 24-year-old defendant of the age of their daughter.

The defendant was indicted and pled guilty to having sex with a minor. He was sentenced 37 months' custody and 5 years of supervised release.

Aggravated Sexual Abuse

The victim was passed out in a non-operational van, and awoke to find the defendant on top of her. When the victim struggled and screamed, the defendant punched her in the ribs and pressed his arm into her neck. He then took off the victim's shirt and pants, and digitally penetrated her. In response to the victim's screams for help, a witness came out to the van and pulled the defendant off. The victim was in an extreme amount of pain from being both physically and sexually assaulted and was taken to the hospital where she was treated for her injuries.

The defendant pled guilty and was sentenced to 36 months in custody to be followed by 15 years on supervised release.

Assault With a Dangerous Weapon

The victim and the defendant were in a long-term relationship characterized by domestic violence. Despite being an ex-law enforcement officer, the victim was unable to remove herself from the violent relationship. In May of 2011, the abuse escalated. The victim had been asleep on the couch in her living room when the defendant snuck up on her and started stabbing her with a knife. When law enforcement arrived at the home, they found two large pools of blood, and both the victim and the defendant were suffering from stab wounds. At the hospital, law enforcement met with the victim, who suffered from deep lacerations to her hands and neck. The victim did not wish to tell law enforcement what had happened. The next morning, law enforcement again met with the victim. For a second time, the victim advised she "was too scared." The agent eventually worked with the victim, convincing her to come forward with the extent of abuse she had suffered at the hands of the defendant.

The defendant was charged with Assault With a Dangerous Weapon and Assault Resulting in Serious Bodily Injury. He pled guilty and was sentenced to 36 months in custody and 3 years of supervised release.

Aggravated Sexual Abuse

The defendant sexually abused, by the use of force, a minor victim while dating the victim's aunt. The victim reported this abuse to law enforcement, but the report was misplaced. The sexual abuse was not disclosed until later when the victim talked with her school counselor, at which time the FBI became involved and an investigation took place.

The defendant was indicted and was convicted at trial of two counts of aggravated sexual abuse of a minor. He has been sentenced to a term of life imprisonment.

Second Degree Murder

The defendant and her 18-year-old daughter were at their home where a drinking party was being held. The defendant got upset with her cousin, who had allegedly raped her six years earlier, and repeatedly beat him in the head with a baseball bat. Her daughter also struck him as he lay on the floor. The victim died as a result of the beating. The daughter pled guilty to assault with a dangerous weapon and was sentenced to 18 months in custody and 3 years of supervised release. Her mother pled guilty to second degree murder and was sentenced to 210 months in prison and 5 years of supervised release. She was also ordered to pay restitution in the amount of \$4,000 for funeral expenses.

Conspiracy

During a traffic stop by the South Dakota Highway Patrol, a couple was found to be in possession of 30 pounds of marijuana. They were prosecuted in state court. A resulting investigation determined that their source for the marijuana was an individual who was on state parole for a cocaine charge. The parolee was also prosecuted in state court for his role in the drug-related conspiracy.

The parolee reported that he had two sources for his narcotics. One of the individuals was from Colorado, and the other was from South Dakota. The parolee's suppliers worked together to transport large quantities of marijuana from Denver to Rapid City. They would often use couriers to transport the marijuana. Once the marijuana arrived in Rapid City, individuals involved in the conspiracy would break the large quantity of marijuana down into smaller quantities and then distribute it throughout the state, including on the reservation. The parolee indicated that his sources got marijuana every other week from Denver.

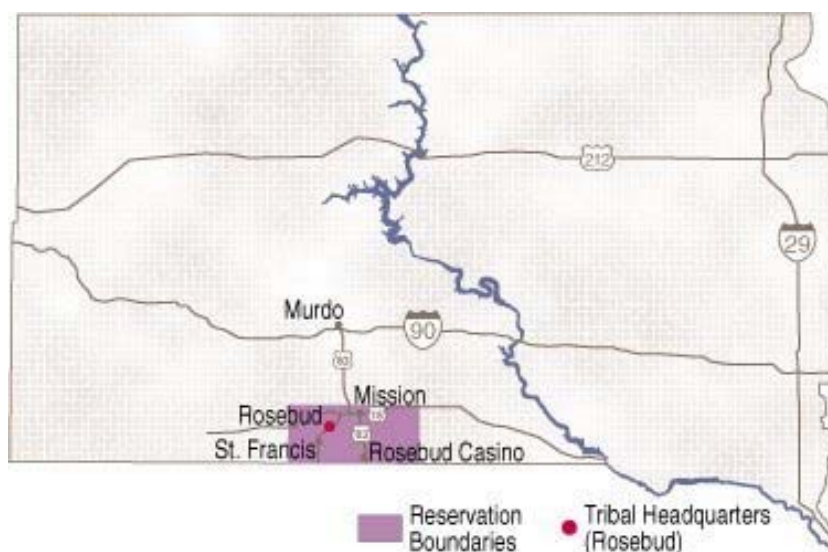
One of the two sources was indicted in federal court forcing the others to rely on a third source for their marijuana supply. The drug quantity attributable to this conspiracy was in excess of 50 kilograms of marijuana. The prosecution of the conspiracy netted sentences in excess of 225 months of custody.

Rosebud Sioux Reservation



The Rosebud Sioux Reservation is the home of the Sicangu Oyate, also known as the Sicangu Lakota, the Upper Brule Sioux Nation, and the Rosebud Sioux Tribe, a branch of the Lakota people. Sicangu Oyate translates from Lakota to English as “Burnt Thigh Nation.” It is located just north of the Nebraska sand hills, with large areas of ponderosa pine forest scattered in its grasslands. Its deep valleys are defined by steep hills and ravines, often with lakes dotting the deeper valleys.

The Reservation includes all of Todd County and portions of Mellette and Tripp Counties, with a total land mass of 882,416 acres. The number of enrolled members living on the reservation is estimated at 21,245.



Significant Cases

Kidnapping, Interstate Domestic Violence

The defendant in this case was indicted for Kidnapping and Interstate Domestic Violence. The defendant invited the female victim to drive with him from Rosebud to Valentine, Nebraska. After returning from their drive, the defendant struck the victim across the chest causing severe bruising. At approximately four o'clock in the morning, the defendant directed the victim to drive to the Todd County and Mellette County line, entering and exiting Indian country several times. While in Mellette County, he again struck the victim across the chest in order to make her comply with his directions. The defendant pled guilty to Interstate Domestic Violence and was sentenced to 48 months in custody followed by 3 years of supervised release.

Firearms, Access Device Fraud

A burglary at a Norris, South Dakota, residence was reported. Items taken during the burglary included a large flat screen television, a Savage 223 Model 200 XP rifle, and several other personal and household goods. One week later, a White River, South Dakota, residence was burglarized and a Remington Game Master Model 760 pump action 30-06 with scope sight and other personal items were stolen.

Less than three weeks later, a third robbery was reported at another White River residence. This time the home owner walked into his house and found two men burglarizing his home. One of the burglars shot the homeowner twice in the leg as they fled the scene. Stolen from the home was a Smith & Wesson, Model 649 revolver, .357 Magnum caliber and other personal items.

DNA testing on a cigarette butt found at the scene of one of the burglaries matched the DNA profiles on file for the two defendants. A blood sample recovered by South Dakota Division of Criminal Investigation (DCI) agents at the scene of the second burglary was matched to a known sample of one of the defendant's DNA.

Several of the items taken during the three robberies were traced back to one of the defendants during the DCI's investigation. A search of that defendant's Parmelee, South Dakota, home produced the large flat screen television taken during the first burglary in Norris. The FBI eventually recovered the Savage 223 Model 200XP rifle taken from the second burglary and the .357 Magnum revolver taken during third home burglary, which one of the defendants used to pay for repairs made to his pickup truck.

The investigation further revealed that the defendant had pawned the Remington Game Master taken from the second burglary for \$50.

During the investigation, it was also discovered that one of the defendants used a stolen credit card to purchase \$1,486 in beer from a store in Mission, South Dakota.

That defendant was charged with three counts of being a felon in possession of a firearm, one count of knowingly possessing a stolen firearm, and one count of fraud in connection with an access device (credit card). The second defendant was charged with one count of knowingly possessing a stolen firearm. The second defendant pled guilty to one count of possession of a stolen firearm and was sentenced to 51 months in custody. The other defendant pled guilty to one count of felon in possession of a stolen firearm. He was sentenced to 120 months in custody, and ordered to pay restitution in the amount of \$1,486 for the fraudulent use of an access device.

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

While drinking, the defendant and several friends went to Mission to a party. A short time later, the victim arrived with friends. When the victim and her group started to leave, a friend of the defendant, looking to start a fight, yelled at the victim and threw something at her vehicle. An argument ensued between other individuals. The defendant then initiated a fight with the victim. The fight was broken up. The defendant went to a nearby vehicle where she obtained a sharp object at least six inches in length. The defendant went behind the victim and struck her on the right side of the neck with the object. The victim received a life-threatening laceration that required a six-liter blood transfusion before a surgery to repair her external jugular vein. Another surgery was required to repair an injury to a major artery that leads directly from the heart. The victim was hospitalized for three weeks. After indictment, a jury convicted the defendant of two assault charges. The defendant was sentenced to 51 months' imprisonment and 3 years of supervised release, and was ordered to pay over \$64,000 in restitution.

Voluntary Manslaughter

The defendant and her boyfriend were drinking in a bar in Valentine, Nebraska. They left the bar at around 1:00 a.m. The victim drove north in the defendant's van into Todd County. After several arguments, the defendant engaged the victim in a physical altercation, which caused the victim to drive into the ditch. The victim exited the van and began walking down the road. In anger, the defendant got into the driver's seat and drove out of the ditch, accelerating the vehicle at the victim before hitting him with it. The victim died two days later from injuries sustained in the collision. The defendant was charged and pled guilty to voluntary manslaughter. She was sentenced to 72 months 'imprisonment and 3 years of supervised release, and was ordered to pay over \$13,000 in restitution.

Assault Resulting in Serious Bodily Injury

The defendant, who was on supervised release, drove over to his father's residence while intoxicated. He woke his father up and began to discuss things that had happened to their family in the past. At some point, the defendant grabbed a large kitchen knife and began to assault his father with it. The victim suffered many lacerations to his face and neck, including a seven centimeter laceration that required two layers of stitching. He also "Eagle" punched and kicked his father numerous times. The victim suffered multiple bruises throughout his face and a broken nose. The defendant was sentenced to 108 months' custody and three years of supervised release.

Sexual Abuse

The 42-year-old defendant in this case took advantage of a 19-year-old female who was at his house passed out from excessive alcohol consumption. While she was incapacitated and asleep on his couch, he removed her clothing and had sex with her. The defendant was charged with sexual abuse. He pled guilty to the charge and was sentenced to 108 months in custody and 8 years of supervised release.

Assault With a Dangerous Weapon

The 58-year-old defendant was in the Grass Mountain Community and was upset with the victim after they argued. She walked away from him and traveled down a nearby roadway. The defendant pursued her and assaulted her by beating and kicking her with his cowboy boots, and left her beaten by the side of the roadway. A good samaritan found her along the roadway and took her to the hospital where it was determined she

had a fractured eye socket, a fractured nose, a cut on her arm, and other injuries. The defendant pled guilty to assault with a dangerous weapon and was sentenced to 43 months in custody and 3 years of supervised release.

Involuntary Manslaughter

The defendant, age 21, was driving a motor vehicle in a 30-mile-per-hour zone. He was under the influence of alcohol, and was speeding at about 58 to 65 miles per hour. He lost control of his vehicle, crossed the center line, and hit the victim's vehicle, killing a four-month-old baby. The defendant and other occupants of the vehicles were also injured as a result of the crash. The defendant pled guilty to involuntary manslaughter and was sentenced to 32 months in custody and 3 years of supervised release. He was also ordered to pay \$24,745.10 in restitution.

Assault With a Dangerous Weapon

The defendant and the victim were drinking and arguing when the defendant became agitated. He used a baseball bat to assault the victim, who ended up lying on the ground using her forearms to try to block his swings at her head. The victim's forearm was broken and her scalp lacerated. The defendant pled guilty to assault with a dangerous weapon and was sentenced to 41 months in custody and 3 years of supervised release.

Involuntary Manslaughter

The defendant was driving near St. Francis while he was intoxicated. He was speeding and driving recklessly when he crossed the center line hitting another vehicle. Both occupants of that vehicle were killed in the collision. At the time of the collision, the defendant's blood alcohol was .319. The defendant pled guilty to two counts of manslaughter and was sentenced to 37 months in prison, 3 years of supervised release, and ordered to pay over \$15,000 in restitution.

Conspiracy

Two individuals were transporting methamphetamine from North Platte, Nebraska, to the Rosebud reservation. The two of them established a network of individuals from various communities on the Rosebud reservation to serve as "middle men" or "runners" between the Nebraskans and potential methamphetamine purchasers around the reservation. The two individuals from Nebraska would travel to Rosebud twice a month to sell methamphetamine.

Members of the Northern Plains Safe Trails Drug Enforcement Task Force, with the assistance of a confidential informant, made a controlled purchase of methamphetamine from one of individuals in the Nebraskan's network. This individual later cooperated with law enforcement and made two controlled purchases of methamphetamine from the Nebraskans.

Throughout the investigation, six different indictments were obtained against various members of the conspiracy. All of the individuals charged to date have pled guilty. The two individuals from Nebraska were sentenced to 222 months and 70 months of custody, respectively. Three of the "middle men" from Rosebud were each sentenced to 48 months custody. Two other "runners" from the South Dakota side have been sentenced to 37 months and 27 months each. Other conspirators' sentencing hearings are still pending.

Sexual Abuse

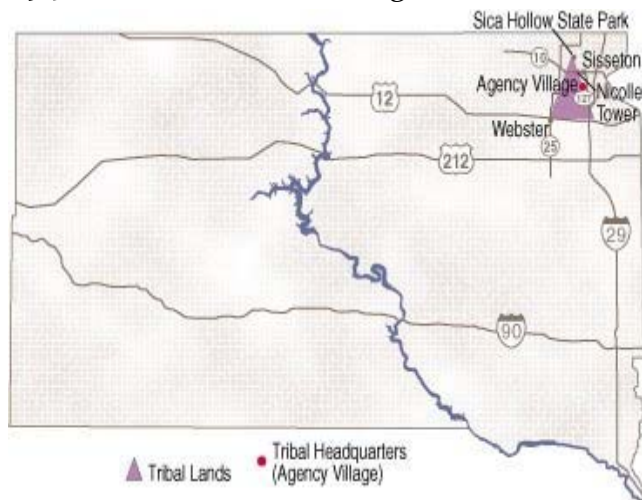
The defendant took advantage of a 16-year-old-female victim, the daughter of his girlfriend. The victim had passed out after drinking alcohol at the defendant's home. While she was incapacitated and asleep in the spare bedroom, the defendant went into the room, removed her clothing and penetrated her vagina with his finger. The defendant was sentenced to 87 months in custody and 5 years of supervised release.

Sisseton-Wahpeton Sioux Reservation



Nestled amidst the rolling hills of northeastern South Dakota lies the home of the Sisseton Wahpeton Oyate, consisting of the Sisseton (people of the fish village/peninsula) and the Wahpeton (people among the leaves/leaf shooters). Lush, gently sloping prairies circle the tribal headquarters at Agency Village. Every hill and valley is a testament to the glaciers that once covered this land.

The Sisseton-Wahpeton Reservation includes 106,153 acres within the former Lake Traverse Reservation and parts of Marshall, Day, Codington, Grant, and Roberts Counties. There are currently 9,894 enrolled members living within the former reservation area.



Significant Cases

Tax Evasion

The defendant received significant income for several years in consulting fees from the Sisseton-Wahpeton Oyate Sioux Tribe. He did not report the income received on his tax returns and was charged with multiple counts of income tax evasion. The defendant pled guilty to tax evasion, and is awaiting sentencing.

Theft of Government Property

Sisseton-Wahpeton tribal police were summoned to a location for a possible suicide attempt. Upon arrival, the officer chased after the defendant who went into the woods. The defendant eventually worked his way back to the area of the police car, and then stole it. He was later arrested for stealing the car and vandalizing items inside the car. He pled guilty to theft of government property, was sentenced to 30 months in custody, and ordered to pay over \$2,000 in restitution.

Assault With a Dangerous Weapon

The defendant confronted two men about a prior dispute. He pulled out a gun and fired six shots at the men as they drove away. The defendant was charged with two counts of assault with a dangerous weapon. He pled guilty to one count and was sentenced to 46 months in custody to be followed by 3 years of supervised release.

Involuntary Manslaughter

The defendant unintentionally asphyxiated her child by lying down with him, accidentally rolling over and suffocating him while she was intoxicated. The act of consuming a large amount of alcohol and lying down with a child is an unintentional action which exposed the child to a very dangerous situation that eventually claimed the child's life. She pled guilty to child abuse and was sentenced to 3 years' probation.

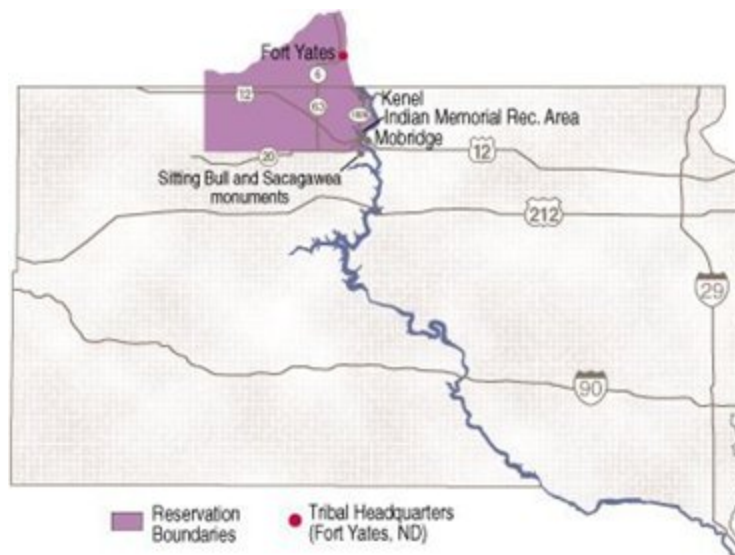
Assault with a Dangerous Weapon

The defendant attended a house party where a large number of people were consuming alcohol. He became violent and stabbed one of his relatives in the back with a knife, threw knives at another relative and then bit a third relative on the finger. The defendant pled guilty to assault with a dangerous weapon and was sentenced to 27 months in custody and 2 years of supervised release.

Standing Rock Sioux Reservation



The Standing Rock Sioux Tribe is home to the bands of Hunkpapa and Black Feet of the Lakota Nation and Hunkpatinas and Cuthead bands of the Yanktonias of the Dakota Nation. The Reservation straddles the border between North and South Dakota about 40 miles south of Bismarck, North Dakota, with its headquarters in Ft. Yates, North Dakota. The Reservation encompasses approximately 562,366 acres and is home to approximately 10,133 enrolled members. Standing Rock has the sixth largest reservation land area in the United States and includes all of Sioux County, North Dakota, and all of Corson County, South Dakota, plus slivers of northern Dewey County and Ziebach County in South Dakota.



Significant Cases

Aggravated Sexual Abuse

While living in McIntosh, South Dakota, in 1999, the defendant sexually assaulted the child victim. The child was between the ages of five and six at the time the defendant committed the sexual assault. Later, in 2007, the defendant lived with a girlfriend in Wakpala. At that time, while the girlfriend was away from the home, the defendant sexually assaulted the girlfriend's three-year-old child. The defendant was indicted on several counts of aggravated sexual abuse of a minor, and pled guilty to that charge. He was sentenced to 720 months in prison.

Sexual Abuse

The defendant and a juvenile attended a party at the victim's home in Bullhead, South Dakota. After others had left the party, the victim fell and was unconscious. The juvenile attempted to assist her. As the juvenile tried to help, the defendant came out of a bedroom. Seeing the victim unconscious, the defendant decided to sexually assault her. The defendant and the juvenile dragged the victim to the bedroom, where the defendant removed her clothing, and sexually assaulted her as the juvenile watched. The defendant then pressured the juvenile to have sex with the victim, belittling the juvenile and directing him to participate. The juvenile proceeded to have sex with the victim, as well. The victim remained unconscious while the two of them engaged in the sexual acts with her. The defendant was charged with aggravated sexual abuse and sexual abuse. He pled guilty to sexual abuse and was sentenced to 108 months of custody and 10 years of supervised release.

Assault With a Dangerous Weapon

A 17-year-old juvenile assaulted the victim with a knife near Wakpala, South Dakota. This assault took place after the juvenile had been drinking with the victim and others at a party in an abandoned trailer.

The victim and juvenile defendant had started fighting after the party they both attended concluded. The victim, who is bigger than the defendant, got on top of the defendant and punched him. The fight stopped, and the defendant ran to his friend and asked him for a knife. His friend gave the juvenile defendant a knife, which he described as a flip knife with a smaller blade. The juvenile defendant put the knife behind his back, with the blade out, and walked back towards the victim. He then engaged the victim in a

bear hug and stabbed him multiple times in the back. The victim lay on the ground, and the juvenile defendant got on top of him and stabbed him two more times in the chest and abdomen before fleeing the residence. The victim suffered 11 stab wounds to the abdomen, chest, and back and required surgery.

The juvenile defendant was incarcerated for 90 days in the Standing Rock Juvenile Detention Center after pleading no contest to aggravated assault in tribal court. After his release, he was placed on house arrest until his 18th birthday. He was then charged by juvenile information in federal court. He admitted guilt and the Judge ordered a psychosocial evaluation be conducted prior to sentencing. During presentencing, the juvenile defendant had multiple infractions and violations at his place of custody. At his sentencing hearing, the Court remarked on his troubled childhood, including physical and emotional abuse. In an effort to help guide this juvenile to a more stable life, the Court placed him on three years of probation

Sex Abuse by the Use of Fear

A 61-year-old convicted rapist began living with the victim's grandmother. While he was living in the victim's home, the defendant began to sexually molest the teenaged victim by touching her genital area, both over and under her clothes. After the victim reported the abuse to family members, the defendant was charged with several counts of sexual abuse by the use of fear. Following a jury trial, the defendant was convicted of all of the sexual assault counts and was sentenced to two terms of life without parole.

Sexual Contact By Force

A 19-year-old male started sexually abusing three young girls that had been placed as foster children in his mother's home. The placement of these girls was a relative placement. While the girls were residing in the home, the defendant sexually touched these girls multiple times until they finally disclosed the abuse. The defendant pled guilty to one count of sexual contact by force and was sentenced to 216 months of custody followed by 5 years of supervised release.

Sexual Abuse of a Person Incapable of Consent

A 34-year-old defendant, who had been drinking all night, went to his father's residence and found a 17-year-old girl asleep in the home. While the victim was sleeping, the defendant pulled down the victim's clothing and began to engage in sexual intercourse with her until the victim woke up and physically fought him off. The defendant pled guilty to Sexual Abuse of a Person Incapable of Consenting, and was sentenced to 276 months in prison and 5 years of supervised release.

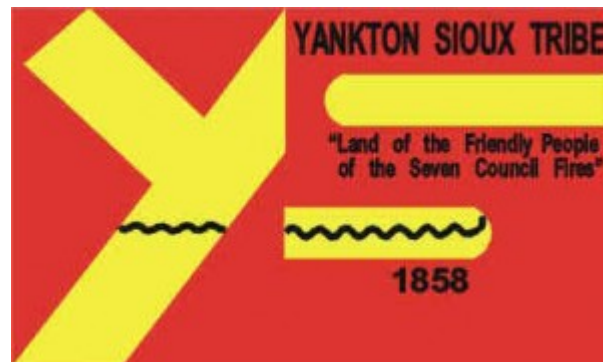
Involuntary Manslaughter

A 34-year-old defendant drank at his uncle's house until he was intoxicated. He then went home and visited with his girlfriend on the telephone. His girlfriend requested that they drive around together so the defendant borrowed his father's vehicle, picked up his girlfriend, and drove around the community. Because of his intoxication, the defendant lost control of the vehicle on a BIA road, went into the ditch, and rolled the vehicle. His girlfriend died in the resulting drunk driving car crash. The defendant pled guilty to Involuntary Manslaughter and was sentenced to 33 months of custody and 3 years of supervised release.

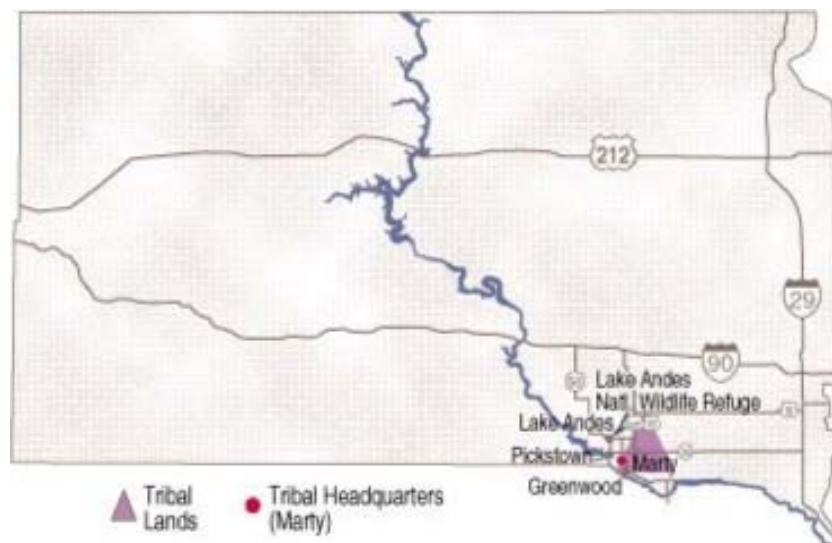
Sexual Abuse of a Minor, Abusive Sexual Contact

A 40-year-old non-tribal member and his wife began providing foster care to three infant children. Several years later, the defendant and his wife adopted the three siblings. As the two young females grew into their teens, the defendant began to routinely and systematically sexually abuse them. One of the girls finally disclosed the abuse to a counselor at her school. The defendant was charged with 14 counts of sexual assault on his two victims. Following a jury trial, the defendant was convicted of two counts of Sexual Abuse of a Minor and two counts of Abusive Sexual Contact. He was sentenced to 71 months in prison, 5 years of supervised release, and ordered to pay over \$1,900 in restitution.

Yankton Sioux Reservation



The Yankton Reservation is located in Charles Mix County near the southeastern corner of the state and bordering the state of Nebraska. Approximately 3,500 enrolled members live within the Reservation. The Yankton Sioux constitute one of four distinct branches of the Sioux nation. In their native dialect, they refer to themselves as “Nakota,” differentiating themselves from groups which refer to themselves as “Lakota” or “Dakota,” but all three terms mean “allies.” Officially, the Yankton Sioux Tribe is called “Ihanktonowan Dakota Kyate.”



Significant Cases

Abusive Sexual Contact

An allegation was filed against the defendant for aggravated sexual abuse and sexual contact of a juvenile male and juvenile female. The defendant was a relative of the victims and perpetrated the sexual acts while babysitting the victims. The defendant pled guilty to the charges and was sentenced to a term of imprisonment of 235 months' imprisonment to be followed by 5 years of supervised release.

Aggravated Sexual Abuse

The 25-year-old defendant in this case was accused of raping four different women. He was found guilty of aggravated sexual abuse, sexual abuse of a minor, and first degree burglary for separate sexual assaults on an adult and two teenagers. The testimony at trial revealed that two of the sexual attacks perpetrated by the defendant occurred in the homes of the victims. The defendant was originally indicted and as more victims were discovered, he was re-indicted on two other occasions. The trial disclosed separate acts of sexual abuse on separate victims in 2004, 2005, 2010, and 2011. He was sentenced to 360 months in prison, and is currently serving his sentence.

Kidnapping, Domestic Violence

An allegation was filed against the defendant for kidnapping and assault with intent to commit kidnapping. The defendant assaulted his former girlfriend, threw her in a vehicle, and had someone else drive them to another location. The defendant pled guilty to assault with intent to commit kidnapping and was sentenced to six months in custody on each of the two counts. The sentences will be served concurrently. He will also be placed on supervised release for a period of three years upon his release.

Assault Resulting in Serious Bodily Injury

While at a house party, the defendant stored some cash and marijuana in a kitchen drawer. Other visitors at the party found the stash, and when the defendant found out, a fight ensued and the victim sustained serious injuries. The defendant was charged with assault with a dangerous weapon and assaulting resulting in serious bodily injury. He pled guilty and was sentenced to 33 months in custody.

Assaulting a Federal Officer

The defendant in this case was arrested by Yankton Sioux Tribal Officers. While being arrested, she fought with the officer who was trying to take her into custody. She was indicted for assaulting, resisting or impeding a federal officer, pled guilty and was sentenced to a term of probation.

Sexual Abuse

On two occasions the defendant climbed into bed with his mentally challenged stepsister and engaged in unwanted sexual contact. The defendant's actions were discovered and he was indicted in federal court. The defendant pled guilty and was sentenced to 24 months in custody and 5 years of supervised release.

DEPARTMENT OF JUSTICE GRANTS

The Department of Justice offers funding opportunities to support law enforcement activities in state and local jurisdictions, to provide training and technical assistance and to implement programs that improve the criminal justice system. Listed below are some of the grants that were awarded in 2011. For more information on grant availability, please go to the OJP website at www.ojp.gov.

Grantee	Project Description	Amount
Northeast Council of Governments (NECOG)	Project Safe Neighborhoods	\$59,276
Cheyenne River Sioux Tribe	Criminal Systems Enhancement Project	750,000
Cheyenne River Sioux Tribe	Juvenile & Criminal Systems Enhancement Project	1,000,000
State of South Dakota	Criminal Alien Assistance Program	50,408
State of South Dakota	Substance Abuse Treatment Project	135,681
Department of Public Safety	John R. Justice Loan Repayment Program	106,251
Department of Public Safety	Underage Drinking Laws	300,000
Office of the Governor	Residential Substance Abuse	135,681
Office of the Governor/DPS	Edward Byrne Memorial Grant	666,082
Office of the Attorney General	Justice Statistics Program	29,844
Office of the Attorney General	DNA Backlog Reduction Program	200,000
Office of the Attorney General	Paul Coverdell Forensic Science Improvement Grants Program	166,108
Office of the Attorney General	Internet Crimes Against Child Task Force Continuations Program	218,130

Office of the Attorney General	Grants to Encourage Arrest Policies & Enforcement of Protection Orders Program	749,923
Office of the Attorney General	Support for Adam Walsh Act Implementation Grant Program	141,000
SD Attorney General/DCI	Criminal History Improvement Program	131,971
SD Department of Corrections	Juvenile Accountability Grant	251,229
SD Department of Corrections	Formula Grants Program	600,000
SD Department of Corrections	Title V Community Prevention Program	50,000
SD Department of Corrections	Bureau of Justice Assistance Offender Re-Entry	1,000,000
SD Department of Social Services	Victim Compensation Formula	88,000
SD Department of Social Services	Victim Compensation Formula	1,543,448
SD Department of Social Services	STOP Violence Against Women Grant Program	848,572
SD Department of Social Services	Sexual Assault Services	152,902
SD Coalition Ending Domestic and Sexual Violence	State Coalition Project	211,181
City of Sioux Falls	Justice Assistance Grant Program	91,866
Pennington County	Justice Assistance Grant Program	79,689
Pennington County	Criminal Alien Assistance Program	7,946
Flandreau Santee Sioux Tribe	Community-Based Needs Assessment	149,892
Flandreau Santee Sioux Tribe	Violence Against Women Program	450,000
Minnehaha County	Criminal Alien Assistance Program	59,033

Sisseton-Wahpeton Oyate of the Lake Reservation	Alliance Project	110,000
Sisseton-Wahpeton Oyate of the Lake Reservation	Support for Adam Walsh Act Implementation Grant Program	297,152
White Buffalo Calf Woman Society, Inc.	Engaging Men and Youth Program	300,000
Sisseton -Wahpeton Sioux Tribe	Support for Adam Walsh Implementation Grant	297,152
Oglala Sioux Tribe	Corrections & Correctional Alternatives Program	1,000,000
Oglala Sioux Tribe	Tribal Court Enhancement Project	500,000
Oglala Sioux Tribe Department of Public Safety	Project Preparedness “Egluwinyapi”	1,200,000
Oglala Sioux Tribe	Community Outreach & Awareness and Victims Services to Address Elder Abuse	215,000
Oglala Sioux Tribe	Culturally Comprehensive Children’s Advocacy Project	193,946
Oglala Sioux Tribe	TRGP Equipment & Training	876,773
Oglala Sioux Tribe	TRGP Hiring	123,227
Oglala Sioux Tribe	Tribal Courts Assistance	500,000
Oglala Sioux Tribe	Tribal Outreach Program	215,000
Oglala Lakota CASA	Children Justice Act for Indian Communities	193,946
Wiconi Wawokiya, Inc.	Tribal Victim Assistance	150,000
Wiconi Wawokiya Inc.	Native Victims of Domestic, Sexual, Stalking, Dating Violence	760,200
Rosebud Sioux Tribe	Sexual Assault Services Program	325,000

Rosebud Sioux Tribe	Edward Byrne Memorial Grant	39,878
Rosebud Sioux Tribe	AG – Children Exposed to Violence	1,000,000
Cheyenne River Sioux Tribe	Tribal Juvenile Records	1,000,000
Cheyenne River Sioux Tribe	OJS – Establish Office Justice Development	1,000,000
Standing Rock Sioux Tribe	Juvenile Justice Program	299,917
Standing Rock Sioux Tribe	Tribal Youth Program	430,554
Standing Rock Sioux Tribe	Justice Assistance Program	42,527
Lower Brule Sioux Tribe	Alternative Program	349,644
Lower Brule Sioux Tribe	Children Justice Act for Indian Communities	149,947
Sioux Falls Police Department	Edward Byrne Memorial Grant	91,866
Rapid City Police Department	Edward Byrne Memorial Grant	79,689
Rapid City Police Department	COPS - 4 officers	823,804
Watertown Police Department	COPS – 1 officer	181,285
Box Elder, SD	COPS – 1 officer	165,715
Pennington County	COPS – 1 officer	186,144

Bullet Proof Vest Grants

Aberdeen	6,542.50	20
Beadle County	1,837.50	5
Box Elder	4,218.50	13
Brandon	1,256.00	4
Brookings	5,550.00	12
Brown County	1,687.50	5
Canton	1,440.00	3
Charles Mix County	2,479.98	4
Codington County	2,697.00	6
Dewey County	1,298.00	4
Gettysburg	700.00	2
Huron	974.67	4
Minnehaha County	314.73	6
Mitchell	4,510.00	12
Mobridge	1,660.00	5
Pennington County	16,874.00	52
Potter County	349.99	1
Rapid City	3,245.00	10
Sioux Falls	1,296.77	47
South Dakota	1,137.04	27
Vermillion	1,400.00	4
Watertown	2,829.97	14
Whitewood	973.50	3
Yankton County	1,265.00	4

ADMINISTRATIVE DIVISION

The Administrative Division of the U.S. Attorney's Office for the District of South Dakota provides consistent and effective administrative services and support to the employees and programs of the U.S. Attorney's Office.

The Division provides guidance concerning Department of Justice policies and procedures as well as central services support in all areas of Administration, including: Human Resources, Budget and Finance, Information Technology, Facilities Management, Records Management, Purchasing and Property Management. The Division is responsible for planning and executing a comprehensive range of administrative services that support the mission of the U.S. Attorney's Office. The Division is managed by the Administrative Officer, who is the principal advisor to the U.S. Attorney and the District on administrative matters. The Administrative Officer provides guidance on the management and use of the District's financial, manpower, and physical resources, and on administrative policies, procedures, and practices.

Currently, the District of South Dakota has 63 positions in support of 3 offices in Sioux Falls, Rapid City and Pierre. In the Criminal, Civil, and Appellate Divisions, these positions are made up of Assistant United States Attorneys, Paralegal Specialists, Legal Assistants, Victim Witness Coordinators, and Debt Collection Agents. In the Administrative

Division these positions are made up of an Administrative Officer, Administrative Support Services Specialist, Human Resource Specialist, Contracting Officer, Budget Analyst, and Information Technology Specialists focusing on litigation support and computer network management.

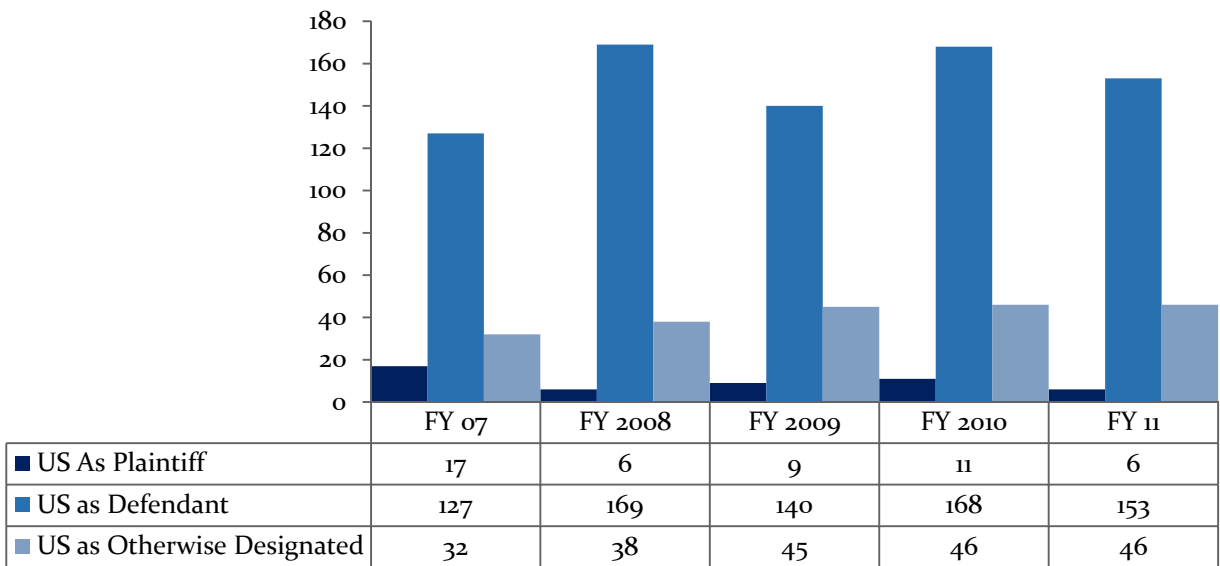
In addition, the Administrative Division follows internal control practices that ensure proper use and reporting of tax payer funded assets. At the direction of the U.S. Attorney, the Administrative Division manages an operating plan budget of approximately \$5 million. The Division also manages equipment and facilities in three locations valued at approximately \$2 million. The Administrative Division is also responsible for the coordination, development, and maintenance of office policies and procedures related to the mission of the U.S. Attorney's Office. In this regard, the Administrative Division works closely with the U.S. Attorney, Assistant United States Attorneys, and support staff to ensure compliance with a strong internal controls program.

The Administrative Division is led by the Administrative Officer, who supervises a number of subject matter experts, including an Administrative Support Services Specialist, a Budget Analyst, two Information Technology Specialists, a Human Resources Specialist, a Contracting Officer, and general administrative students.

CIVIL DIVISION

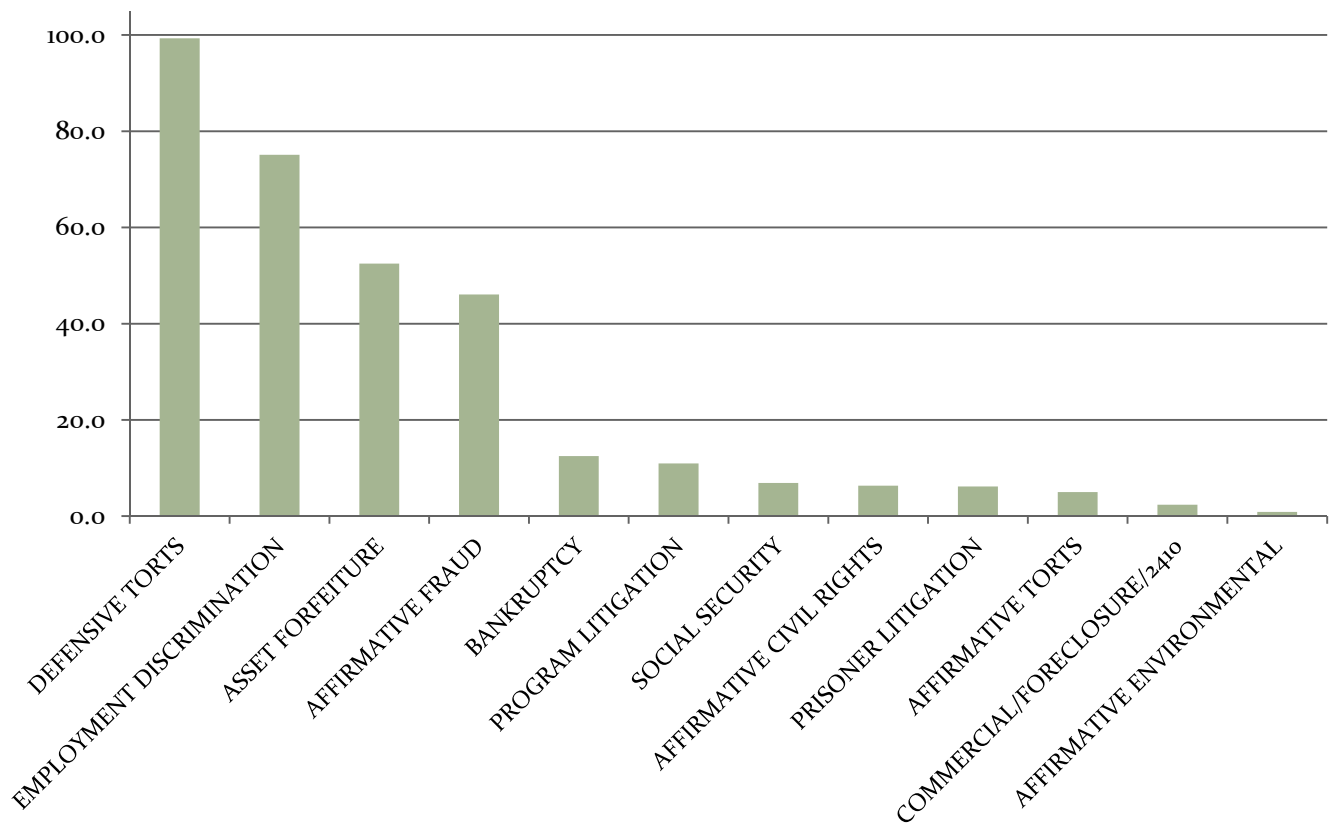
The Civil Division represents the interests of the United States in civil litigation involving the federal government in the District of South Dakota. The mission of the Civil Division is to promote the fiscal integrity of federal aid programs through an active civil fraud initiative, and to justly defend the interests of the United States in all cases where the government is sued. The Financial Litigation Unit in the Civil Division pursues debts owed to the United States and collects criminal restitution, fines, and penalties owed after sentencing. The Civil Division also operates a successful asset forfeiture program to seize and forfeit illegal proceeds of crime. It also investigates and pursues allegations of health care fraud, seeking monetary reimbursement for Medicare, Medicaid, and Tricare, where appropriate. In addition, the Civil Division investigates and pursues civil fraud cases involving a variety of program fraud for the U.S. Department of Agriculture, the Department of Defense, the Department of Housing and Urban Development, and the Department of Interior.

Cases Filed/Responded to by Designation



Fiscal Year 2011

Civil Category	Attorney Perm Hours	Attorney Perm 40+ Hours	Matters/Cases Pending/Terminated	Hours Per Matter/Case Pending/Terminated
DEFENSIVE TORTS	3078.50	586.75	31	99.3
EMPLOYMENT DISCRIMINATION	600.75	139.00	8	75.1
ASSET FORFEITURE	577.50	13.50	11	52.5
AFFIRMATIVE FRAUD	1705.04	356.50	37	46.1
BANKRUPTCY	648.75	33.50	52	12.5
PROGRAM LITIGATION	570.25	87.00	52	11.0
SOCIAL SECURITY	220.25	12.25	32	6.9
AFFIRMATIVE CIVIL RIGHTS	19.00	5.00	3	6.3
PRISONER LITIGATION	289.25	152.25	47	6.2
AFFIRMATIVE TORTS	5.00	2.00	1	5.0
COMMERCIAL/FORECLOSURE/2410	464.75	31.50	196	2.4
AFFIRMATIVE ENVIRONMENTAL	7.00	0.00	8	0.9
DEFENSIVE CIVIL RIGHTS	275.00	64.00	0	
IMMIGRATIONS CV	3.50	0.00	0	



DEFENSIVE TORT LITIGATION

There were a variety of lawsuits filed against the United States arising from alleged negligent acts or omissions of federal employees and tribal employees who are covered under the Federal Tort Claims Act because they fall under a special law which makes the United States liable for the tribal entity. Significant cases which were resolved in 2011 include the following:

- Early resolution was reached on three cases involving complaints from female suspects whose bras were allegedly forcibly removed by male jail correctional officers due to an apparent shortage of female correctional officers at a tribal detention center.
- Settlements were facilitated in circumstances where a Bureau of Indian Affairs officer was accused of using excessive force against individuals he arrested.
- Judgment was entered in favor of the United States in a case where a tribal court ordered the detention of a runaway minor for six months while tribal officials tried to decide if the tribe wanted to return the juvenile to the custody of the South Dakota Department of Corrections. The plaintiff alleged that her constitutional rights were violated. The federal court held there is no waiver of the United States' sovereign immunity for constitutional torts, and there is also no authority to sue the United States for regulatory and statutory violations or failure to follow the standards set forth in the contract between the Bureau of Indian Affairs and the tribe because the plaintiff was not a party to the contract and lacked standing to raise contract claims.
- Judgment was entered in favor of the United States in an action arising out of broken hip injury which a federal prison inmate received during a recreational softball game. The inmate claimed that the medical treatment provided by the prison's on call physician assistant was delayed and caused him additional pain and permanent harmful effects. However, the court found in favor of the United States after the inmate failed to have an expert to testify that any breach of the medical standard of care occurred or that the inmate's injury or his recovery was exacerbated by the prison medical staff.
- Settlement was obtained in a case against the Veterans Administration arising out of a case where a veteran received the wrong prescription for a skin condition. When the veteran applied the cream to his leg, it caused his skin to burn, which aggravated a pre-existing condition and caused him pain.

- Settlement was reached with the estate of a veteran with delayed diagnosis of a Charcot ankle fracture who died after surgery necessitated by his fracture becoming infected and requiring amputation.
- Settlement was reached with the parents of an infant who died following circumcision at an Indian Health Service facility.
- Settlement was reached with a young man who was arrested and incarcerated over the weekend by federal drug task force agents in a case of mistaken identity.
- Settlement was reached with a veteran who claimed that the Veterans Administration failed to timely notify him of an elevated PSA resulting in delayed diagnosis and metastasis of his prostate cancer.

AFFIRMATIVE FRAUD

The U.S. Attorney's Office worked jointly with the State of South Dakota, the Department of Health and Human Services, the Department of Agriculture, and the Department of Defense to recover reimbursement for money fraudulently obtained through false statements made to federal agencies for services not rendered or not provided by qualified medical personnel. Highlights of our affirmative enforcement efforts include:

- Hayward Baker obtained the subcontract to perform environmental cleanup work for the Environmental Protection Agency (EPA) at the Gilt Edge Mine located outside of Lead, South Dakota. The subcontract, valued at \$3 million, was awarded pursuant to the American Recovery and Reinvestment Act. The American Recovery and Reinvestment Act was passed by Congress to stimulate the American economy, and as such required that certain construction materials be manufactured in the United States. Specifically, the Hayward Baker subcontract required the purchase of steel pipe manufactured in the United States. While doing a site inspection, EPA special agents discovered that much of the pipe stored on-site was manufactured in Taiwan and South Korea. Complicating matters, Hayward Baker had already installed a significant amount of steel pipe in the ground. Uncovering the already installed steel pipe would cause an unacceptable disruption and delay to the clean-up work being performed. This office, together with EPA special agents, tracked down all pipe purchases made by Hayward Baker and determined their country of origin. Based on its investigation, it was determined that a substantial percentage of the pipe installed by Hayward Baker was foreign-made in violation of the American Recovery and Reinvestment Act. This office brought an action against Hayward Baker under the False Claims Act, alleging that Hayward Baker misrepresented the origin of the steel pipe when it made demands for payment. The matter was settled when Hayward Baker agreed

to pay double damages, which constituted a refund of the money paid for foreign pipe plus penalties.

- One of this District's priorities is to protect precious health care dollars. Cheyenne Vision Center is an optometry group located in Cheyenne, Wyoming. The Department of Justice assigned this matter to the District of South Dakota, because the U.S. Attorney's office in Wyoming had a conflict. Cheyenne Vision Center was found to charge Medicare, Wyoming Medicaid, as well as Tricare (which covers members of the military and their dependents) for tests that were unnecessary and in many instances were never performed. This office, in cooperation with the Wyoming Medicaid Fraud Control Unit of the Wyoming Attorney General's office, brought an action against Cheyenne Vision Center pursuant to the False Claims Act alleging that Cheyenne Vision Center committed fraud by billing the United States for medical tests that were unnecessary and in many instances were never performed. This matter was settled when Cheyenne Vision Center agreed to pay approximately 2.5 times actual damages, constituting a refund of all monies paid for the unnecessary tests as well as fines and penalties.
- A private counseling service paid \$90,000 to resolve claims that they submitted false billings for counseling services which were provided by counselors who were not allowed to bill Medicare or Medicaid because they did not have the proper training and certification. The whistleblower was a licensed psychologist who discovered that her provider number was being used to submit reimbursement requests relating to patients she did not treat. A portion of the settlement proceeds were paid to the person who reported the fraud and her attorney fees.
- In some instances, medical providers who defraud the United States can be subject to criminal as well as civil actions. A physical therapist practicing in Huron, South Dakota, allowed his secretary/receptionist to perform physical therapy on patients in direct violation of South Dakota law which requires that physical therapy be administered by licensed physical therapists or physical therapy assistants. This was a particularly egregious case, because his secretary was neither licensed nor trained.

PROGRAM LITIGATION

- The Americans With Disabilities Act (ADA) requires that establishments make certain reasonable accommodations for people with disabilities. Some people with disabilities use service animals to help them with their daily activities. The ADA requires that establishments allow disabled persons to enter their premises with their service animals. In one instance, a large business refused entry to a disabled person's service animal, which was a tiny Pomeranian. The service dog was certified to assist the individual in managing his Post Traumatic Stress Disorder.

The police department was called, and not understanding the ADA, the police department refused to allow the dog entry into the business. The U.S. Attorney's Office reviewed the disabled person's complaint and quickly determined that violations of the ADA had occurred. As a result, both the business and the police department agreed to allow this service dog entry to local businesses and to further train all their employees as well as officers in the proper application of the ADA.

- Eight individuals challenged a final agency determination concerning the proper job classification for calibrating military equipment using metrology. Metrology is the science or system of weights and measures used to determine conformance to technical requirements including the development of standards and systems of absolute and relative measures. The agency's decision to classify their job as "Electronic Technicians, Maintenance II" instead of "Engineering Technician IV" status was affirmed.
- Judgment was entered in favor of the U.S. Department of the Interior in a lawsuit which claimed that the Bureau of Indian Affairs Board of Indian Hearings and Appeals breached its fiduciary trust responsibility by refusing to void a gift deed of trust land. The district court held that the agency's decision was not arbitrary or capricious or otherwise inconsistent with the law because the agency had no authority to void a gift deed.
- The U.S. Attorney's Office continues to assist the Department of Justice Environment and Natural Resources Division as it defends the Department of Interior's decision to take land into trust for Native American Tribes. A decision to take four parcels of land into trust for the Sisseton-Wahpeton Oyate was affirmed on appeal. Another decision involving land on the Yankton Sioux Indian Reservation was remanded for procedural reasons.
- The U.S. Attorney's Office successfully defended a lawsuit filed against the Department of the Interior, Bureau of Indian Affairs Office of the Special Trustee (OST) by individual Native Americans who wanted to force the OST to distribute money awarded to the Sioux Tribes in various lawsuits brought in the 1970s as compensation for taking the Black Hills and other land. The Sioux Tribes were not parties to this recent action, and the Tribes have taken the position that they wish to maintain their legal and moral claims to the land and believe that they will extinguish their claims by accepting the money. The court held that the Sioux Tribes were necessary parties to the litigation, but they could not be joined in the lawsuit because they have not waived their sovereign immunity. Since the money was awarded to the Sioux Tribes as political entities, the individual members had no standing to claim the funds. The court found this to be an internal tribal matter which must be resolved by the tribal government or Congress.

EMPLOYMENT DISCRIMINATION

The U.S. Attorney's Office successfully defended the Bureau of Land Management (BLM) in an age discrimination case filed by a 60-year-old employee of the U.S. Forest Service (USFS) who was denied a transfer to a law enforcement position. The BLM has a maximum entry age of 37 for its law enforcement positions. The court held that BLM's refusal to allow the 60-year-old USFS employee to transfer to a law enforcement position with BLM was reasonable. Further, the court held that the USFS employee was not similarly situated to other BLM employees who had obtained a waiver of the maximum entry age limit, and that BLM has a legitimate interest in a younger and physically fit law enforcement force.

BANKRUPTCY

The United States of America is often listed as a creditor in a bankruptcy matter because the debtor lists student loan debt owing to the Department of Education, taxes owing to the Internal Revenue Service (IRS), a tax lien filed by the IRS, or debt owing to a governmental agency based upon a promissory note or mortgage. The majority of the bankruptcies which involve the U.S. Attorney's Office are cases involving the IRS. In 2011, approximately 1.4 million Americans filed bankruptcy, and South Dakota bankruptcy filings decreased by 8 percent. Our office opened 26 bankruptcy matters in 2011. This is down from the 37 bankruptcy matters opened in 2010.

In two separate bankruptcy cases, the United States received permission to offset debt owing to the government against debtors' tax refunds. On February 14, 2011, the United States received a favorable decision when asking the United States Bankruptcy Court for the District of South Dakota to grant the United States Department of Agriculture's Rural Housing Service (RHS) relief from the stay normally imposed in bankruptcy. The court allowed the United States to offset debt owed by the debtors to RHS against the debtors' tax refund despite the pending bankruptcy. The court held that debtors' argument that they were entitled to a "fresh start" in bankruptcy did not prohibit offset of debt previously owing to RHS as long as the elements of offset were met. The court found the United States had met the elements of offset. The court allowed relief from stay after the offset had been taken. Following the decision in the aforementioned case, different debtors did not contest a similar motion in another bankruptcy matter, and RHS was also granted permission to offset the tax refund in that case.

ASSET FORFEITURE

The United States forfeited close to \$1,000,000 in assets in a gambling case investigated by the U.S. Postal Inspection Service. Included within the assets forfeited was a home from which the gambling operation was based and a vehicle which was purchased with gambling proceeds. Cash which had been mailed to bettors and received from bettors was also seized.

OTHER LITIGATION

The U.S. Attorney's Office opened 86 defensive foreclosure files in 2011. This is a decrease from the 116 cases opened in 2010. Defensive foreclosure cases are normally brought by a bank or other lending institution in state court. The U.S. Attorney's Office becomes involved in a defensive foreclosure case when an agency of the government has a lien on the property which a plaintiff seeks to foreclose. The agencies most often involved in these types of cases are the Internal Revenue Service (IRS), the Department of Housing and Urban Development (HUD), the Farm Service Agency (FSA), and the Rural Housing Service (RHS).

The U.S. Attorney's Office defended numerous prisoner litigation cases challenging the legality of convictions, sentences of incarceration, facility placements, or conditions of confinement and assisted the Social Security Administration in responding to 18 new Social Security disability appeal cases filed during 2011.

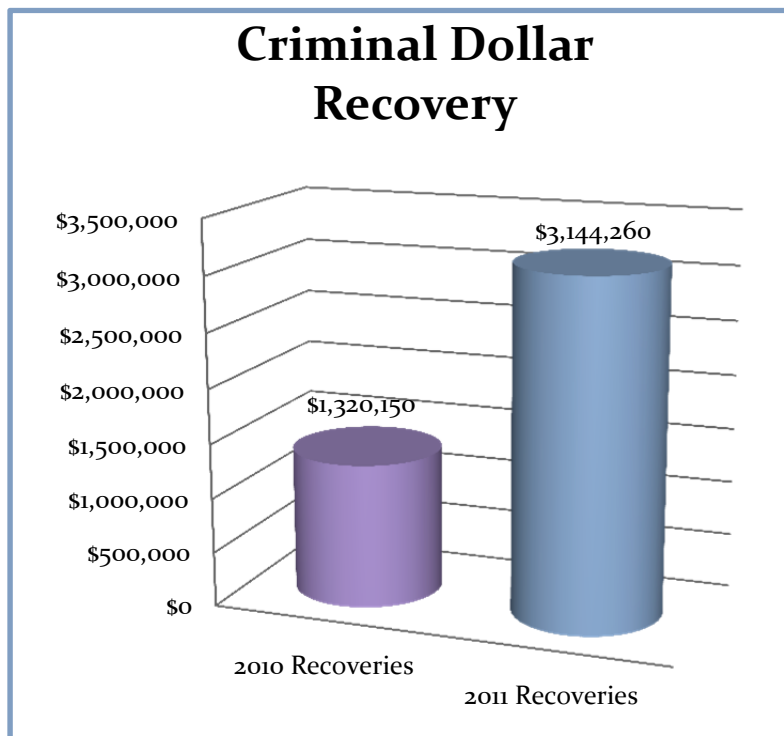
FINANCIAL LITIGATION UNIT

The Financial Litigation Unit (FLU) is responsible for activities related to the collection of civil judgment debts owed to federal agencies, as well as the collection of restitution, fines, penalties, assessments, and court costs imposed by the court in criminal judgments. The goal of the U.S. Attorney's Office is to fairly achieve the maximum amount of recovery with the least amount of cost for each affirmative claim or debt. This office strives to collect debts due the United States and victims of crime in a timely, aggressive, efficient, and cost-effective manner.

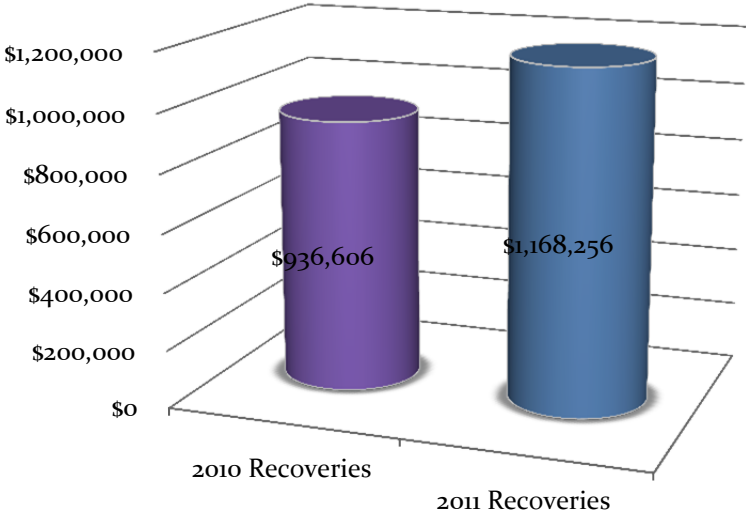
COLLECTION EFFORTS

FLU collected \$4,312,000 in civil judgments and criminal payments in fiscal year 2011, averaging \$359,376 per month. Of this amount, \$36,096 stemmed from health care fraud cases.

Although all recoveries are vitally important, the recovery of restitution in an effort to make victims whole is a high priority of this office. In 2011, of the \$3,144,260 recovered from criminal judgments, \$3,006,958 was returned to victims of crime. The rest was deposited into the Crime Victims Fund which is used to fund programs that assist crime victims.



CIVIL DOLLAR RECOVERY



APPELLATE DIVISION

The Appellate Division supervises 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 United States Court of Appeals for the Eighth Circuit which is based in St. Louis, Missouri. Eighth Circuit appellate decisions are generally precedential and govern the disposition of subsequent similar issues litigated in the trial courts of all seven states within the Eighth Circuit, not just South Dakota's federal district courts.

The Appellate Division's caseload involves a wide variety of legal issues and different types of substantive law. In many cases, 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 remainder of the criminal appeals deal with other federal offenses such as large-scale drug conspiracies, immigration, firearms offenses, 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.

Significant Cases

Yankton Sioux Reservation Litigation

The ongoing litigation concerning whether the Yankton Sioux Indian Reservation continues to exist came to a conclusion in June of 2011, when the United States Supreme Court declined to hear the case. That left in place the Eighth Circuit Court of Appeals' holding that the Reservation was not disestablished by an 1894 surplus land act. The litigation originally began in the mid-1990's and was the subject of many trial court and appellate court decisions, including a 1998 decision by the Supreme Court which had left unresolved the question of disestablishment. These decisions hold generally that the

Reservation has been significantly diminished, but retains its reservation status for approximately 37,000 acres of land configured in non-contiguous tracts within Charles Mix County. The U.S. Attorney's Office and the Yankton Sioux Tribe both resisted the arguments for disestablishment made by the State of South Dakota and Charles Mix County.

Hart v. United States, 630 F.3d 1085 (8th Cir. 2011)

This civil case was brought against the United States by the family of a man who took his own life shortly after he was advised that he had been indicted for federal sex offenses. After a special agent with the Bureau of Indian Affairs drove to the man's home to take him into custody, the two spoke congenially, and the agent allowed the man to go into his home unsupervised to finish cleaning his bedroom. While in the home, the man committed suicide without warning. The district court judge dismissed the case, and the Eighth Circuit Court of Appeals affirmed the decision, holding that an agent's decisions about conducting an arrest were discretionary law enforcement functions for which the United States has not waived its sovereign immunity.

United States v. Mees, 640 F.3d 849 (8th Cir. 2011)

Mees was the former finance officer for the Standing Rock Housing Authority who engaged in a five-year embezzlement scheme and ultimately caused the loss of well over \$1 million in Housing Authority funds. He pled guilty to theft concerning programs receiving federal funds and, after concluding that Mees's "widespread and extensive" scheme made him a "big time crook," the district court judge sentenced him to 120 months in prison. Mees challenged the sentence on appeal alleging the sentencing court had overstated his criminal history which had previously included only a speeding ticket. However, the Eighth Circuit disagreed and upheld the sentencing judge's assessment and also rejected Mees' claim that he was sentenced more harshly because he was "a white defendant whose victims were Native American."

United States v. Shillingstad, 632 F.3d 1031 (8th Cir. 2011)

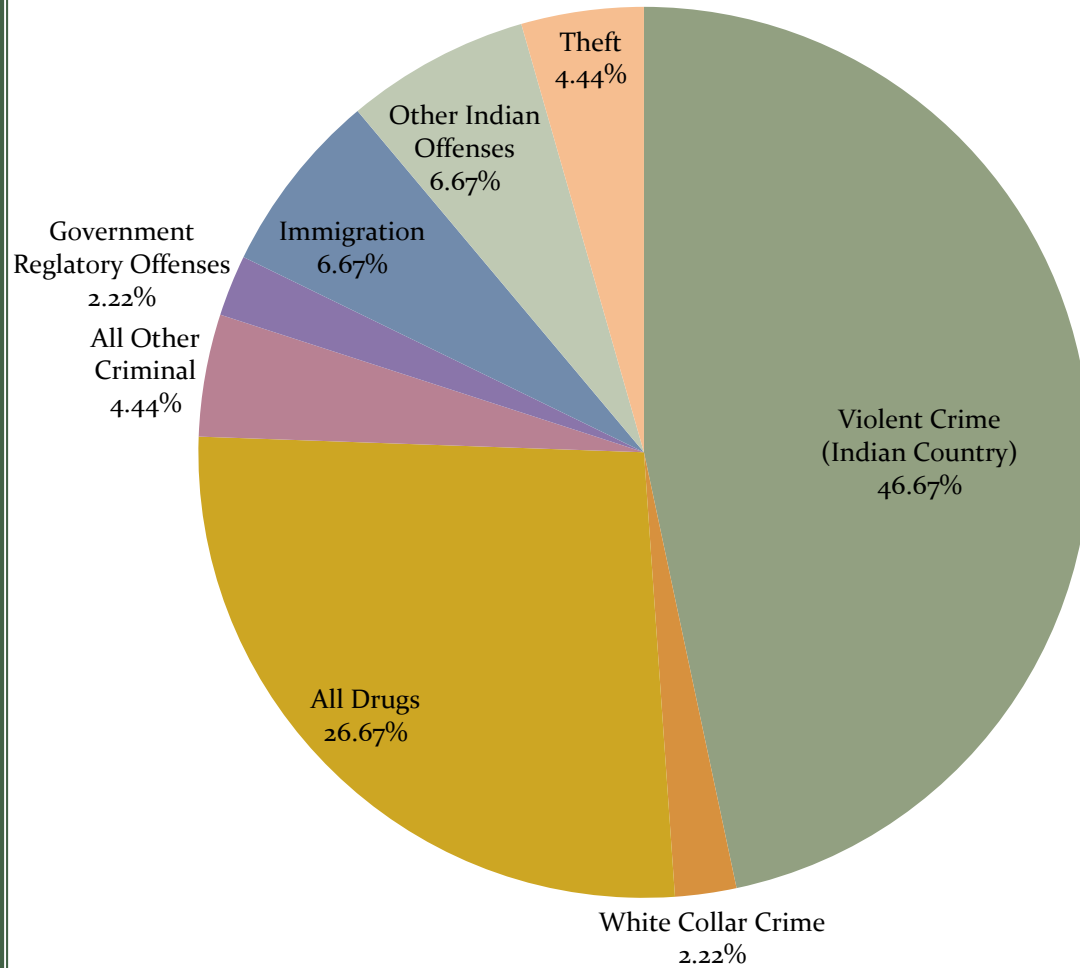
A jury found Shillingstad guilty of assault with a dangerous weapon and assault resulting in serious bodily injury involving an incident in which he assaulted his girlfriend with a plate and a board at his mother's home in Wakpala. The victim suffered a subdural hematoma head injury as well as a fracture of her arm and a knee injury that required surgery. After determining, among other things, that the district court judge had not committed prejudicial error by admitting evidence of Shillingstad's prior tribal convictions for assaulting his girlfriend and for abusive acts toward his mother, an Eighth

Circuit panel of judges rejected Shillingstad's appellate challenges to his conviction and sentence.

United States v. Ortiz, 636 F.3d 389 (8th Cir. 2011)

Ortiz was a involved in a sophisticated national shoplifting ring which traveled around the United States victimizing retail stores. She was driving a rented van on Interstate 90 near Chamberlain when she was stopped for speeding. The officer making the stop noticed the van was full of large black trash bags. Ortiz consented to a search of the van, and the officer uncovered over \$100,000 in retail merchandise which had been stolen from retailers in the State of Washington. Ortiz pled guilty to interstate transportation of stolen property and was sentenced to 105 months. The Eighth Circuit affirmed the sentence, noting the district court judge's factual findings that Ortiz was a "serial shoplifter" who made money for 15 years through the national "high-tech, large-scale shoplifting enterprise."

Appeals Filed by Program Category



VICTIM RIGHTS AND ADVOCACY

The U.S. Attorney's Office Victim/Witness Assistance Program was developed to assure that victims of federal crimes are treated with fairness and respect as they journey through the federal 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 United States Attorneys and other U.S. Attorney's Office staff with the assistance of tribal and federal law enforcement. The U.S. Attorney's Office victim/witness staff work closely with South Dakota's FBI victim specialists who assist victims of federal crime 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 as they journey through the federal justice system.

When a federal criminal case reaches the prosecution stage of the criminal justice process, the victim is notified concerning 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 and/or by calling the VNS automated call center. Notifications that may be made include the release or detention status of an offender pending judicial proceedings; the filing of charges against a suspected offender; the scheduling, including scheduling changes and/or continuances, of each court proceeding that the victim is either required to attend 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 in the presentence report a victim impact statement containing information concerning any harm, including financial, social, psychological and physical harm, done to or loss suffered by the victim of the crime; the date set for sentencing if the offender is found guilty; and the sentence imposed and entry of the victim into the Bureau of Prisons' Victim and Witness Notification Program.

Our victim witness program staff also provide personal support and assistance to victims and witnesses during court appearances by assisting with travel and lodging arrangements, court orientation, trial preparation and support during testimony. Each of our offices has a toll-free number to allow victims and witnesses to easily contact our victim/witness staff. When needed, referrals are provided to existing agencies for shelter, counseling, compensation,

and other types of assistance services. The advocates also participate in the Multi-Disciplinary Teams (MDT) on each reservation where they meet with the Assistant U.S. Attorney and other professionals to discuss child abuse allegations and cases and determine the appropriate steps to assure the well-being of the child victim and the best way to proceed with the investigation and prosecution of the suspect.

A variety of informational materials are available to assist crime victims and witnesses through the federal justice process. Topics include: Victims and Witnesses – Understanding Your Rights and the Federal Court System • Dealing With Crisis • Surviving Sexual Assault – What You Should Know • Federal Domestic Violence Laws • What You Should Know About Restitution Payments to Victims • Preparing To Testify • Victim Witness Handbook for Child Support Enforcement Cases.

There are several videos available that explain the federal court process. *A Journey Through the Federal Justice System* was developed for adult victims and witnesses who must testify in federal court. *BJ Learns About Federal and Tribal Court* is especially for Native American children who must testify in court and has a corresponding activity book, *Learning All About Court*. *Inside Federal Court* is for older children who must be witnesses in federal court and also has a corresponding activity book. Our most recent court orientation video, *Tell The Truth*, was developed as a resource to help young children who must testify in federal court. This video features a trip to *Court Street* and an animated courthouse where the court process is explained in a simple, effective way, with an emphasis on the importance of telling the truth. *Tell the Truth* also has a corresponding activity book.

All of these materials are available at no cost from any of our victim/witness staff.

Each victim/witness advocate has been assigned to assist victims and witnesses from specific reservations. Please call the advocates directly if you have questions or need their assistance.

Reservation	VW Advocate/Office	Phone Number
Cheyenne River Crow Creek Lower Brule Rosebud Standing Rock	Nancy Lampy Pierre, SD	800-603-8157 605-224-1256, ext. 2211
Pine Ridge	Marlys Big Eagle Rapid City, SD	800-603-3750 605-343-2913, ext. 2107
Flandreau Sisseton-Wahpeton Yankton	Terri Mielenz Sonia Larson Patrice Hink Sioux Falls, SD	605-357-2359 605-357-2355 605-357-2358 800-804-6790

Emergency Witness Assistance Program (EWAP)

This program allows U.S. Attorneys' Offices to provide financial assistance to threatened witnesses and/or their families during an ongoing investigation or case prosecution. This assistance program was designed to provide short-term help (up to 30 days) to a cooperating witness and has provided relocation funds and transportation expenses. EWAP does not provide protection but does provide very limited financial assistance to witnesses so that they may help themselves. Since this program began in 1997, the District of South Dakota has assisted over 53 witnesses and their families.

Victim Notification System (VNS)

The Department of Justice Victim Notification System (VNS) was implemented in 2002. VNS is a cooperative effort between the Federal Bureau of Investigation (FBI), the United States Postal Inspection Service (USPIS), the United States Attorneys' Offices, and the Federal Bureau of Prisons (BOP). This free, computer-based system provides two important services to victims of federal crimes — information and notification. Victims receive notification of court events by letter and have the ability to call a toll-free number or access a website for current defendant custody and court information. Each victim receives a Victim Identification Number and Personal Identification Number that allows access to the system. In 2011, the District of South Dakota generated over 24,800 notifications. Notification and assistance services were provided to more than 324 victims and their families. Questions about this program may be directed to our victim/witness staff.

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