

## **TRIBAL JUSTICE NEWS**

**WEEK OF JUNE 29, 2010**

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### **North Dakota Man Sentenced for Sexual Abuse of a Child (U.S. Attorney for the District of North Dakota)**

Acting U.S. Attorney Lynn Jordheim announced that on June 28, 2010, Patrick L. Big Shield, 52, of Fort Yates, N.D., was sentenced before U.S. District Court Judge Daniel L. Hovland to three years and five months in federal prison for abusive sexual contact with a child under 12 years of age. Big Shield was found guilty by a federal jury on March 25, 2010.

<http://www.justice.gov/usao/nd/pressreleases/press2010.html>

### **Quechan Tribal Member Found Guilty of First Degree Murder in Gila River Indian Community (U.S. Attorney for the District of Arizona)**

U.S. Attorney Dennis K. Burke announced that Eugene Joseph Escalanti, 34, of Tucson, Ariz., was found guilty of first degree murder, kidnapping and first degree murder/felony murder, by a federal jury in Phoenix on June 25, 2010. The evidence at trial showed that on July 19, 2009, Escalanti, an enrolled member of the Quechan Indian Tribe, was negotiating the sale of a recreational vehicle with the victim when he began assaulting the victim with a pair of pruning shears. Escalanti then bound the victim's hands together and directed a witness to drive them to a remote area of the Gila River Indian Community. Once on the reservation, Escalanti beat and killed the victim.

[http://www.justice.gov/usao/az/press\\_releases/index.html](http://www.justice.gov/usao/az/press_releases/index.html)

### **Mille Lacs Band Assailant Sentenced to Prison (U.S. Attorney for the Western District of Michigan)**

U.S. Attorney Donald A. Davis announced on June 25, 2010, that Leonard Scott Nickaboine, 32, of Sault Ste. Marie, Mich., a member of the Mille Lacs Band of Ojibwe Tribe, was sentenced to 41 months in federal prison for domestic assault by a habitual offender. In addition to the prison term, Senior U.S. District Judge R. Allan Edgar ordered Nickaboine to serve three years of supervised release following his release from prison and to pay a \$100 special assessment. The charge stemmed from an

incident at Nickaboine's residence on Dec. 19, 2009, during which Nickaboine assaulted his wife, throwing her to the ground, striking her with his fist, and choking her. Nickaboine was previously convicted of domestic violence on two separate occasions in Sault Ste. Marie Tribe of Chippewa Indians Tribal court.

<http://www.justice.gov/usao/miw/press/index.html>

**L'anse Woman Sentenced to Prison for Tire Iron Assault (U.S. Attorney for the Western District of Michigan)**

U.S. Attorney Donald A. Davis announced on June 25, 2010, that Roseann Marie Brennan, 21, of L'Anse, Mich., was sentenced to 48 months in federal prison for assault with a dangerous weapon. In addition to the prison term, Senior U.S. District Judge R.

Allan Edgar ordered Brennan to serve two years of supervised release following her release from prison, to pay a \$100 special assessment and to have no further contact with the victim. Brennan was also ordered to pay \$5,360.25 in restitution. Brennan pleaded guilty to assault with a dangerous weapon on March 16, 2010. The charge stemmed from an incident occurring on Keweenaw Bay Indian Community lands in December 2009, during which Brennan struck the victim, a member of the Keweenaw Bay Indian Community, in the head with a tire iron in the course of a fight.

<http://www.justice.gov/usao/miw/press/index.html>

**Pharmacy Burglar Sentenced to Prison (U.S. Attorney for the Western District of Michigan)**

U.S. Attorney Donald A. Davis announced on June 25, 2010, that Richard Glenn LaPine, 43, of Cheboygan, Mich., a member of the Sault Ste. Marie Tribe of Chippewa Indians, was sentenced to 21 months in federal prison for possession with intent to distribute controlled substances. In addition to the prison term, Senior U.S. District Judge R. Allan Edgar ordered LaPine to serve three years of supervised release following his release from prison, mandatory restitution in the amount of \$4,159.58 and to pay a \$100 special assessment. The charge stemmed from an incident on Sept. 8, 2009, wherein LaPine broke into the pharmacy in the Sault Ste. Marie Tribal health center and took prescription pills containing hydrocodone APAP, clonazepam, propoxyphene, diazepam, and lorazepam.

<http://www.justice.gov/usao/miw/press/index.html>

**Otis Taylor Yellow Mule Sentenced in U.S. District Court (U.S. Attorney for the District of Montana)**

U.S. Attorney Michael W. Cotter announced that during a federal court session in Billings, Mont., on June 25, 2010, Otis Taylor Yellow Mule, a 23-year-old resident of Wyola, Mont., was sentenced to a term of 78 months in prison in connection with his guilty plea to robbery. On Dec. 12, 2009, Yellow Mule and a co-conspirator knocked on the door of the victim's house, which is within the boundaries of the Crow Indian Reservation, wanting to come inside. The victim refused to let them into her house, so Yellow Mule sprayed the victim with pepper spray then stole the victim's purse and a box containing prescription medications.

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

**Utah Man Sentenced to 57 Months in Federal Prison for Assault on a Federal Officer (U.S. Attorney for the District of Utah)**

U.S. Attorney Carlie Christensen announced on June 25, 2010, that Kerry Dean Benally, age 38, of White Mesa, Utah, was sentenced to 57 months in prison forcibly assaulting a Bureau of Indian Affairs (BIA) officer with a dangerous weapon. Benally was arrested following an April 14, 2007, incident on Ute Mountain Ute White Mesa land in Utah. According to court records, the BIA officer was attempting to arrest Benally when the assault took place. The officer was struck with a black metal object while Benally was attempting to pull the officer's firearm from its holster.

<http://www.justice.gov/usao/ut/press/index.html>

#### **South Dakota Man Sentenced for Child Abuse and Neglect (U.S. Attorney for the District of South Dakota)**

U.S. Attorney Brendan V. Johnson announced that Patrick Medearis, a Mission, S.D., man charged with child abuse and neglect was sentenced on June 24, 2010, to 41 months in custody, three years of supervised release, \$950 restitution, and a \$100 special assessment to the Victims' Assistance Fund. Medearis was indicted for child abuse and neglect, operating a motor vehicle under the influence of alcohol resulting in serious bodily injury to a minor child, and tampering with a witness by a federal grand jury on March 9, 2010. The charge relates to the defendant's operation of a vehicle in rural Mellette County with a young child on his lap in January 2010. Medearis lost control of and crashed the vehicle into a tree, resulting in severe injuries to the child.

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

#### **Man Pleads to Abusive Sexual Contact (U.S. Attorney for the District of New Mexico)**

U.S. Attorney Kenneth J. Gonzales announced on June 23, 2010, that Diego Sandoval, 53, of San Felipe Pueblo, N.M., pleaded guilty before U.S. Magistrate Judge Richard Puglisi to the charge of Abusive Sexual Contact. The offense occurred within the boundaries of the San Felipe Pueblo.

<http://www.justice.gov/usao/nm/pr/index.html>

#### **South Dakota Man Sentenced for Conspiracy to Distribute a Controlled Substance (U.S. Attorney for the District of South Dakota)**

U.S. Attorney Brendan V. Johnson announced that James Michael Prue, a Mission, S.D., man charged with conspiracy to distribute a controlled substance, was sentenced on June 23, 2010, to four years of probation, including six months of home confinement, a \$2,000 fine and a \$100 special assessment to the Victims' Assistance Fund. The charge relates to Prue knowingly and intentionally conspiring with others to distribute and possess with intent to distribute a mixture and substance containing a detectable amount of cocaine in the District of South Dakota between August of 2005 and December of 2009.

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

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

U.S. Attorney Brendan V. Johnson announced on June 23, 2010, that James Louis Staub, of Rosebud, S.D., pleaded guilty to an indictment that charged him with arson. The charge relates to Staub setting fire to an apartment in the Low Rent Apartment Building in Rosebud, S.D., on Aug. 24, 2009.

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

**Two Plead Guilty to Robbery of Trading Post (U.S. Attorney for the District of New Mexico)**

U.S. Attorney Kenneth J. Gonzales announced on June 22, 2010, that Bernellia Reed, 27, and Theron Reed, 25, both from Naschitti, N.M., pleaded guilty before U.S. Magistrate Judge Lorenzo Garcia to the charge of robbery of the Naschitti Trading Post. The offense occurred within the boundaries of the Navajo Nation.

<http://www.justice.gov/usao/nm/pr/index.html>

**South Dakota Woman Sentenced for Bank Robbery (U.S. Attorney for the District of South Dakota)**

U.S. Attorney Brendan V. Johnson announced that Sonja Mae Brown, a Mobridge, S.D., woman charged with bank robbery, was sentenced on June 21, 2010, to 18 months in custody, three years of supervised release and a \$100 special assessment to the Victims' Assistance Fund. The charges related to the robbery of the Dacotah Bank in Mobridge, S.D. on Nov. 10, 2009.

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

**South Dakota Man Sentenced for Abusive Sexual Contact (U.S. Attorney for the District of South Dakota)**

U.S. Attorney Brendan V. Johnson announced that Andrew Cutt, a Mobridge, S.D., man charged with abusive sexual contact, was sentenced on June 21, 2010, to 36 months in prison, five years of supervised release and a \$100 special assessment. The charge relates to a sexual contact committed by Cutt on an incapacitated victim in October 2008, when the car they were riding in ran out of gas.

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

**South Dakota Man Sentenced for Theft (U.S. Attorney for the District of South Dakota)**

U.S. Attorney Brendan V. Johnson announced that Jon M. Welch, a Sioux Falls, S.D., man charged with theft, was sentenced on June 21, 2010 to three years of probation and ordered to pay over \$1200 in restitution. Between Nov. 1, 2009, and Nov. 18, 2009, Welch was a slot technician working as an employee for the Royal River Casino and was responsible for doing maintenance on the casino machines. As a slot technician, he had access to the machines for the purpose of general maintenance, and also was able to put credits on the machines and take out the tickets. Casino policy was that these tickets were to be turned into the casino cage, but

Welch misapplied over \$1,000 of the casino's money by printing the tickets and giving them to someone else to cash. He pled guilty to the charge on March 25, 2010.

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

**Nebraska Man Guilty of Abusive Sexual Contact (U.S. Attorney for the District of South Dakota)**

U.S. Attorney Brendan V. Johnson announced on June 21, 2010, that Cody Jay Grass, age 26, of Broken Bow, Neb., pleaded guilty to a charge of abusive sexual contact. Between June 1, 2008, and Aug. 31, 2008, Grass had sexual contact with an underage girl.

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

**Eagle Butte Man Pleads Not Guilty to Assault and Child Abuse (U.S. Attorney for the District of South Dakota)**

U.S. Attorney Brendan V. Johnson announced that an Eagle Butte, S.D., man has been indicted by a federal grand jury for assault resulting in serious bodily injury and child abuse. Donovan T. Yazzie, age 27, was indicted by a federal grand jury on June 9, 2010. He appeared before US Magistrate Judge Mark A. Moreno on June 21, 2010, and pleaded not guilty to the indictment.

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

**South Dakota Man Pleads Guilty to Burglary at Sitting Bull College (U.S. Attorney for the District of North Dakota)**

Acting U.S. Attorney Lynn Jordheim announced that on June 21, 2010, Jesse W. Village Center, 34, of Little Eagle, S.D., pleaded guilty before U.S. District Court Daniel L. Hovland to a charge of burglary. In November 2009, Village Center broke into a garage at the Sitting Bull College campus in Fort Yates, N.D., and stole a 2003 Chevrolet pickup. Village Center took the pickup to the Grand River Casino near Mobridge, S.D., and was identified on the casino's video surveillance as the driver of the vehicle.

<http://www.justice.gov/usao/nd/pressreleases/press2010.html>

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