

**UNITED STATES ATTORNEY'S OFFICE
DISTRICT OF NEBRASKA
2020 ANNUAL REPORT**



**JOSEPH P. KELLY
UNITED STATES ATTORNEY**

WELCOME TO THE DISTRICT OF NEBRASKA



Nebraska, is a state that lies in both the Great Plains and the Midwestern United States. It is the 16th largest state geographically, and became the 37th state to join the Union on March 1, 1867. Its 77,000 square miles encompass 93 counties, and a population more than 1.9 million people. As one of the 26 states with only one federal judicial district, Nebraska boasts a diverse and varied topography, geography, and economy. Nebraska is also unique in having the only state legislature that is a unicameral and non-partisan. Nebraska has more underground water reserves than any other state in the continental U.S. The name Nebraska is from an Oto Indian word that means "flat water" (referring to the Platte River, which means "flat river" in French).

The Omaha and surrounding cities make up a population of more than 900,000 which accounts for a large percentage of the District's population. Lincoln, the state's capital, is home to more than 280,000 residents. Much of the state is rural, with more than 90% of Nebraska's cities and towns having fewer than 3,000 people.

The state has a mixed economic base with substantial agricultural and agri-business sectors, as well as significant manufacturing, technical, and service sectors. More than 93% of Nebraska's land is in production agriculture with approximately 46,000 farms and ranches. The state is a national leader in production of beef, pork, corn, and soy beans. Other economic sectors include freight transport by rail and truck, manufacturing, telecommunications, information technology, and insurance. Nebraska is also known for its production of ethanol, accounting for an estimated 14 percent accounting for over 2.2 billion of the of the nation's capacity of 15.8 billion of the nation's operating production. Several Fortune 500 companies, including Berkshire Hathaway, Union Pacific, Mutual of Omaha, and Peter Kiewit & Sons, are headquartered in Nebraska, and many others such as TD Ameritrade, Valmont, Gallup Organization, and Woodmen of the World have substantial operations in the District.



The United States Strategic Command is headquartered at Offutt Air Force Base, located just south of Omaha in Bellevue. Various other federal sites, including the Niobrara Scenic River, the Missouri National National Recreational River, several national monuments, historic sites, National Wildlife Refuges, and U.S. Army Corp of Engineers recreational sites are located throughout Nebraska.

The National Park Service Regional Headquarters is located along the Nebraska side of the Missouri River at Omaha. The U.S. Department of Agriculture operates several facilities in the District, including research national forests, and a national grassland. Omaha's Henry Doorly Zoo & Aquarium, ranked as one of the best zoos in the world, is home to the world's largest indoor desert, the largest indoor rainforest in the United States, and the largest zoo aquarium in the country.



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STRATEGIC GOALS OF THE UNITED STATES ATTORNEY'S OFFICE — DISTRICT OF NEBRASKA

I. PREVENT TERRORISM AND PROMOTE THE NATION'S SECURITY CONSISTENT WITH THE RULE OF LAW

- STRENGTHEN PARTNERSHIPS TO PREVENT, DETER AND RESPOND TO TERRORIST INCIDENTS

II. COMBAT CRIME, PROTECT THE RIGHTS OF THE AMERICAN PEOPLE AND ENFORCE FEDERAL LAW

- COMBAT THE THREAT, INCIDENTS AND PREVALENCE OF VIOLENT CRIME
- PREVENT, SUPPRESS AND INTERVENE IN CRIMES AGAINST NATIVE AMERICANS AND IMPROVE SERVICES TO CRIME VICTIMS
- COMBAT THE THREAT, TRAFFICKING, AND USE OF ILLICIT DRUGS AND THE DIVERSION OF PRESCRIPTION DRUGS
- COMBAT CORRUPTION, ECONOMIC CRIMES, FRAUD, CYBER-CRIMES, HUMAN TRAFFICKING AND INTERNATIONAL ORGANIZED CRIME
- PROMOTE AND PROTECT AMERICANS CIVIL RIGHTS
- PROTECT THE FEDERAL MONIES AND DEFEND THE INTERESTS OF THE UNITED STATES

III. ENSURE AND SUPPORT THE FAIR, IMPARTIAL, EFFICIENT AND TRANSPARENT ADMINISTRATION OF JUSTICE AT THE FEDERAL, STATE, LOCAL , TRIBAL, AND INTERNATIONAL LEVELS



MESSAGE FROM THE UNITED STATES ATTORNEY

The United States Attorney's Office had another industrious year, despite the impact Covid-19 had on our nation. Our employees accomplished a great deal working remotely and with limited office and courtroom attendance. I am honored to work with an extraordinary group of dedicated Assistant U.S. Attorneys, Special Assistant U.S. Attorneys and support staff over these past three years.

This mission cannot be achieved without the valiant efforts of the men and women, from federal, tribal, state and local law enforcement with whom we partner. Their hard work and selfless dedication to duty is inspiring to all.

We are immensely grateful to our numerous community partners. These organizations and individuals are vital to our community outreach and education, and significantly contribute to a safer community for all. We are privileged to serve the United States Department of Justice, the U.S. Attorney's Office - District of Nebraska, and all Nebraskans.



Joe Kelly
United States Attorney

Joe Kelly
United States Attorney - District of Nebraska

United States Attorney's Office — Mission Statement

To enforce the law and defend the interests of the United States according to the law; ensure public safety against threats foreign and domestic; to provide federal leadership in preventing and controlling crime; to seek punishment for those guilty of unlawful behavior; and to ensure fair and impartial administration of justice for all Americans.

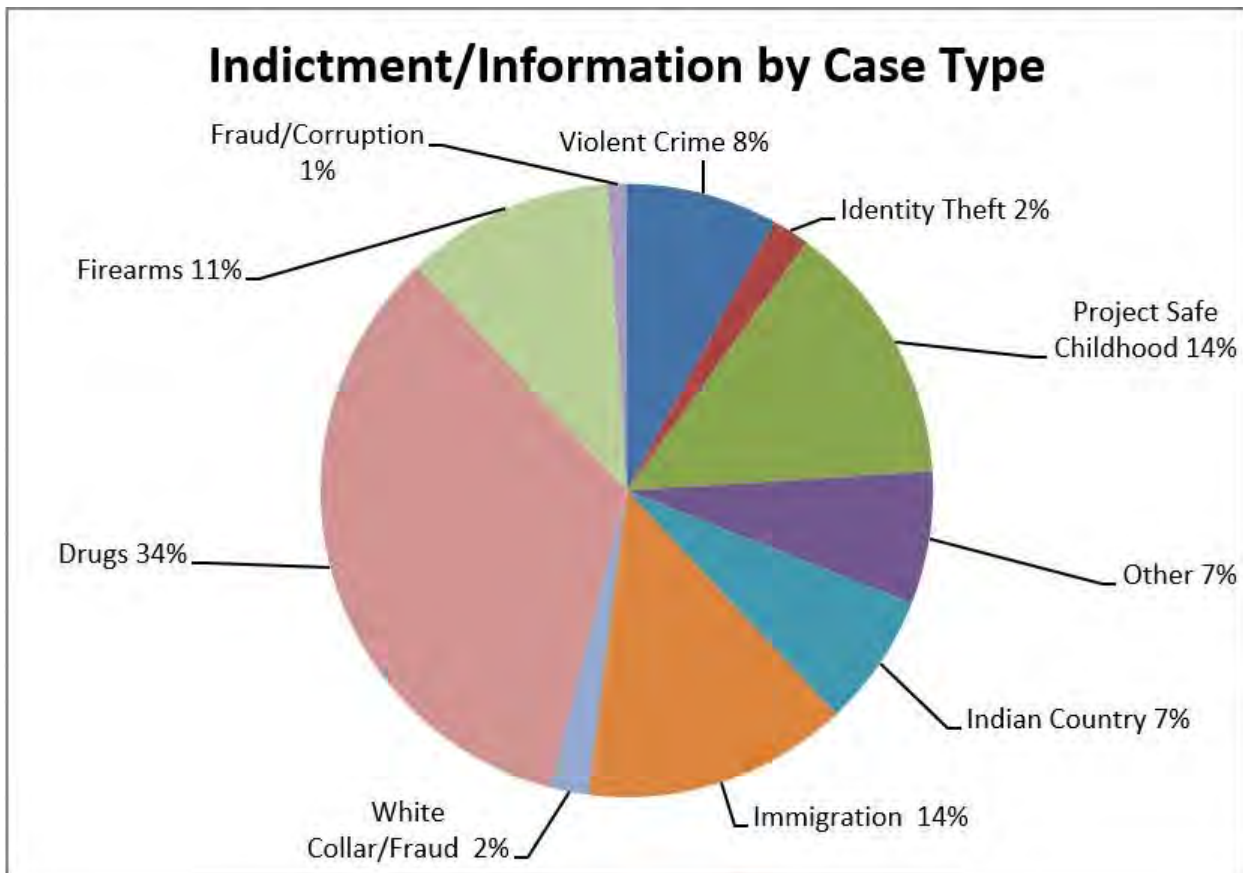


CRIMINAL DIVISION

The United States Attorney's Office (USAO) Criminal Division, which consists of the General Crimes Unit and the Drug Enforcement Unit, prosecutes violations of federal criminal law. The attorneys in the General Crimes Unit are supervised by Criminal Chief Michael Norris while Susan Lehr supervises the Drug Enforcement Unit and Asset Forfeiture. AUSA Steve Russell is the Lincoln Branch Office Manager and the Senior Litigation Counsel/Appellate Coordinator.

General criminal cases include child pornography, financial crimes, criminal immigration, identity theft, robbery, Indian Country major crimes, etc. The Drug Enforcement Unit cases include drugs, guns, money laundering, structuring and interstate transportation in aid of racketeering. For 2020, the USAO filed 443 criminal cases involving 530 defendants. Between the two units, there were a total of 13 trials and 27 civil and criminal 8th Circuit Court appeals.

In 2020 the Criminal Division continued to focus its efforts on areas identified as national priorities by the Department of Justice: anti-terrorism, assuring the safety of our communities, and drug enforcement. Working closely with federal, state, tribal, and local law enforcement agencies, there are 22 Assistant United States Attorneys and two Special Assistant United States Attorneys in the general crime and drug units. The majority of these cases related to illegal drugs; however, firearms cases, immigration cases, and offenses involving identity theft and fraud comprised a significant portion of the criminal cases filed. The USAO prosecutes numerous individuals for immigration-related offenses every year. Those offenses can involve charges of illegally reentering the United States after removal, identity theft, possession of false documents, or distributing false documents.



GENERAL CRIMES UNIT

The General Crimes Unit, under the direction of the Criminal Division, handles a wide range of criminal cases to include terrorism, violent crime, white collar crime, child pornography and child enticement cases. Crimes occurring in Indian country are also handled by the General Crimes Unit. Over the next several pages there are some noted cases that were handled by the General Crimes Unit and the Drug Enforcement Unit. There is no “good time” in the federal system and every defendant is under supervised release (probation) after serving their prison sentence. There are no federal prisons in Nebraska so these defendants are removed from their local areas to serve their time.

ANTI-TERRORISM

The fight against terrorism, both international and domestic, continues to be the first priority of the Department of Justice. The Criminal Division in the District of Nebraska has committed significant resources to this effort. Working closely with the FBI and other federal, state, and local law enforcement agencies, office personnel continue their active membership in the Joint Terrorism Task Force (JTTF) and the Nebraska Information Analysis Center (NIAC) to detect indications or warnings of terrorist activities, identify potential targets of terrorist activities within the District, disrupt activities that support terrorism, and prevent through aggressive prosecution, any crimes that may in some way contribute to terrorism.



The District of Nebraska continues to chair the Suspicious Activity Report (SAR) Review Team. The SAR Review Team is comprised of members from more than a dozen different federal, state, and local law enforcement agencies. Monthly, each member reviews the previous month's SAR(s) through their respective organizational filters and shares information that arise from their investigative efforts. This has been successful in bringing investigative and prosecutorial resources to bear on individuals and entities engaging in violations of the Bank Secrecy Act, and de-confliction with ongoing investigations.

The USAO also serves as a member of the U.S. Strategic Command Threat Working Group, whose mission is to identify and mitigate threats to the command and its supporting Department of Defense elements, including innumerable private contractors. Reduction of these threats requires a concerted effort which includes information sharing and networking among law enforcement personnel at every level.

PROJECT SAFE NEIGHBORHOODS AND PROJECT GUARDIAN

In cooperation with federal and local law enforcement agencies and prosecutors, Project Safe Neighborhoods (PSN) continues to be a high priority of the USAO. PSN is a nationwide commitment to reduce gun and gang crime in America by networking existing local programs that target gun and gun crime, and providing these programs with additional tools necessary to be successful. The goal of PSN is to create safer neighborhoods through a sustained reduction in gang violence and gun crime. Assistant U.S. Attorney Matt Lierman serves as the point of contact on PSN-related matters for the USAO.

Project Guardian, the Department of Justice's initiative to reduce gun violence and enforce federal firearms laws. Initiated by the Attorney General in the fall of 2019, Project Guardian draws upon the Department's past successful programs to reduce gun violence; enhances coordination of federal, state, local, and tribal authorities in investigating and prosecuting gun crimes; improves information-sharing by the Bureau of Alcohol, Tobacco, Firearms and Explosives when a prohibited individual attempts to purchase a firearm and is denied by the National Instant Criminal Background Check System (NICS), to include taking appropriate actions when a prospective purchaser is denied by the NICS for mental health reasons; and ensures that federal resources are directed at the criminals posing the greatest threat to our communities. Project Guardian is an enhancement of the efforts Project Safe Neighborhood implementing the information sharing safeguards to offer additional protections from guns falling into the hands of those committing violent acts.

For more information about Project Guardian, <https://www.justice.gov/projectguardian>.

The USAO worked closely with the Bureau of Alcohol, Tobacco, Firearms & Explosives, the Omaha Police Department's Gang and Firearm Units and other agencies to target gang members and others who committed violent, firearm and drug trafficking offenses.

In 2020, as part of the PSN initiative, the Omaha Police Department traced and tracked 1,222 guns. Of these, 583 guns were used in criminal activity. The Federal Grand Jury returned 104 indictments specific to Omaha and 147 statewide.

See the charts on pages 9-10 regarding PSN investigative numbers. Many of these indictments included firearms associated with the delivery or conspiracy to deliver narcotics.

The Hobbs Act is a tool increasingly utilized by the United State's Attorney's Office to prosecute those engaged in serial robberies.

PSN focuses enforcement efforts on the most violent offenders. Some of the dollar amounts of these serial robberies are not significant, but these violent crime spree target innocent, hard-working members of the community. The convictions result in lengthy prison sentences for those who show a total and repeated disregard for law and order and the lives and well-being of the community.

Since there is no parole in the federal system, and these are important reasons for law enforcement to consider federal prosecution in these types of cases.

Although federal prosecution is a powerful tool in the fight to reduce violent crime, not every offender needs to be prosecuted federally. In some cases, prosecution in the state, local, or tribal system can effectively remove a criminal from the community and provide the most appropriate sanction for violent offenders.

Omaha PSN Initiative

The Omaha PSN initiative continues an aggressive proactive approach to address gun assaults and homicides as well as building great relationship with the community through 2020. The success of this program demonstrates that partnerships with non-criminal justice can greatly assist enforcement efforts through comprehensive prevention and community support.

Omaha 360 is a group of more than 400 organizations and thousands of participants. It grew out of the Omaha Empowerment Network.

The collaborative effort brings together residents and stakeholders to reduce gun violence (gun assaults), reduce youth violence and gang violence, provide positive alternatives and activities.

PROJECT SAFE NEIGHBORHOODS AND HOBBS ACT CASES

This partnership allows the United States Attorney's Office to focus on its primary role of enforcing the law, and by doing so improving public safety, while supporting other individuals and organizations to address the factors that contribute to violent crime.

Featured below are some significant robbery cases prosecuted by the United States Attorney's Office as a result of some quality investigative work by local, state and federal agencies.

Sidney Britt and Joshua Britt

Sidney 38, and Joshua Britt, 31, were sentenced in federal court in Omaha for their roles in the armed robbery of a United States Postal Service tractor-trailer operator. In August 2020, Joshua Britt entered a plea of guilty to a charge of Hobbs Act Robbery, and Sidney Britt entered pleas of guilty to charges of Hobbs Act Robbery and Use of a Firearm in Furtherance of a Crime of Violence. Sidney Britt received a sentence of 240 months' imprisonment and Joshua Britt was sentenced to 135 months' imprisonment.

At 9:30 p.m. on December 14, 2018, while at the United States Post Office Distribution Center in Grand Island, Nebraska, a postal employee was approached by a masked man brandishing a handgun. The masked man, later identified as Sidney Britt, forced the victim into the passenger seat of the victim's tractor-trailer at gunpoint, covered the victim's head, and bound his hands. A third co-defendant, Gary Fellows, then drove the tractor-trailer to a rest area off Interstate 80 where the men further restrained the victim and removed remittance bags from the trailer. They entered a pick-up truck driven by Joshua Britt and fled the scene.

The loss to the United States Post Office from the robbery was \$68,507.04. At the time of the robbery, Fellows was employed as a tractor-trailer operator for the United States Postal Service out of Omaha, Nebraska. Fellows is currently serving a 300-month sentence for his role in this offense.

This case was investigated by the Postal Inspection Service, the U.S. Postal Service Office of Inspector General, the Nebraska State Patrol, the Hall County Sheriff's Office, and the Grand Island Police Department.

Ervin Smith Jr., Christopher Collins, and Marcus Evans

Ervin L. Smith, Jr., 25, of Omaha, Nebraska, was sentenced to 168 months in prison following his convictions for robbery and firearms charges. In addition to his prison term, he will serve three years of supervised release following his release from prison. Smith was also ordered to pay restitution of \$280.00 to Buck's Inc., \$151.55 to Kwik Shop, and \$1,000 to Phillip's 66.

On January 1, 2019, at approximately 5:58 a.m., Christopher Collins, Marcus Evans and Ervin Smith, Jr., while wearing masks and gloves, robbed the Bucky's at 2901 North 72nd Street, Omaha. Smith brandished a gun but Collins and Evans knew it was there and being used. Collins was shouting orders and ordered the employee to the ground. They left the store with cash, cigarettes and Nebraska lottery tickets.

On January 1, 2019, at approximately 6:16 a.m., Collins, Evans and Smith went into the Kwik Shop at 5929 North 72nd Street. A gun was threatened but never shown. The clerk was ordered to lay on the ground. They left the store with cigarettes, cigars, and Nebraska Lottery tickets.

On January 1, 2019, at approximately 6:31 a.m., Collins, Evans and Smith robbed the Phillip's 66 at 5920 Sorenson Parkway, Omaha. Smith was carrying a firearm that Collins and Evans knew was there. As they were entering the store, a customer, who saw them enter with faces covered, laying a stick in the doorway, had a hunch the store was going to be robbed.

He went to his car and retrieved a firearm, which he was licensed to carry, and re-entered the store. He demanded Collins, Evans and Smith not to move. Smith passed Collins his gun and Collins fired several shots in the direction of the customer, before Collins, Evans and Smith left taking store money with them.

They were all caught within 24 hours. Evans was recognized by a former school employee at a location Evans attended. Smith was recognized by an Omaha Police Gang Unit officer. The officer also located a 2013 Facebook picture showing Evans and Smith together.

PROJECT SAFE NEIGHBORHOODS

Evans was sentenced to 192 months' imprisonment for his involvement and Collins was sentenced to 216 months in prison.

This case was investigated by the Omaha Police Department and the Federal Bureau of Investigation Great Plains Violent Crime Task Force, comprised of FBI agents, Omaha Police Department detectives, Nebraska State Patrol Investigators and Papillion Police Department Detectives

Billy Adell, III

Billy Adell III, 21 was sentenced to 108 months' in federal prison having previously pleaded guilty to a Hobbs Act robbery; robbing a business involved in interstate commerce and brandishing a firearm during the robbery.

On October 28, 2018, at approximately 9:33 am, Daewoo Robertson, Adell, and Otis Brown, III robbed the CVS Pharmacy, 1701 Galvin Road South, Bellevue, Nebraska at gunpoint. Robertson, Adell, and Brown are from Indianapolis and drove to Bellevue to commit the robbery. Adell was the driver. Robertson and Brown went into the store. Robertson was armed with a Glock .40 caliber handgun that he pointed at employees and a customer while he and Brown zip-tied them.

Robertson and Brown fled the store in Adell's waiting vehicle, with \$60,196.50 in controlled substances. They were caught shortly thereafter when their car was stopped. Officers searched the car and found the gun, zip-ties, and a garbage bag with the stolen drugs. Once the drugs leave the store, they cannot be taken back and resold by CVS and have to be destroyed.

Robertson, 20, and Brown, 18, were previously sentenced. Robertson received a sentence of 108 months in prison and Brown received a sentence of 97 months. Robertson, Brown, and Adell were also each ordered to serve five years of supervised release following their release from federal prison and ordered to pay \$61,154 in restitution.

The FBI Great Plains Violent Crime Task Force, comprised of FBI agents, Omaha Police Department Detectives, Nebraska State Patrol Investigators and Papillion Police Department detectives, were responsible for the investigation of the robbery. The task force was assisted by the Bellevue Police Department.

Joshua Dortch Anwar Hunt

Joshua Z. Dortch, 29, was sentenced to 174 months in federal prison to be followed by 5 years of supervised release. Dortch previously pleaded guilty to interference with commerce by robbery and brandishing a firearm during that robbery.

On March 23, 2018, at approximately 1:14 p.m., two armed men with gloves and masks entered the Sartor Hamann Jewelry Store located at 2900 Pine Lake Road, Lincoln, Nebraska, and demanded people in the store to not move and to be quiet. One of the men smashed a watch case and the robbers left the store with 25 Rolex watches. One of the watches was equipped with a GPS tracker. Officers were able to locate Dortch and his co-defendant, Anwar Hunt, along with the watches and other evidence tying them to the robbery within a short time. Hunt was sentenced previously to 162 months' imprisonment.

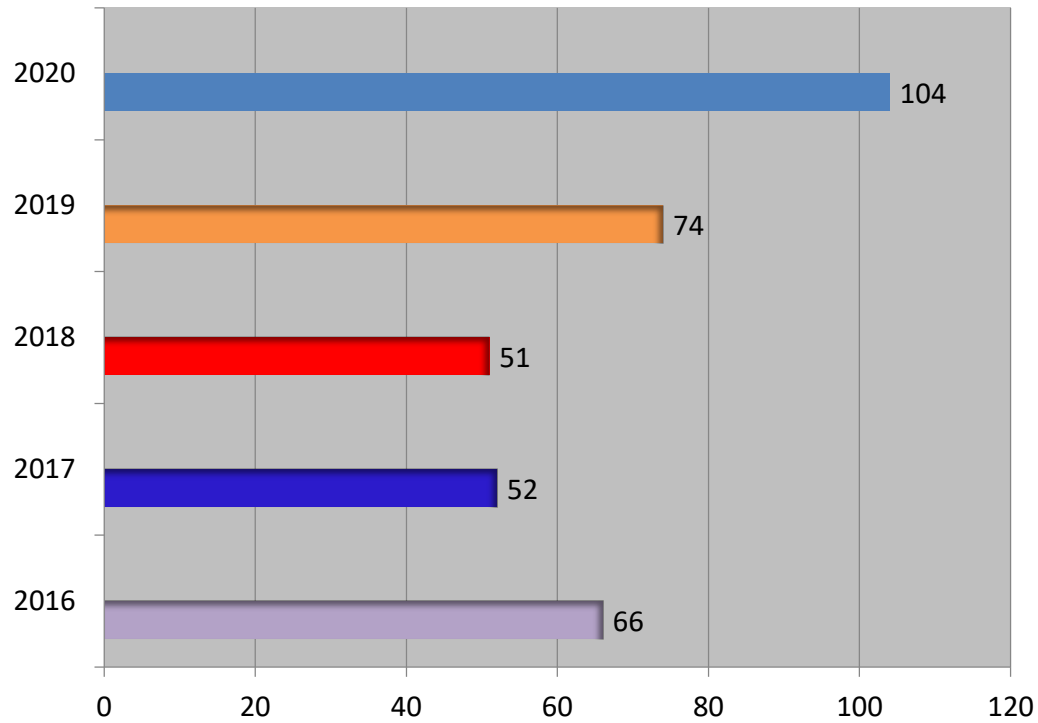
The Lincoln Police Department and the FBI Great Plains Violent Crime Task Force, comprised of FBI agents, Omaha Police Department detectives, Nebraska State Patrol Investigators and Papillion Police Department Detectives, were responsible for the investigation of the robbery.

The Hobbs Act 18 U.S. Code § 1951

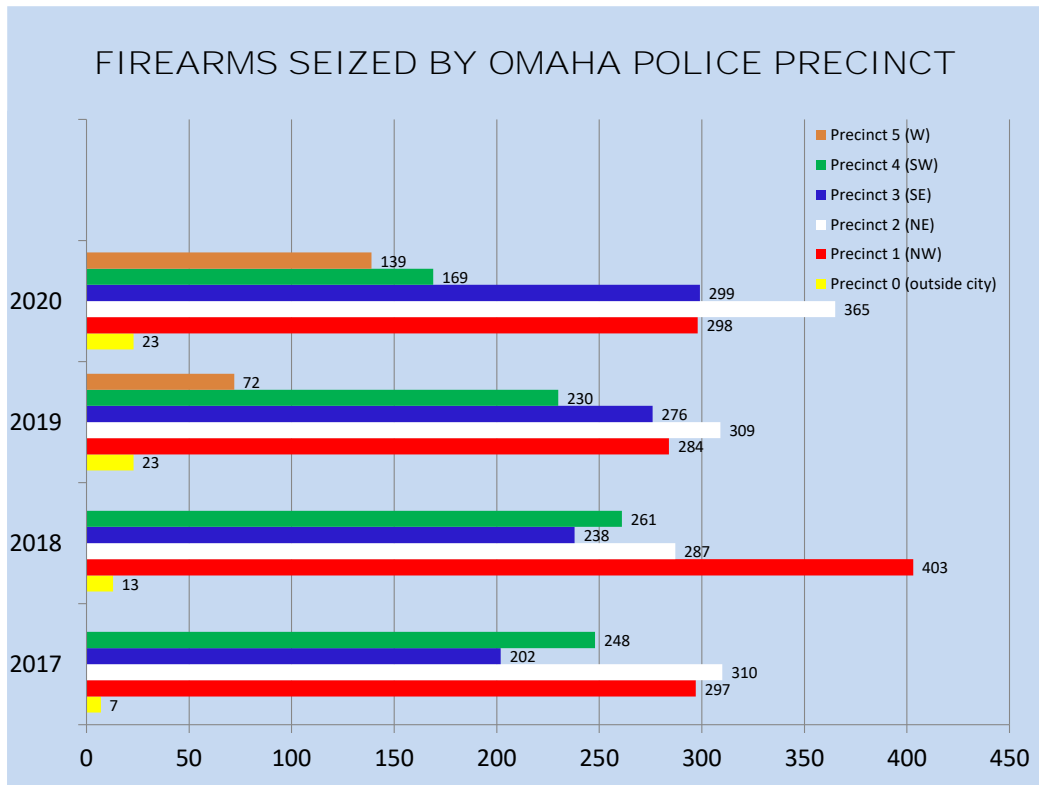
The Hobbs Act 18 U.S. Code § 1951, passed in 1946, is a federal law that prohibits robbery or extortion, or attempted robbery or extortion, that affects interstate or foreign commerce

PROJECT SAFE NEIGHBORHOODS

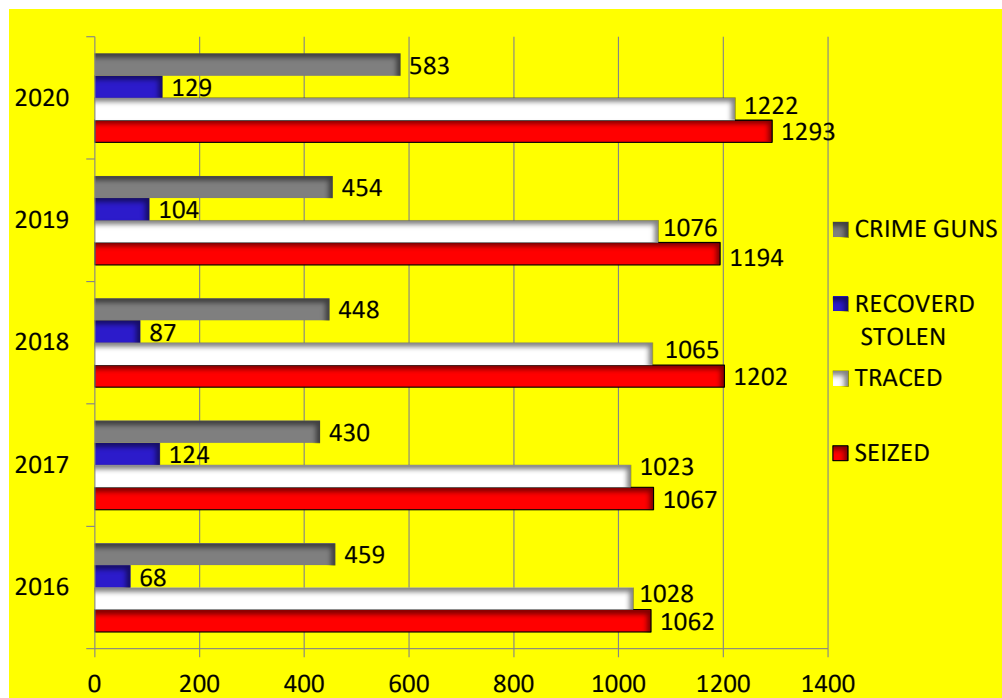
FEDERAL PSN GUN INDICTMENTS (OMAHA)



PROJECT SAFE NEIGHBORHOODS



FIREARMS SEIZED BY OPD FOR TRACKING



PROJECT SAFE CHILDHOOD CASES

Project Safe Childhood (PSC) is a nationwide initiative to combat the growing epidemic of child sexual exploitation and abuse. Launched in May of 2006 by the United States Department of Justice, it is led by United States Attorneys' Offices nationwide and the Criminal Division's Child Exploitation and Obscenity Section (CEOS). The program marshals federal, state and local resources to better locate, apprehend and prosecute individuals who exploit children via the Internet, as well as to identify and rescue victims. Assistant U.S. Attorney Mike Norris serves as the point of contact for PSC.

In calendar year 2020, the USAO filed charges against 44 people in child exploitation cases people, a 47% increase over 2019 cases.

Those indictments included charges for interstate travel to engage in sexual acts with a juvenile. The Nebraska Attorney General's office has collaborated with the USAO on child pornography cases and cross-designated assistant attorney generals assist in bringing federal charges on individuals throughout the state.

Here are a number of significant cases prosecuted under this initiative.

Titus Miller

Titus Miller, 27, of Lincoln was sentenced on five counts of production of child pornography. Miller was given 240 months in prison on each count which will be served consecutively to equal a total of 100 years in prison. Miller will also be required to register as a sex offender. Miller was additionally ordered to pay \$50,000 in special assessments which will contribute to national funds established for victims of these types of crimes.

On October 21, 2019, Special Agents in the Knoxville, Tennessee Field Office of the Federal Bureau of Investigation (FBI) executed a search warrant and arrested a subject in Alabama. The subject disclosed information that he had been exchanging images and videos of child pornography with an individual, later identified as Titus Miller, via an internet based messaging application called Telegram, a means and facility of interstate and foreign commerce. Agents were provided access to the Alabama subject's phone and Telegram account.

Upon reviewing chats within Telegram, agents saw that on October 15, 2019, Miller transmitted a video to the Alabama subject depicting Miller engaging in sexually explicit conduct on a minor male victim under the age of 10. This video was later recovered from Miller's phone during the course of a search warrant by the FBI and Lincoln Police Department on October 22, 2019, at Miller's residence in Lincoln, Nebraska.

While accessing the Alabama subject's account, agents were able to covertly act as the Alabama subject and began communicating with Miller. On October 22, 2019, Miller sent the undercover FBI agent four videos depicting juvenile males under the age of 12 engaging in sexually explicit conduct. These videos were also recovered from Miller's phone during the course of a search warrant by the FBI and Lincoln Police Department on October 22, 2019, at Miller's residence in Lincoln, Nebraska.

The investigation determined that from August 20, 2019 through October 15, 2019, Miller worked at Playful Painters Daycare, located in Lincoln, Nebraska. Miller worked the nighttime shift and had a supervisory role at the daycare. The videos were produced at the daycare while Miller had custody, care and supervisory control over the minor victims. Each video was produced using a Samsung Galaxy S9 smart phone and stored on a SanDisk media storage card. All of the videos were also stored in the Telegram internet based messaging application.

Miller previously pled guilty to the five counts of production of child pornography on July 15, 2020. Each count concerned a minor victim ranging in age from 4 – 6.

This case was investigated by the Federal Bureau of Investigation and Lincoln Police Department. This case was prosecuted by Assistant United States Attorneys Steve Russell and Tessie Smith.

PROJECT SAFE CHILDHOOD CASES

Mathew S. Goad & Cory D. Preitauer

Goad, 34, of North Platte, Nebraska, and Preitauer, formerly of North Platte were each sentenced to 480 months for conspiracy and production of child pornography. They will also be required to register as a sex offender and pay \$3,600 in restitution.

In March of 2019, a state search warrant was served at the home of a target living in Kansas City, Missouri. During a forensic examination of the computer seized in the Kansas City investigation the examiners located screenshots of a chat between the Kansas City target and Preitauer's co-defendant Mathew Goad. During the chat, Goad indicated he had sexually assaulted a child and recorded that assault. Goad then sent the recording to the target. Further investigation revealed that Goad and Preitauer were both involved in the production of the video. After his arrest, Preitauer admitted to law enforcement that he and Goad created the video of the sexual assault. The child was four years old at the time the video was created. Goad was previously sentenced.

After his arrest, Goad admitted to the production and distribution of the video during an interview with law enforcement. A forensic examination of electronic devices owned by Goad revealed approximately 3,400 image files and 800 video files of child pornography recovered from Goad's laptop computer.

This case was investigated by the Federal Bureau of Investigation.

Michael Dean McCullar

McCullar, 47, of Dwight, Nebraska, was sentenced to 360 months' imprisonment for production of child pornography and 140 months for possessing child pornography. The sentences were ordered to run consecutively. McCullar was also ordered to pay \$154,136.00 in restitution and assessments of \$30,200.00. He will also be required to register as a sex offender. Once released from prison, he will be on supervised release for the remainder of his life.

In February, 2019, Special Agents of Homeland Security Investigations (HSI) office in Omaha received information from agents in Boston, Massachusetts regarding the production of child pornography by a suspect in Dwight, Nebraska.

Agents in HSI Boston had been conducting an investigation into persons utilizing various chat rooms and dark web internet sites to discuss and trade child pornography. Agents noted an individual (later identified as McCullar) who was sharing self-produced images and initiated a conversation with him. McCullar provided images to the agent.

In February, 2019, agents served a federal search warrant at McCullar's residence. When interviewed, McCullar admitted to producing and sharing the images of child pornography. Upon examination of the devices seized from McCullar, more than 30,000 images and 1,500 videos of child pornography were recovered.

This case was investigated by the Department of Homeland Security Investigations.

Timothy J. Kirsch

Kirsch, 36, was sentenced to 360 months in federal prison for Sexual Exploitation of Children. After his release from prison, Kirsch will be on supervised release for life and will be required to register as a sex offender.

In December 2018, Homeland Security Investigations (HSI) in Omaha was contacted by the Florida Department of Law Enforcement after a minor female's mother reported concerning text messages on her daughter's cell phone. Federal agents executed a search warrant to seize and Kirsch's cell phone and found text messages with the minor female in Florida as well as a second minor female in Wisconsin. HSI was able to determine that Kirsch first started speaking to the minors in online chat rooms and then began conversing with them via text message. In the text message conversations, Kirsch sent explicit photographs and videos of himself and requested explicit photographs of the minors. Kirsch also attempted to arrange for the minors to travel to Nebraska to have sex with him.

In March 2002, Kirsch was convicted of Lascivious Acts with a Child in Page County, Iowa. Kirsch also has three convictions for failing to register as a sex offender and was on supervised release in December 2018 when the conduct in this case occurred.

PROJECT SAFE CHILDHOOD CASES

Adam Scott Barnes

Adam Scott Barnes, 26, was sentenced to 300 months in federal court in Omaha for production of child pornography. After his release from prison, Barnes will serve a 10-year term of supervised release and will be required to register as a sex offender.

In September 2019, federal agents received information that a Dropbox user had uploaded approximately 596 images and videos of suspected child pornography. Agents executed a search warrant at Barnes's residence and seized several electronic devices, including Barnes's cell phone. Barnes admitted to receiving and viewing child pornography. When agents began to review the images and videos on Barnes's cell phone, they determined that at least one image and one video depicted child pornography that had been produced in Barnes's residence with Barnes's cell phone. The six-year-old victim identified Barnes as the person who had produced the image and video. After his arrest, Barnes admitted to producing child pornography.

This case was investigated by Homeland Security Investigations.

Aaron Lee Fischer

Fischer, 27, of Lincoln, Nebraska, was sentenced to 262 months for production of child pornography. He was also ordered to pay \$3,000 in restitution to the victim of the crime.

In May of 2019, a counselor at a local middle school reported to Lincoln Police that a 13-year-old student had told an aide at the school about meeting an "older boy" at a park in Lincoln and being driven back to his apartment where a sexual encounter took place. The victim's mother was contacted and a search of the victim's cell phone revealed a video of the victim and Fischer engaging in sexually explicit contact.

Further investigation determined that Fischer had communicated with the victim through various internet-based social media platforms. The communications culminated with Fischer arranging a meeting with the minor victim. A subsequent search of Fischer's cell phone also revealed 14 additional videos of child pornography later identified as a second minor victim. This case was investigated by the Lincoln Police Department.

Reamonn C. Seaman

Seaman, 25, of Ord, Nebraska, was sentenced to 276 months in prison for receipt and distribution of child pornography. Seaman will also serve 20 years on supervised release.

Seaman was convicted of Possession of Child Pornography and Enticement by Electronic Device, both felony offenses, in the District Court of Buffalo County, Kearney, Nebraska in January of 2018. In June of 2018, while on state probation, authorities became aware that he had contacted a minor female via the internet. Seaman then admitted to his probation officer that he had relapsed. His electronic devices were seized at that time and found to contain child pornography.

In February of 2019, the probation officer contacted Seaman at his residence and found he had once again obtained computer equipment and wireless adapters in violation of his probation. Seaman admitted he had relapsed again and had sent nude photographs and videos to additional minor victims. An examination of those devices also revealed child pornography. Seaman also admitted to making physical contact with minors.

This case was investigated by the Nebraska State Patrol.

Robert K. Hopkins

Hopkins, 40, formerly of Central City, Nebraska, was sentenced to 360 months for production of child pornography, and a lifetime of supervised release.

In December of 2019, a mother reported that she believed her eight-year-old daughter had been the victim of a sexual assault by Hopkins, who had been a family friend. During a forensic interview, the child informed investigators that Hopkins had taken herself and some other children on an outing to a trampoline park in early December. At one point during the outing, Hopkins had taken the victim alone away from the park on an errand.

Thereafter, Hopkins drove with the girl out into the country and parked his vehicle on the side of the road. While parked, Hopkins used his cellular phone to take sexually explicit photographs of the girl.

PROJECT SAFE CHILDHOOD CASES

Through this and subsequent forensic interviews, the girl additionally indicated that Hopkins had sexually assaulted her on several other occasions stemming back to at least 2018.

A search warrant was executed at Hopkin's residence and for his electronic devices. An extraction of his cellular phone revealed images as described by the victim which were taken in December of 2019.

This case was investigated by Homeland Security Investigations along with the Grand Island Police Department and the Hall County Sheriff's Department.

Jack Eugene Knight

Knight, age 54, was sentenced to 400 months on two counts of Receiving Child Pornography and two counts of Possessing Child Pornography. After completing his term of imprisonment, Knight will begin a lifetime term of supervised release. Knight was convicted of the offenses following a four-day jury trial in October of 2019.

The evidence at trial established that a November 2017 CyberTip from the National Center for Missing and Exploiting Children led federal law enforcements agents from the Department of Homeland Security to investigate Knight for committing federal child exploitation offenses. As part of the investigation, on August 22, 2018, federal agents executed a search warrant of Knight's van which is where Knight was living at the time. Agents seized two cellular telephones, one laptop, and multiple external storage devices.

Knight admitted to agents to collecting child pornography and told agents that child pornography would be located on the devices inside of his van. Knight also told agents that he had a storage unit in Lincoln, Nebraska which contained more devices containing child pornography. Agents traveled to Lincoln and collected three laptops from the defendant's storage unit in Lincoln.

On September 24, 2018, after conducting initial forensics of some of Knight's devices, agents arrested Knight in Valley, Nebraska. At the time of the arrest, Knight had a new cellular phone that he obtained after the August 22, 2018 search warrant.

Knight admitted that additional child pornography would be located on this new cellular phone.

Agents conducted forensics analysis of Knight's devices. Among Knight's laptops, cell phones, and external storage devices, agents located more than 8,000 images of child pornography and 3,000 videos of child pornography. The images included children under the age of 12 and prepubescent minors engaging in sex acts.

Knight had prior convictions for attempted sexual assault of a child (1996- Lancaster County, Nebraska), Third Degree Sexual Assault of a Child (2013- York County, Nebraska), and Possession with Intent to Distribute Visual Depiction of Sexually Explicit Acts (2013- York County, Nebraska). Knight is a registered sex offender in the state of Nebraska.

The case was investigated by the Department of Homeland Security.

Trevor C. Maaske

Maaske, age 21, of Loomis, Nebraska, was sentenced to 144 months' imprisonment for receipt and distribution of child pornography. After his release from prison, Maaske will begin an 8-year term of supervised release and Maaske was ordered to pay restitution in the amount of \$9,000.

An investigation conducted by FBI determined that on July 19, 2019, an agent with the FBI, while working in an undercover capacity on the internet, received a private message from Maaske using Kik Messenger. During the course of the conversation between Maaske and the FBI agent, Maaske sent the FBI agent a video of a minor child undressing and completely naked.

Upon receipt of the video, the FBI immediately obtained and executed a federal search warrant of Maaske's residence. The FBI seized a digital device from Maaske's bedroom, which contained child pornography that had been sent and received through the internet.

This case was investigated by the Omaha FBI's Child Exploitation and Human Trafficking Task Force.

PROJECT SAFE CHILDHOOD CASES

Bradley S. Roenfeldt

Roefeldt, age 58, of Omaha, Nebraska, was sentenced to 180 months' imprisonment for transportation of child pornography. Roefeldt will be on supervised release for life and will be required to register as a sex offender. In addition, the terms of Roefeldt's supervised release prohibit him from having any contact with children under the age of 18, unless it is approved by the United States Probation Office. He was ordered to pay \$12,000 in restitution.

An FBI Child Exploitation and Human Trafficking Task Force investigation determined that between March 8, 2018, and April 5, 2018, Roefeldt, using his cellular telephone, sent images of minors engaging in sexually explicit conduct to other users of a Kik Messenger group identified as "Super strokers." Roefeldt's Kik user identification was "curiousinomaha." The FBI determined Roefeldt shared at least 25 graphic images with other users of the Kik Messenger group containing young females and young males in the nude.

During the investigation, the FBI obtained subscriber information and IP connection logs related to Roefeldt's Kik Messenger account. Kik returned an IP address associated with Roefeldt's residence in Omaha. On July 14, 2018, the FBI executed a federal search warrant of Roefeldt's residence.

An FBI forensic analysis of Roefeldt's cellular telephone revealed the Kik application and the associated user name "curiousinomaha." On the cellular telephone law enforcement identified more than 100 images of minor children engaging in sexually explicit conduct and at least 2 videos of minor children engaging in sexually explicit conduct.

Roefeldt was previously convicted on March 29, 1991, of First Degree Sexual Assault, in Madison County District Court, Madison County, Nebraska, and received a 10- to 15-year prison sentence.

This case was investigated by the Omaha FBI's Child Exploitation and Human Trafficking Task Force.

Christopher Longo

Longo, 38, was sentenced to 144 months for receipt of child. After his release from prison, Longo will serve a 10-year term of supervised release and will be required to register as a sex offender.

In May 2018 officers with the Columbus Police Department received a Cyber Tipline Report stating that an IP address associated with a Columbus resident had uploaded child pornography to an online account. Officers executed a search warrant at Longo's residence in November 2018. Longo initially admitted to downloading child pornography and later, after failing a polygraph examination, admitted to multiple instances of sexual contact with minors. Officers searched a computer and cell phone seized from Longo's residence and located at least 682 images of child pornography on those devices.

This case was investigated by the Columbus Police Department.

Joshua Bates

Bates, age 38, of Columbus, Nebraska, was sentenced to 120 months in prison for possessing child pornography. After Bates's release from prison, he will begin a 15-year term of supervised release and will be required to register as a sex offender.

On October 11, 2019, police officers executed a search warrant at Bates's residence in Columbus. Officers obtained Bates's laptop computer. Computer forensics later showed that there were about 273 images of child pornography, including videos, saved on the laptop. Bates knew that the images of child pornography were saved on his laptop. On May 9, 2008, Bates was previously convicted in Douglas County, Nebraska, for eight (8) counts of child pornography offenses.

The case was investigated by the Columbus Police Department.

PROJECT SAFE CHILDHOOD CASES

Cory Proplesch

Proplesch, 29, of LaVista, Nebraska, was sentenced to 60 months in prison for Cyberstalking and 135 months (concurrent) for Possession of Child Pornography. After he completes his sentence, Proplesch will begin a five-year term of supervised release. He will also be required to register as a sex offender.

Proplesch targeted a 17-year-old high school student in May, 2018. He used an alias to send threatening Snapchat messages seeking sexually explicit photos. Proplesch requested that the girl excuse herself from class, go to the restroom, and send him nude photographs. He told her he knew where she lived and would sexually assault her if she refused. She went to the police.

The Sarpy County Sheriff's Office and the FBI Child Exploitation Task Force searched Proplesch's apartment in September, 2018. Proplesch admitted to the Snapchat messages sent to the high school student. Investigators located 13 videos and 278 images of child pornography. Included in the videos were two 14-year-old minors engaged in sexually explicit conduct in Proplesch's apartment. Proplesch used a security camera to record the activity.

This case was investigated by the Omaha FBI's Child Exploitation Task Force and the Sarpy County Sheriff's Office.

Dylan Hedrick

Hedrick, age 26, of Elwood, Nebraska, was sentenced to 198 months. Hedrick will begin a 10-year term of supervised release upon his release from prison and will be required to register as a sex offender.

An investigation was initiated against Hedrick following reports from Facebook about chats that Hedrick was engaging in involving the transmission of child pornography. An investigation by Homeland Security Investigations and the Nebraska State Patrol revealed two international victims and one victim in the United States who Hedrick had engaged in communications with over the internet. The minors lived in Thailand, the Philippines, and California.

The victims were between the ages of 12 and 16. Hedrick initiated contact with the minors through online chatrooms before they began engaging in private communications over Facebook, Skype, Kik, or Discord. Hedrick would misrepresent his age to the victims.

The private communications between Hedrick and the victims turned sexual and Hedrick would request the victims to send him nude images and videos, videos of them performing sexual acts on themselves, or would engage in video chats where Hedrick and the minor victim would perform sexual acts on themselves for the gratification of the other. Hedrick paid one of the victims for these chats using online gift cards. With a different victim, Hedrick also used an application to remotely access the victim's webcam to watch her. Hedrick would then save or screen capture these images or videos that he received from the three victims.

After Hedrick was contacted by law enforcement, his phone was searched and sexually explicit images and videos of the three victims were located.

This case was investigated by the Nebraska State Patrol and Homeland Security Investigations including the North Platte office as well as HSI offices across the United States and internationally.

PROJECT SAFE CHILDHOOD CASES AND HUMAN TRAFFICKING

Devin L. Ashford

Ashford, 33, of Lincoln, Nebraska, was sentenced to 564 months after being found guilty by a jury of Sex Trafficking of a Minor; Sex Trafficking by Force, Fraud, or Coercion; Production of Child Pornography; and Interstate Transportation for Prostitution. After his release from prison, Ashford will begin a 10-year term of supervised release.

When pronouncing sentence, Chief Judge Gerrard noted that he was particularly concerned with deterrence in this case, both specific deterrence to Ashford and general deterrence, stating, "For those thinking that pimping is a lifestyle, there will be a cost for doing business." Here that cost was forty-seven years in federal prison. Chief Judge Gerrard also specifically recognized the powerful testimony of the victims at trial, which he found to be "compelling" and "horrendous" accounts of their experiences as sex trafficking victims.

Numerous victims testified at trial that Ashford beat, starved, and pushed cocaine on them to get them to provide sexual services. Ashford recruited minors to engage in commercial sex acts so that he could get the financial proceeds from those acts. The evidence at trial showed that at least three of the minors were children who had either run away from home or were in the foster care system when Ashford targeted them for his trafficking operation. Ashford was also convicted of producing child pornography when he enticed one of his victims to send sexually explicit photos of herself.

This case was investigated by the Federal Bureau of Investigation and the Lincoln Police Department.

Eric Bland

Bland, 37, of Laredo, Missouri was sentenced to 120 months for coercion or enticement of a minor to engage in sexual activity. After his release from prison, Bland will serve a 5-year term of supervised release and will be required to register as a sex offender.

In early 2019, a woman working as a prostitute in Nebraska provided law enforcement with a screenshot of a conversation with a potential client.

The client, later identified as Bland, asked the woman if she knew any "young skinny little black girls" wanting to make money and offered to pay the woman \$50 per year under age 18 if the woman would find him an underage girl to have sex with, or \$100 per year under age 18 if the underage girl would have unprotected sex. Law enforcement provided the woman with a phone number to give to Bland.

In March 2019, Bland contacted the phone number by text message and engaged in a conversation with an FBI Task Force Officer posing as a fifteen-year-old female. Bland made arrangements to travel from St. Joseph, Missouri, to Omaha for the purposes of engaging in oral sex with the fifteen-year-old girl. Bland arrived in Omaha as scheduled and was arrested by officers.

This case was investigated by the Omaha FBI's Child Exploitation and Human Trafficking Task Force.

Gregory Hanssen

Hanssen, 44, of Omaha, Nebraska, was sentenced to 180 months for Child Pornography with a Prior Conviction. After his release from prison, Hanssen will be on supervised release for 20 years and will be required to register as a sex offender.

In July 2019, the Omaha FBI's Child Exploitation and Human Trafficking Task Force executed a search warrant at Hanssen's residence after receiving a Cyber Tipline Report from the National Center for Missing and Exploited Children indicating that a Google Photos user had uploaded apparent child pornography. Federal agents seized and searched Hanssen's cell phone and tablet device and located more than 700 images of child pornography.

In 2006, Hanssen was convicted in separate cases of First Degree Sexual Abuse and Distribution, Possession, or Viewing of Child Pornography in the state of Arkansas.

This case was investigated by the Omaha FBI's Child Exploitation and Human Trafficking Task Force.

PROJECT SAFE CHILDHOOD CASES AND HUMAN TRAFFICKING

Luis Tobar

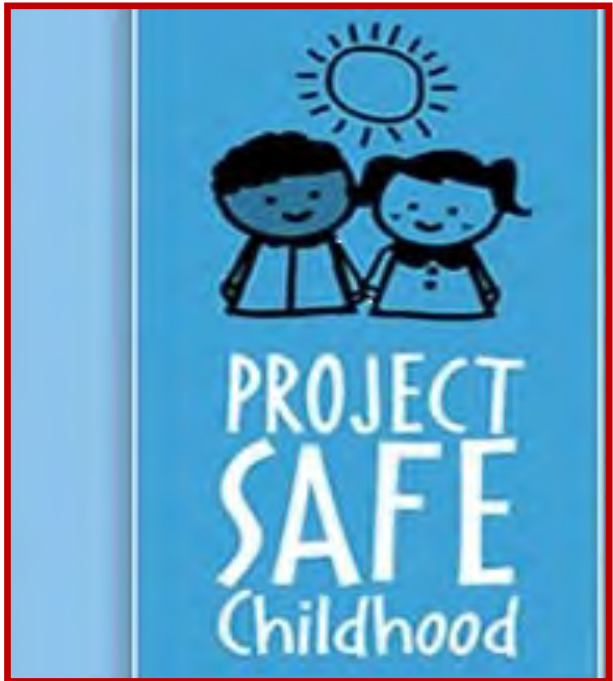
Tobar, age 44, of Omaha, Nebraska, was sentenced to 120 months imprisonment for Attempted Coercion and Enticement of a Minor. Tobar will begin a 5-year term of supervised release upon his release from prison. After completing his prison term, Tobar, a nation from El Salvador, will likely be deported.

On April 12, 2019, the FBI Child Exploitation and Human Trafficking Task Force (CEHTTF) was conducting an operation in Douglas County, Nebraska. As part of the operation, an undercover officer with the CEHTTF posted an advertisement on an escort website used to facilitate prostitution.

Tobar responded to the advertisement and engaged in communications with an undercover officer who he believed to be a 15-year-old female. Believing that he was communicating with a 15-year-old female, Tobar requested that she send him nude pictures, agreed to pay her for sex, and traveled to an agreed upon location to meet her.

Tobar was arrested by members of the CEHTTF and at the time of his arrest was found to be in possession of the cellular phone he used to communicate with the undercover officer, a large monetary sum, and alcohol. Tobar was convicted after a jury trial.

This case was investigated by the FBI Child Exploitation and Human Trafficking Task Force. Douglas County Sheriff's Office, Lincoln Police Department, Omaha Police Department, LaVista Police Department, Nebraska State Patrol, Council Bluffs Police Department, and the Sarpy Douglas County Law Enforcement Academy participated in the April 12, 2019 operation.



WHITE COLLAR CRIME CASES

The USAO investigates and prosecutes a broad range of “white collar” offenses. Cases involving government program fraud, tax fraud, financial institution fraud, health care fraud and frauds targeting the elderly and other citizens are prosecuted every year. Prosecutions of such crimes can often yield substantial prison sentences and/or fines, along with restitution.

Thomas S. Miller

Miller, 60, of Dakota Dunes, South Dakota, was sentenced to time served for tax evasion. Miller will begin a three-year term of supervised release to include one year of home confinement. He was also ordered to pay \$143,456 in restitution, which was paid in full prior to sentencing.

An investigation conducted by the Internal Revenue Service Criminal Investigation Division determined that beginning in approximately 1991, Miller worked for his family's business, Sioux Plating Company, Inc. (“SPC”), which is located in the District of Nebraska. Miller also had an ownership interest in SPC. Despite being paid wages and income by SPC from 2004 through 2014, Miller did not file a tax return during that time.

The investigation determined that while receiving income, Miller took affirmative acts in an attempt to evade his personal income taxes. Specifically, in 2011 Miller's wage payments were classified as “vendor payments” and he was no longer designated as a Form W-2 (Wage and Tax Statement) earner. In 2013, Miller cashed 58 paychecks from SPC totaling \$47,883.81. In 2014, Miller cashed 43 paychecks from SPC totaling \$34,898.37. SPC did not issue Miller a Form 1099 or Form W-2 for these payments. Miller took advantage of the misclassification of his SPC wages and did not report them to the IRS.

The investigation also determined that during 2013 and 2014, a majority of SPC locations and assets were sold to a third party. As part of the final settlement of the sale, Miller received a cashier's check he used to engage in dozens of bank transactions, which included purchasing additional cashier's checks, the purchase of cars, and to make a payment on a credit card. Miller's actions concealed the SPC sale proceeds from the IRS.

Miller had approximately \$735,006 in income for 2013 and 2014 that he failed to report to the Internal Revenue Service. Taxes due and owing on this income was calculated at \$143,456.

This case was investigated by Internal Revenue Service Criminal Investigation Division.

Nereus Sutko

Sutko 38, of Omaha, Nebraska, was sentenced to 46 months' imprisonment. After his release from prison, Sutko will serve a 3-year term of supervised release. Sutko will also be required to pay \$809,561 in restitution and will forfeit certain property, including a Corvette and a speedboat.

In 2017, investigators began receiving reports of suspicious billings by Better Lives, LLC. The investigation showed that between 2010 and 2019, Sutko operated Better Lives, an Omaha-based business purporting to sell durable medical equipment to Medicare and Medicaid beneficiaries. Sutko hosted pizza parties and other gatherings at senior living residences and low-income housing facilities and obtained healthcare program beneficiaries' personal and insurance information under the guise of providing free items such as heating pads or shoe inserts.

Sutko offered gift cards and other rewards to people who referred healthcare beneficiaries to him or provided him with the names and insurance information of beneficiaries. Sutko then billed healthcare programs, including Medicare, Nebraska Medicaid, and Iowa Medicaid for fitted braces and other durable medical equipment that was never prescribed for nor provided to the beneficiary. Investigators interviewed dozens of beneficiaries throughout their investigation. Sutko primarily targeted beneficiaries in the Lincoln and Omaha, Nebraska, and Des Moines, Iowa areas.

Between 2010 and 2019, Sutko was paid more than \$1.8 million by Medicare, Nebraska Medicaid, and Iowa Medicaid. On May 8, 2019, investigators from multiple federal and state agencies executed a search warrant at Sutko's residence in Omaha and took Sutko into custody on a federal arrest warrant.

WHITE COLLAR CRIME CASES

This case was investigated by the United States Department of Health and Human Services Office of Inspector General Office of Investigations, the Iowa Medicaid Fraud Control Unit, and the Nebraska Attorney General's Office Medicaid Fraud and Patient Abuse Unit with assistance from the Social Security Administration Office of Inspector General Office of Investigators. Elder fraud and schemes that target and use the elderly are a priority of the Department of Justice.

Robert Giardina

Giardina 39, who most recently resided in Florida, was sentenced to 30 months' imprisonment for Wire Fraud. Giardina was also ordered to pay \$30,075.16 in restitution. After his release from prison, Giardina will serve a 3-year term of supervised release.

On July 24, 2017, Giardina was hired to be an Area Manager for a multi-branded restaurant management company based in Manhattan, Kansas to run three fast food franchise locations in the Omaha metropolitan area. Giardina used his brother's information to pass a background check in the hiring process and to complete an I-9 and W-4. These three franchise locations utilized Aloha Point-of-Sale EDC software, which uses the internet to process credit card transactions.

From on or about October 24, 2017, to June 5, 2018, Giardina initiated and completed approximately 275 fraudulent credit card refunds from the three franchise locations that he managed in the Omaha area.

These fraudulent refunds that Giardina initiated were done over an interstate wire and caused funds from Victim Company's bank account in Equity Bank in Kansas to be refunded to eight of Giardina's personal credit cards. Giardina had not made purchases eligible for refunds and therefore each false refund to his personal credit cards involved no sales transactions forming the basis for the purported refunds.

As a result of these activities, Giardina fraudulently obtained \$30,075.16.

This case was investigated by the Social Security Administration-Office of the Inspector General and the Omaha Police Department.



WHITE COLLAR AND GENERAL CRIME CASES

U.S. Fish and Wildlife Case

Jacob Hueftle

Hueftle, 30, of Broken Bow, Nebraska, and Hidden Hills Outfitters, LLC (HHO) were sentenced in federal court in Omaha, Nebraska, conspiracy to violate the Lacey Act and the Migratory Bird Act. The Lacey Act prohibits the trafficking in interstate commerce "tainted" (i.e., taken in violation of a law or regulation) wildlife, fish, or indigenous plants. The Migratory Bird Treaty Act prohibits, among other things, the shooting and killing of hawks, falcons, and other migratory birds.

Hueftle and HHO each admitted to one felony conspiracy count involving the illegal transport, purchase, and sale of wildlife in interstate commerce. As part of his term of supervised release, and pursuant to the plea agreement, Hueftle will not be permitted to hunt, trap, guide, outfit, or otherwise engage in any activities associated with the hunting, trapping, guiding, or outfitting business for fifteen (15) years. Hueftle and HHO were ordered to pay \$214,375 in restitution.

Hueftle was also ordered to forfeit or abandon his interest in a .308 caliber DPMS Panther Arms LR-308 scoped rifle, four trophy mule deer and pronghorn taxidermy mounts, and various optics, electronic game cameras, and other hunting equipment used during the commission of the conspiracy.

An investigation determined that between September 2012 and April 2018, Jacob Hueftle, HHO, and other conspirators provided guiding and outfitting services to hunting clients for the unlawful taking of no less than 97 big game animals or wild turkeys in violation of Nebraska State Law including 30 white-tailed deer, 34 mule deer, six pronghorn, and 27 wild turkey. HHO contracted hunting clients residing almost exclusively outside the state of Nebraska including at least 118 clients from 21 states outside of Nebraska.

HHO provided guiding and hunting services to contracted hunting clients for \$2,500 to \$7,000 depending upon the target species.

The investigation determined that Hueftle and other HHO associates intentionally established and maintained bait sites at or near client hunting locations for the purpose of taking big game or turkey.

Law enforcement determined that approximately 80 percent of the archery white-tailed deer clients killed their deer within a baited area and that approximately one-half of HHO rifle white-tailed deer hunting clients hunted and killed their deer within a baited area. Other illegal hunting activity included hunting mule deer within the Nebraska Mule Deer Conservation Area, altering hunting permits, taking turkey in excess of established bag limits, and taking mule deer, white-tailed deer, pronghorn, and wild turkey with rifles or other prohibited weapons.

It was also determined Hueftle and other HHO associates routinely killed non-game migratory birds with a rifle, including various native species of hawks or falcons such as red-tailed hawks and American kestrels, by shooting the birds while perched upon fence lines or electrical power lines.

The sentencing was part of the ongoing prosecution of numerous defendants related to violations committed by owners, guides, and clients of Hidden Hills Outfitters. To date, 31 defendants have pleaded guilty and have been sentenced and ordered to pay a total of \$570,453 in fines and restitution for underlying violations related to deer taken within baited areas; deer, pronghorn, and wild turkeys taken with weapons or firearms prohibited during their respective hunting seasons; deer taken during closed season hours, from the road, or without a valid permit; and mule deer taken within the Mule Deer Conservation Area.

The operation was a joint investigation conducted by the United States Fish and Wildlife Service, Office of Law Enforcement and the Nebraska Game and Parks Commission, Law Enforcement Division.

OTHER GENERAL CRIME CASES

Environmental Protection Case

Edward Miller

Miller, age 44, formerly of Sidney, Nebraska, was sentenced to 33 months' imprisonment for the disposal of hazardous waste without a permit. There is no parole in the federal system. After his release from the Bureau of Prisons, he will serve a three-year term of supervised release. Miller was also ordered to pay \$25,471 in restitution.

The Resource Conservation and Recovery Act (RCRA) is the primary federal law regulating the generation, treatment, storage, and disposal of hazardous waste. Objectives of the RCRA include, among other things, protection of human health and the environment through stringent regulating guidelines. The disposal of hazardous waste is prohibited except in accordance with a RCRA permit.

An investigation conducted by the EPA Criminal Investigation Division determined that on October 24, 2017, Miller loaded a truck and flatbed trailer with various chemicals, which included pesticides, from a warehouse at Renkoski Property Development located in Sidney, Cheyenne County, Nebraska. The containers of chemicals were hazardous wastes due to their corrosivity and ignitability characteristics. Later that day, Miller drove the truck and flatbed trailer with the hazardous wastes through the District of Nebraska, where defendant, without a RCRA permit, disposed of the hazardous wastes by dumping, spilling, and placing the hazardous wastes at three undeveloped sites along South T Road approximately three miles south of Aurora, Hamilton County, Nebraska.

This case was investigated by the EPA Criminal Investigation Division.

Stalking and Explosives Case

Craig Niedbalski

Niedbalski age 61, was sentenced to 50 months imprisonment for Transporting an Explosive with Intent to Injure and Interstate Stalking. After completing his term of imprisonment, Niedbalski will begin a three-year term of supervised release.

Niedbalski, met his victim, G.J., at a Catholics single club in Omaha in about 1986. G.J. and

Niedbalski knew each other because of their membership in the club. Beginning in the mid-1990s, Niedbalski began sending unwanted letters and post cards to G.J. The letters and postcards were threatening and contained sexually explicit statements involving G.J. and her family. From about 1996 to September of 2018, Niedbalski sent G.J. more than 100 threatening and unwanted letters and postcards. G.J. reported the conduct to the police

On July 23, 2003, Niedbalski sent a package in the mail to G.J. containing an object appearing to be a pipe bomb. On August 31, 2018, Niedbalski sent G.J. a package in the mail containing an incomplete improvised explosive device ("IED"). The IED consisted of a mobile phone connected by tape and wire to a galvanized steel pipe, with galvanized steel endcaps, and a pyrotechnic mixture of gray powder and other materials, which, when properly confined and ignited, may explode. On the outside of the package was written, "CALL 402 680 [XXXX] FOR OPENING INSTRUCTIONS."

During the 20 years of stalking, G.J. became involved in various civil lawsuits with Niedbalski to try and get him to stop stalking her. G.J. also had protective orders placed against Niedbalski. The United States Postal Inspection Service was finally able to prove that Niedbalski was stalking G.J. when he sent the IED on August 31, 2018.

The Postal Inspection Service forensically confirmed that the postage label on the envelope containing the IED matched images of postage labels that Niedbalski had saved in his digital devices. Niedbalski used a postage label that he had previously received in the mail, he digitally altered it, and he then placed the altered postage label on the envelope containing the IED.

United States Attorney Joe Kelly recognized the excellent work and efforts of the United States Postal Inspection Service for solving this escalating, 20-plus-year course of conduct terrorizing the victim. USA Kelly added, "The district court's sentence, which was above the advisory guidelines, should be a warning to those who stalk and terrorize others."

The case was investigated by the United States Postal Inspection Service.

INDIAN COUNTRY

The USAO has jurisdiction over major crimes committed on the Omaha, Winnebago and Santee Reservations.

The Omaha and Winnebago reservations are contiguous to one another and are situated 80 miles north of the City of Omaha. The Santee Sioux Reservation is located 190 miles northwest of the City of Omaha and 115 miles west of the Winnebago and Omaha reservations.

The population on the Winnebago Indian Reservation is approximately 2,600. The Omaha Reservation is home to 5,200 Native Americans, and the Santee Sioux has approximately 800 people residing on their reservation.

Although Nebraska was originally designated as a Public Law 280 state, each of these reservations has “retroceded” so that the USAO has jurisdiction under Title 18, United States Code, Section 1153 for major crimes committed by Native Americans against other Native Americans or property owned by other Native Americans. Additionally, the USAO has jurisdiction under Title 18, United States Code, Section 1152 for all offenses committed by non-Native Americans against Native Americans or property owned by Native Americans.

Federal laws of general applicability which are not dependent on Indian Country or exclusive federal jurisdiction as a jurisdictional basis also apply in Indian Country. These crimes include, but are not limited to, mail and wire fraud, felon in possession of a firearm, use of a weapon during a crime of violence, interstate violence against women, interstate violation of protection orders, and illegal distribution of controlled substances.

Felony assaults, rapes, child sexual assaults and child physical abuse are the main offenses routinely prosecuted federally on the three reservations.

The Federal Bureau of Investigation (FBI) assumes primary responsibility for these investigations on the Omaha and Santee Sioux Reservations to investigate major crimes. A Bureau of Indian Affairs (BIA) criminal investigator assumes primary responsibility on the Winnebago Reservation.

There is one Bureau of Indian Affairs (BIA) investigator assigned in Nebraska and this agent covers criminal matters on the Winnebago Reservation.

The Winnebago Reservation is covered by uniformed BIA sworn officers with federal certification and Winnebago Tribal Police officers without federal certification. The Omaha Reservation and the Santee Sioux Reservation are covered by tribal officers who do not have federal certification.

The USAO, dedicates a Tribal Liaison AUSA, and several other AUSAs to the prosecution of Indian Country cases. The Tribal Liaison AUSA assists in the coordination among the three tribes and local, state, and federal investigators and prosecutors; bridges gaps in jurisdictional coverage; establish cohesive relationships between federal prosecutors and tribal communities; and improve the quality of violence against women cases through effective case management.

All three reservations have domestic violence shelters. The AUSA and the Victim advocates work closely with the directors of these shelters in regard to domestic violence cases. The shelter directors are kept informed of the status of cases concerning their residents and the directors aid in facilitating contact with victims. The USAO Tribal Liaison, and the Victim advocates are members of the Child Abuse multi-disciplinary teams for the tribes. These teams monitor the coordination of services in regard to child abuse and neglect cases.

Ponca Tribe of Nebraska

The Ponca Tribe of Nebraska with a population of slightly more than 3,100 nationwide, does not have a reservation. In 1858, the Ponca Tribe relinquished most of its land to the federal government. In 1962, Congress terminated its relationship with the Ponca Tribe. However, federal recognition was restored in 1990 when Congress re-recognized the Ponca Tribe. Although the Ponca Tribe lacks a land base in Nebraska, the Tribe does have designated “Service Delivery Area” counties; fifteen counties in Nebraska with 1,100 members in these counties.

INDIAN COUNTRY CRIME

The following cases highlight some of the Indian Country cases prosecuted on the Omaha, Winnebago and Santee Indian Reservations in 2020.

Joseph Lloyd James

Joseph Lloyd James, 49, of Norfolk, was sentenced in federal court to life imprisonment for First Degree Murder in Indian Country. On November 5, 2018, James murdered Phyllis Hunhoff of Yankton, South Dakota, on the Santee Sioux Indian Reservation in Nebraska. There is no parole in the federal system. As part of his plea agreement, he waived his right to appeal, to seek a pardon, or seek a commutation.

Phyllis Hunhoff regularly traveled from her home in Yankton to her mother's home in Utica, South Dakota. Her regular practice was to call her mother upon returning to Yankton. On November 4, 2018, at approximately 10 p.m., Phyllis Hunhoff left her mother's residence, alone, to drive home to Yankton. Having not heard from her daughter, her mother began repeatedly calling her phone to determine her whereabouts. All calls were unanswered.

James and other men were near Phyllis Hunhoff's mother's residence as she was leaving. James and another man encountered Phyllis Hunhoff outside of the residence and got into her car with her inside. James, Phyllis Hunhoff, and another man traveled to Norfolk, Nebraska, arriving at about 11:00 p.m. When they arrived in Norfolk, James remained in the vehicle, and the other man left the vehicle. James drove Phyllis Hunhoff's vehicle, with her inside, to the Santee Sioux Indian Reservation in Knox County, Nebraska.

During the early morning hours of November 5, 2018, while on the Santee Sioux Indian Reservation, James killed Phyllis Hunhoff. He stabbed her with a knife and strangled her. She died in her vehicle as a result of the bleeding and strangulation. James drove Phyllis Hunhoff's vehicle to a gas station on the Santee Sioux Indian Reservation. Later, James returned in the same vehicle to the gas station and pumped gasoline into a soda bottle. James put the bottle containing the gasoline into the vehicle. He then drove to a wooded location on the Santee Sioux Indian Reservation in Knox County, Nebraska, where he set fire to Hunhoff's body and her vehicle to conceal evidence of the murder.

He abandoned the body and vehicle and left the area.

Law enforcement officers investigated the murder and obtained evidence, including surveillance footage of James at the gas station during the early morning hours of November 5, 2018. Santee Police recovered the shirt James was wearing when he killed Phyllis Hunhoff. Her DNA was on James' shirt. James's DNA was on clothing Phyllis Hunhoff was wearing when he killed her.

U.S. Attorney Kelly stated, "This was a brutal, horrific, and senseless murder and we hope that today's life sentence brings some small comfort for the family."

The case was investigated by the Federal Bureau of Investigation, the Nebraska State Patrol, Knox County Sheriff's Office, Santee Sioux Nation Tribal Police, Yankton County Sheriff's Office, Yankton Police Department (South Dakota), Norfolk Police Department, the University of Nebraska Medical Center, the Nebraska State Fire Marshal, and the Lincoln Police Department.

The case was prosecuted by Assistant United States Attorneys Jody B. Mullis and Sean P. Lynch.

Bernard Jackson

Bernard Jackson, 44, was sentenced in federal court to 96 months for Domestic Assault by a Habitual Offender and Strangulation. After his release from prison, Jackson will serve a 3-year term of supervised release.

On October 30, 2019, officers responded to a residence in Walthill, Nebraska, on a report of a domestic assault having occurred earlier in the evening. The victim reported being dragged off a bed, lifted off the ground by her neck, threatened, punched in the back of her head, and punched in her face. Jackson left the residence after the assault. Jackson had been convicted of assaulting the same victim at least four times previously.

This case was investigated by Omaha Nation Law Enforcement Services and the Federal Bureau of Investigation.

INDIAN COUNTRY CRIME

Roman Perales

Roman Perales, age 22, was sentenced to 153 months in federal court for assault with intent to commit any felony and discharging a firearm during and in relation to a crime of violence. Following Perales's term of imprisonment, he will begin a 5-year term of supervised release.

On July 25, 2019, an altercation occurred outside of a residence in Winnebago, Nebraska. Perales was at the residence. Perales grabbed a .22 caliber rifle and fired it multiple times at individuals outside of the residence. A female victim was shot in the arm and bled from an open injury.

After shooting the first victim, Perales approached a second female. The second victim was in a vehicle at the time. The second victim told Perales that she was not involved in the altercation and just wanted to go home. Perales pointed the rifle at her face and threatened her. She believed that Perales was going to shoot her.

Perales later fled the scene and hid the ammunition and the rifle.

On the date of the shooting Perales was on federal supervised release for a prior felony conviction. He was previously convicted on June 15, 2015 of assault with intent to commit a felony, in the United States District Court for the District of Nebraska.

The case was investigated by Federal Bureau of Investigations and the Winnebago, Nebraska Police Department.

Charles Neil Parker and Krista Parker

Charles Neil Parker, 39, and Krista Parker, 36, were each sentenced to 72 months in prison Omaha for multiple counts of intentional child abuse. After their releases from prison, they will each serve an 18-month term of supervised release.

In September 2018, officers responded to a residence in Macy, Nebraska, after receiving a report that a party guest at the residence had observed a child locked in the basement. Officers located the then-nine-year-old victim in a locked utility room in the basement.

The door to the room was secured with an eye-hook latch on the outside and had a contact alarm that sounded when the door was opened. Officers observed that the room had a concrete floor, no windows, and no ventilation. The victim had two urine-soaked blankets on the floor to sleep on. The floor and walls were also soiled with urine and feces. The officers observed two toys, an empty chip bag, and an empty soda bottle. The wall contained stick figure drawings and tally marks. The door had scratch marks dug into it on the inside.

Krista Parker was located intoxicated and asleep in another room of the house. During an interview the next day, Krista Parker first stated that the victim must have wandered into the room and gotten locked in by mistake, but later admitted to locking the victim in the room because she wanted to "have one night of fun" after a stressful week at work. Krista Parker had sent her biological children to their grandmother's house for the night. Charles Neil Parker could not be located on the night of the report, but during a subsequent interview admitted that the Parkers locked the victim in the room sometimes due to his behavior.

The victim, who suffers from cognitive delays and is believed to be on the autism spectrum, reported that he always slept and ate in the room and was unable to leave the room to use the bathroom. The victim was identified as a foster child placed in the Parkers' care by the Omaha Tribe Children and Family Services. At the time, Krista Parker was employed with Children and Family Services as a case aid.

United States Attorney Joe Kelly stated, "Today justice was done for one of the most vulnerable victims—a child placed with a couple who saw an opportunity to make money while continuing to exploit a child who was unable to cry out for help."

This case was investigated by Omaha Nation Law Enforcement Services and the Federal Bureau of Investigation.

INDIAN COUNTRY CRIME

Walter James Hulit

Walter James Hulit, age 32, of Winnebago, Nebraska, was sentenced in federal court to 41 months' imprisonment for sexual abuse of a minor. Hulit will also serve five years of supervised release after he is released from prison. There is no parole in the federal system.

At an unknown time in the spring of 2018 on the Winnebago Indian Reservation, Hulit did knowingly engage in or attempt to engage in a sexual act with a minor Indian female who at the time had attained the age of 12 but not yet the age of 16.

This case was investigated by the Winnebago Police Department and the Federal Bureau of Investigation.

Saville Thomas

Saville Thomas, age 18, was sentenced to 60 months' imprisonment for traveling to the Omaha Nation Indian Reservation and committing an act of domestic violence. Thomas will also serve three years of supervised release after he is released from prison.

In February 2020, Thomas, of Macy, Nebraska, traveled and entered the Omaha Nation Indian Reservation and attempted to seize, abduct, or carry away, a minor female with whom Thomas had been in an intimate and dating relationship. Thomas entered a home through a window where the minor was sleeping, assaulted an occupant of the home, and then grabbed the minor by the hair, dragging her out of a window. Thomas was stopped from taking the minor when other occupants in the house heard the commotion and came to the victim's aid.

This case was investigated by the Omaha Nation Law Enforcement Services and the Federal Bureau of Investigation.

Executive Office United States Attorney's Director's Awards 2020 Superior Performance in Indian Country

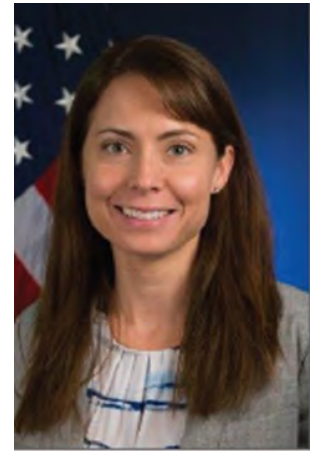
Assistant United States Attorneys Lecia Wright and Kelli Ceraolo were recognized by the Executive Office for United States Attorneys for Superior Performance in Indian Country for their excellent work in securing guilty verdicts and a life sentence in the prosecution of Cyrus Free. Free was convicted on five counts of sexual abuse of a minor beginning when the minor was eight and continuing until the minor disclosed the abuse when she was 14.

In addition to overcoming delayed reporting, AUSAs Wright and Ceraolo dealt with pressure from the defendant and other family members attempting to persuade the child not to testify.

AUSAs Wright and Ceraolo regularly handle the most difficult of child sexual assaults, sexual assaults, domestic assaults, and other violent crimes occurring on the Omaha, Winnebago, and Santee Indian Reservations in Nebraska.



Lecia Wright



Kelli Ceraolo

DRUG ENFORCEMENT UNIT

The fight against illegal drug trafficking continued to be a major priority of the USAO in 2020. Nebraska is a significant trans-shipment area for drug traffickers due to its location in the central United States, between western drug sources and eastern drug markets, and a major interstate and other highways which pass through the State. Omaha, Lincoln, Grand Island, and other Nebraska cities serve as redistribution points for drug markets within Nebraska and neighboring states and markets, and to smaller rural communities within the District.

The Drug Unit Chief for the United States Attorney's Office is headed up by AUSA Susan Lehr. The coordinated efforts of Assistant United States Attorneys (AUSAs) and Special Assistant United States Attorneys (SAUSAs) address the comprehensive threat posed to the United States and the District of Nebraska by the trafficking, diversion and abuse of illegal drugs. SAUSAs from the Douglas County Attorney's Offices have multiplied the prosecutorial resources dedicated to this effort.

Attorneys who prosecute drug cases are supported by the cooperative investigative efforts of federal, state and local enforcement agencies throughout the District. To enforce the Nation's drug and firearm laws, prosecutors in the Drug Enforcement Unit obtained 171 indictments this year charging 228 defendants.

Featured below are of some of the more significant drug case sentencings in 2020.

Beatrice methamphetamine conspiracy

Ashley Bartels

Candace Burr

Charles Burr

Agents with the United States Marshals Service, Nebraska State Patrol, Gage County Sheriff's Department, Beatrice Police Department and Lincoln Police Department were involved in investigating substantial methamphetamine activity in the Gage County area. Their investigation led to a conspiracy involving Bartels, Candace Burr and Charles Burr from November 2016 through September 2017. In particular, Charles Burr was responsible for more than 24 pounds of methamphetamine being distributed in the area and was sentenced to 204 months in prison.

Candace Burr was responsible for 72 ounces of methamphetamine and received a sentence of sixty-nine months. Ashley Bartels was responsible for 80 ounces of methamphetamine and was sentenced to 60 months imprisonment.

Jason Yanes

Jayson Yanes was sentenced to 312 months after being convicted of conspiracy to distribute methamphetamine and possession of a firearm during a drug trafficking crime. It was his second conviction which called for a consecutive mandatory minimum 25-year sentence.

On August 1, 2018, Omaha Police Officers executed a search warrant at Yanes' South Omaha residence. Officers recovered drug paraphernalia, approximately eleven grams of actual methamphetamine, and a firearm within arm's reach of the methamphetamine. Yanes admitted that the firearm and the methamphetamine were his and that he had been selling methamphetamine for the previous 6 months.

Marcus Navejar

Navejar pled to conspiracy to distribute methamphetamine and possession of a firearm in connection with a drug trafficking crime-subsequent offense and was sentenced to 420 months imprisonment. On June 5, 2019, the Omaha Police Department was conducting an investigation where a cooperating witness was collecting money owed from drug debts at an Omaha hotel. Navejar delivered \$8,280 he owed for a drug debt to a "cooperating witness" on that date.

On June 7, 2019, the cooperator informed police that Navejar was staying at an Omaha hotel and in possession of methamphetamine and a gun. While police were obtaining a search warrant for his room, surveillance officers encountered Navejar outside and took him into custody. A search of his person revealed approximately 16 grams of methamphetamine and a handgun. During a post arrest interview, Navejar admitted to dealing five pounds of methamphetamine with others during the previous few weeks.

DRUG TRAFFICKING CASES

Venessa Liebers

Venessa Liebers 39, pled guilty to conspiring to distribute 500 grams or more of methamphetamine mixture and was sentenced to 97 months in prison with a four-year term of supervised release to follow.

Information provided to law enforcement indicated Liebers was responsible for the distribution of at least five kilograms (approximately 11 pounds) of methamphetamine mixture in the Lincoln, Nebraska area between July 2016 and June of 2018.

U.S. v. Billy Fang, et al

Fang 29, was sentenced to imprisonment for 120 months for conspiring with others to transport narcotics including methamphetamine, marijuana, and psilocybin mushrooms from California to Nebraska, and then distributing the drugs in Nebraska, Iowa, and in other states. Coconspirators Marvin Moua, 35, and Meng Her, 38, were sentenced on January 23, 2020 to terms of imprisonment of 151 months and 37 months, respectively.

In early 2019, DEA investigators learned that a mobile home in Omaha was being used by a drug trafficking organization to package narcotics for further distribution. Investigators thereafter identified several members of the group and determined that they also used residences in Storm Lake, Iowa. Over the course of the investigation and with the assistance of the Iowa Division of Narcotics Enforcement and the Storm Lake (Iowa) Police Department, agents obtained warrants to search the residences in Omaha and Storm Lake. On May 2, 2019, investigators recovered close to five pounds of methamphetamine from a suitcase inside a residence in Storm Lake. Billy Fang was arrested at that location. Investigators also seized approximately 74 pounds of marijuana and a stolen firearm within a second residence, as well as baggies of methamphetamine, marijuana, psilocybin mushrooms, two AR-15-style rifles, and a Glock handgun inside a car parked inside an enclosed garage.

U.S. v. Raymundo Hernandez-Rubio

Raymundo Hernandez-Rubio, 35, was convicted of conspiracy to distribute and possession with intent to distribute methamphetamine and was sentenced to imprisonment for 132 months.

In October of 2019, investigators with the Drug Enforcement Administration (DEA) identified Hernandez-Rubio when he delivered approximately \$90,000 of suspected drug proceeds to a DEA undercover agent, and investigators thereafter obtained a warrant to install a GPS tracking device on his SUV.

The investigation revealed that on the morning of December 6, 2019, Hernandez-Rubio departed Omaha and traveled to Chicago, where he made several stops before heading back to Omaha. On the morning of December 7, 2019, a Nebraska State Patrol trooper stopped Hernandez-Rubio as he returned to Omaha. Investigators searched his SUV, recovering approximately 15 pounds of methamphetamine that was concealed within a spare tire in the cargo area of the SUV.

Investigators searched Hernandez-Rubio's residence later that day, where they recovered drug ledgers, a handgun, and over \$130,000 of drug proceeds hidden under the bed in the master bedroom. The drug proceeds were ordered be forfeited to the United States. A closer inspection of the ledgers recovered from his home revealed that Hernandez-Rubio was responsible for handling hundreds of pounds of methamphetamine and thousands of dollars of drug proceeds for a Mexico-based drug trafficking organization.

Ozzie Palen

Ozzie Lee Palen 34, of Council Bluffs, Iowa, was sentenced to 30 months (the high end of the guidelines) consecutive to the prison term he was already serving, and had escaped from, with a three-year term of supervised release to follow.

On October 16, 2019, Ozzie Lee Palen was serving the remainder of a sentence at Dismas Charities in Omaha following his release from incarceration for a possession of a firearm by a prohibited person (felon) conviction and sentence imposed by the federal district court in the Southern District of Iowa.

On November 4, 2019, Palen escaped Dismas and did not return. He was arrested on November 13, 2019 by the Metro Fugitive Task Force after receiving new criminal charges due to an assault with a weapon he committed while on escape status.

DRUG TRAFFICKING CASES

Trent Duckworth

Duckworth 32, was sentenced to imprisonment for 77 months. He will serve a three-year term of supervised release upon his release from prison.

On May 1, 2018, the Wahoo Police Department executed a search warrant in connection with an assault of a female that occurred at Trent Duckworth's residence in late April of 2018. The victim of the assault reported the incident to the Wahoo Police Department, and Duckworth age 31, threatened another male who knew the victim over social media, claiming to have full "AR magazines" in his possession.

When the police executed the warrant, they recovered a steel box containing several boxes of ammunition and two magazines containing .223 caliber rounds, suitable for use in an AR-15 style rifle. Duckworth had previously been convicted of several felony offenses prior to this incident. As a convicted felon he was not authorized to possess weapons or ammunition.

Jose De Jesus Zazueta-Cano

On October 28, 2020, a DEA undercover officer made a controlled purchase of one pound of methamphetamine from a known meth source of supply based out of Sinaloa, Mexico. The source of supply agreed to have his drug courier meet the undercover agent at a pre-determined location in Omaha, Nebraska. The undercover agent was able to purchase one pound of methamphetamine for \$4,500.

DEA and OPD coordinated a traffic stop of the unidentified drug courier and identified the sole occupant of the vehicle as Jose De Jesus Zazueta-Cano via his Mexican Identification card. Investigators thereafter obtained a GPS tracking warrant which was installed on Zazueta's car. Agents were thereafter able to develop sufficient probable cause to obtain a warrant to search Zazueta's residence in south Omaha.

On November 4, 2020, agents arrested Zazueta as he left his apartment. At the time of his arrest, Zazueta was carrying two trash bags. Agents searched the trash bags and recovered 26,501 in drug proceeds. When investigators searched Zazueta's apartment they located and seized approximately 38 pounds of methamphetamine. Zazueta's prosecution is underway.

Josef Bates

Josef Bates of Omaha, Nebraska, was sentenced on August 13, 2020 for possession of a firearm by a prohibited person. He received a sentence of 120 months (the statutory maximum) consecutive to the 108 months he was already serving for state convictions of strangulation, terroristic threats, and domestic assault 3rd degree / pregnant woman. He will also have a three-year term of supervised release to follow.

The conviction stems from a September 3, 2018, incident in which law enforcement initiated contact with Bates due to his outstanding federal warrant resulting from an original indictment for possession of a firearm by a prohibited person. Bates attempted to flee but was caught. Bates had a .25 cal. Raven Arms handgun in his pocket. The handgun was loaded and had an obliterated serial number. Bates admitted to possessing the firearm. He said he purchased it during the prior week from a "crackhead swerve."

On or about April 28, 2018 law enforcement had previously arrested Bates for possession of a Taurus 24/7 G2 9mm handgun that had been reported stolen out of Iowa. A search of Bates revealed a small baggie of marijuana as well as a methamphetamine pipe containing marijuana residue. The charge resulting from this offense conduct was dismissed pursuant to the plea agreement. Bates has a prior felony conviction for robbery.

Jackson Williams

Williams 36, was sentenced to 211 months in the Bureau of Prisons followed by a five-year term of supervised release. Officers were called to an Omaha residence for a disturbance over a stolen vehicle. As part of their investigation they received permission to search a nearby home. Two firearms were located. Williams was present and arrested for an outstanding parole violation. Both firearms were reported as stolen. On July 9, 2020, Williams proceeded to a bench trial and was found guilty of being a felon in possession of a firearm. Williams has previous felony convictions for attempted burglary, possession of a controlled substance, two counts of assault on a police officer, terroristic threats and first degree false imprisonment. These convictions were found to be crimes of violence thereby qualifying Williams for enhanced sentencing under the Armed Career Criminal Act.

DRUG TRAFFICKING CASES

Emmanuel John, 25

On July 21, 2020, a jury convicted John and he was subsequently sentenced to 290 months on drug and gun charges in the Bureau of Prisons followed by three years of supervised release.

Between July 2018 and August 2018, John illegally sold eight guns to a confidential informant during six separate controlled buys. Four of the firearms were reported as stolen. At the time of the sales, John, a Trip Set gang member, was on state parole for two robbery convictions. John was subsequently indicted for six counts of being a felon in possession of a firearm.

Irving Cervantes Rodriguez

In July 2020, Irving Cervantes Rodriguez 27, was indicted in the District of Nebraska for his role in running a methamphetamine distribution network while an inmate at the Nebraska Department of Corrections (Tecumseh). The Minnesota Bureau of Criminal Apprehension, along with the Nebraska State Patrol, Seward County Sheriff's Office, and the U.S. Attorney's Office in Omaha, Nebraska, were able to dismantle this distribution network that ran from Nebraska to Minnesota.

Cervantes started serving a state 5 to 15-year sentence in 2018 after being stopped in Seward County with a load of methamphetamine that was being transported to Minnesota. Following imposition of this sentence, authorities had information that Cervantes was continuing to direct sales of methamphetamine from prison. Investigators with the B.C.A. in Minnesota successfully interdicted several pounds of methamphetamine that Cervantes had negotiated the delivery of while an inmate at Tecumseh. Trial is currently set for February 16, 2021.

Jose Mena-Valdez

Jose Mena-Valdez 36, was sentenced to 120 months in prison for possessing with intent to distribute 50 grams or more of methamphetamine and for possessing a firearm in furtherance of the drug trafficking crime.

Mena-Valdez was arrested in October 2018 after officers with the Omaha Police Department stopped Mena-Valdez for a traffic violation. Officers observed Mena-Valdez drinking alcohol in the vehicle, and officers conducted a search which resulted in one half-pound of methamphetamine and a stolen firearm being located.

Francisco Herrera (Sidney, Nebraska) age 37

On May 10, 2019, local law enforcement executed a search warrant on a residence in Sidney, Nebraska. During the execution of that search warrant, Francisco Herrera's vehicle was located in the driveway. Law enforcement obtained a search warrant for his vehicle, where approximately ten pounds of methamphetamine was seized. Herrera was from Sterling, Colorado and distributing drugs in Colorado and Nebraska. Herrera was sentenced to 262 months in Federal prison. This case was investigated by the Sidney, Nebraska, Police Department.

Jesus Garfio, Jenna Martinez (Dawson County)

Both Garfio 28, and Martinez 34, were sentenced in June 2020 to 84 months imprisonment.

On July 16, 2019, Nebraska State Patrol Trooper attempted to make a traffic stop of a black Escalade on Interstate 80 in Dawson County, Nebraska. The Escalade took law enforcement on a high-speed chase. During the pursuit law enforcement observed plastic bags being thrown out of the Escalade windows.

The Escalade eventually crashed into the patrol car and the driver and passenger were both arrested. The driver was identified as Jesus Garfio and the passenger as Jenna Martinez. Law enforcement located 26 grams of methamphetamine, 53 grams of heroin and fentanyl pills from the thrown bags. Jenna Martinez also had \$16,747 in U.S. currency that was forfeited to the United States.

Hyrum Wilson

William Burgamy

The USAO assisted Virginia prosecutors in drafting and obtaining a search warrant in their prosecution of Auburn Pharmacist Hyrum Wilson who conspired with his Virginia co-defendant, William Burgamy, to blow up an Auburn pharmacy. The case received some local press as the facts revealed that Burgamy was a Darknet vendor selling prescription drugs (he received from Wilson) and was planning to firebomb a competing Auburn Pharmacy. Burgamy received a 168 months prison sentence and Wilson was sentenced to prison for a little more than 108 months.

DRUG TRAFFICKING CASES

Lionell Bland

Lionell Bland 43, of Omaha, Nebraska, plead guilty to possession of a firearm by a prohibited person and to being an armed career criminal. Per his plea agreement, Bland will serve a term of 180 months.

On August 20, 2019, OPD officers received a call to Dailey's Liquor Store located at 3113 N. 30th regarding a shirtless armed party. Upon arrival, officers located Lionell Bland, who matched the description. They observed him kneel in front of a vehicle then walk away. Officers located a loaded FN Hi Power 9mm firearm on top of a t-shirt underneath the vehicle where Bland had been.

Bland admitted to detectives that he had possessed the firearm and that he was aware he was a felon at that time.

Bland has prior qualifying Armed Career Criminal Act convictions for possession with intent to distribute a controlled substance (1997), possession with intent to distribute cocaine (2000), and (2005), and possession with intent to distribute crack cocaine and manufacture/distribute or possess with intent to distribute crack cocaine (2012).

Russell Westerfield

Russell Westerfield 43, was sentenced to 262 months imprisonment following his guilty plea to conspiracy to distribute 50 grams or more of methamphetamine actual and 500 grams or more of methamphetamine mixture. Westerfield's sentence in the federal case is to run concurrent with any sentence (expected to be the same 262 months) received by Westerfield on a related case in the Eastern District of Missouri.

Dylan Dahlgren

Dahlgren, 28 was sentenced to 235 months for possession with intent to distribute 50 grams or more of methamphetamine actual. In August of 2019, Dahlgren was arrested at a relative's house after Lincoln Police Department Narcotics investigators received information indicating Dahlgren was expecting a package containing 10 pounds of methamphetamine to be delivered to him through the U.S. Mail. The package was seized by U.S. Postal Inspectors and was later found to contain five packages containing a total of at least 1,600 grams of methamphetamine actual. A controlled delivery of one of the packages was made to Dahlgren, and he was

arrested.

William Wade

Wade 22, was sentenced to 120 months in prison for conspiracy to distribute methamphetamine. After getting out of prison in June of 2018, Mr. Wade began distributing dealer amounts of methamphetamine to a number of people in Lincoln over the course of the next year.

At least six cooperating witnesses provided details about their having purchased or received methamphetamine from Wade in 2018 and 2019 in varying quantities. On June 25, 2019, a confidential informant working with Lincoln Police investigators bought 51 grams of pure or actual methamphetamine from Wade.

Racquel Hamilton

Hamilton 32, was sentenced to 110 months in prison for possession with intent to distribute methamphetamine. In March 2019, the Grand Island Police Department received a tip concerning Hamilton's whereabouts.

Hamilton had an active warrant for her arrest. The police located Hamilton and found her to have 11 grams of pure methamphetamine in her coat pocket.

Amber Arrellano

In July 2020, Arrellano 38, was sentenced to 120 months in prison for possession with intent to distribute methamphetamine. In June 2019, Arrellano was arrested for shoplifting at Walmart, during which time Grand Island police found about nine grams of pure methamphetamine in her purse. Arrellano admitted that she had purchased methamphetamine earlier in the day and had distributed some of it to two others.

Ferrell Mitchell

Mitchell was sentenced to 90 months in the Bureau of Prisons followed by a three-year term of supervised release.

On October 2, 2018, a federal indictment and arrest warrant were issued for Mitchell. Mitchell, who was out of custody on a state bond for being a felon in possession of a firearm, fled when United States Marshals attempted to serve the warrant. During a foot pursuit, Mitchell discarded a firearm before surrendering to deputies. He was subsequently indicted on a second gun charge, to which he pled guilty.

DRUG TRAFFICKING CASES

William Birdhead

Birdhead age 42, was sentenced to 132 months' imprisonment for Possession with Intent Distribute at least 50 grams of Methamphetamine (mixture) and Carrying a Firearm During and in Relation to a Drug Trafficking Crime. There is no parole in the federal system. Following his release from prison, Birdhead will serve 5 years of supervised release.

On May 24, 2019, officers with the Omaha Police Department made contact with Birdhead while he was in his vehicle in the area of 48th and Martha Streets in Omaha, Nebraska. Birdhead was in the driver's seat and was reaching back into the trunk. When Birdhead saw the officers, it appeared like he shoved something between the driver's seat and the console.

A subsequent search of the vehicle revealed a loaded semiautomatic handgun between the driver's seat and the center console. In the trunk of the vehicle, the officers located an AK47-style rifle, loaded magazine, two muzzle breaks, and ammunition. Both of these firearms had been reported stolen. Behind the vehicle's license plate, the officers located 63.254 grams of methamphetamine salt with 55% purity.

During a search of Birdhead's residence, officer's located another AK47-style rifle and a revolver. Birdhead has two prior convictions for felony firearms offenses and a prior felony conviction for a crime of violence.

This case was investigated by the Omaha Police Department and the Bureau of Alcohol, Tobacco, Firearms, and Explosives.



CIVIL DIVISION

Attorneys in the Civil Division of the United States Attorney's Office represent the United States, as well as federal agencies, officers, and employees, in civil litigation in federal and state courts throughout Nebraska. Civil Division AUSAs work closely with lawyers from the federal agencies involved in each case to develop and present the position of the federal parties to the suit. Attorneys from the Department of Justice also assist in some civil litigation in the District of Nebraska.

Work on 148 civil cases and matters were completed in 2020. Included in that number are defensive cases in which the validity of federal laws, or the acts of federal agencies and employees, was challenged. Also included were affirmative cases brought to enforce federal statutory and regulatory requirements, and to collect debts owed to the United States. The chart below depicts the types of civil cases and matters completed during 2020.

The Internal Revenue Service, Social Security Administration, and the Department of Justice, were the agencies involved in the largest number of civil cases in the District during 2020. There was a significant increase in the number of tort cases filed as well as civil immigration cases filed this past year. In 2020, the number of foreclosures and bankruptcy matters decreased primarily due to COVID-19 related financial assistance policies such as moratoriums. In fact, the pandemic stalled the progress of many different types of cases handled by the Civil Division so much so as to create the potential for a bottleneck in 2021.

A variety of cases involving the agencies within the Department of Justice also made up a significant portion of the overall civil workload again this past year. The number of cases completed for various federal agencies is reflected in the chart on page 40.

A primary function of the Civil Division is to provide quality representation to the United States and its agencies and officers in defensive litigation in federal and state court. During 2020, Civil Division AUSAs defended a number of cases brought in federal court to set aside or modify the actions of federal agencies and officers.

Civil Division AUSAs also handled several cases seeking damages for alleged negligence or other wrongful conduct by federal employees, as well as cases alleging discrimination in federal employment.

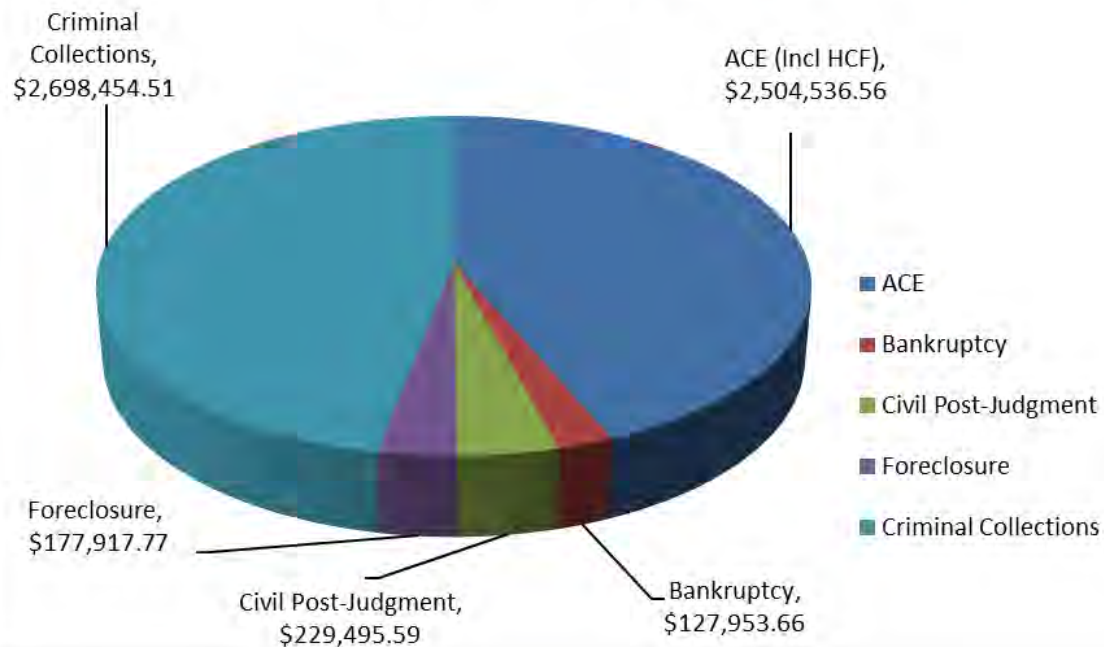
In the area of affirmative litigation, the Civil Division continued its Affirmative Civil Enforcement (ACE) program, which involves various initiatives designed to collect civil monetary penalties and damages for violations of federal law, to recover costs incurred by agencies as a result of violations of federal statutes and regulations, and to obtain compliance with the requirements of federal law through civil litigation.

The United States Attorney's Office ACE program includes an active Health Care Fraud Task Force made up of civil and criminal AUSAs, Special AUSAs from the Nebraska Attorney General's Office, investigators from various state and federal agencies, and representatives of insurance providers and intermediaries. The task force approach enhances communication regarding the investigation of health care fraud in the District of Nebraska, and allows oversight agencies to pursue cases in the manner most effective to deter fraudulent activity and recover losses.

As in most years, Civil Division AUSAs also conducted a significant amount of litigation in 2020 to collect debts owed to the United States. Suits to obtain judgments for unpaid balances of delinquent loans made by agencies such as the U.S. Department of Agriculture, the U.S. Department of Education, the U.S. Department of Veteran's Affairs, and the U.S. Department of Health and Human Services comprise a significant portion of the Office's civil workload. Those cases are litigated in federal district court, in bankruptcy court, and in state courts throughout Nebraska. All told, the Financial Litigation Unit, within the Civil Division, collected slightly more than 5.7 million dollars.

CIVIL DIVISION

Nebraska Collections - Calendar Year 2020 1/1/2020 - 12/31/2020



Criminal Collections	\$2,698,454.51
Bankruptcy	127,953.66
Civil Collections	229,495.59
Foreclosure	177,917.77
ACE (Incl. HCF)	2,504,536.56

Total Collections for Calendar Year 1/1/2020 – 12/31/2020: \$5,738,358.09

CIVIL LITIGATION CASES

AFFIRMATIVE CIVIL ENFORCEMENT

Environmental Litigation

U.S. and the State of Nebraska v. Clean Harbors Environmental Services, Inc. – Through the filing of a Complaint and Consent Decree, the parties resolved allegations that Clean Harbors violated various provisions of the Resource Conservation and Recovery Act, the Clean Air Act, the Emergency Planning and Community Right to Know Act, and the Nebraska Environmental Protection Act. Clean Harbors operates a hazardous waste treatment and storage facility and processes solid, liquid and hazardous waste in an on-site incinerator in Kimball, Nebraska. Due to the nature of Clean Harbors' business and the wastes they handle, even minor violations have the potential for serious consequences. The EPA and Nebraska Department of Environment and Energy performed a series of inspections between 2011 and 2019, noting several violations. Clean Harbors agreed to pay a \$790,000 civil penalty and perform injunctive relief related to the violations.

Conservation Easement – The USAO reached an agreement with a landowner who was in violation of a conservation easement, a program administered by the Natural Resources Conservation Service. Facing extensive monetary damages, the landowner agreed to take immediate remediation measures to address the conservation easement program deficiencies. The remediation efforts as expressed through a compliance program and agreement of the parties was reached to promote compliance with the Agricultural Conservation Easement Program.

Civil Rights

U.S. v. Village of Walthill, Nebraska – The U.S. filed a complaint alleging the Village violated the Religious Land Use and Institutionalized Persons Act of 2000 by denying the application of Light of the World Gospel Ministries, Inc., a non-denominational Christian church, for a special use permit to construct a new house of worship on properties the Church owns in a commercial district of the Village and by revoking a building permit issued to the Church. The complaint alleges the Village's actions have

forced the Church to continue assembling in an inadequate facility that is both too small and unsafe, thereby impeding its religious activities in violation of the Act. The U.S. is seeking injunctive and declaratory relief to ensure that the Village permits the Church to use its property for religious worship and complies with the Act in its treatment of religious institutions. Litigation is ongoing.

U.S. v. Resident Suites Inn – Travelers filed a complaint with the Department of Justice (DOJ) Civil Rights Division, Disability Rights Section, alleging they did not make a reservation at this Grand Island motel because they had a service animal and were told dogs were not allowed. The Inn disputed the allegation saying it was their policy to allow service dogs, but not pets or therapy/comfort animals. Through a Letter of Resolution, the Inn agreed to make only those inquiries related to service animals permissible under the Americans With Disabilities Act, and to adopt, implement, and train current and new employees on a DOJ approved Service Animal Policy.

Requests for International Judicial Assistance

DOJ's Office of International Judicial Assistance forwarded requests to the United States Attorney's Office (USAO) from the governments of Israel, Argentina, and Costa Rica, (under the Hague Evidence Convention and a separate treaty), for assistance in securing evidence from Nebraska financial institutions for use in civil litigation pending in those countries. The USAO secured court orders appointing the ACE AUSA a commissioner with the authority to issue subpoenas for the requested information, which she did, and with which the financial institutions complied. The USAO forwarded the evidence to Washington, D.C., to be provided to the requesting countries.

Internal Revenue Service Summons Enforcement

In connection with an investigation into the tax liability of a small business entity, the IRS issued summonses with which the business and its owner did not comply. The USAO filed petitions to enforce the IRS summonses and a Show Cause hearing was scheduled. In advance of the hearing, the respondent complied with the summonses and the matters were dismissed.

CIVIL LITIGATION CASES

The Court remanded the action back to the Corps for further consideration. The case was defended primarily by the Environmental Natural Resources Division of DOJ with the USAO acting as local counsel.

Hauder v. Small Business Administration, et al. - Plaintiff signed a personal guarantee of a Small Business Administration (SBA) loan for the original debtor, Hauder. SBA began collection of the debt through wage garnishment of Plaintiff's wages. Plaintiff filed a Third Amended Complaint alleging an Administrative Procedure Act claim against the SBA and a *Bivens* claim against individual SBA employees. The Parties reached a settlement where Plaintiff paid back the SBA loan in full, with all interest accrued, in exchange for "paid in full" letters for him and the original debtor.

Bowmar v. U.S. Fish & Wildlife - U.S. Fish and Wildlife Service (FWS) agents obtained federal search and seizure warrants and executed those warrants to seize Plaintiffs' property, including electronic evidence. Plaintiffs Bowmars brought a lawsuit under Fed. R. Crim. P. Rule 41 (g) against FWS and individual FWS agents. Plaintiff sought an order to compel FWS to return all property and suppress any evidence or materials seized by FWS. Magistrate Judge Zwart recommended the suit be dismissed because Plaintiffs failed to show the seizure or retention of property was a violation of Plaintiffs' constitutional rights, or that Plaintiffs suffered irreparable harm, lack of a remedy, or individual need for the electronic evidence. Judge Gerrard adopted the Magistrate Judge findings and dismissed the case for lack of jurisdiction under Fed. R. Civ. Rule 12 (b)(1).

COMMERCIAL LITIGATION

In re Saint James Apartment Partners, LLC. Saint James Apartment Partners, LLC v. HUD - This case initiated as a Chapter 11 bankruptcy filed by Saint James Apartment Partners, LLC ("Saint James"). Saint James listed an account receivable from HUD in excess of \$800,000 even though there was no contractual relationship with HUD. In this regard, Saint James had purchased an apartment complex from St. James, Manor, LP which had a Housing Assistance Payment ("HAP") contract with HUD to

provide housing for low income tenants.

Saint James Apartment Partners, LLC did not obtain approval from HUD for an assignment of the HAP contract, but continued to provide housing for what it claimed were low income tenants. HUD did not honor the assignment because Saint James did not follow the regulations by getting prior participation approval from HUD and prior approval of the HAP contract. This issue remained in dispute. After a significant flurry of motion practice, eventually, Saint James dismissed the Chapter 11 bankruptcy and filed suit against HUD in the U.S. District Court for Nebraska. The parties ultimately entered into a settlement agreement wherein HUD agreed to provide Saint James with a HAP contract for the limited period of July 2018 through August 2020. Saint James will be permitted to submit vouchers for this time period, but must provide all required documentation showing the tenants were qualified for housing assistance through HUD. The district court case was dismissed as part of the settlement.

Juan Pablo Sanchez Delgado and Magdalena Castro Benitez - This case highlights the cooperation between the USAO's general crimes unit, asset forfeiture unit, and the financial litigation unit (FLU). During the course of the criminal investigation, various funds were seized. Some of those funds were administratively forfeited, some were slated for criminal forfeiture, and some were not listed for forfeiture at all. FLU assisted by reviewing claims for restitution from the victims and making recommendations regarding the amount to be claimed. Eventually restitution was ordered against Juan Pablo Sanchez Delgado in the amount of \$760,574, which is to be paid to various alien/immigrant workers who were taken advantage of by the defendants as part of their criminal scheme. Forfeiture proceeded against real estate only. The FLU then filed a motion to transfer seized funds which had not been administratively or criminally forfeited to the clerk of the court for application towards the restitution order. The district court granted the motion and ordered that \$149,337.06 be transferred to the clerk of the court to be applied to the special assessments and restitution.

Wells v. Department of Education - This was an adversary proceeding to attempt to discharge a student loan. The USAO defended the case which went to trial and the Court found for

CIVIL LITIGATION CASES

DEFENSIVE TORT LITIGATION**Federal Tort Claims Act (FTCA)****Velazquez v. United States of America -**

The USAO obtained dismissal with prejudice of a medical malpractice case after a grant of summary judgment by the Court. The United States moved for summary judgment, claiming Plaintiff's claims were untimely and thus the Court lacked subject matter jurisdiction to adjudicate the lawsuit. The Court agreed and dismissed Plaintiff's lawsuit.

Rodeghier v. United States of America -

The USAO obtained dismissal without prejudice of the case of after arguing that the Civil Service Reform Act (CSRA) provided Plaintiff his sole remedy and precluded a claim under the FTCA. Despite Plaintiff pleading the lawsuit as one under the FTCA, the Court found the lawsuit was an employment dispute and "squarely within the gambit of the CSRA." Thus, the Court lacked subject matter jurisdiction over Plaintiff's lawsuit.

Diseased Carcass - A mutually agreed upon settlement of an FTCA case was reached where a packing plant filed suit against the United States of America alleging that the Food Safety Inspection Service of the United States Department of Agriculture (USDA) failed to take appropriate measures in the proper securing and retention of a carcass which had been tagged for further scientific testing due to a concern for disease. After initially being retained and released, the carcass was emergently retrieved and destroyed and the company sought monetary damages for USDA's alleged failure to follow their own regulations in the proper handling of such situations.

Bivens – Constitutional Tort Claims

Polak v. Laney et al. - Plaintiff filed a Bivens case against Special Deputy U.S. Marshal Laney. Plaintiff was arrested at his home by SDUSM Laney and the Metro Area Fugitive Task Force on state felony warrants. Plaintiff refused to leave his garage when officers arrived, then Plaintiff resisted efforts by officers to put handcuffs on Plaintiff. Plaintiff alleged SDUSM Laney violated his Fourth Amendment right to be free from excessive force. Judge Buescher granted

summary judgment to SDUSM Laney because the officer was entitled to qualified immunity on Plaintiff's claims. The Court found the officers had an objectively reasonable belief that some use of force was necessary, and the officers' use of force to place Plaintiff in handcuffs was reasonable. Plaintiff has appealed the District Court's judgment.

DEFENSIVE PROGRAM LITIGATION**Injunction / Judicial
Review of Administrative Action**

Gubbels, et al. v. United States Department of Agriculture, et al. – The USAO obtained dismissal without prejudice of the case of after arguing, in part, that Plaintiffs' lawsuit was filed before a final agency action under the Agency's suspension and debarment regulations. The Court agreed finding that there had been no consummation of the Agency's decision making processes such that Plaintiffs' suspension could be deemed a final agency action. Additionally, the Court granted summary judgment to the Government on Plaintiffs' Constitutional violation claims finding that it had complied with Agency regulations regarding suspension and debarment and that this regulatory scheme comported with due process owed to Plaintiffs as a matter of law. The case initially sought an order seeking a preliminary injunction which was also denied.

CT Properties v. U.S. Corps of Engineers - The U.S. Corps of Engineers found 5.43 acres of land owned by CT Properties was wetlands, and part of the jurisdictional waters of the United States. Plaintiff had excavated land from this site to construct a storage facility, and the Corps determined wetlands likely existed on the site prior to the construction. Plaintiff's land was on an unnamed tributary of the Elkhorn River. The Plaintiff challenged the Corps decision under the Administrative Procedure Act. Judge Gerrard found the Corps' approved jurisdictional determination was arbitrary, capricious, and an abuse of discretion. The Court found the Corps' decision failed to consider important aspects concerning the formation of the wetlands on the Plaintiff's property and offered explanations for its determination that were counter to the evidence in the administrative record.

CIVIL LITIGATION CASES

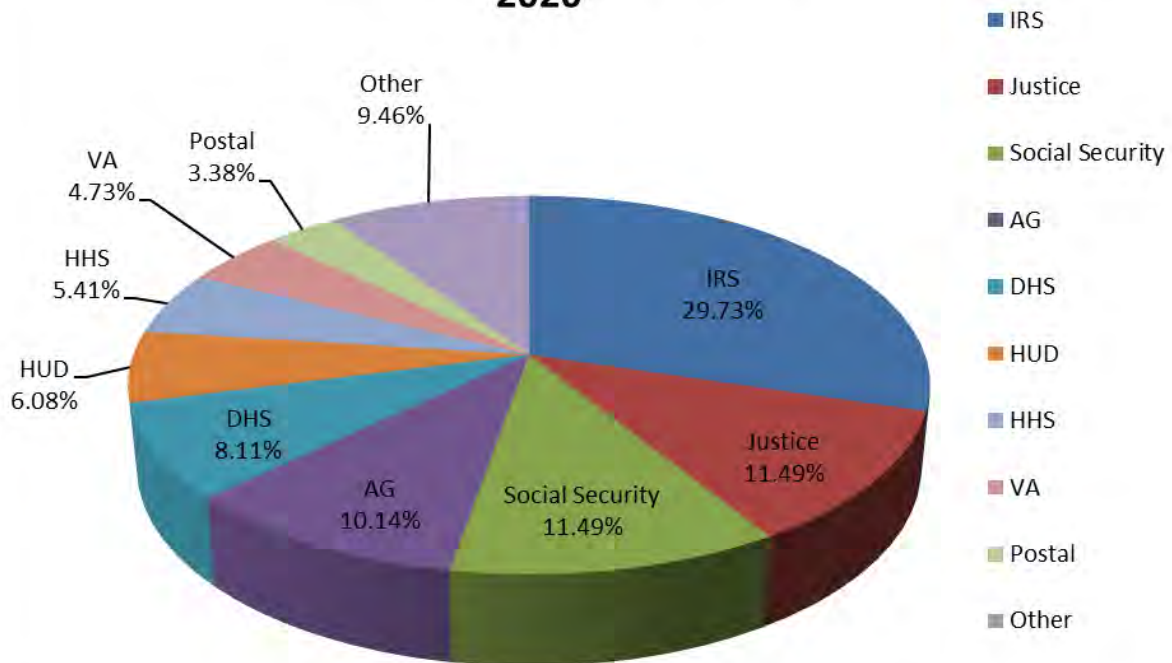
the Department of Education.

Chapter 7 Nondischargeability - In a Chapter 7 bankruptcy in which Farm Service Agency (FSA) was not properly noticed, FSA moved for extension of time to object to discharge. Thereafter, a settlement was reached with the debtors. Pursuant to the agreement, the farm ownership loan was reaffirmed in the bankruptcy and an agreed nondischargeable judgment was obtained in excess of the amount of \$80,000 with respect to two farm operating loans. FSA alleged the Debtors failed to report, or misreported certain sales or disposals of equipment and crop collateral to FSA prepetition.

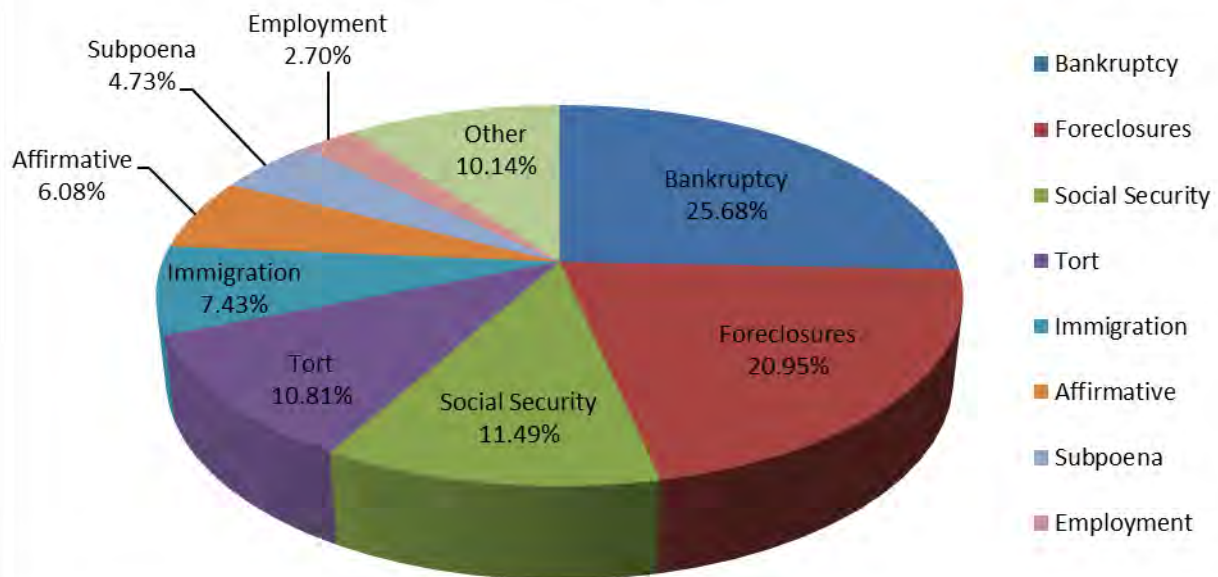
FLU prevents dissipation of assets, pursues garnishment and collects civil judgments, settlements, criminal fines, restitution, and fees - In separate criminal matters, the FLU was successful in securing \$8,161 & \$6,978 which was preserved and was ultimately collected post sentencing. Garnishments, early collection efforts, and paid judgment liens were successful actions taken in several criminal cases yielding collections of \$82,923, \$20,000, \$73,322, \$67,048, \$46,303. Additional monies were collected prior to or at the time sentencing in the amounts of \$200,000, \$95,150, and \$50,000. Overall, through its successful collection efforts, the USAO FLU collected more than \$5.7 million in 2020.

CIVIL DIVISION

Civil Cases Closed by Agency 2020



Civil Cases Closed by Cause of Action 2020



LAW ENFORCEMENT COORDINATION AND COMMUNITY OUTREACH

The USAO Law Enforcement and Community Coordination (LECC) and Victim's Unit facilitate a number of programs designed to support and coordinate the objectives of the criminal justice system at various levels. As a Unit they provide services to victims of federal crime; conduct training; and apprise the community at large about issues related to the criminal justice system. In 2020, the Unit continued its work to maintain strong collaborative partnerships with federal, state, tribal, and local law enforcement agencies to maintain the effectiveness of law enforcement in the District. The Law Enforcement Coordination/Victim Services Unit is headed up by Joe Jeanette. Jose Palacios leads the day-to-day activities of victim services.

The LECC works with the Nebraska Sheriff's Association, the Police Officers' Association of Nebraska, the Police Chiefs' Association of Nebraska, Nebraska Coalition for Victims of Crime and the Nebraska County Attorneys Association to develop and present training on various criminal justice topics. Due to restrictions involving COVID-19 a number of these conferences were cancelled. There will be a move toward virtual or online classes as the situation dictates.

One of the most successful initiatives in Omaha in regard to gun violence is Omaha 360, a collaborative effort under the Umbrella of Omaha's Empowerment Network. The Omaha Police Department gang units and precinct captains attend these weekly meetings with members of the community, government officials and non-profit organizations to focus on the timeline of gun violence and discuss on-going prevention efforts to address the gun violence.

The meetings are also attended by the Law Enforcement Coordinator and Victim Advocates. The meetings feature shooting timeline reports, scheduling of prayer walks for homicide victims, mentoring efforts and reports of reward money paid out each week for gun assault/homicides from Omaha Crime Stoppers. Due to Covid-19 restrictions these meetings have moved to an online format.

The Victim Assistance Unit is an integral part of the USAO, and provides victim advocacy services for federal prosecutions in the District. The Victim Assistance Unit, funded by the Office for Victims of Crime, works with victims of federal crime from the time of the occurrence of the crime through the completion of the prosecution. The Victim Notification System (VNS) notifies victims of the status of investigations, as well as developments in cases accepted for prosecution.

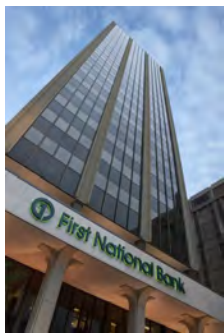
In 2020 VNS provided 40,522 notices to victims of federal crime in Nebraska. There were 116 new victim cases involving 1,060 new victims of federal crime identified and entered into the system during 2020. There are currently 230 active victim cases providing notice and services to 2,298 victims.

Victim services include information and assistance with travel and lodging related to court appearances, courtroom support, and referrals to other agencies for counseling, shelter, and other assistance. The Victim Assistance Unit provides oversight and coordination to the Multi-disciplinary Child Abuse Investigation Teams located on the three Tribal Reservations.

The United States Attorney's Office, in partnership with Creighton University and University of Nebraska, Kearney, held the 7th Nebraska Victim Assistance Academy (NEVAA). Creighton University has ownership of NEVAA which will keep the academy moving forward as a standard course of education. This gives Nebraska a comprehensive, foundation level victim assistance course of study with a focus on victimology, victims' rights, and victim services that reflect the laws and practices of the state, specifically for Nebraska. NEVAA is available to victim service providers, prosecutors, educators, clergy and all allied professionals who routinely assist crime victims.



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WEBSITES OF INTEREST

Other U.S. Attorney's Offices: <http://www.usdoj.gov/usao/>

Department of Justice: <http://www.usdoj.gov/>

Federal Bureau of Prisons: <http://www.bop.gov>

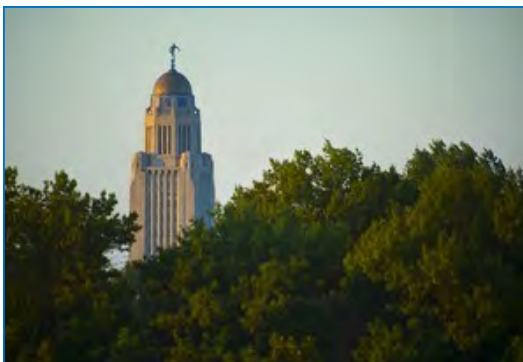
Federal Bureau of Investigation: <http://www.fbi.gov/>

Bureau of Alcohol, Tobacco, and Firearms and Explosives:
<https://www.atf.gov/kansas-city-field-division/nebraska-field-offices>

U.S. Marshals Service: <http://www.usmarshals.gov/>

U.S. Department of Homeland Security: <http://www.dhs.gov/>

Extensive list of official Federal Government websites: <http://www.usa.gov/>



Photos courtesy of The Nebraska Tourism Commission

