

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

CHARLES WHITEBEAR MERRILL,

Defendant.

Case: 1:18-cr-20408
Judge: Ludington, Thomas L.
MJ: Morris, Patricia T.
Filed: 06-13-2018 At 03:34 PM
SEALED MATTER (krc)

INDICTMENT

THE GRAND JURY CHARGES:

COUNT ONE
(18 U.S.C. §§ 2242(2), 1151 and 1153)
(Attempted Sexual Abuse)

On or about March 3, 2018, in the Northern Division of the Eastern District of Michigan, within Indian country, as defined in 18 U.S.C. § 1151, that is, the Isabella Reservation, Charles Whitebear Merrill, an Indian, attempted to knowingly engage in a sexual act with A.R., that is: contact between his penis and A.R.'s vulva or anus; while A.R. was, as the defendant well knew at that time, incapable of appraising the nature of the conduct, physically incapable of declining participation, and physically incapable of communicating unwillingness to engage in the aforementioned attempted sexual act, in violation of 18 U.S.C. §§ 2242 and

1153.

COUNT TWO
(18 U.S.C. §§ 2242(2), 1151 and 1153)
(Attempted Sexual Abuse)

In or around March, 2014, in the Northern Division of the Eastern District of Michigan, within Indian country, as defined in 18 U.S.C. § 1151, that is, the Isabella Reservation, Charles Whitebear Merrill, an Indian, attempted to knowingly engage in a sexual act with A.R., that is: contact between his penis and A.R.'s vulva or anus; while A.R. was, as the defendant well knew at that time, incapable of appraising the nature of the conduct, physically incapable of declining participation, and physically incapable of communicating unwillingness to engage in the aforementioned attempted sexual act, in violation of 18 U.S.C. §§ 2242 and 1153.

COUNT THREE
(18 U.S.C. §§ 2242(2), 1151 and 1153)
(Attempted Sexual Abuse)

In or around June, 2009, in the Northern Division of the Eastern District of Michigan, within Indian country, as defined in 18 U.S.C. § 1151, that is, the Isabella Reservation, Charles Whitebear Merrill, an Indian, attempted to knowingly engage in a sexual act with K.S., that is: penetration of K.S.'s genital opening by a hand or finger; while K.S. was, as the defendant well knew at that time, incapable of appraising the nature of the conduct, physically incapable of

declining participation and physically incapable of communicating unwillingness to engage in the aforementioned attempted sexual act, in violation of 18 U.S.C. §§ 2242 and 1153.

Dated: June 13, 2018

THIS IS A TRUE BILL

s/Grand Jury Foreperson
GRAND JURY FOREPERSON

MATTHEW SCHNEIDER
United States Attorney

s/Roy R. Kranz
ROY R. KRANZ (P56903)
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s/Anthony P. Vance
ANTHONY P. VANCE
Assistant U.S. Attorney
Chief, Branch Offices

Companion Case information MUST be completed by AUSA and initialed

United States District Court Eastern District of Michigan	Criminal Case Cover Sheet	Case Number
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NOTE: It is the responsibility of the Assistant U.S. Attorney signing this form to complete it accurately in all respects.

<p>Companion Case Information</p> <p>This may be a companion case based upon LCrR 57.10 (b)(4)¹:</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>	<p>Case: 1:18-cr-20408 Judge: Ludington, Thomas L. MJ: Morris, Patricia T. Filed: 06-13-2018 At 03:34 PM SEALED MATTER (krc)</p>
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Case Title: USA v. Charles Whitebear Merrill

County where offense occurred: Isabella

Check One: **Felony** **Misdemeanor** **Petty**

 X Indictment/ Information --- **no** prior complaint.
 Indictment/ Information --- based upon prior complaint []
 Indictment/ Information --- based upon LCrR 57.10 (d) [Complete Superseding section below].

Superseding Case Information

Superseding to Case No: _____ **Judge:** _____

- Corrects errors; no additional charges or defendants.
- Involves, for plea purposes, different charges or adds counts.
- Embraces same subject matter but adds the additional defendants or charges below:

<u>Defendant name</u>	<u>Charges</u>	<u>Prior Complaint (if applicable)</u>
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Please take notice that the below listed Assistant United States Attorney is the attorney of record for the above captioned case.

Date: June 13, 2018



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¹ Companion cases are matters in which it appears that (1) substantially similar evidence will be offered at trial, (2) the same or related parties are present, and the cases arise out of the same transaction or occurrence. Cases may be companion cases even though one of them may have already been terminated.