

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
NORTHERN DIVISION

FILED

OCT 06 2015


CLERK

UNITED STATES OF AMERICA,

Plaintiff,

vs.

CARRIE GODFREY (a/k/a Carrie His
Gun, a/k/a Carrie Kampeska),
GERALD GERMAN, JR.,
ANN GERMAN, CALVIN MAX, SR.,
GERALD HEMINGER, JR., and
COLETTE WHITE,

Defendants.

CR15- 10035-01
-02 -05
INDICTMENT -03 -04
-04

Conspiracy to Commit Theft From an
Indian Tribal Organization; Theft
From an Indian Tribal Organization;
Aiding and Abetting

18 U.S.C. §§ 371, 1163, and 2

The Grand Jury charges:

COUNT 1.
Conspiracy

A. Relevant Persons and Entities:

At all times relevant to this indictment:

1. The Sisseton-Wahpeton Oyate Tribe ("Tribe") is an Indian tribal organization.

2. The Big Coulee District ("District") is a political subdivision of the Tribe and is an Indian tribal organization. The District manages its affairs in a manner that is consistent with the Tribe's Constitution.

3. Enrolled members of the District elect an executive board to serve the District. The members of the executive board receive stipends from the District to compensate them for their service.

4. Defendants Gerald German, Jr., Gerald Heminger, Jr., and Carrie Godfrey served on the District executive board from approximately January 2007 through January 2011.

5. Defendants Gerald German, Jr., Calvin Max, Sr., Carrie Godfrey, and Colette White served on the District executive board from approximately January 2011 through January 2015.

6. Defendant Ann German has been employed as the Big Coulee District Coordinator since approximately November 2008.

B. Introduction:

Beginning on or about June 16, 2010, and continuing through March 11, 2013, in the District of South Dakota and elsewhere, Carrie Godfrey (a/k/a Carrie His Gun, a/k/a Carrie Kampeska), Gerald German, Jr., Ann German, Calvin Max, Sr., Gerald Heminger, Jr., and Colette White did knowingly and willfully conspire and agree together and with each other to commit the offense of embezzlement and theft from an Indian tribal organization, in violation of 18 U.S.C. § 1163. Defendants willfully and unlawfully conspired to embezzle, steal, knowingly convert to their own use, willfully misapply, and willfully permit to be misapplied, over \$1,000 of the moneys, funds, credits, goods, assets, and other property belonging to the Big

Coulee District of the Sisseton-Wahpeton-Oyate Tribe, an Indian tribal organization, and entrusted to the custody and care of an officer, employee, and agent of an Indian tribal organization. Defendants acted willfully, for the purpose of enriching themselves, all as described and set forth below, and knew of the unlawful purpose of the conspiracy when they participated in it.

C. Object of the Conspiracy:

The object of the Defendants' conspiracy was personal enrichment by fraudulently obtaining funds from an Indian tribal organization.

D. Manner and Means of the Conspiracy:

1. The Big Coulee District receives most of its funding from the Tribe, which derives most of that money from gaming revenue. The District uses some of its funding to support the District's assistance programs, which are available to enrolled District members. Such assistance programs include home repair assistance and emergency repair assistance.

2. Pursuant to District policy, in order to be considered for a home repair or emergency repair assistance payment, an eligible District member must complete an application and provide support for the request, such as an estimate or invoice for the repair, and proof of ownership or contract for deed for the property to be repaired. The application and supporting documentation are then considered by the District executive board. If approved, then the District member is placed on a waiting list and will receive an assistance payment as funds allow.

3. The defendants wrote themselves checks from the District's account, purportedly for home repair or emergency repair assistance payments. The defendants knew that the assistance checks were not properly supported.

4. The defendants also wrote themselves checks from the District's account to help them cover their tax liability for the stipends they received.

5. The defendants cashed or deposited their checks and used the funds for their own purposes.

E. Overt Acts:

In furtherance of the conspiracy and to accomplish the object thereof, the defendants did commit the following overt acts, as well as others, in the District of South Dakota:

1. On or about January 28, 2011, Carrie Godfrey and Gerald Heminger, Jr. signed five District checks. One check was payable to Carrie Godfrey in the amount of \$4,944.69. The four checks payable to Gerald German, Jr., Ann German, Calvin Max, and Gerald Heminger, Jr. were in the amount of \$5,000 each. Each check was purportedly issued for home repair assistance, but was not properly supported by an application and/or other supporting documentation. Each defendant used the funds for his or her own purposes.

2. On or about February 2, 2012, Gerald German, Jr. and Colette White signed one District check payable to Ann German in the amount of \$2,725.00. The check was purportedly issued for home repair, but it was not

properly supported by an application and/or other supporting documentation. The defendant used the funds for her own purposes.

3. On or about June 6, 2012, Calvin Max., Sr. and Colette White signed one District check payable to Carrie Godfrey in the amount of \$2,500.00. The check was purportedly issued for home repair, but it was not properly supported by an application and/or other supporting documentation. The defendant used the funds for her own purposes.

4. On or about May 29, 2012 through May 30, 2012, Gerald German, Jr. and Colette White signed five District checks payable to Gerald German, Jr., Carrie Godfrey, Colette White, Calvin Max, Sr., and Gerald Heminger, Jr. The combined total of the five checks was approximately \$8,490.00. Each check was issued to assist the defendants with paying their income tax liability incurred from the stipends they received as District executives. However, these checks were not authorized by the District. Each defendant used the funds for his or her own purposes.

5. On or about March 6, 2013, Calvin Max., Sr. and Colette White signed one District check payable to Calvin Max., Sr. in the amount of \$4,372.50. The check was issued to assist the defendant with paying his income tax liability incurred from the stipends he received as a District executive. However, this check was not authorized by the District. The defendant used the funds for his own purposes.

6. On or about March 11, 2013, Gerald German, Jr., and Colette White signed three District checks payable to Gerald German, Jr., Colette White, and Carrie Godfrey. The combined total of the three checks was approximately \$11,205.00. Each check was issued to assist the defendants with paying their income tax liability incurred from the stipends they received as District executives. However, these checks were not authorized by the District. Each defendant used the funds for his or her own purposes.

The Defendants' actions were in violation of 18 U.S.C. §§ 371 and 1163.

COUNT 2.

Embezzlement and Theft from Indian Tribal Organization

All of the allegations set forth in Count 1 are realleged and incorporated herein.

Between on or about June 16, 2010, and continuing through October 5, 2012, in the District of South Dakota and elsewhere, Carrie Godfrey (a/k/a Carrie His Gun, a/k/a Carrie Kampeska), Gerald German, Jr., Ann German, Calvin Max, Sr., Gerald Heminger, Jr., and Colette White did willfully and unlawfully embezzle, steal, knowingly convert to their own use, willfully misapply, and willfully permit to be misapplied, over \$1,000 of the moneys, funds, credits, goods, assets, and other property belonging to the Big Coulee District of the Sisseton-Wahpeton Oyate Tribe, an Indian tribal organization, and entrusted to the custody and care of an officer, employee, and agent of an

Indian tribal organization, and did aid and abet each other in committing the offense.

The Defendants' actions were in violation of 18 U.S.C. §§ 1163 and 2.

COUNT 3.

Embezzlement and Theft from Indian Tribal Organization

All of the allegations set forth in Count 1 are realleged and incorporated herein.

Between on or about May 29, 2012, and continuing through March 11, 2013, in the District of South Dakota and elsewhere, Carrie Godfrey (a/k/a Carrie His Gun, a/k/a Carrie Kampeska), Gerald German, Jr., Calvin Max, Sr., Gerald Heminger, Jr., and Colette White did willfully and unlawfully embezzle, steal, knowingly convert to their own use, willfully misapply, and willfully permit to be misapplied, over \$1,000 of the moneys, funds, credits, goods, assets, and other property belonging to the Big Coulee District of the Sisseton-Wahpeton Oyate Tribe, an Indian tribal organization, and entrusted to the custody and care of an officer, employee, and agent of an Indian tribal organization, and did aid and abet each other in committing the offense.

The Defendants' actions were in violation of 18 U.S.C. §§ 1163 and 2.

A TRUE BILL:

NAME REDACTED

Foreperson

RANDOLPH J. SEILER
Acting United States Attorney

By: 