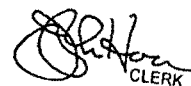


UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
NORTHERN DIVISION

FILED

AUG 13 2013


CLERK

UNITED STATES OF AMERICA,

CR13-10015

Plaintiff,

SUPERSEDING INDICTMENT

vs.

DAVID RED THUNDER,
RONALD DUMARCE,
DARRELL WHITE, and
EDWARD RED OWL,

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

18 U.S.C. §§ 371, 1163, and 2

Defendants.

The Grand Jury charges:

COUNT 1.
Conspiracy

A. Relevant Persons and Entities:

At all times relevant to this indictment:

1. The Sisseton-Wahpeton Housing Authority is an Indian tribal organization whose purpose is to provide housing services and assistance to eligible members of the Sisseton-Wahpeton Oyate Sioux Tribe ("Tribe").
2. The Lake Traverse District ("District") is a subdivision of the Tribe.

3. The Lake Traverse Economic Development Corporation (“LTEDC”) is a for-profit business entity established by the District to promote economic development in the District.

4. The Lake Traverse Aid Incorporation (“LTAI”) is a non-profit entity established by the LTEDC to further promote economic development in the District.

5. Defendants David Red Thunder, Darrell White, and Edward Red Owl were on the board of directors of both the LTEDC and the LTAI.

B. Introduction:

Beginning on or about April 19, 2011, and continuing through August 4, 2011, in Roberts County, in the District of South Dakota and elsewhere, David Red Thunder, Ronald DuMaroe, Darrell White, and Edward Red Owl 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 Sisseton-Wahpeton Oyate Sioux 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 Lake Traverse District and the LTEDC acquired three trailer homes, which were given to three members of the District who were in need of new housing.

2. The Tribe has a Homebuyers Program that provides down payment assistance to first-time homebuyers. The Program is administered by the Sisseton-Wahpeton Housing Authority.

3. The Defendants, on behalf of the LTAI, submitted a voucher to the Sisseton-Wahpeton Housing Authority requesting reimbursement from the Tribe's Homebuyers Program in the approximate amount of \$15,700. The voucher claimed that the LTAI needed to be reimbursed because the LTAI paid to transport and set up the three trailer homes.

4. The Sisseton-Wahpeton Housing Authority issued a check in the approximate amount of \$15,700 payable to the LTAI as reimbursement for the LTAI's claimed expenses for transporting and setting up the three trailer homes.

5. The check was deposited into the LTAI bank account. Shortly after the deposit, checks were written to and cashed by the Defendants.

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 April 19, 2011, David Red Thunder prepared and submitted a voucher to the Sisseton-Wahpeton Housing Authority requesting reimbursement of approximately \$15,700 for costs incurred by the LTAI to set up three trailer homes. Attached to and in support of the voucher were three contracts for deed, one for each trailer home. Ronald DuMarce signed each contract for deed on behalf of the LTAI as the seller of the property.

2. On or about May 16, 2011, Edward Red Owl signed a corporate resolution, attested to by Darrell White and David Red Thunder, to reestablish and reopen the LTAI checking account.

3. On or about May 19, 2011, a check for approximately \$15,700 from the Sisseton-Wahpeton Housing Authority was deposited into the LTAI checking account.

4. Between on or about May 19, 2011 and August 4, 2011, the LTAI wrote checks payable to each Defendant. The Defendants cashed the checks and used the funds for their 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 April 19, 2011, and August 4, 2011, in Roberts County, in the District of South Dakota and elsewhere, David Red Thunder, Ronald DuMarce, Darrell White, and Edward Red Owl 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 Sisseton-Wahpeton Oyate Sioux 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

BRENDAN V. JOHNSON
United States Attorney

By: 