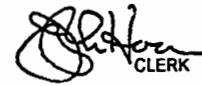


**FILED**

APR 12 2017

  
CLERK

UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH DAKOTA  
WESTERN DIVISION

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UNITED STATES OF AMERICA,

CR 17-50035

Plaintiff,

REDACTED SUPERSEDING  
INDICTMENT

vs.

ALVIN BROWN, JR.,  
MICHAEL PRIMEAUX, and  
JUAN MESTETH,

Conspiracy to Commit Wildlife  
Trafficking  
(18 U.S.C. § 371 and 3237)

Defendants.

Bald & Golden Eagle Protection Act  
(16 U.S.C. § 668(a))

Migratory Bird Treaty Act  
(16 U.S.C. §§ 703(a) and 707(b))

Lacey Act  
(16 U.S.C. §§ 3372(a)(1)),  
3373(d)(1)(B))

Felon in Possession of a Firearm  
(18 U.S.C. §§ 922(g)(1) and 924(a)(2))

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The Grand Jury charges:

Introduction and Background

At all times relevant to this Indictment, unless otherwise indicated:

1. Alvin Brown, Jr., Michael Primeaux, and Juan Mesteth (referred to collectively as "Defendants") are enrolled members of Federally recognized tribes, the Northern Arapaho Tribe, the Yankton Sioux Tribe and the Oglala Sioux Tribe. The Defendants resided in Wyoming and South Dakota.

2. The Bald and Golden Eagle Protection Act, Title 16 U.S.C. § 668(a) and its associated regulations as found in 50 Code of Federal Regulations, Part 22, makes it unlawful for any person within the United States or any place subject to the jurisdiction thereof, to knowingly, or with wanton disregard for the consequences of his act, take, possess, sell, purchase, barter, offer to sell, purchase or barter, transport, export or import, at any time or in any manner, any bald eagle, or any golden eagle, alive or dead, or any part, nest, or egg thereof of the foregoing eagles.

3. The Migratory Bird Treaty Act, Title 16 U.S.C. § 703 and its associated regulations as found in Title 50 Code of Federal Regulations, Parts 10, 20, and 21, make it unlawful, except as permitted, to pursue, hunt, take, capture, kill, attempt to take, capture, or kill, possess, offer for sale, sell, offer to barter, barter, offer to purchase, purchase, deliver for shipment, ship, export, import, cause to be shipped, exported or imported, deliver for transportation, transport or caused to be transported, carry or cause to be carried, or receive for shipment, transportation, carriage, or export, any migratory bird, any part, nest, or egg of any such bird.

4. The Lacey Act, Title 16 U.S.C. § 3372(a)(1), makes it unlawful for any person to import, export, transport, sell, receive, acquire, or purchase any fish or wildlife taken, possessed, transported or sold in violation of any law, treaty, or regulation of the United States or in violation of Indian tribal law.

COUNT I  
Conspiracy to Commit Wildlife Trafficking

5. The allegations contained in paragraphs 1 through 4 are realleged and incorporated as if fully set forth in this paragraph.

6. On or about between the 6th day of July, 2015, and the 11th day of April, 2016, in the District of South Dakota and elsewhere, the defendants,

ALVIN BROWN, JR.,  
MICHAEL PRIMEAUX, and  
JUAN MESTETH,

did willfully, knowingly, intentionally, and unlawfully combine, conspire, confederate and agree together with others, known and unknown to the Grand Jury, to commit the following offense against the laws of the United States, to wit: knowingly perform acts that involved the sale and purchase of wildlife with a market value in excess of \$350.00, in that on or about the above-mentioned dates, the defendants did knowingly transport, purchase, sell, receive, and acquire wildlife, that is bald and golden eagles, knowing that said wildlife was taken, possessed, transported or sold in violation of and in a manner unlawful under the laws of the United States, specifically the Bald and Golden Eagle Protection Act, 16 U.S.C. § 668(a), the Migratory Bird Treaty Act, 16 U.S.C. §§ 703(a) and 707(b) and the Lacey Act, 16 U.S.C. §§ 3372(a)(1) and 3373(d)(1)(B), all in violation of 18 U.S.C. § 371 and 3237.

Means and Manner

The Defendants and their coconspirators sought to accomplish the objects of the conspiracy through the following methods and means, among others:

7. Defendants all know each other and have trafficked in eagle and migratory birds amongst themselves and with others.

8. Defendants obtained eagles and parts thereof from others that they knew had illegally taken and transported the eagles and parts thereof in and to South Dakota and Wyoming in order to sell the eagles and parts thereof.

9. Defendants offered the eagles and parts thereof for sale to potential buyers in person and through electronic communications such as text messages.

#### Overt Acts

In furtherance of the conspiracy and to effect its objectives, within the District of South Dakota and elsewhere, the Defendants, along with others, committed and caused to be committed, among other acts, the following:

10. In June of 2015, a Confidential Informant (CI) whose identity is known, had contact with Juan Mesteth in and around Pine Ridge, South Dakota. During these contacts, the two discussed buying/selling various Native American trade goods, including eagle feathers and parts.

11. On or about July 6, 2015, Mesteth sent the CI text messages indicating he had a fan for sale. The two men agreed to meet at Big Bat's in Pine Ridge, South Dakota. During this meeting, Mesteth offered for sale a fan made out of migratory bird feathers for \$350. The CI purchased the fan.

12. On or about July 9, 2015, Mesteth sent the CI more text messages concerning meeting up and items for sale. The two met at Big Bat's where Mesteth produced a Sparrow Hawk (sharp-shinned hawk) fan and a bag

containing eagle feathers. Mesteth stated he wanted \$300 for both items. The CI purchased both items for \$300.

13. On or about July 10, 2015, Mesteth again texted the CI with pictures of a red-tailed hawk and scarlet macaw fan he had for sale. The two men agreed to meet up and the CI purchased the fan for \$500. Mesteth talked about going hunting for birds with the CI.

14. On or about July 15, 2015, Mesteth and the CI met at Big Bat's. Mesteth stated he had a friend that had a whole carcass eagle for sale for \$1,000. He stated his friend wanted to keep the eagle wing bones for whistles but that he could find the CI other wing bones. The CI paid Mesteth \$200 for four eagle bones that would be delivered at a later time. They further agreed the whole eagle carcass would now be \$800 as it was missing the wing bones.

15. During the meetings with Mesteth in July of 2015, he talked about having "connects" in Wyoming who could get the CI whole carcass eagles and would take the CI hunting for eagles. Mesteth provided the name of Michael Primeaux and provided a contact number for him. Mesteth stated that Primeaux still owed him hawk feathers from a previous deal. The CI and Primeaux exchanged text message on or about July 27, 2015, and Primeaux sent a photo of a bald eagle tail that he had for sale.

16. On or about July 20 and 21, 2015, the CI met Primeaux in Wyoming. The CI explained that Mesteth had told him he might have trade goods for sale. They continued to discuss feathers, wings and tails. Primeaux sold the CI one

fan with seven eagle feathers and one loose eagle feather for \$100 and three bear claw pendants. The next day Primeaux and the CI met again where Primeaux sold the CI three hawk wings, 20 eagle plumes and 13 eagle feathers for \$200.

17. On or about August 6, 2015, Primeaux sent text messages to the CI in South Dakota of a bald eagle tail that he had for sale. Primeaux indicated the CI could make a deposit on the tail.

18. On or about August 12, 2015, the CI met up with Primeaux and purchased a golden eagle wing and a rough-legged hawk fan for \$200 and one bear claw pendant. Primeaux then took the CI to a residence in Ethete, Wyoming to introduce the CI to Alvin Brown, Jr., for the purpose of buying eagle parts. Brown showed the CI an immature bald eagle tail while the three men discussed eagle and hawk parts that Brown had for sale. The CI purchased one bald eagle tail, one ferruginous hawk tail, two rough-legged hawk tails and one eagle bone whistle from Brown for \$700 in cash.

19. On or about August 13, 2015, the CI went to Brown's residence in Wyoming. Brown showed the CI white tail feathers from an adult bald eagle. Additionally, Brown showed the CI two eagle plumes that were wrapped in leather and had beads attached. The CI purchased the eagle tail and two eagle plumes for \$400 in cash. The CI also met with Primeaux on this date. The CI purchased one eagle wing bone for \$40 from Primeaux.

20. On or about August 19, 2015, Primeaux again texted the CI in South Dakota and offered for sale a bald eagle tail. He wanted \$150 down payment

sent to him via Walmart money order. The CI agreed to purchase the tail and wired Primeaux \$150.

21. On or about September 11, 2015, Mesteth and the CI met up in Pine Ridge, South Dakota. During the meeting, Mesteth sold the CI one macaw feather, one eagle bone whistle, and two containers of plant material for \$200.

22. On or about October 6, 2015, the CI met with Brown at his Wyoming residence. Brown showed the CI various hawk and eagle parts including a complete tail fan from an immature bald eagle. Brown spoke about other species of protected and migratory bird feathers he had in his possession which included a Philippine serpent eagle, woodpeckers, Malaysian hornbills, water birds, and a caracara. Brown talked about prices for the feathers he was offering for sale and stated he wanted "\$400" for the bald eagle tail feathers. Brown continued talking about prices and valued hawk tails at "\$50" each.

23. Later that same day, the CI again met with Brown at his residence. Brown showed the CI twelve tail feathers from what he said was a Philippine serpent eagle and commented that he just received the feathers in the mail that day. The CI offered Brown \$1,000 and some bear claw pendants for a complete immature bald eagle tail, six hawk tails, one Malaysian horn bill tail, one golden eagle foot and twelve Philippine serpent eagle feathers. Brown said the Philippine serpent eagle was worth \$500 alone. Brown countered the offer and said he would accept the \$1,000 and a piece of white buckskin for all of the bird parts. The CI agreed and the sale was completed.

24. The CI also met with Primeaux and another individual on or about October 6, 2015. Primeaux offered to sell the CI one immature bald eagle tail feather fan for \$400 and four bear claw pendants. The transaction did not come to fruition.

25. On or about October 8, 2015, the CI received a text message from Brown stating he had scored some wings and asked the CI to stop by. The CI purchased 2 eagle wings, 2 partial wings and 30 golden eagle feather for \$500.

26. Also on or about October 8, 2015, Primeaux sold the CI one golden eagle tail feather fan, and one loose golden eagle feather for \$740. Primeaux then introduced the CI to another individual. Primeaux and this other man then sold the CI two eagle wings and three partial eagle wings for \$200.

27. On or about October 26, 2015, Mesteth sold the CI a Marlin .22 LR Model 60 rifle for \$100 in Pine Ridge, South Dakota. During this sale, Mesteth told the CI he gets most of his feathers from Primeaux and Brown.

28. In mid to late December 2015, the CI and Brown exchanged text messages about feather items Brown had for sale. Brown wanted the money wired to him in Wyoming but using another individual's name. The men agreed on \$1,000 for 20 eagle feathers, 4 eagle feathers with bead work, and 24 hawk feathers. Brown agreed to mail the feathers to an address in Aberdeen, South Dakota. On or about December 22, 2015, Brown mailed the feathers to Aberdeen and two \$500 Walmart money orders were wired to Brown, using his girlfriend's name. Brown confirmed via text message that he had received the money. On



or about December 31, 2015, the hawk and eagle feathers arrived in South Dakota. The feathers were wrapped as Christmas presents.

29. On or about February 6, 2016, the CI met with Brown at his residence in Wyoming. Brown talked about having a whole carcass ferruginous hawk for sale. Brown also told the CI the tail had been removed from the ferruginous hawk, but that he still possessed the tail. On or about February 7, 2016, the CI again met with Brown at his residence. Brown produced the hawk carcass with the tail removed. Brown then went into another room and came back with the hawk tail. The CI purchased the hawk carcass, hawk tail, one golden eagle feather and a piece of bead work for \$300.

30. Subsequent review and genetic testing at the United States Fish and Wildlife Forensic Laboratory of all the items purchased from the Defendants confirmed the items were eagle and other migratory birds.

COUNT II  
Bald and Golden Eagle Protection Act

On or about July 9, 2015, in the District of South Dakota, the Defendant, Juan Mesteth, without being permitted to do so, did knowingly, and with wanton disregard for the consequences of his actions, possess, sell, barter, and offer to sell and barter, a bald eagle commonly known as the American eagle, and a golden eagle, and parts thereof of the foregoing eagles, all in violation of 16 U.S.C. § 668(a).

COUNT III  
Bald and Golden Eagle Protection Act

On or about September 11, 2015, in the District of South Dakota, the Defendant, Juan Mesteth, without being permitted to do so, did knowingly, and with wanton disregard for the consequences of his actions, possess, sell, barter, transport and offer to sell and barter, a bald eagle commonly known as the American eagle, and a golden eagle, and parts thereof of the foregoing eagles, in violation of 16 U.S.C. § 668(a).

COUNT IV  
Bald and Golden Eagle Protection Act

On or about between December 21, 2015, and December 31, 2015, in the District of South Dakota, the Defendant, Alvin Brown, Jr., without being permitted to do so, did knowingly, and with wanton disregard for the consequences of his actions, possess, sell, barter, transport, and offer to sell and barter, a bald eagle commonly known as the American eagle, and a golden eagle, and parts thereof of the foregoing eagles, all in violation of 16 U.S.C. § 668(a).

COUNT V  
Bald and Golden Eagle Protection Act

On or about between May 1, 2015 and August 19, 2015, in the District of South Dakota, the Defendant, Michael Primeaux, without being permitted to do so, did knowingly, and with wanton disregard for the consequences of his actions, possess, sell, transport, barter, and offer to sell and barter, a bald eagle commonly known as the American eagle, and a golden eagle, and parts thereof of the foregoing eagles, all in violation of 16 U.S.C. § 668(a).

COUNT VI  
Migratory Bird Treaty Act

On or about between July 6, 2015, and July 17, 2015, in the District of South Dakota, the Defendant, Juan Mesteth, did knowingly offer for sale, sell, offer to barter, barter, deliver for transportation, transport, and cause to be transported, a migratory bird and parts thereof of any such bird, all in violation of 16 U.S.C. §§ 703(a) and 707(b).

COUNT VII  
Migratory Bird Treaty Act

On or about May 2015, in the District of South Dakota, the Defendant, Michael Primeaux, did knowingly offer for sale, sell, offer to barter, barter, deliver for transportation, transport, and cause to be transported, a migratory bird and parts thereof of any such bird, all in violation of 16 U.S.C. §§ 703(a) and 707(b).

COUNT VIII  
Migratory Bird Treaty Act

On or about between December 21, 2015, and December 31, 2015, in the District of South Dakota, the Defendant, Alvin Brown, Jr., did knowingly offer for sale, sell, offer to barter, barter, deliver for transportation, transport, and cause to be transported, a migratory bird and parts thereof of any such bird, all in violation of 16 U.S.C. §§ 703(a) and 707(b).

COUNT IX  
Lacey Act

On or about between December 21, 2015, and December 31, 2015, in the District of South Dakota, the Defendant, Alvin Brown, Jr., did knowingly perform

acts that involved the sale and purchase of wildlife with a market value in excess of \$350.00, in that on or about the above-mentioned dates, the Defendant did knowingly import, export, transport, purchase, sell, receive, and acquire wildlife, that is bald and golden eagles, knowing that said wildlife was taken, possessed, transported or sold in violation of and in a manner unlawful under the laws of the United States, specifically the Bald and Golden Eagle Protection Act, 16 U.S.C. § 668(a), and the Migratory Bird Treaty Act, 16 U.S.C. §§ 703(a) and 707(b), all in violation of 16 U.S.C. §§ 3372(a)(1) and 3373(d)(1)(B).

COUNT X

Felon in Possession of a Firearm

On or about October 26, 2015, in Pine Ridge, in the District of South Dakota, the Defendant, Juan Mesteth, having been convicted of a crime punishable by imprisonment for a term exceeding one year, did knowingly possess and receive a firearm, to wit: a Marlin .22LR, Model 60 rifle, serial number 06194430 which had been shipped and transported in interstate commerce, all in violation of 18 U.S.C. §§ 922(g)(1) and 924(a)(2).

A TRUE BILL:

**NAME REDACTED**

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Foreperson

RANDOLPH J. SEILER  
United States Attorney

By: 