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FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

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JAMES R. LARSEN, CLERK
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SPOKANE, WASHINGTON

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

CR-08-134-FVS

9 UNITED STATES OF AMERICA,
10
11 Plaintiff,
12
13 vs.
14
15 KENNETH L. MILETTE,
16
17 Defendant.

INDICTMENT

Vio: 16 U.S.C. § 470ee(b),
Trafficking in
Archeological Resources
(Count 1); 16 U.S.C. §
470ee(c), Trafficking in
Interstate Commerce in
Archaeological Resources
(Count 2); 18 U.S.C. §
1170(a), Trafficking in
Native American Human
Remains and Cultural
Items (Count 3); 16 U.S.C.
§ 668(a), Unlawful
Possession of Golden
Eagle (Count 4); 16 U.S.C.
§§ 3372(a)(1) and (4),
3373(d)(1)(B), Unlawful
Sale of Golden Eagle
(Count 5); 16 U.S.C. §§
703(a) & 707(b)(2),
Unlawful Sale of
Migratory Birds
(Count 6); 16 U.S.C. §
470gg, Forfeiture
(Count 7)

The Grand Jury Charges:

COUNT 1

(TRAFFICKING IN ARCHAEOLOGICAL RESOURCES THE EXCAVATION
OR REMOVAL OF WHICH WAS WRONGFUL UNDER FEDERAL LAW)

Between on or about September 12, 2003, and November 3, 2003, in the
Eastern District of Washington, Kenneth L. Milette did knowing sell, exchange and

1 offer to sell and exchange archaeological resources, to-wit: artifacts including
2 projectile points, stone tools, animal parts, and beads, all being more than 100 years
3 old, excavated and removed from public lands and Indian lands without a permit
4 issued under 16 U.S.C. § 470cc, to-wit: the Nez Perce Indian Reservation, the Coeur
5 d'Alene Indian Reservation, the Spokane Indian Reservation, the Custer Battlefield
6 National Park, the Glacier National Park, the Blackfeet Indian Reservation, and the
7 Lake Roosevelt National Recreation Area, in violation of 16 U.S.C. § 470ee(a) and
8 other provisions, rules, regulations, ordinances, and permits in effect under federal
9 law, the value of which archaeological resources and the cost of restoration and repair
10 of such resources exceeds \$500, all in violation of 16 U.S.C. § 470ee(b).

11
12 **COUNT 2**

13 **(TRAFFICKING IN INTERSTATE COMMERCE IN ARCHAEOLOGICAL
14 RESOURCES THE EXCAVATION OR REMOVAL OF WHICH WAS
WRONGFUL UNDER STATE OR LOCAL LAW)**

15 Between on or about September 12, 2003, and November 3, 2003, in the
16 Eastern District of Washington, Kenneth L. Milette did knowing sell, exchange, and
17 offer to sell and exchange in interstate commerce archaeological resources, to-wit:
18 stone projectile points over 100 years old, excavated, removed, sold, purchased,
19 exchanged, transported, or received in violation of a provision, rule, regulation,
20 ordinance, and permit in effect under state or local law, to-wit, trespass in violation
21 of Colorado Criminal Code § 18-4-504 and theft in violation of Colorado Criminal
22 Code § 18-4-401, the value of which archaeological resources and the cost of
23 restoration and repair of such resources exceeds \$500, all in violation of 16 U.S.C.
24 § 470ee(c).

25 **COUNT 3**

26 **(TRAFFICKING IN NATIVE AMERICAN HUMAN REMAINS AND
27 CULTURAL ITEMS)**

28 Between on or about September 12, 2003, and November 3, 2003, in the

1 Eastern District of Washington, Kenneth L. Milette did knowing sell and use for
2 profit the human remains of a Native American, to-wit: teeth and jaw bone,
3 without the right of possession to those remains as provided in the Native
4 American Graves Protection and Reparation Act, in violation of 18 U.S.C. §
5 1170(a).

6
7 COUNT 4

8 (UNLAWFUL POSSESSION OF GOLDEN EAGLE)

9 Between on or about September 12, 2003, and November 3, 2003, in the
10 Eastern District of Washington, Kenneth L. Milette, without being permitted to do
11 so as provided in 16 U.S.C. § 668, did knowingly possess a golden eagle in
12 violation of 16 U.S.C. § 668(a).

13
14 COUNT 5

15 (UNLAWFUL SALE OF GOLDEN EAGLE)

16 Between on or about September 12, 2003, and November 3, 2003, in the
17 Eastern District of Washington, Kenneth L. Milette did knowingly sell wildlife in
18 interstate commerce, to wit: a golden eagle, which wildlife had a market value in
19 excess of \$350 and had been taken, possessed, transported, and sold in violation of
20 a law, regulation, and treaty of the United States, to-wit: 16 U.S.C. § 668, knowing
21 that the wildlife was sold in violation of, or in a manner unlawful under, a
22 underlying law, treaty, and regulation, all in violation of 16 U.S.C. §§ 3372(a)(1)
23 and (4) and 3373(d)(1)(B).

24
25 COUNT 6

26 (UNLAWFUL SALE OF MIGRATORY BIRDS)

27 Between on or about September 12, 2003, and November 3, 2003, in the
28 Eastern District of Washington, Kenneth L. Milette, knowingly sold, bartered,
offered to sell, and offered to barter, migratory birds, to-wit: a red-headed

1 woodpecker and various eagle feathers and talons attached to Native American
2 objects, in violation of 16 U.S.C. §§ 703 & 707(b)(2).

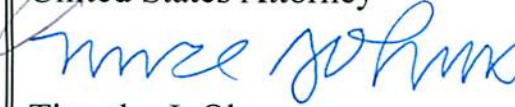
3
4 COUNT 7
5 (FORFEITURE)

6 Upon conviction of the offense alleged in Counts 2 and 3 of this Indictment,
7 Kenneth L. Milette, shall forfeit to the United States, pursuant to 16 U.S.C. §
8 470gg, all archaeological resources pertaining to those counts.

9
10 DATED this 9 day of September, 2008.

11 A TRUE BILL

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14 
15 James A. McDevitt
United States Attorney

16 
17 Timothy J. Ohms
18 Assistant United States Attorney