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

FEB 11 2020

SEAN F. MCAVOY, CLERK
_____, DEPUTY
YAKIMA, WASHINGTON

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

Plaintiff,

v.

JAMES DEAN CLOUD and
DONOVAN QUINN CARTER CLOUD,

Defendants.

1:19-CR-02032-SMJ

SECOND SUPERSEDING INDICTMENT

Vio: 18 U.S.C. §§ 2119, 2
Carjacking
(Count 1)

18 U.S.C. § 924(c)(1)(A)(i), (ii)
Brandishing of a Firearm During a Crime of Violence
(Counts 2, 3, 6)

18 U.S.C. §§ 2109, 1153, 3559(f)(2)
Kidnapping
(Count 4)

18 U.S.C. §§ 113(a)(3), 1153
Assault with a Dangerous Weapon
(Count 5)

18 U.S.C. §§ 1111, 1153, 2
First Degree Murder
(Count 7)

18 U.S.C. § 924(c)(1)(A)(i), (ii)
Discharge of a Firearm During a Crime of Violence
(Count 8)

The Grand Jury charges:

COUNT 1

On or about June 8, 2019, in the Eastern District of Washington, the Defendants, JAMES DEAN CLOUD and DONOVAN QUINN CARTER CLOUD, took a motor vehicle, to wit: a 2007 Chevrolet Silverado, that had been transported, shipped, and received in interstate and foreign commerce from J.V. by force, violence, and intimidation, with the intent to cause death and serious bodily harm, all in violation of 18 U.S.C. §§ 2119, 2.

COUNT 2

On or about June 8, 2019, in the Eastern District of Washington, the Defendant, JAMES DEAN CLOUD, during and in relation to a crime of violence, for which he may be prosecuted in a court of the United States, to wit: Carjacking, in violation of 18 U.S.C. § 2119, as alleged in Count 1 of this Second Superseding

Indictment, did knowingly use, carry, brandish, and possess in furtherance of the Carjacking, a firearm, all in violation of 18 U.S.C. § 924(c)(1)(A)(i), (ii).

COUNT 3

On or about June 8, 2019, in the Eastern District of Washington, the Defendant, DONOVAN QUINN CARTER CLOUD, during and in relation to a crime of violence, for which he may be prosecuted in a court of the United States, to wit: Carjacking, in violation of 18 U.S.C. § 2119, as alleged in Count 1 of this Second Superseding Indictment, did knowingly use, carry, brandish, and possess in furtherance of the Carjacking, a firearm, all in violation of 18 U.S.C. § 924(c)(1)(A)(i), (ii).

COUNT 4

On or about June 8, 2019, in the Eastern District of Washington, the Defendants, JAMES DEAN CLOUD and DONOVAN QUINN CARTER CLOUD, both Indians, who were not parents, grandparents, brothers, sisters, aunts, uncles, or individuals having legal custody of Minor A, did unlawfully kidnap, abduct, confine, and carry away and hold for ransom or reward or otherwise a person identified as Minor A for a vehicle, and Minor A had not then attained the age of eighteen years, all within the boundaries of the Yakama Nation Indian Reservation, in Indian Country; in violation of 18 U.S.C. §§ 1201(a)(2), (g)(1), 1153, and 3559(f)(2), 2.

COUNT 5

On or about June 8, 2019, in the Eastern District of Washington, within the boundaries of the Yakama Nation Indian Reservation, in Indian Country, the Defendant, JAMES DEAN CLOUD, an Indian, did knowingly assault J.V. with a dangerous weapon, that is, a firearm, with intent to do bodily harm; in violation of 18 U.S.C. § 113(a)(3), 1153.

COUNT 6

On or about June 8, 2019, in the Eastern District of Washington, the Defendant, JAMES DEAN CLOUD, during and in relation to a crime of violence, for which he may be prosecuted in a court of the United States, to wit: Assault with a Dangerous Weapon, in violation of 18 U.S.C. §§ 113(a)(3), § 1153, as alleged in Count 5 of this Second Superseding Indictment, did knowingly use, carry, brandish, and possess in furtherance of the Assault with a Dangerous Weapon, a firearm, all in violation of 18 U.S.C. § 924(c)(1)(A)(i), (ii).

COUNT 7

On or about June 8, 2019, in the Eastern District of Washington, within the external boundaries of the Yakama Nation Indian Reservation, in Indian Country, the Defendant, JAMES DEAN CLOUD, an Indian, willfully, deliberately, maliciously, and with premeditation and malice aforethought, did unlawfully kill

D.O. by shooting him with a rifle, and did aid and abet the same; all in violation of 18 U.S.C. §§ 1153, 1111, 2.

COUNT 8

On or about June 8, 2019, in the Eastern District of Washington, the Defendant, JAMES DEAN CLOUD, during and in relation to a crime of violence, for which he may be prosecuted in a court of the United States, to wit: First Degree Murder, in violation of 18 U.S.C. §§ 1111, 1153, as alleged in Count 7 of this Second Superseding Indictment, did knowingly use, carry, brandish, possess, and discharge in furtherance of the First Degree Murder, a firearm, all in violation of 18 U.S.C. § 924(c)(1)(A)(iii).

DATED: February 11, 2020

A TRUE BILL

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