

JOHN D. SULLIVAN
Assistant U.S. Attorney
U.S. Attorney's Office
James F. Battin U.S. Courthouse
2601 Second Ave. North, Suite 3200
Billings, MT 59101
Phone: (406) 657-6101
FAX: (406) 657-6989
E-Mail: John.Sullivan2@usdoj.gov

ATTORNEY FOR PLAINTIFF
UNITED STATES OF AMERICA

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION

UNITED STATES OF AMERICA,	CR 15-07-BLG-SPW
Plaintiff,	
vs.	OFFER OF PROOF
SELENA LITTLE OLD MAN,	
Defendant.	

The United States, represented by Assistant U.S. Attorney John D. Sullivan,
files the following offer of proof:

THE CHARGE

The defendant, Selena Little Old Man, is charged by indictment with assault
resulting in serious bodily injury, in violation of 18 U.S.C. §§ 1153(a) and
113(a)(6).

PLEA AGREEMENT

There is a plea agreement in this case. Little Old Man will plead guilty to the indictment as charged.

The United States presented any and all formal plea offers to the defendant in writing. The plea agreement entered into by the parties and filed with the court represents, in the government's view, the only and most favorable offer extended to the defendant. See *Missouri v. Frye*, 132 S.Ct. 1399 (2012).

ELEMENTS OF THE CHARGE

In order for the defendant to be found guilty of the charge of assault resulting in serious bodily injury, as charged in the indictment, in violation of 18 U.S.C. §§ 1153(a) and 113(a)(6), the United States must prove each of the following elements beyond a reasonable doubt:

First, the defendant is an Indian person;

Second, that the crime occurred within the exterior boundaries of the Northern Cheyenne Indian Reservation;

Third, the defendant willfully and recklessly wounded T.W.E.; and

Fourth, as a result, T.W.E. suffered serious bodily injury.

PENALTY

The charge carries a maximum penalty of ten years imprisonment, \$250,000 fine, three years supervised release, and a \$100 special assessment.

ANTICIPATED EVIDENCE

If this case were tried in United States District Court, the United States would prove the following:

On August 31, 2013, Selena Little Old Man fled at a high rate of speed from a law enforcement officer who attempted to pull her over. During her flight, she rolled the vehicle she was driving. Her passenger at the time, T.W.E., broke her femur during the rollover.

Earlier in the night, Little Old Man and several others were drinking at the Jimtown Bar just off the Northern Cheyenne Indian Reservation. After leaving the bar, the group went to a residence where they continued drinking. Around 3:00 a.m. on the morning of August 31, Little Old Man borrowed another individual's 2005 Dodge truck to give two others, including T.W.E., a ride home. Little Old Man dropped the first passenger off at a house in Lame Deer. On her way to drop off T.W.E., a tribal law enforcement officer attempted to pull Little Old Man over after seeing the Dodge truck run a stop sign. Little Old Man failed to pull over and instead took off driving at a high rate of speed, crossing lanes of oncoming traffic, and nearly going off the road multiple times. The officer eventually observed the vehicle fish tail on a dirt road near Lame Deer and go off the road, rolling twice. During the rollover, Little Old Man was ejected from the vehicle and injured. T.W.E. was buckled on the passenger side, but sustained serious injuries.

In the area around the vehicle were several full and empty cans of beer and a partial bottle of peppermint schnapps.

In an interview with law enforcement, Little Old Man admitted that she was driving the truck at the time of the crash. She indicated that she fled because she was on probation for a DUI at the time and did not want to go to jail. Little Old Man also indicated that during the evening she consumed three 16 oz. beers and three shots of Bacardi 101. T.W.E. confirmed the details of the crash and said that Little Old Man was driving.

During the crash, T.W.E. suffered a significant fracture to her right femur that required immediate surgery. The incident occurred on the Northern Cheyenne Indian Reservation and Little Old Man is an enrolled member of the tribe.

DATED this 17th day of July, 2015.

MICHAEL W. COTTER
United States Attorney

/s/John D. Sullivan
JOHN D. SULLIVAN
Assistant U.S. Attorney