

OCT 18 2016

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION

U.S. DISTRICT COURT  
W. DIST. OF N.C.

UNITED STATES OF AMERICA )  
 )  
 v. ) DOCKET NO. 1:16 CR 85  
 )  
 SHIRA ELIZABETH MATTOCKS, a/k/a ) FACTUAL BASIS  
 SHIRA ELIZABETH RAMAN )

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NOW COMES the United States of America, by and through Jill Westmoreland Rose, United States Attorney for the Western District of North Carolina, and hereby files this Factual Basis in support of the plea agreement filed simultaneously in this matter.

This Factual Basis does not attempt to set forth all of the facts known to the United States at this time. This Factual Basis is not a statement of the defendant, and, at this time, the defendant may not have provided information to the United States about the offenses to which the defendant is pleading guilty, or the defendant's relevant conduct, if any.

By their signatures below, the parties expressly agree that there is a factual basis for the guilty plea(s) that the defendant will tender pursuant to the plea agreement. The parties also agree that this Factual Basis may, but need not, be used by the United States Probation Office and the Court in determining the applicable advisory guideline range under the *United States Sentencing Guidelines* or the appropriate sentence under 18 U.S.C. § 3553(a). The defendant agrees not to object to any fact set forth below being used by the Court or the United States Probation Office to determine the applicable advisory guideline range or the appropriate sentence under 18 U.S.C. § 3553(a) unless the defendant's right to object to such particular fact is explicitly reserved below. The parties' agreement does not preclude either party from hereafter presenting the Court with additional facts which do not contradict facts to which the parties have agreed not to object and which are relevant to the Court's guideline computations, to 18 U.S.C. § 3553 factors, or to the Court's overall sentencing decision.

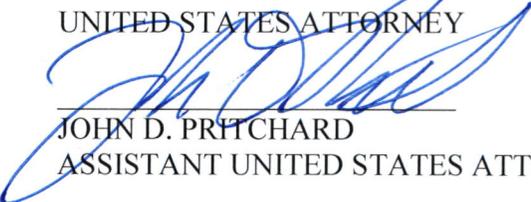
1. Donald Owle reported on November 20, 2014, that he suspected his former girlfriend, MATTOCKS, had kidnapped his two sons, J.O. and S.O.
2. Owle and MATTOCKS were never married. Per a consent order in the tribal court in January of 2014, MATTOCKS had "sole" custody of the children while Owle maintained equal access to all school and medical records among other rights, as well as having unsupervised overnight visitation with the children on alternating weekends. On July 31, 2014, Owle filed a petition for emergency ex parte custody. The tribal court entered an order in August 2014, later extended until November 20, 2014, that essentially flipped the arrangement, with MATTOCKS having custody rights on some weekends. Exchanges of

the minor children were to take place at Swain County Sheriff's Office. Further, a hearing on Owle's motion to modify child custody was set for November 20, 2014.

3. On November 14, 2014, the children were exchanged for the weekend with the return to happen on November 16, 2014. MATTOCKS did not show up on November 16, 2014, and Owle reported the kidnapping to local authorities.
4. Jonathan Reed Mattocks (Jonathan) also had a child (E.A.) with defendant MATTOCKS, a girl born on August 14, 2014. Jonathan had made a report to CIPD as early as August 29, 2014, that MATTOCKS, his ex-wife, was preventing him from seeing his child. An ex parte order was entered by the tribal court on August 28, 2014, awarding Jonathan custody pending further hearing. However, CIPD never served this warrant on MATTOCKS personally and it eventually was served via publication in the One Feather.
5. Intelligence was developed that MATTOCKS may have fled to Mexico. MATTOCKS's mother was arrested on a tribal warrant for "aiding and abetting" and "conspiracy" charges related to the child custody case, and a search warrant for her phone was executed. Data within indicated that MATTOCKS's mother was communicating with a phone number from Mexico and indicated that MATTOCKS was near Tamazula, Mexico. Later, a witness confirmed that she had in fact observed the defendant and her three children temporarily residing in a Tamazula, Mexico residence and that the defendant had entered into an intimate relationship with a man there. The witness stated her belief that the defendant had entered Mexico to get away from her "ex-husbands." The witness stated that MATTOCKS had become aware in mid/late 2015 that the fathers of the children knew she was in Mexico and thus that she fled the Tamazula area.

6. The FBI began working with a confidential source in Mexico. Guadalajara Assistant Legal Attaché (ALAT) Mike Dreher was able to confirm in June of 2016 that MATTOCKS had likely returned to the residence of her boyfriend's parents in Soyatlan de Afuera. Mexican immigration officials conducted surveillance of the residence on June 20 and 21 and believed that they saw children matching the description of J.O. and S.O. On June 21, 2016, Mexican immigration officers and law enforcement approached the residence, arresting MATTOCKS on tribal warrants and the complaint filed in this case. The three children were located and all were transported to the Mexican immigration office in Guadalajara before being flown to Atlanta, where the children were reunited with their fathers and other family.

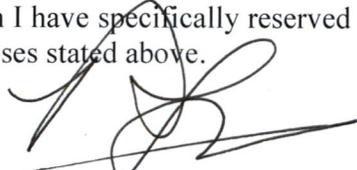
JILL WESTMORELAND ROSE  
UNITED STATES ATTORNEY



JOHN D. PRITCHARD  
ASSISTANT UNITED STATES ATTORNEY

Defendant's Counsel's Signature and Acknowledgment

I have read this Factual Basis, the Bill of Indictment, and the plea agreement in this case, and have discussed them with the defendant. Based on those discussions, I am satisfied that the defendant understands the Factual Basis, the Bill of Indictment, and the plea agreement. I hereby certify that the defendant does not dispute this Factual Basis with the exception of those facts to which I have specifically reserved the right to object, and understands that it may be used for the purposes stated above.



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Russell L. McLean, III, Attorney for Defendant

DATED: 10/18/16