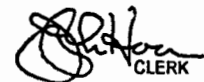


UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH DAKOTA  
WESTERN DIVISION

**FILED**

APR 12 2017

  
CLERK

UNITED STATES OF AMERICA,

CR 17-50036

Plaintiff,

REDACTED SUPERSEDING  
INDICTMENT

v.

TROY FAIRBANKS,  
MAJESTIC FAIRBANKS, and  
TROY YOUNG FAIRBANKS,

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

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) and  
3373(d)(1)(B))

The Grand Jury charges:

Introduction and Background

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

1. Troy Fairbanks, Majestic Fairbanks, and Troy Young Fairbanks, (referred to collectively as "Defendants"), are enrolled members of Federally recognized tribes, the Standing Rock Sioux Tribe, and the Lower Brule Sioux Tribe. The Defendants resided in Rapid City, 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 July 17, 2014, and February 11, 2016, in the District of South Dakota and elsewhere, the Defendants,

TROY FAIRBANKS,  
MAJESTIC FAIRBANKS, and  
TROY YOUNG FAIRBANKS,

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: the Defendants, without being permitted to do so, did knowingly, and with wanton disregard for the consequences of their actions, possess, sell, barter, transport, and offer to sell and barter, bald eagles commonly known as the American eagle, and golden eagles, and parts thereof of the foregoing eagles, in violation of 16 U.S.C. § 668(a), all in violation of 18 U.S.C. § 371.

Means and Manner

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

7. Troy Fairbanks is the owner/operator of a business named Buffalo Dreamers, which performs Native American dance programs at public venues such as the Crazy Horse Monument and Custer State Park. Troy Fairbanks has two adult sons, Troy Young Fairbanks and Majestic Fairbanks, both of whom have some association with the Buffalo Dreamers dance group.

8. Defendants obtained eagles and parts thereof from others that they knew had been illegally taken and transported the eagles and parts thereof in and to South Dakota 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 email and 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, the following:

10. On or about July 17, 2014, a Cooperating Individual (CI), whose identity is known and who is not of Native American descent, contacted Troy Fairbanks and Majestic Fairbanks at a campground resort near Rapid City, South Dakota. Troy Fairbanks provided CI with his business card identifying his email address as [buffalodreams4@gmail.com](mailto:buffalodreams4@gmail.com). CI and Troy Fairbanks engaged in discussion about eagle parts that were possibly for sale and/or trade. Majestic Fairbanks was present for a portion of these discussions and stated to his father that there were at least seven "sets" of eagle parts at their residence. CI developed a level of rapport and was invited to the Fairbanks' residence located in Rapid City, South Dakota. Once at the residence, CI and Troy Fairbanks engaged in a transaction in which CI traded approximately \$5,415 of legal merchandise for eagle parts, namely wing and tail feathers. Following the

transaction, Troy Fairbanks and Majestic Fairbanks helped CI load the eagle parts into CI's vehicle.

11. On or about September 18, 2014, CI met with Troy Fairbanks and Majestic Fairbanks at their residence. CI traded black bear claws and \$1,000 in cash for a "Dog Soldier" bonnet that was constructed from eagle and migratory bird feathers.

12. On or about December 18, 2014, CI received emails from buffalodreamers4@gmail.com with the sender as Troy Young Fairbanks. The emails talked about and showed a picture of a Dog Soldier bonnet made from over 800 feathers. CI and Troy Fairbanks had additional phone communications about this bonnet, but CI did not purchase the item.

13. On or about May 12, 2015, CI met with Troy Fairbanks at his residence. During this contact, CI was introduced to Troy Young Fairbanks. The men discussed dealing in eagle parts and Troy Fairbanks offered to sell eagle wings for \$500 a set, eagle tails for \$500, and eagle feet for \$150 a set. Troy Young Fairbanks went downstairs, returned with eagle and hawk talons, and placed them on the kitchen floor to be inspected by Troy Fairbanks and CI. CI agreed to buy three sets of eagle feet for \$471.

14. On or about May 12, 2015, CI and Troy Fairbanks continued their conversation about dealing in eagle parts. Troy Fairbanks developed a set of code words to describe eagle parts when the men talked on the phone. Troy



Fairbanks stated buffalo skull meant eagle head, otter meant eagle tail, and wolf meant eagle wings.

15. Later in the day Troy Fairbanks called CI and using the above defined code words, offered to sell CI a "big buffalo head." CI purchased a golden eagle head from Troy Fairbanks for \$250.

16. On or about May 19, 2015, CI met with Troy Fairbanks at his residence. The men discussed a large deal for eagle parts in which Troy Fairbanks would sell the eagle parts to CI, and CI would re-sell the items to a customer in Germany. Troy Fairbanks showed CI multiple eagle feathers/parts. Troy Fairbanks talked about his ability to acquire sixty eagles by the winter months of 2015, and further stated he had nineteen people in the Los Angeles, California, area who wanted to buy eagle feathers/parts from him. Ultimately, CI agreed to buy three complete eagle tails and six sets of eagle wings for \$5,200.

17. On or about September 25, 2015, Troy Fairbanks told CI he was interested in doing a deal with CI that involved about \$10,000 worth of eagle parts. CI expressed interest in the potential deal. The men continued talking about dealing in eagle parts and CI bought a set of eagle wings for \$600 and traded two fur coats for an eagle feather dance bustle. Troy Fairbanks stated he had the ability to acquire about thirty to forty eagles by February of 2016.

18. On or about September 29, 2015, CI contacted Troy Fairbanks at his residence. CI purchased two sets of eagle wings from Troy Fairbanks for \$900. CI additionally provided Troy Fairbanks with two buffalo horn caps, one

elk skin dress, and one otter hide and explained the items were to serve as a down payment for the eagle feathers/parts that CI was planning to buy from him in about February 2016.

19. On or about October 5, 2015, CI met with Troy Fairbanks at his residence. The men talked about dealing in eagle parts and Troy Fairbanks offered an eagle feather dance bustle for sale. Troy Fairbanks showed CI numerous eagle feathers/parts stored at the residence and said he was very happy that CI was not a cop, "...Because you would have popped me by now." Troy Fairbanks referred to himself as the "...Best feather man in the Midwest," and sold CI one set of eagle wings for \$600.

20. 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.

COUNTS II-VIII  
Bald and Golden Eagle Protection Act

On or about the dates specified in the table below:

<b>Count</b>	<b>Date</b>
II	July 17, 2014
III	September 18, 2014
IV	May 12, 2015
V	May 19, 2015
VI	September 25, 2015
VII	September 29, 2015

VIII	October 5, 2015
------	-----------------

in the District of South Dakota, the Defendant, Troy Fairbanks, 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, transport, 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 IX  
Migratory Bird Treaty Act

On or about between September 18, 2014, and May 12, 2015, in the District of South Dakota, the Defendant, Troy Fairbanks, 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 X  
Lacey Act

On or about between July 17, 2014, and February 11, 2016, in the District of South Dakota, the Defendant, Troy Fairbanks, did knowingly perform acts that involved the sale and purchase of wildlife with a market value in excess of \$350, 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), all in violation of 16 U.S.C. §§ 3372(a)(1) and 3373(d)(1)(B).

A TRUE BILL:

**NAME REDACTED**

---

Foreperson

RANDOLPH J. SEILER  
United States Attorney

By: 