

DEC 05 2017

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

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION

UNITED STATES OF AMERICA

v.

PHILLIP S. ARMACHAIN, SR.
ALFREDA FRANCESCA LOUISE HART

) DOCKET NO. 1:17-CR-80
)
) SECOND SUPERSEDING
) BILL OF INDICTMENT
)
) Violations:
) 18 U.S.C. § 2243
) 18 U.S.C. § 1153
) 18 U.S.C. § 1589(a)
) 18 U.S.C. § 2

THE GRAND JURY CHARGES:

COUNT ONE

In or about August of 2016, the exact date being unknown to the Grand Jury, in Jackson County and Swain County, in Indian Country, that is, within the boundaries of the Eastern Band of Cherokee Indians reservation, in the Western District of North Carolina, the defendants,

PHILLIP S. ARMACHAIN, SR.,
and
ALFREDA FRANCESCA LOUISE HART

Indians, did knowingly engage in a sexual act with another person who had attained the age of 12 years but had not attained the age of 16 years and was at

least four years younger than the defendants, such sexual act being the penetration of the genital opening of that other person by a hand or finger, and the intentional touching, not through the clothing, of the genitalia of that other person who had not obtained the age of 16 years, all with an intent to abuse, humiliate, harass, degrade, and arouse and gratify the sexual desire of any person, and did aid and abet one another in the commission of such offense.

All in violation of Title 18, United States Code, Sections 2243(a), 1153, and 2.

COUNT TWO

In or about August of 2016, on an occasion separate from that alleged in Count One of this Bill of Indictment, the exact date being unknown to the Grand Jury, in Jackson County and Swain County, in Indian Country, that is, within the boundaries of the Eastern Band of Cherokee Indians reservation, in the Western District of North Carolina, the defendants,

PHILLIP S. ARMACHAIN, SR.,
and
ALFREDA FRANCESCA LOUISE HART

Indians, did knowingly engage in a sexual act with another person who had attained the age of 12 years but had not attained the age of 16 years and was at least four years younger than the defendants, such sexual act being the penetration of the genital opening of that other person by a hand or finger, and the intentional

touching, not through the clothing, of the genitalia of that other person who had not obtained the age of 16 years, all with an intent to abuse, humiliate, harass, degrade, and arouse and gratify the sexual desire of any person, and did aid and abet one another in the commission of such offense.

All in violation of Title 18, United States Code, Sections 2243(a), 1153, and 2.

COUNT THREE

In or about August of 2016, on an occasion separate from those alleged in Counts One and Two of this Bill of Indictment, the exact date being unknown to the Grand Jury, in Jackson County and Swain County, in Indian Country, that is, within the boundaries of the Eastern Band of Cherokee Indians reservation, in the Western District of North Carolina, the defendants,

**PHILLIP S. ARMACHAIN, SR.,
and
ALFREDA FRANCESCA LOUISE HART**

Indians, did knowingly engage in a sexual act with another person who had attained the age of 12 years but had not attained the age of 16 years and was at least four years younger than the defendants, such sexual act being the penetration of the genital opening of that other person by a hand or finger, and the intentional touching, not through the clothing, of the genitalia of that other person who had not obtained the age of 16 years, all with an intent to abuse, humiliate, harass, degrade,

and arouse and gratify the sexual desire of any person, and did aid and abet one another in the commission of such offense.

All in violation of Title 18, United States Code, Sections 2243(a), 1153, and

2.

COUNT FOUR

On or about September 28, 2016, in Jackson County and Swain County, in the Western District of North Carolina, the defendant,

PHILLIP S. ARMACHAIN, SR.,

did knowingly obtain the labor and services of KW by means of the abuse and threatened abuse of law and legal process.

All in violation of Title 18, United States Code, Section 1589(a).

COUNT FIVE

On or about November 10, 2016, in Jackson County and Swain County, in the Western District of North Carolina, the defendant,

PHILLIP S. ARMACHAIN, SR.,

did knowingly obtain the labor and services of AB by means of the abuse and threatened abuse of law and legal process.

All in violation of Title 18, United States Code, Section 1589(a).

A TRUE BILL:


FOREPERSON

R. ANDREW MURRAY
UNITED STATES ATTORNEY



RICHARD LEE EDWARDS
ASSISTANT UNITED STATES ATTORNEY