



SEALED

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

United States of America,

No. CR-15-8076-PCT-DGC (JZB)

Plaintiff,

**SECOND SUPERSEDING
INDICTMENT**

vs.

VIO: 18 U.S.C. §§ 1962(d) and 1963(a)
(RICO Conspiracy)
Count 1

- 1. Kyle Filbert Gray,
(Counts 1, 8 – 12)
- 2. Devan Edward Leonard,
(Counts 1 – 11, 13 – 18)
- 3. Randall Franklin Begay,
(Counts 1 – 7, 13 – 19)
- 4. Lucille Jean Leonard, and
(Count 1)
- 5. Uriah Thomas Shay,
(Count 1)

18 U.S.C. §§ 1153, 1111 and 2
(CIR – Second Degree Murder and
Aid and Abet)
Counts 2, 3, 8

18 U.S.C. § 924(j)
(Use of a Firearm During and in
Relation to a Crime of Violence
Resulting in Death)
Counts 4, 6, 9

18 U.S.C. § 924(c)(1)(A)(iii)
(Use of a Firearm During a Crime of
Violence)
Counts 5, 7, 10

Defendants.

18 U.S.C. §§ 1153, 1201 and 2
(CIR – Kidnap and Aid and Abet)
Count 11

18 U.S.C. §§ 1153, 2243(a) and
2246(2)
(CIR – Aggravated Sexual Abuse)
Count 12

18 U.S.C. § 1959(a)(5)
(Violent Crimes in Aid of
Racketeering Activity – Attempted
Murder)
Count 13

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18 U.S.C. §§ 924(c)(1)(A)(iii) and 2
(Use of a Firearm During a Crime of
Violence and Aid and Abet)
Counts 14, 17 and 18

18 U.S.C. §§ 1153, 113(a)(3) and 2
(CIR: Assault with a Dangerous
Weapon and Aid and Abet)
Counts 15 and 16

18 U.S.C. §§ 1153 and 661
(CIR – Theft)
Count 19

18 U.S.C. §§ 1963(a) and 924(d)
28 U.S.C. § 2461(c)
(Forfeiture Allegations)

(Filed Under Seal)

THE GRAND JURY CHARGES:

COUNT 1
RICO Conspiracy
RED SKIN KINGZ
The Enterprise

1. At all times relevant to this Indictment, KYLE FILBERT GRAY, DEVAN EDWARD LEONARD, RANDALL FRANKLIN BEGAY, LUCILLE JEAN LEONARD and URIAH THOMAS SHAY, each of whom were enrolled members of the Navajo Nation Indian Reservation, a federally recognized Native American tribe, together with other persons, known and unknown, were members and/or associates of RED SKIN KINGZ gang.

2. RED SKIN KINGZ is a violent street gang which was founded in 2003 by “Roland” LNU. Roland initially formed the gang in Del Muerto, within the confines of the Navajo Nation in the District of Arizona. Since approximately 2008, RED SKIN KINGZ, also known as KINGZ and WESTSIDE, has been centered in and around Lukachukai, also within the confines of the Navajo Nation in the District of Arizona.

1 3. RED SKIN KINGZ was comprised of members and associates associated together
2 for a common purpose of engaging in a course of conduct over a period of time, as set forth
3 below.

4 4. All of the activity undertaken by RED SKIN KINGZ was based on their desire to
5 dominate, create an atmosphere of fear, and have power on the reservation.

6 5. RED SKIN KINGZ members were predominately also members of the Navajo
7 Nation. New initiates to the RED SKIN KINGZ typically submitted to a fourteen-second
8 “beat-in” after an informal probationary period. Membership was also granted to blood
9 relatives of current members with less stringent requirements. Status in the gang was
10 gained by selling drugs and “putting in work,” which included dealing drugs, collecting
11 drug debts and physically assaulting members of the community on behalf of the gang.

12 6. RED SKIN KINGZ was a loosely structured informal hierarchy. The leader of RED
13 SKIN KINGZ at all times relevant to this Indictment was DEVAN EDWARD LEONARD.
14 At all times relevant to this Indictment, members and associates of RED SKIN KINGZ
15 included, but were not limited to KYLE FILBERT GRAY, DEVAN EDWARD
16 LEONARD, RANDALL FRANKLIN BEGAY, LUCILLE JEAN LEONARD and
17 URIAH THOMAS SHAY.

18 7. Members of RED SKIN KINGZ showed their allegiance to the gang by wearing
19 clothes that are maroon or burgundy, or include the logo of the National Football League
20 Washington Redskins. Clothing items, including shirts, pants, and hats, were worn in these
21 colors. Members carried burgundy bandanas, often called “rags,” in their left rear pockets
22 or covering their faces to conceal their identities.

23 8. In addition to wearing colors, members often also had tattoos to show their
24 allegiance to RED SKIN KINGZ, including the following letters, numbers and images:
25 “RSK,” “Kingz,” “X4” and “XIV” and a five-pointed crown. The five-points of the crown
26 represent the “five core values” of the RED SKIN KINGZ: Respect, Loyalty, Trust, Family
27 and Honesty.

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1 9. Members of RED SKIN KINGZ spray-painted gang related graffiti, referred to as
2 “tags,” throughout Lukachukai and the surrounding areas of the Navajo Nation
3 Reservation.

4 10. RED SKIN KINGZ held gang-related meetings on an irregular basis at various
5 “safe” locations. During those meetings, members discussed completed criminal activity
6 and planned future joint criminal endeavors to be undertaken on behalf of RED SKIN
7 KINGZ. Much of the gang’s activities were focused around the residence and steamed
8 corn business of LUCILLE JEAN LEONARD, which is located near Lukachukai, in the
9 District of Arizona.

10 11. RED SKIN KINGZ had a loose alliance with the Cobras, a gang in the Fort Defiance
11 area of the Navajo Nation Reservation. Every other gang on the Reservation, particularly
12 the L.A. Boys and South Side, were considered rivals of RED SKIN KINGZ.

13 12. Members of RED SKIN KINGZ used various forms of social media to communicate
14 with each other and to raise the gang’s profile within the community. In addition to
15 communicating by cellular telephone, members used Facebook to post pictures of gang
16 members, spread threats to individuals and the community and recruit potential new
17 members.

18 13. Members of RED SKIN KINGZ distributed controlled substances, including
19 methamphetamine and cocaine, that traveled in interstate and foreign commerce. Members
20 traveled to locations in New Mexico, including Gallup, Farmington and Shiprock, to buy
21 and sell controlled substances.

22 14. RED SKIN KINGZ members and associates engaged in criminal activity, including
23 but not limited to murder, attempted murder, aggravated assault, threatening and
24 intimidating witnesses, sexual assault, illegal firearms use and trafficking in controlled
25 substances.

26 15. Members of RED SKIN KINGZ committed acts of violence to maintain
27 membership and discipline within the gang and to challenge rival gangs. Participation in
28 criminal activity by a member, particularly when undertaken to support the gang’s

1 narcotics distribution activities, increased the respect accorded to that member, and resulted
2 in that member maintaining or increasing their status and position within the gang.
3 Members earned “ink,” or the right to wear RED SKIN KINGZ tattoos for work done for
4 the gang’s benefit.

5 16. RED SKIN KINGZ, including its leadership, members, and associates, constituted
6 an enterprise, as defined by Title 18, United States Code, Sections 1961 (4), that is, a group
7 of individuals associated-in-fact that was engaged in, and the activities of which affected,
8 interstate and foreign commerce. The enterprise constituted an ongoing organization
9 whose members functioned as a continuing unit for a common purpose of achieving the
10 objectives of the enterprise.

11 **Purposes of the Enterprise**

12 17. The purposes of the enterprise included the following:

13 a. Enriching the members of the enterprise through, among other things,
14 robbery and distribution of controlled substances, to include, but not limited to,
15 methamphetamine and cocaine;

16 b. Enriching the members of the enterprise through, among other things,
17 locating other members willing to engage in criminal activity and willing to plan that
18 criminal activity, devising ways to hide criminal activity from law enforcement and
19 discussing ways in which members could enrich themselves and the enterprise through
20 various criminal schemes;

21 c. Preserving and protecting the power and commercial territory of the
22 enterprise, operations, and proceeds of the enterprise through the use of threats,
23 intimidation, and violence, including, but not limited to, murder, sexual assaults, assaults,
24 robbery, intimidation, and threats of violence;

25 d. Keeping victims in fear of the enterprise and in fear of its individual members
26 and associates through violence and threats of violence; and

27 e. Preventing prosecution of members for criminal activity through
28 intimidating and physically harming witnesses and otherwise obstructing justice.

The Racketeering Conspiracy

18. Beginning on a date unknown, but starting no later than the year 2008, and continuing to the date of this Indictment, in the District of Arizona and elsewhere, the defendants,

KYLE FILBERT GRAY
DEVAN EDWARD LEONARD
RANDALL FRANKLIN BEGAY
LUCILLE JEAN LEONARD and
URIAH THOMAS SHAY

and others not named in this Indictment, each being a person employed by and associated with the RED SKIN KINGZ, an enterprise that was engaged in, and the activities of which affected interstate and foreign commerce, did knowingly, willfully and unlawfully combine, conspire, confederate, and agree with one another to violate Title 18, United States Code, Section 1962(c); that is, to conduct and participate, directly and indirectly, in the conduct of the affairs of said enterprise through a pattern of racketeering activity, as defined by Title 18, United States Code, Sections 1961(1) and (5), which consisted of multiple threats and acts involving:

a. murder, in violation of Arizona Revised Statutes, Sections 13-1104, 13-1105, 13-1001, 13-1003, and 13-1004;

b. robbery, in violation of Arizona Revised Statutes, Sections 13-1902, 13-1903, 13-1904, 13-1001, 13-1003, and 13-1004;

c. arson, in violation of Arizona Revised Statutes, Sections 13-1703, 13-1704, 13-1001, 13-1003, and 13-1004;

d. kidnapping, in violation of Arizona Revised Statutes, Sections 13-1304, 13-1001, 13-1003, and 13-1004; and

multiple offenses involving:

e. drug trafficking, in violation of Title 21, United States Code, Sections 841(a)(1) and 846; and multiple acts indictable under:

1 f. Title 18, United States Code, Section 1503 (obstruction of justice); and

2 g. Title 18, United States Code, Sections 1512 (tampering with witnesses).

3 19. It was part of the conspiracy that each defendant agreed that a conspirator would
4 commit at least two acts of racketeering in the conduct of the affairs of the enterprise.

5 **Manner and Means of the Conspiracy**

6 20. The manner and means by which the members and associates conducted and
7 participated in the conduct of the affairs of the criminal enterprise to achieve its purposes
8 included, but were not limited to, the following:

9 a. Members and associates of the enterprise committed, conspired, attempted
10 and threatened to commit acts of violence, including murder, robbery and sexual assaults
11 to protect and expand the enterprise's criminal operations.

12 b. Members and associates of the enterprise promoted a climate of fear through
13 violence and threats of violence to maintain the status of the enterprise among other
14 criminal street gangs.

15 c. Members and associates of the enterprise used and threatened to use physical
16 violence against individuals to enforce discipline within the enterprise, to retaliate against
17 and instill fear in members of other street gangs, and to maintain the status of the enterprise
18 among other gangs within, and outside of, the Navajo Nation Reservation.

19 d. Members and associates of the enterprise conspiring to distribute and possess
20 with the intent to distribute, and by attempting to distribute controlled substances to
21 include, but not limited to, methamphetamine and cocaine.

22 e. Members and associates of the enterprise would assist other members and
23 associates in collecting debts from members of the Navajo Nation and others living within
24 the Navajo Nation, including, but not limited to, credit that members of the enterprise
25 extended to individuals obtaining controlled substances.

26 f. Members and associates of the enterprise acquired, stored, borrowed,
27 transferred, carried and used firearms and other weapons to engage in attacks and armed
28 conflict with others.

1 g. Members and associates of the enterprise used gang-related terminology,
2 codes, symbols, phrases, clothing and distinctive calls to demonstrate affiliation with the
3 gang and to communicate with other members and associates of the enterprise.

4 h. To perpetuate the enterprise and to maintain and extend its power, members
5 and associates committed and conspired to commit acts including murder, attempted
6 murder, and intimidation against rival gang members and RED SKIN KINGZ members
7 who were believed not to be loyal to the enterprise and against witnesses to the enterprise's
8 illegal activities.

9 i. Members and associates of the enterprise hid, misrepresented, concealed, and
10 caused to be hidden, misrepresented, and concealed acts done in furtherance of the
11 enterprise, and used coded language and other means of communication to avoid detection
12 and apprehension by law enforcement authorities.

13 **Overt Acts**

14 21. In furtherance of the conspiracy, and to effect the object and purposes thereof, the
15 defendants and others not named as defendants herein committed various overt acts, within
16 the District of Arizona and elsewhere, including, but not limited to, the following:

17 1. From in or about January 2012, and continuing until on or about the date of
18 this Indictment, defendants DEVAN EDWARD LEONARD, RANDALL FRANKLIN
19 BEGAY, KYLE FILBERT GRAY, LUCILLE JEAN LEONARD and URIAH THOMAS
20 SHAY aided and abetted by others known and unknown, possessed, distributed, and
21 conspired to distribute controlled substances including, but not limited to,
22 methamphetamine and cocaine.

23 2. From in or about January 2012, and continuing until on or about the date of
24 this Indictment, defendant LUCILLE JEAN LEONARD maintained a residence, business
25 and adjacent trailer approximately a quarter mile east of Totsoh Trading Post, near
26 Lukachukai, where RED SKIN KINGZ members stored, consumed and sold controlled
27 substances; including, but not limited to, methamphetamine and cocaine.
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1 3. On or about August 7, 2013, near Lukachukai, defendant DEVAN
2 EDWARD LEONARD shot at L.K., a member of a rival gang, at the residence of a RED
3 SKIN KINGZ associate, C. H.

4 4. On or about August 7, 2013, defendant DEVAN EDWARD LEONARD
5 traveled to Farmington, New Mexico and purchased a Norinco SKS 7.62 x 39 rifle.

6 5. On or about September 7, 2013, defendant DEVAN EDWARD LEONARD
7 possessed in Gallup, New Mexico a Bersa Model 644 handgun, with an obliterated serial
8 number.

9 6. On or about October 21, 2013, defendant DEVAN EDWARD LEONARD
10 traveled to Farmington, New Mexico and purchased a Hi-Point .45 caliber rifle.

11 7. On or about November 25, 2013, in Flagstaff, defendant DEVAN EDWARD
12 LEONARD, along with now deceased RED SKIN KINGZ member Z.S., possessed
13 methamphetamine and drug paraphernalia, and defendant DEVAN EDWARD LEONARD
14 also possessed several cans of spray paint and graffiti sketches.

15 8. On or about November 29, 2013, defendant DEVAN EDWARD LEONARD
16 possessed methamphetamine packaged for resale, multiple drug pipes, shotgun shells, .22
17 and .45 caliber ammunition, and a 19" knife, in Chinle.

18 9. On or about January 1, 2014, defendants, KYLE FILBERT GRAY, DEVAN
19 EDWARD LEONARD and RANDALL FRANKLIN BEGAY, burned the dwelling of
20 victim, B.Y., near Lukachukai, because they believed that B.Y, and her family, including
21 now deceased son, RED SKIN KINGZ member Z.S., were cooperating with law
22 enforcement.

23 10. On or about January 9, 2014, defendant KYLE FILBERT GRAY possessed
24 with intent to distribute methamphetamine in Lukachukai.

25 11. On or about February 4, 2014, defendant DEVAN EDWARD LEONARD
26 and RANDALL FRANKLIN BEGAY, shot at S.P. and R.B., and wounded S.P., all
27 members of a rival gang, in front of the Lukachukai Community School.
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1 12. On or about February 7, 2014, defendant DEVAN EDWARD LEONARD
2 visited S.P., the shooting victim in Overt Act 11, and falsely told S.P. that he had not shot
3 him.

4 13. On or about February 26, 2014, RED SKIN KINGZ member A.Y. stole a
5 white Ford truck in New Mexico that he later gave to defendants DEVAN EDWARD
6 LEONARD and LUCILLE JEAN LEONARD to earn status within RED SKIN KINGZ.

7 14. On or about February 6, 2015, defendant LUCILLE JEAN LEONARD, who
8 eventually gained possession of the stolen white Ford truck, falsely told investigators that
9 she had purchased it for \$350.

10 15. On or about April 6, 2014, defendants, KYLE FILBERT GRAY, DEVAN
11 EDWARD LEONARD and URIAH THOMAS SHAY, attacked D.J. and M.B., near Dine
12 College in Tsaile, resulting in victim M.B. being beaten and victim D.J.'s car, a 2011
13 Mitsubishi Galant, being stolen.

14 16. On or about April 6, 2014, defendant KYLE FILBERT GRAY abducted and
15 transported victim D.J.

16 17. On or about April 6, 2014, defendant KYLE FILBERT GRAY sexually
17 assaulted victim D.J.

18 18. On or about April 7, 2014, defendants KYLE FILBERT GRAY and DEVAN
19 EDWARD LEONARD, along with RED SKIN KINGZ member M.L., and others known
20 and unknown to the Grand Jury, spray painted victim D.J.'s car to conceal that it was stolen
21 and to conceal RED SKIN KINGZ involvement in the prior day's theft, sexual assault and
22 kidnapping of victim D.J.

23 19. On or about November 25, 2014, defendants, KYLE FILBERT GRAY,
24 DEVAN EDWARD LEONARD and LUCILLE JEAN LEONARD, aided and abetted by
25 each other and others, beat victim J.H. with brass knuckles, resulting in J.H. suffering a
26 fractured jaw and facial injuries, because J.H. owed defendant LUCILLE JEAN
27 LEONARD money from prior drug purchases.

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1 20. On or between about December 12 and 13, 2014, near Lukachukai,
2 defendants DEVAN EDWARD LEONARD and RANDALL FRANKLIN BEGAY shot
3 and killed D. C. and R. H. R. H. pleaded with defendant DEVAN EDWARD LEONARD
4 not to shoot him again. DEVAN EDWARD LEONARD responded with a RED SKIN
5 KINGZ gang taunt before shooting R.H. in the face, killing him.

6 21. On or between about December 12 and 13, 2014, defendants DEVAN
7 EDWARD LEONARD and RANDALL FRANKLIN BEGAY transported the bodies of
8 D. C. and R. H. to a remote wash outside of Lukachukai to conceal the killings.

9 22. At that location, defendant DEVAN EDWARD LEONARD dismembered
10 the bodies of victims D.C. and R.H., and defendants DEVAN EDWARD LEONARD and
11 RANDALL FRANKLIN BEGAY then burned the victims' bodies before disposing of the
12 remains in a shallow hole.

13 23. Defendant DEVAN EDWARD LEONARD then spray painted a Juniper tree
14 with RED SKIN KINGZ graffiti near the spot that the burnt remains of D. C. and R. H.
15 were left.

16 24. On or about December 15, 2014, within days of the killing of victims D.C.
17 and R.H., RED SKIN KINGZ member M.L. posted on his Facebook account "snitches end
18 up in ditches."

19 25. On or about December 16, 2014, defendant DEVAN EDWARD LEONARD
20 met with T. S. and purchased methamphetamine for resale to others.

21 26. On or about December 16, 2014, defendant DEVAN EDWARD LEONARD
22 was dissatisfied with the quantity and quality of the methamphetamine received and made
23 arrangements to meet with T. S. again later that day.

24 27. On or about December 16, 2014, defendants KYLE FILBERT GRAY and
25 DEVAN EDWARD LEONARD met with T. S. at a picnic area near Wheatfields Lake.

26 28. On or about December 16, 2014, after defendant DEVAN EDWARD
27 LEONARD completed another methamphetamine transaction with T. S., defendant KYLE
28 FILBERT GRAY shot and killed T. S.

1 29. Immediately after the shooting, defendants KYLE FILBERT GRAY and
2 DEVAN EDWARD LEONARD rifled T.S.'s pockets looking for drugs and money to steal.

3 30. On or between about December 16 and 17, 2014, defendants DEVAN
4 EDWARD LEONARD and KYLE FILBERT GRAY, transported T. S.'s body to a remote
5 sheep camp near Wheatfields Lake.

6 31. At that location, defendant DEVAN EDWARD LEONARD dismembered
7 T.S.'s body and defendants KYLE FILBERT GRAY and DEVAN EDWARD LEONARD
8 then burned the victim's body before disposing of the burnt remains in a shallow hole.

9 32. On or between about December 16 and 17, 2014, defendants KYLE
10 FILBERT GRAY and DEVAN EDWARD LEONARD, kidnapped C.P., a witness to the
11 killing of T. S.

12 33. On or about December 16, 2014, defendant KYLE FILBERT GRAY
13 sexually assaulted C.P., a witness to the killing and dismembering of victim T. S., after C.
14 P. begged defendant KYLE FILBERT GRAY not to kill her.

15 34. On an unknown date in December 2014 through January 2015, defendant
16 DEVAN EDWARD LEONARD gave the shotgun used to kill victims D. C., R. H. and T.
17 S., to RED SKIN KINGZ member T.H., for disposal and safekeeping.

18 35. On or about January 8, 2015, defendant KYLE FILBERT GRAY possessed
19 murder victim T. S.'s car, which defendants KYLE FILBERT GRAY and DEVAN
20 EDWARD LEONARD stole when they killed T.S.

21 36. On or about January 8, 2015, defendant KYLE FILBERT GRAY possessed
22 drug paraphernalia, brass knuckles, a police scanner, a knife, a pellet gun and gun scope.

23 37. On or between February 2 and 3, 2015, defendants KYLE FILBERT GRAY
24 and DEVAN EDWARD LEONARD traveled to the residence of a relative of C.P., located
25 near Window Rock, Arizona, to threaten and intimidate C.P., a witness to the killing and
26 dismembering of victim T. S.

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1 38. On or about February 6, 2015, defendants DEVAN EDWARD LEONARD
2 and LUCILLE JEAN LEONARD possessed a Mossberg International 702 Plinkster
3 Semiautomatic rifle and a Marlin model 833 .22 caliber rifle.

4 39. On or about February 6, 2015, defendant KYLE FILBERT GRAY possessed
5 a Marlin .22 caliber rifle.

6 40. On an unknown date in March through April 2015, defendant RANDALL
7 FRANKLIN BEGAY at the direction of defendant DEVAN EDWARD LEONARD
8 burned the truck belonging to murder victim D.C., which had been used to transport the
9 bodies of murder victims D.C. and R.H. to the wash where the bodies were dismembered
10 and burned.

11 41. On or about April 11, 2015, defendants KYLE FILBERT GRAY, DEVAN
12 EDWARD LEONARD and LUCILLE JEAN LEONARD traveled to the residence of M.J.,
13 a rival drug dealer, in Lukachukai.

14 42. At that location defendants KYLE FILBERT GRAY and DEVAN
15 EDWARD LEONARD smashed the windows and tried to pry open the door of M.J.'s
16 residence.

17 43. On or about April 12, 2015, defendant DEVAN EDWARD LEONARD
18 posted to his Facebook page a picture of himself wearing a Redskins sweatshirt and making
19 gang signs with his hand, along with the caption "beatdown this fool that was
20 talking...dipped out cuz they called popo...hate rats naw mean."

21 44. On or about April 13, 2015, RED SKIN KINGZ member T.H., posted to her
22 Facebook account "I miss yhu so much... everytime I feel down I remember tha days we
23 lived in tha same room.. Tha 3 of us...Running wild.. And causing chaos... Someday we'll
24 b bak to that... I know it...XIV 4 life...No way to get out ifyhu were born n2 it.. 5points
25 on every crown.. We don't jst say it.. We LIVE it everyday...They can't keep us apart
26 4ever..Love yhu brother...Miss yhu."

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1 45. On or about April 28, 2015, in Lukachukai, defendant DEVAN EDWARD
2 LEONARD and RED SKIN KINGZ members D. S. #1 and D.S. #2 beat victim C.B. and
3 stole his car, a 2004 Ford Expedition.

4 46. On or about May 7, 2015, near Lukachulai, defendant RANDALL
5 FRANKLIN BEGAY possessed a 2004 Ford Expedition, belonging to C.B.

6 47. On or about June 20, 2015, defendant DEVAN EDWARD LEONARD
7 posted a threat to several specific federal law enforcement agencies on his Facebook page,
8 saying, in part: “F*** all you spineless cowards. Just wait til I catch yall slippin.
9 Remember yall f***ing with rsking..til the day I die. Remember Im watching..got my ears
10 to the streets.”

11 48. On or about July 8, 2015, defendant DEVAN EDWARD LEONARD posted
12 a proposed drug deal of his Facebook page, “Tell him I got fifty cash and I wanted to know
13 if he could drop a half oz or a full one and Ill gim the cash when im done. Cuz I want to go
14 back when I get it so I can push it tgen come back dwnwith his doe and ill have my own
15 after that then keep it rolling from there cuz.”

16 49. On an unknown date in July or August, 2015, defendant LUCILLE JEAN
17 LEONARD approached a relative of S.P., the victim of the shooting in Overt Act 11, and
18 asked the relative to convince S.P. that another person, not defendant DEVAN EDWARD
19 LEONARD, had shot him.

20 50. On or about July, 2015, in Lukachukai, defendant LUCILLE JEAN
21 LEONARD contacted S.P., the victim of the shooting detailed in Overt Act 11, showed
22 S.P. a picture of RANDALL FRANKLIN BEGAY, and falsely told S.P. that defendant
23 RANDALL FRANKLIN BEGAY had shot S.P. and that defendant DEVAN EDWARD
24 LEONARD had not been involved.

25 51. On or about July 28, 2015, in Tempe, defendant DEVAN EDWARD
26 LEONARD lied to police about his true identity.

27 52. On an unknown date prior to September, 2015, defendant DEVAN
28 EDWARD LEONARD recorded a video in which he referred to himself as “a mo fo, RSK,”

1 and said, "Fucking with a Native like me, then I'm going to come up and kidnap your wife
2 and take your life. Take your ride. It's a hijack."

3 53. On or about October 7, 2015, RED SKIN KINGZ member M. L., in an
4 interview with a Federal Bureau of Investigation Special Agent, said "F**K them. Snitches
5 get what they have coming to them."

6 **Notice of Enhanced Sentencing**

7 22. The following defendants joined and remained in the RICO conspiracy charged in
8 Count One knowing and agreeing that members of the enterprise would engage in acts
9 involving murder, in violation of Arizona Revised Statutes Sections 13-1104, 13-1105, 13-
10 1001, 13-1003, and 13-1004, to wit: intentionally causing the death of another person and
11 knowingly causing the death of another with premeditation,

12 KYLE FILBERT GRAY;
13 DEVAN EDWARD LEONARD; and
14 RANDALL FRANKLIN BEGAY.

15 All in violation of Title 18, United States Code, Sections 1962(d) and 1963(a).

16 **COUNT 2**

17 23. On or between December 12 and December 13, 2014, in the District of Arizona,
18 within the confines of the Navajo Nation Indian Reservation, Indian Country, the
19 defendants DEVAN EDWARD LEONARD and RANDALL FRANKLIN BEGAY, both
20 Indians, did unlawfully kill D. C., with malice aforethought.

21 All in violation of Title 18, United States Code, Sections 1153, 1111 and 2.

22 **COUNT 3**

23 24. On or between December 12 and December 13, 2014, in the District of Arizona,
24 within the confines of the Navajo Nation Indian Reservation, Indian Country, the
25 defendants DEVAN EDWARD LEONARD and RANDALL FRANKLIN BEGAY, both
26 Indians, did unlawfully kill R. H., with malice aforethought.

27 All in violation of Title 18, United States Code, Sections 1153, 1111 and 2.
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COUNT 4

25. On or between December 12 and December 13, 2014, in the District of Arizona, the defendants DEVAN EDWARD LEONARD and RANDALL FRANKLIN BEGAY, willfully and knowingly, during and in relation to a crime of violence for which they may be prosecuted in a court of the United States, as alleged in Count 2, did use and carry a firearm, and, in furtherance of such crimes, did possess a firearm, and did aid and abet the use, carrying, and possession of a firearm, and in the course of those crimes did cause the death of a person through the use of a firearm, which killing is murder as defined in Title 18, United States Code, Section 1111.

All in violation of Title 18, United States Code, Section 924(j).

COUNT 5

26. On or between December 12 and December 13, 2014, in the District of Arizona, the defendants DEVAN EDWARD LEONARD and RANDALL FRANKLIN BEGAY, did knowingly use and carry and discharge a firearm during and in relation to a crime of violence, as alleged in Count 2 of this Indictment.

In violation of Title 18, United States Code, Section 924(c)(1)(A)(iii).

COUNT 6

27. On or between December 12 and December 13, 2014, in the District of Arizona, the defendants DEVAN EDWARD LEONARD and RANDALL FRANKLIN BEGAY, willfully and knowingly, during and in relation to a crime of violence for which they may be prosecuted in a court of the United States, as alleged in Count 3, did use and carry a firearm, and, in furtherance of such crimes, did possess a firearm, and did aid and abet the use, carrying, and possession of a firearm, and in the course of those crimes did cause the death of a person through the use of a firearm, which killing is murder as defined in Title 18, United States Code, Section 1111.

All in violation of Title 18, United States Code, Section 924(j).

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COUNT 7

28. On or between December 12 and December 13, 2014, in the District of Arizona, the defendants DEVAN EDWARD LEONARD and RANDALL FRANKLIN BEGAY, did knowingly use and carry and discharge a firearm during and in relation to a crime of violence, as alleged in Count 3 of this Indictment.

In violation of Title 18, United States Code, Section 924(c)(1)(A)(iii).

COUNT 8

29. On or about December 16, 2014, in the District of Arizona, within the confines of the Navajo Nation Indian Reservation, Indian Country, the defendants DEVAN EDWARD LEONARD and KYLE FILBERT GRAY, both Indians, did unlawfully kill T.S., with malice aforethought.

All in violation of Title 18, United States Code, Sections 1153, 1111 and 2.

COUNT 9

30. On or about December 16, 2014, in the District of Arizona, the defendants DEVAN EDWARD LEONARD and KYLE FILBERT GRAY, willfully and knowingly, during and in relation to a crime of violence for which they may be prosecuted in a court of the United States, as alleged in Count 8, did use and carry a firearm, and, in furtherance of such crimes, did possess a firearm, and did aid and abet the use, carrying, and possession of a firearm, and in the course of those crimes did cause the death of a person through the use of a firearm, which killing is murder as defined in Title 18, United States Code, Section 1111.

All in violation of Title 18, United States Code, Section 924(j).

COUNT 10

31. On or about December 16, 2014, in the District of Arizona, the defendants, DEVAN EDWARD LEONARD and KYLE FILBERT GRAY, did knowingly use and carry and discharge a firearm during and in relation to a crime of violence, as alleged in Count 8 of this Indictment, in violation of Title 18, United States Code, Section 924(c)(1)(A)(iii).

1 COUNT 11

2 32. On or about December 16, 2014, in the District of Arizona, within the confines of
3 the Navajo Nation Indian Reservation, Indian Country, the defendants, DEVAN
4 EDWARD LEONARD and KYLE FILBERT GRAY, did unlawfully seize, confine,
5 kidnap, abduct, and carry away and hold for ransom or reward or otherwise C. P.

6 All in violation of Title 18, United States Code, Sections 1153, 1201 and 2.

7 COUNT 12

8 33. On or about December 16, 2014, in the District of Arizona, within the confines of
9 the Navajo Nation Indian Reservation, Indian Country, the defendant KYLE FILBERT
10 GRAY, an Indian, did knowingly engage in and attempt to engage in a sexual act with C.P.,
11 by using force against her. The sexual act involved contact between the defendant's penis
12 and the victim's vulva.

13 All in violation of Title 18, United States Code, Sections 1153, 2241(a) and 2246(2).

14 COUNT 13

15 34. At all times relevant to this Indictment, the RED SKIN KINGZ, as more fully
16 described in Paragraphs 1 – 17 of Count One of this Indictment, which are realleged and
17 incorporated by reference herein, including its leaders, members and associates, constituted
18 an enterprise as defined in Title 18, United States Code, Section 1959(b)(2), that is, a group
19 of individuals associated in fact that was engaged in, and the activities of which affected,
20 interstate and foreign commerce. The enterprise constituted an ongoing organization
21 whose members functioned as a continuing unit for a common purpose of achieving the
22 objectives of the enterprise.

23 35. At all times relevant to this Indictment, the above-described enterprise, the RED
24 SKIN KINGZ, through its members and associates, engaged in racketeering activity as
25 defined in Title 18, United States Code, Section 1959(b)(1) and Section 1961(1), that is,
26 acts involving murder, robbery, arson, kidnapping, all in violation of the laws of the State
27 of Arizona; multiple offenses involving drug trafficking, in violation of Title 21, United
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1 States Code, Sections 841 and 846; and acts indictable under Title 18, United States Codes,
2 Sections 1503 and 1512.

3 36. On or about February 4, 2014, in the District of Arizona, the defendants DEVAN
4 EDWARD LEONARD and RANDALL FRANKLIN BEGAY did knowingly and
5 unlawfully attempt to murder S.P., in violation of Arizona Revised Statutes Sections 13-
6 1104, 13-1105, 13-1001, 13-1003, and 13-1004, for the purpose of maintaining and
7 increasing position in the RED SKIN KINGZ, an enterprise engaged in racketeering
8 activity.

9 All in violation of Title 18, United States Code, Section 1959(a)(5).

10 **COUNT 14**

11 37. On or about February 4, 2014, in the District of Arizona, the defendants DEVAN
12 EDWARD LEONARD and RANDALL FRANKLIN BEGAY, aided and abetted by one
13 another, did knowingly use and carry and discharge a firearm during and in relation to a
14 crime of violence, as alleged in Count 13 of this Indictment.

15 In violation of Title 18, United States Code, Sections 924(c)(1)(A)(iii) and 2.

16 **COUNT 15**

17 38. On or about February 4, 2014, in the District of Arizona, within the confines of the
18 Navajo Nation Indian Reservation, Indian Country, the defendants, DEVAN EDWARD
19 LEONARD and RANDALL FRANKLIN BEGAY, both Indians, did intentionally and
20 knowingly assault S.P., with a dangerous weapon, that is a firearm, with intent to do bodily
21 harm.

22 All in violation of Title 18, United States Code, Sections 1153, 113(a)(3) and 2.

23 **COUNT 16**

24 39. On or about February 4, 2014, in the District of Arizona, within the confines of the
25 Navajo Nation Indian Reservation, Indian Country, the defendants, DEVAN EDWARD
26 LEONARD and RANDALL FRANKLIN BEGAY, both Indians, did intentionally and
27 knowingly assault R.B., with a dangerous weapon, that is a firearm, with intent to do bodily
28 harm.

1 All in violation of Title 18, United States Code, Sections 1153, 113(a)(3) and 2.

2 **COUNT 17**

3 40. On or about February 4, 2014, in the District of Arizona, the defendants DEVAN
4 EDWARD LEONARD and RANDALL FRANKLIN BEGAY, aided and abetted by one
5 another, did knowingly use and carry and discharge a firearm during and in relation to a
6 crime of violence, as alleged in Count 15 of this Indictment.

7 In violation of Title 18, United States Code, Sections 924(c)(1)(A)(iii) and 2.

8 **COUNT 18**

9 41. On or about February 4, 2014, in the District of Arizona, the defendants DEVAN
10 EDWARD LEONARD and RANDALL FRANKLIN BEGAY, aided and abetted by one
11 another, did knowingly use and carry and discharge a firearm during and in relation to a
12 crime of violence, as alleged in Count 16 of this Indictment.

13 In violation of Title 18, United States Code, Sections 924(c)(1)(A)(iii) and 2.

14 **COUNT 19**

15 42. On or about April 28, 2015, through May 7, 2015, in the District of Arizona, within
16 the confines of the Navajo Nation Indian Reservation, Indian Country, the defendant
17 RANDALL FRANKLIN BEGAY, an Indian, did willfully and knowingly take and carry
18 away, with intent to steal or purloin, the personal property of another, that is, a 2004 Ford
19 Expedition, VIN 1FMPU18L24LB37500, belonging to C. B., with a value exceeding
20 \$1,000.

21 All in violation of Title 18, United States Code, Sections 1153 and 661.

22 **FORFEITURE PROVISIONS**

23 1. Upon conviction of the offense in violation of Title 18, United States Code, Section
24 1962 alleged in Count 1 of this Indictment, the defendants, KYLE FILBERT GRAY,
25 DEVAN EDWARD LEONARD, RANDALL FRANKLIN BEGAY, LUCILLE JEAN
26 LEONARD and URIAH THOMAS SHAY shall forfeit to the United States pursuant to
27 Title 18, United States Code, Section 1963(a):

28 (1) any interest acquired or maintained in violation of Section 1962;

1 (2) any interest in, security of, claim against, or property or contractual right of
2 any kind affording a source of influence over, any enterprise which the defendants
3 established, operated, controlled, conducted, or participated in the conduct of, in violation
4 of Section 1962; and

5 (3) any property constituting, or derived from, any proceeds obtained, directly
6 or indirectly, from racketeering activity in violation of section 1962, including, but not
7 limited to, the following: United States currency, personal property and firearms.

8 (4) MONEY JUDGMENT: A sum of money in United States currency
9 representing the amount of proceeds obtained as a result of each offense, or conspiracy to
10 commit such offense, for which the defendant is convicted. If more than one defendant is
11 convicted of an offense, the defendants so convicted are jointly and severally liable.

12 2. Upon conviction of one or more of the offenses alleged in Counts 4, 5, 6, 7, 9, 10,
13 14, 17 and 18 of this Indictment, the defendants, KYLE FILBERT GRAY, DEVAN
14 EDWARD LEONARD, and RANDALL FRANKLIN BEGAY, shall forfeit to the United
15 States pursuant to Title 18, United States Code, Section 924(d) and Title 28, United States
16 Code, Section 2461(c), any firearm and ammunition used in the commission of said
17 violation.

18 A TRUE BILL

19 *S/*

20 FOREPERSON OF THE GRAND JURY
Date: October 12, 2016

21 JOHN S. LEONARDO
22 United States Attorney
District of Arizona

23 *S/*

24 JAMES M. TRUSTY
25 Chief, Organized Crime and Gang Section
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