

FILED

OCT 23 2008

**CLERK, U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

BY _____
DEPUTY CLERK

1 MCGREGOR W. SCOTT
United States Attorney
2 SAMUEL WONG
Assistant U.S. Attorney
3 501 I Street, Suite 501
Sacramento, California 95814
4 Telephone: 916-554-2772

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8 **IN THE UNITED STATES DISTRICT COURT**
9 **FOR THE EASTERN DISTRICT OF CALIFORNIA**

10 **2:08 - CR - 500 EAG**

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|---------------------------------|---|-----------------------------------|
| 11 UNITED STATES OF AMERICA |) | CASE NO. |
| |) | |
| 12 Plaintiff, |) | VIOLETIONS: 18 U.S.C. § 371 - |
| |) | Conspiracy; 16 U.S.C. § 470ee(a), |
| 13 v. |) | (b), and (d) - Unlawful |
| |) | Transportation of Archaeological |
| 14 DONALD WOODWORTH PARKER, and |) | Resources Removed from Public |
| 15 STEVEN WOODWORTH PARKER, |) | Lands (Felony); 16 U.S.C. |
| |) | § 470ee(c) and (d) - Unlawful |
| 16 Defendants: |) | Interstate Transportation of |
| |) | Archaeological Resources Removed |
| |) | in Violation of State Law |
| |) | (Felony); 18 U.S.C. §§ 641 and |
| |) | 2 - Retention of Stolen Property |
| |) | of the United States |
| |) | (Misdemeanor); 16 U.S.C. |
| |) | § 470gg(b) and 28 U.S.C. |
| |) | § 2461(c) - Criminal Forfeiture |

21 **I N D I C T M E N T**

22 **COUNT ONE:** [18 U.S.C. § 371 - Conspiracy]

23 The Grand Jury charges: T H A T

24 DONALD WOODWORTH PARKER, and
25 STEVEN WOODWORTH PARKER,

26 defendants herein, beginning at a time unknown to the Grand Jury, but
27 not later than in or about February or March 2003, and continuing
28 until on or about March 3, 2007, in the County of Sacramento, State

1 and Eastern District of California, and the State and District of
2 Nevada, did knowingly and intentionally conspire with each other, and
3 with others unknown to the Grand Jury, to commit offenses against the
4 United States, to wit: (1) the removal of archaeological resources
5 from public lands without a permit or exemption in violation of Title
6 16, United States Code, Section 470ee(a) and (d); (2) the unlawful
7 transportation of archaeological resources removed from public lands
8 without a permit or exemption in violation of Title 16, United State
9 Code, Section 470ee(a), (b), and (d); (3) the unlawful transportation
10 in interstate commerce of archaeological resources removed in
11 violation of State law, in violation of Title 16, United States Code,
12 Section 470ee(c) and (d); and (4) the unlawful retention of stolen
13 property of the United States with the intent to convert it to
14 defendants' use or gain, in violation of Title 18, United States Code,
15 Section 641.

16 OVERT ACTS

17 In furtherance of the conspiracy and to effect the objects
18 thereof, one or more of the defendants performed the following overt
19 acts in the State and Eastern District of California, and the State
20 and District of Nevada:

21 1. In or about February or March 2003, defendants DONALD
22 WOODWORTH PARKER and STEVEN WOODWORTH PARKER traveled from their home
23 in Folsom, California, to Nevada to unlawfully collect archaeological
24 resources that were at least 100 years of age, and which were of
25 archaeological interest, including Native American projectile points,
26 bifaces, stone tools, and flaked or ground stone. While in Nevada,
27 defendants DONALD WOODWORTH PARKER and STEVEN WOODWORTH PARKER
28 intentionally removed without a permit or exemption these

1 archaeological resources from public lands administered by the United
2 States Bureau of Land Management and private lands without the owner's
3 permission.

4 2. In or about February or March 2003, defendants DONALD
5 WOODWORTH PARKER and STEVEN WOODWORTH PARKER transported to their home
6 in Folsom, California, the archaeological resources unlawfully removed
7 from public and private lands in Nevada.

8 3. Defendants DONALD WOODWORTH PARKER and STEVEN WOODWORTH
9 PARKER committed the overt acts, among others, alleged in substantive
10 Counts Two, Three, and Four of this Indictment, which are incorporated
11 herein by this reference as though fully set forth.

12 4. On a date unknown to the Grand Jury, but during the
13 approximate time period beginning in or about December 2006 and ending
14 in or about March 2007, defendant STEVEN WOODWORTH PARKER
15 intentionally delivered to a third party in the Eastern District of
16 California certain archaeological resources that defendants unlawfully
17 removed from public and private lands in Nevada, for the purpose of
18 hiding those items from law enforcement and retaining those items for
19 defendants' own use and gain.

20 All in violation of Title 18, United States Code, Section 371.

21 COUNT TWO: [16 U.S.C. § 470ee(a), (b), and (d) - Unlawful
22 Transportation of Archaeological Resources Removed from
Public Lands]

23 The Grand Jury further charges: T H A T

24 DONALD WOODWORTH PARKER, and
25 STEVEN WOODWORTH PARKER,

26 defendants herein, in or about October 2006, in the State and Eastern
27 District of California, and the State and District of Nevada, did
28 knowingly transport archaeological resources that were at least 100

1 years of age, and which were of archaeological interest, including
2 Native American projectile points, bifaces, stone tools, and flaked or
3 ground stone, which had been removed without a permit or exemption
4 from public lands administered by the United States Bureau of Land
5 Management, and the archaeological value of which archaeological
6 resources and the cost of restoration and repair of such resources
7 exceeds the sum of \$500, in violation of Title 16, United States Code,
8 Section 470ee(a), (b) and (d).

9 COUNT THREE: [16 U.S.C. § 470ee(c)and (d) - Unlawful Interstate
10 Transportation of Archaeological Resources Removed
in Violation of State Law]

11 The Grand Jury further charges: T H A T

12 DONALD WOODWORTH PARKER, and
13 STEVEN WOODWORTH PARKER,

14 defendants herein, in or about October 2006, in the State and Eastern
15 District of California, and the State and District of Nevada, did
16 knowingly transport in interstate commerce archaeological resources
17 that were at least 100 years of age, and which were of archaeological
18 interest, including projectile points, bifaces, stone tools, and
19 flaked or ground stone, which had been removed from public lands
20 administered by the United States Bureau of Land Management and
21 private lands in violation of State law, to wit: theft in violation
22 of Nevada Revised Statutes Section 205.0832, and the archaeological
23 value of which archaeological resources and the cost of restoration
24 and repair of such resources exceeds the sum of \$500, in violation of
25 Title 16, United States Code, Section 470ee(c) and (d).

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1 COUNT FOUR: [18 U.S.C. §§ 641 and 2 - Retention of Stolen Property
2 of the United States]

3 The Grand Jury further charges: T H A T

4 DONALD WOODWORTH PARKER, and
5 STEVEN WOODWORTH PARKER,

6 defendants herein, beginning at a time unknown to the Grand Jury but
7 not later than in or about February or March 2003, and continuing
8 until on or about March 3, 2007, in the County of Sacramento, State
9 and Eastern District of California, did knowingly conceal and retain
10 stolen property of the United States with a value of less than \$1,000,
11 to wit: archaeological resources that were at least 100 years of age,
12 and which were of archaeological interest, including Native American
13 projectile points, bifaces, stone tools, and flaked or ground stone,
14 which had been removed without permit or exemption from public lands
15 administered by the United States Bureau of Land Management, with
16 intent to convert said property to their own use and gain, defendants
17 DONALD WOODWORTH PARKER and STEVEN WOODWORTH PARKER then knowing said
18 property to have been stolen, all in violation of Title 18, United
19 States Code, Sections 641 and 2.

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1 FORFEITURE ALLEGATION: [16 U.S.C. § 470gg(b) and 28 U.S.C.
2 § 2461(c) - Criminal Forfeiture]

3 The Grand Jury further charges:

4 DONALD WOODWORTH PARKER, and
5 STEVEN WOODWORTH PARKER,

6 defendants herein, upon conviction of the offenses^{en} alleged in Counts
7 Two and Three of this Indictment, shall forfeit to the United States,
8 pursuant to Title 16, United States Code, Section 470gg(b), and Title
9 28, United States Code, Section 2461(c), all archaeological resources
10 pertaining to those counts.

11 A TRUE BILL.

12 **/s/ Signature on file w/AUSA**

13 FOREPERSON

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15 *Laura L. Ferris for*
16 McGREGOR W. SCOTT
17 United States Attorney
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UNITED STATES DISTRICT COURT

Eastern District of California

Criminal Division

THE UNITED STATES OF AMERICA

vs.

DONALD WOODWORTH PARKER, and STEVEN WOODWORTH PARKER

INDICTMENT

VIOLATION(S): 18 U.S.C. § 371 - Conspiracy; 16 U.S.C. § 470ee(a), (b), and (d) - Unlawful Transportation of Archaeological Resources Removed From Public Lands; 16 U.S.C. § 470ee(c) and (d) - Unlawful Interstate Transportation of Archaeological Resources Removed in Violation of State Law; 18 U.S.C. §§ 641 and 2 - Retention of Stolen Property of the United States; 16 U.S.C. § 470gg(b) and 28 U.S.C. § 2461(c) - Criminal Forfeiture

A true bill,

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Foreman.

Filed in open court this 23 day

of OCTOBER, A.D. 20 08

[Signature] Clerk.

Bail, \$

Notices to appear to be issued as to each defendant. [Signature]

DEFENDANT:

**DONALD WOODWORTH PARKER
STEVEN WOODWORTH PARKER**

COUNT ONE:

18 U.S.C. § 371 - Conspiracy

PENALTY:

**Not more than 5 years in prison,
Not more than \$250,000 fine, or both, and a
3-year term of supervised release.**

PENALTY ASSESSMENT:

Mandatory \$100 penalty assessment

COUNT TWO:

**16 U.S.C. § 470ee(a), (b), and (d) - Unlawful
Transportation of Archaeological Resources
Removed from Public Lands**

PENALTY:

**Not more than 2 years in prison,
Not more than \$250,000 fine, or both, and a
1-year term of supervised release.**

PENALTY ASSESSMENT:

Mandatory \$100 penalty assessment

COUNT THREE:

**16 U.S.C. § 470ee(c) and (d) - Unlawful
Interstate Transportation of Archaeological
Resources Removed in Violation of State Law**

PENALTY:

**Not more than 2 years in prison,
Not more than \$250,000 fine, or both, and a
1-year term of supervised release.**

PENALTY ASSESSMENT:

Mandatory \$100 penalty assessment

COUNT FOUR:

**18 U.S.C. §§ 641 and 2 - Retention of Stolen
Property of the United States**

PENALTY:

**Not more than 1 year in prison,
Not more than \$100,000 fine, or both, and a
1-year term of supervised release.**

PENALTY ASSESSMENT:

Mandatory \$25 penalty assessment

FORFEITURE ALLEGATION

**16 U.S.C. § 470gg (b) and 28 U.S.C. § 2461(c) -
Criminal Forfeiture**

PENALTY:

**Forfeiture of all Archaeological Resources Pertaining
to Counts Two and Three**