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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA

UNITED STATES OF AMERICA,) No.
)
Plaintiff,	) <u>COUNT 1:</u>
	) CONSPIRACY AGAINST THE
v.	) UNITED STATES
	) Vio. of 18 U.S.C. § 371
MARTIN THORNLEY ELZE and)
GARY LYNN BOYD a/k/a “Gary	) <u>COUNT 2:</u>
Black,”	) REMOVAL OF PALEONTOLOGICAL
	) RESOURCE
Defendants.	) Vio. of 16 U.S.C. § 470aaa-5(a)(1)
)
	) <u>COUNT 3:</u>
	) THEFT OF PROPERTY OF THE
	) UNITED STATES
	) Vio. of 18 U.S.C. § 641
)
	) <u>COUNT 4:</u>
	) TAMPERING WITH A WITNESS
	) Vio. of 18 U.S.C. § 1512(b)(1)

INDICTMENT

COUNT 1

Introduction

The Grand Jury charges that:

At all times relevant to this Indictment, the Bureau of Land Management (“BLM”) was a bureau of the United States Department of the Interior. The BLM owned the Campbell Tract Facility, a parcel of Federal land of approximately 730 acres in Anchorage, within the District of Alaska. The Campbell Tract Facility was public land with diverse habitats, wildlife, and vegetation.

The Campbell Creek Science Center (“CCSC”) was a museum located within the Campbell Tract Facility. The CCSC served approximately 40,000 visitors annually with a variety of programs, special events, and volunteer opportunities.

The Campbell Tract Facility and CCSC were Federal land controlled or administered by the Secretary of the Interior.

The CCSC contained a variety of items owned by the United States, including a specific fossilized woolly mammoth tusk, referred to in this Indictment as the “mammoth tusk.”

The mammoth tusk was a paleontological resource. It was the fossilized remains of an organism (specifically, a woolly mammoth) that was preserved in or on the earth’s crust, and was of paleontological interest and provided information about the history of life on earth.

Woolly mammoths were extinct prehistoric relatives of elephants. Some mammoths lived on the land that became Alaska. Mammoths ate grasses. Mammoths had tusks, which were continually growing incisor teeth. Mammoths were believed to have used tusks for fighting and displays of dominance.

Fossilization was the process by which living tissue becomes mineralized over long periods of time.

Conspiracy

At a time unknown to the Grand Jury, but no later than on or about March 7, 2018, and continuing to a date not earlier than June 12, 2018, within the District of Alaska, the defendants, MARTIN THORNLEY ELZE and GARY LYNN BOYD, a/k/a “Gary Black,” did knowingly and intentionally combine, conspire, confederate, and agree with each other, and with others known and unknown to the Grand Jury, to commit an act and acts constituting felony offenses against the United States, to wit: theft of property of the United States having a value in excess of \$1,000, in violation of 18 U.S.C. § 641, and unauthorized removal of paleontological resources, to wit: the mammoth tusk, in violation of 16 U.S.C. § 470aaa-5(a).

Object, Methods, and Means

It was a part of said conspiracy that the conspirators would knowingly and without authorization remove, damage, and otherwise alter and deface the mammoth tusk, that was and remained at all times relevant herein the property of the United States, and that

the conspirators would take and carry away said tusk with intent to convert it, without authority, to their own use and the use of others.

Overt Acts

During the course of said conspiracy and to effect the objects thereof, the defendants, ELZE and BOYD, and other co-conspirators, known and unknown to the grand jury, committed one or more overt acts as follows:

1. On or about March 7, 2018, ELZE and BOYD, along with Co-Conspirator A, visited the Campbell Creek Science Center (“CCSC”).
2. On or about March 7, 2018, Co-Conspirator A asked questions to one or more CCSC staff members regarding the type and weight of the mammoth tusk.
3. On or about March 8, 2018, ELZE and BOYD returned to the CCSC when it was closed.
4. On or about March 8, 2018, BOYD used a rock to break a window and unlawfully open a door at the CCSC.
5. On or about March 8, 2018, BOYD unlawfully entered the CCSC and removed the mammoth tusk from the CCSC while ELZE waited outside the CCSC.
6. On or about March 8, 2018, ELZE and BOYD unlawfully removed and transported the mammoth tusk away from the CCSC.
7. On or after March 8, 2018, ELZE and co-conspirators unknown to the grand jury transported the mammoth tusk away from the Campbell Tract Facility.

8. On or about March 8, 2018, or thereafter, ELZE unlawfully altered and defaced the mammoth tusk by cutting it.

All of which is in violation of 18 U.S.C. § 371.

COUNT 2

The United States realleges the introduction to Count 1. On or about March 8, 2018, within the District of Alaska, the defendants, MARTIN THORNLEY ELZE and GARY LYNN BOYD, a/k/a “Gary Black,” did knowingly remove, damage, and otherwise alter and deface, and attempted to remove, damage, and otherwise alter and deface, a paleontological resource located on Federal land; to wit: the mammoth tusk.

All of which is in violation of 16 U.S.C. § 470aaa-5(a)(1).

COUNT 3

The United States realleges the introduction to Count 1. On or about March 8, 2018, within the District of Alaska, the defendants, MARTIN THORNLEY ELZE, and GARY LYNN BOYD, a/k/a “Gary Black,” did embezzle, steal, purloin, and knowingly convert to their use and the use of another, and without authority, sold, conveyed, and disposed of anything of value of the United States or of any department or agency thereof, to wit: the mammoth tusk.

All of which is in violation of 18 U.S.C. § 641.

COUNT 4

The United States realleges the introduction to Count 1. On or about June 12, 2018, within the District of Alaska, the defendant, MARTIN THORNLEY ELZE

corruptly attempted to influence the testimony of a person in an official proceeding; to wit: the Federal grand jury investigating the theft of the mammoth tusk.

All of which is in violation of 18 U.S.C. § 1512(b)(1).

A TRUE BILL.

s/ Grand Jury Foreperson
GRAND JURY FOREPERSON

s/ Jonas M. Walker
JONAS M. WALKER
United States of America
Assistant U.S. Attorney

s/ E. Bryan Wilson for
BRYAN SCHRODER
United States of America
United States Attorney

DATE: 9/18/18