

FILED

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DISTRICT OF UTAH
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IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, CENTRAL DIVISION

UNITED STATES OF AMERICA, :
 :
 Plaintiff, :

vs. :

SEALED
INDICTMENT
2:03CR 0933 US

TRACY DAVID SWENA, :
 aka "TinMan", :
 JOHN ARTHUR MCGEE, :
 aka "Cajun", :
 STEVE MARK SWENA, :
 aka "Taz", :
 DAVID FINK, :
 aka "Castle" :
 MIKE MAIN, :
 aka "M & M", :
 MARK ISAAC SNARR, :
 aka "Snuff", :
 LEE ERVIN HEYEN, :
 aka "Dallas", :
 LANCE VANDERSTAPPEN, :
 aka "Lil' Lance" "Cub", :
 JASON BATES, :
 aka "Kid", :
 ANDREW BECK, :
 aka "Nutz" "Bandit", :
 DENNIS JUDD, and :
 JEFF SCHIRADO, :
 aka "Sherwood", :

18 U.S.C. § 1962(d)
Racketeer Influenced and
Corrupt Organizations
Conspiracy
18 U.S.C. § 1959
Violent Crime in Aid of
Racketeering Activity
18 U.S.C. § 2
Aiding & Abetting

UNSEALED

Defendants.

1

COUNT 1

The Grand Jury charges:

The Enterprise

1. At various times relevant to this Indictment, the defendants, TRACY DAVID SWENA, aka "Tinman"; JOHN ARTHUR McGEE, aka "Cajun"; STEVE MARK SWENA, aka "Taz"; DAVID FINK, aka "Castle"; MIKE MAIN, aka "M & M"; MARK ISAAC SNARR, aka "Snuff"; LEE ERVIN HEYEN, aka "Dallas"; LANCE VANDERSTAPPEN, aka "Lil' Lance", "Cub"; JASON BATES, aka "Kid"; and ANDREW BECK, aka "Nutz", "Bandit"; DENNIS JUDD; and JEFF SCHIRADO, aka "Sherwood"; and others known and unknown were members and associates of SOLDIERS OF THE ARYAN CULTURE ("SAC"), a criminal organization whose members and associates engaged in acts of violence, including conspiracy to commit murder, attempted murder, extortion, and conspiracy to distribute narcotics, and which operated principally in the State of Utah and within Utah correctional institutions.

2. SOLDIERS OF THE ARYAN CULTURE ("SAC"), including its leadership, membership, and associates, constituted an "enterprise," as defined by Title 18, United States Code, Section 1961(4) (hereinafter "the enterprise"), that is, a group of individuals associated in fact. The enterprise constituted an ongoing organization whose members functioned as a continuing unit for a common purpose of achieving the objectives of the

enterprise. This enterprise was engaged in, and its activities affected, interstate and foreign commerce.

Purposes of the Enterprise

3. The purposes of the enterprise included the following:

a. Enriching the members and associates of the enterprise through, among other things, conspiracy to commit murder, attempted murder, extortion, and conspiracy to distribute narcotics.

b. Preserving, protecting, and expanding the power of the enterprise through the use of intimidation, violence, threats of violence, assaults and attempted murder.

c. Promoting and enhancing the enterprise, its reputation, and its members' and associates' activities.

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

e. Promoting white supremacist ideology inside and outside of Utah correctional institutions in order to gain and maintain power over other races and SOLDIERS OF THE ARYAN CULTURE members both inside and outside of correctional institutions through threats of violence and violence.

Roles of the Defendants

4. The defendants participated in the operation and management of the enterprise.

a. The defendant, TRACY SWENA, aka "Tinman", was the creator and highest ranking leader of the enterprise, who directed other members of the enterprise in carrying out unlawful and other activities in furtherance of the conduct of the enterprise's affairs.

b. The hierarchy of SOLDIERS OF THE ARYAN CULTURE includes "Generals", "Lieutenants", "Sergeants", and "Soldiers". The following defendants occupied the following positions in SOLDIERS OF THE ARYAN CULTURE: GENERALS - TRACY DAVID SWENA, aka "Tinman"; JOHN ARTHUR McGEE, aka "Cajun"; STEVE MARK SWENA, aka "Taz". LIEUTENANTS - DAVID FINK, aka "Castle"; MIKE MAIN, aka "M & M"; MARK ISAAC SNARR, aka "Snuff" and persons known and unknown. SERGEANTS - LEE ERVIN HEYEN, aka "Dallas"; LANCE VANDERSTAPPEN, aka "Lil' Lance" and "Cub"; and persons known and unknown. SOLDIER - ANDREW BECK, aka "Nutz" and "Bandit"; JEFF SCHIRADO, aka "Sherwood"; and persons known and unknown. Significant associates of SOLDIERS OF THE ARYAN CULTURE - JASON BATES, aka "Kid"; DENNIS JUDD; and persons known and unknown.

c. Under the direction of Generals and Lieutenants of the enterprise, the defendants participated in unlawful and other activities in furtherance of the conduct of the enterprise's affairs.

d. SOLDIERS OF THE ARYAN CULTURE accept members by invitation only. New members can only be sponsored by

"Lieutenants" and "Sergeants." The leaders of SOLDIERS OF THE ARYAN CULTURE, "Generals" approve the admission of a new member only after the new member has completed "probate". "Probate" is typically a six to twelve month time frame during which probates must complete criminal "mission(s)" to show they are deserving of membership. This mission(s) oftentimes include orders, issued by the leaders of SOLDIERS OF THE ARYAN CULTURE, to "hit" another inmate. A "hit" is usually a violent stabbing or some other form of criminal activity designed to show dominance within and outside of correctional institutions. Once a mission is completed and the probate is approved, the new member receives the "SAC PATCH" (a tattoo of an iron cross wrapped by a swastika). Other symbols or tattoos, indicative of membership in the organization and completion of orders issued to by leadership to "hit" another individual, are "tipped lightning bolts". A pair of these tattoos is awarded when a violent act is committed in furtherance of organization goals. The more "work" or criminal activity a member engages in, the greater the chances are that the member will advance to a higher rank within the organization. SOLDIERS OF THE ARYAN CULTURE members refer to each other as "Wood". Once an individual becomes a member of SOLDIERS OF THE ARYAN CULTURE, he is considered a member for life. A member can not denounce membership or walk away from SOLDIERS OF THE ARYAN CULTURE. To do so would result in

retaliation or death at the hands of other SOLDIER OF THE ARYAN CULTURE members.

e. SOLDIERS OF THE ARYAN CULTURE requires its members to read specific types of white supremacy literature to learn more about the "white power" movement. In addition, SOLDIERS OF THE ARYAN CULTURE has a "Manual" or code of conduct, created in large part by TRACY DAVID SWENA aka "Tinman", which outlines the rules and guidelines members must follow. SOLDIERS OF THE ARYAN CULTURE enforce compliance with the rules set forth in the "Manual" by issuing "green lights" or discipline for violation of these rules. A "green light" can be a physical assault against a member or death. A "green light" can also be issued against enemies of SOLDIERS OF THE ARYAN CULTURE. SOLDIERS OF THE ARYAN CULTURE also enforce the rules set forth in the "Manual" and demand respect among the general prison population by committing violent crimes, including assaulting or attempting to murder those inmates who, by their actions, behavior, attitude, appearance, or ethnicity, violate the rules and ideology of, or pose a threat to, or offend members of the enterprise. These violent crimes committed by enterprise members and associates against non-members are committed for the benefit of the enterprise, to become a member of the enterprise, or to maintain or increase one's status within the enterprise. Prior to any action taken against these non-members, authorization must be

received from a "General" or "Lieutenant".

f. SOLDIERS OF THE ARYAN CULTURE members further enforce the rules set forth in the "Manual" among its members by committing violent acts against those members who violate the rules of or pose a threat to the enterprise. A member of the SOLDIERS OF THE ARYAN CULTURE must receive authorization from a "General" or "Lieutenant" to commit a violent act against a fellow member.

g. SOLDIERS OF THE ARYAN CULTURE members also maintain discipline and allegiance to the organization by maintaining membership lists and communication with each member. Members of SOLDIERS OF THE ARYAN CULTURE are kept abreast of the activities of members and associates inside and outside of Utah correctional institutions. Members of SOLDIERS OF THE ARYAN CULTURE and associates who are not incarcerated arrange to receive telephone calls from incarcerated members, then arrange three-way calls to communicate orders to others. Members of SOLDIERS OF THE ARYAN CULTURE, through the use of the membership list, threaten violence against member families when the rules or orders are violated.

Means and Methods of the Enterprise

5. Among the means and methods by which the defendants, TRACY DAVID SWENA, aka "Tinman"; JOHN ARTHUR McGEE, aka "Cajun"; STEVE MARK SWENA, aka "Taz"; DAVID FINK, aka "Castle"; MIKE MAIN,

aka "M & M"; MARK ISAAC SNARR, aka "Snuff"; LEE ERVIN HEYEN, aka "Dallas"; LANCE VANDERSTAPPEN, aka "Lil' Lance", "Cub"; JASON BATES, aka "Kid"; ANDREW BECK, aka "Nutz", "Bandit"; DENNIS JUDD; JEFF SCHIRADO, aka "Sherwood"; and others known and unknown and their associates conducted and participated in the conduct of the affairs of the enterprise were the following:

a. Members of the enterprise and their associates conspired, committed, and attempted to commit murders.

b. Members of the enterprise and their associates conspired, committed, attempted and threatened to commit acts of violence, including murder, and extortion to protect, expand, and promote the goals of the enterprise.

c. Members of the enterprise and their associates would promote a climate of fear and to promote white supremacist philosophies through threats of violence.

d. Members of the enterprise and their associates used and threatened to use physical violence against various individuals.

e. Members of the enterprise and their associates conspired to traffic in methamphetamine, which affected interstate commerce.

f. Members of the enterprise would promulgate certain rules to be followed by all members of the enterprise including the following:

1) SOLDIERS OF THE ARYAN CULTURE members must follow all orders given by leaders;

2) SOLDIERS OF THE ARYAN CULTURE members must attack all known sex offenders, "rats" or "snitches", and "PCs" (inmates who are or have been in protective custody). This, as well as attempts to attack law enforcement officials, is referred to as "cleaning up the trash";

3) SOLDIERS OF THE ARYAN CULTURE members must "represent" the "true" race, including standing up for the goals of the organization, standing up for the "brothers" within the organization; and defend other inmates when necessary inside prison;

4) SOLDIERS OF THE ARYAN CULTURE members believe they should not engage in "race mixing", including dating members of different races, associating with minority inmates or other racial groups such as minority street or prison gangs unless approved by the leaders of the organization;

5) SOLDIERS OF THE ARYAN CULTURE members must do everything possible to make their bodies physically strong to assist in criminal activities undertaken to further the goals of the organization;

6) SOLDIERS OF THE ARAYAN CULTURE members cannot disrespect one another, talk bad about one another, or act against another member;

7) Caucasian inmates cannot claim to be a member of the SOLDIERS OF THE ARYAN CULTURE if they have not obtained the membership status through official channels and have been approved to receive the "SAC" Patch;

8) SOLDIERS OF THE ARYAN CULTURE members cannot cooperate with or work for any law enforcement officer or agency on any matter;

9) Once released from prison, SOLDIERS OF THE ARYAN CULTURE members must send money back into prison to members who remain in custody in order to take care of their brothers;

g. Members of the enterprise and their associates enforced the rules of the enterprise and to promote discipline by committing and attempting to commit acts of violence, or a "hit", against various individuals who posed a threat to the enterprise or represented opposing views to the enterprise.

The Racketeering Conspiracy

6. From on or about January 1997 through November 2003, both dates being approximate and inclusive, within the Central Division of the District of Utah and elsewhere, the defendants,

TRACY DAVID SWENA,
aka "Tinman",
STEVE MARK SWENA,
aka "Taz",
MARK ISAAC SNARR,
aka "Snuff",

together with others known and unknown, being persons employed by and associated with SOLDIERS OF THE ARYAN CULTURE, as described

above, which was an enterprise engaged in, and the activities of which affected, interstate commerce, knowingly and intentionally conspired to violate 18 U.S.C. § 1962(c), that is, to conduct and participate, directly and indirectly, in the conduct of the affairs of that enterprise through a pattern of racketeering activity, as that term is defined by 18 U.S.C. § 1961(1) and (5). The pattern of racketeering activity through which the defendants agreed to conduct the affairs of the enterprise consisted of the acts set forth in Racketeering Acts One through Nine as set forth in paragraphs seven through sixteen below. It was a further part of the conspiracy that the defendants agreed that a conspirator would commit at least two acts of racketeering activity in the conduct of the affairs of the enterprise.

The Pattern of Racketeering Activity

7. The pattern of racketeering activity as defined in Title 18, United States Code, Sections 1961(1) and 1961(5), consisted of the following acts:

8. Racketeering Act One
Conspiracy to Commit Murder,
Attempted Murder

The defendant, named below, committed the following acts, either of which alone constitutes Racketeering Act One:

- a. On or about January 22, 1998, in the Central Division of the District of Utah, the defendant,

MARK SNARR,

aka "Snuff",
and others known and unknown, knowingly and intentionally
conspired to murder "John Doe 1", in violation of Utah State
Code, § 76-5-203.

b. On or about January 22, 1998, in the Central Division of
the District of Utah, the defendant,

MARK SNARR,
aka "Snuff",

and others known and unknown, knowingly and intentionally
attempted to murder "John Doe 1", in violation of Utah State
Code, § 76-5-203.

9. Racketeering Act Two
Conspiracy to Commit Murder,
Attempted Murder

The defendants, named below, committed the following acts,
either of which alone constitutes Racketeering Act Two:

a. On or about October 12, 1999, in the Central Division of
the District of Utah the defendants,

TRACY DAVID SWENA,
aka "Tinman", and
STEVE MARK SWENA,
aka "Taz",

and others known and unknown, knowingly and intentionally
conspired to murder "John Doe 2", in violation of Utah State
Code, § 76-5-203.

b. On or about October 12, 1999, in the Central Division of
the District of Utah, the defendants,

TRACY DAVID SWENA,
aka "Tinman", and
STEVE MARK SWENA,
aka "Taz",

and others known and unknown, knowingly and intentionally attempted to murder "John Doe 2", in violation of Utah State Code, § 76-5-203.

10. Racketeering Act Three
Conspiracy to Commit Murder,
Attempted Murder

The defendant, named below, committed the following acts, either of which alone constitutes Racketeering Act Three:

a. On or about February 13, 2000, in the Central Division of the District of Utah the defendant,

STEVE MARK SWENA,
aka "Taz",

and others known and unknown, knowingly and intentionally conspired to murder "John Doe 3", in violation of Utah State Code § 76-5-203.

b. On or about February 13, 2000, in the Central Division of the District of Utah, the defendant,

STEVE MARK SWENA,
aka "Taz",

and others known and unknown, knowingly and intentionally attempted to murder "John Doe 3", in violation of Utah State Code § 76-5-203.

11. Racketeering Act Four
Conspiracy to Commit Extortion, Extortion

The defendant, named below, committed the following acts, either of which alone constitutes Racketeering Act Four:

a. On or about June 20, 2000, in the Central Division of the District of Utah, the defendant,

STEVE MARK SWENA,
aka "Taz",

and others known and unknown, did knowingly and intentionally conspire to commit an extortion, in violation of Utah State Code § 76-6-406.

b. On or about June 20, 2000, in the Central Division of the District of Utah, the defendant,

STEVE MARK SWENA,
aka "Taz",

and others known and unknown, did knowingly and intentionally commit extortion, in violation of Utah State Code § 76-6-406.

12. Racketeering Act Five
Conspiracy to Commit Murder,
Attempted Murder

The defendant, named below, committed the following acts, either of which alone constitutes Racketeering Act Five:

a. On or about January 2, 2001, in the Central Division of the District of Utah, the defendant,

MARK ISAAC SNARR,
aka "Snuff",

and Jason Bates, aka "Kid", and others known and unknown, did

knowingly and intentionally conspire to murder "John Doe 4", in violation of Utah State Code § 76-5-203.

b. On or about January 2, 2001, in the Central Division of the District of Utah, the defendant,

MARK ISAAC SNARR,
aka "Snuff",

and Jason Bates, aka "Kid", and others known and unknown, knowingly and intentionally attempted to murder "John Doe 4", in violation of Utah State Code § 76-5-203.

13. Racketeering Act Six
Conspiracy to Commit Murder

On or about January 20, 2001, in the Central Division of the District of Utah, the defendants,

TRACY DAVID SWENA,
aka "Tinman", and
STEVE MARK SWENA,
aka "Taz",

and others known and unknown, did knowingly and intentionally conspired to murder members of the Nortenos Gang, in violation of Utah State Code, § 76-5-203.

14. Racketeering Act Seven
Attempted Murder

On or about January 20, 2001, in the Central Division of the District of Utah, the defendants,

TRACY DAVID SWENA,
aka "Tinman", and
STEVE MARK SWENA,
aka "Taz",

and Lance Vanderstappen, aka "Lil' Lance" and "Cub", and others

known and unknown, knowingly and intentionally attempted to murder "John Doe 5", in violation of Utah State Code § 76-5-203.

15. Racketeering Act Eight
Attempted Murder

On or about October 31, 2002, in the Central Division of the District of Utah, the defendant,

TRACY DAVID SWENA,
aka "Tinman",

and Andrew Beck, and others known and unknown, knowingly and intentionally attempted to murder "John Doe 6", in violation of Utah State Code § 76-5-203.

16. Racketeering Act Nine
Conspiracy to Distribute Methamphetamine

From approximately October 2000 through in or about February 2001, both dates being approximate and inclusive, in the Central Division of the District of Utah and elsewhere,

TRACY SWENA,
aka "Tinman",

and others known and unknown, intentionally and knowingly combined, conspired, confederated, and agreed together and with each other to distribute and possess with intent to distribute methamphetamine and substances containing a detectable amount of methamphetamine, in violation of Title 21, United States Code, Section 846.

All in violation of 18 U.S.C. § 1962(d).

Violent Crimes in Aid of Racketeering Activity

COUNT 2

The Grand Jury further charges:

17. At all times relevant to this Indictment, SOLDIERS OF THE ARYAN CULTURE, as more fully described in Paragraphs One through Five of this Indictment, which are realleged and incorporated herein by reference as through set forth fully herein, constituted an enterprise as defined in Title 18, United States Code, Section 1959(b)(2), namely SOLDIERS OF THE ARYAN CULTURE, that is, a group of individuals associated in fact which was engaged in, and the activities of which affected interstate commerce.

18. At all times relevant to this Indictment, the above-described enterprise, through its members and associates, engaged in racketeering activity as defined in Title 18, United States Code, Sections 1959(b)(1) and 1961(1), namely acts involving murder, extortion, and distribution of narcotics.

19. On or about January 19, 2000, in the Central Division of the District of Utah, the defendant,

JOHN ARTHUR MCGEE,
aka "Cajun",

and others known and unknown, for the purpose of gaining entrance to and maintaining and increasing his position in SOLDIERS OF THE ARYAN CULTURE, an enterprise engaged in racketeering activity, knowingly and intentionally attempted assault with a dangerous

weapon "John Doe 7", in violation of Utah State Code § 76-5-103.5.

All in violation of Title 18, United States Code, Sections 1959(a)(3).

COUNT 3

20. Paragraphs 17 and 18 of Count 2 of this Indictment are realleged and incorporated by reference as through fully set forth herein.

21. On or about February 26, 2000, in the Central Division of the District of Utah, the defendant,

LEE HEYEN,
aka "Dallas",

and others known and unknown, for the purpose of gaining entrance to and maintaining and increasing his position in SOLDIERS OF THE ARYAN CULTURE, an enterprise engaged in racketeering activity, knowingly and intentionally committed assault with a dangerous weapon of "John Doe 8", in violation of Utah State Code § 76-5-103.

All in violation of Title 18, United States Code, Sections 1959(a)(3), 2.

COUNT 4

22. Paragraphs 17 and 18 of Count 2 of this Indictment are realleged and incorporated by reference as through fully set forth herein.

23. On or about December 2, 2000, in the Central Division

of the District of Utah, the defendants,

MIKE MAIN,
aka "M & M",
DENNIS JUDD, and
JEFF SCHIRADO,
aka "Sherwood",

and others known and unknown, for the purpose of gaining entrance to and maintaining and increasing their position in SOLDIERS OF THE ARYAN CULTURE, an enterprise engaged in racketeering activity, knowingly and intentionally conspired to commit murder of "John Doe 9", in violation of Utah State Code § 76-5-103.5.

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

COUNT 5

24. Paragraphs 17 and 18 of Count 2 of this Indictment are realleged and incorporated by reference as through fully set forth herein.

25. On or about December 2, 2000, in the Central Division of the District of Utah, the defendant,

DENNIS JUDD, and
JEFF SCHIRADO,
aka "Sherwood",

and others known and unknown, as consideration for the receipt of anything of pecuniary value from SOLDIERS OF THE ARYAN CULTURE, and for the purpose of gaining entrance to and maintaining and increasing their position in SOLDIERS OF THE ARYAN CULTURE, an

enterprise engaged in racketeering activity, knowingly and intentionally attempted to murder "John Doe 9", in violation of Utah State Code § 76-5-103.5.

All in violation of Title 18, United States Code, Sections 1959(a)(5), 2.

COUNT 6

26. Paragraphs 17 and 18 of Count 2 of this Indictment are realleged and incorporated by reference as through fully set forth herein.

27. On or about January 2, 2001, in the Central Division of the District of Utah, the defendants,

TRACY DAVID SWENA,
aka "Tinman",
MARK ISAAC SNARR,
aka "Snuff",
JASON BATES,
aka "Kid",

and other known and unknown, for the purpose of gaining entrance to and maintaining and increasing their position in SOLDIERS OF THE ARYAN CULTURE, an enterprise engaged in racketeering activity, knowingly and intentionally conspired to murder "John Doe 4", in violation of Utah State Code § 76-5-203.

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

COUNT 7

28. Paragraphs 17 and 18 of Count 2 of this Indictment are realleged and incorporated by reference as through fully set

forth herein.

29. On or about January 2, 2001, in the Central Division of the District of Utah, the defendants,

MARK ISAAC SNARR,
aka "Snuff",
JASON BATES,
aka "Kid",

and other known and unknown, for the purpose of gaining entrance to and maintaining and increasing their position in SOLDIERS OF THE ARYAN CULTURE, an enterprise engaged in racketeering activity, knowingly and intentionally attempted to murder, and did maim victim "John Doe 4", in violation of Utah State Code § 76-5-203.

All in violation of Title 18, United States Code, Sections 1959(a)(2), (a)(5), 2.

COUNT 8

30. Paragraphs 17 and 18 of Count 2 of this Indictment are realleged and incorporated by reference as through fully set forth herein.

31. On or about January 20, 2001, in the Central Division of the District of Utah, the defendants,

TRACY DAVID SWENA,
aka "Tinman",
STEVE MARK SWENA,
aka "Taz",
LANCE VANDERSTAPPEN,
aka "Lil' Lance", "Cub",

and other known and unknown, for the purpose of gaining entrance

to and maintaining and increasing their position in SOLDIERS OF THE ARYAN CULTURE, an enterprise engaged in racketeering activity, knowingly and intentionally conspired to murder "John Doe 5", in violation of Utah State Code § 76-5-203.

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

COUNT 9

32. Paragraphs 17 and 18 of Count 2 of this Indictment are realleged and incorporated by reference as through fully set forth herein.

33. On or about January 20, 2001, in the Central Division of the District of Utah, the defendants,

STEVE MARK SWENA,
aka "Taz",
LANCE VANDERSTAPPEN,
aka "Lil' Lance", "Cub",

and other known and unknown, for the purpose of gaining entrance to and maintaining and increasing their position in SOLDIERS OF THE ARYAN CULTURE, an enterprise engaged in racketeering activity, knowingly and intentionally attempted to murder "John Doe 5" and knowingly and intentionally assaulted "John Doe 5" with a dangerous weapon, in violation of Utah State Code § 76-5-203 and 76-5-103.5.

All in violation of Title 18, United States Code, Sections 1959(a)(3), (a)(5), and 2.

COUNT 10

34. Paragraphs 17 and 18 of Count 2 of this Indictment are realleged and incorporated by reference as through fully set forth herein.

35. On or about March 30, 2001, in the Central Division of the District of Utah, the defendants,

TRACY DAVID SWENA,
aka "Tinman",
LEE HEYEN,
aka "Dallas",

and other known and unknown, for the purpose of gaining entrance to and maintaining and increasing their position in SOLDIERS OF THE ARYAN CULTURE, an enterprise engaged in racketeering activity, knowingly and intentionally conspired to murder "John Doe 10", in violation of Utah State Code § 76-5-203.

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

COUNT 11

36. Paragraphs 17 and 18 of Count 2 of this Indictment are realleged and incorporated by reference as through fully set forth herein.

37. On or about July 23, 2002, in the Central Division of the District of Utah, the defendant,

DAVID FINK,
aka "Castle",

and others known and unknown, for the purpose of gaining entrance

to and maintaining and increasing his position in SOLDIERS OF THE ARYAN CULTURE, an enterprise engaged in racketeering activity, knowingly and intentionally assaulted with a dangerous weapon "John Doe 11", in violation of Utah State Code § 76-5-103.

All in violation of Title 18, United States Code, Sections 1959(a)(3), 2.

COUNT 12

38. Paragraphs 17 and 18 of Count 2 of this Indictment are realleged and incorporated by reference as through fully set forth herein.

39. On or about October 31, 2002, in the Central Division of the District of Utah, the defendants,

TRACY DAVID SWENA,
aka "Tinman",
ANDREW BECK,
aka "Nutz", "Bandit",

and other known and unknown, for the purpose of gaining entrance to and maintaining and increasing their position in SOLDIERS OF THE ARYAN CULTURE, an enterprise engaged in racketeering activity, knowingly and intentionally conspired to murder "John Doe 6", in violation of Utah State Code § 76-5-203.

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

COUNT 13

40. Paragraphs 17 and 18 of Count 2 of this Indictment are

realleged and incorporated by reference as through fully set forth herein.

41. On or about October 31, 2002, in the Central Division of the District of Utah, the defendant,

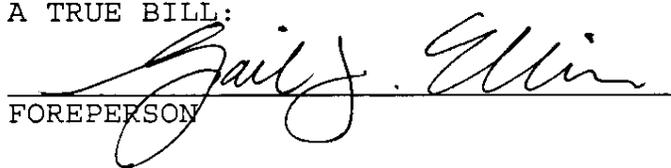
ANDREW BECK,
aka "Nutz", "Bandit",

and other known and unknown, for the purpose of gaining entrance to and maintaining and increasing his position in SOLDIERS OF THE ARYAN CULTURE, an enterprise engaged in racketeering activity, knowingly and intentionally attempted to murder "John Doe 6", in violation of Utah State Code § 76-5-203.

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

DATED: 12/4/03

A TRUE BILL:


FOREPERSON

PAUL M. WARNER
UNITED STATES ATTORNEY


LESHIA M. LEE-DIXON
Assistant United States Attorney