

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
NORTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

WAYLON JAMES PEGO,

Defendant.

---

Case: 1:12-cr-20299  
Judge: Ludington, Thomas L.  
MJ: Binder, Charles E.  
Filed: 05-09-2012 At 03:36 PM

**INDICTMENT**

THE GRAND JURY CHARGES:

**COUNT 1**  
**(18 U.S.C. § 13, 1151, 1152 and M.C.L. 750.349b)**  
**(Unlawful Imprisonment)**

On or about April 24, 2012 in the Northern Division of the Eastern District of Michigan, within Indian country, as defined in 18 U.S.C. § 1151, that is, the Isabella Reservation, **Waylon James Pego**, an Indian, knowingly restrained Audrey Hamilton, a non-Indian, under the circumstance that Audrey Hamilton was secretly confined and Audrey Hamilton was restrained to facilitate the commission of another felony, in violation of 18 U.S.C. §§ 13, 1151, 1153 and M.C.L. 750.349b.

**COUNT 2**  
**(18 U.S.C. §§ 113(a)(3), 1151 and 1153)**  
**(Assault with a Dangerous Weapon with Intent to do Bodily Harm)**

On or about April 24, 2012, in the Northern Division of the Eastern District of Michigan, within Indian country, as defined in 18 U.S.C. § 1151, that is, the Isabella Reservation, **Waylon James Pego**, an Indian, assaulted, that is, intentionally used a display of force with a dangerous weapon against Audrey Hamilton, which reasonably caused Audrey Hamilton to fear immediate bodily harm, while defendant had the intent to do bodily harm, in violation of 18 U.S.C. §§ 113(a)(3) and 1153.

**COUNT 3**  
**(18 U.S.C. §§ 117 and 1151)**  
**(Domestic Assault by an Habitual Offender)**

On or about April 24, 2012, in the Eastern District of Michigan, Northern Division, within Indian country, as defined in 18 U.S.C. § 1151, that is, the Isabella Reservation, **Waylon James Pego**, assaulted Audrey Hamilton, a person he has cohabitated with and is a similarly situated to a spouse after having been convicted of Family Violence, Tribal Code 1.2402, in the Saginaw Chippewa Tribal Court on or about October 2, 2002, and having been convicted of Domestic Violence, Michigan Compiled Law 750.812, in the Isabella County Trial Court on or about August 28, 2002, and Domestic Violence, Michigan Compiled Law 750.812, in the Isabella County Trial Court on or about October 13, 2010, all of which involved a victim that was a spouse or intimate partner, in violation of 18 U.S.C. § 117.

**COUNT 4**  
**(18 U.S.C. § 1512(b)(1))**  
**Witness Tampering**

On or about April 24, 2012, to May 9, 2012, in the Northern Division of the Eastern District of Michigan, **Waylon James Pego**, knowingly attempted to intimidate, threaten, and corruptly persuade Audrey Hamilton with the intent to influence and prevent the testimony of Audrey Hamilton in an official proceeding, that is a federal grand jury, in violation of 18 U.S.C. § 1512(b)(1).

**COUNT 5**  
**(18 U.S.C. § 13, 1151, 1152 and M.C.L. 750.540(5)(a))**  
**Interfering with Electronic Communications**

On or about April 24, 2012, in the Eastern District of Michigan, Northern Division, within Indian country, as defined in 18 U.S.C. § 1151, that is, the Isabella Reservation, **Waylon James Pego**, willfully and maliciously prevented, obstructed, and delayed by any means, the sending, conveyance, or delivery of an authorized communication, by or through a telephone, telephone line, or another medium of electronic communication.

Dated: May 9, 2012

THIS IS A TRUE BILL  
s/Grand Jury Foreperson  
GRAND JURY FOREPERSON

BARBARA L. McQUADE  
United States Attorney

s/Roy R. Kranz  
ROY R. KRANZ (P56903)  
Assistant U.S. Attorney  
101 First Street, Suite 200  
Bay City, Michigan 48708-5747  
(989) 895-5712  
roy.kranz@usdoj.gov

s/Craig F. Wininger  
CRAIG F. WININGER (P57058)  
Assistant U.S. Attorney  
Chief, Branch Offices

**Companion Case information MUST be completed by AUSA and initialed**

|  |                                  |                    |
|--|----------------------------------|--------------------|
| United States District Court<br>Eastern District of Michigan | <b>Criminal Case Cover Sheet</b> | <b>Case Number</b> |
|--|----------------------------------|--------------------|

NOTE: It is the responsibility of the Assistant U.S. Attorney signing this form to complete it accurately in all respects.

**Reassignment/Recusal Information** This matter was opened in the USAO prior to August 15, 2008 [ ]

|  |                               |
|--|-------------------------------|
| <b>Companion Case Information</b>  | <b>Companion Case Number:</b> |
| This may be a companion case based upon LCrR 57.10 (b)(4) <sup>1</sup> : | <b>Judge Assigned:</b>        |
| <input type="checkbox"/> Yes <input type="checkbox"/> No                 | <b>AUSA's Initials:</b> RRK   |

**Case Title:** USA v. WAYLON PEGO

**County where offense occurred :** Isabella

**Check One:** ☒ **Felony** ☐ **Misdemeanor** ☐ **Petty**

☒ Indictment/ ☐ Information --- **no** prior complaint.  
☐ Indictment/ ☐ Information --- based upon prior complaint [Case number: \_\_\_\_\_]  
☐ Indictment/ ☐ Information --- based upon LCrR 57.10 (d) [Complete Superseding section below].

**Superseding Case Information**

**Superseding to Case No:** \_\_\_\_\_ **Judge:** \_\_\_\_\_

☐ Original case was terminated; no additional charges or defendants.  
☐ Corrects errors; no additional charges or defendants.  
☐ Involves, for plea purposes, different charges or adds counts.  
☐ Embraces same subject matter but adds the additional defendants or charges below:

|                              |                       |   |
|------------------------------|-----------------------|---|
| <u><b>Defendant name</b></u> | <u><b>Charges</b></u> | <u><b>Prior Complaint (if applicable)</b></u> |
|------------------------------|-----------------------|---|

**Please take notice that the below listed Assistant United States Attorney is the attorney of record for the above captioned case.**

5-9-12

Date

Roy R. Kranz

Assistant United States Attorney  
 101 First Street, Suite 200, Bay City, MI 48708  
 Phone: 989-895-5712  
 Fax: 989-895-5790  
 E-Mail address: roy.kranz@usdoj.gov  
 Attorney Bar #: P-56903

<sup>1</sup> Companion cases are matters in which it appears that (1) substantially similar evidence will be offered at trial, (2) the same or related parties are present, and the cases arise out of the same transaction or occurrence. Cases may be companion cases even though one of them may have already been terminated.