

UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF WEST VIRGINIA
CHARLESTON

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TERESA L. DEPPNER, CLERK
U.S. District Court
Southern District of West Virginia

UNITED STATES OF AMERICA

v.

CRIMINAL NO. 2:13-cr-00239

18 U.S.C. § 241

MICHAEL THORNSBURY

INFORMATION

The United States Attorney Charges:

1. At all relevant times, victim G.W. owned a sign-making business in and around Delbarton, Mingo County, West Virginia, within the Southern District of West Virginia. During election campaigns, G.W. often was hired by political candidates in Mingo County to make signs and other promotional items for their campaigns.

2. In or about 2012, Eugene Crum ("Crum" or "Sheriff Crum") was a candidate for the office of sheriff in Mingo County. In or about 2012, Crum ordered several thousand dollars' worth of signs and promotional items for his campaign from G.W. G.W. made the promotional items and provided them to Crum's campaign on credit. In or about November 2012, after Crum was elected sheriff, Crum's campaign still owed G.W. approximately \$3000. In or about November 2012, G.W. advised Crum of the outstanding debt and insisted that it be repaid.

3. On or about January 1, 2013, Crum became sheriff of Mingo County. On or about January 2013, Crum's campaign still owed G.W. approximately \$3000. On or about January 24, 2013, Sheriff Crum arranged for a confidential police informant to attempt to purchase three oxycodone tablets from G.W. The confidential informant went to G.W.'s business and subsequently reported to Crum that he or she had purchased three oxycodone tablets from G.W. Crum signed a police report memorializing the controlled purchase, as did Carl David Rockel

("Chief Rockel"), then the Chief of Police of Williamson, West Virginia, which is the county seat of Mingo County. Rockel was a close associate and political ally of Crum's.

4. On or about January 25, 2013, Sheriff Crum and Chief Rockel jointly sought a warrant to search G.W.'s business, based on the January 24, 2013 controlled purchase of narcotics. A search warrant was issued that same day based on Sheriff Crum and Chief Rockel's application.

5. On or about January 30, 2013, Chief Rockel testified before a Mingo County grand jury that G.W. had unlawfully delivered controlled substances. Shortly after Chief Rockel gave this testimony, the Mingo County grand jury returned an indictment of G.W. for possession of controlled substances with intent to deliver.

6. On or about February 1, 2013, G.W. was arrested on the charges in the indictment against him. Sheriff Crum participated in the arrest. At the time of the arrest, Sheriff Crum's campaign still owed G.W. approximately \$3000.

7. After his arrest, G.W. retained attorney C.W. to represent him in his defense to the criminal charges.

8. In or about February 2013, G.W. and his attorney, C.W., met with agents of the Federal Bureau of Investigation (FBI). In this meeting, G.W. informed the FBI that on multiple occasions prior to his arrest, he unlawfully provided Crum with prescription narcotic pills at Crum's request. G.W. advised the FBI that these unlawful deliveries occurred while Crum was an elected magistrate in Mingo County. G.W. also advised the FBI of election law violations committed by Crum.

9. After this meeting, Sheriff Crum learned that G.W. had informed the FBI about criminal conduct by Sheriff Crum. Defendant MICHAEL THORNSBURY ("Judge THORNSBURY"), at all relevant times the sole circuit judge in Mingo County, was a close

associate and political ally of Crum's. Sheriff Crum and Mingo County Prosecuting Attorney Michael Sparks ("Prosecuting Attorney Sparks"), also a close associate and political ally of Sheriff Crum's, informed Judge THORNSBURY that G.W. had provided the FBI with incriminating information regarding Sheriff Crum.

10. In or about March 2013, Sheriff Crum, Prosecuting Attorney Sparks, Mingo County Commissioner David Baisden ("Commissioner Baisden"), and others known and unknown to the United States Attorney devised a scheme to prevent G.W. from further communicating to the FBI and others incriminating information regarding Sheriff Crum. In or about March 2013, Mingo County officials including Sheriff Crum, Prosecuting Attorney Sparks, and Commissioner Baisden arranged a meeting with Glenn White, G.W.'s brother. In this meeting, Sheriff Crum and Commissioner Baisden, among others, advised Glenn White that Judge THORNSBURY would give G.W. a light sentence if he fired attorney C.W. and replaced him with another attorney favored by Judge THORNSBURY, Sheriff Crum, Prosecuting Attorney Sparks, and Commissioner Baisden. Immediately after this meeting, Glenn White informed G.W. of the offer of a light sentence if G.W. would fire attorney C.W.

11. In or about March 2013, Sheriff Crum informed Judge THORNSBURY of the scheme to coerce G.W. into firing attorney C.W. and replacing him with another attorney in order to prevent G.W. from further communicating to the FBI and others incriminating information regarding Sheriff Crum. Judge THORNSBURY agreed that it would be in G.W.'s best interest to obtain new counsel, by which Judge THORNSBURY meant that the replacement of counsel would result in a lighter sentence for G.W.

12. Later that same day, G.W., along with attorney C.W., appeared at a hearing before Judge THORNSBURY. Attorney C.W. informed Judge THORNSBURY that his client G.W. had terminated him. Judge THORNSBURY then approved attorney C.W.'s replacement with a

different attorney, one whom Sheriff Crum, Prosecuting Attorney Sparks, and Commissioner Baisden wanted to represent G.W. Prosecuting Attorney Sparks then arranged for a more favorable sentence for G.W. as a reward for G.W.'s replacing his counsel.

13. After G.W. fired C.W. as his attorney and obtained the attorney that Sheriff Crum, Prosecuting Attorney Sparks, and Commissioner Baisden desired him to have, Sheriff Crum directed one of his deputies to obtain a statement from G.W. that G.W. had never provided controlled substances to Sheriff Crum.

The Conspiracy

14. In or about March 2013, in Mingo County, West Virginia, and within the Southern District of West Virginia, Judge THORNSBURY, Sheriff Crum, Prosecuting Attorney Sparks, Commissioner Baisden, Glenn White, and others known and unknown to the United States Attorney did knowingly conspire to injure, oppress, threaten, and intimidate, under color of law, a person, that is, G.W., in the free exercise of rights and privileges secured to him by the Constitution and laws of the United States, including his right to counsel of his choosing under the Sixth and Fourteenth Amendments to the Constitution, in violation of Title 18, United States Code, Section 241.

Manner and Means of the Conspiracy

15. It was a part of this conspiracy that Sheriff Crum and Commissioner Baisden, among others, with the approval of Judge THORNSBURY, would and did advise Glenn White that G.W. would receive a lighter sentence if he would fire attorney C.W. and replace him with an attorney favored Sheriff Crum, Prosecuting Attorney Sparks, and Commissioner Baisden, for the purpose of preventing G.W. from further communicating to the FBI and others incriminating information regarding Sheriff Crum.

Overt Acts

16. In or about March 2013, Sheriff Crum and Commissioner Baisden told Glenn White to tell G.W. that G.W. would receive a lighter sentence from Judge THORNSBURY if he would fire attorney C.W. and replace him with an attorney favored by Sheriff Crum, Prosecuting Attorney Sparks, and Commissioner Baisden.

17. In or about March 2013, Glenn White told G.W. that G.W. would receive a lighter sentence from Judge THORNSBURY if he would fire attorney C.W. and replace him with an attorney favored by Sheriff Crum, Prosecuting Attorney Sparks, and Commissioner Baisden.

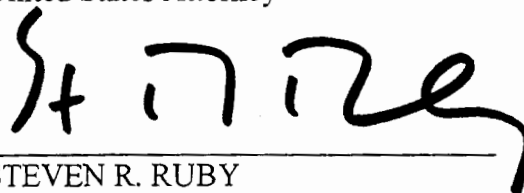
18. In or about March 2013, Judge THORNSBURY approved attorney C.W.'s replacement with a different attorney, one whom Sheriff Crum, Prosecuting Attorney Sparks, and Commissioner Baisden wanted to represent G.W.

In violation of Title 18, United States Code, Section 241

UNITED STATES OF AMERICA

R. BOOTH GOODWIN II
United States Attorney

By:



STEVEN R. RUBY
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Assistant United States Attorneys