

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF KENTUCKY
SOUTHERN DIVISION
LONDON**

Eastern District of Kentucky
FILED

NOV 07 2024

AT LEXINGTON
Robert R. Carr
CLERK U.S. DISTRICT COURT

UNITED STATES OF AMERICA

v.

INDICTMENT NO. W:24-CR-73-REW

ZACHARY E. TONEY

* * * * *

THE GRAND JURY CHARGES:

**COUNT 1
18 U.S.C. § 242**

On or about March 9, 2022, in McCreary County, in the Eastern District of Kentucky,

ZACHARY E. TONEY,

while acting under color of law as a United States Penitentiary McCreary Lieutenant, willfully deprived inmate R.F. of the right, secured and protected by the Constitution and laws of the United States, to be free from cruel and unusual punishment. Specifically, **TONEY** repeatedly kicked and struck R.F. while R.F. was on the ground and handcuffed behind his back. This offense involved the use of a dangerous weapon (a shod foot) and resulted in bodily injury to R.F.

All in violation of 18 U.S.C. § 242.

**COUNT 2
18 U.S.C. § 1519**

On or about March 9, 2022, in McCreary County, in the Eastern District of

Kentucky,

ZACHARY E. TONEY,

acting in relation to and in contemplation of a matter within the jurisdiction of the United States, knowingly falsified and made a false entry in a record and document with the intent to impede, obstruct, and influence the investigation and proper administration of that matter. Specifically, **TONEY** wrote a memorandum documenting a false account of his interactions with R.F., intended to cover up the unlawful force he had used against R.F. as described in Count 1. The memorandum was false and misleading in that **TONEY** (1) omitted that he repeatedly kicked and struck R.F., and (2) falsely stated that there were no inmate injuries because, as **TONEY** then well knew, (1) **TONEY** repeatedly kicked and struck R.F., and (2) R.F. suffered injuries as a result of **TONEY's** assault.

All in violation of 18 U.S.C. § 1519.

COUNT 3
18 U.S.C. § 1512(b)(3)

On or about March 9, 2022, in McCreary County, in the Eastern District of Kentucky,

ZACHARY E. TONEY,

knowingly corruptly persuaded another person with intent to hinder, delay, and prevent the communication to a law enforcement officer of the United States of information relating to the commission and possible commission of a federal offense. Specifically, **TONEY**, a lieutenant, instructed correctional officer #1 to write a report omitting the force that correction officer #1 had observed **TONEY** use against R.F.

All in violation of 18 U.S.C. § 1512(b)(3).

COUNT 4
18 U.S.C. § 1512(b)(3)

On or about March 9, 2022, in McCreary County, in the Eastern District of Kentucky,

ZACHARY E. TONEY,

knowingly corruptly persuaded another person with intent to hinder, delay, and prevent the communication to a law enforcement officer of the United States of information relating to the commission and possible commission of a federal offense. Specifically, **TONEY** a lieutenant, instructed correctional officer #2 to write a report falsely stating that R.F. had threatened officers; falsely stating that R.F. had resisted the officers; and omitting the force that correction officer #2 had observed **TONEY** use against R.F.

All in violation of 18 U.S.C. § 1512(b)(3).

COUNT 5
18 U.S.C. § 1512(b)(3)

On or about March 11, 2022, in McCreary County, in the Eastern District of Kentucky,

ZACHARY E. TONEY,

knowingly corruptly persuaded another person with intent to hinder, delay, and prevent the communication to a law enforcement officer of the United States of information relating to the commission and possible commission of a federal offense. Specifically, **TONEY** corruptly persuaded R.F. to drop R.F.'s allegation that **TONEY** assaulted him in exchange

for **TONEY** expunging the false accusation that R.F. threatened and assaulted officers.

All in violation of 18 U.S.C. § 1512(b)(3).

A TRUE BILL



FOREPERSON

A handwritten signature in cursive script, appearing to read "CS Shier".

CARLTON S. SHIER, IV
UNITED STATES ATTORNEY

PENALTIES

Count 1: Not more than 10 years imprisonment, \$250,000 fine, and 3 years supervised release.

Counts 2 - 5: For each count, not more than 20 years imprisonment, a \$250,000 fine, and 3 years supervised release.

PLUS: Mandatory special assessment of \$100 per count.

PLUS: Restitution, if applicable.