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6 **UNITED STATES DISTRICT COURT**  
7 **DISTRICT OF NEVADA**

8 UNITED STATES OF AMERICA, ) **CRIMINAL INDICTMENT**

9 Plaintiff,

) 2:16-CR- 153

10 v.

) **VIOLATIONS:**

11 JAMES LESCINSKY,

) 18 U.S.C. § 242 – Deprivation of Rights  
Under Color of Law;

12 Defendant.

) 18 U.S.C. § 1512 – Tampering With a  
Witness;

) 18 U.S.C. § 1519 – Falsification of a  
Document

14  
15 **THE GRAND JURY CHARGES THAT:**

16 **COUNT ONE**

17 **(Deprivation of Rights Under Color of Law)**

18 On or about May 21, 2015, in the State and Federal District of Nevada,

19 **JAMES LESCINSKY,**

20 while acting under color of law as an officer for the Clark County School District  
21 Police Department, struck T.R. with a baton, acting with deliberate indifference to  
22 a substantial risk that T.R. would be physically harmed, and thereby willfully  
23 deprived T.R., a private citizen, of the right secured and protected by the  
24 Constitution and laws of the United States not to be deprived of liberty without

1 due process of law. This offense resulted in bodily injury to T.R. and involved the  
2 use and attempted use of a dangerous weapon.

3 All in violation of Title 18, United States Code, Section 242.  
4

5 **COUNT TWO**  
6 **(Depravation of Rights Under Color of Law)**

7 On or about May 21, 2015, in the State and Federal District of Nevada,

8 **JAMES LESCINSKY,**

9 while acting under color of law as an officer for the Clark County School District  
10 Police Department, struck A.N. with a baton and slammed her into a hallway wall  
11 and onto the floor, and thereby willfully deprived A.N., a private citizen, of the  
12 right secured and protected by the by the Constitution and laws of the United  
13 States to be free from unreasonable seizure, which includes the right to be free  
14 from unreasonable force. This offense resulted in bodily injury to A.N. and  
15 involved the use and attempted use of a dangerous weapon.

16 All in violation of Title 18, United States Code, Section 242.  
17

18 **COUNT THREE**  
19 **(Tampering With a Witness)**

20 On or about May 21, 2015, in the State and Federal District of Nevada,

21 **JAMES LESCINSKY**

22 did knowingly corruptly persuade R.V., and attempt to do so, with the intent to  
23 hinder, delay, and prevent the communication to a federal law enforcement officer  
24 of information relating to the commission or possible commission of a federal

1 offense. Specifically, after assaulting T.R. and A.N., Lescinsky falsely told R.V.  
2 that the assault occurred because T.R. and A.N. were wrestling with each other,  
3 and that A.N. was being combative.

4 All in violation of Title 18 United States Code, Section 1512(b)(3).

5  
6 **COUNT FOUR**  
7 **(Falsification of a Document)**

8 On or about May 21, 2015, in the State and Federal District of Nevada,

9 **JAMES LESCINSKY,**

10 acting in relation to and in contemplation of a matter within the jurisdiction of the  
11 Federal Bureau of Investigation, an agency of the United States, knowingly  
12 falsified and made false entries in a document with the intent to impede, obstruct,  
13 and influence the investigation and proper administration of that matter.  
14 Specifically, Lescinsky falsified an official incident report by including statements  
15 he knew to be false, namely: 1) that A.N. was yelling obscenities before she was  
16 struck, 2) that A.N. was aggressive, threatening, and non-compliant, 3) that A.N.  
17 and T.R. were wrestling with each other, 4) that he issued two verbal commands  
18 to A.N. prior to the baton strike, 5) that he took out his baton only after entering  
19 the room, and 6) that he guided A.N. to the wall in the hallway.

20  
21 All in violation of Title 18 United States Code, Section 1519.  
22  
23  
24

**COUNT FIVE**  
**(Falsification of a Document)**

On or about May 21, 2015, in the State and Federal District of Nevada,

**JAMES LESCINSKY,**

acting in relation to and in contemplation of a matter within the jurisdiction of the Federal Bureau of Investigation, an agency of the United States, knowingly falsified and made false entries in a document with the intent to impede, obstruct, and influence the investigation and proper administration of that matter. Specifically, Lescinsky falsified an official use of force report by including statements he knew to be false, namely: 1) that A.N. was aggressive, threatening, and non-compliant, 2) that A.N. and T.R. were wrestling with each other, 4) that he issued multiple verbal commands to A.N. prior to the baton strike, 5) that he took out his baton only after entering the room, and 6) that he guided A.N. to the wall in the hallway.

All in violation of Title 18 United States Code, Section 1519.

**DATED:** this 17<sup>th</sup> day of May, 2016

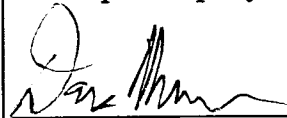
**A TRUE BILL:**

/S/

**FOREPERSON OF THE GRAND JURY**

**VANITA GUPTA**

Principal Deputy Assistant Attorney General – Civil Rights Division



**ADAM D. HARRIS**

**DANA MULHAUSER**

**Trial Attorneys**