

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA

FILED

OCT 04 2016

CARMELITA REEDER SHINN, CLERK
U.S. DIST. COURT, WESTERN DIST. OKLA.
BY Kathy Rose, DEPUTY

UNITED STATES OF AMERICA,)

Plaintiff,)

-vs-)

WAYNE BARNES,)

Defendant.)

No. CR 16-185 **F**

Violation: 18 U.S.C. § 242

INDICTMENT

The Federal Grand Jury charges that:

Introduction

At all times relevant to this Indictment:

1. The McClain County Jail in Purcell, Oklahoma, was a facility responsible for the custody, control, care, and safety of inmates, including pretrial detainees, who were being held in custody following arrest, but who had not been convicted of a crime.

2. Defendant **WAYNE BARNES** was a ranking Lieutenant who was employed as the Jail Administrator at the McClain County Jail.

3. As the Jail Administrator, **BARNES** was responsible for the custody, control, care, and safety of inmates, including pretrial detainees, at the McClain County Jail.

4. From June 16, 2013, through June 19, 2013, K.W. was a pretrial detainee in the custody of the McClain County Jail.

5. K.W. was a Type 1 diabetic who required regular medication, including insulin.

6. While incarcerated at the McClain County Jail, K.W. did not receive the medication required for his Type 1 diabetes, he was not evaluated or treated by a doctor, and he was not taken to a hospital for evaluation or treatment until the afternoon of June 19, 2013.

7. On June 19, 2013, at approximately 3:30 p.m., **BARNES** observed K.W. lying on the floor of his cell, unresponsive. For the first time, **BARNES** directed a corrections officer to call emergency medical services. When emergency medical personnel arrived at the McClain County Jail, K.W.'s pupils were fixed and dilated.

8. K.W. never regained consciousness and died at a hospital on June 21, 2013.

COUNT 1

(Deprivation of Rights Under Color of Law)

9. The Federal Grand Jury incorporates paragraphs 1-8 by reference.

10. Beginning on or about June 17, 2013, and continuing through on or about June 19, 2013, in the Western District of Oklahoma, defendant **WAYNE BARNES**, while acting under color of law, as the Jail Administrator of the McClain County Jail, willfully deprived K.W. of the right to due process of law, which is protected and secured by the Constitution and the laws of the United States, and which includes the right of a pretrial detainee to be free from a corrections officer's deliberate indifference to his serious medical needs. Specifically, **BARNES**, knowing that K.W. had a serious medical condition, willfully failed to provide K.W. with necessary medical care, thereby acting with deliberate indifference to a substantial risk of serious harm to K.W. The offense resulted in bodily injury to, and the death of, K.W.

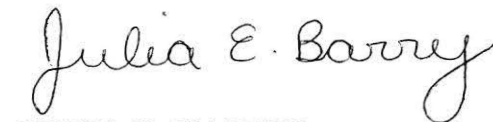
All in violation of Title 18, United States Code, Section 242.

A TRUE BILL:


A handwritten signature in cursive script, appearing to read "Just 2. WJ".

FOREPERSON OF THE GRAND JURY

MARK A. YANCEY
United States Attorney

A handwritten signature in cursive script, appearing to read "Julia E. Barry".

JULIA E. BARRY
Assistant U.S. Attorney

A handwritten signature in cursive script, appearing to read "Kristy Parker", followed by a horizontal line.

KRISTY PARKER
Trial Attorney, Civil Rights Division