

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

- - - - - x

UNITED STATES OF AMERICA : INDICTMENT
- v. - : 14 Cr. (RA)
TERRENCE PENDERGRASS, :
Defendant. :

- - - - - x

COUNT ONE
(Deprivation of rights under color of law)

The Grand Jury charges:

BACKGROUND

1. At all relevant times, Rikers Island was a jail complex, located in the Bronx, New York, maintained by the New York City Department of Correction ("NYC DOC"). At all relevant times, the Mental Health Assessment Unit for Infracted Inmates ("MHAUII") was a unit on Rikers Island housing inmates who were identified as needing mental health treatment and who had committed infractions while incarcerated.

2. TERRENCE PENDERGRASS, the defendant, joined the NYC DOC in or about 1996, and was promoted to captain in or about June 2012. On August 18, 2012, PENDERGRASS was assigned to the MHAUII between 3:00 p.m. and 11:00 p.m., and in that capacity supervised multiple correction officers and was responsible for the safety and well-being of inmates in the MHAUII.

THE OFFENSE


3. In the afternoon of August 18, 2012, Jason Echevarria ("Echevarria"), an inmate incarcerated in the MHAUII, swallowed a disinfectant/detergent combination in powder form, commonly referred to as a "soap ball," which may be life threatening if ingested. After ingesting the soap ball, Echevarria began vomiting and telling others that he needed medical help. TERRENCE PENDERGRASS, the defendant, was informed that Echevarria reported that he had swallowed a soap ball and that Echevarria needed medical assistance. Despite receiving this information, and also observing Echevarria personally, PENDERGRASS failed to contact medical personnel or otherwise arrange for any form of medical care for Echevarria. On the morning of August 19, 2012, Echevarria was found dead in his cell.

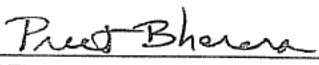
STATUTORY ALLEGATIONS

4. On or about August 18, 2012, in the Southern District of New York, TERRENCE PENDERGRASS, the defendant, while acting under color of the laws of the State of New York, willfully subjected a person to the deprivation of a right, privilege, and immunity secured and protected by the Constitution and laws of the United States, to wit, the right of a prison inmate not to have his serious medical needs met with deliberate indifference on the part of confining officials, the deprivation of which resulted in bodily injury to that

inmate, to wit, while working as a captain in the New York City Department of Correction assigned to Rikers Island, PENDERGRASS willfully failed to provide inmate Jason Echevarria with necessary medical care, which resulted in bodily injury to Echevarria.

(Title 18, United States Code, Sections 242 and 2.)


FOREPERSON


PREET BHARARA
UNITED STATES ATTORNEY

Form No. USA-33s-274 (Ed. 9-25-58)

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- v. -

TERRENCE PENDERGRASS,

Defendant.


INDICTMENT

14 Cr. (RA)

(18 U.S.C. §§ 242 and 2.)

PREET BHARARA
United States Attorney.

A TRUE BILL


Foreperson.
