

Eastern District of Kentucky
UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF KENTUCKY
SOUTHERN DIVISION
LONDON

OCT 27 2015
ROBERT R. GARR
CLERK U.S. DISTRICT COURT

UNITED STATES OF AMERICA

V.

INDICTMENT NO. 6:15cr42 ART

**DAMON WAYNE HICKMAN and
WILLIAM CURTIS HOWELL,**

* * * * *

THE GRAND JURY CHARGES:

INTRODUCTION

At all times relevant to this Indictment:

1. The Kentucky River Regional Jail (hereinafter KRRJ) in Hazard, Kentucky, was a jail in Perry County, Kentucky, responsible for the custody, control, care and safety of inmates, including “pretrial detainees” (people who have been ordered by a court of law to be detained following arrest, but have not yet been convicted of committing an offense).
2. Defendant **DAMON WAYNE HICKMAN** was employed by the KRRJ as a Supervisory Deputy Jailer.
3. Defendant **WILLIAM CURTIS HOWELL** was employed by the KRRJ as a Supervisory Deputy Jailer.
4. Defendants **DAMON WAYNE HICKMAN** and **WILLIAM CURTIS**

HOWELL were responsible for the custody, care, and safety of inmates, including pretrial detainees, at the KRRJ.

5. L.T. was a pretrial detainee at the KRRJ.

COUNT 1
18 U.S.C. § 242
18 U.S.C. § 2

1. The allegations contained in the Introduction above are restated and incorporated herein by reference.

2. On or about July 9, 2013, in Perry County, in the Eastern District of Kentucky,

DAMON WAYNE HICKMAN and
WILLIAM CURTIS HOWELL,

while acting under color of law and while aiding and abetting one another, willfully deprived L.T. of the right, protected and secured by the Constitution and laws of the United States, to due process of law, which includes the right of a pretrial detainee to be free from a jail official's deliberate indifference to his serious medical needs. Specifically, defendants HICKMAN and HOWELL, knowing that L.T. had a serious medical need, willfully failed to provide L.T. with necessary medical care, thereby acting with deliberate indifference to a substantial risk of harm to L.T., and resulting in bodily injury to, and the death of, L.T., all in violation of 18 U.S.C. §§ 242 and 2.

COUNT 2
18 U.S.C. § 242
18 U.S.C. § 2

1. The allegations contained in the Introduction above are restated and

incorporated herein by reference.

2. On or about July 9, 2013, in Perry County, in the Eastern District of Kentucky,

**DAMON WAYNE HICKMAN and
WILLIAM CURTIS HOWELL,**

while acting under color of law and while aiding and abetting one another, willfully deprived L.T. of the right, protected and secured by the Constitution and laws of the United States, to due process of law, which includes the right of a pretrial detainee not to be subjected to excessive force amounting to punishment. Specifically, defendants HICKMAN and HOWELL assaulted L.T., resulting in bodily injury to L.T., all in violation of 18 U.S.C §§ 242 and 2.

**COUNT 3
18 U.S.C. § 1519**

1. The allegations contained in the Introduction above are restated and incorporated herein by reference.

2. On or about July 9, 2013, in Perry County, in the Eastern District of Kentucky,

DAMON WAYNE HICKMAN,

acting in relation to and contemplation of a matter within the jurisdiction of the Federal Bureau of Investigation, an agency 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 of the matter within federal jurisdiction; that is, defendant HICKMAN made

falsified and false entries in an official log, documenting observations of L.T. by 1) writing that he observed L.T. at specific times when he did not in fact observe L.T.; and 2) writing that L.T. was "10-4" (meaning safe and not in obvious physical distress), when, in fact, as he then knew L.T. was not "10-4," all in violation of 18 U.S.C. § 1519.

A TRUE BILL



KERRY B. HARVEY
UNITED STATES ATTORNEY

PENALTIES

COUNT 1: Death or life imprisonment, a fine of not more than \$250,000, and a term of supervised release of not more than 5 years.

COUNT 2: Not more than 10 years imprisonment, a fine of not more than \$250,000, and a term of supervised release of not more than 3 years.

COUNT 3: Not more than 20 years imprisonment, a fine of not more than \$250,000, and a term of supervised release of not more than 3 years.

PLUS: Restitution.

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