U.S. Attorney's Office Eastern District of Kentucky



Annual Report
2023

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About

U.S. ATTORNEY'S OFFICE EASTERN DISTRICT OF KENTUCKY



Carlton S. Shier, IV is the United States Attorney for the Eastern District of Kentucky.

As United States Attorney, Mr. Shier serves as the chief federal law enforcement officer for the Eastern District of Kentucky. In that capacity, Mr. Shier oversees the investigation and prosecution of all federal crimes and the litigation of all civil matters in which the United States has an interest.

The Eastern District of Kentucky was established in 1901. It encompasses the 67 eastern most Counties of Kentucky and includes the United States District Courthouses in Lexington, Frankfort, Covington, Ashland, Pikeville, and London.

The United States Attorney's Office is headquartered in Lexington and has staffed branch offices in London and Ft. Mitchell. Mr. Shier leads a staff of approximately 110-115, consisting of attorneys, litigation support professionals, and administrative professionals.

Mr. Shier has served in the office since 2010 and assumed the duties of United States Attorney in January 2021.

Eastern District of Kentucky

By the Numbers



444 Defendants Charged

In Fiscal Year 2023, our office charged 444 defendants. Thirty-one defendants went to trial, representing 7% of our charged offenders, which is more than 2.5 times the national average for U.S. Attorney's Offices.



94.4% Criminal Conviction Rate

Our Office convicted 94.4% of the criminal defendants that we charged – higher than the national average of 91.2% for U.S. Attorney's Offices.



94.6% of Defendants Go To Prison

94.6% of offenders prosecuted by our Office are sentenced to prison – higher than the national average of 89.8% for U.S. Attorney's Offices.



108 Months is the Average Sentence

The mean sentence length for defendants prosecuted by our Office is 108 months – more than double the national average of 52 months. Similarly, the median sentence in our District is 78 months, compared to the national median of 24 months.



\$68.5 million Collected for Victims and the Government

In Fiscal Year 2023, our Office collected \$29.69 million in restitution for crime victims and on civil debts owed to the United States. Through asset forfeiture actions, it obtained \$12.89 million for federal, state, and local law enforcement efforts, and restored \$1.29 million to crime victims. Through cases involving property on which the Government holds a lien, our Office recovered \$1.18 million for taxpayers. Through Affirmative Civil Enforcement cases, our Office obtained civil settlement and judgments valued at \$23.46 million for federal and state agencies. Our annual Office budget is approximately \$10 million, meaning we collect far more for the Government than we cost.



Over 2 million Kentuckians live in the Eastern District of Kentucky

Project Safe Neighborhoods

Launched in 2001, the Project Safe Neighborhoods Program (PSN) remains the centerpiece of the Department of Justice's efforts to combat violent crime. PSN is a nationwide initiative that brings together federal, state, and local law enforcement officials, prosecutors, community leaders, and other stakeholders to identify the most pressing violent crime problems in the community and develop comprehensive solutions to address them.

PSN is coordinated by the U.S. Attorney's Office in each federal judicial district and is customized to account for local violent crime problems and resources. In the Eastern District of Kentucky, local federal partners include the Louisville field offices of the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF), the Drug Enforcement Administration (DEA), and the Federal Bureau of Investigation (FBI).

In 2021, the Department launched a violent crime reduction strategy strengthening PSN, focusing on newly articulated core principles: fostering trust and legitimacy in our communities, supporting community-based organizations that help prevent violence, setting focused and strategic enforcement priorities, and measuring results.









U.S. v. Nantz

Daniel Scott Nantz, of Corbin, KY, was convicted of the brutal murder of his pregnant girlfriend. He was engaging in multiple methamphetamine trafficking conspiracies throughout Whitley, Knox, and Laurel Counties. Nantz grew concerned that his girlfriend, a co-conspirator, was cooperating with law enforcement and would provide information that may lead to his being indicted. Nantz left an armed kidnapping that he was participating in to return to his trailer, where his girlfriend was watching his children. There, he chased her outside and shot her in the back. She continued to flee and he fired another round through her neck. She was approximately 33 weeks pregnant.

After shooting her, Nantz drove her to the kidnapping site, to pick up a friend, and instructed his friend to destroy the video recordings from the surveillance system at his trailer, which would have captured the shooting. Then, he called 911 and started to drive her to the hospital. She was pronounced dead at the hospital. Her baby was delivered via emergency cesarean section but died just days later, due to brain damage caused by severe oxygen and blood deprivation from her mother's injuries.

Nantz pled guilty to first degree murder of a federal witness and received sentencing enhancements for obstructing justice and murdering a vulnerable victim – a woman in the third trimester of pregnancy.

The Result: Nantz was sentenced to life in prison.





ATF Louisville and Kentucky State Police

U.S. v. Shaver

Kenneth Shaver, an inmate at U.S. Penitentiary McCreary, was convicted of first degree murder for killing another inmate. Shaver and his co-defendant, Justin Boe, suspected the victim had cooperated with law enforcement. They lured the victim into Boe's cell, where they repeatedly punched the victim until he fell and hit his head. At that point, Shaver pulled out a knife and stabbed the victim dozens of times, about his head, neck, back, and legs.

The Result: Shaver was sentenced to life in prison; Boe received 11 years.



London, KY



FBI Louisville

U.S. v. Storck

In May 2020, Erich Storck, of Lexington, KY, was arrested after being found outside Northpoint Training Center, a medium-security state prison, under the influence of alcohol and with a loaded handgun. In November 2021, while released on bond, Storck barricaded himself in his residence in Nicholasville and fired over 30 rounds from a 9mm handgun and an assault rifle, some of which struck a neighbor's house. After Storck surrendered, officers located the two firearms and hundreds of rounds of ammunition. As a convicted felon, Storck was prohibited from possessing firearms.

The Result: Storck was sentenced to 10 years in prison and ordered to pay a \$20,000 fine and \$1,000 in restitution.



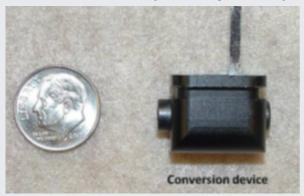
Lexington, KY



FBI Louisville

Machine Gun Conversion Devices

A machine gun conversion device – commonly called a "switch" or "auto-sears" – is a small device that can be easily attached to a handgun, converting it into a fully automatic machine gun. These devices can be printed using a 3-D printer. A gun with a conversion device can automatically fire a full 30-round magazine in about two seconds. At that rate of fire, it is often difficult to aim and control a handgun. According to the ATF, from 2017 to 2021, over 5,000 conversion devices were recovered in the United States, a 570% increase over the previous 5 years. A conversion device by itself is considered an illegal machine gun under federal law, and it cannot be possessed – with or without a pistol or rifle. Both the National Firearms Act and the Gun Control Act regulate machine guns. For merely possessing these illegal devices, defendants face up to ten years in prison and a \$250,000 fine.





U.S. v. Wilkerson, Jr.

In June 2022, Cary Lamar Wilkerson, of Lexington, KY, led law enforcement on a pursuit, first by car and then on foot, after refusing a traffic stop. Officers ultimately located a firearm and 17 grams of fluorofentanyl that he had abandoned while fleeing. The firearm was a Glock pistol, with a machine gun conversion device.

In October 2022, Clark County law enforcement observed Wilkerson's vehicle traveling over 100 mph on I-64. They attempted a traffic stop, but the car accelerated and nearly struck multiple vehicles. After crashing into a utility pole and fleeing on foot, Wilkerson attempted to discard two bags of fentanyl and a firearm. Narcotics, cash, and empty plastic bags were found in his wrecked vehicle. Wilkerson had multiple prior convictions, including convictions for robbery and drug trafficking.

The Result: Wilkerson was sentenced to 20 years in prison.





U.S. v. Monde

Bailey Monde, of Freetown, IN, trafficked in machine gun conversion devices. Monde used Facebook Messenger to sell stand-alone conversion devices and Glock handguns with the conversion devices installed. Ten of the stand-alone switches were sold in one transaction, in Corbin, KY.

The Result: Monde was sentenced to 7 years in prison.





Significant Violent Crime Opinions in the Sixth Circuit Court of Appeals

U.S. v. Messer

71 F.4th 452 (6th Cir. 2023)

The Sixth Circuit affirmed the convictions and life sentences of a father and son who were convicted of kidnapping charges, after holding two victims hostage, repeatedly threatening and beating them, and sexually assaulting one of them, as revenge for a failed drug transaction.

U.S. v. Medlin

65 F.4th 326 (6th Cir. 2023)

Medlin pleaded guilty to kidnapping. The Court upheld a sentencing enhancement for the victim's permanent injuries that he received when Medlin and the other defendants tortured him by pulling his teeth and by burning him with metal heated by a blowtorch, resulting in permanent scars. The Court also held that Medlin's 220-month prison sentence did not result in an unwarranted disparity compared to the lower sentences of his codefendants because the sentencing statute requires only a national comparison, not a comparison of codefendants.

U.S. v. Miller

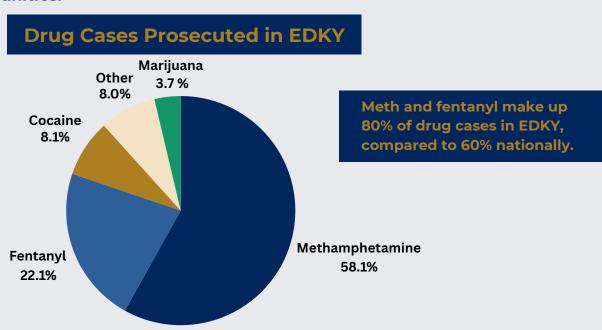
73 F.4th 427 (6th Cir. 2023)

Miller pleaded guilty to possessing a stolen firearm as a convicted felon. The Court upheld applying a sentencing enhancement for attempted murder because Miller shot a state trooper when the officer was attempting to arrest her. The Court upheld a sentence of 240 months.

Combatting Drug Trafficking & Preventing Overdose Deaths

Drug trafficking and substance abuse continue to take a significant toll on communities in the Eastern District of Kentucky. The Kentucky Office of Drug Control Policy 2023 Drug Overdose Fatality Report provisionally concluded that 1,984 Kentucky residents died from overdoses in 2023 and that 79% of those overdoses involved fentanyl. The U.S. Attorney's Office addresses this harm in several ways:

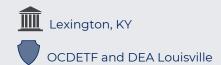
- We combat drug trafficking by simultaneously targeting trafficking organizations, their suppliers, and their regional and local distribution networks.
- We focus attention on the diversion of prescription drugs to illegitimate consumers, including by holding accountable medical professionals and corporations involved in writing and filling illegal prescriptions.
- We seek to increase community understanding of the opioid epidemic and help stop the cycle of substance abuse though education and outreach, including events with our Heroin Education Action Team ("HEAT").
- We prioritize the prosecution of traffickers whose distribution of illicit drugs leads to overdose deaths.
- We prioritize the prosecution of traffickers that are using firearms to further their criminal activity. In addition to overdoses, illicit drug trafficking is frequently accompanied by firearms, violence, or other criminal activity that negatively impacts communities.



U.S. v. Lara-Garcia, et al. U.S. v. Nemetz, et al.

Eleven men participated in a conspiracy to distribute large quantities of fentanyl and cocaine, in Central Kentucky, and laundered the proceeds of their drug sales. During the investigation, law enforcement seized 7 kilograms of fentanyl, 2 kilograms of cocaine, 6 firearms, and approximately \$650,000 in cash drug proceeds. Luis Lara-Garcia, a Mexican national illegally residing in Lexington, was the leader of the drug trafficking operation.

The Result: Lara-Garcia was sentenced to 372 months in prison and ordered to pay \$400,000 in addition to forfeiture of \$650,000 and four firearms. Demarkus Nemetz was sentenced to 294 months; Claudio Cabrera received 110 months; Ruvi Pacheco received 110 months; Humberto Saucedo-Salgado received 97 months; Tawsif Mohamed Tajwar received 90 months; Eduardo Hernandez Alfaro received 78 months; and Oziel Saucedo-Salgado received 57 months.



U.S. v. Robertson, et al.

Eleven defendants engaged in a large-scale methamphetamine and fentanyl trafficking conspiracy between October 2020 and September 2021. The defendants maintained "stash" houses, in Lexington, KY, to store and distribute drugs. Law enforcement made multiple controlled buys of methamphetamine and fentanyl from the defendants and seized large quantities of drugs during traffic stops. Search warrants executed at several locations in 2021 resulted in the seizure of 957 grams of fentanyl, over 15 pounds of methamphetamine, two firearms, and various items relating to the manufacture and distribution of illegal drugs.

<u>The Result:</u> Craig Robertson, the leader of the conspiracy, was sentenced to 490 months in prison; Curtis Miller received 320 months; Houston Johnson received 230 months; Carl Hunt received 188 months; Casey Creech received 180 months; Brenda Fugate received 165 months; Pamela Baker received 120 months; Michael Johnson received 115 months; Patricia Morgan received 96 months; Angela Halsey received 94 months; and Tony Christopher Fugate received 84 months.



U.S. v. Smith, et al.

Six defendants participated in methamphetamine trafficking conspiracy between November 2021 and May 2022. Wesley Calhoun, Timothy Grundy, and Dennie Smith regularly obtained multi-pound quantities of methamphetamine from suppliers in Fayette and Pulaski Counties, for the purpose of reselling it in the Pulaski County area. David Upchurch and Autumn Smith both distributed the drugs. Michael Henderson supported the drug trafficking operation by acting as security, including by traveling with the dealers to deliver methamphetamine and to collect debts. During the investigation, law enforcement collectively seized from defendants over nine kilograms of high purity methamphetamine and more than ten firearms. Calhoun and Grundy were prohibited from possessing firearms because they were convicted felons.

<u>The Result:</u> Wesley Calhoun was sentenced to 240 months in prison; Timothy Grundy received 235 months; Dennie Smith received 217 months; Michael Henderson received 104 months; David Upchurch received 78 months; and Autumn Smith received 76 months.



London, KY



DEA Louisville and Somerset Police Department

<u>U.S. v. Guerrero</u> 76 F.4th 519 (6th Cir. 2023)

The Sixth Circuit Court of Appeals affirmed Gurrero's conviction for conspiring to commit money laundering. Gurrero was a courier, who participated in three money drops and distributed approximately \$450,000 in drug money that his fellow conspirators intended to transport back to Mexico. A key holding by the Court was that phone communications, made in furtherance of a money-laundering conspiracy, from a conspirator to a government agent located in a district "take place" in that district, establishing proper venue in that district, as to any co-conspirator.

U.S. v. Taylor, et al.

Eleven defendants, including eight Tennessee physicians, conspired with each other and with others to illicitly prescribe controlled substances, falsify medical records, commit health care fraud and wire fraud, and launder the proceeds of their criminal conspiracy. The defendants worked together in two east Tennessee clinics, called EHC Medical. These clinics purported to offer treatment for opioid use disorder. The defendants participated in a wide-ranging conspiracy to provide cash-paying customers with prescriptions for high doses and dangerous combinations of buprenorphine (often known by its brand name, Suboxone) and benzodiazepine-class drugs. These drugs were then sold, traded, and abused throughout southeastern Kentucky.

Multiple defendants pled guilty to controlled substances and money laundering charges arising from their roles in the scheme. This included: Robert Taylor, the physician who founded EHC Medical and structured its practice so that its doctors could prescribe controlled substances to more patients than could be seen in an ordinary medical practice; Lori Barnett, a registered nurse who managed EHC and oversaw patient scheduling; Helen Bidawid and Matthew Rasberry, physicians who illegitimately prescribed excessive buprenorphine to EHC patients; Eva Misra, a physician who received laundered proceeds from the health care fraud conspiracy; and Elmer Powers and Brian Bunch, drug traffickers who used EHC as their source of supply by sponsoring patients to receive prescriptions.

Four physician defendants proceeded to a nine-week trial. In August 2023, a jury convicted Evann Herrell, Mark Grenkoski, Stephen Cirelli, and Keri McFarlane, of conspiracy to illicitly prescribe controlled substances and to launder the proceeds of their criminal activity. Trial evidence also established that the defendants engaged in a conspiracy to falsify medical records, while supposedly treating patients, and that Herrell, Grenkoski, and McFarlane conspired to cause the submission of millions of dollars in fraudulent claims to Medicare, Kentucky Medicaid, and other health benefit programs for prescription drugs and urine drug tests.

The Result: Herrell was sentenced to 10 years in prison, ordered to pay a \$3,715,027 money judgment, and forfeited real property, two vehicles, and \$106,243. Grenkoski was sentenced to 108 months, ordered to pay a \$2,396,871 money judgment, and forfeited a Porsche Cayenne and \$4,525. Cirelli was sentenced to 4 years, ordered to pay a \$903,425 money judgment, and forfeited \$30,292. Taylor was sentenced to 30 months, ordered to pay a \$200,000 fine, and forfeited \$13.8 million. Barnett was sentenced to 1 year and forfeited \$200,000. Misra was sentenced to 4 months, ordered to pay a \$10,000 fine, and forfeited \$280,000. Raspberry was sentenced to time served, ordered to pay a \$10,000 fine, and forfeited \$135,000. Bidawid was sentenced to 3 months and forfeited \$20,000. Bunch was sentenced to 1 year; Powers to 6 months. McFarlane is scheduled to be sentenced in July 2024.



London, KY



OCDETF, DEA Louisville, IRS, and U.S. Department of Health and Human Services, Office of Inspector General

U.S. v. Bryant

Justin Bryant, of Shelbiana, KY, distributed drugs that resulted in an overdose death, while detained at the Pike County Detention Center. Bryant smuggled drugs containing fentanyl and para-fluorofentanyl (a fentanyl analogue) into the jail and distributed them to other inmates. After this overdose death, Bryant continued his efforts to distribute drugs, making two additional attempts to smuggle drugs into the jail.

At sentencing, the Court noted that Bryant may have been connected to a second overdose death. Bryant's criminal history included 30 prior convictions, over the past 20 years.

The Result: Bryant was sentenced to life in prison.



Pikeville, KY



DEA Louisville and Pikeville Police Department

U.S. v. Lee

Keon Lamont Lee, of Lexington, KY, distributed fentanyl that resulted in an overdose death. Lee obtained two bags of drugs from his supplier – one containing cocaine and the other containing fentanyl. Lee regularly sold cocaine to the victim. Intending to distribute cocaine, Lee instead provided fentanyl to the victim, who used the drug, overdosed, and died.

The Result: Lee was sentenced to 40 years in prison.



Lexington, KY



DEA Louisville and Lexington Police Department

U.S. v. Case

Charles Case distributed fentanyl that resulted in an overdose death in Campbell County, KY. Text messages on the victim's phone established that Case had sold the victim fentanyl on multiple occasions, including the night before the victim's death. When Case was arrested, law enforcement found fentanyl on his person and at his residence.

The Result: Case was sentenced to 20 years in prison, ordered to pay \$4,746 in restitution to the victim's family, and must forfeit the \$7,803 seized at the time of his arrest.



Covington, KY



DEA Detroit and Northern Kentucky Drug Strike Force

U.S. v. Michaelis & Barnes

Anthony Michaelis and Blake Barnes approached a group of individuals at a gas pump in Dayton, KY, and offered to sell them controlled substances. Michaelis then pulled out a handgun and pointed it at the group. When law enforcement ultimately apprehended Michaelis and Barnes, they found cocaine in Michaelis's pants pocket, and fentanyl and methamphetamine in his backpack. Michaelis had previous felony convictions for robbery, assaulting a police officer, and assaulting a prison inmate.

The Result: Michaelis was sentenced to 258 months in prison; Barnes received 5 years.



Covington, KY



ATF Louisville, Dayton Police Department, and Covington Police Department

U.S. v. Slone

Brandy Slone, of Pippa Passes, KY, conspired to distribute methamphetamine. Over the course of two years, Slone sold more than five kilograms of methamphetamine in the Knott County area. Law enforcement searched Slone's residence and seized over 50 grams of additional methamphetamine that he intended to distribute.

The Result: Slone was sentenced to 190 months in prison.



Pikeville, KY



ATF Louisville and Kentucky State Police

U.S. v. Carico & Voiles

Law enforcement conducted a traffic stop of a vehicle occupied by John Carico and Gary Voiles, and a canine alerted to the presence of drugs. Carico then slid into the driver's seat and fled the scene, hitting one of the officers. He led police on a lengthy pursuit, with speeds exceeding 100 mph. When tracing the route of the chase, law enforcement recovered a bag with 741 grams of methamphetamine that Carico had thrown from the vehicle.

The Result: Carico was sentenced to 10 years in prison; Voiles received 87 months.



London, KY



FBI Louisville and Pulaski County Sheriff's Office

U.S. v. Brown

During a traffic stop, 97.7 grams of a fentanyl and heroin mixture was found by law enforcement in the possession of Allante Brown, of Lexington, KY. Brown had been released from prison just 12 days before, having prior felony convictions for second-degree robbery and possession of a firearm by a convicted felon.

The Result: Brown was sentenced to 75 months in prison.



Lexington, KY

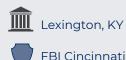


ATF Louisville, Kentucky State Police, and Lexington Police Department

U.S. v. Cook, et al.

Joshua Cook, of Denver, CO, created a darknet marketplace, called PartyCrew, to distribute controlled substances through the U.S. Postal Service. The darknet is an overlay of the internet that is only accessible through certain software, configurations, or authorization. Access to the darknet is designed to anonymize the user. Marketplaces on the darknet are often used to buy and sell illicit goods and services. The PartyCrew darknet marketplace advertised the sale of multiple controlled substances, in exchange for cryptocurrencies such as Monero and Bitcoin. Cook employed his friends, Haleigh and Benjamin Flanigan, who lived in Lexington, to assist him. The Flanigans fulfilled orders for controlled substances, by packaging and mailing them through the U.S. mail to customers across the United States. Haleigh Flanigan received payment for her services in cryptocurrencies, which she then attempted to conceal by using cryptocurrency anonymizing tools.

The Result: Cook was sentenced to 100 months in prison; Haleigh Flanigan to 48 months; and Benjamin Flanigan to 18 months.



U.S. v. Stivers, et al.

Eight defendants conspired to distribute large quantities of marijuana in Northern Kentucky. Beginning in 2017, U.S. Postal Inspectors investigated suspicious packages mailed from California to multiple addresses in Northern Kentucky, which were associated with defendants. Several of these packages were intercepted by law enforcement, who found that they contained multiple pounds of marijuana. Casey Boston orchestrated the shipments from California to the coconspirators' addresses; he was responsible for the distribution of at least 400 kilograms of marijuana.

The Result: Ryan Stivers was sentenced to 78 months in prison; Casey Boston received 60 months; Jesse Schulze, James Thompson, and Trev Patton each received 15 months; Nolan Klein received 12 months and 1 day; Irving Otero received 9 months; and Dru Schroer received 6 months.



U.S. v. Rogers 86 F.4th 259 (6th Cir. 2023)

Rogers pleaded guilty to possessing with intent to distribute methamphetamine. The Sixth Circuit Court of Appeals upheld Rogers's classification as a career offender because his sentences for prior state drug crimes were separated by an intervening arrest.

U.S. v. Goods & Coulter

Terrill Goods and Deon Coulter conspired to distribute methamphetamine and cocaine in Northern Kentucky between October 2021 and January 2022. During the execution of search warrants at their residences, law enforcement seized multiple firearms and approximately 2000 pills containing fentanyl.

The Result: Goods was sentenced to 35 years in prison; Coulter received 248 months.



Covington, KY



DEA Detroit and Northern Kentucky **Drug Strike Force**

U.S. v. Rowe

Gary Rowe, of Ashland, KY, distributed large quantities of narcotics in Boyd County. During their investigation, law enforcement seized 163 grams of methamphetamine, 165 grams of fluorofentanyl, 91 grams of fentanyl, and two firearms. Since 2001, Rowe had been convicted of eight drug trafficking crimes, which qualified him as an Armed Career Criminal and a Career Offender, and enhanced his sentence.

The Result: Rowe was sentenced to 322 months in prison.



Ashland, KY



ATF Louisville and Northern Kentucky Drug Task Force

U.S. v. Lancaster

Steven Lancaster, of Nicholasville, KY, was traffic stopped by law enforcement and found in possession of 23 grams of fluorofentanyl, 332 grams of fentanyl, 54 grams of pure methamphetamine, and 236 grams of multicolored pills containing methamphetamine. Deputies also found a loaded AR-style pistol under the passenger seat, and a drum magazine. Lancaster admitted that he possessed the firearm to further his drug trafficking.

The Result: Lancaster was sentenced to 262 months in prison.



Lexington, KY



DEA Louisville and Jessamine County Sheriff's Office

U.S. v. Minor

Law enforcement attempted to stop a vehicle in which Tony Minor, of Pippa Passes, KY, was an occupant. Minor fled from law enforcement, but was eventually apprehended and found in possession of 100 grams of methamphetamine. Law enforcement then searched his residence and found over 40 grams of fentanyl and a loaded firearm. Minor stated he possessed the firearm to further his drug trafficking. Minor was prohibited from possessing a gun because of a previous drug trafficking conviction.

The Result: Minor was sentenced to 235 months in prison.



Pikeville, KY



FBI Louisville, Kentucky State Police, and Knott County Sheriff's Office

U.S. v. Hornsby

During a traffic stop of Jonathan Hornsby, of Erlanger, KY, a loaded handgun and 16.8 grams of methamphetamine were seized by law enforcement. Hornsby admitted he intended to distribute methamphetamine, and that he possessed the firearm to further his drug trafficking.

The Result: Hornsby was sentenced to 17 years in prison.



Covington, KY



DEA Louisville and Florence Police Department

U.S. v. Hinton

Law enforcement searched Kenneth Hinton's vehicles, residence, and storage unit, and found over five kilograms of cocaine and numerous firearms and ammunition, including an AR-15 rifle and several loaded handguns. Hinton laundered the proceeds from his sales of cocaine, by depositing the funds into multiple bank accounts, then purchasing real estate in Detroit.

The Result: Hinton was sentenced to 200 months in prison and forfeited \$23,100 in drug proceeds, five firearms with assorted magazines and ammunition, and a Mercedes vehicle.



Lexington, KY



DEA Louisville, IRS Criminal Investigation, and Lexington Police Department

<u>U.S. v. Hensley</u>

Law enforcement searched the residence of Jacob Hensley, of Richmond, KY, and found approximately 705 grams of methamphetamine that Hensley admitted he intended to distribute. Law enforcement also found 16 firearms, which Hensley admitted he possessed to further his drug trafficking.

The Result: Hensley was sentenced to 15 years in prison.



Lexington, KY



DEA Louisville and Madison County Sheriff's Office

U.S. v. Spencer

In July 2022, law enforcement searched the residence of Sherry Spencer, of Hazard, KY, and found approximately 1.34 kilograms of methamphetamine, two loaded handguns, and an AR-15 style rifle. Later, in October 2022, law enforcement conducted another search of Spencer's residence, and seized 200 additional grams of a methamphetamine mixture and another loaded firearm. Spencer was prohibited from possessing a firearm because she is a convicted felon.

The Result: Spencer was sentenced to 190 months in prison.



London, KY



FBI Louisville and Kentucky State Police

U.S. v. Jackson

When stopped by law enforcement, Antuan Lamont Jackson, Jr., of Lexington, KY, was found in possession of a 9-millimeter pistol and three wrapped baggies of fentanyl. A search of Jackson's residence located three additional firearms, 120 grams of fentanyl, various drug trafficking paraphernalia, and \$50,000 in cash. Jackson admitted he possessed the firearms to further his drug trafficking.

The Result: Jackson was sentenced to 10 years in prison.



Lexington, KY



DEA Louisville and Lexington Police Department

U.S. v. Minter

80 F.4th 753 (6th Cir. 2023)

Minter pleaded guilty to conspiring to distribute heroin. The Sixth Circuit of Appeals Court upheld the application of sentencing enhancements for a managerial role and firearms possession.

Project Safe Childhood

Launched in May 2006, Project Safe Childhood is a nationwide initiative created to combat child sexual exploitation and abuse. Led by United States Attorneys' Offices and DOJ's Child Exploitation and Obscenity Section, Project Safe Childhood uses a network of federal, state, and local law enforcement and advocacy organizations to investigate and prosecute crimes involving child sexual exploitation including:

- child pornography
- online enticement or coercion of a child for sexual purposes
- interstate or foreign travel to have sex with a child
- child sex trafficking



U.S. v. York

Donald York, of Beauty, KY, produced images of a minor female victim engaging in sexually explicit conduct. He then uploaded some of the victim's images to a pornographic website.

The Result: York was sentenced to 60 years in prison and ordered to pay \$3,000 in restitution.



Pikeville, KY



FBI Louisville, Kentucky State Police, and Martin County Sheriff's Office

U.S. v. Davenport

Jonathan Clay Davenport, of Morehead, KY, produced and distributed child pornography. The investigation began when Davenport was discovered to have distributed child sexual abuse material using the social media platform Kik. In Kik messages, he stated that he had been sexually abusing three minor children. Further investigation revealed that, in addition to obtaining child pornography via the internet, he produced sexually explicit images of three minor children and attempted to produce images of a fourth victim. All four victims were under the age of 12.

The Result: Davenport was sentenced to 45 vears in prison.



Ashland, KY



HSI Nashville and Ashland Police Department

U.S. v. Jones

Dana Jones, of London, KY, enticed two minors to participate in a sexually explicit video, which he captured on one of the victim's cell phones. He then took the sexually explicit images and uploaded them to Snapchat. Prior to this incident, he engaged in a pattern of grooming behavior, which regularly involved supplying the victims – who were just 12 and 14 years old at the time – with alcohol and drugs, including Xanax, oxycodone, and cocaine. The investigation also revealed that he had engaged in sexual contact with one of the victims over the course of their association.

The Result: Jones was sentenced to 40 years in prison.



London, KY



DEA Louisville, Kentucky State Police, and Laurel County Sheriff's Office

U.S. v. Ainslie

Justin Ainslie, of Lexington, KY, made multiple sexually explicit images of minor females and uploaded the images to social media platforms. A search of his residence resulted in the seizure of multiple electronic devices that contained 11,524 images and 1,501 videos of child sexual abuse material.

The Result: Ainslie was sentenced to 40 years in prison and ordered to pay \$143,500 in restitution.



Lexington, KY



HSI Nashville and Lexington Police Department

U.S. v. Caudy

Donald Caudy, III, of Richmond, KY, produced child pornography. The investigation began when the Michigan State Police discovered that he had sent multiple sexually explicit images of a four-year-old child to a man in Michigan. The two had engaged in online chats discussing, in graphic detail, sexual assault on children. During a search of his electronic devices, law enforcement located multiple sexually explicit images of the same four-year-old child. Caudy admitted that he was responsible for creating the images and ultimately distributing them.

The Result: Caudy was sentenced to 30 years in prison and ordered to pay \$11,000 in restitution.



Lexington, KY



HSI Nashville and Kentucky State Police

U.S. v. Mendez-Lopez

Ernesto Mendez-Lopez produced child pornography videos of a minor female. The investigation began when law enforcement received a call from the victim stating that Mendez-Lopez, a Mexican national illegally residing in Lancaster, KY, had sexually assaulted her, and that she was afraid it was going to happen again. Law enforcement responded and discovered videos on his phone of him sexually assaulting the minor.

The Result: Mendez-Lopez was sentenced to 30 years in prison and ordered to pay \$10,000 in restitution.



Lexington, KY



HSI Nashville and Garrard County Sheriff's Office

U.S. v. Crawford

Charles Crawford, of Frankfort, KY, produced child pornography using a minor female victim. The conduct was discovered when law enforcement performed a traffic stop of Crawford because he had a minor sitting on his lap. During the stop, law enforcement discovered that he had a sexual device strapped to his leg and that he was under the influence of methamphetamine. A search of the car located methamphetamine, drug paraphernalia, and a digital camera that contained three videos of him sexually assaulting a minor victim.

The Result: Crawford was sentenced to 30 years in prison and ordered to pay \$15,000 in restitution.



Frankfort, KY



HSI Nashville, Kentucky Attorney General's Office, Frankfort Police Department, and Franklin County Sherriff's Office

U.S. v. Gladd

Austin Lee Gladd, of Russell Springs, KY, used social media to entice a 12 year old victim to engage in sexually explicit conduct. He groomed the minor and obtained sexually explicit images of the minor through SnapChat. He also traveled to Danville, KY, to engage in sexual intercourse with the minor victim. He captured multiple videos of this sexual encounter with his smartphone.

The Result: Gladd was sentenced to 30 years in prison.



Lexington, KY



FBI Louisville and Danville Police Department

U.S. v. Reardon

Sean Ryan Reardon, of Stanford, KY, began communicating with a minor victim on Snapchat. They soon exchanged sexually explicit images through Snapchat and Google Duo. He later had sexual contact with the victim, at his home and other locations on multiple occasions, and captured pictures and videos of these encounters.

The Result: Reardon was sentenced to 292 months in prison and ordered to pay \$5,000 in restitution.



Lexington, KY



FBI Louisville and Kentucky State Police

U.S. v. Benson

Richard Benson, of Frankfort, KY, uploaded child pornography images using his Google storage account. A forensic review of Benson's electronic devices revealed multiple images and videos of minors under the age of 12 engaged in sexually explicit conduct. Benson had previous convictions in Wisconsin for sexual assaults involving a minor.

The Result: Benson was sentenced to 280 months in prison and ordered to pay \$17,500 in restitution.



Frankfort, KY



HSI Nashville and Kentucky State Police

U.S. v. Marshall

Matthew Stuart Marshall, of Georgetown, KY, produced child pornography. The investigation began when a victim approached law enforcement about being sexually exploited by Marshall. Law enforcement searched his online accounts and electronic devices and discovered 500 sexually explicit images of the minor victim, 33 sexually explicit videos of the minor victim, and 191 chats involving Marshall enticing the minor victim to engage in sexual activity. He admitted to participating in the planning of a video and live stream of the minor victim engaging in sexual activity with another adult. He had also been directly communicating with other minor victims to entice and produce additional sexually explicit material.

The Result: Marshall was sentenced to 22 years in prison and ordered to pay \$45,500 in restitution.



Lexington, KY



FBI Louisville and Georgetown Police Department

U.S. v. Bermejo-Martinez

Alfredo Bermejo-Martinez, of Passaic, NJ, produced child pornography using a minor female. He met the victim, who resided in the Eastern District of Kentucky, while playing an online video game, and continued to contact her over several years. Eventually, he persuaded the victim to take and send him sexually explicit pictures via Snapchat. On four separate occasions, he traveled from New Jersey to Kentucky to see the victim and engage in sexual contact with her. Later, when the victim ended the relationship, he threatened to release nude images of the victim.

The Result: Bermejo-Martinez was sentenced to 20 years in prison.



Lexington, KY



HSI Nashville and Lexington Police Department

U.S. v. Childers

Adam Childers, of Ashland, KY, received, distributed, and possessed, large amounts of child pornography. Law enforcement identified him as being among the top ten individuals in Kentucky sharing child pornography via peer-to-peer file sharing programs. A search of his home revealed that, over decades, he had acquired multiple forms of media containing child pornography, including magazines from the 1970s, binders of printed materials, multiple disks, seven external hard drives, and a desktop computer. In total, he possessed hundreds of thousands of child pornography images and videos, including depictions of minors under the age of 12 engaged in sexually explicit activity.

The Result: Childers was sentenced to 20 years in prison and ordered to pay more than \$175,000 in restitution and financial assessments.



Ashland, KY



FBI Louisville, Kentucky State Police, and Ashland Police Department

U.S. v. Noonan

Steven Noonan, of Danville, KY, was convicted in 2020 of sexual exploitation of a minor in North Carolina. After being released from prison, he was placed on probation, the terms of which included monitoring of his electronic devices. In 2022, the Boyle County Probation and Parole noticed suspicious searches on one of his devices. This prompted them to search his residence, where they found a cell phone that did not have the required monitoring software and that contained hundreds of images and videos of minors engaged in sexually explicit conduct.

The Result: Noonan was sentenced to 15 years in prison.



Lexington, KY



HSI Nashville, Kentucky State Police, Perryville Police Department, and Boyle County Probation and Parole

U.S. v. Henderson

Michael Henderson repeatedly failed to register as a sex offender. In 2002, he was convicted in Perry County, IN, for Deviate Criminal Sexual Conduct. As a result, for the rest of his life, he is required to register as a sex offender in the state where he lives, works, or goes to school. He initially faced charges for failing to register in 2009, after moving to the Eastern District of Kentucky. He was convicted by a jury and sentenced to 10 years in prison, and placed on supervised release for life. In 2019, he was incarcerated because he again failed to register, in violation of the terms of his supervised release. After his release from prison, he traveled back to Kentucky, but again failed to register as required.

The Result: Henderson was sentenced to 7 years in prison.



Frankfort, KY



U.S. Marshals Service

Civil Rights Enforcement

The U.S. Attorney's Office is committed to the enforcement of federal civil rights laws. Criminal matters may arise from:

- The use of unreasonable force by law enforcement
- Misconduct by individuals acting under color of law that deprives an individual of their Constitutional rights, such as sexual assault, illegal searches, wrongful arrest, or failing to protect those in their custody
- Hate crimes committed based on a victim's race, religion, gender, sexual orientation, or disability
- Intentional damage to religious property and using force to obstruct a victim's right to exercise their religious beliefs
- Intentional damage to a reproductive health facility and using force to prevent entry into the facility

The United States Attorney's Office also enforces federal civil statutes that prohibit discrimination on the basis of race, religion, gender, sexual orientation, disability, and military status. These statutes include the Americans with Disabilities Act, the Fair Housing Act, and the Uniformed Services Employment and Reemployment Act.

Filing a Complaint

If you believe that you have been discriminated against or that your civil rights have been violated, you may file a written complaint with the U.S. Attorney's Office:

By Mail: United States Attorney's Office ATTN: Civil Rights 260 W. Vine Street, Suite #300 Lexington, KY 40507-1612

By Email: USAKYE.CivilRights@usdoj.gov

By Phone: EDKY Civil Rights Hotline: (859) 685-4880

U.S. v. Patrick, et al.

Samuel Patrick and Clinton Pauley were correctional officers at the U.S. Penitentiary Big Sandy, located in Inez, KY; Kevin Pearce was their supervising lieutenant. Patrick and Pauley assaulted an inmate for walking too slowly to his cell, by pepper spraying him in the face and kicking him in the head. Pearce attempted to cover-up this assault by writing a false report, which described the inmate as violent and omitted that the inmate was being kicked in the head, while in a prone position and not resisting.

One month later, Pearce covered up another, unrelated assault initiated by officers Patrick and Pauley. The victim of that assault was taken to Pearce's office to request protection from other inmates. When the victim, who is white, revealed that he affiliated with Black gangs, Patrick and Pauley repeatedly struck him in the head and body while referring to him as a "race traitor." Pearce wrote a false report about the assault, claiming that the inmate agreed to go to his housing unit "without incident." He also supervised efforts to discredit the inmate by recruiting another officer to write a report that falsely corroborated the agreed-upon cover story.

The Result: Pearce was sentenced to 66 months in prison; Patrick to 36 months; and Pauley to 40 months.



Pikeville, KY



Department of Justice Office of Inspector General and FBI Louisville

Civil Enforcement - Racial Discrimination

U.S. v. Madison County School District

An investigation by the U.S. Attorney's Office and Department of Justice's Civil Rights Division, under Title IV of the Civil Rights Act, found widespread racial harassment of Black and multi-racial students at a Madison County high school, including numerous incidents when students were called the N-word and subjected to derogatory racial comments, taunts, and intimidation, reinforced by the use of Confederate flags and imagery. The school district did not consistently or reasonably address this harassment. When it did respond, it often failed to follow its own racial harassment policies and its actions were ineffective in addressing the broader hostile environment. This inaction deprived Black and multi-racial students of equal access to the district's educational opportunities and led them to conclude that the district either condoned the behavior or would not take any action to help them.

The Result: As part of a settlement with the Federal Government, the Madison County School District agreed to retain a consultant to review and revise anti-discrimination policies and procedures, and to undertake significant institutional reforms. This includes the creation of a central office position to process racial discrimination complaints; training staff on how to identify, investigate, and respond to complaints of racial harassment; implementing focus groups and educational events on identifying and preventing race discrimination; and analyzing discipline data and amending policies to ensure non-discriminatory enforcement of discipline policies.

U.S. v. Kenton County Board of Elections

Under the Americans with Disabilities Act (ADA), state and local governmental entities that conduct elections may not select polling places that are inaccessible to individuals with disabilities and must make reasonable modifications to ensure that voters with disabilities have equal opportunity to participate in voting programs.

The U.S. Attorney's Office completed an ADA compliance review of Kenton County's polling places, which identified architectural barriers at numerous locations, including inaccessible parking, ramps that were too steep, walkways that had gaps and bumps in the path of travel, and voting machines that could not be accessed by voters with mobility disabilities. The review also identified instances when the County did not provide disabled voters with privacy and independence while voting.

The Result: As part of a settlement with the Federal Government, the Kenton County Board of Elections agreed to employ measures such as portable ramps, signage, and propped-open doors to ensure that its selected polling places are accessible to voters with disabilities. When selecting future polling places, the Board will select locations that will be accessible during elections.

U.S. v. Big Sandy Regional Jail Authority

In collaboration with the Big Sandy Regional Jail Authority, the U.S. Attorney's Office completed on ADA compliance review of Big Sandy Regional Detention Center, through which it determined that the facility was not providing incarcerated individuals diagnosed with Opioid Use Disorder access to prescribed medications like buprenorphine, in violation of the ADA.

<u>The Result:</u> As part of a settlement with the Federal Government, Big Sandy Regional Jail Authority agreed to revise its policies to provide access to medications used to treat Opioid Use Disorder, and to ensure that decisions about treatment are based on an individualized determination by qualified medical personnel.

U.S. v. Big Picture Ventures

LexLive, an entertainment center in Lexington owned by Big Picture Ventures, violated the ADA when it asked a Desert Storm veteran with a disability to leave the facility because she was accompanied by her service dog. The ADA requires "public accommodations," like LexLive, to ensure proper access to customers with disabilities, including by allowing service animals.

The Result: As part of a settlement with the Federal Government, LexLive paid a \$500 civil penalty to the United States and paid the veteran \$1,000 in damages. It also agreed to adopt and implement a service animal policy and provide training on the policy to all employees.

Public Corruption

Public officials have a genuine obligation of public trust. When the integrity of public officials, offices, or elections are undermined, that does a grave disservice to the public – in terms of fraud, waste, and abuse, and from the critical erosion of faith in the institutions of our government. The Office's Fraud Division oversees the investigation and prosecution of crimes affecting government integrity, including bribery of public officials, election crimes such as vote-buying and campaign finance offenses, and public officials who misuse their offices to steal or abuse government resources.

U.S. v. Donaldson

Allison Donaldson was an administrative manager for the City of Covington Public Works Department. Over a two-year period, Donaldson defrauded the City by using employee credit cards to make more than \$150,000 in purchases for herself, including repairs for a Mercedes Benz, a Louis Vuitton agenda, a Chanel tote, furniture, and a remodel to her bedroom and garage.

The Result: Donaldson was sentenced to 42 months in prison and ordered to pay \$12,970 in restitution.



Covington, KY



FBI Louisville, Kentucky Attorney General's Office, and Kenton County Police Department

U.S. v. Cooper

Keith Cooper was the Greenup County Sheriff. Over a four-year period, he stole \$58,230 from funds seized by law enforcement during drug trafficking investigations. Cooper also stole \$29,458 in ammunition paid for with Sheriff's Office funding and wrongfully used County funds to pay for \$1,837 in fuel that he used during personal trips.

The Result: Cooper was sentenced to 13 months in prison and ordered to pay \$70,543 in restitution and a \$10,000 fine.



Frankfort, KY



FBI Louisville and Kentucky Attorney General's Office

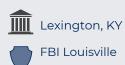
Elder Justice

The mission of the Elder Justice Initiative is to support and coordinate the Department's enforcement and programmatic efforts to combat elder abuse, neglect, and financial fraud and scams that target our nation's older adults. We engage in this work by focusing on building federal, state, and local capacity to fight elder abuse; promoting justice for older Americans; supporting research to improve elder abuse policy and practice; and by helping older victims and their families.

U.S. v. Gbadegesin, et al.

Adedunmola Gbadegesin, a Nigerian national, conspired with others to defraud U.S. citizens of substantial sums, by convincing the victims that they were in romantic relationships with nonexistent individuals. In these romance scams, Gbadegesin's coconspirators would set up fake online dating profiles of American men, often in the military. Members of the conspiracy would then communicate through the dating websites with victims, who were typically women in their fifties or older, and mislead them into believing they were in a romantic relationship with the fictitious man. Eventually, the coconspirators would convince these victims to send money for various reasons. In one execution of this scheme, the coconspirators convinced a victim in the Eastern District of Kentucky to send over \$200,000 to various individuals, under the mistaken belief that she was helping her boyfriend. Gbadegesin then worked with U.S.-based coconspirators, including Ismaila Fafunmi, Otunuya Ineh Eqwem, and Olatunbosun Oluwakayode Ajayi, to receive and launder funds from the scam victims.

The Result: Gbadgesin was arrested in Lagos,
Nigeria and extradited to the United States. He was
sentenced to 5 years in prison and ordered to pay
\$545,251 in restitution. Fafunmi received 51 months
and was ordered to pay \$541,751 in restitution.
Eqwem received 2 years and was ordered to pay
\$194,000 in restitution. Ajayi received 1 year and a
day and was ordered to pay \$40,000 in restitution.



U.S. v. Glass

Donna Sue Glass, of Greenup, KY, was the owner of Glass Family Care Home. She stole funds from three of her facility's residents, while acting as their guardian and caregiver. She used one resident's bank account to purchase items for her personal benefit, including expenses for vacations, and her daughter's beauty pageant competitions. She increased the rent of another resident for whom she served as guardian to an amount well in excess of what the person could afford, so that the resident would owe her a debt, and then took funds directly from the resident's savings account to satisfy this debt. When the resident moved to another facility, Glass continued to accept and spend the resident's retirement benefits and failed to pay her new facility, under the pretense that she was owed money.

The Result: Glass was sentenced to 18 months in prison and ordered to pay \$87,695 in restitution.



Pandemic Relief Fraud

The Office's Fraud Division prioritizes the prosecution of fraud schemes that exploit the Coronavirus Aid, Relief, and Economic Security (CARES) Act relief programs. Enacted in March 2020, the CARES Act was designed to provide emergency financial assistance to Americans suffering the economic effects caused by the COVID-19 pandemic. Unfortunately, these programs became targets of many fraud schemes, as wrongdoers used false documents and false statements to obtain emergency benefits to which they were not entitled. The pandemic period also saw an increase in fraudulent telephone schemes, financial scams, fraudulent medical records information requests, and the selling of counterfeit products that claimed to prevent, treat, diagnose, or cure COVID.

U.S. v. Elder

Crystal Elder submitted several applications for pandemic-relief funds that contained material misrepresentations. For example, Elder applied for relief from the Home Eviction Relief Fund, a government program that was intended to pay landlords for past due rent owed by renters who were experiencing hardships due to the pandemic. In connection with the application, Elder falsely claimed she was the landlord of a rental property, misrepresented the amount of rent, and falsely stated that the tenant had failed to make rental payments. Elder also submitted a forged check, a forged lease, and a fake eviction letter. As a result of these misrepresentations, Elder received \$6,500 from the Home Eviction Relief Fund, which Elder used for her personal benefit.

In total, Elder sought \$120,406, and ultimately received \$52,505, through fraudulent applications to multiple pandemic-relief programs, including an EIDL loan, two PPP loans, relief from the Home Eviction Relief Fund, and relief from the Kentucky Food and Beverage Relief Fund.

The Result: Elder was sentenced to 42 months in prison and ordered to pay \$52,972 in restitution.



Frankfort, KY



Treasury Inspector General for Tax Administration

U.S. v. Sloan & Brown

Adam Sloan and Nathan Brown were senior executives at Old World Timber, a Lexington-based company specializing in antique wood reclamation. In the fall of 2020, during the COVID-19 pandemic, Sloan and Brown directed the company to import and sell medical-grade 3M™ N95 masks. Old World Timber purchased more than 100,000 alleged 3M N95 masks from a company in China and resold them to customers throughout the United States. In March 2021, Sloan was informed by multiple sources, including 3M's COVID-19 Fraud and Counterfeit Product Response Team, of the high probability that the masks imported from China were counterfeit. Sloan deliberately ignored these concerns and directed his company to continue selling the masks, misleading customers as to their authenticity. Old World Timber sold 57,460 misbranded masks for a total of \$129,353.

The Result: Sloan was sentenced to 8 months in prison; Brown received 6 months. Sloan and Brown were ordered to pay \$129,353 in restitution



Lexington, KY



USDA and U.S. Department of Homeland Security

U.S. v. Williamson, et al.

Billy Ray Williamson owned a majority stake and managed the operations of ANSi, an entity in Pendleton County that provided oversight services for Department of Energy contractors. Thomas Fuhrmann was a minority owner in ANSi and served as its CFO; he also owned and operated CS Oats Accountancy, which provided payroll services for ANSi. Williamson and Fuhrmann conspired to misappropriate ANSi employees' contributions to the company's 401(k) Plan, by jointly agreeing when and whether plan contributions would actually be remitted to the Plan. From May 2018 to January 2019, Williamson and Fuhrmann knowingly withheld 401(k) contributions totaling \$36,253.92 from ANSi employees' paychecks and diverted the funds elsewhere, including to make payments on a business loan ANSi owed to CS Oats Accountancy.

Separately, Williamson defrauded the EIDL program by submitting an EIDL application that mispresented the number of ANSi employees, the company's gross revenue, and the cost of goods sold. ANSI received \$10,000 in EIDL funds to which it was not entitled.

The Result: Williamson was sentenced to 6 months in prison and ordered to pay \$54,015 in restitution. Fuhrmann was sentenced to 2 years of probation, ordered to pay \$44,015 in restitution, and pay a \$5,000 fine.



Covington, KY



U.S. Department of Labor, Employee Benefits Security Administration



Healthcare Fraud

Through its criminal and civil healthcare fraud prosecutions, the U.S. Attorney's Office seeks to protect federally-funded benefit programs, like Medicare and Medicaid, from healthcare providers who unlawfully bill for services patients did not need or for services that were never provided. These prosecutions also seek to protect patients from fraud schemes that result in patient harm, such as through the provision of substandard care.

U.S. v. Coburn & Baker

Ronald Coburn was the owner and CEO of LabTox, LLC, a Lexington-based toxicology lab; Erica Baker was its compliance officer. As part of their scheme to commit healthcare fraud, Coburn and Baker solicited urine drug tests from substance abuse recovery programs that did not provide medical care, such as faith-based residential programs, sober homes, and homeless shelters. They also arranged for LabTox to perform court-ordered urine drug tests. Despite knowing that these tests were not being used for medical treatment, as is required for reimbursement, Coburn and Baker caused LabTox to bill Medicare and Kentucky Medicaid for the tests. As a result, LabTox fraudulently obtained over \$3.4 million in reimbursements.

Coburn and Baker both pled guilty to healthcare fraud. In a parallel civil case brought under the False Claims Act, the court entered civil judgments totaling \$10,458,933 in favor of the United States, holding LabTox, Coburn, and Baker liable for submitting false claims to Medicare and Kentucky Medicaid.

Coburn also committed tax fraud. He received more than \$1.5 million per year from LabTox, but concealed his income and his ownership of the company by placing the business in the name of his romantic partner. Coburn created the false appearance of not having earned income, did not file any tax returns in his own name, and never paid income tax on his actual earnings. He owes the IRS over \$3.5 million in unpaid tax.

The Result: Coburn was sentenced to 46 months in prison and ordered to pay \$5,431,074 in restitution. Baker was sentenced to 12 months and one day and ordered to pay \$1,621,882 in restitution.



Lexington, KY



FBI Louisville, U.S. Department of Health and Human Services, Office of Inspector General, and IRS Criminal Investigation Cincinnati

U.S. v. Numotion

United Seating and Mobility, LLC, d/b/a Numotion, a national supplier of durable medical equipment ("DME"), agreed to pay a settlement to resolve civil healthcare fraud allegations. The case involved DME that was "manually priced" by Medicaid payors in Kentucky, Missouri, and D.C. Those Medicaid programs reimbursed manually priced DME based on the cost Numotion actually paid the manufacturer for the equipment. The United States alleged that Numotion did not disclose its actual costs when submitting claims for reimbursement, because it concealed or failed to disclose all discounts it received from the equipment manufacturers. As a result, the Medicaid payors reimbursed Numotion more than it was entitled.

The Result: Numotion agreed to pay the United States \$7 million.



Frankfort, KY



U.S. Department of Health and Human Services, Office of Inspector General

U.S. v. Appalachian Regional Healthcare & Dr. Chandrashekar

Appalachian Regional Healthcare, Inc. ("ARH"), a hospital system based in eastern Kentucky, and one of its cardiologists, Padubidri Chandrashekar, M.D., agreed to pay a settlement to resolve civil healthcare fraud allegations. The case relates to diagnostic cardiac catheterizations and associated services performed or ordered by Dr. Chandrashekar. Diagnostic catheterizations are minimally-invasive imaging procedures that can be used to evaluate heart problems. During the procedure, a thin, hollow tube is introduced into a patient's blood vessel and then advanced to the heart. Medicare and Kentucky Medicaid reimburse medical providers for services, such as diagnostic catheterizations, only when medically reasonable and necessary. Medicare and Kentucky Medicaid require that the patient's records adequately document the medical need for the service provided.

The United States alleged that Dr. Chandrashekar caused ARH to bill Medicare and Kentucky Medicaid for diagnostic catheterizations, performed at an ARH hospital, that did not have sufficient documentation to support the medical necessity of the procedures. The United States also alleged improper billing in connection with services performed prior to the unnecessary catheterizations, including unnecessary appointments, unnecessary ambulance transports, and unnecessary hospital admissions in the days preceding the catheterizations.

The Result: ARH agreed to pay the United States \$2,884,046.50; Dr. Chandrashekar and his practice, Mountain Heart Center, agreed to pay \$149,815.42.



Lexington, KY



U.S. Department of Health and Human Services, Office of Inspector General

U.S. v. Blue Waters Assessment & BioTap

Blue Waters Assessment and Testing Services, LLC ("BATS") is a Lexington-based business that provides services relating to urine drug testing, including the collection of specimens from individuals who were ordered by the Fayette County family courts to receive such testing as part of their court cases. BATS sent the specimens to VerraLab JA, LLC, d/b/a BioTap, a clinical laboratory based in Louisville. BioTap performed the urine drug tests and billed them to Kentucky Medicaid and Medicare.

The United States alleged that billing these tests to Kentucky Medicaid and Medicare violated the False Claims Act because Kentucky Medicaid and Medicare only pay for laboratory tests used for purposes of medical diagnosis or treatment; they do not pay for tests performed only to satisfy a court order. In fact, Medicaid's regulations explicitly prohibit reimbursement for laboratory tests that were ordered by a court.

The Result: BioTap agreed to pay the United States \$1,490,620; BATS and its owner, David Waters, agreed to pay \$250,000.



Lexington, KY



U.S. Department of Health and Human Services, Office of Inspector General

U.S. v. Air Methods

Air Methods Corporation, a national provider of air medical transport services, agreed to pay a settlement to resolve allegations that it failed to return known overpayments received from Medicare, Kentucky Medicaid, Tricare, and the Department of Veterans Affairs, in violation of the False Claims Act. The United States alleged that Air Methods' internal review process identified more than 100 air ambulance flights that were ineligible for reimbursement because they were medically unnecessary, but that Air Methods failed to return those reimbursements to the government healthcare programs.

The Result: Air Methods agreed to pay the United States \$1,050,873.



Frankfort, KY



U.S. Department of Health and Human Services, Office of Inspector General, and Department of Defense Criminal Investigative Services

U.S. v. Oxygen Plus, Inc.

Oxygen Plus, Inc., a provider of durable medical equipment based in Floyd County, KY, agreed to pay a settlement to resolve allegations that it fraudulently billed Medicare and Kentucky Medicaid for respiratory devices that patients did not need or use.

Oxygen Plus provided non-invasive ventilators ("NIVs") for home use to patients in Kentucky. NIVs are a type of complex respiratory equipment designed to deliver pressurized air into the lungs of patients with serious respiratory diseases. Medicare and Kentucky Medicaid pay a monthly reimbursement for a patient's rental of an NIV, so long as the NIV is necessary and reasonable for the patient's treatment. The United States alleged that Oxygen Plus submitted over 300 false claims to Medicare and Kentucky Medicaid by seeking reimbursement for NIV rentals after patients no longer needed the devices or were no longer using them.

The Result: Oxygen Plus agreed to pay the United States \$200,000.



Lexington, KY



U.S. Department of Health and Human Services, Office of Inspector General

Financial Fraud

Since 2020, reports of financial victimization through fraud, especially internet-enabled fraud, have reached an all-time high. Federal law prohibits a wide variety of schemes to defraud government programs, consumers, business owners, lenders, and investors. The U.S. Attorney's Office identifies the perpetrators of these offenses, prosecutes them for federal crimes, and works to restore the economic harms done to their victims.

U.S. v. Vance & McKinnon

Two former Lexington business owners, Douglas William Vance and Molly McKinnon, falsified bank statements, financial reports, purchase orders, and sales and production figures, to convince investors they each owned a controlling stake in a company called Nex-Gen, which purported to produce calcined coal and other carbon-based products. The false and fabricated documents also convinced two companies to lend money to Nex-Gen and concealed the fact that Vance and McKinnon were misappropriating investor and lender funds. In total, they defrauded investors and lenders out of more than \$2 million dollars.

The Result: Vance was sentenced to 174 months in prison and McKinnon to 156 months. They were ordered to pay \$2,247,424 in restitution.



U.S. v. Hawkins

Douglas Hawkins, a Lexington investment advisor and attorney, encouraged his clients to invest over \$2 million in securities that were properties in Jackson, MS. Hawkins withheld vital information about the properties from his clients, including that many were uninhabitable, had burdensome rent collection, and were often subject to theft and vandalism. He also failed to inform his clients that their investment money would be used for purposes other than the properties, including paying other investors and buying a Harley Davidson for an employee.

<u>The Result:</u> Hawkins was sentenced to 10 years in prison and ordered to pay \$1,588,048 in restitution.



Lexington, KY



U.S. Postal Inspection Service and Kentucky Department of Financial Institutions

U.S. v. Amuah & McDonald

Nana Kawabena Amuah and Shimea McDonald impersonated a nonprofit organization that had business with the City of Lexington and convinced a City official to wire funds owed to the non-profit. The City wired over \$3.9 million to a fraudulent account opened by McDonald, using a stolen identity that had been obtained for him by Amuah. Ultimately, the bank and the City were able to recover all the funds that were fraudulently transmitted. Investigators found approximately 70 other victims of Amuah and McDonald's fraud schemes, 60 of which suffered losses of more than \$4.6 million.

The Result: Amuah was sentenced to 86 months in prison and ordered to pay \$4,695,442 in restitution. McDonald received 80 months and was ordered to pay \$4,690,870 in restitution.



Lexington, KY



FBI Louisville and Lexington Police Department

U.S. v. Custer

Christopher "Rusty" Custer, formerly of Winchester, KY, lied to Traditional Bank to obtain two loans, totaling more than \$1.5 million, for the purchase of a home and property to be used for an equine business. He also lied to victim P.H. to obtain a \$75,000 personal loan. Custer provided the bank and P.H. with false personal financial statements, supported by falsely manipulated documentation from well-known financial institutions, suggesting he was worth more than \$6 million. Actual records from these financial institutions showed, at most, a \$100 closing balance in one account.

The Result: Custer was sentenced to 33 months in prison and ordered to pay \$528,014 in restitution.



IIIII Lexington, KY



FDIC Office of Inspector General

U.S. v. Tackett

Ralph Tackett, of Georgetown, KY, embezzled \$512,042 from a local church. Tackett, the church's treasurer, transferred funds from the church's accounts to make payments on his personal credit cards and issued checks that he deposited into his personal and business accounts.

The Result: Tackett was sentenced to 33 months in prison and ordered to pay \$532,807 in restitution to the church.



Lexington, KY



FBI Louisville

U.S. v. Taulbee, et al.

Randall Taulbee, of Carlisle, KY, was a magistrate in Bourbon County. He owned and rented farmland in Bourbon and Nicholas Counties, where he produced tobacco and corn that he insured through federal crop insurance. Over a four-year period, Taulbee conspired with his brother-in-law, James A. McDonald, his sister, Cherie Lynn Noble, and his insurance agent, Michael McNew, to falsify crop insurance policies and claims of loss. Taulbee falsely stated he was a new producer, overreported his acreage, falsely submitted records from a farm supply store, failed to report crop sales on his insurance claims of loss, and submitted false claims of loss documentation. As a result, Taulbee received crop insurance payments to which he was not entitled.

The Result: Taulbee was sentenced to 30 months in prison and McDonald to six months; they were ordered to pay \$718,784 in restitution. Noble received probation and community service and was ordered to pay \$263,614 in restitution. McNew was sentenced to 86 months for his participation in multiple crop insurance fraud schemes, including with Taulbee, and ordered to pay \$4,273,923 in restitution.



Lexington, KY



USDA Office of Inspector General, FBI Louisville, IRS Criminal Investigation, and Kentucky Department of Insurance

U.S. v. Kasemeyer & Best

In 2021 and 2022, Coy Best and Thomas Kasemeyer committed a series of burglaries in Tennessee, Georgia, and Kentucky, during which they stole \$198,775 in sports cards and memorabilia. Best and Kasemeyer then traveled, often across state lines, to other sports memorabilia stores, to sell what they had stolen.

The Result: Best was sentenced to 2 years in prison; Kasemeyer to 18 months. Kasemeyer and Best were ordered to jointly pay \$198,775 in restitution. Additionally, they were each ordered to pay a money judgment of \$30,000, reflecting their personal proceeds from the stolen merchandise.



Lexington, KY



PBI Louisville, Lexington Police
Department, Knoxville Police Department,
Chattanooga Police Department,
Cartersville Police Department, Wilson
County Sheriff's Office, and Montgomery
County Sheriff's Office

U.S. v. Cox

Peter Cox, of Danville, KY, received a \$1 million line of credit through a Government-backed loan, pledging 800 beef and dairy cattle as collateral. Cox then sold his cattle to unapproved sellers, using a fictitious farm name, and did not apply the \$1.1 million in sale proceeds to his debt. Cox admitted that his intention in using the fictious farm name was to prevent the lender from receiving any proceeds of the sales.

The Result: Cox was sentenced to 12 months and one day in prison, and ordered to pay \$984,500 in restitution.



Lexington, KY



USDA Office of Inspector General

U.S. v. Tabb Textiles

Tabb Textiles Co., Inc., a textile converter, agreed to pay a settlement to resolve allegations that it improperly billed the government for fabric that was sourced overseas, in breach of contract requirements. Tabb had a contract with UNICOR, a corporation owned by the United States that allows inmates of the Bureau of Prisons to obtain occupational skills and work experience, including through the manufacturing of apparel and textile goods. Through these operations, UNICOR also strives to support the domestic economy by acquiring its manufacturing supplies from American companies.

UNICOR contracted with Tabb for the provision of six million yards of domestic fabric. Of these six million yards, approximately 200,000 came from a foreign source, an error that arose from Tabb intermingling foreign and domestic fabric after the bleaching process.

The Result: Tabb agreed to pay the United States \$344,516.80.



Lexington, KY



U.S. Department of Justice, Office of Inspector General

Cybercrime

Keeping the public safe requires countering cybercrime perpetuated by foreign and domestic actors. Cyberthreats to individuals take the form of identity theft, cyberstalking, account hacking, email compromise schemes, and other online fraud schemes. The Department of Justice serves as the lead federal agency for cyberthreat response and maintains primary domestic responsibility for identifying, disrupting, and prosecuting malicious cyber actors.

U.S. v. Sandu, et al.

lonut-Razvan Sandu, of Romania, conspired to launder the proceeds of a large-scale online auction fraud. Members of the conspiracy posted false advertisements to popular online auction and sales websites, such as eBay, for goods that did not actually exist. Sandu conspired to devise a process to launder the funds of this scheme. U.S.-based co-conspirators received victims' payments for the advertised goods, converted those funds to cryptocurrency, and then transferred the cryptocurrency to foreign-based money launderers. They would then work with other members of the conspiracy to convert the bitcoin back into fiat currency. Sandu was responsible for laundering over \$3.5 million in fraudulent proceeds received from over 900 victims.

The Result: Sandu was sentenced to 89 months in prison. Four Romanian co-conspirators were sentenced in 2022: Rafael-Liviu Cucu to 61 months; Alexandru-Catalin Calin to 61 months; Ciprianlonut Filip to 70 months; and Gabriel Constantin Georgescu to 63 months.



Lexington, KY



U.S. Secret Service, Kentucky State Police, Lexington Police Department, IRS Criminal Investigation, and U.S. Postal Inspection Service, supported by DOJ's OCDETF and the International Organized Crime Intelligence and Operations Center

U.S. v. Genay

Austin Genay, of Philadelphia, was engaged in an online sexual relationship with the victim. Genay took screenshots of their sexual online communications without permission. He then threatened to expose the communications to induce financial payments from the victim. When the victim informed Genay that he did not have sufficient funds to continue making payments, Genay made further threats of exposure. Genay continued to send harassing communications and demands for money that caused substantial emotional distress and financial harm to the victim.

<u>The Result:</u> Genay was sentenced to 22 months in prison and ordered to pay \$338,602 in restitution.



Lexington, KY



FBI Louisville

Animal Welfare

The Department of Justice enforces federal statutes that provide for the humane treatment of animals. Many animal welfare cases prosecuted by the U.S. Attorney's Office involve violations of the Animal Fighting Prohibition Act, which makes it a federal crime to exhibit or sponsor an animal in, or be a spectator at, an animal fight. It is also a federal crime to possess, purchase, sell, receive, transport, deliver, or train an animal for purposes of participation in an animal fight.

In 2022 and 2023, eleven Kentuckians were sentenced to federal prison for animal fighting offenses.

U.S. v. Sizemore, et al.

Timothy Sizemore ran two cockfighting ventures – one in Manchester, KY called Riverside, and another in Pike County, KY called Blackberry. Sizemore operated near-weekly fights at these locations over multiple years, collectively involving thousands of roosters. Sizemore coordinated the fights, collected the fees, hired the referees, and matched the birds. For his work, he received half the gate proceeds and profits from the concession stand. Oscar Hubbard owned the land on which the Riverside pit sat. Hubbard partnered with Sizemore to oversee Riverside's operations and shared in the proceeds. Justin Smith, a referee at Riverside, Beachel Collett and Lester Collett, who worked at Riverside, and Perry Hatfield, the owner of the property on which the Blackberry pit operated, were also prosecuted for their roles.

The Result: Sizemore was sentenced to 26 months in prison. Hubbard received 1 year in prison and a \$95,000 fine. Smith received 1 month; the Colletts each received 4 months home detention; and Hatfield received 8 months home detention.



London, KY



USDA OIG, FBI Louisville, Kentucky State Police, and Indiana Gaming Commission

U.S. v. Mercado-Vazquez

Cruz Mercado-Vazquez, of Maysville, KY, attempted to bribe the Mason County Sheriff to influence the Sheriff in connection with a planned animal fighting venture.

The Result: Mercado-Vazquez was sentenced to 15 months in prison and ordered to pay a \$10,000 fine.



Covington, KY



USDA OIG, FBI Louisville, Kentucky State Police, and Indiana Gaming Commission

U.S. v. McVey, et al.

Jerrard McVey, Linda McVey, and Walter Mitchell conspired to organize multiple cockfights at The Valley, a chicken pit on the border of Nicholas and Fleming Counties. Mitchell owned The Valley, but leased it to the McVeys, who ran the cockfights. Jerrard McVey served in many capacities, including fight organizer, gate security, fee collector, and pit cleaning crew. Linda McVey sold concessions, matched the birds to fight, and supervised the flow of events.

The Result: Both McVeys were sentenced to 1 year and a day in prison; Mitchell received 6 months.



Lexington, KY



USDA OIG, FBI Louisville, and Kentucky State Police

U.S. v. Johnson, et al.

Over a two-month period, Rickie Johnson organized two cockfights per month at the Bald Rock chicken pit, in Laurel County, KY. Joshua Westerfield, Dallas Cope, and Bradley Cye Rose all fought roosters at Bald Rock.

The Result: Johnson was sentenced to 2 months in prison, followed by 8 months home detention. Westerfield received 3 months in prison and 6 months home detention. Cope and Rose each received 14 days in prison and 9 months home detention.



London, KY



USDA OIG, FBI Louisville, and Kentucky State Police

To report animal fighting crimes, please contact the U.S. Department of Agriculture's Office of Inspector General's Hotline at 1-800-424-9121 or submit an electronic complaint at https://usdaoig.oversight.gov/hotline.

Financial Litigation Program

The Office's Financial Litigation Program collects criminal and civil debts owed to the United States or victims of federal crime.

Criminal debts include fines, penalties, and restitution ordered by the Court, as part of judgments in criminal cases. Critically, the restitution judgments include significant awards of compensation, ordered to be paid to victims of a defendant's criminal activity. These victims may be private citizens or government agencies.

Civil debts owed to the United States arise in many contexts. For example, debts stem from loans made by federal agencies to private individuals or entities, such as student loans by the Department of Education and farm loans by the Department of Agriculture. Civil debts also result from the imposition of civil penalties by federal agencies and from civil fraud actions prosecuted by our Office.

The Financial Litigation Program uses a variety of debt-collection tools, including placement of liens on debtors' properties, wage garnishments, and the off-set of funds owed to debtors by federal agencies, such as income tax refunds from the IRS.

At any given time, our Office is managing over 1,000 restitution debts and is seeking to recover hundreds of millions of dollars owed to both the Government and crime victims. Staff work to identify the assets of debtors and to maximize recoveries.

For example, in <u>United States v. O'Hara</u>, a man sought discharge from his \$332,149 restitution obligation because his mother, the victim of his fraud, died before he was sentenced and he was the only heir to her estate. He argued that paying restitution to the Estate would be merely paying restitution to himself. The United States moved for an Order directing that the Crime Victims Fund be substituted for the Estate. The District Court granted the United States' motion and directed the man to pay restitution to the Crime Victims Fund.

In Fiscal Year 2023, the Office collected over \$29 million for the Government and crime victims.

Asset Forfeiture

The Office's Asset Forfeiture Program is responsible for seizing and forfeiting proceeds of crime, real or personal property that facilitates crime, and property involved in the laundering of proceeds of crime. By aiming to ensure crime does not pay, asset forfeiture is an effective tool in dismantling criminal networks.

Forfeited assets deposited into the Department of Justice Asset Forfeiture Fund are used for a variety of law enforcement purposes and to restore funds to crime victims. When money or property is forfeited by a defendant who also owes restitution to a victim, the Office can ask that the value of the forfeited property be paid to the victim to make him or her whole. For example, in <u>United States v. Agrawal</u>, an individual defrauded the U.S. Department of Energy and the Kentucky Cabinet for Economic Development, and was convicted of wire fraud and money laundering. The Court ordered the defendant pay restitution to the victim agencies, totaling over \$1.5 million, entered a forfeiture money judgment, and required that the defendant's bank accounts and residence be applied to that money judgment as substitute assets.

In Fiscal Year 2023, the Office deposited \$10.7 million into the Asset Forfeiture Fund, significantly higher than the national average of \$3.7 million for U.S. Attorney's Offices. Additionally, over \$1.1 million in forfeited funds were paid to crime victims.

State Foreclosure Actions

The Office's Civil Division not only represents the United States' interest in federal court, it also has an extensive state court practice in the 67 Counties that constitute the Eastern District of Kentucky. The bulk of this litigation involves mortgage foreclosures where a federal agency holds a mortgage on real estate.

In Fiscal Year 2023, the Office collected \$1,185,624 for taxpayers through these foreclosure actions.

Defensive Litigation

The Office's Civil Division represents the United States, its agencies, and federal employees in a variety of civil actions brought against the Government. Defensive cases include suits alleging discrimination in federal employment; challenges to agency actions under the Administrative Procedure Act; cases brought by landowners against the United States under the Quiet Title Act to resolve disputes over title to real property; actions in which federal employees are personally sued for constitutional violations (Bivens actions); and suits alleging negligence by Government employees under the Federal Tort Claims Act (FTCA). At any given time, the Civil Division defends dozens of cases that seek, in the aggregate, hundreds of millions of dollars against the Government, its agencies, and its employees.

Medical Malpractice Defense

The Eastern District of Kentucky is home to multiple medical facilities that are funded by the U.S. Department of Health and Human Services. The Civil Division defends the care provided by these clinics against medical malpractice suits brought under the FTCA.

Several such lawsuits were successfully defended in 2023:

- In <u>Profitt v. United States</u>, the plaintiffs alleged negligence of an OB/GYN who delivered an infant by emergency caesarean section without general anesthesia; following a bench trial, the court ruled in favor of the United States.
- In <u>Kilgore v. United States</u>, the plaintiff alleged negligence by Veterans Administration (VA) staff while caring for her husband, who sustained a hip fracture while admitted to the facility, and sought \$5 million in damages. The Court granted the United States' motion for summary judgment, finding plaintiff's expert opinion insufficient to support her medical malpractice claim.
- In <u>Collins v. United States</u>, the plaintiffs alleged negligence by the VA in not providing low dose computed tomography scans for regular lung cancer screenings, thereby missing a cancer diagnosis, and sought more than \$20 million in damages. The Court granted summary judgment for the Government, finding that plaintiffs could not show that the VA deviated from the standard of care in its treatment.

Community Relations

In 2023, the U.S. Attorney's Office participated in many events around the eastern and central Kentucky area, in order to support our community and law enforcement partners and to further the mission of the Department of Justice.



U.S. Attorney Shier and USAO staff attend 2023 Crime Victims' Rights Week event in Lexington, Ky. in April 2023



U.S. Attorney Shier and USAO Staff attend Winburn Public Safety Day in June 2023



U.S. Attorney Shier, HEAT team members, and FMC Lexington staff, attend HEAT and Re-entry In-reach event at FMC Lexington in June 2023



U.S. Attorney Shier, USAO Staff, and law enforcement partners at United Against Hate presentation in June 2023



USAO staff providing an introduction to the U.S. Attorney's Office and Civil Rights issues at the Kentucky Refugee Ministries Cultural Orientation Course in July 2023



USAO staff attend Winburn Middle School Hispanic/Latinx Event in October 2023



USAO staff volunteering at God's Pantry in September 2023



FMC Lexington Community Relations Board Meeting recognizing Culinary Education program and coordinator in December 2023



U.S. Attorney's Office

Eastern District of Kentucky



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U.S. Attorney's Office for the Eastern District of Kentucky