

Eastern District of Kentucky
FILED

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF KENTUCKY
SOUTHERN DIVISION
LONDON**

JUN 28 2018
AT LONDON
ROBERT R. CARR
CLERK U.S. DISTRICT COURT

UNITED STATES OF AMERICA

V.

INDICTMENT NO. 18-cr-40

BRANDON JOSEPH MCINTOSH

* * * * *

THE GRAND JURY CHARGES:

**COUNT 1
18 U.S.C. § 242**

On or about November 6, 2016, in Rockcastle County, in the Eastern District of Kentucky,

BRANDON JOSEPH MCINTOSH,

while acting under color of law as a Deputy Sheriff with the Rockcastle County Sheriff's Department, willfully deprived P.D., an arrestee, of the right secured and protected by the Constitution and the laws of the United States, to be secure in his person against unreasonable seizures, which includes the right to be free from the use of unreasonable force by a deputy sheriff. Specifically, the Defendant assaulted P.D. using a dangerous weapon and resulting in bodily injury to P.D., all in violation of 18 U.S.C § 242.

COUNT 2
18 U.S.C. § 1519

On or about November 6, 2016, in Rockcastle County, in the Eastern District of Kentucky,

BRANDON JOSEPH MCINTOSH,

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. Specifically, **MCINTOSH** completed an official use of force report documenting the incident involving P.D., in which he falsely wrote that: 1) as the Defendant approached P.D., P.D. became very combative; and 2) at that time the Defendant used the least amount of force to get P.D. under control. In truth, as the Defendant then well knew: 1) As the Defendant approached P.D., P.D. did not become combative; and 2) the Defendant did not use the least amount of force to get P.D. under control. All in violation of 18 U.S.C. § 1519.

A TRUE BILL



ROBERT M. DUNCAN, JR.
UNITED STATES ATTORNEY

PENALTIES

COUNT 1: Not more than 10 years imprisonment, a fine of not more than \$250,000, and not more than 3 years supervised release.

COUNT 2: Not more than 20 years imprisonment, a fine of not more than \$250,000, and not more than 3 years supervised release.

PLUS: Restitution.

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