

ORIGINAL

SEALED

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

UNITED STATES OF AMERICA,

Plaintiff,

v.

BETHANY LYNN KENDALL,
STEVEN ALAN PHIFER,
DUSTIN LEE HALL, a/k/a Smalls,
DYLAN JOSEPH DEMPSEY,
CONWAY LEE KINDLE,
DOMINIC ALAN GIAUDRONE, and
ANGEL REANEA HENDERSON,

Defendants.

SEALED

Case No.

CR 18-023-RAW

FILED

FEB 14 2018

PATRICK KEANEY
Clerk, U.S. District Court

By _____
Deputy Clerk

INDICTMENT

The Federal Grand Jury charges:

COUNT ONE

DRUG CONSPIRACY

[21 U.S.C. §§ 846, 841(a)(1), 841(b)(1)(A), 841(b)(1)(B) & 841(b)(1)(C)]

Beginning in or about April 17, 2017, and continuing until on or about December 26, 2017, in the Eastern District of Oklahoma and elsewhere, **BETHANY LYNN KENDALL, STEVEN ALAN PHIFER, DUSTIN LEE HALL, a/k/a Smalls, DYLAN JOSEPH DEMPSEY, CONWAY LEE KINDLE, DOMINIC ALAN GIAUDRONE, and ANGEL REANEA HENDERSON**, the defendants herein, did willfully and knowingly combine, conspire, confederate and agree together, and with others known and unknown to the Grand Jury, to commit offenses against the United States in violation of Title 21, United States Code, Section 846.

At all times relevant to this indictment:

1. Defendants, **BETHANY LYNN KENDALL** and **STEVEN ALAN PHIFFER**, resided at 735 South 3rd Street, in McAlester, Oklahoma.

2. Defendants, **BETHANY LYNN KENDALL** and **DYLAN JOSEPH DEMPSEY**, were related as cousins.

OBJECTS OF THE CONSPIRACY

1. **BETHANY LYNN KENDALL, DUSTIN LEE HALL, a/k/a Smalls, DYLAN JOSEPH DEMPSEY** and **CONWAY LEE KINDLE** conspired to possess with intent to distribute and to distribute 50 grams or more of methamphetamine (actual), a Schedule II controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(A).

2. **STEVEN ALAN PHIFER** and **ANGEL REANEA HENDERSON** conspired to possess with intent to distribute and to distribute 5 grams or more of methamphetamine (actual), a Schedule II controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(B).

3. **DOMINIC ALAN GIAUDRONE** conspired to possess with intent to distribute and to distribute a mixture or substance containing a detectible amount of methamphetamine, a Schedule II controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(C).

MANNER AND MEANS OF THE CONSPIRACY

To accomplish the objects of the conspiracy and in furtherance thereof, defendants and others both known and unknown to the Grand Jury:

1. Possessed with the intent to distribute and distributed methamphetamine to other individuals both known and unknown to the Grand Jury.

2. Acquired methamphetamine from sources in the Eastern District of Oklahoma and elsewhere.

3. Used vehicles to further the drug conspiracy by traveling in the vicinity of McAlester, Oklahoma, as well as from Oklahoma City, Oklahoma to McAlester, Oklahoma in order to facilitate the acquisition and distribution of methamphetamine.

4. Used electronic communications equipment, including cellular telephones, to further the drug conspiracy.

5. Used the residence at 735 South 3rd Street, McAlester, Oklahoma to distribute methamphetamine.

6. It was part of the conspiracy and understood that individual conspirators could contact their own sources, cultivate their own customers and otherwise act alone when they desired, but although there were periodic arguments and disagreements, the conspirators, with knowledge and support for each other's unlawful distribution activities, each at some time during the course of the conspiracy, knowingly and intentionally agreed and acted together jointly with other conspirators to advance the common overall goal of buying and selling methamphetamine for profit.

OVERT ACTS

In furtherance of the conspiracy and to effect and accomplish its objects, the defendants, and others known and unknown to the Grand Jury committed the following overt acts, among others, in the Eastern District of Oklahoma and elsewhere:

1. On or about April 17, 2017, Defendants **BETHANY LYNN KENDALL** and **CONWAY LEE KINDLE** distributed methamphetamine to CS-1 at the residence at 735 South 3rd Street, McAlester, Oklahoma.

2. On or about April 18, 2017, Defendant **BETHANY LYNN KENDALL** distributed methamphetamine to CS-1 at the residence at 735 South 3rd Street, McAlester, Oklahoma.

3. On or about April 27, 2017, Defendant **CONWAY LEE KINDLE** distributed methamphetamine to CS-1 at the residence at 735 South 3rd Street, McAlester, Oklahoma.

4. On or about May 12, 2017, Defendants **BETHANY LYNN KENDALL** and **CONWAY LEE KINDLE** distributed methamphetamine to CS-1 at the residence at 735 South 3rd Street, McAlester, Oklahoma.

5. On or about June 1, 2017, and continuing until on or about June 4, 2017, CS-1 transported Defendant **BETHANY LYNN KENDALL** from McAlester to Oklahoma City to acquire methamphetamine.

6. On or about June 6, 2017, Defendant **BETHANY LYNN KENDALL**, used a cellular telephone to arrange for CS-1 to purchase methamphetamine from Known Person A.

7. On or about June 6, 2017, CS-1 transported cash provided by Defendant **STEVEN ALAN PHIFER** to purchase methamphetamine from Known Person A.

8. On or about June 8, 2017, Defendants **STEVEN ALAN PHIFER** distributed methamphetamine to CS-2 at the residence at 735 South 3rd Street, McAlester, Oklahoma.

9. On or about June 29, 2017, Defendant **ANGEL REANEA HENDERSON** distributed methamphetamine to an agent of the Oklahoma Bureau of Narcotics and Dangerous

Drugs (OBNDD) acting in an undercover capacity at Pruett's grocery store at 601 East Wyandotte Avenue, McAlester, Oklahoma.

10. On or about June 29, 2017, Defendant **STEVEN ALAN PHIFER** distributed methamphetamine to CS-3.

11. On or about June 30, 2017, Defendant **STEVEN ALAN PHIFER** used a cellular telephone to direct CS-3 to bring Defendant **STEVEN ALAN PHIFER** money from the sale of methamphetamine to his residence at 735 South 3rd Street, McAlester, Oklahoma.

12. On or about July 2, 2017, Defendant **STEVEN ALAN PHIFER** distributed methamphetamine to CS-3 at the residence at 523 West Washington Street, McAlester, Oklahoma.

13. On or about July 3, 2017, Defendant **STEVEN ALAN PHIFER** distributed methamphetamine to CS-3 at the residence at 523 West Washington Street, McAlester, Oklahoma.

14. On or about July 10, 2017, Defendant **ANGEL REANEA HENDERSON** distributed methamphetamine to an agent of the OBNDD acting in an undercover capacity at Pruett's grocery store located at 601 East Wyandotte Avenue, McAlester, Oklahoma.

15. On or about August 17, 2017, Defendants **ANGEL REANEA HENDERSON** and **STEVEN ALAN PHIFER** traveled together to Pruett's grocery store located at 601 East Wyandotte Avenue, McAlester, Oklahoma to distribute methamphetamine.

16. On or about October 12, 2017, Defendant **BETHANY LYNN KENDALL** traveled to the Dollar Store parking lot at 1210 South Main Street, McAlester, Oklahoma to distribute methamphetamine to CS-4.

17. On or about December 11, 2017, Defendant **DYLAN JOSEPH DEMPSEY** used a cellular telephone to contact Defendant **BETHANY LYNN KENDALL** to aid Defendant **BETHANY LYNN KENDALL** in obtaining methamphetamine for distribution.

18. On or about December 12, 2017, Defendant **DOMINIC ALAN GIAUDRONE** used a cellular telephone to contact Defendant **BETHANY LYNN KENDALL** to obtain methamphetamine for distribution.

19. On or about December 13, 2017, Defendant **BETHANY LYNN KENDALL** drove to the HiWay Inn & Suites motel located at 419 South George Nigh Expressway, McAlester, Oklahoma to distribute methamphetamine to Defendant **DOMINIC ALAN GIAUDRONE**.

20. On or about December 13, 2017, Defendant **DYLAN JOSEPH DEMPSEY** used a cellular telephone to contact Defendant **BETHANY LYNN KENDALL** about distributing methamphetamine in McAlester, Oklahoma.

21. On or about December 14, 2017, Defendant **DYLAN JOSEPH DEMPSEY** traveled from Arkansas to Defendant **BETHANY LYNN KENDALL**'s residence located at 735 South 3rd Street, McAlester, Oklahoma to distribute methamphetamine.

22. On or about December 14, 2017, Defendant **BETHANY LYNN KENDALL** used a cellular telephone to contact Known Person B, Known Person C, and Defendant **DOMINIC ALAN GIAUDRONE** to distribute methamphetamine.

23. On or about December 14, 2017, Defendant **BETHANY LYNN KENDALL** drove to the HiWay Inn & Suites motel located at 419 South George Nigh Expressway, McAlester, Oklahoma to distribute methamphetamine to Defendant **DOMINIC ALAN GIAUDRONE**.

24. On or about December 14, 2017, Defendant **BETHANY LYNN KENDALL** used a cellular telephone to contact Defendant **DUSTIN LEE HALL** about the distribution methamphetamine.

25. On or about December 15, 2017, Defendants **BETHANY LYNN KENDALL** and **DOMINIC ALAN GIAUDRONE** used cellular telephones to communicate about drug proceeds owed to Defendant **BETHANY LYNN KENDALL**.

26. On or about December 15, 2017, Defendant **BETHANY LYNN KENDALL** drove to the HiWay Inn & Suites motel located at 419 South George Nigh Expressway and the Days Inn motel located at 400 South George Nigh Expressway, McAlester, Oklahoma, to collect drug proceeds from Defendant **DOMINIC ALAN GIAUDRONE**.

27. On or about December 15, 2017, Defendant **DUSTIN LEE HALL** used a cellular telephone to contact Defendant **BETHANY LYNN KENDALL** to report he needed additional controlled substances and discussed plans to obtain controlled substances.

28. On or about December 18, 2017, Defendants **BETHANY LYNN KENDALL** and **STEVEN ALAN PHIFER** used cellular telephones to communicate and Defendant **STEVEN ALAN PHIFER** stated there was cash for Defendant **BETHANY LYNN KENDALL** at the residence.

29. On or about December 20, 2017, Defendants **DUSTIN LEE HALL** and **BETHANY LYNN KENDALL** used cellular telephones to communicate about quantities and prices of controlled substances.

30. On or about December 20, 2017, and continuing on or about December 21, 2017, Defendant **DYLAN JOSEPH DEMPSEY** used a cellular telephone to contact Defendant

BETHANY LYNN KENDALL to discuss drug proceeds and to prepare to obtain additional controlled substances.

31. On or about December 21, 2017, Defendant **DYLAN JOSEPH DEMPSEY** drove to the McDonalds restaurant located at 1003 South Highway 2, Warner, Oklahoma and provided Defendant **BETHANY LYNN KENDALL** with money for the purchase of methamphetamine.

32. On or about December 21, 2017, Defendants **DUSTIN LEE HALL** and **BETHANY LYNN KENDALL** used cellular telephones to plan a trip to obtain methamphetamine for distribution.

33. On or about December 22, 2017, Defendants **DUSTIN LEE HALL** and **BETHANY LYNN KENDALL** traveled to Oklahoma City to purchase methamphetamine for distribution.

34. On or about December 23, 2017, Defendants **DYLAN JOSEPH DEMPSEY** and **BETHANY LYNN KENDALL** used cellular telephones to communicate about Defendant **BETHANY LYNN KENDALL** transporting methamphetamine for distribution to Defendant **DYLAN JOSEPH DEMPSEY**.

35. On or about December 23, 2017, Defendants **DUSTIN LEE HALL** and **BETHANY LYNN KENDALL** transported methamphetamine from Oklahoma City to McAlester for purpose of distribution.

36. On or about December 24, 2017, Defendant **BETHANY LYNN KENDALL** used a cellular telephone to contact Defendant **STEVEN ALAN PHIFER** to advise Defendant **STEVEN ALAN PHIFER** he should leave the residence at 735 South 3rd Street, in McAlester, Oklahoma.

All in violation of Title 21, United States Code, Sections 846, 841(a)(1), 841(b)(1)(A), 841(b)(1)(B) and 841(b)(1)(C).

COUNT TWO

**DISTRIBUTION OF METHAMPHETAMINE
[21 U.S.C. §§ 841(a)(1) & 841(b)(1)(B) & 18 U.S.C. § 2]**

On or about April 17, 2017, within the Eastern District of Oklahoma, the defendants, **BETHANY LYNN KENDALL** and **CONWAY LEE KINDLE**, did knowingly and intentionally distribute 5 grams or more of methamphetamine (actual), a Schedule II controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(B) and Title 18, United States Code, Section 2.

COUNT THREE

**DISTRIBUTION OF METHAMPHETAMINE
[21 U.S.C. §§ 841(a)(1) & 841(b)(1)(C)]**

On or about April 18, 2017, within the Eastern District of Oklahoma, the defendant, **BETHANY LYNN KENDALL**, did knowingly and intentionally distribute a mixture or substance containing a detectible amount of methamphetamine, a Schedule II controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(C).

COUNT FOUR

**DISTRIBUTION OF METHAMPHETAMINE
[21 U.S.C. §§ 841(a)(1) & 841(b)(1)(B)]**

On or about April 27, 2017, within the Eastern District of Oklahoma, the defendant, **CONWAY LEE KINDLE**, did knowingly and intentionally distribute 5 grams or more of methamphetamine (actual), a Schedule II controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(B).

COUNT FIVE

**DISTRIBUTION OF METHAMPHETAMINE
[21 U.S.C. §§ 841(a)(1) & 841(b)(1)(A) & 18 U.S.C. § 2]**

On or about May 12, 2017, within the Eastern District of Oklahoma, the defendants, **BETHANY LYNN KENDALL** and **CONWAY LEE KINDLE**, did knowingly and intentionally distribute 50 grams or more of methamphetamine (actual), a Schedule II controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(A) and Title 18, United States Code, Section 2.

COUNT SIX

**DISTRIBUTION OF METHAMPHETAMINE
[21 U.S.C. §§ 841(a)(1) & 841(b)(1)(B)]**

On or about June 8, 2017, within the Eastern District of Oklahoma, the defendant, **STEVEN ALAN PHIFER**, did knowingly and intentionally distribute 5 grams or more of methamphetamine (actual), a Schedule II controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(B).

COUNT SEVEN

**DISTRIBUTION OF METHAMPHETAMINE
[21 U.S.C. §§ 841(a)(1) & 841(b)(1)(C)]**

On or about June 29, 2017, within the Eastern District of Oklahoma, the defendant, **STEVEN ALAN PHIFER**, did knowingly and intentionally distribute a mixture or substance containing a detectible amount of methamphetamine, a Schedule II controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(C).

COUNT EIGHT

**DISTRIBUTION OF METHAMPHETAMINE
[21 U.S.C. §§ 841(a)(1) & 841(b)(1)(C)]**

On or about June 29, 2017, within the Eastern District of Oklahoma, the defendant, **ANGEL REANEA HENDERSON**, did knowingly and intentionally distribute a mixture or substance containing a detectible amount of methamphetamine, a Schedule II controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(C).

COUNT NINE

**DISTRIBUTION OF METHAMPHETAMINE
[21 U.S.C. §§ 841(a)(1) & 841(b)(1)(C)]**

On or about July 3, 2017, within the Eastern District of Oklahoma, the defendant, **STEVEN ALAN PHIFER**, did knowingly and intentionally distribute a mixture or substance containing a detectible amount of methamphetamine, a Schedule II controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(C).

COUNT TEN

**DISTRIBUTION OF METHAMPHETAMINE
[21 U.S.C. §§ 841(a)(1) & 841(b)(1)(B)]**

On or about July 10, 2017, within the Eastern District of Oklahoma, the defendant, **ANGEL REANEA HENDERSON**, did knowingly and intentionally distribute 5 grams or more of methamphetamine (actual), a Schedule II controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(B).

COUNT ELEVEN

**DISTRIBUTION OF METHAMPHETAMINE
[21 U.S.C. §§ 841(a)(1) & 841(b)(1)(B)]**

On or about October 12, 2017, within the Eastern District of Oklahoma, the defendant, **BETHANY LYNN KENDALL**, did knowingly and intentionally distribute 5 grams or more of methamphetamine (actual), a Schedule II controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(B).

COUNT TWELVE

**POSSESSION WITH INTENT TO DISTRIBUTE METHAMPHETAMINE
[21 U.S.C. §§ 841(a)(1) & 841(b)(1)(A) & 18 U.S.C. § 2]**

On or about December 23, 2017, within the Eastern District of Oklahoma, the defendants, **BETHANY LYNN KENDALL, DUSTIN LEE HALL, a/k/a Smalls, and DYLAN JOSEPH DEMPSEY**, did knowingly and intentionally possess with intent to distribute 50 grams or more of methamphetamine (actual), a Schedule II controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(A) and Title 18, United States Code, Section 2.

COUNTS THIRTEEN THROUGH NINETEEN

**USE OF A COMMUNICATION DEVICE
IN FURTHERNACE OF DRUG TRAFFICKING
[21 U.S.C. § 843(b)]**

On the dates set forth below, within the Eastern District of Oklahoma, the defendants, **BETHANY LYNN KENDALL, STEVEN ALAN PHIFER, DUSTIN LEE HALL, a/k/a Smalls, DYLAN JOSEPH DEMPSEY, DOMINIC ALAN GIAUDRONE**, and others known to the Grand Jury, knowingly and intentionally, and unlawfully used a communication facility, that is: telephones (cellular or otherwise), in committing, causing and facilitating acts constituting felonies under Title 21, United States Code, Sections 841 and 846, in that the defendants used the

telephones to discuss various matters concerning drug conspiracy, distribution of methamphetamine and possession with intent to distribute methamphetamine, a Schedule II controlled substance, all in violation of Title 21, United States Code, Section 843(b) as set forth in the table below:

COUNT	DATE	TARGET TELEPHONE #	SESSION #	DRUG INVOLVED	DEFENDANT(S)
13	12/11/2015	(918) 916-1977	587	Methamphetamine	Steven Alan Phifer & Bethany Lynn Kendall
14	12/13/2017	(918) 916-1977	880	Methamphetamine	Dylan Joseph Dempsey & Bethany Lynn Kendall
15	12/15/2017	(918) 916-1977	1484	Methamphetamine	Dominic Alan Giaudrone & Bethany Lynn Kendall
16	12/20/2017	(918) 916-1977	2886	Methamphetamine	Dustin Lee Hall & Bethany Lynn Kendall
17	12/21/2017	(918) 916-1977	3109	Methamphetamine	Dylan Joseph Dempsey & Bethany Lynn Kendall
18	12/21/2017	(918) 916-1977	3014	Methamphetamine	Dustin Lee Hall & Bethany Lynn Kendall
19	12/23/2017	(918) 916-1977	3637	Methamphetamine	Dylan Joseph Dempsey & Bethany Lynn Kendall

FORFEITURE ALLEGATION
[21 U.S.C § 853]

The allegations contained in Counts One through Nineteen of this Indictment are hereby re-alleged and incorporated by reference for the purpose of alleging forfeiture pursuant to Title 21, United States Code, Section 853.

Upon conviction of any controlled substance offenses alleged in Counts One through Nineteen, the defendants, **BETHANY LYNN KENDALL, STEVEN ALAN PHIFER, DUSTIN LEE HALL, a/k/a Smalls, DYLAN JOSEPH DEMPSEY, CONWAY LEE KINDLE,**

DOMINIC ALAN GIAUDRONE, and **ANGEL REANEA HENDERSON**, shall forfeit to the United States pursuant to Title 21 United States Code, Section 853, any property constituting, or derived from, proceeds obtained, directly or indirectly, as a result of such violation(s). The property to be forfeited includes, but is not limited to, the following: an asset forfeiture money judgment, pursuant to Title 21, United States Code, Section 853.

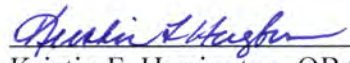
If any of the property described above, as a result of any act or omission of the defendant:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third party;
- c. has been placed beyond the jurisdiction of the court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be divided without difficulty,

the United States of America shall be entitled to forfeiture of substitute property pursuant to Title 21, United States Code, Section 853(p), as incorporated by Title 28, United States Code, Section 2461(c).

TRUE BILL:

BRIAN J. KUESTER
United States Attorney


Kristin F. Harrington, OBA # 21185
Assistant United States Attorney

Pursuant to the E-Government Act,
the original indictment has been filed
under seal in the Clerk's Office.

s / Foreperson
FOREPERSON OF THE GRAND JURY