

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
ROCK HILL DIVISION

UNITED STATES OF AMERICA)	Criminal Action No.: <u>0:19-420</u>
)	
)	18 U.S.C. § 2
)	18 U.S.C. § 242
v.)	18 U.S.C. § 371
)	18 U.S.C. § 1001(a)(2)
)	18 U.S.C. § 1512(c)(1)
)	18 U.S.C. § 1519
GEORGE ALEXANDER UNDERWOOD)	
a/k/a "Big A")	
JOHNNY RICARDO NEAL, JR.)	
ROBERT ANDREW SPROUSE)	INDICTMENT

COUNT 1
(Conspiracy)

THE GRAND JURY CHARGES:

At all times relevant to the indictment:

1. Defendant, GEORGE ALEXANDER UNDERWOOD, a/k/a "Big A," was elected to the position of Sheriff of Chester County, South Carolina, in November 2012. As Sheriff, Defendant, GEORGE ALEXANDER UNDERWOOD, a/k/a "Big A," led the Sheriff's Office, which is the primary law enforcement agency serving Chester County. He has continued to serve in the position of Sheriff up to the date of this Indictment and was acting in his official capacity as Sheriff at all times relevant to this Indictment.
2. Defendants, JOHNNY RICARDO NEAL, JR. and ROBERT ANDREW SPROUSE, were also employed by the Chester County Sheriff's Office in South Carolina. Defendant, JOHNNY RICARDO NEAL, JR., was a Lieutenant with the Sheriff's Office and was acting in his official capacity at all times relevant to this Indictment. Defendant, ROBERT ANDREW SPROUSE, was

a Chief Deputy with the Sheriff's Office and was acting in his official capacity at all times relevant to this Indictment.

November 20, 2018

3. On November 20, 2018, law enforcement personnel from Chester County Sheriff's Office responded to a car accident and fleeing suspect on Lancaster Highway in Fort Lawn, South Carolina, in Chester County. Defendants, GEORGE ALEXANDER UNDERWOOD, a/k/a "Big A," JOHNNY RICARDO NEAL, JR., and ROBERT ANDREW SPROUSE, responded to this location and took up various positions to secure a perimeter around the incident.

4. K.S., a resident living on Lancaster Highway, saw the law enforcement activity and exited his home with his cellular phone to record his observations from his yard. K.S.'s cellular phone was linked to a live video-streaming platform known as "Facebook Live," which allowed K.S. to broadcast his recorded observations in real-time. While recording this video on his cellular phone, K.S. did not enter the roadway or interfere with law enforcement activities.

5. Defendant, GEORGE ALEXANDER UNDERWOOD, a/k/a "Big A," noticed that K.S. was recording the activities of law enforcement personnel, and Defendant, GEORGE ALEXANDER UNDERWOOD, a/k/a "Big A," approached K.S. and directed K.S. to stay on the porch of his home. K.S. elected to remain in his yard, and Defendant, GEORGE ALEXANDER UNDERWOOD, a/k/a "Big A," walked away from K.S. Nearly twenty-five minutes after first approaching K.S., Defendant, GEORGE ALEXANDER UNDERWOOD, a/k/a "Big A," returned to K.S.'s yard and directed K.S. to retreat to his porch. K.S. retreated onto the porch of his home, but Defendant, GEORGE ALEXANDER UNDERWOOD, a/k/a "Big A," followed K.S. up the stairs of the porch. Defendant, GEORGE ALEXANDER UNDERWOOD, a/k/a "Big A," lunged out to grab and restrain K.S. by his torso and demanded that K.S. turn over his cellular phone.

Only after restraining K.S. did Defendant, GEORGE ALEXANDER UNDERWOOD, a/k/a “Big A,” state that he was attempting to place K.S. under arrest.

6. Defendant, JOHNNY RICARDO NEAL, JR., arrived at K.S.’s home to assist Defendant, GEORGE ALEXANDER UNDERWOOD, a/k/a “Big A,” in seizing K.S. Defendant, JOHNNY RICARDO NEAL, JR., placed K.S. in handcuffs and escorted K.S. to a vehicle for transport to the Chester County Detention Center. Upon arriving at the transport vehicle, Defendant, JOHNNY RICARDO NEAL, JR., knocked K.S. to the ground while K.S. was restrained in handcuffs. K.S. received injuries to his head and elbow. Defendant, JOHNNY RICARDO NEAL, JR., directed the transport officer to place a “hold” on K.S. The transport vehicle then took K.S. to the Chester County Detention Center, where K.S. was held for three nights.

7. Defendants, GEORGE ALEXANDER UNDERWOOD, a/k/a “Big A,” JOHNNY RICARDO NEAL, JR., ROBERT ANDREW SPROUSE, and other Chester County Sheriff’s Office personnel remained at the home of K.S. While on scene, Defendants, GEORGE ALEXANDER UNDERWOOD, a/k/a “Big A” and ROBERT ANDREW SPROUSE, learned that the video from K.S.’s cellular phone had been published online via Facebook.

THE CONSPIRACY AND ITS OBJECTS

8. That beginning on or about November 20, 2018, and continuing until the date of this Indictment, in the District of South Carolina and elsewhere, Defendants, GEORGE ALEXANDER UNDERWOOD, a/k/a “Big A,” JOHNNY RICARDO NEAL, JR., and ROBERT ANDREW SPROUSE, knowingly and willfully did combine, conspire, confederate, and agree together and with others, to commit the following violations:

- a. Corruptly attempt to alter, destroy, or conceal a cellular phone, with the intent to impair its integrity and availability for use in an official proceeding, the federal case involving the deprivation of K.S.’s rights, in violation of Title 18, United States Code, Section 1512(c)(1); and
- b. Knowingly alter, falsify, or make a false entry in a record or document with the intent to impede, obstruct, and influence the investigation or proper administration of any matter Defendants knew or contemplated to be within the jurisdiction of any department or agency of the United States, that is, creating a false incident report, in violation of Title 18, United States Code, Section 1519.
- c. Knowingly alter, falsify, or make a false entry in a record or document with the intent to impede, obstruct, and influence the investigation or proper administration of any matter Defendants knew or contemplated to be within the jurisdiction of any department or agency of the United States, that is, creating disciplinary reports to redirect blame for removing a cellular phone from K.S.’s home, in violation of Title 18, United States Code, Section 1519.
- d. Knowingly and willfully make and cause to be made materially false, fictitious, and fraudulent statements and representations in a matter within the jurisdiction

of any department or agency of the United States, that is, making false, fictitious, and fraudulent statements and representations concerning the viewing of K.S.'s video recording and removing a cellular phone from K.S.'s home, in violation of Title 18, United States Code, Section 1001(a)(2).

MANNER AND MEANS

9. It was part of the conspiracy that Defendants, GEORGE ALEXANDER UNDERWOOD, a/k/a "Big A," JOHNNY RICARDO NEAL, JR., and ROBERT ANDREW SPROUSE, would do and cause to be done the following:

- a. Using their positions as law enforcement officers to intimidate others and obscure their own conduct;
- b. Delaying the administrative processing of K.S. to prolong his seizure;
- c. Obtaining and hiding a cellular phone believed to depict the seizure of K.S.;
- d. Generating false documentation to justify the seizure of K.S.;
- e. Generating disciplinary records to redirect blame for the seizure of a cellular phone.
- f. Providing false statements to the Federal Bureau of Investigation concerning the seizure of K.S. and the seizure of a cellular phone.

OVERT ACTS

10. In furtherance of the conspiracy and to affect its objects, the following overt acts were committed in the District of South Carolina and elsewhere:

- a. On or about November 20, 2018, Defendant, JOHNNY RICARDO NEAL, JR., directed that a "hold" be placed on K.S. at the Chester County Detention Center, which allowed for a delay in processing and documenting K.S.'s arrest, leading to K.S. remaining in jail for three nights;

- b. On or about November 20, 2018, Defendants, GEORGE ALEXANDER UNDERWOOD, a/k/a “Big A” and ROBERT ANDREW SPROUSE, announced that a radio had been lost during the seizure of K.S.;
- c. On or about November 20, 2018, Defendants, ROBERT ANDREW SPROUSE and JOHNNY RICARDO NEAL, JR., directed subordinate deputies to draft a search warrant to gain entry into the home of K.S.;
- d. On or about November 20, 2018, Defendant, ROBERT ANDREW SPROUSE, and others, entered the home of K.S., without a search warrant, and began searching the home for a cellular phone believed to depict the seizure of K.S.;
- e. On or about November 20, 2018, Defendant, ROBERT ANDREW SPROUSE, directed a subordinate deputy to dial a phone number while inside K.S.’s home in an effort to identify the target cellular phone by making it ring;
- f. On or about November 20, 2018, Defendant, ROBERT ANDREW SPROUSE, removed a cellular phone from the home of K.S. without the consent or knowledge of K.S. or any resident of the home;
- g. On or about November 20, 2018, Defendant, ROBERT ANDREW SPROUSE, delivered the cellular phone to B.M., a deputy in charge of evidence collection;
- h. On or about January 3, 2019, and continuing until on or about January 16, 2019, Defendants, ROBERT ANDREW SPROUSE and JOHNNY RICARDO NEAL, JR., created and edited an incident report about K.S.’s seizure on November 20, 2018; and
- i. On or about January 8, 2019, and continuing until or about January 11, 2019, Defendants, GEORGE ALEXANDER UNDERWOOD, a/k/a “Big A” and

ROBERT ANDREW SPROUSE, created and signed a disciplinary report for B.M. shifting blame to B.M. for taking a cellular phone following the seizure of K.S.

- j. On or about January 3, 2019, and continuing until the date of this Indictment, Defendants, GEORGE ALEXANDER UNDERWOOD, a/k/a “Big A” and ROBERT ANDREW SPROUSE, made false statements to Special Agents of the Federal Bureau of Investigation concerning the seizure of K.S. and the seizure of the cellular phone.

All in violation of Title 18, United States Code, Section 371.

COUNT 2
(Deprivation of Rights)

THE GRAND JURY FURTHER CHARGES:

11. The allegations set forth in paragraphs 1 through 7 are repeated and realleged as if set forth fully herein.

12. On or about November 20, 2018, in the District of South Carolina, Defendant, GEORGE ALEXANDER UNDERWOOD, a/k/a “Big A,” while acting under color of law as a Sheriff with the Chester County Sheriff’s Office, deprived K.S. of the right, secured and protected by the Constitution and laws of the United States, to be free from unreasonable seizures. Specifically, Defendant, GEORGE ALEXANDER UNDERWOOD, a/k/a “Big A,” seized K.S. without probable cause to believe that K.S. committed a crime. As a consequence, K.S. was detained in jail for three nights;

All in violation of Title 18, United States Code, Section 242.

COUNT 3
(Deprivation of Rights)

THE GRAND JURY FURTHER CHARGES:

13. The allegations set forth in paragraphs 1 through 7 are repeated and realleged as if set forth fully herein.

14. On or about November 20, 2018, in the District of South Carolina, Defendant, JOHNNY RICARDO NEAL, JR., while acting under color of law as a Lieutenant with the Chester County Sheriff's Office, knocked K.S. to the ground while K.S. was handcuffed, willfully depriving K.S. of the right, secured and protected by the Constitution and laws of the United States, to be free from the use of unreasonable force by a law enforcement officer. This offense resulted in bodily injury to K.S.;

All in violation of Title 18, United States Code, Section 242.

COUNT 4
(Tampering)

THE GRAND JURY FURTHER CHARGES:

15. The allegations set forth in paragraphs 1 through 7 are repeated and realleged as if set forth fully herein.

16. Beginning on or about November 20, 2018 and continuing thereafter until the date of this Indictment, in the District of South Carolina and elsewhere, Defendants, GEORGE ALEXANDER UNDERWOOD, a/k/a “Big A” and ROBERT ANDREW SPROUSE, did corruptly attempt to alter, destroy, or conceal a cellular phone, with the intent to impair its integrity and availability for use in an official proceeding, the federal case involving the deprivation of K.S.’s rights, and did aid and abet each other in the commission of the aforesaid offense,

All in violation of Title 18, United States Code, Sections 1512(c)(1) and 2.

COUNT 5
(Falsification of Records in Federal Investigation)

THE GRAND JURY FURTHER CHARGES:

17. The allegations set forth in paragraphs 1 through 7 are repeated and realleged as if set forth fully herein.

18. Beginning on or about January 3, 2019, and continuing thereafter until the date of this Indictment, in the District of South Carolina and elsewhere, Defendants, JOHNNY RICARDO NEAL, JR. and ROBERT ANDREW SPROUSE, did knowingly alter, falsify, and make a false entry in a record or document with the intent to impede, obstruct, and influence the investigation or proper administration of any matter Defendants knew or contemplated to be within the jurisdiction of any department or agency of the United States, that is, Defendants, JOHNNY RICARDO NEAL, JR. and ROBERT ANDREW SPROUSE, created a false incident report indicating that K.S. repeatedly left his yard to enter to the roadway and that K.S. directed profane language towards the deputies, when in fact, K.S. did not enter the roadway nor direct profane language towards the deputies, and caused that report to go to the Federal Bureau of Investigation under the Department of Justice, and did aid and abet each other in the commission of the aforesaid offense;

All in violation of Title 18, United States Code, Sections 1519 and 2.

COUNT 6
(Falsification of Records in Federal Investigation)

THE GRAND JURY FURTHER CHARGES:

19. The allegations set forth in paragraphs 1 through 7 are repeated and realleged as if set forth fully herein.

20. Beginning on or about January 8, 2019 and continuing thereafter until the date of this Indictment, in the District of South Carolina and elsewhere, Defendants, GEORGE ALEXANDER UNDERWOOD, a/k/a “Big A” and ROBERT ANDREW SPROUSE, did knowingly alter, falsify, and make a false entry in a record or document with the intent to impede, obstruct, and influence the investigation or proper administration of any matter Defendants knew or contemplated to be within the jurisdiction of any department or agency of the United States, that is, Defendants, GEORGE ALEXANDER UNDERWOOD, a/k/a “Big A” and ROBERT ANDREW SPROUSE, created and signed a disciplinary report shifting blame to B.M. for taking a cellular phone following the seizure of K.S., and caused that report to go to the Federal Bureau of Investigations under the Department of Justice, and did aid and abet each other in the commission of the aforesaid offense;

All in violation of Title 18, United States Code, Sections 1519 and 2.

COUNT 7
(False Statement)

THE GRAND JURY FURTHER CHARGES:

21. The allegations set forth in paragraphs 1 through 7 are repeated and realleged as if set forth fully herein.

22. On or about May 3, 2019, in the District of South Carolina, Defendant, GEORGE ALEXANDER UNDERWOOD, a/k/a “Big A,” did knowingly and willfully make and cause to be made materially false, fictitious, and fraudulent statements and representations in a matter within the jurisdiction of any department or agency of the United States, that is, Defendant, GEORGE ALEXANDER UNDERWOOD, a/k/a “Big A,” stated and represented to Special Agents of the Federal Bureau of Investigation that he first viewed K.S.’s November 20, 2018, video recording about a week following the incident, whereas in truth and fact, as Defendant, GEORGE ALEXANDER UNDERWOOD, a/k/a “Big A,” then and there knew, his statements and representations denying such specifics were false, fictitious, and fraudulently made, in that he viewed the aforesaid video recording on November 20, 2018;

All in violation of Title 18, United States Code, Section 1001(a)(2).

COUNT 8
(False Statement)

THE GRAND JURY FURTHER CHARGES:

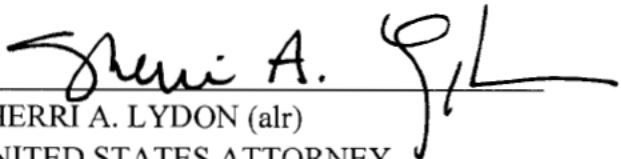
23. The allegations set forth in paragraphs 1 through 7 are repeated and realleged as if set forth fully herein.

24. On or about January 8, 2019, in the District of South Carolina, Defendant, ROBERT ANDREW SPROUSE, did knowingly and willfully make and cause to be made materially false, fictitious, and fraudulent statements and representations in a matter within the jurisdiction of any department or agency of the United States, that is, Defendant, ROBERT ANDREW SPROUSE, stated and represented to Special Agents of the Federal Bureau of Investigation that he did not know how a cellular phone was removed from the home of K.S., whereas in truth and fact, as Defendant, ROBERT ANDREW SPROUSE, then and there knew, his statements and representations denying such specifics were false, fictitious, and fraudulently made, in that he removed a cellular phone from the home of K.S.;

All in violation of Title 18, United States Code, Section 1001(a)(2).

A True Bill


FOREPERSON


SHERRI A. LYDON (alr)
UNITED STATES ATTORNEY