

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF KENTUCKY  
AT OWENSBORO

FILED  
DISTRICT COURT CLERK  
WESTERN DISTRICT OF KY

2017 JUN -8 AM 11:42

UNITED STATES OF AMERICA

INDICTMENT

v.

NO:

H:17-CR-10-JHM

18 U.S.C. § 242

18 U.S.C. § 1519

**WILLIAM DUKES, JR.**

The Grand Jury charges:

**COUNT ONE**

(§ 242: Deprivation of Rights under Color of Law)

On or about May 26, 2016, in the Western District of Kentucky, Defendant **WILLIAM DUKES, JR.**, while acting under color of law as an officer with the Providence Police Department, willfully deprived J.L. of the right, secured and protected by the Constitution and laws of the United States, to be free from unreasonable seizures. Specifically, Defendant Dukes arrested J.L., knowing that he did not have probable cause to believe that J.L. had committed a crime.

This offense involved the use of a dangerous weapon and resulted in bodily injury to J.L.

In violation of Title 18, United States Code, Section 242.

The Grand Jury further charges:

**COUNT TWO**

(§ 242: Deprivation of Rights under Color of Law)

On or about May 26, 2016, in the Western District of Kentucky, Defendant **WILLIAM DUKES, JR.**, while acting under color of law as an officer with the Providence Police Department, willfully deprived J.L. of the rights secured and protected by the Constitution and

laws of the United States, to engage in free speech and to petition the government for redress of grievances, which includes the right to complain about the actions of a police officer without being subjected to adverse action for exercising this right. Specifically, Defendant Dukes took adverse action against J.L. when he arrested J.L. in his home, without legal justification, to retaliate against J.L. for him having exercised his right to complain against Defendant Dukes, a public official, and to deter J.L. from continuing to exercise this right.

This offense involved the use of a dangerous weapon and resulted in bodily injury to J.L.

In violation of Title 18, United States Code, Section 242.

The Grand Jury further charges:

**COUNT THREE**

(§ 1519: Document Falsification)

On or about May 26, 2016, in the Western District of Kentucky, Defendant **WILLIAM DUKES, JR.**, acting in relation to and in contemplation of a matter within the jurisdiction of the FBI, an agency of the United States, knowingly covered up, falsified, and made a false entry in, a record and document with the intent to impede, obstruct, and influence the investigation and proper administration of that matter.

**The Report**

Defendant Dukes wrote in a report titled “KYIBRS REPORT: UOR2 SUPPLEMENT”, dated 05/26/2016 (the report), that during an initial call from J.L. to the Providence Police Department at “0001 hours” on 5/26/16, Dukes advised J.L. how to file a complaint and told him “not to call back unless it was an emergency.” Defendant Dukes further wrote in the report that J.L. then called two other law enforcement agencies – the Webster County Central

Communications (WCCC), at “0003 hours,” and the Kentucky State Police (KSP), at “0041 and 0043 hours” -- and that, during those calls, J.L. “was again advised of the above information.” Defendant Dukes then wrote that, “[a]t 0048 hours [J.L.] called the Providence Police Department again and was advised to stop calling.”

**Falsehood**

These statements were false in that Dukes did not order J.L. “not to call back unless it was an emergency” until J.L.’s second call to Providence Police Department, after which J.L. never called back. As Dukes well knew when he wrote his report, J.L. called the Providence Police Department the first time, at which point Dukes hung up on him without warning him not to call back; J.L. then called back, approximately one or two minutes later, at which time Dukes ordered him not to call back unless it was an emergency; and after Duke’s warning, J.L. never called back at any time, and particularly did not call back 47 minutes later as misrepresented in Dukes’s report.

In violation of Title 18, United States Code, Section 1519.

A TRUE BILL

**REDACTED**


PRESENTED BY:

*for*   
JOHN E. KUHN, JR.  
UNITED STATES ATTORNEY

and

THOMAS E. WHEELER, II  
ACTING ASSISTANT ATTORNEY GENERAL FOR CIVIL RIGHTS  
UNITED STATES DEPARTMENT OF JUSTICE

BY:

  
ROY CONN III  
TRIAL ATTORNEY  
CIVIL RIGHTS DIVISION  
UNITED STATES DEPARTMENT OF JUSTICE

UNITED STATES OF AMERICA v. WILLIAM DUKES, JR.

PENALTIES

Counts 1-2: NM 10 yrs. / \$250,000 (both) / NM 3 yrs. Supervised Release (each count)  
Count 3: NM 20 yrs. / \$250,000 (both) / NM 3 yrs. Supervised Release

NOTICE

ANY PERSON CONVICTED OF AN OFFENSE AGAINST THE UNITED STATES SHALL BE SUBJECT TO SPECIAL ASSESSMENTS, FINES, RESTITUTION & COSTS.

SPECIAL ASSESSMENTS

18 U.S.C. § 3013 requires that a special assessment shall be imposed for each count of a conviction of offenses committed after November 11, 1984, as follows:

Misdemeanor:	\$ 25 per count/individual	Felony:	\$100 per count/individual
	\$125 per count/other		\$400 per count/other

FINES

In addition to any of the above assessments, you may also be sentenced to pay a fine. Such fine is due immediately unless the court issues an order requiring payment by a date certain or sets out an installment schedule. You shall provide the United States Attorney's Office with a current mailing address for the entire period that any part of the fine remains unpaid, or you may be held in contempt of court. 18 U.S.C. § 3571, 3572, 3611, 3612

Failure to pay fine as ordered may subject you to the following:

1. **INTEREST and PENALTIES** as applicable by law according to last date of offense.

For offenses occurring after December 12, 1987:

No **INTEREST** will accrue on fines under \$2,500.00.

**INTEREST** will accrue according to the Federal Civil Post-Judgment Interest Rate in effect at the time of sentencing. This rate changes monthly. Interest accrues from the first business day following the two week period after the date a fine is imposed.

**PENALTIES** of:

10% of fine balance if payment more than 30 days late.

15% of fine balance if payment more than 90 days late.

2. Recordation of a **LIEN** shall have the same force and effect as a tax lien.
3. Continuous **GARNISHMENT** may apply until your fine is paid.

18 U.S.C. §§ 3612, 3613

If you **WILLFULLY** refuse to pay your fine, you shall be subject to an **ADDITIONAL FINE** of not more than the greater of \$10,000 or twice the unpaid balance of the fine; or **IMPRISONMENT** for not more than 1 year or both. 18 U.S.C. § 3615

RESTITUTION

If you are convicted of an offense under Title 18, U.S.C., or under certain air piracy offenses, you may also be ordered to make restitution to any victim of the offense, in addition to, or in lieu of any other penalty authorized by law. 18 U.S.C. § 3663

APPEAL

If you appeal your conviction and the sentence to pay your fine is stayed pending appeal, the court shall require:

1. That you deposit the entire fine amount (or the amount due under an installment schedule during the time of your appeal) in an escrow account with the U.S. District Court Clerk, or
2. Give bond for payment thereof.

18 U.S.C. § 3572(g)

PAYMENTS

If you are ordered to make payments to the U.S. District Court Clerk's Office, certified checks or money orders should be made payable to the Clerk, U.S. District Court and delivered to the appropriate division office listed below:

LOUISVILLE: Clerk, U.S. District Court  
106 Gene Snyder U.S. Courthouse  
601 West Broadway  
Louisville, KY 40202  
502/625-3500

BOWLING GREEN: Clerk, U.S. District Court  
120 Federal Building  
241 East Main Street  
Bowling Green, KY 42101  
270/393-2500

OWENSBORO: Clerk, U.S. District Court  
126 Federal Building  
423 Frederica  
Owensboro, KY 42301  
270/689-4400

PADUCAH: Clerk, U.S. District Court  
127 Federal Building  
501 Broadway  
Paducah, KY 42001  
270/415-6400

If the court finds that you have the present ability to pay, an order may direct imprisonment until payment is made.

FORM DBD-34  
JUN 85

No. 4:17-CR-10-JHM

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WESTERN DISTRICT OF KY

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**UNITED STATES DISTRICT COURT**  
Western District of Kentucky  
Owensboro Division

THE UNITED STATES OF AMERICA

vs.

WILLIAM DUKES, JR.

**INDICTMENT**

**Title 18 U.S.C. §§ 242; 1519:  
Deprivation of Rights Under Color of Law;  
Document Falsification.**

*A true bill.*

**REDACTED**

*Filed in open court this 8th day, of June, 2017.*

*Clerk*

*Bail, \$*