

SEALED

FILED

JUL 19 2010

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OKLAHOMA

Phil Lombardi, Clerk
U.S. DISTRICT COURT

10 CR 117 CVE

UNITED STATES OF AMERICA

Plaintiff,

v.

JEFF M. HENDERSON and
WILLIAM A. YELTON

Defendants.

No. 10-CR-

INDICTMENT

Drug Charges:

21 U.S.C. § 846: Conspiracy to
Distribute Controlled Substances
[Count 1]

21 U.S.C. § 841(a)(1) and 18 U.S.C. § 2:
Distribution of a Controlled Substance,
Aiding and Abetting
[Counts 3, 5, 6, 8, 10, and 12]

21 U.S.C. § 841(a)(1) and 18 U.S.C. § 2:
Possession of a Controlled Substance
with Intent to Distribute,
Aiding and Abetting
[Counts 2, 4, 7, 9, and 11]

Firearms Charge:

18 U.S.C. § 924(c)(1)(A)(i): Possession of
Firearm During and In
Relation to and In Furtherance of a Drug
Trafficking Offense
[Count 13]

Civil Rights Charges:

18 U.S.C. § 241: Conspiracy to Deprive
Individuals of Rights Under Color of
Law
[Counts 15, 17, 18, 19, 32, and 37]

) *Civil Rights Charges, Continued:*
)
) 18 U.S.C. § 242 and 18 U.S.C. § 2: Aiding
) and Abetting the Deprivation of Rights
) Under Color of Law
) [Counts 16, 31, 33, 34, 35, 36, 38, 39, 40,
) 41, 42, 43, 44, 45, 56, 57, and 58]
)
) *Perjury & Witness Tampering Charges:*
)
) 18 U.S.C. § 371: Conspiracy to Suborn
) Perjury
) [Count 14]
)
) 18 U.S.C. § 371: Conspiracy to Commit
) Perjury
) [Count 20]
)
) 18 U.S.C. § 1621(1): Perjury
) [Counts 21, 22, 23, 24, 25, 26, 27, 28, 29,
) 30, 46, 47, 48, 49, 50, 51, 52, 53, 54, and
) 55]
)
) 18 U.S.C. § 1512(k): Conspiracy to
) Commit Witness Tampering
) [Count 59 and 60]
)
) 18 U.S.C. § 1510(a) and 18 U.S.C. § 2:
) Aiding and Abetting the Attempted
) Bribery of a Witness
) [Count 61]

INDICTMENT

THE GRAND JURY CHARGES THAT:

COUNT 1
(Conspiracy to Distribute Schedule I and
Schedule II Controlled Substances)

From on or about January 1, 2007, through in or about October 2008, in the Northern
District of Oklahoma, the defendant,

JEFF M. HENDERSON,

knowingly and intentionally conspired with Brandon Jay McFadden and other persons known
and unknown to the Grand Jury, to possess with intent to distribute and to distribute Schedule I
and Schedule II controlled substances, to-wit, marijuana; cocaine hydrochloride; and
methamphetamine, in violation of Title 21, United States Code, Section 841(a)(1), and that
during the course of this conspiracy, the following amounts were involved: less than 50
kilograms of a mixture or substance containing a detectible amount of marijuana; less than 500
grams of a mixture or substance containing a detectible amount of cocaine hydrochloride; and in
excess of 500 grams of a mixture or substance containing a detectible amount of
methamphetamine, its salts, isomers, and salts of its isomers.

All in violation of Title 21, United States Code, Section 846.

COUNT 2

(Possession of Methamphetamine with
Intent to Distribute; Aiding and Abetting)

On or about January 23, 2007, in the Northern District of Oklahoma, the defendant,

JEFF M. HENDERSON,

aided and abetted by Brandon Jay McFadden, did knowingly and intentionally possess with intent to distribute in excess of 50 grams, but less than 500 grams, of a mixture or substance containing a detectible amount of methamphetamine, a Schedule II controlled substance, its salts, isomers, and salts of its isomers.

All in violation of Title 21, United States Code, Section 841(a)(1) and Title 18, United States Code, Section 2.

COUNT 3

(Distribution of Methamphetamine; Aiding and Abetting)

In or about Spring 2007, in the Northern District of Oklahoma, the defendant,

JEFF M. HENDERSON,

aided and abetted by Brandon Jay McFadden, and another person known to the Grand Jury, did knowingly and intentionally distribute in excess of 50 grams, but less than 500 grams, of a mixture or substance containing a detectible amount of methamphetamine, a Schedule II controlled substance, its salts, isomers, and salts of its isomers.

All in violation of Title 21, United States Code, Section 841(a)(1) and Title 18, United States Code, Section 2.

COUNT 4

(Possession of Marijuana with
Intent to Distribute; Aiding and Abetting)

On or about June 6, 2007, in the Northern District of Oklahoma, the defendant,

JEFF M. HENDERSON,

aided and abetted by Brandon Jay McFadden and another individual known to the Grand Jury,
did knowingly and intentionally possess with intent to distribute less than 50 kilograms of a
mixture or substance containing a detectable amount of marijuana, a Schedule I controlled
substance.

All in violation of Title 21, United States Code, Section 841(a)(1) and Title 18, United
States Code, Section 2.

COUNT 5

(Distribution of Marijuana; Aiding and Abetting)

In or about June 2007, in the Northern District of Oklahoma, the defendant,

JEFF M. HENDERSON,

aided and abetted by Brandon Jay McFadden, did knowingly and intentionally distribute less than 50 kilograms of a mixture or substance containing a detectible amount of marijuana, a Schedule I controlled substance.

All in violation of Title 21, United States Code, Section 841(a)(1) and Title 18, United States Code, Section 2.

COUNT 6
(Distribution of Cocaine Hydrochloride)

In or about Summer 2007, in the Northern District of Oklahoma, the defendant,

JEFF M. HENDERSON,

aided and abetted by persons known and unknown to the Grand Jury, did knowingly and intentionally distribute in excess of 50 grams of a mixture or substance containing a detectible amount of cocaine hydrochloride, a Schedule II controlled substance.

All in violation of Title 21, United States Code, Section 841(a)(1) and Title 18, United States Code, Section 2.

COUNT 7

(Possession of Cocaine Hydrochloride with Intent to Distribute)

In or about Fall 2007, in the Northern District of Oklahoma, the defendant,

JEFF M. HENDERSON,

did knowingly and intentionally possess with intent to distribute less than 500 grams of a mixture or substance containing a detectible amount of cocaine hydrochloride, a Schedule II controlled substance.

All in violation of Title 21, United States Code, Section 841(a)(1).

COUNT 8

(Distribution of Cocaine Hydrochloride)

In or about Fall 2007, in the Northern District of Oklahoma, the defendant,

JEFF M. HENDERSON,

did knowingly and intentionally distribute less than 500 grams of a mixture or substance containing a detectable amount of cocaine hydrochloride, a Schedule II controlled substance.

All in violation of Title 21, United States Code, Section 841(a)(1).

COUNT 9

(Possession of Marijuana with Intent to Distribute)

In or about January 2008, in the Northern District of Oklahoma, the defendant,

JEFF M. HENDERSON,

did knowingly and intentionally possess with intent to distribute less than 50 kilograms of a mixture or substance containing a detectible amount of marijuana, a Schedule I controlled substance.

All in violation of Title 21, United States Code, Section 841(a)(1).

COUNT 10

(Distribution of Marijuana)

In or about January 2008, in the Northern District of Oklahoma, the defendant,

JEFF M. HENDERSON,

did knowingly and intentionally distribute less than 50 kilograms of a mixture or substance containing a detectible amount of marijuana, a Schedule I controlled substance.

All in violation of Title 21, United States Code, Section 841(a)(1).

COUNT 11

(Possession of Methamphetamine with Intent to Distribute)

In or about Summer 2008, in the Northern District of Oklahoma, the defendant,

JEFF M. HENDERSON,

did knowingly and intentionally possess with intent to distribute in excess of 50 grams, but less than 500 grams, of a mixture or substance containing a detectible amount of methamphetamine, a Schedule II controlled substance, its salts, isomers, and salts of its isomers.

All in violation of Title 21, United States Code, Section 841(a)(1).

COUNT 12

(Distribution of Methamphetamine)

In or about Summer 2008, in the Northern District of Oklahoma, the defendant,

JEFF M. HENDERSON,

did knowingly and intentionally distribute in excess of 50 grams, but less than 500 grams, of a mixture or substance containing a detectible amount of methamphetamine, a Schedule II controlled substance, its salts, isomers, and salts of its isomers.

All in violation of Title 21, United States Code, Section 841(a)(1).

COUNT 13

(Possession of Firearm During and In Relation to Drug Trafficking Offense)

From on or about January 1, 2007, through in or about October 2008, in the Northern District of Oklahoma, the defendant,

JEFF M. HENDERSON,

during and in relation to the drug trafficking crime alleged in Count 1 of this Indictment, knowingly carried and possessed a firearm.

All in violation of Title 18, United States Code, Section 924(c)(1)(A)(i).

COUNT 14
(Conspiracy to Suborn Perjury)

A. It is pertinent to Count 14 that:

1. On or about June 5, 1995, **JEFF M. HENDERSON** became employed as a police officer with the Tulsa Police Department ("TPD").

2. On or about April 16, 1985, **WILLIAM A. YELTON** became employed as a police officer with the TPD.

3. The TPD was the principal law enforcement agency for Tulsa, Oklahoma. Tulsa is located within the Northern District of Oklahoma.

4. As officers of the TPD, **JEFF M. HENDERSON** and **WILLIAM A. YELTON** occupied positions of public trust and authority.

5. As a regular part of their duties, **JEFF M. HENDERSON** and **WILLIAM A. YELTON** participated in the preparation of affidavits for, and execution of, search, seizure and arrest warrants; and conducted and participated in interviews and interrogations and assisted with the preparation of witnesses for their courtroom testimony. As a further part of their regular duties, **JEFF M. HENDERSON** and **WILLIAM A. YELTON** testified in United States District Court for the Northern District of Oklahoma before juries, magistrates, and district judges.

6. On April 7, 2005, **JEFF M. HENDERSON** and Rochelle Martin testified falsely in an *ex parte* hearing in the case of *United States v. Bobby Wayne Haley, Sr.*, No. 04-CR-127-TCK. As a result of this testimony, a search warrant for properties associated with Bobby Wayne Haley, Sr. was upheld, thereby allowing incriminating evidence to be admitted at Bobby Wayne Haley, Sr.'s trial.

7. On September 30, 2005, Bobby Wayne Haley, Sr. was convicted after trial by jury and was subsequently sentenced to a term of 264 months imprisonment in the Bureau of Prisons.

B. *The Charge*

From in or about April 2005, through in or about the return of this Indictment, in the Northern District of Oklahoma, the defendants,

**JEFF M. HENDERSON and
WILLIAM A. YELTON,**

did knowingly conspire and agree with one another to suborn and procure Rochelle Martin to commit perjury by testifying falsely under oath to a material matter in a case entitled *United States v. Bobby Wayne Haley, Sr.*, No. 04-CR-127-TCK, in the United States District Court for the Northern District of Oklahoma in violation of Title 18, United States Code, Section 1622.

C. It was material to the case described in Paragraph B of this Count to determine whether Rochelle Martin had provided information to **JEFF M. HENDERSON** concerning drug trafficking activity of Bobby Wayne Haley, Sr. in May 2004.

D. **JEFF M. HENDERSON** and **WILLIAM A. YELTON**, on or about April 7, 2005, willfully suborned and procured Rochelle Martin to testify falsely in the proceedings described in Paragraph B of this Count that Rochelle Martin had witnessed drug trafficking activity by Bobby Wayne Haley, Sr. and that Rochelle Martin did so falsely testify under oath. The testimony of Rochelle Martin as aforesaid was false and perjurious as **JEFF M. HENDERSON, WILLIAM A. YELTON**, and Rochelle Martin well knew. Specifically, Rochelle Martin testified under oath as follows:

[BY THE COURT]

Q: Okay. Have you ever been at a location where you saw Bobby Wayne Haley, Sr. sell drugs to someone?

A: Yes, sir.

Q: Okay, when were those occasions?

A: I had went – I had rode with my friend to – at a place, like a place of business with cars or something, a salvage, a salvage yard. We went by there and – we went by there to meet him one day.

Q: Okay. Do you know about when that was?

A: It was some months ago. It was some months ago.

Q: Was it –

A: Probably less than a year, but it was close to a year ago. It's been a many. It's been a many.

...

Q: Okay. And did you tell him [JEFF M. HENDERSON] whether or not you saw someone selling drugs?

A: Yeah.

Q: And who did you tell him [JEFF M. HENDERSON] you saw?

A: I told him [JEFF M. HENDERSON] that Bobby left us in some type of little office, it was office thing where there's a little place that, I guess where he do business for the salvage. He had left and he came back and handed him the stuff and Bill gave him the money and we left.

...

Q: Is it true that you were present during this drug transaction at the north – at the salvage yard?

A: Yes.

Q: That you were present, you were an eyewitness to the drug transaction?

A: Yes.

Q: There was a friend of yours who was buying drugs; correct?

A: Right.

- Q: And there was another individual who was selling drugs, correct?
- A: Right.
- Q: And who was the individual that was selling drugs?
- A: Bobby brought the drugs inside the office.
- Q: All right. And when you say Bobby, can you give me a fuller – full name for that individual?
- A: Bobby Haley.
- Q: Okay. So that was Bobby Haley. Was it Bobby Haley?
- A: Senior.
- Q: Senior. Now when you told Officer Henderson that – about this transaction, you told him who was present, correct?
- A: Right.
- Q: You told him that you were present?
- A: Right.
- E. *Overt Acts in Furtherance of the Conspiracy*

In furtherance of the conspiracy and to effectuate the objects thereof, **JEFF M.**

HENDERSON, WILLIAM A. YELTON, and Rochelle Martin, performed one or more of the following overt acts in the Northern District of Oklahoma:

1. In May 2004, **JEFF M. HENDERSON** prepared affidavits to obtain search warrants for a residence and salvage yard associated with Bobby Haley (hereinafter “the Haley property”). In these affidavits, **JEFF M. HENDERSON** detailed information that had purportedly been provided to him by a Reliable Confidential Informant (“RCI”).
2. On May 27, 2004, **JEFF M. HENDERSON** submitted the affidavits described in the preceding paragraph to obtain search warrants from Tulsa County District Court for the Haley property.
3. On May 27, 2004, **JEFF M. HENDERSON, WILLIAM A. YELTON**, and

other TPD officers executed the search warrants obtained by **JEFF M. HENDERSON** for the Haley property.

4. Sometime after May 27, 2004, **JEFF M. HENDERSON** caused the matter involving the search of the Haley property described in Overt Acts 1-3 of this Count to be presented to the United States Attorney's Office for the Northern District of Oklahoma as a legitimate case to be prosecuted, and the case was subsequently federally indicted.
5. On February 25, 2005, **JEFF M. HENDERSON** executed a supplemental affidavit related to the search of the Haley property in which he referred to the RCI as a male.
6. On April 6, 2005, **JEFF M. HENDERSON** contacted Rochelle Martin in an effort to have Rochelle Martin testify falsely before United States Magistrate Judge Paul J. Cleary the following day in a pretrial hearing pertaining to the search warrants for the Haley property.
7. On April 7, 2005, **JEFF M. HENDERSON** and **WILLIAM A. YELTON** picked up Rochelle Martin and transported Rochelle Martin to the United States Courthouse in Tulsa, Oklahoma to provide false testimony.
8. On April 7, 2005, while en route to the United States Courthouse, **JEFF M. HENDERSON** and **WILLIAM A. YELTON** instructed Rochelle Martin on what false testimony she needed to give.
9. On April 7, 2005, **JEFF M. HENDERSON** testified falsely under oath concerning the identity and veracity of the RCI upon which he relied in obtaining the search warrants for the Haley property.
10. On April 7, 2005, Rochelle Martin testified falsely before United States Magistrate Judge Paul J. Cleary that she was the RCI for the Haley property search warrants.

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

COUNT 15

(Conspiracy to Deprive Another Individual of Civil Rights)

A. The Grand Jury realleges and incorporates by reference Paragraphs A, C, D and E of Count 14 of this Indictment.

B. *The Charge*

From in or about May 2004, through in or about the return of this Indictment, in the Northern District of Oklahoma, the defendants,

**JEFF M. HENDERSON and
WILLIAM A. YELTON,**

while acting under color of law, willfully conspired and agreed with one another and with Rochelle Martin, to injure, oppress, threaten, and intimidate Bobby Wayne Haley, Sr. in the free exercise and enjoyment of rights secured to him by the Constitution and laws of the United States, that is, the right of Bobby Wayne Haley, Sr. to be free from unreasonable searches and seizures by one acting under color of law and the right to be free from deprivation of liberty without due process of law by those acting under color of law.

C. *Object of the Conspiracy*

1. The object of the conspiracy was to obtain the unlawful arrest, conviction, and imprisonment of Bobby Wayne Haley, Sr.

D. *Manner and Means of the Conspiracy*

1. **JEFF M. HENDERSON** utilized his position as a law enforcement officer with TPD to obstruct justice through providing false information in affidavits submitted in support of search and seizure warrants for a residence and salvage yard associated with Bobby Wayne Haley, Sr.

2. **JEFF M. HENDERSON and WILLIAM A. YELTON** utilized their positions

as law enforcement officers with TPD to obstruct justice through providing false testimony under oath and persuading others to provide false testimony under oath.

3. **JEFF M. HENDERSON** and **WILLIAM A. YELTON** intentionally deprived Bobby Wayne Haley, Sr. of rights and privileges secured by the Constitution and laws of the United States.

All in violation of Title 18, United States Code, Section 241.

COUNT 16

(Deprivation of Civil Rights by Threatened Use of a Dangerous Weapon;
Aiding and Abetting)

On or about late Fall 2005, in the Northern District of Oklahoma, the defendant,

JEFF M. HENDERSON,

aided and abetted by another individual known to the Grand Jury, did willfully act under color of law, statute, ordinance, regulation, and custom to deprive James Fue of rights, privileges, and immunities secured and protected by the Constitution and laws of the United States, to wit, the right of James Fue to be free from an unreasonable seizure of his person by one acting under color of law in that **JEFF M. HENDERSON** and the individual known to the Grand Jury unlawfully kidnapped James Fue and threatened him with a firearm.

All in violation of Title 18, United States Code, Section 242 and Section 2.

COUNT 17

(Conspiracy to Deprive Another Individual of Civil Rights)

A. It is pertinent to Count 17 that:

1. On or about June 5, 1995, **JEFF M. HENDERSON** became employed as a police officer with the Tulsa Police Department ("TPD"), a certified law enforcement agency of the State of Oklahoma.
2. In or about July 2002, Brandon Jay McFadden became employed as a special agent with the Bureau of Alcohol, Tobacco, Firearms, and Explosives ("ATF") and was assigned to the ATF Resident Agency located in Tulsa, Oklahoma. As such, Brandon Jay McFadden was a sworn federal law enforcement officer.
3. The TPD was the principal law enforcement agency for Tulsa, Oklahoma. Tulsa is located within the Northern District of Oklahoma.
4. The Tulsa, Oklahoma Resident Agency of the ATF was a federal law enforcement agency responsible for investigating potential violations of the federal firearms laws and related violent crime and drug trafficking activity occurring within the Northern District of Oklahoma.
5. As sworn law enforcement officers, **JEFF M. HENDERSON** and Brandon Jay McFadden occupied positions of public trust and authority.
6. As a regular part of their duties, **JEFF M. HENDERSON** and Brandon Jay McFadden participated in the preparation of reports documenting investigative activities and witness interviews. These reports are generally relied upon by prosecuting attorneys in order to determine if the case has prosecutive merit and if the case presents any significant evidentiary or Constitutional issues. These reports are also utilized by prosecuting attorneys in preparing for and presenting evidence to petit and grand juries and judges. As a further part of their regular

duties, **JEFF M. HENDERSON** and Brandon Jay McFadden conducted and participated in interviews and interrogations and assisted with the preparation of witnesses for their courtroom testimony. As a further part of their regular duties, **JEFF M. HENDERSON** and Brandon Jay McFadden testified in United States District Court for the Northern District of Oklahoma before petit juries and district judges.

B. *The Charge*

From in or about January 2007, through in or about April 2010, in the Northern District of Oklahoma, the defendant,

JEFF M. HENDERSON,

and Brandon J. McFadden, while acting under color of law, did willfully conspire and agree with one another to injure, oppress, threaten and intimidate Ryan Logsdon in the free exercise and enjoyment of rights secured to him by the Constitution and laws of the United States, that is, the right of Ryan Logsdon to be free from unreasonable search and seizure by one acting under color of law and to receive due process of law before being deprived of property by one acting under color of law.

C. *Objects of the Conspiracy*

1. The object of the conspiracy was to unlawfully seize money and drugs from Ryan Logsdon.

D. *Manner and Means of the Conspiracy*

1. **JEFF M. HENDERSON** utilized his position as a law enforcement officer with TPD to obstruct justice through providing false information in an affidavit submitted in support of a search and seizure warrant for the residence of Ryan Logsdon.

2. **JEFF M. HENDERSON** and Brandon Jay McFadden utilized their positions as

law enforcement officers to obstruct justice through the illegal seizure of money and drugs during the search of Ryan Logsdon's residence.

3. **JEFF M. HENDERSON** and Brandon Jay McFadden intentionally deprived Ryan Logsdon of rights and privileges secured by the Constitution and laws of the United States.

E. *Overt Acts in Furtherance of the Conspiracy*

In furtherance of the conspiracy and to effectuate the objects thereof, **JEFF M. HENDERSON** and Brandon Jay McFadden performed one or more of the following overt acts in the Northern District of Oklahoma:

1. In or about January 19, 2007, **JEFF M. HENDERSON** prepared and obtained an illegal and fraudulent search warrant for the residence of Ryan Logsdon. **JEFF M. HENDERSON** falsely represented in the search warrant affidavit that a Reliable Confidential Informant (RCI) stated that Ryan Logsdon was selling drugs from his residence.
2. In or about January 23, 2007, **JEFF M. HENDERSON**, Brandon Jay McFadden and other individuals known to the Grand Jury executed the search warrant referenced in Overt Act 1 of this Count on the residence of Ryan Logsdon. During the search of Ryan Logsdon's residence, **JEFF M. HENDERSON** and Brandon Jay McFadden illegally seized money and drugs for their personal benefit.
3. In or about late January or early February 2007, **JEFF M. HENDERSON** falsely documented the identity of the RCI in internal TPD intelligence reports.

All in violation of Title 18, United States Code, Section 241.

COUNT 18

(Conspiracy to Deprive Another Individual of Civil Rights)

A. It is pertinent to Count 18 that:

1. On or about June 5, 1995, **JEFF M. HENDERSON** became employed as a police officer with the Tulsa Police Department ("TPD"), a certified law enforcement agency of the State of Oklahoma.

2. In or about July 2002, Brandon Jay McFadden became employed as a special agent with the Bureau of Alcohol, Tobacco, Firearms, and Explosives ("ATF") and was assigned to the ATF Resident Agency located in Tulsa, Oklahoma. As such, Brandon Jay McFadden was a sworn federal law enforcement officer.

3. On or about March 1, 1990, John K. Gray, also known as J.J. Gray, became employed as a police officer with the Tulsa Police Department ("TPD"), a certified law enforcement agency of the State of Oklahoma.

4. The TPD was the principal law enforcement agency for Tulsa, Oklahoma. Tulsa is located within the Northern District of Oklahoma.

5. The Tulsa, Oklahoma Resident Agency of the ATF was a federal law enforcement agency responsible for investigating potential violations of the federal firearms laws and related violent crime and drug trafficking activity occurring within the Northern District of Oklahoma.

6. As sworn law enforcement officers, **JEFF M. HENDERSON**, Brandon Jay McFadden, and John K. Gray occupied positions of public trust and authority.

7. As a regular part of their duties, **JEFF M. HENDERSON**, Brandon Jay McFadden and John K. Gray, also known as J.J. Gray, participated in the preparation of reports documenting investigative activities and witness interviews. These reports are generally relied

upon by prosecuting attorneys in order to determine if the case has prosecutive merit and if the case presents any significant evidentiary or Constitutional issues. These reports are also utilized by prosecuting attorneys in preparing for and presenting evidence to petit and grand juries and judges. As a further part of their regular duties, **JEFF M. HENDERSON**, Brandon Jay McFadden and John K. Gray, also known as J.J. Gray, conducted and participated in interviews and interrogations and assisted with the preparation of witnesses for their courtroom testimony. As a further part of their regular duties, **JEFF M. HENDERSON**, Brandon Jay McFadden and John K. Gray, also known as J.J. Gray, testified in United States District Court for the Northern District of Oklahoma before petit juries and district judges.

B. *The Charge*

From in or about February 22, 2007, through in or about the return of this Indictment, in the Northern District of Oklahoma, the defendant,

JEFF M. HENDERSON,

Brandon Jay McFadden, John K. Gray, also known as J.J. Gray, and another TPD officer known to the Grand Jury, while acting under color of law, did willfully conspire and agree with one another to injure, oppress, threaten and intimidate Jerry Hill in the free exercise and enjoyment of rights secured to him by the Constitution and laws of the United States, that is, the right of Jerry Hill to be free from unreasonable seizure by one acting under color of law and to receive due process of law before being deprived of property by one acting under color of law.

C. *Objects of the Conspiracy*

1. The object of the conspiracy was to unlawfully seize money from Jerry Hill for the personal benefit of **JEFF M. HENDERSON**, Brandon Jay McFadden, John K. Gray, also known as J.J. Gray, and another TPD officer known to the Grand Jury.

D. *Manner and Means of the Conspiracy*

1. **JEFF M. HENDERSON**, Brandon Jay McFadden, John K. Gray, also known as J.J. Gray, and another TPD officer known to the Grand Jury, utilized their positions as law enforcement officers to obstruct justice through the illegal seizure of money from Jerry Hill.

2. **JEFF M. HENDERSON**, Brandon Jay McFadden, John K. Gray, also known as J.J. Gray, and another TPD officer known to the Grand Jury, intentionally deprived Jerry Hill of rights and privileges secured by the Constitution and laws of the United States.

E. *Overt Acts in Furtherance of the Conspiracy*

In furtherance of the conspiracy and to effectuate the objects thereof, **JEFF M. HENDERSON**, Brandon Jay McFadden, John K. Gray, also known as J.J. Gray, and another TPD officer known to the Grand Jury performed one or more of the following overt acts in the Northern District of Oklahoma:

1. In or about February 22, 2007, **JEFF M. HENDERSON**, Brandon J. McFadden, John K. Gray, also known as J.J. Gray, and another TPD officer known to the Grand Jury executed a search warrant on the residence of Jerry Hill. During the execution of the search warrant, money was taken from Jerry Hill for the personal benefit of these law enforcement officers.

All in violation of Title 18, United States Code, Section 241.

COUNT 19

(Conspiracy to Deprive Individuals of Civil Rights)

A. It is pertinent to Count 19 that:

1. On or about June 5, 1995, **JEFF M. HENDERSON** became employed as a police officer with the Tulsa Police Department ("TPD"), a certified law enforcement agency of the State of Oklahoma.
2. In or about July 2002, Brandon Jay McFadden became employed as a special agent with the Bureau of Alcohol, Tobacco, Firearms, and Explosives ("ATF") and was assigned to the ATF Resident Agency located in Tulsa, Oklahoma. As such, Brandon Jay McFadden was a sworn federal law enforcement officer.
3. The TPD was the principal law enforcement agency for Tulsa, Oklahoma. Tulsa is located within the Northern District of Oklahoma.
4. The Tulsa, Oklahoma Resident Agency of the ATF was a federal law enforcement agency responsible for investigating potential violations of the federal firearms laws and related violent crime and drug trafficking activity occurring within the Northern District of Oklahoma.
5. As sworn law enforcement officers, **JEFF M. HENDERSON** and Brandon Jay McFadden occupied positions of public trust and authority.
6. As a regular part of their duties, **JEFF M. HENDERSON** and Brandon Jay McFadden participated in the preparation of reports documenting investigative activities and witness interviews. These reports are generally relied upon by prosecuting attorneys in order to determine if the case has prosecutive merit and if the case presents any significant evidentiary or Constitutional issues. These reports are also utilized by prosecuting attorneys in preparing for and presenting evidence to petit and grand juries and judges. As a further part of their regular

duties, **JEFF M. HENDERSON** and Brandon Jay McFadden conducted and participated in interviews and interrogations and assisted with the preparation of witnesses for their courtroom testimony. As a further part of their regular duties, **JEFF M. HENDERSON** and Brandon Jay McFadden testified in United States District Court for the Northern District of Oklahoma before petit juries and district judges.

7. On April 21-22, 2008, **JEFF M. HENDERSON**, Brandon Jay McFadden, and an unindicted co-conspirator known to the Grand Jury testified falsely in a jury trial in the case of *United States v. Larry Wayne Barnes, Sr. and Larita Barnes*, No. 07-CR-135-CVE.

8. On April 23, 2008, Larry Wayne Barnes, Sr. and Larita Barnes were each convicted after trial by jury. Larry Wayne Barnes, Sr. was subsequently sentenced to a term of 66 months imprisonment in the Bureau of Prisons. Larita Barnes was subsequently sentenced to a term of 120 months in the Bureau of Prisons.

B. *The Charge*

From in or about May 2007, through in or about June 2009, in the Northern District of Oklahoma, the defendant,

JEFF M. HENDERSON,

Brandon Jay McFadden, and another person known to the Grand Jury, while acting under color of law, did willfully conspire and agree with one another to injure, oppress, threaten and intimidate Larry Barnes, Sr. and Larita Barnes in their free exercise and enjoyment of rights secured to them by the Constitution and laws of the United States, that is, the right of Larry Barnes, Sr. and Larita Barnes to be free from unlawful arrest and imprisonment by one acting under color of law and to receive due process of law before being deprived of liberty by one acting under color of law.

C. *Objects of the Conspiracy*

1. The object of the conspiracy was to obtain the unlawful arrest, conviction, and imprisonment of Larry Barnes, Sr. and Larita Barnes.

D. *Manner and Means of the Conspiracy*

1. **JEFF M. HENDERSON** utilized his position as a law enforcement officer with TPD to obstruct justice through providing false information in TPD reports submitted in support of the prosecution of Larry Barnes, Sr. and Larita Barnes.

2. **JEFF M. HENDERSON** and Brandon Jay McFadden utilized their positions as law enforcement officers to obstruct justice through providing false testimony under oath and persuading another individual known to the Grand Jury to provide false testimony under oath.

3. **JEFF M. HENDERSON**, Brandon Jay McFadden and another individual known to the Grand Jury intentionally deprived Larry Barnes, Sr. and Larita Barnes of rights and privileges secured by the Constitution and laws of the United States.

E. *Overt Acts in Furtherance of the Conspiracy*

In furtherance of the conspiracy and to effectuate the objects thereof, **JEFF M. HENDERSON**, Brandon Jay McFadden, and another individual known to the Grand Jury performed one or more of the following overt acts in the Northern District of Oklahoma:

1. In or about Spring 2007, **JEFF M. HENDERSON** and another individual known to the Grand Jury agreed that the individual would falsely represent that he purchased illegal drugs from Larry Barnes Sr. and Larita Barnes during a controlled buy on May 8, 2007, during which the individual allegedly acted as a confidential informant.
2. In or about May 2007, **JEFF M. HENDERSON** prepared official TPD reports falsely documenting that a controlled drug buy of three ounces of methamphetamine from Larry Barnes, Sr. and Larita Barnes was made by the individual referred to in Overt Act 1 of this Count. These TPD reports further falsely documented that the drug buy occurred on May 8, 2007, and that the

individual paid Larry Barnes, Sr. and Larita Barnes \$3,000 in exchange for the methamphetamine.

3. Sometime after May 8, 2007, **JEFF M. HENDERSON** and Brandon Jay McFadden presented the purported controlled drug buy described in Overt Acts 1 and 2 of this Count to the United States Attorney's Office for the Northern District of Oklahoma as a legitimate case to be prosecuted and the case was subsequently federally indicted.
4. In or about April 2008, **JEFF M. HENDERSON** and Brandon Jay McFadden coached the individual described in Overt Act 1 of this Count to testify falsely in an upcoming trial at that he/she had made the purported controlled buy from Larry Barnes, Sr. and Larita Barnes on May 8, 2007.
5. On April 21 and 22, 2008, **JEFF M. HENDERSON** testified falsely that the controlled drug purchase of methamphetamine was made from Larry Barnes, Sr. and Larita Barnes on May 8, 2007, and that he conducted surveillance during the purported controlled drug purchase.
6. On April 22, 2008, Brandon Jay McFadden testified falsely that the controlled drug purchase of methamphetamine was made from Larry Barnes, Sr. and Larita Barnes on May 8, 2007, and that he conducted surveillance during the purported controlled drug purchase.
7. On April 22, 2008, the individual described in Overt Act 1 of this Count testified falsely that he made a controlled purchase of methamphetamine from Larry Barnes, Sr. and Larita Barnes on May 8, 2007, and that after the purported drug purchase, he provided the purchased methamphetamine to **JEFF M. HENDERSON** and Brandon Jay McFadden.
8. On or about June 29, 2009, **JEFF M. HENDERSON** engaged in a telephone conversation with the individual described in Overt Act 1 of this Count during which **JEFF M. HENDERSON** instructed the individual to "stick to the truth and stick to the reports" if asked about the legitimacy of the Barnes' case by any investigators.

All in violation of Title 18, United States Code, Section 241.

COUNT 20
(Conspiracy to Commit Perjury)

A. The Grand Jury realleges and incorporates by reference Paragraphs A, C, D and E of Count 19 of this Indictment.

B. *The Charge*

From in or about May 2007, through in or about June 2009, the defendant,

JEFF M. HENDERSON,

willfully conspired with Brandon Jay McFadden, and another individual known to the Grand Jury to commit perjury in the matter of *United States v. Larry Barnes and Larita Barnes*, Case No. 07-CR-135-CVE in violation of Title 18, United States Code, Section 1621(1).

C. *Overt Acts in Furtherance of the Conspiracy*

In furtherance of the conspiracy and to effectuate the objects thereof, **JEFF M. HENDERSON**, Brandon Jay McFadden, and another individual known to the Grand Jury performed one or more of the following overt acts in the Northern District of Oklahoma:

1. In or about Spring 2007, **JEFF M. HENDERSON** and another individual known to the Grand Jury agreed that the individual would falsely represent that he purchased illegal drugs from Larry Barnes, Sr. and Larita Barnes during a controlled buy in which the individual allegedly acted as a confidential informant.
2. In May 2007, **JEFF M. HENDERSON** prepared official TPD reports falsely documenting that a purported drug purchase of three ounces of methamphetamine by the individual from Larry Barnes, Sr. and Larita Barnes for \$3,000 in buy money took place on May 8, 2007.
3. After May 8, 2007, **JEFF M. HENDERSON** and Brandon Jay McFadden presented the matter to the United States Attorney's Office for the Northern District of Oklahoma as a legitimate case to be prosecuted.
4. Prior to trial, in or about April 2008, **JEFF M. HENDERSON** and Brandon Jay McFadden coached another individual known to the Grand Jury to testify falsely that he/she had made the purported controlled buy.

5. During the trial in April 2008, **JEFF M. HENDERSON**, Brandon Jay McFadden, and another individual known to the Grand Jury testified falsely that the controlled drug purchase of methamphetamine was made from Larry Barnes, Sr. and Larita Barnes on May 8, 2007.

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

COUNT 21
(Perjury)

1. On or about April 21, 2008, in the Northern District of Oklahoma, the defendant,

JEFF M. HENDERSON,

having duly taken an oath before Chief United States District Judge Claire V. Eagan during a jury trial in the matter of *United States v. Larry Barnes and Larita Barnes*, Case No. 07-CR-135 CVE, that he would testify truly, did willfully and contrary to said oath state material matter which he did not believe to be true, that is to say:

2. At the time and place referenced above, the United States was prosecuting Larry Barnes, Sr. and Larita Barnes in a jury trial based on an indictment charging them with drug distribution on May 8, 2007. It was material to the indictment and in the trial whether the Barnes had distributed methamphetamine on May 8, 2007 to Ryan Logsdon, who was acting as a confidential informant.

3. At the time and place referenced above, **JEFF M. HENDERSON** appeared as a witness at the trial and then and there being under oath testified falsely with respect to these material matters as follows:

[BY THE ASSISTANT UNITED STATES ATTORNEY]

Q: Were you able to observe Mr. Logsdon exit his vehicle?

A: Yes.

4. The above referenced testimony of **JEFF M. HENDERSON**, as he then and there well knew and believed, was false in that, on May 8, 2007, Ryan Logsdon did not make a purchase of methamphetamine or any drugs at all from Larry and Larita Barnes and **JEFF M. HENDERSON** did not conduct surveillance as he testified.

All in violation of Title 18, United States Code, Section 1621(1).

COUNT 22
(Perjury)

1. On or about April 21, 2008, in the Northern District of Oklahoma, the defendant,

JEFF M. HENDERSON,

having duly taken an oath before Chief United States District Judge Claire V. Eagan during a jury trial in the matter of *United States v. Larry Barnes and Larita Barnes*, Case No. 07-CR-135 CVE, that he would testify truly, did willfully and contrary to said oath state material matter which he did not believe to be true, that is to say:

2. At the time and place referenced above, the United States was prosecuting Larry Barnes, Sr. and Larita Barnes in a jury trial based on an indictment charging them with drug distribution on May 8, 2007. It was material to the indictment and in the trial whether the Barnes had distributed methamphetamine on May 8, 2007, to Ryan Logsdon, who was acting as a confidential informant.

3. At the time and place referenced above **JEFF M. HENDERSON** appeared as a witness at the trial and then and there being under oath testified falsely with respect to these material matters as follows:

[BY THE ASSISTANT UNITED STATES ATTORNEY]

Q: What happened after he [Ryan Logsdon] exited his vehicle?

A: I observed him walk directly from his vehicle to the front door of 7116 East Newton Street and knock on the front door at that point.

4. The above referenced testimony of **JEFF M. HENDERSON**, as he then and there well knew and believed, was false in that, on May 8, 2007, Ryan Logsdon did not make a purchase of methamphetamine or any drugs at all from Larry and Larita Barnes and **JEFF M. HENDERSON** did not conduct surveillance as he testified.

All in violation of Title 18, United States Code, Section 1621(1).

COUNT 23

(Perjury)

1. On or about April 21, 2008, in the Northern District of Oklahoma, the defendant,

JEFF M. HENDERSON,

having duly taken an oath before Chief United States District Judge Claire V. Eagan during a jury trial in the matter of *United States v. Larry Barnes and Larita Barnes*, Case No. 07-CR-135 CVE, that he would testify truly, did willfully and contrary to said oath state material matter which he did not believe to be true, that is to say:

2. At the time and place referenced above, the United States was prosecuting Larry Barnes, Sr. and Larita Barnes in a jury trial based on an indictment charging them with drug distribution on May 8, 2007. It was material to the indictment and in the trial whether the Barnes had distributed methamphetamine on May 8, 2007, to Ryan Logsdon, who was acting as a confidential informant.

3. At the time and place referenced above **JEFF M. HENDERSON** appeared as a witness at the trial and then and there being under oath testified falsely with respect to these material matters as follows:

[BY THE ASSISTANT UNITED STATES ATTORNEY]

Q: Okay. And when he [Ryan Logsdon] knocked on the front door, were you still able to observe him?

A: Yes.

4. The above referenced testimony of **JEFF M. HENDERSON**, as he then and there well knew and believed, was false in that, on May 8, 2007, Ryan Logsdon did not make a purchase of methamphetamine or any drugs at all from Larry and Larita Barnes and **JEFF M. HENDERSON** did not conduct surveillance as he testified.

All in violation of Title 18, United States Code, Section 1621(1).

COUNT 24
(Perjury)

1. On or about April 21, 2008, in the Northern District of Oklahoma, the defendant,

JEFF M. HENDERSON,

having duly taken an oath before Chief United States District Judge Claire V. Eagan during a jury trial in the matter of *United States v. Larry Barnes and Larita Barnes*, Case No. 07-CR-135 CVE, that he would testify truly, did willfully and contrary to said oath state material matter which he did not believe to be true, that is to say:

2. At the time and place referenced above, the United States was prosecuting Larry Barnes, Sr. and Larita Barnes in a jury trial based on an indictment charging them with drug distribution on May 8, 2007. It was material to the indictment and in the trial whether the Barnes had distributed methamphetamine on May 8, 2007, to Ryan Logsdon, who was acting as a confidential informant.

3. At the time and place referenced above **JEFF M. HENDERSON** appeared as a witness at the trial and then and there being under oath testified falsely with respect to these material matters as follows:

[BY THE ASSISTANT UNITED STATES ATTORNEY]

Q: What did you observe?

A: The front door opened. He [Ryan Logsdon] was greeted by a white female. At that time I did not know I couldn't make out the identity of that person. The female stepped onto the front porch. This was a brief, maybe seconds, two to three seconds. Then both the individuals, Mr. Logsdon and the female, walked into the home.

4. The above referenced testimony of **JEFF M. HENDERSON**, as he then and there well knew and believed, was false in that, on May 8, 2007, Ryan Logsdon did not make a

purchase of methamphetamine or any drugs at all from Larry and Larita Barnes and **JEFF M.**

HENDERSON did not conduct surveillance as he testified.

All in violation of Title 18, United States Code, Section 1621(1).

COUNT 25
(Perjury)

1. On or about April 21, 2008, in the Northern District of Oklahoma, the defendant,

JEFF M. HENDERSON,

having duly taken an oath before Chief United States District Judge Claire V. Eagan during a jury trial in the matter of *United States v. Larry Barnes and Larita Barnes*, Case No. 07-CR-135 CVE, that he would testify truly, did willfully and contrary to said oath state material matter which he did not believe to be true, that is to say:

2. At the time and place referenced above, the United States was prosecuting Larry Barnes, Sr. and Larita Barnes in a jury trial based on an indictment charging them with drug distribution on May 8, 2007. It was material to the indictment and in the trial whether the Barnes had distributed methamphetamine on May 8, 2007, to Ryan Logsdon, who was acting as a confidential informant.

3. At the time and place referenced above **JEFF M. HENDERSON** appeared as a witness at the trial and then and there being under oath testified falsely with respect to these material matters as follows:

[BY THE ASSISTANT UNITED STATES ATTORNEY]

Q: Okay. And did you and Special Agent McFadden stay in the vehicle?

A: We did.

4. The above referenced testimony of **JEFF M. HENDERSON**, as he then and there well knew and believed, was false in that, on May 8, 2007, Ryan Logsdon did not make a purchase of methamphetamine or any drugs at all from Larry and Larita Barnes and **JEFF M. HENDERSON** did not conduct surveillance as he testified.

All in violation of Title 18, United States Code, Section 1621(1).

COUNT 26

(Perjury)

1. On or about April 21, 2008, in the Northern District of Oklahoma, the defendant,

JEFF M. HENDERSON,

having duly taken an oath before Chief United States District Judge Claire V. Eagan during a jury trial in the matter of *United States v. Larry Barnes and Larita Barnes*, Case No. 07-CR-135 CVE, that he would testify truly, did willfully and contrary to said oath state material matter which he did not believe to be true, that is to say:

2. At the time and place referenced above, the United States was prosecuting Larry Barnes, Sr. and Larita Barnes in a jury trial based on an indictment charging them with drug distribution on May 8, 2007. It was material to the indictment and in the trial whether the Barnes had distributed methamphetamine on May 8, 2007, to Ryan Logsdon, who was acting as a confidential informant.

3. At the time and place referenced above **JEFF M. HENDERSON** appeared as a witness at the trial and then and there being under oath testified falsely with respect to these material matters as follows:

[BY THE ASSISTANT UNITED STATES ATTORNEY]

Q: Okay. And how long was Mr. Logsdon in the residence?

A: Five minutes, give or take seconds. It was not a long time, but roughly five minutes inside the home.

4. The above referenced testimony of **JEFF M. HENDERSON**, as he then and there well knew and believed, was false in that, on May 8, 2007, Ryan Logsdon did not make a purchase of methamphetamine or any drugs at all from Larry and Larita Barnes and **JEFF M. HENDERSON** did not conduct surveillance as he testified.

All in violation of Title 18, United States Code, Section 1621(1).

COUNT 27

(Perjury)

1. On or about April 21, 2008, in the Northern District of Oklahoma, the defendant,

JEFF M. HENDERSON,

having duly taken an oath before Chief United States District Judge Claire V. Eagan during a jury trial in the matter of *United States v. Larry Barnes and Larita Barnes*, Case No. 07-CR-135 CVE, that he would testify truly, did willfully and contrary to said oath state material matter which he did not believe to be true, that is to say:

2. At the time and place referenced above, the United States was prosecuting Larry Barnes, Sr. and Larita Barnes in a jury trial based on an indictment charging them with drug distribution on May 8, 2007. It was material to the indictment and in the trial whether the Barnes had distributed methamphetamine on May 8, 2007, to Ryan Logsdon, who was acting as a confidential informant.

3. At the time and place referenced above **JEFF M. HENDERSON** appeared as a witness at the trial and then and there being under oath testified falsely with respect to these material matters as follows:

[BY THE ASSISTANT UNITED STATES ATTORNEY]

Q: After the five minutes were up, what happened?

A: It was observed by myself and Agent McFadden when Mr. Logsdon exited through the front door of the home walking directly back to his vehicle, at that point getting into his vehicle and driving off to the east from the location.

4. The above referenced testimony of **JEFF M. HENDERSON**, as he then and there well knew and believed, was false in that, on May 8, 2007, Ryan Logsdon did not make a purchase of methamphetamine or any drugs at all from Larry and Larita Barnes and **JEFF M.**

HENDERSON did not conduct surveillance as he testified.

All in violation of Title 18, United States Code, Section 1621(1).

COUNT 28
(Perjury)

1. On or about April 21, 2008, in the Northern District of Oklahoma, the defendant,

JEFF M. HENDERSON,

having duly taken an oath before Chief United States District Judge Claire V. Eagan during a jury trial in the matter of *United States v. Larry Barnes and Larita Barnes*, Case No. 07-CR-135 CVE, that he would testify truly, did willfully and contrary to said oath state material matter which he did not believe to be true, that is to say:

2. At the time and place referenced above, the United States was prosecuting Larry Barnes, Sr. and Larita Barnes in a jury trial based on an indictment charging them with drug distribution on May 8, 2007. It was material to the indictment and in the trial whether the Barnes had distributed methamphetamine on May 8, 2007, to Ryan Logsdon, who was acting as a confidential informant.

3. At the time and place referenced above **JEFF M. HENDERSON** appeared as a witness at the trial and then and there being under oath testified falsely with respect to these material matters as follows:

[BY THE ASSISTANT UNITED STATES ATTORNEY]

Q: Okay, what happened when you arrived at the Warehouse Market?

A: We pulled into the Warehouse Market where at that point we debriefed Mr. Logsdon. And, I conducted a secondary search of his person while Agent McFadden searched his vehicle for a second time.

4. The above referenced testimony of **JEFF M. HENDERSON**, as he then and there well knew and believed, was false in that, on May 8, 2007, Ryan Logsdon did not make a purchase of methamphetamine or any drugs at all from Larry and Larita Barnes and **JEFF M.**

HENDERSON did not conduct surveillance as he testified.

All in violation of Title 18, United States Code, Section 1621(1).

COUNT 29

(Perjury)

1. On or about April 21, 2008, in the Northern District of Oklahoma, the defendant,

JEFF M. HENDERSON,

having duly taken an oath before Chief United States District Judge Claire V. Eagan during a jury trial in the matter of *United States v. Larry Barnes and Larita Barnes*, Case No. 07-CR-135 CVE, that he would testify truly, did willfully and contrary to said oath state material matter which he did not believe to be true, that is to say:

2. At the time and place referenced above, the United States was prosecuting Larry Barnes, Sr. and Larita Barnes in a jury trial based on an indictment charging them with drug distribution on May 8, 2007. It was material to the indictment and in the trial whether the Barnes had distributed methamphetamine on May 8, 2007, to Ryan Logsdon, who was acting as a confidential informant.

3. At the time and place referenced above **JEFF M. HENDERSON** appeared as a witness at the trial and then and there being under oath testified falsely with respect to these material matters as follows:

[BY THE ASSISTANT UNITED STATES ATTORNEY]

Q: Prior to searching Mr. Logsdon and the vehicle did he provide anything to you?

A: Yes he did.

4. The above referenced testimony of **JEFF M. HENDERSON**, as he then and there well knew and believed, was false in that, on May 8, 2007, Ryan Logsdon did not make a purchase of methamphetamine or any drugs at all from Larry and Larita Barnes and **JEFF M. HENDERSON** did not conduct surveillance as he testified.

All in violation of Title 18, United States Code, Section 1621(1).

COUNT 30
(Perjury)

1. On or about April 21, 2008, in the Northern District of Oklahoma, the defendant,

JEFF M. HENDERSON,

having duly taken an oath before Chief United States District Judge Claire V. Eagan during a jury trial in the matter of *United States v. Larry Barnes and Larita Barnes*, Case No. 07-CR-135 CVE, that he would testify truly, did willfully and contrary to said oath state material matter which he did not believe to be true, that is to say:

2. At the time and place referenced above, the United States was prosecuting Larry Barnes, Sr. and Larita Barnes in a jury trial based on an indictment charging them with drug distribution on May 8, 2007. It was material to the indictment and in the trial whether the Barnes had distributed methamphetamine on May 8, 2007, to Ryan Logsdon, who was acting as a confidential informant.

3. At the time and place referenced above **JEFF M. HENDERSON** appeared as a witness at the trial and then and there being under oath testified falsely with respect to these material matters as follows:

[BY THE ASSISTANT UNITED STATES ATTORNEY]

Q: What did he [Ryan Logsdon] provide for you?

A: He handed me a rolled up sandwich baggie that contained what appeared to be approximately three ounces of suspected crystal methamphetamine.

4. The above referenced testimony of **JEFF M. HENDERSON**, as he then and there well knew and believed, was false in that, on May 8, 2007, Ryan Logsdon did not make a purchase of methamphetamine or any drugs at all from Larry and Larita Barnes and **JEFF M. HENDERSON** did not conduct surveillance as he testified.

- All in violation of Title 18, United States Code, Section 1621(1).

COUNT 31
(Deprivation of Civil Rights)

On or about June 6, 2007, in the Northern District of Oklahoma, the defendant,

JEFF M. HENDERSON,

did willfully act under color of law, statute, ordinance, regulation, and custom to deprive Juan Mata and Nelson Arias of rights, privileges, and immunities secured and protected by the Constitution and laws of the United States, to wit, the right of Juan Mata and Nelson Arias to be free from an unreasonable search and seizure by one acting under color of law.

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

COUNT 32

(Conspiracy to Deprive Another Individual of Civil Rights)

A. It is pertinent to Count 32 that:

1. On or about June 5, 1995, **JEFF M. HENDERSON** became employed as a police officer with the Tulsa Police Department ("TPD"), a certified law enforcement agency of the State of Oklahoma.

2. In or about July 2002, Brandon Jay McFadden became employed as a special agent with the Bureau of Alcohol, Tobacco, Firearms, and Explosives ("ATF") and was assigned to the ATF Resident Agency located in Tulsa, Oklahoma. As such, Brandon Jay McFadden was a sworn federal law enforcement officer.

3. The TPD was the principal law enforcement agency for Tulsa, Oklahoma. Tulsa is located within the Northern District of Oklahoma.

4. The Tulsa, Oklahoma Resident Agency of the ATF was a federal law enforcement agency responsible for investigating potential violations of the federal firearms laws and related violent crime and drug trafficking activity occurring within the Northern District of Oklahoma.

5. As sworn law enforcement officers, **JEFF M. HENDERSON** and Brandon Jay McFadden occupied positions of public trust and authority.

6. As a regular part of their duties, **JEFF M. HENDERSON** and Brandon Jay McFadden participated in the preparation of reports documenting investigative activities and witness interviews. These reports are generally relied upon by prosecuting attorneys in order to determine if the case has prosecutive merit and if the case presents any significant evidentiary or Constitutional issues. These reports are also utilized by prosecuting attorneys in preparing for and presenting evidence to petit and grand juries and judges. As a further part of their regular

duties, **JEFF M. HENDERSON** and Brandon Jay McFadden conducted and participated in interviews and interrogations and assisted with the preparation of witnesses for their courtroom testimony. As a further part of their regular duties, **JEFF M. HENDERSON** and Brandon Jay McFadden testified in United States District Court for the Northern District of Oklahoma before petit juries and district judges.

B. *The Charge*

From in or about June 12, 2007, through in or about the return of this Indictment, in the Northern District of Oklahoma, the defendant,

JEFF M. HENDERSON,

Brandon Jay McFadden and other persons known to the Grand Jury, while acting under color of law, did willfully conspire and agree with one another to injure, oppress, threaten and intimidate Isaias Gonzalez in the free exercise and enjoyment of rights secured to him by the Constitution and laws of the United States, that is, the right to receive due process of law before being deprived of property by one acting under color of law.

C. *Objects of the Conspiracy*

1. The object of the conspiracy was to unlawfully seize money and drugs from Isaias Gonzalez.

D. *Manner and Means of the Conspiracy*

1. **JEFF M. HENDERSON**, Brandon Jay McFadden and other individuals known to the Grand Jury, utilized their positions as law enforcement officers to obstruct justice through the illegal seizure of money and drugs during the search of Isaias Gonzalez' residence.

3. **JEFF M. HENDERSON**, Brandon Jay McFadden and other individuals known to the Grand Jury, intentionally deprived Isaias Gonzalez of rights and privileges secured by the

Constitution and laws of the United States.

E. *Overt Acts in Furtherance of the Conspiracy*

In furtherance of the conspiracy and to effectuate the objects thereof, **JEFF M.**

HENDERSON, Brandon Jay McFadden and other individuals known to the Grand Jury, performed one or more of the following overt acts in the Northern District of Oklahoma:

1. In or about June 12, 2007, **JEFF M. HENDERSON**, Brandon Jay McFadden, and other individuals known to the Grand Jury, unlawfully seized drugs and money from Isaias Gonzalez for their personal benefit.

All in violation of Title 18, United States Code, Section 241.

COUNT 33
(Deprivation of Civil Rights)

On or about July 11, 2007, in the Northern District of Oklahoma, the defendant,

JEFF M. HENDERSON,

did willfully act under color of law, statute, ordinance, regulation, and custom to deprive Jason Williamson, Brandon Garland, and Donald Jordan of rights, privileges, and immunities secured and protected by the Constitution and laws of the United States, to wit, the right of Jason Williamson, Brandon Garland, and Donald Jordan to be free from an unreasonable search and seizure by one acting under color of law.

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

COUNT 34
(Deprivation of Civil Rights)

On or about July 19, 2007, in the Northern District of Oklahoma, the defendant,

JEFF M. HENDERSON,

did willfully act under color of law, statute, ordinance, regulation, and custom to deprive Elton Shaw of rights, privileges, and immunities secured and protected by the Constitution and laws of the United States, to wit, the right of Elton Shaw to be free from an unreasonable search and seizure by one acting under color of law.

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

COUNT 35
(Deprivation of Civil Rights)

On or about August 14, 2007, in the Northern District of Oklahoma, the defendant,

JEFF M. HENDERSON,

did willfully act under color of law, statute, ordinance, regulation, and custom to deprive Dustin Shelley of rights, privileges, and immunities secured and protected by the Constitution and laws of the United States, to wit, the right of Dustin Shelley to be free from an unreasonable search and seizure by one acting under color of law.

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

COUNT 36
(Deprivation of Civil Rights)

On or about August 14, 2007, in the Northern District of Oklahoma, the defendant,

JEFF M. HENDERSON,

did willfully act under color of law, statute, ordinance, regulation, and custom to deprive Corey Wayne Smith of rights, privileges, and immunities secured and protected by the Constitution and laws of the United States, to wit, the right of Corey Wayne Smith to be free from an unreasonable search and seizure by one acting under color of law.

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

COUNT 37

(Conspiracy to Deprive Another Individual of Civil Rights)

A. It is pertinent to Count 37 that:

1. On or about June 5, 1995, **JEFF M. HENDERSON** became employed as a police officer with the Tulsa Police Department ("TPD"), a certified law enforcement agency of the State of Oklahoma.

2. In or about July 2002, Brandon Jay McFadden became employed as a special agent with the Bureau of Alcohol, Tobacco, Firearms, and Explosives ("ATF") and was assigned to the ATF Resident Agency located in Tulsa, Oklahoma. As such, Brandon Jay McFadden was a sworn federal law enforcement officer.

3. The TPD was the principal law enforcement agency for Tulsa, Oklahoma. Tulsa is located within the Northern District of Oklahoma.

4. The Tulsa, Oklahoma Resident Agency of the ATF was a federal law enforcement agency responsible for investigating potential violations of the federal firearms laws and related violent crime and drug trafficking activity occurring within the Northern District of Oklahoma.

5. As sworn law enforcement officers, **JEFF M. HENDERSON** and Brandon Jay McFadden occupied positions of public trust and authority.

6. As a regular part of their duties, **JEFF M. HENDERSON** and Brandon Jay McFadden participated in the preparation of reports documenting investigative activities and witness interviews. These reports are generally relied upon by prosecuting attorneys in order to determine if the case has prosecutive merit and if the case presents any significant evidentiary or Constitutional issues. These reports are also utilized by prosecuting attorneys in preparing for and presenting evidence to petit and grand juries and judges. As a further part of their regular

duties, **JEFF M. HENDERSON** and Brandon Jay McFadden conducted and participated in interviews and interrogations and assisted with the preparation of witnesses for their courtroom testimony. As a further part of their regular duties, **JEFF M. HENDERSON** and Brandon Jay McFadden testified in United States District Court for the Northern District of Oklahoma before petit juries and district judges.

B. *The Charge*

From in or about September 2007, through in or about April 2010, in the Northern District of Oklahoma, the defendant,

JEFF M. HENDERSON,

Brandon Jay McFadden and other persons known to the Grand Jury, while acting under color of law, did willfully conspire and agree with one another to injure, oppress, threaten and intimidate Jose Angel Gonzalez in the free exercise and enjoyment of rights secured to him by the Constitution and laws of the United States, that is, the right to be free from unreasonable search and seizure by one acting under color of law.

C. *Objects of the Conspiracy*

1. The object of the conspiracy was to unlawfully obtain the arrest, conviction and imprisonment of Jose Angel Gonzalez.

D. *Manner and Means of the Conspiracy*

1. **JEFF M. HENDERSON** utilized his position as a law enforcement officer with TPD to obstruct justice through providing false information in an affidavit submitted in support of a search and seizure warrant for the residence of Jose Angel Gonzalez.

2. **JEFF M. HENDERSON**, Brandon Jay McFadden and other individuals known to the Grand Jury utilized their positions as law enforcement officers to obstruct justice through

the illegal search of Jose Angel Gonzalez' residence.

3. **JEFF M. HENDERSON**, Brandon Jay McFadden and other individuals known to the Grand Jury, intentionally deprived Jose Angel Gonzalez of rights and privileges secured by the Constitution and laws of the United States.

E. *Overt Acts in Furtherance of the Conspiracy*

In furtherance of the conspiracy and to effectuate the objects thereof, **JEFF M. HENDERSON**, Brandon Jay McFadden, and other individuals known to the Grand Jury performed one or more of the following overt acts in the Northern District of Oklahoma:

1. In or about September 2007, **JEFF M. HENDERSON**, Brandon J. McFadden and other TPD officers known to the Grand Jury, illegally entered the residence of Jose Angel Gonzalez without a search warrant. While in the residence, one of the conspirators moved a gun from the closet of the residence to a vent in the residence.
2. In or about September 25, 2007, **JEFF M. HENDERSON** prepared and received a Tulsa County search warrant in which he falsely represented that an Reliable Confidential Informant (RCI) had observed Jose Angel Gonzalez selling drugs from his residence.
3. In or about September 26, 2007, **JEFF M. HENDERSON** and other individuals known to the Grand Jury executed the search warrant referenced in Overt Act 2 in this Count.
4. On or about September 27, 2007, **JEFF M. HENDERSON** caused another individual to falsely document the identity of the RCI in internal TPD intelligence reports.

All in violation of Title 18, United States Code, Section 241.

COUNT 38
(Deprivation of Civil Rights)

On or about October 31, 2007, in the Northern District of Oklahoma, the defendant,

JEFF M. HENDERSON,

did willfully act under color of law, statute, ordinance, regulation, and custom to deprive Alphonse McKinney of rights, privileges, and immunities secured and protected by the Constitution and laws of the United States, to wit, the right of Alphonse McKinney to be free from an unreasonable search and seizure by one acting under color of law.

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

COUNT 39
(Deprivation of Civil Rights)

On or about February 12, 2008, in the Northern District of Oklahoma, the defendant,

JEFF M. HENDERSON,

did willfully act under color of law, statute, ordinance, regulation, and custom to deprive Carah Bartel and William Kinnard of rights, privileges, and immunities secured and protected by the Constitution and laws of the United States, to wit, the right of Carah Bartel and William Kinnard to be free from an unreasonable search and seizure by one acting under color of law.

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

COUNT 40
(Deprivation of Civil Rights)

On or about March 7, 2008, in the Northern District of Oklahoma, the defendant,

JEFF M. HENDERSON,

did willfully act under color of law, statute, ordinance, regulation, and custom to deprive Jamon Pointer and Lyndell Pointer of rights, privileges, and immunities secured and protected by the Constitution and laws of the United States, to wit, the right of Jamon Pointer and Lyndell Pointer to be free from an unreasonable search and seizure by one acting under color of law.

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

COUNT 41
(Deprivation of Civil Rights)

On or about March 13, 2008, in the Northern District of Oklahoma, the defendant,

WILLIAM A. YELTON,

did willfully act under color of law, statute, ordinance, regulation, and custom to deprive Otis Colbert of rights, privileges, and immunities secured and protected by the Constitution and laws of the United States, to wit, the right of Otis Colbert to be free from an unreasonable search and seizure by one acting under color of law.

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

COUNT 42
(Deprivation of Civil Rights)

On or about August 29, 2008, in the Northern District of Oklahoma, the defendant,

WILLIAM A. YELTON,

did willfully act under color of law, statute, ordinance, regulation, and custom to deprive Demetrius "Cleo" Hill of rights, privileges, and immunities secured and protected by the Constitution and laws of the United States, to wit, the right of Demetrius "Cleo" Hill to be free from an unreasonable search and seizure by one acting under color of law.

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

COUNT 43
(Deprivation of Civil Rights)

On or about November 12, 2008, in the Northern District of Oklahoma, the defendant,

JEFF M. HENDERSON,

did willfully act under color of law, statute, ordinance, regulation, and custom to deprive Cornelius Jones of rights, privileges, and immunities secured and protected by the Constitution and laws of the United States, to wit, the right of Cornelius Jones to be free from an unreasonable search and seizure by one acting under color of law.

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

COUNT 44
(Deprivation of Civil Rights)

On or about December 16, 2008, in the Northern District of Oklahoma, the defendant,

WILLIAM A. YELTON,

did willfully act under color of law, statute, ordinance, regulation, and custom to deprive Nathan Sanders of rights, privileges, and immunities secured and protected by the Constitution and laws of the United States, to wit, the right of Nathan Sanders to be free from an unreasonable search and seizure by one acting under color of law.

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

COUNT 45
(Deprivation of Civil Rights)

On or about January 12, 2009, in the Northern District of Oklahoma, the defendant,

JEFF M. HENDERSON,

did willfully act under color of law, statute, ordinance, regulation, and custom to deprive Ronald Crawford of rights, privileges, and immunities secured and protected by the Constitution and laws of the United States, to wit, the right of Ronald Crawford to be free from an unreasonable search and seizure by one acting under color of law.

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

COUNT 46

(Perjury)

1. On or about May 8, 2009, and continuing until on or about May 12, 2009, in the Northern District of Oklahoma, the defendant,

JEFF M. HENDERSON,

having duly taken an oath before Chief United States District Judge Claire V. Eagan during a suppression hearing in the matter of *United States v. Ronald Crawford*, Case No. 09-CR-026-CVE, that he would testify truly, did willfully and contrary to said oath state material matter which he did not believe to be true, that is to say:

2. At the time and place referenced above, the United States was prosecuting Ronald Crawford based on an indictment charging him with being a felon in possession of a firearm and ammunition on January 12, 2009. It was material to the indictment and in a suppression hearing whether **JEFF M. HENDERSON** saw Ronald Crawford at Ronald Crawford's residence in Tulsa, Oklahoma on January 5 and 6, 2009.

3. At the time and place referenced above, **JEFF M. HENDERSON** appeared as a witness in a suppression hearing and then and there being under oath testified falsely with respect to these material matters as follows:

[BY DEFENSE COUNSEL]

Q: And during that same time period on January 5th only, did you actually see Mr. Crawford?

A: Trying not to identify the reliable confidential informant. Yes, January 5th.

4. The above referenced testimony of **JEFF M. HENDERSON**, as he then and there well knew and believed, was false in that **JEFF M. HENDERSON** did not see Ronald Crawford on January 5 and January 6, 2009, in Tulsa, Oklahoma.

All in violation of Title 18, United States Code, Section 1621(1).

COUNT 47

(Perjury)

1. On or about May 8, 2009, and continuing until on or about May 12, 2009, in the Northern District of Oklahoma, the defendant,

JEFF M. HENDERSON,

having duly taken an oath before Chief United States District Judge Claire V. Eagan during a suppression hearing in the matter of *United States v. Ronald Crawford*, Case No. 09-CR-026-CVE, that he would testify truly, did willfully and contrary to said oath state material matter which he did not believe to be true, that is to say:

2. At the time and place referenced above, the United States was prosecuting Ronald Crawford based on an indictment charging him with being a felon in possession of a firearm and ammunition on January 12, 2009. It was material to the indictment and in a suppression hearing whether **JEFF M. HENDERSON** saw Ronald Crawford at Ronald Crawford's residence in Tulsa, Oklahoma on January 5 and 6, 2009.

3. At the time and place referenced above, **JEFF M. HENDERSON** appeared as a witness in a suppression hearing and then and there being under oath testified falsely with respect to these material matters as follows:

[BY DEFENSE COUNSEL]

Q: Okay. And on January 5th did you see Mr. Crawford at that home that's listed in the search warrant and affidavit for search warrant or somewhere else?

A: At the home on the search warrant, 3631 South Phoenix.

4. The above referenced testimony of **JEFF M. HENDERSON**, as he then and there well knew and believed, was false in that **JEFF M. HENDERSON** did not see Ronald Crawford on January 5 and January 6, 2009, in Tulsa, Oklahoma.

All in violation of Title 18, United States Code, Section 1621(1).

COUNT 48

(Perjury)

1. On or about May 8, 2009, and continuing until on or about May 12, 2009, in the Northern District of Oklahoma, the defendant,

JEFF M. HENDERSON,

having duly taken an oath before Chief United States District Judge Claire V. Eagan during a suppression hearing in the matter of *United States v. Ronald Crawford*, Case No. 09-CR-026-CVE, that he would testify truly, did willfully and contrary to said oath state material matter which he did not believe to be true, that is to say:

2. At the time and place referenced above, the United States was prosecuting Ronald Crawford based on an indictment charging him with being a felon in possession of a firearm and ammunition on January 12, 2009. It was material to the indictment and in a suppression hearing whether **JEFF M. HENDERSON** saw Ronald Crawford at Ronald Crawford's residence in Tulsa, Oklahoma on January 5 and 6, 2009.

3. At the time and place referenced above, **JEFF M. HENDERSON** appeared as a witness in a suppression hearing and then and there being under oath testified falsely with respect to these material matters as follows:

[BY DEFENSE COUNSEL]

Q: Okay. And certainly no questions I'm asking are designed to elicit who the RCI is. Did you, did you personally and not any other officers with you see Mr. Crawford?

A: I personally did.

4. The above referenced testimony of **JEFF M. HENDERSON**, as he then and there well knew and believed, was false in that **JEFF M. HENDERSON** did not see Ronald Crawford

on January 5 and January 6, 2009, in Tulsa, Oklahoma.

All in violation of Title 18, United States Code, Section 1621(1).

COUNT 49
(Perjury)

1. On or about May 8, 2009, and continuing until on or about May 12, 2009, in the Northern District of Oklahoma, the defendant,

JEFF M. HENDERSON,

having duly taken an oath before Chief United States District Judge Claire V. Eagan during a suppression hearing in the matter of *United States v. Ronald Crawford*, Case No. 09-CR-026-CVE, that he would testify truly, did willfully and contrary to said oath state material matter which he did not believe to be true, that is to say:

2. At the time and place referenced above, the United States was prosecuting Ronald Crawford based on an indictment charging him with being a felon in possession of a firearm and ammunition on January 12, 2009. It was material to the indictment and in a suppression hearing whether **JEFF M. HENDERSON** saw Ronald Crawford at Ronald Crawford's residence in Tulsa, Oklahoma on January 5 and 6, 2009.

3. At the time and place referenced above, **JEFF M. HENDERSON** appeared as a witness in a suppression hearing and then and there being under oath testified falsely with respect to these material matters as follows:

[BY DEFENSE COUNSEL]

Q: Okay and on that day, where was he when you saw him?

A: At the residence in the driveway going into the home on January 5th.

4. The above referenced testimony of **JEFF M. HENDERSON**, as he then and there well knew and believed, was false in that **JEFF M. HENDERSON** did not see Ronald Crawford on January 5 and January 6, 2009, in Tulsa, Oklahoma.

All in violation of Title 18, United States Code, Section 1621(1).

COUNT 50

(Perjury)

1. On or about May 8, 2009, and continuing until on or about May 12, 2009, in the Northern District of Oklahoma, the defendant,

JEFF M. HENDERSON,

having duly taken an oath before Chief United States District Judge Claire V. Eagan during a suppression hearing in the matter of *United States v. Ronald Crawford*, Case No. 09-CR-026-CVE, that he would testify truly, did willfully and contrary to said oath state material matter which he did not believe to be true, that is to say:

2. At the time and place referenced above, the United States was prosecuting Ronald Crawford based on an indictment charging him with being a felon in possession of a firearm and ammunition on January 12, 2009. It was material to the indictment and in a suppression hearing whether **JEFF M. HENDERSON** saw Ronald Crawford at Ronald Crawford's residence in Tulsa, Oklahoma on January 5 and 6, 2009.

3. At the time and place referenced above, **JEFF M. HENDERSON** appeared as a witness in a suppression hearing and then and there being under oath testified falsely with respect to these material matters as follows:

[BY DEFENSE COUNSEL]

Q: Okay. And between 9:30 and 10:30 did you see Mr. Crawford?

A: Yes.

4. The above referenced testimony of **JEFF M. HENDERSON**, as he then and there well knew and believed, was false in that **JEFF M. HENDERSON** did not see Ronald Crawford on January 5 and January 6, 2009, in Tulsa, Oklahoma.

All in violation of Title 18, United States Code, Section 1621(1).

COUNT 51

(Perjury)

1. On or about May 8, 2009, and continuing until on or about May 12, 2009, in the Northern District of Oklahoma, the defendant,

JEFF M. HENDERSON,

having duly taken an oath before Chief United States District Judge Claire V. Eagan during a suppression hearing in the matter of *United States v. Ronald Crawford*, Case No. 09-CR-026-CVE, that he would testify truly, did willfully and contrary to said oath state material matter which he did not believe to be true, that is to say:

2. At the time and place referenced above, the United States was prosecuting Ronald Crawford based on an indictment charging him with being a felon in possession of a firearm and ammunition on January 12, 2009. It was material to the indictment and in a suppression hearing whether **JEFF M. HENDERSON** saw Ronald Crawford at Ronald Crawford's residence in Tulsa, Oklahoma on January 5 and 6, 2009.

3. At the time and place referenced above, **JEFF M. HENDERSON** appeared as a witness in a suppression hearing and then and there being under oath testified falsely with respect to these material matters as follows:

[BY DEFENSE COUNSEL]

Q: Where was he then?

A: Coming and going from the residence, from the yard to the Suburban and back to the home.

4. The above referenced testimony of **JEFF M. HENDERSON**, as he then and there well knew and believed, was false in that **JEFF M. HENDERSON** did not see Ronald Crawford on January 5 and January 6, 2009, in Tulsa, Oklahoma.

All in violation of Title 18, United States Code, Section 1621(1).

COUNT 52

(Perjury)

1. On or about May 8, 2009, and continuing until on or about May 12, 2009, in the Northern District of Oklahoma, the defendant,

JEFF M. HENDERSON,

having duly taken an oath before Chief United States District Judge Claire V. Eagan during a suppression hearing in the matter of *United States v. Ronald Crawford*, Case No. 09-CR-026-CVE, that he would testify truly, did willfully and contrary to said oath state material matter which he did not believe to be true, that is to say:

2. At the time and place referenced above, the United States was prosecuting Ronald Crawford based on an indictment charging him with being a felon in possession of a firearm and ammunition on January 12, 2009. It was material to the indictment and in a suppression hearing whether **JEFF M. HENDERSON** saw Ronald Crawford at Ronald Crawford's residence in Tulsa, Oklahoma on January 5 and 6, 2009.

3. At the time and place referenced above, **JEFF M. HENDERSON** appeared as a witness in a suppression hearing and then and there being under oath testified falsely with respect to these material matters as follows:

[BY DEFENSE COUNSEL]

Q: Okay. And you're sure that it was this man, Ronald Crawford, and nobody else who might have looked like him?

A: I'm positive.

4. The above referenced testimony of **JEFF M. HENDERSON**, as he then and there well knew and believed, was false in that **JEFF M. HENDERSON** did not see Ronald Crawford on January 5 and January 6, 2009, in Tulsa, Oklahoma.

All in violation of Title 18, United States Code, Section 1621(1).

COUNT 53

(Perjury)

1. On or about May 8, 2009, and continuing until on or about May 12, 2009, in the Northern District of Oklahoma, the defendant,

JEFF M. HENDERSON,

having duly taken an oath before Chief United States District Judge Claire V. Eagan during a suppression hearing in the matter of *United States v. Ronald Crawford*, Case No. 09-CR-026-CVE, that he would testify truly, did willfully and contrary to said oath state material matter which he did not believe to be true, that is to say:

2. At the time and place referenced above, the United States was prosecuting Ronald Crawford based on an indictment charging him with being a felon in possession of a firearm and ammunition on January 12, 2009. It was material to the indictment and in a suppression hearing whether **JEFF M. HENDERSON** saw Ronald Crawford at Ronald Crawford's residence in Tulsa, Oklahoma on January 5 and 6, 2009.

3. At the time and place referenced above, **JEFF M. HENDERSON** appeared as a witness in a suppression hearing and then and there being under oath testified falsely with respect to these material matters as follows:

[BY THE COURT]

Q: Okay. And during that time period of two and a half hours, do you recall when during that period you believe you saw Mr. Crawford?

A: The Suburban that Mr. Crawford I believe was driving was there when we arrived around one o'clock. I'll estimate an approximate time, maybe 45 minutes to an hour into the surveillance I observed Mr. Crawford.

4. The above referenced testimony of **JEFF M. HENDERSON**, as he then and there well knew and believed, was false in that **JEFF M. HENDERSON** did not see Ronald Crawford

on January 5 and January 6, 2009, in Tulsa, Oklahoma.

All in violation of Title 18, United States Code, Section 1621(1).

COUNT 54

(Perjury)

1. On or about May 8, 2009, and continuing until on or about May 12, 2009, in the Northern District of Oklahoma, the defendant,

JEFF M. HENDERSON,

having duly taken an oath before Chief United States District Judge Claire V. Eagan during a suppression hearing in the matter of *United States v. Ronald Crawford*, Case No. 09-CR-026-CVE, that he would testify truly, did willfully and contrary to said oath state material matter which he did not believe to be true, that is to say:

2. At the time and place referenced above, the United States was prosecuting Ronald Crawford based on an indictment charging him with being a felon in possession of a firearm and ammunition on January 12, 2009. It was material to the indictment and in a suppression hearing whether **JEFF M. HENDERSON** saw Ronald Crawford at Ronald Crawford's residence in Tulsa, Oklahoma on January 5 and 6, 2009.

3. At the time and place referenced above, **JEFF M. HENDERSON** appeared as a witness in a suppression hearing and then and there being under oath testified falsely with respect to these material matters as follows:

[BY THE COURT]

Q: And you're absolutely certain, from prior experience with Mr. Crawford, that he was there at that house because he came out and you saw him between one and 3:30 that day?

A: Correct. Yes.

4. The above referenced testimony of **JEFF M. HENDERSON**, as he then and there well knew and believed, was false in that **JEFF M. HENDERSON** did not see Ronald Crawford

on January 5 and January 6, 2009, in Tulsa, Oklahoma.

All in violation of Title 18, United States Code, Section 1621(1).

COUNT 55

(Perjury)

1. On or about May 8, 2009, and continuing until on or about May 12, 2009, in the Northern District of Oklahoma, the defendant,

JEFF M. HENDERSON,

having duly taken an oath before Chief United States District Judge Claire V. Eagan during a suppression hearing in the matter of *United States v. Ronald Crawford*, Case No. 09-CR-026-CVE, that he would testify truly, did willfully and contrary to said oath state material matter which he did not believe to be true, that is to say:

2. At the time and place referenced above, the United States was prosecuting Ronald Crawford based on an indictment charging him with being a felon in possession of a firearm and ammunition on January 12, 2009. It was material to the indictment and in a suppression hearing whether **JEFF M. HENDERSON** saw Ronald Crawford at Ronald Crawford's residence in Tulsa, Oklahoma on January 5 and 6, 2009.

3. At the time and place referenced above, **JEFF M. HENDERSON** appeared as a witness in a suppression hearing and then and there being under oath testified falsely with respect to these material matters as follows:

[BY THE COURT]

Q: And everything that is in your affidavit that you prepared that evening is true and correct?

A: Yes, ma'am.

4. The above referenced testimony of **JEFF M. HENDERSON**, as he then and there well knew and believed, was false in that **JEFF M. HENDERSON** did not see Ronald Crawford on January 5 and January 6, 2009, in Tulsa, Oklahoma.

All in violation of Title 18, United States Code, Section 1621(1).

COUNT 56
(Deprivation of Civil Rights)

On or about April 30, 2009, in the Northern District of Oklahoma, the defendant,

JEFF M. HENDERSON,

did willfully act under color of law, statute, ordinance, regulation, and custom to deprive Ebony Woods of rights, privileges, and immunities secured and protected by the Constitution and laws of the United States, to wit, the right of Ebony Woods to be free from an unreasonable search and seizure by one acting under color of law.

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

COUNT 57

(Deprivation of Civil Rights)

On or about June 2, 2009, in the Northern District of Oklahoma, the defendant,

JEFF M. HENDERSON,

did willfully act under color of law, statute, ordinance, regulation, and custom to deprive Melanie Richardson and Seanta Sinclair of rights, privileges, and immunities secured and protected by the Constitution and laws of the United States, to wit, the right of Melanie Richardson and Seanta Sinclair to be free from an unreasonable search and seizure by one acting under color of law.

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

COUNT 58
(Deprivation of Civil Rights)

On or about August 4, 2009, in the Northern District of Oklahoma, the defendant,

JEFF M. HENDERSON,

did willfully act under color of law, statute, ordinance, regulation, and custom to deprive Brandon Scott and Eliana Montoya-Rocha of rights, privileges, and immunities secured and protected by the Constitution and laws of the United States, to wit, the right of Brandon Scott and Eliana Montoya-Rocha to be free from an unreasonable search and seizure by one acting under color of law.

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

COUNT 59
(Conspiracy to Commit Witness Tampering)

A. It is pertinent to Count 59 that:

1. On or about June 5, 1995, **JEFF M. HENDERSON** became employed as a police officer with the Tulsa Police Department ("TPD").

2. On or about April 16, 1985, **WILLIAM A. YELTON** became employed as a police officer with the TPD.

3. **JEFF M. HENDERSON** and **WILLIAM A. YELTON** often assisted one another in TPD investigations and were also close friends.

4. From July 2002, through approximately September 2009, Brandon Jay McFadden was employed as a Special Agent with the Bureau of Alcohol, Tobacco, Firearms and Explosives ("ATF"). During the majority of this time period, Brandon Jay McFadden was assigned to the ATF Resident Agency located in Tulsa, Oklahoma with his principal geographic area of operations focusing on the Northern District of Oklahoma.

5. Beginning on or about January 1, 2007, through in or about October 2008, Brandon Jay McFadden and **JEFF M. HENDERSON** often assisted one another in criminal investigations and were also close friends. During this same time period, Brandon Jay McFadden and **JEFF M. HENDERSON** participated in illegal activities, including, but not limited to, drug trafficking and civil rights deprivations.

B. *The Charge*

In or about Summer 2008, in the Northern District of Oklahoma, the defendants,

**JEFF M. HENDERSON and
WILLIAM A. YELTON,**

knowingly conspired and agreed with one another to use the threat of physical force against

Brandon Jay McFadden with the intent to hinder, delay, or prevent Brandon Jay McFadden from communicating to a law enforcement officer information relating to the commission of federal offenses by **JEFF M. HENDERSON**, in violation of Title 18, United States Code, Section 1512(a)(2)(C).

C. *Overt Acts in Furtherance of the Conspiracy*

In furtherance of the conspiracy and to effectuate the objects thereof, **JEFF M. HENDERSON** and **WILLIAM A. YELTON** performed one or more of the following overt acts in the Northern District of Oklahoma:

1. In or about Summer 2008, **JEFF M. HENDERSON** and **WILLIAM A. YELTON** had a personal meeting with Brandon Jay McFadden at a water treatment facility in the Northern District of Oklahoma.
2. In or about Summer 2008, during the meeting described in Overt Act 1 of this Count, **WILLIAM A. YELTON** and **JEFF M. HENDERSON** discussed with Brandon Jay McFadden the fact that Brandon Jay McFadden's (and by implication, **JEFF M. HENDERSON**'s) previous illegal activities might become known to law enforcement authorities.
3. In or about Summer 2008, during the meeting described in Overt Acts 1 and 2 of this Count, **WILLIAM A. YELTON** drew his firearm and racked the slide on the gun while instructing Brandon Jay McFadden to move to Lubbock, Texas. **WILLIAM A. YELTON** further said words to the effect that Brandon Jay McFadden should just hang out and keep his mouth shut.

All in violation of Title 18, United States Code, Section 1512(k).

COUNT 60
(Conspiracy to Commit Witness Tampering)

A. It is pertinent to Count 60 that:

1. On or about June 5, 1995, **JEFF M. HENDERSON** became employed as a police officer with the Tulsa Police Department ("TPD").

2. On or about April 16, 1985, **WILLIAM A. YELTON** became employed as a police officer with the TPD.

3. **JEFF M. HENDERSON** and **WILLIAM A. YELTON** often assisted one another in TPD investigations and were also close friends.

4. In Fall of 2009, **JEFF M. HENDERSON** and **WILLIAM A. YELTON** learned that a Grand Jury for the Northern District of Oklahoma was conducting an investigation into law enforcement corruption and that **JEFF M. HENDERSON** was a target of that investigation.

5. In January 2010, **JEFF M. HENDERSON** and **WILLIAM A. YELTON** learned that a grand jury subpoena had been issued requiring the appearance and testimony of Rochelle Martin before the Grand Jury on February 2, 2010.

B. *The Charge*

From in or about late January 2010, through the return of the Indictment, in the Northern District of Oklahoma, the defendants,

**JEFF M. HENDERSON and
WILLIAM A. YELTON,**

knowingly conspired and agreed with one another and with other persons known and unknown to the Grand Jury to corruptly persuade Rochelle Martin to withhold truthful testimony from a Grand Jury duly empaneled in the Northern District of Oklahoma with the intent to prevent the truthful testimony of Rochelle Martin in that official proceeding, in violation of Title 18, United

States Code, Section 1512(b)(1).

C. *Overt Acts in Furtherance of the Conspiracy*

In furtherance of the conspiracy and to effectuate the objects thereof, **JEFF M.**

HENDERSON and **WILLIAM A. YELTON** performed one or more of the following overt acts in the Northern District of Oklahoma:

1. In late January 2010, after Rochelle Martin had been served with a federal grand jury subpoena requiring her appearance and testimony February 2, 2010, **WILLIAM L. YELTON** drove **JEFF M. HENDERSON** to Rochelle Martin's residence.
2. In late January 2010, after being driven to Martin's residence by **WILLIAM L. YELTON**, **JEFF M. HENDERSON** met with Martin.
3. At the time **JEFF M. HENDERSON** met with Martin in late January 2010, he told her that if she testified at the grand jury, she could send him to prison.
4. At the time **JEFF M. HENDERSON** met with Martin in late January 2010, he provided her with a tape recorder and instructed her to record phone calls with Demario Oates, who was Martin's boyfriend and a grand jury witness.
5. In early May 2010, **JEFF M. HENDERSON** drove to Rochelle Martin's residence and parked on her street for an extended time period.
6. On or about April 8, 2010, **JEFF M. HENDERSON**, after being instructed by TPD management to have no contact with Martin, caused a TPD officer known to the Grand Jury to contact Rochelle Martin about her safety.
7. In early May 2010, **JEFF M. HENDERSON**, after being instructed by TPD management to have no contact with Martin, caused a person to meet with Rochelle Martin and interview her.

All in violation of Title 18, United States Code, Section 1512(k).

COUNT 61

(Attempted Bribery of a Witness; Aiding and Abetting)

A. It is pertinent to Count 61 that:

1. On or about June 5, 1995, **JEFF M. HENDERSON** became employed as a police officer with the Tulsa Police Department ("TPD").

2. From July 2002, through approximately September 2009, Brandon Jay McFadden was employed as a Special Agent with the Bureau of Alcohol, Tobacco, Firearms and Explosives ("ATF"). During the majority of this time period, Brandon Jay McFadden was assigned to the ATF Resident Agency located in Tulsa, Oklahoma with his principal geographic area of operations focusing on the Northern District of Oklahoma.

3. Beginning on or about January 1, 2007, through in or about October 2008, Brandon Jay McFadden and **JEFF M. HENDERSON** often assisted one another in criminal investigations and were also close friends. During this same time period, Brandon Jay McFadden and **JEFF M. HENDERSON** participated in illegal activities, including, but not limited to, drug trafficking and civil rights deprivations.

4. In April of 2010, **JEFF M. HENDERSON** learned that a Grand Jury for the Northern District of Oklahoma had returned an indictment against Brandon Jay McFadden in which Brandon Jay McFadden was charged with various drug trafficking and related offenses.

5. By April 2010, **JEFF M. HENDERSON** was aware that he was also a target of the same grand jury investigation in which Brandon Jay McFadden had been indicted.

B. *The Charge*

In or about April 2010, in the Northern District of Oklahoma, the defendant,

JEFF M. HENDERSON,

aided and abetted by other individuals known to the Grand Jury, willfully endeavored by means of bribery, to wit, attempting to arrange free legal representation on behalf of Brandon Jay McFadden, with the intent to hinder, delay, or prevent Brandon Jay McFadden from communicating to a law enforcement officer information relating to the commission of federal offenses by **JEFF M. HENDERSON**.

All in violation of Title 18, United States Code, Section 1510(a) and Section 2.

A TRUE BILL.

/s/
Grand Jury Foreperson

JANE W. DUKE
SPECIAL UNITED STATES ATTORNEY

Jane W. Duke

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