

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
ALBANY DIVISION

UNITED STATES OF AMERICA	:	
	:	CRIMINAL NO. <i>1:14-cr-29-WLS</i>
v.	:	
	:	VIOLATIONS:
	:	
WILEY GRIFFIN, IV	:	18 U.S.C. § 242 — Deprivation of Rights
ELIZABETH CROLEY	:	Under Color of Law
ROBERT WADE UMBACH	:	
CHRISTOPHER KINES	:	18 U.S.C. § 1519 — False Report
	:	
	:	18 U.S.C. § 1512(b)(3) — Tampering with a
	:	Witness, Victim or Informant
	:	

THE GRAND JURY CHARGES:

INTRODUCTION

At all times material to this Indictment:

1. Defendant WILEY GRIFFIN, IV, (“GRIFFIN IV”) was employed as a Grady County Sheriff’s Deputy.
2. Defendant ELIZABETH CROLEY was employed as a Captain in the Decatur County Sheriff’s Office (“DCSO”).
3. Defendant ROBERT WADE UMBACH was employed as a DCSO Deputy.
4. Defendant CHRISTOPHER KINES was employed as a DCSO Deputy.
5. On or about September 15 to 16, 2012, A.P. was a civilian who attended the BikeFest motorcycle event in Bainbridge, Georgia, which is within Decatur County, Georgia.

COUNT ONE

[18 U.S.C. § 242 – Deprivation of Rights Under Color of Law]

On or about September 15 to 16, 2012, in the Middle District of Georgia, the defendant,

WILEY GRIFFIN, IV,

while acting under color of law, willfully deprived A.P. of the right, secured and protected by the Constitution and laws of the United States, to be free from unreasonable seizures, which includes the right to be free from the unreasonable use of physical force by law enforcement officers. Specifically, the defendant repeatedly hit A.P. in the face, causing A.P. to suffer bodily injury, including cuts, bleeding, swelling, bruising, and pain.

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

COUNT TWO

[18 U.S.C. § 242 – Deprivation of Rights Under Color of Law]

On or about September 17, 2012 to February 14, 2013, in the Middle District of Georgia, the defendant,

ELIZABETH CROLEY,

while acting under color of law, willfully deprived A.P. of the right, secured and protected by the Constitution and laws of the United States, not to be deprived of liberty without due process of law, which includes the right to a fair trial. Specifically, CROLEY intentionally withheld material, exculpatory evidence from the District Attorney's Office for the South Georgia Judicial Circuit (and, in turn from A.P.'s defense counsel), thereby depriving A.P. of the exculpatory evidence when he was prosecuted and convicted by the District Attorney's Office.

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

COUNT THREE

[18 U.S.C. § 1519 – False Report]

On or about September 18, 2012, in the Middle District of Georgia, the defendant,

ELIZABETH CROLEY,

acting in relation to and in contemplation of a matter within the jurisdiction of the FBI, an agency of the United States, knowingly made a false entry in a record and document with the intent to impede, obstruct, and influence the investigation and proper administration of the matter within federal jurisdiction. Specifically, the defendant wrote a Decatur County SO Incident Report, Case No. 12090011676, dated September 18, 2012, that asserted, in sum and substance, that A.P. was injured during a physical altercation with DCSO deputies that A.P. instigated by striking defendant CROLEY. The report was false in that it (1) stated that a civilian witness, whose identity is known to the grand jury, witnessed A.P. strike CROLEY; and (2) omitted any mention of defendant GRIFFIN, IV. In truth and in fact, as the defendant then well knew, (1) the civilian witness had provided CROLEY with a written statement identifying a different individual, rather than A.P., as the person who had struck CROLEY, and (2) GRIFFIN, IV, had repeatedly hit A.P. in the face, causing A.P. to suffer cuts, bleeding, swelling, bruising, and pain.

All in violation of Title 18, United States Code, Section 1519.

COUNT FOUR

[18 U.S.C. § 1519 – False Report]

On or about September 18, 2012, in the Middle District of Georgia, the defendant,

ROBERT WADE UMBACH,

acting in relation to and in contemplation of a matter within the jurisdiction of the FBI, an agency of the United States, knowingly made a false entry in a record and document with the

intent to impede, obstruct, and influence the investigation and proper administration of the matter within federal jurisdiction. Specifically, the defendant wrote a witness statement for the DCSO case file that asserted, in sum and substance, that A.P. was injured during a physical altercation with DCSO deputies that A.P. instigated by striking defendant CROLEY. The report was false in that it did not mention defendant GRIFFIN, IV, as having used force against A.P. In truth and in fact, as the defendant then well knew, GRIFFIN, IV, repeatedly hit A.P. in the face, causing A.P. to suffer cuts, bleeding, swelling, bruising, and pain.

All in violation of Title 18, United States Code, Section 1519.

COUNT FIVE

[18 U.S.C. § 1519 – False Report]

On or about September 18, 2012, in the Middle District of Georgia, the defendant,

CHRISTOPHER KINES,

acting in relation to and in contemplation of a matter within the jurisdiction of the FBI, an agency of the United States, knowingly made a false entry in a record and document with the intent to impede, obstruct, and influence the investigation and proper administration of the matter within federal jurisdiction. Specifically, the defendant wrote a witness statement for the DCSO case file against A.P. that asserted, in sum and substance, that A.P. was injured during a physical altercation with DCSO deputies that A.P. instigated by striking defendant CROLEY. The report was false in that it did not mention defendant GRIFFIN, IV, as having used force against A.P. In truth and in fact, as the defendant then well knew, GRIFFIN, IV, repeatedly hit A.P. in the face, causing A.P. to suffer cuts, bleeding, swelling, bruising, and pain.

All in violation of Title 18, United States Code, Section 1519.

COUNT SIX

[18 U.S.C. § 1512(b)(3) – Tampering with a Witness, Victim or an Informant]

On or about November 14, 2013, in the Northern District of Georgia, the defendant,

ROBERT WADE UMBACH,

did knowingly engage in misleading conduct toward another person, and attempt to do so, with intent to hinder, delay, and prevent the communication to a federal law enforcement officer and judge of information relating to the commission and possible commission of a federal offense in the Middle District of Georgia, specifically, the offense of Deprivation of Rights Under Color Law, as alleged in Count One. Specifically, the defendant made the following false and misleading statements to Special Agents of the FBI: (1) that on or about September 15-16, 2012, GRIFFIN, IV did not use force against A.P.; and (2) that the only person who hit A.P. was defendant KINES. In truth and in fact, as the defendant then well knew, GRIFFIN, IV, repeatedly hit A.P. in the face, causing him to suffer cuts, bleeding, swelling, bruising, and pain.

All in violation of Title 18, United States Code, Section 1512(b)(3).

COUNT SEVEN

[18 U.S.C. § 1512(b)(3) – Tampering with a Witness, Victim or an Informant]

On or about November 5, 2013, in the Middle District of Georgia, the defendant,

CHRISTOPHER KINES,

did knowingly engage in misleading conduct toward another person, and attempt to do so, with intent to hinder, delay, and prevent the communication to a federal law enforcement officer and judge of information relating to the commission and possible commission of the federal offense of Deprivation of Rights Under Color Law, as alleged in Count One. Specifically, the defendant made the following false statements to Special Agents of the FBI: (1) that on or about September

15 to 16, 2012, defendant GRIFFIN, IV, did not use force against A.P.; (2) and that he (KINES) was the only person who struck A.P. In truth and in fact, as the defendant then well knew, GRIFFIN, IV, repeatedly hit A.P. in the face, causing him to suffer cuts, bleeding, swelling, bruising, and pain.

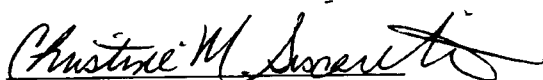
All in violation of Title 18, United States Code, Section 1512(b)(3).

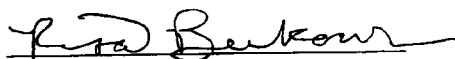
A TRUE BILL.

/s/ FOREPERSON OF THE GRAND JURY

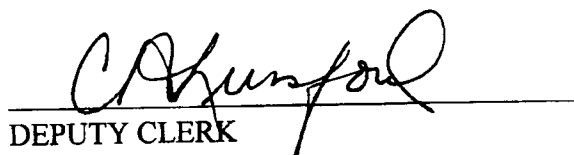
Presented by:

MICHAEL J. MOORE
UNITED STATES ATTORNEY


CHRISTINE M. SISCARETTI
TRIAL ATTORNEY
U.S. Department of Justice
Civil Rights Division


RISA BERKOWER
TRIAL ATTORNEY
U.S. Department of Justice
Civil Rights Division

Filed in open court this 9th day of July, 2014.


DEPUTY CLERK