

UNITED STATES DISTRICT COURT Eastern District of Kentucky
EASTERN DISTRICT OF KENTUCKY FILED
SOUTHERN DIVISION
LONDON NOV 17 2016

UNITED STATES OF AMERICA

AT LONDON
ROBERT R. GARR
CLERK U.S. DISTRICT COURT

V.

INDICTMENT NO. 6:16-cr-50ART

KEVIN EUGENE ASHER

* * * * *

THE GRAND JURY CHARGES:

INTRODUCTION

At all times relevant to this Indictment:

1. The Kentucky River Regional Jail (hereinafter KRRJ), Hazard, Kentucky, was a jail in Perry County, Kentucky, responsible for the custody, control, care and safety of inmates, including “pre-trial detainees,” who have been detained following arrest, but have not yet been convicted of committing an offense.
2. The KRRJ was staffed twenty-four hours a day by deputy jailers, each assigned to one of three eight-hour shifts.
3. The Defendant, **KEVIN EUGENE ASHER**, was employed by the KRRJ as a Supervisory Deputy Jailer and was responsible for the custody, care and safety of inmates, including pre-trial detainees at the KRRJ.
4. G.H. was a pre-trial detainee at the KRRJ.

COUNT 1
18 U.S.C. § 242
18 U.S.C. § 2

5. The allegations contained in the Introduction above are restated and incorporated herein by reference.

6. On or about November 16, 2012, in Perry County, in the Eastern District of Kentucky,

KEVIN EUGENE ASHER,

while acting under color of law and while aiding and abetting another, assaulted G.H., a pre-trial detainee at the KRRJ, resulting in bodily injury to G.H., and did thereby willfully deprive G.H. of the right, protected and secured by the Constitution and laws of the United States, not to be deprived of liberty without due process of law, which includes the right not to be subjected to excessive force amounting to punishment by a deputy jailer, all in violation of 18 U.S.C §§ 242 and 2.

COUNT 2
18 U.S.C. § 1519

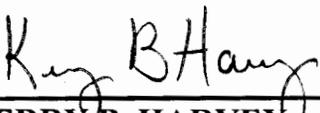
7. The allegations contained in the Introduction above are restated and incorporated herein by reference.

8. On or about August 15, 2013, in Perry County in the Eastern District of Kentucky,

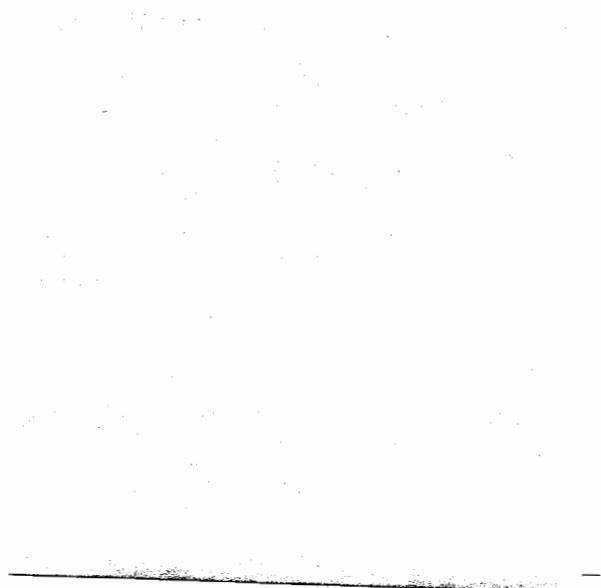
KEVIN EUGENE ASHER,

acting in relation to and contemplation of a matter within the jurisdiction of the Federal Bureau of Investigation (FBI), an agency of the United States, knowingly falsified and

made a false entry in a record and document, with the intent to impede, obstruct, and influence the investigation of the matter within federal jurisdiction. Specifically, defendant ASHER filled out an official incident report form documenting the incident involving G.H., in which he falsely wrote that: 1) G.H. took a combative stance by clinching his fist and pulling it back in a motion as if he intended to strike officers; 2) Deputy Hickman used a stiff arm control hold in an attempt to prevent G.H. from harming himself or officers; and 3) G.H. attempted to get away from officers and lost apparent control of himself and slipped on the wet floor falling into the wall. In truth, as the defendant then well knew: 1) G.H. did not take a combative stance or pull back a fist as if to strike an officer; 2) Hickman did not use a stiff arm control hold, but rather punched G.H. in the face; and 3) G.H. fell to the floor because Hickman punched him in the face, and not because he slipped while trying to get away. All in violation of 18 U.S.C. § 1519.



KERRY B. HARVEY
UNITED STATES ATTORNEY



PENALTIES

COUNT 1: Not more than 10 years imprisonment, not more than \$250,000, and a term of supervised release of not more than 3 years supervised release.

COUNT 2: Not more than 20 years imprisonment, a fine of not more than \$250,000, and a term of supervised release of not more than 3 years supervised release.

PLUS: Restitution.

PLUS: Mandatory special assessment of \$100 per felony count.