

FILEDIN THE UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF ILLINOIS
SPRINGFIELD DIVISION

DEC 04 2019

CLERK OF THE COURT
U.S. DISTRICT COURT
CENTRAL DISTRICT OF ILLINOIS**SEALED**

UNITED STATES OF AMERICA,)

Plaintiff,)

v.)

TODD SHEFFLER,
WILLIE HEDDEN, and
ALEX BANTA.

Defendants.)

Criminal No. 19-CR-300 67
VIO: Title 18, United States Code,
Sections 241, 242, 1519,
1512(b), 1512(b)(3), 1512(k),
and 2.INDICTMENTCOUNT 1

(Conspiracy to Deprive Civil Rights)

THE GRAND JURY CHARGES:

At all times material to this indictment:

1. The Western Illinois Correctional Center (WICC) was a state prison facility located in Brown County, Illinois and was part of the Illinois Department of Corrections. WICC consisted of four separate residential housing units for inmates (R1 – R4) and a separate segregated housing unit for inmates transferred there for disciplinary or other administrative reasons.

2. Defendant **TODD SHEFFLER** was a lieutenant at WICC and had supervisory authority over Defendants **WILLIE HEDDEN** and **ALEX BANTA** and other correctional officers at WICC.

3. Defendant **WILLIE HEDDEN** was a sergeant at WICC and had supervisory authority over Defendant **BANTA** and other correctional officers at WICC.

4. Defendant **ALEX BANTA** was a correctional officer at WICC and was a subordinate officer to Defendants **SHEFFLER** and **HEDDEN**.

5. Larry Earvin, age 65, was an inmate at WICC and was eligible for parole in September 2018. Mr. Earvin was assigned to the R1 (D Wing) residential housing unit at WICC.

The Conspiracy

6. On or about May 17, 2018, in Brown County and in the Central District of Illinois, the defendants,

TODD SHEFFLER, WILLIE HEDDEN, and ALEX BANTA, while acting under color of law of the State of Illinois, did willfully combine, conspire, confederate and agree to injure, oppress, threaten and intimidate Larry Earvin, an inmate at WICC, in the free exercise and enjoyment of the rights and privileges secured to him by the

Constitution and laws of the United States, namely, the right to be free from cruel and unusual punishment. Bodily injury and death to Mr. Earvin resulted from the acts committed in this violation.

Manner and Means (including Overt Acts) of the Conspiracy

7. As part of the conspiracy, on or about May 17, 2018, Defendants **SHEFFLER, HEDDEN, and BANTA** participated in the forcible escort of Mr. Earvin from his R1 (D Wing) residential housing unit at WICC to the segregation housing unit.

8. As part of the conspiracy, and during the forcible escort of Mr. Earvin from the residential housing unit to the segregation housing unit, Defendants **SHEFFLER, HEDDEN, and BANTA** assaulted Mr. Earvin without legal justification while he was restrained and handcuffed behind his back and while he posed no physical threat to the defendants or other correctional officers. The assault resulted in bodily injury to Mr. Earvin, including multiple broken ribs, a punctured colon, and other serious internal injuries, and further resulted in Mr. Earvin's death.

All in violation of Title 18, United States Code, Sections 241 and 2.

COUNT 2
(Deprivation of Civil Rights)

THE GRAND JURY CHARGES:

1. The allegations in paragraphs 1 through of 5 of Count 1 are incorporated by reference.

2. On or about May 17, 2018, in Brown County, in the Central District of Illinois, the defendants,

TODD SHEFFLER, WILLIE HEDDEN, and ALEX BANTA,
while acting under color of law of the State of Illinois and while aided and abetted by each other, did willfully injure, oppress, threaten and intimidate Larry Earvin, an inmate at WICC, in the free exercise and enjoyment of the rights and privileges secured to him by the Constitution and laws of the United States, namely, the right to be free from cruel and unusual punishment. Specifically, Defendants **SHEFFLER, HEDDEN, and BANTA** assaulted Mr. Earvin without legal justification while he was restrained and handcuffed behind his back and while he posed no physical threat to the defendants or other correctional officers. Defendant **SHEFFLER**, the lieutenant and most senior officer, also willfully failed to intervene to protect Mr. Earvin from being assaulted by subordinate officers, namely, Defendants

HEDDEN and BANTA, despite having the opportunity to do so, and Defendant **HEDDEN**, the sergeant and senior officer to Defendant **BANTA**, willfully failed to intervene to protect Mr. Earvin from being assaulted by a subordinate officer, namely, Defendant **BANTA** despite having the opportunity to do so. The assault resulted in bodily injury to Mr. Earvin, including multiple broken ribs, a punctured colon, and other serious internal injuries, and further resulted in Mr. Earvin's death.

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

COUNT 3
(Conspiracy to Engage in Misleading Conduct)

1. The allegations in paragraphs 1 through of 5 of Count 1 are incorporated by reference.

The Conspiracy

2. From on or about May 17, 2018, and continuing until on or about May 22, 2018, in the Central District of Illinois and elsewhere, the defendants,

TODD SHEFFLER, WILLIE HEDDEN, and ALEX BANTA, did knowingly combine, conspire, confederate and agree to engage in misleading conduct toward another person with the intent to hinder and prevent the communication to a federal law enforcement officer or judge of the United States of information relating to the commission or possible commission of a federal offense, namely, the offenses charged in Counts 1 and 2 of this indictment.

Manner and Means (including Overt Acts) of the Conspiracy

3. As part of the conspiracy, on or about May 17, 2018, and following the assault of Mr. Earvin, Defendants **SHEFFLER, HEDDEN, and BANTA** each filed knowingly false incident reports with WICC, falsely describing the escort of Mr. Earvin to the segregation housing

unit and failing to disclose any assault of Mr. Earvin. These false reports included Defendants **HEDDEN and BANTA** using identical false language, falsely stating that Mr. Earvin was delivered to staff in the segregation housing unit “without further incident” other than Mr. Earvin resisting the escort and refusing to walk.

4. It was part of the conspiracy that following the assault of Mr. Earvin, Defendants **SHEFFLER, HEDDEN, and BANTA** knowingly misled agents of the Illinois State Police during individual interviews about the escort of Mr. Earvin by falsely denying any knowledge of any assault of Mr. Earvin that the defendants participated in and witnessed.

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

COUNT 4
(Obstruction – Falsification of Document)

THE GRAND JURY CHARGES:

On or about May 17, 2018, in Brown County, in the Central District of Illinois, the defendant,

TODD SHEFFLER,

during and in relation to and in contemplation of a matter within the jurisdiction of the Federal Bureau of Investigation, an agency of the United States, knowingly falsified a document with the intent to impede, obstruct, and influence the investigation and proper administration of the matter within federal jurisdiction. Specifically, Defendant **SHEFFLER** falsified an incident report concerning the escort of Mr. Earvin and omitted any reference to the assault of Mr. Earvin that Defendant **SHEFFLER** participated in and witnessed.

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

COUNT 5
(Obstruction – Misleading Conduct)

THE GRAND JURY CHARGES:

On or about May 18, 2018, in Brown County, in the Central
District of Illinois, the defendant,

TODD SHEFFLER,

knowingly engaged in misleading conduct toward another person with
the intent to hinder, delay, and prevent the communication to a federal
law enforcement officer and judge of the United States of information
relating to the commission and possible commission of the federal
offenses charged in Counts 1 and 2 of this indictment. Specifically,
Defendant **SHEFFLER** knowingly and intentionally misled agents of
the Illinois State Police during an interview about the escort of Mr.
Earvin by falsely denying any knowledge of any assault of Mr. Earvin
that Defendant **SHEFFLER** participated in and witnessed.

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

COUNT 6
(Obstruction – Falsification of Document)

On or about May 17, 2018, in Brown County, in the Central
District of Illinois, the defendant,

WILLIE HEDDEN,

during and in relation to and in contemplation of a matter within the
jurisdiction of the Federal Bureau of Investigation, an agency of the
United States, knowingly falsified a document with the intent to
impede, obstruct, and influence the investigation and proper
administration of the matter within federal jurisdiction. Specifically,
Defendant **HEDDEN** falsified an incident report concerning the escort
of Mr. Earvin and omitted any reference to the assault of Mr. Earvin
that Defendant **HEDDEN** participated in and witnessed.

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

COUNT 7
(Obstruction – Misleading Conduct)

THE GRAND JURY CHARGES:

On or about May 18, 2018, in Brown County, in the Central
District of Illinois, the defendant,

WILLIE HEDDEN,

knowingly engaged in misleading conduct toward another person with
the intent to hinder, delay, and prevent the communication to a federal
law enforcement officer and judge of the United States of information
relating to the commission and possible commission of the federal
offenses charged in Counts 1 and 2 of this indictment. Specifically,
Defendant **HEDDEN** knowingly and intentionally misled agents of the
Illinois State Police during an interview about the escort of Mr. Earvin
by falsely denying any knowledge of any assault of Mr. Earvin that
Defendant **HEDDEN** participated in and witnessed.

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

COUNT 8
**(Obstruction – Destruction of Record or Other Object
and Misleading Conduct)**

THE GRAND JURY CHARGES:

On or about May 18, 2018, in Brown County, in the Central
District of Illinois, the defendant,

WILLIE HEDDEN,

knowingly and corruptly persuaded another person with the intent to
cause and induce such person to withhold a record or other object and to
destroy and conceal such object from an official proceeding and
knowingly engaged in misleading conduct toward another person with
the intent to hinder, delay, and prevent the communication to a law
enforcement officer or judge of the United States of information relating
to the commission or possible commission of the federal offenses
charged in Counts 1 and 2 of this indictment. Specifically, Defendant
HEDDEN corruptly persuaded his friend, a fellow employee at WICC,
to delete a text message Defendant **HEDDEN** sent to the friend
following the incident on May 17, 2018, in which text message
Defendant **HEDDEN** admitted to involvement in the assault of Mr.
Earvin.

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

COUNT 9
(Obstruction – Falsification of Document)

On or about May 17, 2018, in Brown County, in the Central
District of Illinois, the defendant,

ALEX BANTA,

during and in relation to and in contemplation of a matter within the
jurisdiction of the Federal Bureau of Investigation, an agency of the
United States, knowingly falsified a document with the intent to
impede, obstruct, and influence the investigation and proper
administration of the matter within federal jurisdiction. Specifically,
Defendant **BANTA** falsified an incident report concerning the escort of
Mr. Earvin and omitted any reference to the assault of Mr. Earvin that
Defendant **BANTA** participated in and witnessed.

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

COUNT 10
(Obstruction – Misleading Conduct)

THE GRAND JURY CHARGES:

On or about May 18, 2018, in Brown County, in the Central
District of Illinois, the defendant,

ALEX BANTA,

knowingly engaged in misleading conduct toward another person with
the intent to hinder, delay, and prevent the communication to a federal
law enforcement officer and judge of the United States relating to the
commission and possible commission of the federal offenses charged in
Counts 1 and 2 of this indictment. Specifically, Defendant **BANTA**
knowingly and intentionally misled agents of the Illinois State Police
during an interview about the escort of Mr. Earvin by falsely denying
any knowledge of any assault of Mr. Earvin that Defendant **BANTA**
participated in and witnessed.

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

A TRUE BILL.

s/ Foreperson

FOREPERSON

s/ Gregory M. Gilmore

for
JOHN C. MILHISER
United States Attorney
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