

NOV 29 2018

U. S. DISTRICT COURT
EASTERN DISTRICT OF MO
ST. LOUIS

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

UNITED STATES OF AMERICA

v.

DUSTIN BOONE,
RANDY HAYS,
CHRISTOPHER MYERS, and
BAILEY COLLETTA,

Defendants.

4:18CR975 RWS/JMB

No:

Title 18 United States Code Sections:
242, 1512(k), 1519, 1512(c), and 2

GREGORY J. LINHARES, CLERK
A TRUE COPY OF THE ORIGINAL
UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
BY: *Gregory J. Linhares*
DEPUTY CLERK

THE GRAND JURY CHARGES THAT:

INTRODUCTION

At times relevant to this indictment:

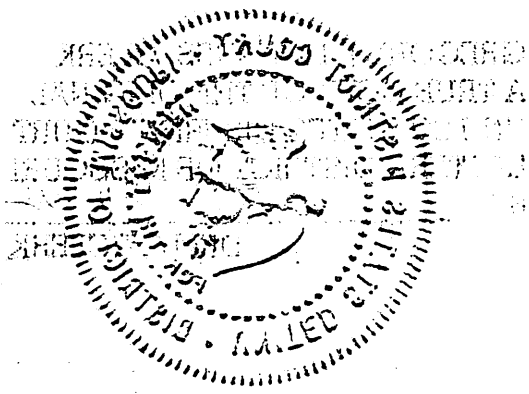
(1) The St. Louis Metropolitan Police Department (“SLMPD”) was a law enforcement agency located in St. Louis, Missouri. SLMPD officers were sworn to uphold the United States Constitution as well as the laws of the State of Missouri.

(2) On September 15, 2017, SLMPD Officer Jason Stockley was acquitted of a first-degree murder charge brought by the State of Missouri relating to the shooting death of a black, male civilian while Stockley was on duty.

(3) In the days and weeks that followed the Stockley verdict, there were protests (“Stockley protests”) throughout the City of St. Louis.

(4) In anticipation of protests, SLMPD activated its protest-response unit, the Civil Disobedience Team (“CDT”), detailing more than 200 SLMPD officers to CDT.

(5) SLMPD officers assigned to CDT were designated to work as either part of “the line” or part of an arrest team. Officers’ assignments changed, however, on an as-needed basis. The purpose of “the line” was to create formations to control the crowd when necessary, with the



assigned officers alternatively carrying shields and riot batons, known as “sticks.” The responsibility of the arrest teams was to arrest individuals identified by SLMPD supervisors for whom there was probable cause to believe that they had committed crimes.

(6) Defendants **Dustin Boone, Randy Hays, Christopher Myers, and Bailey Colletta** were SLMPD officers who were assigned to CDT during the Stockley protests.

(7) Defendants **Randy Hays and Bailey Colletta** were in a romantic relationship at the time of the Stockley protests and during the federal investigation that led to this indictment.

(8) L.H. had been an SLMPD officer for 22 years and was a detective at the time of the Stockley protests.

(9) L.H. was assigned to work in an undercover capacity during the Stockley protests to record and document criminal activity so that other SLMPD officers could lawfully arrest individuals who were committing crimes.

(10) As the Stockley acquittal was announced and in the days thereafter, defendants **Dustin Boone, Randy Hays, and Christopher Myers** variously expressed disdain for the Stockley protestors and excitement about using unjustified force against them and going undetected while doing so, *e.g.*:

From	To	Date	Body
**/ Christopher Myers	Christopher Myers/ **	9/15/17	**: Hey we are both on the same arrest team. Are we meeting at 20th and Olive? Myers: I know right. Yes I guess so, let's whoop some ass

Dustin Boone	**	9/15/17	The more the merrier!!! It's gonna get IGNORANT tonight!! But it's gonna be a lot of fun beating the hell out of these shitheads once the sun goes down and nobody can tell us apart!!!!
Dustin Boone	**	9/15/17	I'm on [Sgt **'s] arrest team! me and a BIG OL black dude r the guys that are hands on! No stick or shield..... just fuck people up when they don't act right! ...
Dustin Boone	**	9/15/17	That's my dude today! Haha he's basically a thug that's on our side!!! It's he and I that just grab fuckers and toss em around
Dustin Boone	**	9/15/17	We really need these fuckers to start acting up so we can have some fun
Dustin Boone	**	9/16/17	This shit is crazy..... but it's fucking AWESOME too! Except for cops getting hurt. People on the streets got FUCKED UP! Lol ...
Dustin Boone	**	9/16/17	R u guys in [South Patrol Division] prepping anything for the war tonight? Any mistake strikes that [Sgt. **] is gonna order?
Dustin Boone	**	9/16/17	Just deployed to U city..... u will see the REAL POLICE come in and clear these fuckers REAL QUICK. We ain't fuckin w them tonight.
**/ Dustin Boone	Dustin Boone/ **	9/17/17	**: You doing ok down there with the idiots? Boone: Yeah. A lot of cops gettin hurt, but it's still a blast beating people that deserve it. And I'm not one of the people hurt, so I'm still enjoying each night....

Dustin Boone	**	9/18/17	We reloading these fools up on prisoner busses. As they got on we all said in unison "OUR STREETS" haha
Dustin Boone	**	9/20/17	... The problem is when they start acting like fools, we start beating the shit out of everyone on the street after we give two warnings ...
Dustin Boone	**	9/23/17	Did everyone see the protestors getting FUCKED UP in the galleria???? That was awesome!
Randy Hays/ Dustin Boone	Dustin Boone/ Randy Hays	10/5/17	<p>Hays: It's extremely frustrating, but you'll eat yourself up inside if you don't just let it go and deal with it when it comes. And this one is easy because we both are good, going rogue does feel good, but I've been elected to be the driver of a Tahoe, so if I get involved tonight, shit has hit the fan.</p> <p>Boone: Well fuck</p> <p>Boone: LOL</p> <p>Boone: I should probably stay in check as well.</p> <p>Hays: Remember were are in south city. They support us but also cameras. So make sure you have an old white dude as a witness.</p>

(11) Defendants **Dustin Boone, Randy Hays, Christopher Myers, and Bailey Colletta** encountered L.H. amid the protests and believed him to be a Stockley protestor.

(12) Paragraphs 1 through 11 are hereby incorporated by reference into each and every count set forth below.

COUNT ONE
[18 U.S.C. § 242]

On or about September 17, 2017, within the Eastern District of Missouri, defendants,

**Dustin Boone,
Randy Hays and
Christopher Myers,**

while aiding and abetting each other and while acting under color of law, willfully deprived L.H. of the right to be free from unreasonable seizure, a right secured and protected by the Constitution and laws of the United States, which includes the right to be free from unreasonable force. In so doing, the defendants threw L.H. to the ground and then kicked and struck L.H. while he was compliant and not posing a physical threat to anyone. This offense resulted in bodily injury to L.H. and included the use of a dangerous weapon, that is: shod feet and a riot baton.

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

COUNT TWO
[18 U.S.C. § 1512(k)]

On or between September 17, 2017 and November 29, 2018, all dates approximate and inclusive, within the Eastern District of Missouri, defendants,

**Dustin Boone,
Randy Hays, and
Christopher Myers,**

did knowingly and voluntarily conspire, combine, and agree with each other to engage in misleading conduct toward individuals to hinder, delay, and prevent the communication to a law enforcement officer of the United States of information relating to the commission and possible commission of a federal offense.

Manner and Means of the Conspiracy

(1) It was part of the manner and means of the conspiracy that the defendants, **Dustin Boone, Randy Hays, and Christopher Myers**, upon learning that L.H. was a fellow SLMPD officer, made false statements regarding their conduct and the conduct of L.H. during the course of the arrest in an effort to justify their use of force on L.H., including falsely claiming that L.H. resisted arrest and was not compliant, despite the fact that L.H. was an experienced undercover officer who specifically wore a shirt that revealed his waistband so that he would not be mistaken for being armed during the Stockley protests.

(2) It was further part of the manner and means of the conspiracy that the defendants, **Dustin Boone, Randy Hays, and Christopher Myers**, made efforts to contact L.H., directly and indirectly, in an attempt to dissuade him from pursuing disciplinary and legal action in reference to the assault.

(3) It was further part of the manner and means of the conspiracy that the defendants **Dustin Boone, Randy Hays, and Christopher Myers**, communicated to potential witnesses, via

text messages, verbal exchanges, and in-person meetings, their contrived and inaccurate versions of what happened to L.H. and, at times, attempted to influence the testimony of potential witnesses.

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

COUNT THREE
[18 U.S.C. § 1519]

On or about September 17, 2017, within the Eastern District of Missouri, defendant,

Christopher Myers,

did knowingly destroy and mutilate L.H's cellular phone, a tangible object used to record and preserve information, with the intent to impede, obstruct, and influence the investigation into the arrest and assault of L.H., such investigation being a matter within the jurisdiction of the Federal Bureau of Investigation, an agency of the United States.

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

COUNT FOUR
[18 U.S.C. § 1512(c)(2)]

On or about June 27, 2018, within the Eastern District of Missouri, defendant,

Bailey Colletta,

did corruptly obstruct, influence, and impede an official proceeding, that is a grand jury investigation, and attempted to do so, by engaging in a series of misleading assertions and false statements when she testified before the Grand Jury, namely, and among others:

(1) Offering misleading explanations as to why, when she first met with the Federal Bureau of Investigation, she initially denied that she knew who L.H. was, denied that she had come into contact with L.H. on the evening of September 17, 2017, and denied that she knew anything about L.H.'s arrest, when, in fact, she then and there well knew all of the aforementioned;

(2) Falsely describing the manner in which L.H. was taken to the ground, by stating, "*From his neck down, from what I saw, he was brought to the ground very gently,*" when she then and there well knew that L.H. was forcefully brought to the ground; and

(3) Providing misleading and inconsistent explanations about why she and her fellow SLMPD officers "veered off" to arrest L.H., for whom defendant **Bailey Colletta** acknowledged she saw no apparent probable cause to arrest and who did not subsequently resist arrest:

Declaration A:

Q: So you really, in that moment, had no idea why you were veering off?

A: That is correct.

Q: So did someone tell you the next day, "We veered off because [L.H.] matched the description."

A: Pretty much, yes.

Q: Who? Who told you that?

A: My sergeant.

Q: And was this Sergeant [X.X.]?

A: Yes.

Q: So [Sergeant X.X.] said to you the next day, after everybody knew, that it turns out that an undercover officer was beaten, that the reason that you all went over to him was because he matched the description of a subject?

A: Yes ma'am.

Declaration B:

Q: Where in that discussion did [Sergeant X.X.] say anything about [L.H.] matching a description on a radio dispatch?

A: I don't recall him saying anything about that.

In violation of Title 18, United States Code, Section 1512(c)(2).

A TRUE BILL

FOREPERSON

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