

Documents from *United States v. Dominick et al.*, No. 2:15-cr-00289 (E.D. La.)

Prosecutions of correctional officers under 18 U.S.C. § 242 for failing to provide a pretrial detainee with necessary medical care, resulting in the detainee's death, and under 18 U.S.C. § 1001(a)(2) for making materially false statements to the FBI.

1. Indictment, 12/03/2015
2. Plea Agreement, Williams, 09/18/2018
3. Factual Basis, Williams, 09/18/2018
4. Plea Agreement, Becnel, 01/07/2020
5. Factual Basis, Becnel, 01/07/2020
6. Plea Agreement, Dominick, 01/16/2020
7. Factual Basis, Dominick, 01/16/2020
8. Plea Agreement, Vaccarella, 01/16/2020
9. Factual Basis, Vaccarella, 01/16/2020

Indictment and attachments

Part

1	Indictment
2	Criminal Magistrate Case Sheet
3	Criminal Defendant Information Sheet - Andre Dominick
4	Criminal Defendant Information Sheet - Timothy Williams
5	Criminal Defendant Information Sheet - Debra Becnel
6	Criminal Defendant Information Sheet - Lisa Vaccarella

FILED
U.S. DISTRICT COURT
EASTERN DISTRICT OF LA.
2015 DEC -3 P 3:10
WILLIAM W. BLEVINS
CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

FELONY

INDICTMENT FOR DEPRIVATION OF RIGHTS
UNDER COLOR OF LAW AND FALSE STATEMENTS

UNITED STATES OF AMERICA

*

CRIMINAL NO.

15-289

v.

*

SECTION:

SECT. NMAG. 3

ANDRE DOMINICK
TIMOTHY WILLIAMS
DEBRA BECNEL
LISA VACCARELLA

*

VIOLATION: 18 U.S.C. § 242
18 U.S.C. § 1001(a)(2)

*

*

*

The Grand Jury charges that:

Introduction

At all times relevant to this Indictment:

1. The St. Bernard Parish Prison ("SBPP") in Chalmette, Louisiana, was a facility responsible for the custody, control, care, and safety of inmates, including pretrial detainees, who were being held in custody following an arrest, but who had not been convicted of a crime.
2. Defendant **ANDRE DOMINICK** was employed as a correctional officer with the rank of Captain at the SBPP.

Fee USA
 Process _____
 Dktd _____
 CtRmDep _____
 Doc. No. _____

3. Defendant **TIMOTHY WILLIAMS** was employed as a correctional officer with the rank of Corporal at the SBPP.
4. Defendant **DEBRA BECNEL** was employed as a correctional officer with the rank of Deputy at the SBPP.
5. Defendant **LISA VACCARELLA** was employed as a correctional officer with the rank of Deputy at the SBPP.
6. As correctional officers, defendants **ANDRE DOMINICK, TIMOTHY WILLIAMS, DEBRA BECNEL,** and **LISA VACCARELLA** were responsible for the custody, control, care, and safety of inmates, including pretrial detainees, at the SBPP.
7. From March 21, 2014, through April 1, 2014, Nimali Henry was a pretrial detainee in the custody of the SBPP.
8. Nimali Henry suffered from serious medical conditions, for which she was under a physician's care, and required treatment, including regular medication.
9. While incarcerated at the SBPP, Nimali Henry did not receive the medication required for her serious medical conditions, she was not evaluated or treated by a doctor, and she was not taken to a hospital for evaluation or treatment.
10. On April 1, 2014, at approximately 7:46 a.m., SBPP officers observed Nimali Henry unresponsive and lying face down in an isolation cell. For the first time, SBPP officers called for emergency medical services for Nimali Henry. Nimali Henry died in that isolation cell on April 1, 2014.

COUNT ONE
(Deprivation of Rights Under Color of Law)

Beginning on or about March 21, 2014, and continuing through on or about April 1, 2014, within the Eastern District of Louisiana, defendants **ANDRE DOMINICK, TIMOTHY WILLIAMS, DEBRA BECNEL, and LISA VACCARELLA**, while acting under color of law, as correctional officers in the SBPP, each willfully deprived Nimali Henry of the right to due process of law, which is protected and secured by the Constitution and the laws of the United States, and which includes the right of a pretrial detainee to be free from a correctional officer's deliberate indifference to her serious medical needs. Specifically, defendants **DOMINICK, WILLIAMS, BECNEL, and VACCARELLA**, each knowing that Nimali Henry had serious medical conditions, willfully failed to provide Nimali Henry with necessary medical care, thereby acting with deliberate indifference to a substantial risk of harm to Nimali Henry. The offense resulted in bodily injury to, and the death of, Nimali Henry; all in violation of Title 18, United States Code, Section 242.

COUNT TWO
(False Statements to a Federal Agency)

On or about October 9, 2014, in the Eastern District of Louisiana, defendant **ANDRE DOMINICK**, knowingly and willfully made materially false, fictitious, and fraudulent statements and representations in a matter within the jurisdiction of the Federal Bureau of Investigation ("FBI"), an agency within the executive branch of the United States. Specifically, defendant **DOMINICK** falsely told Special Agents of the FBI that: (1) Nimali Henry told **DOMINICK** that she (Nimali Henry) was unaware of what medical conditions she had; and (2) D.S. told **DOMINICK** that she (D.S.) did not know what conditions Nimali Henry had. In truth and in fact, as **DOMINICK** then well knew, his statements to the Special Agents of the FBI

were false, in that: (1) Nimali Henry told **DOMINICK** about her (Nimali Henry's) medical conditions, and did not tell **DOMINICK** that she was unaware of what medical conditions she had; and (2) D.S. told **DOMINICK** about Nimali Henry's medical conditions, and did not tell **DOMINICK** that she was unaware of what medical conditions Nimali Henry had; all in violation of Title 18, United States Code, Section 1001(a)(2).

COUNT THREE
(False Statements to a Federal Agency)

On or about August 14, 2014, in the Eastern District of Louisiana, defendant **TIMOTHY WILLIAMS**, knowingly and willfully made materially false, fictitious, and fraudulent statements and representations in a matter within the jurisdiction of the Federal Bureau of Investigation ("FBI"), an agency within the executive branch of the United States. Specifically, defendant **WILLIAMS** falsely told Special Agents of the FBI that: (1) during the weekend preceding Nimali Henry's death, **WILLIAMS** had a telephone conversation with medical department officer J.C. about Nimali Henry's medical conditions; and (2) while Nimali Henry was in the isolation cell in the early hours of April 1, 2014, **WILLIAMS** checked on Nimali Henry by striking the cell bars and observing that she appeared alive and alert. In truth and in fact, as **WILLIAMS** then well knew, his statements were false, in that: (1) during the weekend preceding Nimali Henry's death, **WILLIAMS** did not have a telephone conversation with J.C. about Nimali Henry's medical conditions; and (2) during the early hours of April 1, 2014, he did not go to the isolation cell and strike the isolation cell bars to check on Nimali Henry; all in violation of Title 18, United States Code, Section 1001(a)(2).

COUNT FOUR
(False Statements to a Federal Agency)

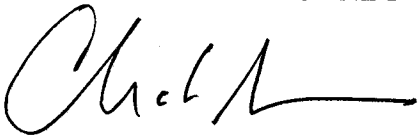
On or about August 11, 2014, in the Eastern District of Louisiana, defendant **DEBRA BECNEL**, knowingly and willfully made materially false, fictitious, and fraudulent statements and representations in a matter within the jurisdiction of the Federal Bureau of Investigation (“FBI”), an agency within the executive branch of the United States. Specifically, defendant **BECNEL** falsely told Special Agents of the FBI that: (1) Nimali Henry never told **BECNEL** that she needed medical attention; and (2) **BECNEL** did not have any conversations with inmates in Dorm D1 regarding Nimali Henry having a serious medical condition until after Nimali Henry died. In truth and in fact, as **BECNEL** then well knew, her statements to the Special Agents of the FBI were false, in that: (1) Nimali Henry told **BECNEL** that she needed medical attention; and (2) inmates in Dorm D1 spoke to **BECNEL** about Nimali Henry having a serious medical condition before Nimali Henry’s death; all in violation of Title 18, United States Code, Section 1001(a)(2).

COUNT FIVE
(False Statements to a Federal Agency)

On or about August 14, 2014, in the Eastern District of Louisiana, defendant **LISA VACCARELLA**, knowingly and willfully made materially false, fictitious, and fraudulent statements and representations in a matter within the jurisdiction of the Federal Bureau of Investigation (“FBI”), an agency within the executive branch of the United States. Specifically, defendant **VACCARELLA** falsely told Special Agents of the FBI that: (1) on March 30, 2014, **VACCARELLA** observed Nimali Henry walk into a dorm and lie down on the floor, and then, upon **VACCARELLA’S** order, stand up without any assistance and walk without any difficulty, before **VACCARELLA** closed the dorm door; and (2) after observing Nimali Henry at

approximately 6:15 to 6:30 a.m. on April 1, 2014, **VACCARELLA** discussed her observations with supervisor D.B. before **VACCARELLA'S** shift ended. In truth and in fact, as **VACCARELLA** then well knew, her statements were false, in that: (1) **VACCARELLA** watched Nimali Henry fall to the dorm floor on March 30, 2014, and then **VACCARELLA** closed the dorm door and left Nimali Henry lying on the floor; and (2) before her shift ended on April 1, 2014, **VACCARELLA** did not discuss with supervisor D.B. that **VACCARELLA** had observed Nimali Henry at approximately 6:15 to 6:30 a.m.; all in violation of Title 18, United States Code, Section 1001(a)(2).

KENNETH ALLEN POLITE, JR.
UNITED STATES ATTORNEY



CHANDRA MENON
Assistant United States Attorney



CHRISTINE M. SISCARETTI
Trial Attorney, Civil Rights Division
United States Department of Justice

New Orleans, Louisiana
December 3, 2015

FORM OBD-34

No. _____

UNITED STATES DISTRICT COURT

_____ Eastern District of Louisiana

_____ Criminal Division

THE UNITED STATES OF AMERICA

vs.

**ANDRE DOMINICK
TIMOTHY WILLIAMS
DEBRA BECNEL
LISA VACCARELLA**

INDICTMENT

FOR

**DEPRIVATION OF RIGHTS UNDER COLOR OF LAW
AND FALSE STATEMENTS**

**VIOLATION: 18 U.S.C. § 242
18 U.S.C. § 1001(a)(2)**

A true i

Filed in open court this _____ day of _____ A.D. 2015.

Clerk

Bail, \$ _____

Chandra Menon

**Chandra Menon
Assistant United States Attorney**

TO: DOCKET CLERK

MAGISTRATE CASE NUMBER

15-289

OR

SECT. NMAG. 3

XNO MAGISTRATE PAPERS WERE FOUND

for

NAME: ANDRE DOMINICK, TIMOTHY

WILLIAMS, DEBRA BECNEL, LISA

VACCARELLA

Initials: TBL

If you receive this note without any initials,
please return the entire packet to criminal desk .

Thank you

DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT

BY: INFORMATION INDICTMENT

Matter Sealed: Juvenile Other than Juvenile
 Pre-Indictment Plea Superseding Defendant Added
 Indictment Charges/Counts Added
 Information

Name of District Court, and/or Judge/Magistrate Location (City)

UNITED STATES DISTRICT COURT EASTERN
 DISTRICT OF LOUISIANA Divisional Office

Name and Office of Person Furnishing Information on THIS FORM D. Stoddard
 U.S. Atty Other U.S. Agency
 Phone No. (504) 680-3000
 Name of Asst. U.S. Attorney (if assigned) Chandra Menon

PROCEEDING

Name of Complainant Agency, or Person (& Title, if any)

Special Agent Matt Russell, FBI

person is awaiting trial in another Federal or State Court (give name of court)

this person/proceeding transferred from another district per (circle one) FRCrP 20, 21 or 40. Show District

this is a re prosecution of charges previously dismissed which were dismissed on motion of:

U.S. Atty Defense

this prosecution relates to a pending case involving this same defendant. (Notice of Related Case must still be filed with the Clerk.)

prior proceedings or appearance(s) before U.S. Magistrate Judge regarding this defendant were recorded under

SHOW DOCKET NO.

MAG. JUDGE CASE NO.

Place of offense Chalmette, LA County St. Bernard

CASE NO. 15-289

USA vs.

Defendant: ANDRE DOMINICK

Address: Arabi, LA

SECT. NMAG. 3

Interpreter Required Dialect: _____

Birth Date 1960 Male Alien
 Female (if applicable)

Social Security Number xxx-xx-0183

DEFENDANT

Issue: Warrant Summons

Location Status:

Arrest Date _____ or Date Transferred to Federal Custody _____

Currently in Federal Custody

Currently in State Custody

Writ Required

Currently on bond

Fugitive

Defense Counsel (if any): _____

FPD CJA RET'D

Appointed on Target Letter

This report amends AO 257 previously submitted

OFFENSE CHARGED - U.S.C. CITATION - STATUTORY MAXIMUM PENALTIES - ADDITIONAL INFORMATION OR COMMENTS

Total # of Counts 2

Set	Title & Section/Offense Level (Petty = 1 / Misdemeanor = 3 / Felony = 4)	Description of Offense Charged	Count(s)
4	18 U.S.C. § 242	Deprivation of rights under color of law	1
4	18 U.S.C. § 1001(a)(2)	False statements	1

DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT

BY: INFORMATION INDICTMENT

Matter Sealed: Juvenile Other than Juvenile
 Pre-Indictment Plea Superseding Defendant Added
 Indictment Charges/Counts Added
 Information

Name of District Court, and/or Judge/Magistrate Location (City)

UNITED STATES DISTRICT COURT EASTERN
 DISTRICT OF LOUISIANA Divisional Office

Name and Office of Person Furnishing Information on THIS FORM D. Stoddard
 U.S. Atty Other U.S. Agency
 Phone No. (504) 680-3000
 Name of Asst. U.S. Attorney (if assigned) Chandra Menon

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Special Agent Matt Russell, FBI

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prior proceedings or appearance(s) before U.S. Magistrate Judge regarding this defendant were recorded under

SHOW DOCKET NO.

MAG. JUDGE CASE NO.

Place of offense Chalmette, LA County St. Bernard

CASE NO.

15-289

USA vs.

Defendant: TIMOTHY WILLIAMS

Address: Meraux, LA

SECT. N MAG. 3

Interpreter Required Dialect: _____

Birth Date 1979 Male Alien
 Female (if applicable)

Social Security Number xxx-xx-8631

DEFENDANT

Issue: Warrant Summons

Location Status:

Arrest Date _____ or Date Transferred to Federal Custody _____

Currently in Federal Custody

Currently in State Custody

Writ Required

Currently on bond

Fugitive

Defense Counsel (if any): Claude Kelly

FPD CJA RET'D

Appointed on Target Letter

This report amends AO 257 previously submitted

OFFENSE CHARGED - U.S.C. CITATION - STATUTORY MAXIMUM PENALTIES - ADDITIONAL INFORMATION OR COMMENTS

Total # of Counts 2

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4	18 U.S.C. § 1001(a)(2)	False statements	1

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Matter Sealed: Juvenile Other than Juvenile
 Pre-Indictment Plea Superseding Defendant Added
 Indictment Charges/Counts Added
 Information

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 UNITED STATES DISTRICT COURT EASTERN
 DISTRICT OF LOUISIANA Divisional Office

Name and Office of Person Furnishing Information on THIS FORM D. Stoddard
 U.S. Atty Other U.S. Agency
 Phone No. (504) 680-3000
 Name of Asst. U.S. Attorney (if assigned) Chandra Menon

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Special Agent Matt Russell, FBI

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- prior proceedings or appearance(s) before U.S. Magistrate Judge regarding this defendant were recorded under

SHOW DOCKET NO.

 MAG. JUDGE CASE NO.

Place of offense Chalmette, LA County St. Bernard

CASE NO. 15-289
 USA vs.

Defendant: DEBRA BECNEL

Address: Violet, LA **SECT. N MAG. 3**

Interpreter Required Dialect: _____

Birth Date 1960 Male Alien
 Female (if applicable)

Social Security Number xxx-xx-1578

DEFENDANT

Issue: Warrant Summons

Location Status:
 Arrest Date _____ or Date Transferred to Federal Custody _____

- Currently in Federal Custody
- Currently in State Custody
- Writ Required
- Currently on bond
- Fugitive

Defense Counsel (if any): _____
 FPD CJA RET'D
 Appointed on Target Letter

This report amends AO 257 previously submitted

OFFENSE CHARGED - U.S.C. CITATION - STATUTORY MAXIMUM PENALTIES - ADDITIONAL INFORMATION OR COMMENTS

Total # of Counts 2

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4	18 U.S.C. § 1001(a)(2)	False statements	1

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BY: INFORMATION INDICTMENT

Matter Sealed: Juvenile Other than Juvenile
 Pre-Indictment Plea Superseding Defendant Added
 Indictment Charges/Counts Added
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Name of District Court, and/or Judge/Magistrate Location (City)
 UNITED STATES DISTRICT COURT EASTERN
 DISTRICT OF LOUISIANA Divisional Office

Name and Office of Person Furnishing Information on THIS FORM D. Stoddard
 U.S. Atty Other U.S. Agency
 Phone No. (504) 680-3000
 Name of Asst. U.S. Attorney (if assigned) Chandra Menon

PROCEEDING

Name of Complainant Agency, or Person (& Title, if any)
Special Agent Matt Russell, FBI

- person is awaiting trial in another Federal or State Court (give name of court)
- this person/proceeding transferred from another district per (circle one) FRCrP 20, 21 or 40. Show District
- this is a reprosecution of charges previously dismissed which were dismissed on motion of:
 U.S. Atty Defense
- this prosecution relates to a pending case involving this same defendant. (Notice of Related Case must still be filed with the Clerk.)
- prior proceedings or appearance(s) before U.S. Magistrate Judge regarding this defendant were recorded under

SHOW DOCKET NO.

MAG. JUDGE CASE NO.

Place of offense Chalmette, LA County St. Bernard

CASE NO. 15-289

USA vs.

Defendant: LISA VACCARELLA

Address: Chalmette, LA
SECT. N MAG. 3

Interpreter Required Dialect: _____

Birth Date 1963 Male Alien
 Female (if applicable)

Social Security Number xxx-xx-3640

DEFENDANT

Issue: Warrant Summons

Location Status:

Arrest Date _____ or Date Transferred to Federal Custody _____

- Currently in Federal Custody
- Currently in State Custody
- Writ Required
- Currently on bond
- Fugitive

Defense Counsel (if any): _____

- FPD CJA RET'D
- Appointed on Target Letter

This report amends AO 257 previously submitted

OFFENSE CHARGED - U.S.C. CITATION - STATUTORY MAXIMUM PENALTIES - ADDITIONAL INFORMATION OR COMMENTS

Total # of Counts 2

Set	Title & Section/Offense Level (Petty = 1 / Misdemeanor = 3 / Felony = 4)	Description of Offense Charged	Count(s)
4	18 U.S.C. § 242	Deprivation of rights under color of law	1
4	18 U.S.C. § 1001(a)(2)	False statements	1



**U.S. Department of Justice
United States Attorney
Eastern District of Louisiana**

*AUSA Chandra Menon
Assistant United States Attorney*

*650 Poydras Street, Suite 1600
New Orleans, Louisiana 70130*

*Telephone: 504-680-3085
Fax: 504-589-4395*

September 18, 2018

Honorable Ivan L.R. Lemelle
United States District Judge
Eastern District of Louisiana
500 Poydras Street
New Orleans, Louisiana 70130

Re: United States v. Timothy Williams
Criminal Docket No. 15-289

Dear Judge Lemelle:

In compliance with the holding of *Bryan v. United States*, 492 F.2d 775 (5th Cir. 1974), and with Rule 11 of the Federal Rules of Criminal Procedure, the Government wishes to acknowledge the following agreement between the Government and Timothy Williams, the defendant, in the above-captioned proceeding. Defendant's undersigned counsel, Jerrod Thompson-Hicks, has reviewed the terms of this agreement and has been advised by the defendant that the defendant fully understands the terms of this agreement.

The defendant agrees to plead guilty to Deprivation of Civil Rights Under Color of Law Resulting in Death as charged in Count 1 in the indictment in the above-captioned matter. The Government agrees that if the defendant fully complies with this plea agreement and the Court accept the defendant's plea of guilty, the Government will request that the Court dismiss Count 3 of the indictment at the time of sentencing and the Government will not move for an upward departure or upward variance from the sentencing guideline range determined by the Court. However, the defendant understands that the Court is not bound to dismiss any count and that the agreement by the Government to not move for an above-guidelines sentence does not bind the United States Probation Office from recommending, or the Court from imposing, an above-guidelines sentence.

The defendant further understands that the maximum penalty defendant may receive should his plea of guilty be accepted is life imprisonment and/or a fine of \$250,000 or the greater of twice the gross gain to the defendant or twice the gross loss to any person under Title 18, United States Code, Section 3571.

AUSA gmc
Defendant Tw
Defense Counsel CHZ

It is also understood that the restitution provisions of Sections 3663 and 3663A of Title 18, United States Code, will apply. The defendant agrees that any restitution imposed will be non-dischargeable in any bankruptcy proceeding and that defendant will not seek or cause to be sought a discharge or a finding of dischargeability as to the restitution obligation. The defendant further acknowledges and understands that, notwithstanding any payment schedule imposed at sentencing or during probation or supervised release, restitution is due and payable in full immediately upon entry of the judgment of conviction.

Further, the defendant understands that a mandatory special assessment fee of \$100.00 shall be imposed under the provisions of Section 3013 of Title 18, United States Code. This special assessment must be paid on the date of sentencing. Failure to pay this special assessment may result in the plea agreement being void.

The defendant further understands that the Court, in imposing a sentence of a term of imprisonment, may include as part of the sentence a requirement that the defendant be placed on a term of supervised release after imprisonment for a period of up to five years pursuant to Title 18, United States Code, Section 3583. Supervised release is a period following release from prison during which defendant's conduct will be monitored by the Court or the Court's designee. Defendant fully understands that if defendant violates any of the conditions of supervised release that the Court has imposed, defendant's supervised release may be revoked and defendant may be ordered by the Court to serve in prison all or part of the term of supervised release.

Defendant understands that Title 18, United States Code, Section 3742 and Title 28, United States Code, Section 1291, may give a criminal defendant the right to appeal his conviction, sentence, restitution, fine, and judgment imposed by the Court. Defendant also understands that he may have the right to file collateral challenges to his conviction and sentence, and judgment, including but not limited to rights provided by Title 28, United States Code, Sections 2255 and 2241, Rule 60 of the Federal Rules of Civil Procedure, Rule 36 of the Federal Rules of Criminal Procedure, and writs of coram nobis and audita querela. Defendant further understands that Title 18, United States Code, Section 3582(c)(2), may allow the Court to grant a sentencing reduction to the defendant if the defendant has been sentenced to a term of imprisonment based upon a sentencing range that has been subsequently lowered by the United States Sentencing Commission and determined to apply retroactively to defendants who already have been sentenced to a term of imprisonment.

Acknowledging these rights, subject only to the exceptions indicated in subsection (d) below, the defendant, in exchange for the promise(s) and agreement(s) made by the United States in this plea agreement, knowingly and voluntarily:

a. Waives and gives up any right to appeal or contest his guilty plea, conviction, sentence, fine, supervised release, and any restitution imposed by any judge under any applicable restitution statute, including but not limited to any right to appeal any rulings on pretrial motions of any kind whatsoever, as well as any aspect of his sentence, including but not limited to any and all rights which arise under Title 18, United States Code, Section 3742 and Title 28, United States Code, Section 1291, and any right to raise on appeal or on collateral review any argument that (1)

the statute to which the defendant is pleading guilty is unconstitutional and (2) the admitted conduct does not fall within the scope of the statute;

b. Waives and gives up any right to appeal any order, decision, or judgment arising out of or related to Title 18, United States Code, Section 3582(c)(2) imposed by any judge and further waives and gives up any right to challenge the manner in which his sentence was determined and to challenge any United States Sentencing Guidelines determinations and their application by any judge to the defendant's sentence and judgment;

c. Waives and gives up any right to challenge his sentence collaterally, including but not limited to any and all rights which arise under Title 28, United States Code, Sections 2255 and 2241, Rule 60 of the Federal Rules of Civil Procedure, Rule 36 of the Federal Rules of Criminal Procedure, writs of coram nobis and audita querela, and any other collateral challenges to his sentence of any kind; and

d. The defendant specifically does not waive, and retains the right to bring a direct appeal of any sentence imposed in excess of the statutory maximum. The defendant also retains the right to raise a claim of ineffective assistance of counsel in an appropriate proceeding.

The defendant understands that any discussions with defendant's attorney or anyone else regarding sentencing guidelines are merely rough estimates and the Court is not bound by those discussions. The defendant understands that the sentencing guidelines are advisory and are not mandatory for sentencing purposes. The defendant understands the Court could impose the maximum term of imprisonment and fine allowed by law, including the imposition of supervised release. The defendant is also aware that in determining a fair and just sentence, the Court has the authority and discretion, pursuant to Title 18, United States Code, Sections 3553 and 3661 and the United States Sentencing Guidelines, to consider any and all "relevant conduct" that the defendant was involved in, the nature and circumstances of the offenses, and the history and characteristics of the defendant.

In an effort to resolve this matter in a timely fashion and show good faith, the defendant agrees to knowingly, voluntarily, and expressly waive his rights pursuant to Rule 410(a) of the Federal Rules of Evidence upon signing this plea agreement and the factual basis. The defendant understands and agrees that in the event the defendant violates the plea agreement, withdraws his decision to plead guilty, his guilty plea is later withdrawn or otherwise set aside, any statements made by the defendant to law enforcement agents or an attorney for the prosecuting authority during plea discussions, any statements made by the defendant during any court proceeding involving the defendant's plea of guilty, including any factual bases or summaries signed by the defendant, and any leads from such statements, factual bases or summaries, shall be admissible for all purposes against the defendant in any and all criminal proceedings.


The defendant agrees to forfeit to the United States any right, title, and interest in all assets subject to forfeiture under the notice(s) of forfeiture contained in the charging document, including property specified in any bill of particulars and property previously seized by the government for administrative, civil, or criminal forfeiture. The defendant further consents to the filing of a motion

AUSA *[Signature]*
Defendant *[Signature]*
Defense Counsel *[Signature]*

for a preliminary order forfeiting such property and any dollar amount specified in the notice(s) of forfeiture or bill of particulars, and the defendant confesses the requisite nexus between the property and the charge(s) of conviction. The defendant hereby withdraws any petition for remission or claim for such property and further waives any right to contest or appeal the government's forfeiture proceedings for any reason, including on grounds that the forfeiture constitutes an unconstitutionally excessive fine or punishment, and in any manner, including by claim, petition, appeal, or collateral attack.

The defendant further agrees to submit to interviews whenever and wherever requested by law enforcement authorities regarding all assets currently or previously within defendant's possession. It is also understood that defendant will provide any and all financial information and documentation requested by the government, agrees to voluntarily execute a complete and thorough Financial Statement of Debtor, and further agrees to provide the requested List of Items that is attached to the Financial Statement. The defendant understands this information may be provided to a representative of any victim of this offense.


The defendant recognizes that any criminal monetary penalty, whether special assessment, criminal fine, or restitution, that is owed as a result of his conviction will be immediately submitted to the Treasury Offset Program. The defendant waives any objection to his inclusion in the Treasury Offset Program.

AUSA 
Defendant TW
Defense Counsel CKK

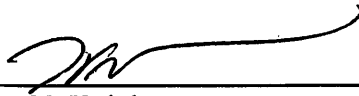
The defendant understands that the statements set forth above and in the attached **SEALED** document (Attachment "A") represents defendant's entire agreement with the Government; there are not any other agreements, letters, or notations that will affect this agreement.

Very truly yours,

PETER G. STRASSER
UNITED STATES ATTORNEY

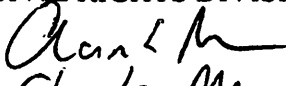


Chandra Menon 9/18/18
Assistant United States Attorney Date




Tracey N. Knight 9/18/18
Assistant United States Attorney Date

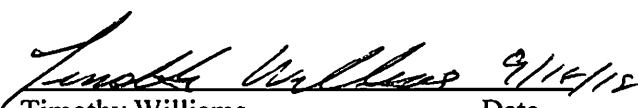
JOHN M. GORE
ACTING ASSISTANT ATTORNEY GENERAL
CIVIL RIGHTS DIVISION



Christine M. Siscaretti 9/18/18
Trial Attorney Date



Claude Kelly 9/18/18
Date
Jerrod Edward Thompson-Hicks
Attorneys for Timothy Williams



Timothy Williams 9/18/18
Date
Defendant

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA**

UNITED STATES OF AMERICA

*

CRIMINAL NO. 15-289

v.

*

SECTION: "B"

TIMOTHY WILLIAMS

*

* * *

FACTUAL BASIS

The United States and defendant TIMOTHY WILLIAMS ("WILLIAMS") stipulate and agree to the below facts, and further stipulate that such facts provide a sufficient factual basis for his plea of guilty to Count 1 of the Indictment's charge of Deprivation of Civil Rights Under Color of Law, in violation of 18 U.S.C. § 242.

The St. Bernard Parish Prison ("SBPP") was a correctional facility in the Eastern District of Louisiana responsible for the custody, control, care, and safety of inmates, including pretrial detainees, who were held in custody following an arrest, but who had not been convicted of a crime. Nimali Henry was a nineteen-year-old pretrial detainee in the custody of the SBPP from March 21, 2014, through April 1, 2014. Henry suffered from serious medical conditions, for which she was under a physician's care, and required medical treatment, including regular medication. While incarcerated at the SBPP, Henry did not receive medication or treatment for her serious medical conditions, she was not evaluated or treated by a physician, and she was not taken to a hospital. As a result of not receiving medical evaluation or treatment, Henry died on April 1, 2014.

From approximately October 2011 through the time period discussed in this Factual Basis, WILLIAMS was employed as an SBPP correctional officer, a position which required WILLIAMS to take an oath to support the United States Constitution. Throughout this time, WILLIAMS was

AUSA CAW
Defendant TW
Defense Counsel CLP

a “POST-certified” correctional officer, having successfully completed the Louisiana Peace Officer Standards and Training Council Jail & Corrections Training course. WILLIAMS learned through this training that as a correctional officer, he had a duty to exercise due care and diligence to ensure that inmates were provided with timely and adequate medical treatment. WILLIAMS also learned that if he failed in his obligation to ensure that inmates receive timely and adequate medical services, his conduct could result in the inmate suffering severe illness or death and could constitute cruel and unusual punishment in violation of the United States Constitution. Through his training, WILLIAMS knew correctional officers were required to take reasonable measures so that inmates showing signs of illness or injury received prompt medical attention from qualified medical personnel.

From approximately October 2011 through the time period discussed in this Factual Basis, WILLIAMS and the correctional officers he worked with—including DEBRA BECNEL, LISA VACCARELLA, and ANDRE DOMINICK—were responsible for the custody, control, care, and safety of inmates, including pretrial detainees, at the SBPP. During the time of Henry’s incarceration, WILLIAMS held the rank of Corporal. VACCARELLA and BECNEL held the rank of Deputy. WILLIAMS and VACCARELLA generally worked night shifts (approximately 7:00 p.m. to 7:00 a.m.). BECNEL generally worked day shifts (approximately 7:00 a.m. to 7:00 p.m.).

During the time of Henry’s incarceration, DOMINICK held the rank of Captain and was temporarily assigned to serve as the jail’s medical department officer, because the regular medical department officer was away at training. After being assigned the role of medical department officer, DOMINICK stated in substance to WILLIAMS that DOMINICK did not want to serve as the medical department officer and was upset with the assignment. DOMINICK was generally present at the SBPP on weekdays and available by cell phone at other times.

WILLIAMS knew that SBPP correctional officers had various means of addressing inmate medical issues including: delivering inmates' written medical requests to the medical department officer; alerting supervisors and/or the medical department officer of inmates' medical issues; announcing over the radio "code blue" (a signal for all available officers to report to the location of a medical emergency); and calling an ambulance service. Additionally, inmates selected by the medical department officer were permitted to meet with a physician who visited the SBPP once per week.

Because a physician reported to the SBPP only once per week, WILLIAMS knew that on most days an inmate could only receive access to a physician if the SBPP called the ambulance service and the ambulance then brought the inmate to a hospital. As WILLIAMS knew, when the ambulance service was called, responding emergency medical technicians ("EMTs") would examine the inmate and determine whether the inmate should remain at the SBPP or should be brought to a hospital for treatment or further evaluation. WILLIAMS understood that if EMTs determined that an inmate should be brought to the hospital, SBPP officers were to comply with that determination.

WILLIAMS knew that the SBPP's policy was for either one female officer or two male officers to accompany a female inmate to, from, and at, the hospital. To reduce the impact on staffing, it was generally preferable for a female officer to accompany a female inmate. WILLIAMS knew that, because some officers disliked accompanying inmates to the hospital, and because bringing inmates to the hospital reduced jail staffing, at times officers were reluctant to call the ambulance service.

Henry entered the SBPP on the evening of Friday March 21, 2014, and the following morning was assigned to D-1, which was a dorm room that housed female inmates. On numerous

occasions, prior to, and after, March 26, 2014, Henry and other inmates in D-1 informed correctional officers, including WILLIAMS, that Henry was seriously ill, had a life-threatening physician-diagnosed medical condition, and needed medical treatment, including physician-prescribed medication, without which she would become more seriously ill. WILLIAMS had no difficulty understanding Henry. Henry was articulate and spoke politely and clearly. WILLIAMS took no measures to address these medical complaints.

On March 26, 2014, a correctional officer under WILLIAMS's supervision reported to WILLIAMS in substance that Henry complained of dizziness and of having not taken her heart medication in a week. WILLIAMS took no measures to address Henry's medical complaints.

On March 29, 2014, at about 7:03 p.m., WILLIAMS and VACCARELLA responded to D-1 in response to inmates' requests for medical assistance for Henry. BECNEL preceded WILLIAMS in entering D-1. VACCARELLA stood just outside the open door to D-1. In the presence of WILLIAMS, BECNEL, and VACCARELLA, Henry and Henry's dorm mates, in an urgent and panicked tone, stated in substance that Henry was ill, needed medical treatment, and would die without treatment. BECNEL stated in substance that such complaints about Henry's medical condition had been an ongoing nuisance to the day-shift officers. WILLIAMS observed that Henry was obviously ill, as, among other things, she appeared to be weak and have difficulty breathing, and was holding her chest. WILLIAMS observed that Henry suffered physical impairment and pain as a result of being denied medical treatment.

WILLIAMS ordered that Henry be brought to a holding cell in the intake area of the SBPP. VACCARELLA led Henry away from D-1 to take Henry to a holding cell. Later during that shift, WILLIAMS and VACCARELLA watched video footage of Henry hunched over and struggling

to walk as VACCARELLA brought her towards the holding cell. VACCARELLA mocked and ridiculed Henry as she appeared in the video.

While Henry was in the holding cell, WILLIAMS returned to D-1. The D-1 inmates pleaded for Henry to receive medical attention, stating again in substance that Henry had a life threatening medical condition and urgently needed medical attention to prevent her death. WILLIAMS took no measures to address these statements and instead told the inmates in substance to stop requesting that Henry receive medical attention. WILLIAMS made these statements to discourage the inmates from making future medical complaints on Henry's behalf.

While in the holding cell Henry was ostensibly placed on medical observation. As WILLIAMS knew, however, Henry's placement in the holding cell would not provide actual medical monitoring or treatment, would not address Henry's illness, and would not address the risks of continued and additional harm to Henry. A medical observation under the SBPP's procedures required keeping a log of observations every 15 minutes and could only be ended upon orders of the medical department officer. As WILLIAMS knew, neither he nor any other officer kept a log regarding Henry and neither he nor any other officer contacted the medical department officer while Henry was in the holding cell.

As WILLIAMS knew, placement in a holding cell was often used as a punitive measure at the SBPP. In the holding cell, Henry was isolated from other inmates and her possessions. The holding cell was less comfortable than the dorm and would be a particularly difficult place for Henry to rest as it had no bed, was cold, was brightly lit throughout the night, and was noisy due to its proximity to an exterior door and to officers watching television. In placing Henry in the holding cell, WILLIAMS anticipated that the placement may discourage Henry from making future medical complaints.

At approximately 1:36 a.m. on March 30, 2014, VACCARELLA brought Henry from the holding cell back to D-1. Later during that shift, WILLIAMS and VACCARELLA watched video footage of Henry falling to the floor as she reentered D-1. WILLIAMS observed VACCARELLA mock and ridicule Henry as she appeared in the video.

During WILLIAMS's next shift, on March 30, 2014, at about 10:34 p.m., a correctional officer under WILLIAMS's supervision reached WILLIAMS via telephone while WILLIAMS was in the intake area of the jail. The correctional officer, who was monitoring D-1 from a control booth, informed WILLIAMS that inmates in D-1 were reporting a medical emergency, which was related to Henry. WILLIAMS indicated that he would address the reported medical emergency. After WILLIAMS did not promptly address the reported medical emergency, the correctional officer announced on the radio that there was a code blue in D-1.

Officers responding to the code blue announcement, including VACCARELLA, brought Henry from D-1 to the aforementioned holding cell in the intake area, where WILLIAMS was located. Later during that shift, WILLIAMS and VACCARELLA watched video footage of Henry being removed from D-1, which showed officers pulling Henry off the floor and out of D-1 and which showed Henry having difficulty walking and standing. WILLIAMS and VACCARELLA mocked and ridiculed Henry as she appeared in the video.

While Henry was in the holding cell, WILLIAMS observed that she was obviously ill and that her health had deteriorated from the previous night. WILLIAMS observed that Henry had suffered additional and continued physical impairment and pain as a result of being denied medical treatment. Despite her diminished condition, Henry was still able to state in substance to WILLIAMS that she had been hospitalized for her medical condition prior to her incarceration and that she needed medical treatment. WILLIAMS took no reasonable measures to address his

observations or Henry's complaints. WILLIAMS knew that during Henry's time in the holding cell, neither he nor any other officer kept a log for Henry and neither he nor any other officer contacted the medical department officer.

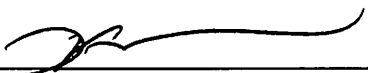
At approximately 4:20 a.m. on March 31, 2014, VACCARELLA brought Henry from the holding cell to D-2, which was a different female dorm room than the dorm Henry had been housed in since March 22, 2014. VACCARELLA did not inform WILLIAMS of any statements D-2 inmates had made about Henry's medical needs.

When WILLIAMS reported to the SBPP for his next shift on the evening of March 31, 2014, he observed that Henry had been moved to an isolation cell and was on "suicide watch." Henry remained in the isolation cell throughout this shift, which ended around 7:00 a.m. on April 1, 2014. During this shift, WILLIAMS heard Henry moaning. Also during this shift, WILLIAMS looked through an opening on a door leading to the isolation cell area and observed Henry lying naked and motionless on the cell's bunk with her arm hanging off the bunk. WILLIAMS took no measures to address this observation.

Later, WILLIAMS again looked through the opening and observed that Henry was lying naked, facedown and motionless on the cell floor next to the bunk. WILLIAMS did nothing to address this observation. WILLIAMS did not enter the cell area, did not attempt to speak to Henry, and took no measures (such as reviewing video footage) to verify if Henry had fallen to the floor. For the final portion of his shift (approximately four hours), WILLIAMS allowed a relatively new correctional officer, who had yet to receive POST training, to monitor Henry without any meaningful supervision. As a result of the lack of medical care, Henry died in the isolation cell on April 1, 2014, shortly after WILLIAMS's shift ended.


By engaging in the above conduct, WILLIAMS committed the offense of Deprivation of Civil Rights Under Color of Law, in violation of 18 U.S.C. § 242. With a bad purpose to disobey and disregard the law, WILLIAMS willfully and intentionally deprived Henry of her constitutional right to be free from a correctional officer's deliberate indifference to her serious medical needs. WILLIAMS, acting under color of law as an SBPP correctional officer, knew that Henry had serious medical needs and that she was at substantial risk of serious harm. However, he willfully disregarded the substantial risk of serious harm to Henry's health and safety by failing to take reasonable measures to address Henry's serious medical conditions. It was foreseeable that WILLIAMS's conduct would result in Henry's physical injury and death, and his conduct did in fact result in Henry's physical injury and death.

The above facts are offered for the limited purpose of establishing a sufficient factual basis to support the guilty plea and therefore do not describe all the details of the offense or WILLIAMS's complete knowledge of the offense.



TRACEY N. KNIGHT
CHANDRA MENON
Assistant United States Attorneys
CHRISTINE M. SISCARETTI
Trial Attorney, Civil Rights Division

9/18/18
Date



CLAUDE KELLY
JERROD THOMPSON-HICKS
Counsel for Defendant Timothy Williams

9/18/18
Date

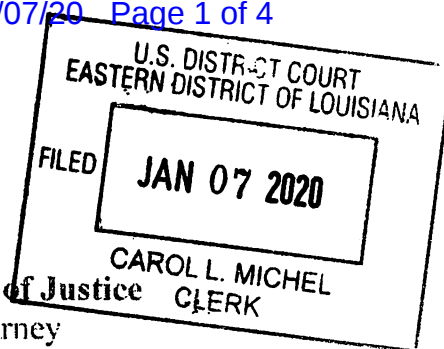


TIMOTHY WILLIAMS
Defendant

9/18/18
Date



U.S. Department of Justice
United States Attorney
Eastern District of Louisiana



Chandra Menon
Assistant United States Attorney

650 Poydras Street, Suite 1600
New Orleans, Louisiana 70130

Telephone: 504-680-2085
Chandra.Menon@usdoj.gov

Honorable Ivan L.R. Lemelle
United States District Judge
Eastern District of Louisiana
500 Poydras Street, Rm. C525
New Orleans, Louisiana 70130

Re: United States v. Debra Beemel
Criminal Docket No. 15-289

Dear Judge Lemelle:

In compliance with the holding of *Bryan v. United States*, 492 F.2d 775 (5th Cir. 1974), and with Rule 11 of the Federal Rules of Criminal Procedure, the Government wishes to acknowledge the following agreement between the Government and Debra Beemel, the defendant, in the above-captioned proceeding. Defendant's undersigned counsel, Guy Wall, has reviewed the terms of this agreement and has been advised by the defendant that the defendant fully understands the terms of this agreement.

The defendant agrees to plead guilty to making false statements to a federal agency as charged in Count 4 in the indictment in the above-captioned matter. The Government agrees that if the defendant fully complies with this plea agreement and the Court accepts the defendant's plea of guilty, the Government will request that the Court dismiss Count 1 of the indictment as to this defendant at the time of sentencing and the Government will not move for an upward departure or upward variance from the sentencing guideline range determined by the Court.

The defendant further understands that the maximum penalty defendant may receive should her plea of guilty be accepted is five years imprisonment and/or a fine of \$250,000 or the greater of twice the gross gain to the defendant or twice the gross loss to any person under Title 18, United States Code, Section 3571.

CM.

It is also understood that the restitution provisions of Sections 3663 and 3663A of Title 18, United States Code, will apply. The defendant agrees that any restitution imposed will be non-dischargeable in any bankruptcy proceeding and that defendant will not seek or cause to be sought a discharge or a finding of dischargeability as to the restitution obligation. The defendant further acknowledges and understands that, notwithstanding any payment schedule imposed at sentencing or during probation or supervised release, restitution is due and payable in full immediately upon entry of the judgment of conviction.

Further, the defendant understands that a mandatory special assessment fee of \$100.00 shall be imposed under the provisions of Section 3013 of Title 18, United States Code. This special assessment must be paid on the date of sentencing. Failure to pay this special assessment may result in the plea agreement being void.

The defendant further understands that the Court, in imposing a sentence of a term of imprisonment, may include as part of the sentence a requirement that the defendant be placed on a term of supervised release after imprisonment for a period of up to three years pursuant to Title 18, United States Code, Section 3583. Supervised release is a period following release from prison during which defendant's conduct will be monitored by the Court or the Court's designee. Defendant fully understands that if defendant violates any of the conditions of supervised release that the Court has imposed, defendant's supervised release may be revoked and defendant may be ordered by the Court to serve in prison all or part of the term of supervised release.

Defendant understands that Title 18, United States Code, Section 3742 and Title 28, United States Code, Section 1291, may give a criminal defendant the right to appeal her conviction and judgment imposed by the Court. Defendant also understands that she may have the right to file collateral challenges to her conviction and judgment, including but not limited to rights provided by Title 28, United States Code, Sections 2255 and 2241, Rule 60 of the Federal Rules of Civil Procedure, Rule 36 of the Federal Rules of Criminal Procedure, and writs of coram nobis and audita querela.

Acknowledging these rights, subject only to the exception indicated below, the defendant, in exchange for the promise(s) and agreement(s) made by the United States in this plea agreement, knowingly and voluntarily waives and gives up any right to appeal or contest her guilty plea or conviction, including but not limited to any right to appeal any rulings on pretrial motions of any kind whatsoever, and any right to raise on appeal or on collateral review any argument that (1) the statute to which the defendant is pleading guilty is unconstitutional and (2) the admitted conduct does not fall within the scope of the statute. The only exception to this waiver is that the defendant retains the right to raise a claim of ineffective assistance of counsel in an appropriate proceeding.

The defendant understands that any discussions with defendant's attorney or anyone else regarding sentencing guidelines are merely rough estimates and the Court is not bound by those

discussions. The defendant understands that the sentencing guidelines are advisory and are not mandatory for sentencing purposes. The defendant understands the Court could impose the maximum term of imprisonment and fine allowed by law, including the imposition of supervised release. The defendant is also aware that in determining a fair and just sentence, the Court has the authority and discretion, pursuant to Title 18, United States Code, Sections 3553 and 3661 and the United States Sentencing Guidelines, to consider any and all "relevant conduct" that the defendant was involved in, the nature and circumstances of the offenses, and the history and characteristics of the defendant.

In an effort to resolve this matter in a timely fashion and show good faith, the defendant agrees to knowingly, voluntarily, and expressly waive her rights pursuant to Rule 410(a) of the Federal Rules of Evidence upon signing this plea agreement and the factual basis. The defendant understands and agrees that in the event the defendant violates the plea agreement, withdraws her decision to plead guilty, her guilty plea is later withdrawn or otherwise set aside, any statements made by the defendant to law enforcement agents or an attorney for the prosecuting authority during plea discussions, any statements made by the defendant during any court proceeding involving the defendant's plea of guilty, including any factual bases or summaries signed by the defendant, and any leads from such statements, factual bases or summaries, shall be admissible for all purposes against the defendant in any and all criminal proceedings.

The defendant recognizes that any criminal monetary penalty, whether special assessment, criminal fine, or restitution, that is owed as a result of her conviction will be immediately submitted to the Treasury Offset Program. The defendant waives any objection to her inclusion in the Treasury Offset Program.

The defendant understands that the statements set forth above and in the attached **SEALED** document (Attachment "A") represents defendant's entire agreement with the Government; there are not any other agreements, letters, or notations that will affect this agreement

Very truly yours,

PETER G. STRASSER
UNITED STATES ATTORNEY



CHANDRA MENON
Assistant United States Attorney

1/7/20

Date




TRACEY N. KNIGHT
Assistant United States Attorney

1/7/20

Date

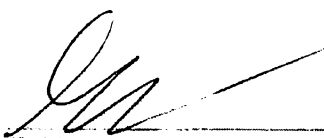
ERIC S. DREIBAND
ASSISTANT ATTORNEY GENERAL
CIVIL RIGHTS DIVISION



CHRISTINE M. SISCARETTI
Trial Attorney

1/7/2020

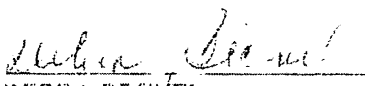
Date



GUY WALL
Attorney for Debra Beemel

12/18/2019

Date



DEBRA BEEMEL
Defendant

1/1/19

Date

U.S. DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA
FILED
JAN 07 2020
CAROL L. MICHEL
CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

UNITED STATES OF AMERICA * CRIMINAL NO. 15-289
v. * SECTION: "B"
DEBRA BECNEL *

* * *

FACTUAL BASIS

The United States and defendant DEBRA BECNEL ("BECNEL") stipulate and agree to the below facts, and further stipulate that such facts provide a sufficient factual basis for her plea of guilty to Count 4 of the Indictment's charge that she knowingly and willfully made materially false statements to a federal agent in a matter within the jurisdiction of a federal agency within the executive branch of the United States, in violation of Title 18, United States Code, Section 1001(a)(2). The following facts are offered for the purpose of establishing a sufficient factual basis to support the guilty plea and therefore do not describe all the details of the offense.

The St. Bernard Parish Prison ("SBPP") was a correctional facility in the Eastern District of Louisiana responsible for the custody, control, care, and safety of inmates, including pretrial detainees, who were held in custody following an arrest, but who had not been convicted of a crime. Nimali Henry was a nineteen-year-old pretrial detainee in the custody of the SBPP from March 21, 2014, through April 1, 2014. Henry suffered from serious medical conditions, for which she was under a physician's care, and required medical treatment, including regular medication. While incarcerated at the SBPP, Henry did not receive medication or treatment for her serious medical conditions, she was not evaluated or treated by a physician, and she was not taken to a hospital. As a result of not receiving medical treatment, Henry died on April 1, 2014.

AUSA *CM*
Defendant *DB*
Defense Counsel *DB*

During the time of Henry's incarceration, BECNEL was an SBPP correctional officer with the rank of deputy. BECNEL was a "POST-certified" correctional officer, having successfully completed the Louisiana Peace Officer Standards and Training Council Jail & Corrections Training course, which taught that inmates had a right to necessary medical care, and that correctional officers were required to take reasonable measures so that inmates showing signs of illness or injury received medical care. BECNEL and the other SBPP correctional officers—including Deputy LISA VACCARELLA, Captain/Medical Officer ANDRE DOMINICK, and Corporal TIMOTHY WILLIAMS—were responsible for the custody, control, care, and safety of inmates, including pretrial detainees, at the SBPP.

During the time of Henry's incarceration, BECNEL, as an experienced SBPP officer, knew the following facts about inmate medical issues. SBPP officers had various means of addressing inmate medical issues including: delivering inmates' written medical requests to the medical department officer; alerting supervisors and/or the medical department officer of inmates' medical issues; announcing over the radio "code blue" (a signal for all available officers to report to the location of a medical emergency); and calling an ambulance service. Inmates selected by the medical department officer were permitted to meet with a physician who visited the SBPP once per week. Because a physician reported to the SBPP only once per week, an inmate usually could only receive access to a physician if the SBPP called the ambulance service and the ambulance then brought the inmate to a hospital. When the ambulance service was called, responding emergency medical technicians ("EMTs") would examine the inmate and determine whether the inmate should remain at the SBPP or should be brought to a hospital for treatment or further evaluation. If EMTs determined that an inmate should be brought to the hospital, SBPP officers were to comply with that determination. The SBPP's policy was for either one female officer or

AUSA CM
Defendant MP
Defense Counsel JP

two male officers to accompany a female inmate to, from, and at, the hospital. To reduce the impact on staffing, it was generally preferable for a female officer to accompany a female inmate. Because some officers disliked accompanying inmates to the hospital, and because bringing inmates to the hospital reduced jail staffing, at times officers were reluctant to call the ambulance service.

Henry entered the SBPP on the evening of Friday, March 21, 2014, and the following morning was assigned to D-1, which was a dorm room that housed female inmates. During Henry's incarceration, Henry and other inmates in D-1 informed correctional officers, including BECNEL, that Henry was seriously ill, had a life-threatening physician-diagnosed medical condition, and needed medical treatment, including physician-prescribed medication, without which she would become more seriously ill. During her interactions with Henry, BECNEL had no difficulty understanding Henry. Henry was articulate and spoke politely and clearly.

After her shift had ended on the evening of March 29, 2014, BECNEL went to D-1 in response to inmates' requests for medical assistance for Henry. Corporal TIMOTHY WILLIAMS and Deputy LISA VACCARELLA went to D-1 shortly thereafter, with WILLIAMS entering D1 and VACCARELLA standing just outside the open door to D-1. In the presence of BECNEL, WILLIAMS, and VACCARELLA, Henry and Henry's dorm mates stated in substance that Henry was ill, needed medical treatment, and might die without treatment. At this time, BECNEL left Henry in the custody of WILLIAMS and VACCARELLA, who were at the starts of their shifts.

On the morning of March 31, 2014, BECNEL reported to D-2 in response to inmates' requests for medical assistance for Henry. BECNEL saw that Henry was sitting on the floor of the shower with bodily substances on and around her.

On the evening of March 31, 2014, at the SBPP, BECNEL and Captain/Medical Officer ANDRE DOMINICK discussed Henry. At that time, Henry was held in an isolation cell. During

their discussion, DOMINICK stated in substance that Henry had a serious blood disease and that DOMINICK had not obtained the medication that Henry was supposed to take to treat the disease.

On August 11, 2014, in the Eastern District of Louisiana, BECNEL met with special agents of the Federal Bureau of Investigation ("FBI"), an agency within the executive branch of the United States. BECNEL knew that it was unlawful to make false statements to the agents, knew that the agents were investigating the circumstances of Henry's death, and knew that anything BECNEL had heard about Henry's need for medical attention during her incarceration was a material matter, meaning that it had a natural tendency to influence, or was capable of influencing, decisions of the FBI.

At the meeting, BECNEL, knowingly and willfully made materially false statements in response to questions from the FBI. Specifically, BECNEL falsely told the FBI special agents that Henry never told BECNEL that Henry needed medical attention. BECNEL also falsely told the FBI special agents that she did not have any conversations with inmates in Dorm D1 regarding Henry having a serious medical condition until after Henry died. In truth and in fact, as BECNEL then well knew, her statements were false, both in that Henry told BECNEL that she needed

AUSA CM
Defendant DA
Defense Counsel MA

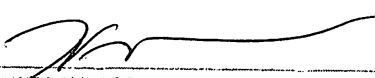
medical attention and that inmates in Dorm D1 had spoken to BECNEL about Henry having a serious medical condition before Henry's death.



1/7/20

CHANDRA MENON
Assistant United States Attorney

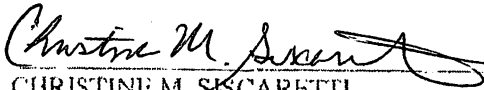
Date



1/7/20

TRACEY KNIGHT
Assistant United States Attorney

Date



1/7/2020

CHRISTINE M. SISCARETTI
Trial Attorney
Civil Rights Division
U.S. Department of Justice

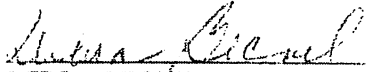
Date



12/18/2019

GUY WALL
Counsel for Defendant

Date



12/17/19

DEBRA BECNEL
Defendant

Date



U.S. Department of Justice
United States Attorney
Eastern District of Louisiana

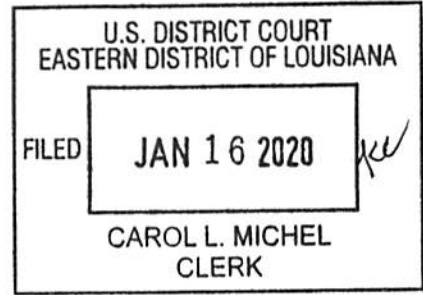
Chandra Menon
Assistant U.S. Attorney

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New Orleans, Louisiana 70130

Phone: 504-680-3085
Fax: 504-589-4395

January 16, 2020

Honorable Ivan L.R. Lemelle
United States District Judge
Eastern District of Louisiana
500 Poydras Street, C525
New Orleans, Louisiana 70130



Re: United States v. Andre Dominick
Criminal Docket No. 15-289

Dear Judge Lemelle:

In compliance with the holding of *Bryan v. United States*, 492 F.2d 775 (5th Cir. 1974), and with Rule 11 of the Federal Rules of Criminal Procedure, the Government wishes to acknowledge the following agreement between the Government and Andre Dominick, the defendant, in the above-captioned proceeding. Defendant's undersigned counsel, Paul C. Fleming, Jr., has reviewed the terms of this agreement and has been advised by the defendant that the defendant fully understands the terms of this agreement.

The defendant agrees to plead guilty to Deprivation of Civil Rights Under Color of Law Resulting in Death as charged in Count 1 in the indictment in the above-captioned matter. The Government agrees that if the defendant fully complies with this plea agreement and the Court accepts the defendant's plea of guilty, the Government will request that the Court dismiss Count 2 of the indictment at the time of sentencing and the Government will not move for an upward departure or upward variance from the sentencing guideline range determined by the Court. The defendant understands that the Court is not bound to dismiss any count and that the agreement by the Government to not move for an above-guidelines sentence does not bind the United States Probation Office from recommending, or the Court from imposing, an above-guidelines sentence. The Government also agrees that if the defendant fully complies with this plea agreement and the Court accept the defendant's plea of guilty, the Government will not bring any charges in the Eastern District of Louisiana related to allegations that the defendant received a firearm in or about November 2018 while under indictment.

AUSA CM
Defendant [Signature]
Defense Counsel [Signature]

The defendant further understands that the maximum penalty defendant may receive should his plea of guilty be accepted is life imprisonment and/or a fine of \$250,000 or the greater of twice the gross gain to the defendant or twice the gross loss to any person under Title 18, United States Code, Section 3571.

It is also understood that the restitution provisions of Sections 3663 and 3663A of Title 18, United States Code, will apply. The defendant agrees that any restitution imposed will be non-dischargeable in any bankruptcy proceeding and that defendant will not seek or cause to be sought a discharge or a finding of dischargeability as to the restitution obligation. The defendant further acknowledges and understands that, notwithstanding any payment schedule imposed at sentencing or during probation or supervised release, restitution is due and payable in full immediately upon entry of the judgment of conviction.

Further, the defendant understands that a mandatory special assessment fee of \$100.00 shall be imposed under the provisions of Section 3013 of Title 18, United States Code. This special assessment must be paid on the date of sentencing. Failure to pay this special assessment may result in the plea agreement being void.

The defendant further understands that the Court, in imposing a sentence of a term of imprisonment, may include as part of the sentence a requirement that the defendant be placed on a term of supervised release after imprisonment for a period of up to five years pursuant to Title 18, United States Code, Section 3583. Supervised release is a period following release from prison during which defendant's conduct will be monitored by the Court or the Court's designee. Defendant fully understands that if defendant violates any of the conditions of supervised release that the Court has imposed, defendant's supervised release may be revoked and defendant may be ordered by the Court to serve in prison all or part of the term of supervised release.

Defendant understands that Title 18, United States Code, Section 3742 and Title 28, United States Code, Section 1291, may give a criminal defendant the right to appeal his conviction, sentence, restitution, fine, and judgment imposed by the Court. Defendant also understands that he may have the right to file collateral challenges to his conviction and sentence, and judgment, including but not limited to rights provided by Title 28, United States Code, Sections 2255 and 2241, Rule 60 of the Federal Rules of Civil Procedure, Rule 36 of the Federal Rules of Criminal Procedure, and writs of coram nobis and audita querela. Defendant further understands that Title 18, United States Code, Section 3582(c)(2), may allow the Court to grant a sentencing reduction to the defendant if the defendant has been sentenced to a term of imprisonment based upon a sentencing range that has been subsequently lowered by the United States Sentencing Commission and determined to apply retroactively to defendants who already have been sentenced to a term of imprisonment.

Acknowledging these rights, subject only to the exceptions indicated in subsection (d) below, the defendant, in exchange for the promise(s) and agreement(s) made by the United States in this plea agreement, knowingly and voluntarily:

a. Waives and gives up any right to appeal or contest his guilty plea, conviction, sentence, fine, supervised release, and any restitution imposed by any judge under any applicable restitution statute, including but not limited to any right to appeal any rulings on pretrial motions of any kind whatsoever, as well as any aspect of his sentence, including but not limited to any and all rights which arise under Title 18, United States Code, Section 3742 and Title 28, United States Code, Section 1291, and any right to raise on appeal or on collateral review any argument that (1) the statute to which the defendant is pleading guilty is unconstitutional and (2) the admitted conduct does not fall within the scope of the statute;

b. Waives and gives up any right to appeal any order, decision, or judgment arising out of or related to Title 18, United States Code, Section 3582(c)(2) imposed by any judge and further waives and gives up any right to challenge the manner in which his sentence was determined and to challenge any United States Sentencing Guidelines determinations and their application by any judge to the defendant's sentence and judgment;

c. Waives and gives up any right to challenge his sentence collaterally, including but not limited to any and all rights which arise under Title 28, United States Code, Sections 2255 and 2241, Rule 60 of the Federal Rules of Civil Procedure, Rule 36 of the Federal Rules of Criminal Procedure, writs of coram nobis and audita querela, and any other collateral challenges to his sentence of any kind; and

d. The defendant specifically does not waive, and retains the right to bring a direct appeal of any sentence imposed in excess of the statutory maximum. The defendant also retains the right to raise a claim of ineffective assistance of counsel in an appropriate proceeding.

The defendant understands that any discussions with defendant's attorney or anyone else regarding sentencing guidelines are merely rough estimates and the Court is not bound by those discussions. The defendant understands that the sentencing guidelines are advisory and are not mandatory for sentencing purposes. The defendant understands the Court could impose the maximum term of imprisonment and fine allowed by law, including the imposition of supervised release. The defendant is also aware that in determining a fair and just sentence, the Court has the authority and discretion, pursuant to Title 18, United States Code, Sections 3553 and 3661 and the United States Sentencing Guidelines, to consider any and all "relevant conduct" that the defendant was involved in, the nature and circumstances of the offenses, and the history and characteristics of the defendant.

In an effort to resolve this matter in a timely fashion and show good faith, the defendant agrees to knowingly, voluntarily, and expressly waive his rights pursuant to Rule 410(a) of the Federal Rules of Evidence upon signing this plea agreement and the factual basis. The defendant understands and agrees that in the event the defendant violates the plea agreement, withdraws his decision to plead guilty, his guilty plea is later withdrawn or otherwise set aside, any statements made by the defendant to law enforcement agents or an attorney for the prosecuting authority during plea discussions, any statements made by the defendant during any court proceeding involving the defendant's plea of guilty, including any factual bases or summaries signed by the defendant, and any leads from such statements, factual bases or summaries, shall be admissible for all purposes against the defendant in any and all criminal proceedings.

The defendant agrees to forfeit to the United States any right, title, and interest in all assets subject to forfeiture under the notice(s) of forfeiture contained in the charging document, including property specified in any bill of particulars and property previously seized by the government for administrative, civil, or criminal forfeiture. The defendant further consents to the filing of a motion for a preliminary order forfeiting such property and any dollar amount specified in the notice(s) of forfeiture or bill of particulars, and the defendant confesses the requisite nexus between the property and the charge(s) of conviction. The defendant hereby withdraws any petition for remission or claim for such property and further waives any right to contest or appeal the government's forfeiture proceedings for any reason, including on grounds that the forfeiture constitutes an unconstitutionally excessive fine or punishment, and in any manner, including by claim, petition, appeal, or collateral attack.

The defendant further agrees to submit to interviews whenever and wherever requested by law enforcement authorities regarding all assets currently or previously within defendant's possession. It is also understood that defendant will provide any and all financial information and documentation requested by the government, agrees to voluntarily execute a complete and thorough Financial Statement of Debtor, and further agrees to provide the requested List of Items that is attached to the Financial Statement. The defendant understands this information may be provided to a representative of any victim of this offense.

The defendant recognizes that any criminal monetary penalty, whether special assessment, criminal fine, or restitution, that is owed as a result of his conviction will be immediately submitted to the Treasury Offset Program. The defendant waives any objection to his inclusion in the Treasury Offset Program.

AUSA CM
Defendant ok
Defense Counsel [Signature]


The defendant understands that the statements set forth above and in the attached **SEALED** document (Attachment "A") represents defendant's entire agreement with the Government; there are not any other agreements, letters, or notations that will affect this agreement.

Very truly yours,

PETER G. STRASSER
UNITED STATES ATTORNEY

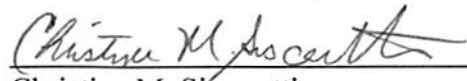
 1/16/2020

Chandra Menon Date
Assistant United States Attorney

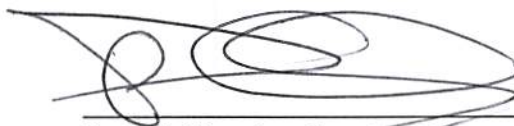
 1/16/2020

Tracey N. Knight Date
Assistant United States Attorney

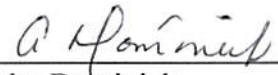
ERIC S. DREIBAND
ASSISTANT ATTORNEY GENERAL
CIVIL RIGHTS DIVISION

 1/16/2020

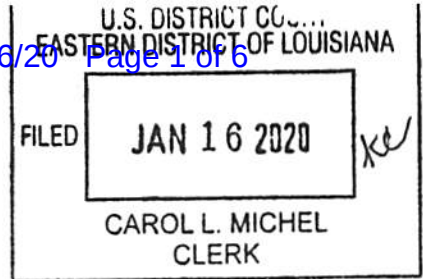
Christine M. Siscaretti Date
Trial Attorney

 1/16/2020

Paul C. Fleming, Jr. Date
Attorneys for Andre Dominick

 1-16-20

Andre Dominick Date
Defendant



UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

UNITED STATES OF AMERICA	*	CRIMINAL NO. 15-289
v.	*	SECTION: "B"
ANDRE DOMINICK	*	
	* * *	

FACTUAL BASIS

The United States and defendant ANDRE DOMINICK ("DOMINICK") stipulate and agree to the below facts, and further stipulate that such facts provide a sufficient factual basis for his plea of guilty to Count 1 of the Indictment's charge of Deprivation of Civil Rights Under Color of Law, in violation of 18 U.S.C. § 242. The below facts are offered for the limited purpose of establishing a sufficient factual basis to support the guilty plea and therefore do not necessarily describe all the details of the offense or DOMINICK'S complete knowledge of the offense.

The St. Bernard Parish Prison ("SBPP") was a correctional facility in the Eastern District of Louisiana responsible for the custody, control, care, and safety of inmates, including pretrial detainees, who were held in custody following an arrest, but who had not been convicted of a crime. Nimali Henry was a nineteen-year-old pretrial detainee in the custody of the SBPP from March 21, 2014, through April 1, 2014. Henry suffered from serious medical conditions, for which she was under a physician's care, and required medical treatment, including regular medication. While incarcerated at the SBPP, Henry did not receive medication or treatment for her serious medical conditions, she was not evaluated or treated by a physician, and she was not taken to a hospital. As a result of not receiving medical evaluation or treatment, Henry died on April 1, 2014.

From approximately 1990 through the time period discussed in this Factual Basis, DOMINICK was employed by the Saint Bernard Parish Sheriff's Office. For most of this time,

AUSA	<u>CM</u>
Defendant	<u>AL</u>
Defense Counsel	<u>[Signature]</u>

DOMINICK was an SBPP correctional officer. In 2009, DOMINICK became a “POST-certified” correctional officer, having successfully completed the Louisiana Peace Officer Standards and Training Council Jail & Corrections Training course. In 2010, DOMINICK successfully completed a course to become a corrections instructor and became certified to teach the Louisiana Peace Officer Standards and Training Council Jail & Corrections Training course. DOMINICK learned through this training that as a correctional officer, he had a duty to exercise due care and diligence to ensure that inmates were provided with timely and adequate medical treatment. DOMINICK also learned that if he failed in his obligation to ensure that inmates receive timely and adequate medical services, his conduct could result in the inmate suffering severe illness or death and could constitute cruel and unusual punishment in violation of the United States Constitution. Through his training, DOMINICK knew correctional officers were required to take reasonable measures so that inmates showing signs of illness or injury received prompt medical attention from qualified medical personnel.

During the time of Henry’s incarceration, DOMINICK and the correctional officers he worked with—including TIMOTHY WILLIAMS, DEBRA BECNEL, LISA VACCARELLA—were responsible for the custody, control, care, and safety of inmates, including pretrial detainees, at the SBPP. During this time, DOMINICK held the rank of Captain and, since approximately February 2014, was temporarily assigned to serve as the jail’s acting medical department officer. DOMINICK was generally present at the SBPP on weekdays and available by cell phone at other times.

Based upon his training and experience, DOMINICK knew that all SBPP correctional officers had multiple means of addressing inmate medical issues including: delivering inmates’ written medical requests, which were known as sick calls, to the medical department officer;

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Defense Counsel [Signature]

alerting supervisors and/or the medical department officer of inmates' medical issues; announcing over the radio "code blue" (a signal for all available officers to report to the location of a medical emergency); and calling an ambulance service. DOMINICK also knew that he, as the medical department officer, had additional means of addressing inmate medical issues including: permitting inmates to meet with a physician who visited the SBPP once per week; consulting with inmates' medical providers; requesting inmates' medical records; ordering and administering prescription medication; requesting that the court order pretrial detainees with difficult to manage medical conditions released on their own recognizance; and consulting by phone with physicians with whom the SBPSO contracted.

DOMINICK knew that his responsibilities as medical department officer included reviewing standard SBPP forms known as medical questionnaires and sick calls. The medical questionnaires were used by correctional officers to gather medical information about new inmates. The sick calls were completed by inmates to make medical complaints. Correctional officers would provide completed medical questionnaires and sick calls to the medical department.

Because a physician reported to the SBPP only once per week, DOMINICK knew that on most days an inmate could only receive access to a physician if the SBPP called the ambulance service and the ambulance then brought the inmate to a hospital. As DOMINICK knew, when the ambulance service was called, responding emergency medical technicians ("EMTs") would examine the inmate and determine whether the inmate should remain at the SBPP or should be brought to a hospital for treatment or further evaluation. DOMINICK understood that if EMTs determined that an inmate should be brought to the hospital, SBPP officers were to comply with that determination.

On the morning of March 26, 2014, at the SBPP, DOMINICK met with a Department of Children and Family Services investigator. DOMINICK had been summoned to meet with the investigator in response to her request to SBPP staff to discuss Henry's medical issues with the appropriate person. The investigator identified herself and her position to DOMINICK and stated in substance that: she had just visited Nimali Henry; Henry appeared to be ill and was in need of medical attention for serious medical conditions, including a blood disorder known as TTP; Henry has been treated at Ochsner Medical Center for her medical conditions; and Henry, while in custody at SBPP, had not been receiving medications prescribed to treat her medical conditions.

On March 27, 2014, at the SBPP medical office, Dominick met with Henry for the first time. At some point prior to this meeting with Henry, Dominick had reviewed Henry's medical questionnaire and a sick call dated March 26, 2014. The medical questionnaire indicated that Henry reported, among other things: that she was taking two medications; that she was under medical care; the name of her doctor; that she has had kidney failure. The sick call form indicated in substance that Henry: was experiencing dizziness and lightheadedness; was not feeling well; had been treated at Ochsner's medical facility at the Jefferson Highway location; had a history of heart failure, renal failure, and Graves disease; had prescriptions filled at a Walgreens pharmacy; was not feeling well; had been told by her doctor that if she stopped her medical treatment there was a 90% chance she would die.

During his March 27, 2014, meeting with Henry, DOMINICK had no difficulty understanding Henry. Henry was articulate and spoke politely and clearly. At this meeting, DOMINICK permitted Henry to use the medical office telephone to attempt two calls. DOMINICK observed that, for each attempted call, Henry failed to reach anyone.

During, or around the time of, his March 27, 2014, meeting with Henry, DOMINICK called a Walgreens pharmacy located in Saint Bernard Parish. The pharmacy told DOMINICK about prescriptions for medications that Henry had filled there. However, DOMINICK did not order the prescriptions that Henry needed, nor did he call Henry's doctor, whose name she had provided on the medical questionnaire.

On March 29, 2014, a physician reported to the SBPP and met with inmates selected by DOMINICK. DOMINICK did not select Henry to be among the inmates to meet with the physician. DOMINICK did not inform the physician about Henry or disclose to the physician any of the information he had obtained about Henry.

On March 31, 2014, at approximately 5:30 p.m., a correctional officer asked DOMINICK to report to an isolation cell where Henry was housed. At that time, Henry was under "medical watch," having been placed on that status that morning by another correctional officer, after an episode in which Henry was weak and disoriented and had experienced significant vaginal bleeding. DOMINICK entered the isolation cell and observed Henry, and acknowledged that he knew that Henry had not had her medication while incarcerated. DOMINICK then directed the correctional officer who had summoned him and BECNEL, who were both present in the isolation cell, to change Henry's watch to "suicide watch." Shortly thereafter, DOMINICK ended his shift and left the SBPP.

DOMINICK took no measures, other than those described above, to help secure the medical attention that Henry needed to address her serious medical conditions. Although these options were available to DOMINICK, he failed to: announce a code blue; call an ambulance service; permit Henry to meet with a physician who visited the SBPP; meet with Henry, other than as has been described above; call Ochsner Medical Center; call the doctor named in Henry's

medical questionnaire, request Henry's medical records; order or administer Henry's medication; request that the court order Henry released on her own recognizance; and attempt to consult by phone with physicians with whom the SBPSO contracted.

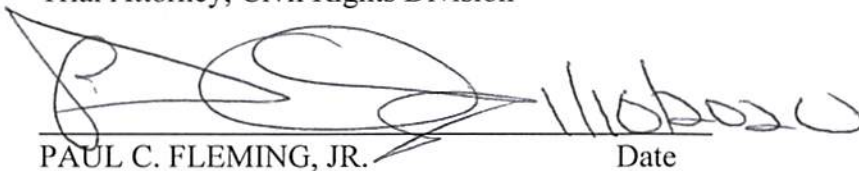
By engaging in the above conduct, DOMINICK committed the offense of Deprivation of Civil Rights Under Color of Law, in violation of 18 U.S.C. § 242. With a bad purpose to disobey and disregard the law, DOMINICK willfully and intentionally deprived Henry of her constitutional right to be free from a correctional officer's deliberate indifference to her serious medical needs. DOMINICK, acting under color of law as an SBPP correctional officer, knew that Henry had serious medical needs and that she was at substantial risk of serious harm. However, he willfully disregarded the substantial risk of serious harm to Henry's health and safety by failing to take reasonable measures to address Henry's objectively serious medical conditions. It was foreseeable that DOMINICK's conduct would result in Henry's physical injury and death, and his conduct did in fact result in Henry's physical injury and death.



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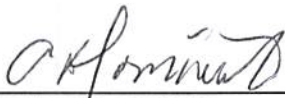
TRACEY N. KNIGHT
CHANDRA MENON
Assistant United States Attorneys
CHRISTINE M. SISCARETTI
Trial Attorney, Civil Rights Division

Date



PAUL C. FLEMING, JR.
Counsel for Defendant Andre Dominick

Date



1-16-20

ANDRE DOMINICK
Defendant

Date



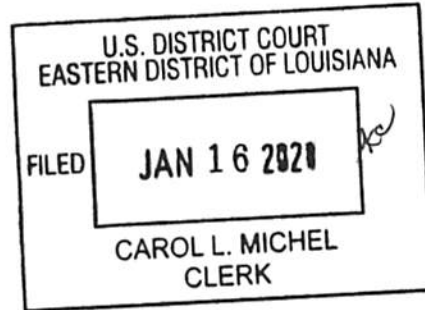
U.S. Department of Justice
United States Attorney
Eastern District of Louisiana

Chandra Menon
Assistant U.S. Attorney

650 Poydras Street, Suite 1600
New Orleans, Louisiana 70130

Phone: 504-680-3085
Fax: 504-589-4395

Honorable Ivan L.R. Lemelle
United States District Judge
Eastern District of Louisiana
500 Poydras Street, C525
New Orleans, Louisiana 70130



Re: United States v. Lisa Vaccarella
Criminal Docket No. 15-289

Dear Judge Lemelle:

In compliance with the holding of *Bryan v. United States*, 492 F.2d 775 (5th Cir. 1974), and with Rule 11 of the Federal Rules of Criminal Procedure, the Government wishes to acknowledge the following agreement between the Government and Lisa Vaccarella, the defendant, in the above-captioned proceeding. Defendant's undersigned counsel, Anna Friedberg, has reviewed the terms of this agreement and has been advised by the defendant that the defendant fully understands the terms of this agreement.

The defendant waives her right to prosecution by indictment and consents to prosecution by a bill of information charging one count of misprision of a felony in violation of 18 U.S.C. § 4 and one count of making false statements to a federal agency in violation of 18 U.S.C. § 1001(a)(2). The defendant agrees to plead guilty as charged to both counts of said bill of information.

The Government agrees that if the defendant fully complies with this plea agreement and the Court accepts the defendant's plea of guilty, the Government will request that the Court dismiss the currently-pending indictment at the time of sentencing and the Government will not move for an upward departure or upward variance from the sentencing guideline range determined by the Court. The defendant understands that the Court is not bound to dismiss any count and that the agreement by the Government to not move for an above-guidelines sentence does not bind the United States Probation Office from recommending, or the Court from imposing, an above-guidelines sentence.

AUSA CM
Defendant [Signature]
Defense Counsel [Signature]

The defendant further understands that the maximum penalties defendant may receive should her plea of guilty be accepted is three years imprisonment as to her conviction for misprision of a felony and five years imprisonment as to her conviction for making false statements to a federal agency, and/or, for each conviction, a fine of \$250,000 or the greater of twice the gross gain to the defendant or twice the gross loss to any person under Title 18, United States Code, Section 3571.

It is also understood that the restitution provisions of Sections 3663 and 3663A of Title 18, United States Code, will apply. The defendant agrees that any restitution imposed will be non-dischargeable in any bankruptcy proceeding and that defendant will not seek or cause to be sought a discharge or a finding of dischargeability as to the restitution obligation. The defendant further acknowledges and understands that, notwithstanding any payment schedule imposed at sentencing or during probation or supervised release, restitution is due and payable in full immediately upon entry of the judgment of conviction.

Further, the defendant understands that a mandatory special assessment fee of \$100.00 for each count shall be imposed under the provisions of Section 3013 of Title 18, United States Code. This special assessment must be paid on the date of sentencing. Failure to pay this special assessment may result in the plea agreement being void.

The defendant further understands that the Court, in imposing a sentence of a term of imprisonment, may include as part of the sentence a requirement that the defendant be placed on a term of supervised release after imprisonment for a period of up to one year as to her conviction for misprision of a felony and up to three years as to her conviction for making false statements to a federal agency, pursuant to Title 18, United States Code, Section 3583. Supervised release is a period following release from prison during which defendant's conduct will be monitored by the Court or the Court's designee. Defendant fully understands that if defendant violates any of the conditions of supervised release that the Court has imposed, defendant's supervised release may be revoked and defendant may be ordered by the Court to serve in prison all or part of the term of supervised release.

Defendant understands that Title 18, United States Code, Section 3742 and Title 28, United States Code, Section 1291, may give a criminal defendant the right to appeal her conviction, sentence, restitution, fine, and judgment imposed by the Court. Defendant also understands that she may have the right to file collateral challenges to her conviction and sentence, and judgment, including but not limited to rights provided by Title 28, United States Code, Sections 2255 and 2241, Rule 60 of the Federal Rules of Civil Procedure, Rule 36 of the Federal Rules of Criminal Procedure, and writs of coram nobis and audita querela. Defendant further understands that Title 18, United States Code, Section 3582(c)(2), may allow the Court to grant a sentencing reduction to the defendant if the defendant has been sentenced to a term of imprisonment based upon a

AUSA CM
Defendant [Signature]
Defense Counsel [Signature]

sentencing range that has been subsequently lowered by the United States Sentencing Commission and determined to apply retroactively to defendants who already have been sentenced to a term of imprisonment.

Acknowledging these rights, subject only to the exceptions indicated in subsection (d) below, the defendant, in exchange for the promise(s) and agreement(s) made by the United States in this plea agreement, knowingly and voluntarily:

a. Waives and gives up any right to appeal or contest her guilty plea, conviction, sentence, fine, supervised release, and any restitution imposed by any judge under any applicable restitution statute, including but not limited to any right to appeal any rulings on pretrial motions of any kind whatsoever, as well as any aspect of her sentence, including but not limited to any and all rights which arise under Title 18, United States Code, Section 3742 and Title 28, United States Code, Section 1291, and any right to raise on appeal or on collateral review any argument that (1) the statute to which the defendant is pleading guilty is unconstitutional and (2) the admitted conduct does not fall within the scope of the statute;

b. Waives and gives up any right to appeal any order, decision, or judgment arising out of or related to Title 18, United States Code, Section 3582(c)(2) imposed by any judge and further waives and gives up any right to challenge the manner in which her sentence was determined and to challenge any United States Sentencing Guidelines determinations and their application by any judge to the defendant's sentence and judgment;

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d. The defendant specifically does not waive, and retains the right to bring a direct appeal of any sentence imposed in excess of the statutory maximum. The defendant also retains the right to raise a claim of ineffective assistance of counsel in an appropriate proceeding.

The defendant understands that any discussions with defendant's attorney or anyone else regarding sentencing guidelines are merely rough estimates and the Court is not bound by those discussions. The defendant understands that the sentencing guidelines are advisory and are not mandatory for sentencing purposes. The defendant understands the Court could impose the maximum term of imprisonment and fine allowed by law, including the imposition of supervised release. The defendant is also aware that in determining a fair and just sentence, the Court has the authority and discretion, pursuant to Title 18, United States Code, Sections 3553 and 3661 and the

United States Sentencing Guidelines, to consider any and all “relevant conduct” that the defendant was involved in, the nature and circumstances of the offenses, and the history and characteristics of the defendant.

In an effort to resolve this matter in a timely fashion and show good faith, the defendant agrees to knowingly, voluntarily, and expressly waive her rights pursuant to Rule 410(a) of the Federal Rules of Evidence upon signing this plea agreement and the factual basis. The defendant understands and agrees that in the event the defendant violates the plea agreement, withdraws her decision to plead guilty, her guilty plea is later withdrawn or otherwise set aside, any statements made by the defendant to law enforcement agents or an attorney for the prosecuting authority during plea discussions, any statements made by the defendant during any court proceeding involving the defendant’s plea of guilty, including any factual bases or summaries signed by the defendant, and any leads from such statements, factual bases or summaries, shall be admissible for all purposes against the defendant in any and all criminal proceedings.

The defendant agrees to forfeit to the United States any right, title, and interest in all assets subject to forfeiture under the notice(s) of forfeiture contained in the charging document, including property specified in any bill of particulars and property previously seized by the government for administrative, civil, or criminal forfeiture. The defendant further consents to the filing of a motion for a preliminary order forfeiting such property and any dollar amount specified in the notice(s) of forfeiture or bill of particulars, and the defendant confesses the requisite nexus between the property and the charge(s) of conviction. The defendant hereby withdraws any petition for remission or claim for such property and further waives any right to contest or appeal the government’s forfeiture proceedings for any reason, including on grounds that the forfeiture constitutes an unconstitutionally excessive fine or punishment, and in any manner, including by claim, petition, appeal, or collateral attack.


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The defendant recognizes that any criminal monetary penalty, whether special assessment, criminal fine, or restitution, that is owed as a result of her conviction will be immediately submitted to the Treasury Offset Program. The defendant waives any objection to her inclusion in the Treasury Offset Program.

The defendant understands that the statements set forth above and in the attached **SEALED** document (Attachment "A") represents defendant's entire agreement with the Government; there are not any other agreements, letters, or notations that will affect this agreement.

Very truly yours,

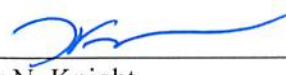
PETER G. STRASSER
UNITED STATES ATTORNEY



1/16/2020

Chandra Menon
Assistant United States Attorney

Date

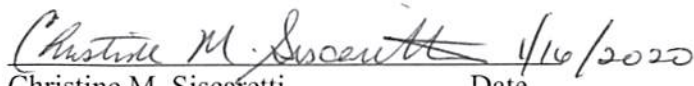


1/14/2020

Tracey N. Knight
Assistant United States Attorney

Date

ERIC S. DREIBAND
ASSISTANT ATTORNEY GENERAL
CIVIL RIGHTS DIVISION



Christine M. Siscaretti
Trial Attorney

Date

Anna L. Friedberg 1-16-20

Anna Friedberg.
Attorney for Lisa Vaccarella

Date



Lisa Vaccarella
Defendant

Date

U.S. DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA
FILED
JAN 16 2020
CAROL L. MICHEL
CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

UNITED STATES OF AMERICA * CRIMINAL NO. 15-289
v. * SECTION: "B"
LISA VACCARELLA *
* * *

FACTUAL BASIS

The United States and defendant LISA VACCARELLA ("VACCARELLA") stipulate and agree to the below facts, and further stipulate that such facts provide a sufficient factual basis for her plea of guilty to Count 1 of the Superseding Bill of Information's charge that VACCARELLA, having knowledge of the actual commission of a felony cognizable by a court of the United States, did conceal the same from law enforcement and did not as soon as possible make the illegal activity known to a judge, agent, or other person in civil or military authority under the United States, in violation of Title 18, United States Code, Section 4; and for her plea of guilty to Count 2 of the Superseding Bill of Information's charge that defendant VACCARELLA knowingly and willfully made materially false, fictitious, and fraudulent statements and representations in a matter within the jurisdiction of a federal agency within the executive branch of the United States, in violation of Title 18, United States Code, Section 1001(a)(2). The following facts are offered for the purpose of establishing a sufficient factual basis to support the guilty plea and therefore do not describe all the details of the offense or VACCARELLA'S complete knowledge of the offense.

The St. Bernard Parish Prison ("SBPP") was a correctional facility in the Eastern District of Louisiana responsible for the custody, control, care, and safety of inmates, including pretrial detainees, who were held in custody following an arrest, but who had not been convicted of a crime. Nimali Henry was a nineteen-year-old pretrial detainee in the custody of the SBPP from

AUSA cm
Defendant lv
Defense Counsel 07

March 21, 2014, through April 1, 2014. Henry suffered from serious medical conditions, for which she was under a physician's care, and required medical treatment, including regular medication.

While incarcerated at the SBPP, Henry did not receive medication or treatment for her serious medical conditions, she was not evaluated or treated by a physician, and she was not taken to a hospital. As a result of not receiving medical evaluation or treatment, Henry died on April 1, 2014.

During Henry's incarceration, TIMOTHY WILLIAMS and LISA VACCARELLA were correctional officers responsible for the custody, control, care, and safety of inmates, including pretrial detainees, at the SBPP. During Henry's incarceration, WILLIAMS held the rank of Corporal. As Corporal, WILLIAMS was the supervisor over VACCARELLA, who held the rank of Deputy. VACCARELLA was a "POST-certified" correctional officer, having successfully completed the Louisiana Peace Officer Standards and Training Council Jail & Corrections Training course, which taught that inmates had a right to necessary medical care, and that correctional officers were required to take reasonable measures so that inmates showing signs of illness or injury received medical care.

During the time of Henry's incarceration, VACCARELLA, as an experienced SBPP officer, knew the following facts about inmate medical issues. SBPP officers had various means of addressing inmate medical issues including: delivering inmates' written medical requests to the medical department officer; alerting supervisors and/or the medical department officer of inmates' medical issues; announcing over the radio "code blue" (a signal for all available officers to report to the location of a medical emergency); and calling an ambulance service. Inmates selected by the medical department officer were permitted to meet with a physician who visited the SBPP once per week. Because a physician reported to the SBPP only once per week, an inmate usually could

only receive access to a physician if the SBPP called the ambulance service and the ambulance then brought the inmate to a hospital. When the ambulance service was called, responding emergency medical technicians (“EMTs”) would examine the inmate and determine whether the inmate should remain at the SBPP or should be brought to a hospital for treatment or further evaluation. If EMTs determined that an inmate should be brought to the hospital, SBPP officers were to comply with that determination. The SBPP’s policy was for either one female officer or two male officers to accompany a female inmate to, from, and at, the hospital. To reduce the impact on staffing, it was generally preferable for a female officer to accompany a female inmate. Because some officers disliked accompanying inmates to the hospital, and because bringing inmates to the hospital reduced jail staffing, at times officers were reluctant to call the ambulance service.

VACCARELLA knew that, during Henry’s incarceration, WILLIAMS had committed a felony cognizable by a court of the United States (Deprivation of Civil Rights Under Color of Law Resulting in Bodily Injury and Death, as prohibited by 18 U.S.C. § 242).

VACCARELLA was present on the evening of March 29, 2014, when WILLIAMS, her direct supervisor, and other correctional officers reported to D1 and learned that: Henry was ill; that she had a serious medical condition; and that she needed medication or would suffer serious harm. In the presence of WILLIAMS, VACCARELLA helped move Henry, who was weak and vomiting, to a holding cell for observation by WILLIAMS and others. At approximately 1:36 a.m. on March 30, VACCARELLA returned Henry to her dorm, where VACCARELLA saw Henry fall to the floor. During this time, VACCARELLA knew that WILLIAMS did not take any steps to provide medical treatment for Henry, such as calling the medical officer, an ambulance, or a doctor.

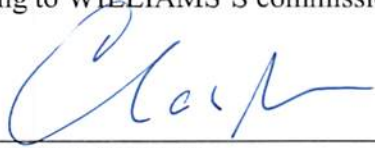
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Defense Counsel of

On the night of March 30, VACCARELLA helped move Henry, whose condition had visibly deteriorated from the previous evening, from D1 to the aforementioned holding cell in the intake area, where WILLIAMS was located. On the morning of March 31, VACCARELLA escorted Henry from the holding cell to D2, a different dorm of the SBPP. At the time, Henry was disoriented and weak. During this time, VACCARELLA knew that WILLIAMS still had not taken any steps to provide medical treatment for Henry.

From the evening of March 31 to the morning of April 1, VACCCARELLA was on duty and WILLIAMS was on duty as her supervisor. During this shift, VACCARELLA observed Henry in the isolation cell, lying unclothed and face-down on the floor, while breathing heavily. During this time, VACCARELLA knew that WILLIAMS still had not taken any steps to provide medical treatment for Henry. Later on April 1, Henry was discovered by other correctional officers, and was subsequently pronounced dead.

Beginning in April 2014, and continuing through after August 2014, Federal Bureau of Investigation ("FBI") agents investigated the circumstances of Henry's death for possible felony violations of 18 U.S.C. § 242 (Deprivation of Civil Rights Under Color of Law Resulting in Bodily Injury and Death). In the course of the investigation, FBI special agents interviewed SBPP correctional officers, including VACCARELLA. VACCARELLA knew that it was unlawful to make false statements to the FBI and that information about Henry's physical condition was a material matter, meaning that it had a natural tendency to influence, or was capable of influencing, decisions of the FBI. On August 14, 2014, in the Eastern District of Louisiana, an FBI agent interviewed VACCARELLA about the circumstances of Henry's death. At the interview, VACCARELLA did not inform the FBI agent that she knew that WILLIAMS and others had committed a violation of 18 U.S.C. § 242, and she took affirmative steps to conceal the commission

of the federal felony committed by WILLIAMS and others at SBPP. During this interview with the FBI, VACCARELLA falsely claimed to the FBI agent that on March 30, 2014, VACCARELLA observed Henry walk into a dorm and lie down on the floor, and then, upon VACCARELLA'S order, stand up without any assistance and walk without any difficulty, before VACCARELLA closed the dorm door. In truth and in fact, as VACCARELLA then well knew, her statement was false, in that VACCARELLA watched Henry fall to the dorm floor on March 30, 2014, and then VACCARELLA closed the dorm door and left Henry lying on the floor. VACCARELLA willfully and knowingly made this false statement for the purposes of misleading the FBI, concealing WILLIAMS'S crime, and preventing the communication of information relating to WILLIAMS'S commission of the crime to federal law enforcement officers.



1/16/2020

CHANDRA MENON
Assistant United States Attorney

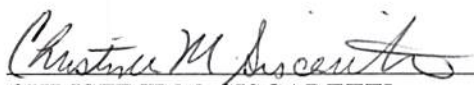
Date



1/14/2020

TRACEY N. KNIGHT
Assistant United States Attorney

Date



1/16/2020

CHRISTINE M. SISCARETTI
Trial Attorney

Date



1-16-20

ANNA FRIEDBERG
Counsel for Defendant

Date



01-16-20

LISA VACCARELLA
Defendant

Date