

**FILED**  
At Albuquerque NM

JUN 27 2012 *kd*

**MATTHEW J. DYKMAN**  
CLERK

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA,

CRIMINAL NO.:

Plaintiff,

*12-CR-1553*

v.

DEMETRIO JUAN GONZALES,  
KEVIN JAMES CASAUS, and  
MATTHEW DAVID PENDLEY

18 U.S.C. § 242  
18 U.S.C. § 1512  
18 U.S.C. § 1519

Defendants.

**The Grand Jury charges:**

**INTRODUCTION**

At all times relevant to this indictment:

1. The Bernalillo County Metropolitan Detention Center ("MDC") in Albuquerque, New Mexico, housed persons convicted of state crimes, persons waiting to be transported to another nearby county, persons awaiting trial, and persons arrested on local charges and waiting to appear before a judge or pretrial officer in Bernalillo County.
2. Defendants **Demetrio Juan Gonzales, Kevin James Casaus, and Matthew David Pendley** were corrections officers at the MDC.
3. C.S. was a pre-trial detainee held overnight at MDC after his arrest while waiting to appear before a judge.

4. Paragraphs 1 through 3 are hereby incorporated by reference into the counts set forth below.

**COUNT 1**

**[18 U.S.C. § 242]**

On or about December 21, 2011, in Bernalillo County, in the District of New Mexico,  
defendant

**Demetrio Juan Gonzales,**

while acting under color of law, and while in the identification office at MDC, delivered knee-strikes to the body of C.S., a pre-trial detainee, without any physical provocation or resistance from C.S, thereby willfully depriving C.S. of the right, secured and protected by the Due Process Clause of the United States Constitution, not to be subjected to excessive force amounting to punishment by a corrections officer. This offense resulted in bodily injury to C.S.

All in violation of 18 U.S.C. § 242.

**COUNT 2**

**[18 U.S.C. § 242]**

On or about December 21, 2011, in Bernalillo County, in the District of New Mexico,  
defendant

**Demetrio Juan Gonzales,**

while acting under color of law, and while in the shower room/dress out area at MDC, struck and choked C.S., a pretrial detainee, without any physical provocation or resistance from C.S, thereby willfully depriving C.S. of the right, secured and protected by the Due Process Clause of the United States Constitution, not to be subjected to excessive force amounting to punishment

by a corrections officer. This offense resulted in bodily injury to C.S.

All in violation of 18 U.S.C. § 242.

**COUNT 3**

**[18 U.S.C. § 242]**

On or about December 21, 2011, in Bernalillo County, in the District of New Mexico,  
defendant

**Kevin James Casaus,**

while acting under color of law, and while in the shower room/dress out area at MDC, shoved and struck C.S., willfully depriving C.S. of the right, secured and protected by the Due Process Clause of the United States Constitution, not to be subjected to excessive force amounting to punishment by a corrections officer. This offense resulted in bodily injury to C.S.

All in violation of 18 U.S.C. § 242.

**COUNT 4**

**[18 U.S.C. §1512]**

On or about December 21, 2011, in Bernalillo County, in the District of New Mexico,  
defendant

**Kevin James Casaus,**

did corruptly obstruct, influence, and impede an official proceeding and attempt to do so, in that the defendant made false statements concerning uses of force on C.S. to a detective of the Bernalillo County Sheriff's Office who was investigating those uses of force during a recorded interview.

All in violation of 18 U.S.C. § 1512(c)(2).

**COUNT 5**

**[18 U.S.C. §1519]**

On or about December 22, 2011, in Bernalillo County, in the District of New Mexico,  
defendant

**Kevin James Casaus,**

acting in relation to and in contemplation of a matter within the jurisdiction of the Federal Bureau of Investigation (“FBI”), an agency of the United States, knowingly falsified and made false entries in a document relating to a use of force on C.S. on December 21, 2011, with intent to impede, obstruct, and influence the investigation and proper administration of that matter. Specifically, the defendant falsely wrote in his own official report, in sum and substance, referring to C.S., “As we were in the showers the inmate had blood on his clothing from what I do not know.”

All in violation of 18 U.S.C. § 1519.

**COUNT 6**

**[18 U.S.C. §1512]**

On or about December 22, 2011, in Bernalillo County, in the District of New Mexico,  
defendant

**Matthew David Pendley,**



APPROVED:

KENNETH GONZALES  
UNITED STATES ATTORNEY


BY:



MARK T. BAKER  
ASSISTANT UNITED STATES ATTORNEY

THOMAS E. PEREZ  
ASSISTANT ATTORNEY GENERAL  
CIVIL RIGHTS DIVISION  
UNITED STATES DEPARTMENT OF JUSTICE

BY:



FARA GOLD  
TRIAL ATTORNEY  
CRIMINAL SECTION  
CIVIL RIGHTS DIVISION  
UNITED STATES DEPARTMENT OF JUSTICE