

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION

UNITED STATES OF AMERICA,)
) No. 05-00344-01/02-CR-W-ODS
)
Plaintiff,) **COUNT ONE:** 18 U.S.C. § 245(b)(2)(B)
) and § 2
) (BOTH DEFENDANTS)
) Interference with Federally
v.) Protected Activities
) NMT: 10 Years Imprisonment
) \$250,000 Fine
) Three Years Supervised Release
) Class C Felony
)
GARY EYE,) **COUNT TWO:** 18 U.S.C.
[DOB: XXXXXXXXXXX],) § 924(c)(1)(a)(iii) and § 2
) (BOTH DEFENDANTS)
) Use or Discharge of Firearm During
and) Crime of Violence
) NLT: 10 Years Imprisonment
) (consecutive)
STEVEN SANDSTROM) NMT: \$250,000 Fine
[DOB: XXXXXXXXXXX],) Five Years Supervised Release
) Class A Felony
)
Defendants.) **COUNT THREE:** 18 U.S.C. § 245(b)(2)(B)
) and § 2
) (BOTH DEFENDANTS)
) Interference with Federally
) Protected Activities
) NMT: Life Imprisonment or Death
) \$250,000 Fine
) Five Years Supervised Release
) Class A Felony
)
) **COUNT FOUR:** 18 U.S.C.
) § 924(c)(1)(A)(iii), (j)(1) and § 2
) (BOTH DEFENDANTS)
) Use or Discharge of Firearm During
) Crime of Violence Causing Murder
) NLT: 25 Years Imprisonment
) (consecutive if convicted of
) Count Two)
) NMT: Life Imprisonment or Death
) \$250,000 Fine
) Five Years Supervised Release
) Class A Felony

) **COUNT FIVE:** 18 U.S.C. § 1512(a)(1)(C),
) (a)(3)(A) and § 2
) (BOTH DEFENDANTS)
) Tampering with a Witness
) NMT: Life Imprisonment or Death
) \$250,000 Fine
) Five Years Supervised Release
) Class A Felony
)
) **COUNT SIX:** 18 U.S.C.
) § 924(c)(1)(A)(iii), (j)(1) and § 2
) (BOTH DEFENDANTS)
) Use or Discharge of Firearm During
) Crime of Violence Causing Murder
) NLT: 25 Years Imprisonment
) (consecutive if convicted of
) Count Two)
) NMT: Life Imprisonment or Death
) \$250,000 Fine
) Five Years Supervised Release
) Class A Felony
)
) **COUNT SEVEN:** 18 U.S.C. § 1519 and § 2
) (BOTH DEFENDANTS)
) Obstruction of Justice
) NMT: 20 Years Imprisonment
) \$250,000 Fine
) Three Years Supervised Release
) Class C Felony
)
) **COUNT EIGHT:** 18 U.S.C. § 844(h)(1)
) and § 2
) (BOTH DEFENDANTS)
) Use of Fire to Commit a Felony
) NMT: 10 Years Imprisonment
) (Consecutive to Count Seven)
) Three Years Supervised Release
) Class C Felony
)
) **COUNT NINE:** 18 U.S.C. § 1513(b)(2)
) (STEVEN SANDSTROM)
) NMT: 10 Years Imprisonment
) \$250,000 Fine
) Three Years Supervised Release
) Class C Felony
)
) \$100 Special Assessment Each Count

S U P E R S E D I N G I N D I C T M E N T

THE GRAND JURY CHARGES THAT:

COUNT ONE

On or about March 9, 2005, in Kansas City, Jackson County, in the Western District of Missouri, defendants, GARY EYE and STEVEN SANDSTROM, while aiding and abetting one another, did willfully, by force and threat of force, attempt to injure, intimidate and interfere with William McCay, an African-American man, by shooting at him with a firearm, because of William McCay's race and color, and because he was and had been enjoying a facility provided and administered by a subdivision of the State of Missouri, namely, the public streets provided and administered by the City of Kansas City, in and around 9th Street and Spruce Avenue. The commission of this offense included the use of a dangerous weapon.

All in violation of Title 18, United States Code, Section 245(b)(2)(B), and Section 2.

COUNT TWO

On or about March 9, 2005, in Kansas City, Jackson County, in the Western District of Missouri, defendants, GARY EYE and STEVEN SANDSTROM, while aiding and abetting one another, knowingly used, carried, and discharged; and caused to be used, carried, and discharged, a firearm, namely a .22 caliber revolver, during and in relation to a crime of violence for which

they may be prosecuted in a court of the United States, that is, the offense charged in Count One of the Superseding Indictment and incorporated herein by reference.

All in violation of Title 18, United States Code, Section 924(c)(1)(A)(iii), and Section 2.

COUNT THREE

On or about March 9, 2005, in Kansas City, Jackson County, in the Western District of Missouri, defendants, GARY EYE and STEVEN SANDSTROM, while aiding and abetting one another, did willfully, by force and threat of force, injure, intimidate and interfere with William McCay, an African-American man, by shooting him with a firearm, because of William McCay's race and color, and because he was and had been enjoying a facility provided and administered by a subdivision of the State of Missouri, namely, the public streets provided and administered by the City of Kansas City, in and around 9th Street and Brighton Avenue. The commission of this offense involved the use of a dangerous weapon and resulted in the death of William McCay.

All in violation of Title 18, United States Code, Section 245(b)(2)(B), and Section 2.

COUNT FOUR

On or about March 9, 2005, in Kansas City, Jackson County, in the Western District of Missouri, defendants, GARY EYE and STEVEN SANDSTROM, while aiding and abetting one another,

knowingly used, carried, and discharged; and caused to be used, carried, and discharged, a firearm, namely a .22 caliber revolver, during and in relation to a crime of violence for which they may be prosecuted in a court of the United States, that is, the offense charged in Count Three of this Superseding Indictment and incorporated herein by reference. In committing this offense, defendants, GARY EYE and STEVEN SANDSTROM, caused the death of William McCay through the use and discharge of said firearm. The death of William McCay involved circumstances constituting murder as defined in Title 18, United States Code, Section 1111, in that defendants GARY EYE and STEVEN SANDSTROM unlawfully killed William McCay willfully, deliberately, and with premeditation and malice aforethought.

All in violation of Title 18, United States Code, Sections 924(c)(1)(A)(iii), (j)(1), and Section 2.

COUNT FIVE

On or about March 9, 2005, in the Western District of Missouri, the defendants, GARY EYE and STEVEN SANDSTROM, while aiding and abetting one another, did knowingly kill William McCay with the intent to prevent William McCay from communicating to a law enforcement officer of the United States information related to the commission or possible commission of a federal offense, that is, the interference with his free exercise and enjoyment of a right secured to him by the laws and the Constitution of the

United States, namely, his right to the use and enjoyment of a public facility, the public streets provided and administered by the City of Kansas City, Missouri, free from intimidation based upon race and color. The death of William McCay involved circumstances constituting murder as defined in Title 18, United States Code, Section 1111, in that defendants GARY EYE and STEVEN SANDSTROM unlawfully killed William McCay willfully, deliberately, and with premeditation and malice aforethought.

All in violation of Title 18, United States Code, Section 1512(a)(1)(C), (a)(3)(A), and Section 2.

COUNT SIX

On or about March 9, 2005, in Kansas City, Jackson County, in the Western District of Missouri, defendants, GARY EYE and STEVEN SANDSTROM, while aiding and abetting one another, knowingly used, carried, and discharged; and caused to be used, carried, and discharged, a firearm, namely a .22 caliber revolver, during and in relation to a crime of violence for which they may be prosecuted in a court of the United States, that is, the offense as charged in Count Five of this Superseding Indictment and incorporated herein by reference. In committing this offense, defendants, GARY EYE and STEVEN SANDSTROM, caused the death of William McCay through the use and discharge of said firearm. The death of William McCay involved circumstances constituting murder as defined in Title 18, United States Code,

Section 1111, in that defendants GARY EYE and STEVEN SANDSTROM unlawfully killed William McCay willfully, deliberately, and with premeditation and malice aforethought.

All in violation of Title 18, United States Code, Section 924(c)(1)(A)(iii), (j)(1), and Section 2.

COUNT SEVEN

On or about March 9, 2005, in Kansas City, Jackson County, in the Western District of Missouri, defendants, GARY EYE and STEVEN SANDSTROM, while aiding and abetting one another, knowingly altered, destroyed, and mutilated a tangible object, namely a 2003 Red Dodge Intrepid, with the intent to impede, obstruct, and influence the possible investigation of a matter and matters within the jurisdiction of a department or agency of the United States, those matters being the offenses charged in Counts One through Six of this Superseding Indictment.

All in violation of Title 18, United States Code, Section 1519, and Section 2.

COUNT EIGHT

On or about March 9, 2005, in Kansas City, Jackson County, in the Western District of Missouri, defendants, GARY EYE and STEVEN SANDSTROM, while aiding and abetting one another, knowingly used fire to commit a felony prosecutable in a court of the United States, namely the offense charged in Count Seven of this Superseding Indictment and incorporated herein by reference.

All in violation of Title 18, United States Code, Section 844(h)(1), and Section 2.

COUNT NINE

On or about July 31, 2005, in Kansas City, Jackson County, in the Western District of Missouri, defendant STEVEN SANDSTROM did knowingly engage in conduct and thereby threatened to cause bodily injury to another person with the intent to retaliate against that person for information relating to the commission or possible commission of a federal offense given by that person to a law enforcement officer, those federal offenses being the matters charged in Counts One through Six of this Superseding Indictment.

All in violation of Title 18, United States Code, Section 1513(b)(2).

NOTICE OF SPECIAL FINDINGS AS TO DEFENDANT GARY EYE

The Grand Jury incorporates by reference and re-alleges the allegations contained in Counts Three, Four, Five, and Six of this Superseding Indictment and makes the following special findings:

1. That defendant GARY EYE was not less than eighteen (18) years of age at the time of this offense. (Title 18, United States Code, Section 3591(a)).

2. That defendant GARY EYE intentionally killed William McCay. (Title 18, United States Code, Section 3591(a)(2)(A)).

3. That defendant GARY EYE intentionally inflicted serious bodily injury that resulted in the death of William McCay. (Title 18, United States Code, Section 3591(a)(2)(B)).

4. That defendant GARY EYE intentionally participated in an act, contemplating that the life of a person would be taken or intending that lethal force would be used in connection with a person, other than one of the participants of the offense, and William McCay died as a direct result of the act. (Title 18, United States Code, Section 3591(a)(2)(C)).

5. That defendant GARY EYE intentionally and specifically engaged in an act of violence, knowing that the act created a grave risk of death to a person, other than one of the participants in the offense, such that participation in the act constituted a reckless disregard for human life and William McCay died as a direct result of the act. (Title 18, United States Code, Section 3591(a)(2)(D)).

6. That defendant GARY EYE committed the offenses in Counts Three, Four, Five, and Six after substantial planning and premeditation to cause the death of a person. (Title 18, United States Code, Section 3592(c)(9)).

All in violation of Title 18, United States Code, Sections 3591 and 3592.

NOTICE OF SPECIAL FINDINGS AS TO DEFENDANT STEVEN SANDSTROM

The Grand Jury incorporates by reference and re-alleges the allegations contained in Counts Three, Four, Five, and Six of this Superseding Indictment and makes the following special findings:

1. That defendant STEVEN SANDSTROM was not less than eighteen (18) years of age at the time of this offense. (Title 18, United States Code, Section 3591(a)).

2. That defendant STEVEN SANDSTROM intentionally participated in an act, contemplating that the life of a person would be taken or intending that lethal force would be used in connection with a person, other than one of the participants of the offense, and William McCay died as a direct result of the act. (Title 18, United States Code, Section 3591(a)(2)(C)).

3. That defendant STEVEN SANDSTROM intentionally and specifically engaged in an act of violence, knowing that the act created a grave risk of death to a person, other than one of the participants in the offense, such that participation in the act constituted a reckless disregard for human life and William McCay died as a direct result of the act. (Title 18, United States Code, Section 3591(a)(2)(D)).

4. That defendant STEVEN SANDSTROM committed the offenses in Counts Three, Four, Five, and Six after substantial planning and premeditation to cause the death of

a person. (Title 18, United States Code, Section 3592(c)(9)).

All in violation of Title 18, United States Code, Sections 3591 and 3592.

A TRUE BILL

5/17/06
DATE

/s/ Foreperson
FOREPERSON OF THE GRAND JURY

/s/ David M. Ketchmark
David M. Ketchmark
Assistant United States Attorney
Western District of Missouri

/s/ D. Michael Green
D. Michael Green
Assistant United States Attorney
Western District of Missouri

/s/ David M. Ketchmark for
Paige Fitzgerald
Trial Attorney, Criminal Section
Civil Rights Division