



*Office of the United States Attorney
Eastern District of Kentucky
James A. Zerhusen, United States Attorney*

**Former USP Big Sandy Corrections Officer Indicted for
Civil Rights Violation, Wanton Endangerment, Providing
Prohibited Item to Inmate**

FOR IMMEDIATE RELEASE

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Inez, Ky. —Larry Ray Miller, Jr., 33, of Hazard, Kentucky, a correctional officer at the United States Penitentiary, Big Sandy, in Martin County, was indicted today for violating an inmate's civil rights, a Kentucky state law violation of first degree wanton endangerment, and aiding and abetting providing a prohibited item to an inmate.

The Superseding Indictment alleges that on December 30, 2007, Miller, then employed as a corrections officer at USP Big Sandy, and acting under the color of laws of the United States, did injure, oppress, intimidate, and threaten inmate M.L.T., in inmate confined in the prison's special housing unit. In so doing, Miller deprived inmate M.L.T. of the free exercise and enjoyment of his Constitutional right not to be subjected to cruel and unusual punishment.

The Superseding Indictment also alleges that Miller committed the Kentucky crime of First Degree Wanton Endangerment. The Superseding Indictment alleges Miller, while acting under circumstances manifesting an extreme indifference to the value of human life, opened inmate M.L.T.'s cell door and allowed fellow corrections officer Kevin Christopher Fallen to enter the cell with a folding pocket knife. The Superseding Indictment alleges that Miller in so acting created a substantial danger of death or serious physical injury to inmate M.L.T., Fallen, and others.

Finally, the Superseding Indictment alleges that Miller, aided and abetted by Fallen, provided a folding pocket knife to inmate M.L.T. in violation of Bureau of Prisons policy.

In March 2009, Fallen pleaded guilty to providing the pocket knife to inmate M.L.T.

James A. Zerhusen, United States Attorney for the Eastern District of Kentucky, J. C. Zurcher, Warden, USP Big Sandy, John F. Oleskowicz, Special Agent in Charge, United States Department of Justice, Office of the Inspector General, (DOJ-OIG) Chicago Field Office, and Timothy D. Cox, Special Agent in Charge, Federal Bureau of Investigation, jointly made the announcement today after a federal grand jury in Ashland, Ky., returned the Superseding Indictment.

The investigation preceding the Indictment was conducted by the USP Big Sandy Special Investigative Services, DOJ-OIG, and the Federal Bureau of Investigation. The Superseding Indictment was presented to the grand jury by Assistant United States Attorney Robert M. Duncan, Jr.

Miller's appearance before the United States District Court has not yet been set by the Court. If convicted, Miller faces a maximum prison sentence of 10 years. However, any sentence following conviction would be imposed by the court after consideration of the United States Sentencing Guidelines and the federal statute governing the imposition of sentences.

The indictment of a person by a grand jury is an accusation only, and that person is presumed innocent unless proven guilty.

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