

UNITED STATES DISTRICT COURT FOR THE  
SOUTHERN DISTRICT OF WEST VIRGINIA  
CHARLESTON

COPY - The original was filed in  
the Clerk's Office at Charleston on

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TERESA L. DEPPNER, CLERK  
U.S. District Court  
Southern District of West Virginia

UNITED STATES OF AMERICA

v.

CRIMINAL NO.

2:13-CG-000264

18 U.S.C. § 242

18 U.S.C. § 2

C. MICHAEL SPARKS

INFORMATION

The United States Attorney charges:

1. At all relevant times, defendant C. MICHAEL SPARKS ("SPARKS") was the Prosecuting Attorney of Mingo County, West Virginia, in the Southern District of West Virginia. At all relevant times, Mingo County Commissioner David Baisden ("Baisden") and the then-sheriff of Mingo County (the "Sheriff") were close political allies of SPARKS.

2. In or about February 2013, victim "G.W." was charged with drug-related criminal offenses in circuit court in Mingo County. In or about March 2013, Baisden and the Sheriff learned that G.W., with the assistance of his criminal defense attorney, C.W., was providing information to the news media and possibly to federal law enforcement officials about criminal conduct by the Sheriff. Baisden and the Sheriff advised SPARKS that they would seek to coerce G.W. into firing C.W. in order to prevent G.W. and C.W. from further providing information about criminal conduct by the Sheriff. Baisden, through a known messenger, then offered G.W. a more favorable plea agreement if he would fire C.W. In response, G.W. fired C.W. and replaced C.W. with a different attorney.

3. After G.W. fired C.W., SPARKS entered into a plea agreement with G.W. under which three of five criminal counts pending against G.W. were dismissed. As part of the plea

agreement, SPARKS also accepted a forfeiture from G.W. of \$10,000, which was \$10,000 less than the forfeiture SPARKS originally intended to seek from G.W. Moreover, as part of the agreement, SPARKS agreed to recommend that the sentences for the two counts to which G.W. would plead guilty would run concurrently rather than consecutively. SPARKS negotiated this plea agreement in part with County Commissioner Baisden himself and, at Baisden's behest, entered into a plea agreement more favorable than he otherwise would have. SPARKS did these acts knowing that a more favorable plea agreement for G.W. was a necessary part of the scheme to coerce G.W. into firing C.W. in order to protect the Sheriff. Because SPARKS was the county's Prosecuting Attorney, his cooperation in this regard was necessary to the scheme's success.

4. Wherefore, in or about March 2013, in Mingo County, West Virginia, and within the Southern District of West Virginia, SPARKS did, under color of law, willfully and knowingly subject a person, that is, G.W., to the deprivation of a right, privilege, and immunity secured and protected by the Constitution and the laws of the United States, that is, G.W.'s right to counsel of his choice under the Sixth and Fourteenth Amendments to the Constitution of the United States, and did aid, abet, and counsel others known to the United States Attorney in doing the same.

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

UNITED STATES OF AMERICA

R. BOOTH GOODWIN II  
United States Attorney

By:

  
STEVEN R. RUBY  
C. HALEY BUNN  
Assistant United States Attorneys