

STATE OF NEW YORK  
COUNTY COURT : : COUNTY OF WYOMING

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THE PEOPLE OF THE STATE OF NEW YORK

-against-

INDICTMENT NO. \_\_\_\_\_  
Filed December 8, 2011

KEITH SWACK,  
SEAN WARNER,  
MATTHEW RADDEMACHER,  
ERIK HIBSCH,

Defendant.

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COUNT ONE:

The Grand Jury of Wyoming County, by this count in this Indictment, accuses the defendant, KEITH SWACK, SEAN WARNER, MATTHEW RADDEMACHER, & ERIK HIBSCH, of the offense of GANG ASSAULT IN THE FIRST DEGREE a class B Felony, contrary to Penal Law Section 120.07 committed on or about August 9, 2011 in the County of Wyoming:

At said time and place, KEITH SWACK, SEAN WARNER, MATTHEW RADDEMACHER, & ERIK HIBSCH, with intent to cause serious physical injury to a person (Inmate George Williams), caused serious physical injury to George Williams and at the time KEITH SWACK, SEAN WARNER, MATTHEW RADDEMACHER, & ERIK HIBSCH was aided by two or more other persons actually present.

COUNT TWO:

The Grand Jury of Wyoming County, by this count in this Indictment, accuses the defendant, **KEITH SWACK, SEAN WARNER, MATTHEW RADDEMACHER, & ERIK HIBSCH**, of the offense of CONSPIRACY IN THE FOURTH DEGREE, a class E Felony, contrary to Penal Law Section 105.10 (1) committed on or about August 9, 2011 in the County of Wyoming:

At said time and place, **KEITH SWACK, SEAN WARNER, MATTHEW RADDEMACHER, & ERIK HIBSCH**, with intent that conduct constituting Gang Assault in the First Degree, a class B felony be performed, agreed with each other to engage in or cause the performance of conduct constituting Gang Assault in the First Degree and the above defendant completed at least one overt act in furtherance of the conspiracy, to wit: they committed the crime of Gang Assault in the First Degree.

COUNT THREE:

The Grand Jury of Wyoming County, by this count in this Indictment, accuses the defendant, **KEITH SWACK, SEAN WARNER, MATTHEW RADDEMACHER, & ERIK HIBSCH**, of the offense of TAMPERING WITH PHYSICAL EVIDENCE, a class E Felony, contrary to Penal Law Section 215.40(1) committed on or about August 9, 2011 in the County of Wyoming:

At said time and place, with intent that it be used or introduced in an official proceeding or a prospective official

proceeding, KEITH SWACK, SEAN WARNER, MATTHEW RADDEMACHER, & ERIK HIBSCH knowingly prepared false physical evidence consisting of a razor.

COUNT FOUR:

The Grand Jury of Wyoming County, by this count in this Indictment, accuses the defendant, KEITH SWACK, SEAN WARNER, MATTHEW RADDEMACHER, & ERIK HIBSCH, of the offense of OFFICIAL MISCONDUCT, a class A Misdemeanor, contrary to Penal Law Section 195.00(1) committed on or about August 9, 2011, in the County of Wyoming:

At said time and place KEITH SWACK, SEAN WARNER, MATTHEW RADDEMACHER, & ERIK HIBSCH committed an act relating to their office but constituting an unauthorized exercise of his official functions, knowing that such act is unauthorized.

COUNT FIVE:

The Grand Jury of Wyoming County, by this count in this Indictment, accuses the defendant, SEAN WARNER, of the offense of OFFERING A FALSE INSTRUMENT FOR FILING IN THE FIRST DEGREE, a class E Felony contrary to Penal Law Section 175.35 committed on or about the August 9, 2011 in the County of Wyoming:

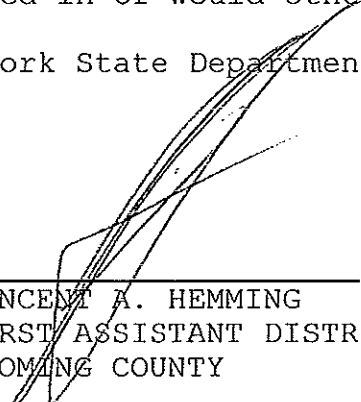
At said time and place, SEAN WARNER, knowing that a written instrument contained a false statement or false information and

with intent to defraud the state or any political subdivision thereof, offered or presented a false "Unusual Incident Report", a public office, with the knowledge or belief that it would be filed with, registered or recorded in or would otherwise become a part of the records of the New York State Department of Corrections.

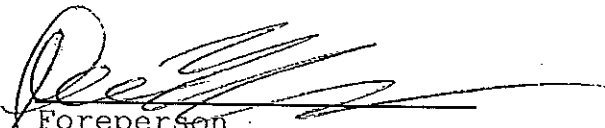
COUNT SIX:

The Grand Jury of Wyoming County, by this count in this Indictment, accuses the defendant, **SEAN WARNER**, of the offense of OFFERING A FALSE INSTRUMENT FOR FILING IN THE FIRST DEGREE, a class E Felony contrary to Penal Law Section 175.35 committed on or about the August 9, 2011 in the County of Wyoming:

At said time and place, **SEAN WARNER**, knowing that a written instrument contained a false statement or false information and with intent to defraud the state or any political subdivision thereof, offered or presented a false "Use of Force Report", a public office, with the knowledge or belief that it would be filed with, registered or recorded in or would otherwise become a part of the records of the New York State Department of Corrections.

  
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VINCENT A. HEMMING  
FIRST ASSISTANT DISTRICT ATTORNEY  
WYOMING COUNTY

A TRUE BILL

  
Foreperson

Dated: December 8, 2011