

# Four Okla. Officers Sentenced in Police Corruption Case

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Dec. 06-- A former federal agent was sentenced to 21 months in federal prison today for his role in a police corruption case.

Brandon McFadden is a former agent for the U.S. Bureau of Alcohol, Tobacco and Firearms. His hearing was the last of four today in U.S. District Court for officers who were convicted or pleaded guilty in the police corruption case. In earlier hearings, three officers received between four months and 10 years in prison.

U.S. District Judge Bruce Black of New Mexico gave retired Cpl. Harold R. Wells, 60, the longest term of three officers: 10 years in prison and five years probation.

Former Officer John K. "J.J." Gray was sentenced to four months in a federal prison plus four years probation. Officer Jeff Henderson was sentenced to 42 months in prison and is expected to serve about 20 months of that.

McFadden sentenced to 21 months

McFadden, 35, pleaded guilty to drug conspiracy May 6. The count carried a minimum sentence of five years if Black hadn't reduced it to 21 months.

McFadden also was indicted on possession of methamphetamine with intent to distribute, possession of a firearm in relation to a drug-trafficking crime, and money laundering (aiding and abetting.) All those counts were dismissed by Black as a result of McFadden's plea agreement and cooperation with prosecutors.

In addition to his prison sentence, McFadden received five years probation.

In sentencing McFadden, Black said "it's a sad day" when the honor of law enforcement officials is tarnished.

"I know that you feel the pain and shame of not doing that and shaming your oath," Black told McFadden.

Prior to his sentencing, McFadden apologized and said: "I've done wrong and made many mistakes. I take full responsibility I've done everything in my power to shine a light on corruption.

"...I've learned that I can't go back in time and fix things. If I could, I would have done so. ... I've lost nearly everything I once held dear."

McFadden cooperated with prosecutors, testifying against Henderson and Officer Bill Yelton, who was Henderson's co-defendant, in the second trial. Yelton was acquitted on all counts against him and is on suspension while an internal investigation is conducted.

McFadden has been free on home monitoring requirements awaiting sentencing. He lives in Lubbock, Texas. He has to voluntarily surrender and report to prison by Jan. 18. McFadden's attorney, Neal Kirkpatrick, requested that his client be assigned to a prison as close to Lubbock as possible.

McFadden's father and other family lingered in the courthouse afterward in tears and hugging.

Kirkpatrick said he requested a sentence of eight to 14 months.

"We thought that Brandon's testimony justified the request, because his testimony indicated not only the crimes that Henderson was convicted of but also crimes that even the judge acknowledged probably occurred," Kirkpatrick said.

McFadden was hired by the ATF on July 15, 2002. He resigned from ATF on Sept. 25, 2009.

During the trial, McFadden testified that he spent between 80 percent and 90 percent of his time with the Special Investigations Division of the Tulsa Police Department while he worked as an agent with ATF.

He said that before he started committing crimes, he was told by Henderson about an informant, Rochelle Martin.

"I learned (Henderson) was using her to sell drugs he obtained from search warrants," he testified. "He would use her as a throw-down name for search warrants."

McFadden said Henderson also told him that he would use dead informants on search warrant affidavits so that if questions arose about the validity of the information, the informant could not be produced, McFadden said.

McFadden testified that he, Officer Frank Khalil and Henderson stole thousands of dollars during one drug arrest. He said he and Henderson got \$4,500 each and that Khalil got about \$4,000.

In the summer of 2008, police officers were told that an informant was kicking off an investigation into corruption, starting with McFadden, he testified.

Henderson and Yelton asked to meet McFadden at the water treatment plant to warn him, he testified.

McFadden said that while Yelton sat in the front seat talking, he heard the sound of a gun being popped from its holster and racked, as if getting ready to shoot.

Wells sentenced to 10 years

In a hearing earlier today, Wells was tearful as he was sentenced.

"I want to thank my family and friends for staying with me through all of this," Wells said, turning to his family sobbing. "I'll be out one of these days."

Wells was convicted June 10 of drug conspiracy and stealing funds during an FBI sting in May 2009. Wells has served six months in jail since his conviction.

Wells' attorney, Warren Gotcher, said he would appeal Black's sentence, which could have been a maximum of 29 years if all sentences ran consecutively. If levied concurrently, which they were, federal sentencing guidelines called for 180 months, or more than five years. Black departed from the guidelines in Wells' case.

Wells' prison assignment hasn't been set yet.

A U.S. marshal led Wells into a nearly full courtroom in handcuffs and an orange jumpsuit. His family was crying as he entered, and Wells dabbed at his eyes with tissue as he waited for the judge.

Before issuing his decision, Black said Wells had "dishonored the badge" even though he had an exemplary 35-year career.

"This will be the most difficult sentencing for me today. You were the only one convicted." The judge said Wells was the most personable of the officers who appeared before him.

Officers Nick DeBruin and Bruce Bonham were tried with Wells and acquitted of all charges, including stealing money during the sting. DeBruin and Bonham are on paid leave while Internal Affairs investigates the issues raised by their trial.

Black said of the co-defendants: "I wouldn't have resolved the case against your co-defendants the same way."

During Wells' trial, prosecutors played eight taped telephone calls and one taped meeting between Wells and an undercover FBI agent posing as a drug dealer named "Joker." Wells discussed allowing the dealer to come to Tulsa and sell methamphetamine to customers who would not be arrested, provided that the dealer allowed one customer to be arrested.

A Tulsa police officer, Eric Hill, testified in Wells' trial about receiving \$500 in money stolen during a drug search. He said Wells gave the money to Officer Callison Kaiser and to him for their part in the search.

Wells' family and friends stood as he entered and left the courtroom.

One unidentified supporter of Wells, as he was leaving the courtroom, explained: "We stood for the judge out of respect for the position, we stood for wells out of respect for the man."

Wells was hired by the Tulsa Police Department Oct. 1, 1975 and retired in May 2010 shortly before his indictment.

His TPD assignment before retiring was the Gilcrease Division.

Wells was indicted July 20, 2010 on 10 counts: three related to civil rights violations, three related to drugs, two related to theft of U.S. funds, one firearms count and one count of using a telephone to commit a felony. He was released on bond.

In total, Wells was convicted of five counts: knowingly carrying and possessing a firearm during and in relation to drug trafficking crime, conspiracy to distribute and to possess with intent to distribute controlled substance (methamphetamine), conspiracy to steal U.S. funds, stealing U.S. funds and use of a telephone to commit a felony.

Wells has been held in jail pending sentencing.

On Aug. 22, Black acquitted Wells of a single count of carrying a firearm during a drug-trafficking crime. Wells remained convicted on four counts.

Gray sentenced to four months

During Gray's hearing, Black rejected prosecutors' request for probation as part of a plea agreement.

"I don't think it's appropriate that you receive absolutely no prison time," Black told Gray, who cooperated with authorities during an investigation into corruption within the Tulsa Police Department.

Gray, 45, pled guilty to one count of stealing government funds during an FBI sting at a Tulsa motel in May 2009. He testified against Wells, DeBruin and Bonham during the first police trial.

Some members of Gray's family in the courtroom were in tears as Black unexpectedly sentenced Gray to prison time.

Gray's attorney, Robert "Skip" Durbin, said: "We were hoping for probation, but what we were prepared for a full range of options involving sentencing. This is a sad day for his family and Tulsa police."

As part of his plea agreement, Gray will not appeal the decision and he will surrender to authorities within 90 days.

Durbin said he will be recommending a prison at a later time. He said Gray "deserves special treatment" due to his status as a former law enforcement officer.

Black told Gray that he appreciated his willingness to "stand here and take responsibility" that his co-defendants have not shown. Their sentences will likely reflect it, Black said.

But, Black said, he could not ignore the fact that Gray was "directly involved" in the crimes. Therefore, Black said, justice requires Gray to serve prison time because of the disgrace he brought upon the Tulsa Police Department.

Gray wore khakis, a blazer and tie to the hearing and showed little reaction when Black announced he would be serving prison time.

In a statement before he was sentenced, Gray said: "I want to first apologize to my family. I'd like to apologize to the TPD for the disgrace and shame I brought on them and then to the city of Tulsa and its citizens who had their faith in me and I cheated out on them.

"I now have a relationship with my wife and family that I never had. A relationship with god that I didn't think was possible. Hopefully my continued testimony will help others."

Henderson sentenced to 42 months

During Henderson's hearing, Black ordered three years probation after Henderson's release.

"You've had an exemplary career for the most part," Black told Henderson during the sentencing. "Unfortunately the Constitution does not allow cutting corners."

As Henderson stood in front of the judge, Black said: "I am convinced that there was substantial evidence on the charges you were convicted of as well as some of the other counts."

Henderson, who wore an orange jumpsuit, declined to speak when offered that opportunity by the judge during the hearing and stood silently as his sentence was read. Family members left the courtroom in tears.

A Henderson supporter was escorted from the courtroom by U.S. marshals after creating a disturbance following the hearing. The man said he wanted to talk to federal prosecutors but was told he could not.

Henderson's attorney, Robert Wyatt IV, recommended that Henderson serve his time in a federal prison in South Dakota. He will be credited for 16 months already served in the Tulsa Jail since his 2010 indictment. Henderson's attorney estimated he will serve about 20 months, including credit for good behavior.

The Federal Prison Camp at Yankton, S.D. in the southeastern part of the state, houses about 60 male inmates in dormitory-style quarters. It is a minimum-security facility once described in a Forbes Magazine article as one of America's "cushiest" prisons.

Henderson was indicted on 58 counts: 22 counts related to perjury, 20 related to civil rights violations, 12 related to drugs, two witness tampering counts, one firearms count and one attempted bribery count. He was convicted on eight civil rights and perjury counts.

Henderson was found guilty of one count of deprivation of civil rights stemming from a search of Carah Bartel and William Kinnard's apartment and another civil-rights violation count in the case of Ronald Crawford.

The six other counts on which he was convicted relate to perjury during testimony Henderson gave during a hearing in Crawford's federal case.

Crawford was charged in January 2009 with possession of a firearm after a former felony conviction. The case was dismissed after he produced evidence that he was in Texas rather than at his Tulsa home, as was alleged, on Jan. 5, 2009.

Records showed that Crawford was in Arlington, Texas, on the date Henderson claimed in a search warrant that he had seen Crawford at his home.

During cross-examination, Henderson was adamant that he had seen Crawford in Tulsa on that date.

Henderson was hired by the Tulsa Police Department June 5, 1995. He was suspended without pay July 23, 2010 after being indicted.

Henderson was fired today, said Jonathan Brooks, a Tulsa Police Department spokesman.

Brooks said Police Chief Chuck Jordan, who has not attended today's hearings, will make no comment on the outcome.

"That's part of the judicial process and we're not part of that, plus we still have internal investigations going on," Brooks said.

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