

FILED

2018 MAR 21 AM 9:08

CLERK DISTRICT COURT
WYANDOTTE COUNTY KANSAS

BY

DEPUTY

IN THE DISTRICT COURT OF
WYANDOTTE COUNTY KANSAS

29th Judicial District

Plaintiff(s): State of Kansas

vs.

Defendant(s): Jeffrey Wayne Henry, 18 CR 289
John Timothy Schooley, and 18 CR 290
Henry & Sons Construction Company Inc. 18 CR 291

INDICTMENT

The Grand Jury for the 29th Judicial District, Wyandotte County, Kansas, charges:

Key Individuals and Entities

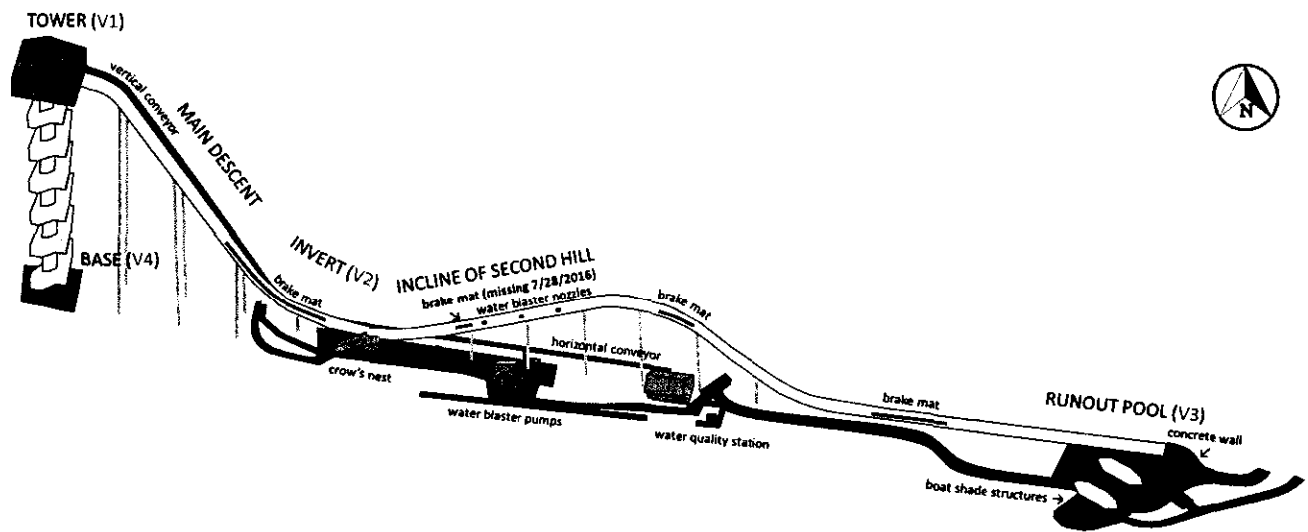
1. *American Society for Testing & Materials* (ASTM) – Sets technical standards for amusement ride safety that are recognized and accepted nationally and internationally as the minimum industry safety standards.
2. *Henry & Sons Construction Company Inc.* (HSC or SDG) – Schlitterbahn’s private construction company which performs the majority of park-related construction. Also does business as “Schlitterbahn Design Group” (SDG), but is also known as “Schlitterbahn Development Group.” HSC was responsible for Verrückt’s design and construction, under the direction of HENRY and SCHOOLEY.

3. *Henry, Jeffrey "Jeff" Wayne*– Visionary and designer of the Verrückt project, and co-owner of the Schlitterbahn companies with siblings Gary Henry and Jana Henry Faber. HENRY dropped out of high school to work at his father's waterpark. HENRY possesses no technical or engineering credentials, yet he controls many key decisions regarding Schlitterbahn design and construction projects. Schlitterbahn consists of more than a dozen privately-held corporations owned and operated by the three Henry siblings. Although each corporation is technically a separate entity, the lines between those corporations are blurred. It is normal for an employee of one corporation to report to an employee at another corporation as if they were both members of the same company. For example, HSC's project manager for Verrückt was an employee of Schlitterbahn Vacation Villages I LLC (SVV I).
4. *Miles, Tyler Austin* – Director of Operations for Schlitterbahn Waterpark of Kansas City, Kansas (SWKC) since 2013. MILES was responsible for all aspects of the park's day-to-day ride operations and first aid. All reports and other information about park operations and injuries flowed through MILES.
5. *Raft "B"* – Verrückt rafts (also called boats) consist of two parts: an insert and a raft. The insert is manufactured by HSC and consists of the seats and restraints. One insert is installed inside each raft, and are labeled alphabetically A, B, etc. Since the insert label is prominently displayed on the back of the rear seat, staff refer to each raft by its alphabetical insert label. The rafts are soft inflatable rubber river rafts

manufactured by Zebec of North America Inc., which are labeled numerically 1, 2, etc. Schlitterbahn kept approximately six rafts in operation at any given time, with about four others in reserve.

6. *Schlitterbahn Waterpark of Kansas City, Kansas (SWKC)* – Located in Wyandotte County, Kansas, where Verrückt was built. SWKC consists of two corporations: the land is owned by SVV I, and the staff and rides are operated by Kansas-based KC Waterpark Management LLC. For purposes of this indictment, SWKC shall encompass both SVV I and KC Waterpark Management LLC.
7. *Schooley, John Timothy* – Lead Designer along with HENRY on the Verrückt project. SCHOOLEY possesses no engineering credentials relevant to amusement ride design or safety. As Lead Designer, SCHOOLEY was responsible for overseeing the onsite work and reported directly to HENRY. SCHOOLEY was the person responsible for doing “the math” that went into Verrückt’s design.
8. *Verrückt [vair-ROOKT]* – Certified in 2014 by Guinness Book of World Records as the tallest waterslide on earth at 168 feet tall (17 stories; 264 stair steps). Verrückt is a hybrid of a roller-coaster and waterslide designed by HENRY, SCHOOLEY, and HSC, and operated by SWKC under MILES’s supervision. Verrückt’s slide path is enclosed with netting suspended over the top of metal hoops. Riders who were at least 54-inches tall began at the tower base where they were weighed into groups of two or three and totaling 400 to 550 pounds. Rider groups climb the tower steps and

enter a raft. Rafts launch down the main descent into the invert. After the raft traverses the invert and ascends the "second hill" a series of high-pressure water blasters propel the raft over the top of the second hill and into the runout pool. Empty rafts are returned to the tower using conveyor belts. The crest of the second hill, which stands more than 50 feet above the concrete foundation, is where rafts would typically go airborne.



Individual	Position(s)	Corporation(s)
Jeffrey Henry	Owner Designer	Henry & Sons Construction Co.; Schlitterbahn Waterpark of Kansas City, Kansas
John Schooley	Designer	Henry & Sons Construction Co.
Tyler Miles	Director of Operations	Schlitterbahn Waterpark of Kansas City, Kansas

Statement of Facts

Introduction

9. On August 7, 2016, a 10-year-old boy, C.S. (xx/xx/2006), was decapitated and two adult women, Matraca Baetz and Hannah Barnes, were severely injured when raft B went airborne and collided with the overhead hoops and netting affixed to the *Verrückt* waterslide located at the Schlitterbahn Waterpark of Kansas City, Kansas.
10. A video recording of C.S.'s death confirms that, at the time of his death, C.S. was obeying all rider instructions.
11. The death of C.S. appeared at first to be an isolated and unforeseeable incident until whistleblowers from within Schlitterbahn's own ranks came forward and revealed that Schlitterbahn officials had covered up similar incidents in the past.
12. Experts in the field of amusement ride design and safety examined *Verrückt* and found physical evidence which indicated that other rafts had gone airborne and collided with the overhead hoops and netting before the fatality. These experts noted that *Verrückt*'s design violated nearly all aspects of the longstanding industry safety standards published by ASTM. In fact, the design and operation of the *Verrückt* complied with few, if any, of the industry safety standards.
13. Armed with this knowledge, detectives from the Kansas City Kansas Police Department (KCKPD), special agents from the Kansas Bureau of Investigation (KBI), and special agents from the Kansas Attorney General's Office began reconstructing

the design and operational history of Verrückt since its conception in November of 2012.

14. Evidence in the form of corporate emails, memoranda, blueprints, video recordings, photographs, and eyewitness statements revealed that this child's death and the rapidly growing list of injuries were foreseeable and expected outcomes; Verrückt's designers and operators knew that Verrückt posed a substantial and unjustifiable risk of death or severe bodily harm.
15. Those responsible for Verrückt's operation knew they were guilty of criminal misconduct, as evinced by their attempts to conceal evidence from law enforcement officers. These obstructions substantially delayed the investigation.

Design

16. On November 13, 2012, in a spur-of-the-moment bid to impress producers of the Travel Channel's Xtreme Waterparks series, HENRY concocted a plan to build the world's tallest and fastest water slide.
17. New and experimental amusement rides should be subjected to a thorough on-paper design process of dynamic (sometimes called "geometric") and structural engineering. Dynamic engineering involves calculating the physics a passenger will experience along the ride path, such as: speed, weight, distance, velocity, momentum, gravitational force, centripetal force, friction, and so on. Although time consuming, properly performed dynamic engineering yields a safer ride. Once the

physics of the design is calculated, the designers adjust the blueprints before structural engineering begins. Structural engineering is then used to design the foundations and pillars to support the ride.

18. Records show that HSC was responsible for dynamic engineering under the direction of HENRY and SCHOOLEY. A third-party was hired for structural engineering. Investigators found ample evidence that structural engineering had been calculated. In stark contrast, investigators found nothing in Verrückt's project records indicating that dynamic engineering had been calculated, despite multiple court orders demanding that HSC disclose any such information.
19. HENRY and SCHOOLEY lacked the technical expertise to properly design a complex amusement ride such as Verrückt. Neither of the two men possessed any kind of technical or engineering credential relevant to amusement ride design or safety. As SCHOOLEY admitted, "If we actually knew how to do this, and it could be done that easily, it wouldn't be that spectacular."
20. HENRY was the principal designer and visionary, and was ultimately responsible for all decisions regarding Verrückt. HENRY was often described as a micromanager of the design and construction process. SCHOOLEY was lead designer and was responsible for designing Verrückt's slide path geometry.
21. HENRY and SCHOOLEY had been friends and business partners for many years.

22. Due to HENRY's and SCHOOLEY's lack of expertise and a desire to rush the timeline, they skipped fundamental steps in the design process. In place of mathematical and physics calculations, they rushed forward relying almost entirely on crude trial-and-error methods.
23. HENRY was responsible for the rushed timeline, as evinced by his emails. For example, on December 14, 2012, HENRY wrote two emails to SCHOOLEY and others: "We all need to circle on this[.] I must communicate reality to all. Time, is of the essence. No time to die. J" and "I have to micro manage this. NOW. This is a designed product for TV, absolutely cannot be anything else. Speed is 100% required. A floor a day. Tough schedule. Jeff[.]"
24. HENRY set a completion deadline for the entire project for June 15, 2013, a period of only 7 months. This timeline encompassed all design, construction, and testing.
25. Experts in the amusement park design industry who inspected Verrückt following the death of C.S. have stated that for a ride like the Verrückt, a team of approximately three to four members (including at least two fully-qualified and experienced engineers) would need three to six months of design calculations before the first ground is broken to construct a prototype of a proposed ride. After the prototype of a proposed ride is built, testing of the prototype can begin.
26. In comparison, not a single engineer was directly involved in Verrückt's dynamic engineering or slide path design. HENRY's statements and HSC's own project

management records indicate that the design and construction of the Verrückt prototype began and was completed within 36 days of when HENRY first conceived of the idea for Verrückt.

27. HENRY's rushed schedule affected quality control. A steel detailer named Ronald Miller, who was hired to assist with the Verrückt construction, emailed Project Manager Kathrine Fontenot to voice his concerns: "I'll be honest with you. We were forced to ship this [tower platform] way too early. There are still so many unknowns. We would have saved a lot more time (and money) if everything was figured out here at the plant. I have been telling people for months that it was imperative to have all of this stuff figured out prior to shipment. My requests fell on deaf ears and now it is on its way up to KC to be galvanized. Instead of dealing with these questions in a controlled environment, where we have the material and resources to resolve these matters, it is going to have to be done on the fly 160' in the air, on a structure that is galvanized."

28. HSC planned to install the overhead hoops and netting by June 22, 2013. The netting arrived in Kansas City, but the hoops did not. Fontenot's notes revealed that someone in HSC had instructed her that no netting would be installed on Verrückt. A high-ranking Schlitterbahn official named Rick Faber emailed Fontenot, asking: "What do they mean by saying there will not be hoops for the netting?" Fontenot replied, "I was told that Jeff [HENRY] wants no nets at all, which would negate the

need for the hoops. I cannot wrap my mind around that decision. I am hoping that it is just a timing thing... that they would rather not have nets up during the sand bag testing phase in order to minimize damage. Ops has a definite problem with not having nets. Trying to get more info. Thx."

29. HENRY hired a consultant named John Hunsucker, founder of the National Aquatic Safety Company (NASCO), whose role consisted of making suggestions about operations and safety. Hunsucker had no input or influence over Verrückt's design or construction. Hunsucker was not asked to review Verrückt for ASTM compliance. Hunsucker explained that, when it came to decisions about Verrückt's safety features, "I can suggest options, but Jeff [HENRY] has to make the decision." HENRY later admitted that he planned "to net the slide all the way down."

30. Verrückt suffered from a long list of dangerous design flaws; however, the most obvious and potentially lethal flaw was that Verrückt's design guaranteed that rafts would occasionally go airborne in a manner that could severely injure or kill the occupants. HENRY, SCHOOLEY, and MILES all knew about this problem before the ride opened to the public. Investigators obtained video recordings of HENRY and SCHOOLEY in a raft going airborne during their personal test run on the Verrückt prototype. Test rafts went airborne on the prototype, the original slide profile, and the redesigned profile.

31. In 2014, Verrückt underwent a massive redesign because of the persistent airborne problem. Video footage shows SCHOOLEY sketching the raft's airborne flight path on a large whiteboard, explaining to MILES and others: "What we found in testing, was that the momentum of the higher weight testing carried [the raft] up over the top of the slide and into a path shown there. That is unacceptable. This is not an air-flying-ride; it's a raft-on-flume-ride."
32. In a separate interview, HENRY admitted the redesign was necessary because, "Too fast. Too many G's. *** And then when we get to the top, the boats just went sailing." When asked why HENRY and SCHOOLEY didn't have the design science down, HENRY answered, "I'm not quite sure yet. Many things, I think. There's a whole bunch of factors that crept in on this one that we just didn't know about. Obviously things do fall faster than Newton said."
33. When rumors and news reports emerged about airborne rafts, a Schlitterbahn spokesperson publicly discredited these reports. Meanwhile, HENRY and SCHOOLEY began secretly testing at night to avoid scrutiny.
34. SCHOOLEY disclosed, "The worst possible thing that could happen is that we have miscalculated it again—there's many things we've changed—and we again put the raft into the air. That would cause us to come back and redo what we just did and reconstruct and redesign the ride again. It would be a disaster."

35. HENRY compared the construction of Verrückt to an arms race against rival waterparks.
36. HENRY openly admitted that one of his principal motivations in building Verrückt was to flaunt his achievements in the faces of the other waterpark owners: “Hey guys, come on! Are you gonna let me have the bragging rights? Because I’m gonna brag *a lot!* We are the tallest ride in the world.” To the owner of waterpark rival Beach Park, HENRY said, “You are now being bested by a guy in *Kansas*—not even Texas—okay, Kansas is number one. Wyandotte County Kansas is beating Beach Park.”
37. HENRY admitted that he was ignoring established industry safety standards because he felt he could redefine those standards with his own achievements. While describing his vision of how Verrückt would change the industry, HENRY explained, “[W]e’re going to set the standards up, and set the education up, and we’re gonna redefine many of the definables that have been defined in the industry that we couldn’t find good reasons for. Like a 48-inch height rule. Why 48 inches? I could never figure out why not 47 inches. *** It made no sense to me. And so we’re gonna change all that now in this park, and hopefully change it worldwide in all parks and get back to rational reasonable scientific decisions as to why and how we run our facilities.”

38. HENRY, SCHOOLEY, and MILES had direct knowledge that the redesign failed to eliminate the airborne raft problem. As the twice-delayed and highly-anticipated grand opening deadline quickly approached, HENRY and SCHOOLEY began experimenting with brake systems.

39. HENRY remarked, “[Verrückt] could hurt me, it could kill me, it is a seriously dangerous piece of equipment today because there are things that we don't know about it. Every day we learn more. *** I've seen what this one has done to the crash dummies and to the boats we sent down it. Ever since the prototype. And we had boats flying in the prototype too. *** It's complex, it's fast, it's mean. If we mess up, it could be the end. I could die going down this ride.”

40. HSC hired an outside engineering firm to perform accelerometer testing of the rafts as they went down Verrückt. On July 3, 2014—one week before Verrückt's grand opening—the accelerometer test result data indicated that rafts in the weight range of 400 pounds to 550 pounds would likely go airborne at the crest of the second hill.

41. Investigators recovered the accelerometer data from HSC's own project records, meaning HENRY and SCHOOLEY both had access to this data. HENRY and SCHOOLEY either: (1) completely disregarded the accelerometer report; (2) they lacked the education and training to interpret and understand the results; or (3) they understood the results but opened the ride nonetheless.

42. Business records obtained from the Verrückt project prove that MILES began assisting SCHOOLEY with logging test data before grand opening. SCHOOLEY and MILES logged the following airborne test rafts after the 2014 redesign:

Date	Type	Speed (mph)	Front (lbs)	Middle (lbs)	Rear (lbs)	Witness
06/25/2014	Sandbag	40	100	200	150	J. Schooley
07/06/2014	Human	43	160	0	230	J. Schooley
07/07/2014	Human	Not logged	160	200	200	T. Miles

43. The test results collected by SCHOOLEY and MILES confirmed what the accelerometer data had already shown.

44. HENRY and SCHOOLEY considered imposing a rider age restriction to prevent younger children from riding Verrückt. Hunsucker recommended an age limit of 16 years of age, due to the ride's extreme nature. The designers selected 14 years of age, which was printed on signage. However, on the eve of grand opening, the decision was made to eliminate the age restriction and allow younger children to ride Verrückt. Stickers were used to partially cover the age restriction language on the posted signage.

45. On July 8, 2014, SCHOOLEY signed Verrückt's commissioning document, certifying:
"This ride is safe, operational and ready for public use provided it is used in accordance with the provided Owner's Manual."

46. SCHOOLEY signed the operation manual in July of 2014, certifying that Verrückt complied with all ASTM standards.
47. Experts in the amusement park industry rely on the acceptable engineering practice standards issued by ASTM. The ASTM standards are the minimum level of safety for amusement park rides and waterslides everywhere in the United States. ASTM standards have been in existence and available to amusement park designers and operators for over 30 years.
48. The following ASTM standards that apply to the Verrückt include, but are not limited to:
- a. F770 Operations
 - b. F1159 Design
 - c. F1193 Quality
 - d. F2137 Dynamic Measurement
 - e. F2291 Design
 - f. F2376 Waterslides
49. The following design features of the Verrückt that violate ASTM standards include, but are not limited to:
- a. The ride was never properly or fully designed to prevent rafts from going airborne.

- b. The ride did not accommodate all of the raft weights and speeds that SWKC intended to operate.
- c. The water blasters to increase raft speed going up the second hill could not be relied upon to operate properly. More importantly, the water blasters did not customize the amount of thrust in proportion to what was required to propel each individual raft up the second hill. For example, a raft carrying 400 pounds received the same thrust as a raft carrying 545 pounds.
- d. The rafts were designed and constructed without any knowledge of the rafts' ability to absorb the thrust from the water blasters.
- e. The rafts were designed and constructed without any "upstop" mechanisms to prevent rafts from going airborne. Upstop mechanisms have been used for decades and are common safety features in the amusement ride industry.
- f. The rafts were designed without adequate consideration of biomechanical forces on the human body for proper passenger seating and/or containment.
- g. The hook-and-loop passenger restraints were not analyzed for their effectiveness in restraining passengers on a ride like the Verrückt.
- h. The hook-and-loop passenger restraints were improper, defective, and improperly maintained. According to ASTM, hook-and-loop material should never be used as a safety device on an amusement ride. The correct restraint

system for a ride like Verrückt would be a Class 5 restraint consisting of rigid overhead shoulder bars with a locking lap restraint.

- i. The placement of the netting and support hoops above the ride path was obviously defective and ultimately lethal. HENRY, SCHOOLEY, and MILES each had knowledge that rafts were still going airborne in the days before Verrückt's grand opening to the public, meaning the installation of overhead hoops and netting above the ride path was particularly reckless.
- j. The presence of the overhead netting and support hoops speaks volumes about the designers' extreme disregard for the value of human life. ASTM directs that any structure located within the patron clearance envelope—meaning the area within which a rider could theoretically touch at any time during the ride—must be carefully scrutinized and any potential for physical contact with an obstruction during the ride must be eliminated. HENRY and SCHOOLEY did the opposite; they installed metal bars directly across the *known* flight path.
- k. In fact, riders were instructed to not raise their arms for fear of striking the overhead hoops and netting with their hands and fingers. Riders were also not permitted to wear GoPro cameras affixed to the tops of their heads for similar reasons.

I. The Operation and Maintenance Manual for Schlitterbahn Kansas City

Verrückt was deficient in almost every relevant area. The manual failed to instruct employees how to operate the ride. No guidance was given for inspecting or repairing critical safety systems such as the brakes or passenger restraints. Maintenance information was essentially nonexistent, which manifested in Verrückt's state of severe disrepair. Inspection checklists were useless because they failed to specify any parameters to measure performance of the ride. Known dangers and malfunctions were not addressed; for example, the manual failed to warn lifeguards about the possibility of rafts going airborne, or what steps to take in the event a raft did go airborne.

Public Operation

50. On July 10, 2014, HENRY and SCHOOLEY opened the ride to the public. Video footage shows HENRY and SCHOOLEY standing together on an elevated platform between Verrückt's main descent and second hill. HENRY and SCHOOLEY both watch as a raft carrying guests traveled up and over the crest of the second hill. As they watched, HENRY remarked to SCHOOLEY, "Man, are they hitting that net up there? That boat flew. That boat looked like it flew."

51. On August 16, 2014, Hunsucker wrote a report to HENRY warning him that Verrückt was unfinished and was still in an unsafe condition. HENRY obviously ignored the report because Verrückt remained in operation.

Injuries caused by Verrückt

52. Under MILES’s supervision, Verrückt was open for business about four months each year, typically Memorial Day through Labor Day. However, during the last several weeks of each season, the park switches to a reduced-hour and weekend-only schedule. Verrückt’s public operational lifespan from July 10, 2014 (grand opening), to August 7, 2016 (death of C.S.), was roughly 182 days (6 months). Documentation of injuries began almost immediately:

Date	Type	Injury	Victim Name	Age
08/31/2014	Head/neck	Concussion	A.P.	14
06/16/2015	Back/neck	Slipped spinal disks	Brittany Hawkins	20
07/05/2015	Head/neck	Concussion	A.M.	15
07/09/2015	Neck	Neck pain	Ryan Shapiro	21
07/11/2015	Neck	Neck pain	Samantha Soper	23
08/03/2015	Neck	Whiplash	Natasha Radcliff	35
06/20/2016	Head	Abrasions Bruising	Norris “JJ” Groves	46
07/03/2016	Feet	Broken toes (multiple)	Richard Palmer	42
07/25/2016	Head	Laceration	A.W.	17
08/03/2016	Foot	Foot injury	E.G.	15
08/05/2016	Back/neck	Herniated spinal disks	Donald Slaughter	42
08/07/2016	Head	Jaw bone fractures Laceration	Hannah Barnes	32
08/07/2016	Head	Orbital bone fracture Laceration	Matraca Baetz	25
08/07/2016	Head/neck	Decapitation	C.S.	10

53. These injuries were caused by airborne rafts or other aspects of Verrückt's flawed design, such as problems with the raft design and violent collisions with the concrete wall at the end of the runout pool. Collisions occurred because the runout pool was incorrectly designed and violated ASTM standards. The raft's passenger compartment provided little protection or ability to brace, resulting in foot, leg, and head injuries.
54. On August 31, 2014, A.P. (age 14), rode the Verrückt in the front seat. As A.P.'s raft entered the runout pool the raft decelerated too rapidly, throwing A.P.'s head forward and then slamming her head backward against the head rest. A.P. suffered head and neck injuries, and her family took her to the emergency room on the same night she rode the Verrückt. A.P. sustained a concussion on Verrückt. Since riding the Verrückt, A.P. has suffered from chronic neck pain, migraines, and memory loss. A.P. was forced to withdraw from participating in sports because of her injuries.
55. On June 16, 2015, Brittany Hawkins rode the Verrückt. As her raft went down the initial descent, Hawkins's hook-and-loop restraint came undone. At the bottom of the initial descent, the unrestrained Hawkins was thrown sideways in her seat. As the raft went over the crest of the second hill, the raft went airborne and Hawkins's face came within inches of the hoops and netting above the ride path. When the raft landed, it slammed down causing Hawkins's head to crash into her head rest. The raft then collided with the concrete wall at the end of the runout pool. Hawkins

sustained injuries to her neck, back, and head. She was in pain, disoriented, and unable to walk. MILES responded to Verrückt. Hawkins had previously worked as a lifeguard at SWKC for two years, so she was acquainted with MILES. Hawkins's husband and MILES carried Hawkins to the first aid station. Hawkins repeatedly told MILES that she was injured because the raft went airborne. After Hawkins signed her incident report, MILES disappeared from the first aid station taking Hawkins's report with him. Hawkins was taken by wheelchair from the first aid station to her vehicle. Two days after riding the Verrückt, Hawkins went to the emergency room for her back injuries which included several slipped disks. Hawkins still suffers from chronic back pain caused by the Verrückt. The incident report which MILES took as he left the first aid station appears to be missing from the records.

56. On July 5, 2015, A.M. (age 15), rode the Verrückt. A.M. noticed that the operators were using rubber bands in an attempt to repair a broken sensor. After waiting for a period of time for the ride to be repaired, the ride started suddenly and slammed A.M.'s head sideways against her head rest, creating a sharp pain at the base of her skull and causing her to go temporarily blind. Although unable to see, A.M. felt the raft climb the second hill and go airborne for a few seconds before landing roughly on the flume. The hard landing slammed A.M.'s head against the head rest a second time. A.M. immediately had neck and head pain. Her eyesight began to slowly

return a few moments after the ride was over. She began experiencing gaps in her memory. That night, A.M. suffered unrelenting and excruciating head and neck pain. She vomited and was unable to eat. A.M. was diagnosed with a concussion, and she still suffers from occasional neck pain that affects her activities of daily living. A.M.'s father contacted SWKC about her injury a few days later. MILES personally completed A.M.'s incident reports.

57. On July 9, 2015, Ryan Shapiro rode the Verrückt in the raft's rear seat. After launch, the raft lifted off the slide and became airborne towards the bottom of the main descent. When the raft landed, it slammed down so hard that Shapiro's neck was injured and he reported to the first aid station.

58. On July 11, 2015, Samantha Soper rode the Verrückt in the front seat of a raft that had been repaired with duct tape. Soper's head was whipped from side-to-side during her ride on the Verrückt, resulting in severe neck pain. At the end of the ride, Soper discovered that she could not move her neck, and she reported to the first aid station. Soper suffered from neck pain for several days after her ride on the Verrückt.

59. On August 3, 2015, Natasha Radcliff rode Verrückt with two of her daughters. While waiting to board a raft, Radcliff saw several rafts which appeared to have been repaired with duct tape. At some point in the middle of the ride, Radcliff felt the raft go airborne followed by a hard landing which slammed Radcliff's head

against the head rest on her seat. Radcliff sustained severe head and neck pain from the Verrückt. Radcliff went to the first aid station for treatment.

60. On June 16, 2016, Norris "JJ" Groves rode on Verrückt with his family. Groves was sitting in the back seat behind his wife, with his son in the front seat. As the raft went over the crest of the second hill, the raft went airborne and Groves' face and forehead collided with an overhead hoop and netting. The raft then crashed into the concrete wall at the end of the runout pool. The lifeguards at the bottom of the ride told Groves that the raft had gone way too fast. The impact with the hoop and netting caused Groves' right eye to swell shut for the rest of the day. Groves was taken to the first aid station. Groves told the first aid employee and a SWKC supervisor on the scene that the raft had gone airborne. Groves estimates that his family weighed, in the aggregate, at least 510 pounds on the day of the ride.

61. In response to the Groves incident, MILES intercepted the incident reports which the lifeguards had written. MILES destroyed these written witness statements. MILES then forced the lifeguards to write coached statements which omitted any detail of how the injury had occurred. MILES then ordered the medical staff to alter their medical reports.

62. On July 3, 2016, Richard Palmer and his wife rode the Verrückt. Immediately after the ride started, Palmer's hook-and-loop restraint came undone. To avoid being ejected from the raft, Palmer held onto the straps on each side of the raft and dug his

feet and toes into the corners of the raft. When the ride ended, Palmer was in severe pain and discovered that his second and third toes on his right foot were broken during the ride. Palmer went to the first aid station and had his toes splinted.

63. While the Palmers were still at the base of Verrückt seeking medical assistance, a man approached them and introduced himself as Verrückt's designer and builder. The Palmers described this man as standing between 5'8" and 5'10" tall, mid-to-late-50s, bearded, wearing blue jeans, a baseball cap and glasses. This man boasted that he and his friend had designed and built Verrückt together. Despite the fact Richard Palmer was obviously injured and in serious pain, Verrückt's designer continued bragging about his own achievements and his plan to build an even taller Verrückt at another park. The Palmers recalled that the designer seemed totally unconcerned by the fact that Richard Palmer had broken his toes riding Verrückt moments earlier.
64. Investigators noted that, at the time of the Palmer incident, only two persons could call themselves the designer and builder of Verrückt: HENRY and SCHOOLEY. SCHOOLEY's physical description was not consistent with the Palmers' account. HENRY, on the other hand, stood 5'9" tall, was 60 years old, he wore a beard, and nearly all images of HENRY depicted him wearing a baseball cap and glasses. The Palmers were unable to select HENRY from a photo lineup, but they admitted they were more concerned about Richard's broken toes than scrutinizing the designer's face.

65. On July 25, 2016, A.W. (age 17), rode the Verrückt in the front seat. After going down the initial descent, the force of the ride slammed A.W.'s head into her knees. When A.W.'s raft came to a stop, she was bleeding from a gash across her right eyebrow. A.W. went to SWKC's first aid station before she was transported to the hospital. Seven stitches were required to close A.W.'s head wound.
66. On August 3, 2016, E.G. (age 15), rode on the Verrückt. During the ride, E.G. got his foot stuck between the two upper and lower inflatable portions that make up the base of the raft. E.G.'s nail was torn off of his right big toe.
67. On August 5, 2016, Don Slaughter rode the Verrückt. After cresting the second hill, the raft went airborne and thrashed back and forth, causing Slaughter's head to jerk side-to-side. Slaughter's raft then collided with the concrete wall at the end of the runout pool. Slaughter sustained head pain which gradually increased. After leaving the park, Slaughter sought medical attention and discovered he had suffered three herniated spinal disks as a result of riding the Verrückt. A few weeks later, Slaughter contacted SWKC about his injury. Slaughter had radiating numbness and tingling into his right arm, extending to his right arm and fingers, and a significant loss of strength in his right hand. Slaughter still suffers from occasional neck pain, and it has affected his ability to engage in activities of daily living.

Raft B

68. HENRY and SCHOOLEY selected the rafts for Verrückt. Not all rafts performed equally. Staff identified raft B as having a propensity for going abnormally fast and going airborne more frequently than other rafts. In 2016, MILES received written reports about raft B, advising:

05/26/2016	"boat B2 was abnormally heavy and ran fast & rough."
06/18/2016	"B2 got air on the 2nd hill for no apparent reason."
06/22/2016	"boat B was taken out of circulation today because it kept coming down into the runout extremely fast and injuring guests."

69. MILES received staff reports advising that raft B required maintenance, was traveling too fast, went airborne, and injured guests. The dates of those reports are as follows (duplicate dates indicate multiple reports):

08/07/2015	07/22/2016	08/05/2016
05/26/2016	07/22/2016	08/05/2016
06/18/2016	07/24/2016	08/05/2016
06/22/2016	07/25/2016	08/06/2016
06/22/2016	07/25/2016	08/07/2016
07/22/2016	08/05/2016	

70. Staff do not routinely note which raft was involved in any specific incident; nevertheless, investigators found records and witness statements linking raft B to the following injuries:

Date	Type	Injury	Victim Name	Age
06/20/2016	Head	Abrasions Bruising	Norris "JJ" Groves	46
06/22/2016	Head/neck	Whiplash	S.B.	16
08/07/2016	Head	Jaw bone fracture Laceration	Hannah Barnes	32
08/07/2016	Head	Orbital bone fracture Laceration	Matraca Baetz	25
08/07/2016	Head/neck	Decapitation	C.S.	10

71. Management temporarily removed raft B from circulation after Groves was injured, but almost immediately returned raft B to service. On June 22, 2016, raft B was involved in the injury of S.B. (age 16). Again, staff temporarily removed raft B from circulation. When rafts were removed from circulation, it was customary for someone to visually inspect the raft for obvious clues about the malfunction. Even when staff were unable to ascertain the cause of the malfunction, the raft in question would eventually rotate back into circulation. Likewise, raft B re-entered circulation on July 22, 2016. Staff submitted written reports to MILES:

07/22/2016	"we put boat 'B' back into circulation and it ran smoothly for the rest of the day"
07/25/2016	"boat B was going really fast, maybe too much air" "deflate boat B a little"
08/05/2016	"boat B low on air"
08/05/2016	"boat B" requires maintenance
08/05/2016	"boat B needs less air than other boats in order to go down slower"
08/06/2016	"boat B was going really fast"

08/07/2016

“boat B was going a bit fast into the runout again today”

Maintenance Issues

72. HENRY and SCHOOLEY failed to establish routine maintenance schedules for

Verrückt, so between 2014 and 2016 Verrückt fell into dire disrepair. Rust and corrosion were pervasive. Critical systems such as the rafts, passenger restraints, brakes, air compressors, and conveyors failed repeatedly; however, during the active season Schlitterbahn personnel only fixed the components necessary to keep paying customers moving up and down Verrückt.

73. MILES avoided or delayed any repairs that would take Verrückt out of commission

during the active season, even when those repairs involved safety systems. For example, maintenance workers repaired broken conveyors immediately, but disregarded the deteriorating brake system even after it completely failed ten days before the killing of C.S. Tears and punctures on the rafts were patched (typically by using duct tape), but the hook-and-loop seat restraints were allowed to erode so severely that the restraints commonly tore loose during rides.

74. In addition to numerous oral reports, twenty-one written staff reports advising

MILES that Verrückt’s brake system was in the process of failure were submitted on the following dates (duplicate dates indicate multiple reports):

05/22/2015

05/27/2015

05/29/2015

05/29/2015	08/06/2015	07/13/2016
05/29/2015	08/14/2015	07/24/2016
06/08/2015	08/14/2015	07/25/2016
06/25/2015	08/15/2015	07/26/2016
07/02/2015	07/12/2016	07/26/2016
07/02/2015	07/12/2016	07/27/2016

75. Verrückt was inspected each morning by a supervisor who completed a preopening inspection report. The purpose of preopening inspection reports were to alert management, specifically MILES, to important maintenance issues on Verrückt. Inspection reports were delivered and personally reviewed by a manager, who then delivered this report to MILES. At least four inspections specifically identified the brake system as being in the process of failure and recommended maintenance.

These inspection reports were submitted to MILES on the following dates:

06/04/2016	07/05/2016
06/06/2016	07/11/2016

76. On July 15, 2016, 23 days before the death of C.S., a seasonal manager finally heeded the various reports and flagged the brake system as an urgent priority level 1 maintenance issue. Rides that have priority level 1 maintenance issues are not supposed to operate until the repair has been completed. MILES possessed authority to close Verrückt for this repair, but ordinary staff did not. MILES chose to continue operating Verrückt unceasingly. No repairs were made and the brake was allowed to fail.

77. In addition to numerous oral reports, eight written staff reports advising that the brake system had failed were submitted to MILES on the following dates (duplicate dates indicate multiple reports):

07/28/2016	07/28/2016	08/05/2016
07/28/2016	07/28/2016	08/05/2016
07/28/2016	07/31/2016	

78. Staff and supervisors who operated Verrückt confirm that after the brake system failed on July 28, 2016, raft speeds increased, and rafts went airborne and collided with the concrete wall at the end of the runout pool with greater frequency.

79. Since the designers had omitted from the operator’s manual any warning about airborne rafts or brake system failures, staff relied on common sense and their daily written reports to voice their concerns to MILES.

80. MILES’s motives for delaying repairs became clear when the park’s schedule was examined. August 7, 2016, was the season’s final day of operation before SWKC shifted to its reduced-hour and weekend-only schedule. It was also a special day reserved for elected officials to bring their families to mingle with Schlitterbahn’s high-ranking corporate officers who arrived from Texas for the occasion.

Investigation of C.S.’s death

81. Following the death of C.S. in the afternoon of August 7, 2016, police executed two search warrants at SWKC requiring the park to surrender all records containing first

aid and maintenance information for Verrückt. MILES appeared to cooperate and did provide police with some documents.

82. On August 10, 2016, a lawyer representing Schlitterbahn interviewed MILES under oath. MILES admitted he knew about first aid reports involving Verrückt.

83. On August 12, 2016, Kansas City Kansas Police Department Detective Jason Sutton interviewed MILES and asked, "Have you been aware of any complaints regarding Verrückt the ride in the last season? This season, this summer?" MILES answered, "I have not, sir." Det. Sutton asked MILES if complaints would typically be reported to MILES "in a written form or a verbal form?" MILES answered, "It would definitely come in a verbal form, sir."

84. At the time MILES made this statement, Det. Sutton was unaware that MILES had withheld thousands of written "ops daily reports" containing incriminating information against MILES and others. An ops daily report is a written document each lifeguard lead and supervisor is required to complete and submit to management before the end of each shift. Ops daily reports are the prescribed method for staff to communicate complaints, first aid, and maintenance issues to MILES. Each day, these handwritten ops daily reports were scanned and emailed directly to MILES, and the original paper reports were delivered to MILES. MILES personally reviewed the ops daily reports.

85. On or about September 1, 2016, one of the lifeguards MILES had coerced into writing a coached statement, N.W. (age 17), came forward to Det. Sutton and revealed MILES's efforts to cover up the Groves incident in June of 2016.

Investigators then interviewed JJ Groves, the lifeguards, and the medical staff who were involved in the Groves incident. Each person independently corroborated MILES's efforts to cover up.

86. About a week after N.W. (age 17) revealed MILES's cover up to police, a man named Derek Mackay, an attorney representing Schlitterbahn, arrived unannounced at the N.W.'s home. Mackay told N.W.'s mother, Jane, that he wanted to speak with N.W. about the incident. Jane refused, informing Mackay that her son, a minor, gave his report to the police. Mackay asked for a copy of the report, but Jane refused. Mackay told Jane that Detective Jason Sutton with the Kansas City Kansas Police Department would want Mackay to have the report. At this point, Jane asked Mackay to leave her home.

87. After Mackay departed, Jane called Det. Sutton and told him about the encounter. Det. Sutton asked Jane if she gave Mackay the report, and Jane confirmed she did not. Det. Sutton instructed Jane to not give the report to anyone. Det. Sutton told Jane that Mackay had, just moments before, called and told Det. Sutton that Jane had given permission for Det. Sutton to release N.W.'s report to Mackay. Jane did no such thing.

88. While still speaking on the phone with Det. Sutton, Jane received an incoming call or text from Mackay. Mackay proceeded to tell Jane that he (Mackay) had just spoken to Det. Sutton, and Det. Sutton wanted Jane to give N.W.'s report to Mackay. Det. Sutton said no such thing.

89. N.W.'s discussion with the police about the cover up was not public knowledge. The fact that SWKC felt compelled to send one of its attorneys to N.W.'s home suggests that SWKC already knew about MILES's cover up involving JJ Groves. The fact that this attorney employed aggressive, deceptive tactics in an attempt to gain access to a minor suggests that SWKC and MILES knew N.W.'s information about the cover up could be devastating.

90. In November of 2016, MILES loaded the ops daily reports into a vehicle and drove them from SWKC to a different corporation located in Texas which serves as HENRY's corporate headquarters.

91. Investigators eventually discovered that MILES had withheld this evidence, which had resulted in the investigation being delayed by nearly six months. When questioned about his actions, MILES claimed he was following company policy.

92. Among the ops daily reports were dozens alerting MILES to airborne raft incidents witnessed by staff, problems with raft B, injuries, complaints, brake system failures, and pervasive maintenance problems on Verrückt.

93. David HUGHES was SWKC's maintenance supervisor, and Willard KAMPMEIER and John ZALSMAN were on the maintenance staff that maintained the rides and structures at SWKC.
94. Multiple witnesses identified HUGHES, KAMPMEIER, and ZALSMAN as the three maintenance workers tasked with maintaining Verrückt. Records and eyewitness accounts reveal that these men assisted with Verrückt's construction and performed multiple repairs of the brake mat in question over the years while Verrückt was in public operation. Investigators possessed overwhelming evidence showing the presence of brake mats in this precise location as documented in videos, photographs, business records, and eyewitness accounts from dozens of staff and park patrons.
95. Investigators were curious to learn the reason why these men had failed to repair the brake mat after it fell off on July 28, 2016. When questioned by Kansas Bureau of Investigation Special Agents Steve Rosebrough and Jason Diaz, HUGHES, KAMPMEIER, and ZALSMAN each claimed that no brake mat was ever present on the incline of the second hill while Verrückt was open to the public. The three men insisted that the brake mat in question had been present during testing only, but was removed before the grand opening in 2014.
96. The agents showed KAMPMEIER a screenshot taken from a guest's GoPro camera on June 10, 2016, which plainly showed the brake mat weeks before it fell off.

KAMPMEIER then changed his story about the brake mat. KAMPMEIER said that MILES and HUGHES were responsible for telling the maintenance crews to make repairs.

Charges

Jeffrey Wayne Henry, John Timothy Schooley, and Henry & Sons Construction Company Inc., are hereby indicted and made defendants on the charges stated below.

Count 1

SECOND DEGREE MURDER *Severity Level 2 Person Felony*

That on or between November 13, 2012, and August 7, 2016, within Wyandotte County, Kansas, **Jeffrey Wayne Henry, John Timothy Schooley, and Henry & Sons Construction Company Inc.**, did unlawfully, feloniously, and recklessly kill a human being, to wit: **C.S. (xx/xx/2006)**, under circumstances manifesting extreme indifference to the value of human life; in violation of K.S.A. 21-5403(a)(2), subject to the penalties of between 109 months and 493 months in prison and a \$300,000.00 maximum fine.

Penalty Sections: K.S.A. 21-5403(b)(2), 21-6611(a)(2), 21-6821(b)(2)(A).

Count 2

AGGRAVATED ENDANGERING A CHILD

Severity Level 9 Person Felony

That on or about August 7, 2016, within Wyandotte County, Kansas, **Jeffrey Wayne Henry, John Timothy Schooley, and Henry & Sons Construction Company Inc.**, did unlawfully, feloniously, and recklessly cause or permit a child under the age of 18 years, to wit: **C.S. (xx/xx/2006)**; to be placed in a situation in which the child's life, body or health is endangered; in violation of K.S.A. 21-5601(b)(1), subject to the penalties of between 5 months and 17 months in prison and a \$100,000.00 maximum fine.

Penalty Sections: K.S.A. 21-5601(c)(2), 21-6611(a)(3), 21-6821(b)(2)(B).

Count 3

AGGRAVATED BATTERY

Severity Level 5 Person Felony

That on or about August 7, 2016, within Wyandotte County, Kansas, **Jeffrey Wayne Henry, John Timothy Schooley, and Henry & Sons Construction Company Inc.**, did unlawfully, feloniously, and recklessly cause disfigurement or great bodily harm to another person, to wit: **Matraca Baetz**; in violation of K.S.A. 21-5413(b)(2)(A), subject to the penalties of between 31 months and 136 months in prison and a \$300,000.00 maximum fine.

Penalty Sections: K.S.A. 21-5413(g)(2)(C), 21-6611(a)(2), 21-6821(b)(2)(A).

Count 4

AGGRAVATED BATTERY

Severity Level 5 Person Felony

That on or about August 7, 2016, within Wyandotte County, Kansas, **Jeffrey Wayne Henry, John Timothy Schooley, and Henry & Sons Construction Company Inc.**, did unlawfully, feloniously, and recklessly cause disfigurement or great bodily harm to another person, to wit: **Hannah Barnes**; in violation of K.S.A. 21-5413(b)(2)(A), subject to the penalties of between 31 months and 136 months in prison and a \$300,000.00 maximum fine.

Penalty Sections: K.S.A. 21-5413(g)(2)(C), 21-6611(a)(2), 21-6821(b)(2)(A).

Count 5

AGGRAVATED BATTERY

Severity Level 5 Person Felony

That on or about August 5, 2016, within Wyandotte County, Kansas, **Jeffrey Wayne Henry, John Timothy Schooley, and Henry & Sons Construction Company Inc.**, did unlawfully, feloniously, and recklessly cause disfigurement or great bodily harm to another person, to wit: **Don Slaughter**; in violation of K.S.A. 21-5413(b)(2)(A), subject to the penalties of between 31 months and 136 months in prison and a \$300,000.00 maximum fine.

Penalty Sections: K.S.A. 21-5413(g)(2)(C), 21-6611(a)(2), 21-6821(b)(2)(A).

Count 6

AGGRAVATED ENDANGERING A CHILD

Severity Level 9 Person Felony

That on or about August 3, 2016, within Wyandotte County, Kansas, **Jeffrey Wayne Henry, John Timothy Schooley, and Henry & Sons Construction Company Inc.**, did unlawfully, feloniously, and recklessly cause or permit a child under the age of 18 years, to wit: **E.G. (xx/xx/2001)**; to be placed in a situation in which the child's life, body or health is endangered; in violation of K.S.A. 21-5601(b)(1), subject to the penalties of between 5 months and 17 months in prison and a \$100,000.00 maximum fine.

Penalty Sections: K.S.A. 21-5601(c)(2), 21-6611(a)(3), 21-6821(b)(2)(B).

Count 7

AGGRAVATED BATTERY

Severity Level 5 Person Felony

That on or about July 25, 2016, within Wyandotte County, Kansas, **Jeffrey Wayne Henry, John Timothy Schooley, and Henry & Sons Construction Company Inc.**, did unlawfully, feloniously, and recklessly cause disfigurement or great bodily harm to another person, to wit: **A.W. (xx/xx/1999)**; in violation of K.S.A. 21-5413(b)(2)(A), subject to the penalties of between 31 months and 136 months in prison and a \$300,000.00 maximum fine.

Penalty Sections: K.S.A. 21-5413(g)(2)(C), 21-6611(a)(2), 21-6821(b)(2)(A).

Count 8

AGGRAVATED ENDANGERING A CHILD

Severity Level 9 Person Felony

That on or about July 25, 2016, within Wyandotte County, Kansas, **Jeffrey Wayne Henry, John Timothy Schooley, and Henry & Sons Construction Company Inc.**, did unlawfully, feloniously, and recklessly cause or permit a child under the age of 18 years, to wit: **A.W. (xx/xx/1999)**; to be placed in a situation in which the child's life, body or health is endangered; in violation of K.S.A. 21-5601(b)(1), subject to the penalties of between 5 months and 17 months in prison and a \$100,000.00 maximum fine.

Penalty Sections: K.S.A. 21-5601(c)(2), 21-6611(a)(3), 21-6821(b)(2)(B).

Count 9

AGGRAVATED BATTERY

Severity Level 7 Person Felony

That on or about July 3, 2016, within Wyandotte County, Kansas, **Jeffrey Wayne Henry, John Timothy Schooley, and Henry & Sons Construction Company Inc.**, did unlawfully, feloniously, and recklessly cause bodily harm to another person, to wit:

Richard Palmer; and did so either:

- (1) with a deadly weapon, to wit: Verrückt waterslide; or
- (2) in any manner whereby great bodily harm, disfigurement or death can be inflicted;

in violation of K.S.A. 21-5413(b)(2)(B), subject to the penalties of between 11 months and 34 months in prison and a \$100,000.00 maximum fine.

Penalty Sections: K.S.A. 21-5413(g)(1)(D), 21-6611(a)(3), 21-6821(b)(2)(B).

Count 10

AGGRAVATED BATTERY
Severity Level 7 Person Felony

That on or about June 20, 2016, within Wyandotte County, Kansas, **Jeffrey Wayne Henry, John Timothy Schooley, and Henry & Sons Construction Company Inc.**, did unlawfully, feloniously, and recklessly cause bodily harm to another person, to wit: **Norris "JJ" Groves**; and did so either:

(3) with a deadly weapon, to wit: Verrückt waterslide; or

(4) in any manner whereby great bodily harm, disfigurement or death can be inflicted;

in violation of K.S.A. 21-5413(b)(2)(B), subject to the penalties of between 11 months and 34 months in prison and a \$100,000.00 maximum fine.

Penalty Sections: K.S.A. 21-5413(g)(1)(D), 21-6611(a)(3), 21-6821(b)(2)(B).

Count 11

AGGRAVATED BATTERY

Severity Level 7 Person Felony

That on or about August 3, 2015, within Wyandotte County, Kansas, **Jeffrey Wayne Henry, John Timothy Schooley, and Henry & Sons Construction Company Inc.**, did unlawfully, feloniously, and recklessly cause bodily harm to another person, to wit: **Natasha Radcliff**; and did so either:

- (1) with a deadly weapon, to wit: Verrückt waterslide; or
- (2) in any manner whereby great bodily harm, disfigurement or death can be inflicted;

in violation of K.S.A. 21-5413(b)(2)(B), subject to the penalties of between 11 months and 34 months in prison and a \$100,000.00 maximum fine.

Penalty Sections: K.S.A. 21-5413(g)(1)(D), 21-6611(a)(3), 21-6821(b)(2)(B).

Count 12

AGGRAVATED BATTERY

Severity Level 7 Person Felony

That on or about July 11, 2015, within Wyandotte County, Kansas, **Jeffrey Wayne Henry, John Timothy Schooley, and Henry & Sons Construction Company Inc.**, did unlawfully, feloniously, and recklessly cause bodily harm to another person, to wit: **Samantha Soper**; and did so either:

(5) with a deadly weapon, to wit: Verrückt waterslide; or

(6) in any manner whereby great bodily harm, disfigurement or death can be inflicted;

in violation of K.S.A. 21-5413(b)(2)(B), subject to the penalties of between 11 months and 34 months in prison and a \$100,000.00 maximum fine.

Penalty Sections: K.S.A. 21-5413(g)(1)(D), 21-6611(a)(3), 21-6821(b)(2)(B).

Count 13

AGGRAVATED BATTERY

Severity Level 7 Person Felony

That on or about July 9, 2015, within Wyandotte County, Kansas, **Jeffrey Wayne Henry,**

John Timothy Schooley, and **Henry & Sons Construction Company Inc.,** did

unlawfully, feloniously, and recklessly cause bodily harm to another person, to wit:

Ryan Shapiro; and did so either:

(7) with a deadly weapon, to wit: Verrückt waterslide; or

(8) in any manner whereby great bodily harm, disfigurement or death can be inflicted;

in violation of K.S.A. 21-5413(b)(2)(B), subject to the penalties of between 11 months and 34 months in prison and a \$100,000.00 maximum fine.

Penalty Sections: K.S.A. 21-5413(g)(1)(D), 21-6611(a)(3), 21-6821(b)(2)(B).

Count 14

AGGRAVATED BATTERY

Severity Level 5 Person Felony

That on or about July 5, 2015, within Wyandotte County, Kansas, **Jeffrey Wayne Henry, John Timothy Schooley, and Henry & Sons Construction Company Inc.**, did unlawfully, feloniously, and recklessly cause disfigurement or great bodily harm to another person, to wit: **A.M. (xx/xx/1999)**; in violation of K.S.A. 21-5413(b)(2)(A), subject to the penalties of between 31 months and 136 months in prison and a \$300,000.00 maximum fine.

Penalty Sections: K.S.A. 21-5413(g)(2)(C), 21-6611(a)(2), 21-6821(b)(2)(A).

Count 15

AGGRAVATED ENDANGERING A CHILD

Severity Level 9 Person Felony

That on or about July 5, 2015, within Wyandotte County, Kansas, **Jeffrey Wayne Henry, John Timothy Schooley, and Henry & Sons Construction Company Inc.**, did unlawfully, feloniously, and recklessly cause or permit a child under the age of 18 years, to wit: **A.M. (xx/xx/1999)**; to be placed in a situation in which the child's life, body or health is endangered; in violation of K.S.A. 21-5601(b)(1), subject to the penalties of between 5 months and 17 months in prison and a \$100,000.00 maximum fine.

Penalty Sections: K.S.A. 21-5601(c)(2), 21-6611(a)(3), 21-6821(b)(2)(B).

Count 16

AGGRAVATED BATTERY

Severity Level 5 Person Felony

That on or about June 16, 2015, within Wyandotte County, Kansas, **Jeffrey Wayne Henry, John Timothy Schooley, and Henry & Sons Construction Company Inc.**, did unlawfully, feloniously, and recklessly cause disfigurement or great bodily harm to another person, to wit: **Brittany Hawkins**; in violation of K.S.A. 21-5413(b)(2)(A), subject to the penalties of between 31 months and 136 months in prison and a \$300,000.00 maximum fine.

Penalty Sections: K.S.A. 21-5413(g)(2)(C), 21-6611(a)(2), 21-6821(b)(2)(A).

Count 17

AGGRAVATED BATTERY

Severity Level 5 Person Felony

That on or about August 31, 2014, within Wyandotte County, Kansas, **Jeffrey Wayne Henry, John Timothy Schooley, and Henry & Sons Construction Company Inc.**, did unlawfully, feloniously, and recklessly cause disfigurement or great bodily harm to another person, to wit: **A.P. (xx/xx/1999)**; in violation of K.S.A. 21-5413(b)(2)(A), subject to the penalties of between 31 months and 136 months in prison and a \$300,000.00 maximum fine.

Penalty Sections: K.S.A. 21-5413(g)(2)(C), 21-6611(a)(2), 21-6821(b)(2)(A).

Count 18


AGGRAVATED ENDANGERING A CHILD

Severity Level 9 Person Felony

That on or about August 31, 2014, within Wyandotte County, Kansas, **Jeffrey Wayne Henry, John Timothy Schooley, and Henry & Sons Construction Company Inc.**, did unlawfully, feloniously, and recklessly cause or permit a child under the age of 18 years, to wit: **A.P. (xx/xx/1999)**; to be placed in a situation in which the child's life, body or health is endangered; in violation of K.S.A. 21-5601(b)(1), subject to the penalties of between 5 months and 17 months in prison and a \$100,000.00 maximum fine.

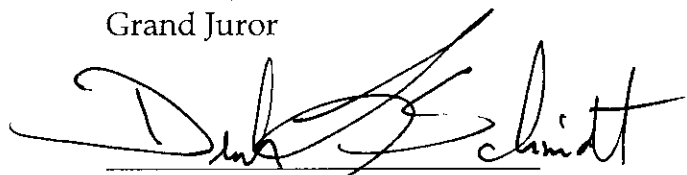
Penalty Sections: K.S.A. 21-5601(c)(2), 21-6611(a)(3), 21-6821(b)(2)(B).

A TRUE BILL:

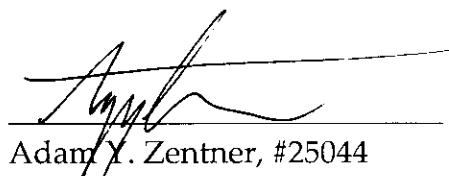


Presiding/Deputy Presiding
Grand Juror

3-21-2018
Date



Derek L. Schmidt, #17781
Attorney General
State of Kansas



Adam X. Zentner, #25044
Assistant Attorney General
State of Kansas

Additional prosecuting attorneys:
Shon Qualseth, Assistant Attorney General
Natalie Chalmers, Assistant Solicitor General