

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF WEST VIRGINIA  
CHARLESTON

UNITED STATES OF AMERICA

v.

CRIMINAL NO. 5:23-cr-00188

MARK HOLDREN

**STIPULATION OF FACTS**

The United States and MARK HOLDREN (hereinafter "the defendant") stipulate and agree that the facts comprising the offense of conviction (Count One in the Indictment in Criminal No. 5:23-cr-00188) include the following:<sup>1</sup>

On or about March 1, 2022, the defendant was serving as a correctional officer with the West Virginia Division of Corrections and Rehabilitation at Southern Regional Jail ("SRJ") in Beaver, Raleigh County, West Virginia. Q.B. was a 37-year-old pre-trial detainee in the custody of SRJ.

Based on his training and experience as an SRJ correctional officer, defendant knew that officers could not use unreasonable force to punish inmates, including pretrial detainees. Defendant also knew, based on his training and experience, that officers had a duty to intervene to stop fellow officers from using unreasonable force against inmates, including pretrial detainees.

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<sup>1</sup> The United States and the defendant further stipulate and agree that this Stipulation of Facts and Factual Basis for Guilty Plea does not contain each and every fact known to the defendant and to the United States concerning his involvement and the involvement of others in the charge set forth in the Indictment.

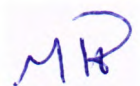
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However, in spite of this training and experience, prior to March 1, 2022, defendant and other officers would sometimes bring inmates who engaged in misconduct to "blind spots" - meaning, areas in SRJ where there were no surveillance cameras - and use unreasonable force against the inmates to punish them. Defendant and other officers would use "blind spots" for this purpose so that they could avoid being held accountable for using unreasonable force. Interview rooms and cells inside A-pod were some of the "blind spots" defendant and other officers used for this purpose.

On or about March 1, 2022, the defendant responded to a call for officer assistance after Q.B. tried to push past a correctional officer and leave C-pod, which was a housing unit for inmates. When the defendant arrived at the sallyport of C-pod, Q.B. was on the floor and other correctional officers were engaged in using force against Q.B. Defendant also began using force against Q.B., including multiple knee-strikes against Q.B. that were unreasonable. The defendant and other officers restrained and handcuffed Q.B. in the C-pod sallyport.

Following the use of force in the C-pod sallyport, the defendant and other correctional officers, while acting under color of law, willfully combined, conspired, and agreed to injure, oppress, threaten, and intimidate Q.B. in the free exercise and enjoyment of a right secured and protected by the Constitution and laws of the United States, namely, the right not to be deprived of due process of law, which includes the right to be free from the use of unreasonable force by correctional officers. Specifically, the defendant and other members of the conspiracy agreed to use unreasonable force to punish Q.B. in retaliation for Q.B.'s attempt to push past a correctional officer and leave C-pod; and, aided and abetted by each other, did punish Q.B. by assaulting him. Q.B.

**PLEA AGREEMENT EXHIBIT A**



suffered bodily injury and died because of the acts of the defendant and other correctional officers.

In furtherance of this conspiracy, and to achieve its objectives, the defendant and members of the conspiracy, aided and abetted by each other, committed the following overt acts, among others:

- a. The defendant and other members of the conspiracy brought Q.B. from C-pod to an interview room which he knew was a "blind spot."
- b. After they entered the interview room, the defendant and other members of the conspiracy assaulted and injured Q.B. to punish him for attempting to leave C-pod. Specifically, the defendant and other officers, aiding and abetting one another, struck Q.B. in the head multiple times; kicked Q.B.; knee-struck Q.B.; pulled and twisted his fingers; and sprayed him with OC spray. As the defendant and other members of the conspiracy assaulted him, Q.B. was restrained, handcuffed, and posed no threat to anyone.
- c. The defendant and other members of the conspiracy then removed Q.B. from the interview room and brought him to a cell in A-pod, which was another "blind spot." En route to A-pod, Q.B. went limp and went down to the floor. The defendant and other officers then picked up Q.B., who was still handcuffed, and carried him.
- d. Inside the cell in A-pod, the defendant and other members of the conspiracy dropped the handcuffed Q.B., facedown, on the concrete floor. Defendant saw a member of the conspiracy kick Q.B. while Q.B. was on the floor. Q.B. appeared to be unresponsive and was not breathing while in the cell.
- e. Paramedics were called to SRJ to render medical aid to Q.B., but defendant did not inform them about the force he and other

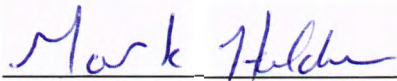
**PLEA AGREEMENT EXHIBIT A**

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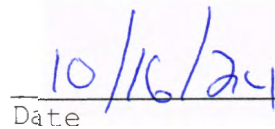
members of the conspiracy used against Q.B. because defendant did not want to be held accountable for the use of unreasonable force against Q.B.

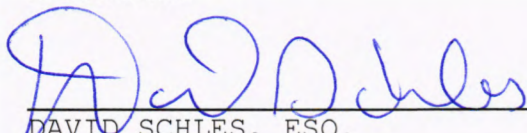
These events all happened at or near Beaver, Raleigh County, West Virginia, which the defendant knows is in the Southern District of West Virginia.

Stipulated and agreed to:

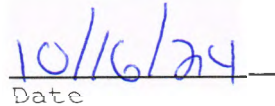


MARK HOLDREN  
Defendant

  
Date

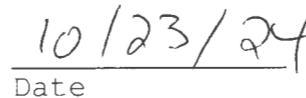


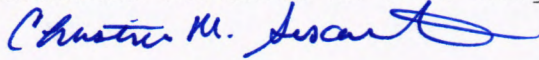
DAVID SCHLES, ESQ.  
Counsel for Defendant

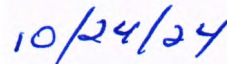
  
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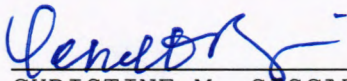


WILLIAM S. THOMPSON  
United States Attorney  
Southern District of West Virginia

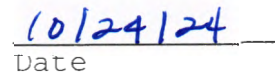
  
Date







CHRISTINE M. SISCARETTI  
Deputy Chief of Operations  
TENETTE SMITH  
Trial Attorney  
Civil Rights Division

  
Date