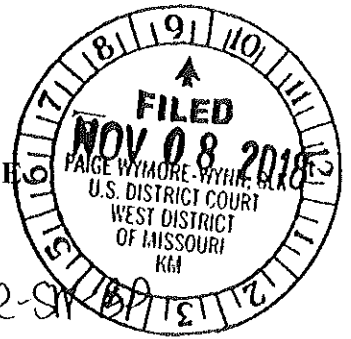


IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
SOUTHWESTERN DIVISION



UNITED STATES OF AMERICA,

Plaintiff,

v.

KENNETH SCOTT MCKEE,

[DOB: ██████████]

Defendant.

No. 18-05043-01-CR-SM/BP

COUNTS 1 – 17

18 U.S.C. §§ 1115 and 2

For Each Count:

NMT 10 Years Imprisonment

NMT \$250,000 Fine

NMT 3 Years Supervised Release

Class C Felony

\$100 Special Assessment (Each Count)

INDICTMENT

THE GRAND JURY CHARGES THAT:

COUNTS 1 – 17

On or about July 19, 2018, on Table Rock Lake, a navigable water of the United States within the Western District of Missouri and within the admiralty jurisdiction of the United States, the defendant, **KENNETH SCOTT MCKEE**, while piloting, operating, and navigating *Stretch Duck 7* as the captain, pilot, and master of said vessel, committed the following acts of misconduct, negligence, and inattention to duty:

- A. Failed to properly assess incoming weather prior to and upon entering the vessel on the water;
- B. Entered the vessel on the water when there was lightning in the area;
- C. Entered the vessel on the water when severe weather approached the area;
- D. Failed to properly assess the nature of the severe weather when severe weather arrived at the location of *Stretch Duck 7* while the vessel was on the water;

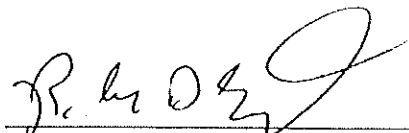
- E. Operated *Stretch Duck 7* in violation of the conditions and limitations specified in the vessel's United States Coast Guard issued Certificate of Inspection;
- F. Failed to instruct the passengers to don personal floatation devices when severe weather arrived at the location of *Stretch Duck 7* while the vessel was on the water;
- G. Failed to immediately increase speed and head to the nearest shore when severe weather arrived at the location of *Stretch Duck 7* while the vessel was on the water;
- H. Caused or allowed the vessel's side curtains to be lowered, when severe weather, including increased wind speed, arrived at the location of *Stretch Duck 7* while the vessel was on the water;
- I. Failed to raise the side curtains when severe weather, including increased wind speed, arrived at the location of *Stretch Duck 7* while the vessel was on the water;
- J. Failed to raise the side curtains the first time the vessel's bilge alarm sounded;
- K. Failed to raise the side curtains the second time the vessel's bilge alarm sounded;
- L. Failed to instruct the passengers to don personal floatation devices the first time the vessel's bilge alarm sounded;
- M. Failed to instruct the passengers to don personal floatation devices the second time the vessel's bilge alarm sounded;
- N. Failed to prepare to abandon ship the first time the vessel's bilge alarm sounded;
- O. Failed to prepare to abandon ship the second time the vessel's bilge alarm sounded;
and
- P. Failed to prepare to abandon ship when there was an unacceptable loss of freeboard on the vessel.

The Grand Jury further alleges that the defendant, **KENNETH SCOTT MCKEE**, as the captain, pilot, and master of *Stretch Duck 7*, by the above-stated acts of misconduct, negligence, and inattention to duty, separately and collectively, contributed to and caused the destruction of the life of any person on board *Stretch Duck 7*, with each count set forth below representing one of the seventeen persons whose life was destroyed:


| COUNT | PERSON WHOSE LIFE WAS DESTROYED |
|-------|---------------------------------|
| 1 | Ar.C. |
| 2 | M.L. |
| 3 | Ev.C. |
| 4 | R.C. |
| 5 | L.S. |
| 6 | G.C. |
| 7 | An.C. |
| 8 | S.S. |
| 9 | J.B. |
| 10 | L.D. |
| 11 | W.B. |
| 12 | R.H. |
| 13 | B.C. |
| 14 | W.A. |
| 15 | H.C. |
| 16 | R.W. |
| 17 | Er.C. |

All in violation of Title 18, United States Code, Sections 1115 and 2.

A TRUE BILL



 Randall D. Eggert
 Assistant United States Attorney



 Casey Clark
 Assistant United States Attorney



 FOREPERSON OF THE GRAND JURY

DATED: 11/6/18