

IN THE 29th JUDICIAL DISTRICT
DISTRICT COURT OF WYANDOTTE COUNTY, KANSAS

FILED
2025 OCT -1 PM 2:24
DISTRICT COURT
WYANDOTTE COUNTY KANSAS
DEPUTY

THE STATE OF KANSAS
Plaintiff

Case No. WY-2025-CR-001158

vs.

RICHARD FATHERLEY
Defendant

ORDER GRANTING REQUESTS FOR AFFIDAVIT TO STATEMENT OF FACTS -
REDACTED

The Court has before it the “Requests for Disclosure of an Affidavit or Sworn Testimony” filed by Steve Kaut, Heidi Schmidt Skidmore, Nick Sloan, Heather Hollingsworth, Kaitlyn Schwes, and Dylan Lysen, pursuant to K.S.A. 22-2302. The court has reviewed the State’s “Motion to Seal Affidavit for Warrant”, the State’s proposed redactions, the Defendant’s “Motion to Seal Probable Cause Affidavit” and the Defendant’s proposed redactions. The Court grants the “Requests for Disclosure of an Affidavit” subject to the redactions attached hereto as designated by the Court as set forth in K.S.A. 22-2302(c)(4) (A,C, and F).

The Court is hereby filing the redacted version of this “Affidavit to Statement of Facts”. Upon filing, the Clerk shall make said redacted “Affidavit to Statement of Facts” part of the court record and shall be accessible to the public.

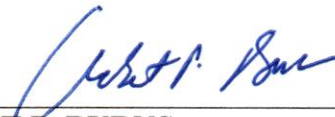
IT IS SO ORDERED.



ROBERT P. BURNS
CHIEF JUDGE

CERTIFICATE OF MAILING

I hereby certify that a file-stamped copy of the above and foregoing Order was mailed postage prepaid to: Adam Dietrich Stolte, Assistant District Attorney, Wyandotte County Courthouse, 710 N. 7th Street, Kansas City, Kansas 66101, James Spies, 6405 Metcalf Ave, Suite 323, Overland Park, Kansas 66202, Steve Kaut, 4720 Oak Street, Kansas City, Missouri 64112, Heidi Schmidt Skidmore, 4500 Shawnee Mission Pkwy, Fairway, Kansas 66215, Nick Sloan, KMBC 9 News, 6455 Winchester Avenue, Kansas City, Missouri 64133, Heather Hollingsworth, 215 W. Pershing Road, Kansas City, Missouri 64108, Kaitlyn Schwes, FOX4, 3030 Summit, Kansas City, Missouri 64108, and to Dylan Lysen, KCUR 89.3, 4825 Troost Avenue, Suite 202, Kansas City, Missouri 64110, on this 1st day of October, 2025.



ROBERT P. BURNS
CHIEF JUDGE

AFFIDAVIT TO STATEMENT OF FACTS
STATE OF KANSAS, COUNTY OF WYANDOTTE

DATE: September 18, 2025

Case No. KBI25-536

This affidavit is a statement of facts regarding the investigation into the death of Charles Adair that occurred within the city of Kansas City, Wyandotte County, Kansas.

On July 05, 2025 at approximately 10:35PM, Agents with the Kansas Bureau of Investigation, responded to The Wyandotte County Sheriff's Office Jail on an in-custody death. The decedent was identified as Charles Lindon Adair.

On July 04, 2025 at approximately 1:22AM, Adair attempted to turn himself in to security staff at 7th Street Casino, on warrants. KCKPD arrived and confirmed numerous misdemeanor warrants and an NCIC warrant out of Johnson County, all being misdemeanor traffic warrants. KCKPD transported Adair to the Wyandotte County Jail, but were subsequently turned away to seek medical clearance due to a large infected wound on Adair's left leg.

Adair was transported to Providence Medical Center with an arrival time of 3:12AM. He was diagnosed with Osteomyelitis of the left leg and there were no other concerns noted.

At 4:25AM, he was discharged with paperwork identifying him as medically cleared for incarceration.

According to records, Adair had complications with his left leg due to un-treated diabetes. He had been advised to have his leg amputated, but he has refused.

Adair provided the following medications as what he had been previously prescribed, but it was unknown whether he was actively taking them:

Adair was then transported back to the Wyandotte County Jail and lodged at 5:41AM. During his medical screening, Adair identified the following medical conditions:

- Pace maker
- Blood clots in left arm
- Hyperlipidemia

- Hypertension
- Diabetic
- High cholesterol
- Schizophrenic

Adair refused to get his leg re-wrapped when medical staff offered that evening around 11:00PM.

On July 05, 2025 at approximately 10:00AM, Adair was in his cell during morning recreation in A-Pod. Adair requested to exit his cell, but refused to come out because he was told he had to leave his blanket in his cell. Adair eventually came out of his cell, in his wheelchair, yelling profanities, which caused a disturbance with other inmates, who were yelling at him to be quiet. Adair continued to yell profanities after being told several times by Deputy [redacted] to be quiet. After it was apparent Adair was not going to comply, all inmates were directed to lock down. Deputy [redacted] again directed Adair to lock down, but he refused, at which time he relayed information of a failure to lock down via his radio.

At this point, Adair had got out of his wheelchair and sat on the floor. As more deputies arrived to assist, Adair got himself back in his chair and then pulled his pants down, exposing his genitalia. Deputy [redacted] pushed the wheelchair as other deputies grabbed the legs of his pants and took him back to his cell, without further incident.

At approximately 8:01PM, Adair agreed to go to medical to get his leg rewrapped. He was accompanied by Deputy [redacted]. At 8:32PM, Adair is back in his wheelchair when he begins to argue with Deputy [redacted] because he wanted to have control over his wheelchair, but Deputy [redacted] told him no because he was being too slow. Adair then locks the wheels on the chair so that the motion is stopped. Deputy [redacted] reaches down to unlock the wheels when Adair begins to yell that Deputy [redacted] is trying to hit him. Adair then throws himself out of the wheelchair, onto the floor of the medical unit, and rolls towards the door to exit into the hallway.

Adair rolls himself into the hallway where he is met by numerous deputies. Adair can be heard yelling indecipherable things and saying something to the effect of that they were trying to keep him in medical. During interviews, several Deputies described Adair as incoherent. Deputy [redacted] believed the infection from his leg was affecting his brain. Adair is placed back in the chair and swings his arms, almost hitting a deputy. He is then handcuffed in front.

Once in the wheelchair, Adair is transported back to his cell. Deputies state that Adair continues to yell and puts down his legs to stop the forward motion of the wheelchair. Adair is subsequently wheeled back into his cell, where he continues to wave his arms about and stands up, as if to strike a Deputy in the face. Adair, still in handcuffs, is then picked up from the wheelchair by several Deputies and placed on his stomach, on the bottom bunk. Adair can be heard yelling "Help" repeatedly as Deputies work to control Adair's movements.

At 8:36:18PM: Adair is removed from the wheelchair and placed on his stomach on the bottom bunk by Deputies . Adair's body positioning is the top half of his body is on the bed and the lower half off the bed, in a kneeling position. As this is occurring, an audible yell can be heard coming from Adair. Adair can be heard yelling, "Help". Adair's upper half of his body is on the bunk and his legs/knees are on the ground.

At 8:36:22PM, Deputy Fatherley appears on video and is seen going towards the bunk. Deputy Fatherley places his left leg/knee on the lower part of Adair's back, as his right leg is planted on the ground. His left hand is placed on Adair's upper left shoulder. Deputy Fatherley can be heard saying, "You're done, stop, give me your hands" and Adair responds with "Ok". Adair, still handcuffed at this time, pushes his arms forward towards Deputy . Deputy is also on the bunk, and it appears his hands are assisting in holding Adair's left arm and shoulder down, but due to Deputy Fatherley, it is hard to determine his exact positioning. Deputy is also observed holding Adair's legs to the ground.

At 8:36:31PM, Adair is seen pushing his arms forward, towards Deputy , and he lays his head on the bed.

At 8:36:37PM, Deputy appears on video to assist in removing Adair's handcuffs. Adair's last movement that can be seen on video is at approximately 8:36:46PM.

At 8:36:49PM, Deputy Fatherley is seen shifting his weight forward, appearing to apply more weight on his left leg, which is still on Adair's lower back, and left arm, which is on Adair's upper left shoulder.

At approximately 8:37:40PM, Deputy is able to remove the handcuffs and one by one all Deputies exit the cell, as Deputy Fatherley continues to hold Adair down on the bed. Adair is not seen moving, his hands are still pushed forward and his head is face down on the bed.

At 8:37:48PM, Deputy Fatherley removes his weight from Adair and exits the cell.

Shortly after exiting the cell, Registered Nurse, arrived to check on Adair, per policy, after a use of force. Deputy enters the cell with Deputy and body cam video shows Adair in the same position he was when they exited the cell, with his upper body on the bed, knees on the ground, arms forward, and head face down.

Deputy announces that RN is there to check on him, but they get no response. Deputy and Deputy move Adair to the floor and onto his back, where they observe that he is not responsive. Deputy applies a sternum rub with no success and checks for a

pulse, but does not feel one. He asks RN [redacted] to check and after checking for his response she advises to call EMS. Deputies performed CPR until EMS and Fire arrived on scene.

Despite life saving measures, Adair was pronounced deceased at 9:19PM.

During interviews, Deputies were asked if they had been taught what to do when someone shows compliance, whether it be by verbal or physical means. Deputies affirmed they were educated in what to do in use of force situations and advised they were taught to stop all force, restraint techniques, and to monitor the situation to see if the person stays compliant.

The last hands-on training in defense tactics that most Deputies last had, was in their Basic Academy, which they all attend. Deputies recall the last hands on training to review hands on techniques, has been between 3 and 5 years.

During Deputy [redacted] interview, he identified holding Adair's left shoulder and arm down. Deputy [redacted] could feel Adair trying to pull his arms beneath him, but he is eventually able to muscle his arms forward, above his head. Deputy [redacted] verbalized that Adair did become compliant at some point, but they continued to restrain him in case he resisted again. [redacted] described Adair's compliance as him no longer fighting against them.

Deputy [redacted] advised that at some point, Adair was compliant, as he stopped moving his legs. Deputy [redacted] advised, once there was no more movement in Adair's legs, he took pressure off by sitting back on his heels.

Deputy [redacted] was at the head of the bed and muscled Adair's hands towards him so he could remove the handcuffs. Deputy [redacted] did not believe that Adair ever became compliant, describing

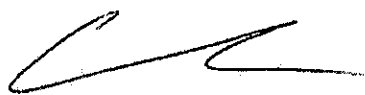
Adair as pulling his arms towards himself and fidgeting his legs, but then said he never noticed if Adair stopped moving.

Deputy _____ assisted in the removal of Adair's handcuffs. She observed Adair trying to tuck his arms underneath his body and said she did not believe he ever became compliant, because his arms always felt tense and Deputy _____ was holding his arms out.

On August 20, 2025, Adair's final autopsy was received. Dr. Li identified the cause of death as "Complications of mechanical asphyxia", contributory causes, "Hypertensive cardiovascular disease and hepatic cirrhosis due to chronic alcoholism", and manner of death as "Homicide."

On September 05, 2025, SA Reglin submitted the case file to the Wyandotte County District Attorney's Office for review.

I certify the foregoing to be true and correct, under penalty of perjury. Dated September 18, 2025.

A handwritten signature in black ink, appearing to be 'C. Reglin', with a stylized, flowing script.

Affiant Special Agent Christine Reglin
Kansas Bureau of Investigation