

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Criminal Case No.

UNITED STATES OF AMERICA,

Plaintiff,

v.

1. TIMOTHY RYAN GUTIERREZ,

Defendant.

INDICTMENT
18 U.S.C. § 875(c)
18 U.S.C. § 844(e)

The Grand Jury charges that:

Count One

On or about January 12, 2009, in the State and District of Colorado, and elsewhere, the defendant, Timothy Ryan Gutierrez, did knowingly and willfully transmit in interstate or foreign commerce from Cortez, Colorado to the Federal Bureau of Investigation in Washington, D.C., a communication, to wit: an e-mail from Cortez, Colorado to the FBI in Washington, D.C. in which the defendant threatened the President-Elect Barack Obama, by writing "I 'm going to assassinate the new president of the United States of America. PS you have 48 hours to stop it from happening."

All in violation of Title 18, United States Code, Section 875(c).

Count Two

On or about January 12, 2009, in the State and District of Colorado, and elsewhere, the defendant, Timothy Ryan Gutierrez, by means and use of an instrument of interstate commerce, that is, an e-mail using the internet, did knowingly and maliciously convey false information, knowing the same to be false, concerning an attempt or alleged attempt to kill, injure, and intimidate any individual, and to unlawfully damage and destroy a building, vehicle, or other real or personal property, to wit: “what are you waiting for you have 48 hours remember and one more thing that I have forgotten to mention I have rigged 40 pounds of C4, he and my favorite TNT to 7 cars outside the Mall of America good luck thank you and God bless the you know the rest time is wasting,” by means of explosives.

All in violation of Title 18, United States Code, Section 844(e)

A TRUE BILL

Ink signature on file in the clerk’s office
Foreperson

Respectfully submitted,

DAVID M. GAOUETTE
Acting United States Attorney

By: s/ Robert E. Mydans
Assistant United States Attorney
1225 - 17th Street, Suite 700
Denver, Colorado 80202
Telephone: (303) 454-0100
Fax: (303) 454-0422
E-mail: bob.mydans@usdoj.gov

By: s/ Todd Parker Norvell
Assistant United States Attorney
103 Sheppard Dr., Suite 215
Durango, CO 81303
Telephone: (970) 247-1514
Fax: (970) 247-8619
E-mail: todd.norvell@usdoj.gov

DATE: January 26, 2009

DEFENDANT: Timothy Ryan Gutierrez

ADDRESS: Cortez, Colorado

OFFENSE: Count 1: 18 USC § 875(c)
Transmission in interstate commerce of threats;
Count 2: 18 USC § 844(e)
Transmission of threats in interstate commerce to use explosives

PENALTY: Count 1: NMT 5 years; NMT \$ 250,000 fine, or both;
NMT 3 years supervised release;
\$100.00 Special Assessment
Count 2: NMT 10 years; NMT \$250,000 fine, or both;
NMT 3 years supervised release;
\$100 Special Assessment

LOCATION OF OFFENSE: Cortez, Colorado

AGENT: John Wallace
Federal Bureau of Investigation

AUTHORIZED BY: Robert E. Mydans, Assistant U.S. Attorney, District of Colorado

ESTIMATED TIME OF TRIAL:

five days or less

over five days

other

THE GOVERNMENT

will seek detention in this case

will not seek detention in this case

The statutory presumption of detention **is** or **is not** applicable to this defendant. **(Circle one)**