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FILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

APR 21 2011

JAMES R. LARSEN, CLERK  
DEPUTY  
SPOKANE, WASHINGTON

9  
10 UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

11  
12 **CR-11-042-JLQ**

13 **SUPERSEDING  
INDICTMENT**

14 UNITED STATES OF AMERICA,  
15 Plaintiff,

16  
17 vs.

18  
19 KEVIN WILLIAM HARPHAM,  
20 Defendant.

Vio: 18 U.S.C. § 2332a(2)  
Attempted Use of a  
Weapon of Mass  
Destruction (Count 1)

26 U.S.C. § 5861(d)  
Possession of an  
Unregistered Destructive  
Device (Count 2)

18 U.S.C. § 249  
Hate Crimes Act (Count 3)

18 U.S.C. § 924(c)(1)(B)  
(ii) - Use of a Firearm in  
Relation to a Crime of  
Violence (Count 4)

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SUPERSEDING INDICTMENT - 1

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1 The Grand Jury Charges:

2 COUNT 1

3 On or about January 17, 2011, in the Eastern District of Washington,  
4 KEVIN WILLIAM HARPHAM, acting without lawful authority, did knowingly  
5 attempt to use a weapon of mass destruction, to wit: an improvised explosive  
6 device, placed prior to and along the planned route of a Martin Luther King Jr.  
7 unity march at the northeast corner of Main and Washington Streets, in Spokane,  
8 Washington, against any person and property, which property is Main and  
9 Washington Streets, Eye Care Center and Hill's Restaurant, all of which property  
10 is used in an activity that affects interstate and foreign commerce, which would  
11 have caused these businesses to be closed for a period of time and adversely  
12 affected interstate commerce in addition to reducing business because of the  
13 public stigma associated to a bombing, had it occurred, in violation of 18 U.S.C. §  
14 2332a (2).

15 COUNT 2

16 On or about January 17, 2011, in the Eastern District of Washington,  
17 KEVIN WILLIAM HARPHAM knowingly received and possessed a firearm, to  
18 wit: a destructive device, not registered to him in the National Firearms  
19 Registration and Transfer Record, in violation of 26 U.S.C. § 5861(d).

20 COUNT 3

21 On or about January 17, 2011, in the Eastern District of Washington,  
22 KEVIN WILLIAM HARPHAM attempted to cause bodily injury with an  
23 explosive device, to wit, an improvised explosive device, to individuals attending  
24 the Martin Luther King, Jr. Unity March because of actual or perceived race,  
25 color, and national origin of any person, in violation of 18 U.S.C. § 249.

26 COUNT 4

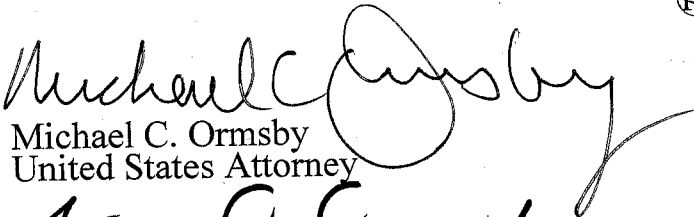
27 On or about January 17, 2011, in the Eastern District of Washington,  
28 KEVIN WILLIAM HARPHAM knowingly use, carry, and possess a firearm, to

1 wit: a destructive device, during, in relation to, and in furtherance of a crime of  
2 violence for which he may be prosecuted in a court of the United State, that is, the  
3 Hate Crimes Act, 18 U.S.C. § 249, as charged in Count 3 of this Superseding  
4 Indictment, in violation of 18 U.S.C. § 924(c)(1)(B)(ii).

5  
6 DATED this 21<sup>st</sup> day of April, 2011.


7 A TRUE BILL

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10   
11 ~~Foreperson~~

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