

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO**

Criminal Case No.

UNITED STATES OF AMERICA,

Plaintiff,

v.

DONALD HERTZ,

Defendant.

**INDICTMENT
18 U.S.C. §§ 248(a)(1) and 875(c)**

COUNT 1

The Grand Jury charges that:

On or about June 23, 2009, in the City of Boulder in the State and District of Colorado, **DONALD HERTZ**, by threat of force, intentionally intimidated and interfered with, and attempted to intimidate and interfere with, W.H. and the employees of the Boulder Abortion Clinic, a facility that provides reproductive health services, because W.H. and the employees of the Boulder Abortion Clinic were and had been providing reproductive health services, and in order to intimidate W.H. and the employees of the Boulder Abortion Clinic from providing reproductive health services.

All in violation of Title 18, United States Code, Section 248(a)(1).

COUNT 2

The Grand Jury further charges that:

On or about June 23, 2009, **DONALD HERTZ** knowingly transmitted in interstate commerce, from in or around the City of Spokane in the State and Eastern District of Washington to the Boulder Abortion Clinic in the City of Boulder in the State and District of Colorado, a communication via telephone that contained a threat to injure and kill the family of W.H., that is, statements indicating that individuals were planning to travel from the State of Utah to Boulder for the purpose of killing members of the family of W.H.

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

A TRUE BILL:

Ink signature on file in the clerk's office
FOREPERSON

LORETTA KING
Acting Assistant Attorney General

By: s/Benjamin J. Hawk
STEPHEN J. CURRAN
Deputy Chief
BENJAMIN J. HAWK
Trial Attorney
United States Department of Justice
Civil Rights Division, Criminal Section
950 Pennsylvania Avenue, N.W.
Washington, D.C. 20530