

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI

FILED

MAY 31 2013

DAVID CREWS, CLERK
BY *[Signature]* Deputy

UNITED STATES OF AMERICA

v.

JAMES EVERETT DUTSCHKE

CRIMINAL NO. 1:13CR081
18 U.S.C. §175(a)
18 U.S.C. § 871(a)
18 U.S.C. § 876(c)
18 U.S.C. § 1001

INDICTMENT

The Grand Jury charges that:

COUNT ONE

From on or about November 17, 2012, to on or about April 17, 2013, in the Northern District of Mississippi and elsewhere, the defendant, JAMES EVERETT DUTSCHKE, did knowingly develop, produce, stockpile, transfer, acquire, retain and possess a biological agent, toxin, and delivery system for use as a weapon, to wit: ricin, and did knowingly attempt to do the same, all in violation of Title 18, United States Code, Section 175(a).

COUNT TWO

From on or about April 8, 2013, and continuing until on or about April 16, 2013, in the Northern District of Mississippi and elsewhere, the defendant, JAMES EVERETT DUTSCHKE, did knowingly and willfully deposit and cause to be deposited for conveyance in the mail and for a delivery from any post office and by any letter carrier a letter, paper, writing and document containing a threat to take the life of and to inflict bodily harm upon the President of the United States; to wit: a letter containing the following language:

No one wanted to listen to me before.

There are still 'Missing Pieces'
Maybe I have your attention now
Even if that means someone must die.
This must stop.
To see a wrong and not expose it,
is to become a silent partner to its continuance
I am KC and I approve this message

and containing ricin, all in violation of Title 18, United States Code, Section 871(a) and Title 18, United States Code, Section 2.

COUNT THREE

From on or about April 8, 2013, and continuing until on or about April 16, 2013, in the Northern District of Mississippi and elsewhere, the defendant, JAMES EVERETT DUTSCHKE, did knowingly deposit in any post office or authorized depository for mail matter, to be sent or delivered by the Postal Service, and knowingly caused to be delivered by the Postal Service according to the direction thereon, a communication addressed to another person and containing a threat to injure the person of the addressee, "Snator (sic) Roger Wicker", and of another, to wit: a letter containing the following language:

No one wanted to listen to me before.
There are still 'Missing Pieces'
Maybe I have your attention now
Even if that means someone must die.
This must stop.
To see a wrong and not expose it,
is to become a silent partner to its continuance
I am KC and I approve this message

and containing ricin, all in violation of Title 18, United States Code, Section 876(c).

COUNT FOUR

From on or about April 8, 2013, and continuing until on or about April 17, 2013, in the Northern District of Mississippi and elsewhere, the defendant, JAMES EVERETT DUTSCHKE, did knowingly deposit in any post office or authorized depository for mail matter, to be sent or

delivered by the Postal Service, and knowingly caused to be delivered by the Postal Service according to the direction thereon, a communication addressed to another person and containing a threat to injure the person of the addressee, Judge Sadie Holland, and of another, to wit: a letter containing the following language:

No one wanted to listen to me before.
There are still 'Missing Pieces'
Maybe I have your attention now
Even if that means someone must die.
This must stop.
To see a wrong and not expose it,
is to become a silent partner to its continuance
I am KC and I approve this message

and containing ricin, all in violation of Title 18 of the United States Code, Section 876(c).

COUNT FIVE

From on or about November 17, 2012, to on or about the date of this Indictment, in the Northern District of Mississippi and elsewhere, the defendant, JAMES EVERETT DUTSCHKE, in a matter within the jurisdiction of a department and agency of the United States, that is, a matter involving national security therein being actively investigated by the United States Department of Justice, the Federal Bureau of Investigation, the United States Attorney's Office for the Northern District of Mississippi, the U. S. Secret Service, U. S. Postal Inspection Service and the U. S. Capitol Police, did knowingly and willfully falsify, conceal and cover up by trick, scheme and fraudulent device certain material facts, that is, the defendant intentionally devised a scheme and artifice to make it appear that Paul Kevin Curtis had mailed threatening letters containing ricin to the President of the United States, a United States Senator, and a Mississippi Justice Court Judge and, in order to carry out his scheme, he did conceal and cover up the fact that he had, in fact, mailed and caused to be mailed the letters containing ricin, to retaliate against and frame Paul Kevin Curtis.

The Scheme

1. During the time period set forth above, to-wit: It was a part of the scheme that JAMES EVERETT DUTSCHKE would and did devise a scheme and artifice to retaliate against and frame Paul Kevin Curtis for the commission of numerous crimes against the laws of the United States, that is, 18 U.S.C. §175(a), developing, producing, possessing and transferring a biological toxin, 18 U.S.C. § 871, mailing a threatening communication to the President of the United States, and 18 U.S.C. § 876, mailing threatening communications to any other person.

2. It was a part of the scheme that JAMES EVERETT DUTSCHKE would and did use the Internet and other sources to research the production and use of ricin, a biological agent and toxin.

3. It was a part of the scheme that JAMES EVERETT DUTSCHKE would and did purchase and acquire castor beans or seeds, a key ingredient for the manufacture and production of ricin, from vendors via eBay and PayPal utilizing the internet and did purchase and acquire other tools and implements such as latex gloves, grinders and masks from area vendors.

4. It was a part of the scheme that JAMES EVERETT DUTSCHKE would and did develop and produce ricin, a biological agent and toxin, for use as a weapon.

5. It was a part of the scheme that JAMES EVERETT DUTSCHKE would and did draft and cause to be delivered in the U. S. Mail system letters to the President of the United States, a United States Senator and a Mississippi Justice Court Judge containing ricin, and using phrases, verbiage and signature lines well known to be associated with Paul Kevin Curtis in order to make it appear that Paul Kevin Curtis was responsible.

6. It was a part of the scheme that JAMES EVERETT DUTSCHKE would and did attempt to destroy, clean and hide evidence of the crime(s) in an attempt to conceal and disguise material facts relevant to his guilt from federal law enforcement and prosecuting officials.

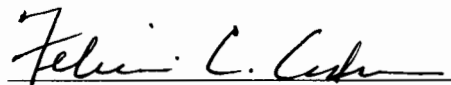
7. It was a part of the scheme that JAMES EVERETT DUTSCHKE, when questioned by federal law enforcement, made numerous material false, fictitious and fraudulent statements in order to conceal and disguise his true role in the commission of the offenses contained herein.

8. The aforesaid actions of the defendant potentially put at risk the lives of the President of the United States, a United States Senator, a Mississippi Judge and those handling the U. S. Mail and others, and caused a huge expenditure of investigative assets while subjecting Paul Kevin Curtis to criminal prosecution and confinement until the investigation revealed defendant's true role as the perpetrator of the offenses.

All in violation of Title 18, United States Code, Section 1001.

A TRUE BILL

/s/ Signature Redacted
FOREPERSON


UNITED STATES ATTORNEY