

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

Criminal Case No. 19-cr-00506-REB

UNITED STATES OF AMERICA,

Plaintiff,

v.

1. ROBERT LEWIS DEAR, JR.,

Defendant.

INDICTMENT

The Grand Jury charges:

GENERAL ALLEGATIONS

1. On or about November 27, 2015, the Planned Parenthood clinic located in Colorado Springs, Colorado (“the Planned Parenthood Clinic”), was open and was providing a variety of reproductive health services to its patients. Patients, their companions, and staff and employees of the Planned Parenthood Clinic were in the clinic and in the parking lot.

2. On or about November 27, 2015, the defendant ROBERT LEWIS DEAR, JR., intending to wage “war” on Planned Parenthood because it offered abortion services, traveled to the Planned Parenthood Clinic with four SKS rifles, five handguns, two additional rifles, a shotgun, more than 500 rounds of ammunition, and propane tanks.

3. Shortly before noon, defendant DEAR pulled into the parking lot of the

Planned Parenthood Clinic. A car with three occupants parked next to defendant DEAR's truck. Defendant DEAR said to these individuals words to the effect of "you shouldn't have come here today." Defendant DEAR repeatedly shot at them, killing one and seriously injuring the other two.

4. Prior to entering the Planned Parenthood Clinic, defendant DEAR repeatedly shot at three additional people who were in various locations in front of the Planned Parenthood Clinic, killing one and injuring another.

5. Defendant DEAR forced his way into the Planned Parenthood Clinic by shooting through a door to the side of the main entrance. At this time, approximately twenty-seven healthcare providers, employees, patients, and companions were in the Planned Parenthood Clinic and hid in various rooms in the clinic and remained sheltered-in-place until they were rescued by law enforcement. During his attack, defendant DEAR shot one of these civilians when a bullet he fired went through the wall and into the room where the individual was hiding.

6. After forcing his way into the Planned Parenthood Clinic, defendant DEAR engaged in an approximately five-hour standoff with officials from several law enforcement and public safety agencies, including the Colorado Springs Police Department ("CSPD"), El Paso County Sheriff's Office ("EPSO"), University of Colorado Colorado Springs Campus Police ("UCCS"), and the Colorado Springs Fire Department ("CSFD"). Defendant DEAR repeatedly shot at the firefighters and law enforcement officers, killing one officer and injuring four more.

7. During this attack on the Planned Parenthood Clinic, its staff, its patients,

others present, and responding law enforcement officers, defendant DEAR fired approximately 198 bullets. Defendant DEAR also positioned a propane tank in the parking lot. When a law enforcement tactical vehicle was near the propane tank, defendant DEAR shot the tank in an attempt to create an explosion.

8. Paragraphs 1-7 of these General Allegations are hereby reincorporated as to all Counts charged below.

COUNT 1

9. On or about November 27, 2015, in the State and District of Colorado, the defendant, ROBERT LEWIS DEAR, JR., by force and threat of force, intentionally injured UCCS Officer G.S. in order to intimidate another person and class of persons from obtaining and providing reproductive health services, resulting in the death of UCCS Officer G.S.

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

COUNT 2

10. On or about November 27, 2015, in the State and District of Colorado, the defendant, ROBERT LEWIS DEAR, JR., by force and threat of force, intentionally injured J.M. because she was and had been, and in order to intimidate her and another person and class of persons from, obtaining and providing reproductive health services, resulting in the death of J.M.

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

COUNT 3

11. On or about November 27, 2015, in the State and District of Colorado,

the defendant, ROBERT LEWIS DEAR, JR., by force and threat of force, intentionally injured K.S. in order to intimidate another person and class of persons from obtaining and providing reproductive health services, resulting in the death of K.S.

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

COUNT 4

12. On or about November 27, 2015, in the State and District of Colorado, the defendant, ROBERT LEWIS DEAR, JR., by force and threat of force, intentionally injured, and attempted to injure, S.W. because she was and had been, and in order to intimidate her and another person and class of persons from, obtaining and providing reproductive health services, resulting in the bodily injury of S.W.

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

COUNTS 5-11

13. On or about November 27, 2015, in the State and District of Colorado, the defendant, ROBERT LEWIS DEAR, JR., by force and threat of force, intentionally injured, and attempted to injure, the below-listed victim in order to intimidate another person and class of persons from obtaining and providing reproductive health services, resulting in bodily injury to the below-listed victim.

COUNT	VICTIM
5	W.F.
6	Am.L.
7	H.L.
8	CSPD Officer M.Z.

9	EPSO Sergeant J.H.
10	CSPD Officer J.F.
11	CSPD Officer D.C.

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

COUNTS 12-37

14. On or about November 27, 2015, in the State and District of Colorado, the defendant, ROBERT LEWIS DEAR, JR., by force and threat of force, intentionally intimidated and interfered with, and attempted to injure, intimidate, and interfere with the below-listed victim because the below-listed victim was and had been, and in order to intimidate the below-listed victim and another person and class of persons from, obtaining and providing reproductive health services.

COUNT	VICTIM
12	S.S.
13	K.C.
14	B.T.
15	M.G.
16	J.M.C.
17	E.S.
18	M.R.H.
19	A.C.L.
20	An.L.

21	A.D.
22	L.R.
23	L.B.
24	T.S.
25	D.D.H.
26	J.B.S.
27	S.G.
28	A.Z.
29	M.H.
30	C.J.
31	K.G.
32	A.B.
33	K.T.
34	A.R.
35	A.W.
36	E.V.V.
37	J.B.

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

COUNTS 38-64

15. On or about November 27, 2015, in the State and District of Colorado, the defendant, ROBERT LEWIS DEAR, JR., by force and threat of force, intentionally intimidated and attempted to injure and intimidate the below-listed victim in order to

intimidate another person and class of persons from obtaining and providing reproductive health services.

COUNT	VICTIM
38	R.S.
39	CSPD Officer J.S.
40	CSPD Officer A.N.
41	CSPD Officer T.B.
42	CSPD Officer J.C.
43	CSPD Officer T.T.
44	CSPD Officer K.V.
45	CSPD Officer W.W.
46	CSPD Officer A.L.
47	EPSO Deputy M.M.
48	CSPD Officer M.W.
49	CSPD Officer J.S.
50	CSPD Sergeant B.C.
51	EPSO Deputy T.F.
52	CSPD Officer M.J.
53	CSPD Officer G.T.
54	CSPD Officer A.G.
55	CSFD Fireman E.L.
56	CSFD Fireman A.L.
57	CSPD Officer M.P.

58	CSPD Officer T.J.
59	CSPD Officer B.C.
60	CSPD Officer R.C-R.
61	CSPD Officer S.A.
62	CSPD Sergeant L.L.
63	CSPD Officer R.H.
64	CSPD Officer M.A.

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

COUNT 65

16. On or about November 27, 2015, in the State and District of Colorado, the defendant, ROBERT LEWIS DEAR, JR., intentionally damaged and destroyed the property of a facility, namely, the Planned Parenthood clinic located on Centennial Boulevard in Colorado Springs, Colorado, and attempted to do so, because such facility provided reproductive health services, resulting in bodily injury.

All in violation of Title 18, United States Code, Section 248(a)(3) and (b).

COUNTS 66-68

17. The allegations set forth in paragraphs 1 through 11 of this Indictment are incorporated herein by reference as though fully set forth and re-alleged.

18. On or about November 27, 2015, in the State and District of Colorado, the defendant, ROBERT LEWIS DEAR, JR., knowingly used and discharged a firearm during and in relation to a crime of violence for which he may be prosecuted in a court

of the United States, namely, a violation of 18 U.S.C. § 248(a)(1) and (b) as charged in Counts 1 through 3, that resulted in the death of the below-listed victim through the use of the firearm in such a manner as to constitute murder as defined in 18 U.S.C. § 1111, in that defendant DEAR, with malice aforethought, did unlawfully kill each victim with a firearm:

COUNT	VICTIM
66	UCCS Officer G.S.
67	J.M.
68	K.S.

All in violation of Title 18, United States Code, Section 924(c)(1)(A) and (j)(1).

NOTICE OF SPECIAL FINDINGS PURSUANT TO TITLE 18, UNITED STATES CODE, SECTIONS 3591 AND 3592

19. The allegations set forth in paragraphs 1 through 11 and 18 of this Indictment are incorporated herein by reference as though fully set forth and re-alleged. As to Counts 1 through 3 and 66 through 68, the defendant, ROBERT LEWIS DEAR, JR.:

- (a) was 18 years of age or older at the time of the offense;
- (b) intentionally killed UCCS Officer G.S., J.M., and K.S. (18 U.S.C. § 3591(a)(2)(A));
- (c) intentionally inflicted serious bodily injury that resulted in the deaths of UCCS Officer G.S., J.M., and K.S. (18 U.S.C. § 3591(a)(2)(B));
- (d) intentionally participated in an act contemplating that the life of a person

would be taken and intending that lethal force would be used in connection with a person, other than one of the participants in the offense, and UCCS Officer G.S., J.M., and K.S. died as a result of such act (18 U.S.C. § 3591(a)(2)(C));

- (e) intentionally and specifically engaged in an act of violence, knowing that the act created a grave risk of death to a person, other than one of the participants in the offense, such that participation in the act constituted a reckless disregard for human life, and UCCS Officer G.S., J.M., and K.S. died as a direct result of the act (18 U.S.C. § 3591(a)(2)(D));
- (f) in committing the offenses in Counts 1 through 3 and 66 through 68, knowingly created a grave risk of death to one or more persons in addition to the victims of these offenses (18 U.S.C. § 3592(c)(5));
- (g) committed the offenses in Counts 1 through 3 and 66 through 68 after substantial planning and premeditation to cause the death of one or more persons; and
- (h) in committing the offenses in Counts 1 through 3 and 66 through 68, intentionally killed and attempted to kill more than one person in a single criminal episode (18 U.S.C. § 3592(c)(16)).

FORFEITURE ALLEGATION

20. The allegations contained in Counts 66 through 68 of this Indictment are hereby re-alleged and incorporated by reference for the purpose of alleging forfeiture pursuant to the provisions of Title 18, United States Code, Section 924(d) and Title 28,

United States Code, Section 2461(c).

21. Upon conviction of the violations alleged in Counts 66 through 68 of this Indictment, involving violations of Title 18, United States Code, Section 924(c)(1)(A) and (j)(1), the defendant, ROBERT LEWIS DEAR, JR., shall forfeit to the United States pursuant to Title 18, United States Code, Section 924(d) and Title 28, United States Code, Section 2461(c), all firearms and ammunition involved in the commission of the offenses, including but not limited to the following: (1) NORINCO SKS rifle with serial number 18032335P; (2) NORINCO SKS rifle with serial number 1813159N; (3) Heckler and Koch P7M13 9mm pistol with serial number 17-80790; (4) NORINCO SKS rifle with serial number 18017577N; (5) NORINCO SKS rifle with serial number 1800217N; (6) Ruger 10/22 rifle with serial number 247-86377; (7) Ruger 10/22 rifle with serial number 242-65868; (8) Remington Arms Mohawk 12-gauge shotgun with serial number 5265193; (9) Rossi M511 .22 revolver with serial number L002476; (10) Colt Detective Special .38 revolver with serial number H34428; (11) Sig Sauer P226 9mm pistol with serial number U366226; (12) Beretta 21A .22 pistol with serial number BBS33749U; and (13) the recovered ammunition.

22. If any of the property described in paragraph 21 above, as a result of any act or omission of the defendant:

- (a) cannot be located upon the exercise of due diligence;
- (b) has been transferred or sold to, or deposited with, a third party;
- (c) has been placed beyond the jurisdiction of the Court;
- (d) has been substantially diminished in value; or

(e) has been commingled with other property which cannot be subdivided without difficulty;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), as incorporated by Title 28, United States Code, Section 2461(c), to seek forfeiture of any other property of said defendant up to the value of the forfeitable property.

TRUE BILL:

Ink signature on file in Clerk's Office
FOREPERSON

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DEFENDANT: ROBERT LEWIS DEAR, JR.

AGE/YOB: 1958

COMPLAINT FILED? _____ Yes ___X___ No

If Yes, MAGISTRATE CASE NUMBER _____

HAS DEFENDANT BEEN ARRESTED ON COMPLAINT? ___ Yes ___X___ No
If No, a new warrant is required.

OFFENSE(S): **COUNTS 1-64:** 18 U.S.C. § 248(a)(1) and (b) (freedom of access to clinic entrances)
COUNT 65: 18 U.S.C. § 248(a)(3) and (b) (freedom of access to clinic entrances)
COUNTS 66-68: 18 U.S.C. § 924(c)(1)(A) and 924(j)(1) (use of a firearm during a crime of violence resulting in death where the killing is a murder)

LOCATION OF OFFENSE: El Paso County, Colorado

PENALTY: **COUNTS 1-3:** 18 U.S.C. § 248(a)(1) and (b) (resulting in death): NMT life imprisonment, NMT \$250,000 fine, or both, NMT 5 years supervised release, and a \$100 special assessment.
COUNTS 4-11: 18 U.S.C. § 248(a)(1) and (b) (resulting in bodily injury): NMT 10 years imprisonment, NMT \$250,000 fine, or both, NMT 3 years supervised release, and a \$100 special assessment.
COUNTS 12-64: 18 U.S.C. § 248(a)(1) and (b): NMT 1 year imprisonment, NMT \$250,000 fine, or both, NMT 1 year supervised release, and a \$100 special assessment.
COUNT 65: 18 U.S.C. § 248(a)(3) and (b) (bodily injury): NMT 10 years imprisonment, NMT \$250,000 fine, or both, NMT 3 years supervised release, and a \$100 special assessment.
COUNTS 66-68: 18 U.S.C. § 924(c)(1)(A) and 924(j)(1) (use of a firearm during a crime of violence resulting in death where the killing is a murder): NMT death; in the absence of the death penalty, NLT 10 years imprisonment and NMT life imprisonment, NMT \$250,000 fine, or both, NMT 5 years of supervised release, and a \$100 special assessment.

AGENT: Special Agent Jonathan Grusing, FBI

AUTHORIZED BY: Assistant U.S. Attorneys Pegeen D. Rhyne and Rajiv Mohan
Trial Attorney Mary Hahn, Civil Rights Division

ESTIMATED TIME OF TRIAL:

five days or less; over five days

THE GOVERNMENT

will seek detention in this case based on 18 U.S.C. § 3142(f)(1)

The statutory presumption of detention is applicable to this defendant.