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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

United States of America,

Plaintiff,

vs.

James W. Clark,

Defendant.

No. CR-22-00889-PHX-MTL (JZB)

INDICTMENT

VIO: 18 U.S.C. § 844(e)
(Bomb Threat)
Count 1

18 U.S.C. § 1038(a)
(Bomb Hoax)
Count 2

18 U.S.C. § 875(c)
(Interstate Threat)
Count 3

THE GRAND JURY CHARGES:

BACKGROUND ALLEGATIONS

1. At all times relevant to the indictment, VICTIM-1 was an election official who worked at the Arizona Secretary of State's Office.

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1 2. On or about February 14, 2021, the defendant JAMES W. CLARK utilized
2 a web browser to search for the address of VICTIM-1 and “how to kill” VICTIM-1.

3 3. On or about February 18, 2021, the defendant JAMES W. CLARK utilized
4 a web browser to search for “fema boston marathon bombing” and “fema boston marathon
5 bombing plan digital army.”

6 **COUNT 1**
7 **18 U.S.C. § 844(e)**
8 **(BOMB THREAT)**

9 4. On or about February 14, 2021, in the District of Arizona and elsewhere, the
10 defendant JAMES W. CLARK, through the use of an instrument of interstate commerce,
11 and in and affecting interstate commerce, willfully made a threat, and maliciously
12 conveyed false information knowing the same to be false, concerning an attempt and
13 alleged attempt being made, and to be made, to kill, injure, and intimidate any individual
14 and unlawfully to damage and destroy a building and other real and personal property by
15 means of an explosive, specifically, the defendant sent the following language via the web
16 form of the Elections Division, Arizona Secretary of State’s Office, addressed to VICTIM-
17 1: “Your attorney general needs to resign by Tuesday February 16th by 9 am or the
18 explosive device impacted in her personal space will be detonated.”

19 In violation of Title 18, United States Code, Section 844(e).

20 **COUNT 2**
21 **18 U.S.C. § 1038(a)**
22 **(BOMB HOAX)**

23 5. On or about February 14, 2021, in the District of Arizona and elsewhere, the
24 defendant JAMES W. CLARK, did intentionally convey false and misleading information,
25 to wit, a message sent via a web contact form containing a threat to detonate an explosive
26 device, under circumstances where such information may reasonably be believed and
27 where such information indicated that an activity had taken, was taking, and would take
28 place, to wit, the detonation of an explosive device in government facilities, that would

1 constitute a violation of Title 18, United States Code, chapter 113B, particularly Title 18,
2 United States Code, Section 2332f, specifically, the defendant sent the following language
3 via the web form of the Elections Division, Arizona Secretary of State’s Office, addressed
4 to VICTIM-1: “Your attorney general needs to resign by Tuesday February 16th by 9 am
5 or the explosive device impacted in her personal space will be detonated.”

6 In violation of Title 18, United States Code, Section 1038(a).

7
8 **COUNT 3**
9 **18 U.S.C. § 875(c)**
10 **(INTERSTATE THREAT)**

11 6. On or about February 14, 2021, in the District of Arizona and elsewhere, the
12 defendant JAMES W. CLARK, with the intent to communicate a true threat to injure
13 another person and with knowledge that the communication would be viewed as a true
14 threat to injure another person, knowingly transmitted a communication in interstate and
15 foreign commerce containing a true threat to injure the person of another by stating the
16 following in a message transmitted via the web form of the Elections Division, Arizona
17 Secretary of State’s Office, addressed to VICTIM-1: “Your attorney general needs to resign
18 by Tuesday February 16th by 9 am or the explosive device impacted in her personal space
19 will be detonated.”

20 In violation of Title 18, United States Code, Section 875(c).

21 A TRUE BILL

22 s/
23 FOREPERSON OF THE GRAND JURY
Date: July 26, 2022

24 GARY M. RESTAINO
25 United States Attorney
District of Arizona

26 COREY R. AMUNDSON
27 Chief, Public Integrity Section
Criminal Division, U.S. Department of Justice

28 s/
SEAN K. LOKEY
Assistant U.S. Attorney
District of Arizona

s/
TANYA SENANAYAKE
Trial Attorney, Public Integrity Section
Criminal Division, U.S. Department of Justice