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CARLETON S. BURKE
CLERK, IDAHO

ORIGINAL

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF IDAHO

10 UNITED STATES OF AMERICA,
11 Plaintiff,
12 vs.
13 KIRK GREGORY DENINO,
14 Defendant(s).

Cr. No. CR 04-098-1 S-CIL
INDICTMENT
18 U.S.C. § 844(e)

The Grand Jury charges:

COUNT ONE

**Using a Telephone to Make a Bomb Threat
18 U.S.C. § 844(e)**

22 On or about August 27, 2004, in the Eastern District of Virginia, District of Idaho, and
23 elsewhere, the defendant, **Kirk Gregory Denino**, by means and use of an instrument of
24 commerce, that is the telephone, willfully threatened, and maliciously conveyed false information
25 knowing the same to be false, concerning an attempt and an alleged attempt being made and to be
26 made, to unlawfully damage and destroy a building and real property, specifically Hubbard
27 Elementary School in Kuna, Idaho, by means of fire and explosives, in violation of Title 18,

1 United States Code, § 844(e).

2 **COUNT TWO**

3 **Using a Telephone to Make a Bomb Threat**
4 **18 U.S.C. § 844(e)**

5 On or about August 30, 2004, in the Eastern District of Virginia, District of Idaho, and
6 elsewhere, the defendant, **Kirk Gregory Denino**, by means and use of an instrument of
7 commerce, that is the telephone, willfully threatened, and maliciously conveyed false information
8 knowing the same to be false, concerning an attempt and an alleged attempt being made and to be
9 made, to unlawfully damage and destroy a building and real property, specifically Hubbard
10 Elementary School in Kuna, Idaho, by means of fire and explosives, in violation of Title 18,
11 United States Code, § 844(e).

12 **PART II - SENTENCING ENHANCEMENTS**

13 The commission of the offense alleged in Count One of this Indictment resulted in
14 substantial disruption of public, governmental, and business functions and services and a
15 substantial expenditure of funds to respond to the offense, for which the offense level of **Kirk**
16 **Gregory Denino** will be enhanced pursuant to §2A6.1(b)(4) of the United States Sentencing
17 Guidelines.

18 The commission of the offense alleged in Count Two of this Indictment resulted in
19 substantial disruption of public, governmental, and business functions and services and a
20 substantial expenditure of funds to respond to the offense, for which the offense level of the
21 defendant, **Kirk Gregory Denino**, will be enhanced pursuant to §2A6.1(b)(4) of the United
22 States Sentencing Guidelines.

23 In committing the offense alleged in Count One of this Indictment, the defendant, **Kirk**
24 **Gregory Denino**, knew and should have known that a victim of the offense was a vulnerable
25 victim due to age, for which his offense level will be enhanced pursuant to §3A1.1(b)(1) of the
26 United States Sentencing Guidelines.

1 In committing the offense alleged in Count Two of this Indictment, the defendant, **Kirk**
2 **Gregory Denino**, knew and should have known that a victim of the offense was a vulnerable
3 victim due to age, for which his offense level will be enhanced pursuant to §3A1.1(b)(1) of the
4 United States Sentencing Guidelines.

5 The offense alleged in Count One of this Indictment, and enhanced pursuant to
6 §3A1.1(b)(1) of the United States Sentencing Guidelines, involved a large number of vulnerable
7 victims for which the offense level of the defendant, **Kirk Gregory Denino**, will be enhanced
8 pursuant to §3A1.1(b)(2).

9 The offense alleged in Count Two of this Indictment, and enhanced pursuant to
10 §3A1.1(b)(1) of the United States Sentencing Guidelines, involved a large number of vulnerable
11 victims for which the offense level of the defendant, **Kirk Gregory Denino**, will be enhanced
12 pursuant to §3A1.1(b)(2).

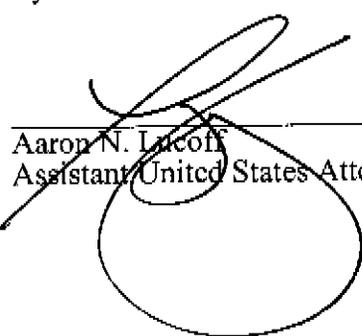
13 **DATED** this 21 day of September, 2004.

14
15 **A TRUE BILL:**

16
17 
18 FOREPERSON

19
20 THOMAS E. MOSS
21 UNITED STATES ATTORNEY

22 By:

23 
24 Aaron N. Licoif
25 Assistant United States Attorney
26
27

28 INDICTMENT - 3

CRIMINAL COVERSHEET

DEFENDANT'S NAME: Kirk Gregory Denino

Juvenile: No

Service

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DEFENSE ATTORNEY:

Type: Warrant/ Non-Secret

Address

Interpreter: E.No

If yes, language:

Telephone No.:

INVESTIGATING

AGENCY & AGENT:

Bobby Gantt

ATF

208.334.1160

CR 04-0189 S-EIL

CASE INFORMATION: (List any miscellaneous, magistrate, CVB or other related defendants/case numbers.)
MS 5683

CRIMINAL CHARGING INFORMATION

Complaint	<input checked="" type="checkbox"/> Yes	Indictment	<input type="checkbox"/> Information	<input type="checkbox"/> Superseding Indictment
<input checked="" type="checkbox"/> Felony	<input type="checkbox"/> Class A Misdemeanor	<input type="checkbox"/> Class B or C Misdemeanor (Petty Offense)		
County of Offense: <u>Ada</u>		Estimated Trial Time: <u>4 days</u>		

TITLE/SECTION	COUNTS	BRIEF DESCRIPTION	PENALTIES <i>(Include Supervised Release and Special Assessments)</i>
18 U.S.C. § 844(e)	1-2	Using a Telephone to Make a Bomb Threat	10 yrs. imprisonment; \$250,000 fine; 3 yrs. supervised release; \$100 special assessment

Date: September 19, 2004

AUSA: Aaron N. Lucoff A
Telephone No.: 208.334.1211