

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

Criminal Case No. 19-cr-00488-RM

UNITED STATES OF AMERICA,

Plaintiff,

v.

RICHARD HOLZER,

Defendant.

INDICTMENT

The Grand Jury charges:

GENERAL ALLEGATIONS

1. Temple Emanuel is a synagogue serving a congregation of Jewish families in Pueblo, Colorado. Its stated mission is to foster Jewish identity and ensure the survival of Judaism in a small community. Constructed in 1900, the Synagogue is on the National Register of Historic Places and is the second-oldest synagogue in Colorado.

2. At all times relevant to the Indictment, the defendant, RICHARD HOLZER, was a resident of Pueblo, Colorado.

3. Prior to November 1, 2019, the defendant, RICHARD HOLZER, used social media accounts to promote white supremacy ideology and acts of violence, including racially- and religiously-motivated acts of violence. The defendant, RICHARD

HOLZER, repeatedly expressed his hatred of Jewish people.

4. In or about September and October, 2019, the defendant, RICHARD HOLZER, began planning to attack Temple Emanuel in order to shut down the Synagogue and send a message to the Synagogue's congregants that they are not welcome. In furtherance of his plan, the defendant, RICHARD HOLZER, met with three individuals whom he believed to be sympathetic to his cause but were in fact undercover agents ("UCs") with the Federal Bureau of Investigation. The defendant, RICHARD HOLZER, decided to use explosives to destroy Temple Emanuel. The UCs offered to provide the explosives.

5. Between on or about October 4, 2019, and on or about October 27, 2019, the defendant, RICHARD HOLZER, repeatedly visited Temple Emanuel in furtherance of his plan to destroy the Synagogue. The defendant, RICHARD HOLZER, also collected supplies for use in the attack, including gloves, a mask, and various white supremacy paraphernalia.

6. On or about November 1, 2019, the defendant, RICHARD HOLZER, met with the UCs, who provided him with two pipe bombs and two bundles each containing seven sticks of dynamite. The devices were all inert. The defendant, RICHARD HOLZER, planned to use the pipe bombs and dynamite to attack Temple Emanuel later that night.

7. Paragraphs 1-6 of these General Allegations are hereby reincorporated as to all Counts charged below.

COUNT 1

On or about November 1, 2019, in the State and District of Colorado, the defendant, RICHARD HOLZER, intentionally attempted to obstruct persons in the enjoyment of their free exercise of religious beliefs through force. The offense was in and affected interstate commerce and involved the use and attempted use of explosives and fire.

All in violation of Title 18, United States Code, Section 247(a)(2) and (d)(3).

COUNT 2

On or about November 1, 2019, in the State and District of Colorado, the defendant, RICHARD HOLZER, maliciously attempted to damage and destroy, by means of fire and explosives, Temple Emanuel, a building used in interstate and foreign commerce and in an activity affecting interstate and foreign commerce.

All in violation of Title 18, United States Code, Section 844(i).

COUNT 3

On or about November 1, 2019, in the State and District of Colorado, the defendant, RICHARD HOLZER, used fire and an explosive to commit a felony which may be prosecuted in a court of the United States, namely intentionally attempting to obstruct persons in the enjoyment of their free exercise of religious beliefs through force, as charged in Count One.

All in violation of Title 18, United States Code, Section 844(h)(1).

FORFEITURE ALLEGATION

1. The allegations contained in Counts One, Two, and Three of this Indictment are hereby realleged and incorporated by reference for the purpose of alleging forfeitures pursuant to Title 18, United States Code, Sections 844(c) and 982(a)(2)(B).

2. Upon conviction of the offenses in violation of Title 18, United States Code, Section 844 set forth in Counts Two and Three of this Indictment, the defendant, RICHARD HOLZER, shall forfeit to the United States of America, pursuant to Title 18, United States Code, Section 982(a)(2)(B), any property constituting, or derived from, proceeds obtained, directly or indirectly, as a result of such violations, and pursuant to Title 18, United States Code, Section 844(c) and Title 28, United States Code, Section 2461(c), any explosive materials involved or used or intended to be used in the violations. The property to be forfeited includes, but is not limited to, items seized from the defendant, RICHARD HOLZER, and his residence on November 1 and 2, 2019.

3. If any of the property described above, as a result of any act or omission of the defendants:

- 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 divided without difficulty,

the United States of America shall be entitled to forfeiture of substitute property pursuant to Title 21, United States Code, Section 853(p), as incorporated by Title 18, United States Code, Section 982(b)(1).

All pursuant to 18 U.S.C. §§ 844(c) and 982(a)(2)(B), and 28 U.S.C. § 2461(c).

A TRUE BILL:

Ink signature on file in the Clerk's Office
FOREPERSON

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DEFENDANT: Richard HOLZER

YOB: 1992 **AGE 27**

COMPLAINT FILED? X YES NO

MAGISTRATE CASE NUMBER: 1:19-mj-00246-NYW

OFFENSE(S): Count One: 18 U.S.C. § 247(a)(2) and (d)(3) (Attempt to Obstruct Persons in the Enjoyment of Their Free Exercise of Religious Beliefs, Through Force and the Attempted Use of Explosives and Fire)

Count Two: 18 U.S.C. § 844(i) (Attempt to Damage and Destroy a Building Used in Interstate Commerce, by Means of Fire and Explosives)

Count Three: 18 U.S.C. § 844(h)(1) (Use of Fire and Explosive to Commit a Felony Which May Be Prosecuted by a Court of the United States)

LOCATION OF OFFENSE: Pueblo, Colorado

PENALTY: Count One: NMT 20 years imprisonment, NMT \$250,000 fine or both; NMT 3 years supervised release; \$100 special assessment

Count Two: NLT 5 years imprisonment, NMT 20 years imprisonment, NMT \$250,000 fine or both; NMT lifetime supervised release; \$100 special assessment

Count Three: 10 years consecutive imprisonment; NMT 3 years supervised release; \$100 special assessment

AGENT: SA John Smith, FBI

AUTHORIZED BY: Julia Martinez
Assistant U.S. Attorney

ESTIMATED TIME OF TRIAL:

X five days or less over five days other

THE GOVERNMENT

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

The statutory presumption of detention **is not** applicable to this defendant.