

**FILED**  
At Albuquerque NM

AUG 27 2009

MATTHEW J. DYKMAN  
CLERK

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA,

Plaintiff,

vs.

**DEREK WULF,**

Defendant.

)  
 )  
 ) CRIMINAL NO. 09-2479 RB  
 )  
 ) Count 1: 18 U.S.C. §§ 7 and 13 and §§ 30-6-  
 ) 1(A)(2), (B) NMSA: Abandonment of a Child;  
 )  
 ) Counts 2 and 4: 18 U.S.C. §§ 7 and 13 and §§  
 ) 30-6-1(D)(1) and (2), (E) NMSA: Abuse of a  
 ) Child Not Resulting in Death; 18 U.S.C. § 2:  
 ) Aiding and Abetting;  
 )  
 ) Count 3: 18 U.S.C. §§ 7 and 13 and §§ 30-6-  
 ) 1(D)(1) and (2), (F) NMSA: Abuse of a Child  
 ) Resulting in Death; 18 U.S.C. § 2: Aiding and  
 ) Abetting;  
 )  
 ) Count 5: 18 U.S.C. §§ 7 and 13 and §§ 30-6-  
 ) 1(D)(1) and (2), (H) NMSA: Abuse of a Child  
 ) Resulting in Death; 18 U.S.C. § 2: Aiding and  
 ) Abetting.

INDICTMENT

The Grand Jury charges:

Count 1

From on or about January 17, 2006, and continuing to on or about January 26, 2006, in Otero County, in the District of New Mexico, at Holloman Air Force Base, a place within the special maritime and territorial jurisdiction of the United States, on land acquired for the use of the United States and under its exclusive jurisdiction, the defendant, **DEREK WULF**, father of Jane Doe, did intentionally leave and abandon Jane Doe, a child under the age of twelve years, under circumstances whereby Jane Doe may and did suffer neglect, that is, the child was without proper parental care and control of subsistence, education, medical and other care and control necessary for the child's well-being because

of the faults and habits of the child's parents, guardian and custodian and their neglect or refusal, when able to do so, to provide them, that resulted in Jane Doe's death and great bodily harm.

In violation of 18 U.S.C. §§ 7 and 13 and §§ 30-6-1(A)(2), (B) NMSA.

Count 2

From on or about January 2005, and continuing to on or about January 26, 2006, in Otero County, in the District of New Mexico, at Holloman Air Force Base, a place within the special maritime and territorial jurisdiction of the United States, on land acquired for the use of the United States and under its exclusive jurisdiction, the defendant, **DEREK WULF**, did negligently, and without justifiable cause, cause and permit Jane Doe, a child under the age of twelve years, to be placed in a situation that may endanger Jane Doe's life and health, and tortured, cruelly confined and cruelly punished Jane Doe, and knew and should have known of the danger involved and acted with a reckless disregard for Jane Doe's safety and health.

In violation of 18 U.S.C. §§ 7 and 13 and §§ 30-6-1(D)(1) and (2), (E) NMSA, and 18 U.S.C. § 2.

Count 3

From on or about January 17, 2006, and continuing to on or about January 26, 2006, in Otero County, in the District of New Mexico, at Holloman Air Force Base, a place within the special maritime and territorial jurisdiction of the United States, on land acquired for the use of the United States and under its exclusive jurisdiction, the defendant, **DEREK WULF**, did negligently, and without justifiable cause, cause and permit Jane Doe, a child under the age of twelve years, to be placed in a situation that may endanger Jane Doe's life and health, and tortured, cruelly confined and cruelly punished Jane Doe, which

resulted in Jane Doe's death, and knew and should have known of the danger involved and acted with a reckless disregard for Jane Doe's safety and health.

In violation of 18 U.S.C. §§ 7 and 13 and §§ 30-6-1(D)(1) and (2), (F) NMSA, and 18 U.S.C. § 2.

#### Count 4

From on or about January 2005, and continuing to on or about January 26, 2006, in Otero County, in the District of New Mexico, at Holloman Air Force Base, a place within the special maritime and territorial jurisdiction of the United States, on land acquired for the use of the United States and under its exclusive jurisdiction, the defendant, **DEREK WULF**, did intentionally, and without justifiable cause, cause and permit Jane Doe, a child under the age of twelve years, to be placed in a situation that may endanger her life and health, and tortured, cruelly confined and cruelly punished Jane Doe.

In violation of 18 U.S.C. §§ 7 and 13 and §§ 30-6-1(D)(1) and (2), (E) NMSA, and 18 U.S.C. § 2.

#### Count 5

From on or about January 17, 2006, and continuing to on or about January 26, 2006, in Otero County, in the District of New Mexico, at Holloman Air Force Base, a place within the special maritime and territorial jurisdiction of the United States, on land acquired for the use of the United States and under its exclusive jurisdiction, the defendant, **DEREK WULF**, did intentionally, and without justifiable cause, cause and permit Jane Doe, a child under the age of twelve years, to be placed in a situation that may endanger her life and health, and tortured, cruelly confined and cruelly punished Jane Doe, which resulted in the death of Jane Doe.

