

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF RHODE ISLAND

UNITED STATES OF AMERICA

v.

RANDY LUTZ,  
Defendant.

CR 17 73 M  
Cr. No.

In violation of 18 U.S.C. §§ 1951(a); 18  
U.S.C. § 1952(a)(3)(A); 18 U.S.C. §  
875(d); and 18 U.S.C. § 2.

FILED  
AUG 15 2017  
U.S. DISTRICT COURT  
DISTRICT OF RHODE ISLAND

INDICTMENT

The Grand Jury charges that:

Introduction

At all times relevant to this Indictment, unless otherwise stated herein:

1. From in or about May 2016 until on or about May 3, 2017, defendant RANDY LUTZ was an employee of a group of physicians.
2. This group (hereinafter "Physicians Group") operated as a nonprofit domestic corporation in the state of Rhode Island. The Physicians Group's activities and facilities affected interstate and foreign commerce.
3. On or about May 2, 2017, LUTZ transferred private patient data and Physicians Group employee data onto several electronic devices. He subsequently took these devices home without the knowledge and authorization of the Physicians Group.
4. On or about June 19 and 20, 2017, LUTZ demanded that the Physicians Group pay him five thousand dollars (\$5,000) for the return of the devices containing the data. The Physicians Group did not initially respond to LUTZ's demand.
5. On or about June 27, 2017, LUTZ sent a text message to the head of the

Physicians Group which stated, "Ok well I did try. Kicking this ball downhill soon.

Good luck."

6. On or about July 3, 2017, LUTZ called an agent of the Physicians Group, and left a voice message in which LUTZ stated that, to return the data to the Physicians Group, his demand had gone from \$5,000 to \$25,000:

a. "I just wanted to give you a call and let you know guess I feel like maybe I am not being taken seriously, you obviously haven't called me back in for about week it seems now I just wanted to let you know to account for my time went up by 500% and I expected that I will be probably be getting a call back and be taken more seriously in next 48 hour."

7. On or about July 17, 2017, LUTZ stated to an undercover law enforcement agent (acting on behalf of the Physicians Group):

a. "Okay, well I mean if we weigh it past Wednesday, then I guess we'll find out ... the hard way...."

b. When the undercover law enforcement agent asked LUTZ what the "hard way" was, LUTZ stated, "We'll find out. I'm not going to help you guys decide if you're going to screw me or not. Alright, these folks already screwed me left and right. So, if it takes that much longer, I guess we'll find out."

8. On or about July 20, 2017, LUTZ called the administrator of the Physicians Group, and told her that he was going to "do some things publicly" regarding the

Physicians Group, and that this action would hit the administrator the hardest.

9. On or about July 21, 2017, LUTZ sent a lengthy email to the administrator of the Physicians Group, demanding his "severance package", and stating in part, "This whole thing can be settled in a way that everyone walks away happy. OR it can be settled in a manner in which nobody walks away happy."

**COUNT ONE**

**(Hobbs Act Extortion)**

**18 U.S.C. § 1951(a)**

10. The Grand Jury realleges and incorporates by reference the allegations in paragraphs 1-9 of this Indictment, and further charges that:

11. From on or about May 2, 2017 until on or about July 21, 2017, in the District of Rhode Island and elsewhere, the defendant,

RANDY LUTZ,

did obstruct, delay, and affect, and attempt to obstruct, delay, and affect commerce and the movement of articles and commodities in commerce by extortion, as those terms are defined in Title 18, United States Code, section 1951, that is, the defendant obtained and attempted to obtain the property of the Physicians Group, with the Physician Group's consent induced by the wrongful use of force, violence, and fear, including fear of economic loss.

All in violation of 18 U.S.C. §§ 1951(a) and 2.

**COUNT TWO**

**(Use of Interstate Facilities to Carry Out Extortion)**

**18 U.S.C. §§ 1952(a)(3)(A)**

12. The Grand Jury realleges and incorporates by reference the allegations in paragraphs 1-9 of this Indictment, and further charges that:

13. From on or about May 2, 2017 to on or about July 25, 2017, in the District of Rhode Island and elsewhere, the defendant,

RANDY LUTZ,

did knowingly use a facility in interstate and foreign commerce, to wit, facilities that transmitted telephone calls, text messages, and emails, with intent to promote, manage, establish, carry on, and facilitate the promotion, management, establishment, and carrying on, of any unlawful activity, that is, extortion in violation of Rhode Island General Laws § 11-42-2, and thereafter performed and attempted to perform an act to promote, manage, establish, carry on, and facilitate the promotion, management, establishment, and carrying on, of the unlawful activity.

All in violation of 18 U.S.C. §§ 1952(a)(3)(A) and § 2.

**COUNT THREE**

**(Extortionate Interstate Communications)**

**18 U.S.C. § 875(d)**

14. The Grand Jury realleges and incorporates by reference the allegations in paragraphs 1-9 of this Indictment, and further charges that:

15. From on or about May 2, 2017 to on or about July 25, 2017, in the District of Rhode Island and elsewhere, the defendant,

RANDY LUTZ,

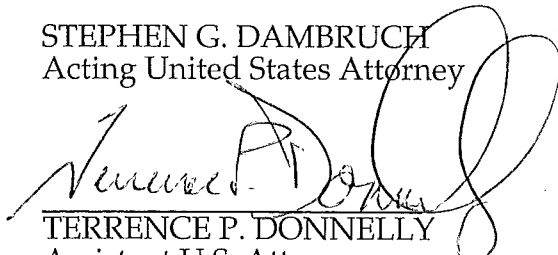
knowingly transmitted in interstate and foreign commerce from, with intent to extort from the Physicians Group, money and other things of value, a communication containing a threat to injure the property and reputation of the Physicians Group.

All in violation of 18 U.S.C. §§ 875(d) and 2.


A TRUE BILL:

**REDACTED**

STEPHEN G. DAMBRUCH  
Acting United States Attorney



TERRENCE P. DONNELLY  
Assistant U.S. Attorney



WILLIAM J. FERLAND  
Assistant U.S. Attorney  
Criminal Chief

Date: 8/15/2017

DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION IN U.S. DISTRICT COURT

**CR 17 73 M**

BY:  INFORMATION  INDICTMENT  COMPLAINT

CASE NO.

Matter Sealed:  Juvenile  Other than Juvenile

Pre-Indictment Plea  Superseding  Defendant Added  
 Indictment  Charges/Counts Added  
 Information

Name of District Court, and/or Judge/Magistrate Location (City)

UNITED STATES DISTRICT COURT RHODE ISLAND  
 DISTRICT OF RHODE ISLAND Divisional Office

Name and Office of Person Furnishing Information on THIS FORM STEPHEN G. DAMBRUCH  
 U.S. Atty  Other U.S. Agency  
 Phone No. (401) 709-5000

Name of Asst. U.S. Attorney (if assigned) TERRENCE P. DONNELLY

USA vs.

Defendant: RANDY LUTZ

Address:

Interpreter Required Dialect: \_\_\_\_\_

Birth Date \_\_\_\_\_  Male  Alien  
 Female (if applicable)

Social Security Number \_\_\_\_\_

PROCEEDING

Name of Complainant Agency, or Person (& Title, if any)  
FEDERAL BUREAU OF INVESTIGATION (FBI)

person is awaiting trial in another Federal or State Court (give name of court)

this person/proceeding transferred from another district per (circle one) FRCrP 20, 21 or 40. Show District

this is a re prosecution of charges previously dismissed which were dismissed on motion of:  
 U.S. Atty  Defense

this prosecution relates to a pending case involving this same defendant. (Notice of Related Case must still be filed with the Clerk.)

prior proceedings or appearance(s) before U.S. Magistrate Judge regarding this defendant were recorded under

SHOW DOCKET NO.

MAG. JUDGE CASE NO.

1:17 MJ 352 PAS

Place of offense RHODE ISLAND County \_\_\_\_\_

DEFENDANT

Issue:  Warrant  Summons

Location Status:

Arrest Date \_\_\_\_\_ or Date Transferred to Federal Custody \_\_\_\_\_

Currently in Federal Custody  
 Currently in State Custody  
 Writ Required  
 Currently on bond  
 Fugitive

Defense Counsel (if any): \_\_\_\_\_

FPD  CJA  RET'D  
 Appointed on Target Letter

This report amends AO 257 previously submitted

OFFENSE CHARGED - U.S.C. CITATION - STATUTORY MAXIMUM PENALTIES - ADDITIONAL INFORMATION OR COMMENTS

Total # of Counts 3

Set	Title & Section/Offense Level (Petty = 1 / Misdemeanor = 3 / Felony = 4)	Description of Offense Charged	Felony/Misd.
			<input checked="" type="checkbox"/> Felony <input type="checkbox"/> Misdemeanor
	SEE ATTACHED SHEET	SEE ATTACHED SHEET	<input checked="" type="checkbox"/> Felony <input type="checkbox"/> Misdemeanor
			<input checked="" type="checkbox"/> Felony <input type="checkbox"/> Misdemeanor
		<u>trial - 3-5 days.</u>	<input type="checkbox"/> Felony <input type="checkbox"/> Misdemeanor
			<input type="checkbox"/> Felony <input type="checkbox"/> Misdemeanor

**United States v. Randy Lutz**  
INDICTMENT COVER SHEET ATTACHMENT

**Count 1:** (Hobbs Act Extortion, 18 U.S.C. §§ 1951(a) and 2)

**MAX PENALTY**

- a. 20 years imprisonment;
- b. \$250,000 fine;
- c. 3 years supervised release; and
- d. \$100 special assessment.

**Count 2:** (Use of Facilities in Commerce to Engage in Extortion, 18 U.S.C. §§ 1952(a)(3)(A))

**MAX PENALTY**

- a. 5 years imprisonment;
- b. \$250,000 fine;
- c. 3 years supervised release; and
- d. \$100 special assessment.

**Count 3:** (Interstate Transmission of Threats, 18 U.S.C. § 875(d))

**MAX PENALTY**

- a. 2 years imprisonment;
- b. \$250,000 fine;
- c. 1 years supervised release; and
- d. \$100 special assessment.