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FILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON  
  
**SEP 16 2014**  
  
SEAN F. McAVOY, CLERK  
DEPUTY  
SPOKANE, WASHINGTON

11 UNITED STATES DISTRICT  
12 FOR THE EASTERN DISTRICT OF WASHINGTON

13 UNITED STATES OF AMERICA,  
14  
15 Plaintiff,

16 vs.

17 JAMES TERRY HENRIKSON, a/k/a  
18 James Henricksen,  
19 a/k/a Cole Johnson,  
20 a/k/a James Vanderbilt;  
21 TIMOTHY EUGENE SUCKOW;  
22 TODD DAVID BATES;  
23 ROBERT ANDREW DELAO;  
24 LAZARO TOMAS PESINA; and  
25 ROBBY JOE WAHRER,

26 Defendants.

**2:14-CR-124-SMJ**  
INDICTMENT

- Vio: 18 U.S.C. § 1958  
Murder-for-Hire  
(Counts 1-2)
- Vio: 18 U.S.C. § 1958  
Conspiracy to Commit  
Murder-for-Hire  
(Counts 3-6)
- Vio: 18 U.S.C. § 373  
Solicitation to Commit  
Murder-for-Hire  
(Counts 7-10)
- Vio: 21 U.S.C. §§ 841(a)(1), 846  
Conspiracy to Distribute  
Heroin (Count 11)

1  
2 The Grand Jury charges:

3 **COUNT 1**  
4 **MURDER FOR HIRE**  
5 **(Murder of Kristopher Clarke)**

6 That beginning on or about January 15, 2012, and continuing until on or  
7 about February 22, 2012, within the Eastern District of Washington and elsewhere,  
8 JAMES TERRY HENRIKSON did cause TIMOTHY EUGENE SUCKOW to  
9 travel in interstate commerce from the State of Washington to the State of North  
10 Dakota, and did use and cause another to use a facility of interstate commerce, that  
11 is a cellular telephone, with an intent that a murder be committed in violation of  
12 the laws of any State and the United States, as consideration for the receipt of, and  
13 as consideration for a promise and agreement to pay a thing of pecuniary value, to  
14 wit: money, and the murder of Kristopher Clarke was in fact committed, in  
15 violation of 18 U.S.C. §§ 1958(a) and 2.

17 **COUNT 2**  
18 **MURDER FOR HIRE**  
19 **(Murder of Douglas Carlile)**

20 That beginning on or about October 1, 2013, and continuing until on or  
21 about December 15, 2013, within the Eastern District of Washington and  
22 elsewhere, JAMES TERRY HENRIKSON, TIMOTHY EUGENE SUCKOW,  
23 ROBERT ANDREW DELAO, ROBBY JOE WAHRER, and LAZARO TOMAS  
24 PESINA, did use and did cause another to use a facility of interstate commerce,  
25 that is a cellular telephone, with an intent that a murder be committed in violation  
26 of the laws of any State and the United States, as consideration for the receipt of,  
27 and as consideration for a promise and agreement to pay a thing of pecuniary  
28



1 value, to wit: money, and the murder of Douglas Carlile was in fact committed, in  
2 violation of 18 U.S.C. §§ 1958(a) and 2.

3 **COUNT 3**

4 **CONSPIRACY TO COMMIT MURDER FOR HIRE**

5 **(Murder of Douglas Carlile)**

6 That beginning on or about October 1, 2013, and continuing until on or  
7 about December 15, 2013, within the Eastern District of Washington, and  
8 elsewhere, JAMES TERRY HENRIKSON, TIMOTHY EUGENE SUCKOW,  
9 ROBERT ANDREW DELAO, ROBBY JOE WAHRER, and LAZARO TOMAS  
10 PESINA, did knowingly and intentionally combine, conspire, confederate and  
11 agree together and with each other to use and cause another to use a facility of  
12 interstate commerce, that is a cellular telephone, with an intent that a murder be  
13 committed in violation of the laws of any State and the United States, as  
14 consideration for the receipt of, and as consideration for a promise and agreement  
15 to pay a thing of pecuniary value, to wit: money, and the murder of Douglas Carlile  
16 was in fact committed, in violation of 18 U.S.C. § 1958(a).

17 **COUNT 4**

18 **CONSPIRACY TO COMMIT MURDER FOR HIRE**

19 **(Jay Wright)**

20 That beginning on or about October 1, 2012, and continuing until on or  
21 about December 30, 2012, within the Eastern District of Washington and  
22 elsewhere, JAMES TERRY HENRIKSON, ROBERT ANDREW DELAO, and  
23 TODD DAVID BATES, and others both known and unknown to the Grand Jury,  
24 did knowingly and intentionally combine, conspire, confederate and agree together  
25 and with each other to use and cause another to use a facility of interstate  
26 commerce, that is a cellular telephone, with an intent that a murder be committed  
27 in violation of the laws of any State and the United States, as consideration for the  
28

1 receipt of, and as consideration for a promise and agreement to pay a thing of  
2 pecuniary value, to wit: money, in violation of 18 U.S.C. § 1958(a).

3 **COUNT 5**

4 **CONSPIRACY TO COMMIT MURDER FOR HIRE**

5 **(Jed McClure)**

6 That beginning between on or about December 1, 2012, and on or about  
7 May 1, 2013, within the Eastern District of Washington and elsewhere, JAMES  
8 TERRY HENRIKSON, ROBERT ANDREW DELAO, and TODD DAVID  
9 BATES, and others both known and unknown to the Grand Jury, did knowingly  
10 and intentionally combine, conspire, confederate and agree together and with each  
11 other to travel and did cause another to travel in interstate commerce from the State  
12 of Washington to the State of Illinois, and to use and cause another to use a facility  
13 of interstate commerce, that is a cellular telephone, with an intent that a murder be  
14 committed in violation of the laws of any State and the United States, as  
15 consideration for the receipt of, and as consideration for a promise and agreement  
16 to pay a thing of pecuniary value, to wit: money, in violation of 18 U.S.C. §  
17 1958(a).  
18

19 **COUNT 6**

20 **CONSPIRACY TO COMMIT MURDER FOR HIRE**

21 **(Tim Scott)**

22 That beginning on or about January 15, 2013, and continuing until on or  
23 about May 1, 2013, within the Eastern District of Washington and elsewhere,  
24 JAMES TERRY HENRIKSON, ROBERT ANDREW DELAO, and TODD  
25 DAVID BATES, and others both known and unknown to the Grand Jury, did  
26 knowingly and intentionally combine, conspire, confederate and agree together and  
27 with each other, to use and cause another to use a facility of interstate commerce,  
28 that is a cellular telephone, with an intent that a murder be committed in violation



1 of the laws of any State and the United States, as consideration for the receipt of,  
2 and as consideration for a promise and agreement to pay a thing of pecuniary  
3 value, to wit: money, in violation of 18 U.S.C. § 1958(a).

4 **COUNT 7**

5 **SOLICITATION TO COMMIT THE MURDER-FOR-HIRE**

6 **(Kristopher Clarke)**

7 That beginning on or about February 1, 2012, and continuing until on or  
8 about February 23, 2012, within the Eastern District of Washington and elsewhere,  
9 JAMES TERRY HENRIKSON, with the intent that another person or persons  
10 engage in conduct constituting a felony that has as an element the use, attempted  
11 use, and threatened use of physical force against the person of another in violation  
12 of the laws of the United States, and under circumstances strongly corroborative of  
13 that intent, did solicit, command, induce and otherwise endeavor to persuade  
14 TIMOTHY EUGENE SUCKOW to commit the murder of Kristopher Clarke, in  
15 violation of 18 U.S.C. § 1958, all in violation of 18 U.S.C. § 373.

17 **COUNT 8**

18 **SOLICITATION TO COMMIT THE MURDER-FOR-HIRE**

19 **(Douglas Carlile)**

20 Beginning in and around October 1, 2013 and continuing until on or about  
21 December 15, 2013, within the Eastern District of Washington and elsewhere,  
22 JAMES TERRY HENRIKSON and ROBERT ANDREW DELAO, with the intent  
23 that another person or persons engage in conduct constituting a felony that has as  
24 an element the use, attempted use, and threatened use of physical force against the  
25 person of another in violation of the laws of the United States, and under  
26 circumstances strongly corroborative of that intent, did solicit, command, induce  
27 and otherwise endeavor to persuade TIMOTHY EUGENE SUCKOW to commit  
28

1 the murder of Douglas Carlile, in violation of 18 U.S.C. § 1958, all in violation of  
2 18 U.S.C. § 373.

3 **COUNT 9**

4 **SOLICITATION TO COMMIT THE MURDER-FOR-HIRE**

5 **(Tim Scott)**

6 That beginning in and around October 1, 2013 and continuing until on or  
7 about December 15, 2013, within the Eastern District of Washington and  
8 elsewhere, JAMES TERRY HENRIKSON and ROBERT ANDREW DELAO,  
9 with the intent that another person or persons engage in conduct constituting a  
10 felony that has as an element the use, attempted use, and threatened use of physical  
11 force against the person of another in violation of the laws of the United States,  
12 and under circumstances strongly corroborative of that intent, did solicit,  
13 command, induce and otherwise endeavor to persuade TODD DAVID BATES to  
14 commit the murder of Tim Scott, in violation of 18 U.S.C. § 1958, all in violation  
15 of 18 U.S.C. § 373.

17 **COUNT 10**

18 **SOLICITATION TO COMMIT THE MURDER-FOR-HIRE**

19 **(Jed McClure)**

20 That beginning on or about December 1, 2012 and continuing until on or  
21 about March 1, 2013, within the Eastern District of Washington and elsewhere,  
22 JAMES TERRY HENRIKSON, with the intent that another person or persons  
23 engage in conduct constituting a felony that has as an element the use, attempted  
24 use, and threatened use of physical force against the person of another in violation  
25 of the laws of the United States, and under circumstances strongly corroborative of  
26 that intent, did solicit, command, induce and otherwise endeavor to persuade  
27 ROBERT ANDREW DELAO, TODD DAVID BATES, and Marvin Martin, also  
28



1 known as "Wiz" to commit the murder of Jed McClure, in violation of 18 U.S.C. §  
2 1958, all in violation of 18 U.S.C. § 373.

3 **COUNT 11**

4 **CONSPIRACY TO DISTRIBUTE HEROIN**

5 That beginning on or about December 1, 2011, and continuing until on or  
6 about June 1, 2013, within the Eastern District of Washington and elsewhere,  
7 JAMES TERRY HENRIKSON, ROBERT ANDREW DELAO, and TODD  
8 DAVID BATES, and others known and unknown to the Grand Jury, did  
9 knowingly and intentionally combine, conspire, confederate and agree together and  
10 with each other, and with other persons, both known and unknown to the Grand  
11 Jury, to commit the following offense against the United States, to wit: distribution  
12 of 100 grams or more of heroin, a Schedule I controlled substance, in violation of  
13 21 U.S.C. § § 841(a)(1),(b)(1)(B)(i), and 846.

14 **NOTICE OF SPECIAL FINDINGS**

15 As to Defendant JAMES TERRY HENRIKSON, and as to Counts 1, 2, and 3:

- 16 (1) Was 18 years of age or older at the time of the offense. 18 U.S.C. § 3591(a).  
17 (2) Intentionally did cause another to kill Kristopher Clarke and Douglas Carlile.  
18 18 U.S.C. § 3591(a)(2)(A)  
19 (3) Intentionally did cause another to inflict serious bodily injury that resulted in  
20 the death of the victims. 18 U.S.C. § 3591(a)(2)(B)  
21 (4) Intentionally participated in an act, contemplating that the life of a person  
22 would be taken or intending that lethal force would be used in connection with a  
23 person, other than one of the participants of the offense, and the victim died as a  
24 direct result of the act. 18 U.S.C. § 3591(a)(2)(C).  
25 (5) Intentionally and specifically engaged in an act of violence, knowing that the  
26 act created a grave risk of death to a person, other than one of the participants in  
27  
28

1 the offense, such that participation in the act constituted a reckless disregard for  
2 human life and the victim died as a result of the act. 18 U.S.C. § 3591(a)(2)(D).

3 (6) Intentionally caused another to commit a homicide offense in an especially  
4 heinous, cruel, or depraved manner in that it involved torture or serious physical  
5 abuse to the victim. 18 U.S.C. § 3592(c)(6).

6 (7) Intentionally caused another to commit the homicide offense as consideration  
7 for the receipt, or in the expectation of the receipt, of anything of pecuniary value.  
8 18 U.S.C. § 3592(c)(8).

9 (8) Intentionally caused another to commit the homicide offense after substantial  
10 planning and premeditation to cause the death of a person. 18 U.S.C. § 3592(c)(9).

11  
12  
13 As to the Defendant TIMOTHY EUGENE SUCKOW and as to Counts 2 and 3:

14 (1) Was 18 years of age or older at the time of the offense. 18 U.S.C. § 3591(a).

15 (2) Intentionally killed Douglas Carlile. 18 U.S.C. § 3591(a)(2)(A)

16 (3) Intentionally inflicted serious bodily injury that resulted in the death of the  
17 victim. 18 U.S.C. § 3591(a)(2)(B)

18 (4) Intentionally participated in an act, contemplating that the life of a person  
19 would be taken or intending that lethal force would be used in connection with a  
20 person, other than one of the participants of the offense, and the victim died as a  
21 direct result of the act. 18 U.S.C. § 3591(a)(2)(C).

22 (5) Intentionally and specifically engaged in an act of violence, knowing that the  
23 act created a grave risk of death to a person, other than one of the participants in  
24 the offense, such that participation in the act constituted a reckless disregard for  
25 human life and the victim died as a result of the act. 18 U.S.C. § 3591(a)(2)(D).

26 (6) Committed the homicide offense in an especially heinous, cruel, or depraved  
27 manner in that it involved torture or serious physical abuse to the victim. 18 U.S.C.  
28 § 3592(c)(6).



1 (7) Committed the homicide offense as consideration for the receipt, or in the  
2 expectation of the receipt, of anything of pecuniary value. 18 U.S.C. § 3592(c)(8).

3 (8) Committed the homicide offense after substantial planning and premeditation  
4 to cause the death of a person. 18 U.S.C. § 3592(c)(9).

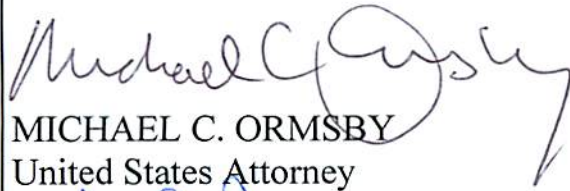
5 Pursuant to 18 U.S.C. §§ 3591 and 3592.

6  
7 DATED this 16 day of September, 2014.  
8  
9

10 A TRUE BILL

11 

12 Foreperson

13   
14 MICHAEL C. ORMSBY  
15 United States Attorney

16   
17 Aine Ahmed  
18 Assistant United States Attorney

19   
20 Joseph H. Harrington  
21 Assistant United States Attorney