



Department of Justice

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MODESTO MAN INDICTED FOR FEDERAL HATE CRIME AFTER THREATENING AFRICAN-AMERICANS

WASHINGTON – Bradley Smith of Modesto, Calif., was indicted today by a federal grand jury for repeatedly threatening to harm a local African-American man in violation of federal civil rights laws. The indictment was announced jointly by Wan J. Kim, Assistant Attorney General for the Civil Rights Division and McGregor W. Scott, U.S. Attorney for the Eastern District of California.

Smith was charged with one count of interfering with the federal housing rights of the victim by threatening to set fire to his home, and one count of making false statements to a federal investigator.

According to the indictment, on or about June 1, 2005, through May 24, 2007, Smith repeatedly intimidated his victim, an African-American neighbor, threatening to burn a cross in his yard and threatening to throw an incendiary device at his home. Smith also threatened to sexually assault the man's wife and to hang the man from a tree. It is alleged that these threats were made on account of the victim's race, and were intended for the purpose of driving him out of his home, in violation of his right to housing. The indictment further states that, on or about May 15, 2006, Smith made a false statement to an agent of the Federal Bureau of Investigation (FBI) who was investigating the alleged incidents, specifically denying that he threatened to burn a cross on the victim's lawn.

If convicted, Smith faces a maximum penalty of 15 years in prison and a \$500,000 fine.

FBI Special Agent Kenneth Tam investigated this case. The case is being prosecuted by Assistant U.S. Attorney David Gappa from the U.S. Attorney's Office for the Eastern District of California, and Trial Attorney Douglas Kern from the Civil Rights Division.

The charges set forth in an indictment are merely accusations and the defendant is presumed innocent until proven guilty.

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