**O30.4**

**Interstate Transmission of an Extortionate Communication**

**18 U.S.C. § 875**

It’s a Federal crime to knowingly send in interstate or foreign commerce a threat to damage another person’s property or reputation.

The Defendant can be found guilty of this crime only if all the following facts are proved beyond a reasonable doubt:

the Defendant knowingly sent a message in [interstate] [foreign] commerce containing a true threat [to damage the reputation] [to damage the property] of another;

the Defendant did so with the intent to extort money or something else of value to the Defendant.

[To transmit something in “interstate commerce” means to send it from a place in one state to a place in another state.]

[To transmit something in “foreign commerce” means to send it from a place in the United States to anyplace outside the United States.]

A “true threat” is a serious threat – not idle talk, a careless remark, or something said jokingly – that is made under circumstances that would lead a reasonable person to believe that the Defendant intended to [kidnap] [injure] another person.

To act with “intent to extort” means to act with the purpose of obtaining money or something of value from someone who consents because of fear or because of the wrongful use of actual or threatened force or violence.

A “thing of value” is anything that has value to the Defendant, whether it’s tangible or not.

The heart of the crime is intentionally sending a message in interstate or foreign commerce to extort something of value. The Government doesn’t have to prove that the Defendant intended to carry out the threat or succeeded in obtaining the money or any other thing of value.