**O31.4**

**Mailing Threatening Communications**

**18 U.S.C. § 876 (Fourth Paragraph)**

It’s a Federal crime to use the United States mail – knowingly and with the intent to extort something of value – to send someone else a true threat to damage anyone’s property or reputation, or accuse anyone of a crime.

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

the Defendant knowingly used the United States mail to send a message containing a true threat [to damage someone’s reputation] [to damage someone’s property] [to accuse someone of a crime]; and

the Defendant did so with the intent to extort money or other thing of value.

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 [damage the [property] [reputation] of another person] [accuse another person of a crime].

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 knowingly sending something through the United States mail in order to extort money or some other thing of value. The Government doesn’t have to prove that the defendant intended to carry out the threat or succeeded in obtaining anything.