

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE DISTRICT OF COLORADO

UNITED STATES OF AMERICA

v.

FLORENZ MICHAEL COONEY, (AKA
MIKE COONEY), ROBERT EMMETT
HORKANS, WILLIAM FRANCIS SMITH,
RICHARD JOSEPH FERRERO, and
RUDOLPH DEGENHARDT,

Defendants

INDICTMENT NO.

(Sections 242 and
371, U.S.C.)

The Grand Jury charges:

COUNT ONE

1. That on or about the fourth day of July, 1961, in the Town of Derby, County of Adams, State of Colorado, in the District of Colorado, and within the jurisdiction of this court, the defendants, William Francis Smith and Richard Joseph Ferrero, deputy sheriffs of Adams County, Colorado, acting under color of the laws of the State of Colorado, and aided and abetted by defendants Florenz Michael Cooney, Robert Emmett Horkans and Rudolph Degenhardt, did wilfully subject Eugenia Degenhardt, an inhabitant of the State of Colorado, to the deprivation of rights, privileges and immunities secured to her and protected by the Constitution and laws of the United States, to wit: the right not to be deprived of her liberty

without due process of law and the right to be secure in her person, house, and effects against unreasonable search and seizure.

2. That is to say that, at the time and place of aforesaid, the said defendants, William Francis Smith and Richard Joseph Ferrero, while acting under color of the laws of the State of Colorado, as aforesaid, and as law enforcement officers, and aided and abetted by defendants Florenz Michael Cooney, Robert Emmett Horkans and Rudolph Degenhardt, did wilfully and unlawfully enter and search a house occupied as the private home of said Eugenia Degenhardt, without her consent, although no search warrant or warrant of arrest was in possession of defendants or had been issued.

In violation of Section 242, Title 18, United States Code.

COUNT TWO

1. The Grand Jury re-alleges all of the allegations of the first and second paragraphs of Count One of the Indictment.

2. That on or about the fourth day of July, 1961, in the Town of Derby, County of Adams, State of Colorado, and within the jurisdiction of this court, the defendants, William Francis Smith, Richard Joseph Ferrero, Florenz Michael Cooney, Robert Emmett Horkans and Rudolph Degenhardt, acting under color of the laws of the State of Colorado, did wilfully, knowingly and unlawfully conspire, confederate, combine and agree among themselves and with each other to commit an offense against the United States of America, to wit, to violate the provisions of Section 242, Title 18, United States Code.

3. That is to say that the said defendants at the time and place aforesaid did wilfully conspire, confederate, combine and agree as aforesaid that they would, while acting under color of the laws of the State of Colorado, as aforesaid, without a search

warrant or warrant of arrest or other legal justification, enter and search a house occupied as the private home of the said Eugenia Degenhardt, without her consent, and would thereby deprive her of her liberty without due process of law and the right to be secure in her person, house and effects against unreasonable search and seizure.

4. In furtherance of the said conspiracy and to effect the object thereof, the defendants did commit among others the following overt acts.

(a) The defendants on or about July 4, 1961, did assemble in front of the house of said Eugenia Degenhardt at 7961 Newport, Derby, Colorado.

(b) On or about July 4, 1961, the defendant Rudolph Degenhardt did kick open the door of the house of said Eugenia Degenhardt.

(c) On or about July 4, 1961, the said defendants did enter the house of said Eugenia Degenhardt.

(d) On or about July 4, 1961, the said defendant Florenz Michael Cooney did take photographs of said Eugenia Degenhardt and others in the house of said Eugenia Degenhardt.

In violation of Section 371, Title 18, United States Code.

A TRUE BILL

Foreman

United States Attorney