

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
ST. JOSEPH DIVISION

UNITED STATES OF AMERICA,)
)
) No. _____
) 18 U.S.C. § 1201(a) (1)
) NMT: Death
) NLT: Life Imprisonment
) NMT: \$250,000 Fine
) \$100 Mandatory Special Assessment
) Class A Felony
)
)
) Defendant.)

I N D I C T M E N T

THE GRAND JURY CHARGES THAT:

On or about December 16, 2004, at Skidmore, in Nodaway County, in the Western District of Missouri and elsewhere, LISA M. MONTGOMERY, the defendant, a/k/a Darlene Fischer, a/k/a Fischer4kids, willfully and unlawfully kidnapped, abducted, carried away, and held Victoria Jo Stinnett, and willfully transported Victoria Jo Stinnett in interstate commerce from Skidmore, Missouri, across the state line to Melvern, Kansas, the actions of the defendant resulting in the death of Bobbie Jo Stinnett.

All in violation of Title 18, United States Code, Section 1201(a) (1).

NOTICE OF SPECIAL FINDINGS

The Grand Jury incorporates by reference and realleges the allegations described above and makes the following special findings:

1. LISA M. MONTGOMERY was more than 18 years of age at the time of this offense. [18 U.S.C. § 3591(a)].
2. LISA M. MONTGOMERY intentionally killed Bobbie Jo Stinnett. [18 U.S.C. § 3591(a)(2)(A)].
3. LISA M. MONTGOMERY intentionally inflicted serious bodily injury which resulted in the death of Bobbie Jo Stinnett. [18 U.S.C. § 3591(a)(2)(B)].
4. LISA M. MONTGOMERY intentionally participated in an act, contemplating that the life of Bobbie Jo Stinnett would be taken and that lethal force would be used against Bobbie Jo Stinnett, a person other than a participant in the offense, resulting in her death. [18 U.S.C. § 3591(a)(2)(C)].
5. LISA M. MONTGOMERY intentionally and specifically engaged in an act of violence which:
 - a. LISA M. MONTGOMERY knew would create a grave risk of death to the victim, Bobbie Jo Stinnett, a person other than a participant in the offense, such that LISA M. MONTGOMERY's participation in the act constituted a reckless disregard for human life; and
 - b. Directly resulted in the death of Bobbie Jo Stinnett. [18 U.S.C. § 3591(a)(2)(D)].
6. The death and injury resulting in the death of Bobbie Jo Stinnett occurred during the commission and attempted commission of the kidnapping of Bobbie Jo Stinnett's infant daughter, Victoria Jo Stinnett, by

LISA M. MONTGOMERY, in violation of 18 U.S.C. § 1201.
[18 U.S.C. § 3592(c)(1)].

7. LISA M. MONTGOMERY, during the commission of the kidnapping of Victoria Jo Stinnett, knowingly created a grave risk of death to Victoria Jo Stinnett by using a kitchen knife to prematurely cut her from the womb of her mother, Bobbie Jo Stinnett. [18 U.S.C. § 3592(c)(5)].
8. LISA M. MONTGOMERY killed the victim, Bobbie Jo Stinnett, in an especially heinous, cruel and depraved manner in that the killing involved serious physical abuse to Bobbie Jo Stinnett, that is, the defendant strangled Bobbie Jo Stinnett with a rope and then took a kitchen knife and cut her infant daughter from her womb. [18 U.S.C. § 3592(c)(6)].
9. LISA M. MONTGOMERY, the defendant, committed the offense after substantial planning and premeditation to cause the death of a person, that is, Bobbie Jo Stinnett. [18 U.S.C. § 3592(c)(9)].
10. Victoria Jo Stinnett, the kidnapping victim, was particularly vulnerable due to her young age.
[18 U.S.C. § 3592(c)(11)].

11. Bobbie Jo Stinnett, the murder victim, was particularly vulnerable due to her infirmity, that is, at the time of her death Bobbie Jo Stinnett was eight months pregnant. [18 U.S.C. § 3592(c)(11)].

A TRUE BILL.

/s/ Foreperson
FOREPERSON OF THE GRAND JURY

/s/ Todd P. Graves
Todd P. Graves #41319
United States Attorney

/s/ Matt J. Whitworth
Matt J. Whitworth #33322
Deputy United States Attorney

Dated: 1/12/05
Kansas City, Missouri