

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
Criminal No. 08-291(2) (MJD)

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
) PLEA AGREEMENT AND
 v.) SENTENCING STIPULATIONS
)
 BRADLEY NEAL CROWDER,)
)
 Defendant.)

The United States by its attorneys, Frank J. Magill Jr., United States Attorney for the District of Minnesota, Jeffrey S. Paulsen, Assistant United States Attorney, and the defendant, Bradley Neal Crowder, by himself, and with his attorney, Andrew Mohring, Esq., hereby agree to dispose of this case on the following terms and conditions.

FACTUAL BASIS

1. The government and the defendant agree that, between on or about August 31, 2008 and on or about September 3, 2008, in the State and District of Minnesota, the defendant, Bradley Neal Crowder, knowingly, intentionally and unlawfully possessed destructive devices at a residence in St. Paul, Minnesota. Further, the parties agree that the defendant possessed and helped manufacture eight Molotov cocktails, not registered to him or anyone else in the National Firearms Registration and Transfer Record.

AGREEMENTS AND STIPULATIONS

2. The defendant will plead guilty to Count 1 of the Indictment charging the defendant with Possession of a Destructive Device, in

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violation of Title 26, United States Code, Sections 5845, 5861(d), and 5871.

3. The defendant understands that the maximum punishment for this offense is as follows:

- A. ten (10) years imprisonment;
- B a fine of up to \$250,000;
- C. a supervised release term of 3 years;
- D. a mandatory special assessment of \$100.00;
- E. the assessment of the defendant of the costs of prosecution, imprisonment, and supervision; and
- F. The possible loss of eligibility for federal benefits.

4. The defendant agrees that any special assessment, fine, costs, order of restitution, or other financial judgment imposed as part of the sentence in this case shall be due, payable, and collectable immediately upon the entry of the judgment and commitment order in this case, and the government may take all steps under the law to collect on the judgment at that time.

5. The defendant understands that he will be sentenced with reference to the United States Sentencing Guidelines. The parties are aware and agree that the Federal Sentencing Guidelines are advisory to, but not binding on, the Court. The parties have agreed upon the Sentencing Guideline factors as set forth below. The parties' stipulations as to the sentencing factors are not binding upon the Court. If the Court determines the factors to be different from those set forth below, the parties shall not be entitled to withdraw from

the plea agreement. Notwithstanding the following stipulations, nothing in this Plea Agreement prevents either party from bringing to the attention of the Court and the United States Probation Office all information in its possession regarding the offense and the defendant's background.

6. Base Offense Level. The parties agree that the appropriate Guidelines section for Count 1 of the Indictment is Section 2K2.1. Because the offense involves devices defined in 26 U.S.C. § 5845(a), the parties agree that the base offense level is 18. See U.S.S.G. § 2K2.1(a)(5).

7. Specific Offense Characteristics. The parties agree that, as to this defendant only, the facts of this case support the following specific offense characteristics, but no other specific offense characteristics:

A. The parties agree that, because the defendant possessed eight (8) destructive devices, a 4-level enhancement applies pursuant to Guidelines Section 2K2.1(b)(1)(B).

B. The parties agree that because, the defendant possessed destructive devices, a 2-level enhancement applies pursuant to Guidelines Section 2K2.1(b)(3)(B).

8. Adjustments. The defendant reserves his right to argue for a two-level role reduction pursuant to Guideline Section 3B1.2(b). The government intends to oppose any request for a role reduction. The parties agree that none of the other adjustments set forth in Guideline Sections 3A1.1 through 3C1.2 is applicable in this case.

The parties further agree that, as to this defendant only, the facts of this case do not support any terrorism-related enhancements.

9. Acceptance of Responsibility. The government will move that the defendant receive a three-level credit for acceptance of responsibility provided that: (1) he testifies truthfully during the change of plea hearing, (2) he cooperates truthfully with the Probation Office in the pre-sentence investigation and (3) commits no acts inconsistent with acceptance of responsibility.

10. Criminal History Category. The parties believe that the defendant's criminal history category is I. The parties agree, however, that the defendant's criminal history category ultimately will be determined by the Probation Office and the Court, and the parties may not withdraw from this agreement if the criminal history category differs from category I.

11. Guideline Range. Depending on the Court's determination of Guideline factors, the parties believe the following Guideline ranges are possible:

A. Level 21 (base 18 + 4 (number of devices) + 2 (destructive devices) - 3 (acceptance of responsibility))/ criminal history category I = 37-46 months imprisonment without parole.

B. Level 19 (base 18 + 4 (number of devices) + 2 (destructive devices) - 2 (role) - 3 (acceptance of responsibility))/ criminal history category I = 30-37 months imprisonment without parole.

12. Fine Range. Assuming an offense level of 21, the fine range is \$7,500-\$75,000. Assuming an offense level of 19, the fine range is \$6,000-\$60,000.

13. Special Assessment. The Guidelines require payment of a special assessment in the amount of \$100.00. Section 5E1.3.

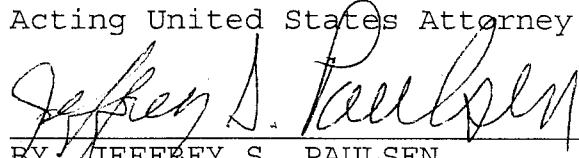
14. Supervised Release. The applicable guideline range for supervised release is 2 - 3 years. The defendant understands that, if he were to violate any condition of supervised release, he could be sentenced to an additional term of imprisonment.

15. Waiver of Appeal. The defendant understands that by pleading guilty the defendant waives all rights to a trial or appeal on the question of the defendant's guilt or innocence. The defendant understands that Title 18, United States Code, Section 3742, affords the defendant the right to appeal the sentence imposed in this case. Acknowledging this right, and in exchange for the concessions made by the United States in this plea agreement, the defendant hereby waives all rights conferred by Title 18, United States Code, Section 3742 to appeal his sentence, unless the Court imposes a sentence above 46 months. The government agrees to waive its right to appeal a sentence of 37 months or above. The defendant has discussed these rights with his attorney. The defendant understands the rights being waived, and the defendant waives these rights knowingly, intelligently, and voluntarily.

16. Other than as stated in this Plea Agreement and Sentencing Stipulations, there is no agreement between the parties as to the term of imprisonment, the term of supervised release, the fine, the restitution, the costs, or any other penalties which the court may impose.

The foregoing accurately sets forth the full extent of the plea agreement and the sentencing stipulations in the above-captioned case.


Dated: 1/8/09

FRANK J. MAGILL JR.,
Acting United States Attorney

BY: JEFFREY S. PAULSEN
Assistant U.S. Attorney

Dated: 01/08/09


BRADLEY NEAL CROWDER
Defendant

Dated: 2/20/09


ANDREW MOHRING Esq.
Attorney for Defendant