IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF ALABAMA

SOUTHERN DIVISION

UNITED STATES OF AMERICA	:	
	:	
-v-	:	CR 00-S-0422-S
	:	
ERIC ROBERT RUDOLPH	:	

GUILTY PLEA AND PLEA AGREEMENT

ERIC ROBERT RUDOLPH, defendant, having received a copy of the above-numbered Indictment and having been arraigned, hereby pleads GUILTY to Counts One and Two thereof. The defendant, his counsel, and the United States Attorney for the Northern District of Alabama ("the Government"), as counsel for the United States, subject to approval by the Court, have agreed upon a negotiated plea pursuant to Rule 11 of the Federal Rules of Criminal Procedure and governed in part by Rule 11(c)(1)(C), the terms of which are as follows:

1. The defendant admits that he is pleading guilty because he is in fact guilty of violating 18 U.S.C. § 844(i) as charged in Count One and 18 U.S.C. § 924(c) as charged in Count Two of the Indictment.

2. The defendant understands that by pleading guilty, he is giving up the right to plead not guilty and the right to be tried by a jury. At a trial, the defendant would have the right to an attorney. If the defendant could not afford an attorney, the Court would appoint one to represent the defendant. During the trial, the defendant would be presumed innocent and the Government would have the burden of proving him guilty beyond a reasonable doubt. The defendant would have the

right to confront and cross-examine the witnesses against him. If the defendant wished, he could testify on his own behalf and present evidence in his defense, and he could subpoena witnesses to testify on his behalf. If, however, the defendant did not wish to testify, that fact could not be used against him. If the defendant were found guilty after a trial, he would have the right to appeal the conviction. The defendant understands that by pleading guilty, he is giving up all of these rights and there will not be a trial of any kind. The defendant also understands that he ordinarily would have the right to appeal his sentence and, under some circumstances, to attack the sentence in post-conviction proceedings. By entering this Plea Agreement, the defendant is waiving those rights to appeal or collaterally attack his sentence, as specified in paragraph 13 below. Finally, the defendant understands that, to plead guilty, he may have to answer questions posed to him by the Court concerning the rights that he is giving up and the facts of this case, and the defendant's answers, if untruthful, may later be used against him in a prosecution for perjury or false statements.

3. The defendant admits that the Government's evidence at trial would prove the facts set forth in the Statement of Facts attached hereto as Exhibit A and incorporated herein by reference and that those facts establish his guilt beyond a reasonable doubt.

4. The defendant understands that the Court will order that he must pay full restitution to all victims of the offenses to which he is pleading guilty. The defendant understands that the amount of restitution owed to each victim will be determined at or before sentencing. The Government acknowledges that the defendant has been determined to be indigent under the Criminal Justice Act. Accordingly, the Government agrees that the defendant's inability to pay based on his indigent status shall not be a breach of this Agreement. The defendant hereby assigns to the victims, as part of such restitution, any profits or proceeds which he may be entitled to receive in connection

with any publication or dissemination of any information relating to illegal conduct alleged in the Indictment and the Statement of Facts attached hereto.

5. The defendant understands that, based on his plea of guilty, he will be subject to the following maximum and mandatory minimum penalties:

(a) Maximum term of imprisonment: Life Sentence without parole for each count.

(b) Mandatory minimum term of imprisonment: Count One: seven years; Count two: 30 years.

(c) Term of supervised release: not more than five years for each count.

(d) Maximum fine: $250,000 for each count.

(e) Full restitution to all victims of the offenses.

(f) Mandatory special assessment: $100 for each count for a total of $200.

6. Although the statutes of conviction, 18 U.S.C. § 844(i) and 924(c), provide for a maximum penalty of death upon the Government's notice of intent to seek the death penalty, the Government agrees to withdraw such notice filed on December 11, 2003.

7. This Plea Agreement is governed, in part, by Federal Rule of Criminal Procedure 11(c)(1)(C). The parties have agreed that the defendant's sentence imposed by the Court shall include life imprisonment on Counts One and Two. No fines shall be imposed. If the Court accepts and imposes the agreed term of life imprisonment, the defendant may not withdraw this plea.

8. The defendant agrees to plead guilty to Counts One, Two, Five, Six, Seven, Ten, Eleven and Twelve of Indictment Number 1:00-CR-805 in the Northern District of Georgia, and the United States agrees not to seek the death penalty in that district.

9. The United States agrees not to bring further criminal charges against the defendant related to the charges to which he is pleading guilty or to information that the defendant provides to the Government pursuant to paragraph 10 of this Plea Agreement. In addition, the Government agrees not to provide or make available evidence or information in its possession to any state or local authority for the purposes of prosecution of the defendant unless otherwise ordered by a court. The Government understands that the defendant is relying upon the representations set forth in letters to defendant from local authorities.

10. Immediately upon executing this Plea Agreement, the defendant agrees to truthfully disclose to the Government the existence and all locations of any and all dangerous and/or hazardous materials, including dynamite and firearms, that are in his constructive possession or that he has hidden, after which the defendant's obligation pursuant to this paragraph is complete. As part of this Agreement, the defendant, through his counsel, represents that there are five separate locations of a significant amount of hidden dynamite. Three of those locations are identifiable on a map. One of those three locations contains a hidden bomb buried approximately 50 yards from a major roadway and approximately 200 yards from homes and businesses. The two remaining locations are in remote areas and are more difficult to find. The defendant will disclose to the Government, as specifically as possible, the locations of the all hidden bombs and dynamite and the manner in which they are hidden, including identifying: the locations on maps, if possible, or in person at the locations, if requested to do so by the Government; the types of containers in which the materials are hidden; the approximate date the materials were buried or otherwise hidden; the approximate depth buried; the type of dynamite and bomb hidden; and any "booby-traps" or other measures taken to prevent discovery, retrieval or disposal. The defendant will also provide any other information

requested by the Government for render-safe procedures. The United States agrees that no information provided by the defendant pursuant to this paragraph, including information directly or indirectly derived from such information, will be used against him in any criminal proceeding, including, but not limited to, any trial or sentencing. The protection granted such information by this paragraph is intended to be coextensive with that provided pursuant to Title 18, United States Code, section 6002.

11. The defendant understands that the Court will order him to pay a special assessment in the amount of $200.

12. The Government reserves the right to inform the Court of all facts and circumstances regarding the defendant and this case, and to respond to any questions from the Court and the Probation Office and to any misstatements of fact or law.

13. **WAIVER OF APPEAL:** In consideration of the Government's recommended disposition, the defendant voluntarily and expressly waives, to the maximum extent permitted by federal law, the right to appeal his conviction and sentence in this case, and the right to collaterally attack his sentence in any post-conviction proceeding, including a motion brought under 28 U.S.C. § 2255 or 18 U.S.C. § 3771, on any ground.

14. If the defendant fails in any way to fulfill each one of his obligations under this Plea Agreement, the Government, and only the Government, may elect to be released from its commitments under this Plea Agreement. If the Government elects to void the Plea Agreement because of a breach by the defendant, then the Government agrees not to use his guilty pleas against him. If the defendant breaches, however, the Government may prosecute him for any and all Federal crimes that he has committed related to this case and may file a notice of intent to seek the death

penalty and seek any sentence for such crimes up to and including the maximum sentence of death. The defendant expressly waives any statute of limitations defense and any constitutional or statutory speedy trial defense to such a prosecution, except to the extent that such a defense exists as of the date he signs this Plea Agreement. Finally, the defendant understands that his violation of the terms of this Plea Agreement would not entitle him to withdraw his guilty pleas.

15. This Plea Agreement is between the defendant, the United States Attorney for the Northern District of Alabama and the United States of America. Accordingly, this agreement is intended to bind the United States in each and every federal district.

16. The defendant and his attorney acknowledge that no threats, promises, or representations have been made, nor agreements reached, other than those set forth in this Plea Agreement, to cause the defendant to plead guilty.

This 4th day of April, 2005.

ALICE H. MARTIN
United States Attorney

MICHAEL W. WHISONANT
Assistant United States Attorney

WILLIAM R. CHAMBERS
Assistant United States Attorney

RAYMOND JOSEPH BURBY IV
Special Assistant United States Attorney

ERIC ROBERT RUDOLPH
Defendant

JUDY CLARKE
BILL BOWEN
MICHAEL BURT
Counsel for Eric Robert Rudolph

I have read the Indictment against me and have discussed it with my attorney. I understand the charges and the elements of each charge that the Government would have to prove to convict me at a trial. I have read the foregoing Plea Agreement and have carefully reviewed every part of it with my attorney. I understand the terms and conditions contained in the Plea Agreement, and I voluntarily agree to them. **I also have discussed with my attorney the rights I may have to appeal or challenge my sentence, and I understand that the appeal waiver contained in the Plea Agreement will prevent me, to the maximum extent permitted by federal law, from appealing my conviction or sentence or challenging my sentence in any post-conviction proceeding.** No one has threatened or forced me to plead guilty, and no promises or inducements have been made to me other than those discussed in the Plea Agreement. The discussions between my attorney and the Government toward reaching a negotiated plea in this case took place with my permission. I am fully satisfied with the representation provided to me by my attorney in this case.

ERIC ROBERT RUDOLPH

4/4/05
DATE

I am ERIC ROBERT RUDOLPH's lawyer. I have carefully reviewed the charges and the Plea Agreement with my client. To my knowledge, my client is making an informed and voluntary decision to plead guilty and to enter into this Plea Agreement.

JUDY CLARKE
BILL BOWEN
MICHAEL BURT
Counsel for Eric Robert Rudolph

4/4/05
DATE

INFORMATION BELOW MUST BE TYPED OR PRINTED

JUDY CLARKE
NAME (Attorney for Defendant)

225 Broadway Ste 900
STREET

San Diego CA 92101
CITY & STATE ZIP CODE

PHONE NUMBER 205 322 7881

ERIC ROBERT RUDOLPH
NAME (Defendant)

Jefferson County Jail
STREET

Birmingham AL 35203
CITY & STATE ZIP CODE

PHONE NUMBER _____

STATE BAR OF CALIFORNIA NUMBER 76071

Filed in Open Court

_____

By _____

U. S. DEPARTMENT OF JUSTICE
Statement of Special Assessment Account

This statement reflects your special assessment only. There may be other penalties imposed at sentencing.

ACCOUNT INFORMATION	
CRIMINAL ACTION NO.	CR 00-S-0422-S
DEFENDANT'S NAME	ERIC ROBERT RUDOLPH
AMOUNT DUE	**$200**

INSTRUCTIONS:

1. PAYMENT MUST BE MADE BY **CERTIFIED CHECK** OR **MONEY ORDER** PAYABLE TO:

   CLERK OF COURT, U.S. DISTRICT COURT

   PERSONAL CHECKS WILL NOT BE ACCEPTED

2. PAYMENT MUST REACH THE CLERK'S OFFICE WITHIN 30 DAYS OF THE ENTRY OF YOUR GUILTY PLEA

3. PAYMENT SHOULD BE SENT OR HAND DELIVERED TO:

   Clerk of Court, U.S. District Court
   Hugo L. Black U.S. Courthouse
   1729 5th Avenue North
   Birmingham, AL 35203

   (Do not Send Cash)

4. INCLUDE DEFENDANT'S NAME ON **CERTIFIED CHECK** OR **MONEY ORDER**

5. ENCLOSE THIS COUPON TO INSURE PROPER AND PROMPT APPLICATION OF PAYMENT

6. PROVIDE PROOF OF PAYMENT TO THE ABOVE-SIGNED AUSA WITHIN 30 DAYS OF THE GUILTY PLEA

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION

UNITED STATES V. ERIC ROBERT RUDOLPH, CRIMINAL NO. CR 00-S-0422-S

Eric Robert Rudolph served in the United States Army between 1987 and 1989. According to several Army witnesses, he received training in improvised or field explosive devices. Both during and after his Army service, Rudolph possessed military manuals concerning conventional military explosives.

At various times Eric Rudolph used alias names. One such alias was "Z. Randolp." On February 9, 1996, using this alias, Rudolph bought a postal money order which he used in an attempt to purchase a manual entitled "Kitchen Improvised Fertilizer Explosives." This manual was never sent to Rudolph. About one month later, Rudolph, using the same alias, ordered a different manual entitled "Ragnar's Homemade Detonators." Rudolph did receive this manual, which detailed how to construct a detonator for initiating high explosives, including dynamite.

The Birmingham Bombing

On Thursday, January 29, 1998, at 7:32 a.m. Central Standard Time (CST), a bomb exploded in front of the New Woman All Women Health Care Clinic, a health clinic that performs abortions, in Birmingham, Alabama. The bomb had been buried under shrubbery next to the walkway leading up to the clinic, and further concealed under an artificial plant.

The bomb exploded as Robert Sanderson, a Birmingham Police officer working security at the clinic, leaned over it, killing him. The autopsy on the body of Officer Sanderson indicated that his death was a result of the thermal and concussion effect of the blast from the device. The clinic's head nurse, Emily Lyons, who was standing nearby, was seriously and permanently injured. The explosion also caused extensive damage to the building and property used in interstate commerce or used in activities affecting interstate commerce.

Eric Robert Rudolph had constructed and placed this bomb outside the New Woman All Women Health Care Clinic and it was detonated by radio remote control as Officer Sanderson stood over it.

The bomb contained dynamite as the explosive, and Eveready batteries as the power source. The bomb contained a Radio Shack plastic battery holder, and a Rubbermaid Servin'Saver clear plastic container with an almond-colored lid. Gray duct tape and black plastic electrical tape also were in this bomb. Over five and one-half pounds of nails were in this bomb as shrapnel. The Birmingham bomb was inside a locked tool box, covered with green plastic foliage.

Just after the blast, a witness saw a white male walking calmly away from the vicinity of the explosion, as everyone else in the area rushed towards it. The witness thought that was suspicious,

and he followed the man. After a while, the man ducked behind an apartment building and emerged having changed his appearance by taking off his baseball cap and jacket. The witness continued to follow the man for some distance, but eventually lost him. The witness then stopped at a McDonald's Restaurant to call 911.

As the witness was on the telephone with the 911 operator, he observed through the window of the McDonald's the same man he had been following earlier walking along the opposite side of the street. As the witness was telling the 911 operator what he was seeing, a customer in the McDonald's observed what was occurring and called out a physical description of the white male to the witness, who relayed it to the 911 operator. He described the individual as a white male, 5' 11" to 6' tall, approximately 180 pounds, collar-length dark hair, approximately 35 years old -- a description consistent with Rudolph -- wearing a black baseball cap, a green and black plaid short-sleeve shirt layered over a long-sleeve black shirt and wearing a black backpack, which appeared full.

After providing the description, the first and second witnesses left the restaurant to follow the man. The second witness eventually saw the man placing something in the back of a gray Nissan pickup truck with a camper shell, and recorded the truck's license tag – North Carolina plate number KND1117. When the witness stopped to give the information to the police, he lost sight of the truck. After Rudolph's photo was publicized by the media in February 1998, this witness contacted ATF agents and told them that he had seen the photograph in the media of the person who was being sought as a material witness. He stated that he was certain the person in the picture was the person he had seen driving the pickup truck on the day of the bombing. The photograph was of Eric Rudolph.

Shortly after the second witness observed the truck, the first witness saw the gray Nissan pickup with camper shell being driven by the same white male he had been following earlier. The witness made a U-turn and followed the truck. Independently of the second witness, the first witness recorded the license plate number as North Carolina license number KND1117. He subsequently lost the truck in traffic.

Alabama State Troopers traced North Carolina license plate number KND1117 to a vehicle registered to Eric Rudolph with an Asheville, North Carolina address. The address, however, was his mother's old address. While agents tried to locate Rudolph's current residence, Rudolph returned to Murphy, North Carolina, where his truck was seen turning into his driveway at about 4:30 p.m. Eastern Standard Time (EST). Murphy is about a 5-hour drive from Birmingham.

That evening Rudolph was seen in a video store in town, and on Friday morning, January 30, 1998, he returned the video and rented another. That afternoon, he stopped by a grocery store and returned to his trailer.

At about 5:00 p.m. EST on January 30, 1998, the Birmingham U.S. Attorney's Office obtained an arrest warrant for Rudolph, and a news conference was held to announce that Rudolph was wanted as a material witness to the clinic bombing. Given the national media coverage of the news conference, Rudolph quickly learned that he had been identified as a suspect in the bombing. Rudolph bought dinner at a Burger King and went to a grocery store where he purchased a large

quantity of oatmeal, canned goods, batteries, and other camping supplies. Agents arrived at Rudolph's trailer between 8:00 and 9:00 p.m. that evening. They found the heat on, the lights on and the front door standing open, but Rudolph was gone. Rudolph had fled into the mountains of western North Carolina to hide.

Within hours of the Birmingham clinic bombing, two letters were mailed from the Birmingham area to two Atlanta print media outlets. The letters were essentially identical, handwritten separately in disguised block printing, with a black felt-tip pen on lined paper. The letters claimed responsibility for the Birmingham clinic bombing on behalf of the "Army of God," and threatened more violence in the future against abortion supporters and anyone associated with the drug RU-486. The Army of God letters concluded with the phrase "DEATH TO THE NEW WORLD ORDER" and the code "4-1-9-9-3."

Beginning on February 2, 1998, agents executed a series of search warrants for Rudolph's trailer and storage unit. Eight days after Rudolph disappeared, on February 7, 1998, his Nissan truck was found abandoned in a heavily wooded area outside Murphy, North Carolina. Agents executed a search warrant for the truck.

During searches of Rudolph's trailer, agents found residue of nitroglycerin dynamite in numerous locations, including: the carpet; two baseball caps; cushioning from a rocking chair; a rented VCR tape and cover; a bed sheet from Rudolph's bed; and a pair of gray socks. Dynamite residue also was found on the steering wheel cover and a paper grocery bag in Rudolph's abandoned Nissan truck.

An examination of latent fingerprints found inside the truck revealed that all identifiable latent fingerprints belonged to Rudolph. Agents also recovered latent fingerprints belonging to Rudolph from the driver's side seat belt buckle. There were no latent fingerprints belonging to anyone else in the truck. One latent print not belonging to Rudolph was found on the inside tailgate of the truck.

During the autopsy on Officer Sanderson's body, doctors removed two pieces of metal that were identified as pieces of a hose clamp. Agents traced numbers on one of the pieces to identify it as part of a hose clamp marketed under the brand name "Popular Mechanics." Popular Mechanics hose clamps were sold exclusively at WalMart. During the search of Rudolph's trailer, agents discovered a receipt that shows the purchase of a set of two hose clamps at the Murphy Wal-Mart on December 24, 1997. The hose clamps are the same type as those found in Officer Sanderson's body. No hose clamps of that type were found in the search of Rudolph's trailer, truck or storage unit.

A piece of crystal was removed from Emily Lyon's body. This type of crystal has been identified as one used in a radio remote controlled device, like the ones used to fly radio remote controlled airplanes. A piece of a circuit board belonging to a JR 6000 remote control unit was found on the roof of a building adjacent to the New Woman All Women Health Care clinic. Other pieces found at the bomb site are consistent with the JR 6000 remote control unit, including a servo and a plastic battery pack. Explosives experts will testify that based upon this evidence, the bomb could have been detonated by remote control.

After the material witness warrant was issued in Birmingham on January 30, 1998, Eric Robert Rudolph remained a fugitive for approximately five years. He was arrested in Murphy, North Carolina in the early morning hours of May 30, 2003 by local law enforcement.