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News Release

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Texas man pleads guilty to firearms charges connected to the Republican National Convention

A 22-year-old man from Austin, Texas, who was connected to a group that planned to disrupt the Republican National Convention in September 2008, pleaded guilty today in federal court to three firearms charges.

David Guy McKay pleaded guilty to one count of possession of an unregistered firearm, one count of illegal manufacture of a firearm and one count of possession of a firearm with no serial number. McKay entered his plea on March 17 before United States District Court Chief Judge Michael Davis.

“A presidential nominating convention is a shining example of our nation’s political process at work and highlights key freedoms enshrined in our Constitution and cherished by our citizens,” said U.S. Attorney Frank J. Magill. “Making firebombs potentially to use against law enforcement and others is not one of those freedoms. I want to thank the dedicated law enforcement officers who worked tirelessly to monitor the activities of Mr. McKay and to arrest him without incident.”

McKay was indicted on Sept. 22, 2008, along with a second defendant, Bradley Neal Crowder, 23, Austin, Texas. Crowder pleaded guilty on Jan. 8, 2009, to one count of possession of an unregistered firearm. McKay was tried for the crimes in January, but the jury failed to reach a unanimous verdict. McKay was taken into custody and will remain there until sentencing, along with Crowder.

During McKay’s guilty plea hearing, he admitted that from Aug. 31 through Sept. 3, 2008, he knowingly possessed firearms, namely destructive devices, not registered to anyone in the National Firearms Registration and Transfer Record. McKay also admitted that he made the devices, as well as knowingly received and possessed destructive devices not identified by serial number as required by law.

Following a FBI Joint Terrorism Task Force investigation, McKay was arrested by the St. Paul Police Department during the execution of a search warrant on Sept. 3 at a residence on Dayton Avenue. Police found eight assembled Molotov cocktails in the basement. They consisted of bottles filled with gasoline with an attached wick made from tampons.

According to trial testimony, the FBI in Texas began investigating the group, labeled by law enforcement as the Austin Affinity Group, in February 2008. McKay and Crowder were members of the group.

McKay admitted that on Aug. 28, 2008, he, Crowder and other members of the Austin Affinity Group traveled from Austin, Texas, to Minnesota. The group brought a rental trailer with them that contained 35 riot shields, made from stolen traffic barrels. The intended use of the shields was to help demonstrators block streets near the Xcel Energy Center in order to prevent convention delegates from safely reaching the convention. St. Paul Police seized these shields on Aug. 31.

According to trial testimony, McKay and Crowder angered by the loss of the shields, purchased supplies for constructing Molotov cocktails at a St. Paul Wal-Mart on Aug. 31, including a gas can, motor oil and tampons. They also purchased gasoline at a gas station. They then manufactured the eight Molotov cocktails at an apartment on Dayton Avenue where they were staying.

Law enforcement learned through an informant that McKay and Crowder had manufactured the Molotov cocktails.

During a conversation overheard by law enforcement through electronic surveillance on Sept. 2, McKay told an informant that he intended to throw the Molotov cocktails at police vehicles parked in a lot near the Dayton Avenue apartment. The parking lot was used as a checkpoint area for vehicles entering the security perimeter around the convention site. It was visibly patrolled by the U.S. Secret Service, various police agencies and the military.

During the execution of a search warrant by the St. Paul Police Department at the Dayton Avenue residence where McKay was staying when he was arrested, officers seized a variety of items, including gas masks, slingshots, helmets and knee pads. Under the kitchen sink, officers discovered a two-gallon gasoline container identical to the one purchased by McKay at the Wal-Mart on Aug. 31. In the basement of the residence, officers found eight assembled Molotov cocktails.

“This case is part of a two-year effort with the U.S. Secret Service, along with our state and local partners, to identify and address threats to the 2008 Republican National Convention,” said Ralph Boelter, Special Agent in Charge of the FBI’s Minneapolis Field Office. “Threatening life and property in the name of a perceived cause is reprehensible regardless of the ideological influence that motivates the attackers.”

McKay faces a maximum penalty of 10 years in prison on each count. Chief Judge Davis will determine McKay's sentence at a future date. This case is the result of an investigation by the FBI Joint Terrorism Task Force, which includes in addition to the FBI, the Bureau of Alcohol, Tobacco, Firearms and Explosives, the Ramsey County Sheriff's Office, the Secret Service and the St. Paul Police Department. It was prosecuted by Assistant U.S. Attorneys Jeffrey S. Paulsen and W. Anders Folk.