

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA  
Criminal No.: 11-223 PAM

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	PLEA AGREEMENT AND
	)	SENTENCING STIPULATIONS
v.	)	
	)	
GEORGE THOMPSON,	)	
	)	
Defendant.	)	

The United States of America and George Thompson (hereinafter referred to as the "defendant") agree to resolve this case on the terms and conditions that follow. This plea agreement binds only the defendant, the United States Attorney's Office for the District of Minnesota, and the Criminal Section of the Civil Rights Division of the United States Department of Justice. This agreement does not bind any other United States Attorney's Office or any other federal or state agency.

1. **Charges**. The defendant agrees to plead guilty to Count 1 of the Information, which charges the defendant with Civil Rights violation ,pursuant to 18 U. S. C. Section 249(a)(1).

2. **Factual Basis**. On or about May 4, 2010, in the State and District of Minnesota, the defendant willfully caused bodily injury to M.O., who is a Muslim of Somali descent, because of M.O.'s actual and perceived religion and national origin. Specifically,

the defendant physically assaulted M.O. while yelling that M.O. was a Muslim and a Somali and should go back to Africa.

3. **Waiver of Indictment.** The defendant agrees to waive indictment by a grand jury on this charge and to consent to the filing of a criminal information. The defendant further agrees to execute a written waiver of the defendant's right to be indicted by a grand jury on this offense.

4. **Waiver of Pretrial Motions.** The defendant understands and agrees that defendant has certain rights to file pre-trial motions in this case. As part of this plea agreement, and based upon the concessions of the United States within this plea agreement, the defendant knowingly, willingly, and voluntarily gives up the right to file pre-trial motions in this case.

5. **Statutory Penalties.** The parties agree that Count 1 of the Information carries statutory penalties of:

- a. a maximum of 10 years imprisonment;
- b. a supervised release term of not more than 3 years;
- c. a fine of up to \$ 250,000; and
- d. a mandatory special assessment of \$ 100;

6. **Revocation of Supervised Release.** The defendant understands that if defendant were to violate any condition of supervised release, defendant could be sentenced to an additional

term of imprisonment up to the length of the original supervised release term, subject to the statutory maximums set forth in 18 U.S.C. § 3583.

7. **Guideline Calculations.** The parties acknowledge that the defendant will be sentenced in accordance with 18 U.S.C. § 3551, et seq. Nothing in this plea agreement should be construed to limit the parties from presenting any and all relevant evidence to the Court at sentencing. The parties also acknowledge that the Court will consider the United States Sentencing Guidelines in determining the appropriate sentence and stipulate to the following guideline calculations:

- a. **Base Offense Level.** The parties agree that the base offense level for this violation of Title 18, United States Code, Section 249 is 10. (U.S.S.G. § 2H1.1(a)(3))
- b. **Chapter 3 Adjustments.** The United States believes that the offense level should be increased by 3 levels, because the defendant intentionally selected the victim of the offense because of the victim's actual and perceived religion and national origin. (U.S.S.G. § 3A1.1(a)). The United States believes that a 2 level enhancement applies because the defendant knew or should have known the victim of the offense was a vulnerable victim. (U.S.S.G. § 3A1.1(b)(1)). The defendant reserves the right to challenge these enhancements. The parties agree that other than as provided for herein no other Chapter 3 adjustments apply.
- c. **Acceptance of Responsibility.** The government agrees to recommend that the defendant receive a 2-level reduction for acceptance of responsibility and to make any appropriate motions with the Court. However, the defendant understands and agrees that

this recommendation is conditioned upon the following: (i) the defendant testifies truthfully during the plea and sentencing hearings, (ii) the defendant cooperates with the Probation Office in the pre-sentence investigation, and (iii) the defendant commits no further acts inconsistent with acceptance of responsibility. (U.S.S.G. §3E1.1(a)).

- d. Criminal History Category. Based on information available at this time, the parties believe that the defendant's criminal history category is I. This does not constitute a stipulation, but a belief based on an assessment of the information currently known. Defendant's actual criminal history and related status (which might impact the defendant's adjusted offense level) will be determined by the Court based on the information presented in the Presentence Report and by the parties at the time of sentencing.
- e. Guideline Range. If the offense level is 13, and the criminal history category is I, the Sentencing Guidelines range is 12 to 18 months imprisonment. If the offense level is 11, and the criminal history category is I, the Sentencing Guidelines range is 8 to 14 months imprisonment.
- f. Fine Range. If the adjusted offense level is 13, the fine range is \$3,000 to \$30,000(U.S.S.G. § 5E1.2(c)(3)). If the adjusted offense level is 11, the fine range is \$2,000 to \$20,000(U.S.S.G. § 5E1.2(c)(3)).
- g. Supervised Release. If a term of supervised release is imposed, the length of time shall be at least two years, but not more than three years. (U.S.S.G. § 5D1.2(a)(2)).
- h. Sentencing Recommendation and Departures. The parties reserve the right to make motions for departure from the applicable Guidelines range and to oppose any such motion made by the opposing party. The parties reserve the right to argue for a sentence outside the applicable Guidelines range.

8. **Discretion of the Court.** The foregoing stipulations are binding on the parties, but do not bind the Court. The parties understand that the Sentencing Guidelines are advisory and their application is a matter that falls solely within the Court's discretion. The Court may make its own determination regarding the applicable Guidelines factors and the applicable criminal history category. The Court may also depart from the applicable Guidelines range. If the Court determines that the applicable Guidelines calculations or the defendant's criminal history category are different from that stated above, the parties may not withdraw from this agreement, and the defendant will be sentenced pursuant to the Court's determinations.

9. **Special Assessment.** The Guidelines require payment of a special assessment in the amount of \$100.00 for each felony count of which the defendant is convicted. U.S.S.G. § 5E1.3. The defendant agrees to pay the \$100 special assessment prior to sentencing.

10. **Waivers of Appeal and Collateral Attack.** The defendant understands that 18 U.S.C. 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 18 U.S.C. Section 3742 to appeal defendant's

sentence, unless the sentence exceeds 24 months. The Government agrees not to appeal the sentence unless it is less than 8 months. The defendant also expressly waives the right to petition under 28 U.S.C. Section 2255. The defendant has discussed these rights with the defendant's attorney. The defendant understands the rights being waived, and the defendant waives these rights knowingly, intelligently, and voluntarily.

11. **Complete Agreement**. This is the entire agreement and understanding between the parties. There are no other agreements, promises, representations, or understandings.

Date:

B. TODD JONES  
United States Attorney

---

BY: Ann M. Anaya  
Assistant U.S. Attorney

Nicole Lee Ndumele  
Trial Attorney  
United States Department of  
Justice  
Civil Rights Division  
Criminal Section

Date:

---

George Thompson,  
Defendant

Date:

---

Mark Miller,

Counsel for Defendant