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UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

UNITED STATES OF AMERICA

v.

CASE NO. 8:18-cr-575-T-17AAS

TAMMY MARIE STEFFEN

PLEA AGREEMENT

Pursuant to Fed. R. Crim. P. 11(c), the United States of America, by Maria Chapa Lopez, United States Attorney for the Middle District of Florida, and the defendant, Tammy Marie Steffen, and the attorney for the defendant, Keith Hammond, Esq., mutually agree as follows:

A. Particularized Terms

1. Counts Pleading To

The defendant shall enter a plea of guilty to Counts One and Two of the Information. Count One charges the defendant with Cyberstalking, in violation of 18 U.S.C. § 2261A(2)(B). Count Two charges the defendant with Interstate Threats, in violation of 18 U.S.C. § 875(c).

2. Maximum Penalties

Counts One and Two each carry a maximum sentence of five years' imprisonment, a fine of up to \$250,000, a term of supervised release of not more than three years, and a special assessment of \$100 per felony count. With respect

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to certain offenses, the Court shall order the defendant to make restitution to any victim of the offenses, and with respect to other offenses, the Court may order the defendant to make restitution to any victim of the offenses, or to the community, as set forth below.

3. Elements of the Offenses

The defendant acknowledges understanding the nature and elements of the offenses with which defendant has been charged and to which defendant is pleading guilty. The elements of Count One are:

- First: The defendant used any interactive computer service, electronic communication service, electronic communication system of interstate commerce, or any other facility of interstate or foreign commerce to engage in a course of conduct;
- Second: The defendant did so to engage in a course of conduct with the intent to harass or intimidate K.B.; and
- Third: The defendant's course of conduct caused or would be reasonably expected to cause substantial emotional distress to the K.B., K.B.'s immediate family member, or a spouse or intimate partner of K.B.

The elements of Count Two are:

- First: The defendant knowingly sent a message in interstate commerce containing a true threat to injure K.M.; and

Second: The defendant sent the message with the intent to communicate a true threat or with the knowledge that it would be viewed as a true threat.

4. Indictment Waiver

Defendant will waive the right to be charged by way of indictment before a federal grand jury.

5. No Further Charges

If the Court accepts this plea agreement, the United States Attorney's Office for the Middle District of Florida agrees not to charge defendant with committing any other federal criminal offenses known to the United States Attorney's Office at the time of the execution of this agreement, arising out of the facts detailed in this agreement.

6. Guidelines Sentence

Pursuant to Fed. R. Crim. P. 11(c)(1)(B), the United States will recommend to the Court that the defendant be sentenced within the defendant's applicable guidelines range as determined by the Court pursuant to the United States Sentencing Guidelines, as adjusted by any departure the United States has agreed to recommend in this plea agreement. The parties understand that such a recommendation is not binding on the Court and that, if it is not accepted by this Court, neither the United States nor the defendant will be allowed to withdraw

from the plea agreement, and the defendant will not be allowed to withdraw from the plea of guilty.

7. Acceptance of Responsibility - Three Levels

At the time of sentencing, and in the event that no adverse information is received suggesting such a recommendation to be unwarranted, the United States will not oppose the defendant's request to the Court that the defendant receive a two-level downward adjustment for acceptance of responsibility, pursuant to USSG §3E1.1(a). The defendant understands that this recommendation or request is not binding on the Court, and if not accepted by the Court, the defendant will not be allowed to withdraw from the plea.

Further, at the time of sentencing, if the defendant's offense level prior to operation of subsection (a) is level 16 or greater, and if the defendant complies with the provisions of USSG §3E1.1(b) and all terms of this Plea Agreement, including but not limited to, the timely submission of the financial affidavit referenced in Paragraph B.5., the United States agrees to file a motion pursuant to USSG §3E1.1(b) for a downward adjustment of one additional level. The defendant understands that the determination as to whether the defendant has qualified for a downward adjustment of a third level for acceptance of responsibility rests solely with the United States Attorney for the Middle District

of Florida, and the defendant agrees that the defendant cannot and will not challenge that determination, whether by appeal, collateral attack, or otherwise.

B. Standard Terms and Conditions

1. Restitution, Special Assessment and Fine

The defendant understands and agrees that the Court, in addition to or in lieu of any other penalty, shall order the defendant to make restitution to any victim of the offense(s), pursuant to 18 U.S.C. § 3663A, for all offenses described in 18 U.S.C. § 3663A(c)(1); and the Court may order the defendant to make restitution to any victim of the offense(s), pursuant to 18 U.S.C. § 3663, including restitution as to all counts charged, whether or not the defendant enters a plea of guilty to such counts, and whether or not such counts are dismissed pursuant to this agreement. The defendant further understands that compliance with any restitution payment plan imposed by the Court in no way precludes the United States from simultaneously pursuing other statutory remedies for collecting restitution (28 U.S.C. § 3003(b)(2)), including, but not limited to, garnishment and execution, pursuant to the Mandatory Victims Restitution Act, in order to ensure that the defendant's restitution obligation is satisfied.

On each count to which a plea of guilty is entered, the Court shall impose a special assessment pursuant to 18 U.S.C. § 3013. To ensure that this obligation is satisfied, the Defendant agrees to deliver a check or money order to

the Clerk of the Court in the amount of \$200, payable to "Clerk, U.S. District Court" within ten days of the change of plea hearing.

The defendant understands that this agreement imposes no limitation as to fine.

2. Supervised Release

The defendant understands that the offense(s) to which the defendant is pleading provide(s) for imposition of a term of supervised release upon release from imprisonment, and that, if the defendant should violate the conditions of release, the defendant would be subject to a further term of imprisonment.

3. Immigration Consequences of Pleading Guilty

The defendant has been advised and understands that, upon conviction, a defendant who is not a United States citizen may be removed from the United States, denied citizenship, and denied admission to the United States in the future.

4. Sentencing Information

The United States reserves its right and obligation to report to the Court and the United States Probation Office all information concerning the background, character, and conduct of the defendant, to provide relevant factual information, including the totality of the defendant's criminal activities, if any,

not limited to the count(s) to which defendant pleads, to respond to comments made by the defendant or defendant's counsel, and to correct any misstatements or inaccuracies. The United States further reserves its right to make any recommendations it deems appropriate regarding the disposition of this case, subject to any limitations set forth herein, if any.

5. Financial Disclosures

Pursuant to 18 U.S.C. § 3664(d)(3) and Fed. R. Crim. P.

32(d)(2)(A)(ii), the defendant agrees to complete and submit to the United States Attorney's Office within 30 days of execution of this agreement an affidavit reflecting the defendant's financial condition. The defendant promises that her financial statement and disclosures will be complete, accurate and truthful and will include all assets in which she has any interest or over which the defendant exercises control, directly or indirectly, including those held by a spouse, dependent, nominee or other third party. The defendant further agrees to execute any documents requested by the United States needed to obtain from any third parties any records of assets owned by the defendant, directly or through a nominee, and, by the execution of this Plea Agreement, consents to the release of the defendant's tax returns for the previous five years. The defendant similarly agrees and authorizes the United States Attorney's Office to provide to, and obtain from, the United States Probation Office, the financial

affidavit, any of the defendant's federal, state, and local tax returns, bank records and any other financial information concerning the defendant, for the purpose of making any recommendations to the Court and for collecting any assessments, fines, restitution, or forfeiture ordered by the Court. The defendant expressly authorizes the United States Attorney's Office to obtain current credit reports in order to evaluate the defendant's ability to satisfy any financial obligation imposed by the Court.

6. Sentencing Recommendations

It is understood by the parties that the Court is neither a party to nor bound by this agreement. The Court may accept or reject the agreement, or defer a decision until it has had an opportunity to consider the presentence report prepared by the United States Probation Office. The defendant understands and acknowledges that, although the parties are permitted to make recommendations and present arguments to the Court, the sentence will be determined solely by the Court, with the assistance of the United States Probation Office. Defendant further understands and acknowledges that any discussions between defendant or defendant's attorney and the attorney or other agents for the government regarding any recommendations by the government are not binding on the Court and that, should any recommendations be rejected, defendant will not be permitted to withdraw defendant's plea pursuant to this plea agreement. The

government expressly reserves the right to support and defend any decision that the Court may make with regard to the defendant's sentence, whether or not such decision is consistent with the government's recommendations contained herein.

7. Defendant's Waiver of Right to Appeal the Sentence

The defendant agrees that this Court has jurisdiction and authority to impose any sentence up to the statutory maximum and expressly waives the right to appeal defendant's sentence on any ground, including the ground that the Court erred in determining the applicable guidelines range pursuant to the United States Sentencing Guidelines, except (a) the ground that the sentence exceeds the defendant's applicable guidelines range as determined by the Court pursuant to the United States Sentencing Guidelines; (b) the ground that the sentence exceeds the statutory maximum penalty; or (c) the ground that the sentence violates the Eighth Amendment to the Constitution; provided, however, that if the government exercises its right to appeal the sentence imposed, as authorized by 18 U.S.C. § 3742(b), then the defendant is released from his waiver and may appeal the sentence as authorized by 18 U.S.C. § 3742(a).

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8. Middle District of Florida Agreement

It is further understood that this agreement is limited to the Office of the United States Attorney for the Middle District of Florida and cannot bind other federal, state, or local prosecuting authorities, although this office will bring defendant's cooperation, if any, to the attention of other prosecuting officers or others, if requested.

9. Filing of Agreement

This agreement shall be presented to the Court, in open court or in camera, in whole or in part, upon a showing of good cause, and filed in this cause, at the time of defendant's entry of a plea of guilty pursuant hereto.

10. Voluntariness

The defendant acknowledges that defendant is entering into this agreement and is pleading guilty freely and voluntarily without reliance upon any discussions between the attorney for the government and the defendant and defendant's attorney and without promise of benefit of any kind (other than the concessions contained herein), and without threats, force, intimidation, or coercion of any kind. The defendant further acknowledges defendant's understanding of the nature of the offense or offenses to which defendant is pleading guilty and the elements thereof, including the penalties provided by law, and defendant's complete satisfaction with the representation and advice

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received from defendant's undersigned counsel (if any). The defendant also understands that defendant has the right to plead not guilty or to persist in that plea if it has already been made, and that defendant has the right to be tried by a jury with the assistance of counsel, the right to confront and cross-examine the witnesses against defendant, the right against compulsory self-incrimination, and the right to compulsory process for the attendance of witnesses to testify in defendant's defense; but, by pleading guilty, defendant waives or gives up those rights and there will be no trial. The defendant further understands that if defendant pleads guilty, the Court may ask defendant questions about the offense or offenses to which defendant pleaded, and if defendant answers those questions under oath, on the record, and in the presence of counsel (if any), defendant's answers may later be used against defendant in a prosecution for perjury or false statement. The defendant also understands that defendant will be adjudicated guilty of the offenses to which defendant has pleaded and, if any of such offenses are felonies, may thereby be deprived of certain rights, such as the right to vote, to hold public office, to serve on a jury, or to have possession of firearms.

11. Factual Basis

Defendant is pleading guilty because defendant is in fact guilty. The defendant certifies and admits that the facts set forth below are true, and

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were this case to go to trial, the United States would be able to prove those specific facts and others beyond a reasonable doubt.

FACTS

The defendant, Tammy Marie Steffen, owned a personal training business and served as a certified fitness trainer, coach, and fitness/sport nutrition specialist, specializing in training and preparing female competitors for fitness competitions in and outside the Middle District of Florida. Beginning on an unknown date, but no later than in or about August 2016, and continuing to in or around July 2018, the defendant engaged in a course of conduct with the intent to harass or intimidate K.B., K.M., L.L., S.T., R.C., and M.X. Specifically, the defendant cyberstalked, harassed, and threatened several of her former colleagues and associates through repeated emails, phone calls, text messages, and social media messages from numerous phone numbers and accounts, which were transmitted in and affected interstate commerce.

On or about January 24, 2018, the FBI obtained three federal search warrants for approximately 89 Instagram accounts believed to be used by the defendant to stalk, harass, and/or threaten victims of the investigation. A review of the Instagram accounts revealed that at least 50 of these accounts were associated with an IP address assigned to the defendant's Pasco County residence. Additionally, many of the Instagram accounts were associated with an

IP address assigned to the defendant's place of employment, as well as her parents' home in Pasco County. To date, the FBI has identified at least 369 Instagram accounts and 18 email accounts that the defendant used to cyberstalk and harass Victims K.B., K.M., L.L., S.T., R.C., and M.X. As a result of the defendant's course of conduct, Victims K.B., K.M., L.L., S.T., R.C., and M.X. viewed the messages as true threats and suffered substantial emotional distress.

Victim K.B.

K.B. resided in Collier County, Florida, and was a physical fitness competitor. K.B. began receiving harassing and threatening telephone calls and messages on Instagram in or around January 2017. K.B. discussed the messages with the defendant and the defendant claimed that R.C. was the person sending the messages. In or around July 2017, however, the defendant admitted to K.B. that she had been the person sending the messages. As of June 2018, K.B. received approximately 327 Instagram messages, 129 emails from the defendant's known personal email accounts, "tammy.steffen11@gmail.com" and "beyondfit@yahoo.com," and 19 messages to K.B.'s business website of a harassing nature. For example, the defendant sent K.B. the following messages from various Instagram accounts used and/or controlled by the defendant:

August 10, 2017

"kylefrancis22": "Time for it to get really dirty."

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October 25, 2017

“lovethegametowin”: “This is a forever thing. You and I. I never give up.”

September 26, 2017

“fitlifeannual”: “Of course we can. I just placed an order to rollout. Nothing left to lose. Time to act. Shit or full car destruction haven't decided. I'm thinking a nice pile of human shit to begin with. Did you know you can default [sic] put dog shit, egg property and so much more....Did you know it's not a crime at all lol. Do not want you shocked at the laws as the next phase happens. Once put acid on a girls car with my exbestie melted that bitch to the group. right in a high school parking lot. You might know who it is but try to stop me. The wonderful thing is I know the laws. I can move around like always. You are not very smart. I sat in front of a judge with a smile on my face. He looked and said you are very bad. I just laughed. You picked the wrong path here. I feel for you but don't say I didn't warn you. You had the chance to do the right thing and decided not to. Oh I act in the middle of the day as well. If you don't know this then you don't know enough about me. I might have sat back to see how you would proceed and to give you a chance to get your shit together. I think it has been long enough. You know if you tread on the outskirts of different county lines that they can't line the case together. There are so many tricks that you can't even begin to think you know about [sic]. I just feel for you. I know you sit there ready this wondering what to do. You know nothing can be done. It sucks for sure. It is ok. I will be around. Bye for now.”

November 13, 2017

“girlfatashell”: Three photos outside victim K.B.'s place of employment.

December 29, 2017

“oneanddone1234”: “Time is up! You will reap Everything you have coming. I warned YOU. My full time job. Never try to contact me to settle this. That has passed. I am only sorry for all in your life. Let it spread like a wild fire. Bye bitch. Even when you beg will I show no

mercy. Silence now but you will see my signature on each and every event.”

January 6, 2018

“**whydoitellyou**”: “I tell you so you know exactly where it came from. You could have helped your friends. You decided not to. You could have ended this a long time ago. You made all the wrong decisions. You will pay through watching those you care about pay. You will feel the pain you put me through. Checkmate you lost.”

May 29, 2018

“**looksgoodbooboo**”: a photo with the caption, “[KB] Hope you die.”

July 8, 2018

“**mrodrique2018**”: “[K.B.] you will die by my hands. You had you [sic] chance

Victim K.M.

Victim K.M., who resided in Michigan, began receiving repeated, harassing and threatening messages from approximately 18 Instagram accounts used and/or controlled by the defendant in or around November 2016. For example, the defendant sent K.B. the following messages from various Instagram accounts used and/or controlled by the defendant:

January 11, 2017

“**Mlee45184@gmail.com**”: “All hell is gonna rain fire down on your world like never seen before. You have picked the wrong person to mess with. You have no idea what you’ve done. I will be catching the next flight to Michigan out of here.”

January 11, 2017

“**maria.santos333**”: Tagged K.M. in a picture that showed a female holding two knives and is captioned “I’m coming.”

In addition to the social media messages, K.M. also received at least 21 harassing emails, some of which are from the defendant’s known email address, “tammy.steffen11@gmail.com.” The messages include threats to K.M.’s life, threats to the lives of others connected to K.M., and attempts to discredit her professionally, among other content.

Victim R.C.

R.C. is a resident of Pinellas County, Florida, and an owner of a gym in Tampa. In or around March 2016, R.C. hired the defendant as a trainer at his gym and fired the defendant in or around September 2016. R.C. began receiving harassing messages from a fake social media account in or around January 2017. R.C. confronted the defendant about the messages and the defendant admitted that she had sent the messages.

The Defendant’s Admissions

On or about June 18, 2018, FBI-Tampa executed a search warrant at the defendant’s residence in Pasco County. At the time of the search warrant, agents conducted a consensual interview with the defendant. She admitted that she was former business partners with R.C. at a gym located in Tampa and that

she had personal and professional relationships with Victims S.T., L.L., K.M., and K.B. The defendant told agents that she had created a number of fake Instagram accounts, posing as R.C., and used those accounts to send disturbing messages to Victims K.B., K.M., L.L., S.T., and M.X.

The defendant further admitted that she used websites to “spoof”¹ her phone number and make harassing and threatening phone calls to former clients/associates of R.C.’s gym. The defendant stated that she had used her son’s phone with phone number XXX-XXX-2979 to make threatening phone calls to M.X.’s workplace.

During the interview, agents provided the defendant with a copy of her internet browsing history from her Pinellas County School account. The defendant confirmed that she had used her computer² to visit the following websites: iptracker.org; legalfakes.com; howtohackanigaccount.com; sypustraining.com; mastersofrevenge.com; and MayoClinic.org, where the defendant viewed a webpage containing an article titled, “Narcissistic Personality Disorder.” The defendant also reviewed copies of harassing emails and confirmed that she had them sent to K.B. from her “tammy.steffen11@gamil.com,” “tammy.steffen17@gmail.com,” and

¹ Spoofing is the practice of causing a telephone network to indicate to the receiver of a call that the originator of the call is a phone number other than the true number.

² The defendant is a former teacher for Pinellas County School District.

“beyondfit@yahoo.com” email accounts. Furthermore, the defendant admitted that she had sent the following messages from fictitious Instagram accounts:

“**catloverexpress**”: " I plan to slice you up into little pieces.
Your blood shall I taste"

“**gncfitnessgroup**”: "tick tock bitch tick tock."

RELEVANT CONDUCT

Victim L.L.

Victim L.L. resided in Michigan. In or around August 2016, L.L. began receiving numerous repeated and harassing “spoofed” telephone calls from the defendant in or around November 2016. Between August 2016 and May 2018, L.L. received harassing and threatening messages from at least 30 different Instagram accounts that were used and/or controlled by the defendant. L.L. received at least 30 emails from the defendant’s known email address, “tammy.steffen11@gmail.com,” and dozens of telephone calls from the defendant using voice-disguising software and “spoofed” phone numbers. The messages include threats to L.L.’s life, threats to the lives of others associated with L.L., and attempts to discredit L.L.’s professional reputation, among other content. L.L.’s parents and significant other also received “spoofed” phone calls.

Victim S.T.

Victim S.T. resided in Wisconsin. The defendant has never met S.T. in person but has connected with S.T. via social media. Between November

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2016 and May 2018, S.T. received harassing and threatening messages from approximately 73 Instagram accounts used and/or controlled by the defendant. The messages included threats to S.T.'s life, threats to the lives of others connected to S.T., and attempts to discredit S.T. professionally, among other content.

Victim M.X.

M.X. resided in Collier County, Florida. M.X. and K.B. were friends but M.X. had never met the defendant. In or around July 2017, M.X. began receiving harassing phone calls, voicemails, and messages on social media. In or around April 2018, the defendant repeatedly called M.X. at her place of employment using phone number XXX-XXX-2979, which is a number associated with the defendant's son. The defendant called so many times that the business was unable to receive calls from actual clients. During another call to the business, the defendant told M.X. that she had changed the passcode for the business voicemail. When M.X. checked the business voicemail message, she realized that it had been changed to sounds of a sexual nature, including people moaning in the background.

In addition to phone calls, the defendant sent harassing messages from the defendant via email, text message, and social media, including Instagram and Facebook. For example, on or about July 8, 2018, the defendant

sent M.X. the following messages from an Instagram account used and/or controlled by the defendant:

“mrodrique2018”: You will die to

“mrodrique2018”: You should have kept your mouth shut

12. Entire Agreement

This plea agreement constitutes the entire agreement between the government and the defendant with respect to the aforementioned guilty plea and no other promises, agreements, or representations exist or have been made to the defendant or defendant's attorney with regard to such guilty plea.

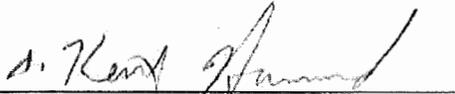
13. Certification

The defendant and defendant's counsel certify that this plea agreement has been read in its entirety by (or has been read to) the defendant and that defendant fully understands its terms.

DATED this 27th day of November, 2018.

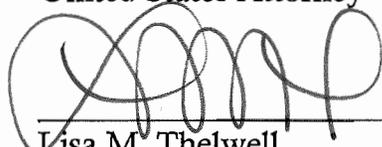


Tammy Marie Steffen
Defendant

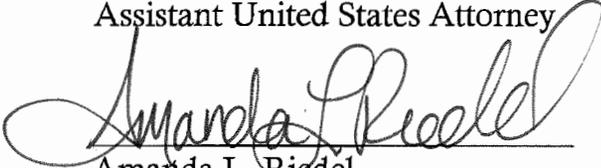


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