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FILED

SEP X 4 2003

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

PAUL JOHN SCHNEIDER,
a/k/a "CORNFED,"

Defendant.

No. CR 01-0319 SI

PLEA AGREEMENT

I, PAUL JOHN SCHNEIDER, and the United States Attorney's Office for the Northern District of California (hereafter "the government") enter into this written plea agreement (the "Agreement") pursuant to Rule 11(c)(1)(C) of the Federal Rules of Criminal Procedure:

The Defendant's Promises

1. I agree to plead guilty to count one of the captioned indictment charging me with conspiracy to conduct the affairs of an enterprise through a pattern of racketeering activity, in violation of 18 U.S.C. § 1962(d). I agree that the elements of the offense and the maximum penalties are as follows: (1) an agreement by two or more persons to conduct or participate in the affairs of an enterprise, the activities of which affect interstate commerce, through a pattern of racketeering activity as defined in 18 U.S.C. § 1961; (2) the defendant became a member of the

PLEA AGREEMENT/SCHNEIDER
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1 conspiracy, knowing of its object and intending to help accomplish it; and (3) conspirators agreed
2 that some member of the conspiracy would commit at least two racketeering acts.

- | | | | |
|---|----|---|-----------|
| 3 | a. | Maximum prison sentence (18 U.S.C. § 1963(a)) | Life |
| 4 | b. | Maximum fine | \$250,000 |
| 5 | c. | Maximum supervised release term | 5 years |
| 6 | d. | Mandatory special assessment | \$100 |

7 2. I agree that I am guilty of the offense to which I will plead guilty, and I agree that
8 the following facts are true:

9 a. The Aryan Brotherhood prison gang is a criminal enterprise comprised of
10 individuals associated in fact. It operates both inside and outside the California Department of
11 Corrections and engages in various racketeering activities, as defined in 18 U.S.C. § 1961, that
12 affect interstate commerce. In support of the enterprise, members and associates of the Aryan
13 Brotherhood engage in criminal acts, including murder, robbery, distribution of controlled
14 substances, and conspiracy to commit those crimes. In turn, members receive protection from
15 rival gangs, among others. Rival gang members and others who disrespect or threaten the Aryan
16 Brotherhood are subject to assault or murder. And Aryan Brotherhood members who seek to
17 withdraw from the organization or who cooperate with law enforcement are branded as traitors
18 and ordered to be killed. Some members of the Aryan Brotherhood, particularly those who are
19 incarcerated, generate income by directing other members and associates to engage in illegal
20 activities including drug distribution and robberies. At the times charged in count one of the
21 Indictment, I was an associate and later a high ranking member of the Aryan Brotherhood. I
22 participated in the affairs of the Aryan Brotherhood by, among other things, committing crimes I
23 was ordered to commit, assisting others by making knives and other weapons, and ordering
24 others to commit crimes on behalf of the Aryan Brotherhood.

25 b. During 1994 and 1995, I conspired with co-defendant Brenda Moore to
26 smuggle methamphetamine into Pelican Bay State Prison in Crescent City, California. Moore
27 agreed to smuggle methamphetamine into the prison, where I was incarcerated, for me to then
28 distribute to others inside the prison. In furtherance of the conspiracy, Moore sent

1 methamphetamine to me using the legal mail system. I agree that the total quantity of
2 methamphetamine for which I am responsible is no less than 200 grams of a mixture or substance
3 containing methamphetamine.

4 c. In 1994 and 1995, I conspired with other members of the Aryan
5 Brotherhood to commit a series of robberies to raise money for me, Brenda Moore and others. In
6 furtherance of that conspiracy, I introduced Moore to Aryan Brotherhood member Robert Scully
7 and other members with whom she could commit robberies. I groomed Scully so he would
8 handle some of the robberies once he was released from prison.

9 d. In March 1995, Scully was released from Pelican Bay State Prison on
10 parole. I asked Moore to pick him up, and to give him a gun and assistance with the robberies.
11 On March 29, 1995, Moore and Scully were staking out a possible robbery target in Santa Rosa,
12 California. They had a sawed-off shotgun, which Moore had provided. While they were seated
13 in Moore's truck, Sonoma County Sheriff's Deputy Frank Trejo noticed the truck while on
14 routine patrol and pulled his patrol car up to it. Deputy Trejo got out of his car and approached
15 the truck. Moore and Scully got out of the truck, and Scully had Moore's sawed-off shotgun.
16 Scully ordered Deputy Trejo to his knees and had him place his hands on his head. Moore
17 removed Trejo's radio and gun belt and then Scully shot Deputy Trejo once in the head, killing
18 him instantly.

19 3. I agree to give up all rights that I would have if I chose to proceed to trial,
20 including the rights to a jury trial with the assistance of an attorney; to confront and cross-
21 examine government witnesses; to remain silent or testify; to move to suppress evidence or raise
22 any other Fourth or Fifth Amendment claims; to any further discovery from the government; and
23 to pursue any affirmative defenses and present evidence.

24 4. I agree to give up my right to appeal my conviction, the judgment, and orders of
25 the Court. I also agree to waive any right I may have to appeal my sentence.

26 5. I agree not to file any collateral attack on my conviction or sentence, including a
27 petition under 28 U.S.C. §2255, at any time in the future after I am sentenced, except for a claim
28 that my constitutional right to the effective assistance of counsel was violated.

1 6. I agree not to ask the Court to withdraw my guilty plea at any time after it is
2 entered, unless the Court declines to accept the sentence agreed to by the parties. I agree that the
3 government may withdraw from this agreement if the Court does not accept the agreed upon
4 sentence set out below.

5 7. I agree that the Sentencing Guidelines should be calculated as follows, and that I
6 will not ask for any other adjustment to or reduction in the offense level or for a downward
7 departure of any kind:

8	a.	Base Offense Level, USSG. §2E1.1 (2A1.1; 2D1.1):	43
9	b.	Specific offense characteristics, USSG §2D1.1(b)(3):	+2
10	c.	Amount of loss/drugs:	N/A
11	d.	Increase/decrease for role in the offense:	N/A
12	e.	Acceptance of responsibility: (If I meet the requirements of 13 USSG § 3E1.1)	-3
14	f.	Adjusted offense level	42

15 8. I agree that an appropriate disposition of this case is as follows: life imprisonment,
16 five years of supervised release if I am released from custody (with conditions to be fixed by the
17 Court), no fine, \$100 special assessment. I agree that I will make a good faith effort to pay any
18 fine, forfeiture or restitution I am ordered to pay. Before or after sentencing, I will, upon request
19 of the Court, the government, or the U.S. Probation Office, provide accurate and complete
20 financial information, submit sworn statements and give depositions under oath concerning my
21 assets and my ability to pay, surrender assets I obtained as a result of my crimes, and release
22 funds and property under my control in order to pay any fine, forfeiture, or restitution. I agree to
23 pay the special assessment at the time of sentencing.

24 9. I agree not to commit or attempt to commit any crimes before sentence is imposed
25 or before I surrender to serve my sentence. I also agree not to violate the terms of my pretrial
26 release (if any); intentionally provide false information to the Court, the Probation Office,
27 Pretrial Services, or the government; or fail to comply with any of the other promises I have
28 made in this Agreement. I agree not to have any contact with any victims or witnesses in this

1 case, either directly or indirectly, before and after I am sentenced. This includes, but is not
2 limited to, personal contact; telephone, mail, or electronic mail contact; or any other written form
3 of communication; and includes any harassing, annoying, or intimidating conduct by me directed
4 to any victims or witnesses. I agree that the Court should include this agreement as a condition
5 of my supervised release term. I agree that, if I fail to comply with any promises I have made in
6 this Agreement, then the government will be released from all of its promises in this agreement,
7 including those set forth in paragraphs 13 through 15 below, but I will not be released from my
8 guilty plea.

9 10. I consent to serve the remainder of my California state sentence in a federal
10 correctional facility of the Bureau of Prisons choosing, including a facility outside of California.
11 I further agree to serve the federal sentence imposed as a result of my guilty plea to count one of
12 the Indictment concurrently to any state sentence pending against me. The parties agree that they
13 will recommend that any sentence imposed be served in a federal correctional facility, and they
14 will work with the Bureau of Prisons and the California Department of Corrections in an effort to
15 ensure that the sentence be served in a federal correctional facility. I further understand that this
16 agreement is not contingent on whether the Bureau of Prisons and the California Department of
17 Corrections agree to permit me to serve any sentence imposed in this case in a federal
18 correctional facility and that the Court has no legal authority to require the Bureau of Prisons to
19 permit me to serve my sentence in a federal correctional facility.

20 11. I agree that this Agreement contains all of the promises and agreements between
21 the government and me, and I will not claim otherwise in the future.

22 12. I agree that this Agreement binds the U.S. Attorney's Office for the Northern
23 District of California only, and does not bind any other federal, state, or local agency.

24 The Government's Promises

25 13. The government agrees to move to dismiss any open charges pending against the
26 defendant in the captioned indictment at the time of sentencing.

27 14. The government agrees not to file or seek any additional charges against the
28 defendant that could be filed as a result of the investigation that led to the captioned indictment.

1 15. The government agrees that the appropriate sentence in this case should be as set
2 forth in paragraph 8 above, unless the defendant violates the agreement as set forth in paragraph
3 9 above.

4 The Defendant's Affirmations

5 16. I confirm that I have had adequate time to discuss this case, the evidence, and this
6 Agreement with my attorney, and that he has provided me with all the legal advice that I
7 requested.

8 17. I confirm that while I considered signing this Agreement, and at the time I signed
9 it, I was not under the influence of any alcohol, drug, or medicine.

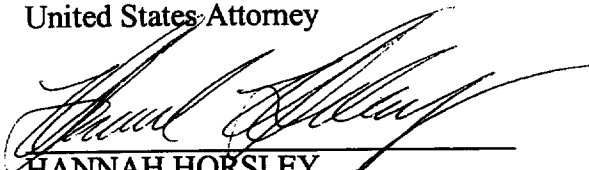
10 18. I confirm that my decision to enter a guilty plea is made knowing the charges that
11 have been brought against me, any possible defenses, and the benefits and possible detriments of
12 proceeding to trial. I also confirm that my decision to plead guilty is made voluntarily, and no
13 one coerced or threatened me to enter into this agreement.

14
15 Dated: 9/4/03



PAUL JOHN SCHNEIDER
Defendant


16
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20 Dated: 9/4/03

KEVIN V. RYAN
United States Attorney


HANNAH HORSLEY
Assistant United States Attorney

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22 I have fully explained to my client all the rights that a criminal defendant has and all the
23 terms of this Agreement. In my opinion, my client understands all the terms of this Agreement
24 and all the rights he is giving up by pleading guilty, and, based on the information now known to
25 me, his decision to plead guilty is knowing and voluntary.

26
27 Dated: 9/4/03



BRIAN GETZ
Attorney for Defendant

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