

Eastern District of Kentucky
FILED

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AT LEXINGTON
ROBERT R. CARR
CLERK U.S. DISTRICT COURT

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF KENTUCKY
CENTRAL DIVISION
LEXINGTON**

CRIMINAL ACTION NO. 5:23-113-DCR

UNITED STATES OF AMERICA

PLAINTIFF

V.

PLEA AGREEMENT

BRYAN T. CARROLL

DEFENDANT

* * * * *

1. Pursuant to Federal Rule of Criminal Procedure 11(c), the Defendant will enter guilty pleas to Counts 1, 2, and 3 of the Information. Count 1 charges a violation of 18 U.S.C. § 922(g)(1), possession of a firearm by a convicted felon. Count 2 charges a violation of 18 U.S.C. § 844(h)(2), carrying an explosive during the commission of a federal felony offense. Count 3 charges a violation of 26 U.S.C. § 5861(d), possession of an unregistered firearm.

2. The essential elements of Count 1 are as follows:

- (a) That the Defendant had been convicted of a crime punishable by imprisonment for more than one year and knew he had been convicted of such a crime punishable by imprisonment for more than one year at the time of the offense.
- (b) That the Defendant, following his conviction, knowingly possessed a firearm; and
- (c) That the firearm crossed a state line prior to the Defendant's possession.

3. The essential elements of Count 2 are as follows:

- (a) That the Defendant knowingly carried an explosive; and
- (b) That the Defendant carried the explosive during the commission of a felony which may be prosecuted in a court of the United States.

4. The essential elements of Count 3 are as follows:

- (a) That the Defendant knowingly possessed a firearm;
- (b) That the firearm was a destructive device or a shotgun having a barrel of less than 18 inches in length;
- (c) That the defendant knew of the characteristics of the firearm, that is, a destructive device or shotgun having a barrel of less than 18 inches in length;
- (d) That the firearms were or could readily have been put in operating condition; and
- (e) That the firearms were not registered to the Defendant in the National Firearms Registration and Transfer Record.

5. As to Counts 1, 2, and 3 of the Information, the United States could prove the following facts that establish the essential elements of the offenses beyond a reasonable doubt, and the Defendant admits these facts:

- a. On March 25, 2021, University of Kentucky Police (“UKPD”) were notified by Versailles Police Department (“VPD”) that the Defendant, Bryan T. Carroll, was enroute to the University of Kentucky Hospital. The Defendant had an active warrant at the time. UKPD encountered the Defendant outside the Emergency Department where he was taken into custody.
- b. A search incident to arrest revealed the following firearms on the Defendant’s person:
 - 1. S&W, Model: BG380 (Bodyguard 380), Cal.: .380, pistol, SN: KEX0874
 - 2. Kahr Arms, Model: PM9, Cal.: 9mm, pistol, SN: 1D4261

In addition to the two firearms on the Defendant, officers also observed additional firearms inside the Defendant's vehicle. A subsequent search of the vehicle revealed the following firearms in the Defendant's possession:

1. Bushmaster, Model: EM15-E2S, Cal.: 5.56, rifle, SN: BFH015863;
 2. Cugir, Model: WASR 10/63, Cal.: 7.62x39mm, rifle, SN: 1980KX4806;
 3. Taurus, Model: The Judge Public Defender, Cal.: .45/.410 shotshell, revolver, SN: CX950353;
 4. S&W, Model 916, Cal.: 12 gauge, sawed-off shotgun, SN: B26971 with a barrel of less than 18 inches in length;
 5. Glock, Model: 22, Cal.: 40, pistol, SN: FKZ329;
 6. Taurus, Model: PT99AF, Cal.: 9mm para, pistol, SN: TIF86655;
- c. During the search of the vehicle, officers also located a suspicious device and requested assistance from Lexington Police Department ("LPD") and ATF. Through their assistance, the following items were recovered from the Defendant and his vehicle:
1. Four (4) improvised explosive devices each consisting of a consumer firework arial shell containing a quantity of explosive powders (identified as black powder, a perchlorate explosive mixture, and pyrotechnic stars that contained a nitrate and perchlorate explosive mixture) heavily taped with a length of pyrotechnic fuse as a means of initiation.
 2. One (1) improvised explosive bomb consisting of three consumer firework arial shells containing a quantity of explosive powder (identified as black powder, a perchlorate explosive mixture, and pyrotechnic stars that contained a nitrate and perchlorate explosive mixture) confined within a metal can filled with nails with a length of pyrotechnic fuse as a means of initiation.
- d. While at the scene, the Defendant requested to speak and cooperate with investigators. The Defendant was subsequently interviewed by ATF and FBI. During the interview, the Defendant admitted to having firearms on him when he was arrested at UK Hospital while also acknowledging that he had additional firearms in his vehicle. The Defendant explained that he had possessed some of the firearms for several years. The Defendant also admitted that he was a convicted felon. Further, the Defendant acknowledged to possessing "fireworks"

in the vehicle and discussed his familiarity with explosives. More specifically, the Defendant admitted to constructing the metal can device that contained nails, explaining that one would need between 500-600 feet of distance to be safe from propelled shrapnel that would result from detonating the device.

The Defendant also admitted to federal agents that he possessed additional destructive devices at his home in Versailles, Woodford County, in the Eastern District of Kentucky. During the interview, the Defendant explained that he possessed a large quantity of triacetone peroxide ("TATP"), an explosive material, in the home along with other explosive materials and chemicals. After acknowledging that additional devices and explosives were at his home, the Defendant advised that he was willing to go to the house to assist law enforcement so that "nobody gets hurt" and to keep people safe. The Defendant explained the locations of various devices and explosive materials in and around the home, eventually drawing and providing a schematic of the property to assist investigators.

- e. Later that same day, federal agents obtained a search warrant for the Defendant's home in Versailles. Due to the detection of explosive devices and explosive materials, the search occurred over the course of several days. During the search, officers located additional firearms belonging to the Defendant:
 1. S&W, Model: M&P-15, Cal.: 5.56, rifle, SN: SX04015; and
 2. Raven Arms, Model: MP-25, Cal.: .25 auto, pistol, SN: 1834098;

In addition to the firearms, law enforcement located approximately 25 pounds of TATP in a refrigerator/freezer in the Defendant's garage. Consistent with the Defendant's admissions, law enforcement also found the following explosive devices:

1. An improvised explosive bomb consisting of ammonium nitrate fuel oil ("ANFO"), an explosive, in a metal container with nuts, bolts, screws, compressed gas cylinders, and batteries attached with an extension cord located at the front door/entry.
2. An improvised explosive bomb consisting of ANFO in a metal container with nuts, bolts, screws, metal fragments, circular saw blade, and batteries attached with an extension cord; located near the backyard privacy gate that led to the back door.

3. An improvised explosive bomb consisting of a quantity of TATP confined with a length of metal pipe with end caps and a length of pyrotechnic fuse inserted as a means of initiation.
 4. An improvised explosive bomb consisting of explosives identified as perchlorate explosive mixture, confined in a plastic bottle with a pyrotechnic fuse inserted as a means of initiation. The plastic bottle was inserted into multiple metal cans nested together to form a metal housing.
 5. An improvised explosive bomb consisting of white prill identified as ammonium nitrate packed around a steel pipe inside a plastic container. A quantity of nails was wrapped around the container and secured by a metal chain. This item was located near TATP.
 6. An improvised explosive bomb consisting of a quantity of ANFO packed inside a PVC pipe with one end sealed and a steel pipe inserted attached at the other end. This item was also found near TATP.
- f. After analysis by the ATF Forensic Science Laboratory, an ATF Senior Explosives Enforcement Officer examined the explosive items and devices from UK Hospital and the Defendant's home. The ATF officers determined that the four improvised explosive devices constituted "explosives" as defined under Title 18 U.S.C. Chapter 40, and the seven improvised explosive bombs (the metal can from UK Hospital and the six from the Defendant's residence) were determined to be "destructive devices" as defined under 26 U.S.C. § 5845(f). ATF also classified the destructive devices as "explosives."
- g. The Defendant admits that he knowingly and unlawfully possessed the above-described firearms. The Defendant admits that he was prohibited from possessing the firearms based on a prior felony conviction, that is, a crime punishable by imprisonment for more than one year, and that he knew at the time of the offense that he had previously been convicted of such a crime. Specifically, the Defendant was previously convicted of Complicity to Trafficking in a Controlled Substance First Degree, a controlled substance offense, by final judgment of the Woodford Circuit Court, Case No. 12-CR-74, in December of 2015. The Defendant also admits that the aforementioned firearms were determined by the ATF to have been manufactured outside the state of Kentucky, and, therefore, had crossed state lines prior to his possession.

The Defendant further admits that he knowingly carried an explosive during the commission of a federal felony offense, that is, the prohibited possession of a firearm under 18 U.S.C. § 922(g)(1).

Lastly, the Defendant admits that he knowingly possessed the aforementioned destructive devices and sawed-off shotgun, knew of their characteristics as destructive devices and a sawed-off shotgun, and that none of the items were registered to the Defendant in the National Firearms Registration and Transfer Record.

6. The statutory punishment for Counts 1 and 3 is not more than 10 years imprisonment, not more than a \$250,000 fine, and not more than 3 years of supervised release. The statutory punishment for Count 2 is 10 years imprisonment, consecutive to Count 1, not more than a \$250,000 fine, and not more than 3 years of supervised release. A mandatory special assessment of \$300 applies, and the Defendant will pay this assessment to the U.S. District Court Clerk at the time of sentencing.

7. Pursuant to Rule 11(c)(1)(B), the United States and the Defendant recommend the following sentencing guideline calculations, and they may object to or argue in favor of other calculations. This recommendation does not bind the Court.

- (a) Pursuant to USSG § 1B1.3, the Defendant's relevant conduct includes the facts set forth in paragraph 5 and all provided discovery materials.
- (b) Pursuant to USSG § 2K2.1(a)(4), the base offense level is 20 as the offense involved a firearm described in 26 U.S.C. § 5845(a) and the Defendant was a prohibited person at the time he committed the instant offense.
- (c) Pursuant to USSG § 2K2.1(b)(1)(B), the offense level is increased by 4 levels as the offense involved 8-24 firearms.
- (d) Pursuant to USSG § 2K2.4(a), the guideline sentence for Count 2 is the minimum term of imprisonment required by statute which is 10 years consecutive.

(e) Pursuant to USSG § 3E1.1 and unless the Defendant commits another crime, obstructs justice, or violates a court order, decrease the offense level by 2 levels for the Defendant's acceptance of responsibility. If the offense level determined prior to this 2-level decrease is level 16 or greater, the United States will move at sentencing to decrease the offense level by 1 additional level based on the Defendant's timely notice of intent to plead guilty.

8. It is the United States's position that there is a two-level increase to the offense level pursuant to USSG § 2K2.1(b)(4)(A) as one of the firearms possessed by the Defendant was stolen. The Defendant disagrees and reserves the right to object at sentencing.

9. The Defendant waives the right to appeal the guilty plea and conviction. Except for claims of ineffective assistance of counsel, the Defendant also waives the right to attack collaterally the guilty plea, conviction, and sentence.

10. The Defendant consents to the forfeiture to the United States, by administrative or judicial proceedings, of all right, title, and interest in the property seized during this investigation. The Defendant agrees that this property is subject to forfeiture because a nexus exists between the property and the offenses to which he is pleading guilty, as set forth in the forfeiture allegation of the Information. The Defendant acknowledges that ATF has completed the administrative forfeiture of various firearms, ammunition, and explosive materials involved in these violations. The Defendant consents to the entry of a Preliminary Order of Forfeiture, pursuant to Federal Rule of Criminal Procedure 32.2, and agrees take any steps necessary to assist the government in effectuating the surrender and forfeiture of the assets identified herein, including but not limited to executing any documents necessary for the surrender and transfer of title to the United States. The Defendant agrees not to file

a claim or petition seeking remission or otherwise contesting the forfeiture of the assets identified herein in any administrative or judicial proceeding, or to assist any other person or entity with doing so, and agrees to withdraw, and hereby withdraws, any such claim or petition that he already has submitted. If the Defendant fails to surrender and forfeit the assets identified for forfeiture herein, he consents to the forfeiture of any other property of his up to the amount of the value of the assets identified for forfeiture, pursuant to 21 U.S.C. § 853(p), and further agrees that the conditions of 21 U.S.C. § 853(p)(1)(A)-(E) have been met. The Defendant voluntarily and knowingly waives all provisions in Rule 32.2 pertaining to notice and/or the timing of forfeiture orders. The Defendant also waives his/her right, if any, to a jury trial on forfeiture and all constitutional, legal, or equitable defenses to the forfeiture. The Defendant agrees that this forfeiture is separate and distinct from any restitution, fine, or penalty ordered by the Court and shall survive bankruptcy.

11. The Defendant abandons any interest in, and consents to the official use, destruction, or other disposition of, any item obtained by any law enforcement agency during the course of the investigation, unless an item is specifically provided for in another provision of this Agreement. The Defendant also waives any notice of a proceeding to implement the official use, destruction, or other disposition of any item abandoned under this paragraph. These items include, but are not limited to, the following:

- (a) Three firearms magazines listed as ATF Property Item #10
- (b) Holster and ammo sleeve listed as ATF Property Item #14.

- (c) Three (3) 9mm magazines listed as ATF Property Item #19;
- (d) Drum magazine listed as ATF Property Item #22;
- (e) Glock .40 caliber magazine listed as ATF Property Item #23;
- (f) Thirty-four (34) rifle magazine listed as ATF Property Item #27;
- (g) Gray and black "American Tourister" laptop bag and assorted items contained therein listed as ATF Property Items #28, 30, and 31;
- (h) Gas mask listed as ATF Property Item #32;
- (i) Body armor listed as ATF Property Item #34;
- (j) Manuals, documents, and notepads listed as ATF Property Items #36-39, 50, 56, and 74;
- (k) Paraffin wax listed as ATF Property Item #42
- (l) Dual drum magazine listed as ATF Property Item #59;
- (m) Point Blank body armor listed as ATF Property Item #68
- (n) Eight (8) rifle magazine listed as ATF Property Item #72
- (o) Estes electronic beam model rocket launcher with jumper cables listed as ATF Property Item #73
- (p) Firearm magazine listed as ATF Property Item #83

12. The Defendant agrees to cooperate fully with the United States Attorney's Office by making a full and complete financial disclosure. Within 30 days of pleading guilty, the Defendant agrees to complete, sign, and return to the United States Attorney's Office a financial disclosure statement or affidavit disclosing all assets in which the Defendant has any interest or over which the Defendant exercises control, directly or indirectly, including those held by a spouse, nominee, or other third party, and disclosing any transfer of assets that has taken place within three years preceding the entry of this plea agreement. Upon request, the Defendant agrees to provide the United States Attorney's Office with records verifying his/her financial information or with any releases required to obtain such records, with such releases being valid for a period extending 90 days from the date of sentencing. The Defendant will submit to an examination, which may be taken under oath and may include a polygraph examination. Prior to sentencing, the Defendant agrees to notify the United States Attorney's Office and obtain its consent before transferring, encumbering, or disposing of any interest in property with a value exceeding \$1,000.00 owned or controlled directly or indirectly, individually or jointly, by the Defendant, including any interest held or owned under any name, including trusts, partnerships, and corporations. If the Defendant is ever incarcerated in connection with this case, the Defendant will participate in the Bureau of Prisons Inmate Financial Responsibility Program, regardless of whether the Court specifically directs participation or imposes a schedule of payments. The Defendant agrees to notify the United States Attorney's Office of any material changes in his/her economic circumstances, as described in 18 U.S.C. § 3664(k), which occur prior to sentencing, within seven days of the event

giving rise to the changed circumstances. If the Defendant fails to comply with any of the provisions of this paragraph, the United States, in its discretion, may refrain from moving the Court pursuant to U.S.S.G. § 3E1.1(b) to reduce the offense level by one additional level, and may argue that the Defendant should not receive a two-level reduction for acceptance of responsibility under U.S.S.G. § 3E1.1(a).

13. The Defendant understands and agrees that, pursuant to 18 U.S.C. § 3613, whatever monetary penalties are imposed by the Court will be due and payable immediately and subject to immediate enforcement by the United States. If the Court imposes a schedule of payments, the Defendant agrees that it is merely a minimum schedule of payments and not the only method, nor a limitation on the methods, available to the United States to enforce the judgment. The Defendant waives any requirement for demand of payment on any fine, restitution, or assessment imposed by the Court and agrees that any unpaid obligations will be submitted to the United States Treasury for offset. The Defendant waives any defense or objection to any action to enforce the collection of financial obligations to be imposed in connection with this prosecution, including, but not limited to, collection procedures authorized by the Federal Debt Collection Procedures Act, 28 U.S.C. § 3001, et seq., 18 U.S.C. § 3664, or 18 U.S.C. § 3613. The Defendant expressly authorizes the United States to obtain the Defendant's credit reports at any time. The Defendant authorizes the U.S. District Court to release funds posted as security for the Defendant's appearance bond in this case, if any, to be applied to satisfy the Defendant's financial obligations contained in the judgment of the Court. The Defendant authorizes the

United States Attorney's Office to inspect and copy all financial documents and information held by the U.S. Probation Office.

14. If the Defendant violates any part of this Agreement, the United States may void this Agreement and seek an indictment for any violations of federal laws, and the Defendant waives any right to challenge the initiation of additional federal charges.

15. This document contains the complete and only Plea Agreement between the United States Attorney for the Eastern District of Kentucky and the Defendant. The United States has not made any other promises to the Defendant.


16. This Agreement does not bind the United States Attorney's Offices in other districts, or any other federal, state, or local prosecuting authorities.

17. The Defendant and the Defendant's attorney acknowledge that the Defendant understands this Agreement, that the Defendant's attorney has fully explained this Agreement to the Defendant, and that the Defendant's entry into this Agreement is voluntary.

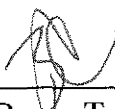
CARLTON S. SHIER IV
UNITED STATES ATTORNEY

Date: 11-20-27

By:

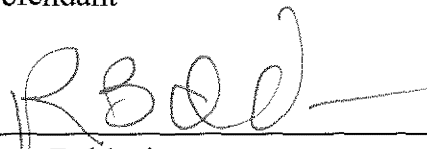

Francisco J. Villalobos II
Assistant United States Attorney

Date: 11/20/23



Bryan T. Carroll
Defendant

Date: 11/20/23



Russ Baldani
Attorney for Defendant