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9 IN THE UNITED STATES DISTRICT COURT
 10 EASTERN DISTRICT OF CALIFORNIA

12 UNITED STATES OF AMERICA,
 13 Plaintiff,
 14 v.
 15 RONALD YANDELL, et al.,
 16 Defendants.

Case No. 2:19-cr-107-KJM

PLEA AGREEMENT FOR
 DEFENDANT PAT BRADY
 [NON-COOPERATION AGREEMENT]

19 I. INTRODUCTION

21 A. Scope of Agreement

22 The defendant Pat Brady (“defendant”) will plead guilty to Count Eighteen of the Superseding
 23 Indictment. Count Eighteen of the Superseding Indictment charges the defendant with a violation of 18
 24 U.S.C. § 1959(a)(1) – Murder in Aid of Racketeering. This document contains the complete plea
 25 agreement between the United States Attorney’s Office for the Eastern District of California (the
 26 “government”) and the defendant regarding this case. This plea agreement is limited to the United
 27 States Attorney’s Office for the Eastern District of California and cannot bind any other federal, state, or
 28 local prosecuting, administrative, or regulatory authorities.

1 **B. Court Not a Party**

2 The Court is not a party to this plea agreement. As to Count Eighteen of the Superseding
3 Indictment, the defendant understands the Court will sentence him to life in prison, the mandatory
4 sentence for that count.

5 **II. DEFENDANT'S OBLIGATIONS**

6 **A. Guilty Plea**

7 The defendant will plead guilty to Count Eighteen of the Superseding Indictment. Count
8 Eighteen of the Superseding Indictment charges the defendant with a violation of 18 U.S.C. § 1959(a)(1)
9 – Murder in Aid of Racketeering. The defendant agrees that he is in fact guilty of this charge and that
10 the facts set forth in the Factual Basis For Plea attached as Exhibit A are true and correct. Exhibit A is
11 incorporated here by reference.

12 The defendant agrees that this plea agreement will be filed with the Court and become a part of
13 the record of the case. The defendant understands and agrees that he will not be allowed to withdraw his
14 plea should the Court not follow the government's sentencing recommendations.

15 The defendant agrees that the statements made by him in signing this Agreement, including the
16 factual admissions set forth in the factual basis, shall be admissible and useable against the defendant by
17 the United States in any subsequent criminal or civil proceedings, even if the defendant fails to enter a
18 guilty plea pursuant to this Agreement. The defendant waives any rights under Rule 11(f) of the Federal
19 Rules of Criminal Procedure and Rule 410 of the Federal Rules of Evidence, to the extent that these
20 rules are inconsistent with this paragraph or with this Agreement generally.

21 **B. Fine**

22 The parties agree that the defendant does not have the ability to pay a fine and is not likely to
23 become able to pay a fine. Therefore, imposition of a fine should be waived. U.S.S.G. § 5E1.2(a).

24 **C. Special Assessment**

25 The defendant agrees to pay a special assessment of \$100 at the time of sentencing by delivering
26 a check or money order payable to the United States District Court to the United States Probation Office
27 immediately before the sentencing hearing. If the defendant is unable to pay the special assessment at
28 the time of sentencing, he agrees to earn the money to pay the assessment, if necessary by participating

1 in the Inmate Financial Responsibility Program.

2 **D. Defendant's Violation of Plea Agreement or Withdrawal of Plea**

3 If the defendant violates this plea agreement in any way, withdraws his plea, or tries to withdraw
4 his plea, this plea agreement is voidable at the option of the government. The government will no longer
5 be bound by its representations to the defendant concerning the limits on criminal prosecution and
6 sentencing as set forth herein. One way a defendant violates the plea agreement is to commit any crime
7 or provide any statement or testimony which proves to be knowingly false, misleading, or materially
8 incomplete. Any post-plea conduct by a defendant constituting obstruction of justice will also be a
9 violation of the agreement. The determination whether the defendant has violated the plea agreement
10 shall be decided under a probable cause standard.

11 If the defendant violates the plea agreement, withdraws his plea, or tries to withdraw his plea, the
12 government shall have the right: (1) to prosecute the defendant on any of the counts to which he pleaded
13 guilty; (2) to reinstate any counts that may be dismissed pursuant to this plea agreement; and (3) to file
14 any new charges that would otherwise be barred by this plea agreement. The defendant shall thereafter
15 be subject to prosecution for any federal criminal violation of which the government has knowledge,
16 including perjury, false statements, and obstruction of justice. The decision to pursue any or all of these
17 options is solely in the discretion of the United States Attorney's Office.

18 By signing this plea agreement, the defendant agrees to waive any objections, motions, and
19 defenses that the defendant might have to the government's decision to exercise the options stated in the
20 previous paragraph. Any prosecutions that are not time-barred by the applicable statute of limitations as
21 of the date of this plea agreement may be commenced in accordance with this paragraph,
22 notwithstanding the expiration of the statute of limitations between the signing of this plea agreement
23 and the commencement of any such prosecutions. The defendant agrees not to raise any objections
24 based on the passage of time with respect to such counts including, but not limited to, any statutes of
25 limitation or any objections based on the Speedy Trial Act or the Speedy Trial Clause of the Sixth
26 Amendment to any counts that were not time-barred as of the date of this plea agreement.

27 In addition, the defendant shall assert no claim under the United States Constitution, any statute,
28 Rule 11(f) of the Federal Rules of Criminal Procedure, Rule 410 of the Federal Rules of Evidence, or

1 any other federal rule, that statements made by the defendant before or after this plea agreement, or any
2 leads derived therefrom, should be suppressed. By signing this plea agreement, the defendant waives
3 any and all rights in the foregoing respects.

4 **E. Dismissal**

5 The United States will move to dismiss the RICO conspiracy charged in Count One against the
6 defendant at the time of sentencing.

7 **III. THE GOVERNMENT'S OBLIGATIONS**

8 **A. Recommendations**

9 1. Incarceration Range

10 The government will recommend that the defendant be sentenced to life in prison, which the
11 defendant understands is the mandatory sentence in this case.

12 2. Acceptance of Responsibility

13 The government will recommend a two-level reduction (if the offense level is less than 16) or a
14 three-level reduction (if the offense level reaches 16) in the computation of defendant's offense level if
15 he clearly demonstrates acceptance of responsibility for his conduct as defined in U.S.S.G. § 3E1.1.
16 This includes the defendant meeting with and assisting the probation officer in the preparation of the
17 pre-sentence report, being truthful and candid with the probation officer, and not otherwise engaging in
18 conduct that constitutes obstruction of justice within the meaning of U.S.S.G § 3C1.1, either in the
19 preparation of the pre-sentence report or during the sentencing proceeding.

20 **B. Use of Information for Sentencing**

21 The government is free to provide full and accurate information to the Court and the United
22 States Probation Office ("Probation"), including answering any inquiries made by the Court and/or
23 Probation, and rebutting any inaccurate statements or arguments by the defendant, his attorney,
24 Probation, or the Court. The defendant also understands and agrees that nothing in this Plea Agreement
25 bars the government from defending on appeal or collateral review any sentence that the Court may
26 impose.

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1 **C. No Federal Charges for Murder of E.B. at CSP-Sacramento on April 30, 2023**

2 As part of this Plea Agreement, the United States agrees not to pursue federal charges against the
3 defendant based upon the murder of E.B. at CSP–Sacramento on April 30, 2023.

4 **IV. ELEMENTS OF THE OFFENSE**

5 At a trial, the government would have to prove beyond a reasonable doubt the following
6 elements of the offenses to which the defendant is pleading guilty.

7 Count Eighteen – Murder in Aid of Racketeering – 18 U.S.C. § 1959(a)(1):

- 8 (1) On or about July 20, 2018, an enterprise affecting interstate commerce existed;
9 (2) Second, the charged enterprise, the Aryan Brotherhood, engaged in a pattern of
10 racketeering activity;
11 (3) Third, the the defendant intentionally committed or aided and abetted in murder in
12 violation of California law, as defined below; and
13 (4) Fourth, the defendant’s purpose in committing the murder was to gain entrance to, or to
14 maintain, or to increase his position in the enterprise.

15 To prove that the defendant committed murder, the government must prove beyond a reasonable
16 doubt that:

- 17 (1) The defendant committed an act that caused the death of Donald Pequeen; and
18 (2) When the defendant acted, he had a state of mind called malice aforethought.¹

19 The defendant fully understands the nature and elements of the crimes charged in Count
20

21 ¹ The state of mind called “malice aforethought” can be either express malice and implied
malice. Proof of either is sufficient to establish the state of mind required for murder.

22 a. The defendant had express malice if he unlawfully intended to kill.

23 b. The defendant had implied malice if:

24 i. He intentionally committed the act;

25 ii. The natural and probable consequences of the act were dangerous to human life;

26 iii. At the time he acted, he knew his act was dangerous to human life; and

27 iv. He deliberately acted with conscious disregard for human life.

28 Cal. Penal Code §§ 182, 187, 188, and 189.

1 Eighteen of the Superseding Indictment to which he is pleading guilty, together with the possible
2 defenses to those charges, and has discussed them with his attorneys.

3 **V. MAXIMUM SENTENCE**

4 **A. Maximum Penalty on Count Eighteen**

5 The maximum sentence that the Court can impose is a mandatory minimum sentence of life in
6 prison, a fine of up to \$250,000, a period of supervised release of up to 5 years, and a special assessment
7 of \$100.²

8 **B. Violations of Supervised Release**

9 The defendant understands that if he violates a condition of supervised release at any time during
10 the term of supervised release, the Court may revoke the term of supervised release and require the
11 defendant to serve up to 5 additional years in prison per revocation.

12 **VI. SENTENCING DETERMINATION**

13 **A. Statutory Authority**

14 The defendant understands that the Court must consult the Federal Sentencing Guidelines and
15 must take them into account when determining a final sentence. The defendant understands that the
16 Court will determine a non-binding and advisory guideline sentencing range for this case pursuant to the
17 Sentencing Guidelines and must take them into account when determining a final sentence. Although no
18 upward or downward departure is available due to the mandatory life sentence in this case, the defendant
19 further understands that the Court will consider whether there is a basis for departure from the guideline
20 sentencing range (either above or below the guideline sentencing range) because there exists an
21 aggravating or mitigating circumstance of a kind, or to a degree, not adequately taken into consideration
22 by the Sentencing Commission in formulating the Guidelines. The defendant further understands that
23 the Court, after consultation and consideration of the Sentencing Guidelines, must impose a sentence
24 that is reasonable in light of the factors set forth in 18 U.S.C. § 3553(a). In this case, the defendant
25 understands that the Court must sentence him to life in prison.

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28 ² Death is a possible penalty on this charge but the United States has announced its
intention to not seek the death penalty. ECF 1675.

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VIII. ENTIRE PLEA AGREEMENT

Other than this plea agreement and any supplement, no agreement, understanding, promise, or condition between the government and the defendant exists, nor will such agreement, understanding, promise, or condition exist unless it is committed to writing and signed by the defendant, counsel for the defendant, and counsel for the United States.

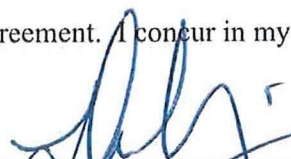
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IX. APPROVALS AND SIGNATURES

A. Defense Counsel

I have read this plea agreement and have discussed it fully with my client. The plea agreement accurately and completely sets forth the entirety of the agreement. I concur in my client's decision to plead guilty as set forth in this plea agreement.

Dated: 12/21/23

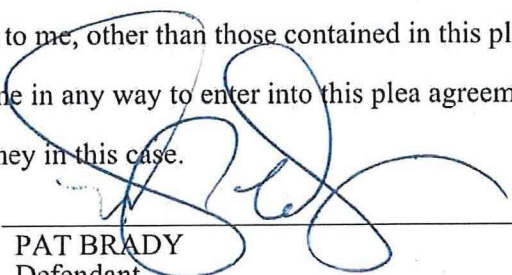


JOHN R. MANNING, Esq.
MARCIA A. MORRISSEY, Esq.
Counsel for Defendant

B. Defendant

I have read this plea agreement and carefully reviewed every part of it with my attorney. I understand it, and I voluntarily agree to it. Further, I have consulted with my attorney and fully understand my rights with respect to the provisions of the Sentencing Guidelines that may apply to my case. No other promises or inducements have been made to me, other than those contained in this plea agreement. In addition, no one has threatened or forced me in any way to enter into this plea agreement. Finally, I am satisfied with the representation of my attorney in this case.

Dated: 12-21-23

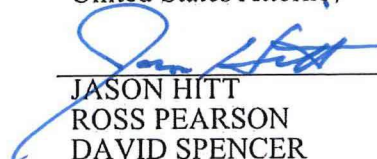


PAT BRADY
Defendant

C. Attorney for United States

I accept and agree to this plea agreement on behalf of the government.

Dated: December 22, 2023

PHILLIP A. TALBERT
United States Attorney


JASON HITT
ROSS PEARSON
DAVID SPENCER
Assistant United States Attorneys

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EXHIBIT "A"
Factual Basis for Plea

If this matter proceeded to trial, the United States would establish the following facts beyond a reasonable doubt:

Summary of Count Eighteen – Murder of Donald Pequeen in aid of Racketeering

As part of this plea agreement, Brady admits that, as part of the criminal agreement charged in Count One of the Superseding Indictment, prior to July 20, 2018, Brady admitted to Travis Burhop that he was to kill "Joker," Donald Pequeen's moniker. In particular, Brady explained that he would kill Pequeen because Pequeen had falsely claimed to be an AB member and had run up a significant drug debt at his previous prison – both clear violations of the AB's expected codes of conduct. Brady explained that members of the Aryan Brotherhood wanted to send a message to the rest of white prison population that a false claim to AB membership would be punished by death.

On July 20, 2018, at about 2:15 p.m., Brady and another person acted together to murder Donald Pequeen on the D facility at High Desert prison. The murder was the result of a planned, coordinated hit targeting Pequeen.

A review of video surveillance from the day revealed that Pequeen was initially talking to Brady. While Pequeen was distracted by Brady, the video shows another person come up from behind Pequeen, remove a prisoner-made weapon, and begin stabbing Pequeen repeatedly in the back. As Pequeen attempted to flee the attack, Brady then removed his own prisoner-made weapon from his waistband and chased Pequeen. They caught Pequeen with the assistance of two other inmates and Brady then violently stabbed Pequeen in the upper back. During the attack, Pequeen fell to the ground and guards issued verbal commands for all inmates to "get down." Brady and the other person continued their attack on Pequeen, stabbing him repeatedly in the head, neck, and torso. Brady and the other person held Pequeen down and continued stabbing him. Officers saw Pequeen bleeding profusely from his neck and torso.

As responding officers closed in, Brady and the other person stood up from Pequeen's body and walked away. Each discarded their prisoner-made weapons as they walked. Officials recovered Brady's weapon a short distance away from the victim's body. It was a flat metal-type weapon fashioned to a point at one end with a cloth type material at the other end as a handle.

Investigators noted that one of the murder weapons had "SS" lightning bolts etched into its side, a symbol associated with Nazis from Germany in World War II. Brady later admitted to Donald Mazza that he knew the "SS" lightning bolts etched on to the knife were a mistake because it would make it readily apparent to law enforcement that Pequeen's murder was an AB murder.

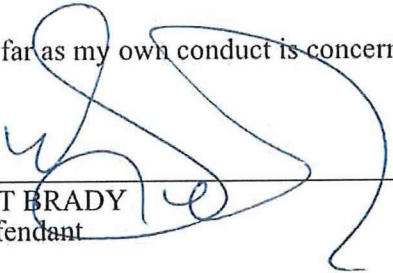
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EXHIBIT "A"
Factual Basis – Continued

As part of this Plea Agreement, the defendant admits that, as part of the RICO conspiracy charged in Count One and the murder charged in Count Eighteen, he willfully, deliberately, and with premeditation, murdered Donald Pequeen to maintain his status within the Aryan Brotherhood and enforce its code of conduct which includes punishing any person who falsely claims to be an AB member.

I have reviewed the Factual Basis in Exhibit A and, as far as my own conduct is concerned, I adopt it as a true and correct statement of my crimes.

Dated: 12-21-23



PAT BRADY
Defendant