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UNITED STATES OF AMERICA

11 UNITED STATES DISTRICT COURT
12 FOR THE CENTRAL DISTRICT OF CALIFORNIA

13 UNITED STATES OF AMERICA,
14 Plaintiff,
15 v.
16 ROBERT RUNDO,
17 Defendant.

No. CR 18-00759-JLS
PLEA AGREEMENT FOR DEFENDANT
ROBERT RUNDO

18
19 1. This constitutes the plea agreement between ROBERT RUNDO
20 ("defendant") and the United States Attorney's Office for the Central
21 District of California (the "USAO") in the above-captioned case.
22 This agreement is limited to the USAO and cannot bind any other
23 federal, state, local, or foreign prosecuting, enforcement,
24 administrative, or regulatory authorities.

25 DEFENDANT'S OBLIGATIONS

26 2. Defendant agrees to:
27 a. At the earliest opportunity requested by the USAO and
28 provided by the Court, appear and plead guilty to count one of the

1 superseding indictment in United States v. Rundo, CR No. 18-759-CJC,
2 which charges defendant with conspiracy to riot, in violation of 18
3 U.S.C. § 371.

4 b. Not contest facts agreed to in this agreement.

5 c. Abide by all agreements regarding sentencing contained
6 in this agreement.

7 d. Appear for all court appearances, surrender as ordered
8 for service of sentence, obey all conditions of any bond, and obey
9 any other ongoing court order in this matter.

10 e. Not commit any crime; however, offenses that would be
11 excluded for sentencing purposes under United States Sentencing
12 Guidelines ("U.S.S.G." or "Sentencing Guidelines") § 4A1.2(c) are not
13 within the scope of this agreement.

14 f. Be truthful at all times with the United States
15 Probation and Pretrial Services Office and the Court.

16 g. Pay the applicable special assessment at or before the
17 time of sentencing unless defendant has demonstrated a lack of
18 ability to pay such assessments.

19 THE USAO'S OBLIGATIONS

20 3. The USAO agrees to:

21 a. Not contest facts agreed to in this agreement.

22 b. Abide by all agreements regarding sentencing contained
23 in this agreement.

24 c. At the time of sentencing, move to dismiss the
25 remaining counts of the superseding indictment as against defendant.
26 Defendant agrees, however, that at the time of sentencing the Court
27 may consider any dismissed charges in determining the applicable
28

1 Sentencing Guidelines range, the propriety and extent of any
2 departure from that range, and the sentence to be imposed.

3 d. At the time of sentencing, provided that defendant
4 demonstrates an acceptance of responsibility for the offense up to
5 and including the time of sentencing, recommend a two-level reduction
6 in the applicable Sentencing Guidelines offense level, pursuant to
7 U.S.S.G. § 3E1.1, and recommend and, if necessary, move for an
8 additional one-level reduction if available under that section.

9 e. Recommend that defendant be sentenced to a term of
10 imprisonment no higher than 24 months' imprisonment followed by a
11 term of supervised release no higher than 24 months.

12 NATURE OF THE OFFENSE

13 4. Defendant understands that for defendant to be guilty of
14 the crime charged in count one, that is, conspiracy to riot, in
15 violation of 18 U.S.C. § 371, the following must be true: (1) between
16 on or about March 2017 and continuing to on or about May 2018, there
17 was an agreement between two or more persons to commit at least one
18 crime as charged in the indictment; (2) defendant became a member of
19 the conspiracy knowing of at least one of its objectives and
20 intending to help accomplish it; and (3) one of the members of the
21 conspiracy performed at least one overt act for the purpose of
22 carrying out the conspiracy. The elements of the crime of rioting in
23 violation of 18 U.S.C. § 2101 are as follows: (1) defendant traveled
24 in interstate or foreign commerce or used any facility of interstate
25 or foreign commerce, including, but not limited to, the mail,
26 telegraph, telephone, radio, or television; (2) defendant did so with
27 intent to incite, participate in, or carry on a riot, or to commit an
28 act of violence in furtherance of a riot, or to aid and abet any

1 person in inciting or participating in or carrying on a riot or
2 committing any act of violence in furtherance of a riot; and (3)
3 during the course of such travel or use or thereafter, defendant
4 performed or attempted to perform an overt act for any purpose
5 specified above.

6 PENALTIES

7 5. Defendant understands that the statutory maximum sentence
8 that the Court can impose for a violation of 18 U.S.C. § 371 is: five
9 years' imprisonment; a three-year period of supervised release; a
10 fine of \$250,000, or twice the gross gain or gross loss resulting
11 from the offense, whichever is greatest; and a mandatory special
12 assessment of \$100.

13 6. Defendant understands that supervised release is a period
14 of time following imprisonment during which defendant will be subject
15 to various restrictions and requirements. Defendant understands that
16 if defendant violates one or more of the conditions of any supervised
17 release imposed, defendant may be returned to prison for all or part
18 of the term of supervised release authorized by statute for the
19 offense that resulted in the term of supervised release, which could
20 result in defendant serving a total term of imprisonment greater than
21 the statutory maximum stated above.

22 7. Defendant understands that, by pleading guilty, defendant
23 may be giving up valuable government benefits and valuable civic
24 rights, such as the right to vote, the right to possess a firearm,
25 the right to hold office, and the right to serve on a jury. Defendant
26 understands that he is pleading guilty to a felony and that it is a
27 federal crime for a convicted felon to possess a firearm or
28 ammunition. Defendant understands that the conviction in this case

1 may also subject defendant to various other collateral consequences,
2 including but not limited to revocation of probation, parole, or
3 supervised release in another case and suspension or revocation of a
4 professional license. Defendant understands that unanticipated
5 collateral consequences will not serve as grounds to withdraw
6 defendant's guilty plea.

7 8. Defendant understands that, if defendant is not a United
8 States citizen, the felony conviction in this case may subject
9 defendant to: removal, also known as deportation, which may, under
10 some circumstances, be mandatory; denial of citizenship; and denial
11 of admission to the United States in the future. The Court cannot,
12 and defendant's attorney also may not be able to, advise defendant
13 fully regarding the immigration consequences of the felony conviction
14 in this case. Defendant understands that unexpected immigration
15 consequences will not serve as grounds to withdraw defendant's guilty
16 plea.

17 FACTUAL BASIS

18 9. Defendant admits that defendant is, in fact, guilty of the
19 offense to which defendant is agreeing to plead guilty. Defendant
20 and the USAO agree to the statement of facts provided below and agree
21 that this statement of facts is sufficient to support a plea of
22 guilty to the charge described in this agreement and to establish the
23 Sentencing Guidelines factors set forth in paragraph 11 below but is
24 not meant to be a complete recitation of all facts relevant to the
25 underlying criminal conduct or all facts known to either party that
26 relate to that conduct.

27 Between March 2017 and May 2018, in Los Angeles County, within
28 the Central District of California and elsewhere, defendant, his co-

1 conspirators, and others participated in an organization originally
2 known as the "DIY Division" that was later rebranded as the "Rise
3 Above Movement" or "RAM." RAM represented itself as a fighting group
4 of a new nationalist white supremacy and identity movement. As part
5 of their membership in RAM, defendant and his co-conspirators agreed
6 to attend, and did attend, rallies with the intent to provoke and
7 engage in violent physical conflicts.

8 Defendant and his co-conspirators performed numerous overt acts
9 in furtherance of their agreement. For example, to prepare for
10 violent physical conflicts, defendant, his co-conspirators, and other
11 RAM members and associates held hand-to-hand and other fighting
12 training sessions, which they organized through phone calls and
13 social media and text messages. Defendant organized and attended
14 several such training sessions in 2017. On various social media
15 platforms, including Twitter, Facebook, Instagram, GAB, and Discord,
16 defendant and his co-conspirators posted messages and photographs of
17 themselves preparing for or engaging in violence, accompanied by
18 statements such as "When the squad[']s not out smashing commies,"
19 "#rightwingdeathsquads," and "#goodnightleftside."

20 In March 2017, defendant and other RAM members engaged in
21 fighting training in San Clemente, California, to prepare to engage
22 in violence at political events, including an upcoming rally on March
23 25, 2017, in Huntington Beach, California (the "Huntington Beach
24 rally"). On March 25, 2017, defendant and other RAM members attended
25 the Huntington Beach rally, where they pursued and assaulted other
26 persons. During the ensuing violence, defendant tackled and punched
27 one protestor multiple times. Following the event, defendant and his
28 co-conspirators posted photographs and videos celebrating the

1 assaults. For example, on February 15, 2018, defendant posted a
2 photograph on the RAM Twitter account showing several RAM members at
3 the Huntington Beach rally with the message "Shortly after this pic
4 antifa was btfo [blown the fu*k out] in Huntington Beach."

5 In anticipation of a rally scheduled to occur on April 15, 2017,
6 in Berkeley, California (the "Berkeley rally"), defendant and others
7 helped organize training for RAM. On April 14, 2017, defendant, his
8 co-conspirators, and other RAM members reserved and rented a van to
9 drive together to Richmond, California, where they checked into a
10 hotel. At the Berkeley rally on April 15, 2017, there were several
11 violent clashes between opposing groups throughout the day. In one
12 such instance, defendant and several of his co-conspirators crossed
13 the barrier that police had erected to separate the opposing groups
14 and punched and kicked several people. After the rally, defendant
15 and his co-conspirators used the internet to post photographs and
16 videos of assaults one or more of them had committed. For example,
17 on February 14, 2018, the RAM GAB account posted a photograph of a
18 RAM member punching a protestor at the Berkeley rally with the text
19 "Talk shit get hit!"

20 On June 10, 2017, defendant, several of his co-conspirators, and
21 fellow RAM members attended a rally in San Bernardino, California
22 (the "San Bernardino rally"), at which they confronted and pursued
23 protestors. The next day, when asked by an associate whether he had
24 filmed his activities at the San Bernardino rally, defendant wrote
25 "some girl got us smashing the antifa car and chaseing (sic) then
26 (sic)," and "the next time I will get someone to film for us to get
27 all the action."
28

1 SENTENCING FACTORS

2 10. Defendant understands that in determining defendant's
3 sentence the Court is required to calculate the applicable Sentencing
4 Guidelines range and to consider that range, possible departures
5 under the Sentencing Guidelines, and the other sentencing factors set
6 forth in 18 U.S.C. § 3553(a). Defendant understands that the
7 Sentencing Guidelines are advisory only, that defendant cannot have
8 any expectation of receiving a sentence within the calculated
9 Sentencing Guidelines range, and that after considering the
10 Sentencing Guidelines and the other § 3553(a) factors, the Court will
11 be free to exercise its discretion to impose any sentence it finds
12 appropriate up to the maximum set by statute for the crime of
13 conviction.

14 11. Defendant and the USAO agree to the following applicable
15 Sentencing Guidelines factors:

16 Base Offense Level: 14 U.S.S.G. § 2A2.2(a)

17 More than Minimal Planning: +2 U.S.S.G. § 2A2.2(b)(1)

18 Defendant and the USAO reserve the right to argue that additional
19 specific offense characteristics, adjustments, and departures under
20 the Sentencing Guidelines are appropriate.

21 12. Defendant understands that there is no agreement as to
22 defendant's criminal history or criminal history category.

23 WAIVER OF CONSTITUTIONAL RIGHTS

24 13. Defendant understands that by pleading guilty, defendant
25 gives up the following rights:

26 a. The right to persist in a plea of not guilty.

27 b. The right to a speedy and public trial by jury.

1 c. The right to be represented by counsel -- and if
2 necessary have the Court appoint counsel -- at trial. Defendant
3 understands, however, that, defendant retains the right to be
4 represented by counsel -- and if necessary have the Court appoint
5 counsel -- at every other stage of the proceeding.

6 d. The right to be presumed innocent and to have the
7 burden of proof placed on the government to prove defendant guilty
8 beyond a reasonable doubt.

9 e. The right to confront and cross-examine witnesses
10 against defendant.

11 f. The right to testify and to present evidence in
12 opposition to the charges, including the right to compel the
13 attendance of witnesses to testify.

14 g. The right not to be compelled to testify, and, if
15 defendant chose not to testify or present evidence, to have that
16 choice not be used against defendant.

17 h. Any and all rights to pursue any affirmative defenses,
18 Fourth Amendment or Fifth Amendment claims, and other pretrial
19 motions that have been filed or could be filed.

20 WAIVER OF APPEAL OF CONVICTION

21 14. Defendant understands that, with the exception of an appeal
22 based on a claim that defendant's guilty plea was involuntary, by
23 pleading guilty defendant is waiving and giving up any right to
24 appeal defendant's conviction on the offense to which defendant is
25 pleading guilty. Defendant understands that this waiver includes,
26 but is not limited to, arguments that the statute to which defendant
27 is pleading guilty is unconstitutional, and any and all claims that
28

1 the statement of facts provided herein is insufficient to support
2 defendant's plea of guilty.

3 LIMITED MUTUAL WAIVER OF APPEAL OF SENTENCE

4 15. Defendant agrees that, provided the Court imposes a total
5 term of imprisonment on all counts of conviction of no more than 24
6 months, defendant gives up the right to appeal all of the following:
7 (a) the procedures and calculations used to determine and impose any
8 portion of the sentence; (b) the term of imprisonment imposed by the
9 Court; (c) the fine imposed by the Court, provided it is within the
10 statutory maximum; (d) to the extent permitted by law, the
11 constitutionality or legality of defendant's sentence, provided it is
12 within the statutory maximum; (e) the term of probation or supervised
13 release imposed by the Court, provided it is within the statutory
14 maximum; and (f) any of the following conditions of probation or
15 supervised release imposed by the Court: the conditions set forth in
16 Second Amended General Order 20-04 of this Court; the drug testing
17 conditions mandated by 18 U.S.C. §§ 3563(a)(5) and 3583(d); and the
18 alcohol and drug use conditions authorized by 18 U.S.C. § 3563(b)(7).

19 16. The USAO agrees that, provided (a) all portions of the
20 sentence are at or below the statutory maximum specified above and
21 (b) the Court imposes a term of imprisonment of no less than 24
22 months, the USAO gives up its right to appeal any portion of the
23 sentence.

24 17. Defendant also gives up any right to bring a post-
25 conviction collateral attack on the conviction or sentence, except a
26 post-conviction collateral attack based on a claim of ineffective
27 assistance of counsel, a claim of newly discovered evidence, or an
28 explicitly retroactive change in the applicable Sentencing

1 Guidelines, sentencing statutes, or statutes of conviction.
2 Defendant understands that this waiver includes, but is not limited
3 to, arguments that the statute to which defendant is pleading guilty
4 is unconstitutional, and any and all claims that the statement of
5 facts provided herein is insufficient to support defendant's plea of
6 guilty.

7 RESULT OF WITHDRAWAL OF GUILTY PLEA

8 18. Defendant agrees that if, after entering a guilty plea
9 pursuant to this agreement, defendant seeks to withdraw and succeeds
10 in withdrawing defendant's guilty plea on any basis other than a
11 claim and finding that entry into this plea agreement was
12 involuntary, then (a) the USAO will be relieved of all of its
13 obligations under this agreement; and (b) should the USAO choose to
14 pursue any charge that was either dismissed or not filed as a result
15 of this agreement, then (i) any applicable statute of limitations
16 will be tolled between the date of defendant's signing of this
17 agreement and the filing commencing any such action; and
18 (ii) defendant waives and gives up all defenses based on the statute
19 of limitations, any claim of pre-indictment delay, or any speedy
20 trial claim with respect to any such action, except to the extent
21 that such defenses existed as of the date of defendant's signing this
22 agreement.

23 EFFECTIVE DATE OF AGREEMENT

24 19. This agreement is effective upon signature and execution of
25 all required certifications by defendant, defendant's counsel, and an
26 Assistant United States Attorney.

BREACH OF AGREEMENT

1
2 20. Defendant agrees that if defendant, at any time after the
3 signature of this agreement and execution of all required
4 certifications by defendant, defendant's counsel, and an Assistant
5 United States Attorney, knowingly violates or fails to perform any of
6 defendant's obligations under this agreement ("a breach"), the USAO
7 may declare this agreement breached. All of defendant's obligations
8 are material, a single breach of this agreement is sufficient for the
9 USAO to declare a breach, and defendant shall not be deemed to have
10 cured a breach without the express agreement of the USAO in writing.
11 If the USAO declares this agreement breached, and the Court finds
12 such a breach to have occurred, then: (a) if defendant has previously
13 entered a guilty plea pursuant to this agreement, defendant will not
14 be able to withdraw the guilty plea, and (b) the USAO will be
15 relieved of all its obligations under this agreement.

16 21. Following the Court's finding of a knowing breach of this
17 agreement by defendant, should the USAO choose to pursue any charge
18 that was either dismissed or not filed as a result of this agreement,
19 then:

20 a. Defendant agrees that any applicable statute of
21 limitations is tolled between the date of defendant's signing of this
22 agreement and the filing commencing any such action.

23 b. Defendant waives and gives up all defenses based on
24 the statute of limitations, any claim of pre-indictment delay, or any
25 speedy trial claim with respect to any such action, except to the
26 extent that such defenses existed as of the date of defendant's
27 signing this agreement.

1 c. Defendant agrees that: (i) any statements made by
2 defendant, under oath, at the guilty plea hearing (if such a hearing
3 occurred prior to the breach); (ii) the agreed to factual basis
4 statement in this agreement; and (iii) any evidence derived from such
5 statements, shall be admissible against defendant in any such action
6 against defendant, and defendant waives and gives up any claim under
7 the United States Constitution, any statute, Rule 410 of the Federal
8 Rules of Evidence, Rule 11(f) of the Federal Rules of Criminal
9 Procedure, or any other federal rule, that the statements or any
10 evidence derived from the statements should be suppressed or are
11 inadmissible.

12 COURT AND UNITED STATES PROBATION AND PRETRIAL SERVICES

13 OFFICE NOT PARTIES

14 22. Defendant understands that the Court and the United States
15 Probation and Pretrial Services Office are not parties to this
16 agreement and need not accept any of the USAO's sentencing
17 recommendations or the parties' agreements to facts or sentencing
18 factors.

19 23. Defendant understands that both defendant and the USAO are
20 free to: (a) supplement the facts by supplying relevant information
21 to the United States Probation and Pretrial Services Office and the
22 Court, (b) correct any and all factual misstatements relating to the
23 Court's Sentencing Guidelines calculations and determination of
24 sentence, and (c) argue on appeal and collateral review that the
25 Court's Sentencing Guidelines calculations and the sentence it
26 chooses to impose are not error, although each party agrees to
27 maintain its view that the calculations in paragraph 11 are
28 consistent with the facts of this case. While this paragraph permits

1 both the USAO and defendant to submit full and complete factual
2 information to the United States Probation and Pretrial Services
3 Office and the Court, even if that factual information may be viewed
4 as inconsistent with the facts agreed to in this agreement, this
5 paragraph does not affect defendant's and the USAO's obligations not
6 to contest the facts agreed to in this agreement.

7 24. Defendant understands that even if the Court ignores any
8 sentencing recommendation, finds facts or reaches conclusions
9 different from those agreed to, and/or imposes any sentence up to the
10 maximum established by statute, defendant cannot, for that reason,
11 withdraw defendant's guilty plea, and defendant will remain bound to
12 fulfill all defendant's obligations under this agreement. Defendant
13 understands that no one -- not the prosecutor, defendant's attorney,
14 or the Court -- can make a binding prediction or promise regarding
15 the sentence defendant will receive, except that it will be within
16 the statutory maximum.

17 NO ADDITIONAL AGREEMENTS

18 25. Defendant understands that, except as set forth herein,
19 there are no promises, understandings, or agreements between the USAO
20 and defendant or defendant's attorney, and that no additional
21 promise, understanding, or agreement may be entered into unless in a
22 writing signed by all parties or on the record in court.

23 //

24 //

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26 //

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PLEA AGREEMENT PART OF THE GUILTY PLEA HEARING

26. The parties agree that this agreement will be considered part of the record of defendant's guilty plea hearing as if the entire agreement had been read into the record of the proceeding.

AGREED AND ACCEPTED

UNITED STATES ATTORNEY'S OFFICE
FOR THE CENTRAL DISTRICT OF
CALIFORNIA

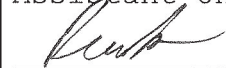
E. MARTIN ESTRADA
United States Attorney



9/4/2024

KATHRYNNE N. SEIDEN
ANNA P. BOYLAN
Assistant United States Attorneys

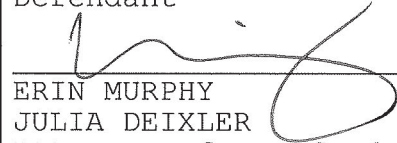
Date



9-4-24

ROBERT RUNDO
Defendant

Date



9/9/24

ERIN MURPHY
JULIA DEIXLER
Attorneys for Defendant Robert Rundo

Date

CERTIFICATION OF DEFENDANT

I have read this agreement in its entirety. I have had enough time to review and consider this agreement, and I have carefully and thoroughly discussed every part of it with my attorney. I understand the terms of this agreement, and I voluntarily agree to those terms. I have discussed the evidence with my attorney, and my attorney has advised me of my rights, of possible pretrial motions that might be filed, of possible defenses that might be asserted either prior to or at trial, of the sentencing factors set forth in 18 U.S.C. § 3553(a), of relevant Sentencing Guidelines provisions, and of the consequences of entering into this agreement. No promises, inducements, or representations of any kind have been made to me other than those contained in this agreement. No one has threatened or forced me in any way to enter into this agreement. I am satisfied with the representation of my attorney in this matter, and I am pleading guilty because I am guilty of the charge and wish to take advantage of the promises set forth in this agreement, and not for any other reason.



ROBERT RUNDO
Defendant

9-4-24

Date

CERTIFICATION OF DEFENDANT'S ATTORNEY

I am Robert Rundo's attorney. I have carefully and thoroughly discussed every part of this agreement with my client. Further, I have fully advised my client of his rights, of possible pretrial motions that might be filed, of possible defenses that might be asserted either prior to or at trial, of the sentencing factors set forth in 18 U.S.C. § 3553(a), of relevant Sentencing Guidelines provisions, and of the consequences of entering into this agreement. To my knowledge: no promises, inducements, or representations of any kind have been made to my client other than those contained in this agreement; no one has threatened or forced my client in any way to enter into this agreement; my client's decision to enter into this agreement is an informed and voluntary one; and the factual basis set forth in this agreement is sufficient to support my client's entry of a guilty plea pursuant to this agreement.


ERIN MURPHY
JULIA DEIXLER
Attorneys for Defendant Robert Rundo

9/4/24
Date