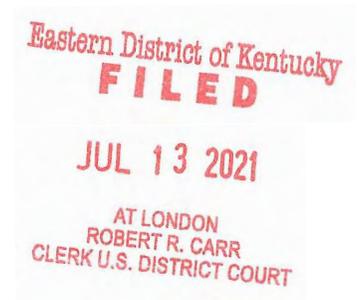


UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF KENTUCKY  
SOUTHERN DIVISION  
LONDON



CRIMINAL ACTION NO. 6:20-CR-11-SSS-REW

UNITED STATES OF AMERICA

PLAINTIFF

V.

PLEA AGREEMENT

GARY E. BALDOCK

DEFENDANT

\* \* \* \* \*

1. Pursuant to Federal Rule of Criminal Procedure 11(c), the Defendant will enter a guilty plea to Count Two of the Third Superseding Indictment, charging a violation of 18 U.S.C. § 1114, attempted murder of a federal agent. Pursuant to Rule 11(c)(1)(A), the United States will move to dismiss Count Three at the time of sentencing and will not bring additional charges against the Defendant based upon evidence in its possession at the time of the execution of this Agreement and arising out of the Defendant's conduct within the Eastern District of Kentucky, unless the Defendant breaches this Agreement.

2. The essential elements of Count Two are:

- (a) The Defendant unlawfully attempted to kill an FBI special agent;
- (b) The Defendant did so with malice aforethought;
- (c) At the time of the offense, the FBI special agent was engaged in his official duties as an employee of the United States.

3. As to Count Two, the United States could prove the following facts that establish the essential elements of the offense beyond a reasonable doubt, and the Defendant admits these facts:

- (a) On March 6, 2020, FBI agents attempted to execute a federal arrest warrant for the Defendant at his residence in Pulaski County, Kentucky. Using a loudspeaker, agents called out the name of the Defendant, the Defendant's address, identified themselves, and stated that they had a warrant for his arrest. The Defendant was commanded to exit his residence. When the Defendant failed to comply with repeated commands to exit his residence, the rear door to the residence was breached by a team of agents. Once the door was open, agents continued to identify themselves and command the Defendant to exit the residence. The agents remained outside of the residence while these verbal commands were made.
- (b) The Defendant, standing in a defensive posture behind a wall of his bedroom, fired at least five rounds from his .40 caliber Glock pistol at the agents as the agents were positioned outside of his back door. One agent, positioned to the side of a protective shield, was hit in the arm and shoulder.

4. The statutory punishment for Count Two is imprisonment for not more than 20 years, a fine of not more than \$250,000, and a term of supervised release of not more than 3 years. A mandatory special assessment of \$100 applies, and the Defendant will pay this assessment to the U.S. District Court Clerk as directed by the Court.

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

- (a) The United States Sentencing Guideline (U.S.S.G.) Manual in effect at sentencing will determine the Defendant's guidelines range.

(b) Pursuant to U.S.S.G. § 2A2.1(a)(2), the base offense level is 27.

6. The United States will not move at sentencing for a 1-level decrease in the offense level pursuant to U.S.S.G. § 3E1.1(b) and will oppose a 2-level decrease in the offense level based on acceptance of responsibility. The Defendant reserves the right to argue that he is entitled to the 2-level decrease in the offense level pursuant to U.S.S.G. § 3E1.1(a).

7. No agreement exists about the Defendant's criminal history category pursuant to U.S.S.G. Chapter 4.

8. The Defendant waives the right to appeal the guilty plea and conviction for all counts of conviction, including Count One and Count Five. The Defendant reserves the right to appeal the sentence. Except for claims of ineffective assistance of counsel, the Defendant also waives the right to attack collaterally the guilty plea, conviction, and sentence.

9. 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.

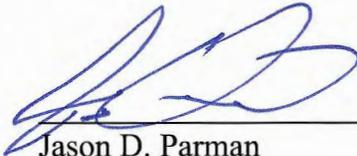
10. This document and the supplement contain the complete and only Plea Agreement between the United States Attorney for the Eastern District of Kentucky and the Defendant. The United States has not made any other promises to the Defendant.

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

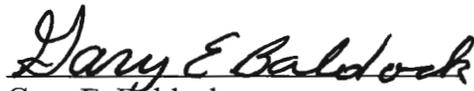
12. The Defendant and the Defendant's attorney acknowledge that the Defendant understands this Agreement, that the Defendant's attorney has fully explained this Agreement to the Defendant, and that the Defendant's entry into this Agreement is voluntary.

CARLTON S. SHIER, IV  
ACTING UNITED STATES ATTORNEY

Date: 7-12-21

By:   
Jason D. Parman  
Assistant United States Attorney

Date: 7-9-21

  
Gary E. Baldock  
Defendant

Date: 7/9/21

  
John Kevin West  
Attorney for Defendant