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FILED IN THE U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

DEC 08 2025

SEAN F. McAVOY, CLERK
SPOKANE, WASHINGTON

10 UNITED STATES DISTRICT COURT
11 FOR THE EASTERN DISTRICT OF WASHINGTON

12 UNITED STATES OF AMERICA,

Case No.: 2:25-CR-113-RLP-1

13 Plaintiff,

Deferred Sentencing Agreement

14 v.

15 BENJAMIN THEODORE STUCKART,

16 Defendant.

17 Plaintiff United States of America, by and through S. Peter Serrano, United
18 States Attorney the Eastern District of Washington, and Lisa C. Cartier Giroux and
19 Rebecca R. Perez, Assistant United States Attorneys for the Eastern District of
20 Washington, and Defendant Benjamin Theodore Stuckart (“Defendant”), both
21 individually and by and through Defendant’s counsel, Todd Jeffrey Maybrown, agree
22 to the following Deferred Sentencing Agreement (the “Agreement”).
23
24

1 **JOINT AGREEMENTS BY THE UNITED STATES AND DEFENDANT**

2 If Defendant accepts responsibility and pleads guilty to Count 1 of the
3 Indictment in the above-captioned matter, to wit, *Conspiracy to Impede or Injure*
4 *Officers*, in violation of 18 U.S.C. § 372, as set forth in the Plea Agreement filed
5 contemporaneously with this Agreement, the United States and Defendant jointly agree
6 to the following.
7

8 Upon the Court's acceptance of the Plea Agreement, the United States and
9 Defendant will jointly recommend that sentencing in this District for the offense of
10 conviction shall be deferred for a period of 18 months from the date of entry of the Plea
11 Agreement, provided Defendant abides by the conditions pending sentencing set forth
12 herein.
13

14 The United States and Defendant agree that at any time within the 18-month
15 deferral period, the United States may request that the Court set a sentencing date for
16 Defendant's offense of conviction, if the United States has determined that Defendant
17 has violated any condition of this Agreement or the accompanying Plea Agreement and
18 has provided Defendant with written notice identifying which condition(s) Defendant
19 has violated.
20

21 The United States and Defendant agree that the Court will determine whether
22 Defendant has violated any condition of this Agreement or the Plea Agreement. The
23 United States and Defendant agree that if the Court determines that probable cause
24 exists to believe that Defendant has violated any condition of this Agreement or the

1 Plea Agreement, Defendant will not be permitted to withdraw Defendant's guilty plea
2 and will be sentenced on the offense conduct identified in the Plea Agreement. Should
3 the Court determine that Defendant has violated this Agreement, the United States and
4 Defendant will each recommend sentence as set forth and agreed in the Plea
5 Agreement.
6

7 The United States and Defendant agree that if Defendant successfully abides by
8 the conditions of this Agreement and the Plea Agreement, after a period of 18 months
9 from the date of entry of the Plea Agreement, the United States will not oppose
10 Defendant's motion to withdraw Defendant's guilty plea to 18 U.S.C. § 372 (Count 1),
11 so long as Defendant immediately enters a plea of guilty to a criminal information filed
12 by the United States charging the misdemeanor offense of *Assaulting, Resisting, or*
13 *Impeding Officers of the United States*, in violation of 18 U.S.C. § 111(a). The
14 maximum penalty for that offense is: imprisonment for not more than one year; a fine
15 up to \$100,000; up to one year of supervised release; and a \$25 special penalty
16 assessment. Under those circumstances, the United States will dismiss any remaining
17 count(s) of the Indictment as to Defendant and will recommend a sentence of time
18 served, no term of supervised release, no fine, and a \$25 special penalty assessment.
19 Defendant understands that any restitution amounts not paid in full during the period of
20 this Agreement or at sentencing will remain outstanding and Defendant will continue
21 to be responsible for payment.
22
23
24

1 Defendant further understands and agrees that Defendant has a limited right to
2 appeal or challenge Defendant's conviction after plea to the information of a violation
3 of 18 U.S.C. § 1361 and the sentence imposed by the Court. In return for the
4 concessions that the United States has made in this Agreement and by permitting
5 Defendant to plead to the lesser offense, Defendant expressly waives any and all of
6 Defendant's rights to appeal any and all aspects of Defendant's conviction and any and
7 all aspects of the sentence the Court imposes, on any and all grounds, unless the Court
8 exceeds the statutory maximum. Defendant expressly waives Defendant's right to
9 appeal any fine, term of supervised release, or restitution order imposed by the Court.
10 Defendant expressly waives the right to file any post-conviction motion attacking
11 Defendant's conviction and sentence, including a motion pursuant to 28 U.S.C. § 2255,
12 except one based on ineffective assistance of counsel arising from information not now
13 known by Defendant and which, in the exercise of due diligence, Defendant could not
14 know by the time the Court imposes sentence.
15

16
17 Nothing in this Agreement shall preclude the United States from opposing any
18 post-conviction motion for a reduction of sentence or other attack upon the conviction
19 or sentence, including, but not limited to, writ of habeas corpus proceedings brought
20 pursuant to 28 U.S.C. § 2255.
21

22 Furthermore, Defendant understands that the Court is not a party to this
23 Agreement and may accept or reject it. Defendant acknowledges that no promises of
24

1 any type have been made to Defendant with respect to the sentence the Court will
2 impose in this matter. Defendant also understands the following:

- 3 a. sentencing is a matter solely within the discretion of the Court;
- 4 b. the Court is under no obligation to accept any recommendations made by
5 the United States or Defendant;
- 6 c. the Court will obtain an independent report and sentencing
7 recommendation from the United States Probation Office;
- 8 d. the Court may exercise its discretion to impose any sentence it deems
9 appropriate, up to the statutory maximum penalties;
- 10 e. the Court is required to consider the applicable range set forth in the
11 United States Sentencing Guidelines, but may depart upward or downward under
12 certain circumstances; and
- 13 f. the Court may reject recommendations made by the United States or
14 Defendant, and that will not be a basis for Defendant to withdraw from this
15 Agreement or Defendant's guilty plea.

16
17
18 Should Defendant successfully move to withdraw from this Agreement or should
19 Defendant's conviction be set aside, vacated, reversed, or dismissed under any
20 circumstance, other than being permitted to withdraw after successful completion of
21 the 18 month period of deferred sentencing, then:
22

- 23 a. Any obligations, commitments, or representations made by the United
24 States in this Agreement shall become null and void;

1 b. The United States may prosecute Defendant on all available charges;

2 c. The United States may reinstate any counts that have been dismissed, have
3 been superseded by the filing of another charging instrument, or were not
4 charged because of this Plea Agreement; and

5 d. The United States may file any new charges that would otherwise be
6 barred by this Plea Agreement.
7

8 The decision to pursue any or all of these options is solely in the discretion of the
9 United States Attorney's Office.

10 Defendant agrees to waive any objections, motions, and/or defenses Defendant
11 might have to the United States' decisions to seek, reinstate, or reinitiate charges if a
12 count of conviction is withdrawn, set aside, vacated, reversed, or dismissed, including
13 any claim alleging a violation of Double Jeopardy.
14

15 Defendant agrees not to raise any objections based on the passage of time,
16 including alleged violations of any statutes of limitation or any objections based on the
17 Speedy Trial Act or the Speedy Trial Clause of the Sixth Amendment.
18

19 Defendant agrees to abide by all court orders regarding pretrial release, and
20 agreements and conditions contained in this Agreement and in the Plea Agreement.

21 Defendant agrees not to move for withdrawal of Defendant's guilty plea once it
22 is entered with the understanding that after successful completion of the 18 month
23 period of deferred sentencing, Defendant may withdraw his guilty plea to 18 U.S.C. §
24 372 (Count 1), so long as Defendant immediately enters a plea of guilty to a criminal

1 information filed by the United States charging the misdemeanor offense of *Assaulting,*
2 *Resisting, or Impeding Officers of the United States,* in violation of 18 U.S.C. § 111(a).

3 Defendant agrees to appear for all court appearances, surrender if ordered by the
4 Court, obey all conditions of any bond, and obey any other ongoing court order in this
5 matter.
6

7 Defendant agrees to be truthful at all times with United States Pretrial Services
8 Office, United States Probation, and the Court.

9 Defendant agrees to pay \$50 per month as pre-judgment payments towards the
10 outstanding restitution debt the parties have agreed to in the Plea Agreement. The
11 payment will be made to the Court Registry, in accordance with an order of the Court
12 permitting the Clerk's Office to accept payment, which the parties will jointly request
13 to be entered at the entry of plea. Defendant's payments shall be held in escrow in the
14 Court Registry during the period of this Agreement and shall not be released except by
15 further order of the Court. Defendant acknowledges that failure to make payment(s) as
16 agreed shall constitute a violation of this Agreement.
17

18 Defendant asserts and certifies that Defendant is aware that the Sixth
19 Amendment to the Constitution of the United States provides that in all criminal
20 prosecutions, the accused shall enjoy the right to a speedy and public trial. Defendant
21 also understands that Rule 48(b) of the Federal Rules of Criminal Procedure provides
22 that the Court may dismiss an indictment, information, or complaint for unnecessary
23 delay in presenting a charge to the Grand Jury, filing an information or in bringing a
24

1 defendant to trial. Defendant acknowledges that Defendant has a right to be sentenced
2 without unreasonable delay pursuant to the due process clause of the Fifth Amendment.

3 Defendant hereby requests the Court to defer sentencing on Defendant's plea of
4 guilty. Defendant agrees and consents that any delay from the date of this Agreement
5 to the date of the final sentencing, as provided for in the terms expressed herein, shall
6 be deemed to be a necessary delay at Defendant's request and waives any defense to
7 such prosecution on the ground that such delay operated to deny Defendant's rights
8 under Rule 48(b) of the Federal Rules of Criminal Procedure and the Fifth and Sixth
9 Amendments to the Constitution of the United States, or to bar the prosecution of any
10 charge by reason of the running of the statute of limitations for a period of months
11 equal to the period of this Agreement. Furthermore, Defendant agrees that such delay
12 constitutes excluded time when computing the time within which the trial must
13 commence, pursuant to Title 18, United States Code, Section 3161(h)(1)(C).
14

15
16 Defendant hereby states that the above has been read and explained to Defendant
17 by Defendant's counsel. Defendant understands the conditions of release and all terms
18 of this Agreement and agrees to comply with them.
19

20 **Defendant understands that if the Court determines that there is probable**
21 **cause to believe that Defendant has violated any of the conditions of this**
22 **Agreement or the accompanying Plea Agreement, Defendant will not be permitted**
23 **to withdraw Defendant's plea and enter a plea to the misdemeanor charge as set**
24

1 forth herein but will be sentenced on the felony charge for which Defendant has
2 pled guilty pursuant to the Plea Agreement and this Agreement.

3 **AGREEMENTS REGARDING THE FACTUAL BASIS IN THE PLEA**
4 **AGREEMENT**

5 Defendant agrees that the United States could prove the facts set forth in the
6 Factual Basis section of the accompanying Plea Agreement beyond a reasonable doubt,
7 and they constitute sufficient factual bases for a judicial finding that Defendant
8 engaged in *Conspiracy to Impede or Injure Officers*, in violation of 18 U.S.C. § 372.
9

10 The United States and Defendant agree if Defendant violates the terms of the
11 Plea Agreement or this Agreement, the Court may accept the Factual Basis in the Plea
12 Agreement as true and may proceed to sentencing without conducting any further
13 factual inquiry.

14 The United States and Defendant agree that if the Court finds probable cause to
15 believe that Defendant has violated the terms of the Plea Agreement or this Agreement,
16 neither the United States nor the Defendant will do any of the following at any
17 proceeding:
18

19 1. Dispute that the Factual Basis is sufficient to support the charge of
20 *Conspiracy to Impede or Injure Officers*, in violation of 18 U.S.C. § 372;

21 2. Make any attempt to negate any element of the charge of *Conspiracy to*
22 *Impede or Injure Officers*, in violation of 18 U.S.C. § 372; or
23
24

1 to take any items prohibited by the conditions of this Agreement that he or she
2 observes in plain view.

3 6. You must work full time (at least 30 hours per week) at a lawful type of
4 employment, unless the United States Probation officer excuses you from doing so. If
5 you do not have full-time employment you must try to find full-time employment,
6 unless the officer excuses you from doing so. If you plan to change where you work or
7 anything about your work (such as your position or your job responsibilities), you must
8 notify the officer at least 10 days before the change. If notifying the officer at least 10
9 days in advance is not possible due to unanticipated circumstances, you must notify the
10 officer within 72 hours of becoming aware of a change or expected change.

11 7. You must not communicate or interact with someone you know is
12 engaged in criminal activity. If you know someone has been convicted of a felony, you
13 must not knowingly communicate or interact with that person without first getting the
14 permission of the United States Probation Office.

15 8. If you are arrested or questioned by a law enforcement officer, you must
16 notify the United States Probation Office within 72 hours.

17 9. You must not own, possess, or have access to a firearm, ammunition,
18 destructive device, or dangerous weapon (i.e., anything that was designed, or was
19 modified for, the specific causing bodily injury or death to another person, such as
20 nunchakus or tasers).
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1 10. You must not act or make any agreement with a law enforcement agency
2 to act as a confidential human source or informant without first getting the permission
3 of the Court.

4 11. You must follow the instructions of the United States Probation Office
5 related to these conditions pending sentencing.
6

7
8 AGREED AND ACCEPTED

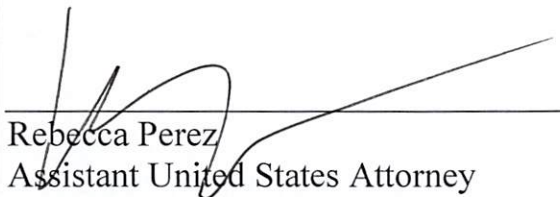
9 S. Peter Serrano
10 United States Attorney

11 

12 Lisa C. Cartier-Giroux
13 Assistant United States Attorney


12/8/25

Date

14 
15
16 Rebecca Perez
17 Assistant United States Attorney

12/8/25

Date

18 
19 Benjamin Theodore Stuckart
20 Defendant

12/8/25

Date

21 
22 Todd Jeffrey Maybrow
23 Attorney for Defendant
24

12/8/25

Date