

The Honorable S. Kate Vaughan

FILED ENTERED
LODGED RECEIVED

DEC 26 2024

AT SEATTLE
CLERK U.S. DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
BY DEPUTY

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

CHELSEA ALEXIS GRAY,

Defendant.

NO. CR24-108

PLEA AGREEMENT

The United States, through United States Attorney Tessa M. Gorman and Assistant United States Attorney Erika J. Evans of the Western District of Washington and Chelsea Alexis Gray and her attorney Colleen P. Fitzharris enter into the following Plea Agreement, pursuant to Federal Rule of Criminal Procedure 11(c)(1)(B).

1. **The Charge.** Defendant, having been advised of the right to have this matter tried before a jury, agrees to waive that right and enters a plea of guilty to the following charge contained in the Information.

a. Possession of a Firearm in a Federal Facility, as charged in Count 1, in violation of Title 18, United States Code, Section 930(a).

1 By entering a plea of guilty, Defendant hereby waives all objections to the form of
2 the charging document. Defendant further understands that before entering any guilty
3 plea, Defendant will be placed under oath. Any statement given by Defendant under oath
4 may be used by the United States in a prosecution for perjury or false statement.

5 2. **Elements of the Offense.** The elements of the offense to which Defendant
6 is pleading guilty are as follows:

7 a. The elements of Possession of a Firearm in a Federal Facility, as
8 charged in Count 1, are as follows:

9 **First**, the defendant possessed a firearm;

10 **Second**, the possession occurred in a federal facility;

11 **Third**, the defendant did so knowingly; and

12 **Fourth**, the federal facility had notice prohibiting the possession of
13 firearms conspicuously posted.

14 3. **The Penalties.** Defendant understands that the statutory penalties
15 applicable to the offense to which Defendant is pleading guilty are as follows:

16 a. For the offense of Possession of a Firearm in a Federal Facility, as
17 charged in Count 1: A maximum term of imprisonment of up to a year, a fine of
18 up to \$100,000, a period of supervision following release from prison of up to 3
19 years, and a mandatory special assessment of \$25 dollars. If a probationary
20 sentence is imposed, the probation period can be for up to five years.

21 Defendant understands that supervised release is a period of time following
22 imprisonment during which Defendant will be subject to certain restrictive conditions and
23 requirements. Defendant further understands that, if supervised release is imposed and
24 Defendant violates one or more of the conditions or requirements, Defendant could be
25 returned to prison for all or part of the term of supervised release that was originally
26 imposed. This could result in Defendant serving a total term of imprisonment greater than
27 the statutory maximum stated above.

1 Defendant understands that as a part of any sentence, in addition to any term of
2 imprisonment and/or fine that is imposed, the Court may order Defendant to pay
3 restitution to any victim of the offense, as required by law.

4 Defendant further understands that the consequences of pleading guilty may
5 include the forfeiture of certain property, either as a part of the sentence imposed by the
6 Court, or as a result of civil judicial or administrative process.

7 Defendant agrees that any monetary penalty the Court imposes, including the
8 special assessment, fine, costs, or restitution, is due and payable immediately.

9 Defendant understands that, if pleading guilty to a felony drug offense, Defendant
10 will become ineligible for certain food stamp and Social Security benefits as directed by
11 Title 21, United States Code, Section 862a.

12 4. **Immigration Consequences.** Defendant recognizes that pleading guilty
13 may have consequences with respect to Defendant's immigration status if Defendant is
14 not a citizen of the United States. Under federal law, a broad range of crimes are grounds
15 for removal, and some offenses make removal from the United States presumptively
16 mandatory. Removal and other immigration consequences are the subject of a separate
17 proceeding, and Defendant understands that no one, including Defendant's attorney and
18 the Court, can predict with certainty the effect of a guilty plea on immigration status.
19 Defendant nevertheless affirms that Defendant wants to plead guilty regardless of any
20 immigration consequences that Defendant's guilty plea may entail, even if the
21 consequence is Defendant's mandatory removal from the United States.

22 5. **Rights Waived by Pleading Guilty.** Defendant understands that by
23 pleading guilty, Defendant knowingly and voluntarily waives the following rights:

- 24 a. The right to plead not guilty and to persist in a plea of not guilty;
25
26 b. The right to a speedy and public trial before a jury of Defendant's
27 peers;

1 c. The right to the effective assistance of counsel at trial, including, if
2 Defendant could not afford an attorney, the right to have the Court appoint one for
3 Defendant;

4 d. The right to be presumed innocent until guilt has been established
5 beyond a reasonable doubt at trial;

6 e. The right to confront and cross-examine witnesses against Defendant
7 at trial;

8 f. The right to compel or subpoena witnesses to appear on Defendant's
9 behalf at trial;

10 g. The right to testify or to remain silent at trial, at which trial such
11 silence could not be used against Defendant; and

12 h. The right to appeal a finding of guilt or any pretrial rulings.

13 **6. United States Sentencing Guidelines.** Defendant understands and
14 acknowledges that the Court must consider the sentencing range calculated under the
15 United States Sentencing Guidelines and possible departures under the Sentencing
16 Guidelines together with the other factors set forth in Title 18, United States Code,
17 Section 3553(a), including: (1) the nature and circumstances of the offense; (2) the
18 history and characteristics of Defendant; (3) the need for the sentence to reflect the
19 seriousness of the offense, to promote respect for the law, and to provide just punishment
20 for the offense; (4) the need for the sentence to afford adequate deterrence to criminal
21 conduct; (5) the need for the sentence to protect the public from further crimes of
22 Defendant; (6) the need to provide Defendant with educational and vocational training,
23 medical care, or other correctional treatment in the most effective manner; (7) the kinds
24 of sentences available; (8) the need to provide restitution to victims; and (9) the need to
25 avoid unwarranted sentence disparity among defendants involved in similar conduct who
26 have similar records. Accordingly, Defendant understands and acknowledges that:
27

1 a. The Court will determine Defendant's Sentencing Guidelines range
2 at the time of sentencing;

3 b. After consideration of the Sentencing Guidelines and the factors in
4 18 U.S.C. § 3553(a), the Court may impose any sentence authorized by law, up to the
5 maximum term authorized by law;

6 c. The Court is not bound by any recommendation regarding the
7 sentence to be imposed, or by any calculation or estimation of the Sentencing Guidelines
8 range offered by the parties or the United States Probation Department, or by any
9 stipulations or agreements between the parties in this Plea Agreement; and

10 d. Defendant may not withdraw a guilty plea solely because of the
11 sentence imposed by the Court.

12 7. **Ultimate Sentence.** Defendant acknowledges that no one has promised or
13 guaranteed what sentence the Court will impose.

14 8. **Statement of Facts.** Defendant admits Defendant is guilty of the charged
15 offense. The parties agree on the following facts:

16 a. On June 12, 2024, Chelsea Gray knowingly entered the FBI Seattle Field
17 office with a loaded Smith and Wesson 9mm firearm. The FBI Seattle Field office is a
18 federal facility and had notice prohibiting the possession of firearms conspicuously
19 posted at the public entrance.

20 b. Ms. Gray stood in the visitor's entrance vestibule and asked to speak with
21 an FBI agent. She had on a white dress with a red target painted on the front and back.
22 She held and pointed the firearm at her chest. An agent spoke to Ms. Gray on an
23 intercom. Ms. Gray told the agent that she had knowledge that others were using
24 computer codes for potential Weapons of Mass Destruction targeting American citizens,
25 and that she was willing to die to get her message out.

26 c. Ms. Gray did not point the gun at anyone except for herself. She complied
27 with orders to put the gun down and surrendered. Post *Miranda*, Ms. Gray told agents

1 that she thought the only way to provide information to them was to get arrested. She said
2 she initially was going to bring a fake bomb to the FBI but did not want to threaten or
3 hurt other people. Instead, she brought her gun and had a single round in the chamber to
4 let the FBI know that she was serious and could fire one shot at herself “if that’s what
5 needed to happen.”

6 The parties agree that the Court may consider additional facts contained in the
7 Presentence Report (subject to standard objections by the parties) and/or that may be
8 presented by the United States or Defendant at the time of sentencing, and that the factual
9 statement contained herein is not intended to limit the facts that the parties may present to
10 the Court at the time of sentencing.

11 **9. Sentencing Factors.** The parties agree that the following Sentencing
12 Guidelines provisions apply to this case:

13 a. An offense level of 6, pursuant to USSG § 2K2.5(a).

14 The parties agree they are free to present arguments regarding the applicability of
15 all other provisions of the United States Sentencing Guidelines. Defendant understands,
16 however, that at the time of sentencing, the Court is free to reject these stipulated
17 adjustments, and is further free to apply additional downward or upward adjustments in
18 determining Defendant’s Sentencing Guidelines range.

19 **10. Acceptance of Responsibility.** At sentencing, if the Court concludes
20 Defendant qualifies for a downward adjustment for acceptance of responsibility pursuant
21 to USSG § 3E1.1(a) and Defendant’s offense level is 16 or greater, the United States will
22 make the motion necessary to permit the Court to decrease the total offense level by two
23 levels pursuant to USSG §§ 3E1.1(a) and (b), because Defendant has assisted the United
24 States by timely notifying the United States of Defendant’s intention to plead guilty,
25 thereby permitting the United States to avoid preparing for trial and permitting the Court
26 to allocate its resources efficiently.
27

1 11. **Agreed Recommendation Regarding Probation.** Pursuant to Federal
2 Rule of Criminal Procedure 11(c)(1)(B), the parties jointly agree to recommend that the
3 appropriate term of Probation to be imposed by the Court at the time of sentencing is a
4 term of 3 years. Defendant understands that this recommendation is not binding on the
5 Court and the Court may reject the recommendation of the parties and may impose any
6 term of imprisonment up to the statutory maximum penalty authorized by law. Defendant
7 further understands that Defendant cannot withdraw a guilty plea simply because of the
8 sentence imposed by the Court. Except as otherwise provided in this Plea Agreement, the
9 parties are free to present arguments regarding any other aspect of sentencing.

10 12. **Abandonment.** Defendant also agrees that, if any federal law enforcement
11 agency seized any firearms, firearm accessories, ammunition, or illegal contraband that
12 was in Defendant's direct or indirect control, Defendant consents to the federal
13 administrative disposition, official use, and/or destruction of those items. Defendant
14 specifically abandons all interest in the Smith & Wesson SD9VE 9mm pistol, bearing
15 serial number FBL4208, magazine, and ammunition seized from Defendant on June 12,
16 2024.

17 13. **Non-Prosecution of Additional Offenses.** As part of this Plea Agreement,
18 the United States Attorney's Office for the Western District of Washington agrees not to
19 prosecute Defendant for any additional offenses known to it as of the time of this Plea
20 Agreement based upon evidence in its possession at this time, and that arise out of the
21 conduct giving rise to this investigation. In this regard, Defendant recognizes the United
22 States Attorney's Office for the Western District of Washington has agreed not to
23 prosecute all of the criminal charges the evidence establishes were committed by
24 Defendant solely because of the promises made by Defendant in this Plea Agreement.
25 Defendant agrees, however, that for purposes of preparing the Presentence Report, the
26 United States Attorney's Office will provide the United States Probation Office with
27 evidence of all conduct committed by Defendant.

1 Defendant agrees that any charges to be dismissed before or at the time of
2 sentencing were substantially justified in light of the evidence available to the United
3 States, were not vexatious, frivolous or taken in bad faith, and do not provide Defendant
4 with a basis for any future claims under the “Hyde Amendment,” Pub. L. No. 105-119
5 (1997).

6 14. **Breach, Waiver, and Post-Plea Conduct.** Defendant agrees that, if
7 Defendant breaches this Plea Agreement: (a) the United States may withdraw from this
8 Plea Agreement and Defendant may be prosecuted for all offenses for which the United
9 States has evidence; (b) Defendant will not oppose any steps taken by the United States
10 to nullify this Plea Agreement, including the filing of a motion to withdraw from the Plea
11 Agreement; and/or (c) Defendant waives any objection to the re-institution of any charges
12 that previously were dismissed or any additional charges that had not been prosecuted.

13 Defendant further understands that if, after the date of this Plea Agreement,
14 Defendant should engage in illegal conduct, or conduct that violates any conditions of
15 release or the conditions of confinement (examples of which include, but are not limited
16 to, obstruction of justice, failure to appear for a court proceeding, criminal conduct while
17 pending sentencing, and false statements to law enforcement agents, the Pretrial Services
18 Officer, Probation Officer, or Court), the United States is free under this Plea Agreement
19 to file additional charges against Defendant and/or to seek a sentence that takes such
20 conduct into consideration by requesting the Court to apply additional adjustments or
21 enhancements in its Sentencing Guidelines calculations in order to increase the applicable
22 advisory Guidelines range, and/or by seeking an upward departure or variance from the
23 calculated advisory Guidelines range. Under these circumstances, the United States is
24 free to seek such adjustments, enhancements, departures, and/or variances even if
25 otherwise precluded by the terms of the Plea Agreement.

26 15. **Waiver of Appellate Rights and Rights to Collateral Attacks.** Defendant
27 acknowledges that, by entering the guilty plea required by this Plea Agreement,

1 Defendant waives all rights to appeal from Defendant's conviction, and any pretrial
2 rulings of the Court, and any rulings of the Court made prior to entry of the judgment of
3 conviction. Defendant further agrees that, provided the Court imposes a custodial
4 sentence that is within or below the Sentencing Guidelines range (or the statutory
5 mandatory minimum, if greater than the Guidelines range) as determined by the Court at
6 the time of sentencing, Defendant waives to the full extent of the law any right conferred
7 by Title 18, United States Code, Section 3742, to challenge, on direct appeal, the
8 sentence imposed by the Court, including any fine, restitution order, probation or
9 supervised release conditions, or forfeiture order (if applicable). This includes any
10 procedural challenges to the sentence, including any claim that the procedure employed
11 at sentencing violated Defendant's constitutional rights.

12 Defendant also agrees that, by entering the guilty plea required by this Plea
13 Agreement, Defendant waives any right to bring a collateral attack against the conviction
14 and sentence, including any restitution order imposed, except as it may relate to the
15 effectiveness of legal representation or a claim of prosecutorial misconduct based on facts
16 unknown or not reasonably discoverable prior to entry of the judgment of conviction.

17 Defendant acknowledges that certain claims, including certain claims for
18 prosecutorial misconduct, will be barred by operation of law by virtue of their guilty plea,
19 independently from this Plea Agreement. This waiver does not preclude Defendant from
20 bringing an appropriate motion to address the conditions of Defendant's confinement or
21 the decisions of the Bureau of Prisons regarding the execution of Defendant's sentence.

22 If Defendant breaches this Plea Agreement at any time by appealing or collaterally
23 attacking (except as to claims not subject to the waiver, above) the conviction or sentence
24 in any way, the United States may prosecute Defendant for any counts, including those
25 with mandatory minimum sentences, that were dismissed or not charged pursuant to this
26 Plea Agreement.

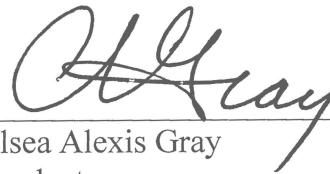
1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

16. **Voluntariness of Plea.** Defendant agrees that Defendant has entered into this Plea Agreement freely and voluntarily, and that no threats or promises were made to induce Defendant to enter a plea of guilty other than the promises contained in this Plea Agreement or set forth on the record at the change of plea hearing in this matter.

17. **Statute of Limitations.** In the event this Plea Agreement is not accepted by the Court for any reason, or Defendant breaches any of the terms of this Plea Agreement, or Defendant withdraws from this Plea Agreement after it has been accepted by the Court, the statute of limitations shall be deemed to have been tolled from the date of the Plea Agreement to: (1) thirty days following the date of non-acceptance of the Plea Agreement by the Court; or (2) thirty days following the date on which a breach of the Plea Agreement by Defendant is discovered by the United States Attorney’s Office; or (3) thirty days following the grant of a motion to withdraw from the Plea Agreement.

1 **18. Completeness of Plea Agreement.** The United States and Defendant
2 acknowledge that these terms constitute the entire Plea Agreement between the parties,
3 except as may be set forth on the record at the change of plea hearing in this matter. This
4 Plea Agreement binds only the United States Attorney’s Office for the Western District
5 of Washington. It does not bind any other United States Attorney’s Office or any other
6 office or agency of the United States, or any state or local prosecutor.

7 Dated this 26th day of December, 2024.

8 

9 _____
Chelsea Alexis Gray
10 Defendant

11 

12 _____
Colleen P. Fitzharris
13 Attorney for Defendant

14 

15 _____
Todd L. Greenberg
16 Assistant United States Attorney

17 

18 _____
Erika J. Evans
19 Assistant United States Attorney