

RYAN G. WELDON
Assistant U.S. Attorney
U.S. Attorney's Office
P.O. Box 8329
Missoula, MT 59807
105 E. Pine, 2nd Floor
Missoula, MT 59802
Phone: (406) 542-8851
FAX: (406) 542-1476
E-mail: Ryan.Weldon@usdoj.gov

ATTORNEY FOR PLAINTIFF
UNITED STATES OF AMERICA

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION

| | |
|---|--|
| UNITED STATES OF AMERICA, Plaintiff, vs. RICHARD JOSEPH STRATTON, Defendant. | CR 20-43-M-DLC-KLD OFFER OF PROOF |
|---|--|

THE CHARGE

The defendant, RICHARD JOSEPH STRATTON, is charged by information with the sole count of Hazardous and Injurious Device on Federal Land, in violation of 18 U.S.C. § 1864.

PLEA

The defendant, RICHARD JOSEPH STRATTON, will enter a voluntary plea of guilty to the sole count in the information. The motion for change of plea filed with the Court represents, in the government's view, the most favorable disposition of the case against the defendant. *See, e.g., Missouri v. Frye*, 132 S. Ct. 1399 (2012).

ELEMENTS

The defendant will plead guilty because he is guilty of the sole count contained in the information. In pleading guilty, the defendant acknowledges that:

First, the defendant acted with reckless disregard to the risk that another person would be placed in danger of bodily injury;

Second, the defendant manifested extreme indifference to such risk; and,

Third, in doing so, the defendant placed a hazardous or injurious device on federal land.

///

///

///

PENALTY

The sole count in the information charges the crime of Hazardous and Injurious Device on Federal Land, in violation of 18 U.S.C. § 1864. This offense carries imprisonment of up to one year, a \$100,000 fine, up to one year supervised release, and a \$25 special assessment.

WARNING: If the defendant commits another crime of Hazardous and Injurious Device on Federal Land in the future, the offense is a felony, carries imprisonment of up to 20 years, a \$250,000 fine, up to three years supervised release, and a \$100 special assessment. 18 U.S.C. § 1864(c).

ANTICIPATED EVIDENCE

If this case were tried in United States District Court, the United States would prove the following:

On November 4, 2019, an individual was walking with his two children on the Bitterroot National Forest, which was approximately six miles southwest of Hamilton, Montana. After arriving on the trail, the individual stepped on a piece of lumber with nails pounded into it (“the device”). The device was covered with vegetative debris and not visible. It was located on National Forest System lands, which is federal land. Below is a photograph of the device:



One witness who ultimately saw the device described it as “wicked” and that it was a “dangerous weapon.”

When interviewed, Stratton admitted that he put the device in the trail. Stratton wanted to keep bikes out of the area. When shown the device, Stratton confirmed it was the same one that he placed in the trail. If an individual stepped on the device, it could cause various injuries, including bodily injury.

The United States would have presented this evidence through the testimony of law enforcement and lay witnesses.

DATED this 27th day of November, 2020.

KURT G. ALME
United States Attorney

/s/ Ryan G. Weldon
RYAN G. WELDON
Assistant U.S. Attorney