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IN THE UNITED STATES DISTRICT COURT
 FOR THE DISTRICT OF ARIZONA

United States of America,
 Plaintiff,
 vs.
 Austin Ryan Steinbart,
 Defendant.

No. CR- 20-0485-PHX-SPL
PLEA AGREEMENT

Plaintiff, United States of America, and the defendant, AUSTIN RYAN STEINBART, hereby agree to dispose of this matter on the following terms and conditions:

1. PLEA

The defendant will plead guilty to Count 4 of the Indictment charging the defendant with a violation of 18 United States Code (U.S.C.) § 875(d), Interstate Communications with Intent to Extort, a Class E felony offense.

2. MAXIMUM PENALTIES

a. A violation of 18 U.S.C. § 875(d) is punishable by a maximum fine of \$250,000, a maximum term of imprisonment of two years, or both, and a term of supervised release of one year. A maximum term of probation is five years.

b. According to the Sentencing Guidelines issued pursuant to the Sentencing Reform Act of 1984, the Court shall order the defendant to:

(136) *RL*

1 (1) make restitution to any victim of the offense pursuant to 18 U.S.C.
2 § 3663 and/or 3663A, unless the Court determines that restitution would not be
3 appropriate;

4 (2) pay a fine pursuant to 18 U.S.C. § 3572, unless the Court finds that a
5 fine is not appropriate;

6 (3) serve a term of supervised release when required by statute or when a
7 sentence of imprisonment of more than one year is imposed (with the understanding that
8 the Court may impose a term of supervised release in all other cases); and

9 (4) pay upon conviction a \$100 special assessment for each count to
10 which the defendant pleads guilty pursuant to 18 U.S.C. § 3013.

11 c. The Court is required to consider the Sentencing Guidelines in determining
12 the defendant's sentence. However, the Sentencing Guidelines are advisory, and the Court
13 is free to exercise its discretion to impose any reasonable sentence up to the maximum set
14 by statute for the crime(s) of conviction, unless there are stipulations to the contrary that
15 the Court accepts.

16 **3. AGREEMENTS REGARDING SENTENCING**

17 a. Recommendation: Acceptance of Responsibility. Pursuant to Fed. R. Crim.
18 P. 11(c)(1)(B), if the defendant makes full and complete disclosure to the U.S. Probation
19 Office of the circumstances surrounding the defendant's commission of the offense, and if
20 the defendant demonstrates an acceptance of responsibility for this offense up to and
21 including the time of sentencing, the United States will recommend a two-level reduction
22 in the applicable Sentencing Guidelines offense level pursuant to U.S.S.G. § 3E1.1(a). If
23 the defendant has an offense level of 16 or more, the United States will move for an
24 additional one-level reduction in the applicable Sentencing Guidelines offense level
25 pursuant to U.S.S.G. § 3E1.1(b).

26 b. Recommendation: Guideline Calculation. Pursuant to Fed. R. Crim. P.
27 11(c)(1)(B), the United States and the defendant recommend that the offense conduct be
28 calculated under U.S.S.G. § 2B3.3, that the base offense level is 9, and that no other specific

1 offense characteristics or adjustments apply (other than a reduction under U.S.S.G. §
2 3E1.1).

3 c. Recommendation: Criminal History Category. Based on information
4 available to the parties at this time, the United States and the defendant believe that the
5 defendant's Criminal History Category is I.

6 d. Recommendation: Waiver of Presentence Report & Prompt Sentencing.
7 Pursuant to Fed. R. Crim. P. 11(c)(1)(B), the United States and the defendant recommend
8 that the Court waive the presentence report under Federal Rule of Criminal Procedure
9 32(c)(1)(A)(ii). In addition, the United States and the defendant recommend that
10 sentencing occur on the day of the scheduled change of plea hearing.

11 e. Non-Binding Recommendations. The defendant understands that
12 recommendations are not binding on the Court. The defendant further understands that the
13 defendant will not be permitted to withdraw the guilty plea if the Court does not follow a
14 recommendation.

15 f. Stipulation: Sentencing Cap. Pursuant to Fed. R. Crim. P. 11(c)(1)(C), the
16 United States and the defendant stipulate that defendant shall be sentenced to time served,
17 to be followed by a period of supervised release.

18 g. Restitution. Pursuant to 18 U.S.C. § 3663 and/or 3663A, the defendant
19 specifically agrees to pay full restitution, regardless of the resulting loss amount but in no
20 event more than \$1000, to all victims directly or proximately harmed by the defendant's
21 "relevant conduct," including conduct pertaining to any dismissed counts or uncharged
22 conduct, as defined by U.S.S.G. § 1B1.3, regardless of whether such conduct constitutes
23 an "offense" under 18 U.S.C. §§ 2259, 3663 or 3663A. The defendant understands that
24 such restitution will be included in the Court's Order of Judgment and that an unanticipated
25 restitution amount will not serve as grounds to withdraw the defendant's guilty plea or to
26 withdraw from this plea agreement.

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1 **4. AGREEMENT TO DISMISS OR NOT TO PROSECUTE**

2 a. Pursuant to Fed. R. Crim. P. 11(c)(1)(A), the United States, at the time of
3 sentencing, shall dismiss the following charges: Counts 1-3 and 5-7 of the Indictment.

4 **5. COURT APPROVAL REQUIRED; REINSTITUTION OF PROSECUTION**

5 a. If the Court, after reviewing this plea agreement, concludes that any
6 provision contained herein is inappropriate, it may reject the plea agreement and give the
7 defendant the opportunity to withdraw the guilty plea in accordance with Fed. R. Crim. P.
8 11(c)(5).

9 b. If the defendant's guilty plea or plea agreement is rejected, withdrawn,
10 vacated, or reversed at any time, this agreement shall be null and void, the United States
11 shall be free to prosecute the defendant for all crimes of which it then has knowledge and
12 any charges that have been dismissed because of this plea agreement shall automatically
13 be reinstated. In such event, the defendant waives any and all objections, motions, and
14 defenses based upon the Statute of Limitations, the Speedy Trial Act, or constitutional
15 restrictions in bringing later charges or proceedings. The defendant understands that any
16 statements made at the time of the defendant's change of plea or sentencing may be used
17 against the defendant in any subsequent hearing, trial, or proceeding subject to the
18 limitations of Fed. R. Evid. 410.

19 **6. WAIVER OF DEFENSES AND APPEAL RIGHTS**

20 The defendant waives (1) any and all motions, defenses, probable cause
21 determinations, and objections that the defendant could assert to the indictment or
22 information; and (2) any right to file an appeal, any collateral attack, and any other writ or
23 motion that challenges the conviction, an order of restitution or forfeiture, the entry of
24 judgment against the defendant, or any aspect of the defendant's sentence, including the
25 manner in which the sentence is determined, including but not limited to any appeals under
26 18 U.S.C. § 3742 (sentencing appeals) and motions under 28 U.S.C. §§ 2241 and 2255
27 (habeas petitions), and any right to file a motion for modification of sentence, including
28 under 18 U.S.C. § 3582(c). This waiver shall result in the dismissal of any appeal,

1 collateral attack, or other motion the defendant might file challenging the conviction, order
2 of restitution or forfeiture, or sentence in this case. This waiver shall not be construed to
3 bar an otherwise-preserved claim of ineffective assistance of counsel or of “prosecutorial
4 misconduct” (as that term is defined by Section II.B of Ariz. Ethics Op. 15-01 (2015)).

5 **7. DISCLOSURE OF INFORMATION**

6 a. The United States retains the unrestricted right to provide information and
7 make any and all statements it deems appropriate to the U.S. Probation Office and to the
8 Court in connection with the case.

9 b. Any information, statements, documents, and evidence that the defendant
10 provides to the United States pursuant to this agreement may be used against the defendant
11 at any time.

12 c. The defendant shall cooperate fully with the U.S. Probation Office. Such
13 cooperation shall include providing complete and truthful responses to questions posed by
14 the U.S. Probation Office including, but not limited to, questions relating to:

- 15 (1) criminal convictions, history of drug abuse, and mental illness; and
- 16 (2) financial information, including present financial assets or liabilities

17 that relate to the ability of the defendant to pay a fine or restitution.

18 **8. FORFEITURE, CIVIL, AND ADMINISTRATIVE PROCEEDINGS**

19 Nothing in this agreement shall be construed to protect the defendant from
20 administrative or civil forfeiture proceedings or prohibit the United States from proceeding
21 with and/or initiating an action for civil forfeiture. Pursuant to 18 U.S.C. § 3613, all
22 monetary penalties, including restitution imposed by the Court, shall be due immediately
23 upon judgment, shall be subject to immediate enforcement by the United States, and shall
24 be submitted to the Treasury Offset Program so that any federal payment or transfer of
25 returned property the defendant receives may be offset and applied to federal debts (which
26 offset will not affect the periodic payment schedule). If the Court imposes a schedule of
27 payments, the schedule of payments shall be merely a schedule of minimum payments and
28 shall not be a limitation on the methods available to the United States to enforce the

1 judgment.

2 **9. ELEMENTS**

3 **Interstate Communications with Intent to Extort**

4 On or about March 21 to 23, 2020, in the District of Arizona:

5 1. The defendant knowingly sent a message in interstate or foreign commerce
6 containing a true threat to damage the reputation or property of another, and

7 2. The defendant did so with the intent to extort something of value.

8 **10. FACTUAL BASIS**

9 a. The defendant admits that the following facts are true and that if this matter
10 were to proceed to trial the United States could prove the following facts beyond a
11 reasonable doubt:

12 Between March 21 and 23, 2020, I, Austin Steinbart, posted messages on my
13 YouTube channel threatening to “degrade and destroy” the operations of a
14 file storage and file sharing company headquartered in Norwalk,
15 Connecticut, after they suspended my account. I directed my thousands of
16 YouTube followers to flood the company’s tech support line with fictitious
17 emails and phone calls to “chok[e] off more and more their ability to operate
18 their business every day.” I acted with the intent to extort the company into
19 reinstating my account and restoring my access. I acknowledge that the
20 messages I posted from Arizona were sent in interstate commerce.

21 b. The defendant shall swear under oath to the accuracy of this statement and,
22 if the defendant should be called upon to testify about this matter in the future, any
23 intentional material inconsistencies in the defendant’s testimony may subject the defendant
24 to additional penalties for perjury or false swearing, which may be enforced by the United
25 States under this agreement.

26 **APPROVAL AND ACCEPTANCE OF THE DEFENDANT**

27 I have read the entire plea agreement with the assistance of my standby counsel. I
28 understand each of its provisions and I voluntarily agree to it.

I have discussed the case and my constitutional and other rights with my standby
counsel. I understand that by entering my plea of guilty I shall waive my rights to plead
not guilty, to trial by jury, to confront, cross-examine, and compel the attendance of
witnesses, to present evidence in my defense, to remain silent and refuse to be a witness

1 against myself by asserting my privilege against self-incrimination, all with the assistance
2 of counsel, and to be presumed innocent until proven guilty beyond a reasonable doubt.

3 I agree to enter my guilty plea as indicated above on the terms and conditions set
4 forth in this agreement.

5 I have been advised by my standby counsel of the nature of the charges to which I
6 am entering my guilty plea. I have further been advised by my standby counsel of the
7 nature and range of the possible sentence and that my ultimate sentence shall be determined
8 by the Court after consideration of the advisory Sentencing Guidelines.

9 My guilty plea is not the result of force, threats, assurances, or promises, other than
10 the promises contained in this agreement. I voluntarily agree to the provisions of this
11 agreement and I agree to be bound according to its provisions.

12 I understand that if I am granted probation or placed on supervised release by the
13 Court, the terms and conditions of such probation/supervised release are subject to
14 modification at any time. I further understand that if I violate any of the conditions of my
15 probation/supervised release, my probation/supervised release may be revoked and upon
16 such revocation, notwithstanding any other provision of this agreement, I may be required
17 to serve a term of imprisonment or my sentence otherwise may be altered.

18 This written plea agreement, and any written addenda filed as attachments to this
19 plea agreement, contain all the terms and conditions of the plea. Any additional
20 agreements, if any such agreements exist, shall be recorded in a separate document and
21 may be filed with the Court under seal; accordingly, additional agreements, if any, may not
22 be in the public record.

23 I further agree that promises, including any predictions as to the Sentencing
24 Guideline range or to any Sentencing Guideline factors that will apply, made by anyone
25 (including my standby counsel) that are not contained within this written plea agreement,
26 are null and void and have no force and effect.

27 I fully understand the terms and conditions of this plea agreement. I am not now
28 using or under the influence of any drug, medication, liquor, or other intoxicant or

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depressant that would impair my ability to fully understand the terms and conditions of this plea agreement.

22-February-2021

Austin Ryan Steinbart

Date

AUSTIN RYAN STEINBART
Defendant

REVIEW OF STANDBY COUNSEL

I have been available to discuss this case and the plea agreement with the defendant and have been available to advise the defendant of all matters within the scope of Fed. R. Crim. P. 11, the constitutional and other rights of an accused, the factual basis for and the nature of the offense to which the guilty plea will be entered, possible defenses, and the consequences of the guilty plea including the maximum statutory sentence possible. I have further been available to discuss the concept of the advisory Sentencing Guidelines with the defendant. No assurances, promises, or representations have been given to me or to the defendant by the United States or any of its representatives that are not contained in this written agreement.

March 5, 2021

Date

JAMES BUESING
Standby counsel for Defendant

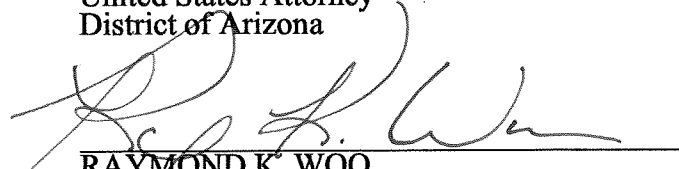
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APPROVAL OF THE UNITED STATES

I have reviewed this matter and the plea agreement. I agree on behalf of the United States that the terms and conditions set forth herein are appropriate and are in the best interests of justice.


MICHAEL BAILEY
United States Attorney
District of Arizona

3/8/2021
Date


RAYMOND K. WOO
JAMES R. KNAPP
Assistant U.S. Attorneys

ACCEPTANCE BY THE COURT

4/5/2021
Date


HON. STEVEN P. LOGAN
United States District Judge