

AF Approval WHT for N.A.

Chief Approval



UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
OCALA DIVISION

UNITED STATES OF AMERICA

v.

CASE NO. 5:22-cr-27-JA-PRL

ROY LAMAR LASHLEY

**PLEA AGREEMENT**

Pursuant to Fed. R. Crim. P. 11(c), the United States of America, by Roger B. Handberg, United States Attorney for the Middle District of Florida, Kristen Clarke, Assistant Attorney General for the Civil Rights Division of the Department of Justice (collectively “the United States”), and the defendant, Roy Lamar Lashley, and the attorney for the defendant, John Grant, Esquire, mutually agree as follows:

**A. Particularized Terms**

1. Count Pleading To

The defendant shall enter a plea of guilty to Count One of the indictment. Count One charges the defendant with violation of the Hate Crimes Prevention Act, in violation of 18 U.S.C. § 249(a)(1).

2. Maximum Penalties

Count One is punishable by a term of imprisonment of up to 10 years; a fine of not more than \$250,000; a term of supervised release of not

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more than 3 years; and a special assessment of \$100. With respect to certain offenses, the Court shall order the defendant to make restitution to any victim of the offense, and with respect to other offenses, the Court may order the defendant to make restitution to any victim of the offense, or to the community, as set forth below.

3. Elements of the Offense

The defendant acknowledges understanding the nature and elements of the offense with which the defendant has been charged and to which the defendant is pleading guilty. The elements of Count One are:

First: The defendant caused bodily injury to D.B., or attempted to do so through the use of a dangerous weapon;

Second: The defendant acted because of the actual or perceived race or color of D.B.; and

Third: The defendant acted willfully.

4. Dismissal of State Charges

After the Court sentences the defendant on this matter, the State of Florida has pledged to dismiss the pending information against the defendant in *State of Florida v. Roy Lamar Lashley, Jr.*, No. 21CF001250A. The defendant understands, however, that this provision is not within the specific control of the United States Attorney's Office for the Middle District of

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Florida or the Civil Rights Division of the Department of Justice. Should the State of Florida fail to abide by this pledge, the defendant will not be permitted to withdraw his plea in this federal case.

5. No Further Charges

If the Court accepts this plea agreement, the United States agrees not to charge the defendant with committing any other federal criminal offenses known to the United States at the time of the execution of this agreement, related to the conduct giving rise to this plea agreement.

6. Mandatory Restitution to Victim of Offense of Conviction

Pursuant to 18 U.S.C. § 3663A(a) and (b), the defendant agrees to make full restitution to D.B.

7. Acceptance of Responsibility - Three Levels

At the time of sentencing, and in the event that no adverse information is received suggesting such a recommendation to be unwarranted, the United States will not oppose the defendant's request to the Court that the defendant receive a two-level downward adjustment for acceptance of responsibility, pursuant to U.S.S.G. § 3E1.1(a). The defendant understands that this recommendation or request is not binding on the Court, and if not accepted by the Court, the defendant will not be allowed to withdraw from the plea.

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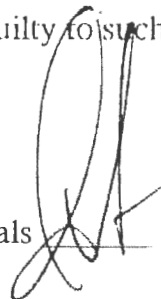
Further, at the time of sentencing, if the defendant's offense level prior to operation of subsection (a) is level 16 or greater, and if the defendant complies with the provisions of U.S.S.G. § 3E1.1(b) and all terms of this Plea Agreement, including but not limited to, the timely submission of the financial affidavit referenced in Paragraph B.5., the United States agrees to file a motion pursuant to U.S.S.G. § 3E1.1(b) for a downward adjustment of one additional level. The defendant understands that the determination as to whether the defendant has qualified for a downward adjustment of a third level for acceptance of responsibility rests solely with the United States, and the defendant agrees that the defendant cannot and will not challenge that determination, whether by appeal, collateral attack, or otherwise.

**B. Standard Terms and Conditions**

1. Restitution, Special Assessment and Fine

The defendant understands and agrees that the Court, in addition to or in lieu of any other penalty, shall order the defendant to make restitution to any victim of the offense, pursuant to 18 U.S.C. § 3663A, for all offenses described in 18 U.S.C. § 3663A(c)(1); and the Court may order the defendant to make restitution to any victim of the offense, pursuant to 18 U.S.C. § 3663, including restitution as to all counts charged, whether or not the defendant enters a plea of guilty to such counts, and whether or not such counts are

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dismissed pursuant to this agreement. The defendant further understands that compliance with any restitution payment plan imposed by the Court in no way precludes the United States from simultaneously pursuing other statutory remedies for collecting restitution (28 U.S.C. § 3003(b)(2)), including, but not limited to, garnishment and execution, pursuant to the Mandatory Victims Restitution Act, in order to ensure that the defendant's restitution obligation is satisfied.

On each count to which a plea of guilty is entered, the Court shall impose a special assessment pursuant to 18 U.S.C. § 3013. The special assessment is due on the date of sentencing. The defendant understands that this agreement imposes no limitation as to fine.

2. Supervised Release

The defendant understands that the offense to which the defendant is pleading provides for imposition of a term of supervised release upon release from imprisonment, and that, if the defendant should violate the conditions of release, the defendant would be subject to a further term of imprisonment.

3. Immigration Consequences of Pleading Guilty

The defendant has been advised and understands that, upon conviction, a defendant who is not a United States citizen may be removed

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from the United States, denied citizenship, and denied admission to the United States in the future.

4. Sentencing Information

The United States reserves its right and obligation to report to the Court and the United States Probation Office all information concerning the background, character, and conduct of the defendant, to provide relevant factual information, including the totality of the defendant's criminal activities, if any, not limited to the counts to which the defendant pleads, to respond to comments made by the defendant or the defendant's counsel, and to correct any misstatements or inaccuracies. The United States further reserves its right to make any recommendations it deems appropriate regarding the disposition of this case, subject to any limitations set forth herein, if any.

5. Financial Disclosures

Pursuant to 18 U.S.C. § 3664(d)(3) and Fed. R. Crim. P. 32(d)(2)(A)(ii), the defendant agrees to complete and submit to the United States within 30 days of execution of this agreement an affidavit reflecting the defendant's financial condition. The defendant promises that his financial statement and disclosures will be complete, accurate and truthful and will include all assets in which he has any interest or over which the defendant exercises control, directly or indirectly, including those held by a spouse,

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dependent, nominee or other third party. The defendant further agrees to execute any documents requested by the United States needed to obtain from any third parties any records of assets owned by the defendant, directly or through a nominee, and, by the execution of this Plea Agreement, consents to the release of the defendant's tax returns for the previous five years. The defendant similarly agrees and authorizes the United States to provide to, and obtain from, the United States Probation Office, the financial affidavit, any of the defendant's federal, state, and local tax returns, bank records and any other financial information concerning the defendant, for the purpose of making any recommendations to the Court and for collecting any assessments, fines, restitution, or forfeiture ordered by the Court. The defendant expressly authorizes the United States to obtain current credit reports in order to evaluate the defendant's ability to satisfy any financial obligation imposed by the Court.

6. Sentencing Recommendations

It is understood by the parties that the Court is neither a party to nor bound by this agreement. The Court may accept or reject the agreement, or defer a decision until it has had an opportunity to consider the presentence report prepared by the United States Probation Office. The defendant understands and acknowledges that, although the parties are permitted to

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make recommendations and present arguments to the Court, the sentence will be determined solely by the Court, with the assistance of the United States Probation Office. The defendant further understands and acknowledges that any discussions between the defendant or the defendant's attorney and the attorneys or other agents for the United States regarding any recommendations by the United States are not binding on the Court and that, should any recommendations be rejected, the defendant will not be permitted to withdraw the defendant's plea pursuant to this plea agreement. The United States expressly reserves the right to support and defend any decision that the Court may make with regard to the defendant's sentence, whether or not such decision is consistent with the United States' recommendations contained herein.

7. The Defendant's Waiver of Right to Appeal the Sentence

The defendant agrees that this Court has jurisdiction and authority to impose any sentence up to the statutory maximum and expressly waives the right to appeal the defendant's sentence on any ground, including the ground that the Court erred in determining the applicable guidelines range pursuant to the United States Sentencing Guidelines, except (a) the ground that the sentence exceeds the defendant's applicable guidelines range as determined by the Court pursuant to the United States Sentencing Guidelines;

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(b) the ground that the sentence exceeds the statutory maximum penalty; or (c) the ground that the sentence violates the Eighth Amendment to the Constitution; provided, however, that if the United States exercises its right to appeal the sentence imposed, as authorized by 18 U.S.C. § 3742(b), then the defendant is released from his waiver and may appeal the sentence as authorized by 18 U.S.C. § 3742(a). The defendant's knowing and voluntary waiver of the right to appeal or collaterally attack the conviction and sentence includes the right to raise on appeal or on collateral review any argument that (1) the statute(s) to which the defendant is pleading guilty is unconstitutional; and (2) the admitted conduct does not fall within the scope of the statute(s).

8. Middle District of Florida and Civil Rights Division Agreement

It is further understood that, with the exception of the provision in Section B.4, this agreement is limited to the Office of the United States Attorney for the Middle District of Florida and Civil Rights Division of the Department of Justice, and cannot bind other federal, state, or local prosecuting authorities, although these offices will bring the defendant's cooperation, if any, to the attention of other prosecuting officers or others, if requested.

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9. Filing of Agreement

This agreement shall be presented to the Court, in open court or in camera, in whole or in part, upon a showing of good cause, and filed in this cause, at the time of the defendant's entry of a plea of guilty pursuant hereto.

10. Voluntariness

The defendant acknowledges that the defendant is entering into this agreement and is pleading guilty freely and voluntarily without reliance upon any discussions between the attorneys for the United States and the defendant and the defendant's attorney and without promise of benefit of any kind (other than the concessions contained herein), and without threats, force, intimidation, or coercion of any kind. The defendant further acknowledges the defendant's understanding of the nature of the offense or offenses to which the defendant is pleading guilty and the elements thereof, including the penalties provided by law, and the defendant's complete satisfaction with the representation and advice received from the defendant's undersigned counsel (if any). The defendant also understands that the defendant has the right to plead not guilty or to persist in that plea if it has already been made, and that the defendant has the right to be tried by a jury with the assistance of counsel, the right to confront and cross-examine the witnesses against the defendant, the right against compulsory self-incrimination, and the right to compulsory

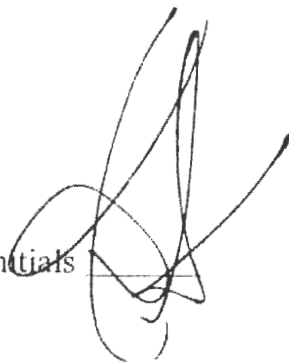
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process for the attendance of witnesses to testify in the defendant's defense; but, by pleading guilty, the defendant waives or gives up those rights and there will be no trial. The defendant further understands that if the defendant pleads guilty, the Court may ask the defendant questions about the offense or offenses to which the defendant pleaded, and if the defendant answers those questions under oath, on the record, and in the presence of counsel (if any), the defendant's answers may later be used against the defendant in a prosecution for perjury or false statement. The defendant also understands that the defendant will be adjudicated guilty of the offenses to which the defendant has pleaded and, if any of such offenses are felonies, may thereby be deprived of certain rights, such as the right to vote, to hold public office, to serve on a jury, or to have possession of firearms.

11. Factual Basis

The defendant is pleading guilty because the defendant is in fact guilty. The defendant certifies that the defendant does hereby admit that the facts set forth in the attached "Factual Basis," which is incorporated herein by reference, are true, and were this case to go to trial, the United States would be able to prove those specific facts and others beyond a reasonable doubt.

Defendant's Initials

A large, stylized handwritten signature or set of initials in black ink, written over the text 'Defendant's Initials'.

12. Entire Agreement

This plea agreement constitutes the entire agreement between the United States and the defendant with respect to the aforementioned guilty plea and no other promises, agreements, or representations exist or have been made to the defendant or the defendant's attorney with regard to such guilty plea.

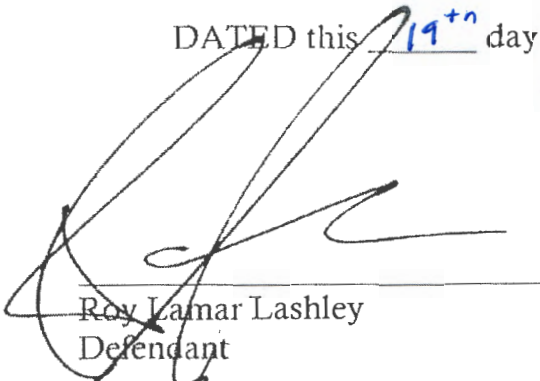
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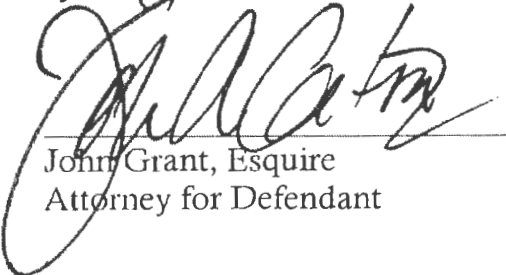
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13. Certification

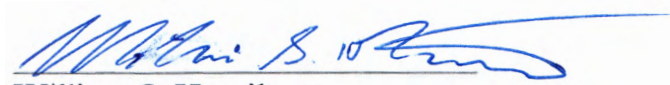
The defendant and the defendant's counsel certify that this plea agreement has been read in its entirety by (or has been read to) the defendant and that the defendant fully understands its terms.

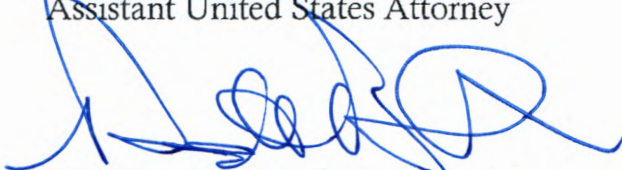
DATED this 19<sup>th</sup> day of September ~~August~~, 2022.  
WGH

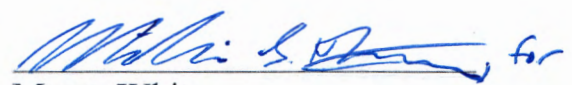
  
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Roy Lamar Lashley  
Defendant

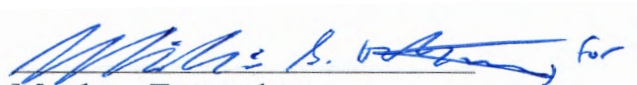
  
\_\_\_\_\_  
John Grant, Esquire  
Attorney for Defendant

ROGER B. HANDBERG  
United States Attorney

  
\_\_\_\_\_  
William S. Hamilton  
Assistant United States Attorney

  
\_\_\_\_\_  
Robert E. Bodnar, Jr.  
Assistant United States Attorney  
Chief, Ocala Division

  
\_\_\_\_\_, for  
Maura White  
Trial Attorney, Criminal Section  
Civil Rights Division

  
\_\_\_\_\_, for  
Matthew Tannenbaum  
Trial Attorney, Criminal Section  
Civil Rights Division

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UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
OCALA DIVISION

UNITED STATES OF AMERICA

v.

CASE NO. 5:22-cr-27-JA-PRL

ROY LAMAR LASHLEY

PERSONALIZATION OF ELEMENTS

On or about November 17, 2021, in the Middle District of Florida, the defendant caused bodily injury to D.B., or attempted to do so, through the use of a dangerous weapon, specifically an axe handle.

The defendant acted because of the actual or perceived race or color of D.B.; and

The defendant acted willfully.

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UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
OCALA DIVISION

UNITED STATES OF AMERICA

v.

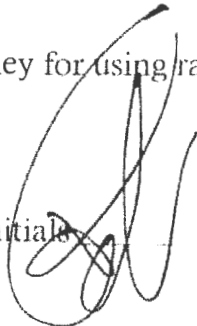
CASE NO. 5:22-cr-27-JA-PRL

ROY LAMAR LASHLEY

FACTUAL BASIS

On or about November 17, 2021, co-defendants Robert Lashley and Roy Lashley traveled to the Family Dollar in Citrus Springs, Florida. D.B., a Black man, was shopping inside the store. Defendant Robert Lashley entered the store. Defendant Roy Lashley subsequently approached the Family Dollar and opened the door to the store as D.B. exited. Defendant Roy Lashley entered and asked defendant Robert Lashley whether he saw “that big Black nigger [D.B.]?” Defendant Roy Lashley joined defendant Robert Lashley at the cash register. There, defendant Roy Lashley asked the clerk if she saw D.B. push him as he walked through the door. The clerk replied “no,” prompting defendant Roy Lashley to again say that D.B. pushed him and that, “that nigger [D.B.] needs to be taught a lesson.” Surveillance video does not show D.B. push or otherwise contact defendant Roy Lashley as they passed one another. The clerk and store manager admonished co-defendants Robert and Roy Lashley for using racial slurs inside the store. In response, co-

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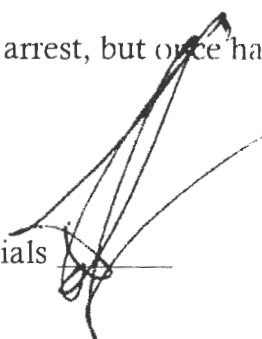
defendants Roy and Robert Lashley turned to exit the store, during which defendant Roy Lashley told defendant Robert Lashley that “[they were] going to go get that nigger [D.B.]”

Co-defendants Robert and Roy Lashley followed D.B. into the parking lot. Defendant Robert Lashley ran to D.B. and struck him numerous times with his fists. Defendant Roy Lashley retrieved an axe handle from the bed of his truck, ran to the scene, and struck D.B. multiple times with it. In response, D.B. raised his arms to block the blows or punched back in self-defense. Co-defendants Robert and Roy Lashley each directed racial slurs towards D.B. before, during, and after the attack.

At some point during the incident, defendant Roy Lashley walked back to his truck, placed the axe handle into the bed of his truck, and drove to a nearby gas station parking lot. An eyewitness took cell phone photographs and video of defendant Roy Lashley returning from the scene to his truck with the axe handle visible in his hand. Defendant Roy Lashley returned on foot and, alongside defendant Robert Lashley, resumed attacking D.B. with his fists.

The Citrus County Sheriff's Office (CCSO) arrived on scene and arrested co-defendants Robert and Roy Lashley. Defendant Roy Lashley initially resisted arrest, but once handcuffed, said, “If we don't do anything

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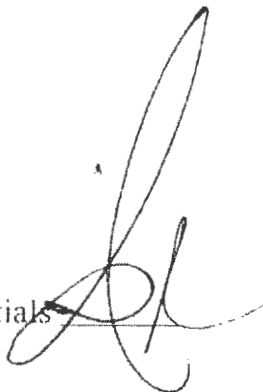
A handwritten signature or set of initials, likely belonging to Defendant Roy Lashley, written in black ink. The signature is stylized and appears to be a combination of letters and a flourish.

about them, they will take over the world.” Defendant Roy Lashley continued to use racial slurs on scene and told CCSO deputies that they were only arresting him because he was white.

D.B. sustained injuries to his face and legs, including pain and a laceration to the inside of his mouth. EMS treated D.B. on scene and transported him to a local hospital for further evaluation and treatment.

Defendant Roy Lashley now admits that on November 17, 2021, in the Middle District of Florida, he and co-defendant Robert Lashley willfully caused bodily injury to D.B., or attempted to do so through the use of a dangerous weapon, and that he and co-defendant Robert Lashley acted because of the actual or perceived race or color of D.B.

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A handwritten signature in black ink, appearing to be 'RL', written over a horizontal line.