

# Federal prosecutors recommend nine-year prison term for militia member who pleaded guilty in plot to kidnap Michigan governor

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On Wednesday, US federal prosecutors, citing his ongoing cooperation, recommended a nine-year prison sentence for 25-year-old Ty Garbin of Hartland, Michigan, who was one of 14 men involved in the plot to kidnap Michigan Governor Gretchen Whitmer. This past January, Garbin pleaded guilty to kidnapping conspiracy charges and has since testified multiple times against his former co-conspirators.

Garbin, an airline mechanic, is the only one out of the 14 charged in the plot against Whitmer to have pleaded guilty. FBI agents claimed to have seized more than 70 firearms, over 1,000 rounds of ammunition and bomb-making components in Michigan and Delaware associated with the plotters.

The charge of kidnapping conspiracy carries with it a potential life sentence, and advisory guidelines recommend up to 17.5 years in federal prison. However, in exchange for Garbin's ongoing cooperation, prosecutors are arguing for leniency. In a court filing suggesting a lesser sentence, Assistant US Attorney Nils Kessler wrote: "Garbin did not wait to see what his chances were of escaping accountability. He knew what he had done, knew it was wrong, and took action."

The fact that prosecutors are still seeking nearly a decadelong sentence for Garbin, despite his cooperation, suggests that the remaining 13 charged in the plot face severe prison sentences if convicted. However, it could also be a tactic by the prosecution in order to induce more of the men to cooperate with the government.

Kessler advised the judge that the sentencing of Garbin should take into consideration the fact that he has recounted key conversations and criminal activity

that happened outside the presence of government informants and undercover agents, who had penetrated the militia group.

"Third, he dispelled any suggestion that the conspirators were entrapped by government informants," Kessler wrote. "Months before any of them began suggesting it in pretrial motions, Garbin testified that Croft and Fox were the ringleaders of the plot, and that he and the others joined it willfully."

Further dispelling claims of government entrapment, which have been advanced by Fox News host Tucker Carlson, libertarian journalist Glenn Greenwald and the pseudo-left *Jacobin* magazine during January's plea hearing, Garbin agreed with U.S. District Judge Robert Jonker that he knowingly participated in the plot without any government coercion.

"Surveilling her house at night ... you got involved of your own free will?" the judge asked.

"I did, Your Honor," Garbin responded.

"You knew what you were doing?" the judge continued.

"I did, Your Honor," Garbin said.

Federal prosecutors noted in Wednesday's filing that Garbin's cooperation comes at "significant risk" to himself and that "prison ... is filled with other parties motivated to harm him. These include Boogaloo adherents and sympathizers, who might attack him for ideological reasons."

The storming of the Michigan Capitol on April 30, 2020 by fascist militia members and Trump supporters, in opposition to any restrictions to stem the spread of the coronavirus, served as a breeding ground for the plot against Whitmer which was exposed by the FBI in October.

Fascistic agitation against public health measures were, and continue to be, heavily encouraged by former president Donald Trump, the Republican Party and right-wing billionaires such as the DeVos family. The storming of the Lansing Capitol in April and the plot against Whitmer served as test runs for the storming of the Capitol by Trump-aligned fascist militias on January 6.

The plea deal asserts that Garbin, Daniel Harris, Kaleb Franks, Brandon Caserta and Adam Dean Fox began planning to kidnap and hang Whitmer in early June 2020. By mid-June, Fox, seeking to grow the operation, coordinated with avowed Three Percenter Barry Croft. The pair attended a meeting in Dublin, Ohio, with other “like-minded individuals” where they discussed removing “tyrants” from office, which, in addition to Whitmer, included the governors of Ohio and Virginia.

Garbin’s sentencing hearing is scheduled for August 25. In court documents, he has admitted to attending paramilitary training exercises in Wisconsin and Michigan, where the fascist militia group “discussed the plan to storm the Capitol and kidnap the governor.” Over the summer, the far-right group decided it would try and capture the governor at her vacation home in Antrim County. Garbin admitted to suggesting using explosives to delay the police response to the kidnapping.

In the plea deal, Garbin also admitted that he had cased out the Democratic governor’s vacation home in preparation for the kidnapping. The plea deal noted that on September 12-13, Garbin helped construct a “shoot house” with six men at his family’s property near Luther, Michigan, roughly 90 miles from Whitmer’s vacation home.

On the property the men practiced breaching their mockup of the governor’s home with military-grade firearms and detonated an improvised explosive device. Investigators have previously claimed to have seized explosives, copper disks, metal fragments, metal staples and consumer-grade fireworks from the property.

In his sentencing memorandum, Garbin’s defense lawyer, Gary Springstead, argued that his client demonstrated “extraordinary acceptance of responsibility” and that Garbin is “eager to help deradicalize others involved in extremist [activities] at the conclusion of this case.”

In the same memo, Springstead wrote: “Mr. Garbin and his co-conspirators eventually coalesced around the idea of taking on the person responsible for the shutdown: the Governor.

“To this day, Mr. Garbin cannot say for certain whether he would have followed through with the plot or not,” Springstead added. “Fortunately, it was foiled, and nobody was hurt.”



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