



# Department of Justice

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Eastern District of California

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## **MODESTO MAN CONVICTED OF FEDERAL CIVIL RIGHTS CRIME FOR RACE-MOTIVATED THREATS**

FRESNO, Calif.—United States Attorney McGregor W. Scott announced today that on Monday a federal jury found BRADLEY SMITH, of Modesto, Calif., guilty of a felony civil rights offense for a series of race-motivated threats against an African-American member of his community. SMITH was convicted of race-based interference with the victim's federally protected housing rights and of a second felony offense for providing a false statement to an agent of the FBI.

This case was investigated by agents from the FBI and was prosecuted by Assistant U.S. Attorney David Gappa from the U.S. Attorney's Office for the Eastern District of California, and Trial Attorneys C. Douglas Kern and Karen Ruckert from the Civil Rights Division.

The evidence at trial showed that between June 2005 and May 2007, shortly after the victim moved to the Central Valley city of Modesto, the defendant engaged in a campaign of racial intimidation that was intended to drive the victim from the Modesto area. SMITH and the victim were avid citizens-band (CB) radio enthusiasts and many of SMITH's threats were made via CB broadcasts that were overheard by other Modesto-area CB participants. The defendant's threats were laced with racial slurs and included threats to burn a cross on the victim's lawn, firebomb the victim's house, and hang the victim from a tree while sexually assaulting the victim's wife. In addition, local police had to intervene on at least one occasion in which the

defendant followed up on his threats by going to the victim's home with a group of approximately six people in at least three vehicles. As a result of the defendant's conduct, the victim eventually moved from the Modesto area to another community in California's Central Valley.

U.S. Attorney McGregor Scott stated, "There is no place for the reprehensible speech perpetuated by the defendant, whether on citizens band radio or on the streets of our communities. The jury is to be commended for drawing a very distinct line between free speech and racial epithets and criminal threats."

"Threatening to attack someone in their home because of their race or color is offensive to our nation's fundamental values," said Grace Chung Becker, Acting Assistant Attorney General for the Civil Rights Division. "The Justice Department is committed to vigorously prosecuting the federal laws that prohibit such violent threats."

Prosecuting the perpetrators of bias-motivated crimes is a top priority of the Justice Department. Since 2001, the Civil Rights Division has charged 184 defendants in 123 cases of bias-motivated crimes.

SMITH faces a maximum punishment of 15 years in prison, criminal fines and restitution for the victim. The actual sentence, however, will be determined at the discretion of the court after consideration of the Federal Sentencing Guidelines, which take into account a number of variables and any applicable statutory sentencing factors. Sentencing is scheduled for July 25, 2008.

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