

PETER DEBBINS PLEADS

Peter Debbins – who was charged with spying for Russia in August – pled guilty today. The statement of facts he pled to almost exactly maps his indictment, with two main additions. The statement explains the EDVA venue I was so so interested in.

From in or around December 1996 to in or around January 2011, in an offense begun and committed outside of the jurisdiction of any particular State or district of the United States, the defendant, also known as “Ikar Lesnikov,” who after the conduct required for the offense occurred was arrested in and first brought to the Eastern District of Virginia, and whose last known address is in the Eastern District of Virginia, did unlawfully and knowingly conspire with others to communicate, deliver, and transmit to a foreign government, to wit: the Russian Federation (hereinafter, “Russia”), and representatives, officers, agents, employees, subjects, and citizens thereof, directly and indirectly, documents, writings, and information relating to the national defense of the United States, with the intent and reason to believe that such documents, writings, and information were to be used to the injury of the United States and to the advantage of a foreign government, namely, Russia.

Thanks for explaining that, DOJ! Debbins was in the UK when they first started this investigation, which gave the government the choice to land him in the least friendly venue for spies and leakers.

In addition, there’s several paragraphs that seem inconsistent with the fact that the information he admitted sharing was classified

Secret.

2. As of 2008, Executive Order 12958 signed on April 17, 1995, as amended by Executive Order 13292 signed on March 25, 2003, governed the system for classifying, safeguarding, and declassifying national security information.' Under that Executive Order, national security information was classified as "TOP SECRET," "SECRET," or "CONFIDENTIAL." National security information was information owned by, produced by, produced for, and under the control of the U.S. Government, and that was classified as follows:

a. Information was classified as TOP SECRET if its unauthorized disclosure reasonably could be expected to cause exceptionally grave damage to the national security that the original classification authority was able to identify and describe.

b. Information was classified as SECRET if its unauthorized disclosure reasonably could be expected to cause serious damage to the national security that the original classification authority was able to identify and describe.

c. Information was classified as CONFIDENTIAL if its unauthorized disclosure reasonably could be expected to cause damage to the national security that the original classification authority was able to identify and describe.

3. Access to national security information classified at any level could be further restricted through compartmentation in Sensitive Compartmented Information (SCI) categories. Only individuals possessing both the appropriate security clearance

and specific, additional permissions could have authorized access to SCI.

That suggests there's more he shared that was far more sensitive, information DOJ doesn't want to lay out (unsurprisingly). If so, that's covered by this boilerplate language.

This statement of facts includes those facts necessary to support the plea agreement between the defendant and the United States. It does not include each and every fact known to the defendant or to the United States, and it is not intended to be a full enumeration of all of the facts surrounding the defendant's case.

That said, the plea itself emphasizes that the NDI he shared with Russia was classified Secret.

As set forth in the accompanying statement of facts, the national defense information that is the subject of this conspiracy and the terms of this plea agreement was, and is, classified at the Secret level.

While that still exposes him to a possible life sentence, the plea puts his guidelines at 39, with the possibility that he'll get a two or three point admission of guilt reduction, which would put him in a 188 to 235 month range. But the government is giving him no guarantees at all.

The United States and the defendant have not agreed on any further sentencing issues, whether related to the Sentencing Guidelines or the factors listed in 18 U.S.C. § 3553(a), other than those set forth above or elsewhere in this Plea Agreement. Any stipulation on a Guidelines provision does not limit the parties' arguments as to any other Guidelines provisions or sentencing

factors under Section 3553(a), including arguments for a sentence within or outside the advisory Guidelines range found by the Court at sentencing.

The government included intentional incomplete testimony among the reasons it can breach the plea agreement at a preponderance of the evidence standard.

If the defendant withdraws from this agreement, or commits or attempts to commit any additional federal, state, or local crimes, or intentionally gives materially false, incomplete, or misleading testimony or information, or otherwise violates any provision of this agreement, then:

That may be boilerplate, but in this case it will ensure that Debbins honestly provides anything more sensitive about his relationship with Russia.

Again, none of that is surprising. It just suggests that if there's something more here, DOJ isn't going to reveal that.