



6. Attached hereto as **Exhibit E** is a biography of the Defendant from his Senate website, which I printed from the website [http://craig.senate.gov/lec\\_biography.cfm](http://craig.senate.gov/lec_biography.cfm).

7. Attached hereto as **Exhibit F** is an article titled "Craig hires attorneys, well-known crisis manager," which I printed from the website <http://www.idahostatesman.com/larrycraig/v-print/story/147883.html>.

8. Attached hereto as **Exhibit G** is a true and correct copy of the unpublished Court of Appeals decision *State v. Antos*, No. A06-132, 2006 WL 3490821, \*1 (Minn. Ct. App. Dec. 5, 2006).

9. On June 25, 2007, I received a voicemail from the Defendant regarding what he described as a report or situation that had occurred at the airport weeks previously. In the voicemail, the Defendant asked that I return his call to his personal cell phone.

10. I spoke with Defendant by telephone on June 25, 2007. During that conversation, Defendant asked me numerous questions regarding the procedure of the case from that point in time forward. During that conversation, the Defendant asked what options he would have in regards to concluding the matter. I responded that if a review of the file, including his criminal record, did not indicate anything warranting greater consequence, Defendant would likely be able to plead guilty to the charge of disorderly conduct as a misdemeanor with the other charge of interference with privacy being dismissed. I informed the Defendant in that conversation that the summons and complaint would be sent to him and that he or his attorney should then contact me regarding resolution. The Defendant requested that I send the summons and complaint to his address in Washington, D.C.

11. On June 25, 2007, following my conversation with the Defendant, I finalized the Complaint in this matter and executed the same. I issued the Complaint to the address requested by the Defendant in Washington, D.C.

12. On July 17, 2007, I received a voicemail from the Defendant. In that voicemail, the Defendant stated he had received what he referred to as the "summons" and that he wished to talk about his options in proceeding.

13. On July 17, 2007, I spoke with the Defendant and explained that in exchange for a plea of guilty to the charge of disorderly conduct, the interference with privacy charge would be dismissed. I told the Defendant that the sentence would be 10 days of jail, all of which would be stayed for a year on the condition that the Defendant have no same or similar violations, and a \$1,000.00 fine, \$500.00 of which would be stayed for one year on the same condition. I told the Defendant that this offer was similar to offers made to other defendants with similar charges. I spoke with the Defendant about the process that would occur for entry of the plea, such as how it would be processed, the people that would see the petition, and the ultimate destination of the petition. I explained that the plea petition would be filed with the court and the petition and conviction would be a matter of public record.

14. During the July 17, 2007 phone conversation, the Defendant expressed that he was in a difficult situation as a result of the nature of the charges and his position as a United States Senator. I responded to the Defendant that I had appreciation for the fact that this was probably a difficult situation and told him that it was a situation regarding which he should seek advice from an attorney. In that phone conversation, the Defendant asked that I send the plea offer to the same address as the Complaint so that he could

review it with an attorney. I also told the Defendant that I would continue his arraignment date that had originally been set by the Court for July 25, 2007 for two weeks so as to allow time for him to consider the plea agreement.

15. On July 20, 2007, I sent the Defendant the correspondence and plea petition attached as Exhibit B to this affidavit.

16. On July 27, 2007, I received a voicemail from the Defendant stating that he had questions regarding the petition and asking that I return his call.

17. On July 31, 2007, I spoke with the Defendant by telephone and explained to whom the money order should be made payable. I also expressed to the Defendant that his continued arraignment date was coming up soon and if he was going to send in an executed plea petition, he needed to have it to me in the very near future.

18. On August 3, 2007, I received a voicemail from the Defendant explaining that he had sent the petition by express mail and telling me that if I had questions to call him.

19. During all of my conversations with the Defendant, as well as in his voicemails to me, the Defendant seemed calm, intelligent, and methodical in his questions. At no time during the conversations, did the Defendant appear to have a tone or sense of urgency, panic, or overt emotion.

20. At no time during my conversations with the Defendant did the Defendant reference any representations or promises by Sergeant Karsnia or the Defendant's reliance on any such representations or promises.

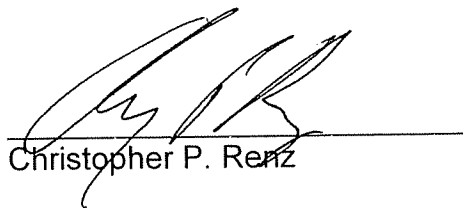
21. After August 3, 2007, but before August 8, 2007, I received by express mail, the executed plea petition, money order in the amount of the fine and costs, and a handwritten note. A copy of those documents is attached to this affidavit as Exhibit C.

22. I delivered the plea petition to the clerk at court on August 8, 2007, the continued date of the Defendant's arraignment.

23. After the Defendant's public announcements regarding his intent to attempt to withdraw his plea, our office received a phone call from another defendant with similar charges seeking to obtain the same relief.

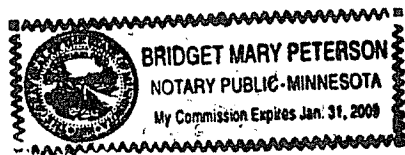
FURTHER YOUR AFFIANT SAYETH NOT.

Dated: September 24, 2007

  
Christopher P. Renz

Subscribed and sworn to before me  
this 24 day of September, 2007.

Bridget M. Peterson  
Notary Public



# EXHIBIT A

AGENCY: AIRPORT POLICE DEPT.  
Jurisdiction: MN0272500  
Report Date / Time: 6/11/2007 12:22:19 PM  
Incident/Case Number: 07002008  
Case Description: Lewd Conduct  
Primary Officer Name/ID: Karsnia, Dave/DK011  
Approved By:  
Date/Time Printed: 6/12/2007 12:49:40 PM

## Narrative: Page 7

\*\*\*\*\*

Narrative Title: Lewd Conduct  
Date Entered: 6/12/2007 12:42:46 PM

07002008

On 06/11/07, at about 1200 hours, I was working a plain-clothes detail involving lewd conduct in the main men's public restroom of the Northstar Crossing in the Lindbergh Terminal. The Airport Police Department has received civilian complaints and has made numerous arrests regarding sexual activity in the public restroom.

I entered the men's restroom and proceeded to an unoccupied stall in the back of the restroom. Other people were in the restroom for their intended purposes. Some, but not all of the bathroom stalls were occupied. While seated in the stall, I was the third stall from the wall which was to my left (East). From my seated position, I could observe the shoes and ankles of person seated to the right of me. An unidentified person entered the stall to the left of me. From my seated position, I was able to see his shoes and ankles.

At 1213 hours, I could see an older white male with grey hair standing outside my stall. He was standing about three feet away and had a roller bag with him. The male was later identified by Idaho driver's license as Larry Edwin Craig (07/20/45). I could see Craig look through the crack in the door from his position. Craig would look down at his hands, 'fidget' with his fingers, and then look through the crack into my stall again. Craig would repeat this cycle for about two minutes. I was able to see Craig's blue eyes as he looked into my stall.

At 1215 hours, the male in the stall to the left of me flushed the toilet and exited the stall. Craig entered the stall and placed his roller bag against the front of the stall door. My experience has shown that individuals engaging in lewd conduct use their bags to block the view from the front of their stall. From my seated position, I could observe the shoes and ankles of Craig seated to the left of me. He was wearing dress pants with black dress shoes. At 1216 hours, Craig tapped his right foot. I recognized this as a signal used by persons wishing to engage in lewd conduct. Craig tapped his toes several times and moved his foot closer to my foot. I moved my foot up and down slowly. While this was occurring, the male in the stall to my right was still present. I could hear several unknown persons in the restroom that appeared to use the restroom for its intended use. The presence of others did not seem to deter Craig as he moved his right foot so that it touched the side of my left foot which was within my stall area.

At 1217 hours, I saw Craig swipe his hand under the stall divider for a few seconds. The swipe went in the direction from the front (door side) of the stall back towards the back wall. His palm was facing towards the ceiling as he guided it all the stall divider. I was only able to see the tips of his fingers on

AGENCY: AIRPORT POLICE DEPT.  
Jurisdiction: MN0272500  
Report Date / Time: 6/11/2007 12:22:19 PM  
Incident/Case Number: 07002008  
Case Description: Lewd Conduct  
Primary Officer Name/ID: Karsnia, Dave/DK011  
Approved By:  
Date/Time Printed: 6/12/2007 12:49:40 PM

## Narrative: Page 8

my side of the stall divider. Craig swiped his hand again for a few seconds in the same motion to where I could see more of his fingers. Craig then swiped his hand in the same motion a third time for a few seconds. I could see that it was Craig's left hand due to the position of his thumb. I could also see Craig had a gold ring on his ring finger as his hand was on my side of the stall divider.

At about 1219 hours, I held my Police Identification in my right hand down by the floor so that Craig could see it. With my left hand near the floor, I pointed towards the exit. Craig responded, "No!" I again pointed towards the exit. Craig exited the stall with his roller bags without flushing the toilet. Without causing a disturbance, I discretely motioned for Craig to exit the restroom. I noticed that not all of the stalls were occupied. Craig demanded to see my credentials. I again showed Craig my credentials. Craig kept asking what was going to happen. I told Craig that we would speak in private. Craig said that he would not go. I told Craig that he was under arrest, he had to go, and that I didn't want to make a scene. Craig then left the restroom.

Once outside the restroom, Craig stopped near the entrance and was hesitant to comply. I told Craig that we would speak in a private area without embarrassing him or causing a disturbance. Craig was still hesitant to follow me at first, but then complied. He followed me towards the Police Operations Center (POC). Detective Nelson was seated outside of the restroom and followed us. Dispatch was notified that we had one in custody at 1222 hours.

When we got to the POC, we asked Craig to leave his bags outside of the interview room. This is standard procedure for safety reasons. I asked him for his driver's license. Craig left his roller bag outside the interview room, but brought his two-strapped carry bag in with him. I again stated that he had to leave the bag outside. Craig stated that his identification was in the bag. Craig handed me a business card that identified himself as a United States Senator as he stated, "What do you think about that?" I responded by setting his business card down on the table and again asking him for his driver's license.

Craig provided me his Idaho driver's license. In a recorded post-Miranda interview, Craig stated the following:

- 5 He is a commuter
- GHe went into the bathroom
- He was standing outside of the stalls for 1-2 minutes waiting for the stall.
- o He has a wide stance when going to the bathroom and that his foot may have touched mine
- He reached down with his right hand to pick up a piece of paper that was on the floor
- He is unable to take his gold wedding ring off of his left ring finger

It should be noted that there was not a piece of paper on the bathroom floor, nor did Craig pick up a piece of paper. During the interview, Craig either disagreed with me or "didn't recall" the events as they happened.

Craig was worried about missing his flight. Detective Nelson tried to call the airline to hold the plane. The airline did not answer the phone. Craig's Criminal History was clear. Craig was explained the process for formal complaints. Craig was photographed, fingerprinted, and released pending formal



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Jurisdiction: MN0272500  
Report Date / Time: 6/11/2007 12:22:19 PM  
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Approved By:  
Date/Time Printed: 6/12/2007 12:48:40 PM

## Narrative: Page 9

complaint for Interference with Privacy (MSS 609.746) and Disorderly Conduct (609.72) at 1305 hours.

Sgt. Karsnia #4211  
Airport Police Department

Entered By: Adam Snedker, On 06/22/2007 10:10:02  
Edited By: Adam Snedker, On 06/22/2007 10:27:32

Title: Public Assist

On 06/22/07 at 0836, I was motioned to the front window at the POC by a knocking at the window. It should be noted that the window has a sign posted that states if there is nobody at the window, they should pick up the phone next to the door to contact dispatch. I opened the front window and asked if I could help the male individual standing on the other side. He told me that his name was Larry Craig, and he was involved in an incident where he was "drug down to this office" where he was handcuffed, fingerprinted and interviewed. He went on to tell me that it has been over a week since anyone has contacted him regarding his case. I explained that I didn't know what he was talking about, so Craig told me that he needs a contact so his lawyer can speak to someone. I contacted Detective Sgt. Karsnia who explained that he would be more than willing to speak to him regarding this matter. As such, I handed over the phone to Craig. After their brief discussion, Craig stated that was all he needed and departed the area after I asked if there is anything else I could do.

To note, Craig appeared agitated and demeaning during my first contact with him even though I did my best to answer his questions.

Snedker #35

Entered By: Dave Karsnia, On 06/22/2007 12:42:38  
Edited By: Dave Karsnia, On 06/22/2007 12:44:22

Title: Lewd Conduct- Supplement by #4211

07-2008

On 06/22/07, I received a phone call from Officer Snedker. Officer Snedker stated that Larry Craig was at the POC and wanted to know the status of his case. Officer Snedker handed the phone over to Craig. Craig asked about the status of his case. I told Craig that that I spoke with our city attorney yesterday. My next group of criminal complaints would be completed early next week and that his case should be included with that group. Craig demanded the information for the law firm. I gave Craig the office name, the phone number, and the attorney assigned to the case.

It should be noted that contrary to what Craig stated to Officer Snedker, I did not handcuff Craig on the date of the offense even though he was under arrest.

Sgt Karsnia #4211

# **EXHIBIT B**

GORDON V. JOHNSON  
JOHN K. BOUQUET  
MARK G. OHNSTAD  
DONALD D. SMITH

WILLIAM E. SJOHOLM  
THOMAS R. KELLEY  
ROBERT D. LUCAS  
DAVID J. M<sup>C</sup>GEE

DENNIS M. PATRICK  
GRETCHEN S. SCHELLHAS  
CHRISTOPHER P. RENZ  
MATTHEW A. DREWES

BRAD J. BOYD  
RYAN J. WOOD  
DEBRA M. NEWEL  
NATALIE R. WALZ  
IVORY L. RUUD

OF COUNSEL:  
JACK W. CARLSON  
TODD R. ILIFF

RETIRED:  
JAMES VAN VALKENBURG

DECEASED:  
HELGE THOMSEN  
GLENN G. NYBECK

July 20, 2007

Larry E. Craig  
1000 Water Street SW, #6  
Washington, DC 20025

Re: State of Minnesota v. Larry Edwin Craig  
Court File No.: 07043231

Dear Mr. Craig:

Please find enclosed a Petition to Enter Plea of Guilty-Misdemeanor in the above-referenced matter. Please review the document and to the extent that you wish, review the same with legal counsel. If you understand the contents of the Petition and agree thereto, please sign the bottom of pages 1, 2 and 3, as well as sign and date the top most signature block on page 3. To the extent that you review the agreement or consult with an attorney regarding the agreement, please enter that attorney's name at paragraph 7 and have them complete the final signature block on the agreement. To the extent that you are not consulting with an attorney or represented by an attorney, please appropriately circle "am not" in paragraph 7.

The offer to you, which is encompassed in the enclosed Petition, is that in exchange for a plea of guilty to the misdemeanor charge of Disorderly Conduct, the other charges would be dismissed. The sentence to which you would be agreeing for the crime of Disorderly Conduct would be 10 days in jail and a \$1,000.00 fine; all of the 10 days in jail and \$500.00 of the fine would be stayed for a period of one year on the conditions that you do not commit any same or similar offense and that you pay the remaining \$500.00 of the fine, in addition to the court-mandated \$75.00 surcharge. Portions of a sentence which are stayed mean that you do not have to perform them (do not have to serve the stayed jail time or pay the stayed portion of the fine) so long as the conditions are followed. Said otherwise, the only portion of the sentence you would have to perform is payment of the \$575.00, so long as you paid the fine and surcharge, and had no same or similar offenses during the course of one year from the date the agreement is entered with the Court. Agreeing to the Petition will result in a conviction for Disorderly Conduct appearing on your criminal record.

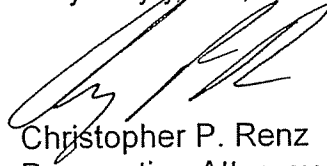
Please contact me should you have any questions. Please return the Petition and the payment so that it is received **before August 8, 2007**, which is the date to which your arraignment appearance is being continued, as we discussed. To the extent

Larry E. Craig  
July 20, 2007  
Page 2

I have not received the Petition and payment, or otherwise heard from you, the Court will understand you to have failed to appear. Therefore, it is extremely important that if you do not plan to appear for your arraignment date, you return the Petition with payment or communicate with me regarding your arraignment date before the date arrives.

Thank you for your time and attention to this matter. Please contact me should you have any questions.

Very truly yours,

A handwritten signature in black ink, appearing to read "C. P. Renz", written over a horizontal line.

Christopher P. Renz  
Prosecuting Attorney  
Metropolitan Airports Commission

CPR/maj

Enclosure

STATE OF MINNESOTA  
COUNTY OF HENNEPIN

DISTRICT COURT  
FOURTH JUDICIAL DISTRICT

-----  
Case No. 07043231

State of Minnesota,

Plaintiff,

vs

**PETITION TO ENTER  
PLEA OF GUILTY-MISDEMEANOR**

Larry Edwin Craig,

Defendant.  
-----

I, Larry Edwin Craig, am the defendant in the above action. My date of birth is July 20, 1945. I state to the court that:

1. I have reviewed the arrest report and/or complaint relating to the charges against me.
2. I understand the charge(s) made against me in this case, which are: Disorderly Conduct, pursuant to Minn. Stat. § 609.72 subd. 1(3), a Misdemeanor; and Interference with Privacy, pursuant to Minn. Stat. § 609.746, subd. 1(c), a Gross Misdemeanor. I am pleading guilty to the offense of Disorderly Conduct as a Misdemeanor.
3. I am pleading guilty to the charge of Disorderly Conduct as alleged because on June 11, 2007, within the property or jurisdiction of the Metropolitan Airports Commission, Hennepin County, specifically in the restroom of the North Star Crossing in the Lindbergh Terminal, I did the following: Engaged in conduct which I knew or should have known tended to arouse alarm or resentment or others, which conduct was physical (versus verbal) in nature.
4. I understand that the court will not accept a plea of guilty from anyone who claims to be innocent.
5. I now make no claim that I am innocent of the charge to which I am entering a plea of guilty.

\_\_\_\_\_  
Larry Edwin Craig, Defendant

6. I understand that I am entering a plea of guilty to a misdemeanor charge for which the maximum sentence is a \$1000.00 fine and/or 90 days imprisonment.
7. I am/am not represented by an attorney, whose name is \_\_\_\_\_.
8. I and/or my attorney have reviewed the rights I will be waiving by entering this plea.
9. I understand that I have the following constitutional rights which I knowingly, voluntarily and intelligently give up (waive) by entering this plea of guilty:
  - a. the right to a trial, to the court (judge only) or to a jury of six (6) members, at which I am presumed innocent until proven guilty beyond a reasonable doubt, and in which all jurors in a jury trial must agree I am guilty before the jury could find me guilty;
  - b. the right to confront and cross-examine all witnesses against me;
  - c. the right to remain silent or to testify for myself;
  - d. the right to subpoena witnesses to appear on my behalf;
  - e. the right to a pretrial hearing to contest the admissibility of evidence obtained from a search or seizure and/or information I offered to the police in the form of written or oral statement.
10. Understanding the above I am entering my plea of guilty freely and voluntarily and without any promises except as noted in number 11 below.
11. I am entering my plea of guilty based on the following plea agreement with the prosecutor: Plead guilty to the charge of Disorderly Conduct, pursuant to Minn. Stat. § 609.72, subd. 1(3); sentence is 10 days of jail time and a fine of \$1000.00; 10 days of jail and \$500.00 of the fine are stayed for 1 year on the conditions that Larry Edwin Craig does not commit any same or similar offenses, Larry Edwin Craig pays the unstayed fine amount of \$500.00, plus the surcharge of \$75.00 for a total of \$575.00.
12. I understand that if the court does not accept any agreement stated in number 11 above, I have the right to withdraw my plea of guilty and have a trial.
13. I am not entering this plea in person. As this plea is being entered via mail or through my attorney I understand that I am giving up my right to be present at the time of sentencing and to exercise my right to speak on my own behalf by making whatever statement or presenting whatever evidence that I wish. If I am not present when this plea is accepted by the court I understand that I am voluntarily waiving (giving up) my right to be present and consent to sentencing in my absence. I understand that the court may impose a sentence that includes probation and I

---

Larry Edwin Craig, Defendant



agree to abide by any probationary conditions and to receive notice of those conditions by U.S. mail at the following address:

Address-including zip code: 1000 Water St. SW #6  
Washington, D.C. 20025

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2007

\_\_\_\_\_  
Larry Edwin Craig, Defendant

\_\_\_\_\_  
\_\_\_\_\_  
(Shall be completed for pleas entered by mail or without the defendant being present when defendant is represented.)

\_\_\_\_\_ states that he is the attorney for the defendant in the above criminal case; and that he/she has: (1) personally explained the contents of this petition to the defendant; (2) that to the best of his knowledge the defendant's constitutional rights have not been violated and no meritorious defense exists to the charge(s) to which defendant is pleading guilty; (3) that he has personally observed the defendant sign and date this petition; and (4) that he concurs in the entry of the defendant's plea of guilty.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2007

\_\_\_\_\_, Attorney for the Defendant

\_\_\_\_\_  
Larry Edwin Craig, Defendant

# EXHIBIT C

STATE OF MINNESOTA  
COUNTY OF HENNEPIN

DISTRICT COURT  
FOURTH JUDICIAL DISTRICT

Case No. 07043231

State of Minnesota,

Plaintiff,

vs

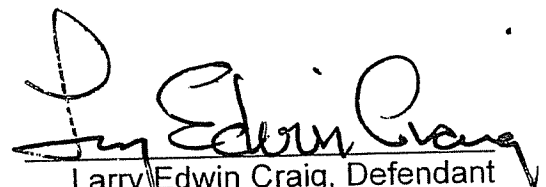
**PETITION TO ENTER  
PLEA OF GUILTY-MISDEMEANOR**

Larry Edwin Craig,

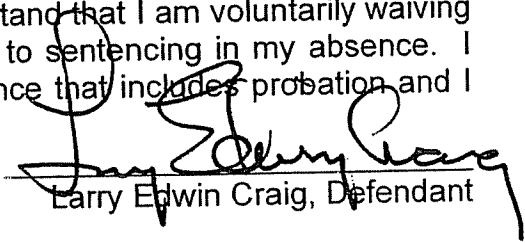
Defendant.

I, Larry Edwin Craig, am the defendant in the above action. My date of birth is July 20, 1945. I state to the court that:

1. I have reviewed the arrest report and/or complaint relating to the charges against me.
2. I understand the charge(s) made against me in this case, which are: Disorderly Conduct, pursuant to Minn. Stat. § 609.72 subd. 1(3), a Misdemeanor; and Interference with Privacy, pursuant to Minn. Stat. § 609.746, subd. 1(c), a Gross Misdemeanor. I am pleading guilty to the offense of Disorderly Conduct as a Misdemeanor.
3. I am pleading guilty to the charge of Disorderly Conduct as alleged because on June 11, 2007, within the property or jurisdiction of the Metropolitan Airports Commission, Hennepin County, specifically in the restroom of the North Star Crossing in the Lindbergh Terminal, I did the following: Engaged in conduct which I knew or should have known tended to arouse alarm or resentment or others, which conduct was physical (versus verbal) in nature.
4. I understand that the court will not accept a plea of guilty from anyone who claims to be innocent.
5. I now make no claim that I am innocent of the charge to which I am entering a plea of guilty.

  
Larry Edwin Craig, Defendant

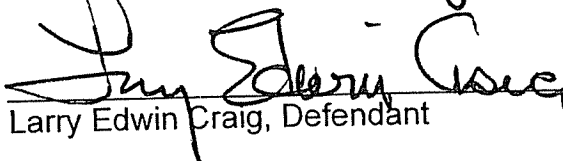
6. I understand that I am entering a plea of guilty to a misdemeanor charge for which the maximum sentence is a \$1000.00 fine and/or 90 days imprisonment.
7. I am/am not represented by an attorney, whose name is \_\_\_\_\_.
8. I and/or my attorney have reviewed the rights I will be waiving by entering this plea.
9. I understand that I have the following constitutional rights which I knowingly, voluntarily and intelligently give up (waive) by entering this plea of guilty:
- a. the right to a trial, to the court (judge only) or to a jury of six (6) members, at which I am presumed innocent until proven guilty beyond a reasonable doubt, and in which all jurors in a jury trial must agree I am guilty before the jury could find me guilty;
  - b. the right to confront and cross-examine all witnesses against me;
  - c. the right to remain silent or to testify for myself;
  - d. the right to subpoena witnesses to appear on my behalf;
  - e. the right to a pretrial hearing to contest the admissibility of evidence obtained from a search or seizure and/or information I offered to the police in the form of written or oral statement.
10. Understanding the above I am entering my plea of guilty freely and voluntarily and without any promises except as noted in number 11 below.
11. I am entering my plea of guilty based on the following plea agreement with the prosecutor: Plead guilty to the charge of Disorderly Conduct, pursuant to Minn. Stat. § 609.72, subd. 1(3); sentence is 10 days of jail time and a fine of \$1000.00; 10 days of jail and \$500.00 of the fine are stayed for 1 year on the conditions that Larry Edwin Craig does not commit any same or similar offenses, Larry Edwin Craig pays the unstayed fine amount of \$500.00, plus the surcharge of \$75.00 for a total of \$575.00.
12. I understand that if the court does not accept any agreement stated in number 11 above, I have the right to withdraw my plea of guilty and have a trial.
13. I am not entering this plea in person. As this plea is being entered via mail or through my attorney I understand that I am giving up my right to be present at the time of sentencing and to exercise my right to speak on my own behalf by making whatever statement or presenting whatever evidence that I wish. If I am not present when this plea is accepted by the court I understand that I am voluntarily waiving (giving up) my right to be present and consent to sentencing in my absence. I understand that the court may impose a sentence that includes probation and I

  
Larry Edwin Craig, Defendant

agree to abide by any probationary conditions and to receive notice of those conditions by U.S. mail at the following address:

Address-including zip code: 1000 Water St. SW #6  
Washington, D.C. 20025

Dated this 1<sup>st</sup> day of August, 2007

  
Larry Edwin Craig, Defendant

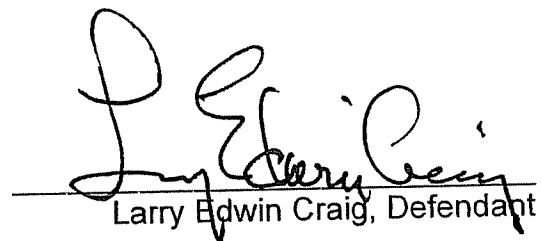
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(Shall be completed for pleas entered by mail or without the defendant being present when defendant is represented.)

\_\_\_\_\_ states that he is the attorney for the defendant in the above criminal case; and that he/she has: (1) personally explained the contents of this petition to the defendant; (2) that to the best of his knowledge the defendant's constitutional rights have not been violated and no meritorious defense exists to the charge(s) to which defendant is pleading guilty; (3) that he has personally observed the defendant sign and date this petition; and (4) that he concurs in the entry of the defendant's plea of guilty.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2007

\_\_\_\_\_, Attorney for the Defendant

  
Larry Edwin Craig, Defendant

Christopher P. Renz  
Prosecuting Attorney  
Metropolitan Airports Commission

Dear Mr Renz,

Enclosed are the signed  
papers and a check for \$575.00  
\$500.00 for fine and \$75.00 surcharge

Thank you for your cooperation.  
Please contact me if additional  
action is necessary.

Sincerely,  
Jay Edmund Esig



# POSTAL MONEY ORDER

15-800  
000

SERIAL NUMBER  
11328368850

YEAR, MONTH, DAY  
2007-08-02

POST OFFICE  
200241

U.S. DOLLARS AND CENTS  
00575000

AMOUNT: FIVE HUNDRED SEVENTY FIVE DOLLARS & 00¢

PAY TO Dist Court Administrator	NEGOTIABLE ONLY IN THE U.S. AND POSSESSIONS SEE REVERSE WARNING	
ADDRESS 7009 York Ave South Edinw, Md. 55435	FROM Larry Craig	CLERK 0015
C.O.D. NO OR USED FOR	ADDRESS 1000 West St SW Wash DC 20025	

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11328368850⑆

# **EXHIBIT D**



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August 28, 2007

## Read the full text of Sen. Larry Craig's statement to the media

"First, please let me apologize to my family, friends, staff, and fellow Idahoans for the cloud placed over Idaho. I did nothing wrong at the Minneapolis airport. I regret my decision to plead guilty and the sadness that decision has brought to my wife, family, friends, staff, and fellow Idahoans. For that I apologize.

"In June, I overreacted and made a poor decision. While I was not involved in any inappropriate conduct at the Minneapolis airport or anywhere else, I chose to plead guilty to a lesser charge in the hope of making it go away. I did not seek any counsel, either from an attorney, staff, friends, or family. That was a mistake, and I deeply regret it. Because of that, I have now retained counsel and I am asking my counsel to review this matter and to advise me on how to proceed.

"For a moment, I want to put my state of mind into context on June 11. For 8 months leading up to June, my family and I had been relentlessly and viciously harassed by the Idaho Statesman. If you've seen today's paper, you know why. Let me be clear: I am not gay and never have been.

"Still, without a shred of truth or evidence to the contrary, the Statesman has engaged in this witch hunt. In pleading guilty, I overreacted in Minneapolis, because of the stress of the Idaho Statesman's investigation and the rumors it has fueled around Idaho. Again, that overreaction was a mistake, and I apologize for my misjudgment. Furthermore, I should not have kept this arrest to myself, and should have told my family and friends about it. I wasn't eager to share this failure, but I should have done so anyway.

"I love my wife, family, friends, staff, and Idaho. I love serving Idaho in Congress. Over the years, I have accomplished a lot for Idaho, and I hope Idahoans will allow me to continue to do that. There are still goals I would like to accomplish, and I believe I can still be an effective leader for Idaho. Next month, I will announce, as planned, whether or not I will seek reelection.

"As an elected official, I fully realize that my life is open for public criticism and scrutiny, and I take full responsibility for the mistake in judgment I made in attempting to handle this matter myself.

"It is clear, though, that through my actions I have brought a cloud over Idaho. For that, I ask the people of Idaho for their forgiveness. "As I mentioned earlier, I have now retained counsel to examine this matter and I will make no further comment."

# EXHIBIT E

UNITED STATES SENATOR • IDAHO

# LARRY CRAIG

Senator Craig was born on the family ranch near Midvale, Idaho, which was homesteaded in 1899 by his grandfather. He later served as the Idaho State President and National Vice-President of the Future Farmers of America.

After graduating from the University of Idaho where he served as Student Body President and was a member of the Delta Chi fraternity, he pursued graduate studies before returning to the family ranching business in 1971.

In 1974, the people of Payette and Washington counties sent Senator Craig to the Idaho State Senate, where he served three terms before winning the 1980 race for Idaho's First District Congressional Seat. He was re-elected four times before winning the U.S. Senate election in 1990 and was re-elected to the Senate in 1996 and 2002.

Senator Craig served as chairman of the Steering Committee, a legislative "think tank" and action group for Senate conservatives. He was the youngest senator ever elected to that position.

Senator Craig quickly rose to the fourth highest Senate leadership position in his first term, when his colleagues elected him Chairman of the Republican Policy Committee. He was re-elected to that position in the 106th and 107th Congresses. The Committee is responsible for developing policy positions for Senate Republicans.

A forceful advocate for common sense, conservative solutions to our nation's problems, Senator Craig has emerged as a leader in the battle for the Balanced Budget Amendment to the Constitution, limited taxation, private property rights, and greater accountability in government. He has been recognized by national groups including Citizens for a Sound Economy, Citizens Against Government Waste, Watchdogs of the Treasury, and the National Taxpayers Union Foundation for his votes to cut spending and protect the taxpayer.

Senator Craig is currently the Ranking Member of the Committee on Veterans' Affairs and a member of the Committee on Energy and Natural Resources, where he serves on the Subcommittee on Energy, the Subcommittee on Water and Power, and as the Ranking Member of the Subcommittee on Public Lands and Forests.

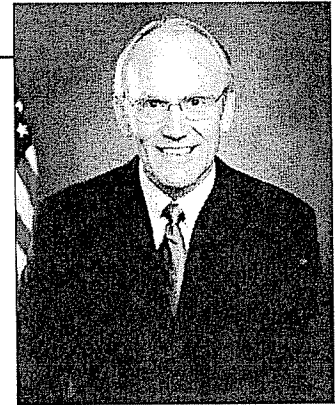
With his appointment to the Senate Appropriations Committee, Senator Craig oversees funding on the following subcommittees: Agriculture, Rural Development, and Related Agencies; Energy and Water Development; Homeland Security; Labor, HHS, and Education; Military Construction and Veterans Affairs; and Interior and Related Agencies, where he serves as the Ranking Member. He is also a member of the Special Committee on Aging, which he chaired during the 107th and 108th Congresses, and the Committee on Environment and Public Works, where he serves on the Public Sector Solutions to Global Warming, Oversight, and Children's Health Protection Subcommittee and the Superfund and Environmental Health Subcommittee.

In addition to his committee memberships, Senator Craig sits on a number of caucuses that work for issues important to Idaho, including: Air Force; Diabetes; Congressional Sportsmen's; Senate Sweetener; WTO for Farmers and Ranchers; Congressional Potato; National Congressional Award Board of Directors; Idaho Safe Kids Coalition (Honorary Co-Chair); the Western States Senate Coalition; Education Advisory Committee to the National Youth Leadership Conference. He serves as Co-Chairman of the Congressional Coalition on Adoption and helped to found and lead the CCAI, an institute working on adoption issues.

The Idaho lawmaker is also on the Board of Directors of the National Rifle Association, the Alliance to Save Energy, and he co-founded and co-chairs the Congressional Property Rights Coalition.

As a Westerner and a former rancher, Senator Craig plays a leading role in the formation of natural resource and energy policies, and he has gained a national reputation as a stalwart against environmental extremism. He is also one of America's foremost defenders of the Second Amendment right to keep and bear arms.

He is married to the former Suzanne Thompson. They have three children: two sons, Mike and Jay, a daughter, Shae, and nine beautiful grandchildren.



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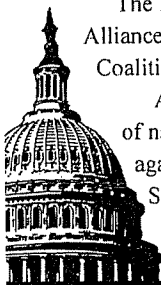
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# EXHIBIT F



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September 01, 2007

## Craig hires attorneys, well-known crisis manager

U.S. Sen. Larry Craig has hired three attorneys and a prominent Washington, D.C., crisis manager to fight for him in his legal case in Minnesota and defend his name in a Senate ethics inquiry.

Craig said today he would resign at the end of the month. He had pleaded guilty to disorderly conduct after being arrested during a police investigation of lewd conduct in a Minneapolis airport men's room.

D.C. attorney Billy Martin will investigate the "facts and the law" surrounding his arrest, with the help of Minneapolis attorney Tom Kelly. "The public has heard the tape that was released by law enforcement officials in Minneapolis and is aware of the discrepancies between the Senator's view of what he says actually occurred and the officer's accusations," said newly hired spokeswoman Judy Smith in a press release today. "Unfortunately, Senator Craig did not seek legal counsel to discuss the Minneapolis incident before resolving the charges on his own. Senator Craig has served the people of Idaho with honor and distinction for the past 18 years."

In the same release, Martin said: "The arrest of any citizen raises very serious constitutional questions, especially when that citizen says that he is innocent and pled guilty in an attempt to avoid public embarrassment. Senator Craig, like every other American citizen, deserves the full protection of our laws. He has the right to pursue any and all legal remedies available as he begins the process of trying to clear his good name."

Craig announced on his Senate website that Stan Brand, with Brand Law Group, has been retained to handle issues pertaining to the Senate Ethics Committee investigation into Craig's arrest.

Smith, a crisis management expert with the company Impact Strategies, is also representing U.S. Rep. William Jefferson, D-La. He was indicted in June on bribery and racketeering charges for allegedly using his office to solicit bribes and for paying bribes to a foreign official.

Smith's best known previous client was Monica Lewinsky, the intern who said she had sex with President Bill Clinton in the White House. Smith worked in communications for former President George H.W. Bush and counseled Supreme Court Justice Clarence Thomas during his nomination, when he was facing allegations of sexual harassment by Anita Hill, his former assistant.

# EXHIBIT G

Westlaw.

Not Reported in N.W.2d  
 Not Reported in N.W.2d, 2006 WL 3490821 (Minn.App.)  
 (Cite as: Not Reported in N.W.2d)

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State v. Antos  
 Minn.App.,2006.  
 Only the Westlaw citation is currently available.  
 NOTICE: THIS OPINION IS DESIGNATED AS  
 UNPUBLISHED AND MAY NOT BE CITED  
 EXCEPT AS PROVIDED BY MINN. ST. SEC.  
 480A.08(3).

Court of Appeals of Minnesota.  
 STATE of Minnesota, Appellant,

v.

Brian Scott ANTOS, Respondent.  
 No. A06-132.

Dec. 5, 2006.

Hennepin County District Court, File No. 04078312.

Mike Hatch, Attorney General, St. Paul, MN, and  
 William G. Clelland, Melissa A. Johnson, Carson,  
 Clelland & Schreder, Brooklyn Center, MN, for  
 appellant.

James L. Berg, Chaska, MN, for respondent.

Considered and decided by SHUMAKER,  
 Presiding Judge, HUDSON, Judge, and CRIPPEN,  
 Judge.

CRIPPEN, Judge.<sup>FN\*</sup>

FN\* Retired judge of the Minnesota Court  
 of Appeals, serving by appointment  
 pursuant to Minn. Const. art. VI, § 10.

\*1 The state disputes the postconviction court's  
 vacation of respondent's misdemeanor plea one  
 year after the plea was accepted. Because  
 respondent's petition was untimely and failed to  
 demonstrate a manifest injustice, the postconviction  
 court abused its discretion, and we reverse its  
 decision.

On December 14, 2004, respondent Brian Antos  
 appeared pro se and pleaded guilty to misdemeanor  
 domestic assault. His petition to enter a plea of  
 guilty, duly signed, states that he makes no claim of

innocence to the domestic assault charge and that  
 he understands he has a right to an attorney. The  
 petition also states that respondent understands that  
 by pleading guilty he waives his constitutional  
 rights to trial by jury, to confront witnesses against  
 him, to challenge the admissibility of evidence, to  
 remain silent or testify on his own behalf, and to  
 subpoena witnesses. Finally, the petition states that  
 respondent enters his guilty plea voluntarily.

During the guilty plea colloquy, the presiding judge  
 asked respondent if he was comfortable entering his  
 plea without an attorney, whether he understood he  
 had a right to an attorney, and whether he was  
 waiving that right voluntarily. Respondent  
 answered affirmatively. The judge also asked  
 respondent what made him guilty of domestic  
 assault. In his own words, respondent said he was  
 guilty because he and his girlfriend got into an  
 argument, he grabbed her and pushed her down off  
 the bed, and she fell to the floor. The judge  
 accepted the plea and sentenced respondent.

As a part of respondent's sentence, he was required  
 to undergo a domestic abuse assessment, follow all  
 probation recommendations, and remain law  
 abiding. All of these requirements were  
 communicated to respondent in the plea petition  
 that he read and signed, and by the judge during the  
 plea hearing. Seven months after respondent  
 pleaded guilty, the trial court issued an order for  
 respondent's arrest and detention because  
 respondent did not attend scheduled probation  
 appointments or domestic abuse classes consistent  
 with his probation conditions.

Two months later, respondent was arrested pursuant  
 to the order. After his arrest, he served the  
 prosecutor with a motion to withdraw his guilty  
 plea. On December 20, 2005, one year after  
 respondent's plea was entered, the postconviction  
 court held a hearing to determine whether the plea  
 should be withdrawn. At the hearing, respondent  
 testified that he was unrepresented during the  
 original plea hearing and that he was never told he

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could claim self-defense. Respondent also testified that no one told him he was required to complete a 16-week domestic abuse program. But on cross examination respondent conceded that the petition to plead guilty clearly required respondent to "complete all programs."

At the conclusion of the hearing, the postconviction judge vacated respondent's plea from the bench. The court did not address the timeliness of respondent's motion. On the merits of the motion, the court expressed concern about the generality of the original requirement that appellant complete all programs and all recommendations of probation staff. The judge also said, "I don't think [respondent] knowingly waived his rights to an attorney to explain that he ... may have had a valid defense of self-defense."

\*2 On appeal, the state argues that respondent's petition to withdraw his plea was untimely and did not show manifest injustice requiring vacation of the plea.

"We review a district court's decision to hear a motion for plea withdrawal for an abuse of discretion." *State v. Byron*, 683 N.W.2d 317, 321 (Minn.App.2004), review denied (Minn. Sept. 29, 2004). Plea withdrawal after sentencing is proper "upon timely motion." Minn. R.Crim. P. 15.05, subd. 1.

The rules do not provide for, and the courts have not established, a firm time limit governing motions for plea withdrawal. *Byron*, 683 N.W.2d at 321. Despite this latitude, "[c]riminal defendants do not have an absolute right to withdraw a guilty plea..." *Alanis v. State*, 583 N.W.2d 573, 577 (Minn.1998) (quotation omitted). We must consider several factors to determine whether a criminal defendant's motion to withdraw a plea is timely, including: (1) the district court's interest in preserving the finality of convictions; (2) the defendant's diligence in seeking withdrawal; and (3) the prejudice to the state's case caused by the delay. *Byron*, 683 N.W.2d at 321.

Here, the judicial interest in the finality of convictions weighs in favor of appellant. Respondent filed his motion to withdraw his plea one year after sentencing and sought to withdraw his plea only after he was arrested for failing to fulfill the terms of his probation. Allowing a defendant to withdraw his plea after he violates the terms of his probation undermines the court's interest in the finality of convictions by encouraging defendants to seek withdrawal to escape the consequences of probation violations.

Respondent, who does not otherwise explain his delay, claims withdrawal is proper because he did not know earlier that he could assert a self-defense claim, and because he did not know he was required to complete a 16-week domestic abuse program. But the factual basis of respondent's self-defense claim was fully known at the time of the plea. Additionally, the record indicates that respondent knew the specific parameters of his domestic abuse programming requirements sometime in April, if not earlier. Respondent did not seek to withdraw his plea at that time or five months later when he was terminated from the program for excessive absences. Respondent did not diligently seek withdrawal of his plea.

Relying primarily on the first two *Byron* factors, the judicial interest in finality and the defendant's diligence, and noting the inherent prejudice to the state when forced to prosecute the domestic assault case a year after the charges, we conclude that the postconviction court abused its discretion by finding respondent's motion to withdraw his plea was timely.

Because the motion was untimely, we have no occasion to fully explore the merits of the district court's concerns about the specificity of original probation conditions. But, in the interests of justice, we will review the court's determination that appellant had not adequately waived his right to counsel, and was, therefore, entitled to withdrawal of his guilty plea.

\*3 When examining a plea withdrawal, legal issues



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are reviewed de novo. *Byron*, 683 N.W.2d at 322. The district court must allow withdrawal of a guilty plea when the defendant's motion is timely and "withdrawal is necessary to correct a manifest injustice." Minn. R.Crim. P. 15.05, subd. 1. "A manifest injustice occurs when a guilty plea is not accurate, voluntary, [or] intelligent." *Alanis*, 583 N.W.2d at 577. A defendant's guilty plea must be intelligent "to insure that the defendant understands the charges, understands the rights he is waiving by pleading guilty, and understands the consequences of his plea." *Kaiser v. State*, 641 N.W.2d, 900, 903 (Minn.2002) (quotation omitted).

Minn.App.,2006.  
 State v. Antos  
 Not Reported in N.W.2d, 2006 WL 3490821  
 (Minn.App.)

END OF DOCUMENT

The postconviction court observed that respondent was unrepresented at the plea hearing and not informed of his possible self-defense claim. Minn. R.Crim. P. 15.02 governs the acceptance of misdemeanor pleas. The rule does not require the court to advise defendants of their possible defenses, but it does require the court to inform defendants of their right to the assistance of counsel. Defendants must make a knowing and intelligent waiver of their right to counsel on the record. *State v. Nordstrom*, 331 N.W.2d 901, 904 (Minn.1983).

The sentencing judge asked respondent if he was comfortable appearing pro se, whether he understood that he had a right to counsel, and, if so, whether he was waiving that right. Respondent replied affirmatively. The judge also asked respondent if he had a "clear head," whether the plea was voluntary, and again whether he was waiving his right to counsel. Respondent replied affirmatively. Moreover, the plea petition expressly informed respondent of his right to counsel, and it informed him that by signing the petition he was waiving that right. The trial court's colloquy was adequate to satisfy the rule 15.02 requirements.

Because respondent's motion to withdraw his guilty plea was not timely, we conclude that the postconviction court abused its discretion by vacating respondent's plea.

**Reversed.**