

JUDGE FRANKLIN D. BURGESS

Presented to the Court by the foreman of the Grand Jury in open Court, in the presence of the Grand Jury and FILED in The U.S. DISTRICT COURT at Seattle, Washington.

NOVEMBER 22 2006

BRUCE RIFKIN, Clerk

By: [Signature] Deputy

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

UNITED STATES OF AMERICA,

Plaintiff,

v.

ALEX M. BLUM,
LUKE E. SOMMER,
CHAD W. PALMER,
TIGRA J.A. ROBERTSON,
a/k/a "TIGRA RHYDER,"
a/k/a "TIGER RIDER," and
NATHAN R. DUNMALL,

Defendants.

NO. CR 06-5528FDB

SECOND SUPERSEDING
INDICTMENT



06-CR-05528-INDI

The Grand Jury charges that:

COUNT ONE
(Conspiracy To Commit Armed Bank Robbery)

A. The Offense

1. Beginning at a time unknown, but within the last five years, and continuing until on or about August 13, 2006, in Pierce County, within the Western District of Washington, and elsewhere, ALEX M. BLUM, LUKE E. SOMMER, CHAD W. PALMER, TIGRA J.A. ROBERTSON, and NATHAN R. DUNMALL, and others known and unknown to the Grand Jury, did knowingly and willfully conspire and agree to commit an offense against the United States, that is, armed bank robbery, in violation of Title 18, United States Code, Section 2113(a) and (d).

1 **B. The Object Of The Conspiracy**

2 2. The object of the conspiracy was to obtain cash, funds and other benefits
3 from the Bank of America, located at 5813 South Tacoma Way, in Tacoma,
4 Washington (the "Bank"), a bank as defined in Title 18, United States Code, Section
5 2113(f). At all relevant times, the Bank's deposits were insured by the Federal Deposit
6 Insurance Corporation.

7 **C. Manner And Means**

8 3. It was part of the conspiracy that, in or about 2006, LUKE E. SOMMER
9 recruited ALEX M. BLUM and CHAD W. PALMER to assist him in committing the
10 armed robbery of the Bank. During all relevant times, SOMMER, BLUM, and
11 PALMER were members of the United States Army, on active duty, attached to C
12 Company, 2nd Battalion of the 75th Ranger Regiment, stationed at the Fort Lewis
13 Military Reservation in Pierce County, Washington. BLUM and PALMER agreed to
14 participate with SOMMER in the planning and execution of the robbery.

15 4. It was further part of the conspiracy that, in or about 2006, SOMMER
16 recruited two Canadian nationals, TIGRA J.A. ROBERTSON and NATHAN R.
17 DUNMALL, to assist him in committing the armed robbery of the Bank.
18 ROBERTSON and DUNMALL agreed to participate with SOMMER in the planning
19 and execution of the robbery.

20 5. It was further part of the conspiracy that a motive for, and a purpose of,
21 the Bank robbery was to raise funds for a *criminal enterprise* that SOMMER,
22 ROBERTSON, and others planned to start in Canada. In or about 2006, SOMMER
23 had discussed the possibility of starting a criminal enterprise in Canada with
24 ROBERTSON and others. SOMMER, ROBERTSON, and others had determined that
25 they would need to raise funds to finance the criminal enterprise. Originally,
26 SOMMER, ROBERTSON, and others planned to rob a casino in Pierce County to raise
27 funds for the criminal enterprise. SOMMER, ROBERTSON, and others later
28

1 determined that the plan to rob the casino was not feasible. SOMMER, ROBERTSON,
2 and others then decided to rob the Bank to raise funds for the criminal enterprise.

3 6. It was further part of the conspiracy that, on or about August 3, 2006,
4 SOMMER entered the Bank, went to the teller counter, and withdrew \$50.00. The
5 purpose of SOMMER's visit to the Bank was to obtain information about the Bank for
6 use in the robbery.

7 7. It was further part of the conspiracy that, on or about August 6, 2006,
8 ROBERTSON and DUNMALL traveled from Canada to the United States to meet with
9 the other conspirators in preparation for the robbery.

10 8. It was further part of the conspiracy that, on or about August 6, 2006,
11 BLUM, SOMMER, PALMER, ROBERTSON, and DUNMALL (collectively, the
12 "conspirators") met in Pierce County, Washington, and discussed the plan for the
13 robbery. The conspirators agreed that BLUM would act as the getaway driver. The
14 conspirators also agreed that SOMMER and ROBERTSON would be armed with
15 pistols and would be responsible for obtaining money from employees of the Bank.
16 The conspirators also agreed that PALMER and DUNMALL would be armed with
17 AK-47 style machineguns and would be responsible for standing guard over the Bank
18 employees and customers.

19 9. It was further part of the conspiracy that, on or about August 7, 2006,
20 SOMMER provided PALMER, ROBERTSON, and DUNMALL with weapons for use
21 in the robbery. SOMMER provided PALMER and DUNMALL with AK-47 style
22 machineguns. SOMMER provided ROBERTSON with a semiautomatic pistol.
23 SOMMER armed himself with a semiautomatic pistol. SOMMER also produced
24 several extra loaded magazines for the AK-47 style machineguns, which were to be
25 used by PALMER and DUNMALL in the event that the conspirators became involved
26 in a firefight with law enforcement.

27 10. It was further part of the conspiracy that, on or about August 7, 2006,
28 BLUM drove SOMMER, PALMER, ROBERTSON, and DUNMALL from the Fort

1 Lewis Military Reservation to the Bank. BLUM stopped a short distance from the
2 Bank and allowed SOMMER, PALMER, ROBERTSON, and DUNMALL to proceed
3 to the Bank to carry out the robbery. SOMMER, PALMER, ROBERTSON, and
4 DUNMALL were armed and wore black masks over their faces.

5 11. It was further part of the conspiracy that, at approximately 5:15 p.m. on
6 or about August 7, 2006, SOMMER, PALMER, ROBERTSON, and DUNMALL
7 entered the Bank and carried out the robbery. Consistent with the conspirators' plan,
8 SOMMER and ROBERTSON carried pistols and demanded money from the Bank
9 employees, while PALMER and DUNMALL carried AK-47 style machineguns and
10 stood watch over the Bank employees and customers.

11 12. It was further part of the conspiracy that, on or about August 7, 2006, the
12 conspirators thereby obtained approximately \$54,000.00 in funds from the Bank.

13 13. It was further part of the conspiracy, on or about August 7, 2006, after
14 carrying out the robbery, SOMMER, PALMER, ROBERTSON, and DUNMALL
15 made their getaway in a vehicle driven by BLUM.

16 **D. Overt Acts**

17 14. In furtherance of the conspiracy, and to accomplish one or more of its
18 objects, the following overt acts were committed by one or more of the conspirators:

19 a. On or about August 3, 2006, SOMMER entered the Bank and
20 made a cash withdrawal.

21 b. On or about August 6, 2006, ROBERTSON traveled from Canada
22 to the United States.

23 c. On or about August 7, 2006, BLUM, SOMMER, PALMER,
24 ROBERTSON, and DUNMALL met in Pierce County, Washington.

25 d. On or about August 7, 2006, SOMMER supplied the other
26 conspirators with AK-47 style machineguns for use in the robbery.

27 e. On or about August 7, 2006, BLUM, SOMMER, PALMER,
28 ROBERTSON, and DUNMALL traveled to the Bank in a vehicle driven by BLUM.

1 f. On or about August 7, 2006, SOMMER, PALMER,
2 ROBERTSON, and DUNMALL donned masks in preparation for the robbery.

3 g. On or about August 7, 2006, SOMMER, PALMER,
4 ROBERTSON, and DUNMALL entered the Bank and committed the crime of armed
5 bank robbery.

6 h. On or about August 7, 2006, SOMMER demanded money from the
7 employees of the Bank.

8 All in violation of Title 18, United States Code, Section 371.

9
10 **COUNT TWO**
11 **(Armed Bank Robbery)**

12 On or about August 7, 2006, in Pierce County, within the Western District of
13 Washington, ALEX M. BLUM, LUKE E. SOMMER, CHAD W. PALMER, TIGRA
14 J.A. ROBERTSON, and NATHAN R. DUNMALL, by force, violence, and
15 intimidation, did take, and did aid and abet the taking, from the person and presence of
16 certain bank employees approximately \$54,000.00 in money belonging to and in the
17 care, custody, control, management and possession of the Bank of America, located at
18 5813 South Tacoma Way, in Tacoma, Washington, a bank as defined in Title 18,
19 United States Code, Section 2113(f), and, in committing such offense, did assault and
20 put in jeopardy the lives of those bank employees by the use of one or more dangerous
21 weapons, to wit, one or more firearms.

22 It is further alleged that this offense was committed during and in furtherance of
23 the conspiracy charged in Count 1 above.

24 All in violation of Title 18, United States Code, Sections 2113(a) and (d), and
25 Title 18, United States Code, Section 2.
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COUNT THREE

(Possession Of A Machinegun In Furtherance Of A Crime Of Violence)

On or about August 7, 2006, in Pierce County, within the Western District of Washington, and elsewhere, LUKE E. SOMMER, through his own conduct and the conduct of others, knowingly and intentionally did possess, and did aid and abet the possession of, one or more machineguns, to wit, one or more fully-automatic AK-47 style machineguns, in furtherance of a crime of violence for which he may be prosecuted in a court of the United States, to wit, conspiracy to commit armed bank robbery as charged in Count 1 above.

It is further alleged that this offense was committed during and in furtherance of the conspiracy charged in Count 1 above.

All in violation of Title 18, United States Code, Sections 924(c)(1)(A) and (c)(1)(B)(ii), and Title 18, United States Code, Section 2.

COUNT FOUR

(Brandishing A Firearm During And In Relation To A Crime Of Violence)

On or about August 7, 2006, in Pierce County, within the Western District of Washington, LUKE E. SOMMER, through his own conduct and the conduct of others, did carry and use, and did aid and abet the carrying and use of, one or more firearms, to wit, one or more handguns, during and in relation to a crime of violence for which he may be prosecuted in a court of the United States, to wit, armed bank robbery as charged in Count 2, and in committing such offense LUKE E. SOMMER did brandish one or more such firearms.

It is further alleged that this offense was committed during and in furtherance of the conspiracy charged in Count 1 above.

All in violation of Title 18, United States Code, Section 924(c)(1)(A)(ii), and Title 18, United States Code, Section 2.

1 and abet the possession of, a machinegun, to wit, a fully-automatic 7.62 caliber AK-47
2 style machinegun with serial number 44235.

3 All in violation of Title 18, United States Code, Sections 922(o)(1) and
4 924(a)(2), and Title 18, United States Code, Section 2.

5
6 **COUNT EIGHT**
7 **(Possession Of A Machinegun)**

8 On or about August 11, 2006, in Pierce County, within the Western District of
9 Washington, and elsewhere, LUKE E. SOMMER, did knowingly possess, and did aid
10 and abet the possession of, a machinegun, to wit, a fully-automatic 7.62 caliber AK-47
11 style machinegun with serial number UM032904.

12 All in violation of Title 18, United States Code, Sections 922(o)(1) and
13 924(a)(2), and Title 18, United States Code, Section 2.

14
15 **COUNT NINE**
16 **(Possession Of An Unregistered Destructive Device - Hand Grenade)**

17 On or about July 28, 2006, at Parkland, within the Western District of
18 Washington, and elsewhere, LUKE E. SOMMER knowingly possessed, and did aid
19 and abet the possession of, a firearm, to wit: a destructive device, specifically, a
20 fragmentation hand grenade, lot number LS-93H066-004, not registered to him in the
21 National Firearms Registration and Transfer Record.

22 All in violation of Title 26, United States Code, Sections 5841 and 5861(d), and
23 Title 18, United States Code, Section 2.

24 **COUNT TEN**
25 **(Possession Of An Unregistered Destructive Device - Hand Grenade)**

26 On or about July 28, 2006, at Parkland, within the Western District of
27 Washington, and elsewhere, LUKE E. SOMMER knowingly possessed, and did aid
28 and abet the possession of, a firearm, to wit: a destructive device, specifically, a

1 fragmentation hand grenade, lot number LS-83G058-004B, not registered to him in the
2 National Firearms Registration and Transfer Record.

3 All in violation of Title 26, United States Code, Sections 5841 and 5861(d), and
4 Title 18, United States Code, Section 2.

5
6 **COUNT ELEVEN**

7 **(Possession Of An Unregistered Destructive Device – Hand Grenade)**

8 On or about July 28, 2006, at Parkland, within the Western District of
9 Washington, and elsewhere, LUKE E. SOMMER knowingly possessed, and did aid
10 and abet the possession of, a firearm, to wit: a destructive device, specifically, a
11 fragmentation hand grenade, lot number LS-56-694F, not registered to him in the
12 National Firearms Registration and Transfer Record.

13 All in violation of Title 26, United States Code, Sections 5841 and 5861(d), and
14 Title 18, United States Code, Section 2.

15
16 **COUNT TWELVE**

17 **(Possession Of An Unregistered Destructive Device – Explosive Bomb)**

18 On or about July 28, 2006, at Parkland, within the Western District of
19 Washington, and elsewhere, LUKE E. SOMMER knowingly possessed, and did aid
20 and abet the possession of, a firearm, to wit: a destructive device, specifically, an
21 explosive bomb, not registered to him in the National Firearms Registration and
22 Transfer Record.

23 All in violation of Title 26, United States Code, Sections 5841 and 5861(d), and
24 Title 18, United States Code, Section 2.

25
26 **COUNT THIRTEEN**

27 **(Brandishing A Firearm During And In Relation To A Crime Of Violence)**

28 On or about August 7, 2006, in Pierce County, within the Western District of
Washington, TIGRA J.A. ROBERTSON, did carry and use a handgun during and in

1 relation to a crime of violence for which he may be prosecuted in a court of the United
2 States, to wit, conspiracy to commit armed bank robbery as charged in Count 1, and in
3 committing such offense TIGRA J.A. ROBERTSON did brandish such firearm.

4 All in violation of Title 18, United States Code, Section 924(c)(1)(A)(ii).

5 A TRUE BILL:

6 DATED: *November 22, 2006*

7 Signature of Foreperson redacted pursuant
8 to the policy of the Judicial Conference of
the United States

9 _____
FOREPERSON

10
11 *Jeffrey C. Sullivan*

12 JOHN MCKAY
United States Attorney

13
14 *LRJL*

15 LAWRENCE LINCOLN
Assistant United States Attorney

16 *vh*

17 MICHAEL DION
Assistant United States Attorney