



Department of Justice

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FOR IMMEDIATE RELEASE
TUESDAY, MAY 1, 2007
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**RUSSELL SUBLETT SENTENCED TO 140 YEARS FOR
5 COUNTS OF ATTEMPTED MURDER OF KSP AND
ATF LAW ENFORCEMENT OFFICIALS,
5 COUNTS OF USING FIREARMS DURING THOSE ATTEMPTED MURDERS,
1 COUNT OF CARJACKING, AND
BEING AN ARMED CAREER CRIMINAL**

BOWLING GREEN, KY - David L. Huber, United States Attorney for the Western District of Kentucky, and Paul Vido, Special Agent in Charge of the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), Louisville Field Division, jointly announced that a five-time convicted felon, Russell Leroy Sublett, age 43, of Oakland, Kentucky, in Warren County, was sentenced to 140 years imprisonment in United States District Court, Bowling Green, Kentucky, for carjacking, multiple counts of attempted murder of federal and state law enforcement officials, using firearms during the attempted murders, and being an Armed Career Criminal. Thomas B. Russell, Judge, United States District Court, also sentenced Sublett to 3 years supervised release following incarceration. There is no parole in the federal judicial system. The matter of the amount of restitution for damages caused during the commission of these crimes remains under consideration by Judge Russell who will address that issue in a restitution order to be entered at a future date.

On the day his trial began, Sublett pled guilty to being a felon in possession of firearms. From 1992 through 2002, Sublett had five state felony convictions including wanton endangerment, eluding police, escape, and assault on a police officer. Sublett also admitted to

possessing the firearms while under an active Domestic Violence Order. Due to the number and nature of Sublett's prior felony convictions, he was classified under federal law as an Armed Career Criminal and faced enhanced sentencing penalties. Specifically, 15 years of the overall sentence imposed by Judge Russell were based upon Sublett's status as an Armed Career Criminal.

In February 2007, a jury found Sublett guilty of carjacking, five separate counts of attempting to murder federal agents and Kentucky State Police officials assisting the federal agents, and using firearms during the attempted murders. The United States presented evidence over the course of 4½ days. The prosecution presented testimony from approximately 30 witnesses and introduced more than 170 exhibits into evidence. The evidence introduced during trial showed the following.

U.S. Attorney Huber said, "The cooperation of federal state and local law enforcement was outstanding throughout the course of the incident and everyone worked hard to bring about a peaceful resolution to the standoff. ATF Special Agent in Charge Paul Vido concluded that "for all intents and purposes, Russell Sublett has received a well-deserved life sentence." In addition, SAC Vido commended this "courageous law enforcement team for removing an extremely violent man from the Community of Bowling Green."

ATF Arson Investigation

On or about September 21, 2004, a Bowling Green resident called the local Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) Office to report that her horse barn had been burned, resulting in the deaths of several horses and loss of personal property. She stated that she believed that the fire had been purposely set. Law enforcement officials interviewed the barn owner and developed leads on individuals with whom they should conduct additional interviews, including Sublett who had worked at the horse barn.

A few days later, on September 24, 2004, law enforcement officials traveled to Sublett's

home in Warren County. Sublett voluntarily traveled from his home to the Warren County / Bowling Green Drug Task Force Office with law enforcement officials. While there, he talked to the officers and agents about the barn fire, and other matters, including his concerns regarding suspected drug manufacturing near his home. An ATF Special Agent then drove Sublett back to his residence.

Investigation Leads to Sublett's Illegal Sawed-off Shotgun

Approximately four days later, on September 28, 2004, Sublett's then-wife contacted the Bowling Green ATF Office. She told the agent receiving the call that she wanted to talk to agents about the fire. Law enforcement officials met with her at the Kentucky State Police (KSP) Post 3 in Bowling Green. During the meeting, she told the law enforcement officials about Sublett's possession of a sawed-off shotgun. She described the firearm to the officials and told them that after Sublett returned from his meeting with the police on August 24, 2004, she discovered him sitting in the dark on the front porch of their house with the sawed-off shotgun. She stated that Sublett also had a Planters Peanut can full of shotgun shells out on the porch with him and that later that night she saw him take the sawed-off shotgun and Planters Peanut can upstairs to the attic of the house. She stated that Sublett had owned the sawed-off shotgun for approximately two years and that she knew it was capable of firing.

Law enforcement officials also interviewed a co-worker of Sublett's. During the interview, the man stated he had observed Sublett with a sawed-off shotgun. The man told law enforcement that sometime in February 2004, Sublett had brought the sawed-off shotgun to the horse barn and kept it wrapped in a towel. He described the sawed-off shotgun as being approximately 12" in length and rusty. He stated both the barrel and the stock had been cut off.

Sublett's Prior Felony Convictions Lead to Search Warrant

Based on the information gathered by law enforcement regarding the sawed off shotgun as well as confirmation that Sublett had previously been convicted of felony offenses, law

enforcement officials applied for and obtained a search warrant for Sublett's residence. They planned to execute the Search Warrant on September 29, 2004. That morning, law enforcement officials met at the Bowling Green ATF Office for a briefing. Due to Sublett's extensive criminal history (including several instances of fighting the police) and the fact that he had elderly, invalid parents (his mother and stepfather) living in the house with him, agents planned to advise Sublett of the Search Warrant while he was away from the residence for security reasons.

Attempted Meeting with Sublett

An ATF Special Agent talked with Sublett by telephone early on September 29, 2004. During the earlier meeting on September 24, 2004, Sublett had provided the agent with information regarding drug activity. The agent asked Sublett if he was willing to view some photographs in connection with the drug activity information Sublett had previously provided. Sublett agreed to meet the agent at the Warren County / Bowling Green Drug Task Force Office. However, he later called and advised that he had to take his stepfather to the hospital in Glasgow, Kentucky. The ATF Special Agent asked if it would be O.K. to stop by the hospital on his way to Louisville, and Sublett agreed to meet him at the hospital.

The ATF Special Agent and a KSP detective traveled to the T.J. Sampson Medical Center in Glasgow for the purpose of meeting with Sublett. Two additional KSP Troopers met the ATF agent and KSP detective at the hospital. The KSP detective went into the hospital to see if he could locate Sublett. The KSP detective was unsuccessful and then met up with the other law enforcement officials in the parking lot. While the officers were talking, one KSP Trooper saw Sublett's car leave the parking lot and drive away from the hospital. The officers got into their vehicles (including two marked police cruisers) and began to follow Sublett who traveled in the direction of returning to Bowling Green.

High Speed Chase

One KSP Trooper activated his blue lights while directly behind Sublett and the other Trooper, now two cars back, also activated his lights. The video recorders in the two Troopers' cars activated and recorded the events that followed. Sublett refused to pull to the side of the road. The Trooper observed Sublett reaching for something on the passenger side of the vehicle and place the unknown item under his right leg. Sublett sped up and led the police on a high-speed chase from Barren into Warren County, at times reaching speeds nearly 100 mph. Efforts to stop Sublett's car were unsuccessful. KSP officials ultimately put out "stop sticks" on Highway 68/80 just past the I-65 overpass. Sublett's car went over the stop sticks causing all tires to deflate. Sublett hit another automobile, causing it to spin out of control and began to lose control of his car.

Eventually, Sublett's car stopped in the middle of the road (68/80). He crawled out of the window of the car. According to witness testimony, Sublett then pointed a handgun at the police who had also stopped in the road and exchanged gun fire with police.

Carjacking

While the gun fire was occurring, Sublett ran away from the police (turning several times and pointing the handgun back at them), he approached a car that had come upon the scene. A woman was driving home from work that afternoon and could not back the car up fast enough to get away from the situation. As Sublett approached the car, he yelled to the police that he would kill her (the driver). He opened her car door and pulled her from the car. Sublett again fired at the police while getting into the car. Sublett took the car and drove it at high rates of speed toward 31W. The woman had recently purchased the car from the Pontiac dealer in Bowling Green, Kentucky. Police were not able to find the handgun Sublett used in the incident.

Sublett Crashed into Home of Former Employer

Sublett drove the stolen car to the home of his former employer, through the front fence and literally crashed the car into the front of the house. He climbed out of the car and entered the

home.

72 Hour Gun Battle Siege Begins

Law enforcement officials followed Sublett to the residence and set up a perimeter to control the scene. The home owner provided information to law enforcement regarding numerous firearms (including a pistol, rifles, and shotguns) in the residence. Shortly after entering the residence, Sublett began firing firearms inside the residence. Not long after, Sublett began firing a shotgun toward the law enforcement officials in front of the residence. Officials heard the shotgun blasts and also heard the pellets hitting the brick column in front of them as well as around the area providing them with cover. No law enforcement official returned fire during the initial stand-off at the residence. The KSP officials and ATF agent positioned immediately in front of the residence testified during the trial that they believed Sublett was firing at them from the house.

When Sublett first entered the residence, he called his then-wife. He told her what had happened, that he had been shot by the police, and made threats against law enforcement as well as the home owners. His wife then called the homeowner and told him what had happened. The homeowner called his home phone number and Sublett answered the phone. During the conversation, Sublett cursed the homeowner, blamed the homeowner for what had happened (purportedly because the homeowner had recently fired Sublett), stated that he was going to take as many of the police officers out with him as he could, and told the homeowner that he wished the homeowner's wife and baby had been home so he could have killed them. Sublett also told the homeowner that he planned to "go out like a cowboy." He also told the homeowner that he had made it to the basement with all of the homeowner's firearms. Another person also called the residence during this time period. That man testified that when he called the house, Sublett answered and said, "get off the f...ing phone . . . I'm fightin' the police." Sublett remained barricaded in the residence until Saturday, October 2, 2004.

Special Police Teams, Video Robots Used by Police

Additional KSP personnel, ATF agents, including a joint KSP and ATF Special Response Team (“SRT”) (with negotiators, and robot handlers) arrived at the residence. Law enforcement officials made contact with Sublett on the house phone. They also began preparing to use a robot to enter the residence to determine Sublett’s location in the house. Additionally, SRT members deployed tear gas and flash/bang distraction devices. During the night and early morning hours of September 30, 2004, an SRT member positioned directly across the street from the residence heard gun fire and pellets/debris falling overhead. Sublett was firing in the direction of the SRT member’s position.

Law enforcement officials used robots to enter the residence. The robots allowed law enforcement officials to deliver a new telephone for the purpose of negotiations as well as provided video feed from inside the residence. Law enforcement officials also used an Armored Personnel Carrier (APC) to approach the front of the residence.

On October 1, 2004, ATF Special Agents were around the APC in front of the residence attempting to fire more tear gas into the house. Sublett charged up the stairs from the basement and fired shots at the agents. The agents testified during the trial and described Sublett directing fire at them.

Video from the robot in the residence also showed Sublett charging up the basement stairs and firing a 12-gauge shotgun on several occasions on October 2, 2004. The agents testified that Sublett fired directly at them. Two ATF agents described “locking eyes” with Sublett as he fired the shotgun at them. Sublett, however, ran so quickly back down the stairs that he escaped law enforcement gunfire. During one incident, however, an ATF sniper positioned across the street from the residence fired a single shot at Sublett. At the time the sniper fired the shot, Sublett was on the basement stairs holding a shotgun. The bullet grazed the front-stock of the shotgun and hit Sublett in his right shoulder. The robot video feed showed

Sublett talking and laughing with negotiators. It also revealed Sublett telling the negotiators, “I’m not crazy . . . I just got a lot of hate.” On another occasion, he stated, “Ain’t no help for what I’ve got. This is hate.”

Sublett Talked out of House by Bowling Green Police Officer

Later in the afternoon / early evening hours of October 2, 2004, a Bowling Green Police Officer with whom Sublett had had prior contact and had known for many years talked to Sublett from the Command Post. During the course of their conversation, Sublett laid down the shotgun and surrendered to law enforcement. Law enforcement officials arrested Sublett and transported him to a local hospital where he was treated for several wounds.

Law enforcement officials retrieved evidence from the residence where Sublett had barricaded himself. Among other things, they located and seized four shotguns, nine rifles, and numerous spent rounds of ammunition. The firearms were found throughout the basement area and second floor of the residence.

Sublett’s five convictions include the following:

- November 6, 1992, conviction for First Degree Wanton Endangerment in case number 92-CR-00010 in Barren Circuit Court, Barren County, Kentucky. This incident involved a high-speed car chase involving the police. (The case also involved a misdemeanor conviction for attempting to elude the police);
- November 6, 1992, conviction for Receiving Stolen Property in case number 92-CR-00009 in Barren Circuit Court, Barren County, Kentucky;
- January 18, 1995, conviction in Hart County in case number 94-CR-00013 of first degree wanton endangerment. (The case also involved misdemeanor convictions for attempting to elude police and operating a motor vehicle on a suspended license);
- March 2, 1998, conviction for Theft by Unlawful Taking over \$300 (amended down from First Degree Robbery) and First Degree Wanton Endangerment, in case number 94-CR-00112 in Warren Circuit Court, Warren County, Kentucky. (This case also involved misdemeanor convictions for Third Degree Escape (from police custody) and operating a motor vehicle on a suspended license); and
- May 21, 2002, conviction for Third Degree Assault (on a police officer) in case number 01-CR-00358-02 in Warren Circuit Court, Warren County, Kentucky.

Assistant United States Attorney Jo E. Lawless prosecuted the case. The Bureau of Alcohol, Tobacco, Firearms & Explosives and Kentucky State Police conducted the investigation. During the barricade, the Nashville (Tennessee) Police Department and Lexington (Kentucky) Police Departments provided assistance through the use of the APC and robots. The Bowling Green (Kentucky) Police Department provided the assistance of a negotiator.

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