

U.S.

Jury Acquits Two, Deadlocks on Two Others Accused of Conspiring to Kidnap Michigan Gov. Gretchen Whitmer

Prosecutors said defendants were angry with Democratic governor's policies to fight Covid-19.



The plot to kidnap Michigan Gov. Gretchen Whitmer was prompted by her policies on Covid-19, according to a federal complaint.

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A federal jury Friday found two men not guilty and deadlocked on two others in a trial accusing the four of [conspiring to kidnap](#) Michigan Gov. Gretchen Whitmer, a defeat for prosecutors who said the defendants were angry with the

The jury found Brandon Caserta and Daniel Harris not guilty of all charges including kidnapping conspiracy and failed to reach a verdict for Adam Fox and Barry Croft. Prosecutors said they would seek a retrial of Messrs. Fox and Croft.

Prosecutors alleged that the four men were associated with a militia group called the Wolverine Watchmen, which conducted combat training and formulated plans with the goal of kidnapping Ms. Whitmer.

At various times, prosecutors said, the group had discussed shooting Ms. Whitmer when she opened the door of her home, trying her for treason and executing her or putting her in a boat and abandoning her in Lake Michigan.

Defense attorneys [asserted that the government entrapped the four men](#) by orchestrating the plot, which wouldn't have advanced as far as it did without the goading of [a federal informant](#).

The jury decision came following nearly five full days of deliberation.

In addition to finding Messrs. Caserta and Harris not guilty of kidnapping conspiracy, jurors also acquitted Mr. Harris on charges of conspiracy to use a weapon of mass destruction, possession of an unregistered destructive device and possession of an unregistered short-barreled rifle.

The jury was unable to reach a verdict on charges of kidnapping conspiracy and conspiracy to use a weapon of mass destruction against Messrs. Fox and Croft. In regard to Mr. Croft, the jury also deadlocked on a charge of possession of an unregistered destructive device.

The jury told Judge Robert Jonker on Friday morning that it had reached a verdict on some charges but not others. Judge Jonker told the jury members to continue deliberating on the charges on which they were stuck.

By Friday afternoon, the jury said it was still unable to reach a unanimous decision on the charges against Messrs. Fox and Croft. Judge Jonker then allowed the jury to enter its verdict.

Andrew Birge, U.S. Attorney for the Western District of Michigan, told reporters outside the courthouse that he thought the jury would convict beyond reasonable doubt based on the evidence brought forward.

“Although we are disappointed the jury did not reach decisions in our favor, we continue to respect the jury trial system whatever the outcome,” Mr. Birge later added in a statement. “Two defendants now await retrial and, for that reason, we have no further statement at this time.”

Ms. Whitmer's chief of staff, JoAnne Huls, said following the jury's decision that “there must be accountability and consequences for those who commit heinous



Attorneys for the four defendants didn't immediately return requests for comment.

Two of the six men originally charged in federal court in the alleged kidnapping plot pleaded guilty and testified that they and other group members willingly joined the plan to kidnap the governor. One of the men, Ty Garbin, a former airplane mechanic, was sentenced to six years and three months in federal prison last year. The other man, Kaleb Franks, hasn't been sentenced yet.

The trial centered around whether enough evidence showed the four men intended to carry through with any plans to kidnap Ms. Whitmer, and it leaned significantly on the testimony of a federal informant who tipped law enforcement of the group's activities.

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The informant, military veteran Dan Chappel, testified that he discovered the Wolverine Watchmen online and joined as a way to maintain his combat skills. He later became alarmed by threats group members made toward law-enforcement officials and told a friend, a police officer, about it, according to testimony.

Mr. Chappel testified that by June 2020, he had won the group's trust and rejected the idea of becoming its leader. Instead, he took on the role of second-in-command, helping with training, organizational and tactical operations.

Around this time, though, he and his two FBI handlers grew frustrated with the group's lack of direction.

"The agreement between the three of you was that these guys don't have a plan," said Julia Kelly, lawyer for defendant Daniel Harris, during Mr. Chappel's cross-examination. "You remember saying that? I think you said that they're wasting your time."

Mr. Chappel said he did.

That testimony was used to support defense allegations that Mr. Chappel, whom the defense portrayed as a dynamic figure with extensive training, had urged the group into a plan that none of them would have pushed to the point of execution without him.



were predisposed to the crime and that any inducement provided by agents or informants was fair game.

Matthew Schneider, a former U.S. Attorney for the Eastern District of Michigan, said the result was a surprise. “I think the government put forth a strong case,” he said. “I think they did a very good job of establishing what was the defendants’ guilt and the jury disagreed.”

He said, however, that prosecutors might have done a better job screening jurors, citing one person admitted to the jury who had only been asked two questions. “Well, who the hell is this guy? That’s not very thorough questioning of a jury,” he said.

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