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Judge: Yevsukov must testify against McKenzie-Gude

BY ERIN DONAGHUE

A Gaithersburg teen's Fifth Amendment rights will not prevent him from testifying against a Bethesda man prosecutors believe was plotting to kill Barack Obama.

At the U.S. District Court in Greenbelt, U.S. District Court Judge Peter J. Messitte denied a request that would have prevented Patrick Yevsukov, 18, from taking the stand against Collin McKenzie-Gude, 20, who pleaded guilty Sept. 23 to possession of a destructive device.

Yevsukov's attorney, Rene Sandler, argued today he should not have to testify at the sentencing hearing next week. Sandler said she respects the judge's ruling and her client will comply with the subpoena.

Federal prosecutors have used information from Yevsukov to build their case against McKenzie-Gude, arrested in 2008 after a police raid on his parents' home turned up more than 50 pounds of chemicals, assault rifles, a school faculty list, a map of Camp David marked with a presidential motorcade route, two bulletproof vests loaded with armor-piercing ammunition and a document explaining how to kill someone at 200 meters.

At the time, Obama was still a candidate for president.

Prosecutors did not plan to call Yevsukov to testify. They were expected to call FBI Special Agent Victoria Backes to relate information about her interviews with Yevsukov, according to court documents.

Steven Kupferberg, who represents McKenzie-Gude, subpoenaed Yevsukov to cross-examine him. **Kupferberg** has said that Yevsukov has "dramatically" changed his story and is emotionally troubled. Sandler has denied that, countering Yevsukov has been a consistent participant in the investigation.

McKenzie-Gude surrendered to police July 30, 2008. He was charged with explosives and weapons offenses and was released in lieu of \$115,000 bail. He was arrested a second time on July 31 on charges he detonated homemade explosives in Gaithersburg in July 2007. He has been incarcerated since at the Montgomery County Correctional Facility in Boyds.

In addition to the explosive charge, McKenzie-Gude is awaiting sentencing for attempted carjacking, to which he pleaded guilty last year. The carjacking sentencing is scheduled for Feb. 9 in Montgomery County Circuit Court, according to court records.

Yevsukov was charged along with McKenzie-Gude, and pleaded guilty to two counts of possession of destructive devices. He was granted use immunity for information he gave to the government in relation to his activities with McKenzie-Gude, including information that McKenzie-Gude had been collecting dangerous materials as a part of a plot to kill Obama. Yevsukov will be sentenced Jan. 28 in Montgomery County Circuit Court, according to court records.

The allegations that McKenzie-Gude planned to kill Obama are "not based on facts," Kupferberg told The Gazette.

The Fifth Amendment allows someone to refuse to testify in court if their testimony may incriminate themselves, but Messitte ruled the immunity agreement applied to all information Yevsukov has provided, and he will therefore be required to take the stand. After the ruling, Messitte postponed the sentencing hearing – which was to take place in federal court today – until Jan. 14 and 15.

Largely at issue during the hearing will be what McKenzie-Gude's intentions were in relation to the materials found in his home.

At the hearing, federal prosecutors will argue he should serve six and a half to just under nine years, said Marcia Murphy, a spokeswoman for the U.S. Attorney's Office for the District of Maryland. **Kupferberg** told The Gazette he would argue for less than 27 months in jail for his client, which is the low end of federal sentencing guidelines for the charge. ■

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