U.S. Department of Justice

United States Attorney
Eastern District of New York

EJD:IC
F. #2024R00700

271 Cadman Plaza East
Brooklyn, New York 11201

September 9, 2025

By ECF and Email

The Honorable Dora L. Irizarry
United States District Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: United States v. Darnell Jones
Criminal Docket No. 24-369 (DLI)

Dear Judge Irizarry:

The government respectfully submits this letter in anticipation of defendant Darnell Jones's sentencing hearing in the above-captioned case, which is scheduled for October 1, 2025 at 10:00 a.m. On April 9, 2025, the defendant, also known as "EJ," pleaded guilty pursuant to a plea agreement to wire fraud conspiracy and aggravated identity theft, in violation of Title 18, United States Code, Sections 1343, 1349 and 1028A. For the reasons set forth below, the government respectfully submits that a term of imprisonment of 145 months, the top of the applicable United States Sentencing Guidelines ("U.S.S.G." or the "Guidelines") range, should be imposed.

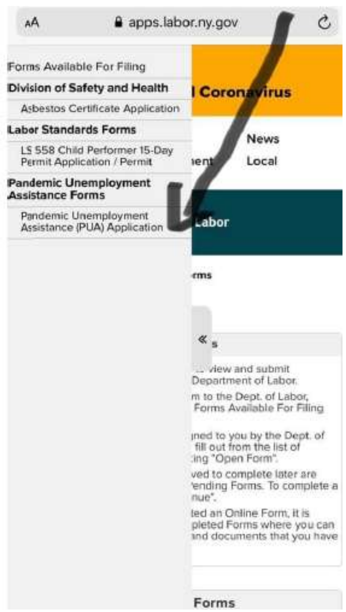
I. Background

The facts underlying the offense conduct in this case are accurately set forth in the Presentence Investigation Report ("PSR") prepared by the United States Probation Department ("Probation") on July 11, 2025, as amended by the Addendum to the Presentence Report, dated August 29, 2025.

A. The Defendant's Conspiracy to Engage in Unemployment Benefits Fraud and Other Fraudulent Conduct

Beginning in the spring of 2020 through the summer of 2021, the defendant and co-conspirators obtained personally identifiable information ("PII"), such as names, addresses, driver's license numbers, social security numbers and dates of birth, to submit fraudulent claims for unemployment insurance benefits to the New York State Department of Labor ("NYDOL"). PSR ¶ 8. During this period, the defendant and his co-conspirators defrauded the NYDOL and exploited federal unemployment insurance programs, such as the Pandemic Unemployment

Assistance program made available pursuant to the Coronavirus Aid, Relief, and Economic Security ("CARES") Act, taking advantage of a global health crisis for his own personal gain.[1] Id. ¶ 6. The defendant kept a screenshot created on April 8, 2020 of the link to the Pandemic Unemployment Assistance Forms from the NYDOL on one of his cell phones, as shown below (markings in original). Government Exhibit ("GX") 406G, attached hereto as Exhibit A, at 4, 23.[2]



To carry out their scheme, the defendant and co-conspirators would purchase or otherwise obtain victims' PII from internet websites or from individuals on applications such as Telegram.[3] PSR ¶ 9. The defendant and his co-conspirators would then use the stolen PII to

---

[1] The CARES Act was enacted on March 27, 2020, and, in light of the ongoing health crisis related to the novel coronavirus ("COVID-19"), allocated additional unemployment benefits for eligible individuals. Specifically, the CARES Act established additional unemployment insurance programs, including the Pandemic Unemployment Assistance program and the Federal Pandemic Unemployment Compensation program. Both programs were federally funded and were administered by states, including New York State.

[2] Citations to government exhibits reference admitted exhibits from the 2024 trial United States v. Maliek Miller, Docket No. 20-CR-331 (LDH) (hereinafter "Miller"), in which a fellow member of the defendant's gang was tried for and convicted of racketeering, murder in-aid-of racketeering and related crimes. Due to the defendant's status in the same gang (the "Ninedee Gang"), evidence regarding the defendant's participation in fraud and violence was presented at trial.

[3] Telegram is an end-to-end encrypted messaging application that also allows for encrypted voice and video calls. Telegram also allows users to exchange messages, share media and files, and hold private and group voice or video calls on its encrypted platform.

submit unemployment claims, altering the addresses of the victims to those of co-conspirators in Brooklyn so that debit cards and funds would be sent to co-conspirators' homes and not the true addresses of the victims. Id.; see also Miller, ECF No. 208, Tr. 1140-43.[4] For example, on November 18, 2020, the defendant, using the username "Euro Jones" sent a co-conspirator, "FS Fspros," messages on Telegram to pay "FS Fspros" to obtain the dates of birth, social security numbers and driver's license numbers for ten victims for whom the defendant had names and home addresses, as shown below.[5] See PSR ¶ 10; Excerpts of GX 406Z, attached hereto as Exhibit B, at 15-23.[6]

---

[4] References to "Tr." herein are to the trial transcript in Miller. The testimony cited herein is from a cooperating witness who was a former member of the Ninedee Gang and a co-conspirator of the defendant.

[5] The messages have been excerpted for clarity and brevity.

[6] Because Exhibit B and Exhibit E contain information that constitutes victims' and third parties' names and identifying information, these materials are being submitted under seal. This information concerns the privacy interests of the third parties and victims that warrant protection from disclosure, and it should therefore be sealed. See, e.g., United States v. McPartland, No. 17-CR-587 (JMA), 2021 WL 722496, at *3 (E.D.N.Y. Feb. 23, 2021) (finding that "sealing and redaction of references to [a] third-party" in the parties' pretrial motions in limine were appropriate); United States v. Amodeo, 71 F.3d 1044, 1050 (2d Cir. 1995) ("[t]he privacy interests of innocent third parties . . . should weigh heavily" when determining whether public access is appropriate).

Ultimately, the defendant paid "FS Fspros" approximately $600 worth of cryptocurrency for the victims' PII, and "FS Fspros" sent JONES the requested dates of birth, social security driver's license numbers. See id. NYDOL records show that claims for unemployment insurance benefits were submitted for certain of these victims, but with altered home addresses. Id. From the fraudulent claims of these victims alone, the defendant and his co-conspirators obtained approximately $24,356.00 of fraudulent unemployment insurance benefits; in the year-and-a-half following the COVID-19 pandemic, the defendant and his co-conspirators stole approximately $838,120.00 from the NYDOL in unemployment insurance benefits using the compromised PII of almost 80 victims. PSR ¶ 11.

The defendant also engaged in additional types of fraud, including wire fraud conspiracy in connection with stolen credit card and bank information beginning in May 2021 until he was arrested in this case in October 2024. Id. ¶ 13. The defendant and his co-conspirators purchased and exchanged victim "profiles" on the internet that included victim names, social security numbers, credit card numbers, bank account information and/or other PII. See id.; Miller, ECF No. 208, Tr. 1054-57. They then used this stolen information in a variety of ways, including (1) directly withdrawing funds from or making purchases with bank accounts using the stolen information to access victims' accounts; (2) using the stolen information to create fake credit or debit cards that were later used to make in-person purchases; and (3) accessing the victim bank accounts to deposit fraudulent checks or criminal proceeds, which were later withdrawn as cash. Id. During the course of this three-year scheme, the defendant and his co-conspirators used the compromised PII of approximately 800 victims with the intent to access at least $2.7 million of victim account funds.[7] PSR ¶ 13.

---

[7] The government has notified the identified victims of the proceedings and upcoming sentencing hearing in this case. As of the date of this filing, the government has received certain victim inquiries but has not yet received any victim impact statements nor restitution requests. The government will update the Court, Probation and the defendant with any victim impact statements or restitution requests it receives.

B. The Defendant Was a Member of a Violent Street Gang and Funded the Gang Through Fraud and Marijuana Trafficking

The defendant was an active member of the Ninedee Gang, a violent criminal enterprise operating out of the Louis H. Pink Houses public housing complex (the "Pink Houses") in the East New York neighborhood in Brooklyn.[8] PSR ¶ 6. Ninedee Gang members are affiliated with specific buildings within the Pink Houses and engage in a violent and bloody gang war with rivals, including those from rival buildings within the Pink Houses and those from a neighboring apartment complex in Linden Plaza. This ongoing violence has raged within the Pink Houses for decades on a daily basis as members of the Ninedee Gang and their affiliates and their rivals terrorize the neighborhood by trading gunfire without regard to the men, women and children who reside in the massive housing complex. Ninedee Gang members and associates often promoted the gang by boasting publicly on social media and in music videos about the gang and its criminal activities. The defendant has publicly touted the Ninedee Gang by posting about the gang and its activities on social media, such as in the below example recovered from one of the defendant's cell phones, dated November 2020. Ex. A, GX 406G at 3, 16.

The defendant and other Ninedee Gang members support the gang through drug sales and large-scale financial fraud, also known as "scamming," as described above; the funds derived from these crimes are used to purchase firearms for the gang, among other things. See Miller, ECF No. 208, Tr. 1053, 1057. The defendant not only engaged in numerous fraud schemes with Ninedee Gang members, such as Kevin Wint, also known as Kev G,[9] but taught

---

[8] The Pink Houses complex consists of 22 eight-story buildings with 1,500 apartment units covering over 31 acres and houses over 3,000 residents.

[9] On March 9, 2023, Wint pleaded guilty to racketeering, where his predicate acts included distribution of marijuana and access device fraud, and acting as an accessory-after-the-fact of a murder committed by members and associates of the Ninedee Gang for assisting Ninedee members in escaping law enforcement detection following a murder on July 7, 2020. See Miller, ECF Nos. 25 (First Superseding Indictment) and 81 (Change of Plea Hearing Transcript). On January 12, 2024, Wint was sentenced to a term of 110 months' imprisonment, among other things, by the Honorable LaShann DeArcy Hall. See Miller, Jan. 12, 2024 Minute Entry; ECF No. 135 (Judgment).

other members of the gang how to do so. For example, in January 2021, the defendant messaged Ninedee Gang member and co-conspirator, Kevin Wint, about one of the "best scams [the defendant had] heard about." GX 406CC, attached hereto as Exhibit C, at 8. The defendant's message continues to describe a way to obtain credit card information from innocent victims:

> You arrive at your hotel and check in at the front desk. Typically when checking in, you give the front desk your credit card (for any charges to your room). You go to your room and settle in. All is good. The hotel receives a call and the caller asks for (as an example) room 620 – which happens to be your room. The phone rings in your room. You answer and the person on the other end says the following: 'This is the front desk. When checking in, we came across a problem with your charge card information. Please re-read me your credit card number and verify the last 3 digits numbers at the reverse side of your charge card.' Not thinking anything wrong, since the call seems to come from the front desk you oblige. But actually, it is a scam by someone calling from outside the hotel. . . .

Id. Ninedee Gang members, such as Wint, often boasted about the Ninedee Gang's credit card fraud; for example, in a YouTube video "Loring and Eldert" posted on August 16, 2020, Wint raps "real nose scammer, those cards we crackin."[10]

The defendant and his fellow gang members also helped fund and promote the Ninedee Gang by selling marijuana, including a gang-specific brand known as "90 Runtz." See PSR ¶ 7; see, e.g., Ex. A, GX 406G at 1-3, 8, 11, 21. Evidence of the defendant's role in the gang's marijuana trafficking was recovered from one of his cell phones, which showed numerous images depicting various strains of marijuana as well as the branded logo of "90 Runtz," as shown below (left image, dated May 6, 2020; middle image, dated November 15, 2020; right image, dated December 1, 2020). Ex. A, GX 406G at 1-3, 8, 11, 21.

[10] See "Loring N Eldert," https://www.youtube.com/watch?v=h4CW54s34Zk at 0:34-0:35 (accessed on September 7, 2025).

C. <u>The Defendant Possessed Firearms and Committed Violent Crimes With the Ninedee Gang</u>

In addition to funding the Ninedee Gang, the defendant also possessed firearms and committed acts of violence with Ninedee gang members and associates. PSR ¶ 7. Among other things, the defendant purchased firearms with Ninedee Gang members, as evidenced in June 2020 text communications with Ninedee Gang member Wint about sharing the cost of a "glick" or firearm, see below (Wint in green and the defendant in blue). Excerpts of GX 402LL, attached hereto as Exhibit D, at 739-40.

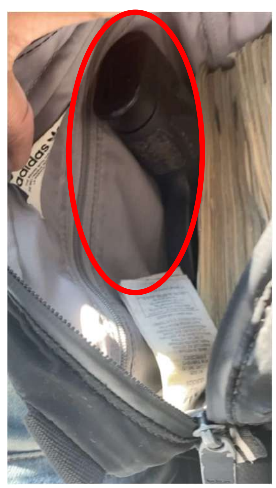
From: +13477440439 (owner)
To: +12018561508
To: kevgninedee@icloud.com _$!<Other>!$_ (owner)
I took every risk with that glick all you did was put up two fifty and you still got to keep it you won I want the two fifty so I can another one bro I dont feel any type of way so if you don't wanna I'm not gone force you I just need the two fifty so I can protect myself that's it brother

Participant	Delivered	Read	Played
+12018561508	6/8/2020 10:30:34 AM(UTC-4)		

From: +12018561508
To: +13477440439 (owner)
To: kevgninedee@icloud.com _$!<Other>!$_ (owner)
All I'm sayin is all yu had to say was go half with yu on another one

Participant	Delivered	Read	Played
+13477440439		6/8/2020 10:33:21 AM(UTC-4)	

Moreover, the defendant's cell phone contained multiple images of firearms, including an image of the handle of a firearm in what appears to be a backpack with cash next to the firearm. Ex. A, GX 406G at 4, 24; Excerpts of GX 407E, attached hereto as Exhibit E, at 23, 68.



On August 9, 2021, law enforcement agents also recovered two firearms loaded with ammunition from a kitchen cabinet within an apartment the defendant shared with Wint in New Jersey. PSR ¶ 12. Specifically, a tan Springfield Armory XD Elite 9 millimeter handgun, bearing serial number AT291069 with a Protec Laser Sight and a black Taurus G2C 9 millimeter handgun, bearing serial number TLT10051 equipped with an Armalaser TR23 sight were recovered, as depicted below. See id.

The recovered handguns were each equipped with a laser sight, which shines a red laser beam where the firearm is pointed, to increase the shooter's accuracy in hitting a target. See id. Members of the defendant's gang bragged publicly about having access to guns with such features. In at least one music video, a Ninedee Gang member rapped "dot on his nose if he clowning," referencing a red "dot" of a laser sight being pointed at an individual's nose if the individual acts disrespectfully or foolishly ("clowning"), also employing the double entendre of a clown's red nose.[11] See Miller, ECF No. 209, Tr. 1380.

The defendant also broadcast his possession of firearms and large quantities of cash on social media, appearing on fellow Ninedee Gang member Maliek Miller's Facebook live waving around what appeared to be a gun, flashing money and promoting the Ninedee Gang. GX 242(b), attached hereto as Exhibit F, at 0:34-0:58 (video depicting Miller on the top half of the screen and the defendant on the bottom

[11] See "Ninedee Way," https://www.youtube.com/watch?v=K0zr75PdlFs&list=RDK0zr75PdlFs&start_radio=1 at 0:51-0:53 (accessed on September 7, 2025).

half). Displaying the firearm to the camera, the defendant states "Ninedee! N**** said don't f*ck around though." Id. After displaying the firearm and cash, the defendant states "Ninedee the way, everywhere . . . Ninedee the way, in every state, east coast to the west coast." Id. Still images from the video below depict the defendant with his gun and money.

Beyond the possession and purchase of firearms for and with Ninedee Gang members, the defendant is also responsible for the September 4, 2017 shooting of "Little Russ," a rival gang member from the Linden Plaza complex. PSR ¶ 7; see Sep. 4, 2017 Police Report, attached hereto as Exhibit G. A former Ninedee Gang member explained that the defendant was responsible for the shooting, which was later publicly touted by Ninedee Gang member Kevin Wint who rapped "might hit Little Russ with a ladder," referencing that "Little Russ" was shot by a Ninedee member with a firearm with an extended clip.[12] See Miller, ECF No. 209, Tr. 1395. Ninedee Gang members and associates are responsible for many violent crimes in and around the Pink Houses, most notably, a July 7, 2020 murder of an associate of a rival and former federal witness, Shatavia Walls. See Miller, ECF No. 25 (First Superseding Indictment). Maliek Miller was convicted at trial; an additional six Ninedee members and associates pled guilty with respect to their roles in the Walls murder.[13]

D. The Defendant's Arrest and Subsequent Conviction

The defendant was arrested and arraigned on October 11, 2024. For his actions, the defendant was charged with wire fraud conspiracy, in violation of Title 18, United States Code, Sections 1343 and 1349 (Count One); aggravated identity theft, in violation of Title 18, United States Code, Section 1028A (Count Two); and being a felon in possession of firearms and ammunition, in violation of Title 18, United States Code, Section 922(g) (Count Three). PSR ¶¶ 2-3; ECF No. 1.

On April 9, 2025, the defendant pleaded guilty pursuant to a plea agreement to Counts One and Two before the Court. See April 9, 2025 Minute Entry. As part of his plea, the

[12] See "Dead Ops," https://www.youtube.com/watch?v=QY9b6dF-fJQ&list=RDQY9b6dF-fJQ&start_radio=1 at 1:59-2:03 (accessed on September 7, 2025).

[13] The defendant is not alleged to have participated in the Walls murder.

defendant stipulated that between May 2021 and October 2024, he conspired to engage in a scheme to fraudulently obtain personal identifying information, including bank account information, of victims, in order to, by means of wire transfer, check or other transmission by means of wire, obtain funds from the victims' bank accounts resulting in an intended loss amount of over $2.7 million. See PSR ¶ 13; Plea Agreement ¶ 2.

E. The Defendant's Prior Criminal History

The defendant has two prior convictions involving the possession and use of firearms. The defendant was convicted of Criminal Possession of a Weapon in the Fourth Degree, a Class A misdemeanor, in June 2014 for possession of a firearm in the Flatbush neighborhood of Brooklyn on the evening of March 10, 2012. PSR ¶ 38. Specifically, the defendant possessed a sawed-off Harrington and Richardson 12-gauge shotgun on the street corner. Id. For this crime, the defendant was sentenced to a term of imprisonment of one year.

The defendant was also previously convicted for shooting a victim in the leg. PSR ¶ 39. On the morning of May 14, 2012, in East New York, the defendant fired multiple gunshots at a victim, breaking his leg with one of the shots. Id. Approximately one hour later, the defendant was found in possession of a loaded firearm matching the caliber used in the shooting and ultimately pleaded guilty to Attempted Assault in the First Degree (Intent to Cause Serious Injury with a Weapon), a Class C Felony. Id. The defendant was sentenced to four years of custody; while in custody, the defendant incurred nine infractions, including fighting and possession of a weapon. Id. The defendant was released on parole for a second time in July 2016, with his parole status to expire on June 2, 2021. Id.

II. Sentencing Guidelines Calculation

The government agrees with the Probation Department's calculation of the Guidelines total offense level as set forth in the PSR. The PSR calculates the Guidelines total offense level to be 28, based upon a combined adjusted offense level of 31 and a three-level reduction for acceptance of responsibility. PSR ¶¶ 22–36. Accordingly, based on a Criminal History Category of III, a total adjusted offense level of 28 would yield a Guidelines advisory range of 97 to 121 months of imprisonment. Id. ¶ 74. In addition, the defendant's aggravated identity theft conviction (Count Two) carries a mandatory term of imprisonment of two years to run consecutive with any sentence imposed on the underlying wire fraud conspiracy, which renders the total applicable Guidelines advisory range to be 121 to 145 months of imprisonment. See id. The defendant has stipulated to the applicable Guidelines range. Plea Agreement ¶ 3.

III. Legal Standard

The Supreme Court has explained that the sentencing court "should begin all sentencing proceedings by correctly calculating the applicable [Guidelines] range. Gall v. United States, 552 U.S. 38, 49 (2007). The Supreme Court further has explained that "[a]s a matter of administration and to secure nationwide consistency, the Guidelines should be the starting point and the initial benchmark." Id. The sentencing court "should then consider all of the [18 U.S.C.] § 3553(a) factors to determine whether they support the sentence requested by a party." Id. at 49-50. In doing so, the court "may not presume that the Guidelines range is reasonable," but "must make an individualized assessment based on the facts presented." Id. at 50 (internal citation omitted).

Title 18, United States Code, Section 3553(a) provides, in part, that in imposing a sentence, the court shall consider:

> (1) the nature and circumstances of the offense and the history and characteristics of the defendant; [and]
>
> (2) the need for the sentence imposed--
>
>> (A) to reflect the seriousness of the offense, to promote respect for the law, and to provide just punishment for the offense;
>>
>> (B) to afford adequate deterrence to criminal conduct;
>>
>> (C) to protect the public from further crimes of the defendant; [and]
>>
>> (D) to provide the defendant with needed educational or vocational training, medical care, or other correctional treatment in the most effective manner.

18 U.S.C. § 3553(a). "[I]n determining whether to impose a term of imprisonment, and, if a term of imprisonment is to be imposed, in determining the length of the term, [the court] shall consider the factors set forth in section 3553(a) to the extent that they are applicable, recognizing that imprisonment is not an appropriate means of promoting correction and rehabilitation." 18 U.S.C. § 3582(a).

At sentencing, "the court is virtually unfettered with respect to the information it may consider." United States v. Alexander, 860 F.2d 508, 512-13 (2d Cir. 1988). Indeed, "[n]o limitation shall be placed on the information concerning the background, character, and conduct of a person convicted of an offense which a court of the United States may receive and consider for the purpose of imposing an appropriate sentence." 18 U.S.C. § 3661.

IV. Discussion

The government respectfully submits that a sentence of 145 months' imprisonment, at the top of the defendant's applicable Guidelines range, is appropriate in this case and would be sufficient, but not greater than necessary, to serve the statutory purposes of sentencing.

A. The Nature and Circumstances of the Offense

The government respectfully submits that the Court should impose a sentence of 145 months' imprisonment because such a sentence is appropriate to "reflect the seriousness of the offense, to promote respect for the law, and to provide just punishment for the offense." 18 U.S.C. § 3553(a)(2)(A). Such a sentence will both provide appropriate punishment for the "nature and circumstances of the offense" as well as further the aims of specific and general deterrence. See id. §§ 3553(a)(1), (a)(2)(B) & (a)(2)(C).

The nature and circumstances of the defendant's offenses were extraordinarily serious. See 18 U.S.C. § 3553(a)(1). The defendant's crimes of conviction—wire fraud conspiracy and aggravated identity theft—are inherently serious. By using stolen PII of victims, the defendant and co-conspirators worked to attempt to steal greater than $3.5 million. See United States v. Sadleir, No. 20-CR-320 (PAE), 2023 WL 6497727, at *6 (S.D.N.Y. Oct. 5, 2023) (denying compassionate release for defendant convicted of wire fraud, reasoning under the § 3553(a) factors that "[t]hese scams are gravely serious for obvious reasons," including that "[t]hey deprived victims, private and public, of millions of dollars"). Moreover, the defendant and his co-conspirators used compromised personal information of approximately 880 victims, including their dates of birth and social security numbers, to steal funds and enrich themselves. To be sure, the defendant's fraudulent schemes have had lasting effects on his victims beyond the loss of their savings, as his crimes resulted in victims suffering from fraudulent debts that remain with the victims and deteriorate the victim's credit, jeopardizing their future financial security.

As explained above, the defendant not only engaged in fraudulent schemes, but actively taught others and showed them how to "scam" innocent victims out of their personal and bank information. The defendant texted co-conspirators, as he did to Kevin Wint in January 2021, with new and successful ways to defraud victims and steal their information for fraudulent uses, and also provided them with victims' PII to use, only further spreading the victims' information to defraud them.

The defendant's use of his fraudulent proceeds to fund his and the Ninedee Gang's illegal possession of firearms and the violent activities also weighs in favor of a serious sentence. By committing fraud, purchasing firearms and shooting a rival gang member, the defendant was able to perpetuate the Ninedee Gang's existence and encourage members and associates of the Ninedee Gang to possess firearms and engage in acts of violence. In the Second Circuit's en banc decision in United States v. Cavera, the Court highlighted the specific dangers posed by firearm crimes in the Eastern District of New York. 550 F.3d 180 (2d Cir. 2008). As the Court explained in affirming the district court's upward departure[14] on this basis:

> [U]rban areas have higher homicide rates than suburban and rural areas; that in those parts of New York City included in the Eastern District of New York, population density sometimes exceeded 35,000 persons per square mile when the national average was only 78 persons per square mile; and that guns smuggled into New York City frequently end up in the hands of persons not legally authorized to possess them and are used for illegitimate purposes . . . From these circumstances, [the district court] concluded that firearm

[14] For avoidance of doubt, the government is not seeking an upward departure in this case. See Plea Agreement ¶ 6(b).

> trafficking into New York City, and specifically into those boroughs in the Eastern District of New York, presented a greater risk of harm.

Cavera, 550 F.3d at 195. The defendant's crimes provided Ninedee Gang members fodder to tout publicly, often bragging about the gang's scamming successes and violent crimes. Indeed, the promotion of Ninedee Gang crimes and gun violence served to promote the gang and hold the gang out as something others—particularly younger boys and men in the Pink Houses—should desire to gain entrance to. The Ninedee Gang, through the defendant, forces too many of the youth of the Pink Houses to become embroiled in the gang's violent rivalry that has plagued the housing complex for many years.

Moreover, the shooting committed by the defendant in September of 2017, when he shot rival gang member "Little Russ," also known as "Russ Balla," showed complete disregard for human life. The defendant shot this rival during the annual West Indian American Day parade and celebration in Crown Heights, Brooklyn, that takes place on Labor Day each year. After being shot in the abdomen by the defendant, the victim emerged from the crowd on the parade route and approached police, seeking help for his wounds and injuries. See Ex. G, Police Report. Tragically, gang members such as the defendant use the cover of the Labor Day celebration in Brooklyn to commit violent acts against rival gang members, putting civilians on the parade risk at grave risk of death each year.[15]

In light of the nature and circumstances of the offenses committed by the defendant, a term of imprisonment of 145 months is appropriate.

B. The History and Characteristics of the Defendant

The history and characteristics of the defendant also justify a sentence at the top of the applicable Guidelines. See 18 U.S.C. § 3553(a)(1). The defendant has been convicted twice of dangerous firearms crimes by possessing a sawed-off shotgun and shooting a victim in the leg. In other words, the defendant has a consistent history of committing violent crimes and remains undeterred by his prior arrests and convictions. Indeed, despite the defendant's sentenced one-year and four-year terms of imprisonment, his conduct has shown that those sentences did not alter his unwavering commitment to engage in criminal activity. Notably, he committed the "Russ Balla" shooting in the middle of a parade route after sustaining both of these convictions and completing his term of incarceration. The defendant has now victimized nearly 900 people, exploiting a worldwide health crisis for his and his gang's gain.

The defendant's history and characteristics are those of someone who does not believe the law applies to him. At the outset, the defendant's disciplinary history while in state custody demonstrates that the defendant refused to abide by rules, even while incarcerated.

---

[15] See "7 shot as violence mars end of West Indian American Day celebrations—again," https://www.nbcnewyork.com/brooklyn/west-indian-american-day-parade-violence/6381544/ (accessed on September 8, 2025); "Gun violence after Brooklyn's West Indian Day Parade overshadowed otherwise festive weekend," https://www.cbsnews.com/newyork/news/brooklyn-west-indian-day-parade-shooting-gun-violence/ (accessed on September 8, 2025).

More importantly, the defendant committed the instant offenses, possessed firearms and furthered the violent aims of the Ninedee Gang all while on parole, which did not expire until June 2021. This Court should send a clear a message when it sentences the defendant—that such conduct will be severely punished. The defendant's history and characteristics weigh heavily in favor of a sentence at the top of his Guidelines range.

C. Respect for the Law, Just Punishment, the Need for Deterrence and Protecting the Public from Further Crimes of the Defendant

With respect to the other Section 3553 factors, a sentence of 145 months' imprisonment will promote respect for the law, provide just punishment and provide adequate deterrence to the defendant himself and to others contemplating similar acts. See 18 U.S.C. § 3553(a)(2). As discussed above, see Section I.A, the defendant's crimes and the far-reaching harm from his fraud schemes and financial support of, and crimes with, the Ninedee Gang are serious and require significant punishment. A sentence at the top of the applicable Guidelines range will also make clear to the defendant's associates that criminal conduct in association with organized criminal groups in particular will result in serious penalties. Only a significant sentence can thus promote respect for the law in these circumstances. Further, such a sentence is necessary to protect the public by preventing the defendant from continuing to participate in gang-related crimes for as long as possible.

In light of all of the facts set forth herein, a sentence of 145 months' imprisonment would best serve these important purposes of sentencing.

V. Conclusion

For the reasons set forth above, the government respectfully asks the Court to impose a term of imprisonment of 145 months, at the top of the applicable Guidelines range.

Respectfully submitted,

JOSEPH NOCELLA, JR.
United States Attorney

By: /s/
Emily J. Dean
Irisa Chen
Assistant U.S. Attorneys
(718) 254-6059/6124

cc: Clerk of the Court (DLI) (by ECF)
Andre Traveiso, Esq. (by ECF and Email)
Brian H. Woo, U.S. Probation Officer (by Email)