

RELEVANT CONDUCT IN CONSPIRACIES

You are the judge in a multi-defendant drug case. All the defendants have pleaded guilty. Defendants **ADAM BROOKS, CELESTE DRAKE, ELLIOTT FRANKS, GREG HANOVER, ISAAC JONES, KYLE LUCAS**, are charged in the District of Maryland with Indictment with one count of Conspiracy to Distribute and Possession with Intent to Distribute Heroin. The Indictment alleges that beginning in January 2015 until December 30, 2017, the five defendants did conspire to distribute 1 kilogram or more of Heroin in the McCulloh Homes in West Baltimore. The charge carries a ten-year mandatory minimum sentence.

The discovery described the following:

Beginning in January of 2015, Baltimore City Police Department and the DEA began investigating a drug distribution ring in the McCulloh Homes housing project. The investigation centered on Defendant **ADAM BROOKS** who, it was revealed, was a mid-level distributor of heroin. Over the course of two years, the investigation showed that Brooks worked with **ELLIOT FRANKS, GREG HANOVER, ISAAC JONES, KYLE LUCAS** and others, to distribute heroin in West Baltimore. **BROOKS** would get heroin from his supplier and deliver the drugs to street-level dealers who would sell the drugs. Over the course of the investigation, **BROOKS** received and sold over five kilos of heroin.

Whenever **BROOKS** got a shipment of drugs from his supplier, he called **KYLE LUCAS** first to coordinate the sale of the heroin. **LUCAS** and **BROOKS** were distant cousins and had been selling drugs together for several years. **BROOKS** was responsible for acquiring the drugs while **LUCAS** was in charge of finding street-level dealers. **LUCAS** recruited street level dealers to distribute to drugs around West Baltimore. Specifically, **LUCAS** recruited **ELLIOT FRANKS, GREG HANOVER**, and **ISAAC JONES** to act as street level dealers. **LUCAS** determined where the street dealers would sell drugs and what quantity of drugs each dealer would get. After all the drugs were sold, **BROOKS** received a larger portion of the drug proceeds.

ELLIOT had been selling cocaine with other drug dealers in Baltimore beginning in 2014. He began selling heroin for **BROOKS** and **LUCAS** in January 2016. **ELLIOT** and **ISAAC JONES** are step-brothers and have lived together in the same house since 2014. **ISAAC** knew about all of **ELLIOT'S** drug dealing activity but **ISAAC** worked full time as truck driver and did not want to deal drugs.

In June of 2017, **ISAAC** lost his job as a truck driver and, needing money, began dealing drugs with **ELLIOT**. After June, **ISSAC** and **ELLIOT** went to pick up drugs from **LUCAS** and **BROOKS**

RELEVANT CONDUCT IN CONSPIRACIES

every week. After **ISAAC** and **ELLIOT** got the drugs, they coordinated where they were going to make sales and share proceeds.

GREG HANOVER began selling drugs he received from **BROOKS** and **LUCAS** in January 2015. He knew there were other street level dealers who got drugs from **BROOKS** and **LUCAS** but **GREG** has never met anyone else who gets drugs from **BROOKS** and **LUCAS** nor has **Greg** ever seen anyone pick up drugs at the same time he does.

GREG always carries a weapon when he sells drugs because he has been robbed before while carrying drug proceeds. After the robbery, **GREG** was paranoid about being followed. He began constantly changing meeting locations to avoid detection. Sometimes, **GREG'S** girlfriend **CELESTE DRAKE** would accompany him when he made the sales. **CELESTE** sat in the car while he made the sales. She never touched the weapon because **GREG** carried it on his person.

On three occasions, **CELESTE** went by herself to meet with potential drug buyers because **Greg** was afraid he would be robbed again. On these occasions, **CELESTE** got drugs from **GREG**, and conducted the sales by herself. For these three sales, **GREG** paid her \$20 from the drug proceeds.

RELEVANT CONDUCT IN CONSPIRACIES

1. **Brooks** and **Lucas** enter guilty pleas first. Based on the information received from the government and law enforcement officers, the probation officer found that **Brooks** and **Lucas** were responsible for distributing five kilos of heroin. **Brooks** challenges this drug amount in the PSR. **Brooks** argues that the Indictment alleges only one kilo of heroin and any quantity beyond that must be proven beyond a reasonable doubt. What quantity of drugs will **Brooks** be liable for?

2. Would the aggravating role enhancement apply to **Brooks**?

3. **Lucas** is also challenging the drug quantity in his PSR. He argues that he should not be held responsible for the same quantity of drugs as **Brooks**. **Lucas** argues that he is liable for 2 kilos, which is the amount he personally handled. **Lucas** noted that while he and **Brooks** shared the drug proceeds equally, he only worked under **Brooks**' direction and never met the supplier. What quantity of drugs will **Lucas** be liable for?

4. Would the aggravating role enhancement apply to **Lucas**?

RELEVANT CONDUCT IN CONSPIRACIES

5. **Greg** is the next defendant to be sentenced. The PSR states that **Greg** personally sold one kilo of heroin but stated that because he was part of a conspiracy, and knew there were other street level dealers, he should also be liable for the entire quantity of the conspiracy. Will **Greg** be liable for the drugs sold by others in the conspiracy?

6. **Celeste** is sentenced a day after Greg. She made several objections to her PSR. First, she argues that her drug quantity should be limited to the three drug transactions she conducted by herself, which totaled 20 grams. What quantity of drugs is attributable to **Celeste**?

7. The PSR for **Celeste** also added a 2-level enhancement under §2D1.1(b)(1) for possession of a weapon. **Celeste** argues that she never carried a gun and therefore cannot be liable for the weapon. Will **Celeste** get the gun enhancement?

8. **Celeste** also argues that she is eligible for safety valve. The government agrees that she meets four out of the five criteria but argues that she cannot get safety valve because of the weapon. Can **Celeste** get safety valve?

RELEVANT CONDUCT IN CONSPIRACIES

9. Finally, **Celeste** argues that she is eligible for a minor role reduction because she is less culpable than other people in the conspiracy. The government agrees that she is less culpable but argues that she already received a reduction on the drug quantity and therefore, she is not eligible for further reductions. Will **Celeste** get minor role even if she is held responsible only for the quantity of drugs she sold?

10. **Elliot** and **Isaac** are sentenced last. **Elliot** and the government have agreed that **Elliot** is responsible for distributing two kilos of heroin in this conspiracy. However, the PSR noted that **Elliot** was selling drugs prior to joining this conspiracy, totaling 300 grams of cocaine. Government argues that the cocaine should be included in the drug quantity for the instant offense. Will **Elliot** be held responsible for the cocaine he sold before he entered the conspiracy?

11. At **Isaac's** sentencing, the government argues that the drug quantity is two kilos, the same quantity as **Elliot**. The government notes that **Elliot** and **Isaac** lived together during the conspiracy and that **Isaac** knew that **Elliot** was selling heroin. **Isaac** argues he can only be held accountable for the drugs he sold, which totaled 1 kilo. What quantity of drugs will be attributed to **Isaac**?
