

RICO OFFENSES

Dante Gray has pled guilty to the following offense:

- Ct. One: Racketeering Conspiracy; in violation of 18 U.S.C. § 1962(d) – Not more than life imprisonment

Background on Lincoln Park Crew RICO Conspiracy

For several years, the Lincoln Park housing project in Baltimore, Maryland has been a war zone for violent feuds between several criminal enterprises styled as neighborhood-based street gangs. The Lincoln Park Crew (LPC), which was led by Martin Tucker until he was murdered by a rival gang in August of 2015, has been at the center of the violent conflicts. The LPC has been responsible for multiple murders, attempted murders, shootings, assaults, and other acts of violence that arise from the gang's ongoing feuds with other street gangs in Lincoln Park.

In approximately 2004, the LPC started as a group of young men who socialized together and were involved in street-level crime. Among the founders were Martin Tucker and Tyrell Mitchell who were both from Lincoln Park. The LPC eventually developed into a substantial criminal organization with sets of gang members who have engaged in criminal activity in neighboring counties in Maryland. The Lincoln Park housing project is considered LPC territory and in recent years several shootings and other violent conflicts have occurred when members of rival gangs have entered LPC territory.

The goals of the LPC include protecting the power of the gang and its members through violence and threats of violence against its rivals (including murdering and attempting to murder rivals of the gang) and enriching the gang and its members by engaging in the distribution of crack cocaine, heroin and other drugs (including prescription drugs), in and around LPC controlled territory, and, by acting in concert to commit robberies involving the use of violence.

Dante Gray and the LPC RICO Conspiracy

In approximately 2007 **Gray** became a member of the LPC because of his affiliation and friendship with the now deceased Martin Tucker, one of the founders of the gang. As an LPC member, **Gray** was aware that the LPC sold drugs and committed assaults and shootings of rival gang members. **Gray** held guns for other LPC members, sold crack cocaine with other members, and participated in shootings.

In 2009, **Gray** got involved in the prescription drug business. The Lincoln Park grocery was owned by the Jones family. **Gray** was hired by the Jones family to provide security for the store. By doing this, he learned the prescription drug business at the store. The Jones family would purchase pills from customers both inside and outside the store. These individuals would sell their legally obtained Medicaid-dispensed prescription drug bottles to the Jones family. After aggregating large quantities and removing the patient labels, the Jones family would re-sell the medication to others. Oxycodone tablets were re-sold in loose form like any other controlled substance.

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At some point, **Gray** began stealing customers from the Jones family. Among other things, **Gray** would stand on the same block as the grocery and intercept customers who would have otherwise sold their pills to the Jones family at the grocery store.

Gray is responsible for possessing with intent to distribute approximately 400 grams of Oxycodone.

In 2010, **Gray** was riding in a vehicle with another gang member, when they were pulled over by the police because the vehicle was missing license plates. When the police approached the vehicle, they observed Gray, who was in the passenger seat, shove something into his pants. When Gray exited the vehicle, several crumpled up checks fell from his pants.

In total, the police recovered eleven forged payroll checks drawn from the Chase bank account of a company called SC2 LLC doing business as "Edible Arrangements", worth a total of nearly \$10,000. Police contacted the owner of SC2 LLC who examined the checks and confirmed that they were forged and that his signature appeared to be copied.

1. What are the underlying predicate offenses are involved in this RICO conspiracy?

Answer: Prohibited activities in a RICO Conspiracy are defined by statute at 18 U.S.C. § 1961 and include, among other offenses, murder, kidnapping, gambling, arson, robbery, bribery, extortion, dealing in obscene matter and dealing a controlled substance or listed chemical. In this case, there are at least two underlying offenses for certain, PWID Oxycodone and Fraud. There is a circuit split regarding the standard of evidence used to determine the underlying offenses in a RICO Conspiracy. The First, Second, and Sixth, and Seventh circuits use a preponderance of evidence standard while the 11th Circuit requires a beyond a reasonable doubt standard. Regarding Gray's other activities as part of the Lincoln Park Crew, more information would be needed to establish additional underlying offenses.

2. How is the guideline range determined for each underlying predicate offense?

Answer: §2E1.1(a)(2) directs that the combined offense level for the underlying offenses is to be used. That is, apply Chapters Two and Three Parts A,B,C, and D to the underlying offenses and determine a combined offense level, then compare that combined offense level to the 19 and choose the greater.