



U.S. Department of Justice

United States Attorney
Southern District of New York

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July 5, 2022

BY ECF

The Honorable Jed S. Rakoff
Southern District of New York
Daniel Patrick Moynihan Courthouse
500 Pearl Street
New York, New York 10007

Re: *United States v. Kewaanne Williams*, S1 21 Cr. 412 (JSR)

Dear Judge Rakoff:

The Government submits this letter in advance of the sentencing of Kewaanne Williams (“Williams” or the “defendant”) in the above-referenced matter, currently scheduled for July 12, 2022 at 4:00 p.m. The defendant was a member of the “Get Money Gunnaz” or “GMG” set of the New York City-wide “Young Gunnaz” or “YGz” street gang (the “GMG YGz” or the “Crew”). The defendant, and other members of the Crew, sold narcotics on GMG-controlled blocks in the vicinity of 184th Street and Morris Avenue, carried firearms, and engaged in back-and-forth shootings with neighboring, rival crews. The defendant was a Crew leader who possessed—and used—firearms in furtherance of its narcotics trafficking activity, and sold drugs on behalf of the Crew. On the basis of the defendant’s conduct, the Government would have urged the Court to impose a sentence within the Stipulated Guidelines Range of 168 to 210 months’ imprisonment. However, in light of the Department’s support of the EQUAL Act, S.79, discussed *infra*, and the mitigating factors raised in the defendant’s submission and culpability relative to other defendants, the Government requests that the Court impose a sentence of 120 months’ imprisonment.

I. Offense Conduct

A. Background

For years, members of the GMG YGz engaged in drug dealing, firearms offenses, and crimes of violence, including shootings, in the vicinity of 184th Street and Morris Avenue in the Bronx, New York. (See Final Presentence Investigation Report, revised May 19, 2022 (the “PSR”) ¶¶ 13-14). The Crew engaged in controlled sales, primarily of cocaine base, and of relatively smaller amounts of heroin and fentanyl, to undercover law enforcement officers (“UCs”) and confidential sources (“CSs”). (PSR ¶ 13). Beginning in approximately 2017, UCs and CSs working for and at the direction of the New York City Police Department (“NYPD”) and, later, the Drug Enforcement Administration (“DEA”) began infiltrating the Crew through controlled purchases of narcotics. (PSR ¶ 60). Pursuant to his written plea agreement with the Government (the “Plea Agreement”), the defendant agreed that he is responsible for participating in a

conspiracy to distribute at least 7.5 kilograms of cocaine base. In the Plea Agreement, the defendant also stipulated to a three-level enhancement, pursuant to U.S.S.G. § 3B1.1(b), because he was a manager or supervisor of the conspiracy.

On June 22, 2021, a Grand Jury sitting in the Southern District of New York returned superseding indictment S1 21 Cr. 412 (the “Indictment”), charging the defendant and twelve others in two counts. Count One charged the defendant with participating in a conspiracy to distribute and possess with intent to distribute (i) 280 grams and more of mixtures and substances containing a detectable amount of cocaine base in a form commonly known as “crack cocaine,” in violation of 21 U.S.C. § 841(b)(1)(A); (ii) mixtures and substances containing a detectable amount of heroin, in violation of 21 U.S.C. § 841(b)(1)(C); and (iii) mixtures and substances containing a detectable amount of fentanyl, in violation of 21 U.S.C. § 841(b)(1)(C). Count Two charged the defendant with using and carrying, and aiding and abetting the use and carrying of, a firearm in furtherance of that drug conspiracy, in violation of 18 U.S.C. § 924(c).

On June 22, 2021, the defendant was arrested. Also on June 22, 2021, following his presentment before United States Magistrate Judge Stewart Aaron, the defendant was ordered released subject to certain conditions of bail.

B. The Defendant

As a member of the GMG YGz, the defendant sold crack cocaine and heroin in the gang’s Bronx territory. (PSR ¶ 24). He was the direct seller in at least eight controlled purchases by law enforcement, which included selling approximately 7.5 grams of cocaine base. (*Id.*). More significantly, the defendant was a leader of the Crew who used firearms. The defendant, now 32 years old, was a long-standing member of the Crew. On March 8, 2013, Israel Garcia, the principal leader of the Crew, posted the image below to his Facebook account:



The caption of the post states: “G.m.g we dont got that name for nothing lol #teamcutthroat #mrloudpack #weekofhardwork #otf” and Garcia tagged in the post himself, “Key Williams” (the defendant), “Bobby Rozay” (Jevaun Charles), and “Krimz Maybach,” referring to Kahleed Adams, a/k/a “Krimz,” a member of the Crew who was murdered in August 2013. (PSR ¶ 20). Garcia, Charles, and the defendants were the only three of the 13 defendants who, as part of their plea agreements, admitted their roles as leaders of the Crew; Adams, for his part, had been selling crack cocaine for Garcia since approximately 2009, when Adams was approximately 16 years old (PSR ¶ 17). Content on the defendant’s Instagram account, posted years later, also confirms his membership in the Crew. For example, the publicly available cover page for the defendant’s Instagram account (profile name “taliban_keys”), includes the text “#GFK MR GMG,” *i.e.*, a term commonly used by members of the Crew on social media (“GFK”) and the abbreviation for “get money gang” (“GMG”).

The defendant also discharged a firearm during a July 26, 2019 shooting at Saint James Park in the Knightsbridge neighborhood of the Bronx. The defendant and a group of GMG YGz, including Jason Gonzalez, Deuri Carambot, and Shakur Culbert, traveled to Saint James Park. At the park, members of a rival crew approached the GMG YGz group and began shooting at them, whereupon Williams pulled out a firearm and attempted to return fire, before the group fled from the park. (PSR ¶ 35). The defendant’s co-conspirators, Charles and Gonzalez, confirmed the defendant’s participation in this shooting. The day after the shooting, on or about July 27, 2019, Gonzalez and Charles, who was in prison at the time of the call, discussed the shooting on a call intercepted by law enforcement:

CHARLES: You just woke up?

GONZALEZ: Nah, I’m in the crib just laying down everybody . . . I don’t even know what nigga is doing.

CHARLES: Hmm, what time ya got in the crib? That BBQ was lit?

GONZALEZ: Oh boy, if you know what happened boy . . . hmm.

CHARLES: Hmm, yo bro I felt like something was gonna happen but I felt like it was gonna be some Kingsbridge niggas.

GONZALEZ: Yeah.

CHARLES: It was, right?

GONZALEZ: Yeah.

CHARLES: Damn, niggas moved on niggas. Niggas got it on . . . or not even it ain’t get that far?

GONZALEZ: Got far nigga, you know what happened.

CHARLES: Oh man.

GONZALEZ: Niggas let it rain on us.

* * * *

CHARLES: Who was out there though? Rocky...?

GONZALEZ: Nah, Rock wasn't even there.

CHARLES: Oh word, did he -- he said he was going. Keys was there?

GONZALEZ: Nah, Keys was definitely in.

CHARLES: Ah, ya niggas.

In the call, Gonzalez confirmed that the Kingsbridge group shot at members of the Crew (“*[n]iggas let it rain on us*”). Gonzalez also discussed with Charles which members of the Crew were present, noting Keys—who tried to return fire—was there.

In short, the defendant was a leader of the Crew who participated in exactly the sort of back-and-forth violence—firing a gun in a park in the course of a gang dispute—that plagued the area of the Bronx in which the GMG YGz operated, who also sold drugs for the Crew.

II. The Defendant’s Plea and Applicable Guidelines Range

On February 28, 2022, pursuant to the Plea Agreement, the defendant pled guilty to one count of conspiring to distribute cocaine base, or “crack cocaine,” in violation of 21 U.S.C. §§ 841(a)(1), 841(b)(1)(B), and 846. In the Plea Agreement, the parties stipulated that the Stipulated Guidelines Range for this offense is 168 to 210 months’ imprisonment, with a 60-month mandatory minimum term of imprisonment, based on a total offense level of 34 and a Criminal History Category of II.¹

As the Court may be aware, on June 22, 2021, the U.S. Department of Justice provided public testimony in support of the EQUAL Act, S.79. This proposed legislation would eliminate the powder-to-cocaine base sentencing disparity in 21 U.S.C. §§ 841 and 960. Although the Department supports elimination of the powder-to-cocaine base disparity, until legislation to that effect is passed, the current statutory and guidelines provisions remain in effect. In this case, the amount of cocaine attributable to the defendant’s criminal conduct, as stipulated in the Plea Agreement, is 7.5 kilograms of cocaine base, which results in a current base offense level of 34 and a Stipulated Guidelines Range of 168 to 210 months’ imprisonment, with a mandatory

¹ In preparation for the then-scheduled March 14, 2022 trial against Garcia, the Government learned that the defendant fired a gun during the Saint James Park shooting, described above. The Government stands by the Plea Agreement and does not now seek, for Guidelines purposes, to apply an enhancement pursuant to U.S.S.G. § 2D1.1(b)(1) for possession of a firearm. However, for purposes of evaluating the defendant’s relative culpability, the Government notes that the other defendants who stipulated to a firearm as part of their plea agreements are: Garcia, Charles, Gonzalez, Maxwell Smith, and Shakur Culbert.

minimum sentence of 60 months' imprisonment. If the powder cocaine Guidelines were instead applied to the same amount of cocaine base, the base offense level would be 30, and the Guidelines sentencing range would be 108 to 135 months' imprisonment, with a mandatory minimum sentence of 60 months' imprisonment. The Court can and should, consistent with the law and current sentencing framework, consider the powder-to-cocaine base disparity in assessing the Section 3553(a) factors. *See Kimbrough v. United States*, 552 U.S. 85, 106-08 (2007); *United States v. Cavera*, 550 F.3d 180, 191-92 (2d Cir. 2008) (en banc). Based on consideration of the powder-to-cocaine base disparity and all the relevant factors under Section 3553(a) as set forth below, the Government believes a sentence below the current Guidelines sentencing range is appropriate.

III. Applicable Law

As the Court is aware, the Sentencing Guidelines provide strong guidance to sentencing courts following *United States v. Booker*, 543 U.S. 220 (2005), and *United States v. Crosby*, 397 F.3d 103 (2d Cir. 2005). Because the Guidelines are “the product of careful study based on extensive empirical evidence derived from the review of thousands of individual sentencing decisions,” *Gall v. United States*, 552 U.S. 38, 46 (2007), district courts must treat the Guidelines as the “starting point and the initial benchmark” in sentencing proceedings. *Id.* at 49. After that calculation, however, the Court must consider the seven factors outlined in Title 18, United States Code, Section 3553(a), which include the nature and circumstances of the offense, the individual characteristics of the defendant, and the need to adequately deter criminal conduct and promote respect for the law. *Id.* at 50 & n.6.

IV. Discussion

The Government respectfully submits that the seriousness of the offense, the need to promote respect for the law, ensure just punishment, protect the public, and afford adequate deterrence, all warrant imposition of a sentence of 120 months' imprisonment. The defendant was a leader and long-standing member of the Crew who sold drugs, and, more importantly, fired a gun as part of a back-and-forth gang dispute—exactly the type of extraordinarily dangerous, indiscriminate conduct that makes gangs like the Crew so dangerous. That conduct alone, in addition to the other factors present, underscores the need for a serious sentence.

A. A Substantial Sentence Is Appropriate

i. *Seriousness of the Offense and Respect for the Law, and Just Punishment*

The nature and circumstances of the defendant's conduct weigh heavily in favor of a substantial sentence. As detailed above, the defendant was a leader of the Crew, fired a gun in a park in the course of a back-and-forth gang dispute, and sold drugs on behalf of the Crew. The defendant's firing a weapon in Saint James Park in July 2019 is *precisely* the type of dangerous conduct that results in serious bodily injury or death—to intended targets and bystanders alike. And the consequences of an indiscriminate shooting in a neighborhood are not limited to physical effects. Shootings like the one the defendant committed lead to a culture of fear and lawlessness that can pervade a neighborhood, causing ever-escalating violence between combatants and

engendering fear among those who are not involved in the conflict. This is to say nothing of the defendant's leadership role in a criminal organization that by selling crack cocaine, heroin, and fentanyl, also caused immense harm to their community that way. The defendant and his co-conspirators caused immense harm to their community. Between approximately November 2017 and February 2020, law enforcement CSs and UCs made over approximately 100 controlled purchases of narcotics from the Crew, and the defendant was the direct seller in at least 10 of those. (PSR ¶¶ 16, 24). According to cooperating witnesses and surveillance conducted by law enforcement, this was but a fraction of the drugs the Crew sold; and their other customers, unlike the UCs and CSs, were using these dangerous drugs that the defendant and his co-conspirators sold. This conduct, and the seemingly impunity the defendant felt, calls for a serious sentence.

ii. The Defendant's History and Characteristics

The defendant's history and characteristics likewise weigh heavily in favor of a substantial sentence. In 2008, the defendant pled guilty to attempted robbery in the first degree. (PSR ¶ 64). According to the facts set forth in the PSR, to which the defendant has not objected, this conviction resulted from the defendant's participation in a robbery during which "he, along with another person, displayed a firearm to the victim and removed \$50 from the victim." (*Id.*). Moreover, while in custody following his conviction and being sentenced to 42 months' imprisonment the defendant was disciplined on several occasions, including for "violent conduct, making threats, [and] gang involvement," among other things. (*Id.*). The defendant was arrested in that case in or about September 2007—approximately a decade before he, in July 2017, fired a gun as part of a gang dispute. In short, the defendant's track record demonstrates that he has, on multiple occasions and despite serving a significant prison sentence after the first instance, engaged in gun-related violence.

Additionally, the defendant, by his own admission, came from a "loving and close-knit" family. (PSR ¶ 75). The circumstances of the defendant's upbringing stand in stark contrast to other defendants in this case, who endured difficult life circumstances at an early age. The defendant described himself as a "'B' student" who "never had any disciplinary or academic issues," and presumably had other, non-criminal avenues available to him. (PSR ¶ 92). Nevertheless, and despite stating that there was "nothing [he] disliked about his childhood," the defendant simply joined the GMG YGz because he "wanted to be down." (PSR ¶ 77). While that may be an understandable, if regrettable, decision at 16 years old, he made that decision repeatedly over his near-decade of gang-related activity that followed.

The Government recognizes the defendant's dedication to his child and credits his stated desire to be a good parent. (*See, e.g.*, PSR ¶ 26). So too does the Government note that, during his prior period of incarceration, the defendant earned a GED high school diploma. (*Id.*). Those characteristics indicate the defendant's ability to take a different path. Unfortunately, his demonstrated ability to lead a law abiding life makes it all the more inexplicable—and sad—why he would continue to engage in gang activity, gun violence, and selling drugs.

The Government's below-Guidelines sentencing request takes into account both the crack-to-powder cocaine disparity and the defendant's history and characteristics in seeking a sentence

of 120 months' imprisonment, which is well below the Plea Agreement's Stipulated Guidelines Range and closer in line to Probation's sentencing recommendation.

iii. The Need to Protect the Public and Deter the Defendant and Other Similarly Situated Individuals

A substantial sentence is needed to adequately punish the defendant and to demonstrate the seriousness of his conduct. The crimes at issue here have seriously harmed an unknown number of drug users and addicts, not to mention the citizens forced to navigate life in the GMG YGz's territory, knowing the risk of gang violence, including shootings like the one the defendant committed. Such a sentence is also needed to promote respect for the law and deter the defendant from future crimes—a goal that was not accomplished by the defendant's prior incarceration. Moreover, looking beyond the defendant himself, in a case like this, where the defendant was a *leader* in a much larger gang and drug conspiracy that operated out in the open, there is a significant need to deter others by showing that such crimes will result in a substantial sentences when prosecuted in federal court; especially where those crimes involve gun violence.

A lengthy sentence is also necessary to avoid unwarranted disparities between this defendant and his co-defendants. This investigation led to the prosecution and conviction of 13 defendants.² Of those, the Government required six—the defendant, Garcia, Charles, Carambot, Smith, and Gonzalez—to plead to offenses carrying mandatory minimum sentences. Of that group, only the defendant, Garcia, and Charles stipulated to leadership enhancements, pursuant to U.S.S.G. § 3B1.1. The defendant's conduct, particularly his conduct with firearms, puts him squarely in the top half of more culpable defendants, in the group directly following Garcia and Charles. Carambot, who maintained access to a firearm while the Crew sold drugs, received a sentence of 84 months' imprisonment. Carambot also was younger than the defendant and fairly could be characterized as an aspiring leader of the Crew. The defendant fired a weapon and *was* a leader of the Crew. His sentence must reflect his culpability relative to his co-conspirators. Finally, and most importantly, significant sentences in this case are essential to protect the public from the defendant, his co-conspirators, and a resurgence of the GMG YGz in the vicinity of 184th Street and Morris Avenue in the Bronx. A 60-month sentence, which the defendant requests, will not accomplish the goals of sentencing.

² Garcia's motion to withdraw his guilty plea is pending before the Court.

V. Conclusion

For the reasons set forth above, the Government respectfully requests that the Court impose a sentence of 120 months' imprisonment. Such a sentence would be sufficient, but not greater than necessary, to serve the legitimate purposes of sentencing.

Respectfully submitted,

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