

UNITED STATES DISTRICT COURT
 SOUTHERN DISTRICT OF GEORGIA
 BRUNSWICK DIVISION

U. S. DISTRICT COURT
 Southern District of GA
 Filed in Office

3/7 20^M
TRB

Deputy Clerk

UNITED STATES OF AMERICA

v.

JOHN EUGENE OVERCASH,
 a/k/a "Cowboy,"
 KENNETH LEON BRADLEY,
 JEREMY MCINTYRE,
 RICHARD CARTER,
 DARRIUS MERRELL,
 ANDREW JACKSON,
 a/k/a "Drew,"
 KENEIL KING,
 JESSICA TABUTEAU,
 TROY CROSBY,
 AMY MANSON,
 EDRIN TEMPLE,
 a/k/a "Pete McCiver,"
 ANTHONY BERNARD LEWIS,
 a/k/a "Amp,"
 JOSEPH SIMMONS,
 a/k/a "Bug,"
 TOMMY MURRAY,
 CLIFTON FOSTER, and
 MARCUS MUNGIN.

-) CR _____ **CR 218_014**
-) 21 U.S.C. § 846
) Conspiracy to Possess With
) Intent to Distribute and to
) Distribute Controlled Substances
) (Cocaine, Crack, Marijuana)
)
) 21 U.S.C. § 841(a)(1)
) Distribution/Possession with
) Intent to Distribute a Controlled
) Substance (Cocaine, Crack,
) Marijuana)
)
) 18 U.S.C. § 922(g)
) Possession of a Firearm by a
) Prohibited Person
)
) 21 U.S.C. § 856(a)(1)
) Maintaining a Drug-Involved
) Premises
)
) 18 U.S.C. § 924(c)
) Possession of a Firearm in
) Furtherance of a Drug
) Trafficking Crime

PENALTY CERTIFICATION

The undersigned Assistant United States Attorney hereby certifies that the maximum penalty for the offense charged in the Indictment is as follows:

Count 1:

Conspiracy to Possess With Intent to Distribute and to Distribute Controlled Substances (5 Kilograms or More of Cocaine, a Quantity of Cocaine Base "Crack," and a Quantity of Marijuana)
21 U.S.C. § 846

- Not less than 10 years of imprisonment, not more than life;
- Not more than a \$10,000,000 fine;
- Not less than 5 years of supervised release, up to life;
- \$100 mandatory special assessment.

However, if the defendant has a prior felony drug trafficking conviction then:

- Not less than 20 years of imprisonment, not more than life;
- Not more than \$20,000,000 fine;
- Not less than 10 years of supervised release, up to life;
- \$100 mandatory special assessment.

However, if the defendant has two or more prior felony drug convictions then:

- Not less than LIFE in prison;
- Not more than a \$20,000,000 fine;
- \$100 mandatory special assessment.

Counts 2-18:

Distribution of Controlled Substance (Cocaine and Crack)
21 U.S.C. § 841(a)(1)

- Imprisonment of not more than 20 years;
- A fine of not more than \$1,000,000
- A supervised release term of not less than 3 years;
- \$100 special assessment.

Counts 19, 22:

Possession of Controlled Substance with Intent to Distribute (Cocaine)
21 U.S.C. § 841(a)(1)

- Imprisonment of not more than 20 years;
- A fine of not more than \$1,000,000
- A supervised release term of not less than 3 years;
- \$100 special assessment

Counts 20, 24, 28: *Possession of a Firearm by a Prohibited Person*, 18 U.S.C. § 922(g)

- Not more than 10 years of imprisonment;
- Not more than \$250,000 fine;
- Not more than 3 years of supervised release; and
- \$100 mandatory special assessment.

However, if the defendant has three prior convictions for serious drug offenses or crimes of violence, then

- Not less than 10 years of imprisonment, up to life;
- Not more than \$250,000 fine;
- Not more than 5 years of supervised release; and
- \$100 mandatory special assessment.

Counts 21, 25: *Maintaining a Drug-Involved Premises*
21 U.S.C. § 856(a)(1) & 18 U.S.C. § 2

- Not more than 20 years of imprisonment
- Note more than a \$500,000 fine
- A supervised release term of not less than 3 years;
- \$100 special assessment

Count 23: *Possession of Controlled Substance with Intent to Distribute (500 Grams or More of Cocaine and Marijuana)*
21 U.S.C. § 841(a)(1) & 18 U.S.C. § 2

- Not less than 5 years of imprisonment, not more than 40 years;
- Not more than \$5,000,000 fine;
- Not less than 4 years of supervised release, up to life;
- \$100 mandatory special assessment.

However, if the defendant has a prior felony drug trafficking conviction, then:

- Not less than 10 years of imprisonment, not more than life;
- Not more than \$8,000,000 fine;
- Not less than 8 years of supervised release, up to life;
- \$100 mandatory special assessment.

Count 26:

Possession of a Firearm in Furtherance of a Drug Trafficking Crime
18 U.S.C. § 924(c)

- Not less than 5 years of imprisonment, up to life;
- Not more than \$250,000 fine;
- Not more than 5 years of supervised release;
- \$100 mandatory special assessment.

However, if convicted of a second or subsequent violation of § 924(c), then,

- Not less than 25 years of imprisonment, up to life;
- Not more than a \$250,000 fine;
- Not more than 5 years of supervised release;
- \$100 mandatory special assessment.

This sentence MUST be run consecutive to other sentences imposed in this case.

Count 27:

Possession of Controlled Substance with Intent to Distribute (Marijuana)
21 U.S.C. § 841(a)(1)

- Not more than 5 years imprisonment;
- A fine of not more than \$250,000;
- At least 2 years supervised release; and
- A \$100 special assessment.

Count 29:

Possession of Controlled Substance with Intent to Distribute (500 Grams or More of Cocaine)
21 U.S.C. § 841(a)(1) & 18 U.S.C. § 2

- Not less than 5 years of imprisonment, not more than 40 years;
- Not more than \$5,000,000 fine;
- Not less than 4 years of supervised release, up to life;
- \$100 mandatory special assessment.

However, if the defendant has a prior felony drug trafficking conviction, then:

- Not less than 10 years of imprisonment, not more than life;

- Not more than \$8,000,000 fine;
- Not less than 8 years of supervised release, up to life;
- \$100 mandatory special assessment.

Counts 30-36

Unlawful Use of a Communications Facility

21 U.S.C. § 843(b) & 18 U.S.C. § 2

- Up to 4 years of imprisonment;
- A fine of not more than \$250,000;
- One year supervised release; and
- A \$100 special assessment.

Respectfully submitted,

BOBBY L. CHRISTINE
United States Attorney

s/ Matthew A. Josephson
Matthew A. Josephson
Assistant United States Attorney
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s/ E. Greg Gilluly, Jr.
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