

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

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA
BRUNSWICK DIVISION

3/7 2018
TRB
Deputy Clerk

UNITED STATES OF AMERICA) CR _____
) CR 218 - 014
v.) 21 U.S.C. § 846
) Conspiracy to Possess With
) Intent to Distribute and to
) Distribute Controlled Substances
) (Cocaine, Crack, Marijuana)
)
JOHN EUGENE OVERCASH,) 21 U.S.C. § 841(a)(1)
a/k/a "Cowboy,") Distribution/Possession with
KENNETH LEON BRADLEY,) Intent to Distribute a Controlled
JEREMY MCINTYRE,) Substance (Cocaine, Crack,
RICHARD CARTER,) Marijuana)
DARRIUS MERRELL,)
ANDREW JACKSON,) 18 U.S.C. § 922(g)
a/k/a "Drew,") Possession of a Firearm by a
KENEIL KING,) Prohibited Person
JESSICA TABUTEAU,)
TROY CROSBY,) 21 U.S.C. § 856(a)(1)
AMY MANSON,) Maintaining a Drug-Involved
EDRIN TEMPLE,) Premises
a/k/a "Pete McCiver,")
ANTHONY BERNARD LEWIS,) 18 U.S.C §924(c)
a/k/a "Amp,") Possession of a Firearm in
JOSEPH SIMMONS,) Furtherance of a Drug
a/k/a "Bug,") Trafficking Crime
TOMMY MURRAY,	
CLIFTON FOSTER, and	
MARCUS MUNGIN.	

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
- Not 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,

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s/ Matthew A. Josephson
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s/ E. Greg Gilluly, Jr.
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