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District Man Sentenced to Five-Year Prison Term for Perjury in Racketeering Case

WASHINGTON - Kenneth A. Cole, 40, was sentenced today to five years in prison on a perjury charge stemming from contradictory statements that he made while under oath about a drug trafficking conspiracy, announced U.S. Attorney Ronald C. Machen Jr., James W. McJunkin, Assistant Director in Charge of the FBI's Washington Field Office, and Cathy L. Lanier, Chief of the Metropolitan Police Department.

Cole, formerly of Washington, D.C., pled guilty to the charge in October 2010. He was sentenced this afternoon in the U.S. District Court for the District of Columbia by the Honorable Rosemary M. Collyer, who imposed the statutory maximum term.

Cole already is serving a 10 ½ year sentence for his role in a federal narcotics conspiracy. Cole was previously convicted of participating in a drug trafficking conspiracy involving the M Street Crew, a racketeering and drug enterprise that had taken over the 18th and M Street neighborhood of Northeast Washington and turned it into their own private marketplace for drug trafficking during 2000 to 2004.

Judge Collyer had presided over the federal trial and guilty pleas of various participants and drug suppliers to the M Street Crew, which led to the convictions of 41 persons.

Cole, also known as "Cricket," was one such crew member who in December, 2005, pled guilty and admitted to his participation in a drug trafficking organization known as the M Street Crew. After receiving the sentence of 10 ½ years for his role, and while serving his sentence, Cole agreed to testify as a defense witness for fellow M Street Crew member Larry Gooch. Gooch was facing a jury trial for his role in the same drug trafficking and racketeering enterprise.

At trial, in an effort to aid Gooch, Cole testified that the drug conspiracy did not exist, that the racketeering enterprise, "M Street Crew" did not exist, and that Gooch was not a participant. Those assertions under oath were directly contradictory to facts to which Cole had

agreed during his own guilty plea. The two contradictory statements under oath formed the basis for his perjury conviction.

Gooch was eventually convicted by a jury in 2007 and sentenced to multiple sentences of life in prison without possibility of parole. Ironically, evidence presented in the trial of Gooch proved instances in which fellow M Street Crew members would come forward and commit perjury as defense witnesses in hopes of getting a jury to acquit.

“Out of some misguided sense of loyalty, Kenneth Cole lied under oath to protect a fellow gang member during trial testimony,” said U.S. Attorney Machen. “We have zero tolerance for lies intended to corrupt our justice system. Mr. Cole’s five-year sentence shows that those who intentionally lie under oath in our courtrooms will be held accountable.”

“This defendant swore under oath to one set of facts in Federal Court and later testified to another set of facts in an effort to protect a fellow gang member,” said Assistant Director in Charge McJunkin. “His sentence today on perjury charges is a consequence of that action. I commend the work of the FBI Special Agents and Metropolitan Police Department officers on the Safe Streets Task Force who, despite the perjured testimony, defeated a dangerous racketeering enterprise that had operated in Northeast D.C. ”

“Today’s sentencing is a victory for the justice system and sends a strong message to individuals who willingly perjure themselves to protect their criminal associates,” said Police Chief Lanier. “I especially want to thank the Honorable Judge Rosemary M. Collyer for ensuring that the defendant was brought to justice and held accountable for his actions.”

The prosecution grew out of the investigative activities of a long-term FBI/MPD alliance called the Safe Streets Task Force. The Safe Streets Initiative involves more than 150 Safe Streets Task Forces around the country that combat street gangs by combining federal, state and local police resources. The task forces, which began in 1992 in Los Angeles and the District of Columbia, address gang activity including drug-related crimes. Sharing resources, manpower and intelligence allows federal prosecutors to focus on securing the maximum sentences and penalties for gang members found guilty. By working through a Task Force, investigators can focus on the entire criminal enterprise, instead of the prosecution of individual gang members.

The Safe Streets Initiative was funded in part by the Baltimore Washington High Intensity Drug Trafficking Area as well as the Department of Justice’s Organized Crime Drug Enforcement Task Force.

U.S. Attorney Machen, Assistant Director McJunkin and MPD Chief Lanier commended the actions of the FBI Special Agent who led the investigative team, along with MPD Detective Joseph Sopata. In addition, they commended Assistant U.S. Attorney John P. Dominguez, who sought the indictment of Cole for perjury and prosecuted the case against him.