

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 v.) No. 11-00025-01-CR-W-SOW
)
 KEVION DARNELL BIFFORD,)
 a/k/a Two-Gun Kevi)
)
 Defendant.)

**MOTION OF THE UNITED STATES FOR A
PRETRIAL DETENTION HEARING PURSUANT
TO TITLE 18, UNITED STATES CODE, SECTION 3142(f)**

Comes now the United States of America, by Beth Phillips, United States Attorney, and the undersigned Assistant United States Attorney, both for the Western District of Missouri, and hereby moves the Court to detain defendant without bail pending trial of this matter and to hold a hearing pursuant to Title 18, United States Code, Section 3142(f) for the purpose of demonstrating that no condition or combination of conditions of release will reasonably assure the defendant's appearance as required by the Court and the safety of other persons and the community.

SUPPORTING SUGGESTIONS

I. Subsection 3142(f)(1), Title 18, United States Code, provides that a hearing must be held by the appropriate judicial officer to determine whether any condition or combination of conditions will reasonably assure the defendant's appearance and the safety of any other person in the community if the attorney for the government moves for such a hearing and if the case is in any one of the following categories:

A. The case is a narcotics case under Title 21, United States Code, Section 801 et seq. for which imprisonment for ten years or more is prescribed;

B. Any felony, even a nonviolent felony not involving drugs, if the person already has two or more convictions for a crime of violence, a crime punishable by life imprisonment, or a ten year drug felony, and;

C. Any felony that involves the possession or use of a firearm.

II. The statute recognizes two additional situations which allow for a detention hearing and which can be raised either by the attorney for the government or by a judicial officer. These conditions are:

A. When there is a serious risk that the defendant will flee; or

B. When there is a serious risk that the person will "obstruct or attempt to obstruct justice, or threaten, injure, or intimidate, or attempt to threaten, injure, or intimidate, a prospective witness or juror."

III. One or more grounds for holding a pretrial detention hearing as set forth by the statute exists in this cause.

IV. 18 U.S.C. § 3142(e)(2) states that in a case that fits one or more of the above conditions, a rebuttable presumption of detention arises that no condition or combination of conditions exist that will reasonably assure the appearance of the person as required or the safety of the community if the Judicial Officer finds probable cause that the defendant committed;

A. A controlled substance offense under 21 U.S.C. § 801 et seq. that carries a maximum term of imprisonment of more than 10 years, or;

B. An offense under 18 USC § 924(c).

V. Both of those conditions exist in this case. The defendant is charged with several more than ten year maximum controlled substance offenses AND two 18 U.S.C. § 924(c) violations. The Federal Grand Jury returned a true bill on those charges and the Federal Grand Jury makes their true bill determinations by the same probable cause standard as the Judicial Officer. While not required, the Judicial Officer certainly has the discretion to adopt that probable cause finding by the Federal Grand Jury or at the minimum at least recognize that determination.

VI. To assist the Judicial Officer in a probable cause finding, additional findings that there is “a serious risk that the defendant will flee,” or “a serious risk that the person will obstruct or attempt to obstruct justice, or threaten, injure, or intimidate, or attempt to threaten, injure, or intimidate, a prospective witness or juror,” the following factual assertions are presented:

A. The Kansas City, Missouri, Police Department (KCMOPD) and the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) have conducted a long term investigation into the activities of multiple individuals that are continually identified as suspect parties in various shootings, drug trafficking and possession reports, and illegal firearm possession reports in the geographic area in Kansas City, Missouri roughly bounded by 27th Street to Emmanuel Cleaver Blvd and Jackson Avenue to The Paseo. These individuals identify themselves as part of the Tre-Wall Gang and also as members of the Click Clack Gang, which is a smaller subset of those identifying with the Tre-Wall Gang. Law enforcement investigation determined the Tre-Wall criminal street gang got its start at Central High School which is on 33rd Street, the genesis of its name. The 3's form the “Tre” and the “Wall” is a reference to a virtual wall around their

territory or the gang being an impenetrable wall. The origin of the Click Clack gang isn't as clear, but the name comes from the sound of cocking a gun or "racking the slide" (putting a round into the chamber) of a semi-automatic handgun. This is corroborated by the number of semi-automatic handguns recovered from the Click Clack Gang and the number of photographs and video evidence of the members with firearms. It should be noted that in Kansas City, unlike in most other urban environments, it is not unusual for one person to claim membership or be accepted as a member in multiple criminal street gangs. That was seen in this investigation through photographs and other evidence.

This investigation has not only concentrated on recent events of these individuals, but has also mined past arrests and reports for valuable evidence and facts that were used to present a comprehensive picture of these individuals' activities for an extended period of time as reflected in the dates charged in the indictment. During the investigation leading to the herein indictment, KCMOPD and ATF recovered more than 20 firearms, over 40 grams of cocaine base ("crack"), more than 100 grams of powder cocaine, marijuana, Ecstasy pills and nearly \$2500.00 in US Currency. Three of the recovered firearms were identified as used in shootings with injuries, one an as yet unsolved homicide. Several of the firearms recovered had been stolen, one from as far away as Arizona. One of the recovered firearms had been illegally altered to a sawed-off shotgun. While the facts set out herein deal mainly with each individual defendant, this case is about these defendants acting in concert with each other to promote the felonious goals of the Click Clack Criminal Street Gang over a period of years.

B. On 11/11/2007, Bifford was arrested for Murder based on a shooting from a vehicle following a disturbance at a Kansas nightclub. Surveillance at the nightclub, witness statements

and a police chase and crash of shooting suspect vehicle, immediately following the shooting, lead to his arrest. This murder arrest lead to Bifford's conviction for shooting from a vehicle.

C. On 11/24/2008, following a gang related shooting where Bifford was hit in the head, while at the hospital for treatment, Bifford stated "even if I knew who shot me, I would not prosecute because I am not a snitch or a rat and I do not associate with rats and my gang has kicked out rats in the past." Bifford stated he had been shot three times and that he was going to end the "gang life" so he didn't get shot and wouldn't have to shoot anyone else. Bifford stated people wanted to shoot him because of the people he associated with and because he had "gotten off" for murder.

D. On 02/22/2009, the Kansas City Missouri Police Department (KCMOPD), stopped a vehicle. Officers contacted and arrested Bifford, Defendant Griffin, Defendant Jackson and others for possession of 131 grams of marijuana (in four individual bags), 37 ecstasy pills, a digital scale, a loaded .45 caliber handgun that was stolen out of Arizona and miscellaneous outstanding warrants. A loaded handgun was also recovered from the vehicle. During Griffin's custodial interview, he admitted to possessing the handgun and narcotics recovered from the vehicle. Griffin, although a juvenile at the time, was subsequently charged with possession of the controlled substance and received a felony SIS.

E. On 02/06/2010, KCMOPD pursued a vehicle driven by Bifford to the intersection of E. 75th Street and Wabash where a later arrested individual ran from the vehicle. Bifford continued at a high rate of speed for another four blocks where he hit a parked car. Bifford ran from the vehicle but was subsequently taken into custody. A search of the vehicle revealed a loaded .40 cal. Smith & Wesson handgun.

F. On 08/16/2010 KCMOPD executed a search warrant at 3712 Wabash Avenue. Officers located and detained Bifford and Defendants Jackson, Williams, and Smith. Officers recovered four semi-automatic handguns, approximately 50 grams of powder cocaine packaged in eight (8) separate bags in a manner consistent with distribution or sale amounts, approximately 25 grams of crack cocaine packaged in 54 individual bags in a manner consistent with distribution or sale amounts, marijuana, a video camera, and \$1,278.00 currency.

G. The video camera recovered above contained multiple videos of various individuals, including the defendant herein, depicting gang affiliation, controlled substance use, sale and possession, firearm possession, and identification of several individuals working in cooperation for the distribution of controlled substances.

H. On 11/05/2010, KCMOPD conducted a controlled purchase of powder cocaine from Bifford at 7317 Cleveland Avenue. Bifford sold approximately 4.1 grams of powdered cocaine for \$160.00.

I. On 11/10/2010, KCMOPD executed a search warrant at 7317 Cleveland Avenue. Officers located and detained Bifford, Defendant Griffin and Defendant Scott. Officers located Bifford hiding in a closet in the kitchen. Officers recovered a loaded handgun from the kitchen counter next to the closet where Bifford was hiding. Also recovered from the kitchen was approximately 40 grams of powder cocaine packaged in 16 separate bags in a manner consistent with distribution or sale amounts. On the person of Defendant Griffin was approximately 5 grams of crack cocaine in 20 individually wrapped bags in a manner consistent with distribution or sale amounts. Recovered also were items consistent with manufacturing and distribution of controlled substances. \$900.00 in U.S. Currency was also recovered. Also recovered from inside

the residence was the cellular telephone used by Bifford to arrange the 11/05/2010 powdered cocaine purchase. During the entry for execution of the search warrant, Defendant Griffin closed a glass door on one of the officers trying to keep them out of the residence, causing severe injury to the officer's arm that required stitches and work time loss.

J. On 11/11/2010, KCMOPD executed a search warrant on a 2006 Dodge Charger, which was at 7317 Cleveland Avenue during the search warrant and had been seen driven there by Bifford. The ignition key to the vehicle had been recovered from clothing worn by Bifford. Officers recovered a bag of marijuana, \$260.00 in U.S. Currency, and Bifford's Missouri driver's license.

K. Bifford, who uses the street name of Two-Gun Kevi, has at least one song compact disc cover depicting him with his face covered with a bandana and in possession of two firearms. One is a polymer frame semi-automatic handgun with an extended magazine and the other is a machine pistol.

L. During this investigation a number of photographs were recovered at various locations and from a variety of medium. Several of those photographs depict some of the defendants associating with each other and some of them depict the defendants identifying themselves as members of Tre-Wall, Click Clack and even other street gangs. One photograph recovered depicts defendant Bifford with a tattoo of "CCG" on his hand. "CCG" is the acronym used by the defendants for Click Clack Gang.

M. Pursuant to Title 18 U.S.C. 521, Bifford is subject to a statutory enhancement based upon his participation in the Click Clack Criminal Street Gang.

N. When Defendant Bifford was taken into custody on the arrest warrant in this case, he was found in possession of over \$1,000.00 in U.S. Currency.

Wherefore, based on the foregoing law and facts, the Government requests this Court detain defendant without bail pending trial of this matter due to the rebuttable presumption for detention, a serious risk that the defendant will flee, and a serious risk that the defendant will obstruct or attempt to obstruct justice, or threaten, injure, or intimidate, or attempt to threaten, injure, or intimidate, a prospective witness or juror.

Respectfully,

Beth Phillips
United States Attorney

By */s/ Bruce Rhoades*

Bruce Rhoades #88156 (AR)
Assistant United States Attorney

Charles Evans Whittaker Courthouse
400 East 9th Street, Fifth Floor
Kansas City, Missouri 64106
Telephone: (816) 426-3122

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was electronically filed with ECF and hand-delivered to the United States Marshal with instructions to serve on defendant when taken into custody.

/s/ Bruce Rhoades

Bruce Rhoades
Assistant United States Attorney