



U.S. Department of Justice

United States Attorney
District of New Jersey

970 Broad Street, Suite 700
Newark, New Jersey 07102

(973) 645-2700

RF/CAH/PL AGR
2008R00515

January 16, 2018

Re: Plea Agreement with Farad Roland

Dear Mr. Turano, Mr. Jasper and Mr. Bachrach:

This letter sets forth the plea agreement between your client, Farad Roland, and the United States Attorney for the District of New Jersey ("this Office"). The government's offer to enter into this plea agreement will expire on **January 23, 2018 at 5:30 p.m.** if it is not accepted in writing by that date.

Charge

Conditioned on the understandings specified below, this Office will accept a guilty plea from Farad Roland, pursuant to Rule 11(c)(1)(C) of the Federal Rules of Criminal Procedure, to Counts One (Racketeering Acts Two, Three, Four, Five, Six, Seven, Nine, Twelve, Thirteen and Fourteen), Two, Eleven, Fifteen, Seventeen, Twenty-Five and Twenty-Seven of the Second Superseding Indictment, Criminal Number 12-298 (ES), which charges Farad Roland with racketeering, racketeering conspiracy, carjacking, Hobbs Act Robbery, assault with a deadly weapon in aid of racketeering, and drug conspiracy, in violation of 18 U.S.C. §§ 1962(c), 1962(d), 2119, 1951(a), and 1959(a)(3), and 21 U.S.C. § 846. If Farad Roland enters a guilty plea and is sentenced on these charges, consistent with the stipulated sentence under Rule 11(c)(1)(C) of the Federal Rules of Criminal Procedure, and otherwise fully complies with all of the terms of this agreement, this Office will move, at the time of sentencing, to dismiss the other pending charges as to Farad Roland, namely, Counts Three through Ten, Twelve, Thirteen, Fourteen, Sixteen, Eighteen, Nineteen through Twenty-Four, and Twenty-Six of the Second Superseding Indictment, and will not initiate any further criminal charges against Farad Roland for his crimes committed during his association with and participation in the activities of the criminal organization referred to in the Second Superseding Indictment as the

South Side Cartel, an Enterprise as defined in 18 U.S.C. § 1961, during the time period charged in the Second Superseding Indictment.

As part of his plea agreement, as to Counts One and Two, the defendant admits that he knowingly and intentionally committed the following ten acts:

Count One, Racketeering Act Two, Count Two, Overt Acts h and i (Murder of Jamar Stewart) alleges that on or about February 20, 2005, in Essex County, in the District of New Jersey and elsewhere, defendant acting either alone or with one other person, did cause the death of Jamar Stewart, a person other than one of the participants, during the commission of, an attempt to commit and flight after committing, and attempting to commit, robbery, in violation of N.J.S.A. 2C:11-3(a)(3) and 2C:2-6;

Count One, Racketeering Act Three, Count Two, Overt Acts j and k (Murder of Fuquan Billings) alleges that on or about February 23, 2005, in Essex County, in the District of New Jersey and elsewhere, defendant did purposely and knowingly cause the death and serious bodily injury resulting in death of another person, specifically Fuquan Billings, in violation of N.J.S.A. Sections 2C:11-3(a)(1) & (2) and 2C:2-6;

Count One, Racketeering Act Four, Count Two, Overt Acts aa through ee (Murder of Abdul Billups) alleges that on or about October 20, 2007, in Essex County, in the District of New Jersey and elsewhere, defendant did purposely and knowingly cause the death and serious bodily injury resulting in death of another person, specifically A.B., in violation of N.J.S.A. Sections 2C:11-3(a)(1) & (2) and 2C:2-6;

Count One, Racketeering Act Five, Count Two, Overt Acts vv through yy (Murder of Maurice Silas) alleges that on or about March 27, 2008, in Essex County, in the District of New Jersey and elsewhere, defendant did purposely and knowingly cause the death and serious bodily injury resulting in death of another person, specifically Maurice Silas, in violation of N.J.S.A. Sections 2C:11-3(a)(1) & (2) and 2C:2-6;

Count One, Racketeering Act Six, Count Two, Overt Acts vv through yy (Murder of Kasan Prince) alleges that on or about March 27, 2008, in Essex County, in the District of New Jersey and elsewhere, defendant did purposely and knowingly cause the death and serious bodily injury resulting in

death of another person, specifically Kasan Prince, in violation of N.J.S.A. Sections 2C:11-3(a)(1) & (2) and 2C:2-6;

Count One, Racketeering Act Seven, Count Two, Overt Acts hh and ii (Robbery of Mercedes Vehicle) alleges that on or about December 28, 2007, in Essex County, in the District of New Jersey and elsewhere, defendant in the course of committing a theft of a 2003 Mercedes vehicle, threatened another person with, and purposely put another person in fear of immediate bodily injury, in violation of N.J.S.A. 2C:15-1(a)(2) and 2C:2-6;

Count One, Racketeering Act Nine, Count Two, overt act kk (Robbery of T.H.) alleges that on or about February 3, 2008, in Essex County, in the District of New Jersey and elsewhere, defendant, in the course of committing a theft, threatened another person, that is, T.H., with, and purposely put T.H. in fear of immediate bodily injury, in violation of N.J.S.A. 2C:15-1(a)(2) and 2C:2-6;

Count One, Racketeering Act Twelve (Drug Conspiracy) alleges that from at least as early as in or about July 2003 through in or about July 2010, in Essex County, in the District of New Jersey and elsewhere, defendant did knowingly and intentionally conspire and agree with each other and others to distribute and to possess with the intent to distribute 280 grams of cocaine base ("crack cocaine"), a Schedule II controlled substance, and one kilogram or more of heroin, a Schedule I controlled substance, contrary to Title 21, United States Code, Sections 841(a)(1) and (B)(1)(A), in violation of Title 21, United States Code, Section 846.

Count One, Racketeering Act Thirteen, Count Two, Overt Acts d and f (Drug Distribution) alleges that on or about March 25, 2004, in Essex County, in the District of New Jersey and elsewhere, defendant did knowingly and intentionally distribute and possess with the intent to distribute a mixture or substance which contained a detectable amount of cocaine base, ("crack cocaine"), a Schedule II controlled substance, and a mixture and substance which contained a detectable amount of heroin, a Schedule I controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1) and (B)(1)(C) and Title 18, United States Code, Section 2.

Count One, Racketeering Act Fourteen, Count Two, Overt Act q (Drug Distribution) alleges that on or about May 31, 2006, in Essex County, in the District of New Jersey and elsewhere, defendant did knowingly and intentionally distribute and possess with the intent to distribute a mixture or

substance which contained a detectable amount of cocaine base, ("crack cocaine"), a Schedule II controlled substance, and a mixture and substance which contained a detectable amount of heroin, a Schedule I controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1) and (B)(1)(C) and Title 18, United States Code, Section 2.

All in violation of Title 18, United States Code, Sections 1962(c) and 1962(d), and Section 2.

However, in the event that a guilty plea in this matter is not entered for any reason or the judgment of conviction entered as a result of this guilty plea does not remain in full force and effect, Farad Roland agrees that any dismissed charges and any other charges that are not time-barred by the applicable statute of limitations on the date this agreement is signed by Farad Roland may be commenced against him, notwithstanding the expiration of the limitations period after Farad Roland signs the agreement.

Should the Court at any time reject the plea under Federal Rule of Criminal Procedure 11(c)(1)(C) or act contrary to its terms, either party may elect to be relieved of the terms of this plea and the parties will be returned to the status prior to the entry of the plea. In the event that the Court defers a decision to accept the plea until the court has reviewed the presentence report neither party will move to withdraw from this agreement unless or until the Court ultimately determines to reject the proposed plea.

Sentencing

The violation of 18 U.S.C. § 1962(c) charged in Count One to which Farad Roland agrees to plead guilty carries a statutory maximum prison sentence of life.

The violation of 18 U.S.C. § 1962(d) charged in Count Two to which Farad Roland agrees to plead guilty carries identical penalties as those which may be imposed for his violation of 18 U.S.C. § 1962(c), that is, up to life in prison.

The violation of 18 U.S.C. § 2119 charged in Count Eleven to which Farad Roland agrees to plead guilty carries a statutory maximum prison sentence of 15 years.

The violation of 18 U.S.C. § 1951(a) charged in Count Fifteen to which Farad Roland agrees to plead guilty carries a statutory maximum prison sentence of 20 years.

The violation of 18 U.S.C. § 1959(a)(3) charged in Count Seventeen to which Farad Roland agrees to plead guilty carries a statutory maximum prison sentence of 20 years.

The violation of 18 U.S.C. § 1959(a)(3) charged in Count Twenty-Five to which Farad Roland agrees to plead guilty carries a statutory maximum prison sentence of 20 years.

The violation of 21 U.S.C. § 846 charged in Count Twenty-Seven to which Farad Roland agrees to plead guilty carries a statutory maximum prison sentence of life.

The sentence on each count may run consecutively. Fines imposed by the sentencing judge may be subject to the payment of interest.

The above violations under Title 18 carry a statutory maximum fine equal to the greatest of: (1) \$250,000; (2) twice the gross amount of any pecuniary gain that any persons derived from the offense; or (3) twice the gross amount of any pecuniary loss sustained by any victims of the offense.

The above violation of Title 21 carries a statutory maximum fine of \$10,000,000.

The United States Sentencing Guidelines are advisory, not mandatory.

Further, in addition to imposing any other penalty on Farad Roland, the sentencing judge: (1) will order Farad Roland to pay an assessment of \$100 per count pursuant to 18 U.S.C. § 3013, which assessment must be paid by the date of sentencing; (2) may order Farad Roland to pay restitution pursuant to 18 U.S.C. §§ 3663 *et seq.*; (3) may order Farad Roland, pursuant to 18 U.S.C. § 3555, to give notice to any victims of his offenses; (4) must order forfeiture, pursuant to 18 U.S.C. § 982 and 21 U.S.C. § 853; (5) may deny Farad Roland certain statutorily defined benefits, pursuant to 21 U.S.C. §§ 862 and 862a and (6) must require Farad Roland to serve a term of supervised release as follows: pursuant to 21 U.S.C. § 841(a)(1), at least five years for Count Twenty-Seven of the Second Superseding Indictment;

pursuant to 18 U.S.C. § 3583, at least five years for each of Counts One and Two of the Second Superseding Indictment and at least 3 years for each of Counts Eleven, Fifteen, Seventeen and Twenty-Five of the Second Superseding Indictment, each of which will begin at the expiration of any term of imprisonment imposed.

Pursuant to 18 U.S.C. § 3624(e), multiple terms of supervised release shall run concurrently.

Should Farad Roland be placed on a term of supervised release and subsequently violate any of the conditions of supervised release before the expiration of its term, Farad Roland may be sentenced to not more than 5 years' imprisonment for Counts One, Two, and Twenty-Seven of the Second Superseding Indictment, and not more than 2 years' imprisonment for counts Eleven, Fifteen, Seventeen and Twenty-Five of the Second Superseding Indictment, in addition to any prison term previously imposed, regardless of the statutory maximum term of imprisonment set forth above and without credit for time previously served on post-release supervision, and may be sentenced to an additional term of supervised release.

This Office and Farad Roland agree that, pursuant to Federal Rule of Criminal Procedure 11(c)(1)(C), the sentence to be imposed on Farad Roland, should be as follows: (1) a sentence 45 years (540 months) imprisonment for both Counts One and Two of the Second Superseding Indictment to run concurrently to each other and all other counts of conviction; (2) a sentence of 15 years (180 months) imprisonment for Count Eleven to run concurrently to all other counts of conviction, (3) a sentence of 20 years (240 months) imprisonment for Count Fifteen to run concurrently to all other counts of conviction; (4) a sentence of 20 years (240 months) for Count Seventeen to run concurrently with all other counts of conviction; (5) a sentence of 20 years (240 months) for Count Twenty-Five to run concurrently with all other counts of conviction, and (6) a sentence of 45 years (540 months) for Count Twenty-Seven to run concurrently with all other counts of conviction . Additionally, a term of supervised release of at least 5 years for Count Twenty-Seven to run concurrently with all other terms of supervised release. Pursuant to Rule 11(c)(1)(C), this Office and Farad Roland agree that a sentence of 45 years (540 months) and five years' supervised release is the appropriate disposition of this case and constitutes a reasonable sentence that is sufficient, but not greater than necessary, taking into account all of the factors set forth in 18 U.S.C. § 3553(a). If the Court accepts this plea agreement, then Farad Roland must be sentenced accordingly.

Rights of this Office Regarding Sentencing

Except as otherwise provided in this agreement, this Office reserves its right to take any position with respect to the appropriate sentence to be imposed on Farad Roland by the sentencing judge, to correct any misstatements relating to the sentencing proceedings, and to provide the sentencing judge and the United States Probation Office all law and information relevant to sentencing, favorable or otherwise. In addition, this Office may inform the sentencing judge and the United States Probation Office of: (1) this agreement; and (2) the full nature and extent of Farad Roland's activities and relevant conduct with respect to this case.

Stipulations

This Office and Farad Roland agree to stipulate at sentencing to the statements set forth in the attached Schedule A, including that the appropriate sentence to be imposed is 45 years (540 months) imprisonment, regardless of the advisory range under the United States Sentencing Guidelines. These stipulations are offered as recommendations to the Court pursuant to Rule 11(c)(1)(C) of the Federal Rules of Criminal Procedure, and they bind the Court once, and if, the Court accepts this plea agreement. To the extent that the parties do not stipulate to a particular fact or legal conclusion, each reserves the right to argue the existence of and the effect of any such fact or conclusion upon the sentence. Moreover, this agreement to stipulate on the part of this Office is based on the information and evidence that this Office possesses as of the date of this agreement. Thus, if this Office obtains or receives additional evidence or information prior to sentencing that it determines to be credible and to be materially in conflict with the stipulations set forth in the attached Schedule A, this Office shall not be bound by any such stipulation. A determination that any stipulation is not binding shall not release either this Office or Farad Roland from any other portion of this agreement, including any other stipulation. If the sentencing court rejects a stipulation, both parties reserve the right to argue on appeal or at post-sentencing proceedings that the Court was within its discretion and authority to do so. These stipulations do not restrict this Office's right to respond to questions from the Court and to correct misinformation that has been provided to the Court.

Waiver of Appeal and Post-Sentencing Rights

As set forth in Schedule A, this Office and Farad Roland waive certain rights to file an appeal, collateral attack, writ, or motion after sentencing, including but not limited to an appeal under 18 U.S.C. § 3742 or a motion under 28 U.S.C. § 2255, which challenges the conviction or sentence imposed by the Court if the plea is accepted and the sentence is imposed in accordance with the terms of this agreement. This Office will not file any appeal, motion, or writ which challenges the conviction or sentence imposed by the Court if that sentence is imposed in accordance with the terms of this agreement. Furthermore, if the Court accepts the terms of this plea agreement, both parties waive the right to file an appeal, collateral attack, writ or motion not barred by the proceeding paragraphs.

Immigration Consequences

The defendant understands that, if he is not a citizen of the United States, his guilty plea to the charged offenses will likely result in his being subject to immigration proceedings and removed from the United States by making him deportable, excludable, or inadmissible, or ending his naturalization. The defendant understands that the immigration consequences of this plea will be imposed in a separate proceeding before the immigration authorities. The defendant wants and agrees to plead guilty to the charged offenses regardless of any immigration consequences of this plea, even if this plea will cause his removal from the United States. The defendant understands that he is bound by his guilty plea regardless of any immigration consequences of the plea. Accordingly, the defendant waives any and all challenges to his guilty plea and to his sentence based on any immigration consequences, and agrees not to seek to withdraw his guilty plea, or to file a direct appeal or any kind of collateral attack challenging his guilty plea, conviction, or sentence, based on any immigration consequences of his guilty plea.

Other Provisions

This agreement is limited to the United States Attorney's Office for the District of New Jersey and cannot bind other federal, state, or local authorities. However, this Office will bring this agreement to the attention of other prosecuting offices, if requested to do so.

This agreement was reached without regard to any civil or administrative matters that may be pending or commenced in the future against Farad Roland. This agreement does not prohibit the United States, any agency thereof (including the Internal Revenue Service and Immigration and Customs Enforcement), or any third party from initiating or prosecuting any civil or administrative proceeding against Farad Roland.

No provision of this agreement shall preclude Farad Roland from pursuing in an appropriate forum, when permitted by law, an appeal, collateral attack, writ, or motion claiming that Farad Roland received constitutionally ineffective assistance of counsel.

No Other Promises

This agreement constitutes the plea agreement between Farad Roland and this Office and supersedes any previous agreements between them. No additional promises, agreements, or conditions have been made or will be made unless set forth in writing and signed by the parties.

Very truly yours,

CRAIG CARPENITO
United States Attorney



By: Robert Frazer
Courtney A. Howard
Desiree Grace
Assistant U.S. Attorneys

APPROVED:



Thomas J. Eicher
Chief, Criminal Division

I have received this letter from my attorneys, Stephen Turano, Richard Jasper, and Michael Bachrach. I have read it. My attorneys and I have discussed it and all of its provisions, including those addressing the charges, sentencing, stipulations, waiver, forfeiture, immigration consequences, as well as the impact of Rule 11(c)(1)(C) of the Federal Rules of Criminal Procedure has upon this agreement. I understand this letter fully. I hereby accept its terms and conditions and acknowledge that it constitutes the plea agreement between the parties. I understand that no additional promises, agreements, or conditions have been made or will be made unless set forth in writing and signed by the parties. I want to plead guilty pursuant to this plea agreement.

AGREED AND ACCEPTED:


Farad Roland

Date: 1/23/18

I have discussed with my client this plea agreement and all of its provisions, including those addressing the charges, sentencing, stipulations, waiver, forfeiture, and immigration consequences, as well as the impact of Rule 11(c)(1)(C) of the Federal Rules of Criminal Procedure has upon this agreement. My client understands this plea agreement fully and wants to plead guilty pursuant to it.


Stephen Turano, Esq.

Date: 1/23/18


Richard Jasper, Esq.

Date: 1/23/18


Michael Bachrach, Esq.

Date: 1/23/18

Plea Agreement With Farad Roland

Schedule A

1. The version of the United States Sentencing Guidelines effective November 1, 2016 applies in this case.

RACKETEERING AND RACKETEERING CONSPIRACY

2. Since the underlying racketeering activity for Counts One and Two of the Second Superseding Indictment is the same, the U.S.S.G. analysis is the same.

3. The applicable guideline for the violation of 18 U.S.C. § 1962(c) and 18 U.S.C. § 1962(d) set forth in Counts One and Two of the Second Superseding Indictment is U.S.S.G. § 2E1.1.

4. That guideline carries a Base Offense Level equal to the greater of 19 or the offense level applicable to the underlying racketeering activity. See U.S.S.G. § 2E1.1(a).

5. Where there is more than one underlying offense, each underlying offense is treated as if contained in a separate count of conviction for the purposes of U.S.S.G. § 2E1.1(a)(2). See U.S.S.G. § 2E1.1, comment. (n.1).

6. The sentence for the Counts to which Farad Roland has pled guilty pursuant to the Plea Agreement is subject to the grouping rules set forth in U.S.S.G. § 3D1.1. See U.S.S.G. § 3D1.1, Application Note 1.

7. The counts of conviction involved in the Second Superseding Indictment constitute ten separate Groups pursuant to U.S.S.G. § 3D1.2.

A. GROUP ONE - Count One, Racketeering Act Two, (murder of Jamar Stewart), Count Two, Overt Acts h and i

8. Pursuant to U.S.S.G. § 3D1.2, Count One, Racketeering Act Two, of the Second Superseding Indictment does not group with any of the other counts of conviction and therefore it will constitute its own group.

9. For Count One, Racketeering Act Two, the underlying racketeering activity is felony-murder, contrary to N.J.S.A. §§ 2C:11-3(a)(3) and 2C:2-6. Where the underlying conduct violates state law, the offense level corresponding to the most analogous federal offense is to be used. See U.S.S.G. § 2E1.1, comment. (n.2). Here, the state offense of felony-murder is most analogous to U.S.S.G. § 2B3.1 (Robbery). Pursuant to U.S.S.G. §2B3.1(c), where death results from the commission of a robbery, the applicable guideline is U.S.S.G. § 2A1.1 (Murder). That guideline carries a Base Offense Level of 43.

10. Since the Base Offense Level is greater than 19, the offense level applicable to the underlying racketeering activity is 43. See U.S.S.G. § 2E1.1(a).

11. Farad Roland was an organizer or leader of criminal activity that involved five or more participants, pursuant to U.S.S.G. § 3B1.1(a). This results in an increase of 4 levels.

12. Accordingly, the offense level for Group One is 47.

B. GROUP TWO - Count One, Racketeering Act Three, (murder of Fuquan Billings), Count Two, Overt Acts j and k

13. Pursuant to U.S.S.G. § 3D1.2, Count One, Racketeering Act Three, of the Second Superseding Indictment does not group with any of the other counts of conviction and therefore it will constitute its own group.

14. For Count One, Racketeering Act Three, the underlying racketeering activity is murder, contrary to N.J.S.A. §§ 2C:11-3(a)(1) & (2), and N.J.S.A. § 2C:2-6. Where the underlying conduct violates state law, the offense level corresponding to the most analogous federal offense is to be used. See U.S.S.G. § 2E1.1, comment. (n.2). Here, the state offense of murder is most analogous to 18 U.S.C. § 1111 (Murder). The applicable guideline for § 1111 is U.S.S.G. § 2A1.1 (Murder). That guideline carries a Base Offense Level of 43.

15. Since the Base Offense Level is greater than 19, the offense level applicable to the underlying racketeering activity is 43. See U.S.S.G. § 2E1.1(a).

16. Farad Roland was an organizer or leader of criminal activity that involved five or more participants, pursuant to U.S.S.G. § 3B1.1(a). This results in an increase of 4 levels.

17. Accordingly, the offense level for Group Two is 47.

C. GROUP THREE - Count One, Racketeering Act Four, (murder of Abdul Billups), Count Two, Overt Acts aa through ee

18. Pursuant to U.S.S.G. § 3D1.2, Count One, Racketeering Act Four, of the Second Superseding Indictment does not group with any of the other counts of conviction and therefore it will constitute its own group.

19. For Count One, Racketeering Act Four, the underlying racketeering activity is murder, contrary to N.J.S.A. §§ 2C:11-3(a)(1) & (2), and N.J.S.A. § 2C:2-6. Where the underlying conduct violates state law, the offense level corresponding to the most analogous federal offense is to be used. See U.S.S.G. § 2E1.1, comment. (n.2). Here, the state offense of murder is most analogous to 18 U.S.C. § 1111 (Murder). The applicable guideline for § 1111 is U.S.S.G. § 2A1.1 (Murder). That guideline carries a Base Offense Level of 43.

20. Since the Base Offense Level is greater than 19, the offense level applicable to the underlying racketeering activity is 43. See U.S.S.G. § 2E1.1(a).

21. Farad Roland was an organizer or leader of criminal activity that involved five or more participants, pursuant to U.S.S.G. § 3B1.1(a). This results in an increase of 4 levels.

22. Accordingly, the offense level for Group Three is 47.

D. GROUP FOUR - Count One, Racketeering Act Five, (murder of Maurice Silas), Count Two, Overt Acts vv through yy

23. Pursuant to U.S.S.G. § 3D1.2, Count One, Racketeering Act Five, of the Second Superseding Indictment does not group with any of the other counts of conviction and therefore it will constitute its own group.

24. For Count One, Racketeering Act Five, the underlying racketeering activity is murder, contrary to N.J.S.A. §§ 2C:11-3(a)(1) & (2), and N.J.S.A. § 2C:2-6. Where the underlying conduct violates state law, the offense level corresponding to the most analogous federal offense is to be used. See U.S.S.G. § 2E1.1, comment. (n.2). Here, the state offense of murder is most

analogous to 18 U.S.C. § 1111 (Murder). The applicable guideline for § 1111 is U.S.S.G. § 2A1.1 (Murder). That guideline carries a Base Offense Level of 43.

25. Since the Base Offense Level is greater than 19, the offense level applicable to the underlying racketeering activity is 43. See U.S.S.G. § 2E1.1(a).

26. Farad Roland was an organizer or leader of criminal activity that involved five or more participants, pursuant to U.S.S.G. § 3B1.1(a). This results in an increase of 4 levels.

27. Accordingly, the offense level for Group Four is 47.

E. GROUP FIVE - Count One, Racketeering Act Six, (murder of Kasan Prince), Count Two, Overt Acts vv through yy

28. Pursuant to U.S.S.G. § 3D1.2, Count One, Racketeering Act Six, of the Second Superseding Indictment does not group with any of the other counts of conviction and therefore it will constitute its own group.

29. For Count One, Racketeering Act Six, the underlying racketeering activity is murder, contrary to N.J.S.A. §§ 2C:11-3(a)(1) & (2), and N.J.S.A. § 2C:2-6. Where the underlying conduct violates state law, the offense level corresponding to the most analogous federal offense is to be used. See U.S.S.G. § 2E1.1, comment. (n.2). Here, the state offense of murder is most analogous to 18 U.S.C. § 1111 (Murder). The applicable guideline for § 1111 is U.S.S.G. § 2A1.1 (Murder). That guideline carries a Base Offense Level of 43.

30. Since the Base Offense Level is greater than 19, the offense level applicable to the underlying racketeering activity is 43. See U.S.S.G. § 2E1.1(a).

31. Farad Roland was an organizer or leader of criminal activity that involved five or more participants, pursuant to U.S.S.G. § 3B1.1(a). This results in an increase of 4 levels.

32. Accordingly, the offense level for Group Five is 47.

F. GROUP SIX - Count One, Racketeering Act Seven, Count Two, Overt Act hh and ii, and Count Eleven (Robbery of Mercedes Vehicle)

33. Racketeering Act Seven and Count Eleven of the Second Superseding Indictment group together as they involve the same victim and acts (carjacking of the Mercedes vehicle). U.S.S.G. § 3D1.2(a).

34. For Count One, Racketeering Act Seven, the underlying racketeering activity is the robbery of a Mercedes Benz vehicle, in violation of N.J.S.A. § 2C:15-1(a)(2) and 2C:2-6. Where the underlying conduct violates state law, the offense level corresponding to the most analogous federal offense is to be used. See U.S.S.G. § 2E1.1, comment. (n.2). Here, the state offense of robbery is most analogous to 18 U.S.C. § 2119(1) (Carjacking). The applicable guideline for § 2119(1) is U.S.S.G. § 2B3.1 (Robbery). That guideline carries a Base Offense Level of 20.

35. Specific Offense Characteristic U.S.S.G. § 2B3.1(b)(2)(C) applies to Group Two because a firearm was brandished and possessed. This Specific Offense Characteristic results in an increase of 5 levels.

36. Specific Offense Characteristic U.S.S.G. § 2B3.1(b)(5) applies to Group Two because the offense involved carjacking. This Specific Offense Characteristic results in an increase of 2 levels.

37. Since the Base Offense Level is greater than 19, the offense level applicable to the underlying racketeering activity is 27. See U.S.S.G. § 2E1.1(a).

38. Farad Roland was an organizer or leader of criminal activity that involved five or more participants, pursuant to U.S.S.G. § 3B1.1(a). This results in an increase of 4 levels

39. Accordingly, the offense level for Group Six is 31.

G. GROUP SEVEN - Count One, Racketeering Act Nine, Count Two, Overt Act kk, and Count Fifteen (Robbery of T.H.)

40. Racketeering Act Nine and Count Fifteen of the Second Superseding Indictment group together as they involve the same victim and acts (robbery of T.H.). U.S.S.G. § 3D1.2(a).

41. For Count One, Racketeering Act Nine, the underlying racketeering activity is the robbery of T.H., in violation of N.J.S.A. § 2C:15-1(a) (2) and 2C:2-6. Where the underlying conduct violates state law, the offense level corresponding to the most analogous federal offense is to be used. See U.S.S.G. § 2E1.1, comment. (n.2). Here, the state offense of robbery is most analogous to 18 U.S.C. § 1951(a). The applicable guideline for § 1951(a) is U.S.S.G. § 2B3.1 (Robbery). That guideline carries a Base Offense Level of 20.

42. Specific Offense Characteristic U.S.S.G. § 2B3.1(b)(2)(C) applies to Group Three because a firearm was brandished and possessed. This Specific Offense Characteristic results in an increase of 5 levels.

43. Since the Base Offense Level is greater than 19, the offense level applicable to the underlying racketeering activity is 25. See U.S.S.G. § 2E1.1(a).

44. Farad Roland was an organizer or leader of criminal activity that involved five or more participants, pursuant to U.S.S.G. § 3B1.1(a). This results in an increase of 4 levels.

45. Accordingly, the offense level for Group Seven is 29.

H. GROUP EIGHT - Count Two, Overt Acts eee and fff, and Count Seventeen (Assault With A Deadly Weapon in Aid of Racketeering of Lawrence Parks)

46. Count Two, Overt Acts eee and fff and Count Seventeen of the Second Superseding Indictment group together as they involve the same victim and acts (Assault of Lawrence Parks). U.S.S.G. § 3D1.2(a).

47. For Count Seventeen, the applicable guideline for §1953(a)(3) is U.S.S.G. § 2E1.3 (Violent Crime in Aid of Racketeering Activity). The Base Offense Level is the greater of 12 or the offense for the underlying crime in aid

of racketeering. Here, the underlying crime is Assault With A Deadly Weapon which corresponds to U.S.S.G. §2A2.2 (Aggravated Assault). That guideline carries a Base offense Level of 14.

48. Specific Offense Characteristic U.S.S.G. § 2A2.2(b)(2)(A) applies to Group Nine because a firearm was discharged. This Specific Offense Characteristic results in an increase of 5 levels.

49. Farad Roland was an organizer or leader of criminal activity that involved five or more participants, pursuant to U.S.S.G. § 3B1.1(a). This results in an increase of 4 levels.

50. Since the Base Offense Level is greater than 12, the offense level applicable to Group Eight is 23.

I. GROUP NINE - Count Two, Overt Acts mmm through ooo, and Count Twenty-Five (Assault With A Deadly Weapon in Aid of Racketeering of R.B.)

51. Count Two, Overt Acts mmm and ooo and Count Twenty-Five of the Second Superseding Indictment group together as they involve the same victim and acts (Assault of R.B.). U.S.S.G. § 3D1.2(a).

52. For Count Twenty-Five, the applicable guideline for §1953(a)(3) is U.S.S.G. § 2E1.3 (Violent Crime in Aid of Racketeering Activity). The Base Offense Level is the greater of 12 or the offense for the underlying crime in aid of racketeering. Here, the underlying crime is Assault With A Deadly Weapon which corresponds to U.S.S.G. §2A2.2 (Aggravated Assault). That guideline carries a Base offense Level of 14.

53. Specific Offense Characteristic U.S.S.G. § 2A2.2(b)(2)(A) applies to Group Ten because a firearm was discharged. This Specific Offense Characteristic results in an increase of 5 levels.

54. Specific Offense Characteristic U.S.S.G. § 2A2.2(b)(3)(B) applies to Group Ten because the victim sustained serious bodily injury. This Specific Offense Characteristic results in an increase of 5 levels.

55. Farad Roland was an organizer or leader of criminal activity that involved five or more participants, pursuant to U.S.S.G. § 3B1.1(a). This results in an increase of 4 levels.

56. Since the Base Offense Level is greater than 12, the offense level applicable to Group Nine is 28.

J. GROUP TEN - Count One, Racketeering Acts Ten, Twelve and Thirteen and Count Twenty-Seven (Drug Distribution and Drug Conspiracy)

57. Racketeering Acts Twelve, Thirteen, Fourteen and Count Twenty-Seven of the Second Superseding Indictment group together as the offense levels are determined on the basis of the quantity of controlled substances. U.S.S.G. § 3D1.2(d).

58. Racketeering Acts Thirteen and Fourteen constitute acts in the drug conspiracy and therefore are not counted separately from the drug conspiracy.

59. Count Twenty-Seven and Count One, Racketeering Act Twelve, charge the same drug conspiracy, that is, a conspiracy to distribute and possess with the intent to distribute one kilogram or more of heroin and 280 grams or more of crack cocaine, contrary to 21 U.S.C. § 841(a) & (b)(1)(A), in violation of 21 U.S.C. § 846. The applicable guideline for § 841(a) & (b)(1)(A) and 846 is U.S.S.G. § 2D1.1(c)(5).

60. This guideline carries a Base Offense Level of 30.

61. Since the Base Offense Level is greater than 19, the offense level applicable to the underlying racketeering activity is 30. See U.S.S.G. § 2E1.1(a).

62. Farad Roland was an organizer or leader of criminal activity that involved five or more participants, pursuant to U.S.S.G. § 3B1.1(a). This results in an increase of 4 levels.

63. Accordingly, the offense level for Group Ten is 34.

FINAL GROUPING ANALYSIS

The ten groups therefore have the following Guideline Levels:

Group One: Level 47

Group Two: Level 47

Group Three: Level 47
Group Four: Level 47
Group Five: Level 47
Group Six: Level 31
Group Seven: Level 29
Group Eight: Level 23
Group Nine: Level 28
Group Ten: Level 34

64. Pursuant to U.S.S.G. § 3D1.4(a), since Group One has the highest offense level, Group One counts as one Unit.

65. Pursuant to U.S.S.G. § 3D1.4(a), since Groups Two, Three, Four, and Five are equally serious to Group One, each of those groups receives one additional unit for a total of four additional units.

66. Pursuant to U.S.S.G. § 3D1.4(c), since Groups Six through Ten are 9 or more levels less serious than the Group with the highest offense level (Group One), Groups Six through Ten are disregarded and will not increase the applicable offense level.

67. Pursuant to U.S.S.G. § 3D1.4, five Units results in four additional levels being added as a result of the grouping analysis.

68. As a result, the Guideline offense level applicable to Farad Roland is 51.

ACCEPTANCE OF RESPONSIBILITY

69. As of the date of this letter, Farad Roland has clearly demonstrated a recognition and affirmative acceptance of personal responsibility for the offenses charged. Therefore, a downward adjustment of 2 levels for acceptance of responsibility is appropriate if Farad Roland's acceptance of responsibility continues through the date of sentencing. See U.S.S.G. § 3E1.1(a).

70. As of the date of this letter, Farad Roland has assisted authorities in the investigation or prosecution of her own misconduct by timely notifying authorities of her intention to enter a plea of guilty, thereby permitting the government to avoid preparing for trial and permitting the government and the court to allocate their resources efficiently. If Farad

Roland enters a plea pursuant to this agreement and qualifies for a 2-point reduction for acceptance of responsibility pursuant to U.S.S.G. § 3E1.1(a), and if in addition Farad Roland's offense level under the Guidelines prior to the operation of § 3E1.1(a) is 16 or greater, Farad Roland will be entitled to a further 1-point reduction in his offense level pursuant to U.S.S.G. § 3E1.1(b).

AGREED TOTAL GUIDELINES OFFENSE LEVEL

71. In accordance with the above, the parties agree that the total Guidelines offense level applicable to Farad Roland is 48 (the "agreed total Guidelines offense level").

72. Pursuant to U.S.S.G. Ch. 5, Pt. A, Application Note 2, a Guidelines level of 48 is to be treated as a Guidelines level 43. Therefore, the Guidelines level applicable to Farad Roland is 43.

73. In accordance with the above, taking into account the factors set forth in 18 U.S.C. § 3553(a), and pursuant to Rule 11(c)(1)(C) of the Federal Rules of Criminal Procedure, the parties agree that, regardless of the agreed total Guidelines offense level: (i) a sentence of imprisonment of 45 years (540 months) and five years' supervised release is reasonable under 18 U.S.C. § 3553(a); (ii) neither party will argue for a sentence of imprisonment above or below 45 years and five years' supervised release. Furthermore, should the Court reject this agreement, either party may elect to be relieved of the terms of this plea and the parties will be returned to the status prior to the entry of the plea.

74. Farad Roland knows that he has and, except as noted below in this paragraph, voluntarily waives, the right to file any appeal, any collateral attack, or any other writ or motion, including but not limited to an appeal under 18 U.S.C. § 3742 or a motion under 28 U.S.C. § 2255, which challenges the sentence imposed by the sentencing Court if the sentence imposed is 540 months' imprisonment and 5 years of supervised release. This Office will not file any appeal, motion or writ which challenges the sentence imposed by the sentencing Court if the sentence imposed is 540 months' imprisonment and 5 years of supervised release. Furthermore, if the sentencing court imposes a sentence consistent with the agreed upon sentence set forth in this paragraph, both parties waive the right to file an appeal, collateral attack, writ, or motion claiming that the sentencing Court erred in doing so.

75. Both parties reserve the right to oppose or move to dismiss any appeal, collateral attack, writ, or motion barred by the preceding paragraph and to file or to oppose any appeal, collateral attack, writ or motion not barred by the preceding paragraph.