

UNITED STATES DISTRICT COURT
DISTRICT OF RHODE ISLAND

UNITED STATES OF AMERICA

Criminal Case No. 23-CR-00085-JJM-LDA

v.

JORGE PIMENTEL,
Defendant.

GOVERNMENT’S CORRECTED SENTENCING MEMORANDUM

Fifty-three thousand pills containing fentanyl. Almost 9 kilograms of powder fentanyl. Pills containing Xylazine. Twenty-eight thousand grams of cut to produce pills. An industrial grade high-speed pill press worth over \$10,000. A storage unit and an employee. **Altogether, over sixteen kilograms of fentanyl.**

The execution of search warrants on the Defendant’s Pawtucket, RI, drug lab and stash house on September 23, 2023, resulted in one of the largest seizures of fentanyl ever in this District. The drugs seized from him that day, were just the tip of the iceberg, a snapshot of the Defendant’s lengthy narcotics trafficking history. When he was finally caught, he was a well-established, large scale Fentanyl trafficker, manufacturing pills containing the deadly drug, which *he designed* to resemble pharmaceutical grade Percocet pills or “M-30s”.

The Government agrees that the Total (Adjusted) Offense Level of 41, Criminal History Category I, as calculated by the probation department, is correct. The guideline

range set forth is 360 months to life imprisonment . The Defendant knowingly and willfully engaged in a dangerous, deadly business, engaging in serious and potentially deadly criminal conduct, which calls for a significant sentence and a sentence at the low-end of the guideline range is appropriate.

18 U.S.C. §3553(a) AND UNITED STATES SENTENCING GUIDELINES

Pursuant to 18 U.S.C. §3553(a), the court must impose a sentence sufficient but not greater than necessary to reflect the seriousness of the offense, to deter criminal conduct, to protect the public, and to provide the Defendant with education or vocational training, medical care and other correctional treatment. Factors that the court must consider are set forth in 18 U.S.C. 3553(a) and include the nature and circumstances of the offense and history and characteristics of the Defendant, the need for the sentence imposed, the kind of sentences available, the kinds of sentence and the sentencing range established the offense, pertinent policy statements, the need to avoid unwarranted sentence disparities among Defendants with similar records who have been found guilty of similar conduct, and the need for restitution for victims.

Before addressing the sentencing factors, the Government responds to assertions made by Defendant in its Sentencing Memorandum regarding the Adjusted Offense Level Calculation. Although Defendant has not filed any objections to the Presentence Report, the Defendant takes issue with two enhancements. He suggests that the assignment of a four-level enhancement, pursuant to USSG §2D1.1(b)(13), for the Defendant's conduct of knowingly misrepresenting or marking the pills as another

substance, is “disproportionately severe.”¹ He also suggests that the two-level increase, pursuant to § 3B1.1(c), based on Defendant’s role as organizer or leader, “overstates the seriousness of the offense.” The Defendant does not suggest that the conduct fails to meet the criteria for the application of the 4-level and 2-level enhancements, he simply doesn’t like the result.

The Sentencing Commission added the four-level enhancement in 2018 (as applicable to the Defendant) and made additional amendments to §2D1.1(b)(13) (adding a 2-level enhancement for others) in 2023.

To qualify for the four-level enhancement the Defendant must have knowingly misrepresented or knowingly marketed as another substance, a mixture or substance containing fentanyl. The knowledge requirement is easily met. The Defendant knew the pills contained fentanyl, because *he produced them*. The images set forth below are of legitimate 30 milligram Percocet² pills, and images of the counterfeit pills containing fentanyl discovered in Defendant’s drug lab/stash house.



Photo of legitimate 30mg Oxycodone³

¹ See Defendant’s Sentencing Memorandum, ECF 26 at Page 4.

² Percocet is a prescription drug, which contains Oxycodone.

³ <https://www.dea.gov/onepill/images>, U.S. Drug Enforcement Administration One Pill Can Kill image.



Photos from bulk pills containing fentanyl produced by Defendant
1 seized from the drug lab and stash location



Rectangular objects are kilogram powder fentanyl “bricks”

In the drug business supply chain, the Defendant was the manufacturer, the one who took the raw materials and put them together. The pills produced *by the Defendant* are blue in color and contain the same markings as legitimate pharmaceutical

pills. The evidence shows that the Defendant, possessed Fentanyl, added cut and binding agents (with color) to the pills to give them the appearance of a legitimately manufactured prescription pill.⁴

Defendant's only argument against the application of the 4-level enhancement is that "the majority of fentanyl pills sold on the streets are intentionally made to resemble oxycodone." Defendant cites no legal support in support of his position that the 4-level enhancement doesn't apply. The argument that "other dealers are doing it" should be dismissed.

The Defendant also argues that the 2-level enhancement for the Aggravating Role, being an organizer, leader, manager, or supervisor of criminal activity, pursuant to USSG §3B1.1(c), should not apply. (PSR ¶ 30) As the Defendant is alleged to have employed one other person, the court need not make the distinction between manager or supervisor and organizer or leader. The guidelines sets forth factors to consider that in making a determination between leader/organizer and manager/supervisor, including: "the exercise of decision-making authority, the nature of participation in the commission of the offense, the recruitment of accomplices, the claimed right to a larger share of the fruits of the crime, the degree of participation in planning or organizing the

⁴ In *United States v. Wiley*, 122 F.4th 725 (8th Cir. 2024), evidence of knowledge for 4-level enhancement, where Defendant possessed with the intent to distribute pills he advertised as "perks," perk 20s," without reference to fentanyl, but where Defendant himself had overdosed on similar pills. Distinguished from *United States v. Ihediwa*, 66 F.4th 1079 (7th Cir 2023), error found where enhancement applied where Defendant, who was not proven to be the manufacturer of the pills, may or may not have known that the pills he was selling were not real Percocet; government did not prove that Defendant knew the pills contained fentanyl.

offense, the nature and scope of the illegal activity, and the degree of control and authority exercised over others.” USSG §3B1.1 note 4. Defendant recruited his drug runner from a Providence, RI, nightclub, paid him, and dispatched him to various locations in Massachusetts and Rhode Island from 2020 until his arrest in September of 2023, therefore the enhancement should apply. Defendant’s role in drug trafficking will be further described below.

Nature and Circumstances of the Offense and Seriousness of the Offense

The facts of this case are set forth in detail in the Presentence Investigation Report and involve the Defendant delivering a total of 34,000 fentanyl laced pills, for over \$37,000 over four meetings with a Special Agent of the Federal Bureau of Investigation (FBI). Defendant was not a target of an investigation that came to the FBI’s attention by happenstance. He had been the target of narcotics trafficking by the Drug Enforcement Administration, and other state and federal agencies for years.

In May of 2023, the Defendant was already dealing in kilograms of fentanyl and selling thousands of pills per delivery. He had a network of narcotics associates, and by May of 2023, one of these associates had introduced the undercover FBI agent (UC) to the Defendant. The UC contacted the Defendant, while Defendant was vacationing in the Dominican Republic. Without hesitation, immediately upon his return to the United States, the Defendant began dealing with the UC. He was ready, willing and able to deal in kilogram quantities of pills, selling 10,000 pills to his new “customer”.

An experienced and savvy dealer, Defendant communicated with his new “customer” through Facetime, an Apple messaging app. Facetime is used frequently by drug dealers because of its encryption features and because it is difficult for law enforcement to intercept, and a traditional wiretap investigation is difficult to initiate. Defendant arranged the deals through the audio and audio/video features on the application.

The Drug Lab/ Stash House

By May of 2023, Defendant wasn’t risking storing drugs at his home or the garage where he had worked. He had rented a storage unit in a residential neighborhood on Harris Street, in Pawtucket, RI, from which he ran his operation. According to the Harris Street landlord, Defendant paid his rent - \$850 per month- on time, he paid in advance, and he paid in cash.

Defendant produced his poison in a dirty storage unit. It wasn’t a lab where formulas were measured. There was no scientific formula. Drugs were mixed with blenders, sifters and red Solo cups. When law enforcement officers executed the search warrant at Defendant’s drug lab/stash house, they found a massive quantity of fentanyl, powder, powder in kilogram form and pills. They found powder mixed with fentanyl in preparation for pressing into pills, two pill presses, pill press parts, respirator masks, scales, blenders, cutting agents, all the tools of the trade for a drug trafficker/producer. Photos below:



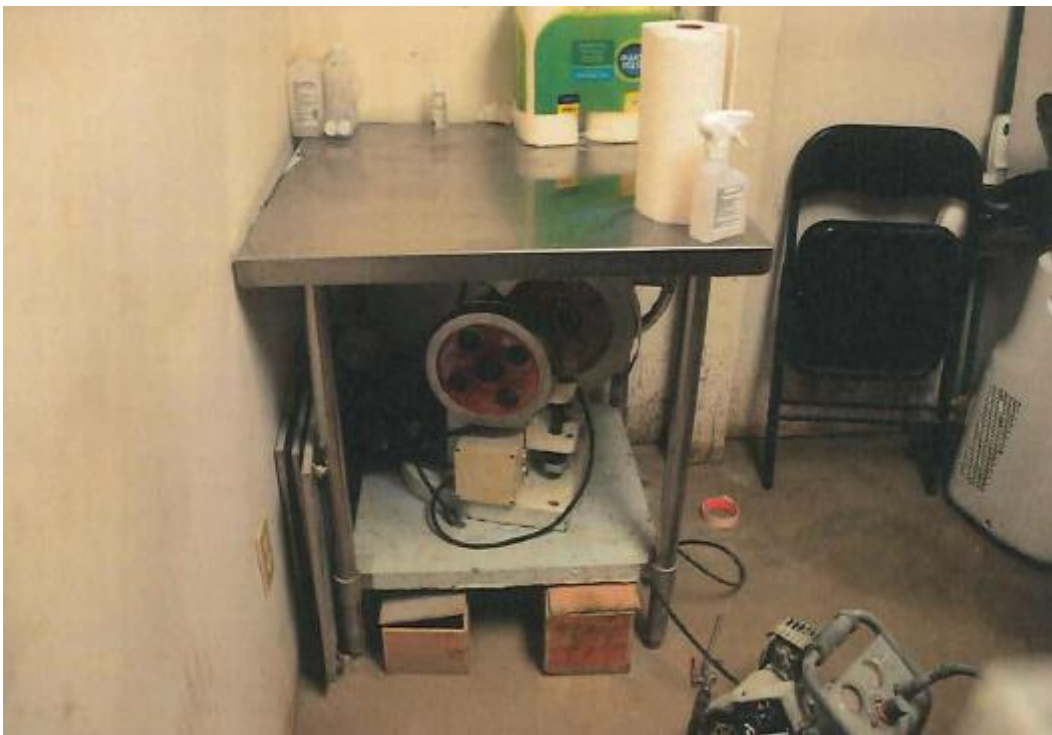
Assorted drugs and cutting materials.



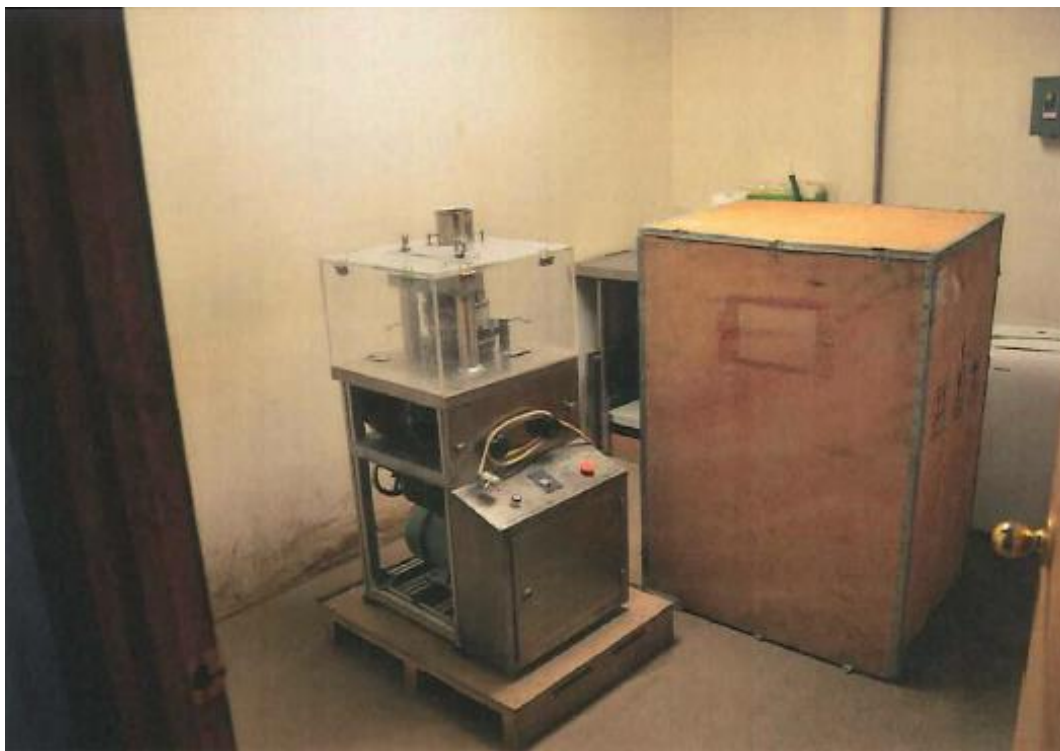
Kilogram packages of fentanyl



Binding agent Firmapress



Pill press 1



Industrial grade pill press *value in 2023 est. over \$10,000.



Pill press photo taken at FBI March 2025 with agent to show size of press.



Blenders, sifters and packaging materials.





Pill press parts and blenders.



Blender parts and scale/respirator mask.



Hydraulic Kilogram press.⁵ Indicative of the Defendant not only making pills but cutting kilograms and selling powder kilogram quantities of drugs.

⁵ For an example of how a hydraulic kilogram press works, reference is made to The Brick Press Hydraulic Pollen Press how to Guide | High Tech Presses press <https://www.youtube.com/watch?v=A61Ss2pFUZ0>

The photos are set forth here to demonstrate that the Defendant was not some infrequent narcotics trafficker or someone who simply dabbled in the trade.

The Runner

Defendant's runner, had been employed by the Defendant for approximately three years prior to September 2023, beginning at around the start of Covid in early 2020. The two had met in a Providence nightclub, and Defendant had approached him telling him that he thought he looked "like a cop" and subsequently hired him for his services. At first, the runner was delivering smaller amounts, some samples, then later in his employment, he would deliver tens of thousands of pills at a time to some customers, sometimes for \$30,000 or \$40,000 worth. The Defendant would dispatch his runner to the drug lab/stash house, telling him what quantities to retrieve (powder and pills) and where to meet the customer.

The Defendant would make the pills, sometimes as many as 100,000 at a time, and the runner would clean up at the storage facility. The runner was paid a few hundred dollars per delivery and a few hundred working in the shop, cleaning after pills were produced.

The runner participated in three of the four deliveries of fentanyl to the UC.

The Dangers of Fentanyl and Fentanyl in Pills

This Court has sentenced many offenders for fentanyl possession and distribution and undoubtedly knows how dangerous a drug fentanyl is. Fentanyl, a Schedule II controlled substance is powerful synthetic opioid used for pain relief.⁶ It is 50 times more powerful than heroin⁷ and 100 times more powerful than morphine.⁸ Illicit fentanyl is cheaper than heroin. It is produced in clandestine labs and often added to other substances and made to resemble legitimate prescription drugs⁹.

From an analysis of counterfeit pills seized by the DEA, it has been determined that the pills typically contain from .02 milligrams to 5.1 milligrams of fentanyl, 2 milligrams of fentanyl is considered a potentially lethal dose.¹⁰

The Centers for Disease Control and Prevention, reports that an estimated 107,543 people died from drug overdoses in 2023 with 81,083 involving opioids, an estimated 70% of the opioid deaths are attributed to synthetic opioids.¹¹ According to Prevent Overdose RI, an estimated 3,797 people in Rhode Island have died of drug overdoses since 2014. In 2022, approximately two-thirds of the overdose deaths involved fentanyl.¹² See charts below.¹³

⁶ <https://www.dea.gov/factsheets/fentanyl>

⁷ <https://www.justice.gov/opioidawareness/opioid-facts>

⁸ <https://www.dea.gov/sites/default/files/2024-12/2024-Drugs-of-Abuse-508.pdf>

⁹ <https://www.cdc.gov/stop-overdose/caring/fentanyl-facts.html>

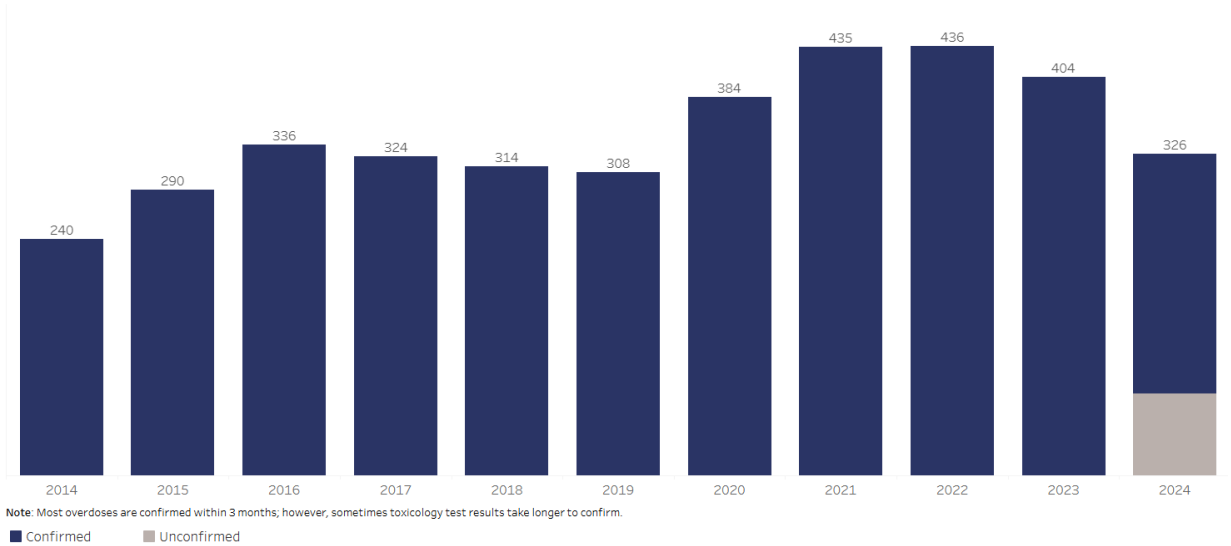
¹⁰ <https://www.dea.gov/resources/facts-about-fentanyl>

¹¹ <https://www.cdc.gov/stop-overdose/caring/fentanyl-facts.html>

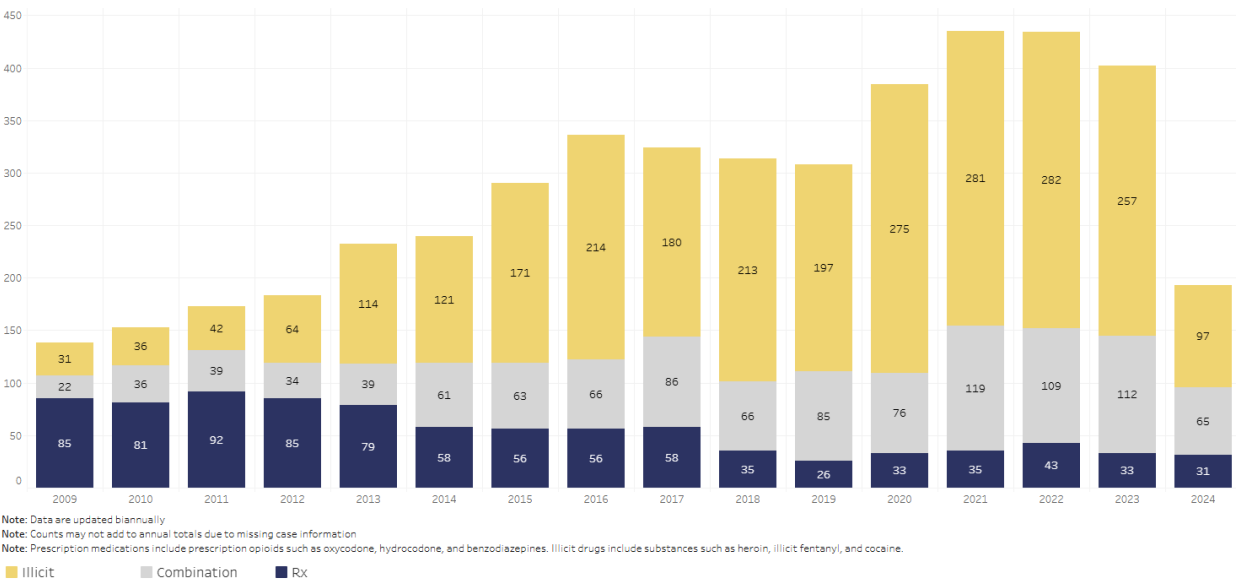
¹² <https://preventoverdoseri.org/overdose-deaths/>

¹³ Chart from <https://preventoverdoseri.org/overdose-deaths/>.

Number of Drug Overdose-Related Deaths, 2014 to 2024
(As of 4/19/2025)



Overdose Deaths by Drug Type, 2009 to June 2024



The proliferation of counterfeit pills fuels addiction and causes death. In 2023, in explaining the amendments to USSG §2D1.1(b)(13) (the 4 and 2 level enhancements) of the Sentencing Guidelines¹⁴, the Sentencing Commission wrote:

¹⁴ Adding a 2-level enhancement for a person who acted with “willful blindness” and “conscious avoidance”.

“Since §2D1.1(b)(13)’s initial promulgation in 2018, the distribution of fentanyl and fentanyl analogues has dramatically increased. The Drug Enforcement Administration reported a substantial increase in the seizure of fake prescription pills, seizing over 50.6 million in calendar year 2022, with 70 percent containing fentanyl. Of those seized pills containing fentanyl, six out of ten contained a potentially lethal dose of the substance, according to lab testing. Additionally, the Centers for Disease Control and Prevention (CDC) estimates there were 107,622 drug overdose deaths in the United States in 2021, an increase of nearly 15 percent from the 93,655 deaths estimated in 2020. The CDC attributes 80,816 of the drug overdose deaths in 2021 to synthetic opioids, primarily fentanyl.

Commission data also indicates an increase in fentanyl and fentanyl analogue offenses, with fentanyl supplanting other drug types, such as crack cocaine and heroin, to become the third most prevalent primary drug (12.6%) among federal drug offenses in fiscal year 2022. In fiscal year 2017, 166 offenders were held accountable for fentanyl or fentanyl analogues. By fiscal year 2022, the number of offenders increased to 2,511 offenders.”¹⁵

The serious attention to counterfeit pills paid by the Sentencing Commission reflects research findings that “counterfeit pharmaceutical drugs-especially those containing illicitly manufactured fentanyls (IMF) are playing an increasing important role in the US overdose crisis”¹⁶ and that adolescents “are more likely to experiment with drugs they perceive as prescription pharmaceuticals relative to powders sold as

¹⁵ https://www.ussc.gov/sites/default/files/pdf/amendment-process/official-text-amendments/202305_Amendments.pdf, p. 30.

¹⁶<https://www.sciencedirect.com/science/article/pii/S0376871623010578?via%3Dihub>; Drug and Alcohol Dependence 249 (2023) 110819, “Fentanyl, Heroin, and Methamphetamine-based Counterfeit Pills sold at tourist-oriented pharmacies in Mexico: an Ethnographic and Drug Checking Study and Drug Checking Study, Joseph Friedman, PhD, MPH, Morgan Godvin, Caitlin Molina, Ruby Romero, Annick Borquez, MSc, PhD, Tucker Avra, DVM, David Goodman-Meza, MD, MAS, Steffanie Strathdee, PhD⁴ Philippe Bourgois, PhD, and Chelsea L. Shover, PhD, citing Friedman J, Godvin M, Shover CL, Gone JP, Hansen H, Schriger DL. *Trends in Drug Overdose Deaths Among US Adolescents*, January 2010 to June 2021. JAMA. 2022;327(14):1398. doi: 10.1001/jama.2022.284

heroin, or other drugs that are more stigmatized.”¹⁷ Simply put, drug dealers market to those who would more likely pick up a pill, some believing it to be a prescription drug, than pick up a bag of powder that they would most assuredly believe is fentanyl or heroin.¹⁸

Often in sentencing the arguments focus heavily on the defendant, his or her family history, work, and health, and the other sentencing factors are not the focus. While these factors are, of course, relevant, the government believes that it is imperative to focus on the danger the Defendant’s conduct is to society and the victims of his crimes. Drug distribution is frequently referred to as a victimless crime, but this is surely not the truth. The victims are those who get hooked on the poison peddled by the Defendant. The victims are our overburdened first responders who have overdosed by ingesting (simply breathing in) fentanyl, who respond to call upon call to treat an overdose victim. Our healthcare system is victim to the strain that countless individuals seeking treatment for drug related medical conditions and recovery places upon it. Our victims are the families whose loved ones are absent and homeless due to

¹⁷ <https://www.sciencedirect.com/science/article/pii/S0376871623010578?via%3Dihub>; Drug and Alcohol Dependence 249 (2023) 110819, “Fentanyl, Heroin, and Methamphetamine-based Counterfeit Pills sold at tourist-oriented pharmacies in Mexico: an Ethnographic and Drug Checking Study and Drug Checking Study, Joseph Friedman, PhD, MPH, Morgan Godvin, Caitlin Molina, Ruby Romero, Annick Borquez, MSc, PhD, Tucker Avra, DVM, David Goodman-Meza, MD, MAS, Steffanie Strathdee, PhD⁴ Philippe Bourgois, PhD, and Chelsea L. Shover, PhD, citing Monitoring the Future: Data for In-School Surveys of 8th, 10th, and 12th Grade Student, 1975–2021, Prevalence Trends by Drug, University of Michigan; Accessed February 7, 2022.

¹⁸ Children/teens often experiment with substances gaining access to prescription drugs in the home, most often without overdosing. One study suggests that “the strongest predictor of lifetime opioid dependence was having a prescription opioid in the family medicine cabinet.” Elliott, A. L., Liu, Y., Egan, K. L., Striley, C. W., & Cottler, L. B. (2020). Exposure to Medicines in the Family Medicine Cabinet: Is It a Harbinger of Later Opioid Dependence? *Substance Use & Misuse*, 55(10), 1709–1715. <https://doi.org/10.1080/10826084.2020.1756856>.

addiction. Our victims are those whose lives were lost and their parents, children, brother and sisters, and friends who survive. Our victims are young and old, teens like Emmet Edward Raymond Deschene, from Seekonk MA, who in 2020, at 18, died of a fentanyl related overdose after being discharged from Butler Hospital where he had been receiving mental health treatment.¹⁹ Like 15-year-old Steyci Perez, from Providence, who died of a fentanyl overdose after being given a pill by a person who claimed they believed it to be Percocet.²⁰

The Numbers

This Defendant had been a long-time target of investigating agencies who had information and believed that the Defendant was dealing significant quantities of drugs, and they were right. Simple math shows the number of pills, the potentially lethal pills, he was putting on the street.

As previously indicated (from DEA information) Dealers are typically using between .2 and 5 milligrams of fentanyl into a 30-milligram pill. A kilogram equates to 1,000,000 milligrams of fentanyl. If the Defendant were putting 5 milligrams of fentanyl (using the conservative number) from each kilogram into pill production, with 25 milligrams of cut and binding agent. This kilogram yields a staggering 200,000 pills

¹⁹ <https://www.providencejournal.com/story/news/politics/courts/2023/05/26/butler-hospital-involved-in-lawsuit-over-teens-overdose-death/70257892007/>

²⁰ RI State case, K1-2023-0489. See <https://www.providencejournal.com/story/news/crime/2023/04/17/juan-pizarro-held-without-bail-in-ri-15-year-olds-overdose-death-fentanyl-warwick-motel/70121532007/>

The investigation revealed that the Defendant was selling the pills in bulk-wholesale to other dealers for approximately \$1.50 per pill, yielding a significant profit.

Characteristics of the Defendant

Defendant is 36 years old and has no significant documented work history. His first verifiable employment was in 2021 (when he was 32 or 33 years old). That employment however was short-lived as the business, his sister's autobody shop is now closed since the Rhode Island Auto Dealer's Board revoked the dealer's license in January of 2023, due to allegations of criminal conduct. Defendant and his sister have been charged with multiple counts of obtaining property by false pretenses, forgery and counterfeiting, filing false statements to obtain registration and conspiracy.²¹

Little else is known about the Defendant other than his self-report, which the government avers is unreliable and contains false information. The government suggests that this false information provided to the probation department was fabricated to garner the court's sympathy.²²

Defendant now claims that he was a daily user of alcohol, drinking from morning to night from November 2022 to the time of his arrest. He now claims that he smoked marijuana from age 19 to age 22 and began smoking marijuana laced with

²¹ Defendant has been charged in P2-2023-2981B as part of a scheme to defraud purchasers of salvaged vehicles without notification to the purchaser and submitting false documentation to obtain title without branding the vehicle as salvaged.

²² In addition to the information discussed below, Defendant reports that his mother was deported to the DR in 2005/2006, however HIS-ERO has no record of deportation. Although she was arrested for drug charges, she entered a plea to a simple possession charge in 2000.

cocaine at 22 until November 22. He now claims that he used cocaine socially from age 22 until 2022. He now claims that beginning in 2022, he used fentanyl every day until September 2024. He suggests in part that he sold drugs to support his habit.

This latest revelation of a drug addiction/consumption history is contrary to the Defendant's statements made to Pretrial Services in 2023. Senior Probation Officer Ben Miller interviewed the Defendant in September of 2023 in preparation for his initial appearance and detention hearing. Part of that interview focused on alcohol and drug use. Defendant denied any drug or alcohol abuse. Although acknowledging a recent DUI conviction, Defendant denied any addiction to alcohol. He denied the use of ANY controlled substances including marijuana.²³ In support of the belief that this information is fabricated, the government notes that there is no indication that the Defendant sought any treatment for drug or alcohol abuse upon his initial admission to Wyatt, nor is there any indication that the Defendant suffered any symptoms of withdrawal from alcohol or controlled substances.

Although the Defendant does not have a lengthy criminal history, his multiple-kilogram quantities of drugs show that he is a wholesaler supplier to other drug dealer, a position he did not come to hold overnight. His knowledge, the techniques he employed to insulate himself from detection, and the proven length of time that he was

²³ The Defendant has a conviction for possession of a controlled substance; however, possession charges are hazards of the trade for drug dealers. See also ¶38 referencing juvenile involvement.

in the business- without having been caught, is far from the picture of “a lifetime of good and dedication to society” that the Defendant suggests he has led.

The Need to Avoid Unwarranted Sentence Disparities Among Defendants with Similar Records, The Need for the Sentence Imposed, Sentences Available and Deterrence

It is rare for this Court to preside over the case of an individual who possessed and intended to sell the quantity of as did this Defendant. Sentences of individuals involved in drug trafficking similar quantities of drugs have been pronounced in state court (RI) and in the District of Massachusetts. While no two cases- or Defendants are the same,- the government offers similar cases (and cites the differences) for the Court’s consideration. The government references these cases in support of its position that a sentence well in excess of the minimum mandatory is warranted.

In Rhode Island state court in 2024, defendants Angel Camilo and Miguel Cruz were sentenced for drug conspiracy and multiple fentanyl trafficking offenses as well as firearms possession in committing a crime of violence- drug trafficking, and gun offenses related to two ghost guns seized. Investigators seized just over 16 kilograms of fentanyl (including that laced with para-flourofentanyl, tramadol and Xylazine) from three locations, \$20,000 and two ghost guns and other narcotics paraphernalia. Camilo²⁴, who was 22 years old at the time of the crime was sentenced to 18 years to serve. Cruz, who was 28 was sentenced to 23 years to serve.

²⁴ Camilo, who was released on bail was again arrested just days later in possession of an additional 4 kilograms of fentanyl and attempted to flee.

Also, in Rhode Island state court in 2019, Matthew Heal was sentenced to 15 years to serve. He was investigated and subsequently arrested for the sale of counterfeit pills containing fentanyl. In total, Heal was in possession of 162.95 grams/1,465 pills containing fentanyl and acetyl fentanyl, 408.78 grams/3,861 pills containing fentanyl and furanyl fentanyl, 441.55 grams /4,452 pills containing furanyl fentanyl, 887.39 grams/807 pills containing fentanyl, 68.37 grams of powder containing furanyl fentanyl, .59 grams of powder containing a mixture and substance of heroin and fentanyl, 2.22 grams of cocaine and 3 Clonazepam pills. Videos on his phone showed him bragging about money and pill production.²⁵

In the District of Massachusetts, a Rhode Island woman, who had no prior record was sentenced to 11 years of imprisonment. At the time of her arrest, 6.5 kilograms of methamphetamine and over 2,700 counterfeit fentanyl pills weighing over 300 grams were found in her bedroom. In total, she was responsible for 149,256 of converted drug weight and over 7.3 kilograms of methamphetamine (actual) and over 619 grams of fentanyl.²⁶ Her base total offense level was 38.

Finally, a Rhode Island man, Jasdrual Perez, also 36, was sentenced in the District of Massachusetts by United States District Court Judge Sorokin to 22.5 years to serve and ordered to pay a fine of one million dollars for trafficking fentanyl pills and powder in

²⁵ Although much lesser quantities, Heal had a significant record and had been previously convicted of narcotics trafficking.

²⁶ Not having access to the PSR, see 1:23CR-10031-IT, ECF 207- Government's Sentencing Memorandum which refers to the PSR calculations.

the District of Massachusetts and Rhode Island.²⁷ Investigators believe Defendant to have been Perez's competition in the District of Rhode Island.

In each of the federal cases cited above, although the court departed from the guidelines and sentenced the defendant to below the guideline range, the sentences imposed were above the minimum mandatory sentence each defendant faced.

In some instances, Courts have sentenced narcotics offenders below the guidelines considering the defendant's age or lack of criminal record.²⁸ The Defendant should not be given leniency because of his age, or lack of criminal record. The Defendant is thirty-six years wise. His business, for years, has been high-volume, high-level narcotics trafficking. He has learned the ins-and -outs of the trade and for a time, was good at what he did, he avoided detection. He continued to engage in this behavior despite seeing countless others (like Jasdrual Perez) imprisoned for the same criminal behavior.

To sentence this Defendant to the minimum-mandatory sentence, at 1/3 of the Guideline Range established for this offense as suggested by the Defendant, the court would be treating the Defendant as if he were a first time "runner" of 401 grams of fentanyl who did not participate in a safety-valve interview, as if he were one of the

²⁷ According to the Government's sentencing memorandum in 12:22-cr-10059-LTS, a guideline range of 38 was established (responsible for 36 kilograms of fentanyl). He too received the 4-level enhancement for the knowingly marketing fentanyl as other substances/pills, and a 4-level enhancement for leader organizer among other enhancements. His guideline was life imprisonment; however, this case involved a wiretap, and the government was able to intercept countless incriminating communications and a deep look into Perez's extensive history of trafficking. Perez had a prior history for possession with intent to distribute controlled substances (over one ounce of cocaine) and had received a 5-year suspended sentence and probation.

²⁸Age has been a consideration mostly where the court has considered a young offender in late teens or early 20s. Dr. Kinscherff has published works on the topic of the adolescent brain and legal culpability.

least culpable persons who would be sentenced for a 400 gram fentanyl distribution case. Such a sentence would ignore the countless pills this Defendant has put on the street, the length of time he has engaged in this criminal behavior and similarly situated Defendants who have received lengthy sentences in both the State and in the District of Massachusetts.²⁹

The government believes that a sentence at the low end of the guideline range set forth in the United States Sentencing Guidelines is warranted.

Respectfully submitted,

SARA M. BLOOM

Acting United States Attorney

/s/ Stacey A. Erickson

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CERTIFICATE OF SERVICE

On the 20th of April 2025, I caused the Government's Sentencing memorandum to be filed electronically through the Court's ECF system and sent a courtesy copy to counsel for Defendant.

/s/ Stacey A. Erickson

²⁹ Although these D-MA sentences were below Guidelines sentences, these were more than the minimum mandatory sentence.