

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
Criminal No. 23-186(1) (ECT/JFD)

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	GOVERNMENT’S SENTENCING MEMORANDUM
)	
v.)	
)	
CHARLY CRUZ-JIMENEZ,)	
)	
Defendant.)	

The United States of America, by and through its attorneys, Andrew M. Luger, United States Attorney for the District of Minnesota, and Nathan H. Nelson and Bradley M. Endicott, Assistant United States Attorneys, hereby respectfully submits its position and memorandum on sentencing.

INTRODUCTION

The defendant pleaded guilty to Count 1 of the Indictment, which charges him with conspiracy to distribute methamphetamine in violation of 21 U.S.C. §§ 841(a)(1), (b)(1)(A), and 846. The Presentence Investigation Report (“PSR”) calculated a base offense level of 38, based on the defendant’s involvement with more than 45 kilograms of methamphetamine mixture. (PSR ¶ 59). The PSR also determined that the offense level should be increased by 4 levels pursuant to U.S.S.G. § 3B1.1(a) because the defendant was the organizer or leader of criminal activity involving five or more participants. (PSR ¶ 62). After factoring in an adjustment for acceptance of responsibility, the PSR calculated a total offense level of 39, with a criminal history category of III, resulting in an advisory Guidelines range of 324-405 months’ imprisonment. (PSR ¶¶ 66-69, 80, 113). There is

also a mandatory minimum of ten years' imprisonment. (PSR ¶ 112). Neither party has any objections to the PSR or the Guidelines range. (PSR p. A.1.)

BACKGROUND

The defendant is a Mexican national who was lawfully admitted to the United States in 2005 at the age of 21. (PSR ¶ 87.) By 2008, the defendant committed his first federal felony by aiding and abetting the illegal entry of two undocumented aliens into the United States near Laredo, Texas. (PSR ¶ 74.) Six years later, the defendant was convicted of his second felony offense—first degree drug sale—after police caught him with 1.7 kilograms of methamphetamine, a large amount of U.S. currency, drug paraphernalia, and money transfer receipts at a house in Hennepin County, MN. (PSR ¶ 77.) He was sentenced to 74 months in state prison, where he became a member of the Sureños, a national prison gang with connections to organized crime in Mexico. (PSR ¶¶ 77, 93.) While incarcerated, the defendant also assaulted another inmate, engaged in fighting and disorderly conduct, possessed contraband, and destroyed property. (PSR ¶ 77.) He was released from prison in 2018 and deported from the United States that same year. (PSR ¶¶ 77, 87.)

Even the defendant's deportation to Mexico, however, was not sufficient to protect the American public from his drug trafficking. From at least October 2021 to July 2023, the defendant—a member of the Gulf Cartel¹—led and organized a drug trafficking organization that distributed massive amounts of methamphetamine in Minnesota, and he did so while remaining safely outside the jurisdiction of the United States in Matamoros,

¹ See PSR ¶ 46.

Mexico. Specifically, drug customers inside the United States would contact the defendant in Mexico by telephone or electronic messaging and place orders for illicit drugs, such as methamphetamine. (ECF 288 at 2-3.) The defendant would then use a large network of “runners” and other agents inside the United States to store the drugs, make deliveries to his customers, collect payments, and funnel money back to Mexico. (*Id.*; PSR ¶¶ 10-48.)

Law enforcement in the United States began investigating the defendant after arresting one of his customers, Nicholas Horak, Crim. No. 23-86 (ECT/JFD).² Officers learned that the defendant had sold approximately 32-34 pounds (14-15 kilograms) of methamphetamine to Horak alone between October 2021 and March 2022, which was corroborated by messages with the defendant on Horak’s phone. (PSR ¶ 10.)

Officers obtained the defendant’s phone number from Horak’s phone. They were then able to use the defendant’s number to introduce an undercover police officer (UC) to him over the phone. (PSR ¶ 11.) Over the course of the next 16 months, the UC had repeated contact with the defendant via phone and electronic messages. During those 16 months, the UC ordered drugs from the defendant in Mexico on 15 different occasions, with the defendant utilizing at least 14 different runners inside the United States to complete the deliveries to the officer, as summarized below:

Date (on or about)	Runner(s)	Amount
4/6/2022	Cesar Aguirre-Bravo Crim. No. 23-186(2) (ECT/JFD) ³	0.43 kg methamphetamine

² Sentenced to 106 months in prison by Your Honor on November 28, 2023.

³ Sentenced to 87 months in prison by Your Honor on June 10, 2024.

4/20/2022	Cesar Aguirre-Bravo Crim. No. 23-186(2) (ECT/JFD)	0.42 kg methamphetamine
4/26/2022	Cesar Aguirre-Bravo Crim. No. 23-186(2) (ECT/JFD)	0.86 kg methamphetamine
5/16/2022	Unidentified Male	0.45 kg methamphetamine
6/21/2022	Luis Felix-Verdugo Crim. No. 22-192(1) (MJD/JFD) ⁴ Ivan Trujillo-Palacios Crim. No. 22-192(2) (MJD/JFD) ⁵	0.45 kg methamphetamine
7/20/2022	Ruben Cazares Crim. No. 22-325(1) (ECF/JFD) ⁶ Michael Carrillo Crim. No. 22-325(2) (ECF/JFD) ⁷	0.50 kg methamphetamine
8/4/2022	Edgar Huitzil Crim. No. 22-325(2) (ECF/JFD) ⁸	0.49 kg methamphetamine
8/10/2022	Juan Ceron-Sanchez Crim. No. 23-186(3) (ECF/JFD) ⁹	0.48 kg methamphetamine
9/19/2022	Sergio Arturo Marin-Gamino Crim. No. 23-186(4) (ECF/JFD) ¹⁰	0.43 kg methamphetamine

⁴ Sentenced to 120 months by the Honorable Michael J. Davis on April 19, 2023.

⁵ Sentenced to 36 months by the Honorable Michael J. Davis on April 13, 2023.

⁶ Sentenced to 120 months in prison by Your Honor on August 7, 2023.

⁷ Sentenced to 60 months in prison by Your Honor on August 7, 2023.

⁸ Sentenced to 30 months in prison by Your Honor on September 26, 2024.

⁹ Sentenced to 30 months in prison by Your Honor on July 1, 2024.

¹⁰ Pending trial.

10/31/2022	Known male (A.L.) Jorge Garcia-Guzman Crim. No. 23-186(5) (ECF/JFD) ¹¹	0.45 kg methamphetamine
12/7/2022	Jorge Garcia-Guzman Crim. No. 23-186(5) (ECF/JFD)	0.39 kg methamphetamine
5/16/2023	Known male (A.M.C.)	0.45 kg methamphetamine
6/1/2023	Jorge Leal-Mejia Crim. No. 24-32 (ECF) ¹²	0.41 kg methamphetamine
6/14/2023	Jorge Leal-Mejia Crim. No. 24-32 (ECF)	0.41 kg methamphetamine
7/19/2023	Known male (A.C.G.)	0.36 methamphetamine

(PSR ¶¶ 11-13, 15-16, 20-22, 24, 27, 33-34, 42-44, 47).

By investigating the defendant’s runners, police were also able to conduct additional controlled purchases, identify “stash houses,” and execute searches that yielded large caches of drugs and money in the United States, as summarized below:

Date (on or about)	Evidence Seized (approximate)	Location
4/29/2022	13.64 kilograms of methamphetamine	Seized from runner Aguirre-Bravo’s trailer and shed in Fridley, MN.
6/28/2022	18.14 kilograms of methamphetamine	Seized from hidden compartments in a vehicle on a car hauler in MO bound to MN from CA.
7/2/2022	3.63 kilograms of methamphetamine	Seized from runner Trujillo-Palacios’ vehicle/residence in Apple Valley, MN.

¹¹ Sentenced to 121 months in prison by Your Honor on February 21, 2024.

¹² Sentenced to 36 months in prison by Your Honor on September 26, 2024.

11/10/2022	0.46 kilograms of methamphetamine; 27.91 grams of fentanyl	Seized in a controlled buy from runner Garcia-Guzman and Sealed Defendant #2
11/21/2022	0.46 kilograms of methamphetamine; 250 fentanyl pills	Seized in a controlled buy from runner Garcia-Guzman and Sealed Defendant #2
12/20/2022	0.91 kilograms of methamphetamine	Seized from C.B. ¹³ and P.D. after purchasing from runner Garcia-Guzman.
12/29/2022	2.97 kilograms of methamphetamine; 222.68 grams of heroin; 1,580 fentanyl pills	Seized from the residence of Sealed Defendant #2 in Brooklyn Center, MN.
1/4/2023	11.83 kilograms of methamphetamine; 34 grams of cocaine base	Seized from a stash house in Brooklyn Center operated by Carlos Quezada-Garcia & Raul Llamas-Preciado, Crim. No. 23-186(7) & (8) (ECT/JFD). ¹⁴
1/12/2023	0.36 kilograms of methamphetamine	Seized during the arrest of runner Garcia-Guzman.
6/21/2023	0.46 kilograms of methamphetamine; \$32,109 in cash;	Seized from a residence associated with runner Leal-Mejia in Saint Paul, MN.

(PSR ¶¶ 14, 18, 28, 30, 34, 36, 38, 40, 45.)

¹³ Sentenced to 115 months in state court (Wright County) on February 7, 2023. (PSR ¶ 34.)

¹⁴ Carlos Quezada-Garcia was sentenced to 87 months in prison by Your Honor on March 20, 2024. Raul Llamas-Preciado was sentenced to 51 months in prison by Your Honor on February 23, 2024.

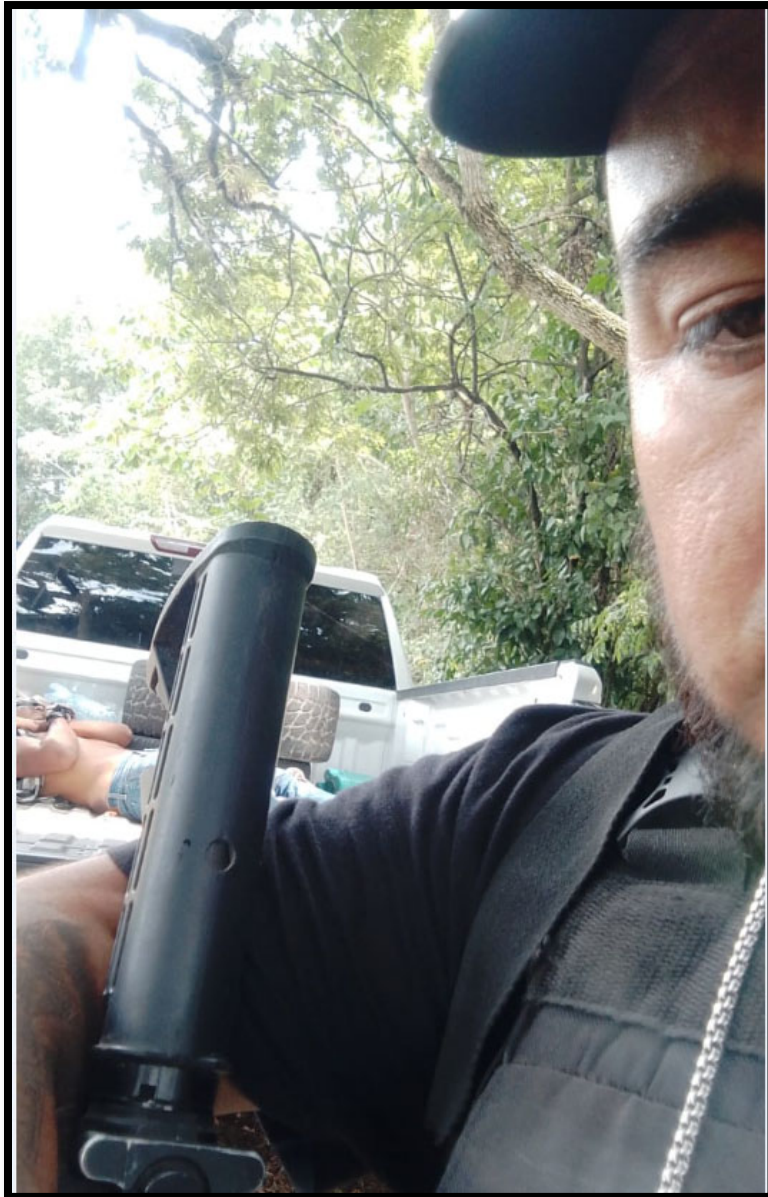
During the UC's telephonic communications with the defendant, the defendant also made numerous incriminating statements demonstrating that his involvement in the offense went well beyond the drug sales to the UC. For example, the defendant advertised that he had access to (and offered to sell the UC) a variety of different drugs, including marijuana, heroin, and cocaine. (PSR ¶ 12.) He offered cocaine at \$27,000 to \$36,000 per kilogram, and he attempted to recruit the UC to work for him as a runner of cocaine in exchange for \$500 per kilogram he delivered. (PSR ¶¶ 12, 41.) He sent the UC a video of many kilograms of cocaine being unpackaged. (PSR ¶ 16.) He also advised the UC on several occasions that he had large quantities of methamphetamine available, and that the UC could get "as much as he needed any time of the day." (PSR ¶¶ 19, 22, 26.) He conspired with the UC to distribute methamphetamine through the mail. (PSR ¶ 26.)

Finally, the defendant also disclosed his associations with violent and dangerous transnational criminal organizations. For example, he told the UC that he was a "Sureño King" gang member and had "muscle" watching over the drug transactions. (PSR ¶ 24.) He also admitted that he was part of the Gulf Cartel (*Cartel del Golfo* or CDG)—"one of Mexico's oldest and most dangerous cartels"¹⁵ that is involved in trafficking large quantities of controlled substances and enforcing their criminal activities with violence and murder.¹⁶ (PSR ¶ 46.) In July 2023, the defendant told the UC he was in the San Luis

¹⁵ *Perez-Sanchez v. U.S. Att'y Gen.*, 935 F.3d 1148, 1150 (11th Cir. 2019).

¹⁶ *E.g.*, *United States v. Castillo-Chavez*, 555 F. App'x 389, 393 (5th Cir. 2014); *Chavez v. United States*, No. 5:08-CR-244-24, 2021 WL 765764, at *1 (S.D. Tex. Feb. 25, 2021); *see also*, generally, <https://insightcrime.org/mexico-organized-crime-news/gulf-cartel-profile/>; <https://www.utrgv.edu/human-trafficking/blog/northern-mexico/>

mountains fighting a “cartel war” against the rival Jalisco cartel. (*Id.*) He sent the UC several photographs, including a photo of him holding an AR-style rifle. (*Id.*) In another photo, the defendant posed with a gun in front of an unidentified man, who was lying in the bed of a pick-up truck with his eyes blindfolded and his hands tied. (*Id.*)



[gulfcartel/index.htm](https://www.gulfcartel/index.htm); <https://www.dea.gov/press-releases/2022/09/15/former-head-gulf-cartel-receives-life-sentence-importing-kilos-drugs>.

The defendant told the UC that his team caught the man, that he was the “enemy” and he was “confessing.” (PSR ¶ 46.) The defendant later said that he thought his cartel might kill the unidentified man, explaining that his boss was very dangerous and “crazy.” (*Id.*)

In August 2023, the defendant illegally reentered the United States by crossing the Rio Grande into Texas. (PSR ¶ 92.) From Texas, the defendant continued to discuss methamphetamine deals with the UC, stating that he had lots of drugs and instructing that the UC would need to increase his purchases to multiple pounds at a time for them to keep working together. (PSR ¶ 48.) With the defendant finally within the territorial jurisdiction of the United States, he was arrested on the present indictment. (*Id.*) Before being removed to the District of Minnesota, the defendant was charged with and pleaded guilty to illegal reentry into the United States in the Southern District of Texas. (PSR ¶ 78.) He was sentenced to 21 months imprisonment and brought to the District of Minnesota to face the instant drug trafficking charges. (*Id.*)

POSITION ON SENTENCING

The only issue before the Court is what constitutes a reasonable sentence in light of the factors enumerated in Title 18, United States Code, Section 3553(a). In fashioning a sentence, Section 3553(a) requires the Court to consider the nature and circumstances of the offense; the history and characteristics of the defendant; the need for the sentence to reflect the seriousness of the offense; the need for deterrence; the need to protect the public from further crimes of the defendant; and the need to avoid unwarranted sentencing disparities. 18 U.S.C. § 3553(a). A consideration of the factors listed in 18 U.S.C. § 3553(a) supports a very substantial custodial sentence of 292 months’ imprisonment.

For at least 22 months (October 2021 to August 2023), the defendant oversaw a transnational drug conspiracy that introduced tremendous amounts of methamphetamine into the State of Minnesota. The conspiracy was sprawling and sophisticated. It involved, not just large quantities of drugs, but dozens of participants, some of whom travelled from places like Missouri (Ruben Cazares), Texas (Michael Carrillo) and Nevada/California (Luis Felix-Verdugo) to engage in the drug trafficking in Minnesota. At the center of it all was the defendant, and the conspiracy was deliberately organized in such a way as to insulate him from nearly all the risk of the criminal activity.

A. The Sophisticated and Cross-Border Nature of the Conspiracy Requires a Substantial Custodial Sentence to Deter Criminal Conduct and Protect the American Public.

Over the past several years, the government has seen a marked expansion in drug conspiracies structured like the one in this case. The strength of these organizations lies in their compartmentalization. Rather than having a single individual receive drugs, store them, broker deals, and make deliveries, these organizations separate the person brokering and negotiating the drug sales from the “runners” who possess and deliver the drugs. This arrangement protects both parties. It helps the runners by protecting their anonymity. The runners, for example, don’t need to give their phone number or other contact information to the customers. Nor do the runners have to have any kind of sustained relationship with the customers. Rather, the leaders and organizers can—as the defendant did in this case—cycle through a variety of runners so that the customers are not seeing the same person time and again. This reduces the risk to the runner in the event the customer is working with law enforcement.

But as much this compartmentalization protects the runners, it protects brokers like the defendant far more. Brokers do not need to handle the illicit drugs personally. They don't need to have any face-to-face interactions with the customers. Nor do they need to have face-to-face interactions with the runners. Rather, thanks to cellular phones and applications that provide low-to-no cost (and often encrypted) international calling and messaging, brokers like the defendant can do their job while staying *thousands of miles* away from the drugs and hand-to-hand transactions. Instead, the broker's phone number can be distributed to prospective customers. Orders can be taken over the phone. Meeting places can be selected using Google maps. Directions can be passed along to runners by phone. A cut of the money can be received using money grams or other similar services. Critically, every aspect of the broker's work can be done, not just from a safe distance, but from entirely outside the territorial jurisdiction of the place where the drug trafficking is occurring.

The benefits to brokers like the defendant are obvious. First, it allows them to stay virtually anonymous. When the broker's work is done entirely over cellular phone and electronic messaging, law enforcement's ability to identify them is severely hamstrung. Cells phones can be subscribed under false names (or often under no name at all). Encrypted messaging applications do not require verification of identity. Extra-territorial evidence gathering is notoriously difficult and time consuming, and traditional techniques like physical surveillance are resource-limited and dependent on cooperation from foreign governments. So long as brokers like the defendant are cautious, they can be virtually impossible to identify. Second, even if they can be identified and indicted, the process of

locating and extraditing foreign nationals from Mexico poses another tremendous hurdle. Prosecutors have to coordinate with the DOJ's Office of International Affairs and the State Department in a lengthy process. Moreover, it is not sufficient to have proof beyond a reasonable doubt of the defendant's drug trafficking in order to obtain extradition; rather prosecutors also have to meet additional onerous requirements including affidavits from participants in the conspiracy with first-hand knowledge of the defendant's identity and his drug trafficking activities. In sum, even if a broker can be indicted there is no guarantee that he will ever be brought to justice.

Drug conspiracies like the defendant's capitalize on these structural challenges. The most culpable participants—such as major leaders, organizers, suppliers, and anyone with broad knowledge of the organization and its participants—remain behind the relative safety of the United States-Mexico border and are unlikely ever to see the inside of a United States courtroom. While the runners are much more susceptible to prosecution, that poses little threat to the organization as a whole. The runners are easily replaceable. Moreover, the organization can recruit, select, and cultivate runners based on characteristics designed to minimize the punishment they will face should they be prosecuted. As demonstrated by this case, the runners often have little-to-no criminal history and minimal knowledge of the overall structure of the organization and its participants. This means they frequently qualify for sentencing reductions such as safety valve, minor role, and zero-point offender, while at the same time lacking sufficient knowledge of organization as a whole to make them viable candidates for cooperation with the government.

These institutional considerations demonstrate why a lengthy custodial sentence is necessary under 18 U.S.C. § 3553(a). The undersigned counsel has been prosecuting federal drug conspiracies for almost ten years, in both this district and the Northern District of Iowa. In that role, I have seen dozens of conspiracies (investigated by myself and my colleagues) in which customers contact anonymous brokers in Mexico to order drugs and receive the deliveries from local runners. Despite the prevalence of this arrangement, the number of cases in which a foreign national broker located in Mexico is actually brought to justice in our district is vanishingly rare. Because people like the defendant are so seldom held accountable for their actions, a lengthy sentence is necessary to provide any meaningful measure of discouragement to other similarly-situated traffickers. Similarly, a lengthy sentence is also necessary to protect the public from further crimes of the defendant because, once the defendant is released, he is likely to be promptly deported to Mexico and put right back into a situation where he could resume trafficking drugs with impunity.

B. The Nature and Circumstances of the Offense are Egregious.

But it is not just the institutional considerations that support a lengthy sentence. The case-specific considerations do as well. The defendant's conduct in this case is egregious even by federal court drug trafficking standards. His crime is notable for its scope—both in terms of time and quantity of drugs. The defendant's involvement in the crime persisted for at least 22 months. It persisted even as large loads of methamphetamine were seized by police and individual runners were indicted, convicted, and sentenced to prison. His involvement only ceased when law enforcement learned the defendant made the critical mistake of illegally reentering the United States and arrested him.

In the two years the defendant was dealing drugs from Mexico, he was responsible for trafficking well over one hundred pounds of methamphetamine. Given that methamphetamine is a drug that is typically consumed in quantities ranging from fractions of a gram to a gram, the 59.5 kilograms of methamphetamine attributed to the defendant in the PSR represents more than *59,000 doses* of an extremely dangerous drug that causes incalculable harm to the safety and welfare of Minnesota communities. Of course, that amount represents only what police were able to locate and seize in their investigation—the true extent of the defendant’s drug dealing was undoubtedly much greater. As noted above, the defendant repeatedly advertised his ability to access and distribute “as much [methamphetamine] as [the UC] needed any time of the day.” (PSR ¶ 19.) He further boasted of his ability to obtain and sell large amounts of heroin, cocaine, and marijuana.

As previously discussed, the defendant’s role in the offense is also extremely aggravating. The defendant was a leader of the organization and bears direct responsibility for the full scope of the enterprise. Each one of the 15 undercover buys the defendant brokered necessarily required him to coordinate, direct, and instruct other members of the conspiracy—telling them where to go, who to meet, what type/quantity of drugs to bring, how much money to collect, and the like. Sometimes the defendant communicated with his runners directly, while other times passed along instructions to an intermediary or lieutenant—supervisors and managers like Ruben Cazares and Luis Felix-Verdugo—who in turn managed the runner making the delivery. But in each case, it was the defendant who had the full knowledge of the overall scope and structure of the conspiracy.

The defendant treated these runners and underlings as disposable. He callously used them to carry out his crime and take on nearly all of the risk from the conduct, without any regard for what would happen to them, their families, and their lives should they be caught up in a federal drug trafficking investigation. As a result of their participation in the defendant's conspiracy, 13 people have already been sentenced to a total of 1,000 months in prison—with that number likely to grow still larger in the future. *See supra*, footnotes 2-14. This Court alone has sentenced 10 such individuals and heard first-hand the terrible impact this case has had on their lives—from people like Jorge Leal-Mejia (who was sentenced to federal prison on his 22nd birthday) to people like Edgar Huitzil (who had been in the United States since he was five years old yet will likely be deported).

To be clear, the United States does not allege that the defendant built this network of runners alone, or that he oversaw the manufacturing and smuggling of bulk drugs into the United States. While there is evidence of the defendant recruiting runners directly—such as his attempted recruitment of the UC to run cocaine and his employment of Jorge Garcia-Guzman (an associate from the defendant's time in Stillwater prison)—the defendant also likely operated by accessing and piggybacking off of preexisting criminal networks. This fact, however, is not mitigating. By the defendant's own admission, he is member of two major criminal organizations: the Sureños gang and the Gulf Cartel. During the offense, the defendant lived in Matamoros, Tamaulipas, the epicenter of the Gulf Cartel. The defendant's affiliation with these organizations undoubtedly gave (and will continue to give) him access to virtually unlimited amounts of illicit product as well as the human capital and connections necessary to distribute it.

The government is also deeply concerned by evidence that the defendant affiliating with these organizations knowing full well that he was associating himself with violence. He told the undercover officer that he was a “Sureño King” and had “muscle” watching over the drug transactions for enforcement, if necessary. He took up arms and participated in what he described as a “cartel war” against the rival Jalisco Cartel New Generation (*Cartel Jalisco Nueva Generación* or CJNG) in mid-2023.¹⁷ He sent the undercover officer “selfie” photographs of himself posing with an AR-style firearm, including a trophy photograph of himself posing in front of a bound and blindfolded “enemy”—presumably a member of the rival cartel. Although the government does not know what became of the man in the photograph, if we trust the defendant’s own prediction of the man’s fate he was murdered by the defendant’s fellow conspirators and cartel members. In other words, this is not the case of someone associating themselves with organizations for which he has only a vague or abstract notion that they responsible for violence and deaths. This is the defendant participating in it firsthand. By voluntarily participating in this violence, the defendant bears some of the culpability for its outcomes.

C. The Defendant’s History and Characteristics are Aggravating

The defendant’s history and characteristics also support a lengthy sentence. The present offense is the defendant’s third federal felony, and his second drug trafficking conviction. He previously abused his lawful residence in the United States by aiding others

¹⁷ <https://insightcrime.org/news/mexico-cjng-gulf-cartel-tamaulipas/> (describing increasing conflict between CDG and CJNG in the middle of 2023, around the same time the defendant described participating in a cartel war).

in entering illegally. (PSR ¶ 74.) In 2014, he violated that trust again by engaging in drug trafficking and being caught by police with nearly two kilograms of methamphetamine. He was sentenced to 74 months in prison, where he joined a prison gang and had numerous rule violations. Upon his release, he was deported from the United States. But even this combination of a significant prison sentence and deportation has not been sufficient to protect the public. Rather, the defendant began engaging in the present offense just a few years later. Indeed, the present offense represents not only a continuation of the defendant's prior drug trafficking behavior but an extreme *escalation* of that behavior in terms of both scope and sophistication.¹⁸

The government acknowledges the presence of some mitigating factors in the case. For example, the PSR notes the defendant was abandoned by his mother as a baby, experienced abuse as a child, was exposed to crime, and experienced food insecurity and deprivation. (PSR ¶¶ 85-86). The defendant also has a history of alcohol abuse, which he has attempted to treat on numerous occasions without limited success. (PSR ¶¶ 99-100.) The Court may certainly consider these to be mitigating factors in crafting its sentence. The government concedes that childhood trauma and substance abuse are certainly correlated with criminal activity—though the government believes there is nothing about the premeditated, planful, and sophisticated nature of the present conspiracy to suggest that it was caused by the traumatic aspects of the defendant's life. In any case, however, the

¹⁸ The government is also troubled by the information that the defendant has rule violations while in USMS custody on this offense, including for possessing a weapon while incarcerated. (PSR ¶ 83.)

government believes that any mitigating factors are outweighed by the aggravating factors in this case such as the defendant's escalating criminal conduct, his leadership of a sophisticated conspiracy, and his prompt return to drug dealing following previous terms of incarceration. In light of these factors, the government believes that a sentence of 292 months (slightly below the bottom of the Guidelines range) is appropriate. Such a sentence accounts for both the mitigating and aggravating aspects of defendant's personal history, while at the same time reflecting the seriousness of the offense, promoting respect for the law, providing just punishment for the offense, affording adequate deterrence, and protecting the public from further crimes of the defendant.

CONCLUSION

For all the foregoing reasons, the United States respectfully recommends that the Court sentence the defendant to 292 months in prison.

Respectfully submitted,

Dated: November 1, 2024

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