

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

UNITED STATES OF AMERICA

v.

TRAVIS WICKS,

Defendant.

Case No. 23-cr-000167

GOVERNMENT’S MEMORANDUM IN AID OF SENTENCING

Mr. Wicks appears before the Court for sentencing having pled guilty to unlawfully possessing a modified handgun capable of shooting dozens of people with significantly greater speed and accuracy. He possessed this weapon after having killed at least two people, shot a third, beaten another, and terrorized at least two women. This represents his fourth gun charge, and he has a history of using firearms to threaten, harm, and even kill. Mr. Wicks has repeatedly demonstrated through his violent actions—much of which occurred while on court supervision—that he presents a significant and deadly threat to our community. As such, the Government requests that Mr. Wicks be incarcerated for his latest offense for a term of fifty-seven months.

BACKGROUND

The Instant Offense

The investigation into the instant offense arose out of a December 23, 2021 homicide investigation. On December 23, 2021, in the 4200 block of 4th Street SE, Marcus Thomas, Russell Williams, and T.M. were shot multiple times by two assailants using an assault-rifle-style weapon. Thomas and Williams did not survive. Witnesses reported that the night before the shooting, Williams and Defendant Wicks had engaged in an argument. Surveillance video from the morning of the shooting reflected that Defendant Wicks approached and spoke to the two shooters

approximately two and-a-half hours prior to the shooting in the same area of the shooting.

Detectives with the Metropolitan Police Department (MPD) have been investigating this shooting since it occurred. On December 28, 2021, Defendant Wicks was interviewed about the shooting. While he acknowledged being in the area and having an argument with someone the night before, he denied any involvement and denied knowing Russell Williams.

Defendant Wicks had been dating Russell Williams' sister, Witness 1, for the past three years. MPD sought to interview Witness 1 in relation to the murder of her brother at multiple times since the murder. In April 2023, MPD detectives were finally able to arrange a meeting with Witness 1. On April 20, 2023, Witness 1 was interviewed regarding the murder of her brother. She stated that she had heard indirectly that Defendant Wicks may have been involved and that Wicks had argued with her brother the night before, but she had no direct knowledge of Wicks' involvement. During the interview, however, Witness 1 indicated that she was afraid that Wicks would harm her or her family, and that Wicks was in possession of a handgun, rifle converter, extended magazines, and laser sight.

Witness 1 reported that in October 2022, she had moved with her seven-year-old child to an apartment on 6th Street SE, in Washington D.C. (hereinafter "Witness 1's Apartment"). After she moved, Wicks became notably volatile towards her, and would frequently initiate verbal disputes over minor issues. Witness 1 noted that she had not given Wicks a key to the apartment. Instead, Witness 1 came to the apartment walkthrough with her and took the extra key. He then moved into the apartment without Witness 1's consent where he remained for several months.

Witness 1 reported that on April 17, 2023, at approximately 8:00 PM, Wicks was sitting on the couch in the living room, while Witness 1 was preparing to leave to do laundry. Wicks

began yelling at Witness 1: “Bitch I will kill you.” Wicks’ phone then rang and he yelled, “You lucky the phone rang, whoever this was saved you.” Witness 1 reported that at the time of this incident, Wicks had a firearm under the pillow on his side of the bed. She described the firearm as a black/gold in color firearm which appeared to have a drum magazine attached to the magazine well with an additional clip located in the front of the weapon. The weapon also had an attached laser. Witness 1 reported that Wicks would on occasion display this weapon and point the weapon at Witness 1 while they were engaged in verbal disputes.

Witness 1 reported that on another occasion, on Sunday, March 12, 2023, at approximately 11:00 PM, Witness 1 and Wicks began arguing over how Witness 1 wanted to celebrate her birthday. At the time of the argument, Wicks was holding the same firearm as Witness 1 had referenced in the April 17, 2023 incident. Wicks proceeded to load a clip in the weapon and state: “You are going to make me act out.”

Witness 1 reported that on another occasion, on Valentine’s Day, February 14th, 2023, Wicks gave Witness 1 a stuffed animal (specifically a teddy bear). Approximately one month later, around the date of Witness 1’s birthday, when she came home after celebrating, she found the teddy bear on her bed with a knife lodged in its head.

Witness 1 stated that she had never previously reported these incidents to police because she was afraid that Wicks would retaliate against her or her child. Witness 1 reported that Wicks had previously threatened to shoot her family members if she ever reported him to law enforcement.

On Thursday, April 20, 2023, Witness 1 contacted MPD Detective Stallings and reported that Wicks was in possession of a gun, which he had placed on the couch inside her apartment.

Witness 1 took a photograph of the firearm and sent it to Stallings.

Figure 1 – Photograph of Firearm Taken by Witness 1



During her interview with Detective Stallings, Witness 1 repeatedly expressed concern for her safety. She stated that she was afraid to relocate or leave because Wicks would find and kill her. During the interview, Witness 1 also identified a photograph of Wicks, and confirmed that he had threatened to kill her.

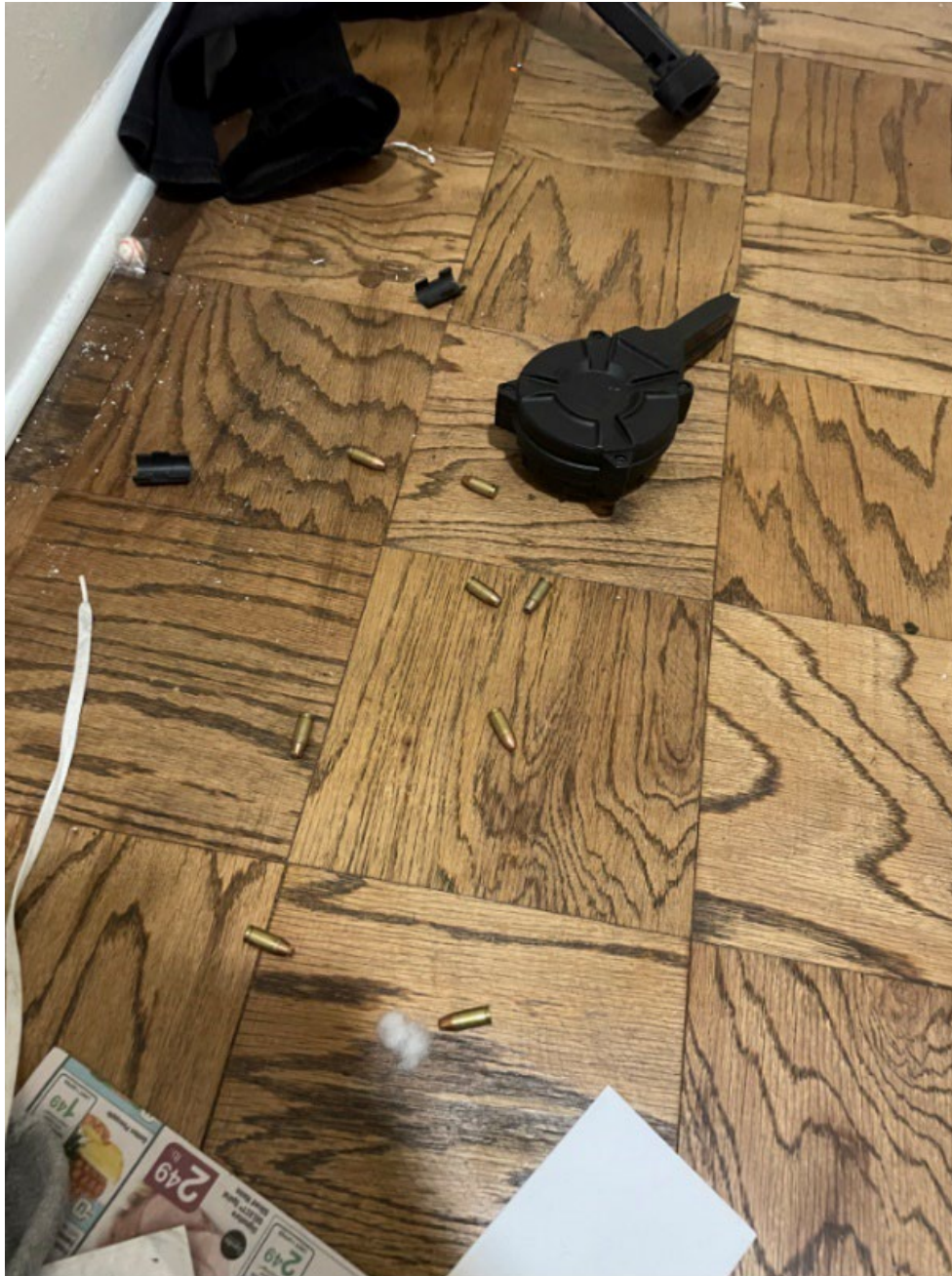
Based on this interview and the corroborating photograph, Detective Stallings applied for and was granted a warrant to search Witness 1's Apartment (D.C. Superior Court Search Warrant 2023 CSWLD 001475). On May 1, 2023, at 6:04 AM, MPD executed the warrant. Inside the apartment officers found Wicks, Witness 1, and Witness 1's minor child. During the search, officers observed a single 9mm round in a kitchen cabinet. In the living room, on a lower tier of the coffee table was a black laser sight for a firearm, as circled below in Figure 2, a photograph from the search.

Figure 2 – Black Laser Sight



In the closet of the rear bedroom on the floor were nine loose rounds of 9mm ammunition next to an ammunition magazine drum which contained forty rounds of 9mm, as shown below in Figure 3, a photograph from the search.

Figure 3 - Recovered Ammunition and Magazine Drum



Next to the drum was a Sig Sauer P-365 semi-automatic handgun with the serial number obliterated. The handgun had been inserted into a rifle converter which allows an individual to hold the pistol like a rifle with a stock, as shown below in Figure 4, a photograph from the search.

Figure 4 - Firearm with Rifle Converter



Notably, the recovered firearm, magazine and accessories appear to be identical to the firearm, magazine and accessories previously photographed by Witness 1. No firearms or ammunition are manufactured within the District of Columbia and therefore these items traveled in interstate commerce.

The rear bedroom closet in which the firearm was found had multiple pairs of men's sized shoes and female apparel. Witness 1 identified the rear bedroom as the room she shared with

Wicks. She also stated that Wicks kept his clothes in that closet and the pair of pants under the firearm belonged to Wicks. Additionally, Witness 1 reported that Wicks was in possession of the firearm in the moments before police officers arrived to execute the search warrant. When officers knocked to execute the warrant, Witness 1 reported that Wicks had placed the firearm in the rear closet of the bedroom and tried to unload the magazine.

Subsequent DNA analysis connected Mr. Wicks to the recovered firearm.

At the time of these offenses, Wicks had previously been convicted of a crime punishable by imprisonment for a term exceeding one year. Specifically, on October 28, 2005, Wicks was sentenced to 200 months' confinement and five years' supervised release for the charge of Voluntary Manslaughter while Armed in D.C. Superior Court Case No. 2004 FEL 004000. Additionally, on June 19, 1997, Wicks was sentenced to twenty to sixty months' incarceration for Carrying a Pistol Without a License in D.C. Superior Court Case No. 1995 FEL 000974. On May 1, 2023, Wicks was arrested and charged in D.C. Superior Court Case No. 2023 CF2 002701 with Unlawful Possession of a Firearm (Prior Conviction) and Unlawful Possession of Ammunition. That case has since been dismissed in light of the Government proceeding on this matter in District Court.

Following Wicks' arrest, Witness 1 was relocated for her safety. Nonetheless, she reported that Wicks sent men to her mother's home after his arrest.

Defendant Wicks' Criminal History

On August 25, 1993, Wicks was arrested and charged with Assault with a Dangerous Weapon based on his possession of a sawed-off shotgun. The victim in that case reported that Wicks and he had engaged in an argument, and then Wicks threatened him with a long-barrel gun,

before running into a house. Officers searched the house and found a 12-gauge shotgun with a sawed-off stock and barrel. In connection with this arrest, Wicks later pled guilty to Possession of a Prohibited Weapon in D.C. Superior Court Case 1993 FEL 008977. While he was initially sentenced to a probationary sentence under the Youth Rehabilitation Act, that sentence was revoked to one year incarceration.

On January 12, 1995, Wicks and a man named Todd Stradford had an argument about a basketball. Wicks demanded the ball, but Stradford refused and gave it to someone else. Stradford left the basketball court but stated “I’ll be back.” Stradford returned and stood near the court with his hands behind his back. Wicks then took a handgun from a friend, walked up to Stradford, and began shooting at him as Stradford ran away. He shot Stradford in the chest, back, and once in the left hand, as Stradford apparently tried to block the bullet. Stradford died. Stradford never was seen with a weapon, and no weapons were found on or near his person. Wicks was charged with First-Degree Murder While Armed, Possession of a Firearm During a Crime of Violence, and Carrying a Pistol Without a License in D.C. Superior Court Case 1995 FEL 000974. At trial, Wicks testified in his own defense, and claimed self-defense. The jury acquitted Wicks of First-Degree Murder While Armed and Possession of a Firearm During a Crime of Violence but convicted him of the firearm charge. Wicks was sentenced to a term of incarceration of twenty to sixty months.

On April 29, 2000, a complaining witness reported that Defendant Wicks and another man jumped him as he was walking home. During the assault, Wicks and the other man kicked and stomped on the complaining witness in his face and midsection. Both Wicks and his accomplice were wearing boots. The complaining witness was treated in the hospital for a broken nose, bruises, and swelling. Wicks was indicted on charges of Assault with a Dangerous Weapon (shod foot) but

pled guilty to Simple Assault in D.C. Superior Court Case 2000 FEL 005305. On March 13, 2001, Wicks was sentenced to 180 days' incarceration.

On March 28, 2003, a woman reported that her then boyfriend, Defendant Wicks, became violent during an argument with her. According to the woman, Wicks grabbed her by the neck and began choking her, lifting her off the ground as he did so. She recalled falling unconscious. When she came to, Wicks told her: "You're not going to be satisfied until I take my gun and beat you with the back of it." Wicks told her that he meant business and he would show her. This case, D.C. Superior Court Case 2003 FEL 002230, was dismissed when the woman failed to appear for trial.

On June 24, 2004, Wicks was arrested for repeatedly stabbing a man to death. That night, Wicks was at a Denny's restaurant, seated with friends, armed with two large pocketknives. Wicks' table and another table got into an argument. After some shoving, Wicks introduced a knife to the fight and stabbed a man named Leon Johnson approximately twenty times, including in the neck and chest. Johnson—who was unarmed—died. In D.C. Superior Court Case 2004 FEL 004000, Wicks was found guilty of Voluntary Manslaughter While Armed after a trial in which he testified. On October 28, 2005, Wicks was sentenced to 200 months' imprisonment.

On June 9, 2020, while under supervision for Voluntary Manslaughter While Armed, Wicks was staying at a girlfriend's house when her ex-boyfriend broke in with a knife. According to the girlfriend, she handed her gun to Wicks who then fired at the ex-boyfriend, hitting him in the arm. The ex-boyfriend fled, and Wicks chased him. Outside, as the ex-boyfriend fled up the street, Wicks traced the ex-boyfriend's movements with the gun before firing at him again.¹

¹ The shooting was captured on surveillance video.

Wicks was arrested but charges were ultimately dropped.

Procedural History

On May 11, 2023, Wicks was indicted on a single count of Unlawful Possession of Ammunition by a Person Convicted of a Crime Punishable by Imprisonment for a Term Exceeding One Year, in violation of 18 USC § 922(g)(1). He sought to accept responsibility for this offense at the earliest possible moment. On September 6, 2023, he pled guilty to Count 1 of the Indictment, in relation to the November offense.

The Pre-Sentence Investigation Report

The Pre-Sentence Investigation Report (PSIR) in this matter summarizes Mr. Wicks' personal and criminal history. ECF No. 25. Mr. Wicks is 48 years' old and was born in North Carolina. PSIR at 1 and 11. Mr. Wicks was primarily raised by his mother but would spend the weekends with his father. PSIR at 12. He reported having a good childhood with a stable home and did not report instances of neglect or abuse. PSIR at 12. Mr. Wicks attended school in Washington, D.C. up to the 10th grade when he withdrew due to an arrest. PSIR at 14. He earned his GED in 2011. PSIR at 14. Mr. Wicks has a fiancée and three children from prior relationships. PSIR at 12. Mr. Wicks was in a motorcycle accident approximately 20 years ago for which he is still in physical therapy. PSIR at 13. Mr. Wicks has been diagnosed with depression for which he takes medication. PSIR at 13. Mr. Wicks reported having a history of substance abuse but indicated that he was not abusing substances near the time of his offense. PSIR at 14. Mr. Wicks has reported intermittent period of work in a warehouse, collecting garbage, and installing appliances. PSIR at 14.

ARGUMENT

Although the Sentencing Guidelines are advisory, under *United States v. Booker*, a sentencing court “must consult those Guidelines and take them into account when sentencing.” 543 U.S. 220, 264 (2005); *United States v. Brown*, 892 F.3d 385, 399 (D.C. Cir. 2018). The Supreme Court has noted that while the Guidelines provide “the starting point and the initial benchmark” for sentencing, the district court should consider all the § 3553(a) factors. *Gall v. United States*, 552 U.S. 38, 49–50 (2007). The Guidelines’ recommended sentencing range will ordinarily “reflect a rough approximation of sentences that might achieve § 3553(a)’s objectives.” *Kimbrough v. United States*, 552 U.S. 85, 108–09 (2007).

The listed factors in 18 U.S.C. § 3553(a) include the following:

- (1) the nature and circumstances of the offense and the history and characteristics of the defendant;
- (2) the need for the sentence imposed –
 - (A) to reflect the seriousness of the offense, to promote respect for the law, and to provide just punishment for the offense;
 - (B) to afford adequate deterrence to criminal conduct;
 - (C) to protect the public from further crimes of the defendant; and
 - (D) to provide the defendant with needed educational or vocational training, medical care, or other correctional treatment in the most effective manner;
- (3) the kinds of sentences available;
- (4) the kinds of sentence and the sentencing range established for –
 - (A) the applicable category of offense committed by the applicable category of defendant as set forth in the guidelines –
 - (i) issued by the Sentencing Commission . . . ; and
 - (ii) that, . . . are in effect on the date

the defendant is sentenced; . . .

- (5) any pertinent policy statement –
 - (A) issued by the Sentencing Commission . . . and
 - (B) that, . . . is in effect on the date the defendant is sentenced.

- (6) the need to avoid unwarranted sentence disparities among defendants with similar records who have been found guilty of similar conduct; and

- (7) the need to provide restitution to any victims of the offense.

But the Sentencing Guidelines are only “the starting point and the initial benchmark.” *Gall v. United States*, 552 U.S. 38, 49 (2007). They “are not the only consideration.” *Id.* A sentencing judge “should . . . consider all of the § 3553(a) factors,” and “[i]n so doing, . . . may not presume that the Guidelines range is reasonable.” *Id.* at 50. “[I]t is not error for a district court to enter sentencing variances based on factors already taken into account by the Advisory Guidelines, in cases in which the Guidelines do not fully account for those factors, or when a district court applies broader § 3553(a) considerations in granting the variance.” *United States v. Ransom*, 756 F.3d 770, 775 (D.C. Cir. 2014) (citation and internal quotation marks omitted). In doing so, “the district court can rely on hearsay as evidence for its findings.” *United States v. Miller*, 35 F.4th 807, 818 (D.C. Cir. 2022). *See also United States v. Jones*, 744 F.3d 1362, 1368 (D.C. Cir. 2014) (“Clear precedent permits hearsay to be used in sentencing decisions.”). And the sentencing court can consider conduct by a defendant that was not charged or even for which a defendant was acquitted. *See United States v. Settles*, 530 F.3d 920, 923 (D.C. Cir. 2008) (“[L]ong-standing precedents of the Supreme Court and this Court establish that a sentencing judge may consider uncharged or even acquitted conduct in calculating an appropriate sentence, so long as that conduct has been proven by a preponderance of the evidence and the sentence

does not exceed the statutory maximum for the crime of conviction.”).

THE APPLICABLE SENTENCING GUIDELINES

The PSIR estimates Mr. Wicks’ Guideline Range to be 51 months to 63 months. PSIR at 15. The Government agrees with this calculation. The Guideline Range for a term of supervised release is one to three years. PSIR at 15. The Government also agrees with this calculation.

THE GOVERNMENT’S SENTENCING RECOMMENDATION

The Government recommends that the Court sentence Mr. Wicks to fifty-seven months of incarceration followed by three years of supervised release. This sentence reflects the serious nature of this offense, Mr. Wick’s repeated violence against our community, including with firearms, and provides adequate deterrence to others in the community given the proliferation of firearms in our community.

I. The Nature and Circumstances of Mr. Wicks’ Offenses.

Mr. Wicks has pled guilty to a serious offense: the illegal possession of a deadly weapon. Congress has recently indicated how serious this offense is, increasing the maximum sentence from ten years to fifteen years, making it clear that this is a dangerous offense that should result in a significant term of imprisonment.

But Mr. Wicks did not just possess any firearm. Mr. Wicks modified his firearm to make a deadly weapon even deadlier. By inserting his handgun into a rifle conversion kit, and adding a laser sight, it allowed Mr. Wicks to fire this gun more accurately and more quickly, therefore providing him with the ability to better harm more people. Mr. Wicks then added a drum magazine, capable of carrying at least forty rounds of ammunition. Each of those additional bullets represents

a life that Mr. Wicks could more easily destroy.

And Mr. Wicks did not simply possess this firearm. He used this illegal firearm to terrorize Witness 1, coupling his threats to harm or kill her and her family with the promise that these threats could readily be fulfilled. The Court should take these threats seriously because Mr. Wicks has previously harmed and killed people, including with a gun.

Further, arguments concerning “mere possession” ignore the current epidemic of gun violence in our community.² A loaded firearm is a deadly weapon. It has the ability with a single pull to end a life. A firearm can escalate a mundane disagreement or a petty offense into a deadly encounter. And the reason law enforcement targets the possession of firearms prior to the commission of a crime is because once an individual makes the decision to produce a firearm and pull the trigger, law enforcement is powerless to intervene. Mr. Wicks knows this better than most. Mr. Wicks has shot one man to death and shot another in the arm. Despite that, he continued to seek out and possess firearms while on supervision for murder.

This was a dangerous offense justifying a significant term of incarceration.

II. Mr. Wicks History and Characteristics.

Mr. Wicks has killed two men, shot another, beaten a different man, and terrorized at least two women. As indicated by his convictions for unarmed assault and Voluntary Manslaughter

² See, e.g., Marin Cogan, *How the nation’s capital became an outlier on violent crime*, Vox (January 30, 2024), <https://www.vox.com/cities-and-urbanism/24055029/washington-dc-crime-rate-homicides-republican-democrats> (“[N]o other city has experienced a crime surge — or the accompanying national scrutiny about its meaning — like the nation’s capital has. DC saw its deadliest year in more than two decades, with 274 people killed and a homicide rate that makes it among the deadliest cities in the country.”)

While Armed (with a knife), Mr. Wicks does not need firearms to represent a significant danger to this community. Nonetheless, he continues to unlawfully arm himself with deadly weapons, including the modified handgun for which he has pled guilty.

Mr. Wicks has been convicted of one of the most serious crimes possible and yet a lengthy period of incarceration followed by supervision has not deterred him from continuing to acquire guns. Not only has he continued to acquire them: he continues to use them to harm others.

After being convicted of using a sawed-off shotgun to threaten someone, Wicks shot and killed Todd Stradford. After being convicted of carrying the weapon he used to kill Stradford, Wicks threatened his then-girlfriend with a different gun. After being convicted of stabbing a man to death, Wicks used yet another gun to shoot at someone. And after all of those arrests, convictions, period of incarceration, and supervision, Wicks acquired another firearm and used it to threaten Witness 1. Wicks' penchant for violence is particularly startling given the fact that he has been incarcerated for so long which theoretically should have limited his opportunities for additional criminal conduct. *See Blackson*, 2023 WL 1778194, at *10 ("This 17-year period of incarceration, until his release eight months ago, significantly limited his opportunities for additional criminal conduct, leaving that time period as an assessment of his nonviolence inconclusive.")

What is particularly notable about Mr. Wicks' background is the absence of apparent circumstances driving him toward crime. His offenses do not appear to relate to any mental illness. Nor do they relate to a drug habit. While Mr. Wicks' parents were separated, he reported a positive childhood where he was supported by his mother and regularly visited his father. Despite that, Mr. Wicks continues to seek out and possess deadly weapons and threaten members

of our community.

Mr. Wicks' violent and dangerous history merits a significant term of incarceration.

III. The Need for the Sentence Imposed.

The requested sentence meets the goals of sentencing. The sentence provides specific deterrence: it will keep our community safe from Mr. Wicks for a significant period of time. It provides general deterrence: it will signal to the community that the possession of illegal firearms is a deadly serious matter and hopefully deter others from doing so. And it provides an opportunity for Mr. Wicks to reflect on the serious and repetitive nature of his crimes.

Mr. Wicks knows better than anyone that a gun can irrevocably destroy lives: the lives of those who are harmed by them, the lives of those who wield them, and the families and friends of both. This did not deter him from seeking out this modified weapon. He was sentenced to a lengthy term of imprisonment for murder and was undoubtedly aware that the any future possession of firearms could send him back to jail. This did not deter him.

Many defendants who engage in unlawful behavior have the excuse of passion or youth. Not Mr. Wicks. He is almost fifty-years' old. Lengthy periods of incarceration and supervision have done nothing to sate his appetite for possessing firearms and harming people. He presents an ongoing danger to our community, justifying a lengthy term of incarceration.

CONCLUSION

For all of the foregoing reasons, the Government respectfully requests that this Court sentence Mr. Wicks to a term of imprisonment of fifty-seven months of incarceration followed by three years of supervised release.

Respectfully submitted,

MATTHEW M. GRAVES
UNITED STATES ATTORNEY
D.C. Bar No. 481052

By: /s/ Cameron A. Tepfer
Cameron A. Tepfer
D.C. Bar No. 1660476
Assistant United States Attorney
601 D Street NW
Washington, D.C. 20530
202-258-3515
Cameron.Tepfer@usdoj.gov