

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)	
)	
v.)	Cr. No. 22-10016-FDS
)	Cr. No. 19-10455-FDS
5. DANE MITCHELL,)	
Defendant)	

GOVERNMENT’S SENTENCING MEMORANDUM

On October 2, 2023, DANE MITCHELL pleaded guilty to being a felon in possession of a firearm and ammunition, in violation of 18 U.S.C. § 922(g)(1), and possession with intent to distribute cocaine, in violation of 21 U.S.C. § 841(a)(1). MITCHELL pleaded guilty pursuant to a plea agreement tendered under Fed. R. Crim. P. 11 (c)(1)(B) wherein the parties jointly agreed to recommend a sentence of 84 months in prison. Based on the information contained in the final Pre-Sentence Report issued by the United States Probation Office on February 26, 2024 (“PSR”), and for the reasons set out below, the government respectfully requests that this Court sentence MITCHELL to 84 months in prison and three years of supervised release. For violating the terms of his supervised release, the government respectfully requests that this Court sentence MITCHELL to 24 months in prison (the statutory maximum), concurrent to the prison sentence imposed on the instant offense.

As was set out in detail in the PSR, in 2021-2022, agents with the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) and the Drug Enforcement Administration (DEA) conducted an investigation into Cameron Street, a violent Boston street gang responsible for numerous murders, attempted murders, and other violent crimes. See United States v. Kenny Romero, a/k/a “K.G.”, et al., Cr. No. 21-10354-WGY. Agents used a cooperating witness (CW-1) to make dozens of controlled purchases of dozens of firearms, cocaine, crack cocaine,

oxycodone, and marijuana leaders, members, and associates of Cameron Street. For many of the controlled purchases with CW-1, Cameron Street members toggled between telephone calls and Snapchat – an application for sending and receiving “self-destructing” messages, pictures, and videos – to arrange quantities, prices, and meeting locations where drugs or guns were sold.

Agents obtained authorization to intercept a Snapchat account of a Cameron Street gang member who regularly distributed firearms and controlled substances. Through those interceptions, agents identified a Snapchat group “chat” with numerous members of rival Boston-area gangs entitled “Gang Members Only.” Participants in the chat boasted about what they would do to rivals and / or regularly posted images of themselves posing with or in possession of firearms. Based on these interceptions, agents eventually executed several search warrants that led to the arrests of four violent gang members with extensive firearm-related histories:

- FREILY CABRAL, a member of D Street, a violent Boston gang, was arrested in possession of two loaded firearms, large bags of marijuana, and \$23,000 in cash. At the time CABRAL was intercepted in possession of firearms, he was under indictment in Suffolk Superior Court for unlawful possession of a firearm, second offense and on house arrest. CABRAL pleaded guilty in this case pursuant to a plea agreement where the parties agree to recommend a sentence of 120 months in prison. CABRAL’s sentencing hearing is scheduled for April 11, 2024.



- DUMARI SCARLETT-DIXON, a member of Heath Street, a violent Boston gang, was arrested at his grandmother's home in possession of a loaded firearm. At the time he was intercepted in possession of several firearms, SCARLETT-DIXON was on home confinement as a result of having four separate open unlawful possession of a firearm cases pending in Suffolk Superior or Boston-area district courts. SCARLETT-DIXON's sentencing hearing is scheduled for March 7, 2024.



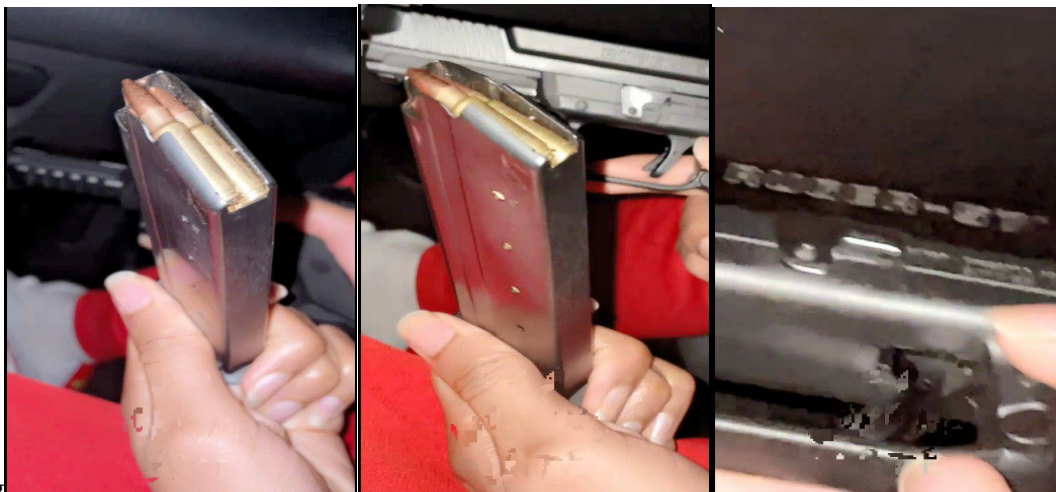
- TREVON BELL, another Heath Street member, was intercepted in possession of firearms while on home confinement from three separate open unlawful possession of a firearm cases pending in Suffolk Superior Court. BELL's sentencing hearing is scheduled for April 8, 2024.



And finally, DANE MITCHELL, a member of another Boston neighborhood gang, Ashmont Street, who was intercepted with firearms while on supervised release from serving a 27-month sentence for unlawfully possessing a gun at a shooting range in Maine. PSR, ¶ 46. On August 14, 2021, agents learned that MITCHELL was admitted to Boston Medical Center for a non-fatal gunshot wound. PSR, ¶ 12. In November 2021, agents intercepted communications showing Mitchell in possession of firearms and images of Mitchell's BMW sedan with bullet holes after he had been shot at in Boston. PSR, ¶ 14.



MITCHELL then used his Snapchat account to post images where he is holding a Ruger 57 firearm. The Ruger 57 shoots 5.7 x 28 millimeter rounds, which are distinctive in that they appear to be rifle-caliber cartridges but are small enough to be fired from a handgun. PSR, ¶ 15.



MITCHELL had provided U.S. Probation with a residence on Blue Hill Avenue in Boston as his primary address. PSR, ¶ 16. When agents obtained a search warrant to obtain location information for a cellular telephone used by MITCHELL, agents determined that MITCHELL actually resided at the “Beach House Apartments,” a luxury apartment complex with “stunning ocean views” located at 540 Revere Beach Boulevard, Revere, Massachusetts.

On December 28, 2021, agents executed a search warrant at MITCHELL’s apartment and seized a Taurus TCP Model 738 PT .380 caliber pistol with an obliterated serial number, loaded with four rounds of .380 caliber ammunition in the clip and one in the chamber. Agents seized additional rounds of ammunition, bags of cocaine, cocaine base, and fentanyl, and a large bag containing 1166.9 grams of a cutting agent. Agents seized a kilo press and various utility bills and other mail in MITCHELL’s name at the 540 Revere Beach Boulevard address. PSR, ¶¶ 17-19.

Between their prior assault with firearms or unlawful possession convictions, their pending firearm-related cases, the number of times agents intercepted them in possession of firearms while on pre-trial or supervised release, and the number of times their phone extraction reports showed them to be in possession of firearms, these four defendants are responsible for the possession, sale, or use of dozens of illegal firearms. In order to achieve general and specific deterrence and to protect the public, all four defendants must be sentenced to substantial periods of incarceration.

As MITCHELL points out in his sentencing memorandum, the 84 month sentence called for in the plea agreement is approximately three times longer than the longest sentence MITCHELL has previously served. It is appropriate for MITCHELL to receive a substantially enhanced penalty here. This is MITCHELL’s third firearm-related offense, PSR, ¶¶ 42, 46, and as noted above, during the relatively brief period of this investigation, MITCHELL was intercepted in possession of a firearm, arrested in possession of a firearm, and shot at – twice. In light of the

seriousness of MITCHELL's offense, the fact that this is his second federal offense, and the fact that he committed this offense while under court supervision, the 84 month sentence called for in the plea agreement is appropriate. See 18 U.S.C. § 3553(a).

Wherefore, the government respectfully requests that this Court sentence DANE MITCHELL to 84 months in prison and three years of supervised release.

Respectfully submitted,

JOSHUA S. LEVY
Acting United States Attorn

By: /s/ Christopher Pohl
Christopher Pohl
Assistant U.S. Attorney

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) on February 29, 2024.

/s/ Christopher Pohl
Christopher Pohl
Assistant U.S. Attorney