

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA )  
 )  
 v. ) **Crim. No. 20cr10197-LTS**  
 )  
 MICHAEL BRANDAO, )  
 )  
 Defendant. )

**SENTENCING MEMORANDUM**

Defendant Michael (“Fredo”) Brandao was an active and violent member of the NOB gang. Defendant was involved in at least one attempted murder and has links to various other gang-related violent crimes. Defendant also actively promoted the NOB gang through rap recordings and videos in which he bragged about the violence committed by the gang, bragged about his personal participation in gang violence, demeaned/threatened rival gangs, specifically threatened rival gang members/associates (particularly the Cameron Street Gang) by name, and engaged in the intimidation of witnesses/cooperators. These recordings and videos<sup>1</sup> drove gang violence by escalating the conflicts between NOB and rival gangs.<sup>2</sup> Given all of the

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<sup>1</sup> In these rap recordings and videos, Defendant repeatedly brags that he has committed multiple shootings targeting rival gang members/associates. Defendant contends that his statements are simply art and not factual. As detailed below, the claims by Defendant are supported by facts. For example, Defendant uses the actual street names of rival gang members/associates in the recordings and videos. Moreover, when investigators seized documents from NOB member Joseph Gomes’s residence, they identified the following lyric in a notebook: “*my n\*\*\*a Fredo [Defendant] shooting n\*\*\*as then he rap about it / I used to be just like the boy now I move calculated ....*” See PSR at ¶ 69.

<sup>2</sup> As an example, as further detailed below, within one day of releasing a video taunting the Cameron Street Gang in May 2020, Defendant was involved in a shooting at co-defendant Joshua Teixeira’s residence in which Defendant and other NOB members/associates were targeted by a lone gunman and Defendant fired multiple shots in return – this shooting took place in a residential neighborhood in Dorchester. The 9mm handgun used by Defendant was

circumstances of this case, especially the November 2018 attempted murder in which Defendant was involved, the Government recommends a sentence of 144 months' incarceration (12 years) to be followed by 3 years of supervised release, no fine and a \$200 mandatory special assessment.

The proposed sentence is consistent with other sentences that have been imposed in this case, particularly those of Wilson Goncalves-Mendes and Darius Bass, who both received 12-year sentences for attempted murders. The Government's proposed sentence is below the applicable Sentencing Guidelines range as set forth in the PSR, which is predicated primarily on Defendant's participation in the November 2018 attempted murder. No further reduction is appropriate. In this regard, Defendant's and the NOB gang's criminal activities caused widespread injury to various victims and the public in general. As set forth in pleadings already filed in this case, and the factual summary in Exhibit 1 attached hereto<sup>3</sup>, the NOB gang's criminal activities harmed numerous victims through violent crimes (including murders, shootings, robberies and assaults), drug trafficking (particularly the trafficking of fentanyl), and sex trafficking activities. NOB's actions also contributed to increased gang-related violence that plagued the Dorchester area of Boston, as well as other communities. Not only was Defendant involved in various criminal activities, he was a leading figure in the gang, publicly promoting

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recovered by Boston Police Department ("BPD") officers at the scene of the shooting. Ten days later, Defendant's residence was the subject of search warrants and officers recovered a loaded Glock 9mm with an extended magazine along with empty marijuana packaging, a digital scale, and approximately \$5,000 in U.S. currency. *See* PSR at ¶¶ 65, 79. Thus, after losing the 9mm handgun at the site of the shooting, Defendant had rearmed himself almost immediately.

<sup>3</sup> The Government submits that the entirety of the information concerning NOB provided to Probation in the Omnibus Statement of Facts and Addendum (attached hereto as Exhibit 1) should be considered by the Court in determining an appropriate sentence, especially since Defendant pled guilty to RICO conspiracy. USSG § 1B1.4; 18 U.S.C. § 3661.

the gang's violence and its conflicts with rivals, thus fueling a cycle of ongoing violent conflict between NOB and rival gangs – a cycle that spilled violence onto the streets of numerous communities, particularly Dorchester.

Moreover, Defendant's gang-related activities did not cease when he was arrested on state charges in May 2020 and held in custody to the present date. As discussed below, in a recorded jail call in June 2020, Defendant actively enlisted NOB gang members/associates (who were not incarcerated) to assault Defendant's music manager to recover money Defendant believed was his. The primary individual enlisted to commit this violent crime was Tyrone "TY" Meek – an NOB member/associate who was Defendant's close criminal associate and whose forensic evidence was found, along with Defendant's forensic evidence, in the vehicle used to commit the attempted murder in November 2018. Defendant has also continued to produce and distribute NOB gang-related rap recordings despite his pending RICO conspiracy conviction arising out his involvement in NOB. For example, Defendant released a recording as recently as on or about January 13, 2023, in which Defendant boasts about his NOB gang membership – the very racketeering entity at the heart of this case. These recordings, along with other circumstances<sup>4</sup>, support that Defendant is not seeking to distance himself from his criminal past, but rather to carry on despite his conviction and impending sentencing.

The Government's recommended 12-year sentence aligns with the factors set forth in 18 U.S.C. § 3553. In particular, the sentence is necessary to protect the public and to deter both Defendant and others from similar criminal conduct in the future.

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<sup>4</sup> As an example, Defendant has received at least three disciplinary actions while in custody for fighting. *See* PSR at ¶ 4.

**THE SENTENCING GUIDELINES**

“‘Relevant conduct in a RICO case’ for purposes of § 1B1.3 of the Guidelines ‘includes all conduct reasonably foreseeable to the particular defendant in furtherance of the RICO enterprise to which he belongs.’” *United States v. Sandoval*, 6 F.4<sup>th</sup> 63, 105 (1st Cir. 2021) (citations omitted). “The District Court must find such relevant conduct by a preponderance of the evidence.” *Id.* “Any such conduct becomes a ‘cross reference’ that may be used to set the offense level.” *Id.* The Government agrees with Probation that Defendant’s applicable Sentencing Guidelines are based primarily on the attempted murder which occurred in New Bedford on November 21, 2018. *See* PSR at ¶¶ 43-48, 120-141. Defendant is subject to an adjusted offense level 37. After acceptance, Defendant’s incarceration range is 151-188 months. *Id.* At ¶ 176. In his objections, Defendant contends that the facts set forth in the PSR (which are not disputed by Defendant) do not support the finding that Defendant participated in this attempted murder under a preponderance of evidence standard. This challenge to the Guidelines fails as there is ample evidence establishing Defendant’s involvement in the shooting.

**DEFENDANT’S REPEATED ADMISSIONS TO AND BOASTING ABOUT BEING INVOLVED IN GANG-RELATED VIOLENCE ON BEHALF OF NOB**

As background for the review of Defendant’s participation in the November 21, 2018, attempted murder, Defendant has repeatedly and openly admitted to being an active participant in gang-related violence, including shootings. For example, on or about December 13, 2016, NOB member Ricky Pina was shot, along with another person, in what appeared to be a gang-related attack by the Cameron Street Gang. *See* PSR at ¶ 106. Shortly after Pina’s shooting, in a group text chain, NOB members/associates noted that Defendant had communicated on Snapchat that he wanted “a piece of cedly.” *Id.* at ¶ 108. “Cedly” is the street name for a

Cameron Street Gang member. Investigators recovered a SnapChat posting from Defendant from this period. In the posting, Defendant stated that the Cameron Street Gang had “failed” in prior attacks against NOB because they had not killed their targets during shootings (as was the case with Pina and his associate that very day) and further stated: “Ima show y’all how to score.” Thus, Defendant was openly threatening members/associates of the Cameron Street Gang that he would be retaliating against them by committing murders.

Similarly, for years, Defendant, through his musical recordings, has openly and brazenly threatened NOB gang rivals and boasted about, promoted, and incited violence he and the NOB gang committed. *See, e.g.*, PSR at ¶¶ 10, 16-19, 28, 60-63, 68-72, 112. Defendant’s recordings demonstrate his lack of remorse about such violence and their consistent release illustrates his continued commitment to the NOB racketeering enterprise to which he pleaded guilty. Indeed, another of Defendant’s recordings was just publicly released on or about January 13, 2023, approximately two weeks before his scheduled sentencing in this case.<sup>5</sup>

In his lyrics<sup>6</sup> and music videos,<sup>7</sup> Defendant consistently references and boasts about gang-related murders and other acts of violence. For example, in “*They Don’t Know*,” publicly released on or about March 21, 2018, Defendant starts by referencing the NOB gang and threatening the rival Homes Avenue gang (“*NOB sh\*t...Die Homes man*”). *See* Ex. 2A (“*They*

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<sup>5</sup> In this song, “*Win*,” Defendant repeatedly reaffirms his gang membership (“*HSM NOB sh\*t...got so much love for the gang*”) and boasts about shootings (“*we gonna break out them sticks [firearms] when it’s play time, b\*tch you got Glockes we gon[na] show ‘em how they sound...if you ain’t shooting n\*\*\*a stop talkin*”). “HSM” or “H\$M” are references to the “Head Shot Mafia,” another name Defendant and NOB members/associates use to refer to themselves. *See* PSR at ¶¶ 8, 15-16, 18, 65, 89.

<sup>6</sup> Lyrics of the referenced songs are submitted herewith as Exhibits 2A through 2E.

<sup>7</sup> Copies of the referenced music videos submitted herewith as Exhibits 3A through 3E were provided to the Court under separate cover due to size and media format.

*Don't Know*” Lyrics). He then claims he got revenge for the murder of an NOB member/associate: “*Couldn't put down the pole [firearm], I was out on a roll, late nights trying to catch me a opp [opposition/rival], Took my big brodie Nat, know we had to get back, Lil n\*\*\*a got sent up to God...Popped a couple n\*\*\*as, made them feel the pain.*” *Id.*; see also PSR at ¶¶ 70-72. Indeed, the music video depicts two murders with characteristics consistent with the facts of two murders that actually occurred, consistent with Defendant and/or NOB taking credit for these murders. See Ex. 3A (“*They Don't Know*” Video); PSR at ¶¶ 70-72. The first is an apparent reenactment of the murder of 19-year-old J.C. in front of his residence in Boston on February 3, 2018 – approximately six weeks before the public release of Defendant’s video.<sup>8</sup> See Ex. 3A; PSR at ¶¶ 70-72. The second is an apparent reenactment of the murder of J.G., a/k/a “Bullet,” who was fatally shot on September 6, 2017, while he was sitting in a vehicle at the memorial service for A.P. (who had been murdered at a barbershop in Dorchester the day prior by NOB members/associates).<sup>9</sup> See Ex. 3A; PSR at ¶¶ 70, 111-112.

Defendant repeatedly bragged about the murder of “Bullet” in subsequent recordings. For example, in “*Die Homes*,” released on or about July 16, 2019, Defendant boasts: “*still smoking Bullet's b\*tch ass.*” See Ex. 2B (“*Die Homes*” Lyrics); PSR at ¶¶ 17, 69, 112. In the

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<sup>8</sup> As detailed below, per the investigation, a car slowly drove by the victim and others, consistent with setting up a drive-by shooting, and the victim identified one of the vehicle’s occupants as “G Fredo” – Defendant’s street and rap name – and stated that the occupants had a gang conflict with him. PSR at ¶ 71. The vehicle was rented by the mother of an NOB member/associate with whom Defendant was stopped in a different vehicle less than two months later, in circumstances consistent with going to do a shooting in rival Cameron Street Gang territory. *Id.* at ¶ 72.

<sup>9</sup> As detailed below, evidence supports that co-defendant and NOB member/associate Ricky Pina was involved in the murder of A.P., including repeatedly traveling past the barbershop before going to residences of various NOB members (including Defendant’s residence) consistent with Pina meeting gang members to plan the murder. See, e.g., *id.* at ¶¶ 111-112.

same recording, Defendant taunts the rival Cameron Street Gang about the September 20, 2016 murder of Cameron Street Gang member/associate J.C., a/k/a “Bunz” (“*smokin Bunz*”)<sup>10</sup>, and expressly states that he targeted a Cameron Street Gang member/associate known as “Happy Feet” (“*Don’t try to find little Happy Feet, I know that n\*\*\*a mad at me, Pop up out that cut me and KD b\*tch I embarrassed him*”).<sup>11</sup> See Ex. 2B; PSR at ¶ 17. Of course, the title of this song alone is an open and violent threat to the rival Homes Avenue Gang; indeed, it was filmed on Homes Avenue as a means of disrespect. See Ex. 3B (“*Die Homes*” Video); PSR at ¶¶ 17, 69, 112.

Defendant continued to brag about the murder of “Bullet” in “*This My City*,” publicly released on or about March 31, 2020: “*Fredo ain’t no average rapper, baby girl he smokin Bullet.*” See Ex. 2C (“*This My City*” Lyrics). Defendant identifies the ongoing retaliatory nature of the gang conflicts involving NOB: “*I cannot fake it, this my life, I’m locked in with real grave diggers... We done brought the pain to em for that sh\*t they did to us... Go body for body with anybody, So many dead opps [oppositions/rivals] check the cemetery.*” *Id.* Similarly, in “*My Turn*,” publicly released on or about May 31, 2020, Defendant uses the murder of “Bullet” to threaten others: “*N\*\*\*\*s scared to come outside cause they know Fredo got the drop [address] on em... Gonna do you like that kid in the car.*” See Ex. 2E (“*My Turn*” Lyrics). Indeed, in a notebook recovered from co-defendant Joseph Gomes, Gomes wrote: “*my n\*\*\*a Fredo*

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<sup>10</sup> Other NOB members/associates, including co-defendants Pina and Darius Bass, commonly used this phrase to taunt the Cameron Street Gang, which resulted in multiple acts of violence. See, e.g., PSR at ¶¶ 14, 19, 105-109.

<sup>11</sup> In February 2020, NOB member/associate Joseph Gomes and an older NOB member/associate discussed the ongoing violence targeting the Cameron Street Gang and specifically committing violence against “Happy Feet.” See Exhibit 1 at 29.

[Defendant] *shooting n\*\*\*as then he rap about it.*” See PSR at ¶ 69.

In “*Dead Opps Pt. 3*,” publicly released on or about May 1, 2020, Defendant openly threatens rival Cameron Street Gang member/associate A.L., who had previously been pistol-whipped and robbed by co-defendant Joseph Gomes and NOB member/associate Malik Hobson, and subsequently intimidated and threatened inside of a Massachusetts state courthouse by co-defendants and NOB members/associates Kelvin Barros and Wilson Goncalves-Mendes for allegedly cooperating against Gomes and Hobson: “*Snitch boy! Yeah you told on J-Money [Gomes] and Mook [Hobson] so you know when I catch you it’s lit.*” See Ex. 2D (“*Dead Opps Pt. 3*” Lyrics); see PSR ¶¶ 25-28, 60. As Defendant raps these lyrics, the video displays Defendant and Gomes smiling, celebrating, and wearing gang-related clothing bearing the gang’s distinctive “H\$M” symbol in a split-screen video next to an embedded video of the A.L. witness intimidation incident, which was recorded. See Ex. 3D (“*Dead Opps Pt. 3*” Video); Ex. 4 (“*Dead Opps Pt. 3*” Split Screen Still Shot). In a clear illustration of the constant escalation in violence and danger to the community Defendant incited through his recordings, the day after “*Dead Opps. Pt. 3*” was released, a shooting occurred outside of co-defendant and NOB member/associate Joshua Teixeira’s residence in Dorchester. PSR at ¶¶ 60-63. Teixeira, Defendant, co-defendant and NOB member/associate Darius Bass, and NOB member/associate Delven Carvalho-Centeio were shot at, and based on recovered evidence, Defendant repeatedly shot back at the attacker with a 9mm handgun (which was recovered by BPD officers near the shooting site). *Id.* at ¶ 61. Additionally, in this “*Dead Opps Pt. 3*” video, Defendant brandishes several firearms, including one with an extended magazine. See Ex. 3D. This firearm appears consistent with a firearm with an extended magazine recovered during a search warrant



execution at Defendant's residence approximately ten days after the "*Dead Opps Pt. 3*" video was publicly released. *See* PSR at ¶¶ 64-65; Ex. 5 ("*Dead Opps Pt. 3*" Still Shot and May 12, 2020 Recovered Firearm).

Through his recordings and videos, Defendant has consistently and actively promoted the NOB gang and the violence it committed, boasted about his personal participation in such violence, and threatened rivals, and has not stopped doing so even after being arrested in this case.

**DEFENDANT'S TIES TO GANG-RELATED VIOLENCE LEADING UP TO THE  
NOVEMBER 2018 SHOOTING**

Defendant's participation in the November 2018 shooting in New Bedford was preceded by a chain of violent acts linked to Defendant. The shooting was not a stand-alone event but rather a continuation of Defendant's participation in violent central crimes on behalf of NOB – violence that Defendant openly promoted.

**September 2017 Murders**

As set forth in the PSR and noted above, on September 5, 2017, NOB member Ricky Pina was involved in the gang-related murder of A.P., who was associated with the Cameron Street Gang. *See* PSR at ¶¶ 21-24, 111. A.P. was shot and killed while in a Dorchester barbershop. *Id.* at ¶ 22. Prior to the shooting murder, Pina engaged in various actions consistent with conducting surveillance in order to facilitate a shooting at the barbershop. *Id.* at ¶¶ 23-24, 111. One of the locations that Pina visited leading up to the murder was Defendant's residence. *Id.* at ¶¶ 23, 111.

As noted above, a memorial for A.P. was held the following day in Dorchester. *See id.* at ¶ 112. At the memorial, a juvenile male, J.G., also known as "Bullet," was shot and killed while

he sat in a car - consistent with a gang-related shooting. *See id.* As detailed above, Defendant has repeatedly bragged about the murder of “Bullet” in numerous rap recordings and used it to threaten other rivals. Along these lines, in Defendant’s rap video “*They Don’t Know*,” a murder with characteristics similar to the murder of J.G. was recreated therein – consistent with Defendant taking credit for the murder as well as promoting the violent nature of NOB. *See* Exhs. 2A, 3A; PSR at ¶¶ 70-72.

### **February 2018 Murder**

As set forth in the PSR, on February 3, 2018, a young male, J.C., was murdered in front of his residence in Boston after two individuals (concealing their faces) walked up to the victim and shot him. *See* PSR at ¶¶ 70-72. Using video security footage from the area, investigators identified that, prior to the murder, a Chrysler Pacifica van was seen driving in the area of the murder and that two individuals were observed exiting the vehicle prior to the murder. *Id.* at ¶ 71. The video evidence also supported that, after the murder, the two individuals returned to the van and the van fled the area. *Id.* at ¶ 72. Investigators determined that the Pacifica had been rented by the mother of Ian Percival, a NOB member/associate. *Id.* Investigators further found a witness who stated that the victim had identified Defendant (who was identified by the victim as “G Fredo”) as being in the vehicle (the Pacifica) that passed by. *Id.* at ¶ 71. The victim further stated that the “kids” in the vehicle had “smoke” with the victim. *Id.* As discussed above, in Defendant’s rap video “*They Don’t Know*” (which was released in March 2018), a murder similar to J.C.’s was recreated – consistent with Defendant taking credit for the murder as well as promoting the violent nature of NOB. *See* Exhs. 2A, 3A; PSR at ¶¶ 70-72.

### **March 2018 Attempted Shooting**

On March 27, 2018, Defendant was stopped along with three other NOB members/associates, including Tyrone Meek (the individual with whom Defendant was involved in the November 2018 attempted murder), after BPD officers observed a vehicle pick up Defendant in Quincy, MA, and drive towards Cameron Street Gang territory. *See* PSR at ¶¶ 29-32. The route of travel of the vehicle was consistent with the vehicle being involved in a gang-related attack by NOB members/associates against Cameron Street gang members/associates. *Id.* at ¶ 30. Prior to being stopped, the vehicle fled from officers. *Id.* at ¶ 31. In the flight path of the vehicle, officers subsequently recovered two handguns consistent with Defendant and the three other NOB members/associates being involved in an attempted gang-related shooting. *Id.* at ¶ 32. This conclusion is further supported by the fact that the driver of the vehicle was Ian Percival – the NOB gang member/associate associated with the vehicle linked to the February 2018 shooting murder discussed above. *Id.* at ¶¶ 31, 72.

### **August 2018 Attempted Murder**

In the early morning of August 12, 2018, a drug dealer associated with Defendant<sup>12</sup> was shot at a gas station in Stoughton, MA, consistent with an attempted murder. *See* PSR at ¶¶ 33-42. The attempted murder was gang-related and involved multiple members of NOB, including Wilson Goncalves-Mendes and Kelvin Barros – both of whom were involved in the November 21, 2018, attempted murder with Defendant. Investigators identified that two individuals had driven up to the victim's vehicle in a stolen Audi SUV, and then shot a single

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<sup>12</sup> The facts support that the dealer was supplying Defendant and another NOB member/associate with pills for distribution on the street.

round at the victim through the car window. *Id.* at ¶¶ 33, 35. Investigators subsequently found evidence that Goncalves-Mendes was one of the two individuals in the stolen Audi. *Id.* at ¶¶ 37-42. Location data for a phone used by Barros supports that the Audi was stolen by Barros from a lot in the early hours of August 11 (approximately one day before the shooting). *Id.* at ¶ 36. Barros then traveled from the site of where the vehicle was stolen to the area of Defendant's residence in Quincy immediately after the theft. *Id.* Moreover, Goncalves-Mendes, one of the two individuals involved in the shooting, was in the area of Defendant's Quincy residence for approximately three hours leading up to the attempted murder at the Stoughton gas station. *Id.* 37.

#### **THE NOVEMBER 2018 ATTEMPTED MURDER IN NEW BEDFORD**

On November 21, 2018, a victim was shot multiple times near the victim's residence in New Bedford. *See* PSR at ¶¶ 43-48; 73. As set forth in the PSR, in the days leading up to the shooting, NOB members Kelvin Barros and Wilson Goncalves-Mendes had communications about committing the shooting for profit. *Id.* at ¶¶ 91-94. Along these lines, when issues regarding the targeting of the victim arose, Goncalves-Mendes informed Barros that a leading member of NOB, who was incarcerated, was questioning why the targeting of the victim had been delayed. *Id.* at ¶ 94. The day before the shooting, an image of the victim was sent by Goncalves-Mendes to two NOB members, Joshua Teixeira and Devon Hamilton – further establishing the gang-related nature of the November 21 attack. *Id.* at ¶ 47.

On the day of the shooting, Goncalves-Mendes obtained the grey Altima used in the attempted murder from Barro's girlfriend. *Id.* at ¶ 45. The vehicle had been at a tire shop in Dedham and Goncalves-Mendes retrieved it from the shop. *Id.* Goncalves-Mendes also

arranged to pick up Defendant to commit the attack on the victim. *Id.* at ¶ 48. Defendant does not dispute the following communications:

1. At approximately 2:15 p.m., about eight hours before the shooting, Defendant's sister texted Goncalves-Mendes "wake him up now?" She texted shortly after: "and tell him you coming to get him." Goncalves-Mendes responded "yea."
2. At approximately 4:16 p.m., about six hours before the attempted murder, Defendant's sister texted "yo" and then "you slidin?" Goncalves-Mendes responded: "I'm tryn get this lick [a term for a violent crime] in New Bedford." Defendant's sister replied: "I'm already hip" – Defendant's sister was aware that they were planning a violent crime in New Bedford.
3. At 5:08 p.m., Goncalves-Mendes texted to Defendant's sister: "omw" – that he was on his way to pick-up Defendant.
4. At approximately 7:25 p.m., Goncalves-Mendes texted to his girlfriend that he was with "Fredo" – Defendant.
5. Shortly thereafter, Defendant's sister texted Goncalves-Mendes: "bro tell Fredo [Defendant] call my mom please" – this was approximately three hours before the attack and the text confirms that Defendant was with Goncalves-Mendes.

*Id.* at ¶ 48. At approximately 10:45 p.m., the victim was shot at his residence. *Id.* at ¶ 43. The shooting was witnessed by a Massachusetts State Police Trooper who saw two individuals get out of the Altima, shoot the victim multiple times, return to the car, and flee the scene. *Id.* at ¶ 44. The Trooper also observed that a second vehicle appeared to act as a trail car. *Id.*

The grey Altima initially avoided law enforcement, but then was found abandoned in New Bedford. *Id.* There was a pistol magazine with .40 caliber rounds found near the vehicle – a .40 caliber pistol was used in the attempted murder. *Id.* Goncalves-Mendes' cell phone was found in the vehicle and was continuously ringing. *Id.* His thumbprint was also found in the

vehicle. *Id.* at ¶ 46. In addition to forensic evidence tying Goncalves-Mendes to the vehicle, there was forensic evidence in the vehicle for Defendant and Tyrone “TY” Meek<sup>13</sup>, including:

1. A Red Bull can which had fingerprints on it consistent with both Defendant and Tyrone Meek touching it;
2. A Sprite bottle which had Defendant’s fingerprints on it; and
3. A Red Bull can with Tyrone Meek’s fingerprints on it.

*Id.* The finding of evidence tying three individuals to the vehicle is consistent with the minimum number of conspirators needed to commit the attempted murder – the two shooters and one person to act as the get-away driver. Defendant’s participation in the November 21, 2018, attempted murder was simply a continuation of Defendant’s ongoing association with NOB gang-related violence.

#### **DEFENDANT’S CONTINUED ASSOCIATION WITH GANG VIOLENCE**

Defendant’s active involvement in gang-related violence for NOB did not end with his participation in the November 2018 attempted murder.

#### **May 2, 2020 Shooting**

As set forth in the PSR at ¶¶ 60-63 and detailed above, Defendant was involved in a shooting at NOB member Joshua Teixeira’s residence in Dorchester. The shooting took place within a day of the release of Defendant’s NOB gang-related rap video for “*Dead Opps. Pt. 3*” in which Defendant and other NOB members taunted and threatened rival Cameron Street Gang members. On that date, a lone gunman opened fire at Defendant and multiple other NOB gang members/associates at Teixeira’s residence. In response, Defendant returned fire with a 9mm

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<sup>13</sup> As set forth herein and in the PSR at ¶¶ 29-32, 43-48, 57 n.6, 58, 60, 65, 74, 76, 79, and 81, Meek is a close associate of Defendant and involved in various crimes with Defendant.

handgun that was subsequently recovered near the scene of the shooting. This shooting placed other people living in the vicinity of the shooting at great danger given the exchange of gunfire between the individual and Defendant. While Defendant will likely claim that he was the victim of the shooting and shot only in self-defense, this claim rings hollow. Defendant had a significant part in promoting the violence between NOB and its rivals (particularly the Cameron Street Gang) through his own violent conduct and his incendiary communications to rival gang members/associates (including through the video released the day before the shooting). Defendant drove this type of gang violence to the detriment of the great majority of the community in Dorchester (and elsewhere) who had no involvement whatsoever in these ongoing gang conflicts but were subject to the terror these conflicts caused.

**June 2020 Jail Call By Defendant Soliciting Violence**

In June 2020, Defendant was held in state custody prior to the unsealing of his federal case on or about June 16, 2020. In a recorded jail call on June 1, Defendant spoke to a NOB member/associate about using violence against Chris Mann to collect money that Defendant believed was owed to him. Mann was involved in the management of various NOB members'/associates' music careers, including Defendant. In the recorded call, Defendant admitted that he had already communicated with his close associate Tyrone "TY" Meek about using violence to get money from Mann. Defendant also wanted additional NOB members to be involved and identified that he had attempted to contact Darius "Trizzy" Bass to aid in taking of money from Mann – this Court has already found that Bass was responsible for two NOB gang-related shootings. The call included the following statement by Defendant:

Bro n\*\*\*as wait for a perfect opportunity ... wait till I get in jail ... then wanna start doing that slick b\*tch ass shit bro. Like I won't ... Like I'm not one of them n\*\*\*as bro

... n\*\*\*as is crazy? F\*\*kin' slap the dog sh\*t out [of] this n\*\*\*a [Chris Mann] ... on dogs .... *I already told T.Y. [Tyrone Meek] too, bro ... Slap Chris bro! Slap that n\*\*\*a if ya'll have to bro! [If] n\*\*\*a don't wanna give up the bread, smack that n\*\*\*a. That n\*\*\*a wanna act like a b\*tch ... n\*\*\*a actin' stupid bro, like n\*\*\*as don't know what time it is bro ... them n\*\*\*as is crazy ... on some real real greedy sh\*t n\*\*\*a... like n\*\*\*as ain't in jail, like n\*\*\*as need lawyers, money, all this sh\*t n\*\*\*as wanna do sh\*t all for themselves bro ... I'm not f\*\*kin' with these n\*\*\*as bro. [Emphasis added]*

Defendant further stated:

That's why I tried and called Trizzy [Darius Bass] too, I just tried to call Trizzy, and then I tried to call you, after f\*\*kin' ... so I could tell like ... one of ya'll n\*\*\*as too ... to like get with T.Y. [Tyrone Meek] you feel me? So ya'll n\*\*\*as could really press this n\*\*\*a bro ... I don't care what Kal [Kelvin Barros] says, none of that sh\*t, ya'll could smack Kal too, bro ... slap the sh\*t out of that n\*\*\*a ... think I give a f\*\*k? Cuz I'll do it. You wanna act like n\*\*\*a ... n\*\*\*as is all for themselves bro ... that sh\*t's crazy ... [unintelligible] no bullsh\*t.

This jail call shows that Defendant was not dissuaded from committing or promoting crimes, including violent crimes, through pending charges and possible incarceration.

### CONCLUSION

Defendant's criminal activities show the danger he and NOB present to the community. Defendant's participation in this attempted murder alone supports the recommended sentence of 144 months. However, this violent crime was just one of Defendant's various gang-related activities. Defendant actively facilitated gang crimes as well as promoting the gang in various ways, including through his rap recordings. This type of cooperative support for criminal activity allowed the NOB gang to metastasize in the community. The members/associates of NOB were empowered to commit crimes *because* they supported each other through their criminal organization. A striking example of this criminal facilitation can be seen in Defendant's intimidation of a crime victim in the video "*Dead Opps. Pt 3.*" Defendant publicly threatened a prior victim of NOB for cooperating against the two NOB gang members. Defendant's video



sent a clear, public message to other witnesses and gang rivals that the NOB gang would go to great lengths to protect its members/associates, including violence.

The dangerous activities in which Defendant personally engaged and for which Defendant was an active supporter as a member of NOB merit a lengthy sentence. The Government's proposed sentence of 144 months' incarceration to be followed by 3 years of supervised release is an appropriate sentence for all the reasons set forth in 18 U.S.C. 3553.

Respectfully submitted,

JOSHUA S. LEVY  
Attorney for the United States  
Acting Under Authority Conferred by 28  
U.S.C. § 515

Date: January 19, 2023

By: /s/ Michael Crowley  
MICHAEL CROWLEY  
SARAH HOEFLE  
Assistant U.S. Attorneys

**CERTIFICATE OF SERVICE**

I, Michael Crowley, Assistant United States Attorney, do 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 and paper copies will be sent to those indicated as non-registered participants.

/s/ Michael J. Crowley  
MICHAEL J. CROWLEY  
Assistant U.S. Attorney