



Multi-Defendant Cases Scenario

August 2023 | National Seminar

OZARK

In December 2022, a grand jury indicted Omar, **Marty**, Wendy, Wyatt, **Ruth**, **Charlotte**, and Jonah of various drug-related offenses, including conspiracy to distribute 1 kilogram or more of heroin. Everyone pled guilty to the conspiracy count, which carries a 10-year mandatory minimum. The conspiracy distributed more than 1,000 kilos of heroin over a three-year period.

Omar was a member of a Mexican Cartel which oversaw a large-scale drug organization. Omar helped arrange for heroin to be transported from Mexico to the Ozarks where it was delivered to **Marty** and Wendy. **Marty** and Wendy distributed the drugs to dealers in the area, including **Ruth** and Wyatt. **Ruth** delivered the heroin to other dealers throughout the Ozarks.

Marty and Wendy recruited **Ruth** to join the conspiracy in 2021. **Ruth** convinced Wyatt to join the conspiracy in 2022. **Ruth** received more money than all other dealers in the conspiracy and oversaw three dealers in the region.

Wyatt paid **Charlotte** \$500 on two occasions to drive him to Chicago to pick up heroin shipments. **Charlotte** knew she was picking up drugs but believed that it was a relatively small amount of heroin. **Charlotte** observed Wyatt with a gun on both trips.

Ruth hired Jonah to launder money for her. She also convinced Jonah to buy her a gun, threatening that if he did not, she would tell his parents about his money laundering conduct.

Marty provided substantial assistance to the government about the workings of the cartel and the drug operation in the Ozarks, and the government will file § 3553(e) and §5K1.1 motions based on his cooperation. The parties entered into a Rule 11(c)(1)(C) binding plea agreement to a sentence of 15 years. You are deciding whether to accept the binding plea.

You will be sentencing **Charlotte**, **Ruth**, **Jonah**, and **Marty**.



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CHARLOTTE

The PSR based the guideline calculation on 1,000 kilos of heroin (BOL 38) because Charlotte pled guilty to a conspiracy count and the conspiracy involved 1,000 kilos of heroin. Charlotte objects to this amount, stating that she only made two trips involving a total of 4 kilos (BOL 32).



The PSR included a 2-level increase under §2D1.1(b)(1) because Wyatt possessed a firearm during their trips. Charlotte argues that this increase should not apply because she did not personally possess the firearm.

Charlotte debriefed with the government in anticipation of qualifying for the safety valve at 18 U.S.C. § 3553(f) and at §2D1.1(b)(18). At the debrief, Charlotte provided information about the conspiracy, but the government believes she should not qualify for the safety valve because she received a 2-level enhancement for possessing a weapon under §2D1.1(b)(1). The government says it won't file a motion for the safety valve.

Charlotte asks the court to apply a mitigating role reduction under §3B1.2. The government argues if Charlotte is only being held accountable for the 4 kilos she personally transported then she should not receive a role reduction.

Charlotte is 21, has no prior criminal history, and is currently a senior in college at the University of Washington. Her parents are very successful, and she attended private high school and reported having a good childhood.



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RUTH

Ruth is facing a 10-year mandatory minimum sentence. She is being held accountable for 750 kilos of heroin (BOL 38). Ruth does not qualify for the safety valve because she refuses to meet with the government.



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The government believes that Ruth should receive a 3-level increase under §3B1.1 (Aggravating Role) for being a supervisor in the conspiracy. Ruth argues that Omar, Marty, and Wendy were the leaders in the conspiracy, and she should not receive the enhancement because only “kingpins” should receive leaderships enhancements.

Ruth has five prior felony convictions and two juvenile adjudications. Her felony convictions are for two possession of marijuana offenses, two theft offenses, and a DUI offense.

Ruth is 25 and had a difficult childhood. Her father was in and out of prison, and her mother was an alcoholic who died when Ruth was 14. Ruth helped raise her younger brother in her mother’s absence.

She was working as a club manager before her arrest for this offense.



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JONAH

Jonah pled guilty to 18 U.S.C. § 932 (Straw Purchasing), which carries a 15-year statutory maximum. His guideline range 10 - 16 months.

Jonah is 18, has no prior convictions. He had been laundering money for Ruth for 3 months prior to his arrest.

His parents are very successful. He recently graduated from private high school. He did not report any incidents of childhood trauma or abuse.



MARTY

Marty is facing a 10-year mandatory minimum and has a guideline range of life. He was the mastermind of the conspiracy. He has provided extensive information on the cartel and his information led to the arrest of numerous drug dealers in the area. The government is planning on filing substantial assistance motions under 18 U.S.C. § 3553(e) and §5K1.1.

Marty is 52 and a successful businessman. He has donated millions of dollars to charities in the area. He has no prior convictions.

You are considering whether to accept a binding plea agreement to a 15-year sentence.

