

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA

UNITED STATES OF AMERICA)
)
vs.)
)
JAMES J. ROSEMOND)
a/k/a Jimmy Ace)
a/k/a Tony Townsend)
a/k/a James Rosemound)

PRESENTENCE INVESTIGATION REPORT

Docket No. 7:94-CR-36-1-BR

Prepared For: The Honorable W. Earl Britt
U.S. District Judge

Prepared By: Rickie R. Bennett
U.S. Probation Officer
Greenville, NC
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Sentence Date: January 13, 1997

Offense: Count 2: Possession of a Firearm by a Felon
18 USC § 922(g)
10 years/\$250,000 fine
Class C Felony

Release Status: In official detention since February 20, 1996

Detainers: Division of Parole, Albany, New York

Codefendants: Phillip Murph, 7:94-CR-36-02-BR

EXHIBIT 2

PART A. THE OFFENSE

Charge(s) and Conviction(s)

1. **JAMES J. ROSEMOND** and Phillip Murph are named in a Three-Count Indictment returned by an Eastern District of North Carolina Grand Jury on April 25, 1995. Count 1 charged each defendant with Conspiracy to Distribute Cocaine Base beginning on or about January 1, 1991, and continuing thereafter until in or about March 1992, in violation of 21 USC § 846. Count 2 charged **JAMES J. ROSEMOND** with Possession of a Firearm by a Felon on or about July 12, 1991, in violation of 18 USC § 922(g). Count 3 charged both defendants with Forfeiture pursuant to 21 USC § 853. On May 1, 1995, Phillip Murph pled guilty to the Indictment pursuant to a plea agreement which called for a three-offense level reduction for acceptance of responsibility. **On October 15, 1996, ROSEMOND pled guilty to Count 2 of the Indictment pursuant to a plea agreement which called for the dismissal of Counts 1 and 3 and a 3 offense level reduction for acceptance of responsibility.**
2. **The defendant's offense conduct concluded on or about July 12, 1991.**

Related Cases

<u>Defendant</u>	<u>Status</u>
David Dwight Mann	<u>5-6-93</u> : Sentenced to Life following his conviction for Continuing Criminal Enterprise.
Janene Crosland	<u>4-5-93</u> : Sentenced to 105 months imprisonment with 60 months supervised released to follow for the conviction of Conspiracy to Distribute Crack Cocaine.
Doris Mann	<u>4-5-93</u> : Sentenced to 60 months probation for the conviction of Use of a Communication Facility in Interstate Commerce and Aiding and Abetting.
Crystal Mann	<u>4-5-93</u> : Sentenced to 60 months imprisonment for the conviction of Conspiracy to Distribute Crack Cocaine.

Hasley Uriah Richards	<u>5-6-93</u> : Sentenced to 120 months imprisonment and 60 months supervised release to follow for the conviction of Conspiracy to Distribute Crack Cocaine; <u>1-13-95</u> : Resentenced to 60 months and 60 months supervised release.
Monique Antionette Simpson	<u>5-6-93</u> : Sentenced to 12 months imprisonment and 60 months supervised release for the conviction of Conspiracy to Distribute Crack Cocaine
Jacqueline Wright	<u>9-7-93</u> : Sentenced to 60 months imprisonment and 36 months supervised release to follow.
Tammy Williams	<u>8-16-93</u> : Sentenced to 210 months imprisonment and 60 months supervised release to follow.
Andrea Barnes	<u>1-2-96</u> : Sentenced to 60 months imprisonment with 36 months supervised release to follow.
Michael Frank Richvine	<u>4-5-93</u> : Sentenced to 60 months imprisonment and 60 months supervised release to follow for the conviction of Conspiracy to Distribute Crack Cocaine.
Vernon Brian Devane	<u>4-5-93</u> : Sentenced to 322 months imprisonment and 60 months supervised release to follow for the conviction of Conspiracy to Distribute Crack Cocaine and Count 5 charging Possession of a Firearm During a Drug Trafficking Crime and Aiding and Abetting; <u>1-4-95</u> : Resentenced to 96 months imprisonment and 60 months supervised release.
Nadine Sharise Horton	<u>9-7-93</u> : Sentenced to 120 months imprisonment and 60 months supervised release to follow.
Janice Webb	<u>4-5-93</u> : Sentenced to 18 months imprisonment and 36 months supervised release for the conviction of Maintaining a Dwelling for Distribution of Controlled Substances.

Wyrick Tyrone Lewis 1-16-93: Not guilty by jury verdict.

Yolanda Lee 9-7-93: Sentenced to 46 months imprisonment and 36 months supervised release to follow.

Christopher Lewis 7-6-93: Sentenced to 97 months imprisonment and 36 months supervised release to follow for the conviction of Maintaining a Dwelling for Distribution of Controlled Substances and Count 19 charging Use of a Communication Facility in Interstate Commerce and Aiding and Abetting; 1-3-95: Resentenced to 16 months and 36 months supervised release to follow.

Deshauana Barfield 5-21-93: Sentenced to 60 months imprisonment and 36 months supervised release for the conviction of Use of a Communication Facility in Interstate Commerce and Aiding and Abetting.

Leon Murray 4-5-93: Sentenced to 60 months imprisonment and 60 months supervised release to follow for the conviction of Conspiracy to Distribute Crack Cocaine.

Anthony Aguilera 5-07-92: Sentenced to 78 months imprisonment and 5 years supervised release following his conviction for Conspiracy to Possess with Intent to Distribute Crack Cocaine.

Exlico Karauaka Dekattu 5-7-92: Sentenced to 200 months imprisonment and 5 years supervised release following his conviction for Conspiracy to Possess with Intent to Distribute Cocaine Base and Use of a Firearm in Relation to a Drug Trafficking Crime.

Kenneth Prince 5-8-92: Sentenced to 30 months imprisonment and 36 months supervised release following his conviction for Maintaining a Place for the Purpose of Distributing Controlled Substances and Use of a Firearm in Relation to a Drug Trafficking Crime.

Anthony Lamar Mann	<u>8-3-92</u> : Sentenced to 78 months imprisonment and 60 months supervised release following his conviction for Conspiracy to Possess with Intent to Distribute Crack Cocaine.
Damani Sekou Troutman	<u>9-24-92</u> : Sentenced to 157 months imprisonment and 60 months supervised release following his conviction for Conspiracy to Possess with Intent to Distribute cocaine Base and Possession of a Firearm During a Drug Trafficking Crime.
Shawar Matthews	<u>5-07-92</u> : Sentenced to 157 months imprisonment and 5 years supervised release following his conviction for Conspiracy to Possess with Intent to Distribute Cocaine Base and Possession of a Firearm During and in Relation to a Drug Trafficking Crime.

Offense Conduct

3. Beginning in or around May 1991 and ending on or about January 31, 1992, **JAMES J. ROSEMOND, a/k/a Jimmy Ace**, supplied cocaine base to David Mann and various members of the David Mann drug trafficking organization which transported cocaine base to and distributed cocaine base in Wilmington, North Carolina. During the life of the conspiracy, David Mann and other members of the organization used firearms to protect their drug trafficking activity and Western Union to wire the proceeds from their drug sales in Wilmington, North Carolina, to **JAMES J. ROSEMOND** in Brooklyn, New York.
4. On May 13, 1991, the Raleigh, North Carolina, Police Department discovered 106.7 grams of crack cocaine during a routine drug interdiction operation at the Raleigh Bus Terminal. Randolph Allen Lucas was on the bus from which the cocaine was seized and subsequent interviews of Lucas and others in the Mann organization revealed Lucas was transporting the crack cocaine from Brooklyn, New York, to Wilmington for sale.
5. On May 24, 1991, the Norfolk, Virginia, Police Department discovered 150 plastic bags containing crack cocaine during a routine drug interdiction at the Norfolk, VA, Bus Terminal. Subsequent interviews of Randolph Lucas, Shawar Matthews and other members of the Mann organization disclosed Lucas and Matthews were transporting the crack cocaine from Brooklyn, New York, to Wilmington, North Carolina, and the seizure was approximately one-half the 187 grams that had been packaged in New York. In early to mid June, 1991, David Mann obtained approximately 250 grams of crack cocaine in Brooklyn, NY, which was subsequently transported to Wilmington where it was packaged and sold by Exlico Dekattu, Randolph Lucas, and Shawar Matthews.
6. On or about July 12, 1991, **ROSEMOND** contacted Mann by telephone and advised Mann that he was

en route to North Carolina from New York for the purpose of killing Roger Brown. Brown was involved in the shooting of a close friend of ROSEMOND'S in New York. At that time, Brown was residing in New Bern, North Carolina. Mann advised ROSEMOND that New Bern was not far from Wilmington, North Carolina, and that ROSEMOND should arrange for Brown to come to the Wilmington area where the murder could take place. During subsequent conversations between Mann, ROSEMOND and another individual who resided in New Bern, North Carolina, plans for the murder took shape. The plan was to have a coconspirator of ROSEMOND'S transport Roger Brown from New Bern to the corner of Fifth Street and Harnett Street in Wilmington, North Carolina, to engage in conversations with Mann regarding the purchase of a firearm. Once at this location, David Mann was to shoot Brown once in the back while ROSEMOND and ROSEMOND'S accomplice shoot Brown once. David Mann would then drive ROSEMOND and ROSEMOND'S accomplice to a nearby inn where they would enter the vehicles they used to travel to Wilmington and return to Brooklyn, New York. The plan was implemented. However, Mann did not get the opportunity to shoot Brown because ROSEMOND and ROSEMOND'S accomplice fired on Brown before Mann had the opportunity to draw and fire his .38-caliber weapon. On this occasion, ROSEMOND used a .45-caliber Smith and Wesson semi-automatic pistol. Following the shooting, Mann, ROSEMOND, and ROSEMOND'S accomplice left the scene and returned to Brooklyn, New York. Brown was treated at new Hanover Regional Medical Center, Wilmington, North Carolina from July 17, 1991 until August 4, 1991. Brown underwent surgery to repair cranial and facial damage caused by two gun shots. Brown was held postoperatively in an Intensive Care Unit. Brown eventually signed himself out of the hospital against the advice of his doctors.

7. On July 23, 1991, Jacqueline Wright, a courier for Mann and at Mann's direction, brought by commercial airline approximately one-half kilogram of crack cocaine from Brooklyn to Wilmington. Wright was picked up at the Raleigh Airport by Mann and Kenneth Prince and transported to Wilmington.
8. On July 25, 1991, during the execution of a North Carolina State search warrant, Anthony Aguilera, Exlico Dekattu, Anthony Mann, Shawar Matthews, Melissa Prather, Kenneth Prince, and Damani Troutman, were in possession of 49.4 grams of crack cocaine and 3 pistols (Raven .25 caliber, Excam .38 caliber, Uzi 9mm semi-automatic) at 729 Nixon Street, Wilmington, North Carolina, said residence being less than 1,000 feet (actual distance 77 feet 7 inches) from Virgo Middle School, Wilmington, North Carolina. The residence was being utilized by the Mann organization to package and distribute crack cocaine and the firearms were used to protect the drug trafficking activities of the organization.
9. On January 31, 1992, during the execution of a State of North Carolina search warrant at 2250-B Adams Street, Wilmington, David Mann and Nadine Horton were found in possession of 59 grams of crack cocaine, \$1,314 in United States currency, and various items to package crack cocaine. Michael Richvine came to the house during the course of the search and was arrested. Interviews disclosed that Horton, at the direction of Janene Mann, transported the crack cocaine from Brooklyn to Wilmington via commercial bus. The residence was rented by Janice Webb who was a member of the David Mann organization.

10. On March 31, 1993, JAMES ROSEMOND was arrested by the New York City Police Department and was found in possession of a loaded Smith and Wesson .45-caliber stainless steel, semi-automatic, pistol. Prior to his arrest, ROSEMOND was observed in a vehicle on 409 West 54th Street, Manhattan, New York with a second individual. The arresting officer requested that ROSEMOND exit the vehicle when he observed that ROSEMOND'S right hand was hidden from view near his waist. Upon hearing this request, ROSEMOND exited the vehicle and fled on foot. He deposited the weapon in a nearby trash can where it was later recovered. ROSEMOND failed to appear for arraignment and remained a fugitive until his recent arrest. A trace of the firearm revealed that it was purchased by Joseph Johnson on January 19, 1991, in Richmond, Virginia. An official investigation of Johnson by the Bureau of Alcohol, Tobacco and Firearms revealed that Johnson was purchasing firearms in the Richmond, Virginia, area and was transporting them to New York City where he sold them or exchanged them for cocaine.
11. On February 27, 1995, acting on information from a confidential informant, investigative agents established surveillance of 1176 East 84th Street, Brooklyn, New York, in an attempt to apprehend Phillip Murph. Eventually, Murph arrived at this location, fled from arresting officers as they made their identity known and at one point, pointed a firearm at one of the arresting officers before he was apprehended. A search of Murph's person revealed a fully-loaded .40-caliber Glock semi-automatic hand gun with a laser sight and the keys to 1176 East 84th Street, Brooklyn, New York. A search of Murph's residence revealed 1 kilogram of cocaine base, 3 kilograms of cocaine powder, seven other firearms, a silencer, and various other drug paraphernalia.
12. David Dwight Mann advised investigative agents that in March or early April 1991, David Mann, at the suggestion of his cousin, Randy Lucas travelled to North Carolina to continue the distribution of cocaine base which he had commenced in Brooklyn, New York. Prior to Mann's arrival in Wilmington, Randy Lucas and Exlico Dekattu were distributing heroin. The arrangement between Mann and Lucas was that Dekattu and Lucas would continue their heroin distribution while Mann distributed cocaine base with Mann providing Lucas a portion of Mann's profits from cocaine base distribution. Eventually, Lucas was unable to sell the heroin in a timely fashion and was, therefore, unable to repay Lucas' uncle, Prince Burroughs, the financier of Lucas' heroin distribution business. Upon Mann's arrival in Wilmington, North Carolina, Dekattu and Lucas ceased heroin distribution. Mann became the leader of the organization because he was able to supply cocaine base.
13. Lucas and Dekattu processed cocaine base for distribution at David Mann's or Randy Lucas' residences in Brooklyn, New York. The drugs were then secreted in the false bottoms of containers which were placed in luggage that was transported aboard commercial bus lines to Wilmington, North Carolina. This practice continued until two drug shipments were seized in Raleigh, North Carolina, and Norfolk, Virginia. Until late April or early May 1991, shipments were made three to four times per week with each shipment containing at least 62 grams of cocaine base. Thereafter, half of the shipments contained 125 grams of cocaine base. During this period of time, Mann's drug suppliers were Phillip Murph, Puddin Pie, and Bizelle, who was Murph's supplier.
14. During an interview with Janice Webb, Webb identified Phillip Murph as a supplier of cocaine base to

David Mann.

15. Commencing in late August 1991, Janene Crosland Mann, David Mann's spouse, began purchasing cocaine base for Mann in Brooklyn, New York, and made arrangements for couriers to transport same to Wilmington, North Carolina. Prior to August 1991, Mann had been receiving the proceeds of cocaine base sales via Western Union and storing same for Mann or delivering same to Phillip Murph at David Mann's direction. Janene Crosland's suppliers were Puddin Pie, Phillip Murph and **JAMES ROSEMOND**.
16. Murph used firearms to protect his drug trafficking activities and had been involved in several murders in New York. Murph was also aware that David Mann used firearms to protect his drug trafficking activities in Wilmington, North Carolina, and in New York.
17. Randolph Allen Lucas advised investigative agents that **JAMES ROSEMOND** and two accomplices were involved along with David Mann in the shooting of Roger Brown. Lucas also indicated that he had observed David Mann call **ROSEMOND** on several occasions and subsequently receive cocaine base from **ROSEMOND** via a courier. Lucas identified Phillip Murph and **JAMES ROSEMOND** as David Mann's main suppliers of cocaine base. Lucas also indicated that sometime between 1988 and 1990, Murph and David Mann shot and possibly killed a Jamaican individual from Staten Island, New York, because this individual was attempting to distribute cocaine base in Murph's territory.
18. During interviews with investigative agents, Shawar Matthews identified Phillip Murph as one of David Mann's main suppliers of cocaine base. Murph had threatened Matthews and Matthews' family to prevent them from providing information about Murph's drug trafficking activities. Matthews also indicated that **JAMES ROSEMOND** was another cocaine base supplier for David Mann. On one occasion Matthews personally observed **ROSEMOND** deliver ½ kilogram of cocaine base to David Mann. Matthews indicated that **ROSEMOND** owned a .45-caliber semi-automatic pistol and a fully automatic weapon. **ROSEMOND** and David Mann first met when they were both in prison together during the period 1985 through 1988. Matthews confirmed David Mann's and Randolph Lucas' version of the attempted murder of Roger Brown.
19. During interviews with investigative agents, Exlico Dekattu identified Phillip Murph and **JAMES ROSEMOND** as the two main suppliers of cocaine base to David Mann. During an interview with Christopher Lewis on May 25, 1993, Lewis advised investigative agents that David Mann was supplied with cocaine base by **JAMES ROSEMOND** and Phillip Murph.
20. During an interview with Janice Webb, Webb identified Phillip Murph as a supplier of cocaine base to David Mann.
21. Tammy Williams advised investigative agents that Phillip Murph was one of David Mann's main cocaine base suppliers and was selling large quantities of cocaine base in the New York area. Williams recalled meeting one of **ROSEMOND'S** coconspirators, Raheem, who discussed having Williams transport cocaine base to Colombia, South Carolina.

22. Jacqueline Wright identified Phillip Murph and **JAMES ROSEMOND** as a primary suppliers of cocaine base to the David Mann organization.
23. Hasley Richards advised investigative agents that Phillip Murph was one of David Mann's primary suppliers of cocaine base and a distributor of cocaine base in Brooklyn, New York. Richards also indicated that Murph utilized firearms to protect his drug trafficking activities in New York. Randolph Lucas advised investigative agents that between March 1991 and late January 1992, the David Mann organization obtained and distributed approximately 9 kilograms of cocaine base in Wilmington, North Carolina. Between July 25, 1991, and January 30, 1992, Lucas estimated that Vernon Devane alone distributed approximately 125 grams of cocaine base in the Taylor Homes Housing project in Wilmington, North Carolina, each week for a total of approximately 3,375 grams of cocaine base.
24. Janene Crosland advised investigative agents that in or about June 1991, she began to purchase cocaine base for the Mann organization and arranged for its transportation to Wilmington, North Carolina. Mann made approximately 10 purchases of cocaine base from dealers located at the corner of Lincoln and Troy Streets in Brooklyn, New York prior to buying drugs from Phillip Murph. Murph served as Mann's cocaine base supplier until in or about July 25, 1991, when Kenneth Prince's residence at 729 Nixon Street, Wilmington, North Carolina, was raided. In or about this time, Mann obtained cocaine base from Murph on consignment and was unable to repay him in a timely fashion. Consequently, Murph left one of his associates, Raheem, who was later arrested in Wilmington, North Carolina, to oversee Mann's repayment of the debt. Crosland estimated that she received approximately 187 grams of cocaine base from Phillip Murph each week between June 1991 and July 25, 1991. However, on occasion, she would only receive 62 grams or 125 grams of cocaine base.
25. **JAMES ROSEMOND** was arrested for the instant offense on February 16, 1996 in Los Angeles, California. At the time of his arrest he was in possession of a .38 caliber pistol.
26. Based on the preceding, **JAMES ROSEMOND** is accountable for the possession of a firearm in relation to attempted murder. In a statement submitted to the probation office, **ROSEMOND** accepted responsibility for the offense of conviction.

Offense Behavior Not Part of Relevant Conduct

27. None.

Victim Impact

28. There was no identifiable victim associated with this offense.

Other Arrests

40. On March 20, 1983, Rosemond was arrested at 571 East 28th Street, Brooklyn, New York, in possession of a loaded 9 millimeter, semi-automatic pistol and 5 bags of marijuana. He was later indicted under case number 1727/1983 for Criminal Possession of a Weapon in the Third Degree (P.L. § 265.02).
41. It is alleged that on June 26, 1983, in Brooklyn, New York, Rosemond and 2 other accomplices, brandishing handguns, entered a social club and stole jewelry and money. During the robberies, Wayne Middleton was shot and killed. Rosemond was charged with Murder in the Second Degree, Robbery in the First Degree and Criminal Possession of a Weapon in the Second Degree under case number 4074/1983.
42. On September 24, 1984, indictments 1727/1983 and 4074/1983 were consolidated into indictment number 4696/1983 on the motion of the government. Rosemond pled guilty to Criminal Possession of a Weapon in the Second Degree in full satisfaction of the consolidated indictment.
43. On August 16, 1981, Rosemond was arrested and charged with Robbery (2nd Degree). It was alleged that Rosemond and two other individuals forcibly took a chain, medallion, and a 12-speed bicycle from Ismael Allen. No disposition was reported for this case.

PART C. OFFENDER CHARACTERISTICSPersonal and Family Data

44. James J. Rosemond was born February 5, 1965 in Brooklyn, New York. He is 31 years of age and single with one dependent child, Jabulani Rosemond, age 4. Jabulani is in good health. The defendant's son resides with his mother, Cynthia Reed, in Staten Island, New York. Rosemond and Ms. Reed have been together since 1988 and cohabited during a 6 month period in 1991 or 1992. Their relationship remains intact and may lead to marriage depending upon the resolution of the instant case. Prior to his arrest, Rosemond reportedly assisted with the support of his son on a voluntary basis. Ms. Reed is employed and is primarily responsible for the financial support of her son.
45. The defendant is the second of five children born to Andrea Frazier Rosemond and Constantine Rosemond. The defendant's mother is a nurse's aid and resident of Brooklyn, New York. His father is a carpenter and resident of Miami, Florida. The defendant's siblings, Lionel and Kesner, reside in Brooklyn, New York. Sibling, Mario, resides in New Brunswick, New Jersey. Sibling, Nadge, is deceased having died from liver problems.
46. Rosemond was raised by both parents until 1975, at which time his parents divorced. His father moved to Florida and the defendant remained in Brooklyn, New York with his mother and siblings. Rosemond has seen his father only once since the divorce and did not receive any financial support from his father. Rosemond's mother worked two jobs during his formative years to support the family. Nevertheless,