

Eastern District of Kentucky

FILED

SEP 21 2023

AT LEXINGTON
ROBERT R. CARR
CLERK U.S. DISTRICT COURT

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF KENTUCKY
CENTRAL DIVISION
LEXINGTON**

CRIMINAL ACTION NO. 23-CR-30-KKC

UNITED STATES OF AMERICA

PLAINTIFF

V.

PLEA AGREEMENT

**DEMETRIUS RAMON GILL
aka DEMETRIUS RAMON JONES**

DEFENDANT

* * * * *

1. Pursuant to Federal Rule of Criminal Procedure 11(c), the Defendant will enter a guilty plea to Count 1 of the Indictment, charging a violation of 21 U.S.C. § 841(a)(1), Possession with intent to Distribute a mixture or substance containing a detectable amount of Cocaine, a Schedule II controlled substance. The Defendant will also enter a guilty plea to Count 2 of the Indictment, charging a violation of 18 U.S.C. § 922(g)(1), Convicted Felon in Possession of a Firearm. The Defendant will forfeit his claim to the assets listed in the Forfeiture Allegation.

2. The essential elements of Count 1 are:

(a) that the Defendant did knowingly and intentionally possess a mixture or substance containing a detectable amount of cocaine, Schedule II controlled substance, and

(b) that the Defendant intended to distribute it to another person.

The essential elements of Count 2 are:

(a) That the Defendant, knowing he had been convicted of a felony offense punishable by a term of imprisonment of one year or more,

(b) that the Defendant, following his conviction, knowingly possessed a firearm,

(c) that the firearm had crossed state lines prior to possession by the Defendant.

3. As to Counts 1 and 2 and relevant conduct, the United States could prove the following facts that establish the essential elements of the offenses beyond a reasonable doubt, and the Defendant admits these facts:

(a) On 10/06/2022, the Lexington Police Department (LPD) executed two (2) search warrants at the residences of Gill aka Brown at 198 E. Loudon #1 and 511 Chestnut Street in Lexington, Fayette County, Kentucky in the Eastern District of Kentucky. LPD made contact with Gill first at the Loudon Avenue residence and then followed with a nearly simultaneous search at Chestnut. A search of the Chestnut address revealed smaller quantities of suspected crack cocaine, digital scales, and items indicative of the processing of crack cocaine. Both search warrants yielded approximately \$40,923 which represents proceeds from the distribution of controlled substances or substitute assets from the distribution of controlled substances.

(b) A Taurus Judge 45/410 caliber pistol, serial number ACK436096 firearm was located under the bathroom sink in an upstairs bathroom. Gill has previously been convicted of the controlled substance offense of Attempt to Possess with Intent to Distribute 5 grams or more of a Substance Containing Cocaine and the violent offense of Knowingly Use, Carry and Brandish a Firearm During and in Relation to a Drug Trafficking Crime, both convictions were under Case No. 04-CR-036-SS-03-KSF from the Eastern District of Kentucky in 2004.

(c) A search of the Defendant's gold Lexus directly in front of the Loudon address revealed two baggies of crack cocaine, a green mixing bowl and approximately 137 grams of suspected crack cocaine (a Crack Cookie). The Defendant stated it weighed 136 grams. The suspected crack cocaine was sent to the Kentucky State Police lab and tested positive for crack cocaine, a Schedule II controlled substance with a lab weight of 135 grams. This amount is consistent with distribution as opposed to personal use. The amount \$40,923.00 represents proceeds from the distribution of cocaine and converts to approximately 400 grams of cocaine.

(d) The firearm was manufactured outside the state of Kentucky and therefore traveled in interstate commerce prior to being possessed by the Defendant. Additionally the firearm was NIBN tested and is readily capable of discharging a projectile by means of an explosion. Therefore, the Taurus pistol as described above meets the federal definition of

a firearm.

(e) The Defendant admit that prior to the offenses committed on this indictment he was previously convicted of the felony drug offenses offense of Attempt to Possess with Intent to Distribute 5 grams or more of a Substance Containing Cocaine and the violent offense of Knowingly Use, Carry and Brandish a Firearm During and in Relation to a Drug Trafficking Crime, both convictions were under Case No. 04-CR-036-SS-03-KSF from the Eastern District of Kentucky in 2004.

4. The statutory punishment for Count 1 is imprisonment for not more than 20 years, a fine of not more than \$1,000,000 and a term of supervised release of at least 3 years. The statutory punishment for Count 2 is imprisonment is not more than 15 years, not more than a \$250,000 fine and a term of supervised release of not more than 3 years. A mandatory special assessment of \$100 per count applies, and the Defendant will pay this assessment to the U.S. District Court Clerk at the time of the sentencing hearing.

5. Pursuant to Rule 11(c)(1)(B), the United States and the Defendant recommend the following sentencing guidelines calculations, and they may object to or argue in favor of other calculations. This recommendation does not bind the Court.

(a) United States Sentencing Guidelines (U.S.S.G.), in effect at the time of sentencing will determine the Defendant's guideline range. The November 2021 Manual is utilized here.

(b) Pursuant to U.S.S.G. § 1B1.3, the Defendant's total relevant conduct includes at least 500 grams but less than 2 kilograms of cocaine (hydrochloride). Pursuant to U.S.S.G. § 2D1.1(c)(8), this is a base offense level of 24.

(c) Pursuant to U.S.S.G. § 2K2.1(a)(4)(A), the base offense level for Count 2 is a level 20 as the Defendant committed the instant offense after sustaining a prior conviction for a controlled substance offense or a prior conviction for a violent offense under case number 04-CR-036-SS-03-KSF from the Eastern District of Kentucky.

(d) Pursuant to §3D1.1, the base offense level is a 24.

(e) Pursuant to U.S.S.G. § 3E1.1 and unless the Defendant commits another crime, obstructs justice, or violates a court order, decrease the offense level by 2 levels for the Defendant's acceptance of responsibility. If the offense level determined prior to this 2-level decrease is level 16 or greater, the United States will move at sentencing to decrease the offense level by 1 additional level based on the Defendant's timely notice of intent to plead guilty.

6. No agreement exists about the Defendant's criminal history category pursuant to U.S.S.G. Chapter 4.

7. The Defendant waives the right to appeal the guilty plea and conviction. The Defendant reserves the right to appeal the final sentence. Except for claims of ineffective assistance of counsel, the Defendant also waives the right to attack collaterally the guilty plea, conviction, and sentence.

8. The Defendant will forfeit to the United States all interest in the property listed in the forfeiture allegation of the Indictment and will execute any documents necessary for this forfeiture. The Defendant agrees that this property is subject to forfeiture because a nexus exists between the property and the offenses, as set out in the forfeiture allegation of the Indictment. The Defendant waives all provisions of Rule 32.2(d) related to the timing of entry of forfeiture orders.

9. The Defendant abandons any interest in, and consents to the official use, destruction, or other disposition of, any item obtained by any law enforcement agency during the course of the investigation with the exception of approximately five hundred dollars cash, the cell phone seized from him at the time of his arrest, and any other item specifically provided for in another provision of this Agreement. The Defendant also waives any notice of a proceeding to implement the official use, destruction, or other

disposition of any item abandoned under this paragraph.

10. The Defendant agrees to cooperate fully with the United States Attorney's Office by making a full and complete financial disclosure. Within 30 days of pleading guilty, the Defendant agrees to complete and sign a financial disclosure statement or affidavit disclosing all assets in which the Defendant has any interest or over which the Defendant exercises control, directly or indirectly, including those held by a spouse, nominee, or other third party, and disclosing any transfer of assets that has taken place within three years preceding the entry of this plea agreement. The Defendant will submit to an examination, which may be taken under oath and may include a polygraph examination. The Defendant will not encumber, transfer, or dispose of any monies, property, or assets under the Defendant's custody or control without written approval from the United States Attorney's Office. If the Defendant is ever incarcerated in connection with this case, the Defendant will participate in the Bureau of Prisons Inmate Financial Responsibility Program, regardless of whether the Court specifically directs participation or imposes a schedule of payments. If the Defendant fails to comply with any of the provisions of this paragraph, the United States, in its discretion, may refrain from moving the Court pursuant to U.S.S.G. § 3E1.1(b) to reduce the offense level by one additional level, and may argue that the Defendant should not receive a two-level reduction for acceptance of responsibility under U.S.S.G. § 3E1.1(a).

11. The Defendant understands and agrees that pursuant to 18 U.S.C. § 3613, whatever monetary penalties are imposed by the Court will be due and payable

immediately and subject to immediate enforcement by the United States. If the Court imposes a schedule of payments, the Defendant agrees that it is merely a minimum schedule of payments and not the only method, nor a limitation on the methods, available to the United States to enforce the judgment. The Defendant waives any requirement for demand of payment on any fine, restitution, or assessment imposed by the Court and agrees that any unpaid obligations will be submitted to the United States Treasury for offset. The Defendant authorizes the United States to obtain the Defendant's credit reports at any time. The Defendant authorizes the U.S. District Court to release funds posted as security for the Defendant's appearance bond in this case, if any, to be applied to satisfy the Defendant's financial obligations contained in the judgment of the Court.

12. If the Defendant violates any part of this Agreement, the United States may void this Agreement and seek an indictment for any violations of federal laws, and the Defendant waives any right to challenge the initiation of additional federal charges.

13. This document contains the complete and only Plea Agreement between the United States Attorney for the Eastern District of Kentucky and the Defendant. The United States has not made any other promises to the Defendant.

14. This Agreement does not bind the United States Attorney's Offices in other districts, or any other federal, state, or local prosecuting authorities.

15. The Defendant and the Defendant's attorney acknowledge that the Defendant understands this Agreement, that the Defendant's attorney has fully explained this

Agreement to the Defendant, and that the Defendant's entry into this Agreement is voluntary.

CARLTON S. SIHER, IV
UNITED STATES ATTORNEY


Date: 9/14/23

By:



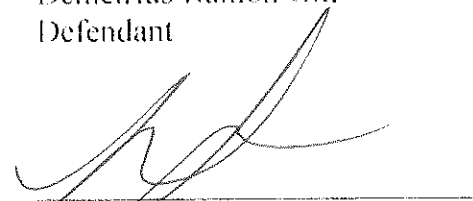
Roger W. West
Assistant United States Attorney

Date: _____



Demetrius Ramon Gill
Defendant

Date: 9/21/23



Daniel Whiteley
Attorney for Defendant