

UNITED STATES DISTRICT COURT  
DISTRICT OF CONNECTICUT

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| UNITED STATES OF AMERICA | : | Case No.: 3:15CR207(VAB) |
|                          | : | Case No.: 3:16CR154(VAB) |
|                          | : |                          |
| v.                       | : |                          |
|                          | : |                          |
| MICHAEL HENDERSON        | : | June 27, 2018            |

GOVERNMENT’S SENTENCING MEMORANDUM

In 2011, the City of New Haven had 34 homicides and 426 complaints of shots fired in a city with a population of 134,000. In 2016, the year after Judge Garfinkel ordered the defendant Michael Henderson (“the defendant”) detained, the City of New Haven had 13 homicides and 150 reports of shot fired. New Haven Register, “New Haven homicides and shooting down in 2016; community policing credited with other programs,” Dec. 13, 2016. Chief among the “other programs” credited with reducing New Haven’s homicide rate was an initiative labeled Project Longevity. Other cities like Cleveland, Ohio that have been frustrated with similar spikes of violence have been called upon to copy New Haven’s model to stem their own gun violence.

[http://www.cleveland.com/court-justice/index.ssf/2016/03/what\\_cleveland\\_can\\_learn\\_from.html](http://www.cleveland.com/court-justice/index.ssf/2016/03/what_cleveland_can_learn_from.html)

While the bulk of the focus of Project Longevity has been on getting services and focused attention to group/gang members that forsake gun violence, a significant ancillary of New Haven’s effort at ridding itself of gun violence has called upon law enforcement to prosecute and seek the lengthy incapacitation of those who refuse to give up guns and violence and to remove them from society.

The defendant, an admitted associate of the New Haven Grape Street Crips, falls into this latter category. The defendant committed a brazen nighttime burglary of the Woodbridge

Firearms & Trading Post, located in Woodbridge, Connecticut for one purpose: to add guns to the streets of New Haven. The United States submits this memorandum in connection with the defendant's sentencing, scheduled for July 5, 2018 at 2:00 p.m. As set forth in this memorandum, the United States respectfully objects to the PSR guidelines as calculated in the Pre-Sentence Report and requests a recalculation, which the Government believes, will result in an advisory range of 110 to 137 months' imprisonment. Alternatively, the Government seeks an upward variance. A recalculated Guideline or an upward variance will to reflect (1) the multitude of incidents post-arrest in which the defendant obstructed justice, (2) his penchant for violence, and (3) his heightened risk of recidivism.

### BACKGROUND

#### **A. The Burglary of the Woodbridge Firearms Trading Post LLC**

On June 17, 2015 at approximately 3:08 a.m., Officers from the Woodbridge Police Department ("WPD") responded to a business alarm at Woodbridge Firearms Trading Post LLC, located at 28 Selden Road in Woodbridge, Connecticut. When officers arrived, they found a stolen Volkswagen Passat crashed through the front door of the business and no one around. Upon further investigation, it was found that 4 handguns had been taken from an enclosed glass case. The stolen firearms were (a) a Springfield, model XDS-9, 9mm handgun, bearing serial number 53930964; (b) a Harrington and Richard .38 caliber handgun, bearing serial number 8052; (c) a Harrington and Richard .38 caliber handgun, bearing serial number 41809; and (d) a Harrington and Richard .32 caliber handgun, bearing serial number 411231.

Officers and Detectives from WPD reviewed surveillance video from Woodbridge Firearms and surrounding businesses and observed 4 individuals in the parking lot prior to the Burglary. These 4 individuals had two vehicles, the stolen Volkswagen Passat and a dark colored sedan that

appeared to be from a foreign manufacturer. The surveillance video showed the 4 individuals looking through the business windows and also around the area in what appeared to be an effort to watch for law enforcement or witnesses.

At about 3:08 a.m., the video showed one of the individuals backing the Volkswagen through the front door and window, creating an opening in the side of the business. At about 3:09 a.m., one individual climbed through the opening and began to try and force open a glass display case that contained handguns. The video revealed that the individual, who appeared to be a black male, was not wearing gloves and touched several areas around the display case, including a hard object that he used to break the glass on the display case. The male was wearing a half face mask that had a pointed nose and also a sweat shirt that had a very distinctive print of ducks on it. It also appeared that the male was wearing glasses and blue jeans with a faded pattern on them. WPD took several DNA swabs from the glass display cabinet and the hard object used to break the glass.

Woodbridge Police Detectives and members of the Connecticut State Police crime scene unit processed evidence at the Woodbridge Firearms & Trading Post, LLC and processed the stolen Volkswagen Passat that was driven into the firearms store. The Volkswagen Passat was reported stolen from New Haven, Connecticut on June 15, 2015, less than 48 hours from when it was recovered from Woodbridge Firearms Trading Post, LLC. Members dusted items for fingerprints and swabbed for DNA. These swabs and fingerprints were sent to the State of Connecticut Forensic Laboratory for analysis and to be entered into AFIS and CODIS.

#### **B. The defendant's Post-Burglary Conversations**

A review of a forensic analysis of the defendant's cellphone revealed Facebook messenger the defendant had with others soon after he committed the burglary. Thus, on June 17, 2015, the same day as the burglary, beginning at 7:54 p.m., the defendant and Crizz DaBizz, whom the

agents know to be Brandon Shealy, engaged in the following text message conversation:

HENDERSON: Ayo.  
DABIZZ: Yoo  
HENDERSON: Wasgood u got some 2 food?  
DABIZZ: What food?  
HENDERSON: 32  
DABIZZ: Pounds only  
HENDERSON: Ight be inda look out for 2 & 8 food  
DABIZZ: Ite

The agents believe that in this conversation, the defendant asks DaBizz for some 32 caliber ammunition (“2 food”). Shealy unable to comprehend the code for 32 caliber ammunition, asks what type of ammunition (“What food”) to which the defendant is forced to reply more specifically that he wants 32 caliber ammunition (“32”). After Shealy replies that he only has “pounds,” believed to be .45 caliber ammunition, the defendant asks for .32 or .38 caliber ammunition (“for 2 & 8 food”).

On June 19, 2015, at 12:59 a.m., the defendant sent a text message to “Jizzleda Pistol” (Facebook name) asking “Yo u got sound 32 good Food,” again asking for .32 caliber ammunition. As Lewis-Joyner had kept the .9 mm handgun stolen from the gun store, the remaining firearms were .32 and .38 caliber.

On July 27, 2015, the defendant was arrested at 4:00 a.m. while he and several others rode around on bicycles trying to steal cars in the area of Lakeview Avenue. PSR ¶ 57.

On June 28, 2015, the defendant and Jaison Flower, engaged in the following text message conversation:

HENDERSON: Yo.

FLOWER: Yo

HENDERSON: Niggas give me Some food

FLOWER: For wat

HENDERSON: 32

FLOWER: Ion got none of those

HENDERSON: Ight no 80's either

FLOWER: Hell no

HENDERSON: Ight lemme kno if u come across some

The agents believe that in this conversation, the defendant asks Flower for some ammunition (“food”). Flower asks what type of ammunition (“For wat”) to which the defendant replies 32 caliber ammunition (“32”). After Flores replies that he does not have any .32 caliber ammunition, the defendant asks for .380 caliber ammunition (“80’s). Law enforcement agents know that Shealy, Flower, and Lewis-Joyner are associated with a New Haven gang called Slutwave that has been involved in numerous shootings in the City of New Haven. Lewis-Joyner and the defendant, as discussed above, are both associates of the Grape Street Crips.

### **C. Events leading to the Arrest of the defendant**

On August 7, 2015, the State of Connecticut Forensic Laboratory received confirmation from AFIS that a fingerprint lifted from a cologne bottle found inside of the stolen Volkswagen Passat that had been driven through the window of the Woodbridge Firearms Trading Post, LLC, belonged to the defendant.

On October 16, 2015, the defendant was arrested by the NHPD for a larceny charge related to the stolen Volkswagen Passat. At the time of his arrest, NHPD detectives seized a cell phone

that was in the defendant's possession. Special Agent Ross and Task Force Officer Sanchez spoke with the defendant at the NHPD. Task Force Officer Sanchez read the defendant a Miranda Warning waiver from a printed form. The defendant agreed to speak with Special Agent Ross and Task Force Officer Sanchez but refused to sign the Miranda Waiver form.

Task Force Officer Sanchez asked the defendant if he knew what a Volkswagen Passat looked like and the defendant said that he did. The defendant said that he likes cars and knows what a Passat looks like. The defendant said that the only time he has been in a stolen car was when he was arrested for his gun charge, which took place in 2013.

On October 19, 2015, the State of Connecticut Forensic Laboratory notified Special Agent Ross that they received a CODIS match on a DNA swab that was collected from the stolen Volkswagen Passat driven through the Woodbridge Firearms Trading Post, LLC. Specifically, the DNA swab had been collected from the interior passenger side door handle of the stolen Volkswagen. The DNA match came back to the defendant whose DNA was maintained in the CODIS system following his conviction for a Connecticut felony offense.

On October 21, 2015, ATF Special Agent Ross reviewed criminal history records for the defendant which show that he has been convicted of one felony offense in Connecticut Superior Court: (1) August 14, 2013 conviction for No Pistol Permit, pursuant to Connecticut General Statute Section 29-35(a), for which he was sentenced to 5 years in prison with 18 months to serve and 3 years' probation.

#### **D. The defendant's Confessions to Witnesses**

On June 7, 2016, ATF Special Agent Dan Prather interviewed a juvenile witness (age 17) at Manson Youth Facility. His federal attorney was present. During the interview, the juvenile stated that the defendant told him that he had gone into the gun store with Joyner when they did the

burglary. The juvenile stated that they had been in Joyner's baby-mother's car. The juvenile stated that the defendant showed him two small .32s and a hammerless .38 caliber revolver that they had taken from the gun store. The juvenile stated that the defendant had invited him to come along when they were going to do the burglary but the juvenile had refused to go. The juvenile also described how the defendant confessed that he had murdered Maurice Richardson by shooting him in the head.

On June 20, 2016, New Haven Police Detective David Zaweski, and Assistant United States Attorneys met with and interviewed Semaj Grier at the US Attorney's Office in New Haven. Grier was murder victim Maurice Richardson's girlfriend and the defendant is the suspect in Richardson's murder. Grier stated that in June 2015, right after a car accident (in which one of the drivers fled from his car) occurred on Vernon Street, right near where Richardson lived, the defendant approached Richardson and was speaking with him. Grier, who had stayed overnight with Richardson, overheard the defendant tell Richardson that he, Plies (known to be Eric Lewis-Joyner's nickname) and Pacman had broken into a gun store with a car and had stolen guns from a case. The defendant asked Richardson for ammunition for the guns because he did not have any. Police reports show that on June 17, 2015, at 8:05 a.m., (five hours after the burglary), a three-car accident occurred at the intersection of Vernon and Davenport and one of the drivers was charged with Evading Responsibility.

**E. The defendant's Post-Arrest Acts of Obstruction**

1. The threat to SA Ross and Judge Garfinkel.

On October 22, 2015, the Honorable William I. Garfinkel, United States Magistrate Judge, signed a complaint, charging the defendant with False Statement to Federal Law Enforcement, in violation of Title 18, United States Code, Section 1001. Judge Garfinkel also authorized an arrest

warrant for the defendant. The complaint was based on an affidavit by Special Agent Brian Ross of the ATF, and listed SA Ross's background, including time he spent in Maine, although it did not list his home address. After his arrest, Judge Garfinkel ordered the defendant detained.

a. The Threat is Made in Prison

On March 11, 2016, the ATF learned from New Haven Correctional Center personnel that an inmate had reported a threat from another inmate against SA Ross. ATF agents interviewed the inmate who had reported the threat, Sean Chandler, and Chandler related that he had recently been seated inside the prison with the defendant. Chandler overheard the defendant complain about Brian Ross, explaining that Ross and another New Haven Detective had "tricked" him in their investigation of a gun case in which the defendant had taken four guns. Specifically, the defendant was upset with SA Ross because SA Ross drove up to him on the street and began conversing with him. The defendant was also upset that SA Ross had said that the defendant's fingerprint was recovered from the Volkswagen Passat used in a crime but that the Passat could not have contained fingerprints because the defendant and the others had worn gloves while in the Passat. The defendant related that he had two associates who were about to get out of prison and that he had told the two associates of the location of the three guns that the defendant had stolen in a burglary and which he had hidden. The defendant further stated that he had made the two associates, "Little Joe" and "KB" (or "KG"), both of whom were part of the defendant's gang, who were in a halfway home. The defendant explained to another inmate that he was trying to get information to Little Joe and KB about the guns' location so that they could go after SA Ross. The other inmate told the defendant not to get "Little Joe" "hung up."

With regard to SA Ross, the defendant told the other inmate about SA Ross' background, including his role as a game warden in Maine, a police officer in Maine and that he worked at the



ATF office in New Haven. The defendant mentioned an Officer Sanchez, but said that he was not too upset with the Officer Sanchez, though if he was seen with SA Ross, the associates would “get him too.” The defendant stated, “we know where the fuckers live,” though he did not describe the addresses for the residences. Once “Little Joe” and “KB/KG” got the guns, they were track SA Ross as he travelled to work. The defendant then said that if he could not assassinate SA Ross, his associates would go after Judge “Garfield.” When the other inmate asked if the defendant had the means to go after the judge, the defendant replied, “Yes.”

Chandler also related that the defendant had taken credit for a murder, making a gun shape with his fingers and pointing to his head, saying there were “no witnesses” and he did it “boom, one shot.” The defendant had bragged that there were no ballistics tying him to the murder, but was frustrated that SA Ross was investigating him. (Agents knew the murder to be the October 19, 2015 murder of Maurice Richardson.) Chandler stated that the defendant said that he was “going to go after” SA Ross and that if that did not work, he would go after the judge. The defendant explained to Chandler, “if he’s going to go for murder he’s going to fucking do it right.” The defendant indicated that he was able to carry out his threat.

Chandler testified at the defendant’s *Fatico* hearing and was subject to cross-examination. Although he did not recall all the details from two years earlier – the Government did not refresh Chandler’s memory either before or during the hearing by having the recorded interview replayed for him – Chandler recalled the defendant’s threat to SA Ross and to Judge “Garfield,” who had signed the defendant’s arrest warrant and who had ordered the defendant detained. Chandler also recalled that the defendant was most irritated that SA Ross and his partner had dropped in on him while he was walking on the street.

Although counsel accused Chandler of rifling through the defendant’s papers in the

defendant's prison cell in an effort to learn the information about SA Ross and the judge to relate to law enforcement, Chandler denied the conduct and noted that the cells close and lock after a prisoner exits, so he could not have gone into the defendant's cell. Chandler also recalled that from his cell, which was directly across from the defendants, he had noticed that the defendant had written ISIS and made a drawing on the wall of his cell. Chandler, who had been in the cellblock longer than the defendant, noted that the "ISIS" writing had not been on the cell wall when the previous inmate had occupied it.

b. The investigation of the threats

The United States Marshal's Service and the United States Attorney's Office deemed the defendant's threats against SA Ross and Judge Garfinkel highly credible. On March 17, 2016, Deputy United States Marshal Matthew Parker and Executive Assistant United States Attorney Tracy Lee Dayton interviewed the defendant. A transcript is attached as Exhibit 1. After waiving his rights, the defendant was asked if he was angry at an ATF agent:

MP: (sigh) ...I told you, you're angry with a Special Agent, ATF, did you talk about a conversation with that?

MH: I never, ah, I didn't bring up no, I don't even know no ATF names.

MP: Okay.

MH: I don't feel that my federal case is even an issue (interruption).

MP: Right.

MH: -cause, from what my lawyer told me, it's not holding a lot of time, so, I don't ever recall myself talking on the telephone crazy to somebody about an ATF member.

TD: No.

MH: I'm more worried about-

TD: wasn't on the phone.

MH: I'm more, I don't really recall talking to - the only thing I can put together is they got me in "seg" right now-

MP: Um-hum.

MH: -For a drawing that was on the wall-

MP: Right.

MH: -that said ISIS.

MP: Yea, ISIS what? ISIS is taking over.

MH: Yea.

MP: Why did you write that?

MH: I didn't write that.

MP: Oh, you didn't?

MH: I did not write that.

MP: Oh, okay.

MH: But when I seen it, I did ask the CO, like "yo, what would happen if someone was part of ISIS here. He said, 'I don't know, I think you'd be going to Columbia somewhere, they would torture you or something.' And that was that."

MH: I didn't think nothing of it, to put it on the board, like, yo, listen, it's a drawing on the wall, like, cause I don't think nobody in New Haven facility is really part of that.

When asked if he was part of the Grape Street Crips, the defendant stated:

TD: You're Grape Street, right?

MH: No.

TD: You were?

MH: I was not Grape Street. I never ever was a Grape Street Crip member. I hang around a lot of Grape Street, because that's my neighborhood; I'm from the north side of the hill.

TD: Um-hum

MH: That's my neighborhood; I never was a Grape Street member, ever in my life, and I put that on my dead friend. I never was a Grape Street Member.

TD: Okay.

MH: I would have no problem telling you if I was a Grape.

MP: Okay

MH: If I'm a part of an organization, I'm going to tell you, because I took an oath saying I want to be a part of that. I was never a Grape Street member. Now, do I hang around Grape Street people, yes.

MP: Who'd you take the oath with?

MH: No, I said-

MP: Yourself? Was it like, or what.

MH: No, I said if I was a part of that organization, I would have to take an oath-

MP: Oh-oh, okay, I got you.

MH: That's what I'm saying. But if you want to say that I hang around with, yea, that's true.

TD: So, like associated with, not a member.

MH: Yea, cause all my friends are from the north and that's basically my whole hood, so....  
But I'm not an actually Grape Street member.

The defendant then denied knowing which judge he appeared before. When AUSA Dayton brought up SA Ross, the following exchange took place:

TD: See here's the thing, I'm just going to- more than one person overheard you talking that you were really freaking pissed at Brian Ross, whether or not you knew his last name, Brian, from the ATF. You gave some information about him, like where he used to work and stuff like that, what state he worked in before he worked here, and where he works now. And that you knew where he lived- (Interrupted MH).

MH: He put that in his, he put that in my paperwork.

TD: Right, so were you talking about that in jail?

MH: No, the only thing I can say that, I let some people read my paperwork.

TD: Okay.

MP: Okay.

MH: Because you know how people play, um-

MP: Um-hum, they want to know what you did.

MH: I let people read my paperwork. I don't even know Brian Ross. If you brought Brian Ross in here right now I wouldn't know who he is.

Later in the interview, AUSA Dayton asked the defendant about the murder of Maurice Richardson. The defendant denied having committed the October 19, 2015 murder, but when asked about the gun, used to shoot Richardson, the defendant stated:

TD: Okay, okay. You know what kind of gun he was shot with?

MH: I heard it **was a .32** - because someone from the neighborhood came and seen me. And he was talking to me about it like, and I was like damn, man. And he said **he was shot with a .32**, so.

TD: Yea, that's sad, right?

MH: Definitely, definitely is sad. I was more mad at the fact that I'm being – people got my name caught in this. Now I get arrested on Friday, I can't even go to his funeral. So, I'm like I'm in jail, people got my name in this, I can't go to little bro's funeral. So imagine how I felt with no one looking at it like that, so I just... I (inaudible) -dealing with stress a lot. I usually don't stress a lot when I go to jail. But it's just like when I call my family and stuff – they be breaking down on me like, yo I hope this is not true. I'm like, yo Mom be quite. Like, none of this is true. What would be my motive to do that to him? That's some psychotic shit. They said **he was shot 3-times** in the head. That's some psycho shit. Like, oh, **I'm just going to turn around and shoot my friend 3-times** in the head. Like, like god willing, damn, one enough? Three times, what would be my motive to do that? Even if it was a fist fight, do you really think I'd take it that far to someone I knew for years?

Later, the defendant say she saw Richardson “on the floor” at the scene. In fact, Richardson was killed in a dark and empty parking lot, which police cordoned off after they arrived. The defendant was the last person with him, appearing in a video just two minutes before the murder trailing Richardson. Because Richardson's body was discovered by police after a report of shots fired, and not by a witness or a bystander, no member of the public was allowed to see the body. No one except the murderer had knowledge of the number of times Richardson had been shot. Likewise, no one except law enforcement, the Medical Examiner and the murderer knew where on his body

Richardson had been shot because the New Haven Police Department had not been released at the time the defendant gave these answers. In addition, the New Haven Police Department never publically released the caliber of the bullets used to kill Richardson.

2. Tampering with Government Witness Semaj Grier

On August 23, 2016, a grand jury charged Henderson with (1) Knowing Theft of a Firearm from Licensee, in violation of Title 18, United States Code, Sections 922(u) and 924(i)(1); (2) Possession of a Stolen Firearm, in violation of Title 18, United States Code, Sections 922(j) and 924(a)(2); and (3) Unlawful Possession of a Firearm by a Felon, in violation of Title 18, United States Code, Sections 922(g)(1) and 924(a)(2). On August 31, 2016, the defendant was arraigned before the Honorable Holly B. Fitzsimmons, United States Magistrate Judge on the indictment. At the hearing, Judge Fitzsimmons warned the defendant that any direct or third-party contact with witnesses could lead to negative consequences and increased punishment.

On September 25, 2016, the Government provided the defendant's then-counsel, Elliot Warren, Esq., with the portion of Semaj Grier's statement to law enforcement in which she detailed overhearing the defendant brag about stealing guns from the gun store. On or about October 7, 2016, the defendant mailed a letter from Wyatt Detention Center to Tanzahanea Dixon of West Haven, Connecticut. In the handwritten letter, Henderson related:

I know you don't like the fact im (stet) considering trial But im NOT a Dummy Also Not a Genius But there whole case is base off of Semaj (emphasis in original) snitching on me, saying she overheard a convo (stet) I was having about Breaking in the gun store WHICH IS NOT TRUE everybody knows shy she telling on me Because she doesn't like me due to the fact she thinks I Had involvement in Killing Moe. WHAT I NEED you to do is really important for my case.

In the letter, which is attached as Exhibit 2, Henderson then suggests a conversation for Dixon to send over Facebook to Grier. Henderson then relates that "The point of this whole thing is

to show the Judge she doesn't like wants to see me in Jail forever so she will do whatever IN Her will to do it if it takes for her to lie than she will. I need you to Screenshot this picture's of this conversation and send it to me for my lawyer ASAP so basically your setting her up w/out her knowing ok. DO NOT ARGUE W/HER!!! STAY CIVIL. \*You claim your (stet) here for me well . . . I really need this done asap!!!" The defendant further instructed Dixon to "INBOX Eagle and tell him to also do it tell him the purpose of it too."<sup>1</sup> Dixon informed law enforcement that she had followed the defendant's instructions, informing a number of persons that Grier was a witness against Henderson. Subsequent to the defendant's threat, Grier informed law enforcement that she did not want to testify at any hearing against the defendant.

Based on the defendant's conduct, this Court granted the Government's motion for a protective order to withhold "disclosure of non-law enforcement witness statements until such time as the non-law-enforcement witness has testified in the Government's direct case." *See* 3:16CR154(VAB), Order 14.

3. The assault of a Sergeant Santos.

On December 3, 2016, the defendant assaulted Sergeant A. Santos, a staff member at Wyatt Detention Center. A transcript of the defendant's statements after the assault and a report of the detention center's investigation is attached as Exhibit 3. Sgt. Santos required hospital care as a result of the defendant's actions, and suffered a concussion. Since the defendant's assault on him, Sgt. Santos has suffered from repeated migraine headaches, a condition he had never suffered before.

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<sup>1</sup> "Eagle" is Daris Snow, who was recently sentenced to 41 months of imprisonment for his role in a Hobbs Act Robbery of a Game Exchange. At his sentencing before Judge Arterton, it was revealed that Snow had threatened to kill a potential co-conspirator who he believed might "snitch." Judge Arterton found the testimony of Snow's threat against the witness and his attempts to carry out the threat to be proven.

**F. The Pre-Sentence Report**

The Probation Office has conducted a thorough presentence investigation and compiled a detailed Pre-sentence Report ("PSR"). The PSR concludes that the defendant's base offense level is 14, pursuant to U.S.S.G. § 2K2.1(a)(6). PSR ¶ 36. An additional two points are added because the defendant stole four firearms pursuant to U.S.S.G. § 2K2.1(b)(1)(A) and another two levels are added because the defendant remained in possession of the stolen firearms after the burglary, under U.S.S.G. § 2K2.1(b)(4)(A). PSR ¶¶ 37-38. A further two levels are added because the defendant lied to a federal agent about being present at the commission of the offense, pursuant to U.S.S.G. § 3C1.1. PSR ¶ 42. Although the PSR finds that the defendant subsequently asked others to intimidate a witness, the PSR does not add any further levels for obstruction of justice as the guidelines only contemplate a single act of obstruction. *Id.* Subtracting a total of three points for acceptance of responsibility, the defendant's total offense level reaches 17. PSR ¶ 47. The PSR also calculated that the defendant's Criminal History Category as V. PSR ¶ 58. Based on a total offense level of 17 and a Criminal History Category V, the PSR concludes that the defendant faces an advisory Guidelines sentencing range of 46 to 57 months' imprisonment. PSR ¶ 92. The Government respectfully objects to the PSR's calculation of the Guidelines and asks for the following additions.

**G. The Government's Objections to the Pre-Sentence Report**

1. **The defendant merits an additional four points pursuant to U.S.S.G. § 2K2.1(b)(6)(B)**

U.S.S.G. § 2K2.1(b)(6)(B) calls for a four-point upward adjustment if the defendant "used or possessed any firearm or ammunition in connection with another felony offense; or possessed or transferred any firearm or ammunition with knowledge that it would be used or possessed in connection with another felony offense." The Guideline calculation in the PSR does not include



this enhancement. However, Application Note 14(B) to U.S.S.G. § 2K2.1, entitled “**Other Offense is Burglary,**” explicitly covers the situation such as the one to which the defendant pleaded guilty in which the a burglary results in the defendant obtaining a firearm. The application note provides that “Subsections (b)(6)(B) and (c)(1) apply (i) in a case in which a defendant, who during the course of a burglary, finds and takes a firearm, even if the defendant did not engage in any other conduct with that firearm during the course of the burglary.” *Id.* That is exactly what happened here – during the course of a burglary the defendant found and took a firearm. In fact, the defendant pleaded to a count that is entitled “Burglarizing a Federally Licensed Firearms Dealer” and admitted at the time of his guilty plea that he had taken a firearm after burglarizing the Woodbridge Firearms & Trading Post. Under such circumstances, there can be no question that U.S.S.G. § 2K2.1(b)(6)(B) applies. Adding four points to the defendant’s offense level yields a total offense level for the defendant of 21. The confluence of Level 21 and Criminal History Category V on the sentencing table would yield a recommended Guideline range of 70-87 months.

2. **An Upward Departure of four points for Multiple Acts of Obstruction is Warranted pursuant to U.S.S.G. § 5K2.0.**

As detailed above, the defendant has committed multiple and discrete acts of obstruction directed against multiple and unrelated victims. In *United States v. Ventura*, 146 F.3d 91 (2d Cir. 1998), the Second Circuit was confronted with a case in which District Judge Charles S. Haight (then in the Southern District of New York) had found that a defendant had obstructed justice more than once. Confronted with multiple acts of obstruction, Judge Haight first applied the two-level enhancement under U.S.S.G. § 3C1.1 and then found that the two-level adjustment was “not adequate” in light of the “rather unusual circumstances of this case.” *Id.* at 97. Judge Haight applied an upward departure pursuant to U.S.S.G. § 5K2.0 because the “defendant obstructed

justice more than once through wholly discrete and unrelated acts.” *Id.* The Second Circuit upheld the upward departure in addition to the application of U.S.S.G. § 3C1.1, holding that where “ a defendant’s obstruction departs sufficiently from § 3C1.1’s heartland-because the defendant engaged in multiple instances of obstruction or because his obstruction is distinguished by its triviality or seriousness-so that the defendant’s conduct is fairly seen as obstruction “of a kind or to a degree’ not adequately taken into account by. § 3C1., a departure from the normal two-level enhancement may be appropriate.” *Id.* Accordingly, the Second Circuit approved of Judge Haight’s additional two-point upward departure pursuant to U.S.S.G. § 5K2.0. *See also United States v. Massey*, 2003 WL 1720064 at \*6 (2d Cir. 2003)(upholding upward departure beyond § 3C1 because the defendant “obstructed justice twice”). As noted above, in this case, there are at least two instances of obstruction which are disparate in manner and occurred at different times **in addition** to the two-level obstruction enhancement the PSR provided for the defendant’s false statement to the ATF, which impeded their investigation. *See* PSR ¶ 42. Thus, the Government is asking for a four-level enhancement pursuant to U.S.S.G. § 5K2.0, two levels for each different act of obstruction.

*First*, as detailed in Sean Chandler’s testimony and in the recording of his initial March 11, 2016 interview with law enforcement, the defendant should be held responsible for threatening two different persons: Special Agent Brian Ross and Judge William I. Garfinkel. This conduct would fall under U.S.S.G. § 3C1.1, App. Note 4 (I), entitled “other conduct prohibited by obstruction of justice provisions under Title 18, United States Code (e.g. 18 U.S.C. §§ 1510, 1511). After all, Title 18, United States Code, Section 115(a)(1) explicitly provides:

Whoever . . . (B) threatens to assault, kidnap or murder, a United States official, a United States judge, a Federal law enforcement officer, . . . with intent to impede, intimidate, or interfere with such official, judge, or law enforcement officer while engaged in the performance of official duties, or with intent to retaliate against such

official, judge, or law enforcement officer on account of the performance of official duties, shall be punished as provided in subsection (b).

Here, the defendant's threats against SA Ross and Judge Garfinkel fit squarely within the statute. Both had no dealings with the defendant outside the performance of their respective official duties. Moreover, the defendant had the means to carry out the threat. As an admitted associate of the Grape Street Crips, he had people on the outside who could carry out his threats. And he certainly had firearms outside of prison. After all, he had stolen three firearms from the Woodbridge Firearms Trading Post. Counsel points to an ATF report that notes that the firearms were inoperable, but the owner of the business has noted that the report was a mistake. Perhaps more importantly, the defendant's own display of the stolen firearms to Semaj Grier and Maurice Richardson hours after the burglary and his subsequent Facebook Messenger requests to fellow gang associates Shealy, Flower, and another for ammunition for a .38 and an .32 – two of the types of firearms stolen – provide a strong indication that the firearms worked. With associates available to carry out the threat and firearms available to him, it is not surprising that the United States Marshals Service and other federal entities took seriously the defendant's threat that he had two people on the outside that he could direct to firearms so that they could carry out his instructions to assault or even kill SA Ross and Judge Garfinkel.

To be sure, the defendant lambasts Chandler testimony as “unreliable.” Doc. #92 at 7. But Chandler's account had so much information beyond what was contained in the complaint affidavit and that information could only have come from Henderson. Put another way, what the defendant now neglects is that Chandler's testimony in Court (and his statements which are in the recorded statement that the Government submitted at the defendant's *Fatico* hearing) went far beyond what was in the defendant's complaint affidavit.

- Chandler stated that the defendant had mentioned that he had committed a murder, saying he shot the victim in the head. Richardson was shot in the head and Chandler would have no way of independently knowing that fact. In his interview with DUSM Parker and AUSA Dayton, the defendant essentially admitted that he murdered Richardson by discussing facts that only the murderer or law enforcement would know, and falsely claiming he had seen the body.
- The defendant said that SA Ross was investigating the murder. SA Ross was investigating the murder, but there is no reference to the murder in the affidavit.
- Chandler discussed that he had seen the words ISIS drawn on the defendant's cell wall and that the drawing had not been there before the defendant came into the cell. Although the allegation on its face sounds ludicrous, a review of the defendant's interview with DUSM Parker and AUSA Dayton shows that the defendant was placed in segregation for writing ISIS on his cell and he admitted that the words were written on his cell wall.
- Chandler described the defendant as being in a gang. The defendant admitted to DUSM Parker and AUSA Dayton that he was an associate of the Grape Street Crips, and that Twin was his OG. Law enforcement knew that a person nicknamed "Twin" held the rank of OG on the vine with which the defendant was associated.
- Chandler consistently stated (and testified) that the defendant was angry because SA Ross and Detective Sanchez had jumped out of a car and interviewed him on the street in the Hill section of New Haven. SA Ross confirms that he had done exactly that.

- Chandler stated that the defendant had said that everyone who participated in the burglary had been wearing gloves. The affidavit explicitly mentions that Lewis-Joyner was not wearing gloves.
- Chandler stated that the defendant had said his fingerprint was recovered from the passenger side of the Volkswagen Passat and that the defendant said that he had been driving. The Affidavit only states that fingerprint was lifted from the car, without referencing which side. The Affidavit does state that the defendant's DNA was collected from the passenger side door-handle.

Simply put, Chandler had too much accurate information that was not mentioned in the affidavit. The only source of all this accurate information had to be the defendant.

With regard to the defendant's reliance on Chandler's criminal record as a means to attack his veracity, the defendant neglects that a person detained in prison is going to have a criminal history. Thus, to take the defendant's argument to its logical end, a prisoner can never give testimony. The paradox is that the defendant asserts that his denial of the threat on Judge Garfinkel and Special Agent Ross should be believed, even though he not only has a criminal record, but has pleaded guilty to false statement to a federal official!! Surely there can be no less credible a witness than a person who has been **convicted** of perjury or false statement. Moreover, one need look no further than the defendant's statement to DUSM Parker and AUSA Dayton to see that he constantly lies. After all, during the interview, he first claims "I don't even know no ATF names," but then later in the interview, he admitted that he knew SA Ross because "he put that in my paperwork" and that SA Ross was "trying to backdoor" the defendant into a murder charge.

The defendant also challenges Chandler's veracity because the defendant argues that he will get a benefit from testifying. The defendant confuses the distinction between the benefit from

testifying with a benefit from testifying truthfully. Had Chandler lied, as the e-mail correspondence between ASA Thirkildsen and the undersigned shows, he would have received no benefit in State court, and he would have faced perjury charges in federal court. Perhaps more importantly, although the Government shared the correspondence with the defendant, Chandler was never told by either the Assistant State's Attorney or the undersigned of the ASA's willingness to reduce the prison time he would offer on a plea to Chandler if he testified truthfully. In short, Chandler had every motive to tell the truth, and the fact that his testimony recalled many of the major points he had outlined in a recorded statement to the ATF two years earlier only demonstrates the consistency and veracity of his testimony.

The defendant further challenges Chandler's testimony as unreliable because he must have seen the defendant's complaint affidavit. Doc. #92 at 8. As Chandler testified, the only reason he had access to the defendant's paperwork was because the defendant showed it to him to substantiate that he had information sufficient to carry out his threat on SA Ross. The veracity of Chandler's testimony is corroborated by the defendant himself, who admitted to DUSM Parker and AUSA Dayton that he had showed the complaint affidavit to persons in prison.

In short, there is every reason to believe that Chandler's statement in 2016 was accurate and that the defendant threatened SA Ross and Judge Garfinkel. Although Chandler was more specific about the extent of the threat in 2016, noting that the defendant had relayed that he knew where SA Ross lived for example, as demonstrated by the recorded statement entered into evidence, it is natural that a person will have a more detailed recollection of events when they are recent and fresh. That Chandler testified consistently with his prior statement and was subjected to extensive cross-examination provides a basis for the Court to admit his prior recorded statement in evidence. Accordingly, the defendant should receive a two-level enhancement for obstruction of justice

pursuant to § 5K2.0 for obstruction that was different than the type used to garner the two-level under § 3C1.1 that was awarded in the PSR. If the Court agrees, the defendant's total offense level would be 23, which with a Criminal History Category V, would yield an advisory Guideline range of 84-105.

*Second*, the defendant merits a further increase under U.S.S.G. § 5K2.0 for a third type of obstruction that was distinguished from his other acts of obstruction – witness tampering of Semaj Grier. Of course, the PSR found this act to be a separate act of tampering, but did not add any points to the defendant's offense level pursuant to § 5K2.0, determining that it could not because it had already exhausted the two points for obstruction allowed under § 3C1.1. Of course, witness tampering is a different type of obstruction than threatening a judge or federal law enforcement officer as it falls within U.S.S.G. § 3C1.1, App. Note 4(A). As *Ventura* makes plain multiple acts of obstruction merit an upward departure pursuant to U.S.S.G. § 5K2.0. *See Ventura*, 146 F.3d at 98 (citing with approval *United States v. Clements*, 73 F.3d 1330, 1341,42 (5th Cir. 1996)(affirming four-level enhancement based on two distinct acts of obstruction)). Accordingly, the Government respectfully submits that the defendant's act of tampering with Semaj Grier qualifies for an additional two level enhancement pursuant to § 5K2.0 because it was temporally and stylistically distinct from the false statement to law enforcement officers, and the threat against SA Ross and Judge Garfinkel for conducting their official duties. If the Court agrees, the defendant's total offense level would be 25, which with a Criminal History Category V, would yield an advisory Guideline range of 100-125.

**3. An Upward Departure in the Defendant's Criminal History Category pursuant to U.S.S.G. § 4A1.3) is Warranted.**

U.S.S.G. § 4A1.3(a) provides: "If reliable information indicates that the defendant's criminal history category substantially under-represents the seriousness of the defendant's criminal

history or **the likelihood that the defendant will commit other crimes**, an upward departure may be warranted” (emphasis added). The Second Circuit has held that post-arrest conduct can be a factor in granting an upward departure for underrepresentation of a criminal history score. *See United States v. Keats*, 937 F.2d 58, 66 (2d Cir. 1991)(“this view is consistent with that of other courts which have held that an upward departure in the criminal history category can be based on post-arrest conduct”). In this case, the defendant’s post-arrest conduct has demonstrated that he is a violent individual who is extremely likely to recidivate. In addition to threatening a federal judge and a federal law enforcement officer – conduct that only allows a two-point enhancement in his offense level despite there being two separate victims -- the defendant ignored Judge Fitzsimmons’ admonishment and has tampered successfully with witness Grier even recruiting Daris Snow, a fellow associate of the Grape Street Crips who Judge Arterton recently found to have threatened to kill a witness in his own Hobbs Act robbery case (see Indictment 3:17CR124(JBA)). But the defendant did not stop there, even with experienced counsel no doubt advising him that his post-arrest anti-social conduct would only lengthen his sentence. As discussed above and in Exhibit 2, the defendant assaulted a prison guard at Wyatt, placing him in the hospital. As Exhibit 2 shows, the investigation of the incident revealed that at 9:38:55, the defendant came out of his cell and punched the retreating Sergeant Santos. Exhibit 3 at 6. In case there was any doubt that the defendant is an unremorseful brute, the defendant tells the Captain investigating the incident that “The man in me, growing up how I grew up, I had no choice but to hit him,” before adding “you know how my anger is dog.” Exhibit 3 at 2. If the defendant is willing to assault a corrections officer while in prison because the officer “disrespected” him by throwing away or confiscating a “fluff cuff (cup) with a pickle in it,” Exhibit 3 at 4 (account of DT Malcolm) and 5 (account of Sergeant Santos), the defendant has NO ability to function, at least in the foreseeable future, in



society or to be supervised while on release. It bears noting that as a result of the assault, the defendant was moved out of Wyatt and placed in Northern, the State of Connecticut's maximum security prison, where he is now held in custody with only the most violent criminals in Connecticut, who have the highest risk of recidivism. The defendant's post-arrest conduct for which he has shown no remorse demonstrates that he most closely resembles his peers at Northern -- defendants whose likelihood to recidivate is at the highest level, thus justifying placement of him in Category VI. If the Court agrees, with a total offense level 25, and a Criminal History Category VI, the defendant's advisory Guideline range would be 110-137, an advisory range that far better reflects the risk of recidivism that the defendant poses to society.

### SENTENCING LAW

#### A. The Guidelines

Although the Sentencing Guidelines are no longer mandatory, the Guidelines must be considered by the Court along with the other factors listed in 18 U.S.C. § 3553(a). *United States v. Booker*, 543 U.S. 220, 260-61 (2005); *United States v. Crosby*, 397 F.3d 103, 110 (2d Cir. 2005); *Gall v. United States*, 552 U.S. 38, 50 n.6 (2007) ("district courts must begin their analysis with the Guidelines and remain cognizant of them throughout the sentencing process"); *see also Gall v. United States*, 552 U.S. at 46 ("Although the Guidelines are advisory rather than mandatory, they are, as we pointed out in *Rita*, the product of careful study based on extensive empirical evidence derived from the review of thousands of individual sentencing decisions")(footnote omitted); *see* 18 U.S.C. § 3553(a)(4) (Court shall consider the sentence applicable under the Guidelines).

A sentencing court must fashion a sentence that is both procedurally and substantively reasonable by properly calculating the base offense level under the United States Sentencing

Guidelines and adequately explaining its reasoning for handing down a particular sentence. *Gall v. United States*, 128 S. Ct. 586, 594 (2007) (“It is also clear that a district judge must give serious consideration to the extent of any departure from the Guidelines and must explain his conclusion that an unusually lenient or an unusually harsh sentence is appropriate in a particular case with sufficient justifications”). There are factual disputes in the Pre-Sentence Report; thus, Snow challenges Government accusations that he sought to threaten a co-defendant who he believed was cooperating. Where, as here, a defendant seeks a diversion from the PSR, the court may hold an evidentiary hearing to rule on the dispute in order to ascertain the appropriate criminal history category and fashion a procedurally reasonable sentence. Fed. Crim. R. Proc. 32(i)(3)(B). At such a hearing, the sentencing court may factor in any information that sheds light on the defendant’s history, background, behavior or characteristics. *Williams v. New York*, 337 U.S. 241, 249-50 (1949).

It is well-established that the right to confront witnesses does not apply at a sentencing hearing; nor do rules prohibiting the admission of hearsay. *See, e.g., United States v. Martinez*, 413 F.3d 239, 242 (2d Cir. 2005)(Sotomayor, J.)(listing cases). Indeed, “[a]ny information may be considered, so long as it has sufficient indicia of reliability to support its probable accuracy.” *United States v. Simmons*, 164 F.3d 76, 79 (2d Cir. 1998). Thus, at a sentencing hearing, the Government may present testimony through law enforcement witnesses regarding the substance of victims’ statements, *see United States v. Perez*, 523 Fed. App’x. 842, 844 (2d Cir. 2013); witness interviews, *United States v. Martinez*, 413 F.3d at 241-42, evidence seized in violation of the Fourth Amendment, *see United States v. Tejada*, 956 F.2d 1256, 1263 (2d Cir. 1992), “statements obtained in violation of *Miranda*, if otherwise voluntary,” *see United States v. Nichols*, 438 F.3d 437, 442 (4<sup>th</sup> Cir. 2005), and corroborated information from an unidentified source as long as the

Government shows good cause for its refusal to reveal the source, *see United States v. Carmona*, 873 F.2d 569, 574 (2d Cir. 1989). Further, a sentencing court may rely on the Government's proffer, *United States v. Lee*, 818 F.2d 1052, 1057 (2d Cir. 1987), and evidence from a hearing in which the defendant was neither present nor represented. *Carmona*, 873 F.2d at 574.

B.. The 3553(a) Factors

The 3553(a) factors in this case strongly support a sentence of between 110 and 137 months' imprisonment.

1. The Nature and Circumstances of the Offense.

The defendant's conduct in this case is extremely serious. An associate of the New Haven-based Grape Street Crips, by his own admission, the defendant agreed to steal guns from the Woodbridge Firearms & Trading Post, no doubt to further the gang's violence in New Haven. But the defendant did not plan a simple burglary, for example, picking a lock or even breaking open a door. Rather, the defendant and his crew first stole a car and then drove that stolen car through the plate glass window of the gun store, causing over \$50,000 in damage to the property in the process.

The owner of the Woodbridge Firearms Trading Post has been devastated not only financially but emotionally. The havoc the defendant's venal actions have had on the owner are irreparable. It has broken the relationships he had with his business partner, his landlord and even his parents. *See* PSR ¶ 30. The defendant's burglary has destroyed the financial security for which the owner had worked his entire life, and left the owner a financial wreck. *Id.*

Moreover, the effects of the defendant's actions reach far beyond the owner, whose life the defendant has turned on end. The aftermath of the defendant's burglary will be felt in the New

Haven area for quite some time. By stealing guns and sharing them with his fellow Grape Street Crip, Slutwave, and Reade Street associates, the defendant has ensured future gun violence, indeed at least one fatality – Maurice Richardson -- in a city that has only begun to shed its 2011 reputation as the second most violent city in America.

Indeed, the stolen guns have given the defendant a sense of impunity. He brazenly lied to law enforcement when they attempted to investigate the crime. Then, once he was arrested, the defendant tried to provide the location of the stolen guns to two associates so that they could “retaliate” against SA Ross and Magistrate Judge Garfinkel for doing their jobs. That the defendant had managed to determine SA Ross’ address is particularly concerning.

Nor was the defendant content with threatening a federal judge and a federal law enforcement officer. When one – and only one – witness name and statement was revealed to him in an effort to provide discovery in excess of and pursuant to the spirit of the Court’s standing order, the defendant responded by threatening that witness and publically exposing her to his gang associates for providing information against him. That the defendant had his girlfriend reach out to fellow Grape Street Crip associate Daris Snow, a.k.a. “Eagle,” who tampered with a witness and discussed killing the witness in his own case demonstrates the extent to which the defendant is willing to go to further his perceived impunity.

The defendant’s collective actions in this case place him far beyond the criminality of co-defendant Eric Lewis-Joyner who, with a Criminal History Category I, received a sentence of 33 months’ from this Court. After all, Lewis-Joyner did not lie to law enforcement, threaten a judge or the investigating federal agent, tamper with witnesses or assault prison guards.

In short, the nature and circumstances of the crime – a burglary where the object was guns most of which have not been recovered– are extremely serious. The defendant’s participation in

that serious conduct alone deserves significant punishment. The Government believes that the Guidelines should reflect that the defendant threatened a federal judge and a federal law enforcement officer; tampered with the sole witness who was revealed to him; and then attacked and beat a prison guard because the guard threw away a pickle. These brazen acts shows that he deserves a sentence within Guidelines that take all these anti-social actions into account. Even if the Court disagrees with the Government's Guidelines calculation, the Court can apply an upward variance to achieve a sentence within the range of ten years to account for the defendant's cumulative malfeasance. *See Rita v. United States*, 551 U.S. 338, 350-53 (2007)("Sixth Amendment cases do not automatically forbid a sentencing court to take account of factual matters not determined by a jury and to increase the sentence in consequence"); *see also Alleyne v. United States*, 133 S.Ct. 2151, 2163, 186 L.Ed.2d 314 (2013) ("We have long recognized that broad sentencing discretion, informed by judicial factfinding, does not violate the Sixth Amendment"); *United States v. Broxmeyer*, 699 F.3d 265, 294 (2d Cir. 2012)("We here reiterate only that a district court enjoys considerably more discretion in the evidence it may consider when making a final sentencing decision under 18 U.S.C. § 3553(a), than it does when applying a particular guideline. That discretion entitled it to consider not only the sodomy of K.M., but the full range of Broxmeyer's sexual exploitation of teenagers in his care, and to accord this information considerable aggravating weight in assessing the seriousness of the crimes of conviction, the defendant's history and character, and the need for deterrence")(citations omitted).

## 2. History and Characteristics of the defendant

The well-researched PSR demonstrates that the defendant had a difficult childhood, being born to a crack-addicted mother and having 32 different placements in DCF. PSR ¶ 64. As a juvenile, the defendant became involved with the Department of Corrections, being held in custody at Manson Youth

Institute on two separate occasions – at age 16 and then again at age 17. *Id.* ¶ 51. In a preview of his adult conduct, while at Manson Youth, he was placed in punitive segregation for Fighting and Disobeying a Direct Order from institute personnel. *Id.* Once he graduated to adult prison, he continued his anti-social behavior, earning 35 days of punitive segregation. *Id.* at ¶ 54. Of course, these citations, like his juvenile convictions have not been calculated in his criminal history score. *Cf. United States v. Deandrade*, 633 F. Supp. 2d 1, 6 (S.D.N.Y. 2008)(noting that juvenile convictions can be considered in federal court). Even ignoring the defendant’s juvenile convictions and his citations while in adult prison that resulted in 35 days of punitive segregation, by the age of 22, the defendant had amassed enough criminal history points to qualify for a Criminal History Category V, a calculation that the Government believes is an underestimation of his risk of recidivism. *Id.* at ¶ 58.

Curiously, the defendant describes the birth of his son by Tanzahanea Dixon to have provided him with “an epiphany: ‘I can’t chill in that neighborhood. I got to change.’” *Id.* at ¶ 73. The Government seriously questions the veracity of his self-serving statement that his son’s birth is going to make him change. After the birth of his son, the defendant certainly had no qualms about using the child’s mother to commit a crime – tampering with Government witness Grier. Nor has the birth of his son quelled his penchant for violence against authority figures as demonstrated by his brutal assault of Sergeant Santos over a discarded pickle. The Government respectfully submits that the defendant’s own words, as he related to Captain Sullivan (see Exhibit 2) provide the true reflection of his characteristics – he is an explosive and violent brute (“So for future references, you can tell the other fucking, whoever the fuck you want to tell, it’s just not happening. You want to go there with Henderson, it’s gonna go down dog, it’s gonna go down”).

### 3. The Court Should Consider Specific Deterrence

The defendant simply has not learned the repercussions of his anti-social conduct. Prison

has done little to change him as evidenced by the various disciplinary tickets the defendant has received while incarcerated. The defendant has to learn that the heightened standing he achieves in the Grape Street Crips from his violent acts comes with the potential of a significant cost. He should not be allowed to enjoy the benefits of that increased standing, at least with this generation of group members. A significant sentence of 110 to 137 months' imprisonment followed by three years of federal supervision, as contemplated by the Guidelines if all his malfeasance is taken into account, will send the defendant the message that his affirmative choice to operate outside the law will not be countenanced. Perhaps more importantly, incapacitating the defendant for ten or eleven years will prevent him from being a role-model for other Grape Street Crips members, and perhaps allow the New Haven Police and the New Haven community the chance to achieve an even lower annual homicide rate.

4. The Community Deserves to Be Protected

The residents of north New Haven are hard-working people who would like nothing better than to go about their lives in peace. The defendant has made choices that make him a danger to the community when he is in it; his presence in the community poisons it. The defendant's wholehearted participation in the violent activities of the Grape Street Crips ensures that he is bound to be involved in a shoot-out that injures, if not kills, innocent people. It is the residents of the community in which the defendant lives that are his victims, whether it be the workers at stores who are simply trying to make a living, the residents who want the community to be safe, or the young women he corrupt by including them in his efforts to tamper with witnesses. A significant sentence of 110 to 137 months' imprisonment will serve to protect those residents.

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CONCLUSION

The defendant's burglary of the Woodbridge Firearms & Trading Post so as to provide himself and his fellow Grape Street Crips with more firearms with which to terrorize the residents of New Haven merits a significant sentence. That the defendant threatened to eliminate a federal judge and a federal agent, tampered with the sole witness revealed to him in discovery and beat up a prison guard for throwing away a pickle the guard found in the defendant's cell demonstrates the danger the defendant poses and his significant risk of recidivism. The defendant deserves a sentence within the advisory range of 110 to 137 months' imprisonment.

Respectfully submitted,

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/s/

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CERTIFICATION OF SERVICE

I hereby certify that on June 27, 2018 a copy of the foregoing was filed electronically, by facsimile and served by mail on anyone unable to accept electronic filing. Notice of this filing will be sent by e-mail to all parties by operation of the Court's electronic filing system or by mail to anyone unable to accept electronic filing as indicated on the Notice of Electronic Filing. Parties may access this filing through the Courts CM/ECF System.

\_\_\_\_\_/s/\_\_\_\_\_  
Rahul Kale  
Assistant United States Attorney

## Henderson Interview Transcript

(March 17<sup>th</sup> 2016 10:29AM)

Voices:

Senior Inspector Matthew Parker (MP)

Assistant U.S. Attorney Tracy Dayton (TD)

Deputy Mike Curra (MC)

Interviewee Mike Henderson (MH)

MP: Okay, it is March 17<sup>th</sup> 2016 at 10:29AM. Present at the interview is Senior Inspector Matthew Parker, Deputy U.S. Marshal Michael Curra, AUSA Tracy Dayton, and Michael Henderson.

Umm, Michael I just wanted to start off by reading you your Miranda rights; just so you are aware of them, okay?

MH: Yea.

MP: You have the right to remain silent, anything you say can and will be used against you in a criminal proceeding you have the right to talk to a lawyer for advice before we ask you any questions and to have him/her with you during questioning. If you cannot afford a lawyer one will be appointed to you if you wish before any questioning begins. If you decide to answer questions now without a lawyer present you will still have the right to stop answering at any time. You also have the right to stop answering anytime until you talk to a lawyer.

Do you understand these rights?

MH: Yes.

MP: Do you want to; would you like to speak with us? You want to sign this waiver?

MH: I'll hear what y'all gotta say.

MP: I have read the above statements of my rights. I'm saying do you want to sign it or no?

MH: If I sign it, what that mean?

MP: It just means you are aware of the rights and are that you're willing to talk to us.

MH: Yea, yea.

MP: So just sign it here and then there. ...And this one is just saying that you are agreeing to talk to us.

Okay, Mr. Henderson has signed the waiver of rights witnessed by myself and Mr. Deputy Curra.

TD: So just while they're signing that, I just, um, wanted to tell you we're not going to talk to you about your pending state case, which I understand is for larceny. Or your pending federal case, which I understand is for false statement 1,001, um, so, I just want to state that right away. I know it's very loud, because there is a truck going by. So....

MP: Okay, so, obviously, I just want you to think about what you're going to say before you say it, alright? Because you already know about the 1,001, right?

MH: Yea, yea.

MP: Lying to a federal official.

MP: So we don't want to have that problem come up-

MH: Yea (interrupts MP).

MP: -in this little talk we're having now. Um, so you want to know why you're here.

MH: Yea.

MP: Do you have any idea why?

MH: None at all, I thought it was for my case.

MP: Do you know- do you know where you are going when you're done with us here.

MH: No.

MP: Okay, you're going to be transferred to Wyatt Detention Facility in Rhode Island.

MH: Alright.

MP: Okay.

MP: Is that alright with you?

MH: Yea.

MP: Okay, good. So right now-

MH: (Inaudible interruption).

MP: –What?

MH: What will happen with my state case?

TD: Your state case will still be there, but what happens is you'll be housed in federal custody rather than state custody. You know, look, some people prefer that, um-

MH: Yea.

TD: because it is a little bit - calmer place to be, I think. So when you have to go to state court you'll probably be brought here to this New Haven Court House, and then the Judicial Marshals will come get you from here and bring you to court and then bring you back, and you'll go back to Wyatt.

The bad part about Wyatt it's out in Rhode Island.

MH: R.I., yea.

TD: But, as you mentioned earlier you don't have kids, and that's usually the hardest part for people if they want to be able to see their kids and stuff its difficult, but, again, it's a little bit calmer, because there's not too many people going in and out all the time like there is in HHC.

MH: So I will not be going back to Whalley today?

TD: You will not be going back to Whalley today.

MH: Alright.

TD: If you have stuff there it'll be sent up to-

MH: Alright.

TD: Okay.

MP: So now you're – so now you're, uh, you're a Marshals Service prisoner, okay, at this point.

Um, I just wanted to talk to you about some things that you had said while you were in NHCC, okay.

MH: Some things that I said?

MP: Yea...yea. You said some - it seems like you are very angry with say ATF or a certain Special Agent from there.

MH: Not at all.

MP: Not at all? Remember, you're not here for no reason.

MH: Yea, I understand that.

MP: You understand that?

MH: Yea.

MP: Okay. So this is why I want you to think about things before you tell them to me, alright?

MH: Yea.

MP: Okay, because we wouldn't be here, you wouldn't be sitting here with us – (interruption MH)

MH: If it, yea- (interruption MP)

MP: -if somebody didn't say something, right?

TD: Or more than one somebody, like you, you know, just to be upfront, we're not trying to play hide the ball with you.

MP: We're not, no (interruption MH).

MH: No, I know that. I know that.

MP: This is straight talk, this is straight up, and you know, I think, during my 20-years I've spoken to a lot of prisoners who are angry. Every prisoner is pretty angry or upset about their case or whatever. They feel something wrong has been done to them. And I'm sure you've spoken to a lot of-(interruption MH).

MH: Yea.

MH: -angry prisoners as well, you know what I mean

MP: But the thing is - is where do you go from here. I mean, it's one thing to be angry, and be talking in jail, talking shit in jail, doesn't matter, you know what I mean. People do that all the time, it's bravado, it's whatever. But the next thing is, is when people are under the impression that person might take the next step.

MC: That's why we want to just clear things up, - (interruption MH).

MH: Yea.

MC: -that's why you're here.

MH: Alright.

MC: So this is your chance to be candid with us, and just let us know what's going on.

MH: Alright.

MP: You know what I mean? You know where we're coming from now?

MH: I kinda got an idea

MP: Okay, so do you want to tell us about some of the conversations you had?

MH: You got to put me on to something, like.

MP: (sigh) ...I told you, you're angry with a Special Agent, ATF, did you talk about a conversation with that?

MH: I never, ah, I didn't bring up no, I don't even know no ATF names.

MP: Okay.

MH: I don't feel that my federal case is even an issue (interruption).

MP: Right.

MH: -cause, from what my lawyer told me, it's not holding a lot of time, so, I don't ever recall myself talking on the telephone crazy to somebody about an ATF member.

TD: No.

MH: I'm more worried about-

TD: wasn't on the phone.

MH: I'm more, I don't really recall talking to - the only thing I can put together is they got me in "seg" right now-

MP: Um-hum.

MH: -For a drawing that was on the wall-

MP: Right.

MH: -that said ISIS.

MP: Yea, ISIS what? ISIS is taking over.

MH: Yea.

MP: Why did you write that?

MH: I didn't write that.

MP: Oh, you didn't?

MH: I did not write that.

MP: Oh, okay.

MH: But when I seen it, I did ask the CO, like "yo, what would happen if someone was part of ISIS here. He said, 'I don't know, I think you'd be going to Columbia somewhere, they would torture you or something.' And that was that."

MH: I didn't think nothing of it, to put it on the board, like, yo, listen, it's a drawing on the wall, like, cause I don't think nobody in New Haven facility is really part of that.

MP: Right.

MH: So I didn't think nothing of it, they got another guy in "seg" for the same thing.

MP: Oh, really.

MH: Exactly. And then when I went down to talk to (inaudible), I stated to them, like, that was there before I came here.

MP: Okay.

MH: And when they said who was in there before, it just so happens that the guy left his ID before he went to Walker Facility.

MP: Okay.

MH: I said I don't know, I know his last name is Thomas, that's it. They looked him up, I guess the guy was supposed to be in SRG from the get-go, and I don't know how he slipped out of that. And Payne & Mandillo was like, yo listen, we don't even believe that you did this, like, we just want to know why you didn't put staff on board when you seen it. I said I overlooked it, it's not really a gang I really know about, if it was a gang like bloods or crips or something I'd be like, Oh, shit, like.

MP: Yea.

MH: But I never recall threatening a ATF member or a Judge or anything. They said that to me, Payne & Mandillo, I laughed, cause like, where would I find the funds to do that. I don't even have a lawyer, I have a Public Defender, so where do I have the funds to- (interrupted by TD)

TD: Public Defenders are good. You should,-

MH: Yea.

TD: Actually, there are very good, they spend all their time in court and all their time going to trial. So don't feel like - you don't-

MH: No, I'm not downing it, I'm just saying, like.

TD: Yea.

MH: I'm pretty sure that type of stuff, putting hits out and stuff takes money involved.

MP: Um-hum

MH: I don't have that type of funds to do that stuff.

MP: Right.

MH: So.

TD: Who did they tell you that they had heard you put a hit out on?

MH: They said they had got an email.

TD: Saying?

MH: That, they suspect I'm trying to put a hit out on ATF or law enforcement or the Judge.

TD: Okay.

MH: And I laughed, like are you serious.

TD: Well, not necessarily money but like, you know, if you have juice, you can get people to do shit for you. You're Grape Street, right?

MH: No.

TD: You were?

MH: I was not Grape Street. I never ever was a Grape Street Crip member. I hang around a lot of Grape Street, because that's my neighborhood; I'm from the north side of the hill.

TD: Um-hum

MH: That's my neighborhood; I never was a Grape Street member, ever in my life, and I put that on my dead friend. I never was a Grape Street Member.

TD: Okay.

MH: I would have no problem telling you if I was a Grape.

MP: Okay



MH: If I'm a part of an organization, I'm going to tell you, because I took an oath saying I want to be a part of that. I was never a Grape Street member. Now, do I hang around Grape Street people, yes.

MP: Who'd you take the oath with?

MH: No, I said-

MP: Yourself? Was it like, or what.

MH: No, I said if I was a part of that organization, I would have to take an oath-

MP: Oh-oh, okay, I got you.

MH: That's what I'm saying. But if you want to say that I hang around with, yea, that's true.

TD: So, like associated with, not a member.

MH: Yea, cause all my friends are from the north and that's basically my whole hood, so....

But I'm not an actually Grape Street member.

TD: Okay.

MP: So you're telling us now that you have no intention on harming an ATF Agent or killing an ATF Agent or killing a U.S. Judge.

MH: At all, at all, at all.

MP: Okay, do you know who your Judge is on this Fed. case?

MH: No.

MP: You know his name?

MH: No, I forgot his name; I got it tucked in my paper work.

MP: Okay, um-

TD: Do you know which Judges you appeared in front of? More than one, right?

MH: Nah, it was just one.

TD: Just one.

MH: Yea.

TD: Just for indictment?

MP: In Bridgeport.

MH: Yea. It was just one. I went like three times though.

TD: You did?

MH: Pretty sure it was the same times; I mean all the times was the same judge.

TD: Okay, did you make a bond motion, try and get out. Is that what you were doing when you kept going back?

MH: No, they told me, um, since I didn't make my state bond they weren't gonna put no bond on me.

TD: Oh, okay.

MH: But I did, my family did try and bond me up for statewide, but I told them there was no point because I had a federal detainer, they wouldn't release me.

MP: Um-hum.

MH: That true? That's what I asked.

TD: Yea, if you have a detainer on one or the other what happens is if you make bond on one you have then go to try and make bond on the other. That is how that works.

MH: So I told them don't waste your money.

MP: Right.

Um, alright, did you contact anyone on the outside in regards to this?

MH: No.

MP: How bout, did you contact someone in jail asking them to reach out to somebody?

MH: No.

MP: Okay, do you know a guy named little Joe?

MH: ...No.

TD: You sure?

MP: Please, please, please.

MH: I'm dead serious.

MP: That's what I want you to be, dead serious, okay.

MH: Little Joe?

MP: Little Joe, Little Joe.

MH: No.

MP: Nobody, you've never, I mean, even in passing someone named little Joe. No?

MH: Maybe if you say his real name, but I never hung with or been associated with someone like, from anywhere, well, that I recall named Little Joe.

MP: Okay, how bout Sucky? Maybe I'm mispronouncing it right.

MH: Yea, sucky.

MP: Sucky, okay. Who's that?

TD: That's a bad nickname.

MH: He's got a fat case like me.

MP: Yea, what's his name, I mean, what's his real name, you know?

MH: Um, something Douglas.

MP: Okay, is he a black guy or Spanish guy?

MH: He's Black.

MP: Okay, um, how about a KG?

MH: Nah.

MP: KB? Some variation of that, KG,KB.

MH: Y'all saying this happened in the facility? I was talking to someone in the....

MP: Yea, KG or KB.

MH: No.

MP: Okay, I got to ask, you know what I mean, it's my job.

MH: Yea, I understand, like where's this all coming from?

MP: I told you where it's coming from, you talking in the jail, that's what they said.

MH: Y'all better have me on recording or something, like, y'all can't just golf someone else's word, like.

MP: Well, that's why we're talking to you.

TD: That's why we're asking you.

MH: Yea.

MP: We're coming right to you, we're being straight. Right from the get-go, we're not fooling around. So that's why you're here, that's why you are a federal prisoner, is because we want to talk to you, and want to let you know if this is going on its got to stop.

MH: Alright, yea, I understand that. This ain't no game.

MP: No, this ain't no game. I mean, if the ATF Agent gets into a car accident or if the Judge gets a flat tire we're going to come talk to you. Every single time, till the day you die. You're linked with that now because someone said that. You understand?

MH: That I'm linked with ISIS?

MP: No.

TD: No, no, no.

MH: Oh

MP: No, no.

TD: See here's the thing, I'm just going to- more than one person overheard you talking that you were really freaking pissed at Brian Ross, whether or not you knew his last name, Brian, from the ATF. You gave some information about him, like where he used to work and stuff like that, what state he worked in before he worked here, and where he works now. And that you knew where he lived- (Interrupted MH).

MH: He put that in his, he put that in my paperwork.

TD: Right, so were you talking about that in jail?

MH: No, the only thing I can say that, I let some people read my paperwork.

TD: Okay.

MP: Okay.

MH: Because you know how people play, um-

MP: Um-hum, they want to know what you did.

MH: I let people read my paperwork. I don't even know Brian Ross. If you brought Brian Ross in here right now I wouldn't know who he is.

TD: Well, I think you might know him. He's like a young, white dude.

MH: No, I would not know who he is. If you bring two detectives in here and you tell me pick out Brian Ross, I would not know who he is.

TD: Okay, but even if you don't know him he is in your paperwork. So- (Interrupted MH).

MH: Yea, I understand.

TD: - You remember that, right? So that could piss you off that he signed the warrant or got the warrant for your arrest, right?

Look and no one's saying-(interrupted MP).

MP: It's not out of the realm of possibility.

TD: -No one's saying that's unnatural.

MP: Yea, right.

TD: It's kinda like, you'd be mad that you got arrested or whatever, and that you thought he was trying to do you wrong because he was trying to backdoor you into a murder charge. Sound familiar?

MH: Yea.

TD: Okay. Is that how you feel?

MH: Not at all.

TD: Okay.

MH: Cause I knew- I knew I don't have nothing to do with that murder. I wasn't even, I don't feel no type against nobody. I feel that I'm in a fairly good position to be even dealing with the Feds. From talks with my lawyer, all that. Like, I feel that I'm in a good position. Like, I'm not looking at mad time.

TD: Well let me go back for a second. You said I had nothing to do with that murder, which murder am I talking about?

MH: Maurice.

TD: Okay, so did you have something to do with some other murder?

MH: No.

TD: Okay, just the way you said it, I mean, I got to ask, right.

MH: No, I'm just saying, just saying. That's what they questioned me about.

TD: How do you know? Who questioned you about that?

MH: The Detectives when I got picked up.

TD: Okay and you talked to them, you waived your Miranda rights and you talked to them.

MH: Yea. I talked to them and I let them know what was my part. Like,-

TD: Okay.

MH: -and that was that. I'm not blind to anything. I call home; I talk to my family. I know what's going on out there; I'm not blind to nothing, like.

TD: What do you mean you know what was going on out there?

MH: I'm in-tune to the world. I just know what's going on. Like, I just know, like – People keep saying my name, and then they put on a different story and then the different story here and there.

MP: Um-hum.

TD: Do they know why they're saying your name?

MH: No, I don't really care. I know I don't have nothin' to do with it.

TD: Okay, well, you know part of the reason that, um – like all this is coming up and why the belief is that you're Grape Street and stuff, and again we're just being straight with you, is, you know, when Maurice was killed there was a phone right next to him. You know that? You probably know this from the street; you heard stuff about this, right?

MH: No.

TD: Okay, well there was a phone right next to him, and there's stuff on that phone. And that's why it's coming back to you. Do you know that?

MH: What? You said there's stuff on that phone.

TD: Yea. That has to do with you.

MH: Saying I'm Grape?

TD: Well...regarding your motive for the murder, let's put it that way.

MH: I don't have nothing to do with that murder, so why would you say the motive for the murder?

TD: Okay, so you remember Maurice and some other guys like, taunting you one day. They were like fucking hitting you and punching at you and saying that- (interruption MH).

MH: No, that no, that never, first of all we are going to stop right there, because I heard that story before. Me and "Moe," (Maurice) that's like my little brother, me and "Moe" never ever physically fought – never. We had arguments, that's what friends do.

TD: But do you know that there was a recording of one? – Of you, of them hitting at you and him telling you that he was going to bust your mouth in front of your OG. Going bust you in the mouth in front of your OG.

MH: But-

TD: Do you remember?

MH: That was – I'm talking about like a real fight.

TD: Okay, but do you remember that?

MH: Everybody slap boxes, plays around in the neighborhood.

TD: Okay.

MH: Cause if you look at that recording we laughing. Yo, come here. That - it was not serious, it was not serious at all, and that was months ago, months, way before. We done chill, smoked, everything, went out, all that. So – that, that recording right there, I know exactly where that came from. It came from Twin, I was with Twin.

TD: Twin's your OG?

MH: Yes.

TD: Okay.

MH: And he was recording; we was playing around. It was not no serious physical fight. We playing around, slap boxing, that was it. That happens on a regular basis in the neighborhood.

TD: Okay, alright. How long had you known Maurice?

MH: I've knew Maurice for...I went to jail...probably like 5-6 years right now.

TD: Okay, before he died?

MH: Yea.

TD: You met him from jail or you met him on the street?

MH: No, I met him outside. I met him from the outside.

TD: Okay, but he's not Grape, he's (inaudible) or something like that, right?

MH: I don't know what that man is; I don't - I don't speak on other people.

TD: Okay - okay, fair enough.

Um, but then you and he, like I know you guys were friends, but there was some stuff back and forth, where - like his texts messages and his like - you were communicating with him from Facebook messenger and stuff-

MH: Yea.

TD: -Where he says to you that he like beat your ass-

MH: Playing around!

TD: -and that he made you lose credibility in the street.

MH: But that's all joking, we do that, I'll hit my friend up like - yo, I'm going to beat your ass when I get home, or I be like - yo, let me hold five-dollars - I don't got it - I'm going to beat you up when I see you. That's playing around. That's how people play around. Me and him never took it to the next level, never went there at all.

TD: Okay.

MH: And I know who's saying this; his girlfriend's saying this, (inaudible, but Gf's Name). She doesn't like me, she has never liked me, because I disrespected her female friend like 2-years ago.

TD: What like hooked up with her and didn't go out with her.

MH: Nah, just disrespected her like - fuck-outta-here. She always seen me like - she never wanted me hanging out with Moe anyways. But Moe was always like - it's bro, like - y'll don't have to deal with each other when you come around, just that. So, I don't - I don't even blame her for out there throwing dirt on my name, I expect her to do that. She never liked me from the get, but.

TD: I've never met her, so I don't know if that's accurate - what you're saying, is what I'm saying.

MH: Nah, yea.

TD: This is not where I got the information from, so. Okay, I don't know who (Gf's name) i.



MH: That's his girlfriend.

TD: Okay.

MH: But – when I first got questioned by the Detectives – they told me well, they told me some of the stuff that she was saying or whatever. So I was like, well she can think what she going to think. I know what happened; I know what didn't happen; I know what didn't happen. I know I don't have no parts in there. I know when I seen him, when I left him. That's what I'm going by, like that's it.

TD: Okay, you know you had mentioned to them, I know that, you were with like P-Rock or P-City, is that the same person, P-Rock, P-City?

MH: I don't even know no one named P-Rock or P-City – P-Rock?

TD: Okay, maybe it's P-City, like you were with P-City, Tiff and Wayne or something that night.

MH: Oh, D-City! That's a female.

TD: D-City, Oh, that's a female.

MH: That's a female; I was on the corner of Congress Ave.

TD: Okay, Who's D-City?

MH: That's a female.

TD: Does she have a real name or is that what her parents named her?

MH: I don't even know what her real name is.

TD: Okay – Alright.

And which Tiff, this is – a little skinny female?

MH: She light skinned, she like - yea, real light skinned.

And I was talking to them and then - that's when I got the word. I'm like, word. But it wasn't even, at first nobody even known who it was. So when I got the word, I was like, hell no. It couldn't have been like, I just seen him Like – I just literally seen him. When I went to the scene, I put myself there, when I went to the scene I told the cops, yo I was just with him.

TD: Okay.

MH: I'm not a skinny dude. So how can I run from Baldwin all the way down to Congress Ave and West in a matter of, what, a minute or two? And I'm just sitting there regular talking, not out of breath, not sweating or nothing. That don't- (Interrupted TD).

TD: Where did you see him?

MH: I seen him on Davenport, but towards like Steven and Davenport.

TD: Okay.

MH: And I was talking to him (inaudible) around, and I seen him, I already know how Moe get. Like, he get like, taken stuff from him like, people and stuff. So I seen him – I seen him like, the way he was going like, yo listen man, bro. I'm going to holla at you – um, you trying to burn – yea I got half of a J at the house. So I said bet, meet me on the Ave, I'm going to be on the Ave. He said alright. I skated, went up West. Now, when I go up West I seen Wayne, D-City and Tiff. I'm talking with them, building with them. I didn't hear nothing, none of that shit, I didn't even believe it. When someone came to me saying, stating that somebody got shot, I'm just thinking it's whole anybody. So I ain't even goin' budge at that point. I'm like, nobody got shot, and the kid who came and got me he be lying. So I was just like nobody got shot, whatever. Then it came, somebody really got shot.

TD: Okay... um, did anybody talk on the street about like, the gun? Like who, cause you known like, people talk.

MH: Yea

TD: Like where the guns came from, where the gun came from that you thought he was killed with. Did you hear anything, you know, that could help?

MH: No, I didn't hear nothing. I was home three days after the situation. I went to his candle light every day; nothing was said.

TD: Okay.

MH: Nothing was said to me, like. But I kept hearing – excuse me – I kept hearing like little like rumors and stuff. So the second day I went to the candle light, (inaudible). Yo listen, I'm not hear for y'll, I'm not here to hear for y'll rumors, I'm here for little bro. I don't give a hell – I don't give a fuck what y'll have to say to me.

TD: Oh, why people are talking about you then.

MH: Yea, I'm like yo, ain't nobody going to say nothing to me. Nobody said nothing to me neither. Everybody like, Man, we just want to know what you know. I said I know everything y'll know. I came to the scene and seen what y'll seen. Little bro on the floor, that's it.

TD: Why did everyone think it was you?

MH: Because I stated that I was the last person that was with him.

TD: Okay.

MH: That I know of. If I never would have said that nobody would have known nothing. Nobody would have came up with a story.

TD: Okay.

MH: I put myself out there. Like I was just with Moe, like - hell no. So when it got back to (Moe's girlfriend)-

TD: She decided you had done it.

MH: Exactly. And it shows on my Facebook me and (Moe's Gf) talking that night.

TD: Okay.

MH: She hit me up and was like, where you at – she said something like where you at, I need to talk to you. I said I don't have a phone at the time, but I can call you on Facebook. She call me on Facebook - she like, what happened? I told her I said I seen him on Davenport, I left him on West. I stated that, I said yo, we can burn it, come to Congress when you're done whatever you're going to do. She started going off, she started crying. I'm like yo, we can meet up, we can talk about this. She started saying like yo, I don't know it's just funny. So I'm like looking at the phone like, you never talk to me ever, you don't even like me, like - and she just start going off like, Mike, this is just funny and I just hung up on her. Like I don't even want to talk to you, like, I don't even want to engage, I don't even engage in this conversation because that's little bro, so, and that was that.

Then when I came in, I came in Friday, yea. I came in, I got picked up by ATF Friday. I came in Friday, called my peoples. They kept saying, yo it's some girl named (Moe's Gf), she keep throwing dirt on your name. I'm like man, yo just let her talk. My sisters want to beat her up; I'm like, don't even do that, man. Just let her talk, like, she's going to talk, she's going to talk, she's going to talk. That's what she's going to do; she feels some type of way. I would feel some type of way too if my Girlfriend got killed, or like, you feel me. But she's going about it the wrong way, at least she could be like, yo listen Mike, like, honestly, just tell me what you know. And when I went to the candlelight, I said I'm only explaining this to y'll one time. I ain't going to explain it to y'll no more. I said Seth, where was I at when you came and got me? He said you were on Congress sitting there just chilling talking to Wayne. I said, so why you got everybody looking at me crazy when you can get me out of this jam. You got everybody looking at me crazy thinking that I have something to do with this or that I lined him up or something and you the one who saw me on Congress not out of breath or nothing. Like, why don't you tell people

this? You hear the same thing that I'm hearing. He like, I don't know I'm just going off what everybody else saying. Man, fuck that shit, man I'm out.

TD: Yea, how did he know so quickly that someone had been shot, did he hear it or...?

MH: No, he said, his friend Live on Vernon, Kai, his friend Kia live on Vernon. He said he was coming from Kai house, you know Vernon right there, Moe live on Vernon too, so he said he was coming from Kai's house or something. He was either coming or going from Kai's house to give him the bike or something. And he said when he walked by he saw it was all sold up by the cops. He just saw someone sitting there or laying there or whatever.

TD: Okay, so it had happened a short time before the cops were there.

MH: Exactly. So that's why I was like how the hell could I just be sitting there. I said, when you seen me was I out of breath, was I sweating or anything. He said no you was regular. I said I'm not no skinny dude, like. How the hell am I going to run either all the way up Baldwin, all the way down Congress to West or all the way down Davenport and up West, and just be sitting there not sweating, nothing. And I had a sweater on. So I'm like yo, it just don't make sense. He was like you right, I'm just going off, he said it, I'm going off of what (Moe's Gf) is saying. I was like so you believe that? He was like nah, I just listen to everything that's going around, everybody trying to put it together. But I been hearing different stories from people I talk to on the phone, bout who may have done it. You know, a couple people still got my name in their mouths, but it's a couple other stories out there too.

TD: Anything that you can share with us like, that might help?

MH: Pshh, y'll just going to have to get that from the street, but I know for a fact that there is a couple other stories out there now.

TD: Alright, did you hear about where the gun might have gone?

MH: No.

TD: Like, obviously it got sold; no one's going to keep a dirty gun, right?

MH: I don't even know.

TD: Well, come on, I'm not on the street but I know, I'm not going to keep a dirty gun.

MH: Nah, I'm not saying, where the gun is located, that's what I'm saying, I don't know that.

TD: Okay, okay. You know what kind of gun he was shot with?

MH: I heard it was a .32 - because someone from the neighborhood came and seen me. And he was talking to me about it like, and I was like damn, man. And he said he was shot with a .32, so.

TD: Yea, that's sad, right?

MH: Definitely, definitely is sad. I was more mad at the fact that I'm being – people got my name caught in this. Now I get arrested on Friday, I can't even go to his funeral. So, I'm like I'm in jail, people got my name in this, I can't go to little bro's funeral. So imagine how I felt with no one looking at it like that, so I just.... I (inaudible) -dealing with stress a lot. I usually don't stress a lot when I go to jail. But it's just like when I call my family and stuff – they be breaking down on me like, yo I hope this is not true. I'm like, yo Mom be quite. Like, none of this is true. What would be my motive to do that to him? That's some psychotic shit. They said he was shot 3-times in the head. That's some psycho shit. Like, oh, I'm just going to turn around and shoot my friend 3-times in the head. Like, like god willing, damn, one enough? Three times, what would be my motive to do that? Even if it was a fist fight, do you really think I'd take it that far to someone I knew for years?

MC: Well, why do you think anyone would shoot him?

MH: He's not an angel, I'll give y'll that. He wasn't an angel, so – and I'm pretty sure y'll knew that, I'm pretty sure. He wasn't, you feel me?

TD: Well, you said that night he was trying to take something from someone.

MH: Exactly. That's why I left him. That's why- (interrupted TD).

TD: Who was he trying to take something from?

MH: I don't even know the guy, but I can tell the guy was under some type of influence. Cause his eyes was glossy and he was stuttering over his words.

TD: And do you know where that was? Maybe we can find that person or whatever.

MH: It was on Davenport, it was on Davenport right across the street, you know, its two brick buildings.

TD: Okay.

MH: He was standing right there and Moe was acting like he had weed. You could tell the guy was already on some type of influence.

TD: Okay.

MH: So when the guy, he had a dutch, but he emptied the dutch, but he wasn't putting nothing in the dutch. So Moe's like, yo what you about to put in that dutch? He's like, why you got something? Moe's like yea I got it. But he's pranking, I know he pranking, I know Moe don't sell weed he smoke it. So once I seen that, then I heard Moe say something like I'm going to finagle him out of his twenty dollars. I'm not around for this, I'm on probation, I'm not about to

go back for some petty – to me that’s bum shit. Cause I’m not going back to jail for twenty dollars, trying to rob him for twenty dollars. So I said yo bro – me thinking that he probably got a bag, he probably was going to fake him out, show him the bag, take his twenty dollars and run. Because he wasn’t going to be able to catch him. So me thinking he got weed, I said yo check it, you trying to burn it? He said yea, I said alright come to the (Inaudible) when you’re done. That was that. I gave him daps, said, bro be safe – alright, left. Went down to Davenport, went up West, talking to Wayne, D-City and Tiff.

TD: I have a funny question to ask you just about the word dap. I know this is a random sideways thing. Where does that word come from, dap?

MH: I don’t even know: I don’t even know. I be thinking to myself like, why is pee, pee? Why couldn’t pee be dookie? You feel me, so.

TD: Because people always say dap and like they sort of me like a handshake-hug thing, which you know, like a bro hug, basically. And I’m like where’d dap come from. I could never figure out...we were just talking about this yesterday, it is kind of funny. So, um, okay, alright, um...and you don’t remember seeing anyone else around that night that you thought like – that person looks like they’ve been running from something or something like that?

MH: No, when I seen him – when I seen him he was already talking to the guy. But he didn’t insist on robbing him.

TD: And that guy couldn’t of heard him, I guess.

MH: Well.

TD: The guy who was-?

MH: Yea, cause he was like - to be honest, he looked like he was dusted.

TD: Okay.

MH: Like he was an older guy. Look like he was dusted. Looked like he didn’t take care of himself; none of that stuff.

TD: Okay.

MH: So I don’t even sell drugs, cause don’t like dealing with dirty people, like. So I ain’t want no parts of it, like.

TD: Okay, what are you on probation for?

MH: I’m on probation for, um, gun charge.

TD: Oh, okay.

MH: I have – um, firearm.

TD: Okay.

MH: So, but that was right after I got shot, so.

TD: Who shot you?

MH: I don't know who shot me.

TD: Red side guy, right?

MH: That's – pshh - that's what the Detectives tried to tell me, so.

TD: How do you not know who shot you? I never could understand that; if someone shot me, believe me, I'd know who shot me.

MH: If they shot you from a car?

TD: From a car? ...I would probably spend a long time trying to find out who shot me. I think it would make me very angry.

MH: I'm not thinking I'm about to get shot coming from Adult Ed, coming from school. I'm walking - going home.

TD: Where'd you get shot on your body?

MH: I got shot in my knee...so.

TD: Did you have to have like, reconstructive surgery and stuff?

MH: Yea, I had two surgeries, thirty-eight staples.

TD: And they didn't saying anything to you before they shot you?

MH: Nah, I seen the car multiple times; I seen the car mad times. I just - didn't think nothing of it, like. This dude probably lost, they probably don't know where they at. Just rolled up, rolled down the window and started shooting. At first I was like, oh – I don't know if y'll ever been shot at or...

TD: No, thankfully.

MH: But it's like a moment you just freeze –

MP: It's frozen.

MH: - Like which way do I go, what do I do? I was stuck like; oh... it was funny because, when I'm sitting there I didn't get hit. As soon as I took off I got hit.

TD: Oh, cause the cars moving, they probably missed you.

MP: They ever solve that crime? They have any suspects that you know of?

MH: Pshh.

MP: No? You don't know, or they do and you...

MH: The detectives came to my house on Dagger, and they asked me about it. And – they said a guy (Inaudible). I said I don't know, man. They said, well, come on man, you can tell us. Because unfortunately, some people who done it ani't here to talk about it today. I said, well, it's on y'll. If y'll feel that he did it. Then I don't know what to tell y'll. Obviously, y'll got enough information if y'll come straight to my crib and to say this guy's name. Like, that's on y'll. I don't know; I don't know. I don't know what happened; I just know I'm shot. I'm blessed, like forget it.

MP: Right, did you ever run into whoever they said again? Have you ever seen him - in New Haven Correctional or anything?

MH: Nah, cause I got incarcerated like – four-months after that. I was in the hospital for almost a month - nah, three-weeks. Then I couldn't walk for almost two months. And I got incarcerated for probation.

MP: Oh, okay.

MH: Cause I couldn't go to my program, but they wasn't hearing it. I couldn't get up and walk like, they wasn't hearing that. You should of got a ride. Like - you serious? Like, I got crutches.

MP: You know, commonsense, yea.

Let me just ask you one thing, the KG, KB, you didn't really answer that question to me. Do you know, do you have, have you ever heard someone named KG or KB?

MH: I know a dude named K, that was sucky's roommate.

MP: K is sucky's roommate.

MH: Yea, his real name Kenan, but they don't call KB or KV or KG, none of that.

MP: Okay.

MC: What about a guy named Bember?

MH: Bember?

MC: Bember.



MH: Bember...Nah, nah. I know a white guy that I was in um, (Inaudible), but we used to call him Bender - but we used to like make fun of his last name. That wasn't really his name, we would just call him Bender. But Bember, nah.

TD: Um, Do you know where Sucky is now?

MH: No, I'm in seg - so I don't know much about population right now.

TD: I mean is he locked up?

MH: Oh, yea, yea. He got a Federal case.

TD: Oh, you said that I'm sorry. And what about Kenan, is he locked up?

MH: Yea, he got a state case but I think it got something to do with robbery or something. So he's gonna be there-

TD: Be in for a while?

MH: Yea.

TD Okay, but you don't know Little Joe, huh?

MH: Not at all. I don't know anyone little Joe. I've been one-hundred percent honest with y'll about people that I know. I don't really know anyone named Little Joe.

TD: Little anything, other than Little Bro? I know you said Little Bro before, but any other little's?

MH: Rappers but....

TD: Right, well, me too. Any Joe's? ...Anyone in a halfway house?

MH: Nah.

TD: You got boys in a hallway house that you're communicating with at all?

MH: Nah...Nah.

MC: You know anybody in New Haven? Other than, like, who do you usually talk to over there?

MH: Talk to my family, oh - oh, what in like the corridors?

MC: Yea, like fellow inmates.

MH: Like anyone I see I know from the streets.

MC: Like anyone you're tight with?

TD: When's the last time you went to state court?

MH: Wednesday.

TD: Like two days ago or yesterday?

MP: No, no a week ago, a week from Wednesday.

TD: Did you go to court with anyone you know? Or see anyone you know in court?

MH: Yeah.

TD: Who'd you see?

MH: Um, Eric McClendon.

TD: Oh, he's familiar. Is he Redside?

MH: Nah. He down for that (inaudible) right now, but.

TD: Oh, maybe that's where I heard his name, okay. Who else?

MH: Ty... I don't even know his real name. But I barely know him, he know more about me than I know of him. Like, he was just like what's good? I seen him way, way back then. I didn't even notice who he was. I think he got big, but we wasn't talking about shit. We was just talking about - regular shit. I'm like yo, what's good with your case?

TD: What's he in for, Ty?

MH: Something domestic with his baby mother, some shit.

TD: That's not good.

MH: Yeah, but I'm not dumb. I don't just reach out to anybody and be like yea, I'm going to do this. I don't even - people that I'm real tight with. Now-a-days there's a lot of telling on a lot of people doing a lot of slick stuff, like. Somebody come up to me like Mike, remember when we did this? I'm like whoa, nah, I don't know what you're talking about. I never did that with you. Even if he not wired up or anything, I just don't trust people. Like, I've seen best friends turn on people.

MP: Yea.

MH: So, when Payne and Mandillo approached me about this. I was like yo, I've really, honestly, like, and not even on that telling level Payne & Mandillo got a good bond with me. Cause, I ain't gonna lie I catch a lot of tickets. I got a problem holding my mouth, cause I feel certain COs think they on a pedestal and they going to talk to you how they want to talk to you. I

don't be going for that. So I just be talking back. And sometimes I should hold my mouth cause it ain't worth it. Cause they going to win at the end of the day.

TD: That's true.

MH: But I got a bond with them so I keep it buck with them. I'm like so listen I don't even talk like that to people, like. If anything, I'm ain't beefing with the ATF, I'm beefing with people on the streets.

TD: Right.

MH: I'm not beefing with you all. Like why would I...My Federal case isn't even to that. It's not even severe to me, like.

TD: So who are your boys on the street, like who do you hang out with, general speaking, when you're out, obviously, not when you're in?

MH: When I'm out?

TD: Yeah.

MH: Pshh – Ty.

TD: Ty the one you saw or different Ty?

MH: Nah.

TD: A different Ty?

MH: Yeah.

TD: Okay.

MH: Ty, Yao, um....

TD: Does Yao have a real name? There's so many Yao's – have you noticed that?

MH: Yea.

TD: There's a Yao everywhere. Why is that?

MH: It's a drug name, I guess.

TD: It's... what drug, weed?

MH: Crack. You got Yao, you got crack.

TD: That's what I thought, okay. That's someone who sells crack so you don't have to tell me his real name. Ah, who else, who else do you hang out with?

MH: I was hanging out with Layton; I know you all know about him. Layton (Inaudible) -

TD: Oh, I don't actually know.

MH: Got that case in Bridgeport. The Storrs guy got killed.

TD: Oh! How'd he wind up down in Bridgeport?

MH: I don't know, I was in the house when it happened, so I don't know nothing about that case. I just seen him on the news.

TD: That's too bad.

MH: And I just know he went – damn that's it.

TD: That's too bad.

MH: But – yea I keep a small circle, I told you, I've seen some best friends tell on each other, so.

TD: Yeah, how old are you?

MH: Twenty-three. As lately I just been like, watching out from other people. I'm starting to notice some of the people are no good. But it's not even like I was full-fledged into the streets when I was home. I had a whole construction – I mean a roofing job, so I would get up at 7-o'clock I won't make it back till 4.

TD: Okay.

MH: I go straight to sleep, I'm exhausted. I wake up at 9 something; I go outside (inaudible). Most the time smoke weed. Go back to the crib talk to some girls. So, I really started falling back from the streets, like. Then my Niece was born, so it was like, I treated her like my daughter. She lived in the same household as me. I started seeing certain stuff like, damn like; this is my niece, like. She really is here.

TD: Right.

MH: I show favoritism, I ain't even going to lie, to my sisters and stuff. And that was my favorite sister and I had her baby. So I was like, she used to let me watch her when she go to work. So I really started falling back and seeing what it is like, shit don't add up. You do certain stuff it don't add up for the time they're going to give you for the shit you did. Shit only lasted for what, an hour, you was high for two hours. Now you going to jail for two years, shit don't add up, so.

TD: Yea, it's good if you can remember that.

MH: Yea, exactly.

MP: Seriously.

TD: Honestly, because we talk to so many guys that are like I'm not going back. And then they go on the street and they're just like, well, I just need this gun.

MH: But I was straight on probation. I completed my program, all that. I was straight on probation. Even when I caught a case in Hamden, it was like a petty case. They said like trespassing, attempt burglary, like. I don't even know how when I was just walking and they just – they said I looked like somebody, but. Probation didn't violate me, like that actually wrote a good report. Like, Mr. Henderson completed his program; he gives me no dirty urines. He goes to court on time, he's present why I ask about (inaudible), all that. All this just comes out the blue, like. And it's kind of crazy cause, it's a serious matter, with Moe being killed. But my name being thrown in it, it's like, what type of person do people think I am, like.

TD: Right, well the other thing, and again just getting back to the beginning, why we're here is because – look their job, as U.S. Marshals, is to protect, in particular the Judges. You know? And we take it very, very seriously.

MH: Yeah.

TD: And we understand, like people get angry and they talk shit while they're in custody. "Ah when I get out I'm going to fuck that guy up!" Excuse my language, but you know what I mean. You know what I'm saying?

MH: Yeah.

TD: And - but when someone hears it to the point where they think – this dude's serious. And that takes it to a different level, you know because...look, talk about getting time.

MH: Yea, yea I know that for sure.

TD: Okay, you know, you threaten a cop, you threaten a federal Agent, you know. That's going to bring you some serious time and god forbid you act on it or try and act on it, it'll get basically treated the same way.

MH: Yeah.

TD: Like you can wind up spending forever in custody.

MH: Yeah.

TD: And I don't think you're trying to do that.

MH: Not at all – not at all.

TD: You're talking about your niece here and you want to be home, and so...assuming for the sake of argument that none of this was said, okay?

MH: Got you.

TD: Good. But assuming for the sake of argument that it was said, don't be thinking about it anymore - because that can't happen.

MH: Yea, all right.

TD: Okay, you hear me?

MP: Can I just run through a couple of names from your phone list just to see-

MH: Yea.

MP: MaKayla (inaudible), that's your...?

MH: That was, that's my ex-girlfriend.

MP: John Vitelli?

MH: ...John Vitelli?

MP: That's what the number comes back to; somebody in East Haven.

MH: Oh – oh, that's my boys Rob's father.

MP: Your boy Rob's father.

MH: Yea. Hold on, what's the number?

MP: 361-0140.

MH: Oh, I don't even know that number. I probably put that on my number playing around, trying to figure out numbers cause you know how sometimes you go to jail you really don't know peoples-

MP: Okay, I don't even know how many times you called it, so.

Danielle Cordova, that's the 466.

MH: Yea, that's my boy Rob's number.

MP: That's Rob's number, Rob who?

MH: Rob Cordova.

MP: Oh, well that makes sense.

TD: Are you letting him use your phone?

MH: Nah. He got money on his phone, I be calling him and stuff.

TD: Got it, okay.

MP: Melvin Davis.

MH: That's my homeboy, 494-6637.

MP: Yeah, Liguana? What's his name?

MH: His name Quan

MP: Quan.

MH: But his real name Melvin Davis.

TD: You're good with numbers; most people can't even remember (inaudible) their own cell phones.

MP: How about this one. How about this white chick from Waterbury, Laura (Unsure of spelling)?

MH: I don't even know. I - matter of fact, I do, yup.

MP: You do know; you used to talk to her a lot.

MH: That's my Boy Dontrell's girl and he went home, so. She be throwing money on the phone so I be calling her to talk to him.

MP: Okay, Dontrell what?

MH: Dontrell Tillman.

MP: Does he have a street name?

MH: Nah, I don't - I clicked with him in jail.

MP: So that's alright. Alright, um...Keyasha Aleke?

MH: Nah, I don't know that name.

MP: 676-0231.

MH: That's my sister Makisha Henderson.

MP: Oh, okay. Well, you know, they have, well this is between the jail.

MH: Nah, that's my sister Makisha.

MP: That's your favorite sister?

MH: Yea, that's my niece's mother.

MP: Okay.

TD: Do you have your other sisters on your-

MH: No, not at all.

TD: Oh, okay so I think they might know that you like her better, huh?

MP: How about this one, ah, 676-9478.

MH: That's my sister Jackie James, my foster sister, Jackie James.

MP: She has a photograph business or something?

MH: Yeah. She used to work for DCF and stuff.

MP: Okay. Um, 676-0321.

MH: That's – I messed up trying to go to Makisha's number.

MP: Yea, they didn't know what it was, so that's the same thing.

James Willard, Williard James.

MH: That's my father.

MP: That's your father, okay.

MH: 772 number?

MP: Umhum.

MH: Yup.

MP: 809-0370.

MH: That one I don't know.

MP: Keyana Greeve.

MH: That one I don't know.



MP: Button Street, New Haven.

MH: That one I don't know.

MP: Okay. Lynda Smith, 809-3042

MH: (Gestures No).

MP: No. It was back in December.

(Not sure of spelling) McCray, 901-4022

MH: Nah, I don't know.

MP: 999-1733?

MH: That's my sister Angel Rich – and there should be a 901 number up there - 4022.

MP: Yea, that's, which one is that, who's that?

MH: That's my sister's boyfriend number.

MP: Okay, cause it comes up, you know, as whoever (Not sure of spelling) McCray, that's that guy. So it's you sister's-

MH: Yea, that's my sister's boyfriend.

MP: And what's his name?

MH: He go by JB. I don't know his real name.

MP: JB?

MH: Yea.

MP: Okay. Could that be the KB we were thinking about, maybe JB?

MH: Nah, cause he um, he never had money on his phone since I been here so I never talked to him, so he wouldn't be able to say that.

TD: Was he home or was he out, I mean-

MH: Nah, he's home he works and stuff so.

TD: He's home.

MP: Um, how bout 860-221-5565, New London?

MH: Nah.

MP: Nah, okay.

That's all I got right now. You have anything else?

TD: You have any questions?

MH: Um, would I have to transfer my inmate account to the feds, how would I go about that?

MP: They cut you a check – they send the check, I don't know, I know the other way Wyatt sends a check. But I don't know if they're going to cut a check and send it up to Wyatt. I don't know. We can check on it.

MC: That's something we'd have to look into.

MH: Um, y'll don't know when my next federal court date is? I haven't been in federal court for almost 3-months.

MP: Um, no, but we can check on it too. And I'll let you know; while you're here today I can let you know.

TD: When you go upstairs.

MH: What am I going up stairs for?

MP: That's where this holding cell is.

MH: Oh.

MP: You got to wait till the end of the day when Wyatt comes and they pick everyone up.

MH: Alright. So, I'll be in Wyatt till I get sentenced, right?

TD: Yeah.

MP: Yeah, well unless you have a court date in the state, then you'll come down for that.

MH: Yeah.

MP: Okay?

TD: But while you are here today they can let you know about the check thing and all-

MH: Alright, but when I go to Wyatt today, right, my federal time starts, right?

MC: Your federal time starts today.

MH: Because they stated when I was in state the fed. did not count. And I understand that makes a lot of sense, but I want to know if when I go today-

TD: That's correct.

MP: Right now. You're in our custody, yes.

MH: Alright – alright, that's about it. I'm good, can you-

TD: Which is better for you in some ways because I think the state will count your federal time but the feds won't count your state time.

MH: Yea, I know that. Yea, yea you're right.

TD: Yea, so....

MH: Can you make sure these shackles are taken off me before I get back?

MP: Are they – are they, okay. Let me ask you about the cross.

MH: So when I was down, I got family in Philadelphia and it's like um – It's like my Aunts and stuff. They deal with that like, that witchcraft stuff and stuff.

TD: I guess you got fire coming out of it, right?

MH: Yea, but it's not no Devil worshiping, none of that stuff. Like, I believe in God like, but.

MP: Well who do you think God is? Is it Jesus Christ of the cross or-

MH: No, I think God is a high power.

MP: Okay.

MH: The highest power – ain't no one above him.

MP: Is your - so your Aunt, they have those crosses as well, is that what you're saying. They-

MH: Yeah.

MP: Okay. Is-

MH: I was down there for a while and I was catching up on that stuff and-

MP: What's it called, if you don't mind? What's the name of the-

MH: It's some wild Indian name; I forgot the name of it.

MP: Okay.

MH: I can't even pronounce it if it was in front of me, but.

MP: Okay.

MH: It's like – It's like this baby angel. Like, if you walk in all my family's house in Philly they got a baby angel and it's a moon behind it.

MP: Okay.

MH: That represents something like, when you walk in you got to like, you got to kiss it, like.

MP: Okay.

MH: And go about your day. You got to pray to it; at night - don't go to sleep without praying to that um, baby angel.

MP: Hmm.

MH: It's deep but, it's not like worshiping the Devil, none of that. Nah, I don't believe in that. I think that's fucked up shit.

MP: Do they have a book that they refer to? Like the Bible.

TD: The Bible.

MP: The (inaudible).

MH: Yes, but – it's like dealing with souls. Like purring your soul, like. I seen my Aunt, y'll might think this is crazy, I seen my Aunt, like - she got a cow tongue, like – that shit is like sued up. When she feels like someone is talking about her, she'll like write their name on a piece of paper and stuff it in the cow tongue and sue it back up. I think that shit was nasty.

TD: That's a little like, Santeria.

MH: Yea, that's what it is.

TD: Oh, it's Santeria.

MP: Okay, now we know that.

MH: I said “why you do that?” And she said people talk about me, I don't like that.

TD: Yeah.

MP: Yeah.

TD: Yeah. They did an arrest around here of a Santeria Priest.

MH: Yea, he had mad bones and stuff.

TD: Yea, a goat hanger.

MH: She ain't...the worst thing she got though-

MP: Didn't count though – she keeps feeding it and suing it up.

MH: I don't try and eat out the freezer. That shit is nasty.

TD: Did that hurt?

MH: No, my neck hurt more.

TD: Oh, yeah.

MH: But down in Philly that's like a trend like, you see like 14-year-olds, you be like “where the hell these dudes mothers at?” Like, I seen 14-year-olds whole bodies tatted up.

MH: Really?

MH: 15-year-olds, but that's a trend down there.

MP: Where you down in Philly to get and like what, get away from this New Haven for a little while or what?

MH: Yeah. I don't know what drew me back because soon as I came back, matter of fact, you know what drew me back was I wanted to spend Father's Day with my Dad because I missed the previous four being incarcerated. And it was funny because that's when I caught my gun case; a day before Father's Day. Father's Day was Sunday; I got caught with a firearm Saturday. I wasn't even mad I was in jail. I was just pissed I came up here for no reason just to get in trouble. So, I never, I did make it back down to Philly when I came home, but I don't know how it got out, but I got to probation and they violated me.

MP: Oh.

MH: Bonded out...and all this bullshit tumbles down, so – just dealing with that.

MP: Alright.

MH: Why you don't feed us burgers or nothing no more? Why do we got to eat the bologna?

MP: When did you ever have burgers? You had burgers here?

MH: That's what dudes was telling me, subs.

MP: You're crazy.

MC: People talk.

MP: No, you can't listen to anybody.

MH: No, like a sub or something, like – sub or chips.

MP: No.

MH: They said the dudes from Wyatt get like a sub, soda.

MP: Nah.

MH: So what you all feed them, nothing?

MC: Wyatt gets the same thing you get from DOC.

MH: Bologna?

MC: Yeah.

TD: I don't know. I don't know about this stuff.

MP: Yeah, well that's just today, but when you go up to Wyatt you'll have whatever they have there.

MC: You'll at least get a juice from DOC, Wyatt gives you just water.

MH: Oh, word?

TD: Though, the food might be a little bit better at Wyatt than it is in the state.

MH: Yea, I heard that.

MP: Yea. No burgers though.

TD: I mean like, Wyatt's a calmer place, so, you know.

MH: Y'll know about the feds, like the fed. camps?

MP: Yea, like Allenwood and all those places like that.

MH: Yea, is there one in New Jersey and Pennsylvania?

MP: Yea.

MH: That's where they said I'll be going.

TD: Allenwood has one.

MP: That's where most of the Connecticut inmates wind up, in Allenwood.

TD: Or Fort Dix depending on you level of classification.

MH: Yea, they said mines like a 3.

TD: Oh, yea you can wind up at either Fort Dix or Allenwood.

MH: What's Fort Dix?

TD: It's just a medium prison. Low and medium, I think, right?

MP: Yeah.

TD: It's in New Jersey.

MP: You just got to keep your mouth shut.

TD: Yea, don't fight.

MP: Think before you speak, right?

MH: Yeah, yeah.

TD It's not, you're right, what you said before, it's not worth it. Because the chances of you wining that argument are not very good.

MH: Yeah.

TD: So it's better to just walk away.

MC: You got to think of the future man.

MH: Yeah, you're right.

MP: Yeah, I don't think you have to prove yourself anymore, right? You know, you're 23, just go about your business, live your life, move on.

TD: Yeah. You're old on the streets now.

MH: Yeah.

TD: Right? ...And I'm twice your age, imagine that.

MP: So.

TD: So.

MP: You alright?

MH: Yeah, I'm fine. I'm just ready to get on the road to Rhode Island.

MP: Okay.

TD: Alright.

MP: Well, we're going to end this interview it is 11:25AM.

TD: Thanks for talking to us, we appreciate it.

MH: Alright.



Miceneel Hendelison #23182-014  
150 High St  
Central Falls, RI 02863

Tanzhanca Dixon  
17 Emma Street  
West Haven, CT 06516



You: so you just dont give a fuck about him?

Her: whatever she says }.

END of conversation.

The point of this whole thing is to show the Judge she doesnt like wants to see me in Jail forever so she will do whatever in her will to do it if it takes for her to lie than she will

I need you to Screenshot this picture's of this conversation and send it to me for my lawyer ASAP so basically your setting her up w/out her knowing OK.

DO NOT argue w/HER!!!

STAY CIVIL

\* you claim your here for me well... I really need this done asap!!!

INBOX eagle AND TELL him to also to do it tell him the purpose of it too. I Basically need her to say it to as many people as possible and if eagle cant <sup>get</sup> the conversation <sup>pix</sup> develope tell him send the Pixs to you so you could get them develope.

I know you dont like the fact that im considering trial But im NOT A DUMMY ALSO NOT A Genius But there whole case is base off of Semaj Snitching on me, saying she overheard a convo I was having ABOUT BREAKING IN the gun store WHICH IS NOT TRUE EVERYBODY KNOWS why she felling on me Because she doesnt like me due to the fact she thinks I had involvement in Killing Moc. WHAT I NEED you to do is Really important for my case

INBOX HER on facebook ←

Here's WHAT TO SAY. ↴

You: I NEED to talk to you whenever you get a chance.

Her: whatever she says?;

You: Im NOT TAKING NOBODY SIDE But you have A Right to feel sadclen and suspicious AND worried, But Mike is family AND He stated to me your thrawing his name in the diet w/out any facts DONT you know that he could do a long time in Jail off of you NOT knowing what your talking about.

Her: whatever she says?;

You: so you dont care about Him Being in Jail for a long time from your Assumptions ; NOT KNOWING THE TRUTH?



PROFESSIONAL STANDARDS UNIT

IA Case# IA-16-65

Investigator: Director Tomasso

Date Assigned: December 3, 2016

Type: Code Orange (Staff Member Assault)

Date Completed: December 7, 2016

Disposition: Forwarded to Warden Martin

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**Synopsis:**

This investigation is in reference to the reported assaults of Sgt. A. Santos and Off. J. Cote committed by DT Michael Henderson SID# 23182-014 in B-Pod on 12/3/16.

**Summary:**

On December 3, 2016, this investigator received a call at home from Warden Daniel Martin advising that Sgt. A. Santos had been assaulted by DT Michael Henderson while he was conducting a cell search in B-Pod. Warden Martin indicated that Sgt. A. Santos had been transported to the hospital.

This investigator responded to the facility and was briefed by Lt. Hamrick. During the briefing, this investigator learned that Off. J. Cote had also reported being assaulted by DT Henderson during the altercation. After reviewing the limited DVR footage of the incident, this investigator spoke with Capt. Jeremy Sullivan.

Capt. Je. Sullivan advised that after DT Henderson had been escorted from R&D to the G-Pod showers, he (DT Henderson) asked to speak with him. Capt. Sullivan was wearing a body camera that was recording when DT Henderson made his request to speak with the captain. Once Capt. Je. Sullivan advised that he was there, DT Henderson began explaining why he had assaulted Sgt. A. Santos. Entire conversation was video/audio recorded as follows:

**DT Henderson:** Where's Sullivan?

**Capt. Je. Sullivan:** Right here man.

**DT Henderson:** Yo, listen. Whatever happened, happened.

**Capt. Je. Sullivan:** I want you to decon and then I'll come...

**DT Henderson:** Nah, I'm straight I want to talk to you right now.

**Capt. Je. Sullivan:** Alright.

**DT Henderson:** I don't even know how incidents like that is not happening with people like that working here. I did not do nothing to that dude.

**Capt. Je. Sullivan:** So tell me what happened?

**DT Henderson:** I came to my cell, he said what you doing. I said nothing, this is my cell. He said, you go take a damn seat. So you know what, I flared up right there, like you know what, fuck it...



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Capt. Je. Sullivan: I'm talking to you.

DT Henderson: I walked away. When I walked away, to go take a seat like he told me to do, he just opens my door and starts kicking fluff shit out. I have fluff in my cup and pickles in the other. So I went to him respectful and I say, can I take my food that I purchased from commissary out the shit, you can take the jar, I know I'm not supposed to have it. No, you need to get the fuck out of here. Can I talk to the captain please, because now you just disrespected me, I didn't say nothing to you. No, you're not talking to nobody, go take a damn seat like I told you, you got 2 seconds.

Now what up man, what the fuck is wrong with you, like, I didn't do nothing to you, I'm not the one dog. He starts, and I say don't do it, don't do it, don't do it, don't do it, and that's what happened.

Capt. Je. Sullivan: And then what though?

DT Henderson: I punched him in his shit. There ain't nothing to say, like he, he just blatantly disrespected me dog. Like I understand where I went wrong, but I had, I had no choice, I had no choice at all. He might've just as well came in there and spit in my face. That's what he might as well did. My celly's asleep, he just comes in there, no bullshit, everything I'm telling you on my dead grandmother, he did dog. He just went in there, kicked, he literally kicking my shit dog.

Capt. Je. Sullivan: Alright, did...

DT Henderson: I'm sitting there being respectful, like why is you doing this. I'm not raising my voice nothing. I had no choice but to go there Sullivan, I had no choice dog. The man in me, growing up how I grew up, I had no choice but to hit him (punches hand). I had no choice dog, I had no choice. I don't even know why, he, I don't know if he had a bad morning, a bad weekend, bad news, but I did not deserve to be treated like that at all. So, to defend myself, I did what I had to do dog. I'm not going to let a detainee disrespect me like that, I'm not going to let none of y'all disrespect me like that. I would never come off disrespectful to y'all for no reason. I don't know what was on his mind.

Capt. Je. Sullivan: Because I was watching it on video, and all I can see is you guys, he was just standing there and you approached him and you started punching him over and over again.

DT Henderson: I gave, dog, I swear to God on everything yo, I respect you to the police, you got a job to do. What you did for me last time, I got to respect you, I'm not lying to you. I gave that dude multiple chances, and you know how my anger is dog. I gave him multiple chances, like yo why is you doing this, speaking like this, low tone, what's happening, why are you doing this, this is my cell, like can I get my food that I purchased from commissary out the thing. No (Raised voice) everything he said to me was disrespectful. Nothing he said to me was civilized or respectful, nothing. I swear to God, I swear to God, I had no choice but to do what I had to do dog. Then he starts going like this (gesturing like he was pulling OC from his belt area). I'm telling him, Santos don't do it, don't do it, don't do it. Dog, nobody in here is macing me dog, without me doing nothing, nothing, it's just not happening my nigga, it's not happening my nigga, it's not happening, it's not happening. So for future references, you can tell the other fucking, whoever the fuck you want to tell, it's just not happening. You want to go there with Henderson, it's gonna go down dog, it's gonna go down. I apologize to Cote, because I fucked with Cote, I didn't even know that was Cote, but dogs, ... I don't know who the fuck is on me...you all are applying pressure...I don't even know what the fuck happened dog. This nigga just came in here and disrespected



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me my nigga...I'm pretty sure the whole...first, first, first he got into it with Jernigan (DT Charles Jernigan SID# 22200-014), just came there with some straight dick ass shit, then he came after me, nah...

**Capt. Je Sullivan:** Can I ask you a question?

**DT Henderson:** Nah, nah, dog, nah, this nigga's crazy my nigga.

**Capt. Je Sullivan:** Hear me out.

**DT Henderson:** Real shots, I just want like, I just want to fight him, like head up, like what up, like that nigga's crazy my nigga. This nigga's crazy, he did that because he has y'all as backup, without y'all here, he's a stone cold pussy my nigga, a stone cold pussy, that's what he is dog, a stone cold pussy, he knew he had back up so that's why he did what he did. I didn't deserve none of this dog, none of this. I did not disrespect him one time, you can ask my celly anybody that was there, because I'm pretty sure the whole block was paying attention because it's a conflict and they want to be nosy, they want to gossip like hoes, so anyway, I'm pretty sure the whole block seen what happened, I did not disrespect him one time, yo, one time, I had no choice but to do what I had to do dog. Y'all wasn't there to see the situation, if y'all would have seen the situation, I'm pretty sure someone would have vouched for me, instead of just coming in and attacking me dog. I understand you had to do what I do...do what you had to do because I was attacking one of y'all's co-workers, but what the fuck my nigga, but what the fuck was I supposed to do dog, this nigga kicked everything of mine over my nigga, everything, everything, throwing shit in my cell, everything my nigga. Nigga straight disrespected me my nigga, but I'm wrong? I'm wrong? I'm wrong for punching him in his shit? I'm wrong? I'm not fucking wrong dog. Where the fuck is the respect my nigga. Respect go along way anywhere you go my nigga. I don't give a fuck what your fucking label is, anything dog.

**Capt. Je. Sullivan:** Alright, alright.

**DT Henderson:** This nigga's fucked up, y'all's nigga is fucked up too my nigga, so real shit, I feel some type of way dog. I'm not coming out the shower, for real shit, you better let me calm down my nigga.

**Capt. Je. Sullivan:** Calm down then, decon, I'll be back in a little while to talk to you, alright, okay. I also want medical to get up here and look at too, okay.

**Investigation:**

This investigator asked to speak with DT Henderson's cellmate. Capt. Je. Sullivan arranged to have DT Lorenzo Malcolm SID # 24821-014 escorted to the Shift Commander's office.

**Note:** The following is the account of DT Lorenzo Malcolm:

**DT Lorenzo Malcolm:**

DT Malcolm advised that he was DT Henderson's cellmate, and that he was sleeping in the cell (B-8) when Sgt. A. Santos came in. DT Malcolm stated he woke up because Sgt. A. Santos was kicking stuff around the cell. He indicated that DT Henderson was not present at that time.



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According to DT Malcolm, Sgt. A. Santos continued to rummage through the cell, and told him he was looking for something. Sgt. A. Santos picked up a fluff cup and was going to throw it away because it was being used as a storage container for a pickle, making it contraband. Around that time, DT Henderson arrived at the cell, and Sgt. A. Santos asked DT Henderson to sit down in the dayroom.

DT Henderson complied, sitting just outside of the cell watching the cell search. DT Malcolm stated that when DT Henderson observed Sgt. A. Santos "motioning" to throw the fluff cup in the garbage, DT Henderson stood up and asked if he could get the pickle. Sgt. A. Santos said you're not getting anything. DT Henderson then asked to speak with the captain. Sgt. A. Santos said you're not speaking to nobody.

DT Henderson then stated that you're making it seem like I'm doing something wrong, you're kicking stuff around in my cell, making it seem like I'm doing something wrong. Sgt. A. Santos replied, you're not doing anything wrong, but I told you to get away from the cell. DT replied, nah, you told me to sit down. Sgt. A. Santos said, now I'm telling you to get away from the cell. DT Henderson then said I could...you know what I mean, watch you search the cell, I'm not doing anything wrong.

DT Malcolm stated that at that time, Sgt. A. Santos initiated a code because they were going back and forth. DT Henderson then entered the cell as Sgt. A. Santos stepped outside of the cell, but both were standing near the doorway. DT Henderson again asked to speak with the captain. Sgt. A. Santos responded that I told you you're not speaking to nobody, now put your hands behind your back. DT Henderson told Sgt. A. Santos I'm not doing anything wrong, I'm not doing any of that.

At that time, Sgt. A. Santos reportedly had the cell door in his hand with it closed to about a 90 degree angle. DT Malcolm wasn't sure if the sergeant was going to close the cell door, but indicated that DT Henderson pushed the door open to what he described as 110 degrees. Sgt. A. Santos then let go of the cell door and put his hand on the mace (OC spray). DT Henderson told Sgt. A. Santos not to spray him because he wasn't doing anything wrong. DT Henderson then stepped out of the cell and was very close to Sgt. A. Santos, but not making physical contact. DT Henderson again said to Sgt. A. Santos, don't spray me, don't spray me.

DT Malcolm stated that he assumed that DT Henderson was sprayed, because they began tussling. He added that due to his vantage point, sitting on the top bunk, he did not see any physical action. DT Malcolm did acknowledge seeing the mist from the "OC" spray. He then stated it escalated from there. DT Malcolm stated he jumped down from his bunk and went to the cell door. He reported seeing a bunch of officers on top of DT Henderson. DT Malcolm estimated that 3 to 4 minutes elapsed from the time of the code was called until the physical altercation ensued.

DT Malcolm was asked if he thought the sergeant was unprofessional in any way. DT Malcolm said he believed he was, based on the manner in which he came into the cell. He stated he was kicking things around and making enough noise to wake him. DT Malcolm was asked if the sergeant said anything to DT Henderson that could be taken as unprofessional. DT Malcolm indicated the verbal commands appeared to be normal.

This investigator also responded to HSU and asked if DT Henderson wanted to provide an account of what transpired. He was advised he was under no obligation to speak with me. DT Henderson indicated he would tell his side of the story.



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**Note:** DT Henderson was spoken to through the glass of the HSU cell. When the recording was played back, the echo made the recording hard to understand.

**DT Michael Henderson:** DT Henderson basically reiterated what he had told to Capt. Je. Sullivan while he was in the G-Pod shower. According to DT Henderson, this altercation was the result of Sgt. A. Santos being blatantly disrespectful to him.

This investigator requested via Major Richard that Sgt. A. Santos provide a written account of the altercation. On 12/5/16 at 8:22 a.m., Major Richard forwarded the following email from Sgt. A. Santos.

**Sgt. A. Santos:**

On December 3, 2016 at approximately 9:30 am I Sergeant Antonio Santos was conducting a security round in Bravo pod, I entered cell eight and observed one altered towel on the floor and one empty fluff cup on the desk. I confiscated the fluff cup and the altered towel and placed it by the cell door when I observed Detainee Henderson, Michael (23182-014) standing by the cell door. Detainee Henderson stated to me what was I doing inside his cell. I told detainee Henderson to get away from his cell door and have a seat in the dayroom. I continued my security round when I confiscated another fluff cuff with a pickle in it on the floor. Detainee Henderson approached me and stated to me why do you keep on fucking with me. I stated to Detainee Henderson anything that is not in it's original container is considered contraband. Detainee Henderson became upset and approached me and stated that I was not taking his fluff cups. I called a 10:33 in Bravo Pod and that I had one that needed to be removed from the unit. Detainee Henderson stood by his cell door and stated to me what are you going to do now. I ordered the unit officer to lock in his unit. I attempted to secure him in his cell when he placed his foot against the door. Detainee Henderson began yelling and clinching both his fists and saying that he was not locking in. At this time, Detainee Henderson began walking towards to me in an aggressive manner with both his fists clinched and saying what are you going to do now. I began to pull out my oc spray when Detainee Henderson struck me with a clinched fist on my left side of my head and face. At this time, I defended myself by spraying him with my oc spray and exchanging punches while primary responders arrived in unit. The primary responders and I took Detainee Henderson to the ground. Detainee Henderson refused all orders to stop resisting by not giving up his hands. Detainee Henderson remained noncompliant and continued to resist restraints. I secured his right arm while the primary responders applied restraints to both his left and right wrists. The primary responders assisted me out of the unit and down to our medical unit. I sustained injuries to the left side of my face, head and also my right hand. I was taken to Pawtucket Memorial Hospital by rescue for the injuries I sustained during the physical altercation with Detainee Henderson. Photos were taken of injuries. End of Sergeant A. Santos.///

**CERT Commander**  
**Sergeant Antonio Santos**  
**Donald W. Wyatt Detention Facility**  
**950 High Street**  
**Central Falls, Rhode Island 02863**

**DVR Review:**

This investigator attempted to review DVR footage of the assault and its attendant circumstances, results as follows:





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Note: The DVR system is not coordinated with respect to date and time. Due to the fact that cameras recording in B-Pod are on separate DVR's, each video had a different time stamp.

DVR 3 Camera 64

12/3/16

9:29:31- Sgt. A. Santos enters Cell #8.

9:29:51- Off. A. Delgado arrives at Cell #8.

9:29:56- DT Michael Henderson arrives at Cell #8 and approaches Off. Delgado.

9:29:59- Sgt. A. Santos observed coming to the doorway of Cell# 8. (Off. Delgado & DT Henderson are outside of the cell).

Note: DVR 3 stopped recording, and started recording again at 9:34:19. DT Henderson was already on the floor being restrained by multiple officers at that time.

DVR 4 Camera 69

9:38:40- Control took over PTZ camera 69 and turned it toward Cell#8, indicating that Sgt. A. Santos called the code at that time.

9:38:48- Camera 69 is focused at Cell#8, Sgt. A. Santos standing outside of the cell.

9:38:55- Appears that Sgt. A. Santos begins to back up as DT Henderson is advancing toward him.

9:39:01- Appears that the physical altercation begins.

9:39:08- Responding officers are observed reaching Sgt. A. Santos and DT Henderson.

Note: The DVR footage is very poor quality.

On 12/6/16 at 10:09 a.m., this investigator received an email from RI USM Joseph Murphy asking if Sgt. A. Santos had made an assault report with the Central Falls Police Department (CFPD).

This investigator called Sgt. A. Santos at home, who confirmed that he had filed a police report with CFPD. He stated that he thought he had to do so in order to press criminal charges. Sgt. A. Santos provided this investigator with the report # 16-1846-OF. USM Murphy was advised that a report had been filed with CFPD and would be obtained/forwarded with the packet.

On 12/7/16 this investigator contacted Lt. John Carroll (CFPD) and requested a copy of the report. Lt. Carroll was also advised that the facility wanted the case to be charged federally if possible. Lt. Carroll emailed a copy of the police report and is attached.

Respectfully Submitted,

David Tomasso, Director of Professional Standards



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**Warden's Review:** Investigation Panel - Facility Cuckooing  
Investigation regarding staff assault, Sgt. A. Santos  
sent to outside Hospital for medical treatment for non-life  
threatening injuries. Officer James Ceste also assaulted  
by Detainee Henderson, US Marshal Brian Taylor (CT) was  
contacted and requested to transfer Detainee Henderson.

At approximately 2:30 pm US Marshal arrived and  
transferred Detainee Henderson to Northern Correctional in CT.

Sgt. A. Santos and Officer James Ceste wish to  
pursue outside charges