

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

UNITED STATES OF AMERICA

v.

CASE NOS. 6:05-cr-188-Orl-19KRS
6:07-cr-31-Orl-19KRS

WILLIAM CHARLES MARSHALL

**AMENDED MOTION BY THE UNITED STATES FOR
DOWNWARD DEPARTURE OF DEFENDANT'S SENTENCE
BASED UPON SUBSTANTIAL ASSISTANCE**

Pursuant to the provisions of Section 5K1.1 of the United States Sentencing Guidelines, and Title 18, United States Code, Section 3553(e), the United States moves this Court to grant a ten-level reduction in the defendant's offense level, and in support thereof states as follows:

- A. In case 6:05-cr-188-Orl-22KRS, Marshall was the second defendant to cooperate against the co-defendants listed in the indictment. As part of that cooperation, Marshall testified at the trial of co-defendants Ezra Haynes and Darlene Blowe. Marshall's truthful and credible testimony was instrumental in obtaining convictions against both defendants.
- B. In United States of America v. Terrance Graves, et. al, case number 6:07-cr-8-Orl-19DAB, Marshall cooperated with authorities. His information, along with evidence agents obtained, was responsible for three of four defendants entering guilty pleas and cooperating with the government. Marshall is expected testify Graves' trial when Graves returns from the Bureau of Prisons facility in Butner, North Carolina.
- C. In a related Black Mafia Family (hereinafter referred to as "BMF") case pending in the District of South Carolina, Marshall was sent, via the U.S. Marshals Service, to testify at trial. Once Marshall reached the district, the defendant plead to guilty. According to the Assistant United States Attorney prosecuting the case, the result was directly attributable to Marshall's cooperation.

- D. In a related BMF case pending in the Eastern District of Michigan, Marshall was brought before the Grand Jury to present evidence against BMF founder's Demetrious and Terry Flenory and others. As a result of Marshall's cooperation, the Grand Jury returned a superseding indictment against the Flenory brothers, both of whom are now facing life sentences. In addition, other BMF defendants were indicted.
- E. In Marshall's second case, 6:07-cr-31-Orl-22KRS, which was originally pending in the Northern District of Georgia. Marshall cooperated against the other named defendants. As a result of the information he provided, seven co-defendant's in that case pleaded guilty and three others have scheduled change of plea hearings.
- F. Also, in a mortgage fraud case pending in the Northern District of Georgia, Marshall provided information about a defendant that was attempting to intimidate a government witness. As a result, law enforcement agents were able to take appropriate action. In another mortgage fraud case, Marshall identified targets who agreed to cooperate with law enforcement. According to the Assistant United States Attorney prosecuting the case, Marshall's information was very significant to the investigation.
- G. Finally, Marshall met with DEA agents in Georgia and identified sixteen BMF members who were not indicted in the original round-up.

MEMORANDUM OF LAW

The Court, on motion of the government, may reduce a defendant's sentence to reflect a defendant's substantial assistance. USSG §5K1.1. Here, defendant provided substantial assistance as outlined above. The United States believes that, because of his efforts on behalf of the United States, the defendant should receive a ten-level reduction in his offense level for his assistance. This recommendation includes the prospective testimony described herein.