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 UNITED STATES OF AMERICA
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10 UNITED STATES DISTRICT COURT

11 FOR THE CENTRAL DISTRICT OF CALIFORNIA

12 UNITED STATES OF AMERICA,

13 Plaintiff,

14 v.

15 PAUL GARY WALLACE,

16 Defendant.

No. CR 20-293-AB

GOVERNMENT'S SENTENCING POSITION

Sentencing Date: July 29, 2022

17
 18 Plaintiff United States of America, by and through its counsel
 19 of record, the Acting United States Attorney for the Central District
 20 of California, hereby submits its position with respect to sentencing
 21 for defendant PAUL GARY WALLACE.

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1 The government's position is based on the attached memorandum of
2 points and authorities, the files and records in this case, including
3 the evidence from trial, and such additional evidence and argument as
4 may be presented at the hearing on this matter.

5 Dated: July 15, 2022

6 Respectfully submitted,

7 STEPHANIE S. CHRISTENSEN
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8 SCOTT M. GARRINGER
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9 Chief, Criminal Division

10 /s/ Jeffrey M. Chemerinsky
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12
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1 MEMORANDUM OF POINTS AND AUTHORITIES

2 **I. INTRODUCTION**

3 Assaults, robberies, shootings, narcotics trafficking,
4 extortion, witness intimidation, and murders - for decades, these
5 were just some of the ways defendant Paul Gary WALLACE ("defendant")
6 maintained his control, increased his reputation, and generated more
7 and more power within the East Coast Crips ("ECC"). As the leader of
8 the most influential set of the ECC, the "6-Pacc," defendant
9 effectively controlled the ECC and its large swath of territory
10 throughout South Los Angeles. As a "triple OG," a "big homie," and
11 the "boss of bosses," defendant could order violence and commit
12 violence with impunity. And this is exactly what he did.

13 Defendant wreaked havoc on the community and neighborhoods
14 controlled by the ECC, destroying lives with his violence and gang
15 activity. The impact of his violent conduct on the victims, their
16 families, and the community will be felt for years and, for the most
17 unfortunate, the rest of their lives.

18 The carnage, violence, and destruction that defendant caused
19 throughout his reign, coupled with the countless arrests,
20 convictions, court interventions, and attempts at rehabilitation,
21 inform the government's recommended sentence. Defendant has proven
22 repeatedly that he has no interest in changing, that he has no regard
23 for the safety of the community, and that he is truly addicted to
24 violence.

25 The evidence at trial proved defendant participated in at least
26 one violent murder of a rival gang member, as well as numerous other
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1 racketeering acts in furtherance of the ECC and his position within
2 the gang.

3 Defendant's participation in the murder of Reginald Brown in
4 2014 was a senseless murder of an unarmed victim, who was washing his
5 car at the time. The murder robbed young children of their father
6 and a wife of her husband.

7 Undeterred and unrepentant, just over a year ago, in May 2021,
8 while in custody *on this case*, defendant orchestrated the stabbing of
9 another inmate. Indeed, as set forth below, defendant has engaged in
10 such repeated and depraved behavior that the evidence at trial if
11 anything understated his propensity to violence and depravity. For
12 example, in one recording, which was never played at trial defendant
13 bragged about torturing dogs, cutting off their limbs for enjoyment.

14 Ultimately, defendant was convicted on both in the Indictment,
15 namely, Racketeer Influenced and Corrupt Organizations Conspiracy (18
16 U.S.C. § 1962(d)), and Discharging, Brandishing, Use and Carry a
17 Firearm During and in Relation to, and Possess a Firearm in
18 Furtherance of, a Crime of Violence (18 U.S.C. § 924(c)). As part of
19 the conspiracy count, defendant was found to have participated in the
20 murder of R.B. - which increased the statutory maximum sentence
21 available for Count 1 to life in prison. Defendant's § 924(c)
22 conviction results in a mandatory prison sentence of 10 years'
23 imprisonment, which must run consecutive to the sentence imposed
24 pursuant to the Sentencing Guidelines.

25 The United States Probation Office's ("Probation") calculated
26 defendant's Guidelines as a level 43 and that defendant's Criminal
27 History Category is VI. Probation has recommended a sentence of life
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1 plus 10 years. The government agrees and respectfully recommends a
2 sentence of life imprisonment as to Count 1, and a consecutive
3 sentence of 10 years as to Count 2. The government believes such a
4 sentence is sufficient but not greater than necessary to accomplish
5 the goals set forth in 18 U.S.C. § 3553(a).

6 **II. STATEMENT OF FACTS**

7 The Court is familiar with the facts from the trial in this
8 matter. A summary of the relevant facts is also set forth in the
9 Presentence Investigation Report ("PSR"), paragraphs 1-9.¹

10 The East Coast Crips (ECC) gang was a violent street
11 gang that claimed a large portion of South Los Angeles,
12 from approximately 1st Street to 190th Street, between the
13 110 Freeway and Central Avenue. The ECC gang began in the
14 late 1970s and was comprised of smaller groups known as
15 "sets." The ECC gang's sets controlled territories
16 throughout the city and tended to operate within those
17 areas on a day-to-day basis.

18 The ECC gang regularly engaged in a variety of violent
19 crimes including assaults, robberies, firearms violations,
20 narcotics distribution and sales (most commonly powder
21 cocaine, crack cocaine, and marijuana), witness
22 intimidation, extortion, murder, and home invasion
23 robberies. ECC also maintained a presence within jails and
24 prisons within California.

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26
27 ¹ As the Court is particularly familiar with the facts of
28 defendant's case, the government only briefly summarizes the facts
here.

1 During a period ending on July 16, 2020, Wallace, who
2 had been a senior leader of the ECC for approximately 30
3 years and who was the most influential member of the 6Pacc
4 set of the ECC, committed murder and attempted to commit
5 murder in order to enhance the violent reputation of the
6 ECC gang, to enhance his status within the gang, to
7 retaliate against rival gang members, and to enforce
8 discipline within the gang.

9 Specifically, Wallace agreed with other coconspirators
10 to commit the following acts:

11 a) On September 25, 2011, Wallace possessed .22 grams
12 of cocaine; and, on February 5, 2016, Wallace possessed 621
13 gross grams of marijuana and Ecstasy.

14 b) On November 13, 2014, Wallace drove a coconspirator
15 to victim R.B.'s residence, within rival gang territory,
16 and provided the coconspirator with a rifle which the
17 coconspirator used to murder R.B. The rifle possessed and
18 discharged in the murder of R.B. was a 7.62 caliber,
19 Norinco AKM-47S assault rifle.

20 c) On February 10, 2016, and February 12, 2016,
21 Wallace discussed the extortion of a marijuana dispensary
22 within ECC territory and his payment of the proceeds. These
23 conversations took place while Wallace was housed in MDC
24 Los Angeles awaiting sentencing in Docket No.: 16-00083.

25 d) On April 18, 2018, a co-conspirator stole
26 "protective order" documents to prove to Wallace that a
27 senior member of ECC was cooperating with law enforcement
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1 against the coconspirator in order for Wallace to approve
2 an assault against the senior member of the ECC. On the
3 same date, Wallace discussed with the coconspirator the
4 plan for an assault on the senior member of ECC.

5 (PSR ¶¶ 1-9.)

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7 **III. PRESENTENCE INVESTIGATION REPORT**

8 **A. Probation's Guidelines Calculation**

9 Probation concluded that defendant has a total offense level of
10 43. PSR, ¶ 31. This calculation is based on the following:

11 Base offense (U.S.S.G. § 2E1.1)	43
12 Murder (U.S.S.G. § 2A1.1))	43
13 <u>Total Offense Level</u>	<u>43</u>

14 **B. Criminal History Calculation**

15 Probation concluded that defendant has 20 criminal history
16 points, resulting in Criminal History Category VI. PSR, ¶ 41. The
17 government agrees with this calculation.

18 **C. Resulting Guidelines Range**

19 With a total offense of 43 and Criminal History Category of VI,
20 the resulting Guidelines' range is life imprisonment.

21 Based on the § 924(c) conviction, defendant is subject to a
22 mandatory sentence of 10 years' imprisonment (120 months), which must
23 run consecutive the Guidelines. On June 10, 2022, the United States
24 Probation Office issued its Recommendation Letter and recommended a
25 sentence of life imprisonment plus 120 months. (Dkt. 322.)

26 The government agrees with these calculations and Probation's
27 recommendation.

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1 **IV. Analysis of § 3553(a) Factors**

2 **A. Legal Framework**

3 "All sentencing proceedings are to begin by determining the
4 applicable Guidelines range," which serves as "the starting point and
5 the initial benchmark" for determining a reasonable sentence. United
6 States v. Carty, 520 F.3d 984, 991 (9th Cir. 2008) (internal
7 quotation marks and citation omitted). The parties should then be
8 given an opportunity to argue for what they believe is an appropriate
9 sentence. Id. Following argument by the parties, the Court must
10 consider each of the sentencing factors listed in 18 U.S.C.
11 § 3553(a), including the applicable Guidelines range, "to decide if
12 [those factors] support the sentence suggested by the parties." Id.;
13 see also Gall v. United States, 552 U.S. 38, 49 (2007). In the end,
14 the Court must impose a sentence that is "sufficient, but not greater
15 than necessary," to reflect the offense's seriousness, to promote
16 respect for the law, and to provide just punishment; to afford
17 adequate deterrence; to protect the public; and to provide the
18 defendant with needed educational or vocational training, medical
19 care, or other correctional treatment. See 18 U.S.C. § 3353(a);
20 Carty, 520 F.3d at 991.

21 **B. The § 3553(a) Factors**

22 The significance of a life sentence cannot be overstated. The
23 government makes such a recommendation fully understanding its
24 seriousness. However, here, such a sentence is appropriate for the
25 conduct for which defendant was convicted and is necessary to ensure
26 the safety of the community. Defendant's appetite for violence is
27 beyond dispute. His willingness to extort, intimidate, assault, and
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1 murder others for his own benefit is well documented and was proven
2 at trial.

3 If anything, defendant's Criminal History Category of VI
4 understates his dangerousness. Defendant's criminal record begins in
5 1984, when defendant was 18. (PSR, ¶ 37.) His first firearms
6 conviction was in 1985, when he was 19. (PSR, ¶ 38.) A year later,
7 when in custody for that offense, he was arrested for possession of a
8 weapon in jail. (PSR, ¶ 39.) In 1989, defendant was convicted of
9 voluntary manslaughter for his role in a drive by shooting. (PSR,
10 40.) Again, in 1989, he was convicted for possessing a weapon in
11 prison. (PSR, ¶ 41.) In 1996, while still in custody for voluntary
12 manslaughter, he was convicted again for a weapons violation, this
13 time for possessing a 5 ¼ inch serrated metal weapon in prison.
14 (PSR, ¶ 43.) None of those offenses even score for criminal history
15 category calculation purposes.

16 Defendant was released in 1999 and immediately continued
17 violating the law. In 2000, he was convicted for receiving stolen
18 property (PSR, ¶ 43), resulting in another 32 months' prison
19 sentence. In 2006, he was convicted of felon in possession of a
20 firearm. (PSR, ¶ 44.) In 2009, he was convicted for illegally
21 possessing ammunition. (PSR, ¶ 45.) In 2011, he was convicted for
22 possessing cocaine. (PSR, ¶ 46.) In 2016, he was convicted in
23 federal court for felon in possession of firearms and ammunition.
24 (PSR, ¶ 47.) Defendant also has numerous other arrests. (PSR,
25 ¶¶ 52-62.)

26 In looking at this record, it is clear that defendant has been
27 presented with numerous opportunities to change the course of his
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1 life away from violence and destruction, and repeatedly he has
2 refused.

3 Of course, the Court is more familiar with defendant's
4 intransigence than most. The Court heard about defendant's
5 extortionate rent collection from a local marijuana business. The
6 Court also heard about defendant's repeated weapons possession.
7 Following his federal arrest and indictment for felon in possession
8 (see 16-83-AB), defendant spent his time at the Metropolitan
9 Detention Center exercising his control over gang members, continuing
10 his extortion, and engaging in witness intimidation - all to maintain
11 and increase his power within the ECC. After his arrest in the
12 instant case, defendant returned to the Metropolitan Detention Center
13 and his position of power within the jail. And when a fellow inmate
14 questioned defendant's authority, he ordered that inmate stabbed -
15 all while in pretrial detention for a RICO conspiracy/murder case.

16 Simply, defendant has no regard for the rule of law or the rules
17 of this Court. There is no reason to expect that defendant has or
18 will ever change.

19 Defendant's penchant for violence is insatiable. Despite his
20 age, defendant does not appear to have slowed down or waned in any
21 way. His ability to control others and order violence is a serious
22 concern. At trial, the jury heard a variety of testimony regarding
23 the importance and value of reputation within the ECC and how younger
24 gangster would routinely seek out defendant's approval in order to
25 improve their own status within the gang. As with the murder of
26 Reginald Brown, defendant has proven his willingness to use these
27 younger, impressionable gang members to engage in acts of violence on
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1 his behalf. Defendant is as manipulative as he is violent. Indeed,
2 defendant's own statements regarding his acts of violence - during
3 YouTube interviews and during his jail calls - became some of the
4 best evidence against him.

5 The Court undoubtedly recalls defendant's recounting of his
6 background in the gang on his YouTube interviews with no sense of
7 remorse. In one interview with a smile on his face, defendant
8 discusses shooting a dog in an alley and cutting his feet off. (See
9 Series 2, Part 5, at 5:50 ("I got this dog one time, they said get
10 the dog's feet . . . so I shot the dog in the alley and cut his feet
11 off with the little axe thing I had.")) Elsewhere in those YouTube
12 interviews, defendant discusses his prior acts of murder and mutual
13 respect for other gang members who engaged in similar acts, saying
14 "he was killing like a motherfucker like me . . . and I'm like damn,
15 they putting in work, they got murders under their belt like a
16 motherfucker, I got murders under my."

17 Defendant's crimes terrorized the victims and businesses of
18 South Los Angeles, and these crimes have a lasting impact of
19 emotional trauma on the victims. Indeed, the jury heard directly
20 from Janine Webster, the wife of defendant's murder victim Reginald
21 Brown. Ms. Webster testified to the extraordinary impact that
22 defendant's murder of Brown has had on her life and the lives of
23 their children. She testified to the emotional trauma, the anxiety,
24 and the fear she and her family live with every day.

25 The severe punishment requested serves the purposes of general
26 deterrence. The sentence makes clear that violent gang crime,
27 including murder, cannot be tolerated and that those who use firearms

1 to murder will face harsh punishment. Defendant's crimes in this
2 case were extremely serious and an extremely serious punishment is
3 warranted. It is revealing of defendant's lack of respect for the
4 law that defendant engaged in the RICO conspiracy in this case while
5 already subject to a term of probation. PSR, ¶ 50.

6 The request sentence serves the goal of public safety. It
7 ensures that defendant will be kept away from the public, so that he
8 cannot continue to terrorize innocent civilians and corrupt young
9 children by turning them into gang members.

10 The government respectfully disputes any claim defendant may
11 make about being reformed or trying to help youth. (See
12 Recommendation Letter, p. 6.) The government will respond more fully
13 to such arguments, if defendant makes such assertions in his
14 sentencing memo. However, the government does note that he has made
15 such self-serving claims in the past, including the last time
16 defendant was sentenced by this Court. While making such statements
17 to the Court, he was telling friends on jail calls that he was
18 willing to stab anyone who disrespect him in jail or shoot them on
19 the streets. See Trial Exh. 137 ("Any nigga get at me like that up
20 in here or out there, nigga. I'm gonna burn with a knife up in here
21 and I'm gonna burn him with bullets out there . . . That's the
22 real."). Claims that defendant has been reformed or is any way a
23 force for positive change are no more than the claims of a highly
24 manipulative defendant who understands how to work the system. Along
25 with his own statements when he thought no one was listening, any
26 claims of reform are also flatly contradicted by defendant's
27 participation in a prison stabbing in 2021, while awaiting trial in
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1 this case. As the Court recalls this was stabbing was over a
2 disrespect issue when another inmate refused to agree to defendant's
3 choice of TV channel. At a time when he was facing a potential life
4 sentence, defendant continued to engage in acts of violence.

5 As Probation summarized, the requested sentence, a life
6 sentence, "adequately punishes [defendant] for his conduct, reflects
7 the seriousness of the offense, and promotes respect for the law."
8 (Recommendation Letter, p. 6.)

9 **V. CONCLUSION**

10 For the foregoing reasons, the government respectfully requests
11 that the Court sentence defendant to life in prison as to Count 1, to
12 run consecutive to a term of 120 months imprisonment as to Count 2.
13 In addition, the government respectfully request the Court order
14 defendant to serve five years of supervised release, a fine of
15 \$250,000, and a mandatory special assessment of \$200.