



**U.S. Department of Justice**

*United States Attorney  
Southern District of New York*

*United States District Courthouse  
300 Quarropas Street  
White Plains, New York 10601*

December 10, 2020

**BY ECF**

The Honorable Philip M. Halpern  
United States District Judge  
Southern District of New York  
500 Pearl Street  
White Plains, New York 10601

**Re: *United States v. Jarrett Crisler, Jr., a/k/a “Jayeece”*  
S2 20 Cr. 626 (PMH)**

Dear Judge Halpern:

The Government respectfully submits this letter to request that the Court order the defendant Jarrett Crisler, Jr., a/k/a “Jayeece,” be detained pending trial in this matter. As set forth in more detail below, the defendant trafficked firearms from Florida to points on the East Coast, including New York, in order to supply his fellow members of the violent street gang, the Untouchable Gorilla Stone Nation (“Gorilla Stone”), with guns. In doing so, the defendant used encrypted technology to evade law enforcement detection, and amassed significant sums of cash. Accordingly, this presents a grave danger to the community and a serious risk of flight that no bail conditions can properly address. The Government therefore respectfully requests that (1) a *de novo* bail hearing be scheduled at the Court’s earliest convenience, (2) counsel be appointed for the defendant in this District, and (3) after counsel is appointed and a *de novo* bail hearing is conducted, the defendant be remanded pending trial.<sup>1</sup>

**I. Procedural Background**

On November 30, 2020, a criminal complaint was filed in this District charging Crisler with one count of firearms trafficking conspiracy, in violation of 18 U.S.C. § 371.<sup>2</sup> The defendant was arrested on December 1, 2020 in Florida. On December 7, 2020, a grand jury in this District returned Indictment S2 20 Cr. 626, which charged the defendant with one count of firearms trafficking conspiracy and one count of substantive firearms trafficking, in violation of 18 U.S.C. § 922(a)(1). On December 8, 2020, the Honorable Embry Kidd, United States Magistrate Judge

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<sup>1</sup> The defendant does not have a date to appear in this District. The Government is working with Pre-Trial Services to arrange appointment of counsel in this District with a Magistrate Judge. For the reasons set forth below, however, the Government believes that a *de novo* bail hearing before the Court should be held as soon as possible.

<sup>2</sup> A copy of the Complaint is attached as Exhibit A and incorporated by reference herein.

for the Middle District of Florida, held a detention hearing for the defendant. At the conclusion of the hearing, Judge Kidd released the defendant, without any bond, on home detention enforced by electronic monitoring, among other standard conditions of pre-trial release.<sup>3</sup> That same day, the Government moved for a stay before Your Honor. The stay was denied as moot on December 10, 2020 after the defendant was released on December 9, 2020.

## I. Legal Standard

Under 18 U.S.C. § 3145(a)(1), the Government may seek review of a magistrate judge's order releasing a defendant pending trial from the district court with jurisdiction over the case. The district court conducts this review *de novo*. See *United States v. Leon*, 766 F.2d 77, 80 (2d Cir. 1985). The Court must order detention if “no condition or combination of conditions will reasonably assure the appearance of the person as required and the safety of any other person and the community.” 18 U.S.C. § 3142(e)(1).

When considering a bail application, the Court examines four factors: (1) the nature and circumstances of the offense charged; (2) the weight of the evidence against the defendant; (3) the history and characteristics of the defendant; and (4) the nature and seriousness of the danger to any person or the community that would be posed by the defendant's release. See 18 U.S.C. § 3142(g).

The Court may order detention based on risk of flight or danger to the community. In other words, the Court “does not need to find both bases are proven in order to order a defendant's detention.” *United States v. Epstein*, No. 19 CR. 490 (RMB), Dkt. No. 32 at 8 (S.D.N.Y. July 18, 2019). The Government must show “by clear and convincing evidence that the defendant presents a danger to the community and by the lesser standard of a preponderance of the evidence that the defendant presents a risk of flight.” *United States v. English*, 629 F.3d 311, 319 (2d Cir. 2011) (internal quotation marks omitted). Put differently, to detain on risk of flight grounds it must simply be shown that such risk is “more likely than not.” *United States v. Brennerman*, 705 F. App'x 13, 16 (2d Cir. 2017) (summary order) (internal quotation marks omitted).

Where danger is established, courts must be wary of attempting to craft conditions of pretrial release that protect the community. Even the most onerous conditions of pretrial release, up to and including home incarceration, cannot safeguard the community because they cannot guarantee—in a case such as this—that the defendant does not continue to use a cellphone to fuel violence. See, e.g., *United States v. Jimenez*, 104 F.3d 354 (2d Cir. 1996) (“We have repeatedly held that bail on conditions similar to those imposed on [defendant], including home detention, does not ensure the safety of the community.”). Nor does it guarantee that a defendant will actually comply with a set of imposed conditions. See, e.g., *United States v. Millan*, 4 F.3d 1038, 1049 (2d Cir. 1993) (noting “[h]ome detention and electronic monitoring” largely operate on the “word” of the defendant (internal quotation marks omitted)).

Finally, the Government may meet its burden “by proffer alone.” *United States v. LaFontaine*, 210 F.3d 125, 131 (2d Cir. 2000) (internal quotation marks omitted). “[B]ail hearings

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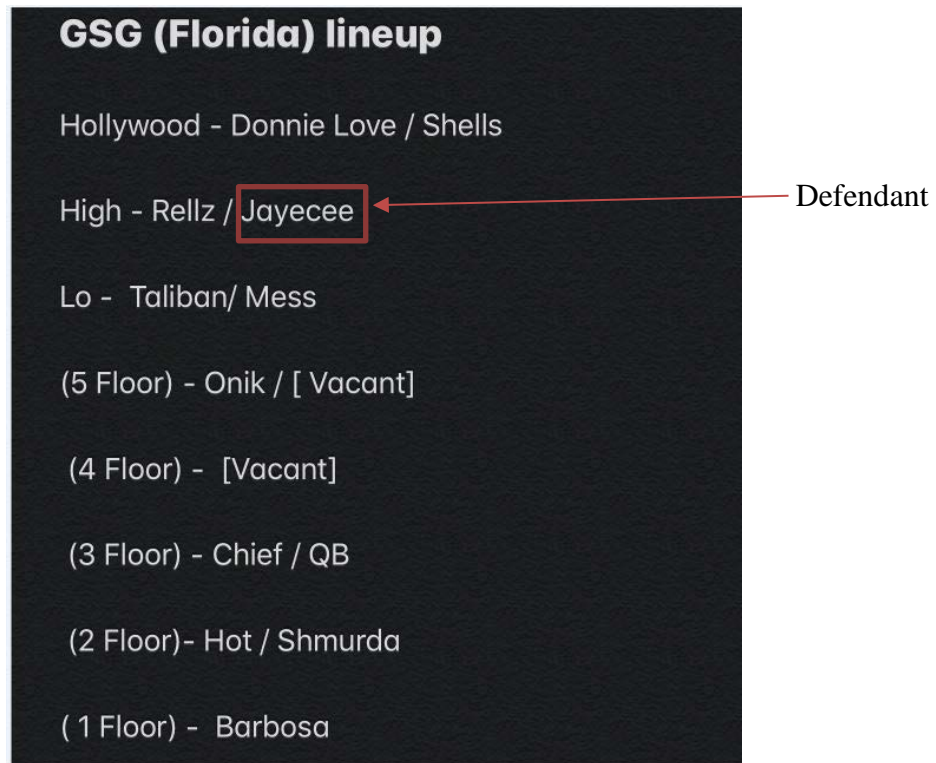
<sup>3</sup> The Government is working to secure a copy of the transcript of proceedings before Judge Kidd. The defendant's release order is attached as Exhibit B.

are typically informal affairs, not substitutes for trial or discovery” and so “courts often base detention decisions on hearsay evidence.” *United States v. Abuhamra*, 389 F.3d 309, 321 n.7 (2d Cir. 2004) (internal quotation marks omitted).

## II. The Defendant Poses a Grave Danger to the Community

The defendant should be detained because he poses a serious danger to the community, the evidence of which is overwhelming. *See* 18 U.S.C. § 3142(g)(2) (directing courts to consider the weight of the evidence against the defendant).

First, the defendant is a high-ranking member of Gorilla Stone. In numerous text messages and images recovered off of phones of two different New York-based Gorilla Stone leaders, the defendant is listed as the “High,” or second in command for a gang subset in Florida. One such example is listed below:



*Text message sent from the defendant to Deshawn Thomas<sup>4</sup>*

The defendant also had detailed conversations, over text, with a New York-based leader of Gorilla Stone (“Leader-1”) about the management of Florida’s Gorilla Stone operations. These discussions with Leader-1 included who would take certain leadership roles in Florida, how much money would be collected from members, how much money would be kicked back to New York-based Gorilla Stone members, and how to organize meetings of Gorilla Stone members. Simply

<sup>4</sup> Thomas is one of the defendants charged in the Gorilla Stone indictment pending before Your Honor. *See United States v. Reid, et al.*, 20 Cr. 626 (PMH).

put, the defendant played an active management role in a violent street gang. *Cf.* 18 U.S.C. § 3142(g)(3)(A) (court can weigh “the person’s character” in detention proceedings).

Second, the defendant served as a major firearms trafficker for Gorilla Stone, putting firearms in the hands of people he *expected* would be committing acts of violence. Through the above-mentioned cellphone extractions and the defendant’s iCloud, the Government has learned of the array of firearms the defendant had access to, the business-like approach the defendant took to trafficking, and the defendant’s disturbing impulse to take advantage of the current epidemic of gun violence in New York City and surrounding areas. In other words, the nature and circumstances of the charged offense, which “involves” multiple “firearm[s],” and “the weight of the evidence” behind the charges strongly counsel in favor of detention. 18 U.S.C. § 3142(g)(1)-(2).

**1. The Defendant Had Access To, and Marketed, a Wide Array of Firearms, Including Extended Clip Handguns and Semi-Automatic Rifles**

The defendant marketed a wide array of firearms. In text messages, he would often take pictures of his inventory and market them to other gang members. For instance, on January 23, 2020, the defendant messaged the below photo to Deshawn Thomas, followed by: “What’s rokkin a n\*gga selling a .45 for 325 lmk.”



Shortly after that, the defendant messaged Thomas again with the below two photos—the one on the right depicting firearms with extended magazines capable of firing increased rounds of ammunition without having to reload. The defendant again dutifully described

his inventory—noting that the guns come with a “30rd/20rd” (referring to the extended clips) and a “12 round magazine”—in addition to giving his price: “450.”



The following day, the defendant sent the below picture to Thomas, along with a description (“Same exact gun. 1 a 40 the one too a 9. They the same size tho.”):





The defendant's arsenal was not limited to handguns. The defendant marketed and seemingly scouted rifles and semi-automatic weapons. On July 7, 2020, the defendant wrote to Thomas: "Ar-15 assault rifle If u know anyone who want it."<sup>5</sup> Attached to that message was a short video clip of the defendant showing off an AR-15 [with a scope?]<sup>5</sup>—a screenshot from which is depicted below:

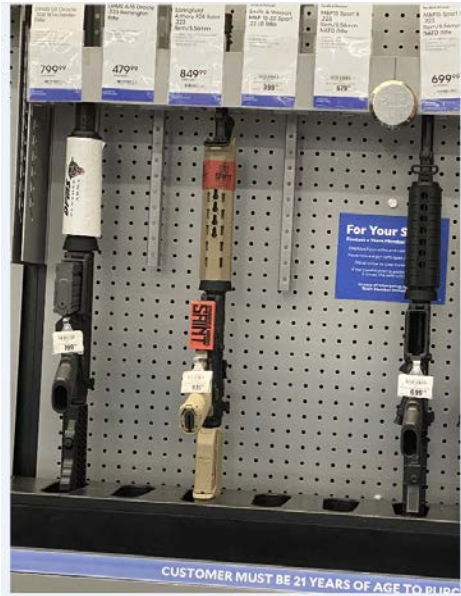


The defendant also had pictures of other rifles on his iCloud, including the below photo which appears to show the defendant scouting products at a chain store for resale<sup>6</sup>:

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<sup>5</sup> The defendant later told Thomas that he sold the AR-15 to somebody else.

<sup>6</sup> While it is true that the defendant does not have any prior convictions, it is that lack of criminal history that allowed him to purchase firearms himself to then re-sell to gang members.



## 2. The Defendant's Organized Operation

The evidence also shows that the defendant treated his firearms trafficking operation as a highly organized business. On July 27, 2020, Thomas messaged the defendant: “Ima have that list ina few days (order) karti is on deck.” Thomas, in other words, was telling the defendant that he would have an order of firearms and that the money to pay the defendant (“karti”) was ready to go. Shortly after that, on the same day, the defendant sent Thomas a pricing list:



The calculated and comprehensive nature of the above pricing list—with varied pricing for gang members (“mgz”), different locales (“NC” versus “NYC”), and an accurate recounting of various costs—demonstrates the defendant’s deep experience in trafficking firearms. And this wasn’t the only time the defendant was attuned to the dollar and cents nature of his business. On October 2, 2020, the defendant messaged Thomas the below photo of firearms:

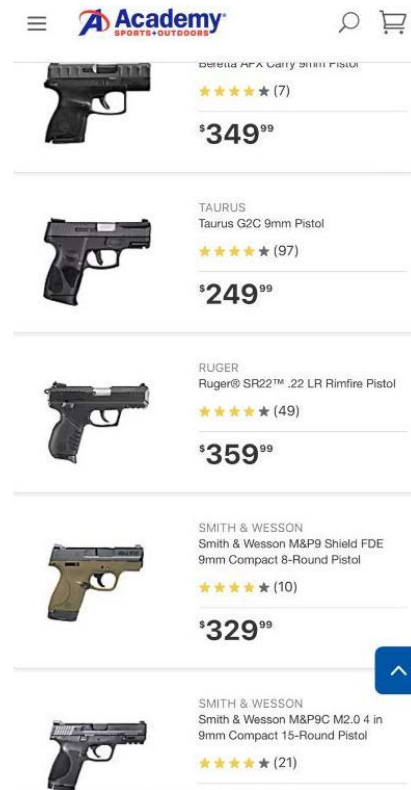
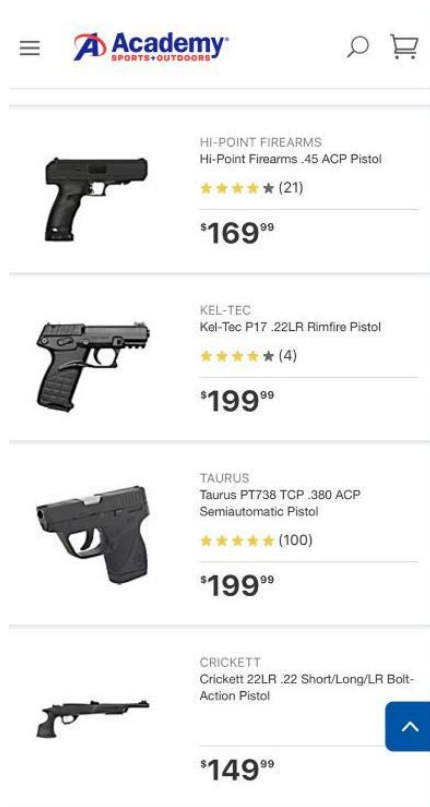


The defendant followed up with, again, a pricing list: “The hellcat 1k, The G2c 6, The scy with the optic 6.5, The canik 7.5.” Thomas wrote back: “The prices went up,” and the defendant responded, “Yea it wasn’t making sense,” meaning that the original prices were not allowing him to turn a profit in light of the overhead expenses of his trafficking.

### **3. The Defendant Fed An Epidemic of Gun Violence In New York**

The defendant’s business savviness extended beyond pricing. He also carefully timed his trips—and marketing pitches—to callously take advantage of the rising tide of gun violence in New York. On June 29, 2020, the defendant messaged Thomas: “What’s rokkin bro Heard about what’s going on out there let n\*ggas know Ima be making a trip [to New York] next week probably depending on many ppl place orders.” Accompanying that text were several screenshots of guns available for purchase from a sporting goods store, examples of which are depicted below:





Recognizing that New York City and surrounding areas were overwhelmed by gun violence in the summer of 2020 (“heard what’s going on out there”), the defendant changed his marketing strategy to take advantage of the deadly demand: instead of selling set quantities of firearms (as he did in the above text messages), the defendant marketed himself as open to picking up whatever gun members needed through “orders” that he would fill at a sporting goods store.

And there is concrete evidence that the defendant actually traveled to New York City to sell firearms. Throughout text messages, the defendant indicated that he had struck deals with individuals in New York City and social media posts show the defendant and Thomas together after they had discussed the defendant making a trip to New York to sell firearms. On November 17, in text messages with Leader-1, the defendant wrote that he was making a trip to New York that day with a wide array of guns: “a spectrum .380 n 2 revolvers n a ruger .380 I brought like 12.” And he provides Leader-1 with a specific hotel at which he’s staying the night at while in New York City. The Government has confirmed the defendant’s stay through records from that hotel.

The darkest aspect of the defendant’s trafficking trip in November, however, is the defendant’s recognition of the mayhem he was fueling. In text messages with Leader-1 before arriving in New York on November 17, the defendant brags that his stock of firearms is “gone” and Leader-1 responds “they be desperate.” The defendant responds as follows:

0x102B70 (Size: 5)

From: 884369369 JC  
Just know it. Supposedly it's a war zone m how they talkin  
11/7/2020 6:34:15 AM(UTC-5)

Source Extraction:

The defendant further elaborates that he plans on paying a visit to the “war zone”—which he identifies as Long Island—in later messages to seemingly sell firearms:

From: 884369369 JC  
Niggas in Long island with that jet shit n rellZ ppl out in Poughkeepsie  
11/7/2020 6:40:28 AM(UTC-5)

Source Extraction:  
Legacy  
Source Info:  
00008030-001531C63E78802E\_files\_partial-afu.zip/private/var/mobile/Containers/Shared/AppGroup/A6164346-0F2E-41F1-9F3C-B23ACC2DB4A3/telegram-data/account-11881465067672999520/postbox/db/db\_sqlite - 0x102A01 (Size: 5275648 bytes)

From: 1156684827 [REDACTED]  
Oh ok  
11/7/2020 6:41:33 AM(UTC-5)

Source Extraction:  
Legacy  
Source Info:  
00008030-001531C63E78802E\_files\_partial-afu.zip/private/var/mobile/Containers/Shared/AppGroup/A6164346-0F2E-41F1-9F3C-B23ACC2DB4A3/telegram-data/account-11881465067672999520/postbox/db/db\_sqlite : 0x102982 (Size: 5275648 bytes)

From: 1156684827 [REDACTED]  
Yeah long island going crazy  
11/7/2020 6:41:46 AM(UTC-5)

Source Extraction:  
Legacy  
Source Info:  
00008030-001531C63E78802E\_files\_partial-afu.zip/private/var/mobile/Containers/Shared/AppGroup/A6164346-0F2E-41F1-9F3C-B23ACC2DB4A3/telegram-data/account-11881465067672999520/postbox/db/db\_sqlite : 0x1028ED (Size: 5275648 bytes)

From: 884369369 JC  
Yea lma pay a visit out there before I leave.  
11/7/2020 6:42:33 AM(UTC-5)

These messages put a fine point on the danger the defendant poses to the community. He did not care that he was arming individuals and gang members that were looking to commit acts of violence; in fact, he tried to take advantage of the rising violence in New York to line his own pockets.

The depraved, calculated nature of the defendant's actions—which the Government can prove with strong evidence of the defendant's own statements—demonstrate without a doubt that the defendant is a danger to the community. And as the evidence above clearly shows, there are no combination of conditions that can ensure the safety of the community. The defendant conducted his firearms trafficking business through his cellphone, and even if he were confined to his home by virtue of certain bail conditions, there is nothing stopping the defendant from using an electronic device to continue to coordinate other individuals who can carry on the business. Indeed, it would be virtually impossible for Pretrial Services to ensure that at all times, the defendant did not have access to a cellphone. The only way to do that, and to keep the community safe from the defendant's gun trafficking, is to remand him pending trial.

### **III. The Defendant Presents a Serious Risk of Flight**

The defendant should be detained, not only because of the danger he poses to the community, but also because is a serious flight risk. The defendant sent all of the messages above where he is discussing gun trafficking over Signal or Telegram—two messaging applications that are end-to-end encrypted. Both applications, in fact, have built-in functions to auto-delete messages. And because they are end-to-end encrypted, that means law enforcement would have no way of retrieving them without access to physical devices. Stated differently, it appears the defendant chose these two encrypted apps to hide his gun trafficking business and skirt law enforcement detection. Indeed, the defendant appears to have mastered the art of evading law enforcement through his many trips from Florida to New York to sell firearms. This experience in dodging law enforcement detection is no match for electronic monitoring. Indeed, “electronic surveillance systems can be circumvented by the wonders of science and of sophisticated electronic technology.” *United States v. Orena*, 986 F.2d 628, 632 (2d Cir. 1993) (internal quotation marks omitted). And there have been plenty of examples where defendants simply just cut monitoring bracelets and flee. *See, e.g., United States v. Morciglio*, 280 F. Supp. 3d 412, 414 (S.D.N.Y. 2017) (describing in parole context an instance where “[d]efendant cut off his ankle bracelet and absconded supervision”).

In addition, the defendant appears to have access to stockpiles of cash—the fruits of his illicit trafficking. Several videos from his iCloud depict him apparently showing off his cash. And he took several photos of the cash he seemingly rakes in too, examples of which are depicted below:



Critically, the defendant reported to Pretrial Services that his assets consisted of “\$40 cash, \$30 in a savings account and \$200 in a checking account.” Access to the unreported income from his firearms trafficking business heighten the concern that the defendant has the means to flee. And he certainly has the motive as well. The defendant has never served a prison sentence. While he has been arrested several times, he has never been incarcerated. The stiff potential sentence


here for his interstate gun trafficking operation—which the Government has strong evidence of, as described above—creates a significant motive for the defendant to flee.<sup>7</sup>

**IV. Conclusion**

For the foregoing reasons, the Government respectfully requests that the Court remand the defendant pending trial.

Respectfully submitted,

AUDREY STRAUSS  
Acting United States Attorney

By:   
\_\_\_\_\_  
Shiva H. Logarajah  
Jacob Warren  
David R. Felton  
Assistant United States Attorneys  
914-993-1918  
212-637-2264  
914-993-1908

Cc: All Counsel (by ECF)

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<sup>7</sup> Based on the conduct charged in the Indictment, the Government estimates, at this stage in the proceeding, that the defendant faces a Guidelines range of 63-78 months in prison.