

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA

v.

RAYFUL EDMOND III,

*Defendant*

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Cr. No. 89-162-01 (EGS)

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**BRIEF OF THE ATTORNEY GENERAL FOR THE DISTRICT OF COLUMBIA AS  
AMICUS CURIAE REPRESENTING THE COMMUNITY’S VIEWS REGARDING A  
SENTENCE REDUCTION FOR RAYFUL EDMOND III**

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\* Authorities upon which we chiefly rely are marked with asterisks.

**STATEMENT OF INTEREST OF *AMICUS CURIAE***

The Attorney General for the District of Columbia Karl A. Racine files this brief in accordance with the Court's May 24, 2019 Minute Order directing him to gather the views of the community regarding a potential sentence reduction for defendant Rayful Edmond III. The Attorney General has the "charge and conduct of all law business" for the District of Columbia, including "the power to intervene in legal proceedings on behalf of th[e] public interest." D.C. Code § 1-301.81(a)(1). Given the Attorney General's unique role in representing the public interest, the Court sua sponte appointed him as *amicus curiae* to "assist the Court in obtaining the views of the community concerning whether to reduce Mr. Edmond's sentence." 5/24/19 Minute Order.

After conducting several community forums and receiving input online, by mail, and by phone from 510 individuals with ties to the District, two conclusions are clear. First, members of the community have impassioned, personal, and thoughtful views on whether Mr. Edmond's sentence should be reduced. Second, the community is starkly divided as to whether the Court should reduce Mr. Edmond's sentence. Of the comments submitted, those supporting and those opposing a sentence reduction were all but evenly matched. Some community members have passionately contended that Mr. Edmond deserves a chance at freedom; others argue, with equal passion, that he should remain incarcerated based on the severity of his crimes and their ongoing impact. In this filing, the Attorney General presents the opinions and concerns of the community in detail to aid the Court in making its decision on whether to reduce Mr. Edmond's sentence.

The Court did not request that the Attorney General himself take a position on reducing Mr. Edmond's sentence, and Attorney General Racine does not adopt a position here. Instead, after undertaking months of outreach, he submits a synopsis of the public's views to assist the Court in reaching an informed decision.

The Attorney General is grateful for the opportunity to assist the Court in seeking and considering the broad views of the District's residents on this issue, and he thanks the Court for giving the District's residents a voice in this important decision.

## **BACKGROUND**

### **1. Rayful Edmond's Criminal Case And The Present Motion To Reduce His Sentence.**

In 1990, the Court sentenced Mr. Edmond to life in prison after a jury convicted him of engaging in a continuing criminal enterprise, conspiracy to distribute and possess with intent to distribute large quantities of cocaine and cocaine base, unlawfully employing a person under 18 years of age, interstate travel in aid of racketeering, and other offenses. With credit for pretrial detention, Mr. Edmond has been incarcerated for over 30 years.

On February 15, 2019, the United States, as the prosecuting authority in this case, moved to reduce Mr. Edmond's sentence based on the substantial assistance he has provided to federal law enforcement in its investigation and prosecution of other criminals.

### **2. The Attorney General's Efforts Obtaining The Community's Views.**

Attorney General Racine took a broad and varied approach to obtaining the views of the community concerning whether to reduce Mr. Edmond's sentence. *First*, the Attorney General created a website where individuals could share their opinions and provide comments. *See Community Feedback About Rayful Edmond Resentencing*, OAG.dc.gov, [www.rayful Edmondfeedback.com](http://www.rayful Edmondfeedback.com) (last visited Aug. 26, 2019). The questionnaire on the website asked respondents to state whether they thought the Court should reduce Mr. Edmond's sentence and, if so, whether Mr. Edmond should be allowed to return to the District. It also asked respondents to specify in which ward of the District they lived. Commenters were able to submit their opinions anonymously, and many did.

*Second*, the Attorney General established an email address, telephone number, and street address for postal mail to facilitate submissions. Again, commenters could include their name or remain anonymous.

*Third*, Attorney General Racine convened three public forums where community members could voice their views. Two were held in the Northwest quadrant of the city, and one was in Southeast. Each public forum was transcribed.<sup>1</sup> While many speakers identified themselves for the record, others opted not to. Attendees were also given the opportunity to submit written comments at a “survey station.”

*Fourth*, the Office of the Attorney General issued a press release to the public explaining the sentence reduction proceedings, announcing that it was gathering information for the Court, and inviting the public to weigh in. *See* Press Release, Office of the Attorney General for the District of Columbia, *AG Racine Seeks Community Input On Resentencing For Convicted Drug Dealer Rayful Edmond* (May 30, 2019).<sup>2</sup> The same information was published on social media platforms and in community newsletters. Following the announcement, the news media broadly reported that the Attorney General was seeking residents’ input on Mr. Edmond’s sentence. Coverage spanned local television stations, radio outlets, print media, and online news sites. *See, e.g.,* Keith L. Alexander, *D.C. Seeks Feedback On Proposed Early Release Of Drug Kingpin Rayful Edmond III*, Wash. Post (May 30, 2019);<sup>3</sup> Martin Austermuhle, *Should Convicted Drug*

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<sup>1</sup> The forums were held on June 13, 15, and 29, 2019. Transcripts are provided in the appendix to this brief and are referenced by date and “Tr.”. Names have been redacted to preserve the privacy of the speakers.

<sup>2</sup> Available at <https://oag.dc.gov/release/ag-racine-seeks-community-input-resentencing>.

<sup>3</sup> Available at [https://www.washingtonpost.com/local/public-safety/dc-seeks-feedback-on-proposed-early-release-of-drug-kingpin-rayful-edmond-iii/2019/05/30/0c4abe2a-82f8-11e9-95a9-e2c830afe24f\\_story.html](https://www.washingtonpost.com/local/public-safety/dc-seeks-feedback-on-proposed-early-release-of-drug-kingpin-rayful-edmond-iii/2019/05/30/0c4abe2a-82f8-11e9-95a9-e2c830afe24f_story.html).

*Kingpin Rayful Edmond Get Early Release From Prison? D.C. Residents Now Have A Chance To Weigh In*, WAMU 88.5 (May 31, 2019);<sup>4</sup> WUSA Staff, *Do You Want To See Drug Boss Rayful Edmond Released? Make Your Opinion Heard*, WUSA9.com (May 30, 2019).<sup>5</sup> News outlets covered many of the community forums as well, reporting on the diverse views of the community. See, e.g., Martin Austermuhle, *As Early Release Is Raised For Drug Kingpin Rayful Edmond, D.C. Residents Left To Weigh His Crimes, Punishment And Legacy*, WAMU 88.5 (June 13, 2019);<sup>6</sup> Paul Schwartzman & Keith L. Alexander, *D.C. Wrestles With Symbol Of Past As Drug Kingpin Seeks Early Release From Prison*, Wash. Post (June 17, 2019);<sup>7</sup> Shomari Stone, *DC Attorney General Holds Community Meeting on Early Release of Notorious Drug Kingpin Rayful Edmond*, NBC Wash. (June 13, 2019).<sup>8</sup>

Finally, the Attorney General held two small focus groups in which he invited prominent community members from all walks of life—including college professors, church leaders, and

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<sup>4</sup> Available at <https://wamu.org/story/19/05/31/should-convicted-drug-kingpin-rayful-edmond-get-early-release-from-prison-d-c-residents-now-have-a-chance-to-weigh-in>.

<sup>5</sup> Available at <https://www.wusa9.com/article/news/crime/rayful-edmond/do-you-want-to-see-drug-boss-rayful-edmond-released-make-your-opinion-heard/65-f1e58b37-fc15-4598-bd9c-5ecf3c2c0ccf>.

<sup>6</sup> Available at <https://wamu.org/story/19/06/13/as-early-release-is-raised-for-drug-kingpin-rayful-edmond-d-c-residents-left-to-weigh-his-crimes-punishment-and-legacy>.

<sup>7</sup> Available at [https://www.washingtonpost.com/local/dc-politics/dc-wrestles-with-symbol-of-past-as-drug-kingpin-seeks-early-release-from-prison/2019/06/16/2bb860e8-8c92-11e9-b08e-cfd89bd36d4e\\_story.html](https://www.washingtonpost.com/local/dc-politics/dc-wrestles-with-symbol-of-past-as-drug-kingpin-seeks-early-release-from-prison/2019/06/16/2bb860e8-8c92-11e9-b08e-cfd89bd36d4e_story.html).

<sup>8</sup> Available at <https://www.nbcwashington.com/news/local/DC-Attorney-General-Holds-Community-Meeting-on-Early-Release-of-Notorious-Drug-Kingpin-Rayful-Edmond-511276511.html>.

heads of community groups—to discuss the issue of Edmund’s potential sentence reduction. Those meetings were also transcribed.<sup>9</sup>

### **3. The Data.**

Many in the community took the opportunity to share their views. People wrote, called, emailed, filled out the questionnaire on the website, and appeared in person at the public forums to express their opinions. In total, 510 people offered their opinions on a potential sentence reduction for Mr. Edmond.

The commenters were almost equally divided between those who believe the Court should grant a reduction and those who oppose it: 239 people support a sentence reduction, 243 oppose it, and 28 were undecided or did not state an explicit opinion. Setting aside the 28 people who were undecided, 50.4% of the commenters support a sentence reduction, and 49.6% oppose it—there is no statistically significant difference in the results.<sup>10</sup> Based on the data, it is clear that in

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<sup>9</sup> The focus groups were held on July 8 and 9, 2019. Those transcripts are also in the appendix, with names redacted.

<sup>10</sup> As mentioned, the data, comments, and transcripts of the community forums and focus groups are provided in the appendix. There was a combined total of 460 online submissions and phone calls to the office, with 215 opposing release, 218 in favor, and 27 who were undecided or did not express a preference. Those comments are contained in a numbered chart in the appendix, and individual comments are referenced herein as “Commenter” or “Comment,” followed by the number of their comment in the appendix. Comments were recorded in this way to preserve anonymity. Fifteen people sent emails expressing their views in narrative form; of those, eleven opposed a sentence reduction, and four supported a reduction. Eight people sent in letters, half of them anonymously; seven outright opposed a reduction, and the other opined that Mr. Edmond should be released but only to an environment or city other than the District. There were twenty-four people who voiced their opinions publicly at the forums (two people spoke at more than one forum, but were counted only once in the data); thirteen favored a reduced sentence, ten opposed it, and one person’s position was not clear from his comments. In addition, three people who did not speak at the forums submitted questionnaires on-site. The emails, letters, and other submissions are numbered sequentially in the appendix and referenced herein accordingly. The views of the invited guests at the two small focus groups are interspersed in the discussion but not counted in the data, as the invitees were selected by the Attorney General and hence may not



each of the eight wards in the District there are both individuals who believe that Mr. Edmond deserves a reduction in his sentence and those who oppose a reduction.

## **ARGUMENT**

### **I. The Court Should Take The Views Of The Community Into Account.**

Although the opinion of the community was ultimately split as to whether Mr. Edmond's sentence should be reduced, one conclusion is plain from the data: Mr. Edmond had a profound and personal impact on the lives of District residents, and community members in all eight wards were grateful to the Court for hearing their voices. People on both sides expressly thanked the Court for providing them with the opportunity to give their views. For example, the following commenters noted the importance of the Court's request that the Attorney General solicit their views:

- Commenter 211, who supported a sentence reduction, stated: "Thank you for the opportunity to voice my opinion." Appendix ("App.") 44.
- Commenter 214, who opposed a sentence reduction, thanked the Court "for letting the people speak." App. 45.
- Commenter 345 similarly expressed gratitude for "allow[ing] us an opportunity to weigh in on the record." App. 77.
- Commenter 391 also valued the Court's effort in "seeking out the opinion of the community." App. 93.

While community members were grateful to the Court for the opportunity to share their views, they also appreciated that the Court's task in weighing a potential sentence reduction cannot

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represent a randomized cross-section of the community. Their valuable comments are, however, available in the transcripts in the appendix. In each document in the appendix, names have been redacted.

be reduced to tallying votes; rather, it is the Court's prerogative to hear and weigh the views of the community and apply its expertise to arrive at a sound legal judgment. For instance:

- Commenter 310 cautioned against using public opinion merely as a “popularity contest.” App. 69.
- Similarly, Commenter 203 warned against relying on “uninformed opinion and emotion,” which should not ultimately “determine the fate of an individual.” App. 41.
- Commenter 339 cautioned against “taking a[n] opinion poll from the public” because “(1) people may not have an informed opinion; (2) certain parties might use the process to secure an unrepresentative outcome of the ‘consensus.’” App. 74.

Thus, District residents were eager to have their voices heard in a process that may ultimately affect their community. Nevertheless, commenters urged the Court to look at the content and context of the responses rather than their volume.

## **II. The Community's Opinion On Resentencing Rayful Edmond Is Divided.**

The community's overall opinion was divided nearly evenly between those who supported a sentence reduction and those who opposed it. Regarding nearly every factor the Court might consider, views were split: Some thought that Mr. Edmond's cooperation with the federal government merited lenity, while others viewed it as insufficient. Certain commenters believed that Mr. Edmond was uniquely responsible for the crack epidemic in the District, while others viewed him as a victim of the racial disparities that plague the criminal justice system. Some felt that he had served sufficient time, others disagreed. Whether citing the potential impact on District youth, religious beliefs, or other factors, community members weighed each criterion differently—some as militating for a reduced sentence, and others as counseling caution. The views and stories

of community members shed light on the effect that Mr. Edmond has had—and might have in the future—on District residents.

**A. District residents voiced varying views on the value of Mr. Edmond's cooperation.**

Many people thought that Mr. Edmond's substantial assistance to federal law enforcement entitled him to a sentence reduction. For example:

- Commenter 273 opined that he “has served a long, long sentence. He has cooperated with the government. It does not diminish the seriousness of his offense to release him now.” App. 60.
- Commenter 306 stated: “Cooperation with authorities that the authorities deem valuable is a public service. If Mr. Edmond[] receives a benefit for performing this service, it will increase the likelihood of other inmates performing a similar service.” App. 68.
- Commenter 330 argued that Mr. Edmond's “role for many years in assisting the Government in convicting drug dealers and removing them from the streets deserves recognition and a shortened sentence.” App. 72.
- A speaker at the July 8 focus group commented that Mr. Edmond's sentence should be reduced because of the time he has served and because he “participated in making sure that there's an end to this [drug] crisis that he took part in.” 7/8 Tr. 23; App. 324.
- One individual who expressed his or her views in writing at a community forum contended that Mr. Edmond has done his time and put “his life even more in danger by helping the government.” Written Forum Submission 4; App. 203.

- Commenter 405 cited Mr. Edmond’s “30 years in jail” and help in “solv[ing] multiple murders/drug scandals.” The commenter concluded: “He’s paid the price to society and then some.” App. 97.

*Accord* Comment 97, App. 17 (stating that Mr. Edmond’s sentence should be reduced because he “cooperated with law enforcement,” showing “integrity and accountability”); Comment 192, App. 38 (stating that “[h]e has paid his debt and he worked with the law to put others drugs dealer[is] away”); Comment 325, App. 72 (similar); Comment 354, App. 80 (similar); Comment 349, App. 78 (similar); Comment 262, App. 57 (similar); Comment 212, App. 44 (similar).

One person supported release because cooperation with the federal authorities “is a cornerstone of the justice system, and a public example of clemency should be shown to others willing to cooperate with law enforcement officials.” Comment 427, App. 107. Mr. Edmond thus “can be a powerful example that breaks the criminal code of silence in other cases.” Comment 427, App. 107.

Others thought, to the contrary, that Mr. Edmond’s cooperation did not entitle him to release. Some felt that his assistance did not detract from the severity of his conduct, while others dubbed his assistance “snitching.” For example:

- One letter writer “understood the gratitude that prosecutors have” for Mr. Edmond’s “help in closing other cases and for understanding the drug game better” but observed that “this is a city that suffered deeply because of his actions.” Letter 5, App. 178.
- Others similarly felt that cooperation with law enforcement could never outweigh the damage done to communities. *See, e.g.*, Comment 220, App. 45 (“snitching” does not ameliorate his crimes); Comment 337, App. 75 (being a “snitch” for the federal government does not make up for the damage he did to communities); Comment 307,

App. 68 (his “good deeds can never undo the damage he did”); Email 13, App. 139 (“his destruction outweighs any good by far”); Comment 317, App. 70 (although he cooperated, “the damage he helped cause, especially to the black community, remains”).

- Still others viewed his cooperation as merely self-interested or self-serving. *See, e.g.*, Comment 63, App. 11 (becoming a “snitch” was a “matter of self-preservation and should not be rewarded”); Comment 346, App. 77 (“This felon cooperated, originally, to gain the release of family members, not to do a public service.”); Letter 8, App. 191 (Mr. Edmond’s assistance to the government was “self-serving” and did not mitigate his dangerousness); 6/29 Tr. 25, App. 303 (cooperating with the federal government to “save [his] own” skin “is not rehabilitation”); 6/29 Tr. 17, App. 295 (Mr. Edmond cooperated with the government for his own self-interest, “not in the interest of ecumenical justice or spiritual atonement”).
- Commenter 3 added: “To entertain letting [Mr. Edmond] go is sending the wrong message to our community, specifically the African-American community.” App. 2. It equates to “telling the youth that the government will allow you to be a king pin and let you go as long as you ‘snitch’ on people [in] the criminal justice system.” App. 2.
- Commenter 366 posited that releasing Mr. Edmond for cooperating with the government “is essentially an argument that he should get a break for helping stop a problem that he was instrumental in creating.” App. 83.

One person opposing a sentence reduction opined that, by identifying other drug dealers who were then prosecuted, Mr. Edmond had “significantly reduced his competition on the street,” leaving “the temptation for him to again make the millions of dollars that he did previously.”

Letter 4, App. 176; *see also* 6/29 Tr. 23-24, App. 301-02 (stating that Mr. Edmond must still be connected to the criminal drug trade if he knows how to help the federal government “with the criminal elements in this city”).

**B. Many supporting a reduction reasoned that Mr. Edmond has already served enough time for his crimes.**

Many individuals thought that Mr. Edmond deserved a sentence reduction, not just because he cooperated with federal authorities, but also because he has already served enough time for his crimes.

Many thought that a life sentence for drug offenses was excessive and noted that drug sentencing laws have changed since his conviction. For example:

- A speaker at the July 8 forum observed that criminal sentencing laws were harsher in the 1980s than currently, and Mr. Edmond would likely receive a sentence less than 30 years now for the same crimes. 7/8 Tr. 11-13, App. 321-22.
- Commenter 244 argued that “Mr. Edmond’s original life sentence is excessive and he should be given the opportunity for a second chance.” App. 52.
- One email responder contended it was “crazy” that Mr. Edmond has been in jail for 29 years on drug charges when others receive lesser sentences for rape, murder, and child abuse. Email 4, App. 129.
- Others offered thoughts in the same vein. *See, e.g.*, 6/13 Tr. 9, App. 221 (30 years is simply enough for drug offenses, noting that child molesters get shorter sentences); Email 8, 133 (thirty years is long enough); 6/29 Tr. 30-33, App. 308-09 (Mr. Edmond deserves a chance to be a part of the community because he was a small part of the drug operations in the District, and he was not convicted of murder).

Some community members also offered additional reasons why 30 years was, in their view, sufficient punishment:

- Commenter 357 asserted that there was “[n]o sense in keeping someone locked up for the rest of his life, that is exhausting our taxes and does no good for anyone.” App. 80.
- Commenter 399 claimed that “tobacco companies” and “junk food manufacturers” “will kill more people than Mr. Edmond[] did.” App. 96.
- Commenter 433 believed that “our children make mistakes, however a lifetime is too long to pay to society.” App. 108.
- Comment 341 argued that a reduced sentence would allow for “rehabilitation and contribution to society.” App. 76.
- One writer observed that Mr. Edmond had served over 30 years, and “nobody is the same” after 30 years. Written Forum Submission 5; App. 205.

**C. Some District residents cited racial inequities in the criminal justice system as a reason to grant a sentence reduction.**

Some commenters cited racial disparities in the criminal justice system as a reason to release Mr. Edmond. For instance:

- Commenter 341 argued that Mr. Edmond’s sentence was unduly harsh “because of the institutionalized racism in our law enforcement and criminal justice systems.” App. 76.
- Commenter 265 stated that we “constantly give Blacks more time than Whites for the same crime.” App. 56.
- Commenter 433 wrote: “Thank you for taking the time to give another African American a chance at freedom.” App. 108.

Others thought that Mr. Edmond should have his sentence reduced because the crack epidemic was caused by racially motivated policies of the federal government and that Mr. Edmond was a victim of those policies. For example, a reverend from a prominent church in the District spoke at a focus group and strongly supported a sentence reduction, arguing that the crack epidemic was caused by government policies that “wreaked havoc on the Black communities all over this country.” 7/8 Tr. 30, App. 326. He reasoned that Mr. Edmond and others who sold crack cocaine were simply tools and instruments of the government. 7/8 Tr. 29, 46-47, App. 326, 330. Others expressed similar views. *See* Comment 355, App. 79 (It was “the government who flooded the area with crack in the first place.”); Comment 350, App. 79 (The “government is much more responsible for the genocide by way of crack cocaine of native black and brown Washingtonians than Rayful ever was.”); Comment 351, App. 79 (“Whites brought crack to the black areas before the 1980s, not blacks.”) *cf.* Comment 242, App. 52 (Mr. Edmond should be released because “we urgently need to take steps to roll back the prison industrial complex”); 6/13 Tr. 19, App. 231 (Mr. Edmond should be released because incarceration is akin to slavery).

**D. Those opposing release cited the impact of the crack epidemic and Mr. Edmond’s crimes.**

In contrast, those who opposed a sentence reduction spoke passionately about the crack epidemic and its lingering impact on the District. One letter writer wrote succinctly:

This is my view on Rayful Edmond. Crack destroyed families, kids w[ere] abandoned, sold, left in dirty filthy apts, [and] professional people lost their jobs, blue collar, welfare moms, etc., sad cases[.] [H]is time isn’t up yet, the damage is done, Rayful will answer for all of his wrongdoing. God don’t like ugly. He will suffer before leaving this earth. Older residents w[ere] robbed, killed, nothing but destruction.

Letter 6, App. 179; *see also* Comment 190, App. 38 (arguing that Mr. Edmond “destroyed so [ ] many families, kids became homeless” and went into “foster care” or were “abuse[d] by their own



mom [be]cause they w[ere] crackheads”; “[c]rack destroyed a generation of families” and “[l]ife without parole was a very fair sentence”).

One person who spoke at a public forum in opposition to a sentence reduction was a native Washingtonian and a survivor of crack addiction who lived through the “wild west murder days” of the crack-cocaine epidemic in the District. 6/13 Tr. 17, App. 229. She spoke of the many friends and family she lost to crack cocaine and contended that the people who should give their opinions regarding a sentence reduction are either dead, grown-up “crack babies,” or can no longer afford to live in the District. 6/13 Tr. 17-18, App. 229-30.

Another commenter described herself as a retired emergency room nurse who practiced in the District during Mr. Edmond’s “kingpin” years. Comment 207, App. 207. She noted that the people who died from the drugs he distributed and the addicts he helped create will not get their lives back. Comment 207, App. 42. She concluded that Mr. Edmond should continue to make amends and “ask [her] again when he is about 75.” Comment 207, App. 42. In addition, a long-time paramedic with the D.C. Fire Department opposed a sentence reduction, describing his firsthand experience with the victims of Edmond’s violence and asking, “where [is] the justice for these victims and their families?” Comment 359, App. 80.

One speaker opposed release because her son’s father, who worked with Mr. Edmond in his drug distribution scheme, was slain in 1992. 6/13 Tr. 28-29, App. 240-41. She contended that Mr. Edmond should not be released based on what she and other families endured at his hands. 6/13 Tr. 31, App. 243. Commenter 272 added, “Reducing his sentence would dishonor the memory of every person who was killed in the drug wars caused by Mr. Edmond’s criminal drug trafficking and every individual who fell into addiction and despair after getting hooked on Mr. Edmond’s illicit products.” App. 60; *see also* Email 5, App. 130 (Mr. Edmond “messed up so

many lives and families here in DC”); Email 7, App. 132 (“Why would you let this man out on the streets, to create more havoc in an already troubled neighborhood?”); Comment 409, App. 99 (“Some neighborhoods are still trying to recover from the epidemic he helped fuel. Adults today whose moms smoked Rayful’s crack cocaine live with reduced potential.”); Comment 417, App. 101 (similar); Comment 387, App. 92 (similar); 6/13 Tr. 16-17, App. 228-29 (similar). Others cited the continuing impact of his actions, and the crack epidemic in particular, on the District. *See* Comment 268, App. 59 (the “devastating effects caused by the cocaine and crack epidemic” on “hundreds of African Americans” continues today); Email 3, App. 128 (The District is “in the midst of a Fentanyl epidemic. This drug is killing people at alarming rates in this city. This is not the time to let a convicted drug kingpin back on the streets”).

An anonymous letter writer who lives in Ward 5 and is a member of the Bloomingdale Civic Association elaborated on the suffering caused by Mr. Edmond’s actions. Letter 5, App. 177. The writer explained:

In the Edmond era, First Street NW became a shooting gallery where several of our neighborhood boys lost their lives. To support the efforts of the Bloomingdale Civic Association and street patrols, Delegate Eleanor Holmes Norton got the National Guard to set up as sentries on some of our corners with large klieg lights to discourage drug activity. Both Bloomingdale and LeDroit Park [neighborhoods] sustained tremendous hits on human capital and property loss during this period. The sound of gunfire was background noise and our streets became parking lots for users lighting up as soon as they copped their drugs.

Letter 5, App. 177. The writer concluded that one should not forgive Mr. Edmond for contributing to that chaos and danger. Letter 5, App. 177; *see also* Comment 332, App. 74 (Mr. Edmond “has always been the consummate smooth operator. That he’s cleverly conned anyone into believing he’s now going to be a good, law-abiding citizen” is “evidence of his skill.”)

Some commenters opposing a sentence reduction mentioned specific victims of Mr. Edmond’s crimes. One person wrote in memory of his late aunt, whose “heart was broken because

her only son was recruited by Edmond and his gang and later murdered.” Comment 211, App. 44; *see also* Comment 395, App. 95 (stating “[m]y son was a victim of this monster’s reign of terror” and urging the Court to “[r]emember the victims”); Comment 428, App. 107 (“As an African American mother who had a son growing up in this city during the time of Mr. Edmond’s drug career, I believe that his actions served to put my son and others in danger.”). One mother of four children opposed release because her husband died due to his crack addiction after becoming addicted in 1987. Comment 361, App. 82. She noted that her “heart is still broken” and that her husband will not get a second chance. *But cf.* Comment 447, App. 118 (commenter stating that a family member had been executed by Mr. Edmond’s organization, but nevertheless supporting a sentence reduction because Mr. Edmond “made a mistake, paid for his crime and even helped the government”).

Others expressed concern about Mr. Edmond’s return to the community based on his past conduct. The parent of two young children living near Mr. Edmond’s sister opposed release, fearing potential violence in the area. Comment 390; App. 93. Another person opposing a sentence reduction said that he lives in Northeast D.C. near Mr. Edmond’s family and does not want Mr. Edmond as a neighbor. 6/15 Tr. 16-17, App. 264-65. The speaker said that such a possibility seems “insane” and “bothers” him in the extreme. 6/15 Tr. 17, App. 265.

One District resident felt so strongly that he spoke at two different forums and submitted written statements all strongly opposing reducing Mr. Edmond’s sentence. 6/13 Tr. 10, App. 222; 6/29 Tr. 16., App. 294; Written Forum Submissions 1, 6, App. 193, 207. He is the former president of the Bloomindale Civic Association, an Advisory Neighborhood Commissioner, and active in many civic and community groups. Written Forum Submission 1, App. 193. He emphasized that African-American communities were devastated by Mr. Edmond’s criminal enterprise. Lives were

taken, grandparents had to raise their grandchildren, and children “aged into adulthood scarred.” Written Forum Submission 1, App. 193; 6/29 Tr. 18, App. 296. Many “decent people” were forced to leave homes where their families had lived for generations in the Bloomingdale, Ivy City, and Trinidad neighborhoods and elsewhere due to threats and fears for their safety. Written Forum Submission 1 at 3-4, App. 195-96. This individual explained that he and his wife joined in nightly “orange hat” community patrols to “turn back and to fight back the negative impact of Mr. Edmond’s criminal enterprise in drugs and violence,” but they eventually had to relocate for their own safety. Written Forum Submission at 4, App. 203. The speaker noted that Mr. Edmond had not offered any words of “contrition, remorse, regret, shame, sorrow or even an apology,” and should not have his sentence reduced. Written Forum Submission 6, App. 209.<sup>11</sup>

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<sup>11</sup> The DC Line published an opinion piece by freelance journalist Jonetta Rose Barras opposing early release, expressing many of the same sentiments:

Many of DC’s socio-economic ills—high unemployment, a huge foster care population, poor educational performance, unexplained violence—emanate from that crack epidemic fueled, in no small measure, by Edmond and his crime family, as described in a Washington City Paper article published in 2000. The crack-addicted children—as well as those who grew up in homes with crack-addicted parents—are now adults living in various DC neighborhoods. Many of them have never received the mental or emotional help they needed to address those traumatic experiences. Unquestionably, their trauma has been passed on to their children.

Now, some federal prosecutor who didn’t live in DC in the 1980s—who didn’t navigate the darkness, the terror, the hopelessness and the devastation—has decided it’s a good idea to reduce Rayful Edmond’s sentence, and perhaps set him loose once again in the city among the people he nearly destroyed.

Jonetta Rose Barras, *Rayful Edmond And The Rock Refusing To Hide Him*, The DC Line (July 11, 2019), <https://thedcline.org/2019/07/04/jonetta-rose-barras-rayful-edmond-and-the-rock-refusing-to-hide-him>.

**E. Residents had diverse views on the impact Mr. Edmond's release would have on District youth.**

Residents had conflicting views on whether Mr. Edmond could be a mentor and positive influence for today's youth if granted a sentence reduction, or whether his release would send a negative message.

Many District residents believed that Mr. Edmond would have a positive influence on youth in the community. Their opinions were voiced in a variety of forms:

- A speaker at the June 13 forum noted that, if released, Mr. Edmond could apply his life experience to “turning our youth around” and work with District officials to right the wrongs he committed. 6/13 Tr. 27-28, App. 239-40.
- One emailer opined that Mr. Edmond should be released so that he can be a mentor to young men and help them “get their lives together.” Email 15, App. 143
- Commenter 205 thought that Mr. Edmond could “help the[ ] young boys out here on the[ ] streets” in wards 6 and 7 (capitalization altered). App. 41.
- Commenter 198 thought that Mr. Edmond “deserves the opportunity to prove he can live a different lifestyle offering others hope to change their heart and their way of thinking.” App. 39.
- A licensed social worker who works with fathers in the community stated that Mr. Edmond “can be a help to end the violence” in the District. Email 8, App. 133.
- Commenter 363 opined that Mr. Edmond “will be a great influence on the younger generation.” App. 83.

Indeed, at a focus group, one pastor gave an example of a circumstance in which he believed that Mr. Edmond's influence, even from prison, helped stop violence in the community. The pastor described a time in the early 1990's when there “was an awful lot of killing going on”

in the Benning Heights neighborhood. 7/8 Tr. 30-31, App. 326-27. He called the warring factions into his church and arranged for Mr. Edmond to address them from prison by speakerphone. 78 Tr. 30-31, App. 327. Mr. Edmond asked the assembled group to cease the “killing and shooting in Benning Heights.” 7/9 Tr. 32, App. 327. The pastor reported that there was no more killing in that community for 11 years. An online commenter recounted the same events. Comment 154, App. 28. The pastor thought that Mr. Edmond could have a similar powerful and positive impact if released because he is still an “icon” in the community. 7/8 Tr. 30, 32-34, App. 326-27.

Others questioned whether Mr. Edmond could be a positive role model in the community. A speaker at one of the public forums opposed a sentence reduction and believed strongly that Mr. Edmond “should not be allowed anywhere near young people.” 6/29 Tr. 17, App. 295. Another opined that the “idea that a drug kingpin of his stature can just walk sends a very, very poor message to younger folks who have no concept of what 30 years looks like. All they think is—he got out, so will I.” Comment 418, App. 103; *see also* Comment 387, App. 92 (children “will think they can kill people and sell drugs in our community and get out of jail”); 6/29 Tr. 25, App. 303 (Mr. Edmond is not an icon; he “needs to serve his time”); Email 14, App. 142 (querying how Mr. Edmond could mentor “the very same folk . . . whose Families [he] helped destroy”).

Voicing a nuanced view, a member of one of the focus groups opined that it was complicated whether Mr. Edmond is a good “role model” for the community because, before his incarceration, he was tearing down the community with crack, but he was also paying rent and buying food for poor people to support the community ravaged by the crack epidemic. 7/9 Tr. 18-23, App. 350-55.

**F. People with special connections to Mr. Edmond’s case or in the law enforcement community had differing views.**

Some people who submitted comments had a special connection to the case. One speaker was a juvenile co-defendant of Mr. Edmond’s. He supported a sentence reduction, describing Mr. Edmond as kind-hearted and non-violent. 6/13 Tr. 32-34, App. 244-46.

Another person wrote, without revealing their identity, that they were a member of the jury that convicted Mr. Edmond in 1989 after a three-month trial. Letter 3, App. 175. The juror was “disturbed” and “disgusted” that Edmond could receive a sentence reduction. Letter 3, App. 175. He or she wrote that the jury served for three months and was sequestered away from their families and jobs. Letter 3. The juror thought that “releas[ing]” Mr. Edmond would be “a slap in the face to the jurors and all civic minded taxpayers of the District” and “a true injustice.” Letter 3, App. 175. “Folks are threatened with arrest if they don’t appear for jury duty, yet our decision [as a jury] can be thrown away simply because a proven criminal has helped law enforcement do their job.” Letter 3, App. 175; *see also* Comment 305, App. 68 (Mr. Edmond was unrepentant and threatened the jurors in his case).

A retired FBI agent who was “the FBI co-case agent” in the investigation in the late 1980s wrote to oppose Mr. Edmond’s release. Letter 1, App. 145. He or she believed that Mr. Edmond would become “the wrong kind of hero” if released. Letter 1, App. 145. The FBI agent submitted a lengthy document describing Mr. Edmond’s crimes in detail. Letter 1, App. 145.

Views from the general law enforcement community were also mixed. Four former officers with the Metropolitan Police Department (“MPD”) and one former corrections officer weighed in, with two supporting a sentence reduction and three opposing it. One MPD officer was a native Washingtonian who served with MPD in the 1980s and testified as an expert witness in numerous narcotics prosecutions (although not in Mr. Edmond’s case)—he wrote that he had a

“front row seat” to the “carnage” from the crack epidemic. 7/8 Tr. 10, 17-19, App. 323. Even though Mr. Edmond was the “face” of the crack epidemic in the District, the retired officer supported a sentence reduction because Mr. Edmond was a young man at the time of his crimes, there was no reference point for the crack epidemic, and no one knew it was “going to do what it did.” 7/8 Tr. 14-15, 18, 21, App. 322-24. The “stars lined up in a bad way,” and the crack epidemic just “snowballed.” 7/8 Tr. 18-19, App. 323. The officer concluded that everyone had aged and he did not “see the harm” in releasing Mr. Edmond. 7/8 Tr. 14, App. 322. The former corrections officer recommended a sentence reduction because of Mr. Edmond’s extensive cooperation with law enforcement. Comment 236, App. 49.

On the other side of the ledger, a retired MPD officer who served from 1988 to 2015 and worked on homicide and drug cases emailed to oppose a sentence reduction. *See* Email 9, App. 135. The retired officer opined that Mr. Edmond did not deserve “an early release” because he had “glorified a drug culture in which violence was used relentlessly.” He thought that this “culture of violence grew beyond the drug trade,” led to increased violence in general, and became a means to settle “petty disputes.” Email 9, App. 135. Another former MPD officer wrote that granting Mr. Edmond a sentence reduction would “set a horrible example to current and future inmates[] that if you commit these horrific crimes . . . there is a possibility for some sort of a reduction if you give some form of cooperation.” Comment 454, App. 120; *see also* Comment 397, App. 95 (former “DC Detective” opposing sentence reduction).

**G. People on each side of the issue cited their faith to support their view.**

Many people invoked their religion or faith to support their view that the Court should reduce Mr. Edmond’s sentence. For example:

- Commenter 265 opined that “God forgives us and we should forgive” Mr. Edmond. App. 57.



- Comment 438 stated that “God says that every[]one [d]eserves a second chance.” App. 110.
- Commenter 446 believed that Mr. Edmond deserves a second chance because we all “have sinned and fallen short of God’s glory.” App. 118.
- Commenter 192 invoked the Bible, contending “let he who has not sinned cast the first stone.” App. 38.
- Commenter 208 claimed that “God has blessed” Mr. Edmond “with forgiveness and his love will guide Mr. Edmond[’s] life decisions and choices.” App. 42.

But others invoked religion to oppose a sentence reduction. Letter 6, App. 179 (arguing that “God don’t like ugly” and Mr. Edmond should “suffer” for his crimes “before leaving this earth”); *see also* Written Forum Submission 6, App. 207 (invoking the gospel and the “power unto salvation” when opposing a sentence reduction).

**H. Other commenters requested additional information or wished to place conditions on Mr. Edmond’s release.**

Finally, some commenters requested more information before voicing an opinion or wished to place conditions on Mr. Edmond’s release. Certain respondents wondered how Mr. Edmond would make an honest living if released. Email 14, App. 142. Others queried whether he had received an education or skills training while incarcerated that would allow him to have employment options upon release. Comment 410, App. 99; *see also* Comment 435, App. 109 (there are too many “unknowns,” including where Mr. Edmond will live, how he will support himself, and whether he received an education in prison that will allow him to be self-sustaining); Letter 5, App. 178 (wondering how Mr. Edmond will support himself without returning to the drug trade). One undecided commenter explained that he or she could not make a decision without knowing what Mr. Edmond was “going to do with his time” as a free man. Comment 160, App.

29. A speaker at the June 13 forum noted that he would support Mr. Edmond's release, but only if he had a place to live and a means to support himself and pay for medical care. 6/13 Tr. 21, App. 233. At a later forum, a man who had served 15 years in prison, including at the former Lorton prison maximum security facility, supported a sentence reduction for Mr. Edmond but thought that the United States should provide him with housing and employment to give him "a clear path for success." 6/29 Tr. 20-22, App. 298-300.

One person commented that he or she could not support a sentence reduction without more information about the nature of Mr. Edmond's cooperation with authorities. Comment 296, App. 66. Similarly, a focus group member was concerned that she did not have enough information about Mr. Edmond's rehabilitation in prison to make a fully informed decision. 7/9 Tr. 15-16, App. 347-48. One person supporting release said that Mr. Edmond should not be "released to do nothing," but "needs job skills training." Comment 134, App. 23.

Some commenters were concerned for Mr. Edmond's safety and the safety of those near him if he were released. Email 14, App. 142 ("[H]e's either go[ing to] pick up where [h]e left off or someone is go[ing to] murder [h]im."); Letter 7, App. 180 (contending that, if released, Mr. Edmond should be relocated to a new city because his life, and lives of innocent bystanders, could be at risk in the District); *see also* 7/8 Tr. 23, App. 324 (expressing concern that Mr. Edmond could be in danger if he returned to the District and hoping that he would be in a witness protection program); Letter 5, App. 177 ("[H]e has snitched, why shouldn't we expect some future retribution that will play out in more street violence?"). In one pastor's opinion, however, Mr. Edmond's return would be "celebrated in the Black community," and he would not be in danger. 7/8 Tr. 35, App. 327.

Finally, several commenters recommended that any sentence reduction come with the requirement that Mr. Edmond make restitution for the effects of his crimes. 6/29 Tr. 10, App. 288; *see also* Comment 411, App. 99 (“He has to pay actively or restore what was los[t] to the victims of his actions.”); Comment 334; App. 74 (“If he is granted his freedom, any funds retained by him and/or his family should to the District of Columbia as reparations for the damage he caused.”); Comment 397, App. 95 (recommending forfeiture of any unrecovered assets).

### **CONCLUSION**

In deciding whether to grant the United States’ motion to reduce Mr. Edmond’s sentence, the Court will consider a variety of factors including his underlying offense conduct, the extent of his cooperation with federal authorities, and his conduct while incarcerated. Through this brief, the Attorney General has endeavored to add the community’s views to this mosaic. The Attorney General thanks the Court for the opportunity, and hopes that the brief will help guide the Court in its ruling.

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