

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

**UNITED STATES OF AMERICA**

Criminal Action No. 14-32-LPS

v.

**AARON CEPHAS,  
DASHAWN BROOMER,  
ANDRE GREEN,**

Defendants.

**GOVERNMENT'S SENTENCING MEMORANDUM**

NOW COMES the United States of America, by and through Charles M. Oberly, III, United States Attorney for the District of Delaware, and Elizabeth L. Van Pelt, Assistant United States Attorney, and submits this sentencing memorandum. Defendant Aaron Cephas faces an advisory Guidelines range of 77-96 months, with a statutory mandatory minimum term of 60 months.<sup>1</sup> Cephas PSR ¶ 96. Defendant Dashawn Broomer faces an advisory Guidelines range of 92-115 months, with a statutory mandatory minimum term of 60 months.<sup>2</sup> Broomer PSR ¶ 80. Defendant Andre Green faces an advisory Guidelines range of 37-46 months.<sup>3</sup> Green PSR ¶ 87. For the reasons set forth below, the United States recommends this Court sentence Defendant Cephas to a below-Guidelines sentence of 72 months of imprisonment, Defendant Broomer to a below-Guidelines sentence of 60 months of imprisonment, and Defendant Green to a bottom-of-the-Guidelines sentence of 37 months.

<b>Defendant</b>	<b>Age</b>	<b>Advisory Guidelines Range</b>	<b>Recommended Sentence</b>
Cephas	33	77-96	72
Broomer	21	92-115	60
Green	20	37-46	37

<sup>1</sup> This range is based on a total offense level of 24 and a criminal history category of IV.

<sup>2</sup> This range is based on a total offense level of 26 and a criminal history category of IV.

<sup>3</sup> This range is based on a total offense level of 17 and a criminal history category of IV.

## **I. PROCEDURAL BACKGROUND**

On June 24, 2014, a federal grand jury returned an indictment against the defendants. On February 23, 2015, pursuant to plea agreements, Defendants Cephas and Broomer pleaded guilty to Count One of the Indictment, which charged them with Conspiracy to Possess with Intent to Distribute and to Distribute Heroin, in violation of 21 U.S.C. §§ 841(a)(1), (b)(1)(B), and 846. On that same day, pursuant to a plea agreement, Defendant Green also pleaded guilty to Count One of the Indictment, which charged him with Conspiracy to Possess with Intent to Distribute and to Distribute Heroin, in violation of 21 U.S.C. §§ 841(a)(1), (b)(1)(C), and 846.

## **II. FACTUAL BACKGROUND**

Defendant Cephas and Broomer ran a drug distribution operation in Wilmington Delaware. Defendant Green served as a sub-distributor for Cephas and Broomer. When a customer needed to be served, Cephas or Broomer contacted Green to deliver drugs to that customer. In addition, at times, Green used his own drug runner to make deliveries. A search warrant was executed on Broomer's residence on the day of the defendants' arrest. Found within Broomer's residence were a loaded handgun, seven logs<sup>4</sup> of heroin, over \$28,500 in cash, and a total of eleven (11) cell phones.

All three of the defendants have serious criminal histories (Criminal History Category IV), including convictions for drug crimes. They each have their Graduate Equivalency (G.E.D.) but little to no work history. They are each fathers. Cephas and Green have been shot – Cephas in 2010 and Green in 2012. Cephas PSR ¶¶ 60, 82; Green PSR ¶ 75.

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<sup>4</sup> In the Wilmington, Delaware area, a "log" of heroin typically contains 130 bags of heroin, each containing a single dose of between .01-.02 grams.

### III. SENTENCING RECOMMENDATION

Defendant Cephas is 33 years old with a history of escalating drug dealing going back over a decade. At age 21, Cephas was convicted of Possession of Drug Paraphernalia after police found a large amount of cash, crack cocaine, marijuana, razor blades, and packaging baggies in a bedroom Cephas shared with his brother.<sup>5</sup> Cephas PSR ¶¶ 37-39. Later that year, still age 21, Cephas was convicted of Possession of a Narcotic after he was found with crack cocaine in his pants. Cephas PSR ¶¶ 42-45. At age 23, Cephas was convicted of Trafficking in Cocaine.<sup>6</sup> Cephas PSR ¶¶ 46-47. Also at age 23, Cephas was convicted of Possession of Marijuana. Cephas PSR ¶¶ 50-51. At age 25, Cephas was convicted of Possession of a Narcotic Schedule II Controlled Substance Within 1000 Feet of a School. Cephas PSR ¶¶ 58-59.

At age 29, Defendants Cephas, Broomer, and Green were found in a car that contained heroin and cocaine. Cephas PSR ¶¶ 62-65. At trial, Cephas was convicted of Reckless Driving and acquitted on a number of other charges. Cephas PSR ¶¶ 62, 65. At the time, Green and Broomer were 16 and 17 years old.

Cephas' grandmother, who raised him, calls him someone who just wanted a "fast dollar." Cephas PSR ¶ 78. Cephas has very little employment history over the last decade or more, yet was able to purchase a property for \$5,000 in 2014. Cephas PSR ¶¶ 91-93.

The government submits that a sentence of 72 months is appropriate for Cephas because he is the most culpable of the three. He is significantly older than Broomer and Green, he coordinated with the heroin source of supply, and he was the ultimate decision maker in the

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<sup>5</sup> Police also found a bag of crack cocaine in Cephas' pocket. Cephas PSR ¶ 39.

<sup>6</sup> This conviction qualifies as a predicate felony drug offense for purposes of increasing the mandatory minimum sentence for the instant offense from five (5) years to ten (10) years, pursuant to 21 U.S.C. § 841(b)(1)(B). However, the government elected not to file a 21 U.S.C. § 851 information to seek increased punishment based on this conviction. As a result, the statutory mandatory minimum term remains at five (5) years.

group. His drug criminal history is the most troublesome and persists for a greater length of time than Broomer and Green.

#### **IV. SENTENCING RECOMMENDATION FOR BROOMER**

Defendant Broomer is 21 years old. At age 17, he was found in a car that contained heroin and cocaine, along with Cephas and Green. He was adjudicated delinquent for Possession with Intent to Deliver a Narcotic, Maintaining a Vehicle for Keeping Controlled Substances, Conspiracy Second Degree, and Possession of Drug Paraphernalia. Broomer PSR ¶¶ 37-39.

Also at age 17, Broomer was adjudicated delinquent for Possession/Purchase/Control of a Firearm by a Prohibited Juvenile. Broomer PSR ¶¶ 41-43. At age 18, he was convicted of Possession of Marijuana. Broomer PSR ¶¶ 45-46. Broomer faces pending charges in the State of Delaware for Manufacture/Deliver/Possession with Intent to Deliver a Controlled Substance with an Aggravating Factor. Broomer PSR ¶¶ 52-53.

Broomer's conduct in this case is serious, but he is young and this sentence will be his first stint in prison. The government submits that a sentence of 60 months is sufficient, but not greater than necessary.

#### **V. SENTENCING RECOMMENDATION FOR GREEN**

Defendant Green is 20 years old. At age 16, he was found in a car that contained heroin and cocaine, along with Cephas and Green. He was adjudicated delinquent for Trafficking in Illegal Drugs, Conspiracy Second, and Resisting Arrest. Green PSR ¶¶ 51-53. At age 17, he suffered an adult conviction for Drug Dealing in a Tier Two Quantity. Green PSR ¶¶ 55-57.

Green objects to the two-point enhancement for his aggravated role (serving as an organizer, leader, manager, or supervisor of criminal activity) in the offense, pursuant to U.S.S.G. § 3B1.1(c). However, the Probation Officer correctly applied that enhancement.

Telephone calls and text messages intercepted via the wiretap capture Defendant Green repeatedly directing at least one other individual, Branden Turner, to deliver drugs to customers. At the sentencing hearing, the government will be prepared to present those communications to the Court and discuss their relevance and import to the application of the two-point enhancement for an aggravating role.

The government submits that a sentence of 37 months is appropriate for Green. The scope of his conduct is lesser than Cephas and Broomer.

## **VI. CONCLUSION**

For these reasons, the government recommends the Court sentence Defendant Cephas to 72 months, Defendant Broomer to 60 months, and Defendant Green to 37 months. These sentences are sufficient, but not greater than necessary, to comply with the sentencing purposes set forth in Title 18, United States Code, Section 3553(a).

Respectfully submitted,

CHARLES M. OBERLY, III  
United States Attorney



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Elizabeth L. Van Pelt  
Assistant United States Attorney

Dated: June 9, 2015