

APPENDIX A

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 19-4498

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

ANTONIO KEVIN MCKOY, a/k/a Bean,

Defendant - Appellant.

Appeal from the United States District Court for the Eastern District of North Carolina, at
Wilmington. James C. Dever III, District Judge. (7:16-cr-00116-D-1)

Argued: December 7, 2020

Decided: February 9, 2021

Before NIEMEYER and AGEE, Circuit Judges, and TRAXLER, Senior Circuit Judge.

Affirmed by unpublished per curiam opinion.

ARGUED: Rudolph Alexander Ashton, III, DUNN PITTMAN SKINNER & CUSHMAN, PLLC, New Bern, North Carolina, for Appellant. David A. Bragdon, OFFICE OF THE UNITED STATES ATTORNEY, Raleigh, North Carolina, for Appellee.
ON BRIEF: Robert J. Higdon, Jr., United States Attorney, Jennifer P. May-Parker, Assistant United States Attorney, Phillip A. Rubin, Assistant United States Attorney, OFFICE OF THE UNITED STATES ATTORNEY, Raleigh, North Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Antonio Kevin McKoy was convicted of numerous drug-related offenses and sentenced by the district court to life imprisonment, plus a consecutive five years' imprisonment. McKoy appeals, raising challenges to his conviction and sentence. Finding no reversible error, we affirm.

I.

The government's evidence, which was the product of an extensive investigation involving confidential informants, controlled buys, surveillance, and court-authorized wiretaps, showed the following. Antonio McKoy operated a drug-trafficking organization in Garland, North Carolina. He operated it out of his house and often stored his supply in an abandoned house located on the property. McKoy had a basketball court at his house and hosted games there on Sundays; drug transactions were conducted frequently during the weekly games.

Although many of those involved in the drug operation had known each other since high school, the trial evidence showed that McKoy was the leader. For example, one of the co-operating co-defendants testified that he sold drugs for McKoy at McKoy's direction and that "everything went through" McKoy. J.A. 684. In addition, the jury heard numerous intercepted phone calls during which McKoy instructed others to deliver drugs or collect money on his behalf.

The most damning testimony came from Andrekia Parker, who started out as McKoy's girlfriend and ended up becoming involved in the distribution network. Parker, who was an honors student in high school and left the National Guard to take care of her

grandmother, had no criminal record before meeting McKoy. Parker testified about her early observations of and subsequent involvement in McKoy's drug operation. Her testimony made it clear that McKoy was in charge, as he was always the one giving instructions to others. Parker agreed with the government that McKoy was "meticulous in his drug dealing," and explained that "he had everything on point. He had everything down to a T." J.A. 1001.

In November 2015, police executed a search warrant for McKoy's house. Although the police found nothing incriminating, the search caused a strain in Parker's relationship with McKoy. Parker was present (alone) at the house when the search took place, and McKoy believed the police had been listening through a phone that Parker had given him. By March 2016, McKoy had again warmed to Parker, who then became more involved in McKoy's drug-dealing activities.

In September 2016, McKoy instructed Parker to follow him in her car to Charlotte. Once in Charlotte, they stopped at a gas station, and McKoy instructed Parker to enter a specific address into the GPS unit in her car. He then got into her car and drove away, leaving her at the gas station with his truck. McKoy returned about 30 minutes later and gave Parker's car back to her. Parker drove away in her car, and McKoy followed behind in his truck. Not long after she left the gas station, a state trooper stopped Parker for failure to yield. After a drug dog alerted on the car, police found on the back seat Parker's backpack with nearly 5 kilos of cocaine inside.¹ Parker was arrested at the scene.

¹ Parker testified that there was no cocaine in her car before McKoy drove it.

McKoy, who had been driving behind Parker, continued driving after Parker was stopped by the police. The jury heard a recording of the phone conversation he was having as he drove past. In the conversation, McKoy speculated that he had been set up, given the way the trooper's car slipped in behind Parker. He told the other party that Parker would probably receive a lengthy prison sentence, but that he was "going to go ahead and do what I do, though." J.A. 1213. McKoy was arrested a few weeks later.

McKoy and 24 co-defendants (including Parker) were charged in a 49-count indictment with various drugs and weapons offenses. McKoy was charged with one count of conspiracy to distribute cocaine, crack cocaine, marijuana, meth, and heroin, *see* 21 U.S.C. §§ 841, 846; one count of carrying out a continuing criminal enterprise (CCE), *see* 21 U.S.C. § 848; one count of money-laundering, *see* 18 U.S.C. § 1956(a); fourteen substantive counts of possession with intent to distribute or completed drug distribution, most involving crack cocaine, *see* 21 U.S.C. § 841; and one count of possessing a firearm in furtherance of a drug trafficking crime, *see* 18 U.S.C. § 924(c).

McKoy and three co-defendants proceeded to trial. Parker, who pleaded guilty to the conspiracy charge, and several other co-defendants testified at trial. McKoy was convicted by a jury of all counts save one substantive distribution count. The district court sentenced McKoy to life imprisonment plus five years, as required by the § 924(c) conviction.

II.

McKoy first challenges the district court's decision to permit the government to pursue a line of questioning with Parker. "We review evidentiary rulings for an abuse of

discretion and will only overturn an evidentiary ruling that is arbitrary and irrational.” *United States v. Cloud*, 680 F.3d 396, 401 (4th Cir. 2012) (internal quotation marks omitted).

Parker had gotten pregnant a few months before the ill-fated trip to Charlotte. When she told McKoy, he told her to get an abortion. He later drove Parker to a clinic that provides abortions and tried, unsuccessfully, to accompany her into the procedure room. Once inside, Parker decided against having an abortion. She got back into the car with McKoy without telling him that she had not gone through with it. During its direct examination of Parker, the government questioned Parker about the pregnancy and McKoy’s request that she get an abortion. Counsel for McKoy objected on relevance grounds, which the district court overruled.

On appeal, McKoy argues that the district court erred by permitting the government to ask Parker about McKoy’s abortion directive. He contends the line of questioning was not relevant to any issue at trial. He also contends that even if relevant, the questioning was unfairly prejudicial, because the subject of abortion is a politically charged issue that improperly appeals to the emotions of the jury. *See* Fed. R. Evid. 403 (“The court may exclude relevant evidence if its probative value is substantially outweighed by a danger of one or more of the following: unfair prejudice, confusing the issues, misleading the jury, undue delay, wasting time, or needlessly presenting cumulative evidence.”).

The government argues that the abortion evidence was relevant to the CCE charge. The CCE charge required proof that McKoy was a leader of the drug organization, *see* 21 U.S.C. § 848(c)(2)(A), and the government contends the abortion evidence showed McKoy

“controlling and directing [Parker], contextualizing how he did the same exact thing as to the drug organization.” Brief of Appellee at 23. The government also contends the evidence was a part of the arc of Parker’s story with McKoy and was necessary for the jury “to understand how Parker’s behavior would be the fate of an honors student who served in the National Guard. The whole of their relationship is key to understanding what happened. . . .” *Id.*

Although the relevance of the abortion evidence seems dubious, we need not definitively resolve that issue. Even if we assume that the district court erred by admitting the abortion evidence, the error was harmless. *See Cloud*, 680 F.3d at 401 (explaining that an error in admitting evidence is harmless if the court can “say with fair assurance, after pondering all that happened without stripping the erroneous action from the whole, that the judgment was not substantially swayed by the error”) (internal quotation marks omitted).

While McKoy tries on appeal to minimize his involvement, the trial evidence showed that McKoy was the leader of a drug organization that moved large quantities of drugs. The jury heard the testimony of confidential informants who conducted controlled buys, as well as numerous recordings of McKoy conducting drug deals over the phone. Multiple co-defendants, including Parker, testified about their own involvement in the organization and about McKoy’s leadership of it. Nothing in the testimony of these witnesses even suggested the possibility of any other leader. For example, a cooperating co-defendant described McKoy as his boss and explained he sold McKoy’s drugs at McKoy’s direction, returned the proceeds to McKoy, and was paid as determined by McKoy. Parker testified similarly, stating that McKoy “instruct[ed]” those involved in the

operation on “what to do with the drugs or who to meet with the drugs or where to carry the drugs or where to come back and meet him with the money.” J.A. 986.

Because the record is replete with other evidence that directly established McKoy’s control over the drug operation, we are confident that the verdict was not substantially swayed by the abortion evidence, which -- at best -- only indirectly and by analogy offered anything about McKoy’s control over a criminal drug operation. Any error in the admission of the abortion evidence was therefore harmless. *See Cloud*, 680 F.3d at 401.

III.

The CCE charge required the government to prove that McKoy engaged in a “continuing series” of specified drug crimes undertaken “in concert with five or more other persons with respect to whom such person occupies a position of organizer, a supervisory position, or any other position of management.” 21 U.S.C. § 848(c)(2)(A). On appeal, McKoy contends the government’s evidence was insufficient to support the CCE conviction. According to McKoy, the defendants were just a group of guys who grew up together and now hang out together while running their own independent drug businesses. While they may buy and sell from each other, they are all making their own independent profits. He therefore contends the evidence did not show the existence of a drug organization or that he was the organizer, supervisor, or manager of five or more persons involved in the violations. We disagree.

“When considering a challenge to the sufficiency of the evidence to support a conviction, this Court is obliged to sustain a guilty verdict if, viewing the evidence in the light most favorable to the Government, it is supported by substantial evidence.” *United*

States v. Moriello, 980 F.3d 924, 930 (4th Cir. 2020) (internal quotation marks omitted).

“Substantial evidence is evidence that a reasonable finder of fact could accept as adequate and sufficient to support a conclusion of a defendant’s guilt beyond a reasonable doubt.”

United States v. Burgos, 94 F.3d 849, 862 (4th Cir. 1996) (en banc).

Contrary to McKoy’s argument, the government was not required to prove the existence of a specific, formal drug enterprise. Instead, as noted above, the government was required to prove the existence of a continuing series of certain drug offenses undertaken by McKoy in concert with five others and that McKoy occupied some kind of management position over those five others. *See* 21 U.S.C. § 848(c)(2)(A). The government’s evidence was more than sufficient to carry that burden.

While the trial evidence did establish that many of the defendants grew up together, it also very clearly showed a drug organization led by McKoy. As discussed above, the government presented evidence of the continuing series of drug offenses engaged in by McKoy through the testimony of law enforcement officers, confidential informants, co-defendants-turned-cooperating-witnesses, and recordings of McKoy’s intercepted phone calls. That same evidence provided an ample basis for the jury to reasonably conclude that McKoy was in charge of the operation. As to the required involvement of at least five others, the testimony of the cooperating co-defendants identified more than five people who worked for McKoy.

Because the government's evidence was sufficient to establish each of the elements of the CCE charge and to permit a reasonable jury to find McKoy guilty of CCE beyond a reasonable doubt, we reject McKoy's challenge to the CCE conviction.²

IV.

We turn now to McKoy's challenges to his sentence. McKoy argues that the district court made various errors when calculating the Guidelines sentencing range. He also challenges the reasonableness of the life sentence imposed by the district court.

A.

McKoy raises numerous challenges to the district court's Guidelines calculation. He contends that the district court erred in determining the drug quantity attributable to him, *see* U.S.S.G. § 2D1.1(c), and in calculating his criminal history score, *see* U.S.S.G. § 4A1.1. He also contends the court erred by applying a leadership enhancement under U.S.S.G. § 3B1.1(a), a criminal-livelihood enhancement under U.S.S.G. § 2D1.1(b)(15)(E), a use-of-violence enhancement under U.S.S.G. § 2D1.1(b)(2), and an obstruction-of-justice enhancement under U.S.S.G. § 3C1.1.

"In determining whether a district court properly applied the advisory Guidelines, including application of any sentencing enhancements, we review the district court's legal conclusions *de novo* and its factual findings for clear error." *United States v. Layton*, 564

² McKoy also contends that the district court committed plain error by not using a special verdict form when submitting the CCE charge to the jury. The district court committed no error, plain or otherwise. *See United States v. Marshall*, 332 F.3d 254, 263 n.5 (4th Cir. 2003) ("[T]he district court did not err in failing to require a special verdict on all elements of the CCE count.").

F.3d 330, 334 (4th Cir. 2009). Applying this standard of review, we see no merit to McKoy's Guidelines challenges and dispense with them summarily.

The district court committed no error in determining McKoy's criminal history category, which flowed from the district court's unchallenged application of the career-offender guideline. *See* U.S.S.G. § 4B1.1(b) ("A career offender's criminal history category in every case under this subsection shall be Category VI."). The district court's conservative calculation of the drug quantity attributable to McKoy is supported by the evidence presented at trial and contained in the presentence report and, therefore, is not clearly erroneous. The factual findings underlying the leadership, criminal-livelihood, and use-of-violence enhancements are likewise supported by the record, and the application of those enhancements was not error.

Finally, we see no error in the obstruction-of-justice enhancement that was premised on letters McKoy sent after his arrest promising love and monetary support for Parker and their child after he was released from prison. The district court reasonably viewed the letters as an effort to persuade Parker not to testify, such that the obstruction enhancement was proper. *See* U.S.S.G. § 3C1.1 cmt. n.4(A) (stating that a defendant's attempt at "unlawfully influencing a co-defendant, witness, or juror" supports an enhancement for obstruction of justice).

B.

McKoy also argues on appeal that the life sentence is unreasonable and that the district court should have granted his motion for a downward variance. We disagree.

When considering a challenge to the reasonableness of a sentence imposed by the district court, “we consider both substantive reasonableness, considering the totality of the circumstances, and procedural reasonableness, ensuring that the district court committed no significant procedural error, such as miscalculating the sentencing guidelines, failing to consider the § 3553(a) criminal and personal history factors, or selecting a sentence based on erroneous facts.” *United States v. Zelaya*, 908 F.3d 920, 930 (4th Cir. 2018) (internal quotation marks and alteration omitted). We review for procedural errors first and consider the substantive reasonableness of the sentence only if we find no procedural errors. *See United States v. Bolton*, 858 F.3d 905, 911 (4th Cir. 2017).

As outlined above, the district court made no errors when calculating the Guidelines sentencing range. Those calculations left McKoy with a Category VI criminal history and a total offense level of 48, which was reduced to the Guidelines maximum of 43. Those numbers put McKoy’s offense at the bottom of the Guidelines sentencing chart, where life imprisonment is the advisory sentence for all criminal history categories. The district court rejected McKoy’s request for a variance and imposed the Guideline advisory sentence of life imprisonment, plus five years required for the § 924(c) conviction. When announcing the sentence, the district court focused on the “extraordinary scope of the criminal activity,” J.A. 1626, McKoy’s lack of remorse, the likelihood that McKoy would immediately start dealing again if released, and the need to provide deterrence to others in the community. The record supports the district court’s views of the evidence and the nature of the offense, and the court’s explanation is sufficiently detailed and individualized to McKoy’s circumstances. *See Rita v. United States*, 551 U.S. 338, 356 (2007) (explaining that the

district court's explanation of the sentence must be sufficient "to satisfy the appellate court that he has considered the parties' arguments and has a reasoned basis for exercising his own legal decisionmaking authority"). Accordingly, McKoy's sentence was procedurally reasonable.

As to substantive reasonableness, this court presumes that a within-Guidelines sentence is reasonable. *See Zelaya*, 908 F.3d at 930. That presumption "can only be rebutted by showing that the sentence is unreasonable when measured against the 18 U.S.C. § 3553(a) factors." *United States v. Gutierrez*, 963 F.3d 320, 344 (4th Cir.), *cert. denied*, 141 S. Ct. 419 (U.S. Oct. 5, 2020). In this case, the sentence imposed by the district court, though undeniably severe, is within the advisory range and is therefore presumptively reasonable. McKoy's challenge to the substantive reasonableness of the sentence offers little more than "disagreements with the district court's factual findings and legal conclusions," which is insufficient to "show that [his] sentence[is] unreasonable when measured against the § 3553(a) factors." *Id.*

V.

Accordingly, for the reasons discussed above, we reject McKoy's challenges and hereby affirm his convictions and sentence.

AFFIRMED

APPENDIX B

FILED: February 9, 2021

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 19-4498
(7:16-cr-00116-D-1)

UNITED STATES OF AMERICA

Plaintiff - Appellee

v.

ANTONIO KEVIN MCKOY, a/k/a Bean

Defendant - Appellant

J U D G M E N T

In accordance with the decision of this court, the judgment of the district court is affirmed.

This judgment shall take effect upon issuance of this court's mandate in accordance with Fed. R. App. P. 41.

/s/ PATRICIA S. CONNOR, CLERK

APPENDIX C

FILED: March 3, 2021

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 19-4498
(7:16-cr-00116-D-1)

UNITED STATES OF AMERICA

Plaintiff - Appellee

v.

ANTONIO KEVIN MCKOY, a/k/a Bean

Defendant - Appellant

M A N D A T E

The judgment of this court, entered 02/09/2021, takes effect today.

This constitutes the formal mandate of this court issued pursuant to Rule
41(a) of the Federal Rules of Appellate Procedure.

/s/Patricia S. Connor, Clerk

UNITED STATES DISTRICT COURT

Eastern District of North Carolina

UNITED STATES OF AMERICA

v.

ANTONIO KEVIN MCKOY

JUDGMENT IN A CRIMINAL CASE

Case Number: 7:16-CR-116-1-D

USM Number: 62785-056

Rudolph A. Ashton, III

Defendant's Attorney

THE DEFENDANT:

☐ pleaded guilty to count(s) _____

☐ pleaded nolo contendere to count(s) _____
which was accepted by the court.

☒ was found guilty on count(s) 1, 2, 3, 9, 18, 25, 26, 27, 31, 35, 43, 44 and 47 of the Indictment (Count 1 vacated at sentencing)
after a plea of not guilty.

The defendant is adjudicated guilty of these offenses:

<u>Title & Section</u>	<u>Nature of Offense</u>	<u>Offense Ended</u>	<u>Count</u>
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See page 2

The defendant is sentenced as provided in pages 2 through 9 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

☒ The defendant has been found not guilty on count(s) 41 of the Indictment

☒ Count(s) 4, 5, 7 and 10 of the Indictment ☐ is ☒ are dismissed on the motion of the United States.

It is ordered that the defendant must notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of material changes in economic circumstances.

6/19/2019

Date of Imposition of Judgment

James C. Dever III
Signature of Judge

James C. Dever III, United States District Judge

Name and Title of Judge

6/19/2019

Date

DEFENDANT: ANTONIO KEVIN MCKOY
CASE NUMBER: 7:16-CR-116-1-D

ADDITIONAL COUNTS OF CONVICTION

<u>Title & Section</u>	<u>Nature of Offense</u>	<u>Offense Ended</u>	<u>Count</u>
21 U.S.C. § 848(a), 21 U.S.C. § 848(a)	Continuing Criminal Enterprise	10/26/2016	2
18 U.S.C. § 1956(h), 18 U.S.C. § 1956(a)(1)(B)(i)	Money Laundering	10/26/2016	3
21 U.S.C. § 841(a)(1), 21 U.S.C. § 841(b)(1)(C), 21 U.S.C. § 851	Distribution of a Quantity of Cocaine Base (Crack)	4/10/2015	9
21 U.S.C. § 841(a)(1), 21 U.S.C. § 841(b)(1)(C), 21 U.S.C. § 851, and 18 U.S.C. § 2	Distribution of a Quantity of Cocaine Base (Crack) and Aiding and Abetting	1/28/2016	18
21 U.S.C. § 841(a)(1), 21 U.S.C. § 841(b)(1)(B) and 18 U.S.C. § 2	Distribution of 28 Grams or More of Cocaine Base and Aiding and Abetting	3/17/2016 6/17/2016	25 35
21 U.S.C. § 841(a)(1), 21 U.S.C. § 841(b)(1)(B)	Distribution of 28 Grams or More of Cocaine Base	4/21/2016 5/31/2016 8/13/2016	26 31 43
21 U.S.C. § 841(a)(1), 21 U.S.C. § 841(b)(1)(B) and 18 U.S.C. § 2	Distribution of 28 Grams or More of Cocaine Base and a Quantity of Heroin and Aiding and Abetting	5/2/2016	27
18 U.S.C. § 924(c), 18 U.S.C. § 924(c)(1)(A)(i)	Possession of a Firearm in Furtherance of a Drug-Trafficking Crime	8/13/2016	44
21 U.S.C. § 841(a)(1), 21 U.S.C. § 841(b)(1)(B), and 18 U.S.C. § 2	Possession With Intent to Distribute 500 Grams or More of Cocaine and Aiding and Abetting	9/4/2016	47

DEFENDANT: ANTONIO KEVIN MCKOY
CASE NUMBER: 7:16-CR-116-1-D

IMPRISONMENT

The defendant is hereby committed to the custody of the Federal Bureau of Prisons to be imprisoned for a total term of:

Count 2: Life; Counts 25, 26, 27, 31, 35, 43 and 47: 480 months per count, to be served concurrently; Count 3: 240 months, to be served concurrently; Counts 9 and 18: 360 per count, to be served concurrently; Count 44: 60 months, to be served consecutively - (Total term: Life plus 60 months)

☒ The court makes the following recommendations to the Bureau of Prisons:

****See page 4****

☒ The defendant is remanded to the custody of the United States Marshal.

☐ The defendant shall surrender to the United States Marshal for this district:

☐ at _____ ☐ a.m. ☐ p.m. on _____
☐ as notified by the United States Marshal.

☐ The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:

☐ before 2 p.m. on _____
☐ as notified by the United States Marshal.
☐ as notified by the Probation or Pretrial Services Office.

RETURN

I have executed this judgment as follows:

Defendant delivered on _____ to _____
at _____, with a certified copy of this judgment.

UNITED STATES MARSHAL

By _____
DEPUTY UNITED STATES MARSHAL

DEFENDANT: ANTONIO KEVIN MCKOY

CASE NUMBER: 7:16-CR-116-1-D

ADDITIONAL IMPRISONMENT TERMS

The court recommends that the defendant serve his term in a maximum security federal penitentiary. The court recommends that he be housed separately from all co-defendants during the entire term of incarceration, to include: James Daniel McKoy, Bryant Douglas Carr, Anthony Lee Barnes, Jr., Tony Chevallier, Jafa McKoy, Deames Frederick Henry, Earl Jeffrey Melvin, Darryl Clifton McKoy, Jabarr Ryeheine Rudolph, Brandon O'Brian Smith, William Darrell Garner, Craig Anthony Melvin, Braylynn Spencer, Greg Bright, Bryan Derrick Carr, Ryan Eric Carr, Donald Ray Garner, Derrick Tyrone Ingram, Derrell Eugene Wilson, David Fitzgerald Williams, Robert Antonio Parker, Harry Thomas Oates, Jr., and Russell Condell Bell, Jr.

DEFENDANT: ANTONIO KEVIN MCKOY
CASE NUMBER: 7:16-CR-116-1-D

SUPERVISED RELEASE

Upon release from imprisonment, you will be on supervised release for a term of :

Counts 2 and 44: 5 years per count, to be served concurrently
Count 3: 3 years, to be served concurrently
Counts 9 and 18: 6 years per count, to be served concurrently
Counts 25, 26, 27, 31, 35, 43 and 47: 5 years per count, to be served concurrently
Total term: 6 years

MANDATORY CONDITIONS

1. You must not commit another federal, state or local crime.
2. You must not unlawfully possess a controlled substance.
3. You must refrain from any unlawful use of a controlled substance. You must submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court.
 - ☐ The above drug testing condition is suspended, based on the court's determination that you pose a low risk of future substance abuse. *(check if applicable)*
4. ☐ You must make restitution in accordance with 18 U.S.C. §§ 3663 and 3663A or any other statute authorizing a sentence of restitution. *(check if applicable)*
5. ☒ You must cooperate in the collection of DNA as directed by the probation officer. *(check if applicable)*
6. ☐ You must comply with the requirements of the Sex Offender Registration and Notification Act (42 U.S.C. § 16901, *et seq.*) as directed by the probation officer, the Bureau of Prisons, or any state sex offender registration agency in the location where you reside, work, are a student, or were convicted of a qualifying offense. *(check if applicable)*
7. ☐ You must participate in an approved program for domestic violence. *(check if applicable)*

You must comply with the standard conditions that have been adopted by this court as well as with any other conditions on the attached page.

DEFENDANT: ANTONIO KEVIN MCKOY
CASE NUMBER: 7:16-CR-116-1-D

STANDARD CONDITIONS OF SUPERVISION

As part of your supervised release, you must comply with the following standard conditions of supervision. These conditions are imposed because they establish the basic expectations for your behavior while on supervision and identify the minimum tools needed by probation officers to keep informed, report to the court about, and bring about improvements in your conduct and condition.

1. You must report to the probation office in the federal judicial district where you are authorized to reside within 72 hours of your release from imprisonment, unless the probation officer instructs you to report to a different probation office or within a different time frame.
2. After initially reporting to the probation office, you will receive instructions from the court or the probation officer about how and when you must report to the probation officer, and you must report to the probation officer as instructed.
3. You must not knowingly leave the federal judicial district where you are authorized to reside without first getting permission from the court or the probation officer.
4. You must answer truthfully the questions asked by your probation officer.
5. You must live at a place approved by the probation officer. If you plan to change where you live or anything about your living arrangements (such as the people you live with), you must notify the probation officer at least 10 days before the change. If notifying the probation officer in advance is not possible due to unanticipated circumstances, you must notify the probation officer within 72 hours of becoming aware of a change or expected change.
6. You must allow the probation officer to visit you at any time at your home or elsewhere, and you must permit the probation officer to take any items prohibited by the conditions of your supervision that he or she observes in plain view.
7. You must work full time (at least 30 hours per week) at a lawful type of employment, unless the probation officer excuses you from doing so. If you do not have full-time employment you must try to find full-time employment, unless the probation officer excuses you from doing so. If you plan to change where you work or anything about your work (such as your position or your job responsibilities), you must notify the probation officer at least 10 days before the change. If notifying the probation officer at least 10 days in advance is not possible due to unanticipated circumstances, you must notify the probation officer within 72 hours of becoming aware of a change or expected change.
8. You must not communicate or interact with someone you know is engaged in criminal activity. If you know someone has been convicted of a felony, you must not knowingly communicate or interact with that person without first getting the permission of the probation officer.
9. If you are arrested or questioned by a law enforcement officer, you must notify the probation officer within 72 hours.
10. You must not own, possess, or have access to a firearm, ammunition, destructive device, or dangerous weapon (i.e., anything that was designed, or was modified for, the specific purpose of causing bodily injury or death to another person such as nunchakus or tasers).
11. You must not act or make any agreement with a law enforcement agency to act as a confidential human source or informant without first getting the permission of the court.
12. If the probation officer determines that you pose a risk to another person (including an organization), the probation officer may require you to notify the person about the risk and you must comply with that instruction. The probation officer may contact the person and confirm that you have notified the person about the risk.
13. You must follow the instructions of the probation officer related to the conditions of supervision.

U.S. Probation Office Use Only

A U.S. probation officer has instructed me on the conditions specified by the court and has provided me with a written copy of this judgment containing these conditions. For further information regarding these conditions, see *Overview of Probation and Supervised Release Conditions*, available at: www.uscourts.gov.

Defendant's Signature _____

Date _____

DEFENDANT: ANTONIO KEVIN MCKOY
CASE NUMBER: 7:16-CR-116-1-D

ADDITIONAL STANDARD CONDITIONS OF SUPERVISION

The defendant shall not incur new credit charges or open additional lines of credit without approval of the probation office.

The defendant shall provide the probation office with access to any requested financial information.

The defendant shall participate as directed in a program approved by the probation office for the treatment of narcotic addiction, drug dependency, or alcohol dependency which will include urinalysis testing or other drug detection measures and may require residence or participation in a residential treatment facility.

The defendant shall consent to a warrantless search by a United States probation officer or, at the request of the probation officer, any other law enforcement officer, of the defendant's person and premises, including any vehicle, to determine compliance with the conditions of this judgment.

The defendant shall cooperate in the collection of DNA as directed by the probation officer.

The defendant shall support his dependent(s).

DEFENDANT: ANTONIO KEVIN MCKOY
CASE NUMBER: 7:16-CR-116-1-D

CRIMINAL MONETARY PENALTIES

The defendant must pay the total criminal monetary penalties under the schedule of payments on Sheet 6.

	<u>Assessment</u>	<u>JVTA Assessment*</u>	<u>Fine</u>	<u>Restitution</u>
TOTALS	\$ 1,200.00	\$	\$	\$

☐ The determination of restitution is deferred until _____. An *Amended Judgment in a Criminal Case (AO 245C)* will be entered after such determination.

☐ The defendant must make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid.

<u>Name of Payee</u>	<u>Total Loss**</u>	<u>Restitution Ordered</u>	<u>Priority or Percentage</u>
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TOTALS	\$	0.00	\$	0.00
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☐ Restitution amount ordered pursuant to plea agreement \$ _____

☐ The defendant must pay interest on restitution and a fine of more than \$2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 6 may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).

☐ The court determined that the defendant does not have the ability to pay interest and it is ordered that:

☐ the interest requirement is waived for the ☐ fine ☐ restitution.

☐ the interest requirement for the ☐ fine ☐ restitution is modified as follows:

* Justice for Victims of Trafficking Act of 2015, Pub. L. No. 114-22.

** Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

DEFENDANT: ANTONIO KEVIN MCKOY
CASE NUMBER: 7:16-CR-116-I-D

SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties is due as follows:

- A ☐ Lump sum payment of \$ _____ due immediately, balance due
- ☐ not later than _____, or
☐ in accordance with ☐ C, ☐ D, ☐ E, or ☐ F below; or
- B ☐ Payment to begin immediately (may be combined with ☐ C, ☐ D, or ☐ F below); or
- C ☐ Payment in equal _____ (e.g., weekly, monthly, quarterly) installments of \$ _____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after the date of this judgment; or
- D ☐ Payment in equal _____ (e.g., weekly, monthly, quarterly) installments of \$ _____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after release from imprisonment to a term of supervision; or
- E ☐ Payment during the term of supervised release will commence within _____ (e.g., 30 or 60 days) after release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay at that time; or
- F ☒ Special instructions regarding the payment of criminal monetary penalties:

The special assessment in the amount of \$1,200.00 shall be due in full immediately.

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during the period of imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the clerk of the court.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

- ☐ Joint and Several

Defendant and Co-Defendant Names and Case Numbers (including defendant number), Total Amount, Joint and Several Amount, and corresponding payee, if appropriate.

- ☐ The defendant shall pay the cost of prosecution.
- ☐ The defendant shall pay the following court cost(s):
- ☒ The defendant shall forfeit the defendant's interest in the following property to the United States:
The defendant shall forfeit to the United States the defendant's interest in the property specified in the Order of Forfeiture entered on June 18, 2019.

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) fine interest, (6) community restitution, (7) JVTa assessment, (8) penalties, and (9) costs, including cost of prosecution and court costs.

(5) the individual agrees to submit to a drug test, and such test shows the individual to be drug free.

A nonpublic record of a disposition under this subsection shall be retained by the Department of Justice solely for the purpose of determining in any subsequent proceeding whether the person qualified for a civil penalty or expungement under this section. If a record is expunged under this subsection, an individual concerning whom such an expungement has been made shall not be held thereafter under any provision of law to be guilty of perjury, false swearing, or making a false statement by reason of his failure to recite or acknowledge a proceeding under this section or the results thereof in response to an inquiry made of him for any purpose.

(Pub.L. 91-513, Title II, § 405, formerly Pub.L. 100-690, Title VI, § 6486, Nov. 18, 1988, 102 Stat. 4384, renumbered § 405 of Pub.L. 91-513, and amended Pub.L. 101-647, Title X, § 1002(g)(1), (2), Nov. 29, 1990, 104 Stat. 4828.)

So in original. Probably should be "section".

HISTORICAL AND STATUTORY NOTES

Prior Provisions

A prior section 405 of Pub.L. 91-513, Title II, Oct. 27, 1970, 84 Stat. 1265, was redesignated section 418 by Pub.L. 101-647, § 1002(a)(1) and is classified to 21 U.S.C.A. § 859.

§ 845. Transferred to § 859

§ 845a. Transferred to § 860

§ 845b. Transferred to § 861

§ 846. Attempt and conspiracy

Any person who attempts or conspires to commit any offense defined in this subchapter shall be subject to the same penalties as those prescribed for the offense, the commission of which was the object of the attempt or conspiracy.

(Pub.L. 91-513, Title II, § 406, Oct. 27, 1970, 84 Stat. 1265; Pub.L. 100-690, Title VI, § 6470(a), Nov. 18, 1988, 102 Stat. 4377.)

HISTORICAL AND STATUTORY NOTES

References in Text

"This subchapter", referred to in text, was in the original "this title", which is Title II of Pub.L. 91-513, Oct. 27, 1970, 84 Stat. 1242, and is popularly known as the "Controlled Substances Act". For complete classification of Title II to the Code, see Short Title note set out under § 801 of This title and Tables.

Effective and Applicability Provisions

1970 Acts. Section effective the first day of the seventh calendar month that begins after the day immediately preceding Oct. 27, 1970, see § 704(a) of Pub.L. 91-513, set out as a note under § 801 of this title.

§ 847. Additional penalties

Any penalty imposed for violation of this subchapter shall be in addition to, and not in lieu of, any civil or administrative penalty or sanction authorized by law.

(Pub.L. 91-513, Title II, § 407, Oct. 27, 1970, 84 Stat. 1265.)

HISTORICAL AND STATUTORY NOTES

References in Text

"This subchapter", referred to in text, was in the original "this title", which is Title II of Pub.L. 91-513, Oct. 27, 1970, 84 Stat. 1242, and is

popularly known as the "Controlled Substances Act". For complete classification of Title II to the Code, see Short Title note set out under § 801 of this title and Tables.

Effective and Applicability Provisions

1970 Acts. Section effective the first day of the seventh calendar month that begins after the day immediately preceding Oct. 27, 1970, see § 704(a) of Pub.L. 91-513, set out as a note under § 801 of this title.

§ 848. Continuing criminal enterprise

(a) Penalties; forfeitures

Any person who engages in a continuing criminal enterprise shall be sentenced to a term of imprisonment which may not be less than 20 years and which may be up to life imprisonment, to a fine not to exceed the greater of that authorized in accordance with the provisions of Title 18 or \$2,000,000 if the defendant is an individual or \$5,000,000 if the defendant is other than an individual, and to the forfeiture prescribed in section 853 of this title; except that if any person engages in such activity after one or more prior convictions of him under this section have become final, he shall be sentenced to a term of imprisonment which may not be less than 30 years and which may be up to life imprisonment, to a fine not to exceed the greater of twice the amount authorized in accordance with the provisions of Title 18 or \$4,000,000 if the defendant is an individual or \$10,000,000 if the defendant is other than an individual, and to the forfeiture prescribed in section 853 of this title.

(b) Life imprisonment for engaging in continuing criminal enterprise

Any person who engages in a continuing criminal enterprise shall be imprisoned for life and fined in accordance with subsection (a), if—

(1) such person is the principal administrator, organizer, or leader of the enterprise or is one of several such principal administrators, organizers, or leaders; and

(2)(A) the violation referred to in subsection (c)(1) involved at least 300 times the quantity of a substance described in subsection 841(b)(1)(B) of this title, or

(B) the enterprise, or any other enterprise in which the defendant was the principal or one of several principal administrators, organizers, or leaders, received \$10 million dollars in gross receipts during any twelve-month period of its existence for the manufacture, importation, or distribution of a substance described in section 841(b)(1)(B) of this title.

(c) "Continuing criminal enterprise" defined

For purposes of subsection (a), a person is engaged in a continuing criminal enterprise if—

(1) he violates any provision of this subchapter or subchapter II the punishment for which is a felony, and

(2) such violation is a part of a continuing series of violations of this subchapter or subchapter II—

(A) which are undertaken by such person in concert with five or more other persons with respect to whom such person occupies a position of organizer, a supervisory position, or any other position of management, and

(B) from which such person obtains substantial income or resources.

(d) Suspension of sentence and probation prohibited

In the case of any sentence imposed under this section, imposition or execution of such sentence shall not be suspended, probation shall not be granted, and the Act of July 15, 1932 (D.C. Code, secs. 24-203 - 24-207), shall not apply.

(e) Death penalty

(1) In addition to the other penalties set forth in this section—

(A) any person engaging in or working in furtherance of a continuing criminal enterprise, or any person engaging in an offense punishable under section 841(b)(1)(A) of this title or section 960(b)(1) of this title who intentionally kills or counsels, commands, induces, procures, or causes the intentional killing of an individual and such killing results, shall be sentenced to any term of imprisonment, which shall not be less than 20 years, and which may be up to life imprisonment, or may be sentenced to death; and

(B) any person, during the commission of, in furtherance of, or while attempting to avoid apprehension, prosecution or service of a prison sentence for, a felony violation of this subchapter or subchapter II who intentionally kills or counsels, commands, induces, procures, or causes the intentional killing of any Federal, State, or local law enforcement officer engaged in, or on account of, the performance of such officer's official duties and such killing results, shall be sentenced to any term of imprisonment, which shall not be less than 20 years, and which may be up to life imprisonment, or may be sentenced to death.

(2) As used in paragraph (1)(B), the term "law enforcement officer" means a public servant authorized by law or by a Government agency or Congress to conduct or engage in the prevention, investigation, prosecution or adjudication of an offense, and includes those engaged in corrections, probation, or parole functions.

(g)¹ to (p) Repealed. Pub.L. 109-177, Title II, § 221(2), Mar. 9, 2006, 120 Stat. 231

(q) Repealed. Pub.L. 109-177, Title II, §§ 221(4), 222(c), Mar. 9, 2006, 120 Stat. 231, 232

(r) Repealed. Pub.L. 109-177, Title II, § 221(3), Mar. 9, 2006, 120 Stat. 231

(s) Special provision for methamphetamine

For the purposes of subsection (b), in the case of continuing criminal enterprise involving methamphetamine or its salts, isomers, or salts of isomers, paragraph (2)(A) shall be applied by substituting "200" for "300", and paragraph (2)(B) shall be applied by substituting "\$5,000,000" for "\$10 million dollars". (Pub.L. 91-513, Title II, § 408, Oct. 27, 1970, 84 Stat. 1265; Pub.L. 98-473, Title II, §§ 224(b), formerly § 224(c), 305, Oct. 12, 1984, 98 Stat. 2030, 2050; Pub.L. 99-570, Title I, §§ 1005(b)(2), 1252, 1253, Oct. 27, 1986, 100 Stat. 3207-6, 3207-14, 3207-15; Pub.L. 100-690, Title VI, § 6481, Title VII, § 7001, Nov. 18, 1988, 102 Stat. 4382, 4387; Pub.L. 103-322, Title XXXIII, §§ 330003(e), 330009(d), 330014, Sept. 13, 1994, 108 Stat. 2141, 2143, 2146; Pub.L. 104-132, Title I, § 108, Title IX,

§ 903(b), Apr. 24, 1996, 110 Stat. 1226, 1313; Pub.L. 109-177, Title II, §§ 221, 222(c), Title VII, § 733, Mar. 9, 2006, 120 Stat. 231, 232, 270.)
¹ So in original. Section does not contain a subsec. (f).

HISTORICAL AND STATUTORY NOTES

References in Text

"This subchapter", referred to in subsections (c) and (e)(1)(B), was in the original "this title", which is Title II of Pub.L. 91-513, Oct. 27, 1970, 84 Stat. 1242, as amended, popularly known as the "Controlled Substances Act". For complete classification of such Title II to the Code, see Short Title note set out under 21 U.S.C.A. § 801 and Tables.

"Subchapter II of this chapter", referred to in subsections (c) and (e)(1)(B), was in the original "title III", meaning Title III of Pub.L. 91-513, Oct. 27, 1970, 84 Stat. 1285. Part A of Title III comprises subchapter II of this chapter. For classification of Part B, consisting of sections 1101 to 1105 of Title III, see Tables.

Act of July 15, 1932 (D.C. Code, secs. 24-203 - 24-207), referred to in subsec. (d), is Act July 15, 1932, c. 492, 47 Stat. 696, as amended, which is not classified to the Code.

Codifications

Directory language of section 7001(a)(1) of Pub.L. 100-690, calling for the redesignation of subsec. (e) of this section as (f), was incapable of execution since, after the earlier redesignation of subsec. (e) as (d) by section 6481(b) of Pub.L. 100-690, no subsection (e) remained to be redesignated.

Effective and Applicability Provisions

1996 Acts. Amendment by section 903(b) of Pub.L. 104-132 effective as to cases commenced or appeals perfected on or after Apr. 24, 1996, see section 903(c) of Pub.L. 104-132, set out as a note under section 3006A of Title 18, Crimes and Criminal Procedure.

Effective Date and Savings Provisions of 1984 Amendments. Amendment by Pub.L. 98-473, § 224(b), effective on the first day of first calendar month beginning thirty-six months after Oct. 12, 1984, applicable only to offenses committed after taking effect of sections 211 to 239 of Pub.L. 98-473, and except as otherwise provided for therein, see section 235 of Pub.L. 98-473, as amended, set out as a note under section 3551 of Title 18, Crimes and Criminal Procedure.

1970 Acts. Section effective the first day of the seventh calendar month that begins after the day immediately preceding Oct. 27, 1970, see § 704(a) of Pub.L. 91-513, set out as a note under § 801 of this title.

GAO Study of the Cost of Executions

Section 7002 of Pub.L. 100-690, which related to the study by the Comptroller General of the cost of executions, was repealed by Pub.L. 104-66, Title I, § 1091(d), Dec. 21, 1995, 109 Stat. 722.

§ 849. Transportation safety offenses

(a) Definitions

In this section—

"safety rest area" means a roadside facility with parking facilities for the rest or other needs of motorists.

"truck stop" means a facility (including any parking lot appurtenant thereto) that—

(A) has the capacity to provide fuel or service, or both, to any commercial motor vehicle (as defined in section 31301 of Title 49), operating in commerce (as defined in that section); and

(B) is located within 2,500 feet of the National System of Interstate and Defense Highways or the Federal-Aid Primary System.

APPENDIX F

JABARR RYEHEINE, RUDOLPH)
BRANDON O'BRIAN SMITH)
a/k/a "Mooda")
WILLIAM DARRELL GARNER)
CRAIG ANTHONY MELVIN)
BRAYLYNN SPENCER)
GREG BRIGHT)
BRYAN DERRICK CARR)
RYAN ERIC CARR)
DONALD RAY GARNER)
DERRICK TYRONE INGRAM)
DERRELL EUGENE WILSON)
a/k/a "Old School")
DAVID FITZGERALD WILLIAMS)
ROBERT ANTONIO PARKER)
HARRY THOMAS OATES, JR.)
RUSSELL CONDELL BELL, JR.)
a/k/a "CJ")

The Grand Jury charges that:

COUNT ONE

CONSPIRACY TO DISTRIBUTE AND POSSESS WITH INTENT TO DISTRIBUTE CONTROLLED SUBSTANCES, TITLE 21 U.S.C. § 846

Beginning at a date unknown, but no later than in or about December of 2013, the exact date being unknown to the Grand Jury, and continuing up to and including the date of this indictment, in the Eastern District of North Carolina, and elsewhere, ANTONIO KEVIN MCKOY, also known as "Bean," JAMES DANIEL MCKOY, ANDREKIA JONALDA PARKER, BRYANT DOUGLAS CARR, ANTHONY LEE BARNES, JR., TONY CHEVALLIER, JAFAR MCKOY, also known as "Stump," DEAMES FREDERICK HENRY, EARL JEFFREY MELVIN, DARRYL CLIFTON MCKOY, JABARR RYEHEINE RUDOLPH, BRANDAN O'BRIAN SMITH, also known as "Mooda," WILLIAM

DARRELL GARNER, CRAIG ANTHONY MELVIN, BRAYLYNN SPENCER, GREG BRIGHT, BRYAN DERRICK CARR, RYAN ERIC CARR, DONALD RAY GARNER, DERRICK TYRONE INGRAM, DERRELL EUGENE WILSON, also known as "Old School," DAVID FITZGERALD WILLIAMS, ROBERT ANTONIO PARKER, HARRY THOMAS OATES, JR., and RUSSELL CONDELL BELL, JR., also known as "CJ," the defendants herein, did knowingly and intentionally combine, conspire, confederate, and agree with each other and other persons, known and unknown to the Grand Jury, to knowingly and intentionally distribute and possess with the intent to distribute a mixture and substance containing a detectable amount of cocaine, cocaine base, and a mixture and substance containing a detectable amount of methamphetamine, all Schedule II controlled substances; and a mixture and substance containing a detectable amount of heroin, and marijuana, both Schedule I controlled substances, contrary to the provisions of Title 21, United States Code, Section 841(a) (1).

Quantity of Controlled Substance Involved in the Conspiracy

With respect to each defendant, the amount involved in the conspiracy attributable to each as a result of his or her own conduct, and the conduct of other conspirators reasonably foreseeable to him or her, in violation of Title 21, United States Code, Sections 841(b) (1) (A), 841(b) (1) (B), 841(b) (1) (C), and 841(b) (1) (D), is as follows:

Defendant	Cocaine (mixture and substance)	Cocaine Base	Marijuana	Methamphetamine (mixture and substance)	Heroin (mixture and substance)
Antonio Kevin McKoy	5 kilograms or more 841(b)(1)(A)	280 grams or more 841(b)(1)(A)	A quantity 841(b)(1)(D)	500 grams or more 841(b)(1)(A)	A quantity 841(b)(1)(C)
James Daniel McKoy	5 kilograms or more 841(b)(1)(A)	280 grams or more 841(b)(1)(A)	A quantity 841(b)(1)(D)	N/A	A quantity 841(b)(1)(C)
Andrekia Jolanda Parker	5 kilograms or more 841(b)(1)(A)	280 grams or more 841(b)(1)(A)	N/A	N/A	N/A
Bryant Douglass Carr	N/A	A quantity 841(b)(1)(C)	A quantity 841(b)(1)(D)	N/A	N/A
Anthony Lee Barnes, Jr.	N/A	A quantity 841(b)(1)(C)	N/A	N/A	N/A
Tony Chevallier	N/A	N/A	A quantity 841(b)(1)(D)	500 grams or more 841(b)(1)(A)	N/A
Jafa McKoy	N/A	A quantity 841(b)(1)(C)	N/A	N/A	N/A
Deames Frederick Henry	A quantity 841(b)(1)(C)	28 grams or more 841(b)(1)(B)	A quantity 841(b)(1)(D)	N/A	N/A
Earl Jeffrey Melvin	A quantity 841(b)(1)(C)	A quantity 841(b)(1)(C)	N/A	N/A	N/A
Darryl Clifton McKoy	N/A	28 grams or more 841(b)(1)(B)	A quantity 841(b)(1)(D)	N/A	N/A
Jabarr Rycheine Rudolph	A quantity 841(b)(1)(C)	N/A	N/A	N/A	N/A
Brandon O'Brian Smith	A quantity 841(b)(1)(C)	N/A	N/A	N/A	N/A

William Darrell Garner	N/A	28 grams or more 841(b)(1)(B)	N/A	A quantity 841(b)(1)(C)	N/A
Craig Anthony Melvin	500 grams or more <i>Quantity</i> 841(b)(1)(B)(C)	28 grams or more 841(b)(1)(B)	N/A	N/A	N/A
Braylynn Spencer	A quantity 841(b)(1)(C)	A quantity 841(b)(1)(C)	N/A	N/A	N/A
Greg Bright	A quantity 841(b)(1)(C)	A quantity 841(b)(1)(C)	A quantity 841(b)(1)(D)	N/A	N/A
Bryan Derrick Carr	A quantity 841(b)(1)(C)	N/A	N/A	N/A	N/A
Ryan Eric Carr	A quantity 841(b)(1)(C)	N/A	A quantity 841(b)(1)(D)	N/A	N/A
Donald Ray Garner	A quantity 841(b)(1)(C)	A quantity 841(b)(1)(C)	N/A	N/A	N/A
Derrick Tyrone Ingram	A quantity 841(b)(1)(C)	A quantity 841(b)(1)(C)	N/A	N/A	N/A
Derrell Eugene Wilson	A quantity 841(b)(1)(C)	A quantity 841(b)(1)(C)	N/A	N/A	N/A
David Fitzgerald Williams	N/A	A quantity 841(b)(1)(C)	N/A	N/A	N/A
Robert Antonio Parker	A quantity 841(b)(1)(C)	28 grams or more 841(b)(1)(B)	N/A	N/A	N/A
Harry Thomas Oates, Jr.	A quantity 841(b)(1)(C)	A quantity 841(b)(1)(C)	N/A	N/A	N/A
Russell Condell Bell, Jr.	A quantity 841(b)(1)(C)	A quantity 841(b)(1)(C)	N/A	N/A	N/A

All in violation of Title 21, United States Code, Section 846.

COUNT TWO

CONTINUING CRIMINAL ENTERPRISE, TITLE 21, U.S.C. § 848

Beginning at a date unknown, but no later than in or about December of 2013, the exact date being unknown to the Grand Jury, and continuing up to and including the date of this indictment, in the Eastern District of North Carolina, and elsewhere, ANTONIO KEVIN MCKOY, also known as "Bean," the defendant herein, did unlawfully, knowingly, and intentionally engage in a continuing criminal enterprise in that he unlawfully, knowingly, and intentionally violated Title 21, United States Code, Sections 841, 843, and 846, which violations include but are not limited to the substantive violations alleged in Count One, Controlled Substances Conspiracy; Counts Four through Fifteen, Seventeen through Twenty, Twenty-Three, Twenty-Five through Twenty-Seven, Thirty-One through Thirty-Three, Thirty-Five, Thirty-Six, Thirty-Nine through Forty-Three, and Forty-Five, Distribution of Controlled Substances; and Counts Twenty-One, Twenty-Two, Twenty-Eight, Twenty-Nine, Thirty-Four, Thirty-Seven, Forty-Six, Forty-Seven, and Forty-Nine, Possession with Intent to Distribute Controlled Substances, which Counts are realleged and incorporated herein by reference as though fully set forth in this Count, and which violations were part of a continuing series of violations of the Controlled Substances

Act, Title 21, United States Code, Section 801, *et seq.*, undertaken by defendant, ANTONIO KEVIN MCKOY, also known as "Bean," in concert with at least five other persons with respect to whom ANTONIO KEVIN MCKOY, also known as "Bean," occupied a position of organizer, supervisor, and any position of management, and from which such continuing series of violations the defendant obtained substantial income and resources.

All in violation of Title 21, United States Code, Section 848(a).

COUNT THREE

LAUNDERING OF MONETARY INSTRUMENTS, TITLE 18, U.S.C. 1956(h)

Beginning at a date unknown, but no later than in or about December of 2013, the exact date being unknown to the Grand Jury, and continuing up to and including the date of this indictment, in the Eastern District of North Carolina, and elsewhere, ANTONIO KEVIN MCKOY, also known as "Bean," and ANTHONY LEE BARNES JR., the defendants herein, did knowingly combine, conspire, and agree with each other and with other persons known and unknown to the Grand Jury to commit offenses against the United States in violation of Title 18, United States Code, Section 1956, to wit: to knowingly conduct and attempt to conduct financial transactions affecting interstate commerce and foreign commerce, which transactions in fact involved the proceeds of specified unlawful activity, that is, conspiracy to distribute and possess with the intent to

APPENDIX G

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 7:16-CR-116-D

UNITED STATES OF AMERICA)
)
 v.) **VERDICT FORM**
)
 ANTONIO KEVIN MCKOY,)
)
 Defendant.)

COUNT ONE
(Conspiracy Charge)

On count one of the indictment, which alleges that no later than in or about December of 2013, the exact date being unknown, and continuing up to and including October 25, 2016, in the Eastern District of North Carolina, and elsewhere, the defendant, ANTONIO KEVIN MCKOY, knowingly and intentionally conspired with others (both known and unknown) to distribute and to possess with the intent to distribute a mixture and substance containing a detectable amount of cocaine, cocaine base, and a mixture and substance containing a detectable amount of methamphetamine, all Schedule II controlled substances; and a mixture and substance containing a detectable amount of heroin, and marijuana, both Schedule I controlled substances, we, the Jury, unanimously find the defendant, ANTONIO KEVIN MCKOY:

☐ Not Guilty

☒ Guilty

If you find that the defendant, ANTONIO KEVIN MCKOY, conspired to distribute and to possess with the intent to distribute a mixture and substance containing a detectable amount of cocaine, mark the amount you unanimously find was reasonably foreseeable to the defendant, ANTONIO KEVIN MCKOY. [Mark only one.]

☒ More than 5 kilograms

☐ 5 kilograms

☐ At least 500 grams, but less than 5 kilograms

☐ Less than 500 grams

If you find that the defendant, ANTONIO KEVIN MCKOY, conspired to distribute and to possess with the intent to distribute cocaine base (crack), mark the amount you unanimously find was reasonably foreseeable to the defendant, ANTONIO KEVIN MCKOY. [Mark only one.]

- ☒ More than 280 grams
- ☐ 280 grams
- ☐ At least 28 grams, but less than 280 grams
- ☐ Less than 28 grams

If you find that the defendant, ANTONIO KEVIN MCKOY, conspired to distribute and to possess with the intent to distribute a mixture and substance containing a detectable amount of methamphetamine, mark the amount you unanimously find was reasonably foreseeable to the defendant, ANTONIO KEVIN MCKOY. [Mark only one.]

- ☐ More than 500 grams
- ☒ 500 grams
- ☐ At least 50 grams, but less than 500 grams
- ☐ Less than 50 grams

COUNT TWO
(Continuing Criminal Enterprise Charge)

On count two of the indictment, which alleges that no later than in or about December of 2013, the exact date being unknown, up to and including October 25, 2016, in the Eastern District of North Carolina, and elsewhere, the defendant, ANTONIO KEVIN MCKOY, unlawfully, knowingly, and intentionally engaged in a continuing criminal enterprise, we, the Jury, unanimously find the defendant, ANTONIO KEVIN MCKOY:

- ☐ Not Guilty
- ☒ Guilty

COUNT THREE
(Money Laundering Charge)

On count three of the indictment, which alleges that no later than in or about December of 2013, the exact date being unknown, up to and including October 25, 2016, in the Eastern District of North Carolina, and elsewhere, ANTONIO KEVIN MCKOY, and at least one other person, knowingly and intentionally conspired with each other to knowingly conduct and attempt to conduct financial transactions affecting interstate commerce and foreign commerce, which transactions in fact involved the proceeds of specified unlawful activity, knowing that the transactions were designed in whole or in part to conceal and disguise the nature, location, source, ownership, and control of the proceeds of specified unlawful activity, and that while conducting and attempting to conduct such financial transactions, knowing that the property involved in the financial transactions represented the proceeds of some form of unlawful activity, we, the Jury, unanimously find the defendant, ANTONIO KEVIN MCKOY:

☐ Not Guilty

☒ Guilty

COUNT NINE
(Distribution Charge)

On count nine of the indictment, which alleges that on or about April 10, 2015, in the Eastern District of North Carolina, the defendant, ANTONIO KEVIN MCKOY, knowingly and intentionally distributed a quantity of cocaine base, we, the Jury, unanimously find the defendant, ANTONIO KEVIN MCKOY:

☐ Not Guilty

☒ Guilty

COUNT EIGHTEEN
(Distribution Charge)

On count eighteen of the indictment, which alleges that on or about January 28, 2016, in the Eastern District of North Carolina, the defendant, ANTONIO KEVIN MCKOY, aiding and abetting James Daniel McKoy, knowingly and intentionally distributed a quantity of cocaine base, we, the Jury, unanimously find the defendant, ANTONIO KEVIN MCKOY:

☐ Not Guilty

☒ Guilty

COUNT TWENTY-FIVE
(Distribution Charge)

On count twenty-five of the indictment, which alleges that on or about March 17, 2016, in the Eastern District of North Carolina, the defendant, ANTONIO KEVIN MCKOY, aiding and abetting James Daniel McKoy, knowingly and intentionally distributed cocaine base, we, the Jury, unanimously find the defendant, ANTONIO KEVIN MCKOY:

☐ Not Guilty

☒ Guilty

If you find that the defendant, ANTONIO KEVIN MCKOY, distributed cocaine base, mark the cocaine base amount you unanimously find the defendant, ANTONIO KEVIN MCKOY, distributed. [Mark only one.]

☒ 28 grams or more

☐ Less than 28 grams

COUNT TWENTY-SIX
(Distribution Charge)

On count twenty-six of the indictment, which alleges that on or about April 21, 2016, in the Eastern District of North Carolina, the defendant, ANTONIO KEVIN MCKOY, knowingly and intentionally distributed cocaine base, we, the Jury, unanimously find the defendant, ANTONIO KEVIN MCKOY:

☐ Not Guilty

☒ Guilty

If you find that the defendant, ANTONIO KEVIN MCKOY, distributed cocaine base, mark the cocaine base amount you unanimously find the defendant, ANTONIO KEVIN MCKOY, distributed. [Mark only one.]

☒ 28 grams or more

☐ Less than 28 grams

COUNT TWENTY-SEVEN
(Distribution Charge)

On count twenty-seven of the indictment, which alleges that on or about May 2, 2016, in the Eastern District of North Carolina, the defendant, ANTONIO KEVIN MCKOY, aiding and abetting James Daniel McKoy, knowingly and intentionally distributed cocaine base and a quantity of a mixture and substance containing a detectable amount of heroin, we, the Jury, unanimously find the defendant, ANTONIO KEVIN MCKOY:

☐ Not Guilty

☒ Guilty

If you find that the defendant, ANTONIO KEVIN MCKOY, distributed cocaine base, mark the cocaine base amount you unanimously find the defendant, ANTONIO KEVIN MCKOY, distributed. [Mark only one.]

☐ 28 grams or more

☒ Less than 28 grams

COUNT THIRTY-ONE
(Distribution Charge)

On count thirty-one of the indictment, which alleges that on or about May 31, 2016, in the Eastern District of North Carolina, the defendant, ANTONIO KEVIN MCKOY, knowingly and intentionally distributed cocaine base, we, the Jury, unanimously find the defendant, ANTONIO KEVIN MCKOY:

☐ Not Guilty

☒ Guilty

If you find that the defendant, ANTONIO KEVIN MCKOY, distributed cocaine base, mark the cocaine base amount you unanimously find the defendant, ANTONIO KEVIN MCKOY, distributed. [Mark only one.]

☐ 28 grams or more

☒ Less than 28 grams

COUNT THIRTY-FIVE
(Distribution Charge)

On count thirty-five of the indictment, which alleges that on or about June 17, 2016, in the Eastern District of North Carolina, the defendant, ANTONIO KEVIN MCKOY, aiding and abetting James Daniel McKoy, knowingly and intentionally distributed cocaine base, we, the Jury, unanimously find the defendant, ANTONIO KEVIN MCKOY:

☐ Not Guilty

☒ Guilty

If you find that the defendant, ANTONIO KEVIN MCKOY, distributed cocaine base, mark the cocaine base amount you unanimously find the defendant, ANTONIO KEVIN MCKOY, distributed. [Mark only one.]

☒ 28 grams or more

☐ Less than 28 grams

COUNT FORTY-ONE
(Distribution Charge)

On count forty-one of the indictment, which alleges that on or about July 14, 2016, in the Eastern District of North Carolina, the defendant, ANTONIO KEVIN MCKOY, knowingly and intentionally distributed cocaine base, we, the Jury, unanimously find the defendant, ANTONIO KEVIN MCKOY:

☒ Not Guilty

☐ Guilty

If you find that the defendant, ANTONIO KEVIN MCKOY, distributed cocaine base, mark the cocaine base amount you unanimously find the defendant, ANTONIO KEVIN MCKOY, distributed. [Mark only one.]

☐ 28 grams or more

☐ Less than 28 grams

COUNT FORTY-THREE
(Distribution Charge)

On count forty-three of the indictment, which alleges that on or about August 13, 2016, in the Eastern District of North Carolina, the defendant, ANTONIO KEVIN MCKOY, knowingly and intentionally distributed cocaine base, we, the Jury, unanimously find the defendant, ANTONIO KEVIN MCKOY:

☐ Not Guilty

☒ Guilty

If you find that the defendant, ANTONIO KEVIN MCKOY, distributed cocaine base, mark the cocaine base amount you unanimously find the defendant, ANTONIO KEVIN MCKOY, distributed. [Mark only one.]

☒ 28 grams or more

☐ Less than 28 grams

COUNT FORTY-FOUR
(Possession of a Firearm Charge)

On count forty-four of the indictment, which charges that on or about August 13, 2016, the defendant, ANTONIO KEVIN MCKOY, did knowingly possess a firearm in furtherance of the drug trafficking crime charged in count forty-three of the indictment, we the jury unanimously find the defendant ANTONIO KEVIN MCKOY:

☐ Not Guilty

☒ Guilty

COUNT FORTY-SEVEN
(Possession with Intent to Distribute Charge)

On count forty-seven of the indictment, which alleges that on or about September 4, 2016, in the Eastern District of North Carolina, the defendant, ANTONIO KEVIN MCKOY, aiding and abetting Andrekia Jolanda Parker, knowingly and intentionally possessed with the intent to distribute a mixture and substance containing detectable amount of cocaine, we, the Jury, unanimously find the defendant, ANTONIO KEVIN MCKOY:

☐ Not Guilty

☒ Guilty

If you find that the defendant, ANTONIO KEVIN MCKOY, possessed with intent to distribute a mixture and substance containing detectable amount of cocaine, mark the amount you unanimously find the defendant, ANTONIO KEVIN MCKOY, possessed with intent to distribute. [Mark only one.]

☒ 500 grams or more

☐ Less than 500 grams

So say we all, this 23 day of May 2018.

Signature of Foreperson

REDACTED VERSION
Pursuant to the E-Government Act and the
federal rules, the unredacted version of
this document has been filed under seal.

AMENDMENT V

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

AMENDMENT VI

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defence.

AMENDMENT VII

In Suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury, shall be otherwise reexamined in any Court of the United States, than according to the rules of the common law.

AMENDMENT VIII

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

AMENDMENT IX

The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.