

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA

UNITED STATES OF AMERICA,

Plaintiff,

v.

STEVEN BARROS PINTO,
a/k/a YEABOY,

Defendant.

Case Nos. 3:18-cr-54-01 and 3:20-cr-00011

SENTENCING MEMORANDUM

The United States of America, by Nicholas W. Chase, Acting United States Attorney for the District of North Dakota, and Christopher C. Myers, Assistant United States Attorney, Kaitlin Sahni and Imani Hutto, Trial Attorneys, Narcotic and Dangerous Drug Section, and Scott Kerin, Special Assistant United States Attorney, respectfully submits this Sentencing Memorandum Supplement. The United States recommends this Court sentence the defendant to the guideline sentence of life imprisonment.

The defendant was convicted of running a large-scale drug trafficking organization that was distributing substantial amounts of fentanyl throughout the United States. As a leader in this conspiracy, the defendant was directly responsible for feeding a destructive opioid crisis that is harming and killing thousands of people. Each time a customer bought fentanyl laced counterfeit pills from the defendant and used them, they were risking an overdose and death. Fentanyl and fentanyl analogues are extremely deadly—they are a drug scourge unprecedented in modern history and responsible for the huge

spike in addiction and opioid related overdoses¹. In the interests of justice, cases such as defendant's necessitate a lengthy sentence.

Accordingly, given the factors outlined in 18 U.S.C. § 3553(a), such as the nature and circumstances of the offense; the defendant's characteristics; the need for the sentence imposed to reflect the seriousness of the offense; the need for the sentence to promote respect for the law; the need for the sentence to afford adequate deterrence to criminal conduct; the need for the sentence to provide just punishment for the offense; the need to protect the public from further crimes of the defendant; the need to provide the defendant with needed training or other corrective treatment; and, the sentencing range established by the advisory guidelines, the government asks the Court to sentence the defendant to a term of Life imprisonment.

I. Sentencing Guideline Range and Minimum Mandatory

The Pre-Sentence Report (PSR) correctly establishes the offense level of 43 with a criminal history category of III². This results in an advisory guideline range of Life. The statutory minimum mandatory sentence is 240 months.

Analysis of the sentencing factors under 18 U.S.C. 3553(a) illustrate numerous aggravating factors in this case that warrant a sentence within the guideline range of Life imprisonment.

¹ See Centers for Disease Control and Prevention (CDC), CDC's Response to the Opioid Overdose Epidemic (March 17, 2021), <https://www.cdc.gov/opioids/basics/epidemic.html>.

² The defendant's offense level was calculated at 46 but was adjusted down to 43 pursuant to Chapter 5, Part A, Comment 2 of the guidelines ("An offense level of more than 43 is to be treated as an offense level of 43.").

II. Analysis of Sentencing Factors under 18 U.S.C. § 3553(a)

1. History and Characteristics of Defendant (18 U.S.C. § 3553(a)(1))

(a) Criminal history

Pinto has been involved in drug trafficking for at least 15 years (2003 to 2018). Steven Pinto has two prior felony convictions for drug offenses:

1. 2003—Possession of Cocaine with Intent to Distribute—the defendant possessed with the intent to distribute approximately 20.84 grams of cocaine. Despite pleading guilty, the defendant shifted responsibility for the offense to another person in the pre-sentence interview.
2. 2013—Possession of Cocaine—the defendant possessed about ½ ounce of cocaine and \$2,960 in cash.

On November 23, 2005, Pinto was also arrested with approximately 45.8 grams of cocaine and \$390 in cash. Pinto was not charged.

As the Court is aware from pre-trial hearings, Anthony Gomes³ knew that Pinto was a successful cocaine distributor and that was a reason that he requested Pinto to join the conspiracy.

In addition to his prior drug trafficking activities, Pinto also has both a prior conviction for a crime of violence and a separate arrest for a crime of violence:

1. 2003—Simple assault conviction—the victim was Roselynn Carrere.
2. 2018—Domestic assault arrest—the alleged victim was Roselynn Carrere. According to the PSR, the defendant's daughter told officers the defendant hit Ms. Carrere and spit in her face.

³ On July 30, 2021, this Court sentenced Anthony Gomes to 360 months' imprisonment.

As the Court is aware from trial testimony, the defendant used Ms. Carrere in furtherance of his drug trafficking to receive ½ kilogram quantities of fentanyl that was shipped from China⁴.

(b) Lack of Acceptance of Responsibility

Steven Pinto has shown no acceptance of responsibility or remorse for his conduct in this case. Since he became aware of the investigation in 2018, the defendant has continued to deny responsibility, tamper with witnesses, obstruct justice, and violate court orders, conduct the Court can and should consider at sentencing.

(c) Use of family and manipulation to further the offense

Steven Pinto selfishly used his relationship with his family members to further the conspiracy, conceal evidence of the conspiracy, and obstruct justice. The defendant's failure to accept responsibility resulted in the United States being required to call his sister, Stephanie Pires, as a witness at trial. The defendant used his parents to hide \$490,700 in their basement, which resulted in them being charged. See Doc. 33, Case No. 3:20-cr-00011. The defendant also manipulated Danny Gamboa. The defendant would often task Gamboa with various menial and demeaning jobs, such as making Gamboa clean and organize the defendant's voluminous sneaker collection. At trial, Gamboa testified about the defendant purportedly acting like a mentor to him and treating him

⁴ Throughout this sentencing memorandum, the Government will cite to facts and circumstances which were brought to light in the testimony and evidence which entered the record during the trial against the defendant.

nicely. Pinto was simply using and grooming this young man to further his own criminal conduct.

2. Nature and Circumstances and Serious Nature of Offense (18 U.S.C. §§ 3553(a)(1) and (a)(2)(A))

(a) Significant drug offense

Steven Pinto was deeply involved in the largest opiate trafficking conspiracy ever uncovered and prosecuted in the District of North Dakota. As the Court knows from the trial testimony, the defendant was personally involved in the distribution of tens of thousands of destructive and deadly fentanyl pills. He also oversaw the pill manufacturing process.

(b) Defendant played a significant leadership role in the conspiracy

Steven Pinto organized, led, and supervised numerous people in this conspiracy including:

1. Danny Gamboa
2. Keveen Nobre
3. Four (4) individuals depicted in the video of the assault of Nobre
4. Roselynn Carrere
5. Jennifer Camara
6. Barbara Campbell
7. Stephanie Pires
8. Jose Pinto
9. Eugenia Pinto
10. Michael Banks
11. Evan Lonechild

(c) Defendant personally engaged in violence to further the conspiracy in Rhode Island and Florida

Steven Pinto orchestrated and directly carried out the vicious and brutal assault of Keveen Nobre, one of his drug conspiracy employees, in Rhode Island. He was also

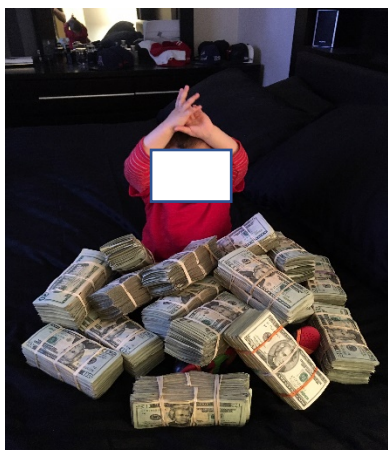
involved in the assault of Edwin Dantel at a shop in Florida. The motive for the Nobre assault was because Pinto believed Nobre was stealing money from him. The motive for the Dantel assault was that he and Gomes believed that Dantel owed to them for pills received in the conspiracy.

(d) Defendant ordered recording of violence and used video to further conspiracy

Steven Pinto ordered Danny Gamboa to make a video recording of the assault of Nobre. Pinto then showed this video to other co-conspirators to ensure everyone got the message that he was not someone to be crossed, thus ensuring no one would steal from him and they would pay when required.

(e) Defendant obtained substantial income from the conspiracy

Evidence presented at trial established that the defendant obtained substantial income from his involvement in distributing fentanyl products. The pictures below of the defendant's child with large sums of U.S. currency and the \$490,700 of drug proceeds seized from the defendant's parents' basement help to illustrate the substantial amount of money the defendant generated from trafficking in fentanyl pills:



Trial testimony further established that the defendant had drug proceeds in his bank accounts, his apartment, and in Dubai, and that he spent large amounts of money financing his lavish lifestyle, including traveling, partying, buying jewelry, and driving expensive vehicles.

(f) Defendant engaged in conduct to obstruct justice *prior* to his arrest

As the investigation focused on the defendant, he was in Dubai in March of 2018.

While in Dubai, Pinto engaged in the following conduct:

1. Pinto directed his sister Stephanie to control, spend, track, and continue to conceal the \$490,700 in drug proceeds that was ultimately seized by law enforcement. It is important to note that this money was in the possession of Stephanie and her parents for two years before law enforcement seized it. Given the events, there was likely more money than was ultimately seized. Pinto was convicted of this at trial conduct (Count 7 in 3:20-cr-00011).
2. Pinto arranged to have Michael Banks and Josh Meadows go to his apartment to retrieve his “files.” As the Court is aware, they were too late in arriving and law enforcement was already present and subsequently seized a substantial amount of documentary evidence from Pinto’s apartment implicating him in the overall conspiracy.
3. Pinto arranged to have Danny Gamboa sent to Cape Verde. While the defendant was acquitted of this count of witness tampering, there is a

sufficient evidence in the record for the Court to consider this conduct at sentencing.

4. The defendant erased e-mails and returned to the United States from Dubai at the time of his arrest without a cell phone.

g) Defendant engaged in continuing criminal conduct *after* his arrest and while in custody

1. On March 30, 2018, Pinto obstructed justice by telling Michael Banks to make sure Robinson Gomez did not talk about the drug trafficking conspiracy. Pinto was convicted of this conduct (Count 6 in 3:18-cr-54-01).
2. In February 2019, the defendant unlawfully downloaded and mailed substantial amounts of discovery to his family on an MP3 player with the intent to “blast” the information to the streets of Rhode Island, which was done to threaten and retaliate against witnesses. The defendant was convicted of this conduct (Counts 1 and 2 in 3:20-cr-00011).
3. In October 2019, the defendant unlawfully possessed a contraband cell phone while in custody that he was using to contact people related to the case (Count 3 in 3:20-cr-00011).
4. On or about April 2019, the defendant unlawfully downloaded a substantial amount of discovery material and then solicited Evan Lonechild to smuggle the discovery out of the jail. Lonechild mailed the discovery to Rhode Island.

5. The defendant also unlawfully downloaded and attempted to mail over five (5) gigabytes of discovery materials that were eventually seized by law enforcement on or about December 26, 2019 (Counts 4 and 5 in 3:20-cr-00011).

h) The defendant has failed to mitigate his conduct related to the dissemination of discovery

A factor to consider at sentencing for the Court is the continuing harm the dissemination of voluminous amounts of the discovery in this case may pose to witnesses in this investigation. In disseminating discovery “to the streets,” the defendant directly placed witnesses and cooperators at a heightened risk of harm. Unfortunately, in the drug trafficking world, people who testify and cooperate against drug traffickers face the very real risk of retaliation—by both the person and organization they are testifying about, but also by others who take a dim view of cooperators. The defendant knew the risks he was subjecting people to, and he had the opportunity to mitigate that harm by identifying the recipients of the discovery. He has failed to do so. The defendant’s conduct and lack of any effort to mitigate it shows a lack of remorse and disregard for the continuing harm posed by his conduct.

3. Deterrence of Criminal Conduct and Protection from Future Crimes (18 U.S.C. §§ 3553(a)(2)(B) and (C))

(a) General Deterrence

The illegal trafficking of fentanyl is a horrible and extremely destructive crime. Unfortunately, it is also potentially very profitable. The sentence imposed in this case must be sufficiently strong to deter those involved or who consider becoming involved in

trafficking fentanyl from engaging in such criminal conduct. A sentence of Life imprisonment sends a clear and unambiguous message that if you are going to run and lead a fentanyl trafficking organization, there will be severe consequences for your actions. Such a message is important to deter the leaders and managers of drug trafficking organizations, such as Steven Pinto, who exercise control and command over other individuals in the organization.

(c) Specific Deterrence

The public needs to be protected from Steven Pinto and a sentence of Life imprisonment ensures that. Steven Pinto's role in this drug trafficking conspiracy, his prior criminal history, the violence he used, and his obstructive criminal conduct while awaiting trial all indicate that the public needs to be protected from future crimes of this defendant.

4. Sentencing Range Established (18 U.S.C. §§ 3553 (a)(3) and (4))

The United States Sentencing Commission has established that, based upon this defendant's conduct, the appropriate sentence in this case should be life in prison without parole.

5. Need to Avoid Unwarranted Sentencing Disparities Among Defendants With Similar Records Who Have been Found Guilty of Similar Conduct (18 U.S.C. § 3553(a)(6))

A sentence of life in prison for Pinto would not result in an unwarranted sentencing disparity. Rather, a sentence of life for Pinto would result in the appropriate sentence when compared to the role and circumstances of the other defendants involved in similar conduct after being convicted at trial.

Anthony Gomes, the defendant's partner in the pill-distribution operation, was sentenced to 360 months' imprisonment followed by 10 years of supervised release. See Doc. 237, Case No. 3:17-cr-00206. Unlike the defendant, Gomes accepted responsibility for his conduct by pleading guilty, and he did so within a few months of arrest. See Doc. 91, Case No. 3:17-cr-00206. A sentence of life imprisonment for the defendant—who has failed to accept responsibility for his conduct, repeatedly sought to cover up his criminal activity and took advantage of others in the process—is wholly appropriate.

III. Conclusion

The large-scale distribution of fentanyl is an extremely deadly and destructive crime. Pursuant to the advisory sentencing guidelines and an evaluation of the factors outlined in 18 U.S.C. § 3553(a), the record at trial, the facts and circumstances present in this case, including the absence of mitigating factors, the government asks the Court to impose a sentence of Life imprisonment.

Dated: October 7, 2021

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