

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
ATHENS DIVISION**

UNITED STATES OF AMERICA,

v.

**PHILMON DESHAWN
CHAMBERS, *et al.*,**

Defendants.

CASE NO. 3:22-cr-14 (MTT)

ORDER

Based on their alleged participation in criminal activities as members of the Gangster Disciples organization, defendants Philmon Chambers, Andrea Browner, Lesley Green, Robert Carlisle, and Shabazz Guidry¹ were indicted on a charge of Racketeer Influenced and Corrupt Organizations Act (“RICO”) Conspiracy in violation of 18 U.S.C. § 1962(d) on June 15, 2022. Doc. 1 at 7-20. Defendants Chambers and Browner were further charged with: Violent Crime in Aid of Racketeering (Murder) in violation of 18 U.S.C. § 1959(a)(1); Carry, Use, and Discharge of a Firearm During and in Relation to a Crime of Violence in violation of 18 U.S.C. § 924(c)(1)(A)(iii); and Causing the Death of a Person Through Use of a Firearm in violation of 18 U.S.C. § 924(j)(1). *Id.* at 20-23. On April 3, 2023, the Court continued the trial and specially set it for July 31, 2023. Doc. 153. The Court further ordered the trial moved from the United States Courthouse in Athens, Georgia to the United States Courthouse in Macon, Georgia based on the high-risk security threats allegedly posed by the defendants. *Id.*

¹ Defendant Guidry entered a guilty plea on April 12, 2023. Docs. 156; 162.

With trial set to begin July 31, 2023, and with security concerns remaining, the Government now moves the Court to empanel an anonymous jury and implement related protective measures for the duration of the trial. Doc. 168. No defendant has objected to the granting of the motion.

“[T]he empanelment of an anonymous jury is a drastic measure, one which should be undertaken only in limited and carefully delineated circumstances.” *United States v. Ross*, 33 F.3d 1507, 1519 (11th Cir. 1994) (citation omitted). “[W]hen genuinely needed and when properly used, anonymous juries do not infringe a defendant’s constitutional rights.” *Id.* “Two concerns underlie the limitation on when a district court may empanel an anonymous jury: ‘(1) that anonymity will inhibit the meaningful exercise of preemptory challenges; and (2) that anonymity will diminish the presumption of innocence by raising the appearance that the defendant is a dangerous person.’” *United States v. LaFond*, 783 F.3d 1216, 1223 (11th Cir. 2015) (quoting *United States v. Ochoa-Vasquez*, 428 F.3d 1015, 1035 (11th Cir. 2005)).

Thus, “the court should not order the empaneling of an anonymous jury without (a) concluding that there is strong reason to believe the jury needs protection, and (b) taking reasonable precautions to minimize any prejudicial effects on the defendant and to ensure that his fundamental rights are protected.” *Ross*, 33 F.3d at 1520. When deciding whether to empanel an anonymous jury, the Eleventh Circuit instructs courts to consider the following factors:

(1) the defendant’s involvement in organized crime, (2) the defendant’s participation in a group with the capacity to harm jurors, (3) the defendant’s past attempts to interfere with the judicial process, (4) the potential that, if convicted, the defendant will suffer a lengthy incarceration and substantial monetary penalties, and (5) extensive publicity that could

enhance the possibility that jurors' names would become public and expose them to intimidation and harassment.

Ochoa-Vasquez, 428 F.3d at 1034 (quoting *Ross*, 33 F.3d at 1520). Regarding the first two factors, "a lesser showing might be adequate where specific evidence exists linking the defendant to organized crime and where obstruction of justice and violence are the organization's normal course of business." *Id.* (internal quotation marks and citation omitted). And even where a defendant "has not attempted to interfere with the current proceedings," an anonymous jury may still be justified "if he [or she] belongs to a group that has a history of interfering with other judicial proceedings." *Id.* The establishment of each factor is not required. Rather, courts must "look to the totality of the circumstances." *Ross*, 33 F.3d at 1521 n.26.

"Where jury anonymity is warranted, the defendant's fundamental right to an unbiased jury is sufficiently guaranteed by the court's conduct of a voir dire that can uncover any bias toward issues in the case or to the defendant himself." *Id.* at 1520. Moreover, "the danger that the jury might infer that the need for anonymity was attributable to the defendant's character is minimized when the trial court gives jurors a plausible and nonprejudicial reason for hiding their identities." *Id.*

After considering "the totality of the circumstances," the Court finds an anonymous jury is justified.

A. The Defendants' Involvement in Organized Crime

The indictment in this case is based on each of the defendants' alleged conduct undertaken as members of the Gangster Disciples, "a criminal enterprise." Doc. 168 at 5. The indictment provides that the Gangster Disciples "is a violent gang" that "employ[s] a highly structured organization" involving violence and drugs. Doc. 1 at 1-2, 8-11. Each

defendant, according to the indictment, was a member of the Gangster Disciples, and defendants Chambers and Guidry held “positions of authority” within that organization. *Id.* at 6-7. Moreover, at least some of the defendants allegedly continue to participate in the organization while incarcerated. See Doc. 72 at 6, 10-11. Thus, the first factor is satisfied. See *Ross*, 33 F.3d at 1520.

B. The Defendants’ Participation in a Group with the Capacity to Harm Jurors

The Gangster Disciples, like the organization in *Ross*, have “the means to harm jurors and [have] in fact committed prior acts of violence.” 33 F.3d at 1520. In its order changing venue, the Court noted that the organization “is known to perpetrate violent crime and carry firearms,” and the crimes allegedly committed by the defendants in their capacities as members of the Gangster Disciples involve acts of violence. Doc. 153 at 3. Significantly, the Government alleges the organization has “a strong presence in Georgia” and thus has access to the trial in Macon. Doc. 168 at 6. Accordingly, this factor is satisfied.

C. The Defendants’ Past Attempts to Interfere with the Judicial Process

The defendants have allegedly attempted to interfere with the judicial process. Indeed, defendant Chambers allegedly ordered defendants Green, Carlisle, and Guidry to kill members of the Gangster Disciples because of those members’ alleged cooperation with law enforcement. Docs. 1 at 16-17; 153 at 3. Defendant Chambers also allegedly sent a note from Gwinnett County Detention Facility containing a list of individuals he believed should be killed based on their cooperation with law enforcement. Docs. 72 at 10; 153 at 3. The Government also contends that defendants Chambers and Browner “asked potential witnesses to lie about their whereabouts when they were

fugitives,” that a witness previously “expressed that they were concerned they would be killed and has since moved from their long-time home,” and that defendant Chambers “sought to enter the holding cells of his co-defendants” after the March 28, 2023 status conference in an alleged attempt to intimidate. Doc. 168 at 6-7. Thus, this factor is satisfied. See *Ross*, 33 F.3d at 1520-21 (Holding that it was significant “[t]he government had also averred before trial that there had been three separate incidents of violence directed at ... potential government witnesses.”); *Ochoa-Vasquez*, 428 F.3d at 1035 n.27 (This factor weighs in favor of an anonymous jury where the government alleges that the subject group “already killed ... people suspected of cooperating with U.S. law enforcement.”).

D. The Potential of a Lengthy Incarceration

Each of the charges in this case carry lengthy terms of imprisonment. RICO conspiracy carries a potential life imprisonment term for all defendants. 18 U.S.C. § 1963(a); Doc. 168 at 7. Violent crime in aid of racketeering (murder) carries a mandatory life imprisonment term for defendants Chambers and Browner. 18 U.S.C. § 1959(a)(1); Doc. 168 at 7. Carry, use, and discharge of a firearm during and in relation to a crime of violence carries a mandatory minimum of ten years to run consecutive to a conviction for a crime of violence for defendants Chambers and Browner. 18 U.S.C. § 924(c)(1)(A)(iii); Doc. 168 at 7. And causing the death of a person through use of a firearm carries a potential life imprisonment term for defendants Chambers and Browner. 18 U.S.C. § 924(j)(1); Doc. 168 at 7. Therefore, this factor is also satisfied. See *Ross*, 33 F.3d at 1521.

E. Extensive Publicity

Finally, the Government argues “it is likely this trial will garner publicity and media coverage.” Doc. 168 at 7. In *Ross*, the Eleventh Circuit held that the district court erred in finding this factor weighed in favor of empaneling an anonymous jury where the case “received minimal pretrial publicity, including two newspaper stories and one radio report.” 33 F.3d at 1521 n.26. Here, the Government has not provided evidence of pretrial publicity, but the Court identified four local newspaper articles regarding the case.² These media outlets reported on the case when the Government indicted the defendants and will potentially follow the case through trial. Even if this factor does not weigh in favor of the empanelment of an anonymous jury, “the degree of pretrial publicity is not dispositive as to whether to empanel an anonymous jury.” *Id.*

The Government has shown there is strong reason to believe the jury in this case will need protection. *Ross*, 33 F.3d at 1520. Accordingly, the Government’s motion (Doc. 168) is **GRANTED**.

The names, addresses, and places of employment of all prospective jurors and selected jurors will not be revealed to the Government, the defendants, or counsel.

² See The Atlanta Journal-Constitution, *Alleged gang members indicted by feds after bodies found at Gwinnett storage unit*, <https://www.ajc.com/news/crime/alleged-gang-members-indicted-by-feds-after-bodies-found-at-gwinnett-storage-unit/WFPZZZKMJZDMLA65TG7TPJWDOY/> (June 16, 2022); Gwinnett Daily Post, *Federal prosecutors accuse gang members of murdering suspected police informants, stashing bodies in Gwinnett storage unit*, https://www.gwinnettdaily.com/local/federal-prosecutors-accuse-gang-members-of-murdering-suspected-police-informants-stashing-bodies-in-gwinnett-storage/article_220bf098-eead-11ec-89d7-035d3ead4426.html (June 18, 2022); WSB-TV, *5 members of Gangster Disciples gang in Georgia indicted on murder, RICO charges*, <https://www.wsbtv.com/news/local/5-members-gangster-disciples-gang-georgia-indicted-murder-rico-charges/OR2XC73N2FEIBCM7I5AKJWDSJE/> (June 16, 2022); Online Athens, *Federal authorities indict alleged Gangster Disciples members in 2018 slayings of 3 men in Athens*, <https://www.onlineathens.com/story/news/crime/2022/06/17/athens-ga-murders-alleged-gangster-disciples-indicted-2018-killings/7652023001/> (June 17, 2022).

Moreover, the United States Marshals Service will supervise the jurors throughout each day of the trial, including recesses and lunch, and the United States Marshals Service will further provide the jurors with off-site parking at an undisclosed location and transport the jurors to and from the United States Courthouse in Macon to that undisclosed location each day of the trial.³

The Court will take “reasonable precautions to minimize any prejudicial effects on the defendant[s].” *Ross*, 33 F.3d at 1520. The Court will inform the parties of these precautionary measures prior to trial.

SO ORDERED, this 12th day of May, 2023.

S/ Marc T. Treadwell
MARC T. TREADWELL, CHIEF JUDGE
UNITED STATES DISTRICT COURT

³ The Eleventh Circuit has upheld these additional protective measures where a court empanels an anonymous jury. *Ross*, 33 F.3d at 1519-22; *Ochoa-Vasquez*, 428 F.3d at 1031, 1031 n.17 (“It is common practice for marshals to maintain custody over jurors during the day. Additionally, they eat lunch together, take breaks together, and do not wander about the courthouse. Anonymous jurors often do not commute directly to and from the courthouse; instead, they are transported by marshals to the courthouse from an undisclosed location.”).