

## Judge drops gang charges

BY ELLEN BILTZ | Posted: Thursday, February 14, 2008 12:16 am

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Gang-related charges against three Spotsylvania men were dismissed yesterday at their preliminary hearing in Juvenile and Domestic Relations Court.

William Ellis, 18, Juan Gray, 20, and Jeffrey Brown, 18, had been charged with criminal street gang participation, robbery and assault by mob.

They also had two juvenile co-defendants. One pleaded no contest to robbery and gang participation before the trial and was found guilty. The other boy's case is yet to be heard.

After hours of testimony by a gang expert and other witnesses, Judge Joseph J. Ellis said he did not see enough proof to send the men to trial for gang charges.

"I'm satisfied there is a gang. I'm not satisfied there is a criminal gang," he said.

While Gray and Ellis left with all of their charges dropped, Brown's robbery charge was the only one not dismissed.

All of the charges stemmed from an incident Dec. 3 when a 14-year-old boy was walking home from the school bus stop.

He testified yesterday that when he got close to his house, someone yelled to him and then asked him why he was "Bangin' them colors" referring to his red T-shirt. He identified Brown as the man who approached him.

Detective Jason Dembowski, who was certified by Ellis as an expert in gang methodology, told the court the color red symbolized the Blood gang, which is a rival of the Crips gang.

All of the defendants were accused of being members of a Crips subset called the 316 Mafia.

The 14-year-old boy went on to tell the judge that Brown had ripped his T-shirt off and then grabbed him by his neck, threw him against his house and punched him twice.

He said a group of other men were close by laughing, including Ellis and Gray.

"I felt embarrassed and I felt scared," he said. "I was afraid of every single one of them."

The boy's mother testified that when she went to get the shirt back, Brown was "swirling it over his head like a trophy," and multiple people who were standing in the group cursed at her.

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She said as she walked away, one person said "next time my son wore red, they would kill him."

Prosecutor Brian Boyle argued throughout the trial that evidence of symbolism common with the Crips gang, such as wearing the color blue, making a "C" symbol with their hands and the six-pointed star, were also consistent with 316 Mafia and the actions of the defendants.

Another 16-year-old witness testified that last year, he was in 316 Mafia with Ellis, but not Gray and Brown. He said the gang did not commit crimes, but that he got beat up after he tried to leave.

All three defense attorneys, John Mahoney, Stuart Sullivan and Stacey Garcia, argued that because there was no proof that the 316 Mafia ever led to a criminal conviction--which the code section requires--there was nothing that said the men were members of a criminal gang.

Boyle, however, argued that the way Brown and his co-defendants acted toward the 14-year-old, showed gang motivation.

"It wasn't about a shirt, it was about a color. And the color is about a gang," he said.

But Ellis said he needed to see more criminal history for 316 Mafia to certify the charges. He did however warn all three men before they left the courtroom.

"If you are a gang," he said, "you may wish to rethink your actions before the commonwealth sees you back here."

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