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**BALTIMORE DRUG DEALER EXILED TO LIFE IN PRISON
CO-DEFENDANT EXILED TO 12 YEARS IN FEDERAL PRISON**

Federal Prosecutions are Result of the Exile Violent Repeat Offender Program

Baltimore, Maryland - U.S. District Judge Catherine C. Blake sentenced David C. Ellerby, a/k/a "Chicken," age 36, of Baltimore today to life in prison, for conspiracy to distribute crack and cocaine; two counts of distribution of 50 grams or more of crack; distribution of cocaine; and possession with intent to distribute heroin and cocaine, announced United States Attorney for the District of Maryland Rod J. Rosenstein. Judge Blake sentenced Ellerby's co-defendant, Jermall Lilly, age 24, also of Baltimore, to 12 years in prison, followed by six years of supervised release for conspiracy to distribute cocaine and distribution of cocaine.

In imposing today's sentence, Judge Blake found that Ellerby had two qualifying felony drug offenses which made life mandatory on the counts involving 50 grams or more of crack.

"Decisions about which defendants to investigate under the Violent Repeat Offenders initiative are based not just on a defendant's prior criminal convictions, but also on law enforcement intelligence about criminal activity for which the defendant previously has escaped punishment," said U.S. Attorney Rod J. Rosenstein. "Some of Baltimore's most dangerous career criminals believe that they cannot be held accountable, but we aim to prove them wrong."

"One of ATF's primary missions is to take violent offenders off the streets," says ATF Special Agent in Charge Theresa R. Stoop. "We are pleased with the strength of the Violent Repeat Offender Program for today Mr. Ellerby is finally witnessing the strength of the criminal justice system."

According to testimony at the 2 week trial, on August 10, 2006, at the direction of law enforcement, a cooperating witness, who had previously purchased drugs from Ellerby and Lilly, called Ellerby's cellular telephone to purchase crack cocaine. During the conversation, Ellerby and the cooperating witness agreed that the cooperating witness would pay Ellerby some money up front for the crack cocaine, and pay him the rest of the money after purportedly selling the drugs on the street. Ellerby agreed to come to the cooperating witness' house to make the exchange. A little while later, Ellerby arrived at the cooperating witness' home and gave him a bag containing 61 grams of crack cocaine, in exchange for \$500. On August 14, 2006, Ellerby

came back to the home of the cooperating witness to pick up the additional \$1,400 to pay for the crack cocaine. Later that evening, Ellerby directed an associate to deliver another 62 grams of crack to the cooperating witness for sale. On December 1, 2006, the cooperating witness called Ellerby again for drugs and agreed on a meeting place. The cooperating witness met Ellerby at the agreed upon location and gave Ellerby \$1,700 in exchange for an additional amount of crack cocaine.

According to witness testimony, on January 31, 2007, the cooperating witness placed another phone call to Ellerby to buy more crack from him. Ellerby told him he'd be over in about 20 minutes and shortly thereafter Lilly arrived at the cooperating witness' house. The cooperating witness gave Lilly \$2,000 for what he thought was crack, but Lilly told him that he had brought cocaine instead. After Lilly drove away from the cooperating witness' house, he was stopped and arrested in possession of the \$2000.

Law enforcement officers then executed simultaneous search warrants at several locations, including 1328 McCulloh Street, where Ellerby was arrested, after he was found pretending to be asleep in a bedroom. Recovered from 1328 McCulloh, was, among other things, over 1000 heroin gel capsules, 2 cellular telephones (one on Ellerby and one plugged into a wall in the living room), drug paraphernalia, a digital scale, a bag containing almost 70 grams of cocaine, and a bag containing approximately 57 grams of heroin. Phone records admitted as evidence at trial showed that Ellerby was actually using the phone plugged into the wall in the living room minutes before the police executed the search warrant.

Prior to the federal prosecution, Ellerby had been charged in Baltimore City with five murders or attempted murders, three of which were dismissed, and two for which he was acquitted. In addition, he was arrested multiple times on serious assault charges, mostly involving shootings.

United States Attorney Rod J. Rosenstein thanked Baltimore City State's Attorney Patricia C. Jessamy and Assistant States Attorney Rita Wistoff-Ito, the Baltimore Police Department and the Bureau of Alcohol, Tobacco, Firearms and Explosives for their assistance in the investigation and prosecution. Mr. Rosenstein commended Assistant United States Attorneys Tonya Kelly Kowitz and Sandra Wilkinson, who prosecuted the case.