

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA

v.

VINCENT LAMBERT,

Defendant

CRIMINAL No. 23-10140-IT

GOVERNMENT’S SENTENCING MEMORANDUM

Vincent Lambert has spent decades of his life selling drugs, particularly crystal meth, to customers in the Boston area resulting in his classification as a career offender. Serious convictions, jail time, and probation have repeatedly failed to deter Lambert from reengaging in drug distribution. In the instant case, in early 2023, Lambert sold over 200 grams of crystal meth to a DEA cooperator across three occasions in Boston and Cambridge. Lambert was on state probation at the time, having pleaded guilty in 2019 in Suffolk Superior Court in connection with a traffic stop in Downtown Crossing resulting in the seizure from Lambert (using a fake name) of methamphetamine and a firearm.¹ Following the drug buys in this case, law enforcement executed a search warrant on June 7, 2023, at a room in Dorchester where Lambert was staying, resulting in the seizure of 1 kilogram of crystal meth, 100 grams of fentanyl, several vials of a date-rape drug called 1,4-Butanediol, and other controlled substances.

¹ See Transit Police arrest Boston man with drugs and gun” (Mar. 30, 2018), *available at* <http://www.tpdnews411.com/2018/03/transit-police-arrest-boston-man-with.html>.

On May 23, 2023, a federal grand jury returned an Indictment charging the defendant with three counts of distributing methamphetamine with various mandatory-minimum-triggering quantities. On June 6, 2024, the defendant pleaded guilty to the three counts.

The Pre-Sentence Investigation Report (“PSR”) calculates defendant’s Guidelines Sentencing Range (“GSR”) as 262-327 months (22-27 years) imprisonment. This is based on defendant’s undisputed classification as a career offender. There is a mandatory-minimum term of 120 months incarceration. 21 U.S.C. § 841(b)(1)(A)(viii). In the binding “(C)” plea agreement, the parties agreed to a range of incarceration of 132-188 months. For the reasons set forth below, the government recommends a sentence of 15 years (180 months) in prison, to be followed by 5 years of supervised release.

I. ADVISORY SENTENCING GUIDELINES

The PSR found that the defendant was accountable for 26,713 kilograms of converted drug weight (1,320 grams of crystal methamphetamine, 100.3 grams of fentanyl, 25 grams of MDMA, 7.3 grams of cocaine base, and 39.3 grams of cocaine). PSR ¶ 21. The defendant’s base offense level for that quantity of drugs under USSG § 2D1.1 is **34**. *Id.* ¶ 22. The government understands that at prior sentencings the Court calculated quantities of crystal methamphetamine (methamphetamine “actual”) as methamphetamine “mixture,” which here would result in a base offense level of **30** (2,937 kg of controlled drug weight). The distinction is not determinative here because Defendant’s base offense level is controlled by his status as a career offender. *Id.* ¶ 28. Defendant committed three prior controlled substances offenses (two were sufficient) before committing the instant controlled substances offense. *Id.*; *see id.* ¶¶ 43, 45, 47. Accordingly, his base offense level is 37 and his criminal history category is VI. *Id.* ¶¶ 28, 51. The offense level was reduced three levels for defendant’s timely acceptance of responsibility under USSG § 3E1.1.

Id. ¶¶ 29-30. The PSR lists defendant’s advisory GSR as 262-327 months’ imprisonment, *id.* ¶ 92, with a 10-year mandatory minimum, *id.* ¶ 91. The government agrees with the PSR’s calculation of the GSR.

II. SENTENCING FACTORS UNDER 18 U.S.C. § 3553(a)

Consideration of the § 3553(a) factors demonstrates that a sentence of 15 years is sufficient, but not greater than necessary, to meet the goals of sentencing.

A. **Nature of the Offense**

Time and time again, the defendant has returned to selling crystal meth, a drug that is increasingly causing carnage and mayhem in Massachusetts. Defendant took steps to avoid detection, communicating through an encrypted application and meeting in hotel rooms. Defendant also possessed significant quantities of other drugs including fentanyl, the primary driver of the opioid crisis, and a date rape drug. There is no telling the damage defendant’s drugs would have done if they had been distributed rather than seized.

Methamphetamine is a deadly and highly addictive drug that is an increasingly serious problem throughout the United States and in the District of Massachusetts.² The proportion of federal drug trafficking cases involving methamphetamine has steadily increased over the past 20 years, accounting for 48.7% of all of drug trafficking cases in 2022, and becoming the predominant drug trafficked over the last decade.³ Abuse of this potent stimulant is plaguing many parts of

² Martha Bebinger, “*Meth Use Is Rising In Boston, Intensifying The Opioid Crisis*,” appearing at <https://www.wbur.org/news/2018/11/21/meth-worsening-opioid-epidemic> (last accessed June 24, 2024).

³ United States Sentencing Commission, *Methamphetamine Trafficking Offenses in the Federal Criminal Justice System*, appearing at https://www.ussc.gov/sites/default/files/pdf/research-and-publications/research-publications/2024/202406_Methamphetamine.pdf, at 16 (last viewed August 6, 2024) (“USSC 2024 Methamphetamine Trafficking Offenses”)

the country, and the government has seen a significant rise in the amount of methamphetamine in the District of Massachusetts over the course of the last three years.

Recent national reports have confirmed that methamphetamine abuse is increasing dramatically. The National Institute on Drug Abuse found that among people aged 12 or older in 2021, 0.9% (or about 2.5 million people) reported using methamphetamine within the prior 12 months.⁴ And that reflects only those who reported use. Moreover, methamphetamine is one of the most commonly misused stimulant drugs in the world.⁵ “The consequences of methamphetamine misuse are terrible for the individual—psychologically, medically, and socially. Using the drug can cause memory loss, aggression, psychotic behavior, damage to the cardiovascular system, malnutrition, and severe dental problems.”⁶ In addition to these horrific effects on individual health, “methamphetamine misuse threatens whole communities, causing new waves of crime, unemployment, child neglect or abuse, and other social ills.”⁷

Among people aged 12 and older in 2020, an estimated 0.6% (or about 1.5 million people) had a methamphetamine use disorder in the prior 12 months.⁸ Methamphetamine is second only

⁴ See NIDA. "Overview." *National Institute on Drug Abuse*, 24 Feb. 2023, <https://nida.nih.gov/publications/research-reports/methamphetamine/overview> (last accessed June 24, 2024).

⁵ *Id.*

⁶ *Id.*

⁷ *Id.*

⁸ *Id.*

to fentanyl in causing drug-related deaths in the United States.⁹ In 2022, there were 33,355 methamphetamine-related deaths nationwide.¹⁰ Indeed, this crisis has worsened each year since 2015.¹¹ The Centers for Disease Control and Prevention found that overdose deaths from psychostimulants, comprising mostly methamphetamine, increased by 703% from 2011 to 2021.¹² Moreover, the Drug Enforcement Administration found that 31% of drug-related deaths in the United States are caused by psychostimulants – mostly methamphetamine.¹³ As of June 2, 2024, there were at 34,595 methamphetamine-related deaths nationwide for the prior 12-month period.

14

Equally devastating, as methamphetamine production has shifted from makeshift, local labs to sophisticated Mexican laboratories, methamphetamine production and purity have increased exponentially.¹⁵ Purity of methamphetamine has risen to nearly 100%. Indeed, in this

⁹ Drug Enforcement Administration, *2024 National Drug Threat Assessment*, appearing at <https://www.dea.gov/sites/default/files/2024-05/5.23.2024%20NDTA-updated.pdf>, at 3 (last viewed August 6, 2024) (“DEA 2024 Assessment”).

¹⁰ National Center for Health Statistics, *VSRR Provisional Drug Overdose Death Counts*, appearing at <https://data.cdc.gov/d/xkb8-kh2a> (hereinafter, “2022 VSRR Overdose Death Counts”) (last accessed Dec. 9, 2023).

¹¹ *Id.*

¹² USSC 2024 Methamphetamine Trafficking Offenses, at 6.

¹³ DEA 2024 Assessment, at 6.

¹⁴ National Center for Health Statistics, *National Vital Statistics System, Provisional Drug Overdose Death Counts*, appearing at <https://www.cdc.gov/nchs/nvss/vsrr/drug-overdose-data.htm> (last accessed June 24, 2024) (hereinafter, “2024 VSRR Overdose Death Counts”).

¹⁵ Frances Robles, “*Meth, the Forgotten Killer, is Back. And It’s Everywhere*”, The New York Times, February 13, 2018, appearing at <https://www.nytimes.com/2018/02/13/us/meth-crystal-drug.html> (hereinafter, “Frances Robles, *Meth, the Forgotten Killer, is Back. And It’s Everywhere*”) (last accessed June 24, 2024).

case, investigators seized over 60.8 kilograms of 100% pure methamphetamine. As the New York Times has reported, this combination of increased production and increased purity has been particularly lethal: “There is more meth on the streets today, more people are using it, and more of them are dying.”¹⁶

In recent years, methamphetamine has become much more prevalent in the Northeast.¹⁷ Most of the methamphetamine supply is produced in Mexico and transported to the United States.¹⁸ That is because methamphetamine produced in Mexico presents a lower cost, higher purity, and higher potency alternative.¹⁹ Due to its low costs of production and maintenance, combined with the expansion of Mexican drug cartels into major United States cities and their extensive drug distribution networks within local communities, methamphetamine remains in constant supply and is easily accessible.²⁰ Purer, cheaper methamphetamine leads to more deaths. The number of methamphetamine overdoses in Massachusetts alone increased threefold from 2018 to 2022 (growing from 70 deaths to 210).²¹ Between June 2023 and June 2024, there were 215

¹⁶ Frances Robles, *Meth, the Forgotten Killer, is Back. And It's Everywhere*.

¹⁷ U.S. Department of Justice Drug Enforcement Administration, *2020 National Drug Threat Assessment*, available at https://www.dea.gov/sites/default/files/2021-02/DIR-008-21%202020%20National%20Drug%20Threat%20Assessment_WEB.pdf, at 23 (last accessed June 24, 2024) (hereinafter, “DEA 2020 Assessment”); Streck, Joanna M et al., *Injection of Methamphetamine Has Increased in Boston, Massachusetts: 5 Waves of Centers for Disease Control and Prevention State Surveillance Data*, 17.3 J. OF ADDICTION MEDICINE 349–352 (2023) (last viewed July 12, 2023).

¹⁸ DEA 2024 Assessment, at 31.

¹⁹ *Id.*

²⁰ *Id.* at 3 – 16.

²¹ 2022 VSRR Overdose Death Counts.

methamphetamine-related overdose deaths in Massachusetts.²² In fact, “[t]he rate of all drug-related E[mergency] D[e]partment visits was highe[r] among patients residing in the Northeast[ern United States] (2,531 per 100,000 [residents])” than any other region in the nation.²³

Even when not lethal, the physical and emotional effects of methamphetamine abuse are dramatic. Methamphetamine has a horrific impact on its users and on the community. Methamphetamine is a tremendously addictive drug, which can cause dramatic physical and emotional changes on those who use it, including increases in aggressive and violent behavior.²⁴ The physical effects on users are well-documented. The emotional changes are equally devastating:

Chronic abusers may exhibit symptoms that can include significant anxiety, confusion, insomnia, mood disturbances, and violent behavior. They also may display a number of psychotic features, including paranoia, visual and auditory hallucinations, and delusions (for example, the sensation of insects creeping under the skin). Psychotic symptoms can sometimes last for months or years after a person has quit abusing methamphetamine, and stress has been shown to precipitate spontaneous recurrence of

²² 2024 VSRR Overdose Death Counts.

²³ Substance Abuse and Mental Health Services Administration, PEP22-07-03-002, *Findings from Drug-Related Emergency Department Visits, 2021*, <https://store.samhsa.gov/sites/default/files/pep22-07-03-002.pdf> (2022), at 9 (last accessed June 24, 2024).

²⁴ Mark A. R. Kleiman, Jonathan P. Caulkins, and Angela Hawken, *Drugs and Drug Policy: What Everyone Needs to Know* 120 (Oxford University Press 2011) (“There is . . . a much stronger association between violence and regular methamphetamine use. Heavy use of methamphetamine increases the likelihood of attack behaviors and aggression, with the most compelling evidence coming from laboratory studies involving mice.”).

methamphetamine psychosis in formerly psychotic methamphetamine abusers.²⁵

And, unlike opioid addiction, there are no approved drugs available for treatment of methamphetamine addiction.²⁶ Addicted users who choose to stop using methamphetamine may face withdrawal symptoms including severe depression, psychosis, and intense drug cravings.²⁷ Even methamphetamine addicts who manage to overcome their addiction “will be at risk for relapse for years and possibly for their whole lives.”²⁸

The nature of this offense requires a significant sentence of imprisonment.

B. Specific and General Deterrence and Protection of the Public

A significant sentence of imprisonment is warranted to deter others from becoming involved in any way, role, or capacity in the trafficking of methamphetamine, fentanyl or date-rape drugs as the dangers associated with these cannot be overstated. Individuals tempted to engage in drug trafficking must understand that any involvement with methamphetamine or fentanyl, no matter how minimal, will have immediate and serious consequences. Imprisonment is necessary

²⁵ National Institute on Drug Abuse, *What are the long-term effects of methamphetamine abuse*, April 7, 2017, appearing at <https://www.drugabuse.gov/publications/research-reports/methamphetamine/what-are-long-term-effects-methamphetamine-abuse> (last accessed June 24, 2024).

²⁶ Carmen Heredia Rodriguez, “*Meth’s Resurgence Spotlights Lack of Meds To Combat the Addiction*,” Kaiser Health News, January 14, 2019, appearing at <https://khn.org/news/meths-resurgence-spotlights-lack-of-meds-to-combat-the-addiction/> (last viewed June 24, 2024).

²⁷ National Institute on Drug Abuse, *Methamphetamine Drug Facts*, May 16, 2019, appearing at <https://nida.nih.gov/publications/drugfacts/methamphetamine> (last accessed June 24, 2024).

²⁸ National Institute on Drug Abuse, *Understanding Drug Use and Addiction DrugFacts*, June 6, 2018, appearing at <https://nida.nih.gov/publications/drugfacts/understanding-drug-use-addiction> (last accessed June 24, 2024).

to send a strong warning to others who might otherwise consider trafficking these dangerous drugs or assisting those who do.

Considerations of specific deterrence also support the imposition of a sentence of 15 years. The defendant simply has not gotten the message despite repeated interventions from the courts. Defendant's criminal history reflects serious convictions, jail time, and probationary sentences, that have only resulted in more criminal conduct. The only effect these interventions had was to cause the defendant to be more cautious, using fake names and encrypted applications like Signal (as was used in this case). At the time he began selling crystal meth to the cooperator in this case, Lambert was only 4 years removed from his last conviction involving crystal meth (and guns), and fresh out of jail. *See* PSR ¶ 47. Without a doubt, defendant was himself a user with a complicated family and emotional history. That does not give him the right to sell to others and hurt the community with his crystal meth. This Court should impose a significant term of imprisonment to deter this defendant from ever again engaging in drug trafficking.

C. Avoiding Unwarranted Sentencing Disparities

According to the PSR's calculation of JSIN data, of the 497 defendants with similar guidelines (final offense level 34), drug type (methamphetamine), and criminal history category (VI) sentenced in the last five fiscal years, the average length of sentence imposed was 188 months. To vary significantly downward or upward would create an unwarranted sentencing disparity and should be avoided.

III. CONCLUSION

The government's sentencing recommendation considers the various factors set forth in § 3553(a) and the Sentencing Guidelines. Given these factors, the government believes that 15 years incarceration and 5 years of supervised release is an appropriate sentence and is justified by

the defendant's conduct in this case and his criminal history. Such a sentence is sufficient, but not greater than necessary, to comply with the purposes of sentencing.

Respectfully submitted,

JOSHUA S. LEVY
United States Attorney

By: /s/ Samuel R. Feldman
Samuel R. Feldman
Assistant United States Attorney
617-748-3258

CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants .

/s/ Samuel R. Feldman

Samuel R. Feldman

Assistant United States Attorney

Date: December 10, 2024