



# Department of Justice

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## **DAYTON MAN SENTENCED TO 120 MONTHS IMPRISONMENT ON DRUG CONSPIRACY CHARGES**

### *Unable to Avoid Minimum Mandatory 10 Years Due to Gun*

DAYTON – Donnell L. Cook, age 28, of Dayton, Ohio, was sentenced in United States District Court to 120 months imprisonment on drug conspiracy charges involving possession with intent to distribute crack cocaine.

Gregory G. Lockhart, United States Attorney for the Southern District of Ohio, Keith L. Bennett, Special Agent in Charge, Federal Bureau of Investigation, Cincinnati Field Division, and Montgomery County Sheriff Phil Plummer, announced the sentence delivered by District Judge Thomas M. Rose yesterday.

Cook pleaded guilty in November, 2008 to one count of conspiracy to distribute and possess with intent to distribute in excess of 50 grams of cocaine base, commonly known as crack cocaine. This charge carries a mandatory minimum sentence of 10 years in prison, except when a defendant qualifies for a sentence reduction under the “safety valve” features of the law. Federal law allows courts to impose a sentence below a minimum mandatory level only if a defendant meets certain safety valve criteria, including, among other factors, providing the Government with all truthful information and evidence that the defendant has concerning the offense and not possessing a gun. The Court ruled that Cook possessed a gun, and accordingly, he was ineligible for the “safety valve.”

"Associating themselves with guns is the surest way for those involved in the drug trade to fail the ‘safety valve’ test, regardless of whether they meet the other factors,” Lockhart said. “If they don’t qualify for a safety valve reduction, they can expect to spend at least the minimum mandatory sentence in prison.”

Cook was immediately remanded to the custody of U.S. Marshals at his sentencing. Upon his release from prison, Cook must serve five years of supervised release, a form of parole.

United States Attorney Lockhart commended the efforts of the Montgomery County Sheriff detectives and FBI agents for their investigation of the case, and Assistant United States Attorneys Sheila Lafferty and Brent Tabacchi, who prosecuted the case.

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