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6 **UNITED STATES DISTRICT COURT**  
7 **FOR THE CENTRAL DISTRICT OF CALIFORNIA**

8 UNITED STATES OF AMERICA,  
9 *Plaintiff,*

No. 2:24-cr-621-MWF-3

10 v.

11 DEFENDANT WILSON’S MOTION  
TO SEVER

12 DURK BANKS, *et al,*  
13 *Defendant.*

Hearing Date: November 18, 2025

Hearing Time: 10:00 a.m.

Courtroom: 5A

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16  
17 **TO THE HONORABLE COURT, ALL PARTIES, AND THEIR COUNSEL OF**  
18 **RECORD:**

19 Defendant Deandre Wilson, by and through his counsel of record, Craig A.  
20 Harbaugh, hereby moves this Court for an order severing his trial from that of co-  
21 defendant Durk Banks and any other co-defendants whose trials are joined with Mr.  
22 Banks.

23 This motion is made pursuant to Federal Rule of Criminal Procedure 14 on the  
24 ground that a joint trial will cause compelling and incurable prejudice to Mr. Wilson  
25 as a result of prejudicial spillover from extensive ‘other acts’ evidence noticed by the  
26 Government that overwhelmingly concerns Mr. Banks and other alleged actors and  
27 would not be admissible against Mr. Wilson if he were tried alone.  
28

1 This motion is based on this Notice, the attached Memorandum of Points and  
2 Authorities, the Government’s Initial Rule 404(b) Notice dated September 1, 2025, all  
3 files and records in this case, the authorities cited herein, and any further evidence and  
4 argument the Court may permit.

5 Respectfully submitted,

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7  
8 Dated: October 6, 2025

*/s/ Craig A. Harbaugh*  
CRAIG A. HARBAUGH  
Attorney for Deandre Wilson

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1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 **I. INTRODUCTION**

3 At the outset, Deandre Wilson does not concede that the Government’s notice  
4 is adequate under Rule 404(b), that the alleged acts are supported by competent  
5 evidence, survive a Rule 403 analysis, or that they are admissible against anyone in  
6 this case. Mr. Wilson will join Defendant Durk Banks’ Motion In Limine To Exclude  
7 Government’s Proposed FRE 404(B) Evidence (filed contemporaneously) and fully  
8 expects the Court to exclude this extraneous, highly inflammatory evidence.

9 But if the Court were to allow the Government to introduce this evidence,  
10 severance is the only way to protect Mr. Wilson’s right to a fair trial. The  
11 Government’s notice sets forth extensive, ‘other acts’ evidence almost entirely  
12 directed at co-defendant Durk Banks—allegations of violent retaliation, murder plots,  
13 paid bounties, and directives to ‘hunt’ rivals spanning multiple jurisdictions and  
14 years. By contrast, Mr. Wilson appears, if at all, only peripherally — included in two  
15 text threads reflecting general chatter around Mr. Banks’s alleged feud and threats.  
16 In terms of both of severity and breadth, these allegations dwarf the current charges  
17 against Mr. Wilson. Mr. Wilson will be forced to devote extensive time and  
18 resources to defend against evidence that has almost nothing to do with him.

19 A curative instruction will not suffice. Given the extensive inflammatory  
20 evidence, there is a grave risk that the jury will determine Mr. Wilson’s guilt, not  
21 based upon the evidence, but based upon alleged violent acts of someone else. There  
22 is no way to ameliorate the prejudice to Mr. Wilson. Severance is required.

23 **II. BACKGROUND**

24 On September 1, 2025, the government served its Initial Rule 404(b) Notice,  
25 identifying a series of alleged prior acts it intends to introduce as evidence of “motive,  
26 intent, preparation, and plan” by co-defendant Durk Banks. *See* Declaration of Craig  
27 A. Harbaugh, Exhibit A. The notice overwhelmingly targets Mr. Banks, and nearly  
28 all of the Government’s listed acts consist of alleged violent conduct, threats, or

1 admissions by Mr. Banks. Deandre Wilson is not identified in the bulk of these  
2 allegations, and where his name does appear, it is solely in connection with group text  
3 threads initiated and driven by Mr. Banks.

4 **A. Evidence Related to Banks' Rivalry with Tyquian Bowman**

5 The notice first describes evidence of Mr. Banks' alleged efforts to exact  
6 revenge against Tyquian Bowman a.k.a. Quando Rondo, following the 2020 killing of  
7 Dayvon Bennett a.k.a. King Von. According to the government, it intends to  
8 introduce:

9 "Surveillance footage and witness testimony related to the murder of Bennett in  
10 Atlanta, Georgia on November 6, 2020";

11 "Surveillance footage and witness testimony related to the attempted murder of  
12 Bowman in Blackshear, Georgia on or about May 2, 2021";

13 Mr. Banks' lyrics and statements, such as his line in Who Want Smoke?:  
14 "They be on my page like 'Slide for Von', I know they trollin me", and his podcast  
15 interview remark: "For some reason I just don't see them comments no more... we  
16 here though, we different in the 'Raq"; and

17 Social media comments directed at Mr. Banks urging him to "slide for Von".

18 None of these allegations identify Mr. Wilson. The evidence relates  
19 exclusively to Mr. Banks' feud with Bowman and the public pressure on Mr. Banks,  
20 not to Mr. Wilson.

21 **B. Evidence Related to Banks Directing and Ordering Violence**

22 The second category consists of a wide-ranging set of allegations claiming that  
23 Mr. Banks placed bounties or otherwise directed violence. Again, Mr. Banks is  
24 central to the Government's allegations; Mr. Wilson's name surfaces in only two text  
25 chains, and in each instance he is a participant but not the originator of any statement.

26 Stephon Mack Bounty (Jan. 27, 2022): The notice states the government will  
27 introduce text messages, surveillance footage, and forensic evidence linking  
28

1 Mr. Banks to an alleged bounty for the killing of Mack. Mr. Wilson is not identified  
2 in connection with this incident.

3 April 2023 text chain (Munna Duke feud): The notice claims a group text  
4 between “defendant Banks and OTF members, including defendant Deandre Wilson,  
5 Antonio Jones a.k.a. Boonie Mo, and PW-1” reflected Mr. Banks’ frustration that O-  
6 Block was not properly retaliating for Bennett’s death. In the thread, Mr. Banks—  
7 not Mr. Wilson—declared: “I’m finna pipe it up.” Boonie Mo responded with:  
8 “Blood it’s green [emoji of car and green light] getting shit together now no phones.”  
9 The government expects PW-1 to testify about purported follow-up plans involving  
10 others. Significantly, the government attributes no statement to Mr. Wilson in this  
11 exchange. His presence is merely noted as being on the text chain. There is no claim  
12 that Mr. Wilson agreed with, endorsed, or acted on Mr. Banks’ statements.

13 April 2023 Instagram chain: Another text chain between “defendant Banks,  
14 defendant Wilson, Boonie Mo, and Devonshe Collier” allegedly shows Mr. Banks  
15 forwarding an Instagram message he sent to rival Richard Ramsey, stating: “I got  
16 them hunting you up ads better have 3 ski mask on.” Mr. Wilson is not alleged to be  
17 the author of the threatening statement. His name appears only as a participant listed  
18 on the chain. The notice does not claim that Mr. Wilson commented on, endorsed, or  
19 even responded to Mr. Banks’ message.

20 April 2023 Boonie Mo audio: A voice note allegedly conveying Mr. Banks’  
21 instructions regarding money and “sliders” (getaway cars). Mr. Wilson is not  
22 identified and there is no evidence he received the audio message.

23 Lyrics: The notice cites multiple lyrics by Mr. Banks, including “Ahh Haa”  
24 (“Smurk, slide slide slide. Don’t respond to shit with Von... They droppin’ locations,  
25 I’m gettin’ it done”), “Rumors” (“I don’t want no niggas who you catch, I want the  
26 one I paid for”), and “Scoom His Ass” (“Bounty hunter, he ready to crack that lil’  
27 bitch down to get her off”). These statements are attributed solely to Mr. Banks.  
28

1 While the government labels these acts as relevant to show a laundry list of  
2 reasons under 404(b) related to Mr. Banks, it fails to identify statements or conduct by  
3 Mr. Wilson that would make the evidence admissible against him.

4 **III. LEGAL STANDARD**

5 Federal Rule of Criminal Procedure 8(b) provides that an “indictment or  
6 information may charge 2 or more defendants if they are alleged to have participated  
7 in the same act or transaction, or in the same series of acts or transactions,  
8 constituting an offense or offenses.” Fed. R. Crim. P. 8(b). Even when joinder of  
9 defendants in one indictment is permitted under Rule 8(b), however, “[i]f the joinder  
10 of offenses or defendants . . . appears to prejudice a defendant or the government,  
11 the court may order separate trials of counts, sever the defendants’ trials, or provide  
12 any other relief that justice requires.” Fed. R. Crim. P. 14(a); *see also Zafiro v.*  
13 *United States*, 506 U.S. 534, 538 (1993) (“Rule 14 recognizes that joinder, even  
14 when proper under Rule 8(b), may prejudice either a defendant or the Government.”).

15 In *Zafiro*, the Supreme Court held that “when defendants properly have been  
16 joined under Rule 8(b), a district court should grant a severance under Rule 14 only if  
17 there is a serious risk that a joint trial would compromise a specific trial right of one  
18 of the defendants, or prevent the jury from making a reliable judgment about guilt or  
19 innocence.” 506 U.S. at 539:

20 Such a risk might occur when evidence that the jury should not consider  
21 against a defendant and that would not be admissible if a defendant were  
22 tried alone is admitted against a codefendant. For example, evidence of  
23 a codefendant’s wrongdoing in some circumstances erroneously could  
lead a jury to conclude that a defendant was guilty. When many  
defendants are tried together in a complex case and they have markedly  
different degrees of culpability, this risk of prejudice is heightened.

24 *Id. Kotteakos v. United States*, 328 U.S. 750, 774-775 (1946).

25 The Supreme Court has recognized the problem that joint conspiracy trials  
26 present in this regard:

27 The trial of a conspiracy charge . . . is an especially difficult  
28 situation for the defendant. The hazard from loose application of rules  
of evidence is aggravated where the Government institutes mass trials.  
. . . A co-defendant in a conspiracy trial occupies an uneasy seat.  
There generally will be evidence of wrongdoing by somebody. It is

1 difficult for the individual to make his own case stand on its own  
2 merits in the minds of jurors who are ready to believe that birds of a  
3 feather are flocked together. If he is silent, he is taken to admit it and  
if, as often happens, codefendants can be prodded into accusing or  
contradicting each other, they convict each other.

4 *Krulewitch v. United States*, 336 U.S. 440, 453-54 (1949) (Jackson, J.,  
5 concurring).

6 Evidence admissible solely against a co-defendant under Rules 401/404(b) that  
7 would be excluded under Rule 403 in a separate trial supports severance. *See United*  
8 *States v. Bronco*, 597 F.2d 1300, 1302–03 (9th Cir. 1979) (finding reversible error  
9 for failing to grant a severance where the 404(b) evidence would not have been  
10 admissible to the same extent in a separate trial); *United States v. Gallo, c*, 752–53  
11 (E.D.N.Y. 1987) (“There would also be many instances where evidence admitted  
12 against one defendant would also be relevant as to another under Rule 401, but would  
13 be excluded as to the latter under Rule 403 in a separate trial of that defendant alone  
14 because its probative value would be outweighed by the danger of unfair prejudice.”).  
15 The prejudice can be most devastating “where the crimes of some defendants are  
16 more horrific or better documented than the crimes of others.” *United States v.*  
17 *Innamorati*, 996 F.2d 456, 469 (1st Cir. 1993); *see United States v. Baker*, 98 F.3d  
18 330, 335 (8th Cir. 1996) (holding denial of severance reversible error due to extensive  
19 evidence against co-defendant that would not have been admissible in a separate  
20 trial); *United States v. Breinig*, 70 F.3d 850, 852-53 (6th Cir. 1995) (holding that the  
21 denial of severance constituted an abuse of discretion where ex-wife, charged with tax  
22 evasion jointly with her ex-husband, testified to his abusiveness and philandering).

23 In determining whether joinder is prejudicial, a court must consider whether the  
24 jurors have the capacity to “compartmentalize the evidence,” and follow the trial  
25 court’s instructions and appraise the guilt or innocence of each defendant based solely  
26 upon that defendant’s own acts, statements and conduct, and the independent  
27 evidence against that defendant. *United States v. DeRosa*, 670 F.2d 889, 898 (9th  
28 Cir. 1982). The court must also consider “the complexity of the case, the total

1 weight of the evidence against each defendant, and the effectiveness of jury  
2 instructions.” *Id.* Most critically, the court “must be wary of situations where a jury  
3 might impute the guilt of some defendants to other defendants.” *Id.*; *United States v.*  
4 *Donaway*, 447 F.2d 940, 943 (9th Cir. 1971) (holding it was an abuse of discretion to  
5 deny severance finding “it impossible to conclude on the facts here that appellant was  
6 not severely prejudiced by the evidence relevant only to the co-defendants”).  
7 Severance is warranted precisely where “the jury cannot be expected to  
8 compartmentalize the evidence with respect to different defendants due to a  
9 ‘prejudicial spillover effect’ between the cases against them....” *United States v.*  
10 *Boone*, 437 F.3d 829, 837 (8th Cir. 2006) (internal citation omitted).

#### 11 **IV. ARGUMENT**

##### 12 **A. Mr. Wilson Disputes the Adequacy and Admissibility of the** 13 **Government’s Rule 404(b) Notice**

14 As an initial matter, Mr. Wilson disputes the adequacy and admissibility of the  
15 prosecution’s Rule 404(b) notice in its entirety. He does not agree that the notice  
16 satisfies Rule 404(b)’s procedural requirements, that the Government has sufficient  
17 proof to establish the acts described, or that the alleged conduct is properly  
18 attributable to Mr. Banks—or to any other defendant. Mr. Wilson likewise does not  
19 concede that these allegations are admissible under Rules 404(b) or 403 in any trial.  
20 To be clear, Mr. Wilson preserves his objections to the sufficiency and admissibility  
21 of this notice and joins the separate motion seeking to exclude this evidence in full.

22 Nevertheless, if any portion of the voluminous noticed material were admitted  
23 against against Mr. Banks, it would be patently unfair. Mr. Wilson will be forced to  
24 defend himself before a jury saturated with evidence that, by the Government’s own  
25 account, has nothing to do with him. The sheer disparity between the evidence  
26 against Mr. Banks and the absence of comparable evidence against Mr. Wilson  
27 compels severance in order to protect his right to a fair trial.  
28

1           **B. The Government’s 404(b) Case Against Mr. Banks Will Create Severe**  
2           **and Incurable Spillover Prejudice Against Mr. Wilson**

3           The Government’s 404(b) notice sets forth allegations of extreme violence and  
4 retaliatory plots solely attributable to Mr. Banks. None of this is Mr. Wilson’s  
5 conduct. Mr. Wilson’s name appears in the notice only in limited April 2023 text  
6 threads. Even then, he is not the speaker of any incriminating statements, nor is there  
7 evidence that he endorsed or acted on Mr. Banks’s rhetoric. His role is passive and  
8 peripheral—merely appearing on a text chain dominated by messages allegedly  
9 authored by Mr. Banks.

10           If Wilson were tried alone, virtually all of this evidence would be inadmissible  
11 as improper propensity evidence. *See* Fed. R. Evid. 404(b). But in a joint trial, the  
12 jury will be exposed to an avalanche of inflammatory material—accounts of  
13 shootings, claims of bounties, and Banks’s ‘confessions’ in lyrics. Against that  
14 evidentiary backdrop, Mr. Wilson’s mere inclusion in group texts would easily be  
15 blurred into guilt by association. This is precisely the danger the courts warn against  
16 when they caution that jurors “might impute the guilt of some defendants to other  
17 defendants.” *United States v. DeRosa*, 670 F.2d 889, 898 (9th Cir. 1982).

18           Even if relevance could somehow be strained, Rule 403 dictates exclusion.  
19 Courts have recognized that when voluminous 404(b) evidence against one co-  
20 defendant dwarfs the case against another, severance is necessary. *Bronco*, 597 F.2d  
21 at 1302-03 (severance mandated where evidence admissible against co-defendant was  
22 inadmissible against moving defendant); *Gallo*, 668 F. Supp. at 752-53 (joint trial  
23 improper where prejudicial evidence had no relevance to certain defendants).

24           Here, the disparity in evidentiary weight is dramatic. While Mr. Banks will  
25 face a case centered on violent conspiracies unfolding over three years, the  
26 Government’s allegations concerning Mr. Wilson amount to being copied on a text  
27 thread. In a joint trial, the risk is that jurors will conflate and collapse both narratives  
28 which undermines the basic right to individualized guilt determinations.

1 It is “to ask too much of lay (and perhaps of judicial) minds” to expect jurors to  
2 filter through incendiary narratives of revenge killings, threats, and lyrics while  
3 keeping Mr. Wilson’s isolated references separate. *United States v. Gallo*, 668 F.  
4 Supp. at 753 (quoting *United States v. Praetorius*, 462 F. Supp. 924, 928 (E.D.N.Y.  
5 1978)). This evidentiary imbalance is exactly what Rule 14 was designed to prevent.

6 **C. The Introduction of Irrelevant, Inflammatory Evidence Against Mr.**  
7 **Wilson Would Significantly Undermine His Strong Defense**

8 Accepting for the sake of argument the Government’s allegations, the case  
9 against Mr. Wilson is not strong. Forcing Mr. Wilson to confront this extraneous  
10 404(b) evidence would allow the government to secure a conviction without  
11 satisfying its high burden of proof.

12 According to the operative indictment, Mr. Wilson (a) was not a leader of OTF  
13 (b) did not initiate a bounty or make any payments; (c) did not procure any weapons,  
14 vehicles, or any other items associated with the offense (d) did not drive any vehicle  
15 and (e) did not use or possess any firearm. Although the Government accuses Mr.  
16 Wilson of other acts, such as purportedly recruiting individuals, this information  
17 comes from a cooperating witness. Such testimony is inherently suspect and must be  
18 evaluated with “greater caution than that of other witnesses.” Ninth Circuit Model  
19 Criminal Jury Instruction 3.9. (2022 ed. & supp. update 2025). Allowing the  
20 government to introduce overwhelming extraneous evidence against Mr. Wilson runs  
21 the risk of unfairly tipping the balance in the prosecution’s favor.

22 **D. Limiting Instructions Cannot Cure the Prejudice**

23 The Government may argue that limiting instructions can cure any prejudice.  
24 But case law and common sense reject this claim where inflammatory “spillover”  
25 evidence dominates the trial. *Zafiro*, 506 U.S. at 539 (1993) acknowledged that  
26 severance is warranted where such prejudice is great. The Ninth Circuit has similarly  
27 recognized that no instruction can erase the mental imprint left by devastating  
28

1 allegations --- murders, bounties, and threats --- that have nothing to do with Mr.  
2 Wilson. *Donaway*, 447 F.2d at 943.

3 Here, exposing a jury to repeated references to revenge killings, social media  
4 pressure campaigns, and violent lyrics by Mr. Banks, then instructing them to  
5 disregard all of it when considering Mr. Wilson, is a fiction. It is unreasonable to ask  
6 jurors to engage in these “mental gymnastics.” *Gallo*, 668 F. Supp. at 753 (“To tell  
7 a jury to ignore this proof is to ask the impossible.”). The prejudice cannot be  
8 instructed away.

9 **E. Severance Is the Only Adequate Remedy**

10 Against this backdrop, severance is the only way to safeguard Mr. Wilson’s  
11 trial rights. Redactions, limiting instructions, or partial exclusions would leave in  
12 place the central problem: that the government intends to present an overarching  
13 narrative of violence and retaliation that does not involve Mr. Wilson, but that  
14 inevitably colors the jury’s perception of him. Severance will not only protect  
15 Wilson, but also streamline the evidence at his trial to matters actually relevant to  
16 him, rather than embroiling him in proof aimed at another defendant.

17 **V. CONCLUSION**

18 For these reasons, the Court should sever Mr. Wilson’s trial from Mr. Banks  
19 and other co-defendants against whom the Government intends to introduce Rule  
20 404(b) material.

21 Respectfully submitted,

22 Dated: October 6, 2025

23 /s/ *Craig A. Harbaugh*  
24 CRAIG A. HARBAUGH  
25 Attorney for Deandre Wilson  
26  
27  
28

**DECLARATION OF CRAIG A. HARBAUGH**

I, Craig A. Harbaugh, declare:

1. I am an attorney, licensed to practice law in the State of California and am admitted to practice in this Court. I am counsel of record for Mr. Wilson in the above matter.

2. Attached as Exhibit A is a true and correct copy of the Government’s 404(b) Notice dated September 1, 2025.

3. On October 1, 2025, the defense conducted a meet and confer with Assistant United States Attorney Daniel Weiner regarding the parties’ proposed motions. During the meeting, AUSA Weiner indicated that the Government opposed the relief sought in this motion.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on October 6, 2025, in Los Angeles, California.

*/s/ Craig A. Harbaugh*  
CRAIG A. HARBAUGH  
Attorney for Deandre Wilson

# EXHIBIT A



United States Department of Justice

United States Attorney's Office  
Central District of California

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September 1, 2025

**VIA E-MAIL**

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US v. Banks, et al., 24-621(B)-MWF  
RE: Government Initial 404(b) Notice  
September 1, 2025  
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Re: United States v. Durk Banks, et al., CR No. 24-621(B)-MWF

Dear Counsel:

As discussed during the parties' meet-and-confer on August 13, 2025, we are writing to provide you with a preliminary notice pursuant to Rule 404(b) of the Federal Rules of Evidence regarding certain acts that the government intends to prove at trial in the above-referenced matter.

The government views the evidence described in Section I as direct evidence of and inextricably intertwined with the charges in the Second Superseding Indictment and therefore not subject to notice pursuant to Rule 404(b). However, out of an abundance of caution, the government gives notice pursuant to this letter for the evidence described in Section I.

With this letter the government again requests all reciprocal discovery to which it is entitled under Rules 16(b) and 26.2 of the Federal Rules of Criminal Procedure.<sup>1</sup>

**I. Evidence Related to Durk Banks' Rivalry with Tyquian Bowman**

The government intends to introduce evidence relating to defendant Durk Banks' motive, intent, preparation, and plan in: (i) seeking revenge on Tyquian Bowman a.k.a. Quando Rondo for Bowman's involvement in the death of Dayvon Bennett a.k.a. King Von on or about November 6, 2020; (ii) placing a bounty for Bowman's death and conspiring to kill Bowman in retaliation for Bennett's murder; and (iii) directing his co-conspirators to track, stalk, and kill Bowman in Blackshear, Georgia on or about May 2, 2021 and in Los Angeles, California on August 18-19, 2022. This evidence includes, but is not limited to:

1. Surveillance footage and witness testimony related to the murder of Bennett in Atlanta, Georgia on November 6, 2020, including the fight between Bennett and Bowman prior to Bennett's murder (*see, e.g.*, Media\_796-798);

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<sup>1</sup> The government reserves the right to seek appropriate remedies for defendant's failure to comply with defendant's reciprocal discovery obligations, including by seeking to exclude the use of undisclosed discovery as evidence at trial or other evidentiary proceedings where a defendant may withhold discovery by inappropriately claiming it is "impeachment" material. *See, e.g., United States v. Scholl*, 166 F.3d 964, 972 (9th Cir. 1999) (excluding undisclosed checks at trial that defense made "'a strategic decision to withhold the [evidence] until the government would be unable to fully investigate."); *United States v. Aceves-Rosales*, 832 F.2d 1155, 1156-57 (9th Cir. 1987) ("[defense counsel] made a strategic decision to withhold the document until after the close of the government's case. He and his client must accept the risk arising from this behavior.").

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2. Surveillance footage and witness testimony related to the attempted murder of Bowman in Blackshear, Georgia on or about May 2, 2021 (*see, e.g.*, USAO\_00034896);

3. Defendant Banks' admissions showing the pressure he faced from fans to "slide for Von," *i.e.*, exact revenge for Bennett's death, including but not limited to:

a. Defendant's lyrics from the song "Who Want Smoke??" by Nardo Wick ft. Lil Durk, 21 Savage, & G Herbo: "They be on my page like 'Slide for Von', I know they trollin me" (*see* Media\_518);

b. Defendant's statements in a podcast interview with DJ Akademiks on "Off The Record w/ Akademiks" in May 2023. Specifically, after being asked about his rivalry with Bowman, and in response to the interviewer's question about whether defendant Banks was "triggered by the 'slide for Von' comments", defendant Banks responded, "For some reason I just don't see them comments no more . . . for some odd reason . . . might be the water. . . we here though, we different in the 'Raq." (*see* Media\_493)<sup>2</sup>;

4. Social media documenting the pressure that fans placed on defendant Banks to "slide for Von", including but not limited to:

a. Comments on defendant Banks' X account (@lildurk) post on April 20, 2022 stating "The voice & The moon #MOONPAY" (*see* Media\_539);

b. Comments on defendant Banks' X account (@lildurk) post on April 23, 2022 stating "Rip king von".<sup>3</sup>

To the extent the Court determines these acts are neither direct evidence of or intertwined with the charges in the Second Superseding Indictment, these acts are admissible to show defendant Banks' motive, intent, preparation, plan, knowledge, identity, absence of mistake, and lack of accident.

## **II. Evidence Related to Durk Banks Directing and Ordering Violence Against Rivals**

1. Evidence relating to defendant Banks' bounty for the killing Stephon Mack on January 27, 2022 as charged in *US v. Montgomery-Wilson, et al.*, Case No. 23-cr-546 (N.D. Ill.), including but not limited to: (i) surveillance footage of the shooting; (ii) text messages recovered from defendant Montgomery-Wilson's cellphone discussing payment from OTF and defendant

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<sup>2</sup> In addition to the audio file that has been previously produced to you in discovery, the government will produce this podcast in video format.

<sup>3</sup> The government will produce screen captures of these comments in an upcoming production of discovery.

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Banks for the murder; (iii) a Facebook story from Montgomery-Wilson's account showing him holding money while a song by defendant Banks played in the background; and (vi) DNA and fingerprint analysis linking defendants Montgomery-Wilson and Powell to the shooters' vehicle. *See, e.g.*, USAO\_00036746-USAO\_00036817.

2. Evidence that defendant Banks and others involved in the murder of S.R. sought to exact revenge on another rival of defendant Banks at defendant Banks' direction. Specifically, in April 2023, text messages by and between defendant Banks and OTF members, including defendant Deandre Wilson, Antonio Jones a.k.a. Boonie Mo, and PW-1, show defendant Banks' feud with O-Block member Munna Duke over defendant Banks' belief that O-Block members were not properly retaliating for Bennett's death. In the thread, defendant Banks states "I'm finna pipe it up," to which Boonie Mo responds "Blood it's green [emoji of car and green light] getting shit together now no phones." *See Media\_651\_1B74\_iPhone 13\_Tags* at pg. 216. As set forth in cooperator discovery produced to you, the government expects PW-1 will testify that, in response to defendant Banks' direction to exact revenge on O-Block members, PW-1 and Boonie Mo purchased a vehicle with funds from defendant Banks to travel to O-Block and kill whatever O-Block members they could find. PW-1 is also expected to testify that PW-1 would have been expected to be paid by defendant Banks for anyone the conspirators killed, but that the conspirators did not go through with the plan because of police presence in O-Block.

3. Evidence that defendant Banks and others OTF members involved in the murder of S.R. discussed violence against another rival of defendant Banks at defendant Banks' direction. Specifically, an April 2023 text message thread between defendant Banks, defendant Wilson, Boonie Mo, and Devonshe Collier a.k.a. Zoo, wherein defendant Banks sends a screenshot of an Instagram message he sent to Richard Ramsey (@richo\_lamron300) that says "I got them hunting you up ads better have 3ski mask on." *See Media\_651\_1B74\_iPhone 13\_Tags* at pg. 1307.

4. An April 2023 audio voice message from defendant Banks' close associate, Boonie Mo, to PW-1. *See Media\_822\_PW1\_iPhone13\_Tags* at pg. 293. In the voice message, Boonie Mo conveys direction from OTF's leader defendant Banks --- referred to by his alias "Blood" --- about how defendant Banks wants money spent, including "he want people to get sliders and stuff like that for sure," referring to vehicles used to commit criminal activity.

5. Defendant Banks' admissions in lyrics about paying for bounties and directing violence including:

a. "Ahh Haa" by Lil Durk: "Smurk, slide slide slide. Don't respond to shit with Von (yeah-yeah-yeah), I'm like, 'fuck it, you trippin', go get your gun' (let's get it, get, gun), They droppin' locations, I'm getting' it done (woo-woo-woo, gang), Fuck tweetin', we slidin', the feds are comin' (yeah-yeah-yeah, man, what?) (*see Media\_505*);

b. "Rumors" by Gucci Mane and Lil Durk: "I don't want no niggas who you catch, I want the one I paid for ... Trollin' ass, we shot your homie." (*see Media\_497*): and

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c. “Scoom His Ass” by Lil Durk (ft. Boonie Mo): “Popping traffic, we in Cali”, ride through Beverly Hills with choppers ... dying to see the oppas”; “Bounty hunter, he ready to crack that lil’ bitch down to get her off.” (see Media\_651\_1B74\_iPhone 13\_Tags at pg. 2496).

These acts are admissible to show defendant Banks’ motive, intent, preparation, plan, knowledge, identity, absence of mistake, and lack of accident.

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We reserve the right to supplement this notice as necessary before trial. Please let us know if you have any questions, or would like to further discuss any of the matters raised above.

Very truly yours,

/s/

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