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WITNESS OR SNITCH... IS THERE A DIFFERENCE?

On Sunday February 5, 2005, rapper Busta Rhymes' bodyguard, Israel "Iz" Ramirez, 29 a father of three, was shot in the chest and killed at a video shoot in Brooklyn. Busta is alleged to have been among the many who witnessed the fatal shooting and he is now being sought for questioning by police because they believe that he may know who pulled the trigger. To date, Busta has avoided contact with the police and thus providing any information in the killing. The self-proclaimed "General of the Flip Mode movement" is faced with potentially losing his career if he doesn't assist law enforcement by providing whatever information (that they believe) he may have. But if he does speak to police and the assistance he offers leads to an arrest (and possible conviction) he'll be deemed a "snitch" and he will lose his street credibility and thus potentially ending his career.

The situation that Busta finds himself in now mirrors a situation that arose in 2004 for which rapper Lil' Kim was convicted in March on three counts of perjury and one of conspiracy. The charges stemmed from a gunfight that took place outside Manhattan radio station Hot 97. Lil' Kim's entourage encountered Capone-N-Noreaga, the rival posse responsible for the song "Bang, Bang"- which contains a rap in which Foxy Brown insults Lil' Kim. Harsh words led to bullets, and one man being injured by gunfire. Lil' Kim told a grand jury that she didn't recall seeing two of her close friends- her manager, Damion "D-Rock" Butler and Suif "Gutta" Jackson- at the scene of the shootout. However, jurors were shown security photos that featured D-Rock opening a door for the rapper at the station. Two witnesses also placed her with the pair. After both of the other defendants had

"The issue of being a snitch has many variables all depending on who you ask and what side of the situation you are on. This is not an easy subject to break down for the sake of providing some clarity lets assume there are three categories"

already admitted their culpability in the incident Kim was convicted for not admitting what the video clearly showed. Lil' Kim refused to assist the prosecution in anyway although her testimony would not have resulted in any punishment for herself nor any additional punishment for her associates--she refused to "snitch" and was sentenced to a year and a day in federal prison.

On the same case it is being debated whether rapper Lil' Cease in fact snitched on Lil'Kim when he testified in court. We are not clear on all the facts surrounding his testimony. However there is one distinction that can lend clarity to this topic. Was Lil' Cease called as a witness for the defense or a witness for the prosecution. If in fact he was called as a witness for the prosecution there is nothing that needs to be debated. In theory it is not a prosecution

practice to call a hostile witness.

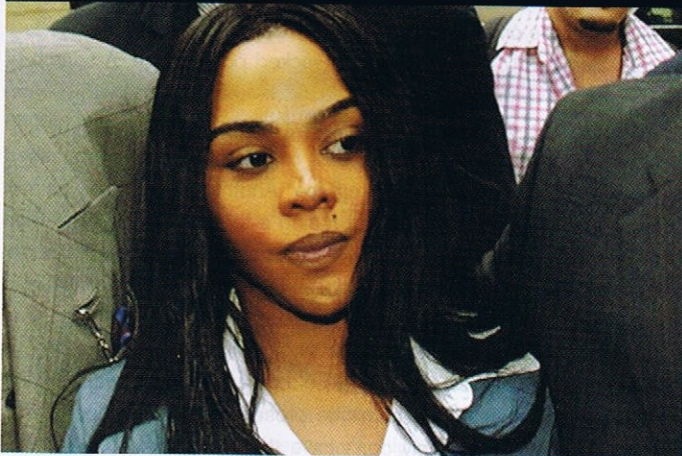
It's not just a "hood" thing--the question of what constitutes snitching is a long standing and complex one and not just for people in street life but for many in mainstream society as well! There were those who spared themselves jail time for their participation in the ENRON scandal by testifying to the conspiracy of which they were apart and from which they profited. In 1996 Susan McDougal refused to testify regarding then President Clinton's Whitewater real estate deal. She was charged with contempt of court for refusing to answer questions and sentenced to two years in prison.

As a society we've been conditioned to believe that nobody likes a snitch. From an early age most parents teach their children not to tattle. Even C(onstables) O(n) P(atrol) have the Blue Wall of Silence- Police Officers unite and limit their cooperation with investigators when one of their own is accused of an impropriety. Police officer refusing to testify against another police officer have a standard answer, "I don't recall."

The issue of being a snitch has many variables- environment and ideology play a significant part. Depending on who you ask and what side of the situation you are on further defines this issue for said person. This is not an easy subject to break down for the sake of providing some clarity lets assume there are three categories that most people fall into in regards to cooperating or not cooperating.

On the far right you have the police/law enforcement who expect any one who witnesses or even knows of a crime to provide them with information as part of their civic duty. On the far left you have the "gangster type", who won't talk to the police for any reason under any circumstances. The third category is the civilian- which is comprised of

"Lil Kim refused to assist the prosecution in anyway although her testimony would not have resulted in any punishment for herself nor any additional punishment for her associates--she refused to "snitch" and was sentenced to a year and a day in federal prison."



the majority. For the civilian, cooperating or not will be determined by the circumstances. **For example:** the civilian may know that there is a group of individuals selling narcotics in front of their building but won't call the police, however this same civilian will call the police because he or she suspects child abuse is occurring next door.

ARE YOU A SNITCH IF:

You are a willing participant in a crime but then, after being busted, you tell on your accomplices?

You see a crime and you come forth and provide the police with information so that they may arrest the suspect(s)?

You see a child being abducted and report the occurrence?

You see an elderly person get attacked and inform the police?

You see a hit and run and you give the police the car's license plate number?

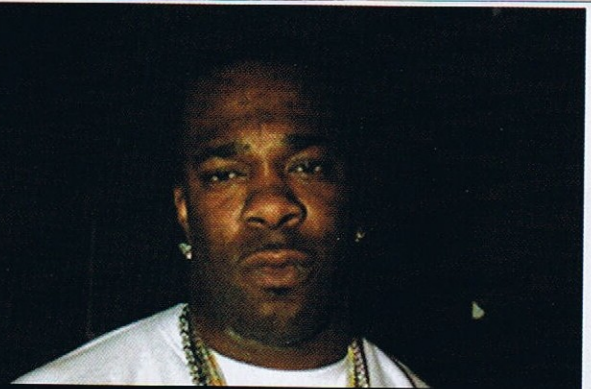
You are selling narcotics and you get shot in a robbery attempt, you know who shot you and tell the police?

You get caught committing a crime ie; selling drugs, and your mother or wife (who is 'genuinely' innocent of any involvement) is arrested as an accomplice and you cooperate with prosecutors to get your mother or wife off?

You tell on someone because they are telling on you and you could face 20 years?

You know your brother is molesting little girls and you report him to the police?

There are hundreds of scenarios that can be debated. Again, your position will be defined by your lifestyle and environment.



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SNITCH

Snitch: to inform, tattle

Rat: any of numerous rodents larger than the related mice 2; a contemptible person; one that betrays friends or associates.

The foundation of what constitutes a snitch in any regards is the breach of trust. When this trust is broken a person is labeled a snitch. A breach of trust can occur on either side of the law; between friends, accomplices, codefendants, colleagues, etc. For example- you and your man commit a crime, you get busted and you start talking to the police; even just trying to explain your way out of it. You'd be considered a snitch. Or you and a co-worker take kickbacks from one of your clients unbeknownst to your boss. You get busted and you start telling your boss that it was

your co-workers idea- You'd be considered a snitch. These are two extremes but in both regards you'd be considered a snitch. When there is an agreement with two or more individuals to participate in an act be it criminal or otherwise the person who exposes this agreement to law enforcement or someone of authority is considered to have snitched on the others. No if and or buts.

WITNESS

Witness: 1. knowledge, testimony 2. one that gives evidence; one who testifies in a cause or before a court 3. one present at a transaction so as to be able to testify 4. one who has personal knowledge or experience of something.

A witness as it relates to this subject is someone who doesn't have an allegiance to the individuals who participated in said act. The person who calls the police on the individuals hustling narcotics outside his or her apartment building may be considered a snitch by some but in fact there has been no breach of trust. They would be a witness doing their civic duty.

Based on the three categories, the "gangster type" will believe that all the situations listed above would constitute snitching. The police would consider all the above to be witnessing and any one who doesn't provide information is obstructing justice. For the majority of civilians situations, environment and belief system will more then likely determine whether they would consider themselves to be a witness or a snitch.

W FELONIOUS FASHION

When Skinny Suge initially produced the "Stop Snitchin'" DVD the last thing he was thinking was that it would be the exact instrument Baltimore state prosecutor Patricia Jessamy would need to secure legislation that she'd worked tirelessly for years to get passed into law. "That DVD showed them what is really going on here," she said in a TIME magazine article from February 27, 2006. The article was titled "Looking for a few good snitches," and Jessamy was speaking about the 400 Stop Snitchin' DVDs she reproduced without permission (bootlegged) and passed around to each of the legislators. In 2005 Maryland passed Jessamy's law making witness intimidation in certain cases a felony punishable by up to 20 years' imprisonment.

The law will get its first trial test in March 2006 in a case in which a Baltimore teen who says he witnessed two men shoot a third man last June drew the attention of one of the accused's girlfriends who went to the witness' home (accompanied by her "toddler" according to the TIME Magazine report) and told his father that his son would "get it" for "snitching on my family" TIME Magazine says. Another defendant's brother is reported to have also approached the witness' father in a corner store where he threatened that the man's son would, "be dead before [the trial]".

Both the girlfriend and the brother were charged under Jessamy's new law. In a twist the brother struck a deal with the prosecutors, agreeing to testify against the girlfriend and plead guilty to a lesser charge. In effect becoming the very thing that motivated him so that he would threaten another with death.

Jessamy is still not satisfied with the law though, she wants it amended so that if a witness is killed or merely intimidated into not showing up in court, their story can still be used --even if they had never made a written or sworn statement --by having others testify about what the original witness had said about the case. "As it is now, a defendant knows that if he kills the witness, he kills the case," says Jessamy. On the other end of the spectrum; many defense attorneys argue that the constitutional

right to confront one's accuser in court is too important to discard.

Public defender Elizabeth Julian and other public defenders say that the intimidation threat is over-hyped, that the real reason witnesses don't testify is that the citizens of Baltimore have lost faith in the city's justice system, particularly the city's scandal-racked police force. A search of the precinct that housed the Flex Squad in Baltimore's southwestern district turned up a cache of narcotics and counterfeit DVDs that had no doubt been confiscated from suspects on the street but then stashed away for the officer's own illicit enterprise. Another officer who was part of the Flex Squad was accused of raping a female detainee and then setting her free. These charges came years after the rumors of misconduct. The TIME article states that "police brass" let the unit continue to function because of the department's code of silence (the blue line) which is not much different than the anti snitching doctrine of the streets. "Building trust at a grassroots level would go a long way toward solving these witness issues," says homicide prosecutor Lisa Goldberg. But, prosecutors say, they simply don't have the luxury of waiting for that

bond with the community to develop before trying to convict criminals.

In the absence of trust, sometimes the only solution is to put as much pressure on witnesses as the thugs do.

Conclusively, it seems that prosecutors actually don't have a problem with "witness intimidation" unless it's in opposition to their case. Apparently there's no genuine concern for witness or community safety, let alone "justice", it sort of looks as though the only real concern is winning regardless of who loses.

FYI: Nearly all states have a statute that allows judges to jail material witnesses to major crimes so if you're the victim of an attack or you witness an attack you need to take into consideration

that if you report what you've witnessed but recant for fear of retaliation from the perpetrators, know that you need to fear the prosecutors as well. They do want the conviction, they do know that in many cases when people are privy to a crime it's because they frequent areas where crimes are commonly committed because they themselves are participating in a crime whether it's drug purchasing or the sale of bootleg

"In 2005, Maryland passed Jessamy's law, thus making witness intimidation in certain cases a felony punishable with a maximum prison term of up to 20 years."



DVDs and CDs. If you come forward and then change your mind they may come and get you, hand cuff you and put you in the same jail that the person they want you to testify against is being housed in. How's that for "witness intimidation"?

NO RULES FOR SNITCHES

The Drug Enforcement Administration (DEA) makes extensive use of confidential informants to provide information allowing it to make drug busts, but the agency does a poor job of judging their credibility and documenting the amount of money they are paid, a report from the Justice Department's Office of the Inspector General has concluded.

Inspector General Glenn Fine released a summary of the report on July 17, 2005. The complete report will only be released to the DEA and congressional overseers because it contains "sensitive law enforcement information," the summary said.

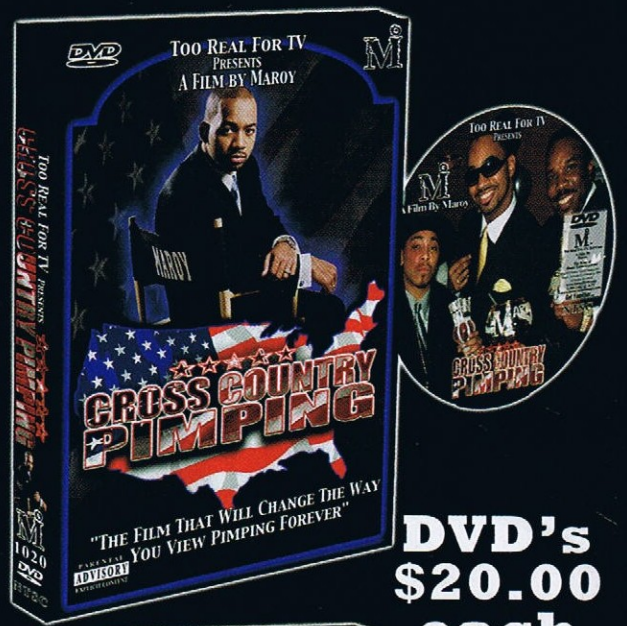
The review of DEA snitch control procedures came about after a series of scandals involving DEA informants earlier this decade. The most well-known of those was Andrew Chambers, the agency's "super-snitch," who netted at least \$2.2 million for rattling out some 400 people. Problem was, he got caught repeatedly perjuring himself, but different DEA agents and US Attorneys continued to use him.

According to the report, the agency has some 4,000 active informants, who are paid -- in some cases very well -- for implicating other people in illicit drug activities. Unlike property crimes or crimes of violence, drug law violations occur between consenting individuals and in most cases no one is filing complaints, so the DEA must ferret out law violators by other methods, such as paying others to inform on them.

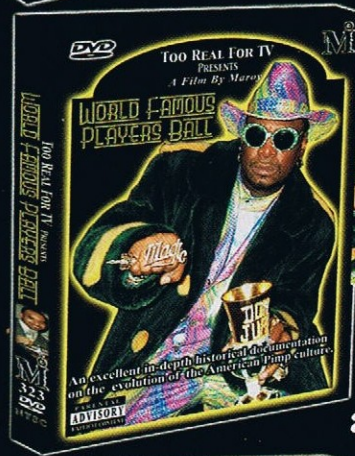
The reliance on paid snitches is a dangerous practice. Confidential sources can be motivated by many factors, including fear, financial gain, avoidance of punishment, wanting to eliminate competition, and revenge. This requires that law enforcement weigh the credibility of a source and balance it out against the information they provide. According to the summary the DEA agency fails to do that and DEA Agents and Supervisors routinely violated regulatory requirements of the agency itself for both initial and on-going assessment of informants credibility.

And then there's the money trail- or lack there of. The Inspector General hoped to find a system that accurately and completely tracked confidential informant payments. He didn't: "We also concluded that the DEA does not have an effective system that accounts for and reconciles all confidential source payments."

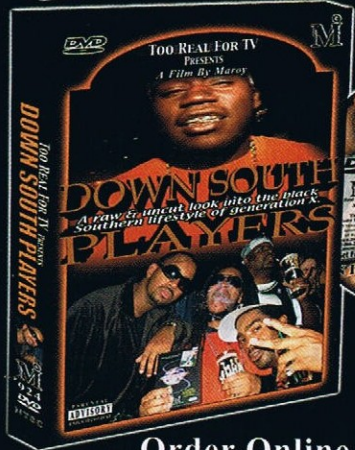
So, let's get this right: The DEA relies on confidential informants to make its cases. But it does not effectively weigh their credibility or keep track of how much money it gives them. Even by its own standards, the agency has earned a failing grade.



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"The main problem with snitches are the secret deals that police and prosecutors make with criminals. Police and prosecutors rely heavily on criminals willing to trade information for leniency"

F SNITCH ENFORCEMENT

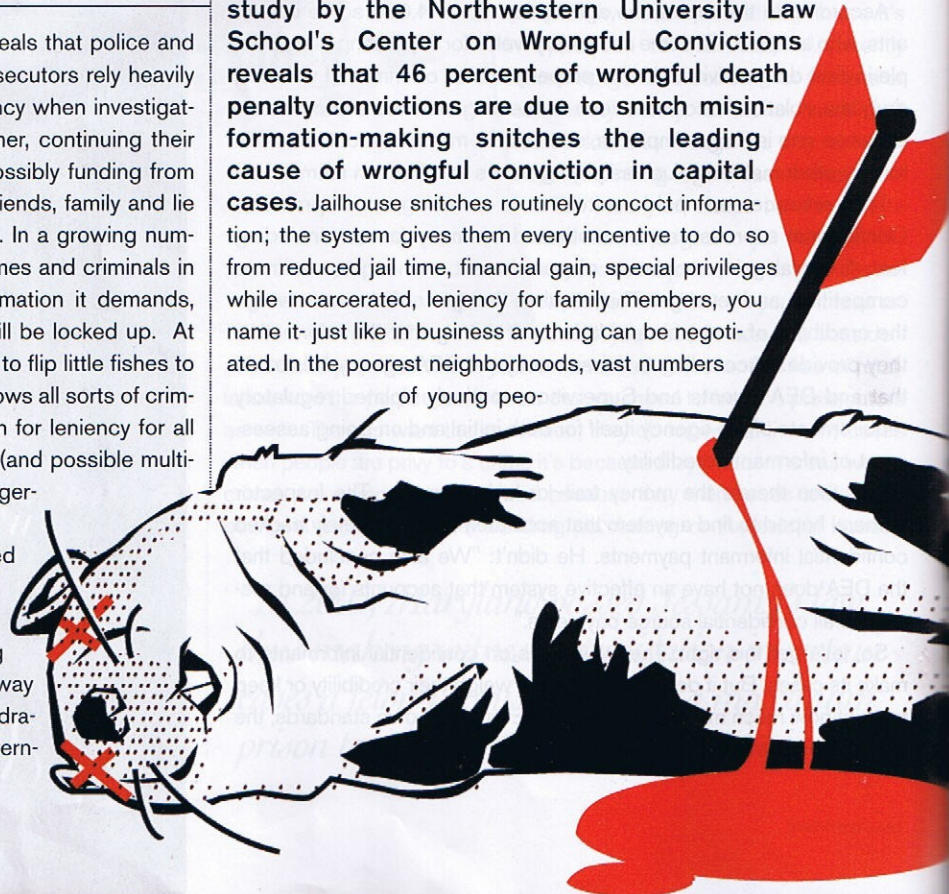
For the last 20 years federal and state governments have been creating criminal snitches and setting them loose in our communities. Snitching is a dangerous public policy that produces inaccurate information, endangers innocent people and lets dangerous criminals go free. These types of snitches are not to be confused with informants that enter the witness protection program and relocate with a new identity. Those types of informants are just as damaging because their criminal activity is also forgiven and many go on to commit other crimes once in the program. However criminal snitches are far more dangerous because many never even get jail time, they are left on the streets in our communities to continue to commit crimes and potentially set-up innocent people.

The main problem with snitches are the secret deals that police and prosecutors make with criminals. Police and prosecutors rely heavily on criminals willing to trade information for leniency when investigating cases. Many snitches avoid jail time altogether, continuing their life of crime- only this time with a license and possibly funding from the government. These people will turn in their friends, family and lie on innocent people to work off their own crimes. In a growing number of public fiascos, snitches actually invent crimes and criminals in order to provide the government with the information it demands, because if they don't provide information they will be locked up. At one time the government used to claim "we have to flip little fishes to get to the big fish." But today, the government allows all sorts of criminals both big and small time to trade information for leniency for all sorts of crimes, ranging from burglary to murder (and possible multiple murders.) Many of the snitches are more dangerous than the target themselves.

The practice of snitching is not only a favored technique by police and prosecutors; legislature has made it popular due to its mandatory minimums sentencing and other harsh sentencing laws. Cooperating in some instances is the only way an individual can gain relief from some of the draconian sentencing guidelines set up by our govern-

ment. Nearly every drug case on the docket involves a snitch. These harsh drug sentences make it very easy to flip someone. Many start talking when the handcuffs first go on. It is easier for law enforcement to flip someone then do his or her job and investigate a case. The snitch is nothing more then a law enforcement pawn. He is set loose in the poorest of neighborhoods (hoods), to do a job that the police don't even want to do. Having the snitch work these areas keeps law enforcement from having to go undercover in neighborhoods they consider to be dangerous or unappealing. And if something happens to the snitch in the course of his work for the government, are they really going to loose any sleep? Remember NO ONE likes a snitch! His life is totally expendable. In today's society you have criminal rats running investigations and controlling prosecutions. There are many crimes that all it requires is snitch testimony whether true or false for you to be convicted.

And while the government's snitching policy has gone mostly unchallenged, it is both damaging to the justice system and socially expensive. **Snitches are famously unreliable: A 2004 study by the Northwestern University Law School's Center on Wrongful Convictions reveals that 46 percent of wrongful death penalty convictions are due to snitch misinformation-making snitches the leading cause of wrongful conviction in capital cases.** Jailhouse snitches routinely concoct information; the system gives them every incentive to do so from reduced jail time, financial gain, special privileges while incarcerated, leniency for family members, you name it- just like in business anything can be negotiated. In the poorest neighborhoods, vast numbers of young peo-



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ple are in contact with the criminal-justice system. Nearly every family contains someone who is incarcerated, under supervision, or has a criminal record. In these communities, the law-enforcement policy of pressuring everyone to snitch can have the devastating effect of tearing families and social networks apart. After cooperating with police, on their co-defendants/ friends, many of these snitches are released right back into the same community to have to face the destruction he has caused. Creating a violent situation not only for himself but also for his family that may or may not know of his activities and the fact that their lives are in danger. Snitching undermines our communities by setting criminals loose, creating distrust, and compromising police integrity while further assisting in the genocide of poor minorities.

While snitching will never be abolished, the practice could be substantially improved, mostly by lifting the veil of secrecy that shields law-enforcement practices from public scrutiny. As things stand, police and prosecutors can cut a deal with a criminal; turn him into a snitch or cut him loose; forgive his crimes or resurrect them later; release him into the community; or decide to pick him up. They do all this at their discretion, without legal rules, in complete secrecy with no judicial or public accountability. As a result, we have no idea whether snitching even reduces crime or actually increases it.

The government reveals data on just about anything but what they need to tell the public is:

- * How many snitches are released into high-crime neighborhoods?
- * What sorts of snitch crimes are over-looked?
- * They also need to quantify how much crime actually gets stopped or solved by snitch information.
- * How many of their informants go on to commit or promote other crimes?

Then we as a society can decide just how beneficial or detrimental snitch enforcement is.

WITNESS PROTECTION OR SOCIETY'S PROTECTION AGAINST WITNESSES

The federal witness protection program has granted new identities to more than 17,000 people since the programs inception in 1970. The Bush administration projects that there will be nearly 18,000 people in the program by September 2006.

Created during the government's 1960s campaign against the Mafia, and high profile snitches, the program has been immortalized in scores of gangster movies. Its clients included snitches like Sammy (The Bull) Gravano, the hit man whose testimony helped bring down John Gotti. The '80s and '90s were filled with witnesses from drug-cartel cases. These days, increasing numbers of witnesses and participants in street-gang crimes are seeking protection. "Suddenly we were seeing a kind of defendant that we hadn't seen before," says a former federal prosecutor. Witness protection is offered to people who can provide key testimony and whose safety could be jeopardized because of their cooperation with prosecutors. The conviction rate in cases where these witnesses have testified is 89%.

Witness families are paid an average of \$60,000 a year until they get jobs in their new communities. The Marshals Service helps them find housing, work and schools for the kids and taps into a secure national network of doctors and other professionals to provide various services. They help witnesses obtain new social security numbers, open bank accounts and find a church, synagogue or mosque. After the witness gets established, contact with the government is required only once a year unless there is some change, such as a new address.

What is most often overlooked is the fact that many of these witnesses are often criminals themselves. The government is under no obligation to inform the witnesses' new neighbors of their criminal history and as Sammy the bull- just to name one -has made perfectly clear; just because you enter the witness protection program does not mean you will not commit further crimes. The secrecy and anonymity that these witnesses/criminals move under is a direct danger to all that they come in contact with in their new life. The argument can be made that no one really knows who their neighbors are but not every one has a neighbor that is a criminal being funded by the US government.

While the US Marshals service boasts that no one who followed the rules has been killed or harmed while in the witness protection program, there are many that do not follow the rules. In fact the US Marshals report on their website that approximately 17% of protected witnesses with criminal past have been charged with new crimes. The percentage could actually be much higher.

Victims of crimes committed by protected witnesses can be compensated for certain crimes as part of the Victims Compensation Fund, as provided by U.S. Code Title 18, Section 3525. The fund is administered by the Office of Enforcement Operations (OEO) and covers expenses for medical and/or funeral costs and lost wages. It must be a great consultation to the victims' family to know that the government not only pays to move the witness/criminals into your neighborhood, they will pay for your funeral if you are killed by one of these individuals.

DEATH BEFORE DISHONOR

The reality is that certain people subscribe to the ideology of death before dishonor- kill or be killed. This mentality is one of the factors that brought Don Diva Magazine into existence. It is only right that these individuals who chose to do their time rather than snitch have their say. Regardless of how society views these individuals they are entitled to have their voice heard.

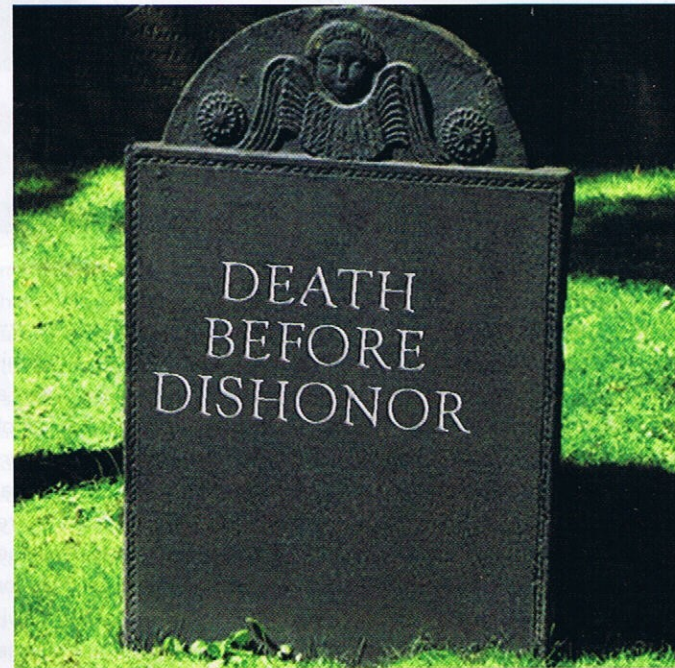
While the government continues to deny these men a voice and continually allows journalist and documentary makers access to rats that are in the witness protection program to further their cooperation propaganda- **Don Diva Magazine** has always been and will continue to be the voice of the unheard

Every man in that situation is given the same two options- to tell or not to tell and as rampant as snitching appears to be the penitentiary are filled with individuals who chose the harder of the two- not to snitch.

You have to commend any man who is as principled as these individuals- right or wrong. They took a position and maintained it when faced with adversity- even as severe as LIFE in prison or being sentenced to DEATH. There are three realities to this lifestyle- freedom, jail or death and the odds are negatively stacked against the participants of this life. But it is something that is accepted even before entering this lifestyle. Everyone loves it when it is good- the money, power and respect- those that snitch fail to prepare themselves mentally or refuse to accept the darker side of this life. Maintaining your honor and accepting the good with the bad completes this picture just as the opposite erases all the glory and respect that was once due from this lifestyle. Those who accept this lifestyle and then betrayed it are cowards and not to be looked up to as honorable. No snitch can ever be honorable.

Over the past six years we have done stories on several individuals who have subscribed to this lifestyle and held steadfast to their principles and ideology:

- | | |
|---|---------------------------------------|
| Akbar Pray- Newark NJ | 1st & Kennedy Crew- Washington, DC |
| Aaron Jones, JBM- Philadelphia PA | Willie Lloyd- Vice Lords, Chicago, IL |
| George Rivera, "Boy George"- Bronx, NY | The Chambers Brothers- Detroit, |
| The Eport Posse- Elizabeth, NJ | Butch Jones-YBI-Detroit, MI |
| Peter "pistol" Rollack, | Corey Moore- Washington, DC |
| Sex, Money, Murder- Bronx, NY | Kevin Chiles- NY, NY |
| John Cuff, Preacher Crew- NY, NY | Melvin Williams- Baltimore, MD |
| Eric Bozeman- California | Flukey Stokes- Chicago, IL |
| Isaac Wright- NJ | The Supreme Team- Queens, NY |
| Anthony Jones - Baltimore, MD | Irv and Chris Gotti- NY, NY |
| Darnell Jones- Baltimore, MD | Special acknowledgement to: |
| Calvin Bacote- Brooklyn, NJ | Pee Wee Kirkland |
| Larry Hoover, Gangster Disciples- Chicago, IL | Jesse Grey |
| Luis Felipe- Latin Kings, Chicago, IL | Guy Fisher |
| Keith Gaffney- Washington, DC | Lou Simms |
| Kareem and Kobi Mowat, | NY Freddie Myers |
| | Ronnie Bump |



There are countless others that are deserving of acknowledgement. These individuals have shared with Don Diva Magazine their lives to help us try and make a change in our communities. There are more people than not that will walk in their same path. Unfortunately our communities are designed so that our children seek immediate gratification out of necessity to survive.

Hustling or street life will always be an attractive allure to our children due to their lack of role models or an understanding of a better way. They can relate with these hustlers because they are products of the same environment as those that preceded them. For every one doctor or lawyer, the ghetto spawns 100 hustlers of some sort.

Our children are becoming more ignorant and naive to the pitfalls of the streets. Without a better understanding and awareness the situation will become more dire. What will systematically occur from this fallout is a self-destructing society- that will ultimately create more hustlers, more snitches, and more minority on minority violence.

As warped as the thought may seem, as a society we probably need to ask ourself the harsh question- Who would you rather have as your neighbor one these men like a "John Gotti," who stands on their principles based on their character and integrity or one of these individuals like a "Sammy the Bull" who has no honor or loyalty for anything or anyone and will save his own ass at the expense of the next man or woman.

Now that is the \$64,000 question!

If you have any comments or feedback on this topic please send them to us at:
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