

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

CRIMINAL NO.  
08-10071-RGS

UNITED STATES OF AMERICA

v.

BRIMA WURIE

**MEMORANDUM OF DECISION AND ORDER  
ON GOVERNMENT'S MOTION FOR DETENTION**

September 15, 2023

DEIN, U.S.M.J.

**I. DETENTION REQUEST**

The defendant, Brima Wurie, has been on supervised release since September 2019 following his conviction for distribution of cocaine base and distribution of cocaine base within 1000 feet of a school, in violation of 21 U.S.C. § 841(a)(1). On or about November 25, 2022, the defendant was arrested by the Boston Police Department on charges relating to a fight which had broken out at a liquor store. He was convicted of assault and battery with a dangerous weapon on August 15, 2023 in state court, and sentenced to 9 months incarceration to be followed by two years of probation. Following the completion of his state period of incarceration, the defendant was brought before this court for violating his conditions of supervised release. The government moved for detention both on the grounds that the defendant is a danger to the community and poses a serious risk of flight. “The burden of establishing by clear and convincing evidence that the person will not flee or pose a danger to

any other person or to the community rests with the person” being charged, *i.e.*, the defendant. See Fed. R. Crim. P. 32.1(a)(6).

A detention hearing was held on December 8, 2023, at which time the defendant was represented by counsel. The parties agreed to proceed by proffer, and introduced a number of exhibits. Following the hearing, the defendant requested additional time to review some newly produced exhibits, which the court allowed. Briefing was completed on September 14, 2023. The defendant submitted a “Memorandum Responding to Government’s Motion for Detention” along with some exhibits and the government filed its “Reply to the Defendant’s Response to the Government’s Motion for Detention.” After careful consideration of the evidence and arguments of counsel, the court finds that the defendant has not met his burden of proving by clear and convincing evidence that he will not pose a danger to the community. Therefore, the defendant is ordered detained pending a final revocation hearing before the District Judge.

## **II. ANALYSIS**

The defendant’s arrest and conviction arose out of an incident at a liquor store, which was clearly captured on store video. The defendant was there with his brother, and appeared to be intoxicated. His brother was engaged in a verbal altercation with an off-duty police officer. The defendant, who was not standing next to his brother, jumped into the situation and started physically assaulting the victim, who eventually fell. The victim was able to draw his gun and eject the magazine so it was not loaded. The defendant grabbed the gun. While he claims he was concerned about being shot, the video shows that the defendant was pulled away from the altercation, then broke away from those restraining him and attacked the victim

again, this time striking him in the head with the butt of the gun. Since the defendant was holding the firearm at this point, the defendant was clearly not concerned about being shot. The defendant was eventually pulled away from the melee and he left the store with the gun. The gun has not been recovered.

Unfortunately, this latest conviction for assault and battery with a dangerous weapon was the third time that he had been convicted of this felony offense in Massachusetts. He was convicted of five violent offenses during the period from late 1996 to 2000. One case involved stabbing another person in the head, one involved an incident where he was driving a car fleeing from police when he struck an officer. Police shot at the car, and a passenger in the car was killed. The defendant was sentenced to 3 years for that offense. His record contains a number of firearm related offenses.

At the detention hearing the government put in evidence of an incident in April 2022 between the defendant and his 15 year-old-daughter. Apparently she was being disciplined for misbehaving, and reported to the police that the defendant had choked and punched her in the mouth. The police observed the daughter to have a bloody and swollen upper lip. The charges were eventually dropped due to lack of cooperation. While DCF investigated the incident and found no reason to pursue charges, there seems to be no dispute that the altercation occurred.

The government also put in evidence of an incident earlier in November 2022 where police were called to a restaurant in Boston. A waitress reported that the defendant had grabbed her on her thigh, and after he was asked to leave he responded by shouting and causing a scene. He further threatened to come back and “shoot the place up” and yelled that he was a member of a gang. The incident was captured on video.

