

AF Approval nmh

Chief Approval kmh

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

FILED

11/22/2016

Date _____ Time _____
CLERK, U.S. DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO, FLORIDA

UNITED STATES OF AMERICA

v.

CASE NO. 6:16-cr-232-AM-22TBS

JAMES DELLAFIELD, JR.
a/k/a "Buster"

PLEA AGREEMENT

Pursuant to Fed. R. Crim. P. 11(c), the United States of America, by A. Lee Bentley, III, United States Attorney for the Middle District of Florida, and the defendant, JAMES DELLAFIELD, JR., a/k/a "Buster," and the attorney for the defendant, Debra Ferwerda, Esq., mutually agree as follows:

A. Particularized Terms

1. Counts Pleading To

The defendant shall enter a plea of guilty to Counts One and Two of the Information. Count One charges the defendant with conspiracy to distribute and to possess with intent to distribute, a controlled substance, in violation of 21 U.S.C. § 846. Count Two charges the defendant with possession of a firearm by a convicted felon, in violation of 18 U.S.C. § 922(g).

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2. Minimum and Maximum Penalties

Count One is punishable by a mandatory minimum term of imprisonment of five years, a maximum term of imprisonment of 40 years, a maximum fine of \$5,000,000, a term of supervised release of at least four years, up to life, and a special assessment of \$100 per felony count for individuals.

Count Two carries a maximum sentence of 10 years of imprisonment, a maximum fine of \$250,000, a term of supervised release of not more than three years, and a special assessment of \$100 per felony count for individuals.

With respect to certain offenses, the Court shall order the defendant to make restitution to any victim of the offense, and with respect to other offenses, the Court may order the defendant to make restitution to any victim of the offenses, or to the community, as set forth below.

3. Apprendi v. New Jersey

Under Apprendi v. New Jersey, 530 U.S. 466 (2000), a maximum sentence of 40 years, and under Alleyne v. United States, 570 U.S. 1 (2013), a mandatory minimum sentence of five years may be imposed because the following facts have been admitted by the defendant and are

established by this plea of guilty: the offense involved 100 grams or more of a mixture or substance containing a detectable amount of heroin.

4. Elements of the Offenses

The defendant acknowledges understanding the nature and elements of the offenses with which defendant has been charged and to which defendant is pleading guilty. The elements of Counts One and Two are:

Count One:

First: Two or more people in some way agreed to try to accomplish a shared and unlawful plan to distribute, or to possess with intent to distribute, heroin;

Second: The Defendant knew the unlawful purpose of the plan and willfully joined in it; and

Third: The object of the unlawful plan was to distribute, or to possess with the intent to distribute, 100 grams or more of a mixture or substance containing a detectable amount of heroin.

Count Two:

First: The Defendant knowingly possessed a firearm or ammunition in or affecting interstate commerce; and

Second: Before possessing the firearm or ammunition, the Defendant had been convicted of a felony – a crime punishable by imprisonment for more than one year.

5. Indictment Waiver

Defendant will waive the right to be charged by way of indictment before a federal grand jury.

6. No Further Charges

If the Court accepts this plea agreement, the United States Attorney's Office for the Middle District of Florida agrees not to charge defendant with committing any other federal criminal offenses known to the United States Attorney's Office at the time of the execution of this agreement, related to the conduct giving rise to this plea agreement.

7. Guidelines Sentence

Pursuant to Fed. R. Crim. P. 11(c)(1)(B), the United States will recommend to the Court that the defendant be sentenced within the defendant's applicable guidelines range as determined by the Court pursuant to the United States Sentencing Guidelines, as adjusted by any departure the United States has agreed to recommend in this plea agreement. The parties understand that such a recommendation is not binding on the Court and that, if it is not accepted by this Court, neither the United States nor the defendant will be allowed to withdraw from the plea agreement, and the defendant will not be allowed to withdraw from the plea of guilty.

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8. Acceptance of Responsibility - Three Levels

At the time of sentencing, and in the event that no adverse information is received suggesting such a recommendation to be unwarranted, the United States will recommend to the Court that the defendant receive a two-level downward adjustment for acceptance of responsibility, pursuant to USSG §3E1.1(a). The defendant understands that this recommendation or request is not binding on the Court, and if not accepted by the Court, the defendant will not be allowed to withdraw from the plea.

Further, at the time of sentencing, if the defendant's offense level prior to operation of subsection (a) is level 16 or greater, and if the defendant complies with the provisions of USSG §3E1.1(b) and all terms of this Plea Agreement, including but not limited to, the timely submission of the financial affidavit referenced in Paragraph B.5., the United States agrees to file a motion pursuant to USSG §3E1.1(b) for a downward adjustment of one additional level. The defendant understands that the determination as to whether the defendant has qualified for a downward adjustment of a third level for acceptance of responsibility rests solely with the United States Attorney for the Middle District of Florida, and the defendant agrees that the defendant cannot and will not challenge that determination, whether by appeal, collateral attack, or otherwise.

9. Forfeiture of Assets

The defendant agrees to forfeit to the United States immediately and voluntarily any and all assets and property, or portions thereof, subject to forfeiture, pursuant to 18 U.S.C. § 924(d), 28 U.S.C. § 2461(c), and 21 U.S.C. §§ 853(a)(1) and (2), whether in the possession or control of the United States, the defendant or defendant's nominees.

The assets to be forfeited specifically include, but are not limited to, the following: one Ruger firearm, 49 rounds of ammunition, one Samsung Galaxy S7 Edge, five flip-style LG cellular telephones, one Alcatel One Touch cellular telephone, and approximately \$4,396.00 in United States currency, which assets facilitated the commission of the charged offense.

The defendant agrees and consents to the forfeiture of these assets pursuant to any federal criminal, civil judicial or administrative forfeiture action. The defendant also agrees to waive all constitutional, statutory and procedural challenges (including direct appeal, habeas corpus, or any other means) to any forfeiture carried out in accordance with this Plea Agreement on any grounds, including that the forfeiture described herein constitutes an excessive fine, was not properly noticed in the charging instrument, addressed by the Court at the time of the guilty plea, announced at sentencing, or incorporated into the judgment.

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The defendant admits and agrees that the conduct described in the Factual Basis below provides a sufficient factual and statutory basis for the forfeiture of the property sought by the government. Pursuant to Rule 32.2(b)(4), the defendant agrees that the preliminary order of forfeiture will satisfy the notice requirement and will be final as to the defendant at the time it is entered. In the event the forfeiture is omitted from the judgment, the defendant agrees that the forfeiture order may be incorporated into the written judgment at any time pursuant to Rule 36.

The defendant agrees to take all steps necessary to identify and locate all property subject to forfeiture and to transfer custody of such property to the United States before the defendant's sentencing. The defendant agrees to be interviewed by the government, prior to and after sentencing, regarding such assets and their connection to criminal conduct. The defendant further agrees to be polygraphed on the issue of assets, if it is deemed necessary by the United States. The defendant agrees that Federal Rule of Criminal Procedure 11 and USSG § 1B1.8 will not protect from forfeiture assets disclosed by the defendant as part of the defendant's cooperation.

The defendant agrees to take all steps necessary to assist the government in obtaining clear title to the forfeitable assets before the defendant's sentencing. In addition to providing full and complete information

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about forfeitable assets, these steps include, but are not limited to, the surrender of title, the signing of a consent decree of forfeiture, and signing of any other documents necessary to effectuate such transfers. To that end, the defendant agrees to make a full and complete disclosure of all assets over which defendant exercises control directly or indirectly, including all assets held by nominees, to execute any documents requested by the United States to obtain from any other parties by lawful means any records of assets owned by the defendant, and to consent to the release of the defendant's tax returns for the previous five years. The defendant agrees to be interviewed by the government, prior to and after sentencing, regarding such assets and their connection to criminal conduct.

The defendant agrees that the United States is not limited to forfeiture of the property specifically identified for forfeiture in this Plea Agreement. If the United States determines that property of the defendant identified for forfeiture cannot be located upon the exercise of due diligence; has been transferred or sold to, or deposited with, a third party; has been placed beyond the jurisdiction of the Court; has been substantially diminished in value; or has been commingled with other property which cannot be divided without difficulty; then the United States shall, at its option, be entitled to forfeiture of any other property (substitute assets) of the defendant up to the value of any property described above. The Defendant expressly

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consents to the forfeiture of any substitute assets sought by the Government. The defendant agrees that forfeiture of substitute assets as authorized herein shall not be deemed an alteration of the defendant's sentence.

Forfeiture of the defendant's assets shall not be treated as satisfaction of any fine, restitution, cost of imprisonment, or any other penalty the Court may impose upon the defendant in addition to forfeiture.

The defendant agrees that, in the event the Court determines that the defendant has breached this section of the Plea Agreement, the defendant may be found ineligible for a reduction in the Guidelines calculation for acceptance of responsibility and substantial assistance, and may be eligible for an obstruction of justice enhancement.

The defendant agrees that the forfeiture provisions of this plea agreement are intended to, and will, survive the defendant, notwithstanding the abatement of any underlying criminal conviction after the execution of this agreement. The forfeitability of any particular property pursuant to this agreement shall be determined as if the defendant had survived, and that determination shall be binding upon defendant's heirs, successors and assigns until the agreed forfeiture, including any agreed money judgment amount, is collected in full.

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B. Standard Terms and Conditions

1. Restitution, Special Assessment and Fine

The defendant understands and agrees that the Court, in addition to or in lieu of any other penalty, shall order the defendant to make restitution to any victim of the offenses, pursuant to 18 U.S.C. § 3663A, for all offenses described in 18 U.S.C. § 3663A(c)(1); and the Court may order the defendant to make restitution to any victim of the offenses, pursuant to 18 U.S.C. § 3663, including restitution as to all counts charged, whether or not the defendant enters a plea of guilty to such counts, and whether or not such counts are dismissed pursuant to this agreement. The defendant further understands that compliance with any restitution payment plan imposed by the Court in no way precludes the United States from simultaneously pursuing other statutory remedies for collecting restitution (18 U.S.C. § 3003(b)(2)), including, but not limited to, garnishment and execution, pursuant to the Mandatory Victims Restitution Act, in order to ensure that the defendant's restitution obligation is satisfied.

On each count to which a plea of guilty is entered, the Court shall impose a special assessment pursuant to 18 U.S.C. § 3013. The special assessment is due on the date of sentencing.

The defendant understands that this agreement imposes no limitation as to fine.

2. Supervised Release

The defendant understands that the offenses to which the defendant is pleading provides for imposition of a term of supervised release upon release from imprisonment, and that, if the defendant should violate the conditions of release, the defendant would be subject to a further term of imprisonment.

3. Immigration Consequences of Pleading Guilty

The defendant has been advised and understands that, upon conviction, a defendant who is not a United States citizen may be removed from the United States, denied citizenship, and denied admission to the United States in the future.

4. Sentencing Information

The United States reserves its right and obligation to report to the Court and the United States Probation Office all information concerning the background, character, and conduct of the defendant, to provide relevant factual information, including the totality of the defendant's criminal activities, if any, not limited to the counts to which defendant pleads, to respond to comments made by the defendant or defendant's counsel, and to correct any

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misstatements or inaccuracies. The United States further reserves its right to make any recommendations it deems appropriate regarding the disposition of this case, subject to any limitations set forth herein, if any.

5. Financial Disclosures

Pursuant to 18 U.S.C. § 3664(d)(3) and Fed. R. Crim. P. 32(d)(2)(A)(ii), the defendant agrees to complete and submit to the United States Attorney's Office within 30 days of execution of this agreement an affidavit reflecting the defendant's financial condition. The defendant promises that his financial statement and disclosures will be complete, accurate and truthful and will include all assets in which he has any interest or over which the defendant exercises control, directly or indirectly, including those held by a spouse, dependent, nominee or other third party. The defendant further agrees to execute any documents requested by the United States needed to obtain from any third parties any records of assets owned by the defendant, directly or through a nominee, and, by the execution of this Plea Agreement, consents to the release of the defendant's tax returns for the previous five years. The defendant similarly agrees and authorizes the United States Attorney's Office to provide to, and obtain from, the United States Probation Office, the financial affidavit, any of the defendant's federal, state, and local tax returns, bank records and any other financial information

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concerning the defendant, for the purpose of making any recommendations to the Court and for collecting any assessments, fines, restitution, or forfeiture ordered by the Court. The defendant expressly authorizes the United States Attorney's Office to obtain current credit reports in order to evaluate the defendant's ability to satisfy any financial obligation imposed by the Court.

6. Sentencing Recommendations

It is understood by the parties that the Court is neither a party to nor bound by this agreement. The Court may accept or reject the agreement, or defer a decision until it has had an opportunity to consider the presentence report prepared by the United States Probation Office. The defendant understands and acknowledges that, although the parties are permitted to make recommendations and present arguments to the Court, the sentence will be determined solely by the Court, with the assistance of the United States Probation Office. Defendant further understands and acknowledges that any discussions between defendant or defendant's attorney and the attorney or other agents for the government regarding any recommendations by the government are not binding on the Court and that, should any recommendations be rejected, defendant will not be permitted to withdraw defendant's plea pursuant to this plea agreement. The government expressly reserves the right to support and defend any decision that the Court may make

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with regard to the defendant's sentence, whether or not such decision is consistent with the government's recommendations contained herein.

7. Defendant's Waiver of Right to Appeal the Sentence

The defendant agrees that this Court has jurisdiction and authority to impose any sentence up to the statutory maximum and expressly waives the right to appeal defendant's sentence on any ground, including the ground that the Court erred in determining the applicable guidelines range pursuant to the United States Sentencing Guidelines, except (a) the ground that the sentence exceeds the defendant's applicable guidelines range as determined by the Court pursuant to the United States Sentencing Guidelines; (b) the ground that the sentence exceeds the statutory maximum penalty; or (c) the ground that the sentence violates the Eighth Amendment to the Constitution; provided, however, that if the government exercises its right to appeal the sentence imposed, as authorized by 18 U.S.C. § 3742(b), then the defendant is released from his waiver and may appeal the sentence as authorized by 18 U.S.C. § 3742(a).

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8. Middle District of Florida Agreement

It is further understood that this agreement is limited to the Office of the United States Attorney for the Middle District of Florida and cannot bind other federal, state, or local prosecuting authorities, although this office will bring defendant's cooperation, if any, to the attention of other prosecuting officers or others, if requested.

9. Filing of Agreement

This agreement shall be presented to the Court, in open court or in camera, in whole or in part, upon a showing of good cause, and filed in this cause, at the time of defendant's entry of a plea of guilty pursuant hereto.

10. Voluntariness

The defendant acknowledges that defendant is entering into this agreement and is pleading guilty freely and voluntarily without reliance upon any discussions between the attorney for the government and the defendant and defendant's attorney and without promise of benefit of any kind (other than the concessions contained herein), and without threats, force, intimidation, or coercion of any kind. The defendant further acknowledges defendant's understanding of the nature of the offense or offenses to which defendant is pleading guilty and the elements thereof, including the penalties provided by law, and defendant's complete satisfaction with the representation

and advice received from defendant's undersigned counsel (if any). The defendant also understands that defendant has the right to plead not guilty or to persist in that plea if it has already been made, and that defendant has the right to be tried by a jury with the assistance of counsel, the right to confront and cross-examine the witnesses against defendant, the right against compulsory self-incrimination, and the right to compulsory process for the attendance of witnesses to testify in defendant's defense; but, by pleading guilty, defendant waives or gives up those rights and there will be no trial. The defendant further understands that if defendant pleads guilty, the Court may ask defendant questions about the offense or offenses to which defendant pleaded, and if defendant answers those questions under oath, on the record, and in the presence of counsel (if any), defendant's answers may later be used against defendant in a prosecution for perjury or false statement. The defendant also understands that defendant will be adjudicated guilty of the offenses to which defendant has pleaded and, if any of such offenses are felonies, may thereby be deprived of certain rights, such as the right to vote, to hold public office, to serve on a jury, or to have possession of firearms.

11. Factual Basis

Defendant is pleading guilty because defendant is in fact guilty. The defendant certifies that defendant does hereby admit that the facts set

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forth in the attached "Factual Basis," which is incorporated herein by reference, are true, and were this case to go to trial, the United States would be able to prove those specific facts and others beyond a reasonable doubt.

12. Entire Agreement

This plea agreement constitutes the entire agreement between the government and the defendant with respect to the aforementioned guilty plea and no other promises, agreements, or representations exist or have been made to the defendant or defendant's attorney with regard to such guilty plea.

13. Certification

The defendant and defendant's counsel certify that this plea agreement has been read in its entirety by (or has been read to) the defendant and that defendant fully understands its terms.

DATED this 21 day of November, 2016.


A. LEE BENTLEY, III
United States Attorney



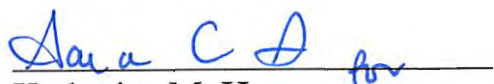
Embry J. Kidd
Assistant United States Attorney



JAMES DELLAFIELD, JR.
Defendant



Debra Ferwerda, Esq.
Attorney for Defendant



Katherine M. Ho
Assistant United States Attorney
Chief, Orlando Division

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UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
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UNITED STATES OF AMERICA

v.

CASE NO. 6:16-cr-

JAMES DELLAFIELD, JR.
a/k/a "Buster"

PERSONALIZATION OF ELEMENTS

Count One:

First: Did two or more people in some way agree to try to accomplish a shared and unlawful plan to distribute, or to possess with intent to distribute, heroin?

Second: Did you know the unlawful purpose of the plan and willfully join in it?

Third: Was the object of the unlawful plan to distribute, or to possess with the intent to distribute, 100 grams or more of a mixture or substance containing a detectable amount of heroin?

Count Two:

First: Did you knowingly possess a firearm or ammunition in or affecting interstate commerce; and

Second: Before possessing the firearm or ammunition, had you been convicted of a felony – a crime punishable by imprisonment for more than one year?

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UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
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FACTUAL BASIS

Beginning on an unknown date, but not later than on or about February 4, 2016, and continuing through on or about October 26, 2016, in the Middle District of Florida, the defendant, **JAMES DELLAFIELD, JR.**, did knowingly, willfully, and intentionally conspire with other persons, both known and unknown to the United States, to distribute and to possess with intent to distribute a controlled substance, which violation involved 100 grams or more of a mixture and substance containing a detectable amount of heroin, a Schedule I controlled substance, and is therefore punished under 21 U.S.C. § 841(b)(1)(B).

Additionally, on or about October 27, 2016, in the Middle District of Florida, the defendant, **DELLAFIELD**, having been previously convicted in any court of a crime punishable by imprisonment for a term exceeding one year, including:

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1. Possession of a controlled substance, on or about October 22, 2012,

did knowingly possess, in and affecting interstate commerce, a firearm and ammunition, that is, a Ruger firearm and ammunition.

More specifically:

Excerpts from Pertinent Interceptions of Wire Communications

On August 31, 2016, at approximately 11:57 p.m., Beth Farber made an outgoing call on a telephone bearing call number (XXX) XXX-6116 (“Target Telephone-2”) to Freddrick Dorr (“Rock”), who was using a cellular telephone bearing call number XXX-XXX-1058. During the conversation, Dorr stated, “[Unintelligible] no he ain’t responded or nothing. Last time he had left his phone though . . . left the phone, not the phone I contact him on you know so.” Farber replied, “You did like relay a message through that you know what I’m saying. That I’m . . . I’m . . . waiting on him right like he knows?” Dorr stated, “When I put my word in there, my number, when I put what I’m supposed to say in there, he knows to get here quick.” Dorr continued, “I done missed 9I.” Farber stated, “I gots my peep, I got people here that shit’s been consistent for some months now I got people that really fuck . . . that are really fucked up on that shit, ya know.” Dorr replied, “Right, I got Buster over here with me if you wanna grab a little something from him

though.” Later in the conversation Farber stated, “Um but anyways what I was going to say but when you do hit nigga up I need I need um I need the the 10 and then the 14 too.” In this conversation Dorr explained that had not heard back from Farber’s narcotics supplier, UCC1. Dorr said that UCC1 uses multiple cell phones and Dorr contacts UCC1 on only one of the numbers. Dorr explained that UCC1 responds to his orders quickly, and because he is out of town, Dorr had missed “9I” worth of narcotics transactions. Dorr asked Farber if she would like to purchase drugs from a different supplier, “**BUSTER**” (**DELLAFIELD**), who was with him at the time of the conversation. Farber replied that when Dorr heard from UCC1 she wanted an order of “10” and “14,” which meant 10 grams of heroin and 14 grams of cocaine.

On September 5, 2016, at approximately 2:34 p.m., Farber made an outgoing call on Target Telephone-2 to **DELLAFIELD**, who was using a cellular telephone bearing call number XXX-XXX-0459. During the conversation, Farber asked, “You around?” **DELLAFIELD** said that he was and asked, “What you looking for?” Farber replied, “I just need a couple of them, like I don’t know.” **DELLAFIELD** asked, “Couple what?” Farber replied, “You know, I don’t know. The fucking halves I guess. Your PR still the same?” **DELLAFIELD** stated, “What I told you last time.” Later in the

conversation, **DELLAFIELD** asked, "How much you trying to get right now?" Farber replied, "I really need two, two, like two, two g's."

DELLAFIELD said, "I can do two of them for two fifty." Farber replied, "Alright. I'll, I'll do it." **DELLAFIELD** then instructed Farber to "walk over there to [a restaurant] right now." In this conversation, Farber called **DELLAFIELD** to order two grams of heroin. **DELLAFIELD** said that he would sell Farber two grams for two hundred and fifty dollars.

At approximately 2:37 p.m., Farber drove to the restaurant in Orlando, Florida, specified by **DELLAFIELD**. At approximately 2:55 p.m., **DELLAFIELD** arrived driving a blue Hyundai car bearing Florida tag BNZZ79, and he parked directly next to Farber. Farber then exited her vehicle, made contact with **DELLAFIELD**, and engaged in a hand-to-hand transaction with **DELLAFIELD** through the passenger-side window of the Hyundai. Immediately following the transaction, Farber returned to her vehicle and traveled to the hotel where she and Danny Hampton resided. Immediately following the transaction, **DELLAFIELD** also left the area.

On September 7, 2016, at approximately 4:52 p.m., Farber received an incoming call on Target Telephone-2 from **DELLAFIELD**, who was using a cellular telephone bearing call number XXX-XXX-0459. During the conversation, **DELLAFIELD** asked, "Where you at, girl?" Farber replied,

“I’m over here by the same place you saw me before.” Farber continued, “I’m on foot Buster. . . . I could walk, I could walk across the road to [a restaurant] if you want me to.” **DELLAFIELD** replied, “Uh, no, no, no, no. Just go to [another restaurant].” Farber replied, “Alright, uh, like, when? Now? Five minutes? Ten minutes?” **DELLAFIELD** said, “Go ahead and go now.” In this conversation, **DELLAFIELD** contacted Farber to tell her that he was ready to meet her for a drug transaction and that he then directed her to the location where the transaction would occur.

On September 7, 2016, at approximately 7:41 p.m., Farber received an incoming call on Target Telephone-2, from Dorr, who was using a cellular telephone bearing call number XXX-XXX-3210. During the conversation, Dorr stated, “Come downstairs right now.” Farber replied, “Alright, I’m coming.” Dorr said, “Right now, they, they, I’m in a white Tracker. They picking you up.” Farber responded, “Alright. I’m coming right now.”

At approximately 7:44 p.m., a white Nissan Xterra bearing Florida tag GSVX80 arrived in the parking lot of Farber’s hotel. At approximately 7:48 p.m., the Nissan left the parking lot and traveled to the location previously identified. Once at the residence, the Nissan remained for approximately eight minutes, then left and returned to Farber’s hotel, where she exited the vehicle.

At approximately 8:17 p.m., Farber received an incoming call on Target Telephone-2 from a male who was using a cellular telephone bearing call number XXX-XXX-5375. During the conversation, the male asked, "Hey, you got it on you?" Farber replied, "Yeah . . . I have it. . . . I told you I'd call you as soon as I, it got in my hand. It just hit my hand." The male replied, "Nice. Okay. I'm coming up there right now."

At approximately 8:23 p.m., Farber received another incoming call on Target Telephone-2 from the male who was using a cellular telephone bearing call number XXX-XXX-5375. During the conversation, the male said, "Hey, I'm here." Farber replied, "Alright, um, you just wanted one right now?" The male replied, "Yup." Farber stated, "Alright, give me a second. I'll be right down."

At approximately 8:26 p.m., a white Ford Fusion bearing Michigan tag 3HUH35 arrive at Farber's hotel. Farber approached the vehicle, and a short time later, the vehicle left the parking lot. An Orange County Sheriff's Office Deputy observed the Ford make several lane changes without using turn signals and conducted a traffic stop. A K-9 unit responded to the traffic stop, and the dog alerted to the presence of narcotics in the vehicle. The driver (the male described above) then said that he had drugs in the vehicle. Deputies located and seized approximately one gram of heroin.

On September 9, 2016, at approximately 8:14 p.m., Farber made an outgoing call on Target Telephone-2 to **DELLAFIELD**, who was using a cellular telephone bearing call number XXX-XXX-0459. Dorr answered the phone and stated, "Hey this is Rock. I'm here with him right now." Farber replied, "For real?" Dorr said, "Yeah." Later in the conversation, FARBER Stated, "Hey. My bad, hey, hey, um, hold on, I'm just trying to count my money up. Uh, tell him four." A side conversation is overheard and an unknown male stated, "That's my nephew's phone." Farber replied, "I know. It's Rock calling from it." Farber then continued the conversation with Dorr and asked, "You heard me?" Dorr replied, "Yeah. Okay." Farber reiterated, "Tell him four." Dorr replied, "Alright." In this conversation, Farber called **DELLAFIELD's** telephone to place a drug order, and Dorr and **DELLAFIELD** work in conjunction to fulfill the order.

Arrest and Search Warrants

On October 27, 2016, while attempting to execute an arrest warrant issued pursuant to a federal criminal complaint, agents observed **DELLAFIELD** driving a black Ford Mustang. Investigators located the Mustang backed into a parking space at a hotel located on Quadrangle Boulevard, Orlando, Florida 32187. An agent contacted the manager of the hotel and was informed that **DELLAFIELD** was staying in room number 110

with two other occupants. Subsequently, the FBI SWAT team executed the arrest warrant on DELLAFIELD, who was located in room 110 lying on a couch with a female occupant. Inside the room, investigators located a Samsung Galaxy S7 Edge, five flip-style LG cellular telephones, a safe, and a Ford Mustang key on key ring containing a key that appears to unlock the safe.

The female occupant said that she has known DELLAFIELD for approximately one month, that DELLAFIELD drove a black Ford Mustang, and that he always carried a black backpack with him when he was traveling in the vehicle. According to the female occupant, DELLAFIELD deals narcotics and utilized the black backpack to transport the narcotics and proceeds. She had observed DELLAFIELD take money out of the black backpack and place the money into the safe investigators located in the room.

While interviewing the female occupant, investigators observed several of the black, flip-style LG cellular telephones ringing, and a phone bearing one of the numbers the female occupant provided as her contact telephone number for DELLAFIELD rang when investigators called the telephone number. An agent looked through the windshield of the Ford Mustang and observed a black backpack sitting on the front passenger seat of the vehicle. The agent

used the key remote located in the hotel room to activate the vehicle's alarm, verifying that the key belonged to the vehicle.

Pursuant to federal search warrants, agents subsequently searched **DELLAFIELD's** hotel room safe and the Ford Mustang that he had been driving. They discovered the following items, which **DELLAFIELD** possessed: one Ruger firearm and approximately 49 rounds of ammunition, all of which had traveled in interstate commerce, approximately 163.6 grams of heroin, approximately 168.9 grams of cocaine, approximately 277.9 grams of cocaine base, approximately 88 grams of marijuana, one Alcatel One Touch cell phone, and approximately \$4,396.00 in United States currency. The telephones were used to communicate with charged and uncharged coconspirators regarding the subject offense. The currency was proceeds that were obtained as a result of the subject drug offense.

The parties agree that **DELLAFIELD** conspired to distribute and possess with intent to distribute at least 100 grams of heroin during the charged conspiracy.

Furthermore, **DELLAFIELD** knowingly possessed the Ruger firearm and ammunition, and prior to doing so, he had been convicted of the following crime punishable by imprisonment for a term exceeding one year: Possession of a controlled substance, on or about October 22, 2012.