

**IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF FLORIDA
PENSACOLA DIVISION**

UNITED STATES OF AMERICA

v.

CASE NO. 3:17cr74/RV

ANDREW PAUL MARCELONIS
_____ /

FACTUAL BASIS FOR GUILTY PLEA

This statement of facts is submitted on behalf of the undersigned parties. All parties agree that if the above-captioned case were to go to trial, the government could produce competent, substantial evidence of the following facts to prove Defendant is guilty of the count(s) of the Indictment to which Defendant is pleading guilty. The parties further agree that all of the following facts are true and correct and that not all of the facts known from or related to this investigation are contained in this brief summary.

STATEMENT OF FACTS

Between on or about November 2015 and on or about March 2017, Defendant Andrew Paul Marcelonis (also known as “Slim”) conspired with Co-Defendants Brandon Craig Remeyer, Charles Zachariah Sindylek (also known as “Zack”), Sanford Eugene Johnson III (also known as “Bubba”), William Brett Brownell (also known as “Ginger,” hereinafter “Brett Brownell”), William Ezra Brownell (hereinafter “William Brownell”), David DelGiacco, Steven Ryan Michael Sholly, and others to possess with

intent to distribute and distribute marijuana. During the same time period, Marcelonis conspired with Remeyer, Sindylek, Johnson, Brett Brownell, William Brownell, and DelGiacco to launder the proceeds of their drug conspiracy through cash deposits and withdrawals at financial institutions for the purposes of promoting and concealing the drug conspiracy.

During the course of the conspiracy, Sholly, Brett Brownell, Johnson, and others located in the Northern District of Florida (“the buyers”) would order marijuana from Sindylek to be shipped to various addresses located within the Northern District of Florida and elsewhere. Sindylek would order the marijuana from Remeyer, who would package and ship the requested marijuana from southern California with the assistance of others. The marijuana would be in the form of marijuana bud or in the form of marijuana wax made from butane hash oil (“BHO”).

Remeyer would provide Sindylek with payment instructions, which Sindylek would then pass on to the buyers. The buyers would then make or pay someone to make structured cash deposits into specified bank accounts at financial institutions located in the Pensacola, Florida area and elsewhere as instructed. The cash deposits were always under \$10,000 in order to avoid attention from the Internal Revenue Service. Remeyer, Sindylek, Johnson, Brett Brownell, DelGiacco, and Marcelonis used bank accounts in their names to accept or make deposits and withdraw cash proceeds of marijuana sales. Remeyer and Sindylek also recruited others to use their bank accounts as nominees to accept cash deposits from the proceeds of marijuana

sales, withdraw them immediately, and provide the cash to Remeyer. Later on in the conspiracy, Remeyer and Sindylek instructed buyers to mail the cash proceeds to addresses in California controlled by Remeyer, Sindylek, and DelGiaccio, instead of making deposits.

Once the buyers received the packages of marijuana, they would sell the marijuana to other dealers and users located within the Northern District of Florida for a profit. Johnson and Sindylek recruited Marcelonis, and Johnson paid Marcelonis to assist him in accepting marijuana package deliveries, delivering marijuana and collecting cash payments, making cash deposits into bank accounts, and mailing cash proceeds to California.

ELEMENTS

The elements of conspiracy to possess with intent to distribute and distribute marijuana, in violation of 21 U.S.C. § 846, are that:

- (1) two or more people in some way agreed to try to accomplish a shared and unlawful plan to possess marijuana.
- (2) the Defendant, knew the unlawful purpose of the plan and willfully joined in it; and
- (3) the object of the unlawful plan was to possess with intent to distribute and distribute more than 100 kilograms of marijuana, in violation of 21 U.S.C. § 841(a)(1).

The elements of possession with intent to distribute marijuana, in violation of 21 U.S.C. § 841(a)(1), are that:

- (1) the Defendant knowingly possessed marijuana;
- (2) the Defendant intended to distribute the marijuana; and

- (3) the weight of the marijuana Defendant possessed was more than 100 kilograms.

The elements of conspiracy to commit money laundering, in violation of 18 U.S.C. § 1956(h), are that:

- (1) two or more people in some way agreed to try to accomplish a shared and unlawful plan to violate 18 U.S.C. § 1956; and
- (2) the Defendant knew about the plan's unlawful purpose and voluntarily joined in it.

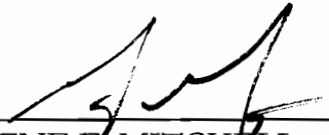
The elements of money laundering—promoting unlawful activity, in violation of 18 U.S.C. § 1956(a)(1)(A)(i), are that:

- (1) the Defendant knowingly conducted or tried to conduct a financial transaction;
- (2) the Defendant knew that the money or property involved in the transaction were the proceeds of some kind of unlawful activity;
- (3) the money or property did come from an unlawful activity, specifically conspiracy to possess with intent to distribute and distribute marijuana as charged in Count One of the Indictment; and
- (4) the Defendant was involved in the financial transaction with the intent to promote the carrying on of that specified unlawful activity.

The elements of money laundering—concealing proceeds of specified unlawful activity, in violation of 18 U.S.C. § 1956(a)(1)(B)(i), are that:

- (1) the Defendant knowingly conducted or tried to conduct financial transactions;
- (2) the Defendant knew that the money or property involved in the transaction were the proceeds of some kind of unlawful activity;
- (3) the money or property did come from an unlawful activity, specifically conspiracy to possess with intent to distribute and to distribute marijuana as charged in Count One of the Indictment; and

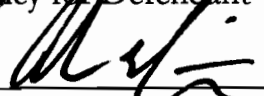
- (4) the Defendant knew that the transaction was designed, in whole or in part, to conceal or disguise the nature, location, source, ownership, or the control of the proceeds.



GENE E. MITCHELL
Attorney for Defendant



JOHN C. BEROSSET
Attorney for Defendant



ANDREW PAUL MARCELONIS
Defendant

8/17/17

Date

CHRISTOPHER P. CANOVA
United States Attorney



ALICIA H. FORBES
Assistant United States Attorney

8/23/17

Date