

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

UNITED STATES OF AMERICA

v.

CASE NO. 3:17cr74/RV

DAVID DELGIACCO
_____ /

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 January 1, 2014, and on or about January 4, 2017, Defendant David DelGiaccio conspired with Co-Defendants Brandon Craig Remyer, Charles Zachariah Sindylek (also known as "Zack"), and others to possess with intent to distribute and distribute marijuana. During approximately the same time period, DelGiaccio conspired with Remyer, Sindylek, and others 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, 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 DelGiaccio and others. Remeyer paid DelGiaccio to ship packages of marijuana for him, including to the Northern District of Florida.

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, including accounts held by Remeyer, Sindylek, and DelGiaccio. The cash deposits were always under \$10,000 in order to avoid attention from the Internal Revenue Service. Remeyer paid DelGiaccio to use bank accounts in DelGiaccio's and DelGiaccio's daughter's names 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, DelGiaccio, and others, instead of making deposits.

Over the course of the conspiracy, DelGiacco was aware at least fifty kilograms of marijuana had been distributed or possessed with intent to distribute by members of the conspiracy.

ELEMENTS

The elements of conspiracy to distribute and possess with intent to 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;
- (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 distribute or possess with intent to distribute more than 50 kilograms of marijuana, in violation of 21 U.S.C. §§ 841(a)(1) and (b)(1)(C).

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

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

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

- (5) 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.

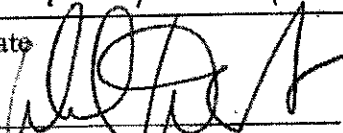
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ALICIA H. FORBES
Assistant United States Attorney

10-10-17
Date

10/26/17
Date


DAVID DELGIACCO
Defendant

10-10-17
Date