

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF FLORIDA
GAINESVILLE DIVISION

UNITED STATES OF AMERICA

v.

CASE NO: 1:16 CR 29-MW/GRJ

JOE LEE McQUAY

FACTUAL BASIS FOR PLEA

This Statement of Facts is submitted on behalf of Defendant, Joe Lee McQuay, his attorney, Robert A. Rush, and the United States, by and through Assistant United States Attorney Gregory P. McMahon. Were this case to proceed to trial, the Government is prepared to present evidence as follows:

Approximately June 2013, the Gainesville Alachua County Drug Task Force (GACDTF) began investigating a large scale drug trafficking organization. This investigation was furthered by the use of undercover agents (UC) and cooperating witnesses who provided intelligence information and conducted controlled buys that were surveilled and recorded. The investigation resulted in an Organized Crime Drug Enforcement Task Force (OCDETF) operation involving a conspiracy of Wims, with others, who operated from June 2013 through 2015.

An overlapping investigation involving the Drug Enforcement Administration (DEA) and Law Enforcement Officers (LEO) with the task force resulted in contacts by Homeland Security agents (DHS) and US Postal agents regarding packages

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shipped from outside the United States to two addresses in Gainesville, Florida. In September 2014, task force agents were advised that DHS had intercepted several packages containing cocaine shipped from Brazil. The addresses were 4617 SW 69th Terrance and 4226 SW 69th Terrance #D in Gainesville, Florida. Agents were also notified that US Customs Enforcement agents had intercepted packages for those addresses on September 3, 5, 12, October 2, 6, 7, 2014, and multiple other dates. The packages contained a total of 297.4 grams of cocaine hcl. The names on the packages differed from the names of the leaseholders of the apartments and could not be identified through the Driver and Vehicle Identification Database (DAVID) system.

Surveillance was conducted on the addresses and agents identified the Defendant parked in front of the community mail box. The Defendant closed one of the mail boxes and returned to his car.

On October 10, 2014, a search warrant was served on the 4617 residence. L. B. was present and spoke to the agents. L. B. denied knowledge of any cocaine but acknowledged packages were sent to the apartment. L. B. admitted the Defendant had been there and had a key to the apartment. L. B. had spoken to the Defendant on October 9. L. B. told the agents that the Defendant must have a copy of the mail box key. L. B. allowed the agents to look at L. B.'s phone and they reviewed a text and the phone number. The phone number is registered to the

Defendant. Agents found money transfer receipts in the apartment showing deliveries to Nigeria. L. B. sent money to Nigeria for the Defendant but did not know why. The Defendant provided the money.

After the warrant was served, agents remained to conduct surveillance and shortly later saw the Defendant arrive at the community mailbox for the 4226 apartment, stay several minutes and then go to the 4616 community mailbox. The Defendant was stopped for a traffic violation, his identification was confirmed and he was released. He was observed traveling to I-75.

On October 11, Customs agents intercepted two packages for those addresses. They contained 85 grams of heroin. On October 14, US Postal agents used a search warrant to seize a package for the 4617 address and found 39.69 grams of heroin. The names on the packages were not identifiable as before. A total of 124.69 grams of heroin were seized.

Agents located an address of the Defendant in Ocala. Records for the 4226 residence showed the utilities were in the name of R. D. A search warrant for the residence discovered a vacated apartment. The phone number for R. D. showed an Ocala address which matched an address that the Defendant had previously used. The phone records show 48 phone contacts between R. D.'s phone and the Defendant.

In March of 2015, the Defendant was recorded on jail calls made by Ivan

Wims. Wims and the Defendant were overheard as they discussed who was going to take over the operation and distribution of heroin after Wims recent arrest. The Defendant is heard telling Wims that Wims' son Jordan, and "Bert," Wims' cousin, could take over while Wims was in jail.

On October 9, 2015, DEA agents reviewed a March 25, 2015, Ocala, Florida, Police Department report about the seizure of 192 grams of heroin by DHS and US Postal agents in New York and addressed to a business in Ocala, A to Z Discount Beverages. The package was sent for a controlled delivery to the business. The business owner signed for the package and it was immediately seized. An interview resulted in the owner identifying the Defendant as the person for which he accepted the package. The owner said the Defendant worked at the car wash next to the business, was often in the business and had asked him to accept packages for him as he was always close by. The owner told the agents he had received one previous package for the Defendant and that the Defendant would tell him in advance that a package was coming.

DEA agents installed court ordered tracking devices on vehicles of other co-Conspirators that had been identified as part of the ongoing Gainesville investigation. Several of the co-conspirators were tracked and showed visits to the Defendant's residence, one as late as October 28, 2015.

In December 2015, agents in Ocala received notice that a warrant had been

issued for the Defendant for a violation of his supervised release. On December 28, the agents arrived at the Ocala residence and noticed surveillance cameras arranged on the house. The agents knocked and announced their presence but the Defendant did not respond. The agents entered and found the Defendant in the kitchen trying to flush narcotics down the sink. The Defendant was detained and removed from the interior of the house. A search warrant was obtained and DEA agents were contacted.

Agents began to read the Defendant his Miranda rights but the Defendant stopped them and asked to speak with his attorney. He said he wanted to cooperate but needed to talk to his attorney first.

Shortly thereafter, in the presence of the agents, the Defendant again expressed his desire to cooperate and added that, if he was arrested, his mug shot would be on the internet and he could not cooperate effectively. He said he needed to cooperate before going to jail. The agents reminded him that he had had his rights explained to him and that, if he talked, the content could be used against him. The Defendant said he understood his rights but wanted to cooperate saying "I guess I have to fuck myself to help myself."

The Defendant said he had been purchasing heroin from another source in

Ocala. The Defendant was getting half kilos from this man. He went on to say that he intended to buy 4 kilos of cocaine in October 2015 and 1 kilo of heroin from “Spaniards” in Orlando but had been ripped off of \$275,000 cash.

The Defendant admitted he had sold heroin to co-conspirators Ivan Wims, Jordan Wims and Albert Kitchen on a weekly basis, 1 ounce a week, approximately 40 ounces overall and sold heroin to Ticco Wright until approximately June of 2015. The Defendant said he was aware that Wright’s home had been searched by agents because Wright called him and asked for help getting an attorney.

The Defendant admitted to the agents that he had packages shipped to the addresses in Gainesville because he was on federal supervised release in the Middle District of Florida and Gainesville was in the Northern District of Florida. The Defendant went on to admit the receipts recovered in the earlier search warrant were for money transfers to a foreign supplier of more heroin.

During the search of the Defendant’s residence, agents located 1018 grams of cocaine, 204 grams of heroin, 81 grams of marijuana and drug paraphernalia. Also seized was \$47,854 in cash and three vehicles. A cocaine press and mixer with cocaine residue were in the trunk of one of the cars.

The Defendant, Joe Lee McQuay, was previously convicted of the felony drug offenses of Conspiracy to Distribute and Possess with Intent to Distribute more than 50 Grams of Cocaine Base and Distribution of 50 Grams of Cocaine Base on or

about October 31, 2003, in the United States District Court for the Northern District of Florida, in Case No. 1:02 43 MMP.

ELEMENTS:

Conspiracy to Distribute and Possess with the Intent to Distribute a Controlled Substance 21 U.S.C. § 846

- 1) Two or more people in some way agreed to try to accomplish a shared and unlawful plan to possess with intent to distribute or distribute heroin;
- 2) the Defendant knew of the unlawful purpose of the plan and willfully joined in it; and
- 3) the object of the unlawful plan was to possess with the intent to distribute more than one kilogram of heroin.

ROBERT A. RUSH
Counsel for Defendant

DATE

1-9-17

JOE LEE McQUAY
Defendant

DATE

1-9-17

GREGORY P. McMAHON
Assistant United States Attorney

DATE

January 9, 2017