

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

**UNITED STATES OF AMERICA**

**v.**

**CASE NO: 1:16CR7-MW/GRJ**

**IVAN JERMAINE WIMS**  
\_\_\_\_\_ /

**FACTUAL BASIS FOR PLEA**

This Statement of Facts is submitted on behalf of Defendant, Ivan Jermaine Wims, his attorney, Anderson E. Hatfield, 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:

Beginning approximately June 2013, the Gainesville Resident Office of the Drug Enforcement Administration (DEA) began conducting an investigation of the sale and distribution of cocaine and heroin in the Northern District of Florida. As part of that investigation, the DEA used Confidential Sources (CS's) and cooperating defendants to identify potential participants and subjects involved with either controlled substance. The investigation of the Defendant was furthered by DEA agents through the use of controlled buys, recorded phone calls, surveillance, tracking devices and the introduction of undercover agents (UC). DEA agents identified the Defendant and co-conspirators Jordan Wims, Albert Kitchen, Ticco

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all 9/13/16  
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Wright, Danielle Duncan and Joe Lee Mc Quay. The agents verified the Defendant's lengthy criminal history, including multiple convictions for controlled substance sales. The Defendant was convicted for the felony drug offense of Sale of Cocaine in Case No: 1994 CF 3212 in the Eighth Judicial Circuit of Florida. The agents were also able to verify the Defendant had an outstanding warrant for an April 8, 2014, Possession of a Controlled Substance offense. The Defendant was on bond and not in custody for that offense while the investigation continued.

After his April 2014 arrest, through jail calls, the Defendant coordinated his continued drug activities and directed co-conspirators, Jordan Wims and Albert Kitchen, how to obtain, process and distribute heroin to the customers while he was in custody. The agents also heard the Defendant talk to co-conspirator Joe Lee Mc Quay, a multi-convicted drug dealer currently on supervised release for prior federal drug offenses. The discussion was over who would take over the distribution network of the Defendant while he is in jail. Mc Quay told the Defendant to have "Bert" (Albert Kitchen) and "J" (Jordan Wims) run the business. The agents listened to the recorded calls. The names and phone numbers of the individuals called by the Defendant were recorded and enabled the agents to expand their investigation. Controlled phone calls were made to the known phone number of the Defendant and Jordan Wims answered the phone calls and told the CS and UC that any future business should be made through him. Jordan Wims

and Albert Kitchen continued buying approximately one ounce quantities of heroin from Mc Quay on a weekly basis while the Defendant was in custody.

The Defendant purchased for resale approximately one ounce of heroin per week from Joe Lee Mc Quay in Ocala, Florida. The Defendant, sometimes with co-conspirators, Jordan Wims and Albert Kitchen, traveled to Mc Quay's residence to make the buy or Mc Quay would travel to Gainesville and deliver the heroin to the Defendant. Mc Quay supplied approximately 40 ounces of heroin to the three through April 2014. Mc Quay quit selling heroin to the Defendant after his April 2014 arrest but continued to provide heroin to Jordan Wims and Albert Kitchen on a limited basis. The price would depend on the amount of heroin bought, a higher price for single grams and a lesser price per gram for greater amounts. The investigation also established that the Defendant bought an unknown amount of heroin from a contact in south Florida.

During the investigation, DEA agents learned that the Gainesville Alachua County Drug Task Force (GACDTF) had been conducting controlled purchases of heroin from the Defendant. The GACDTF agents had purchased in excess of 70 grams of heroin during the controlled buys. The largest buy was conducted on March 27, 2015. A CS made a purchase of 60.71 grams of heroin from the Defendant for \$4000.00. The CS had been making daily purchases of 1 to 2 grams of heroin from the Defendant from approximately June 2013, with occasional

larger purchases of ¼ ounce to 1 ounce. After another controlled purchase of 3.99 grams on April 10, 2015, the Defendant was arrested in May 2015.

Cooperating sources and cooperating defendants were contacted and co-conspirator Danielle Duncan was contacted covertly through a CS. Duncan told agents that the Defendant had been supplying heroin on a daily basis to multiple individuals for years. Duncan bought approximately two kilograms of heroin from the Defendant and co-conspirators Jordan Wims and Albert Kitchen during the conspiracy period. She primarily bought from the Defendant and then from Jordan Wims and Albert Kitchen while the Defendant was in custody. Duncan was unaware she was dealing with a UC when describing her heroin purchases and dealing. She told the UC that she had a steady stream of customers coming to her door to purchase heroin. Duncan said her minimum purchase was \$100. She told the UC she sold heroin to support her use.

Duncan introduced the UC to Albert Kitchen who supplied her heroin for purchase by the UC. Albert Kitchen has been convicted of the felony drug offense of Sale of Cocaine in Case No: 2001 CR 2621 in the Eighth Judicial Circuit of Florida. The UC rode with Duncan to make heroin purchases from Kitchen. Kitchen sold 6.26 grams of heroin for \$1000 to the UC, through Duncan, at a Burger King restaurant on September 23, 2015, 2.92 grams of heroin for \$500 to

the UC through Duncan at a Citgo gas station on August 26, 2015, and 2.2 grams of heroin for \$400 to the UC through Duncan at Kitchen's house.

Jordan Wims made multiple sales to the UC and a CS totaling 47.63 grams of heroin. Tracking devices, installed on Jordan Wims' car, showed him meeting with co-conspirators Joe Lee Mc Quay and Albert Kitchen. On a return trip from south Florida, Jordan Wims was tracked and stopped on November 23, 2015, in Alachua County, Florida. Agents seized 43.95 grams of heroin. Shortly after, Jordan Wims told a CS about the November stop and said he was stopped a second time coming back from south Florida but he had hidden heroin in a trail car so the police would not find it.

The UC also purchased heroin through Duncan from co-conspirator Ticco Wright after the Defendant's May 2015 arrest. From that date until Wright's arrest on October 29, 2015, Duncan was a regular customer and bought a minimum of 1 gram of heroin daily. The UC would contact Duncan to make a heroin purchase. She would call Wright and he would set the time for the sale. He would drive to Pine Ridge Apartments and park in the parking lot and wait for Duncan to leave her apartment and meet him at his vehicle. Wright drove a 2007 Cadillac SUV or a 2012 Nissan Altima. Duncan would enter the vehicle, give the money to Wright and he would give her a package of heroin. During these exchanges, Duncan saw Wright with a Glock handgun concealed in the console of the vehicle where the

heroin was kept. The DEA agents set up surveillance teams in the parking lot and identified Wright. Agents followed Wright from the parking lot to his residence at the Lux13 Apartments in Gainesville. After the vehicles were identified, tracking devices were installed on his vehicles. The tracking devices showed Wright's contacts with Joe Lee Mc Quay in Ocala. Mc Quay acknowledged supplying Wright heroin. He began selling to Wright in the middle of 2014. The initial sales were 10 gram purchases but Wright bought 100 grams twice in early in 2015. Wright continued buying between 50 to 80 grams of heroin each month from Mc Quay through mid- 2015.

The Defendant made sales from his home, his cars and in retail parking lots. Defendant was in the distribution of more than three kilograms, but less than ten kilograms, of heroin during the period of the conspiracy as charged.

ELEMENTS:

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

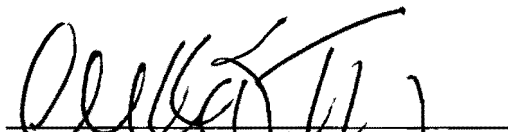
- 1) Two or more people in some way agreed to try to accomplish a shared and unlawful plan to possess with intent to distribute or distribute heroin;
- 2) the Defendant knew of the unlawful purpose of the plan and willfully joined in it; and

3) the object of the unlawful plan was to possess with the intent to distribute more than one kilogram of heroin.

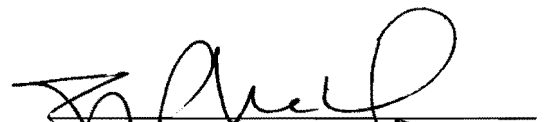
Distribution of a Controlled Substance 21 U.S.C. § 841

1) The Defendant knowingly and intentionally distributed a controlled substance; and

2) The controlled substance was a mixture and substance containing heroin.

  
ANDERSON E. MATFIELD  
Counsel for Defendant

9-9-16  
DATE

  
GREGORY P. McMAHON  
Assistant United States Attorney

September 13, 2016  
DATE

  
IVAN JERMAINE WIMS  
Defendant

9/9/16  
DATE