

**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

TICCO EARL WRIGHT
_____ /

FACTUAL BASIS FOR PLEA

This Statement of Facts is submitted on behalf of Defendant, Ticco Earl Wright, his attorney, Lloyd L. Vipperman, 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, Ivan

FILED IN OPEN COURT

WLM 9/21/2016

Initialed Date

Wims, Danielle Duncan and Joe Lee Mc Quay. The agents verified the Defendant's criminal history, including a conviction for the felony drug offense of the Possession of a Controlled Substance in Case No: 2011 CR 5020 A in the Eighth Judicial Circuit of Florida.

After his April 2014 arrest, through jail calls, Ivan Wims 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 Ivan Wims 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 Ivan Wims while he was 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 Ivan Wims were recorded and enabled the agents to expand their investigation. Controlled phone calls were made to the known phone number of Ivan Wims 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 Ivan Wims was in custody.

Ivan Wims purchased approximately one ounce of heroin per week from Joe Lee Mc Quay in Ocala, Florida. Ivan Wims, 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 Ivan Wims. Mc Quay supplied approximately 40 ounces of heroin to the three through April 2014. Mc Quay quit selling heroin to Ivan Wims 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 Ivan Wims and Jordan Wims 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 Ivan Wims. 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 Ivan Wims for \$4000.00. The CS had been making daily purchases of 1 to 2 grams of heroin from Ivan Wims 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, Ivan Wims 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 Ivan Wims had been supplying heroin on a daily basis to multiple individuals for years. Duncan bought approximately 1 to 3 grams daily from Ivan Wims and co-conspirators Jordan Wims and Albert Kitchen for three years, totaling approximately 57 ounces. She primarily bought from Ivan Wims and then from Jordan Wims and Albert Kitchen while Ivan Wims 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 multiple times through Duncan from the Defendant after Ivan Wims' 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 the Defendant 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. On August 25, 2015, the UC bought approximately 6.66 grams of heroin for \$600 in the same manner. The Defendant drove a 2007 Cadillac SUV or a 2012 Nissan Altima. Duncan would enter the vehicle, give the money to the Defendant and he would give her a package of heroin. During these exchanges, Duncan saw the Defendant 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 the Defendant. Agents followed the Defendant 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 the Defendant's contacts with Joe Lee Mc Quay in Ocala. Mc Quay acknowledged supplying the Defendant with heroin. He began selling to the Defendant in the middle of 2014. The initial sales were 10 gram purchases but the Defendant bought 100 grams twice in early in 2015. The Defendant continued buying between 50 to 80 grams of heroin each month from Mc Quay through mid- 2015.

On October 4, 2015, the Defendant was driving one of the vehicles. The Defendant was stopped for a traffic infraction and the Alachua County Sheriff's deputy discovered a loaded .40 caliber Glock pistol in the console of the car. The make, model and serial number of the gun was noted. The Defendant was not arrested at that time because a computer glitch failed to report the Defendant's prior felony conviction. The Defendant was allowed to proceed.

On October 28, 2015, the tracking device alerted DEA agents that the Defendant had met with Mc Quay in Ocala. The agents conducted surveillance of the Defendant until his return to Gainesville and then had the UC contact Danielle Duncan to arrange a purchase of \$1000 worth of heroin. The sale was set for the following day, October 29, 2015.

Surveillance was set up at the Defendant's apartment complex. The lease for the apartment had been previously obtained and verified the Defendant was the listed tenant for unit 553. The Defendant agreed to conduct the sale of the heroin in the parking lot of his complex and the UC and Duncan arrived. The Defendant entered his Cadillac and Duncan entered the passenger door. Marked money, obtained from the UC, was given to the Defendant. Duncan was handed the heroin. Shortly thereafter, Duncan left the vehicle and gave the packaged heroin to the UC. The package contained approximately 6.26 grams of heroin.

The Defendant left within a few minutes of the sale. He was stopped and arrested for the October 4, 2015, gun offense. A search warrant was obtained for the search of the Defendant's apartment. Inside the apartment the agents located multiple controlled substances and narcotics paraphernalia, including spoons, a strainer, two digital scales, \$4291.00 in US currency, multiple cell phones and two firearms: the .40 caliber Glock pistol loaded with 12 rounds and a Bryco Arms 9 mm handgun loaded with 12 rounds. The agents also located two boxes of 9 mm ammunition. The firearms and ammunition had traveled in interstate commerce. The Glock pistol was concealed under the couch in the living room and the serial numbers matched those from the October 4 contact with the ASO deputy and matched the description of the pistol noticed by Duncan in the console of the Defendant's car when she was buying heroin. The Bryco Arms pistol was found on

the bed in the bedroom next to \$560.00 of the buy money from the sale of the heroin earlier in the day. The money was identified by the serial numbers.

Duncan provided the phone numbers used by the Defendant when selling the heroin. He changed phones every month. The phone numbers given to the agents matched several of the phones seized from the Defendant's apartment.

The Defendant purchased and sold in excess of 100 grams of a mixture and substance containing heroin during the length of the conspiracy.

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.


LLOYD L. VIPPERMAN
Counsel for Defendant

9/21/16
DATE


TICCO EARL WRIGHT
Defendant

9/21/16
DATE


GREGORY P. McMAHON
Assistant United States Attorney

9/16/16
DATE