

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

**UNITED STATES OF AMERICA**

**v.**

**CASE NO: 1:16 CR 7 MW/GRJ**

**ALBERT DEVON KITCHEN**  
\_\_\_\_\_ /

**FACTUAL BASIS FOR PLEA**

This Statement of Facts is submitted on behalf of Defendant, Albert Devon Kitchen, his attorney, Gilbert A. Schaffnit, 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

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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 Ivan Wims, Jordan Wims, Ticco Wright, Danielle Duncan and Joe Lee Mc Quay. The agents verified the Defendant's criminal history, including a conviction for the Sale of Cocaine in Case No: 2001 CF 2621 in the Eighth Judicial Circuit of Florida.

After Ivan Wims' April 2014 narcotics trafficking arrest, through monitored jail calls, agents learned Ivan Wims coordinated his drug activities and directed co-conspirators, Jordan Wims and the Defendant, 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 Ivan Wims to have "Bert" (the Defendant, 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 continued buying approximately one ounce quantities

of heroin from Mc Quay on a weekly basis while Ivan Wims was in custody. The Defendant made separate buys from Mc Quay on a biweekly basis of approximately 7 to 10 grams each while Ivan Wims was in custody.

Ivan Wims purchased approximately one ounce of heroin per week from Joe Lee Mc Quay in Ocala, Florida. The Defendant, sometimes with co-conspirators, Jordan Wims and the Defendant, 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 the Defendant 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 Ivan 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, while Wims was on bond for the April 2014 offense. 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 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 and remained in custody.

Cooperating sources and cooperating defendants were contacted and a co-conspirator, Danielle Duncan, was identified and contacted covertly through a CS. Duncan told agents that Ivan Wims had been supplying heroin on a daily basis to multiple individuals for years.

Danielle Duncan bought approximately 1 to 3 grams daily from Ivan Wims and co-conspirator Jordan Wims for three years, totaling approximately 57 ounces. She primarily bought from Ivan Wims and then from Jordan Wims and the Defendant while Ivan Wims was in custody. The Defendant sold heroin to Duncan primarily from 2014 through 2015, approximately every other day, in the same amounts described above, 1 to 3 grams. Danielle Duncan was unaware she was dealing with a UC when describing her heroin purchases and dealing. Duncan told the UC that she had a steady stream of customers coming to her door to purchase heroin. She told the UC, after she was contacted by a buyer, she would contact her source of supply and tell the buyer when to be present with the money. Danielle Duncan said her minimum purchase was \$100. She told the UC she sold heroin to support her

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use. The UC made multiple purchases of heroin from Duncan. The UC would be given marked US currency to make the buys.

Danielle Duncan introduced the UC to the Defendant who supplied her with heroin that she could provide to the UC. The Defendant had 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 The Defendant. The Defendant 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 the Defendant'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 the Defendant. 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.

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The UC also purchased heroin through Danielle Duncan from co-conspirator Ticco Wright after Ivan Wims' May 2015 arrest. From that date until Wright's arrest on October 29, 2015, Danielle 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. Danielle Duncan would call Wright and he would set the time for the sale. He would generally drive to Pine Ridge Apartments and park in the parking lot and wait for Danielle Duncan to leave her apartment and meet him at his vehicle. Wright drove a 2007 Cadillac SUV or a 2012 Nissan Altima. Duncan would be given the marked US currency by the UC, leave the residence, enter the vehicle, give the money to Wright and he would give her a package of heroin. On June 25, 2015, the UC called Duncan and asked for \$600.00 of heroin. Danielle Duncan told the UC that she would call when she made the arrangements. Duncan notified the UC to come to her residence at Pine Ridge and her source would arrive shortly thereafter. The UC entered the residence of Duncan, gave her the marked money and waited. Duncan left the apartment, walked to the parking lot, met with Wright, exchanged the \$600.00 and received 6.72 grams of heroin in return. She then returned to the apartment and gave the heroin to the UC. During these exchanges, Danielle 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

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Wright from the parking lot to his residence at the Lux13 Apartments in Gainesville.

After his vehicles were identified, tracking devices were installed. 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 sold in excess of 100 grams of a mixture and substance containing heroin during the length of the conspiracy.

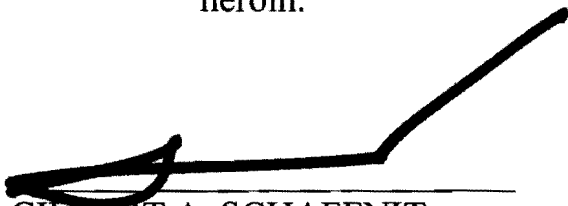
ELEMENTS:

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.

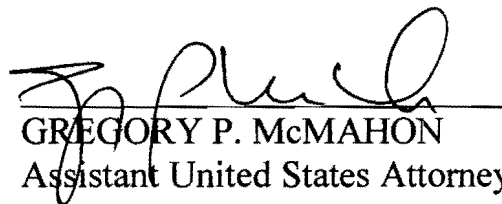
Distribution of a Controlled Substance 21 U.S.C. § 841

- 1) The Defendant knowingly and intentionally distributed a controlled substance; and
- 2) The controlled substance was a mixture and substance containing heroin.



GILBERT A. SCHAFFNIT  
Counsel for Defendant

OCTOBER 11, 2016  
DATE



GREGORY P. McMAHON  
Assistant United States Attorney

October 12, 2016  
DATE



ALBERT DEVON KITCHEN  
Defendant

October 11, 2016  
DATE

