

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

UNITED STATES OF AMERICA

CASE NO.: 3:17cr98/MCR

v.

MARCUS ANDRE ROBINSON

STATEMENT OF FACTS

The parties agree with the truthfulness of the following factual basis for the Defendant's guilty plea. The undersigned parties further agree that not all of the facts known from this investigation are contained in this brief summary.

The defendant is a convicted felon and has not had his rights restored in order to possess a firearm or ammunition. Specifically, on or about October 21, 2005, the Defendant was convicted in the State of Florida of Possession of a Controlled Substance. On or about March 14, 2006, the Defendant was convicted in the State of Florida of Possession of Marijuana over 20 grams. On or about September 16, 2010, the Defendant was convicted in the State of Florida of Possession of Marijuana with the Intent to Sell/Manufacture/Deliver. On or about June 11, 2012, the Defendant was convicted in the State of Florida of Possession of Cocaine and Fleeing/Eluding Law Enforcement. On or about June 4, 2015, the Defendant was convicted in the State of Florida of Possession of Cocaine and

Driving While License Suspended/Revoked Third Conviction.

On or about September 18, 2016, the defendant knowingly and intentionally possessed with intent to distribute methamphetamine. On that same date, the defendant knowingly possessed two firearms and various rounds of ammunition. More specifically, on or about September 18, 2016, state probation officers conducted a home visit at the Defendant's residence. While standing in the Defendant's living room, probation officers noticed what they believed to be a pistol and suspected marijuana seeds laying on the kitchen table. Fearing for their safety, probation officers chose to act as if they did not see the pistol and left the residence as if the home visit was over.

After leaving, probation officers immediately contacted the Escambia County Sheriff's Office to request assistance. Escambia County deputies responded, spoke with probation officers, and within 15 to 20 minutes after leaving the Defendant's residence, probation officers returned along with deputies to conduct a search of his residence in hopes of seizing the suspected marijuana, pistol, and any other unlawful items.

During the search of the Defendant's residence, probation officers located a Remington .243 Winchester caliber rifle and multiple calibers of ammunition inside the first of two bedrooms. In addition, officers located numerous pills, several baggies containing green leafy substance believed to be marijuana, baggies

containing a white powdery substance, unused syringes, additional baggies, a grinder, and scales inside the kitchen area of the residence. Probation officers searched the entire residence as well as areas outside the residence, but did not locate a pistol. Probation officers did locate a small safe inside the Defendant's bedroom. Based upon their training and experience, probation officers believed the safe contained the pistol that they previously observed on the table. Probation officers seized the safe along with the other items found inside the residence, and took them to the Escambia County Sheriff's Office, where they were logged in as evidence.

On September 20, 2016, investigators with the Escambia County Sheriff's Office applied for and received a state search warrant authorizing the search of the safe seized from the Defendant's residence. A search of the safe revealed a pistol that probation officers believed to be the same pistol that they had observed sitting on the kitchen table, as well as methamphetamine, scales, a knife, various pills, jewelry, receipts, a birth certificate belonging to the Defendant, numerous documents addressed to the Defendant, and other items. The pistol was determined to be a Taurus 9 millimeter and was loaded with 10 rounds of 9 millimeter ammunition.

All of the seized suspected drugs were sent to the Florida Department of Law Enforcement's (FDLE) lab for analysis. That analysis revealed the following:

- A total of 46.184 grams of methamphetamine (half of the methamphetamine was found inside the defendant's kitchen and the other half inside the safe);
- A small amount of cocaine;
- A small amount of heroin;
- A small amount of hydrocodone;
- A small amount of diazepam; and
- A small amount of hydromorphone.

A review of the firearms seized revealed that they were a Taurus 9 millimeter pistol and a Remington .243 caliber rifle. A review of the ammunition seized revealed that it was Remington, CCI, FC, and Winchester 9 millimeter, Remington .45, .22, .308, and .357 calibers, Remington 12 gauge, and SB 7.62 x 51 caliber. Subsequent checks revealed that each of the firearms and ammunition mentioned above were manufactured outside the State of Florida and therefore, traveled in or affected interstate and/or foreign commerce.

ELEMENTS

Count One

A Defendant can be found guilty of possession with intent to distribute methamphetamine in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(C), if the following facts are proved beyond a reasonable doubt:

First: the Defendant knowingly possessed methamphetamine;

and

Second: the Defendant intended to distribute methamphetamine.

Count Two

A Defendant can be found guilty of possession of a firearm in furtherance of a drug-trafficking crime in violation of Title 18, United States Code, Section 924(c)(1)(A)(i), if the following facts are proved beyond a reasonable doubt:

First: the Defendant committed the drug-trafficking crime

charged in Count One of the indictment; and

Second: the Defendant knowingly possessed a firearm in

furtherance of that crime, as charged in the indictment.

Count Three

A Defendant can be found guilty of possession of a firearm or ammunition by a convicted felon, in violation of Title 18, United States Code, Sections 922(g)(1) and 924(a)(2), if:

First: the Defendant knowingly possessed a firearm or

ammunition in or affecting interstate or foreign commerce; and

Second: before possessing the firearm the Defendant had been

convicted in a court of a felony - a crime punishable by imprisonment for more than one year.

CHRISTOPHER P. CANOVA
United States Attorney

Randall Lockhart

RANDALL LOCKHART
Attorney for Defendant

2-6-18

Date

Marcus Robinson

MARCUS ANDRE ROBINSON
Defendant

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Date

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