

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

UNITED STATES OF AMERICA

v.

CASE NO. 8:17-cr-388-T-23TBM

SHAVON MONTGOMERY

**NOTICE OF MAXIMUM PENALTIES, ELEMENTS OF OFFENSE,
PERSONALIZATION OF ELEMENTS AND FACTUAL BASIS**

The United States of America, by W. Stephen Muldrow, Acting
United States Attorney for the Middle District of Florida, hereby files this
Notice of Maximum Penalties, Elements of Offense, Personalization of
Elements and Factual Basis, stating as follows:

ESSENTIAL ELEMENTS

As to Counts One through Three, the essential elements of a
violation of 21 U.S.C. § 841(a)(1), distribution of a controlled substance, are as
follows:

First: The defendant, Shavon Montgomery, knowingly or
intentionally distributed a substance; and

Second: The substance was a controlled
substance, as listed in the indictment.

As to Count Four, the essential elements of a violation of 21
U.S.C. § 841(a)(1), possession with intent to distribute a controlled substance
and distribution of a controlled substance, are as follows:

- First: The defendant knowingly or intentionally possessed a substance; and
- Second: The substance was a controlled substance, as listed in the indictment; and
- Third: The defendant distributed the substance, or intended to distribute the substance.

PENALTY

The penalty for each offense charged in Counts One through Four of the Indictment is a maximum sentence of 20 years imprisonment, a fine of \$1,000,000, a term of supervised release of at least three years, and a special assessment of \$100.

FACTUAL BASIS

Between March 17, 2017 and May 4, 2017, in the Middle District of Florida, the defendant, Shavon Montgomery, distributed heroin, fentanyl, and carfentanil, Schedule I and Schedule II controlled substances, to a confidential informant (CI) working with the Bradenton Police Department and an undercover law enforcement officer (UC1) of the Bradenton Police Department, and possessed with intent to distribute heroin, carfentanil and fentanyl, Schedule I and Schedule II controlled substances. Between March 23, 2017 and March 28, 2017, in the Middle District of Florida, Shavon Montgomery distributed cocaine base, a Schedule II controlled substance, to

an undercover law enforcement officer (UC2) of the Manatee County Sheriff's Office (MCSO). During all of the narcotics transactions, the defendant utilized a white Chevy Camaro with license plate number GVGE68. The narcotics transactions between Shavon Montgomery and CI, UC1 and UC2 were audio and video recorded. UC1 and UC2 have identified the defendant, Shavon Montgomery, as the person who sold them controlled substances on the dates listed in the Indictment. All phone calls made by CI, UC1 and UC2 to the defendant were recorded.

On March 17, 2017, under the direction of law enforcement, CI made a recorded and monitored call to Shavon Montgomery, who CI knew as "Gucci," and arranged to meet at a Lowe's parking lot in Bradenton for the purpose of CI purchasing heroin from Montgomery. Montgomery arrived at the meet location driving a white Chevy Camaro with license plate number GVGE68, and in the presence of UC1, sold suspected heroin to CI in exchange for \$40. The substance field-tested positive for fentanyl.

On March 23, 2017 (Count One), UC2 called the defendant, Shavon Montgomery. Montgomery asked what he wanted, and UC2 said, "I just got 60," meaning \$60 for cocaine base. Montgomery agreed to meet UC2 at 3390 1st Street in Bradenton, Florida. Shortly after UC2 arrived at the meet location, Montgomery called and said she was in a white Camaro. UC2 exited

the undercover vehicle and approached the white Camaro. UC2 handed Montgomery \$60, and Montgomery handed UC2 eight pieces of cocaine base. UC2 returned to the MCSO Special Investigations Division, weighed the substance and conducted a presumptive chemical test on the substance. The substance weighed .6 grams and tested positive for cocaine base.

On March 28, 2017 (Count Two), UC2 called the defendant and said, "I got 60, can you hook me up?" Shavon Montgomery agreed to meet at the same location as the previous transaction. When Montgomery arrived, UC2 exited the undercover vehicle and approached Montgomery's white Camaro. UC2 gave Montgomery \$60, and Montgomery handed UC2 seven pieces of cocaine base. UC2 returned to MCSO Special Investigations Division, weighed the substance and conducted a presumptive chemical test on the substance. The substance weighed .6 grams and tested positive for cocaine base.

On April 5, 2017, CI, under the direction of law enforcement, made a recorded and monitored call to Shavon Montgomery and set up another purchase of heroin. They agreed to meet at the 1100 block of 34th Avenue West, in Bradenton. Montgomery arrived at the meet location in the same white Camaro, and parked next to a vehicle occupied by UC1 and CI. CI approached Montgomery's Camaro, and Montgomery sold four bags

containing a substance to CI for \$40. The four bags Montgomery sold to CI weighed .7 grams, and the substance in the bags field-tested positive for fentanyl.

On April 14, 2017, under the direction of law enforcement, CI made a recorded and monitored call to Shavon Montgomery and arranged for another purchase of heroin. They agreed to meet in the same area as the previous transaction. Montgomery arrived at the meet location in the same Chevy Camaro as the previous transactions. CI approached the driver's side window of Montgomery's vehicle, and purchased five bags of suspected heroin in exchange for \$100. UC1 approached the driver's window of the Camaro, and purchased six bags of a substance from Montgomery in exchange for \$100. The eleven bags Montgomery sold to CI and UC1 weighed 1.3 grams, and the substance in the bags field-tested positive for fentanyl.

On April 26, 2017 (Count Three), UC1 spoke with Shavon Montgomery on the phone. They agreed to meet at a Lowe's parking lot in Bradenton for UC1 to purchase a "finger" (approximately 10 grams of heroin and fentanyl). UC1 arrived at the Lowes and parked in the parking lot. Montgomery called UC1 and told UC1 that she would arrive shortly. A few minutes later, Montgomery drove up in the same white Camaro used in the previous transactions and pulled next to the undercover vehicle on the

passenger side. Montgomery rolled down the driver's side window, and UC1 saw the defendant was the driver. UC1 got out, approached the Camaro and spoke to Montgomery. While UC1 was near the driver's side window of the Camaro, Montgomery pointed to the inside door panel and indicated that the drugs were there. UC1 gave Montgomery \$1,200. Montgomery took UC1's hand and placed it on a bag in the door panel, and UC1 grabbed the bag, which contained a white to tan powder. UC1 returned to the UC vehicle. Montgomery told UC1 to be careful and not use the whole bag, and UC1 told her that UC1 intended to sell some of it. UC1 returned to the station, weighed the bag Montgomery sold to UC1 and conducted a presumptive chemical test on the substance. The bag weighed approximately 11.2 grams, and the substance in the bag field-tested positive for fentanyl.

On May 2, 2017, UC1 placed a recorded call to Montgomery, and discussed purchasing another "finger." UC1 said that he was out of town, but would be returning later in the week. Montgomery said she would have one ready for UC1. On May 3, 2017, UC1 placed a recorded call to Montgomery and told her that he would be back in town the following morning, and he would call her to "pick that up" from her.

On May 4, 2017 (Count Four), UC1 made a recorded call to Shavon Montgomery's number. The person with whom UC1 spoke agreed to

meet UC1 at the Lowe's in Bradenton to make the transaction. UC1 did not believe that Montgomery was the person on the phone. Approximately 13 minutes later, UC1 received a call from Shavon Montgomery. This time UC1 recognized Montgomery on the phone, and she agreed to meet UC1 at Lowe's to make the transaction. UC1 proceeded to the Lowe's parking lot.

Montgomery arrived in the same white Camaro. UC1 approached Montgomery's vehicle and spoke with her. UC1 reached into the Camaro with \$1,200. Montgomery took the money, grabbed UC1's hand and put it on a bag in the door panel. UC1 took the bag. Before leaving, UC1 asked Montgomery if she could sell two more as UC1 had a friend who wanted it. Montgomery asked when UC1 wanted it, and UC1 said within the hour. Montgomery said she could get more, and told UC1 to call her back when ready. Montgomery left the parking lot, and other law enforcement officers maintained surveillance on her. UC1 drove to the station, weighed the substance in the bag Montgomery sold to UC1, and conducted a field test. The bag weighed approximately 10.9 grams, and the substance in the bag tested positive for fentanyl or heroin.

Later on May 4, 2017, UC1 made a recorded call to Montgomery and told her that he had \$2,400 cash and that UC1's friend wanted to buy two more fingers. They agreed to meet at the Walmart on SR64

in Bradenton in approximately 15 minutes. Prior to this phone call, law enforcement was surveilling Montgomery at her residence and saw her leave in her white Camaro. She drove to the 2300 block of 2nd Avenue East in Palmetto, where she met a subject in a black Dodge Charger. From there, Montgomery drove in the direction of the Walmart on SR64. She appeared to notice the surveillance units, made a U-turn and reversed course. Law enforcement stopped her vehicle at a stop light and approached. Montgomery was the driver. A front seat passenger and rear seat passenger were also in the Camaro. Law enforcement searched Montgomery and her Camaro, and found recorded currency from UC1's purchase earlier that day. Inside the Camaro was a purse with multiple bags containing a powder. The bags with the powder weighed 2.4 grams, and the powder field-tested positive for fentanyl.

After searching Montgomery and the Camaro, law enforcement had not found the finger of heroin and fentanyl that Montgomery agreed to sell UC1. They took Montgomery and the two passengers to the Bradenton Police Department. An officer escorted the rear seat passenger to the restroom, and as the rear seat passenger proceeded to use the facilities, a clear plastic bag containing a white to beige powdery substance fell from her buttock area. The officer recovered the bag. The bag weighed 11.3 grams, and the substance in the bag field-tested positive for heroin and fentanyl. The rear seat passenger

told law enforcement that the defendant threw her the plastic bag to hide it when officers stopped the Camaro.

The MCSO Forensic Chemistry Lab analyzed the substances Montgomery sold to UC1 on April 26, 2017 and May 4, 2017. The substance the defendant sold to UC1 on April 26, 2017 weighed 9.924 grams; the substance is a mixture containing heroin and fentanyl. The substance the defendant sold UC1 on May 4, 2017 weighed 9.663 grams; the substance is a mixture containing heroin, carfentanil and fentanyl. The lab analyzed the substance the rear seat passenger hid in her pants when law enforcement stopped Montgomery's Camaro on May 4. The substance weighed 9.902 grams; the substance is a mixture containing heroin, carfentanil and fentanyl. The lab also analyzed the powder material in the multiple bags found within the purse located inside Montgomery's Camaro. The substance weighed .921 grams; the substance is a mixture of heroin and fentanyl.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on December 19, 2017, I electronically filed the foregoing with the Clerk of the Court by using the CM/ECF system which will send a notice of electronic filing to the following:

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Kathleen M. Sweeney, AFD

/s/ Michael C. Sinacore

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