

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

UNITED STATES OF AMERICA

v.

Case No. 8:18-cr-174-T-24CPT

DIRK LAWRENCE DAVIS

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

The United States of America, by Maria Chapa Lopez, 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 OF COUNT 1

The essential elements of a violation of 18 U.S.C. § 1951(a), interference with interstate commerce by robbery, are as follows:

- First:** The defendant knowingly obtained property from another person;
- Second:** The defendant took the property against the victim's will, by using actual or threatened force, using violence, or causing the victim to fear harm, either immediately or in the future; and
- Third:** As a result of the defendant's actions, interstate commerce, or an item moving in interstate commerce, was actually or potentially delayed, obstructed, or affected in any way or degree.

PENALTY FOR COUNT 1

Violations of 18 U.S.C. § 1951(a) are punishable by a maximum term of imprisonment of twenty years, a fine of up to \$250,000, a term of supervised release of not more than three years, and a special assessment of \$100.

Additionally, the defendant must forfeit property, pursuant to 18 U.S.C. § 924 and 28 U.S.C. § 2461(c), as outlined in the Indictment. The property to be forfeited includes, but is not limited to, an order of forfeiture in the amount of \$20,000, which represents the proceeds from the robbery charged in Count 1.

ESSENTIAL ELEMENTS OF COUNT 2

The essential elements of a violation of 18 U.S.C. § 924(c)(1)(A)(ii), brandishing a firearm in furtherance of a crime of violence, are as follows:

- First: The defendant committed a “crime of violence;”
- Second: The defendant knowingly brandished a firearm; and
- Third: The defendant brandished the firearm during, in relation to, or in furtherance of a “crime of violence.”

PENALTY FOR COUNT 2

Violations of 18 U.S.C. § 924(c)(A)(ii) are punishable by a mandatory minimum term of imprisonment of seven years, a maximum term of imprisonment of life, and a special assessment of \$100.

Under *Alleyne v. United States*, 133 S. Ct. 2151 (2013), and *Apprendi v. New Jersey*, 530 U.S. 466 (2000), a minimum sentence of seven years of imprisonment and a maximum sentence of life imprisonment may be imposed because the following facts have been admitted by the defendant and are established by this plea of guilty: the defendant brandished a firearm in furtherance of a crime of violence.

Additionally, the defendant must forfeit property, pursuant to 18 U.S.C. § 924 and 28 U.S.C. § 2461(c), as outlined in the Indictment. The property to be forfeited includes, but is not limited to, an order of forfeiture in the amount of \$20,000, which represents the proceeds from the robbery charged in Count 1, the “crime of violence” that forms the basis for Count 2.

FACTUAL BASIS

All of the events described below occurred within the Middle District of Florida.

On or about February 2, 2018, the defendant, DIRK LAWRENCE DAVIS, committed an armed robbery of the Seminole Hard Rock Casino, located at 5223 Orient Road, Tampa, FL 33610. The casino participates in interstate commerce.

At approximately 2:11 AM, the defendant entered the casino’s poker room, approached a teller window, brandished a semi-automatic handgun to the teller, and demanded “hundreds.” Upon seeing the gun, the teller, an employee of the casino, feared for his personal safety. The teller gave DAVIS the contents of his

register – \$2,000 of the casino’s money. DAVIS took the money and fled the scene. The robbery affected the casino’s ability to participate in interstate commerce by, among other things, depleting its assets.

The casino captured the robbery on surveillance video, which was broadcast on the local television news. Multiple friends of DAVIS called law enforcement and identified DAVIS as the robber. Multiple members of DAVIS’ family confirmed the same.

The above is merely a brief summary of the events, some of the persons involved, and other information relating to this case. It does not include, nor is it intended to include, all of the events, persons involved, or other information relating to this case.

Respectfully submitted,

MARIA CHAPA LOPEZ
United States Attorney

By: /s/ Michael M. Gordon
Michael M. Gordon
Assistant United States Attorney
United States Attorney No. 182
400 N. Tampa Street, Suite 3200
Tampa, Florida 33602-4798
Telephone: (813) 274-6000
Facsimile: (813) 274-6358
E-mail: michael.gordon3@usdoj.gov

U.S. v. DIRK LAWRENCE DAVIS

Case No. 8:18-cr-174-T-24CPT

CERTIFICATE OF SERVICE

I hereby certify that on November 1, 2018, 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:

Adam Nate, Esq.

/s/ Michael M. Gordon
Michael M. Gordon
Assistant United States Attorney
United States Attorney No. 182
400 N. Tampa Street, Suite 3200
Tampa, Florida 33602-4798
Telephone: (813) 274-6000
Facsimile: (813) 274-6358
E-mail: michael.gordon3@usdoj.gov