

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

UNITED STATES OF AMERICA

v.

Case No. 3:18cr59/RV

ABBISINA HEPBURN

FACTUAL BASIS FOR GUILTY PLEA

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.

Beginning in or about November 2015, Abbisina Hepburn and Damian Hepburn began traveling to the Northern District of Florida to distribute hydromorphone and oxycodone. On or about April 13, 2018, a confidential informant purchased 25 hydromorphone pills from Abbisina Hepburn for \$750.00. On or about May 7, 2018, the confidential informant negotiated a second controlled purchase from the defendant. Thereafter, the defendant told the confidential informant to meet her in the Wal-Mart parking lot in Destin, Florida. While in the parking lot, the confidential informant was approached by D.C., an individual who had been seen driving the car in which the defendant was a passenger. Upon approaching the confidential informant, D.C. sold the informant 68 hydromorphone pills for \$2,000. Following the sale, D.C. traveled to a different area of the parking

lot, and the defendant got back into the passenger seat of the vehicle. Thereafter, law enforcement conducted a traffic stop on the vehicle. As law enforcement was approaching, the defendant threw a plastic bagging containing hydromorphone and oxycodone pills out the window of the vehicle. Both of the above identified purchases were controlled by law enforcement, recorded, and took place in the Northern District of Florida.

During the course of the traffic stop, and the defendant's arrest, the key to an apartment was recovered. Thereafter, law enforcement obtained a search warrant to search the apartment that was located in the Northern District of Florida. While searching the apartment, law enforcement recovered additional hydromorphone and oxycodone pills. Between the pills thrown out the window of the vehicle by the defendant, and those seized from the apartment, a total of approximately 617 hydromorphone pills and approximately 425 oxycodone pills were seized. The substances purchased and seized were tested by the Florida Department of Law Enforcement and determined to be hydromorphone and oxycodone.

ELEMENTS OF THE OFFENSES

Count One – OI 100, “Controlled Substance Conspiracy”

It's a separate Federal crime for anyone to conspire to knowingly possess with intent to distribute hydromorphone and oxycodone.

Title 21 United States Code Section 841(a)(1) makes it a crime for anyone to knowingly possess hydromorphone and oxycodone with intent to distribute it.

A “conspiracy” is an agreement by two or more persons to commit an unlawful act. In other words, it is a kind of partnership for criminal purposes. Every member of the conspiracy becomes the agent or partner of every other member.

The Government does not have to prove that all of the people named in the indictment were members of the plan, or that those who were members made any kind of formal agreement. The heart of a conspiracy is the making of the unlawful plan itself, so the Government does not have to prove that the conspirators succeeded in carrying out the plan.

A Defendant can be found guilty only if all the following facts are proved beyond a reasonable doubt:

- (1) two or more people in some way agreed to try to accomplish a shared and unlawful plan to possess hydromorphone and oxycodone; *and with intent to distribute AH.*
- (2) the Defendant knew the unlawful purpose of the plan and willfully *RWJ* joined in it.

Counts Two, Five, and Six – OI 98, “Possession with Intent to Distribute Controlled Substance”¹

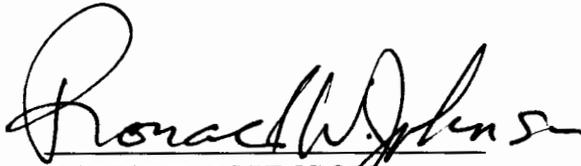
It's a Federal crime for anyone to distribute a controlled substance. Hydromorphone and Oxycodone are “controlled substances.”

A Defendant can be found guilty of this crime only if all the following facts are proved beyond a reasonable doubt:

- (1) the Defendant knowingly possessed with intent to distribute the controlled substance identified in the Indictment or distributed the controlled substance identified in the indictment; and
- (2) the Defendant intended to distribute or distributed the controlled substance.

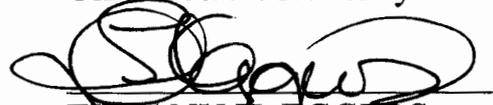
¹ Modified.

To "intend to distribute" is to plan to deliver possession of a controlled substance to someone else, even if nothing of value is exchanged.


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ABBISINA HEPBURN
Defendant

8.7.18
Date

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