

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

UNITED STATES OF AMERICA

v.

CASE No. 4:18CR15-MW

ROBERT WAYNE CORNWELL
_____ /

STATEMENT OF FACTS

The Defendant admits that if this case were to proceed to trial, the government could prove the following beyond a reasonable doubt.

This case originated from a citizen contact with the Perry Police Department (PPD) dispatch about a reckless driver in Perry, Florida. The caller provided a description of the activities, which were ongoing during the call, as well as a vehicle description. A patrol officer located the vehicle identified by the citizen and followed it briefly. The vehicle approached an intersection, turned on its right turn signal, but turned left. The vehicle eventually pulled into an empty parking lot. The officer then conducted an investigatory stop and the driver was eventually identified as the Defendant, Robert Cornwell.

As the officer approached the vehicle, Cornwell's speech was slurred and his responses to questions were lethargic. Cornwell's pants were undone and he

FILED IN OPEN COURT THIS

5/30/18

**CLERK, U.S. DISTRICT
COURT, NORTH. DIST. FLA.**

appeared to be under the influence of something, but the officer did not smell any alcohol or other illicit smells coming from the vehicle. Cornwell's pupils were pinpoint and constricted and his eyes were bloodshot. Cornwell was asked to step out and submit to a field sobriety test.

The officers provided instructions on how to complete the first test and directed Cornwell to do so. Cornwell attempted to do the first test a couple of times, but was unable to do so. As he tried to do it a second time, Cornwell stopped turned around and put his hands behind his back and said he needed to speak to a lawyer. As the officers moved to handcuff Cornwell and place him under arrest, he tried to flee. Cornwell was still in the grasp of one officer and another also grabbed him before he got away. A struggle followed during which Cornwell attempted to remove one of the officer's service pistol from his holster. He was unsuccessful and the officers were able to subdue Cornwell and place him under arrest. The entirety of the struggle as well as the traffic stop was captured by dash and body cameras.

Officers searched Cornwell incident to arrest. A marijuana blunt was found in a gum package. They also found an envelope with \$1,331 in U.S. currency. When officers seized that envelope, Cornwell spontaneously stated, "I ain't gonna get it back after you find what's in the truck." Based on Cornwell's erratic driving behavior, his attempt to flee, and his spontaneous statement, officers then searched Cornwell's truck. During the search, one of the officers could smell "weed." An

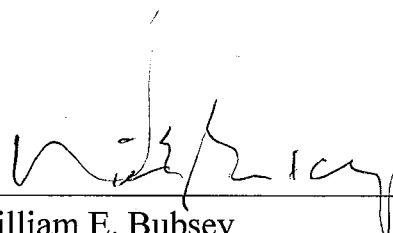
initial search revealed two (2) digital scales with drug residue, a taser, and a partially burnt marijuana cigarette inside a Marlboro cigarette box. Officers decided to have the vehicle towed to the PPD impound lot for a more detailed search. Once at the impound lot, officers found a sunglass case on the driver's floorboard. Inside the sunglass case, officers found two baggies with suspected methamphetamine (23 and 10 grams, respectively). There was also a small tin in the sunglass case that contained suspected methamphetamine. All three field tested positive for methamphetamine. Officers also found a large plastic baggie missing a corner. One of the baggies of methamphetamine appeared to be packaged with that corner.

The suspected methamphetamine seized during the search was submitted for laboratory analysis, which revealed the presence of 35.6 grams of methamphetamine with a 99% purity.

ELEMENTS

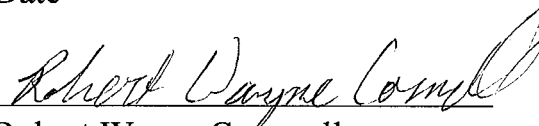
COUNT ONE (21 U.S.C. § 841(a)(1)): Possession with Intent to Distribute a Controlled Substance

- (1) The Defendant knowingly possessed methamphetamine;
- (2) The Defendant intended to distribute the methamphetamine; and
- (3) The amount of methamphetamine possessed was 5 grams or more.



William E. Bubsey
Attorney for Defendant

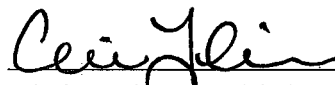
30 May 2018
Date



Robert Wayne Cornwell
Defendant

30 May 2018

CHRISTOPHER P. CANOVA
United States Attorney

 5/25/18

Christopher J. Thielemann
Assistant United States Attorney
Florida Bar No. 585009
Northern District of Florida
111 N. Adams Street, Fourth Floor
Tallahassee, FL 32301
(850) 942-8430
christopher.thielemann@usdoj.gov