

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

UNITED STATES OF AMERICA

v.

CASE NO. 3:18cr2/RV

KENNETH RAY MCLEMORE
_____ /

FACTUAL BASIS FOR GUILTY PLEA

This statement of facts is submitted on behalf of the undersigned parties. All parties agree that if the above-captioned case were to go to trial, the government could produce competent, substantial evidence of the following facts to prove Defendant is guilty of the count(s) of the Indictment to which Defendant is pleading guilty. The parties further agree that all of the following facts are true and correct and that not all of the facts known from or related to this investigation are contained in this brief summary.

STATEMENT OF FACTS

On or about December 29, 2010, Kenneth Ray McLemore was convicted in the State of Florida of Trafficking in Cocaine and Keeping a Public Nuisance Structure for Drug Act. On or about May 12, 2011, McLemore was convicted in the State of Florida of Possession of a Controlled Substance. For each of these crimes, McLemore was subject to punishment by a term of imprisonment exceeding one year.

On or about November 29, 2017, a search warrant was executed on the residence of Defendant Kenneth Ray McLemore, Co-Defendant Alex A. Mena, and Co-Defendant Justin G. Reimche in Destin, Florida. During the search, law enforcement agents found a 9 millimeter Glock pistol lying next to a high-capacity magazine loaded with 32 rounds of Hornady 9 millimeter ammunition and 1 loose round of Hornady 9 millimeter ammunition on the bed in Defendant's bedroom. Agents found a Taurus .45/.410 revolver loaded with 5 rounds of Federal .410 caliber ammunition in the nightstand next to the bed in Defendant's bedroom. Agents also found two cell phones in Defendant's bedroom, one of which contained text messages dating from on or about March 9, 2017, referencing marijuana distribution and the purchase of a firearm.

During the search, agents found approximately \$31,000 in cash in Mena's bedroom. Agents found approximately 143 grams of marijuana in a large plastic bag, a digital scale, and a quantity of cash in Reimche's bedroom. In the kitchen, agents found two large digital scales, a vacuum sealer, a box of disposable gloves, and boxes of plastic bags and vacuum seal bags. In a closet near the front door of the residence, agents found a cardboard box lined with white plastic material with a shipping label indicating it had been shipped from California two days prior. The box matched one in a video uploaded to Defendant's Snapchat account two days prior, which showed someone taking several large clear plastic vacuum-sealed packages of marijuana out of

two cardboard boxes. A photograph of the box's shipping label was found on a cell phone seized from Mena's bedroom. Similar cardboard boxes were also found in Defendant's bedroom and Mena's bedroom.

The Glock pistol was manufactured in Austria. The Hornady ammunition was manufactured in Nebraska. The Taurus revolver was manufactured in Brazil. The Federal ammunition was manufactured in Minnesota.

ELEMENTS

The elements of conspiracy to distribute and possess with intent to distribute marijuana, in violation of 21 U.S.C. § 846, are that:

- (1) two or more people in some way agreed to try to accomplish a shared and unlawful plan;
- (2) the Defendant, knew the unlawful purpose of the plan and willfully joined in it; and
- (3) the object of the unlawful plan was to distribute or possess with intent to distribute marijuana, in violation of 21 U.S.C. § 841(a)(1).

The elements of possession with intent to distribute marijuana, in violation of 21 U.S.C. § 841(a)(1), are that:


- First:* the Defendant knowingly possessed marijuana; and
- Second:* the Defendant intended to distribute the marijuana.

The elements of possession of a firearm by a convicted felon, in violation of 18 U.S.C. § 922(g)(1), are that:

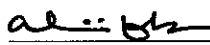
- First:* the Defendant knowingly possessed a firearm in or affecting interstate or foreign commerce; and

Second: before possessing the firearm, the Defendant had been convicted of a felony – a crime punishable by imprisonment for more than one year.

CHRISTOPHER P. CANOVA
United States Attorney



RANDALL LOCKHART
Attorney for Defendant



ALICIA H. FORBES
Assistant United States Attorney

3-16-18
Date

3/20/18
Date



KENNETH RAY MCLEMORE
Defendant

3-16-18
Date