

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

UNITED STATES OF AMERICA

CASE No: 1:19cr22-MW-1

v.

TORREY TYTHONEUS WHITE
a/k/a "Tamp"

STATEMENT OF FACTS

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

Count 1: Conspiracy to distribute and possess with intent to distribute 28 grams or more of cocaine base

From at least August 2018 through March 2019, the Defendant supplied Frank Rushing and Carl White with crack cocaine, which they then resold from the residence at 23252 NW 179th Pl, High Springs, Florida. Torrey White directed customers to Rushing and White, and used them as go-betweens for drug sales. As part of this conspiracy, the Defendant distributed and possessed with the intent to distribute at least 28 grams of cocaine base during this time period.

Specifically, at trial the Government would show that in August 2018, a witness purchased \$20 worth of crack cocaine from Frank Rushing at Rushing's residence described above, and traded a firearm to another individual at Rushing's

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Initials Date

residence in exchange for an additional \$50 worth of crack cocaine. This firearm was later recovered from the Defendant.

Later in August 2018, the witness purchased \$40 of crack cocaine from the Defendant inside Rushing's residence.

Later in August 2018, the witness purchased \$40 of crack cocaine from Rushing inside Rushing's residence. Rushing told the witness that if he had any additional firearms for sale that "Tamp" (the Defendant) would be interested in them.

Later in August 2018, the witness traded an AR-15 rifle, two loaded magazines, and a bullet-proof vest to the Defendant in exchange for \$150 worth of crack cocaine. The Defendant was in a vehicle parked near his and Rushing's residences when the transaction occurred.

Text messages from the Defendant's phone between November 17, 2018 and December 19, 2018, corroborate that drug sales were continuing during that time period.

On January 10, 2019, a Confidential Human Source (CHS) made a controlled purchase of cocaine base from Carl White inside Rushing's residence.

On January 16, 2019, a CHS purchased cocaine base from Carl White inside Rushing's residence.

On January 29, 2019, a CHS purchased cocaine base from Carl White inside Rushing's residence.

On each of the above-described buys by a CHS, DEA lab results confirmed that the substance purchased by the CHS was cocaine base.

On March 2, 2019, search warrants were executed at the Defendant's residence and at Rushing's residence. The night before the search warrant was executed, Rushing was selling crack cocaine on behalf of the Defendant. Rushing was selling crack in units of mostly \$10 ("dimes"), \$20 ("twenties"), and \$50 ("fifties"). When Rushing would run out of crack, he would go next door to the Defendant's residence to resupply. On the evening before the search warrant, between 15 and 20 customers purchased crack from Rushing's residence between midnight and the execution of the search warrant. Rushing went to the Defendant's residence to resupply twice on the night of March 1/morning of March 2, and also made a \$600 "money-drop" to the Defendant before the execution of the search warrant. When the search warrant was executed, law enforcement found \$610 in the Defendant's pocket, and additional crack cocaine inside of his residence.

Count 2: Possession of firearm/ammunition by a felon

On October 23, 2018, officers of the Gainesville Police Department conducted a traffic stop on vehicle in which the Defendant was the front-seat passenger. The

driver of the vehicle fled from police and was not apprehended. A Taurus 9 millimeter semi-automatic pistol loaded with Winchester ammunition was found at the Defendant's feet inside the vehicle.

DNA laboratory analysis for the firearm found a mixture containing both male and female DNA. The Defendant is a potential contributor to that mixture, and the DNA results are 1.3 billion times more likely if the DNA originated from the Defendant and an unknown, unrelated person, than if two unknown, unrelated people were contributors.

The Defendant was, in fact, in constructive possession of the firearm and ammunition found at his feet.

Interstate nexus examination of the firearm revealed it to be a Taurus model PT111 9 millimeter semi-automatic pistol manufactured in Brazil.

The ammunition was found to be Winchester 9 millimeter Luger ammunition manufactured in either Illinois or Mississippi.

The Defendant had previously been convicted of a felony, and knew that he had previously been convicted of a felony, to-wit:

- a. On or about April 05, 2000, TORREY TYTHONEUS WHITE was convicted in the State of Florida of Grand Theft Auto;
- b. On or about November 25, 2003, TORREY TYTHONEUS WHITE was

- convicted in the State of Florida of Attempted Robbery with Firearm; and
- c. On or about November 26, 2003, TORREY TYTHONEUS WHITE was convicted in the State of Florida of Driving while License Suspended or Revoked with Death.

Those convictions have not been set aside, the Defendant has not received a pardon, and the Defendant's right to possess a firearm has not been restored.

Count 6: Distribution of cocaine base

On February 8, 2019, the FBI used a Confidential Human Source (CHS) to purchase cocaine base from Carl White and the Defendant. The CHS was searched, outfitted with a covert video camera, and given money with which to purchase the cocaine base. The CHS spoke with the Defendant at the door to the Defendant's residence about wanting to purchase directly from the Defendant. However, the Defendant sent him back over to the area by Frank Rushing's residence to conduct the drug deal with Carl White as a go-between.

The Defendant provided Carl White with cocaine base, and Carl White provided the cocaine base to the CHS.

DEA laboratory analysis confirmed that the cocaine base was cocaine base (86% purity), and had a net weight of 1.5017 grams.

The Defendant knew that the substance was cocaine base and intentionally

distributed it.

Count 7: Possession with intent to distribute cocaine base

On March 2, 2019, a search warrant was executed at the Defendant's residence. Inside of a kitchen drawer, a sandwich baggie was found which contained multiple pieces of crack cocaine. DEA laboratory results were that the substance tested positive for cocaine base and had a net weight of 1.3881 grams.

The Defendant was knowingly in constructive possession of the cocaine base found in his kitchen drawer, knew that it was crack cocaine, and intended to distribute it.

**Count 8: Possession of firearm in furtherance of a drug-trafficking offense; and
Count 9: Possession of a firearm by a convicted felon**

During the execution of the search warrants on March 2, 2019, a Mercury Marquis registered to the Defendant and another individual was also searched. Mail belonging to the Defendant was found inside the vehicle. A small safe was found behind the front passenger seat. The safe contained a Smith and Wesson .357 Magnum loaded with assorted ammunition, \$2000 cash, two digital scales, and a box of 9mm Lugar R-P ammunition.

Under the driver's seat, a loaded Taurus model Millennium G2 9 millimeter semi-automatic pistol was found.

DNA laboratory analysis for the Taurus found a mixture containing both male

and female DNA, interpreted as being from three individuals. The analyst found that the Defendant is a potential contributor to the mixture and that the DNA results were 3.2 quadrillion times more likely if the DNA originated from the Defendant and two unknown, unrelated people, than if three unknown, unrelated people were contributors.

The Smith and Wesson .357 caliber revolver was manufactured in Massachusetts. The Taurus G2 9 millimeter pistol was manufactured in Brazil. The assorted ammunition from the .357 was found to be two rounds with the headstamp "Master" assembled in Georgia, but manufactured by Starline Brass in Missouri; one round of Remington ammunition manufactured in Arkansas, and one round of Winchester ammunition manufactured in either Illinois or Mississippi. The ammunition in the Taurus was found to be Winchester 9 millimeter ammunition manufactured in either Illinois or Mississippi. The ammunition found in the safe was found to be 36 rounds of 9 millimeter ammunition manufactured by Remington Arms Co. in Arkansas.

The Taurus pistol was found to be stolen during a burglary on December 8, 2018.

Additional ammunition was found during the search of a second vehicle on the property, including 35 rounds of .45 caliber ammunition manufactured by PMC

in South Korea; 4 rounds of .380 caliber ammunition manufactured by Winchester in either Illinois or Mississippi; and 1 round of .380 caliber ammunition manufactured by Jagemann Sporting Group in Wisconsin.

The Defendant was knowingly in constructive possession of all of the above items. As mentioned above, the Defendant had previously been convicted of a felony, and knew that he had previously been convicted of a felony. The Defendant possessed the Smith and Wesson and Taurus firearms to protect himself, including protecting himself from the threat of drug-related robberies.

Count 10: Maintaining a Drug-Involved Premises

In addition to the above facts, the Government would show that during the times alleged in the Indictment, the Defendant resided at 23248 NW 179th Pl, High Springs, Florida. This residence was immediately to the east of Frank Rushing's residence at 23252 NW 179th Pl. The Defendant knowingly made this residence available for the distribution and use of cocaine base ("crack cocaine"), and this occurred on a routine, ongoing basis.

ELEMENTS

Count 1: Conspiracy to distribute and possess with intent to distribute 28 grams or more of cocaine base (“crack cocaine”), PJI O100

- (1) two or more people in some way agreed to try to accomplish a shared and unlawful plan to distribute or possess with intent to distribute cocaine base, also known as “crack cocaine;”
- (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 the intent to distribute more than 28 grams of crack cocaine.

Counts 2 and 9: Possession of a firearm by a convicted felon

- (1) The Defendant knowingly possessed a firearm;
- (2) At the time of the charged act, the defendant had previously been convicted of a crime punishable by imprisonment for more than one year;
- (3) At the time of the charged act, the defendant knew that he had been convicted of such an offense; and
- (4) The firearm had been transported in interstate or foreign commerce.

Count 6: Distribution of cocaine base (“crack cocaine”)

- (1) the Defendant delivered crack cocaine to another person;
- (2) the Defendant knew that the substance was crack cocaine; and
- (3) the Defendant acted intentionally, that it is it was his conscious decision to deliver the controlled substance to another person.

Count 7: Possession with intent to distribute cocaine base, PJI O98

- (1) the Defendant knowingly possessed crack cocaine; and
- (2) the Defendant intended to distribute the crack cocaine.

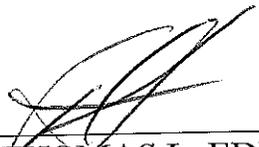
Count 8: Possessing a firearm in furtherance of a drug-trafficking crime, PJI O35.3

- (1) that the Defendant committed the drug trafficking crime charged in Count Seven of the indictment; and
- (2) that the Defendant knowingly possessed a firearm in furtherance of that crime, as charged in the indictment.

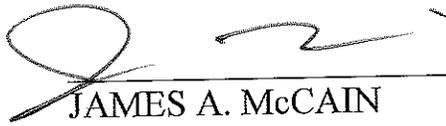
Count 10: Maintaining a Drug-Involved Premises¹

- (1) The defendant knowingly exercised some degree of control over the premises alleged;
- (2) The defendant knowingly made the place available for the distribution or use of cocaine base; and
- (3) There was continuity in pursuing the distribution or use of cocaine base.

LAWRENCE KEEFE
United States Attorney



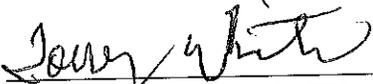
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TORREY TYTHONEUS WHITE
Defendant

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¹ Taken from *United States v. Clavis*, 956 F.2d 1079, 1090 (11th Cir. 1992).