

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

UNITED STATES OF AMERICA

v.

Case No. 4:15-cr-43-MW

JOSEPH-MICHAEL ELIAS MCFARLAND

STATEMENT OF FACTS

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

On September 1, 2015, law enforcement initiated a traffic stop of a vehicle driven by the Defendant's brother. The Defendant was in the back seat with a 16-year-old juvenile female, who was later identified as JW. The traffic stop was recorded. A deputy told the Defendant that JW was 16-years-old and that he should be careful.

On September 2, 2015, a Confidential Source ("CS") arrived at an apartment in Madison, Florida, to purchase "Molly" from the Defendant. The entire encounter was video and audio recorded. Before the controlled purchase, the Defendant told the CS that he was prostituting a girl. He sent a follow-up text

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

message to the CS saying: "I'm pimping her I need sum older clients wit cash real loot."

During the controlled purchase, the CS was introduced to JW. When the Defendant was first asked about how old JW was, he said that JW was 19. The CS then told the Defendant that she knew potential clients who may be interested in younger women. The Defendant then explained that JW was either 17 or 18.

Thereafter, the CS paid the Defendant \$40 in exchange for .5 grams of "Molly" and the CS left the apartment. The narcotics tested positive for Pyrrolidinovalerophenone (PVP), a Schedule I controlled substance, also known as α -Pyrrolidinovalerophenone and Alpha-PVP. Later that day, the Defendant sent several text messages to the CS asking if the CS would be able to find clients to prostitute JW. The Defendant also sent pictures of JW to the CS by text message.

The next day, on September 3, 2015, the CS made another recorded controlled purchase of "Molly" from the Defendant at the same location. The CS asked the Defendant about prostitution, and the Defendant directed the CS to speak with JW. The CS then spoke directly to JW and asked her what she would and would not do. JW responded, "I won't fuck in the ass." Then, the CS asked JW what she charged for her prostitution. In response, JW indicated to the Defendant

and stated, "I do the pleasure, he does the prices, ask him."

The CS paid the Defendant \$40 in exchange for .6 grams of "Molly" and left the apartment. Once again, the narcotics tested positive for Pyrrolidinovalerophenone (PVP), a Schedule I controlled substance also known as α -Pyrrolidinovalerophenone and Alpha-PVP.

Later that day, on September 3, 2015, the Defendant and the CS engaged in a recorded telephone call. The CS and the Defendant discussed prostituting JW for a "client" over a weekend.

Thereafter, the Madison County Sheriff's Office obtained and executed a warrant to search the residence where the Defendant sold narcotics to the CS. During the execution of the search warrant, JW was located in a back closet hiding under clothes. She was wearing a small black dress with no undergarments and was taken into protective custody.

In addition to the cell phones, officers also recovered a Harrington & Richardson .410 caliber shotgun, .410 shotgun shells, a box containing .22 caliber rounds of ammunition, digital scales, resealable plastic bags containing smaller plastic bags and narcotics residue, and a Universal Carbine rifle in a guitar case.

The Defendant was advised of his *Miranda* rights and he provided a voluntary post-*Miranda* statement to law enforcement. When the Defendant was initially asked whether he had sexual intercourse with JW, he denied doing so. After informing the Defendant that a rape kit was going to be performed on JW, the Defendant admitted that he had sex with her. The Defendant justified having sex with JW because he claimed that she was 16-years-old and he was under 24-years-old, in reference to the State of Florida statutory rape laws.

The Defendant identified a black Samsung Galaxy cellphone as his phone. On September 16, 2015, United States Magistrate Judge Stampelos signed a federal search warrant to search the Defendant's phone.

A search of the Defendant's phone revealed several texts on September 2, 2015, and September 3, 2015, regarding the Defendant's prostitution of JW. Specifically, on September 2, 2015, the Defendant received a text stating "Wea da white girl." He responded "Wit me." The individual replied to the Defendant indicating that he wanted to have sexual intercourse, and the Defendant responded to that text, stating "She works for me wat u talkin."

On September 3, 2015, the Defendant received a text message stating "White girl for head," to which the Defendant replied, "Yea for the right price."

The Defendant's cell phone also contained text messages regarding the sale of narcotics on September 2, 2015, and September 3, 2015, specifically discussing the price of narcotics.

ELEMENTS

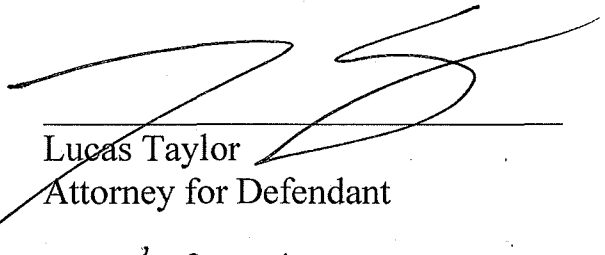
The elements of a violation of 18 U.S.C. § 1591(a)(1) (sex trafficking of a minor), which is alleged in Count One of the Indictment, are as follows:

- (1) the Defendant knowingly recruited, enticed, harbored, transported, provided, obtained, advertised, maintained, patronized, or solicited by any means JW;
- (2) that the Defendant did so knowing or in reckless disregard of the fact that JW had not attained the age of 18 years and would be caused to engage in a commercial sex act; and
- (3) that the Defendant's acts were in or affected interstate commerce.

The elements in violation of 21 U.S.C. § 841(a)(1), (b)(1)(C) (distribution of Alpha-PVP), which is alleged in Counts Two and Three of the Indictment, are as follows:

- (1) The Defendant knowingly distributed a controlled substance, and the controlled substance was Pyrrolidinovalerophenone (also known as PVP, α -Pyrrolidinovalerophenone, and "alpha-PVP").

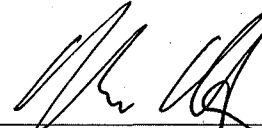
CHRISTOPHER P. CANOVA
United States Attorney



Lucas Taylor
Attorney for Defendant

5-9-16

Date



Michael J. Harwin
Georgia Bar No. 335605
Assistant United States Attorney
Northern District of Florida
111 North Adams Street, 4th Floor
Tallahassee, Florida 32301
(850) 942-8430



Joseph-Michael Elias McFarland
Defendant

5-9-16

Date

5/9/16

Date