

PETITION APPENDIX

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APPENDIX A

NOT FOR PUBLICATION

In the
United States Court of Appeals
For the Eleventh Circuit

No. 25-10949
Non-Argument Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

COREY MYRICK,

Defendant-Appellant.

Appeals from the United States District Court
for the Middle District of Florida
D.C. Docket No. 8:24-cr-00064-MSS-CPT-1

No. 25-10953
Non-Argument Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

2

Opinion of the Court

25-10949

versus

COREY MYRICK,

Defendant-Appellant.

Appeals from the United States District Court
for the Middle District of Florida
D.C. Docket No. 8:24-cr-00064-MSS-CPT-1

Before BRASHER, ABUDU, and ANDERSON, Circuit Judges.

PER CURIAM:

The Government’s motion to dismiss this appeal pursuant to the appeal waiver in Appellant’s plea agreement is GRANTED. *See United States v. Bushert*, 997 F.2d 1343, 1350–51 (11th Cir. 1993) (sentence appeal waiver will be enforced if it was made knowingly and voluntarily); *United States v. Bascomb*, 451 F.3d 1292, 1297 (11th Cir. 2006) (appeal waiver “cannot be vitiated or altered by comments the court makes during sentencing”); *United States v. Grinard-Henry*, 399 F.3d 1294, 1296 (11th Cir. 2005) (waiver of the right to appeal includes waiver of the right to appeal difficult or debatable legal issues or even blatant error).

APPENDIX B

AF Approval TLK for SCN

Chief Approval



UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

UNITED STATES OF AMERICA

v.

CASE NO. 8:24-cr-64-MSS-CPT

COREY MYRICK

PLEA AGREEMENT

Pursuant to Fed. R. Crim. P. 11(c), the United States of America, by Roger B. Handberg, United States Attorney for the Middle District of Florida, and the defendant, Corey Myrick, and the attorney for the defendant, Douglas Stamm, mutually agree as follows:

A. Particularized Terms

1. Count Pleading To

The defendant shall enter a plea of guilty to Count One of the Indictment. Count One charges the defendant with being a felon in possession of a firearm, in violation of 18 U.S.C. § 922(g).

2. Maximum Penalties

Count One carries a maximum sentence of 15 years imprisonment, a fine of \$250,000, a term of supervised release of at least three years, and a special assessment of \$100.

3. Elements of the Offense

The defendant acknowledges understanding the nature and elements of

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the offense with which defendant has been charged and to which defendant is pleading guilty. The elements of Count One are:

- First: The defendant knowingly possessed the firearms in or affecting interstate commerce; and
- Second: Before possessing the firearms, the defendant had been convicted of a felony—a crime punishable by imprisonment for more than one year.
- Third: Before possessing the firearms, the defendant knew that he had been convicted of a felony.

4. No Further Charges

If the Court accepts this plea agreement, the United States Attorney's Office for the Middle District of Florida agrees not to charge defendant with committing any other federal criminal offenses known to the United States Attorney's Office at the time of the execution of this agreement, related to the conduct giving rise to this plea agreement.

5. Guidelines Sentence

Pursuant to Fed. R. Crim. P. 11(c)(1)(B), the United States will recommend to the Court that the defendant be sentenced within the defendant's applicable guidelines range as determined by the Court pursuant to the United States Sentencing Guidelines, as adjusted by any departure the United States has agreed to recommend in this plea agreement. The parties understand that such a recommendation is not binding on the Court and that, if it is not accepted by this Court, neither the United States nor the defendant will be allowed to withdraw from

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the plea agreement, and the defendant will not be allowed to withdraw from the plea of guilty.

6. Acceptance of Responsibility - Three Levels

At the time of sentencing, and in the event that no adverse information is received suggesting such a recommendation to be unwarranted, the United States will not oppose the defendant's request to the Court that the defendant receive a two-level downward adjustment for acceptance of responsibility, pursuant to USSG §3E1.1(a). The defendant understands that this recommendation or request is not binding on the Court, and if not accepted by the Court, the defendant will not be allowed to withdraw from the plea.

Further, at the time of sentencing, if the defendant's offense level prior to operation of subsection (a) is level 16 or greater, and if the defendant complies with the provisions of USSG §3E1.1(b) and all terms of this Plea Agreement, including but not limited to, the timely submission of the financial affidavit referenced in Paragraph B.5., the United States agrees to file a motion pursuant to USSG §3E1.1(b) for a downward adjustment of one additional level. The defendant understands that the determination as to whether the defendant has qualified for a downward adjustment of a third level for acceptance of responsibility rests solely with the United States Attorney for the Middle District of Florida, and the defendant agrees that the defendant cannot and will not challenge that determination, whether by appeal, collateral attack, or otherwise.

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7. Use of Information - Section 1B1.8

Pursuant to USSG §1B1.8(a), the United States agrees that no self-incriminating information which the defendant may provide during the course of defendant's cooperation and pursuant to this agreement shall be used in determining the applicable sentencing guideline range, subject to the restrictions and limitations set forth in USSG §1B1.8(b).

8. Cooperation - Responsibilities of Parties

a. The government will make known to the Court and other relevant authorities the nature and extent of defendant's cooperation and any other mitigating circumstances indicative of the defendant's rehabilitative intent by assuming the fundamental civic duty of reporting crime. However, the defendant understands that the government can make no representation that the Court will impose a lesser sentence solely on account of, or in consideration of, such cooperation.

b. It is understood that should the defendant knowingly provide incomplete or untruthful testimony, statements, or information pursuant to this agreement, or should the defendant falsely implicate or incriminate any person, or should the defendant fail to voluntarily and unreservedly disclose and provide full, complete, truthful, and honest knowledge, information, and cooperation regarding any of the matters noted herein, the following conditions shall apply:

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(1) The defendant may be prosecuted for any perjury or false declarations, if any, committed while testifying pursuant to this agreement, or for obstruction of justice.

(2) The United States may prosecute the defendant for the charges which are to be dismissed pursuant to this agreement, if any, and may either seek reinstatement of or refile such charges and prosecute the defendant thereon in the event such charges have been dismissed pursuant to this agreement. With regard to such charges, if any, which have been dismissed, the defendant, being fully aware of the nature of all such charges now pending in the instant case, and being further aware of defendant's rights, as to all felony charges pending in such cases (those offenses punishable by imprisonment for a term of over one year), to not be held to answer to said felony charges unless on a presentment or indictment of a grand jury, and further being aware that all such felony charges in the instant case have heretofore properly been returned by the indictment of a grand jury, does hereby agree to reinstatement of such charges by rescission of any order dismissing them or, alternatively, does hereby waive, in open court, prosecution by indictment and consents that the United States may proceed by information instead of by indictment with regard to any felony charges which may be dismissed in the instant case, pursuant to this plea agreement, and the defendant further agrees to waive the statute of limitations and any speedy trial claims on such charges.

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(3) The United States may prosecute the defendant for any offenses set forth herein, if any, the prosecution of which in accordance with this agreement, the United States agrees to forego, and the defendant agrees to waive the statute of limitations and any speedy trial claims as to any such offenses.

(4) The government may use against the defendant the defendant's own admissions and statements and the information and books, papers, documents, and objects that the defendant has furnished in the course of the defendant's cooperation with the government.

(5) The defendant will not be permitted to withdraw the guilty pleas to those counts to which defendant hereby agrees to plead in the instant case but, in that event, defendant will be entitled to the sentencing limitations, if any, set forth in this plea agreement, with regard to those counts to which the defendant has pled; or in the alternative, at the option of the United States, the United States may move the Court to declare this entire plea agreement null and void.

9. Forfeiture of Assets

The defendant agrees to forfeit to the United States immediately and voluntarily any and all assets and property, or portions thereof, subject to forfeiture, pursuant to 18 U.S.C. § 924(d) and 28 U.S.C. § 2461(c), whether in the possession or control of the United States, the defendant or defendant's nominees.

The defendant agrees and consents to the forfeiture of these assets pursuant to any federal criminal, civil judicial or administrative forfeiture action.

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The defendant also agrees to waive all constitutional, statutory and procedural challenges (including direct appeal, habeas corpus, or any other means) to any forfeiture carried out in accordance with this Plea Agreement on any grounds, including that the forfeiture described herein constitutes an excessive fine, was not properly noticed in the charging instrument, addressed by the Court at the time of the guilty plea, announced at sentencing, or incorporated into the judgment.

If the United States seeks the forfeiture of specific assets pursuant to Rule 32.2(b)(4), the defendant agrees that the preliminary order of forfeiture will satisfy the notice requirement and will be final as to the defendant at the time it is entered. In the event the forfeiture is omitted from the judgment, the defendant agrees that the forfeiture order may be incorporated into the written judgment at any time pursuant to Rule 36.

The defendant agrees to take all steps necessary to identify and locate all property subject to forfeiture and to transfer custody of such property to the United States before the defendant's sentencing. To that end, the defendant agrees to make a full and complete disclosure of all assets over which defendant exercises control directly or indirectly, including all assets held by nominees, to execute any documents requested by the United States to obtain from any other parties by lawful means any records of assets owned by the defendant, and to consent to the release of the defendant's tax returns for the previous five years. The defendant further agrees to be interviewed by the government, prior to and after sentencing, regarding such

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assets and their connection to criminal conduct. The defendant further agrees to be polygraphed on the issue of assets, if it is deemed necessary by the United States. The defendant agrees that Federal Rule of Criminal Procedure 11 and USSG §1B1.8 will not protect from forfeiture assets disclosed by the defendant as part of the defendant's cooperation.

The defendant agrees to take all steps necessary to assist the government in obtaining clear title to the forfeitable assets before the defendant's sentencing. In addition to providing full and complete information about forfeitable assets, these steps include, but are not limited to, the surrender of title, the signing of a consent decree of forfeiture, and signing of any other documents necessary to effectuate such transfers.

Forfeiture of the defendant's assets shall not be treated as satisfaction of any fine, restitution, cost of imprisonment, or any other penalty the Court may impose upon the defendant in addition to forfeiture.

The defendant agrees that, in the event the Court determines that the defendant has breached this section of the Plea Agreement, the defendant may be found ineligible for a reduction in the Guidelines calculation for acceptance of responsibility and substantial assistance, and may be eligible for an obstruction of justice enhancement.

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The defendant agrees that the forfeiture provisions of this plea agreement are intended to, and will, survive the defendant, notwithstanding the abatement of any underlying criminal conviction after the execution of this agreement. The forfeitability of any particular property pursuant to this agreement shall be determined as if the defendant had survived, and that determination shall be binding upon defendant's heirs, successors and assigns until the agreed forfeiture, including any agreed forfeiture amount, is collected in full.

10. Abandonment of Property - Firearms and Ammunition

The United States of America and defendant hereby agree that any firearm and/or ammunition as defined in 18 U.S.C. § 921, seized from defendant and currently in the custody and/or control of the Bureau of Alcohol, Tobacco and Firearms, were properly seized and are subject to forfeiture to the government according to 18 U.S.C. § 924(d) and/or that the firearms and ammunition constitute evidence, contraband, or fruits of the crime to which he/she has pled guilty. As such, defendant hereby relinquishes all claim, title and interest he/she has in the firearms and ammunition to the United States of America and agrees to the administrative forfeiture or destruction of the firearms and ammunition by the Bureau of Alcohol, Tobacco and Firearms and further waives any right to receive notice of any administrative forfeiture proceeding involving the firearms and ammunition.

As part of the plea agreement in this case, the defendant hereby voluntarily abandons all right and claim to the Glock pistol with serial number BWY280.

B. Standard Terms and Conditions

1. Special Assessment and Fine

On the count to which a plea of guilty is entered, the Court shall impose a special assessment pursuant to 18 U.S.C. § 3013. The special assessment is due on the date of sentencing. To ensure that this obligation is satisfied, the Defendant agrees to deliver a cashier's check, certified check or money order to the Clerk of the Court payable to "Clerk, U.S. District Court" within ten days of the change of plea hearing.

The defendant understands that this agreement imposes no limitation as to fine.

2. Supervised Release

The defendant understands that the offense to which the defendant is pleading provides for imposition of a term of supervised release upon release from imprisonment, and that, if the defendant should violate the conditions of release, the defendant would be subject to a further term of imprisonment.

3. Immigration Consequences of Pleading Guilty

The defendant has been advised and understands that, upon conviction, a defendant who is not a United States citizen may be removed from the United States, denied citizenship, and denied admission to the United States in the future.

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4. Sentencing Information

The United States reserves its right and obligation to report to the Court and the United States Probation Office all information concerning the background, character, and conduct of the defendant, to provide relevant factual information, including the totality of the defendant's criminal activities, if any, not limited to the count(s) to which defendant pleads, to respond to comments made by the defendant or defendant's counsel, and to correct any misstatements or inaccuracies. The United States further reserves its right to make any recommendations it deems appropriate regarding the disposition of this case, subject to any limitations set forth herein, if any.

5. Financial Disclosures

Pursuant to 18 U.S.C. § 3664(d)(3) and Fed. R. Crim. P. 32(d)(2)(A)(ii), the defendant agrees to complete and submit to the United States Attorney's Office within 30 days of execution of this agreement an affidavit reflecting the defendant's financial condition. The defendant promises that his financial statement and disclosures will be complete, accurate and truthful and will include all assets in which he has any interest or over which the defendant exercises control, directly or indirectly, including those held by a spouse, dependent, nominee or other third party. The defendant further agrees to execute any documents requested by the United States needed to obtain from any third parties any records of assets owned by the defendant, directly or through a nominee, and, by the execution of this Plea

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Agreement, consents to the release of the defendant's tax returns for the previous five years. The defendant similarly agrees and authorizes the United States Attorney's Office to provide to, and obtain from, the United States Probation Office, the financial affidavit, any of the defendant's federal, state, and local tax returns, bank records and any other financial information concerning the defendant, for the purpose of making any recommendations to the Court and for collecting any assessments, fines, restitution, or forfeiture ordered by the Court. The defendant expressly authorizes the United States Attorney's Office to obtain current credit reports in order to evaluate the defendant's ability to satisfy any financial obligation imposed by the Court.

6. Sentencing Recommendations

It is understood by the parties that the Court is neither a party to nor bound by this agreement. The Court may accept or reject the agreement or defer a decision until it has had an opportunity to consider the presentence report prepared by the United States Probation Office. The defendant understands and acknowledges that, although the parties are permitted to make recommendations and present arguments to the Court, the sentence will be determined solely by the Court, with the assistance of the United States Probation Office. Defendant further understands and acknowledges that any discussions between defendant or defendant's attorney and the attorney or other agents for the government regarding any recommendations by the government are not binding on the Court and that,

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should any recommendations be rejected, defendant will not be permitted to withdraw defendant's plea pursuant to this plea agreement. The government expressly reserves the right to support and defend any decision that the Court may make with regard to the defendant's sentence, whether or not such decision is consistent with the government's recommendations contained herein.

7. Defendant's Waiver of Right to Appeal the Sentence

The defendant agrees that this Court has jurisdiction and authority to impose any sentence up to the statutory maximum and expressly waives the right to appeal defendant's sentence on any ground, including the ground that the Court erred in determining the applicable guidelines range pursuant to the United States Sentencing Guidelines, except (a) the ground that the sentence exceeds the defendant's applicable guidelines range as determined by the Court pursuant to the United States Sentencing Guidelines; (b) the ground that the sentence exceeds the statutory maximum penalty; or (c) the ground that the sentence violates the Eighth Amendment to the Constitution; provided, however, that if the government exercises its right to appeal the sentence imposed, as authorized by 18 U.S.C. § 3742(b), then the defendant is released from his waiver and may appeal the sentence as authorized by 18 U.S.C. § 3742(a).

8. Middle District of Florida Agreement

It is further understood that this agreement is limited to the Office of the

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United States Attorney for the Middle District of Florida and cannot bind other federal, state, or local prosecuting authorities, although this office will bring defendant's cooperation, if any, to the attention of other prosecuting officers or others, if requested.

9. Filing of Agreement

This agreement shall be presented to the Court, in open court or in camera, in whole or in part, upon a showing of good cause, and filed in this cause, at the time of defendant's entry of a plea of guilty pursuant hereto.

10. Voluntariness

The defendant acknowledges that defendant is entering into this agreement and is pleading guilty freely and voluntarily without reliance upon any discussions between the attorney for the government and the defendant and defendant's attorney and without promise of benefit of any kind (other than the concessions contained herein), and without threats, force, intimidation, or coercion of any kind. The defendant further acknowledges defendant's understanding of the nature of the offense or offenses to which defendant is pleading guilty and the elements thereof, including the penalties provided by law, and defendant's complete satisfaction with the representation and advice received from defendant's undersigned counsel (if any). The defendant also understands that defendant has the right to plead not guilty or to persist in that plea if it has already been made, and that defendant has the right to be tried by a jury with the assistance of counsel, the

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right to confront and cross-examine the witnesses against defendant, the right against compulsory self-incrimination, and the right to compulsory process for the attendance of witnesses to testify in defendant's defense; but, by pleading guilty, defendant waives or gives up those rights and there will be no trial. The defendant further understands that if defendant pleads guilty, the Court may ask defendant questions about the offense or offenses to which defendant pleaded, and if defendant answers those questions under oath, on the record, and in the presence of counsel (if any), defendant's answers may later be used against defendant in a prosecution for perjury or false statement. The defendant also understands that defendant will be adjudicated guilty of the offenses to which defendant has pleaded and, if any of such offenses are felonies, may thereby be deprived of certain rights, such as the right to vote, to hold public office, to serve on a jury, or to have possession of firearms.

11. Factual Basis

Defendant is pleading guilty because defendant is in fact guilty. The defendant certifies that defendant does hereby admit that the facts set forth below are true, and were this case to go to trial, the United States would be able to prove those specific facts and others beyond a reasonable doubt.

FACTS

On February 1, 2024, law enforcement executed a search warrant at the defendant's house. At the time of the search warrant execution, the defendant was arrested a short distance from his house. During his arrest, the defendant alerted law

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enforcement to a firearm in his waistband. Law enforcement recovered a firearm from the defendant's person. The arrest occurred in the Middle District of Florida.

The firearm recovered from the defendant was manufactured outside the state of Florida, and therefore traveled in and affected interstate commerce. The defendant has previously been convicted of at least two felonies, fleeing to elude (high speed), convicted on December 2, 2021, and leaving the scene of a crash, also convicted on December 2, 2021. On February 1, 2024, the defendant knew he was not permitted to possess a firearm.

The above is merely a summary of some of the events, some of the persons involved, and other information relating to this case. It does not include, nor is it intended to include, all the events, persons involved, or other information relating to this case.

12. Entire Agreement

This plea agreement constitutes the entire agreement between the government and the defendant with respect to the aforementioned guilty plea and no other promises, agreements, or representations exist or have been made to the defendant or defendant's attorney with regard to such guilty plea.

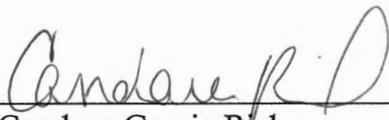
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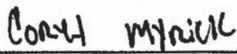
13. Certification

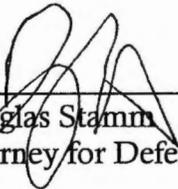
The defendant and defendant's counsel certify that this plea agreement has been read in its entirety by (or has been read to) the defendant and that defendant fully understands its terms.

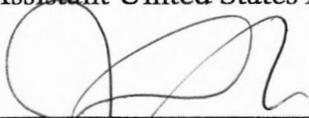
DATED this 15 day of August 2024.

ROGER B. HANDBERG
United States Attorney


Candace Garcia Rich
Assistant United States Attorney


Corey Myrick
Defendant


Douglas Stamm
Attorney for Defendant


James C. Preston, Jr.
Assistant United States Attorney
Chief, Violent Crime and Racketeering
Section

APPENDIX C

IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

1
2
3
4 UNITED STATES OF AMERICA,)

5 Plaintiff,)

6 vs.)

) Case No.

) 8:24-cr-00064-MSS-CPT

7)
8 COREY MYRICK,)

9 Defendant.)
10
11

12 SENTENCING HEARING
13 BEFORE THE HONORABLE MARY S. SCRIVEN
14 UNITED STATES DISTRICT JUDGE

15 MARCH 11, 2025
16 9:35 A.M.
17 TAMPA, FLORIDA

18
19
20
21 Proceedings recorded by mechanical stenography,
22 transcript produced using computer-aided transcription.

23 DAVID J. COLLIER, RMR, CRR
24 FEDERAL OFFICIAL COURT REPORTER
25 801 NORTH FLORIDA AVENUE, 7TH FLOOR
TAMPA, FLORIDA 33602

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APPEARANCES :

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P R O C E E D I N G S

- - - oOo - - -

THE COURT: Good morning. Call the case, please.

COURTROOM DEPUTY: The Court calls Case Number
8:24-CR-64-MSS-CPT, United States of America versus
Corey Myrick.

Would counsel please state your name for the record,
beginning with counsel for the Government.

MS. RICH: Good morning, Your Honor. Candace Rich
for the United States.

THE COURT: Good morning.

MR. STAMM: Good morning, Your Honor. Douglas Stamm
for Mr. Myrick, who is seated next to me.

THE COURT: Good morning.

Please swear the defendant.

COURTROOM DEPUTY: Please rise and raise your right
hand.

Do you solemnly swear or affirm, under penalties of
perjury, that the statements you give in these proceedings will
be the truth, the whole truth and nothing but the truth?

THE DEFENDANT: Yes, ma'am.

COURTROOM DEPUTY: Please state your name for the
record.

THE DEFENDANT: Corey Myrick.

COURTROOM DEPUTY: Thank you. You may be seated.

1 THE COURT: Mr. Myrick, you're under oath. You have
2 to give truthful answers. If you give false answers, you face
3 penalties of perjury, false statement and obstruction. Do you
4 understand that?

5 THE DEFENDANT: Yes, ma'am.

6 THE COURT: At the same time, it is not my purpose to
7 induce you to give false answers or mislead you, so if you
8 don't understand something that I'm saying to you or if you
9 need to speak with your lawyer, ask for clarification or ask
10 for a chance to speak with counsel. Do you understand that?

11 THE DEFENDANT: Yes, ma'am.

12 THE COURT: Sir, on August 29, 2024 you pled guilty
13 to Count One of the Indictment, which charged you with being a
14 felon in possession of a firearm, in violation of 18 United
15 States Code Sections 922(g)(1) and 924(a)(8). Do you
16 understand that charge?

17 THE DEFENDANT: Yes, ma'am.

18 THE COURT: The Court has already found you guilty of
19 the offense based on the plea that you entered in front of the
20 magistrate judge, and so now it is the stage in the proceedings
21 where it's my job to decide what your sentence will be. I make
22 that decision by speaking to you, your lawyer and counsel for
23 the Government, and reviewing the materials submitted in
24 advance of the hearing, including the parties' sentencing memos
25 and in this case the presentence report and other materials.

1 Do you understand that?

2 THE DEFENDANT: Yes, ma'am.

3 THE COURT: Counsel, has the defense had an
4 opportunity to review the presentence report?

5 MR. STAMM: Yes, Your Honor.

6 THE COURT: Any objection to its factual accuracy?

7 MR. STAMM: Not to the factual accuracy, Your Honor.

8 THE COURT: Any objection to the guideline
9 calculations?

10 MR. STAMM: Yes, Your Honor, there are several.

11 THE COURT: Would you like to be heard?

12 MR. STAMM: Yes, Your Honor.

13 THE COURT: Counsel, you may continue.

14 MR. STAMM: Your Honor, I have four exhibits that
15 I've submitted. I'd like to admit those at this time, if
16 there's no objection.

17 THE COURT: Is that a motion?

18 MR. STAMM: Yes, Your Honor.

19 THE COURT: Any objection?

20 MS. RICH: No, Your Honor.

21 THE COURT: They'll be received.

22 MR. STAMM: Your Honor, the objections really all
23 relate to what was found in an apartment that belonged to
24 Mr. Myrick's girlfriend on the day of his arrest. There's a
25 separate set of facts related to Mr. Myrick's rental of some

1 guns from a shooting range a few days earlier, but I want to
2 just start with what was found in that apartment, and so just
3 to make it easier, I'll start with the enhancements in
4 paragraphs 24 and 25 of the PSR.

5 Mr. Myrick agrees and agreed in this plea agreement
6 that he was in possession of a Glock 33 pistol with an extended
7 magazine. It was in his waistband. He was arrested away from
8 the apartment of his girlfriend, Mia Anderson. He was arrested
9 near a 7-Eleven. That was the only firearm he had in his
10 actual possession.

11 Now, when he was arrested, the police simultaneously
12 executed a search warrant at Ms. Anderson's apartment some
13 blocks away. During the search warrant ATF noted in a report
14 that there were two men in that apartment, one of them was
15 Willie Saunders and the second man was named Ladarius Thomas.
16 Both men had prior convictions for robbery with a firearm from
17 Hillsborough County. Mr. Saunders ended up being charged in
18 Hillsborough County with possession of cocaine as a result of a
19 pat-down that the police did during the execution of the search
20 warrant. Inside the apartment the police found a lot of guns,
21 ammunition and a vacuum-sealed bag with 460 odd grams of
22 marijuana.

23 During a post-*Miranda* interview Mr. Myrick told the
24 police his girlfriend kept a firearm in the apartment because
25 it had been robbed a short time earlier. He explained that he

1 had been out with several friends the night before his arrest;
2 specifically, that he and his friends had gone to the Hard Rock
3 Casino, and they all spent the night before at Ms. Anderson's
4 apartment.

5 In Defense Exhibit 1, which is an ATF report of
6 investigation, there is a photograph on page 3, and I'll show
7 it to you here. This photograph. This is a photograph from an
8 Instagram post that Mr. Myrick posted to his account. There
9 are several men holding firearms there. I can tell you that
10 Mr. Myrick is the one from the perspective of the camera whose
11 arm is closest to the bottom of that photograph. In his hand
12 is the Glock 33 pistol that he was arrested with. I have a
13 color version of this as well, and what you'll see in this
14 photograph, if I can zoom in --

15 THE COURT: I'm sorry. You're displaying Exhibit 3?

16 MR. STAMM: Exhibit 1, Your Honor. There's a firearm
17 here that you'll see, it's a black handgun with a red trigger.

18 THE COURT: This is the top left corner?

19 MR. STAMM: Top left of the photograph, yes,
20 Your Honor.

21 THE COURT: Uh-huh.

22 MR. STAMM: And, again, this is from an Instagram
23 post the night before Mr. Myrick's arrest.

24 Inside the apartment where the police executed the
25 search warrant --

1 THE COURT: Whose hand is that?

2 MR. STAMM: Well, Your Honor, I don't know, I can't
3 tell you just from this photograph, but what I can tell you
4 is that there were, again, two men in the apartment when the
5 search warrant was executed, and in the apartment the police
6 found, in a shoe in the closet, this gun. What I can tell you
7 is that in this photograph though, the person holding that gun
8 is not Mr. Myrick. This is Mr. Myrick here, holding this Glock
9 33 pistol with the extended magazine. So what appears to be to
10 me the same gun with a distinctive red trigger was found by the
11 police in a bedroom closet inside a shoe of Ms. Anderson's
12 apartment.

13 THE COURT: Whose bedroom?

14 MR. STAMM: The bedroom was -- it was a one bedroom
15 apartment, Your Honor, and the apartment was leased by
16 Ms. Anderson. The Government correctly points out that
17 Mr. Myrick opened the TECO account for the apartment, but he
18 did not spend every single night at that apartment, he lived
19 with his father somewhere else and received mail at another
20 address, so he was in and out of that apartment. He did have
21 some personal belongings there.

22 Another gun was found in the apartment in the exact
23 same closet on a shelf, and that's this gun in Defense Exhibit
24 4, and it appears to have been just out in open view of the
25 closet. This gun, this Smith & Wesson, was reported stolen.

1 So at the time the police executed the search warrant
2 at this apartment, again, Mr. Myrick was not present --

3 THE COURT: Do you know where this Exhibit 1 photo
4 was taken?

5 MR. STAMM: This one, Your Honor, the Instagram one?

6 THE COURT: Yes.

7 MR. STAMM: Your Honor, according to the report, it
8 was taken from Mr. Myrick's Instagram account.

9 THE COURT: But you don't know where it was
10 photographed?

11 MR. STAMM: No, Your Honor.

12 THE COURT: All right.

13 MR. STAMM: And Mr. Myrick did tell law enforcement
14 he had been out with a group of individuals the night before
15 who then spent the night at Ms. Anderson's apartment.

16 THE COURT: Do you know when it was posted?

17 MR. STAMM: Your Honor, I believe it was the night
18 before. You'll see a time stamp on there, it's sort of hard to
19 see, next to the --

20 THE COURT: 2:46?

21 MR. STAMM: No, Your Honor. There's an 18 hour time
22 stamp.

23 THE COURT: Can you circle it on the overhead?

24 MR. STAMM: Yes. There we go.

25 THE COURT: Or point to it.

1 MR. STAMM: Right. It's right there. It says 18h,
2 which means it was posted 18 hours earlier than when this
3 screen capture was taken.

4 THE COURT: All right.

5 MR. STAMM: So there was another gun recovered from
6 the apartment.

7 THE COURT: Is the gun in Exhibit 4 exhibited on
8 Exhibit 1?

9 MR. STAMM: The gun in Exhibit 2 is the gun in
10 Exhibit 1, Your Honor, the one with the red trigger.

11 THE COURT: My question is is Exhibit 4 displayed on
12 this photograph.

13 MR. STAMM: Your Honor, I cannot tell. There's no
14 distinctive feature from Exhibit 1 that lets me identify or at
15 least makes it --

16 THE COURT: So Exhibit 4 is not the gun that's being
17 held by Mr. Myrick in this photograph?

18 MR. STAMM: That's correct. That is correct. Yes.

19 THE COURT: All right. And how do you know that?
20 I don't know anything about guns.

21 MR. STAMM: Well, because Mr. Myrick was stopped
22 outside of the apartment with a gun on his person, so it
23 couldn't have been that gun in Exhibit 4, Your Honor, because
24 that was found in the apartment.

25 THE COURT: Was he found with a different gun?

1 MR. STAMM: Than what was in Exhibit 1?

2 THE COURT: Correct.

3 MR. STAMM: Your Honor, my understanding is that's
4 the same firearm, that is a Glock 33 with an extended magazine.

5 THE COURT: And what type of gun is the gun on
6 Exhibit 4?

7 MR. STAMM: That is a Smith & Wesson.

8 THE COURT: All right.

9 MR. STAMM: There was another gun found under the
10 sofa that was a rifle. That's here in Defense Exhibit 3.
11 Again, in a post-Miranda statement Mr. Myrick told the police
12 that his girlfriend, Ms. Anderson, had purchased this gun from
13 floridaguntrader.com through an online sale.

14 With respect to the marijuana that was found in the
15 apartment --

16 THE COURT: Is the girlfriend a felon?

17 MR. STAMM: Not to my knowledge, Your Honor.

18 THE COURT: All right.

19 MR. STAMM: And actually I will say this, the
20 Government did give me a photograph from some materials from
21 the apartment, there's a certificate that shows she completed a
22 concealed carry class, so I would assume she is not a felon
23 based on that.

24 THE COURT: All right.

25 MR. STAMM: There were 466, I believe, grams of

1 marijuana found in the apartment, I think in a vacuum-sealed
2 bag. In a police report that the Government produced to me
3 from Tampa Police Department there were some fingerprints
4 recovered from the bag. I know that in one of the prints
5 Mr. Myrick was specifically excluded as a contributor and in
6 the other it was inconclusive. Both prints returned a match
7 for a man identified as Larel Horton.

8 THE COURT: Larel Corbin?

9 MR. STAMM: Horton. Horton. H-O-R-T-O-N.

10 THE COURT: Spell Larel.

11 MR. STAMM: L-A-R-E-L.

12 THE COURT: But he's not one of the people who was at
13 the house at the time of the search?

14 MR. STAMM: I don't have any information to support
15 that, Your Honor.

16 THE COURT: All right.

17 MR. STAMM: So the situation here is, again,
18 Mr. Myrick was arrested away from the apartment where these
19 items were found. There were --

20 THE COURT: Was he followed from the house to the
21 location of the stop?

22 MR. STAMM: He was, Your Honor.

23 THE COURT: So he had been at the house immediately
24 before he was stopped?

25 MR. STAMM: Yes, he had. That's correct.

1 THE COURT: And then he was stopped away from the
2 house by a few blocks and then there was a simultaneous search?

3 MR. STAMM: Correct.

4 THE COURT: So we can assume that whatever weapons
5 were in the house were in the house when he left the house?

6 MR. STAMM: I think so, Your Honor.

7 THE COURT: So then the question becomes is he at
8 least in joint possession of those weapons with whomever the
9 other possessors were.

10 MR. STAMM: Correct, Your Honor.

11 THE COURT: And how do you conclude or argue
12 persuasively that he was not in joint possession of the weapons
13 if they were at the house where he was the holder of the
14 utility authority at which he also lived at least part-time
15 with his girlfriend?

16 MR. STAMM: Well, I think the most direct piece of
17 evidence I can point to is that photograph with the group of
18 men holding the guns and the other individual holding the gun
19 with the red trigger that appears to have been found in the
20 apartment. That gun appears to have been held or possessed by
21 someone else, at least at the time of that photograph, and,
22 again, Mr. Myrick was not present when the search warrant was
23 executed.

24 Now, with that, there were also, according to
25 Mr. Myrick's statement to the police, several men that had

1 spent the night in that apartment, and remember there was at
2 least one other man present at the time of the search warrant,
3 so --

4 THE COURT: Let's just assume for the moment that all
5 of the men in this photograph were at the apartment the night
6 before and they were all holding their own weapons underneath
7 their pillows throughout the night, and then in the morning
8 Mr. Myrick leaves the house with a gun, he's stopped with a
9 gun, word gets out that he's been stopped, everyone flees the
10 apartment, some of them take their guns, some of them leave
11 their guns. Police search the apartment and find the guns that
12 were left. Is it your contention that that is not enough to
13 establish that Mr. Myrick was in joint possession of the
14 weapons with the other people who left their weapons at the
15 house where they all slept?

16 MR. STAMM: Yes, Your Honor, it is, and I will also
17 note --

18 THE COURT: Yes, it is enough, or no, it's not
19 enough?

20 MR. STAMM: I don't believe that's enough,
21 Your Honor.

22 THE COURT: Because -- there's a case that says that?

23 MR. STAMM: I do not, Your Honor.

24 THE COURT: Is there any legal authority that says
25 that is not enough to constitute joint possession?

1 MR. STAMM: I do not, but it's the Government burden
2 by a preponderance, and my position would be that that's not
3 sufficient to meet the standard.

4 THE COURT: The question first is what is the
5 standard, what does the Government have to show to show joint
6 possession, and there has to be case authority that says that.

7 MR. STAMM: Your Honor, I would point to the jury
8 instruction for that definition, which I'd have to pull up.

9 THE COURT: Would you pull it up.

10 MR. STAMM: Yes, Your Honor.

11 So, Your Honor, this is in the pattern instruction of
12 possession, it says joint possession of a thing occurs if two
13 or more people share possession of it. The term possession
14 includes actual, constructive, sole and joint possession. And,
15 of course, constructive possession of a thing occurs if a
16 person doesn't have actual possession of it but has both the
17 power and intention to take control over it later.

18 THE COURT: All right.

19 MR. STAMM: Your Honor, I'll also just finally note
20 I believe that the firearms were processed for DNA and
21 fingerprint evidence. As of this date I haven't received
22 anything indicating that Mr. Myrick's fingerprints or DNA were
23 on any of these firearms.

24 THE COURT: Does the Government know the answer to
25 that?

1 MS. RICH: No, Your Honor.

2 THE COURT: No because it hasn't been determined, or
3 no, his DNA and fingerprints were not on the -- and I'm asking
4 counsel. If you want to put a witness on, I'll swear him under
5 oath to get the answer.

6 MS. RICH: It has not been determined, Your Honor.

7 THE COURT: Because the tests are not completed or
8 because they're inconclusive?

9 MS. RICH: I apologize, Your Honor. They were not
10 submitted for testing.

11 THE COURT: So the Government hasn't even tried to
12 determine whether he touched the weapons or had possession of
13 the weapons at any time?

14 MS. RICH: Correct. They have not been submitted.

15 THE COURT: Why?

16 MS. RICH: May I have a moment, Your Honor?

17 THE COURT: I beg your pardon?

18 MS. RICH: May I have a moment to speak to my case
19 agent?

20 THE COURT: You may.

21 MS. RICH: Your Honor, that was a decision that was
22 made as part of the investigation with respect to the things
23 that were taken from the residence, where those items were
24 located and the availability of time and resources.

25 THE COURT: All right. Anything else?

1 MR. STAMM: Your Honor, the only thing I'll turn to
2 is the objection to paragraph 23, which is the number of
3 firearms that Probation is holding Mr. Myrick accountable for.
4 Obviously I dispute his possession of what was found in the
5 apartment, but there's also this issue of what was done at the
6 shooting range a few days earlier on January 28th. It is my
7 position that Mr. Myrick's rental of some firearms at a
8 shooting range is not part of the same course of conduct or
9 part of a common scheme or plan as what happened on
10 February 1st in connection with the search warrant and his
11 arrest a short distance away. The shooting range firearm was a
12 rental. Mr. Myrick presented ID, paid a fee and returned the
13 firearm after possessing it for a short period of time. He's
14 facing separate standalone charges that are currently pending
15 in Hillsborough County for that case. Although it might be
16 properly mentioned in the PSR as a pending charge against him,
17 I do not believe it's sufficient or properly accounted for when
18 calculating the offense level, and so I would object to that as
19 well, Your Honor.

20 THE COURT: Doesn't the sheriff own the shooting
21 range?

22 MR. STAMM: I believe it's a private business,
23 Your Honor, called Shooters World.

24 THE COURT: But doesn't the sheriff have an ownership
25 interest in it?

1 MR. STAMM: That I don't know, Your Honor.

2 THE COURT: Well, is there no requirement for anybody
3 to run a background when people provide ID to ascertain whether
4 they're a felon before they hand them a weapon at a shooting
5 range?

6 I'm asking the Government.

7 MS. RICH: Your Honor, I believe that there is a form
8 that anyone who would like to rent a firearm is required to
9 fill out, and there is an opportunity on that form to indicate
10 whether or not you've been previously convicted of a felony,
11 and if I recall correctly, the defendant checked that he was
12 not a felon or had not been previously convicted, and I also
13 believe that might relate to the pending charges that he has
14 with the State.

15 THE COURT: Well, that didn't answer my question.
16 There's no obligation of the owner of the shooting range to run
17 the ID before they hand a felon a weapon for a fee?

18 MS. RICH: I cannot answer that question, Your Honor.

19 THE COURT: And there's no such charge as aiding and
20 abetting a felon in the possession of a firearm?

21 MS. RICH: I am not aware of one, Your Honor.

22 THE COURT: Are you familiar with the case of *U.S.*
23 *versus Brooks*?

24 MR. STAMM: I am not, Your Honor.

25 THE COURT: It's a case that suggests that possession

1 of a stolen weapon at time one and then subsequent possession
2 of another weapon at time plus four months is sufficient to
3 support continuous course of conduct in a possession of firearm
4 sufficient to support the enhancement based on that continuous
5 possession. Do you have any way to distinguish that case?

6 MR. STAMM: Your Honor, I think the very unique part
7 of this case is that it was a rental, a firearm rental, so we
8 know the possession was for a set period of time at the
9 shooting range. There was -- there isn't any reason to think
10 that he possessed it any longer than the amount of minutes that
11 he paid for. So, you know, it wasn't a situation where we need
12 to speculate that he may have had this gun for any length of
13 time other than what he checked it out for at the shooting
14 range.

15 THE COURT: So that requires me to determine that
16 course of conduct is the possession of weapons at home or
17 otherwise with the intent to possess them for a longer period
18 of time than just a rental period?

19 MR. STAMM: I think that that would make the
20 possession more similar to justify both possessions being
21 counted for relevant conduct. I think that when you have a gun
22 for, let's say, 60 minutes and return it, you know, how can
23 that continue on after the fact when you no longer have the
24 gun, and there's clear evidence that you couldn't have the gun
25 because it was returned to the shooting range. So I think that

1 that limited time period renders it sufficiently a single
2 occurrence that is not counted for what was done later on, a
3 few days later.

4 THE COURT: But if the course of conduct is being
5 hellbent on possessing firearms that he knows he's not allowed
6 to possess, whether it's at the shooting range or at the house
7 or at the car or at the casino or wherever it is, then defined
8 that broadly it is the same or similar course of conduct.

9 MR. STAMM: I agree with Your Honor. Yes.

10 THE COURT: So which is it?

11 MR. STAMM: Your Honor, I would not define it that
12 broadly as somebody who is hellbent on possessing guns no
13 matter what. I think that what he was arrested for and what
14 Probation is trying to hold him accountable for here is some
15 ongoing possession of firearms for an indefinite period of time
16 that no one can define versus the shooting range situation
17 where he had the gun for possibly an hour if not less.

18 THE COURT: Did he use his real identification at the
19 shooting range?

20 MR. STAMM: He did, yes, Your Honor.

21 THE COURT: So if the Court were to agree that he was
22 not in joint possession of the firearms at the home, how would
23 that change the guideline calculation?

24 MR. STAMM: Your Honor, let me look at the PSR.

25 THE COURT: Does Probation know?

1 PROBATION OFFICER: Your Honor, he's not held for the
2 firearms that are located in the residence. When it comes to
3 paragraph 23 and the additional firearms, it will be dismissed,
4 that paragraph, then he would have no enhancement for more than
5 three firearms.

6 THE COURT: And that would be a reduction of how many
7 levels?

8 PROBATION OFFICER: Of two levels. He would only be
9 held for the firearm that was in his possession when he was
10 stopped and then there was the firearm at Shooters World with
11 the AK-47, those would be the only two firearms.

12 THE COURT: And what if he's not held responsible for
13 the one firearm that appears in the photograph that appears
14 similar to the one that was found, thus eliminating one of the
15 firearms, would that change the analysis?

16 PROBATION OFFICER: If he's not held for the AK-47
17 which was found in the picture as well as in the residence, if
18 all the residence firearms are not included he would only be
19 held then just for the Glock, which would then take out the
20 two level enhancement for more than three to seven firearms.

21 THE COURT: So it has to be more than three, so if
22 you take out one it would be less than three?

23 PROBATION OFFICER: If you take out one -- if you
24 dismiss all the firearms from the residence itself --

25 THE COURT: If you dismiss only the red tab firearm

1 from the residence.

2 PROBATION OFFICER: Then he would still be held for
3 the plus two, because there would be at least three firearms,
4 the two that were located, the Ruger as well as the Smith &
5 Wesson, and then the Glock that was found on his person, so
6 that would be three, so he would still be held for the plus two
7 for the enhancement.

8 THE COURT: All right. Let me hear from the
9 Government.

10 MS. RICH: So first with respect to the defendant's
11 connection to the residence where the firearms were found, his
12 girlfriend, despite living there, did not claim ownership of
13 any of the firearms at the time of the search warrant
14 execution.

15 THE COURT: Do we have testimony from her or
16 affidavit?

17 MS. RICH: I can call a case agent, Your Honor, to
18 testify.

19 THE COURT: Okay. Well, that would be your -- you
20 would proffer that the girlfriend disclaimed ownership of all
21 the firearms and she did not purchase the one that was
22 registered to her?

23 MS. RICH: I would proffer that at the time of the
24 search warrant execution, when law enforcement spoke with the
25 girlfriend, she did not claim ownership of any of the firearms

1 that were found in the residence.

2 THE COURT: Was the rifle registered to her?

3 MS. RICH: I would -- no, I don't believe,
4 Your Honor, but I would defer to my -- I can call my case agent
5 to testify as to any questions the Court has on the facts.

6 THE COURT: Well, you're relying on statements of
7 fact with no foundation for them, so -- and then the defense
8 lawyer has just told me the girlfriend owned the rifle and she
9 bought it for protection and she took a course in the use of
10 firearms, so that's her firearm, and so if you're going to
11 offer some proffer or something to dispute that assertion,
12 I think you need to call a witness.

13 MS. RICH: I will call my agent, Jordan Wilson, to
14 testify.

15 THE COURT: Please come forward to be sworn, sir.

16 COURTROOM DEPUTY: Please raise your right hand.

17 Do you solemnly swear or affirm, under penalties of
18 perjury, that the testimony you're about to give in this cause
19 will be the truth, the whole truth and nothing but the truth?

20 THE WITNESS: Yes, I do.

21 COURTROOM DEPUTY: Please state and spell your name
22 for the record.

23 THE WITNESS: Jordan Harper. J-O-R-D-A-N,
24 H-A-R-P-E-R.

25 COURTROOM DEPUTY: Thank you. You may be seated

1 right behind you.

2 MS. RICH: And I apologize, Agent Harper.

3 THE COURT: Why are you apologizing to him?

4 MS. RICH: I called him Agent Wilson.

5 THE COURT: Oh.

6 Mr. Harper, you're under oath. You have to give
7 truthful answers. If you give false answers, you face
8 penalties of perjury, false statement and obstruction. Do you
9 understand that?

10 THE WITNESS: Yes, Your Honor.

11 THE COURT: At the same time, I'm not trying to
12 mislead you, so if you don't understand something that's being
13 asked, please ask for clarification before you give your
14 answer. Do you understand that?

15 THE WITNESS: Yes, Your Honor.

16 THE COURT: And please speak clearly into the
17 microphone. Wait until the question is completed before you
18 start your answer so you all aren't talking over each other,
19 even if you can anticipate what she's going to ask.

20 THE WITNESS: Yes, ma'am.

21 THE COURT: Thank you.

22 **DIRECT EXAMINATION OF AGENT JORDAN HARPER**

23 **BY MS. RICH:**

24 Q Good morning. Agent Harper, where are you employed?

25 A Bureau of Alcohol, Tobacco, Firearms and Explosives.

1 Q I want to turn your attention to the execution of a search
2 warrant on Mr. Myrick's residence back in February of 2024.
3 Let's talk first about surveillance that was conducted on that
4 residence. Can you describe what activity you saw with respect
5 to Mr. Myrick in the days leading up to that search warrant
6 execution.

7 A Yes, sir. Days prior we set up a pole camera to observe
8 the residence, so we were able to watch the residence without
9 physically being there. Also in the days prior, the morning of
10 the search warrant and days prior we did physical surveillance,
11 we observed Corey Myrick as well as other individuals come in,
12 come out of the apartment, we observed Mia Anderson there, and
13 we just maintained surveillance, so we were able to get a good
14 pattern of life for them.

15 Q Is Mia Anderson who you understand to be Mr. Myrick's
16 girlfriend at the time?

17 A Yes, ma'am.

18 Q With respect to Mr. Myrick's comings and goings from that
19 location, did it appear, based on what you saw, that he was
20 staying overnight there?

21 A Yes, ma'am.

22 Q And did it appear that he had been staying there for days
23 leading up to the warrant execution?

24 A Yes, ma'am.

25 Q Did it appear that any other individuals were staying

1 overnight there leading up to the day of the search warrant?

2 A No, ma'am.

3 Q Were you able to determine who was paying rent at that
4 location?

5 A Yes, ma'am.

6 Q Who?

7 A Mia Anderson.

8 Q Was Mr. Myrick splitting that rent with her?

9 A I do not know.

10 Q Who was paying the power bill at that location?

11 A Corey Myrick.

12 Q How long had he been paying the power bill there?

13 A I'm unsure, but more than six months.

14 Q Leading up to the search warrant?

15 A Yes, ma'am.

16 Q On the day of the search warrant execution, had Mr. Myrick
17 been at that residence?

18 A Yes.

19 Q Did you or did law enforcement observe him leaving
20 immediately before that search warrant was executed?

21 A Yes.

22 Q And was he arrested just a short distance away?

23 A Yes, ma'am.

24 Q Were there other individuals who had been seen going in
25 and out of that residence before -- immediately before the

1 search warrant execution?

2 A Yes.

3 Q How many people?

4 A Two or three.

5 Q Was one of those individuals his girlfriend, Mia Anderson?

6 A I cannot recall.

7 Q The individuals that were seen coming and going, were
8 those individuals that you believed were also staying there or
9 just visiting for a short time?

10 A Just visiting for a short time.

11 Q At the time of the search warrant execution, was
12 Mia Anderson interviewed?

13 A I cannot -- I didn't personally interview her myself.

14 Q Do you know if she claimed ownership of any of the
15 firearms in the residence?

16 A She did not claim ownership.

17 Q Do you know if the AK-47 found in the residence was
18 registered to Mia Anderson?

19 A It was not.

20 Q It was not registered to her?

21 A No, ma'am.

22 Q I want to talk about the --

23 THE COURT: When you say she didn't claim ownership
24 of the weapons, do you have -- do you know if she was asked?

25 THE WITNESS: I do not, ma'am.

1 THE COURT: So there wouldn't have been an
2 opportunity for her to claim ownership if nobody asked her.

3 THE WITNESS: I physically didn't ask her myself, so
4 I can't speak to that, Your Honor.

5 THE COURT: Do you have any report where anybody else
6 asked her and she disclaimed ownership?

7 THE WITNESS: No, Your Honor.

8 THE COURT: Okay. You don't know one way or the
9 other because nobody asked her.

10 THE WITNESS: Correct, Your Honor.

11 BY MS. RICH:

12 Q Let's talk about the Ruger 308 that was found in the
13 residence. Where specifically was that firearm located?

14 A In the bedroom closet, inside of a shoe.

15 Q Do you know who was staying in that bedroom?

16 A Based on the things in the room, I would say Mia Anderson
17 and Corey Myrick.

18 THE COURT: What things in the room?

19 THE WITNESS: Clothing, identification, banking
20 cards.

21 THE COURT: What's the last thing you said?

22 THE WITNESS: Banking cards, like a credit card,
23 debit cards.

24 THE COURT: Whose banking card was in the room?

25 THE WITNESS: Both.

1 THE COURT: And whose ID was in the room?

2 THE WITNESS: Both.

3 THE COURT: Counsel?

4 BY MS. RICH:

5 Q The closet specifically where the Ruger was located, were
6 there men's clothing items in there?

7 A Yes, ma'am.

8 Q Were there men's shoes in there?

9 A Yes, ma'am.

10 Q Showing you what the defense introduced as Exhibit 2, is
11 this the Ruger that was found inside that closet?

12 A Yes.

13 Q Is this -- does this appear to be the same firearm that
14 was also visible in the Instagram photo that we looked at in
15 Exhibit 1?

16 A It appears to be.

17 Q Where specifically was this Ruger found in that closet?

18 A Inside of a shoe.

19 Q What did that shoe look like?

20 A It's -- the brand is called Landon, but it's a chunkier
21 shoe, striped laces. It's the same shoe that was being worn in
22 the picture that was shared on Instagram the night prior.

23 Q Going back to the Defense Exhibit 1, we've established
24 that this arm here belonged to Corey Myrick; is that correct?

25 A Yes, ma'am.

1 Q So are these his feet that we see at the bottom of the
2 photograph?

3 A Yes, ma'am.

4 Q And are those the -- do those appear to be the same
5 sneakers that were in the closet where the Ruger was found
6 inside?

7 A Yes, they do.

8 Q Was that firearm loaded?

9 A Yes, ma'am.

10 Q The AK-47 that was found in the living room that's
11 depicted in Defense Exhibit 3, did that firearm look similar or
12 close to identical to the firearm that the defendant had been
13 shooting at Shooters World just days prior?

14 A Yes, ma'am.

15 Q Is that also the same firearm or appear to be the same
16 firearm that the defendant was observed holding in the
17 Instagram photo that we saw in Exhibit 1?

18 A Yes, ma'am.

19 THE COURT: I'm sorry. Show me that Exhibit 1.

20 Q Was the AK-47 also loaded?

21 THE COURT: I'm sorry, I don't see the gun you're
22 referring to. Can you point out of the weapon you think the
23 defendant is holding that looks like the weapon under the bed?

24 MS. RICH: Yes.

25 THE COURT: I'm asking the witness.

1 THE WITNESS: Yes, ma'am. It wouldn't be the
2 defendant, Your Honor. It's in the top left corner. It's an
3 AK-style rifle being held by another individual.

4 THE COURT: Can you circle it for me.

5 THE WITNESS: Yes, ma'am.

6 THE COURT: Because the question is was that the same
7 firearm or appear to be the same firearm that the defendant was
8 observed holding in the Instagram photo that we saw in
9 Exhibit 1, and you said yes.

10 THE WITNESS: I misspoke, ma'am. It's the picture
11 that he posted on his Instagram. He was not holding it,
12 Your Honor.

13 THE COURT: All right. Continue, Counsel.

14 BY MS. RICH:

15 Q Was there also ammunition found in that residence that was
16 compatible with the AK-47?

17 A Yes.

18 Q Where was the ammunition found in the residence?

19 A In the living room.

20 Q Was some of that information -- was similar ammunition
21 also found in the bedroom closet where the Ruger was located?

22 A Yes.

23 THE COURT: Well, similar ammunition? I don't
24 understand what that means.

25

1 BY MS. RICH:

2 Q Was there ammunition in the closet that was also
3 compatible with the AK-47 that was found in the living room?

4 A 762. I'd have to review, but I believe so.

5 THE COURT: Well, I need to know the answer. I don't
6 need to know your beliefs. I don't need you to just say yes to
7 everything she's asking you. I need to know if the ammunition
8 in the bedroom fit this rifle that was in the living room.

9 THE WITNESS: I do not recall, ma'am.

10 THE COURT: Do you have any documents that would
11 demonstrate whether it did or didn't?

12 THE WITNESS: I would have to review the search
13 warrant inventory. I do know that we found 762 ammunition in
14 the living room, but I'm not sure about the bedroom,
15 Your Honor.

16 THE COURT: Do you have that inventory somewhere in
17 the courtroom?

18 MS. RICH: I do not, Your Honor.

19 THE COURT: Do you have it on your person?

20 THE WITNESS: No, Your Honor.

21 THE COURT: All right.

22 BY MS. RICH:

23 Q Turning to the Smith & Wesson that is depicted in the
24 Defense Exhibit Number 4, where specifically was this firearm
25 located?

1 A On top of the bedroom closet.

2 Q And just to the right of that firearm, can you tell what
3 that is there.

4 A It looks like clothing.

5 Q Men's clothing or women's clothing?

6 A Men's clothing.

7 Q Was that firearm also loaded?

8 A Yes, ma'am.

9 Q What kind of ammunition was in that firearm?

10 A 9-millimeter.

11 Q The clothing items that are directly to the right of that
12 firearm, were those items of clothing also searched?

13 A Yes, ma'am.

14 Q And what was found in the pockets of those pieces of
15 clothing?

16 A 9-millimeter ammunition.

17 Q And is that 9-millimeter ammunition ammo that would have
18 been compatible with the Smith & Wesson right next to it?

19 A Yes, ma'am.

20 Q Was there additional 9-millimeter ammunition found in the
21 living room?

22 A Yes, ma'am.

23 Q Other than the Smith & Wesson, was there any other firearm
24 found in the residence that would fire 9-millimeter rounds?

25 A No.

1 Q And had that Smith & Wesson previously been reported
2 stolen?

3 A Yes.

4 Q Turning to the marijuana that was --

5 THE COURT: Before we get too far afield of that, the
6 people that you saw going in and out of the residence other
7 than the defendant and Ms. Anderson, who were they?

8 THE WITNESS: I believe one of their names was
9 Ladarius Thomas, and I can't recall the other individual's
10 name.

11 THE COURT: How many different people on the -- in
12 the course of your surveillance?

13 THE WITNESS: Two or three. I know before we watched
14 what appeared to be a hand-to-hand marijuana transaction, so
15 that seemed like another individual, but the two individuals,
16 one was Ladarius Thomas and then there was another. That was
17 who was in the apartment at the time of the search warrant.

18 THE COURT: But you said you were watching the house
19 regularly through this pole camera. Was there a Saunders who
20 was going in and out of the residence?

21 THE WITNESS: Willie Saunders, yes, ma'am.

22 THE COURT: Was there a Thomas who was going in and
23 out of the residence?

24 THE WITNESS: Yes, Your Honor.

25 THE COURT: And then this other person you just

1 mentioned, what's his name again?

2 THE WITNESS: That would be the same, Ladarius,
3 I believe his last name was Thomas.

4 THE COURT: Ladarius is Thomas, and then there's a
5 Saunders.

6 THE WITNESS: Yes, ma'am.

7 THE COURT: Anyone else besides -- and then this
8 person with the hand-to-hand buy you witnessed, that's a
9 different person?

10 THE WITNESS: Yes, Your Honor.

11 THE COURT: And that person went inside the residence
12 too?

13 THE WITNESS: No, Your Honor.

14 THE COURT: So he was just there. He or she was just
15 there.

16 THE WITNESS: Yes, Your Honor.

17 THE COURT: So the only people during your whole
18 surveillance that you saw go inside the house were Saunders,
19 Thomas, Anderson and the defendant?

20 THE WITNESS: That I would be able to identify, yes,
21 Your Honor.

22 THE COURT: Were there other people that you couldn't
23 identify?

24 THE WITNESS: Yes, Your Honor.

25 THE COURT: How many other people?

1 THE WITNESS: Um, I'd say two or three additional.

2 THE COURT: When were they there?

3 THE WITNESS: A day or two prior. Not immediately
4 before the execution of the search warrant.

5 THE COURT: A day or two prior to what?

6 THE WITNESS: To the execution of the search warrant.

7 THE COURT: But not on the day the search warrant was
8 executed?

9 THE WITNESS: Correct, Your Honor.

10 THE COURT: And not on the night before.

11 THE WITNESS: Correct, Your Honor.

12 THE COURT: Who was there the night before the
13 execution of the search warrant?

14 THE WITNESS: I do not know, Your Honor. I wouldn't
15 be able to tell.

16 THE COURT: I beg your pardon?

17 THE WITNESS: I wouldn't be able to tell, Your Honor.

18 THE COURT: Well, you said that the people you
19 identified were there a couple of days before the search
20 warrant. Why don't you know who was there the day before the
21 search warrant?

22 THE WITNESS: That's just based on our interview with
23 Corey that he told us he was with these people the night
24 before. Looking at the pole camera footage and doing
25 surveillance, we wouldn't be able to see who exactly is who

1 based on identification.

2 THE COURT: But were there other people the day
3 before the search warrant?

4 THE WITNESS: Yes, Your Honor.

5 THE COURT: How many other people?

6 THE WITNESS: At least two.

7 THE COURT: At least two.

8 THE WITNESS: Yes, Your Honor.

9 THE COURT: And do you know if they stayed the night?

10 THE WITNESS: Yes, Your Honor.

11 THE COURT: They did stay the night?

12 THE WITNESS: Yes, Your Honor.

13 THE COURT: And then when did they leave in reference
14 to when the search warrant was executed?

15 THE WITNESS: They were there during the execution of
16 the search warrant. I don't -- I can't -- I don't know if
17 anyone else left. I know Ladarius Thomas and Willie Saunders
18 were there during the search warrant.

19 THE COURT: And they were there the night before?

20 THE WITNESS: Yes, Your Honor.

21 THE COURT: And so if they brought weapons with them
22 when they got to the house, those weapons would still be with
23 them when the search warrant was executed and they would still
24 be in -- they would be in the house because they weren't on
25 their persons?

1 THE WITNESS: Yes, Your Honor.

2 THE COURT: Do you know if any one of those two
3 individuals is in this photograph of weapons that's Exhibit 1?

4 THE WITNESS: I wouldn't be able to tell, Your Honor.

5 THE COURT: Has either Saunders or Thomas been
6 charged with possession of a weapon in connection with the
7 search warrant of the house?

8 THE WITNESS: Not by ATF, Your Honor.

9 THE COURT: Do you know if they've been charged by
10 anybody else?

11 THE WITNESS: I don't believe Hillsborough charged
12 them.

13 THE COURT: I beg your pardon?

14 THE WITNESS: I don't believe Hillsborough County
15 Sheriff's Office charged them.

16 THE COURT: Did they accuse them?

17 THE WITNESS: I do not know, Your Honor.

18 THE COURT: Is there a report?

19 THE WITNESS: Not that I've reviewed.

20 THE COURT: Counsel, continue.

21 BY MS. RICH:

22 Q Turning to the marijuana that was found in the residence,
23 was a large portion of the marijuana found in a bag under the
24 bed in the bedroom where Mr. Myrick had been staying?

25 A Yes, ma'am.

1 Q And is that the same bedroom where law enforcement also
2 recovered two loaded firearms in the closet?

3 A Yes, ma'am.

4 Q And is that the same bedroom where law enforcement also
5 recovered ammunition?

6 A Yes, ma'am.

7 Q How much marijuana total was --

8 THE COURT: I'm sorry, I need you to stop again.

9 You said there were two loaded firearms in the
10 bedroom.

11 THE WITNESS: Yes, Your Honor.

12 THE COURT: That's the one that had the little red
13 strip on it and the one that's in the photo that's being
14 displayed right now, the Smith & Wesson?

15 THE WITNESS: Yes, Your Honor.

16 THE COURT: Continue.

17 BY MS. RICH:

18 Q How much total marijuana was found in the residence?

19 A I'm not sure of the exact number, but it was approximately
20 400 grams.

21 Q More than what would be permitted for medical marijuana
22 usage?

23 A Yes.

24 Q The visit to Shooters World that happened before the
25 execution of the search warrant, why was that relevant to the

1 search warrant being executed?

2 A The visit to Shooters World was kind of what put
3 Corey Myrick in our purview as far as our investigation.
4 The total background investigation, we were looking for
5 automatic Glock's which we'd seen advertised on Corey Myrick's
6 Instagram for sale. We saw he had posted he was shooting an
7 automatic firearm, we didn't know where exactly, but we did
8 know that the gun was fully automatic and we were aware that he
9 was a felon at the time that that video was posted.

10 Q So based on observations from his own Instagram page where
11 he's possessing firearms at Shooters World, did that then lead
12 to probable cause for a search warrant at his residence a few
13 days later?

14 A Yes, ma'am.

15 MS. RICH: Your Honor, I have nothing further for
16 this witness.

17 THE COURT: Did he rent the weapon that he was
18 shooting at Shooters World?

19 THE WITNESS: Yes, Your Honor.

20 THE COURT: And so the weapon that looks like the
21 weapon he was shooting at Shooters World isn't the weapon he
22 was shooting at Shooters World?

23 THE WITNESS: Correct, Your Honor.

24 THE COURT: All right.

25 MS. RICH: I have nothing further, Your Honor.

1 THE COURT: Counsel.

2 **CROSS-EXAMINATION OF AGENT JORDAN HARPER**

3 **BY MR. STAMM:**

4 Q Agent Harper, I just want to start with who was at the
5 residence right before the search warrant. Mr. Myrick, when he
6 was arrested away from the apartment, there was another
7 individual with him in that car, correct?

8 A Correct.

9 Q And that individual is Alexander Gibbons?

10 A Correct.

11 Q And Mr. Gibbons had been in the apartment when he left
12 with Mr. Myrick right before the search warrant, correct?

13 A That is correct.

14 Q So that's at least now a third individual who was in that
15 apartment right before the search warrant?

16 A Yes, sir.

17 Q Okay. Now, you mentioned Mr. Myrick had been staying at
18 the apartment for days. Are you aware whether he was spending
19 the night before?

20 A We didn't maintain surveillance throughout the night, so
21 I'm unaware.

22 Q Okay. So did you also know Mr. Myrick primarily lived
23 with his father at a different address?

24 A I have no evidence to support that. Just based on the
25 things that were found in the residence, I don't believe

1 that -- well, not probable, but it appeared that he lived
2 there.

3 Q Was your surveillance limited to the apartment or did you
4 also follow Mr. Myrick around?

5 A We did do mobile surveillance.

6 Q Did you see Mr. Myrick ever at 2913 East Columbus Drive?

7 A No.

8 Q So you're not aware that he stayed the night with his
9 father at that address many nights?

10 A I was not aware.

11 Q All right. With respect to the apartment itself,
12 Mr. Myrick didn't have a key to the apartment, correct?

13 A I'm not aware.

14 Q And he was not on the lease for the apartment?

15 A Correct. He was not.

16 Q You mentioned some belongings found in the apartment.
17 You mentioned specifically an ID card and a bank card, correct?

18 A Correct.

19 Q Were either of those items listed on the search warrant
20 inventory?

21 A I cannot recall.

22 Q Okay.

23 A I'm not even sure if we took the items. We may have just
24 photographed them.

25 Q You photographed them?

1 A Possibly.

2 Q Well, I have photographs that were produced to me of the
3 search. I see -- and I can show it to you, but I'm aware of a
4 single card from a go-kart place with the name Corey written on
5 it. Do you remember that picture?

6 A I would have to review the picture itself.

7 Q All right. But you're certain you took photographs of an
8 ID card and a banking card?

9 A I believe -- I remember taking pictures. I'm not exactly
10 certain, but I do remember taking pictures.

11 Q But you would not have included a bank card or an ID card
12 on the search warrant inventory, is what you said?

13 A Correct.

14 Q The search warrant itself, when it was executed, there was
15 a knock and announce done, correct?

16 A Correct.

17 Q So the people who were inside the apartment knew you were
18 there to serve a search warrant?

19 A Yes, sir.

20 Q The marijuana that was found, again, I brought this up,
21 but you're aware that it was processed for fingerprints,
22 correct?

23 A Yes, sir.

24 Q And you are aware that another individual's fingerprints
25 were on the marijuana, correct?

1 A Yes, sir.

2 Q Not Mr. Myrick's?

3 A Correct.

4 MR. STAMM: All right. Thank you, sir.

5 THE COURT: Any redirect?

6 MS. RICH: No, Your Honor.

7 THE COURT: I'm a little confused. Ms. Rich asked
8 you whether based on what you saw in Mr. Myrick's comings and
9 goings did it appear to you that he was staying overnight
10 there, and you answered yes, ma'am, and then when defense
11 counsel asked you did you know if he was staying overnight
12 based on your video surveillance, you said you didn't watch
13 overnight so you wouldn't be able to answer the question.
14 Which is it?

15 THE WITNESS: Um, when I spoke about watching
16 overnight, we don't have the -- well, we do have the capacity,
17 but we don't watch around the clock, we go back, we check.
18 Based on the vehicle being there in the morning, based on it
19 being there late in the afternoons, we would believe that he
20 would live there based on things that we found in the residence
21 we would believe that he lived there, and based on seeing him
22 coming and going, we would believe that he lived there.

23 THE COURT: So based upon when he would have gone in
24 at night and then when you resume your surveillance the next
25 morning, it's your testimony that you would then see him

1 leaving the residence in the morning?

2 THE WITNESS: I mean, we saw him coming out of the
3 residence the morning we did the search warrant, we saw him
4 leaving the residence. That wasn't uncommon.

5 THE COURT: Do you know what time it was the morning
6 he left the residence?

7 THE WITNESS: Maybe 9:00 a.m., 10:00 a.m. That's an
8 approximate.

9 THE COURT: And this third individual that now you
10 have identified, a Mr. Gibbons --

11 THE WITNESS: Yes, ma'am.

12 THE COURT: -- that's somebody you now recall was
13 also at the residence that day?

14 THE WITNESS: Yes, Your Honor.

15 THE COURT: And so now we're up to four people.

16 THE WITNESS: Yes, Your Honor.

17 THE COURT: Do you know if Mr. Gibbons is pictured
18 holding a weapon in Exhibit 1?

19 THE WITNESS: I wasn't able to identify him based on
20 that picture.

21 THE COURT: Do you know if his fingerprints were
22 found in the home?

23 THE WITNESS: I do not know.

24 THE COURT: And the things you said you found that
25 identified this bedroom as the defendant and his girlfriend's

1 bedroom, the ID card and the credit card and so forth, did you
2 or did you not find those things in that bedroom?

3 THE WITNESS: I believe we did, but, Your Honor,
4 without looking at the search warrant photos and the search
5 warrant inventory, I can't speak to that.

6 THE COURT: Counsel, do you have the inventory and
7 the photos?

8 MR. STAMM: I do have the inventory, Your Honor.

9 THE COURT: Would you please show it to the witness.

10 MR. STAMM: Yes.

11 THE COURT: Is that document that you're looking at
12 on the computer the search warrant inventory, sir?

13 THE WITNESS: Yes, Your Honor.

14 THE COURT: And can you tell me where it identifies
15 the things you were identifying as things found in the bedroom.

16 THE WITNESS: Nothing as far as identification is
17 listed on the search warrant inventory.

18 THE COURT: What is listed in the bedroom?

19 THE WITNESS: In the bedroom, ammunition,
20 two firearms, ammunition that was found inside of clothing,
21 marijuana, suspected marijuana. That's all, Your Honor.

22 THE COURT: Is it customary to list ID cards and
23 other things you would find in the residence?

24 THE WITNESS: No, Your Honor, we don't always seize
25 those items, sometimes we just take photographs to review

1 later, but we don't always seize identification.

2 THE COURT: Are there photographs on that computer?

3 MR. STAMM: There are photographs, Your Honor.

4 I have -- again, there is what the Government gave me.

5 It's these three photos.

6 THE WITNESS: Thank you.

7 THE COURT: The document you're looking at on the
8 computer now, is it a photograph of the bedroom?

9 THE WITNESS: Your Honor, it's photographs that are
10 organized into drug evidence, miscellaneous, and then firearm.

11 MR. STAMM: You just tap it.

12 THE COURT: And while you're looking through there,
13 do you see a photograph of the weapon inside the shoe as you
14 described it, or is the weapon only photographed outside the
15 shoe?

16 THE WITNESS: There is a photograph of the weapon
17 inside the shoe, Your Honor.

18 THE COURT: All right.

19 THE WITNESS: And there's also a photograph -- or
20 not -- it's a photograph of an ID card or just a name card with
21 Corey's ID on it from the go-kart place that defense mentioned.

22 THE COURT: Counsel, for the record, would you
23 supplement the record with a copy of the photograph of the gun
24 in the shoe.

25 MR. STAMM: I will, Your Honor, yes.

1 THE COURT: All right. That's the only
2 identification evidence is of the go-kart card?

3 THE WITNESS: Yes, Your Honor.

4 THE COURT: Did you photograph the scene undisturbed?

5 THE WITNESS: Yes, Your Honor.

6 THE COURT: Counsel, any more questions?

7 MR. STAMM: No, Your Honor.

8 THE COURT: Anything further from the Government of
9 this witness?

10 MS. RICH: No, Your Honor.

11 THE COURT: You may step down.

12 Any further argument from the Government? You were
13 in the middle of your argument before you stopped to call your
14 witness.

15 MS. RICH: Just to summarize the testimony of
16 Agent Harper, with respect to the residence, it's been
17 established that the defendant had been paying the electric
18 bill there for several months, I believe Agent Harper testified
19 six months prior to the date of the execution of the search
20 warrant, he's seen regularly coming and going from that
21 residence, he has personal items in the one bedroom that is in
22 that residence, so to say that he has dominion and control over
23 the items in that residence is reasonable.

24 With respect to the Ruger that was found, that's been
25 established that the Ruger was found inside a shoe that has

1 distinct markings that the defendant can be seen wearing in a
2 photo on his own Instagram page in the days prior to the search
3 warrant execution -- sometime prior to the execution of the
4 search warrant. I apologize. That shoe was found in a closet
5 in the bedroom where defendant's personal items were also
6 found. Also in there was ammunition for that particular
7 firearm.

8 With respect to the AK-47 that was found in the
9 living room, while there is no contention that that is the same
10 AK-47 that had been shot or been used at Shooters World in the
11 days prior, the fact that the same type of firearm was found in
12 the residence certainly points to the defendant's familiarity
13 with that type of firearm and the ability to operate that
14 firearm.

15 Additionally, with respect to that firearm, there was
16 ammunition that's compatible with the AK-47 found in the same
17 bedroom closet where the Ruger was found.

18 THE COURT: I thought we established that your
19 witness could not establish that?

20 MS. RICH: The -- I believe Agent Harper testified
21 that there was ammunition found in the closet that was
22 compatible --

23 THE COURT: He did not.

24 MS. RICH: Okay. I apologize.

25 THE COURT: Am I missing that? Did you disclaim that

1 you could establish that the ammunition in the bedroom was
2 associated with or compatible with the AK-47 in the bedroom?

3 THE WITNESS: I can't recall, Your Honor. I know
4 there was in the living room. I can't speak to the bedroom.

5 THE COURT: All right.

6 MS. RICH: I apologize, Your Honor.

7 Finally, with respect to the Smith & Wesson that was
8 recovered, again, from the closet inside the bedroom with the
9 defendant's belongings, right near -- in the same photo as
10 men's clothing, in that closet as well, that firearm was loaded
11 with 13 rounds of 9-millimeter ammunition.

12 In the living room there was also 9-millimeter
13 ammunition on the floor, and the only firearm in that house
14 that could fire that type of ammo was the Smith & Wesson that
15 was located in the closet.

16 Therefore the United States' position is that all of
17 the firearms inside that residence are within the dominion and
18 control of the defendant. It would be our position that those
19 firearms belong to the defendant, but at the very least they
20 are in his custody and control by virtue of the fact that
21 they're in the residence that he is contributing income to
22 every month to support, he's been seen coming and going there
23 for days leading up to the search warrant execution, and
24 personal items of his were found inside that residence.

25 THE COURT: Is it possible that the other

1 individuals, this Saunders, Thomas and Gibbons, could have had
2 those weapons and when they saw law enforcement coming could
3 have secreted those weapons all over the house, hoping that
4 they wouldn't be found or hoping that it would take them out of
5 control of them?

6 MS. RICH: It's certainly possible, Your Honor;
7 however, I don't believe that that's reasonable. I think
8 what's reasonable and what likely is the case -- more likely
9 the case is that these are the defendant's firearms that he had
10 stored in and around the residence as he was coming and going
11 in the days prior to, to include the two firearms that were in
12 the closet with his other belongings, one stashed in a shoe
13 that he had been seen wearing on his Instagram page, so --

14 THE COURT: But anybody could have put it in a shoe,
15 right?

16 MS. RICH: That's true, Your Honor. That's correct.

17 THE COURT: And somebody was holding it other than
18 the defendant in the photograph.

19 MS. RICH: That's correct as well, Your Honor, but
20 that doesn't preclude the fact that these weapons were found in
21 a bedroom with the defendant's belongings, and it's also very
22 likely that he had passed around his firearms for other
23 individuals to hold in a photo for his Instagram page, and
24 I think it's important to note that this is on his personal
25 Instagram page, not another friend's Instagram page, but his.

1 THE COURT: And the Government chose not to get any
2 sort of fingerprinting or DNA of any of the weapons located,
3 just out of expediency?

4 MS. RICH: That's correct, Your Honor.

5 THE COURT: All right.

6 MS. RICH: Nothing further.

7 THE COURT: Any other argument, Counsel?

8 MR. STAMM: Your Honor, I just want to point out,
9 since I didn't do this earlier, according to the search warrant
10 itself, this property was a 558 square foot apartment, it was
11 one bedroom and one bathroom with very limited space for three,
12 four, even five people, let alone the two who were there at the
13 time of the warrant, so their options were obviously limited as
14 to where they could have placed any firearms in the residence.

15 THE COURT: The course and conduct to include the
16 weapon at the Shooters World is relevant to what determination
17 for purposes of guideline calculations?

18 PROBATION OFFICER: The weapon found at Shooters
19 World, which was the AK-47 that he is seen --

20 THE COURT: Take one more step over in front of that
21 mic.

22 PROBATION OFFICER: Sorry.

23 THE COURT: Speak into the mic. Turn it around
24 toward you.

25 Yes, ma'am.

1 PROBATION OFFICER: The AK-47 that he used at the
2 Shooters World, with the base offense level it would have no
3 determination in there because the Glock that was found on his
4 person has an extended magazine with the multiple rounds that
5 were above the threshold, so if not utilizing that AK-47 that
6 was from Shooters World, his base offense level would still
7 remain at a 20.

8 THE COURT: And three weapons, including the one he
9 had on him, is sufficient for the two level enhancement
10 recommended by Probation?

11 PROBATION OFFICER: Yes, Your Honor.

12 THE COURT: All right. The Court overrules the
13 defendant's objections to the guideline calculations as it
14 relates to the weapons that give sufficient evidence that the
15 defendant was in possession, joint or constructive or actual,
16 of three weapons.

17 Is it more than three, or three or more?

18 PROBATION OFFICER: It is three or more, Your Honor.

19 THE COURT: He was in possession, obviously, of the
20 one he was in possession of; he was in joint and -- at least
21 joint and constructive possession of the AK-47 that he doesn't
22 dispute his girlfriend owned, whether or not she agrees, that
23 weapon was in the house, it was under the bed, under the sofa
24 in the living room, and according to the defense the girlfriend
25 purchased it for protection, and he lived in the apartment with

1 her at least part time, and so I think he would have had joint
2 and constructive possession of that weapon; and the weapon
3 found inside his shoe the Court would ascribe to his ownership.
4 He had a photograph of the shoe in his Instagram post, and the
5 gun was located inside his shoe, which would support that it
6 was his and that he would have had the ability to possess it or
7 take control over it, so it is either joint or constructive
8 possession, which establishes three weapons.

9 The Court declines to include the Shooters World
10 incident as a continual course of conduct. It is neither
11 similar nor related of type and kind, it is four days before
12 the incident, and so to the extent that there is any liability
13 of the defendant in putting down his identification and renting
14 a weapon at Shooters World, the Court leaves for a different
15 day in a different court, and it's not relevant to his
16 determination here, as I understand this calculus.

17 So the Court finds the defendant responsible for
18 three or more weapons and therefore finds the total offense
19 level is properly scored at 25, with a Criminal History
20 Category of IV, the guidelines recommend between 84 and
21 105 months incarceration, a one to three year period of
22 supervision, restitution is not applicable, the fine range is
23 20,000 to \$200,000, and there is a \$100 special assessment.

24 Counsel, do you have any other argument and do you
25 wish to offer evidence in mitigation and does your client wish

1 to allocute, which is his right?

2 MR. STAMM: Your Honor, I'll speak first and then
3 Mr. Myrick does want to make a statement.

4 THE COURT: All right.

5 MR. STAMM: Your Honor, as I already explained in the
6 sentencing memo, Mr. Myrick had an awful childhood, he was left
7 really to fend for himself. He clearly has and had mental
8 health issues, with absolutely no opportunity for treatment,
9 either for mental health or for the resulting drug use. He
10 told Probation and readily admits his solution to his mental
11 health problems was medical marijuana, and that's clearly
12 insufficient for the violence he's witnessed, himself being a
13 victim of a shooting, and the awful things he was left with as
14 a child. You know, he had to cope with homelessness, violence,
15 loss of friends and family, and he turned to marijuana and more
16 recently Percocet to deal with that.

17 The drug use as well as his lack of education,
18 because he dropped out in the ninth grade, have really held him
19 back from any kind of meaningful employment and financial
20 stability. He's made some very wrong choices about who he
21 chooses to associate himself with, he acknowledges that, that's
22 why we've just spent the last hour and 15 minutes talking about
23 objections to this presentence report, is largely because of
24 who he associates himself with.

25 I do think that it is entirely appropriate and the

1 Court should take into account his age when determining a
2 sentence. He was 21 years old when he was arrested on
3 February 1st of last year. He's extremely young for a
4 defendant to be in Federal Court. The guidelines now
5 specifically address a defendant's younger age and why a lower
6 sentence is warranted because of that.

7 In addition to prison, he really does need
8 psychiatric care as well as drug treatment and an education.
9 He would like to get his GED while he's in the Bureau of
10 Prisons, but I think most distinguishing for Mr. Myrick is the
11 fact that he has never been afforded an opportunity to have
12 either the education or the treatment, and that sets him apart
13 from other folks that come through here that have been given
14 resources either from Federal Court or from State Court to do
15 those things.

16 So I don't necessarily have a specific
17 recommendation, in light of the objections being overruled, but
18 I would ask the Court to at least consider a variance in this
19 case.

20 And I know that Mr. Myrick does want to speak to you,
21 Your Honor.

22 THE COURT: You had a witness list. Are you
23 declining now to call those witnesses?

24 MR. STAMM: I am, Your Honor, yes.

25 THE COURT: All right.

1 Would you like to make a statement on your own
2 behalf, sir?

3 THE DEFENDANT: Yes, ma'am.

4 THE COURT: Let me hear from you.

5 THE DEFENDANT: I just want to take --

6 THE COURT: Lift the microphone up a little bit.

7 THE DEFENDANT: Can you hear me?

8 THE COURT: I can.

9 THE DEFENDANT: I just want to take responsibility
10 for my actions, carrying a firearm when I been a convicted
11 felon. I know I have to do some time, but I just want to ask
12 that I'm able to get a trade and finish getting my education so
13 I can be a good candidate for a job, so I don't have to go back
14 to hanging around the same things and be, you know what I'm
15 saying, better for my family.

16 THE COURT: Thank you.

17 Counsel, there is someone standing in the background.
18 Would you like to inquire whether they're trying to ask to
19 speak?

20 MR. STAMM: Yes, Your Honor.

21 Your Honor, that person standing is Mr. Myrick's
22 mother. I wasn't aware until just now she would like to say
23 something, if you're willing to hear from her.

24 THE COURT: Please call your witness.

25 MR. STAMM: Thank you.

1 THE COURT: Please come forward to be sworn, ma'am.
2 Please swear the witness.

3 COURTROOM DEPUTY: Please raise your right hand.

4 Do you solemnly swear or affirm, under penalties of
5 perjury, that the testimony you're about to give in this cause
6 will be the truth, the whole truth and nothing but the truth?

7 THE WITNESS: Yes.

8 COURTROOM DEPUTY: Please say it a little loud for
9 me.

10 THE WITNESS: Yes.

11 COURTROOM DEPUTY: Please state and spell your name.

12 THE WITNESS: Coretha Myrick. C-O-R-E-T-H-A, Myrick,
13 M-Y-R-I-C-K.

14 COURTROOM DEPUTY: Thank you. You may be seated
15 right behind you.

16 THE COURT: Ms. Myrick, you're under oath. You have
17 to give truthful answers. If you give false answers, you face
18 penalties of perjury and false statement. Do you understand
19 that?

20 THE WITNESS: Yes.

21 THE COURT: At the same time, no one is trying to
22 confuse you or mislead you, so if you don't understand the
23 question, ask for clarification before you begin your answer.
24 Do you understand that?

25 THE WITNESS: Yes.

1 THE COURT: Do you have any felony convictions?

2 THE WITNESS: Yes.

3 THE COURT: How many?

4 THE WITNESS: A lot. I don't know how many.

5 THE COURT: And have you satisfied all of your
6 requirements associated with those convictions?

7 THE WITNESS: Yes.

8 THE COURT: All right. Counsel, you may inquire, or
9 you may just give her a chance to make a statement.

10 MR. STAMM: Yes, ma'am. I don't have any questions
11 prepared for you, but if you'd like to make a statement to the
12 Judge and help her in determining an appropriate sentence, now
13 is your opportunity.

14 THE WITNESS: Oh, okay. So, yes, ma'am, I was just
15 asking you to have --

16 THE COURT: Let me ask you first, how are you related
17 to the defendant?

18 THE WITNESS: He's my son.

19 THE COURT: And I'm reading his report and it
20 indicates that you all have not had a close relationship in the
21 past. Can you tell me about that.

22 THE WITNESS: Part of the reason is because like
23 where he is now, at his age I had the same charge and I went to
24 prison for ten years, and Corey's way of life that he's into is
25 part of because that's how he grew up with me. I was into a

1 life of drugs, crime, guns, his -- my husband, his stepfather
2 and his biological father as well, it's the way he grew up from
3 being born. I actually had Corey in prison, and when I came
4 home and I got him, it was still the same thing, it's a
5 revolving cycle, me, his dad got -- his dad is -- his
6 biological father is dead now from this type of situation, he
7 got shot in the head. But since he was young Corey has been
8 through a lot, in and out of foster homes. I got locked up
9 when he was born, I had him in jail. When I came home, I went
10 back to prison. A life of crime is all he's been around.

11 THE COURT: How long were you in prison after you got
12 out when you went back?

13 THE WITNESS: Three years.

14 THE COURT: For what kind of charge?

15 THE WITNESS: This one.

16 THE COURT: Guns?

17 THE WITNESS: Felon in possession of a firearm.

18 Guns, yes, ma'am.

19 THE COURT: In Florida?

20 THE WITNESS: In Florida, yes, ma'am. And he hasn't
21 been afforded the opportunity because he -- it's just not the
22 way of life. I ended up getting a GED, but he just -- nobody
23 else around us really -- he's never had an example. He lived
24 what he knowed. And I know he's grown now, so he does
25 understand what he done, but I just ask for leniency. I know

1 what he did was, you know, a lot, I understand about the law,
2 but I do know that he is around grown people, I do know that
3 those guns were not all Corey's. I've been in his house.
4 I know he did not live there. I know that he lives with his
5 father. I was there before I moved to Alabama. And I just ask
6 for leniency with my baby, just give him some --

7 THE COURT: Why didn't you take him with you to
8 Alabama if you knew how bad everyone was?

9 THE WITNESS: He was here. I just went to Alabama a
10 year ago, literally right before this happened.

11 THE COURT: And why didn't he go with you?

12 THE WITNESS: I came back -- well, he was supposed
13 to. When I came back, this situation had occurred.

14 THE COURT: All right. Any further questions?
15 Wait one second.

16 Any questions of this witness from the Government?

17 MS. RICH: No, Your Honor.

18 THE COURT: Thank you. You may step down.

19 THE WITNESS: Thank you.

20 THE COURT: Counsel, there's another witness?

21 MR. STAMM: Your Honor, there is Mr. Myrick's
22 stepfather.

23 THE COURT: Please come forward to be sworn, sir.

24 COURTROOM DEPUTY: Do you solemnly swear or affirm,
25 under penalties of perjury, that the testimony you're about to

1 give in this cause will be the truth, the whole truth and
2 nothing but the truth?

3 THE WITNESS: Yes, ma'am.

4 COURTROOM DEPUTY: Please state and spell your name
5 for the record.

6 THE WITNESS: Terry Myrick.

7 COURTROOM DEPUTY: Please spell your first name.

8 THE WITNESS: T-E-R-R-Y.

9 COURTROOM DEPUTY: Thank you. You may be seated
10 right behind you.

11 THE COURT: Mr. Myrick, you're under oath. You have
12 to give truthful answers. If you give false answers, you face
13 penalties of perjury and false statement. Do you understand
14 that?

15 THE WITNESS: Yes, ma'am.

16 THE COURT: And, sir, how are you related to the
17 defendant?

18 THE WITNESS: My stepson.

19 THE COURT: And do you have any felony convictions?

20 THE WITNESS: Yes, ma'am.

21 THE COURT: How many?

22 THE WITNESS: Three.

23 THE COURT: And have you completed all of your
24 requirements associated with your convictions?

25 THE WITNESS: Yes, ma'am.

1 THE COURT: When was the last time Mr. Myrick lived
2 with you?

3 THE WITNESS: Right before the conviction. He's --
4 everything is at my house, like --

5 THE COURT: Was he spending the night with you or off
6 and on with you and the girlfriend?

7 THE WITNESS: Off and on. Most of the time I used to
8 get mad at him because he'll come home like one, two o'clock in
9 the morning because he's with his girlfriend, but some of the
10 time -- most of the time he was at my house. His mail,
11 everything was at my house.

12 THE COURT: And how many bedrooms do you have at your
13 place?

14 THE WITNESS: Two bedrooms.

15 THE COURT: Two?

16 THE WITNESS: Yes.

17 THE COURT: Does anybody else live there?

18 THE WITNESS: No, sir.

19 THE COURT: Just the two of you?

20 THE WITNESS: Yes, ma'am, because my girls had went
21 with their mom.

22 THE COURT: Counsel.

23 MR. STAMM: So, sir, again, if there's any
24 information you'd like the Judge to know before imposing a
25 sentence, now is your opportunity.

1 THE WITNESS: I basically appear as a felon, as you
2 already know. He just -- I've been through a lot too, and
3 I know he's been through a lot. Sometimes we just not given
4 chances, you know. The times that I've been through stuff,
5 I wasn't given chances. I didn't have my mom, a lot of stuff
6 ran down on me, and that's why I acted out, you know, that is
7 why I sold drugs, that's why I went to guns, stuff like that.
8 I didn't have help. Actually, when I actually had went to my
9 last prison sentence, they actually gave me help, you know,
10 they gave me a leave on my sentence. I was sentenced to
11 15 years and they gave me three years and they gave me a
12 program, I finished that program, and I haven't been back
13 since, you know, because they gave me some help, they didn't
14 just smash me, you know. I think sometimes when we get smashed
15 it's still like, okay, well, bump it, you know, they're going
16 to smash me anyways; but when the help is there, I'm a witness
17 of that, when the help is there, the trades are there -- I work
18 for myself now, you know. I was working for people, I decided
19 to work for myself, because the trades that I was able to get,
20 I was able to change my life.

21 When Corey come around, he even knows I'm the person
22 that he's always sitting around, because I'm that motivation.
23 But I'm getting back to the point of sometimes when we're not
24 given that chance, this is all we know, you know. We are in a
25 situation in a neighborhood where a lot of it's going on and

1 that's what you're taught, it's what you learn. If I learned
2 Spanish, that's what I'd know, I wouldn't know English. So if
3 that's what's being taught, I can only get taught that, and
4 a lot of the stuff that's surrounding him was taught, but
5 I think if he's given a chance -- yeah, he know what he did,
6 and it's bad. I'm not up here trying to say none of this stuff
7 went on. What I'm trying to say is the leniency and the help
8 is what really helps, and if he can get some help with what's
9 going on, please give him that help, because I think that would
10 help him out when he comes back, you know.

11 I'm that -- I'm that person that always talk to him
12 all the time. He know I love him. That's my baby. You know
13 what, he's getting grown-er and he needs help, and that's all
14 I'm asking is y'all can just give him help with what's going
15 on, and that's all I'm asking.

16 THE COURT: Thank you.

17 Any questions of this witness from the Government?

18 MS. RICH: No, Your Honor.

19 MR. STAMM: Thank you, sir.

20 THE COURT: You may step down.

21 MR. STAMM: Your Honor, there's one final witness.

22 THE COURT: Please come forward to be sworn.

23 COURTROOM DEPUTY: Please raise your right hand.

24 Do you solemnly swear or affirm, under penalties of
25 perjury, that the testimony you're about to give in this cause

1 will be the truth, the whole truth and nothing but the truth?

2 THE WITNESS: Yes.

3 COURTROOM DEPUTY: Please state and spell your name
4 for the record.

5 THE WITNESS: Lazalya Black. L-A-Z-A-L-Y-A,
6 B-L-A-C-K.

7 COURTROOM DEPUTY: Thank you. You may be seated
8 right behind you.

9 THE COURT: Ms. Black, you're under oath. You have
10 to give truthful answers. If you give false answers, you face
11 penalties of perjury and false statement. Do you understand
12 that?

13 THE WITNESS: Yes, ma'am.

14 THE COURT: How old are you?

15 THE WITNESS: I just turned 18.

16 THE COURT: And do you have any felony convictions?

17 THE WITNESS: No, ma'am.

18 THE COURT: And how are you related to the defendant?

19 THE WITNESS: That's my big brother.

20 THE COURT: And when did he last live with you?

21 THE WITNESS: I don't remember.

22 THE COURT: Has he ever lived with you?

23 THE WITNESS: He came every now and then, like came
24 and seen us and stuff.

25 THE COURT: Where do you live?

1 THE WITNESS: I live in Alabama.

2 THE COURT: All right. And you'd like to speak on
3 his behalf?

4 THE WITNESS: Yeah. I would just like to say that
5 I love my big brother. It's been like -- it's been like
6 a little minute since I've seen him, and I just want to say
7 when he come home, I just don't want him to come back when he
8 come home, it's like -- it's like nights when I would call him,
9 it's like nights that I woke up and cry, and I be like -- I be
10 like you just need to come home already.

11 THE COURT: Thank you.

12 MR. STAMM: Thank you, ma'am.

13 THE COURT: Any further argument from the defense?

14 MR. STAMM: No, Your Honor. Thank you.

15 THE COURT: From the Government?

16 MS. RICH: Your Honor, the United States is asking
17 for a sentence of 135 months, which is the top of the
18 guidelines. I believe this sentence is appropriate given the
19 number of firearms that have been found to be in the
20 defendant's possession, all that were loaded, the fact that on
21 his Instagram in the days leading up to his firearm possession
22 he was posting about having Glock switches, he was brazen
23 enough to go to Shooters World, knowing that he was a felon,
24 and rent a firearm and then post about it on social media.
25 This defendant --

1 THE COURT: Was that brave or just not smart, in the
2 sense that he didn't know you can't rent a firearm if you're a
3 convicted felon?

4 MS. RICH: Your Honor, I would -- it would be my
5 position that it was brazen on his part. He's a multi
6 convicted felon who knows that he cannot possess firearms, and
7 he's posting about it on social media.

8 THE COURT: What does the form say at Shooters World,
9 do you know?

10 MS. RICH: I do not know, Your Honor.

11 THE COURT: So you don't have a copy of the form he
12 signed?

13 MS. RICH: Not with me, Your Honor, no, I do not.

14 THE COURT: You think though that it is patently
15 clear that if you're a convicted felon, you can't possess the
16 weapon? He would have had to check "no, I'm not a convicted
17 felon" on the form?

18 MS. RICH: There is an opportunity to indicate
19 whether or not you are permitted to possess firearms. The
20 exact language, I don't want to represent that on the record
21 because I haven't looked at it in a while, but there was an
22 inaccuracy on that form with respect to his ability to rent a
23 firearm or his eligibility to rent a firearm at Shooters World
24 that day.

25 THE COURT: Well, that's my question. What is the

1 inaccuracy?

2 MS. RICH: Your Honor, I can't say right now because
3 I haven't looked at the form in several months.

4 THE COURT: All right. Go ahead.

5 MS. RICH: Just with respect to the sentence,
6 Your Honor, I do believe that the sentence is necessary to
7 deter future criminal behavior. I believe this is an
8 individual who has not been deterred by previous punishment
9 from the Court, given his criminal history and the fact that he
10 was in possession of multiple firearms at the time of his
11 arrest for this case and his very flagrant showings on social
12 media of being in possession of multiple firearms and also
13 being in a position to possess Glock switches, which are very
14 dangerous.

15 THE COURT: Have you found any Glock switches on the
16 defendant?

17 MS. RICH: No, Your Honor, there were no Glock
18 switches found.

19 THE COURT: Were there any on the actual post in
20 photographs, or was it discussed?

21 MS. RICH: It was discussed on his social media page,
22 his ability to have access to Glock switches, Your Honor.

23 THE COURT: And why is the Shooters World charge not
24 nol prossed in lieu of the Federal case? Typically you would
25 nol pros the State case and pursue the Federal case. Am

1 I understanding that the State case is still pending?

2 MS. RICH: I believe the State case is still pending.
3 I can't speak to why they have or have not or what they're
4 doing with their charges.

5 THE COURT: Well, I need to know whether you intend
6 to -- or they intend to pursue those charges for purposes of
7 consecutiveness or concurrency.

8 MS. RICH: I do not know what their intentions are
9 with their charges, Your Honor.

10 THE COURT: So it's possible that the State could
11 pursue that charge and there would be another charge associated
12 with this case?

13 MS. RICH: I believe that the charge that the State
14 would be pursuing would have to do with the Shooters World
15 incident, which is not what the defendant is charged with in
16 the Federal case. And I don't have any further argument,
17 Your Honor.

18 THE COURT: Thank you.

19 MS. RICH: Your Honor, I have the exact language from
20 the Shooters World form, if you would like me to read it for
21 you.

22 THE COURT: This is the language that existed on the
23 day in question?

24 MS. RICH: Correct.

25 And, for the record, my agent was able to pull up the

1 actual form that the defendant signed, which was provided --
2 has been provided to the defense in discovery.

3 The language that he signed off on reads as follows:
4 In accordance with Florida Statute 790.23, it is unlawful for
5 any person to own or have in his or her care, custody,
6 possession or control any firearm, ammunition or electric
7 weapon or device, or to carry a concealed weapon, including a
8 tear gas gun or chemical weapon or device, if that person has
9 been convicted of a felony in the courts of this State. If
10 convicted of actual possession of a firearm by a convicted
11 felon, a judge is required to impose a minimum mandatory
12 sentence of three years in prison and can also impose any
13 combination of the following penalties, up to 15 years in
14 prison, up to 15 years of probation, and up to \$10,000 in
15 fines.

16 You must be at least 18 years of age to rent a rifle
17 or shotgun, at least 21 years of age to rent a handgun or
18 Class 3 weapon, and must show a valid driver's license or
19 State-issued ID.

20 Anyone suspected of being under the influence of
21 drugs or alcohol will not be allowed on the range. Shooters
22 World reserves the exclusive right to refuse service to anyone.

23 THE COURT: And then what, you click a form, I'm not
24 that, or it just tells you that?

25 MS. RICH: There is a place for the person -- it's

1 called a liability waiver, and there's a space for the
2 individual, the defendant, to initial right below the text that
3 I've just read, and his initials are there.

4 THE COURT: Waiving liability?

5 MS. RICH: The form is called a liability waiver, and
6 the paragraph directly above what I just read reads: Everyone
7 who wishes to use the range facility, whether observing,
8 shooting their own firearm or shooting a firearm experience,
9 must complete this form annually. All information supplied
10 will be kept strictly confidential, will not be distributed or
11 made available to others for any purpose, and is for the sole
12 use of Shooters World, LLC. And the form -- it's an 11 page
13 document. What I've read is the first page of the document.

14 THE COURT: All right. Thank you.

15 What were the circumstances of this offense for which
16 the defendant was convicted when he was 16 that is causing a
17 three point increase in his criminal history? I've read what
18 the document says. What happened to the person? What was the
19 serious bodily injury?

20 MR. STAMM: Your Honor, just in speaking with
21 Mr. Myrick, he was 16, there was a passenger in the car that
22 has since died. As far as he knows, the other individual that
23 he hit is still alive. Also Mr. Myrick fled because he hadn't
24 been in trouble before. He believes he was also on runaway
25 status through the foster care system and didn't want to be

1 picked up and returned to foster care, so that's the motivation
2 for leaving the scene.

3 THE COURT: But the serious bodily injury was caused
4 to this Mr. Crews?

5 MR. STAMM: Your Honor, I don't have -- and
6 Mr. Myrick didn't know specifically the nature of Mr. Crews'
7 injuries.

8 THE COURT: But he wasn't killed?

9 MR. STAMM: No.

10 THE COURT: All right. The presentence report says
11 at paragraph 42 that the circumstances in this offense are the
12 same as are in that offense, and that's my question, has it
13 been nol prossed or not, or what is the status?

14 MR. STAMM: Your Honor, I haven't looked it up within
15 the last couple of weeks. Mr. Myrick did tell me that he's
16 aware that it is still open and he needs -- you know, he's
17 awaiting, I guess, transport to Hillsborough County to address
18 that case. But I can pull it up now if you give me two minutes
19 to do that.

20 THE COURT: I would like to know. I think I have to
21 know.

22 Yes, ma'am.

23 PROBATION OFFICER: Your Honor, I did pull it up this
24 morning. The case is pending. We're awaiting the outcome from
25 his Federal case and then they'll move forward with his State

1 case.

2 THE COURT: So it wasn't nol prossed in favor of the
3 Federal prosecution, it's just dual prosecution?

4 PROBATION OFFICER: The prosecution, as far as the
5 State case, is based solely on the Shooters World incident,
6 similar in the sense of our offense conduct based off relevant
7 conduct, but their offense is specific to only the Shooters
8 World incident and nothing further.

9 THE COURT: So we have to determine whether the
10 Shooters -- I can't just ignore the Shooters offense level in
11 the determination here.

12 PROBATION OFFICER: With the Shooters World, based on
13 what was already determined, not utilizing it in the base
14 offense level, taking out the AK-47 from the Shooters World
15 incident, and even if you take out the AK-47 from the residence
16 that was utilized, it would still maintain the three or more
17 firearms found in the residence, which would then eliminate
18 even the discussion of an AK-47 at that point, which could then
19 lead to the State having their case.

20 THE COURT: But to the extent that they are related
21 offenses, not nol prossed in the State, and to the extent that
22 the Court has to determine whether this penalty should run
23 concurrent or consecutive to the State, I have to make that
24 determination; isn't that right?

25 PROBATION OFFICER: Yes, Your Honor, you will.

1 THE COURT: All right. Anything else from the
2 Government or the defense?

3 MS. RICH: No, Your Honor.

4 MR. STAMM: No, Your Honor.

5 THE COURT: It is unusual, Ms. Rich, for a
6 21-year-old to be pursued on Federal charges. Is there a
7 reason this 21-year-old was selected for prosecution different
8 than just the nature of the offense?

9 MS. RICH: I don't believe so, Your Honor.

10 THE COURT: All right.

11 Sir, would you please stand.

12 The Court has considered the parties' arguments.
13 I've reviewed the background and history of this case.
14 Pursuant to Title 18, United States Code, Section 3551 and
15 3553, it is the judgment of this Court that this defendant,
16 Corey Myrick, is hereby committed to the custody of the Bureau
17 of Prisons to be incarcerated for a term of 60 months.

18 Upon release he will serve a three year term of
19 supervision. While on supervision he must comply with the
20 mandatory and standard conditions adopted by the Middle
21 District of Florida, which are set forth in the 5D1.3(a) and
22 (c) of the guidelines.

23 Counsel, you've reviewed those with your client?

24 MR. STAMM: I will, Your Honor, yes.

25 THE COURT: You have not already?

1 MR. STAMM: I have not, but I'll do it after the
2 hearing if you'd like.

3 THE COURT: Well, we can't do it after the hearing
4 because he'll appeal and say he didn't know and then all the
5 conditions will be removed.

6 Would you please have a seat.

7 The conditions of supervised release that are set
8 forth and standard in the Middle District of Florida are as
9 follows: You must not commit another Federal, State or local
10 crime.

11 You must not unlawfully possess a controlled
12 substance.

13 You are subject to testing within 15 days of
14 placement on probation or supervised release and at least two
15 periodic tests per week thereafter, which is up to 104 tests
16 per year.

17 You must cooperate in the collection of DNA as
18 directed.

19 You will participate in any approved programs that
20 Probation requires, including mental health programs and
21 drug-related programs.

22 You are subject to being tested as part of your drug
23 testing program as set forth above.

24 Is there a restitution demand in this case?

25 MS. RICH: No, Your Honor.

1 THE COURT: You have to pay the special assessment of
2 \$100, which is statutorily mandated.

3 You will have to report to the Probation Office in
4 the jurisdiction where you live within 72 hours of the time you
5 are released.

6 You are required to follow the instructions of your
7 probation officer, reporting as directed.

8 You cannot leave the Federal judicial district where
9 you're authorized to reside without first obtaining permission
10 from the Court or the probation officer. The Court will allow
11 you to live in Florida or in Alabama in the jurisdiction where
12 your mother lives, once you're released.

13 If questioned by a law enforcement officer you must
14 be truthful, including to Probation.

15 You must live at a place approved by Probation. If
16 you plan to live at the -- if you plan to change where you
17 live, you must notify Probation at least ten days before such
18 change. If you're not able to due to unanticipated
19 circumstances, you must notify Probation within 72 hours of
20 becoming aware of the change or expected change.

21 You must allow the probation officer to visit you at
22 your home or wherever you reside and permit them to take any
23 items prohibited by the conditions of your supervision that he
24 or she observes in plain site.

25 You must work at least 30 hours per week at a lawful

1 occupation unless excused from doing so. If you do not have a
2 full-time job, you must try to seek one. If you plan to change
3 your work, you must notify Probation at least ten days before
4 the change. If you can't get ten days, you have to notify
5 Probation within 72 hours of being aware of a change of work.

6 You cannot interact with anyone you know is engaged
7 in criminal activity. If you know someone has been convicted
8 of a felony, you must not knowingly communicate or interact
9 with that person without first getting permission of your
10 probation officer. The Court will excuse this condition for
11 any of your family members, so that you will be allowed to
12 confer with your mother or your stepfather or any other person
13 with whom you're related by blood or marriage.

14 If you are arrested and questioned by
15 law enforcement, you must notify your probation officer within
16 72 hours.

17 You must not own, possess, access a firearm,
18 ammunition, destructive device or dangerous weapon, anything
19 designed or modified for the purpose of causing bodily injury
20 or death to another. This includes nunchakus, TASERS,
21 dangerous knives, not just your common home cooking knife or
22 eating knife, but anything else like that. If you possess a
23 weapon, you will be rearrested, and if you are arrested again
24 now having -- this would be your second conviction, a third
25 conviction for possession of a weapon by a convicted felon, you

1 could be subject to serving the balance of your natural life in
2 prison. Do you understand that?

3 THE DEFENDANT: Yes, ma'am.

4 THE COURT: You cannot make any agreement to serve as
5 a confidential informant or a human source for law enforcement
6 unless you get permission from the Court. If you are a risk to
7 another person, the probation officer may require you to notify
8 that person of that risk.

9 You must follow the instructions of the Office of
10 Probation in every respect related to your conditions of
11 supervision.

12 Do you understand those conditions?

13 THE DEFENDANT: Yes, ma'am.

14 THE COURT: If you are required to participate in
15 substance abuse or mental health treatment, you must contribute
16 to the costs of these services to the extent Probation deems
17 you able to contribute.

18 Based on your financial status, the Court waives the
19 imposition of a fine. The Government is not seeking
20 forfeiture. You will be required to pay a special assessment
21 of \$100, which is statutorily mandated.

22 I assume that the weapons have already been
23 forfeited, is that right, administratively?

24 MS. RICH: Yes, Your Honor.

25 THE COURT: Is there a forfeiture motion pending in

1 this case?

2 MS. RICH: I'm checking, Your Honor.

3 THE COURT: Ms. Heard, is there one?

4 COURTROOM DEPUTY: I'm checking right now as well.

5 There's a notice of forfeiture but no order of
6 forfeiture, Your Honor. There was a notice that the Court will
7 not seek criminal forfeiture.

8 THE COURT: All right. I'm hesitating because I'm
9 concerned about how this case is going to be treated in
10 connection with the State case, because the Court understands
11 now that the Shooters World charge is the only charge pending
12 in State and what I don't want to have happen is that this
13 conviction becomes a final conviction for purposes of enhancing
14 the defendant on the Shooters World case, which is the
15 precipitating charge for the instant offense. So can someone
16 tell me what is happening with that? Because typically the
17 State case is not pressed in favor of the Federal case and so
18 there is no State case.

19 MS. RICH: Right. But I believe the Shooters World
20 incident is separate, that's a separate incident from what he
21 was charged with Federally.

22 THE COURT: That's not what the Government has argued
23 throughout the case, that the Shooters World incident --

24 MS. RICH: Well, certainly the Shooters World
25 incident --

1 THE COURT: I was speaking, I think.

2 MS. RICH: I apologize.

3 THE COURT: I think the Government argued that the
4 Shooters World case was the same conduct as the case in this
5 case and a continuation of that conduct. That was its
6 argument.

7 MS. RICH: That was the foundation for the probable
8 cause that led to the execution of the search warrant at the
9 defendant's residence. I don't have any information as to what
10 the State's intentions are with the Shooters World charge. My
11 recollection is that the charge on the State level was related
12 to the misrepresentation on the form that was filled out to
13 rent the firearm. I can inquire, I can make an inquiry while
14 we're here to see if I can get some more information from the
15 State Attorney's Office, if you'd like.

16 THE COURT: Counsel, do you wish to get that
17 information?

18 MR. STAMM: Yes, Your Honor, I think that would be
19 appropriate. Unfortunately, he hasn't even been seen in
20 Hillsborough County at all on that case, so he doesn't have a
21 defense lawyer that I could have worked with.

22 THE COURT: He doesn't even have a lawyer in that
23 case?

24 MR. STAMM: He does not have a lawyer, no,
25 Your Honor.

1 THE COURT: Well, let's take a recess and figure that
2 out.

3 Court stands in recess.

4 - - - - -

5 (Recess at 11:24 a.m. until 11:30 a.m.)

6 - - - - -

7 THE COURT: Ms. Rich, any information?

8 MS. RICH: Yes. I spoke with someone at the State
9 Attorney's Office, who indicated that they have a pending felon
10 in possession charge with an offense date of January 28th of
11 2024, which is the Shooters World incident, and at the
12 conclusion -- I indicated to them that the Court's inclination
13 is to do a 60 month sentence, and they indicated that they
14 would be bringing him back over and be likely offering him a
15 concurrent sentence to run with his Federal sentence on the
16 charges they have.

17 THE COURT: Is "likely" the same as going to, or is
18 "likely" the same as maybe?

19 MS. RICH: "Likely" is the language that I got from
20 the Assistant State Attorney I spoke with.

21 THE COURT: Counsel, are you satisfied with that
22 representation?

23 MR. STAMM: I explained that to Mr. Myrick and what
24 that potentially means, and so he is satisfied with that
25 representation, Your Honor.

1 THE COURT: Are you satisfied with that
2 representation, Mr. Myrick?

3 THE DEFENDANT: Yes, ma'am.

4 THE COURT: I can't hear you.

5 THE DEFENDANT: Yes, ma'am.

6 THE COURT: All right. The Court finds that the
7 Shooters World incident is the precipitating incident that
8 caused the defendant's arrest in this case and it is relevant
9 conduct to the defendant's charge here, and in accordance
10 therewith would order that the sentence here run concurrently
11 with any sentence that has been imposed or may be imposed in
12 the future, if any, in the State Court case. The Court does
13 that on its own determination and on the representation made by
14 the State to the Federal prosecutor here as a likely outcome.

15 Having considered the advisory sentencing guidelines
16 and all of the factors identified therein, the Court finds that
17 this sentence is sufficient but not greater than necessary to
18 comply with the statutory purposes of sentencing. To the
19 extent that the sentence reflects a variance, it is to take
20 into account the defendant's horrible background and history
21 with respect to his upbringing, his lack of any familial
22 support, the incarceration of his parents, the subsequent death
23 of his father and reincarceration of his mother, the
24 defendant's dependency on marijuana to self-soothe, and the
25 lack of any emotional or mental health treatment or education

1 for the defendant in the days of his incarceration previously
2 and in the time post leading up to the offense of conviction.
3 The Court declines any further reduction in order to ensure
4 that there is a strong support for the rule of law and to
5 ensure that the defendant understands the nature of his conduct
6 and to reduce the risk of recidivism, that is the risk of
7 reoffending.

8 The defendant is recommended for counseling and
9 mental health treatment while incarcerated. He's also
10 recommended to be allowed to participate in any vocational or
11 educational training that is available at the place of his
12 incarceration.

13 Is there any specific training that the defendant is
14 seeking, Counselor?

15 MR. STAMM: Your Honor, welding and CDL.

16 THE COURT: The Court would recommend the defendant
17 to welding and CDL training as part of the available vocational
18 pursuits, but the Court does not limit it to that. The Court
19 would recommend the defendant seek out any available
20 educational training.

21 Do you have your GED or your high school diploma?

22 THE WITNESS: No, ma'am.

23 THE COURT: The Court would require that the
24 defendant get his GED or high school diploma and would
25 recommend him for that training while incarcerated but require

1 it once he has completed his incarceration if he has not
2 obtained it while he was incarcerated.

3 Is the defendant requesting special placement?

4 MR. STAMM: Your Honor, he'd ask for Coleman, given
5 the family here in town.

6 THE COURT: What is the second request?

7 MR. STAMM: Jesup, Your Honor.

8 THE COURT: The Court would recommend the defendant
9 to Coleman or Jesup, in that order, in order for the defendant
10 to be in close proximity to family to assist in his successful
11 matriculation through the system.

12 The defendant is remanded to the custody of the
13 United States Marshal to await designation by the BOP.

14 I cannot, Mr. Myrick, impress strongly enough unless
15 I stand on the top of this table and scream at the top of my
16 lungs that you cannot violate the law anymore. If you were to
17 do that, you're going to be arrested. People are going to
18 watch you, they're going to see this 60 month sentence is not
19 long enough and they're going to prove that it's not long
20 enough by watching your behavior and watching your comings and
21 goings and sending people your way to encourage you to violate
22 the law and sending informants and sources to try to see what
23 you're doing. They're obviously watching your Instagram, your
24 social media, and everything that you're doing, and if you
25 continue down this path and you are rearrested, you're going to

1 face harsh, harsh sentences, and it's not going to be anybody's
2 fault but your own, and you're not going to be able to rely on
3 your background and history or anything like that because the
4 Court is giving you full benefit of that in this sentence.

5 Your job is to prove them wrong, that now you
6 understand, now you get it, your brain now has matured, you're
7 at the point where you understand the serious consequences of
8 your conduct and you're willing to make a change. If you're
9 not willing to make a change, I can guarantee you that you're
10 going to be reincarcerated, and there's no reason for that.

11 You have the acumen, you have now hopefully some sort of
12 training, and you have family to provide support for you, and
13 you've got to stop. It's not cute, it's not fun, it's not
14 cool, it's not gangster, it's just criminal, and you've got to
15 stop this conduct if you want to live a somewhat normal life,
16 notwithstanding your background and circumstances.

17 The Court would also recommend the defendant to the
18 intensive reentry program, this is a program that allows you to
19 work with other people, the Government, the Defense Bar, the
20 Courts, Probation, Pretrial Services, to ensure that you have a
21 smoother transition back into society and resources, to the
22 extent that they can assist you in getting any, so that you
23 have a lower risk of recidivism. If you successfully complete
24 that program, you will have an opportunity to have your
25 supervised release reduced by up to a year at the discretion of

1 the Court.

2 Do you understand that?

3 THE DEFENDANT: Yes, ma'am.

4 THE COURT: The Court has accepted the plea agreement
5 because I am satisfied that it adequately reflects the
6 seriousness of the conduct and accepting it will not undermine
7 the statutory purposes of sentencing.

8 The Court having pronounced sentence, does counsel
9 for the defense object to the sentence or the manner in which
10 it was pronounced?

11 MR. STAMM: No, Your Honor.

12 THE COURT: Any objection from the Government?

13 MS. RICH: No, Your Honor.

14 THE COURT: You gave up most of your appellate rights
15 when you signed your plea agreement. If you believe that you
16 have a right of appeal that wasn't recognized or because of
17 something the Court did, you must file a notice of appeal
18 within 14 days of the entry of this judgment. If you fail to
19 appeal within that 14 day period, it will be a permanent waiver
20 of your right of appeal.

21 By telling you you have 14 days, I'm not extending
22 your right beyond what you've agreed to in your plea agreement.

23 The Government may appeal if it chooses. If you
24 cannot afford a lawyer in taking or defending an appeal, one
25 will be appointed for you, and if you cannot pay the filing

1 fee, the clerk will be directed to accept the notice of appeal
2 without a fee.

3 Anything further from the Government?

4 MS. RICH: No, Your Honor.

5 THE COURT: From the defense?

6 MR. STAMM: No, Your Honor. Thank you.

7 THE COURT: We're dismissed.

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9 (Proceedings concluded at 11:39 a.m.)

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C E R T I F I C A T E

This is to certify that the foregoing transcript of proceedings taken in a sentencing hearing in the United States District Court is a true and accurate transcript of the proceedings taken by me in machine shorthand and transcribed by computer under my supervision, this the 9th day of May, 2025.

/S/ DAVID J. COLLIER

DAVID J. COLLIER

OFFICIAL COURT REPORTER

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APPENDIX D

Corey Myrick
8:24-cr-64-MSS-CPT

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION**

UNITED STATES OF AMERICA

Case Number: 8:24-cr-64-MSS-CPT

v.

USM Number: 97690-510

COREY MYRICK

Douglas Stamm, AFD

JUDGMENT IN A CRIMINAL CASE

Defendant pleaded guilty to Count One of the Indictment. Defendant is adjudicated guilty of this offense:

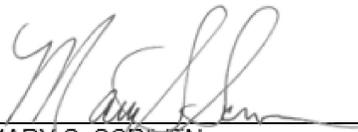
<u>Title & Section</u>	<u>Nature of Offense</u>	<u>Date Offense Concluded</u>	<u>Count Number</u>
18 U.S.C. § 922(g)(1) & 924(a)(8)	Felon in Possession of a Firearm	February 1, 2024	One

Defendant is sentenced as provided in the following pages of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

IT IS ORDERED that Defendant must notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, Defendant shall notify the Court and United States Attorney of any material change in Defendant’s economic circumstances.

Date of Imposition of Judgment:

March 11, 2025



MARY S. SCRIVEN
UNITED STATES DISTRICT JUDGE

March 18, 2025

Corey Myrick
8:24-cr-64-MSS-CPT

IMPRISONMENT

Defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of **SIXTY (60) MONTHS**, with credit for time served since the date of arrest on May 1, 2024. This shall run concurrently with any sentence that has been imposed or may be imposed in the future, if any, in the pending State Court Docket Number 2024CF1578.

The Court makes the following recommendations to the Bureau of Prisons:

1. Defendant shall be placed at FCI Coleman (1st choice) or FCI Jesup (2nd choice).
2. Defendant shall participate in any vocational or educational programs available. Including, but not limited to, training in welding, CDL, and education courses to complete his GED.
3. Defendant shall participate in any mental or substance abuse programs while incarcerated.

Defendant is remanded to the custody of the United States Marshal.

RETURN

I have executed this judgment as follows:

Defendant delivered on _____ to _____

at _____, with a certified copy of this judgment.

UNITED STATES MARSHAL

By: _____
Deputy U.S. Marshal

Corey Myrick
8:24-cr-64-MSS-CPT

SUPERVISED RELEASE

Upon release from imprisonment, Defendant will be on supervised release for a term of **THREE (3) YEARS.**

MANDATORY CONDITIONS

1. Defendant shall not commit another federal, state or local crime.
2. Defendant shall not unlawfully possess a controlled substance.
3. Defendant shall refrain from any unlawful use of a controlled substance or alcohol. Defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court.
4. Defendant shall cooperate in the collection of DNA as directed by the Probation Officer.

Defendant shall comply with the standard conditions that have been adopted by this court (set forth below).

Defendant shall also comply with the additional conditions on the attached page.

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STANDARD CONDITIONS OF SUPERVISION

As part of your supervised release, Defendant shall comply with the following standard conditions of supervision. These conditions are imposed because they establish the basic expectations for your behavior while on supervision and identify the minimum tools needed by Probation Officers to keep informed, report to the court about, and bring about improvements in your conduct and condition.

1. Defendant shall report to the Probation Office in the federal judicial district where you are authorized to reside within 72 hours of your release from imprisonment, unless the Probation Officer instructs you to report to a different Probation Office or within a different time frame. After initially reporting to the Probation Office, Defendant will receive instructions from the court or the Probation Officer about how and when Defendant must report to the Probation Officer, and Defendant must report to the Probation Officer as instructed.
2. After initially reporting to the Probation Office, you will receive instructions from the court or the Probation Officer about how and when Defendant shall report to the Probation Officer, and Defendant shall report to the Probation Officer as instructed.
3. Defendant shall not knowingly leave the federal judicial district where you are authorized to reside without first getting permission from the court or the Probation Officer.
4. Defendant shall answer truthfully the questions asked by your Probation Officer
5. Defendant shall live at a place approved by the Probation Officer. If you plan to change where you live or anything about your living arrangements (such as the people you live with), Defendant shall notify the Probation Officer at least 10 days before the change. If notifying the Probation Officer in advance is not possible due to unanticipated circumstances, Defendant shall notify the Probation Officer within 72 hours of becoming aware of a change or expected change.
6. Defendant shall allow the Probation Officer to visit you at any time at your home or elsewhere, and Defendant shall permit the Probation Officer to take any items prohibited by the conditions of your supervision that he or she observes in plain view.
7. Defendant shall work full time (at least 30 hours per week) at a lawful type of employment, unless the Probation Officer excuses you from doing so. If you do not have full-time employment Defendant shall try to find full-time employment, unless the Probation Officer excuses you from doing so. If you plan to change where you work or anything about your work (such as your position or your job responsibilities), Defendant shall notify the Probation Officer at least 10 days before the change. If notifying the Probation Officer at least 10 days in advance is not possible due to unanticipated circumstances, Defendant shall notify the Probation Officer within 72 hours of becoming aware of a change or expected change.
8. Defendant shall not communicate or interact with someone you know is engaged in criminal activity. If you know someone has been convicted of a felony, Defendant shall not knowingly communicate or interact with that person without first getting the permission of the Probation Officer.
 - Defendant may communicate with his mother, stepfather, or any other person with whom he is related by blood or marriage.
9. If you are arrested or questioned by a law enforcement officer, Defendant shall notify the Probation Officer within **72 hours**.
10. Defendant shall not own, possess, or have access to a firearm, ammunition, destructive device, or dangerous weapon (i.e., anything that was designed, or was modified for, the specific purpose of causing bodily injury or death to another person such as nunchakus or tasers).
11. Defendant shall not act or make any agreement with a law enforcement agency to act as a confidential human source or informant without first getting the permission of the court.

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- 12. If the Probation Officer determines that you pose a risk to another person (including an organization), the Probation Officer may require you to notify the person about the risk and Defendant shall comply with that instruction. The Probation Officer may contact the person and confirm that you have notified the person about the risk.
- 13. Defendant shall follow the instructions of the Probation Officer related to the conditions of supervision.

U.S. Probation Office Use Only

A U.S. Probation Officer has instructed me on the conditions specified by the court and has provided me with a written copy of this judgment containing these conditions. For further information regarding these conditions, see *Overview of Probation and Supervised Release Conditions*, available at: www.uscourts.gov.

Defendant's Signature: _____

Date: _____

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ADDITIONAL CONDITIONS OF SUPERVISED RELEASE

1. Defendant shall participate in a substance abuse program (outpatient and/or inpatient) and follow the probation officer's instructions regarding the implementation of this court directive. Further, you shall contribute to the costs of these services not to exceed an amount determined reasonable by the Probation Office's Sliding Scale for Substance Abuse Treatment Services. During and upon the completion of this program, you are directed to submit to random drug testing.
2. Defendant shall participate in a mental health treatment program (outpatient and/or inpatient) and follow the probation officer's instructions regarding the implementation of this court directive. Further, you shall contribute to the costs of these services not to exceed an amount determined reasonable by the Probation Office's Sliding Scale for Mental Health Treatment Services.
3. Defendant shall submit to a search of your person, residence, place of business, any storage units under your control, computer, or vehicle, conducted by the United States Probation Officer at a reasonable time and in a reasonable manner, based upon reasonable suspicion of contraband or evidence of a violation of a condition of release. You shall inform any other residents that the premises may be subject to a search pursuant to this condition. Failure to submit to a search may be grounds for revocation.
5. Defendant must earn his GED during his term of supervised release, if not already completely while incarcerated.

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CRIMINAL MONETARY PENALTIES

Defendant must pay the following total criminal monetary penalties under the schedule of payments set forth in the Schedule of Payments.

<u>Assessment</u>	<u>Restitution</u>	<u>Fine</u>	<u>AVAA Assessment</u>	<u>JVTA Assessment</u>
\$100.00	N/A	WAIVED	N/A	N/A

SCHEDULE OF PAYMENTS

Having assessed Defendant’s ability to pay, payment of the total criminal monetary penalties is due as follows:

Special Assessment shall be paid in full and is due immediately.

Unless the Court has expressly ordered otherwise in the special instructions above, if this judgment imposes a period of imprisonment, payment of criminal monetary penalties shall be due during the period of imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons’ Inmate Financial Responsibility Program, are made to the Clerk of the Court, unless otherwise directed by the Court, the Probation Officer, or the United States attorney.

Defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) AVAA assessment, (5) fine principal, (6) fine interest, (7) community restitution, (8) JVTA assessment, and (9) penalties, and (10) costs, including cost of prosecution and court costs.