

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

UNITED STATES OF AMERICA

v.

Case No. 6:16-CR-107-Orl-37TBS

KIMBERLY CARNELL WHITE JR.

**NOTICE OF MAXIMUM PENALTY, ELEMENTS OF OFFENSE,
PERSONALIZATION OF ELEMENTS AND FACTUAL BASIS**

The essential elements of a violation of 18 U.S.C. § 922(g)(1) are as follows:

- First: That the Defendant knowingly possessed a firearm in or affecting interstate or foreign commerce; and
- Second: That before possessing the firearm, the Defendant had been convicted of a felony—a crime punishable by imprisonment for more than one year.

PENALTY

The penalty for the offense charged in Count One of the Indictment is not more than ten years' imprisonment, not more than a \$250,000 fine, not more than three years' supervised release, and a \$100 special assessment.

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.

FORFEITURE

Upon conviction of a violation of Title 18, United States Code, Sections 922(g)(1) and 924(a)(2), the defendant shall forfeit to the United States, under Title 18, United States Code, Section 924(d) and Title 28, United States Code, Section 2461(c), any firearms and ammunition involved in the commission of the offense.

If any of the property described above, as a result of any act or omission of the defendant:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third party;
- c. has been placed beyond the jurisdiction of the court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be divided without difficulty,

the United States of America shall be entitled to forfeiture of substitute property pursuant to Title 21, United States Code, Section 853(p), as incorporated by Title 28, United States Code, Section 2461(c).

PERSONALIZATION OF ELEMENTS

Count One:

First: Did you knowingly possess a firearm in or affecting interstate or foreign commerce?

Second: At the time you possessed the firearm, had you previously been convicted of a felony – a crime punishable by imprisonment for more than one year?

FACTUAL BASIS

On May 5, 2016, the defendant, Kimberly Carnell White Jr., sold two stolen firearms to two Orange County Sheriff's Office undercover narcotics agents and a confidential informant at a residence located at 8 Dorcas Court, Orlando, Florida 32811 (Dorcas Court). The two firearms had been stolen earlier that same day from a gun store (hereinafter "Gun Store") and are described as follows: a Smith and Wesson Model 686, .357 caliber revolver bearing serial number ACU9861; and a Ruger Model Mini 14 Ranch Rifle, .223 caliber rifle bearing serial number 581-52079. All of the above listed firearms were manufactured outside of the state of Florida and had traveled in interstate commerce.

At the time the defendant possessed the firearms, the defendant had been previously convicted of crimes punishable by imprisonment for a term exceeding one year, that is:

1. On or about June 2, 2008, conviction for Carrying a Concealed Weapon in the Circuit Court of the Ninth Judicial Circuit, in and for Orange County, Florida, Case Number 2007-CF-011310-A-0;
 2. On or about June 2, 2008, conviction for Possession of a Controlled Substance in the Circuit Court of the Ninth Judicial Circuit, in and for Orange County, Florida, Case Number 2008-CF-001520-A-O;
- and

3. On or about July 15, 2013, conviction for Possession of a Controlled Substance, in the Circuit Court of the Ninth Judicial Circuit, in and for Orange County, Florida, Case Number 2012-CF-009011-A-0.

On May 13, 2016, law enforcement executed a federal search warrant at Dorcas Court and recovered four Gun Store merchandise price tags and three additional firearms and a Glock firearm box stolen from the Gun Store on May 5, 2016.

Respectfully submitted,

A. LEE BENTLEY, III
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CERTIFICATE OF SERVICE

I hereby certify that on August 22, 2016, I electronically filed the foregoing with the Clerk of the Court by using the CM/ECF system which will send a notice of electronic filing to the following:

Ms. Angela Parrott, Assistant Federal Public Defender.

s/ Sean P. Shecter 

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