

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

UNITED STATES OF AMERICA

v.

Case No. 3:18cr59/RV

DAMIAN HEPBURN
_____ /

FACTUAL BASIS FOR GUILTY PLEA

The parties agree with the truthfulness of the following factual basis for the defendant's guilty plea. The undersigned parties further agree that not all of the facts known from this investigation are contained in this brief summary.

Beginning in or about November 2015, Abbisina Hepburn and Damian Hepburn began traveling to the Northern District of Florida to distribute hydromorphone and oxycodone pills. On or about May 1, 2018, a confidential informant purchased 30 hydromorphone pills from Damian Hepburn for \$9000.00. On or about May 2, 2018, an undercover law enforcement officer purchased 70 hydromorphone pills from Damian Hepburn for \$2,000. Both of the above identified purchases were controlled by law enforcement, recorded, and took place in the Northern District of Florida. The substances purchased were tested by the Florida Department of Law Enforcement and determined to be hydromorphone.

ELEMENTS OF THE OFFENSES

Count One – OI 100, “Controlled Substance Conspiracy”

It's a separate Federal crime for anyone to conspire to knowingly possess with intent to distribute hydromorphone and oxycodone.

Title 21 United States Code Section 841(a)(1) makes it a crime for anyone to knowingly possess hydromorphone and oxycodone with intent to distribute it.

A “conspiracy” is an agreement by two or more persons to commit an unlawful act. In other words, it is a kind of partnership for criminal purposes. Every member of the conspiracy becomes the agent or partner of every other member.

The Government does not have to prove that all of the people named in the indictment were members of the plan, or that those who were members made any kind of formal agreement. The heart of a conspiracy is the making of the unlawful plan itself, so the Government does not have to prove that the conspirators succeeded in carrying out the plan.

A Defendant can be found guilty only if all the following facts are proved beyond a reasonable doubt:

- (1) two or more people in some way agreed to try to accomplish a shared and unlawful plan to possess hydromorphone and oxycodone; and
- (2) the Defendant knew the unlawful purpose of the plan and willfully joined in it.

WITH INTENT TO DISTRIBUTE
DH JK HO

Counts Three and Four – OI 98, “Possession with Intent to Distribute Controlled Substance”¹

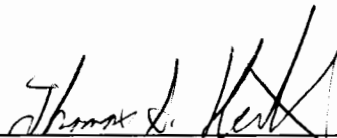
It's a Federal crime for anyone to distribute a controlled substance. Hydromorphone and Oxycodone are “controlled substances.”

¹ Modified.

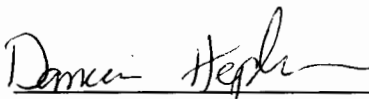
A Defendant can be found guilty of this crime only if all the following facts are proved beyond a reasonable doubt:

- (1) the Defendant knowingly possessed with intent to distribute the controlled substance identified in the Indictment or distributed the controlled substance identified in the Indictment; and
- (2) the Defendant intended to distribute or distributed the controlled substance.

To “intend to distribute” is to plan to deliver possession of a controlled substance to someone else, even if nothing of value is exchanged.



THOMAS S. KEITH
Attorney for Defendant



DAMIAN HEPBURN
Defendant

8-9-18

Date

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