

FILED IN OPEN COURT

6-1-2021

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
JACKSONVILLE DIVISION

CLERK, U. S. DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
JACKSONVILLE, FLORIDA

UNITED STATES OF AMERICA

v.

CASE NO. 3:21-cr-13-HES-JBT

ADAM AVERY HONEYCUTT

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

The United States of America, by Karin Hoppmann, Acting United States Attorney for the Middle District of Florida, hereby files this Notice of Maximum Penalties, Elements of Offense, Personalization of Elements and Factual Basis, stating as follows:

**MAXIMUM PENALTIES**

The defendant has expressed a desire to enter a plea of guilty to the offense charged in Count One of the Indictment. Count One charges the defendant with possession of a firearm by an unlawful user of a controlled substance, in violation of 18 U.S.C. § 922(g)(3) and 924(a)(2).

Count One carries a maximum term of imprisonment of ten years, a fine of not more than \$250,000, or both imprisonment and a fine, a term of supervised release of up to three years, and a mandatory special assessment of \$100, said special assessment to be due on the date of sentencing. A violation of the terms and conditions of supervised release carries a maximum sentence of not more than two

years of imprisonment as well as the possibility of an additional term of supervised release.

Additionally, the defendant must forfeit property, pursuant to 18 U.S.C. § 924(d) and 28 U.S.C. § 2461(c), as outlined in the Indictment. Specifically, the United States seeks forfeiture of a Glock .45 caliber pistol; a Rossi .44 caliber revolver; and a Jennings .22 caliber pistol.

### ESSENTIAL ELEMENTS

The essential elements of a violation of 18 U.S.C. §§ 922(g)(3) and 924(a)(2), possession of a firearm by an unlawful user of a controlled substance, are as follows:

- First: The defendant knowingly possessed a firearm in or affecting interstate or foreign commerce,
- Second: At the time the defendant possessed a firearm, the defendant was an unlawful user of a controlled substance as defined in 21 U.S.C. § 802, and
- Third: At the time the defendant possessed the firearm, he knew he was an unlawful user of a controlled substance.

### PERSONALIZATION OF ELEMENTS

#### As to Count One:

1. On February 11, 2021, in Clay County, within the Middle District of Florida, did you possess firearms, that is, a Glock .45 caliber pistol manufactured in Austria or Georgia, a Rossi .44 caliber revolver manufactured in Brazil, and a Jennings .22 caliber pistol manufactured in California or Nevada?

2. At the time you possessed the firearms, were you a regular and ongoing user of a controlled substance as defined in 21 U.S.C. § 802, specifically, marihuana, which is a Schedule I controlled substance?

3. At the time you possessed the firearms, did you know that you were a regular and ongoing user of marihuana?

FACTUAL BASIS

1. Purpose

The following facts are set forth to aid the Court in making an inquiry to satisfy it that there is a factual basis for the plea of guilty in accordance with Rule 11(f), Fed. R. Crim. P. The government reserves its right to provide all relevant information concerning the defendant and the offense committed to the Probation Office and the Court for sentencing purposes.

2. Facts

On February 11, 2021, members of the Federal Bureau of Investigation (“FBI”) North Florida Joint Terrorism Task Force (“JTTF”) traveled to the residence of Adam Avery HONEYCUTT, which was located at 3914 Pebble Brooke Circle South, Orange Park, Florida, in Clay County, within the Middle District of Florida, for the purpose of executing a search warrant at the residence and for the purpose of executing an out-of-district arrest warrant for HONEYCUTT. FBI Task Force Officer (“TFO”) William J. Berry contacted HONEYCUTT via HONEYCUTT’s cellular telephone to explain to HONEYCUTT that the FBI was outside of his residence with an arrest warrant, and HONEYCUTT stated “I will come out. I do have guns in the house, they are all legal and all of the marihuana you may find is mine.” HONEYCUTT complied with TFO Berry’s instructions to exit the home and allowed himself to be taken into custody.

TFO Brian Rothermel and Special Agent (“SA”) William Grover transported HONEYCUTT to the FBI Jacksonville Office for processing and then to the federal

courthouse in Jacksonville. During the transport, HONEYCUTT made a number of unsolicited statements to TFO Rothermel and SA Grover related to his use of marihuana. HONEYCUTT stated that all of the drugs and guns in the house belonged to him, that he knew it looked bad to have guns laying out in the open in his residence, that he had a large quantity of ammunition of various calibers in the residence, some of which was for firearms he did not currently possess.

HONEYCUTT also stated that it was lucky that agents had executed the warrants that day, because his marihuana supply was almost gone, and if the agents had executed the warrants the following day he would have had more because Fridays are his day for resupplying marihuana. HONEYCUTT stated that there were only a few "roaches" left in the garage, referring to burned marihuana cigarette butts.

HONEYCUTT stated that he had been smoking marihuana since he was twelve years old and smokes daily. HONEYCUTT expressed to the agents that he was upset he was out of marihuana and there would not be any for him when he got home.

After HONEYCUTT was taken into custody, members of the FBI JTTF continued to execute the search warrant for HONEYCUTT's residence. During the search, agents recovered seven firearms and more than 5000 rounds of ammunition. Six of the seven firearms were determined to belong to HONEYCUTT, including the following: a Rossi .44 caliber revolver, a Glock .45 caliber pistol, a Jennings .22 caliber pistol, a Ruger .22 caliber rifle, a Winchester 300 winmag caliber rifle, and an MMR AR-15 rifle. Each of the firearms belonging to HONEYCUTT was located in

plain view in areas where agents were authorized to search. Based upon the development of probable cause to believe that HONEYCUTT was a prohibited person due to being an unlawful user of marihuana, the FBI seized the six firearms as contraband.

Special Agent Jesse Hooker, a Firearms Interstate Nexus Expert for the Bureau of Alcohol, Tobacco, Firearms, and Explosives, opined that the Glock .45 caliber pistol was manufactured in Austria or Georgia, that the Rossi .44 caliber revolver was manufactured in Brazil, and that the Jennings .22 caliber pistol was manufactured in California or Nevada. Therefore each of those firearms had traveled in interstate commerce before being recovered in HONEYCUTT's possession in Florida.<sup>1</sup>

During the search of HONEYCUTT's residence, agents also discovered and seized items evidencing HONEYCUTT's ongoing and regular use of marihuana, including marihuana pipes, a paper plate with burned marihuana cigarette butts, and pipes of a design commonly used for smoking marihuana that were heavily coated in brown residue. TFO Berry smelled an overwhelming odor of marihuana upon entering HONEYCUTT's residence to conduct the search. HONEYCUTT's long-time paramour, who he lived with, confirmed that HONEYCUTT had used marihuana for the entirety of their 10-year relationship and that the firearms in the

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<sup>1</sup> HONEYCUTT has separately agreed to abandon his interest in the Ruger .22 caliber rifle, Winchester 300 winmag caliber rifle, and MMR AR-15 rifle.

home belonged to HONEYCUTT, with the exception of one firearm that was owned by HONEYCUTT's father.

On February 15, 2021, TFO Berry obtained a federal warrant to search a sample of HONEYCUTT's urine for evidence of drug use. The urine sample was obtained from HONEYCUTT the same day and submitted to an FBI laboratory for analysis. The laboratory determined that HONEYCUTT's urine sample contained marijuana metabolites.

Respectfully submitted,

KARIN HOPPMANN  
Acting United States Attorney

By:   
LAURA COFER TAYLOR  
Assistant United States Attorney  
USA No. 170  
300 N. Hogan Street, Suite 700  
Jacksonville, Florida 32202  
Telephone: (904) 301-6300  
Facsimile: (904) 301-6310  
E-mail: Laura.C.Taylor@usdoj.gov

**CERTIFICATE OF SERVICE**

I hereby certify that on June 1, 2021, the foregoing was filed in open court and a copy was hand-delivered to the following:

Lisa Call, Esq.



LAURA COFER TAYLOR  
Assistant United States Attorney