

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA**

UNITED STATES OF AMERICA

*

CRIMINAL DOCKET NO. 12-273

v.

*

SECTION: "A"

**KERRY WAYNE WALKER
a/k/a "Tarzan"**

*

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FACTUAL BASIS

The above-named defendant, **KERRY WAYNE WALKER a/k/a "Tarzan,"** has agreed to plead guilty as charged to Count One of the Indictment now pending against him. Should this matter have proceeded to trial, the United States of America would have proven beyond a reasonable doubt, through the introduction of relevant, competent, and admissible testimonial, physical and demonstrative evidence, the following facts to support the allegations against the defendant, **KERRY WAYNE WALKER a/k/a "Tarzan,"** ("**WALKER**"):

Unless stated otherwise, all of the events set forth herein occurred in the Eastern District of Louisiana.

For several years, the Drug Enforcement Administration ("DEA") in assistance with state and local law enforcement has investigated the trafficking of methamphetamine in and around the French Quarter area of New Orleans, Louisiana. During the investigation, agents learned that

WALKER was a source of supply of methamphetamine and other substances, including heroin, for the area. The investigation revealed that MARTIN MORALES DE LA CRUZ (“DE LA CRUZ”) was **WALKER**’s immediate source of supply. **WALKER** would obtain the drugs from DE LA CRUZ, who **WALKER** often referred to as his “boss.” Usually, DE LA CRUZ would drive from his residence in St. Bernard Parish and meet with **WALKER** in downtown New Orleans, mostly in the Central Business District, where he would sell the drugs to **WALKER**. **WALKER** would then in turn further sell the drugs he had obtained from DE LA CRUZ in various quantities to his customers.

WALKER would arrange to meet with his customers either on the street, at bars, his apartment in the Warehouse District in New Orleans, or out of various hotel rooms in which he would stay. **WALKER** would also further sell distributable amounts of methamphetamine and other substances to other individuals for further resale.

February 9, 2012

During the investigation, DEA made several controlled purchases of methamphetamine and heroin from **WALKER** using a confidential source (“CS”) and an undercover agent. On February 9, 2012, the CS, under the direction of agents, contacted **WALKER**. They agreed to meet at the Hilton Garden Inn. Agents provided the CS with \$4,000.00 in Official Advanced Funds (“OAF”), a self-monitoring device, and a digital recorder. Agents searched the CS without finding any drugs, weapons or contraband. At approximately 1:30 p.m., the CS entered the lobby area of the Hilton Garden Inn. The CS met with **WALKER** in room 1310 at which time **WALKER** sold the CS approximately two ounces of methamphetamine.

February 13, 2012

On February 13, 2012, **WALKER** texted the CS #1 stating, “hello how r u? just touching base w you if we should cross paths today it would be great if it were a tad laterr than last week by maybe an houe or so if not ignore me im delirious lol.” The CS texted back, “Just talked to my friend and i will need to see you around 2ish if that’s ok. R u still at same place?”

WALKER later texted, “im out by highway hampton in warehouse/convention center area and closer to 3 would b better waiting to meet my friend at 2.” Agents thereafter formulated plans for the CS to purchase two ounces of methamphetamine from **WALKER** at the Hampton Inn, 1201 Convention Center Boulevard, New Orleans, Louisiana. Agents searched the CS with negative results and provided the CS with \$4,000.00 in OAF, a self-monitoring device and digital recorder. At approximately 2:53 p.m., **WALKER** texted the CS, “k ready for you in 15.” An agent transported the CS to the Hampton Inn. The CS entered the hotel and met with **WALKER** in room 404 at which time **WALKER** sold the CS approximately two ounces of methamphetamine.

Shortly after this purchase, agents observed **WALKER** exit the Hampton Inn’s lobby and enter the front passenger side of a gray 2004 Dodge Neon, bearing Louisiana license plate SXT 794 and registered to Alexis Turner at 5808 Genie Street, Violet, Louisiana, that was parked on John Churchill Chase Street. The Neon’s driver was later identified as MARTIN MORALES DE LA CRUZ (“DE LA CRUZ”). A few minutes later, **WALKER** exited the Neon and returned to his room at the Hampton Inn. Approximately 75 minutes later, agents observed DE LA CRUZ park the Neon a residence at 5808 Genie Street, Violet, Louisiana. DE LA CRUZ entered the residence.

February 14, 2012

On February 14, 2012, agents met with the CS to formulate plans for a purchase of heroin from **WALKER** at the Hampton Inn. Agents searched the CS with negative results and provided the CS with \$1,850.00 in OAF, a self-monitoring device and a digital recorder. The CS texted **WALKER**, "Hey. About 10 -15 from u. Was it 1850 or 1875," referring to the price for one-half ounce of heroin. **WALKER** texted back, "great and 50." An agent transported the CS to the Hampton Inn. The CS entered the hotel and met with **WALKER** at which time **WALKER** sold the CS approximately one-half ounce of heroin.

March 2, 2012

On March 2, 2012, agents met with the CS to formulate plans for purchasing one-quarter pound of methamphetamine from **WALKER**. **WALKER** texted the CS, "morning babe I am all ready when y are." The CS texted back, "Ill be ready to see in about a half hour. My friend is just getting town and I'll have him drop me off. Where r u today?" Agents thereafter searched the CS with negative results and provided him with \$7,200.00 in OAF, a self-monitoring device and a digital recorder. The CS contacted **WALKER**, who stated that he was at the Hampton, Inn, Convention Center Boulevard, in room 301. At approximately 10:50 a.m., an agent transported the CS to 1201 Convention Center Boulevard. The CS then walked and met with **WALKER**. **WALKER** sold approximately one-quarter pound of methamphetamine in two (2) clear plastic baggies to the CS for \$7,200.00.

March 20, 2012

On March 20, 2012, agents met with the CS to formulate plans for a purchase of one ounce of heroin from **WALKER**. The CS texted **WALKER**, "Hey honey....need to see you if

possible....” **WALKER** texted back, “Hey baby how r u? And what r the size s of the T’s.” **WALKER** was using coding language referring to methamphetamine, for which a common street name is “Tina.” The CS replied, “No t-shirts today...really need a “O”versized “H”at,” referring to an ounce of heroin. Because **WALKER** advised he was confused, the CS called **WALKER** at 11:16 a.m. and stated that the CS needed “an O of H.” **WALKER** and the CS then agreed on a price of \$3,800.00.

Surveillance and phone records indicated that DE LA CRUZ was specifically involved with this transaction. At approximately 1:32 p.m., agents conducting surveillance observed **MORALES DE LA CRUZ** leave 5808 Genie Street and drive away.

At approximately 1:49 p.m., **WALKER** called the CS #1 and told the CS to meet him at the Howling Wolf, located on South Peters in approximately 30 minutes. Agents then searched the CS with negative results and provided the CS with \$3,500.00 OAF, a self-monitoring device, and a digital recorder.

At approximately 2:31 p.m., agents conducting surveillance observed **WALKER** meet with DE LA CRUZ in the French Quarter. At this meeting, DE LA CRUZ delivered heroin to **WALKER** in order for **WALKER** to further sell it to the CS.

At approximately 2:58 p.m., an agent transported the CS to the Howling Wolf and observed **WALKER** enter its front door. The CS and **WALKER** met inside the location at which time **WALKER** sold approximately 10 grams of heroin to the CS for \$1,200.00 OAF. **WALKER** informed the CS that he had a miscommunication with his supplier.

March 21, 2012

By March 20, 2012, agents had decided to introduce an undercover agent (“UC”) to **WALKER**. They had the CS provide the UC’s contact to **WALKER** and have **WALKER** contact the UC. At approximately 9:06 p.m., **WALKER** texted the UC mentioning that the CS had told him he could meet with the UC. The two agreed to meet the next day in Kenner at about 11:00 a.m. The UC texted **WALKER** that he had been told “2350 for the rest,” referring to the remainder of what was to be purchased earlier. **WALKER** responded, “Just 23 sorry for delay had a meeting.”

On March 21, 2012, at approximately 10:55 a.m., the UC texted **WALKER**, “Hey! Just woke up! Where do ya want 2 met at.” **WALKER** responded, “Good mornig having slight transportation problems as well as honestly some cold feet’Lol other than that im good how about you?” **WALKER** later texted, “And im coming on from s way out do y know where butte is?” and “There is a wal mart there.” He and the UC agreed to meet at the Wal-Mart in Boutte at aruond noon.

At approximately 12:00 p.m., the UC was provided with \$2,300.00 OAF, a self-monitoring device, and a digital recorder. The two texted and agreed to meet inside. At approximately 12:23 p.m., the UC met with **WALKER** and purchased 18 grams of heroin from him. The heroin field tested positive.

March 29, 2012

On March 29, 2012, at approximately 10:03 a.m., the UC texted **WALKER**, “Hey! Would like to get an O’versized H’at frow you today in the next few hours!” referring to an

ounce of heroin. Agents simultaneously established surveillance at the home of DE LA CRUZ in St. Bernard Parish.

At approximately 10:19 a.m., **WALKER** texted the UC, “That shuldnt b a prob at all let me go and grab the shoes and check on the hat will b back w you shortly.” At approximately 10:34 a.m., **WALKER** texted the UC, “Cool will have within the h im in the french qyarter.” The UC texted **WALKER**, “35 for a hat?” meaning \$3,500.00. **WALKER** responded, “K will do yes 35.”

At approximately 10:58 a.m., agents observed DE LA CRUZ leave his residence. A little later, they observed DE LA CRUZ and **WALKER** meet in DE LA CRUZ’s vehicle near the French Quarter.

At approximately 11:52 a.m., **WALKER** texted the UC, “I will b rea,dy in 30 canak ace mall,” referring to the Canal Place Mall.

At approximately 12:20 p.m., the UC was provided with \$3,500.00 OAF, a self-monitoring device, and a digital recorder. At approximately 12:22 p.m., the UC called **WALKER**, who stated that he was about to “meet him any second now,” and “as soon as I see him I can meet you.” The UC and **WALKER** eventually met in front of the Canal Place Mall during which **WALKER** sold one ounce of heroin to the UC. Agents conducted a field test of the suspected heroin with positive results.

April 18, 2012

On Wednesday, April 18, 2012, the UC called **WALKER** to obtaine “4 for 4” referring to four ounces of cocaine for \$4,000.00. **WALKER** advised that so far “he hasn’t returned my call, but he is supposed to be back within the next half hour.” At approximately 10:57 a.m.,

WALKER called the UC and said, "He won't have that until next week." The UC then asked **WALKER** if he could get anything, **WALKER** advised that he had everything else right now.

At approximately 11:04 a.m., the UC asked **WALKER** if he could purchase an ounce of heroin. **WALKER** stated "Ok," and advised the UC to meet him the same place "we met last time," which was in front of the Canal Place Mall. **WALKER** later called the UC to tell him that he was about 25 minutes away. The UC asked **WALKER** if his source could get "that," referring to the cocaine previously discussed, and **WALKER** said that his source could and may be able to do so over the weekend.

At approximately 12:25 p.m., the UC was equipped with a digital recorder, a transmitting device and \$3,000.00 in OAF. The UC left to meet with **WALKER** in the vicinity of the Canal Place Mall. At approximately 12:50 p.m., the UC called **WALKER**, who stated that he would be a few more minutes. At approximately 1:21 p.m., **WALKER** texted the UC, "K I am headed to u c u in 2 min."

At approximately 1:25 p.m., **WALKER** walked on Canal Street towards the UC vehicle and entered. **WALKER** took 49.7 gross grams of heroin out of his front pocket, concealed in an Altoids tin can. **WALKER** placed the Altoids tin can in the middle console, at which time, the UC gave **WALKER** \$3,200.00 in OAF.

WALKER and the UC had a short conversation during which **WALKER** stated that his source was two grams short of an ounce. The UC asked about the cocaine, and **WALKER** responded that the source should have it by the end of the weekend, if not the beginning of the week.

WALKER advised that he used the same source as a source for all of the drugs he

distributed.

At approximately 1:36 p.m., **WALKER** exited the undercover vehicle and walked towards South Peters Street eventually entering a hotel out of surveillance view. At approximately 1:50 p.m., DEA Agents, conducted a field test of aforementioned purchased heroin with positive results for the presence of heroin.

At approximately 1:45 p.m., **WALKER** exited the aforementioned hotel and, minutes later, enter the front passenger seat of a gray Nissan Altima, which was parked on the curb in front of 321 Tchoupitoulas Street and driven by DE LA CRUZ. Inside, the two engaged in conversation. At approximately 1:55 p.m., **WALKER** exited the Altima and walked on Tchoupitoulas Street towards the Harrah's Casino out of surveillance view. Seconds later, DE LA CRUZ departed the area on Tchoupitoulas Street out of surveillance view.

April 24, 2012

On Tuesday, April 24, 2012, at approximately 9:00 a.m., agents established surveillance at DE LA CRUZ's residence. At 9:27 a.m., the UC placed a recorded call to **WALKER** and asked **WALKER** if his boy, referring to his source of supply DE LA CRUZ, had the stuff, referring to cocaine. **WALKER** advised that his source was still trying to find the best price.

The UC1 advised **WALKER** that he was getting low on the other stuff, referring to heroin, and wanted to get another ounce. **WALKER** stated that he could get the heroin.

At approximately 9:47 a.m., the UC talked to **WALKER** and asked for an "o" of heroin. At approximately 11:41 a.m., the UC texted **WALKER** to say that he was 25 minutes away and to ask where to meet. About this time, agents conducting surveillance at DE LA CRUZ's residence observed DE LA CRUZ exit his residence, enter his Dodge Neon, and travel toward

New Orleans. At approximately 12:20 p.m., DE LA CRUZ arrived in front of the Hilton Hotel located at 2 Poydras Street. **WALKER** then entered the front passenger side of the gray Dodge Neon with DE LA CRUZ. The two departed in the Dodge Neon and traveled north along Poydras Street and immediately park along a curb located adjacent to Harrah's Casino.

At approximately 12:23 p.m., **WALKER** texted the UC, "K im ready in 5 min." The UC responded, "K." **WALKER** then exited the Dodge Neon, opened the rear passenger side door, and secured a backpack. **WALKER** then walked towards the Hilton Hotel.

At approximately 12:46 p.m., the UC was equipped with a digital recorder, a transmitting device, and \$3,500.00 OAF. The UC then left to meet with **WALKER** at the Canal Place Mall. At approximately 12:50 p.m., **WALKER** entered the front entrance of the Mall and went to the food court. At approximately 12:54 p.m., the UC entered the Mall and went to the food court and met with **WALKER**.

Meanwhile, at approximately 1:00 p.m., DE LA CRUZ traveled back to his residence.

At approximately 1:03 p.m., the UC gave **WALKER** \$3,500.00 in OAF, located in a white envelope. **WALKER** advised the UC that he only had one-half ounce of heroin with him due to a miscommunication with his source. **WALKER** told the UC that the source would be back with another one-half ounce of heroin within 20 minutes. **WALKER** then explained that he wanted to get a hotel room and wait for the source's return. The two then left the Mall so that the UC could move his car.

At approximately 1:21 p.m., as **WALKER** and the UC attempted to find another parking place, DE LA CRUZ exited his residence, entered his Dodge Neon, and traveled towards New Orleans.

After the UC parked his vehicle, he and **WALKER** went to a water fountain in front of the Mall. **WALKER** received a text message from someone during this time.

At approximately 1:40 p.m., **WALKER** and the UC walked to the Hilton New Orleans Riverside Hotel and went to the second floor., where **WALKER** checked into a room.

At approximately 1:50 p.m., DE LA CRUZ arrived at the Hilton Hotel in his vehicle. Meanwhile, **WALKER** and the UC went to room 2123.

At approximately 2:06 p.m., **WALKER** received a text message and then told the UC that his source was waiting downstairs. **WALKER** then took an amount of currency with him to go downstairs. The UC asked if he could go as well, but **WALKER** said that would not be a good idea.

At approximately 2:09 p.m., **WALKER** exited the Hilton Hotel and entered the passenger side door of DE LA CRUZ's Dodge Neon. The two departed and parked along the curb adjacent to Harrah's Casino two minutes later. At about 2:18 p.m., **WALKER** exited the Dodge Neon and walked back to the Hilton Hotel and to room 2123. Inside, **WALKER** pulled two one-half ounce size baggies of heroin from his groin area. **WALKER** handed one bag to the UC and kept the second. **WALKER** told the UC that he had just met with his source and that the other bag was for **WALKER** to sell. The UC then exited the room and walked to meet with other agents. The heroin tested positive.

May 9, 2012

On May 9, 2012, local law enforcement officers arrested **WALKER** on charges of distribution of methamphetamine. A search incident to arrest of **WALKER**'s person yielded

methamphetamine that appeared to be packaged for further sale. A search of his hotel room yielded additional methamphetamine and paraphernalia.

WALKER was placed in Orleans Parish Prison. While there, he spoke with an associate of his who routinely purchased amounts of methamphetamine from **WALKER**. The associate asked him, "Does your boy know?" **WALKER** responded, "No." The associate then asked, "No, does your people know?" **WALKER** responded, "No." The associate then asked, "How can I contact him?" **WALKER** responded, "I don't know if he'd like that." **WALKER** then stated, "222-1089," a number for a phone that had been used by DE LA CRUZ.

May 29, 2012

On May 29, 2012, at approximately 11:00 a.m., agents established surveillance at DE LA CRUZ's residence. At approximately 12:39 p.m., the UC called **WALKER** and asked, "You going to have your shop open today," trying to ascertain if **WALKER** was currently selling narcotics. **WALKER** advised, "Yeah," but advised, "I still don't have the original thing you were looking for but I have the other thing." The UC asked **WALKER**, "You got the H," referring to heroin. **WALKER** advised, "Yeah, that I got." The UC asked, "Can I get an ounce," and **WALKER** stated, "Ok, no problem." **WALKER** stated, "Before you leave let me make sure that my guy isn't tied up in something else that he won't be able to get to me that quick."

At approximately 1:06 p.m., **WALKER** texted the UC, "Hello I will be ready in 45." The UC was equipped with a digital recorder, an audio/video recorder, a transmitting device and \$3,500.00 in OAF.

At approximately 1:46 p.m., DE LA CRUZ entered a white Hyundai Tiburon, which was parked in the driveway of his residence and departed en route to New Orleans.

At approximately 2:24 p.m., the UC texted **WALKER** asking where to meet. **WALKER** later responded, "Harrahs." At approximately 2:41 p.m., **WALKER** texted the UC to tell him that **WALKER** was in Room 706.

At approximately 2:25 p.m., DE LA CRUZ parked his Hyundai Tiburon park in the circular driveway of the Hilton Riverside Hotel. At approximately 2:31 p.m., **WALKER** entered the Hyundai Tiburon and talked with DE LA CRUZ. Seconds later, the two traveled and parked next to Harrah's Casino. At approximately 2:33 p.m., **WALKER** exited the Hyundai Tiburon and walked to Harrah's Hotel.

At approximately 2:44 p.m., the UC entered Harrah's Hotel, walked to the hotel elevator and traveled up to the seventh floor. The UC made contact with **WALKER** by the vending area. **WALKER** and the UC then took the elevator to the eighth floor and entered room 806. Inside, **WALKER** retrieved from his groin area, a black bag, which contained one ounce of heroin and gave it to the UC. The UC gave **WALKER** \$3,500.00 in OAF.

At approximately 2:56 p.m., the UC and **WALKER** exited room 806. The UC walked to his vehicle, and **WALKER** walked across Poydras Street to an unknown location. The UC then drove to a predetermined meet location. A field test of the heroin was conducted with positive results.

June 26, 2012

On June 26, 2012, at approximately 12:46 p.m., **WALKER** texted the UC, "So wanted # 1 to see if you wanted anymore of that before its gone And 2 to see if you have a . . . Time you would like to get together to address what I wasnt able to Thursday." The UC responded, "Today if you would like. what about 2 or 3?" **WALKER** texted back, "Ok let me make sure my reload

scheduled for today is be on time and that I have requested the proper amounts any idea the size you were hoping to acquire." The UC replied, "With Tina I really don't know probably start off small! Just see how to work her. So maybe 500. I will hold off on the other until you get the coke in."¹ **WALKER** texted back, "Ok no prob yes just waiting on confirmation for time then will let you know if 3 is gonna work."

At approximately 2:43 p.m., the UC texted **WALKER**, "Comin thru la place."

WALKER replied, "K im still waiting hes coming back from br lol but he hasn't left yet."

At approximately 3:43 p.m., phone records established that DE LA CRUZ contacted **WALKER** for a duration of 35 seconds. At approximately 3:46 p.m., **WALKER** made contact with DE LA CRUZ for a duration of one minute 13 seconds.

At approximately 4:22 p.m., the UC texted **WALKER**, "Im in the quarter! Whats up?"

At approximately 4:33 p.m., **WALKER** texted back, "Hey cool my guy isn't back yet but I have a little sampler and we can hang wait." **WALKER** later told the UC that he was in Room 2012 at Harrah's Hotel.

At approximately 4:50 p.m., the UC was equipped with a digital recorder, an audio/video recorder, a transmitting device and \$1,000.00 in OAF. The UC then left to meet with **WALKER** at Harrah's Hotel. **WALKER** opened the door of the hotel room and invited the UC inside. The two talked. During the conversation, the UC asked, "Your boy on his way?" referring to DE LA CRUZ. **WALKER** advised, "He said he is coming back from Baton Rouge." The UC asked **WALKER** if "he was going to take the heroin and get the other shit." **WALKER** advised that

¹"Tina" is a street-name for methamphetamine.

the UC was the only person for whom **WALKER** was willing to deal heroin. The UC stated that he thought **WALKER's** biggest "thing" was heroin. **WALKER** stated that his biggest drug to sell is "crystal," referring to methamphetamine. **WALKER** talked about his source of supply as well and stated that he was part of a cartel.

At approximately 5:20 p.m., **WALKER** showed a small clear plastic baggie he had in a wooden box to the UC. The baggie contained crystal methamphetamine. **WALKER** discussed the various ways to use methamphetamine as well as the various prices and profit to be made from trafficking it. The UC advised that he wanted to purchase \$1,000.00 worth of methamphetamine. **WALKER** then put the small clear plastic baggie containing crystal methamphetamine back into the wooden box. **WALKER** advised the UC that he had to conduct some business and would meet him shortly.

At approximately 5:30 p.m., **WALKER** and the UC exited the hotel room, exited the hotel, and walked across Poydras Street. **WALKER** stated that he had to handle some business, and walked towards Harrah's Casino.

At approximately 5:32 pm, DE LA CRUZ park near 2 Poydras Street in his Dodge Neon. **WALKER** entered the Neon', which then departed and traveled approximately two blocks on Poydras Street. At approximately 5:48 p.m., **WALKER** exited the Dodge Neon and walked River bound on Poydras Street.

At approximately 6:26 p.m., the UC texted **WALKER**, "How u lookin? Time wise." **WALKER** responded, "Be about 15 to20." **WALKER** later told the UC to meet him in the food court at the Canal Place Mall.

The two met near the food court at the entrance to the men's restroom. There, **WALKER** gave the UC a green/white Newport cigarette pack that contained one-half ounce of methamphetamine. The UC gave **WALKER** \$1,000.00 in OAF. A field test of the aforementioned purchased methamphetamine was conducted with positive results for the presence of methamphetamine.

August 26, 2012

On Saturday, August 25, 2012, at approximately 1:05 p.m., **WALKER**, texted DE LA CRUZ over a phone that was not the subject of the interception. DE LA CRUZ called **WALKER** about five minutes later. At approximately 1:19 p.m., **WALKER** texted the UC stating, "Hello this is tarzan This is my brand new Number I will br ready by 6 pm."

Between the hours of 6:56 p.m. through 7:59 p.m., **WALKER** and DE LA CRUZ engaged in a series of text messages.

On Sunday, August 26, 2012, at approximately 8:48 a.m., **WALKER** texted the UC, "Hey how r you doing this morning I can handle that whenever you like." At approximately 11:24 p.m., **WALKER** called the UC, who said he was on his way to meet **WALKER**. During the call, **WALKER** stated, "I am still waiting to hear from my guy," and "I will give you a call as soon as I hear from him."

At approximately 12:15 p.m., the UC was equipped with a digital recorder, an audio/video recorder, a transmitting device and \$2,000.00 OAF.

Between the hours of 12:36 p.m. through 12:39 p.m., **WALKER** and DE LA CRUZ engaged in a series of text messages.

At approximately 12:37 p.m., **WALKER** texted the UC, "Ok will meet u there in 45." At approximately 1:05 p.m., surveillance was established in the vicinity of **WALKER's** residence located at 402 Julia Street, New Orleans, LA.

Between the hours of 1:11 p.m. through 1:45 p.m., **WALKER** and DE LA CRUZ engaged in a series of text messages.

At approximately 1:31 p.m., **WALKER** told the UC that he was going to "meet him," and then would come to meet the UC. **WALKER** told the UC to "go to 400 Julia."

At approximately 1:56 p.m., **WALKER**, using (504) 940-7570, a number that was for a phone that was being intercepted, texted DE LA CRUZ, "Hello my friend H 17 N 1," which was code for "Have 1700. Need one ounce." DE LA CRUZ texted back, "K 35 m security," which meant that he was about 35 minutes away near the Security Center in downtown New Orleans.

At approximately 2:27 p.m., **WALKER** texted DE LA CRUZ, "H," meaning "Here." At approximately 2:31 p.m., DE LA CRUZ replied, "6 m," meaning that he was about six minutes away. At approximately 2:33 p.m., DE LA CRUZ texted **WALKER**, "H."

At approximately 2:33 p.m., **WALKER**, using (504) 339-1860, called the UC and stated that he was on the way to Julia Street.

At approximately 2:40 p.m., DE LA CRUZ drove in a Chrysler on Tchoupitoulas Street towards Julia Street. Surveillance agents observed DE LA CRUZ driving and **WALKER** in the front passenger seat. The vehicle turned on Julia Street and park on the curb of the 400 block of Julia Street near the intersection of Constance Street. At approximately 2:44 p.m., the UC placed a non-recorded call to **WALKER**, who stated that he was turning on to Julia Street.

At approximately 2:45 p.m., **WALKER** exited the vehicle and walked towards 402 Julia Street, where he met with the UC. Once inside the location in apartment 203, the UC gave **WALKER** \$2,000.00 OAF, and **WALKER** gave the UC a clear plastic baggy containing approximately 28 grams of methamphetamine.

At approximately 2:50 p.m., **WALKER**, using (504) 940-9750, texted DE LA CRUZ, "coming." Seconds later, **WALKER** exited 402 Julia Street and entered DE LA CRUZ's vehicle, which remained parked on Julia Street near the intersection of Constance Street. At approximately 2:52 p.m., **WALKER** exited the vehicle and returned to 402 Julia Street out of surveillance view. Seconds later, DE LA CRUZ departed the area.

A field test of the aforementioned purchased methamphetamine was conducted with positive results for the presence of methamphetamine. Agents reviewed the audio and video recordings of the aforementioned transaction, and **WALKER** was observed on the video recording detailing his narcotics involvement.

Initiation of Title III Intercepts Beginning July 31, 2012

On July 31, 2012, and prior to the previously mentioned transaction, agents received court-authorization to conduct wire and electronic interception over some of **WALKER's** multiple cellular telephones. Agents intercepted several conversations between **WALKER**, his source DE LA CRUZ and his customers and further distributors discussing, in code for the most part, negotiations for the trafficking of controlled substances, including methamphetamine. Agents also intercepted conversations involving **WALKER's** source of supply DE LA CRUZ. Some examples of the communications intercepted involving the trafficking of methamphetamine and other controlled substances are as follows:

Conversations involving Lowell Roussel and Remy Ortiz

LOWELL ROUSSEL and REMY ORTIZ were a couple. Each was intercepted in calls and texts with **WALKER** over multiple phones of his. ROUSSEL regularly contacted **WALKER**, asking, in coded language, for amounts of methamphetamine. In one set of conversations, ROUSSEL asked what the code was, and **WALKER** said, “Flowers.” He also would give **WALKER** heroin occasionally. ROUSSEL was a user who would normally obtain personal amounts of drugs, but would also obtain drugs from **WALKER** with the purpose of redistributing them others.

In his text messages with **WALKER**, ROUSSEL sought to meet **WALKER** at various times for the purpose of obtaining drugs. If ROUSSEL could not meet with **WALKER**, he texted that he would send ORTIZ to meet with **WALKER**. In one set of calls, ROUSSEL told **WALKER** that he “need to see Tina,” a street name for methamphetamine, and asks for the “normal size.” In another set of calls, he told Walker, “something’s wrong with the stuff I got from you,” referring to methamphetamine he had previously obtained from **WALKER**. ROUSSEL said that it had made him sick. ROUSSEL stated that he had to give his client his money back. ROUSSEL also asked for other stuff, and said that he would come himself or send ORTIZ.

ROUSSEL also paid **WALKER** occasionally through the use of a Green Dot card, a prepaid debit / credit card to which money can be added and withdrawn. In several intercepted conversations, ROUSSEL mentioned the card and, in one particular conversation, stated that he could “green dot the money.” He also stated, “Need to send Remy pick up some parts later today before she goes to group or after ! I bought a green. Dot already so let me know when’s a good

time for her to come for the fire stuff !” He later said, “ I think Remy gets out of group at 830-900 pm call me when she gets to u and I’ll text u the green dot #’s k.” A little later, ROUSSEL texted the number to **WALKER**. Around the same time, ORTIZ had texted **WALKER** that ROUSSEL would be texting the green dot number.

During the wire, **WALKER** and ROUSSEL had a brief falling out based on **WALKER** perceiving that ROUSSEL was questioning his honesty in dealing with ROUSSEL. During these conversations, **WALKER** texted, “After all that we have been through u are not seriously going to have me run around getting something different for you and only you, and only charge cost - not even get pd that and then tested to make sure I wasn’t taking advantage of you my friend, and I then take a 75.\$ loss on it too.” ROUSSEL texted, “I trust u 100% but evidently u don’t trust me or something. I’ve always been straight up and honest with u and always paid u and Never owed u pretty much any money. As far as u going else where to get Tina for me cause the last stuff u had was making me sick, well I would do the same for u any day!! When I sent Remy the other day I was under the impression that ur. new stuff had come I’n, so that’s what I thought I was getting! Then u told me different. So I said send me one of yours and I’ll send u Some more money! And when I saw it I thought it was a joke and u were fucking with me cause it was only like a .5. So I did bother calling or sending money.” **WALKER** responded, “u tell me basically how my shit sucks at every turn then have me humiliate myself to go buy someone else’s then every time want some of my garbage . . . And them when I’ve already overpaid for that crap only charge u cost and you want me to throw in a little of the garbage too. . . . you r by far the most difficult to please client that I have or have had and then I can’t even please or fill your needs.” ROUSSEL responded, “U are the only person I trust in this. And I hope u choose to do business

with me! And I think our business has always been positive. There were times when I gave u the money to go see ur boss to get u out the hole! Of course u gave back but how can our relationship not be positive.”

ORTIZ was intercepted as well, and mentioned on a few occasions that ROUSSEL had needed her to pick something up from **WALKER**. In one conversation, **WALKER** told ORTIZ that he was waiting. ORTIZ asked, “On Tina or me?” Ortiz also asked Walker if he had any “lil boi,” a street name for heroin. Agents conducted surveillance and observed ORTIZ driving out to New Orleans east and conduct what appeared to be a hand to hand transaction with someone.

Conversations involving Clayton Earl Jacks

WALKER had several intercepted conversations with JACKS during the wiretap. JACKS’ primary interest was in obtaining, trading, and distributing prescription drugs. He provided **WALKER** with prescription drugs as well as heroin. In one set of texts, JACKS texted, “Pl zzz tex im im dier need.” **WALKER** responded, “I am with my boss,” referring to DE LA CRUZ. JACKS stated, “\$300 yours stuff 3gmy boys.” **WALKER** texted, “Just let know what my role is and [what] im supposed to have ready.” JACKS texted, “Well I have \$200 cash for you I wanted to see if you wanted h?” referring to heroin. **WALKER** responded, “Yes and Yes. Yes want roxys,” referring to prescription drugs. JACKS then texted, “Tomorrow roxy but my guy on frenchman want to hook me up for bill50. Or I can get a gram and give u\$100 & g of h for \$200 worth or I can giv u \$200 for stuff up too u boss.”

In another set of conversations about the distribution of prescription medication, JACKS texted to **WALKER**, “O tha 7th dr. day. 90roxy60dillidid90xanax.” Later, in another conversation, JACKS texted, “Just wondering. About dr. and meds on 7th. I hav \$450 product

trying to get rid. I will need a total of \$350. I hope I can do that. If not u intrested?" **WALKER** responded, "I'm gonna try think I can." JACKS replied, "I think it will b 50roxy and 7 dillidid. for \$250." Later, JACKS asked, "Do u think I can do that today? If so can u send that so we can. Go first thing in tha morning. Im ready to make mo money honey."

Shortly after this conversation, JACKS inquired about methamphetamine. JACKS texted, "Hey im need a price on a pound friend as no bs!" referring to a pound of methamphetamine. **WALKER** stated that he did not have cash as of yet. JACKS texted back, "Ok cool but I do tho. leaven in few to dr. I doesn't forget about u tho. and price check on big issue." A little later, JACKS texted **WALKER** and said, "kneed to cu. U will b proud Ove me. Likebig\$\$\$ sorry I don't want to pest u. is 17,000 for pound good?" referring to methamphetamine. **WALKER** texted, "Yes itz. Don't knowi price sstrrede." JACKS texted, "I justwant to meet up later maybe. I hav \$300 to spare withu. And a gift as well." **WALKER** replied, "Ok it's yes."

In a later conversation after a meeting had been planned, **WALKER** asked, "How much do you need for me?" JACKS texted, "I have 200 in cash and have 10 dilaude on me and a few of the op. Dilaude go for \$10 but I don't expect you to pay the whole." **WALKER** replied, "I know you give me a good deal. How much do you want?" JACKS replied, "I don't really know. I leave it up to you on the other end. You bless me a lot. I want to try to bless you. You want to do a little half?" **WALKER** texted, "200 and how many or the op pills whatever." JACKS texted, "There only 2 but I got 10 dilaude."

The two also discussed distribution of heroin. In one set of conversations, JACKS texted, "Trying to get this open market for h and other. its fucking hard to do when I have pennies to

work with. I have only few options like I.R.S. owes me \$600 and stuff. . . . I need a ass load of h. I need \$\$\$. I think I'm detoxin." **WALKER** texted back, "Hmmm part of that I can def help with quantity hard to say but will give everything I can."

In another set of conversations, the two discussed the trading of food stamps for drugs. JACKS texted, "I have \$100 and 200 in food stamp u intrested." **WALKER** said, "Yeah would love food stamp thing how r you doing." JACKS later texted, "There is \$256 on the card. Pin#0001 what does that get? I should hav sum coins wirh that." **WALKER** texted, "Give me another 50 and I will five u teen." JACKS texted, "I did a whole g yesterday / today ... I should hav sold lol Im waitin on my friend to western union me \$120."

Conversations involving Alan Goldberg

WALKER had several conversations with ALAN GOLDBERG, who works as a "DJ" at a bar in the French Quarter. GOLDBERG would occasionally purchase methamphetamine from **WALKER** for himself as well as for his friends. **WALKER** responded to GOLDBERG in one conversation, texting, "Yes ok to wait for just what size." GOLDBERG said, "Guess a g. If ok and see what I can round up later at work." He also mentioned that a "few others probably will want." **WALKER** said, "Ok sounds good. I'm ready when u r." GOLDBERG then texted, "So say 200 if able but let me see if they want." A little later, GOLDBERG asked, "Can u do 100 bag and know u take care of me and 50 rest as have 100 if cool and take chance." **WALKER** clarified, "Ok so 1 hundred. 2.fifties ? I total." GOLDBERG said, "Yes as save u time and if asked ill pull it as randy cool and handle it. And other 100 give in morning if ok." **WALKER** said, "no prob gotcha. If I don't start preparing g them I won't be ready bu the time but get here hough so let me know when u leave houd 1 hundded. The res in 50s." GOLDBERG

texted, “Cool as if hear nothing by 8 walk up as have only 100.” **WALKER** texted, “Just bring the hundred if you have it and I will go e u 200.worth until later if u don’t have hundred still come and get the 200 until am.”

After **WALKER** had met with GOLDBERG and left, GOLDBERG texted, “How much did I give u. Was 80 or a. 100.” **WALKER** responded, “ 80 and I gave u 1.75g So 4 -. 25 2-. 50.” GOLDBERG replied, “That I thought so 20 lost in cab so owe u 120. . . Have by 10 am.”

In another set of texts, the two discussed the possibility of allowing **WALKER** to “set up shop” at the bar where GOLDBERG worked and sell methamphetamine from within during Southern Decadence, a festival occurring in the French Quarter over Labor Day weekend. **WALKER** texted, “U r just a very special friend and I want to discuss decadence in detail.” GOLDBERG said that he had spoken to the necessary people on his end “as ok but now iron out with u.” **WALKER** said, “Sounds great I’m going to commit my energies and resources to help ensure a great decadence. Give us a chance to work closely together which I believe will be a lot of fun and lucrative.” **WALKER**, however, did not set up shop during Southern Decadence in the bar.

Conversations involving Bryan Maillet

WALKER had several conversations with BRYAN MAILLET during the wiretap. Maillet purchased mostly personal amounts of methamphetamine but would also seek to obtain amounts that he would resell to another.

In one conversation, MAILLET texted, “I am ok on my way to see a client then could I come by and get a qtr from u and I have the \$ I owe u. It will be around 10.” The two met, and **WALKER** gave MAILLET more methamphetamine than he had requested. Afterwards, when

MAILLET realized it, he texted, “okay I got it just now I just opened up the dollar bill thank you.” **WALKER** responded, “your welcome and I know I don’t know how to weigh either.”

MAILLET also negotiated sales with **WALKER** on behalf of some other person.

For example, in one set of conversations, MAILLET asked, “what’s the price for a teen again? I am getting some for a friend in MS too.” **WALKER** texted back, “225.” MAILLET later stated, “let me get in touch with my friend from MS and see what he wants to do. Hey I am gonna need a teen did u wanna come to me at the hilton or me to ur place. **WALKER** said, “my places.” MAILLET then texted, “I am awaiting a greendot from my friend in MS. Hes got 20 min then I will only need a gram.”

In another conversation, Maillet told **WALKER**, “Let me know if you’re working. A couple of people will be looking.”

Arrest of Walker

On October 1, 2012, agents approached **WALKER** and informed him about the investigation. **WALKER** cooperated and assisted agents by conducting a controlled purchase of methamphetamine from DE LA CRUZ.

This drug trafficking conspiracy involved the trafficking of at least 500 grams of a mixture of substance containing methamphetamine and at least 100 grams of heroin. It was reasonably foreseeable to **WALKER** that the conspiracy involved at least 1.5 kilograms but less than 5 kilograms of methamphetamine, and at least 100 grams but less than 400 grams of heroin. DE LA CRUZ was **WALKER**’s source for the methamphetamine and heroin that **WALKER** further distributed.

This proffer of evidence is not intended to constitute a complete statement of all facts

known by **WALKER** and described by **WALKER** to the government, but rather is a minimum statement of facts intended to prove the necessary factual predicate for the guilty plea. The limited purpose of this proffer is to demonstrate that there exists a sufficient legal basis for **WALKER's** plea of guilty to the charged offense.

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