UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

UNITED STATES OF AMERICA	*	**CRIMINAL DOCKET NO. 09-258**
v.	*	**SECTION: "N" (3)**
HENRY VERGIN	*	

* * *

FACTUAL BASIS

The above-named defendant, **HENRY VERGIN**, has agreed to plead guilty as charged to Counts One and Two 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 allegation against the defendant, **HENRY VERGIN** (**"VERGIN"**):

Unless stated otherwise, all of the facts set forth herein occurred within the Eastern District of Louisiana.

A reliable confidential informant (C/I) informed agents of the Terrebonne Narcotics Task Force and the Drug Enforcement Administration (DEA) that **VERGIN** was a distributor of cocaine

base ("crack") in the Terrebonne Parish area. On or about March 20, 2009, **VERGIN** agreed to sell to the C/I two and a half ounces of crack for $2,200.00. They agreed to complete the transaction at **VERGIN'S** residence at the First Class Apartments, located at 7495 Street in Houma, Louisiana.

Prior to meeting with **VERGIN**, the C/I met with DEA agents who provided him with $2,200.00 in official agency funds and an audio/video transmitting device to record the meeting. At approximately 11:29 a.m., the C/I placed a consensual recorded phone call to **VERGIN** and asked if he was ready to meet. **VERGIN** told the C/I that he was waiting on him.

At approximately 11:40 a.m., the C/I, followed agents conducting surveillance, arrived at the First Class Apartments and went upstairs to Apartment 200 where **VERGIN** resides. Once inside the apartment, the C/I gave **VERGIN** $2,200.00 and **VERGIN** gave the C/I a quantity of crack.

The C/I left the apartment, returned to the agents and turned the drugs over to them. The agents field tested the drugs which tested positive for the presence of cocaine. The drugs were then analyzed at the DEA Laboratory by Forensic Chemist Ted L. Chapman. The drugs tested positive for the presence of cocaine base and had a net weight of 48.0 grams.

On or about March 26, 2009, the C/I and **VERGIN** negotiated a deal in which **VERGIN** agreed to sell two and a half ounces of crack to an associate of the C/I. Prior to meeting with **VERGIN**, the C/I and a Louisiana State Police Trooper acting in an undercover capacity (U/C) as the buyer met with agents. The agents provided the C/I with $2,200.00 in official agency funds and an audio/video transmitting device to record the meeting.

At approximately 4:45 p.m., the C/I placed a consensual recorded phone call to **VERGIN** and told him that he and the U/C were ready to complete the transaction. **VERGIN** told the C/I that he wanted to do the transaction in the parking lot of the Family Dollar store across the street from

his residence. At approximately 5:00 p.m., the C/I and U/C, followed by agents conducting surveillance, arrived at the Family Dollar parking lot. **VERGIN** called the C/I and told him to come to the apartment, pick up the cocaine and bring it back to the U/C so that he could weigh the drugs because he did not want the U/C in his house. The C/I went to **VERGIN's** apartment and knocked on the door but no one answered. The C/I went downstairs and a black Ford SUV pulled into the parking lot of the apartment complex. **VERGIN** exited the vehicle with a bag and he and the C/I went back upstairs into **VERGIN's** apartment. Once inside the apartment, **VERGIN** pulled a box containing a digital scale from a kitchen cabinet. He asked the C/I if the U/C also had a digital scale or a hanging scale. The C/I told **VERGIN** that the U/C had the same digital scale that **VERGIN** had. **VERGIN** then gave the C/I the drugs and told him that he wanted $2,400.00 for the drugs.

The C/I brought the drugs to the U/C to allow the U/C to weigh the drugs. The U/C weighed the drugs and stated that the weight was 63.4 grams. The U/C then gave the C/I $2,200.00 to give to **VERGIN**. The C/I brought the money to **VERGIN** who then told C/I that he wanted $2,400.00 for the drugs. The C/I told **VERGIN** that the U/C was only willing to pay $2,200.00. **VERGIN** accepted the $2,200.00. The C/I left **VERGIN's** apartment with the drugs and returned to his vehicle where the U/C remained during the transaction. The C/I and the U/C then met with the agents and turned the drugs over to them. The agents field tested the drugs which tested positive for the presence of cocaine. The drugs were then analyzed at the DEA Laboratory by Forensic Chemist

Ted L. Chapman. The drugs tested positive for the presence of cocaine base and had a net weight of 62.1 grams.

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ANDRE' JONES (Date)
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_____ _____

THOMAS M. CALOGERO (Date)
Attorney for Defendant
LA Bar Roll No.

HENRY VERGIN (Date)
Defendant