

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

UNITED STATES OF AMERICA

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CRIMINAL NO: 09-373

v.

*

SECTION: "K"

KEWAYNE MORGAN

*

aka aka "Duke"

aka "Shorty"

aka "Weezy"

* * *

FACTUAL BASIS

Should this matter proceed to trial, the United States would prove beyond a reasonable doubt, through credible testimony and reliable evidence, the following facts:

COUNTS 1 and 3:

On January 31, 2007, The New Orleans Police Department (NOPD) received information from a confidential informant (C/I) about a known individual ("D.A."), who was dealing drugs from his car in a supermarket parking lot. The (C/I) told the NOPD officer that "D.A." would sit in his green, Ford Mustang, license number MKH620, in front of the store and that he would conduct his sales outside the store. The C/I stated that when "D.A." would run out of drugs, he would go to 1822 Harmony Street and purchase additional drugs from an individual named "Duke." "Duke" was described as a black male, approximately five foot five inches tall, with a thin build, in his early twenties with a dreadlock hairstyle. NOPD set up surveillance and watched "D.A." make hand to

hand sales of suspected narcotics. After they observed a hand to hand transaction, the police stopped on one of the buyers as he/she left the area and found him/her in possession of two foils of heroin. The buyer was arrested under NOPD Item # A-32264-07 and booked on state charges.

NOPD then followed “D.A.” back to 1822 Harmony, which is where they believed he was stashing/retrieving his drugs. Police watched as “D.A.” entered and then left this residence—allegedly to obtain more narcotics. They eventually arrested “D.A.” in his vehicle and found him in possession of crack cocaine and marijuana.

When the police question him, post Miranda, he agreed to give up his source supply, who he named as “Duke”, who was later identified as Kewayne Morgan. He told the police that Morgan just received a large amount of drugs and that Morgan was also in possession of two guns. Based on this information NOPD set up surveillance at 1822 Harmony Street and observed Morgan leave the house and hide a big black garbage bag under the side of the residence.

As Morgan left the residence he was detained and the residence was secured by officers. A search warrant for the residence was then obtained for the residence. Upon execution of the warrant, in the second bedroom of the house, police seized 14.9 grams of marijuana lying on top of the dresser drawers. A Ruger .357 (serial number 34-97138) was found in the second dresser drawer from the top left. Officers also recovered \$1,323.00 in a pair of men’s jeans lying on the bedroom floor. Det. Catherine Beckett, while searching the kitchen, recovered \$1,320.00 in the ice maker section of the freezer. Sgt. Frank Young went around the side of the house where the police had seen Morgan secret the black garbage bag. Inside the large garbage bag were smaller bags that contained the following; 629.9 grams of marijuana, 936.1 grams of marijuana, 194.4 grams of cocaine, and 177.9 grams of crack cocaine, a Colt .380 handgun (serial number 59473), a black

digital scale, one Tanita scale, one glass tube and numerous pieces of aluminum foil.

Police also took Morgan's keys and La. ID card from the residence. After being advised of his rights and taken to Central Lock-Up, Morgan told Det. Martin that all of the evidence belonged to him and that he did not want his girlfriend to get in trouble or get arrested. Morgan made bond in state court and was released from custody. All of the marijuana, cocaine, and crack cocaine that were recovered during the course of the search warrant were tested by NOPD Crime Lab. All tested positive marijuana, cocaine, and cocaine base.

COUNT 1 (continued)

On August 5, 2008, NOPD Officers responded to a suspicious person call at 1227 S. Johnson Street. The caller said that a black male was selling drugs from inside the location. Officers knocked and the door and it was answered by a known female. Officers could smell burning marijuana and could see Kewayne Morgan sitting at the kitchen table smoking a cigar. When he saw the officers he put the cigar on the table next to a scale, plastic sandwich bags, razor blades, and a plastic bag containing rocks of crack cocaine and tried to flee toward the back of the residence. He was apprehended without incident. The officers met with the owner of the house, who signed a consent to search. She told police that Morgan stayed with her sometimes and showed them where he slept. Officers picked up the mattress of the top bunk bed and found two large plastic bags containing marijuana (116.19g and 470.6g), a large plastic bag cocaine powder cocaine (47.38 g), and a large piece of rock like substance, crack cocaine (7.14 g). \$168.00 was confiscated from Morgan.

All of the marijuana, cocaine, and crack cocaine that were recovered during the course of the search were tested by NOPD Crime Lab. All tested positive marijuana, cocaine, and cocaine base.

Morgan once again made bond in state court and was released from custody.

COUNT 1(continued):

On February 11, 2009, NOPD conducted a controlled purchase of drugs from 2442 Pauger Street and then obtained a search warrant. In an attempt to gather additional intelligence prior to the execution of the warrant, NOPD officers conducted surveillance during which officers observed numerous sales made from the residence. When the warrant was executed, officers noticed that Clarissa Morgan was sitting on the sofa in the front room. She was called to the front door by officers. She allowed them to enter the house without drawing attention to their presence. Upon entering the kitchen area, they found Jock Walker, Herman McMillan and Kewayne Morgan sitting at the table bagging up drugs. On the table was a large bag of marijuana (approximately 212 grams), sandwich bags, a digital scale, and some smaller bags of marijuana. A narcotics dog was summoned to search. Officers also recovered a bag of crack cocaine (approximately 29 grams), which was found in the sandwich bag box that was on the table with the marijuana and other drug packaging paraphernalia.

Officers arrested all four subjects. When they were transported back to the NOPD district station, they were able to see the board used to brief the officers prior to the execution of the warrant. On the board was information about the drug dealing going on at the house and the targets. When the arrested subjects saw this information, they commented to police about how accurate the information was. Kewayne Morgan also told police that they would have to subtract 28 grams from the overall amount of drugs because that is how much a 1 gallon plastic bag weighed.

It should be noted that during the execution of the warrant, the officers located a couple of thousand dollars in cash from different locations around the residence. Some of this money was

claimed by Clarissa Morgan (money found in her bed) and some by McMillan and Morgan (money wrapped in rubber bands). All were arrested but all made bond and were released from jail except Jock Walker.

All of the marijuana and crack cocaine that were recovered from the residence were tested by NOPD Crime Lab. All tested positive marijuana and cocaine base.

COUNT 1(continued):

On May 13, 2009, NOPD received information that two black males were selling drugs from 2316 Washington Avenue, Apt 205. The Officers conducted surveillance and watched numerous deals take place from that location. They eventually arrested two of the purchasers and recovered narcotics from both of them. Based on this information, officers obtained a search warrant for the residence. Pending execution of the warrant, the officers conducted additional surveillance and realized that Kewayne Morgan was retreating to the rear of the apartment complex, possibly to retrieve the drugs. Officers found a location in the rear of the complex that would provide them with the opportunity to see what Morgan was doing. They were able to watch him retrieve the drugs from an area secreted around a hot water heater in a shed behind the apartment building.

While police executed the search warrant at the apartment they detained Kewayne Morgan, Darrell Pitts, Earl Johnson, and Pinkie Bonds who they had observed coming in and out of the apartment and hanging outside the apartment during the drug sales. Inside the apartment they found a bag of crack cocaine (3.04g), a digital scale, razor blades, and sandwich bags on a table next to Darrell Pitts. Pitts told police that the apartment was his and that Kewayne Morgan sometimes stayed with him. Police then went to the area of the water heater in the rear of the apartment complex and recovered a bag containing five large pieces of crack cocaine (36.53g), a bag of powder

cocaine (65.17g), and one Hi-Point 9mm pistol (Serial Number P1301513).

All of the marijuana, cocaine, and crack cocaine that were recovered during this search were tested by NOPD Crime Lab. All tested positive marijuana, cocaine, and cocaine base.

Once at the Orleans Parish Prison, Kewayne Morgan called his own cell phone from the prison phone system, which records all calls. Herman McMillan answered the phone and spoke to Morgan. During this call, McMillan stated that he was on his way to the apartment when he saw the police. Morgan asked him if the police found “everything”. During several other calls, Morgan actually goes to the stash location by the hot water heaters at the apartment complex and checks the stash location. He tells Morgan that the police got all of the drugs and the firearm that they had back there. However, he says that they did not check the gutter, which was one of the other stash locations where they stored their drugs.

The government and the defendant, Kewayne Morgan, agree and stipulate that the amount of drugs that the government could prove that was distributed during the course of the conspiracy by him and other co-conspirators was more than 150 but less than 500 grams of cocaine base, approximately two kilograms of marijuana, approximately 250 grams of cocaine hydrochloride, and a negligible amount of heroin.

A review of Kewayne Morgan’s criminal history reveals that he pled guilty on January 16, 2002, in the Criminal District Court for the Parish of Orleans under case number 423-474 “B” to possession of crack cocaine, in violation of La.R.S. 40:967. This felony drug conviction is now final.

By pleading guilty the defendant freely admits that he was in involved in a conspiracy to distribute and possess with the intent to distribute crack cocaine, cocaine, marijuana, and heroin with Herman McMillan, Jock Walker, Clarissa Morgan, Earl Johnson, Darrell Pitts, and others. Morgan also admits that he possessed the above mentioned firearms in furtherance of his drug trafficking activities.

Lindsay Larson (Date)
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Maurice E. Landrieu, Jr. (Date)
Assistant United States Attorney

Kewayne Morgan (Date)
Defendant