

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

UNITED STATES OF AMERICA

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CRIMINAL NO: 09-188

v.

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SECTION: "L"

LARRY GRIM

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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:

On June 16, 2009, a Drug Enforcement Administration ("**DEA**") Confidential Source ("**CS**") began making undercover telephone calls to Tremaine Ausbon ("**Ausbon**") to purchase nine ounces of crack cocaine. Shortly thereafter, **Ausbon** agreed to sell nine ounces of crack cocaine to the **CS**. **Ausbon** then made arrangements with his co-conspirator, Larry Grim ("**Grim**"), to travel from Baton Rouge to Hammond to complete the drug transaction with the **CS**.

On June 17, 2009, **Ausbon** and the **CS** made several telephone calls to each other to discuss the drug deal, which were recorded by the **DEA**. During one of the telephone calls to the **CS**, **Ausbon** stated that "his boy" **Grim** was going to drive him to Hammond to complete the transaction. During another call, **Ausbon** instructed the **CS** to get a hotel room, because "his boy", **Grim**, did not like fumbling around at night. **Ausbon** reiterated this point in a subsequent phone conversation with the **CS** when he told him that "his boy", **Grim**, would feel more comfortable if they completed the drug transaction in a hotel room.

During a subsequent call, **Ausbon** told the **CS** that he only had eight ounces of crack cocaine available to sell to the **CS**. **Ausbon** also suggested that the **CS** meet them on the side of the

Interstate to complete the transaction. The **CS** stated that he/she did not like the idea of meeting on the Interstate because State Trooper might be patrolling that area of the highway. **Ausbon** then replied that “his boy”, **Grim**, was shaking his head no, indicating that he did not want to meet on the side of the Interstate to complete the drug transaction. The **CS** then told **Ausbon** to meet him/her at the Rockwood motel, which is located in the Hammond area. **Ausbon** agreed to meet at the Rockwood, and instructed the **CS** to call him back with the room number of the motel. Sometime thereafter, **Ausbon** called the **CS** and asked him/her if he/she had checked into the motel room. The **CS** told **Ausbon** that he/she had just arrived in the parking lot of the motel. **Ausbon** then told the **CS** to leave the motel and meet him in the parking lot of the Wal Mart store in Hammond.

Shortly thereafter, **Ausbon** called the **CS** to find out where he/she was located in the Wal Mart parking lot. Moments later, the **CS** observed **Ausbon** arriving in a red Nissan sedan. (The Nissan sedan was rented by **Grim** from Enterprise Rent-A-Car.) **Ausbon** then exited the passenger side of the vehicle and entered the passenger side of the **CS**’ vehicle. **Ausbon** then displayed a clear plastic zip-lock bag to the **CS**, which contained approximately eight ounces of crack cocaine. The **CS** then provided the pre-arranged arrest signal to the agents. The agents responded to the signal and arrested **Ausbon**. The agents then arrested **Grim**, who was behind the wheel of the red Nissan. After securing **Ausbon** and **Grim**, DEA Special Agent Chad Scott recovered approximately 217 grams of crack cocaine from the center console of the **CS**’s vehicle. Agents then searched the red Nissan, which reeked of the odor of marijuana, and found a small bag of HCL cocaine located on the passenger side floor board. (**Ausbon** admits that **Grim** had been smoking a marijuana blunt cigar in the Nissan during their drive from Baton Rouge to Hammond to meet with the **CS**.) Agents also recovered a Crown Royal Bag from the passenger side door which contained 25 tablets of MDMA, a green medicine bottle containing 10 yellow tablets, and a digital scale. During a search

incident to arrest, agents also recovered a small bag of crack cocaine and \$2,054.00 in United States Currency from **Ausbon's** pants pocket.

Following their arrest, the agents forwarded the drugs they seized from **Ausbon** and **Grim** to the **DEA** laboratory for analysis. The test results from the laboratory confirmed that the crack cocaine that **Ausbon** tried to sell to the **CS** tested positive for the presence of cocaine base, and had a weight of 227.1 net grams. The test results from the laboratory also confirmed that the powder cocaine that was retrieved from the floorboard of the Nissan tested positive for the presence of cocaine hydrochloride, and had a weight of 1.0 net grams. The laboratory tests further confirmed that the crack cocaine found in **Ausbon's** pants pocket tested positive for the presence of cocaine base, and had a weight of .93 net grams. The laboratory tests also confirmed that the multi-colored tablets of MDMA found in the Crown Royal Bag contained 21.8 tablets of 1-Benzylpiperazine, 3,4-Methylenedioxymethamphetamine, and 3,4-Methylenedioxymethamphetamine Hydrochloride, schedule controlled substances. Finally, the laboratory tests confirmed that the ten yellow tablets found in a green medicine bottle were hydrocodone tablets (4.3 grams), a schedule controlled substance.

Defendant
LARRY GRIM

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