

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

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|---------------------------------|-------|----------------------------|
| UNITED STATES OF AMERICA | * | CRIMINAL NO. 09-346 |
| v. | * | SECTION: "A" |
| ORIN N. HARRIS | * | |
| a/k/a "O" | | |
| ETHAN DURAND HARRIS | * | |
| | * * * | |

FACTUAL BASIS

Should this matter proceed to trial, the United States will prove beyond a reasonable doubt, through credible testimony of Special Agents of the Federal Bureau of Investigation ("FBI"), witnesses and the production of reliable evidence, the following facts:

According to the St. Tammany Parish Sheriff's Office (STPSO), the Kingspoint area in Slidell experienced a dramatic increase in narcotics and violent crime following Hurricane Katrina. Once the problem was identified, STPSO began aggressively recruiting members of the organization. As a consequence, Confidential Source (CS-1) was recruited. In early 2009, CS-1 advised the Federal Bureau of Investigation (FBI) that he was present when **ORIN N. HARRIS a/k/a "O"** (**HARRIS**) was breaking down cocaine into smaller distribution quantities. The cocaine was located

in **HARRIS's** residence, 2161 Wellington Lane, Slidell, Louisiana.

After STPSO made three drug buys directly from **HARRIS** via CS-1, the FBI took over the investigation. CS-1 was able to introduce an STPSO undercover officer, (UC), to **HARRIS** for the remainder of the drug purchases.

Count 2

On May 26, 2009, at approximately 10:16 a.m., the UC placed a consensually monitored and recorded phone call to **HARRIS** to establish the details for a one (1) ounce cocaine purchase for \$1,400.00. The controlled purchase was set up to take place on May 27, 2009. During the course of the recorded conversation, the UC asked **HARRIS** if he could provide her with cocaine base ("crack") rather than cocaine hydrochloride. **HARRIS** advised the UC that he could have the cocaine cooked into crack by another person if the UC needed it that way.

On May 27, 2009, at approximately 1:50 p.m., surveillance units observed **HARRIS** getting out of a Grey/Silver BMW displaying Louisiana license plate RMZ-356. At approximately 1:56 p.m., surveillance units observed **HARRIS** getting into the UC's vehicle. **HARRIS** provided the UC one (1) ounce of a off white powder for the sum of \$1,400.00.¹ He advised her that he was unable to have the cocaine cooked into crack on this occasion but the UC accepted the deal anyway. The STPSO crime lab confirmed that the substance was cocaine hydrochloride with a net weight of **25.02 grams**.

Count 3

On June 2, 2009, a narcotics transaction was set up to take place the following day at

¹ Internal video and audio captured the conversation inside the vehicle and was utilized by the FBI in all of the arranged buys.

approximately 1:00 p.m. between **HARRIS** and the UC for one ounce of crack. The standard price for an ounce of crack from **HARRIS** is \$1,400. The UC advised that she only had \$1,000.00. **HARRIS** stated that he would give her the whole ounce and get the rest of the money at a later time.

On June, 3, 2009, at approximately 9:11 p.m., surveillance units observed **HARRIS** arrive at the Fleet Gas Station located at the intersection of I-10 and Old Spanish Trail, Slidell, Louisiana in a silver Dodge SUV displaying Louisiana license plate X317197. **HARRIS** then exited his vehicle and entered the UC's vehicle. **HARRIS** exchanged a clear plastic bag containing a quantity of an off-white, rock-like substance for the \$1,000.00 in U. S. currency. The STPSO lab result confirmed that the substance was crack with a net weight of **19.75 grams**.

At approximately 10:13 p.m., the UC placed a consensually monitored and recorded phone call to **HARRIS**. The purpose of the call was to discuss the weight of the purchased crack. The original agreement was for one (1) ounce of crack for the price of \$1,400.00. The UC was to provide \$1,000.00 initially and the additional \$400.00 at a later date. When the UC discovered that the purchased evidence was less than one (1) ounce, she contacted **HARRIS** and advised him of the situation. **HARRIS** said that he did not even weigh it after it was cooked and that the UC did not have to pay him the additional \$400.00.

Count 4

On June 18, 2009, at approximately 11:25 a.m., the UC placed a consensually monitored telephone call to **HARRIS**, who advised that he was in New Orleans and could meet the UC at a Wendy's Restaurant in Slidell, Louisiana at approximately 12:30 p.m in order to purchase two (2) ounces of crack.

At approximately 1:21 p.m., surveillance units observed **HARRIS** enter the UC's vehicle

while parked at the Wendy's. **HARRIS** instructed the UC to "make the block." The UC advised **HARRIS** that she had a scale to make sure that the cocaine weighed up properly. At approximately 1:22 p.m., surveillance observed the UC and **HARRIS** arrive at an alternate location.

At approximately 1:22 p.m., the UC provided **HARRIS** with \$2,600.00 in exchange for two (2) clear plastic bags containing an off-white, rock like substance. After the deal, the UC and **HARRIS** drove back to the Fleet Gas Station. After exiting the UC's vehicle, **HARRIS** entered a two-toned Dodge Charger displaying Georgia Licence Plate AXH8815. **HARRIS** advised the UC that the car belonged to his brother. The STPSO lab result confirmed that the substance was crack with a net weight of **50.97 grams**.

Count 5

On June 25, 2009, at approximately 5:50 p.m., the UC arrived at a designated meeting point, a Lishman's store located on Fremeaux Avenue, Slidell, Louisiana. At approximately 5:59 p.m., **HARRIS** arrived in the BMW discussed earlier, and entered the vehicle with the UC. The UC provided the \$900.00 in U. S. currency to **HARRIS** in exchange for a clear plastic bag containing an off-white, rock like substance, consistent with crack. **HARRIS** departed the UC's vehicle and entered the BMW. **HARRIS** started to pull out of the parking lot when the unknown black male that signaled previously ran up to the passenger side of the BMW, and entered through the passenger side door.

Surveillance observed **HARRIS's** BMW pull out of the parking lot followed closely by a second vehicle, which was being utilized as a mobile surveillance unit for **HARRIS**. Surveillance teams followed the tandem team until **HARRIS** turned into the Kingspoint neighborhood. The STPSO lab result confirmed that the substance was crack with a net weight of **25.26 grams**.

Count 6

On July 9, 2009, at approximately 9:37 a.m., surveillance units observed the UC arrive at a designated buy located at the Waffle House restaurant in Slidell. At approximately 10:47 a.m., **HARRIS** met with the UC outside the restaurant. The UC provided **HARRIS** with the \$1,900.00 of official government funding in exchange for one (1) ounce of crack. **HARRIS** advised the UC that the crack, "lost two (2) grams" when he cooked it.

The UC asked how much cocaine **HARRIS** could provide for \$7,000.00 or \$8,000.00. **HARRIS** advised that he would put it with his money and probably get a kilogram of cocaine. At approximately 10:51 a.m., the controlled purchase was completed and **HARRIS** departed the area in a black Dodge displaying Louisiana license plate N240126. The STPSO lab result confirmed that the substance was crack with a net weight of **21.53 grams**.

Count 7

On July 17, 2009, at approximately 2:51 p.m., surveillance units observed **HARRIS** arrive at the Shell Station for a pre-designated buy with the UC. **HARRIS** was driving a blue Dodge displaying Louisiana license plate N242407. **HARRIS** departed his vehicle and opened the passenger door of the UC's vehicle. **HARRIS** provided the UC with one (1) clear plastic bag containing an off-white, rock-like substance in exchange for \$1,300.00.

While en route to the predesignated rally point, **HARRIS** contacted the UC and advised her that the price for an ounce of crack was \$1,400.00 and that she only provided \$1,300.00. The UC acknowledged the disparity in the money and stated that it would be corrected. The STPSO lab result confirmed that the substance was crack with a net weight of **22.60 grams**.

Count 8

On July 27, 2009, the UC placed a consensually monitored and recorded phone call to **HARRIS**². The UC inquired if **HARRIS** had anyone who could deliver to the UC while **HARRIS** was in Florida. **HARRIS** stated that he would make a few phone calls when he got back to the hotel.

On July 29, 2009, the UC placed a call to **HARRIS** to finalize the arrangements for a one ounce crack deal. During the call, **HARRIS** instructed the UC to call his old phone. The UC placed a series of calls to **HARRIS**' old cell phone in order to confirm and finalize the deal. The male using the phone identified himself as **HARRIS**' brother. The brother, who was later identified as **ETHAN DURAND HARRIS (ETHAN HARRIS)**, stated that **HARRIS** already talked to him and that he knew what the UC wanted. The deal was set up to take place at the Texaco Gas Station on Old Spanish Trail, Slidell, Louisiana.

Shortly thereafter, surveillance units observed **ETHAN HARRIS** arrive in a black and silver Dodge Charger displaying Georgia license plate AXH8815. **ETHAN HARRIS** instructed the UC to get into the car with him. The UC noticed that there was an unknown black male in the passenger seat, so the UC got into the rear passenger seat. The UC provided **ETHAN HARRIS** with \$1,500.00 in exchange for a clear plastic bag containing an off-white, rock-like substance. **ETHAN HARRIS** advised the UC that his brother, **HARRIS**, had previously briefed him about the purpose of the extra one hundred dollars.

The STPSO lab result confirmed that the substance was crack with a net weight of **22.25 grams**.

Count 9

² At the time of the call, **HARRIS** was in Cocoa Beach, Florida with the New Orleans Select, 11yr. old basketball team, as their coach.

On August 6, 2009, the UC contacted **HARRIS** regarding a \$1,500.00 buy. The one ounce deal was to take place at the Eagle Gas Station, Old Spanish Trail, Slidell, Louisiana.

At approximately 11:14 a.m., the UC arrived at the Eagle Gas Station. **HARRIS** was already present. **HARRIS** approached the passenger side window of the UC's vehicle and knocked on it. **HARRIS** entered the vehicle and provided the UC with one clear plastic bag containing an off-white, rock-like substance in exchange for \$1,500.00. The STPSO lab result confirmed that the substance was crack with a net weight of **25.47 grams**.

Count 10

On August 28, 2009, at approximately 9:00 a.m., the UC arrived at the Waffle House in Slidell. **HARRIS** arrived in the same BMW vehicle he had used for previous transactions at approximately 9:03 a.m. **HARRIS** entered the vehicle and provided the UC with one clear plastic bag containing an off-white, rock-like substance in exchange for \$1,500.00. The STPSO lab result confirmed that the substance was crack with a net weight of **27.10 grams**.

Count 11

On September 10, 2009, the UC agreed to meet **HARRIS** at the McDonald's restaurant located at the intersection of Old Spanish Trail and the Interstate 10 Frontage Road in Slidell, Louisiana at 10:00 am. in order to conduct a \$6,000.00 deal.

At approximately 10:22 am, surveillance units observed **HARRIS** arrive at the McDonald's restaurant and enter the restaurant to conduct the narcotics transaction. Once inside the restaurant, **HARRIS** exchanged one clear plastic sandwich bag containing five (5) smaller bags of suspected cocaine hydrochloride for \$6,000.00 in United States currency. The STPSO lab result confirmed that the substance was cocaine hydrochloride with a net weight of **138.60 grams**.

Count 12

After discussing the possibility of a T-III application, the FBI decided to apply for a criminal complaint and arrest warrant for **HARRIS** on September 17, 2009. **HARRIS** was arrested that same day on the St. Tammany charges. In connection with **HARRIS's** criminal complaint, the FBI executed a search warrant as did the STPSO. In addition to the drugs seized above, 406.59 grams of what appeared to be cocaine hydrochloride was found hidden in his residence. STPSO Lab tests confirmed that the seized substance was in fact cocaine hydrochloride with a net weight of **399.31 grams**.

APPROVED AND ACCEPTED:

ORIN N. HARRIS a/k/a "O" Date
Defendant

EDWARD J. RIVERA Date
Assistant U.S. Attorney

GEORGE CHANEY, JR. Date
Counsel for Orin N. Harris

ETHAN DURAND HARRIS Date
Defendant

MICHAEL P. CIACCIO Date
Counsel for Ethan D. Harris

ROBERT EARLY, SR. Date
Counsel for Ethan D. Harris