

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

UNITED STATES OF AMERICA	*	CRIMINAL DOCKET NO. 11-019
v.	*	SECTION: "B"
COURTNEY RAY	*	VIOLATIONS: 21 U.S.C. § 846
	*	21 U.S.C. § 841(a)(1)
	*	18 U.S.C. § 2
	* * *	

FACTUAL BASIS

Should this matter proceed to trial, the Government will prove beyond a reasonable doubt, through credible testimony of special agents of the Federal Bureau of Investigation ("FBI"), state and local law enforcement agencies, and the production of reliable evidence, that the defendant, Courtney RAY, is guilty beyond a reasonable doubt of count one of the Superseding Bill of Information. In that count, the defendant is charged with knowingly and intentionally combining, conspiring, confederating, and agreeing with one or more persons to distribute and possess with the intent to distribute twenty-eight (28) or more grams of a mixture or substance containing a detectable amount of cocaine base ("crack"), a Schedule II narcotic drug controlled substance, in violation of Title 21, United States Code, Sections 846.

The Government would establish the following examples of Courtney RAY's involvement in the conspiracy through reliable and competent evidence:

Beginning at a time unknown, but prior to February 10, 2010, and continuing until on or about January 20, 2011, in the Eastern District of Louisiana, Courtney RAY participated in a drug organization that conspired to obtain and distribute at least one and one-half (1.5) kilograms of cocaine base or "crack" and ten (10) kilograms of cocaine hydrochloride.

During the conspiracy charged in the Indictment, testimony from law enforcement witness and co-conspirators would establish that Courtney RAY obtained cocaine hydrochloride from his co-defendant, John Edward BAGENT (BAGENT), for re-distribution as cocaine base or "crack." Robbie RAY also "cooked" or converted cocaine hydrochloride into cocaine base for Courtney RAY, and others, primarily at his mother's house on Shady Lane, Slidell, LA. During the investigation, Courtney RAY used various telephone facilities to coordinate illegal drug activities with his co-conspirators, including BAGENT. Courtney RAY's drug related conversations with BAGENT were monitored and recorded through a court-authorized Title III wire intercept of a telephone facility used by BAGENT. The following paragraphs contain illustrative examples of Courtney RAY's participation in the conspiracy:

August 5, 2010 - Call sessions 982: Courtney RAY calls BAGENT and tells him to give his brother, Robbie RAY (a/k/a "Pookie"), "that" and the money. "That" refers to one-half of cocaine hydrochloride, which Robbie RAY was going to deliver to Courtney RAY from BAGENT. The purchase price of the cocaine was \$1,000 per ounce and Courtney RAY had paid this to BAGENT in advance. Since BAGENT only had one-half ounce of cocaine hydrochloride for sale, Robbie RAY was also going to return \$500 from BAGENT to Courtney RAY.

August 14, 2010 - Call session 1632: BAGENT calls Izeal DUCRE (DUCRE), a co-conspirator and supplier of cocaine hydrochloride to BAGENT, and asks DUCRE to bring him two ounces of cocaine

hydrochloride, because Courtney RAY wanted an ounce of cocaine hydrochloride for himself.

Call session 1640: BAGENT calls DUCRE to remind bring him two ounces of cocaine hydrochloride.

Call session 1641: BAGENT calls Courtney RAY to let him know that he [DUCRE] was on his way.

Call session 1643: DUCRE advised BAGENT that he is rolling that way. He will be there in ten minutes.

Call sessions 1646, 1647 and 1648: DUCRE and BAGENT meet up and surveillance of the transaction was obtained by law enforcement.

Call session 1653: BAGENT informed Courtney RAY that he was going over by his Dad's house.

Call session 1654: BAGENT called and asked Courtney RAY if "Pookie" came over there yet to cook the cocaine hydrochloride into cocaine base or "crack." Courtney RAY replied that he did not, so Courtney RAY had "Chris" cook the cocaine hydrochloride that BAGENT had obtained from DUCRE and sold to Courtney RAY into cocaine base or "crack." BAGENT inquired how much the cocaine base or "crack" weighed after being cooked and Courtney RAY replied "51, " meaning 51 grams.

August 24, 2010 - Call session 2297: BAGENT calls DUCRE on the phone and they discuss Courtney RAY buying an ounce of cocaine hydrochloride from DUCRE for \$1,000. In the conversation, BAGENT talks about Courtney RAY being supplied cocaine hydrochloride from another source and the cocaine hydrochloride only cooking up to 32 grams of cocaine base or "crack." BAGENT also discusses being a more reliable source of cocaine supply to Courtney RAY.

July 8, 2010 - Call session 2848: Courtney RAY calls BAGENT and asks how soon they "do something," which meant BAGENT supplying Courtney RAY with an ounce of cocaine hydrochloride.

July 8, 2010 - Call session 2850: BAGENT calls DUCRE and asks that DUCRE bring him one more ounce of cocaine hydrochloride as Courtney RAY had just called him for an ounce.

For sentencing purposes the Government and the defendant, Courtney RAY, agree that Courtney RAY should be held responsible for at least twenty eight (28) grams but not more than one hundred-twelve (112) grams of cocaine base or "crack," which he and the other members of the conspiracy distributed during the course of the conspiracy and because it was reasonably foreseeable to him that this amount of crack would be purchased and/or sold by the conspirators during the course of the conspiracy. Accordingly, Courtney RAY acknowledges that the above-referenced conduct constitutes a knowing violation of Title 21, United States Code, Sections 846 and 841(a)(1).

APPROVED AND ACCEPTED:

COURTNEY RAY (date)
Defendant

JOSEPH L. MONTGOMERY (date)
Attorney for Defendant

EDWARD J. RIVERA (date)
Assistant United States Attorney