

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF LOUISIANA

UNITED STATES OF AMERICA

\* CRIMINAL NO. 17-083

v.

\* SECTION: "E"

KEVIN SAM

\*

\* \* \*

FACTUAL BASIS

The defendant, **KEVIN SAM** (hereafter, "SAM") has agreed to plead guilty as charged to Counts 1, 2, and 3 of the Superseding Bill of Information currently pending against him. In Count 1, **SAM** is charged with violating Title 18, United States Code, Sections 922(g)(1) and 924(a)(2) by possessing a firearm after having been convicted of a felony. In Count 2, **SAM** is charged with violating Title 21, United States Code, Sections 841(a)(1), 841(b)(1)(C), and 846, conspiracy to distribute and possess with the intent to distribute a quantity of heroin, a Schedule I drug controlled substance. In Count 3, **SAM** is charged with violating Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(C), possession with the intent to distribute heroin.

The Government and the defendant, do hereby stipulate and agree that the following facts set forth a sufficient factual basis for the crime to which the defendant is pleading guilty. The Government and the defendant further stipulate that should this matter have gone to trial, that the Government would have proven, through the introduction of competent testimony and admissible, tangible exhibits, the following facts, beyond a reasonable doubt, to support the allegations in the Superseding Bill of Information.

Agents with the Federal Bureau of Investigation (hereinafter referred to as "FBI") received information that **SAM** was selling illegal narcotics from his residence, located at 1325 Reynes Street, New Orleans, Louisiana, 70117. Based upon this information, FBI agents began conducting surveillance of **SAM**, in March 2016, in an effort to corroborate the information received. Four undercover surveillance operations were conducted utilizing a confidential human source to purchase illegal narcotics from **SAM**, including ecstasy/MDMA pills and heroin. The undercover purchases yielded sales of the aforementioned illegal narcotics from **SAM** at his residence. Because FBI agents believed that **SAM** possessed additional narcotics, paraphernalia, weapons, and/or other instrumentalities or contraband often associated with the illegal possession and/or distribution of illegal narcotics, FBI agents sought, obtained and executed a search warrant at **SAM**'s residence.

Members of the FBI, in conjunction with members of the Louisiana Probation and Parole prepared to execute the aforementioned search warrant obtained by the FBI, while members of Louisiana Probation and Parole sought to arrest **SAM** pursuant to an arrest warrant obtained for his arrest as a result of a probation/parole violation. On or about December 20, 2016, **SAM** was arrested pursuant to the arrest warrant. **SAM** was advised of his *Miranda* rights via an FBI Advice of Rights Form. **SAM** acknowledged that he understood his rights and elected to waive his rights by signing the form.

On the same day, FBI agents executed the search warrant at his residence. Search incident to his arrest, **SAM** was found to be in possession of heroin. During the search of his residence, FBI agents located additional bags of heroin in a bedroom. In his post-arrest statement, **SAM** admitted to possessing both the heroin that was located in the bedroom as well as the heroin

found in his possession. **SAM** told FBI agents that he purchased the heroin from an unknown person whom he met in a nightclub located in New Orleans, Louisiana. **SAM** intended to sell the heroin for profit. He informed agents that he had had been selling heroin for only a short period of time.

The heroin was tested at the Drug Enforcement Administration laboratory and yielded a positive result. The heroin collected from **SAM**'s person, as well as the heroin located inside of the bedroom, were packaged for sale; and in total, weighed 9.1 grams.

In addition to locating heroin inside of the residence, FBI agents also located a Bersa .380 caliber pistol inside of **SAM**'s residence. The serial number on the pistol was obliterated. **SAM** admitted to possessing the pistol. He told interviewing agents that he purchased the pistol "off the streets," since he was a convicted felon and, as such, was prohibited from legally purchasing the gun. The aforementioned gun was examined and determined to be operable. Examination of the gun revealed that it was not manufactured in Louisiana, and therefore, traveled in interstate and/or affected interstate commerce prior to coming into **SAM**'s possession.

On or about March 20, 2006, **SAM** was convicted of Possession with the Intent to Distribute Marijuana, in violation of La. R.S. 40:966(A)(1), in the Twenty-Fourth Judicial District Court of Jefferson Parish, Louisiana, case number 04-5421001. This offense is a crime punishable by imprisonment for a term exceeding one year.

All facts contained in this Factual Basis occurred in New Orleans, Louisiana, which is within the jurisdiction of the Eastern District of Louisiana.

**Limited Nature of Factual Basis**

This proffer of evidence is not intended to constitute a complete statement of all facts known by the defendant, SAM, but rather is a minimum statement of facts intended to prove the necessary factual predicate for the guilty plea. The limited purpose of this proffer is to demonstrate that there exists a sufficient legal and factual basis for the defendant's plea of guilty to Counts 1, 2, and 3 of the Superseding Bill of Information.

**READ AND APPROVED:**

3/19/18  
MAURA DOHERTY [date]  
Counsel for Kevin Sam

3/19/18  
KEVIN SAM [date]  
Defendant

3/19/2018  
BRITTANY REED [date]  
Assistant United States Attorney