

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

UNITED STATES OF AMERICA	*	CRIMINAL NO: 17-193
v.	*	SECTION: "E"
JACOB HIGGINBOTHAM	*	
	*	
	*	

FACTUAL BASIS

The above-named defendant, **JACOB HIGGINBOTHAM** ("HIGGINBOTHAM"), has agreed to plead guilty to Count 1 of the Indictment. Should this matter proceed to trial, the United States would prove beyond a reasonable doubt the facts set forth in this Factual Basis. Unless stated otherwise, these acts occurred in the Eastern District of Louisiana:

During the time frame of the charged drug conspiracy, Stefen DAIGLE, Peter GIANDALONE, Jacob **HIGGINBOTHAM**, Glenn MELANCON, Jeffrey CLINES, James HATCH, Angel Renee VIDAURE, Eulalio TORRES-CADENAS, Delio Alfredo LOPEZ-LOPEZ, Lindsey LOPEZ, Julien POLK, a/k/a "Simone" and others, conspired to distribute methamphetamine throughout the New Orleans area. Agents developed evidence against this group of eleven defendants using controlled purchases of methamphetamine, traffic stops and seizures, consensually-recorded text messages and phone calls, search warrants, cooperator information, and self-incriminating statements.

HIGGINBOTHAM acknowledges that, during the time frame of this conspiracy, he sold methamphetamine to GIANDALONE and others. GIANDALONE would purchase from **HIGGINBOTHAM** multiple ounces of methamphetamine at a time. Either **HIGGINBOTHAM** would drive the methamphetamine to GIANDALONE in New Orleans, or GIANDALONE would drive to Houma to meet **HIGGINBOTHAM**, or the men would meet

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halfway. **HIGGINBOTHAM** would obtain methamphetamine from a source who went by the nickname "the Juiceman." Juiceman would pay **HIGGINBOTHAM** to transport drugs and make sales. **HIGGINBOTHAM** would pick up methamphetamine and marijuana from Juiceman at a prearranged location, typically a mailbox at an abandon house. **HIGGINBOTHAM** had been dealing with Juiceman for approximately two to three years purchasing marijuana, and one year purchasing methamphetamine. **HIGGINBOTHAM** had been purchasing an ounce of methamphetamine from Juiceman for \$400-500, and selling an ounce to GIANDALONE for \$800. **HIGGINBOTHAM** acknowledges that he knew the scope of the conspiracy involved 500 grams or more of a mixture containing methamphetamine.

On March 2, 2017, a confidential source (CI-2), working at the direction of law enforcement, contacted GIANDALONE to set up a controlled purchase for two ounces of methamphetamine. GIANDALONE told CI-2 that he would be driving to Houma in a few hours and would pick up two ounces for CI-2. Later that night, CI-2 met with GIANDALONE at CI-2's residence and exchanged \$1800 in controlled-buy money for methamphetamine. Law enforcement met with CI-2 shortly thereafter and took possession of 55.4 grams of a mixture containing methamphetamine that GIANDALONE had provided CI-2. This mixture of 55.4 grams contained approximately 99% actual methamphetamine.

On March 8, 2017, agents set up another drug deal between CI-2 and GIANDALONE for one half-pound (approximately 8 ounces) of methamphetamine. GIANDALONE texted CI-2 that a "half pound" would cost "6000." GIANDALONE texted CI-2 that he was just waiting on his methamphetamine source to drive from Houma to New Orleans. CI-2 and GIANDALONE agreed to meet at CI-2's residence later that evening. Through GPS monitoring on GIANDALONE's phone, agents were able to track movements of GIANDALONE that day and

night. At approximately 9:30 pm, GIANDALONE texted CI-2, "Its arriving to me now, it will be at your house by 10pm so sorry for the delay." At approximately 9:35pm, surveillance agents tracking GIANDALONE's movements located GIANDALONE inside of a maroon Toyota Tundra, bearing Louisiana license plate Y263404. The truck was registered to Jacob **HIGGINBOTHAM**. The GPS location of GIANDALONE's cellular phone confirmed GIANDALONE was in the truck and heading towards CI-2's residence.

At approximately 9:57 pm, Louisiana State Police ("LSP") Troopers conducted a traffic stop of the truck after noticing that the driver, **HIGGINBOTHAM**, was not wearing his seat belt. As Troopers spoke with **HIGGINBOTHAM** in the driver's seat, they detected the odor of burnt marijuana on **HIGGINBOTHAM**'s person. Troopers also noticed that **HIGGINBOTHAM** appeared nervous. A Trooper decided to pat down **HIGGINBOTHAM** for weapons, place him in handcuffs, and verbally advise him of his Miranda Rights. The Trooper asked **HIGGINBOTHAM** for consent to search his vehicle, but **HIGGINBOTHAM** refused. The Trooper placed **HIGGINBOTHAM** in the rear of his unit.

Troopers then approached the Toyota. The truck was occupied by two passengers. The front passenger was identified as Skyler Gibson, and the rear right passenger was identified as GIANDALONE. Both men were advised of their Miranda Rights. Because **HIGGINBOTHAM** refused consent to search, Trooper Shane Tilford and his K9 "Rex" arrived on scene. Trooper Tilford deployed Rex to conduct a free air sniff of the exterior of the vehicle. Rex gave a positive response to the presence of narcotics. Trooper Tilford searched the truck and located a clear plastic bag containing approximately 284 grams of methamphetamine under the rear left seat, inside of a small built-in storage compartment under the seat. **HIGGINBOTHAM** was aware of the methamphetamine in the truck and knowingly possessed it with intent to

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distribute. The methamphetamine in the truck had been provided to **HIGGINBOTHAM** by Juiceman so that **HIGGINBOTHAM** could distribute the methamphetamine to others. Troopers also located a clear plastic bag containing approximately 3.3 grams of marijuana in the center console of the vehicle, as well as a digital scale on the front-center floor board.

HIGGINBOTHAM and the government stipulate for the purposes of sentencing that **HIGGINBOTHAM** was responsible for between 150 grams and 500 grams of actual methamphetamine, through **HIGGINBOTHAM's** own conduct and the reasonably foreseeable conduct of his co-conspirators.

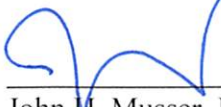
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Limited Nature of Factual Basis

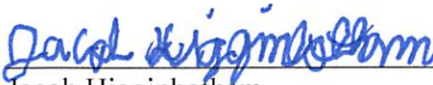
This proffer of evidence is not intended to constitute a complete statement of all facts, but rather is a minimum statement of facts intended to prove the necessary factual predicate for the guilty plea. The limited purpose of this proffer is to demonstrate that there exists a sufficient legal basis for **HIGGINBOTHAM**'s plea of guilty to the charged offense.

 8/8/18

Brandon S. Long (Date)
Assistant United States Attorney

 8/8/18

John M. Musser, IV (Date)
Counsel for Defendant Jacob Higginbotham

 8-8-18

Jacob Higginbotham (Date)
Defendant