

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

UNITED STATES OF AMERICA	*	CRIMINAL NO. 19-035
	*	
v.	*	SECTION: "H"
	*	
HAFIZ ALKHAWAJAH	*	
a/k/a, "Ock"	*	
	* * *	

FACTUAL BASIS

The defendant, Hafiz ALKHAWAJAH, a/k/a "Ock," has agreed to plead guilty as charged to the Superseding Bill of Information charging ALKHAWAJAH with Aiding and Abetting a Conspiracy to Distribute and Possess With the Intent to Distribute a quantity of a mixture and substance containing heroin and a quantity of a mixture and substance containing cocaine base, in violation of Title 21, United States Code, Sections 841(a)(1), (b)(1)(C) and 846 and Title 18, United States Code, Section 2; and Felon in Possession of a Firearm, in violation of Title 18, United States Code, Section 922(g)(1) and 924(a). Had this matter proceeded to trial, the government would have proven beyond a reasonable doubt the allegations in the Superseding Bill of Information, namely that the defendant committed the following crimes:

In the fall of 2017, members of the Federal Bureau of Investigation's ("FBI") New Orleans Gang Task Force ("NOGTF") began investigating the distribution of narcotics in the Hollygrove neighborhood of New Orleans, located near the western boundary of Orleans Parish. The NOGTF is a federal law enforcement team comprised of both FBI Special Agents and members of state law enforcement agencies that investigates gang activity in the metropolitan New Orleans area.

The NOGTF began to investigate and conduct surveillance in 2017 at a location known as Mel's Food Store, at the intersection of Marks and General Ogden streets. Mel's Food Store had

AUSA	<i>MR</i>
Defendant	<i>[Signature]</i>
Defense Counsel	<i>RSW, Jr.</i>

been operated by Hafiz ALKHAWAJAH since approximately 2015. ALKHAWAJAH was in the store daily, and was in charge of all of the daily aspects of maintaining the store, including but not limited to bookkeeping and security. Mel's was a bare-bones operation. It offered very few items for sale outside of cigarettes, beer and cold drinks. It had many barren shelves, inoperable refrigerators, a non-functioning deli area, and inoperable surveillance equipment. ALKHAWAJAH allowed drug dealers and neighborhood gangsters to sell drugs and hang out in the store, and some of them would post pictures to social media of drug dealers smoking marijuana and possessing firearms from inside of the store.

The International School of Louisiana's ("ISL") elementary school campus for grades kindergarten through second grade was located in a large school house in the eastside Hollygrove neighborhood, directly across Marks street from Mel's. ISL is a public school that provides immersion language instruction for children in the metropolitan New Orleans area. School administrators made multiple complaints to local law enforcement and city officials that Mel's was the base of an open-air drug market operating across the street from their school. Neighbors and property owners near Mel's made similar complaints. These parties made similar complaints to ALKHAWAJAH, who refused to take any actions to discourage the drug dealers from using his store as a base of operations.

During surveillance in 2017 and 2018, the NOGTF observed that dozens of people were travelling every day to Mel's Food Store on foot, bicycle, or in vehicles and engaging in suspected hand-to-hand narcotics transactions with men who were present outside of Mel's. The suspected distributors of narcotics were observed walking in and out of Mel's, and ALKHAWAJAH was present inside of the store during these distributions.

Following surveillance of suspected hand to hand transactions in the Eastside Hollygrove neighborhood around Mel's Food Store, members of the NOGTF would follow the suspected narcotics purchasers from the neighborhood. ^{text} Frequently, cars leaving the area would return to the direction of Jefferson Parish via Airline Highway. The NOGTF elected to conduct investigatory stops on these vehicles. Officers conducted approximately 12 investigatory stops in this manner, and began interviewing the narcotics purchasers. From these interviews, agents learned the names or nicknames of drug dealers, their phone numbers, what type of drugs were being sold, and what price the drugs were being sold. Agents then accessed law enforcement databases with this information to identify the suspected narcotics traffickers.

In conjunction with surveillance and drug user interviews, agents used a confidential informant to purchase heroin and cocaine base directly from the targets, including Brian TILLMAN, Sental SUTHERLAND, Corey JOHNSON, Travis CURTIS, and others. These purchases were often conducted inside of or in the immediate vicinity of Mel's Food Store.

Co-conspirators and witnesses have provided law enforcement that ALKHAWAJAH allowed TILLMAN, JOHNSON, CURTIS, SUTHERLAND and others to sell heroin and cocaine base inside and outside of ALKHAWAJAH's store. Further, ALKHAWAJAH would allow other members of the conspiracy to hide with their narcotics inside of his store when members of the New Orleans Police Department would approach the area. ALKHAWAJAH also allowed members of the conspiracy to mix and package narcotics for sale inside of his store, and, on more than one occasion, ALKHAWAJAH allowed a co-conspirator to store narcotics in the store overnight, when it was locked and closed for business. ALKHAWAJAH observed Kintrell WILLIAMS, a/k/a "Trell," selling heroin and in possession of a firearm on numerous occasions.

ALKHAWAJAH also observed that Josh TAPP came to Mel's several times to sell narcotics to TILLMAN and SUTHERLAND.

The government and ALKHAWAJAH agree that the defendant should be held responsible for the distribution of two (2) grams of cocaine base and nine (9) grams of heroin.

COUNT 2 – Felon in Possession of a Firearm

On February 26, 2019, members of the New Orleans Gang Task Force arrested ALKHAWAJAH pursuant to a lawful arrest warrant issued as a result of the Indictment in this case. The agents were aware that ALKHAWAJAH had previously been convicted of a crime punishable by imprisonment for a term exceeding one (1) year. Specifically, ALKHAWAJAH was convicted of Distribution of a Schedule I Controlled Dangerous Substance, in violation of Louisiana Revised Statute Title 40, Section 966(A), on November 19, 2013, in the Twenty-Fourth Judicial District Court, Jefferson Parish, State of Louisiana, under Case Number 11-1635, "G", and received a sentence of five (5) years at hard labor in the Department of Corrections, with credit for time served. The sentence was suspended, and the defendant was placed on active probation for a period of one (1) year.

On February 26, 2019, agents observed ALKHAWAJAH at a gas station where he was working on South Carrollton Avenue in New Orleans and approached him. Agents approached ALKHAWAJAH and observed a bulge in ALKHAWAJAH's waist band. The agents knew from their training that ALKHAWAJAH could possibly be in possession of a firearm. An agent raised ALKHAWAJAH's shirt and removed a Glock Model 21 .45 caliber handgun, which was loaded with eleven .45 caliber cartridges, and arrested ALKHAWAJAH. Following a lawful waiver of his *Miranda* rights, ALKHAWAJAH stated that he obtained the weapon from a relative. At the

time ALKHAWAJAH possessed the firearm, ALKHAWAJAH knew that he had previously been convicted of a felony and was prohibited from possessing the weapon because of that prior felony conviction.

An expert witness from the Bureau of Alcohol, Tobacco, and Firearms would testify at trial that the Glock Model 21 .45 caliber handgun ALKHAWAJAH possessed on February 21, 2019, was manufactured outside of the state of Louisiana and necessarily travelled in interstate commerce before it was recovered from ALKHAWAJAH.

Limited Nature of Factual Basis

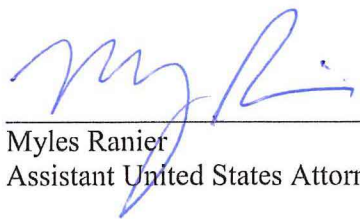
This proffer of evidence is not intended to constitute a complete statement of all facts known by the government and/or Hafiz ALKHAWAJAH. Rather, it is a minimum statement of facts intended to prove the necessary factual predicate for his guilty plea. The limited purpose of this proffer is to demonstrate that there exists a sufficient legal basis for the plea of guilty to the charged offenses by Hafiz ALKHAWAJAH.

The above facts come from an investigation conducted by, and would be proven at trial beyond a reasonable doubt by credible testimony from members of the New Orleans Police Department, members of the Jefferson Parish Sheriff's Office, and Special Agents and forensic examiners from the Federal Bureau of Investigation, an expert witness from the Bureau of Alcohol, Tobacco, and Firearms, and admissible, tangible exhibits in the custody of the FBI.

READ AND APPROVED:





Ralph Whalen [date] 11/17/20
Counsel for Hafiz ALKHAWAJAH



Myles Ranier [date] 11/18/2020
Assistant United States Attorney



Hafiz ALKHAWAJAH [date] 11/17/20
Defendant

AUSA 
Defendant 
Defense Counsel 