

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

UNITED STATES OF AMERICA	*	CRIMINAL NO. 21-069
v.	*	SECTION: "M"
QUENTRELL BERTHOLOTTE	*	
	*	
	*	

FACTUAL BASIS

The defendant, **Quentrell BERTHOLOTTE** ("BERTHOLOTTE"), has agreed to plead guilty as charged to the pending indictment, which includes: Counts 1 and 2, possession of a firearm by a convicted felon in violation of Title 18, United States Code, Sections 922(g)(1) and 924(a)(2); Count 3, possession with intent to distribute a controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(B); and Count 4, possession of a firearm in furtherance of a drug trafficking crime in violation of Title 18, United States Code, Section 924(c)(1)(A)(i).

Should this matter have gone to trial, the government would have proven beyond a reasonable doubt the following facts through the introduction of competent testimony and other admissible evidence to support the allegations in the indictment now pending:

Officers with the New Orleans Police Department ("NOPD") and agents of the Federal Bureau of Investigation ("FBI") New Orleans Violent Crime Task Force were conducting surveillance within the Eastern District of Louisiana. Investigators identified the residence at [REDACTED] [REDACTED] in New Orleans as a place where criminal activity was frequently occurring, specifically the trafficking of controlled substances. A shooting incident from December 23, 2020 drew their attention and the FBI continued to monitor the area. On January 14, 2021,

AUSA ADS
Defendant Q.B.
Defense Counsel AT

BERTHOLOTTE was observed crossing the street while openly holding a firearm that resembled an assault rifle with an extended magazine. The firearm had a distinctive red barrel.

Based on the January 14, 2021 surveillance, investigators requested a state arrest warrant for **BERTHOLOTTE** being a felon in possession of a firearm. During that process, it was discovered that he also had an outstanding warrant for a parole violation. Further investigation revealed he was living with his girlfriend, [REDACTED], at [REDACTED] [REDACTED] [REDACTED] in New Orleans, Louisiana. The FBI assisted state probation and parole officers in conducting a residence check for **BERTHOLOTTE** at [REDACTED]'s address.

On April 22, 2021, state probation and parole officers knocked on the front door of the [REDACTED] apartment and announced their presence. After approximately one minute, [REDACTED] answered the door. Officers asked [REDACTED] if **BERTHOLOTTE** was inside, and she advised that he was. At that time, officers announced their presence again and called out for **BERTHOLOTTE**. Officers then saw him in the living area of the apartment and gave him commands to show his hands. **BERTHOLOTTE** complied and was taken into custody. The apartment was secured while officers obtained a state search warrant for [REDACTED]'s residence.

After the search warrant for the Bienville Street apartment was obtained, state authorities, assisted by the FBI, conducted a thorough search of the residence. Items located during the search include: a loaded Glock 27 handgun with an extended magazine; a loaded 5.56 caliber "ghost gun" (no serial number present) with a distinctive red barrel equipped an extended magazine; approximately \$33,500.00 in U.S. currency; a large amount of compressed fentanyl; assorted ammunition; drug distribution paraphernalia including plastic baggies, a scale, and cutting tools; and multiple cellular phones.

A federal search warrant was obtained for four cell phones. Examination of the devices revealed numerous conversations between **BERTHOLOTTE** and individuals to whom he sold drugs.

The suspected fentanyl was laboratory tested by the Louisiana State Police Crime Laboratory. Analysis showed the seized narcotics was a mixture or substance containing a detectable amount of N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl] propenamide ("fentanyl"). The total weight of the fentanyl was over 48 grams.

The fentanyl found within the apartment belonged to **BERTHOLOTTE** and it was his intention to sell the controlled substance. This is evidenced by the quantity of fentanyl, the distribution paraphernalia, the presence of firearms and over \$30,000 in cash within close proximity to the drugs, and the data recovered from the multiple cellular phones seized from **BERTHOLOTTE**.

The Glock 27 and 5.56 caliber firearm belonged to **BERTHOLOTTE**. On January 14, 2021, he was in actual possession of the 5.56 caliber firearm by holding it in his hand, as recorded by video surveillance. On April 22, 2021, he was in actual possession of the 5.56 caliber firearm and the Glock 27 while inside the apartment at [REDACTED]. Any time that he was not in actual possession of the firearms, he was in constructive possession by exercising dominion and control over them. They were possessed for the purpose of defending his stash of fentanyl, and his distribution of the drug. His intent in having the firearms was in furtherance of illegally trafficking fentanyl as charged in Count 3.

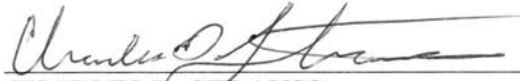
Glock does not manufacture any firearms within the state of Louisiana. The Glock 27 necessarily travelled in interstate commerce before coming into **BERTHOLOTTE's** possession and therefore was in and affecting interstate commerce.

The 5.56 caliber handgun consists of a lower receiver and upper receiver. This configuration typically constitutes a rifle. However, since it had a short stock and was designed to be held and fired by the use of a single hand, it meets the definition of a “handgun” under Title 27, Code of Federal Regulations, Section 478.11.

The lower receiver of the 5.56 caliber firearm was manufactured as a “ghost gun” without a serial number by EP Armory in Texas. It was designed to be readily converted to expel a projectile by action of an explosive. The principal parts and components of the frame or receiver of the firearm travelled in channels of interstate commerce by shipment from Texas to the Eastern District of Louisiana. In economic terms, “ghost guns” are substitutes for legitimately distributed firearms and, as such, displace the sale of firearms sold by authorized manufacturers. The presence of “ghost guns” in the 2.2-billion-dollar firearms market has depressed prices by 1 – 2.5 percent, amounting to tens of millions of dollars. Based on these factors, the 5.56 caliber firearm was in and affecting interstate commerce.

Prior to the events described above, **BERTHOLOTTE** knew that he had been convicted of the following felony offenses. He was convicted on April 11, 2016, in Orleans Parish Criminal District Court, State of Louisiana, Case Number 527-233 “L,” for possession with intent to distribute heroin in violation of LA R.S. 40:966. He was convicted on July 8, 2015, in Orleans Parish Criminal District Court, State of Louisiana, Case Number 522-505 “E,” for possession of heroin in violation of LA R.S. 40:966(c), possession of cocaine in violation of LA R.S. 40:967, and resisting an officer in violation of LA R.S. 14:108

This Factual Basis is not intended to constitute a complete statement of all facts, but only those necessary to establish the factual predicate for a guilty plea.



CHARLES D. STRAUSS
Assistant United States Attorney

2/23/2022

Date



QUENTRELL BERTHOLOTTE
Defendant

2-24-2022

Date



NICK TRENTICOSTA
Attorney for Defendant

2-24-22

Date