

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

UNITED STATES OF AMERICA	*	CRIMINAL NO. 17-179
v.	*	SECTION: "G"
KENNETH MARTIN	*	
	* * *	

FACTUAL BASIS

Should this matter proceed to trial, the United States would prove beyond a reasonable doubt, through credible testimony and reliable evidence, the foregoing facts. Unless stated otherwise, the following acts occurred within the jurisdiction of the Eastern District of Louisiana.

KENNETH MARTIN ("MARTIN") was the target of a drug trafficking investigation the Drug Enforcement Administration, Homeland Security Investigations, the Federal Bureau of Investigation, and the St. Bernard Parish Sheriff's Office.

On May 23, 2016, law enforcement officers ("LEO") conducted a controlled buy, using a confidential source ("CS"), from MARTIN. MARTIN sold the CS approximately 5.69 grams of a substance that later tested positive for heroin (Count 2).

On June 29, 2016, LEO conducted another controlled buy. That day, MARTIN sold a CS approximately 11.68 grams of a substance that later tested positive for heroin (Count 3).

On July 29, 2016, LEO conducted another controlled buy. That day, MARTIN sold a CS approximately 12.7 grams of a substance that later tested positive for heroin (Count 4).

On August 30, 2016, LEO conducted another controlled buy. That day, MARTIN sold a CS approximately 6.629 grams of a substance that later tested positive for heroin (Count 5).

On November 17, 2016, LEO conducted another controlled buy, using an undercover agent (the "UC"). That day, MARTIN sold the UC approximately 13.88 grams of a substance that later tested positive for both heroin and fentanyl (Count 6).

On December 16, 2016, LEO conducted another controlled buy, using the UC. That day, MARTIN sold the UC approximately 27.01 grams of a substance that later tested positive for fentanyl (Count 7).

On May 5, 2017, LEO conducted another controlled buy, using the UC. That day, MARTIN sold the UC approximately 24.4 grams of a substance that later tested positive for fentanyl (Count 8).

On May 22, 2017, LEO obtained court authorization to initiate a wiretap of MARTIN's telephone. On May 23, 2017, agents began monitoring communications on MARTIN's telephone.

In early June of 2017, MARTIN left town and forgot his phone, but one of MARTIN's co-conspirators obtained MARTIN's telephone and continued to run MARTIN's drug business for him. On June 7, 2017 (session 4319), a customer asked the coconspirator (via MARTIN's phone), "what y'all get, that girl or boy?" The coconspirator responded that "I got some boy. I ain't got no girl right now." "Girl" is code for cocaine, and "boy" is code for heroin. Later calls (sessions 4327, 4329) with that same customer discussed drug sales. The next day (session 4346), that customer explained that the coconspirator agreed to pay the customer in heroin for that customer bringing others heroin buyers to the coconspirator. On June 8, 2017 (session 4348), the coconspirator agreed to sell another customer "2 grams" that the coconspirator had "on me" for \$200. On June 9, 2017 (session 4353), the UC called the coconspirator,

who agreed to sell the UC two ounces for “two stacks” (\$2,000) apiece. The coconspirator said that he would have everything ready for the UC.

On July 5, 2017, LEO obtained court authorization to initiate another wiretap of MARTIN’s telephone. On July 10, 2017, agents began monitoring communications on MARTIN’s telephone. MARTIN continued to use his telephone to operate his drug dealing business.

On August 2, 2017, LEO arrested MARTIN and, pursuant to a valid court-authorized search warrant, searched his home, the homes of two of his relatives, and the bar he ran and from which he sold drugs. LEO seized 59 grams of a substance that later tested positive for heroin and four firearms.

At MARTIN’s home in Slidell, Louisiana, LEO seized a black a Charter Arms Model Bulldog Pug, .44 caliber revolver, and bearing serial number 953261, with a 5 shot capacity, loaded with 4 rounds. The revolver was in a Dodge Durango parked at the home. LEO had seen MARTIN use that vehicle during past drug deals, including the controlled sales on May 23, 2016, June 29, 2016, August 30, 2016, and June 13, 2017.

At the bar, Club Soul, in New Orleans, Louisiana, LEO seized a Taurus Model PT145, 45 ACP caliber semi-automatic pistol, bearing serial number NAX94944. LEO had seen MARTIN meet customers in and around Club Soul to conduct drug deals, and LEO intercepted telephone calls in which MARTIN arranged to meet customers at Club Soul to consummate drug deals. At Martin’s relative’s house in New Orleans East, LEO seized a Remington Model 870, 12-gauge pistol grip shotgun, bearing serial number RS77329M. LEO had seen MARTIN stop at the house in New Orleans East before conducting drug deals on June 16, 2017, and July 24, 2017, and LEO found the 59 grams of heroin in the residence. None of these weapons was manufactured in Louisiana, so they each traveled in interstate commerce.

MARTIN has previously been convicted of a crime punishable by imprisonment for a term exceeding one year, including a conviction on June 21, 2011, in case number 505674-H, in the Parish of Orleans, State of Louisiana, for possession of a Schedule II controlled substance, in violation of Louisiana R.S. 40:967(C). After receiving his *Miranda* warnings on August 2, 2017, MARTIN admitted owning the revolver at his home in Slidell, the handgun at Club Soul, and the shotgun at a relative's house.


* * * * *

At trial, the government would introduce the heroin and fentanyl which was both purchased from MARTIN and seized on the day of his arrest; audio recordings of the controlled purchases, transactions; laboratory reports confirming that the substances MARTIN distributed were in fact heroin and fentanyl, as described above; intercepted audio and text messages from the wiretap of MARTIN's telephone; testimony of the investigating agents and forensic chemists; and the statements of MARTIN and other witnesses.

Limited Nature of Factual Basis

This proffer of evidence is not intended to constitute a complete statement of all facts known by MARTIN or the government, 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 MARTIN's plea of guilty to the charged offenses in Counts 1 through 8, and Counts 10 and 11, and to stipulate that all acts took place within the Eastern District of Louisiana.


READ AND APPROVED:



MAURA DOHERTY
Counsel for Defendant

10/18/18

DATE



NICHOLAS D. MOSES
Assistant United States Attorney

10/18/18

DATE



KENNETH MARTIN
Defendant

10/18/18

DATE