

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

UNITED STATES OF AMERICA	*	CRIMINAL DOCKET NO. 11-107
	*	SECTION: "G"
EVANS LEWIS	*	
aka "Easy"		
	*	*

FACTUAL BASIS

The above-named defendant, **EVANS LEWIS**, has agreed to plead guilty to Count Eleven of the Fourth Superseding Indictment now pending against him. Should this matter have gone to trial, the United States of America would have proven beyond a reasonable doubt, through the introduction of relevant, competent, and admissible testimonial, physical and demonstrative evidence, the following facts to support the allegations against the defendant, **EVANS LEWIS**:

Unless stated otherwise, all of the facts set forth herein occurred within the Eastern District of Louisiana.

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Facts concerning the Conspiracy to Distribute Heroin:
The Wiretap Investigation

In September of 2010, the Federal Bureau of Investigation (“FBI”) began an investigation into drug activity involving Montreal Delaney and his associates and suppliers. Based upon that investigation, the FBI sought and secured a court authorized Title III wiretap of two of Montreal Delaney’s telephones, beginning in December 2010. The FBI monitored Montreal Delaney’s telephone calls for approximately sixty days, until the end of February 2011. During that time period, the FBI obtained a court ordered “spin off” wiretap on two of the phones used by Montreal Delaney’s main supplier, co-defendant, Gregory Stewart. An analysis of toll records, recorded calls on the Title III wiretaps, surveillance conducted by FBI agents, witness interviews, and statements from confidential sources assisted agents in identifying Gregory Stewart and members of his drug trafficking organization. The FBI investigation identified Stewart as Delaney’s supplier, and the leader of several drug associates, including co-defendants **EVANS LEWIS**, Odine Dominick, Parnell Watts, Jasmine Perry, Darick Wallace, Solomon Doyle, Terrioues Owney, Vanity Vincent, and others, all of whom distributed or assisted in the distribution of heroin in the New Orleans area. The investigation revealed the above listed individuals participated in a wide ranging conspiracy to distribute heroin, and that during the conspiracy several of the defendants, including but not limited to Stewart, **LEWIS**, and Vincent, also used and possessed firearms in furtherance of their drug trafficking activities in an effort to protect their drug trade and intimidate members of their own organization as well as other rival drug dealers.

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Telephone numbers

During the course of the investigation, agents learned that Gregory Stewart utilized several phone numbers to communicate with his drug associates, including **EVANS LEWIS**, in order to sell heroin. Those numbers included but were not limited to the following: 504-331-8733 and 504-906-6543. These two phone numbers were monitored pursuant to a court authorized Title III wiretap. The Title III wiretap revealed that **EVANS LEWIS** used the phone number: (832) 731-7091.

1. *GREGORY STEWART and Evans LEWIS's drug sales to co-defendants and co-conspirators:*

Based on the testimony of confidential informants, cooperating defendants, and from evidence obtained during the Title III wiretaps, the government would be able to show that during the course of the conspiracy, a cooperating co-conspirator regularly purchased heroin from Gregory Stewart and used him as his main heroin supplier. Gregory Stewart fronted the cooperating co-conspirator heroin and the cooperating co-conspirator would re-pay Gregory Stewart at a later time. In an average month, cooperating co-conspirator would purchase approximately ½ kilogram of heroin from Gregory Stewart. Gregory Stewart charged cooperating co-conspirator approximately \$2,000 per ounce.

Additional cooperating co-conspirators would testify that during the course of the conspiracy, two co-conspirators would supply both Stewart and **EVANS LEWIS** with heroin. Stewart received larger quantities from one of the suppliers, but **LEWIS** received 1/4 of an ounce to two ounces of heroin per day from his supplier and also received heroin from Stewart.

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During this time period, **LEWIS** and Stewart, who were close friends and drug associates, would meet with other individuals, charged and uncharged in the drug conspiracy, at various hotel rooms in Metairie, Louisiana where they would prepare large amounts of heroin for distribution and sale.

Testimony from another known cooperating witness would show that in early 2011, this known cooperating witness tried to purchase a small amount of heroin from **LEWIS** but was unable to do so because **LEWIS** stated he only sold "Os," meaning that he only sold ounces of heroin and would not sell smaller amounts. After continued negotiations, **LEWIS** finally agreed to sell the witness approximately \$400 worth of heroin, which is approximately 3.5 grams.

2. *GREGORY STEWART and EVANS LEWIS discuss guns and drugs on the Title III wiretap:*

The government's evidence, including calls on the wiretap and testimony from cooperating witnesses would show that on or about February 17, 2011, Gregory Stewart called **EVANS LEWIS** from his telephone (504) 331-8733 on Evan Lewis's phone number (832) 731-7091 to discuss with several co-defendants the whereabouts of a "Glock 9" and an AK-47, referred to as a "chopper," that went missing during a street party on the G-Strip where there was a disk jockey ("DJ"). Witnesses would testify that these individuals used these guns in furtherance of their drug trafficking activities. In that conversation, Gregory Stewart asked **EVANS LEWIS** where the "chopper" was and **EVANS LEWIS** responded that he thought it was in the trash can, but that somebody must have moved it when the "DJ" came.

3. *EVANS LEWIS and GREGORY STEWART use Days Inn Hotel Room to Distribute Heroin in March 2011:*

On March 21 and 22, 2011, the FBI had been conducting surveillance of Gregory Stewart and other co-defendants including, **EVANS LEWIS** at the Days Inn Hotel on the I-10 Service Road



in Metairie, Louisiana. Testimony from cooperating individuals would establish that Gregory Stewart and his associates, including **EVANS LEWIS**, frequently used hotel rooms, such as the Days Inn, as stash houses to keep, store, and distribute heroin to retail customers.

On March 22, 2011 calls from one of the monitored telephones belonging to Gregory Stewart indicated that one of the co-defendants would be driving an Impala to the Days Inn hotel to pick-up an unknown quantity of "cut," which is a chemical drug dealers mix with heroin to dilute its potency by increasing the quantity of the product, thereby increasing their profits as they have more product to sell. Calls would further demonstrate that **EVANS LEWIS** was aware that the "cut" was in the hotel room and assisted Gregory Stewart locating it at the hotel.

When police officers conducted a search of the hotel room later that day, they recovered paperwork in Solomon Doyle's name, 6.5 grams of marijuana, cigar wrapping paper, several pizza boxes and potato chip wrappers and a Louisiana Driver's License bearing the name of **EVANS LEWIS**. Law enforcement also recovered approximately 100 grams of "cut" from the Impala that another co-conspirator was driving, after he picked up the "cut" from the Days Inn hotel room.

4. *GREGORY STEWART directs co-defendants and co-conspirator to "work" his customer phone while he is in Miami and co-conspirator reports to EVANS LEWIS regarding his drug sales.*

On or about May 24, 2011, government witnesses would testify that Gregory Stewart, Odine Dominick, and other co-conspirators arranged to go to Miami for Memorial Day weekend. In preparation for leaving town, Gregory Stewart solicited assistance from a co-conspirator to "work" his customer cell phone while he was away; meaning, that Gregory Stewart asked the co-conspirator to take calls from heroin customers who would call the phone to purchase heroin.

The co-conspirator agreed to carry Gregory Stewart's customer cell phone and met with



Gregory Stewart on Tuesday, May 24, 2011, near the intersection of Alvar and St. Claude Streets. During this meeting, Gregory Stewart provided the co-conspirator with approximately \$2,500.00 of heroin packaged in individual bags, ready for him to sell to customers. Gregory Stewart further directed the co-conspirator to pick-up his cellular telephone from a co-defendant later that evening at 1809 Desire Street, New Orleans, Louisiana. Gregory Stewart told the co-conspirator to go to 1809 Desire Street, knock on the door, and someone would collect the money the co-conspirator made from heroin sales. Additionally, someone at that residence would provide more heroin to the co-conspirator to sell, if needed. The co-conspirator went to 1809 Desire Street later that evening and picked-up Gregory Stewart's cellular telephone, bearing the number (504) 201-9318, from one of the co-defendants. While inside the residence, the co-conspirator observed two AK-47 rifles and several known co-defendants, including **EVANS LEWIS**, with handguns.

On May 26, 2011, the co-conspirator was arrested by the FBI for selling heroin to an undercover agent. After his arrest, he agreed to make recorded telephone calls to **EVANS LEWIS** and another co-defendant. In those calls, the co-conspirator contacted **EVANS LEWIS** to tell him he had been making sales on the "trap" (i.e., the customer phone) and had made from \$250 to \$500 worth of heroin sales. In one of the phone calls, **EVANS LEWIS** told the co-conspirator that he was in Mississippi and would not pick up the money right away because "there's boo-coo shit going on," meaning there are a lot of things currently going on that prevent him from picking up the money.

The Government and the defendant, **EVANS LEWIS**, agree and stipulate that **EVANS LEWIS** should be held accountable for not less than 1 and not more than 3 kilograms of heroin, as that amount was distributed by **LEWIS** and his co-conspirators during the course of the conspiracy

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and that this amount was reasonably foreseeable to him as a result of his role in the conspiracy. The government and the defendant, **EVANS LEWIS**, also agree that for sentencing purposes, **EVANS LEWIS** should not be considered to have either an aggravating role or a mitigating role in the conspiracy, as defined in the United States Sentencing Guidelines § 3B1.1 and 3B1.2.

Facts concerning the murder of Gregory Keys and shooting of Kendrick Smothers
(18 U.S.C. § 924 (j): Drug Related Murder)

Documentary, physical and forensic evidence, as well as witness testimony would establish that on May 24, 2011 Gregory Keys was murdered and Kendrick Smothers was seriously injured in a drug related shooting. At trial on this matter, the government would present witnesses who would testify that this shooting was motivated by Gregory Stewart's desire to avoid paying Smothers a sum of money Gregory Stewart owed Smothers for heroin Smothers had "fronted" Gregory Stewart. Smothers would testify to the following:

On April 2, 2011, Gregory Stewart and Smothers traveled with Vanity Vincent by car to Houston, Texas for the purpose of purchasing approximately 8 ounces of heroin from Stewart's source of supply. However, while in Houston, Smothers and Gregory Stewart were stopped by local police and the approximately \$14,000 they were carrying with them to pay for the heroin was confiscated by the police during a traffic stop. Because Gregory Stewart was unable to purchase the heroin on this trip, he asked Smothers if Smothers would "front" him 4 ½ ounces. Smothers agreed, and Gregory Stewart paid him \$7,000. Sometime in mid-May of 2011, Smothers "fronted" Gregory Stewart four and a half ounces of heroin a second time. Smothers stated that Gregory Stewart gave Smothers approximately \$3,000, but that Gregory Stewart never paid the rest of the money back.

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On May 24, 2011, the night of the murder, Gregory Stewart had still not paid Smothers the money he owed Smothers. However, at approximately 8:45 p.m., Gregory Stewart, who was using the number 504-458-6056, called Smothers and asked him if he wanted to pick up the money. Gregory Stewart and Smothers went back and forth about a place to meet, but finally Gregory Stewart told him to meet him on Desire Street near Bunny Friend Park at N. Roman Street, in the 9th Ward in New Orleans, an area known for its drug activity. Smothers drove to the location with his friend Gregory Keys, who was unarmed and sitting in the passenger seat. When Smothers and Keys arrived at Bunny Friend Park, Smothers did not see Gregory Stewart, so he called him and Gregory Stewart told Smothers to meet him on Congress and N. Villere Streets.

When Smothers arrived at Congress and N. Villere, Gregory Stewart had already arrived. He was standing with **EVANS LEWIS** outside by a black M-35 Infiniti. When Gregory Stewart saw Smothers, he said "I'm going to get your money" and walked off into a dark alley. **EVANS LEWIS** walked up to the passenger side of the car and started speaking with Keys, who was sitting in the passenger seat and who was unarmed. Smothers started to get out of the car and looked across the hood of the car and saw **EVANS LEWIS** leaning over the hood of the car holding a gun. **EVANS LEWIS** raised the gun and shot at Smothers, hitting him in the face. As Smothers was lying on the ground, he heard gunshots being fired at Keys. The gun shots stopped briefly and when Smothers looked up, he saw **EVANS LEWIS** and Gregory Stewart standing over him. According to Smothers, Gregory Stewart was holding an AK-47 assault rifle and **EVANS LEWIS** had a .40 caliber weapon. Smothers was shot at close range approximately nine times but survived. Keys was shot approximately 10 times and died from his injuries. However, more than 30 total casings were found on the scene of the shooting.

Once the shooting stopped, Smothers, who was severely injured climbed back into the car and attempted to drive Keys to the hospital. On the way to the hospital he wrecked the vehicle. Police and emergency services arrived at the accident scene at approximately 10:00 p.m. and spoke to Smothers, who had been shot several times. Smothers told the police that "Rabbit" from the G-Strip was one of the two perpetrators. (Note: "G-Strip" is a name for a portion of Gallier Street where Stewart and his associates hung out and sold heroin). Keys, who was unarmed, was pronounced dead by the medical personnel who arrived on the scene. A later autopsy confirmed that Keys was the victim of a homicide and that he had received multiple gunshot wounds.

Evidence found on the scene of the shooting at Congress and N. Villere, include sixteen 7.62 casings, which were fired from an AK-47 assault rifle and fifteen .40 caliber casings, which were fired from a .40 caliber semi-automatic handgun. The police also located one loaded .45 caliber Sig Sauer handgun at the scene of the shooting on Congress on N. Villere. Smothers admitted to possessing this firearm. It should be noted that the police did not find any .45 caliber casings on the scene of the shooting, which indicates that this .45 caliber weapon was not fired. The police also located a bloody baseball cap at the scene of the shooting, which also belonged to Smothers.

Later, on May 25, 2011, at around noon, Smothers was interviewed by New Orleans Police Department, Homicide Detective, Timothy Bender and FBI Agent Jonathan Wood. At this time, Smothers identified Gregory Stewart as the person who he knew as "Rabbit" and as one of the shooters from a six-person photo line-up. Smothers also later identified **EVANS LEWIS** as the second shooter, who was armed with the .40 caliber handgun, after being shown several photos of Gregory Stewart's associates.



During the course of this murder investigation, federal agents were able to obtain historical cell site information on Stewart's cell phone. This information corroborated the information relayed by Smothers and places Stewart on the scene of the murder.

A cooperating witness would testify that sometime during the week of May 21, 2011, Gregory Stewart alerted the cooperating witness that he was going to kill Smothers. During the days leading up to the shooting on May 24, 2011 of Smothers and Keys, Stewart informed this cooperating witness that Stewart owed Smothers money and he would use this as an excuse to meet Smothers and kill him.

The same cooperating witness would also testify that approximately an hour or two after the shooting of Smothers and Keys, Gregory Stewart and Jasmine Perry met the cooperating witness on the corner of Alvar and St. Claude Streets in New Orleans, Louisiana. Stewart told the cooperating witness that **EVANS LEWIS** shot Keys with a 40 caliber weapon and Jasmine Perry shot Smothers using an AK-47, but failed to kill him. According to the cooperating witness Jasmine Perry confirmed that he had tried to kill Smothers but failed.

The cooperating witness would also testify that in the late evening of May 24, 2011 and early morning of May 25, 2011, several members of the conspiracy, including Gregory Stewart and **EVANS LEWIS** met at a house in Mississippi where **EVANS LEWIS** admitted that he shot and killed Keys. According to the cooperating witness Stewart and others openly spoke about the murder.

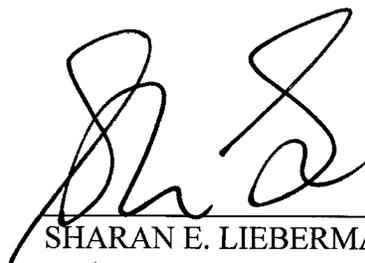
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By pleading guilty, **EVANS LEWIS** freely and voluntarily admits that he was involved in the conspiracy to distribute heroin with Gregory Stewart and that he fired the .40 caliber semi-automatic handgun during the murder Gregory Keys and the attempted murder of Kendrick Smothers. He further admits that this shooting was done in furtherance of the overall drug conspiracy.

READ AND APPROVED:



WILLIAM M. SOTHERN [date] 2/26/14
Counsel for **EVANS LEWIS**



SHARAN E. LIEBERMAN [date] 2/26/14
Assistant U.S. Attorney



EVANS LEWIS [date] 2/26/14
Defendant