

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

UNITED STATES OF AMERICA

*

CRIMINAL DOCKET NO. 11-107

v.

*

SECTION: "G"

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GREGORY STEWART

*

aka "Rabbit"

aka "D-Nice"

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FACTUAL BASIS

The above-named defendant, **GREGORY STEWART**, has agreed to plead guilty to Counts 1, 2, 3, 4, and 8 of the Fifth 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, **GREGORY STEWART**:

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

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A signature that looks like "G.S".
A signature that looks like "me".
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COUNTS 1 and 2 (21 U.S.C. ' 846, 841(b)(1)(A), 18 U.S.C. ' 924(o))

The Wiretap Investigation

In the fall 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, in December of 2010 the FBI sought and secured a court authorized Title III wiretap of two of Montreal Delaney's telephones. 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 supplier, the 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 his drug trafficking organization. **STEWART** was identified as Delaney's supplier. He was also 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. This group of individuals frequently congregated on the 1300 block of Gallier Street, known as the "G-Strip."

Gregory Stewart grew up in a neighborhood permeated by drug use, drug-dealing, and gun violence. At the age of 11, Gregory sold two ounces of cocaine per week for a known drug dealer, who obtained his drugs from a known source of supply. By the time he was 15, Gregory Stewart had been taught to shoot and carry a handgun. At age 16, having been released from the state juvenile authorities after serving a 14-month sentence, he was given \$10,000.00 and a kilogram of

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Initials "HVC".

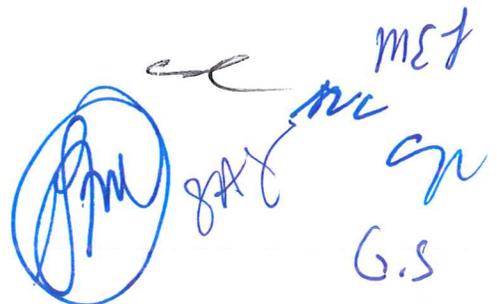
heroin by Merle Offray and others to induce him to continue selling drugs for them. Gregory Stewart lived in a motel, sold drugs to pay the motel room charges, owned a car, and otherwise pretended to be an adult, despite his young age.

The investigation revealed that the above-listed individuals participated in a wide-ranging conspiracy to distribute heroin from at least 2009 through the summer of 2011. During that period several of the co-conspirators, including, but not limited to **STEWART**, Lewis, Perry, Wallace, and Owney, 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 rival drug dealers.

During the time period outlined in the Fifth Superseding Indictment, **GREGORY STEWART** utilized several phone numbers to communicate with his drug associates to sell heroin. Those numbers included, but were not limited to: 504-331-8733, 504-373-8168 and 504-906-6543. These phone numbers were monitored pursuant to court authorized Title III wiretaps.

1. *GREGORY STEWART'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 show that from approximately late 2009 through his arrest in May of 2011, Montreal Delaney regularly purchased heroin from **GREGORY STEWART** and used him as his main heroin supplier. **GREGORY STEWART** fronted Delaney heroin and Delaney would repay **GREGORY STEWART** at a later time. In an average month, Delaney would purchase approximately one-half kilogram of



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heroin from **GREGORY STEWART**. **GREGORY STEWART** charged Delaney approximately \$2,000 per ounce.

2. *Gregory STEWART's Suppliers, Darryl Franklin and Merle Offray.*

During the relevant time period, **STEWART**'s main sources of supply were Merle Offray aka "Black" and Darryl Franklin aka "Brother" aka "Breezy". Cooperating defendants, including Darryl Franklin, would testify that **STEWART** received significant quantities of heroin on a regular basis from Darryl Franklin and Merle Offray. From June 2009 through the end of May 2011, Franklin supplied **STEWART** with approximately nine ounces of heroin every couple of weeks. **STEWART** also purchased distributable quantities of heroin from Offray on a regular basis.

3. *Gregory STEWART's heroin distribution from hotel rooms.*

Cooperating co-conspirators would testify that from approximately June 2009 through March 2011, **STEWART** met with other individuals, charged and uncharged in the drug conspiracy, at various hotel rooms in Metairie, Louisiana where **STEWART** and others would prepare large amounts of heroin for distribution and sale.

For example, from June 2010 until approximately December 2010, cooperating co-conspirator-J ("CC-J") began purchasing heroin from **GREGORY STEWART**. CC-J purchased heroin from **GREGORY STEWART** and would purchase 4-7 grams a day from him approximately six days per week. Usually, he would travel to a hotel in the Veterans Memorial Boulevard area in Metairie, Louisiana to pick up the heroin. CC-J would put approximately half of the money down and **GREGORY STEWART** would front him the rest. Over the time, CC-J purchased approximately \$50-\$60,000 worth of heroin from **GREGORY STEWART**.

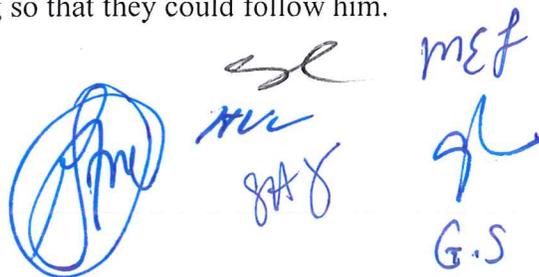


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In or around the fall of 2010, "CC-J" met **GREGORY STEWART** to purchase heroin. Because **GREGORY STEWART** had "shorted" CC-J in the past, meaning that **STEWART** gave him less heroin than CC-J had paid for, CC-J did not give **GREGORY STEWART** the entire amount of money that he was supposed to give **GREGORY STEWART**. After CC-J left, **GREGORY STEWART** called CC-J and told him to pull over because CC-J had "shorted" him on money. Scared of what **GREGORY STEWART** would do to retaliate against him for not giving the full amount of money, CC-J pulled over and gave **GREGORY STEWART** the rest of the money. As CC-J gave **GREGORY STEWART** the rest of the cash, CC-J saw an assault rifle on the console of the car. **GREGORY STEWART** told CC-J, "It's a good thing you stopped because we were about to start shooting." CC-J often saw **GREGORY STEWART** with a gun when he met **GREGORY STEWART** to purchase drugs, and it was clear to CC-J that **GREGORY STEWART** carried a weapon to intimidate his customers and make clear to them that he was not afraid to use the gun to protect his drugs or collect a drug debt.

4. *GREGORY STEWART's discussions of guns and drugs on the Title III wiretap.*

On or about February 13, 2011, **GREGORY STEWART** spoke with Jasmine Perry, Evans Lewis, and Parnell Watts on the telephone using phone number 504-331-8733. On the call Watts, Perry, and Lewis informed **STEWART** that a rival drug dealer nicknamed "Co", who associated with a group of heroin dealers from the Desire Street neighborhood, was at Lakeside mall with some of his drug associates. Perry and Lewis told **STEWART** that they planned to attack "Muddy" and "Co" with "Barak," a slang term for a specific Glock semi-automatic firearm used by members of the G-Strip group. Perry, Watts, and Lewis discussed with **GREGORY STEWART** their plan to determine which car "Co" was driving so that they could follow him.



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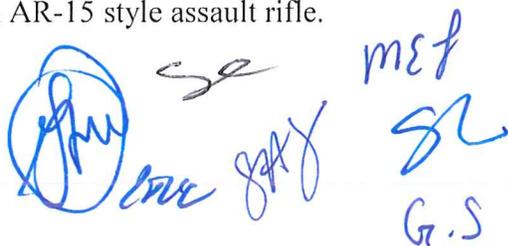
GREGORY STEWART arrived at the mall to assist Perry, Lewis, and Watts in following “Co,” with the intention to kill him. “Co” and his group left the mall, but **STEWART** and his group lost him.

On or about February 17, 2011, **GREGORY STEWART** was involved in a series of phone calls with several members of the G-Strip group to search for a firearm to help Evans Lewis and other members of the G-Strip pursue “Co.,” the same drug dealer spotted days earlier at the mall. In the first call, Evans Lewis called **STEWART** at (504) 331-8733 from Evan Lewis’s phone number (832) 731-7091. Lewis asks **STEWART** to find the “carbine¹,” because he found “Co.” In several other calls following this call, **STEWART** asks his co-defendants including Darick Wallace, Parnell Watts, and another individual nicknamed “Lee” to search for a “Glock 9,” an AK-47, referred to as a “chopper,” and a small version of an AK-47 referred to by the group as a “yopper.” The purpose of these calls was to assist **STEWART** in locating a weapon so that he, Lewis, and other members of the G-Strip could continue their previously unsuccessful pursuit of “Co.”

5. *GREGORY STEWART’s threats to a drug dealer customer.*

On March 14, 2011, in a series of calls on the Title III wiretap, **GREGORY STEWART**, Terrioues Owney, and CC-H discussed the fact that CC-H owed **GREGORY STEWART** and Terrioues Owney money for heroin that **GREGORY STEWART** and Terrioues Owney fronted CC-H. In the calls, Terrioues Owney admitted that he was in a drug partnership with **GREGORY STEWART** and that the past drug transactions between **GREGORY STEWART**, Terrioues Owney, and CC-H created a debt that CC-H owed to both **GREGORY STEWART**

¹ A carbine is a term the G-Strip and other gangs used to refer to an AR-15 style assault rifle.



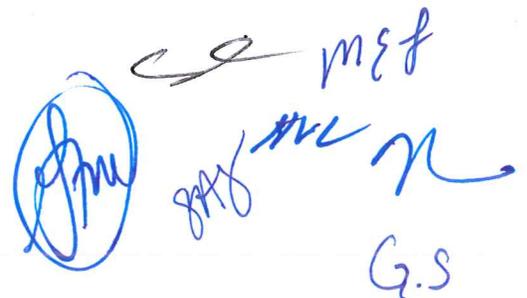
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and Terrioues Owney. In these calls, **GREGORY STEWART** and Terrioues Owney demanded that CC-H return the money and heroin to them because they believed CC-H was being reckless with the money he was making on heroin sales by spending it rather than using it to repay **GREGORY STEWART** and Terrioues Owney. Terrioues Owney and **GREGORY STEWART** told CC-H “you’d better come up with 15 more hundred . . . or I’m going to hurt you . . .” and that CC-H needs to come up with the money by seven in the evening or else you [CC-H] know what it is.” Owney and **STEWART** stated that CC-H would get “wetted,” meaning they were going to kill him if he did not return the money and the heroin.

Later that day, on March 14, 2011, CC-H met with **GREGORY STEWART** and Terrioues Owney to return money and heroin, as they had ordered him to do. CC-H walked-up to their vehicle and saw **GREGORY STEWART** holding a handgun. **GREGORY STEWART** got out of the car to speak with CC-H and gave the gun to Terrioues Owney, who placed it between the driver’s side and passenger’s seat. CC-H felt threatened by the presence of the gun and believed that **GREGORY STEWART** and Terrioues Owney kept the gun out in the open so that CC-H would feel intimidated.

6. *GREGORY STEWART attempted to exchange heroin for a car.*

On or about March 21, 2011, **GREGORY STEWART** attempted to broker a drug deal between co-conspirators Montreal Delaney and Terrioues Owney. **GREGORY STEWART** arranged for Montreal Delaney to speak on the phone with Terrioues Owney about purchasing Delaney’s car for \$15,000 and some “work.” This meant that Montreal Delaney would sell his car to Terrioues Owney in exchange for \$15,000 of cash and approximately nine ounces of heroin.



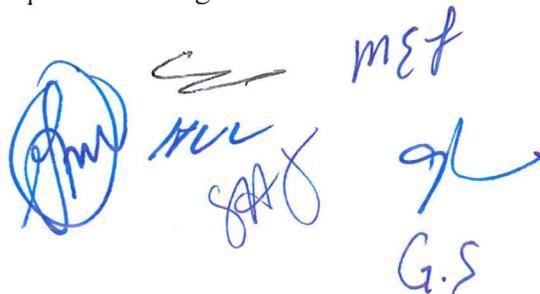
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7. *Straw Purchase of a Glock 9mm handgun by VANITY VINCENT for GREGORY STEWART.*

At a time unknown, but prior to February 2011, **GREGORY STEWART**, asked Vanity Vincent to purchase a handgun in her name for **GREGORY STEWART** to use in connection with his heroin selling activities. **GREGORY STEWART** asked her to do this because he did not want the gun to be traced back to him, and because he was not yet 21 years old, the minimum age required to purchase a handgun. On February 18, 2011, Vanity Vincent and **GREGORY STEWART** went to a gun show. Vanity Vincent was not successful in purchasing the gun because law enforcement officials believed, based upon the circumstances surrounding the attempted purchase, that the purchase was a straw purchase.²

On March 22, 2011, however, Vanity Vincent attempted to purchase a firearm for **GREGORY STEWART** again. She traveled to the Academy Sports and Outdoors (Academy), a sporting goods store located at 50 Westbank Expressway, Gretna, LA 70053, with **GREGORY STEWART** and Odine Dominick. Academy surveillance video shows that Dominick and **GREGORY STEWART** looked at different guns and subsequently, Vanity Vincent purchased the gun outside of the presence of **GREGORY STEWART** and Dominick. The surveillance video, as well as official ATF documents show that Vanity Vincent purchased a 9 mm Glock pistol for \$619.85, serial number RBL 184, and indicated on the form that she was purchasing the gun for someone else. Vanity Vincent used **GREGORY STEWART**'s money to pay for the gun.

²A straw purchase, in violation of 18 U.S.C. § 922(a)(6), occurs when the actual buyer of a firearm cannot meet the required federal background check or does not want his or her name associated with the purchase of a gun and has someone else who can pass the background check purchase the gun.



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GREGORY STEWART and Vanity Vincent agreed that Vanity Vincent would keep the gun in the glove compartment of her car, a black BMW bearing temporary tag number 13146190, and that **GREGORY STEWART** would have full access to the weapon. On March 23, 2011, in call session 24143, on **GREGORY STEWART**'s phone number 504-331-8733, Vanity Vincent called **GREGORY STEWART** to tell him that representatives from Academy called her to tell her to fill out some paperwork because there was an error. **GREGORY STEWART** directed her to go to the Academy to correct the error, and told her that if they asked where the gun was, to tell them that it was at her house. Vanity Vincent never used this weapon and would testify that she intended to purchase the weapon for **GREGORY STEWART** to use.

8. *GREGORY STEWART sold heroin to confidential source.*

On or about May 20, 2011, a confidential source called **GREGORY STEWART** at telephone number 504-201-9318 to arrange for the purchase of \$300 worth of heroin.

GREGORY STEWART told the confidential source to drive to the intersection of Piety St and Galvez Streets in New Orleans. At approximately 9:56 a.m., the confidential source placed a call to **GREGORY STEWART** notifying him he/she had arrived at the Papa's Seafood and Deli store at the intersection of Piety and Galvez Streets. At approximately 10:02am, a black BMW bearing Louisiana license plate TVZ 445 pulled in the parking lot next to the vehicle of the undercover officer who was accompanying the confidential source. A registration check on the license plate confirmed the vehicle was registered to Vanity Vincent, 2128 Missile Street, Harvey, Louisiana. The driver of the black BMW honked the horn several times, rolled down the rear passenger window, and told the undercover officer and the confidential source to follow him. The black BMW departed the parking lot, and proceeded north on Piety Street. The BMW then turned east



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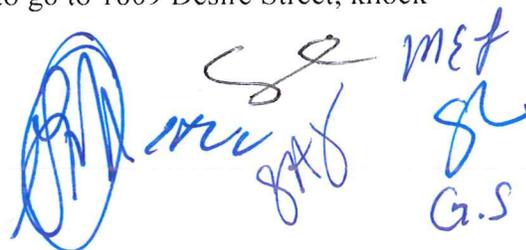
onto N. Miro Street and stopped on the right side of the road. The driver, whom the undercover officer and the confidential source positively identified as **GREGORY STEWART**, approached the passenger door of the undercover officer's vehicle carrying a small clear plastic bag containing an off-white powdery substance. The confidential source then gave **GREGORY STEWART** the \$300. Later, the drugs tested positive for heroin and weighed approximately 3.75 grams.

STEWART obtained this heroin from 1809 Desire Street, the home of co-conspirator, Curtis Neville, who frequently stored heroin at this residence.

9. *GREGORY STEWART directed co-defendants and co-conspirators to "work" his customer phone while he was in Miami.*

On or about May 24, 2011, **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 Taurus Legendre to "work" his customer cell phone while he was away, meaning that **GREGORY STEWART** asked Taurus Legendre to take calls from heroin customers who would call the phone to purchase heroin. Odine Dominick introduced Taurus Legendre to **GREGORY STEWART** so that Taurus Legendre could sell heroin.

Taurus Legendre agreed to carry **GREGORY STEWART**'s customer cell phone and met **GREGORY STEWART** on Tuesday, May 24, 2011, near the intersection of Alvar and St. Claude Streets. During this meeting, **GREGORY STEWART** provided Taurus Legendre with approximately \$2,500.00 of heroin packaged in individual bags, ready for him to sell to customers. **GREGORY STEWART** further directed Taurus Legendre to pick-up his cellular telephone from Darick Wallace later that evening at 1809 Desire Street, New Orleans, Louisiana, the home of Curtis Neville. **GREGORY STEWART** told Taurus Legendre to go to 1809 Desire Street, knock

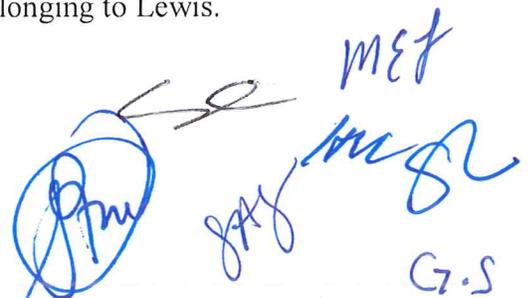


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on the door, and someone would collect the money Taurus Legendre made from heroin sales. Additionally, someone at that residence would provide more heroin to Taurus Legendre to sell if needed. Taurus Legendre went to 1809 Desire Street later that evening and picked up **GREGORY STEWART**'s cellular telephone, bearing the number (504) 201-9318, from Darick Wallace. While inside the residence, which Taurus Legendre knew to be Curtis Neville's house, Taurus Legendre observed two AK-47 rifles and several individuals, including Evans Lewis and Jasmine Perry, with handguns.

On Wednesday, May 25, 2011, Taurus Legendre received a telephone call from **GREGORY STEWART**. **GREGORY STEWART** was calling from cellular telephone (504) 600-9190. **GREGORY STEWART** asked Taurus Legendre how much money he had made from heroin sales. Taurus Legendre told **GREGORY STEWART** he had earned \$800.00. **GREGORY STEWART** then directed Taurus Legendre to take the money to 1809 Desire Street. Taurus Legendre turned the money over to Evans Lewis later that day at that residence.

On May 26, 2011, the FBI arrested Taurus Legendre for selling heroin to an undercover agent. After his arrest, Taurus Legendre agreed to make recorded telephone calls to Evans Lewis and Darick Wallace. In the first call, Taurus Legendre called Darick Wallace and Darick Wallace asked him whether he had the "trap," referring to the customer cell phone that **GREGORY STEWART** left him with. Darick Wallace then asked Taurus Legendre whether Taurus Legendre received a call from Evans Lewis on the customer phone. Taurus Legendre replied that he did not receive a call from Evans Lewis. However, at the end of the conversation, Taurus Legendre realized he had missed a call from the (504) 346-2438 number, belonging to Lewis.



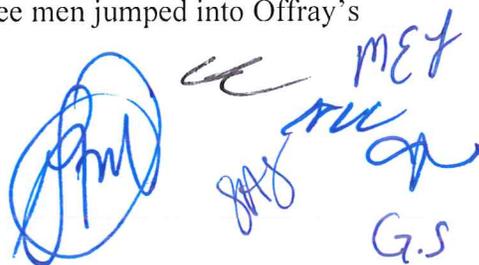
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After getting off the phone with Darick Wallace, Taurus Legendre called Evans Lewis at approximately 4:09 p.m. Taurus Legendre told Evans Lewis that he made “a few dollars” but “not that much.” At approximately 5:22 p.m., Taurus Legendre called Evans Lewis again and said that he made \$500. In another recorded call that Taurus Legendre made to Evans Lewis, at approximately 6:38 p.m. Evans Lewis answered the phone and told Taurus Legendre he was in Mississippi and he would wait to see him tomorrow to get the money because “there’s boo-coo shit going on,” meaning there are a lot of things currently going out that prevent him from picking up the money today.

The Government and the defendant, **GREGORY STEWART** agree and stipulate that the that **STEWART** should be held accountable for more than 10 but less than 30 kilograms of heroin as this amount was bought and sold by him and other members of the conspiracy as part of the overall scope of the conspiracy from March 2009 through December 2011.

COUNT 3: Murder of Quelton Broussard (18 U.S.C. § 924 (j))

On Monday, April 12, 2010 at approximately 1:30 p.m. **GREGORY STEWART**, Darryl Franklin, Merle Offray, and Terrence Butler were at Terrence Butler’s mom’s house near the “Wing Shack” in the 2500 block of Desire Street when Quelton Broussard, Elton Fields, and Corey Lewis pulled up in a blue Chevrolet Impala. Broussard and his cohorts began shooting at **GREGORY STEWART**, Darryl Franklin, Merle Offray, and Terrence Butler. During the shooting Terrence Butler was shot and killed. Quelton Broussard, Elton Fields, and Corey Lewis then fled the area in a blue Chevrolet Impala, which Broussard was driving. Within moments of the attack, **STEWART**, Franklin, and Offray armed themselves with a .223 caliber semi-automatic rifle, a 7.62 caliber semi-automatic rifle, and a .40 caliber handgun. All three men jumped into Offray’s



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red Audi SUV and gave chase. Darryl Franklin, **GREGORY STEWART**, and Merle Offray caught up with the blue Chevrolet Impala near the 2800 block of Clouet Street, which was less than a half-mile across Florida Avenue from the site of the initial attack, and saw Broussard in the driver's seat.³ **STEWART**, Franklin, and Offray, who were each in possession of a firearm, opened fire on Broussard's vehicle. At least 48 shots were fired into the vehicle. Broussard sustained multiple gunshot wounds to his chest and head, and died later from his wounds. According to the New Orleans Coroner, Broussard's death was classified as a homicide. According to the casings found at the crime scene, a .223 caliber semi-automatic rifle, a 7.62 caliber semi-automatic rifle, and a .40 caliber semi-automatic handgun were all used to murder Broussard. A cooperating eyewitness would testify that he/she witnessed Franklin, **STEWART**, and Offray jump into the Audi and chase after Broussard. This witness would also testify that Broussard and his associates were also street level drug dealers that had an ongoing turf battle with Franklin, Offray, and their associates. At trial, Franklin will testify that he, **STEWART**, and Offray each fired numerous times at Broussard while Broussard sat in the driver's seat of the vehicle.

By pleading guilty to Count 3 of the Fifth Superseding Indictment, **GREGORY STEWART** freely admits that he participated in the murder of Quelton Broussard, along with his associates, in an effort to protect their drug turf, to retaliate against a rival drug gang, and to retaliate against Broussard for his participation in the murder of Terrence Butler.

³ According to witnesses, Broussard's two passengers, who were later identified as C.L., aka "Co" and Elton Fields, aka "Bo", got out of the blue Impala to hide the weapons that they used to kill Butler under a nearby house.

ADDITIONAL RELEVANT CONDUCT: U.S.S.G. SECTION 1B1.3

Murders of Jerome Hampton a/k/a Man-man and Renetta Lowe a/k/a Magnolia Shorty:

On December 20, 2010 at approximately 12:20 p.m. Renetta Lowe, aka Magnolia Shorty and Jerome Hampton, aka Man-Man were shot multiple times while seated inside a Chevrolet Malibu. Both were pronounced dead at the scene, as each suffered multiple gunshot wounds to the head and upper body. According to the New Orleans Coroner, Hampton's and Lowe's deaths were classified as a homicide.

GREGORY STEWART, aka "Rabbit", Terrious Owney, aka "T-Red", Tyrone Knockum, aka "T-Bone", McCoy Walker, aka "Rat", and Rico Jackson, aka "Freaky", were in a white Crown Victoria that was owned by **STEWART's** girlfriend, Vanity Vincent. The car was being driven by Knockum, as the group was looking to locate Jerome Hampton. This same white Crown Victoria pulled up near the Chevrolet Malibu that contained Hampton and Lowe, while they were in a parking lot of an apartment complex in New Orleans East. **GREGORY STEWART**, aka "Rabbit", Terrious Owney, aka "T-Red", McCoy Walker, aka "Rat", and Rico Jackson, aka "Freaky" exited the white car and opened fire with several semi-automatic weapons intentionally killing Hampton and Lowe. Specifically at the time of the shooting, **GREGORY STEWART**, aka "Rabbit" was armed with a Glock 27 .40 caliber semi-automatic handgun that was named "Barack", Terrious Owney, aka "T-Red" was armed with a short AK-47 semi-automatic assault weapon, McCoy Walker, aka "Rat" was armed with a Glock 19 9mm semi-automatic handgun that was named "Michelle", and Rico Jackson, aka "Freaky" was armed with an SKS 7.62 semi-automatic assault weapon. Tyrone Knockum, aka "T-Bone", who was driving the vehicle, was unarmed. While being fired upon, Renetta Lowe, who was the driver of the Chevrolet

Malibu, accelerated the vehicle, which crashed into a wooden fence near the rear of 6304 Bridgehampton Street, New Orleans, La. According to the NOPD crime scene technician, there were over fifty spent casings at the scene of the murder, some from each firearm mentioned above.⁴

According to cooperating witnesses, Jerome Hampton was a member of a rival drug gang and had a well-earned reputation for being a killer. Hampton had an ongoing feud with members of the 3-N-G Gang whose members sold drugs and controlled the area around Third and Galvez. Having recently returned home from prison, Hampton made it known that he was looking to kill Merle Offray, and any member of 3-N-G. Terrioues Ownney, aka "T-Red", McCoy Walker, aka "Rat", Rico Jackson, aka "Freaky", and Tyrone Knockum, aka "T-Bone", have all been identified as members or associates of 3-N-G. **GREGORY STEWART**, aka "Rabbit" and his associates were friends with the members and associates of 3-N-G, and participated in acts of violence together for a common cause. The combination of these two groups became known as "the 39ers". On this occasion the members of 3-N-G asked **GREGORY STEWART**, aka "Rabbit" to help them kill Jerome Hampton, before he killed a member of 3-N-G, or Merle Offray. On December 20, 2010 **STEWART**, Ownney, Knockum, Walker, and Jackson, armed themselves with several firearms and went looking to kill Hampton.

By acknowledging and admitting to the above facts and his participation in the double murder of Hampton and Lowe, **GREGORY STEWART** understands that this information will be considered to be relevant conduct in accordance with Section 1B1.3 of the United States Sentencing

⁴ It should be noted that ballistics experts have confirmed that the .40 caliber semi-automatic handgun that was used to kill Jerome Hampton, aka AManMan@ and Renetta Lowe, aka AMagnolia Shorty@ on December 20, 2010 was also used to kill Calvin Celestine, aka APlucky@ on February 6, 2011, as discussed later in this document.

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Guidelines as this conduct took place during and in connection with the conspiracies charged in Counts 1 and 2 of the Fifth Superseding Indictment⁵.

COUNT 4: Murder of Calvin Celestine (18 U.S.C. § 924 (j))

On February 6, 2011, **STEWART** and a known associate shot and killed Calvin Celestine in furtherance of the overall drug conspiracy. Shortly before the shooting, Celestine gave Darryl Franklin approximately \$60,000.00 in advance, to purchase a kilogram of heroin. Once Franklin had the money for the heroin, he left New Orleans to travel to Houston to purchase the heroin.

STEWART was then directed to kill Celestine to avoid having to deliver the heroin when Franklin returned. **STEWART** and the known associate looked for and found Celestine while he was sitting in a black Chevrolet Tahoe in the parking lot of his girlfriend's apartment complex. **STEWART** and the known associate shot Celestine several times in the head using a .223 semi-automatic firearm and a .40 caliber Glock Model 27.⁶ According to the New Orleans Coroner, Celestine's death was classified as a homicide. After **STEWART** and the known associate murdered Celestine, Franklin gave **STEWART** a portion of the heroin Franklin had purchased using Celestine's money and approximately \$7,000.00 as payment for the murder. Furthermore, at least two cooperating witnesses have independently stated that **GREGORY STEWART** confessed to being responsible for the killing of Celestine. In addition, historical cell site records establish that the phone number, 504-373-8168, that was used by Terrious Owney and **STEWART** and

⁵ By admitting to his involvement in this homicide and providing the government with his full cooperation, **STEWART** understands that he will not face a separate prosecution for this murder by the State of Louisiana or by the U.S. Attorney's Office for the Eastern District of Louisiana, as outlined in his plea agreement.

⁶ Ballistic evidence shows that this Glock 27 was also used to murder a prominent New Orleans rapper, Renetta "Magnolia Shorty" Lowe-Bridgewater, and her boyfriend, Jerome Hampton, in December 2010.

Handwritten signatures and initials in blue ink. On the left is a large, circular signature. To its right are several sets of initials and names: 'LE' at the top, 'me f' and 'of' below it, 'JAX' below that, and 'mc GS' at the bottom right.

which was in their possession that day, was located near the apartment complex where Celestine was murdered in and around the time of the killing.

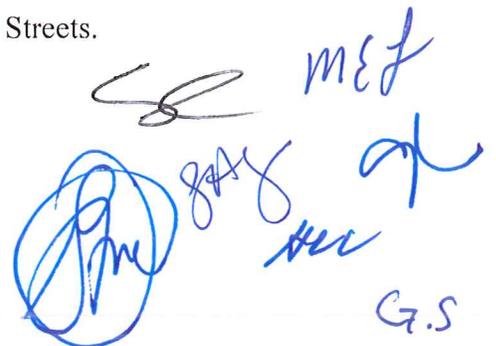
In a phone call to a cooperating source, on or around February 6, 2011, **STEWART** called this individual and confirmed that he killed Celestine and would be getting paid in heroin.

By pleading guilty to Count 4 of the Fifth Superseding Indictment, **GREGORY STEWART** freely admits that he participated in the murder of Calvin Celestine with his associate and that he was paid in heroin and cash for committing this murder.

COUNT 8: Murder of Gregory Keys (18 U.S.C. §§ 924(j))

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.

Smothers would testify that on May 24, 2011, **GREGORY STEWART** had still not paid Smothers the money he owed Smothers for a drug debt. 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 come 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.



Handwritten signatures and initials in blue ink, including "med", "G.S.", and other illegible marks.

When Smothers arrived at Congress and N. Villere, **GREGORY STEWART** had already arrived. He was standing with Evans Lewis outside a black M-35 Infiniti. Smothers would testify that when he saw **GREGORY STEWART, STEWART** told him, "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. 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 gunshots stopped briefly and when Smothers looked up, he saw Evans Lewis and **GREGORY STEWART** standing over him.⁷ 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 seven times, however, more than 30 total casings were found on the scene. Immediately after the shooting **STEWART**, Jasmine Perry, and Evans Lewis entered the Infiniti and fled the scene. Smothers entered his vehicle with Keys and attempted to drive towards the city on St. Claude Avenue to a hospital. While doing so, Smothers wrecked his 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. 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.

7 Smothers has testified to this belief, despite the fact that the government has recently uncovered significant evidence that proves that it was Jasmine Perry, not Gregory Stewart, standing over him firing the assault weapon.

Handwritten signatures and initials in blue ink, including a large signature that appears to be 'Smothers', and other initials such as 'MET', 'GAS', and 'm G.S'.

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 .45 caliber Sig Sauer handgun at the crime scene. This gun was loaded. Smothers admitted to possessing this firearm but stated he did not fire it. The police also located a bloody baseball cap, which also belonged to Smothers. It should be noted that the police did not find any .45 caliber casings on the scene or in Smothers' vehicle, which indicates that this .45 caliber weapon was not fired.

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 ARabbit@ and as one of the shooters from a six-person photo line-up. Smothers, when shown a sequential array of photos, later identified Evans Lewis as the second shooter, who was armed with the .40 caliber handgun.

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** near 1300 Congress, the scene of the murder, at the time 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.



Handwritten signatures and initials in blue ink, including a large signature, 'MET', 'JL', and 'M2 G.S'.

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.

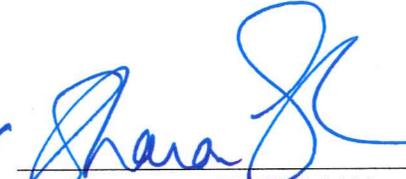
By pleading guilty to Count 8 of the Fifth Superseding Indictment, **GREGORY STEWART** admits that he was on the scene of the murder, that he called Smothers to meet him on the corner as a ruse to pay a drug debt, and that he wanted Smothers to be killed. **STEWART** also admits that Evans Lewis and Jasmin Perry were the actual shooters and denies that he actively possessed or fired a firearm during this incident. Despite this contradictory information, **STEWART** freely admits that he participated in the murder of Gregory Keys by aiding and abetting his associates Jasmin Perry and Evans Lewis.

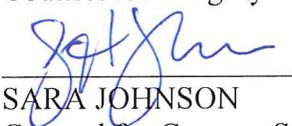
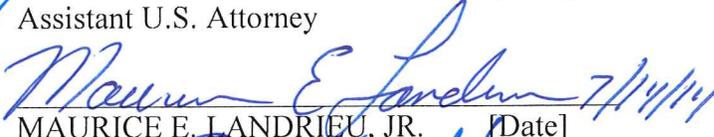
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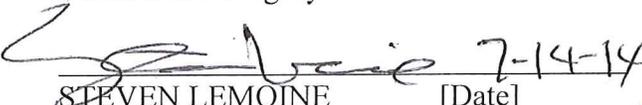
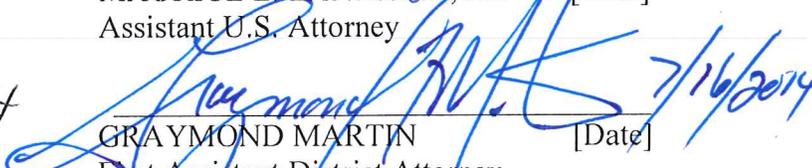
Limited Nature of Factual Basis

This proffer of evidence is not intended to constitute a complete statement of all facts known by **GREGORY STEWART** and described by **GREGORY STEWART** to 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 **GREGORY STEWART's** plea of guilty to the charged offenses in Counts 1, 2, 3, 4 and 8 of the Fifth Superseding Indictment.

READ AND APPROVED:

 7/16/2014  7/14/14
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GREGORY STEWART [Date]
Defendant