

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

**UNITED STATES OF AMERICA**

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**CRIMINAL NO: 13-227**

**v.**

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**SECTION: "B"**

**BRIAN BENSON**

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**FACTUAL BASIS**

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

Special Agents from the Bureau of Alcohol, Tobacco, Firearms and Explosives ("ATF") began an investigation into the Frenchmen/Derbigny gang, or "FnD," in approximately March 2013. The investigation concerned federal firearm and narcotics violations. In the course of this investigation, ATF agents learned that **BRIAN BENSON, a/k/a "Dub," a/k/a "Dubba," ("BENSON")** was a member of the FnD gang. The leader of the FnD gang was Travis Scott. Other FnD members include Stanley Scott, Shawn Scott, Akein Scott, Crystal Scott, Jeremiah Jackson, Gralen Benson, Richmond Smith, and others. During the course of the conspiracy, FnD members sold heroin, crack cocaine, marijuana, and other illegal drugs near the intersection of Frenchmen and North Derbigny Streets in New Orleans. FnD members often sold drugs in the Frenchmen Meat Market, a convenience store located at the corner of Frenchmen and North Derbigny Streets.

The FnD gang, including its leadership, membership, and associates, constituted an "enterprise," as defined by Title 18, United States Code, Section 1961(4), that is, a group of individuals associated-in-fact. FnD constituted an ongoing organization whose members

functioned as a continuing unit for a common purpose of achieving the objectives of the enterprise. This enterprise was engaged in, and its activities affected, interstate and foreign commerce. The conspiracy extended from prior to June 26, 2006, continuing through on or about March 10, 2014. During the course of the conspiracy, the members of FnD engaged in numerous racketeering acts in furtherance of the enterprise.

A principal objective of FnD was to obtain as much money and things of value as possible through the trafficking of controlled substances, including cocaine base ("crack cocaine"), heroin, and marijuana. It was further an objective of the enterprise to threaten violence and to commit acts of violence, for the following purposes, among others: enriching the members and associates of the enterprise through, among other things, the illegal distribution of controlled substances in the territory controlled by the enterprise; preserving and protecting the power, territory and profits of the enterprise through the use of intimidation, violence, and threats of violence; promoting and enhancing the activities and authority of the enterprise and its members and associates; keeping rivals, victims, and witnesses in fear of the enterprise and its members; providing financial support and information to members and associates of the enterprise; providing assistance to members and associates of the enterprise in order to avoid detection and apprehension by law enforcement.

Under Travis Scott's leadership, FnD members controlled an area bounded by Elysian Fields Avenue, North Johnson Street, the I-10 Interstate Highway, St. Anthony Street, and North Claiborne Avenue. FnD members used violence and intimidation to maintain control of this area in furtherance of FnD's illegal drug distribution activities. Cooperating witnesses would testify that no other individuals could sell illegal drugs in that neighborhood without the permission of Travis Scott and FnD members. Travis Scott would direct members of FnD to commit crimes of violence against rival gang members in order to preserve FnD's control over

the neighborhood. FnD's rival gangs included the Prieur Columbus Boys ("PCB"), the 110ers, and other gangs. FnD members stored firearms at several abandoned houses near the intersection of Frenchmen and N. Derbigny Streets.

Cooperating witnesses would testify that FnD members Stanley Scott, Shawn Scott, Akein Scott, Jeremiah Jackson, Richmond Smith, Gralen Benson, **BRIAN BENSON**, Crystal Scott, and other FnD members also sold heroin, crack cocaine, and other illicit drugs in the FnD territory. These witnesses would identify the Frenchmen Meat Market, located at Frenchmen and N. Derbigny Streets, as the hub of FnD's illegal drug distribution activities. The witnesses would testify that the store workers would allow customers to exchange food stamps (in the form of electronic benefit transfer (EBT) cards) for cash. Some customers would then use that cash to buy illegal drugs from FnD members. During the course of the conspiracy, FnD members distributed over one kilogram of heroin and over 280 grams of cocaine base (crack cocaine).

**BENSON** began associating with the FnD gang approximately in 2006. At that time, he began selling crack cocaine and heroin alongside other FnD members at the Frenchmen Meat Market.

On or about June 2, 2010, St. Bernard Parish Sheriff Office deputies executed a search warrant at **BENSON'S** residence in Arabi, Louisiana. The deputies located approximately 124 individually wrapped pieces of crack cocaine. The estimated weight of the crack cocaine was 10.8 grams. Deputies also located drug paraphernalia, such as plastic bags and razors. Additionally, deputies located approximately 60 rounds of 5.45 x 39 mm and 19 rounds of 7.62 x 39 mm ammunition. Deputies also found 15 credit cards with the names Travis Scott, Stanley Scott, and others. **BENSON** pleaded guilty to possession with the intent to distribute crack cocaine on September 29, 2010. This criminal act was during and in furtherance of the FnD drug



distribution conspiracy.

In 2013, **BENSON** was released from prison and returned to selling heroin in the Frenchmen and N. Derbigny area with other members of the FnD gang. At that time, Travis Scott was the primary distributor of heroin in that area. Travis Scott, however, moved to Missouri to reside while occasionally returning to New Orleans to sell heroin. While Travis Scott was out of town, **BENSON** continued making heroin sales.

At trial, the Government would call witnesses who would testify regarding **BENSON'S** role in the conspiracy. The following is a summary of some of the testimony that would be elicited at trial:

Cooperating Witness #1 (CW#1) would testify that **BENSON** sold crack cocaine at the Frenchmen Meat Market initially. **BENSON** then switched to selling heroin. CW#1 would identify **BENSON** as a member of FnD.

Cooperating Witness #2 (CW#2) would identify **BENSON** as a member of FnD and a cousin of Travis Scott. CW#2 would testify that, after **BENSON** was released from prison in 2013, **BENSON** returned to the Frenchmen Street area and sold heroin at the Frenchmen Meat Market. CW#2 stated that **BENSON** worked with Travis Scott, and even held onto Scott's cellular telephone while Scott was in Kansas City, Missouri. CW#2 would testify that **BENSON** would sell drugs at the Frenchmen Meat Market up to six days per week.

Cooperating Witness #3 (CW#3) would testify that **BENSON** is a member of FnD. He/she would testify that he/she has seen **BENSON** selling crack cocaine at the Frenchmen Meat Market.

Cooperating Witness #4 (CW#4) would identify **BENSON** as a member of FnD. He/she would testify that he/she has seen **BENSON** conduct numerous hand-to-hand drug

transactions in and around the Frenchmen Meat Market. He/she would testify that **BENSON** is at the store selling drugs at least 4-5 days per week from 2013 to 2014.

Additionally, on August 20, 2013, ATF agents executed a search warrant at 1641 Frenchmen Street, the Frenchmen Meat Market. During that search, agents seized a surveillance video tape. The tape shows that between August 16 and August 20, 2013, members of the FnD gang are present inside the store every day. FnD members **BENSON**, Travis Scott, Gralen Benson, Jeremiah Jackson, Richmond Smith, and Crystal Scott can be seen conversing with each other, making numerous hand-to-hand transactions, directing customers to each other, and using drug “stash” inside and outside of the store. Travis Scott conducts approximately 20-30 hand-to-hand transactions per day while he is in the store. The surveillance video also shows customers using EBT cards to exchange food stamps for cash from store workers, and then several customers used that cash to buy drugs from FnD members. **BENSON** appears on the surveillance video on August 16th, 17th, 18th, 19th and 20th. The video shows **BENSON** making multiple hand-to-hand drug sales to customers inside the store while other FnD members are present.


Based on **BENSON’S** participation in FnD from 2006 through 2014, as outlined in this document, the Government and **BENSON** agree and stipulate for the purposes of sentencing that the Government could prove that **BENSON** was responsible for between 1 kilogram and 3 kilograms of heroin that was distributed during the course of the conspiracy as a result of his own direct conduct and the reasonably foreseeable conduct of his co-conspirators in furtherance of the conspiracy. The amounts of crack cocaine, marijuana and other drugs that were involved in this conspiracy were negligible for sentencing purposes as to **BENSON**.

**BENSON** further stipulates that he has previously been convicted of a felony. On

March 10, 2003, in the Criminal District Court for Orleans Parish, State of Louisiana, **BENSON** pleaded guilty in Case No. 432-848 "C" to possession of a Schedule II drug controlled substance, a violation of Louisiana Revised Statutes Section 40:967(C)(2). He was sentenced to two years of imprisonment at hard labor, suspended, and two years of active probation.

Limited Nature of Factual Basis

This proffer of evidence is not intended to constitute a complete statement of all facts known by **BRIAN BENSON** and described by **BRIAN BENSON** 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 **BRIAN BENSON'S** plea of guilty to the charged offenses.

 8/7/2015  
\_\_\_\_\_  
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Counsel for Brian Benson

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Brian Benson (Date)  
Defendant