

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

UNITED STATES OF AMERICA * **CRIMINAL NO.: 14-59**
v. * **SECTION: "N"**
TREY MITCHELL *
* * *

FACTUAL BASIS

Had this matter proceeded to trial, the government would have proven beyond a reasonable doubt, through the introduction of relevant, competent, and admissible testimony and other evidence, the following facts to support the allegations against the defendant, **TREY MITCHELL**.

Beginning at a time unknown, but prior to January 2011, and continuing through September 14, 2013, the defendant, **TREY MITCHELL**, combined, conspired, confederated, and agreed with other persons to distribute heroin in the New Orleans area. In furtherance of the conspiracy, **MITCHELL** maintained a 'dope' phone for receiving calls from his street-level daily heroin customers. Numerous heroin users called his 'dope' phone every day to order heroin. Typically, **MITCHELL** would direct the caller to drive to a gas station or other commercial location in the New Orleans East neighborhood, where **MITCHELL** would then meet with the customer and make the heroin sale.

After **TREY MITCHELL's** state arrest and incarceration beginning on or about November 28, 2012, his brother **TERENCE TAYLOR** took custody of a 'dope' phone formerly used by **MITCHELL** and began serving many of **MITCHELL's** heroin customers. **MITCHELL** also continued to direct heroin sales from jail through the use of cellular phones that had been smuggled into the jail. Some of these telephone calls over **MITCHELL's** smuggled jail cell phone were intercepted during the court-authorized wiretap investigation of **TERENCE TAYLOR's** heroin trafficking activities conducted by the Drug Enforcement Administration ("DEA") New Orleans High-Intensity Drug Trafficking Area group and Federal Bureau of Investigation ("FBI"). **MITCHELL** also spoke with **THEODORE GRIFFIN** over **TERENCE TAYLOR's** cellular phone during this time.

On or about July 21, 2012, **TREY MITCHELL** was arrested for charges including possession with intent to distribute heroin and possession of a firearm during possession of drugs for conduct unrelated to the facts of the instant matter and the conspiracy described herein. The defendant was subsequently released on bail and charged for this conduct in Orleans Parish Criminal District Court case number 513-410 "B".

On or about September 22, 2012, **TREY MITCHELL** was arrested for charges including possession with intent to distribute cocaine and possession of a firearm during possession of drugs for conduct unrelated to the facts of the instant matter and the conspiracy described herein. The defendant was subsequently released on bail and charged for this conduct in Orleans Parish Criminal District Court case number 514-130 "B".

On or about November 28, 2012, **TREY MITCHELL** was arrested on charges of home invasion while armed with a dangerous weapon for conduct unrelated to the facts of the instant matter and the conspiracy described herein. The defendant has remained in jail since this arrest

and was charged for this conduct in Orleans Parish Criminal District Court case number 514-581 "H".

On or about September 4, 2013, **TREY MITCHELL** pled guilty to several state charges in Orleans Parish Criminal District Court, including possession with intent to distribute heroin under case number 513-410 "B" and possession with intent to distribute cocaine under case number 514-130 "B". **MITCHELL** continued to distribute and to attempt to distribute heroin from jail after this time.

On September 14, 2013, a court-authorized wiretap of a cellular phone used by **TERENCE TAYLOR** intercepted the following calls between **TREY MITCHELL** and **TERENCE TAYLOR**. The government would offer expert testimony as well as reliable cooperating defendant testimony at trial to demonstrate that, during these calls, **MITCHELL** attempted to distribute three grams of heroin (a "three-piece") by having **TERENCE TAYLOR** give or front the heroin to a third party. **TREY MITCHELL** further admits and acknowledges that he attempted to distribute heroin on this date through these calls.

On September 14, 2013, at around 2:53 p.m., **TREY MITCHELL**, utilizing phone number (504) 473-9096 called **TERENCE TAYLOR**, utilizing phone number (504) 657-2390. The conversation went as follows:

TAYLOR: Hello.

MITCHELL: Yeah, son.

TAYLOR: Alright, yeah, what's up nigga?

MITCHELL: Yeah, he'll be needing a little three-piece, you heard me, fuck, so he can get back on his feet up there, you heard me?

TAYLOR: Huh?

MITCHELL: I said he'll need just a little three-piece, so he can get back on his feet up there.

TAYLOR: Yeah.

MITCHELL: You know where I'm at with it?

TAYLOR: Yeah, if he need a fucking three-piece, I know what that is. What the fuck, I'm supposed to give it to him?

MITCHELL: Yeah.

TAYLOR: A three-piece?

MITCHELL: Yeah, some chicken.

TAYLOR: Oh. What the fuck, I'm just fucking going to give him a fucking three-piece, nigga?

MITCHELL: What you said?

TAYLOR: I'm gonna just 'give' him a three-piece? What the fuck?

MITCHELL: Fuck what you wanna do? Fuck, the man just come out the fucking house, so he can't just...

TAYLOR: I don't give a fuck where he come from, he can come with some money. I'm just going to give him a three-piece and lose out on six hundred dollars? Nah, fuck all that, man.

MITCHELL: How you going to what?

TAYLOR: Man, you know, talking about a three-piece, I be lost out on... No, man, I ain't doing all that, man.

MITCHELL: Alright, alright then, bro.

TAYLOR: You know, come with money on them. I ain't doing all that motherfucking shit, man.

MITCHELL: What you said, you got 'one of them'?

TAYLOR: I said 'three'. Man, fuck all that, man. No man, I ain't doing all that, man. Fuck all that. Come with some fucking money. Nah-ah man. How 'bout, fuck, a little money and I'm dealing with ya? Nah-ah, man, I'm not dealing with all this shit, man.

MITCHELL: You said what?

TAYLOR: I'm not feeling it. That's what I said, I'm not doing it. I don't have no fucking three-piece.

MITCHELL: You ain't got nothing? Alright then, alright, alright, alright.

During the call, **MITCHELL** asked **TAYLOR** to give three grams of heroin to a third person who had recently been released from jail, in order to help him "get back on his feet." **TAYLOR** refused to provide the heroin to the third person for free.

On the same date, at around 2:58 p.m., **TERENCE TAYLOR**, utilizing phone number (504) 657-2390, called back **TREY MITCHELL**, utilizing phone number (504) 473-9096. The conversation went as follows:

MITCHELL: Yeah.

TAYLOR: You know, I don't want to start that shit, man, you know? I know you don't fucking call me 'bout no motherfucking three-piece. I don't got no time for all that shit, man. I don't give a fuck what a nigga telling him, you know how a nigga is, you know? I ain't eat off nobody but you and fucking 'Stro', man. Fuck all them, man, you know? I got love, I'll send something, I'm not, man, no indeed, don't call me about no fucking three-piece man. He about to come home anyway, man.

MITCHELL: Who?

TAYLOR: Buck.

MITCHELL: Buck?

TAYLOR: Yeah, Buck got a few months left, boy.

MITCHELL: Nah, nah...

TAYLOR: Yeah, Buck got like fourteen months left, man. Twelve months left or some shit. He probably got less than that. Because the ten that he took was wired in with the fucking time he doing already.

MITCHELL: I ain't worry about it, fuck it, fuck it, son. You said, you said it's done. You ain't got to do all that.

TAYLOR: I'm just saying I ain't got no fucking three-piece, man. Somebody is going to have to go half with me on the motherfucker. I'm not doing, I'm not doing that shit like that.

MITCHELL: Whatever you could have did, I just asked you for that, fuck.

TAYLOR: No, you didn't ask me for that, you told me that somebody else needed it.

MITCHELL: Yeah, that's the...

TAYLOR: If it was for you that's different. How in the fuck can I say no, you know, I ain't doing all that though, man. I ain't doing all that shit, man.

MITCHELL: Alright, bro.

TAYLOR: You know, you call me for something, then I got to move on the shit. But that, I ain't doing all that there, man... I ain't doing all that, nigga. Fuck that.

MITCHELL: You could have, you could have fixed it up yourself, you heard me?

TAYLOR: I know, I know probably could have, you know, and I still might did, you know, but right now, I don't feel like doing it, you know, so, fuck.

MITCHELL: Well other than that, he needed it for in the morning, so when a nigga gets up, so it's done now.

TAYLOR: I'll catch him on the next rip then.

MITCHELL: What you said?

TAYLOR: I'll catch him on the next rip.

MITCHELL: Alright bro.

TAYLOR: Yeah, I'll catch him on the next rip.

MITCHELL: Where you at?

TAYLOR: I just came up here in the gas station in the booth.

MITCHELL: Oh, what you about to do?

TAYLOR: Grab a beer and keep it moving.

MITCHELL: Alright then bro.

TAYLOR: Alright baby.

MITCHELL: Alright.

During the call, TAYLOR reiterated that he did not wish to supply a third person with three grams of heroin for free. TAYLOR stated he was willing to “go half” with someone else on it. MITCHELL suggested that TAYLOR could have “fixed it up” himself, meaning that TAYLOR could have added a cutting powder to the heroin to add weight, so that in effect TAYLOR would not have been out three grams of heroin.


Limited Nature of Factual Basis

This proffer of evidence is not intended to constitute a complete statement of all facts known by the defendant, **TREY MITCHELL**, 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 the defendant’s plea of guilty to Count 2 of the Superseding Indictment.

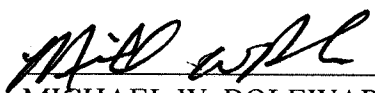
APPROVED AND ACCEPTED:



TREY MITCHELL (date)
Defendant

 9/1/2015

MICHAEL B. REDMANN (date)
Assistant United States Attorney

 9-1-15

MICHAEL W. BOLEWARE (date)
Counsel for Defendant