

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

UNITED STATES OF AMERICA

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CRIMINAL NO. 15-185

v.

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SECTION: "B"

KENNETH MIXON

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FACTUAL BASIS

The above-named defendant, Kenneth MIXON (hereinafter, "MIXON"), has agreed to plead guilty pursuant to a plea agreement with the Government to Count One of the Indictment. Should this matter have proceeded to trial, the United States of America would have proven beyond a reasonable doubt the following facts to support the allegations against MIXON:

Count One - Drug Trafficking Conspiracy

Beginning on a date unknown, but not later than July 18, 2014, and continuing until on or about July 13, 2015, in the Eastern District of Louisiana, and elsewhere, MIXON conspired with codefendants Leroy Smith and Jamie Jones, and others, to distribute and to possess with the intent to distribute a quantity of a mixture or substance containing a detectable amount of heroin.

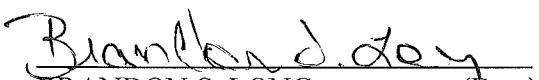
During the course of the charged conspiracy, MIXON was an ounce-level customer of Smith and Jones. MIXON engaged in multiple phone conversations and in-person meetings with Smith and Jones in furtherance of their drug conspiracy. For example, on or around April 21, 2015, MIXON met with Smith and received somewhere between one and one-and-a-half ounces of heroin, for which MIXON paid \$3200. During the meeting, MIXON informed Smith that he was "not gonna cut [*i.e.*, dilute]" the heroin. MIXON intended to distribute this heroin to others.

On another occasion, on June 10, 2015, MIXON and Smith engaged in a series of phone

conversations during which they discussed MIXON's purchase of a quantity of heroin. Shortly after these calls, surveillance agents from the Drug Enforcement Administration followed Smith and Jones as they traveled together to a parking lot to wait for MIXON. Agents observed MIXON arrive in the parking lot, exit his black Acura SUV, and walk over to the passenger side of Smith's truck. There, MIXON received from Jones a substance that he believed to be heroin; however, MIXON ultimately did not purchase the substance because of concerns over its quality.

MIXON and the government stipulate for the purposes of sentencing that MIXON was responsible for conspiring to distribute and possess with intent to distribute at least 60 grams but less than 80 grams of heroin, through MIXON's own conduct and the reasonably foreseeable conduct of his co-conspirators. While MIXON acknowledges receiving a quantity of heroin from Smith and Jones, MIXON also recognizes that, over the course of the conspiracy, he may have received other controlled substances from Smith and Jones, such as acetyl fentanyl, which he believed to be heroin.

MIXON's involvement in the conspiracy charged in Count One of the Indictment is not limited to the facts contained in this stipulated factual basis. These facts are merely a summary of MIXON's involvement in this conspiracy and are presented in this document to support his plea of guilty to Count One in the Indictment.


BRANDON S. LONG (Date)
Assistant United States Attorney

MICHAEL PAUL CIACCIO (Date)
Attorney for Defendant

KENNETH MIXON (Date)
Defendant