

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

UNITED STATES OF AMERICA

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CRIMINAL NO. 15-129

v.

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SECTION: "H"

MICHAEL ROSS

*

a/k/a "Mikey"

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* * *

FACTUAL BASIS

Defendant **Michael ROSS**, a/k/a "Mikey," has agreed to plead guilty to Count 1 of the Indictment. 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, the following acts occurred within the jurisdiction of the Eastern District of Louisiana.

In 2013, agents with the Drug Enforcement Administration (DEA) began an investigation into heroin sales in the Ninth Ward of New Orleans, Louisiana, specifically in the area near Bonart Park. In July 2014, agents began utilizing court-authorized wiretaps to investigate this conspiracy. On July 11, 2014, U.S. District Judge Eldon E. Fallon authorized a Title III wiretap on phone number (504) 265-2296, a phone number used by Corey Celestine ("the 265 Wiretap"). Interceptions began on July 11, 2014, and interceptions ended on August 6, 2014.

In the course of operating this wiretap, agents learned that a group of individuals from Houma were purchasing heroin from the Ninth Ward and then transporting the heroin back to Houma for resale to local customers. This group of individuals included **Michael ROSS**, a/k/a "Mikey," William Daniels, a/k/a "Weezy," and Tynisha Jones. The following summarizes some

of the phone calls and evidence that the government would present at trial.

In several intercepted calls on July 12, 2014 (sessions 75, 77, 82, 83, and 86 of the 265 Wiretap), **ROSS** and Daniels both spoke to Celestine about coming to New Orleans. **ROSS** told Celestine he wanted “the same thing.” Agents would testify that, based on their training and experience in this case, “same thing” refers to one ounce of heroin. Daniels then got on the phone and told Celestine, “I got 90.” Agents would testify that Daniels was likely referring to having \$900, which would have purchased anywhere from 9 grams to 14 grams of heroin for Daniels. **ROSS** later called Celestine and told him that that “me and Weezy” were pulling up to Celestine’s location in the Ninth Ward. “Weezy” is a reference to Daniels.

In several intercepted calls on July 14, 2014 (sessions 207, 220, 226, and 227 of the 265 Wiretap), **ROSS** calls Celestine to arrange another pickup of heroin. **ROSS** again says that “me and Weezy” are coming, and he says that we want to “get on the highway” around 9 or 9:30. Agents would testify that “Weezy” is another reference to Daniels, and that **ROSS** was arranging a purchase of approximately one ounce of heroin that day from Celestine.

In several intercepted calls on July 16, 2014 (sessions 386, 387, 388, 390, and 407 of the 265 Wiretap), **ROSS** calls Celestine and again says that he (**ROSS**) is coming to New Orleans. Agents would testify that, based on their experience in this investigation, **ROSS** was intending to purchase one ounce of heroin. During one of the calls, Celestine asks **ROSS**, “Is it just you?” **ROSS** replies, “Me and my girl.” Agents would testify that “my girl” is a reference to Tynisha Jones, who was **ROSS’S** girlfriend at the time.

In several intercepted calls on July 19, 2014 (sessions 689, 694, 697, and 698 of the 265 Wiretap), **ROSS** contacts Celestine to arrange another purchase of heroin. **ROSS** calls Celestine and says that he wants the “same thing.” Agents would testify that, based on their experience in

this case, “same thing” refers to one ounce of heroin. During another call that day, Jones answers the phone and Celestine tells her to have **ROSS** call him when he (**ROSS**) is twenty minutes away from New Orleans.

In several intercepted calls on July 21, 2014 (sessions 814, 816, 831, 832, 833, and 834 of the 265 Wiretap), **ROSS** arranges another purchase of heroin from Celestine. Again, **ROSS** calls Celestine and says he wants the “same thing,” which agents would testify means one ounce of heroin. Later that day, **ROSS** calls Celestine and tells Celestine to “bring another gram.” Agents would testify that **ROSS** is asking Celestine for an additional gram of heroin to purchase.

In several intercepted calls on July 25, 2014 (sessions 1042, 1045, 1057, 1063, 1069, and 1070 of the 265 Wiretap), **ROSS** arranges another purchase of heroin from Celestine. Based on the context of the calls and the experience of agents in this investigation, agents would testify that **ROSS** was arranging a purchase of one ounce of heroin.

In several intercepted calls on July 28, 2014 (sessions 1177, 1178, 1184, 1185, 1186, 1187, and 1188 of the 265 Wiretap), **ROSS** arranges another purchase of one ounce of heroin from Celestine. During one of these calls, Celestine calls **ROSS**, but Jones picks up the phone and tells Celestine that **ROSS** is asleep but that she will get him up. Celestine asks her to have **ROSS** call him back, and Jones responds that “he’s about to get on the road.” Agents would testify that Jones’s statement shows that she is aware that **ROSS** travels to New Orleans for heroin.

While driving back from New Orleans to Houma on July 28, 2014, **ROSS** and Jones were pulled over by Louisiana State troopers in Terrebonne Parish. The trooper interviewed **ROSS** outside the vehicle, and **ROSS** gave consent to search the vehicle. Troopers did not recover any narcotics from the vehicle during their search. However, a trooper then noticed that **JONES** was clenching a cotton candy bag on the side of the road. The trooper seized the bag and found 3 bags

of heroin inside. Troopers ended up seizing 29.2 grams of heroin. Troopers also seized a very small quantity of cocaine and a tablet of Alprazolam. **ROSS** and **JONES** were arrested and transported to the Terrebonne Parish Jail.

After the arrest of **ROSS** and Jones, Daniels spoke with Celestine (sessions 1204, 1208, and 1222 of the 265 Wiretap). During these calls, Daniels advised Celestine that **ROSS** and Jones had been arrested. Daniels and Celestine talk about whether anyone had tipped off the police. Agents would testify that this calls shows that Daniels is conspiring with **ROSS** and Jones to sell heroin.

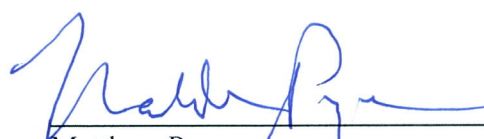
On or about July 29, 2014, Daniels contacted Celestine to arrange the purchase of heroin (session 1257 of the 265 Wiretap). During the call, Daniels arranges the purchase of one ounce of heroin from Celestine. Daniels states that he is looking to buy the heroin in order to sell it and then use the proceeds to bail out **ROSS**.

ROSS was subsequently charged in the Louisiana 32nd Judicial District Court with possession with the intent to distribute heroin. He pleaded guilty to possession of heroin and received a sentence of 72 months in prison. Jones pleaded guilty to possession of cocaine and received 60 months suspended with two and half years of probation.

For the purposes of sentencing only, the parties agree and stipulate that **Michael ROSS** was responsible for between 100 grams and 400 grams of heroin through his own conduct and the reasonably foreseeable conduct of his coconspirators.

Limited Nature of Factual Basis

This proffer of evidence is not intended to constitute a complete statement of all facts known by **Michael ROSS**, and it is not a complete statement of all facts described by **ROSS** to the government. Rather, it is a minimum statement of facts intended to prove the necessary factual predicate for his guilty plea. The limited purpose of this proffer is to demonstrate that there exists a sufficient legal basis for **ROSS'S** plea of guilty to the charged offense.

 4/28/2014

Matthew Payne Date
Assistant United States Attorney

Arthur Lemann, IV Date
Counsel for Defendant Michael Ross

Michael Ross Date
Defendant