

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

UNITED STATES OF AMERICA	*	CRIMINAL NO. 15-213
v.	*	SECTION: "N"
DARION TINSON	*	
	* * *	

FACTUAL BASIS

The defendant, **DARION TINSON**, has agreed to plead guilty as charged to Counts Two and Three of the four-count Indictment. Count Two charges **TINSON** with possessing with the intent to distribute a quantity of heroin, in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(C). Count Three charges **TINSON** with possessing a firearm in furtherance of drug trafficking, in violation of Title 18, United States Code, Section 924(c).

Should this matter have proceeded to trial, the government would have proven, through the introduction of competent testimony and other admissible evidence, the following facts, beyond a reasonable doubt, to support the allegations in the Indictment:

On August 20th, 2015, Drug Enforcement Administration agents and New Orleans Police Department officers formulated plans to execute an Orleans Parish search warrant at 2444 Odin Street, New Orleans, Louisiana. During a search of the residence, agents located approximately 2 ounces of suspected heroin in a man's shoe in the master bedroom. This amount is consistent with distribution and not personal use. Agents also located a stolen Taurus .45 semi-automatic pistol in close proximity to the suspected heroin. Upon discovery of the heroin and firearm, V.B., who resided at the residence, stated to the agents that she did not know these items were inside the residence. At this juncture, the agents questioned V.B. about her boyfriend, who V.B. identified as **TINSON**. V.B. admitted that the adult male clothing in her bedroom was

TINSON's and that **TINSON** possessed a key to the residence. Additionally, agents seized a scale, suspected marijuana, and approximately \$2,000.00 in U.S. currency in the nightstand of the master bedroom. Agents conducted a presumptive test on a representative sample from the suspected heroin and observed a positive reaction for the presence of heroin.

During the time agents were conducting the search, **TINSON** repeatedly attempted to contact V.B. on her cellular phone. Agents allowed V.B. to answer and **TINSON** asked V.B. "What's going on?" Agents told V.B. to tell **TINSON** she would call him back shortly. Shortly thereafter, V.B. attempted to call **TINSON** several times, but **TINSON** did not answer. V.B. stated that **TINSON** drove a blue Pontiac. A short time later, agents observed **TINSON** driving around the area in a blue Pontiac G8, bearing Louisiana license plate DI71708. An investigatory traffic stop was then conducted on **TINSON** in the area of Music Street and Odin Street. **TINSON** was detained and then escorted to an agent's vehicle to be driven back to the area of 2444 Odin Street. After transporting **TINSON** back to 2444 Odin Street, agents identified a key on his key ring that unlocked the front door of the residence.


TINSON, after being advised of his *Miranda* rights, stated he had been residing with V.B. at her residence for approximately 1 month. **TINSON** stated he had clothes in the master bedroom. **TINSON** stated that the suspected heroin discovered in the shoe in the master bedroom and the firearm discovered in the master bedroom did not belong to him. **TINSON** stated that the suspected marijuana discovered in the nightstand did belong to him. **TINSON** also stated that the US Currency discovered in close proximity to the suspected marijuana and the scale were not his and that he did not know where it came from.

V.B., after being advised of her *Miranda* rights, stated she has been living at the residence since November 2014. V.B. stated **TINSON** had been staying with her off/on for approximately 5 weeks and had stayed at the residence the previous night and left the residence that morning at approximately 7:30. V.B. stated the suspected heroin and firearm discovered in the master bedroom were **TINSON**'s. V.B. stated she had observed **TINSON** with a handgun in his waistband and suspected heroin in a clear plastic bag in the residence 2-3 days before.

After V.B. was interviewed, **TINSON** stated to agents that he wished to talk with them again. Agents again advised **TINSON** of his *Miranda* rights, which he stated he understood. **TINSON** now stated that the heroin in the shoe was his and that the handgun discovered in the master bedroom belonged to him. **TINSON** stated he had purchased the handgun a few days prior for \$200 from an unknown individual on the street and had placed the heroin in the shoe approximately 1 week ago. He stated that the marijuana, scale, and US Currency discovered in the nightstand also belonged to him. This interview and the others described above were recorded.

The heroin discussed above was tested by DEA chemists, who confirmed that the drugs were in fact heroin. The government and **TINSON** stipulate and agree that the amount of heroin **TINSON** possessed with the intent to distribute as charged in Count Two was 59.1 grams.

This proffer of evidence is not intended to constitute a complete statement of all facts known to **TINSON** and/or 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 **TINSON**'s plea of guilty to Counts Two and Three of the Indictment.



DAVID HALLER
Assistant United States Attorney

7/22/16
Date

DARION TINSON
Defendant

Date

EDDIE JORDAN
Attorney for Defendant

Date