

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

FILED
2018 APR 14 A 11:00
WILLIAM W. BLEVINS
SECTION: "R" CC

UNITED STATES OF AMERICA

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CRIMINAL NO: 16-068

v.

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SECTION: "R"

BRIAN MAXSON

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FACTUAL BASIS

The above-named defendant, **BRIAN MAXSON** ("MAXSON"), has agreed to plead guilty to Counts One and Two of the Superseding Indictment. Should this matter proceed to trial, the United States would prove beyond a reasonable doubt, through credible testimony, drug evidence, Title III wire and electronic interceptions, and other reliable evidence, the following facts. Unless stated otherwise, these acts occurred in the Eastern District of Louisiana:

During the timeframe of the conspiracy, **MAXSON** conspired with Jonathan Lawrence, Brandon Hall, Donald Marcelin, Aloysius Korieocha, Dwayne Labranch, Lance Stovall, Vonzo Magee, and others, to distribute 100 grams of heroin and a quantity of fentanyl throughout the New Orleans area. **MAXSON** also conspired with Jonathan Lawrence, Brandon Hall, Dwayne Labranch, Vonzo Magee, and others, to possess firearms in furtherance of their drug-trafficking activities. These individuals were members of a drug-trafficking organization that operated primarily in the Eastside Hollygrove neighborhood of New Orleans. Collectively, the group referred to their Eastside Hollygrove neighborhood as "The Zoo," a name derived from a popular rap song/video filmed in the neighborhood. Numerous witnesses have identified **MAXSON** as one of the narcotics dealers in the Zoo.

Throughout its investigation, the lead case agents from the Federal Bureau of Investigation New Orleans Gang Task Force ("FBI NOGTF") and Drug Enforcement Administration ("DEA")

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conducted controlled purchases of heroin and fentanyl, and performed a number of drug seizures. Most of the drugs obtained in the course of this investigation had been sold by the defendants as heroin, and determined to be heroin through lab analysis. However, throughout the investigation, agents would occasionally obtain user quantities of fentanyl, or a combination of fentanyl and heroin, through controlled purchases from the defendants.

On March 23, 2016, a Confidential Informant (CI) arranged to meet with **MAXSON** in order to purchase heroin. The CI met **MAXSON** near the intersection of Post Street and Marais Street. There, the CI exchanged \$200 in drug-buy money for approximately one gram of a substance that later tested positive for fentanyl.

On April 19, 2016, a Confidential Informant (CI) arranged to meet with **MAXSON** in order to purchase heroin. The CI met **MAXSON** near the intersection of St. Claude Avenue and Clouet Street. There, the CI exchanged \$200 in drug-buy money for approximately one gram of a substance that later tested positive for heroin.

In 2015, law enforcement efforts began to focus on Jonathan Lawrence as a significant distributor of narcotics in Eastside Hollygrove. Agents conducted multiple controlled purchases of heroin from Lawrence, each involving between one gram and seven grams of heroin. After the controlled purchases, agents executed two separate Title III wiretap warrants on Lawrence's phone. The first interception period was from February 18, 2016, through March 18, 2016. The second interception period was from April 14, 2016, through April 22, 2016. During both interception periods, law enforcement intercepted numerous phone calls and text messages between Lawrence and others in furtherance of their joint drug-trafficking organization.

Lawrence and **MAXSON** worked together on a number of drug deals, and frequently discussed their drug business over Lawrence's phone. For instance, in a series of phone calls on

March 16, 2016, Lawrence and **MAXSON** discussed a deal to sell 7 grams of heroin to a customer for \$800. **MAXSON** stated that Lawrence would receive \$400 from the sale, and that **MAXSON** would receive \$400. **MAXSON** explained that he wanted to obtain 6 grams from Lawrence, and that he intended to add 1 gram of cutting agent in order to stretch the supply to 7 grams.

In another call, on April 14, 2016, **MAXSON** called Lawrence and stated that he was in “the Zoo.” **MAXSON** told Lawrence to call “Golfer” (codefendant Marcelin) and ask Marcelin to “give me one like last time . . . I got you next time I see you.” Shortly thereafter, Lawrence called Marcelin and told Marcelin to “give Chin [*i.e.*, **MAXSON**] a ball for me.” In this communication, Lawrence agreed to direct Marcelin to provide an eight-ball, or approximately 3.5 grams, of heroin to **MAXSON**.

MAXSON also discussed firearms with Lawrence over Lawrence’s phone. On February 28, 2016, Lawrence called **MAXSON** and asked, “You still got D-Allen number? He still got that stick?” The term “stick” is a slang term used to refer to a rifle or other long-barrel firearm. **MAXSON** responded, “Let me call him and hit you right back.” **MAXSON** then called the individual referred to as “D-Allen” to inquire about his rifle. A short time later, **MAXSON** called Lawrence and stated that D-Allen “wanted two hand things” in exchange for his “stick.” In these discussions, **MAXSON** was attempting to help Lawrence acquire a rifle, or a “stick.” **MAXSON** relayed to Lawrence that D-Allen was requesting “two hand things,” or two hand guns, in exchange for one rifle.

On April 22, 2016, agents executed a search warrant on **MAXSON**’s home, located at 3143 Marais Street. **MAXSON** and his girlfriend were home at the time. Agents recovered quantities of heroin and crack cocaine, along with a digital scale, on the nightstand next to **MAXSON**’s bed. **MAXSON** knowingly possessed these items in furtherance of his


drug-trafficking activities. Agents also recovered two firearms—a loaded Smith and Wesson 9mm pistol, model number SW9VE, bearing serial number DWK3656, between the mattress and the bed frame in the master bedroom; and a Bushmaster .223 rifle, model number XM-E2S, bearing serial number BFI622033, underneath a child's toy in a different room of the house. **MAXSON** knowingly possessed these firearms. Both firearms were designed to expel a projectile by the action of an explosive, and both firearms traveled in and affected interstate commerce.

MAXSON and the government stipulate for the purposes of sentencing that **MAXSON** was responsible for between 100 grams and 400 grams of a mixture or substance containing heroin, through **MAXSON's** own conduct and the reasonably foreseeable conduct of his co-conspirators.

Limited Nature of Factual Basis

This proffer of evidence is not intended to constitute a complete statement of all facts, 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 MAXSON's plea of guilty to the charged offense.

 3/19/18
Brandon S. Long (Date)
Assistant United States Attorney

 3/19/18
Robert Charles Jenkins (Date)
Counsel for Defendant Brian Maxson

 3/19/18
Brian Maxson (Date)
Defendant