

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

UNITED STATES OF AMERICA * **CRIMINAL DOCKET NO.: 17-104**
v. * **SECTION: "J"**
CHRIS WELLS *
* * *

FACTUAL BASIS

The above-named defendant, **CHRIS WELLS**, has agreed to plead guilty as charged to Counts One, Four, Six, Seven, and Eight of the Indictment now pending against him. Should this matter have proceeded to trial, the United States of America would have proven beyond a reasonable doubt, through the introduction of relevant, competent, and admissible testimonial, physical and demonstrative evidence, the following facts to support the allegation against the defendant, **CHRIS WELLS ("C. WELLS")**:

Unless stated otherwise, all of the facts set forth herein occurred within the Eastern District of Louisiana.

In March of 2017, members of the NOPD/HIDTA Task Force Group 2 received information from a source of information (SOI) that three individuals known as "Six" (identified as Chris WELLS (C. WELLS)), "Boppa," (identified as Justin CRAFT) and "Georgie" (identified as Elton WELLS (E.WELLS)) were heroin distributors in the area of Mandeville Street and Derbigny Street in New Orleans.

Based on information provided by the SOI and their own investigation, HIDTA officers began surveillance operations in the area of Mandeville Street and Derbigny Street. During their surveillance, they observed C. WELLS, CRAFT, and E. WELLS conduct hand-to-hand drug

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Defendant CW
Defense Counsel CS

transactions in the area. On several occasions, officers observed all three individuals meet with each other prior to and/or after completing transactions, thus confirming their interrelationships with each other regarding their drug trafficking.

According to the SOI, C. WELLS was distributing large amounts of user quantities of heroin on a daily basis in the area of Mandeville Street and North Derbigny Street. The agents also learned that C. WELLS kept quantities of heroin in his vehicle and distributed the heroin from his vehicle because he was paralyzed and bound to a wheel chair. The SOI also stated that C. WELLS often had associates ride with him and assist him in conducting his illegal narcotics transactions because he could not easily exit his vehicle.

On Wednesday, April 5, 2017, at approximately 9:50 a.m., officers conducting surveillance in the area observed E. WELLS standing near the intersection of Mandeville Street and North Derbigny Street. E. WELLS's gray Nissan Altima (identified as WELLS' vehicle by the SOI and observed by surveillance agents) was parked near the intersection. The officers observed E. WELLS enter his vehicle and drive to the intersection of Annette Street and N. Villere Street, where he conducted what appeared to be a hand-to-hand drug transaction with two unknown white males. After the transaction, E. WELLS drove to the 1500 block of Annette Street (2 blocks away) where an unknown black female carrying a small child entered the front passenger seat.

Surveillance detectives located the gray Nissan Altima parked in the 1500 block of Annette Street. As the detectives drove slowly past the vehicle, they observed E. WELLS in the driver's seat rolling what appeared to be a marijuana cigar. After seeing the marked police vehicle, E. WELLS immediately lowered himself backwards in his seat. Based on the information provided by the SOI, the observed hand-to-hand drug transaction, and the rolling what appeared to be marijuana cigar, the detectives decided to conduct an investigatory stop of E. WELLS.

As detectives approached E. WELLS' vehicle, E. WELLS reached towards the floorboard, then the center console compartment of the vehicle. The detectives ordered E. WELLS to open the door and they attempted to open the front passenger door, but the door was locked. E. WELLS reached into a clear plastic bag which contained numerous individually wrapped clear plastic bags of a tan powdered substance believed to be heroin. Detectives then observed E. WELLS remove several clear plastic bags containing the suspected heroin from the larger clear plastic bag and place them into his mouth. E. WELLS then retrieved a plastic bottle of milk and began to drink it in an attempt to ingest the suspected heroin. After repeated orders to unlock the doors, the female complied and detectives arrested E. WELLS.

The detectives observed, in plain view, an open hand-rolled cigar containing suspected marijuana on the front passenger floorboard. As the detectives searched the vehicle, they located three clear plastic bags containing suspected heroin. One bag was between the driver's seat and center console. Another bag of heroin was in plain view on the driver's power window control recess, and a third bag was in the glove compartment. Field tests confirmed the presence of heroin in each bag with an approximate total weight of 0.91 grams. The detectives also searched E. WELLS incident to his arrest and seized \$1,231.00 in U.S. Currency, believed by agents to be proceeds gained from the sale of illegal narcotics. In a post-*Miranda* statement, E. WELLS claimed ownership of all contraband found in the vehicle.

Because E. WELLS risked injury or death by ingesting the clear plastic bags of suspected heroin, detectives transported him to University Medical Center. Medical personnel could not force E. WELLS to purge his body of the ingested drugs. Under office policy, detectives and agents remained with E. WELLS until he defecated while in custody.

On Friday, April 7, 2017, while in the presence of law enforcement officers, E. WELLS defecated the following:

At 5:48 am, one (1) clear plastic bag of suspected heroin.

At 6:35 am, seven (7) clear plastic bags of suspected heroin.

Due to the toxic nature of the bags, detectives did not conduct a field test of the suspected heroin. However, the bags of suspected heroin defecated were consistent with the bags seized from E. WELLS' vehicle that tested positive for heroin.

In April 2017, agents received information from a reliable source of information (SOI) that CRAFT, known on the street as "Boppa," was distributing large amounts of user quantities of heroin on a daily basis in the area of Mandeville Street and North Derbigny Street. On April 11, 2017, members of the NOPD/DEA HIDTA unit along with members of the NOPD Street Gang unit conducted surveillance of Justin CRAFT. At approximately 9:20 a.m., agents and officers observed CRAFT arrive in the area of Mandeville Street and North Derbigny Street driving a blue Volvo SUV Crossover they observed him driving on several occasions. During surveillance, officers observed CRAFT meet with an unknown white male near the intersection of Mandeville Street and North Galvez Street. As CRAFT met with the unknown white male, DEA TFO Demond Lockhart observed CRAFT conduct what he believed to be a hand-to-hand narcotics transaction. After completing the transaction, CRAFT returned to the intersection of Mandeville Street and North Derbigny Street and parked his vehicle.

While CRAFT was seated in his parked vehicle at the intersection of Mandeville Street and North Derbigny Street, officers observed CRAFT meet with a white male subject later herein identified as "G.R." After briefly speaking with CRAFT, G.R. headed north on Mandeville Street on a bicycle followed by CRAFT in his blue Volvo to the intersection of North Roman Street and

Spain Street were CRAFT pulled over and both subjects met again. While the two were meeting, officers observed CRAFT and G.R. engage in what they believed to be a hand-to-hand narcotics transaction. Officers observed G.R. place the object he received from CRAFT into his right front pants pocket and ride his bicycle away from CRAFT.

Officers conducted an investigatory stop of G.R. in the 1900 block of Marigny Street and advised him of his *Miranda* rights. One of the officers recovered a small bag of suspected heroin from G.R.'s front pants pocket, the same pocket in which he placed the object in he received from CRAFT. Officers arrested G.R. for possession of heroin.

In a post arrest interview, G.R. told the officers that he received the heroin from CRAFT. Officers field tested the seized drugs which tested positive for heroin. The drugs were analyzed by New Orleans Police Department Drug Analyst John Hoang. The drug tested positive for heroin with a net weight of less than 0.2 grams.

On Thursday April 13, 2017, agents and officers conducted surveillance of C. WELLS, a.k.a. "Six," who was parked in a white Nissan SUV near the intersection of Mandeville Street and North Derbigny Street. While conducting surveillance, DEA Task Force Officer (TFO) Jules Martin observed C. WELLS conduct hand-to-hand narcotics transactions with unknown individuals. TFO Martin also observed an unknown individual who appeared to be working with C. WELLS and conducting hand to hand transactions outside of C. WELLS' vehicle. At approximately 11:55 a.m., surveillance units observed WELLS depart the area in the white Nissan SUV with the male who was working with WELLS. Surveillance units followed C. WELLS directly to his residence located at 406 East Liberaux Street in Chalmette, Louisiana. Agents were aware that C. WELLS resided at this residence with a female companion.

After approximately ten to fifteen minutes, C. WELLS and his associate exited the residence, re-entered the vehicle, and drove toward Orleans Parish. However, instead of taking the same main thoroughfare route that he took to the residence, C. WELLS drove on the back streets of Chalmette in an apparent attempt to avoid surveillance. Once C. WELLS left St. Bernard Parish, he turned on to North Claiborne Avenue and drove to New Orleans.

C. WELLS pulled his vehicle to the side of the roadway on North Claiborne Avenue between Bienville Street and Canal Street and picked up a white male subject, later identified as Lloyd BOLEWARE. C. WELLS then again began to drive around in a surreptitious manner with BOLEWARE inside of the vehicle. Based on the on-going investigation, coupled with the agents' experience in conducting narcotics investigations, agents believed BOLEWARE met with C. WELLS to conduct a narcotics transaction.

Surveillance followed C. WELLS and observed him pull over on Frenchmen Street near St. Claude Avenue where BOLEWARE exited the vehicle. C. WELLS returned to the area of Mandeville Street and North Derbigny Street. Based on their observations during the surveillance, agents conducted an investigatory stop of BOLEWARE to further investigate.

As the uniformed officers approached BOLEWARE, TFO Martin observed BOLEWARE reach into his left pants pocket with his left hand and remove an object as he attempted to flee on foot from the uniformed officers. As he ran, BOLEWARE tripped and fell to the ground with the object in his left hand. Officers placed BOLEWARE into custody and retrieved from his hand a sandwich size clear plastic bag containing approximately one ounce of suspected heroin. Also, during BOLEWARE'S fall and apprehension, the bag BOLEWARE was in possession of broke open, causing the suspected heroin to partially spill onto the ground, onto BOLEWARE'S person and on the arresting officers. Officers arrested BOLEWARE and advised him of his *Miranda*

Rights. In a search incident to an arrest, officers retrieved from BOLEWARE'S right pants pocket an additional clear plastic bag containing numerous smaller clear plastic bags, each containing suspected heroin.

TFO Jules Martin successfully retrieved a majority of the suspected heroin that spilled to the ground and secured it as evidence in the investigation. The drugs were analyzed by New Orleans Police Department Drug Analyst William Giblin. The drug tested positive for heroin with a net weight of 17.1 grams.

Officers advised BOLEWARE of his *Miranda* rights and conducted a post-arrest interview of BOLEWARE at the New Orleans Police Department Headquarters. BOLEWARE told the officers that C. WELLS, whom he knew as "Six," picked him up from the methadone clinic near Bienville and N. Claiborne Avenue, fronted him an ounce of heroin, and dropped him off in the area of Frenchman and St Claude Avenue. BOLEWARE added that he still owed C. WELLS \$2,800.00 for the fronted heroin.

BOLEWARE also told the agents/officers that he has known C. WELLS for several years. BOLEWARE stated that initially he only purchased user amounts of heroin from C. WELLS. However, for the past couple of months he was purchasing approximately one ounce of heroin a week from "Six" (C. WELLS), "Boppa" (CRAFT), and "Georgie" (E.WELLS). BOLEWARE stated that to purchase heroin he would call telephone number 985-265-0964 and any one of the three would answer the phone. BOLEWARE stated C. WELLS most often answered the phone and delivered the ounce of heroin to BOLEWARE but that all three individuals answered the phone and delivered ounce quantities of heroin to BOLEWARE. A consent search of BOLEWARE'S phone revealed the aforementioned telephone number and drug related text messages.

Based on information learned from the investigations of both C. WELLS and CRAFT, agents applied for and obtained search warrants for the residences of C. WELLS and CRAFT, located at 406 E Liberaux Street, Chalmette, Louisiana and 14070 Wales Street, New Orleans, Louisiana, respectively. On April 18, 2017, at approximately 6:05 am, members of the St. Bernard Parish Sheriff's Office, S.W.A.T. team, along with DEA agents and officers, arrived at 406 E. Liberaux Street, Chalmette, Louisiana 70043 to execute a search warrant at C. WELLS' residence. Upon entry into the residence, officers encountered C. WELLS and a female, identified as Ashli MARTIN lying in the master bed with their hands in the air. Because agents believed C. WELLS was armed, St. Bernard TFO Robert Roger asked WELLS, "Where are the guns?" C. WELLS responded, "Under the mattress between the mattress and box spring."

Officers handcuffed C. WELLS and MARTIN for officer safety without incident. TFO Roger assisted C. WELLS into his wheel chair located on the side of the master bed. Officers escorted C. WELLS and MARTIN out of the room. TFO Roger lifted the mattress of the master bed and observed a black Smith and Wesson, MP 9 shield, 9 mm semi-auto pistol, serial number hnx5172, loaded with one (1) live 9mm cartridge in the chamber and six (6) live 9mm cartridges in the magazine. The handgun was reported as stolen from Texas. Agents were aware that C. WELLS was a convicted felon and that he was prohibited from possessing a firearm. C. WELLS acknowledges that he possessed the firearm found in the residence. C. WELLS also acknowledges that at the time that he possessed the firearm, he had prior felony convictions that precluded him from possessing a firearm. On February 13, 2004, in Orleans Parish Criminal District Court, Case No. 436541 "C," C. WELLS was convicted of Distribution of Marijuana, in violation of LA. R.S. 40:966(A)(2). He was sentenced to five years' imprisonment, suspended, and five years' probation. On August 27, 2010, in Orleans Parish Criminal District Court, Case No. 497559 "D/J,"

C. WELLS was convicted of Possession with Intent to Distribute Heroin, in violation of LA. R.S. 40:966(A)(1). He was sentenced to seven years' imprisonment. Additionally, both C. WELLS and the Government acknowledge and agree that the firearm was manufactured outside the state of Louisiana and thus had to travel through interstate commerce to enter into the state of Louisiana. Also, for purposes of sentencing as it pertains to the Bill of Information to Establish a Prior Felony Drug Conviction pursuant to Title 21, United States Code, Section 851(a) filed by the government, C. WELLS acknowledges his conviction of this prior felony drug offense.

Also during the search of the residence, officers observed in plain view a pair of blue and white tennis shoes containing a clear plastic bag which contained an off white rocklike substance believed to be cocaine base and two (2) flip style cellular phones on the floor next to where C. WELLS' wheel chair was previously located. Inside the right shoe was one (1) clear plastic bag containing forty (40) individual clear plastic bags containing a total of 4.3 grams of cocaine base, two (2) clear plastic bags containing a total of 24.24 grams of cocaine base, and one (1) clear plastic bag containing one hundred and seven (107) individual clear plastic bags, containing a total of 11.78 grams of heroin.

As agents continued the search of the master bedroom agents discovered the following items concealed under the dresser:

A blue and white glass plate containing 8.02 grams of cocaine base;

One (1) straight razor containing an off white powder residue;

One clear plastic bag containing 1.41 grams of cocaine base;

One (1) off white men's sock tied in a knot found to contain one (1) clear plastic bag of 60.0 grams of heroin;

One (1) operational us-magnum digital scale containing a straight razor both containing a beige powder substance believed to be heroin; and

One (1) plastic bottle labeled superior mannitol containing an off white powdery substance believed to contain a cutting agent.

Agents also located one (1) Nike Air Jordan shoe box containing one (1) open pack of rubber bands and \$353.00 of U.S. Currency in the master bedroom.

In the living room, next to the living room sofa, agents located what appeared to be a trash box containing numerous cut corner clear plastic bags which are commonly used in the packaging of dosage units of illegal narcotics.

During the search of the residence agents also seized several cellular telephones, paper documents in the name of C. WELLS and MARTIN along with the lease agreement in the name of C. WELLS and MARTIN for 406 E. Liberaux St., Chalmette, Louisiana 70043.

TFO Roger and SBSO Agent Jonathan Smith conducted a post arrest interview with C. WELLS at the St. Bernard Parish Special Investigations Division office. During the interview, C. WELLS told the officers that he purchased the firearm from a random unknown white male in New Orleans, Louisiana approximately three (3) days prior for \$200.00. C. WELLS stated that he did not know if the weapon was stolen. C. WELLS claimed ownership of the cocaine, heroin and mannitol found in the master bedroom. Officers questioned C. WELLS' truthfulness regarding his sole ownership and possession of the drugs, noting that the area between the bed and dresser from where some of the cocaine base and heroin was seized was too narrow for a wheelchair. Officers reminded C. WELLS of that fact and C. WELLS responded, "I had help." Officers then asked C. WELLS if MARTIN assisted him with the drug trafficking and WELLS responded, "I had help."

On April 18, 2017, members of the NOPD/DEA HIDTA Task Force group 2 executed a search warrant at the residence of CRAFT and Angelmica AUGUSTINE, CRAFT'S girlfriend, located at 14070 Wales Street, New Orleans, Louisiana. Upon entry, S.W.A.T. team members announced their presence and ordered the occupants of the residence into the first room (living room). First, CRAFT emerged from the master bedroom holding a female toddler in his arms and was immediately placed into custody. Seconds later, AUGUSTINE emerged from the same bedroom with a male juvenile. After securing the residence, agents began their search.

In the living room, in plain view on an end table, were 38 individually wrapped plastic bags, each containing suspected heroin. The drugs were analyzed by New Orleans Police Department Drug Analyst John Hoang. The drugs tested positive for heroin with a net weight of 4.9 grams.

On the kitchen counter top, agents located a blender filled with residue of suspected heroin. In the kitchen cabinet, agents recovered a mirror, a spoon, a digital scale, and a bank card, each covered with suspected heroin residue. In a kitchen drawer, agents located one 29 round capacity .40 caliber magazine (unloaded).

In a search of the master bedroom of the residence where CRAFT and AUGUSTINE were located upon officers' entry into the residence, agents located one 50 round capacity 9mm drum magazine and one 50 round capacity 5.7 x 28 caliber magazine on the floor next to the bed. Agents also located the following firearms all in plain view and within immediate reach of CRAFT and AUGUSTINE:

A Stag Arms Stag 15 .223 caliber semi-automatic rifle, bearing serial number 164155, loaded with 54 live .223 caliber rounds. The rounds were distributed between two 40 round capacity .223 magazines. The weapon was against the wall

on the right side of the bed. This weapon had one round in the chamber and was ready to fire.

A Smith & Wesson Model SW9V 9mm semi-automatic pistol, bearing serial number PAM8280, loaded with 14 live 9mm rounds in the magazine. The weapon on the bedroom floor on the left side of the bed. This weapon had one round in the chamber and was ready to fire.

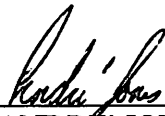
A Sig Arms .22 caliber semi-automatic pistol, bearing serial number E0018121, loaded with 10 live .22 caliber rounds. The weapon was on top of the mattress of the bed on the left side. This weapon had one round in the chamber and was ready to fire.

A Bushmaster XM15 .223 caliber semi-automatic rifle, bearing serial number BFI64054, with one 30 round capacity .223 caliber magazine. The weapon was found of the top shelf of the master bedroom closet.

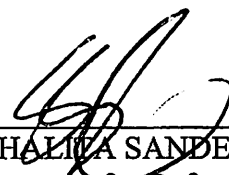
A Mossberg 88 .12 gauge shotgun, bearing serial number MV36191K, with a barrel that appeared to be manually sawed off. The shotgun was loaded with 3 live .12 gauge rounds. The weapon had one round in the chamber and was ready to fire. The weapon was on the top shelf of the master bedroom closet. The door of the closet was open and the weapon was in plain view.

Agents also seized \$1,026 of U.S currency (various denominations) from a purse that was in the closet in the Master bedroom.

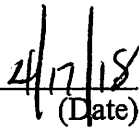
For purposes of sentencing, the Government and C. WELLS agree and stipulate that C. WELLS'S conduct, including the reasonably foreseeable conduct of his co-conspirators involves at least 100 grams but less than 400 grams of heroin that he conspired to distribute and possess with intent to distribute during the course of the conspiracy.



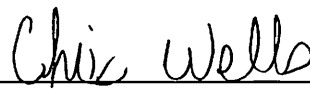
ANDRE' JONES (Date)
Assistant United States Attorney



SHALIKA SANDERS
Attorney for Defendant



(Date)



CHRIS WELLS (Date)
Defendant