

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

2018 JUN 18 P 2:25

UNITED STATES OF AMERICA

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CRIMINAL NO: 16-068

v.

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SECTION: "R"

DWAYNE LABRANCH

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FACTUAL BASIS

The above-named defendant, **DWAYNE LABRANCH** ("LABRANCH"), has agreed to plead guilty to Count One, Count Two, and Count Nine of the Superseding Indictment. Should this matter proceed to trial, the United States would prove beyond a reasonable doubt the facts set forth in this Factual Basis. Unless stated otherwise, these acts occurred in the Eastern District of Louisiana:

I. Drug Offenses

During the timeframe of the drug conspiracy, **LABRANCH**, Jonathan **LAWRENCE**, Brandon **HALL**, Aloysius **KORIEOCHA**, Donald **MARCELIN**, Brian **MAXSON**, Lance **STOVALL**, Vonzo **MAGEE**, and others, conspired to distribute heroin and fentanyl throughout the New Orleans area. 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 neighborhood as "The Zoo," a name derived from a popular rap song/video filmed in the neighborhood. Each of the eight defendants has been linked to drug activity in Eastside Hollygrove through law enforcement controlled purchases, Title III wire and electronic interceptions, witness statements, drug seizures, and other evidence. Numerous civilian witnesses, many of whom were customers of **LABRANCH**, **LAWRENCE**, **HALL**, **KORIEOCHA**, **MARCELIN**, **MAXSON**, **STOVALL**, and **MAGEE**, have provided information

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about purchasing narcotics from one or more of these defendants. **LABRANCH** personally has purchased heroin from LAWRENCE and KORIEOCHA.

Between December 2015 and January 2016, agents used a confidential source to conduct four controlled purchases of heroin from LAWRENCE. After the controlled purchases, agents obtained authority from United States District Court Judge Kurt D. Engelhardt to execute two Title III warrants on LAWRENCE's cellular phone. The first interception period was from February 18, 2016, through March 18, 2016, and the second interception period was from April 14, 2016, through April 22, 2016. During both interception periods, agents intercepted numerous phone calls and text messages involving discussions between LAWRENCE and his codefendants in furtherance of their joint drug-trafficking organization.

LABRANCH was intercepted in conversations with LAWRENCE on multiple occasions, acting in furtherance of their drug conspiracy. For example, on February 21, 2016, **LABRANCH** alerted LAWRENCE about the presence of law enforcement in the neighborhood, warning LAWRENCE about "them people," *i.e.*, police presence, that "just rolled past" in the neighborhood. **LABRANCH** alerted LAWRENCE in an effort to thwart law enforcement's efforts to investigate drug dealing in Eastside Hollygrove.

LABRANCH and his coconspirators were a tight-knit group that worked together to evade law enforcement detection. On March 2, 2016, in a series of intercepted communications, MAXSON told LAWRENCE that he had learned that federal authorities were investigating the drug activities of the group. MAXSON and LAWRENCE agreed to convene members of the conspiracy in Hollygrove to discuss what MAXSON had learned. A subsequent meeting was arranged in Hollygrove with several members of the group. To arrange this meeting,

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LAWRENCE had contacted a number of the members of the group, including **LABRANCH**, attend the meeting.

LABRANCH lived in a house (3939 Hamilton Street, in Eastside Hollygrove) that was used by members of the conspiracy to package, distribute, and store heroin. **LABRANCH**, LAWRENCE, and MARCELIN sold narcotics at that property. During a later search of the property, police found digital scales, kilogram presses, and other items used to package and sell narcotics. **LABRANCH** knows that LAWRENCE and MARCELIN sold heroin on the property. **LABRANCH** also kept firearms and ammunition inside the residence. Numerous witnesses have indicated that they purchased narcotics from **LABRANCH** in the vicinity of 3939 Hamilton Street.

On April 7, 2016, a confidential informant (CI-1) working with the Federal Bureau of Investigation (FBI) placed a recorded call to **LABRANCH** to set up a heroin purchase. **LABRANCH** initially directed CI-1 to drive to the Shell station in the Hollygrove neighborhood. In a subsequent call, **LABRANCH** directed CI-1 to drive to 3939 Hamilton Street. CI-1 observed **LABRANCH** and LAWRENCE exit that address. Surveillance agents saw **LABRANCH** walk over to CI-1's car and reach inside. CI-1 then met with agents and turned over a package containing brown powdery substance, which he/she received from **LABRANCH**. DEA lab analysis shows that the package was in fact 1.7 grams of heroin.

On June 9, 2016, law enforcement conducted a traffic stop of three individuals who were suspected of engaging in a drug transaction with **LABRANCH**. Just before the stop, surveillance agents had seen their car drive to the front of 3939 Hamilton Street, where one individual exited the car, walked into 3939 Hamilton Street, and returned to the car a short time later. The car left the Hollygrove neighborhood, at which time agents conducted the traffic stop. Two of the three individuals in the car had hypodermic needles. The individuals identified the seller as "Mondo,"

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a nickname for **LABRANCH**. One of the individuals permitted agents to search his/her phone. In the call log, the last number contacted was **LABRANCH**'s number. This individual stated that he had been purchasing heroin from **LABRANCH** for a long period of time. This individual further acknowledged that he previously had seen firearms belonging to **LABRANCH** inside 3939 Hamilton Street.

On June 22, 2016, a confidential informant (CI-2) placed a monitored call to **LABRANCH** to set up a heroin purchase. **LABRANCH** directed CI-2 to meet at his residence, 3939 Hamilton Street. While under surveillance CI-2 went to the residence and met with **LABRANCH**. CI-2 exchanged \$200 in drug buy money for heroin. The substance received by CI-2 field tested positive for heroin. Lab analysis determined that the substance was 1.3 grams of heroin.

On July 12, 2016, law enforcement observed **LABRANCH** engaging in a suspected heroin transaction with a heroin customer in the Hollygrove neighborhood. Multiple agents observed **LABRANCH** drive up next to the heroin customer in a silver Nissan Altima. Agents decided to conduct a traffic stop of **LABRANCH** in the midst of the transaction. **LABRANCH** reversed the Nissan Altima, then drove forward striking FBI Special Agent Jason Quick's vehicle before fleeing the scene. **LABRANCH** began driving the wrong way down Airline Highway. For public safety, agents allowed him to flee. A short time later, agents received a call that the Nissan Altima had been abandoned in the Hollygrove neighborhood. Upon a search of the car, agents recovered three phones, sandwich bags, a bottle of Bonita (a popular "cutting agent"), and a .40 caliber round of ammunition. The Nissan Altima was registered in the name of **LABRANCH**'s girlfriend, who later acknowledged that **LABRANCH** had taken her car. Agents conducted a search of the cell phones recovered from the Nissan Altima. At least one phone, which belonged

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to **LABRANCH**, contained numerous drug-related communications between **LABRANCH** and his associates and customers.

The heroin customer who had been observed in the July 12, 2016 transaction with **LABRANCH** later stated that he/she intended to purchase heroin from **LABRANCH** at the time that the police intervened. The customer stated that, during previous purchases of heroin from **LABRANCH**, he/she had observed **LABRANCH** in possession of a firearm in the front seat of his car. The customer stated that the gun looked like an “uzi.”

On December 9, 2016, agents traveled to 1525 Virginia Marie Street, New Orleans—the address of **LABRANCH**’s girlfriend—to execute an arrest warrant for **LABRANCH**. **LABRANCH** was inside the residence at the time of the warrant execution, and was placed under arrest. **LABRANCH**’s girlfriend, who was also present, consented to a search of the home. Inside the residence, agents recovered 11.5 grams of a white, rock-like substance that field-tested positive for cocaine; 2.7 grams of a white, powder substance that field-tested positive for cocaine; and 7.4 grams of a compressed, tan-powder substance that field-tested positive for heroin. **LABRANCH** possessed these controlled substances with the intent to distribute them. Agents also recovered a digital scale.

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

II. Firearm Offenses

LAWRENCE, HALL, **LABRANCH**, MAXSON, MAGEE, and others conspired to possess firearms in furtherance of their drug-trafficking activities, and often discussed firearms

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during intercepted communications. Members of the group were involved in two shootings targeting Victim A, the first of which occurred on March 8, 2016. Victim A was a rival drug dealer who associated with a separate group of individuals that had drug-related disputes with members of **LAWRENCE**'s Eastside Hollygrove group. Victim A was not hit during the March 8, 2016 shooting.

This shooting occurred in front of Mel's Food Store, at the corner of General Ogden and Marks Street in the Hollygrove neighborhood. This store is directly across the street from Mary McLeod Bethune Elementary School of Literature & Technology. The discharge of firearms on March 8, 2016, described below, occurred within 1,000 feet of school grounds. The firearms discharged during the shooting had moved in and affected interstate commerce.

On March 7 and March 8, 2016, before the shooting, agents intercepted a number of calls between **LAWRENCE**, **HALL**, and **LABRANCH** in furtherance of and to coordinate the shooting. In one set of calls, **LAWRENCE** and **HALL** discussed obtaining WD-40 in order to "clean the rust off" of the firearms that they intended to use in the shooting. In another set of calls on March 7 and March 8, **HALL** indicated to **LAWRENCE** that he had obtained a tan Chevrolet Trailblazer. In these calls, the group discussed how they were attempting to hide the Trailblazer, and suggested that they intended to use the Trailblazer for illegal activity. After hearing these calls, agents conducted surveillance in the Hollygrove neighborhood and saw the Trailblazer. Agents determined that the Trailblazer had recently been reported stolen.

On March 8, **LABRANCH** met with **LAWRENCE** at **LAWRENCE**'s residence. **LAWRENCE** told **LABRANCH** that he intended to use the stolen Trailblazer to perform a drive-by shooting of Victim A. **LAWRENCE** asked **LABRANCH** to act as the driver of the

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Trailblazer. **LABRANCH** agreed to drive the Trailblazer in exchange for a small quantity of heroin.

That afternoon, agents established surveillance to observe the Trailblazer, which was parked behind the Costco store, near Palmetto Street in New Orleans. Minutes before the shooting, **LAWRENCE** and **LABRANCH** had a phone call where they discussed meeting up. On one call, **LAWRENCE** asked **LABRANCH** where he was. **LABRANCH** stated that he was by the “store,” meaning Mel’s Food Store. **LAWRENCE** then asked, “He’s out there?” **LAWRENCE** was referring to Victim A. **LABRANCH** replied, “Yes.” **LAWRENCE** then directed **LABRANCH** to meet by the Trailblazer. **LABRANCH** did so.

At the time, agents had set up surveillance down the street from the Trailblazer. Agents observed a Kia Sorrento—consistent with the car **LAWRENCE** often drove—pull up next to the Trailblazer. An individual exited the Kia and entered the Trailblazer. Both cars then departed the Palmetto Apartments area. Agents followed the Trailblazer until it entered the Eastside Hollygrove neighborhood, at which time they terminated surveillance.

LABRANCH went to the Trailblazer and met with **LAWRENCE** and **HALL**, who were already in the vehicle. **LABRANCH** was driving the Trailblazer, and **LAWRENCE** and **HALL** were passengers. The plan was for **LAWRENCE** and **HALL** to shoot Victim A. **LAWRENCE** was in possession of an AK firearm, and **HALL** was in possession of a black handgun. **LABRANCH** drove **LAWRENCE** and **HALL** to Mel’s store, where Victim A was standing. **LABRANCH**, **HALL**, and **LAWRENCE** had covered their faces. **LABRANCH** was also wearing gloves. **LABRANCH** pulled down the street and saw Victim A standing next to various people. **LABRANCH** did a loop around the block. **LABRANCH** then drove toward the store again, and pulled the Trailblazer next to Victim A. **LAWRENCE** and **HALL** exited the car.

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LAWRENCE began shooting at Victim A. **LABRANCH** does not know if HALL also began shooting at Victim A. Victim A and another man returned fire. **LABRANCH**, LAWRENCE, and HALL then fled the scene.

At approximately 3PM, agents received reports that there had just been a shooting in front of Mel's store. Surveillance video from a pole camera in the neighborhood showed the same tan Trailblazer drive next to the store. Spent casings of four different types of ammunition were recovered from the scene.

In intercepted communications immediately after the shooting, **LABRANCH** called LAWRENCE and stated, "Yao got grazed." "Yao" is a nickname for another individual who associated with the Eastside Hollygrove group, hereinafter Associate A. In another call approximately an hour and a half after the shooting, LAWRENCE told an unknown male, "Nigga got at Fresh." When the unknown male asked, "Who?" LAWRENCE replied, "You already know." Victim A's nickname is "Fresh."

Over the course of the afternoon, numerous individuals, including HALL, informed LAWRENCE that they should not go into the neighborhood because police were there investigating the shooting. At approximately 6:30PM, LAWRENCE asked **LABRANCH** if he had something to clean the "whatchamacallit." LAWRENCE was referring to cleaning the firearm that was used in the shooting. Later that night, LAWRENCE had another conversation with an unknown male. During the conversation, LAWRENCE acknowledged that "something went down in the hood." LAWRENCE stated "Fresh," and then noted "that bitch got nine lives."


The second shooting occurred at approximately 6:30PM, on April 16, 2016, at the intersection of Monroe Street and Airline Highway. **LABRANCH** was at a casino and received a call from LAWRENCE to come to the neighborhood for some purpose unknown to

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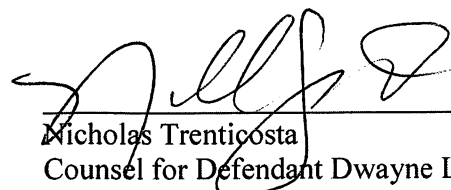
LABRANCH. **LABRANCH** went to Mel's store. **LABRANCH** heard shooting from the store, which was approximately three blocks away. **LABRANCH** immediately went to the scene of the shooting. No one was there, but **LABRANCH** saw bullet holes in Victim A's car. **LABRANCH** learned shortly thereafter that Victim A had been shot. Later that evening, LAWRENCE met with **LABRANCH** and **LABRANCH** gave LAWRENCE marijuana. **LABRANCH** saw that LAWRENCE had an injured finger. LAWRENCE told **LABRANCH** that HALL had shot him. **LABRANCH** understood that LAWRENCE had been shot by HALL in the course of LAWRENCE and HALL's second attempt to shoot Victim A.

Limited Nature of Factual Basis

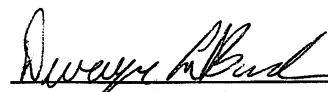
This proffer of evidence is not intended to constitute a complete statement of all facts, but rather is a minimum statement of facts intended to prove the necessary factual predicate for the guilty plea. The limited purpose of this proffer is to demonstrate that there exists a sufficient legal basis for **LABRANCH's** plea of guilty to the charged offense.



Brandon S. Long (Date) 6-18-18
Assistant United States Attorney



Nicholas Trenticosta (Date) 6-18-18
Counsel for Defendant Dwayne Labranch



Dwayne Labranch (Date) 6-18-18
Defendant