

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

UNITED STATES OF AMERICA	*	CRIMINAL NO: 17-193
v.	*	SECTION: "E"
PETER GIANDALONE	*	
	* * *	

FACTUAL BASIS

The above-named defendant, **PETER GIANDALONE** ("**GIANDALONE**"), 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 the facts set forth in this Factual Basis. Unless stated otherwise, these acts occurred in the Eastern District of Louisiana:

During the time frame of the charged drug conspiracy, Stefen DAIGLE, Peter **GIANDALONE**, Jacob HIGGINBOTHAM, Glenn MELANCON, Jeffrey CLINES, James HATCH, Angel Renee VIDAURE, Eulalio TORRES-CADENAS, Delio Alfredo LOPEZ-LOPEZ, Lindsey LOPEZ, Julien POLK, a/k/a "Simone" and others, conspired to distribute methamphetamine throughout the New Orleans area. Agents developed evidence against this group of eleven defendants using controlled purchases of methamphetamine, traffic stops and seizures, consensually-recorded text messages and phone calls, search warrants, cooperator information, and self-incriminating statements.

GIANDALONE acknowledges that, during the time frame of this conspiracy, he purchased methamphetamine from CLINES, HIGGINBOTHAM, and others. From CLINES, **GIANDALONE** would purchase ounce-level quantities of methamphetamine. From HIGGINBOTHAM, who lived in Houma, Louisiana, **GIANDALONE** would purchase multiple ounces of methamphetamine at a time. Either HIGGINBOTHAM would drive the

methamphetamine to **GIANDALONE** in New Orleans, or **GIANDALONE** would drive to Houma to meet **HIGGINBOTHAM**, or the men would meet halfway. **GIANDALONE** understood that **HIGGINBOTHAM** would obtain methamphetamine from a source who went by the nickname "the Juiceman." **GIANDALONE** met Juiceman on one occasion, and was led to believe that Juiceman obtained his methamphetamine from a Houma-based methamphetamine lab. **GIANDALONE** also acknowledges that he sold methamphetamine to **DAIGLE** and **MELANCON**. **GIANDALONE** acknowledges that he knew the scope of the conspiracy involved 500 grams or more of a mixture containing methamphetamine.

On January 3, 2017, Jefferson Parish Sheriff's Office officers received information from a documented confidential source (CI-1) regarding **GIANDALONE**'s illegal drug activity. Based on CI-1's information, on January 4, 2017, officers established surveillance around 722 Lake Avenue in Metairie. At approximately 1:25PM, officers saw a blue Nissan Versa, registered to **GIANDALONE**, turn into the driveway of 722 Lake Avenue. There were two males inside the car, **GIANDALONE** and Daniel Conway. Officers approached the car and asked both men to exit. They complied and were placed into handcuffs. Officers advised the driver, **GIANDALONE**, of his Miranda rights, and **GIANDALONE** acknowledged that he understood. **GIANDALONE** told officers that he possessed "meth" in a black bag inside the car. Officers searched the car and recovered a black bag on top of the center console between the driver's seat and passenger's seat. The bag contained one large and twelve small ziplock bags containing a total of 22 grams of a mixture containing methamphetamine; a digital scale; and numerous documents with **GIANDALONE**'s name. Officers also recovered \$520 cash from **GIANDALONE**'s pants pocket. **GIANDALONE** stated that he was unemployed and unable to

provide documentation showing where he received the funds. **GIANDALONE** was arrested and charged in Jefferson Parish, and subsequently released on a bond.

On March 2, 2017, another confidential source (CI-2), working at the direction of law enforcement, contacted **GIANDALONE** to set up a controlled purchase for two ounces of methamphetamine. **GIANDALONE** told CI-2 that he would be driving to Houma in a few hours and would pick up two ounces for CI-2. Later that night, CI-2 met with **GIANDALONE** at CI-2's residence and exchanged \$1800 in controlled-buy money for methamphetamine. Law enforcement met with CI-2 shortly thereafter and took possession of 55.4 grams of a mixture containing methamphetamine that **GIANDALONE** had provided CI-2. This mixture of 55.4 grams contained approximately 99% actual methamphetamine.

On March 8, 2017, agents set up another drug deal between CI-2 and **GIANDALONE** for one half-pound (approximately 8 ounces) of methamphetamine. **GIANDALONE** texted CI-2 that a "half pound" would cost "6000." **GIANDALONE** texted CI-2 that he was just waiting on his methamphetamine source to drive from Houma to New Orleans. CI-2 and **GIANDALONE** agreed to meet at CI-2's residence later that evening. Through GPS monitoring on **GIANDALONE**'s phone, agents were able to track movements of **GIANDALONE** that day and night. At approximately 9:30 pm, **GIANDALONE** texted CI-2, "Its arriving to me now, it will be at your house by 10pm so sorry for the delay." At approximately 9:35pm, surveillance agents tracking **GIANDALONE**'s movements located **GIANDALONE** inside of a maroon Toyota Tundra, bearing Louisiana license plate Y263404. The truck was registered to Jacob HIGGINBOTHAM. The GPS location of **GIANDALONE**'s cellular phone confirmed **GIANDALONE** was in the truck and heading towards CI-2's residence.

At approximately 9:57 pm, Louisiana State Police (“LSP”) Troopers conducted a traffic stop of the truck after noticing that the driver, HIGGINBOTHAM, was not wearing his seat belt. As Troopers spoke with HIGGINBOTHAM in the driver’s seat, they detected the odor of burnt marijuana on HIGGINBOTHAM’s person. Troopers also noticed that HIGGINBOTHAM appeared nervous. A Trooper decided to pat down HIGGINBOTHAM for weapons, place him in handcuffs, and verbally advise him of his Miranda Rights. The Trooper asked HIGGINBOTHAM for consent to search his vehicle, but HIGGINBOTHAM refused. The Trooper placed HIGGINBOTHAM in the rear of his unit.

Troopers then approached the Toyota. The truck was occupied by two passengers. The front passenger was identified as Skyler Gibson, and the rear right passenger was identified as **GIANDALONE**. Both men were advised of their Miranda Rights. Because HIGGINBOTHAM refused consent to search, Trooper Shane Tilford and his K9 “Rex” arrived on scene. Trooper Tilford deployed Rex to conduct a free air sniff of the exterior of the vehicle. Rex gave a positive response to the presence of narcotics. Trooper Tilford searched the truck and located a clear plastic bag containing approximately 284 grams of methamphetamine under the rear left seat, inside of a small built-in storage compartment under the seat. **GIANDALONE** was aware of the methamphetamine in the truck and knowingly possessed it with intent to distribute. Troopers also located a clear plastic bag containing approximately 3.3 grams of marijuana in the center console of the vehicle, as well as a digital scale on the front-center floor board.

All three men were placed under arrest. The men were read Miranda rights and each refused to provide a statement. The men were subsequently charged in Orleans Parish and released on bond.

On April 7, 2017, Louisiana State Trooper Bosworth, working undercover in the French Quarter, met MELANCON in front of the Corner Pocket. MELANCON told UC Bosworth that he could provide “Tina,” slang for methamphetamine. MELANCON stated that he had a dealer who lived across the street from the Corner Pocket who obtained his methamphetamine from Houma. UC Bosworth and MELANCON exchanged phone numbers. Later that night, UC Bosworth texted MELANCON and asked if he was able to provide methamphetamine that night. MELANCON agreed and told UC Bosworth to meet him at the Double Play bar at St. Louis and Dauphine in the French Quarter. Surveillance teams went to the bar and observed MELANCON asleep with his head on the bar. UC Bosworth attempted to contact MELANCON multiple times by phone, but MELANCON did not wake up. Later that night, MELANCON contacted UC Bosworth and they agreed to revisit the sale the following day.

On April 8, 2017, UC Bosworth contacted MELANCON at the same phone number. MELANCON agreed to sell UC Bosworth slightly more than a gram of methamphetamine for \$80. Before meeting with UC Bosworth and undercover State Trooper David Lacroix, surveillance agents saw MELANCON meet with **GIANDALONE** in the 400 block of Burgundy Street (same block as the Corner Pocket bar). After meeting with **GIANDALONE**, at approximately 11:00 PM, MELANCON entered UC Bosworth’s car, which was parked next to Corner Pocket. UC Bosworth began driving around the block. In the car, MELANCON exchanged approximately one gram of actual methamphetamine in exchange for \$80. UC Bosworth dropped MELANCON back in front of the Corner Pocket after making the buy. The one gram of methamphetamine that MELANCON sold to UC Bosworth had been supplied to MELANCON by **GIANDALONE**.

On April 11, 2017, UC Bosworth and UC TFC R. Brue arranged to meet with MELANCON for purposes of purchasing additional methamphetamine. MELANCON entered

UC Bosworth's truck in front of the Corner Pocket bar and directed UC Bosworth to drive to a residence located at 1651 North Villere Street, near St. Bernard Avenue. MELANCON exited the truck, entered a side gate toward the rear of the residence, and then returned to the truck. MELANCON handed UC Bosworth a bag containing approximately 1.3 grams of a mixture containing methamphetamine in exchange for \$120. UC Bosworth dropped MELANCON back in front of the Corner Pocket.

On April 12, 2017, UC Bosworth and UC Lacroix arranged to meet with MELANCON for purposes of purchasing additional methamphetamine. MELANCON entered UC Bosworth's truck in front of the Corner Pocket. MELANCON stated that his source, **GIANDALONE**, was having his hair cut on Esplanade Avenue and would be returning in 20 minutes. Around the same time, surveillance agents saw **GIANDALONE** walking in the vicinity of Esplanade Avenue. While waiting, MELANCON told the UCs that his source was "Pete" (**GIANDALONE**'s first name) and that he wanted to introduce his source to the UCs so that he did not have to be a middle man. MELANCON acknowledged that the source from the April 11 drug sale (on North Villere Street) was "Bennett," a different source than Pete. A short time later, **GIANDALONE** walked past the UCs' truck and MELANCON pointed out to the UCs that **GIANDALONE** was his source. MELANCON exited the truck, had a short conversation with **GIANDALONE**, then reentered the truck. The UCs then gave MELANCON \$350. MELANCON exited the truck again and walked with **GIANDALONE** (carrying a book bag) into the Corner Pocket bar. Moments later, MELANCON came back to the truck and handed the UCs two bags containing a total of 7.1 grams of a mixture containing methamphetamine. This mixture of 7.1 grams contained approximately 99% actual methamphetamine.

On May 3, 2017, agents contacted MELANCON to arrange another controlled drug purchase of methamphetamine. UC Bosworth and UC McKay requested to purchase one-quarter ounce of methamphetamine from MELANCON. The UCs were parked in the vicinity of Corner Pocket. MELANCON stated that he was unavailable, but provided **GIANDALONE's** phone number and told the UCs to call **GIANDALONE** directly. A short time later, **GIANDALONE** knocked on the door of the UCs' truck and asked, "Y'all with Paul [MELANCON]?" When the UCs confirmed that they were, **GIANDALONE** entered the truck. **GIANDALONE** apologized that he could not provide a quarter-ounce as requested, but offered the UCs an eight-ball of what he described as "super meth" for \$250. The UCs paid \$250 in exchange for approximately 3.4 grams of a mixture containing methamphetamine. This mixture of 3.4 grams contained approximately 99% actual methamphetamine. Before departing, the UCs asked whether they could buy an ounce from **GIANDALONE** and have **GIANDALONE** mail the ounce to an address in Mississippi. **GIANDALONE** stated that he would look into it.

The agents then obtained arrest warrants for **GIANDALONE** and MELANCON. On May 23, 2017, UCs contacted **GIANDALONE** about purchasing a half-ounce of methamphetamine for \$700. The UCs went to the Three Legged Dog bar, located at Conti and Burgundy Street in the French Quarter, and parked outside. **GIANDALONE** exited the bar, and as he was walking to the truck to meet with the UCs, law enforcement took him into custody. **GIANDALONE** was carrying a small blue bag, which was searched at the time of arrest. Agents recovered seven small packages of methamphetamine, containing a total of 20.6 grams of a mixture containing methamphetamine. This mixture of 20.6 grams contained approximately 96% actual methamphetamine.

At the time of his arrest, **GIANDALONE** admitted that he possessed several eight-balls of methamphetamine, several bags of marijuana, and some pills in his apartment located at 425 Burgundy Street, Apartment 3. **GIANDALONE** signed a written consent form authorizing troopers to seize the narcotics from a safe in his residence. Agents did, in fact, remove twelve bags of marijuana, two small bags containing green and white pills, and seven bags containing a total of approximately 8.2 grams of a mixture containing methamphetamine. This mixture of 8.2 grams contained approximately 95% actual methamphetamine. **GIANDALONE** was booked in Orleans Parish and issued a bond.

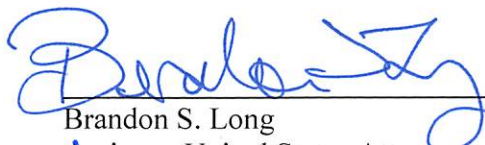
On July 18, 2017, agents were conducting surveillance in the French Quarter and saw **GIANDALONE** enter a silver Honda Civic. Agents radioed to LSP Trooper Lawrence Williams, who was working in the area. Trooper Williams began following the Civic and observed the Civic not yield the right of way to a turning vehicle. Trooper Williams attempted to initiate a traffic stop at the corner of St. Louis and Royal Street. The driver passed several safe locations and eventually came to a stop two blocks from the corner of Conti and Chartres Streets. Trooper Williams approached the driver, identified as Aldo Urias; the passenger was **GIANDALONE**. Both men appeared nervous. Trooper Williams asked Urias for consent to search the car, and Urias signed a consent to search form. While searching the car, Trooper Williams found two small, brown envelopes in the passenger-side door. Located inside the envelopes were two plastic bags containing a total of 3.7 grams of a mixture containing methamphetamine. **GIANDALONE** knowingly possessed the methamphetamine that was recovered from the car.

GIANDALONE and the government stipulate for the purposes of sentencing that **GIANDALONE** was responsible for between 150 grams and 500 grams of actual


methamphetamine, through **GIANDALONE'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 **GIANDALONE's** plea of guilty to the charged offense.


Brandon S. Long
Assistant United States Attorney

7/9/18
(Date)


Aris W. Cox, IV
Counsel for Defendant Peter Giandalone

7-9-18
(Date)


Peter Giandalone
Defendant

7-9-18
(Date)