

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

UNITED STATES OF AMERICA	*	CRIMINAL NO: 17-193
v.	*	SECTION: "E"
DELIO ALFREDO LOPEZ-LOPEZ	*	
	* * *	

FACTUAL BASIS

The above-named defendant, **DELIO ALFREDO LOPEZ-LOPEZ** ("**LOPEZ-LOPEZ**"), has agreed to plead guilty to Count 1 and Count 22 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.

LOPEZ-LOPEZ acknowledges that, during the time frame of this conspiracy, he worked together with his wife, Lindsey LOPEZ, to distribute quantities of methamphetamine to CLINES and others. **LOPEZ-LOPEZ** acknowledges that he received quantities of methamphetamine from Carlos Mario Cantu-Cox, Christopher Cantu-Cox, and others. During the time frame of the

conspiracy, the Cantu-Coxes sent large quantities of methamphetamine on a Greyhound bus from Houston, where they lived, to New Orleans. Text messages downloaded from the Cantu-Coxes phones, along with witness statements, prove that LOPEZ and **LOPEZ-LOPEZ** assisted the Cantu-Coxes by picking up the packages from the Greyhound station in New Orleans and distributing the product in the New Orleans area. LOPEZ and **LOPEZ-LOPEZ** also received smaller quantities of methamphetamine from the Cantu-Coxes, which they distributed. **LOPEZ-LOPEZ** acknowledges that he knew the scope of the conspiracy involved 500 grams or more of a mixture containing methamphetamine.

On July 31, 2017, United States Postal Inspection Service (USPIS) and Louisiana State Police (LSP) arranged the purchase of one ounce of methamphetamine through CI-4 from Lindsey LOPEZ. During the purchase, CI-4 was provided \$800 in drug-buy money and outfitted with an audio recording device. Agents watched LOPEZ arrive at CI-4's residence in a blue Ford F-150 truck, bearing Louisiana license plate Y147573. LOPEZ exited the driver's side of the truck, entered the address, and then left a short time later. During their meeting, CI-4 had given LOPEZ the \$800.

Surveillance agents then followed LOPEZ to New Orleans East, where she parked in the parking lot of New Orleans Hamburger and Seafood located at 12000 I-10 Service Road, New Orleans. A short time later, a silver hatchback Toyota, a rental vehicle bearing Kansas license plate 947JWM, pulled up next to LOPEZ's truck in the parking lot. A female, one of LOPEZ's methamphetamine sources, exited the Toyota and opened the passenger-side door of LOPEZ's truck. The female stood outside the truck and appeared to engage in a hand-to-hand exchange with LOPEZ. The female then entered her car, and both vehicles exited the parking lot.

Surveillance units followed LOPEZ back to CI-4's residence, where she delivered approximately 25 grams of a mixture containing methamphetamine to CI-4. The mixture of 25 grams was approximately 100% actual methamphetamine. Surveillance agents then followed LOPEZ to 103 Metairie Court, Metairie, LA 70001, where she lived with her husband, **LOPEZ-LOPEZ**.

On August 17, 2017, agents met with CI-4 again in order to arrange the controlled purchase of an ounce of methamphetamine from **LOPEZ-LOPEZ** for \$800. During conversations with CI-4 setting up the deal, **LOPEZ-LOPEZ** stated that his associate "Arthur" would pick up the money from CI-4. That day, a male, driving the same blue Ford-F-150 truck that Lindsey LOPEZ had been driving on July 31, 2017, arrived at CI-4's residence to pick up the money. The male, later identified as Arthur D'Herete, was observed by surveillance units entering CI-4's residence and exiting a short time later, getting back into the Ford F-150 and leaving the area. CI-4 confirmed that he/she had provided D'Herete with \$800 of drug-buy money.

Agents attempted to conduct surveillance of the truck, but lost the truck in traffic. Surveillance units went to 103 Metairie Ct., **LOPEZ-LOPEZ**'s address, in hopes that the truck might return to the residence. Approximately 45 minutes later, surveillance agents saw the Ford F-150 return to 103 Metairie Ct., and D'Herete enter the residence. D'Herete then exited the residence and departed in the truck again. Surveillance units followed D'Herete to the West Bank of New Orleans, where he picked up **LOPEZ-LOPEZ**, who had been working at a construction site. A short time later, D'Herete and **LOPEZ-LOPEZ**, who was now driving the truck, departed the construction site and traveled to a residence on St. Thomas Street in Uptown New Orleans. **LOPEZ-LOPEZ** went inside the residence. A short time later, **LOPEZ-LOPEZ** exited the

residence, and the men began driving on Felicity Street toward CI-4's residence with no headlights on.

Law enforcement decided to conduct a traffic stop of the truck near Napoleon Avenue and St. Charles Avenue. **LOPEZ-LOPEZ** was driving the truck and D'Herete was the front-seat passenger. At the initiation of the stop, **LOPEZ-LOPEZ** stated that he did not have a license, but did have his passport. Due to the fact **LOPEZ-LOPEZ** did not have a license, Trooper Uhle requested **LOPEZ-LOPEZ** exit the vehicle. Trooper Williams spoke with D'Herete and also asked him to exit the truck. Both subjects stated they had recently left work and were on their way home.

Trooper Uhle asked if there was anything in the vehicle, and both subjects stated there was only tools and work items. Trooper Uhle requested permission to search the vehicle. **LOPEZ-LOPEZ** gave verbal consent. Trooper Ostarly, who had arrived at the scene, was standing next to **LOPEZ-LOPEZ**. As Troopers began their search, **LOPEZ-LOPEZ** told Trooper Ostarly, "I'm sorry," then began to flee on foot. Trooper Ostarly gave chase, shouted loud verbal commands to stop, and successfully deployed his taser on **LOPEZ-LOPEZ**. **LOPEZ-LOPEZ** was subsequently arrested.

Troopers continued their search of the truck and recovered two clear plastic bags containing approximately 31.35 grams of methamphetamine in a compartment on a battery charger/radio tool in the back seat of the vehicle. Troopers also seized multiple clear glass pipes with burnt residue in a black duffle bag on the back seat. Next to the pipe was a Glock 9mm Model-17, SN-EMV697. The Glock 9mm was a firearm designed to expel a projectile by means of an explosive. The Glock 9mm was possessed in and affected interstate commerce, having been shipped in interstate and foreign commerce. Troopers also recovered a WD-40 can with a false bottom, which contained

a clear plastic bag with a small amount of methamphetamine. **LOPEZ-LOPEZ** knowingly possessed the items that were recovered from the truck.

At the time of his arrest on August 17, 2017, **LOPEZ-LOPEZ** was a citizen and national of Honduras, present in the United States without inspection, in violation of Section 212 of the Immigration and Nationality Act. **LOPEZ-LOPEZ** had been previously removed from the United States on April 12, 2007. **LOPEZ-LOPEZ** was an alien present in the United States illegally and unlawfully.

LOPEZ-LOPEZ and the government stipulate for the purposes of sentencing that **LOPEZ-LOPEZ** was responsible for between 50 grams and 150 grams of actual methamphetamine, through **LOPEZ-LOPEZ's** own conduct and the reasonably foreseeable conduct of his co-conspirators.

Limited Nature of Factual Basis

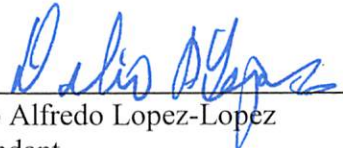
This proffer of evidence is not intended to constitute a complete statement of all facts, but rather is a minimum statement of facts intended to prove the necessary factual predicate for the guilty plea. The limited purpose of this proffer is to demonstrate that there exists a sufficient legal basis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

 7/10/18

Brandon S. Long (Date)
Assistant United States Attorney

 7/10/2018

Bruce G. Whittaker (Date)
Counsel for Defendant Delio Alfredo Lopez-Lopez

 7/10/2018

Delio Alfredo Lopez-Lopez (Date)
Defendant