

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

UNITED STATES OF AMERICA * **CRIMINAL NO. 16-046**

v. * **SECTION: "J"**

JARVIS HARDY *

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* * *

FACTUAL BASIS

The defendant, **JARVIS HARDY**, has agreed to plead guilty as charged to Counts One, Two, Three, Four, Five, Seven and Eight of the nine-count superseding indictment. Count One charges the defendant with conspiring to distribute and to possess with the intent to distribute 280 grams or more of a mixture/substance containing a detectable amount of cocaine base in violation of 21 U.S.C. § 846, 21 U.S.C. § 841(a)(1), and 21 U.S.C. § 841(b)(1)(A). Counts Two through Five each charge the defendant with distribution of a quantity of cocaine base in violation of Title 21, United States Code, Sections 841(a)(1) and (b)(1)(C). Count Seven charges the defendant with the discharge of a firearm in furtherance of a crime of violence and a drug trafficking crime, in violation of Title 18, United States Code, Section 924(c). Count Eight charges the defendant with possession with the intent to distribute twenty-eight grams or more of cocaine base in violation of Title 21, United States Code, Section 841(a)(1) and (b)(1)(B).

Should this matter have gone to trial, the government would have proven, through the

introduction of competent testimony and other admissible evidence, the following facts, beyond a reasonable doubt, to support the allegations in the indictment now pending against the defendant, all occurring in the Eastern District of Louisiana:

Starting no later than January 2015 and continuing until his arrest, the defendant, Jarvis **HARDY**, distributed crack cocaine virtually every day throughout the streets of New Orleans to those who lived in the City and in its surrounding metropolitan area. **HARDY** sold to numerous customers, often several times a day. He served crack cocaine from his house at 5300 Douglas Street, where foot traffic was heavy and raised the suspicions of his neighbors and the concerns of his crack-addicted mother. Additionally, **HARDY** served crack cocaine from his BMW throughout the streets of New Orleans, and specifically in the Lower 9th Ward of New Orleans, where people could easily travel from other areas of New Orleans and from St. Bernard Parish. The above evidence would be provided by witness testimony, including from individuals who often purchased crack cocaine from **HARDY**, financial records, telephone records, and surveillance conducted by law enforcement.

A government witness would testify that on occasion, **HARDY** would package his crack cocaine product at a customer's house, breaking down approximately an ounce quantity into 48 or so separate ½ gram bags ready for distribution. **HARDY** distributed not only to crack cocaine addicts, but to other sellers, who would further sell his product throughout the streets of New Orleans. When **HARDY** was low on his supply or out of his product, he would "re-up" with one of his source of supplies. **HARDY** would meet his primary source either at his house, 5300 Douglas Street, or elsewhere, such as the Truck Stop on Elysian Fields. **HARDY** eventually learned how to manufacture his product, crack cocaine, from powder cocaine, and would do so in

his home at 5300 Douglas Street after he purchased and received a new order from his source. This evidence would be established by witness testimony from associates of **HARDY** and customers, recordings of **HARDY**, and telephone records.

Because of his daily drug trafficking activities, **HARDY** landed on the radar of the Drug Enforcement Administration (“DEA”), an agency tasked with reducing drug-related crimes in the New Orleans area. In its attempt to tackle drug related crimes in New Orleans, DEA opened an investigation into **HARDY**. As a part of that investigation, DEA made four separate controlled buys of $\frac{1}{4}$ and $\frac{1}{2}$ ounce quantities of crack cocaine from **HARDY** over an approximate ten-month timespan, evidencing his continued and consistent drug trafficking activities.

The first controlled purchase occurred on March 6, 2015, when a confidential source (“CS”) purchased $\frac{1}{2}$ ounce of crack cocaine from **HARDY**, who was located at his house, 5300 Douglas Street. The second controlled purchase occurred on June 4, 2015, when the CS wanted to purchase another $\frac{1}{2}$ ounce, but **HARDY** stated he could only serve a $\frac{1}{4}$ ounce at the time. The CS again met **HARDY** at his house, 5300 Douglas Street, and purchased a $\frac{1}{4}$ ounce of crack cocaine from him. On October 27, 2015, the CS purchased another $\frac{1}{4}$ ounce of crack cocaine from **HARDY** at the corner of Caffin Avenue and Royal Street, after which **HARDY** returned to his house at 5300 Douglas Street. The final controlled purchase happened on January 20, 2016, when the CS bought a $\frac{1}{4}$ ounce of crack cocaine from **HARDY** at Reynes Street and the Mississippi River, just blocks from his house. All of the controlled purchases were video and audio recorded and agents conducted surveillance during each purchase. The drugs purchased tested positive for cocaine base.

On December 15, 2015, DEA special agents and various task force officers conducted

surveillance on the defendant and initiated a takedown on two of defendant's buyers, who had just been seen purchasing crack cocaine from **HARDY**. New Orleans Police Department Detective Norbert Carroll obtained an arrest warrant for the defendant on January 22, 2016 based on this incident. Additionally, on that same date, Detective Carroll obtained a search warrant for 5300 Douglas Street based on the controlled buy that occurred on January 20, 2016, during which DEA SA Palmer and TFO Roger saw the defendant leave his house on Douglas Street and proceed directly to the meeting spot with the CS to provide him with a ¼ ounce of crack cocaine.

In the early morning hours of January 26, 2016, a team of law enforcement officers, led by DEA, gathered to prepare for the execution of **HARDY**'s arrest warrant. At trial, the Government would present witness testimony that would show shortly after 6:00 a.m., DEA TFO Stephen Arnold and several other agents and task force officers knocked and announced their presence and intention to execute the search warrant at 5300 Douglas Street. After a period of time transpired with no one answering the door, a battering ram was used to make entry into the residence. Several strikes of the ram were required to breach the door. Witness testimony presented by the Government would show that both before and after entry into the house, the officers were yelling "police." Jarvis **HARDY**'s bedroom, where he was at the time, had a window that faced the porch where the officers had formed to make entry into the house. TFO Arnold led the entry team into the residence. As TFO Arnold led the team through the house and approached the bedroom area from the kitchen, **HARDY** fired his Smith and Wesson Model SW40VE, .40 caliber pistol, serial number DVB4809, three times at Stephen Arnold from a few feet away, striking Arnold twice in the neck and arm. TFO Russ returned fire through the wall in **HARDY**'s direction but did not strike anyone. TFO Arnold was removed from the residence

and immediately administered aid.

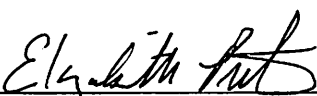
In his home on Douglas Street, **HARDY** had approximately 1 ½ ounces of crack cocaine, which later tested positive for cocaine base, and \$985 in a safe in his bedroom, as well as instruments consistent with the conversion of cocaine hydrochloride to cocaine base, such as a crock pot. **HARDY** also had a razor blades, a grinder, a mixer, and a digital scale. **HARDY** additionally possessed two firearms, one of which he used to shoot TFO Arnold, and one which he kept near the safe with his cash and crack cocaine. **HARDY**'s firearms were a Smith and Wesson Model SW40VE, .40 caliber pistol, serial number DVB4809, and a Ruger Model P95, 9mm pistol, serial number 318-62450. By pleading guilty to these counts and agreeing to these facts, **HARDY** admits that he possessed two firearms and discharged his .40 caliber pistol in furtherance of his drug trafficking activities.

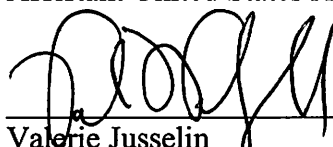
Following the shooting, the defendant's mother, Gail Hardy, gave a recorded statement in which she said that she saw and heard it was the police at the front door. Ms. Hardy explained that she then ran into her son's bedroom, told him that the police were at the house, hid in the corner, covered her head, and then heard gunshots. She said her son, the defendant, is a drug dealer, and she knew the police were at her house because of her son. She also knew the defendant had a gun and had it for protection because he is a drug dealer.

Stephen C. Arnold was a Jefferson Parish Sheriff's Detective and was a deputized Drug Enforcement Administration Task Force Officer with the Drug Enforcement Administration New Orleans, Louisiana Field Office on January 26, 2016. When DEA TFO Arnold was executing an arrest warrant and search warrant for **HARDY** and his home on January 26, 2016, DEA TFO Arnold was engaged in the performance of his official duties.

Although Stephen Arnold survived the shooting, he remains completely incapacitated and receives 24 hour care in an assisted facility.

HARDY and the Government stipulate for sentencing purposes that **HARDY** is responsible for at least 280 grams of cocaine base and no more than 840 grams of cocaine base for his involvement in the drug conspiracy.

 8/6/18
Elizabeth Privitera Date
Assistant United States Attorney

 8-6-18
Valerie Jusselin Date
Attorney for DEFENDANT

 8-6-18
Jarvis Hardy Date
Defendant