

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

UNITED STATES OF AMERICA

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CRIMINAL NO. 15-277

v.

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SECTION: "L"

TERRANCE MORGAN

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FACTUAL BASIS

Should this matter proceed to trial, the United States would prove beyond a reasonable doubt, through credible testimony and reliable evidence, the foregoing facts. Unless stated otherwise, the following acts occurred within the jurisdiction of the Eastern District of Louisiana.

On or about June 10, 2014, New Orleans Police Department ("NOPD") officers observed I.T. driving a vehicle. Officers were aware that I.T. had an outstanding arrest warrant. At the intersection of North Robertson Street and Iberville Street in New Orleans, officers stopped the vehicle due to I.T.'s warrant. **TERRANCE MORGAN** ("**MORGAN**") was a passenger in this vehicle. NOPD Officer Bryan Bissell ordered **MORGAN** and I.T. to turn off the vehicle and put their hands out of the windows. **MORGAN** and I.T. hesitated. I.T. moved the vehicle forward and to the left, as if attempting to flee, until he realized he was blocked in by three police vehicles. I.T. and **MORGAN** were observed to be moving their hands about the passenger compartment as if manipulating objects, and then complied with Officer Bissell's orders to place their hands outside of the windows. I.T. was instructed to exit the vehicle, at which point he attempted to flee on foot. After running 10-15 feet, I.T. was apprehended by Officer Bissell and arrested on an outstanding warrant.

While seated in the vehicle, **MORGAN** informed the NOPD officers that he had a firearm beneath him. The officers then ordered **MORGAN** to exit the vehicle. As **MORGAN** exited,

officers observed, beneath **MORGAN's** right thigh, a Glock model 17, 9 mm caliber semi-automatic pistol bearing serial number KZT623, with a 31-round capacity extended magazine with 22 live rounds. This firearm had been reported stolen approximately nine months earlier. Officers also observed another firearm in plain view on the driver's floorboard, and recovered a Springfield Armory XD-45ACP .45 caliber semi-automatic pistol bearing serial number US677136, with 12 live rounds.

The NOPD officers conducted a criminal history check, which showed that **MORGAN** had a felony conviction, so he was placed under arrest. The Glock handgun found under **MORGAN's** leg was manufactured in Austria. The Springfield Armory firearm found on the floorboard was manufactured in Croatia. Both firearms recovered on June 10, 2014 therefore traveled in and affected interstate or foreign commerce.

On or about November 22, 2014, NOPD Detectives Jeraire Bridges and Willard Pearson were patrolling near Sam Bonart Playground in New Orleans. The detectives observed several adult males and multiple parked vehicles in the closed playground area. As the marked NOPD vehicle circled the outer perimeter of the park, many of the individuals began to suspiciously make their way towards the exits of the park.

Detective Pearson pulled up to a playground exit in a marked police vehicle. Upon observing the police vehicle, **MORGAN** fled from the park on foot, clutching a bulging object tucked inside his front waistband. Detective Pearson exited the police vehicle and pursued **MORGAN** on foot. At one point, **MORGAN** attempted to hide behind a vehicle that was parked on the street. As Detective Pearson pursued him, **MORGAN** jumped over several fences to enter the rear yards of residences. During this foot chase, **MORGAN** threw a firearm into a rear yard on the 1200 block of Lizardi Street. **MORGAN** then re-entered the Sam Bonart Playground,



where he was apprehended by NOPD officers. The detectives canvassed the 1200 block of Lizardi. In a rear lot in the 1200 block of Lizardi Street, detectives located a loaded Glock Model 26 semi-automatic handgun bearing serial number WEP604, with an extended magazine containing 29 live rounds.

A criminal history check revealed that **MORGAN** had a prior felony conviction, so he was placed under arrest. The Glock handgun that **MORGAN** discarded on November 22, 2014 was manufactured in Austria. It therefore traveled in and affected interstate or foreign commerce.

On or about May 3, 2015, Louisiana State Police (“LSP”) Troopers Charles Robertson and Kevin Cefalu observed a hand-to-hand transaction between a pedestrian and a vehicle that was stopped on Loyola Avenue near Julia Street in New Orleans, Louisiana. As the troopers approached the vehicle, Trooper Robertson detected a strong odor of marijuana emanating from within the vehicle, and he observed the passengers making suspicious movements. The occupants of the vehicle were **MORGAN**, Nolan Cason, a/k/a “Tweet (“Cason”), and Quinton Cooks a/k/a Quentin Cooks, a/k/a “Q” (“Cooks”). **MORGAN** was seated in the front passenger seat. Cason was the driver of the vehicle. Cooks was seated behind Cason, in the rear seat on the driver’s side. The occupants of the vehicle were ordered to exit.

As **MORGAN** was exiting the vehicle, the troopers observed in plain view a plastic bag containing approximately 7.43 grams of marijuana between the front passenger seat and the passenger door. As Trooper Robertson was retrieving the marijuana, he saw a firearm protruding from underneath the front right passenger seat where **MORGAN** was seated. Trooper Robertson retrieved this firearm, which was a Glock Model 26, 9mm caliber semi-automatic handgun, serial number NCK878 with a 50-round magazine containing 22 live 9mm bullets. The troopers searched the vehicle. Located under the driver’s seat, the troopers found a Glock Model 19, 9mm



caliber semi-automatic handgun, serial number YCS403, with a 30-round magazine containing 24 live 9mm rounds. A criminal history check of **MORGAN** revealed that he had a prior felony conviction, so he was placed under arrest.

Both Glock handguns recovered on May 3, 2015 were manufactured in Austria. Therefore, these firearms traveled in and affected interstate commerce. The troopers subsequently conducted a presumptive field test on the suspected marijuana, and observed a positive reaction for the presence of marijuana.

On or about January 13, 2017, agents of the Drug Enforcement Agency (“DEA”) and officers of the NOPD received a tip that possible drug activity was occurring on the fourth floor of the Stay Express Inn, located at 12340 South I-10 Service Road in New Orleans. Law enforcement officers were aware that this was a high crime area. DEA agents and NOPD officers went to investigate the fourth floor of this motel, and smelled an ambient odor of marijuana and smoke. Law enforcement officers observed KENDALL CELESTINE walk out of room 437. Law enforcement officers approached CELESTINE, who confirmed that he had just walked out of room 437. Officers observed that CELESTINE appeared to be under the influence of a controlled substance.

Law enforcement officers then observed **MORGAN** exit hotel room 437. At this time, **MORGAN** had outstanding state and federal arrest warrants, including a federal warrant for a grand jury indictment in the above-captioned case. When law enforcement attempted to question **MORGAN**, he fled on foot. Moments later, DEA agents apprehended **MORGAN** in the motel stairwell at the third floor, and walked him back to the fourth floor of the motel. **MORGAN** and CELESTINE were handcuffed for the officers’ safety. During a *Terry* pat down of **MORGAN**’s person for officers’ safety, DEA Agent Michael Baldwin located, by **MORGAN**’s ankle, a loaded



Glock Model 23, .40 caliber handgun, bearing serial number ABKC311.

After seizing the firearm from **MORGAN**, DEA Agents knocked on the door to room 437. T.S. opened the door. Law enforcement officers entered the room, handcuffed T.S. for officers' safety, and conducted a pat down of T.S.'s person for officers' safety. Law enforcement officers found no contraband on T.S.

DEA agents obtained written authorization from **MORGAN** and CELESTINE to conduct a consensual search of hotel room 437. T.S. denied any interest in the room. During the consensual search of the room, law enforcement located, in or near a closet: one loaded Smith & Wesson Model SD40VE .40 caliber semi-automatic handgun bearing serial number HEP7460; one plastic bag containing nine colored tablets or capsules and 24 smaller plastic bags, each containing an off-white powdery substance; two digital scales; a blender; and a bottle of Superior Mannitol. These items were located in close proximity to each other. Law enforcement also located one loaded Smith & Wesson Model SW40VE .40 caliber semi-automatic handgun bearing serial number DUK0195 in a freezer, and one plastic bag containing approximately 28 grams of an off-white powdery substance under a mattress. A criminal history check revealed that **MORGAN** had a prior felony conviction and outstanding warrants, so he was placed under arrest.

If this case went to trial, law enforcement agents would testify that, in their training and experience, Superior Mannitol is a cutting agent for heroin, blenders are commonly used to mix drugs with a cutting agent for sale, and scales are routinely used by drug dealers to weigh drugs. Agents would also testify that the packaging and amounts of the drugs that were seized are consistent with distribution and not personal use.

The Glock firearm that was seized on January 13, 2017 was manufactured in Austria. The two Smith & Wesson firearms that were seized on January 13, 2017 were manufactured in

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Massachusetts. All three firearms therefore traveled in and affected interstate or foreign commerce.

Subsequently, a DEA laboratory conducted chemical analysis reports on the substances that were seized from the hotel room. The reports concluded that the following drugs were seized: approximately seven amphetamine tablets or capsules and approximately 34 grams of 3,4-Dichloro-N-[2-(dimethylamino) cyclohexyl]-N-methylbenzamide, also known as U-47700. A DEA scientist from the Drug and Chemical Evaluation Section would testify that U-47700 compares to morphine pharmacologically.

Surveillance footage from the Stay Express Inn depicts **MORGAN** paying for the motel room in cash on approximately a daily basis for about two weeks prior to January 13, 2017. Motel personnel would testify that **MORGAN** was the individual who had rented out room 437 as of January 13, 2017.

When **MORGAN** was arrested at the Stay Express Inn on January 13, 2017, he left behind a telephone with telephone number 504-205-5264. If this case went to trial, witnesses would testify that they contacted 504-205-5264 in order to purchase heroin, and that multiple people would answer that telephone number. Witnesses would testify that **MORGAN** was sometimes the individual who answered telephone number 504-205-5264 and told them where to meet to buy heroin. Witnesses would testify that, after setting up a place to meet to purchase narcotics, **MORGAN** and/or others would arrive at the agreed-upon location with heroin. Some of these narcotics transactions occurred at the Stay Express Inn and other motels. Witnesses would further testify that, when purchasing heroin from **MORGAN** at motels and other locations, they sometimes observed **MORGAN** in possession of a firearm.

On January 13, 2017, after **MORGAN** was arrested, RICHARD GREEN returned to the



Stay Express Inn and retrieved **MORGAN's** phone. Surveillance footage from the Stay Express Inn captured GREEN's return to the hotel, and employees would testify that they allowed him to return to **MORGAN's** room. Witnesses would testify that that **MORGAN's** co-conspirators continued to use 504-205-5264 to sell heroin after **MORGAN's** arrest.

At the time that he possessed the firearms described herein, **MORGAN** was a convicted felon, having been convicted of a crime punishable by imprisonment for a term exceeding than one year, to wit: a conviction on March 14, 2013, in Case Number 514-572, in the 22nd Judicial District Court, State of Louisiana, for attempted unauthorized entry of an inhabited dwelling, in violation of La. R.S. § 14:(27)62.3.

By pleading guilty to these charges, **TERRANCE MORGAN** admits that he knowingly possessed firearms on June 10, 2014, November 22, 2014, May 3, 2015, and January 13, 2017, all after he was convicted of a felony punishable by a term of imprisonment exceeding one year. **MORGAN** admits that the firearms that he possessed had previously been transported through interstate or foreign commerce. **MORGAN** admits that, on or about January 13, 2017, he knowingly used or carried a firearm during and in relation to a drug trafficking crime. **MORGAN** admits that, from at least June 2014 until January 13, 2017, he conspired with others to possess firearms in furtherance of a conspiracy to distribute heroin.

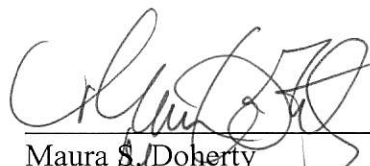

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Limited Nature of Factual Basis


This proffer of evidence is not intended to constitute a complete statement of all facts known by **MORGAN** and described by **MORGAN** to the government, 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 **MORGAN'S** plea of guilty to the Counts Two through Eight of the Seventh Superseding Indictment.

 9/27/18

Maria M. Carboni (Date)
Assistant United States Attorney

 9/27/18

Maura S. Doherty (Date)
Counsel for Defendant

 9/27/18

Terrance Morgan (Date)
Defendant