

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

U.S. DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA
FILED NOV 8 2018
WILLIAM W. BLEVINS
CLERK

UNITED STATES OF AMERICA * CRIMINAL NO. 15-277
v. * SECTION: "L"
MARVIN ARMSTRONG *
a/k/a "Slim" *
* * *

FACTUAL BASIS

The above-named defendant, **MARVIN ARMSTRONG** a/k/a "**Slim**," has agreed to plead guilty to Count One of the Seventh Superseding Indictment (the "Indictment"), in which he is charged with conspiracy to distribute and possess with the intent to distribute a quantity of a mixture or substance containing a detectable amount of heroin, and Count Twenty-Two of the Indictment, in which he is charged with distribution of a quantity of a mixture or substance containing a detectable amount of heroin. Should this matter have proceeded to trial, the United States of America would have proven beyond a reasonable doubt, through the introduction of relevant, competent, and admissible testimonial, physical and demonstrative evidence, the following facts. Unless stated otherwise, these acts occurred in the Eastern District of Louisiana:

Special Agents from the Bureau of Alcohol, Tobacco, Firearms and Explosives ("ATF") have been conducting a long-term investigation into a conspiracy to distribute heroin in the New Orleans area. In the course of this investigation, ATF agents identified (504) 205-5264 as a telephone number that was shared by members of the heroin distribution conspiracy ("the Target Phone Number"). ATF identified the following individuals as being among the members of this conspiracy: **MARVIN ARMSTRONG** a/k/a "**Slim**," Patrick SCHEXNAYDER, a/k/a "**Pat**," a/k/a "**Red**," Eddie CELESTINE, a/k/a "**Ross**," (hereinafter "**CELESTINE**"), Richard GREEN,

mc
h
MA

a/k/a "Blue," a/k/a "Bam," Terrance MORGAN, Eric ROBINSON, Kendall CELESTINE, and others.

If this case went to trial, the Government would prove that an undercover officer ("UC") purchased suspected heroin from CELESTINE and GREEN by contacting the Target Phone Number on the following occasions: on or about April 20, 2017, the UC purchased approximately 1.2 grams; on or about May 17, 2017, the UC purchased approximately 2.8 grams; on or about June 27, 2017, the UC purchased approximately 3.7 grams; on or about July 11, 2017, the UC purchased approximately 7.4 grams; on or about August 3, 2017, the UC purchased approximately 7.2 grams; and on or about October 18, 2017, the UC purchased approximately 2 ounces. The substances purchased by the UC on these occasions field-tested positive for heroin.

On or about November 1, 2018, CELESTINE was shot and killed. Law enforcement recovered from the scene a cellular phone associated with the Target Phone Number. After CELESTINE's death, ARMSTRONG and SCHEXNAYDER agreed to reactivate the Target Phone Number on a different phone. On or about November 6, 2017 the Target Phone Number was reactivated. SCHEXNAYDER contacted customers on the Target Phone Number to notify them that the heroin business was back up and running.

On or about November 14, 2017, ARMSTRONG was released from state custody. ARMSTRONG and SCHEXNAYDER retrieved CELESTINE's remaining heroin stash after his death.

Results from a federal GPS warrant indicated that, after CELESTINE's death, the Target Phone Number was pinging in the vicinity of SCHEXNAYDER's residence on numerous occasions and in the vicinity of ARMSTRONG's residence on numerous occasions. On February 23, 2018, SCHEXNAYDER was arrested for being a felon in possession of a firearm.

UC
R
MA

SCHEXNAYDER did not have the Target Phone on him at the time of his arrest. After SCHEXNAYDER's arrest, the Target Phone Number continued to ping.

Between February 22, 2018 and February 28, 2018, the UC placed five recorded calls to the Target Phone Number to negotiate a purchase of six ounces of heroin for \$2,500 per ounce. Specifically, on February 22, 2018, the UC called the Target Phone Number. **ARMSTRONG** answered the phone and responded to the name "Ross." Witnesses would testify that "Ross" is a nickname for **CELESTINE**. On this call, **ARMSTRONG** agreed to meet on Wednesday to do "six on the boy" for "25 a piece." Agents would testify that "the boy" means heroin and that \$2,500 is the approximate cost for one ounce of heroin in New Orleans.

On February 27, 2018, while incarcerated on the felon in possession charges, SCHEXNAYDER called his mother from the Orleans Parish Prison. SCHEXNAYDER directed his mother to place a three-way call to "Marvin" on "504-205-5264," which is the Target Phone Number. On this call, SCHEXNAYDER asked **ARMSTRONG** if he was "good," and **ARMSTRONG** replied, "I can't move how I need to move." SCHEXNAYDER responded that he would tell "Mouse" to let **ARMSTRONG** use his truck. SCHEXNAYDER also told **ARMSTRONG** to tell Mouse that **ARMSTRONG** will "give it back to him." "Mouse" is a nickname for G.H., a drug addict who allowed members of this drug conspiracy to use his truck in exchange for heroin. Agents believe that, in this discussion, **ARMSTRONG** was saying that he needs a vehicle in which to conduct drug sales, and SCHEXNAYDER responded that Mouse would let **ARMSTRONG** use Mouse's truck in exchange for heroin.

On February 27, 2018, the UC called the Target Phone Number and spoke with **ARMSTRONG**, who agreed to do "six zips on the boy" the next day. Agents would testify that "zips" means "ounces."

CWC
MA

On February 28, 2018 at approximately 10:18 a.m., the UC spoke with **ARMSTRONG** on the Target Phone Number. During this call, **ARMSTRONG** stated that he was "on the move," and the UC should call him when the UC was in New Orleans East. On February 28, 2018 at approximately 10:37 a.m., **ARMSTRONG** directed the UC to meet at "the house." Agents would testify that, based on prior drug transactions and surveillance in this investigation, they were aware that "the house" referred to the Waffle House at 5801 Read Blvd., New Orleans, Louisiana.

On February 28, 2018 at approximately 10:58 a.m., the UC called **ARMSTRONG** and said that he was approximately ten minutes away. **ARMSTRONG** said that he would pull up next to the UC's white car at the Waffle House. **ARMSTRONG** said, "This ain't Red, who you were dealing with last time." Witnesses would testify that "Red" is a nickname used by **SCHEXNAYDER**. The UC responded, "Wait, this ain't Ross?" **ARMSTRONG** replied, "This his partner, son."

A few minutes later, **ARMSTRONG** called the UC over the Target Phone Number and said that he was about to be pulling up. **ARMSTRONG** stated that he would be driving a silver vehicle and would park next to the UC's vehicle, a white Hyundai with a license plate starting with "999." Agents had pre-positioned an empty white Hyundai in the parking lot, away from other vehicles.

At approximately 11:00 a.m., a silver Audi pulled into the Waffle House parking lot and parked next to the UC's vehicle. The sole occupant in the silver Audi was **ARMSTRONG**. **ARMSTRONG** called the UC after he parked. **ARMSTRONG** was on the phone with the UC when agents converged on the vehicle and arrested **ARMSTRONG**. Agents searched **ARMSTRONG** and found him in possession of two cell phones. To confirm that **ARMSTRONG** had been communicating with the UC, the UC called the Target Phone Number.

One of the phones found on **ARMSTRONG** rang. Law enforcement seized this phone and subsequently obtained a federal search warrant for its contents. This phone contained text messages from February 2018 that are indicative of drug activity.


Agents searched the interior of the silver Audi with the assistance of a Louisiana State Police narcotics canine. The canine alerted to the presence of drugs between the driver's seat and the door frame. Agents located a clear plastic wrapper containing several small packages of a tan powdery substance, suspected to be heroin. Agents subsequently performed a field test. The suspected drugs tested positive for heroin, and they weighed approximately 7.4 grams.

The Government and **ARMSTRONG** agree and stipulate for the purposes of sentencing that the Government could prove that **ARMSTRONG** was responsible for between 100 grams and 400 grams of heroin that was distributed during the course of the conspiracy as a result of his own direct conduct and the reasonably foreseeable conduct of his co-conspirators in furtherance of the conspiracy.

unc
MA

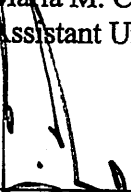
Limited Nature of Factual Basis

This proffer of evidence is not intended to constitute a complete statement of all facts in this matter. The limited purpose of this Factual Basis is to demonstrate that there exists a sufficient legal basis for ARMSTRONG's plea of guilty to the Indictment in the above-captioned case.



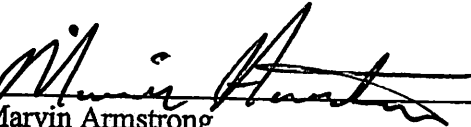
Maria M. Carboni
Assistant United States Attorney

11/8/18
(Date)



Aris Cox VI
Counsel for Marvin Armstrong

11-8-18
(Date)



Marvin Armstrong
Defendant

11-8-18
(Date)

WC
d
MA