

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

UNITED STATES OF AMERICA

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CRIMINAL NO: 16-068

v.

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SECTION: "R"

DONALD MARCELIN

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FACTUAL BASIS

FILED
U.S. DISTRICT COURT
EASTERN DISTRICT OF LA.
2018 NOV 14 P 12: 29
WILLIAM W. BLEVINS
CLERK

The above-named defendant, **DONALD MARCELIN** ("MARCELIN"), has agreed to plead guilty to Count One of the Superseding Indictment. Should this matter proceed to trial, the United States would prove beyond a reasonable doubt, through credible testimony, drug evidence, Title III wire and electronic interceptions, and other reliable evidence, the following facts. Unless stated otherwise, these acts occurred in the Eastern District of Louisiana:

During the timeframe of the conspiracy, **MARCELIN** conspired with Jonathan Lawrence, Brandon Hall, Aloysius Korieocha, Brian Maxson, Dwayne Labranch, Lance Stovall, Vonzo Magee, and others, to distribute 1 kilogram of heroin and a quantity of fentanyl throughout the New Orleans area. These individuals were members of a drug-trafficking organization that operated primarily in the Eastside Hollygrove neighborhood of New Orleans. Collectively, the group referred to their Eastside Hollygrove neighborhood as "The Zoo," a name derived from a popular rap song/video filmed in the neighborhood. **MARCELIN** worked closely with Lawrence, Korieocha, and others to distribute quantities of heroin to other drug dealers—such as Magee, Stovall, and Labranch—as well as drug users in and around the neighborhood.

Throughout its investigation, the lead case agents from the Federal Bureau of Investigation New Orleans Gang Task Force ("FBI NOGTF") and Drug Enforcement Administration ("DEA") conducted controlled purchases of heroin and fentanyl, and performed a number of drug seizures.

Most of the drugs obtained in the course of this investigation had been sold by the defendants as heroin, and determined to be heroin through lab analysis. However, throughout the investigation, agents would occasionally obtain user quantities of fentanyl, or a combination of fentanyl and heroin, through controlled purchases from the defendants.

In 2015, law enforcement efforts began to focus on Jonathan Lawrence as a significant distributor of narcotics in Eastside Hollygrove. Agents conducted multiple controlled purchases of heroin from Lawrence, each involving between one gram and seven grams of heroin. During one such controlled purchase, on December 15, 2015, Lawrence dispatched **MARCELIN** to serve the supposed drug customer. On that date, a confidential source (CS1) had called Lawrence and stated, "I need a ball." Through previous interactions with Lawrence, CS1 knew a "ball" was an eighth of an ounce of heroin. Lawrence responded, "A ball? Hey, call me people at that, um, number, 3-2-0." Through prior experience, CS1 knew that Lawrence was directing CS1 to **MARCELIN**. CS1 called **MARCELIN** directly and they agreed to meet behind "the van." Through prior experience, CS1 knew "the van" to be a meeting location in the area of Peach and Monroe Street in New Orleans. There, CS1 met **MARCELIN**, who exchanged approximately 2.63 grams of a compressed brownish powder for the controlled purchase money. The substance was lab tested and proven to be heroin.

Subsequent to the controlled purchases with Lawrence, agents executed two separate Title III wiretap warrants on Lawrence's phone. The first interception period was from February 18, 2016, through March 18, 2016. The second interception period was from April 14, 2016, through April 22, 2016. During both interception periods, law enforcement intercepted numerous phone calls and text messages between Lawrence and others in furtherance of their joint drug-trafficking organization.

The Title III evidence, combined with other evidence in the case, proved that **MARCELIN** was Lawrence's right-hand man in dealing with drug customers on behalf of and at the direction of Lawrence. The wire captured daily drug communications between Lawrence and **MARCELIN**. In these communications, Lawrence and **MARCELIN** worked together to serve drug customers. **MARCELIN** often served drug customers at Lawrence's request, and collected money from customers to provide back to Lawrence. **MARCELIN** and Lawrence shared stash locations, and **MARCELIN** would assist Lawrence in packaging drugs for resale.

MARCELIN sold heroin primarily along Airline Drive and in the Eastside Hollygrove neighborhood, specifically in the area of an abandoned carport on Peach Street near Hamilton Street where he would also keep a small stash of heroin. He drove a white utility van that he used to cut lawns and sell heroin. The van was purchased by Lawrence for **MARCELIN**. **MARCELIN** maintained a couple of his own customers in the neighborhood, but most of the customers were Lawrence's.

Here is a sampling of the relevant intercepted calls involving Lawrence, **MARCELIN**, and others:

- On March 18, 2016, in a typical exchange, Lawrence placed a call to an unidentified customer. During that call, Lawrence inquired, "What do you want to do, so that I could be ready, homie?" The unidentified man said, "I don't know, just like a little ball, I'm trying to test drive it." The unidentified man then asked, "What is the ticket going to be?" and Lawrence responded, "Two seventy five." The amount of \$275.00 is a common price for an eighth of an ounce of heroin, otherwise known as a "ball" or "eight-ball." Later in the conversation, Lawrence told the unidentified man that he was willing to sell, "Quarters for five, balls for two fifty, that's only if you fuck with me consistently, though." A "quarter" is approximately seven grams, or one-quarter ounce, of narcotics. Lawrence then said, "Imma put the ball in you hand, you heard me. I'm gonna give you the ball for two fifty, and let you go from there. Then you let me know where we go at from there." In the very next phone call, Lawrence called **MARCELIN** and instructed him, "Put me a ball together, I'm about to come through." **MARCELIN** responded, "Alright." **MARCELIN** then packaged an eighth of an ounce of heroin and provided it to Lawrence. Surveillance units observed a

subsequent meeting between Lawrence and two men, who were riding in a red Ford F-150, the type of vehicle described by the unknown man during his phone conversation with Lawrence.

- In another call on February 19, 2016, Lawrence called **MARCELIN** and asked, “Where you put the smack?” “Smack” is a common street term for heroin. **MARCELIN** responded that it was “in the drawer.”
- On April 15, 2016, in a phone call with a customer, the customer told Lawrence that he was “coming to get another one.” Lawrence told the customer to call “Snook,” one of the aliases for **MARCELIN**. In a subsequent call, Lawrence advised **MARCELIN** that the customer was about to meet with **MARCELIN**. Lawrence noted, “They want a ball. You got enough for them?”
- On April 17, 2016, Lawrence was in the hospital recovering from a gunshot wound to his hand sustained in the course of Lawrence’s attempt to shoot and kill Victim A. In an intercepted communication, **MARCELIN** called Lawrence and asked if he should talk to “Ball,” *i.e.*, Korieocha, about “rotating,” or if he should just be “on hold.” In a different conversation later in the day, **MARCELIN** reported back to Lawrence that Korieocha had given him “the whole thing.” **MARCELIN** also said that he gave Korieocha money “from the last ticket.” In these communications, **MARCELIN** was stating that, because Lawrence was in the hospital and unavailable to oversee his drug activities, **MARCELIN** was working with Korieocha to continue selling drugs in Lawrence’s absence.
- On April 20, 2016, in an intercepted communication, **MARCELIN** and Lawrence discussed selling eight-ball quantities of heroin to their customers. During the call, Lawrence stated that he received some “new shit from Ball (*i.e.*, Korieocha),” and asked **MARCELIN** “how much you got left” of the previous supply. In this call, Lawrence was stating that he received new heroin from Korieocha, and that he was intending to distribute the new heroin through **MARCELIN**.

Matthew Whitehead was a frequent heroin user and customer of Lawrence’s whom **MARCELIN** often served with heroin on Lawrence’s behalf. When he was seeking heroin, Whitehead typically called Lawrence’s phone number (504-410-6498) to place an order. On occasion, Whitehead called **MARCELIN** directly on **MARCELIN**’s phone number (504-320-7688). After he placed an order, either Lawrence or **MARCELIN** would drive to Whitehead’s residence near Lake Avenue and West Esplanade, Metairie, to hand-deliver the heroin. Any heroin that **MARCELIN** would have served to Whitehead would have been supplied by Lawrence.

On a small number of occasions, **MARCELIN** used Lawrence's cell phone to interact with customers on behalf of Lawrence. **MARCELIN** used Lawrence's phone only while in Lawrence's presence. Lawrence never allowed **MARCELIN** to take Lawrence's phone with him on a heroin delivery.

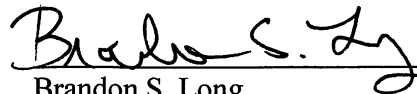
Whitehead died of a heroin overdose on April 2, 2016. Earlier that day, Whitehead's phone had been communicating with Lawrence's phone (504-410-6498). Whitehead received his last text from Lawrence's phone number at 3:12 pm, stating, "walk on side." Cell site analysis confirmed that Lawrence's phone was in the area of Whitehead's apartment at the time of that text message. Whitehead's mother found Whitehead dead in his apartment the following day. **MARCELIN** did not sell Whitehead heroin on the day that Whitehead overdosed.

On occasion, **MARCELIN** would sell heroin to Stovall, Labranch, and Magee for resale. The heroin provided by **MARCELIN** to his coconspirators was supplied by Lawrence.

MARCELIN and the government stipulate for the purposes of sentencing that **MARCELIN** was responsible for between 1 kilogram and 3 kilograms of a mixture or substance containing heroin, through **MARCELIN**'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 **MARCELIN's** plea of guilty to the charged offense.



Brandon S. Long
Assistant United States Attorney

11/14/18
(Date)



Jerrod Thompson-Hicks
Counsel for Defendant Donald Marcelin

11/14/18
(Date)



Donald Marcelin
Defendant

11/14/18
(Date)