

U.S. DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA
FILED DEC 11 2018
WILLIAM W. BLEVINS
CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

UNITED STATES OF AMERICA * CRIMINAL NO. 15-277
v. * SECTION: "L"
RICHARD GREEN *
a/k/a "Blue"
a/k/a "Bam" *
* * *

FACTUAL BASIS

The above-named defendant, **RICHARD GREEN** a/k/a "Blue," a/k/a "Bam," has agreed to plead guilty to Counts One, Two, Thirteen, Nineteen, Twenty, and Twenty-One of the Seventh Superseding Indictment (the "Indictment") in the above-captioned case. 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 identified the following individuals as being among the members of this conspiracy: **Richard GREEN**, a/k/a "Blue," a/k/a "Bam," **MARVIN ARMSTRONG** a/k/a "Slim," **Patrick SCHEXNAYDER**, a/k/a "Pat," a/k/a "Red," **Eddie CELESTINE**, a/k/a "Ross," (hereinafter "EDDIE"), **Terrance MORGAN**, **Eric ROBINSON**, **Kendall CELESTINE** (hereinafter "CELESTINE"), and others.

GREEN and Other Co-Conspirators Sold Heroin Using Target Phone Numbers 1 and 2

In the course of this investigation, ATF agents identified (504) 205-5264 ("Target Phone

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Number 1”) and (504) 891-1843 (“Target Phone Number 2”) as telephone numbers that were shared by members of the heroin distribution conspiracy. If this case went to trial, witnesses would testify that they contacted Target Phone Number 1 and Target Phone Number 2 in order to purchase heroin, and that multiple people would answer and tell the purchasers where to meet. Witnesses would testify that **GREEN** was often the individual who answered these phone numbers and/or met them at the agreed-upon locations and sold them heroin after they called these phone numbers.

On or about January 13, 2017, agents of the Drug Enforcement Agency (“DEA”) and officers of the New Orleans Police Department (“NOPD”) arrested CELESTINE, MORGAN, and T.S. at the Stay Express Inn, located at 12340 South I-10 Service Road in New Orleans. After obtaining written consent to search, law enforcement located the following items in the room: two loaded Smith & Wesson firearms; approximately seven amphetamine tablets or capsules; approximately 34 grams of 3,4-Dichloro-N-[2-(dimethylamino) cyclohexyl]-N-methylbenzamide, also known as U-47700, packaged in 25 plastic bags; two digital scales; a blender; and a bottle of Superior Mannitol. In the training and experience of the law enforcement officers, the packaging and amounts of the drugs that were seized are consistent with distribution. Furthermore, 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.

A telephone with Target Phone Number 1 was left behind at the Stay Express Inn on January 13, 2017. Surveillance footage from the Stay Express Inn showed that **GREEN** returned to the hotel later that day, and witnesses would testify that he retrieved the telephone with Target Phone Number 1 from the room that had been occupied by CELESTINE, MORGAN, and T.S. ATF agents obtained a federal warrant for GPS data for Target Phone Number 1, and conducted

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surveillance in connection with the location data. GPS data and surveillance associated with Target Phone Number 1 indicated that **GREEN** and other co-conspirators were in possession of this phone.

On or about April 19, 2017, an undercover officer (“UC”) contacted Target Phone Number 1. EDDIE answered the phone. The UC asked for “Blue,” and EDDIE replied, “This is Blue’s people, wassup?” Witnesses would testify that “Blue” was a nickname for **GREEN**. The UC and EDDIE then negotiated a purchase of approximately \$200.00 worth of heroin. At the end of the call, EDDIE said, “We’ll be ready for you, boss.” Shortly after this call, law enforcement conducted surveillance in connection with the location of Target Phone Number 1, and observed **GREEN** and EDDIE in a barbershop together. On or about April 20, 2017, the UC met with EDDIE and completed the purchase of approximately 1.2 grams of suspected heroin. This substance subsequently field-tested positive for heroin.

On or about May 17, 2017, the UC purchased approximately 2.8 grams of suspected heroin from **GREEN**. This substance subsequently field-tested positive for heroin. The UC arranged this purchase by contacting the Target Phone Number 1. During this transaction, which was audio and video recorded, **GREEN** boasted to the UC about the quality of his heroin, and indicated that he also had other narcotics for sale, including Ecstasy pills and marijuana. During this same conversation, **GREEN** provided the UC with Target Phone Number 2 and asked the UC to contact him on Target Phone Number 2 for future transactions. While the UC was with **GREEN**, the UC placed a phone call to Target Phone Number 2 to confirm that it worked, and a phone in **GREEN**’s possession rang.

On or about June 27, 2017, the UC contacted Target Phone Number 1, asked for “Blue,” (**GREEN**’s nickname), and negotiated a purchase of approximately \$350.00 worth of heroin. The

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UC was instructed to go to the Waffle House, where he was met by EDDIE. The UC purchased approximately 3.7 grams of heroin from EDDIE.

Later in the day on or about June 27, 2017, the UC contacted Target Phone Number 2 and asked for "Blue." GREEN answered the phone. This call was recorded. The UC asked GREEN if he remembered the UC, and GREEN replied, "yea Dave." "Dave" was the name that the UC had provided in prior telephone calls negotiating purchases of heroin. The UC explained to GREEN that he wanted to make sure that was dealing with "Blue." GREEN replied, "Whoever answers this phone, you good." The UC explained that he had just purchased heroin from "Ross" but he intended to purchase from "Blue." Witnesses would testify that "Ross" was a nickname for EDDIE. The UC explained that he called Target Phone Number 1 by mistake and did a deal with someone, but he had intended to call Target Phone Number 2.

GREEN told the UC, "We don't say names over the phone." GREEN further explained that the UC would not get in touch with the same person every time he called. He stated, "If I gave you something, if I owe you something, and you call, somebody, and you call next time and somebody answers the phone, that person answers the phone this time, that time, gonna give you what I owe you, like we work, we do shit together, you dig." The UC explained that the UC did not want GREEN to feel like the UC was going behind his back when he dealt with "Ross." GREEN replied, "We don't feel like that because all the money going to the same spot at the end of the day." The UC then negotiated a future purchase of approximately 3.5 grams of heroin, and GREEN told the UC to call him on Target Phone Number 2 when he is ready.

ATF agents obtained a federal warrant for GPS data for Target Phone Number 2 for the months of June and July of 2017. GPS data associated with Target Phone Number 2 showed that the phone pinged 1,137 times in the vicinity of SCHEXNAYDER's residence, and 32 times in the

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vicinity of a stash house utilized by the members of this drug conspiracy, located at 1216 Andry Street in the Ninth Ward in New Orleans (“1216 Andry”).

On or about July 11, 2017, the UC contacted Target Phone Number 1, asked for “Blue” (GREEN’s nickname), and negotiated a purchase of approximately \$650.00 worth of heroin. The UC was instructed to go to the Waffle House, where he bought approximately 7.4 grams of suspected heroin from EDDIE. This substance subsequently field-tested positive for heroin. On or about August 3, 2017, the UC bought approximately 7.2 grams of suspected heroin from EDDIE. This substance subsequently field-tested positive for heroin. The UC arranged this purchase by contacting “Ross” on Target Phone Number 1.

On or about October 18, 2017, the UC bought approximately 2 ounces of suspected heroin from EDDIE. This substance subsequently field-tested positive for heroin. The UC arranged this purchase by contacting the Target Phone Number 1. On or about November 1, 2018, EDDIE was shot and killed. Law enforcement recovered from the scene a cellular phone associated with Target Phone Number 1, and obtained a search warrant for this phone. An ATF agent would testify that the search warrant results revealed that the cellular phone associated with Target Phone Number 1 contained text messages that were indicative of drug activity. If this case went to trial, the evidence would show that ARMSTRONG and SCHEXNAYDER agreed to reactivate Target Phone Number 1 on a different phone after EDDIE’s death, and continued to sell heroin using Target Phone Number 1.

GREEN and ROBINSON Possessed Firearms Together on or about July 25, 2017

On or about July 25, 2017, Detective Gibbs of the Gretna Police Department was working a detail at a bar when he observed a red Hyundai Elantra that was parked nearby. He noticed that the license plate on the vehicle belonged to a Nissan, and observed firearms in plain view in the

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vehicle. Moments later, **GREEN**, **ROBINSON**, and **J.R.** (who is now deceased) got into the car and departed.

Shortly thereafter, Louisiana State Police (“LSP”) Trooper Larry Mayes observed the red Hyundai Elantra traveling Eastbound on U.S. 90 Service Road South. Trooper Mayes observed the vehicle swerve into another lane. Trooper Mayes activated his emergency lights and initiated a traffic stop. **ROBINSON** was the driver of the vehicle, **GREEN** was the front right passenger, **J.R.** was the rear passenger.

Trooper Mayes instructed **ROBINSON** to exit the vehicle. **ROBINSON** got out of the vehicle and stated that he did not have a driver’s license. Detective Gibbs then approached to assist with the traffic stop. Trooper Mayes asked Detective Gibbs stay with **ROBINSON** while Trooper Mayes approached **GREEN**. As Trooper Mayes began to walk away, **ROBINSON** broke free and began fleeing on foot. Detective Gibbs pursued **ROBINSON** on foot, and Trooper Mayes radioed for backup.

When backup officers arrived, Trooper Mayes approached the vehicle and opened the front passenger door where **GREEN** was seated. **GREEN** was sitting with a bottle of Hennessey beside his hand and his left foot was on top of a bulge under the floor mat. Trooper Mayes observed what appeared to be the bottom of a weapon magazine under the floor mat, where **GREEN**’s foot was. Trooper Mayes removed **GREEN** from the vehicle and handcuffed him. **J.R.** was also removed from the vehicle and handcuffed. Detective Gibbs returned to the scene, having apprehended **ROBINSON**.

Officers then searched the vehicle. They located a Glock 22, .40 caliber semi-automatic handgun, serial number EYS509, with an extended magazine and 18 live rounds of ammunition located under the driver’s seat, where **ROBINSON** had been seated. The Glock 22 was

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positioned under the driver's seat with the barrel facing towards the rear of the vehicle and the magazine facing towards the center console. If this case went to trial, officers would testify that the positioning of this firearm is consistent with the driver placing it there. A Glock 26, 9mm semi-automatic handgun, serial number KLG093, with an extended magazine and 24 live rounds was located under the passenger floor mat where **GREEN's** foot had been. The Glock 26 was positioned with the barrel facing towards the rear of the vehicle and the magazine towards the center console, which officers would testify is consistent with **GREEN** placing it there.

The Hyundai Elantra, which had a switched plate, was registered to **ROBINSON's** mother. It was uninsured, so it was towed from the scene.

At the time that **ROBINSON** and **GREEN** possessed the firearms in the vehicle, they were prohibited from possessing firearms due to previous convictions punishable by a year or more. Specifically, **GREEN** had a conviction in Orleans Parish Criminal Court in Case Number 493-807, on February 18, 2010, for Attempted Armed Robbery, in violation of Louisiana Revised Statute 14(27)64. **ROBINSON** was convicted on April 1, 2014 in Orleans Parish Criminal District Court, in Case Number 519-380, for Possession with Intent to Distribute Marijuana, in violation of Louisiana Revised Statute 40:966(A). **ROBINSON** was arrested for being a felon in possession of a firearm, resisting arrest by flight, improper lane usage, switch vehicle license plate, and no driver's license. **GREEN** was arrested for being a felon in possession of a firearm and was issued a citation for having an open container of alcohol in a vehicle. **J.R.** was not a felon, but he had an active attachment in Jefferson Parish, so he was arrested for the attachment and was issued a citation for having an open container of alcohol in a vehicle.

An ATF agent would testify that the Glock firearms that **GREEN** and **ROBINSON** possessed on or about July 25, 2017 were manufactured in Austria. Therefore, these firearms

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traveled in and affected interstate and foreign commerce.

***GREEN and ROBINSON were Arrested with Narcotics and Firearms
on or about April 3, 2018***

On February 22, 2018, a federal arrest warrant was issued for **GREEN** based on a federal indictment in this case. **GREEN** remained at large for approximately six weeks. Law enforcement received information that **GREEN** was staying at the Ramada Inn located at 1400 West Tunnel Boulevard, Houma, Louisiana (“the Ramada Inn”), in either room 117 or 119.

On or about April 3, 2018, Terrebonne Parish Sheriff’s Office (TPSO) deputies went to the Ramada Inn and spoke with hotel personnel. Hotel records indicated that ROBINSON’s female cousin, D.T., had rented room 117. Hotel staff stated that there was a male occupant in room 117. Ramada Inn records also indicated that ROBINSON’s girlfriend, Albreaun JOSEPH, had rented room 119. Hotel staff also stated that room numbers 119 and 117 were associated.

TPSO deputies contacted the occupants of rooms 117 and 119 utilizing a loudspeaker system to call them out of the room. **GREEN** exited room 117 and was taken into custody because he had the outstanding federal arrest warrant and two outstanding state warrants. As TPSO deputies took **GREEN** into custody, they observed a clear plastic bag containing an unknown type of pills sitting on the table in room 117 in plain view.

Moments after **GREEN** exited room 117, JOSEPH exited room 119 with her child. TPSO deputies could immediately smell the strong odor of fresh and burnt marijuana coming from room 119 and observed an additional individual inside of room 119. ROBINSON was identified as the additional subject located in room 119, and he exited the room.

All occupants and rooms were secured pending a search warrant. Lieutenant Travis Sanford of the Terrebonne Parish Narcotics Task Force obtained a search warrant for rooms 117 and 119. While conducting the search of room 117, Lieutenant Sanford located 1 Carisoprodol

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pill (which is a muscle relaxer), 1 clear plastic bag containing 3 suspected Tramadol pills (which are pain pills), and 1 digital scale. If this case went to trial, agents would testify that, in their training and experience, scales are used by drug dealers to weigh narcotics for sale.

During the search of room 119, Lieutenant Ronald McKay located, in a drawer of a table located between the two beds: approximately 1.5 grams of suspected crack cocaine; 9 plastic baggies containing approximately 2.1 grams of suspected heroin; 1 pill of suspected amphetamine/dextroamphetamine; and 1 clear plastic bag containing approximately 225 pills, weighing approximately 60 grams, of suspected 3,4-Methylenedioxymethamphetamine, also known as MDMA. In the bathroom of room 119, Lieutenant McKay also located approximately 122.7 grams of suspected marijuana and a burnt cigarette containing suspected marijuana in a white bag containing female items. Near the sink in the bathroom of room 119, Lieutenant McKay located a scale. Field tests for all suspected narcotics in both rooms yielded positive results.

In room 119, Lieutenant McKay also located a Glock Model 22 .40 caliber semi-automatic handgun, serial number 12AG01625, and a Smith & Wesson .40 caliber semi-automatic handgun, serial number DVS1876. The firearms were located in a Spiderman baby diaper bag.

GREEN, **ROBINSON**, and **JOSEPH** were placed under arrest by officers of the Terrebonne Parish Sheriff's Office. After being advised of her *Miranda* rights by ATF agents and signing a written *Miranda* waiver, **JOSEPH** admitted that the Spiderman baby bag was hers and that **ROBINSON** put the firearms in her baby bag.

An ATF agent would testify that the Glock firearm that **GREEN** and **ROBINSON** possessed on or about February 22, 2018 was manufactured in Austria, and that the Smith & Wesson firearm that **GREEN** and **ROBINSON** possessed on or about February 22, 2018 was

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manufactured in Massachusetts. Therefore, both firearms traveled in and affected interstate and foreign commerce. Furthermore, at the time that they possessed these firearms, GREEN was prohibited firearm possession on the basis of the aforementioned conviction for attempted armed robbery, and ROBINSON was prohibited from firearm possession on the basis of the aforementioned conviction for possession with intent to distribute marijuana.

If this case went to trial, witnesses would testify that GREEN and ROBINSON routinely utilized hotel rooms to sell narcotics, that they were armed when doing so, and that they shared firearms.

GREEN Admitted to Selling Heroin and to Using a Known Stash House

ATF agents conducted an audio-recorded interview of GREEN on April 3, 2018, when he was arrested in Houma. After signing a written *Miranda* waiver, GREEN admitted that one of the firearms in room 119 of the Ramada Inn was his. GREEN said that ROBINSON told GREEN to leave this firearm in the hotel room with ROBINSON. GREEN admitted to being a heroin dealer, to carrying a firearm regularly, and to using Target Phone Number 1.

During his statement, GREEN also stated that he spent time at 1216 Andry, which Agents knew to be a stash house used by members of this conspiracy. This property is owned by GREEN and members of his family. This property has no electricity with Entergy. Witnesses would testify that they frequently went to 1216 Andry to purchase heroin from members of this drug conspiracy. ATF agents conducted surveillance outside of 1216 Andry on numerous occasions in 2017, both in person and through use of a pole camera placed outside of 1216 Andry. Agents would testify that they observed conduct that is indicative of drug activity, including members of this drug conspiracy counting cash, conducting hand-to-hand transactions with individuals who drove up in vehicles, and manipulating bags of a white powdery substance.

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ATF agents executed a federal search warrant at 1216 Andry on or about February 28, 2018. Agents would testify that it did not appear that anyone was living in this house. The front door was broken, and there were holes in the windows consistent with bullet holes. During the search, agents recovered a shoebox in the oven containing a scale, plastic baggies, and marijuana seeds and stems. Agents would testify that scales and plastic baggies are commonly used to measure and package narcotics for distribution. A narcotics canine also alerted to a shoe in a bedroom. Inside the shoe was a plastic bag containing rice, which, in the agents' training and experience, is a known desiccant for heroin. Agents also located over 90 rounds of ammunition throughout the house.

The Government and **GREEN** agree and stipulate for the purposes of sentencing that the Government could prove that **GREEN** was responsible for between 400 grams and 700 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.

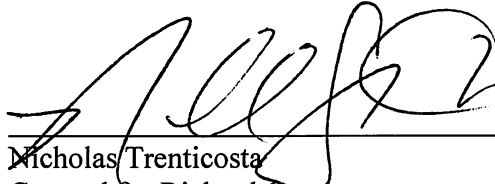
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Limited Nature of Factual Basis

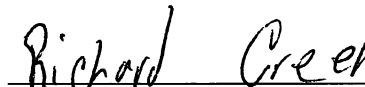
This proffer of evidence is not intended to constitute a complete statement of all facts in this matter. The limited purpose of this Factual Basis is to demonstrate that there exists a sufficient legal basis for GREEN's plea of guilty to Counts One, Two, Thirteen, Nineteen, Twenty, and Twenty-One of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



Maria M. Carboni (Date)
Assistant United States Attorney



Nicholas Trenticosta (Date)
Counsel for Richard Green



Richard Green (Date)
Defendant

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