

U.S. DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA
FILED 4-3-2019
WILLIAM W. BLEVINS
CLERK



UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

UNITED STATES OF AMERICA * CRIMINAL NO. 18-193
v. * SECTION: "I"
DARRYL HENRY *
* * *

FACTUAL BASIS

The above-named defendant, DARRYL HENRY, has agreed to plead guilty as charged to Counts 1, 3, 5 and 6 of the Indictment. Count 1 charges that HENRY committed a Hobbs Act Robbery by attempting to rob the Walmart Supercenter in the Algiers neighborhood of New Orleans, Louisiana, on August 24, 2018, in violation of Title 18, United States Code, Section 1951(a). Count 3 charges that HENRY committed a Hobbs Act Robbery by attempting to rob the Winn-Dixie Supermarket in the Algiers neighborhood of New Orleans, Louisiana, on August 24, 2018, in violation of Title 18, United States Code, Section 1951(a). Count 5 charges that HENRY committed a Hobbs Act Robbery by robbing the Walmart Neighborhood Market in the Harvey neighborhood of Jefferson Parish, Louisiana, on August 24, 2018, in violation of Title 18, United States Code, Section 1951(a). Count 6 charges that HENRY committed the crime of Brandishing a Firearm during a crime of violence on August 24, 2018, in violation of Title 18, United States Code, Section 924(c)(1)(A)(ii). Had this matter proceeded to trial, the government would have proven beyond a reasonable doubt the allegations in the Indictment, namely that HENRY committed the following crimes in the Eastern District of Louisiana:

AUSA MR
Defendant DH
Defense Counsel [Signature]

Count 1 - Attempted Robbery of the Walmart Supercenter in Algiers

On the morning of Friday, August 24, 2018, HENRY entered the Walmart Supercenter in Algiers, New Orleans, Louisiana, and approached a clerk at the customer service desk and handed her a note that stated “put the money in the bag.” The clerk stated that she was unable to open the register, and HENRY opened his backpack, which contained a small black handgun, and stated “you don’t want me to use this.” The clerk offered to have another employee open the safe, but HENRY walked away, abandoning his backpack (but not the gun) by the restrooms in the front of the business. Members of the New Orleans Police Department arrived and conducted an investigation that included interviewing employees and reviewing surveillance footage, which interfered with the normal course and scope of business.

Walmart is a publicly-traded, international company headquartered in Bentonville, Arkansas, that operates a chain of grocery and discount department stores around the world. At trial, the government would have produced testimony from a Walmart employee that the Walmart Supercenter in Algiers, New Orleans, Louisiana, is a store that sells products manufactured both in states outside of Louisiana as well as in different countries, and that these products are shipped in interstate commerce to this particular store. These products are then sold to customers in exchange for United States currency in the form of cash, checks, or credit or debit cards, and Walmart ultimately deposits the money received into a corporate bank account. Therefore, as a result of HENRY’s actions, interstate commerce was actually or potentially delayed, obstructed or affected.

Count 3 – Attempted Robbery of the Winn-Dixie Supermarket in Algiers

Immediately following the Hobbs Act Robbery of the Walmart in Algiers, HENRY entered the Winn-Dixie Supermarket at 3008 Holiday Drive, in Algiers, New Orleans, Louisiana. HENRY

approached the customer service desk where a customer service specialist asked HENRY “how can I help you?” HENRY passed the specialist a note which read “put money in bag.” HENRY then raised his shirt, which revealed a gun. The clerk responded “I don’t think so,” and HENRY responded “you don’t think so?” and then walked out of the front door of the store.

Police were called to the scene and conducted an investigation, including interviewing witnesses and reviewing store surveillance video, which interfered with the normal course and scope of business. Law enforcement authorities eventually determined that the suspects in both the Walmart and Winn-Dixie robberies appeared to be the same person, and also identified a mini-van with conspicuous body damage that the suspect was seen driving. Police later observed HENRY operating the uniquely-damaged vehicle while reviewing police body camera footage that had been filmed in July of 2018 on an unrelated call for service. Police also recovered the demand note in this case, which was examined by the Jefferson Parish Sheriff’s crime laboratory and revealed HENRY’s finger-print on the note.

Winn-Dixie is a chain of supermarkets operating in multiple states in the United States of America. At trial, the government would have produced testimony from a Winn-Dixie employee that the Winn-Dixie Supermarket at 3008 Holiday Drive, in Algiers, New Orleans, Louisiana, is a store that sells products manufactured both in states outside of Louisiana as well as in different countries, and that these products are shipped in interstate commerce to this particular store. These products are then sold to customers in exchange for United States currency in the form of cash, checks, or credit or debit cards, and Winn-Dixie ultimately deposits the money received into a corporate bank account. Therefore, as a result of HENRY’s actions, interstate commerce was actually or potentially delayed, obstructed or affected.

Counts 5 and 6 - Robbery of the Walmart Neighborhood Market in Harvey, and Brandishing a Firearm During a Crime of Violence

Approximately ninety minutes after the Hobbs Act robbery of the Winn-Dixie Supermarket, HENRY entered the Walmart Neighborhood Market located 3265 Manhattan Boulevard, Harvey, on the West Bank of Jefferson Parish, Louisiana. HENRY handed a cashier at the customer service cash register a note that read "put the money in the bag." The cashier observed a firearm in HENRY's right hand, and ultimately provided money to HENRY. HENRY fled the store with \$6,992.00 in United States currency. A Jefferson Parish Sheriff's Officer responded to the scene and conducted an investigation, including interviewing witnesses and reviewing surveillance footage. Surveillance footage of the robbery showed that the suspect appeared to be the same perpetrator of the two previous robberies, and police also located video of the uniquely-damaged mini-van in the area near the time of the robbery.

Walmart is a publicly-traded, international company headquartered in Bentonville, Arkansas that operates a chain of grocery and discount department stores around the world. At trial, the government would have produced testimony from a Walmart employee that the Neighborhood Market located at 3265 Manhattan Boulevard, Harvey, Louisiana, is a store that sells products manufactured both in states outside of Louisiana as well as in different countries, and that these products are shipped in interstate commerce to this particular store. These products are then sold to customers in exchange for United States currency in the form of cash, checks, or credit or debit cards, and Walmart ultimately deposits the money received into a corporate bank account. Therefore, as a result of HENRY's actions, *i.e.* robbing the store and decreasing its assets, interstate commerce was delayed, obstructed or affected.

HENRY was arrested following an investigation by the Federal Bureau of Investigation. After being arrested on August 31, 2018, the defendant voluntarily and knowingly waived his rights per *Miranda*, and agreed to speak with law enforcement officers. HENRY admitted to committing the attempted robberies described in Counts 1 and 3 and the robbery described in Count 5 of the Indictment. HENRY stated that he needed money to pay the rent and for his daughter's tuition. He also admitted to using a firearm which he had purchased on the streets during each of these crimes of violence. HENRY stated that he threw the gun into the Mississippi River after the robberies. He also got rid of the van he used in the robberies by selling it to a pick-a-part scrap service.


Limited Nature of Factual Basis

This proffer of evidence is not intended to constitute a complete statement of all facts known by the government and/or DARRYL HENRY. Rather, it is a minimum statement of facts intended to prove the necessary factual predicate for his guilty plea. The limited purpose of this proffer is to demonstrate that there exists a sufficient legal basis for the plea of guilty to the charged offenses by DARRYL HENRY.

AUSA MR
Defendant DH
Defense Counsel [Signature]

The above facts come from an investigation conducted by, and would be proven at trial by credible testimony from members of the New Orleans Police Department, members of the Jefferson Parish Sheriff's Office, and Special Agents and forensic examiners from the Federal Bureau of Investigation, and admissible, tangible exhibits in the custody of the FBI.

READ AND APPROVED:



ANDREW DUFFY [date] 4/3/19
Counsel for DARRYL HENRY



MYLES RANIER [date] 4-3-19
Assistant United States Attorney



DARRYL HENRY [date] 4/3/19
Defendant