

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

UNITED STATES OF AMERICA

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CRIMINAL NO: 16-068

v.

*

SECTION: 11
U.S. DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

VONZO MAGEE

*

FILED APR 24 2019

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WILLIAM W. BLEVINS
CLERK

FACTUAL BASIS

The above-named defendant, **VONZO MAGEE** (“**MAGEE**”), has agreed to plead guilty to Count One and Count Twenty-Six of the Superseding Indictment. Should this matter proceed to trial, the United States would prove beyond a reasonable doubt the facts set forth in this Factual Basis. Unless stated otherwise, these acts occurred in the Eastern District of Louisiana:

During the timeframe of the drug conspiracy, **MAGEE** conspired with others known and unknown to distribute heroin and fentanyl throughout the New Orleans area. **MAGEE** and his coconspirators were members of a drug-trafficking organization that operated primarily in the Eastside Hollygrove neighborhood of New Orleans. Collectively, the group referred to their neighborhood as “The Zoo,” a name derived from a popular rap song/video filmed in the neighborhood. Each of the eight defendants in this case has been linked to drug activity in Eastside Hollygrove through law enforcement controlled purchases, Title III wire and electronic interceptions, witness statements, drug seizures, and other evidence. Numerous civilian witnesses, many of whom were customers of **MAGEE**, provided information about purchasing narcotics from **MAGEE** and his coconspirators.

Between December 2015 and January 2016, agents used a confidential source (CS1) to conduct four controlled purchases of heroin from **LAWRENCE**. Each controlled purchase involved between one gram and seven grams of heroin. Each controlled purchase occurred in the

Eastside Hollygrove neighborhood. After the controlled purchases, agents obtained authority from United States District Court Judge Kurt D. Engelhardt to execute two Title III warrants on LAWRENCE's cellular phone. The first interception period was from February 18, 2016, through March 18, 2016. The second interception period began on April 14, 2016. During both interception periods, agents intercepted numerous phone calls and text messages involving discussions between LAWRENCE and his codefendants, including **MAGEE**, in furtherance of their joint drug-trafficking organization. Interceptions over LAWRENCE's phone showed that members of the group sold heroin seemingly every day. Some of the conversations were overtly drug-related, and, in some cases, involved discussions of significant quantities of heroin.

Agents intercepted a number of communications on LAWRENCE's phone which provided evidence of **MAGEE**'s drug activities. For example, on February 26, 2016, **MAGEE** texted LAWRENCE, "U up n running if so my ppl tryn get yea fwm cadlaic." **MAGEE** then called LAWRENCE to talk about "Cadillac," which is a type of heroin that **MAGEE** was trying to serve to customers. On April 16, 2016, **MAGEE** texted LAWRENCE, "Yo fwm I'm at bout a rack [*i.e.*, meaning **MAGEE** had sold \$1,000 of heroin] look out for me." Later, **MAGEE** texted, "Yo wya [*i.e.*, where you at] with it." LAWRENCE responded, "Zoo." **MAGEE** then called LAWRENCE and stated, "Golfer [Marcelin] came through with it." **MAGEE** meant that MARCELIN had provided **MAGEE** with some of LAWRENCE's heroin. MARCELIN then called LAWRENCE later and stated that he "took care of him," in that he provided **MAGEE** with further supply of narcotics.

MAGEE and his coconspirators were a close-knit group that worked together to distribute heroin. As an example, on April 6, 2016, a confidential informant (CI) called STOVALL and arranged to purchase heroin. STOVALL directed the CI to meet at the Burger King on South

Carrollton and Tulane. While under surveillance, the CI entered the Burger King parking lot and entered a car that was known by law enforcement to be associated with STOVALL. Inside the car, the CI exchanged \$200 for heroin. The CI later reported that STOVALL was in the driver's seat, and **MAGEE** was in the passenger's seat. The heroin was tested at a DEA lab and determined to be 1.7 grams of heroin.

At least five government witnesses have stated that **MAGEE** was his/her heroin dealer. One witness stated that he/she had been a regular heroin customer of **MAGEE**'s since late-2014/early-2015 and would regularly purchase 1/8th-ounce quantities. He/she claimed to have seen **MAGEE** with up to three ounces of heroin at one time. Another witness stated that he/she purchased quantities of heroin from **MAGEE** as far back as 2006 or 2007.

On June 28, 2016, agents from the Federal Bureau of Investigation executed a search warrant at 3939 Hamilton Street, New Orleans, a residence connected to codefendant LABRANCH. Just prior to the execution of the warrant, agents approached a group of individuals in an attempt to detain LABRANCH. When agents approached the group, **MAGEE** fled. Agents followed **MAGEE** on foot and saw him discard a handgun. Agents in fact recovered a firearm in **MAGEE**'s flight path. That firearm was a Glock model 27, .40 caliber handgun, bearing serial number MVU062. It would and was designed to expel a projectile by the action of an explosive. **MAGEE** knowingly possessed the firearm. The firearm traveled in and affected interstate commerce. **MAGEE** was apprehended and taken into state custody after the foot chase.

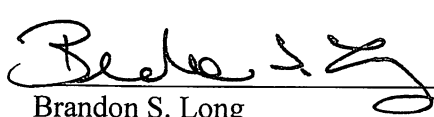
Later, in a recorded jail call between **MAGEE** and a female, **MAGEE** confirmed that he threw a gun while being chased by "them people," that is, law enforcement. **MAGEE** also stated that he had tossed \$3,000.00 worth of "smack" that was not found by the agents. In fact, the agents had not found drugs during a search of **MAGEE**'s flight path. **MAGEE** previously was

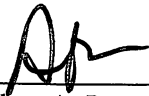
convicted of a crime punishable by imprisonment for a term exceeding one year, to wit: a conviction on January 31, 2005, in Orleans Parish Criminal District Court, Case No. 453915 "F," for possession with intent to distribute crack cocaine.


MAGEE and the government stipulate for the purposes of sentencing that MAGEE was responsible for between 100 grams and 400 grams of a mixture or substance containing heroin, through MAGEE'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 MAGEE's plea of guilty to the charged offense.

 4/23/19
Brandon S. Long (Date)
Assistant United States Attorney

 4/24/19
Arthur A. Lemann, IV (Date)
Counsel for Defendant Vonzo Magee

 4/24/19
Vonzo Magee (Date)
Defendant