

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA**

UNITED STATES OF AMERICA * **CRIMINAL NO. 18-051**
v. * **SECTION: "M"**
GERARD HARRISON * **VIOLATIONS: 21 U.S.C. § 846**
* **21 U.S.C. § 841(a)(1)**
* **21 U.S.C. § 841(b)(1)(B)**
* **18 U.S.C. § 924(c)(1)(A)(i)**
* * *

FACTUAL BASIS

The above-named defendant, **GERARD HARRISON**, has agreed to plead guilty to Count One of the Superseding Bill of Information, in which he is charged with conspiracy to distribute and possess with the intent to distribute 100 grams or more of heroin, and Count Two of the Superseding Bill of Information, in which he is charged with possession of a firearm during and in relation to a drug trafficking crime. 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 to support the allegations against defendant **GERARD HARRISON** ("**HARRISON**").

Background

The Federal Bureau of Investigation ("**FBI**") and Drug Enforcement Administration ("**DEA**") have been conducting a long-term investigation involving a drug trafficking organization with ties to the New Orleans area. During the course of that investigation, **FBI** and **DEA** learned

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that Juan Carlos MOSQUERA-AMARI a/k/a “Papi” (“MOSQUERA-AMARI”) received kilogram-quantities of heroin from sources of supply in Houston, Texas, including Javier CONTRERAS-CASTILLO (“CONTRERAS-CASTILLO”) and Harvey VICTORIA-CUELLAR (“VICTORIA-CUELLAR”). In addition, the investigation revealed that Luis RAMOS GRAVEDEPERALTA (“RAMOS”) acted as a courier for MOSQUERA-AMARI and drove between New Orleans and Houston to transport heroin and drug proceeds. Agents also learned that MOSQUERA-AMARI supplied heroin to New Orleans-based drug dealers, including Cornell BRADLEY (“BRADLEY”), Rodney ROBINSON (“ROBINSON”), and HARRISON. Finally, agents learned that MOSQUERA-AMARI coordinated his drug trafficking with his brother, ALEXANDER MURIEL-DIAZ (“MURIEL-DIAZ”), who was based in Houston.

During the course of the investigation, the DEA and FBI utilized various investigative techniques, including wiretapping orders. Those orders authorized wiretapping over telephones utilized by MOSQUERA-AMARI, RAMOS, and MURIEL-DIAZ, including telephone number (347) 856-1822 (“RAMOS’s Phone”), (347) 574-0426 (“MOSQUERA-AMARI’s Phone”), and (832) 384-2362 (“MURIEL-DIAZ’s Phone”).¹ Through intercepted calls and other investigative techniques, agents identified additional phone numbers, including telephone number (347) 515-5248, (“MOSQUERA-AMARI’s Phone #2”), telephone number (347) 601-5283 (“MOSQUERA-AMARI’s Phone #3”), telephone number (346) 901-9992 (“VICTORIA-CUELLAR’s Phone”), and (504) 377-5575 (“HARRISON’s Phone”).

¹ Many of these conversations were conducted in Spanish, and were subsequently translated and summarized by members of the investigative team that were fluent in English and Spanish. Where described in this factual basis, the English translation of the original Spanish conversations are provided. Moreover, the quotations are from the summaries of the original conversations, and are not necessarily exact word-for-word translations of the original Spanish conversations.

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HARRISON Supplied L.B. with Quantities of Narcotics

An analysis of telephone records indicated that **HARRISON's** Phone was in frequent contact with (504) 681-7089 ("L.B.'s Phone"). Administrative subpoena results for L.B.'s Phone indicated that its subscriber was L.B., and the subscriber's address was listed as 128 Papworth Ave., Metairie, LA.

On the morning of February 1, 2018, members of investigative team established surveillance at 128 Papworth Ave., Metairie, LA. DEA and FBI observed L.B. as she exited her residence to run several errands on a bicycle before returning. Later that same morning, agents observed L.B. depart her residence and loiter on a nearby street. Shortly thereafter, agents observed a Lexus sedan arrive. The Lexus, bearing LA License Plate YTF577 (the "Lexus"), was registered to **HARRISON**. Agents observed that the Lexus was occupied by two black males. Agents then observed L.B. reach into the driver's side window of the Lexus and conduct a "hand to hand" transaction. Based on the agents' training and experience, they know that users of narcotics often have long term relationships with their suppliers, making prolonged interactions where price and quantity are discussed unnecessary. In this case, agents believed that the occupants of the Lexus provided L.B. with a quantity of narcotics in exchange for currency. Furthermore, agents believe that **HARRISON** was in the front passenger's seat of the Lexus.

On the morning of February 7, 2018, agents again established surveillance at L.B.'s residence. Agents observed L.B. travel to a nearby ATM to make a cash withdrawal. L.B. then returned to her residence before re-emerging shortly thereafter. L.B. then traveled to a nearby corner and loitered briefly before the Lexus arrived, driven by a black female. L.B. then conducted a "hand to hand" transaction with a young black male sitting in the front passenger's seat.

Agents followed the Lexus to the corner of Baudin and South Broad St., at which time the

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young black male exited the front passenger's seat and got into the rear of the car. **HARRISON** then entered the front passenger's seat and departed. The Lexus then traveled to 5047 Wilton Drive., at which time all three individuals entered the building. This investigation revealed that **HARRISON** resided at 5047 Wilton Dr., Apt D, New Orleans, LA ("**HARRISON**'s Apartment"). Agents conducted subsequent spot checks of **HARRISON**'s Apartment, and observed the Lexus parked in close proximity to it on multiple occasions.

MOSQUERA-AMARI Supplied HARRISON with Heroin

During the course of this investigation, FBI and DEA have intercepted numerous conversations between MOSQUERA-AMARI and **HARRISON** during which they discussed MOSQUERA-AMARI providing **HARRISON** with narcotics. For instance, on February 19, 2018, at approximately 9:25 a.m., MOSQUERA-AMARI, utilizing MOSQUERA-AMARI's Phone, received an incoming call from **HARRISON**, utilizing **HARRISON**'s Phone. During this call, **HARRISON** said, "This is what I'm 'bout to tell you . . . you know when I be like thirteen hundred of them dollars be like mine, right?" MOSQUERA-AMARI said, "huh?" and **HARRISON** said, "Like you know . . . like . . . I be, I be . . . getting a half and you be like throwing me an ounce and a half, right." MOSQUERA-AMARI then said, "aha, aha, aha," and **HARRISON** said, "I say listen, I say like you know you be charging me like what? Thirteen for the half, right?" A little later in the call, **HARRISON** said, "Yea I know, listen, listen to me...when you give me the two right? Half of it, one of the half out the ounce be mines and the other half ounce and a half be yours, you heard me?" MOSQUERA-AMARI said, "no, no you heard me?" to which **HARRISON** replied, "what, you forgot I gave you that thirteen hundred that day?" MOSQUERA-AMARI then said that he would call **HARRISON** back later.

Members of the investigative team know, based on their training and experience, that

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narcotics are often passed to higher level distributors in ounce quantities. Furthermore, suppliers often provide a portion of narcotics on consignment and receive payment after said product is distributed. Therefore, they believe that when **HARRISON** said, "I be... getting a half and you be like throwing me an ounce and a half," **HARRISON** and **MOSQUERA-AMARI** were discussing a heroin transaction during which **HARRISON** received two ounces of heroin from **MOSQUERA-AMARI**, of which one and a half ounces were provided to him on consignment.

This telephone call is one example of several similar drug-related telephone calls between **HARRISON** and **MOSQUERA-AMARI** that DEA and FBI intercepted during the course of this investigation. Based on those intercepted telephone calls, agents believe that **MOSQUERA-AMARI** provided over 100 grams of heroin to **HARRISON** during the course of the conspiracy.

Arrest of HARRISON

On May 22, 2018, the Honorable Janis van Meerveld, United States Magistrate Judge, signed a search warrant authorizing a search of **HARRISON**'s Apartment. DEA and FBI executed that warrant in the morning of May 23, 2018.

As agents approached **HARRISON**'s Apartment, they observed **HARRISON** exiting the building. **HARRISON** approached a white vehicle and engaged in a hand-to-hand transaction with the driver. Agents stopped the white vehicle and seized a quantity of suspected heroin from the driver.

Subsequently, agents placed **HARRISON** under arrest outside of **HARRISON**'s Apartment. Agents then entered **HARRISON**'s Apartment pursuant to the aforementioned search warrant. Inside, agents seized approximately 19 small bags containing user-quantities of a substance suspected to be heroin, and one larger bag containing a larger quantity of suspected heroin. A laboratory analysis of the substance confirmed the presence of heroin and found that

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the heroin had a net weight of approximately 19.470 grams. In addition, agents seized one Anderson Manufacturing AM-15 assault rifle, bearing serial number 16095457. Agents also seized one large capacity drum-style magazine for a handgun, which was loaded with numerous rounds from inside **HARRISON**'s Apartment. If this case had gone to trial, an agent would testify that, in his training and experience, firearms are often utilized by drug dealers to protect their drug enterprise and guard against robberies. Agents also seized several thousand dollars of U.S. currency and drug paraphernalia, including a digital scale.

HARRISON also provided verbal consent to search a Chrysler 300, which was parked outside **HARRISON**'s Apartment. In addition, FBI and DEA agents previously observed **HARRISON** driving the Chrysler 300. Inside the vehicle, agents seized one Glock 22 .40 caliber firearm, bearing serial number BFFN126. The firearm was loaded.


Prior to the search, agents administered *Miranda* warnings to **HARRISON**. He admitted that there was heroin, money, and a gun inside the apartment. **HARRISON** confirmed that the heroin was not fentanyl, and was real. **HARRISON** also admitted to ownership of both the assault rifle and the Glock.

The Government and **HARRISON** agree and stipulate for the purposes of sentencing that the Government could prove that **HARRISON** was responsible for between one hundred and four hundred grams of heroin that were 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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This proffer of evidence is not intended to constitute a complete statement of all facts known by **HARRISON**, 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 and factual basis for **HARRISON**'s plea of guilty to these crimes. In addition, the above-described telephone calls are representative of numerous other drug-related telephone calls involving **HARRISON** intercepted during the course of this investigation.

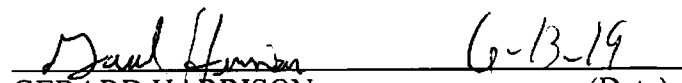
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