

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

<b>UNITED STATES OF AMERICA</b>	*	<b>CRIMINAL NO. 18-051</b>
<b>v.</b>	*	<b>SECTION: "M"</b>
<b>JOHN JONES</b> a/k/a "Rookie"	*	<b>VIOLATION: 21 U.S.C. § 841(a)(1)</b> <b>21 U.S.C. § 841(b)(1)(A)</b> <b>21 U.S.C. § 846</b> <b>18 U.S.C. § 922(g)</b> <b>18 U.S.C. § 924(a)(2)</b>
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**FACTUAL BASIS**

The above-named defendant, **JOHN JONES**, a/k/a "Rookie," has agreed to plead guilty to Counts One and Five of the Third Superseding Indictment, in which he is charged with conspiracy to distribute and possess with the intent to distribute one kilogram or more of heroin and with being a felon in possession of a firearm. 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 allegation against defendant **JOHN JONES** ("JONES"):

*Background*

The Federal Bureau of Investigation ("FBI") and Drug Enforcement Administration ("DEA") have been conducting a long-term narcotics trafficking investigation involving a drug trafficking organization with ties to the New Orleans area. During the course of that investigation, FBI and DEA learned that **ALEXANDER MURIEL-DIAZ** ("MURIEL-DIAZ"), and his brother, **JUAN CARLOS MOSQUERA-AMARI** ("MOSQUERA-AMARI"), received kilogram-

quantities of heroin from sources of supply in Houston, Texas, including from JAVIER CONTRERAS-CASTILLO (“CONTRERAS-CASTILLO”), CARLOS ALBERTO GONZALEZ VALENCIA (“VALENCIA”) and Harvey VICTORIA-CUELLAR (“VICTORIA-CUELLAR”). MURIEL-DIAZ and/or MOSQUERA-AMARI sold this heroin to individuals including JONES, who then re-sold the narcotics to others.

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”).<sup>1</sup> Through intercepted calls and other investigative techniques, agents identified additional phone numbers, including telephone number (985) 503-8109 (“JONES’s Phone”), telephone number (347) 515-5248, (“MOSQUERA-AMARI’s Phone #2”), telephone number (347) 601-5283 (“MOSQUERA-AMARI’s Phone #3”), telephone number (917) 703-9637 (“MOSQUERA-AMARI’s Phone #4”) and telephone number (346) 901-9992 (“VICTORIA-CUELLAR’s Phone”).

*MOSQUERA-AMARI Supplied JONES with Narcotics*

During the investigation, DEA and FBI agents intercepted a number of telephone calls between MOSQUERA-AMARI and JONES that revealed that MOSQUERA-AMARI providing JONES with narcotics. For instance, on December 13, 2018 at approximately 7:14 p.m., MOSQUERA-AMARI, utilizing MOSQUERA-AMARI’s Phone #4, received an incoming call

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<sup>1</sup> 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.

from JONES, utilizing JONES's Phone. During this call, MOSQUERA-AMARI asked JONES if he remembered that he had told MOSQUERA-AMARI that "it would be about the same weight." JONES replied affirmatively, MOSQUERA-AMARI said that he would let JONES know. JONES said he was waiting on MOSQUERA-AMARI.

If this case proceeded to trial, an agent would testify that, based on his training and experience, narcotics traffics often speak in vague generalities when discussing narcotics transactions, only revealing enough information so that the opposite party can deduce the context of a particular sentence. An agent would testify that, in this instance, when MOSQUERA-AMARI said, "it would be about the same weight," he was confirming with JONES that JONES wanted to obtain a quantity of heroin from MOSQUERA-AMARI that was the same weight as another quantity that he had obtained on another occasion. MOSQUERA-AMARI then told JONES that he needed to assess how much of his inventory had been designated for other suppliers and would get back to JONES.

On December 16, 2018, at approximately 2:18 p.m., MOSQUERA-AMARI, using MOSQUERA-AMARI's Phone #4, called JONES, who was using JONES's Phone. MOSQUERA-AMARI stated that he was on his way. Court authorized geolocation information for MOSQUERA-AMARI's Phone #4 indicated that he was at 824 Cambronne St., New Orleans, LA, which is MOSQUERA-AMARI's residence. Approximately ten minutes later, JONES went to MOSQUERA-AMARI's residence. A pole camera in the vicinity of 824 Cambronne Street captured a pickup truck arriving at MOSQUERA-AMARI's residence at approximately 2:28 p.m. The pole camera captured a black male matching JONES' description exiting the truck and greeting MOSQUERA-AMARI on the porch. The two entered MOSQUERA-AMARI's residence for approximately ten minutes. JONES then exited and departed in the pickup truck.

A handwritten signature in black ink, appearing to read "J. Jones", is located in the bottom right corner of the page.

That same day, at approximately 10:20 p.m., MOSQUERA-AMARI, using MOSQUERA-AMARI's Phone #4, called JONES, who was using JONES's Phone. During this call, JONES told MOSQUERA-AMARI that he was waiting for a ride and then would be over. MOSQUERA-AMARI then asked JONES if he wanted to wait for the money and JONES said that was up to MOSQUERA-AMARI.

If this case proceeded to trial, an agent would testify that, based on his training and experience, JONES was attempting to deliver partial payment for heroin he had received from MOSQUERA-AMARI earlier in the day. An agent would testify that, when MOSQUERA-AMARI asked if JONES wanted to "wait for the money," he was asking if JONES wanted to wait until he had collected the full amount due to MOSQUERA-AMARI before delivering the proceeds. An agent would testify, based on his training and experience, that narcotics are often "fronted" or provided to trusted distributors on consignment. Therefore, these calls indicate that MOSQUERA-AMARI had fronted JONES a quantity of narcotics earlier that day and was seeking to collect the proceeds that evening.

On January 3, 2018, at approximately 12:40 p.m., MOSQUERA-AMARI, using MOSQUERA-AMARI's Phone #4, received an incoming phone call from JONES, who was using JONES's Phone. During this call, JONES told MOSQUERA-AMARI that JONES would be over MOSQUERA-AMARI's house shortly. At approximately 1:06 p.m., the aforementioned pole camera captured a black Mercedes SUV arriving at MOSQUERA-AMARI's residence. JONES emerged from the passenger's seat of the Mercedes SUV and spoke with MOSQUERA-AMARI for approximately three minutes before departing again.

*MOSQUERA-AMARI Obtained Heroin from a Houston Supplier on or about February 27, 2018*

On or about February 26, 2018, RAMOS and JOSE ANTONIO VALVERDE-CHACON

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(“VALVERDE-CHACON”) drove to Houston to obtain 2 kilograms of heroin for MOSQUERA-AMARI. Agents intercepted a series of telephone calls that coordinated this transaction. For example, at approximately 8:17 p.m., MOSQUERA-AMARI, using MOSQUERA-AMARI’s Phone, called RAMOS, using RAMOS’s Phone. Agents would testify that they believe that, during this call, RAMOS used coded language to inform MOSQUERA-AMARI that he was traveling to Houston shortly, in order to procure a quantity of narcotics.

At 8:20 p.m. that day, RAMOS, using RAMOS’s Phone, placed an outgoing call to VICTORIA-CUELLAR, using VICTORIA-CUELLAR’s Phone. During this call, RAMOS said, “Boom, boom, he gets there, loads the cars and leave. Did you hear me?” Agents would testify that the terms “load” and “loads” are commonly used by drug traffickers to refer to the act of placing narcotics into vehicles for transport. Therefore, agents believe that RAMOS was telling VICTORIA-CUELLAR to quickly provide narcotics so that RAMOS could leave quickly.

Electronic location information for RAMOS’s Phone indicated that at approximately 2:30 a.m. on February 27, 2018, RAMOS began traveling west on Interstate 10 from New Orleans towards Houston. On February 27, 2018, at approximately 7:14 a.m., RAMOS, using RAMOS’s Phone, called VICTORIA-CUELLAR, who was using VICTORIA-CUELLAR’s Phone. During this call, RAMOS stated that he was less than an hour away and asked VICTORIA-CUELLAR to send him the address. Shortly thereafter, RAMOS received an incoming SMS message from VICTORIA-CUELLAR’s Phone reading, “6225 Pinemont Dr., Houston, Texas 77092.” Location information from RAMOS’s Phone at the time of this message indicated that RAMOS was on the eastern outskirts of Houston, Texas.

RAMOS and VICTORIA-CUELLAR then exchanged several phone calls that day, to coordinate a meeting location in Houston. Members of the investigative team surveilled RAMOS

A handwritten signature in black ink, appearing to read "At me" with a stylized flourish below it.

and a passenger, later identified as VALVERDE-CHACON, as they traveled eastbound on Interstate 10 in RAMOS's Chevy Traverse at approximately 1:07 P.M. At approximately 2:43 p.m., RAMOS received an incoming call from MOSQUERA-AMARI. During this call, MOSQUERA-AMARI said, "Hey dude, almost?" RAMOS said, "Yes."

On their way back from Houston, members of the investigative team conducted a stop on Interstate 10 near Kenner, Louisiana of the vehicle used by RAMOS and VALVERDE-CHACON. Members of the investigative team conducted a K-9 narcotics sniff of the vehicle, which yielded a positive result. The team then searched the vehicle and seized a package containing approximately one kilogram of heroin hidden inside the vehicle. This package was sent to the DEA Laboratory, which found that the package contained heroin and had a net weight of approximately 997.6 grams. Subsequently, on August 1, 2018, DEA obtained a search warrant for the above-mentioned vehicle, which was executed on that same day. During that search, DEA located another approximately one kilogram of heroin from the ceiling area of the vehicle. The substance was not field tested, but was consistent in appearance and size with the heroin seized on February 27, 2018.

Two cooperating defendants have confirmed that RAMOS and VALVERDE-CHACON traveled from New Orleans on the morning of February 27, 2018 towards Houston to obtain heroin for MOSQUERA-AMARI. RAMOS and VALVERDE-CHACON met with VICTORIA-CUELLAR at a gas station located in the Houston area, and then followed VICTORIA-CUELLAR to a residence located in Houston. RAMOS pulled the vehicle he was driving into the garage of the residence. VICTORIA-CUELLAR provided RAMOS and VALVERDE-CHACON with a package containing heroin, which they were supposed to bring back to MOSQUERA-AMARI in New Orleans.

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*JONES Sold Heroin to G.M. and Others*

On the morning of March 22, 2018, DEA agents established surveillance in the vicinity of 3310 Kabel Dr., Apt. C, New Orleans, LA (“G.M.’s Residence”). Later that same morning, agents observed G.M. exit the aforementioned address and depart in a white Ford Mustang bearing Louisiana License Plate 344BTG, which agents had previously observed G.M. utilizing. Agents conducted surveillance of G.M. as he traveled to 741 Josephine Street, New Orleans, Louisiana (“JONES’s Residence”), and went inside. Approximately two minutes later, G.M. departed JONES’s Residence. Agents observed G.M. with a large bulge in the front right pocket of his pants, a bulge which was not observed as he entered the residence. Agents surveilled G.M. as he traveled back to G.M.’s Residence. As G.M. exited his vehicle, agents again observed G.M. to have a large bulge in the front right pocket of his pants. If this case went to trial, an agent would testify that, in his training and experience, he believes that the bulge observed on G.M. was a quantity of heroin that G.M. purchased from JONES.

Shortly after arriving back at his residence, G.M. again departed in his vehicle and traveled to a nearby Walgreens, at which time he was observed meeting briefly the dark colored pickup truck of an unidentified male. Shortly after arriving back at his residence again, G.M. exited and approached a gold van occupied by two women. G.M. reached into the passenger window of the van and handed the occupant an unknown object. The van then departed and G.M. returned to the front of his residence. At trial, an agent would testify that the aforementioned conduct is indicative of G.M. conducting hand-to-hand narcotics transactions, in which he sold heroin that he had just obtained from JONES.

Agents surveilled G.M. as he traveled back to the vicinity of JONES’s Residence. G.M. parked his car and entered the passenger seat of a black 2015 Mercedes Benz GL550 with



Louisiana license plate 915BBR (“**JONES**’s Vehicle”), which was parked in front of **JONES**’s Residence. G.M. remained in **JONES**’s Vehicle for several minutes, during which time agents observed **JONES** in the driver seat of **JONES**’s Vehicle. G.M. exited **JONES**’s Vehicle and departed the area in his own vehicle. If this case went to trial, an agent would testify that, in his training and experience, he believes that G.M. returned to meet with **JONES** to provide **JONES** with a quantity of money to pay for the heroin that G.M. received earlier that day.

The next morning, March 23, 2018, DEA agents and New Orleans Police Department (“NOPD”) officers executed a state search warrant at G.M.’s Residence. Upon entering and searching the residence, agents and officers located and seized the following: approximately 227 grams of suspected heroin, approximately 2,086 grams of suspected marijuana, two loaded handguns, one “sawed off” .30 caliber assault rifle, approximately \$14,000, numerous boxes of plastic baggies, rubber bands, digital scales and other assorted narcotics trafficking paraphernalia. G.M. was arrested and booked on state charges. The suspected heroin was tested by the DEA Laboratory, which confirmed the presence of heroin.

*Agents Searched **JONES**’ Residence and Vehicle and Located Heroin, Currency, and Firearms*

On April 5, 2018, DEA agents executed a federal warrant authorizing a search of **JONES**’s Residence and **JONES**’s Vehicle. Both were located within the Eastern District of Louisiana. When agents arrived, they observed **JONES** inside **JONES**’s Vehicle parked outside of **JONES**’s Residence. After **JONES** was placed in handcuffs, he dropped approximately 4.5 grams of suspected heroin and 2.7 grams of marijuana onto the ground. This suspected heroin was sent to the DEA Laboratory, which confirmed the presence of heroin. Inside **JONES**’s Vehicle, agents recovered \$32,970 dollars of U.S. currency inside a bag, and two cellular phones.

During the search of **JONES**’s Residence, agents recovered two firearms: (1) a Glock 27

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.40 caliber semiautomatic firearm, serial number BAKK656, and a magazine, and (2) a Ruger P89 9mm firearm, serial number 304-72772, with a magazine. Both magazines were loaded. In addition, my team recovered a .22 caliber magazine, which was loaded. Furthermore, agents recovered a digital scale.

**JONES's** girlfriend, J.D. provided consent to search a Dodge pickup truck, registered to J.D. Inside the truck, agents recovered a Ruger SR22 .22 caliber firearm, serial number 363-08855, with a magazine, which was loaded. In addition, agents recovered an extended magazine, which was not loaded. Agents also observed additional digital scales in this vehicle.

**JONES** was provided with *Miranda* warnings. Afterwards, he admitted that the firearms in the residence were his. He also stated that he had sold a .22 caliber gun to his "partner." After the discovery of the .22 caliber gun in the Dodge pickup truck, **JONES** said that the firearm did not belong to J.D. In regards to the heroin and marijuana that agents seized, **JONES** stated that the amount thrown to the ground was "all I got." In addition, **JONES** said, in sum and substance, that he had stopped selling drugs in October 2017.

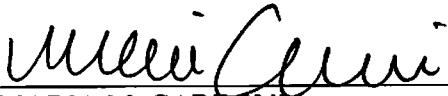
If this case proceeded to trial, an agent would testify that the Ruger and Glock firearms were manufactured outside of the state of Louisiana. Therefore, they traveled in and affected interstate and/or foreign commerce. In addition, at the time that **JONES** possessed the aforementioned firearms, he was prohibited from doing so on the basis of a prior felony conviction. Specifically, on or about May 8, 2002, **JONES** was convicted in the federal District Court for the Eastern District of Louisiana of one count of conspiracy to distribute more than 50 grams of cocaine base, one count of distribution of more than 5 but less than 50 grams of cocaine base, and one count of possession with the intent to distribute more than 50 grams of cocaine base, in violation of 21 U.S.C. §§ 841(a)(1) and 846. These crimes are punishable by a term of

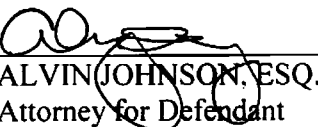


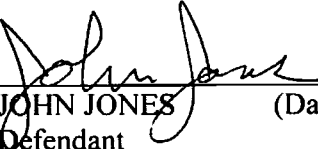
imprisonment exceeding one year.

This proffer of evidence is not intended to constitute a complete statement of all facts known by JONES, 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 JONES's plea of guilty to these crimes. In addition, the above-described telephone calls are representative of other drug-related telephone calls involving JONES intercepted during the course of this investigation.

READ AND APPROVED:

 6/13/19  
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