

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

UNITED STATES OF AMERICA

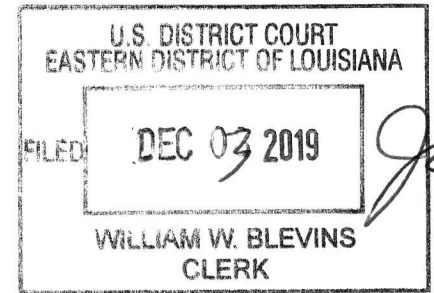
*** CRIMINAL NO. 18-200**

v.

*** SECTION: "A"**

ARCHIE MORRIS

*** * ***



FACTUAL BASIS

The above-named defendant, **ARCHIE MORRIS**, has agreed to plead guilty to Counts One, Three, Six, Seven, and Eight of the Indictment in the above-captioned case, which charge him with committing arson. 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:

At all material times herein, 2260 and 2262 North Prieur Street in New Orleans, Louisiana constituted a duplex rental property. This rental property was owned by V.W. If this case had proceeded to trial, V.W. would testify that he/she did not live in this duplex, but rather rented out both units as an investment. Residential lease records show that V.W. rented 2260 North Prieur Street to E.R. and V.B. for one year on November 11, 2017. Lease records also show that V.W. rented the other unit, at 2262 North Prieur Street, to R.W., on December 9, 2017 for one year. Therefore, at all material times, 2260 and 2262 North Prieur Street was used in interstate commerce and in activities affecting interstate commerce. Specifically, 2260 and 2262 North Prieur Street were actively employed for commercial purposes, that is, for residential lease, and that

☐ Fee _____
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☒ Dktd _____
☐ CtRmDep _____
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employment had an effect on interstate commerce.

In or around February of 2018, seventeen-year-old B.R. ran away from home to live with her 41-year-old boyfriend, **MORRIS**, and his sister, M.M. At some point in March of 2018, B.R. decided that she wanted to return to her mother's house, but did not have money or transportation to do so. **MORRIS** brought B.R. to her mother's house at 2260 North Prieur Street in New Orleans, Louisiana ("2260 North Prieur"), for Easter, which was on April 1, 2018. At B.R.'s mother's house, **MORRIS** got into a heated argument with B.R.'s mother, E.R. E.R. told **MORRIS** to leave, which he did. B.R. remained at the home. **MORRIS** was upset that B.R. would not leave with him. If this case had proceeded to trial, B.R. would testify that **MORRIS** threatened to return and kill her.

That night, **MORRIS** sent B.R. texts which stated, in part, "Find away out that house and meat me some where are ima wait for them people to lieve and this time its gone be fire so if u don't wont that go down like that then make yr way to me now." That night, at around 8:40 p.m., **MORRIS** broke a window at 2260 North Prieur. New Orleans Police Department ("NOPD") responded to the scene but did not arrest **MORRIS**. Several hours later, at around 1:11 a.m. on April 2, 2018, NOPD again responded to the residence at 2260 North Prieur because **MORRIS** had thrown a brick through the window of a bedroom. **MORRIS** was not present when NOPD arrived and was not arrested at that time. **MORRIS** told his sister, M.M., that he had gone to B.R.'s mother's house and had broken the windows in the house.

Approximately four hours later, **MORRIS** threw a homemade Molotov cocktail into a bedroom window at 2260 North Prieur. Specifically, at approximately 5:38 a.m. on April 2, 2018, a fire was reported at this residence. The New Orleans Fired Department ("NOFD") responded

to the scene. The residents were waiting outside on the porch and the fire was out when NOFD arrived. E.R. had heard a “boom” in the rear room and found the curtains on fire when she went to investigate. One of the residents, V.B., put out the fire using water and a fire extinguisher. NOFD Investigator Regis observed a broken window in a bedroom, with soot deposits on the window’s interior sill and remains of burned curtains on the floor beside the window. The investigator concluded that the area of ignition was near the interior windowsill in that bedroom. A Red Stripe beer bottle with soot deposits was on a floor. Agents with the Bureau of Alcohol, Tobacco, Firearms, and Explosives (“ATF”) collected this bottle, which contained a piece of cloth and gasoline. An ATF Explosives Enforcement Officer subsequently analyzed this bottle and issued a Destructive Device Determination report concluding that the bottle, along with the gasoline and cloth remnants, constituted was an improvised incendiary weapon, commonly known as a Molotov cocktail.

Several hours later, on April 2, 2018, at around 9 a.m., V.W.’s daughter met with NOPD officers on the scene to discuss the fire. While officers were present, E.R. called **MORRIS**. Officers could hear a male voice on the other end say that he had been listening through the window and had heard B.R. say that she was having someone else’s baby. He said, “That what made me do what I did.” E.R. asked, “What you did?” and **MORRIS** replied, “That’s when all this fire shit started again, it’s her.” E.R. asked if **MORRIS** had started the fire, and he denied doing so.

Later that same day, at approximately 12:30 p.m. on April 2, 2018, a second fire was reported at 2260 North Prieur. NOFD responded to the scene. A resident, V.B., again advised that he had put out the fire prior to the arrival of NOFD. ATF Certified Fire Investigator (“CFI”) Trimmer examined the scene and collected a glass Coors beer bottle that was covered with an

orange latex glove. An ATF Explosives Enforcement Officer subsequently issued a Destructive Device Determination concluding that the bottle contained gasoline and cloth remnants, and was an improvised incendiary weapon.

During the following days, **MORRIS** told M.M., "I'm bout to go blow this bitch down." M.M. asked **MORRIS** where B.R.'s family would live, and **MORRIS** replied that it was not his problem. On April 7, 2018, at approximately 2:07 a.m., a third fire was reported at 2260 North Prieur Street. This fire was confined to the second bedroom of the home. At the time that the fire was started, five people were in the residence but were able to escape without injury. B.R., her ex-boyfriend friend M.T., and her disabled uncle, K.R., were watching television in the bedroom where the fire was set. V.B. again extinguished this fire. NOFD responded to the scene and the NOFD investigator observed a v-pattern below the windowsill of the bedroom, and glass shards with soot deposits on the interior flooring below this window. The mattress in that room had burn marks on it. ATF CFI Trimber also analyzed this scene. He observed glass shards and a broken neck of a glass bottle on the windowsill. He concluded in an Origin and Cause Report that the cause of this fire was an incendiary device.

Approximately four hours later, at approximately 5:58 a.m. on April 7, 2018, a fourth fire was reported at 2260 North Prieur. This fire was near the front door. E.R. and V.B. described sitting on the floor in the front room when an object hit the front door and startled them. E.R. saw a black male wearing a grey hoodie throw a second object that was on fire from across the street. When the object hit the iron door, flames erupted, and the male ran away. V.B. also looked out the front door and saw a black male "tossing fire" from across the street. V.B. attempted to extinguish the fire with a garden hose, but was unable to do so. NOFD responded and

extinguished the fire. The NOFD investigator observed charring and soot deposits on the mail slot. CFI Trimber also examined the scene, and concluded in an Origin and Cause Report that the cause of this fire was at least two incendiary devices.

Later that day, **MORRIS** told B.R. that he would continue his actions until he “smoked her out.” At approximately 1:35 p.m. on April 7, 2018, a fifth fire was reported at this residence. V.B. was on the front porch talking to the Red Cross about the fires when a neighbor alerted him that the house was on fire. This fire was too large for the residents to put out on their own. NOFD responded to the scene and put the fire out. This final fire destroyed the back half of 2260 North Prieur. Additionally, five people occupied the other side of the duplex, 2262 North Prieur, at the time of the fire. Specifically, four children ages 7 through 16, were sleeping at the time of the fire. A neighbor alerted the mother, who woke up the children and they were able to exit without injury. However, the fire caused smoke and water damage to the items in 2262 North Prieur, including the furniture, clothing, televisions, washing machine, dryer, and clothing.


CFI Trimber observed that the vinyl siding of the rear door had been consumed, and there was damage to the roof that was consistent with fire that climbed the exterior rear wall and entered the attic. He concluded in an Origin and Cause Report that the cause of this fire was the application of open flame to gasoline. A plastic bottle containing a liquid was located in the rear. The ATF lab subsequently analyzed the sample of the liquid, and determined that it contained gasoline.

In the early morning hours of April 7, 2018, **MORRIS** told M.M. over the phone that he had been sitting outside the B.R.’s house and heard B.R. talking to her ex-boyfriend, so he went to the rear of the house and threw a “gas bomb” at the back door of the house.

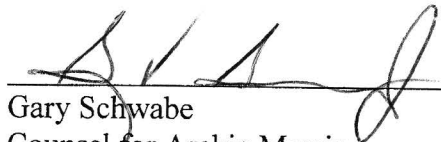
On April 7, 2018, **MORRIS** was arrested for these fires. ATF agents conducted an audio-recorded interview of **MORRIS**. **MORRIS** was advised of his *Miranda* rights before questioning. **MORRIS** initially denied any involvement in the fires. During the course of the interview, however, he acknowledged setting five fires to B.R.'s home. For the first fire, on April 2, 2018, he stated that he was outside of B.R.'s room listening to her talk to her ex-boyfriend. **MORRIS** stated that B.R. told her ex-boyfriend that she was pregnant with her ex's child, not with **MORRIS**'s child, so he got angry. He opened the window and said "The baby ain't mine no more," and threw a bottle at the frame of the window. **MORRIS** advised that he found the bottle and gasoline under B.R.'s home. **MORRIS** stated that he set the second fire in a similar manner, using a brown bottle and an old t-shirt that he tore. After initially denying involvement, **MORRIS** also admitted to setting the fires on April 7, 2018. He stated that he set fire to the to the window frame, and also admitted to setting a fire at 1 or 2 a.m. on the front porch. With respect to the final fire, he stated that he poured gasoline on the step of the house.

Limited Nature of Factual Basis

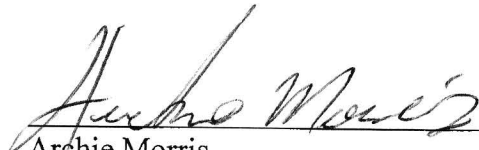
This proffer of evidence is not intended to constitute a complete statement of all facts in this matter. The limited purpose of this Factual Basis is to demonstrate that there exists a sufficient legal basis for **MORRIS's** plea of guilty to Counts One, Three, Six, Seven, and Eight of the Indictment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

 12/3/19

Maria M. Carboni (Date)
Assistant United States Attorney

 12-3-19

Gary Schwabe (Date)
Counsel for Archie Morris

 12-3-19

Archie Morris (Date)
Defendant