

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

UNITED STATES OF AMERICA

*

CRIMINAL NO: 19-087

v.

*

SECTION: "H"

DALE PHILLIPS, JR.

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FACTUAL BASIS

The above-named defendant, **DALE PHILLIPS, JR. ("PHILLIPS")**, has agreed to plead guilty to Count 4 of the Indictment. Should this matter proceed to trial, the United States would prove beyond a reasonable doubt, through credible testimony, drug evidence, Title III wire and electronic interceptions, and other reliable evidence, the following facts. Unless stated otherwise, these acts occurred in the Eastern District of Louisiana:

During the time frame of the charged conspiracy, **PHILLIPS** conspired with codefendants Gene **RUDOLPH ("RUDOLPH")**, Paul **METZ**, **ZYETA RUDOLPH ("ZYETA")**, Yrian **DEVORE**, and Elbert **CHILDS** to distribute cocaine in the Eastern District of Louisiana.

The evidence shows that, in 2018, **PHILLIPS** assisted **METZ** in **METZ's** drug distribution operation in Plaquemines Parish. On October 15, 2018, the Honorable Lance M. Africk authorized the interception of wire and electronic communications on two telephones belonging to **METZ**. Over the ensuing weeks, agents intercepted numerous drug-related conversations between **PHILLIPS** and **METZ**.

For example, On October 22, 2018, **METZ** called **PHILLIPS** and stated, "Tell Unc to put the water on. I'm about to come over there by Unc." **PHILLIPS** responded, "I'm gonna put it on right now." Earlier that day, **METZ** had obtained a new supply of cocaine from **RUDOLPH**. By

agreeing to “put the water on,” **PHILLIPS** was agreeing to begin the process of boiling water so that **METZ** could convert cocaine hydrochloride into cocaine base.

In another conversation, on November 4, 2018, **PHILLIPS** texted **METZ** that he “needs some work.” In this message, **PHILLIPS** knew that **METZ** was a drug dealer and was requesting some “work,” code for cocaine, from **METZ**. **PHILLIPS** then sent **METZ** another text stating “150,” meaning **PHILLIPS** was seeking \$150 worth of cocaine.

On December 13, 2018, **METZ** and **PHILLIPS** were arrested after a traffic stop in which they were in possession of a quantity of cocaine. Earlier that day, **METZ** and **RUDOLPH** had agreed to meet at the Walmart on Tchoupitoulous Street in New Orleans. **METZ** and **PHILLIPS** drove in **METZ**’s truck from Plaquemines Parish to the Walmart. They arrived and parked at the Walmart. Agents saw **RUDOLPH** arrive as well and park next to **METZ**. **METZ** entered **RUDOLPH**’s white Lexus for a brief period. **METZ** then exited the Lexus, reentered his truck, and began driving back towards Plaquemines Parish.

Upon entering Plaquemines Parish, officers from Plaquemines Parish Sheriff’s Office, working alongside DEA, conducted a traffic stop on **METZ**’s truck. Upon approaching the truck, **METZ** exited voluntarily. Officers detected the strong odor of marijuana emanating from **METZ** and the truck. **METZ** indicated that he did not have a license. Officers handcuffed **METZ** for officer safety. **METZ** admitted that they were smoking a “blunt” earlier. Officers removed **PHILLIPS** and placed him in handcuffs. Officers then searched **METZ** and recovered marijuana and seven oxycodone pills on his person. Officers then searched the truck and located a Dollar Tree grocery bag inside of another grocery bag on top of the rear middle seat. The bag contained 244 grams of powder cocaine and 3 grams of crack cocaine, confirmed by lab analysis. Officers also recovered a burned hand-rolled cigar containing marijuana in the cupholder. Officers

recovered \$1,070 cash from the cupholder and \$475 cash from **PHILLIPS's** person. Officers seized two phones from METZ and one phone from **PHILLIPS**.

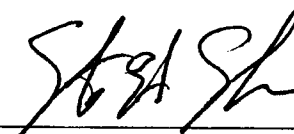
PHILLIPS accompanied METZ to the Walmart knowing that METZ intended to purchase cocaine from his source of supply. **PHILLIPS** was aware of the cocaine in the truck and jointly possessed the cocaine along with METZ.

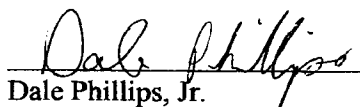
PHILLIPS and the government stipulate for the purposes of sentencing that **PHILLIPS** was responsible for at least 200 grams but less than 300 grams of a mixture or substance containing a detectable amount of cocaine hydrochloride, through **PHILLIPS's** own conduct and the reasonably foreseeable conduct 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 **PHILLIPS's** plea of guilty to the charged offense.

 6/19/20
Brandon S. Long (Date)
Assistant United States Attorney

 6/19/2020
Stephen Shapiro (Date)
Counsel for Defendant Dale Phillips, Jr.

 6-19-2020
Dale Phillips, Jr. (Date)
Defendant