

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF LOUISIANA

UNITED STATES OF AMERICA

\* CRIMINAL NO. 21-071

v.

\* SECTION: "A" Mag. 3

JAMES ALEXANDER

\*

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\* \* \*

FACTUAL BASIS

The defendant, **James Alexander**, has agreed to plead guilty to Count 1 of the Indictment in which he is charged with participating in a conspiracy to distribute and possess with the intent to distribute one kilogram or more of a mixture or substance containing a detectible amount of heroin, in violation of Title 21, United States Code, Section 841(a)(1), (b)(1)(A), and 846.

Should this matter have gone to trial, the Government would have proven, through the introduction of competent testimony and other admissible evidence, the following facts, beyond a reasonable doubt, to support the allegations against the defendant:

**Arrest of Alexander on May 20, 2021:**

On May 20, 2021, DEA Agents received information from a Confidential Informant (CI) concerning Dwayne Marshall. According to the CI, Marshall was going to be able to sell him three kilograms of heroin on May 20, 2021, in the New Orleans Louisiana area. The CI further stated that Marshall would be obtaining the heroin from a second individual.

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At this time, members of the Drug Enforcement Administration, New Orleans Field Division established surveillance on Marshall in New Orleans. During this surveillance, agents observed Marshall travel throughout the New Orleans area. While conducting surveillance, agents observed Marshall park his vehicle near the intersection of Hollygrove Street and Pritchard Place in New Orleans. Agents then observed an unknown individual, who was later identified as **James Alexander** walk to Marshall's vehicle and enter the front passenger side of Marshall's vehicle. **Alexander** was wearing a neon yellow construction vest and a blue t-shirt. Upon **Alexander** entering the vehicle, Marshall departed the area. Agents maintained surveillance on Marshall and **Alexander** as they traveled to the Gentilly area of New Orleans. Subsequently, Marshall and **Alexander** arrived at a residence and parked. Agents observed Marshall and **Alexander** standing outside of Marshall's vehicle shortly after they arrived.

A short time later, agents observed Marshall depart the residence and drive to the vicinity of the Valero Gas Station located at 3415 South Carrollton Avenue, New Orleans. During this time, surveillance observed Marshall to be the sole occupant of the vehicle. After parking, Marshall exited his vehicle and walked to a black pickup truck that was parked at the Speedee Oil Change located across the street from the Valero Gas Station. Agents then observed Marshall enter that black pickup truck through the front passenger door. Moments later, agents observed **Alexander**, who was still wearing the neon yellow construction vest and carrying a grey collapsible food container, walk to the same black truck and enter said vehicle through the rear passenger side door. At this time, Marshall was seated in the front passenger seat of the black pickup truck, and **Alexander** was seated behind Marshall. A third individual was seated in the driver's seat. Shortly thereafter, agents observed Marshall and **Alexander** exit the black pickup truck. Surveillance

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observed **Alexander** carrying the same food container as he and Marshall walked to Marshall's vehicle. Both men were then observed entering Marshall's vehicle. During this time, Marshall was seated in the driver's seat, and **Alexander** was in the front passenger seat. Marshall then drove his vehicle to the vicinity of the Chinese Kitchen Restaurant, located at 3327 South Carrollton Avenue, and parked on the street in front of this business.

For approximately thirty minutes, both men remained seated inside the vehicle. Agents then observed **Alexander** exit the vehicle and walk to a black Chevrolet Malibu that was parked nearby. During this time, agents observed **Alexander** was still carrying the same food container. Agents then observed **Alexander** enter the black Chevrolet Malibu through the front passenger door. Moments later, the black Chevrolet Malibu, depart the area on Carrollton Avenue towards Tulane Avenue. As the Chevrolet Malibu departed the area, agents noticed that Marshall was driving closely behind the Chevrolet Malibu. Agents also noticed that the driver of the Chevrolet Malibu was a black female.

While following the Chevrolet Malibu, agents observed the vehicle begin to drive in an evasive manner, leading agent to believe the surveillance operation had been compromised, and that the driver of the Chevrolet Malibu was aware of law enforcement presence. Shortly thereafter, the vehicle came to a stop on Carrollton Avenue, at which time **Alexander**, who was in possession of the food container, exited the vehicle. At this time, surveillance agents, who were wearing clothing with clearly marked police insignia, approached **Alexander** and identified themselves as law enforcement. At this time, **Alexander** attempted to flee the area on foot, but was apprehended shortly thereafter. While the agents took him into custody, he resisted arrest and had to be restrained. During this brief foot pursuit, **Alexander** discarded the food container onto the

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sidewalk. Agents immediately took possession of the food container. A subsequent search of the food container revealed six plastic wrapped packages, each containing a light brown substance believed to be heroin, weighing a total of approximately 3,103 grams. A subsequent field test was conducted, which revealed a positive result for the presence of heroin. According to law enforcement officials the three kilograms of heroin had a wholesale value of approximately \$150,000.00, as each kilogram cost approximately \$50,000.00.

**Alexander** was arrested at the scene and transported to the Drug Enforcement Administration, New Orleans Field Division for processing. **Alexander** was advised of his Miranda Warnings and asked if he was willing to answer any questions regarding this incident. He indicated that he was not willing to answer questions at this time but just stated, [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] A review of Alexander's criminal record revealed that he has a prior federal drug trafficking conviction from 2000 in the E.D.La. where he served approximately 140 months in the custody of the United States Bureau of Prisons. He also has several arrest and convictions for drug offenses in state court.

Following **Alexander's** arrest, agents made contact with Marshall and transported him to the DEA New Orleans Field Division. Marshall was advised of his Miranda Warnings and asked if he was willing to answer questions regarding the above mentioned incident. Marshall waived his right to legal counsel and voluntarily consented to be interviewed. [REDACTED] [REDACTED] [REDACTED]

Agents later tracked down the unknown female that was driving **Alexander** through the rental car records. She was identified as [REDACTED]. She admitted to driving **Alexander** and letting him out of the car with his lunch bag but denied that she knew anything about him having heroin.


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According to her, she was just giving a friend a ride. Agents do not have any other information that she was involved in this drug transaction.

By pleading guilty to these charges the defendant admits that he and Dwayne Marshall conspired to distribute one kilogram or more of heroin during the course of the conspiracy.

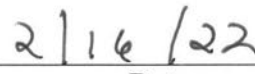
On November 23, 2021 the D.E.A. Southeast Laboratory in Miami, Florida analyzed the suspected heroin that was seized in connection with this case. The actual drugs had a net weight of 3033 grams and tested positive for N-Phenyl-N-[1-[(phenylethyl)-4-piperidinyl]propenamide (Fentanyl). It also contained Tramadol, Lidocaine, and Quinine.


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 James Alexander's plea of guilty to the charged offenses.

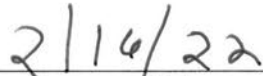
  
MAURICE E. LANDRIEU, JR.  
Assistant United States Attorney

  
Date

  
JAMES ALEXANDER  
Defendant

  
Date

  
ARTHUR LEMANN, IV.  
Attorney for Defendant

  
Date