

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

**UNITED STATES OF AMERICA**

**v.**

**GILDA HENDERSON**

\* **CRIMINAL NO.** 22-22  
\* **SECTION:** "H"  
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**FACTUAL BASIS**

Should this matter have gone to trial, the Government would have proved through the introduction of reliable testimony and admissible tangible exhibits, including documentary evidence, the following to support the allegations charged by the Government in Count 1 of the Indictment against the defendant, **GILDA HENDERSON**, charging her with a violation of Title 18, United States Code, Section 371, namely, conspiracy to commit mail fraud. The Defendant, along with her co-conspirators and others, beginning at a time unknown and continuing through the present, in the Eastern District of Louisiana, and elsewhere, conspired to commit mail fraud in connection with a staged automobile accident that occurred on or about May 11, 2017.

Prior to May 11, 2017, Joseph Brewton ("Brewton") and David Brown ("Brown") asked **HENDERSON** if she was interested in participating in a staged automobile accident in New Orleans, Louisiana, to make some money. **HENDERSON** responded affirmatively.

At trial, the Government would present phone records showing that, on or about May 9, 2017, Brewton spoke with **HENDERSON**, Brown, and Damien Labeaud ("Labeaud"). If this case proceeded to trial, the Government would present testimonial evidence that Labeaud was known as a "slammer," or an individual who drove vehicles and intentionally collided with 18-wheeler tractor-trailers in order to stage car accidents.

AUSA W  
Defendant G.H.  
Defense Counsel SD

On or about May 11, 2017, Brown drove a Ford Expedition ("the Expedition") to pick up HENDERSON from Morgan City, Louisiana and to pick up Larry Picou ("Picou") from Gibson, Louisiana. Brown then drove to a parking lot in New Orleans, Louisiana. In the parking lot, HENDERSON, Brown, and Picou met Labeaud, Mario Solomon ("Solomon"), and Latrell Johnson ("Johnson"), who were in Solomon's Chevy Silverado. At trial, the Government would present testimony that Solomon was known as a "spotter," or an individual who would follow Labeaud in a separate vehicle and would pick up Labeaud after the staged accidents in order to flee the scene and evade detection.

In the parking lot, Labeaud got into the driver's seat of the Expedition, and Brown moved to the back of the vehicle. HENDERSON rode in the front passenger seat and Johnson rode in the back of the vehicle. The occupants of the Expedition discussed that Labeaud would intentionally cause a collision with a tractor-trailer and then leave while the passengers contacted the police. Labeaud instructed Brown to get into the driver's seat after the collision. The passengers agreed to say that they had come to New Orleans to go shopping. Labeaud instructed the passengers to claim to be injured but not to go to the hospital.

At around 10 a.m., while driving the Expedition at the intersection of Chef Menteur Highway and Downman Road, Labeaud intentionally sped up and collided with a 2013 International tractor-trailer owned by B.A.H. Express and driven by Truck Driver B. HENDERSON did not observe anyone sleeping at the time of the collision.

The Government would present testimonial evidence that Truck Driver B was unaware that a collision had occurred, so Solomon flagged down Truck Driver B, posing as a bystander, and falsely alleged that the tractor-trailer had struck a vehicle. If this case had proceeded to trial, the Government would present evidence that Truck Driver B later identified photos of Solomon



would present evidence that the Brown/Picou/Johnson Lawsuit was a personal injury lawsuit that sought damages from Truck Driver B and Westfield, arising out of the May 11, 2017 collision. On or about May 11, 2018, Attorney B filed a petition on behalf of HENDERSON in the CDC ("the Henderson Lawsuit"). The Henderson Lawsuit was a personal injury lawsuit that sought damages from Truck Driver B, B.A.H. Express Inc., and Westfield, arising out of the May 11, 2017 collision. The Brown/Picou/Johnson Lawsuit and the Henderson Lawsuit were consolidated and removed to federal court in the Eastern District of Louisiana ("the Federal Lawsuit").

The allegations in the Brown/Picou/Johnson Lawsuit, the Henderson Lawsuit, and the Federal Lawsuit were false in that they did not contain information about how Labeaud intentionally caused the May 11, 2017 accident between the Expedition and the 2013 International tractor-trailer. Furthermore, these lawsuits falsely alleged that Brown had been the driver of the Expedition during the accident and omitted material information about how the passengers had agreed to stage the accident with Labeaud.

The Government would present bank records showing that the passengers received advances on their settlements. HENDERSON received advances on her settlement, including checks from the Law Firm of Attorneys A, B, C, and D in the amounts of \$800.00 on or about November 29, 2017 and \$500.00 on or about December 18, 2018.

On or about December 3, 2018, a Westfield employee mailed a settlement check for Johnson in the amount of approximately \$7,000.00 via United States Postal Service ("USPS") from Ohio to Westfield's counsel in New Orleans, Louisiana. Westfield's counsel then provided this check to Keating to settle Johnson's false claims. On or about January 17, 2019, a Westfield employee sent a settlement check for Picou in the amount of approximately \$130,000.00 via

FedEx from Ohio to Westfield's counsel in New Orleans, Louisiana. Westfield's counsel provided this check to Keating to settle Picou's false claims.

On or about July 1, 2019, HENDERSON was deposed in connection with the Federal Lawsuit. She provided false testimony that the truck driver was at fault and omitted the fact that Labeaud had been driving at the time of the collision. On or about July 2, 2019, Brown gave false deposition testimony in which he claimed to be driving the Expedition at the time of the collision. On or about July 23, 2019, after settling their claims, Picou and Johnson gave false deposition testimony alleging that the tractor-trailer was at fault in the May 11, 2017 collision and omitting the fact that Labeaud had been driving. Johnson also provided false testimony about her telephone calls with Solomon before the collision.

On or about August 22, 2019, Westfield filed an amended answer and counterclaim in the Federal Lawsuit, alleging that the collision was staged. On that same date, HENDERSON moved to dismiss her claims in exchange for not being named in the counterclaim.

In sum, the Government's evidence would prove that the defendant, GILDA HENDERSON, conspired to commit mail fraud by causing the mailing of two settlement payments for the Federal Lawsuit, which sought monetary damages premised on falsehoods in connection with the May 11, 2017 staged automobile collision. At trial, the Government would provide evidence that, through the aforementioned crime, HENDERSON and her co-conspirators caused a loss of approximately \$140,242.77.

#### **Limited Nature of Factual Basis**

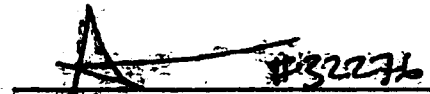
This proffer of evidence is not intended to constitute a complete statement of all facts known by HENDERSON, and/or the Government. Rather, it is a minimum statement of facts intended to prove the necessary factual predicate for her guilty plea. The limited purpose of this


proffer is to demonstrate that there exists a sufficient legal basis for the plea of guilty to the charged offense by **HENDERSON**.

The above facts come from an investigation conducted by, and would be proven at trial by, credible testimony from, *inter alia*, Special Agents and forensic examiners from the Federal Bureau of Investigation and other witnesses and from admissible tangible exhibits in the custody of the FBI, including phone records, text messages, police reports, medical records, body camera footage, bank records, deposition transcripts, and civil filings.

READ AND APPROVED:

  
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Defendant

  
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