

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

UNITED STATES OF AMERICA * CRIMINAL NO. 22-22
v. * SECTION: "H"
LARRY MARTIN PICOU *
*
* * *

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, **LARRY MARTIN PICOU**, charging him with a violation of Title 18, United States Code, Section 371, namely, conspiracy to commit mail fraud. The Defendant, along with his 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") asked **PICOU** if he was interested in participating in a staged automobile accident to make money and **PICOU** agreed. At trial, the Government would present testimonial evidence that David Brown ("Brown"), Gilda Henderson ("Henderson"), and Latrell Johnson ("Johnson") also agreed with co-conspirators to stage an automobile collision. At trial, the Government would present testimonial evidence that Brewton told Brown that **PICOU** had agreed to serve as a passenger in a staged collision and directed Brown to drive **PICOU** and Henderson to New Orleans for the purpose of staging a collision.

At trial, the Government would introduce phone records showing that, between on or about

AUSA *me*
Defendant *LP*
Defense Counsel *SHB*

May 9, 2017 and May 11, 2017, Brewton had phone contact with co-conspirators including Brown, Henderson, 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. According to phone records, Labeaud also spoke with Attorneys B and C and with Mario Solomon (“Solomon”) during this time period. 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.

On or about May 11, 2017, Brown drove a Ford Expedition (“the Expedition”) to pick up **PICOU** from Gibson, Louisiana. Brown and **PICOU** discussed that they were going to stage a collision. Brown picked up Henderson next and then drove to a parking lot in New Orleans, Louisiana. In the parking lot, Henderson, Brown, and **PICOU** met Labeaud, Solomon, and Johnson, who were in Solomon’s Chevy Silverado.

In the parking lot, Labeaud got into the driver’s seat of the Expedition, and Brown moved to the back of the vehicle. **PICOU** and Johnson also rode in the back of the vehicle, while Henderson rode in the front passenger seat. 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. The Government would present 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 as the individual who flagged him down and identified photos of Solomon's Silverado as the vehicle used.

Labeaud fled the scene in Solomon's Silverado. New Orleans Police Department ("NOPD") officers responded to the accident. The Government would introduce NOPD body camera footage showing that Brown informed officers that he had been driving the Expedition and that the tractor-trailer caused the collision.

[REDACTED]

[REDACTED]

[REDACTED] The Government would present testimonial evidence that Brewton directed the passengers to go to the law firm of Attorneys A, B, C, and D after the false police report was made. Brown drove the Expedition, following Labeaud in the Silverado, to the law firm of Attorneys A, B, C, and D. Labeaud went into the back and spoke privately with someone at the firm, and then Attorney B met with Henderson, Brown, **PICOU**, and Johnson. Henderson, Brown, **PICOU**, and Johnson initially hired the law firm of A, B, C, and D.

The Government would introduce bank record showing that, on or about July 21, 2017, the insurance provider for Truck Driver B, Westfield Insurance Company ("Westfield"), paid approximately \$3,242.77 for Brown's property loss.

At trial, the Government would introduce civil filings showing that Patrick Keating ("Keating") filed a petition on behalf of Brown, **PICOU**, and Johnson in the Orleans Parish Civil

District Court (“CDC”) on or about May 9, 2018 (“the Brown/Picou/Johnson Lawsuit”). The Government 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, the Law Firm of Attorneys A, B, C, and D filed a petition on behalf of Henderson in the CDC (“the Henderson Lawsuit”). The Government would present evidence that 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.

At trial, the Government would present bank records showing that **PICOU** received advances on his settlement, including checks from the Law Firm of Attorneys A, B, C, and D in the amounts of \$300.00 on or about June 5, 2017, \$300.00 on or about July 14, 2017, \$500.00 on or about August 15, 2017, and \$400.00 on or about September 29, 2017.

The Government would present documentary and testimonial evidence that, 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.

The Government would present documentary and testimonial evidence that, on or about July 1 and 2, 2019, Henderson and Brown gave false deposition testimony about the May 11, 2017 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.

In sum, the Government's evidence would prove that the defendant, **LARRY MARTIN PICOU**, 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, **PICOU** and his co-conspirators caused a loss of approximately \$140,242.77.

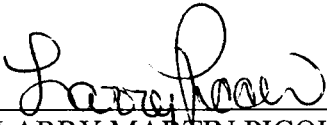
Limited Nature of Factual Basis

This proffer of evidence is not intended to constitute a complete statement of all facts known by **PICOU**, and/or the Government. Rather, it is a minimum statement of facts intended to prove the necessary factual predicate for his 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 **PICOU**.

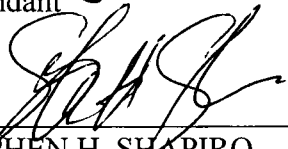
The above facts come from an investigation conducted by, and would be proven at trial by, credible testimony from, *inter alia*, Special Agents and forensic examiners from the Federal

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:



LARRY MARTIN PICOU
Defendant



STEPHEN H. SHAPIRO
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