

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

**UNITED STATES OF AMERICA**

\*

**CRIMINAL NO. 12-175**

**v.**

\*

**SECTION: "T"**

**DON BROOKS**

\*

**a/k/a "Crip"**

**ANTOINE BROOKS**

\*

\* \* \*

**FACTUAL BASIS**

Should this matter proceed to trial, the United States will prove beyond a reasonable doubt, through credible testimony of special agents of the Drug Enforcement Administration ("DEA"), the New Orleans Police Department ("NOPD"), state and local law enforcement agencies, and the production of reliable evidence, the following facts:

On September 23, 2011, Tamira Johnson was walking down the street in New Orleans with her young child. Also walking on that street was an individual named Roosevelt Rumbley. At the same time, Antoine Brooks and Don Brooks were driving in the same area on the lookout for Roosevelt Rumbley, an individual with whom they had an ongoing drug related feud, in order to kill him in connection with that drug related feud. As Antoine and Don Brooks neared and saw Rumbley, Antoine reached out of the car window holding a .40 caliber handgun and began shooting at Rumbley, hitting Rumbley in the hand and hitting Tamira Johnson, who was near Rumbley, in the head, killing her. According to Rumbley (and other cooperating individuals), he was shot at because he was a drug dealer competitor of Antoine and Don Brooks. Antoine Brooks and Don Brooks admit they both intended to kill Rumbley when the situation presented itself and functioned as a team to accomplish that goal. (.40 caliber shell casings recovered from the scene were determined to be a ballistics match to the .40 caliber shell casings recovered from the scenes

of the drug related killings of Lamont Phillips and Harry Howard and the .40 caliber Glock firearm recovered from the scene of the January 5, 2012 shootout, all described below.)

Cooperating witnesses would testify that Harry Howard and Lamont Phillips were sources of supply of cocaine base (“crack”) for Don and Antoine Brooks. According to those witnesses, they moved into a house located at 1357 Columbus Street in August 2011. As soon as they moved in, they saw two individuals, who they quickly learned were Don and Antoine Brooks, dealing crack literally steps in front of their house all day, every day, from August 2011 until January 2012. Don Brooks and Antoine Brooks admit that they agreed to work together to distribute and possess with the intent to distribute at least 280 grams of crack during that time period.

Those witnesses would testify that on multiple occasions they saw Don and Antoine Brooks call Howard after running out of crack and Howard then arriving at their location to resupply the Brooks brothers.

Don Brooks admits that on January 1, 2012, he murdered Harry Howard during the course of a drug transaction. Subpoenaed subscriber information and toll information revealed that Howard's cell phone, (504) 307-5402, had been called by, or had called, Don Brooks' cell phone, (504) 952-5489, approximately eleven times on January 1, 2012, the day Howard was murdered. In addition to the toll information, historical cell site information revealed that both Don Brooks' and Antoine Brooks' cell phones were near the scene of Howard's murder. In addition, 25.5 grams of crack was recovered from the ground at the scene of Howard's murder. (.40 caliber shell casings found at the scene of Howard's murder were confirmed to be a ballistics match to shell casings found at the scene of Lamont Phillips' and Tamira Johnson's murder. In addition, .40 caliber bullets (unused) of the same brand as those found at the murder scene were found at Don Brooks' residence during the execution of a state search warrant.)

A cooperating witness would testify that he/she noticed a silver/gray car, which is consistent with the silver Alero possessed and used by Don Brooks, in the street just before the Howard murder. He/she then saw an individual get out of the car (later identified as Howard), while someone else came around from behind the car, at which point Howard started to run. The individual who came from behind the vehicle then shot Howard in the back as he ran away. Howard died as a result of his wounds.

On January 4, 2012, at approximately 9:46 p.m., Lamont Phillips was murdered in front of his residence in New Orleans during the course of a drug transaction with Don Brooks. According to a cooperating individual who was with Phillips just before the murder, Phillips engaged in a cellphone conversation with an individual he/she knew as “Crip” discussing a drug transaction. After the cell phone conversation, Phillips retrieved from his house the drugs “Crip” requested. Phillips then left his house to conduct the deal with “Crip.” Once Phillips went outside, the cooperating individual heard Phillips speaking to someone. The cooperating individual then heard Phillips ask that person if he was alone. The cooperating individual then heard numerous gunshots and looked out the window and saw a black male standing over Phillips, who was lying in street, taking items from Phillips’ pockets. The cooperating individual then called 911. Shortly thereafter, NOPD officers arrived on the scene and found that Phillips had been shot multiple times. In addition, NOPD officers found 9.2 grams of crack spilled on the street where Phillips was shot. According to the responding NOPD officers, Phillips made a dying declaration that “Crip did me” just before expiring. This dying declaration was also heard by other cooperating individuals. (As stated above, the .40 caliber shell casings recovered from the scene matched those recovered at Howard and Johnson drug related murder scenes.)

A review of toll data links Don Brooks' and Lamont Phillips' cell phones. Don Brooks and Lamont Phillips were calling one another minutes before he was killed (Don Brooks called Phillips at 8:40 p.m., 8:54 p.m., 9:22:19 p.m., 9:22:54 p.m., 9:23 p.m., 9:27 p.m., 9:38 p.m., 9:38 p.m., 9:40 p.m., 9:43 p.m.; Phillips called Don Brooks at 9:33 p.m. and 9:40 p.m). In addition, historical cell cite information placed Don's cell phone at the location of the murder when it occurred.

On the afternoon of January 5, 2012, the day after Lamont Phillips was killed, Don Brooks and Antoine Brooks were involved in a shootout with unknown individuals in New Orleans at the intersection of North Claiborne and Kelerec Street. After the gunfire ended, Don drove Antoine, who had sustained several gunshot wounds, to the hospital. A cooperating witness was standing down the street during the shootout. As soon as Don and Antoine Brooks left the scene, that cooperating witness ran to where Don and Antoine had been standing during the shootout, looked down and saw a .40 caliber Glock firearm, which he/she picked up and kept. On January 12, 2012, the NOPD recovered that firearm from the cooperating witness during a traffic stop. That firearm was confirmed via ballistics analysis to be the firearm that was used in the drug related homicides of Tamira Johnson, Harry Howard, and Lamont Phillips.

On January 7, 2012, at approximately 12:51 a.m., NOPD officers responded to University Hospital to investigate the shooting of a known individual. Upon arriving at the hospital NOPD officers interviewed that person. According to that person, who is cooperating with the government, on January 6, 2012, at approximately 11:00 p.m., he was giving a ride home to a black male who he knew only as "Shorty." The known individual and "Shorty" traveled to the Shell gas station located at 1100 Franklin Avenue, New Orleans, Louisiana, where the known individual purchased gas. According to the known individual, after getting gas, the two traveled to

the 1600 block of Montegut Street in New Orleans, Louisiana. Upon arrival, the known individual stopped his vehicle and assisted “Shorty” out of the vehicle. According to that individual, he was assisting “Shorty” because “Shorty” used crutches to walk.

The known individual stated that after helping “Shorty” out of his vehicle, “Shorty” told him that he dropped his lighter and cigarettes in the back seat of the vehicle. “Shorty” then asked him to retrieve the items from the back seat. The known individual stated that, while attempting to retrieve the items, “Shorty” stated, “This is for messing with my peeps,” and fired 3-5 shots at him striking him in the left thumb, right ear, and the left side of his neck. .45 caliber shell casings from that attack were found at the scene. The known individual fled the scene on foot and ran to his residence located at 1634 N. Villere Street and was then transported to University Hospital in New Orleans, Louisiana, where he was treated for his injuries.

The known individual later identified Don Brooks, a/k/a “Crip,” via a photo line-up as the person he referred to as “Shorty.” He stated that he believed that Don Brooks attempted to kill him in retaliation for him speaking with the police about the Harry Howard murder.

On January 11, 2012, NOPD officers responded to reports of a gun battle in the 1300 block of Columbus Street, New Orleans. Upon NOPD officers arriving they encountered Don Brooks. It was discovered that Don Brooks was carrying a .45 caliber firearm. Ballistics analysis confirmed that that .45 firearm Don Brooks possessed was the same firearm used in the January 7, 2012 shooting of a known individual described above.

READ AND APPROVED:

\_\_\_\_\_  
SEAN TOOMEY  
Assistant United States Attorney

\_\_\_\_\_  
DATE

\_\_\_\_\_  
SAMUEL SCILLITANI  
Counsel for Defendant Don Brooks, a/k/a "Crip"

\_\_\_\_\_  
DATE

\_\_\_\_\_  
DON BROOKS, a/k/a "Crip"  
Defendant

\_\_\_\_\_  
DATE

\_\_\_\_\_  
STEVEN LEMOINE  
Counsel for Defendant Antoine Brooks

\_\_\_\_\_  
DATE

\_\_\_\_\_  
ANTOINE BROOKS  
Defendant

\_\_\_\_\_  
DATE