

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

UNITED STATES OF AMERICA

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CRIMINAL NO: 09-061

v.

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SECTION: "S"

MATTHEW S. OLVANY

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FACTUAL BASIS

If this case was to proceed to trial the Government would present credible testimony and reliable evidence to prove the following facts beyond a reasonable doubt;

Beginning at a time unknown and continuing through April 4, 2008, Matthew S. Olvany and other known and unknown individuals conspired with each other to distribute and possess with intent to distribute quantities of heroin. For several months leading up to April 4, 2008, Olvany would obtain amounts of heroin from his source of supply and sell quantities of heroin, typically in \$50 and \$100 amounts. During this time period, Olvany sold heroin in part to make money to support his habit of consuming heroin.

On or about February 4, 2008, after getting off work, Zachary Moser and multiple known individuals proceeded to Olvany's residence on Vegas Drive in Metairie, Louisiana to obtain

amounts of heroin for personal consumption. Moser and Olvany worked together at Emeril's Delmonico restaurant. Once at Olvany's residence, a known individual obtained an amount of heroin from Olvany for Moser who had waited in the vehicle. Shortly after obtaining amounts of heroin, Moser and the other known individuals departed Olvany's residence and proceeded to a bar on St. Charles Avenue. After a period of time, Moser left with a friend to watch movies at the friend's apartment in the uptown area of New Orleans, Louisiana.

The next morning, Moser was found deceased on the floor of the bathroom of the residence with a syringe, a spoon containing residue, and a cigarette lighter near his body. Attempts to resuscitate Moser were unsuccessful and he was pronounced dead at the residence. An autopsy revealed that Moser died of acute visceral and cerebral congestion from the ingestion of heroin.

After identifying Olvany as the source of supply of heroin that led to the death of Moser, investigating agents made a controlled purchase of a small amount of heroin from Olvany. On April 3, 2008, FBI Special Agent James Hurley met with Olvany at Olvany's Vegas Drive residence and purchased \$100 of heroin from Olvany. The following day, April 4, 2008, agents approached Olvany and Olvany then provided a voluntary, non-custodial statement. In that statement, Olvany admitted selling the heroin that Moser later ingested causing his death. Further, during the course of meeting with Olvany agents recovered \$90 of the \$100 used by S/A Hurley to purchase the heroin from Olvany the day before.

At trial the Government would introduce the amounts of heroin seized from Olvany in connection with this investigation, the statements and admissions of Olvany as well as the testimony of cooperating witnesses and investigating agents and other items of evidentiary value.

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Matthew S. Olvany (date)
Defendant