

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

UNITED STATES OF AMERICA

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CRIMINAL NO: 09-391

v.

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SECTION: "K"

ALVIN BARNES

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FACTUAL BASIS

If this case were to proceed to trial, the United States would prove the following facts beyond a reasonable doubt:

In the beginning of 2009, agents of the Drug Enforcement Administration (DEA) began an investigation into the drug trafficking activities of WILLIAM STEVENSON and others in the Eastern District of Louisiana and elsewhere. On July 28, 2009, United States District Judge Ivan L.R. Lemelle signed an order authorizing the interception of wire communications over cellular telephone number (504) 402-9853 utilized by WILLIAM STEVENSON (hereinafter referred to as STEVENSON). Interception of wire communications to-and-from this telephone continued until August 16, 2009. Agents were also granted a federal search warrant for text messages sent to and from telephone number (504) 402-9853. Following the termination of the wire interception on STEVENSON's telephone, agents were granted authorization by United States District Judge Ivan L.R. Lemelle to intercept communications over cellular telephones (504)896-

0210 utilized by MARK ROSS; (832) 724-9881 utilized by LANDRY GRANDISON; (281) 302-9107 utilized by CASSANDRA BATISTE and TROY POCHE; and (504) 281-7430 utilized by HOWARD LUMAR, JR. During the course of the investigation, agents learned that STEVENSON conspired with MARK ROSS, LANDRY GRANDISON, TROY POCHE, and CASSANDRA BATISTE to obtain wholesale supplies of heroin that he mixed with cutting agents and packaged for individual distribution. STEVENSON also conspired with MARK ROSS and others to acquire quantities of cocaine hydrochloride.

During the interception of STEVENSON's telephone, agents intercepted a series of telephone calls beginning on or about July 29, 2009, between **ALVIN BARNES** and STEVENSON wherein STEVENSON questioned **BARNES** about a package of cocaine hydrochloride **BARNES** had been paid to mail to New Orleans from Texas where **BARNES** resided. At trial, testimony would be presented to show that STEVENSON fronted **BARNES** money for a kilogram of cocaine hydrochloride that STEVENSON was getting for his cousin, LEONARD WHITE. On or about July 30, 2009, STEVENSON and **BARNES** were intercepted on a number of calls discussing why the package did not arrive in New Orleans as anticipated. For example, in one call at 12:43 p.m., **BARNES** was intercepted telling STEVENSON "say, you know, I been doing this shit, . . . what is f-cking me up about it, it saying it got accepted and saying it left where they pick it up at, like where they pick it up at Katy, and then they going to bring it to H-town, the big one where they distribute the shit at. But, it never say it left here. The bitch was supposed to say, say when I use it, it tells me when that bitch stop in Minnesota, it only just say from Katy to Houston, but it did not say anything about making it there. That is right next door it should not take that long. That is the part that is eating at me about it." Witnesses

would testify that **BARNES** was referring to the online tracking system available to postal customers to track the delivery of packages. **BARNES** told STEVENSON the tracking system was not showing that the cocaine package destined for New Orleans ever left Houston.

STEVENSON told **BARNES** that his cousin wanted to make sure that “he did not get played, and he got a ho in there looking for him. He feels like if it’s gone, it’s gone. But, he has his ho working on it. He is trying to make sure that the bitch really did get took.” Testimony would be presented to show that STEVENSON had put up the money for the cocaine hydrochloride and was going to give his cousin a break on the price when STEVENSON received it from **BARNES**. STEVENSON and a female associate were trying to track the package on the computer so that STEVENSON could determine if law enforcement intercepted the package.

Two hours later, STEVENSON called **BARNES** and told him “the broad working at the office she entered the number and said that the number was not found.” STEVENSON told **BARNES** that the female helping them needed “a receipt number.” **BARNES** said he gave STEVENSON the tracking number. STEVENSON said the receipt number was needed because the tracking number indicated that there was no item sent. **BARNES** said he did not keep anything else but the tracking number. STEVENSON said **BARNES** would need to come down there and talk to him (his cousin) because he was upset about his money and STEVENSON vouched for **BARNES**.

Twenty minutes later, **BARNES** called STEVENSON and told STEVENSON neither he nor (his cousin) had anything to worry about. STEVENSON said he did not know what was going on and **BARNES** said “I don’t know what is going on, and I’ve been doing this for five

years; it's a toss up." STEVENSON countered saying that he needed to look at the big picture telling **BARNES** that STEVENSON's cousin put "11 stacks" (\$11,000) in his hand. **BARNES**, shouting at STEVENSON, said "I don't know him, I f-ck with you, I don't know that man from Adam or Eve, I f-ck with you. You let that n-gger know how I do it, you know all about it." STEVENSON said that I called him (his cousin) and told him what you told me and he was "not falling for it." Witnesses would testify that STEVENSON was concerned that **BARNES** did not mail the package, but was keeping the money. **BARNES** retorted that "nobody is going to the penitentiary for \$22,000." STEVENSON again inquired about another method of tracking the package and said "the ho at the post office said to make sure there was not some old codes being used that they could track it with the receipts." **BARNES** said "I don't keep that shit, all that is incrimination, I don't keep that."

At trial, testimony and recorded wiretap calls would be offered to show that after the cocaine **BARNES** was paid for did not materialize, STEVENSON arranged for his cousin, LEONARD WHITE to get a kilogram of cocaine hydrochloride from KEVIN TYLER.

The government and the defendant agree and stipulate that the amount of narcotics that the defendant, **ALVIN BARNES**, was responsible for during this conspiracy was at least 500 grams of cocaine hydrochloride, but not more than 5 kilograms of cocaine hydrochloride.

BARNES admits that on or about July 31, 2002, in the Criminal District Court of Orleans Parish, Louisiana, under docket number 430-579 "A" he pled guilty to the charge of possession of marijuana (second offense) in violation Louisiana Revised Statute 40:966(D)(2). He was

sentenced to one year imprisonment which was suspended.

Read and Approved:

ALVIN BARNES (Date)
Defendant

D. MAJEEDA SNEAD (Date)
Defense Counsel for Alvin Barnes

EMILY K. GREENFIELD #28587(Date)
Assistant United States Attorney