

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF LOUISIANA

UNITED STATES OF AMERICA	*	CRIMINAL NO. 20-80
	*	
v.	*	SECTION: "I"
	*	
RODERICK HICKMAN	*	
LOIS RUSSELL		
JAMES WILLIAMS	*	
a/k/a "Curtis Williams"		
TANYA GIVENS	*	
JOHN DIGGS		
HENRY RANDLE	*	
RYAN WHEATEN		
DAKOTA DIGGS	*	
BERNELL GALE		
MARVEL FRANCOIS	*	
TROY SMITH		

\* \* \*

**FACTUAL BASIS AS TO JOHN DIGGS**

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 now pending against the defendant, **JOHN DIGGS ("J. DIGGS")**, 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 staged accidents, including one that occurred on March 27, 2017.

In or around 2015, Roderick Hickman ("Hickman") and Damien Labeaud ("Labeaud") began working together to stage automobile accidents. When staging accidents, Hickman and Labeaud both served as so-called "slammers" and "spotters." The "slammer" was the driver of

AUSA	<i>or</i>
Defendant	<i>JD</i>
Defense Counsel	<i>or</i>

the vehicle in the staged accident, and the “spotter” was the person driving the getaway vehicle. As a slammer, Hickman would intentionally cause a collision with a tractor-trailer and then exit the vehicle immediately and flee the scene. As a spotter, Hickman would follow Labeaud in a separate vehicle and then pick up Labeaud from the scene immediately after he caused the accident to evade detection. Hickman and Labeaud used several different spotter vehicles throughout the course of the conspiracy.

Hickman and Labeaud brought persons involved in illegally staged accidents to attorneys, including Attorney C, in exchange for money. Attorney C knew that Labeaud and Hickman were staging accidents. Hickman, Labeaud, and Attorney C would sometimes discuss the staging of accidents before they happened. Labeaud and Attorney C sometimes communicated through coded language, including fishing terms, to refer to staged accidents. Hickman and Labeaud agreed to share the proceeds they obtained for accidents that they staged together. Attorney C would pay Hickman and Labeaud via cash and check for staged and legitimate accidents. Additionally, Attorney C represented Hickman and Labeaud in accidents in which they were each involved, and concealed subsequent payments to them for staging accidents as advances on their settlement and/or loans.

On a date unknown but not later than 2016, Labeaud also began bringing persons involved in illegally staged accidents to Attorney A in exchange for money. Attorney A would pay Labeaud \$1,000.00 per passenger for accidents with tractor-trailers, and \$500.00 per passenger for accidents that did not involve tractor-trailers. Attorney A knew that Labeaud was staging accidents with Hickman and another spotter, Mario Solomon. Attorney A paid Labeaud for illegally staged tractor-trailer accidents, and then Labeaud paid individuals including Hickman and Solomon in cash for the accidents that they helped to stage.

One of the accidents that Hickman and Labeaud staged is described below:

*March 27, 2017 Staged Accident*

On or about March 25, 2017, Co-Conspirator B contacted Lois Russell (“Russell”) and Tanya Givens (“Givens”) to see if they were interested in staging an automobile accident, and they agreed. Co-Conspirator B usually charged the approximate sum of \$250.00 for arranging a staged automobile accident and Givens paid Co-Conspirator B \$250.00 in cash on or about March 26, 2017. On or about March 27, 2017, Co-Conspirator C instructed **J. DIGGS** to meet Russell at Williams’s home. At Williams’s home, it was discussed that Russell, Williams, Givens, and **J. DIGGS** would go to New Orleans that day to stage an automobile accident with a tractor-trailer in order to obtain money through fraud.

On or about March 27, 2017, Co-Conspirator B drove Russell, Williams, Givens, and **J. DIGGS** from Gibson, Louisiana in a 2007 Mercury Mountaineer (“Mountaineer”) owned by Russell to a parking lot in New Orleans, Louisiana for the purpose of staging an automobile accident.

Phone records show that, at approximately 10:37 A.M., Hickman texted Labeaud, “Outside.” At approximately 11:59 A.M., Labeaud received a text, “Bout to pull up.”

Co-Conspirator B exited the Mountaineer. In the parking lot, Russell, Williams, Givens, and **J. DIGGS** met with Hickman and Labeaud. Russell, Williams, Givens, Hickman and Labeaud discussed how they were going to intentionally stage an accident involving a tractor-trailer. Labeaud and Hickman were in Labeaud’s car. Russell agreed to allow Hickman to drive the Mountaineer. Hickman drove Russell, Williams, Givens, and **J. DIGGS** in the Mountaineer to locate another vehicle to collide with in the area of Chef Menteur and Downman Road in the New Orleans East area. At approximately 1:05 P.M. that day, Hickman, while driving the

Mountaineer on Chef Menteur Highway, intentionally collided with a 2017 Freightliner tractor-trailer owned by HMNG Trucking and operated by Truck Driver A while it was traveling past the Downman Road exit. Hickman exited Russell's Mountaineer after the collision and told Russell to get behind the wheel of the Mountaineer to make it appear that Russell was driving the vehicle at the time of the staged accident. Hickman exited the Mountaineer after the collision and left the accident scene in Labeaud's car.

After Hickman exited the Mountaineer, Russell got behind the wheel of the Mountaineer. Givens contacted the New Orleans Police Department ("NOPD") to report that the occupants in Russell's car had been in an automobile accident. At approximately 1:55 P.M., NOPD responded to the scene of the staged accident and, shortly thereafter, Russell falsely reported to the NOPD that she had been the driver of the Mountaineer and that the HMNG tractor-trailer struck her vehicle.

After the staged accident, at the suggestion of Co-Conspirator B, Russell, Givens, Williams and **J. DIGGS** went to the law firm of Attorneys C, D, and E for their legal representation. Co-Conspirator B met Russell, Givens, Williams and **J. DIGGS** at to the law firm of Attorneys C, D, and E. Co-Conspirator B received a check from the law firm of Attorneys C, D, and E in the amount of approximately \$500.00, dated March 27, 2017. Later that day, Co-Conspirator B drove Russell, Givens, Williams and **J. DIGGS** back to the Gibson area.

After agreeing to be represented by the law firm of Attorneys C, D, and E, and receiving some medical treatment, Russell, Givens, and **J. DIGGS** later retained Attorney A. Attorney A met Givens and **J. DIGGS** in Houma to arrange representation. On or about May 12, 2017, **J. DIGGS** received a "client advance on settlement" from Attorney A in the amount of approximately \$500.00. Givens received "loans" or "client advances on settlement" from

Attorney A, including, but not limited to checks in the approximate amounts of \$1,701.88 on or about May 17, 2017 and \$750.00 on or about May 24, 2017. Attorneys A and B referred Russell, Givens, and **J. DIGGS** to doctors and healthcare providers for medical treatment. On or about October 3, 2017, **J. DIGGS** underwent a three-level spinal fusion surgery, during which he suffered complications. Givens later returned to the law firm of Attorneys C, D, and E for legal representation.

On or about November 2, 2017, Attorneys A and B filed a personal injury lawsuit on behalf of **J. DIGGS**, and subsequently added Russell, seeking to obtain monetary damages from Security, HMNG Trucking, and Progressive Security Insurance Company (“Progressive”) in connection with the March 27, 2017 staged accident (“J. Diggs/Russell Lawsuit”). The allegations in the J. Diggs/Russell Lawsuit were false in that they did not contain information about how Hickman and Labeaud intentionally caused the March 27, 2017 accident with the 2017 Freightliner tractor-trailer. Furthermore, the J. Diggs/Russell Lawsuit falsely alleged that Russell had been the driver of the Mountaineer during the accident and omitted material information about how the passengers had agreed to stage the accident with Hickman and Labeaud.

Attorney D referred Williams and Givens to doctors and healthcare providers for medical treatment. On or about February 9, 2018, Attorney D filed a personal injury lawsuit on behalf of Williams and Givens, seeking to obtain monetary damages from Security, HMNG Trucking, and Progressive in connection with the March 27, 2017 staged accident. The allegations in the Williams/Givens Lawsuit were false in that they did not contain information about how Hickman and Labeaud intentionally caused the March 27, 2017 accident with the 2017 Freightliner tractor-trailer. Furthermore, the Williams/Givens Lawsuit falsely alleged that Russell had been the driver of the Mountaineer during the accident and omitted material information about how the passengers

had agreed to stage the accident with Hickman and Labeaud. On or about March 23, 2018, counsel for Progressive filed a Motion to Transfer and Consolidate the Williams/Givens Lawsuit and the J. Diggs/Russell Lawsuit.

Williams, Givens, Russell, and **J. DIGGS** each provided false testimony in subsequent depositions taken in conjunction with the consolidated lawsuits filed by Attorneys A and D.

On or about April 10, 2019, Counsel for HMNG Trucking, Security, and Truck Driver A mailed an envelope via the United States Postal Service (“USPS”) to Attorneys A and B, located on Canal Street, New Orleans, LA 70119, containing settlement documents and a check in the amount of approximately \$140,000.00 for **J. DIGGS**. On or about April 18, 2019, Counsel for HMNG Trucking, Security, and Truck Driver A mailed an envelope via USPS to Attorneys A and B, located on Canal Street, New Orleans, LA 70119, containing settlement documents and a check in the amount of approximately \$17,500.00 for Russell. On or about April 18, 2019, Counsel for HMNG Trucking, Security, and Truck Driver A mailed an envelope via USPS to Attorney D, located on Canal Street, New Orleans, LA 70119, containing settlement documents and a check in the amount of approximately \$115,000.00 for Williams.

In May 2019, Attorney D advised Givens that the law firm of Attorneys C, D, and E was withdrawing from the Williams/Givens Lawsuit because the accident had been flagged as fraudulent. No settlement was paid on behalf of Givens.

In sum, the government’s evidence would prove the Defendant, **J. DIGGS**, conspired to commit mail fraud by causing mailings in connection with the filing of the Williams/Givens Lawsuit and the J. Diggs/Russell Lawsuit seeking monetary damages that were premised on falsehoods in connection with the March 27, 2017 staged automobile accident. The government would prove that Labeaud and Hickman received payment for their role in staging accidents for


passengers who would subsequently become clients of Attorney A, Attorney C, and other attorneys. The government's evidence would also prove that the Defendant knew that his co-conspirators would seek to obtain monetary damages from the owners and insurers of those tractor-trailers.

**Limited Nature of Factual Basis**


This proffer of evidence is not intended to constitute a complete statement of all facts known by **J. DIGGS**, 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 **J. DIGGS**.

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 ("FBI") and admissible tangible exhibits in the custody of the FBI.


READ AND APPROVED:

  
\_\_\_\_\_  
JOHN DIGGS  
Defendant

05-25-21  
Date

  
\_\_\_\_\_  
CATHERINE CHAVARRI  
Counsel for Defendant

05/25/21  
Date

  
\_\_\_\_\_  
BRIAN M. KLEBBA  
EDWARD J. RIVERA  
MARIA CARBONI  
Assistant United States Attorneys

5-25-21  
Date