

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

UNITED STATES OF AMERICA

*

CRIMINAL NO: 07-352

v.

*

SECTION: "N"

*

KEVIN COCKERHAM

a/k/a "Frog"

* * *

FACTUAL BASIS

Should this matter proceed to trial, the United States would prove the defendant, **KEVIN COCKERHAM's**, guilt to Counts One and Three of the Fifth Superseding Indictment beyond a reasonable doubt through the following credible testimony and reliable evidence:

Agents with the Federal Bureau of Investigation (FBI) conducted an investigation into the drug trafficking activities of **KEVIN COCKERHAM, a/k/a "Frog,"** and others in the Eastern District of Louisiana and elsewhere. The investigation included the use of information from FBI agents, DEA agents, state and local law enforcement officers, and confidential sources. Agents analyzed pen register information and telephone toll records, conducted surveillance and made controlled narcotics purchases and seizures from members of this drug trafficking conspiracy. All substances obtained from members of the organization tested positive for cocaine hydrochloride or heroin.

The FBI also utilized federal court ordered Title III wiretaps. On June 14, 2007, the Honorable Kurt D. Engelhardt, United States District Court Judge for the Eastern District of Louisiana, issued an Order authorizing the interception of wire communications made over telephone numbers (504) 609-6787 and (504) 270-3002, utilized by SHELDON DEAN. Interception of wire communications to and from (504) 270-3002 continued until July 13, 2007. Interception of wire communications to and from (504) 609-6787 continued until August 11, 2007. Wire intercepts of (504) 270-3002 and (504) 609-6787 revealed that SHELDON DEAN and others were distributing heroin and other illegal drugs in the Eastern District of Louisiana. The wire interception revealed that **KEVIN COCKERHAM** supplied heroin directly to SHELDON DEAN.

Accordingly, agents applied for a wire interception of a telephone utilized by **KEVIN COCKERHAM**. On July 20, 2007, Judge Engelhardt issued an Order authorizing the interception of wire communications made over telephone number (504) 957-2288, utilized by **KEVIN COCKERHAM**. Interception of wire communications to and from (504) 957-2288 continued until September 13, 2007. On August 22, 2007, Judge Engelhardt issued an Order authorizing the interception of wire communications made over telephone number (832) 473-9793, utilized by COREY MUSE. Interception of (832) 473-9793 ended on September 13, 2007.

The intercepted wire communications, along with physical surveillance, showed that COREY MUSE supplied **KEVIN COCKERHAM** with cocaine hydrochloride and heroin. At trial, the government would introduce intercepted phone calls in which COREY MUSE and **KEVIN COCKERHAM** discussed the type and quantity of drugs they were dealing. For example, on July 23, 2007, agents intercepted a telephone call in which **KEVIN COCKERHAM** asked COREY MUSE “say you saw how that looked?” COREY MUSE replied “Not really. I just, I was movin’

em. Is something wrong?" **KEVIN COCKERHAM** responded that he did not know. **COREY MUSE** asked, "They supposed to be just like the same, huh?" **KEVIN COCKERHAM** replied, "No, not one, it's all like broke look like." **KEVIN COCKERHAM** continued, "it's like, you know, it's just crushed and shit, soft like." **COREY MUSE** told **KEVIN COCKERHAM** he would see when he got back. **COREY MUSE** asked **KEVIN COCKERHAM** if it was bad. **KEVIN COCKERHAM** replied, "no, I ain't saying that." **COREY MUSE** told **KEVIN COCKERHAM** "that was like today so I just laid up there and moved out, I didn't really like check it out." **KEVIN COCKERHAM** replied, "one of 'em is like, you know . . . (sound of a hard object banging on a table) . . . ya heard me." **KEVIN COCKERHAM** said, "one just like . . . man." **COREY MUSE** told **KEVIN COCKERHAM** he would check it out. **KEVIN COCKERHAM** told **COREY MUSE**, "I'm a see though, I'm a go ahead and mess with it though." This conversation occurred after **COREY MUSE** had delivered 2 packages of heroin to **KEVIN COCKERHAM**.

On July 28, 2007, agents intercepted a telephone call in which **COREY MUSE** advised **KEVIN COCKERHAM** that he had talked to "T." **KEVIN COCKERHAM** asked what "T" was talking about. **COREY MUSE** replied, "seven, and that was the only thing . . . seven more. . . whoop whoop." This was coded language which agents interpreted to mean that "T" would be supplying **KEVIN COCKERHAM** and **COREY MUSE** with cocaine.

On August 27, 2007, agents intercepted a telephone call in which **COREY MUSE** advised **KEVIN COCKERHAM** that he was "trying to check some shit out right now." **COREY MUSE** advised **KEVIN COCKERHAM** that the "shit" he had was black and he was taking it to his friends house to check out the quality. **COREY MUSE** said, "but as far as the other, like four, like regular."

This was coded language which agents interpreted to mean that COREY MUSE was having a friend test the quality of a sample of heroin, but telling **KEVIN COCKERHAM** that his next shipment would contain four kilograms of cocaine hydrochloride.

Also at trial, the government would introduce approximately 60 intercepted telephone calls from July 21, 2007 to September 11, 2007 between **KEVIN COCKERHAM** using telephone number (504) 957-2288 and another male using cellular telephone number (504) 419-3278. Agents would testify that surveillance and controlled purchases revealed that CLINTON RODRIGUEZ was the user of telephone number (504) 419-3278 and that he was using the telephone number to negotiate the distribution of heroin.

On August 2, 2007, following a series of calls between **KEVIN COCKERHAM** and CLINTON RODRIGUEZ in which the two men were planning to meet, agents intercepted a telephone call in which CLINTON RODRIGUEZ told **KEVIN COCKERHAM**, “it was like kinda short.” **KEVIN COCKERHAM** replied, “what, 245?” CLINTON RODRIGUEZ said, “yeah, exactly that what it was.” **KEVIN COCKERHAM** said, “alright, I got ya, I got ya, let’s still do that, I got you though.” Agents interpreted this coded phone call to have occurred after **KEVIN COCKERHAM** had supplied CLINTON RODRIGUEZ with heroin. Agents would testify that they interpreted the phone call to mean that **KEVIN COCKERHAM** had not supplied the agreed upon quantity of heroin to CLINTON RODRIGUEZ.

Wire interceptions of telephones utilized by SHELDON DEAN and telephone toll records would also be introduced at trial to prove that **KEVIN COCKERHAM** supplied SHELDON DEAN with heroin. On July 28, 2007, agents intercepted a call from SHELDON DEAN to **KEVIN COCKERHAM** in which SHELDON DEAN asked if **KEVIN COCKERHAM** had any of the

same. **KEVIN COCKERHAM** replied “no, it is new.” **KEVIN COCKERHAM** told **SHELDON DEAN** to call him when “you get up and get there.” About an hour later, agents intercepted an incoming call from **KEVIN COCKERHAM** to **SHELDON DEAN** in which **SHELDON DEAN** advised **KEVIN COCKERHAM** that he would be there in about two minutes. A few minutes later, **KEVIN COCKERHAM** called **SHELDON DEAN** and told **SHELDON DEAN** that he was just around the block. Agents would testify to a series of phone calls intercepted following the meeting between **KEVIN COCKERHAM** and **SHELDON DEAN** in which **SHELDON DEAN** discussed the weight and price of the heroin that **KEVIN COCKERHAM** supplied him.

The undersigned prosecutor and FBI Special Agents assigned to this investigation have done a thorough review of all drug types and quantities provable during the entire course of the conspiracy. At trial, the government would have presented the testimony of people who have purchased drugs from and who have sold drugs with the defendant.

The government and the defendant agree to stipulate that the amount of narcotics that **KEVIN COCKERHAM** was responsible for distributing or that was reasonably foreseeable to him as being distributed in this case includes a total quantity of 17 kilograms of cocaine hydrochloride and 2.5 kilograms of heroin. **KEVIN COCKERHAM** admits that on or about August 3, 1990, in

the Criminal District Court for the Parish of Orleans, State of Louisiana, under case number 338-314,
he pled guilty to the charge of possession of heroin in violation of Louisiana Revised Statute 40:966.

READ AND APPROVED:

EMILY K. GREENFIELD (LA 28587)
Assistant United States Attorney

DATE

Michael Ciaccio ()
Counsel for Defendant

DATE

Kevin Cockerham
Defendant

DATE