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U.S. DISTRICT COURT
EASTERN DISTRICT OF LA
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LORETTA G. WHYTE
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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

UNITED STATES OF AMERICA	*	CRIMINAL NO: 07-408
v.	*	SECTION: "I"
MILTON JOSEPH, IV	*	

* * *

FACTUAL BASIS

Should this matter proceed to trial, the United States would prove beyond a reasonable doubt, through credible testimony and reliable evidence, the following facts:

On July 29, 2007, July 30, 2007, August 13, 2007, August 27, 2007, and September 19, 2007, an undercover police officer ("U/C") purchased cocaine base ("crack") from Wayne Williams II ("Williams"), in exchange for United States currency. The cocaine base was forensically analyzed and determined to weigh 11.6 grams, 9.7 grams, 1.2 grams, 11.7 grams, and 41.8 grams, respectively. In addition, on July 6, 2007, July 13, 2007, July 18, 2007, July 27, 2007, October 23, 2007, and November 8, 2007, the U/C purchased heroin from Williams, in exchange for United States currency. The heroin was forensically analyzed and determined to weigh 4.1 grams, 1.7 grams, 1.6 grams, 1.4 grams, 6.3 grams, and 6.4 grams, respectively. Milton Joseph IV ("JOSEPH") provided, or had a third-party provide, Williams with all of the aforementioned quantities of cocaine base and heroin.

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JOSEPH received the cocaine base that he supplied to Williams from Lawrence Honore, a/k/a "Terrell." JOSEPH received the heroin that he distributed from Damon Burkhalter ("Burkhalter"). Further, all of the aforementioned drug transactions occurred in the Eastern District of Louisiana.

Just prior to meeting with Williams on July 13, 2007, July 18, 2007, and July 27, 2007, surveillance agents followed JOSEPH as he drove to and appeared to briefly enter an apartment located at 1434 ½ North Derbigny Street, New Orleans, Louisiana. JOSEPH then departed in his vehicle and met with Williams.

In addition, on November 2, 2007, and November 8, 2007, surveillance agents watched as JOSEPH drove his vehicle, parked and again appeared to briefly enter the apartment located at 1434 ½ North Derbigny Street. Suveillance agents then followed JOSEPH as he departed in his vehicle and appeared to engage in hand to hand drug transactions. On each day, one of the individuals who appeared to receive drugs from JOSEPH was arrested shortly after the drug transaction occurred. Heroin, wrapped in aluminum foil packets, was recovered from the individuals at the time of their arrests. The heroin was forensically analyzed and weighed .28 grams, and .31 grams, respectively.

On October 18, 2007, the Honorable Sarah S. Vance, District Court Judge in the Eastern District of Louisiana, entered an order that authorized a Title-III wire intercept of conversations over a cellular telephone used by JOSEPH. The wire intercept was terminated on November 16, 2007.

October 26, 2007, a conversation was intercepted between JOSEPH and Burkhalter ("Burkhalter"). Burkhalter agreed to sell 14 grams of heroin to JOSEPH. JOSEPH subsequently received the 14 grams of heroin from Burkhalter in the New Orleans area and sold the heroin to two individuals who resided in Mississippi. In addition, on October 26, 2007, JOSEPH agreed to sell one

of the individuals from Mississippi twenty-eight (28) grams of heroin for $3000 as soon as he received an additional supply of heroin from Burkhalter.

On or about November 3, 2007, Burkhalter re-supplied JOSEPH with a large quantity of heroin. However, because the purity of the heroin was poor, JOSEPH immediately received complaints about its quality from his customers. As a result, JOSEPH and Burkhalter engaged in a number of conversations in an effort to remedy the problem regarding the purity of the heroin. Ultimately, on November 15, 2007, Burkhalter and JOSEPH agreed to purchase 28 grams of heroin, from an alternative heroin source, to mix with the heroin possessed by JOSEPH in an effort to increase its purity.

In addition, on November 6, 2007, a conversation was intercepted between JOSEPH and a third-party. During the conversation, JOSEPH agreed to sell the third party a quantity of heroin in exchange for $550. Later that day, surveillance units saw JOSEPH and the third party meet in New Orleans and consummate the transaction. The third party was subsequently arrested and a quantity of heroin was recovered from his possession that was forensically analyzed and determined to weigh approximately 3.7 grams.

On November 30, 2007, a search warrant was executed at 1434 ½ North Derbigny Street, New Orleans, Louisiana. Inside the residence, approximately 20.3 grams of heroin were recovered, along with digital scales, a box of plastic baggies, aluminum foil wrap, a cutting agent, a plate, two spoons, a grinding machine, and cutting materials. The two spoons, plate, electronic scale, and grinding machine were forensically analyzed. Forensic analysis revealed that the spoons, plate, and digital scale contained heroin residue. Analysis further confirmed that the grinder contained heroin residue. The amount of residue taken from the grinder weighed 1.1 grams.

When JOSEPH was arrested on November 30, 2007, in his pocket were keys to the residence located at 1434 ½ North Derbigny Street.

All of the drugs that were recovered during the course of this investigation was tested by the DEA Laboratory in Dallas, Texas and all substances tested positive for illegal drugs, including cocaine base, heroin, and Diazapam. Furthermore, based on the wire intercepts, undercover purchases, and statements of co-conspirators the defendant, **Milton Joseph**, and the government agree and stipulate that he should be held accountable for least 50 grams but less than 150 grams of cocaine base ("crack") at least100 grams but less than 400 grams of heroin that were reasonably foreseeable to him during the course of this conspiracy.

Maurice Landrieu 4/11/08 (Date)
Assistant United States Attorney

4/11/08
Clarence Roby, Jr. (Date)
Counsel for Defendant

Milton Joseph, IV (Date)
Defendant