

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

UNITED STATES OF AMERICA

*** CRIMINAL DOCKET NO: 08-083**

v.

*** SECTION: "N"**

**LOUIS RYNOLE HENRY
a/k/a "CoCo"**

*** * ***

FACTUAL BASIS

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

On Friday, June 22, 2007 at approximately 3:00 p.m., New Orleans police department officers Wesley Humbles and Glen Washington, went on proactive patrol in the Fourth District. As the officers turned right onto Dearmas St. they noticed a black male standing in the driveway of a home located at 1145 Terry Street. Officer Humbles recognized the black male as Louis Henry a/k/a "CoCo", a subject whom Humbles had recently arrested. As the officers drove past Henry, they noticed that he appeared to be smoking a hand rolled cigar (a "blunt") and could smell the odor of burning marijuana. The officers drove past the driveway, but then backed the car up to where Henry was previously standing. Officers observed Henry with his back facing the street, retrieving what appeared to be an assault rifle, which was propped up against a yellow Chevy Nova that was parked in the driveway. Henry then tossed the rifle onto the side of the home.

The officers then exited the vehicle. After noticing the officers approaching, Henry immediately jumped over the fence at the rear of the house. Officer Humbles immediately followed Henry as he jumped the fence and discarded the hand-rolled cigar into a neighbor's backyard. Officer Humbles gave Henry several commands to stop, but Henry refused. Officer Humbles finally was able to detain Henry and placed him in handcuffs. At this point, Officer Humbles stated he observed four pieces of individually plastic wrapped rock-like substance fall from Mr. Henry's right pants leg. Officer Humbles then conducted a search incident to arrest and discovered that Henry had a clear, plastic bag containing twenty-nine individually plastic wrapped pieces of rock-like substance inside Henry's underwear waistband. Humbles also found ten individually plastic wrapped pieces of rock-like substance inside Henry's right shoe. Henry executed a rights of arrestee form and stated to Officer Humbles that he ran because he was smoking a blunt and had crack-cocaine in his possession.

The crack-cocaine was tested by the St. Tammany Parish Sheriff's Office and it tested positive for cocaine base and had a net weight of 4.35 grams. The AK-47 was retrieved and found to be fully loaded with one live round in the chamber, one magazine on the rifle, and a second magazine taped to the first one. The first magazine held twenty-three live rounds of 7.62 x 39mm ammunition and the second held thirty live rounds of 7.62 x 39mm ammunition. The assault rifle was analyzed by Special Agents of the Bureau of Alcohol, Tobacco, Firearms, and Explosives and was determined to be a Romarm/Cugir, 7.62 mm caliber semi-automatic rifle, bearing serial number PU-5603-85. An ATF agent will testify that this firearm was manufactured outside the state of Louisiana, and had to travel across state lines to be found in the state of Louisiana thus affecting interstate commerce. Further, a law enforcement officer will testify that Henry was carrying drugs on his person and was possessing a firearm that was visible to anyone who may want to purchase

drugs from him or attempt to rob him.

While the officers were collecting and itemizing the evidence, Henry's mother arrived on the scene. At this point, Henry explained to his mother that he was being arrested for smoking a blunt and possessing cocaine.

On 6/13/2007 Henry pled guilty to one violation of L.A.R.S. 40:967(c)(2) (possession of crack) in Orleans Parish under criminal case number 470-677 "F". This violation is punishable by a term of imprisonment exceeding one year.

BRIAN J. CAPITELLI
Assistant United States Attorney
LA Bar Roll No. 27398

Date

C. GARY WAINWRIGHT, ESQ.
Counsel For Defendant

Date

LOUIS RYNOLE HENRY
Defendant

Date