

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

UNITED STATES OF AMERICA

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CRIMINAL NO: 10- 271

v.

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SECTION: "E"

LARRY MOSES, JR.

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FACTUAL BASIS

If this case were to proceed to trial, the Government would prove the Defendant LARRY MOSES, JR. guilty beyond a reasonable doubt of Counts 1-4 the Second Superseding Indictment. In those counts, the defendant, LARRY MOSES, JR. (MOSES) is charged with: *one*, conspiring to maliciously damage and attempt to destroy by means of fire and explosive materials the Fuel Zone gas station convenience store, a building used in interstate commerce at 4500 Chef Menteur Highway in New Orleans, Louisiana (Count 1); *two*, conspiring to use a destructive device during a crime of violence (Count 2); *three*, on or about June 5, 2010, aiding and abetting Lennie Brown in attempting to destroy by means of fire the Fuel Zone gas station convenience store located at 4500 Chef Menteur Highway in New Orleans, Louisiana (Count 3); and, on or about June 22, 2010, aiding and abetting Lennie Brown and Michael Collins in attempting to destroy by means of fire and explosive

materials the Fuel Zone gas station convenience store located at 4500 Chef Menteur Highway in New Orleans, Louisiana (Count 4). The Government would establish the following through reliable and competent evidence:

In May 2010, MOSES approached Lennie Brown (Brown) and told Brown that he knew of a gas station owner who wanted his station burned for insurance purposes. MOSES offered Brown \$1,500.00 in exchange for Brown damaging through means of fire the Fuel Zone gas station convenience store located at 4500 Chef Menteur Highway in New Orleans, Louisiana. MOSES explained to Brown that the store was to be damaged enough to close it down for a few days. Brown accepted MOSES' offer to damage the Fuel Zone store by means of fire.

On the evening of June 5, 2010, MOSES and Brown drove together to a Spur gas station off of Morrison Road. At the Spur station, MOSES and Brown purchased a Powerade squirt bottle sports drink as well as some gasoline. MOSES emptied the contents of the Powerade bottle and then filled the bottle with gasoline. MOSES and Brown then drove towards the Fuel Zone and parked in a nearby Winn-Dixie parking lot adjacent to the Fuel Zone gas station. Before Brown exited the vehicle, MOSES told Brown to make a call from Brown's cell phone to MOSES' cell phone and for Brown to have his cell phone inside his pocket so that MOSES would be able to hear what was going on inside the store while Brown was setting the fire. As such, Brown, using his cell phone, called MOSES' cell phone and kept the call open and placed his phone in his pocket. Brown then placed his motorcycle helmet on his head and walked over to the Fuel Zone gas station convenience store.

Brown entered the store and then proceeded to squirt the gasoline from the Powerade bottle onto the contents of shelves in one of the store middle aisles. Using a lighter given to him by MOSES, Brown lit the gasoline he had just squirted onto the shelves. As the flames ignited, Brown quickly exited the store and ran back to his vehicle. When he returned to the vehicle, MOSES was

now in the driver's seat. Brown got in the vehicle and MOSES drove both of them away from the scene and back to Brown's girlfriend's house off of North Rocheblave St. As they drove away from the scene, MOSES told Brown that he was able to see the flames inside the Fuel Zone convenience store when Brown lit the fire.

Days after the June 5, 2010 fire, MOSES spoke to Brown and told him that there was not enough damage done to the Fuel Zone store and that he would not be paid until another fire was started at the store and more substantial damage was incurred. Brown told MOSES that he did not want to do it himself but that he would try to find someone else to do it. MOSES also told Brown that the amount being offered to burn the store a second time was now \$3,000.00.

On June 21, 2010, Brown spoke to Michael Collins (Collins) and asked him he was interested in starting a fire at the Fuel Zone gas station for money. Collins agreed and Brown and Collins agreed that Collins would be paid \$500.00 for doing this. Once Collins agreed to do this, Brown called MOSES and told MOSES that he had found a guy named "Michael Collins" who was willing to burn the Fuel Zone store. MOSES then instructed Brown that the damage to the store should be through means of fire and that the fire itself should be started near the cash register area of the store.

On the evening of June 21, 2010, Brown and Collins drive to the gas station across the street from the Fuel Zone and purchased three beer bottles and some gasoline. Brown and Collins proceeded to make three "Molotov Cocktails" using a torn-up old t-shirt as the wick. After the Molotov Cocktails were constructed, Brown and Collins drove and parked in a parking lot located catercorner from the Fuel Zone gas station. Collins put on a motorcycle helmet and proceeded to walk over to the Fuel Zone convenience store with the Molotov Cocktails in a bag. Brown remained inside the vehicle.

Shortly after 1:00 a.m. on June 22, 2010, Collins entered the convenience store and threw the three Molotov Cocktails in the area by the cash register. As Collins does this, the store cashier armed himself with a pistol and fired a shot at Collins hitting him in the leg. The store quickly went up in flames and became enveloped in smoke. Collins called Brown and informed Brown that he had been shot in the leg and was trapped inside the store. Brown then drove away from the scene. Collins called a friend who shortly thereafter picked him up and drove him to University Hospital in New Orleans. In the immediate minutes following the second fire, Brown and MOSES exchanged several phone calls. As Brown drove away from the scene, Brown was pulled over by New Orleans police for a traffic violation. As the officers ran his name, Brown again called MOSES and informed him that Collins had been shot in the leg. MOSES told Brown that Collins should not be brought to the hospital. Brown was taken to jail for the traffic violation.

Brown is released from jail for the traffic violation in the early evening of June 22, 2010. When he gets home, Brown called MOSES who told him to meet him the next day. On June 23, 2010, MOSES paid Brown \$1,500.00 cash. MOSES also asked Brown about Collins's status.

There would also be testimony from ATF Analyst Mike Eddingfield who would show that there were numerous phone calls between Brown and MOSES before and after each of the two fires. S/A Eddingfield would also testify that there was a live call between Brown and MOSES at the precise time Brown entered the Fuel Zone gas station store to commit the June 5, 2010 fire.

S/A Gary Smith would testify as an expert as to the definition of a "Molotov Cocktail" and that Molotov Cocktails are "destructive devices" as defined in Title 26 U.S.C. 5845(f).

Finally, MOSES admits that he committed the criminal acts described above. MOSES acknowledges that said conduct constitutes knowing violations of Title 18, United States Code, Section 844(n); Title 18, United States Code, Section 924(o); and Title 18, United States Code, Section 844(i) and 2 respectively.

FREDERICK W. VETERS, JR.
Assistant United States Attorney

DATE

EDWARD J. RIVERA
Assistant United States Attorney

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MARTIN REGAN
Attorney for Defendant

DATE

LARRY MOSES, JR.
Defendant

DATE