

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

UNITED STATES OF AMERICA

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CRIMINAL NO: 09- 306

v.

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SECTION: “J”

JOSHUA D. CRAWFORD

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FACTUAL BASIS

If this case were to proceed to trial the Government would prove the Defendant guilty beyond a reasonable doubt of this one count Indictment. In the Indictment, the Defendant, JOSHUA D. CRAWFORD, is charged with knowingly and intentionally possessing in and affecting commerce a firearm, after having been convicted of a crime punishable by imprisonment for a term exceeding one year. The Government would establish the following through reliable and competent evidence:

On January 22, 2009 at approximately 9:45 p.m., NOPD officers Nijel Baddoo and Ryan Vaught were on pro-active patrol in the 3500 block of Hamburg St. in New Orleans in a marked police unit when they observed an individual, later identified as Joshua D. CRAWFORD, standing in front of an abandoned residence urinating. The abandoned residence is two houses north of Mojo’s bar at 3501 Hamburg St. Both officers could clearly see that CRAWFORD was urinating

as the area was well-lighted by several street lights and lights from residences on the block. Officers could see that CRAWFORD was standing with his back to the street facing the abandoned house with his penis exposed and a fluid stream coming from it. Officers also noted that Mojo's bar had just closed for the evening and there were bar patrons walking down the block.

Officer Baddoo stopped his marked unit and illuminated CRAWFORD with his unit's spotlight. Both officers then exited their unit and approached CRAWFORD. Officer Vaught stated to CRAWFORD that he could not urinate in public and ordered him to walk toward the officers. CRAWFORD, who was looking at the officers over his right shoulder, finished urinating, turned, zipped up, and began to flee on foot. As CRAWFORD began to run, the officers observed him grab his front waistband area with his left hand.

CRAWFORD ran into the abandoned residence he was urinating in front of. Officer Vaught was directly behind CRAWFORD while Officer Baddoo ran through the neighboring yard in an attempt to cut off CRAWFORD's escape. CRAWFORD, with Officer Vaught following him, exited the rear of the residence and attempted to scale a chain link fence. However, CRAWFORD became entangled in the fence and Officer Vaught was able to grab him, escort him to the ground, and handcuff him. Officer Vaught, suspecting CRAWFORD was armed by the way he grabbed his waistband and held it as he fled, performed a pat-down search of CRAWFORD's outer clothing. Officer Vaught felt the outline of the butt of a handgun in CRAWFORD's waistband. When the officer removed it he discovered it was a Taurus Millennium .45 caliber semi-automatic pistol. Officer Vaught ejected the magazine and removed an unspent .45 caliber cartridge from the weapon's chamber. Officer Vaught also noted at this point that CRAWFORD had a strong odor of alcohol on his breath and was slurring his speech. CRAWFORD was then Mirandized and advised of the charges. CRAWFORD then stated to the officers that he had just left the bar and ran when he saw the officers because he knew they were going to "mess with him" for urinating in public.

An NCIC check revealed that CRAWFORD had previously pled guilty to attempted possession of a firearm by a felon on September 20, 2007 under docket number 461-034 "J" in the Criminal District Court for the Parish of Orleans. As such, CRAWFORD is a convicted felon and is legally precluded from possessing any firearms.

ATF NEXUS expert Special Agent (S/A) Cheryl Harrell informed S/A Thomas Moffett that the .45 caliber Taurus Millennium bearing serial no. NAS36006 was manufactured outside of the state of Louisiana. Therefore, for this firearm to be found inside the state of Louisiana, it would have had to travel in and thereby affect interstate commerce.

Finally, CRAWFORD admits that on June 22, 2009, he was in possession of the above-mentioned firearm, and he acknowledges that said conduct constitutes knowing violations of Title 18, United States Code, Sections 922(g)(1) and 924(a)(2).

FREDERICK W. VETERS, JR.
Assistant United States Attorney

DATE

GARY SCHWABE
Attorney for Defendant

DATE

JOSHUA D. CRAWFORD
Defendant

DATE