

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

UNITED STATES OF AMERICA	*	CRIMINAL NO.: 10-088
v.	*	SECTION: "C"
MARION DAVID RYDER	*	VIOLATIONS: 18 U.S.C. § 1001 18 U.S.C. § 922(g)
	* * *	

FACTUAL BASIS

If this matter were to go to trial, the Government would prove, through the introduction of competent testimony and admissible tangible exhibits, the following facts, beyond a reasonable doubt, to support the allegations in the Bill of Information now pending against defendant **MARION DAVID RYDER**. The defendant has agreed to plead guilty to making a false statement to a federal agent, in violation of 18 U.S.C. § 1001, and with possessing a firearm following a felony conviction, in violation of 18 U.S.C. § 922(g), as charged in the Bill of Information.

A. The False Statements

On or about September 26, 2009, in New Orleans, Louisiana, defendant **RYDER** knowingly made material false statements to an FBI agent who was investigating a police-involved shooting that occurred on the Danziger Bridge on September 4, 2005. **RYDER**, who was in New Orleans on

September 4, 2005, to help with post-Hurricane Katrina search and rescue, had witnessed some of the events leading up to the shooting on the bridge. **RYDER** knowingly lied when he claimed that a person running away from the I-10 bridge had shot at him as he chased the person through a trailer park between the I-10 high rise bridge and the Danziger Bridge.

At approximately 9:00 a.m. on September 4, 2005, **RYDER** was on the I-10 high rise bridge over the Industrial Canal in New Orleans, carrying a firearm, when he heard what he believed to be bullets hit the underside of the I-10 bridge and saw two or more people, down on the ground below the bridge. The people then ran in the direction of the Danziger Bridge, and **RYDER** ran down the I-10 on-ramp and through the trailer park in search of the people who had run from under the I-10 bridge. During the chase, **RYDER** never got closer than a block from the men he was chasing; he never saw any of the men with a gun; and nobody ever fired a weapon in **RYDER**'s direction. **RYDER** lost sight of the people he was chasing and did not know whether they turned on a roadway or went under the Danziger Bridge and headed off in a northern direction.

Shortly thereafter, after learning that civilians had been shot on the Danziger Bridge, **RYDER** went with NOPD officers to a make-shift NOPD police station, where an officer brought in a man in handcuffs and asked **RYDER** if the man was one of the people who had shot at the I-10 bridge. Although **RYDER** had not seen anyone shoot at the I-10 bridge, and did not even know whether the man was one of the people who had run from the I-10, he told the officer, "It looks like him." **RYDER** never went to the west side of the Danziger Bridge; never saw a dead body in front

of a motel; and never identified a dead person in front of a motel as having been one of the people who had previously shot at the I-10 bridge.

RYDER later testified falsely, under oath, before a state grand jury investigating the Danziger Bridge shooting.

RYDER made his false statements to an agent of the FBI, which is an agency of the executive branch of the United States government.

B. The Illegal Gun Possession

On September 4, 2005, **RYDER** was not legally permitted to carry a firearm because he had previously been convicted of a felony crime and he had not had his rights restored. Despite this felony conviction, **RYDER** knowingly carried a fully-functioning 9-mm semi-automatic handgun manufactured by Bryco Arms on September 4, 2005, in the Eastern District of Louisiana.

RYDER pled guilty on or about December 20, 1993, in Nacogdoches County, Texas, to felony theft and was sentenced to three (3) years probation. The firearm **RYDER** possessed on September 4, 2005, in the Eastern District of Louisiana was not manufactured in the State of Louisiana, and therefore had crossed state lines and affected interstate commerce when possessed in the state of Louisiana by **RYDER**. The firearm met the legal definition of a firearm as defined in 18 U.S.C. § 921(a)(3).

Both the Government and the defendant, **MARION DAVID RYDER**, do hereby stipulate and agree that the above facts are true, and that they set forth a sufficient factual basis for the crimes to which the defendant is pleading guilty.

MARION DAVID RYDER
Defendant

DATE

ED LOPEZ
Counsel for Defendant

DATE

BARBARA "BOBBI" BERNSTEIN
Deputy Chief, Civil Rights Division
U.S. Department of Justice

DATE

JULIA K. EVANS
Assistant United States Attorney

DATE