

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

|                                    |   |                                   |
|------------------------------------|---|-----------------------------------|
| <b>UNITED STATES OF AMERICA</b>    | * | <b>CRIMINAL DOCKET NO. 12-152</b> |
| <b>v.</b>                          | * | <b>SECTION: "G"</b>               |
| <b>CHAKA STEWART</b>               | * |                                   |
| <b>a/k/a CHAKA C. STEWART, JR.</b> | * |                                   |
| <b>a/k/a JOSHUA STEWART</b>        | * |                                   |

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**FACTUAL BASIS**

Should this matter proceed to trial, the United States will prove beyond a reasonable doubt, through credible testimony of Special Agents of the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), state and local law enforcement agencies, witnesses and the production of reliable evidence, the following facts to support Count 1 of the Indictment:

On February 6, 2011, the New Orleans Police Department (NOPD) was notified that CHAKA STEWART a/k/a "CHAKA C. STEWART, JR." and a/k/a "JOSHUA STEWART" (STEWART) was the victim of an aggravated battery by shooting. STEWART was transported to the emergency room at University Hospital located at 2021 Perdido Street, New Orleans, Louisiana, for treatment by private conveyance. While being treated for his injury, STEWART was found to have a firearm on his person by the Emergency Room (ER) doctor.

NOPD 7<sup>th</sup> District PSN Det. Carl Wilson, unit 1705, investigated the matter. Det. Wilson reviewed the University Hospital report after the incident. According to the report, which was written by University Hospital Police Officer Charles Holmes, fellow Officer C. Hollins advised that STEWART was brought to the emergency room by an unknown individual. That individual stated to him that he and STEWART were riding a motorcycle on the I-10 interstate near Read Boulevard in New Orleans, Louisiana, when an unknown subject in a black Grand Am or Grand Prix pulled alongside them and fired a weapon. STEWART was struck in the back and then brought to the hospital by the unknown subject. The report went on to state that ER physician was assisting the medical staff in placing STEWART upon the stretcher when he observed what appeared to be a gun sticking out of STEWART's rear right pant pocket. The ER physician removed the weapon and then notified the University Hospital Police. University Hospital Police Officer Holmes stated that he arrived and took possession of the weapon and then released it to NOPD Officer Shannon. The firearm was identified as a Taurus Model 605, .357 caliber revolver, bearing serial number WD89062.

On March 2, 2011, Det. Wilson met with the ER physician where he repeated his account of the incident and he provided a voluntary written statement. The ER physician additionally noted that he did not ask nor did Stewart make any statements about the weapon.

An ATF expert has confirmed that the a Taurus Model 605, .357 caliber revolver, bearing serial number WD89062, functions as a "firearm" as defined by federal law and it was manufactured outside of state of Louisiana, therefore affecting interstate commerce. The ATF expert also determined that the subject firearm met the legal definition of a "firearm" as defined in Title 18,

U.S.C. Section 921(a)(3).

Certified court records would establish that STEWART been convicted of crimes punishable by imprisonment for a term exceeding one year, to wit: a conviction on March 11, 2003, in the Criminal District Court for the Parish of Orleans, Case Number 433-167 "L" for Possession of Cocaine (Crack), in violation of LA-R.S. 40:967(C)(2); and convictions on March 14, 2008, in the Criminal District Court for the Parish of Orleans, Case Number 466-846 "I" for Possession with Intent to Distribute Cocaine (Crack), in violation of LA-R.S. 40:967 (B)(1) and Possession with Intent to Distribute Marijuana, in violation of LA-R.S. 40:966(A)(2). The prior convictions were for felony offenses each punishable by a term of imprisonment in excess of one (1) year.

**APPROVED AND ACCEPTED:**

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**CHAKA STEWART** Date  
a/k/a **CHAKA C. STEWART, JR.**  
a//k/a **JOSHUA STEWART**  
Defendant

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**GEORGE CHANEY, JR.** Date  
Attorney for Defendant

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**EDWARD J. RIVERA** Date  
Assistant U.S. Attorney