

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF FLORIDA
PENSACOLA DIVISION**

UNITED STATES OF AMERICA

v.

Case Number 3:17cr109/RV

SAVARIO BESHAWN CHAMPION

FACTUAL BASIS FOR GUILTY PLEA

This statement of facts is submitted on behalf of the undersigned parties. All parties agree that if the above-captioned case were to go to trial, the government could produce competent, substantial evidence of the following facts to prove the defendant is guilty of the offenses charged in the Indictment to which the defendant is pleading guilty. The parties further agree that not all of the facts known from or related to this investigation are contained in this brief summary.

STATEMENT OF FACTS

On or about July 5, 2017, at approximately 6:30 am, E.M.V. and A.G. were getting into E.M.V.'s 2008 BMW 328i at the Red Roof Inn in Escambia County, Florida. E.M.V. and A.G. were in the Pensacola area from Georgia for temporary construction work. While getting to the BMW, a man, later identified as Defendant Savario Champion, approached them. Mr. Champion pointed a black

pistol at E.M.V. and told him to get out of his vehicle. He also asked for his money and phone. E.M.V. complied by getting out of the vehicle, but did not give him his phone. Instead, E.M.V. and A.G. ran into the hotel. Mr. Champion drove off in the BMW. The video camera at the Red Roof Inn was not working, but the events were captured on video by a nearby business. The video shows a man matching Mr. Champion's description walking towards E.M.V. and A.G. in the parking lot of the Red Roof Inn.

The same day at approximately 9:00 am, a Pensacola Police Department (PPD) Officer observed E.M.V.'s stolen BMW in the parking lot of a cleaners in Pensacola, Florida. The PPD officer observed Mr. Champion inside the cleaners. The officer observed Mr. Champion reaching for his front right pocket and then notice the grip of a pistol. The officer ordered Mr. Champion on the ground. While being handcuffed, Mr. Champion said he had a gun in his right pocket. In addition to the firearm, the keys to E.M.V.'s BMW were found in Mr. Champion's pocket.

E.M.V. and A.G. came to the cleaners to pick up the vehicle. When they arrived, E.M.V. and A.G. positively identified Mr. Champion as the person who carjacked them.

The handgun in Mr. Champion's possession was identified as a Smith & Wesson 9 millimeter semiautomatic pistol that was manufactured in Arizona or Massachusetts. The handgun was loaded with two rounds of Winchester (manufactured in Illinois), two rounds of PPU (manufactured in Serbia), and one round of Hornaday (manufactured in Nebraska) 9 mm ammunition. Thus, the pistol and ammunition traveled in interstate and foreign commerce.

Prior to July 5, 2017, E.M.V.'s BMW was registered in Georgia. In addition, service records confirm the vehicle was serviced at BMW of Brooklyn, New York, in March 2012. Thus, the BMW traveled in interstate commerce.

Prior to July 5, 2017, the defendant was convicted of the felony offenses described in the indictment. Also, there is no record of restoration of rights for the defendant to own, possess, use or receive firearms of any kind, and no pardon of any kind has been granted.

ELEMENTS OF THE OFFENSES

Count One - ECCA Pattern Jury Instruction 78

- (1) the Defendant [took] [attempted to take] a motor vehicle from or in the presence of another;
- (2) the Defendant did so [by force and violence] [by intimidation];
- (3) the motor vehicle had previously been transported, shipped, or received in interstate or foreign commerce; and
- (4) the Defendant intended to cause death or serious bodily harm when the Defendant took the motor vehicle[.]

Count Two - ECCA Pattern Jury Instructions 35.2 and 35.8

- (1) that the Defendant committed the [violent crime] charged in Count 1 of the indictment; and
- (2) that during and in relation to that crime the Defendant knowingly [used] a firearm, as charged in the indictment.

If you find the Defendant guilty of using or carrying a firearm during or in relation to a [crime of violence], you must also determine if the Defendant brandished a firearm during and in relation to a [crime of violence].

To “brandish” a firearm means to show all or part of the firearm to another person, or otherwise make another person aware of the firearm, in order to intimidate that person. The firearm need not be directly visible to the other person.

Count Three - ECCA Pattern Jury Instruction 34.6

- (1) the Defendant knowingly possessed a firearm in or affecting interstate or foreign commerce; and
- (2) before possessing the firearm, the Defendant had been convicted of a felony – a crime punishable by imprisonment for more than one year.

Randall Lockhart

RANDALL LOCKHART
Attorney for Defendant

12-1-17

Date

Savario Champion

SAVARIO B. CHAMPION
Defendant

12-1-17

Date

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