

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

UNITED STATES OF AMERICA * CRIMINAL DOCKET NO. 12-274

 * SECTION: "H" (1)

v. * VIOLATIONS: 18 U.S.C. § 751(a)
 * 18 U.S.C. § 924(c)(1)(A)
DOMINIQUE ADAMS * 21 U.S.C. § 841(a)(1)
 * 21 U.S.C. §841(b)(1)(B)

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FACTUAL BASIS

Should this matter have gone to trial, the Government would have proved through the introduction of competent testimony and admissible tangible exhibits, including documentary evidence, the following to support the allegations charged by the Government in Counts 1, 2 and 3 of the indictment now pending against the defendant, **DOMINIQUE ADAMS**, (hereinafter "**ADAMS**" or "defendant") to wit: possessing with the intent to distribute cocaine base ("crack") in violation of Title 21 United States Code, Sections 841(a)(1) and 841(b)(1)(C); knowingly possessing a firearm in furtherance of a drug trafficking crime in violation of Title 18, United States Code, Section 924(c)(1)(A); and, knowingly escaping from the custody or confinement by virtue of an arrest on a charge of a felony, in violation of Title 18, United States Code, Section 751(a).

Evidence would be adduced at trial which would show that on May 23, 2012, New Orleans Police Department officers and Bureau of Alcohol, Tobacco, Firearms and Explosives Specials Agents were conducting patrols in neighborhoods which have high crime and drug offenses. During the patrol a marked New Orleans Police vehicle pulled over to speak with two individuals who were walking in the 3000 block of Bienville Street, New Orleans, Louisiana. As officers and agents approached the two subjects, ATF Special Agent Edmunds observed **ADAMS** whose attention was focused on the police activity 20 feet away from **ADAMS**. As Agent Edmunds attired in a clearly marked ATF ballistic vest approached the scene, he noticed that **ADAMS** was unaware of his approach. As Edmunds came within 10-15 feet of **ADAMS**, **ADAMS** became aware of Edmunds' presence and immediately made an overt movement to his front abdomen area as if reaching for a firearm. Special Agent Edmunds immediately grabbed both of the subject's hands and placed them behind his head for officer safety. Once Special Agent Edmunds had both of **ADAMS** hands secure, he pulled up the front of his shirt. Special Agent Karen Evanoski immediately saw a firearm and removed it from a holster which was located in the front abdomen of **ADAMS**. The aforementioned firearm, a Kahr Arms Model CW 40, Serial Number FD7312, .40 caliber semi-automatic was fully loaded. Also recovered from **ADAMS** was a clear plastic bag containing 10.99 grams of crack cocaine, a clear plastic bag containing .90 grams of Marijuana, a digital scale with white residue on it, a razor blade, and empty plastic bags with the corners torn off of the bags.

A chemist would testify that the drug evidence described above as cocaine base "crack", a Schedule II narcotic drug controlled substance, contained cocaine base and the net weight of the cocaine base was 10.99 grams.

A drug trafficking narcotics expert would testify that based on the quantity of drugs, the

packaging of the drugs, the non-drug items seized, the amounts and types of cash recovered, and the weapon and its location near the cocaine base possessed by ADAMS was consistent with distribution of the drugs not personal use. The drug trafficking narcotics expert would also testify that based on the facts ADAMS possessed the firearm in furtherance of his possession with intent to distribute cocaine base or "crack".

An ATF agent would testify that the aforesaid firearm, is a weapon designed to expel a projectile by the action of an explosive, and thus meets the definition of a firearm as defined by Title 18, United States Code, Section 921(a)(3).

After ADAMS' felony arrest for the above conduct while handcuffed and in the custody of Special Agents of the United States Justice Department, Bureau of Alcohol, Tobacco, Firearms and Explosives and being transported to a custodial facility that ADAMS, without the consent of the Agents, opened the back door of the law enforcement vehicle used to transport ADAMS, and fled from the Agents in an attempt to escape their custody and his upcoming confinement at a federal custodial facility. That ADAMS flight was sustained, causing a multi-block foot chase in the Eastern District of Louisiana prior to his recapture by the Agents.

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Date

CYNTHIA CIMINO
Counsel for Defendant
Louisiana Bar Roll No. _____

Date

DOMINIQUE ADAMS, Defendant

Date