UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

UNITED STATES OF AMERICA	*	**CRIMINAL NO. 14-77**
v.	*	**SECTION: "L"**
ERIC SELDERS	*	

* * *

FACTUAL BASIS

Should this matter proceed to trial, the United States will prove the defendant **ERIC SELDERS (SELDERS)** guilty beyond a reasonable doubt of knowingly and intentionally possessing a firearm after having been convicted of a crime punishable by imprisonment for a term exceeding one year, in violation of Title 18, United States Code, Sections 922(g)(1) and 924(a)(2) and 924(e). The government would establish the following through credible testimony and the production of reliable evidence:

On July 29, 2012, Deputies with the Tangipahoa Parish Sheriff's Office were dispatched to a domestic disturbance call in Independence, Louisiana, wherein **SELDERS** threatened his ex-girlfriend, T.R., with a firearm and stated he that would kill her. Deputies were advised that **SELDERS** had fled the residence and was driving a blue Oldsmobile Cutlass. While a responding Deputy was en route to the residence, the Deputy observed a blue Oldsmobile Cutlass pass the patrol vehicle going the opposite way. The Deputy made a U-turn to identify the license plate on the vehicle, at which time the Cutlass drastically gained speed, in excess of the posted 35 mile per hour speed limit. The Deputy activated his

emergency lights and siren to make a traffic stop. The driver of the Cutlass attempted to make a right turn at an approaching intersection, but was traveling too fast to make the turn and drove into a ditch.

Upon stopping behind the Cutlass, the Deputy observed **SELDERS**, whom the Deputy knew from prior contact, exit the driver's side door. **SELDERS** was taken into custody and advised of his rights per *Miranda*. The Deputy approached the vehicle **SELDERS** was driving and observed a black .38 caliber revolver with a brown grip on the ground beside the driver's door. The firearm, identified as an RG Industries .38 caliber revolver, Model RG40 with serial number R098452, was fully loaded with six hollow point cartridges. A criminal history check revealed **SELDERS** had previously been convicted of multiple felony offenses. **SELDERS** was arrested and charged with Felon in Possession of Firearm, Aggravated Assault, Domestic Abuse Battery, Careless Operation of Vehicle and Speeding.

The arresting officer returned to T.R.'s address and interviewed her. She stated that while she was sleeping in her bed located in the master bedroom of her residence, several children and friends of her children, about ten in all, came running into her bedroom. The children alerted her that **SELDERS** was outside the home and attempting to gain entry. Once T.R. realized what was going on, **SELDERS** was already in the house and walking toward her bedroom. **SELDERS** asked T.R. if they could talk and she told him to leave as they were no longer in a relationship (he has been living with her but had moved out two days prior).

At that point, **SELDERS** reached into his back pocket and grabbed a black hand gun with a brown handle. **SELDERS** pushed T.R. onto the bed and pointed the gun at her face (approximately six inches away) and stated he would kill her. All of the children were gathered in the doorway and witnessed the event. **SELDERS** then left in the direction of a friend's residence where he had been

known to keep his blue Oldsmobile Cutlass. T.R. called the Tangipahoa Sheriff's Office and gave the dispatcher a description of **SELDERS**' vehicle.

Certified court records would establish that **SELDERS** was convicted of the following crimes, each punishable by imprisonment for a term exceeding one year: a conviction on or about August 9, 1989, in the 21st Judicial District of the Parish of Tangipahoa, Docket Number 57817, for Distribution of Cocaine, in violation of La. R.S. 40:967 (A)(1)(B)(1); a conviction on or about October 25, 1991, in the 21st Judicial District of the Parish of Tangipahoa, Docket Number 63276, for Aggravated Battery; a conviction on or about March 9, 1998, in the 21st Judicial District of the Parish of Tangipahoa, Docket Number 82707, for Possession with Intent to Distribute a Controlled Substance II, in violation of La. R.S. 40:967; and a conviction on or about January 24, 2006, in the 21st Judicial District of the Parish of Tangipahoa, Docket Number 503630, for Possession with Intent to Distribute a Controlled Substance II (cocaine base), in violation of La. R.S. 40:967 (A).

SELDERS acknowledges that the above described convictions qualify him to be deemed an Armed Career Criminal in accordance with 18 U.S.C. § 924(e) and understands that he will face a mandatory minimum sentence of 15 years to life.

An expert with the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) would testify that the firearm **SELDERS** possessed on July 29, 2012 was not manufactured in the State of Louisiana and therefore, by virtue of the RG Industries .38 caliber revolver, Model RG40 with serial number R098452, being found in Louisiana on or about July 29, 2012, it had to have crossed state lines and affected interstate commerce. The ATF expert would also state that the firearm met the legal definition

of a "firearm" as set forth in Title 18, United States Code, Section 921(a)(3). Unless noted otherwise, all of the relevant acts described herein occurred within the Eastern District of Louisiana.

Limited Nature of Factual Basis

This proffer of evidence is not intended to constitute a complete statement of all facts known by **SELDERS** and described by **SELDERS** to the government, but rather is a minimum statement of facts intended to prove the necessary factual predicate for the guilty plea. The limited purpose of this proffer is to demonstrate that there exists a sufficient legal basis for **SELDERS'** plea of guilty to the charges and to inform the court of some of the relevant conduct in this case.

READ AND APPROVED:

Edward J. Rivera
Assistant United States Attorney

3/12/2015
DATE

Samuel Scillitani
Counsel for Eric Selders

DATE

Eric Selders
Defendant

DATE