

U.S. DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA
FILED 3-15-2018
WILLIAM W. BLEVINS
CLERK

(138)

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

UNITED STATES OF AMERICA * CRIMINAL NO. 16-137
v. * SECTION: "I"
KIMBERLY TREMBLAY *

* * *

FACTUAL BASIS

The above-named defendant, **KIMBERLY TREMBLAY**, has agreed to plead guilty to ^{Superseding bill of information MK 3-15-18} Count One of the ~~Indictment~~, which charges that on or about December 1, 2015, in the Eastern District of Louisiana, the defendant, **KIMBERLY TREMBLAY** (hereafter "**TREMBLAY**") knowingly made a false statement and representation to Weapons Training Ammunition, a person licensed under the provisions of Chapter 44 of Title 18, United States Code, with respect to information required by the provisions of Chapter 44 of Title 18, United States Code, to be kept in the records of Weapons Training Ammunition, in that the defendant did execute a Department of Justice, Bureau of Alcohol, Tobacco, Firearms, and Explosives form 4473, Firearms Transaction Record, to the effect that she was the actual buyer of the firearm, to wit: a Remington Model 870 12-gauge shotgun (serial number X078010M), and to the effect that she was not under indictment or information in any court for a felony, whereas in truth and in fact, she was acquiring the firearm on behalf of **STEVEN LONG** (hereinafter "**LONG**"), and was under a bill of information in East Baton Rouge Parish, in the 19th Judicial District Court (case number 10-15-0699) for a felony, all in violation of Title 18, United States Code, Section 924(a)(1)(A).

Handwritten initials/signature

Should this matter have proceeded to trial, the United States of America would have proven beyond a reasonable doubt, the following facts to support the allegations against the defendant:

On September 18, 2006, **LONG** was convicted in the Twenty-Fourth Judicial District

Court, St. Tammany Parish, under Case Number 414-474, Section “L,” of Possession with the Intent to Distribute Marijuana, a felony, in violation of Louisiana Revised Statutes Title 40, Section 966(A), and was sentenced to serve five (5) years in the Louisiana Department of Corrections.

On December 1, 2015, **TREMBLAY** purchased a Remington Model 870 12-gauge shotgun (serial number X078010M) from a Federal Firearms Licensee (“FFL”), namely, Weapons Training Ammunition. Weapons Training Ammunition was a person licensed under the provisions of Chapter 44 of Title 18, United States Code, and is located at 64519 LA-41, Suite 3, Pearl River, Louisiana. The FFL provided the shotgun to **TREMBLAY** on December 5, 2015. During that purchase, **TREMBLAY** knowingly made false statements to the FFL, involving information that the FFL was required, by the provisions of Chapter 44 of Title 18, United States Code, to keep in its records.

In March of 2016, members of the Bureau of Alcohol, Tobacco, and Firearms (“ATF”) began an investigation to recover the Remington Model 870, 12 gauge shotgun that had been improperly distributed to an illegible purchaser by a federal firearms licensee. Agents learned that **TREMBLAY** had a court date scheduled for March 2, 2016 in Baton Rouge, Louisiana (19th Judicial District Court). On March 2, 2016, agents located **TREMBLAY** at the courthouse, and inquired as to the location of the firearm she purchased. **TREMBLAY** said the firearm was with Steven Jeffrey LONG. **TREMBLAY** admitted that she purchased the firearm for LONG, herself, and her boyfriend.

On March 3, 2016, agents re-interviewed **TREMBLAY**. She advised that she was living with LONG as a roommate for a few weeks during November and December of 2015, at his residence located at 67364 LA-41, Pearl River, Louisiana 70452. **TREMBLAY** said that she, LONG, and her boyfriend were “hanging out” one day when LONG advised her and the boyfriend

that LONG was interested in purchasing a gun. LONG asked them to go to a gun store with him so he could show them the firearm he was interested in purchasing. TREMBLAY advised that LONG was having problems with getting approved to purchase the firearm due to his criminal history. TREMBLAY believed she could purchase the firearm because she had no prior felony convictions. LONG, TREMBLAY, and TREMBLAY'S boyfriend picked out the shotgun that they wanted to purchase at the aforementioned FFL on December 1, 2015, and TREMBLAY filled out the ATF form 4473 for the National Instant Criminal Background Check System (NICS). LONG was also with TREMBLAY when she returned to retrieve the firearm on December 5, 2015.

TREMBLAY advised that she paid a portion of the price of the firearm and that LONG paid the majority of the cost. After receiving the shotgun, they brought it back to LONG'S residence, at which time she and LONG "played with the firearm". TREMBLAY said LONG subsequently gave her approximately \$50.00 more as additional repayment for the portion she paid towards the purchase of the firearm, and they generally discussed that LONG would allow her to reside at his residence at no cost to her. LONG confirmed, during a post-*Miranda* interview incident to his arrest, that he gave TREMBLAY money to purchase the firearm for him and would have purchased it himself if he could pass the background check. TREMBLAY told agents that the firearm remained at LONG'S residence after the purchase and that she last observed the firearm in LONG'S bedroom at his residence behind his bedroom door on December 14, 2015.

During the discussions at the house prior to the purchase of the gun, TREMBLAY, LONG, and her boyfriend had discussed engaging in target practice together with the gun.

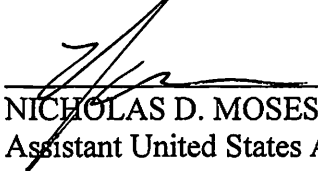
On March 10, 2016, members of the ATF, assisted by local law enforcement, executed a lawful search warrant at LONG'S residence of in Pearl River, Louisiana. Inside of LONG'S

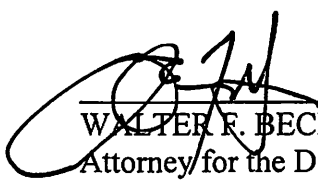
residence, law enforcement officers recovered five firearms: a Mossberg Model 500ASG, 12 gauge shotgun; a Taurus Model 44, .44 caliber revolver; a Marlin Model 1895, 45-70 caliber rifle; a Colt Model 1991, .45 caliber ACP semi-automatic pistol; and the Remington Model 870, 12 gauge shotgun that was the subject of the ATF investigation. LONG was the only occupant of his residence at the time of the search warrant, and agreed to speak to law enforcement officers after voluntarily waiving his rights under *Miranda*. LONG admitted that he had possessed all five of the recovered firearms.

An expert with the ATF would have testified at trial that all five firearms were manufactured outside of the state of Louisiana, and had to travel in interstate commerce to arrive in Pearl River, Louisiana, and that all five firearms were designed to expel a projectile by the action of an explosive.

This factual basis is not intended to constitute a complete statement of all facts known by TREMBLAY and described by TREMBLAY 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 factual basis is to demonstrate that there exists a sufficient legal and factual basis for TREMBLAY's plea of guilty to Count One of the ^{Superseding Bill of Information.} indictment.

WJ
ADM *KT*


NICHOLAS D. MOSES
Assistant United States Attorney
3/15/18
(Date)


WALTER F. BECKER, JR.
Attorney for the Defendant
3/15/18
(Date)


KIMBERLY TREMBLAY
Defendant
3-15-18
(Date)