

U.S. DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA
FILED 3-22-2018
WILLIAM W. BLEVINS
CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

UNITED STATES OF AMERICA * CRIMINAL NO.: 17-243
v. * SECTION: "I"
RODNEY LAVALAIS *
a/k/a "Whyte" *

* * *

FACTUAL BASIS

The defendant, **RODNEY LAVALAIS**, a/k/a "Whyte," (hereinafter "**LAVALAIS**"), has agreed to plead guilty as charged to the Indictment currently pending against him. **LAVALAIS** is charged with violating Title 18, United States Code, Sections 922(g)(1) and 924(a)(2), felon in possession of a firearm.

The government and the defendant do hereby stipulate and agree that the following facts set forth a sufficient factual basis for the crime to which the defendant is pleading guilty. The government and the defendant further stipulate that the government would have proven at trial, through the introduction of competent testimony and admissible, tangible exhibits, the following facts, beyond a reasonable doubt, to support the allegations in the Indictment.

LAVALAIS is a convicted felon. Prior to his arrest for the incident made the subject of this Factual Basis, **LAVALAIS** was convicted of a crime punishable by imprisonment for a term exceeding one year, specifically, a conviction occurring on or about February 13, 2008, in the Eastern District of Louisiana, case number, 06-326, section "B," for knowingly furnishing and exhibiting a false, fictitious, and misrepresented identification, in connection with the acquisition

AUSA BUP
Defendant RL
Defense Counsel ATB

of a firearm, which statement was likely to deceive a licensed firearms dealer as to a fact material to the lawfulness of such sale of a firearm, in violation of Title 18, United States Code, Section 922 (a)(6) and 924(a)(2).

In November 2016, members of the Kenner Police Department conducted a vice operation investigating illegal escort services occurring at local hotels within Kenner, Louisiana. Detectives searched a New Orleans “ backpage” advertisement which advertised escort services, and were able to set up a meeting for services at a Kenner hotel with an escort named “Chyna”. The undercover detective met with “Chyna,” and determined that she was an escort. The undercover detective, however, was unsuccessful in arresting “Chyna.” Before the detective could give the takedown signal, “Chyna” fled to an awaiting silver Ford Explorer, with three hundred (\$300.00) dollars that she had been given by the detective during the vice operation. Although the car was able to flee the location, the detective was able to obtain the license plate. An inquiry revealed that the car was registered to Avis Rental and had been rented to **LAVALAIS**.

An NCIC check revealed that **LAVALAIS** had outstanding municipal attachments. Additionally, the detectives had reason to believe that **LAVALAIS** was the driver of the silver Ford Explorer based on the fact that the car was rented to him. The detectives attempted a second vice operation in an effort to arrest “Chyna” and **LAVALAIS**. The second attempt was successful. Detectives conducted a takedown of the vehicle and identified **LAVALAIS** as the driver. **LAVALAIS** was arrested.

While securing the vehicle, detectives observed a cellular device attached to the dashboard of the vehicle. A search warrant was prepared for the vehicle. On November 3, 2016, the search warrant was executed. A .40 caliber Glock pistol, Model “27Gen4,” bearing serial number

BBGF62, containing one round of ammunition in the chamber, and eleven rounds of ammunition in the magazine, was located under the front passenger seat. The agents noted that the gun was positioned such that it would have been accessible to LAVALAIS. Additionally, detectives located documents in the car that belonged to LAVALAIS.

The detectives obtained a buccal swab for DNA from LAVALAIS pursuant to a search warrant. A DNA swab of the gun was taken as well for comparison. The DNA profile obtained from the swab of the gun was consistent with being a mixture of DNA of at least three individuals; one major contributor and at least two minor contributors. The DNA profile obtained from the major contributor was consistent with the DNA profile obtained from LAVALAIS' reference sample.

Louisiana State Police requested a search warrant for the phone that was located inside of LAVALAIS' vehicle. A search of the phone led investigators to locate a video dated October 1, 2016, in which LAVALAIS was observed shooting a Glock handgun at a local shooting range. The gun that LAVALAIS possessed in the video was similar to the .40 caliber Glock Pistol that was located inside of LAVALAIS' vehicle.

Law enforcement officers obtained documents from The Shooters Club, the gun range where LAVALAIS was located at the time the video footage was shot. The documents bear LAVALAIS' initials and confirm that he went to The Shooters Club on October 1, 2016, the same date on which the video footage was taken.


The .40 caliber Glock pistol, Model "27Gen4," bearing serial number BBGF62, was manufactured in Austria and shipped to Glock, Incorporated headquarters located in Georgia,

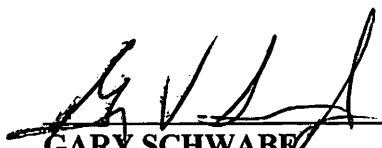
United States, before being possessed in the Eastern District of Louisiana by LAVALAIS; thus, traveling in and affecting interstate commerce.


Limited Nature of Factual Basis

This proffer of evidence is not intended to constitute a complete statement of all facts known by the defendant, **RODNEY LAVALAIS**, 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 and factual basis for the defendant's plea of guilty to the Indictment.

READ AND APPROVED:

 03/22/2018
BRITTANY REED [date]
Assistant United States Attorney

 3-22-18
GARY SCHWABE [date]
Counsel for Rodney Lavalais

 3-22-18
RODNEY LAVALAIS [date]
Defendant