

U.S. DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA
FILED SEP 13 2018
WILLIAM W. BLEVINS
CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

UNITED STATES OF AMERICA * CRIMINAL NO: 18-107
v. * SECTION: "L"
DEVIN WILLIAMS * VIOLATIONS: 18 U.S.C. § 922(g)(1)
* 18 U.S.C. § 924(a)(2)
*
* * *

FACTUAL BASIS

The above-named defendant, **DEVIN WILLIAMS**, has agreed to plead guilty as charged to Count One of the Indictment, in which he is charged with felon in possession of a firearm, and Count Two of the Indictment, in which he is charged with felon in possession of a firearm. Should this matter have proceeded to trial, the United States of America would have proven beyond a reasonable doubt, through the introduction of relevant, competent, and admissible testimonial, physical and demonstrative evidence, the following facts to support the allegation against defendant **DEVIN WILLIAMS** ("WILLIAMS").

August 29, 2016 Traffic Stop

On August 29, 2016, at approximately 5:25 PM, New Orleans Police Department ("NOPD") Officers Michael Sartain and Dylan Warter, of the 7th District, observed a 2005 Nissan Altima bearing Louisiana license plate ZRU992 (the "Altima") traveling westbound on Lake Forest Ave., in New Orleans. They observed that the Altima had a cracked windshield and excessive tint. Subsequently, the NOPD officers conducted a traffic stop of the Altima. Officer Warter approached the driver's side of the vehicle and spoke to **WILLIAMS**, who provided the

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officer with registration information for the vehicle. **WILLIAMS** did not have a driver's license. The passenger in the vehicle was Breion King.

During the interaction, Officer Warter utilized a tint meter and determined that the tint on the front drivers' side window was indeed excessive. In addition, Officer Warter observed pieces of marijuana in the vehicle. Officer Warter provided **WILLIAMS** with Miranda warnings off of a Miranda card. Subsequently, **WILLIAMS** handed Officer Warter one bag containing marijuana. **WILLIAMS** was then handcuffed and placed in the NOPD vehicle.

Officer Sartain spoke to King, who stated that there was a firearm in the vehicle under the passenger seat. Officer Sartain then searched the vehicle and recovered a Taurus 9mm PT111, Serial number TZK45898 from under the front passenger seat of the Altima. King stated that the firearm belonged to **WILLIAMS**.

Officer Warter asked **WILLIAMS** about the firearm. **WILLIAMS** said that he just purchased the vehicle from a friend, who **WILLIAMS** knew used to carry a gun. **WILLIAMS** said that the car was purchased from his friend several months ago, and Officer Warter said that it was not believable that **WILLIAMS** never checked under the seat. **WILLIAMS** said that he knew that the firearm was in the car, and then he said that he did not know, but generally knew that his friend used to carry a gun.

King was released at the scene with the vehicle, which was registered to her. Subsequently, Officer Warter learned that the firearm had been stolen on or about January 2, 2010 from a location in New Orleans, Louisiana.

Special Agents from the Bureau of Alcohol, Tobacco, Firearms, and Explosives ("ATF") reviewed jail calls placed by **WILLIAMS** while in custody at the Orleans Parish Prison after the arrest. During one call, between **WILLIAMS** and his mother, **WILLIAMS** attempted to tell his

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mother something, and she said, "I know what you're going to say . . . you're talking about that gun charge." WILLIAMS said, "the good thing, it wasn't on my side of the seat."

Later in that call, WILLIAMS and King discussed the car stop. King said that "everybody keeps saying, why you was riding with it and all that. I said, he be riding with it for his safety or whatever." WILLIAMS said, "This got me so aggravated." King said, "Once he came on my side and told me, get out the car, I already knew. Baby, that gun was right there, ain't no other choice but to [U/I] it." WILLIAMS said, "mm-hmm."

In another jail call, WILLIAMS spoke to King, who told WILLIAMS that she had spoken to WILLIAMS's mother. During the call, King said, "She was like, damn, I told him to stop bringing that gun in the car." WILLIAMS said, "yeah." King also asked WILLIAMS what happened with the "black police." WILLIAMS said, "he was like, who the gun for. I'm like, are you serious? It was me and the girl in the car, who you think the gun for?" WILLIAMS continued, "He like, um, no, I just want you to say it. But he trying to get me on camera saying it, so I could be like, yeah that my gun. No I'm not about to tell you that."

November 6, 2017 Traffic Stop

On November 6, 2017, NOPD Detectives Jenna Geiger and Willard Pearson, of the 5th District, observed a silver Hyundai Elantra bearing Louisiana license plate 804BDI (the "Elantra") traveling the wrong way down Bruxelles Street, near N. Broad Street. The detectives attempted to stop the Elantra, but it accelerated down Bruxelles Street, ran a stop sign, and turned down Allen Street. Ultimately the Elantra stopped on the 2300 block of Allen Street. WILLIAMS got out of the drivers' seat in the Elantra, and a black female, Gyi Armstrong, got out of the passenger seat holding a daiquiri. Both were apprehended and handcuffed.

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Subsequently, Armstrong provided a false name of Gabrielle Douney, although the detectives were ultimately able to ascertain her true identity. Both were read Miranda warnings. Subsequently, Detective Pearson looked in the Elantra and observed a firearm in the front drivers' seat in plain view. The firearm was a .40 caliber Smith and Wesson firearm bearing serial number PBA2342.

Later, Detective Jeraire Bridges seized the firearm from the drivers' side of the Elantra. In addition, Detective Bridges seized a clear plastic bag containing marijuana from the center console cup holder in the Elantra.


At trial, the government would call an expert witness from the ATF to testify that neither the .40 caliber Smith and Wesson nor the Taurus 9mm PT111 were manufactured in the State of Louisiana, and therefore, traveled in interstate or foreign commerce prior to their seizure, as described above.

On September 22, 2010, in the Orleans Parish Criminal District Court, WILLIAMS was convicted of aggravated battery, in violation of Louisiana R.S. 14:34, under case number 492245, which is a crime punishable by imprisonment for a term exceeding one year.

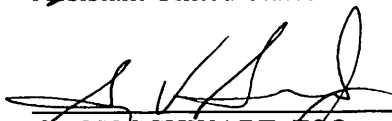
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This proffer of evidence is not intended to constitute a complete statement of all facts known by WILLIAMS, but rather is a minimum statement of facts intended to prove the necessary factual predicate for the guilty plea. The limited purpose of this proffer is to demonstrate that there exists a sufficient legal and factual basis for WILLIAMS's plea of guilty to these crimes.


READ AND APPROVED:



JONATHAN L. SHIH (Date) 9/13/18
Assistant United States Attorney



GARY SCHWABE, ESQ. (Date) 9-13-18
Attorney for Defendant



DEVIN WILLIAMS (Date) 9-13-18
Defendant