

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF LOUISIANA

UNITED STATES OF AMERICA \* CRIMINAL NO.: 18-174

v. \* SECTION: "E"

GARRETT ROTH \*

\*

\* \* \*

FACTUAL BASIS

The defendant, **GARRETT ROTH**, has agreed to plead guilty as charged to Count One of the one-count Bill of Information. Count One charges **ROTH** with being a drug user/addict in possession of a firearm, in violation of Title 18, United States Code, Section 922(g)(3). Should this matter have proceeded to trial, the government would have proven, through the introduction of competent testimony and other admissible evidence, the following facts, beyond a reasonable doubt, to support the allegations in the Bill of Information:

**ROTH** began using heroin in 2014 and quickly became addicted. **ROTH** had a daily habit for much of the following few years. **ROTH** bought heroin primarily in user-level quantities (*i.e.*, from \$20 to \$200 worth at a time) from a number of different drug dealers. One of his primary sources of supply was J.C., who lived in the same neighborhood as **ROTH**.

**ROTH** lived at his father, G.R.'s, house during almost all the period when he was using heroin. G.R. is an avid gun collector and maintained a large collection of firearms in the home. **ROTH** did not want to take weapons from his father, but as his addiction continued, **ROTH** accumulated drug debts and ran out of money to buy additional heroin. **ROTH** knew his father's

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guns were valuable and took approximately twenty guns from his father's collection. **ROTH** either pawned the guns for cash that he then used to buy heroin or directly traded the guns with the individuals from whom he was buying heroin.

On numerous occasions, **ROTH** gave guns that he had stolen from his father to J.C. to cancel outstanding drug debts and to acquire additional heroin. **ROTH** gave J.C. at least 10 guns that **ROTH** had taken from his father, including a Mac-11 with a 30-round clip and numerous semi-automatic pistols. Subsequent to providing J.C. with firearms, **ROTH** observed J.C. to be in possession of the firearms when J.C. would serve **ROTH** with heroin. **ROTH** observed J.C. brandish multiple firearms during the course of heroin transactions that took place near **ROTH**'s home. On three separate occasions in 2016, J.C. was arrested by local authorities and found to be in possession of guns that G.R. purchased, including the Mac-11 referenced above.

In addition to J.C., **ROTH** traded other guns he had taken from his father to other individuals from whom he was purchasing heroin.


**ROTH** also pawned his father's guns for cash at several local pawnshops, including Cash America Pawn of New Orleans. **ROTH** had largely stopped using heroin by 2017. However, in April 2017, he had a relapse and began using again. In order to finance his purchases of heroin, **ROTH** pawned several of his father's guns at Cash America. Specifically, **ROTH** pawned two Smith & Wesson 9 mm semi-automatic pistols on April 13, 2017, a Taurus 9 mm semi-automatic pistol bearing serial number TJY89549 on April 22, 2017, and another Smith & Wesson 9 mm semi-automatic pistol on April 24, 2017. **ROTH** was using and addicted to heroin during this period in which he was pawning the guns. The government would present records from Cash America Pawn showing **ROTH** as the pledger of the aforementioned weapons, the date of the

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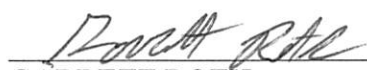
pledge, the identifying information for the weapons, and the amount **ROTH** received.

The government would also present evidence from an ATF expert who would testify that the Taurus 9 mm semi-automatic pistol bearing serial number TJY89549 was not manufactured in the state of Louisiana and thus that it necessarily traveled in and affected interstate commerce before **ROTH** possessed it on April 22, 2017. The ATF expert would also testify that the Taurus pistol was a "firearm" as that term is defined in the Federal Gun Control Act.

This proffer of evidence is not intended to constitute a complete statement of all facts known by **ROTH** and described by **ROTH** 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 **ROTH's** plea of guilty to the charged offense.

  
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DAVID HALLER  
Assistant United States Attorney

2/12/19  
Date

  
\_\_\_\_\_  
GARRETT ROTH  
Defendant

2-12-19  
Date

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\_\_\_\_\_  
RICHARD RICHTHOFEN  
Attorney for Defendant

2/12/19  
Date