

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

UNITED STATES OF AMERICA * CRIMINAL NO. 18-236
v. * SECTION: "E"
DARIUS STOKES *

* * *

FACTUAL BASIS

Defendant, **DARIUS STOKES** ("**STOKES**"), has agreed to plead guilty pursuant to the one count Indictment in this case. 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, admissible testimony and physical and demonstrative evidence, the following facts to support the allegations against the defendant:

On August 4, 2018, members of the Bureau of Alcohol, Tobacco, Firearms and Explosives, were assisting members of the New Orleans Police Department Special Operations Division conduct surveillance in the 1700 block of St. Bernard Avenue, located in the Eastern District of Louisiana. While conducting surveillance, law enforcement observed an unknown male, later identified as **STOKES**, adjusting the right-side waistband area of his pants. If called, members of law enforcement would testify that in their training and experience, individuals illegally possessing firearms often conceal firearms in the waistband area of their clothing in order to avoid detection of firearms by law enforcement. As surveillance continued, **STOKES** was observed possessing a black handgun tucked inside his waistband. Agents then observed **STOKES** pull his shirt over his waistband in what appeared to be an attempt to conceal the firearm.

AUSA BLP
Defendant DS
Defense Counsel GISA

Officers elected to stop **STOKES**. For officer safety, the officers conducted a pat down of **STOKES**' outer clothing and immediately felt a bulging object on the right side of waistband, the same area where law enforcement observed **STOKES** place the firearm. The firearm, a 9 mm Taurus handgun, Model PT111 G2, bearing serial number TJP06006, was confiscated from **STOKES**. The firearm was loaded with eleven (11) rounds of live ammunition. A weapons check of the firearm revealed that the firearm had previously been reported stolen. **STOKES** was arrested. In a post-*Miranda* interview, **STOKES** waived his rights and voluntarily admitted to law enforcement that he was in possession of a firearm on the day of his arrest. **STOKES** confirmed that he was, in fact, a convicted felon, and as such, he knew that he was prohibited from possessing firearms. Law enforcement confirmed that on February 21, 2013, **STOKES**, a convicted felon, was convicted of possession of cocaine, in violation of La. R.S. 40:967(C)(2), in the 24th Judicial District Court, Parish of Jefferson, Case Number 12-4800, Division "I," and as such, is prohibited from possessing firearms.

The firearm, a 9 mm Taurus handgun, Model PT111 G2, bearing serial number TJP06006, was manufactured by Taurus Forjas S.A. in Brazil, and was imported by Taurus International Manufacturing through the state of Florida. As such, the firearm traveled in interstate commerce prior to being possessed by **STOKES**.

Limited Nature of Factual Basis

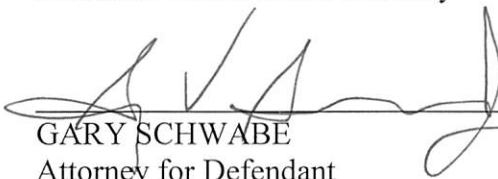
This proffer of evidence is not intended to constitute a complete statement of all facts known by **STOKES** and by the Government, but rather is a minimum statement of facts intended to prove the necessary factual predicate for the guilty plea. The limited purpose of this proffer is to demonstrate that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



BRITTANY L. REED
Assistant United States Attorney

03/19/2019


(Date)



GARY SCHWABE
Attorney for Defendant

03-19-19

(Date)



DARIUS STOKES
Defendant

3-19-19

(Date)