

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

UNITED STATES OF AMERICA	*	CRIMINAL DOCKET NO. 18-219
v.	*	SECTION: "M"
CHARLES BROWN	*	VIOLATIONS: 18 U.S.C. § 922(g)(1)
	*	18 U.S.C. § 924(a)(2)
	*	
	*	

FACTUAL BASIS

If this matter had proceeded to trial, the United States would have proved through the introduction of competent testimony and admissible evidence, the facts below to support the allegation charged by the Government in Count Two of the Indictment now pending against defendant **CHARLES BROWN** ("**BROWN**") for possessing a firearm after a felony conviction, in violation of Title 18, United States Code, Sections 922(g)(1), and 924(a)(2).

Video surveillance footage captures **BROWN** inside of the Jefferson Gun Outlet located at 6719 Airline Dr. Metairie, LA ("the Jefferson Gun Outlet"), twice on July 26, 2018. At or about 4:30 p.m. on July 26, 2018, footage shows **BROWN** entering the store with an unknown male. **BROWN** then proceeded to manipulate firearms from display cases. **BROWN** then departed the store.

Less than an hour and a half later, **BROWN** returned with R.J. A store clerk, CLERK 1, assisted **BROWN**. If this case proceeded to trial, CLERK 1 would testify that **BROWN**

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expressed interest in a black .45 caliber FNX pistol. CLERK 1 would testify that **BROWN** stated that R.J. needed the pistol for a job as a security guard. CLERK 1 informed **BROWN** that he believed that the firearm was for **BROWN** and not R.J., and that it would be a felony for R.J. to purchase a firearm for another person. **BROWN** and R.J. departed the store without purchasing anything.

The next morning, July 26, 2018, R.J. returned to the Jefferson Gun Outlet in a Chevrolet Traverse and entered the store alone. **BROWN** waited in the Chevrolet Traverse. R.J. then went into the store and was assisted by a store employee, CLERK 2. If this case proceeded to trial, CLERK 2 would testify that R.J. stated that she needed to purchase an FN pistol because her home had been burglarized the night before. R.J. purchased a .45 caliber FN pistol, model FNX45 bearing serial number FX3U106691. This interaction was captured on video surveillance.

Special Agent Ryan Krummel with the Bureau of Alcohol, Tobacco, Firearms, and Explosives (“ATF”) was positioned at the exterior of the Jefferson Gun Outlet building. Special Agent Krummel observed R.J. exit the store and proceed to a parked Chevrolet Traverse, carrying a black plastic bag containing a black box. After R.J. entered the Chevrolet, Special Agent Krummel observed **BROWN** exit the front passenger seat of that same vehicle and enter the driver seat of an Infiniti SUV parked nearby. The two vehicles then departed.

ATF agents followed **BROWN** and R.J. to a nearby mall located at 6400 Airline Dr. Metairie, Louisiana. In the parking lot of the mall, ATF agents observed that **BROWN** and R.J. parked next to each other for only a moment and then exited the parking lot. At that point, in their training and experience, ATF agents believed that R.J. had transferred the firearm to **BROWN**, and they informed nearby Jefferson Parish Sheriff’s Office (“JPSO”) deputies.

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After the interaction in the parking lot, JPSO deputies and ATF agents observed **BROWN** operating the Infiniti SUV in a reckless manner. JPSO initiated an investigatory and traffic stop. This stop took place in the Eastern District of Louisiana. When JPSO deputies made contact with **BROWN**, he was alone in the Infiniti and a black firearm box was observed in plain view on the passenger floorboard of the vehicle. In addition to the box, a black bag and receipt from the Jefferson Gun Outlet were in plain view on the passenger seat. JPSO deputies also seized the firearm box, which contained a .45 caliber FN pistol, model FNX45 bearing serial number FX3U106691. Accompanying the firearm was the black bag that agents had observed, and a receipt for the aforementioned firearm, which stated that R.J. had purchased it from the Jefferson Gun Outlet that day. **BROWN** did not have a valid driver's license and his vehicle was uninsured. JPSO deputies wrote traffic citations for **BROWN** for: reckless operation, no insurance, no seat belt and no valid driver's license.

Subsequently, agents obtained text messages from R.J.'s cellular phone, which indicated that **BROWN** had sent her pictures of an FN pistol on July 26, 2018.

After **BROWN** was arrested on the instant charges, he placed numerous recorded calls to R.J. from the Jefferson Parish Prison. In several of these calls, **BROWN** asked R.J. to sign a paper saying that the gun was hers. Additionally, **BROWN** accused R.J. of assisting the police and said that she would regret what she did to him.

If this matter had proceeded to trial, an ATF agent would testify that the .45 caliber FN pistol, model FNX45 bearing serial number FX3U106691, was manufactured by FN America, LLC in South Carolina. Therefore, the firearm traveled in and affected interstate commerce.

At the time that **BROWN** possessed the aforementioned firearm, he was prohibited from doing so because he had been convicted of Possession with the Intent to Distribute Marijuana, in

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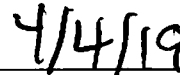
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violation of La. R.S. § 40:966(A)(2), on or about August 31, 2010, in Orleans Parish Criminal District Court, State of Louisiana, in case number 485-754 "F."


This proffer of evidence is not intended to constitute a complete statement of all facts known 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 factual and legal basis for **CHARLES BROWN's** plea of guilty to Count Two of the Indictment, which charges **BROWN** with violating 18 United States Code, Sections 922(g)(1) and 924(a)(2).



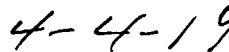
MARIA M. CARBONI
Assistant United States Attorney



Date



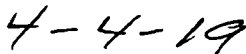
GARY SCHWABE
Counsel for the defendant



Date



CHARLES BROWN
Defendant



Date