

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

UNITED STATES OF AMERICA * CRIMINAL NO. 18-235
v. * SECTION: "H"
WALTER OLIVER *
a/k/a "Lil Walt"

* * *

FACTUAL BASIS

Defendant, **WALTER OLIVER ("OLIVER")**, 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 September 6, 2018, New Orleans Police Department Officer Joshua Burkhart was on proactive patrol in the New Orleans Police Department sixth district, located within the Eastern District of Louisiana. While on patrol, Officer Burkhart traveled eastbound on LaSalle Street and observed a grey 2007 Toyota Camry being operated without a valid license plate. Upon reaching the intersection of Jackson Avenue and LaSalle Street, Officer Burkhart observed the driver of the vehicle alter the vehicle's path of travel by turning right to travel southbound on Jackson Avenue.

After observing the violation, Officer Burkhart continued to follow the vehicle, and activated his unit's lights and sirens. While traveling behind the vehicle, Officer Burkhart smelled marijuana emanating from what he believed was the grey Camry. The grey Camry stopped. Officer Burkhart exited his unit and approached the driver's side of the Camry. Officer Burkhart

AUSA BLR
Defendant WO
Defense Counsel CVS

learned that T.P. was the driver of the vehicle. He also observed a male passenger in the front passenger seat. T.P. was informed of the reason for the stop and asked for her identification, vehicle registration, and proof of insurance.

After getting closer to the vehicle, Officer Burkhart detected the smell of marijuana emanating from inside of the vehicle. Officer Burkhart informed T.P. that he smelled marijuana inside the vehicle. T.P. denied any occupants smoking marijuana at that time. She did, however, inform Officer Burkhart that her son, who not was inside of the vehicle at the time of the stop, had smoked marijuana earlier inside of the vehicle.

Officer Daniel Berrincha arrived at the scene. In an effort to investigate the origin of the odor, Officer Burkhart ordered all occupants outside of the vehicle, including the male passenger, who was identified as **OLIVER**. Upon Officer Berrincha's arrival, all occupants exited the Camry. **OLIVER** exited the vehicle and began to sprint away from the vehicle. Both officers gave chase behind **OLIVER**. While running, **OLIVER** clutched his waistband and was observed reaching inside of his waistband. In response to observing the gestures, officers commanded **OLIVER** to stop making movements in his waistband area.

If called to testify, officers would testify that based upon their training and experience, individuals often attempt to conceal weapons in their waistband area so as to avoid police detection of firearms. As the officers approached the intersection of South Saratoga, they observed **OLIVER** produce a black firearm from inside of his pants, and discard the firearm in the middle of the street.

Despite orders to stop running from law enforcement, **OLIVER** continued to run. In order to evade the officers, **OLIVER** threw a garbage can within Officer Burkhart's path. The foot chase

continued until **OLIVER** lost his footing and fell to the ground. Officer Burkhart gained control of **OLIVER** and arrested him.

Officer Berrincha returned to the location where **OLIVER** tossed the firearm. A black FN Brand FXN-9 Model 9 millimeter handgun, bearing serial number FX1U056602 was recovered. **OLIVER** was arrested and *Mirandized*. An NCIC check on the firearm revealed that the gun had been reported stolen out of Jefferson Parish. The firearm was loaded at the time with 16 gold rounds and 1 silver round of live 9 mm ammunition. One gold round of live ammunition was in the chamber.


Law enforcement obtained a recorded Orleans Justice Center jail call made by **OLIVER** in which he admitted to being in possession of a firearm and running from officers. The firearm, a black FN Brand FXN-9 Model 9mm handgun, bearing serial number FX1U056602, was examined by an agent with the Bureau of Alcohol, Tobacco, Firearms and Explosives. The firearm was manufactured in South Carolina, outside the state of Louisiana, and traveled in interstate commerce prior to being possessed by **OLIVER**.

Prior to possessing the firearm, **OLIVER** was convicted on or about February 4, 2011, in case number 499-909, Section "K," of Orleans Parish Criminal District Court, of Simple Burglary of an Inhabited Dwelling, in violation of La. R.S. 14:62.2. The aforementioned conviction is a felony conviction for which **OLIVER** faced a term of imprisonment punishable by imprisonment for a term in excess of one year.

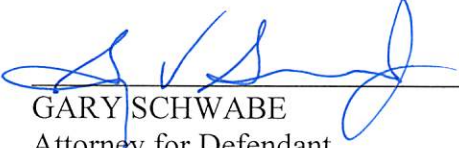
At trial, the government would prove that **OLIVER** knowingly possessed the aforementioned firearm, and knew that as a convicted felon, he was prohibited from possessing the firearm.

Limited Nature of Factual Basis


This proffer of evidence is not intended to constitute a complete statement of all facts known by **OLIVER** 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 **OLIVER**.



BRITTANY L. REED (Date) 05-30-2019
Assistant United States Attorney



GARY SCHWABE (Date) 5-30-19
Attorney for Defendant



WALTER OLIVER (Date) 5-30-19
Defendant