

U.S. DISTRICT COURT  
EASTERN DISTRICT OF LOUISIANA  
FILED 9-11-2019  
WILLIAM W. BLEVINS  
CLERK

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF LOUISIANA

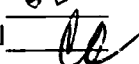
UNITED STATES OF AMERICA \* CRIMINAL NO. 19-50  
v. \* SECTION: "I"  
GERARD LAWLESS \* VIOLATION: 18 U.S.C. § 922(g)(1)  
a/k/a "Caveman" 18 U.S.C. § 924(a)(2)  
\*

\* \* \*

FACTUAL BASIS

The above-named defendant, **GERARD LAWLESS a/k/a "Caveman,"** has agreed to plead guilty to Count One of the Superseding Bill of Information, 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 **GERARD LAWLESS, a/k/a "Caveman" ("LAWLESS")**:

On August 4, 2018, New Orleans Police Department ("NOPD") officers were on patrol in the vicinity of Willow Street and Jackson in New Orleans, Louisiana. They happened upon an individual ("Witness-1"), who was holding **LAWLESS** by his shirt up against a wall. NOPD asked Witness-1 what had occurred, and Witness-1 stated, in sum and substance, that **LAWLESS** had pointed a gun at someone else. NOPD asked **LAWLESS** to sit on the ground while they investigated, and **LAWLESS** attempted to run away. At that time, **LAWLESS** was holding a white cardboard box, which he dropped to the ground when he was trying to run away. The NOPD

AUSA 34  
Defendant 62  
Defense Counsel 

officers ultimately wrestled **LAWLESS** to the ground and handcuffed him. During that process, they felt the outline of a gun in his pants. Later, one of the Officers recovered a Ruger .38 caliber firearm, bearing serial number 54419395 from **LAWLESS**'s pants. The firearm had previously been reported stolen in Orleans Parish.<sup>1</sup>

After the recovery, **LAWLESS** was very combative, spontaneously screaming repeatedly, "I'm fucked" and "It's over," and also stating that he had prior convictions.

The NOPD officers conducted another search of **LAWLESS**, and recovered a syringe, one crack rock and one small bag of heroin. NOPD also searched the cardboard box and recovered a quantity of marijuana.

**LAWLESS** was brought over to the patrol car, where he repeatedly banged his head against the vehicle, ultimately denting it. He was still very combative, screaming and yelling and refusing to comply with commands.

NOPD also interviewed the victim ("Victim-1"), who stated that he was walking down Jackson Avenue and was approached from the rear by **LAWLESS** and hit by an object. Victim-1 had a preexisting dispute with **LAWLESS** at that time, and they have had a physical altercation in the past. Victim-1 said that during this altercation, **LAWLESS** was at some point in possession of a firearm.

NOPD also interviewed Witness-1, who had detained **LAWLESS**. Witness-1 stated that he observed **LAWLESS** point a gun at Victim-1, but that **LAWLESS** ultimately walked away. Witness-1 followed **LAWLESS**, where Witness-1 ultimately detained him.

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<sup>1</sup> There is no evidence that **LAWLESS** had stolen the firearm.

After investigating **LAWLESS's** criminal history further, the NOPD officers also discovered that there was an outstanding parole warrant for **LAWLESS**, and they confirmed the existence of the warrant with **LAWLESS's** parole officer.

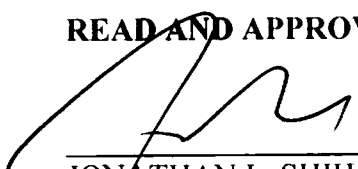
On May 17, 2013, in the Orleans Parish Criminal District Court, under Case No. 515-120, Section "L," **LAWLESS** was convicted, pursuant to a guilty plea, of possession of heroin and possession of cocaine, in violation of Louisiana R.S. 40:966(C)(1) and 40:966(C)(2), which is a felony punishable by imprisonment for a term exceeding one year. On that date, on the possession of heroin count, **LAWLESS** was sentenced to four years of imprisonment, which was suspended, and three years of active probation. Additionally, on that date, on the possession of cocaine count, **LAWLESS** was sentenced to three years of imprisonment, which was suspended, and three years of active probation. Therefore, **LAWLESS** knew that the crimes for which he was convicted were punishable by a term of imprisonment exceeding one year.

If called at trial, an expert witness from the Bureau of Alcohol, Tobacco, Firearms, and Explosives ("ATF") would testify that the aforementioned Ruger .38 caliber firearm bearing serial number 54419395 was not manufactured in the state of Louisiana, and had moved in interstate commerce prior to August 4, 2018.

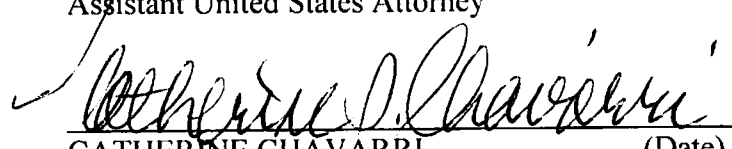
AUSA JCS  
Defendant EL  
Defense Counsel CA

This proffer of evidence is not intended to constitute a complete statement of all facts known by LAWLESS, 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 LAWLESS's plea of guilty to these crimes.

**READ AND APPROVED:**

  
\_\_\_\_\_  
JONATHAN L. SHIH  
Assistant United States Attorney

9/11/19  
\_\_\_\_\_  
(Date)

  
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CATHERINE CHAVARRI  
Attorney for Defendant

9/11/19  
\_\_\_\_\_  
(Date)

  
\_\_\_\_\_  
GERARD LAWLESS  
Defendant

9-11-19  
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