

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

UNITED STATES OF AMERICA

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CRIMINAL NO.: 20-38

v.

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SECTION: E

BRISHUN GARY

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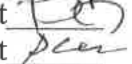

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FACTUAL BASIS

The defendant, **BRISHUN GARY**, has indicated that he intends to plead guilty as charged in Count One of the Indictment against him, that is, conspiracy to commit bank larceny, in violation of 18 U.S.C. § 371.

The United States and the defendant do hereby stipulate and agree that the following facts are true and correct and that, should this matter have proceeded to trial, the government would have proven them beyond a reasonable doubt, through the introduction of competent testimony and admissible tangible and documentary exhibits. This Factual Basis does not attempt to set forth all the facts known to the United States at this time. The limited purpose of this Factual Basis is to demonstrate that there exists a sufficient legal basis for the defendant's guilty plea.

During the times relevant herein, Capital One Bank and Hancock Whitney Bank were both located in the Eastern District of Louisiana. The deposits of both banks were insured by the Federal Deposit Insurance Corporation.

AUSA 
Defendant 
Attorney for Defendant 

On or about February 5, 2020, the defendant and others (hereinafter referred to as the “conspirators”) drove a blue pickup truck to Capital One Bank, located at 5695 Bullard Ave., New Orleans, Louisiana. The conspirators disguised themselves with face coverings to shield their identity from security cameras located at the bank. The conspirators pulled next to an ATM machine in the bank’s drive-through lane, and exited the vehicle with sledgehammers, crowbars, and other tools. These implements were used to repeatedly strike the ATM machine in an effort to steal its contents: approximately \$175,142 in cash and other deposits.


After ransacking the machine with the sledgehammers and crowbars, the conspirators attached a chain to the ATM machine and attempted to tear it apart by repeatedly pulling the chain with the blue pickup truck. When the New Orleans Police Department (NOPD) arrived on the scene, the conspirators attempted to flee, but were quickly apprehended by law enforcement officers.

Just prior to this robbery attempt, the conspirators were observed in the same blue truck attempting to break in to an ATM located in the drive-through of Whitney Hancock Bank, located at 4001 Ponchartrain Drive, Slidell, Louisiana. The conspirators used the same sledgehammers, crowbar, and chain that they used during the attempted Capital One Bank robbery. They also wore the same disguises and clothing. The Hancock Whitney Bank ATM contained approximately \$49,040.00 in cash and other deposits.

At trial, the government would introduce the testimony of Special Agents of the Federal Bureau of Investigation, the NOPD, and representatives of Capital One Bank and Hancock Whitney Bank. The government would also introduce bank surveillance video and NOPD bodycam video of the conspirators, along with documentary evidence regarding the funds contained in the ATM machines.

APPROVED AND AGREED TO:

 5/10/21
G. DALL KAMMER Date
Assistant United States Attorney

 5/12/21
DYLAN UTLEY Date
Attorney for Brishun Gary

 05/12/2021
BRISHUN GARY Date
Defendant