

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF LOUISIANA

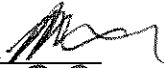


UNITED STATES OF AMERICA \* CRIMINAL NO.: 20-15  
v. \* SECTION: M  
DWAYNE BROWN \*  
\* \* \*

FACTUAL BASIS

The defendant, **DWAYNE BROWN (BROWN)**, has indicated that he intends to plead guilty as charged in Count One of the Indictment against him for violation of the Federal Gun Control Act, 18 U.S.C. § 922(g)(1).

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.


On October 1, 2019, **BROWN** attempted to go through security at Louis Armstrong Airport. At that time, **BROWN** was in possession of a “ghost” gun – a firearm that has no serial number or manufacturer’s marks of identification affixed to it. The firearm was assembled at an unknown time and location from a kit distributed by Polymer80, Inc. Moreover, the firearm was affixed with an auto-sear which permitted it to fire automatically. Along with the firearm, **BROWN** was in possession of \$35,000 in cash and two 30-round magazines containing approximately 28 rounds each.


AUSA   
Defendant   
Attorney for Defendant 

Should this matter have gone to trial, the government would introduce a certified conviction package that would prove that, prior to his possession of the ammunition, **BROWN** pled guilty to crimes punishable by imprisonment for a term exceeding one year. Specifically, on February 4, 2019, in case number 2017-CR316, in the 40<sup>th</sup> Judicial Court, State of Louisiana, **BROWN** pled guilty to aggravated flight from an officer, simple criminal damage to property, and unauthorized entry of an inhabited dwelling. The court records indicate that **BROWN** was sworn in open court and advised of his constitutional rights before he pled guilty. He signed a Waiver of Constitutional Rights and Plea of Guilty form, acknowledging that he was pleading to crimes punishable by imprisonment for a term exceeding one year. On that form, he initialed next to the line specifically stating, "I understand that it is a State and Federal offense for people convicted of certain crimes to possess firearms or concealed weapons of any type." He received five years at the Department of Corrections, suspended, with three years of active probation.

Finally, the government would call FBI Special Agent [REDACTED] who would testify that ammunition in **BROWN**'s possession included a Winchester, 9mm Luger round that was manufactured outside of the State of Louisiana and, therefore, affected interstate commerce.

**APPROVED AND AGREED TO:**

 6/8/21  
G. DALE KAMMER Date  
Assistant United States Attorney

 6/11/21  
DAVIDSON EHLE Date  
Attorney for Dwayne Brown

  
DWAYNE BROWN Date 6-11-21  
Defendant