

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA**

UNITED STATES OF AMERICA	*	CRIMINAL NO. 20-111
v.	*	SECTION: "F"
ALTON COOKS	*	
	* * *	

FACTUAL BASIS

The defendant, **ALTON COOKS ("COOKS")**, has agreed to plead guilty as charged, pursuant to a plea agreement with the government, to Count One of the Indictment charging him with possession of a firearm by a convicted felon, in violation of Title 18, United States Code, Section 922(g)(1).

Should this matter have gone to trial, the government would have proven, through the introduction of competent testimony and other admissible evidence, the following facts, beyond a reasonable doubt, to support the allegations in the indictment now pending against the defendant. All of the below facts occurred in the Eastern District of Louisiana.

On or about August 6, 2019, COOKS called an ATF confidential informant ("CI") regarding a semi-automatic pistol he wanted to sell for \$350.00. The CI advised the case agents of this information, and the agents decided to conduct a controlled purchase with an undercover agent. The CI told COOKS that he/she knew someone (the undercover agent) who wanted to purchase the firearm. However, COOKS was wary because he did not know the undercover agent. Thus, the undercover agent and the CI both went to the controlled purchase, all in separate vehicles. This controlled purchase was captured on video and audio recording devices. The CI

AUSA WEB
Defendant HC
Defense Counsel 326

and the undercover agent agreed to meet COOKS at the Shell Gas Station at 9201 Airline Highway in New Orleans.

The undercover agent and the CI were already parked in the parking lot when COOKS arrived in a Volkswagen Passat four-door sedan with an unknown license plate. After COOKS parked at the gas station, COOKS got out of his car, crouched down to pick up the firearm that was wrapped in an orange cloth, and put it into the front passenger seat of the CI's car. COOKS then got back into his car, and he drove around to the gas pumps for a few minutes. While COOKS was at the gas pumps, the undercover agent retrieved the firearm from the CI.

COOKS then went to the undercover agent's vehicle, and the undercover agent gave COOKS \$350.00 for the firearm. COOKS showed the undercover agent his phone, which contained photos of a "Mac 10" pistol and a Glock pistol that COOKS said he sold the prior night. He also told the undercover agent that he could get other firearms to sell in the future.

If this matter would have gone to trial, the government would call ATF Special Agent [REDACTED] [REDACTED] who would testify that he examined the firearm that COOKS possessed on August 6, 2019. Specifically, he would testify that the firearm was a Taurus, model PT111 Pro, 9mm pistol, bearing serial number TCU71568. It was fully loaded with seven rounds of ammunition, including one in the chamber. Special Agent [REDACTED] would testify that the firearm was manufactured by Taurus in Brazil and imported into the United States through the State of Florida. Thus, it affected both foreign and interstate commerce before COOKS possessed it in the Eastern District of Louisiana on August 6, 2019, as defined in Title 18, United States Code, Section 921(a)(2).

Before COOKS possessed the firearm on August 6, 2019, he knew he had been convicted in a court of crimes punishable by imprisonment for a term exceeding one year. Specifically, on June 29, 2017, COOKS was convicted in Orleans Parish Criminal District Court case number 525-604 of two counts of distribution of cocaine. COOKS signed a Felony Plea of Guilty Form in that case, acknowledging that he was pleading to a crime punishable by imprisonment for a term exceeding one year. He received five years at the Department of Corrections for each count of that conviction, ran concurrently. Additionally, on November 17, 2009, in Jefferson Parish case number 09-2489, COOKS pled guilty to possession with the intent to distribute marijuana. COOKS committed that crime on March 24, 2009. He signed an Acknowledgement and Waiver of Constitutional Rights – Guilty Plea Form, acknowledging that he was pleading to a crime 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/or Federal offense for people convicted of certain crimes to possess firearms or concealed weapons of any type.” He also initialed next to the line specifically stating, “[t]he maximum sentence which may be imposed for this crime is 30 years and/or a fine of \$59,000.00 or both.” COOKS also signed a Conditions of Probation – Felony Form, and he initialed next to the paragraph that stated, “...you shall not have in your possession any firearms or dangerous weapons...” He received five years at the Department of Corrections, suspended, with two years of active probation. Additionally, on July 12, 2010, COOKS was convicted in a court of a misdemeanor crime of domestic violence. Specifically, in Jefferson Parish case number 10-2439, COOKS pled guilty to one count of domestic abuse battery

child endangerment and one count of aggravated assault. For that conviction, he signed a Conditions of Probation – Misdemeanor Form, in which he initialed next to the sentence, "...you shall not have in your possession any firearm or dangerous weapon..."

LIMITED NATURE OF FACTUAL BASIS

This proffer of evidence is not intended to constitute a complete statement of all facts known by **ALTON COOKS** 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 **ALTON COOKS's** plea of guilty to the charged offense.

READ AND APPROVED:

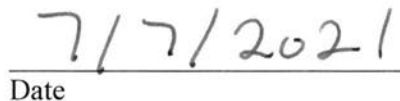


MELISSA E. BÜCHER
Assistant United States Attorney


Date



ALTON COOKS
Defendant


Date



BRUCE WHITTAKER
Attorney for Defendant


Date