

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

UNITED STATES OF AMERICA

* CRIMINAL NO.: 20-145

v.

* SECTION: "I"

DARIUS WILLIAMS
a/k/a "D Nice"

*

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* * *

FACTUAL BASIS

Defendant DARIUS WILLIAMS ("WILLIAMS"), a/k/a "D Nice" has decided to enter a plea of guilty to the one-count Indictment in the above-captioned matter. Should this matter have proceeded to trial, the United States would have proven the following facts beyond a reasonable doubt through credible testimony and reliable evidence. The facts outlined herein occurred within the jurisdiction of the Eastern District of Louisiana.

On October 30, 2020, New Orleans Police Department Officer [REDACTED] learned that three individuals, one of whom was identified as WILLIAMS, were actively wanted under multiple NOPD item numbers. WILLIAMS was wanted under NOPD Item number [REDACTED] for attempted second degree murder, felon in possession of a firearm, and illegal discharge of a firearm. Officer [REDACTED] knew that WILLIAMS and his associates frequented a residence located in the 8700 block of Green Street, New Orleans, Louisiana. Officer [REDACTED] elected to conduct surveillance in the area encompassing Green Street utilizing Real Time Crime Center cameras to locate WILLIAMS.

AUSA 
Defendant 
Defense Counsel 

Upon conducting surveillance and observing RTCC footage, [REDACTED] observed **WILLIAMS** exit the residence of [REDACTED] Green Street, a residence known to be frequented by **WILLIAMS**. While walking, **WILLIAMS**, attired in a sweatshirt with a kangaroo pocket, retrieved what appeared to be a silver and black handgun from the sweatshirt's pocket. **WILLIAMS** returned to [REDACTED] Green Street.

NOPD officers responded to the area to effect the arrest of **WILLIAMS**. When officers arrived at the residence **WILLIAMS** was standing in the residence's rear yard. US Marshall's wearing US Marshall vests, approached in an unmarked vehicle, **WILLIAMS** began to flee in the direction of a nearby fence and jumped over it. Officers attempted to locate **WILLIAMS** by establishing a perimeter in the neighborhood. A short while later, **WILLIAMS** was located within the perimeter. **WILLIAMS** surrendered before being detained and arrested.

Upon conducting an outer-clothing pat-down of **WILLIAMS**'s person, officers noted that **WILLIAMS** was not in possession of the silver and black colored firearm. Officers began searching the perimeter area to locate where they believed **WILLIAMS** to have discarded the firearm. Officers returned to the rear of the residence in which **WILLIAMS** was standing. Upon retracing **WILLIAMS**'s flight path, officers located a SCCY Industries 9mm handgun, bearing serial number 903111 in the side yard of a residence in the 1700 block of Monroe Street. **WILLIAMS** admits that this is the same firearm that he previously possessed. The 1700 block of Monroe Street is within the cordoned-off perimeter in which **WILLIAMS** fled and was close in proximity to the yard where **WILLIAMS** was observed standing.

The SCCY Industries 9mm handgun was examined by a member of the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), and determined to have been shipped and transported

into interstate commerce prior to being possessed by **WILLIAMS**. ATF conducted an interstate nexus analysis and determined that the firearm was not manufactured within the state of Louisiana. Additionally, the firearm was deemed operable thereby satisfying the definition of a “firearm” as defined by federal law.

WILLIAMS is legally prohibited from possessing a firearm. Should this matter have proceeded to trial, the government would introduce a certified conviction package that would prove that prior to his possession of a firearm on October 30, 2020, **WILLIAMS** pled guilty to a felony on February 20, 2019, in the 24th Judicial District Court, Parish of Jefferson, case number 19-00043 “O,” for distribution of cocaine. The certified court record indicates that **WILLIAMS** was present and sworn in open court when he pled guilty. In his plea colloquy, **WILLIAMS** was informed of his constitutional rights. The court records confirm distribution of cocaine is a crime punishable by a term of imprisonment for a term exceeding one year. Further, **WILLIAMS** signed a Felony Plea of Guilty form in the aforementioned case in which he acknowledged that he was pleading to a felony. Finally, **WILLIAMS** knew that he was a convicted of a crime punishable by more than one year of imprisonment prior to possessing the aforementioned firearm.

Limited Nature of Factual Basis

This proffer of evidence is not intended to constitute a complete statement of all facts known by **WILLIAMS**. Rather, it is a minimum statement of facts intended to prove the necessary factual predicate for his guilty plea. The limited purpose of this proffer is to demonstrate that there exists a sufficient legal basis for **WILLIAMS**'s plea of guilty to the charged offenses.

READ AND APPROVED:

 10/13/2021
Date
ANNALISA MIRON
Counsel for Darius Williams

 10/13/21
Date
MICHAEL E. Trummel
Assistant United States Attorney

 10-13-2021
Date
DARIUS WILLIAMS
Defendant