

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF LOUISIANA

UNITED STATES OF AMERICA

\* CRIMINAL NO. 21-135

v.

\* SECTION: "I"

KENDALL GILMER, JR.

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**FACTUAL BASIS**

Had this matter proceeded to trial, the government would have proven beyond a reasonable doubt, through the introduction of relevant, competent, and admissible testimony and other evidence, the following facts to support the allegations against the defendant, KENDALL GILMER, JR. ("GILMER").

In October 2021, Drug Enforcement Administration agents ("Agents") from the New Orleans Field Division identified GILMER as a supplier of methamphetamine to other drug dealers in the New Orleans metropolitan area. Agents identified GILMER's residence on [REDACTED] in New Orleans, Louisiana. Agents also identified GILMER's vehicle as a beige 2006 BMW 530i four-door sedan bearing Louisiana temporary license plate [REDACTED]

On October 18, 2021, having received information that GILMER would likely be traveling with a significant quantity of methamphetamine, Agents conducted physical surveillance at GILMER'S residence. Agents also confirmed that GILMER had two active felony arrest warrants through the 32nd Judicial Court System in Terrebonne Parish, Louisiana. At approximately 1:45

p.m., as part of the DEA operation, New Orleans Police Department (NOPD) Officers (“Officers”) were patrolling in a two-man marked NOPD unit. The officers observed GILMER’s vehicle traveling on North Claiborne Avenue in New Orleans. Officers observed that temporary license plate had expired on October 3, 2021, and was also illegally tinted. The Officers then initiated a traffic stop.

GILMER’s vehicle came to a stop and the Officer contacted GILMER through the driver’s side window. GILMER was informed of the traffic violation but could not provide the Officer with proper identification. Officers then asked GILMER to exit the vehicle. GILMER admitted to the Officers that he had outstanding arrest warrants in his name. GILMER was then detained, placed under arrest for the outstanding warrants, and placed in the back of the NOPD unit.

Another Officer arrived on scene to assist with the traffic stop along with his trained and certified Narcotics Detection Police K-9. The K-9 conducted a free air sweep of the exterior of GILMER’s vehicle and gave a positive alert for the presence of illegal narcotics on the passenger side of the vehicle. Agents then arrived on scene to assist.

Agents advised GILMER of his Miranda Rights, which he stated he understood. Agents informed GILMER of the positive K-9 alert and that the vehicle would be searched. Prior to the search, GILMER informed Agents that there was a bag in the back seat that contained two guns and methamphetamine. Agents conducted a search of the vehicle and located a black cloth bag on the floorboard in the back seat. Inside the black cloth bag the following items were located:

- Two clear plastic bags containing suspected crystal methamphetamine;
- Twelve plastic bags containing suspected heroin;

- One plastic bag containing suspected Psilocybin Mushrooms;
- One Rock Island Armory, Model M1911 A1, .45 caliber semi-automatic handgun, bearing serial number RIA1810935, with a loaded magazine containing 7 bullets;
- One Smith & Wesson, Model M&P M2.0, .45 caliber semi-automatic handgun, bearing serial number JBU6902, with a loaded magazine containing 6 bullets; and
- \$1,637 in U.S. Currency.

DEA Southeast Laboratory analysis confirmed that the suspected methamphetamine was in fact 80.3 net grams of pure methamphetamine. Laboratory analysis also confirmed that the suspected heroin was 10.69 net grams of a mixture and substance containing a detectable amount of heroin and N-Phenyl-N-[1-(2-phenylethyl)-4-piperidinyl] propanamide (Fentanyl).

The heroin was individually wrapped and packaged in order to facilitate ease of distribution. 80.3 grams of methamphetamine is significantly more than an amount of methamphetamine one would possess for personal use. Further, GILMER admits that he possessed the methamphetamine with intent to distribute it.

Additionally, GILMER is a convicted felon. GILMER has been convicted of the following crimes punishable by imprisonment for a term exceeding one year:

- a conviction on or about February 4, 2019, in the 32nd Judicial District Court, Parish of Terrebonne, State of Louisiana, under case number 786184, for possession of a schedule II controlled dangerous substance, in violation of LA. R.S. 40:967;

- a conviction on or about December 13, 2017, in the 32nd Judicial District Court, Parish of Terrebonne, State of Louisiana, under case number 741616, for possession of a schedule II controlled dangerous substance, in violation of LA. R.S. 40:967;
- a conviction on or about December 13, 2017, in the 32nd Judicial District Court, Parish of Terrebonne, State of Louisiana, under case number 741615, for attempted possession of a firearm by a convicted felon, in violation of LA. R.S. 14.95.1; and
- a conviction on or about July 21, 2016, in the 32nd Judicial District Court, Parish of Terrebonne, State of Louisiana, under case number 727934, for possession of a schedule II controlled dangerous substance, in violation of LA. R.S. 40:967.

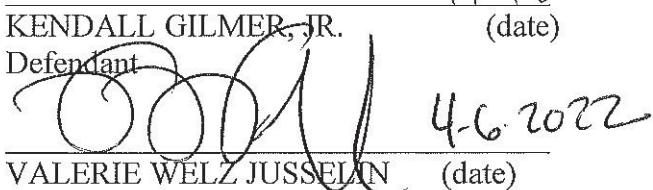
On October 18, 2021, GILMER had knowledge that he was a convicted felon and knew that he could not legally possess a firearm.

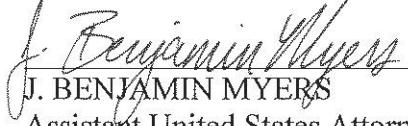
The two handguns seized from GILMER were examined by a Special Agent from the Bureau of Alcohol, Tobacco, Firearms, and Explosives on October 21, 2021. The examination revealed that the firearms were manufactured outside the state of Louisiana and are firearms as defined by Title 18, United States Code, Section 921(a)(3). Thus, since the firearms were seized from GILMER in Louisiana, they had traveled in interstate commerce as defined by Title 18, United States Code, Section 921(a)(2).

Limited Nature of Factual Basis

This proffer of evidence is not intended to constitute a complete statement of all facts, 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 GILMER's plea of guilty to the charged offenses.

 4/6/22  
KENDALL GILMER, JR.  
Defendant

 4-6-2022  
VALERIE WELZ JUSSELIN  
Counsel for Defendant

 4/6/2022  
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