

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF FLORIDA
PENSACOLA DIVISION**

UNITED STATES OF AMERICA

v.

CASE NO: 3:18cr69/MCR

DARCY ANDREW DARBY
_____ /

FACTUAL BASIS FOR GUILTY PLEA

The parties agree with the truthfulness of the following factual basis for the defendant's guilty plea. The undersigned parties further agree that not all of the facts known from this investigation are contained in this brief summary.

On or about April 26, 2018, the defendant's former roommate, W.F., contacted the Okaloosa County Sheriff's Office ("OCSO") and reported the theft of the firearms described in the indictment from his residence located in the Northern District of Florida. Thereafter, through investigation, it was learned that the defendant had taken the firearms described in the indictment from the residence beginning at least as early as October 24, 2017, and later disposed of the firearms.

Most of the firearms were disposed of by the defendant by having different individuals pawn the firearms for him at a pawn store in Fort Walton Beach, Florida, between October 24, 2017, and December 4, 2017. In addition to the eleven firearms that were pawned in this manner, the Taurus .38 caliber revolver (described in the indictment) taken from W.F.'s residence by the defendant was recovered by the

OCSO from Matthew Herring during a traffic stop on March 2, 2018.

Each of the firearms was manufactured either outside of the United States or outside the State of Florida. Therefore, prior to the defendant's possession of the firearms, they had traveled in either interstate and/or foreign commerce.

Prior to October 24, 2017, the defendant had been convicted of at least one of the felony offenses described in the indictment and has not had his rights to own or possess firearms restored.

ELEMENTS OF THE OFFENSE

ECCA OI # 34.6 - Possession of a Firearm by a Convicted Felon § 922(g)(1)

It's a Federal crime for anyone who has been convicted of a felony offense to possess a firearm in or affecting interstate or foreign commerce.


The Defendant can be found guilty of this crime only if all the following facts are proved beyond a reasonable doubt:


- (1) the Defendant knowingly possessed a firearm in or affecting interstate or foreign commerce; and

(2) before possessing the firearm, the Defendant had been convicted of a felony – a crime punishable by imprisonment for more than one year.

A “firearm” is any weapon designed to or readily convertible to expel a projectile by the action of an explosive. The term includes the frame or receiver of any such weapon or any firearm muffler or silencer.

The term “interstate or foreign commerce” includes the movement of a firearm from one state to another or between the United States and any foreign country. It’s not necessary for the Government to prove that the Defendant knew the firearms had moved from one state or country to another, only that the firearms did, in fact, move from one state or country to another.


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DARCY ANDREW DARBY
Defendant

11/29/18
Date

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