

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

UNITED STATES OF AMERICA

v.

Case Number 3:18cr73/MCR

BRIAN M. STADELMAIER
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FACTUAL BASIS FOR GUILTY PLEA

The Defendant admits that if this case were to proceed to trial, the government could prove the following facts.

On May 26, 2018, in the very late night time, a deputy with the Escambia County Sheriff's Office observed a silver Nissan Altima parked on West Lakeview Avenue in Pensacola. The lights of the vehicle were off, but the deputy could see three occupants in the vehicle. The deputy, in an unmarked unit, passed the parked vehicle twice and became suspicious because it was parked in the dark on a street that has no residences or any other logical reason for parking so late at night. The deputy radioed his colleagues to inform them that he was going to investigate.

The deputy exited his vehicle across the street from the Nissan and approached on foot. The deputy walked towards the Nissan with his flashlight on, and he began to see the backseat passenger make furtive movements on his right side. Upon getting closer with his flashlight, the deputy immediately noticed a

firearm directly next to the sole occupant of the backseat (Defendant Stadelmaier). The back driver's side window was down, and thus the deputy had a clear and unobstructed view of the Defendant and the firearm laying within his immediate control. As the deputy began to reach for his service weapon, a second deputy made it to the parked vehicle and also saw the firearm sitting next to the Defendant. The Defendant was told to put his hands outside the back window for officer safety purposes, and he complied. At that point, a third deputy arrived, approached the passenger side of the vehicle, and observed the firearm immediately next to the Defendant. The Defendant was removed from the vehicle and patted down for officer safety. On his person, the deputies located a small amount of methamphetamine in his right pants pocket. Based upon the Defendant being a convicted felon, he was placed under arrest for the illicit firearm possession and possession of methamphetamine.

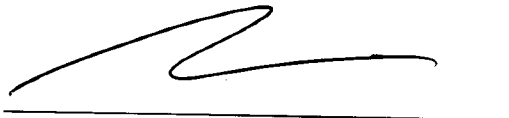
The firearm next to the Defendant, a Makarov pistol, was loaded with a single round. The firearm had been stolen as part of a burglary in Pensacola resulting in the loss of approximately fifty (50) firearms. The firearm and ammunition recovered from the vehicle occupied by the Defendant were manufactured outside the state of Florida and thus traveled in interstate or foreign commerce. That is, the firearm was manufactured in Germany and the ammunition in Nebraska. The Defendant does not have the right to possess the firearm or ammunition due to his

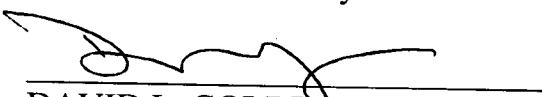
prior felony conviction as outlined in the indictment, which is incorporated herein as true and correct.

On July 9, 2018, the Defendant was arrested on federal charges. Post *Miranda*, he provided an inculpatory statement regarding his possession of the loaded firearm and he now concedes that he knowingly possessed the firearm after being adjudicated of a felony.

Elements of the Offense

Count One: The government must prove (1) the defendant knowingly possessed a firearm or ammunition in or affecting interstate or foreign commerce and (2) that before possessing the firearm or ammunition, the defendant had been convicted of a felony – a crime punishable by imprisonment for more than one year.


LAUREN COBB
Assistant Federal Public Defender
Florida Bar No. 52022
3 West Garden Street, Suite 200
Pensacola, Florida 32502
(850) 432-1418

CHRISTOPHER P. CANOVA
United States Attorney

DAVID L. GOLDBERG
Assistant U.S. Attorney
Northern District of Florida
Member of the Maryland Bar
21 East Garden Street, Suite 400
Pensacola, Florida 32502
(850) 444-4000

8/28/18
Date


BRIAN M. STADELMAIER
Defendant

8/30/18
Date

8/28/18