

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

UNITED STATES OF AMERICA	*	CRIMINAL DOCKET NO. 10-212
v.	*	SECTION: "F"
MARK BROOKS aka "Baby Nu"	*	VIOLATION: 18 U.S.C. § 922(g)(1) 18 U.S.C. § 924(a)(2)
	* * *	

FACTUAL BASIS

Should this matter proceed to trial, the United States would prove beyond a reasonable doubt, through credible testimony and reliable evidence, the following facts:

During the past year, Federal Agents with the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) have been doing an investigation into the a group of individuals known as 3-N-G. Agents have learned that 3-N-G is a loosely nit street gang that hangs out on the corner of Third Street and Galvez in New Orleans, Louisiana. The members of this group deal crack cocaine, powder cocaine, and marijuana and use guns and acts of violence to protect their turf. Mark Brooks, Jimmy Isaac, and Alvin Wilson used to hang out with some members of this group until a known member of 3-N-G shot and killed Alvin Wilson back in June 2008. This

shooting caused Mark Brooks and some of his other associates to distance themselves from the members of 3-N-G as a feud started between these two groups.

COUNT 1:

During the course of this investigation, agents spoke to numerous associates of these groups who agreed to cooperate with the federal investigation. Some of these individuals provided agents with access to their internet networking sites, such as MYSPACE and FACEBOOK, where they stored pictures of members of these groups. As the agents scrolled through the pictures they noticed one picture of Mark Brooks aka “Baby Nu” and Jimmy Isaac aka “Stank”. In this picture, both Brooks and Isaac are sitting in the back of a limousine with a drink in their right hands. Isaac has a stack of cash in his left hand and Brooks has an unknown make and model black semi-automatic handgun in his left hand. Both are posing for the picture. According to witnesses, this picture was taken on January 11, 2009, as Brooks and his associates were on their way to attend a “Lil Wayne” concert in the New Orleans Arena. One of Brooks’ associates rented the limo for the special occasion.

COUNT 2:

On February 24, 2009, Mardi Gras parades rolled through the city of New Orleans on St. Charles Avenue. At approximately 1:30pm on the corner of St. Charles and Second Street shots were fired and seven people suffered gunshot wounds. Numerous NOPD officers converged on the corner. One of these officers was Lt. Michael Lohman. As Lt. Lohman approached the corner, he observed Mark Brooks fleeing from the scene. Witnesses pointed to Brooks and identified him as one of the individuals involved in the shooting. Lt. Lohman chased Brooks down the street and tackled him to the ground. During this confrontation a black 9mm semi-automatic handgun (serial number A351608) fell from Brooks’ waistband and onto the ground.

Brooks was arrested and the firearm was recovered.

Two witnesses identified Brooks as one of the individuals who fired his weapon on the parade route. However, it should be noted that the 9mm handgun that was recovered from Brooks contained a fully loaded magazine and a live round in the chamber. This evidence indicated that Brooks did not fire his weapon. Furthermore, according to an NOPD ballistics expert, the six 9mm casings that were recovered from the scene were fired from a common 9mm handgun, but were not fired from the 9mm handgun that was recovered from Mark Brooks.

Brooks was eventually brought back to the police station where he was advised of his constitutional rights per Miranda, to which he indicated he understood. Brooks decided not to speak to officers at that time. However, on March 9, 2009, Special Agents with the Federal Bureau of Investigations (FBI) interviewed Mark Brooks while he was in the Orleans Parish Prison. During this interview, Brooks admitted that he had the 9mm handgun that fell from his waistband when he was tackled. Brooks told agents that he had purchased this weapon from a drug addict in the Calliope Housing Development for \$250.00 about a week before he was arrested. He also stated that he never fired his weapon. He went on to state that he heard shots, fled the scene on foot, and was tackled. He also admitted that when he was tackled, he discarded the gun and it fell to the ground.

A review of Brooks' criminal record revealed that on or about February 22, 2008, in Orleans Parish Criminal District Court, Brooks pled guilty under case number 474-887 "H" to the charge of possession of crack cocaine, in violation of LA. R.S. 40:967(C)(2). He was then sentenced to serve three years in the custody of the Louisiana Department of Corrections. That sentence was suspended and he was placed on three years of probation.

Furthermore, Special Agents with the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) would testify that neither of the firearms that were possessed by Mark Brooks on the above listed dates were manufactured in the State of Louisiana and that both of those firearms had to have traveled in and effected interstate commerce to be possessed in New Orleans, Louisiana.

At trial the government would produce several cooperating defendants who witnessed Brooks possess the firearms as well as the fully loaded 9mm handgun that was recovered from him on the parade route. The government would also introduce the photograph of Brooks holding a handgun in the back of the limousine as well as the testimony of several federal agents who investigated this case.

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Mark Brooks (Date)
Defendant