

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

UNITED STATES OF AMERICA

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CRIMINAL NO: 09- 345

v.

*

SECTION: "C"

NICOLAS PIERRE

*

a/k/a "Nicholas Pierre"

*

a/k/a "Nikolas Pierre"

* * *

FACTUAL BASIS

If this case were to proceed to trial the Government would prove the Defendant guilty beyond a reasonable doubt of this one count Indictment. In the Indictment, the Defendant, NICOLAS PIERRE a/k/a "Nicholas Pierre" and a/k/a "Nikolas Pierre", is charged with knowingly and intentionally possessing in and affecting commerce a firearm, after having been convicted of a crime punishable by imprisonment for a term exceeding one year. The Government would establish the following through reliable and competent evidence:

On September 29, 2009 at approximately 8:30 a.m., Task Force Officers assigned to the FBI New Orleans Violent Crime Task Force (NOVCTF) conducted a court-authorized state search

warrant at 7406 Sussex Place in New Orleans. The target of the search warrant was NICOLAS PIERRE.

Upon execution of the search warrant, Task Force Officers discovered a loaded Helwan, 9mm semi-automatic pistol, bearing serial number 1055286, on the upper shelf in PIERRE's bedroom closet in a grey Air Force One Nike shoe box. The firearm was fully loaded with eight 9mm bullets. Also recovered from PIERRE's bedroom closet were six .45 caliber bullets, eighty-eight .22 caliber bullets, and 14 grams of heroin. Additionally, twenty-eight .22 caliber bullets were found in a kitchen drawer.

After he was Mirandized, PIERRE admitted to officers that the firearm and the heroin were his property. PIERRE also stated that he lived at the residence. Documents with PIERRE's name on it were found at the residence.

Officers also learned that PIERRE pled guilty to Car Jacking on February 18, 2000 in Orleans Parish Criminal District Court in case number 409-096 "L". He was sentenced to two years in the Department Of Corrections on March 3, 2000. As such, PIERRE is prohibited from lawfully possessing a firearm. In addition, the firearm in question was manufactured outside the state of Louisiana therefore, for this firearm to be found inside the state of Louisiana, it would have had to travel in and thereby affect interstate commerce.

Finally, PIERRE admits that on September 29, 2009, he was in possession of the above-mentioned firearm, and he acknowledges that said conduct constitutes knowing violations of Title 18, United States Code, Sections 922(g)(1) and 924(a)(2).

FREDERICK W. VETERS, JR.
Assistant United States Attorney

DATE

GEORGE CHANEY
Attorney for Defendant

DATE

NICOLAS PIERRE
Defendant

DATE