

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

UNITED STATES OF AMERICA

*

v.

*

CRIMINAL NO.: 11-232

LAWRENCE DEJEAN

*

SECTION: N

*

*

*

F A C T U A L B A S I S

Should this matter proceed to trial, both the Government and the defendant, **LAWRENCE DEJEAN** (hereinafter “Defendant” or “DeJean”) do hereby stipulate and agree that the following facts set forth a sufficient factual basis for the crimes to which the defendant is pleading guilty. Specifically, **DEJEAN** has agreed to plead guilty as charged to the one-count Bill of Information charging him with criminal infringement of copyright in violation of Title 17, United States Code, Section 506(a)(1)(A), and 18, United States Code, Section 2319(b). The Government and the defendant further stipulate that the Government would have proven, through the introduction of competent testimony and admissible, tangible exhibits, the following facts, beyond a reasonable doubt, to support the allegations in the Bill of Information now pending against the defendant:

A Special Agent with Immigration and Customs Enforcement (“ICE”) would testify that on or about December 11, 2010, ICE agents observed Defendant selling and attempting to sell numerous pirated compact discs (“CDs”) containing copyrighted musical works and digital video discs (“DVDs”) containing copyrighted motion pictures and audiovisual works (collectively, “discs”) at the Algiers Flea Market, in New Orleans, Louisiana, within the Eastern District of Louisiana. **DEJEAN** was present at the Algier’s Flea Market and actively sold and attempted to sell the pirated discs. **DEJEAN** did, furthermore, for the purpose of commercial advantage and private financial gain, infringe the copyright of copyrighted works by reproducing and distributing and by attempting to do so during a 180-day period ten (10) or more copies of one or more of the copyrighted works having a retail value of \$2,500 or more.

ICE agents would testify that, after identifying themselves and confirming that the items were pirated, they spoke personally with **DEJEAN** on or about December 11, 2010, while at the Algiers Flea Market. **DEJEAN** admitted that he knew the discs he was selling were pirated and infringed on the copyrights and trademarks of the works contained on the discs. **DEJEAN** further admitted and described how he produced the pirated discs and trademark-infringing packaging at his home by electronic means, namely by using DVD writer “towers” to copy the material on the discs onto new, blank discs and using home computer equipment and printing equipment to create the packaging. **DEJEAN** further assisted ICE agents in identifying all of the pirated discs in his possession.

ICE agents would further testify that on or about December 11, 2010, ICE agents determined that **DEJEAN** had in his possession, for the purpose of commercial advantage and

private financial gain, approximately 10,562 pirated discs containing copyrighted works, which he produced and distributed, and attempted to produce and distribute at the Algiers Flea Market.

Additionally, on or about December 10, 2010, ICE agents executed a search warrant upon a storage unit located at A-AAA Key Mini Storage, 525 Jefferson Highway, Jefferson, Louisiana, that was rented by **DEJEAN**, during which they located, identified, and confiscated 4,833 additional pirated discs containing copyrighted works. **DEJEAN** admitted that the pirated discs were his and that he had, for the purpose of commercial advantage and private financial gain, produced the discs and intended to distribute them.

Representatives of the copyright holders for the material contained on the pirated discs produced and distributed by **DEJEAN** would have testified that, upon reviewing the discs produced and distributed by **DEJEAN**, they were able to identify music, motion pictures, and audiovisual works that were copyrighted; that they held the relevant copyright to that specific music, motion pictures, and audiovisual works on the discs; and that **DEJEAN** had not obtained permission to reproduce any of the music, motion pictures, or audiovisual works on the discs. The representatives would further confirm that the discs duplicated existing, commercially available, copyrighted materials, including music, motion pictures, and audiovisual works.

ICE agents seized the all of the above-described discs and determined their collective retail value to be approximately \$123,160.00.

ICE agents would further testify that **DEJEAN** admitted that he did, for the purpose of commercial advantage and private financial gain, infringe the copyright of copyrighted works by reproducing and distributing and by attempting to do so during a 180-day period the aforementioned discs and that the retail value of the discs exceeded \$2,500.

The above facts come from an investigation conducted by agents from ICE, documents and statements provided by the holders of the copyrighted works contained on the discs produced and distributed by **DEJEAN**, evidence and testimony obtained in the course of the investigation by ICE, and voluntary statements made by the defendant, **LAWRENCE DEJEAN**, to agents from ICE.

APPROVED AND ACCEPTED:

LAWRENCE DEJEAN Date
Defendant

HILLIARD FAZANDE, III Date
(Louisiana Bar No. _____)
Attorney for Defendant DeJean

JORDAN GINSBERG Date
(Illinois Bar No. 6282956)
Assistant United States Attorney