

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

FILED
U.S. DISTRICT COURT
EASTERN DISTRICT OF LA
2007 NOV 28 A 11:29
LORETTA G. WHYTE
CLERK

UNITED STATES OF AMERICA

*

CRIMINAL DOCKET NO. 07-111

v.

*

SECTION: "R"

LANCE EVERSON

*

*

* * *

FACTUAL BASIS

If this case were to proceed to trial, the United States would expect to prove the following facts beyond a reasonable doubt.

On October 5, 2006 at approximately 9:44 p.m., New Orleans Police Department ("NOPD") officers observed the defendant, Lance Everson, in a brown four door sedan in the vicinity of Jackson Avenue and Magnolia Street in the city of New Orleans. The defendant ran a red light and was pulled over by police. As officers approached the automobile they observed Everson and two female passengers. The female passengers were both in the rear of the vehicle.

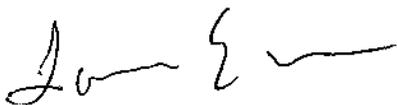
As officers reached the vehicle they smelled burning marijuana and the defendant sped away. Officers returned to their squad car and gave chase. During the chase, one of the officers observed the defendant throw a "small reflective object" using his left hand from the front

driver's window into a pile of debris in the 2700 block of Philip Street. The defendant was finally arrested after a foot chase and violent struggle necessitated by the defendant's refusal to be placed under arrest. The arrest occurred in the vicinity of N. Starett St. at Airline Drive in Kenner, LA. The distance between the two points is approximately 14 miles. Police seized approximately 5 grams of marijuana from the defendant's jean short's pocket.

The arresting officers returned to the vicinity of the 2700 block of Philip Street and they seized a .25 caliber pistol with an obliterated serial number. The weapon was loaded with seven live rounds but was unable to successfully test fire because of a firing pin issue. The weapon is, however, a firearm within the meaning of 18 U.S.C. § 921(a)(3) in that it is designed and may be readily convertible to expel a projectile by the action of an explosive. Further, the weapon was not manufactured in Louisiana and therefore must have traveled in interstate commerce.

The defendant has previous convictions for Possession with Intent to Distribute Cocaine, in violation of LA-R.S. 40:967(A); and Possession of Cocaine in violation of LA-R.S. 40:967(C)(2).

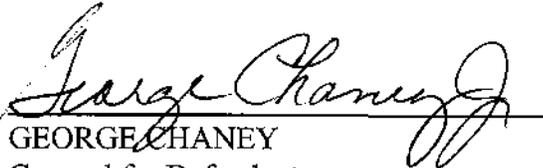
Read and Approved:



LANCE EVERSON
Defendant

NOV. 28-07

Date



GEORGE CHANEY
Counsel for Defendant

11/28/07

Date



RICHARD W. ROSE
Assistant United States Attorney

11/28/07

Date