

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

UNITED STATES OF AMERICA

* **CRIMINAL DOCKET NO: 07-179**

v.

* **SECTION: "D"**

TY PAYTON

*

* * *

FACTUAL BASIS

Competent evidence, both testimonial and physical, would be adduced at trial from competent witnesses in order to prove the defendant, **TY PAYTON**, guilty beyond a reasonable doubt of conspiring to use and carry firearms during two carjackings on or about July 21, 2006, and with aiding and abetting in those two offenses:

The first victim, eighty-seven-year-old Mrs. Lilian Blood, was accosted in her driveway at about 4:00 p.m. on July 21, 2006, as she returned home in Jefferson Parish, Louisiana. An armed male, who covered his face with a towel and brandished the firearm, demanded her vehicle, a Nissan Sentra. She told investigators that she thought she was going to die that day.

A little over an hour after Mrs. Blood was carjacked, her Sentra was involved in a collision at the intersection of Hickory and Short Streets in uptown New Orleans. **TY PAYTON**, along with JS and DW, bailed out of the Sentra and ran around the corner onto Cohn Street, where Ms. Alexandra Mompoin was just leaving work. Ms. Mompoin noted that there was blood on two of the three offenders' shirts, indicating that someone was injured in the crash. **TY PAYTON** produced a firearm and threatened to shoot Ms. Mompoin if she did not surrender her vehicle, a

beige/gold Chevy Malibu, and Ms. Mompont complied with the demand.

Ms. Mompont's carjacking was witnessed by father and son, Charles and Michael Gaspard, the younger of whom gave chase in his own vehicle. At an intersection a short distance away, Mr. Gaspard rammed the carjackers' vehicle and then approached the Malibu when one of the carjackers fired a shot at him, but missed. At that point, Mr. Gaspard backed off, allowing the defendant and his cohorts to escape.

Several hours later, shortly after midnight on July 22, 2006, **TY PAYTON** was spotted in Ms. Mompont's Malibu by uniformed New Orleans police officers and a chase ensued, culminating in Payton's crashing Ms. Mompont's vehicle and fleeing on foot. As he ran, the defendant dropped a Glock firearm and was later apprehended by a police canine hiding in a backyard on Fountainbleu Avenue in New Orleans.

TY PAYTON was later identified as the major donor of DNA on a t-shirt recovered from Mrs. Blood's vehicle and, further, he could not be excluded as the DNA donor from the steering wheel of Ms. Mompont's Chevy. Three victim/witnesses, Ms. Mompont, Michael Gaspard and Charles Gaspard, all identified Payton from photo-spreads as one of Ms Mompont's carjackers.

MICHAEL E. MCMAHON
Assistant United States Attorney
LA Bar Roll No. 10095

Date

VALERIE JUSSELIN
Counsel For Defendant
LA Bar Roll No.

Date

TY PAYTON
Defendant

Date