

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

UNITED STATES OF AMERICA * **CRIMINAL NO. 12-285**

v. * **SECTION: "I"**

ELTON JOHNSON *

* * *

FACTUAL BASIS

If this case were to proceed to trial, the government would prove that the defendant, ELTON JOHNSON (JOHNSON), is guilty beyond a reasonable doubt of count one of the Indictment, which charges JOHNSON with a violation of Title 18, United States Code, Section 371, conspiracy to commit a violation of Title 18, United States Code, Section 922 (a)(6). The government would establish through credible and competent witnesses and evidence the following facts:

On January 26, 2008, co-defendant Glenda Wright (Wright) went to a gun show in Kenner, Louisiana, in the Eastern District of Louisiana. At the gun show, Wright purchased a Ruger 9mm pistol, model P95, serial number 316-47859 from Angelles Enterprises, Maurice, Louisiana, a licensed dealer of firearms under the provisions of Chapter 44 of Title 18, United States Code, for the amount of \$368.61. In connection with the purchase of the said firearm, Wright filled out a Department of the Treasury, ATF Form 4473, Firearms Transaction Record dated January 26, 2008.

Wright acknowledges that the statement on line/question 11a of the Department of the Treasury, ATF Form 4473, Firearms Transaction Record, about the true ownership of the subject firearm is knowingly false. In truth and fact, on or about January 26, 2008, JOHNSON instructed Wright to purchase a firearm from the gun show in Kenner, Louisiana, on his behalf and JOHNSON provided Wright with the money for the purchase. Prior to the purchase, it was understood between JOHNSON and Wright that JOHNSON was to be the true owner of the said firearm. After buying the Ruger firearm from Angelles Enterprises on January 26, 2008, Wright transferred possession and ownership of the firearm to JOHNSON as per their agreement. JOHNSON maintained possession and ownership of the Ruger firearm until February 4, 2008, when it was seized by the New Orleans Police Department after an arrest.

On February 24, 2012, Wright was consensually interviewed by agents from the Bureau of Alcohol, Tobacco, Explosives & Firearms (ATF) about the “straw purchase” of the Ruger 9mm pistol, model P95, serial number 316-47859. Wright admitted to the ATF agents that she had conspired with JOHNSON to illegally purchase the said Ruger firearm and she provided the ATF with a receipt of purchase from Angelles Enterprises.

An ATF expert has confirmed that the Ruger 9mm pistol, model P95, serial number 316-47859 was manufactured outside of State of Louisiana. To be present in Louisiana on the date of this incident would require that the said firearm traveled from one state to another and, accordingly,

