

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

UNITED STATES OF AMERICA * **CRIMINAL DOCKET NO. 11-060**

v. * **SECTION: "N"**

ARTHUR DRUMMER, JR. *

* * *

FACTUAL BASIS

If this case were to proceed to trial, the government would prove that the defendant, **ARTHUR DRUMMER, JR. (DRUMMER)**, is guilty beyond a reasonable doubt of count one of the Indictment, which charges **DRUMMER** with a violation of the Federal Gun Control Act under Title 18, United States Code, Sections 922 (g)(1) and 924 (a)(2). The government would establish through credible and competent witnesses and evidence the following facts:

On Friday, December 3, 2010, at approximately 7:26 p.m., New Orleans Police Department (NOPD) Officers Edwin Cooper and Isaiah Shannon were driving eastbound in the 1800 block of Gentilly Boulevard when they observed an unknown black male standing alongside the passenger side of a gold Monte Carlo that was parked in the block. The officers, who were fully attired in task force uniforms and in a fully marked police vehicle, were driving slowly as they observed the black male, later identified as **DRUMMER**, arguing with an unknown black male who was seated in the

vehicle. The officers decided to investigate before the matter escalated into a more violent confrontation.

The officers stopped their vehicle near the Monte Carlo. The car's windows were rolled down and the officers observed two subjects inside of the vehicle: Charles Andrews was in the drivers's seat and Benjamin Andrews was the rear seated passenger. The officers walked towards the vehicle and the rear seated passenger, Benjamin Andrews, attempted to exit out of the passenger door. The officers ordered Mr. Andrews to stay inside the vehicle and he complied.

As the officers were then walking around to the passenger side of the vehicle where **DRUMMER** was standing, they heard a "clanking" metallic sound as an unknown object hit the ground by the passenger door. The officers, who feared that the item was a weapon, rushed to the passenger's side-door and saw a black handgun on the ground by **DRUMMER's** feet. All three subjects were handcuffed, read their *Miranda* rights and detained by the officers. NOPD Officer Shannon retrieved the pistol, a Taurus, Model PT-24/7, .40 caliber semi-automatic pistol, bearing serial number SAR09355, and rendered it safe. After securing the pistol in the police vehicle, Officer Shannon returned to the Monte Carlo and observed in plain view a hand-rolled cigar that appear to be a marijuana joint on the front passenger seat.

When questioned, all three of the subjects denied knowledge of the handgun and the marijuana. Officer Cooper read the subjects their *Miranda* rights a second time before proceeding any further. A computer check determined that all three subjects were convicted felons. The Monte Carlo was searched by the officers for additional weapons and narcotics but the search met with negative results.

The officers determined that all three subjects were cousins and their uncle arrived at the scene to take away the Monte Carlo. The officers arrested **DRUMMER** as well as the two car passengers for being felons in possession of a firearm and relocated to the 1st District Station. A test of the hand rolled cigar revealed that it in fact contained marijuana and they were booked with a possession charge in addition to the gun charge.

As a part of the follow-up investigation, NOPD Detective Chad Perez requested copies of any and all recorded telephone conversations that were made from the Orleans Parish prison by the three subjects between December 4, 2010 (the date of arrest) and December 6, 2010. In several of the calls placed by **DRUMMER** to unknown parties, he unequivocally states that the gun was his. Charles Andrews states in several phone calls that he, Benjamin Andrews and **DRUMMER** were about to “smoke” when **DRUMMER** (who is identified in the telephone calls as “Cubbie”) dropped the said Taurus firearm.

Certified court records would show that **DRUMMER** was convicted on September 29, 2003, in the Orleans Parish Criminal District Court, case number 441-396 “J, for possession of crack cocaine in violation of La.-R.S. 40:967(C)(2), a felony offense punishable by imprisonment for a term in excess of one year; and again on June 13, 2005, in the Orleans Parish Criminal District Court, case number 444-086 “K, for two counts of manslaughter in violation of La.-R.S. 14:31, both felony offenses punishable by imprisonment for a term in excess of one year.

An expert with the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) would testify that the firearm **DRUMMER** possessed at the time of the arrest was not manufactured in the State of Louisiana and therefore, by virtue of the Taurus, Model PT-24/7, .40 caliber semi-automatic

pistol, bearing serial number SAR09355, being found in Louisiana on or about December 3, 2010, it had to have crossed state lines and affected interstate commerce. The ATF expert would also state that the said firearm met the legal definition of a “firearm” set forth in Title 18, United States Code, Section 921(a)(3).

APPROVED AND ACCEPTED:

ARTHUR DRUMMER, JR. Date
Defendant

SAMUEL SCILLITANI Date
Attorney for Defendant

EDWARD J. RIVERA Date
Attorney for the United States of America