

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

UNITED STATES OF AMERICA	*	CRIMINAL DOCKET NO. 12-199
v.	*	SECTION: "B" (1)
IRVIN J. LEFERE, JR.	*	
	* * *	

FACTUAL BASIS

The above-named defendant, **IRVIN J. LEFERE, JR.**, has agreed to plead guilty as charged to Count One of the indictment now pending against him. Should this matter have proceeded to trial, the United States of America would have proven beyond a reasonable doubt, through the introduction of relevant, competent, and admissible testimonial, physical and demonstrative evidence, the following facts to support the allegation against the defendant, **IRVIN J. LEFERE, JR.:**

Unless stated otherwise, all of the facts set forth herein occurred within the Eastern District of Louisiana.

On April 19, 2012, New Orleans Police Department officers Demond Davis and Raymond Smith were patrolling in the 8400 Block of Aberdeen Road in eastern New Orleans. The officers

observed LEFERE and another male walking on the sidewalk. Officer Davis noticed that LEFERE had a large bulging object under his shirt and that he was walking stiffly, keeping his right arm against his body.

The officers stopped driving and called the two individuals over to their vehicle. LEFERE hesitated as if he was going to flee, then approached the vehicle. Officer Davis, believing that LEFERE was concealing a weapon, given the bulging object from his shirt and his hesitation to approach, advised both individuals of their *Miranda* rights.

The officers then conducted a pat down search of both LEFERE and the other individual. After feeling a hard object under LEFERE's shirt, Officer Davis raised LEFERE's shirt and observed a .40 caliber Springfield XD40 handgun, serial number US298132, with an extended clip and fully loaded. LEFERE acknowledged that he possessed the firearm. When the officers asked LEFERE about the gun, LEFERE said, "I found that banger ten minutes ago before y'all stopped me."

The officers brought LEFERE to the 7th District Police Station. While at the station, LEFERE gave a written statement acknowledging that he found the firearm and was carrying it for protection because he had a lot of enemies.

At the time that LEFERE possessed the firearm, he had a prior felony conviction that precluded him from possessing a firearm. LEFERE acknowledges that on or about November 8, 2004, he pled guilty to Possession of Ecstasy, in violation of La. R.S. 40:966(C)(2), in case number 453-327 "I" in the Orleans Parish Criminal District Court, State of Louisiana. He was sentenced to two years imprisonment, suspended and two years probation.

Additionally, both LEFERE and the Government acknowledge and agree that the firearm was manufactured outside the state of Louisiana and thus had to travel through interstate commerce to

enter into the state of Louisiana.

ANDRE' JONES (Date)
Assistant United States Attorney
LA Bar Roll No. 23502

CYNTHIA M. CIMINO (Date)
Attorney for Defendant
LA Bar Roll No. 30874

IRVIN J. LEFERE, JR. (Date)
Defendant