

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

UNITED STATES OF AMERICA	*	CRIMINAL DOCKET NO. 07-330
v.	*	SECTION: "C" (5)
ROBERT J. BAPTISTE	*	VIOLATIONS: 21 U.S.C. § 841(a)(1)
		21 U.S.C. §841(b)(1)(C)
	*	21 U.S.C. §841(b)(1)(D)
		18 U.S.C. § 922(g)(1)
	*	18 U.S.C. §924(a)(2)
		18 U.S.C. §924(c)(1)
*	*	*

FACTUAL BASIS

Should this matter have gone to trial, the Government would have proved through the introduction of competent testimony and admissible tangible exhibits, including documentary evidence, the following to support the allegations charged by the Government in counts one through five of the second superseding indictment now pending against the defendant, **ROBERT J. BAPTISTE**, (hereinafter "BAPTISTE" or "defendant") to wit: after having been convicted of a crime punishable by imprisonment for a term exceeding one year illegally possessing in and affecting commerce a firearm in violation of Title 18, United States Code, Sections 922(g)(1) and 924(a)(2); possessing with the intent to distribute a quantity of cocaine hydrochloride in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(C); possessing with the intent to distribute a quantity of marijuana in violation of Title 21, United States Code,

Sections 841(a)(1) and 841(b)(1)(D); possessing with the intent to distribute a quantity of 3,4 – methylenedioxymethamphetamine (“MDMA”) in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(C); and in furtherance of possessing with the intent to distribute a quantity of cocaine hydrochloride or marijuana or 3,4 – methylene-dioxymethamphetamine (“MDMA”)in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(C), knowingly possessing a firearm in violation of Title 18, United States Code, Section 924(c)(1).

Evidence would be adduced at trial which would show that on July 7, 2007, Plaquemines Parish Sheriff’s Officers stopped the defendant, BAPTISTE while driving the vehicle which he owned for speeding 65 mph in a 45 mph zone. BAPTISTE was the only occupant of the vehicle and Officers recovered from the automobile one large plastic bag containing 31 individually wrapped bags of cocaine hydrochloride, 27.5 tablets of 3,4 – methylenedioxymethamphetamine “MDMA,” four bags of marijuana, and a Glock Model 26, 9mm pistol, with serial number BVB088US.

A chemist would testify that the drug evidence described above was in fact the indicated drug, i.e. cocaine hydrochloride “Cocaine” a Schedule II narcotic drug controlled substance and that the gross weight of the cocaine recovered from the automobile was 16.82 grams; that the net weight of the marijuana recovered from the automobile was 108.12 grams; that 22 of the 27.5 tablets tested positive for the presence of 3,4 – methylenedioxymethamphetamine “MDMA” or “Ecstasy.”

A drug trafficking narcotics expert would testify that based on the quantity of drugs, and the packaging of the drugs, and the type of weapon found with the drugs recovered from

BAPTISTE's car were consistent with distribution of the drugs not personal use. The expert would further testify that weapons such as the firearm described herein are possessed in furtherance of drug trafficking and also used to protect the narcotics trafficker, his drugs and the money that he carries and that the firearm furthered and advanced BAPTISTE's drug trafficking.

A Deputy Clerk of Court would testify that BAPTISTE had entered pleas of guilty and was convicted on or about November 19, 1996, in the Criminal District Court for the Parish of Orleans, Case No. 385-652 "H," for Attempted burglary of an Inhabited Dwelling in violation of La. R.S. 14:62.2 and 14:27; and on or about October 1, 1998 in the United States District Court for the Eastern District of Louisiana, case number 98-CR-0187, for felon in possession of a firearm in violation of Title 18, United States Code, Section 922(g)(1) and for possession with the intent to distribute cocaine base in violation of Title 21, United States Code, Section 841(a)(1).

A state corrections officer and a federal probation officer would testify that BAPTISTE, after the aforesaid convictions and prior to July 7, 2007, was advised that he could not own, possess or receive any firearm and that BAPTISTE had not applied for or received a pardon.

A fingerprint expert would testify that he examined the fingerprints taken of the defendant convicted of the aforesaid felony convictions and positively matched them with the fingerprints of BAPTISTE, the defendant indicted herein.

ATF agents would testify that the aforesaid Glock Model 26, 9mm pistol, with serial number BVB088US was manufactured by Glock GmbH, in Austria and imported by Glock, Inc., located in Smyrna, Georgia, before being sold in commerce. Furthermore, the aforesaid firearm

was not manufactured in the State of Louisiana and, thus, traveled in interstate and/or foreign commerce to reach the State of Louisiana prior to defendant BAPTISTE's possession of the firearm on July 7, 2007.

An ATF agent would testify that the aforesaid firearm, is a weapon designed to expel a projectile by the action of an explosive, and thus meets the definition of a firearm as defined by Title 18, United States Code, Section 921(a)(3).

TONY GORDON SANDERS
Assistant United States Attorney
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Date

ROMA A. KENT
Counsel for Defendant
Louisiana Bar Roll No. _____

Date

ROBERT J. BAPTISTE, Defendant

Date0