

NEWS

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FEDERAL JUDGE GIVES MAXIMUM PRISON SENTENCE TO CONVICTED FELON WITH GUN

NEW ORLEANS, LOUISIANA - Jim Letten, United States Attorney for the Eastern District of Louisiana, and Mark Chait, Special Agent in Charge, Bureau of Alcohol, Tobacco, Firearms and Explosives, announced that yesterday, **WALTER STERLING** was sentenced to 120 months imprisonment, the statutory maximum, for being a felon in possession of a firearm. **STERLING** was sentenced by United States District Court Judge Lance M. Africk.

On March, 18, 2004, Officers Devin Joseph and Daniel Bagneris from the New Orleans Police Department were on pro-active patrol on La manche Street in New Orleans. They saw the

defendant **WALTER STERLING** near a street corner. They recognized him as being wanted for an armed robbery and aggravated battery. They also noticed that he was wearing a jean jacket on a warm afternoon. As they approached **STERLING**, he fled. As the officers chased him, they saw **STERLING** reach into his jacket. Officer Joseph grabbed the defendant by the back of the jacket as the defendant ran. **STERLING** tried to slip out of the jacket. As he did so, a handgun fell to the ground. A struggle ensued between Officer Joseph and **STERLING**. **STERLING** was eventually subdued with the aid of Officer Bagneris. The officers recovered the gun that fell from the defendant's pocket, a Rossi .38 caliber handgun. The officers learned that **STERLING** had a previous state conviction for possession of cocaine in 1990 as well as a prior federal conviction for possession with the intent to distribute heroin and for being in felon in possession of a gun.

On October 28, 2004, **STERLING** pled guilty as charged to the one count indictment charging him with being a felon in possession of a firearm.

In sentencing **STERLING**, Judge Africk noted that the federal sentencing guidelines were no longer mandatory but were now advisory in nature due to recent United States Supreme Court rulings. The guidelines advised a sentence from 31 to 37 months based upon the facts of the case and the defendant's prior convictions. Judge Africk stated that **STERLING'S** criminal history was not adequately represented in the guideline calculation. Judge Africk further noted that the defendant had previously been convicted for being a felon in possession of a firearm and that his supervisory release after imprisonment had been revoked due to violations by the defendant. Citing the facts of this case, **STERLING'S** criminal history, continued recidivism

NEWS RELEASE

Page - 3 -

January 27, 2005

and failure to adhere to supervision, Judge Africk imposed the maximum sentence allowed by law.

The case was investigated by agents from the Bureau of Alcohol, Tobacco, Firearms and Explosives and officers from the New Orleans Police Department. The case was prosecuted by Assistant United States Attorney Greg Kennedy

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