

## **APPENDIX**

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**APPENDIX A**

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**UNPUBLISHED**

**UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT**

**No. 20-4344**

**[Filed: January 14, 2022]**

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UNITED STATES OF AMERICA,	)
	)
Plaintiff - Appellee,	)
	)
v.	)
	)
DEQUANTEY MAURICE WILLIAMS,	)
	)
Defendant - Appellant.	)
	)

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Appeal from the United States District Court for the Middle District of North Carolina, at Greensboro. Catherine C. Eagles, District Judge. (1:18-cr-00393-CCE-2)

Submitted: October 25, 2021 Decided: January 14, 2022

Before GREGORY, Chief Judge, and AGEE and WYNN, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Craig M. Cooley, COOLEY LAW OFFICE, Cary, North Carolina, for Appellant. Tanner Lawrence Kroeger, Assistant United States Attorney, OFFICE OF THE UNITED STATES ATTORNEY, Greensboro, North Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Pursuant to a conditional plea agreement, Dequantey Maurice Williams pled guilty to unlawful possession of a firearm by a felon, in violation of 18 U.S.C. §§ 922(g)(1), 924(a)(2), reserving the right to appeal the denial of his motion to suppress evidence. The district court determined that Williams had three prior convictions for violent felonies and sentenced him under the Armed Career Criminal Act (ACCA), 18 U.S.C. § 924(e), to 222 months' imprisonment. Williams appeals. Counsel has filed a brief pursuant to *Anders v. California*, 386 U.S. 738 (1967), stating that there are no meritorious grounds for appeal but questioning whether Williams was properly deemed to be an armed career criminal. Williams filed a pro se supplemental brief and several supplements to his brief contesting the denial of his motion to suppress evidence. We affirm.

During a traffic stop of Williams' vehicle, officers discovered that one of the passengers had an outstanding arrest warrant. The officers removed this person from the vehicle and discovered a firearm in his pocket. The officers asked the other occupants of the vehicle to step out of the car. The back-seat passenger

exited the vehicle, assaulted an officer, and fled. As he fled, a firearm fell from his person. Williams, the driver of the vehicle, was also removed from the vehicle. The officers searched the passenger compartment for other weapons and located a third firearm under the front passenger seat and, in the glove compartment, discovered the owner's manual and a purchase receipt for an AR-15 rifle. The officers then searched the trunk of the car and found the AR-15 rifle.

Williams moved to suppress evidence discovered during this search, contending that the officers lacked reasonable suspicion to justify the search of the passenger compartment of the vehicle, that the seizure of the paperwork found in the glove compartment exceeded the scope of the permissible vehicle search for weapons, and that the search of the trunk exceeded the scope of an allowable vehicle search.

In reviewing a district court's ruling on a motion to suppress, we review the district court's legal conclusions *de novo* and its factual findings for clear error. *United States v. Stover*, 808 F.3d 991, 994 (4th Cir. 2015). Because the Government prevailed on Williams' suppression motion, we construe the evidence presented in the light most favorable to the Government. *Id.*

Upon observing Williams' failure to stop at a red traffic signal, the officers had probable cause to believe that a traffic violation had been committed and therefore properly stopped the vehicle. *See Whren v. United States*, 517 U.S. 806, 810 (1996). The officers had prior knowledge that one of the occupants had an outstanding warrant for his arrest. Upon verifying that

the warrant was still outstanding, the officers arrested the passenger and, in the course of that arrest, discovered that he was in possession of a firearm. The officers also were within their authority to ask the passengers to step out of the vehicle. *Maryland v. Wilson*, 519 U.S. 408, 415 (1997) (“an officer making a traffic stop may order passengers to get out of the car pending completion of the stop”). As the passengers complied with the request, the back-seat passenger pushed an officer, dropped a loaded handgun, and fled.

The discovery of the two firearms provided the officers with reasonable suspicion that there might be other firearms in the vehicle. *See Michigan v. Long*, 463 U.S. 1032, 1049 (1983) (“the search of the passenger compartment of an automobile, limited to those areas in which a weapon may be placed or hidden, is permissible if the police officer possesses a reasonable belief based on ‘specific and articulable facts which, taken together with the rational inferences from those facts, reasonably warrant’ the officers in believing that the suspect is dangerous and the suspect may gain immediate control of weapons”), quoting *Terry v. Ohio*, 392 U.S. 1, 21 (1968). This protective search is authorized even if the suspect is under police restraint at the time of the search. *United States v. Elston*, 479 F.3d 314, 320 (4th Cir. 2007), citing *Long*, 463 U.S. at 1051-52.

Williams does not challenge the search of the glove compartment, *see United States v. Ross*, 456 U.S. 798, 825 (1982) (holding that warrantless search of automobile extends to “every part of the vehicle and its contents that may conceal the object of the search”),

but he contends that the seizure of the paperwork found in the glove compartment exceeded the scope of the permissible vehicle search for weapons and the documents were not of an immediately apparent incriminating nature. In the glove compartment, officers discovered the owner's manual for a long gun and a pawn shop receipt evidencing the recent purchase of this rifle. We conclude that these documents were properly seized under the plain view doctrine. Under that doctrine, the warrantless seizure of incriminating evidence is permissible when: "(1) the officer is lawfully in a place from which the object may be plainly viewed; (2) the officer has a lawful right of access to the object itself; and (3) the object's incriminating character is immediately apparent." *United States v. Jackson*, 131 F.3d 1105, 1109 (4th Cir. 1997) (citing *Horton v. California*, 496 U.S. 128, 136-37 (1990)).

Here, the officers were engaged in a lawful *Terry*-type search of the vehicle, which included the search of the glove compartment. In searching the glove compartment, the officers found a user manual for an AR-15 rifle and a receipt for the purchase of the rifle. The cover of the manual contained a picture of the rifle. And the receipt clearly depicted the words: "Rifle Semi-Automatic Diamondback Firearms" written in all capital letters. Applying the plain view doctrine, we hold that the officers were lawfully in a place from which the manual and the receipt could be plainly viewed, and that the officers had lawful right of access to these documents. *See Jackson*, 131 F.3d at 1109. Additionally, because the incriminating nature of the owner's manual and receipt were immediately

apparent, we conclude that the seizure of these items did not infringe upon Williams' Fourth Amendment rights. We further conclude that the district court did not err in finding that the seizure of three firearms and the evidence supporting the existence of another weapon provided the officers with probable cause to search the vehicle's trunk. *See United States v. Carter*, 300 F.3d 415, 422 (4th Cir. 2002) ("[P]olice may search a car without a warrant as long as there is probable cause to believe the car contains contraband."). We therefore affirm the district court's denial of Williams' motion to suppress.

Williams also challenges the reasonableness of his sentence as an armed career criminal. Under the ACCA, a defendant convicted of violating 18 U.S.C. § 922(g) is subject to a statutory minimum sentence of 15 years' imprisonment if he has sustained three prior convictions for either violent felonies or serious drug offenses "committed on occasions different from one another." 18 U.S.C. § 924(e). The term "violent felony" refers to a "crime punishable by imprisonment for a term exceeding one year . . . that," *inter alia*, "has as an element the use, attempted use, or threatened use of physical force against the person of another." 18 U.S.C. § 924(e)(2)(B)(i). Williams' predicate convictions were: North Carolina robbery with a dangerous weapon, North Carolina attempted robbery with a dangerous weapon, and North Carolina common law robbery. Because we have held that these North Carolina offenses constitute "violent felonies" under the force clause of § 924(e)(2)(B), we conclude that the district court did not err in classifying Williams as an armed career criminal. *See United States v. Dinkins*, 928 F.3d

349, 359 (4th Cir. 2019) (common law robbery); *United States v. Burns-Johnson*, 864 F.3d 313, 320 (4th Cir. 2017) (robbery with a dangerous weapon).

Williams argued that he was not represented by his appointed attorney for a critical stage of his common law robbery proceedings, but rather was represented by substitute counsel during his sentencing. He contends that, absent counsel's withdrawal from representation or a waiver by him of representation by his appointed counsel, representation by "substitute counsel" at sentencing amounted to a denial of the right to counsel.

"[W]ith the sole exception of *convictions* obtained in violation of the right to counsel, [an armed career criminal] ha[s] no right under [§ 924(e)] of the Constitution 'to collaterally attack prior convictions' in the course of his federal sentencing proceedings." *Daniels v. United States*, 532 U.S. 374, 378 (2001) (emphasis added) (quoting *Custis v. United States*, 511 U.S. 485, 496 (1994)). Indeed, "a defendant may not collaterally attack a prior conviction underlying a statutory sentence enhancement unless the prior *conviction* was obtained in the absence of counsel." *United States v. Bacon*, 94 F.3d 158, 162 (4th Cir. 1996) (emphasis added). Williams' right-to-counsel argument amounts to a challenge to his sentence, not to his conviction. He does not dispute that that his appointed counsel represented him during his plea hearing and that his plea was accepted by the state court at that time. Thus, his *conviction* was not obtained in the absence of counsel. Accordingly, the district court correctly overruled Williams' objection to use of his

common law robbery conviction as a predicate offense for the ACCA enhancement.

In accordance with *Anders*, we have reviewed the entire record in this case and have found no meritorious grounds for appeal. We therefore affirm the district court's judgment. This court requires that counsel inform Williams, in writing, of the right to petition the Supreme Court of the United States for further review. If Williams requests that a petition be filed, but counsel believes that such a petition would be frivolous, then counsel may move in this court for leave to withdraw from representation. Counsel's motion must state that a copy thereof was served on Williams. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before this court and argument would not aid the decisional process.

*AFFIRMED*

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## APPENDIX B

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### Text Order

**[Filed: January 7, 2019]**

TEXT ORDER as to DEQUANTEY MAURICE WILLIAMS (2). The Court has reviewed the supplemental briefs on 23 Motion to Suppress. To the extent that issues remain with regard to the search of the glove compartment, the Court finds no Fourth Amendment violation and DENIES the Defendants motion. (Sanders, Marlene) (Entered: 01/07/2019)

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**APPENDIX C**

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**Minute Entry**

**[Filed: June 22, 2020]**

Minute Entry for proceedings held before JUDGE CATHERINE C. EAGLES: AUSA Stephen Inman present for Government and Alan Doorasamy present as counsel for defendant. Contested proceeding. Sentencing as to DEQUANTEY MAURICE WILLIAMS (2) held on 6/18/20 on Count 4s; remaining counts dismissed. Court adopts Presentence Report with changes to certain factual matters and adopts recommendations in full. Defendant remanded to the custody of the United States Marshal. (Court Reporter Joe Armstrong) (Entered: 06/22/2020)

## APPENDIX D

**United States District Court  
Middle District of North Carolina**

[Filed: June 26, 2020]

UNITED STATES OF AMERICA )  
 )  
 v. )  
 )  
 DEQUANTEY MAURICE WILLIAMS )

## JUDGMENT IN A CRIMINAL CASE

Case Number: 1:18-CR-00393-2

USM Number: 28390-057

Alan Doorasamy, Sr.  
Defendant's Attorney

## THE DEFENDANT:

- pleaded guilty to count 4s
- pleaded nolo contendere to count(s) \_\_\_\_ which was accepted by the court.
- was found guilty on count(s) \_\_\_\_ after a plea of not guilty.

**The defendant is adjudicated guilty of these offenses:**

<u>Title &amp; Section</u>	<u>Nature of Offense</u>	<u>Offense Ended</u>	<u>Count</u>
18:922(g)(1) and 18:924(e)	Felon in Possession of a Firearm	April 1, 2018	4s

The defendant is sentenced as provided in pages 2 through 7 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

- The defendant has been found not guilty on count(s)
- Counts 3, 4, and 5 of the Original Indictment filed October 29, 2018 and Counts 3s, 5s and 6s of the Superseding Indictment filed January 27, 2020 are dismissed on the motion of the United States.

IT IS ORDERED that the defendant shall notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant shall notify the court and United States attorney of any material change in the economic circumstances.

June 18, 2020  
Date of Imposition of Judgment

/s/ [Illegible]  
Signature of Judge

13a

Catherine C. Eagles, United States  
District Judge  
Name & Title of Judge

June 26, 2020  
Date

DEFENDANT: D E Q U A N T E Y MAURICE  
WILLIAMS  
CASE NUMBER: 1:18-CR-00393-2

**IMPRISONMENT**

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of: **222 months and sentence shall run consecutively to the supervised release violation sentence he is serving or has recently finished.**

- The court makes the following recommendations to the Bureau of Prisons: None
- The defendant is remanded to the custody of the United States Marshal.
- The defendant shall surrender to the United States Marshal for this district.
  - at \_\_\_\_\_ am/pm on \_\_\_\_\_.
  - as notified by the United States Marshal.
- The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:
  - before 2 pm on .
  - as notified by the United States Marshal.
  - as notified by the Probation or Pretrial Services Office.

15a

**RETURN**

I have executed this judgment as follows:

Defendant delivered on \_\_\_\_\_ to  
\_\_\_\_\_, at \_\_\_\_\_,  
with a certified copy of this judgment.

\_\_\_\_\_  
UNITED STATES MARSHAL

BY

\_\_\_\_\_  
DEPUTY UNITED STATES  
MARSHAL

**SUPERVISED RELEASE**

Upon release from imprisonment, you will be on supervised release for a term of: **three (3) years.**

**MANDATORY CONDITIONS**

1. You must not commit another federal, state or local crime.
2. You must not unlawfully possess a controlled substance
3. You must refrain from any unlawful use of a controlled substance. You must submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court.
  - The above drug testing condition is suspended based on the court's determination that the defendant poses a low risk of future substance abuse. *(Check, if applicable.)*
4.  You must make restitution in accordance with 18 U.S.C §§ 3663 and 3663A or any other statute authorizing a sentence of restitution. *(check if applicable)*
5.  You must cooperate in the collection of DNA as directed by the probation officer. *(Check, if applicable.)*
6.  You must comply with the requirements of the Sex Offender Registration and Notification Act (34 U.S.C § 20901, *et seq.*) as directed by the probation officer, the Bureau of Prisons, or any state sex offender registration agency in which you reside, work, are a student, or were convicted of a qualifying offense. *(Check, if applicable.)*

17a

7.  You must participate in an approved program for domestic violence. (*Check, if applicable.*)

You must comply with the standard conditions that have been adopted by this court as well as with any other conditions on the attached page.

## **STANDARD CONDITIONS OF SUPERVISION**

As part of your supervised release, you must comply with the following standard conditions of supervision. These conditions are imposed because they establish the basic expectations for your behavior while on supervision and identify the minimum tools needed by probation officers to keep informed, report to the court about, and bring about improvements in your conduct and condition.

1. You must report to the probation office in the federal judicial district where you are authorized to reside within 72 hours of your release from imprisonment, unless the probation officer instructs you to report to a different probation office or within a different time frame.
2. After initially reporting to the probation office, you will receive instructions from the court or the probation officer about how and when you must report to the probation officer, and you must report to the probation officer as instructed.
3. You must not knowingly leave the federal judicial district where you are authorized to reside without first getting permission from the court or the probation officer.
4. You must answer truthfully the questions asked by your probation officer.
5. You must live at a place approved by the probation officer. If you plan to change where you live or anything about your living arrangements (such as the people you live with), you must notify the probation officer at least 10

days before the change. If notifying the probation officer in advance is not possible due to unanticipated circumstances, you must notify the probation officer within 72 hours of becoming aware of a change or expected change.

6. You must allow the probation officer to visit you at any time at your home or elsewhere, and you must permit the probation officer to take any items prohibited by the conditions of your supervision that he or she observes in plain view.
7. You must work full time (at least 30 hours per week) at a lawful type of employment, unless the probation officer excuses you from doing so. If you do not have full-time employment you must try to find full-time employment, unless the probation officer excuses you from doing so. If you plan to change where you work or anything about your work (such as your position or your job responsibilities), you must notify the probation officer at least 10 days before the change. If notifying the probation officer at least 10 days in advance is not possible due to unanticipated circumstances, you must notify the probation officer within 72 hours of becoming aware of a change or expected change.
8. You must not communicate or interact with someone you know is engaged in criminal activity. If you know someone has been convicted of a felony, you must not knowingly communicate or interact with that person without first getting the permission of the probation officer.

9. If you are arrested or questioned by a law enforcement officer, you must notify the probation officer within 72 hours.
10. You must not own, possess, or have access to a firearm, ammunition, destructive device, or dangerous weapon (i.e., anything that was designed, or was modified for, the specific purpose of causing bodily injury or death to another person such as nunchakus or tasers).
11. You must not act or make any agreement with a law enforcement agency to act as a confidential human source or informant without first getting the permission of the court.
12. If the probation officer determines that you pose a risk to another person (including an organization), the probation officer may require you to notify the person about the risk and you must comply with that instruction. The probation officer may contact the person and confirm that you have notified the person about the risk.
13. You must follow the instructions of the probation officer related to the conditions of supervision.

#### **U.S. Probation Office Use Only**

A U.S. probation officer has instructed me on the conditions specified by the court and has provided me with a written copy of this judgment containing these conditions. For further information regarding these conditions, see *Overview of Probation and Supervised Release Conditions*, available at: [www.uscourts.gov](http://www.uscourts.gov).

21a

Defendant's Signature \_\_\_\_\_

Date \_\_\_\_\_

### **SPECIAL CONDITIONS OF SUPERVISION**

The defendant shall abide by the mandatory and standard conditions of supervised release.

The defendant shall submit his person, residence, office, vehicle, or any property under his control to a warrantless search. Such search shall be conducted by a United States Probation Officer at a reasonable time and in a reasonable manner, based upon reasonable suspicion of contraband or evidence of a violation of a condition of release. Failure to submit to such a search may be grounds for revocation; the defendant shall warn any residents that the premises may be subject to searches.

The defendant shall not associate with or be in the company of any Crips gang member/security threat group member. The defendant shall not frequent any locations where gangs/security threat groups congregate or meet. The defendant shall not wear, display, use, or possess any clothing or accessories which have any gang or security threat group significance.

### CRIMINAL MONETARY PENALTIES

The defendant must pay the total criminal monetary penalties under the schedule of payments on Sheet 6.

<u>Asses-</u>	<u>Resti-</u>	<u>Fine</u>	<u>AVAA</u>	<u>JVTA</u>
<u>sment</u>	<u>tution</u>		<u>Assess</u>	<u>Assess</u>
			<u>ment*</u>	<u>ment**</u>
<b>TOTALS</b>	\$100.00	\$.00	\$.00	

- The determination of restitution is deferred until \_\_\_\_\_. An *Amended Judgment in a Criminal Case (AO 245C)* will be entered after such determination.
- The defendant must make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid.

- Restitution amount ordered pursuant to plea agreement \$
- The defendant must pay interest on restitution and a fine of more than \$2,500, unless the restitution or

fine is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 6 may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).

- The court determined that the defendant does not have the ability to pay interest and it is ordered that:
  - the interest requirement is waived pursuant to 18 U.S.C. Section 3612(f)(3) for the  fine  restitution.
  - the interest requirement for the  fine  restitution is modified as follows:

**\* Amy, Vicky, and Andy Child Pornography Victim Assistance Act of 2018, Pub. L. No. 115-299.**

**\*\* Justice for Victims of Trafficking Act of 2015, Pub. L. No. 114-22.**

**\*\*\* Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.**

**SCHEDULE OF PAYMENTS**

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties is due as follows:

A  Lump sum payment of \$ 100.00 due immediately, balance due

not later than \_\_\_\_\_, or

in accordance with  C,  D,  E, or  F below; or

B  Payment to begin immediately (may be combined with  C,  D, or  F below); or

C  Payment in equal \_\_\_\_\_ (*e.g. weekly, monthly, quarterly*) installments of \$\_\_\_\_\_ over a period of \_\_\_\_\_ (*e.g., months or years*), to commence \_\_\_\_\_ (*e.g., 30 or 60 days*) after the date of this judgment; or

D  Payment in equal \_\_\_\_\_ (*e.g. weekly, monthly, quarterly*) installments of \$\_\_\_\_\_ over a period of \_\_\_\_\_ (*e.g., months or years*), to commence \_\_\_\_\_ (*e.g., 30 or 60 days*) after release from imprisonment to a term of supervision; or

E  Payment during the term of supervised release will commence within \_\_\_\_\_ (*e.g., 30 or 60 days*) after release from imprisonment.  
The court will set the payment plan based on an assessment of the defendant's ability to pay at that time; or

F  Special instructions regarding the payment of criminal monetary penalties:

To the extent the defendant cannot immediately comply, the Court will recommend he participate in the Inmate Financial Responsibility Program.

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are to be made to the Clerk of Court, United States District Court for the Middle District of North Carolina, 324 West Market Street, Greensboro, NC 27401-2544, unless otherwise directed by the court, the probation officer, or the United States Attorney. **Nothing herein shall prohibit the United States Attorney from pursuing collection of outstanding criminal monetary penalties.**

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

Joint and Several

Defendant and Co-Defendant Names, Case Numbers (*including defendant number*), Total Amount, Joint and Several Amount, and corresponding payee, if appropriate.

The defendant shall pay the cost of prosecution.

- The defendant shall pay the following court cost(s):
- The defendant shall forfeit the defendant's interest in the following property to the United States:

**Payments shall be applied in the following order:**  
**(1) assessment; (2) restitution principal;**  
**(3) restitution interest, (4) AVAA assessment, (5)**  
**fine principal, (6) fine interest, (7) community**  
**restitution, (8) JVTA assessment, (9) penalties,**  
**and (10) costs, including cost of prosecution and**  
**court costs.**

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**APPENDIX E**

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**UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT**

**No. 20-4344  
(1:18-cr-00393-CCE-2)**

**[Filed: February 23, 2022]**

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UNITED STATES OF AMERICA	)
	)
Plaintiff - Appellee	)
	)
v.	)
	)
DEQUANTEY MAURICE WILLIAMS	)
	)
Defendant - Appellant	)
	)

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**O R D E R**

The court denies the petition for rehearing and rehearing en banc. No judge requested a poll under Fed. R. App. P. 35 on the petition for rehearing en banc.

Entered at the direction of the panel: Chief Judge Gregory, Judge Agee, and Judge Wynn.

For the Court

/s/ Patricia S. Connor, Clerk

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**APPENDIX F**

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**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF  
NORTH CAROLINA**

**1:18CR393-2**

**[Filed: February 21, 2020]**

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UNITED STATES OF AMERICA	)
	)
	)
v.	)
	)
DEQUANTEY MAURICE WILLIAMS	)
	)

---

**FACTUAL BASIS**

NOW COMES the United States of America, by and through Matthew G.T. Martin, United States Attorney for the Middle District of North Carolina, and as a factual basis under Rule 11, Fed. R. Crim. P., states as follows:

On April 1, 2018, officers with the Greensboro Police Department's Street Crimes Unit (the "SCU") conducted a traffic stop involving Dequaney Maurice Williams ("WILLIAMS") near the intersection of Benbow Road and Sullivan Street in Greensboro, North Carolina. WILLIAMS was the driver of the stopped car, and there were two passengers travelling with him. One of the passengers had a warrant for his arrest, so

the officers removed the passenger from the car and placed him under arrest. That individual told officers he was in possession of a gun. At that time, the officers decided to frisk the car, noting the erratic and furtive movements of the backseat passenger. The officers ultimately removed the backseat passenger from the car, and the passenger attempted to flee. A gun fell from his possession as he ran.

During a subsequent search of the car and its trunk, officers found Diamondback 5.56 caliber assault-type rifle (serial number DB1738786). The officers also found ammunition for the Diamondback rifle in the trunk. An investigation into the purchase of the Diamondback rifle showed WILLIAMS was present with co-defendant Mikayla McCargo at the Quick Cash Pawn located at 2707 South Elm-Eugene Street in Greensboro, when she purchased the firearm. WILLIAMS possessed the Diamondback rifle at that time.

As of April 1, 2018, WILLIAMS had been convicted of a crime punishable by imprisonment for a term exceeding one year within the meaning of 18 U.S.C. §§ 921(a)(20) and 922(g)(1). Specifically, on March 22, 2013, he was sentenced to 153 months in prison for felony possession of a firearm in the United States District Court for the Middle District of North Carolina. On December 20, 2016, after appeal, the court re-sentenced WILLIAMS on the same conviction to time served. As of April 1, 2018, that conviction had not been expunged, and therefore, as of that date, WILLIAMS knew he was a convicted felon.

Special Agent Paul Johnson of the Bureau of Alcohol, Tobacco, Firearms, and Explosives, conducted an interstate nexus analysis of the Diamondback rifle recovered from WILLIAMS' car. That analysis determined that the recovered firearm was not manufactured in the state of North Carolina, and therefore, the recovered firearm travelled in or affected interstate commerce.

This the 21st day of February, 2020.

Respectfully submitted,

MATTHEW G.T. MARTIN  
United States Attorney

/S/ TANNER L. KROEGER  
Assistant United States Attorney  
New York State Bar No. 5297015  
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