

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
LUBBOCK DIVISION

UNITED STATES OF AMERICA

v.

AIDEN BRUCE-UMBAUGH

NO. 5:19-CR-0130-H

FACTUAL RESUME

In support of Aiden Bruce-Umbaugh's plea of guilty to the offense in Count One of the Indictment, Bruce-Umbaugh, the defendant, Michael King, the defendant's attorney, and the United States of America (the government) stipulate and agree to the following:

ELEMENTS OF THE OFFENSE

To prove the offense alleged in Count One of the Indictment, charging a violation of 18 U.S.C. §§ 922(g)(3) and 924(a)(2), that is, Possession of Firearms and Ammunition by a Prohibited Person, the government must prove each of the following elements beyond a reasonable doubt:¹

- First.* That the defendant knowingly possessed firearms as charged in the Indictment;
- Second.* That the defendant was an addict or unlawful user of a controlled substance; and
- Third.* That the firearms possessed traveled in and affected interstate commerce; that is, before the defendant possessed the firearm, it had traveled at some time from one state to another or between any part

¹ Fifth Circuit Pattern Jury Instruction 2.43D (5th Cir. 2010).

of the United States and any other country.

STIPULATED FACTS

1. Aiden Bruce-Umbaugh (“Bruce-Umbaugh” or “defendant”) admits and agrees that on or about November 4, 2019, in the Lubbock Division of the Northern District of Texas, and elsewhere, **Aiden Bruce-Umbaugh**, defendant, knowing that he was an unlawful user of, or addicted to, a controlled substance, as defined in Title 21, United States Code, Section 802, that is, marijuana, did knowingly possess in or affecting interstate or foreign commerce the following firearms: (1) an AR-15 rifle, bearing serial number X039182; (2) an ~~AR-15~~ ^{AK-47 MLK auto} rifle, bearing serial number XK542699; (3) an AK-47 rifle, bearing serial number WW02566; (4) a Sig Sauer, 9mm pistol, bearing serial number 58A132944 (“seized firearms”); and (5) assorted ammunition, in violation of Title 18, United States Code, Sections 922(g)(3) and 924(a)(2).

2. On November 4, 2019, at approximately 1:28 PM, deputies with the Garza County Sheriff’s Office executed a traffic stop for speeding on a Blue 2000 Ford Focus, bearing Washington license plate FJG-6073. The driver of the 2000 Ford Focus pulled into the parking lot of a local restaurant in Post, Texas and law enforcement approached the vehicle. The passenger was identified as Aiden Bruce-Umbaugh (Defendant) and the driver was identified as Kaleb Cole.

3. Law enforcement immediately noticed that defendant appeared nervous and fidgety. Defendant avoided eye contact and limited conversation with the deputies, providing only short and concise answers to questions asked by law enforcement. When

asked if there was anything illegal in the car, such as drugs, both defendant and Cole said “no.”

4. While law enforcement were running a check on defendant and Cole, one of the deputies continued to talk with the Defendant. Sgt. Elizondo asked Defendant and Cole if there were any weapons or firearms in the vehicle. In response to this question, Defendant turned and looked to the back of the vehicle and then turned and looked at the deputy and said “oh yeah, we have rifles in the back.”

5. Shortly thereafter, the deputies asked Defendant and Cole to step out of the vehicle for purposes of officer safety. Both Defendant and Cole complied. As they were walking back towards the patrol vehicle, Cole – without being prompted—informed law enforcement that they did not have consent to search the vehicle.

6. At this point, law enforcement requested a canine unit to respond for assistance. The canine unit arrived approximately 12 minutes after Defendant’s vehicle had been pulled over. The drug canine alerted to the back of the blue Ford Focus. Once the canine alerted, Defendant informed law enforcement that he had a small amount of marijuana in the vehicle and THC oils in the trunk of the vehicle.

7. After Defendant’s admission, law enforcement searched the blue Ford Focus. Law enforcement seized a Sig Sauer, 9mm pistol, bearing serial number 58A132944 from underneath the passenger seat of the vehicle. A small canister containing marijuana was also seized from underneath the passenger seat. Marijuana is a schedule one controlled substance. Law enforcement also seized several rifles from the trunk of the vehicle, including the following: (1) an AR-15 rifle, bearing serial number

X039182; (2) an AK-47, bearing serial number XK542699; and (3) an AK-47 rifle, bearing serial number WW02566. In addition to the firearms, law enforcement also seized approximately 2,000 rounds of ammunition.

8. Defendant admitted to law enforcement that all of the seized firearms in the vehicle belonged to him. Cole also informed law enforcement that each of the seized firearms in the vehicle belonged to Defendant. Additionally, defendant admitted to exclusive possession of the marijuana and THC oils. Defendant admits and agrees that he knowingly possessed each of the seized firearms and all of the seized ammunition. He further admits to knowingly purchasing the seized marijuana and the seized THC oils and that he possessed the marijuana and THC oils for the purpose of personal consumption.

9. On November 5, 2019, special agents with the Federal Bureau of Investigation (FBI) interviewed Defendant at Garza County Law Enforcement Center. The interview was audio and video recorded. Defendant was *mirandized* at approximately 11:57 a.m. and waived his rights and agreed to speak with law enforcement. During the interview, which lasted less than an hour, Defendant again admitted to being an unlawful user of marijuana. When asked how often he smokes marijuana, defendant responded “every day.” Specifically, defendant stated, “I mean, I’d say every day, but not a lot. Not a large quantity. I don’t consider myself a stoner by any means. It’s just kinda, one of those things. I fucking hate stoners to be honest.”

10. Defendant admits that during his possession of the seized firearms, he was an unlawful user of a Schedule 1 controlled substance, that is, marijuana. He further admits to engaging in the regular use of marijuana over a period of time proximate to and

contemporaneous with the possession of the seized firearms. Defendant admits to using marijuana on a daily basis, including during the time in which he possessed the seized firearms.


11. A special agent with the Bureau of Alcohol, Tobacco, Firearms, and Explosives (“ATF”) inspected the seized firearms and determined that the seized firearms had been manufactured outside the State of Texas. Because the seized firearms were all manufactured outside the State of Texas, the seized firearms traveled in interstate or foreign commerce; that is, the seized firearms had traveled at some point from one state to another or between any part of the United States and any other country. Defendant further admits that he brought each of the seized firearms to the State of Texas from the State of Washington.

12. The defendant agrees that the defendant committed all the essential elements of the offense. This factual resume is not intended to be a complete accounting of all the facts and events related to the offense charged in this case. The limited purpose of this statement of facts is to demonstrate that a factual basis exists to support the defendant’s guilty plea to Count One of the Indictment.

AGREED TO AND STIPULATED on this 17 day of December, 2019.

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Defendant


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