

### PROFFER OF FACTS

Had the case of United States v. Gilbert Arenas proceeded to trial, the government would have established, by proof beyond a reasonable doubt, that among other things:

On December 19, 2009, into the early morning hours of December 20, 2009, the Washington Wizards (a professional basketball team) chartered a flight to Washington, D.C. from Phoenix, Arizona, where they had just played a game. On that flight, the Defendant, Gilbert Arenas ("Arenas"), and another player for the Washington Wizards ("The Other Player") got into an argument over a card game. In the heated exchange, The Other Player suggested they have a fistfight. Arenas declined, saying that he was too old to fistfight and instead that that he would "burn" The Other Player's vehicle or shoot him in the face. The Other Player told Arenas that he would "shoot the f-k" out of Arenas and that he would shoot Arenas in his knee. Arenas later told members of the Wizards organization that his statements were made in jest.

On December 21, 2009, at approximately 9:30 a.m., Arenas arrived at the Verizon Center, 601 F Street N.W., Washington, D.C., to attend practice. When Arenas entered the Washington Wizards locker room, he was wearing a black backpack with two shoulder straps. Arenas wore the backpack "backwards," that is, with the backpack in the front of his body, rather than on his back. At the time that Arenas arrived and entered the Verizon Center on that day, he was knowingly carrying at least one firearm – a 500 magnum, silver Smith and Wesson revolver – inside the backpack. Once Arenas entered the locker room, he walked over to his locker. Shortly thereafter, he walked over to the locker used by The Other Player. Arenas opened the backpack and placed four (4) firearms on the chair located directly in front of The Other Player's locker. Arenas wrote the message "PICK 1" on a piece of paper, and placed it on The Other Player's chair near the firearms. Arenas remained in the locker room. Arenas later claimed to members of the Wizards organization that he did this as part of a practical joke and that his firearms were unloaded.

Moments later, The Other Player walked into the locker room and approached his locker. The Other Player stated words to the effect of "What is this?" Arenas stated to The Other Player words to the effect of: "You said you were going to shoot me, so pick one." The Other Player stated that he did not need Arenas's guns, and that he had his own. The Other Player picked up one of the firearms from his chair and threw it across the locker room. Arenas observed The Other Player display what appeared to Arenas to be a silver-colored semi-automatic handgun.

After this incident, Arenas collected his pistols, placed them inside his locker, and subsequently transferred them to a suitcase. He gave that suitcase to another Washington Wizards teammate and told him to take it down to the garage and place it in Arenas's car. There is no evidence at this time that the teammate knew the bag contained any firearms. The teammate went to the secure area of the garage but could not identify which vehicle belonged to Arenas. The teammate then decided to leave the bag in the secure area of the parking garage. Soon thereafter, Washington Wizards team management learned of the presence of firearms in the locker room. In a meeting with team management, Arenas admitted that he brought firearms from his home into Washington, D.C., and he told team management that The Other Player also had a firearm. Team management directed Washington Wizards security personnel to secure

Arenas's firearms and remove them from the premises. Arenas led a member of the security staff to the parking garage and directed him to the suitcase that had been left in the garage area. A member of the security staff then transported the weapons out of the District of Columbia into Virginia. Attorneys for the Wizards organization and an attorney for Arenas notified the Office of the United States Attorney on December 24, 2009 that Arenas had possessed and carried firearms in the locker room on December 21.

On December 24, 2009, members of the Metropolitan Police Department responded to Virginia, where Arenas's four firearms were surrendered to the Metropolitan Police Department. These firearms consisted of:

- One .50-caliber Gold-Plated semi-automatic Desert Eagle with magazine
- One 500 magnum, silver Smith and Wesson revolver
- One .45 caliber, black semi-automatic Kimber Eclipse with magazine
- One 9 millimeter Browning with magazine (and extended magazine)

All four firearms were unloaded and no ammunition was recovered.

All of the above-referenced firearms were designed or intended to expel a projectile by means of an explosive, and all of the firearms have barrels of less than twelve inches. Mr. Gilbert Arenas does not have a license to carry a pistol in the District of Columbia. None of the firearms were registered in the District of Columbia.