AO 91 (Rev. 01/09) Criminal Complaint

UNITED STATES DISTRICT COURT

for the

District of Rhode Island

FILED

2012 AUG 23 A 11: 22

United States of America v. PETER LAPORTE YOB 1965 Warwick, RI *Defendant*	)))))	Case No. 1:12-MJ-253M

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date of 08/22/2012 in the county of _____ in the _____ District of Rhode Island, the defendant violated 18 U. S. C. § 922(g)&(d), an offense described as follows:

felon in possession of firearms and ammunition, in violation of 18 USC § 922(g)(1), and selling or disposing of a firearm or ammunition to an unlawful user of a controlled substance, in violation of 18 USC § 922(d)(3).

This criminal complaint is based on these facts:

See attached affidavit of Special Agent Christian Jardin, Bureau of Alcohol, Tobacco and Firearms.

☑ Continued on the attached sheet.

Christian Jardin
Complainant's signature

CHRISTIAN JARDIN, SPECIAL AGENT
Printed name and title

Sworn to before me and signed in my presence.

Date: 08/23/2012

David L. Martin
Judge's signature

City and state: Providence, Rhode Island

DAVID L. MARTIN, U.S. MAGISTRATE JUDGE
Printed name and title

FILED
2012 AUG 23 A 11: 22

AFFIDAVIT

I, Christian Jardin, being duly sworn, depose and say:

1. I am a Special Agent with the Bureau of Alcohol, Tobacco, Firearms, and Explosives ("ATF"). I am assigned to ATF's Providence office. I have been a Special Agent with ATF since 2001. Based on my training and experience as an ATF Special Agent, I am familiar with federal firearms and narcotics laws. As an ATF Special Agent, I have been involved, either as lead agent or as a member of an investigative team, in numerous investigations of firearms offenses and narcotics offenses.

2. This Affidavit is submitted in support of an arrest warrant and criminal complaint charging Peter Laporte (born 1965) with being a felon in possession of a firearm and ammunition, in violation of 18 U.S.C. § 922(g)(1), with unlawfully disposing of a firearm or ammunition to a person known to be an unlawful user of a controlled substance, in violation 18 U.S.C. § 922(d)(3).

3. The facts contained in this affidavit come from my personal observations, my training and experience, and information obtained from other law enforcement agents and other persons. This affidavit does not set forth all of the information known to me or other law enforcement agents about this matter.

Investigation

4. On August 15, 2012, I queried an ATF database that tracks the purchase of multiple firearms in rapid succession and learned that Hope Valley Bait & Tackle ("Hope Valley") in Wyoming, Rhode Island had recently sold five handguns all at once to one person.[1] According to records, the purchaser was a "Joy Bernice Patnaude" who was born on **/**/1966 and who resides at 28 Center Court, Warwick, Rhode Island.

[1] Hope Valley is a federal firearms licensee ("FFL"). As an FFL, Hope Valley is required to report to ATF any sales to one buyer of two or more pistols within five consecutive days. The ATF database I searched is a repository of those reports. This FFL reporting requirement for multiple purchases does not apply to rifle or shotgun purchases.

5. From August 15 through August 19, I reviewed records and contacted other agencies.

a. According to Rhode Island Department of Motor Vehicle ("DMV") records, specifically vehicle registrations records, a "Joy B. Patnaude" (with the same **/**/1966 date of birth) and a "Peter A. Laporte" (who was born **/**/1965) both reside at 28 Center Court, Warwick, Rhode Island. From the DMV, I retrieved photographs of Joy B. Patnaude ("Patnaude") and Peter A. Laporte ("Laporte").

b. According to Rhode Island Adult Correctional Institution ("ACI") records, including inmate records and visitor logs, Laporte was incarcerated at the ACI. While Laporte was incarcerated, "Joy Patnaude," who is listed as his wife, visited him over 100 times. From the ACI, I retrieved photographs of Laporte. Also according to ACI records, since 2010, Laporte has resided at 28 Center Court, Warwick, Rhode Island.

c. I contacted a Rhode Island Probation and Parole Department official. According to him, Laporte, who remains under state probation, presently resides at 28 Center Court, Warwick, Rhode Island.

6. On August 15, 2012, a law enforcement official conducted surveillance of 28 Center Court in Warwick, Rhode Island and saw a Harley Davidson motorcycle parked in front of the residence, and the registration or license plate number on the motorcycle was 22457. According to DMV records, a Harley Davidson motorcycle with license plate number 22457 is actively registered to Laporte at 28 Center Court, Warwick.

7. On August 16, 2012, I conducted surveillance of 28 Center Court in Warwick, Rhode Island. I observed a white Ford Expedition on the driveway, and the license plate number of the vehicle was 636200. According to DMV records, a green Ford with license plate number 636200 is actively registered to Patnaude at 28 Center Court, Warwick, Rhode Island. I note, based on my experience, discussions with other agents, and common sense, that it is not uncommon for DMV records to list a vehicle's original color even after the vehicle has been painted a new color.

8. I reviewed criminal history records for Patnaude and Laporte. Patnaude's history does not include any felony convictions. Laporte's history includes four felony convictions:

a. In February 1988, Laporte was convicted in Rhode Island on two felony counts: (1) possession of a stolen motor vehicle and (2) conspiracy. On both counts, he was sentenced to an 18 month term (all suspended) and 4 years probation. The sentences were served concurrently. These convictions arose from an August 1987 arrest by the Cranston Police Department.

b. In September 1988, Laporte was convicted in Rhode Island on two felony counts: (1) attempted larceny and (2) conspiracy. On both counts, he was sentenced to a 3 year term (all suspended) and 3 years of probation. The sentences were served concurrently. These convictions arose from a December 1987 arrest by law enforcement officials in Johnston, Rhode Island.

c. In December 2001, Laporte was convicted in Rhode Island on two felony counts: (1) manufacture/possession/delivery of 1 ounce to 1 kilogram of cocaine and (2) possession of a schedule I-V controlled substance. On the first count, he was sentenced to a 15 year term (all suspended) and 15 years of probation. On the second count, he was sentenced to a 3 year term (with 2 years to serve and 1 year suspended) and 1 year probation. The sentences were served concurrently. These convictions arose from a March 2001 arrest by the Rhode Island State Police.

d. In November 2006, Laporte was convicted in Rhode Island on two felony counts: (1) possession of a firearm after having been convicted of a violent crime and (2) possession of a weapon that is not a firearm. On the first count, he was sentenced to a 10 year term (with 42 months to serve and 78 months suspended) and 78 months of probation. On the second count, he was sentenced to a 5 year term (with 42 months to serve and 18 months suspended) and 18 months of probation. The sentences were served concurrently. These

convictions arose from a October 31, 2006 arrest by law enforcement officials in Providence, Rhode Island.

9. On August 16, 2012, I interviewed an employee of Hope Valley concerning Patnaude's reported acquisition of multiple firearms. The employee told me that Patnaude acquired a total of 10 firearms – 5 handguns and 5 long guns:

- 2 Beretta PX4 Storm 9mm pistols,
- 2 Sig Sauer SP2022 9mm pistols,
- 1 Ruger SP101 .357 revolver,
- 2 Stag M1 5.56 rifles,[2]
- 2 Mossberg 500 12 gauge shotguns, and
- 1 Remington 7400 30-6 riffle.

10. The employee told me that on July 30, 2012, Patnaude and a person who identified himself as "Ed Laporte" entered the gun store together. The employee knows Patnaude and "Ed Laporte" because they have been Hope Valley customers for approximately 2 years. In the past, they have, for example, rented canoes from Hope Valley, and those rental records list the name "Peter Laporte" with an address of 28 Center Court, Warwick, Rhode Island. Together the couple selected the above specified handguns and long guns for purchase. The employee specifically recalls the husband advising Patnaude to purchase the Beretta pistols. The employee also said that he recalls the husband having previously telephoned concerning the availability of the Remington 7400 30-6 rifle.

11. The employee said that the couple told him that they were preparing for doomsday and planned on purchasing land in Maine to build a bunker. Based on his interactions with the couple, the employee said that it was his impression that the firearms were for use by Patnaude, her husband, and their children.

12. Subsequently, Patnaude completed an ATF Form 4473. Patnaude indicated on the form that she was the actual buyer of the firearms and was not buying the firearms on behalf of another person.

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[2] These Stag M1 5.56 rifles are semiautomatic rifles and based on their design are also assault rifles.

13. The procedure for the transfer of firearms from a federal firearms licensee, such as Hope Valley, requires that the applicant fill out certain forms, including an ATF Form 4473, and that the licensee have a background check performed on the applicant. The information in those forms, including the ATF Form 4473, is used to perform the background check. Hope Valley is required to maintain the Form 4473 submitted by the applicant.

14. If an ATF Form 4473 indicates that the applicant is not the "actual buyer" or is a felon, Hope Valley is forbidden from selling firearms to the applicant. If the background check indicates that the applicant is a felon, Hope Valley is forbidden from selling firearms to the applicant.

15. The background check indicated that Patnaude was not a felon, and subsequently, Hope Valley advised Patnaude that she had passed the background check.

16. Patnaude and her husband picked-up the firearms on or about August 12, 2012. The employee advised that Patnaude arrived to Hope Valley in a light colored sports utility vehicle and that her husband arrived on a motorcycle. Although Patnaude had indicated that she was the buyer, her husband paid for the firearms. The husband paid Hope Valley a total of $6,878.63 in cash. The employee advised that earlier when deposit payment was made, as the husband put down the deposit, Patnaude turned away and said that she did not want to see how much her husband was paying.

17. In addition to the 10 firearms, the couple also purchased 4 pistol ammunition magazines and a crossbow. The husband also selected 160 rounds of 12 gauge shotgun ammunition and 12 boxes of .357 ammunition (50 rounds per box). The husband told the employee that the guns were going to be placed in a safe, and the husband helped a clerk (a person different from the employee) carry the firearms to the light colored sports utility vehicle. Also, while in Hope Valley prior to placing the firearms in the vehicle, it was, according to the employee, the husband who handled the firearms. He with the employee was placing gun locks on each firearm.

18. On the day that the husband and Patnaude arrived to pick-up the firearms, a clerk at Hope Valley overheard the husband saying that when they got home, the husband would remove the gun locks from the firearms and put them in the safe.

19. Prior to departing, the husband also ordered two 1000 round cases of 9mm ammunition (for a total of 2000 rounds of 9mm ammunition). That cases were not immediately available, and the employee advised that he would telephone when the ammunition became available.

20. I showed the employee a photograph of Patnaude, and he identified the person photographed as the woman who filled out the Form 4473 for the purchase of the firearms.

21. I showed the employee an old photograph of Laporte and asked him to examine it closely. The employee said that it was a photograph of the person he knew as the husband in the firearms and ammunition transaction. The employee commented that Laporte in person looked thinner than in the photograph and that Laporte is now bald. I subsequently showed the employee a driver's license photograph of Laporte, a more recently picture in which Laporte is bald. The employee positively identified Laporte as the person pictured in the driver's license photograph and indicated that the photograph more accurately depicts Laporte as he looks now.

22. On August 17, 2012, Laporte telephoned Hope Valley. The clerk answered the call. Laporte left a cellular telephone number and asked that the employee return the call. Later that day, the employee called the cellular number. The call was recorded. A male answered and identified himself as "Peter." The employee told the male that the ammunition would not be in until Monday or Tuesday (of this week). The employee said that he would call when the ammunition was available. The employee recognized "Peter" voice as the voice of the husband, namely the person the employee had identified as Laporte. As conversation continued on the telephone call, Laporte said that he wanted six ammunition magazines for the Sig Sauer pistols that had been purchased.

23. On August 20, 2012, the Hope Valley employee telephoned Laporte. This communication was recorded. The employee told Laporte that his ammunition would arrive the next day between 2 and 3 pm. The employee then advised Laporte that the total ammunition order would cost over $1,000. Laporte expressed surprise at the cost, had the employee itemize the costs for the different types of ammunition ordered, and opted to buy only one of the two cases of 9mm ammunition. Laporte said, "I'll get the other one another time, but I'm only going to do one right for now." Laporte also inquired about the barrel on the "Mossberg." Laporte said he was worried that the barrel would rust, and the employee said he would try to get Laporte a warranty. The employee asked Laporte to bring the barrel in when he came to the store to pick-up the ammunition. Laporte said he would.

24. On the morning of August 21, 2012, the Hope Valley employee telephoned Laporte. This communication was recorded. The employee told Laporte that the ammunition had arrived. Laporte said he would be in that evening or the next morning and would telephone back later in the day. The late afternoon, the Hope Valley employee telephoned Laporte again. This communication was recorded. Laporte told the employee that he would be coming the next day and would telephone in advance.

25. On August 22, 2012, Laporte called the employee twice. In the first call, Laporte asked the employee questions about the 9mm ammunition that Laporte had ordered, and Laporte advised that he would be arriving to Hope Valley in approximately 90 minutes. In the second call, Laporte additionally spoke of the 9mm ammunition and advised that he additionally needed a couple of boxes of 30-6 ammunition. Laporte said that he had forgotten that he had the rifle. (I infer that Laporte is referring to the Remington 7400 30-6 rifle purchased earlier.) These telephone calls were partially recorded.

26. In anticipation of Laporte's arrival, ATF agents set up surveillance in the area of Hope Valley.

27. At approximately 1:45 pm, Laporte arrived to Hope Valley operating a red pick-up truck. Laporte stepped out of the truck and entered Hope Valley. He then met the

employee and purchased one case of 9 mm ammunition (containing 1000 rounds), 400 rounds of .357 ammunition, and 20 rounds of 30-6 ammunition. Laporte paid the employee $550 for the ammunition. An ATF special agent witnessed the transaction, and other ATF special agents observed Laporte entering and exiting Hope Valley. Additionally, audio and video equipment captures the transaction inside Hope Valley.

28. As Laporte exited Hope Valley carrying the ammunition he had just purchased and approached his truck, agents apprehended him. I advised Laporte of his rights and then Laporte said, among other things, the following:

a. some of the firearms that had earlier been purchased were stored in a warehouse in a lock box inside a trailer, that he had moved those firearms to the warehouse, and that one of the firearms was at his residence,

b. Laporte's wife, Joy Patnaude, smokes marijuana and that he purchases the marijuana for her,

c. Laporte wanted the firearms for his wife, his family, and himself so that they could protect themselves, and

d. that he lived at 28 Center Court in Warwick, Rhode Island.

Laporte also asserted that the firearms were for his wife; that although he knew he could not possess ammunition, he did not know that he could not possess the boxes in which the ammunition was stored; and that his wife had the keys to access the guns. Laporte also admitted that he handled the firearms at the time of purchase.

29. As I discussed the location of the warehouse used to store the firearms, Laporte said "get my keys, let's go." Laporte's keys were then recovered. Laporte showed Special Agent Wing Chau the key that provided access to his area in the warehouse. Laporte said, "I'll go with you, you can keep me cuffed, I'll show you exactly where everything is." Laporte specified that the warehouse was at "9 Roseland" in Warwick, Rhode Island.

30. ATF agents, with Laporte, proceeded to 9 Roseland Avenue in Warwick. At the warehouse, Laporte led agents to his garage area. Agents then used Laporte's keys to open the lock on the garage door. Laporte also provided agents with an four-digit alarm code and

instructed agents to enter that code into the keypad inside the garage. On entering Laporte's garage area, agents entered the code, which disarmed an alarm system.

31. Laporte pointed out the location of the trailer in the garage. The trailer door was secured with a pad lock. Laporte said that his wife had the key for the lock and led agents to a bolt cutter in the garage. Agents removed the lock with the bolt cutter. Inside the trailer was a lock box. Force was used to open the lock box. Inside the box, agents found the aforementioned 2 Beretta 9mm pistols, 2 Sig Sauer 9mm pistols, 1 Ruger .357 revolver, 2 Stag M1 5.56 rifles, and 2 Mossberg shotguns. All of the firearms were in gun cases and the cases had gun locks on them. Keys to open the gun locks were inside the lock box. Also inside the lock box, agents found numerous rounds of 5.56 ammunition and a gun cleaning kit. Laporte told agents, in conversation that was recorded, that he had purchased the 5.56 ammunition for the M1 5.56 rifles and that there were 1000 rounds of that ammunition in the lock box. He also specified that each round cost 39 cents and that he bought the rounds for $390 from a gun store in Connecticut.

32. Laporte further stated, in conversation that was recorded, the following:

a. that he rented the warehouse space in his name for $900 per month,

b. that he placed all of the firearms and ammunition in the lock box all at once,

c. that other items in the trailer aside from the lock box (such as brooms, cabinets, and other items) belonged to him,

d. that he bought the guns to take care of his family for "doomsday,"

e. that he had purchased the 1000 rounds of 5.56 ammunition on August 15, the day before the 10 firearms (described in paragraph 9) were purchased, and

f. that he had purchased the gun cleaning kit found in the lock box.

33. In addition to the trailer, the garage space contained a large truck colored in a military camouflage pattern. Based on its appearance, I believe that the truck was an M35, 2.5 ton military truck (also called a "deuce and a half") of the type typically used by the U.S. Army.

34. Soon after, agents proceeded to 28 Center Court in Warwick, Rhode Island. Earlier, agents had obtained a warrant to search 28 Center Court. Prior to making entry, agents encountered Patnaude. She was detained, advised of her rights, and spoke to me. This conversation was recorded. She said the following, among other things:

a. she had one gun, a 30-6 rifle, in the residence, 28 Center Court,

b. that the firearms found in the trailer belonged to her,

c. that she knew that Laporte was a convicted felon and that they both lived at 28 Center Court as an unmarried couple and that children lived with them in the residence,

d. that she uses marijuana on an occasional basis, had a small quantity in the house, and did not have any card or permit to smoke marijuana,

e. that Laporte obtained the marijuana that she had in the house,

f. that Laporte was prepping for "doomsday" and wanted weapons,

g. that she had earlier asked Laporte whether he would get into trouble for having firearms and that he responded, "No. They're yours," and further indicated that he would not get into trouble as long as he did not touch them or have access to them,

h. that Laporte handled the firearms at Hope Valley and placed them in the lock box earlier found in the trailer, and

i. that the firearms were for both Laporte and her.

35. As I was conversing with Patnaude, other ATF agents made entry into 28 Center Court and commenced a search. In the master bedroom of the residence, agents located 10 jars containing material consistent in appearance and smell with marijuana (and subsequent field testing indicated the presence of marijuana in the material), 2 twelve gauge shotgun shells, rent receipts and a lease for 28 Center Court all in Laporte's name, pay stubs bearing Laporte's name, and men's clothing. In the master bedroom closet, agents found the Remington 7400 30-6 rifle that had earlier been purchased from Hope Valley. The rifle was packed in a case and secured by a gun lock. A key for the lock was found inside the lock.

36. I asked Joy Patnaude, as the search was progressing, whether she had keys to gain access to the lock box and firearms found in the warehouse space. She indicated that she

did and led me to the garage at 28 Center Court. Inside the garage, there was, among other things, a table and motorcycle. On the table, there was a pocketbook and inside the pocketbook was a key chain with numerous keys. Patnaude said that those keys provided access to the trailer, the lock box, and the gun locks on the firearm cases inside the lock box.

37. Based on both Laporte and Patnaude statements as well as the overall investigation as set forth above, I believe that there is probable cause to believe

a. that Laporte and Patnaude jointly possessed the 10 firearms purchased from Hope Valley and found during the course of this investigation;

b. that at various times Laporte had actual possession of the firearms;

c. that Patnaude and Laporte jointly possessed the ammunition recovered during the course of this investigation;

d. that at various times Laporte had actual possession of the ammunition;

e. that Laporte purchased firearms and ammunition for a person he knows to be a user of marijuana, a controlled substance.

Accordingly, I believe that there is probable cause to believe that Laporte violated 18 U.S.C. § 922(g)(1) and 18 U.S.C. §922(d)(3).

Christian Jardin
CHRISTIAN JARDIN
Special Agent
Bureau of Alcohol, Tobacco and Firearms

Subscribed and sworn to before
me this 23th day of August, 2012,
at Providence, Rhode Island

David L Martin
DAVID L. MARTIN 8-23-12
United States Magistrate Judge

DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT

BY: ☐ INFORMATION ☐ INDICTMENT ☒ COMPLAINT

CASE NO. _____

Matter Sealed: ☐ Juvenile ☐ Other than Juvenile

☐ Pre-Indictment Plea ☐ Superseding ☐ Defendant Added
☐ Indictment ☐ Charges/Counts Added
☐ Information

USA vs.

Defendant: PETER LAPORTE

Addre

Name of District Court, and/or Judge/Magistrate Location (City)

UNITED STATES DISTRICT COURT DISTRICT OF RHODE ISLAND
Divisional Office

Name and Office of Person Furnishing Information on THIS FORM: PETER F. NERONHA
☐ U.S. Atty ☐ Other U.S. Agency
Phone No. _____

Name of Asst. U.S. Attorney (if assigned): MILIND M. SHAH

☐ **REDACTED**

Birth Date

Alien
pplicable)

Soci

PROCEEDING

Name of Complainant Agency, or Person (& Title, if any)
Alcohol, Tobacco and Firearms

☐ person is awaiting trial in another Federal or State Court (give name of court)

☐ this person/proceeding transferred from another district per (circle one) FRCrP 20, 21 or 40. Show District

☐ this is a reprosecution of charges previously dismissed which were dismissed on motion of:
☐ U.S. Atty ☐ Defense

SHOW DOCKET NO.

☐ this prosecution relates to a pending case involving this same defendant. (Notice of Related Case must still be filed with the Clerk.)

☐ prior proceedings or appearance(s) before U.S. Magistrate Judge regarding this defendant were recorded under

MAG. JUDGE CASE NO.

Place of offense: RHODE ISLAND County

Issue: ☐ Warrant ☐ Summons

Location Status:
Arrest Date 8/22/2012 or Date Transferred to Federal Custody _____

☑ Currently in Federal Custody
☐ Currently in State Custody
☐ Writ Required
☐ Currently on bond
☐ Fugitive

Defense Counsel (if any): _____
☐ FPD ☐ CJA ☐ RET'D
☐ Appointed on Target Letter

☐ This report amends AO 257 previously submitted

OFFENSE CHARGED - U.S.C. CITATION - STATUTORY MAXIMUM PENALTIES - ADDITIONAL INFORMATION OR COMMENTS

Total # of Counts 2

Set	Title & Section/Offense Level (Petty = 1 / Misdemeanor = 3 / Felony = 4)	Description of Offense Charged	Felony/Misd.
	18 U.S.C. § 922(g)(1)	Felon in possession of firearms and ammunition	☒ Felony ☐ Misdemeanor
	18 U.S.C. § 922(d)(3)	Selling or disposing of a firearm or ammunition to an	☒ Felony ☐ Misdemeanor
		unlawful user of a controlled substance.	☐ Felony ☐ Misdemeanor
			☐ Felony ☐ Misdemeanor
			☐ Felony ☐ Misdemeanor