

# Department of Justice

United States Attorney William J. Hochul, Jr.  
Western District of New York

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## **NIAGARA FALLS MAN PLEADS GUILTY TO PROVIDING GUNS TO A FELON**

BUFFALO, N.Y.--U.S. Attorney William J. Hochul, Jr. announced today that Joseph Clayton, 32, of Niagara Falls, N.Y., pleaded guilty before U.S. District Judge Richard J. Arcara, to transferring a firearm to a prior felon. The charge carries a maximum penalty of 10 years in prison, a \$250,000 fine, or both.

Assistant U.S. Attorney Mary Catherine Baumgarten, who is handling the case, stated that from August 2010 through September, 2010, Clayton purchased three semi-automatic rifles and accessories. Documents obtained by law enforcement officers during the investigation demonstrate that the defendant acted as a straw purchaser and made false statements that he was buying the firearms for himself, when in fact he was purchasing the firearms for Daniel Hale, a known prior felon. Hale, as a prior felon, would have been unable to purchase the firearms himself. Clayton also admitted that co-defendant Eric Kaczor used a Dremel tool to obliterate the serial numbers on 2 of the rifles so the firearm purchases could not be traced back to the defendant.

On February 6, 2012, Eric Kaczor, 28, of Cuba, N.Y., pleaded guilty to being a felon in possession of a firearm. He faces a maximum penalty of 10 years in prison, a \$250,000 fine, or both when sentenced on May 17, 2012.

“As an Office, we are particularly concerned with how firearms get into the hands of felons,” said U.S. Attorney Hochul. “This prosecution represents a success for the community in that it rids the streets of one person who made this possible.”

The plea is the culmination of an investigation on the part of Special Agents of the Bureau of Alcohol, Tobacco, Firearms and Explosives, under the direction of Special

Agent in Charge Frank Christiano and the Niagara Falls Police Department, under the direction of Superintendent John Chella.

Clayton will be sentenced on July 24, 2012 at 1:00 p.m. before Judge Arcara.

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