

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF LOUISIANA

UNITED STATES OF AMERICA

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CRIMINAL NO: 14-117

v.

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SECTION: "L"

JOSEPH F. GAGLIANO

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**FACTUAL BASIS**

If this case was to proceed to trial the Government would present credible testimony and reliable evidence to prove the following facts beyond a reasonable doubt;

On May 7, 2014 at approximately 11:00 p.m., Jefferson Parish Sheriff's Office ("JPSO") Deputy Lamar Hooks was alerted through the Sheriff's Office communication system to be on the lookout for a white, Chevrolet or Ford van with a stolen license plate, PLK 488. Soon thereafter, a white Ford van bearing license plate number PLK 488 passed Deputy Hook's location on Metairie Road leading Deputy Hooks to follow the vehicle and execute an investigatory stop.

Shortly after Deputy Hooks activated his patrol unit's lights and siren, the van pulled into the driveway of 209 East William David Parkway, Dominick Gullo's residence. Gullo exited the driver's door and Joseph F. Gagliano exited the passenger door, at which time Deputy Hooks asked Gullo to produce registration and insurance documentation for the van. Gullo accessed the glove box for registration and insurance documentation for a brief time and then abandoned

his efforts and admitted he did not possess registration and insurance paperwork for the van. Because the van had a stolen license plate and no insurance or registration paperwork, Deputy Hooks placed handcuffs on Gullo and advised him of his Miranda warnings. After being advised of his Miranda warnings, Gullo falsely stated that he purchased the van earlier that day for \$300 from an unidentified female who entered a Metairie Road coffee shop and asked the coffee shop patrons if anyone wanted to buy a van. Gullo further stated he planned to meet the unknown female the next day at the coffee shop to receive the paperwork to complete the purchase of the van.

Because neither Gullo nor Gagliano were able to produce proof of insurance for the van, coupled with confirmation that the license plate affixed to the van was stolen, the decision was made to have the van towed in accordance with state law. Prior to releasing the van to an approved towing company, JPSO deputies lawfully conducted an inventory search of the van. When deputies opened the rear, cargo section of the van, they found two chairs, mounted on boards, positioned in front of two small, residential windows installed into the side and rear panels of the van. After observing the suspicious setup of the cargo area, a JPSO crime scene technician was called to the scene to photograph and attempt to lift possible fingerprints. As the crime scene technician entered the rear of the van, a piece of folded carpet was moved revealing a loaded, .22 caliber rifle with a scope attached. A further search of the van produced a silencer from a side door of the van as well as approximately eight feet of cannon fuse from the cargo area.

After the rifle and silencer were recovered from the van, Gagliano falsely stated that he was never in the van, a statement Gullo concurred with. On May 8, 2014, a search warrant was

applied for and obtained to conduct a more thorough search of the van. Pursuant to a search after obtaining authorization via the search warrant, two hats and two pairs of gloves were recovered.

Subsequent investigation by JPSO detectives and Bureau of Alcohol, Tobacco, Firearms and Explosives ("ATF") agents revealed that in the weeks prior to the May 7, 2014 investigatory stop, Joseph F. Gagliano sought to have the Ford van repaired and modified leading to the small residential windows being installed. Investigating agents obtained documentation corroborating the work done at Gagliano's instruction.

The .22 caliber rifle seized from the Ford van on May 7, 2014, was examined by ATF Senior Firearms Enforcement Officer Adam Galbraith and found to be a Ruger, Model 10-22, .22 caliber rifle, serial number 120-88043. This rifle was manufactured by Ruger in Newport, New Hampshire and was confirmed by Officer Galbraith through test firing to function as a "firearm" as defined by 18 U.S.C. § 921(a)(3). Further, Officer Galbraith tested the silencer and found it to fit the Ruger .22 caliber rifle and found it to function as designed and defined by 18 U.S.C. § 921(a)(24) and 26 U.S.C. § 5845(a). Also, ATF Specialist Andrew Ashton searched the National Firearms Registration and Transfer Record and confirmed that there are no firearms, as that term is defined in 26 U.S.C. § 5845(a), registered to either Joseph Gagliano or Dominick Gullo.

Joseph F. Gagliano was convicted on April 10, 1996, in the United States District Court for the Eastern District of Louisiana, Case No. 94-158 "N," for Conspiracy to Violate the RICO Act in violation of Title 18, United States Code, Section 1962(d). Gagliano was subsequently sentenced to 42 months in the custody of the Bureau of Prisons and a three year term of

supervised release.

At trial the Government would introduce the rifle, silencer, cannon fuse, as well as various photographs and documentation along with the testimony of witnesses, the investigating agents and the statements of the defendants.

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William J. Quinlan, Jr. (date)  
Assistant United States Attorney

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Patrick Fanning (date)  
Attorney for Joseph F. Gagliano

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Joseph F. Gagliano (date)  
Defendant