

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA**

UNITED STATES OF AMERICA * **CRIMINAL NO. 15-276**

v. * **SECTION: "J"**

OMAR RICO-ALMANZA *

* * *

FACTUAL BASIS

The defendant, **OMAR RICO ALMANZA** (hereinafter "**RICO-ALMANZA**"), has agreed to plead guilty as charged to the one-count indictment charging him with possession of a firearm by an alien illegally present in the United States in violation of Title 18, United States Code, Section 922(g)(5)(A) and 924(a)(2).

Should this matter have gone to trial, the government would have proven, through the introduction of competent testimony and other admissible evidence, the following facts, beyond a reasonable doubt, to support the allegations in the indictment now pending against the defendant:

In October and November of 2015, Agents of Homeland Security Investigations ("HSI") and Jefferson Parish Sheriff's Officers were investigating a Hispanic male (hereinafter referred to as "A.H."), for drug trafficking. On the morning of November 5, 2015, the agents received information that A.H. was going to be delivering a large amount of cocaine to an unidentified individual at the Shell gas station located at 4941 Veterans Boulevard in Metairie. The agents then followed A.H. from his house to the Taqueria Chilangos restaurant on Roosevelt Boulevard. Moments later, the agents observed **RICO-**

ALMANZA pull up into the parking lot of the restaurant. The officers then observed A.H. and **RICO-ALMANZA** engaging in conversation. After the conversation was over, the agents observed A.H. place a shiny object into the back of his truck and drive off. **RICO-ALMANZA** also left the parking lot and drove to his house located on Roosevelt Boulevard in Kenner.

The agents then went to **RICO-ALMANZA'S** home and asked to speak with him. The agents then advised **RICO-ALMANZA** about the investigation. **RICO-ALMANZA** told the agents that he did not have any narcotics in his vehicle or residence. **RICO-ALMANZA** also told the agents that he would allow them to search his home without the necessity of a search warrant. To that end, **RICO-AMANZA** signed a consent-to-search form that the agents provided him. The agents thoroughly searched the home, but did not find any narcotics. However, the agents did find a silver and black 9mm pistol, make SCCY, and model CPX2, Serial # 106360 in a shed located in the backyard. The agents then read **RICO-ALMANZA** his rights per Miranda and he agreed to speak to the agents. **RICO-ALMANZA** admitted to owning the weapon and then recanted advising that it was not his. The agents continued searching the residence and located a black gun box with the same serial number as the pistol in a kitchen cabinet of the residence. **RICO-ALMANZA** was then placed under arrest and transported to the New Orleans, LA Field Office for processing.

At the office, the agents again read **RICO-ALMANZA** his rights and he agreed to provide a statement. **RICO-ALMANZA** was asked if the 9mm pistol was his and he advised that he received the pistol approximately one year ago from a subject named "Gordo". **RICO-ALMANZA** further explained that Gordo gave him the pistol as payment for fixing Gordo's transmission. The statement was presented to **RICO-ALMANZA** in written form for his

Following his arrest, the agents had the gun examined by ATF to determine where it was manufactured and to have it test fired. The ATF trace revealed that the SCCY pistol was manufactured in Florida. The trace also indicated that the SCCY pistol was purchased by an individual living in Kenner, Louisiana, on August 16, 2014, from a dealer in Metairie, Louisiana. The trace also revealed that the gun was not reported as stolen. The test fire confirmed that the SCCY pistol was a functioning firearm. At trial, the government would also call a special agent with the Bureau of Alcohol, Tobacco, Firearms and Explosives to testify that the SCCY pistol travelled in and through interstate commerce before it came into **RICO-ALMANZA'S** possession.

VALERIE JUSSELIN
Attorney for Defendant