

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

UNITED STATES OF AMERICA * **CRIMINAL NO. 19-86**

v. * **SECTION: "F"**

MICHAEL MORGANI *

*

* * *

FACTUAL BASIS

The defendant, MICHAEL MORGANI, has agreed to plead guilty as charged to Count One of the one-count superseding bill of information. Count One charges the defendant with being a felon in possession of a firearm, in violation of 18 U.S.C. § 922(g).

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 superseding bill of information now pending against the defendant:

In May 2017, a fatal shooting occurred in Mid City. A witness told New Orleans Police Department (NOPD) officers that the shooter fled in a specific vehicle and that the witness had followed the vehicle to a body shop on Clark Street. NOPD officers reviewed surveillance footage and saw the witness following the vehicle. Based on the information provided by the witness and subsequent corroboration, NOPD obtained a state search warrant on May 19, 2017 for the auto body business located at 601 South Clark Street, New Orleans, Louisiana. On May 19, 2017, members of the NOPD executed the search warrant.

During execution of the search warrant, officers seized several firearms, including an Extar,

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model: EXP556, 5.56mm caliber pistol, serial number: EP06258, and an Extar, model: EXP556, 5.56mm caliber pistol, serial number: EP06257. An ATF firearms trace revealed that both Extar firearms were purchased on March 11, 2017 by P.H.

On January 30, 2019, ATF agents interviewed P.H. regarding these two firearms. P.H. informed agents that he sold both pistols on the morning of May 19, 2017, to a white male who was from New Orleans. P.H. could not remember this individual's name but provided a contact number for him along with saved text messages. Agents learned that the phone number that P.H. provided had been subscribed to Causeway Custom Collision in Metairie, Louisiana with contact name Mike MORGANI, since 2012.

Subsequent to the identification of MORGANI as the likely purchaser, agents prepared a "six-pack" photo array containing a known photo of MORGANI and five other "filler" photos of individuals exhibiting physical characteristics similar to MORGANI. The photo array was presented to P.H., and P.H. identified the photo of MORGANI as the purchaser of the aforementioned firearms.


MORGANI admits that he was the individual who purchased the two Extar firearms referenced above from P.H. on May 19, 2017 and that he subsequently transported them to the aforementioned auto body shop, where they were subsequently seized by the NOPD. He admits being in possession of both guns on the day alleged.

Prior to possessing the firearms on May 19, 2017, MORGANI had previously been convicted of a crime punishable by imprisonment for a term exceeding one year. Specifically, MORGANI was convicted on August 10, 2015, in case number 15-01214 in the 24th Judicial District Court for Jefferson Parish, State of Louisiana, for possession of heroin, which is a felony.

At the time he possessed the Extar firearms on May 19, 2017, MORGANI knew that he was a convicted felon and that he was prohibited from possessing firearms.


An ATF expert would testify that the Extar firearms referenced herein were not manufactured in Louisiana. As a result, those weapons necessarily crossed state lines prior to being possessed by MORGANI in the Eastern District of Louisiana. The weapons also qualify as “firearms” as that term is defined in the relevant portions of federal law.

This proffer of evidence is not intended to constitute a complete statement of all facts known to the government, but rather is a minimum statement of facts intended to prove the necessary factual predicate for the guilty plea. The limited purpose of this factual basis is to satisfy the Court that there is a sufficient basis in fact for MORGANI's guilty plea.



 David Haller Date
 Assistant United States Attorney

1-29-2020
Date
Arias Cox
Attorney for Michael Morgani


Michael Morgani
Defendant

1-29-2020
Date