

**FILED**

FEB 07 2014

U.S. DISTRICT COURT  
DISTRICT OF RHODE ISLAND

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF RHODE ISLAND

UNITED STATES OF AMERICA  
v.  
PHILIP DEBARTOLO,  
Defendant.

Criminal Case No. \_\_\_\_\_

In Violation of 18 U.S.C. §§ 922(g)(1) &  
924(a)(2), 18 U.S.C. §§ 922(k) & 924(a)(1),  
21 U.S.C. § 841(a)(1) & (b)(1)(D), and  
21 U.S.C. § 860.

INDICTMENT

**CR 14 016S**

The Grand Jury charges that:

COUNT I  
(Felon in Possession of Firearm)

On or about August 8, 2013, in the District of Rhode Island, Defendant PHILIP DEBARTOLO, who was previously convicted of a crime punishable by a term of imprisonment exceeding one year, did knowingly possess a firearm - specifically a Colt .38 caliber revolver (serial number 401980) - in and affecting interstate commerce, in violation of 18 U.S.C. §§ 922(g)(1) and 924(a)(2).

COUNT II  
(Marijuana Distribution)

On or about August 8, 2013, in the District of Rhode Island, Defendant PHILIP DEBARTOLO did knowingly and intentionally distribute a mixture and substance containing a detectable amount of marijuana, a Schedule I Controlled Substance, in violation of 21 U.S.C. §§ 841(a)(1) and (b)(1)(D).

COUNT III  
(Marijuana Distribution)

On or about August 19, 2013, in the District of Rhode Island, Defendant PHILIP DEBARTOLO did knowingly and intentionally distribute a mixture and substance containing a detectable amount of marijuana, a Schedule I Controlled Substance, in violation of 21 U.S.C. §§ 841(a)(1) and (b)(1)(D).

**COUNT IV**  
(Marijuana Distribution)

On or about September 6, 2013, in the District of Rhode Island, Defendant PHILIP DEBARTOLO did knowingly and intentionally distribute a mixture and substance containing a detectable amount of marijuana, a Schedule I Controlled Substance, in violation of 21 U.S.C. §§ 841(a)(1) and (b)(1)(D).

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**COUNT V**  
(Felon in Possession of Firearm)

On or about September 20, 2013, in the District of Rhode Island, Defendant PHILIP DEBARTOLO, who was previously convicted of a crime punishable by a term of imprisonment exceeding one year, did knowingly possess a firearm – specifically a Winchester Model 74 .22 caliber rifle (serial number 138304) – in and affecting interstate commerce, in violation of 18 U.S.C. §§ 922(g)(1) and 924(a)(2).

**COUNT VI**  
(Marijuana Distribution)

On or about September 20, 2013, in the District of Rhode Island, Defendant PHILIP DEBARTOLO did knowingly and intentionally distribute a mixture and substance containing a detectable amount of marijuana, a Schedule I Controlled Substance, in violation of 21 U.S.C. §§ 841(a)(1) and (b)(1)(D).

**COUNT VII**  
(Felon in Possession of Firearm)

On or about October 15, 2013, in the District of Rhode Island, Defendant PHILIP DEBARTOLO, who was previously convicted of a crime punishable by a term of imprisonment exceeding one year, did knowingly possess a firearm – specifically a sawed-off Winchester Model 1200 12 gauge shotgun (serial number L691569) – in and affecting interstate commerce, in violation of 18 U.S.C. §§ 922(g)(1) and 924(a)(2).

**COUNT VIII**  
(Felon in Possession of Firearms)

On or about January 15, 2014, in the District of Rhode Island, Defendant PHILIP DEBARTOLO, who was previously convicted of a crime punishable by a term of imprisonment exceeding one year, did knowingly possess firearms, specifically

- (1) a Glock Model 23 .40 caliber semi-automatic pistol (serial number DXG174US),
- (2) a Taurus Judge Model 410 gauge revolver (serial number DZ340465),
- (3) a Glock Model 22 .40 caliber semi-automatic pistol (serial number SAX148),
- (4) a Taurus Model 66 .357 caliber revolver (serial number FR607800),
- (5) a Masterpiece Arms Defender Model 9mm semi-automatic pistol (serial number F13535),
- (6) a Smith and Wesson Model SW9VE 9mm semi-automatic pistol (serial number unintelligible and obliterated),
- (7) a Springfield Armory Model XD-40 .40 caliber semi-automatic pistol (serial number XD498422),
- (8) a Ruger Model SR9 9mm semi-automatic pistol (serial number 331-28257), and
- (9) a Smith and Wesson Model 19 .357 caliber revolver (serial number 44K8058),

in and affecting interstate and foreign commerce, in violation of 18 U.S.C. §§ 922(g)(1) and 924(a)(2).

**COUNT IX**  
(Possession of Firearm with Obliterated Serial Number)

On or about January 15, 2014, in the District of Rhode Island, Defendant PHILIP DEBARTOLO did knowingly possess a firearm – specifically a Smith and Wesson Model SW9VE 9mm semi-automatic pistol (serial number unintelligible and obliterated) – that had been shipped or transported in interstate and that had the importer’s serial number and manufacturer’s serial number removed, obliterated, and altered, in violation of 18 U.S.C. §§ 922(k) and 924(a)(1).

**COUNT X**  
(Manufacture of Marijuana)

On or about January 15, 2014, in the District of Rhode Island, Defendant PHILIP DEBARTOLO did knowingly and intentionally manufacture marijuana, a Schedule I Controlled Substance, in violation of 21 U.S.C. § 841(a)(1) and (b)(1)(D).

**COUNT XI**  
(Manufacture of Marijuana Near School)

On or about January 15, 2014, in the District of Rhode Island, Defendant PHILIP DEBARTOLO did knowingly and intentionally manufacture marijuana, a Schedule I Controlled Substance, within one-thousand feet of the real property comprising a public elementary school, specifically Hope Elementary School in Scituate, Rhode Island, in violation of 21 U.S.C. § 860(a).

**FORFEITURE ALLEGATIONS**

A. Upon conviction of the offenses alleged in Counts I, V, VII, and VIII, Defendant PHILIP DEBARTOLO shall forfeit to the United States of America, pursuant to 18 U.S.C. § 924(d)(1) and 28 U.S.C. § 2461(c), the firearms identified in those counts, each of which was obtained at or seized from the residence at 5 High Street in Scituate, Rhode Island.

B. Upon conviction of any one or more of the offenses alleged in Counts II, III, IV, VI, and X, Defendant PHILIP DEBARTOLO shall forfeit to the United States of America, pursuant to 21 U.S.C. § 853(a)(2) and 28 U.S.C. § 2461(c), any property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of, such offense, including, but not limited to the residence at 5 High Street in Scituate, Rhode Island, which is further described as follows:

That certain real estate located on the northerly side of High Street, in the Town of Scituate and State of Rhode Island, bounded and described as follows:

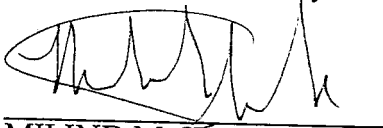
Beginning at the end of a stone wall on the northerly side of High Street, at the intersection of the northerly line of High Street and the

westerly line of a 20-foot right of way, being the southeasterly corner of the premises hereby described; thence running westerly bounding southerly on said High Street sixty-eight and 54/100 (68.54) feet to a stake at land now or lately of Noe Russell and wife; thence turning and running northerly seventy-eight and 30/100 (78.30) feet to a stake; thence continuing northerly, and passing through a drill hole in a rock, one hundred sixty-three and 74/100 (163.74) feet to a stake in a stone wall at land now or lately of Earl W. Colvin (formerly of Hannah Fisk), said last two courses bounding on said land of Noe Russell and wife; thence turning and running easterly, along said stone wall, bounding northerly on said Colvin land seventy-five and 77/100 (75.77) feet to a corner of the stone walls on the westerly side of said 20-foot right of way; thence turning and running southerly, along a stone wall, bounding easterly on said right of way two hundred forty-four (244) feet, more or less, to the point of beginning.

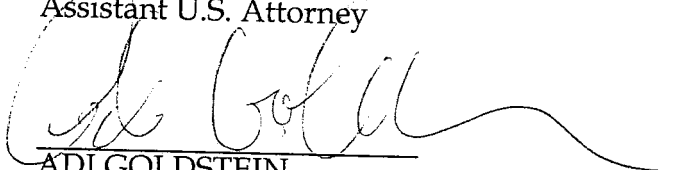
Together with any right, title and interest in and to said 20-foot right of way.

C. If any of the property subject to forfeiture under 21 U.S.C. § 853(a)(2) and 28 U.S.C. § 2461(c), as a result of any act of or omission by Defendant PHILIP DEBARTOLO has been transferred or sold to or deposited with a third party, has been substantially diminished in value, has been commingled with other property which cannot be divided without difficulty, has been encumbered or diminished in value, or has otherwise been made unavailable or less valuable in any manner described in 21 U.S.C. § 853(p), the United shall be entitled to forfeiture of substitute property.

PETER F. NERONHA,  
United States Attorney



MILIND M. SHAH  
Assistant U.S. Attorney



ADI GOLDSTEIN  
Assistant U.S. Attorney  
Criminal Chief, Criminal Division

A TRUE BILL:

**REDACTED**

Date: 2/7/2014

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

**CR 14 016 S**

BY:  INFORMATION  INDICTMENT  COMPLAINT

CASE NO. \_\_\_\_\_

USA vs.

Defendant: Philip Debartolo

Ac \_\_\_\_\_

**REDACTED**

Alien applicable

Matter Sealed:  Juvenile  Other than Juvenile  
 Pre-Indictment Plea  Superseding  Defendant Added  
 Indictment  Charges/Counts Added  
 Information

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

UNITED STATES DISTRICT COURT RHODE ISLAND  
 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. (401) 709-5039

Name of Asst. U.S. Attorney (if assigned) Milind M. Shah

**PROCEEDING**

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

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 re prosecution of charges previously dismissed which were dismissed on motion of:  
 U.S. Atty  Defense

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

SHOW DOCKET NO.

MAG. JUDGE CASE NO.  
14-MJ-00008LDA

Place of offense RHODE ISLAND County

Issue:  Warrant  Summons

Location Status:

Arrest Date \_\_\_\_\_ or Date Transferred to Federal Custody \_\_\_\_\_

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

Defense Counsel (if any): Tara Allen, Federal Public Defender

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 \_\_\_\_\_

Set	Title & Section/Offense Level (Petty = 1 / Misdemeanor = 3 / Felony = 4)	Description of Offense Charged	Felony/Misd.
	SEE ATTACHED SHEET.		<input type="checkbox"/> Felony <input type="checkbox"/> Misdemeanor
			<input type="checkbox"/> Felony <input type="checkbox"/> Misdemeanor
			<input type="checkbox"/> Felony <input type="checkbox"/> Misdemeanor
			<input type="checkbox"/> Felony <input type="checkbox"/> Misdemeanor
		ESTIMATED TRIAL DAYS: <del>3</del> <u>3</u>	<input type="checkbox"/> Felony <input type="checkbox"/> Misdemeanor

**ATTACHMENT TO DEFENDANT INFORMATION RELATIVE TO A CRIMINAL  
ACTION – IN U.S. DISTRICT COURT**

**DEFENDANT: PHILIP DEBARTOLO**

**COUNT I:** Felon in Possession of a Firearm (on or about August 8, 2013) – 18 U.S.C. §§ 922(g)(1) and 924(a)(2) – Felony.

**MAXIMUM PENALTIES:** 10 years imprisonment; a fine of \$250,000; a 3-year term of supervised release; and a mandatory special assessment of \$100.00.

**COUNT II:** Marijuana Distribution (on or about August 8, 2013) – 18 U.S.C. §§ 841(a)(1) and (b)(1)(D) – Felony.

**MAXIMUM PENALTIES:** 5 years imprisonment; a fine of \$250,000; a life term of supervised release with a mandatory minimum term of 2 years; and a mandatory special assessment of \$100.00.

**COUNT III:** Marijuana Distribution (on or about August 19, 2013) – 18 U.S.C. §§ 841(a)(1) and (b)(1)(D) – Felony.

**MAXIMUM PENALTIES:** 5 years imprisonment; a fine of \$250,000; a life term of supervised release with a mandatory minimum term of 2 years; and a mandatory special assessment of \$100.00.

**COUNT IV:** Marijuana Distribution (on or about September 6, 2013) – 18 U.S.C. §§ 841(a)(1) and (b)(1)(D) – Felony.

**MAXIMUM PENALTIES:** 5 years imprisonment; a fine of \$250,000; a life term of supervised release with a mandatory minimum term of 2 years; and a mandatory special assessment of \$100.00.

**COUNT V:** Felon in Possession of a Firearm (on or about September 20, 2013) – 18 U.S.C. §§ 922(g)(1) and 924(a)(2) – Felony.

**MAXIMUM PENALTIES:** 10 years imprisonment; a fine of \$250,000; a 3-year term of supervised release; and a mandatory special assessment of \$100.00.

**COUNT VI:** Marijuana Distribution (on or about September 20, 2013) – 18 U.S.C. §§ 841(a)(1) and (b)(1)(D) – Felony.

**MAXIMUM PENALTIES:** 5 years imprisonment; a fine of \$250,000; a life term of supervised release with a mandatory minimum term of 2 years; and a mandatory special assessment of \$100.00.

**COUNT VII:** Felon in Possession of a Firearm (on or about October 15, 2013) – 18 U.S.C. §§ 922(g)(1) and 924(a)(2) – Felony.

**MAXIMUM PENALTIES:** 10 years imprisonment; a fine of \$250,000; a 3-year term of supervised release; and a mandatory special assessment of \$100.00.

**COUNT VIII:** Felon in Possession of Firearms (on or about January 15, 2014) – 18 U.S.C. §§ 922(g)(1) and 924(a)(2) – Felony.

**MAXIMUM PENALTIES:** 10 years imprisonment; a fine of \$250,000; a 3-year term of supervised release; and a mandatory special assessment of \$100.00.

**COUNT IX:** Possession of Firearm with Obliterated Serial Number – 18 U.S.C. §§ 922(k) and 924(a)(1) – Felony.

**MAXIMUM PENALTIES:** 10 years imprisonment; a fine of \$250,000; a 3-year term of supervised release; and a mandatory special assessment of \$100.00.

**COUNT X:** Manufacture of Marijuana (on or about January 15, 2014) – 21 U.S.C. §§ 841(a)(1) and (b)(1)(D) – Felony.

**MAXIMUM PENALTIES:** 5 years imprisonment; a fine of \$250,000; a life term of supervised release with a mandatory minimum term of 2 years; and a mandatory special assessment of \$100.00.

**COUNT XI:** Manufacture of Marijuana Near School – 21 U.S.C. § 860(a) – Felony.

**MAXIMUM PENALTIES:** 10 years imprisonment with a mandatory minimum of 1 year; a fine of \$250,000; a life term of supervised release with a mandatory minimum term of 2 years; and a mandatory special assessment of \$100.00.



**FORFEITURE ALLEGATIONS:** 18 U.S.C. § 924(d)(1); and 28 U.S.C. § 2461(c) as to Counts I, V, VII, VIII and IX; 21 U.S.C. § 853(a)(2) and 28 U.S.C. § 2461(c) as to Counts II, III, IV, VI and X.