

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

UNITED STATES OF AMERICA

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CRIMINAL NO: 10-10

v.

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SECTION: "A"

JOHN TURNPAUGH

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FACTUAL BASIS

Should this matter proceed to trial, the United States would prove beyond a reasonable doubt, through credible testimony and reliable evidence, the following facts:

On December 30, 2009, the New Orleans Police Department (NOPD) 911 dispatch received a call from an anonymous caller. The caller stated, "Yeah, Hey, I'm gonna kill Barack Obama and his wife this month ... F_ _ _ you", then hung up.

The New Orleans Police Department notified the United States Secret Service of the threat. The 911 operator was able to let them know that the telephone number that placed the call was (504) 237-3141. A check of the subscriber information revealed that John Turnpaugh, who lived at 1026 St. Mary Street, New Orleans, Louisiana was the owner of the phone.

Agents went to this location to attempted to locate Turnpaugh that day, but when he saw them he fled on a bike and got away. The next day, Agents again went to Turnpaugh's residence and this time located him. Agents identified themselves and asked Turnpaugh if he would speak with

them. Turnpaugh agreed and they relocated back to the U.S.S.S. field Office. Once there, Turnpaugh was advised of his Miranda Warnings and signed a written form waiving those rights. He also signed a written consent form giving the agents permission to search his residence, cell phone, and camera. Once these documents were executed, a couple of agents returned to the residence to begin the search. Other agents began to question Turnpaugh about the threat.

At first, Turnpaugh denied making the threat, however, when the 911 recording was played for him he admitted that he had placed the call.

When the agents got to the residence, they used the key which Turnpaugh gave to them to enter the house. As they searched 1026 St. Mary Street, they observed two small plastic bags of marijuana on the kitchen table along with some other drug paraphernalia. These drugs appeared to be for personal use. They also located a safe in the residence. The agents on the scene called back to the office and Turnpaugh gave them the combination to the safe over the phone.

A search of the safe revealed approximately \$2,225.00 dollars. This money was eventually confiscated as drug proceeds. Agents also found two scales on top of the safe.

During the search, Turnpaugh was relocated back to the residence. The agents then searched the attic of the residence. While in the attic, agents located a box and two rifles (a Remington Model 597, .22 caliber long rifle, with a scope (serial number 2775397) and an SKS, 7.62 X 39 caliber semi-automatic rifle (serial number 24136171)) sitting next to each other. The agents then asked Turnpaugh if he had any additional weapons in the house. He told them that the weapons were in the attic next to the SKS rifle. He stated that he bought the SKS rifle from one of his friends and that butt-stock was removed from the rifle before he purchased it.

Since the box was next to the SKS rifle, the agents opened the box and found the following:

- 1) a loaded Hi-Point Model CF380, .380 caliber ACP semi-automatic handgun, (with an obliterated serial number);
- 2) a loaded Hi-Point Model C9, 9mm Luger semi-automatic handgun, (serial number P1411134);
- 3) ten large ziplock bags of marijuana (approximately 7.5 lbs);
- 4) thirteen small ziplock bags of marijuana, which were packaged for retail sale;
- 5) fourteen large empty ziplock bags;
- 6) one clear container with folded paper, which was suspected to be LSD;
- 7) numerous boxes of ammunition;
- 8) the defendant's cell phone with phone number (504) 237-3141; and
- 9) a camera belonging to the defendant.

U.S.S.S. Agents then downloaded the pictures from the camera and observed several pictures of the defendant. In one of these pictures the defendant is holding two large bags of marijuana with a semi-automatic handgun stuck in his waistband.

The marijuana that was recovered from his residence was sent to the Louisiana State Police Laboratory and was tested by a forensic chemist. It tested positive for marijuana and had a weight of approximately 7.5lbs.

According to Special Agent Mike Eberhardt of the Bureau of Alcohol, Tobacco, and Firearms, none of the firearms that were recovered in this case were manufactured in Louisiana. Therefore, to be possessed in Louisiana they had to have traveled in and effected interstate commerce.

At trial the government would produce the 911 call with the threat to the president, the subscriber information linking the phone number to the defendant, the marijuana, baggies, scales, money, firearms, and ammunition that were recovered from his residence, the photographs of the defendant, as well the testimony of the agents who investigated this case.

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John Turnpaugh (Date)
Defendant