

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

UNITED STATES OF AMERICA

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CRIMINAL DOCKET NO. 14-151

v.

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SECTION: "R"

ORONDE GABRIEL

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FACTUAL BASIS

Should this matter proceed to trial, the United States will prove the defendant **ORONDE GABRIEL (GABRIEL)** guilty beyond a reasonable doubt of knowingly conspiring to make a false statement and representation to a licensed dealer of firearms with regard to the true ownership of the purchaser of a firearm in violation of Title 18, United States Code, Section 922(a)(6); all in violation of Title 18, United States Code, Section 371. The government would establish the following through credible testimony and the production of reliable evidence:

On July 24, 2013, St. Bernard Parish Sheriff's Office (SBSO) Deputy Bartholomew received information from Louisiana Probation and Parole that Rickey Coleman (Coleman), a parolee, was reported to be in possession of a firearm. Deputy Bartholomew stopped Coleman's vehicle for traffic violations on St. Bernard Highway. Deputy Bartholomew identified the driver as Coleman. During the stop, Deputy Bartholomew smelled what he believed to be marijuana coming from the vehicle.

SBSO Deputies located a small amount of marijuana and a Taurus Pistol Model PT709, 9mm, serial number TGN29448, under the rear seat of the car. Coleman told deputies that the firearm was his, and he purchased it for \$200. Coleman was arrested and taken to the St. Bernard Parish Jail. The passenger in the vehicle, Angel Miles, stated that the gun was not hers.

Shortly after the arrest, Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) Special Agents Kenneth Fos and Patrick Solomon spoke with Coleman at the St. Bernard Jail. Coleman stated that he purchased the firearm for \$200 about two days earlier from someone in the Desire Area of New Orleans. He stated that he carried the firearm for protection as a friend was recently killed, and another shot, in New Orleans.

Coleman would not provide any further details, or the name of whom he purchased the firearm from. An ATF Firearms Trace Summary listed Ashley Warren (Warren) as the purchaser of a Taurus Pistol Model PT709, 9mm, serial number TGN29448. According to records that would be introduced at trial, Warren purchased the firearm on June 9, 2013, from Academy Sports and Outdoors (Academy), a Federal Firearms Licensee, located at 800 S. Clearview Parkway, Metairie, Louisiana.

Special Agent Fos obtained and viewed Academy store surveillance video of the purchase. The video shows Warren at the firearms counter with another black male, later identified as **GABRIEL**, looking at various firearms. **GABRIEL** then appears to call someone with a cellular telephone. Another black male, later identified as Coleman, approaches, and then points toward the display case containing the firearms and selects the firearm to be purchased. Coleman then exits the view. Warren steps toward the counter and completes the paperwork for the purchase of the firearm selected by Coleman. Video surveillance shows that Warren pays for the firearm at the front cash register with **GABRIEL** at her side. The Academy receipt listed the firearm purchased by Warren for \$328.70, using an Academy store merchandise card on June 9, 2013.

Additional documentation would show that the Academy merchandise card used by Warren to purchase the firearm was originally previously in June, 2013, by someone returning merchandise without a receipt. The transaction information lists a Louisiana Driver's License number (XXXXXXXXXX01) as the person to whom the store credit was issued.

Documents would show that when Coleman was arrested on July 24, 2013, he provided St. Bernard Sheriff's Deputies with his Louisiana Driver's License and the number was identical to the number used to purchase the Academy store merchandise card.

On August 19, 2013, ATF Special Agents met with Warren at her residence regarding the firearm that she purchased. Warren admitted that she was approached by her boyfriend, **GABRIEL**, to purchase the firearm. She advised that **GABRIEL** and his friend, Coleman, picked her up and they went together to Academy to purchase the firearm. Once there, **GABRIEL** took out an Academy store merchandise card and gave it to Warren as she and **GABRIEL** exited the vehicle to enter the store. While selecting a firearm, **GABRIEL** communicated via cellular phone with Coleman, who then entered the Academy store and selected the Taurus Pistol Model PT709, 9mm, serial number TGN29448 for purchase.

To her knowledge, Warren was purchasing the firearm for **GABRIEL**. Even though Warren believed the firearm was for **GABRIEL**, Warren filled out the ATF form 4473 in connection with the purchase of a Taurus Pistol Model PT709, 9mm, serial number TGN29448, as though she [Warren] was the owner of the firearm. Warren acknowledged that the statement on line/question 11a of the Department of the Treasury, ATF Form 4473, Firearms Transaction Record, about the true ownership of the subject firearm is knowingly false.¹ Following the transaction, she knowingly left the firearm in **GABRIEL's** and Coleman's possession and control.


On September 3, 2013, ATF Special Agents interviewed Angel Miles in reference to Coleman. Miles was asked to describe the details of the day the firearm was purchased. Miles stated that Coleman, **GABRIEL**, Miles, and Warren went to Academy to purchase the firearm. The four were in Coleman's

¹ Warren was charged in a bill of information on July 18, 2014, and pleaded guilty to a violation of Title 18, United States Code, Section 924(a)(1)(A) on September 4, 2014 (providing false information on the ATF firearm purchase form 4473).

yellow Camaro. Coleman provided Warren with an Academy store merchandise card to purchase the firearm. Miles was aware that Coleman obtained the Academy store merchandise card by returning items some days prior. Warren and **GABRIEL** went into Academy together. Miles recalled a cell phone conversation between Coleman and **GABRIEL** regarding the firearm.

At some point, either during the conversation, or immediately after, Coleman left the car and entered the Academy store. Coleman then later returned to the car. Miles was inside Coleman's car when Warren and **GABRIEL** returned with the firearm. The firearm was taken out and examined by Coleman and **GABRIEL**.

READ AND APPROVED:



Edward J. Rivera
Assistant United States Attorney

7/15/15

DATE

John Musser, IV
Counsel for Oronde Gabriel

DATE

Oronde Gabriel
Defendant

DATE