

FILED
U.S. DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS

OCT 16 2002

JAMES M. McCORMACK, CLERK
By: *Blanton*

UNITED STATES OF AMERICA	)	
	)	NO. 4:02CR00181 JMM
	)	
	)	18 U.S.C. § 241
v.	)	18 U.S.C. § 242
	)	18 U.S.C. § 2
BARRY A. DAVIS,	)	18 U.S.C. § 922(j)
LOUIS F. PIRANI, and	)	
JOSEPH W. APPELEGATE	)	

INDICTMENT

THE GRAND JURY CHARGES THAT:

COUNT ONE

INTRODUCTION

A. At all times material to this Indictment, **BARRY A. DAVIS** and **LOUIS F. PIRANI** were deputy sheriffs with the Crittenden County Sheriff's Department.

B. At all times material to this Indictment, **JOSEPH W. APPELEGATE** was employed as either a deputy sheriff with the Crittenden County Sheriff's Department or as an officer with the West Memphis Police Department.

CHARGING PARAGRAPH

C. Beginning in or about February 1997 and continuing until at least January 2001, in the Eastern District of Arkansas and elsewhere, the defendants,

**BARRY A. DAVIS, LOUIS F. PIRANI, and
JOSEPH W. APPELEGATE,**

knowingly and willfully conspired with each other and with

others, known and unknown to the grand jury, to injure and oppress persons in the free exercise or enjoyment of rights and privileges secured to them by the Constitution of the United States of America, that is, the right to not be deprived of property without due process of law.

PLAN AND PURPOSE

D. It was part of the plan and purpose of the conspiracy to (1) conduct traffic stops for the purpose of searching vehicles for cash; and, (2) file false police reports regarding the stop of persons who possessed cash. It was part of the purpose of the conspiracy to engage in these acts so that cash seized from persons during traffic stops would be subject to forfeiture to the State of Arkansas. It was further a part of the purpose of the conspiracy to place defendants in a position where the defendants could steal a portion of the seized cash.

OVERT ACTS

E. In furtherance of the conspiracy and to accomplish its objectives, the conspirators committed the following overt acts, among others, in the Eastern District of Arkansas and elsewhere.

**Castillo/Martinez Stop
February 19, 1997**

1. On or about February 19, 1997, **BARRY A. DAVIS** conducted a traffic stop of a vehicle driven by Blanca Martinez. A second

vehicle driven by Robert Castillo, who was traveling with Martinez, stopped when Martinez was pulled over.

2. On or about February 19, 1997, **LOUIS F. PIRANI** joined **DAVIS** at the traffic stop.

3. On or about February 19, 1997, **DAVIS** and **PIRANI** conducted searches of the two vehicles.

4. On or about February 19, 1997, **DAVIS** prepared a report falsely stating that **DAVIS** located marihuana residue in Blanca Martinez' vehicle and stating that a total of \$32,000 was seized from the two vehicles when, in fact, \$50,000 was seized.

5. On or about February 19, 1997, **PIRANI** prepared a report which stated that a total of \$32,000 was seized from the two vehicles, when, in fact, approximately \$50,000 was seized.

6. On or about June 26, 1997, **DAVIS** caused marihuana to be submitted to the Arkansas State Crime Lab.

7-25. The Grand Jury alleges the following as overt acts: Count 2, paragraphs B, C, D, E, and F; Count 3, paragraphs B, C, D and E; Count 4, paragraphs, B, C, D and E; and, Count 5, paragraphs B, C, D, E, F and G.

All in violation of Title 18, United States Code, Section 241.

COUNT TWO

Vicente Orellana Benitez

June 1, 1998

A. The Grand Jury realleges Count 1, paragraph B.

B. On or about June 1, 1998, **JOSEPH W. APPLGATE** conducted a traffic stop of a vehicle driven by Vicente Orellana Benitez.

C. On or about June 1, 1998, **APPLGATE** prepared a report which falsely stated that (1) \$26,000 had been seized, when, in fact, between \$31,000 and \$32,000 had been seized, and (2) marihuana had been seized from the vehicle when there was no marihuana present.

D. On or about June 15, 1998, **APPLGATE** caused marihuana to be submitted to the Arkansas State Crime Laboratory.

E. On or about June 1, 1998, **APPLGATE** drove Benitez to the Greyhound Bus Station in Memphis, Tennessee, so that Benitez could leave the State of Arkansas.

F. On or about June 1, 1998, in the Eastern District of Arkansas and elsewhere,

JOSEPH W. APPLGATE

while acting under color of the laws of the State of Arkansas willfully deprived Vincente Orellana Benitez of his rights secured and protected by the Constitution and laws of the United States of America, that is, the right not to be deprived of property without due process of law.

All in violation of Title 18, United States Code, Section 242.

COUNT THREE

Steven N. Bailey Stop
July 12, 1999

- A. The Grand Jury realleges Count 1, paragraphs A and B.
- B. On or about July 12, 1999, **JOSEPH W. APPLGATE** conducted a traffic stop of a vehicle driven by Steven N. Bailey.
- C. On or about July 12, 1999, **LOUIS F. PIRANI** joined **APPLGATE** in conducting a search of the vehicle.
- D. On or about July 12, 1999, **APPLGATE** and **PIRANI** signed a confiscation report, without presenting the report to Bailey for his signature, which falsely stated that \$30,240 had been seized, when, in fact, approximately \$56,400 was seized.
- E. On or about July 12, 1999, in the Eastern District of Arkansas and elsewhere,

JOSEPH W. APPLGATE and **LOUIS F. PIRANI**,
aiding and abetting each other, while acting under color of the laws of the State of Arkansas, willfully deprived Stephen N. Bailey of his rights secured and protected by the Constitution and laws of the United States of America, that is, the right not to be deprived of property without due process of law.

All in violation of Title 18, United States Code, Sections 242 and 2.

COUNT FOUR

Jorge Garcia Stop

July 17, 2000

A. The Grand Jury realleges Count 1, paragraphs A and B.

B. On or about July 17, 2000, **JOSEPH W. APPELEGATE** conducted a traffic stop of a vehicle driven by Jorge Garcia.

C. On or about July 17, 2000, **BARRY A. DAVIS** and **LOUIS F. PIRANI** joined **APPELEGATE** in conducting a search of the vehicle.

D. On or about July 17, 2000, **APPELEGATE** and **DAVIS** signed the confiscation report, which Garcia refused to sign, which falsely stated that \$76,687 had been seized, when, in fact, \$96,000 was seized.

E. On or about July 17, 2000, in the Eastern District of Arkansas,

JOSEPH W. APPELEGATE and **BARRY A. DAVIS**,
aiding and abetting each other, while acting under color of the laws of the State of Arkansas, willfully deprived Jorge Garcia of his rights secured and protected by the Constitution and laws of the United States of America, that is, the right not to be deprived of property without due process of law.

All in violation of Title 18, United States Code, Sections 242 and 2.

COUNT FIVE

Fabian Ruiz
January 23, 2001

- A. The Grand Jury realleges Count 1, Paragraph A and B.
- B. On or about January 23, 2001, **BARRY A. DAVIS** conducted a traffic stop of a vehicle driven by Fabian Ruiz.
- C. On or about January 23, 2001, **JOSEPH W. APPLGATE** joined defendant **DAVIS** in conducting a search of the vehicle.
- D. On or about January 23, 2001, **DAVIS** and **LOUIS F. PIRANI** signed a confiscation report, which Ruiz refused to sign, which falsely stated that \$532,780 had been seized, when, in fact, approximately \$800,000 had been seized.
- E. On or about January 23, 2001, **DAVIS** prepared a report falsely indicating marihuana was seized from the vehicle.
- F. On or about February 14, 2001, **DAVIS** caused marihuana to be submitted to the Arkansas State Crime Laboratory.
- G. On or about January 23, 2001, in the Eastern District of Arkansas,

BARRY A. DAVIS
JOSEPH W. APPLGATE, and
LOUIS F. PIRANI

aiding and abetting each other, while acting under color of the laws of the State of Arkansas, willfully deprived Fabian Ruiz of his rights secured and protected by the Constitution and laws of the United States of America, that is, the right not to be

deprived of property without due process of law.

All in violation of Title 18, United States Code, Sections 242 and 2.

COUNT SIX

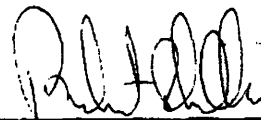
On or about June 6, 2002, in the Eastern District of Arkansas the defendant,

BARRY A. DAVIS

knowingly possessed and stored a stolen firearm, that is, an Intratec TECDC9, 9 millimeter pistol, serial number D026955, which had been transported in interstate commerce, knowing and having reasonable cause to believe, that the firearm was stolen.

All in violation of Title 18 U.S.C. §§ 922(j) and 924(a)(2).

A TRUE BILL.



FOREMAN

H.E. (BUD) CUMMINS
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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF ARKANSAS

MAY 15 2003

JAMES W. McORMACK, CLERK
By: WILKINS
DEP CLERK

UNITED STATES OF AMERICA

VS.

NO. 4:02CR00181

BARRY A. DAVIS,
LOUIS F. PIRANI, AND
JOSEPH W. APPELEGATE

ORDER

The government's motion to dismiss Counts 1, 2, 3, 4, and 5 of the indictment is granted

(#65). These counts are dismissed leaving Count 6 of the indictment still pending.

IT IS SO ORDERED this 14 day of May, 2003.

James M. Moody
James M. Moody
United States District Judge

ENTERED ON THE DOCKET IN ACCORDANCE
WITH RULE 55, FRCP, ON 5-15-2003
BY WILKINS

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CW

UNITED STATES DISTRICT COURT
Eastern District of Arkansas
U.S. Court House
600 West Capitol, Suite 402
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May 15, 2003

* * MAILING CERTIFICATE OF CLERK * *

Re: 4:02-cr-00181.

True and correct copies of the attached were mailed by the clerk to the following: CRD, USM, USP, POST

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Date: 5/15/03

BY: C. Wilkins