

Guns for Gangs

Profile Of A Rogue Gun Dealer:

D'ANDREA'S GUN CASE

Stratford, Connecticut



**BRADY CENTER TO PREVENT GUN VIOLENCE
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The Brady Center to Prevent Gun Violence is a national non-profit organization working to reduce the tragic toll of gun violence in America through education, research, and legal advocacy. Through its project *Gun Industry Watch*, the Brady Center works to monitor and publicly expose gun industry practices that contribute to gun violence, with the goal of bringing about life-saving industry reform. The programs of the Brady Center complement the legislative and grassroots mobilization efforts of its sister organization, the Brady Campaign to Prevent Gun Violence and its network of Million Mom March Chapters.

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A Note About the Cover

The photograph on the cover is an exhibit to the Government's Memorandum In Aid of Sentencing filed in *United States v. D'Andrea*, Crim. No. 3:06CR128(JCH) (D. Conn. Aug. 31, 2007) (Exhibit 5). The government described the pictured firearms as "off book firearms that were hidden behind safes" in D'Andrea's gun shop.

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EXECUTIVE SUMMARY

The nexus between weak firearms laws and the criminal gun market is clear and strong. Gun dealer Frank D'Andrea and his gun lobby allies fought for weak gun laws, which benefited and enabled criminals seeking firearms. Strong gun laws – whether they limit handgun purchases to one per month, require background checks for all gun sales, strengthen law enforcement's ability to crack down on corrupt gun dealers, or bar military-style assault weapons – do not harm law-abiding gun owners, but are targeted at criminals. D'Andrea's story epitomizes this nexus.

Frank D'Andrea owned D'Andrea's Gun Case in Stratford, Connecticut and was a "frequent critic of stronger gun-control laws."¹ No wonder. According to government documents, for two decades he ran the gun shop of choice for gangsters and drug traffickers, routinely supplying "firearms, ammunition and bullet proof vests" to "notoriously violent felons."² At the same time, he worked along side the gun lobby to weaken laws regulating gun dealers and to allow the sale of military-style assault weapons, providing a direct benefit to his bottom line and to criminals seeking to use firearms sold by his shop. Despite gun sales averaging less than three a day, a federal indictment charged that his shop was "the source of the second largest number of guns recovered in connection with crimes in the State of Connecticut."³

During federal audits and inspections from 1998 to 2005, **D'Andrea was cited for hundreds of gun law violations**, including illegal assault weapon sales, "off the book" sales, and even sales to buyers who stated they were prohibited from buying guns.⁴ Federal agents found 15 "off the book" firearms – without any legally-required records – hidden in a back room of the store, "behind a set of large, heavy duty safes."⁵ Federal prosecutors later described D'Andrea's conduct over the years as "an outrage," citing his "repeated and blatant disregard of federal firearms laws and regulations":

D'Andrea's store was ... **a convenient, one-stop shopping place for violent and prolific narcotics traffickers, convicted felons** and other prohibited persons, who either openly sought firearms themselves or obtained them through the open and obvious use of third party intermediaries known as "straw purchasers."⁶

In 2006, federal prosecutors charged D'Andrea with illegally selling and possessing firearms.⁷ Faced with a high burden of proof requiring prosecutors to show that D'Andrea "willfully" violated federal gun dealer regulations,⁸ all charges relating to D'Andrea's suspect gun sales were dropped and he pled guilty to illegally possessing an assault shotgun.⁹ As part of his plea, he stipulated that prosecutors "would be able to prove ... that people bought firearms for other persons in his store, and that he knew or should have known that those persons were prohibited from possessing or purchasing such firearms."¹⁰ D'Andrea was sentenced in September 2007 to 3 ½ years in jail and fined \$75,000.¹¹

D'ANDREA – GUN DEALER OF CHOICE FOR GANGSTERS AND TRAFFICKERS

According to prosecutors, D'Andrea sold firearms to illegal purchasers for more than two decades, frequently in all cash transactions. In one instance, according to his own testimony in an unrelated civil suit, he sold numerous firearms to gangster Danny Melendez, since incarcerated for violating federal gun laws, **accepting as payment a "bag of cash,"** filled with \$5,000 in small bills.¹² D'Andrea cavalierly explained why he did not question this sale – "If you put singles in a big bag, it doesn't mean it is a lot of money."¹³ He even gave Melendez a special bulk purchase discount – "if you spend money – well, we discount everything...."¹⁴



Between January 1988 and February 1989, D’Andrea sold 177 firearms to convicted gun trafficker Elwood Schular, according to Schular’s plea documents.¹⁵ These guns were recovered in violent crimes including assault and murder. Likewise, according to a government memorandum filed in the case against D’Andrea, he willingly sold bullet-proof vests to “violent and prolific Bridgeport narcotics trafficker” Aaron Harris, in one case selling two vests for \$2,300 in cash.¹⁶ D’Andrea blithely admitted in an unrelated civil suit that “if some one come [sic] in to buy a large quantity of guns, I will take the money.”¹⁷

A particularly notorious customer of D’Andrea was Frankie “the Terminator” Estrada. Estrada was jailed for his role in murders in New York and New England, as well as for leading “one of the most prolific, profitable and violent drug trafficking organizations in the history of the City of Bridgeport.”¹⁸ Estrada stated in court papers filed in D’Andrea’s criminal case that “**it was common knowledge in the 1980s and 1990s that D’Andrea was the place to go to buy guns without any questions.**”¹⁹ According to papers in the D’Andrea case, Estrada estimated that from 1986 to 1990 he bought more than 100 guns from D’Andrea – AK-47 and AR-15 semiautomatic assault rifles, Street Sweeper assault shotguns, and numerous handguns.²⁰ Estrada stated that at least two of these firearms were used to commit murder.²¹ Estrada’s transactions were brazen and open – he recounted in his statement to prosecutors an “incident of violence” involving his gangsters “that took place directly outside D’Andrea’s store.”²²

D’ANDREA AND THE GUN LOBBY

While supplying criminals with deadly weapons, D’Andrea also maintained close ties to the gun lobby in an apparent effort to maintain weak laws regulating gun dealers. He was a star witness in a lawsuit partially financed by the National Rifle Association that sought to strike down Connecticut’s assault weapons ban, testifying that before the ban took effect he relied on semi-automatic assault weapon sales for about one-third of his gun sales.²³ The NRA spent over \$62,000 in this unsuccessful lawsuit to allow D’Andrea and other dealers to continue to sell assault weapons in Connecticut.²⁴ **The gun lobby also helped gun dealers like D’Andrea stay in business, with the NRA vigorously lobbying to weaken federal gun laws that could shut down corrupt dealers like D’Andrea.**²⁵

D’Andrea’s work for the gun lobby paid off. Despite years of gun sales by D’Andrea to organized crime, weak federal gun laws kept D’Andrea in business for more than two decades. Indeed, federal laws regulating gun dealers such as D’Andrea are so weak that:

- The Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) may not fine dealers or suspend their licenses even if dealers are caught violating numerous federal gun laws;²⁶
- ATF is restricted to only one random inspection of a gun shop per year, and its limited funding means that it would take 22 years to inspect all gun dealers;²⁷
- ATF generally must prove years of repeated violations of federal law before it can revoke a gun shop’s license;²⁸ and
- In a criminal prosecution for violation of gun dealer regulations, ATF must show “willful” violations – catching the dealer breaking the law is not good enough. A prosecutor must prove what the dealer intended when he broke the law – that he acted with a “bad purpose” and “knowledge that his conduct was unlawful.”²⁹



Finally, in 2006, federal prosecutors brought criminal charges against D'Andrea for crimes related to his illegal gun sales. Despite these charges, however, "**Federal law actually permits [a gun dealer] to continue operations**" even if he is under indictment for felony gun crimes.³⁰ Constrained by this law, the federal government agreed to permit D'Andrea to continue to manage his store even after his indictment.³¹ When the State of Connecticut learned that one of the leading suppliers of firearms to criminals would remain in business despite his indictment, state officials used stronger state gun dealer licensing laws to shut him down.³² In his federal criminal case, D'Andrea was sentenced in September 2007 to 3 ½ years in jail and fined \$75,000.³³

LESSONS LEARNED – DEADLY CONSEQUENCES OF THE GUN LOBBY'S SUPPORT OF CORRUPT GUN DEALERS

Prosecuting documents describe D'Andrea's successful business for two decades as the open and notorious supplier to dangerous felons and gangsters, raising obvious questions about our federal gun laws. Why do weak gun laws prevent ATF from promptly shutting down corrupt dealers despite years of repeated audits, warnings, and hundreds of gun law violations? Why is ATF so strapped for resources that it would take more than two decades merely to complete an inspection of each of our nation's gun dealers? Why does the gun lobby, which claims to support enforcement of our gun laws, work so tirelessly to prevent enforcement of those laws, and repeatedly come to the defense of gun dealers caught violating federal law?

Past Gun Industry Watch reports have highlighted other notorious gun sellers who have likewise evaded the law for years – dealers like longtime NRA Board Member Sandy Abrams whose gun shop was cited for 900 federal gun law violations yet stayed open through nearly a decade of ATF efforts to shut him down.³⁴ When ATF pursued action against Abrams, the NRA responded with lawsuits to keep him in business and even pushed federal legislation to strip ATF of its power to revoke gun dealer licenses in most cases.³⁵ Abrams now faces a trial on Maryland state charges of illegal gun sales after his federal license was revoked.³⁶

What do these dealers have in common? As the government explained in prosecuting D'Andrea, such dealers show a "blatant disregard for federal firearms possession and reporting laws," which "goes to the very heart of how legal guns become illegal guns on the street."³⁷ With **only 1% of our nation's gun dealers supplying 57% of our nation's crime guns**,³⁸ ATF must have the power to shut down the corrupt dealers who funnel so many guns to the criminal market.

As long as the gun lobby continues to work at every turn to keep corrupt gun dealers in business and prevent law enforcement from cracking down on them, hypocritical claims to support enforcement of gun laws must be disregarded for what they are: Orwellian doublespeak and political cover.³⁹ Law enforcement must have the tools to crack down on corrupt gun dealers who supply the criminals who kill more than 11,000 people each year with firearms.⁴⁰



I. FRANK D'ANDREA AND HIS "GUN CASE" – FIREARMS SUPERMARKET TO STREET GANGS

Frank D'Andrea was born on December 21, 1944, and has been a gun dealer since around age 29, in 1973.⁴¹ He was the owner of "D'Andrea's Gun Case" at 1420 Barnum Avenue, in Stratford, Connecticut, and previously at a nearby location on Route 1 in Bridgeport, Connecticut.⁴² After an ATF inspection cited numerous legal violations in 2005, he renamed his shop "Guns & Safes Unlimited" and moved it to 269 Woodmont Road in Milford, Connecticut.⁴³

D'Andrea's gun shop had an inventory of over 2,500 firearms and about 1,000 firearms sales per year.⁴⁴ His federal indictment described the shop as "the source of the second largest number of guns recovered in connection with crimes in the State of Connecticut."⁴⁵ Federal authorities stated that between 2002 and 2004, his shop had about 100 crime guns traced to it.⁴⁶ The government also charged that D'Andrea illegally sold firearms accessories and other items. News reports detail his sale of two bulletproof vests to members of the notorious Green Top Posse on July 27, 1993, for \$725 each.⁴⁷



D'Andrea's Guns & Safes In Milford, Connecticut

After his move to his new Milford location, in 2006, D'Andrea's website bragged that his store had "9000 square feet of Guns, Safes and more!!!!" It also bragged that his shop, "continually fights for the individuals [sic] right to keep and bear arms." The site prominently featured the NRA logo, with a link to the NRA's website urging visitors to "Join the NRA."⁴⁸

II. FRANKIE "THE TERMINATOR" ESTRADA – GANGSTER AND ONE OF D'ANDREA'S BEST CUSTOMERS

According to testimony he gave in the trial of his former right-hand man, Eddie "Tan" Mercado, Frankie "the Terminator" Estrada began selling drugs when he was 12 years old.⁴⁹ Estrada testified that he was raised in housing projects in Bridgeport, Connecticut and Brooklyn, New York, and learned the drug trade from his father and sister. His father taught him the marijuana and cocaine businesses and his sister taught him to sell heroin.⁵⁰ Estrada learned by age 18 that even his own family would sell him out in the drug trade: he testified that he once gave his father \$17,000 to buy a kilo of cocaine, but never saw the cocaine or the money again.⁵¹

Estrada's base of operations was the P.T. Barnum Apartments, a Bridgeport housing project that is a vortex of violence and gang activity, driven by the drug trade.⁵² An assortment of illegal drug organizations have divided P.T. into warring fiefdoms. Some buildings in the project are more desirable to command because they are more accessible to car traffic – facilitating quick drug sales – while others have apartments that gangs can store their drugs and guns in, or hide in when the police come around.⁵³ For these reasons, Estrada and his crew took control of buildings 10 and 11 at P.T. Barnum, in the late 1980's.⁵⁴ After Estrada completed a five-year stretch in prison, he came back in the mid-1990's to control buildings 16, 20 and 21.⁵⁵



In 1986, Estrada was searching for a way to supply his organized crime ring with a continuous source of firearms. According to law enforcement statements in the 2006 D'Andrea case, Estrada sought numerous weapons for his "captains, lieutenants and soldiers."⁵⁶ Estrada told the government that, to arm these dangerous criminals, he looked to Frank D'Andrea and his gun shop.⁵⁷ The federal government named D'Andrea as Estrada's prime source "to replenish his organization with new guns."⁵⁸

Estrada was a convicted felon, so the federal Gun Control Act prohibited him from legally purchasing or possessing firearms.⁵⁹ Yet he needed a gun seller who could supply him with dozens of firearms whenever he needed them. Importantly, it had to be a gun seller who would willingly accept thousands of dollars in cash for these sales without tipping off law enforcement. He also needed a gun seller who was willing to look the other way when Estrada showed up at the gun store with straw buyers – people who had no felony record who would purchase the guns on Estrada's behalf. Estrada stated that Frank D'Andrea was his man.

In the statement he gave in the D'Andrea case, Estrada said that "D'Andrea knew that [he] was a felon and could not buy guns as early as 1986."⁶⁰ During the murder trial of Frank Estrada's former right-hand man, Eddie "Tan" Mercado, Estrada testified about how he openly used these straw buyers to arm his drug gang with weapons bought from D'Andrea:⁶¹

Estrada: **How many guns did we have?**

Assistant United States Attorney (AUSA): Yeah.

Estrada: I don't know.

AUSA: A lot?

Estrada: **We bought guns on a regular basis.**

AUSA: What kind of guns were you buying?

Estrada: **Military, AR-15s, AK-47s, 357s, 45s, 44s, all kinds. All kinds of handguns, Dillingers [sic], everything.**

AUSA: Where were you getting these guns?

Estrada: We were getting it [sic] from the gun store, D'Andrea's Gun Case.

AUSA: Did you just walk into D'Andrea's and buy guns?

Estrada: No, we had somebody with a gun permit that would go into the store and we would pick out the guns we wanted, we would give him the money and he would purchase the guns with his license.

AUSA: Okay. And what would you do for him after he purchased these guns for you?

Estrada: We had a couple of people like that. **One of them, we would give them some cocaine or crack or whatever it was that they wanted.**

Estrada reported in the D'Andrea case that between 1986 and 1990 he purchased over 100 firearms from D'Andrea.⁶² Government documents charged that D'Andrea willingly made these sales, even though he knew that Estrada was a felon prohibited from buying firearms.⁶³



Estrada even brazenly engaged in what the government termed an “incident of violence” involving his criminal enterprise directly outside D’Andrea’s shop.⁶⁴

In his statements, Estrada described how he was so confident in D’Andrea that he did not even attempt to disguise his illegal gun purchases. Estrada explained that when he had his gang illegally purchase guns from D’Andrea, Estrada personally counted out the cash and handed it to D’Andrea while his straw buyers put their names on the federal purchase form, the ATF form 4473.⁶⁵ Estrada told prosecutors that he would pick the firearms he wanted, and bring other members of his criminal enterprise into the store to handpick their own weapons as well, but all the firearms were illegally recorded as being sold to the straw buyers.⁶⁶ These blatant “straw sales” are federal felonies, yet according to Estrada’s court statements, he repeatedly completed these sales in D’Andrea’s store.

In 1990, Estrada was incarcerated for conspiracy to murder Jeremy Jacobs – a case discussed later in this report – but Estrada was released in 1995 when his conviction was reversed on appeal (though Estrada later admitted to ordering the shooting attack that resulted in Jacobs’ death).⁶⁷ Upon his release from prison, Estrada returned to the drug trafficking business, and D’Andrea apparently welcomed him back as a loyal customer. Prosecutors alleged that D’Andrea warned Estrada about new federal and state gun laws and complained that he was “getting ‘heat’ from the State relating to his firearm sales and specifically advised Estrada how to structure his straw purchases to avoid ... drawing the attention of law enforcement or firearms regulators.”⁶⁸ Government documents charged that they worked together to devise schemes to exploit loopholes in these laws.⁶⁹

Federal law required gun dealers to report sales of more than one handgun in five business days to ATF and the new Brady Law required background checks on gun sales from licensed dealers as of 1994. Prosecutors alleged that, to evade the law, Estrada planned to have the straw buyers hand Estrada’s cash to D’Andrea, which might lessen the appearance of illegal conduct to any observers.⁷⁰ D’Andrea then agreed to supply Estrada with additional high capacity AK-47 assault rifle clips and drums, and offered him silencers and gunpowder.⁷¹

**CASE STUDIES – ESTRADA’S REIGN OF TERROR:
THE HIGH PRICE OF SELLING GUNS TO GANGSTERS**

What Frankie Estrada and his gang did with his arsenal of guns is not surprising. Given the nature of the criminal enterprise, especially one as “successful” as Estrada’s, much of the mayhem they wrought will never be known, nor will we know which guns were used in all of the crimes or whether they were some of the 100-plus guns supplied by D’Andrea. In fact, Estrada may have had other suppliers of guns besides D’Andrea’s shop. But, as explained above, prosecutors charged that D’Andrea’s shop was a prime source of guns for Estrada’s enterprise. Below are a few examples of the many gun crimes Estrada and his cohorts committed.

#1. Frank Estrada Orders the Murder of Aida Escalera: Will No One Rid Me of This Meddlesome Witness?⁷²

Frank Estrada once testified that it was “good to have a lawyer on tap” in case events went south in his drug business – whether Estrada was inside or outside prison walls.⁷³ Early in Estrada’s career, his attorney helped Estrada beat a murder rap, a crime for which Estrada served less than five years and was then released after his conviction was overturned on appeal.⁷⁴



In testimony during the trial of Eddie “Tan” Mercado for the murder of Escalera, Frank Estrada testified that in early 1996 he went to his attorney’s office to get help with a legal problem.⁷⁵ Estrada’s sister Frances was suspected in the shooting death of her neighbor and was being sought by Bridgeport police.⁷⁶ According to Estrada’s testimony, his attorney said he was defending a suspected serial killer (identified in transcripts as Nabil Kaddah), accused of strangling and murdering prostitutes in New Jersey.⁷⁷ Estrada’s attorney allegedly said that there were two witnesses who were prepared to testify against his client, and handed Estrada photocopied photographs of two women.⁷⁸ Estrada said he told his attorney that he recognized one of the women as Aida Escalera, someone who lived at the P.T. Barnum Apartments.⁷⁹

Estrada testified that his attorney told him that Escalera “was a big problem for him” and “that [the attorney] wanted me to stop her from testifying.”⁸⁰ According to Estrada’s testimony, which his attorney disputes, his attorney said, “It wouldn’t be a bad thing for her to disappear.”⁸¹ Estrada was asked by the Assistant U.S. Attorney, “What do you think [your attorney] meant?” Estrada answered, “I thought he meant he wanted her dead.”⁸² As Estrada testified later, “[My attorney] told me to take care of Aida Escalera and he would take care of Frances’s case.”⁸³

Estrada’s attorney has denied any wrongdoing and has not been charged with any crime.⁸⁴ Frank Estrada testified that after his meeting with the attorney, Estrada ordered two of his lieutenants – Eddie “Tan” Mercado and Billie “the Kid” Gomez – to murder Aida Escalera.⁸⁵ The two men reportedly “took turns shooting her in an abandoned building using a .22-caliber gun equipped with a silencer.”⁸⁶ Mercado was sentenced to life in federal prison for his part in the murder.⁸⁷ Gomez was sentenced to 14 years for his part.⁸⁸ Estrada was sentenced to 29 years for his crimes.⁸⁹ As noted, the attorney was not charged.

#2. Frank Estrada Murders One of His Own Crew

It takes an especially depraved criminal to rob somebody’s second-story apartment, shoot an occupant in the head, and throw two women out of the window in the process. It takes an especially stupid criminal to do those things when the apartment belongs to the sister of Frank “The Terminator” Estrada, and the ejected women were not only his sister, but Estrada’s mother, as well.⁹⁰ His sister allegedly suffered leg injuries.⁹¹ His mother reportedly suffered a broken pelvis and a broken foot.⁹²

Frank Estrada suspected Carmen Rosario – whose street name was “Junior” and who was, according to Estrada’s testimony in the trial of Mercado, a member of Estrada’s own drug organization – of leading the 1988 robbery of his sister’s apartment at the P.T. Barnum complex. Estrada testified that he had stored almost \$20,000 in drug money there, and he suspected Junior of trying to steal it because the two men “had a falling out and [he was] the only one that was that close that would know, would have that kind of information....”⁹³ Estrada also suspected two other men of helping Junior with the robbery.⁹⁴

In short order, Estrada ordered three of his lieutenants to find one of Junior’s accomplices and shoot him.⁹⁵ When the prosecutor asked Estrada in court where his shooters got their guns, Estrada testified, “They got the guns from me.”⁹⁶ Estrada’s shooters found Junior’s accomplice, interrogated him to confirm that Junior was involved in the robbery, and then shot him.⁹⁷ The accomplice survived, but later, Junior wasn’t so lucky. When Estrada learned that Junior’s participation had been confirmed, he ordered another lieutenant to execute him. Junior was shot and killed at the P.T. Barnum Apartments, also with a gun provided by Frank “The Terminator” Estrada.⁹⁸



#3. Frank Estrada At War With The Holman Gang: Putting Families At the Intersection of Narcotics and Gunfire

When Frank Estrada ran “one of the most prolific, profitable and violent drug trafficking organizations in the history of the City of Bridgeport,” according to federal prosecutors in the D’Andrea case,” he had differences with rival gangs at P.T. Barnum that ranged from mere disagreements to outright warfare.⁹⁹ Regardless of their differences, however, there were always three common denominators: drugs, guns, and the residents of the P.T. Barnum Housing Project. The list of Estrada’s shootings in and around P.T. seems almost endless, which is all the more outrageous since families and children lived there, right in the crossfire. The following are just a few of the incidents as reported by Estrada during his testimony at the Mercado murder trial:

DAMON EDWARDS

Damon Edwards made at least two mistakes when it came to Frank Estrada. One, according to Estrada’s testimony, was to sell drugs for him. The other was to stop selling for Estrada in favor of a rival gang, right in the P.T. Barnum complex.¹⁰⁰ While Frank Estrada was a brutal businessman, Frank’s brother – Edward “French Fry” Estrada – was a loyal soldier. Estrada testified that his gang had discovered that Damon Edwards had decided to change employers, so as a result the Estrada gang decided to kill him. He then ordered French Fry to do the job.¹⁰¹ One day, both Estrada brothers were walking between Buildings Six and Seven at P.T. Barnum and saw Edwards walking there. As Frank Estrada said at the Mercado trial, “We run up on him and Fry just opened up on him,” most likely with a Glock 9mm semi-automatic handgun.¹⁰² Edwards allegedly drew a gun of his own, and the battle was on. Multiple people were shot that day, including Edwards and Frank Estrada himself.¹⁰³ When asked how he ended up shot in the arm, Frank Estrada answered, “The bullets were ricocheting, they were going through Damon Edwards and they were hitting everybody else.”¹⁰⁴ Though the record is unclear as to the total number of wounded, both Edwards and Estrada survived.

What seems clearer, according to Frank Estrada’s testimony, is that Frank and his brother French Fry Estrada initiated a gun battle in the middle of a residential housing complex, putting untold numbers of families and children at risk of death or wounding by gunshot.

ROWAN DUNBAR

According to his own testimony at the trial of Eddie Mercado, Frank Estrada knew that a rival drug gang at P.T. Barnum (called the “Holmans,” after its leader, Ty Holman) kept a cache of guns in an apartment inside Building One.¹⁰⁵ Estrada testified that he and one of his soldiers – Luis “Hitman” Colon – purposely went to that apartment one night, intending to steal Holman’s guns even though they knew that Rowan Dunbar, who according to Estrada’s testimony, was a Holman gang member, would be there.¹⁰⁶ As expected, they encountered Dunbar in the hallway as he was leaving the Building One apartment. Dunbar allegedly doubled back to defend the guns that were stored there, just as Hitman Colon started shooting through the apartment door.¹⁰⁷ Dunbar was shot, but survived.¹⁰⁸

Hitman Colon was later arrested for his role in the shooting, though Estrada escaped prosecution (in part, because he wore a ski mask).¹⁰⁹ And once again, Frank Estrada admittedly helped initiate a gun battle inside a residential apartment complex.



TY HOLMAN AND JEREMY JACOBS

When gangs go to war with each other, that is exactly what it means: war. So when Frank Estrada went to war against the Holman crew, he decided to target the leader himself, Ty Holman.¹¹⁰ Holman was to be killed in a nighttime military-style ambush, executed in the city of Bridgeport, outside a former nightclub called The Marquis Lounge – just minutes away from the P.T. Barnum complex.¹¹¹

Estrada pulled together a team of his lieutenants and soldiers to do the job, with Hitman Colon and Joseph “Dinky” Diaz to do the shooting.¹¹² Estrada testified that he placed the two shooters at an elevated position behind some railroad tracks, and armed them with AR-15 and AK-47 assault rifles, a “Street Sweeper” semi-automatic shotgun, and a .25-caliber semi-automatic handgun.¹¹³ Estrada was to drive the getaway vehicle.¹¹⁴ Colon and Diaz missed Ty Holman, however, and ended up shooting an associate of the Holman crew, Jeremy Jacobs, instead. In an apparent hail of gunfire, Jacobs died, another casualty of gang warfare in the streets of another working-class neighborhood.¹¹⁵

Estrada, Colon and Diaz were arrested later that night, and all were eventually charged with the murder and shooting death of Jeremy Jacobs.¹¹⁶ While it is unknown exactly how many of D’Andrea’s guns were at work in the almost endless list of shootings and killings at P.T. Barnum, the record is quite clear that gun after gun passed from the hands Frank D’Andrea into those of Frank “The Terminator” Estrada.

III. ELWOOD SCHULAR: PROFESSIONAL GUN TRAFFICKER AND D’ANDREA FREQUENT SHOPPER

Elwood Schular was a major gun trafficker in and around Bridgeport, Connecticut. Schular bought Frank D’Andrea’s guns in bulk and then re-sold them to would-be murderers and drug users. **In fact, in the space of just 13 months** – from January 1988 to February 1989 – **Schular admitted buying at least 177 firearms from D’Andrea’s Gun Case**, in a plea agreement with the U.S. government.¹¹⁷ Here’s the tally:

- January 1988 – four (4) handguns
- February 1988 – two (2) handguns
- March 1988 – eight (8) handguns
- June 1988 – one (1) handgun
- July 1988 – twenty-three (23) handguns
- August 1988 – thirteen (13) handguns
- September 1988 – thirty-three (33) handguns
- October 1988 – twenty-seven (27) handguns
- December 1988 – eleven (11) handguns, one (1) shotgun, one (1) rifle
- January 1989 – thirty-eight (38) handguns
- February 1989 – fifteen (15) handguns

Could Elwood Schular have been some kind of innocent gun collector? Hardly. “At the time of Elwood Schular’s arrest,” one court document reads, “the investigation disclosed that Schular was not in possession of the guns he had purchased.”¹¹⁸ What happened to all those firearms? Many of them couldn’t be accounted for, but several were recovered in serious crimes including drug use, assault and even murder.¹¹⁹



For example, one day a citizen stopped Bridgeport Police officers on a routine patrol to report that four people had threatened him with a pistol from the car they were driving.¹²⁰ The citizen described the car to police who later stopped it. Their search recovered an Intratec Tec-9 assault pistol. That gun was traced to Elwood Schular, who first bought the gun only seven months earlier.

In another example, citizens reported shots fired, and Bridgeport Police responded. Officers arrested two men, one of whom was in possession of two semi-automatic pistols – a Star 9mm and another Tec-9 assault pistol. The Star was traced to Elwood Schular, who first bought the gun only 30 days before.

Bridgeport Police once executed a search warrant to raid a house, and along with confiscating 33 baggies of what they suspected was marijuana, they also recovered a Taurus .38 Special revolver. That revolver was traced to Elwood Schular, who first purchased the gun only 36 days earlier.



A Tec-9 Assault Pistol Was Traced to Schular

And worst of all, Bridgeport Police investigated a homicide and arrested a suspect in possession of a Cobray 9mm semi-automatic pistol. Police later discovered that the weapon was the one used in the homicide, and that Elwood Schular was the first purchaser. Schular bought the gun less than two months beforehand.

The court documents do not indicate the source of Schular's guns in these incidents. But these reported incidents leave one to wonder what Schular did with the 177 guns he admitted that he bought from D'Andrea. And though these are just the reported incidences of Schular's guns being used in crimes, they likely only scratch the surface of the damage done by the 177 total firearms that Schular bought from D'Andrea's Gun case.

What makes the D'Andrea sales to Schular even more unconscionable than their volume? According to court documents, at least two of the 177 guns were sold in documented straw sales.¹²¹ In his plea agreement with the U.S. government, Schular stated that on one occasion, he and two other men – one of whom was a confidential informant – walked into D'Andrea's Gun Case, where Schular purchased an Armscor FM Browning, 9mm Hi Power semi-automatic handgun for \$440.75 with money that the informant had given Schular in advance.¹²² Schular charged \$100 for making the purchase.¹²³ Schular also told the informant on the way back from the store that **“he could buy as many as 20 guns at a time”** for him.¹²⁴

On another occasion, the plea agreement recounts, Schular and three other men – one of whom was an undercover ATF agent – walked into D'Andrea's Gun Case, where the agent picked out an Astra 9mm semi-automatic handgun for Schular to buy.¹²⁵ Schular purchased the weapon for \$450 with money that the agent had provided Schular ahead of time.¹²⁶ The undercover agent also paid Schular \$100 for the purchase.¹²⁷ After he was told that guns were needed for a New Jersey gang that was “fighting it out,” Schular further stated “that he could supply about ten firearms per week.”¹²⁸ Based on his buying habits, he apparently expected to buy these guns from D'Andrea's Gun Case, as well.

According to Schular, both of these transactions were conducted inside the store, which means that D'Andrea's Gun Case sales staff – and possibly Frank D'Andrea himself – should



have seen all the signs of straw purchases, but instead took the money and completed the sales anyway. In retrospect, perhaps this shouldn't be surprising, since **D'Andrea testified under oath that he had no qualms about selling any number of weapons at any time.** In fact, this is how D'Andrea testified when questioned by Connecticut Attorney General Richard Blumenthal:¹²⁹

Blumenthal: Do you not sell to people because they want to purchase more than one weapon?

D'Andrea: Not at all.

Blumenthal: Do you not sell to people in excess of a certain number of firearms?

D'Andrea: No.

Blumenthal: Any number, any time?

D'Andrea: I have said I will sell my store.

Blumenthal: And the same is true of ammunition?

D'Andrea: Yes.

Any number, any time. That fairly sums up the sordid history of D'Andrea and his gun store.

IV. THE LUKE "MEGA" JONES GANG: DOMESTIC TERRORISTS IN BULLETPROOF VESTS

Yet another drug gang that once operated out of the P.T. Barnum Housing Project – a rival to the gang of Frank "The Terminator" Estrada – was headed by Luke "Mega" Jones.¹³⁰ After one of the most sensational criminal trials in Connecticut history, Jones was finally convicted of murdering Monteneal Lawrence, as well as conspiracy to murder Lawson Day and Anthony Scott, along with numerous drug trafficking and weapons charges.¹³¹

In the long list of senseless and tragic gun murders, the Lawrence murder stands in relief. The day before Thanksgiving, November 26, 1998, the 22-year-old Monteneal reportedly told his mother, Linda, that he had joined the United States Marine Corps and that he would be shipping out the next month.¹³² Then, on Thanksgiving Day, a friend of Monteneal's invited him to a house party he was throwing at the P.T. Barnum Apartments, over in Bridgeport.¹³³ (Monteneal was from New Haven, some 15 miles away.) By 10 p.m. that night, Monteneal lay on his friend's kitchen floor, shot to death.¹³⁴

Why did this happen? According to news reports, some time after the house party, Monteneal made a comment to Luke Jones' girlfriend that Jones later interpreted as disrespect.¹³⁵ Then, Jones apparently commandeered two of his gang members, went looking for Lawrence and – according to two witnesses – shot him dead.¹³⁶ As U.S. District Judge Alan H. Nevas wrote, "There is no doubt that [Luke] Jones intentionally killed [Monteneal] Lawrence on the night of Nov. 27, 1998."¹³⁷



“He was not involved in drugs or street life,” Linda Lawrence reportedly said.¹³⁸ “He worked two jobs [tearing down sets for the Yale Repertory Theater and stocking shelves at Stop & Shop]. He went to school [Gateway Community College]. He was my irreplaceable jewel.”¹³⁹

During the course of his trial, Luke Jones faced Frank Estrada, his onetime gang rival who then testified against him.¹⁴⁰ Among other things, Estrada testified that he convinced Jones not to murder a Bridgeport Police lieutenant named Christopher Lemaine, since doing so would bring law enforcement down on all drug sales at the P.T. Barnum complex.¹⁴¹ Then, according to news reports, Estrada’s testimony offered something even more revealing about Jones’ feud with Bridgeport



D'ANDREA'S GUN CASE
 P.O. BOX 2725
 140 BARNUM AVENUE
 STRATFORD, CT 06487

Customer's Order No. 2464007A1 Phone No. Date 72 19 98
 Sold To Aaron J. Harris
 Address 447 Bynaeil St
 City Bgt
 Sold By Cash C.O.D. Charge On Acc. Misc. Paid Out
 Qty. Description Price Amount
 2 Supamband Vest 2169.81
 11-740-3AEYAL
 669539
 669539
 7322 2 5744
 Tax 130.19
 Total 2300.00

10900 Thank You

A Receipt Links Jones Gang’s Bullet Proof Vests to D’Andrea¹⁴²

Police: Estrada reportedly said, “I kept telling him [Jones] to chill out, chill out, chill out, but it started escalating. The man [Lt. Lemaine] kept taking [bulletproof] vests from him.”¹⁴³

It is Luke Jones’s possession of bulletproof vests that connects him with Frank D’Andrea and D’Andrea’s Gun Case, according to the Connecticut U. S. Attorney:

[T]he evidence presented at the trials of Luke Jones and Aaron Harris – two individuals whose reputations as violent and prolific Bridgeport narcotics traffickers was widely known in the greater Bridgeport area – included, among other things, approximately **ten bullet proof vests that Luke Jones and Aaron Harris either wore themselves or supplied to other members of their organization.** The trial evidence – which included not only the testimony of cooperating witnesses but also **a D’Andrea’s receipt,** seized from Aaron Harris’ wallet, which was made out in Aaron Harris’ name and specified his purchase of two bullet proof vests for \$2300.00 in cash – demonstrated that members of the **Jones organization frequently purchased bullet proof vests from D’Andrea’s.**¹⁴⁴

A copy of that receipt is reproduced here, taken from court records.¹⁴⁵ As Assistant U.S. Attorney James J. Finnerty reportedly told the jury at Luke Jones’ murder trial, “What’s shocking is that for a number of years this defendant could terrorize the law-abiding members of the P.T. Barnum housing project. What’s shocking is that he could walk through P.T. Barnum with the wrath of death. **He’s the grim reaper.**”¹⁴⁶

A responsible business person might question customers who repeatedly buy scores of handguns, assault weapons, or bulletproof vests, or refuse to continue to sell items that seem clearly headed to assist criminals conduct their deadly trade. Apparently, not Frank D’Andrea.



V. THE GUN LOBBY WORKS WITH D'ANDREA TO DISMANTLE LAWS THAT THREATEN TO CURTAIL D'ANDREA'S GUN SALES

Within the walls of his gun store, government documents explain how Frank D'Andrea was a supplier to deadly criminal gangs. Meanwhile, outside of his store, he was a mouthpiece and advocate for the gun lobby. Indeed, he and his gun lobby allies fought against laws intended to stop gun crimes, and he profited from the weak gun laws he helped enable.



On October 1, 1993, a law took effect in Connecticut banning the sale of military-style semi-automatic assault weapons, including AK-47 semi-automatic assault rifles. The National Rifle Association responded by partially financing a lawsuit, filed on behalf of D'Andrea, assault weapon manufacturer Intratec, and other Connecticut residents, seeking to strike down the law.¹⁴⁷ The NRA spent over \$62,000 to support this litigation.¹⁴⁸

The NRA Helped Bankroll D'Andrea's Lawsuit Against Connecticut's Ban On Assault Weapons Like These AK-47s

D'Andrea testified in 1994 in the NRA-backed lawsuit, describing how the assault weapons ban would hurt his sale of these military-style weapons, stating:

I have a very large selection of handguns. I have a fairly good supply of long guns of rifles and shotguns, and **I have quite an array of banned or questionable banned weapons**, firearms. ... My inventory probably consists of 30 percent of the weapons are of the [sic] firearms or similar firearms to the ones that are banned [by the Connecticut Assault Weapons Act].¹⁴⁹

D'Andrea explained that in one month before the Connecticut assault weapon ban took effect he sold 50 assault weapons, out of a total of 155 firearms sold by his store.¹⁵⁰ He also stated that he sold many assault weapon parts, including flash suppressors and folding stocks to make assault weapons more easily concealable – “I do sell quite a few of the folding stocks.”¹⁵¹

When D'Andrea was asked under oath if he would refuse to sell to individuals seeking to buy multiple weapons at once, he answered, “Not at all.”¹⁵² He further explained that the sky was the limit – “I have said I would sell my store. ... **[If] some one come [sic] in to buy a large quantity of guns, I will take the money.**”¹⁵³ The ATF has identified sales of multiple firearms to individual buyers as an indicator of gun trafficking.¹⁵⁴

D'Andrea also testified about numerous firearms he sold to gangster Danny Melendez. In one case Melendez and local gang leader and drug trafficker Alexander “Pitolto” Leon entered the store on February 2, 1993, to buy eight firearms in one transaction.¹⁵⁵

D'Andrea's customer Alexander Leon was the leader of a notorious crack cocaine-dealing Connecticut gang called the Clear Top Mobsters, formerly known as the Green Top



Posse.¹⁵⁶ The gang was one of the “most violent gang of drug dealers in Connecticut.”¹⁵⁷ Melendez was acting as the straw buyer for Leon, purchasing the guns on behalf of the gang leader. Melendez had previously testified that he and Leon entered the store together and looked around. “[If Leon] liked [a gun], he would point at it and I would ... tell D’Andrea ‘Take it out of the showcase.’ ... We checked them out. ... Cock it back and look around it.”¹⁵⁸

Under questioning at a hearing in the NRA-backed case, D’Andrea said he remembered parts of the encounter, “because I remember [Clear Top Mobsters gang leader] Leon as being a very nice guy....”¹⁵⁹ After picking their 8 guns to purchase, Melendez and Leon left the store to retrieve a bag filled with \$5,000 in cash from their car to pay D’Andrea.¹⁶⁰ At the civil trial, D’Andrea initially denied accepting “bags of cash” as payment from Melendez, but finally admitted that he did receive “one bag ... [f]ull of cash,” consisting of \$5,000 in small bills:¹⁶¹

Q: On one of those [gun sales, Danny Melendez] came with someone else, didn’t he?

A: He came in several times, I believe, with other people.

Q: Do you have a recollection as to how he paid for the guns and ammunition...?

A: Most likely cash. ... It was cash.

Q: And isn’t it a fact he went out to the car and he brought in bags of cash?

A: No. ...

Q: Are you aware of testimony by Mr. Melendez under oath in Federal Court that in order to pay for that purchase, he went outside and brought in bags of five, ten, and other denomination bills?

A: No, I am not.

Q: Did that happen?

A: I can say no again, and I will answer the question. **You said bags. He came in with one bag. ...**

Q: **Full of cash?**

A: **Full of cash. If you put singles in a big bag, it doesn’t mean it is a lot of money. ...**

Q: How much, in fact, did he pay for whatever guns were purchased?

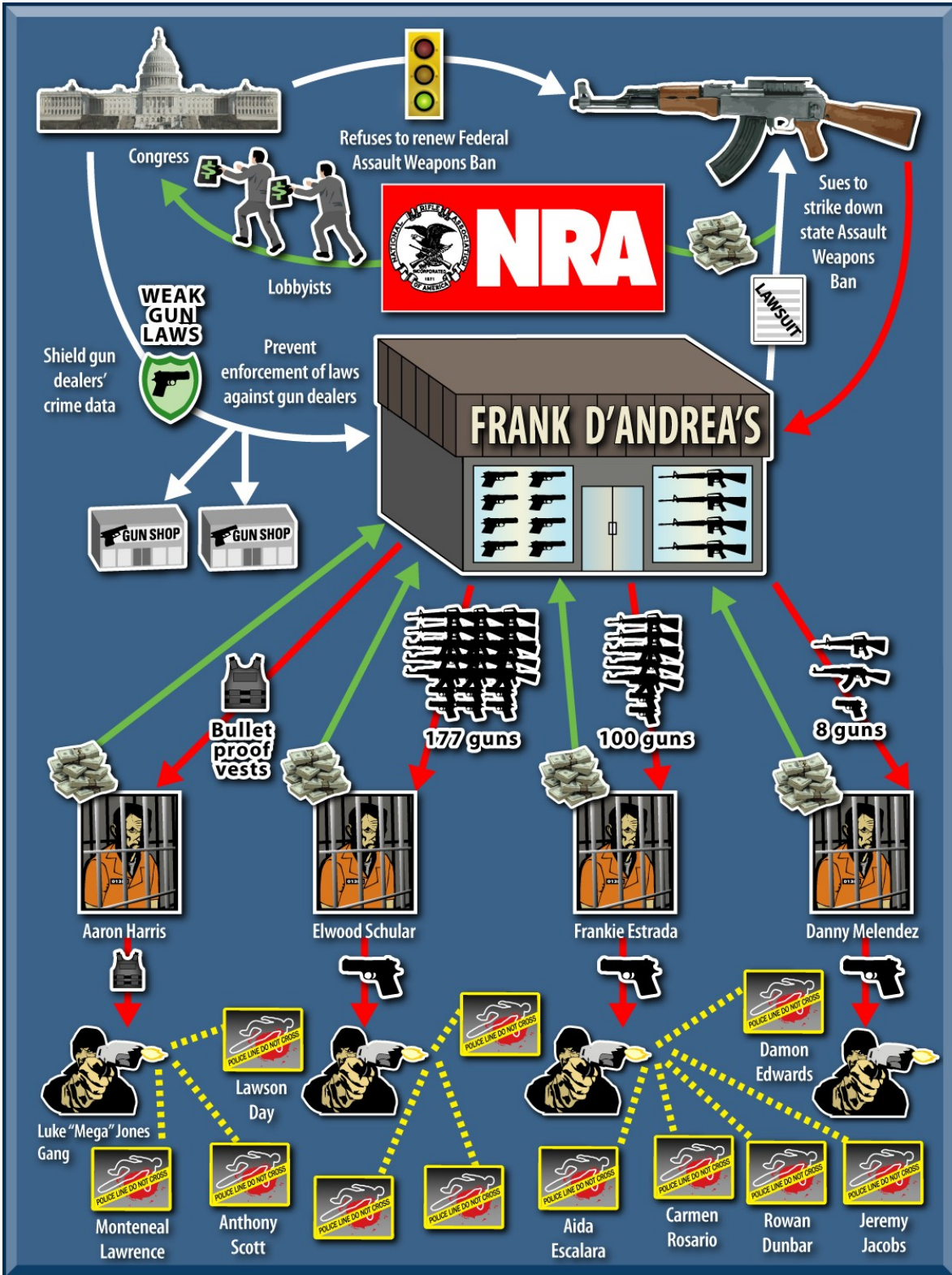
A: I don’t remember what he purchased. I couldn’t tell you how much it was.

Q: Does it refresh your recollection to see the number \$5,000?

A: No.¹⁶²



AS D'ANDREA AND THE NRA FOUGHT TO DISMANTLE GUN LAWS, CRIMINALS ARMED THEMSELVES WITH D'ANDREA'S FIREARMS



Moreover, **when gun buyer and gangster Danny Melendez bought multiple guns from his shop, D’Andrea testified that he threw in a discount on ammunition – “if you spend money – well, we discount everything....”**¹⁶³

After hearing testimony from D’Andrea and others, the court rejected the plaintiff’s challenge to Connecticut’s assault weapon ban in the NRA-backed lawsuit.¹⁶⁴ The gun lobby showed no concern about being represented by a gun dealer such as D’Andrea. Indeed, D’Andrea and the gun lobby appealed their case all the way to the Connecticut Supreme Court, which also upheld the state’s assault weapons ban. It sustained the ban because “assault weapons pose an increasing risk to society” such that “the ban serves a legitimate interest of the state acting pursuant to its police power.”¹⁶⁵ It also held that the ban does not infringe any “right to bear arms.”¹⁶⁶

Nearly a decade later, the gun lobby and D’Andrea continued their quest to allow D’Andrea and others to sell assault weapons to the public. With funding from the Coalition of Connecticut Sportsmen, a state gun lobby group, D’Andrea and others sued the Connecticut Commissioner of Public Safety in an effort to roll back the state’s prohibition of assault weapon sales.¹⁶⁷ The court dismissed that case because D’Andrea and his fellow plaintiffs failed to follow basic procedures required before filing the lawsuit.¹⁶⁸ D’Andrea then continued the fight to sell assault weapons, petitioning the Connecticut Department of Public Safety on October 31, 2003, to repeal regulations prohibiting the sale of AK-47 type assault rifles, but he again failed to roll back the assault weapons ban.¹⁶⁹

VI. FEDERAL INSPECTORS FIND HUNDREDS OF VIOLATIONS AT D’ANDREA’S SHOP, BUT WEAK FEDERAL GUN LAWS KEEP HIM IN BUSINESS FOR YEARS

ATF conducted repeated inspections of D’Andrea’s shop, repeatedly citing his shop for numerous violations. The store was cited for “numerous violations of firearm regulations” in 1998,¹⁷⁰ cited again in 2000 and given a warning letter, and cited again in 2001, receiving yet another warning letter.¹⁷¹ ATF also held a “warning conference” with D’Andrea, stressing the importance of his compliance with federal law, but imposing no penalties on D’Andrea.¹⁷² Federal law generally prohibits ATF from fining dealers or suspending their licenses for legal violations. Instead, ATF generally must prove years of repeated violations before it can attempt to shut down a dealer’s shop.¹⁷³

ATF inspected D’Andrea’s shop again in April 2005, again citing “numerous violations.”¹⁷⁴ D’Andrea’s 2006 indictment reports that ATF investigators also stated that D’Andrea had attempted to evade ATF detection of his illegal activities through the “unlawful and surreptitious transfer” of illegal assault weapons during the audit to a Florida gun dealer, B&H Gun Rack, in Merritt Island, Florida. D’Andrea’s wife, Rita Curcio, also applied for a new federal firearms license around the time of the audit. Due to weaknesses in federal gun laws, gun dealers can evade federal firearms license revocation by closing down their gun shop and re-opening it someone else’s name.¹⁷⁵ In this case, according to prosecutors, ATF refused to grant D’Andrea’s wife’s application for a gun dealer’s license.¹⁷⁶

Inspectors found two illegal Cobray Street Sweeper assault shotguns – high firepower assault weapons with revolving magazines and two pistol grips, which allow a shooter to fire 12 rounds in less than 3 seconds.¹⁷⁷ Street Sweeper assault shotguns are heavily regulated and are considered “destructive devices” under the National Firearms Act because they are military and law enforcement weapons with no civilian sporting purpose.¹⁷⁸ Both weapons were possessed illegally and one of the Street Sweepers was kept “off the books.” According to the



2006 court papers, D'Andrea admitted to ATF that he had not registered the weapons, as required by federal law.¹⁷⁹

Government papers from the 2006 D'Andrea case also show that investigators found six illegal assault weapons in D'Andrea's shop.¹⁸⁰ These included two "off the book" Intratec Tec-9 assault pistols that were not listed in any legally-required gun acquisition records, two AK-47 assault rifles, an Uzi assault pistol, and a Wilkinson Linda assault weapon.¹⁸¹ The 2006 indictment stated that D'Andrea also transferred two other illegal assault weapons "off the books" to other gun dealers – an Auto Ordnance Thompson and a Franchi Law firearm.¹⁸² Prosecutors charged that this "unlawful and surreptitious transfer" of firearms was apparently an effort to hide them from law enforcement.¹⁸³



ATF Inspectors Find "Off-the-Book" Assault Weapons, Including An Uzi Assault Pistol

According to prosecutors, D'Andrea filled out FedEx shipment forms and had a colleague ship these firearms to a gun dealer in Florida through a gun broker in Massachusetts.¹⁸⁴ He told the gun broker, Patriot Company, that he had guns to ship out of state and he "needed to get rid of them overnight."¹⁸⁵ Government documents state that when the colleague asked whether they should keep track of the firearm serial numbers, D'Andrea replied, "Don't worry about it."¹⁸⁶ Prosecutors stated that D'Andrea also told a store employee that a Tec-9 assault pistol "has got to go too. Those guys missed it."¹⁸⁷

Federal prosecutors contended in D'Andrea's 2006 case that D'Andrea failed to conduct Brady background checks 31 times, illegally sold firearms to aliens 34 times without any proof that the aliens were in the country legally, and *even sold firearms to purchasers who stated that they were prohibited by federal law from buying a gun.*¹⁸⁸ Court papers also state that he also falsified background check records on federal gun purchase forms to make it appear on federal forms as if he had conducted a background check, according to the government.¹⁸⁹ For example, prosecutors charged that rather than conducting a background check on the October 19, 2004, sale of a Beretta 12-gauge shotgun, he falsified the federal gun purchase form by writing in a false background check confirmation number on the form.¹⁹⁰ The 2006 court papers report that ATF also charged that he used this technique in two other illegal sales of .308 gauge rifles in 2004.¹⁹¹

The D'Andrea indictment further reported that ATF inspectors found 157 firearms missing from D'Andrea's shop. D'Andrea had not previously reported any of these weapons lost or stolen, even though a 2003 inventory of D'Andrea's shop had uncovered 83 firearms missing at that time.¹⁹² Gun dealers frequently claim that firearms that were illegally sold "off the books" were lost or stolen to explain a lack of legally-mandated records or Brady background checks. Federal law requires gun dealers to report all lost or stolen firearms within 48 hours of discovering they are missing.¹⁹³ After ATF's audit, 83 of the 157 firearms were found to have been sold but not logged out, as required by federal law so that if these firearms are used in crime they could be traced back to the guns' purchasers. D'Andrea then claimed that the remaining 74 missing firearms were lost or stolen from his shop.¹⁹⁴ So far, according to papers in D'Andrea's case, three of these missing firearms have been linked to crimes, including a Colt AR-15 assault rifle.¹⁹⁵



Prosecutors also charged that D'Andrea failed to report sales of multiple handguns to the same buyer as required by federal law. These "multiple sales" are an important indicator of gun trafficking.¹⁹⁶ For example, court documents show that D'Andrea sold a Smith & Wesson Model 500 revolver on July 20, 2004, a Para-Ordnance Model .45 caliber pistol on July 23, 2004, as well as a Kel-Tec .380 caliber pistol and a Marlin shotgun on that same day. The government stated that D'Andrea did not alert federal authorities about these suspicious gun sales as required by federal law.¹⁹⁷

Based on the foregoing, federal authorities concluded that they had "compelling evidence of blatant and criminal disregard for federal firearms possession and reporting laws" that led to numerous "illegal guns on the street."¹⁹⁸ Yet even after this 2005 audit of D'Andrea's shop, according to prosecutors, his illegal conduct continued.

VII. THE LAST STRAW – EVEN AS FEDERAL AGENTS INTENSIFY THEIR INVESTIGATION OF D'ANDREA, A CONFIDENTIAL WITNESS REPORTS MORE STRAW SALES FROM D'ANDREA'S GUN SHOP

Prosecutors charged that among the many illegal acts by D'Andrea were repeated and knowing "straw" sales – gun sales to intermediaries who purchase firearms on behalf of prohibited buyers. In 2006, the federal government reported that a confidential witness (denoted "W2") had been engaged in illegal straw purchases of firearms from D'Andrea since 2005. Prosecutors alleged that these straw purchases "were conducted ... in such an open and obvious fashion, and ... [W2] personally purchased so many handguns from D'Andrea in such a relatively short period of time" that D'Andrea had to have known "precisely what was going on."¹⁹⁹

According to D'Andrea's indictment, in July 2005, W2 went with an unnamed individual to D'Andrea's shop to straw purchase firearms. The two walked in together, looked around the store, and the individual picked out three firearms he wanted to buy – all classic signs of an obvious, illegal straw purchase. W2 then purchased the guns on the individual's behalf for \$1,300 in cash. One month after this purchase, the individual was sought as the principal suspect in a triple murder in Bridgeport.²⁰⁰

After this purchase, W2 stated that he repeatedly returned to D'Andrea's shop to straw purchase additional firearms. For example, he said that he straw purchased firearms for a notorious Bridgeport drug dealer in summer 2005. He explained that he visited D'Andrea eight times that summer, purchasing a total of 17 or 18 firearms. He further stated that, as usual, both W2 and the drug dealer went into the store, with the drug dealer picking out the guns he wanted and D'Andrea's shop running a background check only on W2.²⁰¹

In one case, on September 13, 2005, W2 explained how he went with a drug dealer and three of the drug dealer's associates to D'Andrea's in two cars. He stated that they entered the store "as a group, each openly looking for what they wanted." Government documents contend that after the drug dealer and his associates picked which firearms they wanted, one of them openly gave W2 cash for the weapons in the store.²⁰²

W2 described how he and the drug dealer visited D'Andrea again on November 17, 2005, and December 17, 2005, with both of them entering the store each time. W2 said that he straw purchased a 9 mm firearm in November and four additional firearms in December. In the December transaction, the buyers were \$35 short of the purchase price. W2 stated that he urged D'Andrea to allow them to take the guns anyway, noting that they were spending over



\$1,000 on firearms. W2 described how D'Andrea "laughed and put the \$35" on the receipt, joking that he knew where W2 lived. D'Andrea made his views on law enforcement clear when, according to W2, he also told W2 that the ATF had just been at his store and his home five days earlier, executing search warrants and "busting his balls."²⁰³

On January 20, 2006, W2 again purchased firearms for this drug dealer, but this time went to a gun shop other than D'Andrea's, located in Fairfield, Connecticut. That gun dealer warned W2 that if he bought more than one handgun, "the ATF would be coming to [his] door." W2 bought only one gun from the Fairfield dealer, and then returned to their reliable source, D'Andrea. W2 explained that D'Andrea sold W2 two firearms without any threat of ATF intervention.²⁰⁴

VIII. THE END OF THE LINE – FEDERAL AUTHORITIES ARREST D'ANDREA

On December 12, 2005, federal agents executed search warrants at D'Andrea's Gun Case and his home in Shelton, Connecticut.²⁰⁵ Federal agents also seized eight blank birth certificates from the Connecticut Department of Health.²⁰⁶

On April 17, 2006, United States Magistrate Judge Holly B. Fitzsimmons issued an arrest warrant for D'Andrea.²⁰⁷ He was arrested on April 20, 2006,²⁰⁸ but quickly released after posting a \$200,000 bond.²⁰⁹ The charges included:

- 1) Illegal possession of two unregistered Cobray Street Sweeper assault shotguns – high firepower shotguns with revolving magazines and two pistol grips, which allow a shooter to fire 12 rounds in less than 3 seconds. ATF has heavily regulated the Street Sweeper after determining that it was a military and law enforcement weapon with no civilian sporting purpose.²¹⁰
- 2) Illegal "off book" gun sales, without conducting background checks on the buyers or keeping records of the sale.²¹¹ A lack of proper records makes it difficult or impossible to trace a firearm to the criminal who illegally purchased or used the firearm.
- 3) Failure to report the lost or theft of 74 firearms.²¹² Corrupt gun dealers frequently claim that firearms illegally sold "off the books" have been lost or stolen to explain a lack of records or background on the illegal weapon sale.
- 4) Falsifying federal gun records, including failing to record or falsifying the results of Brady background check records.²¹³
- 5) Unlawful firearm sales to illegal aliens and to buyers who failed to certify that they were legally purchasing firearms.²¹⁴
- 6) Failing to report "multiple sales" of handguns – the sale of more than one handgun to a buyer within five working days.²¹⁵ Multiple sales are an important indicator of gun trafficking.
- 7) Engaging in a "scheme or artifice to defraud the United States government," mail fraud, and obstruction of justice by covertly shipping illegal firearms out of Connecticut during an ATF audit.²¹⁶

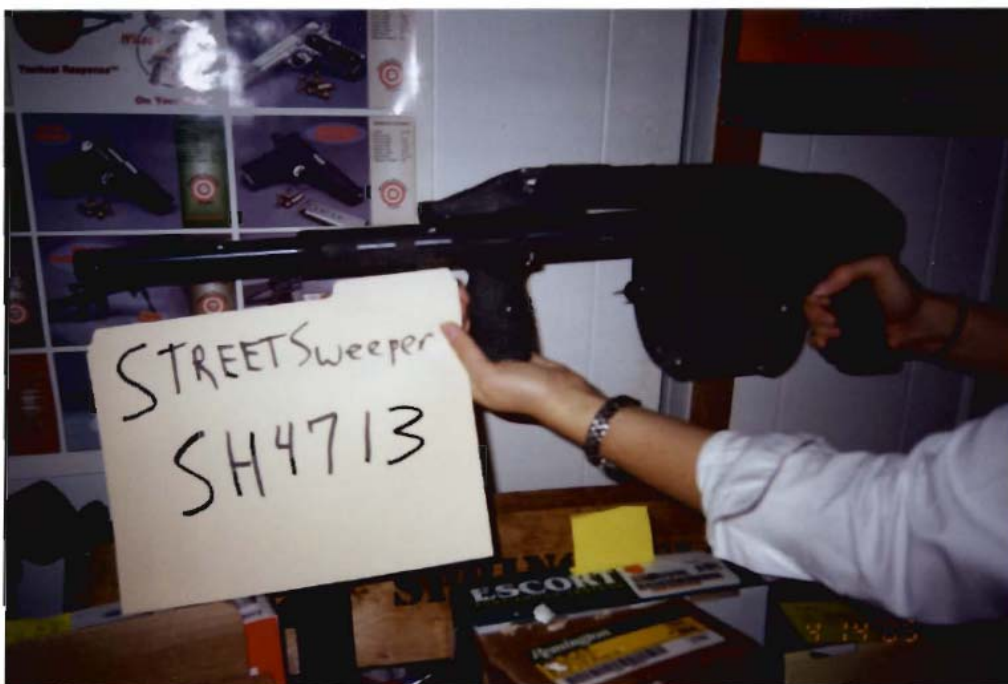


D'Andrea initially pleaded not guilty and claimed that the violations were merely "technical" violations.²¹⁷ The charges relating to the alleged illegal gun sales were later dropped, and D'Andrea pled guilty to one count in the indictment, unlawful possession of a Street Sweeper assault shotgun which "was found in a back room in D'Andrea's store...."²¹⁸ In doing so, he:

expressly stipulated "that the Government would be able to prove ... that people bought firearms for other persons in his store [in straw sales], and that he knew or should have known that those persons were prohibited from possessing or purchasing such firearms."²¹⁹

The maximum penalty for the unlawful Street Sweeper possession offense is 10 years in prison, although the prosecution and D'Andrea's defense counsel agreed that this term should be in the range of 37 to 46 months in prison and a fine of \$7,500 to \$10,000, based on sentencing guidelines.²²⁰ The plea agreement also called for the destruction of the illegal firearms seized from D'Andrea.²²¹ In sentencing D'Andrea, the court largely followed the plea agreement. The court sentenced D'Andrea on September 7, 2007, to 3 ½ years in prison and a \$75,000 fine, and ordered him to report to prison by January 18, 2008.²²²

Street Sweeper Not Registered; Not
in Bound Record ("OFF BOOK").



D'Andrea Pled Guilty To Illegal Possession Of a Street Sweeper Assault Shotgun Pictured In This Government Exhibit In His Criminal Case

IX. D'ANDREA GOES TO JAIL, HIS GUN SHOP STAYS OPEN

After his arrest, D'Andrea apparently planned to continue to run his gun shop. Despite the serious federal felony charges against him, the government conceded that "Federal law actually permits [a gun dealer] to continue operations" even if he is under indictment for felony gun crimes.²²³ Constrained by this law, the federal government agreed to permit D'Andrea to continue to manage his store after his indictment.²²⁴

When the State of Connecticut learned that one of the leading suppliers of firearms to criminals would remain in business despite his indictment, state officials used stronger state gun dealer licensing laws to shut him down.²²⁵ In what was perhaps his last profit earned from years of illegal gun sales, **D'Andrea then sold the shop to Roger Picerno for a sale price of \$1.3 million.**²²⁶ When D'Andrea was sentenced, he was ordered to pay a \$75,000 fine, \$1,225,000 less than the proceeds from his sale.

Picerno took over operation of the store in December 2006. Picerno states that he will run his shop differently from D'Andrea:

I had a customer walk in here and say, 'Yo, I need bullets for a revolver.' ... I said, 'What kind is it,' and he said, 'It's black, about this big.' I said, 'Get the (expletive) out of here.'

Picerno declared that D'Andrea's former shop would no longer bear D'Andrea's name. From now on, it would be called "Guns & Safes Unlimited."²²⁷

Gun Cases hidden
behind safes.
Contained 15 Firearms
Not in Bound record,
(OFF BOOK)



Government Exhibit In D'Andrea's Criminal Case Reveals Gun Cases Hidden In D'Andrea's Shop²²⁸



CONCLUSION

Federal prosecutors described in detail in the D'Andrea indictment how D'Andrea's gun shop was an open and notorious supplier to gangsters, drug dealers and felons. Yet weak federal gun laws helped D'Andrea evade law enforcement attention for more than two decades. In case after case involving corrupt gun dealers, weak gun laws prevent ATF from promptly shutting down corrupt dealers despite numerous audits and warnings revealing hundreds of gun law violations.

Past Brady Center reports have highlighted other notorious gun sellers who have likewise evaded the law for years – dealers like longtime NRA Board Member Sandy Abrams whose gun shop was cited for 900 federal gun law violations yet stayed open through nearly a decade of ATF efforts to shut him down.²²⁹ When ATF pursued action against Abrams, the NRA responded with lawsuits to keep him in business and even pushed federal legislation to strip ATF of its power to revoke gun dealer licenses in most cases.²³⁰

Why is ATF so strapped for resources that it would take more than two decades merely to complete an inspection of each of our nation's gun dealers? Why are our gun laws so weak that dealers can repeatedly supply criminals and gun traffickers with the tools of their trade, including with military-style weaponry and bulk purchases of handguns? Why does the gun lobby, which claims to support enforcement of our gun laws, repeatedly come to the defense of gun dealers constantly caught violating federal law? What do all of these dealers have in common?

As the government explained in prosecuting D'Andrea, these dealers show a "blatant disregard for federal firearms possession and reporting laws," which "goes to the very heart of how legal guns become illegal guns on the street."²³¹ With 1% of our nation's gun dealers supplying 57% of our nation's crime guns,²³² it is clear that ATF must have the power to shut down corrupt dealers who funnel so many guns to the criminal market.

The nexus between our Nation's weak firearms laws and the criminal gun market is clear. Reasonable gun laws – that Frank D'Andrea and the gun lobby have fiercely opposed – only harm criminals and those dealers who supply them with guns. Common sense gun laws are feared by dealers who profit from supplying the criminal gun market and by criminals who desire an arsenal to engage in crimes or supply the criminal market. Frank D'Andrea is a poster child for this nexus between the gun lobby's dangerous agenda, and its deadly consequences.

The gun lobby must abandon its hypocritical claims to support enforcement of gun laws while working at every turn to keep corrupt gun dealers in business.²³³ With more than 11,000 people killed in gun homicides each year, it is clear that law enforcement must have the tools to crack down on corrupt gun dealers who supply the criminals fueling the carnage in our communities.²³⁴



ENDNOTES

- ¹ Michael P. Mayko, *Gun Dealer Faces Sentencing Today*, Connecticut Post, Sept. 7, 2007.
- ² Government's Memorandum In Aid Of Sentencing, *U.S. v. D'Andrea*, Crim. No. 3:06CR128(JCH), Aug. 31, 2007, at 3.
- ³ Indictment, *United States v. D'Andrea*, Crim. No. 3:06CR128(JCH), at 2, ¶ 3, citing crime guns from January 2002 to December 2004.
- ⁴ Government's Opposition to Defendant's Motion to Strike Surplusage from the Indictment, *U.S. v. D'Andrea*, Crim. No. 3:06CR128(JCH), Nov. 9, 2006, at 6-14.
- ⁵ *Id.* at 12.
- ⁶ Government's Memorandum In Aid Of Sentencing, *U.S. v. D'Andrea*, Crim. No. 3:06CR128(JCH), Aug. 31, 2007, at 1-2.
- ⁷ Criminal Complaint, *U.S. v. D'Andrea*, Crim. No. 3:06CR128(JCH), Apr. 17, 2006; Government's Opposition to Defendant's Motion to Strike Surplusage from the Indictment, *U.S. v. D'Andrea*, Crim. No. 3:06CR128(JCH), Nov. 9, 2006, at 3, 5.
- ⁸ 18 U.S.C. § 923(e).
- ⁹ Government's Memorandum In Aid of Sentencing, *U.S. v. D'Andrea*, Crim. No. 3:06CR128(JCH), Aug. 31, 2007, at 1.
- ¹⁰ *Id.* at 33.
- ¹¹ Judgment In a Criminal Case, *U.S. v. D'Andrea*, Crim. No. 3:06CR128(JCH), Sep. 7, 2007; Michael P. Mayko, *Dealer Sentenced For Skirting Firearms Laws*, Connecticut Post, Sep. 8, 2007.
- ¹² Testimony of Frank D'Andrea, *Benjamin v. Bailey*, Super. Ct. Litchfield Conn., Jan. 30, 1994, at 149-150, 153 (emphasis added); *Benjamin v. Bailey*, CV 93-006373 (Conn. Super. Ct. June 30, 1994).
- ¹³ *Id.* at 149.
- ¹⁴ *Id.*
- ¹⁵ Plea Agreement, Attachment A "Stipulation of Offense," at 3, *United States v. Schular*, No. B-89-cr-14 (D. Ct. filed Sept. 27, 1989) (hereinafter "Stipulation").
- ¹⁶ Government's Memorandum In Aid Of Sentencing, *U.S. v. D'Andrea*, Crim. No. 3:06CR128(JCH), Aug. 31, 2007, at 24 n.5.
- ¹⁷ Testimony of Frank D'Andrea, *Benjamin v. Bailey*, Super. Ct. Litchfield Conn., Jan. 30, 1994, at 143, 145 (emphasis added).
- ¹⁸ Notice of Intention to Use Evidence, *U.S. v. D'Andrea*, Crim. No. 3:06CR128(JCH), Nov. 9, 2006, at 1.
- ¹⁹ *Id.* at 3.
- ²⁰ *Id.* at 1-2.
- ²¹ *Id.* at 2.
- ²² Government's Memorandum In Aid Of Sentencing, *U.S. v. D'Andrea*, Crim. No. 3:06CR128(JCH), Aug. 31, 2007, at 26.



²³ Mark Pazniokas, *Lawsuit Takes Aim At Weapons Ban*, Hartford Courant, Oct. 14, 1993; Testimony of Frank D'Andrea, *Benjamin v. Bailey*, Super. Ct. Litchfield Conn., Jan. 30, 1994.

²⁴ NRA Firearms Civil Rights Legal Defense Fund, *1996 Annual Report*, at 5.

²⁵ The NRA also worked to protect dealers like NRA Board Member Sandy Abrams, by fighting ATF efforts revoke the Federal license for Abrams' Baltimore gun shop. That shop was cited for 900 Federal gun law violations and supplied hundreds of guns to criminals in the Baltimore area, yet weak gun laws stalled ATF actions to shut down the store for nearly a decade. See Brady Center to Prevent Gun Violence, *Death Valley: Profile of a Rogue Gun Dealer* (June 2006), accessible at <http://www.bradycenter.org/xshare/pdf/reports/death-valley.pdf>. For a broad examination of the NRA's complicity in keeping corrupt gun dealers in business, see Brady Center to Prevent Gun Violence, *The NRA: A Criminal's Best Friend — How The National Rifle Association Has Handcuffed Federal Gun Law Enforcement* (Oct. 2006), accessible at <http://www.bradycenter.org/xshare/pdf/reports/criminals-best-friend.pdf>.

²⁶ 18 U.S.C. § 923(e).

²⁷ 18 U.S.C. § 923(g)(1)(B)(ii)(I); U.S. Department of Justice, Office of the Inspector General, *Inspections of Firearms Dealers by the Bureau of Alcohol, Tobacco, Firearms and Explosives* (July 2004), at 20 ("it would take the ATF more than 22 years to inspect all [gun dealers]").

²⁸ See, e.g., *Willingham Sports, Inc. v. ATF*, 415 F.3d 1274, 1276 (11th Cir. 2005) ("the firearms dealer is considered to have acted willfully under [18 U.S.C.] § 923 if, with knowledge of what the regulations require, the dealer repeatedly violates those regulations") (emphasis added).

²⁹ *Bryan v. United States*, 524 U.S. 184, 190, 193 (1998).

³⁰ 18 U.S.C. § 925(b).

³¹ Government's Memorandum In Aid Of Sentencing, *U.S. v. D'Andrea*, Crim. No. 3:06CR128(JCH), Aug. 31, 2007, at 44-45 n.13.

³² *Id.*

³³ Judgment In a Criminal Case, *U.S. v. D'Andrea*, Crim. No. 3:06CR128(JCH), Sep. 7, 2007; Michael P. Mayko, *Dealer Sentenced For Skirting Firearms Laws*, Connecticut Post, Sep. 8, 2007.

³⁴ See the following Brady Center to Prevent Gun Violence reports available at <http://www.bradycenter.org/gunindustrywatch> : *Shady Dealings: Illegal Gun Trafficking from Licensed Gun Dealers* (highlighting more than two-dozen cases of illegal gun trafficking from dealers across the country and revealing how licensed gun dealers who are complicit in aiding gun traffickers remain untouched by the law); *"Trivial Violations"?: The Myth of Overzealous Federal Enforcement Actions Against Licensed Gun Dealers* (examining every published Federal court decision over the last five years in which gun dealers challenged ATF's license termination actions and finding that each one concerns frequent and serious illegal conduct by dealers); *Death Valley: Profile of a Rogue Gun Dealer* (describing longtime NRA Board Member Sandy Abrams and his gun shop's 900 Federal gun law violations); *Lethal Loe's: Profile of a Rogue Gun Dealer* (exposing dealer Lou's Loan's twenty year history of supplying guns used in crime); *Trading In Death: Profile Of A Rogue Gun Dealer* (describing gun dealer Trader Sports' decades of gun law violations).

³⁵ See Brady Center, *Death Valley: Profile of a Rogue Gun Dealer*, accessible at <http://www.bradycenter.org/xshare/pdf/reports/death-valley.pdf>.



³⁶ Matthew Dolan, *Gun Dealer Tied To Fatal Shooting In Parkville Faces Trial Today*, Baltimore Sun, Oct. 17, 2007.

³⁷ Government's Memorandum In Aid Of Sentencing, *U.S. v. D'Andrea*, Crim. No. 3:06CR128(JCH), Aug. 31, 2007, at 5.

³⁸ ATF, *Commerce in Firearms in the United States* (Feb. 2000), at 23.

³⁹ For a broad examination of the NRA's complicity in keeping corrupt gun dealers in business, see Brady Center to Prevent Gun Violence, *The NRA: A Criminal's Best Friend — How The National Rifle Association Has Handcuffed Federal Gun Law Enforcement* (Oct. 2006), accessible at <http://www.bradycenter.org/xshare/pdf/reports/criminals-best-friend.pdf>.

⁴⁰ WISQARS, Injury Mortality Reports, National Center for Injury Prevention and Control, Centers for Disease Control, http://webapp.cdc.gov/sasweb/ncipc/mortrate10_sy.html (2004 data).

⁴¹ Testimony of Frank D'Andrea, *Benjamin v. Bailey*, Super. Ct. Litchfield Conn., Jan. 30, 1994, at 118, 135, 144; ATF press release, *One of State's Largest Gun Dealers Arrested on Numerous Charges*, Apr. 27, 2006.

⁴² *Id.*

⁴³ Indictment, *U.S. v. D'Andrea*, Crim. No. 3:06CR128(JCH), at 2, ¶ 1.

⁴⁴ *Id.* at 1-2, ¶ 1.

⁴⁵ *Id.* at 2, ¶ 3, citing crime guns from January 2002 to December 2004.

⁴⁶ Associated Press, *Gun Dealer Arrested After Federal Probe*, Hartford Courant, Apr. 28, 2006. Complete information about the number of crime gun traces linked to D'Andrea's shop is not publicly available due to a provision in federal appropriations laws, called the Tiahrt Amendment after sponsor Rep. Todd Tiahrt (R-KS), that makes this information a secret. Such information had been available to the public until 2003, when the NRA succeeded in attaching this secrecy provision to appropriations legislation. For more information about this secrecy provision, see Brady Center to Prevent Gun Violence, *Without A Trace, How the Gun Lobby and the Government Suppress the Truth about Guns and Crime* (Apr. 2006), available at <http://www.bradycenter.org/xshare/pdf/reports/giw.pdf>.

⁴⁷ Edmund Mahony, *A Corner Where Crack Is King*, Hartford Courant, Nov. 21, 1993.

⁴⁸ D'Andrea's Gun Case website, <http://www.dandreasguncase.com>, visited Feb. 12, 2007.

⁴⁹ Transcript, *United States v. Mercado*, No. 3:04CR-166 (D. Conn. filed Jan. 3, 2007) (hereinafter *Mercado Trial Tr.*), vol. 4, at 213.

⁵⁰ *Id.*

⁵¹ *Id.* at 214.

⁵² See, e.g., Daniel Tepfer, *Reputed Gang Leader Convicted In Slaying*, CONNECTICUT POST ONLINE, June 7, 2007 (manslaughter-with-firearm conviction of reputed leader of the P.T. Outlaws, a violent gang that police say controls the drug trade around P.T. Barnum); Michael P. Mayko, *Life Term For Drug Trafficking Upheld*, CONNECTICUT POST ONLINE, May 30, 2007 (accused drug gang leader at P.T. Barnum re-sentenced to life in prison); Helen Ubinas, *Some Relate To Mayor's Drug Abuse*, HARTFORD COURANT, June 22, 2006 at B1 (P.T. Barnum residents' reaction, relative to their daily lives, to admission of Bridgeport Mayor John Fabrizi's drug abuse); Kevin O'Connor, U.S. Attorney for the District of Connecticut, *Member of Violent*



Bridgeport Drug Organization Sentenced to Life Terms, <http://www.usdoj.gov/usao/ct/Press2003/20030915.html> (Sept. 15, 2003) (announcing sentences of four members of the Jones Organization, a violent drug gang from P.T. Barnum).

⁵³ *Mercado* Trial Tr. vol. 4, at 217.

⁵⁴ *Id.* at 216.

⁵⁵ *Id.* at 310.

⁵⁶ Notice of Intention to Use Evidence, *U.S. v. D'Andrea*, Nov. 9, 2006, at 1.

⁵⁷ Government's Opposition to Defendant's Motion to Strike Surplusage from the Indictment, *U.S. v. D'Andrea*, Crim. No. 3:06CR128(JCH), Nov. 9, 2006, at 1.

⁵⁸ Notice of Intention to Use Evidence, *U.S. v. D'Andrea*, Nov. 9, 2006, at 2.

⁵⁹ *Id.* at 1; 18 U.S.C. § 922(g).

⁶⁰ *Id.* at 3.

⁶¹ *Mercado* Trial Tr. vol. 4, at 226-7 (emphasis added).

⁶² Notice of Intention to Use Evidence, *U.S. v. D'Andrea*, Nov. 9, 2006, at 1.

⁶³ *Id.* at 3.

⁶⁴ *Id.* at 3.

⁶⁵ *Id.* at 1, 2.

⁶⁶ *Id.* at 2.

⁶⁷ *Id.* See also, *State v. Estrada*, 612 A.2d 110 (Conn.App. 1992) and *Mercado* Trial Tr. vol. 4, at 247-55; 262-8.

⁶⁸ Notice of Intention to Use Evidence, *U.S. v. D'Andrea*, Nov. 9, 2006, at 2.

⁶⁹ *Id.* at 2.

⁷⁰ *Id.* at 3.

⁷¹ *Id.* at 3.

⁷² The English King Henry II is reputed to have asked rhetorically of his hated rival, the Archbishop of Canterbury Thomas Becket, "Will no one rid me of this meddlesome priest?" Four of the King's knights interpreted this as a command and assassinated Becket in Canterbury Cathedral on December 29, 1170.

⁷³ *Mercado* Trial Tr. vol. 4, at 268.

⁷⁴ Trial Tr. vol. 9, at 101, Nov. 16, 2005, *U.S. v. Mercado*, No. 3:04CR-166 (D. Conn. filed Jan. 3, 2007) (hereinafter *Mercado* Trial Tr. vol. 9); see also *Mercado* Trial Tr. vol. 4, at 267.

⁷⁵ *Mercado* Trial Tr. vol. 9 at 72-80.

⁷⁶ *Id.* at 59-71.

⁷⁷ *Id.* at 74, 139.

⁷⁸ *Id.* at 75-6.

⁷⁹ *Id.* at 76.



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- ⁸⁰ *Id.* at 77.
- ⁸¹ *Id.* at 77.
- ⁸² *Id.*
- ⁸³ *Id.* at 78-9.
- ⁸⁴ Michael P. Mayko, *Perjury Suspect Estrada Released On Bond*, CONNECTICUT POST ONLINE (Sept. 29, 2006); Daniel Tepfer, *Lawyer On Hot Seat In Federal Inquiry*, CONNECTICUT POST (Dec. 19, 2005).
- ⁸⁵ *Mercado* Trial Tr. vol. 9 at 80.
- ⁸⁶ Lynne Tuohy, *Kingpin Details Ruthless Reign; How Kid From Projects Made Millions In Rise Through Drug World*, HARTFORD COURANT, Nov. 27, 2005, at A1.
- ⁸⁷ Judgment, *U.S. v. Mercado*, No. 3:04-cr-166-SRU (Apr. 4, 2006) (filed).
- ⁸⁸ Judgment, *U.S. v. Gomez*, No. 3:04-cr-00188-SRU (July 13, 2006) (filed). Both Mercado and Gomez were sentenced for other crimes as well.
- ⁸⁹ Kevin O'Connor, U.S. Attorney for the District of Connecticut, <http://newhaven.fbi.gov/dojpressrel/2006/nh082306.htm>. Estrada pleaded guilty to 14 Federal charges and was sentenced to 29 years in prison after extensively cooperating with authorities.
- ⁹⁰ *Mercado* Trial Tr. vol. 4, at 220-1.
- ⁹¹ *Id.* at 221.
- ⁹² *Id.*
- ⁹³ *Id.* at 221-2.
- ⁹⁴ *Id.* at 223.
- ⁹⁵ *Id.*
- ⁹⁶ *Id.* at 224. Note that this is in the middle of the period when Estrada testified to getting his firearms from D'Andrea's Gun Case. See *supra* notes 3, 17.
- ⁹⁷ *Id.* at 225.
- ⁹⁸ *Id.* at 226.
- ⁹⁹ Notice of Intention to Use Evidence, *U.S. v. D'Andrea*, Crim. No. 3:06CR128(JCH), Nov. 9, 2006, at 1.
- ¹⁰⁰ *Mercado* Trial Tr. vol. 4, at 240.
- ¹⁰¹ *Id.* at 240-1.
- ¹⁰² *Id.* at 241-2.
- ¹⁰³ *Id.* at 242.
- ¹⁰⁴ *Id.*
- ¹⁰⁵ *Id.* at 247.
- ¹⁰⁶ *Id.*
- ¹⁰⁷ *Id.*



¹⁰⁸ *Id.*

¹⁰⁹ *Id.*

¹¹⁰ *Id.* at 248-53.

¹¹¹ *Id.* at 248.

¹¹² *Id.* at 249.

¹¹³ *Id.* at 249-50.

¹¹⁴ *Id.* at 250.

¹¹⁵ *Id.* at 252.

¹¹⁶ *Id.* at 253; 255.

¹¹⁷ Plea Agreement, Attachment A “Stipulation of Offense,” at 3, U.S. v. Schular, No. B-89-cr-14 (D. Ct. filed Sept. 27, 1989) (hereinafter “Stipulation”).

¹¹⁸ Stipulation at 3.

¹¹⁹ *Id.*

¹²⁰ *Id.*

¹²¹ Stipulation at 1-2. Court records do not state whether these two transactions were conducted in cooperation with law enforcement, however, the Federal government cites *all 177* of Schular’s purchases against Frank D’Andrea in its Memorandum in Aid of Sentencing. See Memorandum in Aid of Sentencing at 24 n.5, U.S. v. D’Andrea, No. 3:06CR128 (D. Conn. Aug. 31, 2007).

¹²² Stipulation at 1.

¹²³ *Id.*

¹²⁴ *Id.*

¹²⁵ Stipulation at 2.

¹²⁶ *Id.*

¹²⁷ *Id.*

¹²⁸ *Id.*

¹²⁹ Trial Tr. at 143, Jan. 30, 1994, Benjamin v. Bailey, No. CV93-63723 (Conn. Super. Ct.) (emphasis added).

¹³⁰ Michael P. Mayko, *Rival Warned Jones Not To Kill Cop*, Connecticut Post, Oct. 23, 2003.

¹³¹ His conviction for the murder of Monteneal Lawrence was later overturned on jurisdictional grounds. Jones was sentenced, however, to multiple life sentences for his conspiracy and drug trafficking crimes. Kevin J. O’Connor, U.S. Attorney for the District of Connecticut, *Luke Jones Sentenced To Multiple Lifetime Terms Of Imprisonment* <http://www.usdoj.gov/usao/ct/Press2004/20040107-1.html> (Jan. 7, 2004).

¹³² Michael P. Mayko, *For Murdered Son’s Mother, Thanksgiving Is A Day Of Grief*, Connecticut Post, Nov. 21, 2003.

¹³³ *Id.*



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- ¹³⁴ *Id.*
- ¹³⁵ Michael P. Mayko, *'Mega' Jones Found Guilty Of Murder*, Connecticut Post, Oct. 31, 2003.
- ¹³⁶ *Id.*
- ¹³⁷ Mayko, *Thanksgiving Is a Day Of Grief*.
- ¹³⁸ *Id.*
- ¹³⁹ *Id.*
- ¹⁴⁰ Mayko, *Rival Warned Jones Not To Kill Cop*.
- ¹⁴¹ *Id.*
- ¹⁴² Sentencing Memo at exhibit 10 (this receipt linked D'Andrea to the Jones organization's purchase of bullet proof vests like the one pictured).
- ¹⁴³ *Id.* (emphasis added).
- ¹⁴⁴ Memorandum in Aid of Sentencing at 24 n.5, U.S. v. D'Andrea, No. 3:06CR128 (D. Conn. (Aug. 31, 2007) (emphasis added) (hereinafter "Sentencing Memo").
- ¹⁴⁵ Sentencing Memo at exhibit 10.
- ¹⁴⁶ Michael P. Mayko, *Jury Told Jones Was "Grim Reaper"*, Connecticut Post, Oct. 29, 2003.
- ¹⁴⁷ Mark Pazniokas, *Lawsuit Takes Aim At Weapons Ban*, Hartford Courant, Oct. 14, 1993.
- ¹⁴⁸ NRA Firearms Civil Rights Legal Defense Fund, *1996 Annual Report*, at 5.
- ¹⁴⁹ Testimony of Frank D'Andrea, *Benjamin v. Bailey*, Super. Ct. Litchfield Conn., Jan. 30, 1994, at 119 (emphasis added).
- ¹⁵⁰ *Id.* at 139-40, 142.
- ¹⁵¹ *Id.* at 132.
- ¹⁵² *Id.* at 143.
- ¹⁵³ *Id.* at 143, 145 (emphasis added).
- ¹⁵⁴ See *Commerce in Firearms*, *supra* note 38, at 22 (listing trafficking indicators).
- ¹⁵⁵ Testimony of Frank D'Andrea, *Benjamin v. Bailey*, Super. Ct. Litchfield Conn., Jan. 30, 1994, at 146; Edmund Mahoney, *Testimony of Innocence Lost*, Hartford Courant, Jan. 23, 1994.
- ¹⁵⁶ Edmund Mahoney, *Testimony of Innocence Lost*, Hartford Courant, Jan. 23, 1994.
- ¹⁵⁷ *Id.*
- ¹⁵⁸ *Id.*
- ¹⁵⁹ Testimony of Frank D'Andrea, *Benjamin v. Bailey*, Super. Ct. Litchfield Conn., Jan. 30, 1994, at 152.
- ¹⁶⁰ Edmund Mahoney, *Testimony of Innocence Lost*, Hartford Courant, Jan. 23, 1994.
- ¹⁶¹ Testimony of Frank D'Andrea, *Benjamin v. Bailey*, Super. Ct. Litchfield Conn., Jan. 30, 1994, at 149-150, 153 (emphasis added).
- ¹⁶² *Id.* at 146-53 (emphasis added).
- ¹⁶³ *Id.* at 149 (emphasis added).



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- ¹⁶⁴ *Benjamin v. Bailey*, 662 A.2d 1226, 1228 (Conn. 1995).
- ¹⁶⁵ *Id.* at 1235.
- ¹⁶⁶ *Id.*
- ¹⁶⁷ Coalition of Connecticut Sportsmen website at <http://www.ctsportsmen.com/> (entry entitled State Police challenged on phony regulations on “assault weapons”), visited Oct. 31, 2007.
- ¹⁶⁸ *Patten v. Spada*, 2003 WL 22245469 (Conn.Super.), 35 Conn. L. Rptr. 518 (Conn. Super. 2003).
- ¹⁶⁹ Letter from Ralph D. Sherman, counsel for D’Andrea to Arthur L. Spada, Commissioner, Connecticut Department of Public Safety, Oct. 31, 2003, accessible at <http://gunsafe.org/ak-47.htm>.
- ¹⁷⁰ Government’s Memorandum In Aid Of Sentencing, *U.S. v. D’Andrea*, Crim. No. 3:06CR128(JCH), Aug. 31, 2007, at 4.
- ¹⁷¹ Notice of Intention to Use Evidence, *U.S. v. D’Andrea*, Nov. 9, 2006, at 9.
- ¹⁷² *Id.*
- ¹⁷³ 18 U.S.C. § 923(e)-(f).
- ¹⁷⁴ Government’s Opposition to Defendant’s Motion to Strike Surplusage from the Indictment, *U.S. v. D’Andrea*, Crim. No. 3:06CR128(JCH), Nov. 9, 2006, at 1-2, 6.
- ¹⁷⁵ See 18 U.S.C. § 923.
- ¹⁷⁶ *Id.* at 29 n.9.
- ¹⁷⁷ *Id.* at 6.
- ¹⁷⁸ ATF Ruling 94-2 (1994).
- ¹⁷⁹ Government’s Opposition to Defendant’s Motion to Strike Surplusage from the Indictment, *U.S. v. D’Andrea*, Crim. No. 3:06CR128(JCH), Nov. 9, 2006, at 7.
- ¹⁸⁰ *Id.* at 12-13. Although President Bush allowed the Federal Assault Weapons Ban, 18 U.S.C. § 922(v), to expire in 2004, a Connecticut law that remains in effect prohibits the possession of assault weapons. Conn. Gen. St. § 53-202a-d.
- ¹⁸¹ Government’s Opposition to Defendant’s Motion to Strike Surplusage from the Indictment, *U.S. v. D’Andrea*, Crim. No. 3:06CR128(JCH), Nov. 9, 2006, at 12-13.
- ¹⁸² *Id.* at 12-13.
- ¹⁸³ *Id.* at 15-16.
- ¹⁸⁴ *Id.* at 15-16.
- ¹⁸⁵ *Id.* at 19.
- ¹⁸⁶ *Id.* at 15-16.
- ¹⁸⁷ *Id.* at 15-16.
- ¹⁸⁸ *Id.* at 8, 13-14.
- ¹⁸⁹ *Id.* at 8.
- ¹⁹⁰ *Id.* at 9-10.



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- ¹⁹¹ *Id.* at 9-10.
- ¹⁹² *Id.* at 8.
- ¹⁹³ 18 U.S.C. § 923(g)(6).
- ¹⁹⁴ Government's Opposition to Defendant's Motion to Strike Surplusage from the Indictment, *U.S. v. D'Andrea*, Crim. No. 3:06CR128(JCH), Nov. 9, 2006, at 7-8.
- ¹⁹⁵ Affidavit of James F. Sullivan, ATF Special Agent, *U.S. v. D'Andrea*, Crim. No. 3:06CR128(JCH), Apr. 17, 2006, at 6-7, ¶¶ 12, 14.
- ¹⁹⁶ See *Commerce in Firearms* at 22 (listing trafficking indicators).
- ¹⁹⁷ Government's Opposition to Defendant's Motion to Strike Surplusage from the Indictment, *U.S. v. D'Andrea*, Crim. No. 3:06CR128(JCH), Nov. 9, 2006, at 14.
- ¹⁹⁸ *Id.* at 2.
- ¹⁹⁹ Notice of Intention to Use Evidence, *U.S. v. D'Andrea*, Nov. 9, 2006, at 4.
- ²⁰⁰ *Id.* at 4-5. The murder occurred at 215 Charles Street in Bridgeport on August 24, 2005. Government's Opposition to Defendant's Motion to Strike Surplusage from the Indictment, *U.S. v. D'Andrea*, Crim. No. 3:06CR128(JCH), Nov. 9, 2006, at 26 n.7.
- ²⁰¹ Notice of Intention to Use Evidence, *U.S. v. D'Andrea*, Nov. 9, 2006, at 5-6.
- ²⁰² *Id.* at 6-7.
- ²⁰³ *Id.* at 7-8.
- ²⁰⁴ *Id.* at 8.
- ²⁰⁵ Affidavit of James F. Sullivan, ATF Special Agent, *U.S. v. D'Andrea*, Crim. No. 3:06CR128(JCH), Apr. 17, 2006, at 15-16, ¶ 35; Government's Opposition to Defendant's Motion to Strike Surplusage from the Indictment, *U.S. v. D'Andrea*, Crim. No. 3:06CR128(JCH), Nov. 9, 2006, at 16 n.3.
- ²⁰⁶ Government's Opposition to Defendant's Motion to Strike Surplusage from the Indictment, *U.S. v. D'Andrea*, Crim. No. 3:06CR128(JCH), Nov. 9, 2006, at 16 n.3.
- ²⁰⁷ *Id.* at 1.
- ²⁰⁸ ATF press release, *One of State's Largest Gun Dealers Arrested on Numerous Charges*, Apr. 27, 2006.
- ²⁰⁹ Associated Press, *Gun Dealer Arrested After Federal Probe*, Hartford Courant, Apr. 28, 2006.
- ²¹⁰ Criminal Complaint, *U.S. v. D'Andrea*, Crim. No. 3:06CR128(JCH), Apr. 17, 2006; Government's Opposition to Defendant's Motion to Strike Surplusage from the Indictment, *U.S. v. D'Andrea*, Crim. No. 3:06CR128(JCH), Nov. 9, 2006, at 2; ATF Ruling 94-2 (1994).
- ²¹¹ Criminal Complaint, *U.S. v. D'Andrea*, Crim. No. 3:06CR128(JCH), Apr. 17, 2006; Government's Opposition to Defendant's Motion to Strike Surplusage from the Indictment, *U.S. v. D'Andrea*, Crim. No. 3:06CR128(JCH), Nov. 9, 2006, at 2-3.
- ²¹² Criminal Complaint, *U.S. v. D'Andrea*, Crim. No. 3:06CR128(JCH), Apr. 17, 2006; Government's Opposition to Defendant's Motion to Strike Surplusage from the Indictment, *U.S. v. D'Andrea*, Crim. No. 3:06CR128(JCH), Nov. 9, 2006, at 2, 4.



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- ²¹³ Criminal Complaint, *U.S. v. D'Andrea*, Crim. No. 3:06CR128(JCH), Apr. 17, 2006; Government's Opposition to Defendant's Motion to Strike Surplusage from the Indictment, *U.S. v. D'Andrea*, Crim. No. 3:06CR128(JCH), Nov. 9, 2006, at 2-3.
- ²¹⁴ Criminal Complaint, *U.S. v. D'Andrea*, Crim. No. 3:06CR128(JCH), Apr. 17, 2006; Government's Opposition to Defendant's Motion to Strike Surplusage from the Indictment, *U.S. v. D'Andrea*, Crim. No. 3:06CR128(JCH), Nov. 9, 2006, at 3.
- ²¹⁵ Criminal Complaint, *U.S. v. D'Andrea*, Crim. No. 3:06CR128(JCH), Apr. 17, 2006; Government's Opposition to Defendant's Motion to Strike Surplusage from the Indictment, *U.S. v. D'Andrea*, Crim. No. 3:06CR128(JCH), Nov. 9, 2006, at 3.
- ²¹⁶ Criminal Complaint, *U.S. v. D'Andrea*, Crim. No. 3:06CR128(JCH), Apr. 17, 2006; Government's Opposition to Defendant's Motion to Strike Surplusage from the Indictment, *U.S. v. D'Andrea*, Crim. No. 3:06CR128(JCH), Nov. 9, 2006, at 3, 5.
- ²¹⁷ Government's Opposition to Defendant's Motion to Strike Surplusage from the Indictment, *U.S. v. D'Andrea*, Crim. No. 3:06CR128(JCH), Nov. 9, 2006, at 5, citing Defendant's Motion to Continue Jury Selection, Oct. 11, 2006, at 2, ¶ 5.
- ²¹⁸ Government's Memorandum In Aid of Sentencing, *U.S. v. D'Andrea*, Crim. No. 3:06CR128(JCH), Aug. 31, 2007, at 1.
- ²¹⁹ *Id.* at 33.
- ²²⁰ Letter from Kevin J. O'Connor, U.S. Attorney to Alan J. Sobol, attorney for D'Andrea, Feb. 1, 2007.
- ²²¹ *Id.*
- ²²² Judgment In a Criminal Case, *U.S. v. D'Andrea*, Crim. No. 3:06CR128(JCH), Sep. 7, 2007; Michael P. Mayko, *Dealer Sentenced For Skirting Firearms Laws*, Connecticut Post, Sep. 8, 2007.
- ²²³ 18 U.S.C. § 925(b).
- ²²⁴ Government's Memorandum In Aid Of Sentencing, *U.S. v. D'Andrea*, Crim. No. 3:06CR128(JCH), Aug. 31, 2007, at 44-45 n.13.
- ²²⁵ *Id.*
- ²²⁶ Michael P. Mayko, *Dealer Sentenced For Skirting Firearms Laws*, Connecticut Post, Sep. 8, 2007.
- ²²⁷ Phil Helsel, *Gun Dealer Cops A Plea In Weapons Case*, New Haven Register, Feb. 2, 2007.
- ²²⁸ Sentencing Memorandum, Exhibit 4.
- ²²⁹ See the following Brady Center to Prevent Gun Violence reports available at <http://www.bradycenter.org/gunindustrywatch>: *Shady Dealings: Illegal Gun Trafficking from Licensed Gun Dealers* (highlighting more than two-dozen cases of illegal gun trafficking from dealers across the country and revealing how licensed gun dealers who are complicit in aiding gun traffickers remain untouched by the law); *"Trivial Violations"?: The Myth of Overzealous Federal Enforcement Actions Against Licensed Gun Dealers* (examining every published Federal court decision over the last five years in which gun dealers challenged ATF's license termination actions and finding that each one concerns frequent and serious illegal conduct by dealers); *Death Valley: Profile of a Rogue Gun Dealer* (describing longtime NRA Board Member Sandy Abrams and his gun shop's 900 Federal gun law violations); *Lethal Loe's: Profile of a*



Rogue Gun Dealer (exposing dealer Lou's Loan's twenty year history of supplying guns used in crime); *Trading In Death: Profile Of A Rogue Gun Dealer* (describing gun dealer Trader Sports' decades of gun law violations).

²³⁰ See Brady Center, *Death Valley: Profile of a Rogue Gun Dealer*, accessible at <http://www.bradycenter.org/xshare/pdf/reports/death-valley.pdf>.

²³¹ Government's Memorandum In Aid Of Sentencing, *U.S. v. D'Andrea*, Crim. No. 3:06CR128(JCH), Aug. 31, 2007, at 5.

²³² ATF, *Commerce in Firearms in the United States* (Feb. 2000), at 23.

²³³ For a broad examination of the NRA's complicity in keeping corrupt gun dealers in business, see Brady Center to Prevent Gun Violence, *The NRA: A Criminal's Best Friend — How The National Rifle Association Has Handcuffed Federal Gun Law Enforcement* (Oct. 2006), accessible at <http://www.bradycenter.org/xshare/pdf/reports/criminals-best-friend.pdf>.

²³⁴ WISQARS, Injury Mortality Reports, National Center for Injury Prevention and Control, Centers for Disease Control, http://webapp.cdc.gov/sasweb/ncipc/mortrate10_sy.html (2004 data).

