

FELONY

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

**INDICTMENT FOR VIOLATIONS OF THE
FEDERAL GUN CONTROL ACT, FAILURE TO REGISTER
AS A SEX OFFENDER, AND NOTICE OF FORFEITURE**

UNITED STATES OF AMERICA

v.

JOSEPH C. DELAY
a/k/a Harold James

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CRIMINAL DOCKET NO.

SECTION:

VIOLATION: 18 U.S.C. § 922(g)(1)
18 U.S.C. § 924(a)(2)
18 U.S.C. § 2250(a)

The Grand Jury charges that:

COUNT 1

On or about March 9, 2012, in the Eastern District of Louisiana, the defendant, **JOSEPH DELAY, a/k/a Harold James, ("DELAY")**, having been convicted of crimes punishable by imprisonment for a term exceeding one year, to wit: a conviction on or about August 18, 1995, in the Criminal District Court for the Parish of Orleans, under Case No. 346-331, for Forcible Rape, Armed Robbery, and Aggravated Burglary, in violation of LA R.S. 14:42; 14:64; 14:60, respectively;

a conviction on or about January 6, 2004, in the 24th Judicial District Court for the Parish of Jefferson, under Case No. 03-5624, for possession of a Schedule II controlled substance, in violation of LA R.S. 40:967; a conviction on or about July 12, 2010, in the 24th Judicial District Court for the Parish of Jefferson, under Case No. 10-01674, for Failure to Register as a Sex Offender, in violation of LA R.S. 15:542, did knowingly possess in and affecting interstate commerce, a firearm, to wit: a Lorcin Model L380, a .380 caliber semi-automatic pistol, bearing serial number 462237; all in violation of Title 18, United States Code, Sections 922(g)(1) and 924(a)(2).

COUNT 2

A. AT ALL TIMES MATERIAL HEREIN:

1. On or about August 18, 1995, **JOSEPH DELAY** entered a plea of guilty to: Forcible Rape, in violation of Louisiana Revised Statute Section 14:42, in Criminal District Court for the Parish of Orleans, under Case No. 346-331.
2. **DELAY's** conviction for forcible rape required him to register as a sex offender for the remainder of his life.
3. **DELAY** was required to register with law enforcement and complete a Sex Offender Registration Form (Registration Form) within three days every time he changed his address.
4. From on or about March 20, 2007, through on or about October 4, 2011, **DELAY** completed approximately seven (7) Registration Forms.
5. On or about January 3, 2012, **DELAY** failed to appear for his annual registration update at the Jefferson Parish Sheriff's Office.
6. At sometime unknown, but after on or about March 9, 2012, **DELAY** moved from Louisiana to Georgia and failed to notify law enforcement authorities of his move to Georgia.

B. THE OFFENSE:

Beginning at sometime after on or about January 3, 2012, to on or about April 12, 2012, the defendant, **JOSEPH DELAY**, a person required to register under the Sex Offender Registration and Notification Act, traveled in interstate commerce and did knowingly fail to register and update a registration.

All in violation of Title 18, United States Code, Section 2250(a).

NOTICE OF FORFEITURE

1. The allegations of Count 1 of this Indictment are realleged and incorporated by reference as though set forth fully herein for the purpose of alleging forfeiture to the United States of America pursuant to the provisions of Title 18, United States Code, Section 924(d)(1) and Title 28, United States Code, Section 2461(c).

2. As a result of the offense(s) alleged in Count 1, the defendant, **JOSEPH C. DELAY**, shall forfeit to the United States pursuant to Title 18, United States Code, Section 924(d)(1) and Title 28, United States Code, Section 2461, any firearm or ammunition, which was involved in or used in a knowing violation of Title 18, United States Code, Sections 922(g)(1) and 924(a)(2), as alleged in Count 1 of this Indictment.

3. If any of the property subject to forfeiture pursuant to Paragraph 2 of this Notice of Forfeiture, as a result of any act or omission of the defendants:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third person;
- c. has been placed beyond the jurisdiction of the Court;


- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be subdivided without difficulty;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of said defendant up to the value of the above forfeitable property.


All in violation of Title 18, United States Code, Sections 922(g)(1) and 924(d)(1).

A TRUE BILL:

FOREPERSON



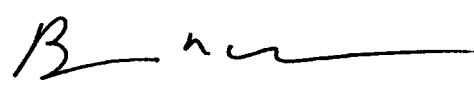
JIM LETTEN (8517)
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BRIAN M. KLEBBA (NY 2938728)
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New Orleans, Louisiana
May 10, 2012