

M. White

AO 91 (Rev. 08/09) Criminal Complaint

UNITED STATES DISTRICT COURT
for the
Southern District of Texas

United States Courts
Southern District of Texas
FILED

DEC 17 2010

David J. Bradley, Clerk of Court

United States of America
v.
PATRICK REGAN

Case No.

H-10-mj-1235

Defendant(s)

CRIMINAL COMPLAINT

Un Sealed
Copies and unofficial staff access
to this instrument are
prohibited by court order.

I, the complainant in this case, state that the following is true to the best of my knowledge and belief
On or about the date(s) of 12/1/2010 and 12/8/2010 in the county of Harris in the
Southern District of Texas, the defendant(s) violated:

Table with 2 columns: Code Section, Offense Description. Rows include 18 U.S.C. 924(a)(1)(A) False Statement to a Firearms Dealer, 18 U.S.C. 922(k) Possession of a Firearm with an Obliterated Serial Number, 18 U.S.C. 554(a) Smuggling Goods from the United States.

This criminal complaint is based on these facts:

See attached affidavit incorporated herein by reference.

Continued on the attached sheet.

[Signature]

Complainant's signature

SA Dominic Rosamilia, ATF

Printed name and title

Sworn to before me and signed in my presence.

Date: 12/17/10

[Signature]

Judge's signature

City and state: Houston, Texas

Hon. George C. Hanks, Jr., U.S. Magistrate Judge

Printed name and title

## AFFIDAVIT FOR CRIMINAL COMPLAINT

I, Dominic Rosamilia, affiant, having been duly sworn, do hereby state the following:

1. I am a Special Agent (SA) of the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), United States Department of Justice, and have been so employed since April of 2009 when I graduated from the Federal Law Enforcement Training Center and the ATF National Academy in Glynco, Georgia. My duties and responsibilities include conducting criminal investigations of possible violations of federal laws, particularly those laws found in Title 18 of the United States Code. I received additional law enforcement training while employed for 13 years as a police officer with the Chesterfield County, Virginia Police Department where I was assigned to investigations, vice, narcotics, community policing, and patrol. I attained the rank of sergeant. I have instructed other police officers throughout the Commonwealth of Virginia on several topics to including the law of search and seizure and basic criminal law. I have requested and executed over 100 search warrants. I graduated from the State University of New York at Buffalo with a bachelor degree in health and human services. My current assignment with ATF's Houston Group IX involves the investigation of firearms trafficking, violent crime, and organized crime such as street gangs and drug trafficking organizations. I have used cooperating informants, undercover agents, pen register/trap and trace devices, video surveillance, wiretaps, GPS tracking devices, and audio surveillance, among other law enforcement techniques, in the course of my career with ATF.
2. The information in this affidavit is based on my personal observations and on information provided by law enforcement officers and other people. Since this affidavit is submitted to establish probable cause in connection with an application for a criminal complaint, I have not set forth all of the information I know about the case. I have limited this submission just to the facts that establish probable cause.
3. There is probable cause that **Patrick REGAN**, a white male, born on [REDACTED] 1970, Social Security Number [REDACTED] (hereafter "REGAN"), violated Title 18, United States Code, Sections 922(k) (Possession of a Firearm with an Obliterated Serial Number) and 924(a)(1)(A) (False Statement to a Firearms Dealer).
4. **Title 18, United States Code, Section 922(k) (Possession of a Firearm with an Obliterated Serial Number)** - It shall be unlawful for any person knowingly to transport, ship, or receive, in interstate or foreign commerce, any firearm which has had the importer's or manufacturer's serial number removed, obliterated, or altered or to possess or receive any firearm which has had the importer's or manufacturer's serial number removed, obliterated, or altered and has, at any time, been shipped or transported in interstate or foreign commerce.
5. **Title 18, United States Code, Section 924(a)(1)(A) (False Statement to a Firearms Dealer)** - ...whoever (A) knowingly makes any false statement or representation with respect to the information required by this chapter to be kept in the records of a person

licensed under this chapter or in applying for any license of exemption or relief from disability under this chapter....shall be fined under this title, imprisoned not more than five years, or both.

6. I reviewed **REGAN's** USAA bank account records which showed that, from May 3, 2010 to August 19, 2010, he received approximately \$77,000.00 in multiple wire transfers from a bank in Colombia. These wire transfers corresponded in time with **REGAN's** buying approximately \$30,000 in firearms and related equipment from federally licensed firearms dealers in multiple sales. **REGAN** also made several debit purchases at the United States Postal Service and Federal Express in the same time frame.

7. On December 3, 2010, I received information that **REGAN** had purchased firearms from a federally licensed firearms dealer in Houston, Texas d/b/a SOG Armory. **REGAN** purchased 13 stripped lower receivers (firearms for purposes of Chapter 44 of Title 18 United States Code) on December 1, 2010. SOG Armory personnel advised that they told **REGAN** that they would have some less expensive receivers in soon but that **REGAN** stated that he needed the receivers now. I obtained the sales receipt, an ATF Form 4473, and a copy of **REGAN's** driver's license, which documents memorialized this sale. Below is a list of the receivers that **REGAN** purchased on December 1, 2010:

- Double Star, model STAR-15, 5.56 MM caliber, serial number DS21480
- Double Star, model STAR-15, 5.56 MM caliber, serial number DS24753
- Double Star, model STAR-15, 5.56 MM caliber, serial number DS21472
- Double Star, model STAR-15, 5.56 MM caliber, serial number DS24752
- Double Star, model STAR-15, 5.56 MM caliber, serial number DS24697
- Double Star, model STAR-15, 5.56 MM caliber, serial number DS21479
- Double Star, model STAR-15, 5.56 MM caliber, serial number DS21484
- Double Star, model STAR-15, 5.56 MM caliber, serial number DS21482
- Double Star, model STAR-15, 5.56 MM caliber, serial number DS24709
- Double Star, model STAR-15, 5.56 MM caliber, serial number DS24682
- Double Star, model STAR-15, 5.56 MM caliber, serial number DS21477
- Double Star, model STAR-15, 5.56 MM caliber, serial number DS24718
- Double Star, model STAR-15, 5.56 MM caliber, serial number DS24687

8. On December 7, 2010, agents assigned to this investigation conducted surveillance on **REGAN**. At approximately 1500 hours, he exited a U-Haul storage facility at 10515 Southwest Freeway, Houston TX, 77074 carrying two brown cardboard boxes approximately 12" X 12" and 18" deep and three FedEx boxes. He put the five boxes in his 2010 white Hyundai SUV Texas tag CB9N54 and drove to his home.

9. On December 8, 2010, agents saw **REGAN** and his wife entering the FedEx storefront at 12121 Westheimer Blvd. in Houston, Texas. They carried in three FedEx and two brown cardboard boxes which appeared to be identical in size and description to the ones agents

had seen the day before. Agents saw **REGAN** and his wife leave the Fed-Ex storefront without the boxes.

10. Agents contacted FedEx store employees, identified themselves, and asked to view the five boxes that **REGAN** and his wife had just dropped off to be mailed.

11. The three FedEx boxes were each labeled with the following information:

- Sender: Jack Linden, Phone number 405-506-4140, address 2410 W. Memorial Road, Suite C No. 524, Oklahoma City, OK 73134
- Recipient: Jorge Martinez, [REDACTED] Medellin, Antioquia, Colombia
- Total packages: 3
- Contents: 8 machine castings valued at \$250.00

12. The two brown were each labeled with the following information:

- Sender: Jeff DuFour, Phone number 405-506-4140, Company Machine plus, address 5116 Bissonnet Street, No. 164, Bellaire, TX 77401
- Recipient: Jorge Martinez, address [REDACTED] Medellin, Antioquia, Colombia
- Total packages: 2
- Contents: 10 pressure washer handles valued at \$500.00

13. Agents learned that **REGAN** had used a FedEx account linked to "Jack Linden", the "sender" of the three FedEx boxes on December 8, 2010, to make 34 other shipments to Colombia since April 2010. The most recent activity on the "Jack Linden" account prior to the December 8, 2010 surveillance occurred on December 2, 2010 when five boxes were shipped to Colombia from a FedEx store near Hobby Airport in Houston, Texas and on December 3, 2010 when three boxes were shipped to Colombia from a FedEx store near Fondren and Highway 59 South in Houston, Texas.

14. FedEx transported the five packages, which **REGAN** had shipped on December 8, 2010, to a FedEx distribution center located at 10555 S. Sam Houston, Houston, Texas. ICE special agents went to there to inspect them pursuant their authority as customs inspectors to search parcels departing the United States' borders and their functional equivalents. The five packages were en route to a foreign country and thus were lawfully searched, once ICE agents located them at the distribution center which was a functional equivalent of the U.S. border. The five packages contained the following information on the International Air Waybills:

- **Fed-Ex Express, International Air Waybill – Tracking Number 8736 8090 7434 0402**  
Sender: Jack Linden, Phone number 405-506-4140, address 2410 W. Memorial Road, Suite C No. 524, Oklahoma City, OK 73134

**Recipient:** Jorge Martinez, [REDACTED]  
Medellin, Antioquia, Colombia  
**Total packages:** 3  
**Contents:** 8 machine castings valued at \$250.00

- **Fed-Ex Express, International Air Waybill – Tracking Number 8736 8090 7423 0402**  
**Sender:** Jeff DuFour, Phone number 405-506-4140, Company Machine plus, address 5116 Bissonnet Street, No. 164, Bellaire, TX 77401  
**Recipient:** Jorge Martinez, address [REDACTED]  
[REDACTED] Medellin, Antioquia, Colombia  
**Total packages:** 2  
**Contents:** 10 pressure washer handles valued at \$500.00

15. ICE agents conducted a cursory search of the packages and immediately determined that items inside did not match the items declared for shipment. Accordingly, they seized all five packages and transported them to the ICE Houston Office located at 4141 Sam Houston Parkway, Houston, Texas.

16. On December 8, 2010, ATF and ICE special agents conducted a search of the five seized packages and recovered the following items:

- **Fed-Ex package # 1** (assigned by ATF)  
Four (4) firearms: FN, model 57, 5.7 caliber pistols, serial numbers **obliterated** (item # 4-7)  
Twelve (12) FN, 20 round capacity magazines (item # 1)  
Four (4) FN, model 57 gun cleaning kits (item # 2)  
Three (3) front rail sights (item # 3)  
Four (4) FN, model 57 gun tools (item # 2)
- **Fed-Ex package # 2** (assigned by ATF)  
Four (4) firearms: FN, model 57, 5.7 caliber pistols, serial numbers **obliterated** (item # 11-14)  
Twelve (12) FN, 20 round capacity magazines (item # 8)  
Four (4) FN, model 57 gun cleaning kits (item # 9)  
Three (3) forward pistol grips, made by Tapco USA (item # 10)  
Four (4) FN, model 57 gun tools (item # 9)
- **Fed-Ex package # 3** (assigned by ATF)  
Three (3) Double Star, model STAR-15, 5.56 caliber, complete lower receivers, serial number **obliterated** (item # 16-18)  
Three (3) pistol grips (item # 15)
- **Fed-Ex package # 4** (assigned by ATF)  
Two (2) Double Star, model STAR-15, 5.56 caliber, complete lower receivers,

serial number **obliterated** (item #20-21)

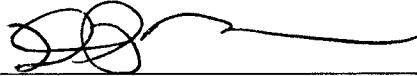
Two (2) pistol grips (item # 19)

- **Fed-Ex package # 5** (assigned by ATF)  
Three (3) Double Star, model STAR-15, 5.56 caliber, complete lower receivers, serial number **obliterated** (item # 23-25)  
Three (3) pistol grips (item # 22)

The five packages contained a total of: 16 firearms, 24 firearm magazines, 8 firearm cleaning kits, 8 pistol grips, 3 forward pistol grips, 3 front rail sights and 3 firearm tools. The serial number on all 16 firearms had been obliterated.

17. The aforementioned FN, model 57, 5.7 caliber pistols were manufactured by Fabrique Nationale-Herstal in Belgium and the Double Star, model STAR-15, 5.56 caliber lower receivers were manufactured in Kentucky. Accordingly, all such items in **REGAN's** possession had traveled in interstate and/or foreign commerce.
18. The eight Double Star, model STAR-15, 5.56 caliber, complete lower receivers, which ~~constitute firearms for purposes of Chapter 44 of Title 18, United States Code, that were~~ seized by agents from Fed-Ex Packages #3, 4, and 5 were of identical make and model to those purchased by **REGAN** from SOG Armory on December 1, 2010. In purchasing those lower receivers, **REGAN** filled out an ATF Form 4473 falsely by representing that he was buying the receivers for himself when in truth he was buying them for another person who had paid him to acquire them. The ATF Form 4473 was required by law to be kept in the records of SOG Armory, a federally licensed firearms dealer.
19. On December 9, 2010, agents determined that the senders' names on both boxes were false. Both sender addresses actually corresponded to UPS stores. The recipient's address was a vacant residence in Columbia. The value of the declared contents and the contents description were incorrect.

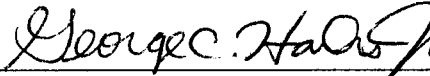
19. On December 9, 2010, agents determined that the senders' names on both boxes were false. Both sender addresses actually corresponded to UPS stores. The recipient's address was a vacant residence in Columbia. The value of the declared contents and the contents description were incorrect.
  
20. Based the foregoing facts, there is probable cause that **Patrick REGAN** violated Title 18, United States Code, Section 922(k) (Possession of a Firearm with an Obliterated Serial Number) and Title 18, United States Code, Section 924(a)(1)(A) (False Statement to a Firearms Dealer) , and 554 (a) (Smuggling Goods from the United States).



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Dominic Rosamilia  
Special Agent, ATF

Subscribed to and sworn in my presence this 17<sup>th</sup> day of December, 2010, and I find probable cause.



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Hon. George C. Hanks, Jr.  
United States Magistrate Judge