

AO 91 (Rev. 11/82)

CRIMINAL COMPLAINT

UNITED STATES DISTRICT COURT	CENTRAL DISTRICT OF CALIFORNIA	FILED CLERK U.S. DISTRICT COURT JUN 11 2014
UNITED STATES OF AMERICA v. STEVEN SARGON ATNEYEL	DOCKET NO.	
	MAGISTRATE'S CASE NO. M 14 01169	CENTRAL DISTRICT OF CALIFORNIA BY _____ DATE _____

Complaint for violation of Title 26, United States Code, Section 5861(d)

NAME OF MAGISTRATE JUDGE HONORABLE CHARLES F. EICK	UNITED STATES MAGISTRATE JUDGE	LOCATION Los Angeles, California
DATE OF OFFENSE April 4, 2014	PLACE OF OFFENSE Orange County	ADDRESS OF ACCUSED (IF KNOWN)

COMPLAINANT'S STATEMENT OF FACTS CONSTITUTING THE OFFENSE OR VIOLATION:

[26 U.S.C. § 5861(d) – Possession of an Unregistered Firearm]

On or about April 4, 2014, in Orange County, within the Central District of California, defendant STEVEN ~~CHRIS~~ ATNEYEL ("ATNEYEL") knowingly possessed a firearm, namely, an AKM-type 7.62x39mm caliber machinegun of unknown manufacture, bearing serial number 1986 S-BS3108, which defendant knew to be a firearm and machinegun rifle as defined in Title 26, United States Code, Sections 5845(a) and 5845(b), and which had not been registered to ATNEYEL in the National Firearms Registration and Transfer Record as required by Chapter 53, Title 26, United States Code.

BASIS OF COMPLAINANT'S CHARGE AGAINST THE ACCUSED:

(See attached affidavit which is incorporated as part of this Complaint)

MATERIAL WITNESSES IN RELATION TO THIS CHARGE: N/A

Being duly sworn, I declare that the foregoing is true and correct to the best of my knowledge.	SIGNATURE OF COMPLAINANT IOANNIS DOUROUPIS /s/
	OFFICIAL TITLE Special Agent – ATF

Sworn to before me and subscribed in my presence,

SIGNATURE OF MAGISTRATE JUDGE ⁽¹⁾ CHARLES F. EICK	DATE June 11, 2014
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⁽¹⁾ See Federal Rules of Criminal Procedure 3 and 54
AUSA R. H. Con x4667 REC: Detention

A F F I D A V I T

I, Ioannis C. Douroupis, being duly sworn, hereby depose and say:

I. INTRODUCTION

1. I am a Special Agent ("SA") with the United States Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives (the "ATF"), and have been so employed since January 2010. I am currently assigned to the ATF Los Angeles Field Division. As a SA for the ATF, I have investigated violations of federal statutes governing firearms, narcotics, arson, explosives, conspiracy, and robbery. I have also investigated violations of state firearms and narcotics laws. In order to become a SA with the ATF, I attended the 27-week Criminal Investigator and Special Agent Basic Training Academies for the ATF in Glynco, Georgia. This training included instruction on state and federal firearms and narcotics laws and regulations, to which I often refer during the course of my duties. In addition, I have received advanced law enforcement training each year. Prior to working for the ATF, I was a Supervisory Officer with United States Customs and Border Protection ("CBP") for approximately six years, wherein I also routinely investigated violations of federal law, including firearms offenses.

II. PURPOSE OF THE AFFIDAVIT

2. This affidavit is submitted in support of a criminal complaint for STEVEN SARGON ATNEYEL ("ATNEYEL"), for violations of 26 U.S.C. § 5861(d): Possession of a Firearm not Registered in the National Firearms Registration and Transfer Records, and an application for a warrant to search ATNEYEL's residence, the SUBJECT PREMISES, described more fully below, for evidence of violations of 26 U.S.C. § 5861(d), (e), and (f): Possession, Manufacture and Transfer of a Firearm not Registered in the National Firearms Registration and Transfer Records.

3. This affidavit is intended to show that there is sufficient probable cause for the requested complaint and search warrant and does not purport to set forth all of my knowledge of or investigation into this matter. The statements set forth in this affidavit are based upon my investigation to date, my experience, my training, and other reliable sources of information relative to this investigation.

III. PREMISES TO BE SEARCHED

4. The premises to be searched is described in Attachment A and as follows:

a. The premises known as [REDACTED], Orange, California ("SUBJECT PREMISES"). The SUBJECT PREMISES is a single story residence located on the east side of [REDACTED] Street. The front of the house faces west. The house is pink

stucco with white trim and has an attached garage located north of the front door. The numbers "██████" are attached to the front of the residence and are also painted on the curb in front of the house.

IV. ITEMS TO BE SEIZED

5. The ITEMS TO BE SEIZED are described in Attachment B, incorporated herein by reference.

V. PROBABLE CAUSE

A. On April 4, 2014, ATNEYEL sold a machine gun to an undercover ATF agent

6. Based on my own investigation as well as my review of reports written by SA Daniel Thompson ("SA Thompson") and as well as conversations with SA Thompson and others, I have learned the following:

a. On March 25, 2014, an ATF Confidential Informant ("CI") told me that STEVEN ATNEYEL possessed of a fully automatic AK-47 type rifle and was interested in selling it for \$2,500. The CI also told me that ATNEYEL works at Weistec Engineering in Santa Ana, California and that his cellular telephone number was ██████████. I told the CI to call ATNEYEL and tell ATNEYEL that his friend, SA Thompson acting in an undercover capacity, was interested in purchasing the rifle, and give ATNEYEL SA Thompson's telephone number.

b. On March 25, 2014, the CI spoke to ATNEYEL and told ATNEYEL that he had a friend who wanted to buy the fully automatic AK-47 type rifle and gave ATNEYEL SA Thompson's telephone number. ATNEYEL told the CI he was interested in selling the rifle, but that he did not want SA Thompson to know anything about him.

c. On March 31, 2014, I gave SA Thompson ATNEYEL's telephone number. SA Thompson texted, "Got ur # from andy.. still into selling that thing?" A short time later, ATNEYEL replied, "Hey bud Yea. But I need to be careful for obvious reasons." By text, SA Thompson and ATNEYEL arranged to meet on April 4, 2014 to sell the machine gun for \$2,500.

d. On April 3, 2014, SA Thompson and ATNEYEL exchanged text messages, agreeing to meet the next day at a public location in Long Beach to complete the proposed firearm deal.

e. On April 4, 2014, ATNEYEL texted SA Thompson that he had a fever and would need to postpone the meeting. After several more text message exchanges, ATNEYEL agreed to meet SA Thompson later that day in the city of Westminster, within the Central District of California, to sell the machine gun.

f. At approximately 9:15 AM, SA Thompson met with ATNEYEL in the parking lot of the Westminster Mall. ATNEYEL took a cardboard box from the trunk of his car and brought it

over to SA Thompson. Inside the box was an AK-47 type 7.62x39mm caliber rifle, bearing serial number 1986 S-BS3108, as well as a plastic bag containing rifle accessories (i.e., a black stock and hand-guard), and a 30-round firearm magazine. While SA Thompson examined the rifle and the other items in the box, ATNEYEL said that the rifle was "legit." ATNEYEL commented that everything on the firearm was original, "all Romanian," except for the receiver. SA Thompson then asked if the rifle was machine gun and ATNEYEL said that it was. SA Thompson asked ATNEYEL if he had put the machine gun together himself and if it actually worked, to which ATNEYEL replied, "Yeah."

g. ATNEYEL also told SA Thompson that he had built five AK-47 type rifles and the one he was selling to SA Thompson was actually the best one. ATNEYEL reiterated that the parts inside the rifle were currently impossible to obtain. SA Thompson took the rifle out of the cardboard box and examined it to determine if it was a machine gun. ATNEYEL said that the rifle was not semi-automatic, the rifle was not exactly legal, and if something happened with the rifle, he did not want to get "fucked." ATNEYEL expressed concern over the fact that his girlfriend had just moved out and that she had knowledge of his possession of the machine gun. SA Thompson counted out \$2,500 in cash and handed it to ATNEYEL as payment for the machine gun.

h. ATNEYEL added that he currently had an AR-10 rifle and an AR-15 rifle. ATNEYEL also told SA Thompson that he had three AK-47 parts kits left and SA Thompson asked ATNEYEL if he could modify one of SA Thompson's friend's California legal rifles. ATNEYEL responded that he could modify the rifle, but he would probably need to use one of his parts kits, which would take about four days. SA Thompson asked about the shop where ATNEYEL built and modified the firearms and ATNEYEL told him that the shop was actually an automotive shop that he used to build weapons on the weekends. ATNEYEL further explained that he was planning to manufacture some "AR's," which SA Thompson believed was a reference to .308 caliber AR-10 rifles.

i. Finally, ATNEYEL told SA Thompson to call him to let him know what he needed and that he would let SA Thompson know what he could build. ATNEYEL also said that he would be willing to sell the AK-47 parts kits for the "going rate" and that he could build one more machine gun, a complete AK-47 type rifle, which he would be willing to sell for the same price of \$2,500. ATNEYEL reiterated that there was a lot of risk in dealing with these types of weapons and SA Thompson told him that he would also be interested in purchasing an AR-10 rifle. ATNEYEL said that he was planning to make 10 upper and 10 lower AR-10 receivers because other people were also interested in purchasing them.

j. On April 10, 2014, SA Thompson sent a text message to ATNEYEL that he had a friend who wanted to purchase a machine gun. ATNEYEL responded that he could build and sell one more machine gun at the same price, \$2,500, and then texted "Sold out lol."

k. Between April 14, 2014 and April 21, 2014, SA Thompson sent additional text messages to ATNEYEL to purchase another machine gun.

l. On April 21, 2014, ATNEYEL sent a text message to SA Thompson saying that he was in China and that he would be back in a week.

m. On April 28, 2014, and May 19, 2014, SA Thompson sent brief text messages to ATNEYEL, but ATNEYEL did not respond.

B. Evidence of ATNEYEL'S Residence

7. On May 29, 2014, surveillance was conducted at the SUBJECT PREMISES. ATNEYEL was seen walking out of the house, entering a Mercedes sedan, and driving away.

8. On June 10, 2014, I reviewed the results of a search for STEVEN ATNEYEL in Accurint, a National Comprehensive Report that shows individuals, their address, residential phone numbers, possible employers, possible business affiliations, possible relatives, and possible properties owned by the person. From my review of the Accurint search results, I learned that

ATNEYEL is listed as currently owning and residing at the SUBJECT PREMISES and has been associated with the SUBJECT PREMISES since September 2013.

9. According to the records of the CR&R Waste and Recycling Services, they currently provide waste and recycling removal service for the SUBJECT PREMISES and the current subscriber is STEVEN ATNEYEL.

C. Additional Investigation

10. On or about April 14, 2014, I reviewed the results of a search for STEVEN ATNEYEL in the National Firearms Registration and Transfer Records. I learned that ATNEYEL does not have any firearms or destructive devices registered to him. Furthermore, ATNEYEL is not licensed to possess, transfer or manufacture destructive devices.

11. On June 10, 2014, I reviewed a report from ATF's Firearms Technology Branch which stated that the AK-47 type rifle ATNEYEL sold to SA Thompson on April 4, 2014 is a machine gun as defined in 26 U.S.C. § 5845(a).

D. Probable Cause for Premises to be Searched and Items to be Seized

12. In addition to the foregoing facts, I have learned during my tenure as an ATF agent that individuals who manufacture and sell firearms generally maintain records of their illegal transactions as items of value and usually keep

them in their residence, or in places that are readily accessible, and under their physical control, such as a residence. These individuals also keep these records on their cell phones/smart phones, computers, flash drives and portable hard drives and do not dispose of these records; they usually keep their records for long periods, often spanning several years, in a secure location within their residence. Many people also keep mementos of their firearms, including digital photographs or videotapes of themselves possessing or using firearms and destructive devices on their cell phones/smart phones, computers, flash drives and portable hard drives. Many people do not dispose of their firearm-related records; they usually keep their records for long periods, often spanning several years, in a secure location within their residence.

13. I know that correspondence between persons buying and selling firearms often occurs by e-mail or text message sent to and from smart phones, laptops, or other digital devices. This includes sending photos of the firearms between the seller and the buyer, as well as negotiation of price. Therefore, based on my experience, I believe that it is probable that any digital devices found at the SUBJECT PREMISES may contain text messages or e-mails between ATNEYEL and other individuals discussing the sale or transfer of firearms.

14. I know that individuals involved in the manufacture of firearms keep plans, diagrams and notes regarding the manufacture of firearms on their computers and in their smart phones for future use. These individuals also keep tend to keep their plans, diagrams, and notes in places that are readily accessible and under their physical control, such as their residence. Furthermore, these individuals also purchase an excess amount of the parts used to manufacture the firearms for future use and tend to store those parts in their residence, or in places that are readily accessible, and under their physical control..

E. TRAINING AND EXPERIENCE ON DIGITAL DEVICES

15. As used herein, the term "digital device" includes any electronic system or device capable of storing or processing data in digital form, including central processing units; desktop, laptop, notebook, and tablet computers; personal digital assistants; wireless communication devices, such as telephone paging devices, beepers, mobile telephones, and smart phones; digital cameras; peripheral input/output devices, such as keyboards, printers, scanners, plotters, monitors, and drives intended for removable media; related communications devices, such as modems, routers, cables, and connections; storage media, such as hard disk drives, floppy disks, memory cards, optical disks, and magnetic tapes used to store digital data (excluding

analog tapes such as VHS); and security devices. Based on my knowledge, training, and experience, as well as information related to me by agents and others involved in the forensic examination of digital devices, I know that data in digital form can be stored on a variety of digital devices and that during the search of a premises it is not always possible to search digital devices for digital data for a number of reasons, including the following:

a. Searching digital devices can be a highly technical process that requires specific expertise and specialized equipment. There are so many types of digital devices and software programs in use today that it is impossible to bring to the search site all of the necessary technical manuals and specialized equipment necessary to conduct a thorough search. In addition, it may be necessary to consult with specially trained personnel who have specific expertise in the types of digital devices, operating systems, or software applications that are being searched.

b. Digital data is particularly vulnerable to inadvertent or intentional modification or destruction. Searching digital devices can require the use of precise, scientific procedures that are designed to maintain the integrity of digital data and to recover "hidden," erased, compressed, encrypted, or password-protected data. As a result,

a controlled environment, such as a law enforcement laboratory or similar facility, is essential to conducting a complete and accurate analysis of data stored on digital devices.

c. The volume of data stored on many digital devices will typically be so large that it will be highly impractical to search for data during the physical search of the premises. A single megabyte of storage space is the equivalent of 500 double-spaced pages of text. A single gigabyte of storage space, or 1,000 megabytes, is the equivalent of 500,000 double-spaced pages of text. Storage devices capable of storing 500 or more gigabytes are now commonplace. Consequently, just one device might contain the equivalent of 250 million pages of data, which, if printed out, would completely fill three 35' x 35' x 10' rooms to the ceiling. Further, a 500 gigabyte drive could contain as many as approximately 450 full run movies or 450,000 songs.

d. Electronic files or remnants of such files can be recovered months or even years after they have been downloaded onto a hard drive, deleted, or viewed via the Internet. Electronic files saved to a hard drive can be stored for years with little or no cost. Even when such files have been deleted, they can be recovered months or years later using readily-available forensics tools. Normally, when a person deletes a file on a computer, the data contained in the file does not

actually disappear; rather, that data remains on the hard drive until it is overwritten by new data. Therefore, deleted files, or remnants of deleted files, may reside in free space or slack space, i.e., space on a hard drive that is not allocated to an active file or that is unused after a file has been allocated to a set block of storage space, for long periods of time before they are overwritten. In addition, a computer's operating system may also keep a record of deleted data in a swap or recovery file. Similarly, files that have been viewed on the Internet are often automatically downloaded into a temporary directory or cache. The browser typically maintains a fixed amount of hard drive space devoted to these files, and the files are only overwritten as they are replaced with more recently downloaded or viewed content. Thus, the ability to retrieve residue of an electronic file from a hard drive depends less on when the file was downloaded or viewed than on a particular user's operating system, storage capacity, and computer habits. Recovery of residue of electronic files from a hard drive requires specialized tools and a controlled laboratory environment. Recovery also can require substantial time.

e. Although some of the records called for by this warrant might be found in the form of user-generated documents (such as word processing, picture, and movie files), digital devices can contain other forms of electronic evidence as well.

In particular, records of how a digital device has been used, what it has been used for, who has used it, and who has been responsible for creating or maintaining records, documents, programs, applications and materials contained on the digital devices are, as described further in the attachments, called for by this warrant. Those records will not always be found in digital data that is neatly segregable from the hard drive image as a whole. Digital data on the hard drive not currently associated with any file can provide evidence of a file that was once on the hard drive but has since been deleted or edited, or of a deleted portion of a file (such as a paragraph that has been deleted from a word processing file). Virtual memory paging systems can leave digital data on the hard drive that show what tasks and processes on the computer were recently used. Web browsers, e-mail programs, and chat programs often store configuration data on the hard drive that can reveal information such as online nicknames and passwords. Operating systems can record additional data, such as the attachment of peripherals, the attachment of USB flash storage devices, and the times the computer was in use. Computer file systems can record data about the dates files were created and the sequence in which they were created. This data can be evidence of a crime, indicate the identity of the user of the digital device, or point toward the existence of evidence in other locations.

Recovery of this data requires specialized tools and a controlled laboratory environment, and also can require substantial time.


f. Further, evidence of how a digital device has been used, what it has been used for, and who has used it, may be the absence of particular data on a digital device. For example, to rebut a claim that the owner of a digital device was not responsible for a particular use because the device was being controlled remotely by malicious software, it may be necessary to show that malicious software that allows someone else to control the digital device remotely is not present on the digital device. Evidence of the absence of particular data on a digital device is not segregable from the digital device. Analysis of the digital device as a whole to demonstrate the absence of particular data requires specialized tools and a controlled laboratory environment, and can require substantial time.

g. Off-site review of the digital devices will be appropriate because agents do not know exactly what kind of devices they will find. Thus, it would be impractical to bring all necessary manuals, programs, or devices with them to the
SUBJECT PREMISES

16. Other than what has been described herein, to my knowledge, the United States has not attempted to obtain this data by other means.

VI. CONCLUSION

17. Based upon my training and experience, and the facts set forth herein, I submit that there is probable cause to believe that, on April 4, 2014, STEVEN SARGON ATNEYEL violated 26 U.S.C. § 5861(d): Possession of a Firearm not Registered in the National Firearms Registration and Transfer Records. I further submit that there is probable cause to believe that the items described in Attachment B are evidence of violations of 26 U.S.C. § 5861(d), (e), and (f): Possession, Manufacture and Transfer of a Firearm not Registered in the National Firearms Registration and Transfer Records, and will be found at the SUBJECT PREMISES.



Ioannis Douroupis
ATF - Special Agent

Subscribed and sworn to before
me this 11th day of June 2014

CHARLES F. EICK

UNITED STATES MAGISTRATE JUDGE

Instrumentality Protocol