

Title of Investigation: OLOFSON, David	Investigation Number: 778020-06-0107	Report Number: 4
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SUMMARY OF EVENT:

Search Warrant. On July 19, 2006, Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) Special Agents and Berlin Police Department executed a search warrant on the home of David R. OLOFSON (M/W, DOB 06/12/1971).

NARRATIVE:

1. On July 18, 2006, SA Jody Keeku obtained a search warrant from the United States District Court, Eastern District of Wisconsin for case number 06-M-0252.
2. On July 19, 2006, SA's Jody Keeku, Sandra DeValkenaere, Ken Handy, Rick Hankins, Mike Quick, Shelly St. Jacques, Paul Harding, Nick Garlie, Sheila Fry, and ATF Task Force Officer Steve Wolf, along with Berlin Police Department and Green Lake County Sheriff Department Tactical Team executed a search warrant at the home of David R. OLOFSON, 197 East Moore St., Berlin, WI 54923.
3. Located and taken from the home were various types of military training manuals, firearms parts, firearms, ammunition, computers, and computer media.
4. On July 21, 2006, SA Keeku returned the warrant to the US District Court, Eastern District of Wisconsin.

ATTACHMENT:

- a) United States District Court, Eastern District of Wisconsin Search Warrant, Case Number 06-M-0252, Attachment A, ATF Evidence Control Log.

Prepared by: Jody M. Keeku	Title: Special Agent, Milwaukee I Field Office	Signature: <i>Jody M. Keeku</i>	Date: 7/21/06
Authorized by: Arthur Chavarria	Title: Resident Agent in Charge, Milwaukee I Field Office	Signature: <i>Sandra DeValkenaere</i>	Date: 7/21/06
Second level reviewer (optional): Bernard J. Zapor	Title: Special Agent in Charge, St. Paul Field Division	Signature: <i>Arthur Chavarria</i>	Date: 07-24-06

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF WISCONSIN

In the Matter of the Search of

SEARCH WARRANT

Case Number:

06 - M - 0252

The residence located at 197 E. Moore Street, Berlin, Wisconsin, more particularly described as a two-story white house with burgundy shutters and a single door on the front of the residence; the numbers "197" are affixed to the front of the house.

TO: Any authorized officer of the United States:

Affidavit having been made before me by Special Agent Jody M. Keeku of the Department of Justice, Bureau of Alcohol, Tobacco and Firearms and Explosives, to believe that on the property known as:

The residence located at 197 E. Moore Street, Berlin, Wisconsin, more particularly described as a two-story white house with burgundy shutters and a single door on the front of the residence; the numbers "197" are affixed to the front of the house,

in the Eastern District of Wisconsin there is now concealed certain property, namely: The items described in Attachment A, which constitutes evidence of violations of Title 18, U.S.C. Section 922(o) (which prohibits possession of a machinegun) and Title 18, U.S.C. Section 922(a)(1)(A)(which prohibits manufacturing and dealing in firearms by persons who are not licensed).

I am satisfied that the affidavit establishes probable cause to believe that the property so described is now concealed on the premises above-described and establishes grounds for the issuance of this warrant.

YOU ARE HEREBY COMMANDED to search on or before July 24, 2006 Date

(not to exceed 10 days) the person or place named above for the person or property specified, serving this warrant and making the search (in the daytime - 6:00 a.m. to 10:00 p.m.) (at any time in the day as I find reasonable cause has been established) and if the person or property be found there to seize same, leaving a copy of this warrant and receipt for the person or property taken, and prepare a written inventory of the person or property seized and promptly return this warrant to Patricia J. Gorence, U.S. Magistrate Judge as required by law.

July 18, 2006; 5:05 (a.m.) (p.m.) Date and time issued

at Milwaukee, Wisconsin City and State

THE HONORABLE PATRICIA J. GORENCE United States Magistrate Judge Name & Title of Judicial Officer

Patricia J. Gorence Signature of Judicial Officer

AFFIDAVIT IN SUPPORT OF SEARCH WARRANT

JODY M. KEEKU, being duly sworn, deposes and states as follows:

1. I am a Special Agent of the Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) and have been so employed since July of 2001. I am also trained as a Firearms Interstate Nexus Expert. I am currently assigned to the Milwaukee Field Office of the St. Paul Field Division. My duties consist of investigating violations of federal firearms laws, including but not limited to Title 18 U.S.C. 922(o).
2. During the course of my employment with ATF, I have participated in the execution of search warrants and seizure warrants secured by myself as an affiant and by other special agents of ATF. These warrants involved the search of locations ranging from residences and businesses to storage facilities. Items searched for, recovered and seized in these locations have included ammunition, firearms of all types, including those illegal to possess under any circumstance, records pertaining to the previous purchase or sale of ammunition and firearms, as well as documents demonstrative of ownership of ammunition and firearms.
3. I have also received training in the area of firearms investigation. I have attended training seminars focusing on illegal firearms trafficking and prosecution.
4. All of the information contained herein is based upon my personal knowledge and investigation or upon information supplied to me by other law enforcement officers or citizen witnesses, all of whom I believe to be truthful and reliable. In particular, I believe Robert J. KIERNICKI to be truthful and reliable because he has given reliable statements to the City of Berlin Police Department, Police Officer Robert Zache, in the past and has made reliable statements to SA Jody Keeku regarding David OLOFSON.
5. I submit this affidavit in support of an application for a search warrant. The warrant would authorize the search of property located at 197 E. Moore St., Berlin, Wisconsin, for evidence of crimes, namely, violations of 18 U.S.C. §§ 922(a)(1)(A) and 922(o), to wit: (1) firearms; (2) NFA weapons, which are not lawfully registered with the National Firearms Registry; (3) ammunition for firearms; (4) notebooks, notes, sales slips, price tags, or other records of firearms purchases and sales; (5) tools used to manufacture and assemble firearms such as, but not limited to hammers, pliers, files, screw drivers, and vice grips; (6) computer monitor, keyboard, computer unit, and any computer media used for the sales of firearms on EBay; and (7) documents for any individual occupying the premise demonstrating ownership or possession of items located thereon.

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INVESTIGATIVE INFORMATION SUPPORTING SEIZURE

6. A summary of my investigation leading to probable cause to search the above-described premise is as follows
7. On July 13, 2006, SA Jody Keeku spoke with PO Robert Zache regarding automatic gun fire reported to the City of Berlin Police Department. PO Zache explained that PO Splittegerber responded to the Berlin Conservation Club, in the City of Berlin, Green Lake County, State of Wisconsin. Three individuals were interviewed: Brian J. MALZHAN; Cory L. CIHLAR; and Robert J. KIERNICKI (M/W, DOB 11/06/1987). KIERNICKI was in possession of an Olympic Arms, SGW Rifle, Model CAR-AR, .223 caliber, serial number F7079. PO Splittegerber inspected the firearm and documented the information.
8. At approximately 9:30 a.m. on July 13, 2006, PO Zache spoke with KIERNICKI at his home and KIERNICKI stated that the Olympic Arms, serial number F7079 belonged to David R. OLOFSON (M/W, DOB 06/12/1971). PO Zache inspected the firearm. The firearm was the same one that PO Splittegerber had inspected at the range.
9. KIERNICKI explained that the firearm had three selector switches and that it went Safe, Fire, and the third position was not stamped yet it was a three round burst action (that is, the firearm was designed so that when it is in the third position, it fires automatically more than one shot with a single pull of the trigger and therefore is a "machinegun" under 18 U.S.C. § 922(o)). KIERNICKI stated that he fired the firearm in three round burst twice, and that it jammed after the third try.
10. KIERNICKI explained that OLOFSON had loaned the firearm to him until KIERNICKI takes possession of one he ordered from OLOFSON. KIERNICKI explained that he had ordered a firearm from OLOFSON sometime earlier in 2006. After the firearm arrives, OLOFSON will contact KIERNICKI and then the two of them would assemble it. KIERNICKI told OLOFSON he didn't want the extra "pin" in it like the Olympic Arms, serial number F7079, to make it fire three round burst.
11. PO Zache took the firearm into custody until ATF SA Jody Keeku could inspect the firearm.
12. On that same day KIERNICKI called OLOFSON to advise him that the Berlin Police Department had taken the Olympic Arms, serial number F7079 into custody. KIERNICKI told OLOFSON that he had been firing the Olympic Arms, serial number F7079 on three round burst and someone reported it to the police. KIERNICKI told OLOFSON that a Berlin Police

Department officer had come to his house and taken the firearm. OLOFSON stated that he had been out to the Conservation Club and fired automatic firearms and had never been bothered by the police.

13. On July 14, 2006, OLOFSON contacted Berlin Police Department Captain Kevin Block to inquire about his firearm in their custody. Cpt. Block explained to OLOFSON that the firearm had been taken from KIERNICKI and the case was now being investigated by ATF. OLOFSON stated that the Police Department doesn't know what they have, referring to the firearm. He stated that if ATF thinks the Olympic Arms, serial number F7079 is something, they should see the other firearms he has. OLOFSON stated to Cpt. Block that he has hundreds of firearms including a .50 caliber sniper rifle.
14. OLOFSON explained to Cpt. Block that the Olympic Arms, serial number F7079 is his loaner firearm. If people are interested in purchasing one from him he allows them to use the Olympic Arms to see if they like it. OLOFSON stated that the selector switch doesn't work on the Olympic Arms.
15. On July 17, 2006, SA Jody Keeku inspected the Olympic Arms, serial number F7079 and found that the selector switch moved through three selections, from Safe, Fire, and the third was not marked. SA Keeku then inspected the bolt and observed that it had been filed down. She then performed a functions check in which the firearm did function in all three selections including the third selection which was not stamped.
16. PO Zache and SA's Jody Keeku and Rick Hankins then interviewed KIERNICKI at the Berlin Police Department where KIERNICKI gave a sworn statement. In his statement he stated that on Thursday, July 13, 2006, he borrowed the Olympic Arms, serial number F7079 and obtained .223 caliber ammunition from OLOFSON. He then went to the Berlin Conservation Club and fired the firearm. KIERNICKI explained that OLOFSON told him not to fire the weapon in three round burst because it might malfunction. KIERNICKI decided to try the three round burst and fired it twice in that selection before it jammed.
17. KIERNICKI explained that he was borrowing the Olympic Arms, serial number F7079 because he had ordered an AR 15 rifle from OLOFSON and it had not come in yet. When the firearm arrives, OLOFSON and KIERNICKI were going to assemble it and KIERNICKI would pay OLOFSON \$550.00 for the rifle. KIERNICKI had already given OLOFSON his 30/30 Marlin Rifle for a down payment.
18. KIERNICKI advised that OLOFSON gets old firearms and then remanufactures them and sells them on EBAY on the internet. His

computer was located in his basement. KIERNICKI stated that the manufacturing room was in the basement also. He had seen into OLOFSON's manufacturing room, which contained a bench with screwdrivers, pliers, vice grips, and a hammer. OLOFSON stated that that's where they would assemble the AR 15 rifle that KIERNICKI had ordered.

19. KIERNICKI advised that OLOFSON keeps all of his ammunition in the basement. KIERNICKI had seen .9mm, .45mm, and .223 caliber ammunition on a shelf located by the stairs. On the same shelf OLOFSON has a shotgun and numerous rifles that he is remanufacturing.
20. KIERNICKI advised that OLOFSON keeps a 9mm pistol in the computer desk. KIERNICKI allowed OLOFSON to view it and offered to let KIERNICKI borrow it. KIERNICKI told OLOFSON that he would like to purchase one at sometime and OLOFSON stated that he could get one for KIERNICKI.
21. KIERNICKI advised that OLOFSON does not keep all of his firearms in his basement. OLOFSON stated that he keeps firearms scattered throughout his house. When KIERNICKI went to OLOFSON's to borrow the Olympic Arms, OLOFSON went upstairs to the second floor to get the firearm.

NFA RECORDS SEARCH

22. On July 13, 2006, SA Jody Keeku caused a search to be conducted of the National Firearms Registry for David R. OLOFSON (M/W, DOB 06/12/1971). There is no record of any firearms being registered to OLOFSON. Also, the Olympic Arm, SGW, Model CAR-AR, serial number F7079 is not registered to anyone

FFL DATABASE SEARCH

23. A search of the Federal Firearms Licensee database shows that David R. OLOFSON is not a licensed manufacturer or dealer of firearms.

CONCLUSIONS AND RECOMMENDATIONS

23. Based on the foregoing facts and circumstances, I believe there is probable cause to believe that at 197 E. Moore St, Berlin, Wisconsin, the residence of David R. OLOFSON, there are now located and concealed firearms, ammunition, tools, a computer, records and other documents that constitute evidence of violations of 18 U.S.C. § 922(o) (which prohibits possession of a machinegun) and 18 U.S.C. § 922(a)(1)(A) (which prohibits manufacturing and dealing in firearms by persons who are not licensed).



DEPARTMENT OF THE TREASURY
BUREAU OF ALCOHOL, TOBACCO AND FIREARMS

EVIDENCE CONTROL LOG

PAGE 1 OF 5

CASE NUMBER 77800000167 INVESTIGATION TITLE QUOFSON ADDRESS 197 E. Moore St., Bellin, WI, 54923

DATE 7/19/00 TIME ON SITE 18:05 PM WEATHER CONDITIONS Overcast TEMP 80-90°

EVIDENCE TECH St. Saques SCHEMATIC ARTIST _____ PHOTOGRAPHER Harkins

EXHIBIT NUMBER	TIME	DESCRIPTION OF EVIDENCE	FOUND AT	FOUND BY	PHOTO CROSS REF ROLL/PHOTO NO.
1	1:45	DVD "Hi Capell Black Ops Prolog"	TOP Computer Desk Drawer	WOLF	4
2	1:45	Miscellaneous Documents	Lower Computer Desk Drawer	WOLF	10
3	1:48	FMJ Type lower + upper Receiver	Under Neighb Basement stairs	QUICK	9
4	1:45	Ruger 1022 S/N 239-14918	Closet in basement (left side)	QUICK	11
5	1:45	Training Manuals	Closet in basement (right side)	QUICK	3
6	2:00	Spring, Inverter, catalog and stock	Upper cabinets in workshop	QUICK	13
7	2:00	Miscellaneous: several Plastic parts kit containing Sargent parts	Basement under workshop crawl space	WOLF	15
8	2:28	Bag of 2005, CO2S	Basement Game parts desk	WOLF / Harding	

EVIDENCE TECH Shelly St. Jacques

POD William St. Jacques

TELEPHONE NO. 414-727-6178

Signature _____

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DEPARTMENT OF THE TREASURY
BUREAU OF ALCOHOL, TOBACCO AND FIREARMS

EVIDENCE CONTROL LOG

PAGE 2 OF 5

CASE NUMBER _____ INVESTIGATION TITLE _____ ADDRESS _____

DATE _____ TIME ON SITE _____ WEATHER CONDITIONS _____ TEMP _____

EVIDENCE TECH _____ SCHEMATIC ARTIST _____ PHOTOGRAPHER _____

EXHIBIT NUMBER	TIME	DESCRIPTION OF EVIDENCE	FOUND AT	FOUND BY	PHOTO CROSS REF ROLL/PHOTO NO.
9	2:30	External subsystem hard drive enclosure # WE-320X	Basement computer area South wall	Harding	
10	2:30	Tower Computer Unit marked w/ name SPC O'BRIEN	Basement computer area South wall	Harding	
11	2:31	E-Machine tower computer Model E-tower 6671P	Back work area basement (N) under table	Harding	
12	2:33	Computer tower case: No power board or power supply	" "	Harding	
13	2:33	Spagat base card hardware SN 3HE2PV59	Drbr. cabinet (N) basement work area	Harding	
14	2:34	Western digital WD400 hardware SN WCAADY1381395	" "	Harding	
15	2:35	Alliant Energy bill in name of David + Nancy O'ROSON	Kitchen	DeWittmore	24
16		Thma 13g. Shotgun SN 230749	Basement closet left side	Quirk	25

EVIDENCE TECH _____

POD _____

TELEPHONE NO. _____

Signature _____



EVIDENCE CONTROL LOG

CASE NUMBER _____ INVESTIGATION TITLE _____ ADDRESS _____
 DATE _____ TIME ON SITE _____ WEATHER CONDITIONS _____ TEMP _____
 EVIDENCE TECH _____ SCHEMATIC ARTIST _____ PHOTOGRAPHER _____

EXHIBT NUMBER	TIME	DESCRIPTION OF EVIDENCE	FOUND AT	FOUND BY	PHOTO CROSS REF ROLL/PHOTO NO.
17	2:46	Sprungfeld Arms Co. Model 1929 .410 No 5's/N Shotgun	Basement closet Left side	Quirk	25
18	2:47	.32 Winchester Model 1915 S/N 344909	Basement do set Left side	Quirk	25
19	2:48	Wadlin Unknown Model S/N 2088	Basement closet Left side	Quirk	25
20	2:48	Remington Med. Long Master 870 S/N S86442M Bg.	" "	Quirk	25
21	2:49	Wadlin LeFevre Arms Co. Model LeFevre No 5's .410 198 S/N 197471	" "	Quirk	25
22	2:49	Greenfield Model 30 (Nathan) 30-30 cal S/N 69 88829	" "	" "	" "
23	2:47	Winchester Model 12 Jag Shotgun S/N 738900	" "	" "	" "
24	2:50	Sig Sauer Model Peace gmm pistol S/N U150310	Under futon	WOLF	5

EVIDENCE TECH. _____
 POD _____
 TELEPHONE NO. _____
 Signature _____

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DEPARTMENT OF THE TREASURY
BUREAU OF ALCOHOL, TOBACCO AND FIREARMS

EVIDENCE CONTROL LOG

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CASE NUMBER _____ INVESTIGATION TITLE _____ ADDRESS _____

DATE _____ TIME ON SITE _____ WEATHER CONDITIONS _____ TEMP _____

EVIDENCE TECH _____ SCHEMATIC ARTIST _____ PHOTOGRAPHER _____

EXHIBIT NUMBER	TIME	DESCRIPTION OF EVIDENCE	FOUND AT	FOUND BY	PHOTO CROSS REF ROLL/PHOTO NO.
25	251	BNE Model 98 22 ad rifle SN 724	Basement closet left side	Quirk	25
26	254	Korn Mfg Co Model 5017 870 SN V953201X (NO STRIPPER ASSEMBLY)	" "	" "	" "
27	254	Birmingham Model 24 HTD SN 25308	" "	" "	" "
28	255	Mausser Model HSC 7.65mm SN 745058	Gun vault in cabinet in closet	" "	2
29	257	STUD Model 18-4 revolver SN 252911	Gun vault in cabinet in closet	" "	2
30	259	STUD Model 293-44 SN 57539	Gun vault in cabinet in closet	" "	2
31	260	Savage Model 510 0571 SN FT86513	Basement closet	" "	25
32	360	Miscellaneous gun parts	Basement closet	" "	25

EVIDENCE TECH _____

POD _____

TELEPHONE NO. _____

signature _____

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EVIDENCE CONTROL LOG

PAGE 5 OF 5

CASE NUMBER _____ INVESTIGATION TITLE _____ ADDRESS _____
 DATE _____ TIME ON SITE _____ WEATHER CONDITIONS _____ TEMP _____
 EVIDENCE TECH _____ SCHEMATIC ARTIST _____ PHOTOGRAPHER _____

EXHIBIT NUMBER	TIME	DESCRIPTION OF EVIDENCE	FOUND AT	FOUND BY	PHOTO CROSS REF ROLL/PHOTO NO.
33	304	Ruger model Mark I 22 cal S/L D328161	Burnett closet Amino Area	Quirk	26
34	300	Twin nos 512 mo: compact Flash card	In visitor camera on computer station	Harding	

EVIDENCE TECH. _____
 POD _____
 TELEPHONE NO. _____
 Signature _____