

AO 91 (Rev. 08/09) Criminal Complaint

FILED**UNITED STATES DISTRICT COURT****SEP 29 2017**

for the

Northern District of Oklahoma

**Mark C. McCartt, Clerk
U.S. DISTRICT COURT**

United States of America

v.

MICHAEL DEAN BILLEY,

Case No. *17-mj-175-PJC**Defendant(s)***CRIMINAL COMPLAINT**

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 December 30, 2016, in the county of Mayes County in the
Northern District of Oklahoma, the defendant(s) violated:*Code Section*

26 U.S.C. §§ 5861(d) and 5871

*Offense Description*Possession of Unregistered Weapons Made From Shotguns Having Barrels
of Less Than 18 Inches in Length

This criminal complaint is based on these facts:

See Attached Affidavit by ATF Special Agent Holley J. Campbell

☒ Continued on the attached sheet.*Holley J. Campbell*
*Complainant's signature*ATF Special Agent Holley J. Campbell
Printed name and title

Sworn to before me and signed in my presence.

Date: 09/29/2017City and state: Tulsa, OK*[Signature]*
Judge's signature
U.S. Magistrate Judge Paul J. Cleary
Printed name and title

I, Holley J. Campbell, Special Agent, Bureau of Alcohol, Tobacco, Firearms, & Explosives, being duly sworn, deposes and states as follows below.

I am a Special Agent with the U.S. Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), currently assigned to the Tulsa Field Office. I have been so employed since September 18, 2005.

As a result of my training and experience as a Special Agent, I am familiar with the federal firearms laws and know that it is unlawful for a person to receive or possess firearms not registered to him the National Firearms Registration and Transfer Record, as defined in Title 26, U.S.C., Sections 5845(a) and 5861(d). Pursuant to those statutes, such firearms include a weapon made from a shotgun having an overall length of less than 26 inches or a barrel or barrels of less than 18 inches in length.

On or about December 30, 2016, the Mayes County Sheriff's Office assisted Pryor Police Department with the undercover purchase of two (2) sawed-off shotguns. The Pryor Police Department had been conducting an investigation on Michael Dean BILLEY, American Indian Male, DOB: 5/28/1985. BILLEY had agreed to meet with an undercover officer in order to sell two sawed-off shotguns. BILLEY arrived at the predetermined meet location in Mayes County, Oklahoma, along with two other individuals. Upon his arrival, BILLEY was taken into custody by law enforcement officers. During a search of the vehicle, officers located two sawed-off shotguns in the trunk of the vehicle, wrapped in a red towel. After being read his Miranda Rights, acknowledging he understood those rights, giving those rights up, and agreeing to speak with Officers, BILLEY admitted that he came to the location to sell the sawed-off shotguns to the "person on Facebook" (undercover officer). Additionally, BILLEY stated that he has been selling firearms and illegal drugs for a few months. BILLEY also told officers that there were stolen laptops and methamphetamine within his residence. Officers applied for, received, and executed a state search warrant at BILLEY'S residence. Officers recovered two stolen laptops, methamphetamine, baggies, and pipes from BILLEY'S residence.

Charles Billey, the driver of the vehicle, was read his Miranda Rights, acknowledged he understood those rights, gave those rights up, and agreed to speak with Officers. Charles Billey stated that Michael Dean BILLEY called him and said he needed a ride to Salina, Oklahoma. Charles Billey saw Michael Dean BILLEY walk out of Michael Dean BILLEY'S residence in Mayes County, Oklahoma, with something folded up in a red towel. Charles Billey saw Michael Dean BILLEY place the unknown item(s) in the red towel inside the trunk of the vehicle. Charles Billey said he did not know what Michael Dean BILLEY had placed in the trunk.

On April 18, 2017, Affiant conducted an interview with Michael Dean BILLEY at the Mayes County Sheriff's Office. Affiant read Michael Dean BILLEY his Miranda Rights. Michael Dean BILLEY acknowledged that he understood those rights, gave up those rights, and agreed to speak with Affiant, by signing

an ATF Rights and Waivers form. During the interview, BILLEY stated that he traded the sawed-off shotguns for approximately one gram of methamphetamine each. BILLEY also stated that he has bought several firearms, and traded several firearms for methamphetamine numerous times over the past year.

On July 17, 2017, Affiant submitted a request for a search of the National Firearms Registration and Transfer Record Database for BILLEY and the aforementioned firearms. The search of the database revealed no record for BILLEY or the aforementioned firearms.

On September 19, 2017, ATF Special Agent Darrell Withem, an expert in the Interstate Nexus of firearms, examined the recovered firearms (sawed-off shotguns). Special Agent Withem determined that the above mentioned sawed-off shotguns found in BILLEY'S possession were firearms, specifically two weapons made from shotguns, described as follows: a Stevens by Savage Arms, Model 77A, 12 gauge shotgun, no visible serial number (overall length 27", barrel length 15 3/8"), and an Iver Johnson's Arms and Cycle Works, Model Champion, .410 gauge shotgun, no visible serial number (overall length 19.5", barrel length 11"). Special Agent Withem further determined that the two firearms described above were not manufactured in the State of Oklahoma, and would have crossed state lines and traveled in interstate commerce in order to be in the State of Oklahoma.

Based on the foregoing I believe there is probable cause that Michael Dean BILLEY possessed the firearms described herein, both firearms being weapons made from shotguns, with barrel lengths of less than 18 inches, a violation of 26, United States Code, §§ 5861 (d) and 5871, and request that an arrest warrant be issued.

Further, Affiant sayeth not.


ATF Special Agent Holley J. Campbell

Sworn to and subscribed before me this 29th day of September, 2017.


U.S. Magistrate Judge Paul J. Cleary