

DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT

BY: COMPLAINT INFORMATION INDICTMENT
 SUPERSEDING

OFFENSE CHARGED

- 1. 18 U.S.C. 922 (o) Illegal Possession of a Machine Gun Petty
 - 2. 18 U.S.C. 922 (a)(1)(A) Illegal Dealing in Firearms Minor
 - Misdemeanor
 - Felony
- PENALTY: 1. 10 years imprisonment, \$250,000 fine, 3 years sup. release \$100 special assessment.
2. 5 years imprisonment, \$250,000 fine, 3 years sup. release \$100 special assessment.

Name of District Court, and for Judge/Magistrate Location

NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

DEFENDANT - U.S.

▶ DONALD ELMORE NUSS

DISTRICT COURT NUMBER

CR 08

07 19

PROCEEDING

Name of Complainant Agency, or Person (& Title, if any)

ATF, Special Agent Steven Decker

person is awaiting trial in another Federal or State Court, give name of court.

this person/proceeding is transferred from another district per (circle one) FRCrp 20, 21, or 40. Show District

this is a reprosecution of charges previously dismissed which were dismissed on motion of:

U.S. ATTORNEY DEFENSE

SHOW DOCKET NO.

this prosecution relates to a pending case involving this same defendant

MAGISTRATE CASE NO.

prior proceedings or appearance(s) before U.S. Magistrate regarding this defendant were recorded under

Name and Office of Person

Furnishing Information on this form JOSEPH P. RUSSONIELLO

U.S. Attorney Other U.S. Agency

Name of Assistant U.S. Attorney (if assigned)

Owen Martikan

IS NOT IN CUSTODY

Has not been arrested, pending outcome this proceeding.

- 1) If not detained give date any prior summons was served on above charges ▶
- 2) Is a Fugitive
- 3) Is on Bail or Release from (show District)

IS IN CUSTODY

- 4) On this charge
 - 5) On another conviction } Federal State
 - 6) Awaiting trial on other charges
- If answer to (6) is "Yes", show name of institution

Has detainer been filed? Yes No

} If "Yes" give date filed

DATE OF ARREST ▶

Month/Day/Year

Or... if Arresting Agency & Warrant were not

DATE TRANSFERRED TO U.S. CUSTODY ▶

Month/Day/Year

This report amends AO 257 previously submitted

ADDITIONAL INFORMATION OR COMMENTS

PROCESS:

SUMMONS NO PROCESS* WARRANT

Bail Amount: No Bail

If Summons, complete following:

Arraignment Initial Appearance

* Where defendant previously apprehended on complaint, no new summons or warrant needed, since Magistrate has scheduled arraignment

Defendant Address:

Date/Time: _____

Before Judge: _____

Comments:

United States District Court

FOR THE
NORTHERN DISTRICT OF CALIFORNIA
CRIMINAL DIVISION
VENUE: SAN FRANCISCO

FILED
09 OCT 14 PM 3:50
RICHARD W. WIEGAND
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

v.

DONALD ELMORE, US

CR 08

0719 PJH

DEFENDANT.

INDICTMENT

Title 18, U.S.C. § 922(o) - Illegal Possession of a
Machine Gun
Title 18, U.S.C. § 922(a)(1)(A) - Illegal Dealing in
Firearms (Six Counts)
Title 18, U.S.C. § 924(d) - Forfeiture

A true bill.

Angela Hernandez
Foreman

Filed in open court this 14th day of
OCT. 2008

Henry H.
Clerk

Bail, \$ NO BAIL ARREST WARRANT

[Signature]

1 JOSEPH P. RUSSONIELLO (CABN 44332)
United States Attorney
2 Attorney for Plaintiff
3
4
5
6
7

FILED
08 OCT 14 PM 3:50
RICHARD W. WICKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
10 SAN FRANCISCO DIVISION

PJH

11 UNITED STATES OF AMERICA,
12 Plaintiff,

13 v.

14 DONALD ELMORE NUSS,
15
16 Defendant.
17

Criminal No.:
CR 08 0719

VIOLATIONS: 18 U.S.C. § 922(o) – Illegal Possession of a Machine Gun; 18 U.S.C. § 922(a)(1)(A) – Illegal Dealing in Firearms (six counts); 18 U.S.C. § 924(d) – Forfeiture

SAN FRANCISCO VENUE

18
19 INDICTMENT

20 The Grand Jury charges:

21 COUNT ONE:

22 18 U.S.C. § 922(o) – Illegal Possession of a Machine Gun

23 On or about May 30, 2007, in the Northern District of California, the defendant,

24 DONALD ELMORE NUSS,

25 did knowingly and willfully possess the following machine guns: (1) Zoli (Antonio) AK Type
26 machine gun, Serial No. 1981KM38345; (2) Zoli (Antonio) Sten machine gun, Serial No. 30054;
27 (3) Zoli (Antonio) Sten Mark II machine gun, Serial No. 2L7874; (4) Zoli (Antonio) Sten MC
28 Mark III machine gun receiver, Serial No. A07025; (5) Zoli (Antonio) Sten Mark II machine gun,

INDICTMENT

1 Serial No. B023S89S; (6) Zoli (Antonio) Sten Mark II machine gun, Serial No. G85474; (7)
2 Thompson 1928 model machine gun, Serial No. AO33834; (8) Suomi machine gun receiver,
3 barrel and barrel shroud; and (9) AK-47 type machine gun receiver, in violation of Title 18,
4 United States Code, Sections 922(o) and 924(a)(2).

5
6 COUNT TWO: 18 U.S.C. § 922(a)(1)(A) – Illegal Dealing in Firearms

7 On or about March 20, 2006, in the Northern District of California, the defendant,
8 DONALD ELMORE NUSS,
9 without being a licensed dealer of firearms within the meaning of Chapter 44, Title 18, United
10 States Code, did willfully engage in the business of dealing in firearms, in violation of Title 18,
11 United States Code, Sections 922(a)(1)(A), 923(a), and 924(a)(1)(D).

12
13 COUNT THREE: 18 U.S.C. § 922(a)(1)(A) – Illegal Dealing in Firearms

14 On or about April 14, 2006, in the Northern District of California, the defendant,
15 DONALD ELMORE NUSS,
16 without being a licensed dealer of firearms within the meaning of Chapter 44, Title 18, United
17 States Code, did willfully engage in the business of dealing in firearms, in violation of Title 18,
18 United States Code, Sections 922(a)(1)(A), 923(a), and 924(a)(1)(D).

19
20 COUNT FOUR: 18 U.S.C. § 922(a)(1)(A) – Illegal Dealing in Firearms

21 On or about May 23, 2006, in the Northern District of California, the defendant,
22 DONALD ELMORE NUSS,
23 without being a licensed dealer of firearms within the meaning of Chapter 44, Title 18, United
24 States Code, did willfully engage in the business of dealing in firearms, in violation of Title 18,
25 United States Code, Sections 922(a)(1)(A), 923(a), and 924(a)(1)(D).

26 //
27 //
28 //

1 COUNT FIVE: 18 U.S.C. § 922(a)(1)(A) – Illegal Dealing in Firearms

2
3 On or about June 16, 2006, in the Northern District of California, the defendant,
4 DONALD ELMORE NUSS,
5 without being a licensed dealer of firearms within the meaning of Chapter 44, Title 18, United
6 States Code, did willfully engage in the business of dealing in firearms, in violation of Title 18,
7 United States Code, Sections 922(a)(1)(A), 923(a), and 924(a)(1)(D).
8

9 COUNT SIX : 18 U.S.C. § 922(a)(1)(A) – Illegal Dealing in Firearms

10
11 On or about August 30, 2006, in the Northern District of California, the defendant,
12 DONALD ELMORE NUSS,
13 without being a licensed dealer of firearms within the meaning of Chapter 44, Title 18, United
14 States Code, did willfully engage in the business of dealing in firearms, in violation of Title 18,
15 United States Code, Sections 922(a)(1)(A), 923(a), and 924(a)(1)(D).
16

17 COUNT SEVEN: 18 U.S.C. § 922(a)(1)(A) – Illegal Dealing in Firearms

18
19 On or about February 14, 2007, in the Northern District of California, the defendant,
20 DONALD ELMORE NUSS,
21 without being a licensed dealer of firearms within the meaning of Chapter 44, Title 18, United
22 States Code, did willfully engage in the business of dealing in firearms, in violation of Title 18,
23 United States Code, Sections 922(a)(1)(A), 923(a), and 924(a)(1)(D).
24

25 COUNT EIGHT: 18 U.S.C. § 924(d) – Forfeiture

26 Upon conviction of the offenses in violation of 18 U.S.C. §§ 922(o) and
27 922(a)(1)(A) alleged in Counts One through Seven of this Indictment, the defendant,
28

DONALD ELMORE NUSS,

1 shall forfeit to the United States pursuant to 18 U.S.C. § 924(d), any firearms and ammunition
2 involved or used in the knowing commission of the offense, including but not limited to the
3 following:

- 4 a. one Zoli (Antonio) AK Type machine gun, Serial No. 1981KM38345;
- 5 b. one Zoli (Antonio) Sten machine gun, Serial No. 30054;
- 6 c. one Zoli (Antonio) Sten Mark II machine gun, Serial No. 2L7874;
- 7 d. one Zoli (Antonio) Sten MC Mark III machine gun receiver, Serial No. A07025;
- 8 e. one Zoli (Antonio) Sten Mark II machine gun, Serial No. B023S89S;
- 9 f. one Zoli (Antonio) Sten Mark II machine gun, Serial No. G85474;
- 10 g. one Thompson 1928 model machine gun, Serial No. AO33834;
- 11 h. one Suomi machine gun receiver, barrel and barrel shroud;
- 12 i. one AK-47 type machine gun receiver;
- 13 j. three 50-round drum-style magazines;
- 14 k. three 30-round stick magazines;
- 15 l. one Ceska Zbrojovka Model Skorpin/vz61 machine gun, Serial No. L7773;
- 16 m. one Suomi Model M1931 machine gun with no serial number; and
- 17 n. one Sten-type machine gun with no serial number;


18
19 DATED:

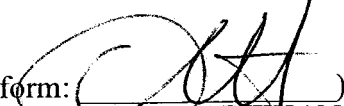
A TRUE BILL.

20 10/14/08


21 FOREPERSON

22 JOSEPH P. RUSSONIELLO
23 United States Attorney


24
25 KYLE F. WALDINGER
26 Deputy Chief, Major Crimes Section

27 (Approved as to form: 

28 AUSA MARTIKAN