

UNITED STATES DISTRICT COURT

for the
District of Minnesota

UNITED STATES OF AMERICA

v.

Case No. 13-mj-502(TNL)

ARLAN KALEB SCHULTZ

CRIMINAL COMPLAINT

I, David F. Carriker, a Special Agent with the Bureau of Alcohol, Tobacco, Firearms and Explosives, the undersigned complainant, being duly sworn, state the following is true and correct to the best of my knowledge and belief. On or about January 19, 2013, in Anoka County, in the State and District of Minnesota, the defendant, Arlan Kaleb Schultz, having previously been convicted of a crime punishable by imprisonment for a term exceeding one year, did knowingly and unlawfully possess, in and affecting interstate commerce, a firearm, that is, a Taurus, Model PT24/7 PRO DS, 9-mm caliber, semi-automatic handgun having serial number TCN00530, in violation of Title 18, United States Code, Sections 922(g)(1) and 924(a)(2).

I further state that I am a Special Agent with the Bureau of Alcohol, Tobacco, Firearms and Explosives and that this Complaint is based on the following facts:

SEE ATTACHED AFFIDAVIT OF SA DAVID F. CARRIKER

Continued on the attached sheet and made a part hereof: Yes No

David F. Carriker

Complainant's signature

David F. Carriker, ATF Special Agent

Sworn to before me and signed in my presence.

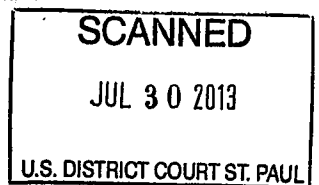
Date: July 30, 2013

Tony N. Leung

Judge's signature

City and state: St. Paul, Minnesota

Tony N. Leung, U.S. Magistrate Judge



STATE OF MINNESOTA)
) ss. AFFIDAVIT OF SA DAVID F. CARRIKER
COUNTY OF RAMSEY)

I, David F. Carriker, being first duly sworn under oath, depose and state as follows:

1. I am a Special Agent with the United States Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), and have been so employed since August of 2005. I am currently assigned to the St. Paul Group IV Field Office, Minneapolis Weapons Unit, and work with various law enforcement agencies and drug task forces throughout the state of Minnesota. My duties and responsibilities include conducting criminal investigations of individuals and organizations related to the violations of Federal laws, particularly those found in Titles 18, 21, and 26. I have participated in numerous investigations which have resulted in the arrests, searches, seizures, and convictions of individuals who have violated Federal law. I successfully completed the Criminal Investigations Training Program (CITP) and the Special Agent Basic Training (SABT) Program at the Federal Law Enforcement Training Center (FLETC).

2. This affidavit is submitted in support of a Complaint against ARLAN KALEB SCHULTZ ("SCHULTZ"), charging him with possession of a firearm by a convicted felon in violation of Title 18, United States Code, Section 922(g)(1) and Section 924(e). The facts set forth in the Affidavit are based on my review of reports, my personal investigation, and discussions I have had with other law enforcement personnel. Further, this affidavit contains information to support probable cause but is not intended to convey facts of the entire investigation.

3. On January 19, 2013, at approximately 9:30 p.m., law enforcement with Coon Rapids Police Department attempted a traffic stop of a vehicle bearing Minnesota license plate

502AMW in the area of Lincoln Street and 9th Lane in the City of Anoka, County of Anoka, State of Minnesota. The law enforcement officer activated both front and rear emergency lights in an attempt to stop the vehicle. The driver of the vehicle, later identified as SCHULTZ (DOB: 7/22/1988), sped off at a high rate of speed and law enforcement pursued with emergency lights and siren activated. SCHULTZ entered the intersection of 7th Avenue and Main Street and collided with another vehicle, sending several occupants of that vehicle to the hospital for treatment. SCHULTZ exited the vehicle he was driving from the passenger side door due to damage to the driver's side door and ran from the scene. Law enforcement apprehended SCHULTZ a short distance from the crash scene.

4. In a post-Miranda statement, SCHULTZ admitted to fleeing from police and said, "I always run from cops." SCHULTZ also admitted to using methamphetamine, alcohol, and marijuana earlier in the day.

5. On January 22, 2013, law enforcement obtained a search warrant for the vehicle driven by SCHULTZ bearing Minnesota license plate 502AMW signed by the Honorable Judge Dehn to inspect/remove the Airbag Control Module (ACM), commonly known as the Sensing and Diagnostic Module (SDM), and to look for/remove the SDM and/or the data contained in the unit by whatever means is safest and/or most expedient and to download the SDM.

6. On January 23, 2013, law enforcement executed the aforementioned search warrant for the vehicle driven by SCHULTZ bearing Minnesota license plate 502AMW. While doing an inspection of the vehicle, law enforcement opened the passenger door and observed the grip of a handgun partially exposed under the front passenger seat. Law enforcement then recovered and took custody of the loaded handgun, a Taurus, Model PT24/7 PRO DS, 9mm caliber, semi-automatic handgun having serial number: TCN00530. Law enforcement observed

the gun magazine to contain 15 rounds of 9mm caliber ammunition and the gun to have one 9mm caliber round of ammunition in the chamber. Law enforcement also located and recovered a second firearm magazine in the vehicle within a large covered plastic tub loaded with 14 rounds of 9mm caliber ammunition. The plastic tub also contained numerous clothing items for an adult male.

7. On January 25, 2013, law enforcement obtained a search warrant signed by the Honorable Judge Dehn to recover DNA from SCHULTZ by buccal swab. On this same day, law enforcement executed the search warrant and recovered the DNA of SCHULTZ.

8. On March 12, 2013, the Bureau of Criminal Apprehension (BCA) lab collected two samples from the aforementioned Taurus handgun for DNA comparison with the DNA recovered from SCHULTZ; one sample (referred to as item 3-1 in the BCA report) from the textured areas of the handgun grips) and one sample (referred to as item 3-2 in the BCA report) from the trigger, slide release, and magazine release.

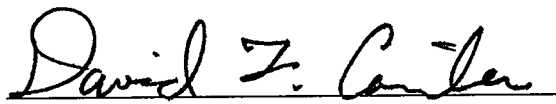
9. On June 26, 2013, the BCA lab produced a DNA comparison results report comparing the DNA obtained from SCHULTZ with the DNA obtained from the aforementioned Taurus handgun with the following results: Item 3-1 (mixture of three or more individuals, predominant male DNA profile matches Arlan Kaleb SCHULTZ, predominant male DNA profile would not be expected to occur more than once among unrelated individuals in the world population); Item 3-2 (mixture of four or more individuals, Arlan Kaleb SCHULTZ cannot be excluded from being a possible contributor, eight of the 15 loci meet the BCA criteria for conducting statistical calculations; it is estimated that 95.6% of the general population can be excluded from being contributors).

10. I reviewed SCHULTZ's criminal history and determined that, prior to January 19, 2013, SCHULTZ was a multi-convicted felon and was prohibited from possessing firearms. Prior to January 19, 2013, SCHULTZ had at least the following felony convictions: Simple Robbery (2008), 3rd Degree Burglary (2009), Fleeing Police in a Motor Vehicle (2010), and Being a Prohibited Person Possessing/Using Tear Gas/Stun Gun (2011). SCHULTZ was discharged from the Minnesota Department of Corrections on or about May 1, 2012.

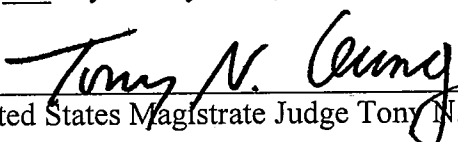
11. ATF Special Agent Liane Sellner reviewed reports given to her by me regarding the Taurus, model PT 24/7 Pro DS, 9mm handgun having serial number TCN00530, recovered during the above-described search. Based on her training and experience, Agent Sellner determined that the handgun was manufactured by Forjas Taurus in Sao Paolo, Brazil and imported into the United States by Taurus International in Miami, Florida. Therefore, at some point after manufacture, the handgun was shipped or transported into Minnesota through interstate commerce prior to January 19, 2013.

12. Based upon the facts conveyed in this affidavit, I have probable cause to believe that on January 19, 2013, ARLAN KALEB SCHULTZ committed the crime of being a felon in possession of a firearm, in violation of Title 18, United States Code, Sections 922(g)(1) and 924(a)(2) and 924(e).

Further your Affiant sayeth not.


David F. Carriker, Special Agent
Bureau of Alcohol, Tobacco, Firearms and
Explosives

SUBSCRIBED and SWORN to before me,
this 30 day of July 2013,


United States Magistrate Judge Tony N. Leung