

FILED

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
HAMMOND DIVISION

2011 SEP 22 AM 11:04

STILL IN THE CLEAR
TO BE FILED
FOR THE DISTRICT
OF INDIANA

UNITED STATES OF AMERICA)

v.)

EDWARD O. KABELLA)
JOSEPH R. KUMSTAR)
RONALD D. SLUSSER)

CAUSE NO:

2:11CR 134

18 U.S.C. § 2

18 U.S.C. § 371

18 U.S.C. § 924(a)(1)(A)

18 U.S.C. § 924(d)

18 U.S.C. § 1956(a)(1)(B)(ii)

26 U.S.C. § 7206

INDICTMENT

THE GRAND JURY CHARGES:

COUNT 1

(Conspiring to Provide False Information to a Federal Firearms Licensee)

At all times material to this indictment:

BACKGROUND

1. The Lake County Sheriff's Department was a law enforcement agency operating in Lake County, Indiana.
2. EDWARD O. KABELLA was employed for approximately 6 years as a sworn law enforcement officer with the Lake County Sheriff's Department, and served as a patrol officer in the Drug Interdiction Unit.
3. JOSEPH R. KUMSTAR was employed for approximately 17 years as a sworn law enforcement officer with the Lake County Sheriff's Department, and served as the Deputy Chief for the Lake County Sheriff's Department.
4. RONALD D. SLUSSER was employed for approximately ten (10) years as a sworn law enforcement officer with the Lake County Sheriff's Department, was a member of the

Lake County Sheriff's Department Special Weapons and Tactics (SWAT) unit and a firearms instructor.

5. E & R Law Enforcement Sales was a Federal Firearms Licensee (FFL) based in Crown Point, Indiana, owned and operated by RONALD D. SLUSSER and EDWARD O. KABELLA. RONALD D. SLUSSER previously held a Federal Firearms License while operating individually as "Ron's Gun Sales."
6. R & D Law Enforcement Sales was another Federal Firearms Licensee (FFL), based in Merrillville, Indiana, and owned and operated in part by RONALD D. SLUSSER.
7. Heckler and Koch (hereinafter H&K) was a well know German based firearms manufacturer producing a wide assortment of handguns, rifles, machineguns, and submachine guns for both military and civilian use. H&K had numerous subsidiaries operating within the United States in Virginia, New Hampshire, and Georgia. H&K had served as a United States government contractor for the both the United States Military and United States civilian law enforcement agencies.
8. Insight Technology Inc., (hereinafter Insight) located in Londonderry, New Hampshire, was a manufacturer of highly sophisticated laser aiming and illumination devices, night vision devices, laser range finding systems, computerized fire control systems, thermal imaging systems, and sensor fusion systems. Insight's products were, and are still are, used by the United States military, Federal law enforcement agencies, and allied nations. In addition, Insight Technology Inc., developed and maintained a line of tactical illuminators (laser aiming devices) restricted for use only by the military and Law Enforcement agencies, as well products for sale to the general public.

9. Laser Devices Inc., located in Monterey California, was a manufacturer of highly sophisticated laser aiming and illumination devices, including aiming lasers, laser-based training systems, and tactical lights. Laser Devices Inc., served as a government contractor to the United States military, including military Special Forces Operations, while also supplying restricted goods and services to allies of the United States, and law enforcement agencies within the United States.
10. Federal law restricted to law enforcement agencies or the military the sale and ownership of fully automatic machineguns manufactured after 1986. No individual law enforcement officer could purchase a post-1986 fully automatic machinegun. Possession of post - 1986 fully automatic machineguns by a law enforcement officer could only be authorized by the officer's law enforcement agency and only for the law enforcement duties of that officer.

OBJECT OF THE CONSPIRACY

11. Between on or about September of 2008, and continuing through on or about January of 2010, in the Northern District of Indiana and elsewhere:

**EDWARD O. KABELLA,
JOSEPH R. KUMSTAR, and
RONALD D. SLUSSER,**

defendants herein, did knowingly combine, conspire, confederate, and agree with each other, and with others known and unknown to the grand jury, to commit an offense against the United States, that is, to knowingly make false statements and representations with respect to information under Chapter 44, of Title 18 of the United States Code, required to be kept in the records of individuals licensed under Chapter 44, relating to the acquisition of firearms, in violation of Title 18 United States Code, Section 924(a)(1)(A).

HOW THE CONSPIRACY OPERATED

12. It was part of the conspiracy that EDWARD O. KABELLA, JOSEPH R. KUMSTAR, and RONALD D. SLUSSER used their position as sworn law enforcement officers to acquire approximately 74 (Seventy-Four) fully automatic H&K machineguns in the name of the Lake County Sheriff's Department knowing that the Lake County Sheriff's Department was not the true owner of these machineguns.
13. It was further part of the conspiracy that when acquiring these machineguns, EDWARD O. KABELLA, JOSEPH R. KUMSTAR, and RONALD D. SLUSSER knew these H&K machineguns were manufactured after 1986, and therefore could only be acquired by law enforcement agencies and not individual law enforcement officers.
14. It was further part of the conspiracy that when acquiring the H&K machineguns, EDWARD O. KABELLA, JOSEPH R. KUMSTAR, and RONALD D. SLUSSER caused false entries listing the Lake County Sheriff's Department as the owner of these machineguns, to be made by individuals and companies required to keep such records under Chapter 44, of Title 18 of the United States Code.
15. It was further part of the conspiracy that when acquiring these machineguns, EDWARD O. KABELLA, JOSEPH R. KUMSTAR, and RONALD D. SLUSSER, used Lake County Sheriff's Department letterhead to create letters which falsely represented that the H&K machineguns were being purchased by and were going to be used by, the Lake County Sheriff's Department in carrying out its law enforcement responsibilities.
16. It was further part of the conspiracy that when acquiring these machineguns, EDWARD O. KABELLA, JOSEPH R. KUMSTAR, and RONALD D. SLUSSER used the Lake

County Sheriff's Department letterhead to create documents which falsely represented the H&K machineguns were to be used by the Lake County Sheriff's Department.

17. It was further part of the conspiracy that when acquiring these machineguns, EDWARD O. KABELLA, JOSEPH R. KUMSTAR, and RONALD D. SLUSSER created false and fictitious Lake County Sheriff's Department purchase orders to convince the suppliers of the H&K machineguns that the Lake County Sheriff's Department was the true purchaser of the H&K machineguns even though the defendants themselves provided the funds for the purchase of these H&K machineguns.
18. It was further part of the conspiracy that EDWARD O. KABELLA, JOSEPH R. KUMSTAR, and RONALD D. SLUSSER acquired these H&K machineguns for a cost of between approximately \$1200 and \$1600 each.
19. It was further part of the conspiracy that when acquiring these machineguns, EDWARD O. KABELLA, JOSEPH R. KUMSTAR, and RONALD D. SLUSSER had all of the H&K machineguns shipped to the Lake County Sheriff's Department.
20. It was further part of the conspiracy that after acquiring these machineguns, all of the H&K machineguns were removed from the Lake County Sheriff's Department to the personal residence of RONALD D. SLUSSER.
21. It was further part of the conspiracy that after the H&K machineguns were at the personal residence of RONALD D. SLUSSER, he would remove the upper receivers (the barrel) and any other additional parts that could be removed from the lower receiver (the firing mechanism of the H&K machinegun).
22. It was further part of the conspiracy that after removing the upper receivers and any other additional parts that could be removed from the lower receiver, EDWARD O.

KABELLA, JOSEPH R. KUMSTAR, and RONALD D. SLUSSER would sell on the internet to any willing purchaser, all of these upper receivers and additional parts. The sale of these upper receivers and parts would range from approximately \$2,500 to \$3800 each.

23. At no time did EDWARD O. KABELLA, JOSEPH R. KUMSTAR, and RONALD D. SLUSSER have proper authority from the Lake County Sheriff's Department to engage in any of the above mentioned purchases or sales of the H&K machineguns or their parts.
24. At no time were any of the H&K machineguns obtained by EDWARD O. KABELLA, JOSEPH R. KUMSTAR, and RONALD D. SLUSSER listed in the property inventory of the Lake County Sheriff's Department.
25. In furtherance of the conspiracy and to effect its objects:

**EDWARD O. KABELLA,
JOSEPH R. KUMSTAR, and
RONALD D. SLUSSER,**

defendants herein, and other conspirators, known and unknown to the grand jury performed the following:

OVERT ACTS

First Machinegun Purchase

- a. On or about September 4, 2008, JOSEPH R. KUMSTAR issued a "Letter of Intent" on Lake County Sheriff's Department letterhead to H&K for (3) H&K model 416 fully automatic machineguns. This letter of intent stated these machineguns were for the "exclusive use of the Lake County Police Department and are not for resale," and that the "point of contact for all inquires in this matter will be Warrant Officer Ron Slusser." The letter then listed RONALD D.

SLUSSER'S home phone number. This letter was signed "Joseph Kumstar, Chief of Police."

- b. On or about September 4, 2008, JOSEPH R. KUMSTAR signed a Federal Excise Tax Exemption Form claiming the (3) H&K model 416 fully automatic machineguns were for the exclusive use of the Lake County Sheriff's office.
- c. In exchange for these (3) H&K model 416 fully automatic machineguns, JOSEPH R. KUMSTAR not only traded a pre-1986 Colt fully automatic machinegun owned by the Lake County Sheriff's Department to the Federal Firearm's Licensee (FFL), but also received from this FFL, a check made out to JOSEPH R. KUMSTAR in the amount of \$4500.
- d. In or about October 2008, RONALD D. SLUSSER did cut up and remove the upper receiver barrels from these (3) H&K model 416 fully automatic machineguns and sell them on the internet.

Second Machinegun Purchase

- e. On or about December 22, 2008, JOSEPH R. KUMSTAR issued a second "Letter of Intent" on Lake County Sheriff's Department letterhead to H&K for (50) additional H&K model 416 fully automatic machineguns. This letter of intent stated these machineguns were for the "exclusive law enforcement use of the Lake County Sheriff's Department" and that the "point of contact for all inquires in this matter will be Warrant Officer Ron Slusser." The letter then listed RONALD D. SLUSSER'S home phone number. This letter was signed "Joseph Kumstar, Chief of Police."

f. EDWARD O. KABELLA, JOSEPH R. KUMSTAR, and RONALD D.

SLUSSER used their personal funds to obtain these machineguns and did not have proper authorization of the Lake County Sheriff's Department to purchase these machineguns. These (50) machineguns were purchased for approximately \$1650 each.

g. Shortly after obtaining these (50) H&K fully automatic machineguns, RONALD D. SLUSSER did cut up and remove the upper receiver barrels from these (50) H&K fully automatic machineguns. These upper barrels were sold on the internet to any willing buyer with EDWARD O. KABELLA, JOSEPH R. KUMSTAR, and RONALD D. SLUSSER retaining the proceeds from this sale.

In or about May of 2011, during the execution of an organized crime search warrant by Montreal, Canada, gun and gang law enforcement officials, recovered four upper barrels from this (50) H&K fully automatic machinegun purchase by the Defendants. The serial numbers on these upper receivers (barrels) listed the Lake County Sheriff's Department as the registered owner.

Third Machinegun Purchase

h. In or about February of 2009, JOSEPH R. KUMSTAR issued a third "Letter of Intent" on Lake County Sheriff's Department letterhead to H&K for (9) H&K model MP5KN fully automatic machineguns. This letter of intent stated these machineguns were for the exclusive use of the Lake County Police Department. These (9) machineguns were purchased with the private funds of RONALD D. SLUSSER for approximately \$1200 each.

- i. In or about February of 2009, JOSEPH R. KUMSTAR and RONALD D. SLUSSER did cause a false and fictitious Lake County Sheriff's Department purchase order to be mailed which represented the Lake County Sheriff's Department to be the purchaser of these machineguns even though it was not the true purchaser as required by law.
- j. Shortly after obtaining these (9) H&K fully automatic machineguns, RONALD D. SLUSSER did cut up and remove the upper receiver barrels from these fully automatic machineguns. These upper barrels were sold on the internet to any willing buyer with JOSEPH R. KUMSTAR, and RONALD D. SLUSSER obtaining the proceeds from this sale.

Fourth Machinegun Purchase

- k. In or about October 2009, JOSEPH R. KUMSTAR issued a fourth "Letter of Intent" on Lake County Sheriff's Department letterhead for (12) H&K model 53A3 fully automatic sub-machineguns. This letter of intent stated these sub-machineguns would be the property of the Lake County Sheriff's Department and would not be resold or transferred, and would be used to carry out the official duties of the Lake County Sheriff's Department. These (12) sub-machineguns were purchased with the private funds of RONALD D. SLUSSER for approximately \$1925 each.
- l. In or about October of 2009, JOSEPH R. KUMSTAR and RONALD D. SLUSSER did cause a second false and fictitious Lake County Sheriff's Department purchase order to be mailed which represented the Lake County

Sheriff's Department to be the purchaser of these sub-machineguns even though it was not the true purchaser as required by law.

- m. Shortly after obtaining these (12) H&K fully automatic sub-machineguns, RONALD D. SLUSSER did cut up and remove the upper receiver barrels from these fully automatic machineguns. These upper barrels were sold on the internet to any willing buyer with JOSEPH R. KUMSTAR and RONALD D. SLUSSER obtaining the proceeds from this sale.
- n. At no time did EDWARD O. KABELLA, JOSEPH R. KUMSTAR, and RONALD D. SLUSSER have the proper permission of the Lake County Sheriff's Department to engage in any of the above four purchases or subsequent sales of these H&K sub-machineguns.

26. In the purchasing each of these (74) machineguns and sub-machineguns, EDWARD O. KABELLA, JOSEPH R. KUMSTAR, and RONALD D. SLUSSER caused false entries to be made in the books and records of the companies supplying these firearms, in that these records reflected the Lake County Sheriff's Department as the registered owner of these (74) firearms when in fact, EDWARD O. KABELLA, JOSEPH R. KUMSTAR, and RONALD D. SLUSSER knew that to be false.

All in violation of Title 18, United States Code 371 and 924(a)(1)(A).

THE GRAND JURY FURTHER CHARGES:

COUNT 2

(Conspiring to Defraud the Food and Drug Administration)

1. The Grand Jury realleges and reincorporates by reference paragraphs 1-10, of Count 1 as though fully set forth herein

OBJECT OF THE CONSPIRACY

2. Between on or about December 2008, and continuing through on or about March 2011, in the Northern District of Indiana and elsewhere:

**EDWARD O. KABELLA,
JOSEPH R. KUMSTAR, and
RONALD D. SLUSSER,**

defendants herein, did knowingly combine, conspire, confederate, and agree with each other and with others known and unknown to the grand jury, to defraud the Food and Drug Administration (FDA), an agency of the United States, by interfering with and obstructing the lawful government functions of the FDA to:

- a. Limit the sale of various restricted laser aiming sight devices to the military and law enforcement agencies only;
- b. Correctly identify first line purchasers of various laser aiming sight devices which were restricted to military or law enforcement agency purchasers only.

All in violation of Title 18 United States Code, Section 371.

HOW THE CONSPIRACY OPERATED

3. It was part of the conspiracy that EDWARD O. KABELLA, JOSEPH R. KUMSTAR, and RONALD D. SLUSSER used their position as sworn law enforcement officers to acquire approximately 92 (Ninety-Two) restricted laser aiming sight devices by fraudulently using the name of the Lake County Sheriff's Department, knowing that the Lake County Sheriff's Department was not the true owner of these restricted laser aiming devices.
4. It was further part of the conspiracy that when acquiring these restricted laser aiming sights, EDWARD O. KABELLA, JOSEPH R. KUMSTAR, and RONALD D. SLUSSER knew that they could only be acquired by law enforcement agencies and not individual law enforcement officers.
5. It was further part of the conspiracy that when acquiring these (92) restricted laser aiming sight devices, EDWARD O. KABELLA, JOSEPH R. KUMSTAR, and RONALD D. SLUSSER caused false information to be recorded in the books and records of the Insight Technology, Inc., and Laser Devices, Inc., as to who was the true first purchaser of these laser aiming sight devices. Furthermore, by causing false information to be recorded in the books records of the Insight Technology, Inc., and Laser Devices, Inc., EDWARD O. KABELLA, JOSEPH R. KUMSTAR, and RONALD D. SLUSSER interfered with and obstructed the lawful government functions of the FDA to (a) limit the sale of various restricted laser aiming sight devices to only the military and law enforcement agencies and (b) correctly identify first line purchasers of these (92) various laser aiming sight devices, the sale of which was restricted to military or law enforcement agency purchases only.

6. It was further part of the conspiracy that when acquiring these restricted laser sights EDWARD O. KABELLA, JOSEPH R. KUMSTAR, and RONALD D. SLUSSER caused to be submitted to Insight Technology, Inc., a false and fictitious Lake County Sheriff's Department purchase order for the purpose of inducing Insight Technology, Inc., to believe that these restricted laser sights were being purchased by the Lake County Sheriff's Department, when in fact the defendants were acquiring these restricted laser sights with their own personal funds and for their personal use and resale.
7. It was further part of the conspiracy that when acquiring these restricted laser sights EDWARD O. KABELLA, JOSEPH R. KUMSTAR, and RONALD D. SLUSSER would submit to Insight Technology, Inc., a "IR Product Disclosure Agreement" signed by JOSPEH R. KUMSTAR which represented that the restricted laser sights being purchased would "not be sold or transferred to individual law enforcement or civilian personnel."
8. It was further part of the conspiracy that when acquiring these restricted laser sights EDWARD O. KABELLA, JOSEPH R. KUMSTAR, and RONALD D. SLUSSER caused false and fictitious Lake County Sheriff's Department purchase orders which represented that the restricted laser sights were being purchased by the Lake County Sheriff's Department.
9. It was further part of the conspiracy that when acquiring these restricted laser sights EDWARD O. KABELLA, JOSEPH R. KUMSTAR, and RONALD D. SLUSSER would cause these restricted laser sights to be delivered to the Lake County Sheriff's Department rather than to their personal residences.

10. It was further part of the conspiracy that after acquiring these restricted laser sights all of them were removed from the Lake County Sheriff's Department to the personal residences of the defendants.
11. It was further part of the conspiracy that after these restricted laser sights were at the various residences of the defendants, EDWARD O. KABELLA, JOSEPH R. KUMSTAR, and RONALD D. SLUSSER would sell these restricted laser sights on the internet to any willing purchaser. The sale of these restricted laser sights ranged from approximately \$2,800 to \$3000 each.
12. At no time did EDWARD O. KABELLA, JOSEPH R. KUMSTAR, and RONALD D. SLUSSER have proper authority from the Lake County Sheriff's Department to engage in any of the above mentioned purchases or sales of the restricted laser sights.
13. At no time were any of the restricted laser sights obtained by EDWARD O. KABELLA, JOSEPH R. KUMSTAR, and RONALD D. SLUSSER listed in the property inventory of the Lake County Sheriff's Department.
14. In furtherance of the conspiracy and to effect its objects:

**EDWARD O. KABELLA,
JOSEPH R. KUMSTAR, and
RONALD D. SLUSSER,**

defendants herein, and other conspirators, known and unknown to the grand jury performed the following:

OVERT ACTS

First Laser Sight Purchase

- a. In or about December 6, 2008, EDWARD O. KABELLA, JOSEPH R. KUMSTAR, and RONALD D. SLUSSER ordered from Insight Technology Inc., approximately 25 various restricted laser sights having a value of approximately \$27,000.
- b. On or about December 6, 2008, JOSEPH R. KUMSTAR, submitted to Insight Technology, Inc., a "IR Product Disclosure Agreement" signed by JOSPEH R. KUMSTAR which represented that the restricted laser sights being purchased would "not be sold or transferred to individual law enforcement or civilian personnel."
- c. In or about December of 2008, JOSEPH R. KUMSTAR signed a false and fictitious Lake County Sheriff's Department purchase order inducing Insight Technology, Inc., to believe that the Lake County Sheriff's Department was the true purchaser of these restricted laser sights even though the defendants themselves provided the funds for the purchase of these restricted laser sights.
- d. In or about January of 2009, Insight Technology, Inc., shipped these restricted laser sights to the Lake County Sheriff's Department.
- e. After obtaining these restricted laser sights, EDWARD O. KABELLA, JOSEPH R. KUMSTAR, and RONALD D. SLUSSER sold via the internet these restricted laser sights to any and all willing purchasers, including Keith Mitts.
- f. On or about August 21, 2009, the Department of Defense Criminal Investigative Service (DCIS) engaged in a successful undercover purchase of a restricted laser

sight being offered for sale on E-Bay by a Keith Mitts. DCIS undercover agents paid \$4,200 for a restricted laser aiming sight which was traced back to the December 6, 2008, laser sight order from Insight Technology, Inc., which was sent to the Lake County Sheriff's Department. Subsequent to this undercover purchase, two additional restricted laser sights of the same model and type that were part of the December 6, 2008, laser sight order from Insight Technology, Inc., which was sent to the Lake County Sheriff's Department, were recovered from Mitt's Mississippi residence during Mitt's shooting and standoff with local police officers.

Second Laser Sight Purchase

- g. In or about December 2009, RONALD D. SLUSSER ordered from Insight Technology Inc., approximately 12 restricted laser sights having a value of approximately \$15,000.
- h. On or about December 2009, RONALD R. SLUSSER submitted to Insight Technology Inc., an "IR Product Disclosure Agreement" which represented that the restricted laser sights being purchased would "not be sold or transferred to individual law enforcement or civilian personnel."
- i. In or about January of 2010, Insight Technology, Inc., shipped these restricted laser sights and RONALD D. SLUSSER obtained these restricted laser sights.
- j. After obtaining these restricted laser sights, RONALD D. SLUSSER sold via the internet these restricted laser sights to any willing purchaser.

Third Laser Sight Purchase

- k. In or about February 2010, JOSEPH R. KUMSTAR, and RONALD D. SLUSSER ordered from Insight Technology Inc., approximately 22 various restricted laser sights having value of approximately \$30,000.
- l. On or about February 23, 2010, JOSEPH R. KUMSTAR submitted to Insight Technology Inc., an "IR Product Disclosure Agreement" signed by JOSEPH R. KUMSTAR which represented that the restricted laser sights being purchased would "not be sold or transferred to individual law enforcement or civilian personnel."
- m. In or about February 2010, JOSEPH R. KUMSTAR and RONALD SLUSSER created a false and fictitious Lake County Sheriff's Department purchase order inducing Insight Technology, Inc., to believe that the Lake County Sheriff's Department was the true purchaser of these restricted laser sights even though the defendants themselves provided the funds for the purchase of these the restricted laser sights.
- n. In or about March 2010, Insight Technology, Inc., shipped these restricted laser sights to the Lake County Sheriff's Department.
- o. After obtaining these restricted laser sights, JOSEPH R. KUMSTAR, and RONALD D. SLUSSER sold via the internet these restricted laser sights to any willing purchaser.

Fourth Laser Sight Purchase

- p. In or about July 2010, RONALD D. SLUSSER ordered from Insight Technology, Inc., approximately 15 restricted laser sights from Insight Technology Inc., having a value of approximately \$18,000.
- q. On or about July 6, 2010, RONALD R. SLUSSER submitted to Insight Technology, Inc., an "IR Product Disclosure Agreement" which represented that the restricted laser sights being purchased would "not be sold or transferred to individual law enforcement or civilian personnel."
- r. In or about August 2010, Insight Technology, Inc., shipped these restricted laser sights and RONALD D. SLUSSER subsequently retrieved them.
- s. After obtaining these restricted laser sights, RONALD D. SLUSSER sold via the internet these restricted laser sights to any willing purchaser.
- t. On August of 2010, a Special Agent of the FDA engaged in an undercover purchase of a restricted laser sight from RONDAL D. SLUSSER. This restricted laser sight was purchased by RONALD D. SLUSSER from Insight Technology, Inc., for approximately \$1250.00 and sold to the FDA undercover agent for approximately \$2900.00. An examination of the serial number for this sight revealed that it was part of the July 2010 order of 15 restricted laser sights that had been ordered by RONALD D. SLUSSER.

Fifth Laser Sight Purchase

- u. In or about November 2010, RONALD D. SLUSSER ordered from Laser Devices, Inc., approximately 12 restricted laser sights from Laser Devices Inc., having a value of approximately \$16,000.
- v. On or about November 22, 2010, RONALD R. SLUSSER submitted a letter to Laser Devices, Inc., stating that these various restricted laser aiming sights were being purchased by Lake County Police Department.
- w. On or about December 1, 2010, Laser Devices, Inc., shipped these restricted laser sights to the Lake County Sheriff's Department and RONALD D. SLUSSER subsequently retrieved them.
- x. After obtaining these restricted laser sights, RONALD D. SLUSSER sold via the internet these restricted laser sights to any willing purchaser.

Sixth Laser Sight Purchase

- y. On or about December 28, 2010, RONALD D. SLUSSER ordered from Laser Devices, Inc., approximately 5 restricted laser sights having a value of approximately \$6,200.
- z. On or about December 28, 2010, RONALD R. SLUSSER submitted a letter to Laser Devices, Inc., stating that these various restricted laser aiming sights were being purchased by Lake County Police Department.
- aa. In or about January 2011, Laser Devices, Inc., shipped these restricted laser sights to the Lake County Sheriff's Department and RONALD D. SLUSSER subsequently retrieved them.

- bb. After obtaining these restricted laser sights, RONALD D. SLUSSER sold via the internet these restricted laser sights to any willing purchaser.

Seventh Laser Sight Purchase (Attempted)

- cc. On or about March 1, 2011, RONALD D. SLUSSER ordered from Laser Devices, Inc., approximately 13 restricted laser sights having a value of approximately \$19,000.
- dd. On or about March 1, 2011 RONALD R. SLUSSER submitted a letter to Laser Devices, Inc., falsely stating that these various restricted laser aiming sights were being purchased by Lake County Police Department for law enforcement use.
- ee. On or about April 18, 2011, Laser Devices, Inc., sent an email to RONALD D. SLUSSER questioning the authenticity of this purchase and requesting a formal Lake County Sheriff's Department purchase order signed by the Chief of the Lake County Sheriff's Department.
- ff. On April 19, 2011, RONALD D. SLUSSER sent a return email to Laser Devices, Inc., cancelling this order and falsely stating that a commander at the Lake County Sheriff's Department would submit a new order at a later date.

All in violation of Title 18 United States Code, Section 371.

THE GRAND JURY FURTHER CHARGES:

COUNT 3

(Making a False Statement under Oath on a Tax Return)

In or about April, 2007, in the Northern District of Indiana and elsewhere,

RONALD D. SLUSSER

Defendant herein, did willfully make and subscribe a federal tax return which was verified by a written declaration that it was made under the penalties of perjury and which Ronald D. Slusser did not believe to be true and correct as to every material matter. This 2006 federal tax return, which was filed with the Director, Internal Revenue Service Center, at Kansas City, Missouri, understated total income of Ronald D. Slusser by approximately \$298,566.00, whereas Ronald D. Slusser then and there knew and believed, that his true total income was substantially more than stated in the filed tax return.

All in violation of Title 26, United States Code, Section 7206(1) and Title 18, United States Code, Section 2.

THE GRAND JURY FURTHER CHARGES:

COUNT 4

(Laundering/Structuring of Monetary Instruments)

On or about December 16, 2008, in the District of Indiana and elsewhere,

RONALD D. SLUSSER

Defendant herein, did knowingly conduct and attempt to conduct a financial transaction affecting interstate and foreign commerce, to wit, a series of cash withdrawals from various First Midwest Banks located in Lake County, Indiana, which involved the proceeds of a specified unlawful activity, that is wire fraud, knowing that the transaction was designed in whole and in part to avoid a transaction reporting requirement under Federal law, and while conducting and attempting to conduct such financial transaction, knew that the property involved in the financial transaction represented the proceeds of some form of unlawful activity.

All in violation of Title 18, United States Code, Section 1956(a)(1)(B)(ii) and Title 18, United States Code, Section 2.

THE GRAND JURY FURTHER CHARGES:

COUNT 5

(Making a False Statement under Oath on a Tax Return)

In or about May 2010, in the Northern District of Indiana and elsewhere,

JOSEPH R. KUMSTAR

Defendant herein, did willfully make and subscribe a federal tax return which was verified by a written declaration that it was made under the penalties of perjury and which Joseph R. Kumstar did not believe to be true and correct as to every material matter. This 2009 federal tax return, which was filed with the Director, Internal Revenue Service Center, at Fresno, California, understated the total income of Joseph R. Kumstar by approximately \$30,102.49, whereas Joseph R. Kumstar then and there knew and believed, that his true total income was substantially more than stated in the filed tax return.

All in violation of Title 26, United States Code, Section 7206(1) and Title 18, United States Code, Section 2.

THE GRAND JURY FURTHER CHARGES:

COUNT 6

(Making a False Statement under Oath on a Tax Return)

In or about February 2010, in the Northern District of Indiana and elsewhere,

EDWARD O. KABELLA

Defendant herein, did willfully make and subscribe a federal tax return which was verified by a written declaration that it was made under the penalties of perjury and which Edward O. Kabella did not believe to be true and correct as to every material matter. This 2009 federal tax return, which was filed with the Director, Internal Revenue Service Center, at Fresno California, understated the total income of Edward O. Kabella by approximately \$58,515.78, whereas Edward O. Kabella then and there knew and believed that his true total income was substantially more than stated in the filed tax return.

All in violation of Title 26, United States Code, Section 7206(1) and Title 18, United States Code, Section 2.

FORFEITURE ALLEGATION

1. The allegations of Count One of the Indictment are realleged and by this reference fully incorporated herein for the purpose of alleging forfeitures to the United States of America pursuant to the provisions of Title 18 United States Code, Section 924(d), and Title 28 United States Code, Section 2461(c).

2. Upon conviction of Count One of the Indictment, **Ronald D. Slusser, Joseph R. Kumstar, and Edward O. Kabella**, defendants herein, shall forfeit to the United States of America pursuant to Title 18, United States Code, Section 924(d), and Title 28, United States Code, Section 2461(c), any and all firearms and ammunition involved in the commission of such offenses, including but not limited the following:

	Type of Property	Serial Number	Manufacturer	Model	Caliber	Remarks
	BOLT ACTION RIFLE					
1	W/ SILENCER	66524787	REMINGTON	MODEL 700	303	
2	SILENCER	H1549	ADVANCED ARM. CORP	SCAR-H SD	7.62	ATTACHED TO 1
	BOLT ACTION RIFLE					
3	W/ SILENCER	66512836	REMINGTON	MODEL 700	303	
4	SILENCER	H2136	ADVANCED ARM. CORP	SCAR-H SD	7.62	ATTACHED TO 3
	BOLT ACTION RIFLE					
5	W/ SILENCER	FN12642	FN HERSTAL	PATROL BOLT	303	
6	SILENCER	CYN0012	ADVANCED ARM CO	CYCLONE	7.62	ATTACHED TO 5
	BOLT ACTION RIFLE					
7	W/ SILENCER	F6279562	REMINGTON	MODEL 700	303	
8	SILENCER	SWR0051	SWR OMEGA	NONE	308	ATTACHED TO 7
	7.62 RIFLE					
9	W/ SILENCER	US305850	ARMALITE	AR10(T)	7.62	
10	SILENCER	H2267	ADVANCED ARMAMENT	SCAR-H SD	7.62	ATTACHED TO 9

11	FULLY AUTO RIFLE W/ SILENCER	63-103871	HECKLER AND KOCH	MP5 SD	9 MM	
12	SILENCER FULLY AUTO RIFLE	63103871	HECKLER AND KOCK	NONE	9	ATTACHED TO 11
13	SHORT BARRELL	63-101717	HECKLER AND KOCH	MP5 SD	9 MM	W/ LASER SIGHT
14	SILENCER PUMP ACTION	63-101717	HECKLER AND KOCK	NONE	9	ATTACHED TO 13
15	RIFLE	39558	REMINGTON		22 CAL	
16	RIFLE	A335499	GSG	GSG-5	9	
17	SEMI AUTO RIFLE	4631	DPMS PANTHER ARMS	LR-308	308	W/ SCOPE
18	FULLY AUTO RIFLE SEMI AUTO SHORT	HT004191	COLT	SMG	9	W/ SCOPE & LASER
19	BARREL RIFLE	231-61647	RUGER	10/22	22	W/ SCOPE
20	SEMI AUTO RIFLE	SA23770	CMMG, INC	MOD 4 SA	223-5.56 MM	w/ SCOPE & LASER
21	FULLY AUTO RIFLE	88-000911	HECKLER AND KOCH	HK416D	5.56*45	W/SCOPE AND LASER
22	FULLY AUTO RIFLE	K1342	MTM-MFG	NDSM92	7.62x39	
23	FULLY AUTO RIFLE	85-000108	HECKLER AND KOCH	G36C	5.56MM*45	
24	FULLY AUTO RIFLE	A0104880	COLT	M4/M16A2E M4	5.56	w/ SCOPE & LASER
25	FULLY AUTO RIFLE	A0111645	COLT	COMMANDO	5.56MM	W/ SCOPE
26	FULLY AUTO RIFLE	69-2118	HECKLER AND KOCK	MP5/40	40 SW	WITH LIGHT W/ SCOPE , LASER & LIGHT
27	SEMI AUTO RIFLE	SA23745	CMMG INC	MOD4SA	223-5.56MM	LIGHT
28	SEMI AUTO RIFLE	A307278	GSG	GSG-5PK	22	W/ SCOPE, LASER & LIGHT
29	SEMI AUTO RIFLE	03-00108	LWRC INTERNATIONAL	M6	5.56MM	W/ SCOPE, LASER & LIGHT
30	FULLY AUTO RIFLE	UNK	HECKLER AND KOCK	UNK	40SW	LIGHT
31	FULLY AUTO RIFLE	8103768	COLT	M16A2	5.56MM	W/ SCOPE & LIGHT
32	FULLY AUTO RIFLE	88-001583	HECKLER AND KOCK	HK416D	5.56 MM x 45	W/ LASER, SCOPE & LIGHT
32	FULLY AUTO RIFLE	64-034818	HECKLER AND KOCH	MP5KN	9MM	W/ LIGHT
33	FULLY AUTO RIFLE	L698899	MOSSBERG	590 M16A2	12	NO BARREL
34	FULLY AUTO RIFLE	A0107010	COLT	COMMANDO	5.56MM	
35	FULLY AUTO	AA6523	MTM, MFG	AUSA	7.62	
36	FULLY AUTO RIFLE	68-3637	HECKLER AND KOCH	MP5-10	10 MM	W/ LIGHT
37	SEMI AUTO RIFLE	M379183	BENELLI, USA CORP ISRAEL MILITARY	SUPER 90	12	
38	HANGUN	95254847	INDUS. LTD	DESERT EAGL.	.50 CAL	
39	HANGUN	F10175	VULCAN	V10-45 45 ACP	45	

40	HANDGUN	K1C13457	TAURUS	PT 58 S	.380 ACP	
41	HANDGUN	VM 1358	PARA-ORDNANCE INC.	P10 45	45	
42	HANGUN					
42	RECIEVER ONLY	70SC29356	COLT	UNKNOWN	UNKNOWN	
43	HANGUN	FYK795	GLOCK	MOD 22	40	LIGHT ATTACHED
44	RECEIVER	60779	CASPIAN ARMS LTD.	UNKNOWN	UNKNOWN	JUST RECEIVER
45	HANGUN	KVS535	GLOCK	MOD 21	45	
46	OTHER					GLOCK 36 BOX W/ SN MPW752 LOWER RECEIVER/FRAME
47	RECEIVER	NONE	UNKNOWN	UNKNOWN	UNK	GLOCK 34 BOX W/ SN KFR705
48	OTHER					GLOCK 21, SN MHK978
49	OTHER					GLOCK 22 .40 CAL W/ SN FYK795
50	OTHER					GLOCK 21, SN FXP721, 45 CAL
51	OTHER					GLOCK 35 BOX W/ SN KFS449
52	OTHER					GLOCK 22, SN PLR162
53	OTHER					
54	ONE BOX OF FIREARM PARTS & ACCESSORIES					
55	SILENCER	63-101746	HK, INC	HK MP5SD	9MMX19	
56	SILENCER - PARTS & ACCESSORIES	93159	KNIGHT'S ARMAMENT KNIGHT'S ARMAMENT CO	H & K NAVY	10 MM	
57	SILENCER	90003	ADVANCED ARMAMENT	KAC NAVY ELEMENT	9 MM	
58	SILENCER - PARTS & ACCESSORIES	EL-0137	CORP	.22LR	22	
59	SILENCER	981376	KNIGHT'S ARMAMENT CO	MFOD	5.56 MM	
60	SILENCER PARTS & ACCESSORIES	T9-0960	SWR MFG	TRIDENT9	9 MM	
61	SILENCER	5556	TACTICAL RESEARCH	UNKNOWN	22	
62	SILENCER PARTS & ACCESSORIES	E9-2520	ADVANCED ARMAMENT CORP	EVOLUTION	9 MM	
63	SILENCER	T-164	SWR	UNKNOWN	22	
64	SILENCER PARTS & ACCESSORIES	MK23USP8 094	KNIGHT'S ARMAMENT	MK23/USP	.45	
65	SILENCER	QD3K- 0094	SWR	OMEGA	9MM	
66	SILENCER PARTS & ACCESSORIES	OHG0300	SWR MFG	HEMS2	.45	
67	SILENCER	S90111	SWR	SHADOW-9	9	
68	HANDGUN	MFR705	GLOCK	34	9	WITH LIGHT
69	HANDGUN	KFS449	GLOCK	MODEL 35	40	W/LIGHT
70	HANDGUN	163266	SAUER	UNKNOWN	7.65	
71	BAG CONTAINING MISC. SUSPECTED MACHINE GUN PARTS					
72	HANDGUN	26226	FABRICH NATIONALE	UNKNOWN	7.65	

Type of Property	Serial Number	Manufacturer	Model	Caliber
SEIZED - DOUBLETREE DR.				
1 RIFLE -short barrel	191-04785	STURM RUGER	AC-556	223
2 RIFLE - w/ scope	CM185221	ROCK RIVER ARMS	LAR-9	9 MM
3 RECEIVER	18603	ARMALITE	M15A4	5.56
4 RIFLE	J-28026	WEATHERBY	MARK XXII	22
5 RIFLE - short barrel w/ sight	CM218198	ROCK RIVER ARMS	LAR-9	9
6 SHOTGUN - short barrel	LM006275	UNKNOWN	UNKNOWN	12
7 RIFLE - short barrel w/light	88-005467	HECKLER AND KOCH	HK416D	5.56
8 RIFLE	WFC12569	WINCHESTER	MOD 94	30-30
9 RIFLE	380118	WESTERNFIELD	M842B	22
10 RIFLE	23329	IVER JOHNSON	US CARBINE	22
11 SHOTGUN	03C3936	ARMS CO.	UNKNOWN	28
12 RIFLE	NONE	WINCHESTER	MOD 67	22
13 RIFLE	8195	UNKNOWN	UNKNOWN	**
14 RIFLE W/ SCOPE	70B25638	BROWNING ARMS	UNKNOWN	22
15 SHOTGUN	M37077	BENELLI	SUPER 90	12
16 SHOTGUN	UNKNOWN	REMINGTON	UNKNOWN	12
17 RIFLE	6531333	WINCHESTER	MOD 94	357
18 RIFLE	F81083	WINCHESTER	9422	22
19 SHOTGUN	22330NRUB3	CITORI	INVECTOR	12
20 RIFLE	19859	AUTO ORDNANCE	THOMPSON 1927 A1	45
21 LOWER RECIVER	2702208	COLT	M4 A1	5.56
22 HANDGUN	24-090092	HECKLER AND KOCH	USP ELITE	9
23 HANDGUN	K197490	KIMBER	TACTICAL CUST. II	45
ONE CONTAINER W/				
24 5 UPPER RECEIVERS				
25 UPPER RECEIVER	162-002584	HECKLER & KOCH	UMP	**
26 UPPER RECEIVER	162-002583	HECKLER & KOCH	UMP	**
27 UPPER RECEIVER	162-001382	HECKLER & KOCH	UMP	**
28 UPPER RECEIVER	162-001381	HECKLER & KOCH	UMP	**
29 UPPER RECEIVER	162-003184	HECKLER & KOCH	UMP	**
30 UPPER RECEIVER	162-001384	HECKLER & KOCH	UMP	**
31 UPPER RECEIVER	162-001387	HECKLER & KOCH	UMP	**
32 17 CUT UPPER RECEIVERS		HECKLER & KOCH		
33 HANDGUN	660ARK	COLT	SINGLE FRONTIER SC	22
34 HANDGUN	V24685	COLT	PYTHON	357
35 HANDGUN	CLW012387	COLT	COMMANDER	9
36 HANDGUN	AE70962	IVER JOHNSON	UNKNOWN	22

37 HANDGUN	R28731	COLT	DIAMONDBACK	22
38 HANDGUN	34K3691	SMITH & WESSON	MOD 17-4	22
39 HANDGUN	NGS831	GLOCK	MOD 17	9
40 HANDGUN	NGS830	GLOCK	MOD 17	9
41 HANDGUN	11-18902	STURM RUGER	UNKNOWN	22
42 HANDGUN	51412LR	WALTHER	PP	22
43 HANDGUN	S070857	SIG SAUER	P230	9
44 LOWER RECEIVER	F042848K	DPMS	A-15	223
45 HANDGUN	DA A247844	BERETTA	TOMCAT	32
46 HANDGUN	P64351	COLT	COMMANDO	38
47 HANDGUN	W25523	COLT	AGENT	38
48 HANDGUN	ANT2198	SMITH & WESSON	MOD 60	38
49 HANDGUN	395RR3098	SIG SAUER	UNKNOWN	**
50 HANDGUN	70N80674	COLT	GOLDKA	45

HANDGUN W/INTEGRATED
SILENCER SN PHNX-0099,
MNF ADVANCED
ARMAMENT

51 MOD PHOENIX 22 CAL	225-24304	RUGER	MARK II TARGET	22
52 HANDGUN	15K4877	SMITH & WESSON	MOD 18-3	22
53 HANDGUN	5J5904	SMITH & WESSON	MOD 36	38
			DETECTIVE	
54 HANDGUN	F43039	COLT	SPECIAL	38
55 HANDGUN	HFU007	GLOCK	MOD 17	9
56 HANDGUN	395RP6280	SIG SAUER	BDA	45
57 HANDGUN	30K2118	SMITH & WESSON	MOD 48	22
58 HANDGUN	1853-MA	COLT	1911	45
59 HANDGUN	86675G70	COLT	GOVERNMENT	45
60 HANDGUN	S201926	SIG SAUER	P232	9
			DETECTIVE	
70 HANDGUN	B59699	COLT	SPECIAL	38
71 HANDGUN	236379S	WALTHER	PPKS	9
72 HANDGUN	71G32492	BROWNING ARMS	UNKNOWN	**
			COMBAT	
73 HANDGUN	70SC12960	COLT	COMMANDER	45
74 HANDGUN	532355	RUGER	MOD SINGLE SIX	22
75 HANDGUN	UNKNOWN	WALTHER	TPH	22
76 DERRINGER	D9371	HIGH STANDARD	UNKNOWN	22
77 SMOKE GRENADE	NONE	UNKNOWN	UNKNOWN	
78 FLASH BANG	211742			

SEIZED - VAN

79 HANGUN	KRF3642	KIMBER	TACTICAL PRO	9
80 HANGUN	MCX947	GLOCK	19	9
81 HANGUN	MCX946	GLOCK	19	9
82 HANGUN	FTS737	GLOCK	34	9
83 RIFLE	CM160546	ROCK RIVER ARMS	LAR-15	5.56
84 SILENCER	M9896	ADVANCED ARMAMENT	NONE	5.56

**SEIZED - RANDOLPH
STREET
TRAILER**

85 RIFLE	190172	UNIVERSAL	ENFORCER	30
86 RIFLE	3031391	REMINGTON	522	22
87 SHOTGUN	T113904	ROSSI, BRAZIL	OVERLAND	12
88 pistol grip/short barrell	372000775	ITHACA	DEERSLAYER/MOD 3	12
89 RIFLE	05259PZ.226	BROWNING	BL22	22
90 RIFLE	AE371084	ARSENAL	SLR-95	762X39
91 SHOTGUN/RIFLE combo	MC067333	SPRINGFIELD ARMORY	M6 SCOUT	22/410
92 SHOTGUN	M515538	BENELLI	SUPER 90	12
93 RIFLE	AA29554	MARLIN	GOLDEN 39	22
94 RIFLE	RW46147	REMINGTON	UNKNOWN	22
95 RIFLE	US26223	HENRY	SURVIVAL	22
96 RIFLE w/ scope	16699RN176	BROWNING	BPR-22	22
97 RIFLE	NSN	WINCHESTER	67A	22
98 RIFLE	11458	ERMA-WERKE	EM1	22
99 RIFLE	6358348	WINCHESTER	94AE	45

**SEIZED - RANDOLPH
STREET
RESIDENCE**

100 HANGUN	H20067	HIGH STANDARD	SENTENNIAL	357
101 HANGUN	17090	DAN WESSON ARMS	15	357
102 HANGUN	126957	DEUTSCHEWERKE	UNKNOWN	7.65

**SEIZED RANDOLPH
STREET
GARAGE**

103 HANGUN	313-26831	RUGER	P95DC	9
104 SHOTGUN	E25027	UNKNOWN	UNKNOWN	16
104 AMMUNITION (15 rounds)	XXXX			9

	Type of Property	Serial Number	Manufacturer	Model	Caliber
1	HANDGUN	SA S7425	STI	VIP	45
2	HANDGUN	25120917	HK	GMBH	45
3	DERRINGER	E080964	NORTH AMERICAN ARMS, INC	UNKNOWN	22
4	HANDGUN	FPP125	GLOCK	23	40
5	HANDGUN	AUB9837	SMITH & WESSON	57-1	41 MAGNUM
6	HANDGUN	BCY6522	SMITH & WESSON	LADY SMITH	357 MAGNUM
7	HANDGUN	31774	MAGNUM RESEARCH, INC	DESERT EAGLE	40 SW
8	HANDGUN	CFU8352	SMITH & WESSON	638	38
9	HANDGUN	38224B	TAURUS	TCP 738	38
10	HANDGUN	HEU29	KELTEC	P3AT	380
11	HANDGUN	NKV018	GLOCK	MOD 34	9
12	HANDGUN	UNKNOWN	UNKNOWN	UNKNOWN	UNKNOWN
13	HANDGUN	A WH9028	SMITH & WESSON	MOD 17-5	22
14	HANDGUN	P719028	HI POINT	CF	380 ACP
15	HANDGUN	5838BAE	WALTHER	MOD PPK/S	380 ACP
16	HANDGUN	70996	IVER JOHNSON ARMS/CYCLE WORKS	UNKNOWN	38
17	HANDGUN	1291	EAGLE MFG CO	UNKNOWN	32
18	RIFLE	F042829K	DPMS	A-15	223
19	RIFLE	A318452	GSG	GSG-5	22
20	shortbarrel SHOTGUN	FL80441	FIRING LINE	MLS99	7.62
21	short barrel	AB450434m	REMINGTON	870	12
22	SHOTGUN	T809478	MOSSBERG	590	12
23	SHOTGUN	UM617649	MOSSBERG	835	12

A TRUE BILL:

S/ Foreperson
FOREPERSON

DAVID CAPP
UNITED STATES ATTORNEY

By: S/ Philip C. Benson
Philip C. Benson
Assistant United States Attorney