

FILED

AO 91 (Rev. 11/11) Criminal Complaint

APR 16 2019

UNITED STATES DISTRICT COURT

for the

Eastern District of California

CLERK, U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

BY _____ DEPUTY CLERK

United States of America)
v.)
)
Jake Edward Howland)
)
)
)
)

Case No. 2:19-mj-058-KJN

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 February 24, 2019 in the county of Solano in the Eastern District of California, the defendant(s) violated:

<i>Code Section</i>	<i>Offense Description</i>
18 U.S.C. § 922(o)	Illegal possession of a machine gun.

This criminal complaint is based on these facts:

See attached affidavit of FBI Task Force Officer Coy R. Caulfield.

Continued on the attached sheet.


Complainant's signature
Coy R. Caulfield, FBI Task Force Officer
Printed name and title

Sworn to before me and signed in my presence.

Date: 04/16/2019


Judge's signature
Hon. Kendall J. Newman, U.S. Magistrate Judge
Printed name and title

City and state: Sacramento, California

**AFFIDAVIT OF TASK FORCE OFFICER COY R. CAULFIELD IN SUPPORT OF
A CRIMINAL COMPLAINT AND ARREST WARRANT**

I, Coy R. Caulfield, being duly sworn, depose and state the following:

Purpose

1. This Affidavit is made in support of a criminal complaint and arrest warrant for:

a. Jake Edward HOWLAND

For the following federal law violations:

COUNT 1: Illegal possession of a machine gun [18 U.S.C. § 922(o)]

Affiant's Background and Experience

2. I am a Detective with the Solano County Sheriff's Office. I have been a sworn peace officer with the Solano County Sheriff's Office for over 11 years. In July 2016, I was cross-designated as a Task Force Officer with the Federal Bureau of Investigation (FBI), Sacramento Division, Fairfield Resident Agency. In this role, I am responsible for investigating firearms-, narcotics-, and gang-related activity in Solano County as a member of the Solano County Violent Crimes Task Force.

3. I have received thousands of hours of formal training with the Solano County Sheriff's Office. This includes: 884 hours at the P.O.S.T. basic police academy (2006); 40-hour Field Training Officer course (2006); 8-hour Electronic Surveillance course (2016); 24-hour California Gang Investigators course (2016); 24-hour California Narcotics Officer Association course (2016); 20-hour California Gang Task Force course (2016); 24-hour California Homicide Investigators course (2016); 8-hour Helicopter Short-Haul course (2016); 24-hour California Gang Task Force course (2017); 24-hour California Narcotics Officer Association course (2017).

4. I have participated in all aspects of criminal investigations during my 11-year career in law enforcement, including physical and electronic surveillance, executing search warrants, use of GPS data and tracking devices, interviews, and arrests. In addition to my classroom training, this practical experience has formed the basis of my opinions set forth below.

5. As a result of my training and experience with the Solano County Sheriff's Office and the FBI, I am familiar with the state and federal laws pertaining to firearms. I know that, subject to limited exceptions not applicable here, it is unlawful under Title 18 of the United States Code for any person to transfer or possess a machine gun.

6. This Affidavit is submitted in support of a criminal complaint and arrest warrant charging **Jake Edward HOWLAND** with illegal possession of a machine gun, in violation of 18 U.S.C. § 922(o).

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7. The information contained in this Affidavit is based on my review of the reports and files in this case, conversations with other law enforcement personnel involved in this case, and my own personal knowledge. Because this Affidavit is submitted for the limited purpose of establishing probable cause for a criminal complaint and arrest warrant, I have not included every fact known to me about this case. Rather, I have set forth only those facts I believe are necessary to support probable cause for a criminal complaint and arrest warrant.

Statement of Probable Cause

8. On February 24, 2019, at around 2:15 p.m., Sergeant M. Waller (Solano County Sheriff's Office) received information from a reporting party that someone was shooting a fully automatic weapon on the levee near Brown Road and Salem Road, in the unincorporated area of Dixon, in Solano County. The reporting party said that the gunfire was associated with a dark-colored Chevrolet Tahoe and a gold-colored sedan.

9. Sergeant Waller notified dispatch of the call and responded to the area. When he arrived, he located a gold sedan and a gray Chevrolet Tahoe parked on the levee on the east side of the canal. As Sergeant Waller was pulling up to the vehicles, he noticed approximately 15 people on the levee. Some of the people were holding weapons and others were not. A Solano County ordinance prohibits any person from firing a weapon from or into a levee. In his report, Sergeant Waller notes that although this ordinance is posted prominently, the levee is well known in the area as a place to shoot firearms.

10. Sergeant Waller removed weapons from a few of the individuals present and patted down everyone for additional weapons. As Sergeant Waller patted down Jake HOWLAND, he found an empty .40-caliber Glock magazine with a 22-round capacity in HOWLAND's back pants pocket. Sergeant Waller removed the empty magazine from HOWLAND's pocket and said that he would talk to HOWLAND about the magazine later. At that point in time, Sergeant Waller was still the only law enforcement official on scene.

11. After additional Deputies arrived, Sergeant Waller began inspecting the weapons he had seized. Sergeant Waller had confiscated several Smith & Wesson pistols, several Springfield pistols, and two Glock pistols. One Glock was a 10 mm handgun and the other was a .40-caliber pistol. Sergeant Waller found the .40-caliber Glock pistol in a white plastic bag on the ground next to a box of beer and other ammunition and guns. He also found several high-capacity magazines for the .40-caliber Glock pistol inside the white plastic bag. One of the magazines in the white plastic bag was identical to the magazine Sergeant Waller had pulled from the back of HOWLAND's pants pocket.

12. Upon further inspection, Sergeant Waller noticed that the .40-caliber Glock pistol had a modified rear plate attached to the slide. He immediately recognized the modified plate as a fully automatic selector switch for the handgun. Sergeant Waller cleared the gun of ammunition and field tested it to see if it would function in a fully automatic mode. Sergeant Waller found that the gun could be converted to function in either semi-automatic mode or fully automatic mode by toggling the selector switch on the rear slide plate.

13. Later, Sergeant Waller conducted an area search around the levee where all 15 people were standing. Sergeant Waller found another high-capacity .40-caliber Glock magazine in the bushes. Sergeant Waller notes that this magazine appeared to have been thrown in the bushes down the embankment of the levee. This magazine was identical to the one Sergeant Waller found in HOWLAND's pants pocket, except that it had a higher round capacity and was loaded with .40-caliber ammunition.

14. During his search, Sergeant Waller located a Smith & Wesson M&P Shield .40-caliber pistol with the serial number obliterated. This firearm was loaded with a round in the chamber. Sergeant Waller was unable to tell who this gun belonged to because of the number of people at the scene, and the fact that no one claimed it. Sergeant Waller asked everyone on hand if the gun belonged to them and no one claimed it.

15. Deputy Ferrando arrived on scene after everyone was patted down. Sergeant Waller spoke to Deputy Ferrando and showed him the Glock pistol that was in the white grocery bag. The gun was composed of a green polymer pistol frame (lower), with no serial number, and a black Glock Model 22 .40-caliber slide and barrel (upper), both of which were marked with serial number LAP818. The rear portion of the slide had a Glock full auto switch affixed to it. Dispatch advised that there was no record of the serial number.

16. Deputy Ferrando read HOWLAND his *Miranda* warnings. HOWLAND acknowledged that he understood his rights and agreed to talk with Deputy Ferrando. HOWLAND said the following in summary: HOWLAND said he was probation in Solano and Napa Counties. HOWLAND admitted that he had the extended magazine in his pocket. HOWLAND did not elaborate on who the magazine belonged to or where he got it from. HOWLAND said he had not fired any guns that day. HOWLAND would not say who the fully-automatic pistol belonged to. HOWLAND acknowledged that he may have gunshot residue on his hands from the magazine. HOWLAND knew that the legal limit in California for a magazine was ten rounds. The magazine HOWLAND had on his person was capable of holding 22 rounds, but he was not sure if there was any ammunition in the magazine. HOWLAND admitted that he was a previously convicted felon.

17. HOWLAND was placed under arrest and taken to the Solano County Jail for booking. There, he was charged with several firearms offenses and probation violations.

18. In the days that followed, I conducted interviews with several of the people who had been present at the levee. Per Sergeant Waller, there had been two groups of people present who were not together, but were shooting in the same area and sharing targets. Sergeant Waller said that two individuals, who will be referred to here as A.L. and J.L., could probably provide better information now that they were away from the scene.

19. On February 27, I met with A.L. in person. She said that on February 24, she was in the unincorporated area of Solano County on Brown Road with a group of friends shooting targets. While her group was shooting, several vehicles began showing up in the same area. A.L. did not know any of the people who showed up in this second group. The new group also started target shooting, and A.L. took note when she heard "an extremely rapid firing weapon."

20. A.L. said she was familiar with firearms and has fired a handgun over 100 times in her life. When A.L. heard this particular weapon firing in rapid succession, she believed it to be an automatic firearm.

21. I showed A.L. eighteen photos that I had printed out. A.L. identified HOWLAND as the person who brought the rapid firing firearm. A.L. said she saw HOWLAND walk over to her group with the firearm and extended magazine. A.L. said that HOWLAND had long magazines for the firearm. A.L. said she did not know HOWLAND's name, but her husband, J.L., had asked HOWLAND if he [J.L.] could shoot the gun. A.L. said that HOWLAND let J.L. shoot the rapid firing handgun.

22. Later that day, I met with J.L. in person. J.L. said that on February 24, he was target shooting with friends in the unincorporated area of Solano County on Brown Road. J.L. said that more vehicles started showing up and began target shooting at the same location.

23. I showed J.L. a set of photos. J.L. identified HOWLAND as the person who possessed what he described as a "40 caliber Glock with a black slide and with an OD green lower that was full auto." J.L. said that he only knew HOWLAND as "Jake" and that he saw HOWLAND shoot the Glock.

24. After seeing and hearing the fully-automatic Glock being fired, J.L. wanted to shoot it. J.L. said that he knew the firearm was illegal and that he was "stupid" for shooting it.

25. J.L. said that HOWLAND allowed him to shoot the weapon and that it was loaded with a clear high-capacity magazine. J.L. said that he squeezed the trigger once and the gun fired approximately 10 rounds and then jammed. J.L. removed the clear high-capacity magazine, cleared the jammed round, reinserted the extended magazine, and then squeezed the trigger one more time, firing a few more rounds, and then handed the gun back to HOWLAND.

26. On February 28, I met with two more people who were present at the levee. For purposes of this complaint, this couple will be identified here as K.B. and B.D. I spoke to K.B. and B.D. separately to keep their statements untainted.

27. B.D. said that her group consisted of J.L., A.L., K.B., a woman who will be referred to here as G.T., and two small children. B.D. said that her group arrived in Vacaville at the canal on Brown Road at around noon on February 24. She said that they were there for target shooting.

28. B.D. said she is familiar with firearms and has fired a handgun on approximately ten separate occasions. B.D. knew the difference between a revolver and a semi-automatic handgun. B.D. said that a second group arrived at their area and asked to shoot with them. B.D. said that she did not talk with this second group, and that they mainly spoke with J.L. and K.B.

29. B.D. identified HOWLAND from the photos I showed her. B.D. identified HOWLAND as the person who possessed the fully automatic firearm. B.D. recalled hearing HOWLAND ask if he could share their targets. B.D. remembered seeing HOWLAND with a gun that had long magazines. B.D. was familiar with standard length magazines and noticed that HOWLAND had

“2 or 3” long black magazines for the firearm he brought. B.D. took note when HOWLAND’s gun was fired because it was faster than anything she had ever heard. B.D. saw J.L. receive the gun from HOWLAND, fire the gun, then return the gun to HOWLAND.

30. B.D. said that people in her group told her HOWLAND’s gun was fully automatic.

31. B.D. said that when she saw the first Solano County Sheriff’s Deputy arrive, she saw HOWLAND throw a long magazine down the bank towards the water.

32. B.D. said that after the Deputies arrived, she did not provide additional information to law enforcement because she was in close proximity with people from the second group that she did not know, and that the situation made her fearful of cooperating with law enforcement.

33. Afterwards, I spoke with K.B. He said that his group arrived at the canal on Brown Road in Vacaville between noon and 1:00 p.m. on February 24. K.B. said that he had got a new pistol in December and had brought it to that area to shoot targets. K.B. said that he has fired multiple firearms, from handguns to rifles, but he had never fired a fully automatic weapon. K.B. said that while his group was shooting, a second group of cars started showing up.

34. K.B. identified HOWLAND from a group of photos I provided as the person who had the fully automatic firearm. K.B. said that HOWLAND asked J.L. if he could shoot with them. K.B. said that he was not happy when J.L. allowed HOWLAND to shoot with them.

35. K.B. said that when HOWLAND walked up, he asked HOWLAND what gun he brought. HOWLAND pulled a Glock with a black slide and a green lower from his back pocket or waistband. The gun was loaded with a high-capacity extended magazine. K.B. mentioned to HOWLAND, “wow, you have a long magazine,” to which HOWLAND replied, “yes, watch this.” At that point, HOWLAND walked over and fired the weapon in a fully automatic mode. K.B. recalled seeing HOWLAND with at least two high-capacity magazines for the Glock, one black and one transparent. K.B. remembered seeing a switch on the back of the slide that made it automatic. K.B. did not know what caliber the Glock was.

36. K.B. saw J.L. borrow the Glock from HOWLAND, fire the gun, then return it to HOWLAND. K.B. did not fire the gun. When law enforcement arrived, K.B. recalls hearing HOWLAND say, “oh shit, oh shit, oh shit,” and he then turned and saw HOWLAND throw something down the embankment toward the water. K.B. then turned his attention to Sergeant Waller, who began giving directions.

37. I showed K.B. a picture of the two firearms seized on February 24. He immediately identified one of them as the gun in HOWLAND’s possession. K.B. identified the second gun as the firearm Sergeant Waller seized from Omar Melena (a subject who was part of HOWLAND’s group).

38. I asked K.B. how he knew that Sergeant Waller took the second gun from Omar Melena. K.B. said he remembered hearing Sergeant Waller giving commands, and asking the group if anyone had a firearm on them. K.B. remembered seeing one person raise his hand, who he

identified as Omar Melena. Sergeant Waller took the second gun from Melena and placed it on the gold sedan. K.B. said that Sergeant Waller was dealing with so many people and had so much going on that he thinks Sergeant Waller probably forgot that he took the gun from Melena.

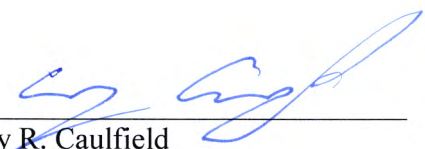
39. I have reviewed HOWLAND's criminal history. His adult criminal record includes the following felony convictions:

- (i) A felony conviction for carrying a loaded firearm in a public place, in violation of California Penal Code, Section 25850(a) [judgment entered July 17, 2017, in Solano County, California]; and
- (ii) A felony conviction for assault by means of force likely to produce great bodily injury, in violation of California Penal Code, Section 245(a)(4) [judgment entered April 2, 2018, in Napa County, California].

Conclusion

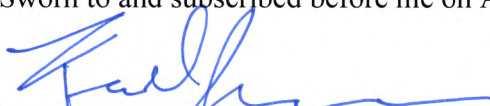
40. Based on the facts above, I request that a criminal complaint and arrest warrant be issued for **Jake Edward HOWLAND**, charging him with illegal possession of a machine gun, in violation of 18 U.S.C. § 922(o).

I declare under the penalty of perjury that the foregoing statements are true and correct to the best of my knowledge.




Coy R. Caulfield
Task Force Officer
Federal Bureau of Investigation

Sworn to and subscribed before me on April 16, 2019.



Hon. Kendall J. Newman
United States Magistrate Judge

Approved as to form:



Timothy H. Delgado
Assistant United States Attorney

United States v. Jake Edward Howland
Penalties for Criminal Complaint

DEFENDANT: **1) Jake Edward Howland**

COUNT 1:

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

PENALTIES: -- A term of imprisonment for up to 10 years,
 -- A fine of up to \$250,000, or both fine and imprisonment,
 -- A term of supervised release for up to 3 years.

SPECIAL ASSESSMENT: \$100 (mandatory on each count)