

UNITED STATES DISTRICT COURT
for the
Eastern District of California

FILED
DEC 09 2016

United States of America)
v.)
Michael MATHISON)

Case No.

CLERK, U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
BY [Signature]
DEPUTY CLERK

1: 16 MJ 00160 SAB

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 2, 2016, in the county of Fresno in the
Eastern District of California, the defendant(s) violated:

<i>Code Section</i>	<i>Offense Description</i>
18 U.S.C. § 922(g)(1)	felon in possession of a firearm or ammunition
	PENALTIES
	10 years maximum term of imprisonment
	\$250,000 fine
	3 years of supervised release
	\$100 special assessment

This criminal complaint is based on these facts:

See Attached Affidavit of Special Agent Eric Penman, which is incorporated herein by reference.

Continued on the attached sheet.

[Signature]
Complainant's signature

Eric Penman, Special Agent, ATF
Printed name and title

Sworn to before me and signed in my presence.

Date: 12/8/2016

[Signature]
Judge's signature

City and state: Fresno, California

Hon. Stanley A. Boone, U.S. Magistrate Judge
Printed name and title

1 **I. AFFIDAVIT**

2 I, Eric Penman, Special Agent, Bureau of Alcohol, Tobacco, Firearms and Explosives, United
3 States Department of Justice, being duly sworn, do declare and state:

4 1. I am a Special Agent (SA) with the Bureau of Alcohol, Tobacco, Firearms and
5 Explosives (ATF), United States Department of Justice, and have been employed since November of
6 2015. I am currently assigned to the San Francisco Field Division/Fresno Field Office. I completed
7 twenty-seven weeks of training, which was comprised of the Criminal Investigator Training Program
8 and the ATF Special Agent Basic Training program at the Federal Law Enforcement Training Center
9 and ATF National Academy in Glynco, Georgia. I received extensive training in firearm identification,
10 the identification and effects of controlled substances, the identification of improvised explosive
11 devices, surveillance and electronic surveillance, and undercover investigations. Prior to my
12 employment with ATF, I was a Criminal Intelligence Analyst for the Central Valley High Intensity Drug
13 Trafficking Area (HIDTA) for approximately 18 months. During this time as a Criminal Intelligence
14 Analyst I was assigned to the U.S. Marshals Fugitive Task Force in Fresno, CA. I graduated with
15 honors from California State University Fresno in 2013 with a BS in Criminology.

16 **II. PROBABLE CAUSE**

17 2. Title 18 U.S.C., Section 922(g)(1) makes it unlawful for a felon to possess a firearm or
18 ammunition. This affidavit is in support of a complaint charging Michael Wayne MATHISON
19 [hereinafter "MATHISON"] with violation of Title 18 U.S.C., Section 922(g)(1). The information set
20 forth in this affidavit is not intended to detail each fact of the investigation or all information known to
21 me and other law enforcement investigators. Rather, this affidavit serves to establish probable cause for
22 the arrest of MATHISON.

23 3. I obtained the information contained herein by a review of reports of law enforcement
24 officers, except as otherwise noted.

25 4. On December 2, 2016, I reviewed the Fresno Police Department (FPD) reports detailing
26 the arrest of MATHISON, which occurred on November 23, 2016. According to the FPD reports, at
27 approximately 1445 hours, Detective Santillan, who was assigned to the Fresno County Probation Adult
28 Compliance Team (ACT Team), was stopped at a red traffic light and observed a vehicle stopped next to

1 him which was occupied by two males. Detective Santillan was in an unmarked police vehicle and
2 wearing a full police tactical uniform, which included police decals on the front and back of the police
3 tactical vest. The male in the front passenger seat (later identified as MATHISON) looked directly at
4 Detective Santillan, and upon seeing his police uniform, immediately looked down to avoid eye contact.
5 Detective Santillan found this to be suspicious and then recognized MATHISON's face as someone
6 possibly on Post Release Community Supervision (PRCS). The vehicle MATHISON was in turned into
7 a gas station, and ACT Team officers maneuvered through traffic towards the gas station to identify
8 MATHISON and conduct a records check of the vehicle. As officers got closer to the vehicle it became
9 apparent that the front passenger (MATHISON) was no longer in the vehicle, so officers began to drive
10 around the immediate area. A short time later, Detective Santillan observed a male walking on the
11 sidewalk in a direction away from the gas station. Detective Santillan observed that the subject's
12 appearance and clothing matched those of the front passenger in the vehicle he had just observed.

13 5. As Detective Santillan drove toward MATHISON in his unmarked police vehicle,
14 MATHISON looked back and around in all directions. Detective Santillan stopped his vehicle behind
15 MATHISON, and stepped out of the vehicle when he saw MATHISON look directly at him and his
16 vehicle. At this time, it appeared MATHISON recognized Detective Santillan to be a police officer and
17 began to walk away very quickly. MATHISON then reached into his waistband and began to run.
18 Detective Santillan ran after MATHISON down an alley and observed MATHISON grab a silver object
19 from his waistband while running and throw it over a fence into the backyard of a residence. Detective
20 Santillan continued to run after MATHISON and announced, "Police, stop running." There were no
21 other people in the alley and Detective Santillan repeated the announcement "Police, stop running." As
22 MATHISON attempted to jump over a fence he was taken into custody by Detective Santillan and other
23 ACT Team officers. MATHISON resisted officers by struggling to not place his hands behind his back
24 and was placed under arrest for PC148(a)(1) – Resisting arrest.

25 6. Officers searched MATHISON incident to arrest and found a loaded pistol magazine in
26 the front right pocket of his jacket. A records check confirmed that MATHISON was on Post Release
27 Community Supervision and that he is an active Bulldog gang member. Officers also searched the
28 backyard into which MATHISON threw the silver object while running. In the backyard, officers found

1 a silver Colt, model Defender, .45 caliber pistol with a loaded magazine.

2 7. Detective Santillan then read MATHISON his Miranda Rights and asked if he understood
3 his rights and if he wished to make a statement, to which MATHISON answered, "Yeah." MATHISON
4 stated, "I knew I was wanted so I ran I saw you and knew you were the police, so I ran."
5 MATHISON was asked if he was allowed to possess any weapons with regards to his PRCS conditions,
6 and he replied, "The clip is mine. Yeah, I know it's loaded. But the gun is not mine." Detective
7 Santillan then asked what gun he was talking about because officers had not mentioned a gun prior to
8 MATHISON making that statement. MATHISON then said, "I saw you guys go into that yard. I know
9 you found the gun." When asked if his fingerprints would be found on the firearm, MATHISON stated
10 "I'm done talking; just send me back to prison because I know I'm going back." Officers then ended the
11 interview.

12 8. Based on a review of Fresno County electronic public court records, I conclude
13 MATHISON has the following felony convictions: a 2010 felony conviction for California State Penal
14 Code 496d(a), possession of a stolen vehicle; a 2012 felony conviction for California Health and Safety
15 Code Section 11377(a), possession of controlled substance; and a 2015 felony conviction for California
16 Health and Safety Code Section 11378, possession of a controlled substance for sale. I know from my
17 own experience and conversations with other law enforcement officers that information from Fresno
18 County electronic public court records is typically reliable.

19 9. On December 2, 2016, I consulted with ATF SA George Jusino, who specializes in the
20 interstate nexus of firearms and ammunition. Based on the description of the
21 firearm, SA Jusino indicated that the Colt firearm MATHISON possessed is not manufactured in
22 California.

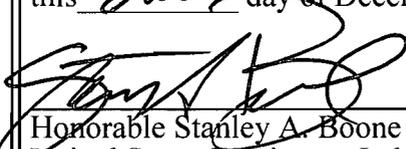
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III. CONCLUSION

10. Based on the information in this affidavit, there is probable cause that MATHISON is in violation of Title 18 United States Code, Section 922(g)(1). I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.


Eric Penman, Special Agent
Bureau of Alcohol, Tobacco, Firearms and
Explosives

Sworn to before me, and subscribed in my presence,
this 9th day of December, 2016.


Honorable Stanley A. Boone
United States Magistrate Judge

Reviewed and approved as to form and content by:

/s/ ROSS PEARSON
Ross Pearson
Assistant U.S. Attorney