

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA**

UNITED STATES OF AMERICA	*	CRIMINAL DOCKET NO. 17-112
v.	*	SECTION: "H"
ROBERT LYONS III	*	VIOLATIONS: 26 U.S.C. § 5861(d)
		26 U.S.C. § 5841
	*	26 U.S.C. § 5871
		26 U.S.C. § 5861(f)
	*	26 U.S.C. § 5822
	*	
	*	
	*	

FACTUAL BASIS

If this matter had proceeded to trial, the United States would have proved through the introduction of competent testimony and admissible evidence, the facts below to support the allegations charged by the Government in the Indictment now pending against defendant **ROBERT LYONS III ("LYONS")** for knowingly receiving and possessing firearm silencers or firearm mufflers which were not registered to the defendant in the National Firearms Registration and Transfer Record, in violation of Title 26, United States Code, Sections 5841, 5861(d), and 5871; and for knowingly making firearm silencers or firearm mufflers, in violation of Title 26, United States Code, Sections 5822, 5861(f), and 5871.

If this matter had proceeded to trial, a special agent of the Bureau of Alcohol, Tobacco, Firearms, and Explosive ("ATF") would testify that a "solvent trap" or "solvent trap kit" is a device that is attached to the end of the barrel of a firearm. A "solvent trap" can be used as a cleaning

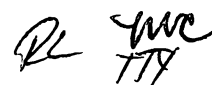
system for a firearm. In the training and experience of ATF agents, however, holes are commonly drilled in the components of this device so that it will muffle, diminish, or silence the sound of a firearm.

On or about December 16, 2016, ATF Special Agent Trenton Harper placed an undercover phone call to LYONS, posing as a customer. This call was recorded. LYONS identified himself as "Robbie" on the call. During this conversation, LYONS described devices that he was selling for various calibers of firearms. LYONS called these devices "solvent traps," and said that they were "deadly quiet." To illustrate how quiet the devices were, LYONS offered to send Agent Harper a text message containing a video of a firearm shooting with one of LYONS's devices attached. LYONS further offered to sell these devices for \$100.00 each, and LYONS stated that he could ship them. LYONS said that the devices would not blow up as long as they were drilled correctly.

On or about December 17, 2016, LYONS sent a text message containing a video to Agent Harper. LYONS sent this message using the same phone number that Agent Harper had called. The texted video showed a semi-automatic rifle firing several bullets through a firearm silencer. If this case went to trial, ATF agents would testify that, in their training and experience, the fire was suppressed in this video.

On December 27, 2016, Agent Harper placed a call to LYONS. This call was recorded. During this call, LYONS advised that he had a "bunch" of devices that he could ship out that day. At another point in the call, LYONS advised SA Harper to have his customers drill the holes in the silencer components themselves. LYONS went on to explain that, if one is caught with a solvent trap with drilled holes, "that's federal jail time."

On or about January 8, 2017, Agent Harper attended the Shreveport Gun Show. While at



the Gun Show, Agent Harper encountered LYONS selling “solvent traps,” firearms parts, and completed firearms. LYONS was wearing a nametag that said “Robbie Lyons,” which is a known alias for LYONS. LYONS was using the business name Black Forest Outfitters. Agent Harper took photographs of LYONS’s display at this show.

At this show on or about January 8, 2017, ATF Special Agent T.J. Boddie made an undercover buy of a so-called “solvent trap” from LYONS. This sale is video recorded, and Agent Boddie took photographs of the transaction. During the sale, LYONS advised Agent Boddie how to drill holes in the “solvent trap kit” and attach it to a firearm so that it will suppress fire. LYONS further advised Agent Boddie that he would need to fill out a form, pay taxes, and serialize the firearm for the device to be legal.

On January 18, 2017, the ATF Firearms Technology-Criminal Branch (“FTB”) examined the device that LYONS had sold to Agent Boddie and concluded that it was a “silencer” as defined by the Gun Control Act and a “firearm” as defined by the National Firearms Act (“NFA”) and therefore must be registered in the National Firearms Registration and Transfer Record (“NFRTR”). The FTB also concluded that the firearm did not bear any manufacturer’s marks of identification or a serial number. A records search indicated that this silencer was not registered in the NFRTR.

On March 3, 2017, ATF obtained a federal search warrant for LYONS’s residence, located in Covington, Louisiana. This residence is located within the Eastern District of Louisiana. This federal warrant included all outbuildings, vehicles, and appurtenances on the property. ATF agents and local law enforcement executed this search warrant on March 7, 2017. During this search, agents recovered one silencer in a gun cabinet in LYONS’s residence, one in LYONS’s garage, and five silencers in LYONS’s vehicle, which was parked in the driveway of the residence.

Six of these silencers had drilled holes, while one had centrally located indexing marks, which indicated the location for a hole to be drilled. Agents also located signs and display cases for “Black Forest Outfitters.”

LYONS was present when the search warrant was executed, and he was not placed under arrest. LYONS was advised of his *Miranda* rights, acknowledged his rights, and chose to speak with ATF agents. During the interview, LYONS advised that he had drilled the silencers that agents seized. LYONS stated that he manufactured one of them at his father’s residence using his father’s drill press. LYONS’s father resides in Covington, in the Eastern District of Louisiana. LYONS stated that he drilled the other silencers at his own home using a blue hand drill and vise. During the search, ATF located a blue drill in LYONS’s home.


On April 6, 2017, the ATF FTB performed a controlled analysis on the seven suspected silencers that were seized during the March 7, 2017 search. This analysis determined that all seven of these devices were silencers. A records search indicated that these silencers were not registered to LYONS in the NFRTR. Furthermore, LYONS did not file a written application with the federal government to make and register the six drilled firearm devices, pay a tax for the making of these devices, or obtain approval from the federal government to make and register these devices.

This proffer of evidence is not intended to constitute a complete statement of all facts known to the Government, but rather is a minimum statement of facts intended to prove the necessary factual predicate for the guilty plea. The limited purpose of this proffer is to demonstrate that there exists a sufficient factual and legal basis for **ROBERT LYONS III's** plea of guilty to the two-count Indictment charging **LYONS** with violating 26 United States Code, Section 5861.




MARIA M. CARBONI
Assistant United States Attorney

11/29/2018
Date



TIMOTHY YAZBECK
Counsel for the defendant

11/26/18
Date



ROBERT LYONS III
Defendant

11/26/18
Date