

UNITED STATES DISTRICT COURT

for the
Middle District of GeorgiaFiled at 2:50 P M
10/27, 2016
BCLDeputy Clerk, U.S. District Court
Middle District of GeorgiaUnited States of America
v.Case No. 1:16-MJ-63 (TQL)

WESLEY SHANE RATHIEL aka SHANE RATHIEL

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 July 1, 2016, and Sept. 2, 2016 in the county of Miller in the
Middle District of Georgia, the defendant(s) violated:*Code Section**Offense Description*

Title 18, USC, Section 922(j)

Selling a stolen firearm (2 counts)

This criminal complaint is based on these facts:

See Affidavit

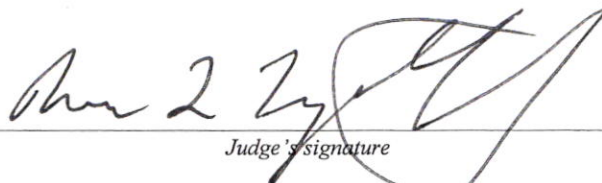
☒ Continued on the attached sheet.

Complainant's signature

Timothy D. Armentrout, Special Agent, FBI

Printed name and title

Sworn to before me and signed in my presence.

Date: Oct. 27, 2016

Judge's signature

City and state: Albany, GA

Thomas Q. Langstaff, US Magistrate Judge

Printed name and title

AFFIDAVIT IN SUPPORT OF COMPLAINT

Affiant, Timothy D. Armentrout, is a Special Agent of the Federal Bureau of Investigation (FBI) with seven (7) years of experience. Affiant investigates, inter alia, violations of Title 18, United States Code, including 18 U.S.C. § 922(j), (sale of stolen firearms). Affiant, being duly sworn, deposes and says:

This investigation was conducted by Affiant and others, including other FBI Special Agents, Special Agents of the Georgia Bureau of Investigation (GBI), and other law enforcement officers. Information presented in this affidavit is a result of Affiant's investigation and the investigation of other agents and officers.

On or about February 24, 2016, Philip Weston Jones was arrested by the Miller County Sheriff's office and charged with aggravated assault, battery, and reckless conduct. Jones was released on bond on or about February 25, 2016. The bond conditions included that he have no contact with family members and possess no firearms.

On April 20, 2016, an article was published in the Miller County Liberal newspaper about Jones and his wife purchasing a protective vest for the Colquitt Police Department canine (K-9). A picture in the article depicts Jones, his wife, a Colquitt Police Department officer, and the K-9 unit.

On or about May 17, 2016, during a bond revocation hearing Jones was ordered by the court to "give up all firearms in his possession to the Miller County Sheriff's Office." The bond revocation hearing was a result of the photo in the Miller County Liberal newspaper of Jones with his wife, which was a violation of Jones's bond.

On September 16, 2016, Special Agent Hank Day, GBI, interviewed Jones. Jones stated to Day that on or about February 24, 2016, Jones was arrested by the Miller County Sheriff's office. Jones later bought a Colquitt Police department K-9 dog a ballistic vest. Jones was asked to take a picture with the police officer, the K-9, and Jones's wife. The picture was printed in the local newspaper. Jones explained that the picture with him and his wife resulted in Jones having a bond revocation hearing since he had violated his bond conditions. A few days after the revocation hearing Jones called Miller County Sheriff Shane Rathel and asked him "what do you want me to do with these guns." Rathel advised Jones to bring the firearms to his house. Jones took a black AR 15, a black 12 gauge shotgun, and a 38 revolver to Rathel's house and gave the guns to him. Jones stated that Rathel took the guns and put them in the back seat of his black Tahoe. Jones received no paperwork or property receipts from Rathel. Jones, an electrician, explained that on or about Thursday, September 15, 2016, he went to the Afternoon Pawn Shop in Donalsonville, Georgia, to work on some lights for the owner of the pawn shop, Brad Bell. Jones was in the gun room in the rear of

the store and saw his black in color pistol grip Mossberg pump shotgun with a hand sling that says Mossberg on it. Jones also saw his black AR 15 in a black plastic case with black foam inside of the case. The day Jones gave Rathel the guns, he hand wrote the make, model and serial numbers of all three of the firearms he turned over to Rathel. After seeing the firearms at the pawn shop, Jones went home and got the piece of paper where he had recorded the firearm information. Jones then went back to Afternoon Pawn and looked at the firearms again to compare the serial numbers. The serial numbers on the guns in the pawn shop matched the serial numbers that Jones had recorded on the day he turned the firearms over to Rathel. Jones provided GBI the following weapons description and serial numbers: Windham AR-15 serial number WW168034, Mossberg 500A 12-gauge shotgun serial number R899844, and Taurus .38 Special Handgun serial number PA40054.

Agent Day requested gun traces on the firearms from the Bureau of Alcohol Tobacco and Firearms (ATF). ATF traces were requested by ATF Agent Joel Collins on 09/19/2016. The traces provided the following information:

Mossberg 500A 12-gauge shotgun serial number R899844 was purchased on 03/15/2007 by Philip Weston Jones, Colquitt, GA.

Windham AR-15 serial number WW168034 was purchased on 07/24/2015 by Philip Weston Jones, Colquitt, GA.

Taurus .38 Special Handgun was purchased on 06/15/1996 by Katie Sue Pruett, Denton, GA.

On Friday, September 16, 2016, Agent Day conducted an interview with Brad Bell, the owner of the Afternoon Pawn Shop, 205 2nd Street in Donalsonville, Georgia. Bell stated that on Friday, September 2, 2016, around noon, the Miller County Sheriff, Shane Rathel, approached Bell at Bell's Subway restaurant in Colquitt, Miller County, Georgia. Bell stated that Rathel asked him, "do you still own the pawn shop in Donalsonville?" Bell stated that he did still own the pawn shop. Bell advised that Rathel then asked Bell if he would pawn two guns for him. Bell advised that Rathel left to go get the guns from his house.

Bell stated that an hour later, Rathel showed up at the Subway with two guns. Bell stated that he and Rathel agreed on a thirty day purchase regarding the two firearms. Bell advised that there was no documentation at this time because it was only a thirty day purchase. Bell stated that he encouraged Rathel to come to the pawn shop in Donalsonville and get a pawn ticket for the transaction. Rathel was supposed to retrieve the guns and repay Bell within 30 days.

Bell stated that he gave Rathel \$600 cash for a black in color Windham Weaponry AR 15 bearing serial # WW168034, model # WW15, with a black hard case and a black in color Mossberg 12-gauge pistol grip pump shotgun bearing serial number R899844, model # 500A.

Bell advised that although there was no documentation signed by Rathel for the transaction, Bell did record the transaction in an ATF firearm record logbook. Agent Day observed that the logbook does include an entry regarding the acquisition of the two firearms from Shane Rathel on September 2, 2016. Agent Day took possession of the firearms from Bell. Engraved upon the Windham AR-15 is the following: "Windham, ME U.S.A." Engraved upon the Mossberg shotgun is the following: "MADE IN USA, NEW HAVEN, CONN." Accordingly, the firearms had previously been shipped or transported in interstate commerce.

On Friday, September 16, 2016, Jones consented to making a recorded phone call to Rathel about Jones's guns. Jones called Rathel and advised him he was doing some electrical work in Donalsonville at the pawn shop owned by Brad Bell. Jones advised Rathel that he observed his firearms at the pawn shop. Jones questioned Rathel about why his firearms were at the pawn shop.

Rathel's response to Jones inquiry included several statements, including "Nah, everything is good with that, ok;" "Trust me, everything is good with that, baby;" "Don't worry about it, everything is good;" "I've always been straight with you;" and "I'll call you and we will get together."

On Saturday, September 24, 2016, Agent Day interviewed Rodney Jackson and Charla Jackson. Rodney Jackson advised that around July 1, 2016, he got a call from Miller County Sheriff Shane Rathel. Rodney Jackson advised that Rathel wanted him to meet Rathel at the auto parts store in Colquitt. Rodney Jackson stated he met Rathel at the auto parts store and Rathel advised that he needed a favor. Rathel asked Rodney Jackson if he would buy a pistol from him for \$200. Rodney Jackson stated he needed to talk to his wife.

Rodney Jackson stated that after speaking with his wife, he went to the Miller County Sheriff's Office and met Rathel in Rathel's office. Rodney Jackson advised that Rathel had two guns on his desk, a revolver and a semi- automatic pistol. Rodney Jackson stated that Rathel advised that the revolver was his gun and he wanted to sell it for \$200. Rodney Jackson stated that he assumed the guns were guns that Rathel had inherited from his grandfather after he had passed away. Rodney Jackson stated that Rathel's grandfather had a lot of guns. Rodney Jackson stated that he gave Rathel \$200 cash for the revolver and a black case. Rodney Jackson advised Day that Rathel told him he would get the money back to him on Friday. Rodney Jackson stated that this purchase was supposed to be temporary. Rodney Jackson was supposed to return the handgun to Rathel when Rathel repaid Jackson the two hundred dollars at the end of the week. Rodney Jackson stated that Rathel had not made contact with him since then. Rodney Jackson advised that he had maintained possession of the gun at his house since he purchased it from Rathel.

Agent Day took possession of the firearm from Rodney Jackson. Engraved upon the Taurus .38 revolver, serial number PA40054, is the following: "MADE IN BRAZIL." Accordingly, the firearm had previously been shipped or transported in foreign commerce.

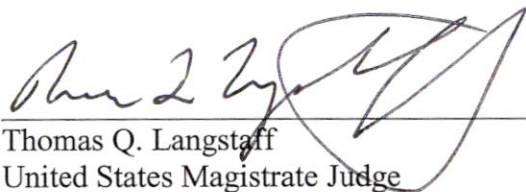
Based on the above facts and circumstances, Affiant submits that there is probable cause to believe that on or about July 1, 2016, and September 2, 2016, Wesley Shane Rathel stole the above-described firearms and then bartered, sold, and disposed of said firearms, knowing the same to be stolen, in violation of Title 18 United States Code, Section 922(j).



Timothy D. Armentrout
Special Agent
Federal Bureau of Investigation

Sworn to and subscribed before me on

this the 27th day of October, 2016.



Thomas Q. Langstaff
United States Magistrate Judge