

UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA

UNITED STATES OF AMERICA

V.

CRIMINAL COMPLAINT

Denys Ray HUGHES

CASE NUMBER: 05-7177M

I, the undersigned complainant, being duly sworn state the following is true and correct to the best of my knowledge and belief:

Beginning on a date unknown, but no later than on or about July 13, 2005, in Maricopa County, in the District of Arizona, the defendant did possess destructive devices and silencers not registered to him in the National Firearms Registration and Transfer Record, in violation of Title 26 U.S.C., Section 5861(d).

I further state that I am a Special Agent with the Bureau of Alcohol, Tobacco, Firearms and Explosives and that this complaint is based on the following facts:

SEE ATTACHED STATEMENT OF PROBABLE CAUSE INCORPORATED BY REFERENCE
HEREIN

Continued on the attached sheet and made a part hereof: Yes No

AUTHORIZED BY: SAUSA Lee

Tristan Moreland
Name of Complainant

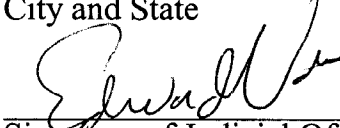

Signature of Complainant

Sworn to before me and subscribed in my presence,

July 13, 2005
Date

at Phoenix, Arizona
City and State

Edward Voss, U.S. Magistrate Judge
Name & Title of Judicial Officer


Signature of Judicial Officer

1
2 A F F I D A V I T
3
4

5 I, Tristan Moreland, being duly sworn, depose and say:
6

- 7 1. I am a Special Agent (SA) of the Department of the Justice,
8 Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF).
9 I have been a SA with ATF for over 16 years. I have
10 received training in the enforcement of Federal firearms,
11 explosives, and controlled substance laws, and have
12 conducted or participated in hundreds of investigations
13 involving violations of the Federal firearm, explosive, and
14 controlled substance laws. I have been the lead agent on
15 the majority of these investigations and have instructed
16 other Federal, State, local, and even international
17 officers on the techniques and methods used to perfect such
18 investigations. On numerous occasions your affiant has
19 seized silencers and silencer components and made arrest of
20 persons for illegally possessing silencer components. I
21 have also had occasions to testify in Federal court as an
22 expert in the area of silencer recognition. Additionally,
23 your affiant has been certified by ATF as a Certified
24 Explosive Specialist as a result of receiving hundreds of
25 hours of advanced training in the identification, handling,
26 and investigation of explosive and explosive related

1 crimes.

2

3 2. This affidavit is made in support of a criminal complaint
4 charging Denys Ray Hughes DOB 3/1/47 with violations of
5 Title 26 USC subsection 5861(d), possession of a firearm
6 silencer and destructive device not registered to him in
7 the National Firearms Registration and Transfer Record
8 (NFRTR).

9

10 3. On July 11, 2005, your affiant was contacted by ATF SA Wes
11 Williams, who is assigned to the ATF field office in
12 Wichita, Kansas. SA Williams requested your affiants
13 assistance in a follow-up investigation related to a Kansas
14 traffic stop that occurred two days prior in rural Kansas.
15 As a result of Williams's request, your affiant, SA
16 Williams, and Kansas Sheriffs Deputy Max Barret conversed
17 over the telephone in a three-way conversation. As a
18 result of this conversation and a review of additional
19 reports generated by Williams and Barret the following was
20 learned:

21

22 4. On July 8, 2005, at approximately 0035 hours, Denys Ray
23 HUGHES, DOB: 03/01/1947, with Arizona driver's license
24 showing an address of 17602 N Cave Creek Rd, #111, Phoenix,

1 Arizona 85032, was stopped in relation to traffic
2 violations by Deputy Max Barret of Russell County Kansas
3 Sheriff's Department. HUGHES was stopped in a 2005 Green
4 Pontiac Grand Prix, Arizona license plate 823NBY, a car
5 rented in Phoenix, Arizona. Contact was made with HUGHES,
6 the sole occupant of the vehicle. Hughes purported to be
7 traveling in a rented car to his sister's residence in
8 Milwaukee, WI. The rental vehicle is to be returned to
9 Arizona by 7-20-2005. Deputy Barret observed blankets
10 covering a large number of materials in the car. He then
11 requested consent to search the car, which HUGHES granted.
12 Deputy Barret observed a cooler on the front passenger seat
13 which contained books individually packaged in zip lock
14 bags. One book was identified as being a reference book on
15 bomb making and another on poisonous plants. A second
16 cooler observed in the back seat contained glass containers
17 which were labeled. The labels indicated the jars
18 individually contained nitrate fertilizer, sulfur, and
19 portions of road flares. Your affiant knows that when
20 combined, these items can make an explosive material. Also
21 found in the back seat were reloading supplies consisting
22 of gunpowder, shot and primers. Found in the trunk were
23 more books, including books on how to reinforce a bunker.
24 Also found in the truck was approximately a dozen firearms

1 and assorted ammunition including a 10mm handgun, rifles,
2 shotguns. Additionally, the trunk contained a pressure
3 cooker, specimen jars, Petri dishes, and a black tactical
4 load bearing vest. Notes found in the vehicle included
5 notations to buy cannon fuse, find secure storage, and
6 notes on how to build a bunker. Typically, cannon fuse
7 measures 3/32 in size and is commonly used to fuse pipe
8 bombs. Also found was a note which indicated he should not
9 carry questionable guns. Hughes told the officers that he
10 could be considered a survivalist/militia member. Hughes
11 was released with all the listed items.

12
13 5. As a result of this information, your affiant directed ATF
14 personnel in Wisconsin to attempt to locate HUGHES and
15 contact him regarding the suspicious items. As a result,
16 Hughes was located in rural Wisconsin. A state search
17 warrant was obtained to search the HUGHES residence in
18 Wisconsin relating the manufacture of explosives.

19
20 6. On July 12, 2005, ATF special agents and local officers
21 served the search warrant at HUGHES residence in Wisconsin.
22 Upon doing so a clandestine manufacturing process was
23 discovered, however; it is yet unknown what product was
24 being produced. That search continues as hazardous

1 material experts have been summoned to the scene.

2

3 7. Your affiant requested ATF special agents in Wisconsin to
4 request consent from HUGHES to search his Phoenix apartment
5 for any dangerous or explosive items. HUGHES was provided
6 a written consent form, which advises him of his
7 constitutional rights to refuse the consent, his right to
8 counsel, and other legal issues. HUGHES verbally agreed to
9 the consent and signed the form authorizing the search.

10

11 8. On July 13, 2005, at approximately 0930, your affiant and
12 other ATF special agents entered HUGHES apartment located
13 at 17602 N. Cave Creek Rd., # 111, Phoenix, District of
14 Arizona after confirming HUGHES residency from the
15 management and obtaining a key from them. Upon entering
16 the apartment, numerous evidentiary items were observed.
17 These items include two firearm silencers, various silencer
18 components, including metal tubes, spacers, and steel wool.
19 Low explosive gunpowder, metal pipe nipples, including one
20 end cap that has been drilled to accommodate a fuse, and
21 metal pipe bodies. In addition to the components listed,
22 your affiant observed numerous tools used in the
23 manufacture of silencers and pipe bombs, to include a
24 table top drill press.

1

2 9. On the afternoon of July 13, 2005, has your affiant learned
3 that HUGHES may have revoked his consent search of his
4 Phoenix residence prior to the search. When being
5 questioned by Wisconsin authorities on the evening of July
6 12, 2005, at approximately 7:45 p.m. central standard time,
7 HUGHES gave verbal and written consent to search his
8 residence at 17602 N. Cave Creek Rd, #111, Phoenix,
9 Arizona. In addition, local Wisconsin authorities has
10 obtained a search warrant for HUGHES residence in
11 Wisconsin. Sometime between 9:00 to 10:00 p.m. central
12 standard time, when being transported for booking by a
13 local police officer, HUGHES indicated to the transport
14 officer that he desired to revoke his consent. The local
15 officer, being unaware of the Phoenix consent, but aware of
16 the local Wisconsin search warrant, indicated to HUGHES
17 that they already had a search warrant for his property.
18 HUGHES indicated he understood and the conversation ended.

19

20 10. ATF SA Larry Bettendorf conduct a search of the NFRTR for
21 any items registered to HUGHES. SA Bettendorf advised that
22 a search was conducted and that HUGHES has no items
23 registered to him in the record as required by law.

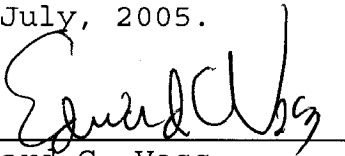
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1 11. Based on my knowledge, experience, training, and the
2 circumstances detailed herein, your affiant believes that
3 probable cause exist that Denys Hughes violated Title 26
4 U.S.C. subsections 5861(d) by possessing firearm silencers
5 and a destructive device not registered to him in the
6 NFRTR.



Tristan Moreland, Special Agent, ATF

13 SUBSCRIBED AND SWORN TO
14 before me this 13th day
15 of July, 2005.



19 Edward C. Voss
20 United States Magistrate Judge