

FILED

MAR 29 2019

Clerk, U.S. District Court
District Of Montana
Missoula

UNITED STATES DISTRICT COURT

for the

District of Montana

United States of America)

v.)

Charles Gibson BAILEY)

Case No.)

MJ 19-26 -BU-JCL)

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 March 25, 2019 in the county of Gallatin in the
Montana District of Montana, the defendant(s) violated:

Code Section

Offense Description

18 U.S.C. § 922(g)(8)

Possession of a firearm by a person who is subject to a court order that restrains such person from harassing, stalking, or threatening an intimate partner of such person.

This criminal complaint is based on the facts set forth in the attached affidavit. The offense is described as follows:

Please See Attached Affidavit, incorporated by reference herein.

Continued on the attached sheet.



Complainant's signature

Mark Wozniak, ATF SA

Printed name and title

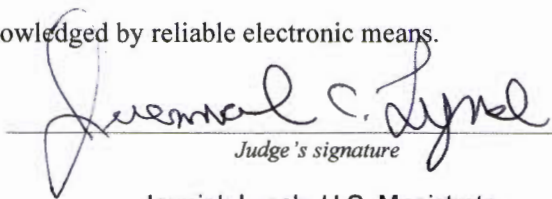
Sworn to before me and:

signed in my presence.

submitted, attested to, and acknowledged by reliable electronic means.

Date:

3/29/19



Judge's signature

City and state:

Missoula, Montana

Jermiah Lynch, U.S. Magistrate

Printed name and title

Affidavit In Support of Criminal Complaint and Arrest Warrant

I, Mark C. Wozniak, being first duly sworn, hereby depose and state as follows:

AGENT BACKGROUND

1. Your affiant is employed as a Special Agent with the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), United States Department of Justice, and has been so employed since December of 2016. Your affiant is currently assigned to the Helena, Montana, Field Office with the Denver Field Division. Your Affiant is currently tasked with investigating violations of federal firearms and narcotics laws. At the onset of this employment, your affiant attended the Criminal Investigator Training Program and the ATF Special Agent Basic Training at the Federal Law Enforcement Training Center in Glynco, Georgia from December 2016 through June 2017. Prior to employment as an ATF Special Agent, your affiant was a U.S. Park Ranger (law enforcement) and employed continuously from February of 2007 until December of 2016. As a part of this employment, your affiant attended the Land Management Police Training Program at the Federal Law Enforcement Training Center, Glynco, Georgia. During your affiant's tenure as a commissioned law enforcement officer, I have received numerous advanced trainings and certifications in relation to the trafficking of illicit substances. Your affiant has an Associate of Science Degree from Vermilion

Community College in Ely, Minnesota, and a Bachelor of Science Degree from the University of Idaho in Moscow, Idaho.

PURPOSE OF AFFIDAVIT

2. The statements in this affidavit are based on my personal observations, training, experience, investigation of this matter and information obtained from other agents, law enforcement officers, and witnesses with knowledge of this matter. Because this affidavit is being submitted for the limited purpose of securing a complaint and arrest warrant, I have not included each and every fact known to me concerning this investigation. This affidavit is intended to show merely that there is sufficient probable cause that a crime has been committed by Charles Gibson BAILEY, specifically a violation of 18 U.S.C. § 922(g)(8) – possession of a firearm by a person who is subject to a court order that restrains such person from harassing, stalking, or threatening an intimate partner of such person. The elements of a violation of 18 U.S.C. § 922(g)(8) are:

- First, the defendant knowingly possessed a firearm or ammunition;
- Second, the firearm or ammunition had been shipped or transported from one state to another or between a foreign nation and the United States;
- Third, at the time of possession, the defendant was subject to a court order, issued after a hearing of which he received actual notice, and at which he had an opportunity to participate;

- Fourth, the order restrained him from harassing, stalking, or threatening an intimate partner or the child of the intimate partner, or restrained him from engaging in other conduct that would place an intimate partner in reasonable fear of bodily injury to the partner or the child of the intimate partner; and
- Fifth, the order, by its terms explicitly prohibited the use, attempted use or threatened use of physical force against such intimate partner or the child of the intimate partner that would reasonably be expected to cause bodily injury, or the order included a finding that the defendant was a credible threat to the physical safety of the intimate partner or the child of the intimate partner.

INVESTIGATIVE DETAILS

3. On February 26, 2019, the West Yellowstone (MT) City Court, a court of record, issued a protection order against Charles Gibson BAILEY (reference Case No. CV-110-2019-0000001-OP). The order prohibited BAILEY from threatening to commit or committing acts of violence against Jane Doe (true name withheld to protect privacy), BAILEY'S former intimate partner. The order also prohibited BAILEY from harassing, contacting or otherwise communicating with Jane Doe, and required BAILEY to stay at least 300 feet away from Jane Doe, her residence, her workplace, and her vehicle. The order was entered after a hearing at which Bailey appeared, and Bailey signed the order on February 27, 2019.

4. On March 25, 2019, Jane Doe's video surveillance system recorded footage of BAILEY walking to the door of her apartment in West Yellowstone, Montana. While at the door of the apartment, video footage shows BAILEY spraying an unidentified liquid on the doorknob and dead bolt. BAILEY later told law enforcement officers that his fingerprints were difficult to capture due to recent acid use without gloves.

5. On March 25, 2019, United States Forest Service (USFS) Law Enforcement Officer (LEO) Ryan Linhart exited the West Mart Hardware store in West Yellowstone, Montana and noticed a black, Ford F350 pickup truck, bearing Montana license plate 385300C parked in front of the business with a Silver, Smith & Wesson revolver on the driver's side dashboard. LEO Linhart returned inside the business and contacted the only customer in the store that LEO Linhart did not know, later identified as BAILEY, who confirmed it was his vehicle and he was aware of the revolver on the dashboard.

6. On March 25, 2019, LEO Linhart, Gallatin County Sheriff's Office (GCSO) Deputy Matthew Stubblefield and West Yellowstone Police Department (WYPD) Officer Sabrah Van Leeuwen contacted BAILEY at the West Mart Hardware store and brought him into custody for violating the above-mentioned protection order. While standing by BAILEY'S truck, Deputy Stubblefield noticed through the closed windows a revolver as well as what he recognized to be an AR-15 style

semi-automatic rifle in the front passenger seat, a semi-automatic pistol mounted under the steering wheel and a bolt action rifle across the rear seat of the truck.

7. Upon contacting your affiant, BAILEY'S truck was taken into safe keeping and transported to the West District Ranger Garage Bay, within the West District of Yellowstone National Park in Wyoming, and secured with evidence tape by WYPD Officer Van Leeuwen.

8. On March 27, 2019, U.S. Magistrate Judge Mark Carman issued a search warrant (reference Magistrate Court Case Number 19SM62-C) for the black, Ford F350 pickup truck with Montana license plate 385300C while the truck was in the Federal Judicial District of Wyoming.

9. On March 27, 2019, ATF Special Agent Sutton and I, along with Lewis and Clark County Sheriff's Deputies Bomb Technicians Marvin Weber and Ken Goetz, served the search warrant on BAILEY'S truck. The following items were some of the items located and seized:

- a. Smith and Wesson brand, revolver, serial number S316018, with six rounds of ammunition loaded into the firearm;
- b. Smith and Wesson brand, .50 S&W caliber, revolver, serial number DJD7626 with six rounds of .50 S&W caliber ammunition loaded into the firearm;

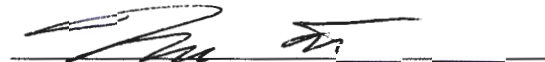
- c. Savage Arms brand, Model 110, .338 Lapau Magnum caliber, bolt action rifle, serial number K955228 along with 6 rounds of .338 Lapua Magnum caliber ammunition loaded into the firearm;
- d. Marlin Arms brand, Glenfield Model 65, .22 LR caliber, semiautomatic rifle, serial number 27111034, with 16 rounds of .22LR caliber ammunition loaded into the firearm;
- e. Berretta brand, model PX4 Storm, .45 LCP caliber, semiautomatic pistol, serial number PK38513, with 9 rounds of .45 LCP caliber ammunition loaded into the firearm;
- f. Sturm, Ruger & Co., model AR-556, 5.56x45 caliber ammunition, semiautomatic rifle, serial number 855-38614, with 5.56x45 ammunition loaded into the firearm;
 - (i) This firearm was manufactured in Mayodan, North Carolina, therefore traveled in interstate commerce;
- g. Numerous other rounds of various calibers of ammunition.

10. On March 27, 2019, BAILEY was contacted by your affiant. When asked about the firearms within the vehicle, BAILEY acknowledged that he knew they were in there, they were his and that he believed that he could legally possess them.

CONCLUSION

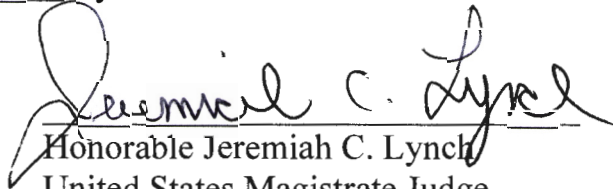
11. Based on the foregoing facts and circumstances, I submit there is probable cause to believe that Charles Gibson BAILEY possessed firearms and ammunition while under a protection order, in violation of 18 U.S.C. § 922(g)(8).

Respectfully submitted



Mark Wozniak
Special Agent
Bureau of Alcohol, Tobacco,
Firearms, and Explosives.

Subscribed and sworn to before me this 29th day of March 2019.



Honorable Jeremiah C. Lynch
United States Magistrate Judge
Missoula, Montana