

UNITED STATES DISTRICT COURT

for the

Northern District of New York

UNITED STATES OF AMERICA)

v.)

Case No. 3:22-MJ- 619 (ATB)

DUANE HOLLENBECK)

Defendant)

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 June 20, 2022 in the county of Chenango in the Northern District of New York the defendant violated:

Code Section
Title 26 U.S.C. § 5861(d) & 5845(a)(3)

Offense Description
Possession of a Short Barrel Rifle that Has Not Been Registered in the National Firearms Registration and Transfer Record (NFRTR)

This criminal complaint is based on these facts:
See attached affidavit

[X] Continued on the attached sheet.

[Handwritten signature]

Complainant's signature

Michael Renn, Special Agent, FBI

Printed name and title

Attested to by the affiant in accordance with Rule 4.1 of the Federal Rules of Criminal Procedure.

Date: 10/18/2022

[Handwritten signature]

Judge's signature

City and State: Syracuse, NY

Hon. Andrew T. Baxter, U.S. Magistrate Judge

Printed name and title

AFFIDAVIT IN SUPPORT OF A CRIMINAL COMPLAINT

I, Michael Renn, being first duly sworn, hereby depose and state as follows:

INTRODUCTION AND AGENT BACKGROUND

1. I am a Special Agent with the Federal Bureau of Investigation [“FBI”] and have been since 2017. I am currently assigned to the Joint Terrorism Task Force [“JTTF”] where my primary responsibility is conducting national security investigations involving matters of international and domestic terrorism.

2. Prior to employment with the FBI, I was employed as a United States Border Patrol Agent from 2011 to 2017. Throughout my employment as a federal law enforcement officer, I have received extensive training and I have gained experience in interviewing and interrogation techniques, arrest procedures, search warrant applications, the execution of searches and seizures, examination of digital and physical evidence, and various other criminal laws and procedures.

3. I am an investigative, or law enforcement officer of the United States within the meaning of Title 18, United States Code, Section 2510 (7), that is, an officer of the United States who is empowered by law to conduct investigations of and make arrests for the offenses enumerated in Title 18, 21 and 26, United States Code. As an FBI Special Agent, I am authorized to seek and execute federal arrest and search warrants for Title 18 criminal offenses, and Title 26 offenses, related to the unlawful possession and/or transfer of firearms.

4. The facts in this affidavit come from my personal observations, my training and experience, and information obtained from other agents and witnesses. This affidavit is intended to show merely that there is probable cause for the requested arrest warrant and does not set forth all of my knowledge about this matter.

5. I submit this affidavit in support of a criminal complaint charging DUANE HOLLENBECK with violating Title 26, United States Code, Section 5861(d) & 5845(a)(3) (Possession of a Short Barrel Rifle that Has Not Been Registered in the National Firearms Registration and Transfer Record (NFRTR)). 26 U.S.C. § 5845(a)(3) defines “firearm” as “a rifle having a barrel or barrels of less than 16 inches in length.” 26 U.S.C. § 5861(d) makes it unlawful for any person “to receive or possess a firearm which is not registered to him in the National Firearms Registration and Transfer Record.”

PROBABLE CAUSE

6. On June 19, 2022, the New York State Police (NYSP) received information from a concerned firearms retailer regarding large ammunition purchases being made on a weekly basis for more than a month by an identified 19-year-old male (the “Purchaser”).

7. On June 20, 2022, the New York State Intelligence Center (NYSIC) forwarded a NYSP suspicious activity report to the FBI’s Joint Terrorism Task Force pertaining to the above referenced ammunition purchases. Accompanying the report from NYSIC was a photograph from the alleged Purchaser’s Instagram account depicting a minor male holding two AR-15 style rifles, one of which appeared to have a shortened barrel. On the same day, your affiant and other members of the FBI’s JTTF and NYSP located and interviewed the 19-year-old male ammunition Purchaser. During the course of that interview, the Purchaser stated that he had bought the aforementioned ammunition, which he stored at his residence in Pitcher, New York (the “RESIDENCE”) which is owned by Duane HOLLENBECK. The Purchaser told investigators that he had been living at this residence for the last three or four years. During the interview, the Purchaser was shown the picture of the minor holding the short-barreled rifle and when asked who

owned that rifle and where was it currently located, the Purchaser said the firearm shown in the picture was owned by Duane HOLLENBECK and that it was located at the RESIDENCE.

8. Your affiant requested and obtained both verbal and signed written consent from the Purchaser to search the RESIDENCE. Upon arriving to the RESIDENCE, the Purchaser provided your affiant with the key to unlock the main entry door. After entering the RESIDENCE, your affiant and the other investigators observed in plain view a short-barreled AR-15 style rifle (hereinafter "FIREARM 1"), which featured an attached black tactical-style flashlight, a V Life optical aiming device, and a tan-colored collapsible stock. FIREARM 1 was located on top of an unzipped blue duffel bag on the floor within the RESIDENCE. The lower receiver of FIREARM 1 contained no manufacturer's markings nor any serial numbers. The upper receiver of FIREARM 1 is stamped with the manufacturer's name "American Tactical" and U.S. Patent Number 9068786. Neither the lower receiver nor any other part on FIREARM 1 contained a serial number. Measurements of FIREARM 1 were taken, and the total barrel length measured 11.375 inches; while the overall length of the rifle, with the collapsible stock fully extended, was measured to be 30.5 inches. FIREARM 1 was examined by the FBI and determined to be in operable condition. Below is a photograph of FIREARM 1, taken during the measurement of the barrel length and the overall length of the rifle.



9. FIREARM 1 is a short-barreled rifle (SBR), as defined in Title 26 U.S.C. § 5845(a)(3), based on the barrel length of the rifle being less than 16 inches. As such, FIREARM 1 is required to be listed in the National Firearm Registration and Transfer Record (NFRTR). A search of the NFRTR revealed that the FIREARM 1 is not registered within the NFRTR as required by law.

10. Investigators also recovered from the RESIDENCE the firearm depicted in the Instagram Account discussed above. That firearm was also an AR-15 style weapon with a total barrel length measuring approximately 8.875 inches and the overall length of the rifle was measured to be approximately 23.25 inches. In addition to these weapons, investigators also recovered two (2) more non-serialized AR-style rifles, five (5) non-serialized, semi-automatic handguns or pistols (collectively “PISTOLS”) assembled from Polymer80, Inc. receivers to resemble various Glock handgun models, and five (5) black cylindrical metal tubes or canisters which your affiant believes were being used or intended to be used as homemade firearm suppressors or silencers.

11. Following the consent search of the RESIDENCE, the Purchaser provided a sworn deposition to the NYSP in which he reaffirmed that he had been residing at the RESIDENCE for the last three or four years. In that deposition the Purchaser stated that Duane HOLLENBECK owns all the firearms found inside the RESIDENCE.

12. On June 21, 2022, Duane HOLLENBECK was interviewed by the FBI and NYSP at the NYSP barracks in Norwich, NY. That interview was audio and video recorded. While at the NYSP barracks and subsequent to waiving his *Miranda* rights, Duane HOLLENBECK acknowledged that all of the guns that were taken by law enforcement from the RESIDENCE belonged to him. Furthermore, Duane HOLLENBECK admitted to building four (4) AR-15 rifles over the last three or more years.

13. During the same interview, HOLLENBECK admitted to building FIREARM 1. He described FIREARM 1 as one of the AR-15 rifles with a short barrel that he built and also featured an attached flashlight and a 10-inch barrel. Duane HOLLENBECK further admitted to purchasing the 10-inch barrel for that rifle online for approximately \$50.00 USD.

14. I request the court authorize the filing of a criminal complaint alleging that Duane HOLLENBECK has violated Title 26 U.S.C. § 5861(d) (one count) and issue an arrest warrant so he may be brought to court for further proceedings in accordance with law.

CONCLUSION

15. Based on the foregoing, your affiant submits that there is probable cause to conclude that on or about June 20, 2022, in Chenango County, in the Northern District of New York, defendant DUANE HOLLENBECK knowingly possessed a firearm, to wit, an AR-15 style rifle with a barrel measuring 11.375 inches long, which was not registered to him in the National

Firearms Registration and Transfer Record, in violation of Title 26, United States Code, Sections 5841, 5861(d), and 5871.

Sealing Request For This Application and Affidavit

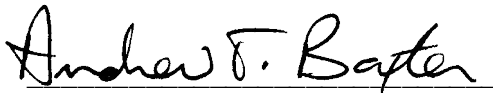
15. I respectfully request that this Criminal Complaint and Affidavit be sealed until further order of this Court.

Attested to by the affiant in accordance with Rule 4.1 of the Federal Rules of Criminal Procedure.



Michael Renn
Special Agent, FBI

I, the Honorable Andrew T. Baxter, United States Magistrate Judge, hereby acknowledge that this affidavit was attested by the affiant by telephone on the 18th day of October, 2022 in accordance with Rule 4.1 of the Federal Rules of Criminal Procedure.



Honorable Andrew T. Baxter
U.S. Magistrate Judge