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July 6, 2007

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Mr. Eric M. Larson  
FAX DELIVERY

RE: USA v. Giambro

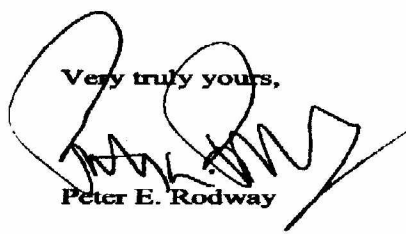
Dear Mr. Larson:

Pursuant to our e-mail exchange early this week, enclosed please find the indictment and ATF reports pertaining to Mr. Giambro's case. Please review and let me know if you can assist us.

We are able to retain you and agree to the terms that you mentioned.

I will call you later today. Thank you in advance for your consideration of this matter.

Very truly yours,

  
Peter E. Rodway

PER/kw  
Enclosure  
CC: Mr. Dario Giambro

**Report of Investigation**

Department of Justice  
Bureau of Alcohol, Tobacco, Firearms and Explosives

Investigation: DARIO GIAMBRO	Investigation Number: 782065-06-0072	Report Number: 2
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**MARY OF EVENT:**

On 12/19/2006 S/A Christopher Durkin spoke with David Van Dyke via telephone regarding his client Dario Giambro.

**NATIVE:**

On 12/19/2006 S/A Christopher Durkin was contacted by Detective Chad Syphers of the Auburn Police Department and informed that Dario GIAMBRO's (w/m, dob 09/05/1948) attorney had arrived at the APD to take possession of a firearm taken into evidence in this case by the APD. Detective Syphers asked S/A Durkin if he would speak with GIAMBRO's attorney regarding firearms in ATF evidence belonging to GIAMBRO. S/A Durkin agreed and a short time later spoke with GIAMBRO's attorney via telephone. GIAMBRO's attorney provided the following information during the course of the conversation.

The subject on the phone identified himself as David Van Dyke and stated he was a defense attorney representing GIAMBRO. Van Dyke inquired about firearms that S/A Durkin had taken into ATF possession. S/A Durkin advised Van Dyke that the two firearms taken into ATF custody were believed to be prohibited weapons. One of the weapons was a Winchester, model 02, .22 caliber, rifle, s/n unknown was later determined to not be a prohibited weapon. Van Dyke requested that this firearm be returned to the APD at some point and S/A Durkin agreed. S/A Durkin then advised Van Dyke regarding the Game Getter firearm recovered by the APD. This firearm was earlier identified as a Game Getter, model Game Getter, .22 & .44 caliber, any other weapon, s/n 9432 and determined to be a prohibited weapon. Van Dyke stated that his client (GIAMBRO) had been in possession of the firearm for approximately 25-30 years and when he took possession of the firearm 30 years ago it was accompanied by a piece of paper believed to be a certificate of authenticity from the manufacturer. Van Dyke stated his client believed the certificate was with the firearm when it was taken into possession by the APD. Van Dyke stated his client believed the firearm was a legal firearm and that his client never registered the firearm with ATF.

S/A Durkin later confirmed with Detective Syphers that the APD had no record of the certificate being taken into the ATF possession and that no one involved in the execution of the search warrant recalled seeing any such certificate. Detective Syphers also confirmed that he was present when Van Dyke was speaking to S/A Durkin.

Prepared by: Christopher J. Durkin	Title: Special Agent, Portland Field Office	Signature:	Date:
Reviewed by: L. Brown	Title: Resident Agent in Charge, Portland Field Office	Signature:	Date:
Level reviewer (optional): N. Anderson	Title: Special Agent in Charge, Boston Field Division	Signature:	Date: