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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
AIKEN DIVISION

UNITED STATES OF AMERICA,) Cr. No. 1:04-045
)
)
VERSUS) Columbia, SC
) November 15, 2005
)
ERNEST WRENN,)
)
Defendant.)
)
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EXCERPT OF JURY TRIAL
TESTIMONY OF LEE BALDWIN

BEFORE THE HONORABLE MARGARET B. SEYMOUR
UNITED STATES DISTRICT JUDGE, and a jury.

Appearances:

For the Government: JONATHAN GASSER, ESQ.
U.S. Attorney for South Carolina
TARA MCGREGOR, ESQ.
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Court Reporter: Gary N. Smith, CM
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Columbia, SC 29201

1 * * * * *

2 (Jury present)

3 THE COURT: All right. Good morning, ladies and
4 gentlemen.

5 THE JURY: Good morning.

6 THE COURT: The government may call its next
7 witness.

8 MS. MCGREGOR: Thank you, Your Honor. The
9 government calls Special Agent Lee Baldwin.

10 LEE BALDWIN, SWORN

11 DIRECT EXAMINATION

12 THE WITNESS: Good morning.

13 BY MS. MCGREGOR:

14 Q. Good morning Special Agent Baldwin.

15 A. Good morning.

16 Q. Where are you employed?

17 A. I am a special agent with the Bureau of Alcohol, Tobacco,
18 Firearms, and Explosives, assigned to the Columbia field
19 office.

20 Q. How long have you been with ATF?

21 A. I have been with the Bureau of Alcohol, Tobacco, and
22 Firearms for approximately five and-a-half years.

23 Q. And what is your job title?

24 A. I'm a special agent.

25 Q. And what are your duties as a special agent with ATF?

1 A. My job consists of investigating potential criminal
2 violations of federal code that are associated with firearms,
3 arson, explosives, alcohol, and tobacco diversion.

4 Q. Now, where did you work prior to coming to ATF?

5 A. Prior to ATF, I was a border patrol agent with the United
6 States Border Patrol. I was a special agent with the
7 Immigration and Naturalization Service, and I was a special
8 agent with the Office of Inspector General out of the
9 government main office. I have been a federal agent for
10 approximately 10 and-a-half years.

11 Q. Now, how is your job at ATF different than a job at FTB,
12 the firearms technology branch?

13 A. As I stated, I am a criminal investigator, my job is to
14 investigate potential criminal violations. The individuals at
15 FTB are responsible -- that is more of a technical position,
16 and they are the individuals we rely on in the field to give
17 us the -- to let us know which guns fall into which category
18 of firearm. If we find a machine gun, we believe it's a
19 machine gun, we send it to them and they tell us whether it is
20 or it is not.

21 Q. So you are not a firearms expert?

22 A. Oh, no.

23 Q. Now, we have seen and heard testimony from Investigator
24 Semonick and Investigator Morosky, and they talked about doing
25 audits at FFLs. Do you do that type of work, do you conduct

1 audits?

2 A. No, I do not.

3 Q. Do you have any contact with any federally licensed
4 dealers?

5 A. Yes, I do.

6 Q. What kind of contact do you have with FFLs?

7 A. Usually -- I would say generally, in reference to my
8 position, we encounter FFLs if we are doing an investigation
9 that involves gun crime. An example is, I do numerous gun
10 trafficking investigations where firearms go from one area and
11 are transported to another.

12 Numerous times during those investigations we will
13 find that the individuals involved in the trafficking scheme
14 have utilized federally licensed firearms dealers, and we will
15 go, you know, go to those stores.

16 We will maybe pull the 4473s to determine who has
17 purchased firearms, maybe look at the A and D book to
18 determine who had come in there and purchased firearms on
19 certain dates that may be associated with someone that we
20 know.

21 Q. So, in the course of your business, do you make the time
22 to establish relationships with FFLs?

23 A. I would -- I think it's fair to say that I probably have
24 relationships with FFLs in this area more than any other
25 special agent.

1 Q. Why is that important to you?

2 A. In reference to gun trafficking -- and I am probably the
3 agent in our office that does the most gun trafficking -- it
4 is important to me. Because without the cooperation and help
5 of the FFL, it would be very difficult for me to accomplish
6 those cases and to identify people who are involved in those
7 schemes.

8 Q. Now, when you visit these FFLs -- let me rephrase that.

9 As a special agent with ATF, are you aware of
10 whether or not ATF maintains a record of what the FFL has in
11 its inventory?

12 A. Absolutely not. We are prohibited from the Gun Control
13 Act from maintaining a federal registry of firearms.

14 Q. So, if right now I gave you the name and the address of a
15 gun store on Main Street here in Columbia, you couldn't go
16 back to ATF and tell me what guns that store has?

17 MR. TRUSLOW: Objection as to leading.

18 THE COURT: Sustained.

19 BY MS. MCGREGOR:

20 Q. What if I asked you what guns were in a store located on
21 Main Street, could you answer that question?

22 A. The only way I could determine the guns that were in that
23 store would be to go to that store, to speak with the FFL.

24 And then I would have to go on the information that he gave me
25 as being truthful and honest, that those were in fact all of

1 the guns that he had in his inventory.

2 Q. And whose responsibility is it to keep a record of the
3 inventory in an FFL?

4 A. The FFL holder.

5 Q. Now, does that change at all if we talk about NFA weapons,
6 machine guns, for example?

7 A. Well, there is a registry of NFA weapons. That is more of
8 a tax registry. NFA falls under Title 26, which is the tax
9 code. When an NFA weapon -- and let's use machine guns in
10 this example -- and if you have a lawfully possessed machine
11 gun that you have paid the tax on and have registered, if you
12 want to transfer it, or if you are in possession of that as an
13 FFL, if you are an SOT holder and you have those, there will
14 be records in the NFA branch that that SOT has those specific
15 machine guns.

16 Now, that's not always -- there is some delay, it is
17 a paperwork process, so you have to understand that if you go
18 to that FFL and you get a printout of what he has listed in
19 the NFA, you may find there may be discrepancies when you
20 actually go to his store. Sometimes those can be based on the
21 fact that paperwork is in the process, it hasn't been up
22 there, it hasn't been entered, so -- but there is that
23 registry.

24 Q. Okay. So, you referred to NFA, what agency does NFA fall
25 under?

1 A. The ATF.

2 Q. Okay. And so what does NFA stand for?

3 A. National Firearms Act.

4 Q. And what's the purpose of that NFA branch? Why are they
5 in existence, what do they maintain?

6 A. They basically maintain a registry that states that the
7 firearms have been registered and had a tax paid on them.

8 Q. Is NFA responsible at all for any technical issues?

9 A. No, absolutely not.

10 Q. Now, Special Agent Baldwin, in June of 2002 did Special
11 Agent Pat Dumais assign a collateral investigation to you?

12 A. Yes, he did.

13 Q. And who was Special Agent Dumais to you, what relationship
14 do you have with him?

15 A. Pat Dumais is my first line supervisor.

16 Q. Okay. As a first line supervisor, does Pat Dumais
17 participate in the active investigation of cases?

18 A. He -- he does not participate in the investigation of the
19 case. He may participate -- if we have a search warrant, he
20 may -- he will -- we have to have an on scene commander,
21 usually it's him.

22 If we do a -- let's say we do a drug buy or an
23 undercover buy, we have an on scene commander, it will be
24 him. But in terms of the investigation, as to how I conduct
25 the investigation or where I follow my leads, my interviews,

1 he has absolutely no involvement with that at all.

2 Q. Would Special Agent Dumais be more or less knowledgeable
3 about a case that was assigned to you?

4 A. Based on his position or based on --

5 Q. Based on his position.

6 A. He would be much less knowledgeable than me in reference
7 to the case.

8 Q. Now, will you explain how the collateral came to be
9 assigned to you, generally?

10 A. Should I explain what a collateral is?

11 Q. If you feel --

12 A. Okay. Basically we are a federal agency, and we have
13 offices throughout the country. An example would be, if there
14 is an investigation happening in Minnesota and the agent
15 during that investigation ends up getting a lead or something
16 outside of the state, say in Columbia, South Carolina, instead
17 of that agent having to come down, get on a plane, pay and
18 come down here to do that himself, what he will do is, he will
19 send out a collateral investigation to that field office
20 indicating what he's requesting from an agent in that field
21 office.

22 In reference to this case, it was the retrieval of
23 the Maxim kits.

24 Q. At the time you received the assignment or the collateral,
25 did you even know what a Maxim was?

1 A. Oh, no.

2 Q. What did you do once you received the collateral from
3 Kentucky?

4 A. I -- well, I don't remember -- I know it's dated the
5 17th. I don't remember if I received it the 17th, 18th, or
6 19th.

7 Q. And of what month and year?

8 A. Of June of 2002.

9 Q. Okay.

10 A. But after receiving the collateral, I read the collateral,
11 and based on my understanding of what was in the collateral, I
12 picked up the telephone and I called Poor Man's Gun and Pawn
13 to speak with Ernest Wrenn.

14 Q. Okay. And what date was that done on, Special Agent
15 Baldwin?

16 A. June 19th, 2002.

17 Q. I want you to take this pen and indicate on this June 2002
18 calendar the date you called Mr. Wrenn.

19 A. Do you want me to write "call" anyplace on the --

20 Q. You can put your initials "called EW"?

21 A. Okay.

22 Q. And you can hold on to that Sharpie and take a seat.

23 A. Okay.

24 Q. Now, Special Agent Baldwin, at the point you called
25 Mr. Wrenn, did you have any information that Mr. Wrenn had

1 done anything wrong?

2 A. No, he had not.

3 Q. Was he in any way a target or a suspect?

4 A. No, he was not.

5 Q. Please tell the jury about your phone call to Mr. Wrenn on
6 June 19th.

7 A. I placed a phone call to the store, I spoke with
8 Mr. Wrenn. I informed him -- I identified myself as to who I
9 was. I told him that I was calling him in reference to the
10 Maxim kits that he had received, and told him that they had
11 been deemed machine guns by the ATF.

12 Mr. Wrenn stated to me that he knew -- he knew about
13 it, he knew I was going to -- that ATF was going to be
14 contacting with him.

15 He said that he had read it on the internet, and
16 that he had set everything aside in anticipating me to come
17 down and get it. I told him that that was fine, and I would
18 be down the following day to pick it up.

19 Q. Did Mr. Wrenn indicate to you at that time when he was
20 going to -- that he had set aside those items for you that he
21 had sold anything?

22 A. He did. He explained to me during that phone
23 conversation, he said that -- he told me that he had sold a
24 barrel, and then he had said that he had sold another part. I
25 can't remember what the other part was, I just remember

1 identifying it with a gun part.

2 And I told him that that was fine, just to -- you
3 know, to get everything else together and I would be down to
4 get it tomorrow.

5 Q. Based on your conversation with Mr. Wrenn, did you have
6 any -- or were you under the impression that he understood
7 your conversation?

8 A. Oh, absolutely.

9 Q. Did the fact -- did later in time the fact that Mr. Wrenn
10 had indicated to you that he had sold a barrel and something
11 else become important?

12 A. It -- it did -- I'm not going to say it became important,
13 but it did -- there was conversation I had with him later that
14 was contrary to what he had told me on the telephone.

15 Q. When you ended the phone call with Mr. Wrenn on June 19th,
16 at that point did you perceive any problems?

17 A. No, I did not.

18 Q. After the phone call to Ernest Wrenn at Poor Man's Gun and
19 Pawn; what did you do?

20 A. In reference to this case?

21 Q. Yes, sir.

22 A. The following day on June the 20th -- I actually got
23 directions to his store, I had never been to his store before,
24 so I got directions to his store. I don't recall if I got
25 them from Mr. Wrenn himself or whether I looked it up on the

1 internet, I'm not sure. But the following day on June the
2 20th I went to his store.

3 Q. Can you take the Sharpie and please indicate on June 2002
4 the date that you went to visit Poor Man's Gun and Pawn?

5 A. Ms. McGregor, can I make one clarification?

6 Q. Yes, sir.

7 A. I did get the directions from Mr. Wrenn because I remember
8 he told me it was across from a restaurant. And I knew I
9 wouldn't have gotten that off the internet.

10 Q. And let me clear up something before we move to the events
11 of June the 20th. What were -- to your recollection, what
12 reasons did you give Mr. Wrenn for coming to pick up the
13 Maxims on June 20th when you spoke to him on June 19th?

14 A. I told him that I was coming to get the Maxim kits, the 10
15 Maxim kits, and I told him that they had been deemed machine
16 guns by the ATF.

17 Q. When you go down to Poor Man's Gun and Pawn on June 20th,
18 what are you driving?

19 A. I'm going to say I was driving a Ford Mustang. I switched
20 cars in the summer of 2002 between a Ford Explorer and a Ford
21 Mustang, but I think I was still in the Ford Mustang at the
22 time.

23 Q. When you drove down to Poor Man's Gun and Pawn on June
24 20th, did you have any idea what you were looking for, Special
25 Agent Baldwin?

1 A. I had no clue. I mean, I knew I was looking for 10 Maxim
2 kits, but I don't know -- I'm assuming there's barrels in them
3 because he's told me he sold a barrel.

4 Q. Well, if you are driving a Ford Mustang, what happens if
5 you can't fit everything into the Mustang?

6 A. If I were to arrive there and he were to produce something
7 that I couldn't fit in the car, I would pick up my cell phone
8 and I would call my supervisor. I would let him know that I
9 need to rent a truck.

10 I probably would have left the stuff there that day
11 and would have gone back to the office, and we would have
12 arranged to come back the following day with a truck, and
13 several other agents, if need be.

14 Q. I'm a little confused, though. If you were going down
15 there to pick up something that was illegal, you would have
16 left it down there with Mr. Wrenn?

17 A. I would have. I mean, if he was going to give to it me
18 that day -- if I call him on the phone and say, "I'm coming
19 down to get it," and I show up and he's got it there for me,
20 and he's a licensed FFL, if he's got it set aside and it's
21 obviously too big for me to handle, I mean, I'm not going to
22 suspect he's going to do anything else but set it aside.
23 Absolutely.

24 Q. You would have trusted that he wouldn't have done anything
25 improper with it?

1 A. Absolutely.

2 Q. Now, what address do you go to, if you recall?

3 A. 616 Atomic Road.

4 Q. You don't have to go through all these photos, Special
5 Agent Baldwin, but just looking at Government's Exhibits 13 A
6 through K, will you just flip through there and verify for the
7 jury that that's where you visited?

8 A. You said you want me to go through all of them, or not go
9 through all of them?

10 Q. Well, if you can, just flip through those photos and pick
11 out the photos that you remember visiting or seeing on June
12 the 20th when you first visited Poor Man's Gun and Pawn.

13 A. And do you want me to identify which ones those are --

14 Q. Please, by the letter.

15 A. 13 A is the sign in front of Poor Man's.

16 Q. Now, you don't need to identify each picture, but does one
17 of those pictures represent the building that you actually
18 went into on June 20th?

19 A. Both 13 B and 13 C. 13 C shows the actual door that I
20 went in through.

21 Q. All right, thank you. Now, once you arrived at Poor Man's
22 Gun and Pawn on June 20th, what happened?

23 A. I -- I entered the store. Mr. Toole and Mr. Lizbartski
24 were inside, there may have been a customer or two. I believe
25 I presented myself to Mr. Lizbartski, but it may have been

1 Mr. Toole. I'm not sure.

2 Q. Now, had you met either of those individuals before?

3 A. No, I didn't know who they were.

4 Q. Had you ever been to the store before?

5 A. I don't believe I ever went to the store before. I know I
6 have never been to the store in reference to me investigating
7 a case or me being involved in a case of my own.

8 When I first came on as a training agent, could I
9 have gone to that store in reference with another agent?
10 Possibly. But I don't -- when I go to the store on that day,
11 I don't recall ever having been to that store before.

12 Q. Okay. And when you come in, who do you talk to?

13 A. I think -- I'm pretty sure it was Mr. Lizbartski that I
14 spoke with.

15 Q. Okay. And what happened when you spoke to
16 Mr. Lizbartski?

17 A. I identified myself -- actually, I identified myself to
18 both of them because they were both there. And I asked for
19 Mr. Wrenn -- I actually asked if they were Mr. Wrenn. And
20 then they said no, and they -- I believe they called him on a
21 phone, or something to that effect.

22 Q. And at some point did Mr. Wrenn come to where you were?

23 A. A short period of time he comes in through the door that I
24 had entered in.

25 Q. And was he carrying anything?

1 A. He's carrying a cardboard box.

2 Q. When Mr. Wrenn comes in with the cardboard box, do you
3 show him any paperwork?

4 A. I just identify myself and show him my credentials.
5 There's no paperwork I showed him.

6 Q. Now, Special Agent Baldwin, did you have any paperwork to
7 show Mr. Wrenn in reference to why you were visiting him?

8 A. No, I didn't have anything.

9 MR. TRUSLOW: No objection.

10 BY MS. MCGREGOR:

11 Q. Special Agent Baldwin, I'm handing you what has been
12 marked as Government's Exhibit 84, I want you to take a look
13 at this item and tell me if you recognize it.

14 A. Yes, I do.

15 Q. What is that?

16 A. Well, this is not the cardboard box, but this is the items
17 that were inside the cardboard box that he presented me.

18 Q. Okay. And who presented you with those items?

19 A. Mr. Wrenn.

20 Q. And he presented those on June 20th?

21 A. Yes, he did.

22 MS. MCGREGOR: Your Honor, the government would seek
23 to move Exhibit 84 into evidence at this time without
24 objection.

25 THE COURT: It's admitted.

1 BY MS. MCGREGOR:

2 Q. Okay. Once Mr. Wrenn comes into the store and he presents
3 you with the cardboard box, what is the conversation you have
4 with him?

5 A. When he -- he slides the box across to me, and I open the
6 box and I look in it and I ask him -- I ask him what it is --
7 I mean, I look at it and it looks like a bunch of stuff he --
8 you know, scrap metal he picked up off the floor. He states
9 to me that those are the left side plates.

10 I then asked him, "Where are the right side
11 plates?" He states to me that -- that he had cut up the right
12 side plates and threw them in the garbage.

13 Q. Did that cause you any concern at that point?

14 A. That statement -- that's the first indication that I got
15 from him that there wasn't -- there was something that just
16 didn't seem right.

17 You know, I mean, to be honest with you, I mean,
18 he's obviously -- the left side plates are cut up, and they
19 are not thrown in the garbage, why would the right side plates
20 be cut up and thrown in the garbage? It doesn't make any
21 sense to me.

22 Q. Do you continue the conversation with him at that point?

23 A. I then continue at that point to ask him more questions in
24 reference to the side plates.

25 Q. And do you recall what those questions were?

1 A. Well, I repeat back to him, I said, "You cut up the right
2 side plates and you threw them in the garbage?" And he said,
3 "Yes."

4 I said, "Okay, so you don't have them any more?"
5 And he said, "No."

6 Q. What did you do then?

7 A. I asked him where everything else was.

8 Q. And what was Mr. Wrenn's response?

9 A. He told me that he had sold everything else.

10 Q. Did that cause you any concern?

11 A. It did.

12 Q. Why?

13 A. Well, I'm expecting -- the only reason I ask him if
14 there's anything else because he's -- I'm expecting something
15 that appears to be a gun, and he's told me on the phone that
16 there's a barrel. He's told me on the phone that there is --
17 whatever else that was. I'm expecting something.

18 Q. So, your conversation with him at this point on June 20th,
19 is it consistent or inconsistent with information that he had
20 given you on June 19th?

21 A. I mean, it's inconsistent. I mean, it's enough to make
22 me, you know, question him further as to what is going on.

23 Q. And do you question him further?

24 A. I do. Again, I asked him about the other parts. He
25 states that he had sold the stuff. And again I repeat that

1 back to him. I said, "You sold everything else?" And he said,
2 "Yes."

3 And I said, "So, this is what you got?" And he was
4 like, "This is what I got."

5 And then he -- and then he stated to me that he had
6 made -- that he had assembled a prototype weapon using the
7 kits, and that he had sent that -- that prototype up to FTB
8 for approval.

9 Q. Okay. How many prototypes did Mr. Wrenn tell you that he
10 had built at that point?

11 A. Well, he tells me he made a prototype, and he sent it up
12 to FTB for approval.

13 Q. Okay. Was that a problem to you?

14 A. No, because I can get it from FTB. It's not a problem at
15 all.

16 Q. Okay. Did Mr. Wrenn mention any other prototypes?

17 A. No.

18 Q. And who is present or -- who is present while you are
19 having this conversation with Mr. Wrenn?

20 A. Well, there is no one directly standing with Mr. Wrenn and
21 myself. Mr. Lizbartski and Mr. Toole are in the store, and
22 they are kind of fading back and forth in between us.
23 Mr. Wrenn and I are having a conversation, he's behind the
24 counter, I'm on the other side of the counter.

25 Mr. Lizbartski and Mr. Toole from time to time are,

1 I'm assuming, dealing with customers and going back behind the
2 counter and coming back out -- excuse me -- back and forth
3 sporadically through the conversation.

4 Q. Well, did you or did you not use any abusive language with
5 Mr. Wrenn?

6 A. No, I did not.

7 Q. Did you or did you not use any curse words with Mr. Wrenn?

8 A. No, I did not.

9 Q. Did you or did you not yell at Mr. Wrenn?

10 A. No, I did not.

11 Q. So, you are at the point where you have had this
12 conversation with him about the right side plates, yes?

13 A. Correct.

14 Q. And your conversation also included whether or not he had
15 given you everything?

16 A. Correct.

17 Q. What do you do at this point?

18 A. Well, we continue to -- we continue to speak. He gives me
19 a reason behind why he sent the -- the semiautomatic rifle up
20 to FTB. He tells me that's part of his business, is that he's
21 designing firearms and he's designing it as a semiautomatic
22 rifle. And his plan is to get that approved, and then to sell
23 that design to other manufacturers who will then use that
24 design, and that is how he makes money.

25 There's other conversation -- I'm not sure

1 exactly -- at some point I asked him for a written statement.
2 I'm not sure at what point during the conversation that takes
3 place. I know it takes place after what I have spoken about.
4 There are some other conversations, do you want me to mention
5 that conversation or --

6 Q. Well, let's stop and talk for a moment -- about how long
7 was your total conversation with Mr. Wrenn?

8 A. I mean, if I had to estimate the amount of time I was in
9 the store, I would say I was in the store anywhere from, you
10 know, 30 minutes to maybe even possibly an hour. I mean, I
11 was there a pretty good amount of time.

12 Q. Okay. Prior to talking about the statement that you got
13 from Mr. Wrenn, did you have any conversations with Mr. Wrenn
14 regarding his other businesses or buildings?

15 A. Mr. Wrenn, in reference to the rifle, explains to me that
16 he is a manufacturer. While he's explaining this to me, if
17 I'm Mr. Wrenn and you are me, he tells me that he has a little
18 old shop out back that he makes guns in. And when he does
19 that, he kind of points over his shoulder, and he starts to
20 tell me about this manufacturing.

21 Then he begins to explain to me at some point during
22 the conversation that this building is -- that they -- they
23 were previously in another building, and that they had either
24 been a victim of a burglary or a robbery or something to that
25 effect, and they had -- this was now a building that they had

1 moved into.

2 I don't know the time line -- we are not talking
3 about a time line -- but he's telling me that at some point
4 he's moved into this new building. And he tells me that he is
5 renting this building from the business beside them.

6 Q. Now, what impression did you get when Mr. Wrenn said that
7 to you?

8 A. You mean in reference to the business beside him, or in
9 reference --

10 Q. Yes. In reference to renting and pointing to the business
11 beside him?

12 A. Yeah. To me it sounds like that he's not associated with
13 that business, that that's just a -- that they are in a
14 building that is, I guess, is an extra building that is
15 associated with that business.

16 He tells me -- he goes on to say something about --
17 they have a fence, like a five foot fence that surrounds the
18 property. And he goes on to tell me that if -- you know, if
19 they were to be robbed or something to that effect, that the
20 employees of the other building, if they noticed, they could
21 come out, shut the gate, and then call the police for him.

22 So, all this conversation to me is leading me to
23 believe that -- that, you know, that's just a building he
24 rents from.

25 Q. And did the proximity of the building and whether or not

1 Mr. Wrenn was associated with them become important later?

2 A. It did become important later, yes, it did.

3 Q. Okay. Let's talk about the written statement.

4 A. Right.

5 Q. Did you ask Mr. Wrenn for a written statement?

6 A. I did.

7 Q. And did he give you one?

8 A. Yes, he did.

9 Q. Okay. Who wrote that statement?

10 A. Mr. Wrenn wrote that statement.

11 Q. Who signed that statement?

12 A. Mr. Wrenn, myself, and Mr. Lizbartski as a witness.

13 Q. At the same time you got Mr. Wrenn to execute the written

14 statement, did you have him execute anything else?

15 A. I had him fill out an abandonment of property form in

16 reference to the -- the left-side plates that I was taking

17 from him.

18 Q. Okay. I ask you to take a look at what has previously

19 been entered as Government's Exhibit 25, do you recognize

20 those items?

21 A. Yes, I do.

22 Q. And what are they?

23 A. Exhibit Number 24 is the handwritten statement that

24 Mr. Wrenn gave me upon my request in reference to the Maxim

25 kits. Number 25 is the notice of abandonment of property,

1 which I filled out and Mr. Wrenn signed, in reference to a
2 receipt for taking his side plates.

3 Q. And what item is listed on the abandonment form?

4 A. Do you want me to read to you what it says?

5 Q. Yes, sir.

6 A. It says, "One box containing left side plates of Maxim
7 parts kits. The box contains 6" -- and then in parenthesis
8 s-i-x -- "plates and various metal pieces."

9 Q. Does that represent everything that Mr. Wrenn gave you on
10 June 20th?

11 A. That represents what I was given on that date, yes, it
12 does.

13 Q. Now, once Mr. Wrenn wrote the written statement, did you
14 do anything?

15 A. Mr. Wrenn -- routinely when you take a written statement
16 from someone, you have the person write the statement. You
17 will take the statement, you will read it to make sure that
18 its content is reflective of what we are asking for in the
19 written statement.

20 Then you will have the person initial any mistakes,
21 or if they have scribbled something out, you have them initial
22 that so it doesn't appear that I have done that. Then you
23 will ask the person if what they said is the truth. They say
24 yes, and then you have them sign it and then you sign it.

25 Q. Did you do that in this case?

1 A. Yes. Well, Mr. Wrenn handed me the statement, I read down
2 the statement. When I got to the bottom of the statement, I
3 noticed that Mr. Wrenn had left out the part about the right
4 side plates.

5 Q. And so what did you do at that point?

6 A. I handed the statement back to Mr. Wrenn, and I informed
7 him that he had left out the part about the right side plates,
8 and I asked him if he could write that in.

9 Q. And did he?

10 A. He did. He wrote in -- he didn't write in exactly what he
11 said, but he wrote in -- what he wrote in I thought was
12 sufficient.

13 Q. And what did he write in in reference to the right side
14 plates?

15 A. At the bottom he wrote, "The right side plate sections
16 were cut into --" and he spells "scrape," but I believe it's
17 supposed to be "scrap."

18 Q. Did Mr. Wrenn put anything in his written statement about
19 the prototype that he told you about?

20 A. Yes, he does.

21 Q. And what does he say about the prototype?

22 A. Says, "The remaining parts were sold or cut to produce --"

23 MR. TRUSLOW: Objection, Your Honor. That's not
24 what the statement says. But if we could have a side bar?

25 MS. MCGREGOR: Your Honor, I can ask him to skip

1 over that sentence and the jury can -- I think I know what the
2 issue is.

3 MR. TRUSLOW: That will be fine.

4 BY MS. MCGREGOR:

5 Q. We will come back to that.

6 A. Yes.

7 Q. Is there a sentence in there that refers to the Maxim
8 prototype?

9 A. Well, that's the sentence, do you want me to read past the
10 part that --

11 Q. Go past that part and read, even if it's incomplete.

12 A. "Produce the semiautomatic --" I'm sorry -- "A semiauto
13 prototype and sent to BAFT for approval of design."

14 Q. In his written statement, did Mr. Wrenn say anything about
15 building any other prototypes?

16 A. No, he did not.

17 Q. Now, having Mr. Wrenn's statement -- I think you told the
18 jury generally the written statement reflects the
19 conversation?

20 A. Correct.

21 Q. What did Mr. Wrenn tell you he had done with the right
22 side plates?

23 A. He told me he cut them up and threw them in the garbage.

24 Q. Okay. The sentence that you started to read --

25 A. In reference to the right side plate?

1 Q. I will point you to the sentence so that there are no
2 issues.

3 On the sixth line of Mr. Wrenn's written
4 statement -- I don't want you to interpret any words -- I
5 would ask you to read that sixth line and tell me as you read
6 it, is it consistent with what Mr. Wrenn told you he had done
7 with the remaining parts of the kits?

8 A. You don't want me to read it aloud, you want me to read it
9 and then tell you if that's consistent with what he told me?

10 Q. I guess what I would ask is, read that sentence and then
11 tell me what Mr. Wrenn told you regarding that sentence prior
12 to writing it down.

13 THE COURT: Are you asking him to read the sentence
14 to himself, or are you asking him to --

15 MS. MCGREGOR: I'm going to ask him to read it to
16 himself, and then tell me if the conversation he had with
17 Mr. Wrenn, what that conversation was on that sentence.

18 THE WITNESS: Okay.

19 MS. MCGREGOR: Does that make sense, Your Honor? I
20 don't want him to read it aloud --

21 THE COURT: Right.

22 MS. MCGREGOR: -- because it's at issue.

23 THE WITNESS: I understand what you are saying.

24 BY MS. MCGREGOR:

25 Q. But I want you to tell me what your conversation was with

1 Mr. Wrenn in reference to that sentence prior to him writing
2 it.

3 A. In reference to that sentence, when I asked Mr. Wrenn for
4 the remaining parts of the kits, he told me that he had sold
5 them.

6 Q. That he had s-o-l-d them?

7 A. That he had s-o-l-d, sold them.

8 Q. Thank you very much, Agent Baldwin.

9 After you get the written statement and after you
10 get the abandonment form, do you continue or cease
11 conversations with Mr. Wrenn?

12 A. No, I actually spent a pretty good time there talking with
13 Mr. Wrenn, Mr. Lizbartski, and Mr. Toole. Again, like I
14 explained before, I do numerous investigations involving gun
15 trafficking. When I go to FFLs, I try to educate them in
16 reference to straw purchasing, what to look for in reference
17 to straw purchasing.

18 Mr. Wrenn actually produced some form -- some
19 additional forms. When a purchaser comes into a gun store and
20 wants to buy a firearm, they are only required to fill out the
21 ATF 4473.

22 Mr. Wrenn explained to me and produced -- showed me
23 a form that they had produced themselves in reference to what
24 they give people that buy regular Title 1 weapons in their gun
25 store, which actually had a list of questions that dealt with

1 who the purchaser was, what they were doing. I believe there
2 was some liability questions on there in reference to the gun
3 store.

4 He also told me that there were -- he showed me --
5 he took copies of their licenses and stuff like that. And we
6 talked about that, we talked about some of their inventory,
7 and we talked for a pretty good amount of time.

8 Q. Now, at this point, Special Agent Baldwin, do you think
9 Mr. Wrenn has committed a crime?

10 Q. No, I don't.

11 Q. Do you ever ask him to just go looking around the store?

12 A. Do I ask him if I can go look around the store?

13 Q. Yes.

14 A. No, I do not.

15 Q. Why not?

16 A. I have -- I mean, I have no reason to.

17 Q. Do you have the authority to just look around an FFL
18 store?

19 A. No, I do not. Fourth Amendment covers his store just like
20 it covers his house, I cannot.

21 Q. So, what would you need to look around his store?

22 A. I would either need his consent or a search warrant.

23 Q. Okay. At that time, did you have any reason to ask
24 Mr. Wrenn for consent to look around his store?

25 A. No. I mean, he had given me the written statement, and I

1 was comfortable with that.

2 Q. If Mr. Wrenn had given you consent to search his store
3 that day, would you have known what you were looking for?

4 A. I would have no idea.

5 Q. Who were you relying on to give you the Maxim kits when
6 you went to the store on June 20th?

7 A. Mr. Wrenn.

8 Q. At some point, do you eventually leave Poor Man's Gun and
9 Pawn on June 20th?

10 A. Yes, I do.

11 Q. And when you return to Columbia, do you think that a crime
12 has been committed?

13 A. No, I do not.

14 Q. Do you believe Mr. Wrenn is a suspect in any
15 investigation?

16 A. No, I do not.

17 Q. At some point in time did that change?

18 A. Yes, it did.

19 Q. When did it change?

20 A. June 24th, when I received a phone call.

21 Q. And what about that phone call caused you concern? Who
22 was the phone call from?

23 A. Well, the caller did not want to identify himself. But I
24 told him that I recognized his voice and I knew who he was.

25 Q. How is it you recognized as the caller's voice?

- 1 A. He's got a pretty thick accent.
- 2 Q. And who was that calling?
- 3 A. It was Gunther Lizbartski.
- 4 Q. Will you take that Sharpie and write on that calendar the
5 day you received the call and who it was from? I'm sorry, I
6 should have --
- 7 A. Can I put these just over here to the side?
- 8 Q. Yes, sir.
- 9 A. Okay.
- 10 Q. Thank you.
- 11 A. Can I just refer to him as Ski, since I don't know how to
12 spell Lizbartski?
- 13 Q. That's fine. Without telling the jury what Mr. Lizbartski
14 said, did you speak with Mr. Lizbartski?
- 15 A. Yes, I did.
- 16 Q. And what -- how did you feel or what were your feelings
17 once you got off the phone with Mr. Lizbartski?
- 18 A. I believed that based on my conversation, that Mr. Wrenn
19 had not told me the truth in reference to what he did with the
20 Maxim parts kits, and I believed that he still had them in his
21 possession.
- 22 Q. And what did you do as a result?
- 23 A. Well, the first thing I did was, I called FTB and had them
24 send me a picture of a Maxim because I didn't know what it
25 was.

1 MR. TRUSLOW: No objection.

2 BY MS. MCGREGOR:

3 Q. I'm handing you what has been marked as Government's
4 Exhibit 56, do you recognize that, Special Agent Baldwin?

5 A. I do.

6 Q. What is that?

7 A. The cover sheet I received from FTB, and then photos, and
8 an article on the Maxim I didn't read.

9 MS. MCGREGOR: Your Honor, we would move
10 Government's Exhibit 56 into evidence at this time.

11 THE COURT: It's admitted.

12 BY MS. MCGREGOR:

13 Q. And did that assist you in figuring out what you were
14 looking for?

15 A. It did.

16 Q. What else did you do after you received that photo from
17 FTB?

18 A. I called the -- I called the case agent in reference to
19 the collateral and told him that I was not going to be sending
20 his parts to him. And then I obtained a federal search
21 warrant to search Mr. Wrenn's shop.

22 Q. And who do you have to get to obtain -- who do you have to
23 get to sign a federal search warrant?

24 A. A federal magistrate.

25 Q. After you obtained the search warrant, what did you do?

1 A. I knew that Inspector Semonick was down there doing an
2 investigation -- not an investigation, a -- what is it they
3 do?

4 Q. Would it be a compliance?

5 A. A compliance inspection, I'm sorry. He was down there
6 doing his compliance inspection. And in the progression,
7 on -- we executed the search warrant on the 28th, which was I
8 believe a Friday. The night before the search warrant, later
9 at night, I called Agent Semonick -- I'm sorry, Inspector
10 Semonick, and told him --

11 MR. TRUSLOW: Your Honor, I have a matter to take up
12 with the court.

13 (Bench conference)

14 MR. TRUSLOW: I think what they are going to go into
15 is the fact that my client had a break-in on the day that --

16 MS. MCGREGOR: No.

17 MR. TRUSLOW: Okay, you are going to leave that
18 alone?

19 MS. MCGREGOR: No, I was just asking him what he
20 did.

21 MR. TRUSLOW: Okay.

22 MS. MCGREGOR: And my next question was, "Tell us
23 about the search warrant execution."

24 MR. TRUSLOW: Okay. As long as they don't --

25 MS. MCGREGOR: Okay.

1 MR. TRUSLOW: Okay. That's fine.

2 (In open court)

3 MR. TRUSLOW: Your Honor, I withdraw my objection.

4 BY MS. MCGREGOR:

5 Q. I'm sorry, you called Special Agent -- excuse me,
6 Investigator Semonick?

7 A. Correct.

8 Q. And did you tell him about the search warrant?

9 A. I told him that we would be down there the following
10 morning to conduct a search warrant, and that he should meet
11 me at our designated meeting spot so we didn't roll up on him
12 as well.

13 Q. Now, did you have any part in the fact that a compliance
14 check was being done the week of the 24th?

15 A. It just was a coincidence.

16 Q. And did George Semonick have anything to do with the
17 investigation and collateral that you had been assigned?

18 A. He had no idea we were coming, that's why I called him.

19 Q. Okay. So, on June 28th, you execute the search warrant?

20 A. That's correct.

21 Q. How does that happen? How does that day start?

22 A. I believe we met at the North Augusta Police Department
23 and got together. Actually, Semonick and the other inspector,
24 Jamie Morosky, met us there.

25 We drove out to the business, we sat on the

1 business -- it's at that point that George tells me that the
2 Compucar machine shop is actually -- is actually where his
3 machine shop is.

4 Q. Now, why is that important to you at that point?

5 A. Well, at that point it's not important to me.

6 Q. Okay. Did it later become important to you?

7 A. It did become important to me later on.

8 Q. Okay. Why did it become important to you later?

9 A. Because it has a different -- it has a different physical
10 address than the Poor Man's Gun and Pawn.

11 Q. So, tell the jury, what address did you obtain your search
12 warrant for?

13 A. When I was getting my search warrant, I believe I went
14 into -- I got a copy of his license, and both his
15 manufacturing license and his FFL had the same address listed
16 on it, 614.

17 Q. So, you used that address on the search warrant?

18 A. I used that address, because I was under the assumption
19 from the conversation I had with him at the shop, and then
20 from the address that was on the licenses, I was under the
21 assumption it was all on the same property.

22 Q. And did that later turn out not to be true?

23 A. That later turned out to not be true, correct.

24 Q. And so what was the other address?

25 A. The other address was 614.

1 Q. And what was located at 614?

2 A. That's where he has his business SOCOM, which is his
3 manufacturing -- his firearms manufacturing plant.

4 Q. And so in what way did that affect your search warrant and
5 your ability to search?

6 A. Well, it invalidated my search warrant to search that
7 building. I couldn't search it. I had the wrong address
8 down.

9 Q. Okay. And how could you search that building if you did
10 not have a search warrant for it?

11 A. Oh, well, I would have to either get another search
12 warrant or I could get consent.

13 Q. Okay. We will come back to that. Now, who participated
14 that day in the search warrant?

15 A. You want everybody's name or --

16 Q. Or just generally speaking who was there? Who is present?

17 A. The agents that were available in the Columbia field
18 office. I believe there was another agent that came down
19 from -- I don't think we had enough guys or something --
20 another agent came down from another office in our division.
21 And that was it.

22 Q. And what are the agents assigned to do during the
23 execution of a search warrant?

24 A. Obviously different agents have different
25 responsibilities. We will do -- we will have agents who

1 are -- have outside security, either -- if you have a front
2 and back cover, depending on the establishment or the
3 residence, whatever it may be.

4 We have agents that are assigned to search, we have
5 agents that are assigned to log in the evidence, to write it
6 down on a piece of paper. We have agents that are assigned to
7 photograph the evidence as we find it. That agent is usually
8 also responsible for doing the pre and post video, and then we
9 have agents who are assigned to interview.

10 Q. Did you take any unusual methods or procedures in
11 Mr. Wrenn's case that you had never taken in any other case?

12 A. No, not that I'm aware of.

13 Q. Who did you meet upon arrival at the pawn shop?

14 A. We sat across the street there -- again, like I said,
15 there's a fence that gives you access to the shop. And we sat
16 across the street and waited for someone to show up. A car
17 showed up. Mr. Lizbartski got out, opened the gate, pulled
18 in, we pulled in behind him.

19 Q. Did you speak to Mr. Lizbartski at that time?

20 A. I did.

21 Q. And did you ask him to open the shop?

22 A. I did.

23 Q. Did he open the shop?

24 A. No, he did not.

25 Q. What happened next?

1 A. He called -- well, I don't know if he did it, but someone
2 called Mr. Wrenn and had Mr. Wrenn come to the stop.

3 Q. And did Mr. Wrenn come to the shop eventually?

4 A. Yes, he did.

5 Q. And what happened when Mr. Wrenn arrived at the shop on
6 the 28th when you were executing the search warrant?

7 A. Well, we hadn't started executing it yet. But he was --
8 he shows up, I believe the outside perimeter people took
9 Mr. Wrenn's firearms from him. Most people that own gun shops
10 carry firearms with them, and through the course of
11 business -- Mr. Lizbartski had a firearm as well.

12 Q. He wasn't doing anything wrong by carrying that firearm?

13 A. Absolutely not. No, absolutely not.

14 Q. Go ahead.

15 A. He comes up, he comes toward -- he comes to me -- he's
16 directed toward me. He asked me what this is about. I tell
17 him --

18 Q. What do you tell him at that time?

19 A. Told him it's about the Maxims.

20 Q. And what is Mr. Wrenn's response when you tell him that
21 you are there about the Maxims?

22 A. Well, he doesn't respond initially. And then I state to
23 him, I say, "You know those" -- I don't remember the order, I
24 think I did the side plates first. I state to him, "You know
25 those side plates, those right side plates you have in

1 your --" I'm sorry, I didn't say that. I said, "You know,
2 those right side plates you have, we are here to get those."
3 And he looks at me and he says, "Oh, you want those, I have
4 got those."

5 Q. Okay. And what did you say to him then?

6 A. I said, "And you know those two other Maxims that you
7 assembled, that you had in the store, that you moved out of
8 the store from me," I said, "I want those too."

9 Q. And what did he say at that point?

10 A. And again he responds, "Oh, oh, you want those? I have
11 got those."

12 Q. Okay. Now, you just told the jury what he said, what was
13 Mr. Wrenn's demeanor, how did he react? Was he shocked, was
14 he surprised?

15 A. He was shocked.

16 MR. TRUSLOW: Objection -- I will withdraw it.

17 MS. MCGREGOR: And I'm sorry, I will try not to
18 lead.

19 BY MS. MCGREGOR:

20 Q. What was Mr. Wrenn's reaction? Can you tell the jury how
21 Mr. Wrenn reacted?

22 A. You want me to do how he reacted?

23 Q. Yes, sir.

24 A. When I said that to him, he goes -- he goes, "Oh, oh, you
25 want those? I have got those." And that's what he said both

1 times in reference to it.

2 Q. And he said that in response to your questions about the
3 right side plates?

4 A. And in response to the two assembled Maxims that he did.
5 He then at that point tells me that they are in the other
6 shop, the machine shop.

7 Q. And what was the address on the machine shop?

8 A. Well, at this point I think it's the same address. I
9 don't know it's any different at this point.

10 Q. Okay. What did you decide once you knew where the
11 products or the weapons were located?

12 A. Well, I asked Mr. Wrenn -- he has two businesses, and I
13 asked him, I said -- I tell, "You know, no one can go in your
14 businesses until we are done with our search." I said, "So,
15 which business do you want us to conduct the search in first
16 so we can get it back up and running"?

17 Q. And which business did Mr. Wrenn point you to first?

18 A. He points us to the Poor Man's Gun and Pawn.

19 Q. Is that where the items were located that you were looking
20 for?

21 A. Well, do I know that or --

22 Q. At the time do you know that?

23 A. No, I mean -- well, he's told me that those two specific
24 items -- specific items being the right side plates and the
25 assembled Maxims are in the other -- in the other building.

1 Q. So, you do know at that point, when he's pointing you to
2 Poor Man's Gun and Pawn, that the items you just discussed
3 with him are in the machine shop?

4 A. I know that those items are in the machine shop.

5 Q. Okay. So, what do you do at that time?

6 A. So, we go ahead and conduct a search.

7 Q. Of which building?

8 A. Of the Poor Man's Gun and Pawn Shop.

9 Q. Okay. Does anything happen while you guys are beginning
10 to search Poor Man's Gun and Pawn?

11 A. At some point during that search, one of the agents comes
12 over to me and informs me that there is a sign in front of the
13 other building that says Compucar on it, and I believe they
14 said the address was on the sign.

15 But, anyway, they tell me that there is another
16 address associated with Compucar that is not the address --
17 and I probably shouldn't say it's on the sign, because it may
18 have been on the building, I don't remember. But he tells me
19 there is another address associated with Compucar that is
20 different than the address that I have on my warrant.

21 Q. And that's when your concerns about your warrant come into
22 play?

23 A. Absolutely.

24 Q. What happens next?

25 A. I pull Mr. Wrenn aside, I explain to him the problem that

1 I have with the warrant, I explain to him -- and I had given
2 him a copy of the warrant when I first see him. It doesn't
3 have the the affidavit, but it has the location of what we are
4 going -- of where we are searching, and it has the items to be
5 seized. But it doesn't have the affidavit in it, we don't
6 give them that copy.

7 I explained to him -- I tell him that there is a
8 problem with the search warrant, that the address is wrong,
9 and that it was -- it's a mistake, and that we have two
10 options. The first option is either he can give me consent to
11 search the other -- give me written consent to search the
12 other building, or he can -- he can wait until we go back to
13 Columbia and get a new search warrant and come back.

14 Q. And what did Mr. Wrenn respond at that time, or how did he
15 respond?

16 A. He told me he would give me consent to search the other
17 building.

18 Q. Okay. Did that later change?

19 A. Yes, it did.

20 Q. Okay. What happened and how did it change?

21 A. We were in the pawn shop, and we were just finishing up,
22 and I was about to walk out. And Mr. Wrenn came in and
23 Mr. Wrenn told me that -- well, his attorney had showed up at
24 some point prior to us completing -- not Mr. Truslow, but
25 another attorney -- had showed up prior to us completing the

1 search of Poor Man's Gun and Pawn.

2 Q. Do you recall the name of that attorney?

3 A. His last name I think is Neal.

4 Q. Okay. And did you talk with Mr. Neal?

5 A. I did.

6 Q. All right. You can't repeat what Mr. Neal said, but did
7 you discuss the consent or the searching -- the search warrant
8 issue with him?

9 A. Mr. Wrenn came in when we were done with -- well, just
10 about done with the search, and told me that he was rescinding
11 his consent and that his attorney wanted to speak with me.

12 Q. Okay. Let's be clear, you said you were just finishing up
13 the search; the search of which building?

14 A. The pawn shop.

15 Q. Okay. So, you had finished or were in the process of
16 finishing that search, and what did Mr. Wrenn tell you?

17 A. He said that he was rescinding his consent, and that his
18 attorney wanted to speak with me. I use the term "rescind," I
19 mean, he may have said, "I'm taking back my" -- because, I
20 mean --

21 Q. Okay.

22 A. He said he was not going to give his consent to search
23 that building, and that his attorney wanted to speak with me.

24 Q. Now, did you ultimately have a discussion with Mr. Wrenn
25 and his attorney about doing the search?

1 A. Yes, I did.

2 Q. And what was the result of that conversation?

3 A. There was concern in reference to the broad scope of the
4 items that we were searching for.

5 Q. And who had that concern?

6 A. I mean --

7 Q. Was it you? Was it your concern?

8 A. No, it wasn't me.

9 Q. Okay.

10 A. It was either Mr. Wrenn or his attorney. I mean, he
11 didn't say which one had the concern. And we -- he -- well, I
12 can't say that. There was some discussion that I would need
13 to get another search warrant.

14 Q. Okay.

15 A. I informed Mr. Wrenn and his attorney that that was fine,
16 that no one was going to be allowed to enter the building.
17 And the reason we were not going to allow -- to be allowed to
18 enter the building is because apart from the probable cause I
19 had in the search warrant, I now also had Mr. Wrenn telling me
20 that the right side plates were in that building and that the
21 two assembled Maxims were in that building. That was
22 confirmed and -- I can't say what I was told.

23 Based on that conversation, it was asked of me what
24 specific items did we know were in that building we are
25 looking for.

1 Q. Okay. And at that time what specific items did you tell
2 them that you knew were in that building and you needed to
3 seize?

4 A. The right side plates, the two semiautomatic rifles, and
5 then I told him that I knew he received -- that he had just
6 been shipped a parts kit from California.

7 Q. And who owned that parts kit, that kit that had been
8 shipped from California?

9 A. Rick Shab.

10 Q. Okay. Did you ask Mr. Wrenn for the crates that the
11 Maxims came in?

12 A. No. I mean, at this point, I mean, I -- all the
13 information I received up to this point, you know, does it
14 lead me to believe that the stuff might be there? Sure. But
15 I have no direct knowledge that that is there. All I have
16 direct knowledge of being there are the right side plates, the
17 two semiautomatic rifles, and the kit from California.

18 I was asked what specific items I was looking for
19 specifically, because we were concerned about the broad
20 scope. And I said, "Those are the items that I know are
21 here."

22 Q. So, at this point you don't have a search warrant for that
23 machine shop?

24 A. I do not.

25 Q. And do you have his consent to search that machine shop?

1 A. Well, after we had that discussion, I gave consent to have
2 Mr. Wrenn bring me in and give me those specific items.

3 Q. Okay. So, was Mr. Wrenn giving you consent to come in and
4 search the whole machine shop?

5 A. No, we were not given that consent.

6 Q. Was he giving consent to search for everything having to
7 do with the Maxims?

8 A. Only the things that I stated to them that I specifically
9 knew he was in possession of.

10 Q. Once Mr. Wrenn gave you that consent to find those
11 specific items; what did you do?

12 A. We -- if I recall correctly, I believe there's a fence
13 that separates -- it's surrounded by a fence, and there is one
14 building here and one building here. And if I recall
15 correctly, there's a fence that runs between them. I believe
16 we walked around and went over to the side entrance. We
17 didn't go to the front entrance, we went to the side entrance
18 of the machine shop.

19 Prior to making entry, I explained to Mr. Wrenn and
20 his attorney that we needed to do a pre and post video, as we
21 had done with the pawn shop, in reference to --

22 Q. What is a pre and post video?

23 A. The reason behind the pre and post video is not
24 evidentiary, and it's probably better explainable on a
25 residence. If we go to a residence and we do a search

1 warrant, we will walk in, we will videotape the outside and
2 the inside of all the rooms to show its condition prior to our
3 arrival. And then once we are done with our search, we go
4 back and video it again to show the condition as we left it.

5 There have been instances where individuals had
6 stated that we have stolen stuff, that we have damaged stuff.
7 So, this is basically what we do to contradict that, if that
8 comes up at a later date.

9 Q. Did Mr. Wrenn take you inside?

10 A. Not for the pre and post video, but he did after that was
11 completed.

12 Q. After that was completed, the video, what happened?

13 A. Mr. Wrenn led me -- and there may have been another agent
14 or so behind me -- led me directly into his machine shop --

15 Q. And what did you find in the machine shop?

16 A. Numerous machines. Sitting by one of the machines in a
17 basket are the seven right side plates.

18 Q. And the seven right side plates that belong with what?

19 A. To the Maxim machine guns.

20 Q. Okay. Did Mr. Wrenn take you anywhere else?

21 A. He did. He gave me an explanation of the side plates.

22 Q. And what was his explanation at that time?

23 A. He said that he was -- he said that he was -- I don't want
24 to use the word "manufacture" because I don't believe that is
25 the word he said. He indicated he was in the process of doing

1 something with them.

2 The plates had been added -- there had been an
3 additional part added to the bottom of the plate, and then
4 there was a little chain with like a little peg or a little
5 metal peg hanging off of it. He asked me if he could clip off
6 the chain and keep those pegs.

7 Q. Did you allow him to do that?

8 A. I did, I allowed him to do that. I said, "Okay." And I
9 mean, he is -- that was fine. And then he said that he wanted
10 to take that bottom piece off that he had attached to the
11 plates as well.

12 Q. And did you allow him to do that?

13 A. I refused to allow him to do that.

14 Q. Why did you refuse?

15 A. Because to me that indicated that he was in the process of
16 manufacturing these right side plates into something.

17 Q. Okay. Where did you go after his explanation of the right
18 side plates?

19 A. He led us -- I believe the progression goes from there, we
20 walk in through an office, and then we walk to a hallway that
21 has a closet. We open that door, and the closet is full of
22 plastic gun cases. And in the middle of it there's a big
23 white cardboard box, laying in -- it's got a couple of cases
24 on top of it and tons of cases underneath it.

25 He indicates that the Maxims are inside that white

1 box. So, we pull the white box out, open it up, and the two
2 Maxims are inside that white box.

3 Q. Okay. Where did you go after that -- or did he make any
4 statements at that time?

5 A. At that time he did not make any statements in reference
6 to that.

7 Q. Okay. Did you go anywhere else after finding the two
8 prototypes or the two Maxims in the closet?

9 A. We went with -- it was -- the agents were gathering those
10 items, they were photographing and logging them in. We went
11 into another room, I guess it's kind of like a workshop as
12 well, it's got some -- maybe some tables or something in it.
13 And in that room he sat with my supervisor, Pat Dumais, and it
14 was his attorney and him. And then I asked him at that point
15 where --

16 Q. I'm going to stop you before we get there, Special Agent
17 Baldwin. You mentioned that you had also asked for a kit from
18 California?

19 A. Yes, that's what I was going to.

20 Q. Okay, I apologize. Did you eventually find the kit from
21 California?

22 A. Yeah, I asked him where the California kit was, and that
23 happened to just be in that room that we were in. And it
24 was in a -- I think it was in two boxes. I believe the barrel
25 was in one box, and then the parts kits -- the remainder of

1 the parts, the parts kit.

2 I don't -- there's no right side plate associated
3 with it. I don't know if there's a left side plate, but the
4 remaining parts are in that other box. And so I then go ahead
5 and we seize that as well.

6 MR. TRUSLOW: No objection, Your Honor, to the
7 introduction of these.

8 MS. MCGREGOR: Thank you. Your Honor --
9 and I'm going to move on to the items that Special Agent
10 Baldwin found. May I ask the witness to step down and
11 identify the items instead of having to carry them over to
12 him?

13 THE COURT: Yes.

14 MS. MCGREGOR: Thank you.

15 BY MS. MCGREGOR:

16 Q. Special Agent Baldwin, can you step down for a moment? I
17 want you to take a look -- I want you to take a look at
18 Government's Exhibit 11 -- excuse me, 13 L, M, N, O, P, R, and
19 S, and tell me -- tell me what those are photos of.

20 A. 13 -- is that L.?

21 Q. I think that's -- that's my handwriting, I'm sorry. I
22 think it is an L.

23 A. 13 L is the basket that the right side plates were in that
24 was sitting beside the machinery. 13 M is just a close up of
25 that basket and what was inside that basket. 13 N, as in

1 November, are -- excuse me, that's the room where we are
2 sitting that had the kits shipped from California. That's the
3 kits, the two boxes -- the cardboard boxes.

4 Q. Which one is the kit?

5 A. The box that is open is the inside of the kit. The box
6 that is standing upright, I believe, had the barrel of the kit
7 in it.

8 Q. And who did that kit belong to?

9 A. Rick Shab. 13 O is a closeup of the same boxes that had
10 Rick Shab's kit in it from California. 13 P is the letter
11 that was with Rick Shab's box that he had -- I guess,
12 apparently, it was stuck in the box when he shipped that kit
13 to Mr. Wrenn.

14 13 R is the white cardboard box that contained the
15 two Maxims that was inside the closet with the gun cases. And
16 13 S are the two Maxims that were inside that white box.

17 Q. So, these items in Government's Exhibit 13 S were located
18 in the box in 13 R?

19 A. Correct.

20 Q. And where was that box?

21 A. That was in a closet that contained numerous gun cases.

22 Q. Did you see any other machine guns in that closet?

23 A. There were no other firearms in that closet.

24 Q. Now, using Government's Exhibit -- Special Agent
25 Baldwin -- I didn't want to carry this stuff over there.

1 A. I understand.

2 Q. So, I am going to ask you to point out the Government's
3 Exhibit that deals with the two Maxims that you found in the
4 white box. They should be marked Government's Exhibit 10 A
5 and 10 B.

6 A. Okay.

7 Q. Can you identify those items here for me?

8 A. Can I pick them up?

9 Q. Yes, sir.

10 A. Sure (indicating).

11 Q. Now, where did you find Government's Exhibit 10 A?

12 A. This was in the white box, that's in photograph 13 R,
13 which was in that closet.

14 MS. MCGREGOR: Your Honor, at this time we would
15 seek to introduce Government's Exhibit 10 A.

16 THE COURT: Any objection?

17 MR. TRUSLOW: At this time, yes. And I can state my
18 reasons at the side bar or I can -- we can deal with this
19 later. They can keep it marked for identification.

20 THE COURT: I will hear your objection at the side
21 bar.

22 (Bench Conference)

23 MR. TRUSLOW: Your Honor, one of the major
24 contentions that we have had in this case is it is not in the
25 same -- these items are not in the same condition they were

1 when they were seized from my client. This includes very
2 specifically the fact that there is a missing trigger bar.
3 And I'm just saying that they can offer this at a later time
4 because we need to explore this.

5 There are two things that are substantially
6 different from the time when it was received from my client,
7 including the top cover being exploded at one point in time,
8 what's called out of battery, it wouldn't close.

9 The fact that it had a trigger bar in it and had the
10 mechanism inside of it, and that now after -- after the
11 testing, when we were not allowed to videotape, between there
12 and the next time, somehow the trigger bar has gotten gone,
13 and the top cover is now closed. Whereas when Mr. Vasquez had
14 it, it would not close, and they couldn't hammer it shut.

15 So, now it's closed -- it's in an entirely different
16 configuration from when -- when it was -- when we first saw
17 it, and that's the reason for my objection.

18 I think they can -- once they have Mr. Vasquez
19 testify, once they explain about the missing trigger bar, then
20 at that point in time it may or it may not come into
21 evidence. But right now, I would have an objection until they
22 deal with those issues.

23 MS. MCGREGOR: Your Honor, my response to that would
24 be, I can lay the foundation with Special Agent Baldwin, that
25 he -- he took this item.

1 And how does he know that he took this item from
2 Mr. Wrenn. Where has that item been since then?

3 "Has this item been changed or manipulated or
4 altered in any form by you or anybody in your office? Who has
5 access to this vault at your office? When has it been out of
6 your custody and control?" And I think that covers it.

7 MR. TRUSLOW: I think once she does -- once she does
8 that, she's right.

9 THE COURT: She hasn't done that yet.

10 MR. TRUSLOW: No.

11 MR. GASSER: I just note, physical pieces of
12 evidence are nonfungible. It's not blood or semen or hair,
13 it's a nonfungible item. A gun is a nonfungible item.

14 MS. MCGREGOR: And the follow-up question, Your
15 Honor --

16 THE COURT: I think there's an issue as to whether
17 the gun in a particular state is a machine gun --

18 MS. MCGREGOR: Oh, yes, that's -- and he's not going
19 to say anything --

20 THE COURT: -- important that the gun be in the
21 state it was when it --

22 MR. TRUSLOW: Without any alterations.

23 MS. MCGREGOR: Now, my question is, Your Honor, do I
24 have to do with that every single piece of machinery, every
25 piece of exhibit --

1 THE COURT: That you are going to introduce into
2 evidence --

3 MS. MCGREGOR: I can't do -- can I do a general
4 question to him as the custodian of all of the weapons and
5 that we seek -- because we have about 40 things that we are
6 going to introduce, and I guess I just want to know, do we
7 need --

8 THE COURT: It depends on what his answer is. If
9 his answer is, he didn't do anything to them --

10 MS. MCGREGOR: So, I can ask him a general question
11 as to all the exhibits laying in front of that table?

12 MR. TRUSLOW: I'm not going to object to all of
13 them.

14 THE COURT: I think it depends on what the answer
15 is. If he says, "Yes, I did something to it," then I think
16 you are going to have to be --

17 MR. TRUSLOW: And I'm not going to object to all of
18 them -- I'm sorry, I cut you off, I apologize. I'm not going
19 to object to all of them. There are just very, very few,
20 specifically dealing with ones that were the hotly contested
21 issue, whether they are in the same condition.

22 MR. GASSER: So, whether or not the physical
23 evidence goes back to the jury or not is a different issue as
24 to what you are arguing, as to what was done with the piece of
25 evidence and what wasn't done with the piece of evidence.

1 From a chain of custody perspective, is that physical piece of
2 evidence, is that the evidence that they seized?

3 MR. TRUSLOW: I think Your Honor's guidance is
4 correct in that they -- if they ask those questions, then we
5 will deal with it.

6 MS. MCGREGOR: Judge, then what my plan would be
7 with him right now is, to talk about the items that he seized
8 on June 28th, which would be those two or three Maxims and the
9 side plates, and ask him the custody and control questions,
10 and have they been altered in any way on those -- all those
11 items on that day --

12 MR. TRUSLOW: Right.

13 MS. MCGREGOR: -- and then move them in as a group.

14 THE COURT: All right.

15 MS. MCGREGOR: Thank you, Your Honor.

16 (In open court)

17 BY MS. MCGREGOR:

18 Q. Special Agent Baldwin, I'm going to ask you to step down.

19 What I would like to do before we move on to your
20 conversations and what happened the rest of the day with the
21 June 28th search warrant is, I would ask you to point out to
22 the jury all of the government's exhibits that you seized from
23 Mr. Wrenn on June 28th, 2002.

24 A. Okay.

25 Q. If you will just pick them up and will identify them by

1 exhibit number, and then I am going to ask you a set of
2 questions in relation to everything that you seized from
3 Mr. Wrenn.

4 A. Okay. Do I need to pick up 10 A again?

5 Q. No, sir.

6 A. Should I reference it by government exhibit numbers?

7 Q. Please.

8 A. 10 B.

9 Q. And where did you find that?

10 A. That was in the white box that is in photo 13 R.

11 Q. Okay. Thank you.

12 A. 11 B.

13 Q. And who does that belong to?

14 A. Rick Shab.

15 Q. Okay. Government's Exhibit 11 A; and what is Government's
16 Exhibit 11 A?

17 A. Other main pieces of the parts kit that was Rick Shab's.

18 Q. Okay. And where did you find that?

19 A. It's in one of the photos itself. 13 N, as in November.

20 Q. Thank you. What is the Government's Exhibit 85 -- what is
21 in Government's Exhibit 85 in this cardboard box?

22 A. It's the right side plates.

23 Q. And you found those where?

24 A. Mr. Wrenn led us to the basket where they were in the
25 machine shop.

1 Q. Is that everything that you seized from Mr. Wrenn on June
2 the 28th?

3 A. There were -- there were some documents.

4 Q. Okay, we will talk about the documents later.

5 A. Okay.

6 Q. Physical machinery or weaponry?

7 A. That was seized, that's listed on the return.

8 Q. Now, Special Agent Baldwin I'm going to ask you a series
9 of questions that refers to all of these, okay?

10 A. Okay.

11 Q. How is it you are able to tell this jury that these are
12 the items that you took from Mr. Wrenn on June 28th?

13 A. Well, I'm the one that took them, I'm the one that brought
14 them into my custody, put evidence tags on them. I assigned
15 them evidence numbers. Also on the tag it has the date, it
16 also has, you know, I believe -- can I read the tags?

17 Q. Sure. Yes, sir.

18 A. It has the -- it has the exhibit number, it has the date,
19 it has a description, it has the case number, has my office
20 number on it.

21 Q. Where did you take these items -- we are skipping --
22 but where did you take these items once you seized them from
23 Mr. Wrenn on June 28th?

24 A. Back to the Columbia field office.

25 Q. And where did they go in the field office?

1 A. Well, they would sit at my desk while I do the property
2 paperwork, and then they are put into the vault.

3 Q. And who has access to that vault?

4 A. We have two vault custodians, we have a primary and
5 secondary. At that time I don't know who the vault custodians
6 were, but the two vault custodians.

7 Q. Is that vault locked?

8 A. It's actually double locked.

9 Q. And have these items from the June 28th, 2002 search
10 warrant been in your care, custody, and control since that
11 time?

12 A. With the exception at the time that I sent them to the
13 FTB.

14 Q. Okay. With the exception of the time you sent them to
15 FTB, they have been in your care, custody, and control?

16 A. They have been in -- yeah, they have been shipped from
17 FedEx to FTB, back to FedEx, back into our vault, until the
18 time we took them out.

19 Q. And can you tell this jury in reference to all the items
20 you seized on June 28th, the physical items you seized on June
21 28th, 2002, whether or not they were manipulated or altered in
22 any way?

23 A. Have they been manipulated or altered in any way?

24 Q. Are these in the condition that you took them from
25 Mr. Wrenn?

1 A. No, they are not.

2 Q. What's different?

3 A. We took -- we took the two -- 10 A and 10 B, we took to
4 the range on several occasions to do test fires with it at the
5 request of the defense. As you can see on 10 B, some of the
6 guts are hanging out of the -- of one of the guns. And that
7 obviously wasn't in that condition when I took it.

8 Also one of those firearms is missing a trigger bar
9 that was inside it that was not -- there when we originally
10 took it.

11 Q. And who was present for the test fire?

12 A. In reference to everyone?

13 Q. When you mentioned that this was altered during the test
14 fire, who was present during that test fire?

15 A. Myself, Agent Bryan Means, Rick Vasquez from FTB, Doug
16 Truslow, the other attorney, Neal, whose name -- first name I
17 don't remember, Ernest Wrenn, and Len Savage.

18 Q. Okay. Other than the time that you took 10 A and B to the
19 test fire, has anybody altered any of these products that you
20 took from Mr. Wrenn on June 28th, 2002?

21 A. There was a second test fire that we went to.

22 Q. Okay. Did you participate in that second test fire?

23 A. I mean, I was there, I did not participate in the test
24 fire.

25 Q. Okay. So you did not alter or change any of these

1 products you seized from Mr. Wrenn on June 28th, 2002?

2 A. That's correct, I have not.

3 MS. MCGREGOR: Your Honor, we would seek to move in
4 10 A, 10 B, 11 A, 11 B, 11 D, which is inside the box,
5 Government's Exhibit 85. I believe that's everything of the
6 physical evidence that Mr. Wrenn -- excuse me -- Mr. Baldwin
7 just referred to.

8 MR. TRUSLOW: No objection, Your Honor.

9 THE COURT: All right. Government's Exhibits 10 A,
10 10 B, 11 A, 11 B, and 11 D and 85.

11 MS. MCGREGOR: I'm sorry, is there not 11 -- I
12 apologize. Thank you, Your Honor.

13 THE COURT: Are those the ones you are moving in, 10
14 A, B, 11 A, B, and D and 85?

15 MS. MCGREGOR: That's correct, Your Honor.

16 THE COURT: Those are admitted.

17 MS. MCGREGOR: Thank you.

18 BY MS. MCGREGOR:

19 Q. Was that all of the evidence -- physical evidence as far
20 as weaponry, Special Agent Baldwin?

21 A. Yes.

22 Q. Okay, you can have a seat.

23 Okay. Special Agent Baldwin, let's go back -- I
24 think when you last were talking about being led into the
25 building to find the items, we ended in the room where Rick

1 Shab's box and Maxim were located; is that where we ended?

2 A. Correct.

3 Q. Okay. What happened once you are in that room -- who is
4 there with you?

5 A. I'm -- I'm in and out of the room. Remaining in the room
6 were Mr. Wrenn, his attorney, and Pat Dumais.

7 Q. Okay.

8 A. I'm going back and forth, making sure that the agents are
9 gathering all the items correctly and, you know, just trying
10 to find out when, you know, we are going to be done.

11 Q. Okay. Now, at some point, do you end up back in that room
12 with Mr. Wrenn and his attorney?

13 A. I do.

14 Q. Okay. Please tell the jury about your conversations with
15 Mr. Wrenn in that room.

16 A. I go back into the room. I believe Mr. Wrenn has given
17 Pat Dumais some documents. Pat hands me the documents. We --
18 a prior conversation is verified to me in reference to verbal
19 approval for the Maxims. I -- I then -- Mr. Wrenn then
20 repeats that conversation and states that Arthur Resnik has
21 given him verbal approval to manufacture the semiautomatic
22 rifles.

23 Q. Okay. He states to you that who has given him approval to
24 manufacture what?

25 A. Arthur Resnik has given him verbal approval to manufacture

1 those semiautomatic Maxim rifles.

2 Q. Did you know who Arthur Resnik was at that time?

3 A. I had no idea.

4 Q. Okay. Did that comment mean anything to you at that time?

5 A. It didn't mean anything to me.

6 Q. Okay. You referred to some document (handing) --

7 MR. TRUSLOW: No objection.

8 BY MS. MCGREGOR:

9 Q. You referred to some documents that Mr. Wrenn gave you at
10 that time. I'm handing you what has been marked as
11 Government's Exhibit Number 61, do you recognize that
12 document?

13 A. These appear to be -- it's missing one, but it appears to
14 be the packet of documents that Mr. Wrenn gave Pat Dumais that
15 were then given to me.

16 Q. Okay. And did you keep that?

17 A. Yes, I did.

18 Q. And have you maintained that in your care, custody, and
19 control?

20 A. Yeah, I made it as an attachment to my report.

21 MS. MCGREGOR: Your Honor, the government would move
22 61 -- Government's Exhibit 61 in at this time without
23 objection.

24 MR. TRUSLOW: No objection.

25 THE COURT: Admitted.

1 THE WITNESS: There was another document associated
2 with it.

3 BY MS. MCGREGOR:

4 Q. And what other document was associated with that?

5 A. There was another page of handwritten notes similar to
6 this that I believe Pat Dumais entered as evidence.

7 Q. Government's Exhibit -- Government's Exhibit 16, is that
8 the note you are referring to?

9 A. Yes, this was the -- an additional document that was --
10 that was given to us by Mr. Wrenn.

11 Q. Okay. And that's the note that Mr. Dumais wrote on when
12 he was listening to the conversation?

13 A. Yeah, this is Pat Dumais's handwriting at the bottom.

14 Q. What else did you talk to Mr. Wrenn about while you were
15 in that room, Special Agent Baldwin?

16 A. I confronted Mr. Wrenn, and I told him I thought he had
17 lied to me.

18 He stated to me that everything was a
19 misunderstanding. I told him that -- that I thought he had
20 purposely hid the right side plates from me. I think he
21 stated that he thought that I wanted the left side plates.

22 I then stated -- asked him why he had -- I asked him
23 why he had hid those semiautomatic rifles in the closet.

24 Q. And what did Mr. Wrenn respond to you as to why he hid
25 those --

1 A. He said he had them there because he was going to destroy
2 them.

3 Q. He said he put them in that room to destroy them?

4 A. Yes.

5 Q. Did he say anything else to you at that time?

6 A. No, I stopped talking to him at that point.

7 Q. Now, I think you have already testified to what you did
8 with the evidence that you seized from Mr. Wrenn, but did you
9 document in any way the evidence that you seized on June 28th?

10 A. It's in my report.

11 Q. Do you give Mr. Wrenn a receipt of any form?

12 A. There is a return that we do that we attach with the
13 warrants when we turn the warrants in. We will go ahead and
14 write up a -- we will write up all the items that we seized,
15 we will -- the original goes back to the court -- actually, I
16 take that back. The original stays with us, a copy goes to
17 the court, and a copy stays with whoever you are serving the
18 warrant on; in this case Mr. Wrenn.

19 Q. What is a property receipt?

20 A. It's just a document that we use to write down -- if I
21 take property from you, I will go ahead and document the
22 property I take from you. That way you have a written receipt
23 of it.

24 Q. I am handing you what is marked as Government's Exhibit
25 55; do you recognize that item?

1 A. Yes, I do.

2 Q. What is that?

3 A. It's a receipt of property in reference to the items that
4 we took at the search warrant.

5 Q. And does it accurately reflect everything you seized on
6 January -- or excuse me -- June 28th, 2002?

7 A. Yes, it does.

8 MS. MCGREGOR: Your Honor, we would seek to
9 introduce Government's Exhibit 55 at this time without
10 objection.

11 THE COURT: It's admitted.

12 A. Ms. McGregor, can I state one thing?

13 BY MS. MCGREGOR:

14 Q. Yes, sir.

15 A. I don't have the documents listed on this. And the reason
16 I don't have the documents listed on this is because we did
17 not seize the documents.

18 Q. Okay. So, what is listed on that property receipt?

19 A. The items that we had over there, the items that we seized
20 in reference to the criminal charges.

21 Q. Okay. So, the physical property, the physical weaponry is
22 included on that property receipt?

23 A. Correct.

24 Q. At some point that day the search warrant ended,
25 correct?

1 A. Oh, yeah -- yeah, there was -- when we left, as we were
2 leaving, we -- do you want me--

3 Q. Well, let me just ask, about how long were you there?

4 A. A long time. I don't know. I mean, we were there --
5 because we had to search the entire Poor Man's Gun and Pawn,
6 which took a while. The place was full of tear gas, so it was
7 really difficult to search it. It took quite a long time to
8 search it. And then we had the discussions in between that,
9 and then we went over and did those items.

10 I mean, I couldn't tell you. You know, if you said
11 two hours, I would say yes. If you said it was five hours, I
12 would say yes. I mean, I don't know.

13 Q. When you were leaving, after executing the search warrant
14 at Poor Man's Gun and Pawn, did anything significant happen?

15 A. You know, as we were leaving, we were walking out through
16 the side entrance, someone -- one of the agents indicated to
17 me that there was metal on the ground that appeared to be
18 another side plate.

19 Q. What did you do at that time?

20 A. Well, I walked over and I looked at it. I did not take
21 it, because I was there on a limited consent search. And I
22 had spoke with his attorney and Mr. Wrenn, and we had agreed
23 that I would take specific items.

24 Q. What did you do at that time since you couldn't take it?

25 A. I photographed it. And I could not -- there was no way I

1 I could tell you whether that was a Maxim side plate or
2 another side plate. There's -- you know, I'm there on a
3 limited consent, I have no authority to take that. So, we
4 went ahead and we photographed it, and we -- we left.

5 Q. After executing the search warrant, did you receive
6 anything in the mail from Mr. Wrenn?

7 A. I did.

8 Q. What did you receive?

9 A. I think maybe about a week or so later I received a letter
10 from Mr. Wrenn. I believe it had been sent to numerous
11 people, and I was just one of the people that was CC'd in
12 reference to it.

13 There was a letter, and then there were a number of
14 associated documents that were similar in respect to the ones
15 that he gave us at the search warrant. There were also -- I
16 believe there was a copy of my receipt of property in there.
17 I have to look at them to tell you exactly what was in it.

18 Q. At some point after the search warrant, were you also able
19 to locate --

20 MR. TRUSLOW: No objection, no objection to these.

21 BY MS. MCGREGOR:

22 Q. -- were you also able to locate the prototype that
23 Mr. Wrenn had sent to FTB?

24 A. I did. I mean, I spoke with FTB at some point, and
25 they -- that ended up coming back to me at some point. I

1 don't know the date, but they sent it back to me.

2 Q. All right. I ask you to take a look at Government's
3 Exhibit 59. Is that a packet or package you received in the
4 mail from Mr. Wrenn subsequent to the search warrant?

5 A. Yes, it is.

6 Q. And what does it include?

7 A. A letter. The first part is a letter addressed to ATF --
8 I'm sorry, addressed to BAFT, with SOCOM Manufacturing at the
9 top, dated July 5th, 2002.

10 Q. Was there anything significant in that packet to your
11 investigation?

12 A. There was one thing in here that I saw that I thought was
13 interesting. There is a page in here -- I'm trying to find
14 it -- the page that Pat Dumais entered into evidence which
15 represented a page that was given to us at the search warrant
16 where he made his notation at the bottom that said Arthur
17 Resnik gave verbal approval. I mean, the only way I can
18 really explain it is to read it.

19 Q. Well, what is significant about Government's Exhibit -- is
20 it 16 or 17?

21 A. This is Government's 16. This was given to us the day of
22 the search warrant. At the top, there is a line with nothing
23 written on it as to verbal approval.

24 In the packet that I received from Mr. Wrenn a week
25 later, and the packet that he had sent out to -- a list of

1 people that he CC'd where that blank line was, now says Arthur
2 Resnik.

3 Q. So, the name Arthur Resnik was on the paper that came to
4 you in the mail after the search warrant?

5 A. Correct.

6 Q. And was that name present on that same document the day of
7 the search warrant?

8 A. No, it was not.

9 MS. MCGREGOR: Your Honor, we would seek to move
10 Government's Exhibit 59 into evidence without objection at
11 this time.

12 THE COURT: All right, it's admitted.

13 MS. MCGREGOR: Thank you.

14 BY MS. MCGREGOR:

15 Q. Special Agent Baldwin, I think you referred to the
16 prototype that you received from FTB?

17 A. Correct.

18 Q. I will ask you to step down. And looking at Government's
19 Exhibit 10 C, can you tell the jury what that is? What is
20 Government's Exhibit 10 C?

21 A. This is the Maxim that Mr. Wrenn sent to FTB for approval
22 for the semiautomatic rifle.

23 Q. Now, how can you tell this jury that this is the same
24 weapon that you got from FTB?

25 A. Again, if you look at the evidence tag, I have the

1 evidence number written on it, I have the date I received it,
2 and it has -- says, "Found at or taken from or seized from,"
3 and I have "Rick Vasquez, FTB" written on it. It also
4 indicates the serial number on it.

5 Q. Has Government's Exhibit 10 C been in your care, custody,
6 and control since the time it was sent back to you from FTB?

7 A. It was taken to the range.

8 Q. On what date?

9 A. In February of '05.

10 Q. And was that a test fire where the defendant was
11 participating in doing the test fire?

12 A. That is correct.

13 MS. MCGREGOR: Your Honor, we would seek to
14 introduce Government's Exhibit 10 C at this time.

15 MR. TRUSLOW: No objection.

16 THE COURT: Admitted.

17 MS. MCGREGOR: Thank you, Special Agent Baldwin.

18 THE WITNESS: Sit back down?

19 MS. MCGREGOR: Yes, sir.

20 Your Honor, may we approach?

21 THE COURT: Yes.

22 (Bench conference)

23 MS. MCGREGOR: Your Honor, I'm not sure what time we
24 started, and I was wondering if maybe a five or 10 minute
25 break would be appropriate?

1 THE COURT: Yes, it's been suggested --

2 MS. MCGREGOR: This is a good pause in my --

3 THE COURT: -- we started about 10 o'clock.

4 MS. MCGREGOR: That would be great. Thank you.

5 MR. TRUSLOW: Thank you.

6 (In open court)

7 THE COURT: All right, at this time, ladies and
8 gentlemen, we are going to take a short break, and we will
9 break for about 15 minutes, and we will come back.

10 (Jury not present)

11 THE COURT: We are now in recess for about 15
12 minutes.

13 (Short recess)

14 THE COURT: Are we ready for the jury?

15 MS. MCGREGOR: Yes, Your Honor.

16 (Jury present)

17 THE COURT: You may continue.

18 MS. MCGREGOR: Thank you, Your Honor. May it please
19 the court.

20 BY MS. MCGREGOR:

21 Q. Special Agent Baldwin, I think the last thing we left the
22 jury with was your discussion on the prototype that you had
23 gotten back from FTB, so we are going to move forward from
24 that point.

25 After executing the June 28th, 2002 search warrant,

1 where did your investigation, as far as the Maxims, go? What
2 was the state or the status of that investigation?

3 A. It was mostly completed at that point.

4 Q. Could you speak into the microphone?

5 A. I'm sorry. I'm sorry. At that -- excuse me. At that
6 point, it was completed -- or I wouldn't say completed, but I
7 wasn't getting any other evidence in reference to the Maxims
8 at that point.

9 Q. Okay. Now, did there come a time when a new investigation
10 involving Mr. Wrenn came to you involving a different type of
11 weapon?

12 A. Yes, there was.

13 Q. Okay. How is it you became aware of a potentially new
14 investigation?

15 A. I received a phone call from another agent in the Georgia
16 area in reference to Mr. Wrenn.

17 Q. And what type of agent called you?

18 A. I'm sorry, it was an ATF agent.

19 Q. Okay. And you can't tell me what he said, but based on
20 the information that that ATF agent gave you, what did you do?

21 A. Based on that -- that information, I planned to interview
22 Joe Gaddini, Tabitha Orander, and Todd Orander.

23 Q. Okay. And at that time did you know who Joe Gaddini was?

24 A. I had no idea.

25 Q. All right. Did you go out and interview Mr. Gaddini?

1 A. I did. I think I may have interviewed Todd first, I'm
2 not -- I would have to see my reports to get which one came
3 first, second, and third. But I did interview Mr. Gaddini.

4 Q. Okay. Well, then, you tell the jury, who did you speak
5 to?

6 A. In no particular order, it was the three of them
7 together. I spoke to Joe Gaddini, Tabitha Orander, and Todd
8 Orander. And then as a result of talking to Gaddini, I talked
9 to Brett Gunter.

10 Q. Okay. Based on those conversations, did you then have
11 reason to, I guess, initiate a new investigation?

12 A. Yes, I did.

13 Q. And what was the subject of that new investigation?

14 A. The information I received led me to believe that
15 Mr. Wrenn was selling upper RPD, SAW, and Daewoo conversions,
16 to be combined with M-11 lowers. And that those upper
17 conversions were in and of themselves machine guns.

18 Q. Now, did Mr. Gunter give you anything when you interviewed
19 him?

20 A. Yes, he did.

21 Q. What did he give you?

22 A. He gave me a Daewoo M-11 conversion that had been
23 manufactured by Mr. Wrenn.

24 Q. I'm handing you what has been marked as Government's
25 Exhibit 50 A.

1 A. I got it.

2 Q. Have you got it?

3 A. Uh-huh.

4 Q. Do you recognize that item?

5 A. Yes, I do.

6 Q. How is it you recognize that item?

7 A. Well, I recognize it on its appearance, but additionally I
8 also recognize it in reference to the evidence tag that is
9 associated with it.

10 Q. And is that the weapon that you took from Mr. Gunter?

11 A. Yes, it is.

12 Q. Has it been maintained in your custody, care, and control
13 since you took it from Mr. Gunter?

14 A. Again, I believe this weapon was sent to FTB. Outside of
15 that, it has been in -- either in transit or in our vault.

16 Q. And other than the testing by FTB, is that weapon in the
17 same condition as when you took it from Mr. Gunter?

18 A. It didn't have this -- obviously, it didn't have tags on
19 it, it didn't have the strap on it, but it appears to be -- it
20 appears to be.

21 MS. MCGREGOR: Your Honor, the government would seek
22 to move Government's Exhibit 50 A in evidence at this time.

23 MR. TRUSLOW: No objection.

24 THE COURT: Admitted.

25 BY MS. MCGREGOR:

1 Q. Now, once you had interviewed -- was it Mr. Gunter, the
2 Oranders, and Mr. Gaddini -- what did you do?

3 A. There was a -- I also went on a web site, SOCOM
4 Manufacturing, and looked at a web posting that was on there.
5 And then based on all the information I gathered, I obtained a
6 federal search warrant.

7 Q. Okay. And who authorized the federal search warrant?

8 A. A federal magistrate judge.

9 Q. Okay. And once you had the search warrant, what did you
10 do?

11 A. I conducted a search of Mr. Wrenn's building,
12 manufacturing plant at 614 Atomic Road, SOCOM Manufacturing.

13 Q. Okay. Let's put this in -- I guess in some sort of
14 context. At what point in time did you receive the
15 information from the ATF agent regarding Mr. Wrenn?

16 A. It would have either been in November or December of
17 2003. Somewhere towards the end of 2003.

18 Q. And at what time, if you recall, did you conduct your
19 interviews of Mr. Gaddini, the Oranders, and Mr. Gunter?

20 A. Without looking at my reports, I'm going to say that I
21 think all four of those interviews happened in January. But
22 there may have been one or two that were in December, but I
23 believe it was all January of 2004.

24 Q. And do you recall the date on which you executed the
25 federal search warrant -- the second federal search warrant at

1 Poor Man's Gun and Pawn?

2 A. I do.

3 Q. What date?

4 A. It was January 29th of 2004.

5 Q. Now, on that date, the date you executed the second search
6 warrant, did you have any conversations with Mr. Wrenn?

7 A. No, actually -- no, I did not.

8 Q. Okay. And can you tell the jury generally how that search
9 warrant was executed, and then we will move to what you
10 found?

11 A. Pretty much the same thing. We went to the business, I
12 believe we sat outside the business. You know, actually I
13 take that back. I don't know if the business was already open
14 or not when we got there or not. But we walked into the
15 business and informed the individuals inside the business that
16 we were there to conduct a search warrant.

17 Q. And at that particular time, did you have a search warrant
18 to cover the appropriate building?

19 A. I did at that time, yes.

20 Q. Okay. I'm handing you what has been previously marked as
21 Government's Exhibits 72 A through L. I want you to take a
22 look at all those photos and tell me if you recognize that set
23 of photos.

24 A. Yes, I do.

25 Q. Okay. When were those photos taken?

1 A. They were taken on January 29th, 2004, with the search
2 warrant.

3 Q. And do they accurately reflect what you saw at Poor Man's
4 Gun and Pawn and SOCOM Manufacturing when you executed your
5 search warrant?

6 A. Yes, they do.

7 MS. MCGREGOR: The government would seek to
8 introduce Exhibits 72 A through L into evidence at this point,
9 Your Honor.

10 MR. TRUSLOW: No objection.

11 THE COURT: All right, it's admitted.

12 BY MS. MCGREGOR:

13 Q. Using the photos, Special Agent Baldwin, can you tell the
14 jury what you seized that day?

15 A. Using the photos, you want me to just tell them --

16 Q. Well, tell the jury what those --

17 A. Do you want me to just tell them what is in the photos?

18 Q. -- photos reflect. And as you refer to each photo, hold
19 the photo up and tell us what is in it.

20 A. Okay. 72 A is a photo of a Maxim --

21 MS. MCGREGOR: Your Honor, may the witness step
22 down?

23 THE COURT: Yes, he may.

24 MS. MCGREGOR: Thank you.

25 A. 72 A is a photo of a Maxim that was up against the wall by

1 one of the back -- I'm going to say offices or -- I don't
2 really know what the rooms were back there. It looks like
3 maybe a work room or something like that. It was sitting
4 outside the door of that room.

5 Q. Okay. When you say "Maxim," would that be a Maxim similar
6 to the Maxim that you had seized in June of 2002?

7 A. I cannot make that determination but if you are asking
8 me -- what the technical determination is or whether I believe
9 it is?

10 Q. At the time you seized it, did it appear to be similar to
11 the Maxim you had seized in June of 2002?

12 A. Yeah, they were obviously -- it's not complete, there are
13 some pieces missing on it, but it does appear to be similar to
14 what I seized in 2002.

15 Q. And did you later send that Maxim off to FTB for a
16 determination?

17 A. Yes, I did.

18 Q. Continue.

19 A. 72 B is a box of what appeared to be RPD receivers.

20 Q. And what do you mean when you say "RPD receivers"?

21 A. Basically on the RPD uppers that he was manufacturing, the
22 upper receiver portion of it, the main body of it, that all
23 the parts attached to.

24 Q. And where did you find that?

25 A. I have to look at the return to say exactly where it was,

- 1 but it was in the machine shop. 72 C is another box.
- 2 Q. A box of what?
- 3 A. I'm sorry, RPD receivers.
- 4 Q. Thank you.
- 5 A. Upper receivers. 72 D appears to be -- it looks like some
- 6 SAW receivers. That's what it appears to be, it appears to be
- 7 SAW receivers.
- 8 Q. And when you refer to SAW, you are talking about a Squad
- 9 automatic weapon?
- 10 A. A Squad automatic weapon.
- 11 Q. Continue.
- 12 A. 72 E, there is a trailer, like a tractor-trailer type
- 13 trailer, that sits outside of his machine shop. Inside that
- 14 trailer were numerous RPD kits, minus the receiver.
- 15 Q. Okay. And where was the trailer located?
- 16 A. The trailer is on the property of SOCOM Manufacturing. As
- 17 you walk out the side entrance, there's -- I believe there is
- 18 one or two trailers that sit there, that apparently they are
- 19 used for storage.
- 20 Q. Continue.
- 21 A. 72 F is a close-up of the outside of the box.
- 22 Q. Outside of what box?
- 23 A. Of the box that contained the RPD kits.
- 24 Q. Continue.
- 25 A. 72 G, the thing that is on it is upside down, but this

1 is -- I believe this is inside the second trailer. And it's
2 the same thing, the boxes are RPD kits minus the receivers.

3 Q. Okay. So, he had one trailer that had a number of RPD
4 kits in it; is that accurate?

5 A. Correct.

6 Q. And he had a second trailer that had more RPD kits in it?

7 A. If I recall correctly, there's two trailers that sit out
8 beside it. And I believe, looking at the inside of the
9 trailers, you can clearly see a red car in one of them. And
10 in the second one, there doesn't appear to be a red car. So,
11 if I recall correctly, the RPD kits were in both of the
12 trailers.

13 Q. Okay.

14 A. 72 H -- if that is an H -- is a file -- a file cabinet
15 where he had numerous files in reference to RPD and SAW sales.

16 Q. Now, why did you take a picture of a file cabinet?

17 A. Just to show where the files came from.

18 Q. Okay. And did you end up seizing some of the files that
19 were in this file cabinet?

20 A. I did. 72 I appears to be the inside of his vault. He
21 has -- you heard before where he has an NFA vault where he
22 keeps his machine guns. This was inside the NFA vault. There
23 is an RPD receiver with some components, barrels and stuff
24 attached to it, and there is an M-11 sitting down there beside
25 it.

1 Q. Okay. So, he had an RPD receiver in his NFA vault?

2 A. Correct, if that is the NFA vault. I believe that is the
3 NFA vault, and that's where that stuff was taken from.

4 Q. And the NFA refers to what types of weapons?

5 A. Machine guns, destructive devices, short-barrel rifles,
6 short-barrel shotguns, silencers, any other weapons.

7 Q. Continue, please.

8 A. This 72 J is the outside, the front door --

9 Q. Of which business?

10 A. Of -- well, it says Compucar, but SOCOM Manufacturing and
11 Compucar share the same building, and are both owned by Ernest
12 Wrenn. To my knowledge, they are both owned by Ernest Wrenn.

13 72 K is a close-up of that same door.

14 Q. Okay.

15 A. 72 L is an assembled SAW upper and M-11 lower that was in
16 the store at the time that we executed the search warrant.

17 Q. Thank you, Special Agent Baldwin.

18 A. Do you want me to sit down?

19 Q. Yes, sir -- well, no -- you can sit down, I apologize.

20 Now, Special Agent Baldwin, you seized a number of
21 documents from Mr. Wrenn on January 29th, 2004, didn't you?

22 A. Yes, I did.

23 Q. Okay. We are going to spend a couple of minutes -- and
24 I'm probably using that term loosely -- to go through some of
25 the things that you found on January 29th, 2004.

1 A. Okay.

2 MS. MCGREGOR: Your Honor, perhaps we need a side
3 bar.

4 (Bench conference)

5 MS. MCGREGOR: I'm starting with probably a stack of
6 10 folders of evidence that Mr. Baldwin seized from
7 Mr. Wrenn. He has objections to some of them. I have tried
8 to show him -- he has approved some and objected. So, I'm not
9 sure what basis his objection is on this first one.

10 MR. TRUSLOW: Your Honor, some of them, they are
11 follow-up documents, and I think -- and my objection was, it's
12 just a total waste of time. For example, if there's -- if
13 there's a Form 2, which is for your documentation of what you
14 have, and you do a supplemental one, the supplemental one is
15 the one that everybody is dealing with.

16 And that's why I was saying I thought it was a waste
17 of time to just load it on, load it on, load it on. I want to
18 finish this case before Thanksgiving.

19 And that was my basic objection, I think it's a
20 waste of time, and it's duplicative of other evidence that
21 they already have.

22 And that's why I said I put a -- we put a question
23 mark here, because I'm saying that they have another document
24 showing exactly the same thing, and there is no reason to just
25 pile it on. It's going to take the jury forever to go through

1 all these things the way they are doing it.

2 MS. MCGREGOR: Your Honor, Special Agent Baldwin and
3 I spent about three hours on a Saturday going through every
4 document that he took. We have pulled out those documents
5 that were relevant and we felt needed to be admitted.

6 If there is a duplicate, there is a reason why we
7 are entering the duplicate. We did the not pull apart
8 Mr. Wrenn's files. At some point we are entering entire
9 folders, just as they were in Mr. Wrenn's custody.

10 It goes to his intent, it goes to lack of mistake,
11 some of it goes to motive. And as they are being entered,
12 it's just as he had them when he found them. And we would not
13 be submitting them and wouldn't be moving them into evidence
14 if it wasn't relevant and necessary to our case.

15 Off the top of my head, I don't know if there is one
16 duplicate or two duplicates. But I can promise you, Your
17 Honor, we are not entering multiple exhibits that are
18 duplicated and duplicated and duplicated.

19 MR. TRUSLOW: I have a suggestion. You could go
20 ahead with your -- with the follow-up Form 2, and then later,
21 because we are going -- you don't have to get to this before
22 lunch, and then come back to this if you want.

23 THE COURT: Well, the government has the burden of
24 proof, and I'm going to let them put their evidence in the way
25 they want to put it in.

1 MR. TRUSLOW: Okay. Well, I just wanted you to
2 understand why I am objecting. I really want to finish before
3 Thanksgiving.

4 MS. MCGREGOR: So I can go ahead and enter this --

5 MR. TRUSLOW: This is my Thanksgiving -- that's my
6 Thanksgiving --

7 MS. MCGREGOR: I mean, I guess what I am asking, is
8 he going to object when we get back there, or are we going to
9 have to come back?

10 MR. TRUSLOW: That's fine.

11 THE COURT: I don't think there will be --

12 MR. TRUSLOW: No, it won't.

13 THE COURT: -- another objection.

14 MR. TRUSLOW: I will have a --

15 THE COURT: We need to finish by 5 --

16 MR. TRUSLOW: That's what I'm saying, this is --

17 THE COURT: -- we are going to lose a juror if we
18 don't finish by 5, because that lady has to have surgery.

19 MS. MCGREGOR: Surgery --

20 MR. TRUSLOW: This is what I call the Thanksgiving
21 objection, that we just --

22 MS. MCGREGOR: Well, Your Honor -- and I'm not
23 trying to be petty -- but for Mr. Truslow to say he wants to
24 finish by Thanksgiving, I would have appreciated him thinking
25 of that last week when we were trying to move the witnesses.

1 I'm in no way trying to delay this trial.

2 MR. TRUSLOW: I know. I know she's not. I am just
3 saying that we have got a lot of duplicates.

4 (In open court)

5 MS. MCGREGOR: May I proceed, Your Honor?

6 THE COURT: Yes, you may.

7 BY MS. MCGREGOR:

8 Q. I'm showing you what has been marked as Government's
9 Exhibit Number 52, do you recognize that, Agent Baldwin?

10 A. Yes, ma'am.

11 Q. And when did you seize that item?

12 A. This was taken during the search warrant on January
13 29th --

14 Q. And do you recall where it was taken from?

15 A. I believe the majority of the documents came out of his
16 office, either in his desk or in his office.

17 MS. MCGREGOR: And, Your Honor, at this time we
18 would offer Government's Exhibit 52.

19 THE COURT: Admitted.

20 BY MS. MCGREGOR:

21 Q. I'm showing you what has been marked as Government's
22 Exhibit 62, Special Agent Baldwin, and ask you to take a look
23 at that, and tell me if you recognize it.

24 A. Yes, I do.

25 Q. What is that?

1 A. It's another document that was taken from inside the
2 office.

3 Q. And whose office?

4 A. We were told it was Mr. Wrenn's office.

5 MS. MCGREGOR: Your Honor, we would move to
6 introduce Government's Exhibit 62 at this time.

7 MR. TRUSLOW: Objection.

8 THE COURT: All right.

9 (Bench Conference)

10 MS. MCGREGOR: I would like to note for the record,
11 Your Honor before ruled on the objection. ,That's why I
12 showed it to the witness.

13 MR. TRUSLOW: Oh, I'm sorry. Okay. That's okay.
14 That's okay,

15 You know, based on our other discussion, I was
16 thinking about my Thanksgiving objection, I was looking at
17 1996, and that was the reason I was objecting.

18 But it's a waste of time, and it's not relevant to
19 this issue. But I did tell her before that it was okay. When
20 I saw it and after I sat down, I saw 1996, and I was thinking,
21 "Golly." But that's -- that's okay.

22 THE COURT: All right.

23 MR. TRUSLOW: That's okay. No objection.

24 THE COURT: No objection.

25 (In open court)

1 MS. MCGREGOR: Your Honor, we would seek to
2 introduce Government's Exhibit 62.

3 THE COURT: Admitted.

4 MS. MCGREGOR: Thank you.

5 BY MS. MCGREGOR:

6 Q. Special Agent Baldwin, I'm handing you what is marked as
7 Government's Exhibit 60, do you recognize that?

8 A. Yes, I do.

9 Q. And what is that?

10 A. These are advertisements that came out of one of the files
11 in Mr. Wrenn's office.

12 MS. MCGREGOR: And, Your Honor, at this time we
13 would offer Government's Exhibit 60 into evidence.

14 MR. TRUSLOW: Objection under Rule 403, Your Honor.

15 THE COURT: All right. Admitted. The objection is
16 overruled.

17 MR. TRUSLOW: And I would have the same thing for
18 the next document.

19 BY MS. MCGREGOR:

20 Q. Special Agent Baldwin, I'm handing you what has been
21 marked as Government's Exhibit 63, can you tell us what that
22 is?

23 A. It's a letter from -- well, there's actually two
24 documents. There's a letter from Poor Man's Gun and Pawn,
25 stated at the bottom Ernest Wrenn to -- it says the ATF NFA

1 branch, dated August 13th, 1998. And there's a response from
2 FTB to Mr. Wrenn dated September 2nd, 1998.

3 Q. And whose office did you get that out of?

4 A. Mr. Wrenn.

5 Q. On the execution -- on the date of execution of your
6 search warrant?

7 A. Yes, ma'am.

8 MS. MCGREGOR: Your Honor, we would seek to
9 introduce Government's Exhibit 63.

10 THE COURT: Is there an objection?

11 MR. TRUSLOW: I would object under Rule 403 as well.

12 THE COURT: Let me see the document.

13 The objection is overruled.

14 MS. MCGREGOR: Government's Exhibit 63 is moved into
15 evidence, Your Honor?

16 THE COURT: Yes.

17 BY MS. MCGREGOR:

18 Q. Special Agent Baldwin, I'm handing you what has been
19 previously marked as Government's Exhibit 64, I ask you to
20 take a look at that document and tell me if you recognize it.

21 A. Yes, I do.

22 Q. And what is that document?

23 A. It's a letter dated May 7th, it appears to be 1996.

24 Q. And who is that letter to?

25 A. Mr. Tim Bero from Firearms Technology Branch.

1 Q. And where did you find that letter?

2 A. In Mr. Wrenn's office.

3 MS. MCGREGOR: Your Honor, at this time we would
4 seek to introduce Government's Exhibit 64 into evidence
5 without objection.

6 THE COURT: Admitted.

7 MS. MCGREGOR: I apologize, Your Honor?

8 THE COURT: 64 is admitted.

9 MS. MCGREGOR: Thank you.

10 BY MS. MCGREGOR:

11 Q. Special Agent Baldwin, I'm handing you what is now marked
12 as Government's Exhibit 65, do you recognize that exhibit?

13 A. Yes, I do.

14 Q. And who was that letter to?

15 A. This letter is to Mr. David Reese.

16 Q. And who is it from?

17 A. The Firearms Technology Branch.

18 Q. And where did you find that letter?

19 A. In Mr. Wrenn's office.

20 MS. MCGREGOR: We would seek to introduce
21 Government's Exhibit 65 at this time, Your Honor.

22 THE COURT: Any objection?

23 MR. TRUSLOW: I have the same objection under Rule
24 403, wasting time, and relevance.

25 THE COURT: Let me take a look at it.

1 MR. TRUSLOW: Your Honor, I think your ruling would
2 be the same, it's no different than the other one.

3 THE COURT: Well, if it's a relevancy objection,
4 then I have to look at each document to see if it's relevant.

5 Objection overruled, it's admitted.

6 MS. MCGREGOR: Thank you, Your Honor.

7 BY MS. MCGREGOR:

8 Q. Special Agent Baldwin, I'm handing you what has been
9 marked as Government's Exhibits 66 A and B. Take a look at
10 those documents and tell me if you recognize them.

11 A. I do.

12 Q. And what are those documents?

13 A. 66 A is a -- it's a fax cover sheet, and an agreement for
14 legal services from -- it looks like it's from Richard E.
15 Gardner, attorney at law, to Ernest Wrenn.

16 Q. And what is 66 B?

17 A. 66 B is a file that is titled SWD M-11, barrel conversion,
18 RPD conversions. It contains Form 2 and some notes. It
19 appears to have letters from Mr. Wrenn to Firearms Technology
20 Branch.

21 Q. And where did you find those documents?

22 A. It was in Mr. Wrenn's office.

23 MS. MCGREGOR: We would seek to introduce
24 Government's Exhibits 66 A and B at this time, Your Honor.

25 THE COURT: Any objection?

1 MR. TRUSLOW: No objection.

2 THE COURT: All right, admitted.

3 BY MS. MCGREGOR:

4 Q. Special Agent Baldwin, I'm handing you what has now been
5 marked as Government's Exhibit 67, can you tell me if you
6 recognize that document, and if so, what it is?

7 A. Yes, I do. It's a letter from Richard Gardner, attorney
8 at law, to Sterling Nixon, Chief of the Firearms Technology
9 Branch, in reference to RPD M-11.

10 Q. What's the date on that letter from Richard Gardner to
11 Sterling Nixon at FTB?

12 A. January 16th, 2004. It also has a Form 2 attached to it
13 that is dated 4-14-03.

14 MS. MCGREGOR: Your Honor, at this time we seek to
15 introduce Government's Exhibit 67 without objection.

16 THE COURT: Admitted.

17 BY MS. MCGREGOR:

18 Q. Special Agent Baldwin, I'm now handing you what has been
19 marked as Government's Exhibit 68, I ask you to take a look at
20 this document and tell me if you recognize it, and if so, what
21 it is?

22 A. I do. It's the Form 2, dated November 18th, '03 for the
23 registration of SAW M-249 machine gun -- I'm sorry, SAW-249
24 receivers as machine guns.

25 Q. And who was registering those SAWs?

1 A. Ernest Wrenn.

2 Q. And what date is he registering them?

3 A. November 18th of '03.

4 MS. MCGREGOR: We would seek to introduce
5 Government's Exhibit 68 at this time without objection.

6 MR. TRUSLOW: No objection.

7 THE COURT: Admitted.

8 BY MS. MCGREGOR:

9 Q. I hand you what has now been marked as Government's
10 Exhibit 69, can you tell me if you recognize it, and if so,
11 what it is?

12 A. I do recognize it. It is a -- it is an invoice from
13 Allegheny Arsenal to Compucar, which is one of Mr. Wrenn's
14 businesses. And it's in reference to the purchase of 73
15 Bulgarian RPD parts kits with no receivers, for a total of
16 \$38,750.

17 Q. And I'm sorry, the total amount of \$38,000 is for what
18 products?

19 A. \$38,750 is for 73 Bulgarian RPD parts kits with no
20 receiver parts, and 150 RPD drums with belts.

21 Q. And what date is that invoice?

22 A. November 10th, 2003.

23 Q. And where did you find that invoice?

24 A. In Mr. Wrenn's office.

25 MS. MCGREGOR: Your Honor, we would seek to

1 introduce Government's Exhibit 69 at this time, without
2 objection, I believe?

3 MR. TRUSLOW: No objection.

4 THE COURT: Admitted.

5 BY MS. MCGREGOR:

6 Q. I'm handing you what now has been marked as Government's
7 Exhibit 70, Special Agent Baldwin. Can you tell me if you
8 recognize that and what it is?

9 A. It's a letter from the -- the title of it says -- well,
10 actually, it's from John Magaw, who was the former director of
11 ATF, to Mr. Wrenn. It appears to be a thank you letter for --
12 thanking him for his kind words concerning Gary Schaible.

13 Q. And where did you find that?

14 A. In Mr. Wrenn's office.

15 MS. MCGREGOR: We would seek to introduce
16 Government's Exhibit 70 at this time.

17 MR. TRUSLOW: No objection.

18 THE COURT: Admitted.

19 BY MS. MCGREGOR:

20 Q. I'm handing you what has now been marked as Government's
21 Exhibit 73. Do you recognize that item, and if so, what
22 it is? What is it?

23 A. This is a letter to Mark Barnes and Associates from Poor
24 Man's Gun and Pawn, dated November 21st, 2003, where he states
25 at the bottom that, "I have also enclosed copies on the

1 purchase of 10 Russian Maxim gun parts kits, which ATF seized
2 from my location on June 28th, 2002 as illegal machine guns,
3 for your reference."

4 MS. MCGREGOR: We would seek to introduce
5 Government's Exhibit 73 at this time. I believe it's without
6 objection.

7 MR. TRUSLOW: No objection.

8 BY MS. MCGREGOR:

9 Q. Now, using Government's Exhibit 73 -- if I can see it for
10 a moment, Special Agent Baldwin? What's the date on this
11 letter?

12 A. November 21st, 2003.

13 Q. And what does Mr. Wrenn state on November 21st, 2003 about
14 the legality or illegality of Maxim machine gun part kits?

15 A. He states he's "enclosed copies on the purchase of 10
16 Russian Maxim gun parts kits, which ATF seized from my
17 location on June 28th, 2002 as illegal machine guns, for your
18 reference."

19 Q. Thank you. I'm handing you what has been marked as
20 Government's Exhibit Number 71, can you tell us what that is,
21 Special Agent Baldwin?

22 A. This is an e-mail from Gail -- I'm going to say -- Komel
23 (phonetic), who is a sales representative of Shotgun News, to
24 Mr. Wrenn, in reference to placing an ad in Shotgun News.

25 Q. And what is Shotgun News, Special Agent Baldwin?

1 A. It's a publication that was -- they advertise -- I will be
2 honest with you, I don't really know what is in it. I mean,
3 it's parts and gun stuff.

4 Q. Did you later use information in that e-mail to gather any
5 further information in reference to this case?

6 A. I did. Based on this e-mail, I concluded that Mr. Wrenn
7 had placed an ad in Shotgun News in reference to the RPD SAW
8 M-11s.

9 Q. So, what did you do?

10 A. I contacted Shotgun News and subpoenaed a copy of the
11 edition where those ads were placed.

12 MR. TRUSLOW: I don't have any objection to this.

13 MS. MCGREGOR: Okay.

14 BY MS. MCGREGOR:

15 Q. Now, Special Agent Baldwin, we have just gone over --

16 MS. MCGREGOR: And I apologize, Your Honor. The
17 government would seek to introduce Government's Exhibit 71,
18 the e-mail, at this time.

19 THE COURT: Any objection?

20 MR. TRUSLOW: No.

21 MS. MCGREGOR: No objection, Your Honor.

22 THE COURT: Admitted.

23 MS. MCGREGOR: Thank you.

24 BY MS. MCGREGOR:

25 Q. We just went over a whole bunch of the documents that you

1 seized on January 29th, 2004, did you also seize parts and
2 firearms and weapons that day?

3 A. Yes, I did.

4 MS. MCGREGOR: Your Honor, I would ask the witness
5 to step down at this time to identify the weapons and parts
6 that he seized on January 29th.

7 THE COURT: All right, you may step down.

8 BY MS. MCGREGOR:

9 Q. Before we start, Special Agent Baldwin, I'm going to ask
10 you a set of questions in reference to all of the physical
11 evidence that you seized from Mr. Wrenn on January 29th.

12 A. Okay.

13 Q. When you took this evidence on January 29th, where did you
14 take it?

15 A. I took it back to the ATF, Columbia field office.

16 Q. And where in the ATF office in Columbia is it kept?

17 A. Well, I mean, first sits on my desk so I can enter it into
18 the computer, and then it is taken to the evidence vault.

19 Q. Okay. And who has access to the evidence vault?

20 A. The two evidence custodians.

21 Q. And is that vault locked?

22 A. It -- well, I said before, it's double locked, it's
23 actually -- the vault had two locks on it. There is the door
24 to get into the room where the vault is, has a lock on it, it
25 has a punch lock. And it is inside our office, which is

1 locked and alarmed.

2 Q. And has the evidence seized on January 29th, 2004 remained
3 in your custody and control since that time?

4 A. Again, there is individual items that have been sent to
5 the Firearms Technology Branch, so they have been either there
6 or in transit back and forth. I don't believe any of those
7 items were taken to the range by the defense for a test fire.

8 Q. And other than the testing conducted by the Firearms
9 Technology Branch in this case, have you manipulated or
10 altered any of these -- the condition of any of these items
11 since taking them on January 29th, 2004?

12 A. No, I have not.

13 Q. Let's go item by item. Government's Exhibit 74 A, did you
14 seize a box of RPD receivers?

15 A. Yes, I did. Do you want me to pick that up?

16 Q. Yes, sir.

17 A. 74 A would be this box.

18 Q. Okay, why don't you set it down and you can talk. Tell me
19 what is in that box?

20 A. I had the RPD receivers in two boxes, so I don't know
21 specifically how many are in that box.

22 Q. Come --

23 A. I'm sorry.

24 Q. What's in that box?

25 A. Those are RPD receivers to go with the RPD uppers.

1 Q. And where did you find those on January 29th?

2 A. The exact location is going to be on the -- on the search
3 warrant return. They were in the machine shop.

4 Q. In whose machine shop?

5 A. Ernest Wrenn.

6 Q. Did you also have a second box of RPD receivers that you
7 found?

8 A. I do.

9 Q. Could you identified 74 B, please? And in reference to
10 74 B, whose possession did you find 74 B in?

11 A. In Mr. Wrenn's shop.

12 Q. Now, from Exhibit 74 and -- excuse me, 74 A and 74 B, did
13 you take anything from those boxes?

14 A. I did. I took -- I took two of the receivers, and I sent
15 them to FTB for determination.

16 Q. Okay. And what type of receivers were those?

17 A. RPD receivers.

18 Q. And why did you send them to FTB?

19 A. So they could make a determination as to whether or not
20 those were in and of themselves machine guns.

21 Q. Okay. And can you pull out 74 C and D, please? Show
22 those to the jury, please. So, those are two RPD receivers
23 that you sent to FTB?

24 A. To my understanding they are RPD receivers, and they were
25 sent to FTB.

1 Q. And other than the time that you sent them to FTB, were
2 those items in your care, custody, and control?

3 A. Yes. They haven't been -- they weren't taken -- there was
4 a point where the defense came over and looked at certain
5 items. These may have been some of the items that were looked
6 at. That part did not take place outside of our office.

7 Q. And all of this information confirming when you received
8 the item and where it was sent is contained on the cards that
9 are attached?

10 A. It has the date that I received it, the exhibit number, a
11 description of it -- that's a description given by me -- and
12 the case number. And it has the address, 614 Atomic Road on
13 it.

14 Q. Okay. Put those down. Government's Exhibit 75 A.

15 THE COURT: Are you moving that into evidence, 74 A
16 and B?

17 MS. MCGREGOR: Your Honor, I'm going to move them
18 all in at the end.

19 THE COURT: All right.

20 BY MS. MCGREGOR:

21 Q. Government's Exhibit 75 A., what does 75 A contain,
22 Special Agent Baldwin?

23 A. 75 A are receivers for the SAW. They were located in the
24 machine shop.

25 Q. And did you send one of those items off to FTB?

1 A. I did.

2 Q. What exhibit is that?

3 A. 75 B.

4 Q. And why did you send 75 B to FTB?

5 A. I sent this to FTB to get a determination as to whether
6 this piece in and of itself is a machine gun.

7 Q. And that was originally located with these other receivers
8 that are located in 75 A?

9 A. Yes. I just took -- obviously there's quite a number of
10 them, I took a sample from what I found.

11 Q. Okay, you can put that down. Government's Exhibit 76, did
12 you locate an RPD receiver with a barrel?

13 A. I did.

14 Q. And where did you locate that item on January 29th?

15 A. If I'm not mistaken, I believe that this is in the
16 photograph. Inside the vault there's an RPD that is laying on
17 top of a box. I believe this is -- I believe this is that
18 RPD.

19 Q. And whose vault did you find that in?

20 A. Mr. Wrenn's.

21 Q. Thank you. And I think you already testified with the
22 photographs that on January 29th, 2004 you found what appeared
23 to be another Maxim?

24 A. That is correct.

25 Q. Okay. Can you show the jury the Maxim that you found on

1 January 29th, 2004?

2 A. Sure.

3 Q. And what's the government's exhibit on that one, Special
4 Agent Baldwin?

5 A. 78.

6 Q. And do you recall -- even if you need to use the
7 photograph, let me know, I will be happy to get it -- where
8 that was located?

9 A. It was propped up against the wall by a door, leaning --
10 it was an office or some sort of room. I'm not sure if it was
11 used as an office or not.

12 Q. In whose business?

13 A. Mr. Wrenn's.

14 Q. Special Agent Baldwin, were you surprised when you found
15 Government's Exhibit 78?

16 A. Actually I was very -- well, I should take that back. I
17 wasn't surprised, because I was told through my interviews to
18 look for that. So, I mean, I wasn't surprised in terms of not
19 expecting it to be there. I fully expected to find either a
20 Maxim machine gun or a Maxim parts kit in some form. So, I
21 mean, I wasn't surprised, I had received information it was
22 there. I'm surprised that he would still have possession of
23 one of those.

24 Q. Did you also find a SAW M-11 belonging to a customer?

25 A. I did.

1 Q. Can you point that out to the jury?

2 A. Sure.

3 Q. What is the government's exhibit on that one,
4 Special Agent Baldwin?

5 A. 80.

6 Q. And what is that?

7 A. This is the SAW upper receiver with the M-11 lower
8 attached to it.

9 Q. And were you able to determine who that SAW M-11
10 conversion belonged to?

11 A. I was.

12 Q. Who?

13 A. This was -- the M-11 was registered to Mike Woodward.

14 Q. If you want to set it down, I was going to ask you a
15 follow-up question.

16 A. Set it down?

17 Q. Yes, sir.

18 How were you able to determine that Government's
19 Exhibit 80 belonged to Mike Woodward?

20 A. Through the serial number on the M-11. The serial number
21 of the M-11 comes back -- the serial number on the M-11 comes
22 back in the NFA registry to Mike Woodward.

23 Now, I'm not sure whether I cleared the NFA
24 registry, whether I went through the bound book, or whether
25 there was a form in reference to that. But there was some

1 indication through the NFA registry that that was Mike
2 Woodward's M-11.

3 Q. I think you can sit down, Special Agent Baldwin.

4 MS. MCGREGOR: Your Honor, at this time the
5 government would seek to move exhibits 74 A, 74 B, 74 C, 74 D,
6 75 A, 75 B, 76, 78, and 80 into evidence at this time.

7 MR. TRUSLOW: No objection.

8 THE COURT: Admitted.

9 MS. MCGREGOR: Thank you, Your Honor.

10 BY MS. MCGREGOR:

11 Q. Did you give Mr. Wrenn a property receipt for all of the
12 items that you took?

13 A. I did not specifically give one to Mr. Wrenn because
14 Mr. Wrenn was not there. I left one with the employees that
15 were there.

16 Q. I'm handing you you what has been marked as Government's
17 Exhibit 54, is this a property receipt for January 29th, 2004?

18 A. Yes, it is.

19 MS. MCGREGOR: Your Honor, we would seek to
20 introduce Government's Exhibit 54.

21 MR. TRUSLOW: No objection.

22 THE COURT: Admitted.

23 BY MS. MCGREGOR:

24 Q. Now, a couple of minutes ago you testified that you were
25 able to contact somebody at Shotgun News?

1 A. That's correct.

2 Q. Were you able to obtain a copy of the volume in which the
3 ads you found or the e-mail referred to?

4 A. Yes. Yes, I was.

5 Q. I'm handing you what has been marked as Government's
6 Exhibit 58, can you identify that for us, please?

7 A. Yes, I can.

8 Q. What is that?

9 A. It's an issue of Shotgun News dated December 20th, 2003.
10 Inside this -- inside this publication there is an ad -- there
11 are actually two ads. The first ad is a small -- a smaller
12 ad, which basically states, "SOCOM Manufacturing," and it
13 states, "Featuring belt fed." It says, "RPD and M-249
14 conversions for M-11 machine guns, exclamation point."

15 There is a second ad, which is approximately a half
16 page ad from SOCOM Manufacturing which says, "The RPD upper
17 conversion --" which states in the ad, "The upper is a
18 non-firearm and requires no paperwork. The current cost is
19 \$5995, and comes with one 100-round drum and belt."

20 MS. MCGREGOR: Your Honor, at this time we would
21 seek to introduce Government's Exhibit 58.

22 MR. TRUSLOW: No objection.

23 THE COURT: Admitted.

24 MS. MCGREGOR: Your Honor, may we approach for a
25 moment?

1 (Bench conference)

2 MS. MCGREGOR: I'm at a stopping point as far as all
3 of that stuff, but I didn't know if you intended to break at
4 1. I didn't want to start another subject.

5 THE COURT: All right, so you have more with Agent
6 Baldwin?

7 MS. MCGREGOR: Yes, Your Honor.

8 (In open court)

9 THE COURT: All right, at this time we are going to
10 break for lunch. It's about 10 minutes till 1, and we will
11 come back at about 2:15.

12 (Jury not present)

13 (Lunch recess)

14 THE COURT: Are you ready for the jury?

15 MS. MCGREGOR: Yes, Your Honor. Do you want
16 Mr. Baldwin to take the stand?

17 THE COURT: Yes.

18 MR. TRUSLOW: For housekeeping, I understand he's
19 going to be on the witness stand for about another hour.

20 THE COURT: I don't know.

21 MR. TRUSLOW: I would ask for the ability to recess
22 so I can put the exhibits together.

23 THE COURT: After he finishes?

24 MR. TRUSLOW: Yes.

25 (Jury present)

1 THE COURT: Good afternoon.

2 THE JURY: Good afternoon.

3 THE COURT: You may continue.

4 MS. MCGREGOR: Thank you, Your Honor.

5 BY MS. MCGREGOR:

6 Q. Special Agent Baldwin, I think --

7 A. Can I clarify something?

8 Q. Sure.

9 A. Before we took the break I wanted to clarify something,
10 and we took the break. When you handed me Exhibit 54 --

11 Q. Yes, sir.

12 A. -- which is the items seized, when you asked me in
13 reference to this folder, 66 B, I think you asked me where it
14 came from, and I had said from Mr. Wrenn's office.

15 The file cabinet that had the file folders on it was
16 not in Mr. Wrenn's office. It states down here that it was in
17 the reception area. When I -- I was mistaken, or I misstated
18 myself when I said this came from his office. It did not come
19 from his office. It came from his records, but it actually
20 came out of the file cabinet that was by the reception area.

21 Q. Is it fair to say that that property receipt is -- was
22 made closer in time to the event?

23 A. Oh, it was made the day of the events.

24 Q. And so it accurately reflects where you got certain
25 objects from during that search warrant?

1 A. Yeah -- yes, it does.

2 Q. Okay. I'm going to talk about -- hand you one of the last
3 documents that we are going to refer to from that January 2004
4 search warrant. This has been previously marked and entered
5 as Government's Exhibit 20, and do you recognize that?

6 A. Yes, I do.

7 Q. What is that?

8 A. It is a copy of Mr. Wrenn's A and D book in reference to
9 his -- his NFA weapons.

10 Q. Okay. Now, why is it you have a copy and not the original
11 of the A and D book?

12 A. Actually on the day of the search warrant, we took the
13 original. But we took it with the understanding that this --
14 this is a book or a -- documents that they need to use in the
15 everyday business of the manufacturing -- of the weapons
16 there.

17 We did not want to maintain his book, because his
18 book is his records of his firearms. Therefore, we explained
19 to him that we would take -- well, we didn't explain it to him
20 because he wasn't there -- but we explained to the employees
21 that we would take the book, that we would take the book back
22 to our office, we would copy the pages that we felt related to
23 this case, and then we would return the book to him.

24 Q. Okay. So, in Government's Exhibit 20, you have the pages
25 that you copied after you had taken the A and D book during

1 the January 2004 search?

2 A. That is correct.

3 Q. Okay. Utilizing that A and D book -- or was that A and D
4 book important to you in your investigation of the RPD, SAW
5 M-11 conversions?

6 A. I'm sorry, did you say is it, or why was it?

7 Q. Why was it important to you?

8 A. When I was -- when I went there and I seized the upper
9 conversions, the upper conversions have no serial numbers
10 associated with them. There is no record of any of the RPD,
11 Daewoo, or SAW upper conversions, as to them being sold, in
12 reference to the standard documentation that they would keep
13 in their store.

14 So, what I did was, I took the A and D book, and the
15 M-11s associated with those weapons are registered firearms.
16 So, the M-11s should be entered in his A and D book as coming
17 in and going out. If someone sent an M-11 to him in reference
18 to having one of the conversions put on it, he would have
19 logged it into his book and then logged it out of his book,
20 the M-11.

21 So, not knowing how many of these he sold, who he
22 sold them to, what I did in part was, I took the A and D book,
23 I went down and I looked for any M-11 that was either sold
24 from his store or that entered his store and left his store.
25 And then I used that in part to contact individuals and ask

1 them what they had purchased in reference to their M-11.

2 Q. Okay. So, you took that A and D book and it gave you
3 contact names?

4 A. It did.

5 Q. Okay. And did you contact those people?

6 A. Yes, I did.

7 Q. And did some of them turn out to be customers who had
8 bought the conversion?

9 A. Yes, they did.

10 Q. Okay. And did some of them turn out not to be customers
11 who had bought the conversion?

12 A. Yes, that's what they told me.

13 Q. Okay. Did any of those interviews from the customers in
14 the A and D book then yield other names?

15 A. Yes, they did. I asked every person when I spoke with
16 them if they knew anybody else who had purchased one of these
17 conversions. And through that means, I gathered other names.

18 And then also through some of the documentation that
19 we seized, there were some indications of people that did have
20 business transactions with as well. So, I was able to -- to
21 the best of my ability try to identify as many people as I
22 could that were involved with the purchasing of these upper
23 conversions.

24 Q. I guess in your experience as an investigator, do you feel
25 that you were able to contact every customer that Mr. Wrenn

1 might have sold a conversion weapon to?

2 A. Are you asking my opinion or are you asking --

3 MR. TRUSLOW: Objection, Your Honor. First of all,
4 I object to the form of the question.

5 THE COURT: Objection sustained. Rephrase the
6 question.

7 BY MS MCGREGOR:

8 Q. Were you able to contact every customer?

9 A. I think it's fair to say that I have absolutely no way of
10 knowing who every customer is.

11 Q. Now, for the sake of brevity, who were some of the people
12 that you interviewed in respect to buying these conversion
13 weapons?

14 A. Everyone that's been in here. Gerald Prasser -- I'm just
15 going from in here -- Brett Millet -- in reference to this
16 book -- Raymond Fogarty --

17 Q. I think your testimony is that you interviewed basically
18 everybody who testified?

19 A. Everyone that has testified in reference to purchasing the
20 firearm, I have interviewed at some point.

21 Q. Did you interview additional people who have not
22 testified?

23 A. Yes, I did.

24 Q. I want to draw your attention specifically using
25 Government's Exhibit 20, the A and D book.

1 A. Okay.

2 Q. Can you look at that A and D book and tell when Mr. Brett
3 Millet received his RPD M-11 from Mr. Wrenn?

4 A. When he received his RPD from Mr. Wrenn. Give me one
5 second.

6 MS. MCGREGOR: Your Honor, with the permission of
7 the defense, I think, just as to these questions, if he would
8 allow me to lead the agent so that he can find the entries
9 quicker --

10 MR. TRUSLOW: If it will speed things up, I
11 encourage it.

12 BY MS. MCGREGOR:

13 Q. Special Agent Baldwin, if you go to Brett Millet's name in
14 or around the date of September 5th of 2003, is there an entry
15 recorded regarding the RPD M-11?

16 A. September 5th, 2003. Now are you going from --

17 Q. That would have been the date Mr. Wrenn sent the RPD M-11
18 back to Mr. Millet.

19 A. Yes, it is in here. It's -- it states that it was
20 received on August 22nd, 2003. It lists the SWD M-11 nine
21 millimeter, it lists it by serial number, and it lists the
22 name and address of the individual. It also appears to have
23 his FFL number on there.

24 It has the name of his -- of his FFL, and it appears
25 to be B&R Guns, and then it has the disposition of the

1 firearm, which is the date that it left, which is 9-5-03. And
2 on the side it says, "return to owner." And it appears to
3 say, "Lee's Summit, MO," which -- Montana or Missouri, I don't
4 know what MO is -- 640-possibly-56.

5 Q. I'm going to ask you to do the same thing for
6 Mr. Sternheimer. Is there an entry in Mr. Wrenn's A and D
7 book that indicates a SAW was sent from Mr. Wrenn to
8 Mr. Sternheimer on or about the date of October 3rd, 2003?

9 A. Yes, there is. It's on page 24. It states that on 7-29
10 of '03 he received an SWD M-11 A-1 nine millimeter. It gives
11 the serial number, it states Ross Sternheimer, it gives his
12 address in Virginia.

13 On the disposition area it has it logged out on
14 10-3-03, and in the side it says, "return to owner."

15 Q. Okay. And so when we are talking about logging out, we
16 are talking about the FFL sending the weapon back to the
17 owner?

18 A. Correct.

19 Q. Is there an entry for Mr. Peter Prendergast, his SAW being
20 sent from Ernest Wrenn on or about October 20th of 2003?

21 MR. TRUSLOW: Who is that?

22 MS. MCGREGOR: Peter Prendergast.

23 BY MS. MCGREGOR:

24 A. Unfortunately, they are in numerical order as to when they
25 came in, so it may take me a second to find him. Does he have

1 a business name that he uses?

2 Q. You might want to look for Cobb Hill.

3 A. I have -- I have -- you said 10-16 of '03?

4 Q. I thought it was on or about 10-20.

5 A. I have in his book -- oh, that's a different firearm, I
6 apologize.

7 Q. Why don't we come back to Mr. Prendergast and see if you
8 see an entry for Mr. Claggett on or about that same date, or
9 Mr. Buttshaw?

10 A. Again, do either of them have --

11 Q. Mr. Buttshaw would be an in date of November 6th.

12 A. Okay. And so you said Mr. Buttshaw, and who was the other
13 individual -- I see Mr. Buttshaw is down here.

14 Q. Okay. And what does the note indicate about Mr. Buttshaw?

15 A. Mr. Buttshaw has the firearm being entered in 11-6-03 the
16 Mac M-11 Cobray .380 caliber, the serial number listed. It
17 has the name Rocky Buttshaw and his address. And it has a
18 disposition date of 11-14-03 and it states, "Returned to
19 owner."

20 Q. Mr. Claggett and Mr. Prendergast?

21 A. Does Mr. Claggett have a business name? That we know of?

22 Q. I don't think so.

23 A. Okay. And the date on Mr. Claggett, do you know?

24 Q. On or about October 20th of 2003 it would have been sent
25 out.

1 MS. MCGREGOR: Your Honor, may I approach the
2 witness?

3 THE COURT: Yes.

4 BY MS. MCGREGOR:

5 Q. May I take a look, Special Agent Baldwin?

6 A. Sure.

7 Q. I know there's a lot to look at.

8 A. There's that -- I actually found a second entry for Rocky
9 Buttshaw as well.

10 MS. MCGREGOR: We will come back to this, Your
11 Honor.

12 BY MS. MCGREGOR:

13 Q. Special Agent Baldwin, after the search warrant on January
14 2004, did you collect further SAWs and RPD uppers from other
15 customers?

16 A. After the search warrant?

17 Q. Yes, sir.

18 A, Yes, I did.

19 Q. Okay. How did those items come to you, in what different
20 ways?

21 A. Well, there were items that I received from Mr. Wrenn in
22 February, and then there were items I received when I
23 contacted the individuals that I believed were involved in
24 purchasing these conversions.

25 When I spoke with them, I asked them if they had the

1 conversions. Those that told me yes, I told them -- I
2 explained to them that they had been determined to be machine
3 guns.

4 MR. TRUSLOW: Objection. Of course -- that's all
5 right, I will withdraw it.

6 BY MS. MCGREGOR:

7 Q. Go ahead, Special Agent Baldwin, I'm sorry.

8 A. And that they needed to be seized by the Bureau of
9 Alcohol, Tobacco, and Firearms.

10 Q. Okay. And I'm sorry, what was the reason that you told
11 them you were coming to get the weapons?

12 A. That they deemed to be -- the upper conversions were
13 deemed to be machine guns.

14 Q. And did those people turn over those uppers once you told
15 them that?

16 A. Yeah. What I did -- I think when I first started taking
17 them, I just took them as one unit. And then I told the
18 individuals that I would get their M-11s back to them.

19 Eventually, as I later went on, what I told them
20 was -- I actually had them abandon the upper conversion, the
21 unregistered machine gun to me, and then I seized for evidence
22 the M-11. That's just a paperwork process for us. It makes
23 it easier for me to get the actual M-11 back to them, because
24 that's registered to them, and that's their property.

25 I explained that to them. Their concern was they

1 wouldn't get their M-11s back, and I explained that to them,
2 that, you know, they would get their M-11s back at some point.

3 Q. I would ask you at this time, Special Agent Baldwin, so
4 that we can look at the items that you collected after the
5 search warrant in January of 2004, let's start with the items
6 that you received in February of 2004. How did those items
7 come to you?

8 A. When we were at the search warrant on January 29th, 2004,
9 I made the statement to employees that if -- the ones that
10 they sold, that they needed to get them back.

11 Q. So, who was responsible for going and getting these items
12 from any employees that had received more RPDs or SAWs?

13 A. Are you referring to which agent was responsible to go
14 down and pick those up?

15 Q. Which agent?

16 A. I believe Bryan Means went down there to pick those up, if
17 I'm not mistaken.

18 Q. And once those items were retrieved, where did they go?

19 A. He brought them back to the office and gave them to me. I
20 have logged them into evidence, and then put them in the
21 vault.

22 Q. And did you follow the same process that I have asked you
23 about before in reference to where you kept the evidence, and
24 how you kept the evidence?

25 A. Yes, I did.

1 Q. And did they remain in your care, custody, and control in
2 the same manner as the rest of the evidence in this case?

3 A. Again, with the exception of if they were sent to FTB,
4 they would have obviously been in a mail carrier to and from.
5 If they were looked at by the defense, they would have been in
6 the office -- the interview room in our office, and they would
7 have looked at them.

8 Apart from that, I don't believe they were taken to
9 the range for any test fires. I believe they would have been
10 in the vault the remainder of the time.

11 Q. Okay. Let's start with Government's Exhibit 79.

12 A. Okay.

13 Q. I want you to tell the jury what it is, and when you
14 received it, and how you know that.

15 A. This is an RPD receiver with a -- RPD components, the
16 barrel and the bipod.

17 Q. Can you tell the jury when you received that?

18 A. The evidence tag on here states that we received it
19 February 20th of '04. It has an exhibit number, it has a
20 description that was handwritten by me, it has my case number,
21 it states that it was taken from Mr. Wrenn.

22 Q. Okay. Government's Exhibit 81, please show the jury that
23 exhibit and tell them what it is.

24 A. Again, this is a SAW receiver with -- it appears to have
25 some SAW components on it. Again, this was taken by -- from

1 Mr. Wrenn on the 20th -- February 20th of '04.

2 I believe, if I'm not mistaken, he had called our
3 office and stated that he had had these, and that we had made
4 arrangements to come down and get them. And, again, the same
5 information is on the evidence tag in reference to this.

6 Q. Number 82.

7 A. This is 82. Again, this is another SAW receiver. And
8 again, I'm stating SAW, but I'm not a firearms expert. But I
9 mean, it's my belief that this is a SAW receiver. The same
10 thing SAW components, SAW receiver. And again, the same
11 manner, the same evidence tag, it has the same information
12 with the date, a brief description. It states that it was
13 turned over by Ernest Wrenn to Brian Mean.

14 Q. And number 83.

15 A. The same thing, a SAW receiver with some SAW components on
16 it. This is, again, the same thing, the same date, case
17 number, description on it. These ties were not on it, these
18 ties were -- this is one of the weapons that was sent to FTB,
19 and these ties were put on by FTB.

20 Q. And why did you send that exhibit, Exhibit 83, to FTB?

21 A. I sent it to FTB because I wanted to get a determination
22 whether this right here in and of itself is a machine gun.

23 Q. Thank you very much.

24 MS. MCGREGOR: Your Honor, at this time the
25 government would seek to introduce Governments Exhibit Numbers

1 79, 81, 82, and 83 into evidence.

2 MR. TRUSLOW: No objection.

3 THE COURT: Admitted.

4 BY MS. MCGREGOR:

5 Q. Okay, you can stay here.

6 Now, the other way that you mentioned that you were
7 able to collect some more of the SAWS and uppers that had been
8 sold by Mr. Wrenn is that you got some back from the actual
9 customers?

10 A. That's correct.

11 Q. Okay. Did you speak to a customer by the name of Kurt
12 Hansen?

13 A. I did.

14 Q. And did you eventually get his conversion weapon back to
15 him?

16 A. I did. I don't recall where Kurt Hansen is from. But I
17 had agents in that area go to his -- we made an arrangement
18 for us to meet with him. Those agents went to him. He turned
19 over that to them.

20 There were receipts, there was a -- again, in
21 reference to these weapons, I did an abandonment form and a
22 property form, that way to help him speed up the process of
23 getting his M-11 back whenever this is all said and done.

24 Q. I'm handing you what has been marked as Government's
25 Exhibit 36 B and 36 A.

1 A. Correct.

2 Q. What are those?

3 A. This is the M-11 lower portion and the RPD upper portion.
4 This -- actually, when I received it, they were together. I
5 told them when they asked me to -- when we talked about us
6 taking the property, I told them that they should leave it in
7 the condition they received it.

8 So this was given to me in a manner where it was
9 together. This was sent up to FTB, together with these. FTB
10 then -- these ties on here were what FTB did when they were
11 making their determination on this as a machine gun.

12 Q. And how were you able to trace Government's Exhibit 36 A
13 and 36 B back to Mr. Hansen?

14 A. I would -- through some of the documents that I received,
15 whether it was the A and D book or something I got out of a
16 file, or whether it was from an individual that told me Kurt
17 Hansen had it -- I believe I remember seeing Mr. Hansen's
18 name in the A and D book when I was just looking at it up
19 there, so I think that's where it came from. But it could
20 have been through one of those means. I'm not sure
21 specifically which way I got to each of them.

22 Q. Were you also able to locate a weapon belonging to Richard
23 Sanders?

24 A. Yes, I was.

25 Q. I'm handing you what has been marked as Government's

1 Exhibit 47 B and 47 A., can you tell the jury what those are?
2 A. Again, this is the RPD portion, with the receiver, this is
3 the M-11. Again, when I received it, the M-11 was attached to
4 it. Mr. Sanders also sent me the box that he had received
5 this from from Mr. Wrenn.

6 Again, the ties on it are -- this was sent to FTB,
7 the ties were put on by FTB when they were making their
8 determination if this was a machine gun by itself.

9 Q. And once again, you were able to make use of the
10 documentation that you had received during the search warrant
11 to trace these items back to their owner?

12 A. Correct. Either the documentation, or through talking to
13 customers and them telling me who they knew had purchased
14 other firearms.

15 Q. I'm handing you what's been previously marked as
16 Government's Exhibit 36 C., do you recognize that item?

17 A. Yes, I do.

18 Q. What is that?

19 A. This is the abandonment of property. We had Mr. Hansen
20 fill this out -- when I say "we," I mean ATF, not me, because
21 I was not in Colorado Springs, Colorado.

22 The agents up there presented him with this form,
23 this is an abandonment of property on the RPD. He abandoned
24 the RPD to us, because it's our belief -- at the time we
25 hadn't tested it -- but it was our belief at the time it was

1 going to end up being a machine gun, and therefore he
2 abandoned that property to us.

3 The second page is receipt of property, that is in
4 reference to the M-11. It lists his M-11 serial number on
5 it. This is what -- the receipts we gave him in reference to
6 that.

7 The third page on this is a copy of a letter that he
8 sent back to me. I believe he faxed this to me in reference
9 to a letter that he wrote to Mr. Wrenn, dated March 13th,
10 2003, in reference to his business arrangements in purchasing
11 the RPD.

12 Q. Thank you, sir. I'm also handing you what has been marked
13 as Government's 86 B., do you recognize that document?

14 A. Yes, I do.

15 Q. What is that?

16 A. Again, the same thing as with Mr. Hansen's RPD.
17 Mr. Hansen -- I mean, I'm sorry, Mr. Sanders lived in
18 Birmingham, Alabama -- or at least was in Birmingham,
19 Alabama.

20 The agents had him do an abandonment of property in
21 reference to the RPD upper, and they had him do a property
22 receipt in reference to the seizure of the M-11 lower. And
23 these -- he received copies of them as well.

24 Q. Thank you. I'm now handing you what has been marked as
25 Government's 86 A., I want you to take a look at that and tell

1 me if you recognize that.

2 A. I do.

3 Q. What is that?

4 A. When I spoke with Mr. Sanders in reference to the purchase
5 of his RPD conversion, he stated to me -- we were trying to
6 establish dates. He stated to me that he still had the box
7 that it was shipped to him in. It had the UPS label on it. I
8 asked him if he would go ahead and send that box to me. So,
9 he did. And the date on it for the shipping label is October
10 8, 2003.

11 Q. Thank you, Special Agent Baldwin.

12 Can you explain why getting a shipping document was
13 important to you in your case? Why would you need this?

14 A. In reference to the case, I needed to establish when
15 individuals were involved in their -- involved in their
16 business arrangement with Mr. Wrenn. Also when they received
17 the items that were shipped to them as well.

18 Q. And finally, Special Agent Baldwin, I'm handing you what
19 has been marked as Government's Exhibit 77 A and 77 B., what
20 is that?

21 A. This is a SAW upper, with the M-11 lower attached to it.
22 This is --

23 Q. Who does that belong to?

24 A. This belongs to an individual by the name of Jonathan
25 Goodson. This was the last gun that I was able to find. And

1 right now I can't remember how I found it, but I remember it
2 was a surprise, I thought I had found them all. And then at
3 some point later on, I identified that Mr. Goodson had one of
4 these.

5 I contacted him, he stated to me that he did, and
6 then we made arrangements -- I believe, if I'm not mistaken,
7 he was from Montana maybe -- we made arrangements to take
8 that -- to seize that property from him.

9 Q. Thank you, Special Agent Baldwin. I think you can have a
10 seat now.

11 A. Thank you.

12 MS. MCGREGOR: Now, at this time, Your Honor, the
13 government would seek to move in Exhibits 36 A, 36 B, 36 C,
14 47 A, 47 B, 86 A, 86 B, 77 A and 77 B.

15 MR. TRUSLOW: No objection.

16 THE COURT: Admitted.

17 MS. MCGREGOR: Thank you, Your Honor.

18 BY MS. MCGREGOR:

19 Q. All right, Mr. Baldwin -- Special Agent Baldwin, I think
20 it's safe to say at this point we can move away from items you
21 seized and evidence in this case. I want to direct your
22 attention to April of 2004.

23 A. Okay.

24 Q. At that time, did you participate in a test fire of the
25 Maxim machine guns that were taken from Mr. Wrenn?

1 A. Yes, I did.

2 Q. Do you know by serial number which weapons were involved
3 in that case -- or excuse me -- in that test fire?

4 A. I do, 54 and 55.

5 Q. How is that test fire in April set up?

6 A. There was discussion between myself, yourself, and
7 Mr. Truslow in reference to a request to test fire the two
8 weapons, the two Maxims that had been sent to FTB. And the
9 report from FTB stated that they were able to make those
10 weapons fire in full automatic mode.

11 Mr. Truslow made a request through you -- actually
12 we were on a conference call the first time we talked about
13 it -- in reference to arranging a test fire, for the defense
14 to go out and us to bring down our expert, and then try to
15 recreate that test.

16 Q. And where was it conducted?

17 A. It was conducted at the Lexington County Sheriff's
18 Department gun range, which is obviously in Lexington County.

19 Q. Who was present for that test fire?

20 A. During the test fire, the parties that were involved were
21 myself, Agent Brian Mean, Rick Vasquez from FTB, Mr. Truslow,
22 the other attorney, Mr. Neal, Ernest Wrenn, and Len Savage.

23 Q. Now, who was responsible for bringing the evidence, the
24 Maxims?

25 A. I was.

1 Q. And what was the party with Mr. Wrenn supposed to bring,
2 if anything?

3 A. Well, I informed them that when we went to do the test
4 fire, that they were to supply the tools, they were to supply
5 the ammunition, they were to supply any belts or magazines, if
6 they so chose to do that.

7 Q. Did they choose to do that?

8 A. They did choose to do that. And the reason that I -- that
9 I had them do that, is that I didn't want them to think that
10 we were providing something that we had -- you know, we were
11 using special ammunition or special belts or anything like
12 that. So, I had them provide all of that and bring that
13 themselves.

14 We had made the arrangements within a four to six
15 week period prior to the test firing date, that was all made
16 during that period.

17 Q. And I'm sorry, did you mention that Officer Vasquez was
18 present?

19 A. Yes, he was.

20 Q. Okay. Did you all go out to the Lexington County range
21 that day to have the test fire?

22 A. Yes, we did. We first met at my office, we spent
23 approximately 20 minutes at my office, and then went to the
24 range.

25 Q. Did at some point when you reached the range, did you have

1 a disagreement with the defendant and his party?

2 A. Yes, I did.

3 Q. And what was that disagreement about?

4 A. We arrived at the range -- when we got to the range,
5 the -- actually the Lexington County SWAT team was there. I
6 had reserved the range. That's a range that -- I'm the
7 firearms instructor in my office. I have use of that range
8 through an arrangement with the Lexington County Sheriff's
9 Department to take my guys out there and do our quarterly
10 qualification.

11 I had called in advance and reserved a range for
12 that day to do our test fire. When we went out to the range,
13 the Lexington County Sheriff's Department was out there, their
14 SWAT team, and they were practicing for an event that was
15 coming up.

16 There was another individual out there who was the
17 the range officer, I'm assuming, for Lexington County, and I
18 spoke with him. We discussed the issue of the scheduling
19 conflict, and him and I decided to go down range and see if we
20 could find a place where we could shoot these weapons, where
21 the SWAT team would be out of our way and we would be out of
22 their way, so there was no cross fire and chance of anybody
23 getting shot.

24 I informed the party -- my party, and Mr. Wrenn's
25 party stayed up by the cars. I informed them that we were

1 going down to do that. We went down, we found a place that we
2 felt was safe. We came back to the party to speak to the
3 party about how we were going to go ahead and proceed with the
4 test fire.

5 At that point when I came back, I noticed that both
6 Mr. Truslow and Mr. Neal appeared to have video cameras around
7 their necks.

8 Q. Did that concern you?

9 A. Yes, it did.

10 Q. Why did it concern you?

11 A. There had been -- again, as I had said, there had been
12 four to six weeks of arrangement prior to us going out there
13 to do this test fire, at no time was any mention of any
14 videotaping ever stated or requested.

15 If that had of happened, I would have informed
16 Ms. McGregor or Mr. Truslow that I did not believe that we
17 should allow the videotaping, unless there were certain
18 requirements set down by the court.

19 My concern is, is that I am an ATF agent, I have
20 worked undercover in the past, I will continue to work
21 undercover in the future, I work undercover in reference to
22 gun shows and FFLs.

23 Agent Mean is out there, who is also an agent. I
24 don't know if he's worked undercover in the past, but I'm sure
25 at some point in the future he will have that opportunity to.

1 Mr. Vasquez is not a law enforcement agent, does not
2 carry a weapon, and does make decisions in reference to
3 firearms that are perceived negatively by some people.

4 My concern was that if we went out there and there
5 was videotaping, that we would have no control over what was
6 videotaped, who was videotaped, how it was videotaped, or what
7 was done with that videotape after the test fire.

8 My concern revolved around that tape maybe being put
9 on the internet, as tapes have done in the past. My concern
10 was in reference to the parties videotaping our faces, which
11 was stated later on in other court proceedings, that that was
12 what part of the intention was.

13 I did not want that to happen. And therefore when
14 they pulled out the video cameras, I told them I would not
15 allow the videotaping.

16 Q. Is it fair to say that there was a heated discussion over
17 the issue of whether or not videotaping should be allowed?

18 A. It's fair to say there was a very heated discussion over
19 whether or not videotaping was allowed.

20 Q. At some point, did you move past that disagreement and
21 move forward with the test fire?

22 A. Finally, after going back and forth, I made the statement,
23 "If you insist on the videotape, we are going to take our guns
24 and go home," basically is what I said.

25 Q. Did you leave or did you go forward with the test fire?

1 A. We went forward with the test fire.

2 Q. Now ultimately, speaking about Maxim serial number 54 and
3 55 -- individually, did serial number 54, the Maxim machine
4 gun, fire?

5 A. Do you have my report?

6 Q. Would it refresh your memory to read over your report from
7 that day?

8 A. It would. I just don't want to confuse the two serial
9 numbers of the firearms.

10 Q. I'm handing -- well, it has not been marked -- but I'm
11 going to ask you to take a look at that document and see if it
12 refreshes your memory.

13 A. Okay.

14 Q. Does that document refresh your memory as to whether or
15 not the serial number 54 Maxim fired?

16 A. Yes, it does.

17 Q. And so did serial number 54 Maxim fire on April 27th, 2004
18 during the test fire?

19 A. It did fire ammunition.

20 Q. And how did it fire?

21 A. I have in my report that it fired in a semiautomatic
22 manner.

23 Q. And Maxim serial number 55, did that fire on April 27,
24 2004?

25 A. Maxim serial number 55 was unable to fire. It was my

1 understanding that during the process of changing out the
2 trigger --

3 MR. TRUSLOW: Objection, Your Honor, this is
4 hearsay.

5 THE COURT: It sounds like he's saying what somebody
6 else told him, so that objection is sustained.

7 BY MS. MCGREGOR:

8 Q. Did the fact that serial number 54 fired in semiautomatic
9 mode and that the serial number 55 Maxim did not fire cause
10 you any concern at that time?

11 A. No, it did not.

12 Q. Why not?

13 A. The Maxim machine guns, serial numbers 54 and 55, are
14 machine guns based on several definitions. Whether or not
15 that weapon fires fully automatic, semiautomatic, or not at
16 all, makes no difference as to the determination of that
17 firearm. It still has a frame or receiver of a machine gun.
18 And then any other determinations, I would leave to the FTB to
19 explain any other determinations made on that firearm.

20 Q. Now, after the test fire of those weapons, did you gather
21 your evidence?

22 A. Yes, I did.

23 Q. And where did you take that evidence?

24 A. Took that evidence back to the Columbia field office.

25 Q. And what happened once you reached the Columbia field

1 office with the evidence that you had taken out on April 27th,
2 2004?

3 A. While we are at the range, the weapons were disassembled.
4 When we were leaving the range, we placed the weapons in the
5 vehicle disassembled, and decided we would just go ahead and
6 reassemble them back in the office.

7 When we got back to the office -- it was either
8 taking them out of the vehicle or once we got them up to the
9 office, I noticed that one of the components -- well, I say
10 I -- it could have been Agent Vasquez. I would probably say
11 we both noticed that one of the firearms was missing the
12 trigger bar that was associated with that firearm.

13 Q. Okay. Now, were you ultimately ever able to locate the
14 trigger bar?

15 A. No, I was not.

16 Q. Did you go back out to the range to look for it?

17 A. Yes, I did.

18 Q. Now, whose responsibility was it, Agent Baldwin, to keep
19 track of that evidence?

20 A. That's my responsibility.

21 Q. At some point in time was there a second test fire?

22 A. Yes, there was. There was a request for a second test
23 fire.

24 Q. And once again, who is responsible for setting up that
25 test fire?

1 A. Again, that was me that was responsible for setting up
2 that test fire.

3 Q. And where did you set it up?

4 A. This time I arranged for it to be conducted in Edgefield
5 County, at the Edgefield County Correctional Facility, at
6 their gun range.

7 Q. And why did you choose Edgefield County Correctional
8 Facility?

9 A. There was -- I had received information prior to that that
10 Mr. Wrenn --

11 Q. I don't want you to use --

12 A. Okay.

13 Q. I don't want you to say any hearsay.

14 A. Okay. It was my belief that there may be an attempt to
15 videotape that test fire outside of the purview or the
16 agreement that was agreed upon between our side, the defense,
17 and the court.

18 Prior to us going out there, we had requested the
19 court to make certain stipulations or certain guidelines we
20 would follow in reference to that videotaping. Again, the
21 concerns were still the same as they were through the first
22 videotaping -- through the first attempt to videotape.

23 It was my belief that there may be an attempt to
24 videotape that outside of the purview of the court, therefore
25 I knew that there is a -- there was a federal law passed that

1 states that it's against the law to videotape federal
2 employees on federal property without their knowledge.

3 It was my determination that if someone wanted to go
4 ahead and attempt to videotape that, in doing so they would be
5 committing a federal crime, and if I could ever determine who
6 videotaped it, I would have a prosecution avenue to go at them
7 with.

8 Q. Now, who was present at the February 2005 test fire,
9 Special Agent Baldwin?

10 A. It was myself, you, I believe Richard Brown was the agent
11 that was there, but there was another ATF agent, Mr. Truslow,
12 Mr. Wrenn, and Mr. Savage,

13 Q. Was Mr. Vasquez present for that --

14 A. Did I not say Mr. Vasquez? Mr. Vasquez came down as well,
15 and he was there for that as well.

16 Q. Now, did you or Officer Vasquez actively participate in
17 the test fire on February 16th of 2005?

18 A. No, we did not. The only thing that we -- that I did was
19 provide the evidence, and then take the evidence back from the
20 range.

21 Q. And was that different from what had occurred in the April
22 before?

23 A. Yes, it was.

24 Q. You said you were responsible for bringing the evidence on
25 February 16th, and were you responsible for gathering it up

1 and taking it back to the office?

2 A. Yes, I was.

3 Q. And did you do that?

4 A. Yes, I did.

5 Q. Did you have any problems that day with any evidence
6 missing?

7 A. No, I did not.

8 Q. And where did you put the evidence once you were done with
9 the test fire on February 16th?

10 A. The ATF evidence vault in Columbia.

11 Q. And has that evidence that was test fired or used in those
12 test fires on those two days been in your custody and control
13 since that time?

14 A. Again, I don't think after the test fire anything was sent
15 to FTB, I would have to look at the evidence tags for that.
16 But if there was anything, it would either be something being
17 sent to FTB, something in transit, or something being viewed
18 in our office by the defense team.

19 Q. I'm going back to Government's Exhibit 20, the A and D
20 book, I'm calling your attention to an entry regarding October
21 20th of 2003.

22 A. Okay.

23 Q. Do you see an entry related to Cobb Hill Firearms or Peter
24 Prendergast?

25 A. I do. I see something in relation -- in reference to Cobb

1 Hill Firearms.

2 Q. Does that entry document that Mr. Wrenn sent Peter
3 Prendergast a SAW conversion on or about October 20th of 2003?

4 A. It did. It lists the -- well, it does not list the -- it
5 does not state that he sent the SAW, it states that he sent
6 the M-11.

7 Q. Okay.

8 A. There is no reference in any of this documentation as to
9 the SAWs or RPDs, it's all in reference to the M-11s.

10 Q. So, in those entries in the A and D book, if you were to
11 look at it, you would not know that a SAW was attached to that
12 M-11?

13 A. No, there is -- from looking at this, there is absolutely
14 no way of knowing that.

15 Q. Okay. I would ask you to flip that A and D book over, and
16 I would call your attention to an entry regarding Mr. Thomas
17 Claggett.

18 A. Yes.

19 Q. And his M-11.

20 A. Yes.

21 Q. And what is the on or about received date, and the date
22 that Mr. Wrenn sent that item out?

23 A. It shows the M-11 -- the SWD M-11 entering the store on
24 10-20-03, it references it by serial number. It has "Thomas
25 Claggett" written down there, and it has his address. It has

1 the disposition date as December 19th, 2003, and it has RTO on
2 the side.

3 Q. And I think you said the receipt date -- so, the date that
4 Mr. Claggett, on or about, sent that item to Mr. Wrenn was
5 October 20th of 2003?

6 A. Well, that may not be the date that he sent it, but that's
7 the date that he received it.

8 Q. But it was sent from Mr. Claggett to Mr. Wrenn?

9 A. It was -- it was sent from Mr. Claggett to Mr. Wrenn.

10 MS. MCGREGOR: Beg the court's indulgence.

11 BY MS. MCGREGOR:

12 Q. Special Agent Baldwin, I think you will be glad to hear
13 that we are almost done, I just have a couple of more
14 questions.

15 A. Sure.

16 Q. Going back to the April 27th, 2004 test fire, you
17 testified to the jury that once you realized the trigger bar
18 was missing, you did try and go back out and look for it?

19 A. That's correct.

20 Q. Did you also try and contact anybody at that time about
21 the lost trigger bar?

22 A. I contacted you.

23 Q. And what did you do as a result of your conversation with
24 me?

25 A. I attempted to contact Mr. Len Savage. I left a message

1 for him that night, and then received a phone call from him
2 the following morning.

3 Q. Okay. And why were you contacting Mr. Savage?

4 A. I was -- when we went out to the range, their defense team
5 had brought a number of trigger bars with them in order to --
6 I am assuming to use with the weapons as well, to see if --
7 I'm assuming -- well, they brought a number of trigger bars
8 out for the Maxims as well.

9 While we are at the range, when we were leaving,
10 Mr. Savage and Mr. Vasquez were going through the process of
11 saying whose trigger bar was whose. Based on the fact they
12 had brought other trigger bars out, and based on the fact that
13 I know that there was some discussion as to whose was whose, I
14 called Mr. Savage. I was under the impression that Mr. Savage
15 had brought those trigger bars to the defense to bring them
16 out to the range to utilize.

17 Q. So, you just wanted to check, since he had been handling
18 those items?

19 A. I wanted to make sure that he didn't have an extra trigger
20 bar in what I thought was his group of trigger bars.

21 Q. And ultimately, you take responsibility for the trigger
22 bar being missing?

23 A. Ultimately it is definitely my fault, there is no one else
24 to blame.

25 Q. Now, Special Agent Baldwin, you have been in the courtroom

1 during the testimony of all of these witnesses, have you not?

2 A. Yes, I have.

3 Q. And I believe you were present for the testimony of

4 Mr. Gerald Prasser?

5 A. Yes, I have.

6 Q. And there was testimony about him asking Mr. Wrenn for a
7 refund, and I believe a discussion about him asking Mr. Wrenn

8 for some RPD kits?

9 A. Correct.

10 Q. Okay. At that time, Mr. Prasser testified that Mr. Wrenn
11 had told him --

12 MR. TRUSLOW: Objection to the form and leading.

13 MS. MCGREGOR: Your Honor, I can rephrase.

14 THE COURT: All right, rephrase it.

15 BY MS. MCGREGOR:

16 Q. Are you aware in your participation in this case, Special
17 Agent Baldwin, has ATF ever seized any RPD kits during its
18 search warrants for Mr. Wrenn?

19 A. In the photos there are numerous RPD kits shown inside
20 those trailers. We seized none of those kits. No one from
21 ATF -- because the people that would have, from ATF, would be
22 from my office. Those kits were not seized -- specifically
23 were not taken because those kits did not retain -- did not
24 contain the receiver, which is in and of itself the restricted
25 part. So, we left all of those kits there.

1 Q. Were you present during the testimony of Mr. Dennis
2 Coffren in which he relayed that he had a discussion with
3 Mr. Wrenn about a refund, but that Mr. Wrenn's assets had been
4 frozen, do you remember that testimony?

5 A. I remember that testimony.

6 Q. As the agent assigned to this case, are you aware of
7 whether or not ATF or this court has ever frozen the assets of
8 Mr. Wrenn?

9 A. The ATF nor this court has seized assets of Mr. Wrenn in
10 reference to this case.

11 Q. Finally, Special Agent Baldwin, in the investigation of
12 this case, did you deviate in any way from any of the
13 practices or policies that you would use in any other case
14 that you were investigating?

15 A. No, I did not.

16 Q. Special Agent Baldwin, I think that's all the questions I
17 have for you at this time.

18 A. Thank you.

19 MS. MCGREGOR: I would ask you to answer any
20 questions of Mr. Truslow.

21 THE COURT: All right, at this time we are going to
22 take a short recess, and then we will come back.

23 (Jury not present)

24 THE COURT: All right, Mr. Truslow, how much time do
25 you need?

1 MR. TRUSLOW: About -- I would say at least 15
2 minutes to get these things -- what I need to do is get the
3 exhibits put together, and there are 84 of them, and it might
4 take me -- I say a minimum of 15 minutes.

5 THE COURT: Okay.

6 MR. TRUSLOW: Your Honor, one thing. I had
7 prepared -- ahead of time I prepared a motion for judgment of
8 at acquittal pursuant to Rule 29. I have already given
9 Mr. Gasser a copy, and I was going to provide a copy to the
10 court now or --

11 THE COURT: You can hand it up now.

12 MR. TRUSLOW: All right. Your Honor, I'm not
13 through with it because I didn't know what all the evidence
14 was going to be when I prepared this, but it is as close as
15 what I, you know, anticipated would be presented.

16 THE COURT: All right, thank you.

17 (Short recess)

18 THE COURT: All right, Mr. Truslow, do we have
19 everything together? Do you have all the exhibits together?

20 MR. TRUSLOW: I think I -- I appreciate giving us so
21 much time, Your Honor, it allowed me to lay them out, and I
22 think it will allow us to go a lot faster.

23 THE COURT: All right.

24 MR. TRUSLOW: But depending on how late you want to
25 go tonight -- I mean, they have been going since early this

1 morning, I don't know if we are going to finish this
2 afternoon.

3 THE COURT: We will try.

4 MR. TRUSLOW: But I will try real hard.

5 THE COURT: Okay.

6 Mr. Truslow: And I think what you allowed, giving
7 us the extra time, will make this go a lot faster, because I
8 have lined up everything like I need it.

9 THE COURT: Okay, great. You can bring the jury in.

10 (Jury present)

11 THE COURT: Mr. Truslow, you may cross-examine.

12 MR. TRUSLOW: Thank you.

13 CROSS EXAMINATION

14 BY MR. TRUSLOW:

15 Q. Mr. Baldwin, I have got seven basic areas to cover with
16 you, but before I do, I want to start with what is called the
17 green book. Do you have it before you?

18 A. Yes, I do.

19 Q. Tell the jury what the exhibit number is, please.

20 A. Government's Exhibit 8.

21 Q. All right. Now, did you indicate to the jury that you
22 just can't go in and search a person's business if they have a
23 federal firearms license? What was it that you said, if you
24 could explain that?

25 A. I said as a criminal investigator, I do not have the

1 authority to walk into a business without a search warrant or
2 consent and to just search, if I am attempting to investigate
3 criminal charges on that FFL order.

4 Q. Let me ask you this, are you an ATF officer or employee?

5 A. Well, I'm an ATF special agent.

6 Q. Does that mean you are an officer or employee of ATF?

7 A. I don't -- I mean, I would imagine I would fall under
8 that, but I don't know. I don't know how that is being used
9 in reference.

10 Q. Are you an employee of the Bureau of Alcohol, Tobacco, and
11 Firearms?

12 A. Yes, I am.

13 Q. Are you duly authorized to perform any function relating
14 to the enforcement of the green book?

15 A. I guess that's going to depend. If you are referencing
16 that in terms of inspectors, how they enforce the regulations,
17 then no I would not.

18 Q. I want you to read section -- I have already tagged the
19 page -- I want you to turn to page 79 of Exhibit 8, and I want
20 you to look at Section 179.22.

21 A. Okay.

22 Q. Tell me when you had a chance to -- well, it's already in
23 evidence. How about just read that to the jury, please?

24 A. Well --

25 Q. Read it out loud.

1 A. Okay, I will. I would first read at the top where it says
2 "subpart C, administrative and miscellaneous" --

3 Q. 179. --

4 A. I am. And 179.C falls under the administrative and
5 miscellaneous provisions.

6 Q. Oh, I'm sorry. I'm sorry, I may be confused here. Go
7 back to page 77 where it starts, 179.1. What is part 179,
8 what is the first word?

9 A. "General."

10 MR. TRUSLOW: If I can approach the witness?

11 A. Are you talking about right there, 179.1?

12 BY MR. TRUSLOW:

13 Q. Right after -- at the very top, where it says 179 at the
14 very top where the title is.

15 A. It says, "Machine guns, destructive devices, and certain
16 other firearms."

17 Q. And do you enforce provisions relating to that?

18 A. It depends. If you are referencing administrative
19 provisions, no, I do not. If you are referencing criminal
20 enforcement of those actions, yes, I do.

21 Q. Does that section specifically, under 179.11, does it
22 define a frame or a receiver of a machine gun?

23 A. 179.11?

24 Q. Yes, sir. It will be on page 79, it will be the -- one,
25 two, three, four -- fifth item down. Does it define -- well,

1 the second item down, it defines frame or receiver, does it
2 not?

3 A. Yes, it does.

4 Q. And then the fifth item down defines machine gun?

5 A. Yes, it does.

6 Q. Now, go -- and that's in -- it goes from 179.11, and then
7 the next section is administrative and miscellaneous
8 provisions, correct?

9 A. Administrative and miscellaneous provisions.

10 Q. All right. Will you read to the jury 179.22?

11 A. Yes, I will. "Right of entry" --

12 Q. If you will read it out loud, please.

13 A. Yes, sir. "Right of entry and examination. Any ATF
14 officer, employee of the Bureau of Alcohol, Tobacco, and
15 Firearms duly authorized to perform any function relating to
16 the administration or enforcement of this part may enter
17 during business hours, the premises, including places of
18 storage, of any importer or manufacturer of or dealer of
19 firearms, to examine any books, papers, or records required to
20 keep pursuant to this part, and any firearm kept by such
21 importer, manufacturer, or dealer on such premises and may
22 require the production of any books, papers, or records
23 necessary to determine any liability of for tax under 26 USC
24 Chapter 53, or the observance of 26 USC Chapter 53 and this
25 part."

1 Q. Now, at the time, were you employed by the Department of
2 Treasury?

3 A. In 2002, I believe we were still the Department of
4 Treasury.

5 Q. All right. And the Department of Treasury, it has --
6 it's basically the IRS?

7 A. No, it's not basically the IRS.

8 Q. Is it part of the Internal Revenue Service?

9 A. No, it is not part of the Internal Revenue Service.

10 Q. Is the Internal Revenue Service part of the Department of
11 Treasury?

12 A. I guess you would have to ask someone who works for the
13 Internal Revenue Service. I don't know what department they
14 fall under, no, I do not.

15 Q. But you admit that you are an officer and employee of the
16 Bureau of ATF?

17 A. I am an employee of ATF, that is correct.

18 Q. Okay. Do you enforce the criminal laws of ATF?

19 A. I enforce -- my job as a criminal investigator is to
20 gather evidence in reference to people violating or not
21 violating violations of criminal code.

22 Q. Okay. Now, let me go on to something else. I want to
23 talk first about Maxims, and I want to put a time line on
24 this, okay?

25 A. Are we done with this?

- 1 Q. Yes, sir.
- 2 A. Okay.
- 3 Q. I want to refer you back to June of 2002.
- 4 A. Okay.
- 5 Q. Actually, I want to go back to the first of the year, all
6 right?
- 7 A. Of January of 2002?
- 8 Q. Yes.
- 9 A. Okay.
- 10 Q. Based on your investigation, you were aware that Cole's had
11 brought certain items into the United States, correct?
- 12 A. That's incorrect.
- 13 Q. That's incorrect? Cole's did not import anything into the
14 United States?
- 15 A. No, that's incorrect. In January of 2002, I had no idea
16 what was involved with Cole's.
- 17 Q. Did you receive a collateral?
- 18 A. I did receive a collateral.
- 19 Q. Did ATF already then have a matter under investigation in
20 January of '02?
- 21 A. I have no --
- 22 Q. I'm not talking about Lee Baldwin, I'm talking about ATF.
- 23 A. I don't know the dates as to when ATF started their
24 investigation in reference to Cole's, I don't know.
- 25 Q. Okay. But in any event, you got what is called a

1 collateral, a request in -- somewhere around June 17th, 18th,
2 thereabouts?

3 A. If it's dated -- I believe it's dated June 17th. The day
4 I received it, it would be the 17th, the 18th or the 19th.

5 Q. Okay. And just for a little bit of bookkeeping, tell the
6 jury, if you will, the telephone number for ATF here in
7 Columbia.

8 A. 803-765-5723 is the main number.

9 Q. All right. Any other numbers?

10 A. Well, there's a lot of numbers.

11 Q. Okay. If you can -- I don't want to give you a hard time,
12 but I want to know what the numbers are --

13 A. Do you want every number that I know?

14 Q. Yes.

15 A. Industry operations, 803-765-5722. My direct line,
16 803-765-5724. Agent Al Taylor's direct line, 803-765-5726.
17 Agent Ed Dabkowski's direct line, 803-76 --

18 MS. MCGREGOR: I would object at this time to
19 relevancy.

20 MR. TRUSLOW: Your Honor, this is going to go to the
21 issue of intent, and whether my client called them to ask
22 about this item or whether they called him.

23 THE COURT: Do you have a specific number that you
24 are looking for, Mr. Truslow?

25 MR. TRUSLOW: There are several numbers, Your Honor,

1 we got the phone records.

2 THE COURT: Well, why don't you ask him if he
3 recognizes any of those numbers, because he may know 30
4 numbers and that may not even be relevant.

5 BY MR. TRUSLOW:

6 Q. The telephone numbers that were used in June of 2002, do
7 you recall what those -- what those telephone numbers were?

8 A. I don't know everyone's direct --

9 THE COURT: One second. Do you want him to list
10 every telephone number used by ATF in June?

11 MR. TRUSLOW: No, I will -- I can --

12 THE COURT: Why don't you ask him if he knows a
13 specific number if you have one in mind.

14 MR. TRUSLOW: All right.

15 BY MR. TRUSLOW:

16 Q. To speed it up, I'm going to get -- is the number
17 765-5730, is that Ed Dabkowski's number?

18 A. That would be Ed Dabkowski's direct line; that is correct.

19 Q. And he's employed by ATF?

20 A. He's a special agent with ATF.

21 Q. All right, a special agent. And regulatory for ATF would
22 be 765-5722?

23 A. Yes, it would.

24 Q. And another number is 765-5723; is that correct?

25 A. That would be the main number.

1 Q. So, it ought to be a simple matter to see whether or not
2 you called my client in June or he called you in June to ask
3 about Maxims; would you agree with that?

4 A. Are you asking if I called your client in June?

5 Q. I'm asking -- we ought to be able to look at telephone --
6 his telephone records, and see whether or not there were calls
7 made to ATF between June 17th and June 20th.

8 A. I would have -- I mean, I don't know, I would have to see
9 the phone records.

10 Q. Okay. All right. In any event, you and Mr. Wrenn had a
11 conversation somewhere around the 19th; is that correct?

12 A. We had a conversation on the 19th.

13 Q. And do you recall whether he called you or you called him,
14 or would the telephone records show?

15 A. I called him.

16 Q. Okay. And the result of that -- at that point in time,
17 you were just there to pick up some items; is that correct?

18 A. No, that's not correct.

19 Q. Did you know precisely what you were going to pick up?

20 A. I was told that I was to pick up Maxim parts kits.

21 Q. All right, parts kits. And were you supposed to pick up
22 just parts and pieces, or were you supposed to pick up the
23 whole thing?

24 A. I was supposed to pick up the Maxim parts kits.

25 Q. So, that would mean the whole thing?

1 A. Well, my understanding is -- I have no idea what comprises
2 a Maxim parts kit. There's reference in the collateral that
3 tells me that that could have a right side plate, it might not
4 have a right side plate, might be a right side plate all of
5 its own. I have no idea what is in the Maxim parts kits.

6 Q. Well, would you agree that one of the focuses of this
7 collateral, or the matter that was referred to you, was
8 relating to importation?

9 A. There was reference to importation in reference to the
10 case with Cole; that is correct.

11 Q. So, if something was illegally imported, for whatever
12 reason, or determined to have been wrongfully imported, your
13 job was to pick up the entire kits?

14 A. Well, my job wasn't to pick up the entire kits based
15 solely on the illegal importation --

16 Q. But you --

17 A. -- my job was to pick up the Maxim parts kits --

18 MS. MCGREGOR: Your Honor, I object to him
19 interrupting the witness.

20 MR TRUSLOW: I did, and I apologize.

21 A. I was requested to pick up the Maxim parts kits. The
22 collateral instructed me to pick up the Maxim parts kits. It
23 did not inform me what was inside of the Maxim parts kits.

24 Q. All right. I understand. Tell the jury whether or not
25 you ever picked up the parts kits, or did you just pick up

1 parts of the parts kits?

2 A. When I first went down there on the 20th, I asked
3 Mr. Wrenn for the Maxim parts kits. He presented me with the
4 box of the cut up left side plates. I asked him what that
5 was. He stated to me that that was the left side plates. I
6 asked him for the right side plates. He told me he had cut
7 them up and thrown them in the garbage.

8 I asked him that on several occasions, he confirmed
9 that each time. I asked him -- he stated to me that he had
10 sent -- made one prototype semiautomatic weapon -- rifle, and
11 sent it to FTB.

12 MR. TRUSLOW: Your Honor, I don't think that is
13 responsive to my question, it goes beyond -- I asked him
14 simply did he pick up the parts kits.

15 THE COURT: He can answer your question, and then he
16 can explain his answer, so --

17 MR. TRUSLOW: All right, I understand, I'm trying to
18 move forward.

19 THE WITNESS: Can I continue?

20 THE COURT: Yes, you may continue.

21 BY MR. TRUSLOW:

22 Q. Certainly.

23 A. Okay. He stated that he had made one semiautomatic
24 prototype that he had sent to FTB for determination, utilizing
25 the parts kit. He then -- I then asked him if he had any

1 other parts. He stated to me that he sold the other --
2 everything else.

3 So, he stated to me that this was all he had. The
4 box he handed me with the cut up left side plates was all he
5 had left of the Maxim parts kits.

6 Q. On the 28th, would you admit that you went to Mr. Wrenn's
7 business on June 28th, 2002?

8 A. Would I admit that I went to his business?

9 Q. Yes.

10 A. Yes, I did.

11 Q. Did you pick up all the parts kits then?

12 A. I picked up everything that I knew that was associated
13 with the parts kits, that I knew that was in his store that
14 they gave me consent to take.

15 Q. Okay. Did you pick up -- do you know that you picked up
16 all the parts, or did you just pick up pieces of what was
17 there?

18 A. When I left the manufacturing on June 28th, it was my
19 belief that I had everything that was associated with the
20 parts kits.

21 Q. Okay.

22 A. The --

23 Q. All right. Now, would you -- you can look down here at
24 Exhibit 11 A and see that you took this from Mr. Wrenn's
25 business on the -- I think on the 28th. And looking at 85,

1 you picked up this from Mr. Wrenn's business; is that correct?

2 A. That is correct.

3 Q. And if we look in Exhibit 11 A, you took these items,
4 correct?

5 A. Those items are in Exhibit 11 A and, yes, they were taken.

6 Q. You picked up this?

7 A. That's correct, that was in the box.

8 Q. And tell the jury -- this a trigger bar, isn't it?

9 A. To my understanding, that is a trigger bar.

10 Q. A trigger bar. One trigger bar you picked up?

11 A. I picked up that box that contained one trigger bar.

12 Q. And these are the only other items that you picked up?

13 A. I have not inventoried -- I couldn't tell you what the
14 inventory of the box is. I mean, if that's what's in the box,
15 then that is what you are pulling out of the box.

16 Q. If you don't take my word for it, come down --

17 A. No, I'm not saying I don't take your word for it. I'm
18 just saying, I don't know if you have something else in the
19 box that you have not produced.

20 Q. And then we go to Exhibit 85, and that has the plates?

21 A. Correct, that is the right side plates.

22 Q. Well, if you look at this, 85, it's missing a piece of
23 metal out of the middle, isn't it?

24 A. There is not a piece of metal in the middle, that's
25 correct.

1 Q. It's been cut out, hasn't it?

2 A. I couldn't tell you whether it's been cut out or whether
3 it wasn't there or whether it's been torched out, I mean, I
4 don't know.

5 Q. But you can look at this and see it's not a solid plate
6 like Exhibit 10 C?

7 A. That's correct, it is not the same as what is on Exhibit
8 10 C.

9 Q. So, a piece is cut out, correct?

10 A. Okay, correct.

11 Q. And we can compare that, for example, to 10 C, and the
12 jury can see that the right side plate is cut out, can't they?

13 A. Yes, sir, they can see on 10 C that the right side plate
14 is cut out.

15 Q. This one has a solid side plate, correct?

16 A. That's correct, it appears to be solid.

17 Q. So, we can look at what you see from Mr. Wrenn's place of
18 business and see that part of what would have been a right
19 side plate or a left side plate has been cut?

20 MS. MCGREGOR: I would object, I think he's asked
21 that question three times now, and I think --

22 MR. TRUSLOW: I will go on.

23 THE COURT: Objection sustained.

24 MR. TRUSLOW: I will go on to the rest.

25 BY MR. TRUSLOW:

- 1 Q. Are any of these in here not already cut? Come look,
2 please. If you could come down and look and tell the jury if
3 there is a single one of them that hasn't been cut, that is a
4 solid right side plate?
- 5 A. They all appear to be cut.
- 6 Q. Now, if you would, please, count those for the jury and
7 tell them how many there are.
- 8 A. There are seven.
- 9 Q. Seven. And there were two prototype units?
- 10 A. Correct.
- 11 Q. 54 and 55?
- 12 A. Correct.
- 13 Q. And then there was 432 that was sent to FTB on February
14 19th, 2002, correct?
- 15 A. I'm not sure if that's the date, but I know there was one
16 sent to --
- 17 Q. So, you can look at every single one of these -- these are
18 right side plates, demilled side plates?
- 19 A. You are asking me if they are right side plates?
- 20 Q. Or do you know?
- 21 A. I'm not a technical person.
- 22 Q. Okay.
- 23 A. I know Mr. Wrenn told me they were right side plates.
- 24 Q. Well, those are destroyed, aren't they?
- 25 A. No, apparently not.

1 Q. They don't have -- they have got some cuts -- somebody has
2 come in and cut it, haven't they?

3 A. Well, in order to destroy them --

4 Q. Have they cut it?

5 A. Well, you asked me two questions there, sir.

6 Q. Okay, I will ask you that one question first --

7 MS. MCGREGOR: Your Honor --

8 THE COURT: One second. Mr. Truslow, please give
9 him a chance to answer. You are asking repeated questions,
10 and he does not have an opportunity to answer your questions.
11 You need to slow down and let him answer your questions.

12 MR. TRUSLOW: I apologize.

13 THE WITNESS: You asked me if they were destroyed.
14 And my response to that would be, in reference to ATF, they
15 are destroyed if they are demilled properly. From what I know
16 of the demilling procedure, these are not demilled properly,
17 so therefore they would not be destroyed.

18 THE COURT: May the witness take the stand?

19 MR. TRUSLOW: Can I ask him about one other thing?

20 THE COURT: All right.

21 BY MR. TRUSLOW:

22 Q. In looking also at part of Exhibit 85, can you see the
23 piece of metal that has been welded onto the back, and those
24 were seized?

25 A. It's stuck on the back. I don't know how it's stuck on

1 the back, I'm not a welder. But they apparently appear to be
2 two pieces of metal that are stuck together.

3 Q. All right. Thank you.

4 A. Take a seat?

5 Q. You can take a seat.

6 A. Thank you, sir.

7 Q. All right, would you agree with me that there is a
8 procedure for demilling of certain items that have been
9 imported?

10 A. Well, now you are asking me to again comment as if I were
11 involved with FTB. To my understanding, there is a procedure
12 in place for demilling firearms, but what that procedure is or
13 if that procedure exists, I do not know.

14 Q. Do you know if there is a published report by ATF on how
15 to demill right side plates?

16 A. I believe Mr. Vasquez would be able to answer that
17 question. I do not.

18 Q. In fairness to you, you wouldn't be capable of answering
19 that?

20 A. No, I would not.

21 Q. So, you wouldn't know -- would it be fair to say that you
22 don't -- that's a good idea, I think both of us may need that.
23 Thank you.

24 A. You're welcome.

25 Q. Would you agree with me that when you went to Mr. Wrenn's

1 place of business on June 20th, 2002, and again on June 28th,
2 you really didn't know what the definition of a demilled right
3 side plate was?

4 A. Oh, I would say that's a fair assessment. I didn't know
5 what a right side plate was, much less a demilled right side
6 plate.

7 Q. So, you wouldn't know what a left side plate was or a
8 right side plate?

9 A. That's absolutely correct.

10 Q. Okay. Did you know you couldn't operate a Maxim machine
11 gun with a demilled right side plate?

12 A. I have no clue.

13 Q. All right. If you don't know, you don't know.

14 A. I don't know.

15 Q. So, when you went to see Mr. Wrenn, you knew that he was a
16 manufacturer?

17 A. You know, when I went to see Mr. Wrenn, I don't believe I
18 did know that he was a manufacturer. On the 20th he told me
19 he was a manufacturer.

20 Q. Okay.

21 A. But I didn't pull his licenses or anything to see. I knew
22 he was an FFL, I don't believe I knew he was a manufacturer at
23 that time.

24 Q. You knew he had a license?

25 A. I knew he had a federal firearms license to sell firearms,

1 that's correct.

2 Q. Did you know -- if you knew -- whether Maxim parts kits
3 were readily available, could be sold commercially at the
4 time, absent a right side plate?

5 A. Prior to receiving the collateral, I don't know what a
6 Maxim is. I don't know anything about it.

7 Q. All right. So, you didn't know anything at all about
8 Maxims at that time?

9 A. I had absolutely no idea what -- anything about Maxims.

10 Q. Okay. In your discussions with Mr. Wrenn, did it appear
11 to you that he understood what a Maxim was?

12 A. In my discussions with Mr. Wrenn, it appeared to me that
13 he understood what a Maxim parts kits was that he received.

14 Q. All right. And today, in November of 2005, Maxim parts
15 kits are still available for sale, aren't they?

16 A. I have no idea.

17 Q. You didn't look into that for this case?

18 A. Did I look into whether Maxim parts kits were available?

19 Q. Yes.

20 A. No, my case deals with those 10 Maxim kits, and the
21 legality of those 10 Maxim kits.

22 Q. In 2003, do you know whether or not Maxim kits were for
23 sale? Any of us could buy it without restriction?

24 A. I have no idea.

25 Q. Okay. Do you recall Mr. Wrenn showing you a Shotgun News

1 article?

2 A. There is a copy of a Shotgun News article that he sent
3 me -- or I say it's a Shotgun News article -- there's an
4 article that he sent me in reference to the documents he sent
5 me on July 5th, 2002; that it contains a parts kit
6 advertisement.

7 Q. I want to show you what's been marked for identification
8 as Defendant's Exhibit 13, dated April 12th, 2002 --

9 A. Okay.

10 Q. -- and ask you if that will refresh your memory as to
11 whether Maxim parts kits were available for sale at that time?

12 A. And this is a -- I'm assuming it's a Shotgun News, I don't
13 see a cover on it. But, yeah, from J&T Distributing.

14 Q. And they were available --

15 MS. MCGREGOR: Well, Your Honor, I would object. I
16 think the question was, did that refresh his memory as to
17 whether or not he knew they were available, it doesn't mean we
18 can talk about whether or not they were.

19 THE COURT: Or read from that -- I mean, you are
20 refreshing his memory with that?

21 MR. TRUSLOW: Yes.

22 THE COURT: And you may reask the question then.

23 A. So, are you asking me if this refreshes my memory as to
24 whether I knew Maxim parts kits were available on April 12th,
25 2002?

1 BY MR. TRUSLOW:

2 Q. No, whether you know now?

3 MS. MCGREGOR: I object, Your Honor.

4 BY MR. TRUSLOW:

5 Q. Whether you knew then?

6 THE COURT: Well, I don't think it matters whether
7 he knows now, I think the issue is whether he knew then.

8 MR. TRUSLOW: Okay.

9 BY MR. TRUSLOW:

10 Q. Let me try to cut to the chase --

11 A. Okay.

12 Q. -- on the issue of Maxims. As of June 20th and 28th, you
13 knew very little about the technical aspects of a Maxim?

14 A. I would probably say it's fair to say that I knew nothing
15 about the technical aspects of a Maxim.

16 Q. All right. Now, putting that in perspective. When you
17 went to Mr. Wrenn's place of business on the 20th, he knew you
18 were coming; is that correct?

19 A. He did. We spoke on the 19th, and I told him I was coming
20 the following day.

21 Q. And you came in a Mustang. Is that a government issued
22 car or your own car? What is it?

23 A. Yeah -- I'm pretty sure it was a Mustang. Like you said,
24 I don't think it was the Explorer, because I don't think I had
25 the Explorer by that time. So, I think it's fair to say I

1 came in the Mustang, and it is a government issue vehicle.

2 Q. Okay. And you would agree with me that a Mustang wouldn't
3 be big enough to hold 10 parts kits or 20 -- 16 to 20 parts
4 kits, would you?

5 A. Well, are you asking me if I know that today, or if I knew
6 that on the 20th of -- June 20th of 2002?

7 Q. First, if you know it today?

8 A. Well, since I have never really seen a complete Maxim
9 parts kits to this day, I would say I don't know. If you
10 asked me to assume, based on looking at the Maxim itself and
11 if that were to constitutes the parts kit, I would say it
12 would be tough to fit 10 of those into a Mustang, and it
13 probably wouldn't be possible.

14 Q. All right.

15 A. On June the 20th, 2002, I have no idea.

16 Q. Okay. All right. In that context, you met with Mr. Wrenn
17 in his -- in Poor Man's; is that correct?

18 A. That is correct.

19 Q. Would you agree with me that there were customers there at
20 the time?

21 A. I recall Ski and -- Mr. Lizbartski and Paul Toole going
22 back and forth from the counter. Now, my back -- I was
23 talking to Mr. Wrenn, he was behind the counter, I was talking
24 to him. I don't know if people came in and out. I assume
25 that they did because of the manner that Mr. Lizbartski and

1 Mr. Toole were reacting and walking back and forth.

2 I believe when I first walked in, I believe there
3 was at least one customer in the building, but --

4 Q. At that time, were you wearing a coat and tie like you are
5 now?

6 A. No, I was not.

7 Q. Tell the jury what you were wearing.

8 A. Jeans and a T-shirt.

9 Q. Did the T-shirt have any identification on it?

10 A. No, it did not.

11 Q. Did you have a gun?

12 A. I carried -- at that time, I would carry my gun in my
13 fanny pack.

14 Q. And did you have a badge?

15 A. I do, I have that -- not a badge on display, but I have a
16 badge in my credentials.

17 Q. Did you show it to Mr. Wrenn?

18 A. Yeah, I showed him my credentials. I did not show him my
19 badges, I showed my credentials, as I showed Mr. Lizbartski
20 and Mr. Toole.

21 Q. All right. And then he talked to you?

22 A. Yes, we did, we talked for an extended period of time.

23 Q. Okay. And he provided you -- would you agree that the
24 conversation was not entirely pleasant?

25 A. I don't think I would agree to that.

1 Q. You thought it was very pleasant, and no raised voices or
2 anything?

3 A. I didn't raise my voice. I think what you are implying --
4 what you are getting to and what the others are implying was,
5 Mr. Wrenn presented me with something, Mr. Wrenn told me
6 something that was inconsistent with what he had told me on
7 the phone. I questioned him as to that, and I did question
8 him matter-of-factly and direct.

9 But I did not raise my voice, I did not use curse
10 words, I did not use profanity. Mr. Wrenn responded to me
11 direct, and through the course of -- in reference to the right
12 side plate discussion.

13 Q. So, you are saying it was not at all an unpleasant
14 conversation?

15 A. Are you asking me, did I feel unpleasant by the
16 conversation that took place?

17 Q. Yes.

18 A. No, I did not.

19 Q. You thought everything was satisfactory?

20 A. I don't -- I thought -- I had a weird feeling in reference
21 to what he told me. I mean, as an investigator, there are
22 certain things you focus on that would maybe raise a red flag.

23 When he presented me with that, and we started
24 talking and the things he said weren't consistent, it caused
25 me to be aware and think maybe something weird was going on.

1 But, I mean, by the time I left, I was satisfied
2 with what I had, and that Mr. Wrenn had been truthful with me.

3 Q. When you entered the store, Mr. Wrenn was not there, was
4 he?

5 A. That's correct, Mr. Wrenn was not in the store.

6 Q. He was called, and he came up from the manufacturing
7 facility?

8 A. Well, I don't know where he came from, but I know he came
9 in through the door that I come from.

10 Q. And came in with a box?

11 A. He came in with a cardboard box, that's correct.

12 Q. And that had -- he told you it was seven left side plates
13 that had been demilled; is that correct?

14 A. No, I don't think he told me -- I don't think he told me
15 the number that were in there. He handed me the box, he
16 didn't -- he didn't tell me anything. I grabbed the box, I
17 opened it up, and I asked him what it was. And he said, "It's
18 the left side plates."

19 Q. Where --

20 A. He didn't say demilled or a number.

21 Q. Where are they today?

22 A. They are in a box -- I believe the box is right down here.

23 Q. All right.

24 A. It's a small ammunition box.

25 Q. And would you -- this is Government's 48 -- no, it's not,

1 it's 84. Would you please come down, pick those up, show them
2 to the jury, and count the pieces?

3 A. You want me to pick the pieces out?

4 Q. Yes. Count the pieces first.

5 A. You just want me to pick up a piece and count it, and set
6 it on the floor; is that what --

7 Q. If you can just count them, and then I will get you to
8 pick up a couple of pieces and show the jury what they are.

9 A. There are 18.

10 Q. There are 18 pieces?

11 A. There are 18 pieces of metal in here, yes, sir.

12 Q. All right. So, if it had been cut in thirds, if the left
13 side plates had been cut in thirds on six units, that would be
14 18?

15 A. That would be correct math.

16 Q. And then three more on the prototype units, 54, 55, and
17 432. That would make nine, correct?

18 A. Correct, that would make nine.

19 Q. And then one in the parking lot would make 10?

20 A. Are you asking me if I knew that was a Maxim side plate in
21 the parking lot?

22 Q. No -- well, were you aware of what it was?

23 A. I had no idea what it was.

24 Q. Did you see anything there that looked like a side plate?

25 A. I did, that's why I took a photo of it. Unfortunately, I

1 only had limited consent to take specific items from that
2 property. I therefore went over and took those items, which
3 were directed to me by Mr. Wrenn. That was not one of the
4 items, therefore I did not feel I had the authority to take
5 it.

6 Q. Would you pick up one of those pieces that we have been
7 counting of the 18, would you pick one up, please? Just pick
8 up any of them. And if you could look at it and -- this one
9 right here. Take both of them. Pick up that one and that
10 one. And if you could come over here and -- watch your step.

11 A. Sure.

12 Q. All right, if you would, hold them up. Can you tell if
13 those have been torch cut?

14 A. Well, I mean, I can assume they have. I have never run a
15 torch myself, so I don't know. I mean, I would look at them
16 and say they have been melted for sure.

17 Q. Okay. Can you go look again, there were some other pieces
18 besides those.

19 A. Do you want the larger pieces?

20 Q. Yes.

21 A. The very large pieces?

22 Q. The very larger pieces.

23 A. Just one?

24 Q. You can pick up any of them you want.

25 And looking at this, can you also tell it's been

1 cut?

2 A. Again, I can say that it's consistent with what was done
3 with that, but I don't know. Again, I have never run a torch
4 before. My guess would be yes, but that's just strictly a
5 guess.

6 Q. All right, thank you.

7 A. Do you want the pieces back in the box?

8 Q. Please.

9 A. Okay.

10 Q. When you took a statement from Mr. Wrenn, was the
11 conversation in your opinion still courteous?

12 A. Yeah. I don't recall exactly when the statement took
13 place after -- I know it was some point into the
14 conversation. I don't recall if it was the last thing I asked
15 him before I walked out the door, or if it was somewhere
16 during the course of the middle to the end of the
17 conversation. I'm not sure.

18 Q. All right. I'm going to show you defense -- excuse me --
19 Government's exhibit 59, does that contain the statement that
20 Mr. Wrenn gave you?

21 A. It contains a copy of the statement that Mr. Wrenn gave
22 me, that's correct.

23 Q. There's a word, d-i-s -- spell it for the jury. Not what
24 you think it says, spell it.

25 A. Are you talking about where he has the word -- it looks

1 like discamble, d-i-s-c-a-m-b-l-e. And I don't -- I'm saying
2 D, I'm assuming it's a D.

3 Q. Okay. You are making an assumption?

4 A. Well, I'm making an assumption of the letter at the end.

5 Q. All right. And if you look at this, "The remaining
6 part --"

7 A. Uh-huh.

8 Q. " -- or so to or cut -- so to or cut to produce a
9 semiautomatic prototype, p-r-o-t-y-e." Do you see that?

10 A. Are you asking me if that is what it says?

11 Q. Can you read it?

12 A. I can't read what you are reading, because that word is
13 "sold."

14 Q. You say that's "sold"?

15 A. I know that it is "sold." Because as I spoke with
16 Mr. Wrenn, he told me that he sold those parts.

17 Q. Would you agree with me you can't sell something to
18 produce a prototype, you have to sort it, cut it, and assemble
19 it?

20 A. I wouldn't agree with that at all.

21 Q. Well, since you don't know about Maxims, how are you able
22 to say, sir?

23 A. That doesn't make any sense.

24 Q. Well, that's what --

25 A. If you are saying that you can't sell something, you have

1 to sort it, that doesn't make sense, sir.

2 Q. To make a prototype from a parts kit, wouldn't you have to
3 sort it, disassemble it, cut it, and put it back together?

4 A. Well, I know when Mr. Orander testified, he said that it
5 didn't need to be sorted. So, I would say -- I don't know why
6 that would make any sense. It doesn't -- I know that you can
7 sell Maxim parts kits, and I know Mr. Wrenn told me he sold
8 the remaining pieces for the Maxim parts kits.

9 Q. Well, but you found a barrel there, didn't you?

10 A. I found a barrel in reference to another Maxim parts kit
11 that was sent to him.

12 Q. Okay. Were you aware that Mr. Wrenn on June 20th, that he
13 had a business that was next door?

14 A. I was not aware -- if you are referencing Compucar or
15 SOCOM Manufacturing?

16 Q. Yes.

17 A. No, I was not.

18 Q. Okay. When you went there on the 20th, would you agree
19 that there was a video tape that was taken before and after?

20 A. When I went there on the 20th? No, there was no video
21 tape.

22 Q. The 28th. I'm sorry, on the 28th?

23 A. When we did the search warrant on the 28th, there was a
24 pre and post video of both Poor Man's Gun and Pawn and
25 Compucar, or SOCOM Manufacturing.

1 Q. And would you agree with me that that video would show
2 whether or not there were other parts kits in my client's
3 business?

4 A. I'm going to have to say I don't know. I didn't review
5 the videotape to see if there were other parts kits that were
6 there.

7 Q. That was going to be the next question I would going to
8 ask. You didn't review it?

9 A. No, I didn't -- well, I'm the one that made the copy of
10 it, I'm the one that retained it because -- I kept it because
11 I thought, as you -- as the video was done, I remember we
12 videoed the whole thing, and I thought that the video
13 illustrated how he had the two Maxim machine guns in that
14 white box in that closet. That's the reason why that video
15 was retained.

16 Q. All right. You are talking about 54 and 55, and you are
17 calling them machine guns?

18 A. I am calling them machine guns.

19 Q. You didn't know whether they were machine guns at the
20 time, did you?

21 A. I'm not talking about what I knew then. I'm saying right
22 now that I thought it demonstrated that those machine guns
23 were in the box. I never said that I knew they were machine
24 guns at the time.

25 Q. That leads into the third thing I was going to ask you

1 about today. Testing. You took 54 and 55, did you not, and
2 you sent them to FTB, Firearms Technical Branch?

3 A. That is correct.

4 Q. And you sent them, what, the end of June, the 1st of July,
5 somewhere along in there?

6 A. I will say yes. I don't know what the date was I sent
7 them in.

8 Q. And you never attempted to fire either one, did you?

9 A. No. ATF's field agents are not allowed to test fire
10 anything that we believe is a machine gun. We are -- our
11 division -- our ATF does not allow the field agents to do
12 that.

13 Q. Okay. Other type weapons, do you field test?

14 A. If -- if I have a case involving say a -- something we do
15 commonly is a felon in possession of a firearm, if he has like
16 a handgun or a shotgun, I do function test those to see if
17 they function properly.

18 However, with the machine guns, the machine guns
19 tend to be a little trickier, and sometimes -- they don't want
20 us -- the same with silencers, they don't want us test firing
21 silencers. Because if you test fire a silencer, you may end
22 up destroying the part that makes it a silencer. The same
23 with a machine gun, you may end up destroying the part that
24 makes the machine gun.

25 Q. Okay. So, you sent it to FTB for them to test it and see

1 whether or not it would shoot like a machine gun?

2 A. I sent it to FTB for them to give me a determination as to
3 whether they were machine guns or not.

4 Q. Okay.

5 A. What FTB does with it is what FTB does.

6 Q. I would need to ask them?

7 A. You would need to ask them.

8 Q. So, would it be fair to say just to cut to the chase, you
9 never did any measurements with, for example, with a steel
10 tape or with calipers to determine whether the Maxim units
11 that you took matched the design for a Maxim machine gun, or
12 it just looked like a machine gun? You didn't do any
13 measurements, did you?

14 A. Did I do any measurements with a tape measure of the Maxim
15 machine gun?

16 Q. Of the units 54 and 55, did you ever measure them?

17 A. No, I don't know why I would do that.

18 Q. Okay. Did you ever put a caliper on the parts of the
19 right side plates or left side plates?

20 A. I wouldn't do that either.

21 Q. Okay. Would you -- in fairness, you would leave that up
22 to FTB to do?

23 A. No, I don't know what FTB does. FTB does what FTB
24 determines they need to do in order to determine if they are
25 machine guns. Whether that involves calipers or tape

1 measures, I have no idea.

2 Q. All right. Well, I will move on to something else. That
3 would be for somebody else to answer; is that correct?

4 A. Would -- if FTB uses calipers and --

5 Q. What FTB did, and how they did it?

6 A. I'm assuming if you want to know what FTB did and how they
7 did it, you would ask Rick Vasquez, who examined the weapons.

8 Q. All right. Now, let me move forward. There came a time
9 when there was some testing on a Lexington County Sheriff's
10 Department range; is that correct?

11 A. That is correct.

12 Q. And was there a man there named Ernest Windham?

13 A. I don't know. I think I know who you are referring to, I
14 don't know what his name is.

15 Q. All right. Let me see if I can refresh your memory
16 another way. Do you recall there being a safety officer or a
17 range manager that was there?

18 A. There was an individual there who is responsible for the
19 range for Lexington County personnel, that's correct.

20 Q. Okay. And on -- was it April the 27th, 2004 that we went
21 to the range?

22 A. Yes, I believe that's the date.

23 Q. And again, the people that were there, there was
24 Mr. Vasquez, there was you, there was Mr. Mean?

25 A. Agent Mean.

1 Q. Mean?

2 A. Brian Mean, yes.

3 Q. Mr. Mean. What was Mr. Mean's duty -- responsibility?

4 A. Just -- there's two guns, they are both heavy, he was
5 there to accompany.

6 Q. All right. Well, you look like you are pretty healthy and
7 Mr. Vasquez looks like he's pretty healthy, could the two of
8 y'all handle this?

9 A. It's possible we could have. In our line of work, when we
10 do -- if I'm going to do something in reference that I think
11 may involve criminal proceedings, we tend to bring a second
12 person with us, a second agent. Agent Mean was there to carry
13 the guns -- I mean -- well, I shouldn't say he was there to
14 carry the guns. He was there because he was a special agent,
15 and he was there because he helped me carry the weapons.

16 Q. All right. And then after he brought the weapons and he
17 carried them and put them out, what were his duties and
18 responsibilities on the range?

19 A. I don't think he really had any duties or
20 responsibilities.

21 Q. Did he have any duty or responsibility to make sure that
22 he held onto his evidence?

23 A. No, that was my duty and responsibility. It was my
24 evidence, it was not Agent Means.

25 Q. So, it was your duty to make sure that you didn't lose,

1 misplace, or something would happen to the evidence, it
2 wouldn't disappear?

3 A. I would say that's a fair statement.

4 Q. And were you trying to be careful?

5 A. I would say yes. I would always try to be careful with
6 evidence in that manner, yes.

7 Q. Did you allow any -- did you or would you allow any
8 photography?

9 A. No one ever asked if we could take any photography. But,
10 however, if they would have asked, I would not have allowed
11 it.

12 I would allowed photography of the weapons before we
13 fired them and after we fired them. I would not have allowed
14 any photography during the course of firing.

15 Q. Is it your -- is it your testimony that there was never a
16 request to photograph?

17 A. Are you ask -- no one asked me -- came up to me and asked
18 me to photograph anything. No one asked me to videotape
19 anything. No one -- when I had walked back, people assumed,
20 to include yourself and Mr. Neal, that we were going to allow
21 videotaping. But there was never a request for anything.

22 Q. All right. You are saying there was never a request to
23 video, number one?

24 A. There was -- if you are saying by the fact that you had a
25 video camera around your neck, that is a request, then I guess

1 you could say, "Okay, there is a request." But there was --
2 no one asked me to videotape when I walked back. I stated at
3 that point that we would not allow any videotaping.

4 Q. Or is it your testimony that nobody from the defense asked
5 to videotape or take still photographs or audio tape?

6 A. It's my testimony that no one came up to me and -- now
7 once the argument started, is it possible that someone amongst
8 the four of you stated something about photography or
9 videoing? I don't know. I couldn't hear them over the
10 screaming and cursing that was coming my way.

11 But I don't -- I am saying that no one came up to me
12 and directly said, "We want to videotape, we want to
13 photograph, we want to audio tape."

14 There was, during the conversation in reference to
15 the videotape, people asking me why I would not allow the
16 videotape, and stating to me that it did not matter whether we
17 videotaped or not, and demanding me to supply a reason for
18 videotaping. That all occurred.

19 Q. Well, going back to my original question -- and I will
20 just try to get the answer -- did anyone ever ask to
21 videotape? Did anyone ask to take still photographs?

22 MS. MCGREGOR: Your Honor, I would object, this has
23 been asked and answered.

24 MR. TRUSLOW: All right.

25 BY MR. TRUSLOW:

1 Q. I'm going to ask you, on June 30th, 2004, do you recall
2 testifying and being placed under oath?

3 A. Yes, I do.

4 Q. I want you to refer to page 102, and ask you to review
5 your testimony starting at line 21, and going to page 103 line
6 1.

7 A. Okay. What line do you want me to start at again, sir?

8 Q. At the bottom where it's highlighted.

9 A. "At that time or subsequent to the arrangement, did
10 Mr. Truslow ask you to take still photographs of the evidence
11 on that particular day?

12 "Mr. Truslow never asked to videotape, Mr. Truslow
13 never asked to take still photos, Mr. Truslow never asked to
14 photograph anything."

15 Q. And that's what you said then, and is that what you are
16 saying now?

17 A. That's exactly what I'm saying now.

18 Q. In any event, let's just move forward, there was a range
19 master there or a range safety officer, and you knew he was
20 employed by the sheriff's department, didn't you?

21 A. He told me he was employed by the sheriff's department.

22 Q. Okay. So, he was there, you were there, Mr. Mean was
23 there, and after the things were lifted out of the car and put
24 out, did Mr. Mean or you do anything else?

25 A. Well, that's not an accurate statement at first to say

1 that the range master was there. You are implying that the
2 range master was there with our group the entire time, and
3 that is not correct.

4 Q. I'm sorry.

5 A. The range master walked down with me to make an
6 arrangement on where we were going -- and I use the term range
7 master, I'm assuming -- you are stating that's what he is --
8 he walked down with me to see if there was an area where we
9 could shoot. We walked back -- I know he walked back in the
10 general direction, I don't believe he came back to our group.
11 He may have, I don't know, I had my back to him.

12 At times, through the test firing, when we drove
13 down, he would sporadically come back and forth between our
14 group and walk over to the SWAT people.

15 Q. How long were we there?

16 A. You are asking for an exact amount of time?

17 Q. No, just approximately. Hours?

18 A. You know, again, if you told me it was an hour, I would
19 say yes. If you told me it was three hours, I would say yes.
20 We were there, it seemed, for a pretty good extended amount of
21 time.

22 Q. Tell the jury, did either of these units, 54 or 55, did
23 they ever shoot like a machine gun?

24 A. Did they ever fire more than one round with a single pull
25 of the trigger, is that what you are asking me?

1 Q. That's exactly what I'm asking you.

2 A. No, I do not believe that any of the weapons fired live
3 rounds more than one round with a single pull of the trigger.

4 Q. All right. Now, let's deal with the specifics of that.
5 Let's talk about unit number 54.

6 A. Okay.

7 Q. Wasn't that the first unit that was tested?

8 A. If I can refer to my report again. I believe that it was,
9 but I want to be accurate in reference to the numbers.

10 Q. You didn't review that before you took the witness stand?

11 A. I did review it, but I would like to review it again.

12 Q. Please do.

13 A. I don't have it.

14 Q. I can't help you.

15 A. Okay.

16 MS. MCGREGOR: Your Honor?

17 THE COURT: Mr. Truslow, hand him the report if he
18 needs to review it for his testimony. If you want him to talk
19 about -- he needs it to refresh his memory, why don't you just
20 hand him the report?

21 MR. TRUSLOW: You mean, you want me to hand him my
22 report?

23 THE COURT: Whatever report he's talking about.

24 MR. TRUSLOW: If they have his --

25 BY MR. TRUSLOW:

1 Q. Is your report here?

2 A. Yes, it is.

3 Q. Would you please get it?

4 MS. MCGREGOR: Your Honor, since Mr. Truslow does
5 not want to provide the witness the report, if you give me a
6 minute, I will find his report.

7 THE COURT: Thank you.

8 MS. MCGREGOR: Thank you.

9 MR. TRUSLOW: Your Honor, my report is all marked
10 up, and I have got notes on it.

11 MS. MCGREGOR: (Handing).

12 THE WITNESS: Thank you.

13 MS. MCGREGOR: Is that the right one, Mr. Baldwin?

14 THE WITNESS: Yes, this is the correct one. Okay.

15 BY MR. TRUSLOW:

16 Q. I'm asking you about unit number 54.

17 A. You asked me if that was the first firearm that we test
18 fired?

19 Q. Yes.

20 A. Yes, it was.

21 Q. Tell the jury, was it able to fire the first time an
22 attempt was made to pull the trigger? Would it fire at all?

23 A. I can tell you what I have in my report.

24 MS. MCGREGOR: Your Honor, I think Mr. Truslow
25 should appropriately use the document to refresh the witness's

1 memory, and not just read from the report.

2 MR. TRUSLOW: If he -- I'm not asking for that.

3 THE COURT: I don't think he asked him to read from
4 the report. If you would just look at the document to refresh
5 your memory --

6 THE WITNESS: Okay.

7 THE COURT: -- and then answer any questions that
8 Mr. Truslow has about it.

9 THE WITNESS: Okay.

10 THE COURT: And then -- any questions, if you can
11 remember.

12 THE WITNESS: Okay. I'm ready.

13 BY MR. TRUSLOW:

14 Q. The first time an attempt was made to shoot unit number
15 54, would it shoot at all, or do you recall?

16 A. I don't recall.

17 Q. Did it ever fire as a machine gun?

18 MS. MCGREGOR: Your Honor, asked and answered.

19 THE COURT: Continue. You can ask the question
20 again.

21 BY MR. TRUSLOW:

22 Q. Go ahead.

23 A. It never fired more than one round with a single pull of
24 the trigger.

25 Q. Was Mr. Vasquez there from FTB, was he manipulating it,

1 was he trying to shoot it?

2 A. Both he, Mr. Savage, and Mr. Wrenn all manipulated the
3 weapon.

4 Q. Okay. Could any of them ever get it to shoot?

5 A. Well, now, that's -- that -- I couldn't say that they
6 couldn't ever get it to shoot, I could say that during that
7 time, the weapon did fire. During that time, the weapon did
8 not fire more than one round with a single pull of a trigger.

9 Could they ever get it to shoot? Are you referring
10 to ever, or just in reference to that day?

11 Q. On that day or subsequent to that day?

12 A. I don't know if Mr. Vasquez has attempted to fire that
13 weapon any day after that.

14 Q. All right. Okay, thank you.

15 Let me talk about unit number 55. You can refresh
16 with your notes if you need to.

17 A. Okay. No, I was more concerned with -- with the order.

18 Q. Okay. Well, back on -- well, let's just continue with
19 54. Do you know what a belt is?

20 A. In reference to a Maxim belt that holds the ammunition?

21 Q. Yes.

22 A. Yes, I do.

23 Q. And you got -- and that allows it to shoot more than one
24 bullet, the belt?

25 A. I would determine it's a feeding device for the ammunition

1 for the weapon.

2 Q. A feeding device. With the feeding device, was it capable
3 of shooting more than one shot with one pull of the trigger?

4 A. It was not -- the weapon was not able to utilize the
5 belt. The belt would not feed through the weapon.

6 Q. Okay. All right. Now, let's go to unit number 55.

7 A. Okay.

8 Q. Did it ever shoot? Would it shoot at all?

9 A. No, it did not shoot at all.

10 Q. So, I guess we have to say -- can we assume that since it
11 wouldn't shoot at all, you couldn't make it shoot as a machine
12 gun or as a rifle?

13 A. You are saying "could." You know, I don't know. I don't
14 think I could definitively say whether it could be able to
15 shoot. I could say that it did not shoot at all.

16 Q. Okay. So, when you were present and Mr. Vasquez was
17 present, neither of those items, 54 or 55, could be made to
18 shoot as a machine gun?

19 A. Neither of those items fired more than one round with a
20 single pull of the trigger, that's correct.

21 Q. Now, was there a second test?

22 A. There was a second test. I believe it was some time in
23 February of '05, if I'm not mistaken.

24 Q. And that was the one at Edgefield?

25 A. That was the one at Edgefield.

1 Q. So, the first one we had been in Lexington, and now we go
2 to Edgefield, correct?

3 A. That's correct.

4 Q. You were there, Mr. Mean was there, Ms. -- no, not
5 Mr. Mean -- Mr. Vasquez was there, Ms. McGregor was there,
6 correct?

7 A. Correct. There was another agent that was with us, I
8 believe it was -- I believe it was Richard Brown, if I'm not
9 mistaken.

10 Q. All right. Okay. I want to go through the same series of
11 questions again. That time there was videotape, wasn't there?

12 A. Well, that time your party had the ability to videotape.
13 I have never viewed that videotape, I -- I'm under the
14 assumption that there was a video tape made, but I have never
15 seen it.

16 (Off record discussion.)

17 BY MR. TRUSLOW:

18 Q. Are you aware that the government has a copy?

19 A. I'm aware that the government has a copy of a videotape.
20 I don't know what is on the videotape.

21 Q. Okay. Well, let's just cut to the chase, talk about unit
22 number 54.

23 A. Okay.

24 Q. All right. At that time there were -- there was at least
25 a video camera there, and you agreed to that?

- 1 A. That's correct.
- 2 Q. And Mr. Len Savage was there from Historical Arms?
- 3 A. Correct, Mr. Len Savage was there.
- 4 Q. And you have met him before, Mr. Savage? You have met him
- 5 before?
- 6 A. I met him at the prior test fire.
- 7 Q. And he was -- that's the one where they wouldn't shoot as
- 8 machine guns?
- 9 A. That's the one where neither weapon fired more than one
- 10 round with a single pull of the trigger.
- 11 Q. All right. And on this occasion, he was also present in
- 12 February at the Edgefield -- at the prison?
- 13 A. That is correct, he was there.
- 14 Q. Okay. Tell the jury, did unit number 55 -- 54 ever shoot
- 15 as a machine gun there?
- 16 A. I have no idea. I didn't watch what you all were doing.
- 17 Q. You didn't watch?
- 18 A. No, I did not.
- 19 Q. Did anybody prevent you from watching?
- 20 A. Did anyone prevent me from watching?
- 21 Q. Yes.
- 22 A. Nobody prevented me from watching.
- 23 Q. Did you -- could you listen?
- 24 A. I mean, obviously I could hear what was going on.
- 25 Q. Were you about as far as from me to you?

1 A. Maybe a little farther, but yeah.

2 Q. Okay. From where these items were being tested, were you
3 this far away?

4 A. I mean, if I had to guess, I would say yeah. There or to
5 the door. I was standing behind a building.

6 Q. Okay. Your hearing is good, is it not?

7 A. My hearing is fairly good.

8 Q. Did you ever hear 54 shoot more than one shot with a pull
9 of the trigger?

10 A. I have --

11 MS. MCGREGOR: Your Honor, I object to this line of
12 questioning, I think it's misleading. Perhaps we need a side
13 bar.

14 (Bench conference)

15 MS. MCGREGOR: Your Honor, my objection is based on
16 the fact that, as you know, you ordered that test fire. And
17 the only reason we were there was because we had to provide
18 the evidence. We -- the three of us or four of us did not
19 participate, did not observe, and many times walked behind the
20 building so that we would not be spoken to. We engaged in
21 conversation numerous times, but I explained to Mr. Truslow
22 that I didn't want to talk to him and I didn't want to talk to
23 his witnesses.

24 I think its misleading to ask this witness questions
25 about what they did at that fire when we weren't

1 participating. And what he's doing is inappropriate in the
2 fact that he's drawing from the witness events that we didn't
3 even want to be a part of. We were ordered to be there to
4 bring those parts.

5 MR. TRUSLOW: Your Honor, we disagree vehemently
6 with what they are saying. These are people that were there
7 to monitor what we were doing, making sure we didn't mess with
8 anything, if I can use a colloquial term.

9 They were no further from the bar to us, observing
10 what was going on. He was certainly within hearing range, and
11 I think we can take common knowledge how loud firearms are,
12 and I was asking him specifically --

13 THE COURT: I will allow him to continue, and you
14 can address it on cross-examination.

15 MS. MCGREGOR: Thank you.

16 THE COURT: I guess that would be redirect.

17 (In open court)

18 BY MR. TRUSLOW:

19 Q. Sir, I was asking you about your hearing. Is your hearing
20 good?

21 A. I would say my hearing is good.

22 Q. Okay. And let's say you were from the door where it says
23 exit sign, and Mr. Savage and Mr. Wrenn were where you are.

24 A. Okay.

25 Q. Did you ever hear either unit 54 or 55 ever shoot more

1 than once with a single depression of the trigger?

2 A. Well, again, I don't know which weapons were fired, but I
3 think I can answer your question. I do not recall hearing
4 anything that sounded like weapons being fired more than one
5 round with a single pull of the trigger. As to whether they
6 fired 54, 55, the other weapon, I don't know which weapons
7 they were out there firing.

8 But I did not hear anything that would have sounded
9 to be something consistent with automatic fire.

10 Q. All right. Let me go back to one other thing. Do you
11 have -- have you been trained at all about firearms, working
12 in Alcohol, Tobacco, and Firearms?

13 A. I'm not sure what you mean, in reference to what? I mean,
14 I --

15 Q. Are you trained in their use and function?

16 A. I mean, I carry a firearm, I shoot my firearm.

17 Q. Do you know what a trigger is?

18 A. Well, there is no definition of the word trigger.

19 Q. Let me go on to something else. Trigger bar, do you know
20 what a trigger bar is?

21 A. I know in reference to the Maxims what I have been told is
22 is the trigger bar.

23 Q. Okay. And we were showing one to the jury before, weren't
24 we?

25 A. That piece that you pulled up out of that box, I think

1 it's 11 D.

2 Q. 11 --

3 A. I believe it's 11 D. It's in the box -- yes, sir, it's in
4 that box. I believe it's 11 D.

5 Q. This is what a trigger bar would --

6 A. Well, that's what I was told is a trigger bar.

7 Q. 11 D?

8 A. Yes, sir.

9 Q. All right. And when we went to the range -- I'm going
10 back to April of 2004 -- was it 2004?

11 A. Yeah, I think it was 2004.

12 Q. All right. April 27th, 2004 --

13 A. Yes, sir.

14 Q. -- did you have a trigger bar?

15 A. Did I have a trigger bar?

16 Q. When you went out there?

17 A. When we --

18 Q. I'm sorry, I didn't mean to cut you off. I was going to
19 restate my question.

20 When you came to the range, the Lexington County
21 range for purposes of demonstration, to see whether these two
22 items would shoot like machine guns, was there a trigger bar
23 in each of the prototype units?

24 A. Yes, there was.

25 Q. When you left, did you lose one somewhere along the way?

1 A. Yes, one was lost.

2 Q. Okay. And this was exclusively in your control, the
3 government's control; is that correct?

4 A. There's no question it's my responsibility, and that I am
5 the one responsible for losing the trigger bar.

6 Q. Okay. So, one of three things happened out there; isn't
7 that correct?

8 A. I --

9 Q. You lost -- you lost it somewhere along the way, that's
10 one thing that could happen, you just lost it?

11 A. Okay.

12 Q. Is that one -- do you agree, that's one thing? The second
13 thing is, you -- somebody in your group could have just tossed
14 it away?

15 A. No, that's --

16 Q. That's the second option.

17 A. That's not an option.

18 Q. The third thing is that we could have stolen it?

19 A. That could be an option.

20 Q. Okay. Now, those are the three things. Is it your
21 contention that under your eyes, with you there, range master
22 there, SWAT agents there, Mr. Mean there, that we just stole
23 this? Are you telling the jury we stole it?

24 MS. MCGREGOR: I object, Your Honor. I don't think
25 Special Agent Baldwin testified that anybody stole anything.

1 THE COURT: The objection is sustained.

2 BY MR TRUSLOW:

3 Q. Where did it go?

4 A. Mr. Truslow, if I knew where it went, it wouldn't be lost.

5 Q. Was it an original trigger bar, or was it a remanufactured
6 trigger bar?

7 A. It was the remanufactured trigger bar that was associated
8 with that weapon.

9 Q. So, that was -- would you agree with me that a
10 remanufactured trigger bar would show that the item would not
11 shoot as a machine gun?

12 A. No, I wouldn't agree with you.

13 Q. You just know that it's missing?

14 A. No. I know that I read the FTB report, and it indicated
15 something different.

16 Q. No, the trigger bar, is it -- is it present? Can we
17 recapture it anywhere?

18 A. Well, according to you and Mr. Wrenn, there are three
19 identical prototypes. So, I would assume that the trigger bar
20 in those three weapons is identical and interchangeable?

21 Q. Okay. Could you interchange any of the remanufactured
22 trigger bars and make any of these units, 54, 55, or 432,
23 shoot like a machine gun?

24 A. In Mr. Vasquez's report, he said that he put a regular
25 trigger bar in it, and it shot multiple rounds, 54 and 55.

1 Q. And did he videotape that?

2 A. Are you asking me -- I mean, I wasn't there.

3 Q. Okay. All right. So, you don't know what he did or how
4 he did it --

5 A. I know what's in his report.

6 Q. -- because you weren't there?

7 MS. MCGREGOR: Your Honor, I would ask him to allow
8 the witness to finish his answer before he asks the next
9 question.

10 BY MR TRUSLOW:

11 Q. I had not finished my question. But I was asking, you
12 don't know what he did because you weren't there?

13 A. I was not with Mr. Vasquez when he tested the weapons up
14 at FTB, that's correct.

15 Q. Okay. And he never provided you with any videotape
16 showing that it shot like a machine gun, did he?

17 A. I have no videotape of that test firing, no.

18 Q. I'm sorry, I'm not trying to be hard but, you know, my
19 question was, he never provided you with one, a videotape?

20 A. Well, no, he -- if he had provided me with one, I would
21 have one. So, no, I do not have one.

22 Q. All right. Let me move forward and -- to something else.
23 I'm going to deal with Mr. Gaddini. You know who Mr. Gaddini
24 is, don't you?

25 A. Yes, I do know who Mr. Gaddini is.

1 Q. Would you agree with me that a Daewoo K 3 is kind of a
2 knock off of a SAW?

3 A. You are asking the wrong guy.

4 Q. Okay. You wouldn't know?

5 A. No, I wouldn't know.

6 Q. So, if we looked over here at Government's Exhibit 50 A,
7 you couldn't tell this jury whether this contains the receiver
8 of Mr. Gaddini's Daewoo, or one that was manufactured or owned
9 by my client, could you?

10 A. I couldn't even tell you it contained the receiver of a
11 Daewoo.

12 Q. All right. Okay, that's fair enough. And you wouldn't be
13 in a position to know whether you could shoot this upper
14 without a lower?

15 A. Are you asking me if I have ever attempted to shoot that
16 without the lower?

17 Q. Yes.

18 A. No, I have never attempted to shoot that without the
19 lower.

20 Q. Have you ever attempted to shoot the upper and the lower?

21 A. No, I have never attempted to shoot any of those weapons.
22 As I stated before, field agents are not permitted to shoot
23 automatic weapons.

24 Q. I don't know whether you are experienced in this area or
25 not, so I will just ask the question, would it ever cross your

1 mind to try to shoot an upper without a host, without a lower?

2 A. Are you asking would it ever cross my mind, or do I know
3 anyone that would have ever done that?

4 Q. Do you know anybody that would be foolish enough to do
5 that?

6 A. Well, I don't agree with the term foolish. I believe FTB,
7 in examining the weapons, would do that, because they are
8 trying to make a determination if that weapon could fire as a
9 machine gun. So, I would think that they would do that in a
10 setting that they have.

11 Q. Okay. Let's see what we can agree on, and then disagree,
12 and then we will go from there.

13 Would you agree with me that looking at 50 A, which
14 is this item here, that it has an M-11 lower?

15 A. Yeah, I would say that there is a M-11 lower on that, I
16 would say that.

17 Q. And the M-11 is the machine gun, it's the registered part?

18 A. No, that's incorrect.

19 Q. Is an M-11 lower not a registered part?

20 A. That's not what you said. You asked me if the M-11 was
21 the machine gun. No, it is not. Actually, that consists of
22 three machine guns. The upper is a machine gun, the lower is
23 a machine gun, and the weapon combined in and of itself is
24 another machine gun.

25 Q. Is the M-11 lower a machine gun?

1 A. It is my understanding -- obviously, I have never fired --
2 it's my understanding that Mr. Wrenn was taking --

3 Q. No, I didn't ask you that. I asked you if an M-11 lower
4 is a registered machine gun?

5 A. Well, I don't think all M-11 lowers are registered machine
6 guns. I think that there are semiautomatic M-11 lowers.

7 Q. Okay. Is an M-11 upper a nonfirearm?

8 A. Yeah, again you are asking the wrong person. You would
9 need to ask Rick Vasquez that. I am not a technical person.

10 Q. So, you wouldn't have any knowledge about whether or not
11 there are caliber conversions that are sold every day as
12 nonfirearms on the open market? Would you know one way or the
13 other?

14 A. I mean, if you are asking me if I heard that from numerous
15 people? Absolutely. Have I ever gone out in the open market
16 and tried to buy a caliber conversion or -- no, I haven't.

17 Q. Okay.

18 A. I don't know anything about it.

19 Q. So, to cut to the chase, all you know is what people have
20 told you and what they have testified about? You didn't have
21 any independent knowledge about classifications of uppers for
22 an M-11?

23 A. Oh, I would agree. That's not my field.

24 Q. All right. Let me go on to something else. We talked
25 about testing, we talked about uppers, and you have already

1 said -- and we just covered one area real quick. You never
2 tested any of the uppers, SAWs, RPDs or any other?

3 A. Did I personally?

4 Q. Right.

5 A. No, I sent them to FTB.

6 Q. And you never saw them test anything?

7 A. No, I'm not with the individuals -- the FTB is in West
8 Virginia.

9 Q. And did they provide you with any videotape showing that
10 they had tested or how they had tested?

11 A. No, I have no videotape of any of that.

12 Q. Okay. Now, let me move on to another subject. The RPDs.

13 A. Okay.

14 Q. All right. Do you know what -- you know what an RPD is
15 now, I guess?

16 A. Yeah, I do now. I didn't then.

17 Q. But you didn't know then? Were you aware that on April
18 15th, 2003, my client sent in a request for classification to
19 ATF-FTB for the RPD upper to declare it's a nonmachine gun, a
20 nongun, just a part?

21 A. Was I aware of that on April 15th?

22 Q. Are you aware of that now?

23 A. I am aware of that now.

24 Q. Okay. And are you aware that on November -- by a letter
25 dated November 14th, FTB at that time declared that an upper

1 RPD to be placed on an M-11 would be classified as a machine
2 gun?

3 A. That's not what FTB determined. FTB determined that that
4 upper, to be placed on it, would be a machine gun.

5 Q. Okay. Now, if I misstated that, I apologize.

6 But my date is correct, we are talking about Exhibit
7 18, aren't we?

8 A. I think it's November 14th, 2003. November 14, 2003.

9 Q. All right. So, that's when the classification was made.
10 I'm talking about RPDs now. Is that correct?

11 A. Are you asking me?

12 Q. Yes.

13 A. That's when the letter comes out. Again, I don't work at
14 FTB.

15 Q. Okay. So, would you agree with me that there has been no
16 classification prior to November 14th, 2003 that an RPD was
17 classified as a machine gun?

18 A. Well, again, that goes back to -- you are saying
19 classified an RPD as a machine gun. There are plenty of RPDs
20 that are machine guns.

21 Q. Okay, the one of Mr. Wrenn's was not classified -- and you
22 are right, and I appreciate you correcting me.

23 Mr. Wrenn's submission from April the 15th was not
24 classified as a machine gun until November the 14th, would you
25 agree with that, looking at Exhibit 18?

1 A. I would say that that does not mean that it is not a
2 machine gun. I would say that FTB has not given its
3 determination as a machine gun until November 14th. But just
4 because -- if it's in existence prior to then, it would be a
5 machine gun if it's a machine gun.

6 Q. You know Mr. Wrenn is a manufacturer, don't you? You know
7 it now?

8 A. Yes, I do.

9 Q. And, of course, as an agent for the ATF, you know that a
10 manufacturer doesn't have to seek permission or approval to
11 manufacture a machine gun?

12 A. That's correct.

13 Q. I want you to look at what is marked as Government's
14 Exhibit 48 relating to an RPD, tell the jury what the date on
15 that is.

16 A. May 27th, 2003.

17 Q. And that's the date of what? Purchase?

18 A. That's the date of this letter.

19 Q. Okay. What does it relate to?

20 A. "Enclosed is a \$500 check for deposit on an RPD 11.1."

21 Q. And that is on what date?

22 A. It's May 27th, 2003.

23 Q. That's before November 14th, isn't it?

24 A. It's before November 14th of 2003.

25 Q. Look at Exhibit 38 and tell the jury -- this comes from

1 Mr. Fogarty -- tell the jury what the date is on that?

2 A. It appears to be December -- I'm sorry, October 11th,
3 2003.

4 Q. She was just asking me for housekeeping -- what was the
5 date of the exhibit on the first one?

6 MS. MCGREGOR: I mean, what was the number of the
7 exhibit?

8 BY MR. TRUSLOW:

9 Q. What was the exact --

10 A. It's Government's Exhibit Number 48.

11 MS. MCGREGOR: Thank you.

12 BY MR. TRUSLOW:

13 Q. 48 is before November, 38 is before November, correct?

14 A. I'm sorry -- oh, 38, I'm sorry. Yes, yes, correct. Those
15 all fall before November 14th of 2003, that is correct.

16 Q. Exhibit 32 is before November 14th, isn't it?

17 A. August the 24th, 2003, Exhibit Number 32, yes, that's
18 correct.

19 Q. Exhibit 35, tell the jury whether that's before November
20 14th?

21 A. August the 11th, 2003, that would fall before November
22 14th, 2003.

23 Q. 37, is that before November 14th, 2003?

24 A. The date on this is -- is this -- was this not the same
25 one that you just showed me, the datebook? No, the date on

1 this is March 13th, 2003, with a handwritten date of October
2 4th, 2003 on it.

3 Q. Both of which are before November 14th?

4 A. That is correct.

5 Q. Looking at Exhibit 39, this is Mr. Claggett. Did that
6 take place on that RPD prior to November 14th?

7 A. I'm not sure if Mr. Claggett is an RPD.

8 Q. Okay.

9 A. I think Mr. Claggett is the SAW.

10 Q. All right. Look at the -- look at the date on there, on
11 the first page.

12 A. Correct.

13 Q. What is the date?

14 A. October 15th, 2003.

15 Q. All right. Now, if you look at the second page, you see a
16 date of December, do you not?

17 A. December 22nd, 2003.

18 Q. Okay. And that was a check where my client was writing a
19 check to Mr. Claggett; would you agree with that?

20 A. I would -- yes, I would agree with that, states it's a
21 refund.

22 Q. And you can look at Mr. Wrenn's acquisitions and
23 dispositions book, and you can see that that RTO -- do you see
24 that, return to owner?

25 A. It says RTO, yes, I do see that.

1 Q. All right. So, you can confirm that Mr. Claggett had sent
2 the item back to Mr. Wrenn, can't you?

3 A. I can confirm -- no, I can't confirm that, that's not what
4 this states.

5 Q. You can look at the A and D book, and see that it's listed
6 in the A and D book as having come back RTO, return to owner.

7 A. No, that states that it's going out. RTO, return to
8 owner, that states that it's going to Mr. Claggett, not coming
9 back from Mr. Claggett.

10 Q. That's for his M-11 though, isn't it?

11 A. Well, I was told by Mr. Claggett that his M-11 had an RPD
12 or SAW attached to the top of it --

13 Q. But that's --

14 MS. MCGREGOR: Your Honor, can I ask him to not
15 interrupt the witness?

16 MR. TRUSLOW: I apologize, Your Honor.

17 THE WITNESS: Well, his book indicates M-11, but
18 there's more than just the M-11.

19 BY MR. TRUSLOW:

20 Q. Now, for the acquisitions and disposition book -- that's
21 what you have before you, don't you?

22 A. I have a copy of that book, correct.

23 Q. And the machine gun part, the registered part, is what is
24 listed on there, isn't it?

25 A. No, that's not correct. In reference to this, this book

1 is required to be kept by Mr. Wrenn --

2 Q. Right.

3 A. -- as a licensed -- what is in this book is what he chooses
4 to put in this book. If there are other things in his
5 possession, say an RPD upper, a SAW upper that is a machine
6 gun, he can choose either to put it here or not put it in
7 here.

8 Q. But until ATF certifies it and claims it or tells him that
9 it's a machine gun, would it be safe to assume that he could
10 rely on what they have said in the past?

11 A. Not unless he sent that specific weapon up with that
12 specific design. And if something said that that RPD or that
13 SAW, as he has it designed identical to that, is not a machine
14 gun, then he would have -- then he would be able to use that.
15 If that differs in any way from what was sent up or what he
16 was relying on in the past, then it's something totally
17 different.

18 Q. Show me in the green book, in Exhibit 8, where it says
19 that.

20 A. I probably -- I don't think it's in the green book.

21 Q. Thank you. I'm going to keep on going. Exhibit Number
22 69, tell the jury what the date is on this, and whether it's
23 before November the 14th?

24 A. November the 10th, 2003. That is before November the
25 14th, 2003.

1 Q. I'm showing you Exhibit 86 B., and I'm going to ask you if
2 you can tell from this -- if you can tell at all from this --
3 when Mr. Sanders received his M-11? If you are able to tell.

4 A. From -- I mean, from this document, this document has
5 nothing to do with his receipt of his M-11 and RPD. This
6 document has to do with us taking his M-11 and RPD.

7 Q. All right. Would you agree that Dr. Sanders was -- his
8 was for an RPD-type upper?

9 A. I would state that Mr. Sanders received an M-11 lower
10 receiver and an RPD upper receiver from Mr. Wrenn, yes, that
11 is what I would say.

12 Q. If I can have it?

13 A. Which one?

14 Q. And you can compare that to -- I will pick it up in just a
15 second. You can compare that to -- we are going to have to
16 see what the exhibit number is on this -- Exhibit 20 and see
17 when the transfer took place, couldn't we? To Dr. Sanders,
18 the jury will be able to look at the A and D book and compare
19 it to find out whether or not it was done before November
20 14th?

21 A. Well, I would say that that is technically not correct,
22 because I -- there may be an entry in here in reference to
23 Mr. Sanders. Again, there is no indication in this book as to
24 whether or not there is an RPD or a SAW attached to the M-11s
25 he's transferring. So, based on that statement, you could not

1 look at this book and determine that.

2 What I did determine in reference to the date was
3 through an interview with Mr. Sanders and through checks and
4 through possibly this book.

5 Q. What you know is that Dr. Sanders got the RPD, whatever it
6 was, to go on an M-11?

7 A. I know that Mr. Sanders got his M-11 -- I don't know -- I
8 can't recall whether Mr. Sanders -- Dr. Sanders purchased the
9 M-11 from him or whether he sent his M-11 to Mr. Wrenn and
10 Mr. Wrenn sent the M-11 and the RPD back to him. I can't
11 remember. If I had my interview, I could --

12 Q. Referring to Exhibit 36, you can look at this and tell
13 that Mr. Hansen received an RPD-type upper to go on an M-11
14 lower?

15 A. I could say that Mr. Hansen did receive an M-11 lower and
16 an RPD upper, because we took them from him.

17 Q. Okay. Would you agree with me that it's Exhibit 72 --
18 72 B and 72 C, can you tell the jury what those are?

19 A. These -- these are photographs from the second search
20 warrant on January 29th, 2004. These are what was identified
21 as the RPD receivers. This is also the sample, the two
22 samples which were on that table, is what I sent to FTB to get
23 a determination as to whether or not these items were machine
24 guns.

25 Q. Those items?

1 A. These items, that's correct.

2 Q. Are those items -- those were what was taken from
3 Mr. Wrenn?

4 A. These items were taken not physically from Mr. Wrenn, but
5 they were taken from Mr. Wrenn's shop on January 29th of 2004.

6 Q. They were taken from his shop?

7 A. That's correct.

8 Q. So, some of his property -- some expensive property was
9 taken, would you agree with that?

10 A. I don't know the cost of the property, I know that I took
11 the property.

12 Q. All right, going on to something else -- and I'm not going
13 to take these things out of this folder -- 66 B --

14 MR. TRUSLOW: If I can approach the witness, Your
15 Honor?

16 BY MR. TRUSLOW:

17 Q. -- contains the name Mark Barnes on 11-19, do you see
18 that?

19 A. There's a fax dated November 19th, 2003, and it says to
20 Mark Barnes from Ernest Wrenn.

21 Q. All right. And you know Mr. Barnes is an attorney, don't
22 you?

23 A. I have no idea who Mark Barnes is.

24 Q. All right. If you look at the second page, do you see a
25 signature from Mr. Wrenn on a Form 2, an ATF Form 2?

1 A. I see a signature. I don't know Mr. Wrenn's signature,
2 but there's -- the name Ernest Wrenn is written below it, it
3 appears to say Ernest Wrenn.

4 Q. And if you could look at the items, the additional
5 description on the -- what is that description on those items?

6 A. The type of firearm? It states it's a machine gun. The
7 additional description, it says, "Post sample machine gun
8 pending ATF certification of nonfirearm status." And then it
9 states that it is a receiver.

10 Q. And that's a standard practice to fill out a Form 2, isn't
11 it?

12 A. It is a standard practice for a manufacturer of machine
13 guns to fill out a Form 2, yes, that's correct.

14 Q. All right. I want to look at another Form 2 and see --
15 this was a folder taken from Mr. Wrenn, wasn't it?

16 A. It was taken from Mr. Wrenn's business, that's correct.

17 Q. If you look at -- is this a Form 2?

18 A. Uh-huh.

19 Q. Dated April 14th, '03?

20 A. Right.

21 Q. Tell the jury what that is.

22 A. Well, on April 14th, 2003, he states that the RPD is a
23 machine gun, and that he is trying to produce something with
24 nonfirearm status. However, he states right there that it is
25 a machine gun.

1 Q. Okay. And you know -- or maybe you don't know, I am going
2 to just ask you if you know -- if someone wants to have an
3 item classified and they want to get it back, they list it as
4 a machine gun, and then if it's classified as a machine gun,
5 they get it back?

6 A. I mean, I could tell you that if the person didn't believe
7 there was any possibility it was a machine gun, they wouldn't
8 need to list it as a machine gun.

9 Q. And in fact, they don't even have to send it to ATF, do
10 they?

11 A. That someone has to -- I don't understand your question.

12 Q. A manufacturer is not required to send anything to ATF
13 before he begins manufacture, is he?

14 A. No, that's correct.

15 Q. All right. And you can look at this, also seized from
16 Mr. Wrenn in conjunction with that Form 2, and see that
17 Mr. Wrenn sent photographs and internet photographs, an April
18 15th letter, and if you will publish the April 15th letter,
19 and then the front of it.

20 A. Okay. Well, I would first like to state that I can't
21 testify that that's an internet photograph. It's a
22 photograph, but I don't know where it came from.

23 Q. Okay.

24 A. Do you want me to read the letter dated April 15, 2003?

25 Q. Yes.

1 A. It states, "Bureau of Alcohol, Tobacco, and Firearms.
2 Technology branch, Washington, D.C., 20226. Attention:
3 Curtis A. Bartlett, Chief, Firearms Technology Branch.

4 "Dear Mr. Bartlett:

5 "Let me begin by thanking you for your rapid
6 response to my previous letter dated March 11th, 2003,
7 regarding the barrel conversion for the M-11 nine millimeter
8 machine gun.

9 "Please find enclosed a prototype upper conversion
10 for the SWD M-11 nine millimeter machine gun," in parentheses,
11 "see attached, serial number RPD 01.

12 "We have included a chart showing the difference
13 between the original configuration and the RPD M-11 conversion
14 to show measurements and specification differences.

15 "All care has been taken to prohibit the
16 installation of the original RPD fire control parts. No
17 modifications are made to the SWD M-11 nine millimeter host,
18 with the exception of one 3. -- .375 diameter hole being
19 drilled through the rear plate to allow for the opp rod
20 insertion." In parentheses, "Similar to the," in quotes,
21 "slow fire" end quote, "conversion for the M-11," end
22 parenthesis.

23 "The butt stock assembly cannot be attached to the
24 upper without the SWD M-11 nine millimeter machine gun being
25 used as a main receiver" -- is that matting component?

1 Q. Spell it if you need.

2 A. M-a-t-i-n-g.

3 Q. All right, mating.

4 A. Mating component.

5 Q. To mate, to put together.

6 A. Okay.

7 Q. All right, that's the letter.

8 A. Do you want me to continue -- there's a second page that

9 has --

10 Q. Please. Please read that.

11 A. It appears to be a graph. In the top of the graph there

12 are three columns, and there's no title for the first column.

13 The second column states, "original configuration." The third

14 column states "RPD M-11 conversion."

15 The first line across is "receiver, 11.25 length,

16 13.50 length." The next line says "grip, 6.25," and then

17 "9.25."

18 The next column says, "grooved for grip, yes and

19 no."

20 The next column, "Upper pin. Yes, no. Extra cuts,

21 no. Beveled cut for M-11.

22 Next is, "receiver height, 1.745. 1.980. Opp rod

23 cut." Under "original configuration," there is nothing.

24 And the next column it says, ".040 narrower end

25 stock attachment." Next line: "Receiver base width, 1.091."

1 The next one is "1.180." Underneath that there are
2 no -- there are several insertions, there is nothing in either
3 the first or second column.

4 And the third column it states, "No modifications to
5 host gun except for hole in rear for opp rod or slow fire
6 assembly. Opp rod original locking section removed, cut to
7 new profile." And I'm sorry, those were two separate lines.

8 The next line: ".040 material removed on side rail
9 to fit new receiver measurements."

10 Next line: "Recoil rod, new recoil rod 2.25 inches
11 longer than original."

12 Next line: "Butt stock attached to M-11 stock
13 lock."

14 Next line: "Stock and recoil assembly cannot be
15 fitted together without a registered SWD gun being used as a
16 mainframe similar to the Colt Air 15 series rifles. The upper
17 assembly has no internal operation spring assembly to
18 operate."

19 Page 3. "Again, please let me thank you for your
20 rapid response and advisement regarding the barrel conversion
21 for RPD M-11 nine millimeter. If you have any questions,
22 please feel free to contact me at 803-442-9206, M through F"--
23 Monday through Friday, I'm assuming -- "9 through 6 p.m.,
24 EST," Eastern Standard Time.

25 "With regards, Ernest Wrenn, Poor Man's Gun and

1 Pawn, SOCOM Manufacturing."

2 That's the end of the letter.

3 Q. All right. So, to put this in context, what Mr. Wrenn did
4 was, he had this --

5 MS. MCGREGOR: Your Honor, I would object. I don't
6 think this agent can testify to what Mr. Wrenn did. He
7 published the letter.

8 MR. TRUSLOW: I can back up.

9 THE COURT: Sustained. You may rephrase your
10 question.

11 BY MR. TRUSLOW:

12 Q. Do you know what an upper is on an RPD?

13 A. It's my understanding that they are technically not an
14 upper to the RPD. There is just a receiver, and then the
15 lower is the trigger housing.

16 Q. Do you know what a clone is? Have you ever heard of a
17 clone? It looks like something but it's really not?

18 A. I mean, are you talking in reference to a firearm, or are
19 you talking in reference to just clones --

20 Q. To firearms.

21 A. I have never heard that term used.

22 Q. You never have?

23 A. No. I mean, I heard you state it in court over the last
24 couple of days, but --

25 Q. Okay. Well, you can look at that letter and tell

1 Mr. Wrenn sent in an RPD sample for ATF to evaluate on April
2 the 15th, can't you? You can look at it and see?

3 A. I mean, I can see that the letter states that. I mean, I
4 can't prove that the sample was sent up. I believe that it
5 was, you know, I have indication that it was, but the letter
6 doesn't indicate -- doesn't confirm with no certainty --
7 without certainty that that was sent up.

8 Q. But you have been able to confirm -- you have been able to
9 confirm that that letter was sent, and it was received by ATF,
10 haven't you?

11 A. I can -- I would say yes, because there's a letter in
12 response to them that references that letter. So, I would
13 have to say yes.

14 Q. And that was the November 14th letter?

15 A. Correct.

16 Q. They responded November 14th to an April 15th letter?

17 A. Correct. The response was November 14th, 2003.

18 Q. And even though Mr. Wrenn didn't have to send anything,
19 because you have already said he sent it, and they didn't
20 respond within 30 days?

21 A. Well, there is no requirement for them to respond within
22 30 days.

23 Q. So, they could wait for as long as they wanted?

24 A. They can wait until they make the determination of the
25 firearm, I would imagine.

1 Q. And until they make a determination that it's a firearm,
2 it's up to the manufacturer, isn't it?

3 A. It's up to the manufacturer to do what he believes is
4 right, and not -- not misrepresent what he is selling.

5 Q. It's up to the manufacturer to do what he thinks is right,
6 isn't it?

7 A. Well, yeah, I would have to say he has to do what's right,
8 yeah.

9 Q. Thank you. If I can see this exhibit?

10 A. This exhibit?

11 Q. Yes.

12 A. Sure.

13 Q. 66 B, who is that addressed to?

14 A. "To whom it may concern."

15 Q. At where?

16 A. At the Bureau of Alcohol, Tobacco, and Firearms,
17 Technology Branch, 1600 Massachusetts Avenue, Washington,
18 D.C."

19 Q. And is that coming from Mr. Wrenn?

20 A. I don't know.

21 Q. You can't tell -- you found this in his file though,
22 didn't you, 66 B?

23 A. This -- I mean, this is the file that I found, that's
24 correct.

25 Q. Okay. And what is the first line of that, after "To Who

1 It May Concern"?

2 A. This is a request for status as a nonfirearm.

3 Q. All right, status as a nonfirearm?

4 A. Uh-huh.

5 Q. Does it have some inclusions of what is included? Look

6 on the --

7 A. Are you talking about part B at the bottom, is that what

8 you are referring to?

9 Q. Yes.

10 A. It says, "B" and then there is a colon. It says,

11 "Examples of past approved conversion units include, but not

12 limited to."

13 Q. Yes.

14 A. Do you want me to read all those?

15 Q. Go ahead.

16 A. "Number 1" -- I think the word is, "Ceiner --"

17 C-e-i-n-e-r?

18 Q. All right, keep going.

19 A. " -- belt fed AR 15 conversion."

20 "Number 2, BRP M42 AR conversion.

21 "Number 3, Aries, in quotes, shrike conversion.

22 "Number 4, Flemming M-11, 22 conversion unit with

23 integral mag."

24 Q. Let me stop you there for just a moment. You know what

25 the Flemming is, don't you?

1 A. No, sir.

2 Q. You don't know that?

3 A. No clue.

4 Q. Never heard of it?

5 A. No, I have not.

6 Q. Okay. But it's a --

7 MS. MCGREGOR: Your Honor, I object.

8 THE COURT: Objection sustained. He doesn't know
9 what it is, you need to move on.

10 BY MR. TRUSLOW:

11 Q. Go ahead.

12 A. Okay. "Number 5, Thompson center firearms barrelled unit.

13 "Number 6, SWD carbine conversions unit for the M-11
14 and Mac series.

15 "Number 6 --" I'm sorry, "number 7," capital
16 "CAC" -- I don't know if that's a word or initials -- "Glock
17 carbine conversions.

18 "Number 8, Watson weapons 50 BMG slash AR 15
19 conversions.

20 "Number 9, numerous caliber change conversion uppers
21 for the AR 15 slash M-16 series.

22 "Number 10, Beowulf -- "

23 Q. Beowulf.

24 A. "Beowulf conversion units."

25 Q. All right.

1 A. That's it. That's where it ends.

2 Q. And would it be fair to say, if we cut to the chase, you
3 don't know what those mean?

4 A. No idea what any of those are.

5 Q. The next is a series of photographs of the device that we
6 are talking about, RPD upper conversion?

7 A. To be honest with you, Mr. Truslow, I mean, I recognize
8 that foregrip for the RPD. I will assume that that's what
9 they are, but I couldn't state that definitively.

10 Q. What you do know is that Mr. Wrenn sent in his request for
11 a classification for the device that he was building, the RPD
12 upper. He sent it to FTB on April 15th.

13 MS. MCGREGOR: Asked and answered, Your Honor.

14 THE COURT: All right, Mr. Truslow, it's getting
15 late, and I just wanted to know when you can get to a point
16 when we would be able to stop?

17 MR. TRUSLOW: After this, I think we will be at a
18 stopping point.

19 THE COURT: Okay.

20 BY MR. TRUSLOW:

21 Q. Referring to Exhibit 58, that's what's called Shotgun
22 News; do you agree with that?

23 A. The correct date, September 20th, 2003.

24 Q. And would you agree with me that Shotgun News is a
25 national publication, and they sell a -- they market and sell

1 a number of items, advertising?

2 A. I would agree that it's a national publication because
3 that's what the people at Shotgun News told me. And it's
4 apparent that there are numerous items inside this that appear
5 to be for sale, that's correct.

6 Q. And would you agree with me that one of Mr. Wrenn's -- the
7 prototype unit that he was offering for sale is listed right
8 there in Shotgun News?

9 A. Again, you are referencing -- is it a prototype? I
10 mean --

11 Q. I'm sorry, I'm sorry. The units are for sale?

12 A. I would state that on page 71 there is a business card
13 size ad for SOCOM Manufacturing that states, "featuring belt
14 fed RBP," which I am assuming is meant to be RPD -- "and M 249
15 conversions for M-11 machine guns."

16 On page 176 there is a half page ad that states,
17 "The RPD upper conversion," has a picture of a SAW, or what
18 appears to be a SAW -- I'm not sure if that's a SAW or if that
19 has an M-11 attached to the bottom -- and what appears to be
20 something similar to an RPD. And it states in here
21 definitively that this upper is a nonfirearm, and requires no
22 paperwork.

23 Q. All right. And what is -- tell the jury again, the date
24 of that is September 2000 -- what, 2003?

25 A. Correct. September 20th of 2003.

1 Q. So, given that Mr. Wrenn submitted on April the 15th a
2 unit to ATF-FTB for classification, given that he's even
3 advertising in Shotgun News, it's not like he's trying to hide
4 anything, is it? It's all --

5 MS. MCGREGOR: I would object, because I think
6 that's speculation as to what Mr. Wrenn was thinking or trying
7 to do.

8 MR. TRUSLOW: I can rephrase it.

9 BY MR. TRUSLOW:

10 Q. It's there for the world to see, isn't it?

11 A. Is what there for the world to see?

12 Q. What he's doing, it's not -- these are being sent to ATF
13 and they are advertised?

14 A. Well, that's not correct. The SAW has never been sent to
15 ATF. He's advertising a SAW in here, and it's never been sent
16 to ATF.

17 Q. I am talking about the RPD.

18 A. No, you are talking about the ad.

19 Q. Okay. Well, I --

20 A. And in the ad it states the SAW, and the SAW is --

21 Q. Let's talk about the RPD ad.

22 A. Okay.

23 Q. Anybody in the world can see it.

24 A. I guess if they had a copy of this Shotgun News, I assume
25 if they looked at that page they could see it.

1 Q. And on the SAW -- and this would be a good stopping point,
2 right after I ask this.

3 The SAW, you have already said that he doesn't have
4 to have any permission from ATF to manufacture, any prior
5 permission?

6 MS. MCGREGOR: Your Honor, I would object. That's
7 the third time he has asked that same question. Asked and
8 answered.

9 BY MR. TRUSLOW:

10 Q. On the SAW, I'm asking about the SAW now -- we have
11 already talked about the RPDs -- SAWs, he doesn't haven't to
12 have permission from ATF, does he?

13 A. Well, you know, I don't think the issue is whether he has
14 to have permission or not, the issue is whether he can sell
15 them to the public.

16 Q. Okay. Where in the green book, Exhibit A, does it say
17 that you can't sell -- that he has to have permission from ATF
18 before he sells?

19 A. That's not what I said. In the green book, I can read you
20 the definition of a machine gun.

21 Q. I didn't ask that. I asked you where it says that he
22 can't sell a nonfirearm?

23 A. Well, these are not nonfirearms.

24 THE COURT: Mr. Truslow, that wasn't the original
25 question.

1 MR. TRUSLOW: That wasn't --

2 THE COURT: I think you have confused several
3 matters here, and asked him a compound question that I don't
4 think it's possible to answer.

5 MR. TRUSLOW: I probably have. This probably is a
6 good stopping point.

7 THE COURT: I would agree.

8 Ladies and gentlemen, we are going to recess for the
9 evening, and we will start back tomorrow morning at 9:30.
10 Thank you very much.

11 (Jury not present)

12 THE COURT: Agent Baldwin, you can step down.

13 THE WITNESS: Thank you, ma'am.

14 THE COURT: You are under oath, you may not discuss
15 your testimony with anybody --

16 THE WITNESS: Yes, ma'am.

17 THE COURT: -- over the recess.

18 THE WITNESS: Do you want me to take these?

19 THE COURT: You can leave them there.

20 THE WITNESS: Okay.

21 THE COURT: We will be in recess until tomorrow
22 morning at 9:30.

23 MS. MCGREGOR: Thank you, Your Honor.

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CERTIFICATE OF REPORTER

I certify that the foregoing is a correct transcript
from my stenographic notes in the above-entitled matter.

s/ Gary N. Smith, CM
