

UNITED STATES DISTRICT COURT
for the
Eastern District of Tennessee

United States of America

v.

Kevin Dawson

Defendant

Case No. 1:12-mj-

171

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date of 05/23/2012 in the county of McMinn in the Eastern District of
Tennessee, the defendant violated 18 U. S. C. § 922(a)(1); and 922(o)
, an offense described as follows:

- 1) Engaging in the business of importing, manufacturing, or dealing in firearms without a federal firearms license, and in the course of such business to ship, transport, or receive any firearm in interstate or foreign commerce.
- 2) Transfer or Possession of Machinegun.

This criminal complaint is based on these facts:

SEE ATTACHED AFFAIDIT

☒ Continued on the attached sheet.

Complainant's signature

Printed name and title

Sworn to before me and signed in my presence.

Date:

5/23/12

Judge's signature

City and state: Chattanooga, Tennessee

Susan K. Lee, U.S. Magistrate Judge

Printed name and title

AFFIDAVIT IN SUPPORT OF A SEARCH WARRANT

I, Neil D. Harper, being duly sworn, depose and state;

1. I am a Special Agent of the United States Department of Justice's Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) and have been so employed since October 1999. I am currently assigned to the ATF's Chattanooga Field Office. As a Special Agent, I have participated in numerous investigations that fall under the investigative jurisdiction of ATF including, but not limited to, Federal firearms, explosives and arson violations. I am also certified by the International Society of Forensic Computer Examiners as a "Certified Computer Examiner" (CCE) and as such have specific training and experience in conducting digital forensic examinations of various types of electronic digital media.

2. This affidavit is made in support of a complaint against Kevin DAWSON for the following Federal violations:

- a. 18 USC 922(a)(1) – Dealing firearms without a Federal firearms license.
- b. 18 USC 922(o) – Possession of a machine gun.

3. In April 2011, ATF became aware of Kevin DAWSON selling firearms following the shooting death of Chattanooga Police Officer Sergeant Tim Chapin. It was discovered that Kevin DAWSON, who was not a federal firearms licensee (FFL), traded a firearm at a gun show to Jesse Mathews, a convicted felon and the person who allegedly shot and killed Sergeant Chapin. ATF agents interviewed DAWSON in April 2011 regarding the firearm he traded to Mathews. DAWSON said Mathews told him he was not a felon. An ATF Industry Operation Investigator

then advised DAWSON he should seek a Federal firearms license due to his apparent frequent and consistent firearms sales.

4. In October 2011, it was learned that DAWSON was still selling firearms without a license. His business card was obtained which reflects in part the following information:

“TN Goods...,” “Kevin Dawson,” “Ooltewah, TN 37363.”

5. Between February 7, 2012 and February 16, 2012, an ATF undercover (UC) agent #2 had several undercover e-mail conversations with Kevin DAWSON regarding the purchase of firearms. On February 7, 2012, ATF Agent #2 sent DAWSON an e-mail to the address provided on DAWSON's business card, asking whether or not he had anything in a “.45 caliber.” The response indicated he had two .45 caliber pistols. There were several e-mails over the next (7) days discussing pistols, prices and a location for the transaction. There were also some responses from the e-mail address which showed an associated name of “Kevin.” Ultimately, DAWSON offered for sale a “Glock” and a “Sig” pistol. He also agreed to meet the UC Agent in Cleveland, Tennessee.

6. On February 7, 2012 ATF UC Agent #1 called Kevin Dawson of “TN Goods” over the telephone, at the number provided on the previously mentioned business card, concerning the purchase two .40 caliber pistols. DAWSON told UC Agent #1 that he had an HK, Glock and a Smith and Wesson, for sale. DAWSON told UC Agent #1 that the Glock was a model 22, .40 caliber pistol priced at \$500.00 US dollars and an HK was a model USP 40, .40 caliber pistol priced at \$575.00 US dollars. DAWSON indicated he lived in the Chattanooga area and wanted to meet with UC Agent #1 to sell him the pistols. DAWSON further indicated that the pistols were in Nashville, Tennessee. DAWSON told UC Agent #1 that he would be

travelling to Nashville the weekend of February 11-12, 2012 in order to help with a gun show. DAWSON told UC Agent #1 that he would retrieve the firearms from Nashville, TN this weekend and meet with him the following week to make the sale.

7. On February 13, 2012, UC Agent #1 telephoned DAWSON at (423) 240-7344 to ask DAWSON to set a meeting to purchase two .40 caliber pistols. DAWSON said he had an HK model USP 40, .40 caliber pistol. However, DAWSON said the other individual sold the Glock model 22, .40 caliber pistol at a gun show the previous weekend. However, DAWSON told UC Agent #1 that he also had a Kahr .40 caliber pistol, a Sig Sauer model 229, .40 caliber pistol, and a Sig Sauer model 239, .40 caliber pistol available for purchase. UC Agent #1 and DAWSON set a date of Thursday, February 16, 2012 to meet and conduct the firearms transaction.

8. On February 16, 2012, an ATF UC Agent #2 met DAWSON and purchased a Glock .45 caliber pistol and a Sig Sauer .45 caliber pistol for \$925. During the meeting, DAWSON discussed the previous e-mails between himself and UC Agent #2. DAWSON said he could provide lower end pistols. DAWSON said he goes to the gun shows every weekend and would look for the lower end pistols. DAWSON advised UC Agent #2 that he would send a text (message) when he had lower end pistols for sale. DAWSON also indicated that he could probably buy the lower end pistols for \$100 and sell those pistols for \$120.

9. On February 16, 2012, ATF UC Agent #1 met with Kevin DAWSON and purchased a HK USP 40 and a Kahr K40. Both pistols were zip tied through the chamber and barrel indicating the firearms were unloaded. DAWSON told UC Agent #1 that he

(DAWSON) could get any firearm that he wanted to purchase. DAWSON told UC Agent #1 that he "did a gun show about every weekend." DAWSON further told UC Agent #1 that he had sold three firearms approximately 30 minutes prior to their meeting. DAWSON then took UC Agent #1 to the trunk of his vehicle where he (DAWSON) had a Smith and Wesson 357 caliber revolver, a Colt model 2000, 9mm pistol, and Beretta model 92, 9mm pistol that DAWSON said were also for sale. UC Agent #1 also observed what appeared to be a rifle in a black rifle case co-located with the pistols in DAWSON's trunk. DAWSON indicated that he had more firearms for sale at his residence. UC Agent #1 told DAWSON that he resided in the state of Virginia and that he (UC Agent #1) came to Chattanooga to visit. DAWSON told UC Agent #1 to call him if he wanted more firearms in the future.

10. On February 22, 2012, ATF UC Agent #1 spoke with Kevin DAWSON concerning the purchase of two pistols and one revolver. DAWSON told UC Agent #1 that he had a Beretta 92 S, multiple Sig Sauer pistols, two Colt Series 80 pistols, two Smith and Wesson model 10 revolvers and some Glock pistols for sale. UC Agent #1 asked DAWSON if he still had the Smith and Wesson model 66, .357 caliber revolver previously observed in DAWSON's trunk during the February 16, 2012 firearms transaction. DAWSON told UC Agent #1 that he sold that firearm at a local gun show the previous weekend. UC Agent #1 ordered three firearms from DAWSON. DAWSON said he would have to get some of the firearms from another house but would meet UC Agent #1 at the Kangaroo Express in Ooltewah, TN on Thursday February 23, 2012 to conduct the transaction.

11. On February 23, 2012 an ATF UC Agent purchased a Sig Sauer model P239, .40 caliber pistol, a Sig Sauer model 229, .40 caliber pistol and a Smith and Wesson model 10, .38 caliber revolver from DAWSON.

12. On February 28, 2012, UC Agent #1 called DAWSON and discussed additional firearms for sale. DAWSON told UC Agent #1 that he had 3 Sig Sauer model P250, 9mm semi-automatic, pistols and one Sig Sauer model 250, 45 caliber pistol that he was selling for \$450.00. DAWSON told UC Agent #1 that he would be setting up for the gun show that was to be held at the Shriners in Chattanooga, Tennessee on the weekend of March 3-5, 2012. DAWSON told UC Agent #1 that if there was a specific firearm that he wanted, that he (DAWSON) would get firearm and hold it for UC Agent #1. Further, DAWSON asked UC Agent #1 if he was interested in purchasing AR-15 rifles. DAWSON added that he would have a few AR 15 rifles for sale in the next week.

13. On March 2, 2012, ATF UC Agent # 1 met with Kevin DAWSON on Hickory Valley Rd, Chattanooga, Tennessee, and purchased a Colt model 2000, 9mm pistol, a Glock model, 27, .40 caliber pistol and a Smith and Wesson model 10, .38 caliber revolver. UC Agent #1 told DAWSON that he (UC Agent #1) would be able to sell the firearms in Baltimore, Maryland quickly. DAWSON acknowledged that UC Agent #1 was buying firearms to resell in Baltimore, Maryland. DAWSON told UC Agent #1 that when he first started selling firearms, he would use all of his profits made from selling firearms to buy more firearms to sell. DAWSON relayed that if you bought six firearms and made a \$100.00 USD profit from each of the firearms that UC Agent #1 could make up to \$600.00 USD profit each week. UC Agent #1 told DAWSON that he was interested in

Glocks, Sig Sauer's and Heckler and Koch (HK) pistols. DAWSON told UC Agent #1 that he could get as many Glocks as UC Agent #1 wanted, but did not deal as much with the HK pistols because they were harder to sell. DAWSON continued by telling UC Agent #1 that if he was interested in the HK pistols that he would find them to sell to UC Agent #1. UC Agent #1 told DAWSON that he lived and worked in Virginia. DAWSON acknowledged that UC Agent #1 lived out of state and replied that UC Agent #1 should say that DAWSON sold the firearms to UC Agent #1's "girlfriend" because she is a resident of Tennessee. DAWSON also suggested that UC Agent #1 could say that he bought the firearms from a gun show in Virginia. DAWSON told UC Agent #1 if he (DAWSON) was caught selling to someone out of state, "they would bust my ass." DAWSON said that "you've got son of a bitches that will set you up in a minute" and he attempts to "feel people out" before he sells the firearms to ensure he is not being "set-up." DAWSON further stated that he sells a lot of firearms on a regular basis and does not want to be "set-up." DAWSON said that he was making approximately \$25.00 to \$50.00 USD profit per firearm "but that he was rolling" each week. DAWSON said that he was pleased that UC Agent #1 appeared to be making a profit from the firearms. DAWSON told UC Agent #1 that the more profit that he (UC Agent #1) made from the sale of the firearms, the more firearms UC Agent #1 would in turn buy from DAWSON. UC Agent #1 placed an order for more from DAWSON for the next Thursday, March 8, 2012. DAWSON took an order for two North American Firearms revolvers, on Charter Arms .38 caliber revolver and one Glock model 27, .40 caliber pistol to sell to UC Agent #1 at their next meeting.

14. On March 8, 2012, ATF UC Agent #1 met with Kevin DAWSON at a

location on Lee Highway, Ooltewah, TN, and purchased a North American Arms model NAA 22, .22 caliber revolver, a North American Arms model Black Widow, .22 caliber revolver, a Glock model, 27, .40 caliber pistol and a Charter Arms model Undercover Lite, .38 caliber revolver. During the transaction, DAWSON pointed out that the Charters Arms model Undercover Lite, .38 caliber revolver was purple in color. DAWSON then had UC Agent #1 accompany him to the trunk of his Toyota Camry. DAWSON opened his trunk allowing UC Agent #1 to observe approximately 20 firearms (handguns). DAWSON showed UC Agent #1 several handguns quoting his selling price for each firearm. DAWSON indicated that all of the firearms in his trunk were for sale. UC Agent #1 asked DAWSON how he financially tracked his firearms. DAWSON told UC Agent #1 that he bought and sold so many firearms that he had to "write down" what he paid for each firearm to track his profits. DAWSON offered to hold three of the firearms observed in the trunk of DAWSON's vehicle, two Taurus pistols and one Springfield Arms pistol, to purchase on their next meeting. DAWSON told UC Agent #1 that he would hold the firearms until their next transaction. DAWSON indicated that was traveling to Knoxville, Tennessee the weekend of March 9-10, 2012 to sell firearms at a gun show in the Knoxville, Tennessee area. During the transaction, DAWSON again acknowledged that UC Agent #1 resided in Virginia and that he was going to take the firearms he purchased from DAWSON and sell them in Baltimore, Maryland.

15. On March 28, 2012 at approximately 2:40 p.m. ATF Special Agents observed a black Toyota Camry parked in the driveway of DAWSON'S residence in Ooltewah, Tennessee. At approximately 2:46 p.m., ATF Agents observed the same black

Toyota Camry depart DAWSON'S residence. DAWSON was the only occupant of the Camry. ATF Special Agents conducted continuous surveillance of DAWSON as he traveled to meet with ATF UC Agent #1 at approximately 3:19 p.m. in Dalton, Georgia. This meeting occurred in a parking lot on West Walnut Avenue, Dalton Georgia. During this meeting, ATF UC Agent #1 purchased a SCCY Industries model CPX-1, 9mm pistol, a Detonics model Pocket 9, 9mm pistol, a Taurus model PT 111, 9mm pistol, a Glock model 23, .40 caliber pistol, a Glock model 27, 40 caliber pistol, a Springfield Armory model XD-40, 40 caliber pistol and 100 rounds of Winchester Black Talon 40 caliber ammunition from DAWSON. DAWSON began to show and describe other firearms that he was selling including a Glock model 24, .40 caliber pistol that he was selling for \$600.00 United States Dollars (USD). DAWSON told UC Agent #1 that he could resell the Glock model 24 for \$700.00 USD to make \$100.00 profit from the sale. DAWSON also showed UC Agent #1 a Glock model 19 and an additional Glock model 27 he was selling. DAWSON further told UC Agent #1 that he had purchased the Glock 27 and the Glock 24 the weekend prior to resale for profit. DAWSON told UC Agent #1 that he would have had more firearms to show UC Agent #1 but he did not have time to go by another house to get more firearms that he had for sale. DAWSON told UC Agent #1 that he had a Smith and Wesson M&P 40, .40 caliber pistol and a Smith and Wesson M&P 45, .45 caliber pistol that he would sell for \$500.00 USD each. DAWSON told UC Agent #1 that he should be able to resell the two Smith and Wesson pistols for \$600.00 each making \$100.00 USD profit from each firearm. DAWSON told UC Agent #1 that if he sold this "load" of firearms to call him and DAWSON would "round up" another couple of

thousand dollars worth of handguns that would be easy to sell. During the course of the conversation, UC Agent #1 reminded DAWSON that he resided and worked in Virginia and that he was selling the firearms he bought from DAWSON in Baltimore, Maryland. DAWSON told UC Agent #1 that his price for Glocks would be increased from \$525.00 USD to \$550.00 USD for future purchases. DAWSON told UC Agent #1 that he would actively seek Glock .40 caliber pistols to purchase for resale to UC Agent #1.

16. On April 24, 2012, ATF UC Agent #2 purchased two firearms from Kevin DAWSON in a parking lot on Signal Mountain Boulevard in Chattanooga, Tennessee. The meeting was pre-arranged where DAWSON agreed to sell a Hi-Point .45 caliber pistol for \$160 and a .38 caliber revolver for \$270. During the transaction, DAWSON explained that there was a problem with the revolver where it would not function in single action. It would only fire double action. UC Agent #2 related that would not be a problem. DAWSON said he would look for more inexpensive "cheap" pistols for UC Agent #2.

17. On April 27, 2012, ATF UC Agent #1 met with Kevin DAWSON in a parking lot on Browns Ferry Rd, Chattanooga, TN and purchased a Glock model, 27, .40 caliber pistol. UC Agent #1 called DAWSON prior to meeting when DAWSON indicated that he was at his father's residence loading firearms in his vehicle to sell at a gun show this weekend. DAWSON then requested that UC Agent #1 meet him in the parking lot of the CVS to conduct the firearms transaction. Agents then followed the Toyota from Bonnevillle Circle to a gas station and then to the parking lot where he met UC Agent #1. UC Agent #1 and DAWSON began to discuss firearms where DAWSON showed UC Agent #1 a Bond Arms, 9mm caliber derringer that was priced at approximately \$350.00 United States Dollars (USD). The topic of conversation turned

to Thompson machine guns. UC Agent #1 told DAWSON that he knew someone with a Thompson submachine gun and indicated that it was for sale. DAWSON asked UC Agent #1 if the Thompson submachine gun was fully automatic. UC Agent #1 told DAWSON that the Thompson submachine gun was fully automatic. DAWSON told UC Agent #1 that he had a guy (an unidentified individual) out of Nashville, Tennessee that had been looking for a Thompson submachine gun for approximately two years. DAWSON asked UC Agent #1 the condition of the Thompson submachine gun and how much it would cost. DAWSON asked again if the Thompson submachine gun was fully automatic where UC Agent #1 said that it was fully automatic. DAWSON told UC Agent #1 "I can do something with it; you tell me what you have to have out of it." DAWSON told UC Agent #1 that the Thompson submachine gun would probably bring \$3000.00 to \$4000.00 USD. DAWSON told UC Agent #1 that he had an Auto Ordnance model 1927, 45 caliber rifle (Thompson submachine gun replica) but that it was not fully automatic. DAWSON told UC Agent #1 that his unidentified buyer liked Thompson submachine guns and that he (DAWSON) was able to locate two Thompson submachine guns for his unidentified buyer in the past. DAWSON said that his unidentified buyer wanted to pay \$3500.00USD for the Thompson submachine gun and the unidentified seller wanted \$3000.00 USD for the machine gun. DAWSON indicated that he was only getting \$500.00 USD to broker the deal and did not want to take the risk of transporting the machine gun to Nashville for \$500.00 USD. DAWSON told UC Agent #1 that he sells the unidentified buyer from Nashville, Tennessee a lot of guns and does not ask any questions. DAWSON said that he previously sold the unidentified buyer from Nashville, Tennessee a Barrett 50 caliber rifle for \$10,000 USD to \$11,000. DAWSON said that he had set a deal to sell his unidentified buyer from Nashville,

Tennessee ten to twelve firearms last week but the transaction fell through. DAWSON indicated that he had since sold the ten to twelve firearms to other individuals.

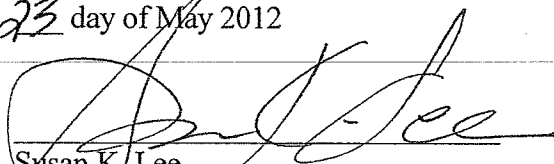
18. On May 23, 2012, UC Agent #1 met with DAWSON for the purposes of selling the fully automatic Thompson submachine gun that had been previously discussed. UC Agent #1 went to a prearranged meeting site on Browns Ferry Road with the Thompson submachine gun and met DAWSON, where he showed DAWSON the firearm. DAWSON commented that "it even has 'auto' on the receiver." DAWSON inspected the firearm. UC Agent #1 went to the trunk of DAWSON's vehicle where he looked at approximately 7 firearms that DAWSON had agreed to sell and trade to UC Agent #1 for the machine gun. DAWSON agreed to take the machine gun on a trade and said, "I can do something with it." UC Agent #1 went and retrieved the gun from his vehicle and placed it in the trunk of DAWSON's vehicle. DAWSON retrieved the gun from the bag and placed it into a gun case located in the trunk of his vehicle. DAWSON helped UC Agent #1 carry 5 firearms back to the agent's vehicle. At that time, DAWSON was taken into custody by law enforcement agents.

19. According to the ATF Federal Licensing System, Kevin DAWSON is not a Federal firearms licensee.



ATF Special Agent

Sworn before me this
23 day of May 2012


Susan K. Lee
United States Magistrate Judge