

AO 106A (08/18) Application for a Warrant by Telephone or Other Reliable Electronic Means



## UNITED STATES DISTRICT COURT

for the  
District of New Mexico

In the Matter of the Search of  
(Briefly describe the property to be searched  
or identify the person by name and address)

FFL Shooter's Den located at 2729 San Mateo Blvd NE,  
Albuquerque, New Mexico, 87110 further described in  
ATTACHMENT A

Case No. 23-MR-1882

## APPLICATION FOR A WARRANT BY TELEPHONE OR OTHER RELIABLE ELECTRONIC MEANS

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property (identify the person or describe the property to be searched and give its location):

See Attachment A (incorporated by reference).

located in the \_\_\_\_\_ District of \_\_\_\_\_ New Mexico \_\_\_\_\_, there is now concealed (identify the person or describe the property to be seized):

See Attachment B (incorporated by reference).

The basis for the search under Fed. R. Crim. P. 41(c) is (check one or more):

- ☒ evidence of a crime;  
☒ contraband, fruits of crime, or other items illegally possessed;  
☒ property designed for use, intended for use, or used in committing a crime;  
☐ a person to be arrested or a person who is unlawfully restrained.

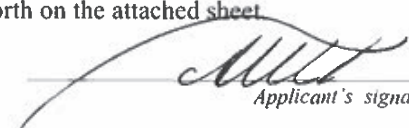
The search is related to a violation of:

Code Section	Offense Description
18 U.S.C. § 922(a)(1)(A)	Dealing and manufacturing of firearms without a license
21 U.S.C 5861	Possession of an unregistered NFA firearm
18 U.S.C. § 933	Trafficking in firearms

The application is based on these facts:  
Please see the attached Affidavit of ATF Special Agent Amber Pace, which is incorporated by reference.

☒ Continued on the attached sheet.

☐ Delayed notice of \_\_\_\_\_ days (give exact ending date if more than 30 days: \_\_\_\_\_) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet

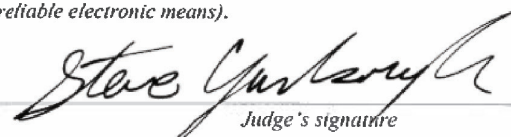
  
Applicant's signature

Amber Pace, ATF Special Agent  
Printed name and title

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by  
telephonically sworn and electronically signed (specify reliable electronic means).

Date: 10/4/2023

City and state: Albuquerque, New Mexico

  
Judge's signature

Hon. Steven C. Yarbrough, United States Magistrate Judge  
Printed name and title

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

IN THE MATTER OF THE SEARCH OF:

Federal Firearms Licensee (FFL) Shooter's Den  
at 2729 San Mateo Blvd NE, Albuquerque, New  
Mexico, 87110.

Case No. \_\_\_\_\_

**AFFIDAVIT IN SUPPORT OF AN  
APPLICATION UNDER RULE 41 FOR A  
WARRANT TO SEARCH AND SEIZE**

I, Amber Pace, being first duly sworn, hereby depose and state as follows:

**INTRODUCTION AND AGENT BACKGROUND**

1. I make this affidavit in support of an application under Rule 41 of the Federal Rules of Criminal Procedure for a warrant to search the premises known as Federal Firearms Licensee (FFL) Shooter's Den at 2729 San Mateo Blvd NE, Albuquerque, New Mexico, 87110 (the "PREMISES"), further described in Attachment A, for the things described in Attachment B

2. I am a Special Agent (SA) with the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), and have been so employed since August 2020. I am a graduate of the University of Arizona, holding a Bachelor's degree in Public Management and Policy and a Master's degree in Business Administration. I have also attended and graduated from the Federal Law Enforcement Training Center and the ATF National Academy.

3. I have training and experience investigating violations of Federal law, including investigations involving the forensic examination of electronic devices and cellular telephones. I have an understanding of the various roles played by individuals or groups involved in firearms trafficking, narcotics distribution, the unlawful use or possession of firearms during crimes of violence and/or drug trafficking, and am familiar with the manner of operation of some

organized criminal groups, such as drug cartels and street gangs.

4. I am familiar with the information contained in this Affidavit based upon the investigation that myself and other law enforcement officers have conducted, on my conversations with other law enforcement officers or industry operations investigators who have engaged in various aspects of this investigation and based upon my review of reports written by other law enforcement officers involved in this investigation. Because this Affidavit is being submitted for the limited purpose of securing a search warrant, I have not included each and every fact known to me concerning this investigation. I have set forth only those facts that I believe are relevant to the determination of probable cause to support the issuance of the requested warrant. When the statements of others are set forth in this Affidavit, they are set forth in substance and in part.

5. I have been involved in an ongoing investigation regarding the manufacturing and distribution of firearms by Anthony STEPHEN from within the PREMISES.

6. This affidavit is intended to show only that there is sufficient probable cause for the requested warrant and does not set forth all of my knowledge about this matter.

**FEDERAL CHARGES RELEVANT TO THIS INVESTIGATION**

7. I believe there is probable cause that STEPHEN has committed, is committing, and will continue to commit offenses involving violations of the following statutes, and that evidence of these violations is likely to be found in the places to be searched:

- a. 18 U.S.C. § 922(a)(1)(A) – Dealing and manufacturing of firearms without a license;
- b. 21 U.S.C 5861 – Possession of a firearm which is not registered in the National Firearms and Transfer Record; and

- c. 18 U.S.C. § 933 – Trafficking in firearms.

**EVIDENCE SOUGHT DURING SEARCH**

8. Based on my training, experience, and participation in this and in similar investigations, I know that individuals involved in illegal firearms trafficking and unlicensed dealing and manufacturing of firearms often conceal evidence of their criminal activities in their residences and businesses, or the residences of friends or relatives, and in surrounding areas to which they have ready access such as garages, carports and outbuildings. They also conceal evidence in vehicles, including vehicles outside of their residences (including vehicles parked on the street when no driveway exists) and businesses, so that they have ready access to it and so that they can hide it from law enforcement, including law enforcement officers executing search warrants at their residences or businesses. Evidence also may be found in other areas to which the individual has ready access, such as rented storage areas and safety deposit boxes, or buried underground on their property. This evidence, which is discussed in detail in the following paragraphs, includes digital media, such as cell phones, computers, flash drives, or discs, plastic (filament) materials, 3D printers and associated components and storage media, tools for sanding and shaping firearms and firearms parts, as well as proceeds from sales and valuables obtained from those proceeds and documents related to those sales and proceeds.

9. Other evidence of transportation, ordering, possession, and sale of firearms or materials to manufacture firearms can include the following: telephone bills to show numbers called by the trafficker or dealer (and potential associates), overnight mail receipts, bank statements, deposit and withdrawal slips, savings books, investment statements, loan statements, and other financial institution statements. The above items are often stored on a suspect's person, in their business or residence, in their vehicles, in surrounding garages, outbuildings,

carports and yards, and the residences of friends or relatives. This type of documentation can be stored on digital media and concealed virtually anywhere.

10. The use of digital media, including smartphones, tablets, cellular phones, and digital devices, has become part of everyday life. This is also true for firearm traffickers and those who deal firearms without a license. Information stored in electronic form on all of the above devices can provide evidence of trafficking and illegal firearms dealing. Firearm traffickers and unlicensed dealers frequently use some or all of these devices to communicate with co-conspirators, customers, sources of supply, and others involved in the firearm trade. These communications include, but are not limited to, phone calls, text messages, SMS (Short Message Service) messaging, MMS (Multimedia Messaging Service) messaging, social media posts and messaging, and smartphone application messaging services. Smartphones, tablets, cellular phones, and digital devices are frequently capable of storing messages, emails, social media communications, and communications made over smartphone applications. The content of these communications will often provide evidence of firearm trafficking and unlicensed dealing. Numbers stored on a telephone (such as Caller ID lists reflecting recently received calls, speed dial lists of names and/or telephone numbers, and logs of outgoing and incoming calls) can provide evidence of who the person has called or otherwise communicated with, thus identifying potential criminal associates.

11. Firearm traffickers and unlicensed dealers often take, or cause to be taken, photographs and/or videos of themselves, their associates, their property and their firearms or firearm parts, typically for the purpose of advertising these goods for sale to others. They usually maintain these photographs and/or videos on their person or in their businesses, residences or cars, on computers, or in the residences of friends or relatives. Smartphones,

tablets, cellular phones, digital cameras, and other digital devices, often have the capability to take still photos and videos and save them indefinitely on the device's storage medium. Firearm traffickers and unlicensed dealers frequently use these devices to take their photographs and videos.

12. They also may maintain indicia of firearms possession, such as receipts for firearms and ammunition, boxes for firearms and ammunition, firearms cleaning supplies, and instruction manuals and other documentation for firearms and ammunition.

13. Firearm traffickers and unlicensed dealers often utilize digital video surveillance systems. A digital video surveillance system is a surveillance system that is capable of capturing images, videos, and audio that can be compressed, stored or sent over communication networks. I know that it is common for digital surveillance systems to contain storage media that allow for 30 days or more of camera footage to be stored on the system. Digital video surveillance systems can be used for nearly any environment, including a commercial business or residence. I know that traffickers and unlicensed dealers make use of video surveillance systems to monitor who is approaching their residence and assess whether the person presents a threat to the person's proceeds. Firearm traffickers and unlicensed dealers also utilize surveillance equipment to obtain advance notice when law enforcement arrives to hide or destroy evidence of criminal activity. However, given the constant recording that occurs with a digital surveillance system, it is also common that the digital video surveillance system will also depict evidence of the residents' trafficking activities and conversations related to trafficking or unlicensed dealing.

14. Documents showing who owns, occupies, or controls the location being searched also show who is responsible for the items found on the premises or in the vehicle, including contraband and other evidence seized. Documents and items showing the identity of the



person(s) owning, residing in, or controlling the area being searched include, but are not limited to, utility and telephone bills, canceled envelopes and correspondence, outgoing answering machine messages, tax returns, keys, deeds and mortgage receipts. These documents may also be stored on digital media such as cell phones and computers, downloaded from online accounts, or scanned into digital format and stored on computers and related digital media.

15. The term “computer” includes all types of electronic, magnetic, optical, electrochemical, or other high speed data processing devices performing logical, arithmetic, or storage functions, including desktop computers, notebook computers, mobile phones, smartphones, tablets, server computers, and network hardware. The term “digital media” includes personal digital assistants (PDAs), smartphones, tablets, BlackBerry devices, iPhones, iPods, iPads, digital cameras, and cellular telephones. The term “storage media” includes any physical object upon which electronic data can be recorded, such as hard disks, RAM, floppy disks, flash memory, CD-ROMs, and other magnetic or optical media or digital medium. Collectively, the terms “computer,” “digital media,” and “storage media” are referred to as “electronic media.”

16. A list of items I seek authority to seize is in Attachment B.

#### **ELECTRONIC MEDIA AND FORENSIC ANALYSIS**

17. As described above and in Attachment B, this application seeks permission to search for evidence and records that might be found on the PREMISES, in whatever form they are found. Much of the evidence and records described in the paragraphs above, and in Attachment B, can also be produced and/or stored on electronic media. For this reason, I submit that if a computer, digital medium, or storage medium is found on the PREMISES, there is probable cause to believe those records will be stored on that computer, digital medium, or

storage medium. Thus, the warrant applied for would authorize the seizure of electronic media or, potentially, the copying of electronically stored information, all under Rule 41(e)(2)(B).

18. *Necessity of seizing or copying entire electronic media.* In most cases, a thorough search of a premises or other location for information that might be stored on electronic media often requires the seizure of the physical electronic media and later off-site review consistent with the warrant. In lieu of removing electronic media from the premises, it is sometimes possible to make an image copy of electronic media. Generally speaking, imaging is the taking of a complete electronic picture of the computer's data, including all hidden sectors and deleted files. Either seizure or imaging is often necessary to ensure the accuracy and completeness of data recorded on the electronic media, and to prevent the loss of the data either from accidental or intentional destruction. This is true because of the following:

- a. *The time required for an examination.* As noted above, not all evidence takes the form of documents and files that can be easily viewed on site. Analyzing evidence of how a computer has been used, what it has been used for, and who has used it requires considerable time, and taking that much time on premises could be unreasonable. Electronic media can store a large volume of information. Reviewing that information for things described in the warrant can take weeks or months, depending on the volume of data stored, and would be impractical and invasive to attempt on-site.
- b. *Technical requirements.* Computers can be configured in several different ways, featuring a variety of different operating systems, application software, and configurations. Therefore, searching them sometimes requires tools or knowledge that might not be present on the search site. The vast array of computer hardware



and software available makes it difficult to know before a search what tools or knowledge will be required to analyze the system and its data on the PREMISES. However, taking the electronic media off-site and reviewing it in a controlled environment will allow its examination with the proper tools and knowledge.

- c. *Variety of forms of electronic media.* Records sought under this warrant could be stored in a variety of electronic media formats that may require off-site reviewing with specialized forensic tools.

19. *Nature of examination.* Based on the foregoing, and consistent with Rule 41(e)(2)(B), the warrant I am applying for would permit seizing, imaging, or otherwise copying electronic media that reasonably appear to contain some or all of the evidence described in the warrant and would authorize a later review of the media or information consistent with the warrant. The later review may require techniques, including but not limited to computer-assisted scans of the computer or entire medium, that might expose many parts of a hard drive to human inspection in order to determine whether it is evidence described by the warrant.

20. The warrant I am applying for would permit law enforcement to obtain from certain individuals the display of physical biometric characteristics (such as fingerprint, thumbprint, or facial characteristics) in order to unlock devices subject to search and seizure pursuant to this warrant. I seek this authority based on the following:

- a. I know from my training and experience, as well as from information found in publicly available materials published by device manufacturers, that many electronic devices, particularly newer mobile devices and laptops, offer their users the ability to unlock the device through biometric features in lieu of a numeric or alphanumeric passcode or password. These biometric features include fingerprint

scanners and facial recognition features. Some devices offer a combination of these biometric features, and the user of such devices can select which features they would like to utilize.

- b. If a device is equipped with a fingerprint scanner, a user may enable the ability to unlock the device through his or her fingerprints. For example, Apple offers a feature called “Touch ID,” which allows a user to register up to five fingerprints that can unlock a device. Once a fingerprint is registered, a user can unlock the device by pressing the relevant finger to the device’s Touch ID sensor, which is found in the round button (often referred to as the “home” button) located at the bottom center of the front of the device. The fingerprint sensors found on devices produced by other manufacturers have different names but operate similarly to Touch ID.
- c. If a device is equipped with a facial recognition feature, a user may enable the ability to unlock the device through his or her face. For example, Apple offers a facial recognition feature called “Face ID.” During the Face ID registration process, the user holds the device in front of his or her face. The device’s camera then analyzes, and records data based on the user’s facial characteristics. The device can then be unlocked if the camera detects a face with characteristics that match those of the registered face. Facial recognition features found on devices produced by other manufacturers have different names but operate similarly to Face ID.
- d. In my training and experience, users of electronic devices often enable the aforementioned biometric features because they are considered to be a more

convenient way to unlock a device than by entering a numeric or alphanumeric passcode or password. Moreover, in some instances, biometric features are considered to be a more secure way to protect a device's contents. This is particularly true when the users of a device are engaged in criminal activities and thus have a heightened concern about securing the contents of a device.

- e. As discussed in this affidavit, based on my training and experience I believe that one or more digital devices will be found during the search. The passcode or password that would unlock the device(s) subject to search under this warrant is not known to law enforcement. Thus, law enforcement personnel may not otherwise be able to access the data contained within the device(s), making the use of biometric features necessary to the execution of the search authorized by this warrant.
- f. I also know from information found in publicly available materials including those published by device manufacturers, that biometric features will not unlock a device in some circumstances even if such features are enabled. This can occur when a device has been restarted, inactive, or has not been unlocked for a certain period of time. For example, Apple devices cannot be unlocked using Touch ID when (1) more than 48 hours has elapsed since the device was last unlocked or (2) when the device has not been unlocked using a fingerprint for 4 hours *and* the passcode or password has not been entered in the last 156 hours. Biometric features from other brands carry similar restrictions. Thus, in the event law enforcement personnel encounter a locked device equipped with biometric

features, the opportunity to unlock the device through a biometric feature may exist for only a short time.

- g. In my training and experience, the person who is in possession of a device or has the device among his or her belongings at the time the device is found is likely a user of the device. However, in my training and experience, that person may not be the only user of the device whose physical characteristics are among those that will unlock the device via biometric features, and it is also possible that the person in whose possession the device is found is not actually a user of that device at all. Furthermore, in my training and experience, I know that in some cases it may not be possible to know with certainty who is the user of a given device, such as if the device is found in a common area of a premises without any identifying information on the exterior of the device. Thus, it will likely be necessary for law enforcement to have the ability to require any individual, who is found at the PREMISES and reasonably believed by law enforcement to be a user of the device, to unlock the device using biometric features in the same manner as discussed above.
- h. Due to the foregoing, if law enforcement personnel encounter a device that is subject to search and seizure pursuant to this warrant and may be unlocked using one of the aforementioned biometric features, the warrant I am applying for would permit law enforcement personnel to (1) press or swipe the fingers (including thumbs) of any individual, who is found at the PREMISES and reasonably believed by law enforcement to be a user of the device, to the fingerprint scanner of the device; (2) hold the device in front of the face of those

same individuals and activate the facial recognition feature, for the purpose of attempting to unlock the device in order to search its contents as authorized by this warrant.

### **PROBABLE CAUSE**

#### **ATF Warning Conference**

21. From November 14 to November 15, 2022, ATF Industry Operations Investigator (IOI) Glenn McGuire conducted a compliance inspection of the PREMISES. During the records review of the ATF Forms 4473, IOI McGuire noted store manager STEPHEN had acquired a large number of AR-15 receivers during the previous 12-month period. A review of the store Acquisitions and Dispositions Record Book (A&D Records) showed sixty-one (61) instances in which receivers were acquired back into the inventory from STEPHEN as completed firearms. IOI McGuire noted eleven (11) additional receivers acquired by STEPHEN which had not returned to the PREMISES as completed firearms. STEPHEN reported that he knew he was required to have a license to build completed firearms but stated that he thought a license was only required to manufacture receivers. STEPHEN stated he has been building completed AR-15 style firearms for several years.

22. On March 21, 2023, and as a result of the inspection, ATF held a warning conference with the following individuals in attendance: ATF Albuquerque II (IO) Field Office Field Division: James Ray Newell, Glenn McGuire and Urania Reinoso. Responsible person(s) representing the licensee: Diana Lynn Lorenzo and Non-Responsible person(s) representing the licensee: STEPHEN. The PREMISES was cited for the following violations:

- 27 CFR 478.126.a: Failure to report multiple sales or other dispositions of pistols and revolvers, with twenty-three (23) instances.

- 18 U.S.C. 923(g)(5)(a): Failure to report multiple sales or other dispositions of certain rifles, with three (3) instances.
- 27 CFR 478.102(c): Failure to initiate a new NICS check after 30-day lapse of initial check, with one (1) instance.
- 27 CFR 478.124(c)(1): Failure to obtain a completed ATF F 4473, with eighty-one (81) instances.
- 27 CFR 478.21(a): Failure to complete forms as prescribed, with twenty-one (21) instances.
- 27 CFR 478.124(c)(3)(i): Failure to verify or record identification document on ATF F 4473, with eighteen (18) instances.
- 27 CFR 478.124(c)(3)(iv): Failure to verify or record NICS contact information on ATF F 4473, with one (1) instance.

23. As a result of the inspection and Warning Conference, ATF IOIs advised both the RP and STEPHEN that a manufacturing license was required to engage in the business of manufacturing firearms and the ATF Form to apply for said license was provided.

#### **Contact at the PREMISES**

24. On April 21, 2023, ATF agents contacted STEPHEN at the PREMISES in reference to the purchase of machinegun conversion devices (MCD). STEPHEN retrieved a rifle that was displayed on a wall in the store with a sign marked "Custom Build". STEPHEN advised agents that the MCD, more specifically a forced reset trigger (FRT), was installed in the rifle. STEPHEN stated, "I just submitted the SBR for it, so I'm waiting for it". Agents advised STEPHEN that the firearm in its current configuration would need to be seized to which STEPHEN stated "...I can't cause its already submitted". S/A Pace understood STEPHEN to be



referring to the ATF process in which to receive approval for National Firearms Act (NFA) items such as short barrel rifles (SBRs). In reference to the aforementioned SBR, STEPHEN further stated “I don’t even have my official for it yet though”. When asked if the SBR in question was listed in the inventory for the store, STEPHEN stated “It’s my gun, my personal gun”. Before agents left the FFL, STEPHEN made several comments regarding him and another store employee, Whitney Bisetti, manufacturing firearms that were displayed in the store for sale.

25. On June 6, 2023, an ATF Firearms Enforcement Officer determined the firearm seized from STEPHEN on April 21, 2023, was a “machinegun” as defined under 26 U.S.C. § 5845(b)<sup>1</sup>. 18 U.S.C. 922(o) makes it unlawful to transfer or possess a machinegun, except for transfers to or by, or possession by or under the authority of, the United States or a State, or machineguns lawfully possessed before May 19, 1986 (that is, machineguns in the U.S. and registered in the National Firearms Registration and Transfer Record (NFRTR)). The firearm was also determined to be an NFA item and defined as a “short-barreled rifle” under 18 U.S.C. § 921(a)(8)<sup>2</sup>. Based on my training and experience, I know that both machineguns and short-barreled rifles are required to be registered with the National Firearms Act Branch; such registrations are maintained within the NFRTR. In May 2023, and on October 3, 2023, a query of the NFRTR was conducted of STEPHEN’s personal information with negative results for the firearm seized on April 21, 2023.

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<sup>1</sup> 26 U.S.C. § 5845(b) defines a machinegun as any weapon which shoots, is designed to shoot, or can be readily restored to shoot, automatically more than one shot, without manual reloading, by a single function of the trigger to include any part or combination of parts designed and intended for use in converting a weapon into a machinegun.

<sup>2</sup> 18 U.S.C. § 921(a)(8) defines a short-barreled rifle as a rifle having one or more barrels less than sixteen inches in length and any weapon made from a rifle if such weapon, as modified, has an overall length of less than twenty-six inches.

26. FLS is an ATF database that stores FFL information to include Responsible Persons (RPs) for the license and license type. The only RP listed on the license for the PREMISES was, Diana Lorenzo. The Types of licenses an FFL can obtain include but are not limited to: Type 01- Dealer in Firearms Other Than Destructive Devices and Type 07- Manufacturer of Firearms Other Than Destructive Devices. In May 2023, and on October 3, 2023, a query of the Federal Licensing System (FLS) was conducted with STEPHEN's personal information with negative results and the PREMISES only obtained a Type 01 license. Additionally, ATF will not approve the transfer of an NFA firearm unless it has been registered to the transferor in the NFRTR. NFA firearms may only be registered upon their lawful making, manufacture, or importation, or upon the transfer of firearms already registered. Furthermore, an ATF Form 4 is required for a private transfer of NFA items, which must be accompanied by the transferees' fingerprints and photographs on FBI Forms FD-258 and, among several additional steps, must be approved by ATF before the transfers may be made.

#### **Controlled Purchase**

27. On May 12, 2023, an ATF undercover (UC) conducted a controlled purchase of firearms from STEPHEN at the PREMISES Shooter's Den. The UC purchased a SilencerCo, model SCO15, multi caliber pistol, bearing serial number S-14881, a Glock, model 17Gen5, 9x19 caliber pistol, bearing serial number BZZV138, and a pistol brace among other items. During the sale, STEPHEN advised that he had included the arm brace with the SilencerCo firearm but could not attach it to the firearm on the UCs behalf. STEPHEN advised that the ATF UC had to do it on his own when the UC got home but advised the UC not to get caught. The ATF UC negotiated the price of the SilencerCo with STEPHEN and Bisetti. STEPHEN stated

“no tax, straight \$3500 bucks. It goes straight to her anyways.” Bisetti stated, “we are doing cash for this (referring to the Silencerco) and no tax, which means that you are left with \$800.” The ATF UC was provided two receipts for the transaction indicating that the NFA item was not charged taxes while the Glock pistol receipt listed taxes charged. Additionally, the ATF UC was provided two boxes of ammunition at no charge.

28. On June 7, 2023, an ATF Firearms Enforcement Officer determined the SilencerCo firearm purchased by the UC on May 12, 2023, to be as defined as an “any other weapon” under, 26 U.S.C. § 5845(e).<sup>3</sup> Based on my training and experience, I know that a firearm fitting the definition of “any other weapon” is federally required to be registered with the National Firearms Act Branch and such registrations are maintained within the National Firearms Registration and Transfer Record (NFRTR) database. In May 2023, and on October 3, 2023, a query of the NFRTR was conducted of STEPHEN’s personal information with negative results for the firearms purchased on May 12, 2023, by the ATF UC. The ATF UC was not required to complete any additional paperwork outside of the ATF Form 4473 for the transfer of the firearms.

#### **Controlled Purchase**

29. On July 13, 2023, an ATF UC conducted a controlled purchase of a firearm from STEPHEN at the PREMISES Shooter’s Den. STEPHEN provided the UC with a firearm that STEPHEN identified as a “\$6500 Real Mark 18” and a second firearm that he identified as a

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<sup>3</sup> 26 U.S.C. § 5845 (e) defines “any other weapon” as any weapon or device capable of being concealed on the person from which a shot can be discharged through the energy of an explosive.

“Noveske”, both of which were displayed on the “Custom Build” section of the store. The ATF UC asked STEPHEN why an LMT Defense firearm, or as STEPHEN referred to as the Real Mark 18, was priced at \$6500 to which STEPHEN stated “it’s one of my favorite guns, because that’s my personal gun and everything that is nice is on it.” During the sale, STEPHEN advised the UC that STEPHEN provides a lifetime warranty on his firearms. STEPHEN stated, “every time I work on your shit or if I build shit, I always 100% percent lifetime warranty it because that is a representation of me.” The UC then paid STEPHEN \$5800 in government funds for the LMT Defense, model MARS LS, 5.56 caliber firearm, bearing serial number LXS24806. The ATF UC was provided a receipt that did not include taxes for the sale of the firearm.

30. On July 18, 2023, an ATF Firearms Enforcement Officer determined the firearm purchased by the UC on July 13, 2023, was defined as “any other weapon” under, 26 U.S.C. § 5845(e). Based on my training and experience, I know that a firearm fitting the definition of “any other weapons” are federally required to be registered with the National Firearms Act Branch and such registrations are maintained within the National Firearms Registration and Transfer Record (NFRTR) database. In May 2023, and on October 3, 2023, a query of the NFRTR was conducted of STEPHEN’s personal information with negative results for the firearms purchased on July 13, 2023, by the ATF UC. The ATF UC was not required to complete any additional paperwork outside of the ATF Form 4473 for the transfer of the firearms.

#### **Controlled Purchase**

31. On August 9, 2023, an ATF UC conducted a controlled purchase of a firearm from STEPHEN at the PREMISES. STEPHEN walked towards the “Custom Build” section of the store and removed a Noveske firearm. During the sale, STEPHEN grabbed a black B5 Systems stock, attached it and stated, “if you are going to break one fucking rule you might as

well break all the fucking rules, right?” STEPHEN then handed the firearm back to the ATF UC. S/A Pace understood STEPHEN to be referring to the process of attaching a “brace” to a firearm thus potentially changing the classification of a firearm from a pistol to a short-barreled rifle.

32. The ATF UC then asked STEPHEN to show him a blue rifle, later identified as a Valor MFG, model VMI, Multi Caliber AR Variant, bearing SN 0007567, that was on display on the “Custom Build” section of the store. STEPHEN then stated, “oh, the blue one? That’s a customer’s gun. I built that for him.” STEPHEN then removed the blue rifle from the wall and stated, “this is a real rifle so you can leave the stock on it and it’s 100% legal.” The ATF UC then asked STEPHEN if he built the firearm. STEPHEN replied, “yeah, it’s one of my builds and comes with a lifetime warranty.” The UC then asked STEPHEN, “what did you do to it” to which STEPHEN replied, “everything. It’s a full custom build. It’s a beautiful gun. I built the gun but never shot it.” During the sale, STEPHEN took photographs with his cell phone of the Noveske firearm. Shortly after, STEPHEN received a call from Bisetti. While on the call, Bisetti asked STEPHEN, “we are not leaving that stock on, right. That’s just for picture purposes, correct?” STEPHEN then replied with, “It’s sold with it sweetheart.” BISETTI then stated, “that is fine but it’s not on it correct?” STEPHEN then stated, “it’s on it right now” to which Bisetti replied with, “ok but is the person buying it a Fed?” STEPHEN then stated, “yes, he’s buying all of it” to which Bisetti replied with, “that is fine, he is not a narc.” STEPHEN then replied with, “oh, no he is fine” to which Bisetti replied with, “oh, ok.” STEPHEN then stated, “he’s the one that bought my Mark 18 and your MCX.” Bisetti then replied with, “oh man, that guy is getting sweet shit. I appreciate the support.” The ATF UC was provided a receipt that did not include taxes for the sale of the firearm.

**FFL Inventory and Premises as Evidence and an Instrument of the Crime**

33. Based upon my training and experience, and that of other more experienced law enforcement officers, I know that gun stores are often frequented by the law-abiding public due to the selection of firearms, firearm parts, and ammunition available to choose from. This selection serves as an instrument of the business activity carried out within, as customers seeking to purchase firearms, firearm parts, and ammunition may desire a selection to choose from. Additionally, the presence of a storefront, such as the PREMISES, is in and of itself an instrument of the business operated within – outward facing signage and an established customer base drive new and repeat sales of firearms, firearm parts, and ammunition held for sale within.

34. LORENZO, as the Responsible Person for the FFL, had a responsibility to ensure the business activity carried out within the PREMISES was lawful. Despite previous, formal warnings that illegal activity was taking place at the PREMISES, LORENZO apparently took no meaningful steps to mitigate this activity. Signage advertising custom builds remained in the store, and illegal manufactured firearms, to include NFA firearms, were advertised and sold at the PREMISES. By allowing an employee engaged in clearly unlawful activity to continue engaging in additional unlawful activity at the PREMISES, LORENZO aided STEPHEN in the commission of his crimes. Additionally, by serving to draw customers in, some of whom purchased illegally manufactured firearms, the selection of firearms and ammunition at the PREMISES, and the PREMISES itself, served as instrumentalities of STEPHEN's criminal activity. Furthermore, seizure of all firearms and ammunition is necessary to determine which firearms and ammunition were officially kept in store inventory, which belonged to either STEPHEN or LORENZO, and which firearms may have been illegally modified into NFA firearms. The process to make that determination will require outside examination by firearms



enforcement officers or firearms examiners.

**II. Identification of the PREMISES**

35. On April 21, 2023, ATF agents seized an NFA item from STEPHEN at the PREMISES.

36. On three occasions in between May 2022 and August 2023, agents conducted undercover transactions at the PREMISES that have resulted in the purchase of NFA items.

**CONCLUSION**

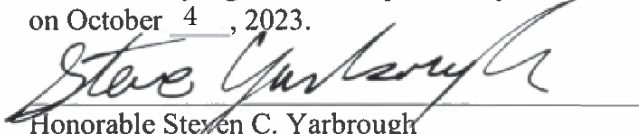
37. I submit that this affidavit supports probable cause for a warrant to search the PREMISES described in Attachment A and seize the items described in Attachment B.

Respectfully submitted,



Amber Pace  
Special Agent  
ATF

Electronically signed and telephonically sworn  
on October 4, 2023.



Honorable Steven C. Yarbrough  
UNITED STATES MAGISTRATE JUDGE

**ATTACHMENT A**

The PREMISES is located at 2729 San Mateo Blvd NE, Albuquerque, New Mexico, 87110 PREMISES. The PREMISES is a white single-story building in a small shopping mall clearly marked with signs “Shooter’s Den” located in Albuquerque, New Mexico. The PREMISES has a black metal security door at the east facing entrance. The PREMISES is located north of Phoenix Ave, south of Claremont Ave and on the east side of the street on San Mateo. The search of the PREMISES shall include the entire business and all outbuildings, trashcans, or storage containers designated for use by the PREMISES.



**ATTACHMENT B**

DESCRIPTION OF EVIDENCE TO BE SEARCHED FOR AND SEIZED

**Contraband/Firearms/Ammunition:**

To search the particular place or electronic storage media for any records or items used to facilitate or derived from the distribution, sale, and transfer of firearms and any contraband namely:

1. Any evidence of violations of:
  - a. 18 U.S.C. § 922(a)(1)(A) – Dealing and manufacturing of firearms without a license;
  - b. 21 U.S.C 5861 – Possession of a firearm which is not registered in the National Firearms and Transfer Record; and
  - c. 18 U.S.C. § 933 – Trafficking in firearms.
2. Ammunition, firearms and firearms parts and accessories, tools used to manufacture or assemble/disassemble firearms.
3. Any and all documents and papers including ATF Form 4473s, sales receipts, invoices, and multiple sale forms whether real or fictitious.
4. All records required to be kept in accordance with federal law and regulations including but not limited to record books, whether bound or stored electronically, including the firearms acquisition and disposition book.
5. Any and all paperwork related to the sale, purchase, and transfer or cancelled transactions of firearms.
6. Books, records, invoices, receipts, records of any and all firearms transaction, bank statements and related records, passbooks, money drafts, letters of credit, money orders, bank drafts, cashier's checks, bank checks, safe deposit records and key, and other items

evidencing the obtaining, secreting, transfer, and/ or concealment of assets and the obtaining, secreting, transfer, concealment and/ or expenditure of funds.

7. Computers, hard drives, and other electronic media used as a means of conducting business transactions.
8. Physical security camera footage, hard drives, networks, and storage drives
9. Indicia of occupancy, residency, and ownership or use of the subject premises, including but not limited to utility bills, telephone bills, business license documentation, rental or purchase agreements, and keys and forms of identification.