

# UNITED STATES DISTRICT COURT

for the  
District of Oregon

United States of America

v.

Case No. 6:16-mj-56-JR

MICHAEL RAY EMBRY

*Defendant*

## ARREST WARRANT

To: Any authorized law enforcement officer

**YOU ARE COMMANDED** to arrest and bring before a United States magistrate judge without unnecessary delay

(name of person to be arrested) MICHAEL RAY EMBRY

who is accused of an offense or violation based on the following document filed with the court:

- Indictment
- Superseding Indictment
- Information
- Superseding Information
- Complaint
- Probation Violation Petition
- Supervised Release Violation Petition
- Violation Notice
- Order of the Court

This offense is briefly described as follows:

Unlawful Possession of a Machine Gun not registered to him in the National Firearms Registration and Transfer Record in violation of Title 26 United States Code Sections 5841, 5861(d) and 5871

Unlawful Possession of a Firearm with an Obliterated Serial Number in violation of Title 18 United States Code Section 922(k)

Date: 5-6-2016

City and state: Eugene, Oregon



Thomas M. Coffin  
Thomas M. Coffin, U.S. Magistrate Judge

*Printed name and title*

### Return

This warrant was received on (date) \_\_\_\_\_, and the person was arrested on (date) \_\_\_\_\_  
at (city and state) \_\_\_\_\_.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Arresting officer's signature*

Certified to be a true and correct  
copy of original filed in this District.

Dated 5/6/16

\_\_\_\_\_  
*Printed name and title*

Mary L. Moran, Clerk of Court

US District Court of Oregon

By Deputy Clerk

Pages 1 through 2

**This second page contains personal identifiers provided for law-enforcement use only and therefore should not be filed in court with the executed warrant unless under seal.**

*(Not for Public Disclosure)*

Name of defendant/offender: \_\_\_\_\_

Known aliases: \_\_\_\_\_

Last known residence: \_\_\_\_\_

Prior addresses to which defendant/offender may still have ties: \_\_\_\_\_

Last known employment: \_\_\_\_\_

Last known telephone numbers: \_\_\_\_\_

Place of birth: \_\_\_\_\_

Date of birth: \_\_\_\_\_

Social Security number: \_\_\_\_\_

Height: \_\_\_\_\_ Weight: \_\_\_\_\_

Sex: \_\_\_\_\_ Race: \_\_\_\_\_

Hair: \_\_\_\_\_ Eyes: \_\_\_\_\_

Scars, tattoos, other distinguishing marks: \_\_\_\_\_

History of violence, weapons, drug use: \_\_\_\_\_

Known family, friends, and other associates (*name, relation, address, phone number*): \_\_\_\_\_

FBI number: \_\_\_\_\_

Complete description of auto: \_\_\_\_\_

Investigative agency and address: \_\_\_\_\_

Name and telephone numbers (office and cell) of pretrial services or probation officer (*if applicable*): \_\_\_\_\_

Date of last contact with pretrial services or probation officer (*if applicable*): \_\_\_\_\_

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U.S. v. MICHAEL RAY EMRY

Defendant(s)

Case No. 6:16-MJ-56-JR

CRIMINAL COMPLAINT

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

On or about the date(s) of May 6, 2016 in the county of Grant in the District of Oregon, the defendant(s) violated:

Table with 2 columns: Code Section, Offense Description. Includes entries for 26 U.S.C. Sections 5841, 5861(d) and 5871, and 18 U.S.C. Section 922(k).

This criminal complaint is based on these facts:

See attached affidavit of FBI Special Agent Miguel Perez, which is attached hereto and incorporated herein by this reference.

Continued on the attached sheet.

Miguel A. Perez
Complainant's signature

Miguel Perez, Special Agent, FBI
Printed name and title

Sworn to before me and signed in my presence.

Date: 05/06/2016

Thomas M. Coffin
Judge's signature

City and state: Eugene, Oregon Thomas M. Coffin, U.S. Magistrate Judge
Printed name and title

Certified to be a true and correct copy of original filed in this District.

Dated 5/6/16
Mary L. Moran, Clerk of Court
US District Court of Oregon
By Deputy Clerk
Pages 1 through 4

STATE OF OREGON     )  
  ) ss.     A F F I D A V I T  
COUNTY OF LANE     )

I, Miguel Perez, being first duly sworn, do hereby depose and say:

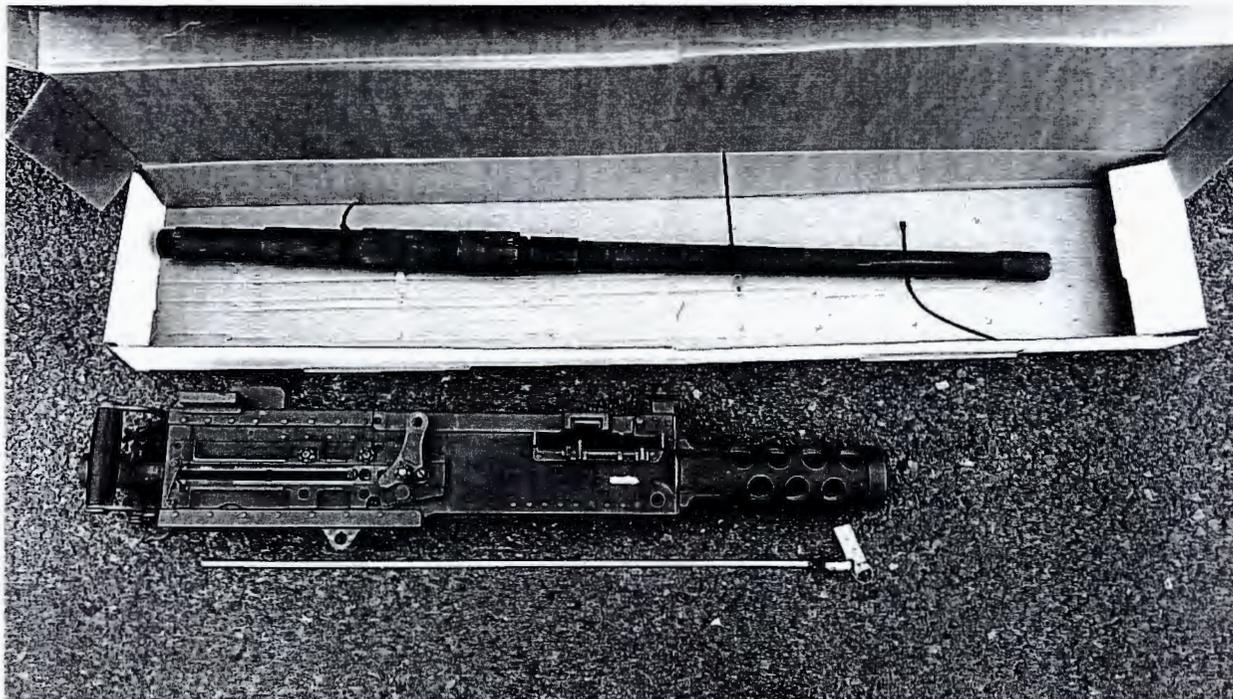
1. I am a Special Agent (SA) with the Federal Bureau of Investigation (FBI) and have been since January 2015. I am currently assigned to the Portland Division at the Eugene, Oregon Resident Agency. During my training in the FBI Academy in Quantico, Virginia, I received training in a variety of investigative and legal matters, including the topics of Fourth Amendment Searches and probable cause. Moreover, I am a federal law enforcement officer who is engaged in enforcing the criminal laws.

2. This affidavit was prepared by SA Benjamin Jones who I know to be a Special Agent with the FBI. He has been so employed since January 31, 2009. He is currently assigned to the Bend Resident Agency and investigates a variety of crimes, including Firearms Violations and violations related to Domestic Terrorism. Prior to working for the FBI, SA Jones was a police officer with Salt Lake City Police Department for four years. The entire contents of this affidavit were related to me, SA Perez, by SA Jones, and I know them to be true.

3. This affidavit is being made in support of a complaint and arrest warrant for Michael Ray Emry (EMRY), who violated Title 26 U.S.C. § 5861(d), (the Unlawful Possession of a National Firearms Act (NFA) Firearm - Machine Gun) that was not registered to the Possessor, and 18 U.S.C. § 922(k) (Knowingly Possessed a Firearm with an Obliterated Serial Number, in the Judicial District of Oregon.

4. On 5/6/2016, Law Enforcement Officers (Officers) executed a Federal Search Warrant on

the trailer, truck and car belonging to Michael Ray Emry (EMRY). During this search, Officers located a fully automatic .50 caliber Ma Deuce machine gun (Browning M2) under the bed in the trailer. The serial number had been obliterated from the receiver. A picture of the M2 seized from EMRY is below.



5. An ATF Agent conducted a function test on the M2. It appeared to function as a fully automatic firearm, meaning a machine gun, which would require the possessor of the machine gun to register the machine gun with ATF. ATF conducted a records search of the National Firearms Registration and Transfer Record (“NFRTR”) on Michael Ray EMRY and learned that EMRY has no firearms registered to him in the NFRTR.

6. During a subsequent post-*Miranda* interview with EMRY, EMRY admitted that the firearm was a fully functional automatic weapon. EMRY said that it could fire at the rate of between 550 and 650 rounds per minute.

7. EMRY admitted that he took the M2 from the shop where he works in Idaho about a month and a half ago. The shop where EMRY works is owned by James Weaver. EMRY took

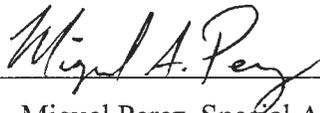
the M2 without Weaver's knowledge. Prior to bringing it to Oregon, EMRY obliterated the serial number.

8. Officers observed the M2 and verified that the serial number on the right panel of the receiver had been obliterated.

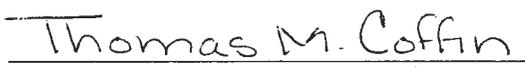
9. Your Affiant was advised by an ATF Agent that the M2 was manufactured outside of Oregon and has traveled in and affected interstate commerce. EMRY stated during the interview, that he had taken the firearm from Idaho to Oregon, which would have affected interstate commerce. He transported the M2 to Oregon about a month and a half prior to the interview with Officers.

10. Based upon the above, I believe that probable cause exists that Michael Ray Emry violated one count of Title 26 U.S.C. § 5861(d) (the Unlawful Possession of a NFA Firearm - Machine Gun) that was not registered to the Possessor, and one count of 18 U.S.C. § 922 (k) (Knowingly Possessed a Firearm with an Obliterated Serial Number in the Judicial District of Oregon).

11. Assistant United States Attorney Nathan Lichvarcik has reviewed this affidavit and concurs that probable cause exists to arrest Michael Ray Emry.

  
\_\_\_\_\_  
Miguel Perez, Special Agent  
Federal Bureau of Investigation

Sworn to before me and subscribed in my presence on this  
\_\_\_\_ 6 \_\_\_\_ day of May, 2016.

  
\_\_\_\_\_  
THOMAS M. COFFIN C.W.  
UNITED STATES MAGISTRATE JUDGE