

**UNITED STATES DISTRICT COURT
DISTRICT OF MARYLAND**

In the Matter of the Search of

(name, address or brief description of person or property to be searched)

APPLICATION AND AFFIDAVIT

1990 Chevrolet Caprice
VIN# 1G1BL5472LA141552

CASE NO.

I, Michael A. McCoy, being duly sworn, depose and say:

I am a(n) Special Agent of the Federal Bureau of Investigation and have reason to believe that on the person or on the property or premises known as

1990 Chevrolet Caprice
VIN# 1G1BL5472LA141552

in the District of Maryland, there is now concealed a certain person or property, described in Attachment A (incorporated fully herein),

which is property that constitutes evidence and fruits of the commission of a criminal offense in violation of Title 18, United States Code, Section 922(g)(8). The facts to support the issuance of a Search Warrant are as follows:

See attached Affidavit

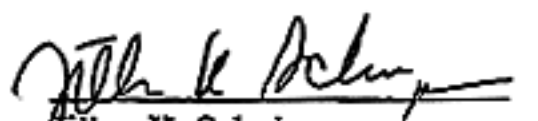
Continued on the attached sheet and made a part hereof. Yes No



Special Agent
Federal Bureau of Investigation

Sworn to before me, and subscribed in my presence

10/24/02 at Lodwille, Maryland
Date



Jillyn K. Schulze
United States Magistrate Judge

AFFIDAVIT IN SUPPORT OF SEARCH WARRANT

Your co-affiants, Michael A. McCoy, Special Agent with the Federal Bureau of Investigation (FBI) and Scott Riordan, Special Agent with the Bureau of Alcohol, Tobacco, and Firearms (ATF) submit this affidavit in support of a United States District Court search and seizure warrant for the following and vehicle:

A blue 1990 Chevrolet Caprice, VIN# 1G1BL5472LA141552.

BACKGROUND AND EXPERIENCE

1. I, co-affiant Michael A. McCoy, am a Special Agent with the Federal Bureau of Investigation (FBI), United States Department of Justice. I have been so employed by the FBI for the past 6 years and have been assigned to the Baltimore Field Office throughout this time period. During this time, I have participated in numerous drug and firearms-related investigations.
2. I, co-affiant Michael A. McCoy, am an investigative or law enforcement officer of the United States within the meaning of Section 2510(7) of Title 18, United States Code, and am empowered by law to conduct investigations and to make arrests for offenses enumerated in Section 2516 of Title 18, United States Code.
3. I, co-affiant Michael A. McCoy, am assigned to the Prince George's County Safe Streets Task Force, which is a federally sponsored task force charged with investigating criminal offenses committed by violent street gangs in the Maryland metropolitan area.
4. I, co-affiant Michael A. McCoy, have participated in numerous narcotic and firearm related arrests and search warrants that have recovered evidence of racketeering enterprises and narcotics conspiracies. This evidence consists of, but is not limited to, narcotics, proceeds from the

distribution of narcotics, weapons and documentary evidence of racketeering enterprises and conspiracies.

5. I, co-affiant Scott Riordan, have been employed by the ATF since July, 1998, and assigned to the Hyattsville Field Office since that time. Prior to my assignment to the ATF I was employed by the United States Marshal's Service for approximately two years. I have received instruction on conducting investigations of, and have, in fact, participated in investigations involving: federal firearm and narcotics violations and conspiracies associated with the foregoing criminal offenses which are proscribed by 21 U.S.C. §§ 841, 846, and 18 U.S.C. §§ 922, 924, and 18 U.S.C. §§ 371. In the course of conducting or participating in these investigations, I have been involved in the use of the following investigative techniques: interviewing informants and cooperating witnesses; conducting physical surveillance; conducting undercover operations, including reverse undercover drug and firearm operations; consensual monitoring and recording of both telephonic and non-telephonic communications; analyzing telephone pen register and caller identification system data; conducting court-authorized electronic surveillance; and preparing and executing numerous search warrants and arrest warrants which have led to seizures of narcotics, firearms and other contraband.

6. I, co-affiant Scott Riordan, have received training in the methods, devices, routines, and customs common to persons and organizations who illegally possess and/or distribute firearms and ammunition. As a result of this training and experience, I am familiar with the manner in which firearms and ammunition are purchased, obtained, and distributed in the Baltimore and Washington metropolitan areas.

7. Your co-affiants know that 18 U.S.C. 922 (g)(8) makes it unlawful for any individual knowingly to possess a firearm that has moved in or that otherwise affects interstate or

foreign commerce after that person has been subject to a court order based upon domestic violence, meeting the criteria set forth in that section of the United States Code.

PROBABLE CAUSE

The information set forth in this Affidavit is either known to me personally or has been known to me by other law enforcement agents.

1. Your affiant is aware of a federal warrant issued on October 23, 2002 for the arrest of John Allen Muhammad, a/k/a John Williams, a/k/a Wayne Weeks, a/k/a Wayne Weekley, issued by the United States Magistrate Judge Monica J. Benton, in the Western District of Washington. This affidavit is hereby incorporated as Attachment B.
2. Your affiant has learned that John Allen Muhammad is a registered co-owner of a blue 1990 Chevrolet Caprice, VIN# 1G1BL5472LA141552 (hereinafter, "target vehicle.")
3. On October 8, 2002, John Allen Muhammad was identified as being in possession of the target vehicle when encountered by a Baltimore City Police Officer. Muhammad had been asleep in the vehicle, and he stated that he had been traveling from Virginia to New Jersey.
4. On October 24, 2002 at approximately 1:00 a.m. Muhammad was located in the target vehicle at a rest stop near Middleton, Maryland. Agents of federal and local police agencies executed the above-mentioned warrant, finding numerous personal belongings that are indicative of living out of the vehicle.
5. Law enforcement officials have developed information that Muhammad has no known residences of any particular duration, and that he has resided in various shelters during recent years.
6. From my training and experience, I believe that persons in possession of firearms frequently maintain indicia of that possession, or the firearms themselves, in vehicles and in residences.

When, as is the apparent situation here, the person is residing in their vehicle, it is even more likely that valuable possessions such as firearms will be maintained in those vehicles.

Based on the foregoing, your co-affiants believe that probable cause exist to search the Chevrolet Caprice described above for evidence of possession of a firearm.

It is respectfully requested that a United States District search warrant be issued for the vehicle. It is also respectfully requested that this warrant, application and supporting affidavit be sealed by this Court, with three copies provided to the United States Attorney's Office.


Michael A. McCoy
Special Agent, FBI


Scott Jordan
Special Agent, ATF

Subscribed and sworn before me this 24th day of October, 2002


United States Magistrate Judge

ATTACHMENT A

DESCRIPTION OF EVIDENCE TO BE SEARCHED FOR AND SEIZED

Any and all of the following items, which are evidence, fruits, or instrumentalities of violations of Title 18, United States Code, Sections 922(g):

FIREARMS:

1. any and all other firearms; and
2. other items pertaining to the possession of firearms, including gun cases, ammunition, ammunition magazines, holsters, spare parts for firearms, firearms cleaning equipment, photographs of firearms or of persons in possession of firearms, and receipts for the purchase and/or repair of all these items.

RECORDS/DOCUMENTS

The following books, records, documents or photographs, whether contained on paper or stored otherwise, whether in handwritten, typed, photocopied or printed form, and whether stored on computer printouts, magnetic tape, cassette, disk, diskette, photooptical devices, photographic film or any other medium:

1. indicia of control of the premises or vehicles, including records that establish the persons who have control, possession, custody or dominion over the property and vehicles searched and from which evidence is seized, such as: personal mail, checkbooks, personal identification, notes, other correspondence, utility bills, rent receipts, payment receipts, financial documents, keys, photographs (developed or undeveloped), leases, mortgage bills, and vehicle registration information or ownership warranties, and receipts for vehicle parts and repairs.