

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 16-8120-01-TJJ
)	
JOHN A. PANCHALK,)	
)	
Defendant.)	
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CRIMINAL COMPLAINT

I, Roger Stous, the undersigned complainant being duly sworn, state the following is true and correct to the best of my knowledge and belief:

COUNT 1

On or about May 19, 2016, in the District of Kansas, the defendant,

JOHN A. PANCHALK,

knowingly and unlawfully received and possessed destructive devices, that is, two M-67 Fragmentation grenades, and which was 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, with reference to Title 26, United States Code, Section 5845(f).

The following facts were made known to me by personal observation or from information which I received from other law enforcement officers and their reports, and/or from other individuals:

1. I am a Special Agent (SA) with the Bureau of Alcohol, Tobacco, Firearms and Explosives

(ATF) and have been so employed since 1991. I have participated in numerous investigations involving illegal possession and criminal use of explosives since 1991. I am a Certified Explosive Specialist (CES) with ATF and have been since 1997. In connection with my official duties, I investigate criminal violations of the federal firearms laws. I am familiar with the definition of a destructive device as listed in title 26 of the United States Code, Chapter 53, subsection 5845, paragraph (f) which defines that a “destructive device” means (1) any explosive, incendiary, or poison gas (A) bomb, (B) grenade, (C) rocket having a propellant charge of more than four ounces, (D) missile having an explosive or incendiary charge of more than one-quarter ounce, (E) mine, or (F) any similar device.

2. On May 19, 2016, Parkville, Missouri police officers responded to the Parkville Self Storage Facility located at 10875 N.W. Highway 45, Parkville, Missouri regarding the theft of an automobile. Upon their arrival and subsequent investigation, they found that several trailers and vehicles that were parked in the storage unit had been vandalized. One particular trailer had a ramp that was partially extended and the door was still open and the trailer had been ransacked. Officers found some ammunition canisters, one of which was locked (contents unknown), in the trailer, as well as what appeared to be fins of a rocket, which was at least three feet long.
3. Parkville officers also found some ammunition canisters approximately 8 feet away from this trailer, and upon opening the canister, the officers discovered electric blasting caps, a block of Composition-4 (C-4) explosive, and some military grenade simulators. All of these items would have been unlawful for anyone to possess without first being registered to them in the National Firearms Registration and Transfer Record. The officers stopped searching and notified the Kansas City, Missouri Bomb and Arson Squad, due to the extreme volatile nature of these types of devices at the storage location.
4. Parkville officers had the owners of the storage facility determine who owned the trailer and that person was listed on their records as John Austin Panchalk and his residence was listed as 11605 Hauser, Overland Park, Kansas. F.B.I. SA John Tucker contacted the Overland Park Police Department (OPPD) Bomb Squad. F.B.I. SA Tucker briefed OPPD Sgt. Robert Miller on the status of the investigation, and asked if their officers could go to the residence to find

out if Panchalk had an inventory of what was in his trailer. I also was contacted and responded to the Panchalk residence, which was located in a nice suburban area, with multiple other residences nearby.

5. Upon arriving at the residence, along with Sgt. Miller and OPPD Officers Dawkins and Fleming. Sgt. Miller stated to SA Stous that they had made contact with Panchalk; however, he was being very evasive about his answers as to what he had in his trailer. It was determined that Panchalk was a former Explosive Ordinance Disposal Technician (E.O.D.T.) for 10 years in the U.S. Army, at which time he would have had access to various explosive devices like those found at the Parkville location. Based upon my training, knowledge, and experience, individuals who are involved in the illegal possession of multiple explosive items, often will possess such items at their place of abode, where they would spend the majority of their time. Officers allowed Panchalk to get dressed, and asked him if there were any other people in the house. Panchalk stated no; however, Panchalk continued to be evasive with the officers. Panchalk was asked about any explosive devices in the house, and he gave non-committal answers.
6. Law enforcement officers had a reasonable belief that there were other dangerous items at the residence, and were concerned about the safety of themselves, as well as, anyone else that might be at the residence. Sgt. Miller stated to Panchalk that he was being detained, and that officers were going to conduct a security sweep of the residence for any additional persons. Sgt. Miller, Officer Fleming, and SA Stous conducted a security sweep of the residence, and found no additional persons. Officers did see other items that were of a suspicious nature in plain view, to include, but were not limited to, possible grenades in the basement, a Light Anti Tank (LAW) casing in the basement, a rocket in a bedroom, a mortar in a bedroom, circuit boards in the dining room area, various firearms in the dining room area and in a bedroom, and ammunition in the dining room area. Panchalk was questioned about the items, but he stated that were inert (meaning they were not active), and that he used them for training aids. Panchalk remained evasive about the C-4 and blasting caps that had been found in his trailer in the Parkville Storage Unit, and refused to give consent to search.
7. Officers applied for and were granted a state search warrant for the residence from a Johnson

County, Kansas District Court judge, based upon the plain view observations during the security sweep. During the execution of the warrant, officers found and recovered approximately 38 pounds of C-4 explosive, numerous rolls of suspected military detonation cord, numerous packages of electric blasting caps with shock tube, several military grenade simulators, several incendiary devices, and two M-67 Fragmentation grenades. These grenades are classified as destructive devices under Chapter 53, Title 26 U.S.C., Section 5861, and are not to be possessed except after being registered with the National Registration and Transfer Record.

8. I have researched the M-67 grenade and determined it has a spherical steel body that contains 6.5 ounces of composition B explosive and uses the M213 pyrotechnic delay fuse. The M67 grenade weighs 14 ounces in total, and has a safety clip to prevent the safety pin on the grenade from being pulled accidentally. The safety pin prevents the safety lever, or “spoon” on the grenade from moving and releasing the spring-loaded striker which initiates the grenade's fuse assembly. The M67 can be thrown 30 to 35 yards by the average male soldier. Its fuse delays detonation between 4 and 5 seconds after the spoon is released. Steel fragments are produced by the grenade body and produce an injury radius of 15 yards, with a fatality radius of 5 yards though some fragments can disperse as far out as 250 yards. An x-ray of the two recovered devices done at the scene indicated these two devices were in fact operational.
9. I contacted the National Firearms Registration and Transfer Record and determined that Panchalk did not have the above referenced items registered under his name.

WHEREFORE, I respectfully request that an arrest warrant be issued authorizing the arrest of John A. Panchalk, for the aforementioned violation.

ROGER D. STOUS
ATF Special Agent

Sworn to before me and subscribed in my presence this 20th day of May, 2016, at Kansas
City, Kansas.

JAMES P. O'HARA
United States Magistrate Judge
District of Kansas

Penalties:

COUNT 1 -

- NMT 10 years Imprisonment,
- NMT \$250,000.00 Fine,
- NMT 3 years S.R., and
- \$100 Special Assessment.