

UNITED STATES DISTRICT COURT
for the
District of Connecticut

United States of America
v.
WILLIAM DONG

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Case No.

Defendant(s)

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 December 3, 2013 in the county of New Haven in the
District of Connecticut, the defendant(s) violated:

Table with 2 columns: Code Section (18 U.S.C. § 922(a)(3)), Offense Description (Illegal Transportation into State of Residency of Firearm Purchased Outside of State of Residency)

This criminal complaint is based on these facts:

Please see attached affidavit.

[X] Continued on the attached sheet.

Complainant's signature
ATF Special Agent Kurt Wheeler
Printed name and title

Sworn to before me and signed in my presence.

Date: 12/16/2013

Judge's signature
Joan G. Margolis, United States Magistrate Judge
Printed name and title

City and state: New Haven, Connecticut

UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

UNITED STATES OF AMERICA

MISC. NO. :

-v-

December 16, 2013

WILLIAM DONG


AFFIDAVIT IN SUPPORT OF COMPLAINT AND ARREST WARRANT

I. INTRODUCTION

I, Kurt Wheeler, a Special Agent of the Bureau of Alcohol, Tobacco, Firearms and Explosives, having been duly sworn, state:

1. I am a Special Agent with the New Haven Connecticut Field Office of the Bureau of Alcohol, Tobacco, Firearms and Explosives ("ATF"), and have been so employed since August 1998. Prior to my employment with ATF, I was detective with the Kennebunkport Police Department in Kennebunkport, Maine for ten years.

2. During the course of my career, I have participated in hundreds of criminal investigations, including investigations into suspected narcotics and firearms trafficking. My participation in the investigations has included coordinating controlled purchases of firearms and narcotics utilizing confidential informants, cooperating witnesses and undercover law enforcement officers; coordinating the execution of search and arrest warrants; conducting electronic and physical surveillance; analyzing records related to firearms and narcotics trafficking; testifying in Grand Jury and District Court proceedings; and interviewing individuals and other members of law enforcement regarding the manner in which firearms and narcotics traffickers obtain, finance, store, manufacture, transport and distribute contraband.


3. I am an investigative or law enforcement officer of the United States within the 

meaning of Title 18, United States Code, Section 2510(7), in that I am empowered by law to conduct investigations of and to make arrests for offenses enumerated in Title 18, United States Code, Section 2516. I am the case agent on the investigation that is the subject of this affidavit and have personally participated in the investigation concerning violations of the federal laws listed in this affidavit.

4. The statements contained in this affidavit are based on: (1) my personal participation in the investigation; (2) information provided by detectives and officers of the West Haven Police Department and other law enforcement officers; and (3) my experience and training, as well other information.

5. Because this affidavit is being submitted for the limited purpose of establishing probable cause for the issuance of an arrest warrant, I have not included each and every fact known to me regarding this investigation. Rather, I have set forth only those facts that I believe are necessary to establish probable cause.

II. DESCRIPTION OF THE SUBJECT

6. Based on the facts set forth below, there is probable cause to believe and I do believe that WILLIAM DONG (DOB: xx/xx/1991) has committed the offense of Illegal Transportation into his State of Residency (Connecticut) of a Firearm Purchased Outside of State of Residency (Pennsylvania), in violation of Title 18, United States Code, Section 922(a)(3). More specifically, in or about September 2013, DONG traveled to Pennsylvania and purchased a Bushmaster model XM-15-E2S, .223 caliber semi-automatic rifle, serial number ARB14867. DONG subsequently traveled back to Connecticut and transported this firearm into Connecticut. Under Connecticut state law, it is unlawful to purchase or possess this Bushmaster firearm. Under Conn. Gen. Stat. § 53-202c, with certain exceptions not applicable here, no person in 

Connecticut may possess an “assault weapon.” This term is defined under Conn. Gen. Stat. § 53-202a, and the Bushmaster firearm purchased by DONG in September 2013 meets the definition of an “assault weapon” under § 53a-202a. As a result, the possession of this Bushmaster firearm is prohibited under Connecticut state law.

III. FACTUAL CIRCUMSTANCES

7. On December 3, 2013, at approximately 12:26 p.m., the West Haven Police Department (“WHPD”) received a complaint of an Asian male that was observed at the Shop Rite Plaza at 1131 Campbell Avenue in West Haven exiting a vehicle carrying a rifle toward the campus of the University of New Haven (“UNH”).

8. The vehicle that the Asian male was seen exiting was found to be registered to Zhen Dong of Fairfield, Connecticut.

9. WHPD Officers responded to the area, and an emergency message was sent to the UNH faculty and students to shelter in place.

10. After a short period of time, DONG, who resides at in Fairfield, Connecticut, was observed in the area of the UNH campus. WHPD Officers detained DONG and found him to be in possession of two handguns. It was determined that DONG had a Connecticut Pistol Permit.

11. It was later determined that DONG is a student at UNH and was in a classroom at the time that the emergency message was sent to UNH faculty and students.

12. A search of the vehicle registered to Zhen Dong found in the Shop Rite Plaza resulted in the seizure of a loaded Bushmaster model XM-15-E2S, .223 caliber semi-automatic rifle, serial number ARB14867 and several loaded 30 round capacity magazines containing .223 caliber ammunition. The rifle was in plain view on the floor behind the front passenger seat. *Kew*

Although there was a rifle bag inside the car, it was empty, and the rifle was outside of the case.

13. DONG was arrested and initially charged with Breach of Peace by the WHPD and transported to the WHPD. He has since been charged with, among other violations, unlawful possession of an assault weapon under Conn. Gen. Stat. § 53-202c.

14. I examined the rifle at the scene and determined that it was equipped with a telescoping stock and a flash hider, two characteristics which also classify the firearm as an assault weapon under Connecticut state law. In other words, in addition to the fact that the possession of this Bushmaster firearm is prohibited under state law because it is specifically classified as an assault weapon under § 53-202a, the firearm also has characteristics which would cause it to be classified as an assault weapon under that same statute. Indeed, although the version of § 53-202a applicable here only applies to firearms purchased or possessed on or after the statute's April 4, 2013 effective date, the Bushmaster possessed by DONG, because it has a telescoping stock and a flash hider, would have been considered a prohibited assault weapon under the prior version of § 53-202a.

15. I initiated a trace of the Bushmaster rifle through the ATF National Tracing Center. The trace revealed that the rifle was first sold retail in the State of Kentucky by Federal Firearms Licensee (FFL) Buds Police Supply in Lexington, KY on March 5, 2013.

16. On December 3, 2013, DONG was interviewed at the WHPD. After waiving his Miranda rights, DONG stated to investigators that he had purchased the Bushmaster rifle in a private transaction in the State of Pennsylvania that occurred in the middle of the month of September 2013. DONG stated that he found the seller of the rifle by answering a classified ad on www.armslist.com. *Kw*

IV. CONCLUSION

17. Based on my investigation, and the investigation of others, there is probable cause to believe and I do believe that WILLIAM DONG has committed the offense of Illegal Transportation into his State of Residency (Connecticut) of a Firearm Purchased Outside of his State of Residency (Pennsylvania), in violation of Title 18, United States Code, Section, 922(a)(3). Accordingly, I request the issuance of a warrant authorizing his arrest.

SPECIAL AGENT KURT O. WHEELER
BUREAU OF ALCOHOL, TOBACCO,
FIREARMS and EXPLOSIVES

Subscribed and sworn to before me on this 16th day of December, 2013, at New Haven, Connecticut.

JOAN G. MARGOLIS
UNITED STATES MAGISTRATE JUDGE