

CONTINUATION OF APPLICATION FOR CRIMINAL COMPLAINT

1. I, James Petschke, have been employed as a Special Agent with the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) since June of 1990. Prior to becoming a Special Agent, I was employed as a Deputy Sheriff with the Washtenaw County Sheriff's Department for approximately two and one half (2 ½) years. I have been involved in numerous investigations involving violations of Federal firearms and narcotics laws.
2. I make this affidavit from personal knowledge based on my participation in this investigation, including witness interviews by me and/or other law enforcement agents, communications with others who have personal knowledge of the events and circumstances described herein, and information gained through my training and experience. The information outlined below is provided for the limited purpose of establishing probable cause and does not contain all details or all facts of which I am aware relating to this investigation.
3. I am currently investigating Kyle James MURRAY, a male born in 1988, who maintained a last known address on Balsam Street in Kingsford, Michigan.
4. On June 30th, 2017, I was advised by Michigan State Police (MSP) Trooper Weesner that MURRAY, a multi-convicted felon, had been arrested earlier that date in a motel room in Crystal Falls, MI. Trooper Weesner stated he was dispatched to the Bigfoot Hideaway Motel on the report of a suspicious situation/vehicle parked behind the motel. The vehicle was queried through LEIN and returned to female identified as Bobby Jo Wagner, who was known to have a felony warrant out of Dickinson County. Trooper Weesner was also aware that Wagner may be accompanied by Kyle MURRAY, who is a known narcotics dealer possibly in possession of a handgun. Trooper Weesner made contact with the occupants of the room who were identified as MURRAY, Bobby Jo Wagner (W/F born in 1982) and Joshua Jay Mitchell (W/M born in 1974). MURRAY was arrested on an outstanding arrest warrant from the State of Wisconsin and Wagner was arrested on an outstanding arrest warrant out of Dickinson County. Mitchell was arrested for Controlled Substance Use. Later this same date, a search warrant was obtained for the motel room. Found during this search was a loaded Kel-Tec, Model P-11, 9mm pistol, serial number ATR29, which contained 9 rounds of 9mm ammunition. Also found in the room was a sock containing 18 rounds of 9mm ammunition. MURRAY, Wagner and Mitchell were all interviewed and denied any knowledge of the firearm. MSP later

submitted the firearm and ammunition magazine to the Michigan State Police Forensic Laboratory for latent fingerprint and DNA analysis. The MSP Lab recovered DNA samples from both the firearm and the ammunition magazine.

5. While on the phone with Trooper Weesner, I checked the aforementioned firearm through NCIC. This check revealed that this Kel-Tec 9mm pistol was most recently registered to Federal Firearms Licensee Wilderness Sports (FFL# 4-38-03954) in Ishpeming, MI. I then contacted Wilderness Sports and learned that this Kel-Tec pistol was recently sold on 6-23-2017 to a female identified as Amber Mary Jarvi of Ishpeming. Wilderness Sports then faxed a copy of the ATF F 4473 to ATF.
6. On June 30th, 2017, a LEIN/NCIC check was conducted on MURRAY. The check revealed MURRAY to be a multi-convicted felon as a result of the following felony convictions:
 - 6-5-2013: Burglary-Building or Dwelling; Marinette County Wisconsin; Docket# 2011CF15,
 - 1-13-2009: Burglary-Building or Dwelling; Florence County Wisconsin; Docket# 2007CF25,
 - 2-19-2008: Felony Breaking & Entering a Building with Intent: 41st Circuit Court-Dickinson County, MI; Docket# 07-3912-FC,
 - 1-13-2008: Attempt-Felony Breaking & Entering a Building with Intent: 41st Circuit Court-Dickinson County, MI; Docket# 08-8906-FH, and
 - 4-14-2010: Felony Controlled Substance-DEL/MFG Cocaine, Heroin Less Than 50 Grams; 41st Circuit Court-Dickinson County, MI; Docket# 10-4388-FC.
7. On July 7, 2017, I met with Austin Larson at Wilderness Sports in Ishpeming, MI. Mr. Larson is employed as a salesperson at Wilderness Sports. He explained that on 6-19-17, JARVI came into Wilderness Sports with two white males who accompanied her at the gun counter. Jarvi looked at several handguns during this time and completed the ATF F 4473 for the purchase of the Kel-Tec 9mm pistol. Jarvi's NICS background check was delayed and, as a result, the firearm was not transferred at that time. Later, on 6-22-17, the NICS Center notified the FFL that the transaction could "proceed."

8. On July 7, 2017, I met with Kenneth LaCosse at Wilderness Sports in Ishpeming, MI. Mr. LaCosse is employed as a salesperson at Wilderness Sports. He explained that on 6-23-17, JARVI came into Wilderness Sports alone and picked up the Kel-Tec pistol. JARVI paid cash for this pistol.
9. On July 7, 2017, I contacted the Iron County Jail and obtained booking photos of MURRAY, Joshua Mitchell and Bobby Jo Wagner.
10. On July 7, 2017, ATF Special Agent Voogd and I located Amber Jarvi at a residence in Ishpeming, MI. Jarvi was interviewed regarding the purchase of the Kel-Tec 9mm pistol. Jarvi stated she knew why the police were looking for her and stated, "I did not cut the bracelet off of Kyle MURRAY." I advised Jarvi the purpose of the contact was in relation to a recent gun she purchased from Wilderness Sports in Ishpeming. Jarvi then admitted to recently purchasing a pistol from Wilderness Sports and became verbally defensive about this stating that she is a "Yooper girl" and a "gun girl" and that she likes to go shooting. JARVI also stated that she likes guns and recently sold a SR-40 pistol to Wilderness Sports. Jarvi was asked what kind of pistol she purchased and what the caliber of the firearm was. Jarvi was raising her voice and using profanity in a defensive fashion and stated the firearm was a 40mm pistol, but that she did not know the make of the firearm. Jarvi was asked where the firearm was located and she stated it was secured at her father's camp off the Peshekee Grade Road near Michigamme, MI. She stated she last saw this pistol on the day she purchased it (6-23-17), because on this date she was shooting the gun with her father while accompanied by Kyle MURRAY and his father. She said the four of them were just hanging out at her dad's camp near Michigamme. Jarvi then stated if Kyle MURRAY stole this gun from her dad's camp that she wanted to make a police report and have MURRAY charged with the theft. I advised JARVI her story was not believable and she was lying. Jarvi stated "Fuck You, I'm out of here; I'm going in the house." I advised Jarvi she was not going anywhere; that she had an arrest warrant out of Marquette County and she was going to be arrested. JARVI became emotionally unglued and started screaming, crying and using profanity.
11. On July 7, 2017, SA Voogd and I met with and interviewed David Kestila at his residence located in Ishpeming, MI. Kestila arrived at the residence just as Amber Jarvi was being transported away by Ishpeming Police. I asked Kestila if he would answer some questions, which he stated he would. Kestila confirmed that he did in fact have a camp near the Peshekee Grade Road in the Michigamme area. He stated he had no idea his daughter Amber recently purchased a pistol.

He said about 1.5 to 2 years ago he knew she had a pistol, but had no knowledge of her buying one in the past couple of weeks. He denied that he was recently shooting a firearm with Amber in the past few weeks and said he has not fired a gun since deer season of 2016. Kestila was asked about being at his camp on Friday June 23rd. He stated he was at the camp on that date, and that he was mowing the grass and fixing the recoil spring on his lawn mower. He stated he was there at the camp by himself and was positive he did not do any shooting with Amber or anyone else. Kestila then remembered that, when he was getting ready to leave camp on the 23rd of June, Amber, a male named Kyle, another white male and some girl showed up at his camp. He said he talked with them for a bit and told his daughter to keep it clean and leave camp the way she found it. Kestila was asked about Kyle MURRAY. He stated that he doesn't know MURRAY very well because he only met him for about 5 minutes on a couple of occasions. He did say he was aware MURRAY had been to prison and was possibly still on parole. Kestila stated that his daughter Amber has never left any guns at his camp and that she does not have a safe or any place to lock up guns at his camp.

12. On July 10, 2017, I met with David Kestila at his residence. Kestila was shown the booking photos of Kyle MURRAY, Joshua Mitchell and Bobby Jo Wagner. He positively identified the photos of Kyle MURRAY and Joshua Mitchell as the two males who were with his daughter Amber JARVI when they arrived at his camp on 6-23-17. Kestila could not positively identify the photo of Bobby Jo Wagner.
13. On July 10, 2017, I met with Austin Larson at Wilderness Sports. Mr. Larson positively identified the booking photo of Kyle MURRAY as one of the white males who accompanied Amber Jarvi inside Wilderness Sports on 6-19-17 when she filled out the ATF F 4473 and attempted to purchase the Kel-Tec 9mm pistol. Mr. Larson looked at the photo of Joshua Mitchell and stated he believes this person is the other white male who accompanied JARVI on 6-19-17, although he said Mitchell was wearing baseball style cap at the time.
14. On July 10, 2017, Dickinson County Sheriff Detective Dixon and I met with and interviewed Joshua Mitchell in Iron Mountain, MI. This interview was in regards to Kyle MURRAY and his firearm possession. Mitchell stated he has known Kyle MURRAY for only a few weeks. He stated that, on or about 6-18-17, he gave MURRAY a ride from Iron Mountain to Ishpeming, Michigan to see Amber Jarvi. He said MURRAY needed a safe ride because he was currently "running from the police." He stated that, in Ishpeming, they went to Jarvi's house on S. Main Street, where they spent one night.

Mitchell said that, during the time he spent with MURRAY and Jarvi, MURRAY was asking Jarvi to get/buy him a firearm. He said MURRAY wanted a 9mm or .40 caliber pistol. He said Jarvi agreed to do this and told MURRAY that she would buy him a gun as a belated birthday present.

15. Mitchell stated that, the next day, 6-19-17, he, Kyle MURRAY and Amber Jarvi went to Wilderness Sports in Ishpeming. He said that, while inside Wilderness Sports, Jarvi looked at several firearms before deciding which one to purchase. He said he is unaware if MURRAY told Jarvi which gun to buy, but did state that both he and MURRAY were standing near Jarvi when she was looking at the firearms. Mitchell said Jarvi filled out some paperwork to purchase the firearm, but the sale did not take place at this time because the sale was not approved.
16. Mitchell stated that, a few days later, Kyle MURRAY was texting and speaking with Amber Jarvi. Jarvi was providing directions to her camp. Mitchell stated that he and MURRAY then drove to Jarvi's dad's camp, which was located about 30 minutes northwest of Koski's Corner (Junction of M-95 and Hwy 41) in Marquette County. He stated that, when they arrived at the camp, Jarvi's dad was getting ready to leave the property. Mitchell stated that he went inside the camp to lay down and a short time later heard the sound of gunshots from outside. He said he went outside and observed Kyle MURRAY shooting a handgun. He stated this handgun was a 9mm pistol and knows this because MURRAY allowed him to shoot the gun. Mitchell stated he fired about 15 or 16 rounds from the pistol and gave it back to MURRAY. He said they were shooting into a tree outside the camp. Mitchell stated he did not see Amber Jarvi shooting this firearm.
17. After a few days, Mitchell stated he was contacted by MURRAY who told him to start walking down C Street towards City Park in Iron Mountain. He said a short time later, Bobbi Jo Wagner and MURRAY (who were in Wagner's black car) drove down the street and picked him up. All three of them then drove to Crystal Falls, Michigan, where Mitchell rented a motel room. It was during this time in the motel room that the three of them were all arrested by the Michigan State Police. In reference to the firearm found inside the motel room, Mitchell stated he had no knowledge the pistol was in the room and had no idea it was the same pistol purchased by Amber Jarvi only 7 days earlier.

18. On July 19, 2017, I met with David Kestila, the father of Amber Jarvi, in Negaunee, Michigan. Kestila was asked if he would give ATF consent to search the property surrounding his camp. He was advised ATF would be searching for spent shell casing that were suspected to be linked to a firearm used and possessed by Kyle MURRAY. Kestila agreed and voluntarily signed ATF F 3220.11-Consent to Search. Kestila advised that his camp was deep into the woods and would be nearly impossible to find without assistance. He agreed to accompany law enforcement officers to the location later in the day.

19. Later on July 19th, UPSET Detectives Hanes, Filz and I met with Kestila in Ishpeming, MI. Kestila then rode with law enforcement officers and directed them into his camp property. This camp is located approximately 30 minutes northwest of Koski Corner (M-95 & Hwy 41) and is accessed by taking the Peshekee Grade Road north from Hwy 41 to Dishno Road and then to a "two track" into the camp property. Once at the camp property, the exterior grounds around the camp structure and outbuildings were searched. During this time, thirteen (13) spent shell casings were found in the grass and dirt areas. These casings were identified as 9mm and contained the head-stamp marking of "CCI." The shell casings were collected as evidence.

20. On July 26, 2017, Dickinson County Sheriff Detective Dixon and I interviewed Kyle MURRAY at the Dickinson County Jail. MURRAY was incarcerated at this facility as a result of a Felony arrest for Resisting/Obstructing a Police Officer and Habitual Offender-Fourth Offense. MURRAY is also wanted in the State of Wisconsin for a Parole Violation.

21. Prior to this interview, I advised MURRAY of his *Miranda* rights, which he stated were understood. MURRAY agreed to answer questions. The following is a brief synopsis of MURRAY'S statement:
 - He admitted knowing Amber JARVI and to being inside Wilderness Sports with JARVI and his friend Josh Mitchell on June 19, 2017. He said he doesn't know if JARVI filled out paperwork for a gun during this time. He said Mitchell had rented a white Chevy Impala in Dickinson County and they used this vehicle to get to Marquette County.

 - He stated they (MURRAY, Jarvi and Mitchell) went to Jarvi's camp later in the day after leaving the gun shop and that he and Mitchell stayed at the camp for 2 to 3 days.

- He denies receiving a firearm from Amber Jarvi and denies shooting a firearm at Jarvi's camp. He stated Jarvi never obtained or purchased a gun for him as a belated birthday gift.
 - He stated he then drove Mitchell home to Iron Mountain, but that he (MURRAY) kept the rental car and sometime later drove back to the Marquette area. He stated he then returned the vehicle to Avis Car Rental in Marquette. (Avis confirmed this vehicle was returned on 6-24-17).
 - He said the gun found in the motel room in Crystal Falls, Michigan was not his and that the investigators should ask Josh Mitchell about the gun and where it came from.
 - He stated his DNA is not on the firearm recovered from the motel room in Crystal Falls.
22. On August 29, 2017, the aforementioned firearm and ammunition recovered from the motel room was turned over to ATF by the Michigan State Police. This firearm was test-fired and functioned as designed.
23. On September 11, 2017, I submitted the Kel-Tec pistol and the 13 spent shell casings to the MSP Lab for analysis in an attempt to link the spent shell casings to the suspect firearm. Later on 11-6-17, I received a Lab report from MSP. This report confirms that the thirteen (13) spent shell casing were in fact fired from the Kel-Tec 9mm pistol.
24. On October 16, 2017, I obtained a Federal search warrant (2:17-mj-37) for the DNA of Kyle MURRAY.
25. On October 17, 2017, this search warrant was executed and two DNA buccal swabs were taken from MURRAY. This known DNA from MURRAY was turned over to the MSP Lab for analysis.
26. On November 1, 2017, the MSP Forensics Laboratory conducted an analysis of the DNA recovered from the firearm and ammunition magazine and also the known DNA from Kyle MURRAY. The conclusion of this examination indicates that the known DNA of Kyle MURRAY matches the DNA recovered from both the firearm and ammunition magazine; thus proving that MURRAY possessed this firearm in violation of 18 U.S.C. § 922(g)(1).
27. I have researched Kel-Tec firearms and determined that this firearm was manufactured in the State of Florida. I have also

researched CCI ammunition and determined that this ammunition was manufactured in the State of Idaho; thus this firearm and ammunition traveled in or affected “interstate or foreign commerce,” as that term is defined in 18 U.S.C. § 921(a)(2).

28. MURRAY is currently incarcerated at the Dickinson County Jail as a result of a guilty plea under State of Michigan law for Resisting/Obstructing a Police Officer-a 2 year Class G felony. Sentencing is scheduled for 1-8-2018.
29. Based on these facts, I submit there is probable cause to believe that between June 23rd and June 30th, 2017, in Marquette and Iron Counties, in the Western District of Michigan, Northern Division, Kyle James MURRAY, a multi-convicted felon, knowingly possessed a firearm and ammunition that had traveled in or affected interstate commerce, in violation of 18 U.S.C. § 922(g)(1).