

UNITED STATES DISTRICT COURT

for the

Western District of North Carolina

FILED
CHARLOTTE, NC

APR 22 2016

U.S. DISTRICT COURT
WESTERN DISTRICT OF NC

United States of America)

v.)

Reuben Dehaan)

Case No.)

3:16 mj 146)

*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 April 21, 2016 in the county of Cleveland in the
Western District of North Carolina, the defendant(s) violated:*Code Section**Offense Description*

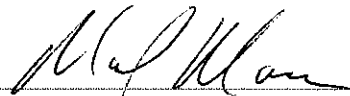
Title 26, U.S.C., Section 5861(d)

Receiving or possessing a firearm not registered to the defendant in the
National Firearms Registration and Transfer Record (NFRTR).

Title 26, U.S.C., Section 5861(i)

Receiving or possessing a firearm not identified by a serial number.

This criminal complaint is based on these facts:

As stated in the probable cause affidavit of Special Agent Mark Moss, attached hereto and incorporated by reference
herein.☐ Continued on the attached sheet.*Complainant's signature*

Special Agent Mark Moss

Printed name and title

Sworn to before me and signed in my presence.

Date: 4-22-16*Judge's signature*City and state: Charlotte, North Carolina

U.S. Magistrate Judge David S. Cayer

Printed name and title

IN THE UNITED STATES DISTRICT COURT
FOR WESTERN DISTRICT NORTH CAROLINA
CHARLOTTE DIVISION

UNITED STATES OF AMERICA

v.

REUBEN TIMOTHY DEHAAN

Case No. 3:16 mj 137

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

I, Mark Moss, after being duly sworn, depose and state as follows:

INTRODUCTION AND AGENT BACKGROUND

1. I am a Special Agent (SA) with the Federal Bureau of Investigation (FBI), and have been so employed since June 1996. I am currently assigned to the Joint Terrorist Task Force (JTTF) to conduct domestic terrorism investigations in the Charlotte Division of the FBI. Prior to my employment with the FBI, I was a police officer in Roanoke, Virginia. From 1989-1993, I was an Officer in the United States Army and from 1993-1996 I was a member of the Army Reserve. I have been trained by the FBI in the preparation, presentation, and service of criminal complaints and arrest and search warrants, and have been involved in the investigation of numerous types of offenses against the United States, including crimes of terrorism, as set forth in Title 26, United States Code, § 5861, *et seq.*

2. I submit this Affidavit in support of a Criminal Complaint against Reuben Timothy DeHaan, (hereinafter "DeHaan"). As set forth in this Affidavit, there is probable cause that DeHaan has committed violations of Title 26, United States Code, Section 5861(d) (to receive or possess a firearm which is not registered to him in the National Firearms Registration and

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Transfer Record) and Title 26 United States Code, Section 5861(i) (to receive or possess a firearm which is not identified by a serial number as required by Chapter 53).

3. Title 26, United States Code, Section 5845(a) defines a "firearm" as "(3) a rifle having a barrel or barrels of less than 16 inches in length; (4) a weapon made from a rifle if such weapon as modified has an overall length of less than 26 inches or a barrel or barrels of less than 16 inches in length."

4. Title 26, United States Code, Section 5845(a)(7) also defines a "firearm" to include a "silencer" as defined by Title 18, United States Code, Section 921. Section 921(a)(24) states "The terms "firearm silencer" and "firearm muffler" mean any device for silencing, muffling, or diminishing the report of a portable firearm, including any combination of parts, designed or redesigned, and intended for use in assembling or fabricating a firearm silencer or muffler firearm, and any part intended only for use in such assembly or fabrication."

5. The facts set forth below are based upon my personal observations, reports and information provided to me by other law enforcement officials, and records obtained by the FBI. This Affidavit is intended to show that there is probable cause for the issuance of a Complaint and does not purport to set forth all of my knowledge of or investigation into this matter.

PROBABLE CAUSE

6. On or about May 2014, the Federal Bureau of Investigation (FBI) became involved in a joint investigation with the Internal Revenue Service (IRS) of Reuben Timothy DeHaan. DeHaan is a self-proclaimed "Medicine Man" and provides natural healing services and products to customers. DeHaan provides these services and products at his residence located at 103 Police Club Drive, Kings Mountain, NC. DeHaan is also a self-proclaimed minister of the Native American Church of Nemenhah ("NACNEM").

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7. Information obtained during the course of the investigation revealed that DeHaan was constructing, without permits, what appeared to be a large underground bunker in the front yard of his residence and that DeHaan possessed various weapons.

8. In March 2010, DeHaan filed a no trespassing document with the Cleveland County, North Carolina Register of Deeds. The document provides a notice to agents of government that "Violations of the rights of the Owner, his property, or those under his protection, may be assessed a civil penalty of One Million Dollars in silver coin for each violation." In May 2010, DeHaan filed a declaration with the Cleveland County, North Carolina Register of Deeds renouncing his United States citizenship, liability for the national debt of the United States, and him being a person claiming income that is effectively connected with the conduct of a trade or business in the United States.

9. In February 2014, DeHaan wrote a letter to the City of Kings Mountain stating he was beginning a project to construct an underground root cellar at his residence. The letter went on to inform the City of Kings Mountain that a permit is not required for such a project in the county and reminded the city they were notified approximately one year prior that this parcel of property had been deeded over to the Native American Church of Nemenhah, Order of Lehb. Included with the letter was the aforementioned no trespassing document and a notice to government agencies or enforcement officers regarding his land being used for religious purposes. The notice states, "You are officially and legally placed ON LEGAL NOTICE. You understand that his NOTICE affects your authority to act and your legal immunity. You should return to your SUPERVISOR, or to the Attorney General of your State, or the U.S. Attorney General, for further instruction before you proceed."

10. On April 21, 2016, the IRS and FBI conducted a search of 103 Police Club Drive, Kings Mountain, North Carolina, pursuant to a search warrant issued on April 20, 2016 by The Honorable Judge Dennis Howell, United States Magistrate Judge, Western District of North Carolina. Within the residence, a concrete bunker was located underground and was accessible from both the exterior and interior of the residence through fortified steel doors. There was a false wall that allowed entry from within the residence and a hinged stairwell that lead further into the bunker. It appears the hinged stairwell was designed to allow occupants of the bunker to eliminate additional entry into the bunker when the stairs are in the raised position.

11. The bunker contained living quarters with a significant amount of food and beverages stored in various rooms, walls and ceilings. Two water tanks, approximately 2,000 gallons each, were also located in the bunker. One room within the bunker contained approximately 70 weapons to include rifles, shotguns, and handguns. It also contained, among other items, large quantities of ammunition of various calibers, rifle scopes, fuse (100 feet), aluminum powder, and one 100 round drum magazine.

12. One weapon, a Bushmaster Carbon 15 rifle caliber (5.56/.223) handgun (serial number D08642) with buffer tube attached, had been modified by the addition of a collapsible stock. This weapon has an overall length of less than 26 inches and a barrel length of less than 16 inches as defined in 26 United States Code, section 5845(a). The actual overall length of the modified weapon was 23 inches, with a barrel length of 11 and 3/4 inches. Also located during the search was a Fabrique Nationale Herstal Model P90 with what appears to be an attached commercially made silencer. This Herstal P90 is chambered in 5.7 x 28 caliber, which is designed as a personal defense weapon. Additionally, two (2) apparently hand-made silencers were discovered. The two hand-made silencers do not have the required serial numbers. The FBI

has consulted with the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), the agency that regulates firearms and explosives in the United States. ATF has searched its records and found no listings or registered firearms (including silencers) for DeHaan.

13. During the execution of the search warrant, two jars (1) 2500 mL and (1) 1800 mL of non-tax paid beverages were located. Additionally, one non-tax paid still,¹ one non-tax paid doubler,² a bag of sugar, and fermenting products were identified. Based on this information and the scope of the items, it is believed that DeHaan was manufacturing non-tax paid spirituous liquor. (Spirituous liquor, as defined in G.S. 105-113.68, is not authorized by the North Carolina Alcoholic Beverage Control Commission.)

14. Among the residence and out buildings located on the DeHaan property, various components that could be utilized to construct a destructive device were found. These items include PVC piping, tannerite, aluminum powder, and a fuse.

15. Additional items that were located during the search include, but are not limited to, approximately one pound of marijuana, marijuana seeds, (4) two oz bottles of THC, several thousands of dollars in cash, silver coins, and approximately 80 weapons placed in various rooms within the residence, bunker, and vehicles.

CONCLUSION

16. Based upon the above information, there is probable cause that DeHaan has committed violations of Title 26, United States Code, Section 5861(d) (to receive or possess a

¹ A still is an apparatus used to distill liquid mixtures by heating to selectively boil and then cooling to condense the vapor.

² A doubler is positioned between the main body of the still and the condenser and provides a second stage of distillation and produces a purified spirit

firearm which is not registered to him in the National Firearms Registration and Transfer Record) and Title 26 United States Code, Section 5861(i) (to receive or possess a firearm which is not identified by a serial number as required by Chapter 53).

Sworn to under penalty of perjury:

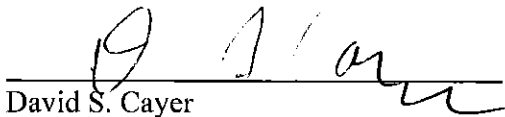


Mark Moss

Special Agent, Federal Bureau of Investigation

Date: April 22, 2016

Sworn to and subscribed before me this the 22nd day of April, 2016, in Charlotte, North Carolina:



David S. Cayer

United States Magistrate Judge