

UNITED STATES DISTRICT COURT

for the

Southern District of West Virginia

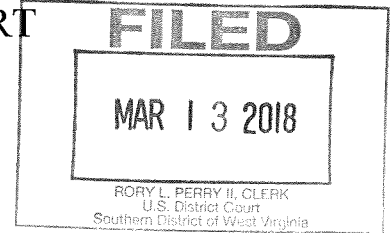
United States of America

v.

RONALD COLLINS

Case No.

5:18-mj-00009



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 1/6/18, and of 1/11/18, respectively in the county of Greenbrier in the
Southern District of West Virginia, the defendant(s) violated:

Code Section

Offense Description

18 U.S.C. Section 922(a)(6)

Knowingly making a false written statement intended or likely to deceive a firearm dealer with respect to a fact material to the sale of a firearm.

18 U.S.C. Section 922(g)(4)

Possession of a firearm by a person who has been adjudicated as a mental defective or who has been committed to a mental institution.

This criminal complaint is based on these facts:

See attached Affidavit.

☒ Continued on the attached sheet.

Complainant's signature

S/A Lauren Viup, ATF

Printed name and title

Sworn to before me and signed in my presence.

Date: 03/13/2018

Judge's signature

City and state: Beckley, West Virginia

Omar J. Aboulhosn, U.S. Magistrate Judge

Printed name and title

A F F I D A V I T

STATE OF WEST VIRGINIA

COUNTY OF RALEIGH, to-wit:

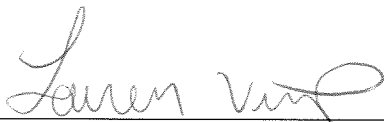
I, Special Agent Lauren Viup, ATF, being first duly sworn, do hereby depose and state as follows:

1. On or about April 10, 2014, Raleigh County Circuit Court Judge Robert A. Burnside, Jr., found defendant Ronald Collins incompetent to stand trial and ordered that he be committed to the William R. Sharpe Hospital for psychiatric evaluation. See Exhibit 1.
2. On or about January 6, 2018, defendant Ronald Collins knowingly made a false statement on ATF Form 4473 which was intended or likely to deceive Park Center Sporting Goods, a Federal Firearm Licensee located in Rainelle, Greenbrier County, West Virginia, within the Southern District of West Virginia, with respect to a fact material to the sale of a firearm. That is, defendant answered "no" in writing on AFT Form 4473 to question 11(f): "Have you ever been adjudicated as a mental defective OR have you ever been committed to a mental institution?" See Exhibit 2.
3. On or about January 11, 2018, defendant Ronald Collins possessed a Walther, Model Creed, 9mm firearm. At that time, the firearm had affected commerce, was operable, and the

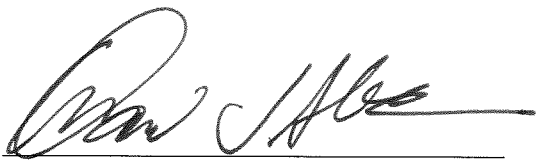
undersigned has no reason to believe that defendant had had his right to possess a firearm restored. Further, at that time, as is set out in Exhibit 1, defendant had been adjudicated mentally defective and had been committed to a mental institution.

4. I am a Special Agent with the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF). Based on my training and experience, and my knowledge of the law regarding the lawful sale and transfer of firearms, and the lawful possession of firearms, there is probable cause to believe that defendant Ronald Collins violated 18 U.S.C. §§ 922(a)(6) and 922(g)(4) as set forth above.

Further your affiant sayeth naught.


S/A Lauren Viup, ATF

Sworn to before me, and subscribed in my presence, this 13th day of March, 2018.


OMAR J. ABOULHOSN
United States Magistrate Judge

IN THE CIRCUIT COURT OF RALEIGH COUNTY, WEST VIRGINIA

STATE OF WEST VIRGINIA

VS. CASE NO. 14-F-13-B
Judge Robert A. Burnside, Jr.

RONALD COLLINS,
Defendant

ORDER FINDING DEFENDANT PRESENTLY
INCOMPETENT TO STAND TRIAL AND
COMMITTING HIM TO WILLIAM R. SHARPE HOSPITAL

This matter came before the Court on March 27, 2014 for hearing upon the State's Motion for Judicial Finding of Incompetency and for Commitment of the Defendant, with the State appearing by Kristen Keller, Raleigh County Prosecuting Attorney, and the defendant appearing in person and by counsel, Robert Dunlap.

Whereupon, the State called Dr. Bobby Miller, the forensic psychiatrist nominated by the defendant, and introduced into evidence materials including the report of forensic re-evaluation of the defendant by Dr. Miller dated February 25, 2014.

The Court notes that such re-evaluation was Ordered by Judge H.L. Kirkpatrick III during hearing held December 3, 2013, with no objection by the defendant.

This Court has considered the testimony of Dr. Miller and the testimony of the defendant during the March 27, 2014 hearing before this Court and also considered evidence presented during the December 3, 2013 hearing before Judge Kirkpatrick as well as all exhibits in the record, including the forensic evaluations of the defendant and transcripts of jail recordings of conversations between the defendant and a fellow inmate, introduced into evidence on March 27, 2014.

Upon consideration of the entire record, the Court finds as fact that the State has proven by more than the requisite standard of a preponderance of the evidence that the defendant presently is "psychotic with paranoia in the context of irrational grandiosity" and "is not presently capable to participate effectively in his legal process," as set forth in Dr. Miller's re-evaluation. The Court finds that the defendant presently is incompetent to stand trial but that there is a substantial likelihood that with appropriate treatment, he will attain competency pursuant to W.Va. Code §27-6A-1 et seq.

Accordingly, it is ORDERED that the defendant shall be transported to William R. Sharpe Hospital, where he shall remain committed as an inpatient, in order for him to attain competency to stand trial. In the event that the Chief Medical Officer of such facility reports that additional time is needed in order for the defendant to attain competency, an extension of time shall be Ordered as set forth by W.Va. Code §27-6A-1 et seq.

The Court further notes that following the competency hearing of March 27, 2014, the defendant by counsel filed a "Response to the State's Motion for Judicial Finding of Incompetency and for Commitment of the Defendant." Although the defendant did not request a hearing upon that response, the Court has reviewed it and finds that nothing contained therein rebuts the clear and convincing evidence of the defendant's present incompetency to stand trial. The Court further notes that the response concluded: "per the Defendant's explicit request, move (sic) this matter to a speedy trial as previously requested of this Court."

The Court finds as fact that the defendant, by counsel, first made brief verbal mention of a speedy trial during the competency hearing and that the defendant never has asserted a speedy trial demand in this matter by requisite "timely written motion." Syll. 7, *Keller v. Ferguson*, 355 S.E. 2d 405 (1987). Further, the Court finds that the defendant's

present incompetency to stand trial necessitates a continuance of this matter beyond the term of indictment and constitutes good cause for such continuance pursuant to W.Va. Code §62-3-1, particularly since the defendant did not object to the psychiatric re-evaluation which occurred during the term of indictment.

It is ORDERED that upon notification by William R. Sharpe Hospital that space is available for the defendant, he shall be transported forthwith by the Southern Regional Jail Authorities for inpatient hospitalization.

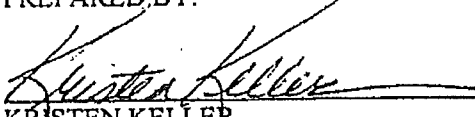
An attested copy of this Order shall be served upon William R. Sharpe Hospital and Southern Regional Jail authorities.

ORDER:

ENTER:

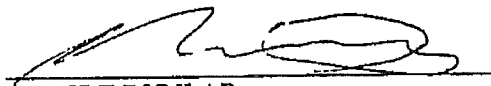

JUDGE ROBERT A. BURNSIDE, JR.

PREPARED BY:


KRISTEN KELLER
Raleigh County Prosecuting Attorney
State Bar # 1992

The foregoing is a true copy of an order
entered in this office on the 10 day
of April, 20 14.
PAUL H. FLANAGAN, Circuit Clerk of
Raleigh County, West Virginia
By: MEM
Deputy

APPROVED BY: *w/objections stated on the Return*


ROBERT DUNLAP
Counsel for Defendant
State Bar # 100141

U.S. Department of Justice
Bureau of Alcohol, Tobacco, Firearms and Explosives

Firearms Transaction Record

OMB No. 1140-0020

1897

WARNING: You may not receive a firearm if prohibited by Federal or State law. The information you provide will be used to determine whether you are prohibited from receiving a firearm. Certain violations of the Gun Control Act, 18 U.S.C. 921(a)(2)(A)-(D), are punishable by up to 10 years imprisonment and/or up to a \$250,000 fine.

Transferor's/Seller's
Transaction Serial
Number (if any)

Read the Notices, Instructions, and Definitions on this form. Prepare in original only at the licensed premises ("licensed premises" includes business temporarily conducted from a qualifying gun show or event in the same State in which the licensed premises is located) unless the transaction qualifies under 18 U.S.C. 922(c). All entries must be handwritten in ink. "PLEASE PRINT."

53826

Section A - Must Be Completed Personally By Transferee/Buyer

1. Transferee's/Buyer's Full Name (If legal name contains an initial only, record "IO" after the initial. If no middle initial or name, record "NMN".)
Last Name (Including suffix (e.g., Jr, Sr, II, III)) First Name Middle Name

2. Current State of Residence and Address (U.S. Postal abbreviations are acceptable. Cannot be a post office box.)
Number and Street Address City County State ZIP Code

265 2nd Street Rainelle Greenbrier WV 25962

3. Place of Birth U.S. City and State -OR- Foreign Country 4. Height Ft. In. 5. Weight (Lbs.) 6. Sex ☒ Male ☐ Female 7. Birth Date Month Day Year

8. Social Security Number (Optional, but will help prevent misidentification) 9. Unique Personal Identification Number (UPIN) if applicable (See Instructions for Question 9.)

10.a. Ethnicity ☐ Hispanic or Latino ☒ Not Hispanic or Latino 10.b. Race (In addition to ethnicity, select one or more race in 10.b. Both 10.a. and 10.b. must be answered.)
☐ American Indian or Alaska Native ☐ Black or African American ☒ White
☐ Asian ☐ Native Hawaiian or Other Pacific Islander

11. Answer the following questions by checking or marking "yes" or "no" in the boxes to the right of the questions.

	Yes	No
a. Are you the actual transferee/buyer of the firearm(s) listed on this form? Warning: You are not the actual transferee/buyer if you are acquiring the firearm(s) on behalf of another person. If you are not the actual transferee/buyer, the licensee cannot transfer the firearm(s) to you. Exception: If you are picking up a repaired firearm(s) for another person, you are not required to answer 11.a. and may proceed to question 11.b. (See Instructions for Question 11.a.)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Are you under indictment or information in any court for a felony, or any other crime for which the judge could imprison you for more than one year? (See Instructions for Question 11.b.)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Have you ever been convicted in any court of a felony, or any other crime for which the judge could have imprisoned you for more than one year, even if you received a shorter sentence including probation? (See Instructions for Question 11.c.)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. Are you a fugitive from justice? (See Instructions for Question 11.d.)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e. Are you an unlawful user of, or addicted to, marijuana or any depressant, stimulant, narcotic drug, or any other controlled substance? Warning: The use or possession of marijuana remains unlawful under Federal law regardless of whether it has been legalized or decriminalized for medicinal or recreational purposes in the state where you reside.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f. Have you ever been adjudicated as a mental defective OR have you ever been committed to a mental institution? (See Instructions for Question 11.f.)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g. Have you been discharged from the Armed Forces under dishonorable conditions?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h. Are you subject to a court order restraining you from harassing, stalking, or threatening your child or an intimate partner or child of such partner? (See Instructions for Question 11.h.)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i. Have you ever been convicted in any court of a misdemeanor crime of domestic violence? (See Instructions for Question 11.i.)	<input type="checkbox"/>	<input checked="" type="checkbox"/>

12.a. Country of Citizenship: (Check/List more than one, if applicable. Nationals of the United States may check U.S.A.)
☒ United States of America (U.S.A.) ☐ Other Country/Countries (Specify):

	Yes	No
12.b. Have you ever renounced your United States citizenship?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
12.c. Are you an alien illegally or unlawfully in the United States?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
12.d.1. Are you an alien who has been admitted to the United States under a nonimmigrant visa? (See Instructions for Question 12.d.)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
12.d.2. If "yes", do you fall within any of the exceptions stated in the instructions?	<input checked="" type="checkbox"/> N/A	<input type="checkbox"/>

13. If you are an alien, record your U.S.-Issued Alien or Admission number (AR#, USCIS#, or 194#):

Transferee/Buyer Continue to Next Page
STAPLE IF PAGES BECOME SEPARATED

ATF Form 4473 (530k.9)
Revised October 2016

I certify that my answers in Section A are true, correct, and complete. I have read and understand the Notices, Instructions, and Definitions on ATF Form 4473. I understand that answering "yes" to question 11.a. If I am not the actual transferee/buyer is a crime punishable as a felony under Federal law, and may also violate State and/or local law. I understand that a person who answers "yes" to any of the questions 11.b. through 11.i and/or 12.b. through 12.i is prohibited from purchasing or receiving a firearm. I understand that a person who answers "yes" to question 12.d.1. is prohibited from receiving or possessing a firearm, unless the person answers "yes" to question 12.d.2. and provides the documentation required in 18.c. I also understand that making any false oral or written statement, or exhibiting any false or misrepresented identification with respect to this transaction, is a crime punishable as a felony under Federal law, and may also violate State and/or local law. I further understand that the repetitive purchase of firearms for the purpose of resale for livelihood and profit without a Federal firearms license is a violation of Federal law. (See Instructions for Question 14.)

14. Transferee's/Buyer's Signature [Signature] 15. Certification Date 1/6/18

Section B - Must Be Completed By Transferor/Seller

16. Type of firearm(s) to be transferred (check or mark all that apply):
☒ Handgun ☐ Long Gun ☐ Other Firearm (frame, receiver, etc. See Instructions for Question 16.)
 17. If transfer is at a qualifying gun show or event:
 Name of Function: _____
 City, State: _____

18.a. Identification (e.g., Virginia Driver's license (VA DL) or other valid government-issued photo identification.) (See Instructions for Question 18.)
 Issuing Authority and Type of Identification WV DL Number on Identification [Redacted] Expiration Date of Identification (if any)
 Month 6 Day 11 Year 20

18.b. Supplemental Government Issued Documentation (if identification document does not show current residence address) (See Instructions for Question 18.b.)

18.c. Exception to the Nonimmigrant Alien Prohibition: If the transferee/buyer answered "YES" to 12.d.2, the transferor/seller must record the type of documentation showing the exception to the prohibition and attach a copy to this ATF Form 4473. (See Instructions for Question 18.c.)

Questions 19, 20, or 21 Must Be Completed Prior To The Transfer Of The Firearm(s) (See Instructions for Questions 19, 20 and 21.)

19.a. Date the transferee's/buyer's identifying information in Section A was transmitted to NICS or the appropriate State agency:
 Month 1 Day 6 Year 18
 19.b. The NICS or State transaction number (if provided) was: 10045MTWC

19.c. The response initially (first) provided by NICS or the appropriate State agency was:
☐ Proceed ☒ Delayed (The firearm(s) may be transferred on 1/11/18 if State law permits (optional))
☐ Denied ☐ Cancelled
 19.d. The following response(s) was/were later received from NICS or appropriate State agency:
☒ Proceed 1-11-18 (date) ☐ Overturne
☐ Denied _____ (date)
☐ Cancelled _____ (date)
☐ No response was provided within 3 business days.

19.e. (Complete if applicable.) After the firearm was transferred, the following response was received from NICS or the appropriate State agency on _____ (date).
☐ Proceed ☐ Denied ☐ Cancelled

19.f. The name and Brady identification number of the NICS examiner. (Optional)
 (name) _____ (number) _____
 19.g. Name of FFL Employee Completing NICS check. (Optional)

20. ☐ No NICS check was required because a background check was completed during the NFA approval process on the individual who will receive the NFA firearm(s), as reflected on the approved NFA application. (See Instructions for Question 20.)

21. ☐ No NICS check was required because the transferee/buyer has a valid permit from the State where the transfer is to take place, which qualifies as an exemption to NICS. (See Instructions for Question 21.)

Issuing State and Permit Type _____ Date of Issuance (if any) _____ Expiration Date (if any) _____ Permit Number (if any) _____

Section C - Must Be Completed Personally By Transferee/Buyer

If the transfer of the firearm(s) takes place on a different day from the date that the transferee/buyer signed Section A, the transferee/buyer must complete Section C immediately prior to the transfer of the firearm(s). (See Instructions for Question 22 and 23.)

I certify that my answers to the questions in Section A of this form are still true, correct, and complete.

22. Transferee's/Buyer's Signature [Signature] 23. Recertification Date 01/11/18

Transferor/Seller Continue to Next Page
 STAPLE IF PAGES BECOME SEPARATED

Section D - Must Be Completed By Transferor/Seller Even If The Firearm(s) Is Not Transferred

24. Manufacturer and Importer (If any) (If the manufacturer and importer are different, the FFL must include both.)	25. Model (If Designated)	26. Serial Number	27. Type (See Instructions for Question 27.)	28. Caliber or Gauge
Walther	Creed	[REDACTED]	Pistol	9mm

MINDER - By the Close of Business Complete ATF Form 3310.4 For Multiple Purchases of Handguns Within 5 Consecutive Business Days

Total Number of Firearms Transferred (Please *handwrite* by printing e.g., zero, one, two, three, etc. Do not use numerals.) One

For Use by Licensee (See Instructions for Question 31.)

30. Check if any part of this transaction is a pawn redemption.

☐ Line Number(s) From Question 24 Above:

32. Check if this transaction is to facilitate a private party transfer.

☐ (See Instructions for Question 32.)

Trade/corporate name and address of transferor/seller and Federal Firearm License Number (Must contain at least first three and last five digits of FFL Number X-XX-XXXXX) (Hand stamp may be used)

PARK CENTER SPORTING GOODS
410 JOHN RAINE DRIVE
RAINELLE, WV 26662
304-483-5660

4-55-025-02-9J-35522

The Person Transferring The Firearm(s) Must Complete Questions 34-37.
For Denied/Canceled Transactions, the Person Who Completed Section B Must Complete Questions 34-36.

certify that: (1) I have read and understand the Notices, Instructions, and Definitions on this ATF Form 4473; (2) the information recorded in Sections B and D is true, correct, and complete; and (3) this entire transaction record has been completed at my licensed business premises ("licensed premises" includes business temporarily conducted from a qualifying gun show or event in the same State in which the licensed premises is located) unless this transaction has met the requirements of 18 U.S.C. 922(c). Unless this transaction has been denied or cancelled, further certify on the basis of — (1) the transferee's/buyer's responses in Section A (and Section C, if applicable); (2) my verification of the identification recorded in question 18 (and my re-verification at the time of transfer, if Section C is completed); and (3) State or local law applicable to the firearms business — it is my belief that it is not unlawful for me to sell, deliver, transport, or otherwise dispose of the firearm(s) listed on this form to the person identified in Section A.

Transferor's/Seller's Name (Please print)	35. Transferor's/Seller's Signature	36. Transferor's/Seller's Title	37. Date Transferred
Kevin Hanson	[Signature]	[Signature]	1/11/18

NOTICES, INSTRUCTIONS, AND DEFINITIONS

Purpose of the Form: The information and certification on this form are given so that a person licensed under 18 U.S.C. 923 may determine if he/she lawfully sell or deliver a firearm to the person identified in Section A, and alert the transferee/buyer of certain restrictions on the receipt and possession of firearms. The transferor/seller of a firearm must determine the lawfulness of the transaction and maintain proper records of the transaction. Consequently, the transferor/seller must be familiar with the provisions of 18 U.S.C. 921-931 and regulations in 27 CFR Parts 478 and 479. In determining the lawfulness of sale or delivery of a rifle or shotgun to a resident of another State, the transferor/seller is presumed to know the applicable State laws and published notices in both the transferor's/seller's State and the transferee's/buyer's State. (See ATF Publication 5300.1, State Laws and Published Ordinances.)

Generally, ATF Form 4473 must be completed at the licensed business premises when a firearm is transferred over-the-counter. Federal law, 18 U.S.C. 922(c), as a licensed importer, manufacturer, or dealer to sell a firearm to a non-licensee who does not appear in person at the licensee's business premises only if a transferee/buyer meets certain requirements. These requirements are set in section 922(c), 27 CFR 478.96(b), and ATF Procedure 2013-2.

If the transferor/seller has completed the firearms transaction, he/she must complete the completed, original ATF Form 4473 (which includes the Notices, Gun-Instructions, and Definitions), and any supporting documents, part of his/her permanent records. Such Form 4473 must be retained for at least 70 years and that period may be submitted to ATF. Filing may be chronological (by date of disposition), alphabetical (by name of purchaser), or numerical (by transactional number), as long as all of the transferor's/seller's completed Forms are filed in the same manner.

FORMS 4473 FOR DENIED/CANCELLED TRANSFERS MUST BE RETAINED: If the transfer of a firearm is denied/cancelled by NICS, or if for any other reason the transfer is not completed after a NICS check is initiated, the licensee must retain the ATF Form 4473 in his/her records for at least 5 years. Forms 4473 with respect to which a sale, delivery, or transfer did not take place shall be separately retained in alphabetical (by name of transferee) or chronological (by date of transferee's certification) order.

If the transferor/seller or the transferee/buyer discovers that an ATF Form 4473 is incomplete or improperly completed after the firearm has been transferred, and the transferor/seller or the transferee/buyer wishes to correct the omission(s) or error(s), photocopy the inaccurate form and make any necessary additions or revisions to the photocopy. The transferor/seller should only make changes to Sections B and D. The transferee/buyer should only make changes to Section A and C. Whoever made the changes should initial and date the changes. The corrected photocopy should be attached to the original Form 4473 and retained as part of the transferor's/seller's permanent records.

Exportation of Firearms: The State or Commerce Departments may require a firearms exporter to obtain a license prior to export. Warning: Any person who exports a firearm without proper authorization may be fined not more than \$1,000,000 and/or imprisoned for not more than 20 years. See 22 U.S.C. 2778(e).

Section A

The transferee/buyer must personally complete Section A of this form and certify (sign) that the answers are true, correct, and complete. However, if the transferee/buyer is unable to read and/or write, the answers (other than the signature) may be completed by another person, excluding the transferor/seller. Two persons (other than the transferor/seller) must then sign as witnesses to the transferee's/buyer's answers and signature/certification in question 14.

ATF Form 4473 (5300.1)
Revised October 2016