

AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT

for the District of Oregon

FILED 15 NOV '17 13:39 USDC-ORP

United States of America v. CHRISTOPHER RYAN PONTE

Case No. '17-MJ-185

Defendant(s)

UNDER SEAL

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 January 28, 2017 in the county of Clackamas in the District of Oregon, the defendant(s) violated:

Code Section 18 U.S.C. § 922(g)(1) Offense Description Felon in Possession of a Firearm.



Certified to be a true and correct copy of original filed in this District. Dated Mary L. Moran, Clerk of Court US District Court of Oregon By Deputy Clerk Pages 1 Through 16

This criminal complaint is based on these facts: See attached affidavit.

Continued on the attached sheet.

[Redacted signature area]

Complainant's signature

FBI Special Agent

Printed name and title

Sworn to before me and signed in my presence.

Date: 11/15/17

[Handwritten signature]

Judge's signature

City and state: Portland, Oregon

Youlee Yim You, United States Magistrate Judge

Printed name and title

DISTRICT OF OREGON, ss:

AFFIDAVIT OF FBI SPECIAL AGENT [REDACTED]

**Purpose of this Affidavit**

1. This affidavit is submitted to support a criminal complaint and arrest warrant for Christopher Ryan Ponte, date of birth xx/xx/1981, for being a Felon in Possession of a Firearm, in violation of Title 18, United States Code, Section 922(g)(1).

2. This affidavit is intended to show only that there is sufficient probable cause for the requested criminal complaint and arrest warrant, and does not set forth all of my knowledge about this matter. The facts set forth in this affidavit are based on information provided to me by a Portland Police Bureau (“PPB”) Detective (“Detective”) regarding his investigation of Christopher Ryan Ponte.

**Agent Experience and Background**

3. I am a Special Agent of the United States Department of Justice, Federal Bureau of Investigation (FBI) and have been so employed since March 2017. I am currently assigned to the Portland Division of the FBI as part of the Safe Streets Task Force, and investigate violent crimes. Prior to joining the FBI, I worked for approximately six years as a police officer with two police departments in Texas.

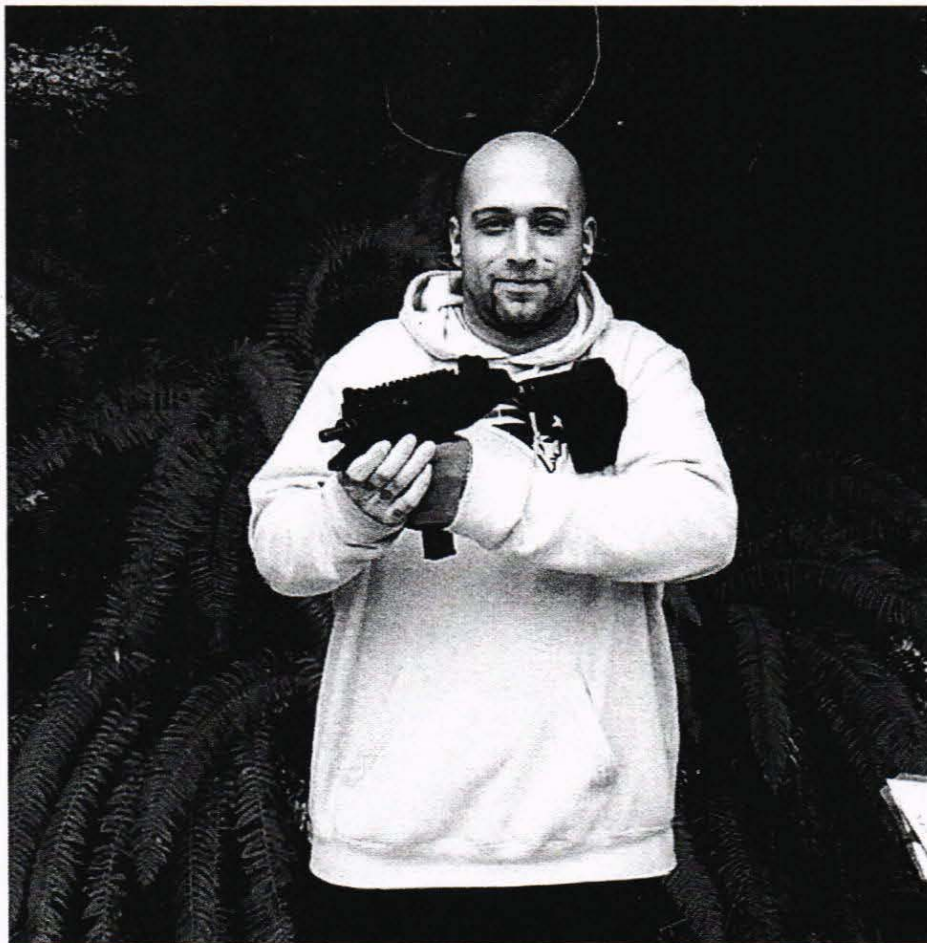
**Statement of Probable Cause**

4. In July 2017, the PPB Detective referred to above initiated a criminal investigation of Christopher Ryan Ponte (“Mr. Ponte”), upon learning that Mr. Ponte, a convicted felon in the State of Oregon, was depicted on his Facebook account holding firearms and shooting a shotgun. Detective conducted a computerized criminal history inquiry on Mr. Ponte through the Law Enforcement Database System and determined that on January 8, 2016, Mr. Ponte was convicted in Clackamas County Circuit Court (case number CR-1501721) for

Possession of a Stolen Motor Vehicle, a Class C Felony in Oregon. Detective also conducted an inquiry through the Oregon Department of Motor Vehicles and obtained a copy of Mr. Ponte's Oregon driver license photograph to familiarize himself with Mr. Ponte's appearance.

5. Detective accessed Facebook and located an open, public account for Mr. Ponte at <https://www.facebook.com/chris.ponte1> ("the Facebook Account"). Detective noted the profile picture for the Facebook Account was in fact a photograph of Mr. Ponte. Detective reviewed the photographs posted to the Facebook Account and located the following evidence related to his investigation:

**Image #1**





6. Image #1 clearly depicts Mr. Ponte in possession of what was later identified as an IWI, model Uzi Pro Pistol equipped with a stabilizing brace. Mr. Ponte is shown wearing ear plugs, a glove on his left hand, and standing next to what appears to be a table in a wooded area. According to the Facebook Account, the above image was posted on January 28, 2017. In the comments section for Image #1 someone wrote, "I ain't gonna mess with u!" To this, Mr. Ponte replied, "Stop that lol. I don't own any guns [emojis]."

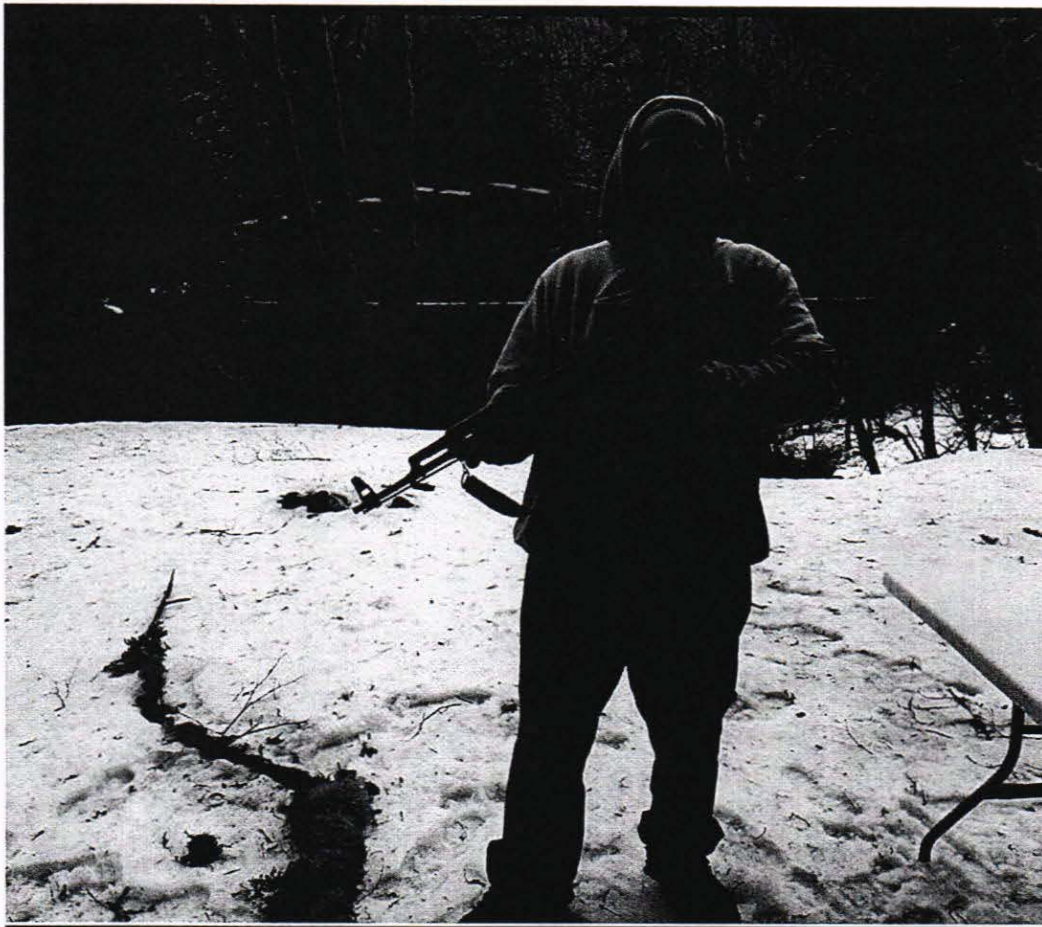
Image #2



7. Image #2 clearly depicts numerous rifles, handguns, shotguns, boxes of live ammunition and shooting targets on a portable table set up in a wooded area, with snow on the ground. There is also a gun case lying on the ground. In the center of the photograph there appears to be an IWI, Model Uzi Pro Pistol equipped with a stabilizing brace, like the one

depicted in Image #1, above. According to the Facebook Account, Image #2 was posted to Facebook on January 28, 2017. In the comments section for Image #2 Mr. Ponte wrote, “For the record those were not my guns.”

Image #3



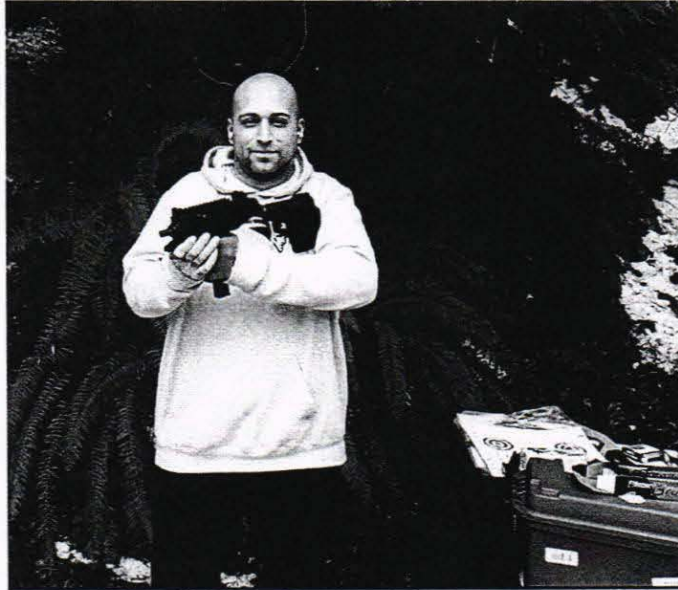
8. Image #3 depicts Mr. Ponte standing in a wooded area holding what appears to an AK-47 assault rifle, similar to a firearm depicted above in Image #2. According to the Facebook Account, Image #3 was first posted on January 28, 2017, and reposted again on April 5, 2017. In the comments section of the repost on April 5, 2017, someone wrote “Where were u in this pic?” Mr. Ponte replied, “Estacada some where [sic].” Based on Mr. Ponte’s comment, Detective concluded that Mr. Ponte was referring to Estacada, Oregon.



9. During his investigation, Detective consulted with the Clackamas County Sheriff's Office and the U.S. Forrest Service and determined that Image #3 depicts Mr. Ponte standing at a dispersed campsite off Highway 224 at Milepost 45 in Clackamas County, in the District of Oregon. For comparison purposes with Image #3, Detective received the below photograph of the above-mentioned dispersed campsite that was taken by the U.S. Forrest Service in July 2017. Notably, the same bridge is visible in both photographs. The bridge shown carries Highway 224 over the Clackamas River. The river is immediately adjacent to the dispersed campsite. A firepit at the dispersed campsite is visible in the below photograph.



Image #4



10. Image #4 appears to be the same as Image #1 but is zoomed out, allowing a view of more of Mr. Ponte's surroundings. The image depicts boxes of ammunition and shooting targets next to where Mr. Ponte is standing. According to the Facebook Account, Image #4 was posted on January 28, 2017.

11. Detective also reviewed the videos posted to the Facebook Account and located the following evidence related to his investigation:



Image #5



12. Image #5 depicts a screen shot that Detective captured from a video posted to the Facebook Account on January 29, 2017. The video shows a male who was later fully identified but will be referred to in this affidavit as “Witness 1.” Witness 1 is a coworker of Mr. Ponte’s and is depicted in the video shooting the same IWI, Model Uzi Pro Pistol depicted in Images ##1, 2 and 4, above. In the comments section of the Facebook post, Mr. Ponte wrote, “More work peeps blastin [sic] off some rounds.” Detective knows from his training and experience that the term “blasting off some rounds” is commonly used to describe firing a gun.

13. In addition to the video posted to the Facebook Account which is associated with Image #5, above, Detective observed two other videos posted around the same time, showing individuals firing guns in a wooded area. In his Facebook Account comments, Mr. Ponte wrote that the videos show “work peeps” – meaning people with whom Mr. Ponte worked – “blastin['] off some rounds.”



Image #6



14. Image #6 depicts a screen shot that Detective captured from a video posted to the Facebook Account on January 28, 2017. In the comments section of the Facebook post Mr. Ponte wrote, "Old video ... pow pow." The video shows Mr. Ponte firing five (5) live rounds of ammunition from a shotgun, while he appears to be wearing the same New England Patriots sweatshirt, glove and black pants depicted above in Images ##1, 3 and 4. The shotgun that Mr. Ponte was firing in the video appears similar to a firearm depicted above in Image #2.

15. During the course of his investigation, Detective spoke to a probation officer in Clackamas County who began supervising Mr. Ponte on January 8, 2016 as a result of Mr. Ponte being convicted of a felony in Clackamas County Circuit Court. That probation officer advised Detective that Mr. Ponte completed his probation in March 2017 (which means he was still on probation when he possessed and discharged the firearms on January 28, 2017). The probation

officer's records indicated that Mr. Ponte worked at a specific business in Milwaukie, Oregon that this affidavit will referred to simply as "the Company."

16. In October 2017, Detective went to the Company's offices and spoke with members of the human resources department as well as several employees who work with Mr. Ponte. From this meeting, Detective learned that Mr. Ponte began working at the Company as a temporary employee on April 1, 2016, and Mr. Ponte converted to a full time employee on October 25, 2016. During the meeting, Detective identified Witness 1 as the person depicted in Image #5, above. Detective also learned that Mr. Ponte and Witness 1 currently work in the same department at Company.

17. Later in October 2017, Detective and his partner contacted Witness 1 at his residence. Witness 1 agreed to be interviewed by Detective and his partner, and the interview was recorded by the detectives. Witness 1 provided the following information.

18. Witness 1 first met Mr. Ponte after Mr. Ponte became employed at the Company (i.e., on/after April 1, 2016). Witness 1 said that he and his coworkers would often go shooting for recreation in the Mount Hood National Forrest off Highway 224, east of Estacada, Oregon. Witness 1 was shown the above photograph provided by the U.S. Forrest Service, of the dispersed campsite off Highway 224 at Milepost 45 in Clackamas County, Oregon. Witness 1 positively identified the dispersed campsite as the location where he would go shooting with his coworkers.

19. Witness 1 was shown Image #1 – the photograph depicting Mr. Ponte in possession of an IWI, Uzi Pro Pistol. Witness 1 said he recognized Image #1 and believes he may have taken the photograph with Mr. Ponte's cell phone. Witness 1 said that Image #1 depicts Mr. Ponte holding Witness 1's IWI, Uzi Pro Pistol.



20. Importantly, Witness 1 said that Image #1 was taken on January 28, 2017, when Witness 1, Mr. Ponte, and several of their coworkers went shooting at the dispersed campsite. Witness 1 said that he purchased the IWI, Uzi Pro Pistol from a specific gun store in Sandy, Oregon sometime prior to January 28, 2017, and that January 28, 2017 was the first and only time that Witness 1 brought the firearm to the dispersed campsite to shoot it with his coworkers. Detective later received records from the gun store in Sandy, Oregon which showed that Witness 1 purchased the IWI, Uzi Pro Pistol on January 13, 2017; the firearm is assigned serial #U0002838.

21. Witness 1 was shown Image #2 – the photograph depicting numerous rifles, handguns, shotguns, boxes of live ammunition and shooting targets on a portable table set up in a wooded area, with snow on the ground. Witness 1 said he recognized Image #2 because when he went shooting with Mr. Ponte and their coworkers at the dispersed campsite on January 28, 2017, Witness 1 and several of his coworkers set their firearms on the table for display and took photographs of the firearms. Witness 1 showed Detective digital photographs that Witness 1 had taken that were time/date stamped from January 28, 2017. Those photographs showed the same group of firearms on display on a portable table in a wooded area, with snow on the ground. Detective noted that Witness 1's photographs were very similar to Image #2, but photographed from a different angle.

22. Witness 1 was shown Image #3 – a photograph depicting Mr. Ponte standing in a wooded area holding what appears to an AK-47 assault rifle. Witness 1 said that Image #3 depicts Mr. Ponte standing at the dispersed campsite on January 28, 2017, holding an AK-47 assault rifle. Witness 1 said the AK-47 belonged to one of their coworkers who was present that day. Witness 1 showed the Detective a video that he made, showing Mr. Ponte firing the AK-47 assault rifle at the dispersed campsite. Detective observed the date stamp on the video as January 28, 2017. Below is a screen shot of the video provided by Witness 1 showing Mr. Ponte firing the AK-47 assault rifle.



23. Upon reviewing the above video, Detective noted that Mr. Ponte fired the AK-47 assault rifle nine (9) times and each time that Mr. Ponte squeezed the trigger, the following occurred: (1) there was an audible explosion and a perceptible blast of hot gasses from the muzzle, as shown in the above photograph; (2) Mr. Ponte was impacted by the evident recoil, and (3) a fired cartridge case was ejected.



24. Witness 1 was shown Image #5 and confirmed he was the person depicted in the photograph. Witness 1 was also shown the video associated with Image #5, and Witness 1 confirmed the video showed him firing his IWI, Uzi Pro Pistol at the Dispersed Campsite on January 28, 2017.

25. Witness 1 was shown Image #6 – a screen shot taken from a video showing Mr. Ponte firing a black shotgun. Detective also showed Witness 1 the video corresponding with Image #6, posted on the Facebook Account. Witness 1 said the video showed Mr. Ponte firing a Mossberg shotgun at the dispersed campsite on January 28, 2017. Witness 1 said the shotgun belonged to one of their coworkers who was present at the dispersed campsite that day.

26. During this investigation, Detective requested the assistance of the Bureau of Alcohol Tobacco and Firearms (“ATF”) to analyze the photographs and videos posted on the Facebook Account. The ATF’s Firearms Technology Criminal Branch conducted an analysis and, based on a report of their findings, Detective learned the following information.

27. Witness 1’s IWI, Uzi Pro Pistol is a 9x19mm caliber firearm manufactured in Israel and imported into the United States by IWI, Harrisburg, Pennsylvania. As a result of the ATF analysis, Detective determined that the IWI, Uzi Pro Pistol would have been transported or shipped in interstate or foreign commerce prior to it being in the possession of Mr. Ponte on January 28, 2017, in the District of Oregon.

28. The ATF analysis also showed that the video associated with Image #6 (showing a shotgun) shows Mr. Ponte firing what appears to be a firearm based on the following evidence: (1) each time Mr. Ponte squeezes the trigger, there is an audible explosion and a perceptible blast of hot gases from the muzzle; (2) each time Mr. Ponte squeezes the trigger, Mr. Ponte is impacted by the evident recoil, and (3) each time Mr. Ponte manually cycles the pump action,

perceptible hot gases are released as the chamber is opened and what appears to be a fired shot shell hull is ejected. Additionally, the object that Mr. Ponte is firing in the video has design features and characteristics consistent with those of the Mossberg, model 500 Tactical, 12 gauge shotgun. This shotgun is manufactured by O.F. Mossberg and Sons in North Haven, Connecticut.

29. As a result of the ATF analysis, and the statements made by Witness 1 regarding the make of the shotgun that Mr. Ponte fired on January 28, 2017, Detective concluded that the Mossberg 12 gauge shotgun would have been transported or shipped in interstate commerce prior to it being in the possession of Mr. Ponte on January 28, 2017, in the District of Oregon.

30. The ATF analyzed Image #3 and concluded that Mr. Ponte was holding a device which had design features and characteristics consistent with those of an AKM-type firearm. Detective conducted internet research on AKM-type firearms and learned the AKM is a 7.62mm assault rifle and is a common, modernized variant of the AK-47 rifle.

31. At the time of the ATF's analysis of Image #3, Detective had not yet identified or interviewed Witness 1, nor had Detective seen Witness 1's video of Mr. Ponte firing the assault rifle. As a result of not having that information when analyzing Image #3, the ATF's Firearms Technology Criminal Branch was unable to conclude that Image #3 showed Mr. Ponte holding a functional firearm. However, the video showing Mr. Ponte actually firing the weapon shown in Image #3 now makes it easy to conclude that the weapon was a functional firearm when Mr. Ponte possessed it on January 28, 2107. Separately, the origin of manufacture of the firearm shown in Image #3 is still under investigation.



**Conclusion**



32. Based on the foregoing facts, I have probable cause to believe that on January 28, 2017, Mr. Ponte, a convicted felon, was unlawfully and knowingly in possession of two firearms that had previously been shipped or transported in interstate or foreign commerce (i.e., the IWI, Uzi Pro Pistol and the Mossberg 12 gauge shotgun) in violation of Title 18 of the United States Code, Section 922(g)(1). I respectfully ask the Court to authorize the proposed arrest warrant.

33. Prior to being submitted to the Court, this affidavit, the accompanying criminal complaint, and the requested arrest warrant were all reviewed by Assistant United States Attorney (AUSA) Tom Ratcliffe. AUSA Ratcliffe advised me that, in his opinion, the affidavit and application are legally and factually sufficient to establish probable cause to support the issuance of the requested arrest warrant.


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**Request for Sealing**

34. It is respectfully requested that the Court issue an order sealing, until further order of the Court, all papers submitted in support of the requested arrest warrant, including the criminal complaint, and this affidavit. I believe that sealing these documents is necessary because any disclosure of the information at this time may cause flight from prosecution, cause destruction of or tampering with evidence, cause intimidation of potential witnesses, or otherwise seriously jeopardize an investigation.

  
Special Agent   
Federal Bureau of Investigation  
Portland, Oregon

SUBSCRIBED and SWORN to before me personally, in chambers, this 15<sup>th</sup> day of November, 2017.

  
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THE HONORABLE YOULEE YIM YOU  
UNITED STATES MAGISTRATE JUDGE  
DISTRICT OF OREGON