

AFFIDAVIT



I, Special Agent (SA) Tyree Koerner, being duly sworn, state the following:

1. I am a Special Agent with the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF). I have worked in law enforcement for approximately 18 years, and for the past 9 years I have been employed as a Special Agent with ATF. In the performance of my duties with ATF, I have investigated and participated in numerous investigations involving federal firearm and narcotic violations. This affidavit contains information necessary to support probable cause for this application for a criminal complaint on **Mickael N. OLIVER, DOB: 11/30/1994 for beign a drug user in possession of firearms and ammunition**. It is not intended to include every fact or matter observed by me or known by law enforcement. The information provided is based on my personal knowledge and observation during the course of this investigation, information conveyed to me by others, including law enforcement officials, and my review of records, documents, and other physical evidence obtained during the investigation.

The facts to support a finding of probable cause are as follows:

1. On May 12, 2017, a shooting into an occupied vehicle occurred at the intersection of 54th Street and Park Avenue, Kansas City, Missouri, where a three year old boy (Marcus Haislip) was killed and two additional occupants, (Marcus Haislip, Sr., and Michael Haislip), received non-life-threatening gunshot wounds. After the shooting, witnesses reported that the suspect possibly came from and fled into [REDACTED] Kansas City, Missouri (known residence of **Mickael N. OLIVER**). During follow-up investigation, investigators conducted a search warrant on the residence at [REDACTED] and found several spent 7.62 caliber and 9 mm ammunition casings around the porch area and an additional spent 9 mm casing inside the residence. Investigators also found **OLIVER** at the residence after the shooting and later conducted a formal interview during which **OLIVER** provided a statement that lacked any substance to identify the shooter or procure charges. To date, no arrests have been made and this investigation is still ongoing.

2. In July 2017, an individual close to the Haislip family was taken into federal custody on an unrelated matter. During this suspect interview, information was developed that on the night of the murder, the victims were first shot at by another individual unrelated to this investigation. That shooter then responded inside **OLIVER's** residence and informed **OLIVER** the enemy was outside. From there **OLIVER** responded outside and started shooting at the victim's vehicle as well. The interviewee also said the victims did not fully cooperate with law enforcement and planned to retaliate for the murder.

3. In July 2017, **OLIVER's** residence was shot at with a .40 caliber firearm. No injuries occurred and no suspects were identified. This incident is believed to be a possible retaliatory shooting.

4. In September 2017, Marcell Smith was murdered at the end of **OLIVER's** rear driveway during a drive-by shooting. **OLIVER** was home at the time of this murder. When questioned, **OLIVER** claimed to be inside during the event and didn't know Smith. At this time no suspects have been arrested and the case is ongoing. Further it's unknown if this shooting is in direct relation to retaliation attempts.

5. On June 11, 2017, an ATF Confidential Source (CS) was at an unwitting source's residence near 54th and Park Avenue, Kansas City, Missouri. On this date, the CS called me to say he observed several armed males coming/going from Oliver's residence at [REDACTED]. The CS then said he was about to have the unwitting source introduce him to **OLIVER** and would place the phone on speaker for me to hear the conversation. Immediately thereafter, the CS was introduced to **OLIVER** at [REDACTED] where the CS struck up a conversation about firearms after seeing **OLIVER** armed with a handgun. During this conversation, **OLIVER** said the firearm on him was not for sale, but presented a photo of two guns that may be for sale in the future. After the gun talk, the CS brought up recent shootings in the area. With this topic **OLIVER** mentioned the murder of three year old Marcus Haislip. **OLIVER** said on that night he was interviewed by police, but refused to cooperate. **OLIVER** then went on to describe another event where he and an unnamed associate committed a drug robbery and the victims of the robbery later retaliated by shooting him in the head and his associate in the leg. Shortly thereafter **OLIVER** and the CS exchanged telephone numbers.

6. The robbery event described by **OLIVER** was confirmed. In November 2016, officers were dispatched to a shooting at [REDACTED] Kansas City, Missouri, where they found a wrecked vehicle with three gunshot victims. **OLIVER** was shot in the head and stomach, Jamonn Jackson was shot in the thigh and lower back, and Camron Montagim was shot in the mid back area. As an end result, none of the victims were cooperative and family members have said the victims knew who their shooters were, and preferred to take care of it without police involvement. When initially treated for their wounds, Jackson also made a comment to paramedics that they were there to buy weed.

7. In follow-up to the June 11, 2017 event, the next day on June 12, 2017, during a controlled ATF operation, the CS went to [REDACTED] and purchased a Keltec, Model: PF-9, 9 mm pistol, Serial Number KUW10, and a Norinco, Model SKS Sporter, 7.62 caliber rifle, Serial Number 01447013116, from **OLIVER**. During this event the CS directly asked **OLIVER** about the murder of the three year old. With this question **OLIVER** commented that he was taken down by law enforcement in that case and went on to say that he didn't care what his associates did. While describing his willingness to assist his friends, **OLIVER** commented if you're a felon, he'd take the gun charge because he has a good background. **OLIVER** went on to describe the shooting to say on that night he was in the house dressing his son as his "dude" was on the porch leaving and coming back. **OLIVER** said he first recognized the sound of handgun fire and went outside. **OLIVER** then said at close range he heard the sound of an AK assault rifle. **OLIVER** said this was the first time he's heard AK gunfire. At this point, **OLIVER** went on to say his associate "did something" and because he was off drugs and his mind was right, he (meaning **OLIVER**) went inside and hid the guns very well. **OLIVER** said

when he was taken down for an interview, he claimed to not see anything. **OLIVER** said later in the interview one of the investigators told him a child was killed. With this information **OLIVER** said it was “fucked up”, but also the persons responsible for the child should not have been riding with kids. **OLIVER** further said he personally knew the murdered child because he used to watch the kid.

8. Between June 20th and October 12th, 2017, in an effort to gain additional intelligence as it related to the ongoing child’s homicide investigation, six additional controlled meets were made with **OLIVER** and his associates. From those meets six more firearms (three stolen) were purchased directly from **OLIVER** and he was noted to be armed in at least four of those events. The following are a list of the firearms purchased with corresponding dates:

- June 20, 2017, – CS purchased a stolen Glock, Model 23, .40 caliber pistol, Serial Number VGW425, and a stolen Glock, Model 17, 9mm pistol, Serial Number VUU853) from **OLIVER** and an unknown associate. During this event **OLIVER** handed over and was paid for both firearms. **OLIVER** was also noted to be armed during the event.
- June 22, 2017, – CS purchased a stolen Smith & Wesson, Model SD40VE, .40 caliber pistol, Serial Number HEK8302, from **OLIVER** and an associate. During this event **OLIVER** handed over and was paid for the firearm, but the firearm was brought to the residence by an associate. **OLIVER** was also noted to be armed during the event.
- August 24, 2017, – CS purchased a Glock, Model 17, 9mm pistol, Serial Number FLM909, and a Maverick Arms, Model 88, 12 gauge shotgun, Serial Number MV80989C, from **OLIVER**.
- September 14, 2017, – CS purchased a Ruger, Model P89, 9mm pistol, Serial Number 30965977, directly from **OLIVER** and a second firearm from an associate. During this event, **OLIVER** was noted to be armed.
- September 27, 2017, – CS purchased three firearms (one stolen) from an associate of **OLIVER**. During this event, **OLIVER** was present and possibly armed.
- October 12, 2017, – CS attempted to purchase up to four firearms from **OLIVER**. During this event, **OLIVER** failed to produce the firearms for sale, but was noted to be armed during the event.

9. In addition to the above information, it should be noted that the CS utilized in this investigation is a convicted felon out of the Clay County, Missouri Circuit Court. During the June 22nd event, the CS directly mentioned once to **OLIVER** that he (the CS) is a “felon” and indirectly suggests two other times during the transaction that he (the CS) is a felon by saying he’d be put away for life and he can’t buy from firearm dealers. During the September 14th event the CS again directly stated to **OLIVER** on two separate points in the conversation that he (the CS) is a “felon.”

10. The CS also mentioned to Oliver that the CS buys about thirty guns here in Kansas City and takes them to St. Louis across state lines where they are sold to others on the streets who use them in “murders and robberies”. With this information, **OLIVER** acknowledged the CS and said “100”, meaning that he understood and agreed to what the CS was doing with the firearms.

11. Lastly, in relation to the above portion of the investigation, at the conclusion of each event, the firearms purchased from **OLIVER** were test fired for functionality and the spent shell casings were submitted into the National Integrated Ballistic Information Network (NIBIN). To date the following NIBIN correlations were made with firearms purchased from **OLIVER** to other shooting events within the Kansas City Metro area:

- NIBIN Lead KC00416: On June 12, 2017, the Norinco 7.62 caliber rifle purchased from **OLIVER** was linked through NIBIN to two (2) non-injury shooting events that occurred in April and May 2017. At this time no suspects have been arrested and the cases are ongoing.
- NIBIN Lead KC00248: On June 20, 2017, the Glock 9mm pistol purchased from **OLIVER** was linked through NIBIN to nine (9) non-injury shooting events that occurred between the dates of February 2016, to January 2017. At this time no suspects have been arrested and the cases are ongoing.

12. As the investigation continued, on October 18, 2017 the CS made contact with me and said **OLIVER** sent photos via text of five firearms that were for sale. With this information I asked the CS to contact **OLIVER** and tentatively schedule a deal for the following day. On October 19, 2017, a controlled operation was scheduled during which the CS was able to arrange a deal for three of the firearms previously sent in photos. Once the deal was arranged, on this same date the CS was supplied with \$1,700 in recorded agent cashier funds, a video recorder, and an audio transmitter. Immediately thereafter, the CS was followed over to **OLIVER’s** residence of [REDACTED] Kansas City, Missouri. While under constant surveillance by ATF personnel, the CS walked up to the front door and was greeted by an unknown male. At this time the unknown male said he was unsure were **OLIVER** was at and thought he was out to meet with the CS. Shortly thereafter the CS returned to his vehicle and placed a call to **OLIVER’s** phone. During this call the CS asked where he was at, for which **OLIVER** mumbled and didn’t give an answer. Around this same time the unknown male left **OLIVER’s** residence after being picked up by a known associate of **OLIVER**.

13. At this point in the deal, the CS returned to the front porch area of **OLIVER’s** residence and was greeted by **OLIVER** at the front door. During this time, the CS noted that **OLIVER** was holding what was later determined to be a Zastava, Model PAP M85PV, 5.56 caliber pistol, Serial Number M85PV004261, loaded with 36 ammunition rounds. Upon sight of this firearm, the CS asked where the other two were at. With this question, **OLIVER** said the other two were in his pocket. As the CS entered into the living room, staying near the front door, **OLIVER** presented the CI with a Glock, Model 27, .40 caliber pistol, Serial Number BCTD163,

loaded with 16 ammunition rounds. After inspecting the Glock pistol, the CS tucked the firearm into his armpit area and began to count out the agreed upon funds of \$1,700 for the three firearms. During this time, the CS had trouble maintaining control of the firearm under his arm while counting out the money, so **OLIVER** suggested he put the firearm down. At this point the CS placed the firearm on the couch and continued to count out the funds to **OLIVER**. As the CS continued to count out the funds, **OLIVER** grabbed the still loaded Glock pistol from the couch and held the firearm. Immediately thereafter, the CS handed over the funds to **OLIVER**, at which point **OLIVER** took the money and then pointed both the loaded Glock pistol and the loaded Zastava pistol directly at the CS's face area and said in a loud/threatening voice "Now Get the Fuck Out." All of this was audio and video recorded and monitored live by ATF agents.

14. As this event transpired surveillance overheard the event and observed the CS fleeing on foot out the residence all while calling out the robbery and asking for help. At this point surveillance immediately reacted to the situation by securing the CS and establishing a perimeter around the residence. Shortly after the perimeter was established on the residence, **OLIVER** was called outside and was taken into custody without incident in the front yard. During this time **OLIVER** was overheard by one of the arresting agents to state tell "Uncle" (meaning the CS) he was sorry.

15. Once **OLIVER** was safely detained, a verbal consent to search the residence was given by **OLIVER** to clear the residence for additional occupants. After the residence was clear with no additional occupants found, written consent to search the residence was given by **OLIVER** along with his mother (who arrived after the arrest) for their residence of [REDACTED]. As a result of the search, the above described Zastava pistol and a Smith & Wesson, Model M&P-9, 9mm pistol, Serial Number HBC7440, loaded with 13 ammunition rounds along with \$1,500 of the recorded agent cashier funds were located on the front living room couch near where the robbery occurred. In addition to these items the above described Glock, Model 27, .40 caliber pistol, Serial Number BCTD163, loaded with 16 ammunition rounds, along with \$200 of the recorded agent cashier funds were found hidden within a hallway floor vent. **Note:** Serial numbers of the recovered \$1,700 were compared with photocopies taken of the funds prior to the deal to confirm these were the same funds used by the CS during the event.

16. As the residential search resumed, the CS was also formally interviewed who gave a detailed account of the robbery described above. I also reviewed the event video to confirm the CS's account of the event.

17. Upon conclusion of the residential search, on this same date, **OLIVER** was formally interviewed by me and Task Force Officer (TFO) Robert Guffey and later joined by Kansas City, Missouri Police Department (KCMOPD) Detective Brent Taney in an audio and video recorded interview at the Kansas City, Missouri Police Department (South Patrol). During this interview **OLIVER** was first advised of his constitutional rights and then agreed to provide a statement, and signed the ATF rights advisement waiver form. During this interview **OLIVER** initially attempted minimize and lie about the event details, but when confronted with the video evidence **OLIVER** stated he was sorry and admitted he robbed the CS at gunpoint for the \$1,700.

OLIVER further acknowledged that both firearms that were pointed at the CS during the robbery were loaded during the event.

18. As the interview continued, **OLIVER** went on to explain that he's sold numerous firearms to the CS over a period of several months. **OLIVER** said the CS told him about his felony convictions and these convictions did not persuade **OLIVER** to not sell the firearms to the CS. When asked why he choose to rob the CS on this event, **OLIVER** did not give a direct explanation, but said he was at a low point and needed the money. In addition to his direct admission to the robbery and selling firearms to a convicted felon, **OLIVER** was asked about his drug use. With this question, **OLIVER** explained that he initially started to smoke marijuana at the age of 14. **OLIVER** said he quit for a short period with the birth of his son, but continued to smoke sometime thereafter. When asked how much marijuana he smoked, **OLIVER** said he smokes at least once a day.

19. Lastly, during the interview **OLIVER** was asked whether or not he committed other robberies, whether or not he's shot at someone before, and the details about several shooting events that have occurred at and around his residence. With these questions **OLIVER** briefly indicated that he has robbed other people in the past and has shot a firearm in self-defense, but would not elaborate on either issue. When asked about the past shooting where his home was shot at, **OLIVER** said his home has been shot at numerous times, but was wouldn't elaborate on why, who he believed the suspects were, and why his home was shot into. Lastly, when asked direct questions about the murder of three year old Marcus Haislip, **OLIVER** was evasive and gave the appearance of deceit to investigators. On several occasions when the investigators attempted to conclude the interview, **OLIVER** would halt the interview and claim he would tell the truth about the murder. When the interviewers would reengage **OLIVER** about the event, he continued to give evasive answers that lacked any substance.

20. A review of **OLIVER**'s criminal history revealed no felony convictions, but felony arrests for Burglary 2nd Degree and Felony Motor Vehicle Tampering.

21. In conclusion, based upon the above investigation it's this affiant's belief that **Mickael OLIVER**, DOB: 11/30/1994, is an addicted user of marijuana. It's also believed that **OLIVER**, by his own admission, was fully aware that the CS was a convicted felon and is aware that convicted felons are prohibited from possessing firearms. Lastly, it's this affiant's belief that **OLIVER** is in violation of federal law, Title 18, United States Code, Section 922(g)(3) user in possession of a firearm and Title 18, United States Code, Section 922(d) knowing sale to a prohibited person.

22. A verbal interstate nexus determination of the above eight firearms directly purchased from **OLIVER** and the three firearms recovered after the October 19th robbery were requested through ATF Special Agent Steve Gravatt. SA Gravatt determined that all of the firearm were manufactured outside the State of Missouri, and would have travelled through interstate or foreign commerce to be located within the Western District of Missouri.

FURTHER, AFFIANT SAYETH NAUGHT.



TYREE J. KOERNER

Special Agent

Bureau of Alcohol, Tobacco, Firearms and Explosives

Subscribed to and sworn to before me this 20th day of October 2017.



HONORABLE MATT J. WHITWORTH

Chief United States Magistrate Judge

Western District of Missouri