

United States District Court

DISTRICT OF COLORADO

UNITED STATES OF AMERICA

v.

THARIN ROBERT GARTRELL

CRIMINAL COMPLAINT

CASE NUMBER: 08-mj-001158-KMT

I, Shane Abraham, the undersigned complainant, being duly sworn state the following is true and correct to the best of my knowledge and belief:

On or about August 24, 2008, in the State and District of Colorado, THARIN ROBERT GARTRELL, having previously been convicted on or about April 20, 2006, in District Court of Denver County, Colorado, case number 2005CR5191, of Possession of a Controlled Substance, did knowingly and intentionally possess less than 5 grams of a mixture or substance containing a detectable amount of methamphetamine, in violation of Title 21, United States Code, Sections 844 (a) and 851(a).

I further state that I am a Special Agent of the Bureau of Alcohol Tobacco and Firearms and that this complaint is based on the following facts:

Please see attached Affidavit, incorporated herein by reference.

Continued on the attached sheet and made a part hereof: XX Yes ☐ No

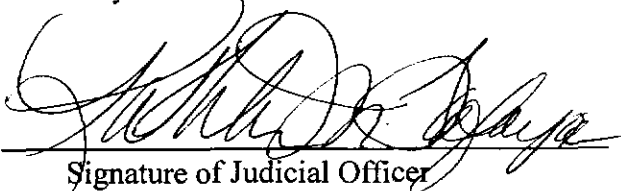
  
\_\_\_\_\_  
Signature of Complainant

Sworn to before me, and subscribed in my presence

August 26, 2008 at Denver, Colorado  
Date City and State

KATHLEEN M. TAFOYA  
United States Magistrate Judge

\_\_\_\_\_  
Name and Title of Judicial Officer

  
\_\_\_\_\_  
Signature of Judicial Officer

**AFFIDAVIT**

I, Shane Abraham, Special Agent with the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), Department of Justice, being duly sworn, hereby state:

1. Your affiant has been employed as a Special Agent for ATF since August 28, 2000, and is a graduate of the Federal Law Enforcement Training Center and the ATF National Academy. Prior to becoming a Special Agent, your affiant was employed as a police officer with the Denver Police Department, and as a U.S. Border Patrol Agent in Douglas, Arizona. Your affiant has conducted numerous firearms and narcotics trafficking investigations that have resulted in successful prosecutions at both state and Federal levels. As a Special Agent, your affiant is authorized to carry firearms, execute warrants, make arrests for offenses against the United States, and to perform other such duties as authorized by law.
2. This affidavit is made in support of a criminal complaint and arrest warrant against Shawn Robert Adolf, DOB: 09/25/74, FBI# 390403TA6, for violations of Title 18, United States Code, Section 922(g)(1): Possession of a firearm and/or ammunition by a convicted felon, and Title 18, United States Code, Section 931: Possession of body armor by violent felons, and Title 21 U.S.C. Section 841(a)(1) - Possession with intent to distribute a controlled substance, namely methamphetamine; against Tharin Robert Gartrell, DOB: 03/17/80, FBI# 477396HC3, Title 21, United States Code, 844, Simple possession of a controlled substances, namely methamphetamine; and against Nathan Dwaine Johnson, DOB: 11/10/75, FBI# 112441FC5, for violations of Title 18, United States Code, Section 922(g)(1): Possession of a firearm and/or ammunition by a convicted felon, and Title 21, United States Code, 844, Simple

possession of a controlled substances, namely methamphetamine. The statements set forth in this affidavit are based upon your affiant's training and experience, consultation with other experienced investigators and agents, and other sources of information relative to firearms and narcotics investigations. This affidavit is intended to set forth probable cause in support of the criminal complaint and does not purport to set forth all of your affiant's knowledge regarding this investigation.

3. On August 24, 2008, your affiant received information that at approximately 1:37 a.m., Aurora Police Department (APD) Sergeant Holt was conducting routine patrol duties in a marked APD patrol vehicle when he observed a blue Dodge truck bearing Colorado license plate number 818RBI swerving and driving erratically in a northbound lane of traffic on Parker Rd. near Hampden Ave. in Aurora, CO, in the Judicial District of Colorado. Sergeant Holt conducted a traffic stop on the vehicle and contacted the driver and sole occupant of the vehicle, identified as Tharin Robert Gartrell (DOB: 03/17/80), based on a Colorado ID card presented by the driver. Sergeant Holt conducted routine records checks on Gartrell, and determined that Gartrell's driver's license was suspended and that Gartrell was on probation for possession of methamphetamine. Sergeant Holt then arrested Gartrell for driving on a suspended license, and while conducting a search incident to arrest of Gartrell, recovered a small plastic bag containing approximately 4.4 grams of suspected methamphetamine in the left cargo pocket of Gartrell's pants.
4. Your affiant received information that APD Officers subsequently conducted a search of the vehicle driven by Gartrell and recovered the following items from the backseat area of the vehicle: a loaded Ruger, Model M77 Mark II 22-250 bolt-action rifle,

serial number 787-42480, with an attached hunting scope and bi-pod and a threaded barrel, an unloaded Remington, Model 721 270 bolt-action rifle, serial number 113370, with an attached hunting scope, two boxes containing approximately forty rounds of Remington 270 Win ammunition, one box containing approximately forty rounds of Winchester 22-250 Rem ammunition, one box of Remington .22 caliber ammunition, five rounds of spent 22-250 Rem ammunition, and a bullet proof/ballistic vest. APD Officers also recovered a suspected mobile methamphetamine lab in the backseat area of the vehicle containing the following precursor items used during the manufacture of methamphetamine: lithium batteries, three large boxes of strike matches containing red phosphorous, one box of pseudoephedrine pills, a bottle of PH base, and two glass cooking vessels. APD Narcotics Detective Cooper responded to the scene to process the suspected mobile methamphetamine lab, and subsequently conducted a presumptive microchemical analysis of the suspected methamphetamine recovered from Gartrell's pants pocket and determined that it tested positive for the presence of methamphetamine with a gross weight of 4.4 grams. The recovered Ruger Model M77 Mark II 22-250 rifle was subsequently determined to be stolen from Goodland, Kansas on July 7, 2005, and was reported as stolen in NCIC from the Sherman County Sheriff's Office, Case Number 05-254.

5. Your affiant received information from APD Officers that, when questioned about the vehicle registration, ownership, and nature of the items recovered from the blue pickup truck, Gartrell denied knowledge of any of the items recovered from the vehicle, but told officers that the vehicle belonged to his cousin, Shawn Adolph, who

was staying at the Denver Tech Center Hyatt Hotel, located at 7800 East Tufts Street, Room #334, in Denver, CO. APD Officers conducted follow-up investigation and determined that Adolph was wanted on several outstanding felony arrest warrants, and APD Officers, Denver Police Department (DPD) Officers, and Special Agents from United States Secret Service (USSS) joined the investigation and responded to the Denver Tech Center Hyatt Hotel, Room #334, and attempted to contact Adolph to question him regarding the nature of the recovered firearms. At the hotel, officers contacted a male identified as Nathan Dwain Johnson (DOB: 11/10/75), and an unnamed female inside the room. Johnson gave DPD Officers verbal consent to search his person, and DPD Officers subsequently recovered approximately .91 grams of suspected methamphetamine from Johnson's pants pocket. While conducting follow-up investigation regarding the location of Adolf, Johnson told the officers that Adolph was actually staying at the Cherry Creek Hotel, Room #606, located at 600 S. Colorado Blvd. in Glendale, CO. On August 25, 2008, DPD Laboratory Forensic Chemists conducted a chemical examination of the suspected methamphetamine recovered from Johnson and determined that the substance recovered from Johnson tested positive for methamphetamine with a net weight of .919 grams.

6. Your affiant received information that on August 24, 2008, at approximately 6:37 a.m., USSS Special Agents, APD Officers, DPD Officers, and Glendale Police Department (GPD) Officers responded to the Cherry Creek Hotel, Room #606, in Glendale, CO and attempted to contact Adolf. GPD Officers knocked on the door of the room, and an unknown male inside responded, and officers subsequently heard glass breaking inside the room and an unknown female screaming. GPD Officers

made entry into the hotel room based on the exigent circumstances after hearing the glass breaking and the screaming, and observed that the window was shattered and the male party had fled by jumping out the window. GPD Officers ran to the window and observed a male, later identified as Shawn Robert Adolf (DOB: 09/25/74), running on the hotel roof several levels below and then jumping off a second roof of the hotel. Additional GPD Officers on the ground responded and arrested Adolph for his outstanding felony arrest warrants.

7. Your affiant received information that GPD Officers then contacted the unnamed female remaining in the hotel room, and the female related that an individual named Shawn Adolf had jumped out of the window of the hotel room because he didn't want to go to jail. The female further related to the responding officers that she had rented the hotel room and subsequently signed a GPD Voluntary Consent to Search form for the hotel room. During a search of the hotel room, GPD Officers recovered three small containers containing approximately 29.4 grams, 5.4 grams, and 0.6 grams, in a black box found in the hotel room. On August 25, 2008 ATF SA Tabullo and GPD Sergeant Cazell conducted a presumptive microchemical analysis of the suspected methamphetamine recovered from the hotel room, and determined that the substances in all three containers tested positive for the presence of methamphetamine.
8. On August 24, 2008, at approximately 11:10 a.m., your affiant and ATF SA Ray Brown conducted an interview of Tharin Robert Gartrell at the Aurora Police Department. Prior to the interview, your affiant advised Gartrell of his Miranda rights, and Gartrell waived his rights and stated that he was willing to answer questions regarding the incident. The following is a summary of the interview with

Gartrell. Gartrell stated that he was currently on felony probation for possession of methamphetamine, and further stated that he had passed all of his court ordered urinalysis tests and been clean for approximately two years. Gartrell then admitted to recently using methamphetamine on the evening of August 23, 2008. Gartrell stated that Johnson, identified by Gartrell as "Dwight", was driving a white rental truck and picked him up on the 16<sup>th</sup> St. mall in downtown Denver, CO, sometime that evening. Gartrell stated that Johnson immediately gave him a small bag of methamphetamine when he got in the truck, and stated that he and Gartrell both started sniffing methamphetamine at that time. Gartrell stated that Johnson then took him to a hotel in the Denver Tech Center to meet his cousin, Shawn Adolf. Gartrell stated that he partied for awhile with Adolf, Johnson, and an unknown female, and later decided to leave the hotel to purchase cigarettes. Gartrell stated that Adolf gave him keys to a blue pickup truck so he could drive to get the cigarettes, and further stated that he was driving the blue pickup truck when he was later arrested by the Aurora Police Department (APD). Gartrell admitted to driving illegally on a suspended license, and also to using and possessing the methamphetamine recovered by APD Officers from his pants pocket after he was arrested, but denied knowledge of any of the items recovered from the backseat area of the vehicle that he was driving, including the firearms, bullet proof / ballistic vest, and items used to possibly manufacture methamphetamine

9. On August 25, 2008, your affiant received information from USSS SA Torres regarding possible threats against Democratic Presidential Nominee Obama being made by suspects in the ongoing firearms and narcotics investigation. SA Torres

related that on August 24, 2008, at approximately 9:30 a.m., he and Colorado State Patrol (CSP) Sergeant Beavais interviewed an unnamed female who provided information regarding possible threats made against presidential candidate Barak Obama. Prior to the interview, SA Torres advised the unnamed female of her Miranda rights, and she waived her rights and stated that she was willing to answer questions regarding the incident. The following is a summary of the interview as related to your affiant by SA Torres. The female related that she came to Denver, CO from Ft. Morgan, CO at the request of Shawn Adolf, and further related that she arrived at the Hyatt Hotel, located at 7800 E. Tufts Ave., Room #334, in Denver, CO at approximately 8:30 p.m. on August 23, 2008. The female stated that Adolf arrived at the Hyatt in a blue pickup with Tharin Gartrell, and further related that she, Adolf and Gartrell, all talked for a few minutes in the parking garage of the hotel. The female further stated that while they were talking, Adolf showed her and Gartrell a bullet proof/ballistic vest which he claimed was for his protection. The female stated that they all then went to Room #334 in the hotel and met Nathan Johnson and another unnamed female, where they all proceeded to "chill and do drugs." The first unnamed female then stated that Adolf, Johnson, and Gartrell began to speak negatively about Obama, and further stated she believed that Adolf, Johnson, and Gartrell were all racists and possibly associated with white supremacist groups. The female stated to SA Torres that Adolf, Gartrell, and Johnson were all commenting on how Obama was a, "nigger", and further stated that they, "could not believe how close he (Obama) was to becoming president," and that no "nigger" should ever live in the White House. The female also related that Adolf believed that Obama had a

suite on the third floor of the hotel they were staying in. The female further stated that at approximately 11:30 p.m., Gartrell left the hotel in the blue pickup truck that Adolf had driven to the Hyatt, and that at approximately 1:00 a.m., she and Adolf left the Hyatt and subsequently rented a hotel room the Cherry Creek Hotel, located at 600 S. Colorado Blvd., Room # 606. The female stated that at approximately 2:00 a.m., two unidentified individuals came to the Cherry Creek Hotel to visit Adolf, and Adolf then ordered her out of the room so he could discuss business with the two unidentified individuals. The female stated that at approximately 5:00 a.m., police officers knocked on the door of the hotel room, and Adolf told the officers his wife was changing and needed a minute, and further stated that Adolf then jumped out of the window of the hotel room, which was located on the 6<sup>th</sup> floor of the hotel.

10. On August 25, 2008, your affiant received information that ATF SA Russell and USSS SA Combs conducted an interview of Shawn Adolf. SA Russell related to your affiant that Adolph previously admitted to possessing the bulletproof / ballistic vest to SA McWilliams during an earlier interview conducted by SA McWilliams. SA Russell further related that on August 24, 2008, at approximately 12:15 p.m., SA Russell and SA Combs interviewed Shawn Adolph at the Denver Health Medical Center located at 777 Bannock Street Denver, CO. Prior to the interview, SA Combs related that Adolf had previously been advised of his Miranda rights by SA McWilliams and waived those rights. The following is a summary of the information related to your affiant by SA Russell. Adolph admitted to possessing the bulletproof/ballistic vest and further stated that he was in possession of the bulletproof/ballistic vest because, "someone wanted to shoot him." Adolph described

the ballistic vest to SA Russell as being black and stated that it appears, "torn up and in bad shape." Adolph told SA Russell that he received the ballistic vest from, "an old ass guy out in the country," and further stated that he (Adolph) only owned one ballistic vest. Adolph further stated that his ballistic vest should have been in the blue pick up vehicle, but stated that he did not know who was currently driving this vehicle. Adolph then told SA Russell the last person who had been driving the blue pickup truck was his cousin, Tharin Gartrell.

11. On August 25, 2008, your affiant received additional information from USSS SA Torres regarding further developments into the possible threats against Obama. SA Torres related that on August 24, 2008, at approximately 1:30 p.m., he and CSP Beavais interviewed Nathan Dwain Johnson regarding Johnson's involvement in a possible threat against Obama. Prior to the interview, SA Torres advised Johnson of his Miranda rights, and Johnson waived his rights and stated that he was willing to answer questions regarding the incident. The following is a summary of the interview as related to your affiant by SA Torres. Johnson stated that he had been in Denver, CO for approximately two weeks, and further stated that he specifically rented a hotel room at the Hyatt Hotel, located at 7800 E. Tufts Ave, Room #334, after being requested to do so by Shawn Adolf. Johnson related that on August 23, 2008, at approximately 10:00 p.m., Adolf, Gartrell, and an unnamed female came to his hotel room where he was doing drugs with a second unnamed female. Johnson stated that at that time, he was present in the room when Adolf and the second female began making threatening statements toward Obama. Johnson related that the second female initially made statements about killing Obama with a camera with a gun

hidden inside the lens, and Adolf, Gartrell, and Johnson subsequently dismissed her statements. Johnson related that Adolf then commented that it wouldn't matter if he killed Obama because he was going to jail on his pending felony charges anyway. SA Torres related that he asked Johnson about the firearms recovered from the blue pickup truck rented in Johnson's name, and Johnson initially told SA Torres that he brought the firearms to Denver, CO to do some hunting with Adolf. Johnson then told SA Torres that Adolf specifically asked Johnson if he had any firearms, and Johnson told Adolf that he had a hunting rifle with a scope. Johnson stated that he then brought the Remington 270 rifle to Denver, CO at Adolf's request. SA Torres related that he confronted Johnson regarding discrepancies in his statements about the recovered firearms, and Johnson began to cry and admitted that Adolf had in fact threatened to kill Obama on a prior occasion. Johnson further related that Adolf said that he wanted to kill Obama on the day of his inauguration and additionally stated that Adolf said he would specifically use a 22-250 sniper rifle and high powered scope, and find high ground to set up and shoot Obama. Johnson additionally stated that he believed that Gartrell was also present in Denver, CO to assist Adolf in killing Obama, but stated that he never specifically heard Gartrell threaten Obama. SA Torres further related that he again asked Johnson whether Adolf and Gartrell were present in Denver, CO to kill Barak Obama, and Johnson stated, "yes". Johnson then told SA Torres that there were no political reasons for wanting to kill Obama, and that the only reason to kill Obama is because Obama is black.

12. On August 25, 2008, your affiant received information that on August 24, 2008, at approximately 9:00 p.m., ATF SA Brown conducted a follow-up interview with

Gartrell at the Arapahoe County Jail in Centennial, CO. SA Brown was known to Gartrell from a previous interview earlier in the day, and SA Brown related to your affiant that he advised Gartrell that Gartrell had previously been advised of, and waived his Miranda rights and agreed to answer questions, and SA Brown further related that Gartrell was again willing to waive his rights and answer follow-up questions. During the interview, Gartrell related to SA Brown that he was actually brought to the Hyatt hotel by his cousin, Shawn Adolf, but stated that he didn't want to testify against his cousin because he feared he would be killed. Gartrell then admitted to being present in hotel room when Adolf, Johnson, and Adolf's girlfriend were talking about killing Obama, and referencing a, "shooting on grassy knoll." Gartrell then admitted to SA Brown that the Ruger 22-250 rifle recovered from the back of the blue pickup truck belonged to Adolf, and admitted to seeing Adolf in possession of the rifle on several previous occasions.

13. On August 25, 2008, your affiant received information from ATF SA's Engelbert and McNamee regarding a firearm reported stolen by Lloyd Studer in 2005. SA's Engelbert and McNamee related that they interviewed Studer at his residence regarding a firearm he reported stolen in 2005. Studer related that he originally purchased a Ruger Model M77 MKII 22-250 caliber rifle, serial number 787-42480, in a private sale from an individual. Studer stated that he stored his firearms, including a Ruger Model M77 MKII, 22-250 caliber rifle, serial number 787-42480, at his uncle's house outside Goodland, KS, while he and his family members worked the harvest. Studer related that he reported that the Ruger Model M77 MKII, 22-250 caliber rifle, serial number 787-42480, had been stolen in July 2005. Studer told SA's

Engelbert and McNamee that shortly after the firearm was stolen, a friend of his asked Studer if his Ruger 22-250 had been stolen, and then told Studer that an associate of Shawn Adolf named Eric Rodriguez may have possibly stolen the firearm. Studer stated that he and Adolf were previously associates, further stated that he knew that Adolf and Rodriguez were associates who had previously cooked methamphetamine together. Studer additionally told SA's Englebert and McNamee that he never made any alterations or modifications to the Ruger 22-250, and described the rifle as having a laminated wood stock with a silver receiver and barrel with no additional modifications.

14. On August 25, 2008, your affiant received information that FBI SA Carlson determined that both of the vehicles involved in this investigation, a white 2008 Dodge pickup, and a blue 2008 Dodge pickup, were rented through Enterprise car rental by an individual identified as Dwain Johnson (DOB: 11/10/75) on August 19, 2008, and August 20, 2008.
15. On August 25, 2008, FBI SA Sawyer obtained search warrants for Room #334 of the Hyatt Hotel, located at 7800 E. Tufts Ave. in Denver, CO, and for the white 2008 Dodge Ram pickup truck determined to have previously been rented by Dwain Johnson. FBI SA's executed the search warrants and recovered a black stocking cap and mag light, black tactical pants and camouflage clothing, several laptop computers, several books on committing fraud, numerous suspected stolen credit cards and phone cards, and several items of suspected drug paraphernalia.
16. On August 25, 2008, your affiant, who is certified in firearms and ammunition

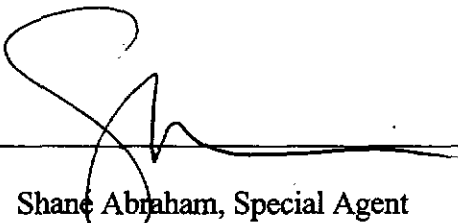
interstate nexus determination, examined the aforementioned Ruger, Model M77 Mark II 22-250 rifle, serial number 787-42480, the Remington, Model 721 270 rifle, serial number 113370, approximately forty rounds of Remington 270 Win ammunition, approximately forty rounds of Winchester 22-250 Rem ammunition, and one box of Remington .22 caliber ammunition, and determined that the above listed firearms and ammunition were not manufactured in the State of Colorado, and therefore must have traveled in and/or affected interstate commerce.

17. On August 26, 2008, you affiant conducted research in several criminal justice databases and spoke with ATF Firearms Technology Branch representatives and determined that there are no major manufacturers of bulletproof/ballistic vests and/or body armor in the State of Colorado, and determined that to the best of your affiant's knowledge, the recovered body armor therefore must have traveled in and/or affected interstate commerce.
18. On August 25, 2008, your affiant conducted a query of the CCIC/NCIC criminal history database and the Lexis/Nexis Colorado State Court database and reviewed documents stating that on or about April 20, 2006, Tharin Gartrell, date of birth 03/17/80, pled guilty to Possession of a Controlled Substance – 1 g/less, a class six felony in the State of Colorado, in Denver County District Court Case Number 2005CR5191.
19. On August 25, 2008, your affiant conducted a query of the CCIC/NCIC criminal history database and the Lexis/Nexis Colorado State Court database and reviewed documents stating that on or about October 3, 1997, Shawn Robert Adolph, (DOB:

09/25/74), pled guilty to Possession/Sale of a Sch. I or II Controlled Substance, a class four felony in the State of Colorado, and Possession of a Weapon by a Previous Offender, a class five felony in the State of Colorado, in Denver County District Court Case Number 1997CR1348. Your affiant also reviewed documents stating that on or about December 1, 1993, Shawn Robert Adolph, (DOB: 09/25/74), pled guilty to Second Degree Burglary (Dwelling), a class three felony in the State of Colorado, in Weld County District Court Case Number 1993CR349, and also stating that on about December 1, 1993, Shawn Robert Adolf (DOB: 09/25/74), pled guilty to Second Degree Burglary, a class four felony in the State of Colorado, in Weld County District Court Case Number 1993CR539.

20. On August 25, 2008, your affiant conducted a query of the CCIC/NCIC criminal history database and the Lexis/Nexis Colorado State Court database and reviewed documents stating that on or about May 19, 2006, Nathan Dwaine Johnson (DOB: 11/10/75), pled guilty to Theft (\$500-\$15000), a class four felony in the State of Colorado, in Weld County District Court Case Number 2006CR285.
21. Based upon the aforementioned information and events, your affiant's training and experience, and information provided to your affiant by other experienced officers and agents throughout the course of this investigation, your affiant believes that there is probable cause to believe that: Shawn Robert Adolf, DOB: 09/25/74, FBI# 390403TA6, being a previously convicted violent felon, unlawfully possessed a firearm and/or ammunition in violation of Title 18, United States Code, Section 922(g)(1), unlawfully possessed body armor in violation of Title 18, United States Code, Section 931, and unlawfully possessed a controlled substance, namely

methamphetamine, with the intent to distribute, in violation of Title 21 U.S.C. Section 841(a)(1); and that Tharin Robert Gartrell, DOB: 03/17/80, FBI# 477396HC3, unlawfully possessed a controlled substance, namely methamphetamine, in violation of Title 21 United States Code, Section 844; and that Nathan Dwaine Johnson, DOB: 11/10/75, FBI# 112441FC5, being a previously convicted felon, unlawfully possessed a firearm and/or ammunition in violation of Title 18, United States Code, Section 922(g)(1), and unlawfully possessed a controlled substance, namely methamphetamine, in violation of Title 21, United States Code, Section 844.

Shane Abraham, Special Agent  
Bureau of Alcohol, Tobacco, Firearms and Explosives

Sworn to and subscribed before me this 26<sup>th</sup> day of August 2008

UNITED STATES MAGISTRATE JUDGE  
DISTRICT OF COLORADO

DATE: August 26, 2008

DEFENDANT: THARIN ROBERT GARTRELL

AGE:

ADDRESS: Arapahoe County Jail

OFFENSE 21 U.S.C. 844(a) and 851

PENALTY: 15 days to 2 years; \$250,000 fine or both; \$100 special assessment fee

LOCATION

OF OFFENSE: Aurora, Colorado

AGENT: Shane Abraham, BATF

AUTHORIZED BY: ROBERT M. BROWN  
Assistant U.S. Attorney

ESTIMATED TIME OF TRIAL:

x  five days or less

over five days

other

THE GOVERNMENT

x  will seek detention in this case

will not seek detention in this case

The statutory presumption of detention is **not** applicable to this defendant. (Circle one)