

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

I, Special Agent Lynn A. Thrapp, being duly sworn, hereby depose and state that the following is true to the best of my information, knowledge, and belief:

INTRODUCTION AND AGENT BACKGROUND

1. Your Affiant is a full-time salaried law enforcement officer for the United States Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), and has been so since October 14th, 2018. Your Affiant, ATF Special Agent Lynn Thrapp #6224, has a Bachelor of Arts degree in Psychology with a Minor in Linguistics from the University of Colorado Boulder. Your Affiant worked for four years in Juvenile Corrections in Greeley Colorado, and for one year as a Community Safety Official at the University of Colorado Boulder Police Department. Your Affiant is a graduate of the Criminal Investigator Training Program from the Federal Law Enforcement Training Center and of Special Agent Basic Training from the ATF National Academy. Your Affiant is currently assigned to the ATF Denver Field Division's Crime Gun Intelligence and is also a member of Colorado's Regional Anti-Violence Enforcement Network (RAVEN), a task force comprised of multiple federal and local law enforcement agencies formed to investigate criminal networks and gun crimes that cross the geographical boundaries of Colorado. Your Affiant is currently on special assignment to the Denver Police Department Firearm Assault Shoot Team, which investigates non-fatal shootings in the city of Denver.
2. As an ATF Special Agent, I am familiar with federal criminal laws pertaining to firearms, explosives, and narcotics violations. I know that it is a violation of Title 18, United States Code, Section 922(g)(1) for any person who has been convicted a felony punishable by more than one year in prison to possess a firearm or ammunition.
3. I assert that there is probable cause to believe that Johnny Ray MCCASLIN has violated 18 U.S.C. § 922(g)(1) (*possession of a firearm/ammunition by a previously convicted felon*). The statements set forth in this affidavit are based upon my training and experience, consultation with other experienced investigators, agents, and other sources of information related to this and other firearms investigations. This affidavit is intended to set forth

probable cause in support of the criminal complaint and arrest warrant and does not purport to set forth all of my knowledge regarding this investigation.

INVESTIGATION

4. Based upon my work in a current investigation, I am familiar with Johnny Ray MCCASLIN.
5. On January 26, 2021, at approximately 0930 hours, your Affiant was notified by Denver Police Department (DPD) Firearm Assault Shoot Team (FAST) detectives that a shooting had occurred at the Dollar General located at 5300 Sheridan Boulevard, Arvada, CO, in the State and District of Colorado. Your Affiant responded to the Dollar General with DPD FAST Detectives Steven Seidel and Brian Lang. Two victims were found inside the Dollar General with gunshot wounds. Investigators reviewed the Dollar General surveillance footage and observed a tall white male and a short Hispanic female in the store at approximately 0918 hours. The male suspect was wearing black tennis shoes with white accents. The surveillance footage shows that while the male suspect was leaving the store, he produced a handgun and shot the first victim, who was walking near the front of the store, and then continued firing at a second female victim who was confined to a wheelchair. The male suspect's actions appeared to be unprovoked. The male suspect and female suspect were then seen fleeing in a black BMW. Investigators recovered nine .40 caliber cartridge casings from the scene.
6. Investigators determined that the suspect descriptions, suspect vehicle descriptions, and recovered cartridge casings from the Dollar General shooting matched several other shootings in the metro area.
7. On November 29, 2020, at approximately 1551 hours, Lakewood Police Department officers responded to a call of a shooting that occurred at 420 Zang Street, Lakewood, CO, which is an apartment complex. Witnesses stated that a male and female were arguing in the parking lot prior to the shooting. Responding officers were able to view video surveillance, and observed a black sedan enter the apartment complex at video time stamp 1600. It should be noted that the time stamp on the surveillance video is not accurate with real time. While reviewing the surveillance video, investigators observed a white male with dark hair and a female with long dark hair exit the black sedan. Consistent with the witness statements, the

male and female can be seen arguing in the parking lot. The surveillance video shows that the male then pointed what appeared to be a silver metallic object at the female. One witness, S.W., stated that he heard two gunshots and observed the male suspect with a silver handgun in his right hand. The male and female then got into the black sedan and left the apartment complex. As the black sedan was leaving the complex, surveillance footage was able to capture a paper plate with the name "RNB Cars Inc" where the front license plate should be.

8. Lakewood investigators responded to RNB Cars Inc, located at 2140 Leyden Street, Denver, CO. Investigators spoke with the manager, J.G., who was shown photographs of the black sedan. J.G. told investigators that the vehicle was a 2009 black BMW 550 sedan bearing VIN# WBANW53569CT55403, with temporary license plate 2629366. J.G. told investigators that the individual who purchased the car was Myrissa MONTANO (YOB 1992). Lakewood investigators attempted to contact MONTANO but were not successful.
9. Investigators recovered one .40 caliber shell casing in the parking lot of 420 Zang Street, Building 3, Lakewood, CO. Using National Integrative Ballistics Information Network (NIBIN) testing, this casing was found to be associated with the casings recovered from the January 26, 2021 Dollar General shooting. NIBIN testing further indicated that the casings from the Dollar General shooting and the Lakewood apartment complex shooting were associated with casings recovered during two other shootings in the Denver area on January 23, 2021 and January 25, 2021. In both the January 23 and 25 incidents, Denver Police Department officers encountered victims who had suffered gunshot wounds from an unknown male suspect. In both incidents, the unknown male suspect was observed in a black BMW sedan.
10. Throughout the course of the Dollar General shooting investigation, investigators developed Johnny Ray MCCASLIN (YOB 1972) as a suspect involved. Your Affiant queried MCCASLIN in known law enforcement databases and found that MCCASLIN is currently on parole for a felony burglary conviction out of Adams County (Case No. 2014CR664). MCCASLIN is a previously convicted felon and is therefore prohibited from possessing firearms. Investigators viewed photographs of MCCASLIN and agreed that he bears a resemblance to the video surveillance and witness descriptions of the male suspect involved

in the Dollar General and Lakewood shootings. Adams County Sheriff Detectives showed a photo lineup to a witness from the shooting at the Dollar General. The photo lineup included MCCASLIN. The witness did not identify anyone in the photo lineup.

11. On January 27, 2021, your Affiant spoke with Department of Corrections Parole Officer Nichole Jimenez. Officer Jimenez stated she is the current parole officer for MCCASLIN and that MCCASLIN had been on GPS monitoring up until approximately January 7, 2021. Your Affiant asked Officer Jimenez to check MCCASLIN's GPS coordinates for November 29, 2020, at approximately 1551 hours. Officer Jimenez told your Affiant that MCCASLIN's GPS put him at 420 Zang Street, in Lakewood, CO, which is the location of the shooting that occurred at the apartment complex on November 29, 2020.
12. Investigators determined that MCCASLIN was residing at 7750 W 61st Avenue, apartment 8, Arvada, CO, 80004. This apartment is leased to Myrissa MONTANO, who is a known associate of MCCASLIN's, and is believed to reside with MCCASLIN at the apartment. On January 27, 2021, your Affiant authored a search warrant for the residence. On January 27, 2021, at approximately 1735 hours, the warrant was signed by the Honorable Scott T. Varholak.
13. The Denver Metro Special Weapons and Tactics (SWAT) team attempted to serve the search warrant on January 27, 2021. Operators knocked on the door to the residence and received no answer, although it appeared that one or more individuals were inside the residence. Operators repeatedly attempted to contact the apartment and the individuals inside, by knocking and through telephone calls. This continued for several hours with no response. Eventually, at approximately 2036 hours, MCCASLIN and MONTANO were taken into custody.
14. Investigators with the Regional Anti-Violence Enforcement Network (RAVEN) then executed the search warrant. While searching the residence, investigators found a Smith and Wesson SD 40 VE, .40 caliber semi-automatic handgun, bearing serial number FWR2055 (hereafter, the "Smith and Wesson handgun"). Inside the Smith and Wesson handgun, investigators found 10 rounds of live Federal .40 caliber ammunition. The Smith and Wesson handgun was located inside a bedroom closet next to a pair of male Nike tennis

shoes, which are black in color with white accents. Your Affiant notes that the Nike tennis shoes found in the closet match the shoes the male suspect is seen wearing in the surveillance footage from the January 26, 2021 Dollar General shooting.

15. While searching the residence, investigators also found a Radical Firearms AR Pistol, bearing serial number 20-009116. The Radical Firearms AR Pistol was located inside a red bag in the living room area of the residence. Inside the same red bag, investigators also located a plastic bag containing approximately 300 grams of a substance that tested presumptively positive for methamphetamine. Inside the residence, investigators also found boxes of .223 live ammunition.
16. ATF Special Agent Timothy Pine conducted an interstate nexus examination and concluded that the Smith and Wesson handgun and the Radical Firearms AR Pistol, as well as the associated ammunition, were not manufactured in the State of Colorado and thus traveled in interstate commerce. Special Agent Pine also performed a functionality test on the Smith and Wesson handgun and the Radical Firearms AR Pistol, and concluded that both firearms satisfied the definition set forth in Title 18, United States Code, Section 921(a)(3), namely: “Any weapon which will, or is designed to, or may readily be converted to expel a projectile by the action of an explosive.”
17. Your Affiant queried MCCASLIN’s criminal history and found five (5) adult felony convictions for MCCASLIN in the State of Colorado, including:
 - Adams County Court case number 2014CR664. MCCASLIN pled guilty to Burglary 2-of Dwelling, in violation of Colorado Revised Statute § 18-3-203(1), (2)(a), which is a Class 3 Felony. MCCASLIN was arrested for this offense on March 4, 2014, and on July 21, 2014, MCCASLIN was sentenced to 15 years in the Colorado Department of Corrections. MCCASLIN is currently on parole for this offense.
 - Crowley County Court case number 2004CR8. MCCASLIN pled guilty to Contraband – Introduction 2-by prisoner, in violation of Colorado Revised Statute § 18-8-204(1.5), which is a Class 6 Felony. MCCASLIN was arrested for this offense on March 13, 2002, and on September 7, 2004, MCCASLIN was sentenced to 3 years in the Colorado Department of Corrections.
 - Jefferson County Court case number 2001CR2510. MCCASLIN pled guilty to Burglary 2-of Dwelling, in violation of Colorado Revised Statute § 18-3-203(1), (2)(a), which is a

Class 3 Felony. MCCASLIN was arrested for this offense on September 19, 2001, and on June 6, 2002, MCCASLIN was sentenced to 15 years in the Colorado Department of Corrections.

- Jefferson County Court case number 2001CR611. MCCASLIN pled guilty to Burglary 2-of Dwelling, in violation of Colorado Revised Statute § 18-3-203(1), (2)(a), which is a Class 3 Felony. MCCASLIN was arrested for this offense on August 13, 2001, and on June 6, 2002, MCCASLIN was sentenced to 15 years in the Colorado Department of Corrections.
- Adams County Court case number 2000CR001409. MCCASLIN pled guilty to Escape-attempt/felony Pending-att, in violation of Colorado Revised Statute § 18-8-208.1(2), which is a Class 5 Felony. MCCASLIN was arrested for this offense on June 16, 2000, and on November 30, 2000, MCCASLIN was sentenced to 2 years in the Colorado Department of Corrections.

CONCLUSION

18. Based on the aforementioned information, probable cause exists to believe that on January 27, 2021, in the State and District of Colorado, the defendant, Johnny Ray MCCASLIN, having been previously convicted of a crime punishable by imprisonment for a term exceeding one year, did knowingly possess a firearm and ammunition in and affecting interstate commerce; in violation of Title 18, United States Code, Section 922(g)(1).

I, Lynn Thrapp, being duly sworn according to law, depose and say that the facts stated in this foregoing affidavit are true and correct to the best of my knowledge, information, and belief.

s/Lynn Thrapp

Lynn Thrapp
ATF Special Agent

Sworn to before me this 29th day of January 2021.


United States Magistrate Judge

This affidavit was reviewed and is submitted by Jena Neuscheler, Assistant United States Attorney.