

1 AUSA Assigned: Western District of Washington

2 In re: Search Warrants for:

- 3
- 4 1) The person of Schuyler Pyatte Barbeau (2:15-MJ-00337-JTR);
- 5 2) Property Parcel #2043200 in Springdale, Washington in Stevens County,
- 6 Washington (2:15-MJ-00338-JTR); and,
- 7 3) Property Parcel #2045705 in Springdale, Washington in Stevens County,
- 8 Washington (2:15-MJ-00\_\_\_-JTR).

9 **AFFIDAVIT OF MICHAEL BALDINO**

10 STATE OF WASHINGTON )  
 11 ) ss  
 12 COUNTY OF SPOKANE )

13 I, MICHAEL BALDINO, a Special Agent with the Federal Bureau of Investigation,  
14 Seattle, Washington, having been duly sworn, state as follows:

15 **AFFIANT BACKGROUND**

16 1. I am a Special Agent with the Federal Bureau of Investigation and have  
 17 been since January 2013. Before becoming an FBI agent, I was a professional firefighter,  
 18 emergency medical and hazardous materials technician with Fairfax County Fire and  
 19 Rescue Department in Virginia. As an FBI Special Agent, I have investigated, received  
 20 training and have field experience investigating the diverse criminal violations over  
 21 which the FBI has jurisdiction, to include domestic and international terrorism, crimes  
 22 against children, illegal narcotics and other violations of federal statutes. I have acquired  
 23 knowledge and information about these offenses and the methods by which they are  
 24 executed, through formal and informal training, other law enforcement officers and  
 25 investigators, informants, as well as through my participation in other investigations.

26 2. As a law enforcement officer, I have participated in the execution of  
 27 numerous arrest and search warrants, which have resulted in arrests, convictions, and the  
 28 recovery of evidence and contraband. I am currently assigned to the Seattle Division's

1 Domestic Terrorism Squad on the Joint Terrorism Task Force, which investigates  
2 criminal violations relating to incidents of both domestic and international terrorism. I  
3 am also currently a member of the FBI's Evidence Response Team (ERT) and have  
4 completed specialized training in organizing, conducting, and leading evidence recovery  
5 operations to include the processing of complex crime scenes and utilizing forensic  
6 evidence collection techniques.

7 **INTRODUCTION AND PURPOSE OF AFFIDAVIT**

8 3. I make this affidavit in support of an application under Rule 41 of the  
9 Federal Rules of Criminal Procedure for:

- 10 1) Search Warrant No. 2:15-MJ-00337-JTR to search SCHUYLER  
11 PYATTE BARBEAU, as more fully described in Attachment A to  
12 this Affidavit for Search Warrant No. 2:15-MJ-00337-JTR, for his  
13 cellular phone and to search and seize from his phone the items that  
14 are described in Attachment B to this Affidavit for Search Warrant  
15 No. 2:15-MJ-00337-JTR; and,
- 16 2) Search Warrant No. 2:15-MJ-00338-JTR to search Property Parcel  
17 #2043200 in Stevens County Washington, which is owned by  
18 Richard R. Clark (hereinafter, the "SUBJECT PREMISES A") as  
19 more fully described in Attachment A to this Affidavit for Search  
20 Warrant No. 2:15-MJ-00338-JTR and to search for and seize the  
21 items that are described in Attachment B to this Affidavit for Search  
22 Warrant No. 2:15-MJ-00338-JTR; and,
- 23 3) Search Warrant No. 2:15-MJ-00\_\_-JTR to search Property Parcel  
24 #2045705 in Stevens County Washington which is owned by  
25 William D. Misner and Celia A. Misner (hereinafter, the "SUBJECT  
26 PREMISES B") as more fully described in Attachment A to this  
27 Affidavit for Search Warrant No. 2:15-MJ-00\_\_-JTR and to search  
28

1 for and seize the items that are described in Attachment B to this  
2 Affidavit for Search Warrant No. 2:15-MJ-00 \_\_\_ -JTR.

3 4. The facts set forth in this Affidavit are based on my own personal  
4 knowledge; knowledge obtained from other individuals during my participation in this  
5 investigation, including other law enforcement officers; review of documents and records  
6 related to this investigation; communications with others who have personal knowledge  
7 of the events and circumstances described herein; and information gained through my  
8 training and experience.

9 5. Because this Affidavit is submitted for the limited purpose of establishing  
10 probable cause in support of the application for a search warrant, it does not set forth  
11 each and every fact that I or others have learned during the course of this investigation.

12 **APPLICABLE LAW**

13 6. Title 26, United States Code, Sections 5861(d) and 5845(a)(3) prohibit a  
14 person from possessing a short-barreled rifle unless the person has registered the firearm  
15 in the National Firearms Registration and Transfer Record.

16 7. Title 18, United States Code, Section 922(o) generally prohibits a person  
17 from possessing a machine gun.

18 8. Title 18, United States Code, Section 641 prohibits a person from  
19 knowingly possessing stolen United States government property.

20 **SUMMARY OF PROBABLE CAUSE**

21 **A. The Short-Barreled Rifle**

22 9. On June 5, 2015, the Seattle Division of the FBI received information from  
23 another law enforcement agency that resulted in FBI Special Agent Daniel Bennett  
24 contacting a Confidential Human Source (“CHS”) regarding potential threats to law  
25 enforcement made by Washington State resident, Schuyler Pyatte Barbeau.<sup>1</sup> The CHS  
26 advised FBI Special Agent Bennett that Barbeau frequently told the CHS that the federal  
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28 \_\_\_\_\_  
<sup>1</sup> The FBI has paid the CHS for his involvement in this matter over \$3,500.

1 government was not abiding by the principles set forth in the Constitution and that many  
2 public servants, such as judges and police officers who had sworn to uphold it, had  
3 deviated from their oath of office. The CHS further advised that Barbeau told the CHS  
4 that it was his duty to educate public servants who were not living up to their oath and  
5 discussed “lynching” those he deemed unworthy if necessary. In one instance, Barbeau  
6 told the CHS that he and other like-minded individuals would physically remove a  
7 California judge presiding over a misdemeanor weapons violation he received there in the  
8 fall of 2014.

9 10. The CHS further told FBI Special Agent Bennett that Barbeau was always  
10 armed with a .45 caliber pistol and frequently traveled with a short-barreled AR-15 rifle  
11 (“SBR”), body armor, and a helmet in his vehicle.

12 11. On October 19, 2015, the CHS advised FBI Special Agent Bennett that on  
13 October 17, 2015 Barbeau invited the CHS to a trailer he was occupying in Springdale,  
14 Washington at SUBJECT PREMISES A, and discussed selling his SBR. The CHS  
15 advised FBI Special Agent Bennett that on October 17, 2015, at the trailer in Springdale,  
16 Washington in Stevens County, Washington, Barbeau asked the CHS to find a buyer for  
17 him and allowed the CHS to take several photographs of the SBR. Barbeau also  
18 informed the CHS that he willing to sell the SBR along with a longer barrel, optics, and  
19 other accessories, for 5,000 dollars.

20 12. On October 23, 2015, your Affiant conducted an open source investigation  
21 of Facebook for photographs of Barbeau either describing or holding an SBR. During the  
22 course of the investigation, your Affiant found and captured three such photographs  
23 posted to Facebook in which Barbeau was either tagged by another Facebook user or  
24 commented directly on. Those photographs are described as follows:

- 25 a. On July 23, 2014, Facebook user “Blaine Cooper” posted a  
26 photograph of a tan-colored handgun and an SBR on top of black  
27 carrying case covered in stickers. The text accompanying the  
28 photograph said “Share Via Schuyler Barbeau,” implying that the

1 weapons were Barbeau's and included a direct link to Barbeau's  
2 Facebook account. On July 24, 2014, Barbeau commented directly  
3 on the photograph via his own Facebook account and stated "FNX  
4 45 tactical with an AAC TiRant suppressor that's still waiting  
5 approval from ATF. Barrel is a Rainier Arms Ultramatch series 10.5  
6 inch."

7 b. On July 30, 2014, Facebook user "Blaine Cooper" posted a  
8 photograph of Barbeau holding an SBR in front of the rear tailgate  
9 of a sport utility vehicle. The text accompanying the photograph  
10 said "With Schuyler Barbeau" and provided a direct link to  
11 Barbeau's Facebook account.

12 c. On August 10, 2014, Barbeau posted a photograph a tan-colored  
13 handgun and an SBR on top of a yellow Gadsen flag included as a  
14 part of a "mysanantonio.com" news article on his personal Facebook  
15 account. The text accompanying the photograph said: "I love how a  
16 bunch of my pictures are poppin up in articles around the web." On  
17 August 11, 2014, Facebook user "Ryan Gargano" commented on the  
18 photograph Barbeau shared and inquired "You own an SBR? Niiice.  
19 What barrel length before that muzzle break?" On August 12, 2014,  
20 Barbeau responded directly to the comment and wrote: "Ryan  
21 Gargano it's a 10.5 Rainier Arms Ultramatch series. it shoots really  
22 nice."

23 13. On November 3, 2015, the CHS contacted FBI Special Agent Bennett and  
24 advised that on the same day Barbeau contacted the CHS via telephone with additional  
25 information about the sale of his SBR. During the telephone conversation, Barbeau  
26 informed the CHS that he wanted to use the money from the sale to purchase a rifle  
27 capable of firing 7.62 millimeter rounds. Barbeau believed this type of rifle would be  
28 more effective in shoot-outs with law enforcement.

1           14.    On November 8, 2015, the CHS met with Barbeau and informed him that  
2 he/she had a buyer interested in purchasing his SBR for the 5,000 dollars Barbeau had  
3 asked for previously. Barbeau told the CHS he would consider the offer. FBI Special  
4 Agents surveilled this meeting and the CHS recorded this meeting at the direction of the  
5 FBI.

6           15.    On November 20, 2015, the CHS contacted FBI Special Agent Bennett and  
7 advised that Barbeau had contacted the CHS via a private Facebook message that day and  
8 asked him to tell the buyer he was ready to sell his SBR as soon as possible. The CHS  
9 told Barbeau the buyer was out of town for the upcoming Thanksgiving holiday, but  
10 offered to keep the SBR until the buyer returned. Barbeau agreed to let the CHS keep the  
11 SBR and arranged to meet the CHS the afternoon of November 22.

12           16.    On the morning of November 22, 2015, the CHS advised FBI Special  
13 Agent Bennett that Barbeau had unexpectedly dropped off the SBR at the CHS's  
14 residence in the Western District of Washington and asked him to obtain the money from  
15 the buyer as soon as possible that morning. Shortly after, Barbeau departed the  
16 residence, and the CHS contacted the FBI.

17           17.    Later that same morning, your Affiant, along with FBI Special Agent  
18 Bennett met with the CHS and took possession of the SBR. Following the meeting,  
19 Special Agent Bennett took the SBR and secured it at the Seattle Division of the FBI.

20           18.    On November 24, 2015, Seattle Division ATF Special Agent Claudia  
21 Grigore inspected the SBR at the FBI's office in Seattle and certified that the barrel was  
22 less than 16 inches in length, therefore requiring registration under the National Firearms  
23 Registration and Transfer Record. In addition, ATF has verified that Barbeau has not  
24 registered the firearm in the National Firearms Registration and Transfer Record.

25           19.    On December 4, 2015, the CHS contacted Barbeau via telephone. This  
26 conversation was recorded at the direction of the FBI. During the conversation, the CHS  
27 asked Barbeau if the Aenks knew how much money he would receive from the sale of his  
28 SBR. Barbeau advised the CHS that "They know what's going on" and went on to

1 explain that "I didn't sell my guns, so I could get cash to fix my problems with my car  
2 and buy food to provide for myself. I bought, I sold the gun to get another gun."

3 **B. Stolen Federal Property**

4 20. On October 19, 2015, the CHS contacted FBI Special Agent Bennett and  
5 advised that during the weekend of October 17, 2015, the CHS visited Barbeau at  
6 SUBJECT PREMISES A. According to the CHS, Barbeau was residing at a trailer on  
7 the SUBJECT PREMISES A. Allen and Carrie Aenk lived elsewhere near SUBJECT  
8 PREMISES A on SUBJECT PREMISES B. According to the CHS, at one point during  
9 the weekend, Barbeau said that he needed to go find his "Demo Kit." Barbeau said that  
10 he had stolen some blasting caps and detonation cord from his U.S. Army National Guard  
11 unit. Barbeau also said that several months ago, he had learned that the Washington State  
12 Fusion Center had been informed that he was talking to various people about building a  
13 bomb. Barbeau became nervous about possessing these items and threw them from his  
14 car into some thick brush along Woods Lake Road in Monroe, Washington. Barbeau  
15 indicated the blasting caps and detonation cord were contained in a green or brown  
16 canvas bag.<sup>2</sup>

17 21. FBI Special Agent Bennett had previously spoken to U.S. military  
18 personnel with the Army National Guard on June 29, 2015 and June 30, 2015. During  
19 those interviews, FBI Special Agent Bennett learned that Barbeau served in both the  
20 United States Marine Corps and the United States Army National Guard for a total of  
21 eight years, holding the Military Occupational Specialty of combat engineer in both  
22 services. A combat engineer receives training, including hands-on training, with all  
23 manner of explosives, to include blasting caps and detonation cord.

24 22. As noted above, in paragraph 14, on November 8, 2015, FBI Special  
25 Agents observed Barbeau and Carrie Aenk meet the CHS at a restaurant in Monroe,  
26 Washington. Barbeau and Aenk arrived in a green 2001 Mazda Protégé registered to  
27 Carrie Aenk. The CHS was equipped with an audio recording device provided by the  
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<sup>2</sup> This conversation was not recorded.

1 FBI. After the meeting, the CHS informed FBI Special Agent Bennett that Barbeau and  
2 Aenk were planning on retrieving the above-described bag from Woods Lake Road  
3 before driving back to eastern Washington that night.

4 23. According to a recording of the November 8, 2015 meeting, Barbeau stated  
5 that he and Carrie Aenk intended to retrieve the bag, which he threw "beside a ditch  
6 down the road." He further stated that he was going to drive to the road and try to figure  
7 out where he threw it. A few minutes later, the three discussed the challenges of finding  
8 the bag in the dark to which Carrie Aenk replied, "That is why God created flashlights."  
9 When asked by the CHS about possible police presence, Barbeau was at first dismissive  
10 that there would be any nearby. However, he then suggested that the CHS stand guard at  
11 the end of the road and distract any police by doing a "burnout" with his vehicle. Carrie  
12 Aenk also told the CHS they would tell law enforcement they stopped along the road  
13 because they "had to piss."

14 24. At around 7:40 p.m. on November 8, 2015, FBI Special Agents observed  
15 Barbeau and Aenk departed the restaurant in Aenk's vehicle and turned west on Route 2  
16 towards Everett, Washington. Law enforcement lost contact with the vehicle at this  
17 point.

18 25. At around 8:30 p.m. on November 8, 2015, Aenk's vehicle was observed  
19 by your Affiant and other FBI Special Agents parked on the west side of Woods Lake  
20 Road, facing south, directly under a group of electric power transmission lines. No  
21 vehicle lights were on and Aenk was observed in the driver's seat. When a spot check  
22 was conducted by FBI Special Agent Bennett at 8:57 p.m., the vehicle was gone.

23 26. On November 9, 2015, the CHS advised FBI Special Agent Bennett that on  
24 that day, the CHS made a telephone call to Barbeau, which was recorded. The CHS  
25 asked what time Barbeau arrived home the previous night. Barbeau indicated that he was  
26 unsure of the time they had arrived. The CHS then asked Barbeau if he was "out in the  
27 woods all night." Barbeau responded: "Nope." The CHS asked Barbeau if he "handled  
28 it" and if it was "great success." Barbeau gave positive responses to both questions and

1 said: "Except everything was soaked and roots had started growing inside of my little  
2 ammo bag thing and into the pages of my books and everything was all moldy and stinky  
3 and wet and soggy and like fungus and stuff was growing so it turned the pages black...."  
4 The CI responded: "Oh dude, I didn't know you had books in there." Barbeau  
5 responded: "Yeah . . . my knowledge." The CHS responded: "Like your EOD stuff?"  
6 Barbeau then responded "Yeah." Based on my training and experience, I know that  
7 "EOD" is a common abbreviation for "explosive ordnance disposal."

8 **C. Auto-Sear**

9 27. The CHS further advised FBI Special Agent Bennett that Barbeau spoke on  
10 several occasions about manufacturing a "drop in auto-sear" for his rifle. A drop in auto-  
11 sear is by definition a combination of parts designed and intended for use in converting a  
12 weapon to shoot automatically more than one shot, without manual reloading, by a single  
13 function of the trigger. Consequently, an auto sear generally is considered a machine gun  
14 under federal law, and the use of an auto sear with a firearm generally transforms the  
15 firearm into a machine gun as defined by federal law.<sup>3</sup>

16 28. During the November 8th meeting referenced above, Barbeau referenced  
17 shooting down a hypothetical law enforcement helicopter and spoke in vague terms  
18 regarding his rifle firing in fully-automatic mode. According to a recording of the  
19 meeting, he stated: "Remember what I have on my rifle. It ain't no just . . . phew, phew,  
20 phew, phew." The CHS then asked Barbeau: "Did you get that thing to work?" Barbeau  
21 replied: "It works, but not good. But it works. And If I can ever find somebody with a  
22 3D printer...."

23  
24  
25  
26 <sup>3</sup> Under certain circumstances, individuals can possess machine guns manufactured prior  
27 to May 19, 1986. The SBR in this case was manufactured after that date, and Barbeau's  
28 statements strongly suggest he manufactured the auto-sear relatively recently, many years  
after 1986.

1           29. By training and experience, your Affiant knows that recent developments in  
2 3D printing have allowed individuals the capability to manufacture firearm parts,  
3 including auto-sears, using plans that are available on the internet.

4           30. On November 20, 2015, the CHS advised FBI Special Agent Bennett that  
5 on that same day, the CHS and Barbeau spoke on the telephone. This conversation was  
6 recorded. During the conversation, Barbeau and the CHS discussed new rifles that  
7 Barbeau was interested in buying. The CHS asked Barbeau if the auto-sear would work  
8 in the new guns being discussed. Barbeau responded: "Yeah."

9           **D. Use of Phone by Barbeau**

10          31. During the November 8, 2015 meeting, Barbeau remarked to the CHS how  
11 much difficulty he was having finding gun parts online using only his smart phone and  
12 how poor the 3G cellular coverage was at the trailer. To the CHS's knowledge,  
13 Barbeau's only means of communication and access to the internet is through his smart  
14 phone.

15          **E. SUBJECT PREMISES A and SUBJECT PREMISES B**

16          32. On October 20, 2015, the CHS provided Special Agent Bennett with a  
17 satellite photograph taken from Google Maps of the area in Springdale, Washington in  
18 Stevens County, Washington, where the Aenks and Barbeau reside. The CHS drew a red  
19 box around a particular area of the map indicating SUBJECT PREMISES A that Barbeau  
20 was using as a residence at the time. He described the area to include as a dilapidated  
21 white colored trailer with a red stripe, approximately 8' x 16' feet, located to the west of  
22 the Aenk's residence.

23          33. On November 4, 2015, the CHS contacted Barbeau via telephone. The  
24 CHS recorded this conversation. During the conversation, Barbeau discussed his  
25 potential arrest by law enforcement, and was curious why law enforcement hadn't come  
26 to arrest him despite his current location, saying "I'm in a little trailer out in the middle  
27 of a field, out in the middle of nowhere."  
28

1           34.    On December 1, 2015, your Affiant conducted an open source investigation  
2 of Facebook for any information related to Barbeau's current residence. During the  
3 course of the investigation, I found and captured a post Barbeau made to his Facebook  
4 account on November 20, 2015 in which he commented: "Ooh, 18 and falling, with no  
5 heat in the trailer. Its ok though, I'm really getting used to always being cold. Always  
6 suffering and being in a miserable state keeps you hard, and ready for when things go  
7 south. I don't feel comfortable always living comfortably."

8           35.    On the evening of December 3, 2015, Barbeau contacted the CHS via  
9 private Facebook message and informed him/her that he had moved into a different trailer  
10 on the property utilized by Aenks on SUBJECT PREMISES B with a wood-burning  
11 stove. The CHS provided Special Agent Daniel Bennett with this information the same  
12 evening of December 3, 2015.

13           36.    On December 4, 2015, the CHS contacted Barbeau via telephone for  
14 additional details about the new trailer. The CHS recorded this conversation at the  
15 direction of the FBI. Barbeau described his new residence as a white mobile  
16 construction-site trailer with a roll-up door at one end. Barbeau said his new trailer was  
17 "up at the house," implying the Aenks' residence on SUBJECT PREMISES B, and  
18 approximately 20 feet from where his broken down Subaru was parked in their yard.

19           37.    Barbeau further advised the CHS that Allen Aenk helped him clean out the  
20 new trailer before moving in.

21           38.    On December 4, 2015, the CHS emailed Special Agent Daniel Bennett  
22 diagrams of the interior of the Aenks' residence; the Aenks' residence in relation to  
23 Barbeau's Subaru and new trailer; as well as a satellite image taken from Google Maps  
24 with notations indicating the location of the Aenks' residence, Barbeau's new trailer, and  
25 Barbeau's Subaru, all on SUBJECT PREMISES B.

26           39.    Based on the information provided above, detailing Barbeau's relationship  
27 with Carrie and Allen Aenk as well as his unrestricted access to their property, your  
28 Affiant believes there is probable cause to search the entire property, including all

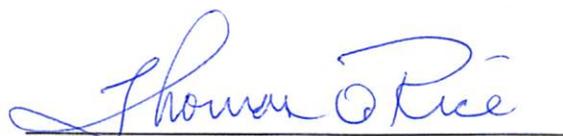
1 trailers, residences, structures, and vehicles registered to, or under the control of, Barbeau  
2 and/or the Aenks on SUBJECT PREMISES A and SUBJECT PREMISES B. In  
3 particular, your affiant believes that there is probable cause that Barbeau may have  
4 hidden the blasting caps and detonation cord on SUBJECT PREMISES A and SUBJECT  
5 PREMISES B in a place other than the particular trailer where Barbeau is staying, given  
6 his previous efforts to hide the explosives in the woods. In addition, Carrie Aenk actively  
7 was part of the plot to retrieve the explosives to take back to her property. Thus, there is  
8 probable cause to believe that the explosives could be anywhere on their property,  
9 including, but not limited to, the particular trailer where Barbeau is staying as well any  
10 other trailers, residences, structures, and vehicles registered to, or under the control of,  
11 Barbeau and/or the Aenks on the property.

12 **CONCLUSION**

13 40. Based on the forgoing, I request that the Court issue the proposed search  
14 warrants to search the locations described in Attachments A to Search Warrant No. 2:15-  
15 MJ-00337-JTR, to Search Warrant No. 2:15-MJ-00338-JTR, and to Search Warrant No.  
16 2:15-MJ-00\_\_-JTR for the items set forth in Attachments B to Search Warrant No.  
17 2:15-MJ-00337-JTR, to Search Warrant No. 2:15-MJ-00338-JTR, and to Search Warrant  
18 No. 2:15-MJ-00\_\_-JTR.

19  
20   
21 Michael Baldino, Complainant  
22 Special Agent, FBI

23 SUBSCRIBED AND SWORN from King County, Washington telephonically before me  
24 in Spokane County, Washington this 5<sup>th</sup> day of December, 2015.

25  
26   
27 Thomas O. Rice  
28 United States District Court Judge

**ATTACHMENT A**  
**2:15-mj-00337-JTR**

This warrant authorizes the search of Schuyler Pyatte Barbeau for any cellular phones. This warrant authorizes the search of any such phones for the items described in Attachment B.

Schuyler Pyatte Barbeau is known to reside in a trailer located on Property Parcel #2045705 in Stevens County Washington.

**ATTACHMENT B**  
**2:15-mj-00337-JTR**

**Items to Be Seized from the Phone Described in Attachment A**

All documents and items reflecting evidence and/or fruits of the commission of the crimes of (a) unlawful possession of a firearm, in violation of Title 26, United States Code, Sections 5861(d) and 5845(a)(3); (b) possession of stolen federal property, in violation of Title 18, United States Code, Section 641; and (c) possession of a machine gun, in violation of Title 18, United States Code, Section 922(o), including:

1. Any Assigned number and identifying telephone serial number (ESN, MIN, IMSI, or IMEI);
2. Stored list of recent received, sent, and missed calls;
3. Stored contact information;
4. Stored photographs or Facebook posts regarding any explosives, auto search devices, other devices capable of allowing a firearm to fire in fully-automatic mode, or short-barreled rifles.
5. Stored text messages.