

Firearms Technology Criminal Branch
Report of Technical Examination



244 Needy Road #1600
Martinsburg, WV 25405

Phone: 304-616-4300
Fax: 304-616-4301

To:
Special Agent Michael Walton
Bureau of Alcohol, Tobacco, Firearms and Explosives
201 E. Washington St.
Suite 940
Phoenix, AZ 85004

Date: **AUG 2 1 2017**

UI#: 785115-17-0121

RE: MARQUEZ, Ricardo et al.

FTCB#: 2017-562-DAS
307418

Date Exhibits Received: 08/16/2017

Type of Examination Requested:

Delivered By: FedEx 7700 0154 3292

Examination, Test, Classification

Exhibits:

8. ROMARM/CUGIR, model Micro Draco, in 7.62x39mm caliber, serial number PMD-00584-14 RO (suspected short barreled rifle).
13. Mossberg, model 500AT, 12 gauge, serial number G117634 (suspected weapon made from a shotgun).
35. Aero Precision LLC, model X15, 5.56x45mm caliber, serial number AR52162 (suspected weapon made from a rifle).

Pertinent Authority:

The Gun Control Act of 1968 (GCA), as amended, defines "firearm" to include: "...*(A) any weapon (including a starter gun) which will or is designed to or may readily be converted to expel a projectile by the action of an explosive; (B) the frame or receiver of any such weapon; (C) any firearm muffler or firearm silencer....*" (See 18 U.S.C. § 921(a)(3).)

The GCA defines "shotgun," to include: "...*a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned and made or remade to use the energy of an explosive to fire through a smooth bore either a number of ball shot or a single projectile for each single pull of the trigger*" (See 18 U.S.C. § 921(a)(5).)

The GCA defines the term "rifle" as: "...*a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned and made or remade to use the energy of an explosive to fire only a single projectile through a rifled bore for each single pull of the trigger.*" (See 18 U.S.C. § 921(a)(7).)



The GCA defines the term “short-barreled rifle” as: “...a rifle having one or more barrels less than sixteen inches in length and any weapon made from a rifle (whether by alteration, modification, or otherwise) if such weapon, as modified, has an overall length of less than twenty-six inches.” (See 18 U.S.C. § 921(a)(8))

Further, the National Firearms Act (NFA) defines “firearm,” to include: “...(2) a weapon made from a shotgun if such weapon as modified has an overall length of less than 26 inches or a barrel or barrels of less than 18 inches in length ...(3) a rifle having a barrel or barrels of less than 16 inches in length; (4) a weapon made from a rifle if such weapon as modified has an overall length of less than 26 inches or a barrel or barrels of less than 16 inches in length....” (See 26 U.S.C. § 5845(a).)

Findings:

Exhibit 8 was manufactured by ROMARM/ CUGIR of Romania in 7.62x39mm caliber, as a model Micro Draco pistol with serial number PMD-00584-14 RO, and imported by Century Arms International located in Georgia, Vermont. As received, it has an approximate overall length of 23-3/4 inches and an approximate barrel length of 6 inches. I performed a field function check of Exhibit 8 and found it functioned as a semiautomatic firearm.

I measured the overall length of Exhibit 8 in the following manner: I placed the Exhibit on a flat surface; measured the distance between the extreme ends of the Exhibit along a line parallel to the center line of the bore; and noted the measurement.

I measured the barrel of Exhibit 8 in the following manner: I placed the Exhibit on a flat surface and then closed the bolt; inserted a cylindrical scale into the muzzle of the barrel until it touched the bolt face; noted the measurement; and, removed the cylindrical scale from the barrel.

During my examination, I observed the following markings on Exhibit 8:

- Arm brace (right side): IWI
- Receiver (right side): S
F
CA1,GEORGIA,VT.
ROMARM/CUGIR
ROMANIA
- Dust cover rail mount (right side): NcSTAR
- Trigger (right side): ALG
- Arm brace (top): ACE
- Muzzle break (top): SLR
- Trunion (left side): PMD-00584-14 RO [serial number]



Findings (Cont.):

Receiver (left side):	MICRO DRACO 7.62X39MM
Trigger (left side):	ALG
Arm brace (left side):	IWI
Forend (bottom):	3.7 M-HS MIC SLR
Pistol grip (bottom):	ATI
Arm brace (rear):	SB Tactical MADE IN U.S.A. PATENTS AT WWW.SB-TACTICAL.COM

I test-fired Exhibit 8 on July 14, 2017, at the ATF test range, Martinsburg, West Virginia, using commercially available, Wolf brand, 7.62x39mm caliber ammunition and a magazine from the National Firearms Collection (NFC).

I placed the selector in the semiautomatic position, inserted a one-round ammunition load and pulled the trigger. Exhibit 8 successfully expelled a single projectile by the action of an explosive. I repeated this method of test-fire one additional time, obtaining the same result.

After I inserted a two-round ammunition load, with the selector still in the semiautomatic position, I pulled the trigger. Exhibit 8 fired one round with each single function of the trigger. I repeated this method of test-fire once obtaining the same result.

Finally, after I inserted a five-round ammunition load, with the selector still in the semiautomatic position, I pulled the trigger. Exhibit 8 fired one round with each single function of the trigger.

Exhibit 13 is a model 500AT, 12 gauge, pump-action firearm originally manufactured by Mossberg, North Haven Connecticut as a shotgun with a barrel over 18 inches in length. Exhibit 13 has an approximate overall length of 28 inches and an approximate barrel length of 16 inches and a birds head-type grip.

During my examination, I observed the following markings on Exhibit 13:

Forend (right side):	MAGPUL
Forend (left side):	MOE 590



Findings (Cont.):

Receiver (left side): G117634 [serial number]

Barrel (left side): -CHAMBERED FOR 2 3/4 AND 3 IN SHELLS-
12 GA - 30 INCH FULL CHOKE - MADE IN U.S.A.

Forend (bottom): MADE IN USA

Receiver (bottom): Mossberg
NORTH HAVEN, CONN.
500AT 12 GA

My examination also disclosed that the Exhibit's barrel muzzle end has been cut; additionally, the shoulder stock has been removed and replaced with an aftermarket birds head-type pistol grip. As modified, Exhibit 13 is no longer designed to be fired from the shoulder.

I test-fired Exhibit 13 on January 27, 2017, at the ATF test range, Martinsburg, West Virginia, using commercially available, Remington brand, 12 gauge ammunition. Exhibit 13 functioned as designed, successfully expelling a projectile by the action of an explosive. I repeated this method of test-fire one additional time, obtaining the same result.

Exhibit 35 is a 5.56x45mm caliber, AR-15 type pistol manufactured using a receiver manufactured in a semiautomatic configuration by Aero Precision Inc., Tacoma, Washington. As received, it has an approximate overall length of 24-5/8 inches and an approximate barrel length of 7-3/16 inches. I performed a field function check of Exhibit 35 and found it functioned as a semiautomatic firearm.

During my examination, I observed the following markings on Exhibit 35:

Arm brace (right side): SB

Receiver (right side): A

Pistol grip (right side): MOE+
MADE IN USA

Hand guard (right side): Q.D.

Pistol Grip (bottom): MOE

Hand guard (left side): Q.D.

Upper assembly (left side): PALMETTO

Findings (Cont.):

Receiver (left side): MODEL X15
CAL MULTI
S/N AR52162
AERO PRECISION LLC
TACOMA, WA

Arm brace (left side): SB

Pistol grip (left side): MAGPUL

Barrel (top): 5.56 NATO 1 7

I test-fired Exhibit 35 on July 14, 2017, at the ATF test range, Martinsburg, West Virginia, using commercially available, ADCOM Manufacturing Ltd. brand, 5.56x45mm caliber ammunition and a magazine from the NFC.

I placed the selector in the semiautomatic position, inserted a one-round ammunition load and pulled the trigger. Exhibit 35 successfully expelled a single projectile by the action of an explosive. I repeated this method of test-fire one additional time, obtaining the same result.

After I inserted a two-round ammunition load, with the selector still in the semiautomatic position, I pulled the trigger. Exhibit 35 fired one round with each single function of the trigger. I repeated this method of test-fire once obtaining the same result.

Finally, after I inserted a five-round ammunition load, with the selector still in the semiautomatic position, I pulled the trigger. Exhibit 35 fired one round with each single function of the trigger.

Conclusions:

Exhibit 8 is a weapon which will expel a projectile by the action of an explosive and incorporates the receiver of a firearm; therefore, it is a “**firearm**” as defined in 18 U.S.C. § 921(a)(3)(A)&(B).

Exhibit 13 is a weapon which will expel a projectile by the action of an explosive and incorporates the receiver of a firearm; therefore, it is a “**firearm**” as defined in 18 U.S.C. § 921(a)(3)(A)&(B).

Exhibit 13, being a weapon made from a shotgun, which, as modified, has a barrel less than 18 inches in length, is a “**firearm**” as defined in 26 U.S.C. § 5845(a)(2).

Exhibit 35 is a weapon which will expel a projectile by the action of an explosive and incorporates the receiver of a firearm; therefore, it is a “**firearm**” as defined in 18 U.S.C. § 921(a)(3)(A)&(B).

Examined By:



David A. Smith
Firearms Enforcement Officer

Approved By:



Max M. Kingery, Chief
Firearms Technology Criminal Branch

Attachment: 4 pages bearing a total of 8 photographs.

Enclosed is a Firearms Technology Criminal Branch report provided in response to your request for assistance. Please be aware that these documents constitute "taxpayer return information" that is subject to the strict disclosure limitations provided in 26 U.S.C. § 6103. Exceptions to the non-disclosure provisions that permit the disclosure internally within ATF are set forth in 26 U.S.C. §§ 6103(h)(2)(C) and (o)(1). Any further disclosure of these reports is strictly limited and must be reviewed and approved by the Office of Chief Counsel prior to any information dissemination. Failure to adhere to the disclosure limitations provided in 26 U.S.C. § 6103 could result in civil and/or criminal liability.



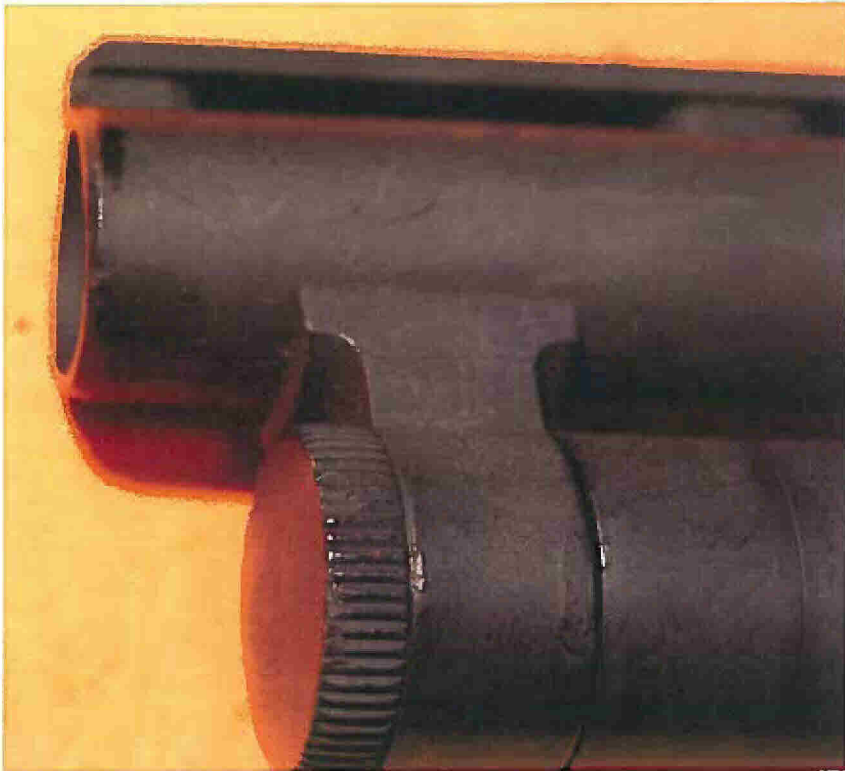
307418 - Exhibit 8 - Picture 1, & 2: Exhibit 8



307418 - Exhibit 13 - Picture 3, & 4: Exhibit 13



307418 - Exhibit 13 - Picture 5, & 6: Exhibit 13 Cut Barrel



307418 - Exhibit 35 - Picture 7, & 8: Exhibit 35

