

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
GREAT FALLS DIVISION**

**RICHARD CELATA,**

Plaintiff,

v.

**UNITED STATES OF AMERICA,**

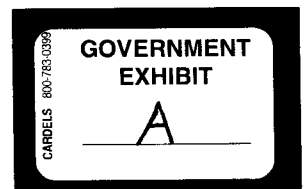
Defendant

Cause No. CV-07-24-BU-SEH-RKS

DECLARATION OF  
JOHN KOMORA

I, John Komora, do hereby declare:

1. That I am a special agent with the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) and have been so since July 1990. I am current assigned to the Helena Montana Field Office.
2. That Title 26, U.S.C. Chapter 53, also called the National Firearms Act (NFA), provides the laws governing machineguns.
3. That 26 U.S.C. Chapter 53, Section 5841(a) requires that machineguns shall be registered in the National Firearms Registration and Transfer Record. This registration requires the identification of the firearm, the date of registration, and the identification and address of the person entitled to possession of the firearm.
4. That 26 U.S.C. Chapter 53, Section 5845(b) defines a machinegun as any weapon shoots, is designed to shoot, or can be readily restored to shoot, automatically more than one shot, without manual reloading, by a single function of the trigger.
5. That 26 U.S.C. Chapter 53, Section 5842(a) requires that machineguns be identified by a serial number along with the name of the manufacturer.
6. That 26 U.S.C. Section 5861(d) states that it shall be unlawful for any person to receive or possess a firearm which is not registered to him in the National Firearms Registration and Transfer Record.



7. That 26 U.S.C. Section 5861(i) states that it shall be unlawful for any person to possess a firearm which is not identified by a serial number as required by Chapter 53.

8. On June 7, 2006, a federal search warrant was executed at the residence of 382 Adams Lane, Dillon, Montana, for the seizure of firearms, documents and physical objects pertaining to the purchase/manufacture/receipt of firearms and firearms components, financial proceeds from the sale of firearms, bank documents, telephones records, tax records, computers, any items of contraband concerning violations of 18 U.S.C. Section 922(a)(1)(A), 371, and 2.

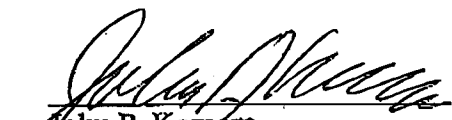
9. One of the items seized which appeared to be a select-fire machinegun. The only visible markings on this machinegun were the words "Safe", "Fire", and "Auto". Concealed underneath the plastic grip of this machinegun was what appeared to be a logo with the letters "KTO" contained with a fish symbol, along with "August 2003 A.D." below that logo. No serial number was found on the machinegun.

10. This machinegun was subsequently analyzed and test-fired by Michael Curtis, a Firearms Enforcement Officer in the Firearms Technology Branch for ATF. He loaded the firearm with five rounds of .223-caliber ammunition and fired all five rounds with a single pull of the trigger. He determined that this firearm is a machinegun as defined by 26 U.S.C. 5845(b).

11. Subsequent to the seizure of the machinegun, ATF Special Agent Karen Carney-Hatch of the Manchester, New Hampshire Field Office caused the search of the National Firearms Registration and Transfer Records and was informed that there was no record of any machineguns being registered to Richard Celata.

Pursuant to 28 U.S.C. Section 1746, I declare under penalty of perjury that the above information is true and correct to the best of my knowledge and recollection.

Executed this 29<sup>th</sup> day of May 2007.

  
John P. Komora  
Special Agent  
ATF