

UNITED STATES DISTRICT COURT

for the Eastern District of Arkansas

In the Matter of the Search of
(Briefly describe the property to be searched or identify the person by name and address)
Residence located at [REDACTED]
[REDACTED] (SUBJECT PROPERTY)

Case No. 4:24sw00062 JJV

APPLICATION FOR A SEARCH WARRANT

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property (identify the person or describe the property to be searched and give its location): See Attachment A

located in the Eastern District of Arkansas, there is now concealed (identify the person or describe the property to be seized); See Attachment B

The basis for the search under Fed. R. Crim. P. 41(c) is (check one or more):

- [X] evidence of a crime;
[X] contraband, fruits of crime, or other items illegally possessed;
[X] property designed for use, intended for use, or used in committing a crime;
[] a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

Table with 2 columns: Code Section, Offense Description. Rows include 18 U.S.C. Sec. 922(a)(1)(A) dealing in firearms without a license and 18 U.S.C. Sec. 921(a)(6) unlawful acquisition of a firearm.

The application is based on these facts: Please see attached affidavit

- [X] Continued on the attached sheet.
[] Delayed notice of ___ days (give exact ending date if more than 30 days: ___) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached

Issued by telephone pursuant to Rule 4.1 and 41(d)(3) of the Federal Rules of Criminal Procedure

[REDACTED] Signature
[REDACTED] ATF Special Agent
Printed name and title

Sworn to before me and signed in my presence.

Date: 03/05/2024

[Signature]
Joe J. Volpa, United States Magistrate Judge
Printed name and title

City and state: Little Rock, Arkansas



UNITED STATES DISTRICT COURT

for the
Eastern District of Arkansas

In the Matter of the Search of
*(Briefly describe the property to be searched
or identify the person by name and address)*
a white 2022 Toyota Highlander with VIN number
5TDDZRBH9NS161319 (SUBJECT VEHICLE)

Case No. 4:24sw00063 JJV

APPLICATION FOR A SEARCH WARRANT

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property *(identify the person or describe the property to be searched and give its location)*:
See Attachment A2

located in the Eastern District of Arkansas, there is now concealed *(identify the person or describe the property to be seized)*:
See Attachment B

The basis for the search under Fed. R. Crim. P. 41(c) is *(check one or more)*:

- evidence of a crime;
- contraband, fruits of crime, or other items illegally possessed;
- property designed for use, intended for use, or used in committing a crime;
- a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

<i>Code Section</i>	<i>Offense Description</i>
18 U.S.C. Sec. 922(a)(1)(A)	dealing in firearms without a license
18 U.S.C. Sec. 921(a)(6)	unlawful acquisition of a firearm

The application is based on these facts:
Please see attached affidavit

- Continued on the attached sheet.
- Delayed notice of _____ days (give exact ending date if more than 30 days: _____) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached _____

Issued by telephone pursuant to Rule 4.1 and 41(d)(3)
of the Federal Rules of Criminal Procedure

(Signature)

ATF Special Agent

Printed name and title

Sworn to before me and signed in my presence.

Date: 03/06/2024

(Signature)

Judge's signature

City and state: Little Rock, Arkansas

Joe J. Volpe, United States Magistrate Judge

Printed name and title

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF ARKANSAS

IN THE MATTER OF THE SEARCH OF THE
RESIDENCE LOCATED AT [REDACTED]

Case No. 4:24sw00062 JJV

4:24sw00063 JJV

(SUBJECT PROPERTY) and A WHITE 2022
TOYOTA HIGHLANDER, WITH VEHICLE
IDENTIFICATION NUMBER (VIN)
5TDDZRBH9NS161319, (SUBJECT
VEHICLE)

Filed Under Seal

**AFFIDAVIT IN SUPPORT OF
AN APPLICATION FOR A SEARCH WARRANT**

I, [REDACTED] being first duly sworn, hereby depose and state as follows:

INTRODUCTION AND AGENT BACKGROUND

1. Your Affiant, [REDACTED] is an investigative or law enforcement officer of the United States, within the meaning of Title 18, United States Code (USC) Section 2510(7) and is empowered by law to conduct investigation of and to make arrests for offenses enumerated in Title 18, United States Code (USC) Section 2516. Your Affiant is a Special Agent (S/A) of the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), assigned to the Little Rock Field Office.

[REDACTED]

[REDACTED]



3. In your Affiant's law enforcement employment, your Affiant has authored and conducted numerous analyses of telephones and telephone billing records, including those used by subjects involved in possession of firearms. Your Affiant has taken over 200+ hours of cellular data training courses from 2018-2023. Your Affiant has taken additional training courses covering the topics of cellular data from providers, cellular data stored on a cellular device, and other data held on cellular devices associated with other electronics. Your Affiant has participated in the execution of search warrants, including search warrants for contents from electronic devices such as cellular telephones and portable electronic storage devices. Consequently, your Affiant is familiar with the ways in which persons who are engaged in the business of dealing firearms without a license use cellular telephones to facilitate, promote, and memorialize their illegal activities. Your Affiant knows that persons who engage in the business of dealing firearms without a license, often take pictures and videos of their illegal activity and maintain those pictures and videos on their phones. Furthermore, based upon your Affiant's training and experience, persons who are engaged in the business of dealing firearms without a license, often take photographs and

videos of firearms, firearm parts and accessories, and other contraband in their possession using their cellular telephones and subsequently post such photographs and videos on social media, including on Facebook and Snapchat, using their cellular telephones. Your Affiant knows CashApp, PayPal, Zelle, and similar online monetary transaction accounts, are digital applications commonly used via cellular phones to purchase or pay for both legal and contraband items, such as firearms by prohibited persons.

4. Additionally, based upon your Affiant's training and experience, your Affiant knows that persons who engage in the business of dealing firearms without a license, often utilize cellular telephones to facilitate the purchase of, transportation of, and/or distribution of the firearms. They frequently use cellular phones to send and receive phone calls, text messages, and voice mails to and from their source(s) of supply and their customers. They store contact information, e.g. phone numbers and addresses, for their source(s) of supply and customers in their cellular phones. Your Affiant knows persons who are engaged in the business of dealing firearms without a license use cellular telephones to take/receive photographs of firearms. Persons who are engaged in the business of dealing firearms without a license use cellular telephones to take photographs of the proceeds of their firearm and firearm dealing activities. Thus, cellular telephones frequently contain names, text messages, voice mail messages, photographs, videos, and contact numbers for/of others involved in the business of dealing of firearms. Your Affiant knows cellular telephones will retain text messages, contact lists, phone call information, and photographs until manually deleted or deleted according to the cellular phone's settings.

5. Your Affiant has also been involved in various types of electronic surveillance and in the debriefing of defendants, witnesses, informants, and others who have knowledge of firearms violations. Your Affiant has participated in investigations resulting in the arrest of prohibited

persons in possession of firearms, firearms trafficking suspects, and in the seizure of numerous unlawfully possessed firearms. Your Affiant has participated in investigations involving the use of video surveillance. Your Affiant is familiar with the manner in which persons who are engaged in the business of dealing firearms without a license, including but not limited to: their methods of unlawfully acquiring and distributing firearms, use of telecommunication devices to include electronic mail, land line telephones, cellular telephones, and has been trained on the use of counter surveillance techniques, and use of numerical codes and coded and/or cryptic language, words, and references to conduct their transactions.

6. Your Affiant knows that Title 18 U.S.C. Section 922(a)(6), of the Gun Control Act (GCA), makes it unlawful for any person in connection with the acquisition or attempted acquisition of any firearm or ammunition from a licensed importer, licensed manufacturer, licensed dealer, or licensed collector, knowingly to make any false or fictitious oral or written statement or to furnish or exhibit any false, fictitious, or misrepresented identification, intended or likely to deceive such importer, manufacturer, dealer, or collector with respect to any fact material to the lawfulness of the sale or other disposition of such firearm or ammunition.

7. Your Affiant knows that Title 18 U.S.C. Section 922(a)(1)(A), of the GCA, it is unlawful for any person except a licensed dealer, to engage in the business of importing, manufacturing, or dealing in firearms, or in the course of such business to ship, transport, or receive any firearm in interstate or foreign commerce.

8. Your Affiant knows that the term "firearm", as defined in Title 18 U.S.C. Section 921(a)(3)(A) of the GCA, means 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 explosives; or (B) the frame or receiver of any such weapon; or (C) any firearm muffler or firearm silencer; or (D) any destructive

device.

9. Your Affiant knows the term "dealer", as defined in Title 18 USC 921(a)(11) of the GCA, means (A) any person engaged in the business of selling firearms at wholesale or retail; or (B) any person engaged in the business of repairing firearms or of making or fitting special barrels, stocks, or trigger mechanisms to firearms; or (C) any person who is a pawnbroker.

10. Your Affiant knows the term "engaged in the business", as defined in Title 18 USC 921(a)(21)(C) of the GCA, as applied to a dealer in firearms, as defined in 921(a)(11)(A), a person who devotes time, attention, and labor to dealing in firearms as a regular course of trade or business to predominately earn a profit through the repetitive purchase and resale of firearms, but such term shall not include a person who makes occasional sales, exchanges, or purchases of firearms for the enhancement of a personal collection or for a hobby, or who sells all or part of his personal collection of firearms.

11. Your Affiant knows the term "to predominately earn a profit", as defined in Title 18 USC 921(a)(22) of the GCA, means that the intent underlying the sale or disposition of firearms is predominately one of obtaining pecuniary gain, as opposed to other intents, such as improving or liquidating a personal firearms collection: Provided, that proof of profit shall not be required as to a person who engages in the regular and repetitive purchase and disposition of firearms for criminal purposes or terrorism.

12. The information in this Affidavit is based on your Affiant's personal observations; information received from outside sources; information received from cooperating witnesses; review of recordings and text messages; review of records and law enforcement databases; records of the purchase of firearms, firearms parts and accessories; information received from other law enforcement agents; your Affiant's experience and training; and the experience of other agents and

law enforcement officers. Because of this Affidavit's limited purpose, it does not contain all of the facts known to your Affiant or other law enforcement officers about the investigation. Additionally, the conversations summarized and transcribed below do not necessarily represent the entirety of the conversation, but rather the essential parts that support probable cause. This affidavit is intended to show merely that there is sufficient probable cause for the requested warrant and does not set forth all of your Affiant's knowledge about this matter.

13. Based on your Affiant's training and experience and the facts as set forth in this affidavit, there is probable cause to believe that violations of Title 18, United States Code §§ 922(a)(1)(A) and 922(a)(6), have been committed by Bryan Keith MALINOWSKI (hereafter referred to as MALINOWSKI). There is also probable cause to search the property described in Attachment A for evidence, instrumentalities, and/or fruits of these crimes further described in Attachment B. This affidavit is made in support of a search warrant for the residence, electronic devices, including cell phones, and any storage safes, as further described in Attachment A1 and B (the "SUBJECT PROPERTY"), as well as a white 2022 Toyota Highlander, with vehicle identification number (VIN) 5TDDZRBH9NS161319 (the "SUBJECT VEHICLE"), as further described in Attachment A2 and B.

JURISDICTION

14. This Court has jurisdiction to issue the requested warrant because it is "a court of competent jurisdiction" as defined by Title 18, United States Code, Sections 2711, and Title 18, United States Code, Sections 2703(a), (b)(1)(A), & (c)(1)(A). Specifically, the Court is "a district court of the United States . . . that has jurisdiction over the offense being investigated" as outlined in Title 18, United States Code, Section 2711(3)(A)(i).

PROBABLE CAUSE

15. By way of background, ATF works in conjunction with various law enforcement agencies within the United States (U.S.) by tracing the acquisition and disposition of firearms recovered there that are sourced in the U.S. ATF also assists bordering foreign countries, Canada and Mexico, in investigating firearm-related crimes where recovered firearms have an origin or similar nexus to the U.S. The cooperation between these countries and ATF in the U.S. is intended to combat violent firearm-related crimes that cross each country's border. ATF further employs individuals, including liaison/attaché and intelligence personnel, who are stationed in these respective foreign countries.

16. ATF further utilizes personnel assigned to regional Crime Gun Intelligence Centers (CGIC) in its US-based field divisions, as well as in its Office of Strategic Intelligence and Information (OSII), who assist in detecting and investigating potential firearms trafficking schemes. Much of the intelligence used in investigating firearm trafficking schemes revolves around data accessed through ATF's National Tracing Center (NTC). When a firearm is recovered by a law enforcement agency, both inside the U.S. as well as Canada and Mexico, a trace request may be submitted to the NTC by the recovering and/or related investigating agency. To initiate a trace, information including the firearm description (to include type, make, manufacturer, model, and caliber), recovery location/information, and any potential involved persons, is requested of the submitter. NTC utilizes information obtained from federal firearms licensees (FFLs) who are licensed by ATF to engage in various aspects of firearm-related commerce, which may include activities such as manufacturing, importing, acquiring, and/or disposing of firearms lawfully within the confines of the National Firearms Act (NFA) and GCA, amongst other potential states.

17. For an individual to purchase a firearm(s), they must appear in person at the

premises or authorized alternate location of an FFL. Upon presenting valid government-issued photo identification, verified by the FFL or an employee/designee, the individual purchaser (transferee/buyer), in conjunction with the FFL (transferor/seller) must complete an ATF Form 4473, Firearms Transaction Record.

18. The current version of the ATF Form 4473 was most recently updated in May 2020. The information that follows is based off the May 2020 format and layout of the ATF Form 4473. At the top of page 1 of the 6-page Form 4473, a warning appears regarding unlawful transactions. An excerpt of the top page 1 of the form warning appears below:

U.S. Department of Justice
Bureau of Alcohol, Tobacco, Firearms and Explosives

OMB No. 1140-0020

Firearms Transaction Record

WARNING: The information you provide will be used to determine whether you are prohibited by Federal or State law from receiving a firearm. Certain violations of the Gun Control Act, 18 U.S.C. 921 et seq., are punishable by up to 10 years imprisonment and/or up to a \$250,000 fine. Any person who exports a firearm without a proper authorization from either the Department of Commerce or the Department of State, as applicable, is subject to a fine of not more than \$1,000,000 and up to 20 years imprisonment.

Read the Notices, Instructions, and Definitions on this form. Prepare in original only at the licensed premises (including business temporarily conducted from a qualifying gun show or event in the same State in which the premises is located) unless the transaction qualifies under 18 U.S.C. 922(c). All entries must be handwritten in ink unless completed under ATF Rul. 2016.1. PLEASE PRINT.

Transferor's/Seller's
Transaction Serial
Number (if any)

The warning cautions that the information provided is used to determine if the purchaser is prohibited from receiving firearm(s), and explicitly reads, "Any person who exports a firearm without a proper authorization from either the Department of Commerce or the Department of State, as applicable is subject to a fine of not more than \$1,000,000 and up to 20 years imprisonment."

19. In Section A of the 4473, firearm(s) description information must be recorded by the FFL (transferor/seller). Section A of page 1 is excerpted below:

Section A - Must Be Completed By Transferor/Seller Before Transfer (Do Not Complete Section B)

1	2	3	4	5
Manufacturer and Importer (if any) (If the manufacturer and importer are different, include both)	Model (if designer of)	Serial Number	Type	Caliber or Gauge
1				
2				
3				
6. Serial Number of this firearm to be transferred (Please call the number in the same form, etc. Do not use numbers 1)			7. Check if the purchaser has ever owned or possessed a firearm (Record Date Number(s) From Question 1)	
			8. Check if the purchaser is a restricted party (see part 1)	

20. In Section B (on page 1), the form is required to be completed by the purchaser (transferee/buyer). It requires the purchaser's identifying and demographic information be provided as reflected in the excerpt below:

Section B - Must Be Completed Personally By Transferor/Buyer

9. Transferee's/Buyer's Full Name (If legal name contains an initial only, record the initial followed by "TO" in quotes. If no middle initial or name, record "NMN")

10. Name (Last, first, middle initial, etc.) (A, M, B, H, I, J, K, L, M, N, O, P, Q, R, S, T, U, V, W, X, Y, Z) First Name Middle Name Last Name

11. Current, Mailing, Secondary, and Alternate U.S. Postal Address (Do not use P.O. boxes) (Do not use post office boxes)

Number and Street Address City State ZIP Code County (Include Box #4)

12. Place of Birth

Country and State OR Foreign Country FI Foreign Island

13. Sex

Male Female

14. Social Security Number (Do not use "00" for all digits and no special codes) 15. Transferee's/Buyer's State Identification (AMID ID) (if applicable)

16. Signature (If the transferee/buyer is under 18 years of age, the signature of the transferee/buyer must be provided)

Hispanic or Latino American Indian or Alaska Native Black or African American White

Not Hispanic or Latino Asian Native Hawaiian or Other Pacific Islander

17. Country of citizenship (If the transferee/buyer is a citizen of the United States, check "U.S.A.")

United States of America (U.S.A.) Other (Specify)

18. If you are an alien, record your U.S. alien status or admission number (ARR#, USCIS#, or I-94#)

21. Section B also requires the purchaser respond to a series of "Yes" or "No" questions under 21a-21k. These questions are used by the transferor to determine if the purchaser is prohibited from possessing/receiving firearm(s). Question 21 is split between pages 1 and 2, as depicted below:

Answer the following questions by checking or marking either the "yes" or "no" box to the right of the questions.		Yes	No
21. Are you the actual transferee/buyer of the firearm(s) listed on this form and any continuation sheet(s) (ATF Form 5306.9A)?			
Warning: You are not the actual transferee/buyer if you are acquiring the firearm(s) on behalf of another person. If you are not the actual transferee/buyer, the licensee cannot transfer the firearm(s) to you. Exception: If you are only picking up a reported firearm(s) for another person, you are not required to answer 21.a and may proceed to question 21.b.			
b. Are you under indictment or information in any court for a felony, or any other crime for which the judge could imprison you for more than one year, or are you a current member of the military who has been charged with a violation of the Uniform Code of Military Justice and whose charges have been referred to a general court-martial?		<input type="checkbox"/>	<input type="checkbox"/>
c. Have you ever been convicted in any court, including a military court, of a felony, or any other crime for which the judge could have imprisoned you for more than one year, even if you received a shorter sentence including probation?		<input type="checkbox"/>	<input type="checkbox"/>
d. Are you a fugitive from justice?		<input type="checkbox"/>	<input type="checkbox"/>
e. Are you an unlawful user of, or addicted to, marijuana or any depressant, stimulant, narcotic drug, or any other controlled substance?		<input type="checkbox"/>	<input type="checkbox"/>
Warning: The use or possession of any firearm remains unlawful under Federal law regardless of whether it has been legalized or decriminalized for medicinal or recreational purposes in the state where you reside.			

Previous Editions Are Obsolete

Page 1 of 6

STAPLE ID PAGE 5 BECOME SEPARATED

ATF Form 4473 (2008)
Revised May 2010

	Yes	No
f. Have you ever been adjudicated as a mental defective OR have you ever been committed to a mental institution?	<input type="checkbox"/>	<input type="checkbox"/>
g. Have you ever been discharged from the Armed Forces under dishonorable conditions?	<input type="checkbox"/>	<input type="checkbox"/>
h. Are you subject to a court order, including a Military Protection Order issued by a military judge or magistrate, restraining you from harassing, stalking, or threatening your child or an intimate partner or child of such partner?	<input type="checkbox"/>	<input type="checkbox"/>
i. Have you ever been convicted in any court of a misdemeanor crime of domestic violence, or are you or have you ever been a member of the military and been convicted of a crime that included, as an element, the use of force against a person as identified in the instructions?	<input type="checkbox"/>	<input type="checkbox"/>
j. Have you ever renounced your United States citizenship?	<input type="checkbox"/>	<input type="checkbox"/>
k. Are you so alien illegally or unlawfully in the United States?	<input type="checkbox"/>	<input type="checkbox"/>
21.1. Are you an alien who has been admitted to the United States under a nonimmigrant visa?	<input type="checkbox"/>	<input type="checkbox"/>
21.2. If you are such an alien do you fall within any of the exceptions stated in the instructions? (U.S. citizens/nationals leave 21.2 blank)	<input type="checkbox"/>	<input type="checkbox"/>

22. Question 21.1. specifically asks, "Are you the actual transferee/buyer of the firearm(s) listed on this form and any continuation sheet(s)..." In bold font, it continues, "Warning: You are not the actual transferee/buyer if you are acquiring the firearm(s) on behalf of another person. If you are not the actual transferee/buyer, the licensee cannot transfer the firearm(s) to you."

23. Between questions 21 and the certification portion of question 22, the following statement appears:

I certify that my answers in Section B are true, correct, and complete. I have read and understand the Notices, Instructions, and Definitions on ATF Form 4473. I understand that answering "yes" to question 21.a. if I am not the actual transferee/buyer is a crime punishable as a felony under Federal law, and may also violate State and/or local law. I understand that a person who answers "yes" to any of the questions 21.b. through 21.k. is prohibited from receiving or possessing a firearm. I understand that a person who answers "yes" to question 21.1.1. is prohibited from receiving or possessing a firearm, unless the person answers "yes" to question 21.1.2. and provides the documentation required in 26.d. I also understand that making any false oral or written statement, or exhibiting any fake or misrepresented identification with respect to this transaction, is a crime punishable as a felony under Federal law, and may also violate State and/or local law. I further understand that the repetitive purchase of firearms for the purpose of resale for livelihood and profit without a Federal Firearms License is a violation of Federal law.

22. Transferee's/Buyer's Signature	23. Certification Date
	Month Day Year

24. The certification statement cautions specifically, "I understand that answering "yes" to question 21.a. if I am not the actual transferee/buyer is a crime punishable as a felony under Federal law, and may also violate State and/or local law." It also warns, "I also understand that making any false oral or written statement, or exhibiting any false or misrepresented identification with respect to this transaction, is a crime punishable as a felony under Federal law, and may also violate State and/or local law." It continues, "I further understand that the repetitive purchase of firearms for the purpose of resale for livelihood and profit without a Federal firearms license is a violation Federal law."

25. The Background check portion of the form is documented by the FFL in Section C of pages 2-3. Unless the purchaser has a valid concealed carry weapon permit accepted in the state of purchase, the FFL is required to initiate a National Instant Check System (NICS) check with the Federal Bureau of Investigation (FBI) to determine if the person has any prohibiting factors that would preclude them from lawfully possessing or receiving firearm(s). When a NICS check is initiated by an FFL, NICS provides a unique identifier consisting of letters and numerals, which is referred to as a NICS transaction number. NICS also typically gives one (1) of the following responses: proceed, delayed, or denied. On a proceeded transaction, the firearm(s) can be transferred to the purchaser immediately; the opposite occurs with a denied transaction and no transfer is permitted. Delayed transactions may require additional time to research and may still result in a proceed or denied. It is possible that an inconclusive or untimely "no response" from NICS results, and it is possible for a firearm to be transferred lawfully by an FFL while in a "delayed" status. Section C is excerpted below:

Section C - Must Be Completed By Transferor/Seller Prior To The Transfer Of The Firearm(s)

24. Category of firearm(s) to be transferred (check or mark all that apply) <input checked="" type="checkbox"/> Handgun <input checked="" type="checkbox"/> Long Gun <input checked="" type="checkbox"/> Other Firearm (frame, receiver, etc.) (rifle or shotgun)	25. If sale or transfer is at a qualifying gun show or event Name of Function _____ City, State _____
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26 a. Identification (e.g., Virginia driver's license (VA DL) or other valid government issued photo identification including military ID) Issuing Authority and Type of Identification _____	Number on Identification _____	Expiration Date of Identification (if any) Month _____ Day _____ Year _____
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26 b. Supplemental Government Issued Documentation (if identification document does not show current residence address or full legal name)

26 c. Official Military Orders Establishing Permanent Change of Station (PCS)
 PCS Base City and State _____ PCS Effective Date _____ PCS Order Number (if any) _____

26 d. Exception to the Nonimmigrant Alien Prohibition. If the transferee/buyer answered "yes" to 21.1, record the type of documentation showing the exception to the prohibition and attach a copy to this ATF Form 4473.

27 a. Date the transferee/buyer's identifying information in Section B was transmitted to NICS or the appropriate State agency
 Month _____ Day _____ Year _____

27 b. The NICS or State transaction number (if provided) was _____

27 c. The response initially provided by NICS or the appropriate State agency was
 Proceed Delayed
 Denied [The firearm(s) may be transferred on _____ if State law permits (optional)]
 Cancelled

27 d. Prior to transfer the following response(s) was/were later provided by NICS or the appropriate State agency:
 Proceed _____ (date) _____
 Denied _____ (date) _____
 Cancelled _____ (date) _____
 No response was provided within 3 business days

27 e. After the firearm was transferred, the following response was provided by NICS or the appropriate State agency (if applicable) on _____ (date)
 Proceed Denied Cancelled

27 f. Name and Brady identification number of the NICS examiner (optional)
 _____ (name) _____ (number)

27 g. Name of FFL Employee Completing NICS check (optional)

28. No NICS check is required because a background check was completed during the NFA approval process on the individual who will receive the NFA firearm(s), as reflected on the approved NFA application.

29. No NICS check is required because the transferee/buyer has a valid permit from the State where the transfer is to take place, which qualifies as an exemption to NICS.
 Issuing State and Permit Type _____ Date of Issuance (if any) _____ Expiration Date (if any) _____ Permit Number (if any) _____

26. Page 3 further contains an option Section D re-certification by the purchaser that is only completed if the firearm(s) transfer takes place on a date different than the purchaser signed Section B.

27. Page 3 also includes Section E, which must be completed by the FFL. It contains a block in item 32 entitled "for use by Licensee" and contains a blank optional field. Item 33 is a required block with space for the name of the FFL and business premises address to be documented, as well as documentation of the abridged FFL number (requiring the first 3 and last 5 numerals in the FFL number). The first 3 numbers correspond to a state and region, for example, for FFLs located within the State of Arkansas, the first 3 numerals are 5-71. The last 5 numerals are unique to the individual FFL. The first 3 and last 5 numerals of the FFL number generally do not change as long as the license remains valid and issued to the same entity, so they are commonly used within the firearms industry and within ATF without inclusion of the county codes, license type, and expiration year and month codes that fall between the first 3 and last 5 numerals.

28. Section E on page 3 further contains the following certification section to be completed by the FFL.

The Individual Transferring The Firearm(s) Must Complete Questions 34-36.		
For Denied/Cancelled Transactions, The Individual Who Completed Section C Must Complete Questions 34-35.		
I certify that: (1) I have read and understand the Notices, Instructions, and Definitions on this ATF Form 447; (2) the information recorded in Sections A, C and E is true, correct, and complete; and (3) this entire transaction record has been completed at the licensed business premises ("licensed premises" includes business temporarily conducted from a qualifying gun show or event in the same State in which the licensed premises is located) unless this transaction has met the requirements of 18 U.S.C. 922(c). Unless this transaction has been denied or cancelled by NICS or State agency, I further certify on the basis of—(1) the transferee's/buyer's responses in Section B (and Section D, if applicable); (2) the verification of the identification recorded in question 26 (and the re-verification at the time of transfer, if Section D was completed); and (3) State or local law applicable to the firearms business. It is my belief that it is not unlawful for me to sell, deliver, transport, or otherwise dispose of the firearm(s) listed on this form to the person identified in Section B.		
34. Transferor's/Seller's Name (please print)	35. Transferor's/Seller's Signature	36. Date Transferred
		Month: Day: Year:

29. By signing Section E, and completing questions 34-36, the dealer/transferor certifies (in part) the fact that they have verified the identification of the purchaser. The remainder of pages 3-6 include notices, instructions, definitions, and similar information to be used for reference.