

charged and convicted criminals, I am familiar with the street names of various firearms and drugs in the Milwaukee area and the manner as in which individuals and organizations distribute controlled substances and firearms in Wisconsin and in other areas of the United States;

- A. I have relied upon informants to obtain controlled substances and firearms from dealers, and have extensive experience conducting street surveillance of individuals engaged in illegal activities. I have participated in the execution of numerous search warrants where controlled substances, drug paraphernalia, drug trafficking records, various firearms, firearm documents, firearm cleaning supplies, ammunition, computers, their electronic media storage devices, and manuals were seized; I have personally recovered and viewed photos such items located in elaborately made - hidden (concealed) compartments within homes of traffickers;
- 6) In June of 2010, I assisted in the arrest of an Interstate Drug Trafficker, this Trafficker was Federally Indicted and agreed to cooperate in providing information to Police regarding all crimes that the Trafficker is made aware of. The Trafficker, hereinafter referred to as CI (confidential informant) has provided past information which has been corroborated in parallel investigations. Information provided by the CI assisted Police in locating one (1) fugitives, laid suspects to three (3) unsolved Milwaukee area homicides in which one of the homicides was partially cleared by criminal charges of one person, and provided information as to other on-going drug trafficking organizations that led to over two (2) Federal Indictments.
- 7) In July 2011, the CI befriended a convicted felon named Mark Gierczak. The CI obtained information from Gierczak as an unwitting, that a Milwaukee Area Attorney named Thomas M. Barrett (white male 11-25-1959) of 12215 West Bluemound Road in Wauwatosa, Wisconsin – purchases stolen firearms. Through controlled / recorded phone calls the following dialect was captured between the unwitting and the CI:
 - a. On July 18, 2011 at approximately 1:17 PM, CI placed a recorded phone call to Mark GIERCZAK and during this call the CI asked GIERCZAK about the lawyer who bought stolen guns. GIERCZAK told the CI that the lawyer's name ATTORNEY BARRETT.
 - b. On July 18, 2011 at approximately 4:51 PM, CI placed a recorded phone call to GIERCZAK and during this call GIERCZAK assures the CI that it is safe to sell guns to ATTORNEY BARRETT because of attorney / client privileges.
 - c. On July 20, 2011 at approximately 11:54 AM, CI placed a recorded phone call to GIERCZAK and during this call the CI told GIERCZAK that he could make a key to a house and take steal three guns. GIERCZAK told the CI to take the guns and assured the CI that ATTORNEY BARRETT would buy the guns. GIERCZAK told the CI not to tell ATTORNEY BARRETT where the guns came from and it was implied that ATTORNEY BARRETT would not ask the CI any questions as to the gun's origin. GIERCZAK told the CI to call ATTORNEY BARRETT and gave the CI ATTORNEY BARRETT's number of 302-1660.

GIERCZAK stated that ATTORNEY BARRETT was a gun collector and that ATTORNEY BARRETT would clean and fix the guns or file off the serial numbers and resell them. GIERCZAK stated that ATTORNEY BARRETT is like a "fence", and that ATTORNEY BARRETT was safer than a "fence" because fences could talk to the police. He stated that ATTORNEY BARRETT could not tell on his clients either because he is an attorney. I know that the term "fence" is commonly used by criminals to describe a person that buys stolen goods and resells them for a profit. GIERCZAK also told the CI that he would call ATTORNEY BARRETT and let him know that the CI had some guns to sell and to anticipate the CI's call.

- d. On August 02, 2011, CI told GIERCZAK that the CI could steal two (2) guns from a (fictitious) female who had a boyfriend that was in custody and slated to go back to prison for six (6) years on a probation revocation. CI advised GIERCZAK that the one of the guns has a barrel that screws off and on. GIERCZAK relayed this information to ATTORNEY BARRETT. ATTORNEY BARRETT told GIERCZAK that CI was describing a silencer or a flash suppressor. GIERCZAK stated that ATTORNEY BARRETT told him that he would buy them from the CI and that ATTORNEY BARRETT stated for CI to not worry about the guns being reported stolen.

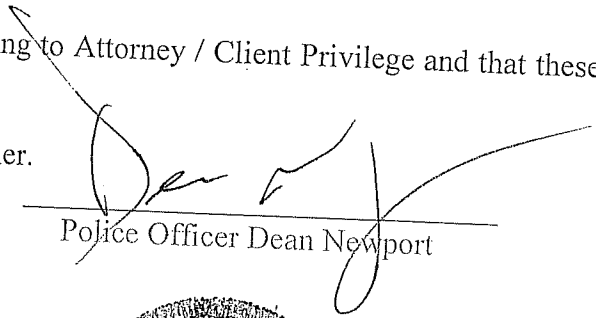
GIERCZAK advised SOURCE that if the "boyfriend" was going to prison for six (6) years, that he (boyfriend) was a felon. GIERCZAK told CI that if a house was burglarized and ten (10) kilograms of crack cocaine were taken, nobody would report it (to Police). GIERCZAK alluded to CI that it was similar to felons possessing firearms and silencers; that it is illegal under Federal Law for them to possess it and if they were stolen, the felon would not report it. (It is presumed that the aforementioned cocaine comparison came from ATTORNEY BARRETT, as GIERCZAK had spoken with and obtained other detailed information regarding the guns and laws from ATTORNEY BARRETT.) GIERCZAK told CI that ATTORNEY BARRETT is an attorney and knows the law, and ATTORNEY BARRETT said that under federal law, the felon can't even possess the silencer or flash suppressor. CI stated ATTORNEY BARRETT wanted to talk to CI on the phone and for CI to call ATTORNEY BARRETT.

- e. On August 05, 2011, a controlled phone call was made by the CI to ATTORNEY BARRETT's phone number of 414-302-1660. The phone call was directed to ATTORNEY BARRETT's answering machine and CI left a message for ATTORNEY BARRETT to call CI.
- f. On August 06, 2011, ATTORNEY BARRETT returned CI's "August 05, 2011" phone call. During the conversation, CI told ATTORNEY BARRETT that there were two (2) guns at a place where CI would have to go to get them. CI stated that the guns belonged to a person in jail. CI described the two guns as being a .32 caliber with a barrel that screws off and a .40 caliber. CI advised ATTORNEY BARRETT that the gun with the barrel that screws off might be a

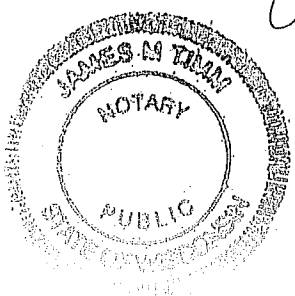
silencer. ATTORNEY BARRETT stated that it could be also be a flash suppressor or a shooting weight and that he will look at it. ATTORNEY BARRETT told the CI that he and the CI could meet where ever the CI wanted to without GIERCZAK. ATTORNEY BARRETT agreed that talking face to face will be much better (than on the phone).

- g. On August 12, 2011, a series of controlled recorded phone calls were placed from the CI to ATTORNEY BARRETT in reference to the two (2) firearms for sale. During one of the phone calls, the CI advised ATTORNEY BARRETT that the gun with the barrel that screws off, is in fact a Silencer. The CI advised ATTORNEY BARRETT that the CI fired the gun and that there was no noise associated with it. ATTORNEY BARRETT responded that the silencer is illegal and will still meet the CI to look at them. The CI advised ATTORNEY BARRETT that he would be in the parking lot of Mayfair Mall, in the Macy's parking lot. I know this address to be 2500 North Mayfair Road in Wauwatosa, Wisconsin.
- 8) On August 12, 2011, at approximately 1:38 pm, ATTORNEY BARRETT met the CI at the predetermined location, the parking lot. The CI showed ATTORNEY BARRETT two (2) certified ATF functional prop guns that were previously placed inside the trunk of a vehicle. The firearms were a semiautomatic .22 caliber High Standard Sportking with attached silencer and a 9 mm Smith & Wesson semiautomatic handgun. ATTORNEY BARRETT inspected each gun and commented towards the Sportking, stating that the gun is "highly, highly, highly illegal" and that it was a "Hitman's Gun". ATTORNEY BARRETT told the CI that he would take the Sportking and dispose of it. The CI advised ATTORNEY BARRETT that the CI has someone else that would purchase it and that the sale would be in a fashion of a package deal. ATTORNEY BARRETT ultimately agreed to take both firearms, to include the Silencer for \$400.00. The CI agreed and ATTORNEY BARRETT immediately paid the CI \$400.00 in US Currency. ATTORNEY BARRETT then encased both firearms in black plastic gun boxes, but first removed the Silencer from the Sportking, placing and locking it into a black portable Brinks Home Security Box. ATTORNEY BARRETT then placed all containers inside the trunk of his vehicle.
- 9) ATTORNEY BARRETT was subsequently arrested. An on-scene Miranda Statement was obtained from ATTORNEY BARRETT in which he did admit to me that he was a gun collector and an advocate for the 2nd Amendment. ATTORNEY BARRETT stated that he works on guns and has 15 – 20 collector guns at home in safes. ATTORNEY BARRETT denied filing off serial numbers to any guns or possessing any illegal guns, such as fully automatic weapons. ATTORNEY BARRETT stated that he is in a realm and that he knows it's a big problem and that we (Police) probably knew what happened.
- 10) I know that the Black Brinks Home Security Lockbox, remains locked and is exclusively under my direct control at the Milwaukee Police Department at 749 West State Street in Milwaukee, Wisconsin.

- 11) I know that 12215 West Bluemound Road in Wauwatosa, Wisconsin is the main unit of a duplex, having tan siding and green and brown trim with black numbers on white tile displaying "12215" affixed to the front of the house and the name "Barrett" affixed to the mailbox at curbside.
- 12) That based upon my training and experience, I know weapons, documents, firearm cases, gun cleaning kits, holsters, ammunition, receipts for weapons, utility bills, tools to remove firearm serial numbers, and keys and can be secreted in any part of a residence including garages and storage areas related to the premises and on persons located in the residence; and that the execution of a search warrant usually results in the seizure of such items associated with firearms as cartridges, holsters, additional magazines, cleaning supplies, ammunition and usually results in the recovery of personal property such as utility bills, canceled mail envelopes, bank statements, keys, photographs, videotapes, and other items or documents which establish the identities of persons in control of the premises and other items.
- 13) Based upon my training and experience, I seek permission to search all persons on the premises because: a) the premises in question is a private residence and weapons, and other weapon-related contraband may easily be secreted on one's person.
- 14) I believe that disclosure of any of the informant's identity, would end the informant's usefulness to the Milwaukee Police Department because drug dealers and other criminals would learn that the informant is working for the Milwaukee Police Department and, therefore, would no longer deal with the informant; that disclosure of the informant's identity would also discourage citizens from telling the Milwaukee Police Department about drug trafficking and other crimes in the Milwaukee area for fear that drug dealers and other criminals would learn their identities; and that I also believe that disclosures of the informant's identity would result in physical harm and/or death to the informant because of the drug dealers and other criminals desires to keep their activities secret;
- 15) I state that based on the above stated information that there is probable cause to believe that evidence of the crime of Possession of a Firearm Silencer and Alter Identity Marks in violations of the Wisconsin State Statues, Section 941.298(2) and 943.37(3), is now located at the residence of 12215 West Bluemound Road in Wauwatosa, Wisconsin and violations of the 941.298(2) in the Black Brinks Home Security Lockbox at 749 West State Street in Milwaukee, Wisconsin.
- 16) Search is to exclude items reasonably pertaining to Attorney / Client Privilege and that these items will NOT be search or seized.
- 17) Reviewed and approved by ADA Grant Huebner.


 Police Officer Dean Newport

Subscribed and sworn to before me this 12 th
 Day of August, 2011.
L.T. Jones
 Notary Public, State of Wisconsin
 My commission expires 09-08-2014



SEARCH WARRANT

**CIRCUIT COURT
FIRST JUDICIAL DISTRICT**

MILWAUKEE, WISCONSIN

STATE OF WISCONSIN)
) ss. In the Circuit Court of the First Judicial District of Wisconsin
MILWAUKEE COUNTY)

The State of Wisconsin, to any Sheriff, or any Law Enforcement officer of the State of Wisconsin:

WHEREAS, Police Officer Dean Newport has this day complained (by attached affidavit) to this court upon oath,

Showing probable cause that on Friday, August 12, 2011, there is now located and concealed in and upon certain premises, located within the City of Wauwatosa in Milwaukee County, controlled by Thomas M. Barrett (white male 11-25-1959), particularly described as follows:

DESCRIBE PREMISES: 12215 West Bluemound Road in Wauwatosa, Wisconsin is the main unit of a duplex, having tan siding and green and brown trim with black numbers on white tile displaying "12215" affixed to the front of the house and the name "Barrett" affixed to the mailbox at curbside.

Search to include all storage areas accessible to 12215 West Bluemound Road, including any basement, garage, and all persons present on premises, certain goods, chattels and property, to-wit:

DESCRIBE OBJECTS OF SEARCH:

1. Firearms
2. Ammunition
3. Firearm cleaning supplies
4. Tools to remove firearm serial numbers
5. Firearm related documents and photographs
6. Documents, utility bills, keys, and other items used to show who is in control of premises:

CIRCUIT COURT
MILWAUKEE COUNTY
AUG 15 PM 2:22

which thing(s) (were used in the commission) or (may constitute evidence) of a crime, to-wit:

DESCRIBE CRIME OR CRIMES:

- (1) Possession of a Silencer
- (2) Alter Identity Marks

committed in violation of sections 941.298(2) and 943.37(3) of the Wisconsin Statutes.

Now, THEREFORE, in the name of the State of Wisconsin, you are commanded forthwith to search the said premises and/or the said person(s) for said things, and take possession thereof, if found.

You are further commanded to return this warrant within forty-eight hours before the Assistant Chief Deputy Clerk of the Circuit Court, Crime, Misdemeanor, Traffic Division, or his designee, to be dealt with according to law.

Witness, the Honorable Richard J. Bankark, Circuit Judge of the First Judicial District of Wisconsin, at 7:23 on Aug 12, 2011.

(Hour, AM/PM)

(Month, Day, Year)

Richard J. Bankark
Judge of the Circuit Court

No Knock NO

Branch: 29

Court Reporter: _____