

United States District Court

WESTERN

DISTRICT OF

MISSOURI

UNITED STATES OF AMERICA

SUMMONS IN A CIVIL ACTION

v.

CASE NUMBER:

95-5003-CV-SW-1

ONE LOT OF RADIO COMMUNICATIONS DEVICES, RF POWER AMPLIFIERS, AND RF TEST EQUIPMENT CAPABLE OF OPERATION BETWEEN 6951 kHz AND 7480 kHz,

TO: (Name and Address of Defendant)

KEVIN K. TRUMMEL
1122 W. UNIVERSITY
SPRINGFIELD MO

YOU ARE HEREBY SUMMONED and required to file with the Clerk of this Court and serve upon

PLAINTIFF'S ATTORNEY (name and address)

CYNTHIA J. HYDE
ASST. U.S. ATTORNEY
901 ST. LOUIS STREET SUITE 500
SPRINGFIELD MO 65806

an answer to the complaint which is herewith served upon you, within XXXXXXXXXXXXXXXXXXXX days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint.

A claim within 10 days after service of this summons upon you, exclusive of the day of service, and an answer to the Complaint within 20 days after the filing of your claim, as required by Rule C of the Supplemental Rules of the Federal Rules of Civil Procedure for Certain Admiralty and Maritime Claims. If you fail to do so, judgment by default may be entered for the relief demanded in the complaint.

ROBERT F. COSSOR

CLERK

01-17-95

DATE

Sally A England

BY DEPUTY CLERK

IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF MISSOURI  
SOUTHWESTERN DIVISION

UNITED STATES OF AMERICA, )  
 )  
 Plaintiff, )  
 )  
 v. ) Case No. )  
 )  
 )  
 ONE LOT OF RADIO COMMUNICATIONS )  
 DEVICES, RF POWER AMPLIFIERS, AND )  
 RF TEST EQUIPMENT CAPABLE OF )  
 OPERATION BETWEEN 6951 kHz AND )  
 7480 kHz, )  
 )  
 Defendants. )

WARRANT FOR ARREST OF PROPERTY

TO: THE UNITED STATES MARSHAL, OR ANY OTHER DULY AUTHORIZED  
**FEDERAL LAW ENFORCEMENT OFFICER:**

A Complaint had been filed by the United States of America along with an affidavit made by Ronald D. Ramage, Engineer, Federal Communications Commission. The affidavit states that he has a reason to believe that the articles described above as One lot of Radio Communications Devices, RF power Amplifiers, and RF test Equipment capable of operation between 6951 kHz and 7480 kHz were unlawfully and illegally operated in violation of 47 U.S.C. 301 and are, therefore, subject to seizure and forfeiture to the United States of America, pursuant to 47 510(a).

An Order has been entered by the United States Magistrate Judge finding that there is probable cause to believe that the articles so described were unlawfully and illegally used and that sufficient grounds for issuance of a seizure warrant are stated in

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the supporting affidavit of Ronald D. Ramage. You are further advised that the term "One lot of Radio Communications Devices, RF power Amplifiers, and RF test Equipment capable of operation between 6951 kHz and 7480 kHz" is a term of art used in the Affidavit and Complaint to describe radio transmitters, radio receivers, connecting cables, external RF power amplifiers, and radio test equipment. The United States Marshal, at his discretion, shall be accompanied by federal, state or local law enforcement officers to assist him in the execution of this Warrant, including but not limited to duly authorized Engineers of the Federal Communications Commission.

YOU ARE HEREBY COMMANDED to enter upon the property located at 3111 Martin Drive, Joplin, Missouri 64804, further described as a blue, single-family dwelling with white trim and composite roof with the numbers 3111 displayed on the side of the mail box located at the curb immediately in front of the residence. You are therein to arrest and take into custody, until further order of the Court, the above described articles.

Claimants to the above described articles which are the subject of this action shall file their claims with the Office of the Clerk and serve a copy thereof upon Assistant United States Attorney, Cynthia J. Hyde, 901 St. Louis Street, Suite 500, Springfield, Missouri 65806, within ten (10) days after execution of the Warrant or notice of this seizure, whichever occurs first, pursuant to Rule C of the Supplemental Rules for Certain Admiralty and Maritime Claims, and shall serve and file their answers within

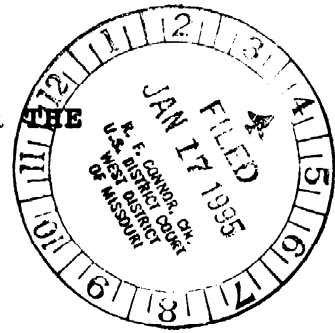
twenty (20) days after the filing for the claim.

IT IS FURTHER ORDERED that a return of this Warrant shall be made within ten (10) days of execution, together with notice to the Court of the individuals upon whom copies were served and the manner employed, and a statement as the satisfaction of the orders herein issued.

DATED this 17th day of January 1995.

*Sally A England*  
*Deputy Clerk*

IN THE UNITED STATES DISTRICT COURT FOR  
WESTERN DISTRICT OF MISSOURI  
SOUTHWESTERN DIVISION



UNITED STATES OF AMERICA, )  
 )  
 Plaintiff, )  
 )  
 v. )  
 )  
 ONE LOT OF RADIO COMMUNICATIONS )  
 DEVICES, RF POWER AMPLIFIERS, AND )  
 RF TEST EQUIPMENT CAPABLE OF )  
 OPERATION BETWEEN 6951 kHz AND )  
 7480 kHz, )  
 )  
 Defendants. )

Case No.

95-5003-CV-SW-1

O R D E R

I have read both the Complaint for Forfeiture In Rem in the above-styled case and the affidavit of Ronald D. Ramage, Engineer, Federal Communications Commission. I find and conclude on the evidence before me at this time that probable cause exists to believe that the defendant, One lot of Radio Communications Devices, RF power Amplifiers, and RF test Equipment capable of operation between 6951 kHz and 7480 kHz, is located in the Western District of Missouri, and was unlawfully and illegally used and operated in violation of 47 U.S.C. 301 and therefore, is subject to seizure and forfeiture to the United States of America, pursuant to 47 U.S.C.

Based upon my findings and conclusions, it is hereby

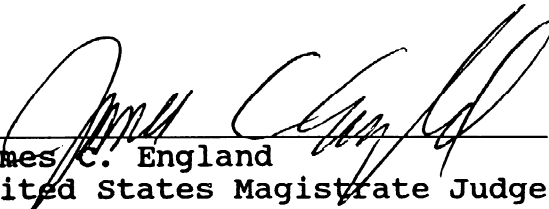
ORDERED that the Clerk shall forthwith issue and deliver to

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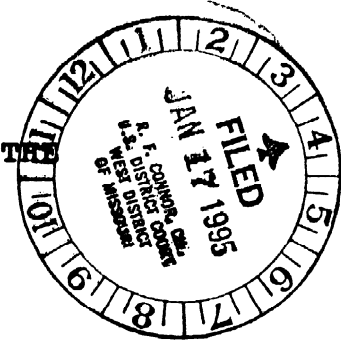
the United States Marshal a Warrant for Arrest of Property for the defendant, One lot of Radio Communications Devices, RF power Amplifiers, and RF test Equipment capable of operation between 6951 kHz and 7480

IT IS FURTHER ORDERED that the Deputy U.S. Marshal is authorized to enter the premises described in the Complaint and Affidavit, and the Clerk shall include a command of entry in the Warrant for Arrest of Property. The U.S. Marshal is hereby authorized, at his discretion to be accompanied by federal, state, or local law enforcement officers to assist him in the execution of the Warrant, including but not limited to duly authorized agents of the Federal Communications Commission.

IT IS SO ORDERED this 17<sup>th</sup> day of January 1995, at Springfield, Missouri.

  
\_\_\_\_\_  
James C. England  
United States Magistrate Judge

IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF MISSOURI  
SOUTHWESTERN DIVISION



UNITED STATES OF AMERICA, )  
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Plaintiff, )  
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v. )  
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ONE LOT OF RADIO COMMUNICATIONS )  
DEVICES, RF POWER AMPLIFIERS, AND )  
RF TEST EQUIPMENT CAPABLE OF )  
OPERATION BETWEEN 6951 kHz AND )  
7480 kHz, )  
)  
Defendants. )

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COMPLAINT FOR FORFEITURE IN REM

The United States of America by and through its attorneys, states its complaint against the defendant articles as follows:

1. This is an in rem forfeiture action brought pursuant to 47 U.S.C. 510.
2. Plaintiff, the United States of America, is a sovereign nation authorized to sue by 28 U.S.C. 1345.
3. The Court has jurisdiction pursuant to the statutes cited above and 28 U.S.C. 1355, 1356, and 2461.
4. The equipment described in the declaration as constituting the "radio station" and referred to herein as "articles" all constitute "One Lot of Radio Communications Devices, RF power Amplifiers, and RF test Equipment capable of operation between 6951 kHz and 7480 kHz" and is further described as radio transmitters, radio receivers, connecting cables, external RF power amplifiers, and RF test equipment.

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5. These Defendant articles are being operated for the purpose of emanating radio frequency energy within this district from the residence known as 3111 Martin Dr., Joplin, Missouri 64804.

6. These Defendant articles are being used in violation of 47 U.S.C. 301. The facts supporting this complaint are set forth in the attached affidavit and are incorporated herein by reference.

7. The articles are subject to seizure and forfeiture to the United States as authorized by 47 U.S.C. 510(a).

WHEREFORE, plaintiff prays that process in rem, in due form of law, be issued against these Defendant articles summoning them to appear and answer the allegations of this complaint; that judgment of forfeiture be entered against the Defendant articles; and that Plaintiff have such other relief as the Court deems just and proper.

Respectfully submitted,

Stephen L. Hill, Jr.  
United States Attorney

BY

*Cynthia J. Hyde*  
Cynthia J. Hyde,  
Assistant United States Attorney



# AFFIDAVIT

I, Ronald Ramage, being first duly sworn, depose and state as follows:

1 I am currently employed by the Federal Communications Commission and have been employed by this Agency since September 1983. I hold the position of Electronics Engineer at the Commission's Kansas City, Missouri, Field Office, and have held that position since September 1983. I hold a Bachelor of Science Degree in Electrical Engineering from Kansas State University.

2 My duties as Electronics Engineer include the monitoring, direction finding, and inspection of all non-licensed radio stations. This includes the use of sophisticated mobile automatic direction finding (MADF) equipment capable of pinpointing the source of radio transmissions. The equipment is vehicle mounted and enables me to locate the source of a transmission by measuring the strength of the signal. Normal procedure after determining the general location of the source of the transmission is to go to the area and employ this equipment to determine the exact source of the transmission. This includes driving around the neighborhood and taking different directional bearings of the signal from different locations and then comparing those results and "triangulating" the source of the electronic signal. During my career, I have used the direction finding methods described above to locate the source of radio transmissions more than 400 times without error.

3 The operation of any radio equipment for which a license is required in such a manner that allows radio frequency (RF) energy to be transmitted from one place in any state, territory, or possession of the United States to another place in the same state, territory, or possession, without such a license granted for the operation is in violation of 47 U.S.C. 301.

4 The Federal Communications Commission has several offices spaced throughout the United States that have the capability of receiving and triangulating the source of high frequency (HF) radio signals anywhere in the world to within a few miles of the source. One of the functions of this combined net of offices is to monitor for unlicensed "Pirate" radio operators who intentionally transmit on frequencies for which they have no license. During the period of November 22, 1992, through and including December 31, 1994, this group of offices has determined that one particular radio operator who identifies himself as "radio airplane" has been operating an unlicensed radio station in the vicinity of Joplin, Missouri, while

transmitting on various frequencies within the band of 6951 kHz to 7480 kHz. Each of these occurrences were logged by the on duty operator of each Commission office/monitoring station receiving the transmission. A comprehensive direction finding (DF) fix was then determined, based on the quality of signal received by each of these offices/monitoring stations. I have been informed by our Grand Island Nebraska Office that the fixes which are based on numerous transmissions from this "radio airplane" fall within a 15 mile radius of Joplin, Missouri.

5 On December 29, 1994, the Commission's Grand Island Office received a facsimile from a private individual which consisted of a computerized printout obtained from the Internet. This printout contained a public message titled "New Years Day Pirate Broadcasts." Included in the text of the message was a statement that "Radio Airplane" would be operating on "15050 kHz" at 1800 GMT and around 6955 kHz in upper sideband" starting at 2200 GMT (4:00 p.m.) on New Years Eve. The message was dated December 28, 1994.

6 On December 31, 1994, at approximately 7:05 p.m., while utilizing the sophisticated direction finding equipment described above, I pinpointed the source of the radio transmissions emanating on the frequency 6957 kHz to be originating from the residence known as 3111 Martin Dr., Joplin, Missouri. In conducting this investigation I employed the direction finding methods described above. Additionally, I made a visual inspection of the suspect residence and noted that several lights were on both within the residence and in the opened garage where a vehicle was parked. Another vehicle was parked in the driveway of the residence immediately behind the vehicle in the open garage and bearing Missouri license plate #LR8-461. While I was making this determination, Commission Engineer Michael Gusick was with me in the MADF vehicle and he was talking on a cellular telephone with Commission Engineer Clark Poole of the Grand Island Office. Immediately after determining the source of the transmissions, I spoke with Mr. Poole and listened to the audio he was receiving on 6956 kHz at the Grand Island, Nebraska Office where he was located. The audio I could hear in the phone, that Mr. Poole stated was from the received radio signal on 6956 kHz, matched exactly with the music I was monitoring on 6957 kHz on the radio receiver in the MADF vehicle.

7 The minute difference between the 6956 kHz and 6957 kHz settings on our respective radio receivers is probably due to the calibration between the dial settings on each of the two receivers being used. From my past experiences the radio signals used for this type of operation are several kilohertz wide and as a result the same signal can easily be heard within a minor

kilohertz variance in receiver settings. Therefore, I am confident that both Clark Poole and myself were listening to the same radio transmission originating from the same location as described above.

8 According to the Joplin area telephone directory and the Missouri Division of Motor Vehicles, the address of 3111 Martin Dr., Joplin Missouri is the residence of a Mr. John David Cruzan and Kelly L. Cruzan.


9 The frequency band of 6765-7000 kHz is allocated for use t h e United States for Non-Government use in the Aviation and International Fixed Public radio services in accordance with 47 C.F.R. Section 2.106. Both of these radio services require that a Commission issued license be obtained prior to commencement of any radio transmissions. I have checked the Commission's records and found no record of either John D. Cruzan or Kelly L. Cruzan being issued any radio station licenses. In addition, I could find no records authorizing any radio station at the location known as 3111 Martin Dr., Joplin, Missouri. Based on my experience and investigation I believe that the radio being operated on December 31, 1994, on the frequency of 6957 kHz from the premises known as 3111 Martin Dr., Joplin, Missouri is an illegal unlicensed radio station.

10 The vehicle bearing Missouri license plate #LR8-461 is registered within the State of Missouri to a Mr. Kevin K. Trummel, 1122 W. University, Springfield, Missouri 65807. The State of Missouri records indicate that the birth date for Mr. Trummel is June 3, 1964. According to the Commission's records a Kevin K. Trummel with the same birth date is licensed by the FCC as a General Class Amateur radio operator under license N9GDG. No other records were found for Mr. Trummel which would indicate that he was issued any other license by the Commission.

11 The facsimile received by the Commission on December 29, 1994 which pertained to the Internet computer message showed that a Kevin K. Trummel had initiated the message indicating that Radio Airplane would be operating a pirate radio station on New Years Eve.

12 In summary, I have probable cause to believe that an unlawful radio station is being operated at the aforesaid address of 3111 Martin Dr., Joplin, Missouri, and that all equipment constituting such station, including transmitters, receivers, cables, external RF power amplifiers, and RF test equipment, all of which comprise by FCC definition "One Lot of Radio

Communications Devices, RF Power Amplifiers, and RF test Equipment, capable of operation between 6951 kHz and 7480 kHz" are on said premises and subject to seizure.

  
\_\_\_\_\_  
**Ronald D. Ramage**  
Electronics Engineer  
Federal Communications Commission

Sworn to before me and in my presence on this \_\_\_\_ day of January 1995.

  
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**James C. England**  
United States Magistrate Judge