

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF IOWA
CEDAR RAPIDS DIVISION

UNITED STATES OF AMERICA,)
)
Plaintiff,)
) No. 23-CR-36-CJW
vs.)
)
ALEXANDER WESLEY LEDVINA,)
)
Defendant.)
)
)
)

JOINT STIPULATION
IN LIEU OF TRIAL EVIDENCE

Defendant Alexander Wesley Ledvina and the United States of America stipulate and agree that the following facts are true and may be considered by the Court without further evidence being offered:

1. Between April 2018 and February 2022, defendant purchased at least 14 firearms. Defendant purchased the following firearms on the following dates:

April 19, 2018:	Smith & Wesson 638, .38 S&W Spl Revovler
June 19, 2019:	Century Arms VSKA 7.62x39mm Rifle
November 28, 2020:	ATI Glow MS, Multi caliber Receiver
May 16, 2021:	Smith & Wesson M&P 9 Shield Plus, 9x19mm Pistol
May 26, 2021:	PSA PA15 Stealth Multi caliber Receiver
June 12, 2021:	Ruger 10/22, .22 LR Rifle
September 14, 2021:	ATI Bulldog, 12g Shotgun
December 22, 2021:	CZ Scorpion EVO 3, 9mm Pistol
January 14, 2022:	Zastava ZPAP92, 7.62x39mm Pistol
January 22, 2022:	Remington 700, .30-06 Rifle
February 1, 2022:	WBP Fox AK47, 7.62x39mm Rifle
February 4, 2022:	IWI Tavor X95, 5.56mm Rifle
February 25, 2022:	FK BRNO PSD Multi caliber Pistol 10mm Auxiliary barrel
February 25, 2022:	2 nd Amendment ADM-65, 7.62x39mm Rifle

2. In March of 2022, defendant was in possession of firearms.
3. On or about March 24, 2022, an officer with the Cedar Rapids Police Department was dispatched to defendant's residence, [REDACTED] in Cedar Rapids, Iowa, regarding a reported burglary. Defendant lived in one-half of a duplex, and the officer was invited into defendant's half of the duplex by defendant. The officer smelled an odor of marijuana coming from inside defendant's residence, and the officer observed multiple firearms throughout defendant's residence. Defendant was in possession of the firearms that were inside of his residence on March 24, 2022. The odor of marijuana inside defendant residence was a result of defendant's marijuana use. Defendant was smoking marijuana in March of 2022.
4. On May 20, 2022, ATF agents collected defendant's trash and searched defendant's trash. In defendant's trash, agents found an empty box of Wolf 7.62x39mm caliber ammunition, a flyer addressed to the current resident of [REDACTED] [REDACTED] several cigar wrappers, and loose tobacco. All these items belonged to defendant. Based on the training and experience of investigators, cigar wrappers and loose tobacco are consistent with an individual removing the tobacco from the cigars, replacing the tobacco with marijuana, and smoking the marijuana. Defendant was smoking marijuana in May of 2022.
5. On July 29, 2022, ATF agents were contacted by the store owner of Black Dog Guns in Marion, Iowa. Defendant had purchased a firearm, and he had it

transferred to Black Dog Guns. While at the store, an employee smelled the odor of marijuana coming from defendant. Defendant smelled like marijuana because defendant had been using marijuana. Defendant was smoking marijuana in July of 2022.

6. On July 29, 2022, defendant purchased an Arsenal Bulgarian P-MO1, 9x18mm caliber pistol, from Black Dog Guns in Marion, Iowa. Black Dog Guns is a federally licensed firearms dealer, a business licensed under the provisions of Chapter 44 of Title 18, United States Code. In connection with this purchase on July 29, 2022, in the Northern District of Iowa, defendant filled out and signed an ATF 4473 form. On the form, defendant knowingly made a representation that he was not an unlawful user of, or addicted to, marijuana or any depressant, stimulant, narcotic drug, or any other controlled substance. At the time defendant made the representation, defendant knew he had used controlled substances in March, April, May, June, and July 2022.

7. Defendant completed the purchase of the Arsenal Bulgarian P-MO1, 9x18mm caliber pistol, and left Black Dog Guns. From there, defendant drove to the 2nd Amendment Company in Cedar Rapids, Iowa. While at the 2nd Amendment Company, defendant purchased two boxes of 9x18mm Makarov ammunition.

8. On August 11, 2022, a search warrant was executed at defendant's residence. Investigators encountered defendant as he was returning to his residence in his vehicle. As investigators approached defendant and instructed

him to show his hands, defendant continued to look and reach down towards the floorboard of the driver's seat. Defendant eventually opened the door and got out of the vehicle. As defendant got out of the vehicle, defendant's car began to roll backwards, and an investigator jumped into defendant's vehicle to place the vehicle in park. During the search of defendant's vehicle, officers located a loaded Smith & Wesson M&P 9 Shield Plus, 9x19mm caliber pistol on the driver's side floorboard, defendant's cellphone on the front passenger's seat, a partially smoked cannabis roach in the storage area in front of the shifter of the vehicle, and a plastic bag containing cannabis in the center console of the vehicle. Investigators also located defendant's Iowa permit to carry firearms and his Iowa driver's license in his wallet.

9. In defendant's residence, investigators located four firearms. Investigators located a Zastava ZPAP92, 7.62x39mm caliber pistol, that was loaded with 29 rounds of 7.62mm ammunition in the living room leaning against a coffee table. Also on the coffee table, investigators located 27 rounds of assorted ammunition, mail addressed to Alex Ledvina at [REDACTED] Cedar Rapids, Iowa, a small quantity of cannabis containing an unknown amount of THC, a digital scale, and rolling papers. Investigators located 13.3 grams of marijuana on the floor under the couch in the living room. Investigators located numerous heat-seal plastic baggies in the living room closet. Investigators located a Ruger 10/22, .22 LR caliber rifle, in a black case on the floor of the bedroom. Investigators located an IWI Tavor X95, 5.56 NATO caliber rifle, that was loaded 39 rounds of

ammunition in the bedroom next to a vanity. Investigators located an Arsenal Bulgaria, P-MO1, 9x18mm caliber pistol, inside a Black Dog box that was at the bottom of the vanity in the bedroom. Investigators located a large digital scale in the vanity in the bedroom. Investigators located 137.08 grams of cannabis containing an unknown level of THC inside glass jars in the vanity in the bedroom. Investigators located an RWB AR-15, 5.56/.233 caliber drum magazine in the bedroom. Investigators also located multiple rounds of ammunition and multiple magazines throughout the residence. Throughout the bedroom, investigators located 606.1 grams (2,037 blue tablets labeled "B707") that were instrumentally consistent with adinazolam.

10. Investigators obtained a urine sample from defendant on August 11, 2022. Toxicology results of defendant's urine confirmed the presence of Benzoylecgonine (a metabolite of cocaine), Ecgonine methyl ester (a metabolite of cocaine), and 11-nor-9-carboxy-delta-9-tetrahydrocannabinol (a metabolite of THC). Defendant's urine contained two cocaine metabolites and a THC metabolite because had used cocaine and marijuana at some point prior to the urinalysis. Defendant used cocaine sometime between August 8, 2021, and August 11, 2021. Defendant used marijuana sometime between July 21, 2022, and August 11, 2021. Defendant was using cocaine and marijuana during the same time that he was in possession of the above-mentioned firearms. Between at least March 2022 and July 2022, defendant used marijuana at least five to six times per week. In August 2022, defendant continued to consistently use marijuana.

11. On or about August 11, 2022, in the Northern District of Iowa, defendant knowingly possessed one or more firearms, specifically:

- i. A Smith & Wesson M&P 9 Shield Plus, 9x19mm caliber pistol;
- ii. An Arsenal Bulgarian P-MO1, 9x18mm caliber pistol;
- iii. A Ruger 10/22, .22 LR caliber rifle;
- iv. A Zastava Arms ZPAP92, 7.62x39mm caliber pistol; and
- v. An IWI Tavor X95, 5.56 NATO caliber rifle.

12. Defendant knowingly possessed the firearms listed above on August 11, 2022. Each of the weapons listed above are weapons that will, or are designed to, expel a projectile by action of an explosive. The firearms function as designed. Each firearm was manufactured outside the State of Iowa and necessarily traveled in interstate commerce prior to or during defendant's possession of them. In March, April, May, June, July, and August of 2022, defendant was in possession of firearms. Defendant knew he was using controlled substances, including marijuana, THC, and cocaine in March, April, May, June, July, and August 2022.

13. Between March 2022 and August 11, 2022, defendant was not prescribed marijuana, THC, or cocaine by a licensed physician. At no point in time has defendant be prescribed marijuana, THC, or cocaine by a licensed physician.

14. Following the search at defendant's residence on August 11, 2022, investigators obtained a search warrant for defendant's phone.

15. Joint Exhibit 1 is a series of text messages that were located on defendant's phone.

16. Defendant acknowledges that defendant has read each of the provisions of this entire stipulation with the assistance of counsel and understands its provisions. Defendant has discussed the case and defendant's constitutional and other rights with defendant's attorney. Defendant understands that, by entering into this stipulation, defendant will be giving up the right to trial by jury; to confront, cross-examine, and compel the attendance of witnesses; to present evidence in defendant's defense; and to remain silent and refuse to be a witness by asserting defendant's privilege against self-incrimination.

17. As to forfeiture, defendant understands that he has been charged with criminal offenses that give rise to criminal forfeiture pursuant to 18 U.S.C. § 924(d) as firearms and ammunition involved in or used in the knowing violations as charged in this case, subjecting the firearms and ammunition to forfeiture pursuant to 18 U.S.C. § 981(d) and 28 U.S.C. § 2461(c).

18. Rule 32.2(b)(5)(A) of the Federal Rules of Criminal Procedure states that when a criminal case involving forfeiture is tried to a jury, defendant may request that jury be retained to determine the forfeitability of specific property if the jury returns a guilty verdict as to the offense or offenses giving rise to forfeiture. Because defendant has waived his right to a jury trial as to the underlying criminal charges, defendant also stipulates and agrees to the waiver of any and all rights he may have to retain the jury to determine the forfeitability of specific property pursuant to Rule 32.2(b)(5)(A) of the Federal Rules of Criminal Procedure.

19. Defendant further stipulates and agrees that a determination of the forfeiture of the guns and ammunition involved in the violations alleged in this case will also be determined by the Court as soon as practical after a finding of guilt as to the criminal offenses giving rise to forfeiture, pursuant to Rule 32.2(b)(1)(A) of the Federal Rules of Criminal Procedure. The Rule states and defendant so stipulates and agrees that because the government seeks the forfeiture of specific property, the Court, rather than the jury, will determine whether the United States establishes the requisite nexus between the guns and ammunition subject to forfeiture and the offense or offenses of conviction.

20. Defendant further retains any and all rights pursuant to Rule 32.2(b)(5)(B) of the Federal Rules of Criminal Procedure to submit any additional evidence or information for the Court's nexus determination accepted by the Court as relevant and reliable.

21. Defendant agrees defendant's attorney has represented defendant in a competent manner and has no complaints about that lawyer's representation.

22. Defendant states defendant is not now on or under the influence of any drug, medication, liquor, or other substance, whether prescribed by a physician or not, that would impair defendant's ability to fully understand the terms of this stipulation.

Alex Ledvina 10-27-23
Alexander Wesley Ledvina Date
Defendant

Adam J. Vander Stoep 10/27/23
Adam J. Vander Stoep Date
Assistant United States Attorney

Michael Lahammer 10/27/23
Michael Lahammer Date
Attorney for Defendant