

**THE FEDERAL DEFENDERS OF MONTANA**

ANTHONY R. GALLAGHER  
FEDERAL DEFENDER

MARK WERNER  
DEPUTY FEDERAL DEFENDER

MICHAEL DONAHOE  
SENIOR LITIGATOR

BILLINGS BRANCH  
2702 Montana Ave.  
Suite 101

BILLINGS, MONTANA 59101  
(406) 259-2459  
FAX (406) 259-2569  
(800) 823-2459

ASSISTANT FEDERAL DEFENDERS  
STEVEN BABCOCK - Billings  
DAVID MERCHANT - Billings  
GILLIAN GOSCH - Billings  
DAVID NESS - Great Falls  
EVANGELO ARVANETES - Great Falls  
R. HENRY BRANOM Jr. - Great Falls  
JOHN RHODES - Missoula  
ANDREW NELSON - Missoula

RESEARCH ATTORNEY  
JOSLYN HUNT - Helena

February 2, 2016

Marcie Zink  
United States Probation Officer  
2601 2<sup>nd</sup> Ave North, suite 1300  
Billings, MT 59101

Re: United States v. Wolf, CR 15-49-BLG-SPW  
Response To Presentence Report.

**Offense Conduct**

¶¶ 6-26.

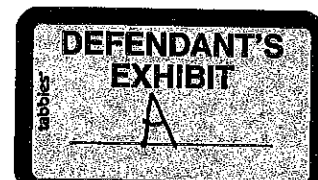
Defendant objects to these paragraphs based upon the following. By way of introduction these paragraphs refer little to the actual offenses charged against defendant—possession of a machine gun and an unregistered firearm.

Wolf either uttered the remarks listed in these paragraphs or took the actions referred to therein in reference to what would be necessary if a war started and was engaged in between the government and those citizens who believed the government was oppressing them to such a degree that it was necessary to fight the government with arms.

By the government Wolf meant any all agents and officers of the government including local law enforcement officials who executed orders on behalf of the government. Wolf had always made clear that such a conflict he felt was very likely but at the same time he was going to do whatever he could to prevent it through peaceful and lawful means.

Wolf also always made clear that this would be a conflict which the government started by using force and arms against its citizenry—a citizenry that had expressed its outrage and criticism of the government's corruption and abuse of the citizenry. The government starting such a conflict does not mean isolated enforcement of the law against a few in the patriot movement who had violated the law.

The occurrence of such a conflict is a big contingency. It is something which many citizens deem not realistic, and would not occur. However, what defendant expressed was his view under the 1<sup>st</sup> Amendment. His purchase of the machine gun was for home defense, i.e. self defense in the event



such a conflict came about, i.e. was started by the government in response to the loud protests of people over the actions of its agents and officers. That such an event would occur is far from being reasonably certain.

¶ 6.

Concerning ¶ 6 and citizen arrests this was not commented upon by Wolf in the event the war had started, but rather as a statutorily authorized means of commencing the prosecution of government officials who had violated their oath of office and, thereby, broke the law. However, as is seen from Wolf's own actions the citizen was in reliance upon law enforcement to actually take over and remove and official for prosecution.

¶ 10. There was no such development of a "blowtorch gun" by the defendant and the evidence did not show that there was.

¶¶ 13, 14.

This discussion took place because there was no reason for the government to have this type of weaponry to use against its citizens.

¶ 17

Defendant did not request a fully automatic shotgun to be delivered to him for purchase. He requested that such a firearm be converted so that it could be a legal purchase.

¶ 20.

This is talk and protected under his right to free speech.

¶ 21.

Defendant was texted by Ed Gray about the barrel length. Defendant knew that the automatic firearm had only one barrel length but that the semi automatic had three. He asked for the shortened military barrel. He did not ask for a "sawed off" barrel.

¶ 24. Defendant did not ask for the Saiga shotgun to be converted to fully automatic. He asked only for a fully automatic shotgun before being converted to semiautomatic because of the durability of that weapon. He did not want the Saiga in fully automatic mode.

**Offense Level Computation. ¶¶ 32–40.**

Defendant objects to these paragraphs because they state a calculation which is based upon inaccuracies. The jury found that Wolf purchased a machine gun. Wolf testified that he purchased the firearm which the jury found to be a machine gun for home defense and again it was only to be used if a conflict occurred between the government and citizens who opposed governmental tyranny.

Mr. Wolf did not have a violent history. He regarded firearms as important. He felt the presence of an oncoming conflict and he felt the need to be armed to defend himself. He did not arm himself for an assault with the intent to commit murder. That cannot be established with any reasonable certainty. Specifically in this case there had been no assault on any specific person. There had been no assault in progress which was interrupted by outside forces.

Defendant did not purchase this shotgun to murder anyone. He did not talk about flame throwers or other means of violence in order to murder someone, but again in the context of a war having started. There of course was no evidence presented that defendant possessed a flamethrower or other such weaponry, or that he actually engaged in making such weapons. He talked about them to willing listeners like UCE and Mr. Grey who encouraged such talk.

Further defendant did not obstruct or impede this investigation, prosecution or sentencing. He was arrested, taken into custody and there he has remained. He has exercised what rights he has in that context, including the right to go to trial.

**Personal And Family Data.**

¶ 50.

Christopher Hogg is defendant's given birthright name. When he later discovered that Cecil Hogg was not his father, he had his name legally changed. There is no Christopher Hogg to track down.

**Employment Record.**

¶ 64.

Hans Zech and defendant operated Patriot Metal works as an informal partnership. There are no records.

¶66.

Defendant was a guest host of the radio station and not an operator.

**Financial Condition.**

The \$4600 has been discharged. He does not know about the \$10,267.

**Sentencing Options**

For the reasons stated above as to offense conduct and offense calculation defendant objects to ¶70.

Thank You for your report.

Mark S. Werner, Deputy Federal Defender