

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
EASTERN DIVISION

|                           |   |                         |
|---------------------------|---|-------------------------|
| UNITED STATES OF AMERICA, | ) |                         |
|                           | ) |                         |
| Plaintiff,                | ) | CR. No. <u>08-10119</u> |
|                           | ) |                         |
| v.                        | ) | 18 U.S.C. § 2           |
|                           | ) | 18 U.S.C. § 371         |
| DANIEL G. COWART, and     | ) | 18 U.S.C. § 879         |
| PAUL M. SCHLESSELMAN,     | ) | 18 U.S.C. § 922(a)(4)   |
|                           | ) | 18 U.S.C. § 922(u)      |
| Defendants.               | ) | 18 U.S.C. § 924(b)      |
|                           | ) | 26 U.S.C. § 5861(c)     |
|                           | ) | 26 U.S.C. § 5861(j)     |

**INDICTMENT**

**RECEIVED**

THE GRAND JURY CHARGES:

NOV 05 2008

United States District Court  
Western Tennessee

**COUNT 1**

1. Beginning on or about September 1, 2008, the exact date being unknown to the Grand Jury and continuing until on or about October 22, 2008, in the Western District of Tennessee and elsewhere, the defendants,

----- DANIEL G. COWART -----  
----- and -----  
----- PAUL M. SCHLESSELMAN -----

did knowingly and willfully combine, conspire, and agree with each other and with persons unknown to the grand jury, to commit offenses against the United States, that is:

- A. To steal or unlawfully take or carry away from the person or the premises of a person who is licensed to engage in the business of importing, manufacturing or dealing in firearms in the licensee's business inventory that has been shipped or transported in interstate or foreign commerce, in violation of Title 18, United States Code, Section 922(u).

- B. With the intent to commit therewith an offense punishable by imprisonment for a term exceeding one year, or with knowledge of reasonable cause to believe that an offense punishable by imprisonment for a term exceeding one year is to be committed therewith, transports, or receives a firearm or any ammunition in interstate or foreign commerce, in violation of Title 18, United States Code, Section 924(b).
- C. For any person other than a licensed importer or, a licensed manufacturer, a licensed dealer, or licensed collector, to transport in interstate commerce a short barreled shotgun except as specifically authorized by the Attorney General consistent with public safety and necessity, in violation of Title 18, United States Code, Section 922(a)(4).

### OBJECT OF THE CONSPIRACY

2. It was the object of the conspiracy that **COWART** and **SCHLESSELMAN** transported firearms and ammunition from Arkansas to Tennessee. **COWART** and **SCHLESSELMAN** transported the firearms for the purpose of using the weapons to facilitate the commission of other crimes which included but were not limited to the robbery of a gun store, home invasion robberies, burglaries and murder.

### OVERT ACTS

In furtherance of the conspiracy and to affect the objects thereof, at least one of the overt acts were committed in the Western District of Tennessee.

3. From on or about September 1, 2008, and continuing until on or about October 20, 2008 **COWART** and **SCHLESSELMAN** discussed over the internet, a plan for a killing spree and robberies that they would have to commit to support such a spree.

4. On or about September 11, 2008 **COWART** showed **SCHLESSELMAN** a diagram of the floor plan of a firearms store in Madison County, Tennessee.

5. On or about September 11, 2008 **COWART** showed **SCHLESSELMAN** the photo of the firearms store.

6. On or about October 14, 2008 **SCHLESSELMAN** sawed the barrel down on his 12 gauge shot gun. **SCHLESSELMAN** cut the barrel down to shorter than 18 inches and showed **COWART** over the internet the sawed off shotgun.
7. On or about October 20, 2008, **COWART** drove to Arkansas to pick up **SCHLESSELMAN**.
8. On or about October 20, 2008, **COWART** and **SCHLESSELMAN** transported the sawed off shotgun and a .357 caliber handgun, as well as boxes of ammunition from Arkansas to Tennessee in **COWART's** Honda Civic.
9. On October 21, 2008, **COWART** and **SCHLESSELMAN** went to a pawn shop where **COWART** purchased a box of 12 gauge shotgun shells.
10. On or about October 21, 2008, **COWART** and **SCHLESSELMAN** went to a second pawn shop where **COWART** purchased a magazine for his .308 caliber rifle.
11. On or about October 21, **COWART** and **SCHLESSELMAN** purchased from Wal-Mart two ski masks and nylon rope for the robberies.
12. On or about October 22, **COWART** and **SCHLESSELMAN** went to Wal-Mart where **COWART** purchased 50 rounds of .25 caliber ammunition for use in their robberies and killing spree.

All in violation of Title 18, United States Code, Section 371.

**COUNT 2**

On or about October 20, 2008, in the Western District of Tennessee, the defendants,

----- **DANIEL G. COWART** -----  
----- **and** -----  
----- **PAUL M. SCHLESSELMAN** -----

being aided, abetted, counseled and induced each by the other, knowingly transported a firearm, in interstate commerce, from Arkansas to Tennessee, that being a Mossberg, 12 gauge shotgun, which had a barrel of less than eighteen (18) inches in length, as defined in Title 26, United States Code, Sections 5845(a) and (d), that is not registered in the National Firearms Registration and Transfer Record, as required by chapter 53 of Title 26, in violation of Title 26, United States Code, Sections 5841, 5861(j) and 5871; and Title 18, United States Code, Section 2.

**COUNT 3**

On or about October 20, 2008, in the Western District of Tennessee, the defendants,

----- **DANIEL G. COWART** -----  
----- **and** -----  
----- **PAUL M. SCHLESSELMAN** -----

being aided, abetted, counseled and induced each by the other, knowingly transported firearms, in interstate commerce, from Arkansas to Tennessee, that is, a Mossberg, 12 gauge shotgun and a .357 caliber handgun, with the intent to commit therewith offense(s) punishable by imprisonment for a term exceeding one year, in violation of Title 18, United States Code, Section 924(b) and Section 2.

**COUNT 4**

On or about October 20, 2008, in the Western District of Tennessee, the defendants,

----- **DANIEL G. COWART** -----  
----- **and** -----  
----- **PAUL M. SCHLESSELMAN** -----

not being a licensed importer, a licensed manufacturer, or a licensed dealer, or a licensed collector, being aided, abetted, counseled and induced each by the other, knowingly transported in interstate commerce, a short barreled shotgun which was not specifically authorized by the Attorney General consistent with public safety and necessity, in violation of Title 18, United States Code, Section 922(a)(4), and Section 2.

**COUNT 5**

On or about October 21, 2008, in the Western District of Tennessee, the defendants,

----- **DANIEL G. COWART** -----  
----- **and** -----  
----- **PAUL M. SCHLESSELMAN** -----

being aided, abetted, counseled and induced each by the other, knowingly possessed a firearm which had been made and altered to have a barrel of less than eighteen (18) inches in length, being a Mossberg, 12 gauge shotgun, in violation of Title 26, United States Code, Sections 5845, 5861(c), and 5871; and Title 18, United States Code, Section 2.

**COUNT 6**

On or about October 23, 2008, in the Western District of Tennessee, the defendant,

----- **PAUL M. SCHLESSELMAN** -----

did knowingly and willfully threaten to kill and inflict bodily harm upon a major candidate for the office of President of the United States, specifically, Barack Obama, in violation of Title 18, United States Code, Section 879.

**COUNT 7**

On or about May 16, 2008, in the Western District of Tennessee, the defendant,

----- **DANIEL G. COWART** -----

did knowingly and willfully threaten to kill and inflict bodily harm upon a major candidate for the office of President of the United States, specifically, Barack Obama, in violation of Title 18, United States Code, Section 879.

A TRUE BILL:

\_\_\_\_\_  
s/Grand Jury Foreperson

FOREPERSON

DATE: November 5, 2008

*Lawrence J. Lawrence*  
ACTING UNITED STATES ATTORNEY