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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF IDAHO

UNITED STATES OF AMERICA,

Plaintiff,

vs.

ARTHUR MICHAEL RHYNE,
a/k/a ARHTUR MICHAEL ONEIL,
a/k/a ARTHUR MAYNARD SMITH,
and a/k/a ARTHUR MAYNARD ONEAL,

Defendant.

Case No. 1:23-cr-00292-BLW

**UNITED STATES OF AMERICA'S
SENTENCING MEMORANDUM**

Arthur Rhyne comes before the Court having been convicted of the charge of Unlawful Possession of Firearms. Even though Rhyne, a multi-convicted felon, is prohibited from possessing firearms, he acquired numerous firearms, including machineguns, and willingly armed dangerous individuals with these weapons. The Government recommends that the Court sentence Rhyne to a term of imprisonment of 84 months in prison, to be followed by 3 years of supervised release. The Government also requests that the Court forfeit the property listed in the Preliminary Order of Forfeiture.

BACKGROUND

Rhyne is before this Court for sentencing for illegally possessing firearms. In October 2023, agents with the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) arrested Rhyne after locating numerous firearms, machineguns, ammunition, and methamphetamine in his Twin Falls home. Rhyne pleaded guilty pursuant to a plea agreement to one count of Unlawful Possession of Firearms, in violation of 18 U.S.C. § 922(g)(1). As described herein, the facts and circumstances of this case, along with the history and characteristics of the Defendant, demonstrate a sentence of 84 months is sufficient, but not greater than necessary, to achieve the 18 U.S.C. § 3553(a)(2) factors.

APPLICABLE SENTENCING GUIDELINES RANGE

The Government's agrees with the offense level computation and criminal history category outlined in the Final Presentence Report. (Dkt. 51.) Rhyne has a total offense level of 25 and a criminal history category of III, for a resulting guideline range of 70-87 months. (*Id.*)

SENTENCING ANALYSIS UNDER 18 U.S.C. § 3553

A. The Nature and Circumstances of the Offense

I. Background Information: Machinegun Conversion Devices

A machinegun conversion device (MCD) is a device that, when integrated with a semiautomatic firearm, will convert it to fire in fully automatic capacity.¹ MCDs are defined as machineguns under federal law, even when not integrated with a frame. *See* 26 U.S.C.

¹ “Machinegun” is defined in 26 U.S.C. § 5845(b) and 18 U.S.C. § 921(a)(24) as, “any weapon which shoots, is designed to shoot, or can be readily restored to shoot, automatically more than one shot, without manual reloading, by a single function of the trigger. The term shall also include the frame or receiver of any such weapon, any part designed and intended solely and exclusively, or combination of parts designed and intended, for use in converting a weapon into a machinegun, and any combination of parts from which a machinegun can be assembled if such parts are in the possession or under the control of a person.”

§ 5845(B). MCDs include “Drop in Auto Sears” (DIAS), which are designed for use on AR-type firearms, and more recently developed “Switches” or “Chips,” which are designed for use on certain semiautomatic pistols, such as a Glock. MCDs are often difficult to locate or recognize.

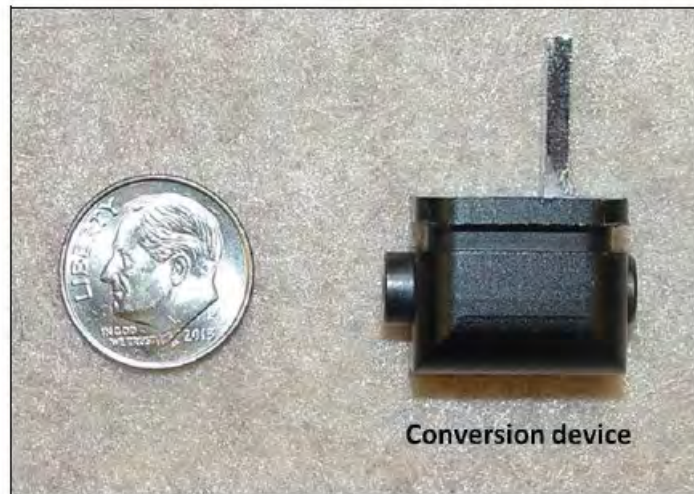
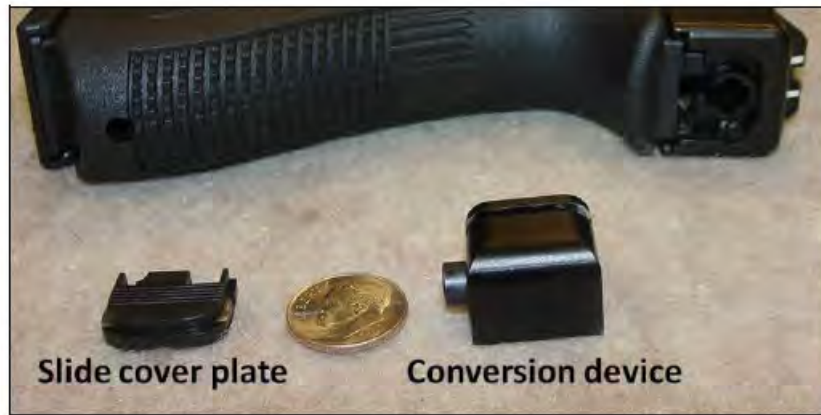


Examples of MCDs. Source: ATF.

Conversion from a semiautomatic firearm to machinegun is fast, simple, and requires little technical expertise. The conversion process can take less than 60 seconds to complete. Conversion of a Glock pistol, for example, will result in a rate-of-fire of approximately 1,100 – 1,200 rounds per minute. The following YouTube link demonstrates a semiautomatic firearm with and without a Glock switch installed: *Glock Switch Demonstration*, https://www.youtube.com/watch?v=e6WENx_42WQ (last visited April 17, 2024).

The images below depict Glock “switch” conversion devices:

Glock Conversion Device with Selector Switch – Sample 1



II. Current Offense

In August 2023, ATF began investigating Rhyne for National Firearms Act (NFA) violations and shipping firearms in the mail. ATF agents learned that Rhyne attempted to ship a Glock 9mm pistol from Twin Falls, Idaho to California in July 2023. Rhyne listed a false return

address in Twin Falls on the package, and due to incorrect shipping information, the package was returned to the return address in Twin Falls. The homeowners at the return address contacted law enforcement after opening the package and discovering the Glock inside. The Glock had a fully loaded magazine, but more concerning, the Glock had a switch inserted on the back of the slide, which made it a fully automatic weapon.



Glock 9mm pistol with switch inserted that Rhyne attempted to ship to California in July 2023.

Agents learned that as early as 2020, Rhyne was attempting to acquire NFA weapons, including MCDs and suppressors, on the internet. Agents further discovered that in March

2023, an account associated with Rhyne selling firearms and ammunition on Zidaho.com and Gunbroker.com.

Based on this information, and the knowledge that Rhyne was a prohibited possessor, ATF obtained a federal search warrant for Rhyne's house in Twin Falls and executed the warrant on October 11, 2023. While searching the safe located in Rhyne's house, agents discovered 16 firearms, three suppressors, 14 MCDs, two 50-round 9mm drum magazines, one 60 round 5.56 x 45 drum magazine, approximately 2,137 rounds of ammunition, 45 .30 caliber rounds of armor piercing ammunition, a 3rd hole jig used to modify a lower receiver into a machinegun, and 78 grams of methamphetamine. Agents also located one additional firearm and ammunition in a closet. Below, are photographs of some of the evidence located in Rhyne's safe:



Rhyne's safe full of firearms.



Glock located in the safe.



AR platform rifle from the safe.



High-capacity drum magazines located in the safe.



Glock-type MCDs from the safe.



AR-type MCDs from the safe.



Firearm suppressor located in the safe.

In a post-*Miranda* interview, Rhyne stated he was transferring firearms to an individual in California. Rhyne indicated he met that individual in jail, and he was informed by a fellow inmate that he could make \$10,000 a month working with this individual who needed firearms and other illegal items. Rhyne said he reached out to the individual in California and built a relationship with him. Rhyne described the individual as a “bigtime drug cartel gang member guy.” Rhyne said he moved away from California to get away from trouble, but he claimed his life was in jeopardy because of something he was forced to do. Rhyne claimed that the individual threatened him and told him that he needs to do this stuff for him.

Rhyne admitted that he knew he was a felon and could not possess firearms. He acknowledged that there were guns in the safe and other illegal items that he was not supposed to have, including machinegun conversion devices. Rhyne admitted that he was purchasing the items, including Glock switches and silencers from a person overseas and then sending firearms and Glock switches to California. Rhyne confirmed that he started sending the firearms in 2019 and sent two firearms every two weeks, or approximately four to six per month from 2019 until 2020. Rhyne stated he was paid \$600 for each firearm he sent to California. He also discussed armor piercing ammunition located in the safe and said it was purchased for his contact in California. When describing his contact in California who was receiving the firearms, Rhyne described him being a drug dealer and said he believed the guns were going to Mexico. Rhyne admitted he had shipped firearms as recently as July 2023, and confirmed that he shipped the misaddressed and returned, loaded Glock 9mm pistol with the switch attachment. Finally, Rhyne stated that the methamphetamine in the safe was sent to him from California and he was supposed to send it to another individual.

In a recorded jail call between Rhyne and his mother shortly after he was arrested on October 12, 2023, Rhyne spoke about the firearms in his safe and acknowledged he was selling them for money. (Gov. Ex. 1, recorded jail call, at 03:30–4:30.) He stated he should have moved the safe containing the firearms to a storage facility. (*Id.*) He talked about previously giving his mother one of the firearms and said, “you knew I wasn’t supposed to have it.” (*Id.* at 03:45–03:52.) He talked about the other firearms and stated, “the only reason I was doing that was because I was worried about that job starting up and not making any money . . .” (*Id.* at 04:20–04:35.)

The instant offense is more than the mere unlawful possession of firearms. By Rhyne's own admissions, he was illegally and routinely obtaining firearms and ammunition. He was knowingly arming individuals, whom he believed to be cartel members, with automatic firearms and ammunition. Rhyne's conduct created an incredible danger to the community. Because of the surreptitious manner that he used to commit this criminal scheme, which over a lengthy period, these dangerous firearms would not trace back to him even if recovered at crime scenes. We will likely never know how many of the dangerous firearms he sold were used to commit violence. Rhyne told ATF agents that he was doing this because his life was in danger, but he also claimed that he was making money on the illegal firearm sales. He further admitted that he started this scheme in 2019. In these four years he never contacted law enforcement to report that he was under duress or being threatened. The nature and circumstances of the offense indicate that Rhyne's actions were motivated by greed, not fear, and support a sentence of 84 months.

B. The History and Characteristics of the Defendant and The Need for the Sentence Imposed to Afford Adequate Deterrence and to Protect the Public.

At 41, Rhyne is in criminal history category III, with convictions dating back to 2004. Rhyne has convictions for burglary, forgery, theft, possess/sell switch-blade knife, pass completed checks, identity theft, and petit theft with priors. He has been placed on probation, in addition to spending time in jail and prison. Most recently in 2018, he received a deferred judgment for successful drug court completion after receiving a charge for use/under influence of a controlled substance. None of these interventions have deterred Rhyne's criminal conduct. It is notable that Rhyne maintains he has abstained from methamphetamine use since 2017, and yet agents discovered 78 grams of methamphetamine in his safe during their search. This discovery coupled with Rhyne's statement that he was supposed to send this methamphetamine to another

individual indicates that Rhyne is also illegally distributing methamphetamine, in addition to firearms.

Rhyne has maintained periods of employment and has not accrued any criminal convictions since 2012. However, per his own admissions, Rhyne made substantial money by illegally transferring firearms and is currently unemployed. Rhyne's history and characteristics weigh in favor of a sentence of 84 months.

C. The Need for the Sentence Imposed to Reflect the Seriousness of the Offense, to Promote Respect for the Law, and to Provide Just Punishment.

Rhyne had multiple opportunities to reform his behavior, and yet finds himself in the current situation. His recent actions demonstrate that he has no respect for the rule of law. He was willing to set community safety aside and illegally possess and transfer firearms, and machineguns, all for his personal gain. A sentence of 84 months of incarceration reflects this seriousness, promotes respect for the law, and provides just punishment here.

CONCLUSION

Application of 18 U.S.C. § 3553 supports a sentence of 84 months for the Defendant's commission of the crime of Unlawful Possession of Ammunition. The Government submits that a sentence of 84 months is sufficient, but not greater than necessary, to accomplish the goals of sentencing, and that a lesser sentence is not supported by application of the 18 U.S.C. § 3553(a) factors.

Respectfully submitted this 17th day of April, 2024.

JOSHUA D. HURWIT
UNITED STATES ATTORNEY
By:

/s/ Erin C. Blackadar
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