

Reversal sought in gun case

Collector seeks new trial or acquittal, says proof lacking

BY [THE ARKANSAS DEMOCRAT-GAZETTE](#)

Friday, May 13, 2011

LITTLE ROCK — The attorney for a Eureka Springs gun collector convicted of lying to the FBI and holding weapons for a man under investigation in an attempted-bombing case filed a motion Thursday seeking an acquittal or a new trial.

“There is insufficient evidence for the jury to have found what they found,” said Erwin Davis, a Fayetteville attorney representing Michael Pierce, 70.

Pierce was convicted of 11 federal felonies by a Harrison jury April 28 and after posting \$5,000 bond remains free until he is sentenced in the next few months.

Conner Eldridge, U.S. attorney for the Western District of Arkansas, said his office will file a response soon but he doesn’t think there is a legal reason to reverse the verdict.

“The jury heard the evidence, delivered a verdict and we feel justice has been done,” Eldridge said Thursday.

Pierce was convicted of one count of conspiring with Mark Krause, 40, of Forum to possess three machine guns, a short-barrel rifle and three silencers. Jurors also found Pierce guilty of seven counts of aiding and abetting the possession of the guns, as well as two counts of lying to the FBI and one count of having his own unregistered machine gun.

Jurors acquitted Pierce of one count of possessing a short-barreled rifle, which he described as a 60-year-old collapsible survival gun.

The seven weapons belonged to Krause but were stored in Pierce’s house from August until the residence was raided by federal agents Jan. 7, police said. Krause was arrested Dec. 3 in Seattle on a two-count federal complaint that alleged he built and planted a bomb at a Carroll County church. He was never faced charges in the planting of the bomb.

The bomb was constructed inside a Pepsi can and left at Osage Baptist Church in Carroll County. It was found June 9, the day after the church had been used as a polling place in a runoff election. The bomb did not explode.

Pierce was investigated because of the charges against Krause, though he was never charged with anything involving the bomb. Both men were the subject of a 13-count superseding indictment returned Feb. 24 by a Fort Smith grand jury.

The indictment included one count of possessing an explosive device against Krause, which was dismissed without prejudice March 9 as part of a plea arrangement. Krause pleaded guilty to conspiracy to possess the unregistered weapons, which were stored at Pierce’s house.

Davis said Thursday that he believes the government aggressively prosecuted Pierce because it

couldn't convict Krause of the bomb charges.

"When they had to drop charges against Krause, they [came] after little ol' Mike," Davis said.

Such an acquittal will be difficult to obtain, said Brian Gallini, a law professor at the University of Arkansas.

"Is it possible? Yes," Gallini said. "Is it probable? No."

Arkansas, Pages 18 on 05/13/2011