

UNITED STATES DISTRICT COURT

for the
District of New Jersey

United States of America
v.
ELLIOT NOCK
Defendant(s)

Case No.
15-mj-1003(AMD)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of October 31, 2013 in the county of Camden in the
District of New Jersey, the defendant(s) violated:

Code Section Title 18, United States Code, Section 922(g)(1)
Offense Description Knowingly possessing a firearm in interstate commerce, having been previously convicted of a felony.

This criminal complaint is based on these facts:

See Attachment A.

Continued on the attached sheet.

Complainant's signature
Joseph S. Daly, Special Agent, ATF
Printed name and title

Sworn to before me and signed in my presence.


Date: March 2, 2015

Judge's signature
Ann Marie Donio, United States Magistrate Judge
Printed name and title

City and state: Camden, New Jersey

CONTENTS APPROVED

UNITED STATES ATTORNEY

By: 

Sara Aliabadi
Assistant U.S. Attorney

Date: March 2, 2015

ATTACHMENT A

COUNT ONE

On or about October 31, 2013, in Camden County, in the District of New Jersey, and elsewhere, defendant,

ELLIOT NOCK,

having been convicted of a crime punishable by imprisonment for a term exceeding one year in a court of the State of New Jersey, did knowingly possess in and affecting commerce a firearm, namely an Intratec, model TECDC9 9mm pistol, serial number D019346.

In violation of Title 18, United States Code, Section 922 (g)(1).

ATTACHMENT B

Joseph S. Daly, Special Agent, Bureau of Alcohol, Tobacco, Firearms and Explosives (“ATF”), being duly sworn according to law, does depose and state the following:

AFFIANT’S BACKGROUND

1. I have been employed as an ATF Special Agent since 2009, and am currently assigned to the ATF’s Camden Field Office. During this time I have conducted and participated in numerous investigations concerning the violation of laws prohibiting the illegal possession of firearms. As an ATF Special Agent I have received specialized training regarding, and have personally participated in, various types of investigative activity, including, but not limited to, the following: (a) physical surveillance; (b) the debriefing of defendants, witnesses, informants, and other individuals who have knowledge concerning violations of federal firearms laws; (c) undercover operations; (d) the execution of search warrants; (e) the consensual monitoring and recording of conversations; and (f) the handling and maintenance of evidence.

2. I have personally participated in the investigation discussed below and am aware of the facts contained herein based upon my own investigation as well as information provided to me by other law enforcement officers, sources of information, and/or confidential informants. Since this Affidavit is submitted for the sole purpose of establishing probable cause to support the issuance of a Criminal Complaint charging Elliot NOCK, I have not included each and every fact known to me concerning this investigation. Where statements of others are set forth in this Affidavit, they are set forth in substance and in part. Similarly, dates and times are approximations, and should be

read as on about, in about, or at about the date or time provided.

STATEMENT OF PROBABLE CAUSE FOR CRIMINAL COMPLAINT

3. On October 30, 2013, an ATF confidential informant (the "CI") told me and another ATF agent that the CI had met with Elliot NOCK, and that NOCK wanted to sell the CI a TEC-9 firearm for \$1,500. At my direction and in my presence and the presence of another ATF agent, the CI placed a consensually recorded phone call to NOCK, who agreed to meet the CI the following day to sell the CI the TEC-9. An inquiry of the National Crime Information Center criminal history database for NOCK revealed that NOCK has multiple arrests and two felony convictions. Certified copies of the judgments of conviction for NOCK from the New Jersey Superior Court, Camden County, indicate that NOCK was convicted of possession with intent to distribute a controlled dangerous substance within 1000 feet of a school, a third-degree crime, and was sentenced to 4 years' imprisonment on January 31, 2003; NOCK also was convicted of attempted murder, a first-degree crime, and sentenced to 10 years' imprisonment on January 31, 2003. The CI also identified NOCK from a Camden County Sheriff's Office database photograph of NOCK, devoid of identifiers.

4. On October 31, 2013 NOCK texted the CI that he was ready to sell the CI the firearm. ATF agents searched the CI and the CI's vehicle for weapons and contraband, with negative results. ATF agents then provided the CI with transmitting and recording equipment and \$1,500 in pre-recorded ATF funds. Agents surveilled the CI to the meeting location in the 2500 block of Morgan Boulevard in Camden, New Jersey. The CI waited there for NOCK,

who arrived and entered the CI's vehicle with a backpack. The CI confirmed that the backpack contained the firearm, an Intratec, model TECDC9 9mm pistol, serial number D019346 (the "TEC-9"), and then handed NOCK the \$1,500 in ATF funds, which NOCK counted. NOCK exited the CI's vehicle, and the CI departed the meeting location. Following the controlled purchase, the CI turned over to agents the transmitting and recording equipment and the backpack containing the TEC-9. The agents again searched the CI and the CI's vehicle for firearms and contraband, with negative results.

5. An ATF agent subsequently took the TEC-9 to the Camden County Police Department firing range, test-fired it, and found it to be operable.

6. An ATF agent also examined the TEC-9 and determined by physical examination, research and the knowledge and experience of the agent that it was manufactured in Florida. Therefore, for the firearm to be present in New Jersey it must have traveled in interstate commerce.

CONCLUSION

7. Based upon the facts and evidence set forth in this Affidavit, there is probable cause to believe that Elliot NOCK violated Title 18, United States Code, Section 922(g)(1) in that he knowingly possessed a firearm in interstate commerce having been previously convicted of a felony.