

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA	:	Hon. Madeline Cox Arleo
	:	
v.	:	Mag. No. 11-8097
	:	
MARK McCARGO	:	<u>CRIMINAL COMPLAINT</u>

I, Jeff Kidder, being duly sworn, state the following is true and correct to the best of my knowledge and belief. On or about September 23, 2010, in Essex County, in the District of New Jersey and elsewhere, defendant

MARK McCARGO,

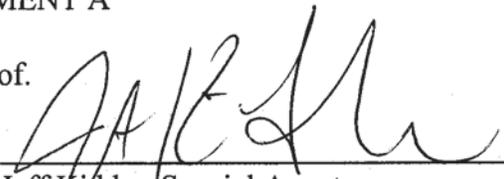
having been convicted of a crime punishable by imprisonment for a term exceeding one year in the Superior Court of New Jersey, Union County, did knowingly possess in and affecting commerce, a firearm, namely, a .22 caliber Walther M4 OPS Rifle, bearing serial number BP006222.

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

I further state that I am a Special Agent with the Federal Bureau of Investigation ("FBI"), and that this complaint is based on the following facts:

SEE ATTACHMENT A

continued on the attached page and made a part hereof.

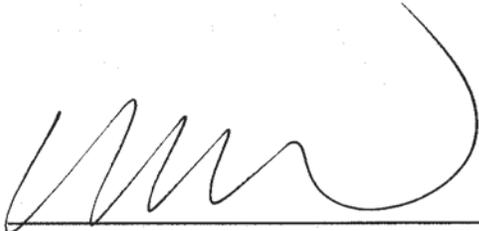


Jeff Kidder, Special Agent
Federal Bureau of Investigation

Sworn to before me, and
subscribed in my presence

June 21, 2011 at
Newark, New Jersey

HONORABLE MADELINE COX ARLEO
UNITED STATES MAGISTRATE JUDGE



Signature of Judicial Officer

ATTACHMENT A

I, Jeff Kidder, am a Special Agent with the Federal Bureau of Investigation ("FBI"). I am fully familiar with the facts set forth herein based on my own investigation, my conversations with other law enforcement officers, and my review of reports, documents, and items of evidence. Where statements of others are related herein, they are related in substance and part. Because this complaint is being submitted for a limited purpose, I have not set forth each and every fact that I know concerning this investigation. Where I assert that an event took place on a particular date, I am asserting that it took place on or about the date alleged.

1. On or about September 23, 2010, defendant MARK McCARGO ("McCARGO") negotiated a firearm sale with a reliable confidential informant ("C.I.") under video and audio surveillance.

2. During the transaction, McCARGO instructed the C.I. to park along the street near a house in Irvington, New Jersey, where the firearm was kept. McCARGO told the C.I. to remain in the car while McCARGO retrieved the firearm from the house. McCARGO asked the C.I. for money for the firearm and the C.I. insisted on seeing the firearm before giving him the entire amount they had negotiated earlier. McCARGO exited the vehicle while the C.I. waited in the car.

3. After approximately 15 minutes, McCARGO returned to the car with a box containing a .22 caliber Walther M4 OPS Rifle, bearing serial number BP006222.

4. McCARGO placed the box onto the backseat of the C.I.'s car and asked for the remainder of the money. The C.I. examined the firearm and complained that it was not the type of firearm he had paid for. McCARGO and the C.I. argued over the price, make and model of the firearm and the C.I. departed with the firearm after McCARGO exited his car.

5. The firearm given to the C.I. by McCARGO, as described above in paragraph 3, is a weapon that will, is designed to, or may readily be converted to expel a projectile by the action of an explosive, within the meaning of 18 U.S.C. § 921(a)(3).

7. The firearm given to the C.I. by McCARGO, as described above in paragraph 3, was not manufactured in the State of New Jersey and thus necessarily traveled through interstate commerce prior to being possessed by McCARGO.

8. On or about April 25, 2005, McCARGO was convicted in the Superior Court of New Jersey, Union County, for Criminal Attempt at Theft by Deception in violation of N.J.S.A. § 2C:5-1, a crime punishable by a term of imprisonment exceeding one year. For that offense, and two other felonies adjudicated that day, defendant McCARGO was sentenced to three years incarceration.