

UNITED STATES DISTRICT COURT

for the District of Rhode Island

United States of America )

v. )

NIMARA S. SENG )

DOB 1981 )

Providence, RI )

Defendant )

Case No.

1-12 MJ 268 A

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 of 09/13/2012 in the county of Providence in the District of Rhode Island, the defendant violated 18 U. S. C. § 922(g)(9), an offense described as follows:

Possession of a firearm by a person convicted of a misdemeanor crime of domestic violence

This criminal complaint is based on these facts:

See attached Affidavit of Special Agent Christian Jardin, Bureau of Alcohol, Tobacco, Firearms, and Explosives

Continued on the attached sheet.

Christian Jardin

Complainant's signature

CHRISTIAN JARDIN, SPECIAL AGENT

Printed name and title

Sworn to before me and signed in my presence.

Date: 9/13/12

[Signature]

Judge's signature

City and state: Providence, Rhode Island

LINCOLN D. ALMOND, U.S. MAGISTRATE JUDGE

Printed name and title

**AFFIDAVIT**

I, Christian Jardin, being duly sworn, depose and say:

1. I am a Special Agent with the Bureau of Alcohol, Tobacco, Firearms, and Explosives ("ATF"). I am assigned to ATF's Providence office. I have been a Special Agent with ATF since 2001. Based on my training and experience as an ATF special agent, I am familiar with federal firearms and narcotics laws. As an ATF special agent, I have been involved, either as lead agent or as a member of an investigative team, in numerous investigations of firearms offenses and narcotics offenses, and I have also been involved in numerous investigations of offenses associated with gang and gang members, including firearms and narcotics offenses.

2. This Affidavit is submitted in support of a criminal complaint charging Nimara Seng (born \*\*.-\*\*-1981) of 45 Hanover Street, Providence, Rhode Island with violation of 18 U.S.C. § 922(g)(9), possessing a firearm after having been convicted of a misdemeanor crime of domestic violence.

3. The facts contained in this affidavit come from my personal observations, my training and experience, and information obtained from other law enforcement agents and other persons. This affidavit does not set forth all of the information known to me or other law enforcement agents about this matter.

**Investigation**

*Nimara Seng's Criminal History*

4. A review of criminal history records and police reports indicates that Nimara Seng, who resides at 45 Hanover Street, was in January 2005 convicted on a charge of simple assault against a victim with whom he shared a child. The offense conduct occurred on or about January 6, 2005. By virtue of Defendant's relationship with the victim, the offense charged qualifies as a misdemeanor crime of domestic violence under 18 U.S.C. § 921(a)(33)(A). Records indicate that prior to pleading *nolo contendere*, Nimara Seng was advised of his rights

and opted not to pursue a jury trial. Nimara Seng was sentenced to a 1 year term, with 30 days to serve and 11 months suspended, and received an 11 month term of probation. ACI records from Nimara's time in prison indicate that Nimara has a Providence Street Boys gang tattoo on his body.

5. Additionally, as described below, I interviewed Nimara Seng immediately after he was apprehended and advised of his rights. Seng told me that as a juvenile he had been convicted as a juvenile for two drive-by shootings and served three years at the training school for those shootings. I have not reviewed criminal history records associated with those offenses.

*Incident from February 1, 2012*

6. On February 1, 2012, Providence police officers stopped a vehicle being operated by Nimara Seng. Officers ultimately arrested Nimara Seng for disorderly conduct. My review of records does not indicate that Seng was convicted of this offense. During the course of the stop, Nimara Seng indicated to officers that he had a firearm. (According to records, Seng said, "Fuck you. This is bullshit. Fuck you bitch. I got a gun too. What you gonna do?")

*September 13, 2012 Execution of Search Warrant at 45 Hanover Street*

7. Today, September 13, 2012, law enforcement agents executed a Court authorized warrant to search 45 Hanover Street. I sought that warrant based on information indicating, as described above, that Nimara Seng has been convicted of a misdemeanor crime of domestic violence and was in possession of a handgun and that the handgun was located in his room. Based on my surveillance, I believed that Nimara Seng resided at 45 Hanover Street.

8. This morning at approximately 6:45 am, prior to execution of the warrant, I, along with other law enforcement agents, established surveillance of 45 Hanover Street. At approximately 7:50 am, Nimara Seng exited 45 Hanover Street and entered a vehicle. Nirut Seng, who had earlier exited the residence, was operating the vehicle. Nimara and Nirut departed in the vehicle. Law enforcement agents stopped the vehicle a short distance from the house. The agents asked Nimara and Nirut to step out of the vehicle, and they complied. I

encountered Nimara as he was standing in the area of the vehicle. Nimara, at that time, was not in handcuffs.

9. I approached Nimara Seng with my ATF badge displayed. I asked Nimara to come to my car; he complied. He stepped into the front seat. Inside my car, I showed Nimara my ATF credentials and badge. I told him that I was an ATF Special Agent. I advised him of his constitutional rights. I advised him that I had a warrant to search his residence. I then began conversation with him.

10. Nimara Seng told me the following:

- a. he was in possession of a loaded 9mm handgun that was in his bedroom, the rounds were in the magazine, and the handgun was in a drawer of his bedroom bureau;
- b. he bought the handgun approximately three months ago and paid \$600 for it;
- c. he bought the handgun for protection because his house had been shot at many times;
- d. he was a member of the Providence Street Boys (which I know to be a gang, numerous members of which have been convicted of various different types of crimes) and had joined at the age of 11;
- e. he had shot at rival gang members in the past; and
- f. he told me that he had been convicted of a misdemeanor crime of domestic violence, that he had served time at the Rhode Island Adult Correctional Institution for the crime, and that the victim of the crime was a women with whom he shared children.

This conversation is captured by an audio recording device. During the course of conversation with Nimara Seng this morning, he advised me that he knew that he was not allowed to have a handgun.

11. I subsequently traveled to 45 Hanover Street with Nimara Seng. He accompanied me into the residence. He directed me to his bedroom, and there directed me to a bureau. He told me that the bedroom was his, and he directed me to the bottom right drawer of the bureau. He told me that that bottom right drawer had to be removed to get access to the handgun.

12. Prior to my entry into 45 Hanover with Nimara Seng other agents had commenced a search of the residence. Agent had searched the bedroom to which Nimara directed me. The agents had removed that bottom right bureau drawer and had found a handgun in that area. The handgun was a Ruger 9mm semiautomatic pistol (serial number 330-86658). It contained 16 rounds in the magazine.

13. I know based on my training and experience that Ruger firearms are manufactured outside the state of Rhode Island. If found in Rhode Island, a Ruger firearm must have traveled in interstate commerce.

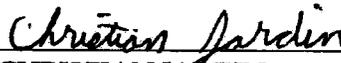
14. In that bedroom, agents also found papers bearing Nimara Seng's name.

15. Along the hallway that led to Nimara Seng's bedroom, agents found a closet and, in that closet agents found an assault rifle ammunition magazine, rounds of 7.62 ammunition (which is a type of assault rifle ammunition), and rounds of .357 ammunition.

16. While I was inside the residence with Nimara Seng, I asked him about the magazine and ammunition agents had found in the closet. Nimara Seng told me that those items must have been old and that guns commonly came through the residence. He elaborated that guns were commonly shared by gang members.

**Conclusion**

17. Based on the above, I believe that there is probable cause to believe that Nimara Seng, a person convicted of a misdemeanor crime of domestic violence, was in possession of a firearm, in violation 18 U.S.C. § 922(g)(9).

  
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CHRISTIAN JARDIN  
Special Agent  
Bureau of Alcohol, Tobacco and Firearms

Subscribed and sworn to before  
me this 13th day of September, 2012,  
at Providence, Rhode Island

  
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LINCOLN D. ALMOND  
United States Magistrate Judge