

UNITED STATES DISTRICT COURT

for the

District of New Jersey

United States of America

v.

Markell Pooler

Case No.

21-mj-2050 (AMD)

Defendant(s)

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 December 1, 2020 - March 3, 2021 in the county of Gloucester in the District of New Jersey, the defendant(s) violated:

Table with 2 columns: Code Section, Description of Offenses. Row 1: 18 U.S.C. Sections 922(a)(1), 924(a)(1)(D), 924(n), and 922(g)(1). Dealing in firearms and possession of firearms by a felon (See Attachment A)

This criminal complaint is based on these facts:

Affidavit (See Attachment B)

Continued on the attached sheet.

Ryan Bell (Signature)

Complainant's signature

Ryan Bell, Special Agent, A.T.F.

Printed name and title

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by

telephone (specify reliable electronic means).

Date: 03/23/2021

Ann (Signature)

Judge's signature


City and state: District of New Jersey

Hon. Ann Marie Donio, U.S. Magistrate Judge

Printed name and title

CONTENTS APPROVED

UNITED STATES ATTORNEY

By: 
ALISA SHVER
Assistant U.S. Attorney

Date: March 23, 2021

ATTACHMENT A

Count One
(Dealing in Firearms)

Between on or about December 1, 2020 and March 3, 2021, in Gloucester County, in the District of New Jersey and elsewhere, defendant

Markell Pooler,

not being a licensed importer, manufacturer, and dealer of firearms within the meaning of Chapter 44, Title 18, United States Code, did knowingly and willfully engage in the business of importing, manufacturing, and dealing in firearms in interstate and foreign commerce.

In violation of Title 18 U.S.C. Sections 922(a)(1)(A), 924(a)(1)(D), 923(a), and 924(n).

Count Two
(Possession of Firearms by a Felon)

On or about December 10, 2020, in Gloucester County, in the District of New Jersey and elsewhere, defendant

Markell Pooler

knowing that he had previously been convicted of at least one crime punishable by imprisonment for a term exceeding one year, knowingly possessed firearms and ammunition in and affection commerce, namely: one Glock model 21, .45 caliber pistol, bearing serial number AELP087, loaded with eleven rounds of ammunition; one Smith & Wesson model 39-2, 9mm pistol, bearing serial number A320141, loaded with eight rounds of ammunition; and one Sarsilmaz model SAR-9, 9mm pistol, bearing serial number T1102-20BV63907, with a large capacity magazine, loaded with seventeen rounds of ammunition.

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

Count Three
(Possession of Firearms by a Felon)

On or about March 3, 2021, in Gloucester County, in the District of New Jersey and elsewhere,
defendant

Markell Pooler

knowing that he had previously been convicted of at least one crime punishable by imprisonment for a term exceeding one year, knowingly possessed firearms and ammunition in and affection commerce, namely: one FMK model 9C1, 9mm pistol, bearing serial number BGG2415; one Taurus model TH 9C, 9mm pistol, bearing serial number TMT37229; and one Ruger model 57, 5.7x28 pistol, bearing serial number 641-43068.

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

ATTACHMENT B

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT AND WARRANT

I, Ryan Bell, Special Agent of the Bureau of Alcohol Tobacco Firearms (“ATF”), United States Department of Justice, being duly sworn, state as follows:

I. INVESTIGATOR BACKGROUND

1. I am a Special Agent of the ATF and have been so employed since January of 2016. I am currently assigned to the ATF’s Camden Field Office. During this time I have conducted and participated in investigations concerning the violation of laws prohibiting the illegal possession and trafficking of firearms and controlled dangerous substances. As an ATF Special Agent I have received specialized training regarding these types of investigations, 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 consensual monitoring and recording of conversations; (f) the handling and maintenance of evidence.

2. I am an “investigative or law enforcement officer of the United States” within the meaning of Title 18, United States Code, Section 2510(7), that is, an officer of the United States who is empowered by law to conduct investigations of, and to make arrests for, offenses enumerated in Title 18, United States Code, Section 2516. During this investigation, I have participated in surveillance and conducted consensually monitored conversations.

3. I am one of the agents who has been involved in the investigation that is the subject of this Affidavit. I have personally participated in this investigation, and I am aware of the facts contained herein based upon my own participation in the investigation, my discussions with others participating in the investigation, and various other sources of information as set forth herein. I make this Affidavit

based on personal knowledge derived from my participation in this investigation and on information I believe to be reliable and accurate.

4. This affidavit is submitted for the limited purpose of setting forth probable cause for the issuance of the requested complaints and arrest warrants. For that reason, I have not included every fact known to me regarding this investigation. Rather, I have set forth only those facts which I believe are necessary to establish probable cause to support issuance of the requested complaints and arrest warrants.

5. I submit this affidavit seeking the issuance of a criminal complaint charging Markell Pooler (hereinafter "POOLER"), with knowingly and willfully, not being a licensed importer, licensed manufacturer, or licensed dealer, engaging in the business of importing manufacturing, and dealing in firearms in interstate and foreign commerce, in violation of 18 U.S.C. §§ 922(a)(1), 924(a)(1)(D), 924(n), and possession of firearms by a felon in violation of 18 U.S.C. § 922(g)(1).

II. THE INVESTIGATION

6. On or about December 1, 2020, ATF agents received information that POOLER was acquiring firearms in Virginia and transporting them to Camden, New Jersey. Law enforcement agents received information that POOLER purchased firearms from pawn shops, and modified them with lasers and extended magazines before resale in the Camden, New Jersey area.

7. On or about December 2, 2020, POOLER sent a photo via text of three firearms to a confidential informant (hereinafter the "CI"), using a phone number known to law enforcement agents as belonging to POOLER. The photograph consisted of three firearms: one Glock firearm, one SAR-9firearm, and one 1911 type firearm. Additionally, the photograph showed a large capacity magazine. Law enforcement agents were able to discern the serial number on the Glock firearm and traced the gun to a pawn shop located in Virginia Beach, Virginia.

8. On or about December 7, 2020, at the direction of law enforcement agents, the CI contacted POOLER using the same phone number to purchase the firearms POOLER sent in the aforementioned photograph. POOLER agreed to sell the three firearms for \$3,200 on December 10, 2020. POOLER told the CI that he would drive up from Virginia and meet the CI in Woodbury, New Jersey for the sale.

9. On or about December 10, 2020, law enforcement agents set up physical surveillance at the meet location. At approximately 2:30 p.m., POOLER arrived at the location in Woodbury, New Jersey in a Lincoln sedan bearing a Virginia registration, and met with the CI. The CI provided POOLER with money and in exchange received the following items:

- a. One Glock model 21, .45 caliber pistol, bearing serial number AELP087, loaded with eleven (11) rounds of ammunition;
- b. One Smith & Wesson model 39-2, 9mm pistol, bearing serial number A320141, loaded with 8 rounds of ammunition; and
- c. One Sarsilmaz model SAR-9, 9mm pistol, bearing serial number T1102-20BV63907, with a large capacity magazine, loaded with seventeen (17) rounds of ammunition.

10. After the transaction, law enforcement agents observed the Lincoln sedan drive southbound on I-295.

11. On or about March 1, 2021, POOLER sent photographs of two firearms to the CI offering to sell them. During a subsequent conversation between POOLER and the CI, POOLER offered to sell more firearms. POOLER and the CI agreed to conduct the sale on or about March 3, 2021, in Woodbury, New Jersey.

12. On or about March 3, 2021, law enforcement agents set up physical surveillance at the

meet location. At approximately 4:45 p.m., POOLER arrived at the location in Woodbury, New Jersey in a grey Range Rover bearing Virginia registration , and met with the CI. The CI provided POOLER with money and in exchange received the following items:

- a. One FMK model 9C1, 9mm pistol, bearing serial number BGG2415;
- b. One Taurus model TH 9C, 9mm pistol, bearing serial number TMT37229; and
- c. One Ruger model 57, 5.7x28 pistol, bearing serial number 641-43068.

13. Law enforcement agents learned that on March 3, 2021, the Range Rover crossed the Chesapeake Bay Bridge Tunnel travelling northbound at approximately noon. Later the same day, the Range Rover was identified traveling southbound through the Chesapeake Bay Bridge Tunnel. Based on my knowledge and experience, and in the context of this case, I believe that the Range Rover left with the aforementioned firearms from Virginia and arrived in Woodbury, New Jersey, crossing multiple state lines.

14. On December 30, 2020, I queried the ATF National Licensing Center that showed POOLER has never applied for, nor received, federal firearms licenses.

15. Prior to this investigation, on or about February 22, 2013, in the State of Virginia, POOLER was arrested and subsequently convicted of grand larceny of a firearm, an offense which carries the potential punishment of up to twenty years' imprisonment.

Pursuant to F.R.Crim.P. 4.1, Special Agent Bell was sworn and attested to the contents of this affidavit in support of the complaint.



HON. ANN MARIE DONIO
United States Magistrate Judge

Date: March 23, 2021