

ORIGINAL

Approved: Rebecca Dell  
REBECCA T. DELL  
Assistant United States Attorney

21MAG9588

Before: THE HONORABLE KATHARINE H. PARKER  
United States Magistrate Judge  
Southern District of New York

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UNITED STATES OF AMERICA	:	<u>COMPLAINT</u>
- v. -	:	Violation of
	:	18 U.S.C. §§ 922(g)(1),
DOMINGO VALLE,	:	924(a)(2), and 2
	:	COUNTY OF OFFENSE:
Defendant.	:	BRONX

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SOUTHERN DISTRICT OF NEW YORK, ss.:

KELVIN JACKSON, JR., being duly sworn, deposes and says that he is a Special Agent with the Bureau of Alcohol, Tobacco, Firearms, and Explosives ("ATF"), and charges as follows:

COUNT ONE

(Felon in Possession of a Firearm and Ammunition)

1. On or about October 4, 2021, in the Southern District of New York and elsewhere, DOMINGO VALLE, the defendant, knowing he had previously been convicted in a court of a crime punishable by imprisonment for a term exceeding one year, knowingly did possess a firearm and ammunition, to wit, a Bryco Arms, Jennings T380, .380 Auto Semi-Automatic Pistol bearing Serial No: 1475132, and five rounds of Winchester 380 Auto ammunition, and the firearm and ammunition were in and affecting commerce.

(Title 18, United States Code, Sections 922(g)(1), 924(a)(2), and 2.)

The bases for my knowledge and for the foregoing charge are, in part, as follows:

2. I am a Special Agent with the ATF, and I have been personally involved in the investigation of this matter.

This affidavit is based upon my personal participation in the investigation of this matter, my conversations with law enforcement agents, witnesses and others, as well as my examination of reports and records. Because this affidavit is being submitted for the limited purpose of establishing probable cause, it does not include all the facts that I have learned during the course of my investigation. Where the contents of documents and the actions, statements, and conversations of others are reported herein, they are reported in substance and in part, except where otherwise indicated.

3. Based on my training and experience, I know the following:

a. Pursuant to the Gun Control Act, all firearms manufactured or imported into the United States since October 22, 1968 must bear an identifying serial number.

b. One increasingly common way in which criminals who wish to possess untraceable firearms evade this requirement is through the use of what are colloquially known as "ghost guns," or privately made firearms.

c. Criminals can purchase kits containing the tools and component parts necessary to assemble or "machine"<sup>1</sup> firearms. For example, individuals may purchase an "80 Percent Pistol or AR-15 Receiver." A receiver is the basic unit of a firearm in rifles which houses the firing and breech mechanism and to which the barrel and stock are assembled. The 80 Percent Pistol or AR-15 Receiver (often referred to as "80%" or "80% finished" or "80% complete" in industry parlance) is an unfinished firearm receiver that is advertised as being 80 percent complete and may not be a firearm as the term is defined in 18 U.S.C. § 921(a)(3), but which can be easily further finished and assembled into a firearm receiver, and a fully functional firearm.

d. Individuals who purchase firearm parts also often purchase an "Easy Jig," which an individual can use to create an assembled firearm. For example, the Universal 80% AR-15 Easy Jig allows a user to machine an 80% AR-15 lower receiver and convert it into a complete AR-15 lower receiver. This tool can be used to make dozens of lower receivers. An AR-15 lower receiver has the ability to house parts related to the trigger, magazine, and the hammer. The Easy Jig Tool Kit contains a

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<sup>1</sup> Machining is the process of cutting, shaping, or removing material from a workpiece using a machine tool.

series of drill bits and machining tools that a user needs to complete a lower receiver while using the Universal 80% AR-15 Easy Jig.

4. Based on my review of records provided by a service provider, I know that a particular cellphone (the "Valle Cellphone") is subscribed to (i) "Domingo Valle," at (ii) a particular address in the Bronx, New York (the "Valle Residence").

5. On or about April 28, 2021 and on or about September 24, 2021, I observed DOMINGO VALLE, the defendant, exit the Valle Residence. In addition, on or about October 4, 2021, I participated in the arrest of VALLE described below at the Valle Residence. Accordingly, I believe that VALLE lives at the Valle Residence and that VALLE is the "Domingo Valle" who uses the Valle Cellphone.

6. Based on my review of records provided by a service provider, I know that a particular email address (the "Valle Email"), beginning with "dvalle" was created on or about July 16, 2008, and is registered in the name of "Domingo Valle" and the Valle Cellphone. As a result, I believe VALLE is the "Domingo Valle" that uses the Valle Email.

7. On or about April 21, 2021, the Honorable James L. Cott, United States Magistrate Judge, Southern District of New York, signed a search warrant to search all content and other information associated with the Valle Email (the "Valle Email Search Warrant").

8. Based on my review of records obtained pursuant to the Valle Email Search Warrant and my review of records provided by over a dozen sellers of firearms, firearm parts, firearm accessories, and tools for assembling firearms, and my training and experience, I have learned the following, in substance and in part:

a. Between on or about February 24, 2014 and on or about July 6, 2021, DOMINGO VALLE, the defendant, purchased firearm parts, tools, and accessories over 50 times and listed the Valle Residence on those purchase requests. In some of those instances, VALLE used the Valle Email to complete the purchase.

b. For example, on or about August 21, 2020, VALLE purchased a "replacement 1/4 End Mill Easy Jig Gen. 1," which, as described above, is a replacement part for a tool that can be

used to assemble firearms. For another example, on or about October 14, 2020, VALLE purchased online an "80% AR15 lower receiver."

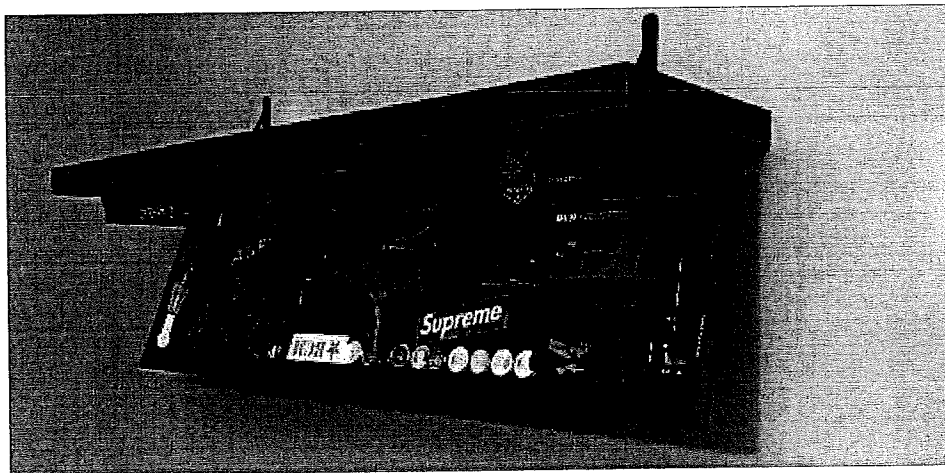
9. On or about September 27, 2021, the Honorable Gabriel W. Gorenstein, United States Magistrate Judge, Southern District of New York, signed a search warrant to search the Valle Residence, and any closed containers/items contained therein (the "Valle Premises Warrant").

10. Based on my participation in this investigation, I know that, on or about October 4, 2021, law enforcement agents searched the Valle Residence pursuant to the Valle Premises Search Warrant. During the search of the Valle Residence, law enforcement agents found, among other things, the following:

a. A Bryco Arms, Jennings T380, .380 Auto Semi-Automatic Pistol bearing Serial No: 1475132 (the "Firearm") inside a black bag inside a closet in the master bedroom (the "Master Bedroom"), which, as explained *infra* is VALLE's bedroom.

b. Five rounds of Winchester 380 Auto ammunition (the "Ammunition") inside the Firearm;

c. Two privately made pistols, "ghost guns," inside a concealed wall-mounted shelf (the "Concealed Shelf") in the living room, which is pictured below;

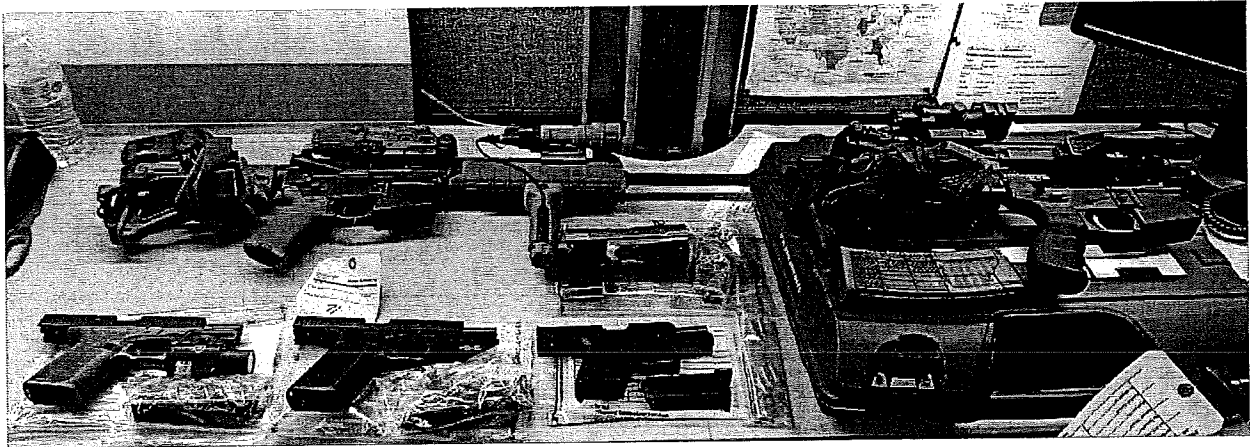


d. Two privately made "ghost gun" AR-style rifles, one of which was inside the Concealed Shelf and the other which was found in the Master Bedroom;

e. Body armor, which contained four rifle magazines, one pistol magazine, and a hunting knife inside the closet in the Master Bedroom; and

f. Numerous bullets, inside a closet in the Master Bedroom and the Concealed Shelf.

g. All of the items mentioned above are pictured below:



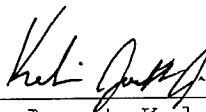
11. While the search of the Valle Residence was being conducted, DOMINGO VALLE, the defendant, was advised of and waived his Miranda rights. VALLE spoke to law enforcement, and stated, in sum and substance, the following: VALLE possesses firearms in his home, including two AR-15 style rifles; VALLE has firearm parts in the drawer in the bedroom where he sleeps; VALLE asked law enforcement agents whether they damaged the Concealed Shelf; and VALLE possesses the firearms for his protection and to go to the shooting range. In addition, VALLE asked law enforcement agents to retrieve a personal item from his bedroom, which he indicated was the Master Bedroom.

12. During the search, law enforcement agents also spoke to the son of DOMINGO VALLE, the defendant, who stated, among other things, that the Master Bedroom belonged to VALLE.

13. Based on my discussions with a Special Agent from the ATF, I have learned that the Firearm and Ammunition was not manufactured in New York.

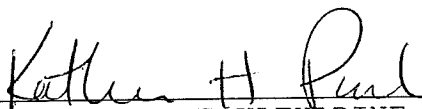
14. Based on my review of criminal history records of DOMINGO VALLE, the defendant, I have learned that, on or about December 19, 1991, Valle was convicted of criminal possession of a loaded firearm, in violation of New York Penal Law Section 265.02, a felony. On or about January 21, 1992, VALLE was sentenced to a term of incarceration of 30 months to 5 years.

WHEREFORE, deponent respectfully requests that DOMINGO VALLE, the defendant, and be imprisoned or bailed, as the case may be.



Special Agent Kelvin Jackson, Jr.  
Bureau of Alcohol, Tobacco, Firearms,  
and Explosives

Sworn to before me this  
5th day of October, 2021



THE HONORABLE KATHARINE H. PARKER  
UNITED STATES MAGISTRATE JUDGE  
SOUTHERN DISTRICT OF NEW YORK