
**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

UNITED STATES OF AMERICA : Hon. Michael A. Hammer
:
v. : Mag. No. 21-10405
:
DESMOND HERRING :
:
: **CRIMINAL COMPLAINT**

I, Aaron Perkins, being duly sworn, state the following is true and correct to the best of my knowledge and belief:

SEE ATTACHMENT A

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

SEE ATTACHMENT B

Continued on the attached pages and made a part hereof.

Aaron Perkins

Aaron Perkins, Special Agent
Federal Bureau of Investigation

Special Agent Perkins attested to this Affidavit by telephone pursuant to Federal Rule of Criminal Procedure 4.1(b)(2)(A).

December 3, 2021
Date

at Essex County, New Jersey
County and State

Honorable Michael A. Hammer
United States Magistrate Judge
Name and Title of Judicial Officer

Michael A. Hammer
Signature of Judicial Officer

ATTACHMENT A

COUNT ONE

(Carrying a Weapon on an Aircraft)

On or about November 29, 2021, in Essex County, in the District of New Jersey and elsewhere, the defendant,

DESMOND HERRING,

knowingly did attempt to get on an aircraft in, or intended for operation in, air transportation or intrastate air transportation, while in the possession of a concealed dangerous weapon that would be accessible to him in flight.

In violation of Title 49, United States Code, Section 46505.

COUNT TWO

(Possession of a Firearm and Ammunition by a Convicted Felon)

On or about November 29, 2021, in Essex County, in the District of New Jersey and elsewhere, the defendant,

DESMOND HERRING,

knowing that he had previously been convicted of a crime punishable by imprisonment for a term exceeding one year in the Southern District of New York, did knowingly possess in and affecting commerce a firearm, namely a 9 millimeter Glock 17 pistol, bearing serial number YYZ280, and one hundred and sixty (160) rounds of 9 millimeter ammunition.

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

ATTACHMENT B

I, Aaron Perkins, 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 November 29, 2021, at approximately 4:20 p.m., Desmond Herring ("HERRING") submitted a carry-on bag for inspection at Terminal B Checkpoint 1 Lane 2 in the Newark Liberty International Airport. HERRING had previously checked in for a flight to Atlanta, Georgia.

2. During the X-Ray screening of HERRING's luggage ("the screened bag"), a Transportation Security Administration ("TSA") agent identified ammunition and a suspected firearm. Thereafter, a TSA agent ("Agent-1") asked HERRING if the screened bag was his and HERRING replied to Agent-1, in substance and in part, that the screened bag did not belong to him. Thereafter, HERRING left the screening area and walked to the vicinity of Gate 46.

3. Shortly thereafter, members of law enforcement approached HERRING near Gate 46 and asked him if he left a bag at the security screening area and HERRING replied to those officers, in substance and in part, that he had not. After going with those officers to a secure location, HERRING admitted that the screened bag was in fact his bag, but that he did not know the combination of the screened bag, which was locked, and that he did not know what was in the screened bag.

4. Law enforcement subsequently opened the screened bag and recovered a 9 millimeter Glock 17 pistol, bearing serial number YYZ280 (the "Firearm"). Law enforcement also recovered the following ammunition from the screened bag: ten (10) rounds of 9 millimeter ammunition loaded into a magazine; and three boxes of ammunition that each contained fifty (50) rounds of 9 millimeter ammunition (collectively, the "Ammunition").

5. The Firearm and Ammunition were manufactured outside of the State of New Jersey, and thus traveled in interstate commerce prior to HERRING's possession of the Firearm and the Ammunition in New Jersey on November 29, 2021.

6. Prior to November 29, 2021, HERRING had been convicted of at least one felony offense. For example, on or about December 20, 2010,

HERRING was convicted of the following crimes in the Southern District of New York: Conspiracy to Distribute a Controlled Substance, in violation of Title 21, United States Code, Section 846; and Committing an Offense While on Pretrial Release, in violation of Title 18, United States Code, Section 3147, which are crimes punishable by imprisonment for a term exceeding one year. HERRING was subsequently sentenced to one hundred and twenty months' imprisonment.