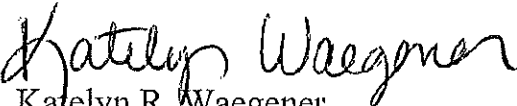


CONTENTS APPROVED
UNITED STATES ATTORNEY

By: 
Katelyn R. Waegener
Special Assistant U.S. Attorney

Date: November 16, 2022

UNITED STATES DISTRICT COURT

for the
District of New Jersey

United States of America
v.
CODY STARR

Case No.
22-mj-7017 (EAP)

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 October 2022 through November 2022 in the county of Burlington in the
District of New Jersey, the defendant(s) violated:

Table with 2 columns: Code Section, Description of Offenses. Includes entries for Title 18, USC, § 922(g)(1); Title 18, USC, § 922(o) and 924(a)(2); Title 21, USC, § 841(a)(1) and (b)(1)(A)(viii); and Title 18, USC, § 924(c)(1)(A).

This criminal complaint is based on these facts:

See Attachment B

Continued on the attached sheet.

Royal Spurlark
Complainant's signature

ATF Special Agent, Royal Spurlark
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: 11/16/2022

Elizabeth A. Pascal
Judge's signature

City and state: District of New Jersey

Hon. Elizabeth A. Pascal, U.S. Magistrate Judge
Printed name and title

ATTACHMENT A

COUNT ONE
(Possession of a Firearm by a Convicted Felon)

On or about November 8, 2022, in Burlington County, in the District of New Jersey, and elsewhere, defendant

CODY STARR

knowing that he had previously been convicted of a crime punishable by a term of imprisonment exceeding one year, did knowingly possess in and affecting interstate commerce a firearm and ammunition, namely, a PPS-43 style privately made machinegun, loaded with 35 rounds of 9mm ammunition.

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

COUNT TWO
(Possession of a Machinegun)

On or about November 8, 2022, in Burlington County, in the District of New Jersey, and elsewhere, defendant

CODY STARR

did knowingly possess and transfer a machinegun, that is, a device which was privately made firearm (bearing no manufacturer's marks of identification or serial number as required) capable of firing automatically more than one shot, without manual reloading, by a single function of the trigger, which qualifies as a machinegun as defined in Title 26, United States Code, Section 5845(b).

In violation of Title 18, United States Code, Sections 922(o) and 924(a)(2).

COUNT THREE
(Distribution of Methamphetamine)

On or about November 8, 2022, in Burlington County, in the District of New Jersey, and elsewhere, defendant

CODY STARR

did knowingly and intentionally distribute and possess with intent to distribute at least 50 grams or more of a mixture and substance containing a detectable amount of methamphetamine, its salts, isomers, and salts of its isomers, a Schedule II controlled substance.

In violation of Title 21, United States Code, Section 841(a)(1) and (b)(1)(A)(viii).

COUNT FOUR

(Possession of a Firearm in Furtherance of a Drug Trafficking Crime)

On or about November 8, 2022, in Burlington County, in the District of New Jersey, and elsewhere, defendant

CODY STARR

in furtherance of a drug trafficking crime for which he may be prosecuted in a court of the United States, that is, distribution and possession with intent to distribute methamphetamine as charged in Count Three of this Complaint, did knowingly possess a firearm, namely a PMF pistol, in furtherance of such crime.

In violation of Title 18, United States Code, Section 924(c)(1)(A).

ATTACHMENT B

1. I, Special Agent Royal Spurlark, am a Special Agent with the Bureau of Alcohol, Tobacco, Firearms, and Explosives (“ATF”). 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, photographs and video recordings of the 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 and time, I am asserting that it took place on or about the date and time alleged.

2. From in October 2022 through November 2022, ATF agents conducted a covert criminal investigation of CODY STARR for suspected firearms trafficking in and around Mount Holly, Burlington County, New Jersey. The investigation involved several purchases between ATF Undercover Officers (“UC-1” and “UC-2”) and CODY STARR, during which both firearms and narcotics were purchased. During the controlled purchases, the UCs were equipped with recording devices. Each controlled purchase was conducted at CODY STARR’S residence.

3. Specifically, on November 8, 2022, UC-1 met with CODY STARR inside his residence in Burlington County, New Jersey. CODY STARR entered the rear bedroom and returned with a machinegun, a silver revolver, and a black revolver. UC-1 purchased a PPS-43 style privately made firearm (“PMF”)¹ machinegun with 35 rounds of 9mm ammunition loaded in a magazine, a silver .38 caliber PMF revolver, a black .357 caliber PMF revolver, and approximately one pound of alleged methamphetamine from CODY STARR. Based on my

¹ A PMF is a firearm, including a frame or receiver, completed, assembled, or otherwise produced by a person other than a licensed manufacturer, and without a serial number placed by a licensed manufacturer at the time the firearm was produced.

training and experience, and my examination of the firearms, the PPS-43 style machinegun appears to have originally been a manufactured firearm, serial #DR-08325, which was previously destroyed to ATF standards and remanufactured by CODY STARR.² The silver .38 caliber PMF revolver appears to have originally been a manufactured Smith & Wesson, .38 caliber revolver, serial #41448, which was previously destroyed to ATF standards and remanufactured by CODY STARR. The black .357 PMF revolver appears to have originally been a manufactured Taurus, .357 caliber revolver, serial #5912, which was previously destroyed to ATF standards and remanufactured by CODY STARR. Neither Smith & Wesson nor Taurus firearms are manufactured in New Jersey.

4. During the transaction, CODY STARR explained that he manufactured the machinegun himself and that it was fully automatic.

5. Also during the deal, UC-1 observed CODY STARR armed with a PMF pistol in a holster on CODY STARR's waist. CODY STARR told UC-1 that he recently converted the pistol he was armed with to a fully automatic firearm by using his 3D printer to make a piece that was inserted into the handgun, making the firearm a fully automatic machinegun.

6. CODY STARR retrieved the alleged methamphetamine, which was contained in four small clear Ziplock type bags. CODY STARR weighed the four bags containing the methamphetamine for UC-1 to view. UC-1 paid CODY STARR \$5,000 for the purchase of approximately one pound of methamphetamine. UC-1 paid CODY STARR \$2,700 for the purchase of the three firearms.

² ATF issues guidelines on how to properly destroy firearms. Those guidelines include: using an oxy/acetylene torch (not band sawed); removing at least ¼ inch of metal per cut; and the cuts must be made at angles and completely sever the receiver in at least three critical locations (specified by model).

7. The methamphetamine purchased from CODY STARR was subsequently field tested by an ATF agent and tested positive for the presence of methamphetamine.

8. The PPS-43 style PMF machinegun was also field tested by an ATF agent. To test the firearm, the agent pulled the trigger on the empty firearm, the agent cycled the action at least three times, and the trigger was released. There was no audible or physical trigger reset felt or heard. Based on my training and experience, and this field test, the firearm meets the definition of a "machinegun" as defined under Title 26, United States Code, Section 5845(b).

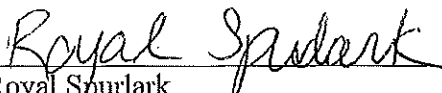
9. A query of the ATF National Licensing Center shows that CODY STARR does not have a federal firearms license from the Bureau of Alcohol, Tobacco, Firearms and Explosives to manufacture or sell firearms nor does CODY STARR have any NFA weapons registered in his name.

10. On June 21, 2019, CODY STARR was convicted in the Burlington County, New Jersey, Superior Court of one count of shoplifting, in violation of N.J.S.A. § 2C:20-11b(2). Also on June 21, 2019, CODY STARR was convicted in the Burlington County, New Jersey, Superior Court of one count of burglary, in violation of N.J.S.A. § 2C:18-2a(1), and one count of resisting arrest, in violation of N.J.S.A. § 2C:29-2b. All are crimes punishable by imprisonment for a term exceeding one year. For these crimes, CODY STARR was sentenced to multiple concurrent prison terms. He received a one year prison sentence for the shoplifting conviction, a five year prison sentence for the burglary conviction, and a three year prison sentence for the resisting arrest conviction. Therefore, CODY STARR is prohibited by federal law from possessing a firearm or ammunition.

11. CODY STARR possessed a machinegun in violation of the National Firearms Act ("NFA"). NFA weapons are regulated by a tax stamp, which is necessary for legal possession of

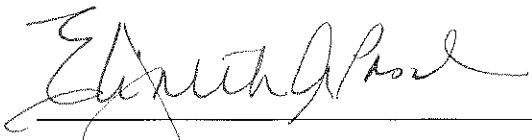
these weapons. Possession of an illicit NFA weapon is an impediment of the proper tax stamp. Possession of a weapon in violation of the NFA has an implied affect on interstate commerce. Therefore, STARR's possession of the PPS-43 style PMF machinegun, in violation of the NFA, was "in or affecting commerce."

12. CODY STARR possessed the PPS-43 style PMF machinegun while distributing methamphetamine on November 8, 2022. Drug trafficking has an implied affect on interstate commerce. Therefore, CODY STARR's possession of a firearm in furtherance of drug trafficking offense was "in or affecting commerce."



Royal Spurlark
Special Agent, ATF

Pursuant to Fed. R. Crim. P. 4.1, Special Agent Royal Spurlark was sworn and attested to the contents of this affidavit in support of the issuance of an arrest warrant and criminal complaint charging defendant CODY STARR with Possession of a Firearm by a Convicted Felon, Possession of a Machinegun, Distribution of Methamphetamine, and Possession of a Firearm in Furtherance of a Drug Trafficking Crime as set forth in Attachment A.



HON. ELIZABETH A. PASCAL
United States Magistrate Judge

Date: November 16, 2022