

AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT

for the

Middle District of Florida

United States of America  
v.  
NICHOLAS ALLEN GROVES

Case No.

5:19-mj-1138-PRL

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 November 6, 2019 in the county of Marion in the  
Middle District of Florida, the defendant(s) violated:

Code Section

18 U.S.C. Sec. 922(g)(1)

Offense Description

Possession of a firearm affecting commerce by a convicted felon

This criminal complaint is based on these facts:

See attached affidavit.

☒ Continued on the attached sheet.



Complainant's signature

Shawn Newsom, Senior Special Agent - ATF

Printed name and title

Sworn to before me and signed in my presence.

Date: 11/07/2019

City and state: Ocala, Florida



Judge's signature

Philip R. Lammens, U.S. Magistrate Judge

Printed name and title

STATE OF FLORIDA

MDFL CASE NO. 5:19-mj-1138-PRL

COUNTY OF MARION

AFFIDAVIT IN SUPPORT OF A CRIMINAL COMPLAINT

I, Shawn Newsom, being duly sworn, do hereby depose and state the following:

INTRODUCTION

1. I am a Senior Special Agent with the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), United States Department of Justice, and have been so employed for more than eighteen years. I have conducted numerous federal investigations involving federal firearms and narcotics violations. I am a graduate of the Federal Law Enforcement Training Center and the ATF National Academy.

2. I make this affidavit in support of a criminal complaint charging the defendant, NICHOLAS ALLEN GROVES (GROVES), with a violation of 18 U.S.C. § 922(g)(1), possession of a firearm affecting commerce by a previously convicted felon.

3. This affidavit is based upon my investigation in this case as well as the efforts of other state and federal criminal investigators. As this affidavit is intended to show only that there is sufficient probable cause for the requested criminal complaint, it does not set forth all of my knowledge about this matter.

BACKGROUND INFORMATION ON GROVES

4. GROVES is a previously convicted felon, prohibited from possessing either firearms or ammunition under federal law. Using GROVES's unique

identifiers (name, date of birth, social security number, etc.), I conducted a criminal history records check and determined that GROVES has a 2012 felony conviction in the Circuit Court for Garrett County, Maryland, Case No. 11-K-11-4718. I have obtained copies of court records from that case. These records consist of: (1) the Criminal Information (charging document); (2) the Application for Statement of Charges (with an incorporated factual synopsis); (3) the Statement of Charges (describing the felony offense of conviction and the 25-year maximum penalty); and (4) a Probation/Supervision Order (listing the offense of conviction and the resulting multi-year prison sentence imposed by the court).

5. Specifically, the Criminal Information shows that GROVES was charged by Maryland prosecutors with the criminal offense of Assault—First Degree. The type of offense (a felony) and the maximum penalty (25 years) both are described on the front page of the charging document, directly below the offense. The factual summary included with the Application for Statement of Charges describes a May 2011 incident during which GROVES threatened another individual with a handgun. The Statement of Charges lists the offense of conviction (Assault—First Degree) and the associated maximum penalty (25 years). The document also contains GROVES's unique identifiers (full name, date of birth, race, sex, contact information, etc.). Finally, the Probation/Supervision Order reflects the offense of conviction (Assault—First Degree); the disposition date (April 30, 2012); the length of the sentence imposed (9 years in the Department of Corrections, consisting of 18 months in the Garrett County Jail with the remaining prison sentence suspended);

and a term of probationary supervision to follow (3 years). Importantly, GROVES signed the Probation/Supervision Order below a paragraph certifying that he had read the terms of supervision described in the document. GROVES also wrote his date of birth in a corresponding block adjacent to his signature. This date of birth matches the one I used to research his prior felony record. Based on these documents, as well as the length of his prison sentence, GROVES certainly was aware that he had been convicted in a court of a crime punishable by a term of imprisonment in excess of one year (a felony offense).

6. On November 1, 2019, I contacted the Maryland Parole Commission about GROVES and his prior felony conviction, described above. After examining their records, a representative from that commission informed me that GROVES never has had his civil right to keep and bear firearms restored by any sort of executive clemency.

#### GROVES'S UNLAWFUL POSSESSION OF FIREARMS

7. On November 6, 2019, ATF agents executed a federal search warrant (MDFL Case No. 5:19-mj-1136-PRL) at GROVES's residence—a two-story structure consisting of a garage and an upstairs apartment located on SW 16<sup>th</sup> Avenue, Ocala, Marion County, Florida 34473. State of Florida driver and vehicle records previously had confirmed that GROVES owns a pickup truck with this same address on the registration. Aerial surveillance also had confirmed GROVES's pickup truck outside the structure.



*GROVES's pickup truck outside the two-story garage/apartment.*

8. Inside the garage/apartment, agents found a number of items substantiating that GROVES lives at this address. Among the recovered items were:

- (1) Veterans Administration documentation with GROVES's name and address;
- (2) GROVES's wallet containing his credit cards, library card, VFW card, and an identification card with his name, photograph and date of birth;
- (3) SunTrust banking information; and
- (4) a U.S. Postal Service change of address confirmation in GROVES's name with the same address as the search warrant location.

There was no indication that anyone else lived at the residence with GROVES. Some of these items showing GROVES's proof of residency are depicted below (with certain personal information redacted):





*GROVES's wallet (with identification card) and his VA paperwork.*

JAMES A. HALEY VETERANS HOSPITAL (873)  
13000 BRUCE B. DOWNS BLVD  
TAMPA FL 33612-4745

**VA** U.S. Dept of Veterans Affairs

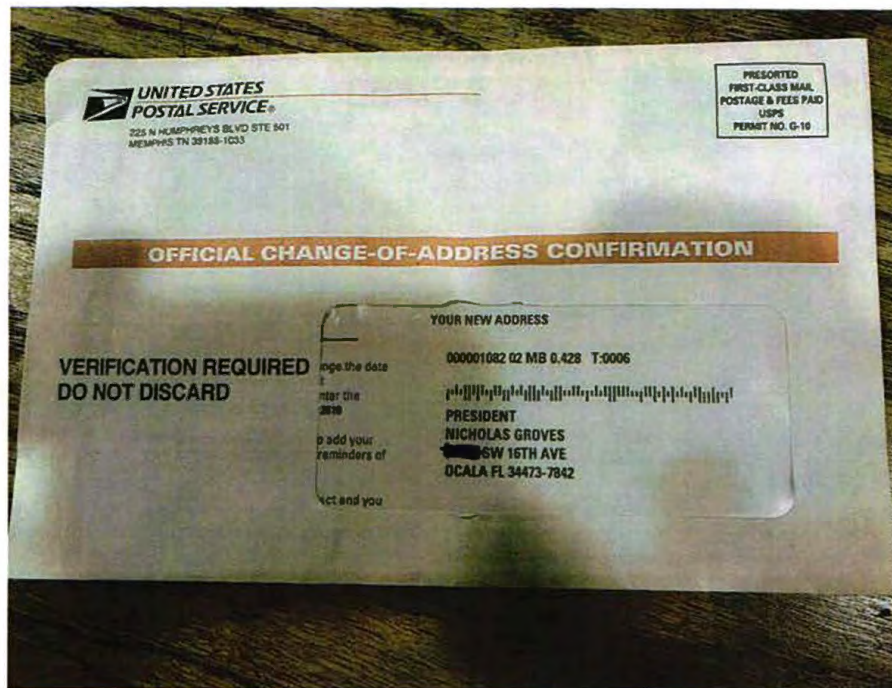
# 000000318 I=0000  
318 1 MB 0.428  
NICHOLAS ALLEN GROVES  
SW 16TH AVE  
OCALA FL 34473-7842

STATEMENT QUESTIONS OR ADDRESS  
Call 1-866-793-4591  
Methods of payment:  
ONLINE: www.va.gov  
BY MAIL: to the VA  
IN PERSON: at the VA  
PAY BY PHONE: 1-800-541-5311  
HOURS: Mon - Fri 8am - 5pm

Statement reflects payments received from VA  
LOCAL VA'S MESSAGE

PATIENT NAME: NICHOLAS ALLEN GROVES  
ACCOUNT NUMBER: [REDACTED]  
STATEMENT DATE: 10/22/2019

ACCOUNT SUMMARY	PREVIOUS BALANCE	PAYMENTS RECEIVED	NEW CHARGES	TO AVOID CHARGES PAY BY 11/10/20
	24.00	48.00	32.00	
DESCRIPTION				AMOUNT
RX CO-PAYMENT/NSC VET				24.00
COPY RX#42649648 FILL DATE: 09/30/2019				24.00
DRUG: CYANOCOBALAMIN 1000MCG TAB DAYS:90				
QTY:200 PHY:FREDERICK,DEXTER M CHG:\$24.00				8.00
QTY:200 PHY:FREDERICK,DEXTER M CHG:\$24.00				



*GROVES's change of address form.*

As agents looked around the apartment, they discovered only male clothing consistent with GROVES's physical stature. An image from a closet containing such clothing is provided below:





*A closet filled with male clothing at GROVES's residence.*

9. Agents also located firearms and ammunition throughout the entire residence. As a prohibited person, GROVES could not possess these items under federal law. Among the firearms recovered inside of GROVES's residence were an assortment of long guns, shotguns, and rifles (including an AR-15 and an AK-47):





GROVES also had possession of handguns, including semi-automatic pistols and revolvers. One of them, a Smith and Wesson M&P .45 caliber pistol, is depicted below:



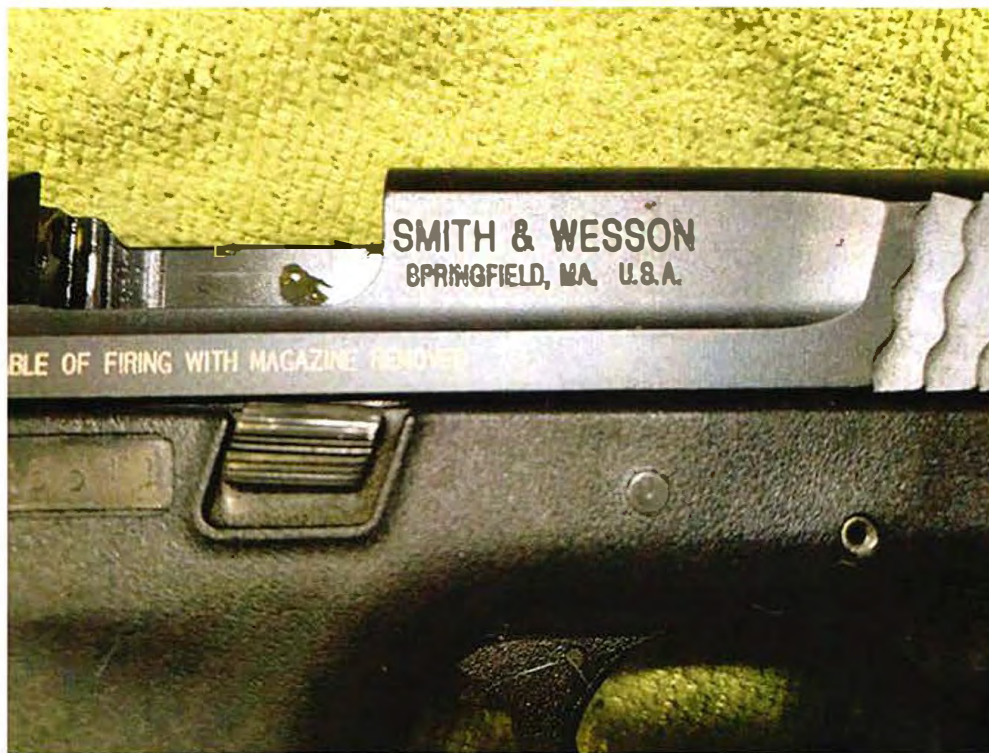
*The Smith and Wesson pistol.*

10. Agents recovered hundreds of rounds of assorted ammunition throughout GROVES's residence. The ammunition included several 40mm smoke and parachute rounds. While the exact quantity has not yet been determined, the total amount of recovered ammunition filled a tote that is approximately 2x2x3 feet in size.

#### INTERSTATE NEXUS EXAMINATION

11. ATF Interstate Nexus Expert Special Agent Justin Mace has examined the recovered Smith and Wesson pistol described above. Based upon his

examination of the markings on the firearm, SA Mace has determined that the Smith and Wesson pistol was manufactured in Springfield, Massachusetts. Therefore, it has crossed a state line prior to its recovery in the Middle District of Florida and has affected interstate commerce.



*Markings showing the place of manufacture – Springfield, Massachusetts.*

#### ARREST OF GROVES

12. Following the discovery of firearms and ammunition at GROVES's residence, agents arrested him on November 6, 2019, at a location in Marion County for the offense described above.

CONCLUSION

13. Based on the foregoing, I respectfully submit that there is probable cause to believe that GROVES has committed a violation of 18 U.S.C. § 922(g)(1). Accordingly, I respectfully request that the Court issue this criminal complaint charging him with that offense.

This concludes my affidavit.



Shawn Newsom  
Senior Special Agent, ATF

Sworn to and subscribed before me this 7<sup>th</sup> day of November, 2019.



Philip R. Lammens  
United States Magistrate Judge