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

UNITED STATES OF AMERICA : Hon. Jessica S. Allen
 : :
 : Magistrate. No. 22-8315
 : :
EDWARD AUSTERI : **CRIMINAL COMPLAINT**

I, Christian Sepulveda, 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 the Bureau of Alcohol, Tobacco, Firearms, and Explosives, and that this complaint is based on the following facts:

SEE ATTACHMENT B

continued on the attached pages and made a part hereof.

 s/ Christian Sepulveda
Christian Sepulveda, Special Agent
Bureau of Alcohol, Tobacco,
Firearms, and Explosives

Special Agent Christian Sepulveda attested to this Complaint by telephone pursuant to F.R.C.P. 4.1(b)(2)(A) on this 19th day of September 2022.

HONORABLE JESSICA S. ALLEN
UNITED STATES MAGISTRATE JUDGE

 s/ Jessica S. Allen
Signature of Judicial Officer

ATTACHMENT A

COUNT ONE

(Possession of Ammunition by a Convicted Felon)

On or about April 22, 2022, in Passaic County, in the District of New Jersey, and elsewhere, the defendant,

EDWARD AUSTERI,

knowing that he had previously been convicted of a crime punishable by a term of imprisonment exceeding one year, did knowingly possess three rounds of ammunition: one (1) 7.62 x 39mm caliber Tulammo round, one (1) 9mm caliber Luger round, and one (1) 7.62 x 39mm caliber round marked "71 92," and the ammunition was in and affecting interstate commerce.

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

COUNT TWO

(Illegal Possession of a Machine Gun)

On or about April 22, 2022, in Passaic County, in the District of New Jersey, and elsewhere, the defendant,

EDWARD AUSTERI,

did knowingly possess a machine gun, namely, a privately manufactured “AK-47” style, 7.62 x 39mm caliber firearm, bearing no serial number, as defined in Title 26, United States Code, Section 5845(b).

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

ATTACHMENT B

I, Christian Sepulveda, am a Special Agent of the Bureau of Alcohol, Tobacco, Firearms, and Explosives. The information contained in the complaint is based upon my personal knowledge, as well as information obtained from other sources, including: (a) statements made or reported by various witnesses with knowledge of relevant facts; (b) my review of publicly available information; and (c) my review of evidence, including body-worn cameras, photographs, and other documents. 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 the contents of documents and the actions and statements of others are reported herein, they are reported in substance and in part, except where otherwise indicated. 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 April 22, 2022, law enforcement responded to a 911 call reporting a domestic violence incident at a residence in Bloomingdale, New Jersey (the "Residence"). The reporting male party advised law enforcement that he was threatened with an "AK-47" by a female family member ("Individual-1") who was staying in the home with him.

2. Law enforcement arrived at the Residence and observed a male, later identified as the homeowner (the "Homeowner") of the Residence, standing in the threshold of the front door and located Individual-1 standing outside in the driveway of the Residence. While at the Residence, the Homeowner directed law enforcement to a long black firearm located on the floor of the foyer inside the Residence. The firearm was secured and later determined by law enforcement to be a loaded, fully automatic, "AK-47" style privately manufactured firearm ("PMF") (hereinafter, the "AK-47 Style PMF") with no visible serial number and an attached large capacity magazine containing approximately 37 rounds of 7.62 x 39mm ammunition. The Homeowner advised law enforcement that Individual-1 was staying at the Residence temporarily with her boyfriend, later identified as the Defendant, Edward Austeri ("AUSTERI"). The Homeowner stated that during the earlier dispute, Individual-1 retrieved the AK-47 Style PMF from the front office of the Residence and pointed it at him. During the investigation of the incident, law enforcement recovered a large round of ammunition in the possession of Individual-1 similar to that which was found loaded in the AK-47 Style PMF. Individual-1 was later arrested and charged with domestic violence offenses.

3. During the investigation, the Homeowner advised law enforcement that Individual-1 and AUSTERI were staying at the Residence and occupying the front office (the "Office") of the Residence. According to the Homeowner, AUSTERI had recently come from Oregon to New Jersey to stay with Individual-1 at the Residence. The Homeowner alerted law enforcement to AUSTERI's possession of additional firearms in the Office of the Residence. Thereafter, the

Homeowner signed a consent to search the Residence and asked law enforcement to remove the additional firearms from the Residence. The Homeowner advised law enforcement that days before AUSTERI's arrival, AUSTERI advised the Homeowner that he would be mailing several parcels containing firearms to the Residence but assured the Homeowner that the firearms were "registered" and that AUSTERI had gotten approval to possess the weapons from the New Jersey State Police.

4. On or about April 22, 2022, in the Office of the Residence, law enforcement recovered, among other things, the following items:

- a) Two (2) United States Postal Service ("USPS") packages containing ammunition, miscellaneous firearm parts, and various tools consistent with those used to assemble firearms. One USPS package displayed a handwritten label with a sending address to AUSTERI at the address of the Residence and with a handwritten return address also listing AUSTERI at an address in Oregon (the "Oregon Address");¹
- b) Four (4) loaded large capacity² firearm magazines;
- c) Three (3) unloaded large capacity firearm magazines;
- d) Eight (8) boxes of ammunition;
- e) One (1) bag of loose assorted ammunition;
- f) One (1) gun cleaning mat with instructions for AK-47 assembly;
- g) One (1) AK-47 owner's manual;
- h) One (1) black rifle foregrip;
- i) One (1) black rifle butt plate;
- j) Quantities of assorted ammunition, including one (1) 7.62 x 39mm caliber Tulammo round and one (1) 7.62 x 39mm caliber round marked "71 92" (the "AK-47 Rounds"); and

¹ A third USPS package was found outside of the Residence. This package also was addressed to AUSTERI at the address of the Residence, with a return address also listing AUSTERI at the Oregon Address.

² A large capacity firearm magazine is one that can accept more than 15 rounds of ammunition. See U.S.S.G. §5K2.17.

- k) One (1) black gun case labeled “Glock” with an orange cable gun lock found to contain the following:³
- i. A 9mm handgun, having no visible serial number, which law enforcement later determined was a PMF;
 - ii. A partially completed handgun with no visible serial number;
 - iii. One (1) loaded thirty-round large capacity firearm magazine;
 - iv. Three (3) loaded firearm magazines;
 - v. One (1) unknown brand slide, barrel, and recoil spring;
 - vi. One (1) clear plastic bag with two (2) assembly pins used to assemble PMFs; and
 - vii. Assorted ammunition, including one (1) 9mm Luger round (the “9mm Round,” together with the AK-47 Rounds, collectively the “Ammunition”).

5. Law enforcement determined that the Ammunition was not manufactured in the State of New Jersey and therefore traveled in interstate commerce on or before April 22, 2022.

6. Law enforcement determined that the AK-47 Style PMF is capable of firing as a fully automatic firearm, meaning that it shoots automatically more than one shot, without manual reloading, by a single function of the trigger and thus meets the definition of a machinegun as defined in 26 U.S.C. § 5845(b).

7. On or about April 26, 2022, AUSTERI was arrested and charged with state firearms offenses. At the time of his arrest, law enforcement seized AUSTERI’s cell phone (the “Cell Phone”). Thereafter, law enforcement executed a judicially authorized search of the Cell Phone and discovered, among other things, photographs of AUSTERI holding what appears to be the AK-47 Style PMF. The search of the Cell Phone also uncovered photos of other firearms and Internet searches about building firearms and the transportation of firearms into New Jersey.

8. The investigation further revealed that at least two parcels were sent via the USPS (“Parcel 1” and “Parcel 2,” respectively) from Eugene, Oregon on or about April 6, 2022 to the Residence. Parcel 1 was delivered to the Residence on or about April 8, 2022, and Parcel 2 was delivered to the Residence on or about April 13, 2022. Law enforcement identified AUSTERI via video surveillance footage inside the U.S. Post Office in Eugene, Oregon on or about April 6, 2022, the date both Parcel 1 and Parcel 2 were sent to the Residence. A third parcel

³ On or about the same day, law enforcement executed a search warrant to open the black gun case.

("Parcel 3") was sent via USPS from Eugene, Oregon and arrived at the Residence on or about April 15, 2022. Law enforcement recovered three (3) USPS boxes at the Residence, two of which were labeled from AUSTERI at the Oregon Address and addressed to AUSTERI at the Residence.

9. After his arrest, AUSTERI engaged in several recorded telephone conversations about the firearms from the Bergen County Jail wherein he admitted to Individual-1 that the firearms in the Residence were his. AUSTERI further admitted to shipping the firearms to the Residence from Oregon.

10. Prior to possessing the Ammunition on or about April 22, 2022, AUSTERI had been convicted of at least one felony punishable by a term of imprisonment exceeding one year. Specifically, on or about April 7, 2006, AUSTERI was convicted in the Superior Court of Bergen County of Manufacturing, Distributing, or Dispensing a Controlled Dangerous Substance, in violation of N.J.S.A. 2C:35-5A(1), a crime punishable by imprisonment for a term exceeding one year.