

ORIGINAL FILED

UNITED STATES DISTRICT COURT

for the
District of New Jersey

AUG - 4 2014

WILLIAM T. WALSH, CLERK

United States of America
v.
LEWIS D. DIMATTESSA

Case No. 14-2043 (JS)

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 10/28/2013 in the county of Camden in the
District of New Jersey, the defendant(s) violated:

Code Section

Offense Description

18 U.S.C. § 922(g), and
18 U.S.C. § 2

See Attachment A

This criminal complaint is based on these facts:

See Attachment B

Continued on the attached sheet.

Renee Repasky
Complainant's signature

Renee Repasky, Special Agent, ATF
Printed name and title

Sworn to before me and signed in my presence.

Date: 08/04/2014

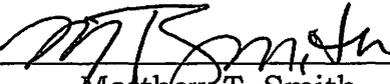
Joel Schneider
Judge's signature

City and state: Camden, New Jersey

Hon. Joel Schneider, U.S. Magistrate Judge
Printed name and title

CONTENTS APPROVED

UNITED STATES ATTORNEY

By: 
Matthew T. Smith
Assistant U.S. Attorney

Date: August 4, 2014

ATTACHMENT A

COUNT ONE

On or about October 28, 2013, in Camden County, in the District of New Jersey, and elsewhere, the defendant,

SHAWN TRIBBETT,

having been convicted of a crime punishable by imprisonment for a term exceeding one year in a court of the State of New Jersey, did knowingly possess in and affecting commerce a firearm.

In violation of Title 18, United States Code, Section 922(g)(1), and Title 18, United States Code, Section 2.

COUNT TWO

On or about October 28, 2013, in Camden County, in the District of New Jersey, and elsewhere, the defendant,

LEWIS D. DiMATTESA,

having been convicted of a crime punishable by imprisonment for a term exceeding one year in a court of the State of New Jersey, did knowingly possess in and affecting commerce a firearm.

In violation of Title 18, United States Code, Section 922(g)(1), and Title 18, United States Code, Section 2.

ATTACHMENT B

AFFIDAVIT

I, Renee Repasky (the "affiant"), state that I am a Special Agent with the Bureau of Alcohol, Tobacco, Firearms, and Explosives (hereinafter, "ATF"). The information set forth in this complaint is based on interviews with law enforcement, a review of ATF records and reports, and debriefing of other witnesses. Since this Affidavit is submitted for the sole purpose of establishing probable cause to support the issuance of a complaint, I have not included each and every fact known by the government concerning this investigation. In addition, all of the conversations included in this affidavit are a summary of the conversation and not a verbatim account of the conversation.

1. I have been employed as a Special Agent with ATF since 2003, and I am currently assigned to the ATF Camden Field Office, Newark Division where I investigate, gather evidence and make arrests for violations of Title 21 and Title 18 of the United States Code and other federal criminal laws. I have participated in and received training as an ATF Special Agent in conducting investigations into violations of the federal gun laws. Through the course of my career, I have participated in well over 100 gun and gun-trafficking investigations utilizing investigative techniques such as interviewing witnesses, conducting physical surveillance, electronic surveillance to include wire taps, the use of confidential informants and sources of information, and conducting and participating in searches based on search warrants.

2. In or about March of 2013, an ATF confidential source of information (hereinafter, "CS") told law enforcement officers that CS knew of an individual by the name of Shawn Tribbett (also known as "Marsh" "Mellow"), who was distributing firearms, quantities of marijuana, cocaine and prescription legend drugs in the southern New Jersey area.¹ CS relayed that, in conversations with Tribbett, Tribbett offered to sell CS both prescription legend drugs and firearms.

3. Shortly after learning this information, law enforcement officers learned that Tribbett was a previously-convicted felon. Specifically, Tribbett was convicted in 2003 for distribution of controlled dangerous substance in New

¹ CS is a prior two-time convicted felon, who is on probation for a 2010 conviction for theft of movable property. CS, however, has cooperated with law enforcement in the past and has proved reliable. Moreover, information provided by CS in the past with respect to this investigation and a related firearms-trafficking investigation has also proved reliable.

Jersey Superior Court (Camden County) and was sentenced to two years of probation.

4. ATF then began a year-long investigation into the gun-trafficking activities of Shawn Tribbett and others. In many instances, Tribbett served as a broker, putting together firearms deals between CS and Tribbett's co-conspirators. Between April 2013 and April 2014, Tribbett and his co-conspirators sold over 20 firearms to CS. During this time, Tribbett also sold CS prescription-legend pills and cocaine.

5. On or about October 17, 2013, CS was in contact with Tribbett by telephone where the two discussed CS purchasing firearms. Tribbett mentioned to CS that he had an associate that was in possession of two firearms – a 50 caliber handgun and a shotgun. Tribbett then told CS that he would attempt to arrange for CS to purchase the firearms.

6. A few days later, on or about October 20, 2013, CS was in contact with Tribbett and told CS that Tribbett had met with his associate who possessed two shotguns for sale for \$800 (or as Tribbett conveyed in a text message to CS "400 a peace [sic].") During the communication between CS and Tribbett, Tribbett (who is African American) referred to the source of the firearms as his "white boy."

7. On or about October 28, 2013, law enforcement officers conducted a controlled purchase of a firearm using CS. Under surveillance by law enforcement officers, CS drove to Rancocas Avenue, Clementon, New Jersey to meet with Tribbett to purchase a firearm. Tribbett met CS in the street and engaged CS in conversation. Tribbett then entered a home located at 40 Rancocas Avenue, Clementon, New Jersey.² Tribbett emerged from the residence a short time later, with a Marlin, model 101, 22 caliber rifle (with no serial number) concealed inside of a blanket. Tribbett placed the firearm into the trunk of CS's vehicle. An individual, later identified as Lewis DiMattessa (who is Caucasian), also emerged from the residence.

8. While standing next to the trunk of vehicle containing the firearm, CS engaged both Tribbett and DiMattessa in conversation about firearms. DiMattessa asked, in substance and in part, if CS was interested in purchasing additional firearms ("[y]ou want anything else I got?... "pistols ,what not") CS responded, "[y]eah, I'll take anything." With the firearm in the trunk, DiMattessa asked CS and Tribbett, in substance and in part, "Alright, who's got the loot." CS then paid Tribbett \$300 of pre-recorded ATF funds for the Marlin

² During the course of the investigation, law enforcement officers learned that DiMatessa's parents reside at 40 Rancocas Avenue in Clementon, New Jersey.

rifle. Tribbett then handed the money over to DiMattesa. CS asked DiMatessa whether he had another firearm DiMattesa wanted to sell right now. DiMatessa responded, in substance and in part, "not right now" but that he was "trying to get pistols." When CS asked DiMatessa when DiMatessa could get the firearms, DiMatessa responded that he could obtain the firearms "in like four days" and that he could get "nines." I know from my training and experience and the context of this conversation that "nines" is slang for a 9 mm handgun. DiMatessa then stated he had just "got rid of a bunch of them." Based on my training and experience and the context of this conversation, I interpret DiMatessa's statement that he has just "got rid of a bunch of them" to mean that he had sold a number of firearms.

9. DiMattesa provided Tribbett with \$100 for arranging the purchase. CS also provided Tribbett with \$200 for arranging the purchase and three previous purchases. As CS closed the trunk of the vehicle, Tribbett can be heard saying goodbye to DiMatessa whom he referred to as "Lou." This meeting was electronically recorded.

10. I am an ATF Interstate Nexus Expert and I have determined that the firearm referenced in Paragraph 8 above was not manufactured in the State of New Jersey. Therefore, it must have necessarily travelled in interstate commerce in order to be present in Clementon, New Jersey.

11. I have reviewed criminal history records for Shawn Tribbett. Tribbett was convicted of a felony in 2003 (distribution of controlled dangerous substance in New Jersey Superior Court (Camden County) New Jersey.

12. I have reviewed criminal history records for Lewis DiMattesa. From this review, I have learned that he has been convicted of numerous felonies, including burglary in 1999 and 2008 (two separate convictions) (all in New Jersey Superior Court (Camden County) New Jersey.

13. Based on the foregoing, there is probable cause to believe that, on or about October 28, 2013, Shawn Tribbett and Lewis D. DiMatessa, both having been convicted of a crime punishable by imprisonment for a term exceeding one year in a court of the State of New Jersey, did knowingly possess in and affecting commerce a firearm, in violation of Title 18, United States Code, Section 922(g)(1), and Title 18, United States Code, Section 2.