

United States District Court
District of New Jersey

UNITED STATES OF AMERICA : Hon. Patty Shwartz

v. : **CRIMINAL COMPLAINT**

DAVION JACKSON, and : Magistrate No. 11-3010

RASHAN JACKSON,

a/k/a "Jaquan Jackson" :

I, Michael Puskas, the undersigned complainant being duly sworn, state the following is true and correct to the best of my knowledge and belief. On or about July 25, 2010 in Essex County, in the District of New Jersey and elsewhere, defendants DAVION JACKSON and RASHAN JACKSON, a/k/a "Jaquan Jackson":

each having been convicted of a crime punishable by imprisonment for a term exceeding one year in the Superior Court of New Jersey, Essex County, did knowingly possess in and affecting commerce firearms, namely: (1) a Smith and Wesson 9-millimeter handgun bearing serial number TVS3540, loaded with 7 rounds of ammunition; and (2) a Vulcan .45-caliber handgun with an obliterated serial number, and loaded with a high capacity magazine, in violation of Title 18, United States Code, Section 922(g)(1) and Section 2.

I further state that I am a Special Agent with the Bureau of Alcohol, Tobacco, Firearms and Explosives ("ATF") and that this complaint is based on the following facts:

SEE ATTACHMENT A

Michael Puskas
Special Agent
Bureau of Alcohol, Tobacco, Firearms and
Explosives

Sworn to before me and subscribed in my presence,

February 27, 2011
Date

at

Newark, New Jersey
City and State

Hon. Patty Shwartz
United States Magistrate Judge

ATTACHMENT A

I, Michael Puskas, am a Special Agent with the Bureau of Alcohol, Tobacco, Firearms and Explosives ("ATF"). Based upon my investigation and my discussions with other individuals involved in this investigation, I have knowledge of the facts which appear below. Where statements of others are set forth herein, these statements are related in substance and in part. Since this Criminal Complaint is being submitted for a limited purpose, I have not set forth every fact that I know or other law enforcement officers know concerning this investigation. I have only set forth those facts that I believe are sufficient to show probable cause exists to believe that the defendants committed the offenses set forth herein. 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 July 25, 2010, Newark police officers responded to reports of a shooting that occurred near 279 Littleton Avenue, in Newark, New Jersey. Upon arriving at the scene, officers encountered defendants DAVION JACKSON and RASHAN JACKSON in the immediate vicinity of 277 Littleton Avenue ("the Residence"). DAVION JACKSON had a gunshot wound to his arm, and RASHAN JACKSON had a gunshot wound to his leg. Both men were bleeding. DAVION JACKSON and RASHAN JACKSON were then taken to University Hospital by ambulances for medical treatment.

2. After DAVION JACKSON and RASHAN JACKSON were evacuated from the scene, officers performed a security sweep of the area and observed a blood trail, and a trail of 9-millimeter and .45-caliber shell casings leading from the sidewalk into the Residence. On the opposite side of the street, officers discovered numerous spent shell casings from .40-caliber, 9-millimeter, and 7.62 millimeter firearms, which appeared to have been fired in the direction of the Residence. Officers entered the Residence, where the trail of blood and shell casings continued into the entryway of the Residence. The blood trail continued down the stairway into the basement of the Residence.

3. Officers followed the blood trail, which led to a laundry room. In the laundry room, officers discovered a Smith and Wesson 9-millimeter handgun bearing serial number TV33540, and a Vulcan .45-caliber handgun with an obliterated serial number ("the Firearms") in a washing machine. The blood trail then continued out of the basement through a separate door, and back out the front door of the residence, near the front steps.

4. Further investigation revealed that DAVION JACKSON and RASHAN JACKSON were outside of the Residence, when they received gunfire from several unidentified individuals who were standing across the street from the Residence. Shell casings found on both sides of the car that defendants were driving in that day ("the Vehicle") demonstrate that DAVION JACKSON and RASHAN JACKSON each returned fire in the direction of the unidentified assailants.

5. The Firearms found in the washing machine were analyzed, and determined to be a positive match to the shell casings recovered on either side of the Vehicle, in front of the Residence, and along the blood trail leading into the Residence.

6. The Firearms are both weapons which will, are designed to, or may readily be converted to, expel a projectile by the action of an explosive, within the meaning of 18 U.S.C. § 921(a)(3).

7. Examination of the Firearms determined that both Firearms were manufactured outside the State of New Jersey.

8. A search of DAVION JACKSON'S criminal history reveals that he has multiple prior felony convictions. Included within that number is a felony conviction in the Superior Court of New Jersey for Possession of Controlled Dangerous Substances with intent to Distribute within a School Zone in violation of New Jersey Statutes Annotated Section 2C:35-7, for which DAVION JACKSON was sentenced to five years' imprisonment on January 30, 2006.

9. A search of RASHAN JACKSON'S criminal history reveals that he has two prior felony convictions. Included within that number is a felony conviction in the Superior Court of New Jersey for Unlawful Possession of a Weapon in violation of New Jersey Statutes Annotated Section 2C:39-5B, for which RASHAN JACKSON was sentenced to four years' imprisonment on May 24, 2010.

10. No other wounded person or persons were found in or near the Residence at that time.