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UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

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UNITED STATES OF AMERICA : Hon. Mark Falk  
v. : Mag. No. 11-3767  
NIXON PROVILLON :  
: CRIMINAL COMPLAINT

I, Jeffrey Kidder, 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 Federal Bureau of Investigation ("FBI") and that this Complaint is based on the following facts:

SEE ATTACHMENT B

continued on the attached page and made a part hereof.



Jeffrey Kidder, Special Agent  
Federal Bureau of Investigation

Sworn to before me and  
subscribed in my presence,  
October 26, 2011, at Newark, New Jersey



HONORABLE MARK FALK  
UNITED STATES MAGISTRATE JUDGE

Signature of Judicial Officer

ATTACHMENT A

COUNT ONE

From at least as early as in and around July 2010 through in and around September 2010, in Essex County, in the District of New Jersey, and elsewhere, defendant

NIXON PROVILLON

did knowingly and willfully combine, conspire and agree with others to engage in the business of dealing in firearms without being licensed to do so and, in the course of such business, to ship, transport, and receive firearms in interstate and foreign commerce, contrary to Title 18, United States Code, Section 922(a)(1)(A).

In violation of Title 18, United States Code, Section 371.

COUNT TWO

From at least as early as in and around July 2010 through in and around September 2010, in Essex County, in the District of New Jersey, and elsewhere, defendant

NIXON PROVILLON

did knowingly and willfully engage in the business of dealing in firearms without being licensed to do so, and in the course of such business, shipped, transported and received firearms in interstate and foreign commerce.

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

## ATTACHMENT B

I, Jeffrey Kidder, am a Special Agent with the FBI. I have knowledge of the following facts based upon both my investigation and discussions with other law enforcement personnel and others. Where statements of others are set forth herein, these statements are related in substance and in part. 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. From in and around June 2010 through in and around September 2010, a reliable confidential informant (the "CI"), working at the direction and under the supervision of law enforcement, spoke with M.M., J.G., and defendant NIXON PROVILLON ("PROVILLON") on several occasions in and around Essex County, New Jersey to discuss the purchase of firearms from those individuals. M.M., J.G. and defendant PROVILLON conspired and agreed with each other and others to provide the CI with firearms.

### CONSPIRACY

2. From at least as early as in and around June 2010 through in and around September 2010, in Essex County, in the District of New Jersey, and elsewhere, defendant PROVILLON conspired and agreed with others to engage in the business of dealing in firearms without being licensed to do so. The object of the conspiracy was for defendant PROVILLON to obtain money from selling firearms.

3. During the course of the conspiracy, defendant PROVILLON sold at least five (5) firearms, including assault weapons, a semi-automatic handgun, a semi-automatic rifle, and a shot gun to the CI. PROVILLON worked in concert with others to arrange for the sale of the firearms to the CI. At different times, PROVILLON met with M.M. and J.G. in and around his home in Irvington, Essex County, New Jersey, and stored/ retrieved the firearms, and/ or handled the money, all in furtherance of the conspiracy.

### BACKGROUND INFORMATION

4. The below-described firearm sales that occurred on July 1, 2010, July 29, 2010, and September 23, 2010, were audio and video recorded.

5. Analysis performed on each of the firearms described below in paragraphs 11, 13, and 14 confirmed that none of the firearms were manufactured within the state of New Jersey, and thus necessarily traveled through interstate commerce prior to being possessed by PROVILLON.

6. Each of the firearms described below in paragraphs 11, 13, and 14 is a weapon that will, is designed to, or may readily be converted to expel a projectile by the action of an explosion, within the meaning of 18 U.S.C. § 921(a)(3).

7. A database search confirmed that none of the individuals who took part in the below-described firearm sales, namely PROVILLON, M.M. and J.G., has a federal firearms license or was otherwise licensed to deal in firearms at all times relevant to this complaint.

#### OVERT ACTS

8. In furtherance of the conspiracy and to effect its objects, PROVILLON committed and caused to be committed the following overt acts in the District of New Jersey and elsewhere:

##### The July 1, 2010 Sale of a Maverick Arms 12-Gauge Shotgun and a Remington .22 Caliber Rifle

9. On or about July 1, 2010, J.G. contacted the CI and informed him that M.M. could obtain firearms from his associate PROVILLON to sell to the CI. Later that day, the CI picked up J.G. and drove to a location in Newark, Essex County, New Jersey, where they met M.M. M.M. entered the car and instructed the CI to drive to a house located in Irvington, Essex County, New Jersey ("Irvington Premises"), later determined to be the home of defendant PROVILLON.

10. The CI was instructed to park in the driveway of the Irvington Premises. M.M. asked the CI for money and the CI paid a sum of money to M.M. for the firearms. M.M. and J.G. entered the Irvington Premises to retrieve the firearms from defendant PROVILLON and to pay defendant PROVILLON a portion of the proceeds from the sale of the firearms.

11. Several minutes later, J.G. and M.M. emerged from the Irvington Premises with a black plastic bag containing a .22 caliber Remington 550-1 semi-automatic rifle, with no serial number, and a 12-gauge Mossberg Maverick 88 shotgun, bearing serial number MV46276E. J.G. placed the firearms in the back seat of the CI's vehicle. J.G. and the CI departed from the Irvington Premises while M.M. went back into the Irvington Premises. J.G. was dropped off at his home and the CI left to meet law enforcement to turn over the evidence.

##### The July 29, 2010 Sale of a Yugo SKS Semi-Automatic Rifle and a 9 mm Glock Pistol

12. On or about July 29, 2010, M.M. contacted the CI, and informed him that he could obtain a 9 mm handgun from PROVILLON. Later that day, the CI picked up M.M. in his car. The CI gave a sum of money to M.M. for the firearm. M.M. counted the money and then called PROVILLON in the CI's presence to discuss the transaction. PROVILLON indicated he would not be able to complete the transaction for another hour.

13. While waiting in the car for defendant PROVILLON, the CI told M.M. that he wished to purchase the SKS rifle they had discussed earlier in the car. M.M. called defendant PROVILLON in the CI's presence and explained, in substance and in part, that the CI wanted to purchase both guns. M.M. further stated, in substance and in part, that he and the CI would be at defendant PROVILLON's home in half an hour. The CI drove to the Irvington Premises and M.M. called defendant PROVILLON to facilitate the transaction. M.M. went into the Irvington

Premises to retrieve the firearm and to pay defendant PROVILLON a portion of the proceeds. M.M. returned with a 9 mm Glock pistol, bearing serial number KZ826US and gave it to the CI. After more waiting in the CI's car, M.M. went back into the Irvington Premises and brought out a Yugo SKS semi-automatic rifle, bearing serial number F172751. The CI departed with the firearms to meet law enforcement to turn over the evidence.

The September 23, 2010 Sale of a .22 Caliber Walther M4 OPS Rifle

14. On or about September 23, 2010, M.M. called the CI to inform him that PROVILLON had an AR-15 rifle for sale. Later that day, the CI picked up M.M. in his car. M.M. instructed the CI to park along the street near the Irvington Premises. M.M. called defendant PROVILLON in the CI's presence to negotiate the transaction. M.M. told the CI, in substance and in part, to remain in the car while M.M. retrieved the firearm from PROVILLON. M.M. asked the CI for money for the firearm and the CI gave M.M. a sum of money, but insisted on seeing the firearm before giving M.M. the entire amount they had negotiated earlier. M.M. exited the vehicle and went to meet with PROVILLON while the CI waited in the car. After approximately 15 minutes, M.M. returned to the car with a box containing a .22 caliber Walther M4 OPS Rifle, bearing serial number BP006222. M.M. placed the box onto the backseat of the CI's car and asked for the remainder of the money. The CI examined the firearm and complained that it was not the type of firearm he had paid for. M.M. and the CI argued over the price, make and model of the firearm. The CI departed with the firearm to meet law enforcement to turn over the evidence.