AO 91 (Rev. 11/11) Criminal Complaint

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MAR - 3 2015
WILLIAM T. WALSH, CLERK

UNITED STATES DISTRICT COURT

for the

DISTRICT OF NEW JERSEY

United States of America
v.
Robby Velazquez

Case No. 15-mj-1009 (AMD)

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 3/4/14 through on or about 2/6/15 in the county of Camden in the _____ District of New Jersey, the defendant(s) violated:

Code Section	*Offense Description*
COUNT 2: Violation of 18 U.S.C. §§ 922(a)(1)(A) and 2; and	Illegal firearms dealing (see Attachments A and B).
COUNT 4: Violation of 18 U.S.C. § 371.	Conspiracy to engage in illegal firearms dealing (see Attachments A and B).

This criminal complaint is based on these facts:

See Attachments A and B.

☑ Continued on the attached sheet.

Complainant's signature

Special Agent Patrick B. Finegan, ATF

Printed name and title

Sworn to before me and signed in my presence.

Date: 03/03/2015

Judge's signature

City and state: Camden, New Jersey

Hon. Ann Marie Donio

Printed name and title

CONTENTS APPROVED
UNITED STATES ATTORNEY

BY: ***/s/ Justin C. Danilewitz***
Justin C. Danilewitz
Assistant United States Attorney

Date: March 3, 2015

ATTACHMENT A

COUNT ONE

From on or about March 4, 2014 through on or about January 16, 2015, in Camden County, in the District of New Jersey, and elsewhere, defendant

Orlando MATOS,

did knowingly and willfully engage in the business of dealing firearms, while not being a federally-licensed dealer, importer, or manufacturer of firearms.

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

COUNT TWO

From on or about October 17, 2014 through on or about February 6, 2015, in Camden County, in the District of New Jersey, and elsewhere, defendant

Robby VELAZQUEZ,

did knowingly and willfully engage in the business of dealing firearms, while not being a federally-licensed dealer, importer, or manufacturer of firearms.

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

COUNT THREE

From on or about October 17, 2014 through on or about November 13, 2014, in Camden County, in the District of New Jersey, and elsewhere, defendant

Orlando VELAZQUEZ,

did knowingly and willfully engage in the business of dealing firearms, while not being a federally-licensed dealer, importer, or manufacturer of firearms.

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

COUNT FOUR

From on or about October 17, 2014, through on or about January 16, 2015, in Camden County, in the District of New Jersey, and elsewhere, the defendants,

Orlando MATOS and

Robby VELAZQUEZ,

did knowingly and intentionally conspire and agree with each other and with others to engage in the business of dealing firearms, while not being federally-licensed dealers, importers, or manufacturers of firearms, contrary to Title 18, United States Code, Section 922(a)(1)(A).

OVERT ACTS

In furtherance of the conspiracy and to effect its object, the following overt act was committed in the District of New Jersey and elsewhere:

1. On or about October 29, 2014, Orlando MATOS and Robby VELAZQUEZ met near 4001 Myrtle Avenue, Apartment H-1, in Camden, New Jersey, for the purpose of selling a firearm.

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

COUNT FIVE

From on or about October 17, 2014, through on or about November 13, 2014, in Camden County, in the District of New Jersey, and elsewhere, the defendant,

Orlando VELAZQUEZ,

did knowingly and intentionally conspire and agree with others to engage in the business of dealing firearms, while not being a federally-licensed dealer, importer, or manufacturer of firearms, contrary to Title 18, United States Code, Section 922(a)(1)(A).

OVERT ACTS

In furtherance of the conspiracy and to effect its object, the following overt act was committed in the District of New Jersey and elsewhere:

1. On or about October 17, 2014, Orlando VELAZQUEZ travelled to the area near 4001 Myrtle Avenue, Apartment H-1, in Camden, New Jersey, for the purpose of selling a firearm.

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

COUNT SIX

On or about March 19, 2014, in Camden County, in the District of New Jersey and elsewhere, the defendant,

Orlando MATOS,

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, namely a Lorcin, model L380 .380 caliber pistol, with an obliterated serial number.

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

ATTACHMENT B

Patrick B. Finegan, Special Agent, Bureau of Alcohol, Tobacco, Firearms and Explosives ("ATF"), being duly sworn according to law, deposes and states the following:

AFFIANT'S BACKGROUND

1. I have been employed as an ATF Special Agent since 2005, and am currently assigned to the ATF's Camden Field Office. During this time I have conducted and participated in numerous investigations concerning the violation of laws prohibiting the illegal possession of firearms and controlled dangerous substances ("CDS"). As an ATF Special Agent I have received specialized training regarding, and have personally participated in various types of investigative activity, including, but not limited to, the following: (a) physical surveillance; (b) the debriefing of defendants, witnesses, informants and other individuals who have knowledge concerning violations of federal firearms laws; (c) undercover operations; (d) the execution of search warrants; (e) the consensual monitoring and recording of conversations; (f) the court authorized interception of both wire and electronic communications (i.e., Title III wiretaps); and (g) the handling and maintenance of evidence. I have personally participated in the investigation discussed below and am aware of the facts contained herein based upon my own investigation as well as information provided to me by other law enforcement officers.

2. Since this Affidavit is submitted for the sole purpose of establishing probable cause to support the issuance of a Criminal Complaint, I have not included each and every fact known to me concerning this investigation. Where statements of others are set forth in this Affidavit, they are set forth in substance and in part. Similarly, dates and times are approximations, and should be read as on about, in about, or at about the date or time provided.

SUMMARY OF INVESTIGATION

3. Since approximately the Fall of 2013, the ATF has utilized a confidential informant (the "CI") to make numerous controlled purchases of firearms and ammunition (*i.e.*, purchases at law enforcement's direction and under law enforcement supervision) from individuals in Camden, New Jersey. From March 2014 through February 2015, the CI has participated in approximately 15 purchases, resulting in the recovery of approximately 30 firearms. Each of those purchases is discussed in more detail below.

4. The CI has two prior felony convictions and has also pleaded guilty to an unlawful possession of a firearm charge being prosecuted by the state of New Jersey. The CI is cooperating in the hope of obtaining consideration in connection with the state firearm charge to which he has pleaded guilty, and has also received monetary payment. The CI's active cooperation with law enforcement has proven to be reliable, and information provided by the CI with respect to this investigation has also proven to be reliable and corroborated. For example, audio and video recording, as well as law enforcement surveillance, of the CI's controlled purchases from the targets of the investigation corroborate the CI's accounts of those purchases.

5. The CI's controlled purchases were made from Orlando MATOS ("MATOS"), Robby VELAZQUEZ ("VELAZQUEZ") and Orlando VELAZQUEZ ("O. VELAZQUEZ"). The purchased firearms included, among others, handguns, assault-style rifles (including one with a high-capacity magazine), and short-barreled shotguns. Of the 30 purchased firearms, four had obliterated serial numbers and seven were reported stolen. As the investigation established, and as set forth in more detail below, MATOS and VELAZQUEZ conspired with each other and others to sell the firearms, and engaged in dealing in the firearms without a license, in violation

of Title 18, United States Code, Sections 922(a)(1)(A) and 371. O. VELAZQUEZ, similarly, conspired with others to sell the firearms and engaged in dealing in the firearms himself without a license, also in violation of Title 18, United States Code, Sections 922(a)(1)(A) and 371. MATOS possessed firearms while being a convicted felon, in violation of Title 18, United States Code Section 922(g)(1).

6. As discussed below, the following vehicles and locations were involved in the criminal activity summarized in this Affidavit, and are the subject of separate search warrants:

a. a 1996 white Ford Crown Victoria bearing New Jersey license plate Y28-CMD, and Vehicle Identification Number ("VIN") 2FALP71W6TX184148, hereafter referred to as "**Matos' Ford**";

b. a 2003 grey Honda Accord bearing New Jersey license plate X12-CDP, and VIN 1HGCM56603A083021, hereafter referred to as the "**Honda**";

c. a 2005 blue Mitsubishi Lancer bearing New Jersey license plate ZDL-82Y, and VIN JA3AJ26E85U001217, hereafter referred to as "**Mitsubishi**";

d. a 2002 silver Nissan Altima bearing New Jersey license plate F97-BKY, and VIN 1n4al11dx2c239730, hereafter referred to as the "**Nissan**";

e. a residence located at 4001 Myrtle Avenue, Apartment H-1, in Camden, New Jersey, hereafter referred to as "**Matos' Residence**"; and

f. a residence located at 5525 Magnolia Avenue, Pennsauken, New Jersey, hereafter referred to as "**Velazquez's Residence.**"

CONTROLLED PURCHASES OF FIREARMS AND AMMUNITION

7. Consistent with standard ATF procedures, before each of the controlled purchases discussed below, investigators searched the CI's vehicle and person for firearms and contraband. In every instance, these searches revealed neither firearms nor contraband in the CI's vehicle or on the CI's person. Prior to each controlled purchase, the CI was furnished with pre-recorded ATF funds with which to purchase the firearms. The controlled purchases were arranged by the

CI at law enforcement direction through a series of cellular telephone calls and text messages between the CI and MATOS and VELAZQUEZ. The controlled purchases were audio and video recorded.

The March 4, 2014 Controlled Purchase: 2 Firearms

8. On March 1, 2014, the CI contacted ATF personnel stating that an individual known to the CI only as "Matos" contacted the CI in the city of Camden, New Jersey. The CI observed "Matos" operating a white sedan bearing New Jersey license plate Y28-CMD. "Matos" informed the CI that he was in possession of two firearms and offered to sell them to the CI for $1,000.00. ATF personnel instructed the CI to arrange the purchase of the firearms from "Matos" on March 4, 2014.

9. On March 3, 2014, law enforcement researched the registered owner of the white sedan. A New Jersey Department of Motor Vehicle ("DMV") inquiry lists the registered owner with the last name of Matos. The DMV response also shows the vehicle to be a 1996 white Ford Crown Victoria. A query of a Camden County Sheriff's Office database yielded a photograph of a Hispanic male named Orlando Matos from a 1998 arrest. A DMV query yielded an Orlando Matos with a residence of 4001 Myrtle Avenue, Apartment H-1 in Camden, New Jersey, which is the same address listed for the Ford in the DMV records. As noted above, the 1996 white Ford Crown Victoria bearing New Jersey license plate Y28-CMD is hereafter referred to as "**Matos' Ford.**" Also as noted above, the residence located at 4001 Myrtle Avenue, Apartment H-1, in Camden, New Jersey, is hereafter referred to as "**Matos' Residence.**"

10. On March 4, 2014, ATF personnel showed the CI a DMV photograph, devoid of identifiers, of MATOS. The CI positively identified MATOS from the photograph as the "Matos" who offered to sell him the firearms.

11. On March 4, 2014, the ATF Camden Field Office utilized the CI to conduct the controlled purchase of a Remington Arms, model 870 Express Magnum 12-gauge shotgun, serial number A462265M; and an Erma Werke GMBH, model KGP69 .22 caliber pistol, serial number 311188, along with 13 rounds of Remington 12-gauge ammunition, and 94 rounds of CCI .22 caliber ammunition. While en route to the meeting location, MATOS called the CI to warn the CI about police presence, so the meeting location was changed to a restaurant in the area of 25th Street and River Road in Camden (the "Restaurant"). The CI arrived at the new meeting location and parked behind **Matos' Ford**, which MATOS exited. MATOS then entered the CI's vehicle, said he was nervous to conduct the firearms transaction because there were cameras in the area, and then exited the CI's vehicle and retrieved the firearms from the trunk of **Matos' Ford**. MATOS then placed the firearms on the back seat of the CI's vehicle, and the CI gave MATOS $1,000 in pre-recorded ATF funds.

12. An ATF agent subsequently examined the Remington Arms, model 870 Express Magnum 12-gauge shotgun, serial number A462265M with both stock and barrel altered. The agent measured the barrel and full firearm and found the barrel length to be approximately 14 ¼ inches and the overall length to be approximately 25 ¼ inches. Accordingly, the firearm is classified as a National Firearms Act firearm.[1]

[1] Current provisions of the National Firearms Act are codified at 26 U.S.C. § 5801, *et seq*. These provisions regulate a class of particularly dangerous firearms, including among others: (1) "a shotgun having a barrel or barrels of less than 18 inches in length," or (2) "a

The March 19, 2014 Controlled Purchase: 1 Firearm

13. On March 19, 2014, the ATF Camden Field Office utilized the CI to conduct the controlled purchase of a Lorcin, model L380 .380 caliber pistol, with an obliterated serial number, and 15 rounds of Star Line .380 caliber ammunition. The CI again met MATOS near the Restaurant, where law enforcement officers observed **Matos' Ford** arrive. MATOS entered the CI's vehicle and handed the CI a bag containing the firearm. In exchange, the CI handed MATOS $700 in pre-recorded ATF funds. During the controlled purchase, the CI told MATOS that the CI would pay $2,000 for three firearms that MATOS had previously offered to sell the CI and that MATOS would obtain from an associate living in Pennsauken. MATOS explained to the CI that MATOS "hustles" (sells for profit) firearms.

The October 17, 2014 Controlled Purchase: 3 Firearms

14. On October 17, 2014, the ATF Camden Field Office utilized the CI to conduct the controlled purchase of a Smith & Wesson, model M&P 15 5.56mm rifle, serial number ST71278; a Colt, Model 1911 .45 caliber pistol, serial number 374264; a Mossberg, model 500A 12-gauge shotgun, with an obliterated serial number; 94 rounds of assorted 5.56mm ammunition; two rounds of Federal 5.56mm ammunition; seven rounds of assorted .45 caliber ammunition; and seven rounds of Winchester-Western .45 caliber ammunition. Per a phone call to the CI from MATOS, the CI met MATOS, who was driving **Matos' Ford**, at a business near 39th and Federal Streets in Camden, then followed MATOS to the area of **Matos' Residence** to complete the purchase. When the CI and MATOS arrived in front of **Matos' Residence**, two Hispanic males, subsequently identified as VELAZQUEZ and O. VELAZQUEZ, were standing on the

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weapon made from a shotgun if such weapon as modified has an overall length of less than 26 inches or a barrel or barrels of less than 18 inches in length." *See* 26 U.S.C. § 5845(a).

front lawn of the residence. MATOS and O. VELAZQUEZ walked to the trunk of a 2003 grey **Honda** Accord bearing New Jersey registration X12-CDP (the **"Honda"**) and retrieved a large box from it. O. VELAZQUEZ then sat in the front passenger seat of the CI's vehicle, and MATOS placed the box containing the firearms on the back seat of the CI's vehicle. While MATOS stood outside the CI's vehicle, the CI handed O. VELAZQUEZ $4,000 in pre-recorded ATF funds, which O. VELAZQUEZ counted. During the controlled purchase, the other Hispanic male subsequently identified as VELAZQUEZ remained on the front lawn of **Matos' Residence**, serving as a lookout.

15. Following the controlled purchase, MATOS entered **Matos' Ford** and departed the area. O. VELAZQUEZ entered the **Honda**, VELAZQUEZ entered a 2005 blue **Mitsubishi** Lancer bearing New Jersey license plate ZDL-82Y (**"Mitsubishi"**) and both vehicles departed the area. Law enforcement officers surveilled the **Mitsubishi** to 5525 Magnolia Avenue, Pennsauken, New Jersey (**"Velazquez's Residence"**), which VELAZQUEZ entered after exiting the **Mitsubishi**. Law enforcement officers also observed the **Honda** parked in front of **Velazquez's Residence**. Both the **Honda** and the **Mitsubishi** are registered to a female at the street address of **Velazquez's Residence**.[2] Parked in the driveway of the residence was a trailer, registered to O. VELAZQUEZ.

16. Law enforcement officers subsequently showed the CI a New Jersey DMV photograph of O. VELAZQUEZ, devoid of identifiers, and the CI positively identified O. VELAZQUEZ as the male who sold him the three firearms on October 17, 2014. The CI also told ATF agents that MATOS told the CI that the first name of the male from whom the CI

[2] That address, although listed as 5525 Magnolia Avenue, lists the city as Merchantville, rather than Pennsauken. Merchantville and Pennsauken are neighboring boroughs, or townships, within Camden County.

purchased the firearms on October 17, 2014 is "Orlando," and that the male who remained standing on MATOS' lawn during the purchase is Orlando's son. Law enforcement officers subsequently showed the CI a photograph of VELAZQUEZ, devoid of identifiers, and the CI positively identified VELAZQUEZ as the male who was acting as a lookout during the October 17, 2014 controlled purchase. Also following the controlled purchase, MATOS called the CI to tell the CI that he had a ballistic vest for sale.

The October 29, 2014 Controlled Purchase: 1 Firearm

17. On October 28, 2014, MATOS sent the CI two photographs, via cellular telephone text messaging, of 9mm pistols he was offering to sell, one of which appeared in newer condition than the other. MATOS told the CI that MATOS' source of the two firearms was willing to sell them and the previously-discussed ballistic vest for $2,400. When the CI told MATOS that the price was too high, MATOS replied that "his man" would be coming over to **Matos' Residence** to discuss the price. Investigators subsequently surveilled the **Honda** arrive near **Matos' Residence**, and when the CI placed a call to MATOS to discuss the potential sale, MATOS put his source on the phone with the CI. The source then told the CI that he already sold the newer firearm for $1,500. The source subsequently agreed to sell the older pistol and the vest for $1,400 and agreed to make the sale on October 29, 2014.

18. On October 29, 2014, following cellular telephone communication with MATOS, the CI met MATOS near **Matos' Residence**. MATOS walked up to the CI's vehicle and spoke to the CI through the CI's driver's side window. VELAZQUEZ, who had been standing with MATOS, then walked behind the CI's vehicle and entered the CI's vehicle with a plastic bag containing the firearm and vest. After inspecting both items, a Star, Bonifacio Echeverria, model

BM 9mm pistol, serial number 1982857, loaded with seven rounds of assorted 9mm ammunition; and a First Choice (Galls Incorporated), Level III-A, model 1117 ballistic vest, serial number 812985, the CI handed VELAZQUEZ $1,400 in pre-recorded ATF funds. MATOS told the CI that the vest had been stolen from a military base. VELAZQUEZ told the CI that he was going to obtain either a 9mm or .40 caliber firearm to sell to the CI. The CI positively identified VELAZQUEZ from a photograph as the person who had just sold him the firearm and vest, and who had served as the lookout during the October 17, 2014 controlled purchase. The CI also recognized VELAZQUEZ's voice as that of MATOS' firearms source, with whom the CI had spoken on October 28, 2014 to negotiate the sale of the firearm and vest.

The November 3, 2014 Controlled Purchase: 1 Firearm

19. On November 3, 2014 MATOS called the CI to tell the CI that MATOS' source was at **Matos' Residence**, and that they were ready to sell the firearm previously discussed. When the CI arrived in the area of **Matos' Residence**, MATOS was waiting outside. MATOS walked over to the driver's side window of the CI's vehicle, greeted the CI and told VELAZQUEZ to get the firearm from the **Honda**, which was parked in front of the CI's vehicle. While VELAZQUEZ retrieved a bag from the **Honda**'s rear passenger seat, the CI handed MATOS $1,650 in pre-recorded ATF funds, which MATOS counted, taking a portion for himself, and giving a portion to VELAZQUEZ. VELAZQUEZ handed the bag containing a Hi-Point, model 995 9mm rifle, serial number A31149, loaded with six rounds of assorted 9mm ammunition, to the CI through the CI's driver's window. O. VELAZQUEZ then arrived in a Ford Explorer, exited and met with MATOS and VELAZQUEZ. O.VELAZQUEZ walked away from the location briefly, then returned to MATOS and VELAZQUEZ, entered the **Honda** and left with VELAZQUEZ. MATOS then walked in the direction of **Matos' Residence**.

The November 18, 2014 Controlled Purchase: 3 Firearms

20. On November 18, 2014, shortly before the CI arrived near **Matos' Residence**, surveillance recorded a Hispanic male matching VELAZQUEZ's description and wearing a grey zip-up sweatshirt exiting **Velazquez's Residence** while carrying a large white box, and then placing that box inside the **Mitsubishi** and driving away shortly thereafter. When the CI arrived near **Matos' Residence**, the CI parked next to VELAZQUEZ's **Mitsubishi**, which had flashed its headlights at the CI. MATOS walked down from the doorway of **Matos' Residence** and greeted the CI. VELAZQUEZ, wearing a grey zip-up sweatshirt, then exited the **Mitsubishi**, retrieved a large white box from the back seat and then placed it in the trunk area of the CI's vehicle. VELAZQUEZ stated that the pistol was on his person and handed the CI a plastic bag containing the pistol, a Twin Pines Inc. (Armscor) model M1911-A1, 9mm caliber, serial number RIA1623452 (reported stolen from a Federal Firearms Licensed dealer ("FFL") in North Carolina on November 7, 2014). Inside the box were a Boito/ER Amantino/IGA, model BR2 12-gauge short-barreled shotgun, serial number 128774; and a Mossberg, model 500A 12-gauge shotgun, serial number P813715. The CI then handed VELAZQUEZ $2,700 in pre-recorded ATF funds. After the CI departed the meeting location, MATOS and VELAZQUEZ both entered **Matos' Ford**. Shortly thereafter, MATOS and VELAZQUEZ departed the meeting location in **Matos' Ford** and **Mitsubishi**, respectively. Shortly thereafter, the **Mitsubishi** and a white sedan were recorded by surveillance parking in front of **Velazquez's Residence**. An individual matching MATOS' description exited the white sedan and entered **Velazquez's Residence**, and law enforcement officers observed VELAZQUEZ exiting the **Mitsubishi** and entering the same residence.

21. An ATF Agent subsequently examined the Boito/ER Amantino/IGA, model BR2 12-gauge short-barreled shotgun, serial number 128774, and determined that its barrel length was approximately 11 ¼ inches, and its overall length was approximately 19 ½ inches. Accordingly, the firearm is classified as a National Firearms Act firearm.[3]

The December 2, 2014 Controlled Purchase: 1 Firearm

22. On December 2, 2014, in a phone call with MATOS as the CI was en route to the meeting location near **Matos' Residence**, MATOS told the CI that MATOS' "boy" was on the way. When the CI arrived near **Matos' Residence**, MATOS exited the residence and walked over to the CI's driver's side window. At the same time, VELAZQUEZ arrived and parked the **Mitsubishi** behind the CI's vehicle. MATOS told VELAZQUEZ that he was late, as VELAZQUEZ joined MATOS at the CI's driver's side window. The CI handed MATOS $1,050 in pre-recorded ATF funds, which MATOS then immediately handed to VELAZQUEZ. VELAZQUEZ then handed the firearm, a Jimenez Arms, model J.A. Nine 9mm pistol, serial number 135394 (reported stolen from an FFL in North Carolina on November 2, 2014) to the CI through the window. VELAZQUEZ assured the CI that he could obtain more firearms from an associate, and that he would call MATOS when he did. Following the controlled purchase, MATOS and VELAZQUEZ entered **Matos' Residence**. Both exited shortly thereafter; MATOS walked away on foot and VELAZQUEZ entered the **Mitsubishi** and drove away.

The December 15, 2014 Controlled Purchase: 2 Firearms

23. On December 15, 2014 at approximately 11:44 a.m., the CI arrived near **Matos' Residence** and met MATOS, who was waiting outside; shortly thereafter, the CI and MATOS

[3] *See supra* note 1.

entered the residence to wait for VELAZQUEZ. While waiting inside **Matos' Residence**, MATOS spoke on the phone with VELAZQUEZ, who told MATOS that he had the shotgun, but had to obtain the pistol from someone else. Approximately 40 minutes earlier that morning, surveillance had observed VELAZQUEZ exit **Velazquez's Residence**, enter the **Mitsubishi** and drive to a location on Woodland Avenue in Camden, where approximately 35 minutes later he met with two black males who entered the **Mitsubishi**. VELAZQUEZ then drove to the area of **Matos' Residence**, where he parked the **Mitsubishi**. MATOS and the CI met VELAZQUEZ outside, and VELAZQUEZ exited the **Mitsubishi**, retrieved a box from the rear of the **Mitsubishi** and placed it inside the CI's vehicle. While the CI was confirming the contents of the box, which contained a Browning, model BPS Field ten-gauge shotgun, serial number 17362MV121, VELAZQUEZ removed the pistol, a Smith & Wesson, model SW40VE .40 caliber pistol, serial number DSE2522, which was loaded with 14 rounds of .40 caliber ammunition, from his waistband and handed it to the CI. The CI then handed VELAZQUEZ $1,500 in pre-recorded ATF funds. VELAZQUEZ told the CI that he would continue to try to obtain a .45 caliber pistol for the CI and have MATOS contact the CI with the price. MATOS and VELAZQUEZ then entered **Matos' Residence**. Following the controlled purchase, VELAZQUEZ returned to the Woodland Avenue location, exited the **Mitsubishi** with the two black males, then entered a residence on Woodland Avenue with them.

The December 30, 2014 Controlled Purchase: 3 Firearms

24. On December 30, 2014, approximately 45 minutes before the CI departed for the pre-arranged meeting location near **Matos' Residence**, investigators observed **Matos' Ford** parked nearby the residence. At about the same time, surveillance recorded the **Mitsubishi** departing **Velazquez's Residence**, and approximately 30 minutes later, investigators observed the

Mitsubishi arrive in the area of **Matos' Residence**. Immediately after the **Mitsubishi** arrived, investigators observed MATOS walk from his residence to the **Mitsubishi**, and then return to his residence, where he stood outside. Shortly thereafter, investigators observed a silver **Nissan** Altima bearing New Jersey license plate F97-BKY (the **"Nissan"**) arrive and park near where MATOS was standing.[4] VELAZQUEZ exited the **Nissan** and spoke with MATOS. MATOS then re-entered his residence, and VELAZQUEZ re-entered the **Nissan**.

25. Approximately ten minutes later, the CI arrived and parked behind the **Nissan** and called MATOS, who then exited his residence via a patio door and met with VELAZQUEZ next to **Matos' Residence**. VELAZQUEZ then exited the **Nissan** and retrieved a box from its trunk, while MATOS walked over to the CI. MATOS then returned to his residence while VELAZQUEZ handed the box, which contained a Hi-Point, Model C-9 9mm pistol, serial number P1370000 and a Hi-Point, Model 995 9mm rifle, serial number B47688, to the CI through the CI's driver's side window and entered the CI's vehicle. VELAZQUEZ told the CI that the box contained two firearms, but that the third firearm was with an associate parked up the street in a white vehicle. The CI then handed VELAZQUEZ $2,400 in pre-recorded ATF funds, and VELAZQUEZ said he would go get the third gun. VELAZQUEZ then exited the CI's vehicle, entered the **Nissan** and drove a short distance and parked near a white Dodge Charger (the "Dodge"), which had been previously observed by investigators prior to the CI's arrival. VELAZQUEZ walked to the Dodge's driver's window, then entered the Dodge's rear driver's side seat briefly and exited. At the same time, investigators observed the **Mitsubishi** reposition itself. VELAZQUEZ then exited the Dodge, which then departed the area, re-entered the **Nissan** and returned to the area of **Matos' Residence**, where he parked in front of the CI's

[4] Like the **Honda** and **Mitsubishi**, the **Nissan** is registered to the same female, and at the same street address of **Velazquez's Residence**.

vehicle. VELAZQUEZ reentered the CI's vehicle and handed the CI the third gun, a Smith & Wesson, Model SW9VE 9mm pistol, serial number RBD8958 (reported stolen from South Carolina on December 14, 2011). The CI handed VELAZQUEZ $1,100 in pre-recorded ATF funds in return. VELAZQUEZ told the CI that VELAZQUEZ had a .45 caliber Glock but was not interested in selling it at the time.

26. Following the controlled purchase, VELAZQUEZ entered **Matos' Residence** from the patio door, and shortly thereafter law enforcement officers observed VELAZQUEZ speaking with MATOS on the patio. VELAZQUEZ and MATOS then shook hands and walked over to the **Nissan**. VELAZQUEZ then departed the meeting location in the **Nissan,** followed by the **Mitsubishi**, and MATOS re-entered his residence. Following the controlled purchase, the CI called MATOS and confirmed that VELAZQUEZ had given MATOS a portion of the CI's payment as a fee for setting up the controlled purchase that day.

The January 6, 2015 Controlled Purchase: 2 Firearms

27. On January 6, 2015, approximately 20 minutes prior to the CI's arrival at the meeting location near **Matos' Residence,** surveillance recorded a male matching VELAZQUEZ's physical description and wearing a red hooded sweatshirt exit **Velazquez's Residence** and depart in the **Mitsubishi**. Approximately 10 minutes after the **Mitsubishi** was seen leaving **Velazquez's Residence**, the **Mitsubishi** arrived in the area of **Matos' Residence,** paused in front of the residence, and then continued driving. Shortly thereafter, MATOS exited the residence and stood on the patio, immediately after which VELAZQUEZ arrived in the **Mitsubishi** and parked in front of **Matos' Residence**. MATOS walked over to the driver's side of the **Mitsubishi**, and the CI arrived shortly thereafter and parked in front of **Matos' Residence.**

MATOS walked over to the CI's vehicle and spoke to the CI. MATOS told the CI that he was not able to answer the CI's calls while at work. VELAZQUEZ, wearing a red hooded sweatshirt, then exited the **Mitsubishi** with a box and entered the front passenger seat of the CI's vehicle with it. MATOS then stood by the **Mitsubishi**. After receiving the box containing the two firearms, a Stallard Arms Inc., model JS-9MM 9mm pistol, serial number 041315 and a Bryco Arms, model Bryco 38 .380 caliber pistol with an obliterated serial number,[5] the CI handed VELAZQUEZ $1,700 in pre-recorded ATF funds.

28. Following the controlled purchase and the CI's departure from the meeting location, VELAZQUEZ re-entered the **Mitsubishi**, after which MATOS walked over to the driver's side and spoke with VELAZQUEZ. The **Nissan** then arrived, and O. VELAZQUEZ exited as MATOS walked over to meet him. MATOS and O. VELAZQUEZ then walked toward **Matos' Residence**; subsequently, O. VELAZQUEZ re-entered the **Nissan** and departed, and MATOS entered his residence. Law enforcement officers surveilled both VELAZQUEZ in the **Mitsubishi** and O. VELAZQUEZ in the **Nissan** heading in the direction of **Velazquez's Residence**, where law enforcement officers later observed the **Mitsubishi** parked.

29. Also following the controlled purchase, MATOS called the CI to tell the CI that because MATOS cannot make any money from the firearms purchases unless the CI contacted MATOS directly, the CI had to contact MATOS directly for all future purchases. Previously, the CI had discussed with VELAZQUEZ whether the CI could deal directly with VELAZQUEZ, if MATOS was raising the prices of the firearms he was brokering.

[5] Restoration of the obliterated serial number revealed a serial number of 1032345, which corresponds to a firearm of the same make and model stolen in Pennsylvania on May 15, 2010.

January 13, 2015 Controlled Purchase: 2 Firearms

30. On January 6, 2015, VELAZQUEZ informed the CI that he had a revolver and a brand new 1911-style 9mm pistol for sale, like the one he had sold to the CI previously (on November 18, 2014, VELAZQUEZ sold the CI a Twin Pines Inc. (Armscor) model M1911-A1 pistol reported stolen from a North Carolina FFL on November 7, 2014). VELAZQUEZ sent the CI photographs of those firearms via cellular telephone text messaging.

31. On January 7, 2014, MATOS contacted the CI and sent the CI, via cellular telephone text messaging, a photograph of the same 1911-style pistol that VELAZQUEZ had sent the CI the day before. Later that evening, MATOS texted the CI that MATOS had been honest with the CI from the beginning and not to come around **Matos' Residence** any more.

32. On January 11, 2015, MATOS told the CI that MATOS and VELAZQUEZ had agreed to continue selling firearms to the CI, and that MATOS and VELAZQUEZ were willing to sell the CI the 1911-style pistol they had previously offered. By the evening of January 12, 2015, MATOS and the CI agreed that the price for the 1911-style pistol and a revolver would be $1,950.

33. On January 13, 2015, when the CI arrived at the meeting location near **Matos' Residence**, MATOS and VELAZQUEZ were standing in front of **Matos' Residence**, talking just outside its sliding glass door. **Matos' Ford** and VELAZQUEZ's **Mitsubishi** were parked in the area of **Matos' Residence**. VELAZQUEZ entered the CI's vehicle, sat next to the CI and removed two firearms from his waistband and handed them to the CI. VELAZQUEZ told the CI to handle the firearms carefully because they were loaded. The CI then handed VELAZQUEZ $1,950 in pre-recorded ATF funds, which VELAZQUEZ counted and separated into two piles

before putting the money in his pocket. As the CI inspected the firearms – a Charter Arms, model Off Duty .38 caliber revolver, serial number 1037692 (reported stolen from a vehicle in Fayetteville, North Carolina on October 21, 2014), loaded with four rounds of .38 caliber ammunition, and an Armscor, model M1911-A1 FS 9mm pistol, serial number RIA1609442 (reported stolen from an FFL in Wilmington, North Carolina on November 7, 2014), loaded with 9 rounds of Winchester-Western 9mm ammunition – VELAZQUEZ counted the money and separated it into two piles. The CI then asked VELAZQUEZ if he would sell a Glock .45 caliber pistol, which VELAZQUEZ had mentioned previously, but VELAZQUEZ replied that it was not for sale. During the controlled purchase, MATOS remained at the sliding glass door of his residence, serving as a lookout. After the CI departed the meeting location, VELAZQUEZ returned to the sliding glass door of **Matos' Residence**, and handed an object to MATOS, as the two resumed speaking. MATOS placed the object inside his pants pocket. MATOS and VELAZQUEZ then left **Matos' Residence** for a short time, after which MATOS returned to his residence, and VELAZQUEZ re-entered the **Mitsubishi**. Law enforcement officers surveilled VELAZQUEZ returning to **Velazquez's Residence**.

January 16, 2015 Controlled Purchase: 2 Firearms

34. On January 15, 2015, VELAZQUEZ texted the CI photographs of three handguns, and indicated that VELAZQUEZ was willing to earn no profit from the sale of two of them at a price of $2,000, because he was trying to build a relationship with the source of the firearms, who regularly obtains firearms. VELAZQUEZ agreed to sell the guns to the CI the next day.

35. On January 16, 2015, approximately half an hour prior to the CI's arrival at the meeting location near **Matos' Residence**, investigators observed VELAZQUEZ exit

Velazquez's Residence and enter the **Mitsubishi** with two other males. VELAZQUEZ was observed carrying something in his hands as he exited the residence. The group then drove in the **Mitsubishi** to the area of **Matos' Residence**. VELAZQUEZ then met MATOS outside the residence and conversed until the CI arrived, and VELAZQUEZ's two male passengers walked out of view. When the CI arrived at the meeting location near **Matos' Residence**, he saw MATOS standing on his front porch. VELAZQUEZ retrieved two plastic bags from the rear of the **Mitsubishi**, entered the front passenger seat of the CI's vehicle and handed the bags to the CI. The CI then handed VELAZQUEZ $2,000 in pre-recorded ATF funds, and opened the bags, which contained a Lorcin, model L9 9mm pistol, serial number L120382 and a Ruger Model P95 9mm pistol, with an obliterated serial number. During the controlled purchase, MATOS was observed by a surveillance agent appearing to conduct countersurveillance. After the CI departed the meeting location, VELAZQUEZ was observed meeting with MATOS and handing MATOS an object. MATOS and VELAZQUEZ then walked out of view, and approximately 15 minutes later, MATOS entered **Matos' Residence**. Approximately 15 minutes thereafter, VELAZQUEZ returned to the **Mitsubishi**, where MATOS then joined him and conversed with VELAZQUEZ while VELAZQUEZ was seated inside the **Mitsubishi**. The two other passengers then returned to the area and re-entered the **Mitsubishi**, and MATOS re-entered his residence. Law enforcement officers surveilled VELAZQUEZ to **Velazquez's Residence**.

The January 28, 2015 Controlled Purchase: 2 Firearms

36. On January 27, 2015, VELAZQUEZ sent the CI a photograph, via cellular telephone text messaging, of a lever-action rifle and told the CI that he would sell the rifle and a .357 caliber pistol for $900.

37. On the morning of January 28, 2015, VELAZQUEZ texted the CI that he would sell a previously-discussed .44 caliber magnum pistol, the .357 pistol and the lever-action rifle for $3,000. Later that day, VELAZQUEZ notified the CI that he was only able to obtain the .44 magnum and .357 caliber pistols, and agreed to sell both to the CI later that day and the rifle the next day.

38. On January 28, 2015, the CI arrived at the meeting location in front of **Matos' Residence**, at which time VELAZQUEZ parked the **Mitsubishi** nearby, then moved the **Mitsubishi** to an alley across the street. The CI called VELAZQUEZ, who told the CI to conduct the sale in the alley, but the CI refused. VELAZQUEZ then entered the CI's vehicle, and the CI handed VELAZQUEZ $1,500 in pre-recorded ATF funds. VELAZQUEZ then removed two firearms, a Smith & Wesson, model 629 Classic .44 caliber revolver, serial number BRF9083 (reported stolen from a residence in Roanoke, Virginia, on June 11, 2007) and a J.P Sauer, model Western Derringer .357 caliber derringer, serial number 1109243, from his waistband and sweatshirt pocket, respectively, and handed them to the CI. VELAZQUEZ also sold the CI 24 rounds of .44 caliber ammunition. VELAZQUEZ then told the CI that he would be able to sell the rifle to the CI the next day for $400. Following the controlled purchase, VELAZQUEZ called the CI to inform the CI that he was trying to obtain a .380 caliber pistol for $800, and that he also had two rifles for sale for $400 each.

The January 29, 2015 Controlled Purchase: 2 Firearms

39. On January 29, 2015, the CI arrived at the meeting location near **Matos' Residence**, then waited for VELAZQUEZ to arrive. When VELAZQUEZ arrived, he parked behind the CI's vehicle. The CI met VELAZQUEZ at VELAZQUEZ's vehicle, and VELAZQUEZ

removed the rifle, which was concealed inside a hooded sweatshirt, from the back seat of his vehicle and handed it to the CI. The CI then placed the rifle on the back seat of the CI's vehicle, and the CI and VELAZQUEZ entered the CI's vehicle, where VELAZQUEZ removed a pistol from his waistband and handed it to the CI. The CI paid VELAZQUEZ $1,200 in pre-recorded funds for the two firearms, a Hi-Point, model CF380 .380 caliber pistol, serial number P867160, and a Winchester, model 94 .30-30 caliber rifle, serial number 3855524, along with 8 rounds of .30-30 caliber Winchester-Western ammunition. During the controlled purchase, VELAZQUEZ told the CI that he was trying to obtain a .38 Special caliber revolver, and that he would call when he got more firearms. Following the controlled purchase, VELAZQUEZ called the CI to tell the CI that he could sell the second rifle for $400.

The February 6, 2015 Controlled Purchase: 3 Firearms

40. On February 6, 2015, following phone calls and texts between the CI and VELAZQUEZ, the CI arrived at the meeting location in the area of **Matos' Residence** and waited for VELAZQUEZ to arrive. VELAZQUEZ then arrived in the **Mitsubishi** and parked in front of the CI's vehicle. VELAZQUEZ exited the **Mitsubishi** carrying a black plastic bag, which he handed to the CI through the CI's driver's side window. VELAZQUEZ then told the CI to open the back door of the CI's vehicle, and returned to the **Mitsubishi**, from which he retrieved a large object wrapped in a jacket, which he placed on the back seat of the CI's vehicle. The CI then handed VELAZQUEZ $1,500 in pre-recorded ATF funds through the driver's side window of the CI's vehicle in return for the three firearms, a Savage Arms, model Stevens 94F 20-gauge shotgun, no serial number; a Sterling, model 22 .22 caliber revolver, no serial number; and a Colt, model Diamondback .38 caliber revolver, serial number N01403, and six rounds of .38 caliber ammunition.

ADDITIONAL RECORDS, QUERIES, AND ANALYSIS

41. An ATF Interstate Nexus Expert examined the following firearms, including the markings, serial number, manufacturer name, model, caliber, and importer, if any: a Remington Arms, model 870 Express Magnum 12-gauge shotgun, serial number A462265M (manufactured in New York); an Erma Werke GMBH, model KGP69 .22 caliber pistol, serial number 311188 (manufactured in West Germany and imported by Excam Inc., in Florida); a Lorcin, model L380 .380 caliber pistol, with an obliterated serial number (manufactured in California); a Smith & Wesson, model M&P 15 5.56mm rifle, serial number ST71278 (manufactured in Massachusetts or Illinois); a Mossberg, model 500A 12-gauge shotgun, with an obliterated serial number (manufactured in Connecticut or Texas); Star, Bonifacio Echeverria, model BM 9mm pistol, serial number 1982857 (manufactured in Spain and imported in Vermont); Hi-Point, model 995 9mm rifle, serial number A31149 (manufactured in Ohio); a Twin Pines Inc. (Armscor) model M1911-A1, unknown caliber pistol, serial number RIA1623452 (manufactured in the Philippines and imported into Nevada); a Boito/ER Amantino/IGA, model BR2 12-gauge weapon short-barreled shotgun, serial number 128774 (manufactured in Brazil and imported into Michigan); a Mossberg, model 500A 12-gauge shotgun, serial number P813715 (manufactured in either Connecticut or Texas); and a Jimenez Arms, model J.A. Nine 9mm pistol, serial number 135394 (manufactured in Nevada). As to each of the firearms, it is the opinion of this expert that if the firearm was received and/or possessed in the state of New Jersey, it necessarily must have traveled in interstate commerce because the firearm was manufactured outside the state of New Jersey.

42. Each of the firearms described in the previous paragraph were test-fired and found to be operable.

43. During the course of my investigation I obtained documentation reflecting multiple prior felony convictions for MATOS from the Camden County Records Division. These records reflect that on February 8, 1999, MATOS pleaded guilty to multiple counts of third degree burglary, for which he was sentenced to a total of 7 years' incarceration.

44. On November 17, 2014, I received the results of a state of New Jersey records query reflecting that MATOS has never applied for, nor been granted, a pardon from the Governor of the state of New Jersey. A response to a request for an updated records query on February 27, 2015, confirmed no change from the results of the prior query.

45. A query of the ATF relief of disabilities database on November 13, 2014 shows MATOS has never received a relief from disabilities from the ATF. Receipt of such certification would have otherwise permitted MATOS to possess a firearm on or about March 19, 2014, notwithstanding his prior felony convictions. An updated query on February 27, 2015 confirmed no change from the results of the prior query.

46. A query of the ATF National Licensing Center revealed that neither MATOS nor VELAZQUEZ had ever applied for, or received, a federal firearms license through February 26, 2015, and that O. VELAZQUEZ had never applied for, or received, a federal firearms license through March 3, 2015.