

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

UNITED STATES OF AMERICA

v.

MARCUS RUTLING,
a/k/a "Fresh"

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Criminal No. 15 –

18 U.S.C. §§ 371 and 922(g)(1)

INFORMATION

The defendant having waived in open Court prosecution by Indictment, the United States Attorney for the District of New Jersey charges:

**COUNT ONE
(Conspiracy To Deal In Firearms Without A License)**

DEFENDANT AND CO-CONSPIRATORS

1. At all times relevant to this Information:

a. Defendant MARCUS RUTLING, a/k/a "Fresh," was a resident of New Jersey and South Carolina and was not a licensed dealer, licensed manufacturer, or licensed importer of firearms.

b. Co-Conspirator 1 was a resident of New Jersey and South Carolina, and was not a licensed dealer, licensed manufacturer, or licensed importer of firearms.

c. Co-Conspirator 2 was a resident of New Jersey and South Carolina, and was not a licensed dealer, licensed manufacturer, or licensed importer of firearms.

d. Co-Conspirator 3 was a resident of New Jersey, and was not a licensed dealer, licensed manufacturer, or licensed importer of firearms.

e. Anthony Gilmore, a/k/a "Tone," was a resident of Lawnside, New Jersey and was not a licensed dealer, licensed manufacturer, or licensed importer of firearms.

THE CONSPIRACY

3. From in or about April 8, 2013, through on or about July 28, 2014, in Camden County, in the District of New Jersey, and elsewhere, the defendant,

MARCUS RUTLING,
a/k/a "Fresh,"

did knowingly and intentionally conspire and agree with Co-Conspirator 1, Co-Conspirator 2, Co-Conspirator 3, Anthony Gilmore, and others to engage in the business of dealing in 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).

OBJECT OF THE CONSPIRACY

4. It was the object of the conspiracy to obtain firearms from pawn shops, gun shops, and other sources in the State of South Carolina, transport the firearms into the State of New Jersey, and resell the firearms for a profit in New Jersey.

MANNER AND MEANS OF THE CONSPIRACY

5. It was part of the conspiracy that defendant MARCUS RUTLING, Co-Conspirator 1, and Co-Conspirator 2 obtained firearms in the State of South Carolina and elsewhere and transported the firearms to New Jersey for resale to firearms purchasers.

6. It was further part of the conspiracy that defendant MARCUS RUTLING and Co-Conspirator 1 obtained firearms by purchasing them from individuals who had purchased the firearms from gun shops and pawn shops (as well as other places) in the State of South Carolina. Defendant MARCUS RUTLING and Co-Conspirator 1 then transported or arranged

for the transportation of the firearms from South Carolina to New Jersey. At times, defendant MARCUS RUTLING and Co-Conspirator 1 transported or arranged for the transportation of the firearms from South Carolina to New Jersey by train, using the railroad service, Amtrak.

7. It was further part of the conspiracy that Co-Conspirator 3 brokered the sale of the firearms obtained by defendant MARCUS RUTLING and Co-Conspirator 1 to a firearms purchaser. As part of the conspiracy, after Co-conspirator 3 had introduced the firearms purchaser to defendant MARCUS RUTLING and Co-Conspirator 1, defendant MARCUS RUTLING -- at times along with Co-Conspirator 1, Anthony Gilmore, and others -- sold firearms to the firearms purchaser.

8. It was further part of the conspiracy that Anthony Gilmore helped defendant MARCUS RUTLING and Co-Conspirator 1 deliver and resell firearms to the firearms purchaser.

9. It was further part of the conspiracy that, on at least three occasions, defendant MARCUS RUTLING, either directly or through co-conspirators, sold firearms, including handguns and shotguns, to the firearms purchaser.

10. It was further part of the conspiracy that defendant MARCUS RUTLING, Co-Conspirator 1, Co-Conspirator 2, Co-Conspirator 3, and Anthony Gilmore communicated with the firearms purchaser by cellular telephone, text message, and private message function on the social-networking site Facebook.com.

11. It was further part of the conspiracy that once defendant MARCUS RUTLING or his co-conspirators sold a firearm to the firearms purchaser, they divided the

profits made from the resale of the firearms which represented a portion of the proceeds of the conspiracy.

OVERT ACTS

12. In furtherance of the conspiracy and to effect its unlawful object, the following overt acts were committed in the District of New Jersey and elsewhere:

a. On or about the following dates, defendant MARCUS RUTLING sold or assisted Co-conspirator 1, Co-conspirator 2, Co-conspirator 3, or Anthony Gilmore in the sale of firearms to the firearms purchaser:

<u>DATE</u>	<u>FIREARMS</u>
January 2, 2014	<ul style="list-style-type: none">• a Raven Arms, model P25, .25 caliber pistol bearing serial number 372880;• a Lorcin model L9, 9mm pistol bearing an obliterated serial number;• a Marlin, model 60, .22 caliber rifle bearing serial number 27291297; and• a Savage, model Mark II, .22 caliber rifle bearing serial number 0603525
July 19, 2013	<ul style="list-style-type: none">• a Maverick Arms, model 88, 12-gauge shotgun bearing serial number MV87501E; and• a Smith & Wesson model 22A-1 .22 caliber handgun, bearing serial number UBP6587
April 8, 2013	<ul style="list-style-type: none">• a Savage model 67H, 12-gauge short barrel shotgun with no serial number

b. After selling or assisting in the sale of the firearms listed above, defendant MARCUS RUTLING divided the proceeds from the sale among his co-conspirators.

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

COUNT TWO
(Felon In Possession Of A Firearm)

On or about January 2, 2014, in Camden County, in the District of New Jersey,
and elsewhere, the defendant,

MARCUS RUTLING,
a/k/a "Fresh,"

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 four firearms, namely: (a) a Lorcin, Model L9, 9 mm pistol with an obliterated serial number; (b) a Raven Arms, model P-25 .25 caliber pistol, bearing serial number 372880; (c) a Marlin Model 60, .22 caliber rifle, bearing serial number 27291297; and (d) a Savage, model Mark II, .22 caliber rifle, bearing serial number 0603525.

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



PAUL J. FISHMAN
United States Attorney

CASE NUMBER: 2015R00083

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INFORMATION FOR

Title 18 United States Code
Sections 371 and 922(g)

PAUL J. FISHMAN
UNITED STATES ATTORNEY
NEWARK, NEW JERSEY

MATTHEW T. SMITH
ASSISTANT UNITED STATES ATTORNEY
CAMDEN, NEW JERSEY
856-757-5026
