

SEALED

## UNITED STATES DISTRICT COURT

for the

Middle District of Florida

United States of America )

v. )

CARL JOSEPH THOMAS PISA )

Case No. )

6:15-mj-1290 )

\_\_\_\_\_  
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 of February 6, 2015 in the county of Orange in the Middle District of Florida, the defendant violated:*Code Section*

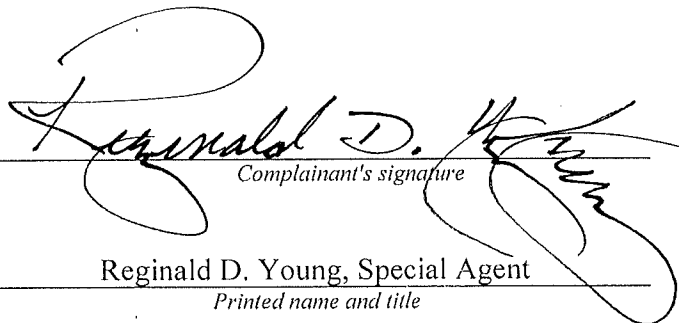
26 U.S.C. § 5861(d)

*Offense Description*

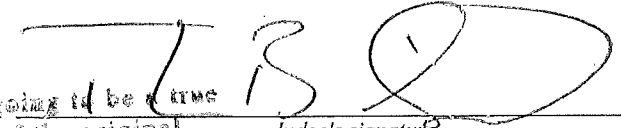
Knowingly possessing a firearm, to wit, a destructive device, that was not registered to the defendant in the National Firearms Registration and Transfer Record

This criminal complaint is based on these facts:

See attached Affidavit

☒ Continued on the attached sheet.
  
 Complainant's signature  
 Reginald D. Young, Special Agent  
 Printed name and title

Sworn to before me and signed in my presence.

Date: June 10, 2015City and state: Orlando, FLI certify the foregoing to be a true  
and correct copy of the original.
  
 Judge's signature  
 THOMAS B. SMITH, U.S. Magistrate Judge  
 United States District Court  
 Middle District of Florida
By:   
Deputy Clerk

STATE OF FLORIDA

COUNTY OF ORANGE

CASE NO. 6:15-mj-1290

AFFIDAVIT

1. I, Reginald D. Young, am a Senior Special Agent (SSA) with the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) and assigned to Group III, in Orlando, Florida. I have been employed by ATF for approximately 25 years. During the course of my 25 years, I have been trained as a Certified Explosives Specialist within ATF since 2009. Because of my specialized training, I am familiar with the violations of Federal law as they relate to firearms and explosives violations.

2. I have prepared this Affidavit for the purpose of establishing probable cause that **CARL JOSEPH THOMAS PISA** knowingly possessed a firearm, to wit, a destructive device, which was not registered to **PISA** in the National Firearms Registration and Transfer Record, in violation of Title 26, United States Code, Section 5861(d). As a result, I have not included all of the facts of this investigation. Based upon my personal knowledge and information furnished to me by other federal and state law enforcement officers, I am fully aware and allege the following facts to be true and correct.

3. In December 201<sup>4</sup>~~3~~, Agent Kelly Boaz, who is a Task Force Agent with the Federal Bureau of Investigation and Bomb Technician with the Orange County Sheriff's Office (OCSO), acting in an undercover capacity, contacted **PISA** online via Facebook because he was advertising a military simulator for

sale. Agent Boaz corresponded with **PISA** regarding the military simulator for several days, and **PISA** agreed to sell Agent Boaz the device.

4. On or about December 9, 2014, Agent Boaz met with **PISA** in the parking lot of the Miller's Ale House, which is located at 1251 Lee Road, Winter Park, Florida 32789. This location is in Orange County and within the Middle District of Florida. **PISA** arrived at the above location in a Black Ford pickup truck and gave Agent Boaz the military simulator. In exchange, Boaz paid **PISA** \$130. **PISA** explained to Agent Boaz what the device was and that the military uses the device to simulate the sound of artillery shells. **PISA** said that the military simulator sounds "like a bomb going off." Agent Boaz said that **PISA** also instructed him on how to detonate the device. **PISA** also told Agent Boaz that he had some "smoke grenades" and some items that could be added to the grenades to do more damage. **PISA** also explained that the simulators as constructed could take out a car or half a house. **PISA** agreed to contact Agent Boaz if he came across some other items. Agent Boaz was monitored with an audio recording device, and OCSO Intelligence Unit conducted surveillance of the meeting as well.

5. On or about February 3, 2015, Agent Boaz met with **PISA** to purchase another explosive device. Agent Boaz communicated with **PISA** via cellular phone and text messages prior to the meeting. **PISA** again met Agent Boaz in the Miller's Ale House parking lot in Winter Park, Florida. During the meeting, **PISA** sold Agent Boaz a round cardboard ball type device with a fuse

extending from it for \$100. **PISA** mentioned to Agent Boaz that the device could take the tire off a car, and if placed under a car, it would damage the bottom. **PISA** told Agent Boaz that if the device was placed inside of a car, "it could mess some people up." Agent Boaz asked **PISA** if he could get more devices, and **PISA** answered "yes."

6. During the meeting, **PISA** told Agent Boaz that he had just purchased a five pound box of flechettes (pointed steel projectiles) that **PISA** could place inside of a device to cause more damage. Agent Boaz also stated that **PISA** told him that one advantage of making a device with flechettes inside is that if stopped by law enforcement, the device would look like a fireworks shell. **PISA** added that the above mentioned devices would cost a little more because of the labor. **PISA** also told Agent Boaz that he had a hand grenade at his home. **PISA** explained to Agent Boaz that he would have approximately ten seconds to discard the device after the fuse was ignited. Agent Boaz was equipped with an audio recording device, and the OCSO Intelligence Unit conducted surveillance of the meeting as well.

7. On or about February 4, 2015, Agent Boaz received a text message from **PISA**. **PISA** texted Agent Boaz that he had "report mortars" and sent Agent Boaz a picture via text message showing one of the devices. **PISA** also forwarded Agent Boaz a YouTube link "<http://youtu.be/748RNSWYcBI>" to show the detonation of one of the above devices. **PISA** told Agent Boaz that things could be hot glued to the outside of the above device, like nails or ball

bearings, but he could not put anything inside because it was too dangerous.

**PISA** quoted Agent Boaz a price of \$50 dollars each, if eleven or fewer devices were purchased, and/or \$40 dollars each for twelve or more devices. **PISA** also told Agent Boaz that "They will all have ball bearings glued on the outside also."

8. On or about February 5, 2015, Agent Boaz received a text message from **PISA** stating "my guy is good to meet today. I'll have em in hand and get them altered tonight and ready to meet with you tomorrow morning."

9. On or about February 6, 2015, **PISA** texted Agent Boaz stating "Ready for tomorrow morning. Got everything attached and wrapped for glue set up." The messages also showed a photograph of the explosive devices.

10. Later on the same date, Agent Boaz again met **PISA** in the Miller's Ale House parking lot in Winter Park, Florida. **PISA** arrived to the meeting in his Black Ford pickup truck. **PISA** got out of his truck, and he was carrying a box that contained twelve explosive devices. Agent Boaz described the devices as twelve cylindrical shaped devices wrapped in ball bearings and held together with blue tape with a fuse that extended from the top. Agent Boaz gave **PISA** \$500, and **PISA** gave him the twelve explosive devices.

11. During the meeting, **PISA** told Agent Boaz that the devices were illegal and that "I was just praying to GOD that I wasn't going to get hassled or anything." Agent Boaz asked **PISA**, "this could kill somebody?" **PISA** replied "yes." **PISA** also told Agent Boaz that he set off one of the devices in a dumpster

in Longwood, Florida, and explained that the ball bearings would blast out from the device in a perfect cone upon initiation.

12. On March 2, 2015, I requested a search of the National Firearms Registration and Transfer Record to determine whether **PISA** properly registered the destructive device. The search revealed that **PISA** did not have any destructive devices lawfully registered to him in the National Firearms Registration and Transfer Record.

13. On March 4, 2015, I took custody of the round device purchased by Agent Boaz on February 3, 2015 and three of the cylindrical devices wrapped in ball bearings that Boaz purchased on February 6, 2015. I took the devices to ATF Explosives Enforcement Officer (EEO) Kevin Miner who x-rayed each device. After viewing x-ray photographs of each device, EEO Miner rendered safe each device by cutting them in half, using an instrument called a "King County Cutter." EEO Miner packaged the contents of each device in separate bags. EEO Miner informed Agent Boaz and I that each device appeared to be homemade in nature and each had a large amount of what appeared to be flash powder inside. EEO Miner also stated that the cylindrical devices with the ball bearings also had a quantity of black powder inside, which would probably act as a lift charge in the devices. I collected all of the pieces from the devices and powders for submission to the ATF Lab for analysis.

14. On May 19, 2015, I received a copy of the Laboratory Report from ATF Forensic Chemist Andrew Hawkins from the Bureau of Alcohol, Tobacco,

Firearms and Explosives Forensic Science Laboratory in Atlanta, Georgia.

Hawkins report related that the main charge in all of the four devices submitted was the explosive mixture commonly referred to as "flash powder." In addition, the report states that the black powder mixture on Devices 2, 3, and 4 was found to be black powder. Devices 2, 3, and 4 were identified as pyrotechnic mortar shells with copper coated steel BBs glued to the shells outer surface with a polystyrene/acrylate adhesive. All of the devices had a length of green pyrotechnic fuse extending from inside and through to the outside of each device. The laboratory report, along with the exhibits submitted for examination would be forwarded to ATF EEO Kevin Miner for Title II Determination.

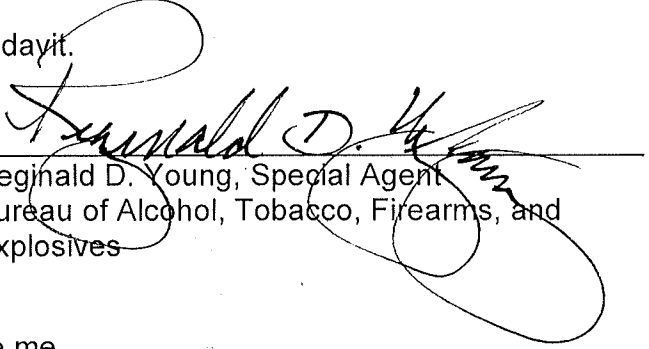
15. On May 26, 2015, I spoke with ATF EEO Kevin Miner regarding exhibits and the laboratory report submitted by ATF Forensic Chemist Andrew Hawkins. EEO Miner related that based upon the laboratory examinations and his personal examinations of the evidence submitted, he is of the opinion that the three cylindrical shaped devices were designed as improvised explosive weapons and would be properly identified as explosive bombs.

16. On June 9, 2015, I received the Destructive Device Determination report submitted by EEO Kevin Miner and approved by Kenneth Erickson, ATF Program Manager, Explosives Enforcement Branch. Regarding the cylindrical devices with the ball bearings that **PISA** sold to Agent Boaz on February 6, 2015, EEO Miner explained that "[l]ighting the fuses would, after a delay, ignite the explosive powders, causing the devices to explode. The resulting explosions

would be capable of projecting steel BBs at high velocities, in all directions. Devices of this type are capable of causing property damage and/or serious injury or death to persons near the explosion." EEO Miner's report stated that he analyzed the exhibits, and the devices were designed as improvised explosive weapons and would be properly identified as explosive bombs. Furthermore, explosive bombs are destructive devices as that term is defined in Title 26, United States Code, Section 5845(f).

17. Based on the above facts, the undersigned affiant believes that there is probable cause to arrest **CARL JOSEPH THOMAS PISA** for knowingly possessing a firearm, as set forth in Title 26, United States Code, Section 5845(8), to wit, a destructive device, as defined in Title 26, United States Code, Section 5845(f), that was not registered to **CARL JOSEPH THOMAS PISA** in the National Firearms Registration and Transfer Record, in violation of Title 26, United States Code, 5861(d).

This concludes my affidavit.

  
Reginald D. Young, Special Agent  
Bureau of Alcohol, Tobacco, Firearms, and  
Explosives


Subscribed and sworn before me

this 10 day of June, 2015.

  
THE HONORABLE THOMAS B. SMITH

United States Magistrate Judge

I certify the foregoing to be a true  
and correct copy of the original.

  
SHERYLL L. LOESCH, Clerk  
United States District Court  
Middle District of Florida

By: \_\_\_\_\_  
Deputy Clerk