

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

UNITED STATES OF AMERICA	:	Criminal No. 15 –
	:	
v.	:	18 U.S.C. § 371
	:	
ABELARDO DELMUNDO,	:	<u>I N F O R M A T I O N</u>
a/k/a “Larry”	:	

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

A. Introduction

At all times material to this Information:

1. In furtherance of the security and foreign policy interests of the United States, the United States regulated and restricted the export of arms, munitions, implements of war and defense articles, pursuant to the Arms Export Control Act (hereinafter, “AECA”). See 22 U.S.C. § 2778.
2. The regulations which governed such exports were titled the International Traffic in Arms Regulations (hereinafter, “ITAR”). See 22 C.F.R. §§ 120-130.
3. The ITAR contained a list of defense articles subject to control by these regulations, which list was called the United States Munitions List (hereinafter, “USML”). See 22 C.F.R. § 121.1.
4. According to the AECA, no defense article could be exported or otherwise transferred to a foreign country without a license from the United States Department of State, Directorate of Defense Trade Controls (hereinafter, “DDTC”). See 22 U.S.C. § 2778(b).

5. Co-Conspirator A was an individual located in The Republic of the Philippines (hereinafter, “the Philippines”) who purchased defense articles, i.e., firearm parts, from suppliers in the United States and directed the suppliers to deliver the firearm parts to addresses in the United States, including an address in Toms River, New Jersey (hereinafter, the “Toms River Address”). The Toms River Address was defendant ABELARDO DELMUNDO’s home address. DELMUNDO sent the firearm parts purchased by Co-Conspirator A to the Philippines.

6. Co-Conspirator B was an individual located in the Philippines who purchased defense articles, i.e., firearm parts, from suppliers in the United States and directed the suppliers to deliver the firearm parts to Co-Conspirator C in the State of Georgia or to the Toms River Address. Co-Conspirator C sent the firearm parts to the Toms River Address. Defendant ABELARDO DELMUNDO sent the firearm parts to the Philippines.

7. Defendant ABELARDO DELMUNDO was a resident of New Jersey who lived at the Toms River Address. DELMUNDO received defense articles, i.e., firearm parts, purchased by Co-Conspirators A and B located in the Philippines from suppliers in the United States. DELMUNDO re-packaged and falsely labeled the contents of the package and exported the firearm parts to the Philippines on behalf of Co-Conspirators A and B. When shipping the firearms parts to the Philippines, DELMUNDO often used the fake name “Teng Flores” to conceal his true identity.

8. Forum A was an on-line forum (“Forum A”) used by defendant ABELARDO DELMUNDO, Co-Conspirators A and C, and others to meet electronically, discuss the sales and shipment of firearms and firearm parts from the United States to the Philippines, and otherwise facilitate communication between DELMUNDO, Co-conspirators A and B, and others.

9. 5.56mm caliber rifle upper receivers were firearm parts and were USML Category (I) defense articles. An upper receiver is the part of the 5.56mm caliber rifle that contains the bolt, firing pin, and other components necessary for the firearm to operate.

10. .40 caliber pistol barrels and 9mm caliber pistol barrels were USML Category (I) defense articles.

11. At no time during the conspiracy did defendant ABELARDO DELMUNDO, Co-Conspirators A, B, or C, apply for or obtain a license or written authorization from DDTC to export defense articles from the United States to the Philippines.

B. The Conspiracy

11. Beginning as early as 2008 and continuing through October 2013, in the District of New Jersey and elsewhere, the defendant,

ABELARDO DELMUNDO,

did knowingly and intentionally conspire and agree with Co-Conspirator A, Co-Conspirator B, Co-Conspirator C and others to violate the laws of the United States; to wit, the following statutes and regulations:

- a. Title 22, United States Code, Section 2778, and 22, Code of Federal Regulations, Section 127.1, knowingly and willfully exporting defense articles from the United States without first obtaining an export license or written approval from DDTC; and,
- b. Title 18, United States Code, Section 554, smuggling goods from the United States.

C. Object of the Conspiracy

It was the object of the conspiracy that the conspirators caused firearms parts purchased in the United States to be shipped to the Philippines without the required license from DDTC.

D. Manner and Means

The manner and means used to accomplish the objects of the conspiracy included, among others, the following:

12. It was part of the conspiracy that the conspirators, including Co-Conspirators A and B, used credit cards and other forms of payment to purchase firearm parts from suppliers located in the United States and directed the suppliers to send the firearm parts to an address in the United States in order to make it appear that the sale was a domestic sale.

13. It was further part of the conspiracy that, to facilitate their illicit transactions with co-conspirators located in the Philippines, the conspirators used Forum A and other electronic means to facilitate communication with each other.

14. It was further part of the conspiracy that the co-conspirators used false identities when shipping firearms parts and communicating on Forum A.

15. The conspirators exported from the United States at least \$200,000 worth of defense articles, the exact sum total unknown, without first obtaining the required export license from DDTC.

E. Overt Acts In Furtherance Of The Conspiracy

15. In furtherance of the conspiracy and to effect its unlawful object, the defendant, ABELARDO DELMUNDO, and Co-Conspirator A, Co-Conspirator B, and Co-Conspirator C, committed and caused to be committed the following overt acts within the District of New Jersey and elsewhere, which are described in substance below:

The Kentucky Distributor

- a. On or about August 23, 2010, Co-Conspirator A purchased firearm parts, including 5.56mm caliber rifle barrels, from a distributor located in Kentucky, requested that the parts be sent to “Teng Flores” at the Toms River Address and paid approximately \$1,826.80 for the shipment.
- b. On or about October 5, 2010, Co-Conspirator A purchased firearm parts, including 5.56mm caliber rifle barrels, from a distributor located in Kentucky, requested that the parts be sent to “Teng Flores” at the Toms River Address and paid approximately \$1,825.43 for the shipment.
- c. On or about December 3, 2010, Co-Conspirator A purchased firearm parts, including 5.56mm caliber rifle barrels and “flattop” 5.56mm caliber rifle upper receivers, from a distributor located in Kentucky, requested that the parts be sent to “Teng Flores” at the Toms River Address and paid approximately \$4,600.00 for the items.¹
- d. On or about February 8, 2011, Co-Conspirator A purchased firearm parts, including 5.56mm caliber rifle barrel, from a distributor located in Kentucky, requested that the parts be sent to “Teng Flores” at the Toms River Address and paid approximately \$750 for the items.
- e. On or about February 14, 2011, Co-Conspirator A purchased firearm parts, including “flattop” 5.56mm caliber rifle upper receivers, from a distributor located in Kentucky,

¹ A “flattop” upper receiver (as compared to a conventional upper receiver) allows a firearms user to mount an optic on top of the firearm.

requested that the parts be sent to “Teng Flores” at the Toms River Address and paid approximately \$3,600 for the items.

- f. On or about April 4, 2011, Co-Conspirator A purchased firearm parts, including “flattop” 5.56mm caliber rifle upper receivers, from a distributor located in Kentucky, requested that the parts be sent to “Teng Flores” at the Toms River Address and paid approximately \$3,600 for the items.
- g. On or about June 3, 2011, Co-Conspirator A purchased firearm parts, including “flattop” 5.56mm caliber rifle upper receivers, from a distributor located in Kentucky, requested that the parts be sent to “Teng Flores” at the Toms River Address and paid approximately \$3,600 for the items.
- h. On or about July 1, 2011, Co-Conspirator A purchased firearm parts, including 5.56mm caliber rifle barrels, from a distributor located in Kentucky, requested that the parts be sent to “Teng Flores” at the Toms River Address and paid approximately \$1,670 for the items.
- i. On or about July 1, 2011, Co-Conspirator A purchased firearm parts, including a 5.56mm caliber rifle barrel, from a distributor located in Kentucky, requested that the parts be sent to “Teng Flores” at the Toms River Address and paid approximately \$185.57 for the items.
- j. On or about August 8, 2011, Co-Conspirator A purchased firearm parts, including “flattop” 5.56mm caliber rifle upper receivers from a distributor located in Kentucky, requested that the parts be sent to “Teng Flores” at the Toms River Address and paid approximately \$1080.00 for the items.

- k. On or about August 16, 2011, Co-Conspirator A purchased firearm parts, including “flattop” 5.56mm caliber rifle upper receivers, from a distributor located in Kentucky, requested that the parts be sent to “Teng Flores” at the Toms River Address and paid approximately \$2,576.85 for the items.
- l. On or about June 27, 2012, Co-Conspirator A purchased firearm parts, including 5.56mm caliber rifle barrels, from a distributor located in Kentucky, requested that the parts be sent to “Teng Flores” at the Toms River Address and paid approximately \$1,855.00 for the items.
- m. On or about August 4, 2012, Co-Conspirator A purchased firearm parts, including “flattop” 5.56mm caliber rifle upper receivers, from a distributor located in Kentucky, requested that the parts be sent to “Teng Flores” at the Toms River Address and paid approximately \$1,400.00 for the items.
- n. On or about August 24, 2012, Co-Conspirator A purchased firearm parts, including “flattop” 5.56mm caliber rifle upper receivers, from a distributor located in Kentucky, requested that the parts be sent to “Teng Flores” at the Toms River Address and paid approximately \$6,408.00 for the items.
- o. On or about October 26, 2012, Co-Conspirator A purchased firearm parts, including “flattop” 5.56mm caliber rifle upper receivers, from a distributor located in Kentucky, requested that the parts be sent to “Teng Flores” at the Toms River Address and paid approximately \$792.00 for the items.
- p. On or about August 26, 2012, Co-Conspirator A purchased firearm parts, including “flattop” 5.56mm caliber rifle upper receivers, from a distributor located in Kentucky,

requested that the parts be sent to “Teng Flores” at the Toms River Address and paid approximately \$1,800.00 for the items.

- q. On or about January 15, 2013, Co-Conspirator A purchased firearm parts, including “flattop” 5.56mm caliber rifle upper receivers, from a distributor located in Kentucky, requested that the parts be sent to “Teng Flores” at the Toms River Address and paid approximately \$4,150.00 for the items.
- r. On or about April 9, 2013, Co-Conspirator A purchased firearm parts, including “flattop” 5.56mm caliber rifle upper receivers, from a distributor located in Kentucky, requested that the parts be sent to “Teng Flores” at the Toms River Address and paid approximately \$2,490.00 for the items.
- s. On or about May 23, 2013, Co-Conspirator A purchased firearm parts, including “flattop” 5.56mm caliber rifle upper receivers, from a distributor located in Kentucky, requested that the parts be sent to “Teng Flores” at the Toms River Address and paid approximately \$1,660.00 for the items.
- t. On or about August 19, 2013, Co-Conspirator A purchased firearm parts, including “flattop” 5.56mm caliber rifle upper receivers and 5.56mm caliber rifle barrels, from a distributor located in Kentucky, requested that the parts be sent to “Teng Flores” at the Toms River Address and paid approximately \$5,799.00 for the items.

The Missouri Distributor

- u. On or about August 1, 2013, an individual residing in Washington State, on behalf of Co-Conspirator A, purchased firearm parts, including 9mm caliber pistol barrels, from a

distributor located in Missouri, requested that the parts be sent to “Teng Flores” at the Toms River Address and paid approximately \$693.02 for the items.

- v. On or about August 25, 2013, an individual residing in Washington State, on behalf of Co-Conspirator A, purchased firearm parts, including 9mm caliber pistol barrels, from a distributor located in Missouri, requested that the parts be sent to “Teng Flores” at the Toms River Address and paid approximately \$550.03 for the items.
- w. On or about September 2013, defendant ABELARDO DELMUNDO received a package from a distributor located in Missouri containing firearm parts, including 5.56mm caliber rifle upper receivers.
- x. On or about September 2013, defendant ABELARDO DELMUNDO sent a package containing firearm parts, including 5.56mm caliber rifle upper receivers, to the Philippines for ultimate delivery to Conspirator A.

The Washington Distributor

- y. On or about April 19, 2012, Co-Conspirator A purchased firearm parts, including 5.56mm caliber rifle upper receivers, from a distributor located in Washington, requested that the parts be sent to “Teng Flores” at the Toms River Address and paid approximately \$4,955.18 for the items.
- z. On or about June 26, 2012, Co-Conspirator A purchased firearm parts, including 5.56mm caliber rifle upper receivers, from a distributor located in Washington, requested that the parts be sent to “Teng Flores” at the Toms River Address and paid approximately \$3,450.00 for the items.

- aa. On or about July 23, 2012, Co-Conspirator A purchased firearm parts, including barrels and 5.56mm caliber rifle upper receivers, from a distributor located in Washington, requested that the parts be sent to “Teng Flores” at the Toms River Address and paid approximately \$2,406.82 for the items.
- bb. On or about January 16, 2013, Co-Conspirator A purchased firearm parts, including barrels, from a distributor located in Washington, requested that the parts be sent to “Teng Flores” at the Toms River Address and paid approximately \$500.00 for the items.
- cc. On or about May 14, 2013, Co-Conspirator A purchased firearm parts, including 5.56mm caliber rifle upper receivers, from a distributor located in Washington, requested that the parts be sent to “Teng Flores” at the Toms River Address and paid approximately \$1753.08 for the items.
- dd. On or about May 2013, defendant ABELARDO DELMUNDO received a package containing 5.56mm rifle upper receivers purchased by Co-Conspirator A from a firearms distributor. Documentation was sent with the package containing the firearm parts and including an export compliance notice, containing the following language as follows:

Rainier Arms Export Compliance - Products sold by Rainier Arms, LLC may be subject to export controls administered by the U.S. Department of Commerce or the U.S. Department of State and require an export license to be shipped outside of the United States. Export or re-export without prior authorization from the U.S. Government is prohibited. For additional information, please contact the Rainier Arms Export Compliance Team by calling 1-253-218-2999 or emailing sales@rainierarms.com.

- ee. In or about May 2013, defendant ABELARDO DELMUNDO sent these 5.56mm rifle upper receivers to the Philippines for ultimate delivery to Conspirator A.
- ff. On or about May 30, 2013, Co-Conspirator A purchased firearm parts, including 5.56mm caliber rifle upper receivers, from a distributor located in Washington, requested that the parts be sent to "Teng Flores" at the Toms River Address and paid approximately \$1,825.00 for the items.
- gg. On or about July 31, 2013, Co-Conspirator A purchased firearm parts, including 5.56mm rifle upper receivers, from a distributor located in Washington, requested that the parts be sent to "Teng Flores" at the Toms River Address and paid approximately \$861.88 for the items.
- hh. On or about August 31, 2013, Co-Conspirator A purchased firearm parts, including 5.56mm caliber rifle upper receivers and 5.56mm caliber rifle barrels, from a distributor located in Washington, requested that the parts be sent to "Teng Flores" at the Toms River Address and paid approximately \$2,290.00 for the items.

The Idaho Distributor

- ii. On or about May 28, 2012, Co-Conspirator B purchased firearm parts, including .40 caliber pistol barrels and a 9mm caliber pistol barrel, from a distributor located in Idaho, requested that the parts be sent to "Larry Del Mundo" at the Toms River Address and paid approximately \$276.30 for the items.
- jj. On or about June 2, 2012, Co-Conspirator B purchased firearm parts, including .40 caliber pistol barrels and a 9mm caliber pistol barrel, from a distributor located in Idaho,

requested that the parts be sent to "Larry Del Mundo" at the Toms River Address and paid approximately \$348.00 for the items.

- kk. On or about June 18, 2012, Co-Conspirator B purchased firearm parts, including 9mm caliber pistol barrels, from a distributor located in Idaho, requested that the parts be sent to "Larry Del Mundo" at the Toms River Address and paid approximately \$411.75 for the items.
- ll. On or about July 24, 2012, Co-Conspirator B purchased firearm parts, including 9mm caliber pistol barrels, from a distributor located in Idaho, requested that the parts be sent to "Larry Del Mundo" at the Toms River Address and paid approximately \$411.75.00 for the items.
- mm. On or about October 9, 2012, Co-Conspirator B purchased firearm parts, including 9mm caliber pistol barrels, from a distributor located in Idaho, requested that the parts be sent to "Larry Del Mundo" at the Toms River Address and paid approximately \$586.73 for the items.
- nn. On or about October 17, 2012, Co-Conspirator B purchased firearm parts, including 9mm caliber pistol barrels, from a distributor located in Idaho, requested that the parts be sent to "Larry Del Mundo" at the Toms River Address and paid approximately \$1132.50 for the items.
- oo. On or about October 25, 2012, Co-Conspirator B purchased firearm parts, including 9mm caliber pistol barrels and .40 caliber pistol barrels, from a distributor located in Idaho, requested that the parts be sent to "Larry Del Mundo" at the Toms River Address and paid approximately \$1,044.70 for the items.

pp. On or about February 20, 2013, Co-Conspirator B purchased firearm parts, including a 9mm caliber pistol barrel and a .40 caliber pistol barrel, from a distributor located in Idaho, requested that the parts be sent to "Larry Del Mundo" at the Toms River Address and paid approximately \$159.00 for the items.

qq. On or about February 25, 2013, Co-Conspirator B purchased firearm parts, including 9mm caliber pistol barrels and a .40 caliber pistol barrel, from a distributor located in Idaho, requested that the parts be sent to "Larry Del Mundo" at the Toms River Address and paid approximately \$494.10 for the items.

All in violation of Title 18, United States Code, Section 371.

FORFEITURE ALLEGATIONS

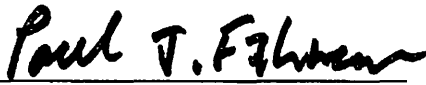
1. The allegations contained in this Information are hereby re-alleged and incorporated by reference for the purpose of alleging forfeitures, pursuant to provisions of Title 18, United States Code, Section 981(a)(1)(C) and 982(a)(1), Title 21, United States Code, Section 853 and Title 28, United States Code Section 2461.

2. Upon conviction of the violation alleged in this Information, in violation of Title 22, United States Code, Section 2778, defendant ABELARDO DELMUNDO shall forfeit to the United States, pursuant to Title 18, United States Code, Section 981(a)(1)(c) and Title 28, United States Code, Section 2461, any property, real or personal, constituting or derived from any proceeds traceable to the offense.

3. The specific property described above, as a result of any act or omission of the defendant:

- a. cannot be located upon exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third party;
- c. has been placed beyond the jurisdiction of the Court;
- d. has been substantially diminished in value; or,
- e. has been comingled with other property, which cannot be divided without difficulty,

The United States of America shall be entitled to forfeiture of substitute property under the provisions of Title 21, United States Code, Section 853(p).


PAUL J. FISHMAN
United States Attorney

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INFORMATION FOR

Title 18 United States Code
Section 371

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