

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

UNITED STATES OF AMERICA : Honorable Cathy L. Waldor
 :
 v. : Magistrate. No. 24-9115
 :
 NICOLAS TORRES : **CRIMINAL COMPLAINT**
 :
 :

I, Eric Vincent Sessa, 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 and that this complaint is based on the following facts:

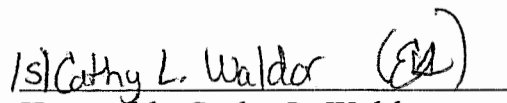
SEE ATTACHMENT B

continued on the attached pages and made a part hereof.



Eric Vincent Sessa, Special Agent
Federal Bureau of Investigation

Special Agent Sessa attested to this Affidavit by telephone pursuant to F.R.C.P. 4.1(B)(2)(A) on this 26th day of March, 2024.



Honorable Cathy L. Waldor
United States Magistrate Judge

ATTACHMENT A

COUNT 1

**(Use of an Explosive to Damage Real Property
Used in Interstate Commerce)**

On or about July 5, 2022, in Passaic County, in the District of New Jersey, the defendant,

NICOLAS TORRES

maliciously damaged and attempted to damage, by means of an explosive, real property used in interstate commerce.

In violation of Title 18, United States Code, Section 844(i).

COUNT 2
(Possession of an Unregistered Firearm)

On or about July 5, 2022, in Passaic County, in the District of New Jersey, the defendant,

NICOLAS TORRES

knowingly possessed a firearm as defined in Title 26, United States Code, Section 5845(a)(8), namely a destructive device, and which firearm was not registered to him in the National Firearms Registration and Transfer Record.

In violation of Title 26, United States Code, Section 5861(d).

ATTACHMENT B

I, Eric Vincent Sessa, am a Special Agent of the Federal Bureau of Investigation ("FBI"). The information contained in the complaint is based upon my personal knowledge, as well as information obtained from other sources, including: (a) statements made or reported by various witnesses with knowledge of relevant facts; (b) my review of publicly available information; and (c) my review of evidence, including video surveillance, business records, cell phone records, and other documents. Because this complaint is being submitted for a limited purpose, I have not set forth every fact that I know concerning this investigation. Where the contents of documents and the actions and statements of others are reported, they are reported in substance and in part, except where otherwise indicated. 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. On or about July 5, 2022, at approximately 12:10 am, a police officer with the Prospect Park Police Department ("Officer-1") heard a loud explosion in the vicinity of North 6th Street in Prospect Park, New Jersey. Officer-1 responded to the area and found the lower part of an automatic teller machine ("ATM") opened with gunpowder residue on it at a Chase Bank ("Chase").

2. According to video surveillance obtained from Chase and the surrounding area ("video surveillance"), Defendant Nicolas Torres ("the Defendant" or "TORRES") approached the ATM at approximately 12:08 am wearing a neon yellow top, light-colored shorts, and Nike sneakers. He had a tattoo on his upper right arm. The video surveillance showed the Defendant, with an object in his hand, appear to ignite an item on the ground in front of the ATM, and then flee. Several seconds later, an explosion was seen at the ATM.

3. Photos of the Defendant from his and the social media platform of another individual ("Individual-1") revealed that TORRES had a tattoo on his upper right arm (in the same area as depicted in the surveillance video), as well as a noticeable sneaker collection. In addition, records obtained from a government database described TORRES as having a tattoo on his upper right arm.

4. Video surveillance then showed the Defendant, along with two other individuals ("Individual-2" and "Individual-3"), flee the area in a Dodge Durango (the "Durango"). Law enforcement's investigation ascertained that the Durango was registered to Individual-1, who was previously in a relationship with the Defendant, and was a relative of Individual-2.

5. Law enforcement's investigation revealed that previously, on or about July 4, 2022, the day before the explosion, the Durango traveled west on Interstate 80 from the Passaic County, New Jersey area to East Stroudsburg, Pennsylvania. On that same day, TORRES purchased approximately \$1,000 worth of fireworks from a fireworks retailer in East Stroudsburg (the "Fireworks Retailer"). During that purchase, TORRES provided his driver's license and email address to the Fireworks Retailer.

6. Lawfully-obtained cell site data ("data") for the Defendant's cellular telephone showed that on or about July 5, 2022, during the time of the explosion, TORRES was within approximately one block of the ATM. That data additionally demonstrated that TORRES was in the vicinity of the ATM on approximately five separate occasions in the two weeks preceding the explosion. Furthermore, the data showed that on or about July 4, 2022, TORRES was in the vicinity of the Fireworks Retailer at the time of the fireworks purchase described above.

7. Evidence obtained from the scene at Chase's ATM was examined by the FBI Explosives Unit. Among the items examined were cardboard and tape fragments. One such cardboard fragment had "MgAl" stamped on it. MgAl is magnalium, an alloy of aluminum and magnesium. Magnalium is considered a fuel which, if mixed with a chemical oxidizer, forms an explosive. Tape is often used in explosive devices to hold the elements/components together.

8. Such an explosive can be initiated by heat or flame, which is consistent with the surveillance video depicting TORRES appear to light an item near the ATM on the morning of July 5, 2022. Based on examination of these components, together with the surveillance video, it appeared that TORRES placed an improvised explosive device ("IED") in close proximity to the ATM and then appeared to ignite the IED, thereby initiating the explosive main charge and resulting in the explosion.

9. This IED constitutes a destructive device as defined under Title 26, United States Code, Section 5845(f) because the device components included an explosive and possessed the functional characteristics of a weapon. A destructive device constitutes a firearm as defined under Title 26, United States Code, Section 5845(a)(8). This firearm was not registered to TORRES in the National Firearms Registration and Transfer Record.

10. The ATM was used in interstate commerce.