

JMC/2016R00309

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

U.S. DISTRICT COURT
DISTRICT OF NEW JERSEY
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UNITED STATES OF AMERICA

:
: Criminal No. 17- 183

v.

:
: 18 U.S.C. § 371

SHAWN K. HARVEY and
SHAWN M. HARVEY,
a/k/a "Munchy"

:
: 18 U.S.C. §§ 922(a)(1)(A) and 2

INDICTMENT

The Grand Jury in and for the District of New Jersey, sitting at
Camden, charges:

COUNT ONE
(Conspiracy to Deal in Firearms Without a License)

Background

1. At all times relevant to this Indictment, defendants SHAWN K. HARVEY and SHAWN M. HARVEY, a/k/a "Munchy," resided in the Western District of Virginia.

2. At all times relevant to this Indictment, defendant SHAWN K. HARVEY was not a federally licensed dealer, importer, or manufacturer of firearms.

3. At all times relevant to this Indictment, defendant SHAWN M. HARVEY, a/k/a "Munchy," was not a federally licensed dealer, importer, or manufacturer of firearms.

Conspiracy

4. From in or about February 2016, through on or about May 26, 2016, in Camden County, in the District of New Jersey, and elsewhere, the defendants,

**SHAWN K. HARVEY, and
SHAWN M. HARVEY,
a/k/a “Munchy,”**

did knowingly and intentionally conspire and agree with each other and with others to engage in the business of importing, manufacturing, and dealing in firearms, and in the course of such business, shipped, transported, and received firearms in interstate and foreign commerce, without being licensed to do so under federal firearms law, contrary to Title 18, United States Code, Section 922(a)(1)(A).

Object of the Conspiracy

5. The object of the conspiracy, which involved at least 35 firearms, was to profit from the sale of firearms to a confidential informant (“CI”) and an undercover federal agent (“UC”).

Manner and Means of the Conspiracy

6. It was part of the conspiracy that defendants SHAWN K. HARVEY and SHAWN M. HARVEY, a/k/a “Munchy,” obtained firearms directly or through third parties and subsequently sold those firearms to the CI and the UC for a profit.

7. It was further part of the conspiracy that defendants SHAWN

K. HAVEY and/or SHAWN M. HARVEY, a/k/a "Munchy," communicated with the CI via cellular telephone to discuss the purchase of firearms.

8. It was further part of the conspiracy that defendants SHAWN K. HARVEY and/or SHAWN M. HARVEY, a/k/a "Munchy," traveled from the Commonwealth of Virginia to the State of New Jersey for the purpose of selling firearms to the CI and/or the UC.

Overt acts

9. In furtherance of the conspiracy and to effect its unlawful object, defendants SHAWN K. HARVEY and SHAWN M. HARVEY, a/k/a "Munchy," committed and cause to be committed the following overt acts in the District of New Jersey and elsewhere:

a. On or about February 9, 2016, defendant SHAWN M. HARVEY, a/k/a "Munchy," traveled to Pennsauken, New Jersey and sold a Smith & Wesson, model SD9VE, 9 mm pistol, bearing serial number HEW0178 to the CI;

b. On or about February 17, 2016, defendants SHAWN K. HARVEY and SHAWN M. HARVEY, a/k/a "Munchy," traveled to Pennsauken, New Jersey and sold: (i) a SCCY Industries, model CPX-2, 9 mm pistol bearing serial number 180137; (ii) a CBC, model 715T, 22 caliber rifle, bearing serial number ELL3574351; and (iii) a Sun City Machinery, model Stevens 320, 20 gauge shotgun, bearing serial number 152718N to the CI;

c. On or about February 24, 2016, defendants SHAWN K. HARVEY and SHAWN M. HARVEY, a/k/a "Munchy," traveled to Pennsauken, New Jersey and sold: (i) a Sig Sauer, model P250, 9 mm handgun bearing serial number EAK151660; (ii) a Ruger, P94, 40 caliber handgun bearing serial number 340-72676; and (iii) a Maverick Arms, model 88, 12 gauge shotgun, bearing serial number MV79070C to the CI;

d. On or about March 2, 2016, defendant SHAWN M. HARVEY, a/k/a "Munchy," traveled to Pennsauken, New Jersey and sold: (i) a SCCY Industries, model CPX-2, 9 mm pistol, bearing serial number 200140; and (ii) a Ruger, model 10/22, 22 caliber rifle, bearing serial number 351-76507 to the CI;

e. On or about March 9, 2016, defendant SHAWN M. HARVEY, a/k/a "Munchy," traveled to Pennsauken, New Jersey and sold: (i) a Romarm/Cugir, model WASR-10, 762 caliber rifle, bearing serial number A1-44555-15RO; (ii) a Lucznik Rabryka Broni, model P64, 9 mm handgun, bearing serial number RZ04127; and (iii) a Walther IWI UZI, 22 caliber pistol, bearing serial number W1009450 to the CI;

f. On or about March 21, 2016, defendants SHAWN K. HARVEY and SHAWN M. HARVEY, a/k/a "Munchy," traveled to Pennsauken, New Jersey and sold: (i) a Glock, model GMBH 20, 10 mm pistol, bearing serial number MFS358; (ii) a Jimenez Arms, model J.A. 380, 380 caliber pistol, bearing serial number 256127; and (iii) a Taurus, model 605 Protector Poly,

357 magnum caliber revolver, bearing serial number IZ95278 to the CI;

g. On or about March 25, 2016, defendant SHAWN M. HARVEY, a/k/a "Munchy," traveled to Pennsauken, New Jersey and sold: (i) a Colt, model CAR A3 HBAR Elite, 223 caliber rifle, bearing serial number BK004290; (ii) a FEG, model PA63, 9 mm handgun, bearing serial number L055536; (iii) a Kahr Arms Auto Ordinance, model CW9, 9 mm handgun, bearing serial number EG7424; and (iv) a Kahr Arms Auto Ordinance, model CW9, 9 mm handgun, bearing serial number IQ7333 to the CI;

h. On or about April 19, 2016, defendant SHAWN M. HARVEY, a/k/a "Munchy," traveled to Pennsauken, New Jersey and sold: (i) a Ruger, model 9E, 9 mm handgun, bearing serial number 337-28569; (ii) a Taurus, model 85, 38 caliber revolver, bearing serial number JM15608; (iii) a Federal Armament FRX, 12 gauge shotgun with an unknown make and model, bearing serial number 16H-10028; and (iv) a Federal Armament FRX, 12 gauge shotgun, with an unknown make and model, bearing serial number 16H-10013 to the CI;

i. On or about May 11, 2016, defendant SHAWN M. HARVEY, a/k/a "Munchy," traveled to Pennsauken, New Jersey and sold: (i) a Federal Armament, FR-99, semi-automatic 12 gauge shotgun, with an unknown make and model, bearing serial number 16-K00062; (ii) a Ruger, model 22 Charger, 22 caliber pistol, bearing serial number 490-90827; (iii) a Taurus model 85, 38 caliber special revolver, bearing serial number 1088924;

and (iv) a Chiappa, model M4-22, 22 caliber long rifle, bearing serial number 12H02023 to the CI;

j. On or about May 20, 2016, defendant SHAWN M. HARVEY, a/k/a “Munchy,” traveled to Pennsauken, New Jersey and sold: (i) a SCCY Industries, CPX-2, 9 mm handgun, bearing serial number 338939; (ii) a Ruger, model LCP, 380 caliber handgun, bearing serial number 371633780; (iii) a Smith & Wesson, model SD9VE, 9 mm handgun, bearing serial number FXU9845; and (iv) a Federal Armament FX4, 12 gauge shotgun, bearing serial number 16-G 10061 to the CI and the UC;

k. On or about May 26, 2016, defendant SHAWN M. HARVEY, a/k/a “Munchy,” traveled to Pennsauken, New Jersey and sold: (i) a Mossberg, model 715T, 22 caliber rifle, with an unknown make and model, bearing serial number EMH3883509; (ii) a Cobra Enterprises/Kodiak Industries, model CA-380, 380 caliber handgun, bearing serial number 057374; (iii) a Ruger, model LCP, 380 caliber handgun, bearing serial number 371534269; and (iv) a Smith & Wesson, model SW40VE, 40 caliber handgun bearing serial number FWH8102 to the CI and the UC.

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

COUNTS TWO THROUGH NINE**(Dealing in Firearms Without a License)**

10. Paragraphs 1 through 3 and paragraphs 5 through 9 of Count One of this Indictment are realleged and incorporated as though set forth in full herein.

11. On or about the dates listed below, in Camden County, in the District of New Jersey, and elsewhere, the defendant,

**SHAWN M. HARVEY,
a/k/a "Munchy,"**

did knowingly and willfully engage in the business of importing, manufacturing, and dealing in firearms, and in the course of such business, shipped, transported, and received the following firearms in interstate and foreign commerce, without being licensed to do so under federal firearms law:

Count	Date of Purchase	Manufacturer	Model	Caliber	Serial no.
2	02/09/2016	Smith & Wesson	SD9VE	9	HEW0178
3	03/02/2016	SCCY	CPX-2	9	200140
	03/02/2016	Ruger	10/22	22	351-76507
4	03/09/2016	ROMARM/ CUGIR	WASR-10	762	A1-44555- 15RO
	03/09/2016	LUCZNIK, FABRYKA BRONI			
	03/09/2016	Walther IWI	P64	9	RZ04127
	03/09/2016		UZI	22	W1009450

Count	Date of Purchase	Manufacturer	Model	Caliber	Serial no.
5	03/25/2016	Colt	CAR A3 HBAR Elite	223	BK004290
	03/25/2016	FEG	PA63	9	L055536
	03/25/2016	Kahr Arms	Auto Ordinance CW9	9	EG7424
	03/25/2016	Kahr Arms	Auto Ordinance CM9	9	IQ7333
6	04/19/2016	Ruger	9E	9	337-28569
	04/19/2016	Taurus	85	38	JM15608
	04/19/2016	Federal Armament	Unknown	Unknown	16H-10028
	04/19/2016	Federal Armament	Unknown	Unknown	16H-10013
7	05/11/2016	Federal Armament	FR-9	Unknown	16-K00062
	05/11/2016	Ruger	22 Charger	22	490-90827
	05/11/2016	Taurus	85	38	1088924
	05/11/2016	Chiappa Firearms	M422	22 LR	12H02023
8	05/20/2016	SCCY	CPX-2	9	338939
	05/20/2016	Ruger	LCP	380	371633780
	05/20/2016	Smith & Wesson	SD9VE	9	FXU9845
	05/20/2016	Federal Armament	FX4	12	16-G 10061
9	05/26/2016	Mossberg	INT 715T	Unknown	EMH3883509
	05/26/2016	Cobra Enterprises	CA-380	380	057374
	05/26/2016	Ruger	LCP	380	371534269
	05/26/2016	Smith & Wesson	SW40VE	40	FWH8102

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

18, United States Code, Section 2.

COUNTS 10 THROUGH 12**(Dealing in Firearms Without a License)**

12. Paragraphs 1 through 3 and paragraphs 5 through 9 of Count One of this Indictment are realleged and incorporated as though set forth in full herein.

13. On or about the dates listed below, in Camden County, in the District of New Jersey, and elsewhere, the defendants,

**SHAWN K. HARVEY and
SHAWN M. HARVEY,
a/k/a "Munchy,"**

did knowingly and willfully engage in the business of importing, manufacturing, and dealing in firearms, and in the course of such business, shipped, transported, and received the following firearms in interstate and foreign commerce, without being licensed to do so under federal firearms law:

Count	Date of Purchase	Manufacturer	Model	Caliber	Serial no.
10	02/17/2016	SCCY	CPX-2	9	180137
	02/17/2016	CBC	715T	22	ELL3574351
	02/17/2016	Sun City Machinery	Stevens 320	20	152718N
11	02/24/2016	Sig Sauer	P250	9	EAK151660
	02/24/2016	Ruger	P94	40	340-72676
	02/24/2016	Maverick Arms	88		MV79070C
12	03/21/2016	Glock	GMBH 20	10	MFS358
	03/21/2016	Jimenez Arms	J.A. 380	380	256127
	03/21/2016	Taurus	Protector Poly	357	IZ95278

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

A TRUE BILL



FOREPERSON

William E. Fitzpatrick
WILLIAM E. FITZPATRICK
ACTING UNITED STATES ATTORNEY

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INDICTMENT

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Sections 371, and 922(a)(1)(A) and Section 2

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