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

UNITED STATES OF AMERICA	:	Hon. Michael A. Hammer
	:	
v.	:	Mag. No. 19-4419
	:	
FLOYD HENRY,	:	CRIMINAL COMPLAINT
a/k/a "HK"	:	
	:	<u>FILED UNDER SEAL</u>


I, Taeketra Haynes, 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 Bureau of Alcohol, Tobacco, Firearms and Explosives, and that this complaint is based on the following facts:

SEE ATTACHMENT B

continued on the attached page and made a part hereof.


Taeketra Haynes, Special Agent
Bureau of Alcohol, Tobacco, Firearms
and Explosives

Sworn to before me and subscribed in my presence,
September 20, 2019 in Newark, New Jersey.

Honorable Michael A. Hammer
United States Magistrate Judge



Signature of Judicial Officer

ATTACHMENT A

COUNT ONE

(Engaging in the Business of Dealing in Firearms)

From on or about July 15, 2019, through on or about September 20, 2019, in Passaic County, in the District of New Jersey, and elsewhere, the defendant,

FLOYD HENRY,
a/k/a "HK,"

did willfully engage in the business of dealing firearms, while not being a federally licensed importer, licensed manufacturer, or licensed dealer.

In violation of Title 18, United States Code, Sections 922(a)(1)(A), 923(a), and 924(a)(1)(D).

COUNT TWO

(Possession of a Firearm by a Convicted Felon)

On or about July 29, 2019, in Passaic County, in the District of New Jersey, and elsewhere, the defendant,

FLOYD HENRY,
a/k/a "HK,"

knowing that he had previously been convicted in the Superior Court of New Jersey, Passaic County, of a crime punishable by a term of imprisonment exceeding one year, did knowingly possess in and affecting commerce three firearms, namely: (1) a Bushmaster, model XM15-E2S, .223 caliber rifle, bearing serial number ARA008571; (2) an Anderson Manufacturing, model AM-15, multi-caliber rifle, bearing serial number 18185010; and (3) a Taurus, model 85 Ultralite, .38 caliber revolver, bearing serial number CW30317; and ammunition, namely: (1) 36 rounds of Tula Cartridge Works .223 caliber ammunition; and (2) 10 rounds of assorted .38 caliber ammunition.

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

COUNT THREE

(Possession of a Firearm by a Convicted Felon)

On or about August 14, 2019, in Passaic County, in the District of New Jersey, and elsewhere, the defendant,

FLOYD HENRY,
a/k/a "HK,"

knowing that he had previously been convicted in the Superior Court of New Jersey, Passaic County, of a crime punishable by a term of imprisonment exceeding one year, did knowingly possess in and affecting commerce three firearms, namely: (1) a Taurus 9 mm caliber pistol, model PT111 G2A, bearing serial number TLX64496; (2) a Taurus 9 mm caliber pistol, model PT111 G2A, bearing serial number TMR23659; and (3) a Taurus 9 mm caliber pistol, model PT111 G2S, bearing serial number TLZ61834.

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

COUNT FOUR

(Possession of a Firearm by a Convicted Felon)

On or about September 10, 2019, in Passaic County, in the District of New Jersey, and elsewhere, the defendant,

FLOYD HENRY,
a/k/a "HK,"

knowing that he had previously been convicted in the Superior Court of New Jersey, Passaic County, of a crime punishable by a term of imprisonment exceeding one year, did knowingly possess in and affecting commerce five firearms, namely: (1) a Taurus, model 605, .357 magnum revolver, bearing serial number GP20198; (2) a Taurus, model G2 C, 9 mm caliber pistol, bearing serial number TMR20286; (3) a Beretta, model BU9 Nano, 9 mm caliber pistol, bearing serial number NU066508; (4) a Smith and Wesson, model SD9 VE, 9 mm caliber pistol, bearing serial number FYD4086; and (5) a Taurus, model TH 9C, 9mm caliber pistol, bearing serial number TLR02143; and ammunition, namely: (1) 30 rounds of Winchester-Western .32 caliber ammunition; (2) 17 rounds of Winchester-Western .357 caliber ammunition; (3) 13 rounds of Tula Cartridge Works-Russia .40 caliber ammunition; and (4) 31 rounds of Luger 9 mm ammunition.

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

ATTACHMENT B

I, Taeketra Haynes, am a Special Agent with the Bureau of Alcohol, Tobacco, Firearms and Explosives. I am fully familiar with the facts set forth herein based on my own investigation, my conversations with law enforcement officers, and my review of reports, documents, and items of evidence. Where statements of others are related herein, they are related in substance and in part. Because this Affidavit is being submitted for a limited purpose, I have not set forth each and every fact that I know concerning this investigation. 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.

Background Information

1. The Bureau of Alcohol, Tobacco, Firearms and Explosives ("ATF") has been investigating the defendant, Floyd Henry (a/k/a "HK") ("HENRY"), regarding the interstate trafficking and sales of firearms and ammunition.

2. Under the direction of the ATF, a confidential source (the "CS") has made numerous consensually recorded telephone calls with HENRY discussing the purchase of firearms. Also during the course of the investigation, the CS has purchased at least 11 firearms from HENRY during the course of at least three separate controlled purchases. As set forth in more detail below, on each of these three occasions, HENRY engaged in dealing in the firearms without a license, and he possessed firearms having been previously convicted of felonies.

3. Pursuant to ATF standard procedures, prior to and following each of the controlled purchases, law enforcement searched the CS's vehicle and person for firearms and contraband. In every case, those pre- and post-searches revealed neither firearms nor contraband in the CS's vehicle or on the CS's person, other than the firearms and ammunition obtained from HENRY. Prior to each controlled purchase, the CS was furnished with pre-recorded ATF funds, that is, U.S. currency, with which to purchase the firearms ("ATF Funds"). Each of the controlled purchases were arranged by the CS under the direction of ATF agents through a series of cell phone calls and text messages exchanged between the CS and HENRY. All three of the controlled purchases were also audio and video recorded.

The July 2019 Controlled Purchase

4. On or about July 25, 2019, the CS placed a one-party consensually recorded telephone call to HENRY. During that call, the CS and HENRY discussed the CS wanting to purchase firearms from HENRY. HENRY told the CS that he (HENRY) would try to have the firearms by late July 2019.

5. In or around late July 2019, ATF agents and Task Force Officers (“TFOs”) conducted surveillance of the CS’s controlled purchase of three firearms from HENRY.

6. Specifically, at approximately 11:30 a.m., the CS made a one-party consensually recorded telephone call to HENRY. The CS confirmed with HENRY the meeting location for the purchase in New Jersey (“Location-1”). ATF agents and TFOs placed an audio/video transmitter inside of the CS’s vehicle and provided the CS with more than \$3,000 in ATF Funds. Before the CS left to meet with HENRY, an ATF TFO searched the CS and the CS’s vehicle for contraband and unauthorized currency. The search yielded negative results.

7. At approximately 12:00 p.m., ATF agents and TFOs observed the CS arrive in his/her vehicle at Location-1. At approximately 3:00 p.m., a tan Nissan Murano, bearing a temporary Texas tag (the “Murano”), arrived on East 39th Street. HENRY and two other unknown males were in the Murano. The Murano stopped in front of a residence on East 39th Street (the “East 39th St. Residence”). HENRY exited from the Murano and entered the East 39th St. Residence. The Murano then continued travelling northbound on East 39th Street and parked two blocks away on Vreeland Avenue.

8. At approximately 3:10 p.m., HENRY exited the East 39th St. Residence holding a suitcase and got into the CS’s vehicle, which was still parked at Location-1. While in the CS’s vehicle, HENRY opened the suitcase and showed the CS firearms later identified by ATF agents as: (1) a Bushmaster, model XM15-E2S, .223 caliber rifle, bearing serial number ARA008571; (2) an Anderson Manufacturing, model AM-15, multi-caliber rifle, bearing serial number 18185010; and (3) a Taurus, model 85 Ultralite, .38 caliber revolver, bearing serial number CW30317. The suitcase also contained 36 rounds of Tula Cartridge Works, .223 caliber ammunition; ten rounds of assorted .38 caliber ammunition; and two rifle magazines.

9. At approximately 3:15 p.m., while sitting in the CS’s vehicle, HENRY received a telephone call. HENRY told the caller, “Three of them already gone. . . . You gotta send me the money.” The telephone call ended at approximately 3:17 p.m. The CS and HENRY then discussed the price for the firearms and the CS handed HENRY over \$3,000 in ATF Funds.

10. HENRY then told the CS that he “got some coming in this weekend. That’s what the guy that’s calling me. He wants six of them, but I’m [going to] try to slide you in there. I got a lot of people man. That why I said if you ain’t call me for these, somebody else gonna get them”

11. At approximately 3:20 p.m., HENRY exited the CS’s vehicle and proceeded to walk toward the Murano, which had returned to East 39th Street.

At that same time, the CS left the area of East 39th Street and went directly to meet with the ATF agents and TFOs. The CS gave the ATF agents and TFOs the firearms and ammunition that he/she purchased from HENRY. An ATF TFO again searched the CS and the CS's vehicle for contraband and unauthorized currency, which yielded negative results.

The August 2019 Controlled Purchase

12. In or around August 2019, ATF agents and TFOs conducted surveillance of another controlled purchase of three firearms by the CS from HENRY.

13. At approximately 11:40 a.m., the CS placed a one-party consensually recorded phone call to HENRY. During that call, HENRY and the CS discussed the time and location for another meeting during which HENRY would sell the CS three firearms. They agreed to meet at Location-1 again. Upon completion of the phone call, an ATF TFO searched the CS and the CS's vehicle for contraband and unauthorized currency, which yielded negative results. Law enforcement then gave the CS more than \$2,000 in ATF Funds and placed an audio/video transmitter inside of the CS's vehicle.

14. At approximately 12:43 p.m., the CS drove in his/her vehicle to meet HENRY at Location-1. Law enforcement followed the CS and conducted surveillance. At approximately 1:04 p.m., the CS called HENRY, and during the call HENRY told the CS to meet at a different location in New Jersey ("Location-2"). The CS then drove to Location-2, while law enforcement followed the CS and conducted surveillance.

15. At approximately 1:30 p.m., the CS parked his/her vehicle in the parking lot at Location-2. At approximately 1:41 p.m., HENRY entered the CS's vehicle. ATF agents and TFOs observed HENRY holding a black bag.

16. While inside the CS's vehicle, HENRY handed the CS a package consisting of a white cloth wrapped around a clear plastic bag. The plastic bag contained what was later identified as three firearms and five magazines. Specifically, the firearms consisted of: (1) a Taurus 9 mm caliber pistol, model PT111 G2A, bearing serial number TLX64496; (2) a Taurus 9 mm caliber pistol, model PT111 G2A, bearing serial number TMR23659; and (3) a Taurus 9 mm caliber pistol, model PT111 G2S, bearing serial number TLZ61834. Additionally, HENRY gave the CS four black twelve-round magazines and one black seven-round magazine.

17. After the CS and HENRY briefly discussed the firearms, HENRY asked the CS if he/she also wanted "batteries," which referred to rounds of ammunition. The CS answered affirmatively, and HENRY then handed the CS

a clear plastic bag with the 26 rounds of Winchester-Western 9 mm caliber ammunition.

18. The CS then exited the vehicle, retrieved more than \$2,000 in ATF funds from the trunk, and gave the currency to HENRY in exchange for the firearms and ammunition.

19. At approximately 1:46 p.m., HENRY exited the CS's vehicle. At the same time, the CS drove out of Location-2's parking lot and drove back to meet with the ATF agents and TFOs. At approximately 2:04 p.m., the CS gave the ATF agents and TFOs the firearms and ammunition that he/she had just purchased from HENRY. An ATF TFO again searched the CS and the CS's vehicle for contraband and unauthorized currency, which yielded negative results.

The September 2019 Controlled Purchase

20. On or about September 10, 2019, ATF agents and TFOs conducted surveillance of another controlled purchase of five firearms by the CS from HENRY.

21. At approximately 12:00 p.m., the CS made a one-party consensually recorded telephone call to HENRY. The CS confirmed with HENRY that they would meet again at Location-2 for the purchase. ATF agents and TFOs placed an audio/video transmitter inside of the CS's vehicle and provided the CS with more than \$3,000 in ATF Funds. Before the CS left to meet with HENRY, an ATF TFO searched the CS and the CS's vehicle for contraband and unauthorized currency. The search yielded negative results.

22. At approximately 1:00 p.m., the CS drove in his/her vehicle to meet HENRY at Location-2. Law enforcement followed the CS and conducted surveillance. At approximately 1:30 p.m., HENRY exited a residence on Broadway in Passaic, New Jersey (the "Broadway Residence"). At approximately 1:33 p.m., HENRY entered the CS's vehicle through the rear passenger side door.

23. HENRY informed the CS that the price for the firearms had increased to \$800 each. HENRY told the CS that the guy getting the firearms at the store was charging him (HENRY) more money for the firearms. Additionally, HENRY told the CS that he has to "go all the way to Georgia, to Pennsylvania, to here, plus my ticket . . . so the prices went up in the store and everything I got is like good shit."

24. HENRY then gave the CS several items in green and white bags, which were later identified as five firearms and many rounds of ammunition. The firearms consisted of: (1) a Taurus, model 605, .357 Magnum revolver,

bearing serial number GP20198; (2) a Taurus, model G2 C, 9 mm pistol, bearing serial number TMR20286; (3) a Beretta, model BU9 Nano, 9 mm pistol, bearing serial number NU066508; (4) a Smith & Wesson, model SD9 VE, 9 mm pistol, bearing serial number FYD4086, with extended 16-round magazine; and (5) a Taurus, model TH 9C, 9 mm pistol, bearing serial number TLR02143, with extended 17-round magazine. Additionally, HENRY gave the CS the following ammunition: (1) 30 rounds of Winchester-Western .32 caliber ammunition; (2) 17 rounds of Winchester-Western .357 caliber ammunition; (3) 13 rounds of Tula Cartridge Works-Russia .40 caliber ammunition; and (4) 31 rounds of Luger 9 mm ammunition.

25. After HENRY gave the CS the firearms and ammunition, the CS got out of the car and opened the trunk to retrieve the ATF Funds. The CS got back into the car and gave HENRY more than \$3,000 in ATF Funds.

26. At approximately 1:44 p.m., HENRY exited the CS's car and walked southeast on Broadway. An ATF TFO observed HENRY walk back into the Broadway Residence.

27. At approximately 2:00 p.m., the CS met with ATF agents and TFOs and gave them the firearms and ammunition that he/she had just purchased from HENRY. An ATF TFO again searched the CS and the CS's vehicle for contraband and unauthorized currency, which yielded negative results.

28. The investigation has revealed that HENRY is not a federally licensed dealer, licensed importer, or licensed manufacturer of firearms, nor was he one at any time between July 2019, and September 20, 2019.

29. The ATF has determined that none of the firearms or ammunition identified in the paragraphs above were manufactured in the State of New Jersey and, therefore, must have necessarily travelled in interstate commerce to be present in New Jersey.

30. HENRY has at least one prior felony conviction, including a conviction on or about April 9, 2018, in Superior Court of New Jersey, Passaic County, for unlawful possession of a weapon.