

UNITED STATES DISTRICT COURT

for the

District of New Jersey

United States of America)

v.)

DWAYNE A. VANDERGRIFT, JR.)

Case No.)

20-MJ-7010 (KMW))

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(s) of August 26 to 28, 2020 in the county of Camden in the District of New Jersey, the defendant(s) violated:

Table with 2 columns: Code Section, Description of Offenses. Includes sections 18 U.S.C. § 844(i) and 26 U.S.C. §§ 5841, 5845, 5861(d), and 5871. Description: Malicious Use of Explosive; Possession of Unregistered Destructive Devices and Short Barreled Rifle. (See Attachment A).

This criminal complaint is based on these facts: (See Attachment B).

Continued on the attached sheet.

Complainant's signature: Det. Lauren E. Laielli, FBI Task Force Officer

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by telephone (specify reliable electronic means).

Date: 09/04/2020

Judge's signature: Hon. Karen M. Williams, U.S. Magistrate Judge

City and state: District of New Jersey

CONTENTS APPROVED

UNITED STATES ATTORNEY

By: 
Gabriel J. Vidoni, Assistant U.S. Attorney

Date: September 4, 2020

ATTACHMENT A

COUNT ONE

On or about August 26, 2020, in Camden County, in the District of New Jersey, defendant

DWAYNE A. VANDERGRIFT, JR.

maliciously damaged, by means of fire and explosive materials, the building at 514 South Broadway, Gloucester City, New Jersey 08030, namely, Bellum Strength & Conditioning “GCity” Crossfit, used in interstate commerce.

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

COUNT TWO

On or about August 26, 2020, in Camden County, in the District of New Jersey, defendant

DWAYNE A. VANDERGRIFT, JR.

knowingly possessed a firearm, namely, a destructive device (“Destructive Device 1”), not registered to him in the National Firearms Registration and Transfer Record.

In violation of Title 26, United States Code, Sections 5841, 5845, 5861(d), and 5871.

COUNT THREE

On or about August 28, 2020, in Camden County, in the District of New Jersey, defendant

DWAYNE A. VANDERGRIFT, JR.

knowingly possessed a firearm, namely, a destructive device (“Destructive Device 2”), not registered to him in the National Firearms Registration and Transfer Record.

In violation of Title 26, United States Code, Sections 5841, 5845, 5861(d), and 5871.

COUNT FOUR

On or about August 28, 2020, in Camden County, in the District of New Jersey, defendant

DWAYNE A. VANDERGRIFT, JR.

knowingly possessed a firearm, namely, an Aero Precision, Model M4E1, 5.56 caliber semi-automatic rifle, bearing serial number M40113755, with a barrel less than 16 inches in length, not registered to him in the National Firearms Registration and Transfer Record.

In violation of Title 26, United States Code, Sections 5841, 5845, 5861(d), and 5871.

ATTACHMENT B:

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT AND ARREST WARRANT

I, Lauren E. Laielli, being duly sworn, do hereby state the following:

I. INTRODUCTION

1. I am a sworn law enforcement officer employed by the New Jersey Office of Homeland Security and Preparedness (“NJOHSP”). I have been a member of the NJOHSP since July 2015. I am presently assigned full-time as a Task Force Officer (“TFO”) with the FBI Philadelphia Joint Terrorism Task Force (“JTTF”), South Jersey Resident Agency. As an FBI TFO and member of the JTTF, I have been duly deputized as a federal law enforcement officer, which authorizes me to investigate violations of federal criminal law. As part of my duties, I investigate crimes involving domestic and international terrorism, acts of violence and destruction of property through the use of weapons and explosives, firearms offenses, including violations of the National Firearms Act, and various other crimes of violence. I have extensive training and experience in the methods employed by persons involved in the commission of these offenses. In addition, I work closely with others who have specialized expertise in offenses involving the unlawful possession and use of destructive devices and firearms.

2. I am familiar with the facts and circumstances set forth herein based on my personal participation in this investigation, information provided to me by other law enforcement officers involved in the investigation, including experts in explosives, destructive devices, and firearms regulated by the National Firearms Act, as well as my review of investigative reports, photographs,

video surveillance, records, items seized in the course of this investigation, and other information detailed herein.

3. This Affidavit is submitted for the limited purpose of setting forth probable cause for the issuance of the requested criminal complaint and arrest warrant. For that reason, I have not included every fact known to me regarding this investigation. Rather, I have set forth only those facts which I believe are necessary to establish probable cause to support issuance of the requested criminal complaint and arrest warrant.

II. PROBABLE CAUSE

A. The Bombing of Bellum Gym on August 26, 2020

4. On or about August 26, 2020 at approximately 3:46 a.m., a tall, skinny male, later identified as DWAYNE A. VANDERGRIFT (hereafter “VANDERGRIFT”), placed a destructive device on the front door of Bellum Strength & Conditioning “GCity” Crossfit (hereafter referred to as “Bellum Gym”), located at 514 South Broadway, Gloucester City, New Jersey 08030.¹ Surveillance footage from a nearby security camera shows that shortly after VANDERGRIFT

¹ At all times relevant to this complaint, Bellum Gym was actively engaged in the provision of commercial services to the public, including but not limited to, on premises fitness training, online fitness classes, personal training, nutritional counseling, and retail sales of fitness-related goods and merchandise. Bellum Gym advertises its services online and provides services to customers in multiple states, including New Jersey, Pennsylvania, and Delaware. Customers pay for these services through an online payment processor based in California. Bellum Gym is also a certified, dues-paying member of CrossFit, and it sells goods manufactured outside of New Jersey. Bellum Gym also communicates with and sells merchandise through a group that it maintains on Facebook. In light of the foregoing, Bellum Gym’s business and the premises it occupies constitute activities and property in and affecting interstate commerce.

placed this destructive device on the door to Bellum Gym, he ran across the street and departed the scene on a small electric powered scooter.

5. Moments after VANDERGRIFT departed, the device he had placed on the front door of Bellum Gym detonated, causing a substantial blast that badly damaged the front entrance door, dislodged molding around the door, shattered the glass interior, and shredded portions of a flag that had been displayed behind the glass.

6. Following the explosion at Bellum Gym on August 26, 2020, I and other investigators commenced an investigation in order to determine who was responsible. As part of that investigation, I obtained and reviewed video surveillance recordings from cameras located outside multiple businesses and homes in the surrounding neighborhood, including the home of a neighbor near VANDERGRIFT's residence. A review of camera footage from these locations revealed that, shortly before the blast at Bellum Gym, a person, later identified as VANDERGRIFT, emerged from VANDERGRIFT's residence and travelled on a small electronic scooter to the location of Bellum Gym before entering the view of the nearby security camera, described above, that captured placement of the destructive device and the resulting detonation. Shortly after placing the destructive device on the door, VANDERGRIFT is visible departing the scene, and thereafter is captured riding an electronic scooter on a return route back to VANDERGRIFT's residence before re-entering shortly after the blast.

7. The following day, on or about August 27, 2020, a member of the Gloucester City Police Department, who was familiar with VANDERGRIFT based on previous interactions, contacted VANDERGRIFT to ask if he would voluntarily provide security camera footage from a

security system that VANDERGRIFT maintained at his own residence, which included a camera posted near his front door. VANDERGRIFT had previously provided security footage from his camera system to the Gloucester City Police Department in connection with unrelated incidents in the neighborhood. In response, VANDERGRIFT voluntarily sent an email containing two links to what appeared to be the requested video. Upon inspection, however, the links led to a website that stated: “No preview available. File is in owner’s trash.”

8. Upon being advised that the links did not work, VANDERGRIFT voluntarily sent another link to a video that he represented related to the timeframe “Wednesday morning from 256am to 408am.” Upon inspection and comparison to other videos investigators had obtained from cameras near VANDERGRIFT’s home from the same timeframe, investigators determined that the video was not for the correct time frame, as represented by VANDERGRIFT.

9. On or about August 28, 2020, I, along with a detective from Gloucester City Police Department, travelled to VANDERGRIFT’s house in order to inquire further about the requested video recordings. VANDERGRIFT answered the door to his residence. We stated to VANDERGRIFT that none of the videos were working, and asked that he copy them to a USB thumb drive. VANDERGRIFT agreed to do so, and we waited outside. A short time later, VANDERGRIFT returned to his front door and voluntarily provided us with a USB drive. VANDERGRIFT stated that the USB drive contained all the requested video, including footage from his front-facing camera, for the time period at issue on August 26, 2020. Thereafter, I took the USB drive to my vehicle and viewed its contents using a computer. Upon inspection, I determined that, contrary to VANDERGRIFT’s statements, none of the footage was from the

front-facing camera that would have captured persons entering and exiting VANDERGRIFT's residence. Instead, all of the video was from a camera located in the side-alley along VANDERGRIFT's residence.

10. After discovering this, the detective and I returned to VANDERGRIFT's home and attempted to contact him at his front door. No one answered, even though only approximately ten minutes had elapsed from our last interaction with VANDERGRIFT. Moreover, I know VANDERGRIFT had not left the premises during this time, as other law enforcement officers were observing all entrances.

11. Later in the morning on August 28, 2020, I and other law enforcement officers who remained present to conduct surveillance at VANDERGRIFT's residence, observed a female, who we later identified as VANDERGRIFT's mother, arrive and enter the residence. A short time later, she emerged appearing visibly distressed. Concerned about what might have been occurring within VANDERGRIFT's residence, investigators approached VANDERGRIFT's mother and asked her what was taking place. VANDERGRIFT's mother informed investigators that her son (VANDERGRIFT) had called her to say goodbye and informed her that he intended to commit "suicide by cop." According to VANDERGRIFT's mother, VANDERGRIFT had also made threatening statements toward law enforcement officers who were present outside his home. VANDERGRIFT's mother informed investigators that VANDERGRIFT had multiple firearms inside the residence that were placed in open view.

12. In response, law enforcement officers established a perimeter around the residence. A short time later, VANDERGRIFT emerged without incident and complied with orders to lay on

the ground. VANDERGRIFT was taken into custody and transported by local law enforcement officers to a crisis facility.

13. Afterwards, VANDERGRIFT's wife and mother-in-law, both of whom resided with VANDERGRIFT at the residence, provided consent for law enforcement officers to enter and search. While inside, investigators observed suspected bomb making equipment, weapons, and other contraband. On the basis of this and other information from the investigation, and out of an abundance of caution to ensure the propriety of the search, I applied for and obtained a federal search warrant for VANDERGRIFT's residence.

14. On this same date, August 28, 2020, I and other investigators executed the search warrant at VANDERGRIFT's residence. During the search, investigators recovered numerous items of evidentiary significance, including but not limited to the following:

- a. Destructive device components in the basement, on and around a work bench used by VANDERGRIFT,² including approximately four pounds of explosive powder; multiple cardboard vessels commonly used for making cylindrical destructive devices; a copper pipe with drilled endcap commonly used for making destructive devices; fuzes; small metal objects similar to ball bearings, commonly placed on or within destructive devices

² VANDERGRIFT's wife and mother-in-law both indicated to law enforcement officers that the work bench area in the basement and the items in its vicinity belonged to VANDERGRIFT. Consistent with this information, investigators observed shipping boxes addressed to VANDERGRIFT on and around the work bench area and other personal effects that appeared to belong to him. Only VANDERGRIFT, his wife, and his mother-in-law reside at the residence.

to cause bodily injury to others upon detonation; precursor chemicals such as potassium perchlorate and aluminum powder, which are commonly combined to manufacture explosive powder; and two metal confinement containers, similar to pressure cookers, which can readily be assembled into destructive devices;

- b. Approximately twelve firearms, including an Aero Precision, Model M4E1, 5.56 caliber semi-automatic rifle, bearing serial number M40113755, with a barrel less than 16 inches in length;
- c. Numerous loaded thirty round magazines for AR-15 and AK-47 pattern rifles;
- d. Multiple tactical vests with magazine pouches containing loaded magazines for AR-15 and AK-47 pattern rifles;
- e. Ballistic body armor, including multiple level-III ballistic plates, designed to stop high velocity rifle rounds, that were installed inside two of the tactical vests;
- f. Approximately 85 marijuana plants and equipment used to grow marijuana, which were contained in a hidden space behind VANDERGRIFT's work bench;
- g. VANDERGRIFT's home security camera system;

- h. Multiple electronic devices, including two cell phones belonging to VANDERGRIFT, a computer system found on his work bench, and a tablet; and
- i. A “Hover-1” brand electronic scooter, which closely resembled, and which I now have probable cause to believe is, the scooter visible in the video recordings described above relating to bombing at Bellum Gym on August 26, 2020.

15. Following these events, on about August 28, 2020, the Camden County Prosecutor’s Office charged VANDERGRIFT with multiple violations of New Jersey state law, including arson, possession of unlawful weapons and explosives, possession of high-capacity magazines, and various controlled substance offenses. As of the date of this Affidavit, VANDERGRIFT remains in state custody.

16. Since the search of VANDERGRIFT’s residence and the filing of state charges on August 28, 2020, I and other investigators have continued to analyze materials obtained during the investigation and evidence seized from VANDERGRIFT’s home.

17. An analysis of electronic devices seized from VANDERGRIFT’s home revealed numerous searches and internet activity relating to weapons, including the design and manufacture of explosive devices and bombs. Internet activity from the computer located on VANDERGRIFT’s basement work bench shows that VANDERGRIFT had recently viewed a YouTube video titled “See the difference between pipe bombs and pressure cooker bombs.” I

have since watched this video. It contains a detailed analysis of the destructive capabilities of pipe bombs and pressure cooker bombs as well as different advantages between the two devices.

18. In addition, investigators have analyzed the recorded contents of VANDERGRIFT's home security system, which was located and seized from his basement. Although the system was functioning and operational, a preliminary examination revealed a 12 hour gap in footage that encompasses the time period on August 26, 2020 when the bombing of Bellum Gym took place. In light of this gap and VANDERGRIFT's false representations to investigators that this footage was available and had been provided to them, I believe, based on my training and experience, that VANDERGRIFT deleted footage from the time of the bombing in order to prevent law enforcement officers from obtaining evidence of his involvement.

19. Explosives experts with the FBI have also since analyzed video footage capturing the explosion of the device placed on the front door of Bellum Gym on or about August 26, 2020, photographs and other evidence documenting the resulting damage, and the destructive device components located in VANDERGRIFT's basement, described above. Based on their analysis, I have been informed that the size and nature of the blast caused by the device placed on the front door of Bellum Gym, along with the resulting damage, are consistent with an explosive device constructed using the bomb making components located in VANDERGRIFT's basement.

20. In light of this and the other facts set forth above, there is probable cause to believe that VANDERGRIFT maliciously damaged, by means of fire and explosive materials, the building at 514 South Broadway, Gloucester City, New Jersey 08030 (Bellum Gym), used in interstate commerce, in violation of Title 18, United States Code, Section 844(i).

B. National Firearms Act and VANDERGRIFT's Unlawful Possession of Unregistered Destructive Devices and a Short Barreled Rifle

21. The National Firearms Act (“NFA”) imposes strict regulatory requirements on certain statutorily defined “firearms.” Under the NFA, all such “firearms” must be registered in the National Firearms Registration and Transfer Record maintained by the Secretary of the Treasury. 26 U.S.C. § 5841. Accordingly, before any person may lawfully receive or possess a “firearm” subject to regulation under the NFA, such person must obtain permission from the Attorney General, whose authority has been delegated to the Bureau of Alcohol, Tobacco, Firearms and Explosives (“ATF”), to receive or possess the “firearm.” *See* 26 U.S.C. §§ 5821(a) and 5822. Such person must also register the “firearm” and pay a \$200 tax. *See id.* Section 5861(d) of Title 26 makes it a federal crime, punishable by up to ten years in prison, for any person to receive or possess a “firearm” that is not properly registered.

22. Title 26, United States Code, Section 5845(a) defines the term “firearm” as, among other things, a “destructive device.” Title 26, United States Code, Section 5845(f), further defines the term “destructive device” as follows:

The term “destructive device” means (1) any explosive, incendiary, or poison gas (A) bomb, (B) grenade, (C) rocket having a propellant charge of more than four ounces, (D) missile having an explosive or incendiary charge of more than one-quarter ounce, (E) mine, or (F) similar device; (2) any type of weapon by whatever name known which will, or which may be readily converted to, expel a projectile by the action of an explosive or other propellant, the barrel or barrels of which have a bore of more than one-half inch in diameter, except a shotgun or shotgun shell which the Secretary finds is generally recognized as particularly suitable for sporting purposes; and (3) any combination of parts either designed or intended for use in converting any device into a destructive device as defined in subparagraphs (1) and (2) and from which a destructive device may be readily assembled.

The term “destructive device” shall not include any device which is neither designed nor redesigned for use as a weapon; any device, although originally designed for use as a weapon, which is redesigned for use as a signaling, pyrotechnic, line throwing, safety, or similar device; surplus ordnance sold, loaned, or given by the Secretary of the Army pursuant to the provisions of section 7684(2), 7685, or 7686 of title 10, United States Code; or any other device which the Secretary finds is not likely to be used as a weapon, or is an antique or is a rifle which the owner intends to use solely for sporting purposes.

23. Title 26, United States Code, Section 5845(a) also defines a “firearm” as any “rifle having a barrel or barrels of less than 16 inches in length [or] a weapon made from a rifle if such weapon, as modified, has an overall length of less than 26 inches or a barrel or barrels of less than 16 inches in length.”

24. Upon consultation with FBI experts in explosive devices, including “destructive devices” as defined above, there is probable cause to believe that VANDERGRIFT unlawfully possessed “destructive devices” on or about August 26, 2020, based on the bombing of Bellum Gym (“Destructive Device 1”), and on or about August 28, 2020, based on the bomb making materials found in the basement of his residence, which were capable of readily being converted into a destructive device (“Destructive Device 2”).

Destructive Device 1

25. With respect to the bombing of Bellum Gym carried out by VANDERGRIFT on or about August 26, 2020, FBI explosives experts have concluded, based on their analysis, training, experience, and expertise, that the explosive device placed on the door to Bellum Gym and detonated on this date was a “firearm,” and specifically a “destructive device,” as those terms are defined by Title 26, United States Code, Section 5845. This determination is made based on the

nature and size of the blast, as evidenced by the security footage described *infra* paragraphs 4-6, as well as an analysis of the damage caused by it to the front door of Bellum Gym. The determination is also reinforced by VANDERGRIFT's possession of the destructive device components found in his basement, addressed below and described *infra* paragraph 14.a, which could be readily converted into a destructive device of the type used in the bombing of Bellum Gym.

Destructive Device 2

26. With respect to the destructive device components seized from VANDERGRIFT's basement on or about August 28, 2020, FBI explosives experts have also concluded, based on their analysis, training, experience, and expertise, that these items constitute a "firearm," and specifically "destructive device," as those terms are defined by Title 26, United States Code, Section 5845. These components, described *infra* paragraph 14.a, are a "destructive device" because, although unassembled, they amount to "any combination of parts either designed or intended for use in converting any device into a destructive device as defined in subparagraphs (1) and (2) and *from which a destructive device may be readily assembled.*" 26 U.S.C. § 5845(f) (emphasis added).

Short Barreled Rifle

27. With respect to the Aero Precision, Model M4E1, 5.56 caliber semi-automatic rifle, bearing serial number M40113755, located in VANDERGRIFT's basement in the vicinity of his work bench, I conferred with a special agent with the ATF, and, with his assistance and expertise, determined that this rifle constitutes a "firearm" under the NFA because it has a barrel that is less

than 16 inches in length. This determination was made by inserting a rod down the barrel of this firearm to determine the length of the barrel, as measured by the distance between the bolt face and muzzle.

* * *

28. As to each of the items described above – Destructive Device 1, Destructive Device 2, and the Short Barreled Rifle – on or about September 3, 2020, investigators contacted the ATF to determine whether VANDERGRIFT had obtained permission, completed the requisite registration, and paid the \$200 tax to receive or possess any “firearm” as defined by the NFA, including specifically, any “destructive device[s]” or rifles “having a barrel or barrels of less than 16 inches,” as described above. The ATF confirmed that the National Firearms Registration and Transfer Record has no record of registration for any “firearm” or “destructive device” by VANDERGRIFT.

29. Based on the foregoing, there is probable cause to believe, and I do believe, that VANDERGRIFT knowingly possessed “firearms” as defined within the NFA, namely, Destructive Device 1, Destructive Device 2, and the Short Barreled Rifle described above, not registered to him in the National Firearms Registration and Transfer Record, in violation of Title 26, United States Code, Sections 5841, 5845, 5861(d), and 5871.

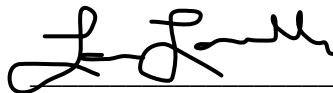
(continued on following page)

III. CONCLUSION

30. Wherefore, your Affiant submits that, based upon the facts described above, there is probable cause to support issuance of the requested criminal complaint and arrest warrant.

31. The information contained in this Affidavit is known to be true and correct to the best of my knowledge, information and belief.

Respectfully submitted,



DET. LAUREN E. LAIELLI
FBI TASK FORCE OFFICER

Pursuant to Fed. R. Crim. P. 4.1, Detective Lauren E. Laielli, FBI Task Force Officer was sworn and attested to the contents of this affidavit in support of the criminal complaint and arrest warrant requested herein.



HON. KAREN M. WILLIAMS
United States Magistrate Judge

Date: September 4, 2020