

# UNITED STATES DISTRICT COURT

for the

\_\_\_\_\_ District of \_\_\_\_\_

United States of America

v.

Case No.

)  
)  
)  
)  
)  
)  
)

\_\_\_\_\_  
*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 \_\_\_\_\_ in the county of \_\_\_\_\_ in the

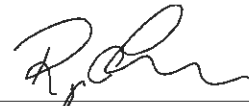
\_\_\_\_\_ District of \_\_\_\_\_, the defendant(s) violated:

*Code Section*

*Description of Offenses*

This criminal complaint is based on these facts:

☐ Continued on the attached sheet.



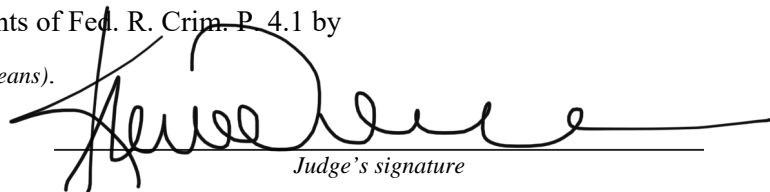
\_\_\_\_\_  
*Complainant's signature*

\_\_\_\_\_  
*Printed name and title*

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by

\_\_\_\_\_ telephone \_\_\_\_\_ (specify reliable electronic means).

Date: \_\_\_\_\_



\_\_\_\_\_  
*Judge's signature*

City and state: \_\_\_\_\_

\_\_\_\_\_  
*Printed name and title*

## **ATTACHMENT A**

### **COUNT ONE—Possession of a Firearm by a Convicted Felon**

On or about May 16, 2020, in Camden County, in the District of New Jersey, and elsewhere, the defendant,

DESMOND M. WALKER,

knowing that he had previously been convicted in a court of a crime punishable by a term of imprisonment exceeding one year, did knowingly possess a firearm, namely a Rohm, model RG10, .22 caliber revolver, bearing serial number 812850, loaded with six rounds of .22 caliber ammunition affecting interstate commerce, in violation of Title 18, United States Code, §922(g)(1).

### **COUNT TWO—Possession with Intent to Distribute Fentanyl**

On or about May 16, 2020, in Camden County, in the District of New Jersey, and elsewhere, the defendant,

DESMOND M. WALKER,

did knowingly and intentionally possess with intent to distribute a controlled substance, namely, 0.19 grams of a mixture and substance containing a detectable amount of fentanyl, a Schedule II Controlled Substance, in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(C).

## **ATTACHMENT B**

1. I, Ryan Lally, am a Special Agent with the Bureau of Alcohol, Tobacco, Firearms & Explosives (hereinafter, “ATF”), and have been so employed since 2015. I am currently assigned to the ATF Camden Field Office.
2. The information set forth in this Complaint is based on interviews with law enforcement, a review of law enforcement records and reports. Since this Affidavit is submitted for the sole purpose of establishing probable cause to support the issuance of a complaint, I have not included each and every fact known to me concerning this investigation. Statements of others are set forth in this Affidavit are set forth in substance and in part. Similarly, dates and times are approximations, and should be read as on about, in about, or at about the date or time provided.

**May 16, 2020 – Arrest of DESMOND M. WALKER**

3. On May 16, 2020, in the District of New Jersey, within the City of Camden, two sworn police officers of the Camden County Police Department (CCPD) were on patrol duty in two marked police vehicles in the vicinity of South 8<sup>th</sup> and Thurman Streets, Camden, New Jersey. One of the officers observed an individual later identified as the defendant DESMOND M. WALKER walking down the street and saw him tap on his waist band as if to check whether an item was secured. Based upon the officer's training and experience, he recognized that action as consistent with someone attempting to conceal a firearm. The officer radioed his partner and they circled back to further observe WALKER.
4. In an apparent response to WALKER having observed the marked patrol vehicles, the officers observed WALKER exhibit behavior consistent with attempting to conceal a firearm, including grabbing through his shirt at what appeared to be a handle of a firearm in his waistband, turning into an alleyway at a quickened pace and then running. The officers split up to cover both ends of the alleyway. While WALKER was running through the alleyway, one of the CCPD officers observed WALKER holding a phone in one hand and a black firearm in the other.
5. The CCPD officers pursued WALKER and observed WALKER throw the phone and firearm in the area of a fence with overgrown grass and climb over the fence to continue his flight through Robert B. Johnson park. One officer remained in the general vicinity of WALKER'S discarded phone and firearm, while a second officer continued to pursue WALKER as he ran through the park. Additional officers joined in the pursuit, and WALKER was apprehended and placed under arrest.
6. While searching WALKER after the arrest, officers recovered:
  - a. \$41 in U.S. currency; and
  - b. A clear sandwich bag, containing 93 white wax folds separated into nine bundles. Each of the white wax folds contained a white powdery substance, which was later sent to the New Jersey State Police Laboratory for analysis, where they were determined to contain .19 grams of fentanyl.
7. From the grassy area near the fence line where the CCPD officer observed WALKER throw the phone and firearm, the CCPD recovered a Rohm, model RG10, .22 caliber revolver, bearing serial number 812850, loaded with six rounds of .22 caliber ammunition which is stamped on the barrel with the words, "made in Germany," and a cellular telephone.

8. After waiving his *Miranda* rights, WALKER admitted that the drugs were his but denied having possessed the firearm.

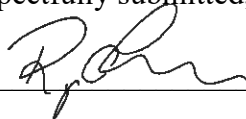
**WALKER'S Prior Felony Convictions**

9. During the course of this investigation, other law enforcement officers obtained certified copies of WALKER'S prior judgments of convictions in the New Jersey Superior Court of Camden County for the following felony offenses, each of which is punishable by a term of imprisonment exceeding one year:
- a. On December 17, 2004, WALKER was convicted of receiving stolen property in violation of N.J. Stat. § 2C:20-7A, a felony in the 3<sup>rd</sup> degree punishable, and was sentenced to 2 years' probation. On March 24, 2006, his probation was revoked and he was sentenced to 4 years' imprisonment.
  - b. On March 24, 2006, WALKER was convicted of: (1) kidnapping-facilitating a crime, in violation of N.J. Stat. § 2C:13-1B(1), a felony in the first degree, and (2) aggravated assault causing bodily harm, in violation of New Jersey Statute 2C:121B(2), a felony in the 3<sup>rd</sup> degree punishable. The Court sentenced WALKER to 12 years' imprisonment.
  - c. On April 1, 2016, WALKER was convicted of: (1) possession of controlled dangerous substances (CDS) on school property, in violation of N.J. Stat. § 2C:357B, a felony in the 3<sup>rd</sup> degree; and (2) manufacturing/distributing CDS, in violation of 2C:35-5A(1), a felony in the 3<sup>rd</sup> degree. The Court sentenced WALKER to 5 years' imprisonment.

**Firearm Interstate Nexus and Operability**

10. During the course of this investigation, an ATF Special Agent Interstate Nexus Expert reviewed the firearm details of the Rohm, model RG10, .22 caliber revolver, bearing serial number 812850, and determined that the firearm was manufactured outside the State of New Jersey, and therefore moved in/affected interstate commerce prior to WALKER'S possession of it on May 16, 2020.
11. On May 18, 2020, a technician from the Camden County Police Department Firearms Identification Unit examined the firearm and determined it to be operable.

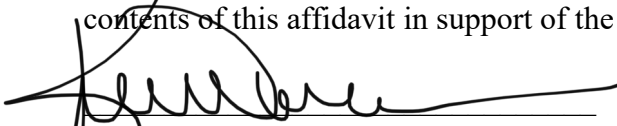
Respectfully submitted,



RYAN C. LALLY

ATF Special Agent

Pursuant to Fed. R. Crim. P. 4.1, ATF Special Agent Lally was sworn and attested to the contents of this affidavit in support of the criminal complaint.

  
\_\_\_\_\_  
HON. KAREN M. WILLIAMS  
United States Magistrate Judge

Date: November 16, 2020