

AO 91 (Rev. 02/09) Criminal Complaint

FILED
UNITED STATES DISTRICT COURT
ALBUQUERQUE, NEW MEXICO

UNITED STATES DISTRICT COURT

for the
District of New Mexico

MAR 16 2020

United States of America)
v.)
Charles Brent JUSTICE)
)
)

Case No. *20mj 955*

MITCHELL R. ELFERS
CLERK

Defendant

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 of 02/07/2020 in the county of Bernalillo in the _____ District of New Mexico, the defendant violated 26 / 18 U. S. C. § 5861(d) / 922(l), an offense described as follows:

26 U.S.C. 5861(d) Possession of an unregistered NFA weapon (silencer)
18 USC 922(l) Unlawful Importation of a Firearm

This criminal complaint is based on these facts:

See Attached

Continued on the attached sheet.

N Kempton

Complainant's signature

Nathan Kempton, Special Agent, ATF

Printed name and title

Sworn before me by reasonable electronic means.

Date: 03/16/2020

Steve Yarbrough

Judge's signature

City and state: Albuquerque, New Mexico

Steve Yarbrough, United States Magistrate Judge

Printed name and title

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United States of America

V.

Charles Brent JUSTICE

SSN: 5931

1. Nathan Kempton, a Special Agent (SA) with the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF), being duly sworn, deposes and states:
2. I am a Special Agent with the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF). I have been employed with ATF since November of 2016 and have been a law enforcement officer since June of 2005. I am an investigative, or law enforcement officer of the United States within the meaning of Title 18, United States Code, Section 2510 (7), in that I am an officer of the United States who is empowered by law to conduct investigations and make arrests for the offenses enumerated in Title 18, 21, and 26, United States Code.
3. Through the ATF, I have received specialized training in the enforcement of federal firearms, explosives, and arson laws. My training as an ATF Special Agent, along with my prior experience as a law enforcement officer has involved, among other things: (1) the debriefing of defendants, witnesses and informants, as well as others who have knowledge of the purchase, possession, distribution, and transportation of firearms and of the laundering and concealment of proceeds of firearms and drug trafficking; (2) surveillance; (3) analysis and processing of documentary, electronic, and physical evidence; (4) the legal and illegal purchase of firearms; (5) the execution of arrest and search warrants seeking firearms, narcotics, and DNA.
4. As a Special Agent with the ATF and a law enforcement officer, I have conducted physical surveillance, interviewed sources of information and defendants, served search warrants and arrest warrants, investigated firearms and drug trafficking. Further, I have testified in judicial proceedings in federal court involving prosecutions relating to violations of federal firearms laws.
5. This affidavit is intended to show only that there is sufficient probable cause for the requested warrant and does not set forth all of my knowledge about this matter.

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PROBABLE CAUSE

6. On March 13, 2020, I met with Special Agent (SA) Nathaniel Sorenson, of the Air Force Office of Special Investigations (OSI), regarding Charles Brent JUSTICE, who was arrested for prohibited weapons found to be in his possession, along with other military related violations. OSI received information from Homeland Security Investigations (HSI) that JUSTICE had purchased illegal items from an internet site based in China that is known to sell illegal firearm related items. Additionally, OSI was advised that Customs Border Protection (CBP) agents intercepted a package addressed to JUSTICE at the JFK Mail Center in New York. CBP agents discovered a silencer inside the package.
7. I was notified by OSI regarding the silencer and was asked to assist in determining whether JUSTICE possessed a tax stamp issued by ATF, authorizing him to possess and transport National Firearms Act (NFA) related items. I determined that JUSTICE did not possess a tax stamp, nor had he ever been registered through ATF to possess weapons regulated under the NFA.
8. Additionally, OSI determined that JUSTICE had received shipments of at least two (2) other illegal items from Chinese vendors, to include a butt-stock designed to attach to a Glock pistol, which would constitute a short-barreled rifle, along with a Glock compatible auto-sear, which attaches to Glock pistols, allowing a firearm to function as a machine gun. OSI also determined that JUSTICE did not receive permission to store firearms at his on-base residence.
9. Due to the above information, JUSTICE was placed under arrest by OSI. Upon arresting JUSTICE, a black Samsung Galaxy phone was discovered on his person. OSI agents advised JUSTICE of his Article 31 rights advisement and conducted an interview with him. According to an affidavit, JUSTICE told OSI agents that photographs depicting items purchased from "wish.com" were stored on his phone
10. Subsequently, OSI conducted a search of JUSTICE's residence, phone and vehicle (760B Silverberry Cir, Albuquerque NM and silver 2014 Ford F-150 – NM Registration ACLP76), located on Kirtland Air Force Base (KAFB). The search was based on search authority granted by COL David Miller, Commander, 377th Air Base Wing, KAFB, NM, via an AF IMT 1176, Authority to Search and Seize.

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11. During a search of JUSTICE's residence, agents identified seventeen (17) firearms and large amounts of ammunition. According to an affidavit provided by SA Sorenson, Three (3) firearms silencers, one (1) suspected silencer, one (1) silencer component and one (1) butt-stock compatible to convert a Glock pistol into a short barreled rifle, were discovered during the search. Additionally, a Glock pistol that is compatible with the butt-stock was discovered during the search.
12. I viewed photographs of the silencers seized by OSI and observed the inside of the silencer's chamber. Suppression baffles could be observed inside the chamber, which indicates its functionality as a silencer. Further, the silencers each had threaded end so they could be attached to the muzzle of a firearm. I also recognized the Glock pistol compatible butt-stock, which through my own experience know it is designed to attach to the grip of a pistol, which allows it to function as a rifle.
13. Additionally, OSI spoke with Z.S, who advised agents he had been shooting with JUSTICE on February 15, 2020. Z.S. disclosed that he had observed a JUSTICE shoot a firearm with what he identified as a silencer attached to its muzzle. Z.S. explained to agents that the attached silencer muffled the sound as rounds were fired. Z.S. further recalled JUSTICE demonstrating how to attach a butt-stock to a Glock pistol, by affixing it to the pistol grip.
14. I recognized one of the silencers and determined it to be an NFA weapon that had previously been deemed illegal by the ATF Firearms Technology Criminal Branch (FTCB). This specific silencer is sold under the name of an "Inline Filter" with intent to disguise it as an automotive part.
15. OSI provided me with photographs, which were extracted from JUSTICE's phone. The photographs indicated JUSTICE's involvement with weapons regulated by the NFA, to include machine gun components and silencers. I observed numerous photographs that depicted how to convert weapon systems to operate as a machine gun. I recognized some of the material as schematics for machine guns, to include a diagram for a "lightning link," which is designed to quickly install into an AR15 platform rifle so that it functions fully automatic. Other photographs displayed how to use a coat hanger as a machine gun.

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16. It should be noted that JUSTICE possessed photographs that indicated he could pose a potential threat to the public. I observed photographs of AR15 compatible magazines that had names of individuals written on them in white ink. Some of the names included Alexandre Bissonette, who shot and killed several people at a mosque in Quebec City. Also named, was Luca Traini, who conducted a shooting in Italy that targeted African migrants. Other photographs contained content related to the Christchurch mosque shooting that occurred in New Zealand. Photographs depicting how to make molotov cocktail bombs and other explosive related content was also found on JUSTICE's phone.
17. It should also be noted that JUSTICE faced military discipline from a shoplifting incident that occurred on September 15, 2016 from Sportsman's Warehouse. During this incident JUSTICE attempted to steal ammunition and other firearm related items.
18. Based upon these facts, I believe that there is probable cause to believe that Charles JUSTICE has committed the crime of 26 U.S.C. 5861(d) Possession of an unregistered NFA weapon (silencer) and 18 USC 922(l) Unlawful Importation of a Firearm.

Respectfully submitted,



ATF Special Agent

Sworn before me by reasonable electronic means
on March 16, 2020:


UNITED STATES MAGISTRATE JUDGE