

AO 91 (Rev. 08/09) Criminal Complaint

UNITED STATES DISTRICT COURT

for the
District of New Jersey

United States of America

v.

WENDELLE L. FORD
a/k/a Wendell Ford, a/k/a "Boo Boo," a/k/a "B"

Case No. 14-5512 (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 January 2012 through August 2012 in the county of Camden in the
District of New Jersey, the defendant(s) violated:

Code Section

Offense Description

18 U.S.C. § 371

See Attachment A

This criminal complaint is based on these facts:

See Attachment B

Continued on the attached sheet.

Patrick Finegan
Complainant's signature

Patrick Finegan, Special Agent, ATF
Printed name and title

Sworn to before me and signed in my presence.

Date: 05/02/2014


Karen Williams
Judge's signature

City and state: Camden, New Jersey

Hon. Karen M. Williams, U.S. Magistrate Judge
Printed name and title

CONTENTS APPROVED

UNITED STATES ATTORNEY

By: 
Matthew T. Smith
Assistant U.S. Attorney

Date: May 2, 2014

ATTACHMENT A

From in or about January 2012, through in or about August 2012, in Camden County, in the District of New Jersey, and elsewhere, the defendant,

WENDELLE L. FORD,
a/k/a "Wendell Ford,"
a/k/a "Boo Boo,"
a/k/a "B,"

did knowingly and intentionally conspire and agree with others to engage in the business of dealing in firearms, while not being a federally licensed dealer, importer, or manufacturer of firearms, contrary to Title 18, United States Code, Section 922(a)(1)(A).

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

ATTACHMENT B

AFFIDAVIT

I, Patrick Finegan (the "affiant"), state that I am a Special Agent with Bureau of Alcohol, Tobacco, Firearms, and Explosives (hereinafter, "ATF"). I have personally participated in this investigation and am aware of the facts contained herein based upon my own investigation, including a review of documents obtained during the investigation, as well as information provided to me by other law enforcement officers. Since this Affidavit is submitted for the sole purpose of establishing probable cause to support issuance of a complaint, I have not necessarily included each and every fact known by the government concerning this investigation. In addition, all of the conversations included in this affidavit are a summary of the conversation and not a verbatim account of the conversation.

1. I have been employed as a Special Agent with ATF since 2005, and I am currently assigned to the ATF Camden Resident Office, Newark Division where I investigate, gather evidence and make arrests for violations of Title 21 and Title 18 of the United States Code and other federal criminal laws. I have participated in and received training as an ATF Special Agent in conducting investigations into violations of the federal gun laws. Through the course of my career, I have participated in well over 100 gun and gun-trafficking investigations utilizing investigative techniques such as interviewing witnesses, conducting physical surveillance, electronic surveillance in the form of wire taps, the use of confidential informants and sources of information, and conducting and participating in searches based on search warrants.

A. INTRODUCTION

2. In or about June 2012, an ATF confidential source of information (hereinafter, "CS") told law enforcement officers that he knew an individual (identified by law enforcement officers as A.S.) who sold CS personal quantities of marijuana.¹ CS relayed that, in conversations with A.S., A.S. offered to sell CS firearms. A.S. told CS that A.S. had a source for firearms in both the Commonwealths of Pennsylvania and Virginia. In addition, A.S. claimed that he personally removed the serial numbers on firearms and resold the firearms for profit to individuals in the Camden, New Jersey area.

¹ CS is a prior convicted felon, who, at the time he purchased firearms from A.S., had pending felony controlled dangerous substance charges being prosecuted by the State of New Jersey. CS, however, has cooperated with law enforcement in the past and has proved reliable. Information provided by CS with respect to this investigation has also proved reliable.

3. The investigation into A.S. led to a larger gun-trafficking conspiracy where firearms were purchased in Pennsylvania and North Carolina by “straw purchasers” and, often through a middleman, resold to defendant WENDELLE L. FORD who in turn resold the firearms to others. In short, defendant WENDELLE L. FORD was a significant “middle man” in a gun-trafficking conspiracy that resulted in approximately 15 firearms being trafficked from Pennsylvania and North Carolina into the Camden, New Jersey area.

B. FIREARMS PURCHASED BY STRAW PURCHASER R.D. IN PHILADELPHIA, PENNSYLVANIA

4. Beginning in or about July 2012 and continuing through in or about August 15, 2012, CS, working at the direction of law enforcement officers, purchased sixteen (16) firearms from A.S. at Canal’s Liquor store on Route 38 in Pennsauken, New Jersey. Of the sixteen firearms purchased, 13 were either completely or partially defaced with the serial number of the firearm obliterated. The first two firearms sold from A.S. to CS, however, which were purchased by CS from A.S. on July 8, 2012, were not defaced and contained serial numbers. ATF agents learned that these two firearms -- a Kel Tec P11 9 millimeter handgun bearing serial number AGS46 and a Kel Tec PF-9 9 millimeter handgun bearing serial number S9M59 -- were both purchased a few days earlier on July 3, 2012 in Philadelphia gun shops by co-conspirator R.D.

5. The short time from R.D.’s purchase until the firearms were illegally resold (“time to crime”) indicated to ATF agents that R.D. may have been a straw purchaser. ATF looked for R.D. for several months, finally locating R.D. in or about July 2013. After approaching R.D., in a post-Miranda statement, R.D. admitted to buying the two Kel-Tec firearms that were eventually sold to the CS from A.S. R.D. told investigators that R.D. purchased the two firearms for a co-conspirator M.L. In short, R.D. told agents that:

- (a) M.L. provided R.D. with the money to buy the firearms and told her exactly which firearms to purchase;
- (b) R.D. purchased several firearms for M.L. in the Summer of 2012;
- (c) M.L. resold the firearms, often on the same day. R.D. observed one such sale from M.L. to a large African American male who drove to Philadelphia in a car with New Jersey license plates; and
- (d) M.L. paid R.D., in total, between \$50 and \$600 for purchasing

the firearms.

After law enforcement agents showed pictures of firearms to R.D., R.D. told law enforcement that R.D. recognized pictures of, and admitted to buying two Kel-Tec 9 millimeter firearms.

6. M.L. was approached by law enforcement in 2013. During an interview with M.L. and his counsel in September 2013, M.L. provided a detailed account of meeting R.D., asking her to serve as a straw purchaser for firearms, giving her money to buy firearms at Philadelphia gun shops, and ultimately reselling the firearms to the defendant WENDELLE L. FORD (often on the same day that the firearms were purchased by R.D.). During the meeting, M.L. admitted to selling five firearms to defendant WENDELLE L. FORD that were originally purchased by R.D. at M.L.'s request.

7. During a post-arrest meeting with A.S., A.S. told law enforcement that A.S. started trafficking firearms in approximately February or March of 2012. A.S. told law enforcement officers that A.S. purchased from defendant WENDELLE L. FORD the first two firearms that A.S. sold to CS. Specifically, A.S. recalled that defendant WENDELLE L. FORD put these two firearms – which were black in color, had the serial numbers of them, and were in the individual firearms boxes – in a cardboard box and sold them to A.S. A.S. in turn resold these two firearms to CS at Canal's Liquor store on Route 38 in Pennsauken, New Jersey in July 2012.

8. ATF's investigation revealed that, in addition to the two Kel-Tec firearms being present in New Jersey, one of the other three firearms purchased by R.D. and sold by M.L. to defendant WENDELLE L. FORD was recovered at a crime scene in Camden, New Jersey. Specifically, Camden Police recovered a weapon (the Kahr Model CW-9, 9 millimeter handgun bearing serial number EH2045) which had been thrown by a fleeing suspect after a car stop at the corner of Louis Street and Jackson Street in Camden on May 26, 2013. The Kahr Model CW-9, 9 millimeter handgun had been recovered only 312 days after it was purchased by R.D. in Philadelphia, Pennsylvania. Based on my training and experience, I know that the short time that elapsed between the date of purchase of the firearm and the date it was recovered in a crime scene in New Jersey is indicative of the fact that R.D., M.L. and defendant WENDELLE L. FORD were engaged in the straw-purchasing of firearms and firearms trafficking.

C. FIREARMS PURCHASED BY STRAW PURCHASER, S.M. IN PHILADELPHIA, PENNSYLVANIA

9. In or about April 2013, law enforcement officers interviewed S.M., an individual they suspected of being a straw purchaser of firearms. S.M.

admitted to being a straw purchaser and provided details of these activities to the law enforcement agents. In general, S.M. told law enforcement that S.M. was introduced to M.L. by "a friend of a friend" who knew M.L. as a tattoo artist. S.M. stated M.L. began doing some tattoo work for S.M. and eventually asked S.M. if S.M. was willing to purchase firearms for M.L. S.M. agreed and purchased five firearms over the next several months. According to S.M., in general:

- (a) M.L. would tell S.M. what firearm M.L. wanted S.M. to purchase for M.L. and M.L. would provide S.M. with the money to make the purchase;
- (b) S.M. said S.M. would go to various gun shops and purchase the firearm that M.L. requested; and
- (c) S.M. advised that, on a few occasions, M.L. would ride along to make the firearm(s) purchases but would stay in the car while S.M. entered the store. S.M. stated that, if S.M. went alone to the gun store, S.M. would deliver the firearm back to M.L. at M.L.'s apartment.

10. When interviewed by law enforcement in September of 2013, M.L. also told law enforcement officers that M.L. resold about four or five firearms originally purchased by S.M. to defendant WENDELLE L. FORD. According to M.L., M.L. started selling the firearms straw-purchased by S.M. to defendant WENDELLE L. FORD in approximately January of 2012 and continued through the summer of 2012. M.L. recalled that all of the firearms from S.M. that M.L. sold to defendant WENDELLE L. FORD were made by Glock and were similar models.

11. ATF's investigation revealed that two of the firearms purchased by S.M. at gun shops in the Pennsylvania at M.L.'s request and which were then in turn sold by M.L. to defendant WENDELLE L. FORD were recovered at a crime scene in Camden, New Jersey. First, S.M. purchased a Glock, Model 30, serial # SUT051, .45 caliber handgun on or about March 23, 2012 in Philadelphia Pennsylvania. This gun was recovered 194 days later when a court-issued search warrant was executed in Camden, New Jersey by agents from the Federal Bureau of Investigation and troopers from the New Jersey State Police investigating drug-trafficking on or about October 3, 2012. Second, S.M. purchased a Glock, Model 33, serial # TGR723, .357 caliber handgun on or about June 27, 2012 in Philadelphia, Pennsylvania. This gun was recovered 39 days later by officers from the Camden Police on or about August 5, 2012 who responded to a call about a domestic incident. Based on my training and experience, I know that the short time that elapsed between the date of purchase

of the firearms and the date they were recovered at a crime scene in New Jersey is indicative of the fact that S.M., M.L. and defendant WENDELLE L. FORD were engaged in the straw-purchasing of firearms and firearms trafficking.

D. FIREARMS PURCHASED BY STRAW PURCHASER, J.Y. IN NORTH CAROLINA

12. In or about May 2013, law enforcement officers interviewed J.Y., an individual they suspected of being a straw purchaser of firearms. J.Y. was a longtime resident of Camden, New Jersey but had moved to, and made multiple firearms purchases in, the state of North Carolina while living there for a short time. In an interview with law enforcement officers, J.Y. stated that during 2011, J.Y. moved from Camden, New Jersey to Fayetteville, North Carolina, after J.Y. had a fight with her boyfriend. J.Y. further stated that in or around Thanksgiving of 2011, J.Y. traveled by train from Fayetteville to Camden to visit family. During the trip, J.Y. stated that after she mentioned that her Fayetteville-area home had been broken into, her cousins in Camden told J.Y. that they would research firearms for J.Y. J.Y. stated that during conversations about firearms, defendant WENDELLE L. FORD asked J.Y. to purchase firearms on his behalf.

13. J.Y. further told law enforcement that, after Thanksgiving, J.Y. returned to Fayetteville and, between Thanksgiving and Christmas of 2011, defendant WENDELLE FORD, A.S. and others drove to Fayetteville to meet with J.Y. to purchase firearms. To purchase the firearms, J.Y. acquired a firearm's purchase permit for each firearm from the Cumberland County (NC) Sheriff's Office. According to J.Y., defendant WENDELLE L. FORD gave J.Y. funds to apply for five firearm's purchase permits.

14. J.Y. further stated that early in 2012, J.Y. was notified by the Cumberland County North Carolina Sheriff's Office that J.Y. was approved to purchase five firearms. According to J.Y., after J.Y. notified defendant WENDELLE L. FORD that J.Y. had been approved to purchase firearms, FORD, A.S., and another individual drove from Camden, New Jersey to Fayetteville, North Carolina and, on or about January 10, 2012, J.Y. went with FORD, A.S., and two others to several pawn shops in North Carolina to shop for firearms. According to J.Y., before J.Y. entered a pawn shop in North Carolina for a second time, defendant WENDELL L. FORD handed J.Y. \$700 to purchase two firearms. Once in the store, FORD directed J.Y. which firearms to purchase and J.Y. purchased the firearms. In total on that day, J.Y. purchased five firearms for defendant WENDELLE L. FORD on or about January 10, 2012 in North Carolina.

15. Defendant WENDELLE L. FORD and A.S. left North Carolina

with the firearms, according to J.Y. J.Y. also told law enforcement that, several weeks later, J.Y. travelled to New Jersey where defendant WENDELLE L. FORD gave J.Y. \$200.00 for each firearm J.Y. had purchased for him. J.Y. stated that she had not spoken to defendant WENDELLE L. FORD or A.S. about these firearms since that day, but that defendant WENDELLE L. FORD had asked J.Y. to purchase additional firearms for him in Pennsylvania. J.Y. told law enforcement that she had applied to purchase additional firearms in Pennsylvania, but changed her mind before making additional purchases. J.Y. stated that the five firearms J.Y. had purchased on January 10, 2012, in and around Fayetteville, North Carolina were the only firearms J.Y. had straw purchased.

16. In an interview with law enforcement, A.S. corroborated much of J.Y.'s account (although A.S. knew J.Y. by a different name). Specifically, A.S. recounted that A.S. and defendant WENDELLE L. FORD travelled from Camden, New Jersey to the Fayetteville, North Carolina area to meet a young lady that was from Camden. According to A.S., while there, defendant WENDELLE L. FORD had the young lady purchase five firearms for him which he transported from North Carolina to New Jersey. A.S. told law enforcement that he later learned that defendant WENDELLE L. FORD sold the firearms in the Camden, New Jersey area.

E. OVERT ACTS IN FURTHERANCE OF THE CONSPIRACY

17. In furtherance of the conspiracy and to effect its unlawful object, the investigation revealed that the following overt acts were committed in the District of New Jersey and elsewhere:

- (a) On or about following dates and at the following federally-licensed dealers and gun shops, co-conspirator R.D. purchased the following firearms:

<u>DATE</u>	<u>GUN</u>	<u>GUN SHOP</u>
June 30, 2012	Glock Model 27, .40 caliber handgun bearing serial number RUB545	Frank's Gun Shop & Shooting Range

<u>DATE</u>	<u>GUN</u>	<u>GUN SHOP</u>
July 3, 2012	Kel-Tec Model PF-9, 9 millimeter handgun bearing serial number S9M59	Delia's Gun Shop
July 3, 2012	Kel-Tec Model P-11, 9 millimeter handgun bearing serial number AGS46	Frank's Gun Shop & Shooting Range
July 18, 2012	Kahr Model CW-9, 9 millimeter handgun bearing serial number EH2045	Frank's Gun Shop & Shooting Range
July 19, 2012	Glock Model 27, .40 caliber handgun bearing serial number PNR076	Delia's Gun Shop

After purchasing the five firearms on the dates listed above in Philadelphia, Pennsylvania, co-conspirator R.D. transferred those firearms to co-conspirator M.L., who in turn resold the firearms to defendant WENDELLE L. FORD (often on the same day defendant R.D. purchased the firearms), who transported the firearms into the State of New Jersey. Moreover, sometime between July 3, 2012 and July 8, 2012, defendant WENDELLE L. FORD resold the two Kel-Tec firearms to co-conspirator A.S. who in turn sold CS the two firearms on or about July 8, 2012.

(b) On or about following dates and at the following federally-licensed dealers and gun shops, co-conspirator S.M. purchased the following firearms:

<u>DATE</u>	<u>GUN</u>	<u>GUN SHOP</u>
March 23, 2012	Glock, Model 30 handgun bearing serial number SUT051	Lock's Philadelphia Gun Exchange
June 27, 2012	Glock, Model 33 handgun bearing serial number TGR723	Frank's Gun Shop
June 27, 2012	Glock, Model 27 handgun bearing serial number RUB543	Frank's Gun Shop
July 5, 2012	Glock, Model 26, (mm handgun bearing serial number SUG581	Frank's Gun Shop
July 18, 2012	Smith & Wesson, Model SD40VE handgun bearing serial number HEB8803	Frank's Gun Shop

After purchasing the firearms on the dates listed above in Philadelphia, Pennsylvania, co-conspirator S.M. transferred those firearms to M.L., who in turn resold the firearms to defendant WENDELLE L. FORD who transported the firearms into the State of New Jersey.

(c) On or about following dates and at the following federally-licensed dealers and gun shops, co-conspirator J.Y. purchased the following firearms:

<u>DATE</u>	<u>GUN</u>	<u>GUN SHOP</u>
January 10, 2012	Springfield Armory, Model XDM handgun, bearing serial number MG233050	Jery's Pawn Shop (Spring Lake, North Carolina)
January 10, 2012	Springfield Armory, Model XD45 handgun, bearing serial number US782275	Jery's Pawn Shop (Spring Lake, North Carolina)
January 10, 2012	Squires Bingham Model Citadel, bearing serial number CIT006595	Jery's Pawn Shop (Spring Lake, North Carolina)
January 10, 2012	Taurus, Model PT740, serial number SDM24948	Cross Creek Pawn and Jewelry, LLC (Fayetteville, North Carolina)
January 10, 2012	Kel-Tec Model PF-9, bearing serial number S2S07	Cross Creek Pawn and Jewelry, LLC (Fayetteville, North Carolina)

After purchasing the firearms on the dates listed above in North Carolina, co-conspirator J.Y. transferred those firearms to defendant WENDELLE L. FORD who transported the firearms into the State of New Jersey.

20. The investigation has revealed that neither R.D., M.L., J.Y., S.M. A.S, nor defendant WENDELLE L. FORD was ever a federally licensed dealer, licensed importer, or licensed manufacturer of firearms. Moreover, the investigation revealed that defendant WENDELLE L. FORD is a two-time convicted felon in the State of New Jersey. Specifically, in or around 1994, defendant WENDELLE L. FORD was convicted of a felony for controlled dangerous substance on school property in New Jersey Superior Court (Camden

County). In or around 2001, defendant WENDELLE L. FORD was later convicted for making Terroristic Threats.

21. Based on the above information, there is probable cause to believe that defendant WENDELLE L. FORD did knowingly and intentionally conspire and agree with others to engage in the business of dealing in firearms, while not being a federally licensed dealer, importer, or manufacturer of firearms, contrary to Title 18, United States Code, Section 922(a)(1)(A), in violation of Title 18, United States Code, Section 371.