

AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT

for the

Middle District of Florida

2014 AUG -6 PM 12:02

United States of America)
v.)
NELSON CARTAGENA)
JULIAN ROLAND)
KAREN CHAN)
DAIRO CARTAGENA)

Case No. 6:14-mj-1414-01, 02, 03, 04

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 July 29, 2014 in the county of Brevard in the Middle District of Florida, the defendant(s) violated:

Code Section 18 U.S.C. § 371 Offense Description Conspire to commit an offense against the United States, that is, to violate Title 18, United States Code, Section 922(e)

This criminal complaint is based on these facts:

See attached affidavit

Continued on the attached sheet.

Lamont Smith Complainant's signature

Lamont Smith, Special Agent Printed name and title

Sworn to before me and signed in my presence.

Date: Aug 6, 2014

David A. Baker Judge's signature

City and state: Orlando, Florida

David A. Baker, Magistrate Judge Printed name and title

STATE OF FLORIDA

CASE NO. 6:14-mj-1414-01, 02, 03, 04

COUNTY OF ORANGE

AFFIDAVIT

I, Lamont Smith, being duly sworn, depose and state as follows:

1. I am a Special Agent (SA) with the Bureau of Alcohol, Tobacco and Firearms (ATF), and began my employment with ATF in February 2001 in Tampa, Florida. During my assignment in Tampa, I conducted general investigations targeting violent criminals, gangs and organized criminal groups that were violating Federal Firearms statutes as well as other violations Federal Law that included both violent crimes and narcotic offenses. From June 2008 to December 2013, I was on assignments to ATF Foreign Offices in Monterrey, Mexico and Bogota, Colombia, to assist both U.S. and Foreign Law Enforcement Officials in combating the illegal trafficking of firearms from the United States to Latin America. One of my primary responsibilities while working overseas was to manage ATF's international firearms trafficking program. This program sought to reduce the flow of illegal firearms from the U.S. to Latin America. In January 2014, I was reassigned to the Ft. Pierce Field Office, where I am assigned to general investigations targeting violent criminals, gangs, and organized crime groups. In my current capacity, I continue to use the knowledge and experience I gained in Latin America to identify possible firearm trafficking organizations.

2. This affidavit is based upon my own personal knowledge as well as information provided to me by other law enforcement officers. This affidavit does not

set forth every fact known to me regarding the investigation but only those facts necessary to establish probable cause for a criminal complaint.

3. On or about May 14, 2014, I reviewed the National Tracing Center's (NTC) Weekly Firearm Tracing System (FTS) Report for firearm traces and multiple sale purchases in the Ft. Pierce, Florida, Office Area of Responsibility (AOR). While reviewing the data, I identified multiple sale purchases of two Extar pistols by a foreign national female from a Port St. Lucie, Florida, Federal Firearm Licensee (FFL).

4. The Weekly FTS Report indicated that, on May 4, 2014, Karen CHAN (CHAN) of Melbourne, Florida, purchased two Extar pistols, model EXP556, from St. Lucie Shooters Choice, 492 NW Concourse Place, Port St. Lucie, Florida.

5. I ran a query through the ATF firearms tracing and multiple sale database (eTrace) for other multiple sale purchases of Extar pistols in Florida from October 1, 2013 to May 14, 2014. The result of the query identified that on March 29, 2014, and on April 5, 2014, Julian ROLAND (ROLAND) of Indialantic, Florida, purchased one Extar pistol in each of two separate multiple sale purchases, also from St. Lucie Shooters Choice. The results also indicated that, along with Extar pistols, ROLAND also purchased two FNH Five-Seven pistols, a FNH 9mm pistol, and a Glock 17, 9mm pistol. Based on my prior professional experience, I know that FNH Five-Seven pistols are extremely sought by Drug Cartels in Latin America and have a reputation as "Cop Killers." I am also aware that a large number of these pistols are purchased in South Florida and are trafficked to Latin America.

6. The e-Trace records also indicated that ROLAND had two other multiple sale purchases from different firearm vendors. The first was on March 29, 2014, where ROLAND made a multiple sale purchase of a Glock 17 and a FNH Five-Seven pistol, from Sporting & Tactical, 2530 S. Sanford Avenue, Suite 103, Sanford, Florida, using the name variation of "Julian Rolan." Another multiple sale purchase occurred on April 5, 2014, for two Glock 17 pistols from Action Gun Outfitters, 2787 Aurora Road, Melbourne, Florida 32935.

7. On May 14, 2014, SA Sean Dhillon and I interviewed St. Lucie Shooter's Choice personnel regarding the firearm purchases of ROLAND and CHAN, at their Port St. Lucie Store. I showed store personnel the driver's license photographs of ROLAND and CHAN. One of the employees stated he recognized both individuals in the photographs as ROLAND and CHAN due to firearm sales made to them at the store. Records confirmed the first firearms purchased by ROLAND from St. Lucie Shooter's Choice occurred on March 29, 2014, at the Melbourne Gun Show, where St. Lucie Shooter's Choice rented a booth. On that date, ROLAND purchased a FNH Five-Seven pistol, a Glock 17, and an Extar pistol from them. The second purchase of firearms by ROLAND occurred at the St. Lucie Shooter's Choice store in Port St. Lucie, Florida. The employee stated that ROLAND approached him stating that he wanted to buy four Extar pistols. That same employee asked ROLAND what he was going to do with four Extar pistols and ROLAND quickly changed the subject and remarked that he was only going to buy one. On this same day, ROLAND ended up purchasing one Extar pistol, a FNH Five-Seven pistol, and an FNH FNS-9 pistol during the visit. Records confirmed that this

second encounter occurred on April 5, 2014. The third purchase ROLAND made at St. Lucie Shooter's Choice occurred on April 27, 2014, when ROLAND purchased an additional Extar pistol.

8. The same employee also recalled a time when ROLAND was accompanied by CHAN and an unidentified male. During this encounter, CHAN purchased two Extar pistols while the unidentified male stayed in the background and remained silent. Store records indicated that this purchase occurred on April 25, 2014, but due to the waiting period, the firearms were actually delivered to CHAN on May 5, 2014, at the Melbourne Gun Show.

9. Store personnel also provided copies of sale receipts for all firearm purchases made by ROLAND and CHAN. Sales receipts show that ROLAND and CHAN spent \$5,818.00 (excluding tax and fees) on firearms in less than 30 days (\$4,918.00 cash and \$900.00 in credit charges). Records also confirmed that neither ROLAND nor CHAN purchased any type of ammunition, holsters, or any other type of firearms accessories for the firearms they purchased.

10. On May 30, 2014, I spoke with an employee of Action Gun Outfitters, 2787 Aurora Road, Melbourne Florida. The employee confirmed that on April 5, 2014, ROLAND purchased two Glock, Model 17, 9mm pistols and paid \$1,064.98 in cash for the pistols, taxes and FDLE background check fee. The employee also indicated that on May 28, 2014, ROLAND purchased a Smith & Wesson (S&W), model M&P15 Sport rifle. The same employee stated that on that date, ROLAND and his wife, Adriana Roland, came in and spent approximately one hour in the store. The employee identified Julian ROLAND and Adriana Roland from their

Florida driver's license photographs. ROLAND's wife, Adriana, wanted to purchase the S&W rifle and a Century WASR rifle, model 10 (a firearm that is similar to AK47 assault rifle). Adriana Roland began filling out a Form 4473, but once the two were advised that there would be a waiting period before she could take possession of the rifle, both became upset, stating they wanted to take possession of both rifles right away. ROLAND ended up purchasing the S&W rifle after paying \$619.77 in cash for the rifle, taxes, and fees. ROLAND claimed that they were in a hurry because they wanted to go to a gun range to shoot the rifle. According to Action Gun Outfitters' records, however, there is no record that ROLAND purchased any type of ammunition for the Glock pistols or the S&W rifle he purchased there.

11. ROLAND's wife, Adriana, placed the Century WASR rifle on layaway with a cash deposit of \$334.99, and was scheduled to return on June 11, 2014, in order to pay the balance of \$200.00 and take delivery. This purchase was later cancelled, however, after Adriana came into the store on June 10, 2014, and asked that the store return her deposit. She stated that she had purchased another Century WASR rifle from another vendor.

12. While speaking with employees in Action Gun Outfitters, I learned that ROLAND made comments that he had also purchased an AK47 type pistol in the past from Action Gun and Archery, 1472 N. Harbor City Boulevard, Melbourne, Florida. On May 30, 2014, I interviewed an employee of Action Gun & Archery regarding firearm purchases of ROLAND and CHAN from their store. The employee was shown a Florida driver's license photograph of ROLAND. The employee stated that ROLAND had been in the store about two to three times. He indicated that

about three to five weeks earlier, ROLAND, accompanied by two to three males, came to the store wanting to purchase three Glock 17 pistols. When they couldn't agree on a price, ROLAND and the males left the store without purchasing anything. The store's records indicated that on January 25, 2014, ROLAND purchased a Zastava pistol, model M92PV, for a total of \$500.02, for the firearm, taxes and fees. The records of Action Gun and Archery also showed that ROLAND did not purchase any ammunition, holsters, or any other type of accessories for the firearm.

13. Action Gun and Archery store records further indicated that, on April 29, 2014, CHAN purchased a model 17, Glock pistol. When shown a Florida driver's license photograph of CHAN, the employee recognized CHAN and remembered selling her the Glock 17 pistol. He also stated that CHAN was accompanied by an unknown male that he assumed was of Hispanic origin because he spoke Spanish on his cellular phone (this individual was later identified as Nelson CARTAGENA (N. CARTAGENA), a Columbian National. The employee thought CHAN and N. CARTAGENA looked suspicious and that the whole transaction seemed odd. CHAN told the employee that she was purchasing the firearm for self-defense, but Action Gun and Archery records indicate that CHAN bought no ammunition, holsters, and/or any other type of accessories for the firearm.

14. On July 2, 2014, I again contacted Action Gun & Archery and spoke with a store employee regarding CHAN and ROLAND. The employee advised me that on June 27, 2014, CHAN entered the store with CARTAGENA. The employee advised me that they entered the store approximately ten minutes before closing and CHAN inquired about purchasing a Keltec .556 pistol. The employee stated that

CHAN had the firearm information written down on a piece of paper which she read off of when inquiring about the firearm. The store employee told CHAN that they did not have the firearm in inventory, but that he could find one and have it transferred for her to purchase. The employee advised CHAN that she could put down a deposit and that he would start the process of finding the firearm. The employee stated that CHAN wasn't interested in waiting and both CHAN and N. CARTAGENA left the store without purchasing anything.

15. On or about July 11, 2014, I was contacted by an Action Gun & Archery employee regarding my ongoing investigation of CHAN and ROLAND. The store employee stated on July 11, 2014, ROLAND and N. CARTAGENA entered the store together. The employee stated that ROLAND purchased a S&W, Model M&P15 rifle. The employee stated that he engaged in conversation with N. CARTAGENA and attempted to convince him to buy a firearm also. N. CARTAGENA stated that he didn't think he could buy a firearm due to a previous arrest. The employee, remembering that N. CARTAGENA had accompanied CHAN nine days earlier, asked N. CARTAGENA if he should continue to look for a Keltec .556 pistol like CHAN was trying to purchase when the two were there before. N. CARTAGENA told him to continue to look for one.

16. On or about July 17, 2014, I was contacted again by an Action Gun & Archery employee regarding my ongoing investigation of CHAN and ROLAND. The employee stated that on July 17, 2014, ROLAND entered the store around 12 p.m. and purchased a magazine for an AR15 rifle. The employee continued, saying that in the afternoon, CHAN and N. CARTAGENA entered the store together, and N.

CARTAGENA purchased a Model M4, Palmetto State Armory rifle. The employee stated that N. CARTAGENA wanted to buy the same model S&W rifle that ROLAND had purchased on the 11th, but ended up buying the Palmetto State Armory rifle because the S&W rifles were out of stock.

17. On July 24, 2014, I was contacted by ATF Task Force Officer (TFO) Craig Carson who advised that he received a telephone call from an employee of B&H Gun Rack, 235 E. Merritt Island Causeway, Merritt Island, Florida. The employee told TFO Carson that CHAN had purchased a model PLR22 Keltec pistol on July 23, 2014, but that the firearm was still at the store due to a delayed denial. The employee stated that they had left two voice mail messages telling CHAN that the purchase had been approved and that she could pick the firearm up. In a subsequent interview, a B&H Gun Rack store employee stated that CHAN had entered the store on July 23, 2014, viewed the Keltec firearm, and then walked outside. Approximately three minutes later, CHAN re-entered the store with N. CARTAGENA. Both individuals viewed the Keltec firearm (that was in a glass case) and then CHAN proceeded to buy the firearm. While CHAN was filling out the required forms for the purchase, N. CARTAGENA remained in the store. Due to the delayed denial, store employees could not transfer the firearm to CHAN. Both CHAN and N. CARTAGENA left together.

18. Later on in the day of July 24, 2014, B&H alerted law enforcement that CHAN had called back to the store and stated that she would come by the store to pick up the firearm. TFO Carson and I set up outside B&H Gun Rack and waited for the arrival of CHAN. At approximately 5:45 p.m., CHAN arrived at the location in a

maroon SUV, parked near the front door and entered the store. Approximately ten minutes later, CHAN exited the store with the firearm in her possession, got into the SUV, and proceeded to drive away from the location. TFO Carson and I followed CHAN as she left the area. After five to six miles, we initiated a traffic stop on CHAN. CHAN was told to exit the vehicle and TFO Carson and I conducted an interview of CHAN regarding the purchase of the Keltec firearm. During the interview, CHAN admitted that she was purchasing the firearm for N. CARTAGENA and was to deliver the firearm when he called her.

19. CHAN later admitted that she, along with N. CARTAGENA, ROLAND, and Dairo CARTAGENA (CARTAGENA's brother, hereinafter referred to as D. CARTAGENA), were involved in purchasing firearms and then shipping them to Colombia and Costa Rica. CHAN explained that the four of them had traveled at various times during the last several months to Gun Shows in and around the Central Florida area (including the Orlando, Sanford, and Melbourne Gun Shows) and purchased firearms from private sellers. CHAN also stated that Sunday, July 20, 2014, she, ROLAND, and N. CARTAGENA had even traveled to the Tallahassee Gun Show and purchased approximately ten firearms. CHAN further explained that ROLAND and N. CARTAGENA would take possession of the firearms and then package the firearms into boxes at either ROLAND's residence or at N. CARTAGENA's business, "All in One Pavers." CHAN conveyed that N. CARTAGENA would contact her after the firearms were packed and then both of them would travel to Orlando or Miami to different freight forwarders where N. CARTAGENA would have her ship the box containing the firearms to Colombia.

CHAN explained that the sender's name, address, and telephone number on the package was fictitious, but that N. CARTAGENA would give her a valid Colombian address that was provided to him by his contact in Colombia. In addition, CHAN also indicated that ROLAND would package and ship firearms to Costa Rica.

20. CHAN went on to state that she and N. CARTAGENA shipped a box the day before, July 23, 2014, to Colombia from a freight forwarder in Orlando, Florida. CHAN provided a receipt from Colombian Products, 11301 S. Orange Blossom Trail, Suite A107, Orlando, Florida, for the July 23 shipment. CHAN indicated that she never declared the firearms on the shipping form and told the shipping company that the box contained an exercise machine, as N. CARTAGENA had previously instructed her. CHAN also provided other receipts from previous shipments.

21. On July 25, 2014, I was contacted by SA Roldan Vasquez of the HSI Counter-Proliferation Unit after he was provided information by ATF of the outbound shipment. SA Vasquez was able to identify through the package tracking number that the box had left Orlando and was being temporarily stored at J&S Cargo Inc., 7104 NW 72nd Avenue, Miami, Florida, pending shipment to Colombia. SA Vasquez contacted Customs & Border Patrol (CBP) and requested assistance in inspecting the package. CBP Officers were able to locate the package at J&S Cargo facility, and they took custody of the package until my arrival. CBP Officers provided me with an International Commercial Invoice. The invoice had the description of the contents of the package listed in Spanish as "MAQUINA PARA HACER EJERCICIO" (translated: "Exercise Machine") valued at \$250.00. The invoice also had a

disclaimer in Spanish advising that the shipper is declaring that he/she is not sending money, explosives, drugs, firearms, dangerous chemicals, jewelry or merchandise for commerce. Title 18, United States Code, Section 922(e) provides that it is unlawful for any person knowingly to deliver or cause to be delivered to any common or contract carrier for transportation or shipment in interstate or foreign commerce, to persons other than licensed importers, licensed manufacturers, licensed dealers, or licensed collectors, any package or other container in which there is any firearm or ammunition without written notice to the carrier that such firearm or ammunition is being transported or shipped.

22. After arriving at J&S Cargo Inc. in Miami, I watched CBP Officers open the box and examine the contents. Officers found unknown items wrapped in tin foil and hidden inside the base of the exercise machine in the area that housed the motor. Upon opening the tin foil wrapping of each item, Officers found a total of 15 firearms, that is, nine Glock pistols, two FNH pistols, one Beretta 9mm pistol, one Springfield Armory 9mm pistol, and two Keltec .556 pistols), along with 38 assorted ammunition magazines, and other firearm parts.

23. On July 29, 2014, CHAN received a telephone call from D. CARTAGENA. D. CARTAGENA called CHAN to inquire about the freight forwarders that she and N. CARTAGENA used in Orlando. D. CARTAGENA stated that he had a package that was ready to be shipped to Colombia. CHAN gave him the information on a couple of freight forwarders that they had used in the past.

24. On July 29, 2014, N. CARTAGENA was arrested for the state offense of Unlawful Straw Purchase of a Firearm by the Brevard County, Florida Sheriff's

Office. N. CARTAGENA was read his Miranda Warnings and agreed to waive them. N. CARTAGENA admitted that he and ROLAND were purchasing firearms to be trafficked to Colombia and Costa Rica. N. CARTAGENA confirmed the information that CHAN had previously provided, but added that ROLAND was trafficking firearms only to Costa Rica and that he was the one sending the firearms to Colombia. N. CARTAGENA also indicated that he and ROLAND would go to Gun Shows on the weekends, along with CHAN, and purchase firearms mainly through private sales. N. CARTAGENA further stated that he and ROLAND worked together to find the specific firearms that their contacts requested. N. CARTAGENA also conveyed that they would assist each other in packing the firearms inside exercise machines.

25. N. CARTAGENA also admitted that his brother, D. CARTAGENA, had become involved in purchasing and sending firearms to Colombia. N. CARTAGENA originally started out on his own, but D. CARTAGENA joined him approximately two months earlier. N. CARTAGENA stated that D. CARTAGENA had shipped boxes on at least two prior occasions.

26. On or about July 29, 2014, based on the information given to agents by N. CARTAGENA about his brother D. CARTAGENA being involved in the trafficking of firearms, and the phone call D. CARTAGENA had made to CHAN about shipping a box to Colombia, agents proceeded to the apartment of D. CARTAGENA at 211 Caroline Street, Apt. G4, Cape Canaveral, Brevard County, Florida. Once at the location, agents knocked on the apartment door and D. CARTAGENA answered.

27. Agents spoke with D. CARTAGENA and conveyed to him that they had information that there were boxes inside his residence that he was going to ship to Colombia. D. CARTAGENA stated that he had boxes in his apartment but that the boxes belonged to another individual named Alfredo, and that he was being paid \$500.00 to ship them.

28. Agents requested and D. CARTAGENA gave his consent for agents to enter and search the apartment. Once inside the one-bedroom apartment, agents saw three exercise machine boxes inside the living room. The boxes were identical to the exercise machine box that was seized in Miami that contained firearms bound for Colombia. Agents also found four Glock pistols in the open hallway closet. Agents opened the box that was in the middle of the living room and proceeded to see the same tin foil wrapped items in the motor housing area of the exercise machine as they did with the exercise box intercepted in Miami. The box was sealed and taken into custody by the Brevard County Sherriff's Office for processing.

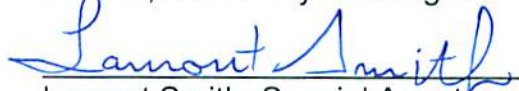
29. D. CARTAGENA was read his Miranda Warnings, and agreed to waive them. During the interview, D. CARTAGENA stated that N. CARTAGENA and he were involved in buying firearms and sending them to Colombia. D. CARTAGENA further stated that he only recently became involved with this illegal venture. D. CARTAGENA stated that he sent approximately two boxes before, including one in June, that he had not been paid for. When asked about the boxes in the living room, D. CARTAGENA admitted that the box in the middle of the living room was N. CARTAGENA's and that the box on the right with black plastic on top was his. This box was also opened and it contained the same tin foil packaged items

as the other two boxes. D. CARTAGENA stated that his box contained approximately 14 to 15 firearms and that his brother's box contained about the same. Sixteen firearms were recovered in one box and 14 in the other box. Both boxes contained additional magazines for the firearms including two 9mm fifty-round drum magazines.

CONCLUSION

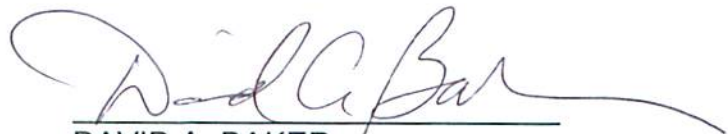
30. Based on the foregoing, your affiant believes probable cause exists that Nelson CARTAGENA, Julian ROLAND, Karen CHAN, Dairo CARTAGENA, and others known and unknown did conspire to commit an offense against the United States, that is, to knowingly deliver or cause to be delivered to any common or contract carrier for transportation or shipment in interstate or foreign commerce, to persons other than licensed importers, licensed manufacturers, licensed dealers, or licensed collectors, any package or other container in which there is any firearm or ammunition without written notice to the carrier that such firearm or ammunition is being transported or shipped, in violation of Title 18, United States Code, Section 922(e), and all in violation of Title 18, United States Code, Section 371.

Further, affiant sayeth naught.



Lamont Smith, Special Agent
Bureau of Alcohol, Tobacco and Firearms

Sworn and subscribed to before me
this 6 day of August, 2014.



DAVID A. BAKER
United States Magistrate Judge