

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

CASE NO. 18-20060-CR-MORENO(s)

UNITED STATES OF AMERICA

vs.

FREDERIK BARBIERI,

Defendant.

FACTUAL PROFFER

The United States of America and Frederik Barbieri (the “Defendant”) agree that, were this case to proceed to trial, the United States would prove beyond a reasonable doubt the following facts, among others, which occurred in the Southern District of Florida:

From in or around May 2013 through in or around February 2018, the Defendant conspired with others: (1) to possess firearms with obliterated serial numbers; (2) to deliver firearms to a common and contract carrier for shipment in interstate commerce without providing written notice to the carrier that such firearms were being transported; (3) to smuggle firearms, firearm accessories, and ammunition from the United States to Brazil; and (4) to illegally export firearms, firearm accessories, and ammunition designated as defense articles from the United States to Brazil without first obtaining a license or written approval from the United States Department of State, Directorate of Defense Trade Control. During this period, and as part of the conspiracy, the Defendant and his co-conspirators knowingly and willfully shipped packages concealing firearms, firearm accessories, and ammunition from the United States to Rio de Janeiro, Brazil. Among those shipments, on or about May 26, 2017, the Defendant willfully shipped firearms and firearm accessories concealed in water heaters from the United States to Rio de Janeiro, Brazil.

On or about June 1, 2017, Brazilian law enforcement in Rio de Janeiro, Brazil discovered a shipment shipped from South Florida that contained approximately thirty AR-15 and AK-47

rifles, firearm magazines, and ammunition concealed in four 38-gallon Rheem water heaters. The water heaters were hollowed out and loaded with the contraband, and the serial number on each of the rifles had been obliterated. The airway bill relating to the shipment revealed that the shipment was delivered to NB Enterprises, a freight forwarder located in Medley, Florida on May 26, 2017, on behalf of AIR-COM International.

Law enforcement contacted NB Enterprises and obtained copies of the shipping documentation relating to the shipment seized in Brazil on June 1, 2017. Attached to the invoice for the shipment sent in the name AIR-COM International is a copy of the Defendant's Florida driver's license. A representative of NB Enterprises identified the Defendant as the individual who dropped off the four water heaters on May 26, 2017.

The NB Enterprises representative told law enforcement that the Defendant had been shipping packages using AIR-COM International for multiple years, and that the Defendant always paid in cash. NB Enterprises records reveal that the Defendant, using the company name AIR-COM International, shipped 520 electric motors, 124 Rheem water heaters, and 15 air conditioning units to Brazil from May 6, 2013, to May 26, 2017. Electric motors, water heaters, air conditioning units, and other similar metallic objects in which firearms can be placed are often used to conceal illegally shipped firearms. The NB Enterprises representative informed law enforcement that the Defendant never stated that any of the shipments provided by the Defendant contained firearms, magazines, ammunition or other contraband.

The NB Enterprises representative told law enforcement that the Defendant called him on June 1, 2017, the same day his shipment was intercepted by Brazilian law enforcement, to inquire about the shipment. During the phone call, the Defendant instructed the NB Enterprises representative to destroy all shipping paperwork associated with the Defendant's shipment.

On or about February 23, 2018, law enforcement obtained records from a storage facility located in Vero Beach, Florida, which revealed that the Defendant rented out a storage unit in that storage facility from December 13, 2017, to February 28, 2018. In plain view, from above the storage unit, law enforcement observed that the Defendant's storage unit contained high capacity rifle magazines, a box labeled ammunition, and pelican cases consistent with those used to store and transport rifles. Law enforcement sought and obtained a warrant to search the storage unit.

In the storage unit, law enforcement discovered over two-thousand rounds of ammunition and dozens of high capacity magazines. Law enforcement also discovered approximately 52 rifles, approximately 49 of which were wrapped for shipment with obliterated serial numbers. Law enforcement also discovered approximately five handguns. Also in the storage unit, law enforcement discovered packaging material.

On or about February 24, 2018, United States law enforcement arrested the Defendant.

After waiving his *Miranda* rights in writing, the Defendant provided details about his gun trafficking operation. He also stated he removed the firearms from water heaters, rented out the storage unit, and put the firearms in the storage unit. He stated he threw the water heaters in a trash dump.

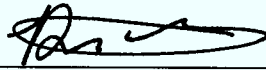
It is illegal for civilians in Brazil to possess firearms. According to Brazilian law enforcement, AK and AR rifles have a street value of approximately \$15,000 to \$20,000 on the black market in Brazil. The retail cost of those firearms in the United States is approximately \$700 to \$1,000.

Neither the Defendant, nor any of his coconspirators, obtained a license or written approval from the United States Department of State to export any defense articles. Non-automatic firearms, firearm accessories, and ammunition are articles designated as "defense

articles” in Categories I and III of the United States Munitions List, Title 22, Code of Federal Regulations, Section 121.1(a) and (h), and as such are illegal to export without first obtaining a license or written approval from the United States Department of State, Directorate of Defense Trade Control, under Title 22, United States Code, Section 2778(b)(2).

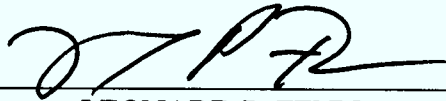
BENJAMIN G. GREENBERG
UNITED STATES ATTORNEY

Date: 5/15/2018 By: _____



BRIAN J. SHACK
ASSISTANT UNITED STATES ATTORNEY

Date: 5/15/2018 By: _____



LEONARD P. FENN
ATTORNEY FOR DEFENDANT

Date: 5/15/18 By: _____



FREDERIK BARBIERI
DEFENDANT