

AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT

for the

District of Massachusetts

United States of America)

v.)

Justin Moreira)

Case No.)

15-MJ-5020-JGD)

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 April 2, 2015 in the county of Barnstable in the District of Massachusetts, the defendant(s) violated:

Code Section 18 USC § 922(g)(1) Offense Description Felon in Possession

This criminal complaint is based on these facts:

See Attached Affidavit of ATF Special Agent John H. Hayes

Continued on the attached sheet.

Complainant's signature

John H. Hayes, ATF Special Agent

Printed name and title

Sworn to before me and signed in my presence.

Date: 4/2/15

Judge's signature

City and state: Boston, Massachusetts

U.S. Magistrate Judge Judith G. Dein

Printed name and title

AFFIDAVIT OF SPECIAL AGENT JOHN H. HAYES
IN SUPPORT OF A CRIMINAL COMPLAINT

I, John H. Hayes, Special Agent with the United States Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives (“ATF”), being duly sworn, depose and state as follows:

1. I am an ATF Special Agent currently assigned to the Bridgewater, Massachusetts Resident Office of the ATF. I have been employed as an ATF Special Agent for over 15 years. Prior to that, I was employed as an Intelligence Research Specialist with the United States Drug Enforcement Administration for approximately one and a half years. I am a graduate of the ATF National Academy and the Criminal Investigator School located at the Federal Law Enforcement Training Center in Glynco, Georgia.

2. Since becoming a Special Agent with ATF, I have been involved in over 200 investigations of unlawful firearm possession in violation of 18 U.S.C. §§ 922(g)(1) and 924(c), and unlawful firearm trafficking in violation of 18 U.S.C. §§ 922(a)(1)(A) and 924(n). I have participated in all aspects of firearm investigations, to include physical surveillance, surveillance of undercover transactions, the introduction of undercover agents, the execution of arrest and search warrants, and interviews of defendants, informants, and witnesses.

3. I make this affidavit in support of an application for a Criminal Complaint charging Justin MOREIRA (“MOREIRA”) with a violation of 18 U.S.C. § 922(g)(1).

4. The facts contained in this affidavit are based upon information I have gained from my investigation, my personal observations and review of records, my training and experience, and information obtained from other agents and witnesses. Because this affidavit is

submitted for a limited purpose, I have not included all the facts developed during the course of this investigation.

Background of Investigation

5. On March 20, 2015, I received information from Special Agent Clinton Kehr (“SA Kehr”) of the ATF Internet Investigations Center related to an ongoing firearm trafficking undercover operation. SA Kehr and other members of law enforcement, acting in an undercover capacity, have posed as an online firearm vendor on a Darknet Market website. A Darknet Market is an online website that operates outside the parameters of the traditional internet, allowing individuals anonymity to buy and sell illegal items, such as firearms or drugs. The Darknet Market website used in this instance utilizes Bitcoins for payments. Bitcoins are an online currency that is not backed by any country’s central bank or government.

6. On January 8, 2015, the shared Darknet Market account, operated by law enforcement, was contacted by a buyer identified as “jd497,” who responded to an advertisement for a silencer and firearm posted on the website. All communications between law enforcement and “jd497” were conducted via an anonymous and secure cryptographic messaging system on the Darknet Market. In response to questions by law enforcement, “jd497” stated that he was located in the east coast of the United States. Going forward, SA Kehr handled all undercover communications with “jd497”, who was subsequently identified as Justin MOREIRA.

7. On January 16, 2015, MOREIRA contacted SA Kehr, who was acting undercover during the entirety of this investigation, via the shared Darknet Market account. In summary, MOREIRA stated he was looking for a Walther .380 pistol and an UZI.

8. On January 17, 2015, SA Kehr contacted MOREIRA via the shared Darknet Market account. In summary, SA Kehr stated that the Walther was available for sale, but the UZI was not available.

9. On February 28, 2015, MOREIRA contacted SA Kehr via the shared Darknet Market account. In summary, MOREIRA stated he wanted to purchase the .380 Walther pistol, a silencer, and an AR-15 pistol.

10. On March 3, 2015, SA Kehr contacted MOREIRA via the shared Darknet Market account. In summary, SA Kehr advised MOREIRA that the AR-15 would take longer to procure, but the Walther pistol would cost \$1,200, the silencer would cost \$1,000, and shipping would cost \$300, for a total of \$2,500.

11. On March 6, 2015, MOREIRA contacted SA Kehr via the shared Darknet Market account. In summary, MOREIRA stated he would buy the Walther pistol and silencer.

12. On this same day, SA Kehr contacted MOREIRA via the shared Darknet Market account. In summary, SA Kehr advised MOREIRA that the order was listed, and that MOREIRA needed to deposit the Bitcoin payment for the transaction.

13. On March 14, 2015, MOREIRA contacted SA Kehr via the shared Darknet Market account. In summary, MOREIRA stated that he now had the necessary Bitcoins and he placed the order for the advertised Walther PK380 and silencer.

14. On March 14, 2015, SA Kehr confirmed that MOREIRA deposited 8.75994253 Bitcoins, the equivalent of \$2,500 in United States currency, into the undercover escrow account maintained by SA Kehr and advised MOREIRA that the firearm and silencer would be shipped within 14 days.

15. On this same day, SA Kehr received a secure message from MOREIRA indicating that SA Kehr should ship the firearm and silencer to “Justin Moreira, PO Box 536, Hyannis Port, MA 02647.”

16. On March 24, 2015, United States Postal Inspection Service Inspector Ed Phillips confirmed that Justin MOREIRA is listed as the owner of P.O. Box 536 in Hyannis Port, Massachusetts.

17. On March 26, 2015, SA Kehr contacted MOREIRA via the shared Darknet Market account. In summary, SA Kehr advised MOREIRA that a Walther PPK/S .380 caliber pistol (versus a Walther PK380) with a threaded barrel and Ciener Silencer was ready to be shipped via USPS Priority Mail.

18. On this same day, MOREIRA contacted SA Kehr via the shared Darknet Market account. In summary, MOREIRA said that he “used to own a PPK380 up until january...” and he was looking forward to the PK380. However, MOREIRA continued, “if it’s going to take another week or two to get the PK380 i guess I’ll just take the ppk/s but im kinda disappointed..if you could get me the pk380 in less than a week i’d much rather have one of those.”

19. On March 30, 2015, at approximately 2:19 p.m., SA Kehr received an email from MOREIRA related to the pending purchase of the firearm and silencer. MOREIRA utilized email address jasonconor@safe-mail.net. In the email, MOREIRA stated, “hey man, this jd497 from [...] Did you ship my order on friday ? cause wasn’t anything at my post box today.”

20. On March 30, 2015, at approximately 11:28 p.m., SA Kehr received another email from MOREIRA related to the pending purchase of the firearm and silencer. MOREIRA utilized email address jasonconor@safe-mail.net. In the email, MOREIRA stated, “can you get back to me please? [the shared Darknet Market site] is working i’ve been on several times today,

just a bitch to get on it sometimes. it seems clear there not trying to pull an exit scam or anything though. i've had \$2500 tied up in escrow with you for over two weeks now man."

21. On March 31, 2015, SA Kehr advised me of the above email communications. I asked SA Kehr to respond to MOREIRA via email and ask whether MOREIRA still wanted to proceed with the purchase of a Walther PPK/S .380 caliber pistol and Ciener silencer.

22. On this same day, at approximately 8:30 a.m., SA Kehr sent an email to MOREIRA at email address jasonconor@safe-mail.net. In the email, SA Kehr stated, "Ok, so you're good with the PPK/S with threaded barrel and the ciener silencer then? We don't know when we can get you the PK380 and adapter. If you're good then we can ship out immediately. Let us know."

23. On this same day, at approximately 8:53 a.m., SA Kehr received an email from MOREIRA. MOREIRA utilized email address jasonconor@safe-mail.net. In the email, MOREIRA stated, "ok, i'll take the ppk/s and silencer, that's cool. when are you gonna ship it, today? And how long should shipping take, 2-3 days?"

24. On this same day, SA Kehr contacted MOREIRA via the shared Darknet Market account. SA Kehr stated, "We shipped your package. Your tracking number is 9114 9011 2308 6964 5487 91 USPS. It should get to you on Thursday. We did find an uzi if you still wanted one of them."

25. On this same day, I obtained a Walther, Model PPK/S, .380 caliber semi-automatic bearing serial number 052421 and a Ciener Silencer bearing serial number S052421 from ATF firearm inventory. The above referenced Walther pistol and Ciener silencer are both a "firearm" as defined in 18 U.S.C. § 921(a)(3), and were not manufactured in the Commonwealth

of Massachusetts. Therefore, the firearm and silencer have affected interstate and/or foreign commerce prior to any possession of them in the Commonwealth of Massachusetts.

26. On this same day, Inspector Phillips and I then placed the firearm and silencer inside a USPS Priority Mail package bearing Tracking Number 9114 9011 2308 6964 5487 91 (the "Package").

27. On April 2, 2015, law enforcement set up surveillance at the Hyannis post office where MOREIRA asked that the firearm and silencer be shipped. Law enforcement saw MOREIRA arrive at the post office that morning at approximately 9:13 a.m. MOREIRA signed for the Package, and left the post office with the Package. Law enforcement stopped MOREIRA after he exited the post office and seized from him the Package containing the firearm and silencer. In addition, pursuant to a search warrant for MOREIRA's residence issued on April 1, 2015, law enforcement also recovered .380 caliber ammunition in MOREIRA's bedroom.

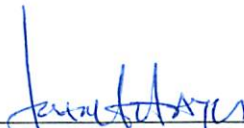
pursuant to a warrant issued on April 1, 2015,

Criminal Background of MOREIRA

28. On March 23, 2015, I queried Massachusetts Criminal Justice Services records for MOREIRA and determined that MOREIRA has prior arrests for drug, weapon, and motor vehicle offenses. CJIS records indicate that on December 16, 2013, MOREIRA was convicted of Possession of Class A Controlled Substance (heroin) with Intent to Distribute in Barnstable County Court, Barnstable, Massachusetts and sentenced to 18 months in county jail. Based upon the above felony conviction, MOREIRA is prohibited under federal law from possessing a firearm and/or ammunition.

WHEREFORE, I respectfully request that the Court issue a criminal complaint charging Justin MOREIRA with a violation of 18 U.S.C. § 922(g)(1).

Sworn to under the pains and penalties of perjury,



John H. Hayes
Special Agent
Bureau of Alcohol, Tobacco,
Firearms & Explosives

SUBSCRIBED and SWORN to before me on 2nd day of April 2015.



JUDITH G. DEIN
UNITED STATES MAGISTRATE JUDGE