

AO 91 (Rev. 02/09) Criminal Complaint

UNITED STATES DISTRICT COURT

for the Western District of Kentucky

United States of America )
v. )
Adam Joseph BUNGER )
aka: John Smith )
aka: Jarvis Smith )
Defendant

Case No. 1:13 MJ 49-

FILED DISTRICT COURT OF KY SEP 9 PM 1:52

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 06/13/2013 in the county of Warren in the Western District of Kentucky, the defendant violated Title 18 U. S. C. § 922(a)(1)(A), 922(e) and 922(k), an offense described as follows: On June 13, 2013, July 13, 2013 and August 8, 2013, in Warren County, in the Western District of Kentucky, defendant

- 1 - Shipped a firearm in foreign commerce
2 - Delivered or caused to be delivered to any common carrier for shipment in foreign commerce to persons other than licensed individuals, any package or other container in which there is any firearm or ammunition without written notice to the carrier

On July 13, 2013 and August 8, 2013, in Warren County, in the Western District of Kentucky, defendant

- 3 - Shipped in foreign commerce, any firearm which had the serial number obliterated

This criminal complaint is based on these facts:

See Attached Affidavit

Continued on the attached sheet.

David S. Hayes
Complainant's signature

David S. Hayes, Special Agent - ATF
Printed name and title

Sworn to before me and signed in my presence.

Date: 09/09/2013

H. Brent Brennenstuhl
Judge's signature

City and state: Bowling Green, Kentucky

H. Brent Brennenstuhl U.S. Magistrate Judge
Printed name and title

CRIMINAL COMPLAINT (CONT'D)  
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aka: John Smith  
aka: Jarvis Smith

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I, David S. Hayes, being duly sworn, depose and state that:

1. I am a Special Agent with the Bureau of Alcohol, Tobacco, Firearms and Explosives, United States Department of Justice, and have been so employed since 1991. I am a graduate of the Federal Law Enforcement Training Center and the ATF National Academy. I am currently assigned to the Bowling Green/Warren County Drug Task Force (DTF).
2. On July 8, 2013, the affiant received a request for assistance from the Australian Federal Police (AFP). According to the request, on June 21, 2013, an Express Mail Service (EMS), international parcel number EI-873464222-US, arrived in Sydney, Australia from the United States. The contents of the package were declared as one broken Xbox.
3. On June 28, 2013, AFP Crime Scenes members conducted a forensic examination on the parcel. An examination of the Xbox interior cavity revealed two empty magazines, spring, slide, barrel and barrel bushing. The hard drive cover was removed and a pistol receiver identified as a Star Echeverria, Modelo Super 9mm pistol was recovered.
4. An examination of the package label revealed it was accepted at the Bowling Green, Kentucky, post office on June 13, 2013, at 2:48 p.m. The shipper was identified as John Smith with a Bowling Green, Kentucky address.
5. The AFP investigation led to the arrest of an individual and subsequently a search warrant was executed at his residence in Australia. During the interview, the subject stated he purchased the firearm off a website called "Black Market Reloaded".
6. On July 8, 2013, the affiant contacted U.S. Postal Inspector Clint Springer about the package. Inspector Springer learned that on June 13, 2013, John Smith shipped three packages, two shipped International Express and one shipped Global Priority. Inspector Springer requested the Bowling Green Post Office put a hold on the next package shipped by John Smith.

CRIMINAL COMPLAINT (CONT'D)

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7. On July 12, 2013, the affiant was provided a listing of an American Express card used on several transactions at the U.S. Post Office in Bowling Green, Kentucky, including the international package sent to Australia on June 13, 2013, which contained the Star, 9mm pistol.
8. On July 13, 2013, the affiant was contacted by Inspector Springer, who stated a post office clerk at the Bowling Green (downtown) Post Office had just received two international packages, which identified the shipper as John Smith. The two packages were seized and forwarded to the Inspector Springer.
9. On July 15, 2013, the affiant interviewed the post office clerk. The post office clerk stated she was working at the front counter of the post office on July 13, 2013, when a white male approached the counter with two packages. Both packages were being sent using Express Mail with one package destined for Australia and the other destined for the United Kingdom. The post office clerk identified the shipper as a white male, about 30 year of age, having a shaved head. She also stated the individual had several tattoos on both his arms. The clerk stated she had assisted the individual with past mailings and he had previously told her that he shipped broken Xbox's, Nintendo's and DVD players. He also stated he worked on computers.
10. On July 18, 2013, a Federal search warrant was obtained and executed on the two international (Express Mail) packages seized from the downtown Bowling Green Post Office on July 13, 2013. Both packages identified the shipper as John Smith with a residence in Bowling Green, Kentucky.
11. The package addressed to an individual located in the United Kingdom was found to contain an Uzi style pistol, having an obliterated serial number, with a suspected flash suppressor. The firearm was disassembled and contained inside a hollow Xbox console.
12. The package addressed to an individual located in Australia was found to contain various firearm parts consisting of a magazine, butt stock and fore stock for an assault rifle. The items were concealed inside a DVD player.

CRIMINAL COMPLAINT (CONT'D)  
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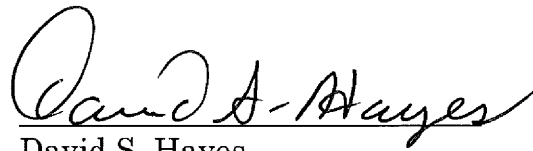
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13. On July 22, 2013, the U.S. Post Office confirmed an individual named Adam BUNGER had used an American Express Card to pay for two change of addresses. Based on this information, the affiant identified Adam Joseph BUNGER, white male, DOB: XX-XX-79 and SSN: XXX-XX-9397 as being the suspect who shipped the international package on June 13, 2013, and the two international packages on July 13, 2013.
14. On July 25, 2013, the affiant learned that Adam J. BUNGER purchased a Masterpiece Arms, Model Mini Uzi, 9mm pistol, having serial number F19186 with a detachable suppressor from a Federal Firearms Licensee on July 2, 2013.
15. On 07-29-13, the affiant compiled a photo lineup containing a previous arrest photograph of Adam J. BUNGER and five (5) additional white males. The affiant met with the postal clerk who handled the shipment of the two packages on July 13, 2013. The post office clerk identified the photograph of Adam J. BUNGER as being the individual who attempted to ship two international packages on July 13, 2013.
16. On August 8, 2013, the affiant was contacted by a supervisor at the U.S. Post Office, Bowling Green, Kentucky. The supervisor stated a post office clerk at the Bowling Green (Scottsville Road) Post Office in Bowling Green, Kentucky, had just received an international package, Express Mail Parcel, going to Sweden. The package identified the shipper as Jarvis Smith with an address in Oakland, Kentucky. The post office clerk stated she recognized the individual as being the same white male who had mailed the two international packages from the downtown post office on July 13, 2013. The package was seized and forwarded to the U.S. Postal Inspector.
17. On August 9, 2013, a Federal search warrant was obtained and executed on the international (Express Mail) package seized from the Scottsville Road branch of the U.S. Post Office on August 8, 2013.
18. The package addressed to an individual located in Sweden was found to contain a disassembled Taurus, Model PT-22, .22 caliber pistol with an obliterated serial number and magazine. The firearm was contained inside a metal computer switching power supply box.

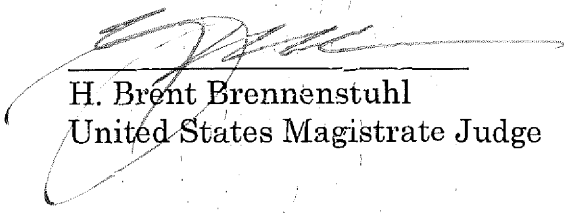
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19. On August 14, 2013, the affiant met with the post office clerk at the Scottsville Road branch of the U.S. Post Office in Bowling Green, Kentucky. The affiant showed the post office clerk the photo lineup containing a photograph of Adam J. BUNGER and five (5) additional white males. The post office clerk identified the photograph of Adam J. BUNGER as being the individual who attempted to ship the international package to Sweden on August 8, 2013. This post office clerk is different than the clerk referenced in paragraph #15 of this affidavit.
20. Affiant states that the evidence as outlined above establishes probable cause that on the dates set out herein, Adam Joseph BUNGER, aka: John Smith, aka: Jarvis Smith, shipped a firearm in foreign commerce, delivered or caused to be delivered to any common carrier for shipment in foreign commerce to persons other than licensed individuals, any package or other container in which there is any firearm or ammunition without written notice to the carrier and shipped in foreign commerce, any firearm which had the serial number obliterated in violation of 18 U.S.C. §§ 922(a)(1)(A), 922(e) and 922(k), respectively.

  
David S. Hayes  
Special Agent – ATF

Sworn to before me and subscribed in my presence on this 9 day of September 2013.

  
H. Brent Brennenstuhl  
United States Magistrate Judge

DJH:JEL:130906