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AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT
for the
District of Minnesota

UNITED STATES OF AMERICA

v.

FILED UNDER SEAL
Case No. 22-mj-730 (TNL)

AARON MALIK CATO

CRIMINAL COMPLAINT

I, the undersigned complainant, being duly sworn, state the following is true and correct to the best of my knowledge and belief. On or about August 31, 2022, in Hennepin County, in the State and District of Minnesota, defendant did knowingly possess a machinegun, to wit, three personally made firearms ("PMFs"), equipped with attached conversion devices, commonly known as a "switch" or "auto sear," enabling them to be fired as a fully automatic weapons by a single function of the trigger, knowing they had characteristics that made them machineguns as defined by Title 26, United States Code Section ,5845(b), all in violation of Title 18, United States Code, Sections 922(o) and 924(a)(2).

I further state that I am a Special Agent and that this complaint is based on the following facts:

SEE ATTACHED AFFIDAVIT

Continued on the attached sheet and made a part hereof: Yes No


Complainant's signature

SUBSCRIBED and SWORN before me
by reliable electronic means (FaceTime) pursuant to
Fed. R. Crim. P. 41(d)(3).

Special Agent Elijah E. Carpenter
Bureau of Alcohol, Tobacco, Firearms, and
Explosives
Printed name and title

Date: September 1, 2022


Judge's Signature

City and State: Minneapolis, MN

The Honorable Tony N. Leung
United States Magistrate Judge
Printed Name and Title

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MINNESOTA
Case No. 22-mj-730 (TNL)

**AFFIDAVIT OF ELIJAH E. CARPENTER
IN SUPPORT OF A CRIMINAL COMPLAINT**

Elijah E. Carpenter, being duly sworn under oath, deposes and states as follows:

INTRODUCTION

1. I am a Special Agent with the Bureau of Alcohol, Tobacco, Firearms, and Explosives (“ATF”) and have been so employed for approximately two years. I have a Bachelor of Arts Degree in National Security and Intelligence and in Political Science from Fairmont State University, West Virginia. I also have an Associate Degree in Criminal Justice from Mountwest Community and Technical College, West Virginia. I am a graduate of the Federal Law Enforcement Training Center (FLETC) Criminal Investigator Training Program (CITP), the ATF Special Agent Basic Training program (SABT), and the West Virginia State Police Academy. The curriculum of these courses included training and instruction in Federal Criminal Law, Constitutional Law, Laws of Arrest, Laws of Evidence, Search and Seizure, Criminal Investigations, WV State Law and instruction in criminal investigations on the described offenses herein. Before joining the ATF, I was employed as a Deputy Sheriff in West Virginia since 2013. Within this role, I investigated violations and enforced laws according to United States Code and WV State Code. While employed as a Deputy Sheriff, I was assigned to a Criminal Investigations Unit and Street Crimes and Drug Unit. Major duties while assigned to these Units included investigation into violations of the Uniform Controlled Substance

Act and other major felonies and violent crimes. The investigations that occurred during these roles led to multiple warrant applications, seizures, arrests, and contributed to successful federal and state prosecutions. In my capacity as a Special Agent with the ATF, I have received training related to criminal investigations to include crimes involving gang activity, firearms violations, drug trafficking, arson, bombings, money laundering, undercover operations, Title III wiretaps, as well as electronic and physical surveillance procedures. I have received advanced training in Firearms Interstate Nexus. I work with various law enforcement agencies and drug task forces throughout the state of Minnesota and other areas of the United States and have supervised, led, and/or otherwise been a part of arrests and search warrants during my career as a law enforcement officer. My duties and responsibilities include criminal investigations of individuals and entities for possible violations of federal laws related to firearms.

2. This affidavit is submitted in support of a criminal complaint against AARON MALIK CATO (hereinafter "CATO") on grounds that he knowingly and intentionally committed a violation of Title 18, United States Code, Sections 922(o) and 924(a)(2) (Unlawful Possession of a Machinegun).

3. The facts and information contained in this affidavit are based upon my personal knowledge and information obtained from other law enforcement officers/agents involved in the investigation. This affidavit contains the information necessary to support probable cause for the requested criminal complaint and arrest warrant. It is not intended to include each and every fact and matter observed by me or known to those involved in the investigation.

PROBABLE CAUSE

4. The Department of Homeland Security, Customs and Border Protection (“CBP”), routinely inspects packages coming into the United States from foreign countries. On August 18, 2022, a package entering the United States from Taiwan was referred to the attention of CBP. The package, which was mailed from a business in Taiwan, was addressed to recipient “Aaron Cato” at 5215 Girard Avenue North, Minneapolis, Minnesota, 55430. It had a declared value of \$50.00 and according to records from the shipper, DHL, the package contained a “stainless steel thermos.”

5. Upon closer inspection of the package, CBP found that the package did not contain just a stainless-steel thermos, but rather approximately 30 firearm parts determined to be pistol “switch” or “auto sear” parts. A switch, or an auto sear, is a device which can be attached to a firearm. When attached, the device converts the firearm into a fully automatic weapon, or machinegun, and enables the firearm to fire continuously, without manual reloading, by a single function of the trigger. The package contained enough parts to create 10 switches. Based on this discovery, CBP seized the package.

6. On August 31, 2022, law enforcement conducted a controlled delivery of the package at 5215 Girard Avenue North, Minneapolis, Minnesota, 55430, which is a single-family residence. At approximately 11:15 a.m., an undercover officer, wearing a DHL uniform, delivered the package, addressed to “Aaron Cato” to 5215 Girard Avenue North. Shortly thereafter, a second unrelated delivery person delivered a bag of fast-food to the residence. A male, later identified as CATO, opened the door of 5212 Girard

Avenue North, and took in the package and fast-food delivery.

7. Law enforcement obtained a warrant to search 5215 Girard Avenue North from Hennepin County District Court. At approximately 11:20 a.m., law enforcement approached the house, announced their presence, and informed the people inside of the home that they had a warrant. Both CATO and an older man, later identified as CATO's father, exited the residence.

8. Law enforcement recovered seven firearms inside of CATO's residence. This included five handguns and two AR platform firearms. Three of the handguns were equipped with switches and appear capable of firing as fully automatic weapons. These three firearms appeared to be Privately Made Firearms ("PMF's") that were assembled with slides, barrels, trigger assemblies, etc.

9. In addition to the firearms, law enforcement observed four three-dimensional ("3D") printers in the residence. Based on my experience and consultation with other law enforcement officers, I know that a 3D printer is a manufacturing device capable of creating a three-dimensional object from a digital model. Because these printers allow individuals to manufacture items privately, and because the items printed on 3D printers cannot be tracked, it is common for people to use 3D printers to manufacture items which they cannot obtain legally. This can include firearms, firearm parts, and switches. In addition to the switches which had been delivered to CATO earlier that day, law enforcement also found multiple 3D printed switches in the residence.

10. In a post-*Miranda* statement to police, CATO admitted that he had several firearms in his bedroom and further admitted that he knew and understood what a switch

was, and that he collected switches. CATO stated that he both manufactures and imports switches. As to manufacturing, CATO admitted that he uses 3D printers to create the switches located inside of his residence. As to importation, CATO stated he gets switches shipped to him from both foreign and domestic sources. Based on records from CPB, CATO has had at least one prior package containing switches seized by CBP which was shipped from Russia in approximately October 2021.

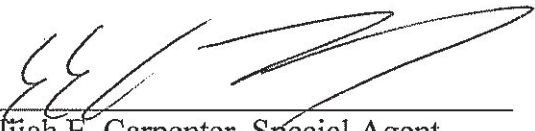
11. I have examined the three PMF firearms with affixed switches and separate auto sears seized from CATO'S residence on August 31, 2022. As an ATF agent, I have examined over one hundred switches. Based on my training and experience, the device attached to the three PMF's is similar in size, shape, function, and design as other auto sears I have encountered. The device attached to these firearms would allow them to be fired as a fully automatic weapons. The machine gun conversion device by itself is considered a machine gun.

12. I have searched CATO'S name and address in the ATF's Federal Firearms License (FFL) database. Certain classifications of FFLs would give the holder the legal authority to possess a machinegun. These types of FFLs are typically restricted to only sell machine guns to law enforcement and military or transfer to other appropriate FFL's. CATO does not have an FFL nor does anyone at CATO'S address appear to have an FFL. There does not appear to be any lawful reason why CATO would be allowed to be in possession of a fully automatic weapon.

13. Based on the above information, I submit there is probable cause to believe that CATO, knowingly possessed a machinegun, to wit, three Privately Made Firearms,


equipped with an attached conversion device, enabling them to be fired as a fully automatic weapons by a single function of the trigger, knowing that the firearms had characteristics that made them a machinegun as defined by Title 26, United States Code 5845(b), all in violation of Title 18, United States Code, Sections 922(o) and 924(a)(2).

Further your Affiant sayeth not.



Elijah E. Carpenter, Special Agent
Bureau of Alcohol, Tobacco, Firearms, and
Explosives

SUBSCRIBED and SWORN before me
by reliable electronic means via FaceTime and
email pursuant to Fed. R. Crim. P. 41(d)(3).
On September 1, 2022.



The Honorable Tony N. Leung
United States Magistrate Judge