

UNITED STATES DISTRICT COURT

for the

District of New Hampshire

United States of America

v.

Alexander Diandro Cruz

Case No.

26-mj- 280-01-TSM

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 September 24, 2026 in the county of Hillsborough in the
 District of New Hampshire , the defendant(s) violated:

Code Section

26 U.S.C. § 5861(d)

26 U.S.C. § 5861(i)

Offense Description

Possession of an unregistered NFA firearm

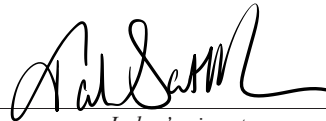
Possession of an NFA firearm without a serial number

This criminal complaint is based on these facts:

See attached affidavit

☒ Continued on the attached sheet./s/ Patrick Dawley*Complainant's signature*Patrick Dawley, Special Agent, ATF*Printed name and title*

The affiant appeared before me by telephonic conference on this date pursuant to Fed. R. Crim. P. 4.1 and affirmed
under oath the content of this complaint and affidavit.

Date: Oct 1, 2026

Judge's signatureCity and state: Concord, New HampshireTalesha Saint-Marc, U. S. Magistrate Judge*Printed name and title*

AFFIDAVIT IN SUPPORT OF A CRIMINAL COMPLAINT

I, Special Agent Patrick Dawley, being duly sworn, hereby depose and state as follows:

INTRODUCTION AND AGENT BACKGROUND

1. I am a Special Agent with the Bureau of Alcohol, Tobacco, Firearms and Explosives (“ATF”). I have been employed as an ATF Special Agent since 2019 and am currently assigned to the ATF New Hampshire Violent Crime Task Force (“VCTF”). As an ATF Special Agent, my duties include the investigation of violations of laws related to firearms trafficking, firearm possession by prohibited persons, and the use of firearms in drug trafficking crimes. I am a graduate of the ATF National Academy and of the Federal Law Enforcement Training Center. During the course of my law enforcement career, I have participated in the execution of state and federal search and/or arrest warrants for violations of firearms and narcotics laws.

2. As a Special Agent for ATF, some of my duties include conducting criminal investigations into cases of illegal possession/transfer of firearms, firearms trafficking, firearms manufacturing and violent crimes involving firearms and narcotics trafficking. Through my training, knowledge, and experience, I have become familiar with the habits, methods, routines, practices and procedures commonly employed by persons engaged in the use and trafficking of illegal firearms. I have been the affiant on affidavits in support of federal search warrants and arrest warrants. I have participated in and performed surveillance and made arrests of firearm and narcotics traffickers who utilize their electronic devices to further their illegal activity. During the course of my professional experience, I have interviewed numerous defendants, witnesses, victims, confidential informants, and other police officers regarding the illegal trafficking of firearms.

3. During my tenure with ATF, I have written and/or participated in the execution of federal search warrants, and have debriefed defendants, informants, and witnesses with

personal knowledge regarding firearms and narcotics trafficking and the operation of firearms and/or narcotics traffickers. I have also received training through my position as an ATF Special Agent involving firearms and narcotics trafficking. Among other things, this has familiarized me with: (1) the manner in which illegal guns are brought into this state and sold; (2) firearm and narcotics traffickers' methods of operation, including their acquisition, storage, and transportation of both illegal guns and drugs; and, (3) the widespread utilization of cellular telephones in the course of such activities.

RELEVANT STATUTES

4. The National Firearms Act ("NFA") is a comprehensive taxing scheme that regulates the manufacture, sale, and transfer of certain especially dangerous and concealable weapons. Under the NFA, a manufacturer, importer, or dealer of a covered firearm must register with the ATF, pay an occupational excise tax, and register each firearm with ATF in the National Firearms Registration and Transfer Record ("NFRTR"). 26 U.S.C. § 5841.

5. The word "firearm" is a term of art which has a particularized meaning in the context of the NFA and embraces only certain weapons. 26 U.S.C. § 5845(b), defines the term "firearm," to include "machinegun" as "any weapon which shoots, is designed to shoot, or can be readily restored to shoot, automatically more than one shot, without manual reloading, by a single function of the trigger. The term shall also include the frame or receiver of any such weapon, any part designed and intended solely and exclusively, or combination of parts designed and intended, for use in converting a weapon into a machinegun, and any combination of parts from which a machinegun can be assembled if such parts are in the possession or under the control of a person."

6. 26 U.S.C. § 5861(d) states, in pertinent part, that it shall be unlawful for any person “to receive or possess a firearm which is not registered to him in the National Firearms Registration and Transfer Record (“NFRTR”).”

7. 26 U.S.C. § 5861(i) states, in pertinent part, that it shall be unlawful for any person “to receive or possess a firearm which is not identified by a serial number.”

PURPOSE OF AFFIDAVIT

8. I submit this affidavit in support of a Criminal Complaint charging Alexander Diandro CRUZ (“CRUZ”), DOB: xx/xx/2007, with possession of an unregistered NFA weapon, specifically a machine gun conversion device, in violation of 26 U.S.C. § 5861(d), and possession of an NFA weapon not identified by serial number, in violation of 26 U.S.C. § 5861(i).

9. I am familiar with the facts and circumstances of this investigation from my own personal participation and from oral and written reports made to me by agents of the ATF and other federal, state and local law enforcement agencies.

10. I submit this affidavit for the limited purpose of establishing probable cause to believe CRUZ has committed the above offenses. Accordingly, I have not included every fact known to me and other law enforcement officers involved in this investigation. I have set forth only the facts that I believe are needed to establish the requisite probable cause.

THE INVESTIGATION

11. In June 2026, the Nashua Police Department (“NPD”) received numerous calls for service regarding CRUZ’s erratic, violent behavior, declining mental health and his available access to firearms inside of his then-residence.

12. I know from reviewing CRUZ's criminal history, that he has pending charges in the Commonwealth of Massachusetts from an arrest in 2024, in which he was charged with Firearm - Carry Without License, Ammunition without FID Card, Assault with Dangerous Weapon to wit Firearm, and Disorderly Conduct. Further, I learned as a result of this investigation, on September 29, 2026, the Commonwealth of Massachusetts located and submitted a warrant for CRUZ's arrest for the aforementioned charges into NCIC, which had been issued on or about August 6, 2024, but was never properly entered into NCIC previously for unknown reasons.

13. I learned from NPD reports and in speaking with involved law enforcement, that on September 23, 2026, a family member of CRUZ's contacted NPD regarding fear for her safety, due to CRUZ's erratic behavior and access to weapons¹. CRUZ's family member submitted and was granted an Involuntary Emergency Admission ("IEA") for an Order for Complaint and Prayer for Compulsory Mental Examination. On or about September 24, NPD assisted to detain CRUZ for his involuntary transport to Saint Joseph's Hospital in Nashua.² During the encounter, CRUZ was uncooperative and attempted to access an item in his pocket. NPD handcuffed CRUZ for officer safety and conducted a pat-frisk of CRUZ. During the pat-frisk, NPD located a loaded Glock, model 23C, .40 S&W caliber, pistol, bearing serial number FRB544, with a gold box-type machinegun conversion kit (hereinafter referred to as a "machinegun conversion devices" and also commonly known as

¹ On June 7, 2026, NPD seized a Ruger, Security-380, .380 caliber pistol, bearing serial number 387-88730, with two rounds of ammunition from CRUZ's family member, who stated she located it under CRUZ's pillow in their residence.

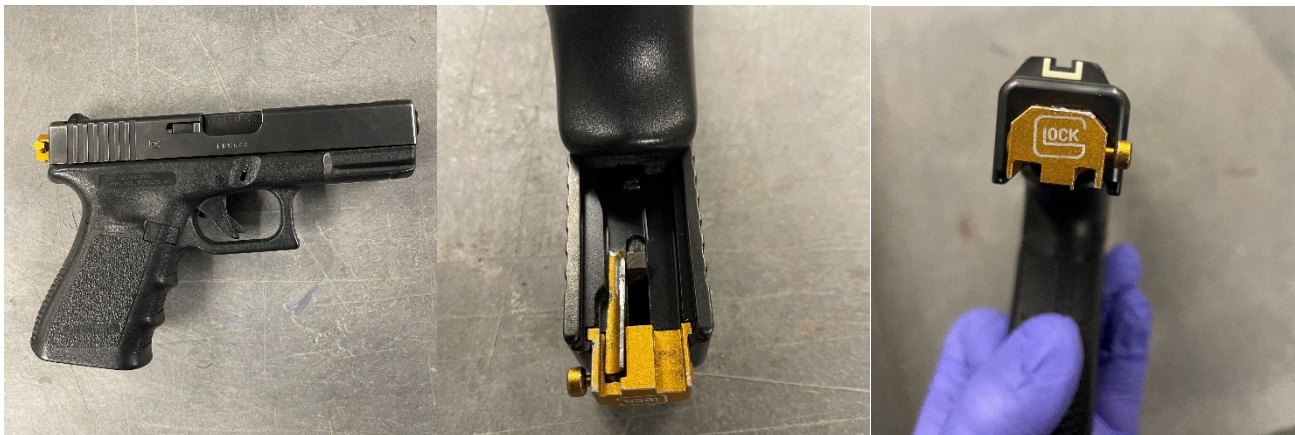
² N.H. R.S.A. § 135-C:62 permits law enforcement officers to take custody of persons subject to proceedings for involuntary emergency admission.

“switches,” or “Glock chips”) attached to it. NPD seized the firearm and ammunition, and CRUZ was transported to Saint Joseph’s Hospital.

14. On September 30, 2026, I learned from NPD that CRUZ had fled hospital custody at Saint Joseph’s Hospital, while undergoing his mental health evaluation, and that NPD had received numerous calls for service from CRUZ’s family member, that CRUZ had attempted to gain access to her home, but had fled prior to police arrival.

15. On September 30, 2026, I took custody of the Glock pistol with the attached machinegun conversion device and later secured it into evidence at the ATF Manchester Field Office Evidence Vault.

16. I examined and photographed the Glock pistol and machinegun conversion device, which I readily identified as an aftermarket pistol slide modification to the commercially manufactured Glock pistol. I know through my training, knowledge and experience that Glock, nor any other federal firearms licensee and manufacturer has or is able to lawfully make machinegun conversion devices, such as the pistol slide conversion, “switch-type” device observed attached to the Glock pistol. I observed the machinegun conversion device had no visible serial numbers, and therefore could not be registered to the NFRTR.



17. I forwarded the photographs to the ATF Firearms and Ammunition Technology Division (“FATD”) to be reviewed by a Firearms Enforcement Officer for a NFA Determination Examination.

18. On October 1, 2026, I spoke with ATF FEO Engle from FATD, who concurred the machinegun conversion device attached to the Glock pistol was consistent with the definition and appeared to function consistent to that of a machinegun as defined by Title 26, was therefore believed the firearm to be an NFA weapon, could not be registered to the NFRTR, and thus was contraband and could not be lawfully possessed by any person.

19. As detailed herein, CRUZ is the subject of an investigation being conducted by ATF related to whether CRUZ is violating federal law by possessing a firearm not registered to him in the National Firearms Registration and Transfer Record, in violation of Title 26, United States Code, Section 5861. I know the following regarding federal law:

- a. Certain types of firearms are regulated under Title 26 of the United States Code, which is the Internal Revenue Code. These regulated firearms include machineguns, which are defined for purposes of Title 26, United States Code, Sections 5801-72 to include “any weapon which shoots, is designed to shoot, or can readily be restored to shoot, automatically more than one shot, without manual reloading, by a single function of the trigger” and also includes “any part designed and intended solely and exclusively, or combination of parts designed and intended, for use in converting a weapon into a machinegun.” Title 26, United States Code, Section 5845(a)(6) and (b).
- b. Title 26, United States Code, Section 5861(d) provides that it is unlawful for a person “to receive or possess a firearm which is not registered to him in the National Firearms Registration and Transfer Record.”
- c. Title 26, United States Code, Section 5861(i) provides that it is unlawful for a person “to receive or possess a firearm which is not identified by a serial number.”
- d. Title 26, United States Code, Section 7302 provides that “[i]t shall be unlawful to have or possess any property intended for use in violating the provisions of the internal revenue laws, or regulations prescribed under such laws, or which has been so used, and property rights shall exist in any such property. A search

warrant may issue as provided in chapter 205 of title 18 of the United States Code and the Federal Rules of Criminal Procedure for the seizure of such property.”

20. Further, CRUZ is being investigated for violating federal law related to 18 U.S.C. § 922(o) by transferring or possessing a machinegun. I am familiar with a type of firearm part known as a machinegun conversion device, which converts certain firearms from semi-automatic to fully-automatic, thus rendering the firearms capable of firing multiple shots by a single function of the trigger. As these are parts intended to convert a firearm into a machine gun, a machinegun conversion device itself qualifies as a “machinegun” under the statute.

21. Under the National Firearms Act, machineguns must be registered with the Bureau of Alcohol, Tobacco, Firearms and Explosives. See 26 U.S.C. § 5841(a). Under 18 U.S.C. § 922(o), it is unlawful for any person to transfer or to possess a machine gun that is not lawfully owned and registered. It is illegal to possess an unregistered machinegun, whether or not the individual is a prohibited person under 18 U.S.C. § 922, for another reason such as a felony conviction.

22. I have learned during the course of this investigation that CRUZ is not a licensed importer, licensed manufacturer, or licensed dealer of firearms. Further, a query of the Massachusetts Criminal History Records Bureau – Massachusetts License to Carry (“LTC”) / Firearms identification Card (“FID”) records revealed that CRUZ does not possess a MA LTC and/or FID. Further, a query of the NFRTR records revealed that CRUZ does not have any registered NFA weapons.

CONCLUSION

23. Based on the foregoing, there is probable cause to believe that on or about September 24, 2026, in Nashua, in the District of New Hampshire, CRUZ possessed a firearm not registered to him in the National Firearms Registration and Transfer Record, in violation of 26 U.S.C. § 5861(d) and possessed an NFA weapon not identified by a serial number, in violation of 26 U.S.C. § 5861(i).

/s/ Patrick Dawley _____
Patrick Dawley
ATF Special Agent

Sworn to me by telephone under Rule 4.1 of the Federal Rules of Criminal

Procedure on this 1st day of October, 2026.


HONORABLE TALESHA SAINT-MARC
UNITED STATES MAGISTRATE JUDGE
DISTRICT OF NEW HAMPSHIRE

