

UNITED STATES DISTRICT COURT
for the
District of New Mexico

United States of America
v.
Frederick Urban

Case No. 24-mj-01152-JHR

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 August 10, 2024 in the county of Dona Ana in the
District of New Mexico, the defendant(s) violated:

Table with 2 columns: Code Section, Offense Description. Rows include 18 U.S.C. § 922(g)(1) Felon in possession of a firearm and 26 U.S.C. § 5861 (d) Possession a destructive device not registered in the NFRTR

This criminal complaint is based on these facts:

See attached "Affidavit"

Continued on the attached sheet.

COLTON RYALS

Digitally signed by COLTON RYALS
Date: 2024.08.11 16:21:07 -06'00'

Complainant's signature

Colton Ryals, ATF Special Agent

Printed name and title

Sworn to before me and signed in my presence.

Date:

Judge's signature

City and state:

Printed name and title

CRIMINAL COMPLAINT - CONTINUED

UNITED STATES OF AMERICA

V.
Frederick URBAN

AFFIDAVIT

1. Your Affiant, Colton Ryals, is a Special Agent (SA) with the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) and has been so employed since November 2023. Prior to ATF, your Affiant was employed by the Saint Clair County Sheriff's Office in Alabama as a Patrol Deputy. As part of the training to become an ATF Special Agent, your Affiant attended six months of specialized training sponsored by the Federal Law Enforcement Training Center in Glynco, Georgia. As a result of this training, your Affiant has been certified as a federal investigator and has received specific training involving violations of federal laws. Your Affiant is currently assigned to the Las Cruces, New Mexico Field Office.
2. Your Affiant, being duly sworn, states the following to be true and correct to the best of his knowledge and belief based upon his personal observations and from information provided by knowledgeable law enforcement agents who are involved in the investigation of **Frederick URBAN**. The facts outlined in this narrative are not meant to be a complete narrative of all that has occurred in connection with this investigation but are only a summary of facts necessary to set forth probable cause in support of the arrest warrant and does not purport to set forth all the Affiant's knowledge regarding this investigation.

RELEVANT STATUTES AND DEFINITIONS

1. As a result of my training and experience as an ATF Special Agent, I am familiar with federal criminal laws and know that it is a violation of Title 18 United States Code § 922(g)(1), where it is unlawful for any person who has been convicted in any court of, a crime punishable by imprisonment for a term exceeding one year to ship or transport in interstate or foreign commerce, or possess in or affecting commerce, any firearm or ammunition; or to receive any

CRIMINAL COMPLAINT - CONTINUED

firearm or ammunition which has been shipped or transported in interstate or foreign commerce.

2. As a result of my training and experience as an ATF Special Agent, I am also familiar with Title 26 United States Code § 5861(d) where it is unlawful to receive or possess a firearm which is not registered to him in the National Firearms Registration and Transfer Record.

OVERVIEW OF THE INVESTIGATION

1. On or about August 8, 2024, the ATF Las Cruces Field Office received a phone call from a concerned citizen stating that they had knowledge and evidence that a convicted felon and prior ATF defendant was in possession of firearms.
2. That individual was identified as Frederick URBAN. URBAN's criminal history revealed that he was previously convicted by jury in the United States District Court for the Middle District of Pennsylvania for possessing an unregistered destructive device and sentenced to 57 months in prison. URBAN subsequently appealed his conviction, but it was upheld by the United States Court of Appeal for the Third Circuit.
3. With respect to that conviction, on April 11, 1995, URBAN was arrested by ATF when he was found to be in possession of ammunition boxes containing two large canisters, a homemade metal detonator, two large bags of an explosive later determined to be triacetone triperoxide (an extremely volatile explosive commonly referred to as TATP), two carbon dioxide cartridges, a coil of polytechnic fuse, and a steel pipe. A subsequent search of URBAN's residence yielded books and pamphlets on how to manufacture various weapons and explosives, a polyvinyl chloride ("PVC") container, a five-inch length of 3/32 fuse, an illegal firearm silencer, a partially filled container of smokeless gun powder, a homemade detonator, and three fuse assemblies. Urban was arrested and charged with the possession of an unregistered destructive device in violation of 26 U.S.C. § 5861(d).

CRIMINAL COMPLAINT - CONTINUED

4. Through an interview of the concerned citizen, your Affiant observed photographs and videos which depicted numerous firearms at URBAN's residence. Your Affiant also learned from the concerned citizen that URBAN is the sole occupant of that residence.
5. In particular, one video clearly depicted a firearm that, through my training and experience, was identified as a Ruger P85 pistol. Your Affiant spoke with an ATF Firearms Nexus Expert and determined that Ruger firearms are not manufactured in the state of New Mexico. Rather, the Ruger P85 pistol was manufactured in either the state of Arizona or state of Connecticut.
6. The Ruger P85 appeared to be next to a computer in an office of the residence amongst other military gear, green military ammunition cans, and other firearms.
7. The concerned citizen stated that a significant number of firearms and a substantial amount of ammunition were located at the residence and kept in green military ammunition cans.
8. As a result of the interview of the concerned citizen, ATF obtained a federal search warrant for URBAN's residence and URBAN was arrested. At the time of his arrest, URBAN was the sole occupant at his residence.
9. A search warrant of the residence of Frederick URBAN was executed at approximately 0900 hours on August 10, 2024.
10. ATF Special Agents, with the assistance of New Mexico State Police and El Paso Police Department, executed the search warrant and recovered numerous firearms, approximately one hundred thousand rounds of ammunition, large capacity magazines loaded with ammunition, and gunpowder.
11. The aforementioned Ruger P85 pistol that was seen in the video shown by the concerned citizen was discovered to be in the same place as seen on the video. As a result of possessing the Ruger P85 pistol, URBAN was in violation of Title 18 United States Code § 922(g)(1).

CRIMINAL COMPLAINT - CONTINUED

12. While executing the search warrant, ATF Special Agents also discovered military gear loaded with rifle and pistol magazines that appeared to be ready to use.
13. An ATF Special Agent Bomb Technician indicated the presence of explosives on scene and with the assistance New Mexico State Police Bomb Squad discovered triacetone triperoxide (TATP), an extremely volatile explosive, amongst other explosives at the residence. It should be noted that URBAN also possessed TATP in connection with his 1995 aforementioned federal conviction for possessing unregistered destructive devices.
14. In addition to the items listed above, ATF Special Agents also found homemade detonators, three homemade blasting caps, homemade devices that resembled shape charges, homemade gunpowder, a pressure cooker, pyrotechnic fuses, and cap carriers were found at the residence.
15. Of relevance to the Title 26 United States Code § 5861(d) charge in this complaint, one of the blasting caps was disassembled by the New Mexico State Police Bomb Squad and tested positive for the presence of TATP.
16. Your Affiant knows that pursuant to Title 26 United States Code § 5845(a)(8), the term “firearm” includes a “destructive device.” The blasting cap found at URBAN’s residence meets the definition of “destructive device” as defined by Title 26 United States Code § 5845(f)(1)(A) because it constitutes a bomb. Consequently, in order for URBAN to have been in lawful possession of the destructive device (*i.e.*, the blasting cap), URBAN would have had to register it in the NFRTR.
17. A query of the NFRTR was conducted by an ATF Special Agent. URBAN is not registered as a possessor of any Destructive Device in the NFRTR and is therefore prohibited from possessing any Destructive Device.
18. Based on the fact that URBAN received a substantial 57-month sentence for his prior federal conviction, as well as the fact that he appealed his conviction and sentence, there is probable cause to believe that URBAN knew that he was a previously convicted felon.

CRIMINAL COMPLAINT - CONTINUED

19. Based on the preceding information, it is your Affiant's belief that on August 10, 2024, in Dona Ana County of the District of New Mexico, Frederick URBAN violated Title 18 United States Code § 922(g)(1) by possessing the Ruger P85 pistol and Title 26 United States Code § 5861(d) by possessing a blasting cap constituting a destructive device.

20. This complaint was reviewed and approved by Assistant United States Attorney Ryan Ellison.

Colton Ryals, Special Agent
Bureau of Alcohol, Tobacco, Firearms and Explosives

Subscribed and sworn to before

me this ____ day of August, 2024

U.S. MAGISTRATE JUDGE