

UNITED STATES DISTRICT COURT
for the
Eastern District of California

FILED
Sep 08, 2021
CLERK, U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

United States of America
v.
BENJAMIN JOHN MARTIN
Defendant(s)

Case No. 1:21-MJ-00092-EPG

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 2, 2021, in the county of Madera in the Eastern District of California, the defendant(s) violated:

Code Section
18 USC 922(g)(9)

Offense Description

Possession of firearm in and affecting interstate or foreign commerce by person who has previously been convicted of misdemeanor crime of domestic violence.

Maximum Penalties:

Ten years imprisonment, \$250,000 fine, three years supervised release, and \$100 special assessment

This criminal complaint is based on these facts:

See attached Affidavit.

Continued on the attached sheet.

Connor Ledbetter

Complainant's signature

Connor Ledbetter, FBI Special Agent

Printed name and title

Submitted to me by email and pdf and attested to me as true and accurate by telephone consistent with Fed. R. Crim P. 4(d) and 4.1.

Date: 09/08/2021

Erica P. Grosjean

Judge's signature

City and state: Fresno, California

Erica P. Grosjean, U.S. Magistrate Judge

Printed name and title

1
2 IN THE UNITED STATES DISTRICT COURT
3 EASTERN DISTRICT OF CALIFORNIA

4 UNITED STATES OF AMERICA,
5 Plaintiff,
6 v.
7 BENJAMIN JOHN MARTIN,
8 Defendant.

CASE NO.
AFFIDAVIT OF FBI SPECIAL AGENT CONNOR
LEDBETTER IN SUPPORT OF CRIMINAL
COMPLAINT

9
10 I, Connor L. Ledbetter, being first duly sworn, hereby depose and state as follows:

11 1. I am a Federal Bureau of Investigation (“FBI”) Special Agent assigned to the Sacramento
12 Division, Fresno Resident Agency. I am a graduate of the FBI Academy in Quantico, Virginia, and
13 have been an FBI Special Agent since March 2020. I have received training in and have investigated
14 various federal offenses, including firearms violations under Title 18, United States Code, Section 922.
15 I am an “investigative or law enforcement officer of the United States” within the meaning of Title 18,
16 United States Code, Section 2510(7) who may investigate and make arrests for the federal offenses
17 enumerated in Title 18, United States Code, Section 2516(1), including firearms violations under Title
18 18, United States Code, Section 922.

19 2. This Affidavit is made in support of a criminal complaint charging BENJAMIN JOHN
20 MARTIN with violation of Title 18, United States Code, Section 922(g)(9), possession of firearm in and
21 affecting interstate or foreign commerce by a person who has previously been convicted of a
22 misdemeanor crime of domestic violence. The facts in this Affidavit come from my personal
23 observations, my training and experience, and information obtained from other agents, witnesses, and
24 agencies that are involved in this case. This Affidavit is intended to show that there is sufficient
25 probable cause to arrest MARTIN. It does not set forth all of my knowledge, or the knowledge of
26 others, about this case.

27 3. On September 2, 2021, FBI agents arrested MARTIN on a criminal complaint for
28 unrelated charges issued by the District Court for the District of Columbia. The agents also executed

1 federal search warrants at MARTIN's residence in Madera County, California, which is in the State and
2 Eastern District of California.

3 4. Based on the FBI's surveillance of MARTIN's residence from April through August
4 2021, MARTIN lives at the residence with:

- 5 a) C.G., who is MARTIN's girlfriend;
- 6 b) B.F., who is an adult male that identifies MARTIN as his father on social media;
- 7 c) E.M., who is MARTIN's adult daughter; and
- 8 d) a minor child.

9 5. There was a firearm safe in the garage of the residence. The garage had three parking
10 spots with no dividing walls. The safe was in the back area of the middle parking spot, which was the
11 same spot where MARTIN usually parked the 2005 Buick that he drives. The Buick is registered to
12 MARTIN's parents. There was also a recording studio in another part of the garage from which the safe
13 was visible. I have reviewed online, podcast-styled videos created by MARTIN that appear to have
14 been recorded in this same location.

15 6. The safe was secured by a manual, left-right-left style combination lock.

16 7. MARTIN provided the agents with the code for and detailed instructions on how to
17 unlock the safe. He also told the agents that the safe contained firearms and that those firearms
18 belonged to his father-in-law.

19 8. Several agents tried to open the safe, but they were unsuccessful. The agents then had the
20 Madera County Sheriff's Office open the safe with force.

21 9. The safe contained, among other items:

- 22 a) Four rifles;
- 23 b) Two shotguns, including a Benelli 12-Gauge Shotgun that Bureau of Alcohol, Tobacco,
24 and Firearms Special Agent Eric Penman, who has specialized training in the origin and manufacture of
25 firearms, confirmed was manufactured outside of California;
- 26 c) A Kimber 1911 Pistol that Special Agent Penman also confirmed was manufactured
27 outside of California;
- 28 d) An assault rifle;

1 e) An original and a copy of MARTIN's birth certificate;

2 f) MARTIN's United States passport;

3 g) MARTIN's 2014 tax records;

4 h) Title for a 2003 Chevy in MARTIN's name that is registered to him and was seen being
5 driven by another unidentified adult male and parked at MARTIN's residence during the FBI's
6 surveillance;

7 i) Dental bill in MARTIN's name dated February 2017;

8 j) Annual Renewal Notice for Costco membership in MARTIN's name dated May 2017;

9 k) Court documents for two cases in 1997 and 1998 in which MARTIN was a defendant and
10 a plaintiff, respectively;

11 l) United States Passports for C.G. and K.G., who appears to be C.G.'s minor daughter
12 based on the FBI's investigation; and

13 m) Birth certificate for B.F.

14 10. According to law enforcement databases, the firearms found in the safe are not registered
15 to anyone.

16 11. The master bedroom of the residence appeared to be used by MARTIN because clothing
17 that the FBI has observed him wearing along with other male clothing that matches his physical
18 description was found in one of the bedroom's two closets. Female clothing was found in the other
19 closet. The title for the 2005 Buick that MARTIN drives and a Madera County Department of
20 Corrections Booking Form in his name were also found in a nightstand in the bedroom.

21 12. Inside MARTIN's closet, agents found a Benelli firearm carrying case. The case was
22 next to a firearm stock, which was not a completed firearm because it was missing the barrel and firing
23 mechanism. Agents also found another firearm carrying case with a receipt for the Benelli 12-Gauge
24 Shotgun that was found in the safe in the garage. The receipt listed the serial number for the shotgun
25 and MARTIN's name, and showed that he purchased the shotgun in Fresno, California, in 2013.

26 13. I reviewed MARTIN's criminal history. I determined that he has December 2018
27 conviction in Fresno County Superior Court Case No. F18901304 for violation of California Penal Code
28 Section 243(e)(1), which provides: "When a battery is committed against a spouse, a person with whom

1 the defendant is cohabiting, a person who is the parent of the defendant's child, former spouse, fiancé, or
2 fiancée, or a person with whom the defendant currently has, or has previously had, a dating or
3 engagement relationship, the battery is punishable by a fine not exceeding two thousand dollars
4 (\$2,000), or by imprisonment in a county jail for a period of not more than one year, or by both that fine
5 and imprisonment." According to the police report and the FBI's investigation, the underlying incident
6 involved Jane Doe, who was MARTIN's girlfriend at the time. Jane Doe and Martin had separate
7 residences in Oregon and Fresno, respectively, but they consistently stayed with each other in one of the
8 residences.

9 14. I reviewed Fresno County Superior Court records for MARTIN's Section 243(e)(1)
10 conviction. I determined that, on or about December 21, 2018, MARTIN pleaded no contest to the
11 charge and initialed and signed a Misdemeanor Advisement, Waiver of Rights, and Plea Form. Martin
12 also signed a Prohibited Persons Relinquishment Form, which informed him that he was prohibited from
13 owning, purchasing, receiving, possessing, or having under his custody or control any firearms because
14 of his 243(e)(1) conviction and wherein he signed stating that he did not own, possess, or have under his
15 custody or control any firearms.

16 15. On September 2, 2021, at approximately 10:08 p.m., after MARTIN was arrested and
17 booked into the Fresno County Jail, he made a recorded jail call to C.G. C.G. told MARTIN that she
18 was back at his residence and that there was a list of the items the FBI had taken. MARTIN asked what
19 items were taken and an unidentified male said that the FBI took the firearms. MARTIN asked why the
20 FBI took the firearms because none of the firearms were illegal. C.G. replied that she did not know
21 there were any.

22 16. On September 4, 2021, at approximately 9:00 p.m., which was after MARTIN had
23 retained defense counsel and made his initial appearance in federal court, he made another recorded jail
24 call to C.G. On the call, C.G. told MARTIN that his sister, who had obtained a temporary restraining
25 order against him in or around May 2021 that prohibited from having any access to firearms, may have
26 had something to do with this. MARTIN replied saying that is fine. That is your safe. That is your dad
27 and your things. I did not have the combination. They know that I did not have the combination. They
28 asked me and I could not give it to them and they had to break-in. I did not even know what was in

1 there because they are not mine.

2 17. I submit that the above-mentioned facts establish probable cause to believe that, on or about
3 September 2, 2021, in the State and Eastern District of California, MARTIN possessed firearms in violation
4 of Title 18, United States Code, Section 922(g)(9), to wit: a Benelli 12-Gauge Shotgun and a Kimber 1911
5 Pistol. I request that an arrest warrant be issued for him for this violation.

6
7 I swear under penalty of perjury that the foregoing information is true and correct to the best of my
8 knowledge, information, and belief.

9 Respectfully submitted,

10 *Connor Ledbetter*

11 _____
12 Connor Ledbetter
13 FBI Special Agent

14 Reviewed and approved as to form:

15 /s/ Joseph Barton
16 JOSEPH BARTON
17 Assistant United States Attorney

18 Affidavit submitted by email and pdf and attested to me as true and accurate by telephone consistent
19 with Fed. R. Crim P. 4(d) and 4.1 before me this eighth day of September 2021:

20 *Erica P. Grosjean*
21 _____
22 Honorable Erica P. Grosjean
23 United States Magistrate Judge
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27
28