

ATTACHMENT A:**UNDER SEAL****AFFIDAVIT IN SUPPORT OF APPLICATION FOR
A CRIMINAL COMPLAINT**

I, Caitlin McGourty, Special Agent of the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), being duly sworn, depose and state that:

1. I have been a Special Agent with ATF since February 2019. As such, I am an “investigative or law enforcement officer” of the United States within the meaning of Title 18, United States Code, Section 2510(7), that is, an officer of the United States who is empowered by law to conduct investigations of, and to make arrests for, offenses enumerated in Section 2516 of Title 18, United States Code.

2. As a Special Agent with ATF, I have been involved with numerous criminal investigations involving violations of federal law. During my time with the ATF, I have received training and experience in interviewing techniques, surveillance techniques, arrest procedures, search and seizure, asset forfeiture, organized crime, money laundering, cell phone and social media exploitation, firearms investigations including the illegal possession and use of, manufacturing and trafficking of firearms, and drug investigations, including the possession with intent to distribute and distribution of controlled substances, along with conspiracies and offenses associated with the foregoing criminal offenses which are prohibited by Title 21, United States Code, Sections 841(a)(1), 843(b), and 846, and Title 18, United States Code, Sections 922, 932, 933, 924, 1951, 1956, and 1957.

3. While working for ATF I have investigated various violent crimes within North Carolina, the District of Columbia, Maryland, and Virginia, to include homicides, robberies,

carjackings, as well as numerous firearms and narcotics related crimes. Prior to joining the ATF, I was a sworn police officer with the District of Columbia Metropolitan Police Department (“MPD”) for approximately five years, during which I was assigned to the Sixth District Crime Suppression Team. As a member of the Crime Suppression Team, I was tasked with combatting violent crimes in the District of Columbia, including, but not limited to, firearms and narcotics offenses.

4. The statements contained in this affidavit are based on information I have learned through my own investigation, experience, and background as an ATF agent and through that of other federal and local law enforcement officers. Because this affidavit is being submitted for the limited purpose of securing a Criminal Complaint and Arrest Warrant, I have not included every fact known to me concerning this investigation. I have set forth only those facts that I believe are necessary to establish probable cause to believe that **Walter Adonai Rivera CHINCHILLA** (hereinafter, “**CHINCHILLA**”) has committed violations of Title 18, United States Code, sections 922(a)(1)(A) (engaging in the business of firearms without a license) within the Western District of North Carolina, and elsewhere.

FACTS IN SUPPORT OF PROBABLE CAUSE

5. **CHINCHILLA** is the subject of an ongoing criminal investigation being conducted jointly by the ATF and Homeland Security Investigations (HSI) regarding violations of 18 U.S.C. §§ 922, 932, 933, and 554.

6. On or about August 5, 2024, members from the HSI Washington D.C. office notified agents from HSI Charlotte about the recovery of handguns seized from a container shipment bound from the United States to Honduras. According to reports and information

obtained by HSI, on or about August 1, 2024, members of Customs and Border Protection (CBP) at the Port of Miami conducted an inspection of an outbound cargo container bearing container number SMLU8329453. A search of two parcels located within the shipping container led to the seizure of the following six handguns and various magazines:

- Glock 17L 9mm pistol with serial number CDCN655
- Glock 17L 9mm pistol with serial number CDCM495
- Glock 34 Gen5 9mm pistol with serial number CAKX895
- Glock 34 9mm pistol with serial number BVVS841
- Glock 34 Gen5 9mm pistol with serial number CCLM189
- Beretta M9A3 9mm pistol with serial number B023618Z

7. The six firearms were concealed within the parcel among various personal effects. Specifically, the firearms and magazines were hidden inside the base of decorative table lamps when they were located by CBP. The consignee for each of the two parcels had addresses in Bonito Oriental, Colon, Honduras. Following the recovery, details of the firearms were transmitted to ATF for tracing to identify the original purchaser of the recovered firearms. The firearms trace summary revealed all six firearms were purchased by **CHINCHILLA**. The trace summary further revealed that these firearms were purchased by **CHINCHILLA** between July 3, 2024, and July 16, 2024. Therefore, all of the firearms had been purchased less than a month prior to their shipment to Honduras.

8. All three of the Glock 34 pistols and the Beretta were purchased from Federal Firearms Licensees (FFL) in Charlotte, NC. The Glock 17L with serial number CDCN655 was purchased from an FFL in Concord, North Carolina, and the Glock 17L with serial number CDCM495 was purchase from an FFL in Biscoe, North Carolina. To date, ATF has located 24

multiple sales reports¹ for purchases made by **CHINCHILLA**, totaling over sixty firearms purchased since the beginning of April 2024.

9. Based on the large number of multiple sales and the recovery of firearms by CBP, your affiant began contacting all the known FFLs **CHINCHILLA** has purchased firearms from to request copies of related Firearms Transaction Records (ATF Form 4473)². While speaking with FFL employees, your affiant was told that **CHINCHILLA** frequently came into the FFLs with one or more Hispanic males. Your affiant obtained video footage of **CHINCHILLA**'s firearms purchases from some of the FFLs. Video footage from Beltway Gun & Pawn, an FFL located in Matthews, North Carolina, captured **CHINCHILLA** with two additional males in the FFL on August 16, 2024, August 30, 2024, and September 6, 2024. Employees of Beltway Gun & Pawn advised law enforcement that the additional males spoke to each other and **CHINCHILLA** in Spanish.

10. On August 30, 2024, the video footage from Beltway Gun & Pawn captured **CHINCHILLA** walking into the FFL at approximately 2:22 pm. **CHINCHILLA** is followed by two males, one in a black tee shirt and one in a white sweatshirt. At 2:41:25 pm, the male wearing a white sweatshirt is captured on camera handing **CHINCHILLA** U.S. currency prior to **CHINCHILLA**'s firearms purchase. **CHINCHILLA** is recorded on camera counting out the currency and then adding it to additional currency he then used to purchase two firearms.

¹ Multiple Sale – The purchase of more than one handgun at a time or within five consecutive business days of each other. The Gun Control Act (GCA) of 1968 requires federal firearms licensees (FFLs) to send a report to ATF when there is a sale or other disposition of multiple handguns to the same purchaser within a certain time period.

² A Federal Firearm Licensee (“FFL”) may not sell or dispose of a firearm to a non-licensee purchaser “unless the [FFL] records the transaction on a firearms transaction record, Form 4473.”[1] The ATF Form 4473 is completed at the FFL premises when a firearm is transferred over the counter. The transferee/buyer must complete the section of the ATF Form 4473 that includes providing their name, current state of residence and address, place of birth, height, weight, sex, birthdate. The transferee/buyer also must answer “yes/no” questions that are related to the lawfulness of the transaction. The transferee/buyer must provide a valid government-issued photo identification document to the FFL that contains the transferee's/buyer's name, residence address, and date of birth. The transferee/buyer must sign and date the form certifying that the answers provided are true, accurate, and complete.

According to the ATF Form 4473 for this purchase, **CHINCHILLA** purchased a Romarm Mini Draco 7.62 caliber AK-47 style pistol with serial number ROA23-PG-9597 and a Smith & Wesson Model 66 .357 caliber revolver with serial number 37K1164.

11. On October 2, 2024, **CHINCHILLA** met with an undercover (“UC”) law enforcement officer at The Aisle Pawn Shop, an FFL located at 216 N. Main Street in Mooresville, North Carolina. Prior to the meeting, **CHINCHILLA** agreed to the purchase of two firearms for the UC at a set price. On October 2, 2024, at approximately 10:40 am surveillance units in the area of The Aisle Pawn Shop observed **CHINCHILLA** arrive in a black BMW sedan with temporary paper registration and enter the FFL. At approximately 11:15 am, **CHINCHILLA** was observed exiting The Aisle Pawn Shop carrying a rectangular box, a blue bag and getting into a vehicle with the UC.

12. While inside the vehicle, **CHINCHILLA** gave the firearms to the UC in exchange for \$2,500 in recorded ATF funds. Once the transaction was complete, **CHINCHILLA** and the UC began discussing the trafficking of firearms. During this conversation, which was audio and video recorded, **CHINCHILLA** advised that he had a contact that could smuggle firearms out of the United States for a fee. Following the conclusion of the exchange, the UC met with members of HSI and ATF where the firearms were turned over to ATF custody. The firearms purchased by **CHINCHILLA** and sold to the UC were a Radical Firearms RF15 5.56 caliber rifle with serial number 24-064322 and Glock 17 9mm pistol with serial number MGS396.

13. You affiant obtained a copy of the ATF 4473 and receipt for **CHINCHILLA**'s October 2, 2024, firearms purchase. The 4473 confirmed the two firearms purchased by the UC were in fact the same firearms purchased by **CHINCHILLA** from The Aisle Pawn Shop on October 2, 2024. A copy of the receipt for the purchase of these firearm revealed **CHINCHILLA** paid a total of \$960.75 with tax. The UC paid **CHINCHILLA** a total of \$2,500 for the purchase

of these firearms. Based on this information, **CHINCHILLA** made approximately a \$1,540 profit from the sale.

14. On October 8, 2024, **CHINCHILLA** spoke with the UC by telephone. During this recorded conversation, the UC asked about the shipping of firearms to Mexico as previously discussed on October 2, 2024. During this conversation, **CHINCHILLA** advised the UC that it would cost about \$1,800.00 to smuggle six firearms to Mexico and that he, **CHINCHILLA**, just needed a name and delivery address. **CHINCHILLA** also stated that the delivery would take approximately 18 days. The UC expressed interest in purchasing additional firearms. **CHINCHILLA** responded that he would be going to some FFLs soon and would send the UC photographs.

15. On October 10, 2024, the UC spoke with **CHINCHILLA** via telephone regarding the purchase of two AR style pistols. During this conversation, **CHINCHILLA** advised the AR style pistols would cost the UC \$1,400 - \$1,500 each, depending on the model. **CHINCHILLA** sent the UC photographs via telephone of AR style pistols that were available for purchase. On October 14, 2024, the UC spoke with **CHINCHILLA** via telephone during the conversation, the two arranged to meet on Wednesday October 16, 2024, to purchase two AR pistols from an FFL. On October 16, 2024, **CHINCHILLA** contacted the UC via telephone and instructed the UC to meet him at Eagle Guns Inc., an FFL located at 3789 Roberta Church Rd SW, Concord, North Carolina.

16. Surveillance units in the area observed **CHINCHILLA**'s black BMW with paper registration parked in front of Eagle Guns Inc. Prior to the UC's arrival, the UC had contact with **CHINCHILLA** via telephone. During the phone call, **CHINCHILLA** advised that he was already at the FFL. Shortly thereafter, the UC arrived at Eagle Guns Inc., and **CHINCHILLA** was observed by surveillance units exiting the FFL to meet with the UC. During this meeting,

CHINCHILLA told the UC that he was looking at two AR pistols and the cost for the two AR pistols would be \$2,800. While in the parking lot, the UC provided **CHINCHILLA** \$2,800 in recorded ATF funds to for the purchase of the two AR pistols.

17. **CHINCHILLA** and the UC went inside the FFL to complete the firearms purchase. While inside the store, **CHINCHILLA** showed the UC a Glock pistol that he was purchasing and inquired if the UC wanted to buy it along with the two AR pistols. The UC declined to purchase the Glock from **CHINCHILLA**. Once the firearms were paid for, **CHINCHILLA** handed the two AR pistol boxes to the UC while he, **CHINCHILLA** kept the Glock pistol box. At approximately 10:20 am, surveilling law enforcement observed the UC and **CHINCHILLA** exiting the FFL with all three guns in hand.

18. The UC and **CHINCHILLA** exited the FFL and got into the UC vehicle where the two discussed the shipment of firearms to Mexico. During this conversation, which was audio recorded, **CHINCHILLA** advised that he has a contact who ships containers to Honduras. **CHINCHILLA** further advised that the containers make stops in Mexico along their route to Honduras. **CHINCHILLA** further advised that his shipping contact is a male named "JESUS" who only communicates through WhatsApp. Prior to the conclusion of the meeting, **CHINCHILLA** agreed to get the UC in contact with "JESUS" to assure the delivery of firearms to Mexico. **CHINCHILLA** and the UC then parted ways.

19. Following the conclusion of the exchange, the UC met with agents from HSI to relinquish custody of the evidence. Later that same day, the firearms were turned over by HSI to ATF custody. The firearms purchased by **CHINCHILLA** and sold to the UC were two Del-ton Inc. Lima 5.56 caliber AR pistols with serial numbers B105788 and B105797. Your affiant obtained a copy of the ATF 4473 for **CHINCHILLA**'s October 16, 2024, firearms purchase. The 4473 confirmed the two AR pistols purchased by the UC were in fact the same firearms purchased

by **CHINCHILLA** from Eagle Guns Inc. on October 16, 2024. Additionally, according to the documents, **CHINCHILLA** purchased a Glock 45 9mm pistol with serial number BXCR920. A copy of the receipt for the purchase of these firearm revealed **CHINCHILLA** paid \$399.00 for each Del-ton AR pistol totaling \$799.98 plus tax. The UC paid **CHINCHILLA** a total of \$2,800 for the purchase of these two firearms. Based on this information, **CHINCHILLA** made an approximately \$2,000 profit from the sale.

20. Approximately one hour after the purchase at Eagle Guns Inc., **CHINCHILLA** called the UC advising that he, **CHINCHILLA** spoke with his “uncle” who confirmed the price of smuggling guns to Mexico would be \$300 per firearm. **CHINCHILLA** advised the UC that they would only be able to send three firearms at a time and that once the firearms are received, it will take approximately 15 days for them to be delivered. **CHINCHILLA** again advised the UC to download WhatsApp so that he will be able to communicate directly with his “uncle”. Based on this conversation, “JESUS,” the individual previously identified by **CHINCHILLA** as the smuggler, is believed to be **CHINCHILLA**’s “uncle”.

21. On each ATF Form 4473, the Transferee/Buyer must answer a series of questions in section 21 on the form. The first of these questions asks, “Are you the actual transferee/buyer of the firearm(s) listed on this form and any continuation sheet(s)?” A review of the 4473’s from the October 16th, October 2nd, and August 30, 2024, purchases revealed that **CHINCHILLA** checked “Yes,” indicating that he is the actual buyer. Based on the above information, your affiant is aware that **CHINCHILLA** was not only not the actual buyer of the firearms but, that he was purchasing the firearms with the intent to sell them. Additionally, **CHINCHILLA** had knowledge and/or believed that the individuals he was purchasing these firearms for were non-US Citizens and unable to purchase firearms legally. Furthermore, **CHINCHILLA** was aware of and agreed to aid in the trafficking of these firearms to countries outside of the United States.

CONCLUSION

22. Based upon the above, probable cause exists for a criminal complaint against, and arrest warrant for, **Walter Adonai Rivera CHINCHILLA** for violations of 18 U.S.C. § 922(a)(1)(A), from on or about July 3, 2024, through and including October 16, 2024, in Mecklenburg County North Carolina, within the Western District of North Carolina, and elsewhere. I request that the Court issue a Criminal Complaint and Arrest Warrant for the same.

Respectfully submitted,

/s/ Caitlin McGourty
Caitlin McGourty
Special Agent, ATF

**This affidavit was reviewed by AUSA Timothy Sielaff.*

In accordance with Rule 4.1(b)(2)(A), the Affiant attested under oath to the contents of this Affidavit, which was submitted to me by reliable electronic means, on this 29th day of October, 2024, at 3:30 PM



W. Carleton Metcalf
United States Magistrate Judge

