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UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

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UNITED STATES OF AMERICA : Hon. Lois H. Goodman, U.S.M.J.  
 :  
 v. : Mag. No. 21-5023  
 :  
 NICHOLAS LAYTON :  
 : **CRIMINAL COMPLAINT**  
 :

I, David McNamara, being duly sworn, state that the following is true and correct to the best of my knowledge and belief:

**SEE ATTACHMENT A**

I further state that I am a Special Agent with the United States Drug Enforcement Administration, and that this complaint is based on the following facts:

**SEE ATTACHMENT B**

Continued on the attached pages and made a part hereof.

s/David McNamara  
David McNamara, Special Agent  
U.S. Drug Enforcement Administration

Attested to me by telephone pursuant to FRCP 4.1(b)(2)(A),  
June 10, 2021, in the District of New Jersey

Honorable Lois H. Goodman  
United States Magistrate Judge



Signature of Judicial Officer

**ATTACHMENT A**

**COUNT ONE**

**(Conspiracy to Distribute and Possess With Intent to Distribute  
Methamphetamine)**

From on or about December 10, 2018, to on or about December 17, 2018,  
in Burlington County, in the District of New Jersey and elsewhere, the defendant,

**NICHOLAS LAYTON,**

did knowingly and intentionally conspire and agree with others to distribute  
and possess with intent to distribute 50 grams or more of methamphetamine, a  
Schedule II controlled substance, contrary to Title 21, United States Code,  
Sections 841(a)(1) and 841(b)(1)(A).

In violation of Title 21, United States Code, Section 846.

**COUNT TWO**

**(Possession with Intent to Distribute Methamphetamine)**

On or about August 2, 2019, in Burlington County, in the District of New Jersey and elsewhere, the defendant,

**NICHOLAS LAYTON,**

did knowingly and intentionally possess with intent to distribute 50 grams or more of methamphetamine, a Schedule II controlled substance.

In violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(A).

**COUNT THREE**

**(Unlawful Possession of an Unregistered Firearm)**

On or about July 17, 2019, in Burlington County, in the District of New Jersey and elsewhere, the defendant,

**NICHOLAS LAYTON,**

did knowingly and intentionally possess a firearm, namely, a firearm silencer, having no visible serial number, and which was not registered to the defendant in the National Firearms Registration and Transfer Record.

In violation of Title 26, United States Code, Sections 5861(d) and 5871.

**COUNT FOUR**

**(Unlawful Possession of an Unregistered Firearm)**

On or about July 17, 2019, in Burlington County, in the District of New Jersey and elsewhere, the defendant,

**NICHOLAS LAYTON,**

did knowingly and intentionally possess a firearm, namely, an “AR” style, 5.56 x 45mm semi-automatic rifle, having no visible serial number and a barrel length of approximately 9 inches, and which was not registered to the defendant in the National Firearms Registration and Transfer Record.

In violation of Title 26, United States Code, Sections 5861(d) and 5871.

**COUNT FIVE**

**(Unlawful Possession of an Unregistered Firearm)**

On or about July 17, 2019, in Burlington County, in the District of New Jersey and elsewhere, the defendant,

**NICHOLAS LAYTON,**

did knowingly and intentionally possess a firearm, namely, a 9mm semi-automatic rifle, having no visible serial number and a barrel length of approximately 7½ inches, and which was not registered to the defendant in the National Firearms Registration and Transfer Record.

In violation of Title 26, United States Code, Sections 5861(d) and 5871.

**COUNT SIX**

**(Unlawful Possession of Firearms by a Convicted Felon)**

On or about July 17, 2019, in Burlington County, in the District of New Jersey and elsewhere, the defendant,

**NICHOLAS LAYTON,**

knowing that he had previously been convicted of a crime punishable by imprisonment for a term exceeding one year in the District Court of New Jersey, knowingly possessed firearms, namely, a Norcino, SKS type, 762 caliber, semi-automatic rifle, bearing serial number 244931DUP, and a 12-gauge caliber Browning shotgun, bearing serial number 13324 S69, and the firearms were in and affecting commerce.

In violation of Title 18, United States Code, Section 922(g)(1).

## **ATTACHMENT B**

I, David McNamara, am a Special Agent with the Drug Enforcement Administration (“DEA”), and I am fully familiar with the facts set forth herein based on my own investigation and my conversations with other agents and members of law enforcement, and my review of their reports and of items of evidence. Where statements of others are related herein, they are related in substance and in part. Where I assert that an event took place on a particular date, I am asserting that it took place on or about the date alleged. Since this complaint is being submitted for a limited purpose, I have not set forth each and every fact that I know concerning this investigation.

### **I. The Arkansas Motor Vehicle Stops**

1. On or about December 17, 2018, on Interstate 40 in Crawford County, Arkansas, law enforcement officers observed two vehicles traveling in close proximity to each other at an unusually low speed. More specifically, the officers observed a Ford F-150 truck (the “Ford”) traveling less than one car length from the rear bumper of a 2018 Nissan sport utility vehicle (the “Nissan”). The officers observed the Ford and the Nissan traveling in tandem at approximately 40 miles per hour in a zone with a designated speed limit of 70 miles per hour. Thereafter, law enforcement conducted separate motor vehicle stops of the Ford and the Nissan.

2. Upon stopping the vehicles, the officers discovered that a sole female driver, hereinafter referred to as co-conspirator-1 (“CC-1”) who is not charged as a defendant herein, occupied the Nissan, and defendant NICHOLAS LAYTON (“LAYTON”) was the sole occupant and driver of the Ford. CC-1 advised law enforcement that she was traveling to Pennsylvania after visiting a friend on the “West Coast.” CC-1 initially denied traveling with anyone. Later during the stop, however, CC-1 admitted to having known “Nick” (*i.e.*, LAYTON) for quite a few years. CC-1 stated that LAYTON had rented the Nissan from a rental company at an airport in Arizona. CC-1 also advised law enforcement that she and “Nick” drove to Arizona together and had left approximately one week earlier. CC-1 further stated that she and “Nick” were on their way to “back home” to his (LAYTON’s) house in “Jersey.” During the motor vehicle stop, CC-1 provided law enforcement with a rental agreement for the Nissan in LAYTON’s name. According to the rental agreement, LAYTON had rented the Nissan on or about December 16, 2018, in Tuscon, Arizona, with a listed return date of December 20, 2018, to the Philadelphia airport. CC-1 stated that she was listed as a “secondary driver” for the Nissan.

3. Thereafter, CC-1 consented to a search of the Nissan. Officers opened the back hatch of the Nissan and observed that the rear door appeared to be weighted down. Through the vent holes of the rear door panel, the officers observed a package wrapped in plastic. When they removed the rear door panel,



the officers observed and then recovered a total of four wrapped bundles of suspected methamphetamine.

4. During the search of the Nissan, law enforcement also recovered assorted receipts, including the following:

- a) A receipt from Walgreen's in Oro Valley, Arizona, dated December 14, 2018 at 8:11 a.m.
- b) A receipt from Love's store in Erick, Oklahoma, dated December 17, 2018; and
- c) An Oklahoma Turner Turnpike Stroud Exit Lane 1 ticket, dated December 17, 2018 at 7:07:58 p.m.

5. Meanwhile, during the motor vehicle stop of the Ford, LAYTON advised law enforcement that he was from New Jersey on his way back from visiting family and friends in Arizona. LAYTON stated that he was traveling with the other vehicle (the Nissan) and that CC-1 was "his friend's sister." LAYTON produced the rental agreement for the Ford, which indicated that LAYTON had rented the vehicle on or about December 10, 2018, in or around Lumberton, New Jersey, with a listed return date of December 24, 2018, to the Lumberton location.

6. Thereafter, LAYTON consented to a search of the Ford. During the search, law enforcement recovered from the Ford assorted receipts reflecting transactions similar in time and location to the receipts that law enforcement had recovered from the Nissan, including:

- a) a receipt from Walmart in Oro Valley, Arizona for a MoneyGram in the amount of \$3,000, in the name of an unknown individual, dated December 14, 2018 at 2:33 p.m.;
- b) a receipt from a Verizon store in Oro Valley, Arizona dated December 16, 2018 at 7:29 p.m.; and
- c) an Oklahoma Turner Turnpike Stroud Exit Lane 1 ticket, dated December 17, 2018 at 7:08:28 p.m.

7. The suspected methamphetamine recovered from the Nissan was submitted for testing to a law enforcement laboratory and tested positive for approximately three kilograms of methamphetamine (d-methamphetamine hydrochloride).

## **II. The Controlled Purchases of Methamphetamine from LAYTON**

8. Between in or around May 2019 and in or around July 2019, a confidential source of information (hereinafter the “CS”) while under the supervision of law enforcement and while utilizing an audio-recording device, conducted three separate controlled purchases of methamphetamine from LAYTON in or around Burlington County, New Jersey. Those controlled purchases are summarized below.

### **A. The First Controlled Purchase from LAYTON**

9. On or about May 31, 2019, the CS contacted LAYTON by calling a cellular telephone number ending in 4233 (the “LAYTON 4233 Facility”) to arrange for the purchase of methamphetamine. Thereafter, LAYTON met with the CS at a convenience store in or around Pemberton, New Jersey, where the CS, while under law enforcement surveillance, engaged in a hand-to-hand transaction with LAYTON. Thereafter, the CS provided to law enforcement the suspected methamphetamine that he/she purchased from LAYTON, which was submitted to a law enforcement laboratory and tested positive for methamphetamine.

### **B. The Second Controlled Purchase from LAYTON**

10. On or about June 27, 2019, the CS contacted LAYTON on the LAYTON 4233 Facility to arrange for the purchase of methamphetamine. LAYTON directed the CS to his (LAYTON’s) residence on White Street in Mount Holly, New Jersey (the “White Street residence”). Prior to the transaction, law enforcement observed LAYTON arrive at the White Street residence driving a black Dodge Ram (the “Dodge”). While under law enforcement surveillance, the CS entered the White Street residence and, while inside, purchased a quantity of suspected methamphetamine from LAYTON. Thereafter, the CS provided to law enforcement the suspected methamphetamine that he/she purchased from LAYTON, which was submitted to a law enforcement laboratory and tested positive for methamphetamine.

### **C. The Third Controlled Purchase from LAYTON**

11. On or about July 8, 2019, the CS contacted LAYTON on the LAYTON 4233 Facility to arrange for the purchase of methamphetamine. LAYTON directed the CS to a supermarket (the “supermarket”) on High Street in Mount Holly, New Jersey. Prior to the transaction, law enforcement observed LAYTON exit the White Street residence, enter the Dodge, and drive to the supermarket. While under law enforcement surveillance, the CS engaged in a hand-to-hand transaction with LAYTON. Thereafter, the CS provided to law enforcement the suspected methamphetamine that he/she purchased from LAYTON, which was

submitted to a law enforcement laboratory and tested positive for methamphetamine.

**III. The Recovery of Firearms and Explosive Devices from the White Street Residence**

12. Based on the investigation, on or about July 17, 2019, law enforcement executed a judicially authorized search warrant at the White Street residence. During the search, law enforcement recovered, among other things, the following items:

- a) LAYTON's wallet, which contained, among other items, six credit cards, a boating license, a health insurance card, and a photo identification card, all bearing LAYTON's name;
- b) a social security card bearing LAYTON's name;
- c) a black "AR" style, 5.56 x 45mm semi-automatic rifle, having no visible serial number, which law enforcement later determined was a Privately Made Firearm ("PMF");
- d) a 9mm semi-automatic rifle, having no visible serial number, which law enforcement later determined was a PMF;
- e) a firearm silencer, having no visible serial number, which law enforcement later determined was a PMF;
- f) a black "AR" style, semi-automatic rifle, having no visible serial number, which law enforcement later determined was a PMF;
- g) eight "M-Class" explosive devices;
- h) a red bag containing an "explosive making kit"; and
- i) assorted ammunition.

13. On or July 24, 2019, law enforcement conducted an examination of the "AR" style, 5.56 x 45mm semi-automatic PMF rifle and the 9mm semi-automatic PMF rifle. The barrel of the 5.56 x 45mm PMF rifle was measured to be approximately 9 inches long, and the barrel of the 9mm semi-automatic PMF rifle was measured to be approximately 7½ inches long. Accordingly, both rifles are "firearms" as defined in Title 26 of the United States Code.

14. On or about July 29, 2020, the Bureau of Alcohol, Tobacco, Firearms and Explosives (the "ATF") conducted a forensic examination of the PMF silencer. The examination confirmed that the silencer is a "firearm silencer"

as defined in Title 18 of the United States Code and, accordingly, is a “firearm” as defined in Title 26 of the United States Code.

15. Following the recovery of the firearms and silencer described above, law enforcement conducted checks with the ATF National Firearms Branch and confirmed that LAYTON has never registered in the National Firearms Registration and Transfer Record a 5.56 x 45mm rifle with a barrel length of 9 inches, a 9mm semi-automatic rifle with a barrel length of 7½ inches, or a firearm silencer.

**IV. The Recovery of Firearms and Explosive Devices from the Friendship Road Location**

16. On or about July 17, 2019, LAYTON was charged in the State of New Jersey with various criminal offenses as a result of the controlled purchases of methamphetamine described in Section II, above and the recovery of firearms and ammunition from the White Street residence described in Section III, above. A warrant was issued for LAYTON’s arrest.

17. Thereafter, law enforcement learned that LAYTON may have fled from the White Street residence to another location in or around Burlington County, New Jersey. On or about July 17, 2019, law enforcement executed a judicially authorized search warrant at a premises located on Friendship Road in Southampton, New Jersey (the “Friendship Road location”). LAYTON was not present at the Friendship Road location at the time of the search. However, inside a trailer on the property, law enforcement recovered, among other things, the following items:

- a) a Norcino, SKS type, 762 caliber, semi-automatic rifle (the “Norcino”), bearing serial number 244931DUP;
- b) a 12-gauge caliber Browning shotgun (the “Browning”), bearing serial number 13324 S69; and
- c) nine “M-Class” explosive devices.

18. Outside the trailer at the Friendship Road location, law enforcement observed the Dodge that LAYTON had operated during the investigation, as described above. Law enforcement also recovered a cardboard shipping label bearing LAYTON’s name.

19. The investigation revealed that the Norcino and the Browning were not manufactured in New Jersey. Accordingly, before July 17, 2019, the Norcino and the Browning moved in interstate commerce.

20. On or about August 27, 2012, LAYTON was convicted in the United States District Court for the District of New Jersey of possession with the intent to distribute a controlled dangerous substance in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(B), a crime punishable by a term of imprisonment exceeding one year. LAYTON was sentenced to a term of imprisonment of 48 months.

**V. LAYTON's Arrest and the Recovery of Methamphetamine and an Explosive Device from the Holmes Lane Location**

21. After the July 19, 2019 search of the Friendship Road location described above, law enforcement learned that LAYTON may have absconded to another location in or around Burlington County, New Jersey, and that he may have been staying with one or more unknown individuals) at a location on Holmes Lane in Marlton, New Jersey (the "Holmes Lane location").

22. On or about August 4, 2019, law enforcement proceeded to the Holmes Lane location and met with the homeowners. The homeowners confirmed that LAYTON was inside the residence at that time, and they permitted law enforcement entry into the residence. Thereafter, law enforcement located LAYTON locked inside of the laundry room in the residence, and they placed him under arrest. Law enforcement also located LAYTON's girlfriend in the residence.

23. Thereafter, the homeowners advised law enforcement that LAYTON and his girlfriend had asked to stay at the Holmes Lane location due to renovations on their residence. The homeowners also advised that LAYTON and his girlfriend had been at the Holmes Lane location for approximately two days. The homeowners authorized law enforcement to search the residence.

24. During the ensuing search, law enforcement located, in a child's bedroom, a fanny pack containing a bag of crystal rock-like substance suspected to be methamphetamine. Law enforcement also observed a black digital scale on a dresser. In a bag located on the floor of the same bedroom, law enforcement recovered another "M-Class" explosive device. The homeowners identified the child's bedroom as the room that LAYTON and his girlfriend had used during their stay at the Holmes Lane location.

25. Following his arrest, law enforcement administered LAYTON *Miranda* warnings and, thereafter, LAYTON made statements to law enforcement pertinent to the investigation. Specifically, during processing, LAYTON stated that none of the "stuff" found at the Holmes Lane location "is theirs"—referring to the homeowners. Referring to the White Street residence, LAYTON also stated, "Man, when you guys had fun with the front door when you hit the house[,] my

phone started going crazy when I was at the camper and the cameras set the alarm off on it. I remember the exact time you hit too, 4:20 a.m.”<sup>1</sup>

26. The suspected methamphetamine recovered from the Holmes Lane location was submitted to a law enforcement laboratory and tested positive for approximately 200 grams of methamphetamine (d-methamphetamine hydrochloride).

27. During the investigation, the ATF conducted a forensic examination comparing three “M-Class” devices seized during the investigation: one from the White Street residence; one from the Friendship Road location, and the one device seized from the Holmes Lane location. Each device was similar in structure and appearance, and each was found to consist of a thick-walled cardboard tube, a hot melt glue plug, a fuse, and each contained a potassium perchlorate and aluminum explosive mixture.

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<sup>1</sup> The door to the White Street residence was fortified by an interior metal bar across the center door. On the interior of a side door to the White Street residence, there was a large slide lock located on the top right corner of the door. Law enforcement later learned that the White Street residence was equipped with a camera, which LAYTON was able to view from his cell phone. Law enforcement arrived at the White Street residence at approximately 4:15 a.m. on July 17, 2019 to conduct the search described in Section III, above.