

United States District Court

SOUTHERN DISTRICT OF FLORIDA

UNITED STATES OF AMERICA,
v.

CRIMINAL COMPLAINT

2008 MAY -3 PM 5:26
U.S. DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

LANCE BROOKS,

CASE NUMBER: 08-6186-SELTZER

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. From in or about October, 2007 to the present, in Broward County, in the Southern District of Florida, and elsewhere, the defendant did knowingly and willfully engage in the business of brokering activities involving defense articles designated on the United States Munitions List, 22 CFR 121.1, Category III, to wit: 150,000 rounds of .38 Jacketed Soft Point ammunition; 20,000 rounds of .380 Jacket Soft Point ammunition, and 100,000 rounds of .223 55grain Jacketed Soft Point ammunition; without first having registered with and obtained a license from, the United States Department of State, Directorate of Defense Trade Controls,

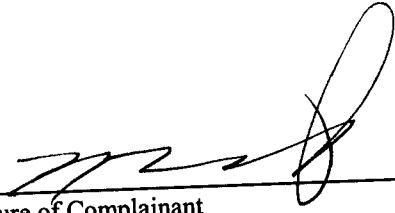
in violation of Title 22 United States Code, Section 2778

I further state that I am a Special Agent, Florida Division of Alcoholic Beverages and Tobacco, Miami FBI Joint Terrorism Task Force I and that this complaint is based on the following facts:

Official Title

SEE ATTACHED AFFIDAVIT

Continued on the attached and made a part hereof:



Signature of Complainant
BENJAMIN HOWARD, SPECIAL AGENT
FLORIDA DIVISION OF ALCOHOL AND TOBACCO
MIAMI FBI JOINT TERRORISM TASK FORCE

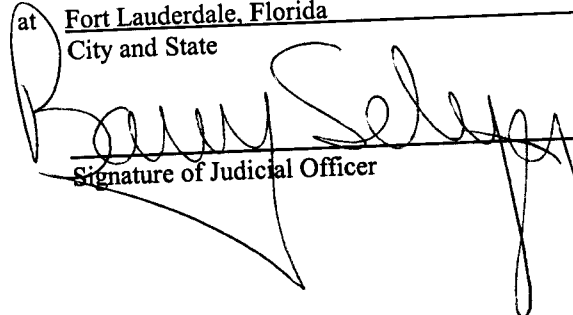
Sworn to before me, and subscribed in my presence,
the Court finds probable cause.

May 8, 2008

Date

HON. BARRY S. SELTZER
UNITED STATES MAGISTRATE JUDGE

Name and Title of Judicial Officer

at Fort Lauderdale, Florida
City and State


Signature of Judicial Officer

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

I, Benjamin Howard, being duly sworn, depose and state:

1. I am a Special Agent of the Florida Division of Alcoholic Beverages and Tobacco. I am currently assigned to the Miami Field Office, Joint Terrorism Task Force (JTTF) and received my Federal Deputization on July 17, 2007. Prior to being employed with the Florida Division of Alcoholic Beverages and Tobacco, I was employed as a police officer and detective in Columbus, Ohio. As a member of the JTTF, I have been involved in the investigation and prosecution of Lance Brooks for violations of the Arms Export Control Act, Title 22, United States Code, Section 2778, and the International Trafficking in Arms Regulations (ITAR), 22 Code of Federal Regulations, Parts 120-130.

2. I submit that this affidavit sets forth probable cause to believe that Lance Brooks is and has been involved in the business of brokering activities and international arms and ammunition trafficking without having registered with and obtained a license from the United States Department of State Directorate of Defense Controls, in violation of Title 22, United States Code, Section 2778.

Applicable Regulations

3. In furtherance of the security and foreign policy interests of the United States of America, the United States regulates and restricts the export of arms, munitions, implements of war and defense articles, pursuant to the Arms Export Control Act, (AECA) Title 22, United States Code, Section 2778.

4. 22 USC 2778 (b)(1)(A)(ii)(I), provides every person (other than an officer or employee of the United States Government acting in official capacity) who engages in the business of brokering activities with respect to the manufacture, export, import, or transfer of any defense article or defense service designated by the President under subsection (a) (1), ...shall register with the United States Government agency charged with the administration of this section.

5. USC 2778(b)(1)(A)(ii) (II) provides such brokering activities shall include the financing, transportation, freight forwarding, or taking of any other action that facilitates the manufacture, export, or import of a defense article or defense service. Brokering includes acting as an agent for others in negotiating or arranging contracts, purchases, sales or transfers of defense articles or defense services in return for a fee commission or other consideration.

6. 22 USC 2778 (b)(1)(A)(ii)(III) provides no person may engage in the business of brokering activities described in subclause (I) without a license, issued in accordance with this Act (22 USC 2751).

7. The regulations that govern such exports are entitled the International Traffic in Arms Regulations (ITAR), Title 22, Code of Federal Regulations, Parts 120-130.

8. The ITAR contains a list of defense articles and defense services that are subject to control by these regulations. This list is called the United States Munitions List, Title 22, Code of Federal Regulations, Section 121.1.

9. Generally, no defense articles or defense services may be exported or otherwise transferred from the United States to a foreign country without a license from

the Department of State.

10. Ammunition is defined by ITAR as a defense article of a nature described on the United States Munitions List (USML), 22 Code of Federal Regulations, Part 121.1, Category III.

11. Pursuant to 22 C.F.R. Sections 129.1 and 129.2, no person may engage in the business of brokering activities in negotiating or arranging contracts, purchases, sales or transfers of defense articles without a license issued by the United States Department of State, Directorate of Defense Trade Controls (DDTC).

Probable Cause

12. In preparing this affidavit, I have conferred with other agents who are experienced in the area of enforcing federal laws relating to the illegal export of defense articles and services. The opinions stated below are shared by these agents. Furthermore, the information contained in this affidavit is based on my own observations and information obtained from other law enforcement personnel involved in the investigation.

13. Beginning in June 2006, FBI Miami began investigating Lance Brooks with regard to international arms and ammunition brokering. As part of the investigation, your affiant learned that Lance Brooks is the owner/operator of Taylor and Associates and is currently listed as the registered agent for Taylor and Associates as of April 30, 2007. Formerly Lance Brooks was listed as the President and CEO of Taylor and Associates in 2006, and as the CEO of Taylor and Associates in 2003, 2004 and 2005.

14. On November 6, 2007, Lance Brooks was indicted in Case Number 07-60265-CR-MARRA for violations of the Arms Export Act, Title 22, United States Code,

Section 2778 and other offenses.

15. On December 20, 2007, Lance Brooks pled guilty to Exporting defense services from the United States without a license in violation of Title 22, United States Code, Section 2778, and other offenses.

16. Lance Brooks is currently on bond pending sentencing.

17. On March 30, 2008, a Search Warrant was issued by Magistrate Judge Rosenbaum for the search of a DHL package addressed to Lance Brooks, Taylor and Associates, 6201 Falls Circle N. Bldg. 1 #208, Lauderhill, Fl. 33319, from Firearms Coastal Security Branch, Paul Robinson in Kingston, Jamaica.

18. A search of the DHL package revealed an End User Certificate from the Ministry of National Security, Kingston, Jamaica dated February 26, 2008 pertaining to the acquisition of 150,000 rounds of .38 Jacket Soft Point ammunition, 20,000 rounds of .380 Jacketed Soft Point ammunition, and 100,000 rounds of Jacketed Soft Point ammunition from Taylor and Associates.

19. Agents from the FBI Joint Terrorism Task Force contacted Paul Robinson, Assistant Commissioner of Police for the Jamaica Constabulary Force and learned that from October 2007 to March 5, 2008, LANCE BROOKS was brokering the sale and transfer of 150,000 rounds of .38 Jacket Soft Point ammunition, 20,000 rounds of .380 Jacketed Soft Point ammunition, and 100,000 rounds of Jacketed Soft Point ammunition to be provided to the Jamaica Constabulary Force.

20. Paul Robinson advised that on March 3, 2008, the Jamaica Constabulary Force wire transferred the sum of \$81,100.00 to Taylor and Associates at Citibank , Account # 3290113717, Fort Lauderdale, Florida for the purchase of the ammunition.

21. Your affiant reviewed e-mails provided by Paul Robinson which show the following:

a. On October 5, 2007, LANCE BROOKS inquired about bidding on the sale of 150,000 rounds of .38 Jacket Soft Point ammunition, 20,000 rounds of .380 Jacketed Soft Point ammunition, and 100,000 rounds of Jacketed Soft Point ammunition to be provided to the Jamaica Constabulary Force.

b. On October 9, 2007, BROOKS provided a quote for the ammunition.

c. On January 10, 2008, BROOKS inquired about arrangements for payment and shipping of the ammunition.

d. On February 11, 2008, BROOKS advised that he would prepare and fax an invoice for the sale of the ammunition.

e. On February 15, 2008, BROOKS advised that he had faxed a revised invoice.

f. On February 26 and 27, 2008, BROOKS provided banking information for the wire transfer of payment to Citibank, c/o Taylor and Associates. Account # 3290113717, 8140 McNab Road, Fort Lauderdale, Florida.

g. On March 4, 2008, BROOKS responded to an E-mail from Robinson in which Robinson advised that an End User Certificate had been sent to BROOKS by DHL as he had requested.

h. On March 5, 2008, Brooks sent an e-mail inquiring about the tracking number for the DHL package and the address that it had been sent to.

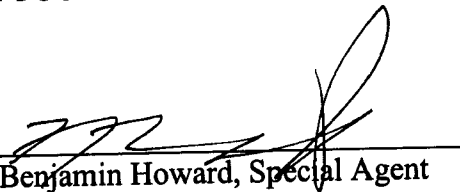
22. On or about May 2, 2008, your affiant was advised by the United States


Department of State, Directorate of Defense Trade Controls (DDTC) in Washington, DC advised your affiant that Lance Brooks, aka Anthony Taylor, and Taylor and Associates does not have, nor has he applied for, a license to export any defense articles or defense services from the United States to Jamaica.

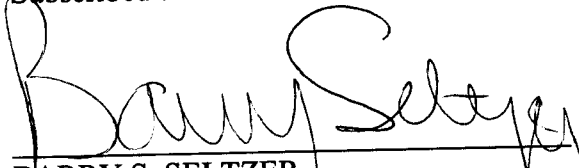
23. Based upon the above stated facts, there is probable cause to believe LANCE BROOKS violated the Arms Export Control Act – 22 USC 2778 by knowingly and willfully engaging in the business of brokering activities with respect to the export of defense articles designated on the United States Munitions List without first having registered with and obtained license from the United States Department of State, Directorate of Defense Trade Controls.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

FURTHER YOUR AFFIANT SAYETH NAUGHT


Benjamin Howard, Special Agent
Florida Division of Alcoholic Beverages and Tobacco
Miami FBI Joint Terrorism Task Force (JTTF)

Subscribed to and sworn before me on this  day of May, 2008.


BARRY S. SELTZER
UNITED STATES MAGISTRATE JUDGE