

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

UNITED STATES OF AMERICA

v.

JOHN THOMAS (a/k/a “Batman”), and  
DANIEL BINGMON (a/k/a “Tiny”)

CASE NUMBER:

**UNDER SEAL**

**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 April 30, 2014, at Chicago, in the Northern District of Illinois, Eastern Division, the defendants JOHN THOMAS (a/k/a “Batman”) and DANIEL BINGMON (a/k/a “Tiny”) violated:

*Code Section*

Title 18, United States Code, Section  
922(g)(1)

*Offense Description*

Previously having been convicted of a crime punishable by a term of imprisonment exceeding one year, did knowingly possess, in and affecting interstate commerce, a firearm, namely, a Harrington and Richardson, Model Ultra Slug Hunter, 20-gauge shotgun, bearing serial number HR290329, which firearm had traveled in interstate commerce prior to defendants’ possession of the firearm.

This criminal complaint is based upon these facts:

  X   Continued on the attached sheet.

\_\_\_\_\_  
DANIEL F. DURKIN

Special Agent, Bureau of Alcohol, Tobacco,  
Firearms & Explosives

Sworn to before me and signed in my presence.

Date: August 25, 2014

\_\_\_\_\_  
*Judge’s signature*

City and state: Chicago, Illinois

\_\_\_\_\_  
Jeffrey Cole, U.S. Magistrate Judge

\_\_\_\_\_  
*Printed name and Title*

**AFFIDAVIT**

I, DANIEL F. DURKIN, being duly sworn, state as follows:

1. I am a Special Agent with the Bureau of Alcohol, Tobacco, Firearms & Explosives, and have been so employed for 13 years. My current responsibilities include the investigation of firearms and narcotics trafficking offenses. During my career as a special agent, I have participated in investigations involving firearms and narcotics trafficking offenses. As a special agent, I have also been involved in various types of electronic surveillance, and in the debriefing of defendants, witnesses, informants and others who have knowledge of narcotics trafficking and firearms offenses. I have received specialized training in the enforcement of laws concerning firearms and narcotics trafficking offenses.

2. Based on my training and experience, I am familiar with the ways in which firearms and narcotics traffickers operate, including, but not limited to their: (a) methods of selling firearms and distributing narcotics; (b) use of telephone communication devices; and (c) use of code words to conduct their firearms and drug-related transactions. Further, I am aware that cellular telephones are an important method of communication utilized by firearms traffickers and drug dealers generally.

3. This Affidavit is submitted in support of a criminal complaint alleging that (i) JOHN THOMAS (a/k/a “Batman”), DANIEL BINGMON (a/k/a “Tiny”),

TYRECE MCCLINTON, and RODEARL MCELROY, previously having been convicted of a crime punishable by a term of imprisonment exceeding one year, knowingly possessed firearms, in violation of Title 18, United States Code, Section 922(g)(1); (ii) TRAISSON WATSON (a/k/a “BD”) knowingly transferred and possessed a machinegun, in violation of Title 18, United States Code, Section 922(o)(1); and (iii) JOHNNY CARTER (a/k/a “Dooty”), willfully engaged in the business of dealing in firearms without a license, in violation of Title 18, United States Code, Section 922(a)(1)(A).

4. This Affidavit is also made for the purpose of establishing probable cause in support of a warrant to search the premises at 1151 Williamsburg Road, Country Club Hills, Illinois (the “Subject Premises”), which is further described below and in Attachment A, and to seize fruits, evidence, instrumentalities, and contraband of violations of Title 18, United States Code, Section 922(a)(1)(A), and Title 21, United States Code, Section 841(a)(1), as further described in Attachment B.

5. Because this Affidavit is being submitted for the limited purpose of establishing probable cause to support the criminal complaints against the defendants and the search warrant, I have not included each and every fact known to me concerning this investigation. I have set forth only the facts that I believe are necessary to establish probable cause to support the charges and search warrant as set forth herein.

6. This Affidavit is based on the following: (1) my personal knowledge, (2) information I have received from ATF agents and other law enforcement officers (“LEOs”), (3) information provided by confidential sources whom ATF agents have corroborated and have deemed reliable, (4) documents and records obtained during the course of the investigation, (5) consensually recorded and unrecorded meetings and telephonic conversations, (6) telephone toll records, (7) information obtained from public source databases, and (8) arrest records.

**FACTS ESTABLISHING PROBABLE CAUSE IN SUPPORT OF THE  
CRIMINAL COMPLAINTS**

**Background of Investigation**

7. In or around January 2014, ATF began investigating individuals in the Chicagoland area involved in the illegal possession and trafficking of firearms. As set forth below, ATF used various confidential informants (“CIs”) in its investigation of the defendants. The background of the CIs is as follows:

a. CI-2 began working with ATF in 2013. CI-2 has assisted law enforcement officers in other investigations and has testified for the government at trial. During this investigation, from April 2014 to July 8, 2014, ATF paid CI-2 approximately \$5,000, in living and operational expenses. CI-2’s information has proven to be reliable and has been independently corroborated through surveillance, consensual audio and/or video recordings, and information obtained from public source databases and arrest records. CI-2 does not have any known criminal convictions.

b. In or around March 2014, CI-3 was confronted by ATF agents regarding his/her involvement in the unlicensed dealing of firearms. CI-3 agreed to cooperate with ATF in exchange for consideration on any charges and/or sentencing decision CI-3 faces in connection with unlicensed firearms dealing. During the investigation, ATF paid CI-3 approximately \$6,380, for living and operational expenses incurred between March 2014 and July 2014. CI-3's information has proven to be reliable and has been independently corroborated through surveillance, consensual audio and/or video recordings, telephone toll records, and information obtained from public source databases and arrest records. CI-3 does not have any known criminal convictions.

8. In or around March 2014, CI-3 identified an individual CI-3 knows as "Batman," as one of CI-3's sources of illegally obtained firearms. Agents subsequently identified "Batman" as JOHN THOMAS.<sup>1</sup> According to CI-3, he/she has known THOMAS since approximately January 2014. Also according to CI-3, prior to CI-3 cooperating with ATF, CI-3 and THOMAS agreed that CI-3 would pay THOMAS approximately \$100 for every handgun and \$150 for every long gun purchase that THOMAS arranged for CI-3. As set forth below, THOMAS arranged several firearms transactions between CI-3 and the other defendants. During these

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<sup>1</sup> The identification of JOHN THOMAS in this Affidavit is based, in part, on the following: (1) On March 17, 2014, CI-3 reviewed an unmarked photograph of John THOMAS and identified the individual depicted in the photograph as "Batman," and from whom CI-3 has previously obtained firearms; and (2) during particular recorded and unrecorded telephone calls, THOMAS told CI-3 that he would meet CI-3 at a location and agents recognized the person who met with CI-3 on those occasions to be the same person depicted in the known photograph of THOMAS.

controlled purchases with the defendants, CI-3 posed as a firearms broker for an individual who sold firearms overseas.

**A. JOHN THOMAS and DANIEL BINGMON**

9. As set forth in further detail below, at the direction of ATF agents, CI-3 purchased a total of five firearms from THOMAS and BINGMON on two separate occasions on April 30, 2014 and May 8, 2014. During these controlled purchases, CI-2 drove CI-3 to the transaction with THOMAS and BINGMON because CI-3 does not have a valid driver's license.

**On April 30, 2014, THOMAS and BINGMON, who are felons, possessed a Harrington and Richardson, model Ultra Slug Hunter, 20-gauge shotgun bearing serial number HR290329.**

10. Prior to April 30, 2014, THOMAS and DANIEL BINGMON were convicted of a crime punishable by a term of imprisonment exceeding one year. More specifically, according to Cook County Circuit Court records, on or about October 19, 2006, THOMAS was convicted of aggravated unlawful use of a weapon and was sentenced to 18 months' imprisonment. And, according to Cook County Circuit Court records, on or about December 31, 2002, BINGMON was convicted of armed robbery and was sentenced to 11 years' imprisonment. BINGMON is currently on parole in connection with this conviction.

11. On April 29, 2014, CI-3 contacted agents and advised that earlier that day, CI-3 had an unrecorded telephone conversation with THOMAS, who was using

telephone number (773) 808-4590 (the “Thomas Phone”).<sup>2</sup> According to CI-3, THOMAS told CI-3 that he knew an individual who had a shotgun for sale for \$600. Also according to CI-3, CI-3 and THOMAS agreed to meet the following day at approximately 11:00 a.m. at a McDonald’s located at 6336 S. Ashland, Chicago, Illinois, and travel to the 8300 block of S. Ashland in Chicago to purchase the firearm from an individual later identified as BINGMON.

12. In preparation for the meeting with THOMAS, on April 30, 2014, at approximately 10:30 a.m., CI-2 and CI-3 met agents at a pre-determined location. Agents searched CI-2 and CI-3, and CI-2’s vehicle (the “CI Vehicle”) for contraband and found none. Agents then equipped CI-3 with an audio/video recording device and gave CI-2 \$700 in cash to purchase the shotgun and pay THOMAS his fee for arranging the firearm transaction. At approximately 11:05 a.m., agents observed CI-2 and CI-3 depart the meet location and drive the CI Vehicle to a McDonald’s at 6336 S. Ashland Avenue in Chicago. At this location, agents further observed THOMAS enter the front passenger seat of the CI Vehicle and CI-3 enter the rear passenger seat of the vehicle. Agents then followed the CI Vehicle to a McDonald’s parking lot at 8321 S. Ashland Avenue in Chicago.

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<sup>2</sup> The identification of THOMAS as the user of the Thomas Phone is based, in part, on the following: (1) CI-3 recognized the voice of the user of the Thomas Phone as being the same voice of the person with whom CI-3 met during the controlled purchases described in this Affidavit and identified by CI-3 as THOMAS; and (2) agents recognized the voice of the person whom they overheard over the Thomas Phone as the same voice heard on the audio/video recordings of meetings between CI-3 and an individual whose voice was identified as belonging to THOMAS.

13. At approximately 11:12 a.m., agents observed the CI Vehicle park next to a grey Ford pickup truck. Agents further observed CI-3 and THOMAS exit the CI Vehicle and THOMAS enter the rear passenger seat of the pickup truck and CI-3 enter the front passenger seat of the truck. CI-2 remained in the CI Vehicle. A black male individual, later identified by agents as BINGMON, was seated in the driver's seat of the truck.<sup>3</sup> Other than THOMAS, CI-3 and BINGMON, there were no other individuals in the truck. When CI-3 entered the vehicle, BINGMON stated "I'm a parolee fuckin' with these guns."<sup>4</sup> BINGMON then reached into the back seat area of the truck, and, according to CI-3, tried to retrieve the shotgun. According to the video recording, THOMAS, who was seated in the back seat of the truck, then handed a shotgun to CI-3. CI-3 then asked, "How we going to get this motherfucker [the firearm] out of the car?" BINGMON replied, "Hold on, I got a bag in my pocket." BINGMON then passed a black garbage bag to THOMAS. THOMAS then reached forward and took the shotgun from CI-3. CI-3 then stated,

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<sup>3</sup> The identification of DANIEL BINGMON in this Affidavit is based, in part, on the following: (1) On May 8, 2014, CI-3 identified an unmarked Illinois driver's license photograph of BINGMON as the individual from whom CI-3 purchased the 20-gauge shotgun on April 30, 2014, and the person referred to by CI-3 as "Tiny"; and (2) agents compared an arrest photograph of BINGMON to the image of the individual depicted in CI-3's April 30, 2014, video recording of the firearm transaction and determined that the person depicted in the driver's seat of the pickup truck was BINGMON.

<sup>4</sup> Reference is made in this Affidavit to certain consensually recorded conversations and text messages obtained pursuant to search warrants. In certain instances, these conversations are summarized and placed in context in brackets. The bracketed comments are my understanding of the conversations and coded language used during the conversations. My understanding is based on my training and experience and investigation to date, my discussions with other LEOs, the experience of other LEOs in this investigation, and other evidence developed during the course of the investigation, including information obtained from CI-3 and CI-3's explanation of the language used in the conversations. Further, summaries of the conversations described herein do not represent finalized transcripts and may not represent the entire conversation that occurred between the identified individuals.

“Hold on, let me go get the bread [money for the shotgun],” and exited the pickup truck.

14. Agents then observed CI-3 walk to the front driver’s side door of the CI Vehicle. According to CI-3, CI-3 retrieved \$700 from CI-2 so CI-3 could pay BINGMON for the shotgun. CI-3 then re-entered the pickup truck and handed the money to BINGMON. According to CI-3, CI-3 provided \$600 to BINGMON for the shotgun. CI-3 then asked BINGMON, “What they call you bro?” BINGMON replied, “Tiny.” At approximately 11:15 a.m., agents observed CI-3 and THOMAS exit the pickup truck. According to CI-3, CI-3 also paid THOMAS \$100 for arranging the firearm purchase after exiting BINGMON’s vehicle. Agents observed that upon exiting BINGMON’s truck, CI-3 was holding a large object in a black garbage bag. Agents further observed CI-3 enter the CI Vehicle and THOMAS enter the front passenger seat of BINGMON’s vehicle. Both vehicles then departed the area.

15. CI-2 and CI-3 traveled to a pre-determined meet location under agent surveillance. At that location, agents collected from CI-3 the recording device and a Harrington and Richardson, Model Ultra Slug Hunter, 20-gauge shotgun, bearing serial number HR290329, which was wrapped in a black garbage bag.

16. Based on my training and experience and information received from an ATF interstate nexus expert, I know that the firearm manufacturer Harrington and Richardson has never maintained a manufacturing plant in the state of Illinois. Therefore, the Harrington and Richardson, model Ultra Slug Hunter, 20-gauge

shotgun, bearing serial number HR290329, provided by THOMAS and BINGMON to CI-3 traveled in interstate commerce prior to THOMAS and BINGMON possessing it.

17. Based on the foregoing, there is probable cause to believe that on April 30, 2014, JOHN THOMAS and DANIEL BINGMON, having previously been convicted of a crime punishable by a term of imprisonment exceeding one year, did knowingly possess a firearm, namely, a Harrington and Richardson, model Ultra Slug Hunter, 20-gauge shotgun, bearing serial number HR290329, which traveled in interstate commerce prior to defendants' possession of the firearm, in violation of Title 18, United States Code, Section 922(g)(1).

**On May 8, 2014, THOMAS and BINGMON possessed a (i) Mossberg, model unknown, 20-gauge shotgun, bearing serial number G253723, (ii) Winchester, model 1300, 12-gauge shotgun, bearing serial number L1670800, (iii) Savage, model 594, 410 bore shotgun, bearing serial number P480040, and (iv) Winchester, model 72, .22 caliber rifle, with no serial number.**

18. On May 7, 2014, CI-3 contacted agents and advised that at approximately 5:50 p.m., CI-3 received a text message containing a photograph of three firearms from THOMAS, who was using the Thomas Phone. According to CI-3, BINGMON wanted to sell the three firearms the following day. Agents observed the photograph, which depicted three firearms. According to CI-3, on that same day, CI-3 also had an unrecorded telephone conversation with THOMAS during which THOMAS stated in sum and substance that BINGMON also had a bullet proof vest for sale. Also according to CI-3, THOMAS stated that the price for the 3 firearms and the bullet proof vest was \$1,800. CI-3 informed agents that CI-3 and

THOMAS agreed to meet the following day at approximately 12:00 p.m. at a McDonald's located at 6336 S. Ashland in Chicago.

19. In preparation for the meeting with THOMAS and BINGMON, on May 8, 2014, at approximately 11:30 a.m., CI-2 and CI-3 met agents at a pre-determined location. Agents searched CI-2 and CI-3, and the CI Vehicle for contraband and found none. Agents equipped CI-3 with an audio/video recording device and gave CI-2 \$2,200 in cash to purchase the shotguns, rifle, and the bullet proof vest from THOMAS and BINGMON and pay THOMAS his fee for arranging the transaction. Agents then observed CI-2 and CI-3 depart the meet location and drive the CI Vehicle to a McDonald's at 6336 S. Ashland Avenue in Chicago while under agent surveillance.

20. At this location, agents observed THOMAS enter the front passenger seat of the CI Vehicle and CI-3 enter the rear passenger seat of the vehicle. The CI Vehicle then departed the McDonald's. Agents followed the CI Vehicle to 158 W. 158<sup>th</sup> Place, Harvey, Illinois. At that location, agents further observed CI-3 and THOMAS exit the CI Vehicle, THOMAS enter the rear passenger seat of a grey pickup truck, and CI-3 enter the front passenger seat of the truck. CI-2 remained in the CI Vehicle. According to the video recording of the meeting, BINGMON was seated in the driver's seat of the pickup truck. BINGMON stated, "This motherfucker has bullets [referring to one of the firearms]." At approximately 12:38 p.m., BINGMON reached back and underneath the front passenger seat area of the truck and handed CI-3 a bullet proof vest, which CI-3 examined. According to CI-3,

the firearms were wrapped in a black garbage bag underneath the back seat of the pickup truck. According to the video of the meeting, as CI-3 examined the bullet proof vest, BINGMON exited the truck and stood next to the driver's side of the open back passenger door of the pickup truck. CI-3 then asked, "Tiny, you think we can pull up so we can put it [the firearms and the bullet proof vest] in the back window [of the CI Vehicle] real quick?" BINGMON then returned to the driver's seat of the truck and drove the truck behind the CI Vehicle.

21. At approximately 12:39 p.m., agents observed CI-3 leave the pickup truck holding a black duffle bag. Agents also observed THOMAS exit the truck holding a large object wrapped in a black garbage bag, which THOMAS placed into the CI Vehicle through the opened rear passenger door. Agents further observed CI-3 place the black duffle bag into the back seat of the CI Vehicle through the rear passenger door. According to CI-3, CI-3 then retrieved \$1,800 from CI-2 so CI-3 could pay BINGMON for the shotguns, rifle, and bullet proof vest. CI-3 then re-entered the pickup truck, counted \$1,800 in cash and handed the money to BINGMON. At approximately 12:41 p.m., CI-3 stated to BINGMON, "I want those autos though, I want those big clips [assault rifles]." BINGMON replied, "When dude comes back from out of town ... I got you [BINGMON will contact CI-3 when his firearm source comes back into town]." Agents then observed THOMAS walk to the driver-side door of the CI Vehicle. According to CI-2, CI-2 paid THOMAS \$400 for arranging the purchase of the three shotguns and one rifle. Shortly thereafter, CI-3 exited the pickup truck and re-entered the front passenger seat of the CI

Vehicle. Agents observed THOMAS enter the front passenger seat of the pickup truck and both vehicles depart the area.

22. CI-2 and CI-3 then traveled to a pre-determined meet location under agent surveillance. At that location, agents collected from CI-3 the recording device and a black duffle bag, which contained a P.A.C.A. ballistics vest with serial number RC016461, and a black garage bag, which contained the following firearms: (i) a Mossberg, model unknown, 20-gauge shotgun, bearing serial number G253723, (ii) a Winchester, model 1300, 12-gauge shotgun, bearing serial number L1670800, (iii) a Savage, model 594, 410 bore shotgun, bearing serial number P480040, (iv) a Winchester, model 72, .22 caliber rifle, with no serial number, and (v) five rounds of 12-gauge ammunition, all of which CI-3 received from THOMAS and BINGMON.

23. Based on my training and experience and information received from an ATF interstate nexus expert, I know that the firearms manufacturers Harrington and Richardson, Mossberg, Winchester, and Savage have never maintained a manufacturing plant in the state of Illinois. Therefore, the (i) Mossberg, model unknown, 20-gauge shotgun, bearing serial number G253723, (ii) Winchester, model 1300, 12-gauge shotgun, bearing serial number L1670800, (iii) Savage, model 594, 410 bore shotgun, bearing serial number P480040, and (iv) Winchester, model 72, .22 caliber rifle, with no serial number, all traveled in interstate commerce prior to THOMAS and BINGMON possessing the firearms.

**B. TYRECE MCCLINTON and RODEARL MCELROY**

24. As set forth in further detail below, at the direction of ATF agents, CI-3 purchased a .38 caliber pistol from THOMAS, TYRECE MCCLINTON, and RODEARL MCELROY on May 13, 2014. During this controlled purchase, CI-2 drove CI-3 to the firearm transaction.

**On May 13, 2014, MCCLINTON and MCELROY, who are felons, possessed a Smith & Wesson, model 38, .38 caliber pistol, bearing serial number 3J5194.**

25. Prior to May 13, 2014, MCCLINTON, and MCELROY were convicted of a crime punishable by a term of imprisonment exceeding one year. More specifically, according to Cook County Circuit Court records, on or about July 2, 2013, MCELROY was convicted of manufacturing/delivering cannabis and was sentenced to 2 years' imprisonment. And, according to Cook County Circuit Court records, on or about September 5, 2012, MCCLINTON as convicted of possession of cannabis and was sentenced to 1 year of imprisonment.

26. On May 12, 2014, CI-3 contacted agents and advised that earlier that day, CI-3 had an unrecorded telephone conversation with THOMAS, who was using the Thomas Phone. According to CI-3, during the conversation, THOMAS told CI-3 that his cousin had a .44 caliber pistol and a .357 caliber pistol for sale for \$1,100. Also according to CI-3, CI-3 and THOMAS agreed to meet the following day at approximately 12:30 p.m. at 7828 S. Colfax, Chicago, Illinois, to purchase the firearms from THOMAS's cousin.

27. In preparation for the meeting with THOMAS, on May 13, 2014, at approximately 12:00 p.m., CI-2 and CI-3 met agents at a pre-determined location. Agents searched CI-2 and CI-3, and the CI Vehicle for contraband and found none. Agents equipped CI-3 with an audio/video recording device and gave CI-2 \$1,300 in cash to purchase the firearms from THOMAS's cousin and pay THOMAS his fee for arranging the firearm transaction. At approximately 12:49 p.m., CI-2 and CI-3 departed the meet location and drove the CI Vehicle to meet THOMAS while under agent surveillance.

28. Agents followed the CI Vehicle to the area of 7728 S. Colfax in Chicago. At that location, agents observed CI-3 exit the CI Vehicle and meet THOMAS in the street. CI-2 remained in the CI Vehicle. THOMAS then stated to CI-3, "Come on, we going to walk around this block with me .... We just going to holler at my man's [THOMAS's firearms source] real quick." CI-3 asked, "So he [the firearms source] should have two moves [two firearms] on him right now?" THOMAS replied, "Yeah." According to the recording of the meeting, THOMAS stated, "There go my man right there in the grey [THOMAS referring to a male individual in a grey hooded sweatshirt as the firearms source]." CI-3 asked, "In the hoodie?" THOMAS replied, "Yeah."

29. At approximately 12:53 p.m., agents observed CI-3 and THOMAS meet with two male individuals near the intersection of East 78th Street and South Kingston Avenue in Chicago. The first male individual was wearing a black hooded sweatshirt, a black baseball hat, and black pants, who agents later identified as

MCCLINTON. The second male individual was wearing a grey hooded sweatshirt and blue jeans, who agents later identified as MCELROY.<sup>5</sup> Agents then observed CI-3, THOMAS, MCCLINTON, and MCELROY walk down the street on South Kingston Avenue. MCELROY stated, “.357, them big boys G, you feel me?” CI-3 replied, “I be looking for them big boys, with the big magazines [firearms with large capacity magazines].” MCCLINTON responded, “That’s how we is [MCCLINTON and MCELROY like the firearms with large magazines].” MCCLINTON then talked on the telephone to an unknown individual and asked, “Where the fuckin’ 38 [38 caliber gun] at G?” CI-3 asked THOMAS, “A 38 [was MCCLINTON talking about a .38 caliber gun]?” THOMAS replied, “A 38 [a .38 caliber gun], a 8 and a 7, I told you they [MCCLINTON and MCELROY] had an 8 and a 7.” CI-3 stated “A 38, what’s a 7?” THOMAS responded, “A 357 [MCCLINTON and MCELROY also had a .357 caliber gun].” CI-3 then asked MCCLINTON, “So what’s the word?” MCCLINTON replied, “Finna go get it now, little nigga acting like he ain’t wanna sell it.”

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<sup>5</sup> On July 17, 2014, ATF agents showed still photographs of the two male individuals agents observed with THOMAS and CI-3 on May 13, 2014 to Chicago Police Department Gang Intelligence officers. These still photographs were obtained from CI-3’s May 13, 2014, video recording of CI-3’s meeting with THOMAS and the two male individuals. Based on the officers’ prior contact with MCELROY and MCCLINTON, officers identified the male individual wearing a black sweatshirt as TYRECE MCCLINTON and the second male individual wearing a grey hooded sweatshirt as RODEARL MCELROY. Agents then obtained Illinois Secretary of State photographs and prior arrest photographs of MCCLINTON and MCELROY and compared them to still photographs of the two male individuals obtained from the video recording of CI-3’s May 13, 2014, meeting with THOMAS and the two male individuals. Based on this comparison, agents determined that the male individuals seen during the May 13, 2014, surveillance and depicted in the videotaped meeting of that same date were the persons depicted in the Illinois Secretary of State and arrest photographs identified as MCCLINTON and MCELROY, respectively.

30. At approximately 12:58 p.m., MCCLINTON stated to MCELROY, “He going to walk with it bro [CI-3 is going to walk with the firearm].” MCELROY then walked in front of MCCLINTON and THOMAS. MCCLINTON then stated, “Take those shells out and give it to him [MCCLINTON instructing MCELROY to take the shells out of the gun and give the .38 caliber gun to CI-3].” CI-3 stated “Keep those shells, I’m paying for everything.” MCCLINTON further stated, “Give it [the .38 caliber gun] to him [CI-3].” MCELROY then turned his back to CI-3. According to CI-3, CI-3 then retrieved a .38 caliber gun from MCELROY’s back pants pocket. CI-3 stated, “Man that’s old. Where the other one though [CI-3 asking about the .357 caliber gun]?” CI-3 further asked, “That ain’t it, is it [CI-3 asking whether there was only one gun for sale]?” THOMAS replied, “I guess they [MCCLINTON and MCELROY] gotta wait for the 7 [the .357 caliber gun].” CI-3 further asked, “What you want for this?” THOMAS then stated to MCCLINTON and MCELROY, “I will give you four bucks [THOMAS will pay \$400 for the firearm once CI-3 pays THOMAS].”

31. Agents then observed CI-3 and THOMAS return to the CI Vehicle. At approximately 1:01 p.m., CI-3 asked, “So two dollars [\$200] for this [the firearm CI-3 obtained from MCCLINTON and MCELROY]?” THOMAS responded, “Hell no, you already know what he [MCELROY] just said.” CI-3 then stated, “Man, I ain’t paying no four bucks [\$400], he can have this shit [CI-3 stating that MCELROY can take the gun back].” THOMAS replied, “Then 350 [\$350] then.” CI-3 responded, “Not even. Three dollars [\$300]. I gotta pay you a dollar up top of this shit too [CI-3

was willing to pay only \$300 for the firearm since CI-3 also had to pay THOMAS \$100 for arranging the gun transaction].” THOMAS stated, “I don’t know, I know he wanted three and a half, I ain’t gonna lie I know he wanted three and a half [MCELROY wanted \$350 for the firearm]. MCCLINTON then came up to the driver side window of the CI Vehicle and stated, “You wanna test that bitch out with shells you know.” CI-3 stated, “Man your homie is taxin this bro [CI-3 stating that MCELROY is charging too much for the firearm].” THOMAS stated, “I told him three and a half [THOMAS told CI-3 that CI-3 needed to pay \$350 for the gun].” CI-3 responded, “I need three bucks straight up [CI-3 was willing to pay only \$300].” MCCLINTON stated, “We good [MCCLINTON will accept \$300 for the gun].” CI-3 then directed CI-2 to pay MCCLINTON \$300 for the firearm, which CI-2 did. MCCLINTON further stated, “Man don’t be sittin around here, fuckin police.” According to CI-3, CI-3 then paid THOMAS \$100 for arranging the firearm transaction. MCCLINTON then stated, “My name’s Reece, bro.” Agents then observed THOMAS exit the CI Vehicle and the CI Vehicle leave the area.

32. CI-2 and CI-3 traveled in the CI Vehicle to a pre-determined meet location under agent surveillance. At that location, agents collected from CI-3 the recording device and a Smith & Wesson, model 38, .38 caliber pistol, bearing serial number 3J5194, which CI-3 purchased from THOMAS, MCCLINTON, and MCELROY. CI-3 also returned \$900 to the agents.

33. Based on my training and experience and information obtained from an ATF interstate nexus expert, I know that the firearm manufacturer Smith &

Wesson has never maintained a manufacturing plant in the state of Illinois. Therefore, the Smith & Wesson, model 38, .38 caliber pistol, bearing serial number 3J5194, that CI-3 received from MCCLINTON and MCELROY traveled in interstate commerce prior to MCCLINTON and MCELROY possessing the firearm.

34. Based on the foregoing, there is probable cause to believe that TYRECE MCCLINTON and RODEARL MCELROY, having previously been convicted of a crime punishable by a term of imprisonment exceeding one year, did knowingly possess a firearm, namely, a Smith & Wesson, model 38, .38 caliber pistol, bearing serial number 3J5194, which traveled in interstate commerce prior to defendants' possession of the firearm, in violation of Title 18, United States Code, Section 922(g)(1).

### C. TRAIISON WATSON

35. As further detailed below, at the direction of ATF agents, CI-3 purchased two firearms, one of which are a machine gun, from THOMAS and WATSON on May 16, 2014. During this controlled purchase, CI-2 drove CI-3 to the firearm transaction.

**On May 16, 2014, THOMAS and WATSON transferred and possessed a machine gun, namely, a Masterpiece Arms, model MPA 903SST, 9mm caliber pistol, with an obliterated serial number, and THOMAS possessed a Romarm/Cugir, model GP WASR 10/63, 7.62 caliber rifle, bearing serial number 1975FO1724.**

36. On May 15, 2014, CI-3 contacted agents and advised that at approximately 3:30 p.m. that day, CI-3 had an unrecorded telephone conversation with THOMAS, who was using the Thomas Phone. According to CI-3, during that

telephone conversation, THOMAS stated in sum and substance that he knew an individual who had a Mac-10 firearm and a .45 caliber pistol with an extended magazine for sale for \$1,700. CI-3 also informed agents that THOMAS told CI-3 that the firearms transaction would take place in Chicago Heights, Illinois, the following day.

37. In preparation for the meeting with THOMAS, on May 16, 2014, at approximately 12:00 p.m., CI-2 and CI-3 met agents at a pre-determined location. Agents searched CI-2, CI-3, and the CI Vehicle for contraband and found none. Agents then equipped CI-3 with an audio/video recording device and gave CI-2 \$1,700 to purchase the firearms and \$200 to pay THOMAS for arranging the firearms transaction.

38. At approximately 12:10 p.m., CI-2 and CI-3 departed the meet location and drove the CI Vehicle to the area of South Calumet Avenue and East 51<sup>st</sup> Street, Chicago, Illinois, while under agent surveillance.

39. At approximately 12:11 p.m., CI-3 received a text message from THOMAS, who was using the Thomas Phone. According to CI-3, THOMAS indicated in this text message that THOMAS and the CIs would be traveling to 1151 Williamsburg Road in Country Club Hills, Illinois, to complete the firearms transaction. At approximately 12:20 p.m., agents observed the CIs pick up THOMAS in the CI Vehicle in the area of South Calumet Avenue and East 51<sup>st</sup> Street in Chicago. Shortly after THOMAS entered the CI Vehicle, THOMAS stated, "Dooty, my cousin going to be there." CI-3 asked THOMAS who Dooty was.

THOMAS replied, "He's my cousin." At approximately 12:23 p.m., THOMAS stated, "He got a K [the firearms source had an AK-47 style rifle for sale] and a Mac [a Mac-10 firearm]." Agents observed the CI Vehicle travel to the 1100 block of Williamsburg Road, Country Club Hills, Illinois.

40. According to the consensual audio recording, at approximately 1:04 p.m., THOMAS had a conversation with an individual on his cellular telephone. During that conversation, THOMAS asked, "What kind of car you in? You in a blue Nissan Altima? Where we going to meet at? Alright, come over to Dooty's crib then." At approximately 1:15 p.m., agents observed a blue Nissan Altima bearing Illinois license L920847 (the "Nissan") park next to the CI Vehicle. Agents further observed THOMAS and CI-3 exit the CI Vehicle and enter the back seat of the Nissan. According to the recording of the meeting, the individual in the front passenger seat introduced himself to CI-3 as "BD" (hereinafter, "WATSON").<sup>6</sup> THOMAS then stated, "Pass it back here, we got you." WATSON then handed a rifle to CI-3 and a red bag to THOMAS. WATSON then stated, "That's the newest k [AK-47 rifle]. And that bitch fully loaded [firearm is loaded with ammunition]." As CI-3 examined the rifle, THOMAS handed a black pistol to CI-3 from inside the red bag. CI-3 then gave the rifle to THOMAS, who placed it in the red bag. WATSON

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<sup>6</sup> The identification of TRAISSON WATSON in this Affidavit is based, in part, on the following: On May 29, 2014, agents showed images of the individual sitting in the front passenger seat of the Nissan on May 16, 2014, to detectives in the Country Club Hills Police Department. According to the detectives, the individual depicted in the images was TRAISSON WATSON whom they recognized from prior contacts. Agents then obtained an Illinois driver's license photograph of WATSON and recognized the person sitting in the Nissan's front passenger seat as depicted in the May 16, 2014 video recording to be the person depicted in the Illinois driver's license photograph of WATSON.

then stated to CI-3, “Let me show you how that shit go bro. On safety bro, that’s one shot, like boom.” WATSON then explained in sum and substance that when the safety switch of the pistol is placed on fire mode, the pistol can shoot fully automatic.<sup>7</sup> WATSON further stated, “This bitch fully [pistol is fully automatic] bro.” WATSON further stated, “When they took it apart and modified it, you know what I’m saying [the pistol was modified to be fully automatic]? With that being fully [pistol is fully automatic], once you cock that motherfucker back, you got to put pressure to it, cock it back, once it’s locked back, that bitch ready to load, bro.”

41. At approximately 1:18 p.m., THOMAS stated, “We going to fuck around and do a lot more business [THOMAS stating that he and CI-3 will purchase more firearms from WATSON].” THOMAS further stated, “He [WATSON] got more [additional firearms]. He got units [firearms].” WATSON then stated, “Bro, we got units [firearms]. We loony tunes out here on the guns bro [WATSON has more firearms he can sell to CI-3].”

42. At approximately 1:20 p.m., agents observed CI-3 remove objects from the Nissan and place them in the CI Vehicle. CI-3 then obtained \$1,800 from CI-2 to pay WATSON for the two firearms and ammunition. According to CI-3, CI-3 paid THOMAS \$140 for arranging the firearms transaction.<sup>8</sup> At approximately 1:23

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<sup>7</sup> Based on my training and experience, I know that a fully automatic firearm is a firearm where one pull of the trigger results in the continuous firing of the firearm until all the ammunition is expended or until the trigger is released.

<sup>8</sup> Based on prior conversations with THOMAS, CI-3 believed he/she was going to purchase two firearms for \$1,700 and pay THOMAS \$200 for arranging the purchase of both firearms. Because CI-3 paid an additional \$100 for the firearms received from THOMAS

p.m., agents observed CI-3 and THOMAS enter the CI Vehicle and the CI Vehicle travel away from the meet location. Agents followed the CI Vehicle to the area of East 55th Street and South Wentworth Avenue in Chicago, Illinois, where THOMAS exited the CI Vehicle. CI-2 and CI-3 then departed that area in the CI Vehicle and traveled to a pre-determined meet location under agent surveillance. At that location, agents collected the recording device from CI-3 and a Masterpiece Arms, model MPA 930SSTT, 9mm caliber pistol with an obliterated serial number, an empty high-capacity magazine for the 9mm caliber pistol, a loaded Romarm/Cugir, model GP WASR 10/63, 7.62 caliber rifle, bearing serial number 1975FP1724, and a 7.62 caliber magazine with 30 rounds of 7.62 caliber ammunition.

43. Based on an examination by an ATF Firearms Enforcement Officer from the ATF Firearms Technology Branch, it was determined that the Masterpiece Arms, model MPA 930SST, 9mm caliber pistol with an obliterated serial number had been modified from its original configuration and is capable of shooting more than one shot with a single function of the trigger. Therefore, the Masterpiece Arms, model MPA 930SST, 9mm caliber pistol with an obliterated serial number that CI-3 received from THOMAS and WATSON on May 16, 2014 is a machine gun as defined in Title 18, United States Code, Section 921(a)(23), and Title 26, United States Code, Section 5845(b).

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and WATSON, CI-3 had only \$100 to pay THOMAS his fee for only one firearm. Therefore, CI-3 paid THOMAS \$40 from CI-3's own money and was later reimbursed by ATF.

44. Based on the foregoing, there is probable cause to believe that TRAISSON WATSON knowingly transferred and possessed a machinegun, namely, a Masterpiece Arms, model MPA 930SSTT, 9mm caliber pistol with an obliterated serial number, in violation of Title 18, United States Code, Section 922(o)(1).

#### **D. JOHNNY CARTER**

**Between May 20, 2014 and May 30, 2014, CARTER, an unlicensed firearms dealer, engaged in the business of dealing in firearms by selling four firearms to CI-3.**

45. At the direction of ATF agents, on three separate occasions between May 20, 2014 and May 30, 2014, JOHNNY CARTER, an unlicensed firearms dealer, sold four firearms to CI-3 out of the Subject Premises. THOMAS arranged these firearms transactions for CI-3. During these controlled purchases, CI-2 drove CI-3 to the firearms transactions.

***On May 20, 2014, CARTER sold CI-3 a Norinco SKS, 7.62 caliber rifle, bearing serial number 1804009HD.***

46. In or around early May 2014, CI-3 informed ATF agents that he/she had an unrecorded telephone conversation with John THOMAS, who was using the Thomas Phone. According to CI-3, THOMAS told CI-3 that an individual named "Dooty," who agents subsequently identified as JOHNNY CARTER, had a rifle for sale for \$1,100. Also according to CI-3, CI-3 and THOMAS agreed to meet on May 20, 2014 near the vicinity of South Ashland Avenue and West 83<sup>rd</sup> Street in Chicago, Illinois, and travel to Dooty's residence to purchase the firearm from Dooty.

47. In preparation for the meeting with THOMAS and Dooty, on May 20, 2014, at approximately 11:45 a.m., ATF agents met CI-2 and CI-3 at a pre-determined location. The agents searched CI-2 and CI-3, and CI-2's vehicle (the "CI Vehicle") for contraband and found none. Agents then equipped CI-3 with an audio and video recording device and provided CI-2 with \$1,100 in cash for the purpose of purchasing a rifle from THOMAS and Dooty. At approximately 12:00 p.m., agents observed the CI-2 and CI-3 depart the meet location and pick up THOMAS in the area of South Ashland Avenue and West 83<sup>rd</sup> Street in Chicago, Illinois. Agents then observed the CI Vehicle depart that location and travel to the 1100 block of Williamsburg Road, Country Club Hills, Illinois. At approximately 12:35 p.m., agents observed THOMAS exit the CI Vehicle and walk in the direction of a townhome located at 1151 Williamsburg Road, Country Club Hills, Illinois (the "Subject Premises"). According to law enforcement records, CARTER's residence is listed as 1151 Williamsburg Road.

48. At approximately 12:43 p.m., CI-3 got out of the CI Vehicle and walked in the direction of the Subject Premises. CI-2 remained in the CI Vehicle. CI-3 then entered the Subject Premises along with THOMAS. According to the video of the meeting, shortly after CI-3 entered the Subject Premises, CARTER was in the kitchen packaging an object into a plastic bag. According to CI-3, CARTER was packaging marijuana in the kitchen. At approximately 12:44 p.m., CI-3, along with THOMAS, went into the basement of the Subject Premises with a male individual wearing a white t-shirt. CI-3 subsequently identified this male individual as the

person CI-3 knew as “Dooty.” Agents later identified “Dooty” as JOHNNY CARTER.<sup>9</sup> CARTER then left the basement and returned shortly thereafter with a large black object in his hand. According to CI-3, this object was a rifle. CI-3 then examined the rifle in the basement while CARTER and an unidentified male individual obtained a plastic bag in which to wrap the rifle. At approximately 12:46 p.m., agents observed CI-3 leave the Subject Premises and return to the CI Vehicle to retrieve the funds from CI-2 to pay CARTER for the rifle. Agents then observed CI-3 re-enter the Subject Premises, leave shortly thereafter and re-enter the CI Vehicle. According to CI-3, while inside the Subject Premises, CI-3 gave THOMAS \$1,100, which THOMAS then gave to CARTER for the rifle. Shortly thereafter, agents observed THOMAS enter the CI Vehicle. According to CI-3, in the CI Vehicle, CI-3 paid THOMAS \$300 for arranging the firearm transaction.<sup>10</sup> The CI Vehicle then departed the area under agent surveillance.

49. At approximately 1:10 p.m., agents observed THOMAS exit the CI Vehicle at West 87<sup>th</sup> Street and South State Street, Chicago, Illinois. CI-2 and CI-3 then traveled to a pre-determined meet location under agent surveillance. At that

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<sup>9</sup> The identification of CARTER in this Affidavit is based, in part, on the following: (1) On May 21, 2014, CI-3 identified an unmarked Illinois driver’s license photograph of JOHNNY CARTER as the individual from whom CS-3 purchased the 7.62 caliber rifle on May 20, 2014 at the Subject Premises, and the person referred to by CI-3 as “Dooty”; and (2) agents compared the Illinois driver’s license photograph of CARTER to the image of the individual wearing a white T-shirt and depicted in the May 20, 2014, video recording of the firearms transaction and determined that the individual wearing a white T-shirt in the video recording was the same person depicted in the Illinois driver’s license photograph of Johnny CARTER.

<sup>10</sup> Specifically, \$150 of this fee was for THOMAS arranging the May 20, 2014, rifle transaction with CARTER, and the remaining \$150 was the rest of THOMAS’s fee for arranging the May 16, 2014 firearms transaction with WATSON (see paragraph 42 above).

location, agents collected the recording device from CI-3 and a Norinco SKS, 7.62 caliber rifle, bearing serial number 1804009HD, which CI-3 purchased from CARTER and THOMAS at the Subject Premises.

***On May 28, 2014, CARTER sold CI-3 a Mossberg, model 590, 12-gauge shotgun, bearing serial number L4933310.***

50. On May 27, 2014 at approximately 5:21 p.m., CI-3 received a photo text message on CI-3's cellular telephone from telephone number (708) 699-0828 (the "Carter Phone").<sup>11</sup> That same day, agents observed the text message, which was a photo of a shotgun. According to CI-3, later that evening at approximately 7:16 p.m., CI-3 had an unrecorded telephone conversation with CARTER, who was using the Carter Phone. According to CI-3, during that conversation, CARTER offered to sell a shotgun to CI-3 and also stated in sum and substance that he also had a Beretta PX4 pistol for sale, but that he wanted to hold on to the pistol for three days in order to give the individual from whom he obtained the pistol time to report it stolen. Based on my training and experience, I know that individuals who are engaged in illegal firearms trafficking frequently obtain firearms from other individuals who falsely report the firearms as stolen in order thwart law enforcement detection of the illegal firearms sale.

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<sup>11</sup> According to CI-3, CI-3 did not give CARTER CI-3's telephone number. CI-3 believes that THOMAS passed CI-3's telephone number to CARTER.

The identification of CARTER as the user of the Carter Phone is based on the following: During particular unrecorded telephone calls, CARTER arranged to meet personally with CI-3 and agents observed the person who met with CI-3. Agents then compared surveillance images of the person who was present at these meetings with an Illinois Secretary of State photograph of Johnny CARTER and determined that the person depicted in both photographs was the same.

51. Also on May 27, 2014, CI-3 had several unrecorded telephone conversations with THOMAS. According to CI-3, in those conversations, THOMAS told CI-3 that CARTER had a shotgun for sale. On that same day, at approximately 7:18 p.m., CI-3 had an unrecorded telephone conversation with CARTER, who was using the Carter Phone. According to CI-3, in that conversation, CARTER and CI-3 agreed to meet the next day at CARTER's residence at the Subject Premises so that CI-3 could purchase the shotgun from CARTER for \$650.

52. In preparation for the meeting with THOMAS and CARTER, on May 28, 2014, agents met CI-2 and CI-3 at a pre-determined location. The agents searched CI-2 and CI-3 and the CI Vehicle for contraband and found none. Agents then equipped CI-3 with an audio/video recording device and provided CI-2 with \$750 in cash for the purpose of purchasing a shotgun and paying THOMAS \$100 for arranging the firearm transaction. At approximately 12:05 p.m., agents observed CI-2 and CI-3 depart the meet location and drive the CI Vehicle to the 300 block of West 77<sup>th</sup> Street, Chicago, Illinois, where they picked up THOMAS. Agents observed THOMAS enter the CI Vehicle and the CI Vehicle travel to the 1100 block of Williamsburg Road, Country Club Hills, Illinois. At approximately 12:32 p.m., CI-3 and THOMAS entered the Subject Premises. CI-2 remained in the CI Vehicle.

53. At approximately 12:34 p.m., CI-3, CARTER, THOMAS, and UM-1 went into a bedroom in the townhome. According to CI-3, CARTER removed a shotgun from a closet and handed it to CI-3. CI-3 asked about "the auto," referring to additional firearms that CI-3 wanted to purchase from CARTER. CARTER

replied, "If you could get us a motherfucker with a gun license, because bro who got the move [the person who has the firearm for sale], he bought it off the move [the firearm source], bro. So he don't want to just sell it, it's registered to him. So what he wanted me to do is bring somebody who got that gun license and it's the way they sell guns. All they have to do is fill out a piece of paper or whatever and he gonna sign that motherfucker over." CI-3 then asked why the individual who has the gun "just pop that shit off and call it, it's gone [illegally sell the gun but report the gun as stolen]." CARTER replied, "He probably done did that a couple times already. Cause he know all about that shit. If he wanted to go about it that way, he would have said that." According to the video recording, CARTER then appeared to be looking at something in his hand. CARTER further stated, "These are my personal moves [guns]. I got a couple of these laying around." CARTER continued, "This is a 40 [a .40 caliber gun]. I got two 40's [.40 caliber pistols] and a four five [a .45 caliber pistol]." According to CI-3, at this point, CARTER showed CI-3 a .40 caliber handgun. CI-3 later stated, "That's 650 [\$650 for the shotgun]." According to CI-3, CI-3 then gave CARTER \$650 for the shotgun. CARTER then stated, "We got three of these [.40 caliber guns]. I ain't let none of these go, bro [CARTER stating he is not selling any of these guns]." CARTER later retrieved a sheet from a closet and gave it to CI-3 to carry the shotgun out of the townhome. According to CI-3, UM-1 provided CI-3 with a plastic bag containing seven rounds of Winchester 12-gauge caliber ammunition.

54. At approximately 12:46 p.m., CI-3 and THOMAS left the Subject Premises and entered the CI Vehicle, where CI-2 was waiting. Agents then observed the CI Vehicle travel back to Chicago. According to CI-3, during the ride back to Chicago, CI-3 paid THOMAS \$145 for arranging the firearm transaction.<sup>12</sup>

55. At approximately 1:08 p.m., agents observed the CIs drop off THOMAS in Chicago. CI-2 and CI-3 then traveled to a pre-determined meet location under agent surveillance. At that location, agents collected from CI-3 the recording device and a Mossberg, model 590, 12-gauge shotgun, bearing serial number L4933310, and seven rounds of Winchester 12-gauge caliber ammunition, that CARTER sold to CI-3. This shotgun appeared to be the same gun in the photo text message sent from the Carter Phone to CI-3's cellular telephone on May 27, 2014.

***On May 30, 2014, CARTER sold CI-3 an Interarms, model Firestar Plus, 9mm caliber pistol bearing serial number 2123912, and a HS Products, model XD40, .40 caliber pistol, bearing serial number US284946.***

56. On May 29, 2014, at approximately 9:30 a.m., CI-3 received a photo text message from the Carter Phone. Based on the agents' observation of the text message, the photograph depicted a black and chrome-colored pistol. According to CI-3, the photograph was of a firearm that CARTER had for sale. On that same day, at approximately 12:42 p.m. CI-3 had an unrecorded telephone conversation with CARTER. According to CI-3, during that conversation, CARTER and CI-3 agreed to meet at 1151 Williamsburg Road, so that CI-3 could purchase two pistols

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<sup>12</sup> After paying CARTER \$650 for the shotgun, CI-3 had only \$100 of ATF funds to pay THOMAS. Therefore, CI-3 paid THOMAS \$45 of CI-3's own money and was later reimbursed by ATF.

and a “MAC-11” (a subcompact machine pistol) from CARTER for a total of \$2,500. Also on May 29, 2014, CI-3 had several unrecorded conversations with THOMAS. According to CI-3, during those conversations, CI-3 and THOMAS agreed to meet on May 30, 2014 so that CI-3 and THOMAS could travel to the Subject Premises and purchase the pistol.

57. In preparation for the meeting with THOMAS and CARTER, on May 30, 2014, agents met CI-2 and CI-3 at a pre-determined location. Agents searched CI-2 and CI-3 and the CI Vehicle for contraband and found none. Agents then equipped CI-3 with a recording device and provided CI-2 with \$2,900 in cash for the purpose of purchasing the pistol from CARTER and paying THOMAS \$400 for arranging the firearm transaction. On that same day, at approximately 11:51 a.m., agents observed CI-2 and CI-3 depart the meet location and drive the CI Vehicle to the 300 block of West 77<sup>th</sup> Street, Chicago, Illinois, where they picked up THOMAS. Agents then observed the CI Vehicle travel to the 1100 block of Williamsburg Road.

58. At approximately 12:15 p.m., CI-3 and THOMAS met CARTER outside of the Subject Premises and then all three individuals walked into the Subject Premises. CI-2 remained in the CI Vehicle. Inside the Subject Premises, CI-3 and THOMAS waited in the living room. At approximately 12:18 p.m., CARTER entered the living room. According to CI-3, CARTER then handed two firearms to CI-3, a black pistol and a silver pistol. CI-3 then examined one of the firearms. At approximately 12:19 p.m., THOMAS examined one of the firearms. CI-3 then asked about the price for the 9mm caliber pistol. CARTER replied, “That’s not my issue,

that's my man issue [one of the firearms CARTER gave to CI-3 belongs to someone else so the price of that gun is not CARTER's issue]. I'll call him [the firearms source] in here." CARTER then left the townhome and returned shortly after with a male individual, subsequently identified by agents as Individual A, wearing a white t-shirt.<sup>13</sup> CI-3 introduced himself/herself to UM-1 and asked, "So what's the word on this [how much for the 9mm caliber pistol]?" UM-1 later replied, "Needed seven bucks [\$700]. Give me 750, bro, give me 750 [UM-1 wanted \$750 for the 9mm caliber pistol]." CI responded, "You know what, I'm gonna give you the 8 then [\$800], you feel me? So the next time, when you hook me up on some shit [firearms], just know I'm coming through 100 Gs [CI-3 can be trusted with coming up with the money for the guns if CI-3 and UM-1 do more gun transactions]." According to the recording of the meeting, at approximately 12:22 p.m. CI-3 stated to CARTER, "So it's almost 12:30, Dooty, you hear me? I'm good for like an hour [CI-3 stating that he can wait an hour for CARTER to obtain the MAC-11 firearm]." CARTER replied, "Let me text him [CARTER's firearm source] real quick and see if he can get here with the move [the firearm]." At approximately 12:24 p.m. CARTER handed CI-3 a cellular telephone that was in CARTER's hand. The screen on this telephone

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<sup>13</sup> On August 4, 2014, agents provided still photographs of the male individual observed with THOMAS, CARTER and CI-3 on May 30, 2014 to a County Club Hills Police Department detective. These still photographs were obtained from CI-3's May 30, 2014, video recording of CI-3's meeting with THOMAS, CARTER and the male individual. The detective identified the male individual wearing a white t-shirt as Individual A based on the detective's prior contacts with Individual A. On August 11, 2014, agents showed CI-3 an unmarked photograph of Individual A and CI-3 identified the person depicted in the photograph as the individual with whom CI-3 negotiated the price of the 9mm caliber pistol during CI-3's May 30, 2014 meeting with THOMAS and CARTER at the Subject Premises.

depicted a firearm. CI-3 asked, "What is it?" CARTER responded, "That's a pistol-grip AK [AK-47 style rifle] with a 100 [a magazine that holds 100 rounds of ammunition] on that bitch."

59. At approximately 12:25 p.m., CI-3 left the townhome and returned to the CI Vehicle to obtain the funds from CI-2 to pay for the firearms. According to CI-3, CI-3 left the Subject Premises with the .40 caliber pistol and THOMAS took the silver pistol to the CI Vehicle. Also according to CI-3, after CI-3 obtained \$1,700 from CI-2, CI-3 handed the money to CARTER and stated, "That's for both of them [both of the firearms that CI-3 received from CARTER]. At approximately 12:26 p.m., CI-3 stated, "If it's coming through or not, just let me know [CI-3 asking CARTER to let CI-3 know if CARTER had the MAC-11 firearm for sale later that day]." At approximately 12:27 p.m., agents observed THOMAS and CI-3 enter the CI Vehicle and leave the area. Agents followed the CI Vehicle to a gas station located in the vicinity of 167<sup>th</sup> Street and Pulaski in Chicago. At approximately 12:36 p.m., CI-3 received a telephone call from CARTER. According to CI-3, during that conversation, CARTER stated in sum and substance that he was unable to obtain the MAC-11 firearm from his gun source. CI-3 and THOMAS then entered the CI Vehicle and left the gas station.

60. At approximately 12:52 p.m., agents observed THOMAS exit the CI Vehicle near the vicinity of South State Street and East 76<sup>th</sup> Street in Chicago. According to CI-3, on the drive back to Chicago, CI-3 paid THOMAS \$200 for arranging the firearms transaction with CARTER. CI-2 and CI-3 then traveled to a

pre-determined meet location under agent surveillance. At that location, agents collected from CI-3 the recording device and one Interarms, model Firestar Plus, 9mm caliber pistol, bearing serial number 2123912 with a magazine, and a HS Products (IM Metal), model XD40, .40 caliber pistol, bearing serial number US284946 with a magazine that CARTER sold to CI-3. CI-3 also returned \$1,000 to ATF agents.

61. Based on information obtained from the ATF Federal Licensing System, which maintains data on individuals who have their federal firearms licenses, it was determined that CARTER is not a federal firearms licensee and is therefore not licensed to deal in firearms.

62. Based on the foregoing, there is probable cause to believe that between May 20, 2014 and May 30, 2014, JOHNNY CARTER willfully engaged in the business of dealing firearms without a license, in violation of Title 18, United States Code, Section 922(a)(1)(A).

**FACTS SUPPORTING PROBABLE CAUSE IN SUPPORT OF THE  
SEARCH WARRANT FOR THE SUBJECT PREMISES**

63. This Affidavit is also made for the purpose of establishing probable cause in support of a warrant to search the Subject Premises, as further described below and in Attachment A, and to seize the records, documents, and items (as further described in Attachment B).

64. As set forth above, there is probable cause to believe that CARTER is unlawfully engaged in the business of dealing firearms, in violation of Title 18, United States Code, Section 922(a)(1)(A). Furthermore, on July 18, 2014, the

Honorable Sheila Finnegan authorized a search warrant (the “Search Warrant I”) for preserved text messages in the Carter Phone for the period from May 19, 2014 to May 28, 2014. On August 8, 2014, the Honorable Michael T. Mason authorized a search warrant (the “Search Warrant II”) for preserved text messages in the Carter Phone for the period from July 12, 2014 through July 21, 2014.<sup>14</sup> Based on the foregoing, information obtained from the execution of Search Warrant I and II, and other telephone records, there is probable cause to believe that CARTER is also involved in the distribution of marijuana, in violation of Title 21, United States Code, Section 841(a)(1) and that fruits, evidence, instrumentalities, and contraband of violations of Title 18, United States Code, Section 922(a)(1)(A) and Title 21, United States Code, Section 841(a)(1) are located in the Subject Premises.

65. Based on text messages obtained pursuant to Search Warrant II, ATF agents determined that between July 12, 2014 and July 21, 2014, CARTER sent and received several text messages regarding narcotics and firearms transactions. For example, on July 12, 2014, at approximately 3:18 p.m., the Carter Phone sent a text message to telephone number ending in 8612. That message read, “Im cumin out there and we bring guns.” According to telephone records of the Carter Phone, between July 26, 2014 and August 20, 2014, there were 37 telephone calls, and between July 24, 2014 and August 20, 2014, there were 129 text messages, exchanged between the Carter Phone and telephone number ending in 8612.

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<sup>14</sup> Search Warrants I and II are incorporated herein by reference and will be provided to the Court for review.

66. On July 13, 2014, at approximately 12:14 p.m., the Carter Phone received a text message from telephone number ending in 1563. That message read, “Wya [the telephone user asking CARTER’s location].” The Carter Phone responded, “Crib [the Subject Premises].” The Carter Phone further stated, “Ite give me a min.” The telephone user responded, “Bring me some weed [marijuana].” On July 16, 2014, the Carter Phone received another text message from telephone number ending in 1563. That message read, “Bring me some weed.” According to telephone records of the Carter Phone, between July 24, 2014 and July 30, 2014, there were 71 telephone calls, and between July 24, 2014 and August 2, 2014, there were 187 text messages, exchanged between the Carter Phone and telephone number ending in 1563.

67. On July 13, 2014, at approximately 8:40 p.m., the Carter Phone sent a text message to telephone number ending in 2742. That message read, “Wya [CARTER asking the telephone user his/her location].” The Carter Phone responded, “Im ready [CARTER is ready with the narcotics or firearm] its raining tho.” The Carter Phone further texted, “U want me to bring it [the narcotics or firearm].” The telephone user responded, “No no Imma come get it [the telephone user will come to CARTER and pick up the narcotics or firearm].” The Carter Phone responded, “Bring sumthing to conseal it [conceal the narcotics or firearm].”

68. On July 16, 2014, at approximately 5:19 p.m., the Carter Phone received another text message from telephone number ending in 2742. That message read, “Cannnm I haveeee someeee loud [high quality marijuana]. Just 1

lol.” The Carter Phone responded, “No u can buy sum [some high quality marijuana].” The Carter Phone further texted, “I need one of them moves [firearms].” The telephone user replied, “Finna go [the telephone user is about to go] to the house and grab it [the firearm].” The Carter Phone replied, “Ok.” The Carter Phone further replied, “Hold on my bm lurking [the mother of CARTER’s child is around].” The Carter Phone then texted, “Bring it [bring the firearm to the Subject Premises].” On July 17, 2014, at approximately 11:32 a.m., the Carter Phone received a text message from telephone number ending in 2742. That message read, “Why my shit dnt cum bk weighing that same as wen i gave it to u [the marijuana the telephone user bought from CARTER weighs differently than when the user initially obtained it from CARTER].” The Carter Phone replied, “Wen i gave u this it said 29 now it say 28.8 [the marijuana originally weighed 29 grams but now it is 28.8 grams].” The telephone user later replied, “I bought loud [high quality marijuana] from you yesterday doodie. That’s not making sense.” According to telephone records of the Carter Phone, between July 25, 2014 and August 17, 2014, there were 74 telephone calls, and between July 24, 2014 and August 20, 2014, there were 751 text messages, exchanged between the Carter Phone and telephone number ending in 2742.

69. On July 18, 2014, at approximately 8:59 p.m., the Carter Phone received a text message from telephone number ending in 3007. That message read, “Ok im omw now I just need a gram [a gram of marijuana].” The Carter Phone replied, “Cum to tha door [come to CARTER’s door when the telephone user

arrives at the Subject Premises].” The telephone user asked, “Which one urs?” The Carter Phone responded, “Up tha walk way lil cream house to tha rite.”<sup>15</sup> The Carter Phone further texted, “1151 [referring to the Subject Premises].” According to telephone records of the Carter Phone, between July 30, 2014 and August 14, 2014, there were 15 text messages, exchanged between the Carter Phone and telephone number ending in 3007.

70. On July 21, 2014, at approximately 12:01 p.m., the Carter Phone sent a text message to telephone number ending in 8021. That message read, “U got tha nick and tha glock [a firearms manufacturer].” The telephone user replied, “Yup.” According to telephone records of the Carter Phone, between July 24, 2014 and August 16, 2014, there were 62 telephone calls, and between July 28, 2014 and August 15, 2014, there were 9 text messages, exchanged between the Carter Phone and telephone number ending in 8021.<sup>16</sup>

71. In addition, during August 16, 2014 and August 18, 2014 telephone calls, CI-3 and THOMAS discussed CARTER having additional firearms for sale. Specifically, on August 16, 2014, CI-3 had an unrecorded telephone conversation with THOMAS. According to CI-3, during that conversation, THOMAS stated in sum and substance that CARTER had additional firearms that he wanted to sell to CI-3. On August 18, 2014, at approximately 3:58 p.m., CI-3 had a consensually

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<sup>15</sup> The Subject Premises has cream-colored siding.

<sup>16</sup> According to information obtained from a law enforcement database, the subscriber for telephone number (708) 668-8021 is Individual A, 4417 175<sup>th</sup> Place, Country Club Hills, Illinois. As described above, Individual A was identified as the individual who negotiated the price of the 9mm caliber pistol with CI-3 during CI-3’s May 30, 2014, meeting with THOMAS and CARTER.

recorded telephone conversation with THOMAS, who was using the Thomas Phone. In that conversation, CI-3 asked THOMAS if CARTER had “a Mac-10 [a Mac-10 firearm].” THOMAS replied, “Dooty [CARTER] has a Tec-9 [a Tec-9 firearm].” At approximately 3:59 p.m., CI-3 had another consensually recorded telephone conversation with THOMAS. In that conversation, THOMAS again stated, “Dooty [CARTER] has a Tec-9. A Tec-9, a four nickel [.45 caliber firearm], and a 9 [9mm caliber firearm].”

72. The Subject Premises is a single family residence located within a multi-unit townhome complex located at 1151 Williamsburg Road, Country Club Hills, Illinois. The residence has cream-colored siding with white trim around the windows and doors. The numbers “1151” appear over the front door of the residence. The residence is located south of Williamsburg Road. As set forth above, according to law enforcement records, CARTER’s residence is listed as 1151 Williamsburg Road. In addition, on August 19, 2014, agents observed CARTER at 1151 Williamsburg Road.

73. As a result of my law enforcement experience and this investigation, I am familiar with the ways in which unlicensed firearms dealers and narcotics traffickers conduct their businesses, including, but not limited to, their methods of selling firearms and distributing narcotics, their use of code words to conduct their transactions in secret, and their methods of laundering the proceeds of their unlawful conduct. Through my experience and my discussions with other

experienced law enforcement officers, I am familiar with the methods, schemes, and operations used by unlicensed firearms dealers and narcotics traffickers and know:

a. That such illegal firearms dealers and drug traffickers commonly place assets in names other than their own to avoid detection of these assets by government agencies;

b. That even though those assets are in other person's names, the illegal firearms dealers and drug traffickers continue to use those assets and exercise dominion and control over them;

c. That illegal firearms dealers and drug traffickers maintain, on hand, large amounts of United States currency, in order to maintain and finance their ongoing illegal firearms dealing and drug trafficking business, and use money-counting machines to count the currency;

d. That illegal firearms dealers and drug traffickers maintain books, records, receipts, notes, ledgers, and other papers relating to the sale of firearms, and the ordering, sale, and distribution of illegal drugs and that such documents may be in code;

e. That drug traffickers commonly "front" illegal drugs (meaning they will provide illegal drugs to their customers on consignment and the customers will pay for it at a later date). That the aforementioned books, records, receipts, notes, ledgers, etc., are commonly maintained where the illegal drug traffickers have ready access to them, i.e., homes, offices, and automobiles;

f. That it is common for illegal firearms dealers and drug traffickers to secret contraband, proceeds of illegal firearms and drug sales, and records of illegal transactions, sources, and customers, in secure locations within their residences, offices, garages, storage buildings, safety deposit boxes, and other locations, including stash houses, for ready access, and also to conceal such items from law enforcement authorities;

g. That persons involved in such illegal firearms dealing and drug trafficking conceal caches of large amounts of currency, financial instruments, precious metals, jewelry, and other items of value and/or proceeds of illegal transactions, and evidence of financial transactions relating to obtaining, transferring, secreting, or spending large sums of money made from engaging in illegal firearms dealing and drug trafficking activities, in their residences, offices, garages, storage buildings, automobiles, and safety deposit boxes;

h. That illegal firearms dealers and drug traffickers commonly maintain addresses or telephone numbers in books, papers, pagers, computers, tablets or cellular phones (and often have multiple cellular phones and pagers) which reflect names, addresses, and/or telephone numbers for their associates, even if stated items may be in code;

i. That illegal firearms dealers and drug traffickers frequently take, or cause to be taken, photographs of themselves, their associates, their

property, and their product, and usually maintain these photographs in their residences, computers, tablets, and cellular phones;

j. That when illegal firearms dealers and drug traffickers amass large monetary proceeds from the sale of illegal firearms and drugs, they attempt to legitimize these profits by utilizing foreign and domestic banks and their attendant services, including securities, cashier's checks, money drafts, letters of credit, brokerage houses, real estate, shell corporations, business fronts and other methods;

k. That courts have recognized that unexplained wealth is probative evidence of criminal activity in which transactions involving large amounts of cash and high profit margins are common, including trafficking in controlled substances; and

l. That it is common for illegal firearms dealers and drug traffickers and money launderers to conceal and store items related to their illegal dealings within safes, footlockers, boxes, containers and other hidden compartments, and within places that they own or over which they exercise control.

### **CONCLUSION**

74. Based on the foregoing, your affiant respectfully submits that: (A) there is probable cause to believe that (i) JOHN THOMAS (a/k/a "Batman"), DANIEL BINGMON (a/k/a "Tiny"), TYRECE MCCLINTON, and RODEARL MCELROY, previously having been convicted of a crime punishable by a term of

imprisonment exceeding one year, knowingly possessed firearms, in violation of Title 18, United States Code, Section 922(g)(1); (ii) TRAISSON WATSON (a/k/a “BD”) knowingly transferred and possessed a machinegun, in violation of Title 18, United States Code, Section 922(o)(1); and (iii) JOHNNY CARTER (a/k/a “Dooty”), willfully engaged in the business of dealing in firearms without a license, in violation of Title 18, United States Code, Section 922(a)(1)(A); and (B) there is probable cause to support a warrant to search the Subject Premises and to seize evidence relating to the commission of offenses in violation of Title 18, United States Code, Section 922(a)(1)(A) and Title 21, United States Code, Section 841(a)(1).

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Daniel F. Durkin  
Special Agent  
Bureau of Alcohol, Tobacco, Firearms  
& Explosives

SUBSCRIBED AND SWORN TO BEFORE ME  
this 25<sup>th</sup> day of August, 2014

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HONORABLE JEFFREY COLE  
United States Magistrate Judge