AO 91 (Rev. 02/09) Criminal Complaint

United States District Court

for the
Western District of New York

United States of America

v.

JULIUS WHITE

Defendant

Case No. 23-MJ-596

CRIMINAL COMPLAINT

I, **JOSEPH BRIGANTI**, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On July 29, 2023, in the County of Monroe, in the Western District of New York, the defendant committed an offense described as follows:

did knowingly and unlawfully possess ammunition after having been convicted of a felony, in violation of Title 18, United States Code, Section 922(g)(1).

This Criminal Complaint is based on these facts:
SEE ATTACHED AFFIDAVIT OF TFO JOSEPH BRIGANTI.

☒ Continued on the attached sheet.

Complainant's signature

TFO JOSEPH BRIGANTI, ATF
Printed name and title

Affidavit and Criminal Complaint submitted electronically by email in .pdf format. Oath administered, and contents and signature, attested to me as true and accurate telephonically pursuant to Fed.R.Crim. P. 4.1 and 4(d) on:

Date: August 1, 2023

Judge's signature

City and State: Rochester, New York

HONORABLE MARK W. PEDERSEN
UNITED STATES MAGISTRATE JUDGE
Printed name and title

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA 23-MJ-596

-v-

JULIUS WHITE,

Defendant

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

State of New York)
County of Monroe) ss:
City of Rochester)

I, Joseph Briganti, affirm to the following facts:

1. Your affiant is a Police Investigator with the Rochester Police Department and currently assigned as a Task force officer (TFO) with the United States Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), assigned to the New York Field Division, Rochester Field Office. As such, I am an "investigative or law enforcement officer" of the United States within the meaning of Section 2510(7) of Title 18, United States Code, that is an officer of the United States who is empowered to conduct investigations of, and to make arrests for, offenses enumerated in Title 21, United States Code, Section 801, et seq. and Title 18, United States Code, Section 2516(1).

2. I have been employed as a Police Investigator since 2011. Prior to being employed as a Police Investigator, I was employed as a Police Officer beginning in 1995 for

both the City of Rochester, New York Police Department (RPD) and the Niagara Falls, New York Police. My duties as a Police Investigator include investigating violations of state and federal firearms laws such as individuals engaged in illegal firearm trafficking, unlawful possession of firearms, the possession of firearms during the commission of drug trafficking crimes, and other crimes of violence. Additionally, since November 2017, I have been assigned to the United States Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), as a designated Task Force Officer. During my tenure with RPD and ATF, I have participated in numerous investigations involving armed individuals who were in violation of federal narcotics laws, including Title 21, United States Code, Section 846, and federal firearms laws including Title 18, United States Code, Sections 922 and 924.

3. This affidavit is submitted in support of a criminal complaint against JULIUS WHITE, (hereinafter "WHITE"), for violating Title 18, United States Code, Section 922(g)(1) (Felon in Possession of Ammunition).

4. The assertions made herein are based upon my personal knowledge as well as information I have received from this investigation, including the review of various police reports produced in relation to the arrest of the defendant and discussions with other law enforcement agents and officers. Further, I have had discussions with law enforcement officers involved in this investigation who have confirmed the accuracy of the information contained within this affidavit. Since this affidavit is being submitted a limited purpose, I have not included each and every fact that I know concerning this investigation. Rather, I have set forth sufficient facts to demonstrate that probable cause exists to believe that the defendant committed the above-mentioned offense. In support thereof, I respectfully state the following:

5. On July 29, 2023 at approximately 03:40 P.M., Officers responded to the area of 363 Magnolia for a report of a male displaying a handgun. The caller stated that an individual whose name was Julius White was in front of the house at 363 Magnolia Street with a gun. The caller described WHITE as a male black wearing a blue tee shirt.

6. When officers arrived, they observed a male that matched the caller's description in the driveway of 367 Magnolia Street. As officers were approaching WHITE, he attempted to flee. Officer took WHITE into custody after a short foot pursuit. As officers were attempting to take WHITE into custody, WHITE began fighting with officers. Once WHITE was secured officers performed an officer safety pat frisk and felt a hard-unidentified object that was consistent with the characteristics of a handgun in WHITE'S right front pants pocket. Officers then removed the handgun from WHITE'S right pants pocket. Upon further examination officer determined that the firearm was a black, 9mm Diamondback, model DB9, semi-automatic slide, with no seral number, attached to a personally manufactured frame. Officers determined that the firearm was loaded with three (3) rounds of ammunition in the magazine and one (1) round of ammunition in the chamber. As officers continued to search WHITE, they removed a wallet and cell phone from WHITES left pants pocket. As officers were removing these items they observed one (1) 9mm round of ammunition and one (1) 9mm casing fall to the ground from WHITES left front pants pocket.

7. I have reviewed WHITE'S criminal history and have learned that on or about May 31, 2018, WHITE was convicted after pleading guilty in Monroe County Court to Attempted Assault in the second degree a class E felony. WHITE was sentenced on or about June 14, 2018 to eighteen months to three years in prison. Additionally on or about March 10, 2011, WHITE was convicted after a plea of guilty in Monroe County Court to Assault in

the second degree a class D felony. White was sentenced on or about March 10, 2011 to two years in prison.

8. As part of this investigation, I further learned that officers recovered three (3) rounds of Remington Peters ammunition, two (2) rounds of Turac ammunition and one (1) round of Freedom Munitions ammunition described previously as being possessed by WHITE and recovered by police on July 29, 2023. ATF NEXUS expert Justin Schaefer confirmed that the above described ammunition was not manufactured in the State of New York and therefore would have traveled in and affected interstate commerce in order to be possessed in New York in July of 2023.

9. Based on the above information, I submit there is probable cause to believe that on or about July 29, 2023, in the City of Rochester, County of Monroe, New York, Western Judicial District of New York, Julius WHITE violated Title 18, United States Code, Section 922(g)(1) (Felon in Possession of Ammunition).

Joseph Briganti
Task Force Officer
Bureau of Alcohol, Tobacco, Firearms, and Explosives

Affidavit submitted electronically by email in .pdf format.
Oath administered, and contents and signature attested
to me as true and accurate telephonically pursuant to
Fed. R. Crim. P. 4.1 and 41(d)(3) on this first day of August 2023.

HON. MARK W. PEDERSEN
United States Magistrate Judge