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Clerk, U.S. District Court, ILCD

AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT

for the

Central District of Illinois

United States of America
v.

ANTHONY Q. JOHNSON
Defendant(s)

Case No. 23 MJ 6010

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 the date(s) of January 20, 2023 in the county of Peoria in the Central District of Illinois, the defendant(s) violated:

Code Section	*Offense Description*
Title 18, United States Code, Sections 922(o) & 924(a)(2)	defendant herein, did knowingly possess a machinegun, as defined in Title 18, United States Code, Section 921(a)(23) and Title 26, United States Code, Section 5845(b)

This criminal complaint is based on these facts:

See attached Affidavit

☑ Continued on the attached sheet.

s/Kevin Brown
Complainant's signature

Kevin Brown, Special Agent, ATF
Printed name and title

Sworn and subscribed to me by telephone pursuant to Fed. R. Crim. P. 41(d)(3) and Rule 4.1 this 20 day of January 2023 at 2:22 pm (Central Standard Time)

Judge's signature

City and state: Peoria, IL

Jonathan Hawley, United States Magistrate Judge
Printed name and title

AFFIDAVIT IN SUPPORT OF COMPLAINT

Your Affiant Kevin D. Brown, Special Agent, Bureau of Alcohol, Tobacco, Firearms and Explosives, being sworn, deposes and states the following:

I. BACKGROUND

1. Your Affiant is a Special Agent of the United States Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives (hereinafter "ATF"). Your Affiant has been a law enforcement officer since April 2009. During this time, Your Affiant has been trained in the investigation of firearms and violent crime. Additionally, Your Affiant has participated in numerous investigations into individuals and organizations involved in the unlawful possession of firearms, use of firearms, and perpetration of violent crime.

2. This affidavit is submitted in support of a criminal complaint alleging that **Anthony Q. JOHNSON** violated Title 18, United States Code, Section 922(o) (Possession of Machinegun).

3. Because this affidavit is being submitted for the limited purpose of establishing probable cause in support of a criminal complaint, I have not included each and every fact known to me in this investigation. I have set forth only the facts that I believe are necessary to establish probable cause to believe that the defendant committed the offense alleged in the complaint.

4. The statements contained within this Affidavit are based on: (a) my personal participation in this investigation; (b) information provided to me by other

federal, state, and local law enforcement officers; (c) my training and experience and the training and experience of other law enforcement agents with whom I have spoken.

NIBIN

5. NIBIN is an ATF-managed law enforcement tool to identify, target, and prosecute "shooters" and determine their sources of gun crime. NIBIN is a national database of digital images of spent bullets and cartridge cases found at crime scenes or test-fired from confiscated weapons. It is a unique ballistic comparison system that allows technicians to digitize and automatically sort shell casing signatures. The ballistic match provides investigators with real-time leads.

6. To use NIBIN, examiners or technicians enter bullet and casing evidence into the Integrated Ballistic Identification System (IBIS). Then the new images are correlated against earlier entries through NIBIN.

7. NIBIN is a stand-alone tool and a key component of ATF's Crime Gun Intelligence Centers (CGIC), making it possible to identify, target, and prosecute shooters and their sources of gun crimes. It is the only interstate, automatic ballistic imaging network in the United States, available to most major population centers in the United States through more than 150 sites around the country, including a site in Peoria, Illinois. Through searches locally, regionally, or nationally, NIBIN partners are able to discover links between firearms-related, violent crimes more quickly, including links that would have never been identified without this technology.

8. NIBIN data is limited to ballistic information from firearms test fires and

fired ammunition components acquired by law enforcement as part of a criminal investigation for the sole purpose of identifying and prosecuting shooters.

9. A NIBIN hit typically starts with recovered fired ammunition or firearms recovered from a suspect or the scene, which is test fired and entered into the system. Within a matter of hours, a firearms examiner uses ballistic imaging to convert the spent rounds into two or three-dimensional digital images that are uploaded into NIBIN. NIBIN can be searched for possible matches, that is, other rounds that have similar tool marks and thus may have been fired from the same gun. Multiple casings/bullets may be entered as part of the same case record.

10. After a possible match is identified, the crime lab secures the actual spent round(s) and compares them under a microscope to confirm the hit. Then the lab sends information on the hit to investigators. A "hit" is a linkage between two different crime scenes where previously there had been no known connection.

SHOTSPOTTER

11. Your Affiant is also working in conjunction with technology called "ShotSpotter". ShotSpotter combines wide-area acoustic surveillance with centralized cloud-based analysis to provide a gunfire alert and analysis service that is immediate and accurate. ShotSpotter uses multiple collaborative acoustic sensors that activate when gunfire occurs, providing comprehensive outdoor coverage over complex urban geographies.

12. When there is a shooting outdoors, ShotSpotter sensors and software

triangulate and pinpoint the precise location of each round fired within 25 meters (82 feet) from the actual discharge location of each round fired including latitude/longitude and street address within seconds. Detailed incident data is immediately sent to the ShotSpotter Technology (SST) Incident Review Center (IRC), ShotSpotter's secured processing and alert facility.

13. Immediately, an SST gunfire and acoustics expert analyzes the data and qualifies the incident. Once validated, an alert is sent to dispatch centers, Public Safety Answer Points (PSAP), and directly to field personnel through any computer or mobile device with access to the Internet, all in under a minute.

14. ShotSpotter Technologies provides a map of the location of the activation and will note if it was a single gunshot or multiple gunshots. When the program reports multiple shots have been fired they will provide officers with the number of gunshots detected. The program will also provide audio of the gunfire which maybe listened to by officers prior to arriving at the location of the activation.

15. The ShotSpotter technology has key features such as precise location including latitude/longitude, street address, number of rounds fired, identification of fully-automatic or high capacity weapons, identification of multiple shooters, and forensic data for investigation, prosecution and analysis.

II. RELEVANT STATUTES

16. The following federal statutes are relevant to this investigation:

a. 18 U.S.C. § 922(o) provides that it is unlawful for any person to transfer or possess a machinegun.

b. 18 U.S.C. § 921(23) states, "The term 'machinegun' has the meaning given such term in section 5845(b) of the National Firearms Act (26 U.S.C. 5845(b))."

c. 26 USC § 5845(b) states, "The term 'machinegun' means any weapon which shoots, is designed to shoot, or can be readily restored to shoot, automatically more than one shot, without manual reloading, by a single function of the trigger. The term shall also include the frame or receiver of any such weapon, **any part designed and intended solely and exclusively, or combination of parts designed and intended, for use in converting a weapon into a machinegun**, and any combination of parts from which a machinegun can be assembled if such parts are in the possession or under the control of a person." (emphasis added).

III. PROBABLE CAUSE

17. Your Affiant reviewed Peoria Police Department (PPD) case 23-783. Your Affiant reviewed reports and body worn camera. This case details a ShotSpotter incident on January 12, 2023. PPD responded to a ShotSpotter Alert showing 12 rounds fired at 1114 N. Flora Avenue, Peoria, Illinois that occurred at 22:20:13. Responding officers located 13 shell casings in the street in front of 1119 N. Flora Avenue. Officers observed a damaged vehicle parked in front of 1200 N. Flora Avenue. The vehicle had been struck by gunfire, causing the vehicle's back window and front windshield to shatter.

18. Your Affiant listened to the ShotSpotter audio file for the incident on N. Flora Avenue on January 12, 2023. The audio of the incident reflects a gunfire pattern of sound at a rate consistent with fully-automatic gunfire.

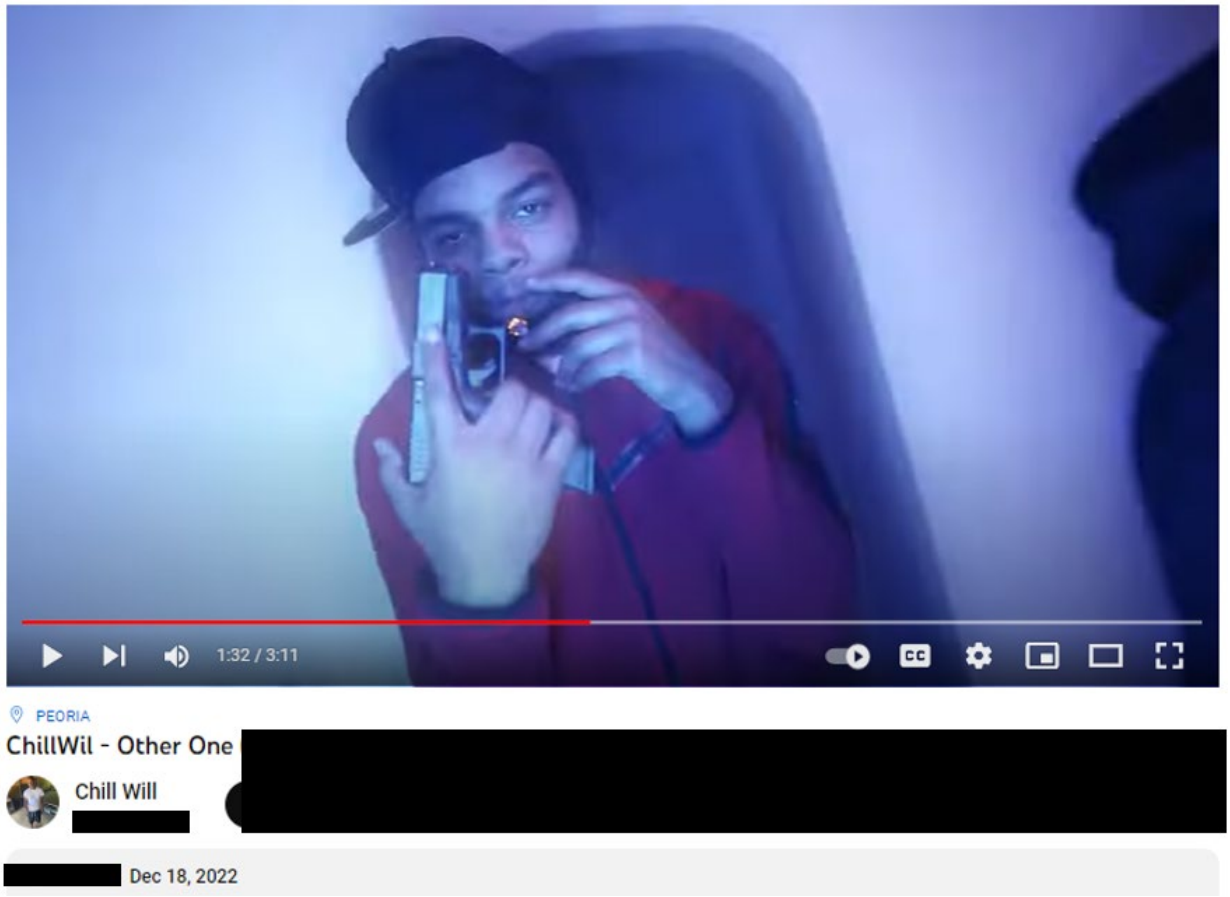
19. Based on investigative leads, Your Affiant reviewed Anthony Q. J JOHNSON's Facebook account "Keefworld Ant". On December 14, 2022, "Keefworld Ant" shared a clip from a music video titled "Other One" by "Chill Will". The following

is a screenshot of that post, depicting the discharge of firearms and the splattering of blood:



20. Your Affiant viewed the full video, "Other One", on YouTube. Multiple individuals appear in the music video, including Anthony Q. JOHNSON. The video includes more than ten different items that Your Affiant believes through training and

experience to be actual firearms. Anthony Q. JOHNSON is seen holding some of these items throughout the video. The lyrics include the following, "I don't want no fucking ghost Glocks I want them other ones, put a switch up on that bitch and give my brother one" followed by a sound mimicking fully-automatic gunfire. Your Affiant knows through training and experience that a "switch" is a common term for a device used to convert a semiautomatic Glock-brand handgun to fully-automatic machine gun. The following is a screenshot of a portion of that video, depicting Anthony Q. JOHNSON displaying a handgun:



21. The image above depicts Anthony Q. JOHNSON displaying a handgun that, in my training and experience, is consistent with that of a Glock brand pistol, in

that it appears to have "trigger safety" that Glock incorporates into their handguns to block the trigger from moving rearward absent a deliberate depression of the trigger to fire the weapon.

22. Your Affiant reviewed another music video titled "On & On" by "Chill Will" on YouTube. The video shows that it was posted on April 26, 2022. Multiple individuals appear in the music video, including Anthony Q. Johnson. The video includes more than ten different items that Your Affiant believes through training and experience to be actual firearms. Anthony Q. JOHNSON is seen holding some of these items throughout the video. The lyrics include the following, "we put switches on shit, so I don't really want that bitch if it ain't no Glock" and also includes "on and on and on, oh them switches they go on and on and on". The following is a screenshot of a portion of that video, depicting multiple subjects displaying handguns, including a pistol equipped with a high-capacity drum-style magazine, and Anthony Q. JOHNSON pointing two handguns at the camera, one in each of his hands (image on next page):



23. Your Affiant reviewed a NIBIN Lead Notification indicating that cartridges collected on N. Flora Avenue during the above-described incident on January 13, 2023, and cartridges collected from a shooting incident on August 23, 2021 in Peoria, Illinois, were likely fired from the same firearm. The shooting on August 23, 2021 was documented in Peoria PD case 21-15877. This incident involved multiple shooters and two shooting victims. At this stage, a firearm examiner has not performed a microscopic comparison of the actual cartridge cases to reach a final conclusion that they match.

24. Peoria PD case 22-11788 documents that Anthony Q. JOHNSON fled from police on June 27, 2022, in a vehicle registered to his mother. The vehicle that fled from police and Anthony Q. JOHNSON were later located in Peoria, Illinois. Anthony Q.

Johnson was arrested and on July 22, 2022, pled guilty to fleeing/attempt to elude an officer, Peoria County Case 2022 MT 1110.

25. Peoria PD case 22-16837 documents that Anthony Q. JOHNSON fled from police on September 6, 2022, in a vehicle registered to his mother. The vehicle that fled from police was later located in Peoria, Illinois. Anthony Q. JOHNSON was arrested on September 9, 2022, and charged with multiple traffic offenses, including fleeing/attempt to elude an officer, pending Peoria County Case 2022 MT 1577.

SEARCH WARRANTS FOR
1204 N. DOUGLAS STREET AND 1119 N. FLORA AVENUE

26. On January 19, 2023, Your Affiant applied for, and obtained, federal search warrants authorizing the search of residences located at (1) 1204 N. Douglas Street, Peoria, Illinois, (CDIL Case No. 23 MJ 6009) and (2) 1119 N. Flora Avenue, Peoria, Illinois (CDIL Case No. 23 MJ 60008).

27. On January 20, 2023, the Peoria Area Federal Firearms Task Force executed searches at the above-listed residences.

28. At approximately 6:01 AM, entry was forced at 1119 N. Flora Avenue, Apartment A, Peoria, Illinois. Prior to forcing entry, law enforcement knocked and announced that police were present with a search warrant. Anthony Q. Johnson was called out of the only bedroom in the apartment and placed in handcuffs. The only other occupant, Brieana Buntley, was also called out of the same bedroom and placed in handcuffs.

29. A thorough search of the residence was conducted. Several court documents for Anthony Q. Johnson were found inside the residence. A Glock, Model 27, .40 caliber pistol with serial number RDV336 loaded with 10 live rounds of ammunition was found under the mattress in the only bedroom in the apartment. The firearm was equipped with a Glock Conversion Device affixed to the rear of the slide. Two additional firearms were located inside of the residence.

30. Brieana Buntley was interviewed inside of the residence. Buntley stated that she does not own any firearms and that any firearms inside of the house do not belong to her. Buntley stated that she was present outside of her residence on January 12, 2023, when a shooting occurred. Buntley stated that Anthony Q. Johnson was also present when the shooting occurred, but would not say if Anthony Q. Johnson is the one who committed the shooting. Buntley stated that she was under the influence of drugs at the time of the shooting and could not remember who shot. Buntley stated that Anthony Q. Johnson has been living with her at her apartment for approximately three months, and that Anthony Q. Johnson spends the night most nights. Buntley stated that the clothing, shoes and other items inside of the apartment belonged to Anthony Q. Johnson. Buntley stated that she rents the apartment for $800 a month.

31. The Glock pistol was test-fired and functioned as fully automatic. Test-fire casings were submitted to NIBIN to determine if there is a correlation to the .40 caliber casings recovered by Peoria PD in front of the residence on January 12, 2023.

32. The Glock Conversion Device JOHNSON possessed is a part designed and intended solely and exclusively for use in converting a weapon into a machinegun,

and was in fact, installed in a Glock firearm, enabling the gun to fire as a fully automatic machine gun.

Further affiant saveth not.

s/Kevin Brown

Kevin D. Brown
Special Agent
Bureau of Alcohol, Tobacco, Firearms, and Explosives

Sworn and subscribed to me by telephone pursuant to Fed. R. Crim. P. 41(d)(3) and Rule 4.1 this 20th day of January, 2023.

Honorable Jonathan E. Hawley
United States Magistrate Judge