

SS:
AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT

for the

District of Minnesota

UNITED STATES OF AMERICA)

v.)

ANDRE MAURICE COX)
a/k/a Anthony White)

Case No. 14-MJ-112 TNL

CRIMINAL COMPLAINT

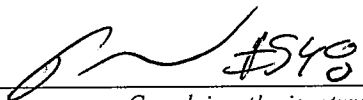
I, the undersigned complainant, being duly sworn, state the following is true and correct to the best of my knowledge and belief. On or about January 24, 2014, in Hennepin County, in the State and District of Minnesota, the defendant, ANDRE MAURICE COX, after having previously been convicted of at least one crime punishable by imprisonment for a term exceeding one year, namely, a 2010 felony conviction for being a Prohibited Person in Possession of a Firearm, did thereafter knowingly possess, in and affecting interstate or foreign commerce, a firearm, namely a Glock 17, 9mm pistol bearing serial number BBD939,

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

I further state that I am a Task Force Officer ("TFO") with the United States Bureau of Alcohol, Tobacco, Firearms and Explosives, and that this complaint is based on the following facts:

SEE ATTACHED AFFIDAVIT


Continued on the attached sheet and made a part hereof: Yes No


Complainant's signature

JOHN BIEDERMAN, TFO
Printed name and title

Sworn to before me and signed in my presence.

Date: February 20, 2014


Judge's signature

City and state: St. Paul, MN

The Honorable Tony N. Leung,
U.S. Magistrate Judge
Printed name and title

SCANNED
FEB 20 2014
U.S. DISTRICT COURT ST. PAUL

STATE OF MINNESOTA)
)
COUNTY OF HENNEPIN)

ss. AFFIDAVIT OF JOHN BIEDERMAN

I, John Biederman, being first duly sworn under oath, depose and state as follows:

1. I am a Task Force Officer (TFO) with the United States Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), and have been employed as a Minneapolis Police Officer since 1998. I am currently assigned to the St. Paul Group IV Field Office and the Minneapolis Police Weapons Unit. My duties and responsibilities include conducting criminal investigations of individuals and organizations who are alleged to have violated Federal laws, particularly those found in Titles 18, 21, and 26. I have participated in numerous investigations which have resulted in the arrests, searches, seizures, and convictions of individuals who have violated Federal law.

2. This affidavit is submitted in support of a Complaint against ANDRE MAURICE COX (A/K/A ANTHONY WHITE), charging him with possession of a firearm by a convicted felon in violation of Title 18, United States Code, Section 922(g)(1). The facts set forth in the Affidavit are based upon my review of reports, my personal investigation, and discussions I have had with other law enforcement personnel. Further, this affidavit contains information to support probable cause but is not intended to convey facts of the entire investigation.

3. On January 24, 2014, at approximately 2234 hours, a Minneapolis Police Department (MPD) Officer noticed a vehicle, later found to be driven by COX, driving at a high rate of speed and fail to stop for stop signs. ^{WITHIN THE CITY OF MINNEAPOLIS, MINNESOTA} The officer executed a traffic stop of the vehicle driven by COX. After pulling his vehicle over to the side of the road, COX got out of his car and fled the scene on foot, ignoring the officer's verbal instructions to remain inside the vehicle. COX was caught by police after a short foot chase.

4. When the officer returned to the car he noticed a handgun, later found to be a 9 millimeter Glock bearing serial number BBD939 in plain view on the rear passenger floorboard. Officers later determined that the vehicle was owned by COX.

5. Following COX's arrest, COX himself was searched. Officers located a cell phone in his possession. Specifically, the cell phone is a grey and black Verizon Motorola cellular phone with a camera, with property number 2014-2479, which is currently located at the minneapolis police property room (the "Cell Phone"). The Cell Phone was seized by officers as potential evidence and remains in law-enforcement custody.

6. I reviewed COX's criminal history and determined that, prior to January 24, 2014; COX was a convicted felon and was prohibited from possessing firearms. Prior to January 24, 2014, COX had the following felony convictions: Transport or Sell a Narcotic or Controlled Substance (1993); Felon possessing a Firearm (1996); Felon in Possession of a Firearm (2000); Prohibited Person in Possession of a Firearm (2006); and Prohibited Person in Possession of a Firearm (2010).

7. ATF Special Agent Martin Siebenaler reviewed reports given to him by me regarding the Glock, model 17, 9 millimeter, semi-automatic pistol having Serial Number: BBD939, recovered during the above-described incident. Based on his training and experience, Agent Siebenaler determined that the pistol was manufactured in the country of Austria. Therefore, at some point after manufacture, the pistol was shipped or transported into Minnesota through interstate commerce prior to January 24, 2014.

8. Based upon the facts conveyed in this affidavit, I believe there is probable cause that on or about January 24, 2014 ANDRE MAURICE COX (A/K/A ANTHONY WHITE)

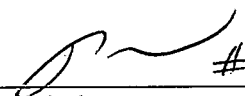
committed the crime of being a felon in possession of a firearm, in violation of Title 18, United States Code, Sections 922(g)(1).

9. Additionally, I believe there is probable cause supporting the issuance of a search warrant authorizing the forensic analysis of the Cell Phone recovered from COX's possession on January 24, 2014.

10. Based upon my experience and training, I know that cellular telephones often contain evidence of criminal activity, including the unlawful possession of firearms. Specifically, cellular telephones often contain photographs demonstrating a person's possession of a firearm and knowledge of its whereabouts. Further, cellular telephones often contain call records, voicemails, text messages, emails and other forms of electronic communications through which an individual acknowledges his/her possession of a firearm, and/or discusses the acquisition or disposition of a firearm. Additionally, cellular telephones can contain location information, including GPS information that may demonstrate that an individual was in a particular location at which he/she acquired, disposed of, or otherwise demonstrated possession of a firearm. And, cellular telephones may store information regarding an individual's internet activity, including the viewing of websites involving firearms and related subject matter.

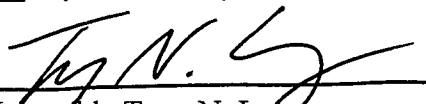
10. Based on the foregoing, I believe there is probable cause to believe that the data and information electronically stored within the aforementioned Cell Phone, including but not limited to the types of data and information described in the preceding paragraph, may constitute evidence of criminal activity. Accordingly, I request authority to allow technicians to search the above-described Cell Phone for evidence of violations of Title 18, United States Code, Section 922(g)(1) and any related violations of federal law.

Further your Affiant sayeth not.

 #548

John Biederman
Task Force Officer

SUBSCRIBED and SWORN to before me
this 20 day of February, 2014.



The Honorable Tony N. Leung
United States Magistrate Judge