

LKB:law

AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT

for the

District of Minnesota

UNITED STATES OF AMERICA )

v. )

Anthony )

MICHAEL ANTHONY VARGAS )

Case No. 14-MJ-99 (JSM)

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 8, 2014, in Ramsey County, in the State and District of Minnesota, defendant

having previously been convicted in the State of Minnesota, County of Ramsey, with the following felony offenses: 2004 second degree assault, 2007 domestic assault by strangulation, 2007 domestic assault, 2009 third degree sale of controlled substance, 2009 sale of simulated controlled substance, 2012 domestic assault; and in the County of Chisago in 2007 with bringing contraband into a correctional facility, and thereafter did knowingly possess, in and affecting interstate commerce, a firearm, namely a Smith & Wesson, 9mm caliber handgun bearing serial HRB4660,

in violation of Title 18, United States Code, Section(s) 922(g)(1) and 924(e).

I further state that I am a Special Agent 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

[Handwritten signature]

Complainant's signature

Kylie M. Williamson, ATF Special Agent

Printed name and title

Sworn to before me and signed in my presence.

Date:

2/14/14

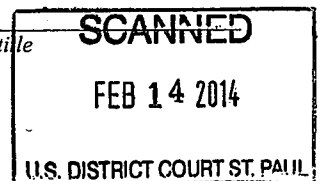
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Judge's signature

The Honorable Janie S. Mayeron  
U.S. Magistrate Judge

Printed name and title

City and state: St. Paul, MN



14-MJ-99 (JSM)

STATE OF MINNESOTA )  
 )  
 ) ss. AFFIDAVIT OF KYLIE M. WILLIAMSON  
COUNTY OF RAMSEY )

I, Kylie M. Williamson, being duly sworn, depose and state as follows:

1. I am a Special Agent with the United States Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), and have been so employed since August of 2007. Prior to that, your Affiant was employed by ATF for two years as an Industry Operations Investigator. Your Affiant is currently assigned to the St. Paul Field Office, and works with various law enforcement agencies and drug task forces throughout the state of Minnesota. Your Affiant's responsibilities include conducting criminal investigations of individuals and organizations related to the violations of Federal laws, particularly those found in Titles 18, 21, and 26. Your Affiant has 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 MICHAEL ANTHONY VARGAS, charging him with being a felon in possession of a firearm, in violation of Title 18, United States Code, Section 922(g)(1) and 924(e). The facts set forth in the Affidavit are based on your Affiant's training, experience, personal knowledge and observations in this investigation; upon her discussions with other law enforcement officers and agents directly involved in this investigation; and upon her review of official reports submitted in relation to this investigation. Further, this affidavit contains information to support probable cause, but is not intended to convey facts of the entire investigation.

3. On January 8, 2014, St. Paul Police Officers were on routine patrol. During patrol, officers ran the license plate of a passing vehicle. Officers could not initially see who was driving the vehicle but it was determined that the registered owner had a revoked driver's license. Officers turned around and followed the vehicle. In doing so, they noticed that the rear license plate was not illuminated, in violation of state law. Because the rear window was dirty and covered with road salt, officers still could not identify the driver. Officers then initiated a vehicle stop at the intersection of Albermarle and Cook in St. Paul, Minnesota. As they were approaching the vehicle, Officers observed the driver reach into the backseat on the passenger side.

4. Once Officers arrived at the window of the vehicle, they could smell the odor of Marijuana coming from inside of the vehicle. Officers immediately recognized the driver and only occupant as VARGAS and knew that he had a suspended license. Officers were familiar with VARGAS from previous contacts and from an Officer Safety Bulletin that had recently been read during a pre-shift roll call, advising that VARGAS was in possession of a handgun. On November 11, 2013, one of the officers was involved in an incident where VARGAS attempted to flee from police and was in possession of methamphetamine. Additionally, the officers were aware that On October 6, 2013, VARGAS was arrested for being a felon in possession of a handgun.

5. Due to VARGAS' lengthy criminal history, his recent arrest for possessing a firearm, the safety bulletin information, the smell of marijuana, and VARGAS' furtive movements inside of the vehicle, Officers searched VARGAS for weapons. After finding three small baggies of marijuana during a search of VARGAS' person, VARGAS was

placed in the squad car and the vehicle was searched. In the area where Officers had observed VARGAS reaching, Officers recovered a Smith & Wesson M&P Shield 9mm handgun, serial number HRB4660 from the floor.

6. An interstate nexus expert has reviewed the particulars of the recovered Smith & Wesson and determined that it is a firearm and was manufactured outside the State of Minnesota.

7. Your Affiant has reviewed VARGAS' criminal history and determined that VARGAS has the following felony convictions :

<b>Crime</b>	<b>Place of Conviction</b>	<b>Year of Conviction</b>
Assault 2	Ramsey County, MN	2004
Bringing Contraband into Correctional Facility	Chisago County, MN	2007
Domestic Assault by Strangulation	Ramsey County, MN	2007
Domestic Assault	Ramsey County, MN	2007
Third Degree Sale of Controlled Substance	Ramsey County, MN	2009
Sale of Simulated Controlled Substance	Ramsey County, MN	2009
Domestic Assault	Ramsey County, MN	2012

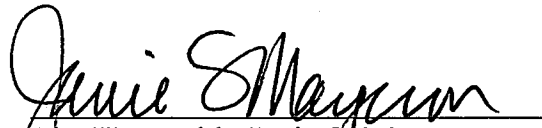
8. Based upon the facts conveyed in this affidavit, your Affiant has probable cause to believe that on January 8, 2014, VARGAS committed the crime of felon in possession of a firearm, in violation of Title 18, United States Code, Section 922(g)(1) and 924(e).

Further your Affiant sayeth not.



Kylie Williamson  
Special Agent, ATF

Sworn and subscribed to before me  
this 14<sup>th</sup> day of February, 2014



The Honorable Janie S. Mayeron  
UNITED STATES MAGISTRATE JUDGE