
UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

UNITED STATES OF AMERICA

CRIMINAL COMPLAINT

v.

CASE NUMBER:

CHRISTOPHER BATTAGLIA,
also known as "Christopher Thonn"

UNDER SEAL

I, the undersigned complainant, being duly sworn on oath, state that the following is true and correct to the best of my knowledge and belief: On or about April 11, 2011, at Addison, in the Northern District of Illinois, Eastern Division CHRISTOPHER BATTAGLIA, also known as "Christopher Thonn," defendant herein:

having been previously 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 J. Stevens Arms Comp., Model 56, .22 caliber bolt action rifle, without a serial number, which firearm had traveled in interstate commerce prior to defendant's possession of the firearm;

in violation of Title 18, United States Code, Section 922(g)(1). I further state that I am a Special Agent with the Bureau of Alcohol, Tobacco, Firearms & Explosives, and that this complaint is based on the facts contained in the Affidavit which is attached hereto and incorporated herein.

Signature of Complainant
LARISSA K. BACCUS
Special Agent, Bureau of Alcohol, Tobacco, Firearms &
Explosives

Sworn to before me and subscribed in my presence,

August 22, 2011 at Chicago, Illinois
Date City and State

Maria Valdez, U.S. Magistrate Judge
Name & Title of Judicial Officer

Signature of Judicial Officer

STATE OF ILLINOIS

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COUNTY OF COOK

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AFFIDAVIT

I, LARISSA K. BACCUS, being duly sworn, state as follows:

1. I am a Special Agent with the Bureau of Alcohol, Tobacco, Firearms & Explosives ("ATF"), and have been so employed since approximately 2007. I am currently assigned to Chicago Field Division, Downers Grove Field Office in Downers Grove, Illinois. My current responsibilities include the investigation of federal firearms offenses and drug trafficking committed by members of street gangs and other organizations whose members engage in violent criminal activity.

2. The information in this Affidavit is drawn from interviews of a confidential informant, consensually recorded conversations, controlled purchases of firearms and ammunition, physical surveillance, information received from other law enforcement agents, state and local police reports, and National Criminal Information Center ("NCIC") records, my experience and training, and the experience of other agents.

3. My understanding and interpretation of recorded conversations set forth in this affidavit are based on my knowledge of the investigation to date and review of consensually recorded conversations, the content and context of the conversations, prior and subsequent conversation, information provided by a

confidential informant, the results of physical surveillance, conversations with other officers and agents, and my experience and familiarity with these types of investigations. The summaries of conversations do not include all potentially criminal conversations recorded during this investigation, or all statements or topics covered during the course of the recorded conversations. The quoted material contained in the Affidavit are based on summaries of the recorded conversation, not final transcripts, and the times listed for these conversations are approximate.

4. This affidavit is submitted for the limited purpose of establishing probable cause for the issuance of a criminal complaint alleging that Christopher BATTAGLIA, also known as “Christopher Thonn” (“BATTAGLIA”), having been previously 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 J. Stevens Arms Comp., Model 56, .22 caliber bolt action rifle, without a serial number, which firearm had traveled in interstate commerce prior to defendant’s possession of the firearm, in violation of Title 18, United States Code, Section 922(g)(1).

5. Because this affidavit is being submitted for the limited purpose of establishing probable cause in support of a criminal complaint charging BATTAGLIA with possession of a firearm by a convicted felon, 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.

I. Background

6. Since approximately December 2009, ATF has been investigating illegal firearm sales and trafficking by members of the Almighty Gaylord Nation, a Chicago-area street gang (the “Gaylords”). A confidential informant (the “CI”) has provided information to law enforcement regarding BATTAGLIA, who the CI has identified as a member of the Gaylords.¹

7. The CI advised law enforcement that he became a member of the Sayre Park (Chicago) Gaylords² in approximately 1991. The CI later became a

¹ The CI began cooperating with ATF in exchange for monetary compensation in approximately January 2009. The CI’s cooperation has continued to the present. During that time, the CI has received over \$30,000 in payments from ATF in connection with his participation in various investigations. The CI has a history of substance abuse. The CI has multiple stated felony convictions, including a conviction for possession of a controlled substance for which defendant was sentenced to one year imprisonment while he was cooperating with ATF. Once the CI completed the sentence, s/he resumed cooperation with ATF. During the CI’s cooperation, the CI was also arrested twice for disorderly conduct. One of these prosecutions was dismissed and one case is still pending. ATF did not intervene in either prosecution.

The CI provided timely and reliable information concerning the illegal activities of BATTAGLIA. A substantial portion of the CI’s information has been corroborated by independent investigation, including physical surveillance, a controlled firearms purchase from BATTAGLIA, and consensually recorded telephone calls and conversations between the CI and BATTAGLIA.

² According to the CI, Gaylords is an acronym standing for “Great American Youth Leading Our Race Destroying Spics.”

member of the Addison, Illinois faction of the Gaylords while cooperating with ATF. Based on the CI's personal observations and the CI's conversations with members of the Gaylords, the CI knows BATTAGLIA to be a member of the Addison faction of the Gaylords. The CI knows BATTAGLIA's first name to be Chris. The CI later identified an Illinois Secretary of State photograph of BATALGIA as the person the CI knew as Chris.

8. NCIC records reflect that BATTAGLIA has used the name "Christopher Thonn," and that BATTAGLIA is a self-admitted member of the Gaylords. According to NCIC records, on July 25, 2005 BATTAGLIA was convicted in DuPage County, Illinois of burglary and aggravated burglary, and sentenced to 165 days in jail and 30 months' probation.

II. BATTAGLIA Sold a .22 Caliber Rifle to the CI on April 11, 2011

9. On or about April 10, 2011, the CI went to BATTAGLIA's residence located on 6th Avenue in Addison, Illinois (the "BATTAGLIA residence")³ with several other Gaylords. While at the BATTAGLIA residence, the CI learned that BATTAGLIA had a .22 caliber bolt action rifle. Specifically, the CI heard someone offer to obtain some shells for BATTAGLIA's rifle.

³ According to LexisNexis Accurint records, Christopher Thonn (aka BATTAGLIA) lived at the residence on 6th Avenue through at least July 2011.

10. On or about April 11, 2011, at approximately 4:14 p.m., the CI made a consensually recorded telephone call to BATTAGLIA⁴ at the direction of ATF Agents. During the call, the CI made arrangements to meet with BATTAGLIA at approximately 6:00 p.m. at the BATTAGLIA residence. At the direction of ATF agents, the CI intended to meet with BATTAGLIA and offer to purchase BATTAGLIA's .22 caliber rifle.

11. Prior to the CI's meeting with BATTAGLIA, at approximately 5:00 p.m., ATF agents met with the CI in an area near the BATTAGLIA residence. An agent searched the CI for money and contraband, with negative results. The agents then provided the CI \$500 in ATF pre-recorded funds and outfitted the CI with disguised audio and video recording devices and a transmitter.

12. At approximately 5:30 p.m., ATF agents activated the recording devices. An ATF agent then drove the CI to the BATTAGLIA residence. The

⁴ The identification of BATTAGLIA and BATTAGLIA's voice in this affidavit is based in part on the following: The CI identified an Illinois driver license photo of BATTAGLIA. Agents compared the photograph of BATTAGLIA to the individual they saw on the audio/video recordings taken by the CI at the BATTAGLIA residence on April 11, 2011, as well as the person surveillance agents observed at the BATTAGLIA residence on April 11, and confirmed that the individual was BATTAGLIA. Agents also listened to the April 10, 2011 phone call between the CI and BATTAGLIA, during which BATTAGLIA responded to the name "Chris."

agent observed the CI get out of the car and approach the BATTAGLIA residence. ATF agents set up surveillance around the area.

- a. As reflected in the audio/video recording, after arriving at the BATTAGLIA residence, the CI knocked on the door but no one responded. The CI then placed a consensually recorded telephone call to BATTAGLIA and left a voicemail message stating that the CI was outside. Several minutes later, an individual, Individual A, arrived and invited the CI inside of the BATTAGLIA residence. The CI waited with Individual A inside of the BATTAGLIA residence for BATTAGLIA to arrive.⁵
- b. As reflected in the audio/video recording, BATTAGLIA later arrived at the BATTAGLIA residence. The CI and BATTAGLIA spoke outside of the BATTAGLIA residence. BATTAGLIA was wearing an Addison Gaylords t-shirt. During the conversation, the CI asked BATTAGLIA, “Hey, speaking of long, the .22 [caliber rifle], is that a Nation [gun belonging to the Gaylords] or is that your personal

⁵ While waiting for BATTAGLIA to arrive, the CI smoked marijuana with Individual A. After reviewing the audio and video recordings, ATF agents asked the CI if s/he had committed any illegal activity during he controlled buy. The CI admitted that s/he smoked a marijuana cigarette while waiting for BATTAGLIA to arrive. The CI explained that s/he hit the marijuana in the crotch area of his/her body so that agents would not find it when searching the CI prior to the operation. Agents admonished the CI regarding his conduct.

[rifle]?” BATTAGLIA stated, “mine.” The CI again asked, “yours?” BATTAGLIA stated, “yeah, it’s, uh, fucking old man, old fucking, loaded fucking, it’s got a firing problem.” The CI asked, “It [the rifle] works though?” BATTAGLIA stated, “Uh huh. Running out of bullets. It’s a fucking bolt action [rifle]. There’s a spot for the [ammunition] clip, you can get a clip for it, I just don’t have it.” The CI stated, “clips are a dime a dozen.”

- c. As reflected in the audio/video recording, the CI offered to give BATAGALIA “four bills” [\$400] for the .22 caliber rifle. BATTAGLIA agreed. BATTAGLIA stated, “it’s [the rifle’s] only worth like a hundred [\$100].” The CI stated, “well consider this me just being an awful good Gaylord.” BATTAGLIA stated, “right, that sounds good, buddy.”
- d. As reflected in the audio/video recording, the CI asked if BATTAGLIA had “something to wrap it [the rifle] up in, like a bag or something.” BATTAGLIA stated, “I got it [the rifle] in my guitar case.” The CI asked, “is that guitar case memorable to you, or, uh, sentimental to you?” BATTAGLIA stated, “yeah.” The CI stated, “I can’t just walk out with it [the rifle] like that, brother.” BATTAGLIA stated, “I know.” The CI counted out \$400 for

BATTAGLIA while standing in the doorway of the BATTAGLIA residence. BATTAGLIA then stated, “you know what, dude, you can take the guitar case . . . try and bring it back.” The CI stated, “that sounds better if you ain’t got nothing cause I just [can’t walk out with the rifle], you know what I’m saying?” BATTAGLIA replied, “yeah, I mean, and wrap it [the rifle] up with a towel.”

- e. As reflected in the audio/video recording, BATTAGLIA asked, “you want the fucking rest of the [rifle] shells I got too, or what?” The CI replied, “How many you got, I mean, you ain’t gonna need ‘em [the rifle shells] right?” BATTAGLIA stated, “No, I won’t, I won’t need them [the rifle shells] now, if you’re taking it [buying the rifle]. There’s not a lot, there’s probably maybe twenty [rifle shells].” The CI stated, “Shells are a dime a dozen, dude. Twenty shells cool, I can have a little fun with it.” BATTAGLIA stated, “Yeah I shoot out here all the time and it [the rifle] ain’t fucking loud or nothing.”
- f. As reflected in the audio recording,⁶ the CI and BATTAGLIA entered the BATTAGLIA residence. The CI stated, “I’ll return the guitar case, brother, no problem.” BATTAGLIA stated, “yeah, well,

⁶ At this point, the audio/video recording device stopped recording. ATF agents later determined that the device had run out of batteries. The remainder of the conversation was captured on a separate, audio recording device.

it's, I wouldn't care about it." The CI stated, "you said about twenty [rifle] shells, you got. I know I got some, but you maybe need 'em [rifle shells]." According to the CI, BATTAGLIA and the CI walked into BATTAGLIA's bedroom. BATTAGLIA gave the CI a plastic bag containing rifle shells. As reflected in the audio recording device, BATTAGLIA stated, "there's a lot less than that [twenty rifle shells], man." The CI replied, "don't worry about it. Like I said, I got boxes [of rifle shells], and [rifle shells are] a dime a dozen." BATTAGLIA stated, "yeah, those [rifle shells] are cheap." The CI stated, "get your case." BATTAGLIA stated, "yeah, well it's a fucking dime bag [inexpensive], uh, guitar." The CI stated, "alright, brother, thank you." BATTAGLIA replied, "Yeah, thank you man."

- g. As reflected in the audio recording, shortly thereafter, the CI left the BATTAGLIA residence. At approximately 6:52 p.m., an ATF agent spoke to the CI, who advised that the sale of the rifle was completed.

13. At approximately 7:00 p.m., an ATF agent arrived at the BATTAGLIA residence. Upon arrival, the agent observed the CI and BATTAGLIA standing on the back patio area of the BATTAGLIA residence. The agent then parked in front of the BATTAGLIA residence. Shortly thereafter, the

agent observed the CI exit the BATTAGLIA residence carrying a green camouflage soft guitar case bag. The CI then entered the ATF agent's vehicle, and placed the green camouflage guitar case in the back seat.

14. The agents drove the CI to a remote location. Upon arrival, ATF agents recovered the audio and video recording devices from the CI, and searched the CI for contraband, with negative results. Agents also retrieved the guitar case from the back seat. Upon inspection, agents found that the guitar case contained a J. Stevens Arms Comp., Model 56, .22 caliber bolt action rifle. The rifle did not have a serial number.

15. According to an ATF agent who conducted an interstate nexus analysis, the J. Stevens Arms Comp., Model 56, .22 caliber bolt action rifle, without a serial number, was not manufactured within the state of Illinois.

III. Conclusion

16. Based on the foregoing, I believe there is probable cause that Christopher BATTAGLIA, also known as “Christopher Thonn,” having been previously 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 J. Stevens Arms Comp., Model 56, .22 caliber bolt action rifle, without a serial number, which firearm had traveled in interstate commerce prior to defendant’s possession of the firearm, in violation of Title 18, United States Code, Section 922(g)(1).

FURTHER AFFIANT SAYETH NOT.

LARISSA K. BACCUS
Special Agent, Bureau of Alcohol,
Tobacco, Firearms, & Explosives

Subscribed and sworn before me on August 22, 2011.

MARIA VALDEZ
United States Magistrate Judge