

The Honorable Brian A. Tsuchida

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

CHRISTOPHER TOLLIVER

Defendant.

No. MJ20-177
COMPLAINT for VIOLATION
18 U.S.C. §§ 922(g)(1) and 924(a)(2)

BEFORE the Honorable Brian A. Tsuchida, United States Chief Magistrate Judge,
United States District Courthouse, Seattle, Washington.

The undersigned complainant being duly sworn states:

COUNT ONE
(Felon in Possession of a Firearm)

On or about April 7, 2020, in Seattle, Washington, in the Western District of
Washington, CHRISTOPHER TOLLIVER, knowing that he had been convicted of the
following crime, punishable by imprisonment for a term exceeding one year:

Manslaughter in the Second Degree, in King County Superior Court, Washington,
under cause number 00-1-10866-1, on or about October 26, 2001,

did knowingly possess a firearm—that is, one Springfield Arms Company Model 5000 20
gauge shotgun bearing serial number 643737—said firearm having been shipped and
transported in interstate commerce.

1 In violation of Title 18, United States Code, Sections 922(g)(1) and 924(a)(2)

2 The undersigned complainant, Gregory Heller, being first duly sworn on oath,
3 hereby further deposes and states:

4 **TRAINING AND EXPERIENCE**

5 1. I am a Special Agent duly sworn and employed by the U.S. Department of
6 Justice, Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF). I am currently
7 assigned to the Seattle V Field Office, located within the Seattle, Washington, Field
8 Division. I have been a special agent since September 2014. Prior to this time, I was a
9 police officer and detective for Gwinnett County, Georgia, from 2007 to 2014. In total, I
10 have approximately 12 years of state and federal law enforcement experience.

11 2. I am a graduate of Duke University in Durham, North Carolina, where I
12 received a Bachelor of Science in Engineering (B.S.E.) in Civil Engineering. I completed
13 a 12-week Criminal Investigator Training Program (CITP) and a 14-week Special Agent
14 Basic Training (SABT) at the ATF National Academy/Federal Law Enforcement Training
15 Center (FLETC) in Glynco, Georgia. I also completed a 23-week Gwinnett County Police
16 Training Academy, and was a Peace Officer Standards and Training (P.O.S.T.)-certified
17 peace officer in the State of Georgia.

18 3. I am responsible for investigations involving certain unlawful activities,
19 including violent crimes involving firearms, which occur in the Western District of
20 Washington. I am also responsible for enforcing federal firearms and explosives laws and
21 related statutes in the Western District of Washington. I received training on the proper
22 investigative techniques for these offenses, including the identification of firearms and
23 location of the firearms' manufacture. I have actively participated in investigations of
24 crimes against persons, crimes against property, narcotics-related crimes, and crimes
25 involving the possession, use, theft, or transfer of firearms. As part of these investigations,
26 I have participated in the execution of search warrants, and the seizure of evidence
27 pertaining to the commission of such crimes. As a law enforcement officer, I have testified
28

1 under oath, presented sworn applications for search and arrest warrants, and obtained
2 electronic monitoring orders.

3 4. I make this Affidavit based on personal knowledge derived from my
4 participation in this investigation, my training and experience as a special agent, and
5 information gained from, but not limited to: (1) investigation conducted by other law
6 enforcement personnel, whose findings and observations have been reported to me either
7 directly or indirectly; (2) statements of witnesses; (3) business and public records; and (4)
8 law enforcement database inquiries.

9 5. Except as otherwise noted, law enforcement officers have provided me with
10 the information set forth in this Affidavit, either directly or indirectly, including
11 information about statements made by the individuals referenced herein. I have recounted
12 such statements in sum and substance, not verbatim, unless otherwise indicated.

13 6. Because this Affidavit is offered for the limited purpose of establishing
14 probable cause that CHRISTOPHER TOLLIVER committed the offense of Felon in
15 Possession of a Firearm, it does not contain all of the information that law enforcement
16 possesses relative to this investigation. Dates and times provided herein are approximate.

17 **INVESTIGATION AND PROBABLE CAUSE**

18 7. On April 7, 2020, SPD officers were dispatched to the area of 9755
19 Woodlawn Avenue North in Seattle, Washington, in the Western District of Washington,
20 for a reported disturbance. The dispatch information indicated a male subject, initially
21 described as a Hispanic or white male with long hair, had exited a vehicle and swung a bat
22 at another male who was on a scooter. Dispatch information initially described the male
23 on the scooter as a Hispanic male with a shaved head.¹

24 8. At or around the time officers arrived at the scene, dispatchers updated the
25 officers that the male with the bat had purportedly put the bat back into a maroon Chevy
26

27
28 ¹ National Crime Information Center (NCIC) criminal history reports identify the defendant as a
black male and Subject-1 as a white male.

1 Silverado, and that he was driving westbound on North 100th Street. The other individual
2 was last reported walking southbound on Woodlawn Avenue North.

3 9. Officers responding to the scene contacted the subject in the Chevy Silverado
4 (hereinafter, "Subject-1")² at North 100th Street and Interlake Avenue. Subject-1
5 confirmed to officers that he had been involved in a verbal altercation with an individual,
6 later identified as CHRISTOPHER TOLLIVER (hereinafter, "the defendant") because he
7 believed the defendant had—following Subject-1's arrest the prior night—broken into a
8 vehicle, and stolen several bags of Subject-1's property. Subject-1 told officers he was
9 arguing with the defendant because he saw the defendant with one of his (Subject-1's)
10 duffle bags, and he wanted the defendant to tell him where the rest of his property was.
11 Subject-1 stated that he held a bat during this confrontation with the defendant because he
12 knew the defendant to carry a sawed-off shotgun. Subject-1 further stated that he believed
13 the defendant would still have the firearm in his possession, if he still had the bags.

14 10. A second group of officers responded to the scene, and observed an
15 individual—subsequently identified as the defendant—exit the driveway of 9726
16 Woodlawn Avenue North with a scooter. The defendant then mounted the scooter, and
17 began traveling south on Woodlawn Avenue North. After watching the defendant make a
18 few turns that led them to believe he might be trying to hide, officers stopped him. The
19 defendant identified himself to officers as CHRISTOPHER TOLLIVER, and stated that a
20 male he knew by first name³ was alleging the defendant had prowled his vehicle earlier.
21 The defendant also admitted he had an active arrest warrant. Officers placed the defendant
22 under arrest.

23 11. While the officers stood by with the defendant, an officer with Subject-1
24 notified them by radio that the defendant had potentially possessed bags containing a
25

26 ² Subject-1's criminal history includes convictions for felony crimes against persons, crimes against
27 property, and narcotics-related offenses.

28 ³ The defendant provided the correct first name for Subject-1.
AFFIDAVIT OF GREGORY HELLER - 4
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1 shotgun. The officers thereafter returned to 9726 Woodlawn Avenue North, where they
2 observed a DeWalt construction radio, a drill, and a DeWalt construction bag on the north
3 side of the driveway. Behind a nearby recycling bin, the officers also found a black
4 backpack. Inside the backpack, officers found a Springfield Arms Company Model 5000
5 20 gauge shotgun bearing serial number 643737. The shotgun was loaded with two shells.

6 12. Following the discovery of these items, officers spoke with a construction
7 worker who informed them that he had walked along the driveway about 30 minutes earlier.
8 According to the construction worker, he had not seen the DeWalt items there at that time.

9 13. Officers also spoke with two eyewitnesses who had observed the initial
10 disturbance. One eyewitness stated that he/she saw one of the two individuals—identified
11 by officers as the defendant—leave the scene of the confrontation with several bags,
12 including yellow tool bags he/she believed were DeWalt products. A second eyewitness
13 stated he/she had also observed the defendant with numerous bags at the time of the
14 incident, including DeWalt tool bags, and a black backpack. Officers transported this
15 witness to the location where officers had detained the defendant, and the witness
16 expressed certainty that the defendant was the same person he/she saw leaving the scene
17 of the disturbance with the bags.

18 14. Following his arrest, officers advised the defendant of his *Miranda* rights,
19 and transported him to SPD's North Precinct. At the precinct, the defendant told an officer
20 his fingerprints would "probably" be on the shotgun, and later admitted to officers he had
21 stolen the shotgun from a drug dealer.

22 15. From my review of court records, I am aware that, on or about October 26,
23 2001, in King County Superior Court, Washington, under cause number 00-1-10866-1, the
24 defendant was convicted of Manslaughter in the Second Degree, in violation of RCW
25 9A.32.070, and sentenced to a term of imprisonment of 120 months. According to the
26 defendant's National Crime Information Center criminal history report, the court later
27 modified this sentence to 90 months' imprisonment.
28

16. I submitted the description of the firearm provided to me by SPD—that is, a Springfield Arms Company Model 5000 20 gauge shotgun with serial number 643737—to ATF Special Agent Catherine Cole. Special Agent Cole is an Interstate Nexus Expert, and has additional training in determining the location of a particular firearm's manufacture. Based on her training and experience, Special Agent Cole knows that a Springfield Model 5000 20 gauge shotgun is a firearm pursuant to Title 18, United States Code, Section 921(a)(3). She is further aware that these firearms are manufactured by Springfield Arms Company, or by Stevens Arms on behalf of the Springfield Arms Company, and that neither company manufactures firearms in the State of Washington. Consequently, I submit there is probable cause to believe that the firearm possessed by the defendant, as described by SPD, traveled in interstate commerce from its point of manufacture into Washington.

CONCLUSION

17. Based on the aforementioned facts, there is probable cause to believe that CHRISTOPHER TOLLIVER committed the crime of Felon in Possession of a Firearm in violation of Title 18, United States Code, Sections 922(g)(1) and 924(a)(2).



Digitally signed by GREGORY
HELLER
Date: 2020.04.15 14:02:09 -07'00'

Gregory Heller, Special Agent
Bureau of Alcohol, Tobacco, Firearms, and Explosives

On this date, the above-named agent provided a sworn statement pursuant to CrimRule 4.1 attesting to the truth of the contents of the foregoing Affidavit, and based on the sworn Complaint and Affidavit, the Court hereby finds that there is probable cause to believe the defendant CHRISTOPHER TOLLIVER committed the offense set forth in the Complaint.

DATED this 16 day of April, 2020.



The Honorable Brian A. Tsuchida
United States Chief Magistrate Judge