

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

UNITED STATES OF AMERICA

v.

ROMEO HOLLOWAY

CASE NUMBER: **20 CR 381****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 July 21, 2020, at Chicago, Illinois, in the Northern District of Illinois, Eastern Division, the defendant(s) violated:

*Code Section**Offense Description*Title 18, United States Code, Section
922(g)(1)

possession of a firearm by a convicted felon

This criminal complaint is based upon these facts:

X Continued on the attached sheet.

/s/ Christopher J. Labno (JLH w/ consent)

CHRISTOPHER J. LABNO

Special Agent, Bureau of Alcohol, Tobacco,
Firearms & Explosives (ATF)

Pursuant to Fed. R. Crim. P. 4.1, this complaint is presented by reliable electronic means. The above-named agent provided a sworn statement attesting to the truth of the foregoing affidavit by telephone.

Date: July 22, 2020

Judge's signature

City and state: Chicago, Illinois

BETH W. JANTZ, U.S. Magistrate Judge

Printed name and title

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS

AFFIDAVIT

I, CHRISTOPHER J. LABNO, 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 2001. I am currently assigned to the Chicago Field Office, Organized Crime Drug Enforcement Task Force—Chicago I Enforcement Group. My responsibilities include the investigation of violations of law as they relate to federal firearms offenses, including the unlawful possession of firearms or ammunition by convicted felons, firearms trafficking, violent crime, and narcotics trafficking.

2. This affidavit is submitted in support of a criminal complaint alleging that ROMEO HOLLOWAY has violated Title 18, United States Code, Section 922(g)(1).

3. The facts set forth in this affidavit are based on my personal knowledge, my training and experience, and information provided to me by various law enforcement personnel and witnesses. Because this affidavit is being submitted for the limited purpose of establishing probable cause in support of a criminal complaint charging HOLLOWAY with possession of a firearm by a convicted felon, I have not included each and every fact known to me concerning 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.

I. FACTS SUPPORTING PROBABLE CAUSE

A. HOLLOWAY's Possession of the Firearm

4. On the evening of July 21, 2020, two ATF agents and a Chicago Police Department ("CPD) Tactical Unit officer were conducting surveillance in an unmarked law enforcement vehicle in the 2700 block of West Flournoy Street in Chicago Illinois. This area is on the west side of the City of Chicago, and located within the Chicago Police Department's 11th District, which has recently been a neighborhood with a high number of firearm crimes, including shootings and homicides.

5. At approximately 7:00 p.m. on July 21, 2020, the ATF agents and the CPD Tactical Unit officer (collectively referred to as "law enforcement") were driving eastbound on Flournoy Street. As law enforcement passed a house located at 2718 West Flournoy Street, they noticed an individual wearing a white colored shirt and black skinny jeans walking towards a blue Nissan sedan at the above listed address. The CPD Officer recognized this man as HOLLOWAY. Based on his experience working in this area of the city, the CPD Tactical Unit Officer knew that HOLLOWAY was a convicted felon who was on parole. Law enforcement also noticed that HOLLOWAY appeared to be moving his hands around his waistband which, based upon the training and experience of the agents, was consistent with someone who was trying to conceal a handgun.

6. At this point, law enforcement stopped the unmarked vehicle and exited approximately 15 feet from HOLLOWAY. HOLLOWAY looked up, saw law

enforcement, moved his hands to his waistband, pushed what appeared to be a pistol grip of a handgun down his pants and threw a small object to the ground.

7. Law enforcement announced themselves as “police” and told HOLLOWAY, “show me your hands!” At that point, the CPD Tactical Unit Officer placed HOLLOWAY in handcuffs. An ATF agent noticed a car key fob with a Nissan symbol in the gutter at HOLLOWAY’s feet. The CPD Tactical Unit Officer and an ATF agent then conducted a protective pat-down search of HOLLOWAY and felt a large bulge in HOLLOWAY’s pants. The ATF agent then removed a green and black Springfield Armory XD9, 9mm semi-automatic pistol, bearing serial number MG400227, loaded with (10) rounds of live 9mm ammunition from a tear in HOLLOWAY’s jeans. Below is a picture of the firearm that was recovered from this pat-down search of HOLLOWAY; the loaded magazine and a bullet that was in the chamber of the firearm; and the car key fob that HOLLOWAY threw to the ground when he saw law enforcement approaching:



8. HOLLOWAY was then placed under arrest and transported to the Chicago Police Department's 11th District police station. At the police station, law enforcement read HOLLOWAY his *Miranda* rights, which he acknowledged, and interviewed HOLLOWAY. This interview was recorded. During the interview, HOLLOWAY stated that he was previously convicted of a felony drug charge and was currently on parole. HOLLOWAY stated that he understood that, as a convicted felon, he was not legally able to possess a firearm. HOLLOWAY also stated that just prior to his arrest, he was handed the firearm by Individual A, a friend of HOLLOWAY's.

B. HOLLOWAY's Criminal History

9. According to HOLLOWAY's criminal history records, on or about November 1, 2017, HOLLOWAY was convicted of Manufacture and Delivery of a Controlled Substance (case number 17CR0350501) in the Circuit Court of Cook County, Illinois, and sentenced to six years' imprisonment. According to the Illinois Department of Corrections' website, on or about June 13, 2019, HOLLOWAY was released from IDOC custody and HOLLOWAY has a projected discharge date of April 16, 2021.

C. Interstate Nexus

10. I have received extensive training regarding the manufacture and origin of firearms. Based upon my training and experience, I know that the Gun Control Act of 1968 requires firearm manufacturers and importers to mark the frame or receiver of a firearm with a country of origin if the firearm is not manufactured in the United

States and a city and state of the licensed importer that imported the firearm. An examination of the above described firearm revealed that the markings “Made in Croatia,” “Springfield Inc,” and “Geneseo, IL” were engraved on the frame. In addition, based upon my training and experience, I know that Springfield Armory does not manufacture the XD9 model in the state of Illinois, but imports this firearm from Croatia. Thus, the firearm was manufactured outside the state of Illinois and traveled in interstate and foreign commerce prior to HOLLOWAY’s possession of the firearm.

II. CONCLUSION

11. For all the reasons described above, there is probable cause to believe that HOLLOWAY, knowing that he had been 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 loaded Glock, Model 20, 10mm semi-automatic pistol, bearing serial number BDMW734, which firearm traveled in interstate commerce prior to HOLLOWAY's possession of the firearm, in violation of Title 18, United States Code, Section 922(g)(1).

FURTHER AFFIANT SAYETH NOT.

/s/ Christopher J. Labno (JLH w/ consent)

CHRISTOPHER J. LABNO

Special Agent, Bureau of Alcohol, Tobacco,
Firearms & Explosives

SUBSCRIBED AND SWORN to by telephone or reliable electronic means this 22nd day of July, 2020.

Honorable BETH W. JANTZ
United States Magistrate Judge