

**United States District Court**  
for the  
NORTHERN DISTRICT OF INDIANA

UNITED STATES OF AMERICA

v.

Case No. 2:20-mj-143

DARRYL IVERY JR.

**UNDER SEAL**

**CRIMINAL COMPLAINT BY TELEPHONE OR  
OTHER RELIABLE ELECTRONIC MEANS**

I, the complainant in this case, state that the following is true to the best of my knowledge and belief. On or about the date(s) of January 7, 2019, February 18, 2020, March 3, 2020, March 13, 2020, March 31, 2020, April 19, 2020, April 30, 2020, May 13, 2020, June 6, 2020, June 10, 2020, June 17, 2020, June 19, 2020, July 6, 2020, July 7, 2020, July 13, 2020, July 23, 2020, and August 10, 2020, in the county of Lake in the Northern District of Indiana, the defendant(s) violated:

*Code Section*

18 U.S.C. § 922(a)(6)

*Offense Description*

Making a Material False Statement in the Acquisition of a Firearm

This criminal complaint is based on these facts:

See attached affidavit.

X Continued on the attached sheet.

William Engle

Complainant's signature  
Special Agent, William Engle  
Bureau of Alcohol, Tobacco, Firearms and Explosives

Attested to by the applicant in accordance with the requirement of Fed. R. Crim. P. 4.1 by email transmission and telephonic confirmation.

August 26, 2020  
Date

Hammond, Indiana  
City and State

s/John E. Martin  
Judge's Signature

John E Martin, U.S. Magistrate Judge  
Name and Title of Judicial Officer



**AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT**

William Engle, Special Agent, Bureau of Alcohol, Tobacco, Firearms & Explosives, being sworn, deposes and states the following:

1. I am a Special Agent with the Bureau of Alcohol, Tobacco, Firearms and Explosives (“ATF”) and have been so employed since December of 2018. I am currently assigned to the Chicago Group IV within the Chicago Field Division and have been since July 2019. My responsibilities include, but are not limited to, the investigation of Federal firearms and narcotics trafficking and firearm and narcotics offenses, particularly those committed by criminal street gangs. I have received special training in the enforcement of laws concerning firearms trafficking, narcotics trafficking and gang activity. I have also been involved in various types of electronic surveillance, search warrants and debriefing of defendants, witnesses, and informants, as well as others who have knowledge of the trafficking of firearms and narcotics. As part of my current assignment, I have investigated criminal violations of the Gun Control Act to include Title 18, United States Code, Sections 922 and 924.

2. Your affiant states the facts which establish the probable cause necessary for issuance of the criminal complaint are either

personally known to me or have been told to me directly by other law enforcement officers with whom I have worked with on this case.

**FACTS ESTABLISHING PROBABLE CAUSE**

3. As a member of the ATF, I have been assigned to Operation Legend, a federal investigation targeting violations of federal firearms laws in Chicago and the Chicagoland area. I, and my group, have been tasked with the investigation into persons who lie on ATF Form 4473 about their status as legal purchasers of firearms. In the course of that investigation, a person identified as DARRYL IVERY JR. became a person of interest based on a large number of firearms that he had purchased, and some of those firearms being recovered by law enforcement.

4. During the course of the investigation, it became apparent that DARRYL IVERY JR. purchased a minimum of twenty-six (26) firearms from January 7, 2019 to August 10, 2020, from Cabela's, located in Hammond, Indiana, Deb's Gun Range, located in Hammond, Indiana, and Westforth Sports, Inc., located in Gary, Indiana, all of which are Federal Firearm Licensed (FFL) gun dealers. Seven of these firearms have been recovered by various law enforcement agencies. They include one recovered by law enforcement in Chicago, Illinois, 448 days after being purchased; one recovered by law enforcement in

Chicago, Illinois, 27 days after being purchased; one recovered by law enforcement at the scene of a shooting in Chicago, Illinois, 22 days after being purchased; one recovered by law enforcement in Chicago, Illinois, 12 days after being purchased; one recovered by law enforcement in Chicago, Illinois, 83 days after being purchased; one recovered by law enforcement in Midlothian, Illinois, 5 days after being purchased; one recovered by law enforcement in Chicago, Illinois 12 days after being purchased.

5. A review of all ATF Form 4473 involving purchases made by DARRYL IVERY JR. revealed that IVERY made the following purchases on the corresponding dates and locations:

<u>Date of Purchase</u>	<u>Location</u>	<u>City</u>	<u>Make</u>	<u>Model</u>	<u>Caliber</u>
01/07/2019	Cabela's	Hammond, IN	S & W	SD9VE	9mm
02/18/2020	Westforth	Gary, IN	Jimenez	IA	.380
02/18/2020	Westforth	Gary, IN	SCCY	CPX-1	9mm
03/03/2020	Westforth	Gary, IN	Jimenez	JA	9mm
03/03/2020	Westforth	Gary, IN	S & W	SD40	40
03/13/2020	Westforth	Gary, IN	Glock	27	40
03/13/2020	Westforth	Gary, IN	Glock	er	40
03/31/2020	Westforth	Gary, IN	S & W	M&P	40
04/19/2020	Cabela's	Hammond, IN	Glock	26	9mm
04/30/2020	Westforth	Gary, IN	Glock	43	9mm
04/30/2020	Westforth	Gary, IN	Glock	22	40
05/13/2020	Westforth	Gary, IN	Century Arms	Micro Draco	7.62x.39
06/06/2020	Westforth	Gary, IN	Glock	17	9mm
06/10/2020	Deb's	Hammond, IN	Glock	22	40
06/10/2020	Deb's	Hammond, IN	Glock	48	9mm
06/10/2020	Westforth	Gary, IN	S & W	SD9VE	9mm
06/17/2020	Westforth	Gary, IN	Pioneer Arms	Hellpup	7.62x.39

06/19/2020	Cabela's	Hammond, IN	Taurus	PT111 G2	9mm
06/19/2020	Cabela's	Hammond, IN	Taurus	PT111 G2	9mm
06/19/2020	Cabela's	Hammond, IN	HS Produkt	XD45	.45
07/06/2020	Westforth	Gary, IN	Glock	30	.45
07/07/2020	Westforth	Gary, IN	Glock	43x	9mm
07/13/2020	Westforth	Gary, IN	FN	509T	9mm
07/23/2020	Westforth	Gary, IN	Shadow	MR920	SSCO11797
07/23/2020	Westforth	Gary, IN	Springfield	XDM	.45
08/10/2020	Westforth	Gary, IN	Ruger	57	5.7x.28

6. For each of the aforementioned firearm purchases, on the ATF Form 4473 question 11(a) asks “Are you the actual transferee/buyer of the firearm(s) listed on this form?” to which DARRYL IVERY JR. answered “Yes” on every ATF Form 4473.

7. On August 19, 2020, ATF Special Agents William Engle, Brian Graves, and Grady Murdock interviewed DARRYL IVERY JR. in Calumet City, Illinois. When asked about his firearms purchases and recoveries IVERY told law enforcement that with the exception of one (1) firearm all of the firearms that he had purchased had been for individuals he had met and resided in Chicago, Illinois. IVERY told law enforcement that these individuals asked him to buy firearms for them as he could do so easier as a resident of Indiana, and they paid him in cash for every purchase he made.

8. Law enforcement showed DARRYL IVERY JR. copies of the ATF Form 4473 which he completed for the firearm purchases. IVERY acknowledged that it was his signature on the forms, and that he had

been deceitful when answering “Yes” to question 11(a) as he was actually purchasing the firearms for other people.

9. If DARRYL IVERY JR. would have answered truthfully to question number 11(a) on ATF Form 4473 concerning him being the actual transferee/buyer of the firearms, the federally licensed firearms dealers selling the firearms would have denied the transaction by law.

10. This warrant is being considered electronically via telephone or other reliable electronic means, in accordance with Federal Rules of Criminal Procedure 41(d)(3) and 4.1. Furthermore, this affidavit has been electronically transmitted verbatim to the judge.

### **CONCLUSION**

11. Based upon the information contained in this Affidavit, probable cause to believe that on January 7, 2019, February 18, 2020, March 3, 2020, March 13, 2020, March 31, 2020, April 19, 2020, April 30, 2020, May 13, 2020, June 6, 2020, June 10, 2020, June 17, 2020, June 19, 2020, July 6, 2020, July 7, 2020, July 13, 2020, July 23, 2020, and August 10, 2020, in the Northern District of Indiana, DARRYL

IVERY JR. violated Title 18, United States Code, Section 922(a)(6),  
Making a Material False Statement in the Acquisition of a Firearm.

FURTHER AFFIANT SAYETH NAUGHT.

*William Engle*

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William Engle  
SPECIAL AGENT BUREAU OF ALCOHOL,  
TOBACCO, FIREARMS AND EXPLOSIVES

This affidavit and accompanying warrant have been transmitted to me electronically and the affiant has verbally attested to the truth and accuracy of the contents via telephone this 26<sup>th</sup> day of August, 2020.

s/John E. Martin

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HONORABLE JOHN E. MARTIN  
UNITED STATES MAGISTRATE  
JUDGE

