

UNITED STATES DISTRICT COURT

for the

Northern District of Ohio**FILED**

4:58 pm June 22 2020

Clerk U.S. District Court

Northern District of Ohio

Cleveland

United States of America

v.

Antwan Bohanon

Case No.

1:20 MJ 9163

Defendant(s)**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 the date(s) of January 2020 through June 2020 in the county of Cuyahoga in the
Northern District of Ohio, Eastern Division, the defendant(s) violated:*Code Section*

18 U.S.C. § 922(a)(1)(A)

*Offense Description*Engaging in the Business of Importing, Manufacturing, or Dealing in Firearms
without a Federal Firearms License

This criminal complaint is based on these facts:

See attachment

☒ Continued on the attached sheet.

Complainant's signature

ATF SA Gerrod Briggs

Printed name and title

Sworn to via telephone after submission by reliable
electronic means. Fed. R. Crim. P. 3. 4(d) and 4.1.Date: 06/22/2020City and state: Cleveland, Ohio

Judge's signature

Magistrate Judge William H. Baughman, Jr.

Printed name and title

AFFIDAVIT

I, Gerrod L. Briggs, Special Agent of the Bureau of Alcohol, Tobacco, Firearms and Explosives, United States Department of Justice, being first duly sworn, hereby depose and state as follows:

INTRODUCTION AND AGENT BACKGROUND

1. I am a Special Agent (SA) of the United States Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), and have been so employed since March 2015. I was previously employed as an Explosive Ordnance Disposal Technician in the United States Army beginning in November 2010. I have attended formal training in the United States Naval School for Explosive Ordnance Disposal, the Federal Law Enforcement Training Center, and the ATF National Academy in Glynco, Georgia. I have received training in the enforcement of the various criminal statutes enacted in the Gun Control Act of 1968 and in the National Firearms Act of 1934. I am presently assigned as a Special Agent for the ATF Columbus Field Division's Cleveland Group II. As an ATF SA, I have participated in numerous federal and state investigations involving the sale, possession, and trafficking of firearms and controlled substances. Through my participation in these investigations, I have debriefed numerous defendants, confidential informants, cooperating sources, and witnesses with personal knowledge regarding firearms or narcotics trafficking. I have also participated in undercover operations, conducted physical and electronic surveillance, managed informants and cooperating sources, seized evidence and contraband, executed search warrants, and arrested defendants. I have also been trained as a Firearms Interstate Nexus Expert by ATF.

PURPOSE OF AFFIDAVIT

2. The facts in this affidavit come from my personal observations, my training and experience, and information obtained from other agents and witnesses. This affidavit is intended to show merely that there is sufficient probable cause for the requested warrant and does not set forth all of my knowledge about this matter.

3. Based on my training and experience and the facts as set forth in this affidavit, there is probable cause to believe that violations of 18 U.S.C. § 922(a)(1)(A) (Engaging in the Business of Importing, Manufacturing, or Dealing in Firearms without a Federal Firearms License) have been committed by Antwan BOHANON. BOHANON has participated in the illegal sale and trafficking of firearms. BOHANON was served with an ATF Warning Notice for dealing firearms without a license, but continued to buy and sell firearms after receiving that warning notice.

PROBABLE CAUSE

4. On or about March 18, 2020, SA Gerrod Briggs began a preliminary investigation into Antwan BOHANON (Black male, DOB: 12/7/1996) after receiving information concerning BOHANON's numerous multiple purchases of handguns.

5. On January 17, 2020, BOHANON purchased two (2) handguns (Multiple Purchase Number: M20200040715) from Ameri-Pawn located at 1455 Mentor Ave, Painesville, Ohio 44077.

6. Between February 6 and February 10, 2020, BOHANON purchased five (5) handguns (Multiple Purchase Number: M20200063958) from Ameri-Pawn located at 1455 Mentor Ave, Painesville, Ohio 44077.

7. On February 21, 2020, BOHANON purchased three (3) handguns (Multiple Purchase Number: M20200088714) from Ameri-Pawn located at 1455 Mentor Ave, Painesville, Ohio 44077.

8. On February 28, 2020, BOHANON purchased two (2) handguns (Multiple Purchase Number: M20200099219) from Atwells Police and Fire Equipment Co. Inc. located at 207 Chestnut St., Painesville, Ohio 44077.

9. On March 2, 2020, BOHANON purchased three (3) handguns (Multiple Purchase Number: M20200103657) from Excalibur Outdoors LLC at the Wooster Gun Show at the Wayne County, Ohio, Fairgrounds.

10. Between March 10 and March 27, 2020, BOHANON purchased seventeen (17) handguns (Multiple Purchase Number: M20200123361) from Atwells Police and Fire Equipment Co. Inc. located at 207 Chestnut St., Painesville, Ohio 44077.

11. Cleveland Police Department (CPD) Gang Impact Unit (GIU) Detective Alex Gumucio stated, on or about March 6, 2020, he observed numerous pictures of firearms for sale on the social media platform *Instagram*, under the username Fatmann129, identified as BOHANON. Det. Gumucio sent SA Briggs screenshots of multiple firearms for sale on Fatmann129's profile. BOHANON posted a photograph of a Taurus semi-automatic pistol with a caption of "350\$ Come Get It." BOHANON also posted a photograph with three (3) pistols; a Glock Model 27 semi-automatic pistol with an extended magazine, a Taurus revolver, and a Beretta semi-automatic pistol. BOHANON posted a photograph of three (3) Taurus handguns, all the same model but different colors. The post had a caption stating "350 a piece flavors for my broke niggas." A short time later BOHANON posted the same photograph but with the caption, "SOLD." BOHANON

also posted a photograph of another Taurus firearm for sale priced a \$350.00. Another post made by BOHANON advertised a Glock pistol with the caption “GLOCK 23 550.”

12. On or about March 22, 2020, BOHANON posted a photograph on *Instagram* of a FN Herstal, Model Five-Seven with the caption of “Yup.” The FN Herstal Five-Seven was pictured in a case with two magazines.

13. On or about March 27, 2020, BOHANON posted a photograph of another Taurus semi-automatic pistol in a box with an extra magazine.

14. On March 29, 2020, SA Briggs observed a photograph on *Instagram* with two (2) Glock semi-automatic pistols and a Springfield semi-automatic pistol with the caption “Flavors In.”

15. On March 30, 2020, BOHANON posted a photograph on *Instagram* with what appears to be two (2) Glock semi-automatic pistols (green/black in color) in the cup holder of the vehicle he was driving.

16. On March 31, 2020, BOHANON posted a photograph on *Instagram* with a Glock Model 42 equipped with a laser.

17. On April 1, 2020, BOHANON posted a photograph on *Instagram* with two (2) Glock semi-automatic pistols, one with an extended magazine. Later on this same date, BOHANON posts another photograph with the same two (2) Glock semi-automatic pistols with captions of “650” on each firearm as well as what appears to be a Smith and Wesson semi-automatic pistol with a caption of “500 come get.” Also on this date, BOHANON posts a photograph stating, “Got something for 450 where y’all at?”

18. On April 3, 2020, BOHANON posted a photograph of what appears to be a tan in color, Taurus semi-automatic pistol on his lap.

19. On April 8, 2020, BOHANON posted a photograph of another FN Herstal Five-Seven, new in the box, with two extra magazines.

20. SA Briggs queried ATF Etrace and found one prior trace (Trace #20190320914). The firearm traced was a Glock Model 22 (Serial No. HHB847) recovered by CPD on September 10, 2019. The firearm was purchased by BOHANON on February 16, 2018, from Panther Firearms, with a 'time to crime' of 571 days, meaning it was recovered 571 days after purchase and reported to have been involved in a crime.

21. On April 9, 2020, SA Briggs and TFO McNeeley attempted to interview BOHANON at his listed residence of 470 E. 129th St., Cleveland, OH. SA Briggs and TFO McNeeley were unable to make contact with anyone at the residence. Later that day, SA Briggs attempted to contact BOHANON via a cell phone number retrieved from a Law Enforcement Database with no answer but SA Briggs left a voice message.

22. Over the next few days, BOHANON told SA Briggs he was attempting to go to the ATF Office to speak with him but his work schedule did not allow him to make it during the agreed upon times.

23. On April 10, 2020, SA Briggs attempted to call BOHANON via the same cell phone number with no answer but BOHANON returned the call a few minutes later. SA Briggs told BOHANON he would like to speak to him about his recent firearms purchases. BOHANON stated he would attempt to come to the ATF Cleveland Group II Field Office the following day to speak to SA Briggs.

24. On April 12, 2020, BOHANON posted a video to his *Instagram* of himself driving on what appeared to be Interstate 90 in Cleveland, Ohio. During this video he showed himself passing by a police officer in a marked CPD car and shortly after

BOHANON retrieved a Glock semiautomatic pistol with an extended magazine and pointed it around the vehicle and also at his phone. BOHANON continually looked over his shoulder in what appeared to be an attempt to see where the police officer was in relation to his own vehicle.

25. On April 13, 2020, BOHANON posted a video to *Instagram* of himself holding a Taurus semi-automatic pistol and he stated “Brand New, 500.”

26. On April 15, 2020, SA Briggs spoke with BOHANON and both agreed to meet at BOHANON’s residence the following day. On this same date, BOHANON posted a photograph to his *Instagram* of a Glock, Model 19, with a red, white, and blue pattern with a star on the pistol grip. The photograph was captioned “Hey ms mamas.”

27. On April 16, 2020, BOHANON told SA Briggs he was at his child’s mother’s residence located at 19007 Bella Ave., Cleveland, OH. SA Briggs and TFO McNeeley met BOHANON at the residence and conducted an interview. The interview was audio recorded and entered into ATF evidence as item #000001.

28. The following is not intended to be a transcript but a summary of the interview. BOHANON showed SA Briggs receipts of the multiple purchases of handguns he made at Atwell’s Police and Fire Equipment, a Federal Firearms Licensee (FFL). BOHANON stated that he is “fascinated” with firearms. BOHANON stated that he recently began purchasing firearms as well as selling and trading firearms. BOHANON stated he began to slow down his firearms purchases after his two year old son picked up one of the firearms when he wasn’t paying attention. BOHANON stated he began trading and selling guns on Armslist.com following his son touching one of the firearms.

29. SA Briggs served BOHANON with a Warning Notice of Unlicensed Firearms Dealing in Violation of Federal Law. BOHANON read the Warning Notice, stated he understood, and signed the Warning Notice. While reading the Warning Notice, BOHANON inquired about becoming a federal firearm licensee (FFL). SA Briggs informed BOHANON that he needed a license to sell firearms and gave him an application to become an FFL.

30. BOHANON stated that he only planned to possess one firearm in the future so there were no more incidents with his son and that he did not plan to make multiple purchases of firearms in the future.

31. BOHANON stated he purchased a few Taurus pistols that were on sale and were possibly used. BOHANON stated he purchased the Taurus pistols so that his “brothers,” who did not have any of their own firearms, could shoot when they went to the shooting range. BOHANON stated he traded three Taurus firearms on Armslist.com for an AR style pistol. BOHANON asked if it was illegal to buy and sell firearms on Armslist.com to which SA Briggs told him it is not but based off of the number of firearms he purchased it is indicative of an individual dealing firearms without a license.

32. Following the interview, TFO McNeeley reviewed the social media platform, *Instagram* and observed a post on BOHANON’s account which was a photo of a silver/black Glock model 48 pistol and red, white, and blue Glock model 19 pistol.

33. Since being serving with the ATF warning letter on April 16, 2020, BOHANON has continued to display pictures of firearms, often times with prices attached, on his Instagram account almost daily. BOHANON has posted firearms with prices that are much higher than the current market value for these firearms. In my

training and experience, individuals who cannot legitimately purchase firearms frequently pay a much higher price to obtain a firearm.

34. On April 20, 2020, BOHANON posted a photograph advertising a Taurus revolver and a Taurus semi-automatic pistol.

35. On April 23, 2020, BOHANON posted a photograph to his *Instagram* of another FN Herstal Model Five-Seven. This particular firearm had a tan lower receiver and a black slide/barrel.

36. On April 24, 2020, BOHANON posted a photograph to his *Instagram* with three (3) semi-automatic firearms; a Glock Model 17, a Smith and Wesson equipped with a weapon mounted light, and a FN Herstal.

37. On May 1, 2020, BOHANON posted a photograph to his *Instagram* of a Smith and Wesson semi-automatic pistol with the caption of “SW 40 talk.”

38. On May 4, 2020, BOHANON posted a photograph to his *Instagram* of a Smith and Wesson semi-automatic pistol with a caption of “575 if you ain’t got it leave me alone nothing less I will ignore tf out youuuuuuuuuuu.”

39. On May 5, 2020, BOHANON posted a video to his *Instagram* of himself with an AR-style rifle performing military type drill and ceremony movements. The video appears to be inside of BOHANON’s listed residence at 470 E. 129th St.

40. On May 7, 2020, BOHANON posted a photograph to his *Instagram* of a Springfield Model XD-40 pistol equipped with a weapon mounted laser. On his same date, BOHANON posted a video to his *Instagram* of himself pointing the laser around a room. The room that BOHANON was in appeared to be the room that he was interviewed in by SA Briggs and TFO McNeeley. Later, on this same day, account of six (6) firearms

labeled with prices and calibers. The make and models of the firearms, as well as make and model of some of the firearm accessories, was easily seen by your Affiant.

41. On May 8, 2020, CPD GIU Sgt. Alfred Johnson conducted a traffic stop on a vehicle occupied by Xavier Eberhardt and Maurice Walton. Both Eberhardt and Walton were found to be in possession of firearms. The firearms were a Springfield Model XD-40 pistol and a Ruger Model Security-9 pistol, both equipped with weapon mounted lasers. When reviewing social media it appeared that two of the firearms in BOHANON's May 7th post were a Springfield XD-40 pistol and a Ruger Model Security-9 pistol equipped with weapon mounted lasers (specifically the same style and model as those recovered in the traffic stop). Eberhardt and Walton told CPD GIU Sgt. Johnson that they had purchased the firearms on May 7th. Both Eberhardt and Walton are federally prohibited from possessing firearms.

42. On May 9, 2020, BOHANON posted four (4) photographs to his *Instagram* in the following order: a Smith and Wesson Model M&P 9 Shield pistol, a Ruger Model LC9 pistol, a Glock Model 19 pistol, and a Glock sub compact with the caption "Yeah that's a Beam" (meaning weapon mounted laser). These photographs were all posted consecutively.

43. On May 12, 2020, BOHANON posted a photograph to his *Instagram* with two (2) firearms, a Glock Model 19 (tan in color) pistol and a Glock Model 26 pistol. On this same date BOHANON posted a video of himself with the same tan Glock pistol with a large capacity, drum-style magazine. BOHANON could be seen in the video waving and pointing the firearm while he drove.

44. On May 14, 2020, BOHANON posted a photograph to his *Instagram* of what appeared to be three (3) Glock pistols of varying models. BOHANON captioned the photograph stating “They Ready which one y’all want everything 700 a piece.” Later on this same date, BOHANON posted another photograph of a Glock sub-compact pistol on his lap.

45. On May 15, 2020, BOHANON posted multiple videos to his *Instagram*. In one video BOHANON stated “for all my lil 550 niggas for you,” then proceeded to show a Smith and Wesson M&P Shield pistol. BOHANON then showed a Springfield Model XD (unknown caliber) and stated “650” as the price. Lastly, BOHANON showed a Glock Model 22 pistol with an extended magazine for \$700.00.

46. On or about May 17, 2020, ATF Confidential Informant (CI) #27173 began contacting Antwan BOHANON to purchase a firearm. The CI learned from an associate that BOHANON was selling Glock pistols for approximately \$700.00. The CI contacted BOHANON via *Instagram* and asked about purchasing a Glock pistol. BOHANON replied to the CI asking how much he/she was willing to spend and provided a picture of three (3) pistols. The CI stated he/she wanted to purchase the third firearm in the picture but he/she had to wait until he/she received his/her paycheck from work.

47. On May 19, 2020, the CI contacted BOHANON to set up a firearm purchase. BOHANON stated the firearm the CI originally wanted to purchase had been sold. BOHANON then video chatted the CI through *Instagram*. The CI stated that BOHANON told him/her that someone purchased all three (3) of the firearms that were in the picture after he initially talked to the CI. The CI and BOHANON continued to converse through *Instagram* and the CI told BOHANON to let him/her know if he had another one for sale in the future.

48. On May 20, 2020, the CI was contacted by an associate stating BOHANON had another Glock pistol for sale for \$700.00. The CI arranged to have the associate and BOHANON meet him/her at his/her place of work, Chipotle in Mayfield Heights, Ohio.

49. On this same date at approximately 2:53 p.m., SA Gerrod Briggs and SA Janna Penfield met with the CI at Chipotle, 6717 Eastgate Dr., Mayfield Heights, Ohio. SA Briggs searched the CI and found him/her to be free of contraband. The CI was provided with \$1000.00 in US Currency for the transaction. Video and audio recorders were placed on the CI as well as an audio transmitter. The CI reentered Chipotle and received a phone call from his/her associate, he/she knew as "Rose." "Rose" stated that he and BOHANON were on their way to Chipotle.

50. A short time later, a Chevrolet Silverado (OH LP # HUL-8933) arrived in the parking lot of the Chipotle. A black male in a blue hooded sweatshirt, later identified to be "Rose," entered the Chipotle and then went back to the truck. At approximately 3:02 p.m., the CI emerged from the Chipotle and met with the male in the blue hooded sweatshirt. "Rose" and the CI spoke about the price of the firearm and "Rose" wanted the CI to give him the money in a paper Chipotle bag and he would go retrieve the firearm for the CI. The CI refused and wanted to approach the vehicle. As the CI and "Rose" approached the vehicle, another male later identified as Ta'von Thompson (B/M, DOB: 1/6/1996), approached the vehicle. The CI received the firearm from "Rose" and gave "Rose" \$700.00 in prerecorded US Currency. Following the transaction Thompson entered the driver's seat of the vehicle, "Rose" entered the passenger side of the vehicle, and the males departed the scene.

51. SA Briggs and SA Penfield met the CI at a predetermined meeting location and took possession of the firearm (Glock, Model 30, .45 caliber firearm SN# BNBB763). SA Briggs searched the CI again and found him/her to be free of contraband. The CI stated that

BOHANON was in the truck, in the driver's side rear passenger seat. The CI stated BOHANON was "breaking down a pound of weed." The CI stated there was a total of four (4) passengers in the vehicle and he/she knew the driver as "Tay," another passenger as "Nick," BOHANON as "Fatman," and the male in the blue hoodie as "Rose."

52. The firearm was given to the CI in a Glock box with a serial number matching the firearm. It was given to the CI with three magazines and thirty-two (32) rounds of .45 caliber ammunition, one of which was chambered in the firearm. The firearm box and its contents were transported back to the ATF Cleveland Group II field office and placed into the evidence vault. The firearm was entered as item #00002, the ammunition as item #00003, and the box and spare magazines as item #00004. The Glock pistol meets the federal definition of a firearm in 18 U.S.C. 921(a)(3).

53. It was later learned that the Chevrolet Silverado (OH LP #HUL-8933) was registered to Thompson.

54. After the firearm sale took place, SA Briggs later observed a post on BOHANON's *Instagram*, showing marijuana in a bag with BOHANON's phone number. This was the same phone number SA Briggs originally spoke to BOHANON on earlier in this investigation.

55. On May 21, 2020, SA Briggs followed up on the firearm that was purchased and discovered it was originally purchased by Thompson from Sherwin Shooting Sports, Eastlake, Ohio. Thompson purchased the firearm on April 24, 2020.

56. On May 22, 2020, BOHANON posted a photograph to his *Instagram* of a Glock Model 19 pistol with a customized slide. BOHANON captioned the photograph

stating “Gotta Drum too 800 leave me alone if you ain’t got it.” The “Drum” refers to a large capacity magazine.

57. On May 23, 2020, BOHANON posted a photograph to his *Instagram* of three (3) semi-automatic pistols, a Smith and Wesson M&P style, and two (2) compact Glock pistols.

58. On May 28, 2020, BOHANON posted a photograph to his *Instagram* of three (3) semi-automatic pistols, a Glock Model 19, a Taurus (unknown model), and a Smith and Wesson Model M&P 9 Shield. A short time later, BOHANON posted another photograph of a FN Herstal Five-Seven in the box with two extra magazines with the caption “FN 5.7.”

59. On June 1, 2020, BOHANON posted a photograph to his *Instagram* of a FN Herstal Model Five-Seven pistol and a Glock Model 23C pistol. BOHANON captioned the photograph with a chicken head emoji. On this same date, BOHANON posted a video of what appeared to be a security guard crossing the street. During the video BOHANON was heard stating “brave as hell wearing that uniform, almost almost yeah almost black lives mattered his ass, ya feel me, some of that, fuck.” When BOHANON stated “almost black lives mattered his ass, ya feel me,” he panned the camera and was seen gripping a FN Five-Seven semi-automatic pistol and pointing it towards the street.

60. On June 5, 2020, posted a photograph to his *Instagram* of a Glock Model 19 semi-automatic pistol with “MOLON LABE” inscribed on the slide. BOHANON captioned the photograph with “Glock 19 custom.”

61. On June 6, 2020, BOHANON posted a photograph to his *Instagram* of a Springfield Model XD-45 pistol equipped with a weapon mounted light and/or laser. BOHANON captioned the photograph with a fire emoji.

62. On June 10, 2020, BOHANON posted a photograph to his *Instagram* of a mini Draco (AK-type pistol) and camouflage AR-style pistol. BOHANON captioned the photograph stating “On my way! Home Yeah They For Sale.” Both firearms were equipped with extended magazines and another drum-style magazine was visible in the photograph. On this same date BOHANON posted a photograph stating “Im Finna Bless Y’all I’m Raffling the AR wit The Drum Today 35\$ and 75 slots get a chance to win off 25\$ ima see how many ppl want me to do it and ima tell y’ll the rules.”

63. On June 11, 2020, BOHANON posted a photograph to his *Instagram* of an AR-style pistol equipped with optics and a weapon mounted laser. BOHANON captioned the photograph “1500.”

64. On June 14, 2020, BOHANON posted a photograph to his *Instagram* of an AR-style pistol with optics.

65. A query of ATF E-trace shows four (4) recent recoveries of firearms originally purchased by BOHANON.

66. On April 27, 2020, Charlie Roscoe was arrested by East Cleveland PD and found to be in possession of a Glock, Model 22, .40 caliber pistol (Serial No. FKZ185). This firearm was originally purchased by BOHANON on January 17, 2020, one hundred and one (101) days from the time of purchase to the recovery of the firearm.

67. On May 13, 2020, Steven Cole was arrested by East Cleveland PD and found to be in possession of a Springfield Armory XD45 sub compact .45 caliber pistol

(Serial No. GM491975). This firearm was originally purchased by BOHANON on April 1, 2020, forty-two (42) days from the time of purchase to the recovery of the firearm.

68. On June 3, 2020, a Taurus Model PT111, 9mm caliber pistol (Serial No. TKU80985) was recovered at 18327 Euclid Ave., Cleveland, Ohio. The firearm was found by the owner of a motel, abandoned near a dumpster on motel property.

69. On June 7, 2020, Khadijah Lawson was arrested by East Cleveland PD and found to be in possession of a Taurus Model G2C, 9mm caliber pistol (Serial No. AAM141613). This firearm was originally purchased by BOHANON on March 1, 2020, ninety-eight (98) days from the time of purchase to the recovery of the firearm.

70. During the course of this investigation, ATF has made at least three (3) attempts to purchase firearms that BOHANON has advertised on *Instagram*. In these instances BOHANON has already sold the firearms within a short period of time before ATF can acquire them.

71. Your affiant knows through his training and experience as an ATF interstate nexus agent that manufacturers such as Glock, Taurus, Springfield, and Smith and Wesson are firearms manufactures and are not known to manufacture starter or air pistols.

CONCLUSION

Based on the foregoing, your Affiant believes there is probable cause that from on about January 2020, through June, 2020, Antwan BOHANON has committed a violation of 18 U.S.C. § 922(a)(1)(A) (Engaging in the Business of Importing, Manufacturing, or Dealing in Firearms without a Federal Firearms License).



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

Sworn to via telephone after submission by reliable electronic means. Fed. R. Crim. P. 3, 4(d), and 4.1, on this 22nd day of June, 2020.



Honorable William H. Baughman, Jr.
United States Magistrate Judge
Northern District of Ohio
Eastern Division