

UNITED STATES DISTRICT COURT

for the

Southern District of Indiana

United States of America
v.

John Green

Defendant(s)

Case No.

1:20-mj-0699

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 August 8, 2020 in the county of Marion in the
Southern District of Indiana, the defendant(s) violated:

Code Section

18 U.S.C. § 922(g)(1)

Offense Description

Unlawful Possession of a Firearm by a Convicted Felon

This criminal complaint is based on these facts:

See attached affidavit.

☒ Continued on the attached sheet.

s/Celia A. Wright

Complainant's signature

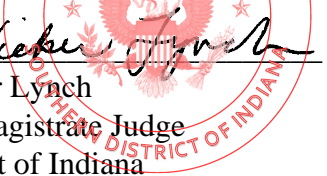
Celia Wright, SA, ATF

Printed name and title

Attested to by the applicant in accordance with the requirements of Fed.R.Crim.P. 4.1 by
telephone *(reliable electronic means)*

Date: 8/20/2020

City and state: Indianapolis, IN


Debra McVicker Lynch
Debra McVicker Lynch
United States Magistrate Judge
Southern District of Indiana

AFFIDAVIT IN SUPPORT OF AN APPLICATION FOR A CRIMINAL COMPLAINT

Your Affiant, Celia A. Wright, being duly sworn, does depose and state:

Affiant Background and Purpose of Affidavit

1. Your Affiant is a Special Agent (SA) with the federal Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF), a component of the United States Department of Justice, and has served in that capacity since 2015. Your Affiant is currently assigned to the Indianapolis Group I Field Office – Crime Gun Intelligence Center (CGIC) and is charged with investigating violations of federal firearms, explosives, and arson laws, as well as offenses enumerated in Titles 18 and 26 of the United States Code, for all of which your Affiant has received formal training at the Federal Law Enforcement Training Center and the ATF National Academy. As a federal agent, your Affiant is a “federal law enforcement officer” within the meaning of Federal Rule of Criminal Procedure 41(a)(2)(C), that is, a government agent engaged in enforcing the criminal laws.

2. I have testified in judicial proceedings and prosecutions for violations of firearms laws and narcotics violations. I have also been involved in various types of surveillance and in the interviews of defendants, witnesses, informants, and others who have knowledge of the use of firearms in conjunction with other criminal activities, including violent crimes and the distribution of controlled substances.

3. The information set forth in this Affidavit is based upon my participation in this investigation, review of law enforcement reports, discussions with other law enforcement officers involved in the investigation, and my experience and training. This Affidavit does not set forth every fact your Affiant has learned during this investigation, but rather is provided solely for establishing probable cause in support of the application for a Complaint in this matter. The

information contained in the following paragraphs is either personally known to your Affiant or was told to your Affiant by other law enforcement officers.

4. This Affidavit is submitted in support of a Criminal Complaint charging John GREEN (date of birth XX/XX/1988 and [REDACTED]) with Possession of a Firearm and Ammunition By a Prohibited Person in violation of Title 18, United States Code, Section 922(g)(1). The information contained in the following paragraphs is either personally known to your Affiant or was told to your Affiant by other law enforcement officers.

Facts Supporting Probable Cause

5. On Saturday, August 8, 2020, at approximately 6:38 p.m., Indianapolis Metropolitan Police Department (IMPD) Officer Willey was dispatched to an incomplete call where a female claimed to be shot at in the area of 10th Street and Tibbs Avenue in Indianapolis, Indiana. This location is within the Southern District of Indiana.

6. When Officer Willey arrived to the area he came in contact with IMPD Officer Murphy. Officer Murphy advised a witness described a black male wearing a black shirt and khaki pants shooting a firearm. After being given the description, Officer Willey observed a male fitting the description sitting on the corner of Tibbs Avenue and Centennial Street, just one (1) block east of 10th Street and Tibbs Avenue. Officers Willey and Murphy approached the male and identified him as John GREEN (GREEN). GREEN advised that he did not have any firearms.

7. After GREEN was located, the witness further described GREEN shooting a rifle in the air in his front yard. Officer Willey walked to the residence identified by the witness and located two (2) spent rifle casings in the front yard. An evidence technician reported to the scene and collected two (2) spent .223 casings. The witness did a show-up and identified GREEN as the person shooting a rifle in the front yard while children were outside playing in the area.

8. Officer Willey read GREEN his Miranda Warnings, which GREEN stated he understood. Officer Willey told GREEN that two (2) shell casings were found in his front yard and that a search warrant was being written for his residence. Officer Willey asked GREEN if any firearms would be located in the residence and GREEN said no. GREEN then told Officer Willey there would be a 9mm and AR-15 in his home. After GREEN gave that statement, Officer Willey asked which firearm GREEN was shooting today. GREEN then requested to speak with a lawyer.

9. A search warrant was obtained for GREEN's residence and a Ruger AR-15 rifle and a Hi-Point 9mm were located inside. The rifle was loaded and the round in the chamber matched the ammunition from the casings in the front yard. Multiple additional rifle and pistol magazines were located in the residence.

10. GREEN has sustained convictions for crimes punishable by more than one (1) year of imprisonment, to include:

-Burglary as a Level 5 Felony in Marion County, Indiana under cause number 49G05-1809-F5-029839, on or about January 4, 2018.

11. The Burglary conviction under Indiana cause number 49G05-1809-F5-029839 was resolved with a plea agreement on January 4, 2018. Therefore GREEN would have knowledge that he has been convicted of a felony offense.

12. The Ruger AR-15 rifle and Hi-Point 9mm handgun described above were not manufactured in the state of Indiana. By virtue of their presence in the State of Indiana, therefore, the firearms had to have been transported or shipped in interstate or foreign commerce.

Conclusion and Request

13. Your Affiant submits that, based on the facts set forth in this Affidavit, probable cause exists that on August 8, 2020, in the Southern District of Indiana, John GREEN, having been

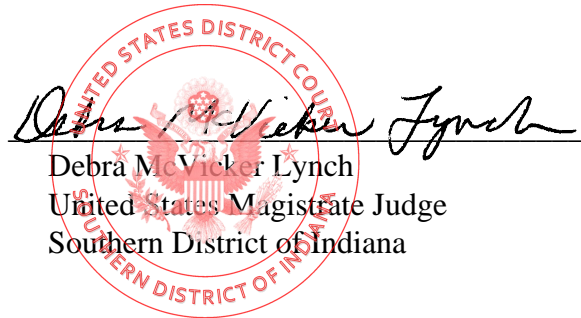
convicted of a crime punishable by imprisonment for a term exceeding one year, did knowingly possess a firearm and ammunition in violation of Title 18, United States Code, Section 922(g)(1). Accordingly, your Affiant requests this Court issue a Criminal Complaint charging GREEN with this crime, along with a warrant for his arrest.

s/Celia A. Wright

Celia A. Wright, Special Agent
Bureau of Alcohol, Tobacco, Firearms and
Explosives (ATF)

Attested to by the applicant in accordance with the requirements of Federal Rules of Criminal Procedure 4.1 and 41(d)(3) by Telephone (specify reliable electronic means)

8/20/2020

The signature is written in black ink over a red circular seal. The seal contains the text "UNITED STATES DISTRICT COURT" at the top and "SOUTHERN DISTRICT OF INDIANA" at the bottom, with a central emblem. Below the signature, the name and title of the judge are printed.

Debra McVicker Lynch
United States Magistrate Judge
Southern District of Indiana