

United States District Court  
STATE AND DISTRICT OF MINNESOTA

UNITED STATES OF AMERICA

CRIMINAL COMPLAINT

Case Number: 11mj 90 AJB

v.

DEREK LEE PRESTON

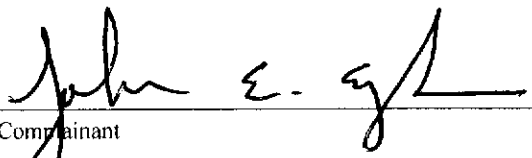
I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief:

On or about January 25, 2011, in Hennepin County, in the State and District of Minnesota, the defendant, DEREK LEE PRESTON, after having previously been convicted of at least one crime punishable by imprisonment for a term exceeding one year, namely a conviction for the offense of Terroristic Threats in Hennepin County on or about June 10, 2005, did thereafter knowingly possess, in and affecting interstate or foreign commerce, a firearm, namely, a Harrington and Richardson, Young American, .32 caliber revolver, serial number 350277, all in violation of Title 18, United States Code, Section 922(g)(1).

I further state that I am a Task Force Officer of ATF, and that this complaint is based on the following facts:

SEE ATTACHED AFFIDAVIT

Continued on the attached sheet and made a part hereof:  Yes  No



Signature of Complainant  
John Engle  
ATF Task Force Officer

Sworn to before me, and subscribed in my presence,

March 4, 2011

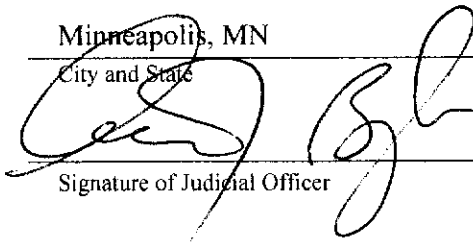
Date  
The Honorable Arthur J. Boylan  
UNITED STATES MAGISTRATE JUDGE

Name & Title of Judicial Officer

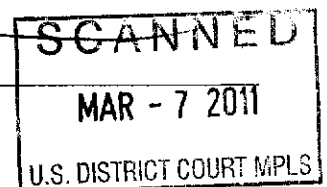
at

Minneapolis, MN

City and State



Signature of Judicial Officer



STATE OF MINNESOTA     )  
  )SS  
COUNTY OF HENNEPIN     )

AFFIDAVIT OF JOHN ENGLE

Your Affiant, John Engle, upon being first duly sworn, deposes and states as follows:

1. On January 25, 2011, a Minneapolis police officer was conducting routine patrol in the area of 35th and Tyler Streets N.E., located in the city of Minneapolis, Hennepin County, Minnesota, when he observed a vehicle bearing Minn. Lic. No. UZC591, commit multiple traffic violations. The officer pulled his squad car behind the vehicle as it suddenly pulled over.

2. The officer made contact with the driver who did not have a valid license. The owner of the vehicle was a passenger in the vehicle and did not have insurance for the vehicle or a valid license. As the officer attempted to identify the other passenger to see if a licensed driver was present, he recognized this male as **DEREK LEE PRESTON** from prior gun-related incidents in the city of Minneapolis.

3. On the basis of the officer's knowledge of PRESTON's prior use of firearms in connection with criminal activity, PRESTON was asked to exit from the vehicle and a protective pat-frisk for weapons was conducted on his person. While patting down PRESTON, the officer felt a handgun in his coat pocket. The handgun was recovered by the officer and found to be a loaded Harrington and Richardson, Young American, .32 caliber revolver, with serial number 350277. Officers also recovered 7.5 grams of marijuana and nearly 4 grams of crack cocaine from PRESTON's person in a search incident to arrest.

4. Based upon your Affiant's training and experience and information provided to me by other law enforcement officers with the Bureau of Alcohol, Tobacco and Firearms ("ATF"), I have learned and am aware that the Harrington and Richardson, Young American, .32

caliber revolver found in PRESTON's possession was manufactured in Massachusetts and, therefore, traveled in interstate commerce prior to its recovery on January 25, 2011.

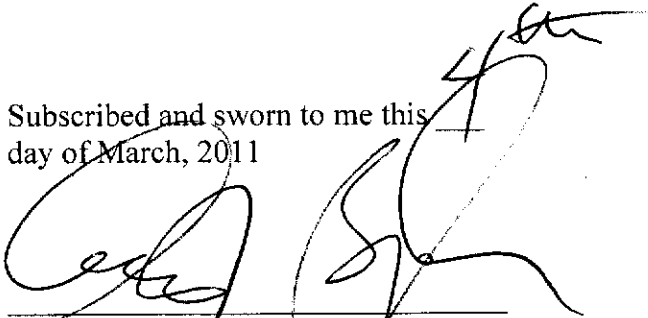
5. Your Affiant has reviewed PRESTON's criminal history and has learned that he was convicted of the following felony crimes:

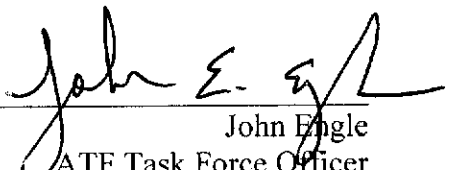
- a. Attempted First Degree Aggravated Robbery on or about February 10, 1997;
- b. Fifth Degree Controlled Substance Crime on or about October 4, 1999;
- c. Second Degree Controlled Substance Crime on or about March 1, 2001;
- d. Terroristic Threats on or about June 10, 2005;
- e. Fifth Degree Controlled Substance Crime on December 1, 2009;
- f. Felony Domestic Abuse on or about December 1, 2009; and
- g. Felony Domestic Assault on or about February 23, 2010.

6. Therefore, your Affiant believes there is probable cause to believe that PRESTON is prohibited from possessing a firearm or ammunition in or affecting interstate commerce in violation of Title 18, U.S.C. Section 922(g)(1).

FURTHER YOUR AFFIANT SAYETH NOT.

Subscribed and sworn to me this  
day of March, 2011

  
\_\_\_\_\_  
Honorable Arthur J. Boylan  
Chief Magistrate Judge  
U.S. District Court

  
\_\_\_\_\_  
John Engle  
ATF Task Force Officer