

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

UNITED STATES OF AMERICA

v.

LABAR SPANN, also known as, "Broman" and
"B"

CASE NUMBER:
UNDER SEAL

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 September 14, 2014, at Lyons, in the Northern District of Illinois, Eastern Division, the defendant violated:

Code Section

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

Offense Description

Did knowingly and intentionally possess in and affecting interstate commerce a firearm, namely a Glock 19, model 19C, .9 mm caliber handgun, bearing serial number GRD632, after previously having been convicted of a crime punishable by a term of imprisonment exceeding one year.

This criminal complaint is based upon these facts:

 X Continued on the attached sheet.

WARD YODER

Special Agent, Federal Bureau of Investigation
(FBI)

Sworn to before me and signed in my presence.

Date: May 13, 2015

City and state: Chicago, Illinois

Judge's signature

MICHAEL T. MASON, U.S. Magistrate Judge
Printed name and Title

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS

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AFFIDAVIT

I, WARD YODER, being duly sworn, state as follows:

1. I am a Special Agent with the Federal Bureau of Investigation, and have been so employed since 2009. My current responsibilities include the investigation of criminal violations relating to violent street gangs.

2. This affidavit is submitted in support of a criminal complaint alleging that LABAR SPANN, also known as “Broman” and “B,” has violated Title 18, United States Code, Section 922(g)(1). Because this affidavit is being submitted for the limited purpose of establishing probable cause in support of a criminal complaint charging SPANN with being a felon in possession of a firearm, 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.

3. This affidavit is based on my personal knowledge, experience and training, information provided to me by other law enforcement agents and the experience of those agents, numerous interviews of a confidential source, review of consensual recordings, and physical surveillance.

4. Based on the information contained in this Affidavit, I submit that there is probable cause to believe that, on or about September 14, 2014, LABAR SPANN, having previously been convicted of a crime punishable by a term of

imprisonment exceeding one year, knowingly possessed a firearm, in and affecting interstate commerce, in that the firearm had traveled in interstate commerce prior to the defendant's possession of the firearm, namely a Glock 19, model 19C, .9 mm caliber handgun, bearing serial number GRD632, in violation of Title 18, United States Code, Section 922(g)(1).

Facts in Support of Probable Cause

SPANN's Possession of a Firearm on September 14, 2014

5. On or about September 16, 2014, federal law enforcement interviewed Individual A,¹ an employee at Midwest Sporting Goods, a firearms store and shooting range, located at 8565 West Plainfield Road, Lyons, Illinois. Individual A stated that two days prior, on or about September 14, 2014, a Sunday, three customers came to the store at approximately 3:15 p.m. Individual A explained that he/she remembered that the customers arrived shortly before the range shooting line closed for the day at 3:30 p.m., and that these three customers chose to shoot on the range for approximately 15 minutes. Individual A described the three persons as one black male in a wheelchair with a bag around his neck, subsequently identified as SPANN, and two black females, subsequently identified as Individual L.H. and Individual K.C.

6. Individual A described how Individual L.H. rented a Glock 19C pistol, subsequently seized by law enforcement and identified as a Glock 19, model 19C, .9 mm caliber handgun, bearing serial number GRD632 (the "firearm"). In order to

¹ Individual A has no criminal history and was given no benefit for this information.

rent the firearm, Individual A explained that Individual L.H. signed her name in the rental book and showed her Illinois Firearm Owner Identification Card. Individual A explained that he/she remembered the type of firearm rented by Individual L.H. because of the unique characteristics of that particular firearm. In particular, Individual A explained that the “c” in Glock 19C refers to “compensated,” meaning that there are holes cut in the forward portion of the slide and barrel of the firearm, which, in turn, causes a larger than normal fire signature when the gun is fired. Individual A stated that Midwest Sporting Goods has only one Glock 19C for rent at the store.

7. Individual A stated that he/she watched as SPANN and Individuals L.H. and K.C. proceeded to the firing line. Individual A observed as SPANN loaded a magazine with 9 mm ammunition into the firearm and then shot at the target, emptying the magazine. Individual A observed as SPANN then loaded a second magazine into the firearm and handed it to Individual L.H., who shot at the target and emptied the magazine. Individual A observed as SPANN loaded a third magazine into the firearm and handed it to Individual K.C., who also shot at the target and emptied the magazine.

8. At the end of the interview, your affiant showed a single photograph of SPANN to Individual A and Individual A identified SPANN as the black male in the wheelchair who possessed and fired the firearm at Midwest Sporting Goods on or about September 14, 2014.

Video Surveillance Footage

9. On or about September 16, 2014, your affiant obtained the video surveillance footage from Midwest Sporting Goods from September 14, 2014. Having reviewed the video surveillance footage and subsequently having interviewed the relevant employees and owners of Midwest Sporting Goods, your affiant learned that, on or about September 13, 2014 at approximately 8:16 p.m., Midwest Sporting Goods experienced a technical problem with its surveillance system and 8 of its 16 video surveillance cameras malfunctioned. In particular, from on or about September 13, 2014 at approximately 8:16 p.m. until on or about September 15, 2014 at in or around 3:00 p.m., the video surveillance cameras on the firing range, among others, were not operational and did not record any footage.

10. Review of the other video surveillance cameras working on September 14, 2014, however, revealed SPANN, along with Individuals L.H. and K.C., enter Midwest Sporting Goods and stand at the counter on the first floor. The video surveillance footage showed Individual L.H. proceed to the second floor to the gun rental counter, where she rented a firearm. At the same time, the video surveillance footage showed SPANN and Individual K.C. remain on the first floor, as Individual K.C. appeared to sign a form and SPANN appeared to take a video and/or photographs with his cellular telephone.

11. The video surveillance footage subsequently showed SPANN and Individuals L.H. and K.C. leave the area designated for the firing range and return to the counter on the first floor. As they did, the video surveillance footage showed

SPANN wearing safety protection goggles. The video surveillance footage subsequently showed SPANN and Individuals L.H. and K.C. leave the store.

Interview of Individual L.H.

12. On January 23, 2015, federal law enforcement interviewed Individual L.H. at her place of employment. Individual L.H. recalled going to the firing range in September 2014, stating she went with a person she knew as “Na-Na” and “B.” Individual L.H. described “Na-Na” as a 24-year-old black female and “B” as dark-skinned black male, approximately 5 or 10 years older than “Na-Na” and confined to a wheelchair. Individual L.H. subsequently identified photographs of Individual K.C. as the person she knew as “Na-Na” and SPANN as the person she knew as “B.” Individual L.H. remembered that, on the day she went to the firing range, she picked up SPANN and Individual K.C. from a gas station at the corner of Cicero and Chicago and then she drove to the range. When they arrived at the range, Individual L.H. explained that neither Individual K.C. nor SPANN had a Firearm Owner’s Identification Card, so Individual L.H. paid for the gun rental, ammunition, targets, and safety goggles for herself as well as for Individual K.C. and SPANN. It cost approximately \$100. Once on the range, Individual L.H. explained, she advised SPANN she was scared because she had never shot a gun. Individual L.H. stated that SPANN shot first and showed her and Individual K.C. how to shoot. Individual L.H. stated that she shot after SPANN, followed by Individual K.C. After they left the range, Individual K.C. and SPANN paid Individual L.H. \$60 for their share of costs at the firing range.

13. On January 29, 2015, federal law enforcement interviewed Individual L.H. again at the United States Courthouse in the presence of her attorney. Individual L.H. denied that she previously advised law enforcement that SPANN shot the firearm on the firing range in September 2014; instead, Individual L.H. claimed that she told law enforcement on January 23, 2015, that SPANN “might” have shot that day but that she could not remember definitively. During the interview on January 29, Individual L.H. clarified that SPANN did not shoot the firearm or otherwise handle the firearm on September 14, 2014.

Documents from Midwest Sporting Goods

14. Federal law enforcement obtained documents from Midwest Sporting Goods, including a “Range Waiver” form dated September 14, 2014 and the range firearm safety log. The “Range Waiver” form reflected the handwritten names of Individual K.C. and “Labar Spann” as well as their addresses, which appeared as the last two names listed on the form. The range firearm safety log, which a person who rents a firearm must sign at the time of the firearm rental, reflected the handwritten name of Individual L.H. as the renter of a firearm on September 14, 2014.

15. Federal law enforcement also obtained a receipt from Midwest Sporting Goods. The receipt reflected that, on September 14, 2014, Individual L.H. rented a firearm and purchased one box of 9 millimeter ammunition, three sets of safety goggles and three targets.

Communications on Instagram

16. On the social media website Instagram, federal law enforcement has observed that, at approximately 3:28 p.m. on September 14, 2014, the user of an Instagram account employing the screen name “alfrescorealnagger,” SPANN’S known Instagram Account (“SPANN’s account”),² posted a 15-second video depicting two persons inside a gun range and the sound of a gun firing in the background.

17. Federal law enforcement also observed that, at approximately 3:35 p.m. on September 14, 2014, the user of SPANN’s account posted another 15-second video depicting two persons inside a gun range and the sound of a gun firing in the background. Also visible in the video was the inside of a gun range where a person shoots a firearm and a white-and-green paper target in the background. The posted caption related to the video read as follows: “Yea this the type of shit I do with my bitches so why n_____’s chase pussy I’m chasing loyalty and [bag of money emoticon].”

18. Federal law enforcement also observed that, at approximately 3:39 p.m. on September 14, 2014, the user of SPANN’s account posted a 15-second video depicting what appeared to be the inside of a gun store. The posted caption related to the video read as follows: “Real boss do this type of shit.”

19. Federal law enforcement further observed that, at approximately 3:44 p.m. on September 14, 2014, the user of SPANN’s account posted a photograph of

² Law enforcement has identified this Instagram account as being associated with SPANN based on, among other things, a photograph of SPANN that appears next to the posts from the account described herein. Next to SPANN’s photograph appears the screen name of the account “alfrescorealnagger,” and below the screen name appears the name “Broman.”

what appeared to be a shooting target depicting the silhouette of a person with holes in the head and chest. The posted caption related to that photograph read as follows: “y’all know I had to go first just to show my bitch how this shit work lmao I do this shis.”

20. Federal law enforcement observed that, at approximately 3:37 p.m. on September 14, 2014, the user of an Instagram account employing the screen name “mrs_nana_bitch,” Individual K.C.’s known Instagram account, posted a photograph of what appeared to be a shooting target depicting the silhouette of a person with holes in the head and chest. The posted caption related to that photograph read as follows: “Just Fucked dude up sum decent.” In apparent response, federal law enforcement observed the user of SPANN’s account posted the following caption, commenting on that photograph: “You know I had to go first just to show my bitch how this shit work.”

21. On January 23, 2015, at approximately 5:26 p.m., the same day that federal law enforcement first interviewed Individual L.H., the user of an Instagram account employing the screen name “onliil_dondiva_ebe,” Individual L.H.’s known Instagram account, sent a message to the user of SPANN’s account, which read as follows: “Call me real quick, it’s important @alfrescorealnagger xxx-xxx-9637.” The message was subsequently deleted by the user of Individual L.H.’s account.

Interstate Nexus

22. On or about November 20, 2014, an ATF firearms interstate nexus expert physically inspected the firearm possessed and fired by SPANN on

September 14, 2014, and determined that the firearm was manufactured outside the State of Illinois.

SPANN's Prior Felony Convictions

23. According to SPANN's criminal history record, SPANN has been convicted of the following felony offenses prior to September 14, 2014, all of which were punishable by a term of imprisonment exceeding one year: (1) harassment of a witness on or about September 3, 2009, in case number 2007CR189680; (2) armed robbery on or about September 3, 2009, in case number 03CR2651902; (3) bringing contraband into a penal institution on or about September 3, 2009, in case number 07CR1868803; (4) possession of firearm with defaced or no markings on or about May 19, 2000, in case number 1999CR08900; (5) aggravated battery of a peace officer on or about May 19, 2000, in case number 1998CR2647301; (6) manufacture/delivery of a controlled substance on or about March 12, 1998, in case number 96CR0276801; and (7) manufacture/delivery of a controlled substance on or about March 8, 1996, in case number 96CR0526701.

Conclusion

24. Based on the foregoing, I believe there is probable cause to believe that, on or about September 14, 2014, LABAR SPANN, having previously been convicted of a crime punishable by a term of imprisonment exceeding one year, knowingly possessed a firearm, in and affecting interstate commerce, in that the firearm had traveled in interstate commerce prior to the defendant's possession of the firearm, namely a Glock 19, model 19C, .9 mm caliber handgun, bearing serial number GRD632, in violation of Title 18, United States Code, Section 922(g)(1).

FURTHER AFFIANT SAYETH NOT.

WARD YODER
Special Agent, Federal Bureau of
Investigation

SUBSCRIBED AND SWORN to before me on May 13, 2015.

MICHAEL T. MASON
United States Magistrate Judge