

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

UNITED STATES OF AMERICA

v.

AUBREY BURKS

CASE NUMBER:

**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 January 30, 2014, at Harvey, in the Northern District of Illinois, Eastern Division, and elsewhere, the defendants violated:

*Code Section*

Count One:  
Title 18, United States Code, Section  
922(g)

*Offense Description*

having previously been convicted of a crime punishable by a term of imprisonment exceeding one year, did knowingly possess in and affecting interstate commerce firearms, namely, a Masterpiece Arms .45 caliber pistol bearing serial number A8485, a Taurus .44 caliber revolver bearing serial number TK-852410, a Ruger Super Redhawk .44 caliber revolver bearing serial number 55003810, a Wasir 7.62 caliber rifle bearing serial number 1-39279-2003, a Hi-point 9mm rifle bearing serial number B16777, and a Izhmash Saiga 410 gauge shotgun bearing serial number 93-1201984 in that the firearms had traveled in interstate commerce prior to defendants possession of the firearm;

This criminal complaint is based upon these facts:

  X   Continued on the attached sheet.

\_\_\_\_\_  
THOMAS A. BEEBE  
Special Agent, Bureau of Alcohol, Tobacco, Firearms  
& Explosives (ATF)

Sworn to before me and signed in my presence.

Date: July 07, 2014

City and state: Chicago, Illinois

\_\_\_\_\_  
*Judge's signature*

Mary M. Rowland, U.S. Magistrate Judge

*Printed name and Title*

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS

ss

**AFFIDAVIT**

I, THOMAS A. BEEBE, being duly sworn, state as follows:

1. I am a Task Force Officer with the Bureau of Alcohol, Tobacco, Firearms & Explosives, and have been so employed for 6 years. My current responsibilities include the investigation of criminal violations of the federal firearms laws.

2. This affidavit is submitted in support of a criminal complaint alleging that Aubrey BURKS has violated Title 18, United States Code, Sections 922(g). Because this affidavit is being submitted for the limited purpose of establishing probable cause in support of a criminal complaint charging defendant with unlawful possession of a firearm by a felon, 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 defendants committed the offense alleged in the complaint.

3. This affidavit is based on my personal knowledge, information provided to me by other law enforcement agents, witness interviews, my experience and training, and the experience of other agents.

4. According to records from law enforcement databases and the FBI's National Criminal Identification Center, AUBREY BURKS has at least one prior conviction for a crime punishable for a term of imprisonment for a term exceeding

one year, including a conviction for Manufacture/Delivery of Cannabis on April 14, 2010.

5. According to reports obtained from the Harvey Police Department, police officers investigated a tip that AUBREY BURKS was storing a large number of firearms at a relative's residence in Harvey, Illinois ("Harvey residence"). On January 30, 2014, the police officers knocked on the door of the Harvey residence and spoke with the leaseholder, who agreed, in writing, to allow the officers to search the residence. During the search, Harvey Police Officers recovered the following firearms from various locations in the basement of the Harvey residence:

<b>Make/Model</b>	<b>Caliber/type</b>	<b>Description</b>	<b>Serial Number</b>
Master Piece Arms	.45 caliber pistol	Black/gray	A8485
Taurus	.44 caliber revolver	Stainless steel	TK-852410
Ruger Super Red Hawk	.44 caliber revolver	With scope	55003810
Wasir	7.62 caliber rifle	AK-47 style	1-39279-2003
Hi-Point 995	9mm rifle	Black	B16777
Izhmash Saiga 410	Magnum	410 gauge shotgun	93-1201984

6. According to information from ATF, all of the firearms recovered from the Harvey residence were manufactured and originally sold by a federal firearm licenses dealer outside of the State of Illinois. Therefore, for these firearms to be recovered in the State of Illinois, they must all have traveled in interstate commerce.

7. The day after the recovery of these firearms, a police investigator from Marion, Ohio, spoke with Aubrey Burks, who was detained in the Marion County jail for other, unrelated charges. The investigator advised BURKS of his Miranda rights. BURKS waived his rights and agreed to be interviewed. During this interview, BURKS told the investigator that (I believe he knew already) all of the firearms that the police had just recovered from the Harvey residence belonged to him. BURKS explained that the firearms had been purchased “off the streets” in Marion, Ohio, and that he had taken the firearms to Harvey, Illinois. According to BURKS, he kept the guns in the Harvey residence for protection.

8. On April 8, 2014, BURKS, who had since been released from jail, was arrested by the Marion, Ohio, police department when officers found two rifles and two handguns in the trunk of his car after he had been pulled over by police.

9. The police officer advised BURKS of his Miranda rights. BURKS waived his rights, and agreed to be interviewed. BURKS stated that he acquires approximately 12 to 15 firearms per month from various sources in the Marion, Ohio area and transports them to Chicago and Harvey, Illinois, to sell. BURKS admitted that he buys firearms from heroin addicts by paying cash or at times trading cash and heroin for the firearms.

10. BURKS stated that he obtained firearms from Drug User A and B in Marion, Ohio. BURKS remembered several of the firearms he received from Drug User A and B, including a Hipoint 9mm rifle and a .45 caliber pistol with fancy grips and the image of the “grim reaper” on the handle. BURKS stated that with

the exception of .45 caliber pistol which he kept for himself, BURKS brought the firearms to Harvey, Illinois, and stored some of them at the Harvey residence. BURKS stated that he has several customers for firearms in the Chicago area and that he can sell as many as 20 firearms at a time. BURKS sells pistols for approximately \$300 to \$350 each and AK47-style rifles for approximately \$600 each.

11. ATF identified the owners of the respective firearms that were recovered in the Harvey residence. ATF then interviewed the gun owners.

12. According to an ATF Firearms Trace Report, Gun Owner A purchased a Hi-point Model 995 9mm rifle bearing serial number B16777 from a dealer in Shelby, Ohio, in 2001. On December 21, 2013, Gun Owner A reported that this was one of several firearms stolen from his home in Ohio. Gun Owner A told ATF Agents that he believed his relative, Drug User A, and her brother-in-law, Drug User B, who had lived with him for several months in 2013, had stolen the firearms and some collectable coins he kept in the same room in which he stored his guns.

13. According to an ATF Firearms Trace Report, Gun Owner A reported that an Izhmash Model Saiga 410 gauge shotgun bearing serial number 93-1201984 was among those that were stolen from his home in Mount Gilead, Ohio. ATF agents interviewed Gun Owner A, who told them that he believes the firearm was stolen from his home by Drug User A and B.

14. ATF agents interviewed Drug User B, who stated that he was with Drug User A on at least two occasions when Drug User A stole firearms from Gun

Owner A. The first time, Drug User A stole two pistols, one of which was a .45 caliber pistol with the image of the “grim reaper” on the grips. Drug User B recalled that, the second time Drug User A stole guns from Gun Owner A, she stole a Hi-Point 9mm rifle.

15. According to Drug User B, he and Drug User A took the firearms to one of two locations in Marion, Ohio, where then met with Aubrey BURKS and another individual and exchanged the firearms for heroin.

16. According to an ATF Firearms Trace Report, Gun Owner B purchased a Taurus .44 caliber revolver bearing serial number TK-852410 from a dealer in Bakersfield, California, in 2001. ATF agents interviewed Gun Owner B who now currently lives in Mount Gilead, Ohio. Gun Owner B and her husband told ATF Agents that they believed their son, Drug User C, had stolen things from the house previously.

17. ATF agents interviewed Drug User C, who stated on at least two occasions he stole firearms from Gun Owner B. The first time, Drug User C stole a .380 pistol from Gun Owner B while in the company of Drug User A and Drug User B. Drug User C stated he traded the .380 pistol stolen from Gun Owner B to Aubrey BURKS for two grams of heroin. The second time, Drug User C stole a Taurus “454 revolver” from Gun Owner B in the company of Individual A. Drug User C stated he traded the Taurus “454 revolver” to Individual A for \$70 worth of heroin. Based on the context of this investigation I believe the Taurus “454 revolver” stolen by Drug

User C is the Taurus .44 caliber revolver bearing serial number TK-852410 recovered by the Harvey Police Department on January 30, 2014.

18. Based upon the information set forth above, there is probable cause to believe that on or about January 30, 2014, BURKS, having previously been convicted of a crime punishable by a term of imprisonment exceeding one year, did knowingly possess in and affecting interstate commerce a firearm, namely, a Masterpiece Arms .45 caliber pistol bearing serial number A8485, a Taurus .44 caliber revolver bearing serial number TK-852410, a Ruger Super Redhawk .44 caliber revolver bearing serial number 55003810 , a Wasir 7.62 caliber rifle bearing serial number 1-39279-2003, a Hi-point 9mm rifle bearing serial number B16777, and a Izhmash Saiga 410 gauge shotgun bearing serial number 93-1201984 in that the firearm had traveled in interstate commerce prior to defendants' possession of the firearm, in violation of Title 18, United States Code, Section 922(g).

FURTHER AFFIANT SAYETH NOT.

---

THOMAS A. BEEBE  
Task Force Officer, Bureau of Alcohol,  
Tobacco, Firearms & Explosives

SUBSCRIBED AND SWORN to before me on July 7, 2014.

---

Mary M. Rowland  
United States Magistrate Judge