

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

UNITED STATES OF AMERICA

v.

KIERRE WATERFORD,
also known as "Finess" and "Vaness"
KEVIN JACKSON
also known as "Ray-Ray" and "New York"
OMAR BURKS,
also known as "T-O,"
ANTHONY JACKSON
also known as "Smookie" and "B-D"
DANIEL MURPHY

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.

From on or about January 1, 2014 to on or about April 8, 2014, at Harvey, in the Northern District of Illinois, Eastern Division, and elsewhere, the defendants violated:

<i>Code Section</i>	<i>Offense Description</i>
Count One: 18 U.S.C. § 371	Conspiring with each other and others known and unknown to the United States to: (a) without being licensed firearms dealers, willfully engage in the business of dealing in firearms, in violation of 18 U.S.C. § 922(a)(1)(A); (b) without being licensed firearm dealers, willfully transfer, sell, trade, give, transport and deliver firearms obtained in Ohio to other individuals who defendants knew and had reasonable cause to believe were not Ohio residents, in violation of 18 U.S.C. § 922(a)(5); and (c) receive, possess, conceal, store, barter, sell, and dispose of a stolen firearm that had traveled in interstate commerce before and after it was stolen, knowing and having reasonable cause to believe the firearm was stolen, in violation of 18 U.S.C. § 922(j), all in violation of 18 U.S.C. § 371; and
Count Two: 21 U.S.C. § 846	Conspiring to possess with intent to distribute and to distribute controlled substances, namely, heroin and crack cocaine, in violation of 21 U.S.C. § 846.

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 10, 2014

Judge's signature

City and state: Chicago, Illinois

MARY M. ROWLAND, U.S. Magistrate Judge
Printed name and Title

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS

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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 Kierre WATERFORD, Kevin JACKSON, Omar BURKS, Anthony JACKSON, and Daniel MURPHY have violated Title 18, United States Code, Sections 371 and Title 21, United States Code, Section 846. Because this affidavit is being submitted for the limited purpose of establishing probable cause in support of a criminal complaint charging defendants with conspiring with each other and others known and unknown to the United States to: (a) without being licensed firearms dealers, willfully engage in the business of dealing in firearms, in violation of 18 U.S.C. § 922(a)(1)(A); (b) without being licensed firearm dealers, willfully transfer, sell, trade, give, transport and deliver firearms obtained in Ohio to other individuals who defendants knew and had reasonable cause to believe were not Ohio residents, in violation of 18 U.S.C. § 922(a)(5); and (c) receive, possess, conceal, store, barter, sell, and dispose of a stolen firearm that had traveled in interstate commerce before and after it was stolen, knowing and having reasonable cause to believe the firearm

was stolen, in violation of 18 U.S.C. § 922(j), all in violation of 18 U.S.C. § 371(Count One); and, conspiring to possess with intent to distribute and to distribute controlled substances, namely, heroin and crack cocaine, in violation of 21 U.S.C. § 846 (Count Two), 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.

Introduction

4. This investigation has revealed that defendants are participants in a drug and firearms trafficking operation led by Aubrey Burks (“A. Burks”).¹ Starting no later than January 2014, working together, defendants and A. Burks distributed heroin and other controlled substances, some of which they obtained in the Northern District of Illinois, to drug customers in and around Marion, Ohio. At times, defendants and A. Burks accepted firearms from their drug customers as payment for the controlled substances. Defendants and A. Burks transported, or arranged for the transportation of, firearms from the Marion, Ohio area to Harvey,

¹ Aubrey Burks has been charged in the Northern District of Illinois in a single count complaint alleging that he, a convicted felon, possessed firearms, in violation of 18 U.S.C. §922(g)(1). Burks admitted in part that he acquired those firearms in Ohio and transported them to Harvey, Illinois, where he expected to sell them. The affidavit in support of that complaint is adopted and incorporated herein, and is available to the Court for review.

Illinois, where they stored firearms at various residences. Defendants and A. Burks have obtained controlled substances from sources within the Northern District of Illinois by exchanging firearms for controlled substances, or by selling firearms for money used to obtain controlled substances which they later sold to Ohio customers.

***Cooperating Witnesses Describe Defendants' and A. Burks'
Narcotics and Firearms Trafficking Operation***

5. ATF agents interviewed several individuals during this investigation, each of whom describes their interaction with the defendants' and A. Burks' narcotics and firearms trafficking operation. The statements of three of those cooperating witnesses are described below, and corroborate in part the statements of A. Burks and WATERFORD as described in the Paragraphs 26-28 below. ATF believes that the statements are reliable based on the context of the overall investigation and several specific points of corroboration. None of the cooperating witnesses have been promised anything in exchange for their statements.

Cooperating Witness 1 ("CW1")

6. ATF also interviewed CW1 about defendants and their narcotics and firearms trafficking activities.² CW1 stated that he met WATERFORD and Kevin

² CW1 has five prior arrests and one felony conviction, but has not been charged with any offense related to the conduct described herein and is cooperating with the government because CW1 believes BURKS and WATERFORD exploited CW1's drug addiction and has been exploiting other addicts as well. At this time, ATF has provided the CW1 approximately \$3583.06 in temporary housing costs in response to threats made against the CW1 after the targets of the investigation became aware of his cooperation

JACKSON³ sometime in or around November 2013 through a mutual friend. CW1, who was a drug user, immediately began buying heroin from WATERFORD and Kevin JACKSON on a daily basis to sustain CW1's addiction to the drug. CW1 met Anthony JACKSON soon thereafter. Within approximately one to two weeks after meeting CW1, WATERFORD, Kevin JACKSON, and Anthony JACKSON started staying overnight frequently and using the CW1's apartment in Marion, Ohio as a base of operations for their narcotics and firearms trafficking activities. They paid CW1 with heroin for the use of his apartment. Approximately ten days later, CW1 met A. Burks, who also started using the CW1's apartment as a place to stay and conduct narcotics and firearms trafficking business.

7. According to CW1, after WATERFORD, Kevin JACKSON and A. Burks started selling heroin and crack cocaine out of CW1's apartment, as many as 30 customers came to the apartment each day to purchase narcotics. Kevin JACKSON set up security cameras at CW1's apartment that were hooked up to a TV in the living room. CW1 understood that these cameras were installed so that defendants could see who was coming to the door of the apartment before they let them in. Omar BURKS occasionally sold narcotics with A. Burks, WATERFORD, and Kevin JACKSON out of CW1's apartment. A. Burks, WATERFORD, Kevin JACKSON, and Omar BURKS frequently used a security "wand" to examine customers before they were allowed into the apartment to purchase narcotics. CW1

³ After being presented with a photo array, CW1 identified Kevin JACKSON, Kierre WATERFORD, A. Burks, Omar BURKS, Anthony JACKSON, and Daniel MURPHY as individuals involved in the drug and firearms trafficking organization described herein.

believed that this “wand” was intended to detect when someone was “wired up” by the police.

8. In addition to serving customers from the CW1’s apartment, WATERFORD, Kevin JACKSON, and A. Burks occasionally served narcotics to customers at a nearby apartment complex. According to the CW1, they communicated with their customers on their cell phones and told the customers where they should go to get the narcotics.

9. Based on the conversations CW1 had directly with defendants and A. Burks, conversations among defendants and A. Burks that CW1 overheard, and the comings and goings that he observed, CW1 learned that WATERFORD, Kevin JACKSON, and A. Burks obtained their narcotics from a source in Harvey, Illinois. When A. Burks obtained a supply of narcotics from his Harvey source, he would hide it in the attic of the CW1’s residence.

10. Almost every morning that A. Burks stayed at CW1’s residence, CW1 saw him retrieve a “chunk” of narcotics from the attic and take it to the kitchen where he packaged it for sale. According to CW1, Kevin JACKSON also maintained his own supply of narcotics somewhere. The CW1 has seen Omar BURKS and Anthony JACKSON obtain narcotics to sell from A. Burks and Kevin JACKSON, and Omar BURKS and Anthony JACKSON packaged drugs for sale in CW1’s kitchen. They usually placed approximately \$20 worth of narcotics into folded pieces of paper. Sometimes they packaged the crack cocaine in paper that was a different color from the paper used to package the heroin.

11. When A. Burks, Kevin JACKSON, Omar BURKS, WATERFORD and Anthony JACKSON ran out of their supply of narcotics, they frequently traveled to Harvey, Illinois to transport guns for sale or trade and to replenish their narcotics supply. Based on conversations with and among defendants and A. Burks, CW1 learned that defendants preferred to travel in groups of two or more individuals. They also preferred to travel in two cars in case one car was stopped by police. According to CW1, they waited until everyone's narcotics supply was depleted before they went to Illinois to get a new supply. CW1 estimated that they traveled to Harvey approximately two times per month. CW1 allowed them to use his car to drive to Harvey on at least four occasions. According to CW1, on a return trip from Illinois, his car broke down so A. Burks and WATERFORD abandoned it on the side of the road somewhere in northern Indiana.⁴

12. According to CW1, A. Burks, Omar BURKS, WATERFORD, Kevin JACKSON, and Anthony JACKSON, acquired firearms in Ohio which they transported to Harvey, Illinois to sell or to trade them for narcotics. On one occasion, Kevin JACKSON and Omar BURKS came to CW1's apartment at approximately 3 a.m. and brought in some rifles and other guns. Kevin JACKSON and Omar BURKS stayed at CW1's apartment that night, and the next day, A. BURKS and WATERFORD arrived to prepare the guns to be transported to Illinois. According to conversations CW1 overheard, it was CW1's understanding that Omar BURKS and Kevin JACKSON took the rifles in CW1's car, and that A. Burks and

⁴ Indiana State Police records show that, on January 29, 2014, CW1's vehicle was accidentally sideswiped by a truck after it had been abandoned on an Indiana Highway.

WATERFORD took the pistols in another car. CW1 also believed that the firearms were divided between the two cars to prevent all the firearms from being seized by law enforcement in the event a single car was stopped during the trip to Illinois.

Cooperating Witness 2 (“CW2”)

13. ATF interviewed CW2.⁵ CW2 stated that CW2 first met Kevin JACKSON sometime in or around January 2013. Kevin JACKSON suggested that CW2 could sell narcotics for him. CW2 reconnected with Kevin JACKSON sometime in or around May 2013. Soon thereafter, CW2 began selling small amounts of heroin for Kevin JACKSON in Marion, Ohio. CW2 was also using heroin at that time. At first, CW2 sold a few ounces of heroin per week, but the quantity increased over time and after several weeks, CW2 sold approximately \$1000 worth of heroin daily for Kevin JACKSON. For every \$1000 worth of heroin JACKSON gave him, CW2 would have to return \$700 in cash to JACKSON.

14. Sometime in or around July or August 2013, CW2 began working with A. Burks and WATERFORD. CW2 estimates that he has packaged heroin for sale with WATERFORD and A. Burks on over 100 occasions. CW2 also sold \$1000 packs of heroin for A. Burks under the same pricing terms.

15. Based on his interactions with defendants and A. Burks, CW2 learned that A. Burks, WATERFORD, and Kevin JACKSON made weekly trips to the

⁵ CW2, who has prior convictions for DUI and drug abuse, began to cooperate with ATF because he was concerned about his complicity in the conspiracy. CW2 was presented with a photo array and identified A. Burks, Kevin JACKSON, Omar BURKS, Anthony JACKSON, and Kierre WATERFORD as the individuals described herein. No promises have been made to CW2 in return for his cooperation.

Chicago area and that Omar BURKS often drove the group. CW2 overheard the group talk about going back to Chicago to replenish their heroin supply. CW2 has overheard A. Burks talk about moving up to “half a brick” and selling “big boy weight” in reference to the narcotics he distributed. CW2 has also overheard WATERFORD state that their cocaine supplier was a “Mexican” who lived near them in the Chicago area. Sometime in or around November or December 2013, CW2 traveled with Omar BURKS, A. Burks, and Kevin JACKSON to Chicago. CW2 understood that the purpose of the trip was to obtain a narcotics supply. However, CW2 did not personally witness the exchange of narcotics and money.

16. CW2 stated that in November or December 2013, A. Burks brought heroin to CW2 while CW2 was staying at a relative’s house in Marion, Ohio. CW2 stated that A. Burks saw a safe at the relative’s house and eventually found out that there were guns inside it. A. Burks, Kevin JACKSON, WATERFORD, and Anthony JACKSON pressured CW2 to steal the safe because they wanted to take the guns to Chicago. They promised to give CW2 six grams of heroin if CW2 stole the safe and brought it to them. CW2 stated that, shortly thereafter, A. Burks, Kevin JACKSON, and Anthony JACKSON traveled to CW2’s relative’s house, where CW2 and another person brought the safe to the door. A. Burks and Kevin JACKSON carried the safe to the car, where Anthony JACKSON was ready to drive and was acting as a lookout.⁶

⁶ CW1 corroborates CW2’s statement by explaining that the group brought a safe to CW1’s apartment where Aubrey BURKS, Omar BURKS, WATERFORD, Kevin JACKSON, and Anthony JACKSON used a crowbar to pry it open, and then split the firearms and other

Cooperating Witness 3 (“CW3”)

17. Cooperating Witness 3 (“CW3”),⁷ explained that he/she met A. Burks and WATERFORD through Kevin JACKSON, a drug dealer in Marion, Ohio. A relative of CW3 was one of K. JACKSON’s drug customers, but CW3 began a more personal relationship with K. JACKSON. CW3 saw K. JACKSON sell heroin to individuals in the Marion, Ohio area on many occasions. CW3 occasionally stayed at K. JACKSON’s apartment, and on one occasion, saw approximately 100 individual piles of heroin and cocaine on a square glass table top that was about two feet wide and K. JACKSON using a razor blade to divide the narcotics up and package each individual pile into a cut-off corner of a plastic baggie. CW3 has also seen K. JACKSON package narcotics in pieces of aluminum foil and various kinds of paper.

items, including jewelry, amongst themselves. In addition, in their respective post arrest statements to Marion Police Department on April 8, 2014, A. Burks admitted to his participation in the group that broke into the safe that CW2 had stolen and brought to CW1’s apartment. A. Burks acknowledged that he took a revolver from among the guns in the safe and brought it to Chicago. WATERFORD stated that when they could not get the safe opened, he and Kevin JACKSON went out and purchased crow bars to use to open the safe. Eventually, the group was able to open the safe and found it contained gun bags containing rifles, two revolvers, some ammunition and some jewelry. According to WATERFORD, after opening the safe, he and Omar BURKS drove in one car and Aubrey BURKS and Kevin JACKSON drove in another car to the Chicago area.

⁷ CW3, who has two prior convictions for endangering children, initially cooperated with ATF in the investigation because she was concerned she might get in trouble because she had traveled with individuals who dealt in guns and narcotics (as described below). CW3 has provided ATF with information about a group of individuals, including A. Burks, who have been trafficking in narcotics and firearms in and around the Marion Ohio area since sometime in or around 2013. Information provided by CW3 has largely been corroborated by information from other witnesses and other law enforcement sources. CW3 believes that A. Burks and others have made threats against her safety. As a result, ATF has provided temporary housing support for CW3 for approximately 5 to 6 weeks. No promises were made in exchange for CW3’s cooperation.

18. According to CW3, on or about March 17, 2014, A. Burks asked CW3 if CW3 wanted to take a trip to “the city.” According to CW3, A. Burks drove one car, while WATERFORD, and CW3 drove another. During the trip, one car broke down and later the other one had a flat tire. While they were stranded on the side of the highway, CW3 expressed concern because CW3 didn’t have a driver’s license and had heard rumors about A. Burks and WATERFORD having guns. In response, A. Burks informed CW3 that there were guns in the car. A. Burks took a plastic grocery bag out of the trunk and threw it into the grass next to the highway. After the flat had been fixed, A. Burks went back to where he had thrown the bag, found it and picked it up. The bag ripped open and CW3 saw three or four guns fall out. A. Burks wrapped the guns in a t-shirt and put them in the trunk of the car underneath the tire.

19. Once they arrived in the Chicago area, they dropped WATERFORD off at WATERFORD’s grandmother’s residence in Harvey, Illinois.⁸ CW3 and A. Burks went to a nearby residence (“the Galvan residence”).⁹ A. Burks and CW3 went

⁸ When driven to an area in Harvey, Illinois, CW1 identified a residence as the location where they dropped off WATERFORD. According to law enforcement databases, WATERFORD, after being arrested on multiple occasions, has often told police officers that he lives at this address.

⁹ Unbeknownst to CW3, this residence was the location where a Chicago Police Department (“CPD”) officer posing in an undercover capacity as a gun trafficker purchased multiple firearms from Anthony Galvan on multiple occasions in January and February 2014. In July 2014, Galvan was charged in the Northern District of Illinois in a single count complaint alleging that he engaged in the business of dealing firearms without a license, in violation of 18 U.S.C. §922(a)(1)(A). The affidavit in support of that complaint is adopted and incorporated herein, and is available to the Court for review. One of the firearms that UC purchased from Galvan, a Bryco Arms, Model 38, .380 caliber pistol, bearing serial number 1293583, was owned by Gun Owner C who lived in Mount Gilead, Ohio. Gun Owner C told ATF agents that he/she suspected that Drug User C took the

inside the residence and up to a bedroom where they met with a few individuals, none of whom CW3 had met before that day. CW3 was presented with a photo array and picked out a photograph of Anthony Galvan as being one of the individuals inside the bedroom. CW3 saw a large chunky rock of substance that CW3 believed was crack cocaine sitting on a scale and approximately five guns lying on the bed. A. Burks and one of the Hispanic males started talking about trading guns, and A. Burks talked about wanting to buy some of the narcotics that were on the scales. At some point, A. Burks called WATERFORD and told him to bring one of “them things.” WATERFORD joined them at the house and brought a silver long-barreled gun that CW3 had seen earlier on the trip. A. Burks and WATERFORD talked to the Hispanic males about trading that gun for another gun. CW3 also overheard A. Burks suggest that they remove the serial numbers from the gun to make it more difficult for law enforcement to trace the guns back to Ohio.

20. CW3 and A. Burks later left the house and went to a motel where they spent the night.¹⁰ A. Burks left the hotel room the next morning and returned later that day with WATERFORD. When he returned, A. Burks had a large clear plastic bag the size of a fist, containing a brown hard chunky substance which CW3 believed was heroin. A. Burks asked CW3 to hide the bag of heroin between CW3's

weapon and sold it for heroin. ATF interviewed Drug User C, who confirmed that he/she took the firearm and sold it to Aubrey Burks for 2 grams of heroin. During his post arrest statement on April 8, 2014, Burks admitted that he sold some of the firearms he obtained in Ohio to Galvan.

¹⁰ According to CW3, she registered as a guest of the motel. Business records obtained from a particular hotel in Harvey, Illinois confirm that CW3 was a registered guest at that location from March 18, 2014 to March 19, 2014.

legs. When CW3 refused, A. Burks threatened to leave CW3 in Chicago. However, A. Burks allowed CW3 to ride back to Ohio with him and WATERFORD. According to CW3, during the car ride back to Ohio, A. Burks and WATERFORD talked about taking guns from Ohio to Chicago and taking the serial numbers off the guns before they got to Chicago.

21. When they arrived back in the Marion, Ohio area, CW3 saw WATERFORD remove a plastic bag containing a substance CW3 believed was crack cocaine from where he had hidden it in the rear of his pants.

22. The statements made by CW1, CW2, and CW3 have been corroborated in several ways, including by searches and/or arrests made by law enforcement agencies, including the Marion Police Department in Ohio and the Harvey Police Department in Illinois. Those arrests include:

Kevin Jackson's Narcotics Arrest on November 1, 2013

23. On November 1, 2013, using a confidential informant, Marion Police Department ("MPD") conducted a controlled buy of heroin with Kevin JACKSON after making arrangements over the phone with JACKSON. According to MPD reports, a confidential informant purchased \$100 of heroin from JACKSON at an apartment on Windsor Avenue in Marion, Ohio. After the controlled buy, MPD obtained a search warrant for the residence in which the controlled buy was conducted. Kevin JACKSON and another individual emerged from the residence when the search was initiated and were taken into custody. During the search, MPD recovered: four cell phones; two Smith& Wesson gun boxes labeled with

serials numbers HEY9565 and HFA5464¹¹; the cash used for the controlled buy, a camouflage-colored Master Piece Arms 9mm pistol bearing serial number F21998 with silencer and box, and various items of drug paraphernalia including needles, burnt spoons, and plastic baggies with torn corners.

***Omar BURKS, WATERFORD, and Kevin JACKSON's
Narcotics Arrests on January 29, 2014***

24. On January 29, 2014, the MPD executed a search warrant at a residence on Universal Avenue in Marion, Ohio. WATERFORD, Omar BURKS and Kevin JACKSON were three of six individuals who were found inside the residence at the time of the search and were subsequently arrested. When officers entered the residence they saw Omar BURKS, Kevin JACKSON and another individual with a large amount of heroin and crack cocaine. MPD recovered several items, including two bags containing quantities of heroin and crack cocaine. Each of the occupants was searched incident to the arrest. When the officers searched WATERFORD and asked if he had any contraband on him, he first replied “no,” but then admitted that he had two bags in his “butt crack.” WATERFORD removed these items and gave them to the officer. According to the MPD officers, Kevin JACKSON, while waiting in the kitchen after having been handcuffed asked other

¹¹ ATF records show that the firearms connected to the empty boxes were purchased by Gun Owner H, who, according to A. Burks in his post arrest statement on April 8, 2014, purchased firearms at a gun show after A. Burks, Omar BURKS, and Kevin JACKSON had pooled together \$1300 to purchase the guns. When interviewed by ATF agents, Gun Owner H confirmed that he/she purchased two of the four firearms for A. Burks and Kevin JACKSON and two for herself, but that A. Burks took all four firearms to Kevin JACKSON's residence.

subjects, including Omar BURKS and WATERFORD, “Who did you stupid motherfuckers serve to?”

***Search and Recovery of Six Firearms from
Family Residence of A. Burks’ in Harvey, Illinois***

25. According to reports obtained from the Harvey Police Department, police officers investigated a tip that A. 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 owner, who agreed, in writing, to allow the officers to search the residence. During the search, Harvey Police Officers recovered six firearms, described in more detail below at Paragraphs 13 from various locations in the basement of the Harvey residence.

***WATERFORD and Burks Arrested in Ohio
with Firearms Destined for Illinois***

26. On April 8, 2014, A. Burks contacted CW1 and asked him to ride along on a trip to Chicago to transport firearms. CW1 met with A. Burks, WATERFORD and another individual at the home of a relative of CW1. After CW1 learned that they would be taking two cars on the trip, CW1 told A. Burks that he did not want to ride in the car with the firearms. After CW1 saw A. Burks and WATERFORD load firearms into one car, CW1 got into the other car with A. Burks and WATERFORD. Shortly after the two cars pulled away from the residence, they were stopped by MPD officers. After MPD officers found two pistols and two rifles in one of the cars, A. Burks and WATERFORD were arrested. At the time of their

arrest, police found \$1,255 in U.S. currency in WATERFORD's possession, and \$4,215 in A. Burks' possession.

27. ATF personnel advised A. Burks of his Miranda rights. A. Burks waived his rights, and agreed to be interviewed. A. Burks stated that he planned to drive the four firearms the police found in the car to Chicago, and that he had just purchased the firearms from Daniel MURPHY a few days before for approximately \$1,000. A. 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. A. Burks admitted that he buys firearms from heroin addicts by paying cash or at times trading cash and heroin for the firearms.

28. ATF personnel advised WATERFORD of his Miranda rights. WATERFORD waived his rights and agreed to be interviewed. WATERFORD stated that he started making trips with A. Burks to the Chicago, Illinois area sometime in or around October 2013, and recalls that he made approximately six trips from Ohio to the Chicago area when firearms were being transported. WATERFORD stated that A. Burks trades guns for heroin in Chicago. WATERFORD explained that he never sold or traded guns, but has purchased narcotics for cash while in the Chicago area that he then brought back to Ohio.

***Recorded Phone Conversations During Which Defendants
Discuss The Drug and Gun Operation***

29. On January 30, 2014, while Kevin JACKSON was detained for the offense described above in Paragraph 24, he called an unidentified woman from the jail. As all participants to phones calls originating from the jail are notified, the

conversation was recorded. During the call,¹² the woman dialed another number to activate the 3-way calling feature and Kevin JACKSON had a conversation with a male call participant who I believe was A. Burks.¹³ A. Burks told Kevin JACKSON that A. Burks' cousin was working with the feds and had sent law enforcement to A. Burks' mother's residence and that "they got all the fucking guns." Based on the context of this investigation, I believe A. Burks was referring to the firearms seized from the Harvey residence as described in Paragraph 25 above. JACKSON then informed A. Burks that law enforcement officers had "hit Chestnut" [I believe JACKSON is referring to a search that was conducted of CW1's apartment]. A. Burks remarked that he was "surprised" that they [law enforcement] had not "come and tried to talk to y'all yet." Kevin JACKSON stated, "and guess where all them demonstrations [firearms]¹⁴ fixin' to come back to ... this town." I believe Kevin JACKSON was anticipating that the firearms recovered during the Harvey search would be traced back to ownership in Ohio. JACKSON told BURKS that the "Feds" were likely to get involved and were likely to start tapping their phone calls.

¹² The recorded conversations described throughout this Affidavit have been summarized, and parentheses have been placed around language that represent my or other agents' understanding of what is being said during the recordings, based on their content and context, and based on my and other law enforcement officers' experience. In addition, language that is quoted from the recorded conversations throughout this Affidavit is based upon agents' review of the recorded conversations, and are not intended to be a final transcript of the audio recordings from which the quotes are taken

¹³ ATF agents familiar with A. BURKS' voice from interviews and review of jail calls associated with him identified a male participant in this call as A. BURKS.

¹⁴ Based on my training and experience, different slang terms are often used for code words to describe firearms. Based on this investigation, the term "demos" and "demonstrations" are code words used to describe firearms

JACKSON suggested that BURKS stop using his phone and not talk to anybody he was “not sure about.”

30. On February 1, 2014, while WATERFORD was detained in a Marion Ohio jail, he placed a call to a phone number subscribed to a Harvey Illinois address associated with WATERFORD.¹⁵ An unidentified female answered the phone and advised WATERFORD to “be careful what you say on the phone.” At WATERFORD’s request, the person who answered the call passed the phone to another individual, who WATERFORD asked, “where my demos [firearms] at, man... y’all put ‘em up?” The unidentified individual responded that he had been instructed to give the “demos” [firearms] to another person. WATERFORD demanded to speak to another person, who, when he got on the phone, explained that they got them out of the house because they were afraid the house would be searched. After the phone was passed back and forth a few times, WATERFORD directed someone to get the firearms back, saying, “I already done got paid for them bitches.”

Firearm Traces and Interviews of Original Owners

31. To date, law enforcement has recovered several firearms that have been connected to this narcotics and firearms trafficking organization.¹⁶ Each of the

¹⁵ This is the same address that CW3 stated WATERFORD went to when CW3, WATERFORD, and A. Burks traveled to Harvey, Illinois on or around March 18, 2014. In addition, CPD records show that WATERFORD has used this as his residential address for several prior arrests.

¹⁶ At least eight of the firearms have been recovered in the Northern District of Illinois.

firearms has been traced through ATF databases and ATF has attempted to interview their lawful owners. Those firearms include:

Firearm	Ohio Source	Where/How Recovered
Hi-point Model 995 9mm rifle S/N B16777	Stolen by Drug User A from Gun Owner A's Mount Gilead, Ohio home and traded to A. Burks for heroin	1/30/14 Search of Harvey Illinois residence
Izhmash Model Saiga 410 gauge shotgun S/N 93-1201984	Stolen by Drug User A from Gun Owner A's Mount Gilead, Ohio home and traded to A. Burks for heroin	1/30/14 Search of Harvey Illinois residence
Ruger Super Redhawk .44 caliber revolver S/N 55003810	Removed from safe stolen by CW2 from Gun Owner B's Marion, Ohio residence and taken by A. Burks	1/30/14 Search of Harvey Illinois residence
Wasir 7.62 caliber semi-automatic assault rifle S/N 1-39279-2003	Purchased in Columbus, Ohio by Gun Owner E, a recently deceased Marion, Ohio resident	1/30/14 Search of Harvey Illinois residence
Masterpiece Arms, .45 caliber pistol S/N A8485	Purchased by Gun Owner D in 2009 at an Indiana gun store and sold in June or July 2013 at an Indiana gun show to an unknown black male	1/30/14 Search of Harvey Illinois residence
Taurus .44 caliber revolver S/N TK852410	Stolen from Gun Owner C's Mount Gilead, Ohio residence by a relative who admitted he stole it and traded it to A. JACKSON for heroin	1/30/14 Search of Harvey Illinois residence
Masterpiece Arms, 9mm pistol S/N F7292	Purchased by Gun Owner D in 2009 at an Indiana gun store and sold in June or July 2013 at an Indiana gun show to an unknown black male	Recovered from Omar BURKS on August 17, 2013 after Ohio State Police conducted traffic stop of car Omar BURKS was driving.
Bryco Arms, Model 38, .380 caliber	Stolen from Gun Owner C's Mount Gilead, Ohio	Sold by Anthony Galvan to an undercover CPD officer on

pistol S/N 1293583.	residence by a relative who admitted he stole it and traded it to A. BURKS for heroin	January 14, 2014
Phoenix Arms Model HP25A .25 caliber pistol S/N 4400562	Purchased by Gun Owner F at an Ohio gun shop and sold to Daniel MURPHY	Sold by Anthony Galvan to an undercover CPD officer on January 22, 2014
Smith and Wesson 9mm handgun S/N HFA5464	Purchased by Gun Owner H at an Ohio gun show and given to A. Burks	Recovered by Milwaukee Police from Omar BURKS on November 26, 2013
Walther M4 .22 caliber rifle with scope S/N BP021578	Purchased by Gun Owner F at an Ohio gun shop and sold to Daniel MURPHY	Recovered by MPD on April 8, 2014 from stop of A. Burks and WATERFORD
Ruger .357 caliber revolver S/N 174-65430	Reported stolen on April 1, 2014 by Gun Owner G's wife from her Marion Ohio residence	Recovered by MPD on April 8, 2014 from stop of A. Burks and WATERFORD
Ruger Super Black Hawk .44 caliber revolver S/N 85-98200	Reported stolen on April 1, 2014 by Gun Owner G's wife from her Marion Ohio residence	Recovered by MPD on April 8, 2014 from stop of A. Burks and WATERFORD
Colt .223 caliber rifle with Leopold Scope S/N CCH032508	Traced to a purchase in Ohio to Gun Owner I. I believe this gun was reported stolen on April 1, 2014 by Gun Owner G's wife from her Marion Ohio residence.	Recovered by MPD on April 8, 2014 from stop of A. Burks and WATERFORD
Masterpiece Arms 9mm pistol S/N F21998	Purchased by Gun Owner H at Ohio gun show attended w/A. Burks	Recovered by MPD on November 1, 2013 from search of residence where Kevin JACKSON sold narcotics to MPD informant

***Daniel MURPHY's Participation the Narcotics & Firearms
Trafficking Operation***

32. CW1 stated that he/she has known Daniel MURPHY since childhood. Sometime in early 2014, CW1 was present when MURPHY met with A. Burks at

the CW1's apartment. After this meeting, MURPHY began buying heroin from A. Burks on a regular basis. At first, MURPHY began purchasing approximately 2 grams per week, but the quantity increased to as much as 15 grams per week.

33. According to CW1, MURPHY sold at least five guns to A. BURKS. CW1 recalled one occasion in early 2014 which A. BURKS sent CW1 to MURPHY's house to retrieve a laser scope for a gun that MURPHY had sold to A. Burks. CW1 also recalled another occasion in April 2014 which MURPHY brought three guns to CW1's apartment to sell to A. Burks: a .44 revolver, a .357 revolver, and an AR-15 style rifle. CW1 saw A. BURKS give MURPHY approximately 7 grams of heroin in exchange for the firearms. MURPHY also sold a .22 caliber Colt rifle to A. Burks. CW1 took a picture of A. Burks holding the rifle with the camera on his cell phone and texted it to A. Burks so he could use it to sell the rifle.

34. ATF listened to a recorded phone conversation placed by an inmate at the Multi-County Correctional Center, located in Marion, Ohio on February 28, 2014. The inmate dialed a number associated with Daniel MURPHY.¹⁷ During the call, MURPHY¹⁸ explained that he sold his Buick to his "dope boy." MURPHY stated, "he gave me a thousand in cash, squashed the money that I owed him.....he was gonna give me four [four grams of heroin] to drive my Malibu to Chicago and back." Based on the context of this investigation I believe MURPHY is referring to

¹⁷ According to CW1, this is a phone number MURPHY uses. In addition, during a recorded jail call placed by A. Burks on April 12, 2014, an unidentified female provided this phone number to A. Burks in response to A. Burks' request for MURPHY's phone number.

¹⁸ An ATF agent who had previously interviewed MURPHY identified MURPHY as one of the speakers on this call.

A. Burks as his “dope boy” or narcotics supplier. In addition, I believe MURPHY is explaining that he sold his Buick to A. Burks where MURPHY received cash and a forgiveness of a narcotics debt. I also believe based on the context of this investigation that MURPHY was explaining that A. Burks made arrangements to drive a second vehicle belonging to MURPHY, specifically, a Malibu, to Chicago for a payment of four grams of heroin.

35. On April 19, 2014, A. Burks, who was in custody for the offense described above in Paragraph 26, placed a call to MURPHY at the same phone number as described in the preceding paragraph. A. Burks explained why he was convinced that the CW1 had set them up.¹⁹ MURPHY told A. Burks that law enforcement had attempted to interview him and expressed concern that he himself would be charged stating, “I can’t believe they’re trying to pin this on me.” A. Burks acknowledged that he had made incriminating statements to law enforcement stating, “how can they pin it on you, Bro, when I already, you know, confessed to the shit, you feel me?” MURPHY told A. Burks that, when ATF agents came to interview him, he denied selling firearms to A. Burks and denied trading firearms for heroin.²⁰ A. Burks told MURPHY that his lawyer told him that “the

¹⁹ CW1 was in the back seat of the vehicle when they were pulled over by Marion Police Department based on CW1’s tip to police.

²⁰ On April 9, 2014, ATF agents attempted to interview MURPHY. Murphy admitted to knowing an “Amigo.” ATF agents told MURPHY they believed he provided guns to “Amigo” and asked MURPHY if he wished to cooperate. MURPHY stated he needed a couple of minutes to think about it. Several minutes later, MURPHY stated he was still undecided and requested the contact information of the ATF agents. ATF agents recovered an empty Hipoint rifle box bearing serial #R38095 in plain view outside MURPHY’s house. ATF agents later learned that Gun Owner F purchased the Hipoint rifle on March 13, 2014.

Feds” were going to pick up his case. A. Burks told MURPHY, “You know what they gonna try to do, Bro? They gonna try to get you to come to court on me, Bro.” I believe A. Burks was telling MURPHY that he anticipates that law enforcement is going to try to convince MURPHY to cooperate against A. Burks. MURPHY denied that he would do so. A. Burks further added, “They trying to get everybody below me, Bro, to come and... to come to court on me.” Referring to the CW1, MURPHY said, “he gonna get his.... Somebody’s gonna get him for something.”

None of the Defendants are a Licensed Firearm Dealer

36. On or about July 9, 2014, a query of the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) Federal Licensing System (FLS) was conducted by ATF personnel. The purpose of the query was to determine whether Kevin JACKSON, Omar BURKS, Anthony JACKSON, Kierre WATERFORD, or Daniel MURPHY are, or have ever been, a Federal Firearms Licensee (FFL). After accessing the FLS, no records were found for Kevin JACKSON, Omar BURKS, Anthony JACKSON, Kierre WATERFORD, or Daniel MURPHY, which means that they have never been licensed to deal firearms.

Conclusion

37. Based on the above facts, there is probable cause to believe that Kierre WATERFORD, Kevin JACKSON, Omar BURKS, Anthony JACKSON, and Daniel MURPHY have conspired with each other and others known and unknown to the United States to: (a) without being licensed firearms dealers, willfully engage in the business of dealing in firearms, in violation of 18 U.S.C. § 922(a)(1)(A); (b) without

being licensed firearm dealers, willfully transfer, sell, trade, give, transport and deliver firearms obtained in Ohio to other individuals who defendants knew and had reasonable cause to believe were not Ohio residents, in violation of 18 U.S.C. § 922(a)(5); and (c) receive, possess, conceal, store, barter, sell, and dispose of a stolen firearm that had traveled in interstate commerce before and after it was stolen, knowing and having reasonable cause to believe the firearm was stolen, in violation of 18 U.S.C. § 922(j), all in violation of 18 U.S.C. § 371 (Count One); and have conspired to possess with intent to distribute and to distribute controlled substances, namely, heroin and crack cocaine, in violation of Title 21, United States Code, Section 846 (Count Two).

FURTHER AFFIANT SAYETH NOT.

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

SUBSCRIBED AND SWORN to before me on July 10, 2014.

MARY M. ROWLAND
United States Magistrate Judge