

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

UNITED STATES OF AMERICA

v.

PATRICK SEAN KEIRAN

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 June 20, 2014, at Elwood, in the Northern District of Illinois, Eastern Division, the defendant violated:

<i>Code Section</i>	<i>Offense Description</i>
Title 18, United States Code, Section 922(d)(1)	Sale or transfer of a firearm to a convicted felon

This criminal complaint is based upon these facts:

X Continued on the attached sheet.

AMY L. NESS
Special Agent, Bureau of Alcohol, Tobacco,
Firearms & Explosives (ATF)

Sworn to before me and signed in my presence.

Date: July 1, 2014

Judge's signature

City and state: Chicago, Illinois

Jeffrey T. Gilbert, U.S. Magistrate Judge
Printed name and Title

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS

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AFFIDAVIT

I, AMY L. NESS, being duly sworn, state as follows:

1. I am a Special Agent with the Bureau of Alcohol, Tobacco, Firearms and Explosives (“ATF”), and have been so employed since September 10, 2001. My current responsibilities include the investigation of crimes that involve, among other things, the violations of federal firearm laws. Throughout the course of my employment with ATF, I have conducted numerous investigations involving the unlawful purchase and sale of firearms.

2. In particular, I am familiar with Title 18, United States Code, Section 922(d), which makes it unlawful to sell a firearm to a convicted felon.

3. This affidavit is submitted in support of a criminal complaint alleging that Patrick Sean KEIRAN has violated Title 18, United States Code, Section, 922(d). Because this affidavit is being submitted for the limited purpose of establishing probable cause in support of a criminal complaint charging KEIRAN with selling firearms to a convicted 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 defendant committed the offense alleged in the complaint.

4. This affidavit is based on my personal knowledge, information provided to me by other law enforcement agents and from person with knowledge regarding relevant facts.

BACKGROUND OF INVESTIGATION

5. On October 4, 2012, Patrick Sean KEIRAN applied for a Federal Firearms License (FFL). On or about April 30, 2013, KEIRAN's application was approved and KEIRAN was issued a Federal Firearms License number ending in 03803. The license authorized KEIRAN and Individual A to engage in the business of dealing in firearms from the stated business location of 208 Depot Street, Unit A, Gardner, Illinois 60424 (hereinafter "the Gun Shop"). KEIRAN was identified in the application as the individual who would run the business. The business name is American Choice Firearms and Ammo.

6. In May 2014, ATF received information from a confidential source (CS-1)¹ that KEIRAN was selling firearms to prohibited persons and falsifying ATF paperwork in an attempt to fraudulently legitimize the prohibited sales. Based on this information, ATF opened an investigation into KEIRAN.

a. Introduction of Undercover Agents to KEIRAN

7. On May 27, 2014, a meeting was set up between KEIRAN, CS-1 and two undercover agents. The meeting was audio and video recorded and occurred at

¹ CS-1 has no prior felony convictions. The CS has prior misdemeanor convictions for assault and domestic battery. The CS is currently charged with driving offenses and is hopeful his cooperation will be considered in that case, although no promises have been made to CS-1. CS-1 is being paid by law enforcement for the information he provided in this case.

the Rendezvous Tavern located in Dwight, Illinois. At the meeting, CS-1 introduced the undercover agents to KEIRAN. During the meeting, the UC and KEIRAN left the bar and went to the back alley to discuss the UC's purchase of firearms from KEIRAN. The UC informed KEIRAN that he wanted to purchase firearms, but he would not be able to pass a background check. KEIRAN informed the UC that it would not be a problem because KEIRAN could put the paperwork for the firearms in someone else's name.

8. KEIRAN provided the UC with his business card and told him to call before coming to KEIRAN's gun shop, so that KEIRAN could turn off the surveillance cameras.

9. On May 28, 2014, at approximately 3:47 p.m., the UC called KEIRAN at the number KEIRAN provided. The UC stated he was "good for three of those," meaning he was ready to purchase three firearms. KEIRAN informed the UC to come to his store the following day to purchase the firearms.

b. May 29, 2014, First Gun Deal at the Gun Shop

10. On May 29, 2014, at approximately 1:21 p.m., the UC drove to the Gun Shop. During the course of the audio and video recorded meeting, KEIRAN sold the undercover agents three 9mm semi-automatic firearms for \$960.00. KEIRAN filled out the required ATF 4473 Forms² for each of the three firearms in three different customer names. KEIRAN did not put the UC's name on any of the forms.

² FFLs are required to fill out an ATF Form 4473 for every sale of a firearm. The form requires the FFL to list the identifying information of the customer purchasing the firearm, as well as the information identifying the firearms the customer is purchasing. The forms are held in the store by the FFL for later inspection by law enforcement if necessary.

KEIRAN copied the customer information from old 4473 forms that were already in the store.

11. After KEIRAN filled out the 4473 forms in other people's names, he had UC sign the form with the names of the assumed identities. Prior to having the UC sign the three 4473 forms, KEIRAN provided the UC with the old 4473 forms and a piece of blank scratch paper, so that the UC could practice the previous customers' signatures to make it look like the same signature from the old (previous) forms. KEIRAN also had the UC post-date the lower part of the form to make it appear as if the person picked up the firearm three days after the purchase had taken place. The three firearms purchased by the UC were (1) a SCCY, CPX-1, 9mm handgun, bearing serial number 104870; (2) a SCCY, CPX-1, 9mm handgun, bearing serial number 104782; and (3) a SCCY, CPX-2, 9mm handgun, bearing serial number 104619.

12. Prior to completing the sale, KEIRAN called the three firearm transactions into the Illinois State Police F-Tip hotline and provided three different FOID numbers which corresponded to the forged names KEIRAN listed on the 4473 Forms.³ After the sale, ATF obtained the F-Tip records from the Illinois State Police and confirmed that KEIRAN provided three different valid FOID numbers

³ The Firearms Transfer Inquiry Program (F-Tip) is run by the Illinois State Police and requires licensed firearm dealers to obtain a Firearm Owner's Identification (FOID) Card from any prospective firearm customer. Prior to a firearm sale, the licensed dealer is required to call the F-Tip hotline and provide the FOID number of the prospective customer. The Illinois State Police verifies that the prospective customer has a valid FOID card and does not have a prior felony conviction. This process must be completed and approved by the Illinois State Police prior to the firearms dealer completing the transaction.

from previous customers to fraudulently document the sale of the three firearms to the UC.

c. June 5, 2014, Second Gun Deal at the Gun Shop

13. On June 3 and June 4, 2014, the UC and KEIRAN engaged in a series of recorded telephone calls regarding the UC's purchase of additional firearms from KEIRAN. It was arranged that the UC would meet KEIRAN at the Gun Shop on June 5, 2014.

14. On June 5, 2014, the UC entered the Gun Shop and met with KEIRAN. The meeting was audio and video recorded. During the course of the meeting, KEIRAN sold the UC a .38 caliber Charter Arms revolver, Model: Undercover- Lite, bearing serial number 13-35462 for \$398.43. KEIRAN informed the UC that he hurt his hand and would need the UC to assist in filling out the ATF 4473 paperwork. KEIRAN provided the UC with another customer's 4473 form and instructed him to copy the information onto a new blank form to document the sale. KEIRAN told the UC to make the date of purchase for the previous day, June 4, 2014. KEIRAN again called the Illinois State Police F-Tip number and provided another individual's FOID number as being the purchaser of the firearm.⁴

15. During the meeting, the UC also ordered an AR-15 rifle from KEIRAN. KEIRAN said it would take a few days for him to get the AR-15 and that he would have it shipped to his (KEIRAN'S) house, instead of the Gun Shop. The UC

⁴ ATF verified that KEIRAN provided a valid FOID number of a former customer to the Illinois State Police for the sale of the firearm to the UC.

provided KEIRAN with approximately \$1,070 to pay for the .38 caliber firearm and the future order of the AR-15 rifle.

16. On June 10, 2014, the UC met KEIRAN the Ron-De-Voo Tavern located in Dwight, Illinois. In an audio and video recorded meeting, KEIRAN informed the UC that he had the AR-15, as well as another .22 caliber firearm for the UC. KEIRAN suggested that the UC come to his (KEIRAN'S) residence the following day to pick up the firearms. KEIRAN informed the UC that he never entered the AR-15 into the store's inventory and made it look as if KEIRAN bought it for himself. KEIRAN also discussed removing the serial numbers from the AR-15 so it could not be traced back to him.

17. KEIRAN informed the UC that he would do the paperwork for the new .22 caliber firearm at his shop the following day, and that the UC could pick up the .22 caliber firearm, along with the AR-15, from KEIRAN's residence in Elwood, Illinois the following evening.

d. June 12, 2014, First Gun Deal at KEIRAN'S Residence

18. On June 12, 2014, at approximately 10:33 a.m., the UC arrived at KEIRAN's residence. The meeting was audio and video recorded. KEIRAN invited the undercover agents inside the residence. On the kitchen table the UC observed two long boxes. KEIRAN opened the first box and showed the UC an American Tactical Imports rifle, Model: Omni, .22 caliber, bearing serial number AR45669. As the UC examined the rifle, KEIRAN pointed to the serial number and stated, "That's your number right there." KEIRAN then showed the UC another rifle,

being a Mossberg rifle, Model: 715T, .22 caliber, bearing serial number EMG3829974. KEIRAN informed the UC that he owed him \$318.75 for the second rifle. The UC handed KEIRAN \$320.00 in exchange for the rifle.

19. After giving the UC the two firearms, KEIRAN informed the UC that he purchased the AR-15 in his own name. KEIRAN stated, “I used my FOID and everything...Like I said these – that one – cause they’re through me make sure those frickin’ numbers are history [meaning he wanted the UC to make sure he removed the serial number from the gun].

20. While at KEIRAN’s residence, KEIRAN showed the undercover agents a “Tommy Gun” that KEIRAN had previously stated was a fully automatic weapon.⁵ The UC observed the selector switch on the “Tommy Gun” with a “full” select. KEIRAN showed the UC multiple firearms that he had throughout the house.

21. The UC told KEIRAN that it is much easier doing the sales at KEIRAN’s residence than going to the Gun Shop. KEIRAN stated, “Well that’s why I said we can...I got paperwork here. I just gotta still – I have to do – finish the paperwork. I gotta do that there [his gun shop].” KEIRAN stated, “I can do the transactions here but I do all the paperwork at the shop.”

22. The UC informed KEIRAN that he had another friend who wanted to purchase six firearms from KEIRAN. KEIRAN agreed to sell the UC’s friend the firearms at a later date.

⁵ Fully automatic weapons are illegal unless the owner has a special license or registers the weapon with ATF. ATF has verified that KEIRAN does not have a license to possess a fully automatic weapon and does not have any registered fully automatic weapons with ATF.

e. June 16, 2014, Gun Order at KEIRAN's Residence

23. On June 16, 2014, at approximately 2:23 p.m., the UC and CS-2⁶ met with KEIRAN at KEIRAN's residence. Inside KEIRAN's residence, the UC introduced CS-2 to KEIRAN as his friend "Eric." The UC stated "Eric" was his friend who he mentioned previously that wanted to purchase multiple firearms.

24. The UC informed KEIRAN that CS-2 would pay \$1,600 for five 9mm handguns. KEIRAN agreed and stated he would order the guns immediately and have them in a few days. KEIRAN told CS-2 that he could also get him an AR-15. KEIRAN never requested to see identification from CS-2 or requested to see a FOID card.

25. KEIRAN went upstairs in his residence and brought down a black guitar case containing a "Tommy Gun." The UC asked if it was "full" [meaning fully automatic] and KEIRAN stated, "yeah that's a full go." KEIRAN informed the UC he would make the UC's AR-15 fully automatic when his hand healed.

26. The UC informed KEIRAN that CS-2 wanted to see KEIRAN's gun shop. KEIRAN stated that, "this is easier . . . It's just easier for me to do it here because it's all illegal shit. If I do it at the shop it's all on cameras." The UC informed KEIRAN that CS-2 "doesn't want to be on no cameras." KEIRAN then

⁶ CS-2 is a convicted felon and has prior felony convictions for possession of a controlled substance. The CS is being paid for his cooperation. Agents believe the CS to be reliable because information he has provided in the past has been confirmed in other investigations. In addition, information provided by the CS during this investigation has been corroborated based on the UC being present during the operation.

called another firearm supplier and ordered five firearms. CS-2 provided KEIRAN with \$1,200 as a down payment for the firearms.

27. KEIRAN told the UC that they could “keep going like this with you guys, as long as I don’t get caught up in nothing.” The UC replied, “as long as the numbers keep coming off” [meaning the serial numbers keep getting removed]. KEIRAN responded, “what did I tell you . . . I don’t give a fuck.”

28. The UC informed KEIRAN that he would get “less” with CS-2’s name than the UC’s name [meaning CS-2 would not pass a background check for a gun.] The UC stated that CS-2 was worried about whose name was going on the paperwork for the guns and KEIRAN replied, “don’t worry about it.” In the presence of KEIRAN, the UC stated to CS-2, “You’re just worried about going back [to prison]. You’re not going back, it’s all on the up and up. We’ll get the numbers off [obliterate the serial numbers on the firearms]. Nobody’s getting’ caught.” KEIRAN informed CS-2 and the UC he would call when he obtained the firearms.

f. June 18, 2014, Recorded Call Between UC and KEIRAN

29. On June 18, 2014, at approximately 4:46 p.m., UC spoke to KEIRAN in a recorded call. During the call, the UC explained to KEIRAN that CS-2 is not used to these firearm transactions being so easy. The UC told KEIRAN, “He [CS-2] is used to doing shit in the alleys.” KEIRAN asked the UC how long he knew this clown [referring to CS-2]. The UC stated, “Nah, I’ve known this clown forever. This fuckers not, he’s you know. He used to gang bang and shit but...” KEIRAN stated, “Cool.” The UC continued, “...now he’s too old for that you know? He’s been in and

out of the joint but he's fuckin' solid now. He's all about the money so." KEIRAN stated, "Alright."

g. June 20, 2014, Second Gun Deal At KEIRAN's Residence

30. On June 20, 2014, the UC and CS-2 arrived at KEIRAN's residence to pick up the firearms CS-2 previously ordered. KEIRAN invited CS-2 and the UC into the residence. CS-2 stated, "So you got all five of them there dude [referring to firearms]?" KEIRAN stated, "All five of them are in there. Don't do nothing cause I got to do the paper and I'm not going to put it in the book until I got – everything's cleared. So I got to put these in the book to get them out of the book." CS-2 agreed to hold the guns until he heard from KEIRAN that the paperwork was done. KEIRAN never requested to see identification from CS-2 or requested to see a FOID card.

31. KEIRAN stated, "I'm thinking if all goes well by the time I have to go down there and pick out the paperwork today and then I'm gonna I'll have it all called in and we'll date it for yesterday, call it in today, it'll be approved and ready to go hopefully all go by Saturday afternoon." CS-2 stated, "Oh. Can I take a look at it?" KEIRAN stated, "Yeah." KEIRAN asked the UC, "Who takes the numbers off you or him?" UC stated, "I will....No I'll make sure...." CS-2 stated, "I won't touch them until you get that paperwork ready man as soon as you get a..." UC stated, "We don't want to fuck up the golden goose man...we don't want to fuck the goose in the ass" CS-2 stated, Yeah as long as you get that going man then I'll do what I do then there's more business behind us man." KEIRAN stated, "Cause I'll do it like I

said, I can do it this way but just it's easier if I got other people I can put the fuckin' paperwork on." The five firearms KEIRAN provided CS-2 were identified as the following:

- (1) SCCY, Model: CPX-2, 9mm, bearing serial number: 145754
- (2) SCCY, Model: CPX-2, 9mm, bearing serial number: 145755
- (3) SCCY, Model: CPX-2, 9mm, bearing serial number: 145751
- (4) SCCY, Model: CPX-2, 9mm, bearing serial number: 145752
- (5) SCCY, Model: CPX-2, 9mm, bearing serial number: 145753

CONCLUSION

32. Based on the information in this affidavit, there is probable cause to believe that KEIRAN has violated Title 18, United States Code, Section, 922(d), by selling firearms to a convicted felon.

FURTHER AFFIANT SAYETH NOT.

AMY L. NESS
Special Agent, Bureau of Alcohol, Tobacco,
Firearms & Explosives

SUBSCRIBED AND SWORN to before me on July 1, 2014.

Jeffrey T. Gilbert
United States Magistrate Judge