

UNITED STATES DISTRICT COURT

for the

Eastern District of California

FILED
Jun 02, 2020
CLERK, U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

United States of America

v.

Donte Marcel Anderson

Case No. 2:20-mj-0083 EFB

SEALED

Defendant(s)

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 the date(s) of June 1, 2020 in the county of Solano in the Eastern District of California, the defendant(s) violated:

Table with 2 columns: Code Section, Offense Description. Rows include 18 U.S.C. § 922(j) Possession of a Stolen Firearm and 18 U.S.C. § 922(u) Burglary of a Federally-Licensed Firearms Dealer.

This criminal complaint is based on these facts:

SEE ATTACHED AFFIDAVIT OF ATF SPECIAL AGENT JERRY DONN

Continued on the attached sheet.

/s/ Jerry Donn (by telephone authorization)

Complainant's signature

Jerry Donn, ATF Special Agent

Printed name and title

Sworn to before me telephonically.

Date: 06/02/2020

Judge's signature (Edmund F. Brennan)

City and state: Elk Grove, California

United States Magistrate Judge Edmund F. Brennan

Printed name and title

AFFIDAVIT OF ATF SPECIAL AGENT JERRY DONN

I, Jerry Donn, being duly sworn, hereby depose and state:

PURPOSE

1. This Affidavit is made in support of search warrants for:
 - a. 500 Union Avenue, Fairfield, California, the Solano County Jail, as more fully described in Attachment A-1, for the items listed in Attachment B-1.
 - b. A 2019 Chrysler Pacifica bearing Oregon license plate, 900 LRG, located at Vacaville Tow, 56 Commerce Place, Vacaville, California, as more fully described in Attachment A-2, for the items listed in Attachment B-2.

I believe there is probable cause to believe that the location described in Attachments A-1 and A-2 contains evidence of violations of 18 U.S.C. § 922(j) (possession of a stolen firearm) and 18 U.S.C. § 922(u) (burglary of a federally-licensed firearms dealer). The evidence to be seized is more fully described in Attachment B.

2. Additionally, this Affidavit is made in support of criminal complaints and arrest warrants for:
 - a. Donte Marcel Anderson (age: 31)
 - b. Desteny Estrella Leilani Salazar (age: 22)
 - c. Donley Thompson (age: 27)
 - d. Tracy Whitfield (age: 31)
 - e. Adrian Oscar Duran (age: 23)

Count One: Possession of a Stolen Firearm, 18 U.S.C. § 922(j)

Count Two: Burglary of a Federally-Licensed Firearms Dealer, 18 U.S.C. § 922(u).

AGENT BACKGROUND

3. I am a Special Agent ("SA") with the United States Department of Justice, Bureau of Alcohol, Tobacco, Firearms, and Explosives ("ATF"). I have been an ATF Special Agent for nineteen years. Prior to working for ATF, I was employed as a Deputy United States Marshal with the United States Marshals Service for four years. I have received training in federal firearms laws and regulations at the ATF National Academy and Federal Law Enforcement Criminal Investigator Training Program. I have investigated at least one hundred cases involving federal firearms violations, involving unlawful sales, possession, manufacturing, and transportation of firearms. I have participated in a variety of different aspects of those investigations, including surveillance, undercover operations to conduct controlled purchases of firearms, interviewing suspects, and the execution of search and arrest warrants. I have been the affiant of numerous affidavits for search warrants relating to firearms offenses.
4. I am an "investigative or law enforcement officer" of the United States within the meaning of 18 U.S.C. § 2510(7), in that I am an officer of the United States empowered by law to conduct criminal investigations and make arrests for offenses enumerated in 18 U.S.C. § 2516.
5. Because this affidavit is submitted for the limited purpose of establishing probable cause for the requested search warrant, I have not included each and every fact known to me about this case. Rather, I have set forth only the facts that I believe are necessary to support probable cause.
6. This affidavit is based upon my own personal knowledge but also the knowledge of other law enforcement officers involved in this investigation. Where I describe statements made by other people (including other special agents and law enforcement officers), the statements are described in sum, substance, and relevant part. Similarly, where I describe information contained in reports and other documents or records in this affidavit, this information is also described in sum, substance, and relevant part.

STATEMENT OF PROBABLE CAUSE

7. The following set of facts are based on my participation in the investigation of the June 1, 2020 burglary of the federally-licensed firearms dealer Guns, Fishing, and Other Stuff.

Burglary of Guns, Fishing, and Other Stuff.

8. On June 1, 2020, shortly before 11:00 p.m., the Vacaville Police Department received a call reporting suspicious persons at the Guns, Fishing, and Other Stuff (“GFOS”) store located at 197 Butcher Road in Vacaville, California. Shortly thereafter, Vacaville Police Department dispatch was notified of a security alarm activation at GFOS.
 - a. GFOS is a two-story gun and outdoor recreation store. GFOS is a federally-licensed firearms dealer.
9. Vacaville Police Department officers responded toward the scene. Vacaville Police Officer Keith Hopper was the first on scene. Officer Hopper was driving a marked Vacaville Police Department patrol vehicle. As he arrived on scene, Officer Hopper saw four vehicles driving at an accelerated rate of speed on Butcher Road away from GFOS. Officer Hopper activated his patrol vehicle’s emergency lights and sirens and followed the four vehicles. The first three vehicles drove onto eastbound Interstate 80 onramp, another vehicle stayed on surface streets. Officer Hopper followed the three vehicles onto Interstate 80. Eventually, Officer Hopper focused on one vehicle (a 2019 Chrysler Pacifica minivan bearing Oregon license plate 900 LRG) and he lost sight of the other two vehicles.

High-speed chase results in five people being arrested.

10. As Officer Hopper followed the Chrysler minivan, the minivan continued to accelerate and failed to yield to Officer Hopper’s flashing emergency lights and audible siren. The minivan exited the freeway at Nut Tree Parkway and continued on surface streets before attempting to reenter Interstate 80. At this point, law enforcement deployed a stop stick to attempt to stop the minivan. The minivan’s right side drove over the stop stick but the minivan continued up onto eastbound I-80. As the minivan drove on I-80, it reached speeds over 100 mph before slowing. The minivan exited I-80 on the Leisure Town off-ramp turned onto Leisure Town Road and then onto Orange Drive before coming to a stop. As the minivan stopped, five individuals got out and started running away. At this point, other responding officers had joined Office Hopper in pursuit. Officer Hopper stayed with the minivan while other officers chased the five suspects.

11. Officer Hopper searched the minivan. Inside it, he found bolt cutters, a Sawsall power tool, and thirteen handguns with price-tags for GFOS still attached. The firearms included at least one Glock pistol, one Springfield pistol, and one Kimber Arms pistol.
 - a. Kimber Arms pistols, Glock pistols, and Springfield pistols are all manufactured outside the state of California and therefore necessarily traveled in interstate or foreign commerce.

12. Within one to two minutes, assisting officers had taken the five individuals from the minivan into custody:
 - a. Donte Marcel Anderson (age: 31)

 - b. Desteny Estrella Leilani Salazar (age: 22)

 - c. Donley Thompson (age: 27)
 - i. On July 31, 2014, Thompson was convicted of receiving stolen property, in violation of California Penal Code 496(a).

 - d. Tracy Whitfield (age: 31)

 - e. Adrian Oscar Duran (age: 23)
 - i. On September 19, 2018, Duran was convicted of burglary, in violation of California Penal Code 459. Duran is currently on probation stemming from this conviction.

13. The minivan was subsequently towed to Vacaville Tow at 56 Commerce Place, Vacaville, California. The minivan is registered to EAN Holdings, a holding company that does business as Enterprise-Rent-A-Car.

Follow-up investigation at the burglarized gun store.

14. Law enforcement officers responded to GFOS. The front door of the GFOS store is made of glass. Behind the glass is a gate made of metal bars. Based upon the evidence at the scene, it appeared that the glass front door was shattered and then the metal bars were cut with some kind of metal-cutting tool.

15. The owner of GFOS was interviewed. He estimated that approximately 70 guns were stolen during the burglary. Below is a photograph of the smashed display case that contained the firearms.



16. Subsequently, law enforcement officers reviewed the surveillance video from the GFOS in-store surveillance cameras. Surveillance showed an individual using a metal-cutting tool to saw through the metal gate after the glass front door had been shattered. At this point, at least eight different individuals entered into the store while the person with the metal-cutting tool appeared to remain outside. The individuals proceeded directly to the second floor where the firearms were located. They smashed a glass display case and took pistols.

REQUEST TO SEAL

17. This Affidavit contains information regarding potential targets, which if unsealed may jeopardize the very information sought to be gained by this search warrant. In light of the on-going nature of the investigation, and the

likelihood that notice to above-identified individuals may cause them to destroy evidence, flee from prosecution, and notify confederates, your Affiant requests that this Affidavit and the resulting Search Warrants and Criminal Complaints be sealed on the Court's docketing system, with the exception of copies utilized by law enforcement officers participating in the investigation and a copy of the Search Warrants and an inventory of any items seized that will be left at the location of the execution of the Search Warrants.

CONCLUSION

18. I hereby request that search warrants be issued for the locations described in Attachments A-1 and A-2 for the items set forth in Attachments B-1 and B-2 based upon the aforementioned facts. Additionally, I request the arrest warrants be issued for Donte Marcel Anderson, Desteny Estrella Leilani Salazar, Donley Thompson, Tracy Whitfield, and Adrian Oscar Duran.

I swear, under the penalty of perjury, that the foregoing information is true and correct to the best of my knowledge, information, and belief.

/s/ Jerry Donn (by telephone authorization)

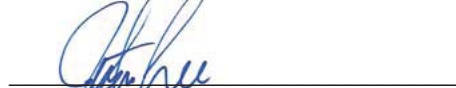
JERRY DONN
ATF Special Agent

Sworn and Subscribed to me
on June 2, 2020,



Hon. EDMUND F. BRENNAN
United States Magistrate Judge

Approved as to form:



Justin L. Lee
Assistant United States Attorney

PENALTY SLIP

United States

2:20-mj-0083 EFB

v.

Donte Anderson,
Desteny Salazar,
Donley Thompson,
Tracy Whitfield, and
Adrian Duran

COUNT ONE: 18 U.S.C. § 922(j) – Possession of a Stolen Firearm

Fine of up to \$250,000, and/or
Imprisonment of up to 10 years, or both
Term of Supervised Release of up to 3 years
Mandatory \$100 Special Assessment

COUNT TWO: 18 U.S.C. § 922(u) – Burglary of a Federally-Licensed Firearms Dealer

Fine of up to \$250,000, and/or
Imprisonment of up to 10 years, or both
Term of Supervised Release of up to 3 years
Mandatory \$100 Special Assessment