

AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT

for the

Middle District of Florida

United States of America

v.

Marc Jason Levene

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Case No. 8:18-MJ-1176-T-AAS

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 February 15, 2018 in the county of Sarasota in the Middle District of Florida, the defendant(s) violated:

<i>Code Section</i>	<i>Offense Description</i>
18 U.S.C. § 922(g)(1)	Felon in possession of ammunition

This criminal complaint is based on these facts:

See attached affidavit.

Continued on the attached sheet.

Complainant's signature

Konstantinos E. Balos, Special Agent, ATF

Printed name and title

Sworn to before me and signed in my presence.

Date: February 16, 2018

Judge's signature

City and state: Tampa, Florida

Amanda A. Sansone, U.S. Magistrate Judge

Printed name and title

**AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT**

I, Konstantinos E. Balos, being duly sworn, depose and state:

1. I am a Special Agent with the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), U.S. Department of Justice, and have been so employed since February of 2001. I am currently assigned to the Tampa Field Division, which is located in the Middle District of Florida, and stationed in Sarasota County, Florida.
2. I have over 20 years of law enforcement training and experience. This training and experience includes, but is not limited to, the earning of a Bachelor of Science Degree with a major in Criminal Justice, the successful completion of the Federal Law Enforcement Training Center's (FLETC) Criminal Investigator Training Program (CITP), the successful completion of the Inspector General Criminal Investigator Academy, and the successful completion of the ATF New Agent Training program. The training I have received includes the identification of firearms, explosives, and ammunition, and the investigation of firearms, explosives, and ammunition offenses. Prior to ATF, I was employed for approximately four years as a Special Agent with the U.S. Department of Agriculture, Office of Inspector General, New York Field Office.
3. As an ATF Special Agent, I am authorized to investigate criminal violations of the laws of the United States, including firearms, ammunition, explosives, and arson offenses, and to execute warrants issued under the authority of the United States. I have been involved in hundreds of investigations

involving firearms and ammunition.

4. The facts contained in this affidavit are based on my personal knowledge, information provided to me by other law enforcement officers involved in this investigation, and the review of investigative reports and evidence collected in this investigation. The statements made herein are based upon my personal knowledge, training, and experience and the knowledge, training, and experience of other law enforcement officers with whom I have consulted.

5. This affidavit should not be construed as a complete statement of all the information generated from the investigation of the events to be described, but only information which I submit is sufficient to establish probable cause in support of this criminal complaint.

#### **STATUTORY AUTHORITY**

6. I submit this affidavit in support of a criminal complaint charging Marc Jason Levene ("LEVENE") with committing the federal offense of being a felon in possession of ammunition, in violation of Title 18, United States Code, Section 922(g)(1).

#### **PROBABLE CAUSE**

7. On or about February 13, 2018, U.S. Magistrate Judge Amanda Arnold Sansone authorized a search warrant for LEVENE's residence located at 1927 Bayonne Street, in Sarasota, Florida, located in the Middle District of Florida.

8. On or about February 15, 2018, ATF special agents and other law enforcement officers executed the search warrant at LEVENE's Sarasota residence. During the execution of that search warrant, law enforcement officers searched a storage shed located on the property. In searching the shed, law enforcement officers recovered over 100 rounds of CCI brand .22 caliber ammunition. Some of this ammunition was located inside a box with LEVENE's name on it. Inside that box, law enforcement officers also discovered a receipt with LEVENE's name on it.

9. During a post-*Miranda* interview, LEVENE admitted that he purchased the CCI ammunition online around 2013 or 2014 from Gunbroker.com. LEVENE also provided a written statement that the ammunition has "been in my possession since the day they were purchased."

10. I know from my training and experience that CCI ammunition is not made in the State of Florida; in fact, the casings for CCI ammunition are manufactured in Idaho. Therefore, the CCI ammunition found in LEVENE's shed on February 15, 2018, traveled in or affected interstate commerce prior to its recovery in the State of Florida.

11. During the course of my investigation, I determined that LEVENE is a convicted felon who has not had his civil rights restored. In particular, LEVENE has the following prior felony convictions:

(a) Attempt to Commit a Felony, to wit: Unlawful Possession of a Controlled Substance (Marihuana) with Intent to Sell, in violation of Section 39-

6-417 and 39-6-415 of the Tenn. Code, in the Criminal Court of Shelby County, Tennessee, in Case No. 94046, on or about April 23, 1984 (*offense committed on December 14, 1982*);

(b) Attempt to Commit a Felony, to wit: Unlawful Possession of a Controlled Substance (Diazepam) with Intent to Sell, in violation of Section 39-6-417 and 39-6-412 of the Tenn. Code, in the Criminal Court of Shelby County, Tennessee, in Case No. 94047, on or about April 23, 1984 (*offense committed on December 14, 1982*);

(c) Attempt to Commit a Felony, to wit: Unlawful Possession of a Controlled Substance (Lysergic Acid Diethylamide-LSD) with Intent to Sell, in violation of Section 39-6-417 and 39-6-406 of the Tenn. Code, in the Criminal Court of Shelby County, Tennessee, in Case No. 94048, on or about April 23, 1984 (*offense committed on December 18, 1982*);

(d) Attempt to Commit a Felony, to wit: Unlawful Possession of a Controlled Substance (Diazepam) with Intent to Sell, in violation of Section 39-6-417 and 39-6-412 of the Tenn. Code, in the Criminal Court of Shelby County, Tennessee, in Case No. 94049, on or about April 23, 1984 (*offense committed on December 18, 1982*); and

(e) Conspiracy to possess with intent to distribute and distribution of a controlled substance, in violation of 21 U.S.C. § 846, in the United States District Court for the Western District of Tennessee, in Case No. 87-20186-01-M, on or about April 14, 1988.

12. I have received court judgments from the State of Tennessee as well as the U.S. District Court for the Western District of Tennessee confirming LEVENE's prior felony convictions. There is no record of LEVENE applying for or obtaining restoration of his civil rights to own or possess firearms or ammunition.

**CONCLUSION**

13. Based on the foregoing, there is probable cause to believe that Marc Jason LEVENE has violated Title 18, United States Code, Section 922(g)(1) by possessing ammunition after his convictions for various felony offenses.

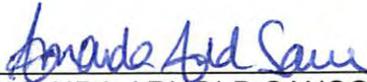
FURTHER AFFIANT SAYETH NAUGHT.



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Konstantinos Balos, Special Agent  
Bureau of Alcohol, Tobacco, Firearms and Explosives

Sworn to and subscribed before me this 16<sup>th</sup> day of  
February, 2018, in Tampa, Florida.



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AMANDA ARNOLD SANSONE  
United States Magistrate Judge