

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

UNITED STATES OF AMERICA,	)	<i>24 CR 152 KMM/ECW</i>
	)	INDICTMENT
Plaintiff,	)	18 U.S.C. § 922(g)(1)
	)	18 U.S.C. § 924(a)(8)
v.	)	18 U.S.C. § 924(d)(1)
	)	18 U.S.C. § 924(c)(1)(A)(i)
BERNARD AUGUSTA MACK,	)	21 U.S.C. § 841(a)(1)
a/k/a "Chedda,"	)	21 U.S.C. § 841(b)(1)(B)
	)	21 U.S.C. § 841(b)(1)(C)
Defendant.	)	21 U.S.C. § 853(p)
	)	26 U.S.C. § 5845(b)
	)	28 U.S.C. § 2461(c)

THE UNITED STATES GRAND JURY CHARGES THAT:

At times relevant to this Indictment:

The Defendant was a member and associate of a criminal organization, namely, the South Minneapolis street gang known as the "10's" (often stylized as "10z"). At times relevant to this Indictment, the 10's operated in the District of Minnesota, and elsewhere.

COUNT 1

(Possession with Intent to Distribute Fentanyl)

On or about December 23, 2023, in the State and District of Minnesota, the defendant,

BERNARD AUGUSTA MACK,
a/k/a "Chedda,"

did knowingly and intentionally possess with the intent to distribute a mixture and substance containing 40 grams or more of N-[1-(2-phenylethyl)-4-

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piperidinyl] propanamide (commonly called “fentanyl”), a controlled substance; all in violation of Title 21, United States Code, Sections 841(a)(1), and 841(b)(1)(B).

COUNT 2

(Felon in Possession of Firearm)

On or about January 17, 2023, in the State and District of Minnesota, the defendant,

BERNARD AUGUSTA MACK,
a/k/a “Chedda,”

having previously been convicted of the following crimes, each of which was punishable by imprisonment for a term exceeding one year:

Offense	Place of Conviction	Date of Conviction (On or About)
Felon in possession of a Firearm	Hennepin County, MN	June 15, 2021
Fifth Degree Controlled Substance Possession	Dakota County, MN	October 11, 2019

and knowing he had been convicted of at least one crime punishable by imprisonment for a term exceeding one year, did knowingly possess, in and affecting interstate and foreign commerce, firearms, that is, a Glock Model 21 .45 caliber pistol bearing serial number FDK085 and a Beretta Model 92FS 9mm pistol bearing serial number A048042Z; all in violation of Title 18, United States Code, Sections 922(g)(1) and 924(a)(8).

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COUNT 3

(Possession with Intent to Distribute Fentanyl)

On or about January 17, 2023, in the State and District of Minnesota,
the defendant,

BERNARD AUGUSTA MACK,
a/k/a “Chedda,”

did knowingly and intentionally possess with the intent to distribute a mixture and substance containing a detectable amount of N-[1-(2-phenylethyl)-4-piperidinyl] propanamide (commonly called “fentanyl”), a controlled substance; all in violation of Title 21, United States Code, Sections 841(a)(1), and 841(b)(1)(C).

COUNT 4

(Carrying a Firearm During and in Relation to a Drug Trafficking Crime)

On or about January 17, 2023, in the State and District of Minnesota,
the defendant,

BERNARD AUGUSTA MACK,

did knowingly use and carry firearms, that is, a Glock Model 21 .45 caliber pistol bearing serial number FDK085 and a Beretta Model 92FS 9mm pistol bearing serial number A048042Z, during and in relation to a drug trafficking crime for which he may be prosecuted in a court of the United States, that is, possession with intent to distribute fentanyl, as alleged in Count 3 of this

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Indictment, all in violation of Title 18, United States Code, Section 924(c)(1)(A)(i).

FORFEITURE ALLEGATION

Count 1 of this Indictment is hereby realleged and incorporated by reference as if fully set forth herein for the purpose of alleging forfeitures pursuant to Title 18, United States Code, Section 924(d)(1), and Title 28, United States Code, Section 2461(c).

As a result of the offenses alleged in Count 1 of this Indictment, the defendant shall forfeit to the United States, pursuant to Title 18, United States Code, Section 924(d)(1), and Title 28, United States Code, Section 2461(c), any firearms, accessories (including any magazines, switches, conversion devices, auto sears, and other firearms parts), and ammunition, involved in, connected with, or used in any knowing violation of, the offenses alleged, including, but not limited to, a Glock Model 21 .45 caliber pistol bearing serial number FDK085 and a Beretta Model 92FS 9mm pistol bearing serial number A048042Z, and magazines containing .45 caliber and 9mm ammunition.

As a result of the offenses alleged in Counts 2 and 3 of this Indictment, the defendant shall forfeit to the United States, pursuant to Title 21, United States Code, Section 853, any property constituting, or derived from, any proceeds obtained, directly or indirectly, as the result of such violation, and

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any property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of said violation, including but not limited to, a Glock Model 21 .45 caliber pistol bearing serial number FDK085 and a Beretta Model 92FS 9mm pistol bearing serial number A048042Z, and magazines containing .45 caliber and 9mm ammunition. If any of the above-described property is unavailable for forfeiture, the United States intends to seek the forfeiture of substitute property as provided for in Title 21, United States Code, Section 853(p).

All in violation of Title 18, United States Code, Sections 922(g)(1), 924(a)(8), and 924(d)(1), Title 26, United States Code, Section 5845(b), and Title 28, United States Code, Section 2461(c).

A TRUE BILL

UNITED STATES ATTORNEY

FOREPERSON

UNITED STATES DISTRICT COURT
for the
District of Minnesota

UNITED STATES OF AMERICA

v.

Case No. 24-MJ-378 (TNL)

BERNARD AUGUSTA MACK

CRIMINAL COMPLAINT

I, the undersigned complainant, being duly sworn, state the following is true and correct to the best of my knowledge and belief. On or about January 1, 2023, in Hennepin County, in the State and District of Minnesota, defendant did knowingly possess firearms, namely, a Glock model 21 .45 caliber semi-automatic pistol bearing serial number FDK085 and a Beretta model 92FS 9mm caliber semi-automatic pistol bearing serial number A048042Z in violation of Title 18, United States Code, Sections 922(g)(1) and 924(a)(8); as well as approximately 6.3 grams of fentanyl in violation of Title 21, United States Code, Section 841(a)(1) and (841(b)(1)(C).

Further, on or about December 23, 2023, in Hennepin County, in the State and District of Minnesota, defendant did knowingly possess 191.88 grams of fentanyl in violation of Title 21, United States Code, Section 841(a)(1) and (841(b)(1)(B).

I further state that I am a Special Agent with the Federal Bureau of Investigation and that this complaint is based on the following facts:

SEE ATTACHED AFFIDAVIT

Continued on the attached sheet and made a part hereof: Yes No


SUBSCRIBED and SWORN before me
by reliable electronic means via FaceTime, Zoom,
and email pursuant to Fed. R. Crim. P. 41(d)(3)

Date: 5/31/2024

City and State: Minneapolis, Minnesota


Complainant's signature

Thomas Chorlton
Federal Bureau of Investigation
Printed name and title


Judge's Signature
Tony N. Leung, US Magistrate Judge
Printed Name and Title

UNITED STATES DISTRICT COURT

for the

District of Minnesota

UNITED STATES OF AMERICA

v.

Case No. 24-mj-378 (TNL)

BERNARD AUGUSTA MACK

ARREST WARRANT

To: Any authorized law enforcement officer

YOU ARE COMMANDED to arrest and bring before a United States magistrate judge without unnecessary delay

(name of person to be arrested) BERNARD AUGUSTA MACK

who is accused of an offense or violation based on the following document filed with the court:

Indictment Superseding Indictment Information Superseding Information Complaint
 Probation Violation Petition Supervised Release Violation Petition Violation Notice Order of the Court

On or about January 1, 2023, in Hennepin County, in the State and District of Minnesota, defendant did knowingly possess firearms, namely, a Glock model 21 .45 caliber semi-automatic pistol bearing serial number FDK085 and a Beretta model 92FS 9mm caliber semi-automatic pistol bearing serial number A048042Z in violation of Title 18, United States Code, Sections 922(g)(1) and 924(a)(8); as well as approximately 6.3 grams of fentanyl in violation of Title 21, United States Code, Section 841(a)(1) and (841(b)(1)(C).

On or about December 23, 2023, in Hennepin County, in the State and District of Minnesota, defendant did knowingly possess 191.88 grams of fentanyl in violation of Title 21, United States Code, Section 841(a)(1) and (841(b)(1)(B).

all in violation of Title 18, United States Code, Sections 922(o)(1) and 924(a)(2) and Title 21, United States Code, Section 841(a)(1) and (841(b)(1)(C).

Date: 05/31/2024



Issuing officer's signature

City and State: Minneapolis, Minnesota

Tony N. Leung
United States Magistrate Judge

Printed Name and Title

Return

This warrant was received on (date) _____, and the person was arrested on (date) _____
at (city and state) _____.

Date: _____

Arresting officer's signature

SUBSCRIBED and SWORN before me
by reliable electronic means via FaceTime, Zoom,
and email pursuant to Fed. R. Crim. P. 41(d)(3)

Printed name and title

This second page contains personal identifiers provided for law-enforcement use only and therefore should not be filed in court with the executed warrant unless under seal.

(Not for Public Disclosure)

Name of defendant/offender: _____

Known aliases: _____

Last known residence: _____

Prior addresses to which defendant/offender may still have ties: _____

Last known employment: _____

Last known telephone numbers: _____

Place of birth: _____

Date of birth: _____

Social Security number: _____

Height: _____ Weight: _____

Sex: _____ Race: _____

Hair: _____ Eyes: _____

Scars, tattoos, other distinguishing marks: _____

History of violence, weapons, drug use: _____

Known family, friends, and other associates (*name, relation, address, phone number*): _____

FBI number: _____

Complete description of auto: _____

Investigative agency and address: _____

Name and telephone numbers (office and cell) of pretrial services or probation officer (*if applicable*): _____

Date of last contact with pretrial services or probation officer (*if applicable*): _____

STATE OF MINNESOTA)
) ss. AFFIDAVIT OF THOMAS CHORLTON
COUNTY OF HENNEPIN)

1. I am a Special Agent with the FBI and have been for approximately two years. I am currently assigned to the FBI Twin Cities Safe Streets Task Force, which specializes in investigating violent gangs and drugs. Prior to joining Safe Streets, I worked for two years with the Minneapolis Joint Terrorism Task Force. Prior to working for the FBI, I was a patrol officer for the Minneapolis Police Department for eight years. Through my combined law enforcement experience, I have assisted on a multitude of cases involving illegal possession of firearms, gang crime, homicides, assaults, and drug-related crimes. These cases have resulted in arrests, searches, seizures, along with interviews and transports of arrested parties, witnesses, and victims. My current duties and responsibilities include conducting criminal investigations of individuals and entities for possible violations of federal laws. During my career, my investigations have included the use of various surveillance techniques and the execution of various search, seizure, and arrest warrants. I have used historical cell site analysis to locate phones of subjects and victims in numerous investigations.

2. This affidavit is submitted for the limited purpose of establishing probable cause in support of issuing a complaint and arrest warrant for Bernard Augusta MACK for possessing with intent to distribute controlled

substances, in violation of Title 21, United States Code, Sections 841(a)(1), 841(b)(1)(B), and 841(b)(1)(C), and unlawfully possessing firearms in violation of Title 18, United States Code, Sections 922(g)(1) and 924(a)(8).

3. This affidavit is based on my personal knowledge, as well as information I have learned from other law enforcement officers and the review of reports, written materials, and recordings. This affidavit does not include all of the details I have learned regarding this investigation. Rather, it only includes information believed to be sufficient to establish probable cause.

PROBABLE CAUSE

Background

4. Bernard MACK is a member and associate of a criminal organization known as the "10's" (often stylized as "10z"), a criminal street gang operating in South Minneapolis.

5. The 10z gang is involved in narcotics and firearms trafficking in South Minneapolis, Minnesota, as well as violent crime throughout the Minneapolis metropolitan area.

6. The 10z's territory spans the area bordered to the west and north by 35W from 18th Street East to Lake Street East (what would be 30th Street). The focal point of their criminal activity is the area around Peavey Park at the intersection of Franklin and Chicago Avenues, where the gang regularly sells controlled substances.

7. The 10z are affiliated with another gang in South Minneapolis, the 20's (often stylized as 20z), which operates in the same territory. The 20z were established in the same area, between 20th Street East and Lake Street. A younger generation became affiliated with the 20z and occupied the area from 18th Street East to Franklin Avenue; they adopted the 10z moniker to reflect their territory.



Fig. 1: The 10z/20z territory.

8. Another younger generation has affiliated themselves with the 10z and 20z and taken the name "Crazy Boys" in reference to a 10z member, nicknamed Crazy, who was killed in a dispute with a rival gang. The Crazy Boys operate in the same territory as the 10z and 20z.

9. Beginning in 2015, the U.S. Attorney's Office for the District of

Minnesota, working with the Minneapolis Police Department and other state and federal agencies, began a series of prosecutions of members of the 10z and 20z criminal conspiracy. The prosecutions targeted leaders, shooters, and dangerous drug traffickers within the gang, and substantially diminished the gang's influence and standing in South Minneapolis. Recently the gang has been attempting to re-emerge and resume its criminal activities. This complaint is submitted as part of an initiative to disrupt and deter the gang's criminal efforts.

The January 1 Search Warrant

10. On January 1, 2023, Minneapolis Police searched an apartment at 20XX 3rd Avenue South in Minneapolis, Minnesota where Bernard MACK was known to reside.

11. In a bedroom in the residence, officers found a pair of men's sweatpants containing, in one pocket, a baggie filled with 63 pills that, based on markings, were identified as suspected fentanyl. In the other pocket, officers found cash and MACK's Minnesota identification.



Fig. 2: Pills, cash, and ID found.

12. In the bathroom of the residence, officers found two firearms hidden in the toilet water tank of the toilet: a Glock model 21 .45 caliber pistol bearing serial number FDK085, and a Beretta model 92FS 9mm pistol bearing serial number A048042Z.



Fig. 3: Firearms found in toilet tank.

13. After rights advisement and waiver, Mack admitted to officers that the fentanyl pills were his, and they were indeed fentanyl.

14. The Minnesota Bureau of Criminal Apprehension (BCA) found a mixture of genetic material containing a major male profile on both the baggie of fentanyl and on the Beretta 9mm pistol; MACK's known DNA sample matched the major male profile on both items.

15. I have consulted with an ATF Interstate Nexus Expert, who has made a preliminary determination that the Glock and Beretta firearms were not manufactured in the State of Minnesota. As a result, the firearms had to travel in interstate commerce prior to arriving in the State and District of Minnesota on January 1, 2023.

16. Prior to January 1, 2023, MACK was convicted of the following offenses, each punishable by a term of imprisonment exceeding one year:

Offense	Place of Conviction	Date of Conviction (On or About)
Felon in possession of a Firearm	Hennepin County, MN	June 15, 2021
Fifth Degree Controlled Substance Possession	Dakota County, MN	October 11, 2019
Felon in possession of a Firearm	Hennepin County, MN	June 15, 2021

The December 23 Traffic Stop

17. On December 23, 2023, 11 months after the apartment search, Minneapolis police officers initiated a traffic stop of a black Dodge Durango on 17th Street South in Minneapolis, within the territory of the 10z gang.

18. The vehicle belonged to Albert Bratton, a known 10z member currently facing a separate federal firearms charge for an incident that occurred at the intersection of Franklin and Chicago Avenues.

19. The driver of the vehicle (later identified as MACK) did not stop as directed; instead, MACK fled and struck another car parked on the side of the street. As the Dodge Durango came to a stop, MACK and three other men got out of the car and ran in different directions.

20. Officers pursued MACK on foot. They apprehended him after a brief chase as MACK attempted to scale a fence.

21. On the ground where they arrested MACK, officers found a baggie containing 1,788 fentanyl pills later found to weigh 191.88 grams.



Fig. 4: Fentanyl pills found where officers arrested Mack.

22. BCA testing found a mixture of genetic material on the plastic baggie of pills and identified a major male DNA profile. The profile was a match for MACK'S known DNA sample.

23. Officers recovered MACK's cell phone when he was arrested and observed a number of small transactions on his Cash App account in the hours before the vehicle was stopped. Based on my training and experience, these transactions are consistent with drug sales.

24. Based on the information set forth above, there is probable cause to believe that the Defendant, Bernard Augusta MACK, violated Title 21, United States Code, Section 841(a)(1), 841(b)(1)(B), 841(b)(1)(C) by possessing with the intent to distribute fentanyl; and violated Title 18, United States

Code, Sections 922(g)(1) and 924(a)(8) by possessing firearms as a felon.

Further your Affiant sayeth not.



Thomas Chorlton
Federal Bureau of Investigation

SUBSCRIBED and SWORN before me
by reliable electronic means via FaceTime
and email pursuant to Fed. R. Crim. P. 41(d)(3) on
May 31, 2024:



TONY N. LEUNG
UNITED STATES MAGISTRATE JUDGE
DISTRICT OF MINNESOTA

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
Criminal No. 24-mj-378 (TNL)

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
	)	GOVERNMENT'S MOTION
v.	)	TO SEAL DOCUMENTS
)	
BERNARD AUGUSTA MACK,)	
)	
Defendant.)	

The United States of America, by and through its attorneys, Andrew M. Luger, United States Attorney for the District of Minnesota, and Kristian Weir, Assistant United States Attorney, respectfully moves this Court pursuant to LR 49.1(d) for its Order authorizing the filing of certain documents under seal in the above-entitled matter.

Dated: May 31, 2024

Respectfully submitted,

ANDREW M. LUGER
United States Attorney

s/ Kristian Weir
BY: KRISTIAN WEIR
Assistant United States Attorney
Attorney ID No. 0396771

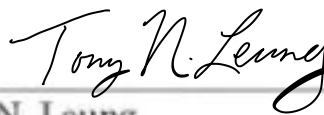
UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
Criminal No. 24-mj-378 (TNL)

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
	)	ORDER GRANTING
v.	)	GOVERNMENT'S MOTION
	)	TO SEAL DOCUMENTS
BERNARD AUGUSTA MACK,)	
)	
Defendant.)	

This matter is before the Court on the Government's Motion to Seal Documents in the above-captioned matter. Based on all the records, files, and proceedings before the Court, the Court being otherwise fully informed of the premises, and good cause having been shown, **IT IS HEREBY ORDERED THAT:**

1. The Government's motion to seal documents is **GRANTED**;
2. Documents filed in the above-captioned matter, including the Complaint, Arrest Warrant, the Affidavit of Thomas Chorlton in support thereof, and the Motion to Seal, be sealed for a period of one year until May 31, 2025, or until the Defendant is arrested on the Complaint-Warrant and makes his initial appearance before a United States Magistrate Judge, or a later date if so granted by a further Order of this Court.

Dated: May 31, 2024



Tony N. Leung
United States Magistrate Judge