

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

UNITED STATES OF AMERICA,	)	<i>24 ORIGINAL NEB/TNL</i>
	)	INDICTMENT
Plaintiff,	)	18 U.S.C. § 922(o)(1)
	)	18 U.S.C. § 924(a)(2)
v.	)	18 U.S.C. § 924(d)(1)
	)	26 U.S.C. § 5845(b)
AUSTIN JOEVON TOY,	)	28 U.S.C. § 2461(c)
a/k/a "Ace,"	)	
	)	
Defendant.	)	

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**  
(Unlawful Possession of a Machinegun)

On or about March 21, 2024, in the State and District of Minnesota, the defendant,

**AUSTIN JOEVON TOY,**  
a/k/a "Ace,"

did knowingly possess a machinegun, namely a Glock model 23 .40 caliber semi-automatic pistol bearing a partially obliterated serial number, equipped with an attached conversion device, commonly known as a "switch" or "auto-

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sear,” enabling it to be fired as a fully automatic weapon by a single function of the trigger, knowing it had characteristics that made it a machinegun as defined by Title 26, United States Code, Section 5845(b); all in violation of Title 18, United States Code, Sections 922(o)(1) and 924(a)(2).

### **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 23 .40 caliber semi-automatic pistol bearing a partially obliterated serial number, equipped with an attached conversion device, commonly known as a “switch” or “auto-sear” and .40 caliber ammunition.

All in violation of Title 18, United States Code, Sections 922(o)(1),

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924(a)(2), and 924(d)(1), Title 26, United States Code, Section 5845(b), and Title 28, United States Code, Section 2461(c).

A TRUE BILL

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UNITED STATES ATTORNEY

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FOREPERSON

UNITED STATES DISTRICT COURT  
for the  
District of Minnesota

UNITED STATES OF AMERICA

v.

Case No. 24-MJ-325 (DLM)

AUSTIN JOEVON TOY

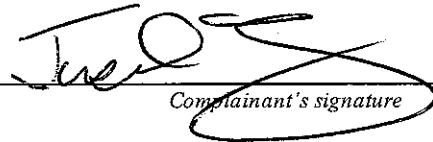
**CRIMINAL COMPLAINT**

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 March 21, 2024, in Hennepin County, in the State and District of Minnesota, defendant did knowingly possess a machinegun, namely, a Glock model 23 .40 caliber pistol equipped with a fully automatic conversion device, bearing a partially obliterated serial number in violation of Title 18, United States Code, Sections 922(o)(1) and 924(a)(2).

I further state that I am a Task Force Officer 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

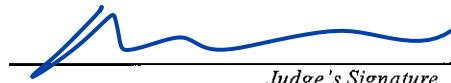
  
Complainant's signature

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

Justin Young, Task Force Officer  
Federal Bureau of Investigation  
Printed name and title

Date: 5/8/2024

City and State: Minneapolis, Minnesota

  
Judge's Signature  
The Honorable Douglas J. Micko  
United States Magistrate Judge  
Printed Name and Title

UNITED STATES DISTRICT COURT

for the

District of Minnesota

UNITED STATES OF AMERICA

v.

Case No. 24-MJ-325 (DLM)

AUSTIN JOEVON TOY

ARREST WARRANT

To: Any authorized law enforcement officer

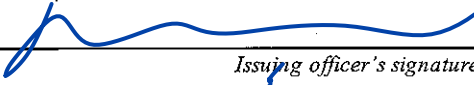
**YOU ARE COMMANDED** to arrest and bring before a United States magistrate judge without unnecessary delay  
(name of person to be arrested) AUSTIN JOEVON TOY  
who is accused of an offense or violation based on the following document filed with the court:

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

On or about March 21, 2024, in Hennepin County, in the State and District of Minnesota, defendant did knowingly possess a machinegun, namely, a Glock model 23 .40 caliber pistol equipped with a fully-automatic conversion device, bearing a partially obliterated serial number in violation of Title 18, United States Code, Sections 922(o)(1) and 924(a)(2).

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

Date: 5/8/2024

  
\_\_\_\_\_  
Issuing officer's signature  
The Honorable Douglas J. Micko  
United States Magistrate Judge  
\_\_\_\_\_  
Printed Name and Title

City and State: Minneapolis, Minnesota

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 JUSTIN YOUNG  
COUNTY OF HENNEPIN )

1. I am employed by the City of Minneapolis as a police officer, and have been a licensed peace officer in Minnesota for 18 years. I am currently assigned to the Gun Investigations Unit and assigned as a Task Force Officer with the FBI Safe Streets Violent Gang Task Force where I investigate crimes involving narcotics, gangs, firearms and related offenses detailed in Titles 18 and 21 of the United States Code. During my investigations, I have used cooperating informants, and video and audio surveillance. I have interviewed drug traffickers, debriefed informants, and consulted with law enforcement officers who have many years of drug and gang investigative experience. Based on my training, experience, and conversations with other law enforcement investigators, I am familiar with criminal organizations, firearm/drug conspiracies, and the operation of organized criminal groups, such as street gangs. I am also familiar with the methods employed by drug traffickers to distribute and safeguard their drugs and drug proceeds.

1. This affidavit is submitted for the limited purpose of establishing probable cause in support of issuing a complaint and arrest warrant for Austin Joevon Toy for unlawfully possessing a machinegun in violation of Title 18, United States Code, Section 922(o)(1) and 924(a)(2).

2. 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**

3. On March 21, 2024, Minneapolis Police executed a search warrant at 501 East 19<sup>th</sup> Street, Apt. 209, related to an on-going weapons/narcotics investigation involving Austin Jovon TOY.

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

5. When Minneapolis SWAT officers began knocking on the door to apartment 209 and announcing their presence, officers assigned to the exterior perimeter observed TOY open a window and throw a handgun out of apartment 209. Officers recovered the handgun and discovered that it was a loaded Glock model 23 .40 caliber pistol bearing a partially obliterated serial number. The Glock was equipped with a fully automatic conversion device, commonly known as a "switch" and a loaded high-capacity magazine.



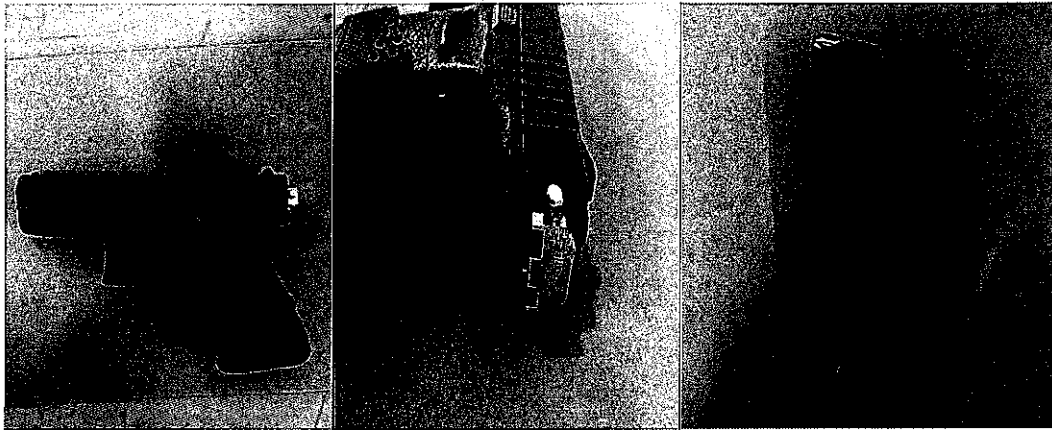


Fig. 1-3: Glock model 23 .40 caliber pistol with switch and extended magazine.

6. Toy and a female exited apartment 209 and were detained by officers in the hallway. Officers then searched the apartment and recovered a small plastic baggie containing a trace amount of cocaine on the kitchen counter. A sergeant noted that many similar empty plastic baggies were observed on the bathroom floor next to the shower. The sergeant also noted the shower was running when he entered the bathroom.

7. Based training and experience, and because TOY had already tried to dispose of evidence by throwing the Glock out of the window, I can that the baggies contained narcotics similar to those in the baggie found in the kitchen and the baggies had been emptied into the running shower to destroy evidence. In my training and experience, controlled substances packaged in multiple small baggies is indicative of sale.

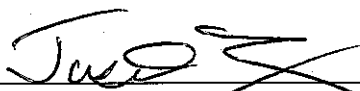
8. Officers located a Polymer 80 frame and Glock slide next to each other in the southwest bedroom closet dresser drawer. A high-capacity drum magazine and 7.62 ammunition and 10mm ammunition were in the same

dresser drawer. A Ruger Model LCP .380 caliber pistol bearing serial number 372006676 was located on a shelf in the southwest bedroom closet.

9. I have consulted with an ATF Interstate Nexus Expert, who has made a preliminary determination that the Glock firearm was not manufactured in the State of Minnesota. As a result, the firearm had to travel in interstate and/or foreign commerce prior to arriving in the State and District of Minnesota on March 21, 2024.

10. Based on the information set forth above, there is probable cause to believe that the Defendant, Austin Joevon TOY, violated Title 18, United States Code, Sections 922(o)(1) and 924(a)(2) by unlawfully possessing a machinegun.

Further your Affiant sayeth not.

  
Justin Young, Task Force Officer  
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 8, 2024:

  
Douglas J. Micko  
UNITED STATES MAGISTRATE JUDGE  
DISTRICT OF MINNESOTA