

AO 91 (Rev. 1/1/17) Criminal Complaint

AUSA Grayson S. Walker (312) 771-7330

FILED
8/15/2020

THOMAS G. BRUTON
CLERK, U.S. DISTRICT COURT

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

UNITED STATES OF AMERICA

v.

NELSON PERKINS

CASE NUMBER:

20 CR 505

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

Count One

On or about August 15, 2020, at Chicago, in the Northern District of Illinois, Eastern Division, and elsewhere, defendant NELSON PERKINS violated:

Code Section

Title 21, United States Code, Section
841(a)(1)

Offense Description

knowingly and intentionally possessed with
intent to distribute a controlled substance,
namely, a quantity of a mixture and substance
containing a detectable amount of marijuana, a
Schedule I Controlled Substance

Count Two

On or about August 15, 2020, at Chicago, in the Northern District of Illinois, Eastern Division, and elsewhere, defendant NELSON PERKINS violated:

Code Section

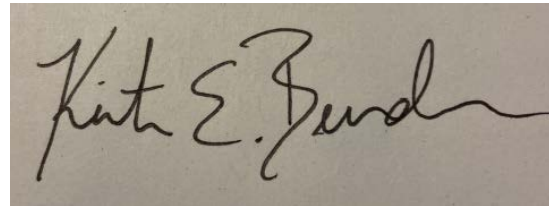
Title 18, United States Code, Section
924(c)(1)(A)

Offense Description

knowingly and intentionally carried, used, and possessed a firearm, namely, a loaded Chiappa, model M9-22, .22 caliber semi-automatic pistol, bearing serial number 13H16982, during and in relation to, and in furtherance of, a drug trafficking crime for which he could be prosecuted in a court of the United States, namely, possession with intent to distribute a controlled substance, in violation of Title 21, United States Code, Section 841(a)(1), as charged in Count 1

This criminal complaint is based upon these facts:

X Continued on the attached sheet.



KEITH E. BENDER
Special Agent, Federal Bureau of Investigations

Pursuant to Fed. R. Crim. P. 4.1, this complaint is presented by reliable electronic means. The above-named agent provided a sworn statement attesting to the truth of the foregoing affidavit by telephone.

Date: August 15, 2020

Judge's signature

City and state: Chicago, Illinois

YOUNG B. KIM, U.S. Magistrate Judge
Printed name and Title

UNITED STATES DISTRICT COURT	ss
NORTHERN DISTRICT OF ILLINOIS	

AFFIDAVIT

I, KEITH E. BENDER, being duly sworn, state as follows:

1. I am a Special Agent with the Federal Bureau of Investigations (“FBI”) and have been so employed since approximately June 2009.

2. As part of my duties as an FBI Special Agent, I investigate criminal violations relating to federal firearms laws, including Title 18, United States Code, Sections 922 and 924, as well as federal narcotics laws, including Title 21, United States Code, Sections 841(a)(1) and 846. I have received training in the area of gang investigations, firearms investigations, narcotics investigations, money laundering, and financial investigations.

3. This Affidavit is submitted in support of a criminal complaint alleging that on or about August 15, 2020, defendant NELSON PERKINS:

a. knowingly and intentionally possessed with intent to distribute a controlled substance, namely, a quantity of mixture and substance containing a detectable amount of marijuana, a Schedule I Controlled Substance, in violation of Title 21, United States Code, Section 841(a)(1); and

b. knowingly and intentionally carried, used, and possessed a firearm, namely, a loaded Chiappa, model M9-22, .22 caliber semi-automatic pistol, bearing serial number 13H16982, during and in relation to, and in furtherance of, a drug trafficking crime for which he could be prosecuted in a court of the United

States, namely, possession with intent to distribute a controlled substance, in violation of Title 21, United States Code, Section 841(a)(1), as charged in Count 1 of this Complaint, in violation of Title 18, United States Code, Section 924(c)(1)(A).

4. Because this Affidavit is being submitted for the limited purpose of establishing probable cause in support of a criminal complaint, 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 defendants committed the offenses alleged in the complaint.

5. The information in this Affidavit is based on information received from other law enforcement agents, my review of body-worn camera (“BWC”) footage, my training and experience, and the experience of other law enforcement personnel.

Overview

6. As described in greater detail below, on or about August 15, 2020, the Chicago Police Department (“CPD”) responded to a 911 call reporting that a man inside a currency exchange located on the 6300 block South Morgan Street in Chicago, Illinois, had a gun in his possession and was selling loose cigarettes.¹ Upon arriving at the currency exchange, CPD identified PERKINS² as the only person inside the currency exchange who resembled the 911 caller’s description of the suspect. Upon

¹ Chapter 4-64-350(a) of the Chicago Municipal Code provides: “No person shall sell, offer for sale, barter, or expose for sale any tobacco product except in its original factory-wrapped package.”

² The identification of PERKINS in this Affidavit is based, in part, on the following. Law enforcement compared a known photograph of PERKINS obtained from law enforcement databases with the person identified in this Affidavit as PERKINS and determined they are the same person.

seeing law enforcement, PERKINS removed one of his hands from a black backpack, left it on the ground, and approached CPD, who directed PERKINS to exit the currency exchange. CPD seized the black backpack and also observed several empty cartons of cigarettes inside a black trash bag near the location where PERKINS had left the backpack.

7. As to the other half of the 911 caller's tip—that the man selling loose cigarettes possessed a firearm—CPD did not find a firearm inside the trash bag containing the empty cartons of cigarettes. However, the weight of the backpack was consistent with the possible presence of a firearm inside. Outside of the currency exchange, CPD searched the backpack and recovered, among other items, quantities of suspected marijuana and 3,4-methylenedioxymethamphetamine (“MDMA”) pills packaged for distribution in clear plastic bags, a device commonly used to crush marijuana buds so they can be rolled into cigarettes, a digital scale, a loaded .22 caliber firearm, approximately \$460 in suspected narcotics proceeds, and a debit card issued to “Nelson Perkins.” Upon seeing CPD search the backpack, PERKINS—who was temporarily detained, but not in handcuffs—attempted to flee without success.

Facts Establishing Probable Cause

8. On or about August 15, 2020, at approximately 9:48 am, the Office of Emergency Management & Communications (“OEMC”) received a 911 call in which the caller reported that a man inside a currency exchange located on the 6300 block of South Morgan Street in Chicago, Illinois, had a gun in his possession and was selling loose cigarettes. The caller described the suspect as a black male (light

complexion), who was approximately 6 feet 3 inches tall and was wearing black shorts.

9. Within minutes, a CPD sergeant and several officers arrived at the currency exchange referenced in the 911 call described above. Upon entering the currency exchange, CPD identified PERKINS as the only person who resembled the 911 caller's description of the suspect who possessed a firearm and was selling loose cigarettes.

10. Upon seeing law enforcement, PERKINS removed one of his hands from a black Eddie Bauer backpack ("the backpack") and approached CPD, who directed PERKINS to exit the currency exchange.

11. CPD seized the backpack and also observed several cartons of Newport cigarettes inside a trash bag near the location where PERKINS had left the backpack—which was consistent with the 911 caller's report that a man was selling loose cigarettes at the currency exchange.

12. As to the other half of the 911 caller's tip—that the man selling loose cigarettes possessed a firearm—CPD did not find a firearm inside the trash bag containing the empty cartons of cigarettes. However, the weight of the backpack was consistent with the possible presence of a firearm inside.

13. Outside of the currency exchange, CPD searched the backpack and recovered the following items, among others:

- a. a large plastic bag containing approximately eight clear plastic bags, each of which contained approximately 6.2 grams of a green leafy substance that is suspected marijuana,³
- b. a large plastic bag containing approximately 37 clear plastic bags, which contained a total of 57 suspected MDMA pills of various colors that were shaped like the Superman logo,⁴
- c. additional clear plastic bags commonly used to package narcotics for distribution,
- d. a device commonly used to crush marijuana buds so they can be rolled into cigarettes,
- e. a digital scale,
- f. apparently \$460 in suspected narcotics proceeds, stored as a single stack of bills folded over and secured by a rubber band,
- g. a loaded Chiappa, model M9-22, .22 caliber semi-automatic pistol, bearing serial number 13H16982 (the “Chiappa pistol”), that had one round in the chamber and approximately eight additional rounds in the magazine;
- h. approximately two packs of Newport cigarettes, and

³ Based on my training and experience in narcotics investigations—including my familiarity with the distinctive appearance and smell of marijuana—I believe the green leafy substance referenced above was marijuana, a Schedule I Controlled Substance. The substance will be submitted for laboratory testing to confirm that presence of marijuana.

⁴ Based on my training and experience in narcotics investigations—including my familiarity with the various sizes, shapes, colors, and logos that appear on MDMA pills—I believe that the 57 pills referenced above contain MDMA, a Schedule I Controlled Substance. The pills will be submitted for laboratory testing to confirm the presence of MDMA.

i. a debit card issued to “Nelson Perkins.”

14. CPD took custody of the backpack and the items listed above, which are depicted in the photograph below:



15. CPD’s search of the backpack took place within PERKINS’s line of sight. After CPD searched the backpack and recovered the items listed above, PERKINS—who was temporarily detained, but not yet in handcuffs—attempted to flee without success.

16. After transporting PERKINS to the 7th district station, CPD advised PERKINS of his *Miranda* rights. PERKINS verbally acknowledged understanding those rights. When asked if he was willing to answer questions, PERKINS simply

stated it was not his backpack despite: (a) the physical proximity between PERKINS and the backpack at the time CPD encountered him; and (b) the presence of a debit card in PERKINS's name inside the backpack.

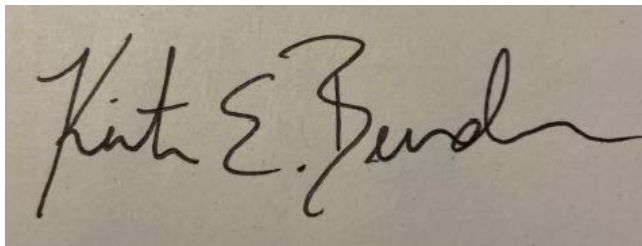
17. Later, PERKINS asked if he could have his cell phone to make a telephone call to his girlfriend. When presented with a cell phone recovered from a side pocket of the backpack, PERKINS identified that cell phone as his. Upon request, PERKINS provided the correct passcode to the phone, after which CPD placed a telephone call to PERKINS's girlfriend and put the call on speakerphone.

18. Based on the facts set forth above, there is probable cause to believe that on or about August 15, 2020:

a. PERKINS knowingly and intentionally possessed with intent to distribute a controlled substance, namely, a quantity of mixture and substance containing a detectable amount of marijuana, a Schedule I Controlled Substance, in violation of Title 21, United States Code, Section 841(a)(1); and

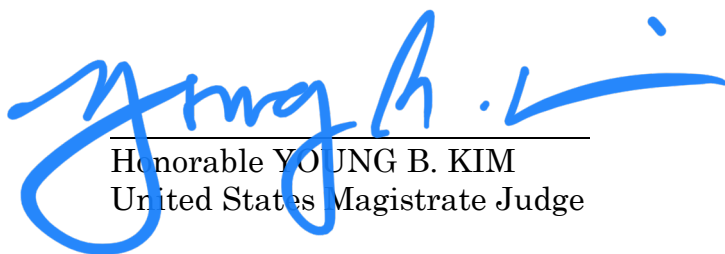
b. PERKINS knowingly and intentionally carried, used, and possessed a firearm, namely, a Chiappa, model M9-22, .22 caliber semi-automatic pistol, bearing serial number 13H16982, during and in relation to, and in furtherance of, a drug trafficking crime for which he could be prosecuted in a court of the United States, namely, possession with intent to distribute a controlled substance, in violation of Title 21, United States Code, Section 841(a)(1), as charged in Count 1 of this Complaint, in violation of Title 18, United States Code, Section 924(c)(1)(A).

FURTHER AFFIANT SAYETH NOT.

A photograph of a handwritten signature in black ink on a light-colored surface. The signature is written in a cursive style and reads "Keith E. Bender".

KEITH E. BENDER
Special Agent,
Federal Bureau of Investigations (FBI)

SUBSCRIBED AND SWORN telephonically on August 15, 2020.

A blue ink handwritten signature, appearing to read "Young B. Kim", written over a horizontal line. Below the line is the printed name and title of the signatory.

Honorable YOUNG B. KIM
United States Magistrate Judge