

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

UNITED STATES OF AMERICA

v.

STOVALL BUCHANAN

CASE NUMBER: 21CR510

~~UNDER SEAL~~

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 July 30, 2020, at Aurora, in the Northern District of Illinois, Eastern Division, the defendant(s) violated:

Code Section

Title 18, United States Code, Section
922(a)(6)

Offense Description

acquired a firearm from a licensed dealer and did knowingly make a false and fictitious oral and written statement intended and likely to deceive such dealer with respect to any fact material to the lawfulness of the sale or other disposition of such firearm

This criminal complaint is based upon these facts:

X Continued on the attached sheet.

Reid Schwartzel

REID SCHWARTZEL

Special Agent, Bureau of Alcohol, Tobacco,
Firearms & Explosives (ATF)

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 Complaint and Affidavit by telephone.

Date: August 16, 2021

Sheila Finnegan

Judge's signature

City and state: Chicago, Illinois

SHEILA M. FINNEGAN, U.S. Magistrate Judge
Printed name and title

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS

AFFIDAVIT

I, REID SCHWARTZEL, being duly sworn, state as follows:

1. I am a Special Agent with the Bureau of Alcohol, Tobacco, Firearms & Explosives (ATF), and have been so employed for the past approximately seven years. My current responsibilities include the investigation of violent crimes, including, among other things, investigating violations of federal firearm laws and gang investigations.

2. This affidavit is submitted in support of a criminal complaint alleging that Stovall Buchanan has violated Title 18, United States Code, Section 922(a)(6) (the "Subject Offense"). Because this affidavit is being submitted for the limited purpose of establishing probable cause in support of a criminal complaint charging BUCHANAN with making a false statement to a firearm dealer, 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 defendant committed the offense alleged in the complaint.

3. This affidavit is based on, among other things, my personal knowledge, information provided to me by other law enforcement personnel, my review of certain documents, records, transcripts, recordings, and reports, my training and experience, the training and experience of other law enforcement with whom I have spoken, and meetings with witnesses.

I. FACTS SUPPORTING PROBABLE CAUSE

A. Summary of Investigation.

4. In summary, law enforcement is investigating BUCHANAN for unlawful firearms trafficking in the Chicago area. Among other things, law enforcement's investigation has revealed that, between in or around November 2019 and in or around August 2020, BUCHANAN purchased approximately 23 firearms. Based on the investigation to date, law enforcement believes that BUCHANAN provided materially false information to the firearms dealers, including providing a false address and, in connection with at least one of the purchases, falsely identified himself as the actual buyer of a firearm.

5. On or about September 10, 2020, law enforcement conducted a recorded, non-custodial interview of BUCHANAN, at which time he could only provide law enforcement with one of the 23 firearms he had purchased.¹

6. Law enforcement's investigation has revealed that, on or about July 17, 2020, BUCHANAN purchased approximately six firearms from a Federal Firearm Licensed ("FFL") dealer located in East Dundee, Illinois ("FFL Dealer B"), including a Taurus International G2S 9-millimeter pistol bearing serial number ABE554735 ("Subject Firearm 2"). In connection with the purchases, an ATF Form 4473 was filled out, a copy of which law enforcement has attained.² On the ATF Form 4473,

¹ As discussed more below, three of the 23 firearms were recovered from other individuals prior to law enforcement's interview of BUCHANAN in or around September 2020.

² Based on my training and experience, I know that an ATF Form 4473 is a form created by ATF for use by FFL dealers. The Form 4473 must be filled out by anyone who purchases a firearm from an FFL dealer and captures important data such as the make, model, and serial

BUCHANAN identified his current address as 128 S. Mason Avenue in Chicago, Illinois,³ an address at which he did not reside at the time of the purchases. In addition, BUCHANAN identified himself as the actual buyer of the firearms.

7. On or about July 30, 2020, the six firearms were transferred from FFL Dealer B to BUCHANAN. The following day, on or about July 31, 2020, Individual C was arrested with Subject Firearm 2. According to BUCHANAN, as discussed more below, he transferred Subject Firearm 2 to Individual C the day he picked Subject Firearm 2 up from FFL Dealer B.

B. Between November 2019 and August 2020, BUCHANAN Purchased 23 Firearms From Various FFL Dealers in Illinois.

8. According to records provided by the FFL dealers, including ATF Form 4473s, between on or about November 16, 2019 and on or about August 27, 2020, BUCHANAN purchased and was transferred approximately 23 firearms from various FFLs located in Illinois. A chart summarizing those purchases is included below.⁴

number of the firearm(s) being sold, as well as the individual purchaser's name, address, and other demographic data. Form 4473s also asks the prospective gun purchaser approximately 13 questions designed to ensure that the firearm is going to be sold legally to someone not prohibited from possessing a firearm (*e.g.*, a convicted felon, an unlawful drug user, or a convicted domestic abuser), and that the prospective gun purchaser is the actual buyer of the firearm.

³ BUCHANAN's Firearm Owner's Identification Card, issued on or about April 17, 2019, and driver's license, issued on or about February 28, 2019, identified his address as 128 S. Mason Avenue.

⁴ The information contained in the below chart was collected from ATF Form 4473s, which were provided by the firearms dealers. All dates included in the chart are "on or about."

	Date Gun Purchased by Buchanan	Date Gun Transferred to Buchanan	Location of Purchase	Type of Gun
1.	11/16/19	11/19/19	FFL Dealer B	Taurus Intl G2c 9mm pistol, bearing serial number TMT54415
2.	11/16/19	11/19/19	FFL Dealer B	Taurus Intl G2c 9mm pistol, bearing serial number AAL057372
3.	3/5/20	3/9/20	FFL Dealer C	SCCY CPX-2 9mm pistol, bearing serial number 868913
4.	3/5/20	3/9/20	FFL Dealer C	Taurus Intl G3 9mm pistol, bearing serial number AAL052202
5.	5/12/20	6/28/20	FFL Dealer B	Diamondback DB380 380 ACP pistol, bearing serial number 2G0534
6.	5/12/20	6/28/20	FFL Dealer B	Ruger LCP 380 ACP pistol, bearing serial number 371905655
7.	7/17/20	7/30/20	FFL Dealer B	Taurus Intl G2c 9mm pistol, bearing serial number ABE564386
8.	7/17/20	7/30/20	FFL Dealer B	Taurus Intl G2c 9mm pistol, bearing serial number ABE564065
9.	7/17/20	7/30/20	FFL Dealer B	Taurus Intl G2c 9mm pistol, bearing serial number ABG636072
10.	7/17/20	7/30/20	FFL Dealer B	Taurus Intl G2c 9mm pistol bearing serial number ABE554735
11.	7/17/20	7/30/20	FFL Dealer B	Springfield Hellcat 9mm pistol, bearing serial number BY225313

12.	7/17/20	7/30/20	FFL Dealer B	Springfield XD 9mm pistol, bearing serial number AT258980
13.	8/7/20	8/18/20	FFL Dealer A	Smith + Wesson S40 .40 caliber pistol, bearing serial number FCL1235
14.	8/7/20	8/18/20	FFL Dealer A	Smith + Wesson S40 .40 caliber pistol, bearing serial number FCL1231
15.	8/7/20	8/18/20	FFL Dealer A	Springfield Armory XD 9mm pistol, bearing serial number BY305153
16.	8/7/20	8/18/20	FFL Dealer A	Springfield Armory XD 9mm pistol, bearing serial number BY305164
17.	8/18/20	8/27/20	FFL Dealer A	Smith + Wesson shield 1.0 9mm pistol, bearing serial number JFC3890
18.	8/18/20	8/27/20	FFL Dealer A	Smith + Wesson shield 1.0 9mm pistol, bearing serial number JEE1993
19.	8/18/20	8/27/20	FFL Dealer A	Smith + Wesson shield 1.0 9mm pistol, bearing serial number JFF4942
20.	8/18/20	8/27/20	FFL Dealer A	Anderson AM-15 5.56 rifle, bearing serial number 20131185
21.	8/18/20	8/27/20	FFL Dealer A	Glock 19X 9mm pistol bearing serial number BPMY978
22.	8/18/20	8/27/20	FFL Dealer A	Smith + Wesson SD40 .40 caliber pistol, bearing serial number FCL1159

23.	8/18/20	8/27/20	FFL Dealer A	Glock 26-3 9mm pistol, bearing serial number BPTK557
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9. On the ATF Form 4473s filled out in connection with the above purchases, BUCHANAN identified himself as the actual buyer of the firearms⁵ and identified his “current state of residence and address” as 128 S. Mason Avenue in Chicago, Illinois. At the time of the purchases, BUCHANAN signed the ATF Form 4473s, certifying that the information he provided on the form was “true, correct, and complete,” acknowledging that falsely identifying himself as the actual transferee/buyer was a crime, that “making any false oral or written statement, exhibiting any false or misrepresented identification with respect to this transaction, is a crime punishable as a felony under Federal law,” and that “the repetitive purchase of firearms for the purpose of resale for livelihood and profit without a Federal firearms license is a violation of Federal law.”⁶ At the time the firearms were

⁵ The ATF Form 4473s asked BUCHANAN to answer “yes” or “no” to the following question and provided the following warning: “Are you the actual transferee/buyer of the firearm(s) listed on this form? **Warning: You are not the actual transferee/buyer if you are acquiring the firearm(s) on behalf of another person. If you are not the actual transferee/buyer, the licensee cannot transfer the firearm(s) to you.**” (Emphasis included).

⁶ I am aware that, in *United States v. Queen*, 408 F.3d 337 (7th Cir. 2005), the Seventh Circuit held that providing a false street address on an ATF Form 4473 is a fact material to the lawfulness of the sale of a firearm, and thus violated the statute which required a buyer of a firearm to provide truthful information to the firearm dealer about any material fact material to the lawfulness of the sale. Specifically, the *Queen* court reasoned that, Section 922(b)(5) required firearm dealers to record the buyer’s place of residence, thus making a firearm sale by a gun dealer illegal unless the dealer notes that buyer’s residence address. According to *Queen*, “A false street address is therefore material to the lawfulness of the sale because, when the seller falsely represents his address on the form, the dealer fails to record the buyer’s address, in violation of 922(b)(5.)” *Id.* at 338-39; but compare *United States v.*

transferred to BUCHANAN from the FFL dealers, BUCHANAN signed the ATF Form 4473s again, certifying that the information he provided on the form was “still true, correct, and complete.”

C. BUCHANAN did not Reside at 128 S. Mason Avenue at the time he Purchased the Firearms.

10. According to Witness A, as of May 2021, he/she owned the residential building located at 128 S. Mason Avenue in Chicago, Illinois. Witness A stated that he/she leased an apartment in the building to Witness B and that Witness B moved out of the apartment in approximately June 2019. According to Witness A, since Witness B moved out of the building, no one associated with Witness B had lived in the building, including BUCHANAN.

11. According to Witness B, BUCHANAN lived with him/her and others in the 128 S. Mason Avenue building from approximately 2017 to approximately the spring of 2019, at which time BUCHANAN moved out. Witness B stated that, in approximately June 2019, he/she stopped leasing the apartment located at 128 S. Mason Avenue and moved out, at which time he/she moved to a new residence in Chicago.

Bowling, 770 F.3d 1168, 1177-78 (7th Cir. 2014) (noting that its holding in *Queen* “never went so far as to declare that providing a false address, in every case, is material as a matter of law”); *see also United States v. Norris*, 39 Fed. Appx. 361 (7th Cir. 2002) (affirming defendant’s conviction under section 922(a)(6) where he falsely identified his parent’s address as his own residence at the time he purchased a firearm); *see also United States v. Crandall*, 453 F.2d 1216, 1217 (1st Cir. 1972) (holding that misrepresentation of one’s name, age, and place of residence was material to the lawfulness of a firearm sale); *see United States v. Gudger*, 472 F.2d 566, 567–68 (5th Cir. 1972) (giving a fictitious address on Form 4473 is a violation of § 922(a)(6) even if the purchaser is a resident of the state where he purchased the firearm).

12. Additionally, as discussed more below, when meeting with law enforcement in or around September 2020, BUCHANAN told law enforcement that he lived in the 128 S. Mason Avenue building until approximately 2018.

D. Four Firearms BUCHANAN Purchased were Recovered from Other Individuals, Including Individual A who is a Convicted Felon.

i. On or about August 16, 2020, Subject Firearm 1 was Recovered from Individual B.

13. On or about November 19, 2019, FFL Dealer B, located in East Dundee, Illinois, transferred approximately two Taurus International G2c 9-millimeter pistols to BUCHANAN, firearms BUCHANAN had previously purchased from FFL Dealer B, one which bore serial number TMT54415 (“Subject Firearm 1”). At the time BUCHANAN purchased the two firearms, he identified himself as the actual buyer of the firearms and listed his current address as 128 S. Mason Avenue in Chicago, Illinois. According to receipts provided by FFL Dealer B, BUCHANAN paid approximately \$500 in cash for the two firearms supplemented by an additional approximately \$6 with a debit card.

14. According to a Chicago Police Department report, on or about August 16, 2020, Subject Firearm 1 was recovered from Individual B after officers responded to Shotspotter alerts at approximately 1157 N. Mason Avenue in Chicago. According to the police report, Individual B had a valid Firearm Owners Identification (“FOID”) card, but not a valid concealed carry license. The police report stated that, during a *Mirandized* interview, Individual B claimed to have heard someone shooting a

firearm, went outside and found the firearm, after which he began shooting the firearm.

ii. On or about July 31, 2020, Subject Firearm 2 was Recovered from Individual C.

15. As summarized above, on or about July 30, 2020, FFL Dealer B transferred approximately six firearms to BUCHANAN, firearms BUCHANAN had previously purchased from FFL Dealer B, one which bore serial number ABE554735 (“Subject Firearm 2”). At the time BUCHANAN purchased the approximately six firearms, he identified himself as the actual buyer of the firearms⁷ and listed his current address as 128 S. Mason in Chicago, Illinois. According to receipts provided by FFL Dealer B, BUCHANAN paid for the approximately six firearms with cash.

16. According to a Lombard Police Department report, on or about July 31, 2020, Subject Firearm 2 was recovered during a traffic stop from under the seat where Individual C was sitting. The police report stated that, during a *Mirandized* interview, Individual C stated that an individual named “Tankie” told Individual C that Tankie could get Individual C a firearm, for which Individual C would pay Tankie. According to the police report, Individual C stated that Tankie had told Individual C that the next time Tankie saw Individual C, Tankie would have the firearm for Individual C. The police report stated that Individual C told law

⁷ The ATF Form 4473 asked BUCHANAN to answer “yes” or “no” to the following question and provided the following warning: “Are you the actual transferee/buyer of the firearm(s) listed on this form? **Warning: You are not the actual transferee/buyer if you are acquiring the firearm(s) on behalf of another person. If you are not the actual transferee/buyer, the licensee cannot transfer the firearm(s) to you.**” (Emphasis included).

enforcement that, on the day of his arrest by Lombard Police, he had gone to Tankie's house and Tankie had given him Subject Firearm 2. According to the Lombard Police report, at the time of his arrest, records reflected that Individual C had applied for, but did not have, a valid FOID card.

iii. On or about August 28, 2020, Subject Firearm 3 was Recovered from Individual A, a Convicted Felon.

17. On or about August 27, 2020, FFL Dealer A, which is located in Aurora, Illinois, transferred approximately seven firearms to BUCHANAN, firearms BUCHANAN had previously purchased from FFL Dealer A, one of which was a Glock 26-3 9-millimeter pistol bearing serial number BPTK557 ("Subject Firearm 3"). At the time BUCHANAN purchased the approximately seven firearms discussed above, he identified himself as the actual buyer of the firearms and listed his current address as 128 S. Mason Avenue in Chicago, Illinois. According to receipts provided by FFL Dealer A, BUCHANAN paid for the approximately seven firearms with cash.

18. According to a Chicago Police Department report, on or about August 28, 2020, Subject Firearm 3 was recovered from Individual A after law enforcement observed him with the firearm at approximately 1215 N. Mason Avenue in Chicago. According to Individual A's criminal history records, as of August 28, 2020, Individual A had been previously convicted of a felony.⁸ Following his arrest, Individual A provided a *Mirandized* statement, which was recorded. In summary,

⁸ According to law enforcement records, at the time Individual A was in possession of the firearm, Individual A had been convicted of, among other crimes, manufacture and delivery of a controlled substance and unlawful possession of a weapon by a felon.

Individual A stated BUCHANAN had purchased Subject Firearm 3 the day before (August 27, 2020) and that Individual A had been at a shooting range with BUCHANAN either on August 27 or August 28. According to Individual A, just before being encountered by Chicago police officers on or about August 28, 2020, BUCHANAN had given Individual A Subject Firearm 3 to hold so BUCHANAN could meet with his girlfriend. According to other law enforcement with whom I have spoken, during Individual A's interview at the police station, BUCHANAN came to the police station and requested that Subject Firearm 3 be returned to him.

iv. On or about April 15, 2021, Subject Firearm 4 was Recovered from Individual D.

19. As discussed above, on or about August 27, 2020, FFL Dealer A, which is located in Aurora, Illinois, transferred approximately seven firearms to BUCHANAN, firearms BUCHANAN had previously purchased from FFL Dealer A, one of which was a Smith & Wesson Shield 9-millimeter pistol bearing serial number JEE1993 ("Subject Firearm 4"). At the time BUCHANAN purchased the approximately seven firearms discussed above, he identified himself as the actual buyer of the firearms and listed his current address as 128 S. Mason in Chicago, Illinois. According to receipts provided by FFL Dealer A, BUCHANAN paid for the approximately seven firearms with cash.

20. According to a Chicago Police Department report, on or about April 15, 2021, officers conducted a traffic stop of a vehicle, in which Individual D was a passenger. The report states that, after stopping the vehicle, officers observed Individual D reach towards the back of the vehicle and then quickly sit up. According

to the report, law enforcement found Subject Firearm 4 inside the vehicle in the area where officers had observed Individual D reach. The report states that Individual D did not possess a valid FOID card or concealed carry license.

D. In September 2020, BUCHANAN was Interviewed and could provide Law Enforcement with only one of the 23 Firearms he Purchased Between November 2019 and August 2020.

21. On or about September 10, 2020, law enforcement met with BUCHANAN at a residence on Natoma Avenue in Chicago, the residence in which BUCHANAN told law enforcement he resided. BUCHANAN was not *Mirandized* prior to the interview and the interview was recorded. In summary, during the interview, BUCHANAN stated that:

- He had lived at 128 S. Mason Avenue in Chicago, Illinois from approximately 2016 to 2018, with his girlfriend, who lived at that address at the time;
- He currently lived at the Natoma Avenue residence;
- He purchased the firearms described above because he liked firearms;
- He was not a straw purchaser of firearms;
- A number of the firearms had been stolen and claimed to have filed theft reports for a Taurus G3 and Taurus G2c with the Chicago Police Department sometime on or after May 31, 2020;⁹

⁹ As of August 13, 2021, law enforcement was able to locate one report filed by BUCHANAN with the Chicago Police Department concerning the theft of a firearm. According to a Chicago Police Department report, on or about June 1, 2020, BUCHANAN reported that he had stored his Taurus G3 pistol bearing serial number AAL052202 in a relative's vehicle. According to the report, upon returning to the vehicle, BUCHANAN found that an unknown person had opened the vehicle door and removed the firearm from the glovebox where he had stored the

- Three firearms (a pink diamondback .380 pistol, a black SCCY 9mm, and a Ruger .380) had been stolen, but he did not file police reports related to those alleged thefts;
- He transferred Subject Firearm 2 to Individual C the day he picked Subject Firearm 2 up from FFL Dealer B, which was before Individual C had received his FOID card;
- The remaining guns that he had purchased between in or around November 2019 and in or around August 2020 were at various family and friend's homes because he did not have a permanent place to live but refused to identify who had those guns;
- With respect to Individual A's possession of Subject Firearm 3 on or about August 28, 2020, that he had been at his friend's house when he learned that his niece had fallen out of a tree, after which he gave Individual A Subject Firearm 3 to hold while he tended to his niece and did not know Individual A was a convicted felon; and
- Individual A was in the car when he purchased Subject Firearm 3 at FFL Dealer A in August 2020.

22. While meeting with law enforcement on or about September 10, 2020, BUCHANAN was only able to provide law enforcement with one of the 23 firearms discussed above.

firearm. The police report identified BUCHANAN's address as located on Natoma Avenue in Chicago, which is where law enforcement interviewed him in or around September 2020.

E. In August 2021, BUCHANAN Purchased an Additional Firearm Using a False Address.

23. According to an ATF Form 4473, on or about August 6, 2021, BUCHANAN purchased a Glock 23 pistol bearing serial number BSMA519 from FFL Dealer C, which is located in Melrose Park, Illinois. According to the Form ATF 4473 from the purchase, defendant identified his current address as 128 S. Mason Avenue in Chicago, Illinois.

II. CONCLUSION

24. Based on the above information, I submit there exists probable cause to believe that STOVALL BUCHANAN has acquired a firearm from a licensed dealer and did knowingly make a false and fictitious oral or written statement intended and likely to deceive such dealer with respect to any fact material to the lawfulness of the sale or other disposition of such firearm, in violation of Title 18, United States Code, Section 922(a)(6).

FURTHER AFFIANT SAYETH NOT.

Reid Schwartzel

REID SCHWARTZEL

Special Agent, Bureau of Alcohol, Tobacco,
Firearms & Explosives

SWORN TO AND AFFIRMED by telephone August 16, 2021.

Sheila Funnegan

Honorable SHEILA M. FUNNEGAN

United States Magistrate Judge