

oved: SARAH KRISOFF
Sarah R. Krissoff
Assistant United States Attorney

Before: THE HONORABLE DEBRA FREEMAN
United States Magistrate Judge
Southern District of New York

18 MAG 6061

- - - - - X

SEALED COMPLAINT

UNITED STATES OF AMERICA :
 :
 - v. - : Violations of
 : 18 U.S.C. §§ 371 and
 : 922(a)(1)(A)
 DAYVON CHESTNUT, :
 a/k/a "Dayvon Denaris Wynez : COUNTY OF OFFENSE:
 Chestnut," : NEW YORK
 :
 Defendant. :
 - - - - - X

SOUTHERN DISTRICT OF NEW YORK, ss.:

JOSEPH THOMPSON, being duly sworn, deposes and says that he is a Task Force Officer with the Bureau of Alcohol, Tobacco, Firearms and Explosives ("ATF"), and charges as follows:

COUNT ONE

1. From at least in or about 2016, up to and including in or about June 2018, in the Southern District of New York and elsewhere, DAYVON CHESTNUT, a/k/a "Dayvon Denaris Wynez Chestnut," the defendant, and others known and unknown, willfully and knowingly did combine, conspire, confederate, and agree together and with each other to commit an offense against the United States, to wit, a violation of Title 18, United States Code, Section 922(a)(1)(A).

2. It was a part and an object of the conspiracy that DAYVON CHESTNUT, a/k/a "Dayvon Denaris Wynez Chestnut," the defendant, and others known and unknown, not being licensed importers, manufacturers, or dealers, unlawfully and knowingly would and did engage in the business of dealing in firearms, and in the course of such business did ship, transport, and receive firearms in interstate and foreign commerce, in violation of Title 18, United States Code, Section 922(a)(1)(A).

Overt Acts

3. In furtherance of the conspiracy and to effect its illegal object thereof, the following overt acts, among others, were committed in the Southern District of New York:

- a. Beginning on or about April 7, 2018, and continuing on or about April 8, 2018, DAYVON CHESTNUT, a/k/a "Dayvon Denaris Wynez Chestnut," the defendant, traveled to the Southern District of New York from South Carolina.
- b. Beginning on or about April 28, 2018, and continuing on or about April 29, 2018, DAYVON CHESTNUT, a/k/a "Dayvon Denaris Wynez Chestnut," the defendant, traveled to the Southern District of New York from South Carolina.
- c. Beginning on or about May 8, 2018, and continuing on or about May 9, 2018, DAYVON CHESTNUT, a/k/a "Dayvon Denaris Wynez Chestnut," the defendant, traveled to the Southern District of New York from South Carolina.
- d. Beginning on or about May 13, 2018, and continuing on or about May 14, 2018, DAYVON CHESTNUT, a/k/a "Dayvon Denaris Wynez Chestnut," the defendant, traveled to the Southern District of New York from South Carolina.

(Title 18, United States Code, Section 371.)

COUNT TWO

4. From at least in or about 2016, up to and including in or about June 2018, in the Southern District of New York and elsewhere, DAYVON CHESTNUT, a/k/a "Dayvon Denaris Wynez Chestnut," the defendant, and others known and unknown, unlawfully and knowingly, not being a licensed importer, manufacturer, or dealer, did engage in the business of dealing in firearms, and in the course of such business did ship, transport, and receive firearms in interstate and foreign commerce, to wit, CHESTNUT, on multiple occasions, purchased firearms in South Carolina, and caused others to purchase firearms in South Carolina, which firearms were sold to other individuals and transported in interstate commerce.

(Title 18, United States Code, Section 922(a)(1)(A).)

The bases for my knowledge and for the foregoing charges are, in part, as follows:

5. I am currently employed as a Task Force Officer with ATF, and I am one of the law enforcement officers responsible for this investigation. I have been a Task Force Officer with ATF since 2018, and a police officer, and then a Detective, with the New York City Police Department ("NYPD") since 2008. During this time, I have participated in numerous investigations of illegal firearms possession and use, firearms trafficking, and the distribution of narcotics, and I am familiar with the ways in which such crimes are typically committed. This Complaint is based upon my personal participation in the investigation, my examination of reports and records, and my conversations with other law enforcement agents and other individuals. Because this Complaint is being submitted for the limited purpose of demonstrating probable cause, it does not include all the facts that I have learned during the course of my investigation. Where the contents of documents and the actions, statements, and conversations of others are reported herein, they are reported in substance and in part, except where otherwise indicated.

Overview of the Charged Conduct

6. As set forth below, DAYVON CHESTNUT, a/k/a "Dayvon Denaris Wynez Chestnut," the defendant, with others known and unknown, has been purchasing firearms in South Carolina, and directing others to purchase firearms in South Carolina, and selling those firearms to other individuals. I have learned that CHESTNUT utilizes Facebook communications and phone communications, among other methods, to communicate with some of his co-conspirators, including three co-conspirators discussed but not named herein ("CC-1," "CC-2," and "CC-3"). In April and May 2018, CHESTNUT traveled to the New York City-area on at least four occasions to distribute those firearms.

7. For example, as set forth and explained in detail below in paragraphs 11-13: I believe that, in early April 2018 CHESTNUT, through Facebook communications, requested CC-2's assistance in purchasing firearms. On or about April 7, 2018, CHESTNUT purchased approximately 6 firearms at a gun show in Columbia, South Carolina. Later the same day, CHESTNUT took a bus from South Carolina to Manhattan, arriving early in the morning of April 8, 2018. Shortly after arriving in Manhattan, CHESTNUT traveled to Brooklyn for a few hours before coming back to Manhattan, and taking a return bus back to South Carolina.

8. Based on my review of ATF records and information received from federal firearms licensees, and my conversations with an ATF agent involved in this investigation ("Agent-1"), who has also reviewed ATF records and information received from federal firearms licensees, I know (1) that DAYVON CHESTNUT, a/k/a "Dayvon Denaris Wynez Chestnut," the defendant, has purchased at least approximately 60 firearms between in or about November 2016 through the present; (2) that CC-2 has purchased at least approximately 12 firearms between in or about March 2018 and in or about May 2018; and (3) that CC-3 has purchased at least approximately 10 firearms between in or about April 2018 and in or about May 2018. These purchases have been made at gun shows and from gun retailers in South Carolina, and over the internet.

9. Based on my review of ATF records, I know that DAYVON CHESTNUT, a/k/a "Dayvon Denaris Wynez Chestnut," the defendant, and CC-1, CC-2, and CC-3 are not, and have never been, licensed importers, manufacturers, or dealers in firearms.¹ Based on my review of NYPD and ATF documents, among other law enforcement documents, I also know that a number of the guns purchased by CHESTNUT have been recovered in the New York City area, among other places. For example:

- a. CHESTNUT purchased a specific Jimenez .380 pistol (the "Jimenez .380"), along with other firearms, on or about September 27, 2017, from a federal firearms licensee based in Myrtle Beach, South Carolina. On or about December 12, 2017, an individual ("Individual-1") was arrested, after a car chase and subsequent car accident, in the vicinity of 90th Street and Ridge Boulevard, in Brooklyn, New York. During the course of the arrest, law enforcement officers recovered a firearm, the Jimenez .380, that had been discarded by Individual-1;
- b. CHESTNUT purchased a specific Bryco Arms .380 (the "Bryco Arms .380"), along with other firearms, through an internet seller, and then subsequently obtained the firearms he had purchased from a federal firearms licensee in Camden, South Carolina, on or about November 13, 2017. On or about December 14, 2017, law enforcement officers recovered the Bryco Arms .380 at

¹As set forth below in paragraphs 22 and 23, CHESTNUT did have a concealed weapons permit which was revoked in May 2018.

a residence in Brooklyn, New York;

- c. CHESTNUT purchased a specific Hi-Point 9 millimeter (the "Hi-Point 9 mm"), along with another firearm, on or about March 10, 2018, from a federal firearms licensee in Bishopville, South Carolina. On or about March 27, 2018, law enforcement officers recovered the Hi-Point 9mm in Queens, New York. The serial number on the gun was defaced, and was subsequently restored by the NYPD laboratory.

Use of Facebook to Communicate about Firearms Trafficking

10. I have reviewed materials from a Facebook account utilized by DAYVON CHESTNUT, a/k/a "Dayvon Denaris Wynez Chestnut," the defendant, obtained through two search warrants (the "CHESTNUT Facebook Materials").² The CHESTNUT Facebook Materials include postings of advertisements for firearms, photographs of firearms, and discussions regarding the acquisition of firearms and selling of firearms to other individuals, among other things. For example, based on my review of the CHESTNUT Facebook Materials, I learned that:

- a. On or about August 9, 2017, CC-1 sent, from CC-1's Facebook account, to CHESTNUT's Facebook account, a photograph of an advertisement of a firearm from budsgunshop.com, and proceeded to exchange a number of private messages with CHESTNUT. In substance and in part, the following conversation occurred:

CC-1: Need two of these
CC-1: Send pic
Chestnut: \$800 for Springfield and Ar
Chestnut: No less
CC-1: No man
Chestnut: Least I do is \$750 w/o red dot
CC-1: Too high
Chestnut: Can't do it
CC-1: Just want spring field
Chestnut: \$360
CC-1: Sound dumb I'm gun God
Chestnut: 3 and a 7th

²Based on photographs of the user of the account, the user name associated with the account, and the substance of account, including postings and private messages, among other things, I know that CHESTNUT is the primary user of the account.

CC-1: I'm good bro
Chestnut: Aite Aite bro
CC-1: We gone link I got some bread. For you
Chesntut: Word
Chestnut: Man that Springfield my baby
Chestnut: Hell yea! Same here bro! And you
offer \$350 earlier I heard you
CC-1: Was joking
Chestnut: Damn I'm actually walking in my house
naked been a minute since I ain't have a gun
CC-1: Stg I forgot I had the spring field
Chestnut: I'm out here naked for my bros to have
protection
CC-1: I would do the same
Chestnut: But give me \$280 and some weed for the
Springfield

Based on my training, experience, and involvement with this investigation, I believe that, during this series of private messages, CHESTNUT and CC-1 were discussing CHESTNUT's possible sale of one or more firearms to CC-1, among other things. I know that "Springfield" is a reference to a manufacturer of firearms, and that "AR" is a reference to a type of firearm.

- b. On or about August 10, 2017, CHESTNUT, from his Facebook account, sent a screen shot of two photographs of a firearm (which appear to have been sent to CHESTNUT from another individual) to CC-1's Facebook account, and proceeded to exchange a number of private messages with CC-1 regarding the firearm. In substance and in part, the following conversation occurred:

CC-1: I want it
Chestnut: 190
CC-1: Send regular pic
CC-1: 160

CHESTNUT then sent a photograph of a tag indicating the manufacturer, model, and price of the firearm to CC-1, and the private message conversation between CHESTNUT and CC-1 resumed, in substance and in part:

CHESTNUT: She ain't going to do it then
CC-1: I'll get it

CC-1: 170

CHESTNUT: She to worried already

CC-1: Nvm then

CHESTNUT: Hell Idek if she fully made up her mind yet or not

CHESTNUT: But she send me those pics so I guess it's a go but I got to get her something else asap

CC-1: Ok

Based on my training, experience, and involvement with this investigation, I believe that, during this series of private messages, CHESTNUT and CC-1 were discussing CHESTNUT's possible sale of a firearm to CC-1, on behalf of another individual ("But she send me those pics so I guess it's a go").

- c. On or about August 15, 2017, CHESTNUT, from his Facebook account, send a link to a URL on gunbroker.com, which I know to be an online broker for firearms, to CC-1's Facebook account, and then sent a private message to CC-1 which stated, in substance and in part, "Broooo say the word and I'm bidding." Based on my training, experience, and involvement in this investigation, I believe that CHESTNUT was offering to bid on a firearm for sale on CC-1's behalf.
- d. On or about August 31, 2017, there was a series of private messages between CC-1, using CC-1's Facebook account, and CHESTNUT, using his Facebook account. Among those messages was the following exchange, in substance and in part:

CC-1: I can get my nine in a week

CC-1: I need ten guns on the 5

CHESTNUT: Damn slow down

CHESTNUT: Bruh said a whole 9 in a week

CC-1: Word tho I could

CC-1: I want that bitch bad tho

CC-1: Ayee call me !!!

Based on my training, experience, and involvement with this investigation, I believe that, during this series of private messages, CHESTNUT and CC-1 were discussing the purchase of a number of guns.

- e. On or about September 3, 2017, CHESTNUT, from his Facebook account, sent a photograph of a firearm, resting on an individual's hand, to CC-1's Facebook account and asked, CC-1, over private message, in substance and in part, "What you say?" CC-1 responded via private message, in substance and in part, "I want it," and CHESTNUT messaged back, "Aite I'm pull up." Based on my training, experience, and involvement with this investigation, I believe that, during this series of private messages, CHESTNUT offered to sell CC-1 a firearm, and CC-1 told CHESTNUT that he wanted to purchase the firearm.
- f. On or about November 9, 2017, CHESTNUT, from his Facebook account, sent a screen capture of a firearm auction to CC-1's Facebook account, and proceeded to exchange a number of private messages with CC-1 regarding the firearm. In substance and in part, the following conversation occurred:

CHESTNUT: I just found the plug
CC-1: Lit
CHESTNUT: Noo bro you don't even know the half
CHESTNUT: Wayyy more than the got at great pricez
CC-1: Enlighten me
CC-1: Let me see
CHESTNUT: Can't bro.. to good to be true
CHESTNUT: Just know when I ask you fo r \$300 Or [sic] so you won't regret it
CHESTNUT: You definitely getting triple that back

At the end of this series of messages, CC-1 sent another advertisement for firearms, available for sale online, to CHESTNUT. Based on my training, experience, and involvement with this investigation, I believe that, during this series of private messages, CHESTNUT and CC-1 were discussing CHESTNUT's possible purchase of one or more firearms on CC-1's behalf, for resale to another ("You definitely getting triple that back").

- g. On or about December 4, 2017, CHESTNUT, from his Facebook account, sent a photograph of a firearm to CC-1's Facebook account, and proceeded to exchange a

number of private messages with CC-1. In substance and in part, the following conversation occurred:

CHESTNUT: Bout to put the glock on the market instead

CC-1: How much

CHESTNUT: Asking 400

CHESTNUT: Obo

The next day, on or about December 5, 2017, CHESTNUT messaged CC-1, in substance and in part, "Call me when you get homebro," and "See if you can get that sold for me." Based on my training, experience, and involvement with this investigation, I believe that, during this series of private messages, CHESTNUT and CC-1 were discussing CHESTNUT's sale of a firearm, and CHESTNUT's request for assistance from CC-1 in selling the firearm ("See if you can get that sold for me").

April 2018

11. Based on my review of the CHESTNUT Facebook Materials, I know that on or about April 1, 2018, CHESTNUT messaged CC-2 via Facebook. In substance and in part, the following conversation occurred:

CHESTNUT: Hi [name omitted].

CC-2: Hi how are you doing

CHESTNUT: Big order...You ready?

CC-2: When though I'm in Florence until Saturday

CHESTNUT: Lol I scoop you when needed

Based on my training, experience, and involvement with this investigation, I believe that, during this series of private messages, CHESTNUT was requesting CC-2's assistance in obtaining firearms for him.

12. Based on my review of ATF documents, I know that on or about April 7, 2018, DAYVON CHESTNUT, a/k/a "Dayvon Denaris Wynez Chestnut," the defendant, purchased approximately 6 firearms at a gun show in Columbia, South Carolina.

13. I have reviewed historical and prospective location information, obtained pursuant to a search warrant for a cellular phone utilized by DAYVON CHESTNUT, a/k/a "Dayvon Denaris Wynez Chestnut," the defendant, (the "CHESTNUT Phone"

and the "CHESTNUT Phone Location Information").³ I believe, based on my review of the CHESTNUT Phone Location Information, my review of a photograph of a bus itinerary that CHESTNUT sent to CC-1 via Facebook on or about April 8, 2018, and my review of the electronic ticket confirmation provided by the bus company to CHESTNUT, that CHESTNUT traveled from South Carolina to the New York City-area via bus on or about April 7, 2018. Specifically, I believe that CHESTNUT left South Carolina late in the day on or about April 7, 2018, and arrived in Manhattan, via the Holland Tunnel, shortly after approximately 9 a.m. on or about April 8, 2018.⁴ Based on my review of the CHESTNUT Phone Location Information, I further believe that CHESTNUT then traveled to Brooklyn for a number of hours, before coming back to Manhattan later the same day, and getting on a bus which returned him to South Carolina on or about April 9, 2018.

14. Based on my review of ATF documents, I know (1) that DAYVON CHESTNUT, a/k/a "Dayvon Denaris Wynez Chestnut," the defendant, purchased approximately 2 firearms from a federal firearms licensee at a gun show in Florence, South Carolina, on or about April 28, 2018; (2) that CC-2 purchased approximately 3 firearms, from the same federal firearms licensee at the gun show in Florence, South Carolina, on or about April 28, 2018; and (3) that CC-3 purchased approximately 3 firearms from the same federal firearms licensee at the gun show in Florence, South Carolina, on or about April 28, 2018.

15. Based on my review of the CHESTNUT Phone Location Information, I believe that DAYVON CHESTNUT, a/k/a "Dayvon

³ I know that DAYVON CHESTNUT, a/k/a "Dayvon Denaris Wynez Chestnut," the defendant, utilizes the CHESTNUT Phone through, among other things: (1) a photograph of a business card, listing two numbers, including the number for the CHESTNUT Phone, which CHESTNUT posted on Facebook on or about November 9, 2017; (2) a bail bond, signed by CHESTNUT on or about November 16, 2017, which lists the number associated with the CHESTNUT Phone; and (3) firearms purchase paperwork from a federal firearms licensee from on or about March 2018 which lists the number for the CHESTNUT Phone as the contact for CHESTNUT.

⁴ The electronic ticket confirmation provided by the bus company to CHESTNUT indicates that CHESTNUT was accompanied by someone with the same first name as CC-1. In addition, I have reviewed an electronic ticket confirmation provided by the bus company to CC-1, which shows that CC-1 had a ticket for a bus leaving Manhattan on or about June 21, 2018, and arriving in Florence, South Carolina on or about June 22, 2018.

Denaris Wynez Chestnut," the defendant, again traveled from South Carolina to the New York City-area via bus on or about April 28, 2018. Specifically, I believe that CHESTNUT left South Carolina late in the day on or about April 28, 2018, and arrived in Manhattan, via the Holland Tunnel, at approximately 9:45 a.m. on or about April 29, 2018. Based on my review of the CHESTNUT Phone Location Information, I further believe that CHESTNUT then traveled to Brooklyn for a number of hours, before coming back to Manhattan later the same day, and getting on a bus which returned him to South Carolina on or about April 30, 2018.

16. Based on my review of the CHESTNUT Facebook Materials, I learned that:

- a. Between on or about April 28, 2018, and on or about April 30, there were a number of Facebook messages between DAYVON CHESTNUT, a/k/a "Dayvon Denaris Wynez Chestnut," the defendant, and CC-1. The messages read, in substance and in part:

April 28, 2018:

CHESTNUT: Bout to head there soon.

CHESTNUT: Leaving out at 9:40

CC-1: Come get my money I only wNT 4

CHESTNUT: Ok sayless. You at the crib?

April 29, 2018:

CHESTNUT: Yo

CC-1: Yeah

CHESTNUT: You going be up at 6:15 or I need catch 9 one

CC-1: 6:15

CHESTNUT: Sayless god

CC-1: You got may bread or drizz

CHESTNUT: I'm get it. Ain't seen block yet. You told swizz to get some out right?

CC-1: Like 7

CHESTNUT: Aite.

CHESTNUT: I'll let you know

CHESTNUT: I got it

CC-1: Huh

CC-1: Call me

April 30, 2018

CHESTNUT: Yoo
CHESTNUT: Home safe

Based on my training, experience, and involvement with this investigation, I believe that, during this series of messages, CHESTNUT and CC-1 were discussing, among other things, CHESTNUT's purchase of guns on behalf of CC-1 ("Come get my money I only wNT 4"), CHESTNUT's trip to New York City and his return back to South Carolina, and money that was going to be paid to CC-1 after CHESTNUT's trip ("You got may bread...").

- b. Between on or about April 28, 2018, and on or about April 30, 2018, there were a number of Facebook messages between DAYVON CHESTNUT, a/k/a "Dayvon Denaris Wynez Chestnut," the defendant, and CC-2. The messages read, in substance and in part:

April 28, 2018

CHESTNUT: Going to pick up some money now. Then on the way.
CC-2: Ok
CC-2: Call [omitted] that's my number

April 29, 2018

CHESTNUT: Big order. Got rest of your paper
CC-2: OK when can you bring it hun
CHESTNUT: Not back til tomo
CC-2: Ok

April 30, 2018

CHESTNUT: Check out what I found on Gunbroker.com!
[url omitted]
CHESTNUT: I'm back

Based on my training, experience, and involvement with this investigation, I believe that, during this series of messages, CHESTNUT and CC-2 were discussing, among other things, meeting up before CHESTNUT's trip to New York City, to purchase firearms as discussed above in paragraph 14, and CHESTNUT's return from New York City with money for CC-2 ("Got rest of your paper").

May 2018 and June 2018

17. Based on my review of ATF documents, I know: (1) that CC-3 purchased approximately 3 firearms from a federal firearms licensee in Myrtle Beach, South Carolina, on or about May 7, 2018; (2) that CC-3 purchased approximately 2 firearms from a federal firearms licensee in Florence, South Carolina, on or about May 8, 2018; (3) that DAYVON CHESTNUT, a/k/a "Dayvon Denaris Wynez Chestnut," the defendant, purchased approximately 2 firearms, from a federal firearms licensee in Florence, South Carolina, on or about May 8, 2018; and (4) that CC-2 purchased approximately 2 firearms from a federal firearms licensee in Florence, South Carolina, on or about May 8, 2018.

18. Based on my review of the CHESTNUT Phone Location Information, I believe that DAYVON CHESTNUT, a/k/a "Dayvon Denaris Wynez Chestnut," the defendant, again traveled from South Carolina to the New York City-area via bus on or about May 8, 2018. Specifically, I believe that CHESTNUT left South Carolina late in the day on or about May 8, 2018, and arrived in Manhattan, via the Holland Tunnel, at approximately 10:20 a.m. on or about May 9, 2018. Based on my review of the CHESTNUT Phone Location Information, I further believe that CHESTNUT then traveled to Brooklyn for a number of hours, before coming back to Manhattan later the same day, and getting on a bus which returned him to South Carolina on or about May 10, 2018.

19. Based on my review of the CHESTNUT Facebook Materials, I learned that:

- a. Between on or about May 6, 2018, and on or about May 9, 2018, there were a number of Facebook messages between DAYVON CHESTNUT, a/k/a "Dayvon Denaris Wynez Chestnut," the defendant, and CC-2. The messages were, in sum and substance:

May 6, 2018

CHESTNUT: I'm going to send yall to the store tomorrow

CC-2: Ok

CHESTNUT: I'm give you a number to cal. Need you to see what they have on stock and prices.

CHESTNUT: It's the old white man I showed you at the show

CHESTNUT: [number omitted] call him "Click"

CC-2: OK...
CC-2: What am I asking about
CHESTNUT: Let me know what he says. His stock(g...) calibers and prices
CC-2: Ok
CHESTNUT: How it go?
CC-2: I'm about to call...Gotta charge the food stamp phone...I can only use WiFi on this one
CC-2: Went to voice mail
CHESTNUT: Ok I'm bout to give you him home number
CHESTNUT: [number omitted]
CC-2: Answering machine
CC-2: I'll keep calling though
CHESTNUT: Ok

May 7, 2018

CC-2: He has 5 380s 44 22s.. ug2c225 9 with 2 12 rd 6 spectra 380s 2 sky with 2 10 rd 210
CC-2: Call [number omitted] when you get time. I gotta ride with [name omitted] to his job thing in a little while
CHESTNUT: Ok I'm going to let you know soon a lot going

May 9, 2018

CC-2: Yea Then I realized it was probably you checking in to drop that of earlier
CHESTNUT: Yea thats it

Based on my training, experience, and involvement with this investigation, I believe that, during this series of messages, CHESTNUT and CC-2 were discussing, among other things, CC-2's purchase of guns at CHESTNUT's direction, and the fact that CHESTNUT was going to be bringing something to CC-2, perhaps money, after his trip to New York City ("Then I realized it was probably you checking in to drop that of earlier").

20. Based on my review of ATF documents, I know: (1) that CC-2 purchased approximately 3 firearms from a federal firearms licensee in Myrtle Beach, South Carolina on or about May 11, 2018; and (2) that DAYVON CHESTNUT, a/k/a "Dayvon Denaris Wynez Chestnut," the defendant, purchased approximately 2 firearms, from a federal firearms licensee in Florence, South Carolina, on or about May 13, 2018.

21. Based on my review of the CHESTNUT Phone Location Information, I believe that DAYVON CHESTNUT, a/k/a "Dayvon Denaris Wynez Chestnut," the defendant, again traveled from South Carolina to the New York City-area via bus on or about May 13, 2018. Specifically, I believe that CHESTNUT left South Carolina late in the day on or about May 13, 2018, and arrived in Manhattan, via the Holland Tunnel, at approximately 9:50 a.m. on or about May 14, 2018. Based on my review of the CHESTNUT Phone Location Information, I further believe that CHESTNUT then traveled to Brooklyn for a number of hours, before coming back to Manhattan later the same day, and getting on a bus which returned him to South Carolina on or about May 15, 2018.⁵

22. I know, based on my discussions with Agent 1, that local authorities subsequently revoked the concealed weapons permit of DAYVON CHESTNUT, a/k/a "Dayvon Denaris Wynez Chestnut," the defendant. Specifically, Agent-1 informed me that he has spoken to another ATF Agent ("Agent-2"), and Agent-2 informed Agent-1 that:

- a. On or about May 24, 2018, Agent-2 and an agent with the South Carolina Law Enforcement Division ("SLED," the "SLED Agent"), attempted to locate CHESTNUT in South Carolina to inform him that his concealed weapons permit had been revoked. The officers did not locate CHESTNUT, but the SLED Agent spoke to Chestnut on the CHESTNUT Phone.⁶ During the conversation, CHESTNUT informed the SLED Agent, in sum and substance, that he had returned his concealed weapons permit via mail. CHESTNUT had not, in fact, returned his permit via mail.

23. I have spoken with a third ATF Agent ("Agent-3"), who spoke with the SLED Agent. According to Agent-3, the SLED Agent advised Agent-3 that DAYVON CHESTNUT, a/k/a "Dayvon Denaris Wynez Chestnut," the defendant, returned his concealed weapons permit in person on or about June 8, 2018. In addition, I have reviewed publicly available Facebook materials which show that, on

⁵As part of my review of the CHESTNUT Facebook Materials, I have reviewed a Facebook message from an individual ("Individual-2") to DAYVON CHESTNUT, a/k/a "Dayvon Denaris Wynez Chestnut," the defendant, from on or about May 13, 2018, which reads, in sum and substance, "You also know how I never have your attention. You only worry about one thing now. A dang bus and a gun."

⁶I have reviewed phone records for the CHESTNUT Phone that show this phone call.

or about May 31, 2018, CHESTNUT posted publicly on Facebook, in sum and substance, "Pull up on SLED, with the same energy they attempted to pull up on me."

24. Based on my review of ATF paperwork, I know that DAYVON CHESTNUT, a/k/a "Dayvon Denaris Wynez Chestnut," the defendant, attempted to purchase a firearm on or about June 9, 2018, from a federal firearm licensee at gun show in Columbia, South Carolina, but that purchase was denied due to pending criminal charges against CHESTNUT in South Carolina. I further know, based on my review of ATF paperwork as well as my review of video surveillance, that CC-3, who was accompanied by CHESTNUT, attempted to purchase a firearm from a federal firearm licensee located in Florence, South Carolina, on or about June 18, 2018. The purchase did not go through.

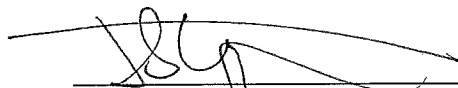
25. I further know, based on my review of location information for a cellular phone utilized by CC-1 ("CC-1 Phone Location Information"), obtained via a search warrant⁷, and my familiarity with one of the bus routes between in or about Florence, South Carolina and Manhattan, that CC-1 appears to have traveled by bus from South Carolina to the New York City-area on or about May 31, 2018. Specifically, I believe that CC-1 left South Carolina late in the day on or about May 31, 2018, and arrived in Manhattan in the morning of June 1, 2018. Based on my review of the CC-1 Phone Location Information, I further believe that CC-1 then traveled to Brooklyn for a number of hours, before coming back to Manhattan later the same day, and getting on a bus which returned him to South Carolina on or about June 2, 2018. Further, based on my review of the CC-1 Phone Location Information, as well as my review of public postings made by CC-1 on Facebook and bus ticket information, I believe that CC-1 traveled from South Carolina to Brooklyn on other occasions in June 2018, including an occasion on or about June 12, 2018, when CC-1 appears to have traveled from South Carolina to Brooklyn via car, and stayed in Brooklyn for only a few hours before returning to South Carolina.⁸

26. I know, from my review of phone records, that the CHESTNUT Phone was in frequent contact with phones utilized by CC-1, CC-2, and CC-3 from in or about April 2018 through in or about June 2018.

⁷I have reviewed CC-1 Phone Location Information for on or about June 1, 2018 and on or about June 2, 2018.

⁸CC-1 appears to have traveled to and from Brooklyn via the Verrazano Bridge on this occasion.

WHEREFORE, the deponent respectfully requests that DAYVON CHESTNUT, a/k/a "Dayvon Denaris Wynez Chestnut," the defendant, be arrested and imprisoned or bailed, as the case may be.



Detective Joseph Andrew Thompson
Task Force Officer, ATF

Sworn to before me this
16 day of July, 2018

S/Debra Freeman

THE HONORABLE DEBRA FREEMAN
UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT OF NEW YORK

