

**FILED**

VANESSA L. ARMSTRONG, CLERK

**UNITED STATES DISTRICT COURT**

for the

APR 13 2017

Western District of Kentucky

**U.S. DISTRICT COURT  
WEST'N. DIST. KENTUCKY**

United States of America )

v. )

CHICOBY SUMMERS )

Case No. 317-MJ-201

Defendant(s)

**CRIMINAL COMPLAINT**

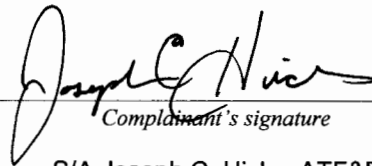
I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of on or about April 12, 2017 in the county of Jefferson in the  
Western District of Kentucky, the defendant(s) violated:*Code Section**Offense Description*Title 18, United States Code,  
Section 922(g)(1)

Felon in possession of a firearm

This criminal complaint is based on these facts:

See Attached Affidavit.

☒ Continued on the attached sheet.

Complainant's signature

S/A Joseph C. Hicks, ATF&amp;E

Printed name and title

Sworn to before me and signed in my presence.

Date: 04/13/2017

Judge's signature

City and state: Louisville, Kentucky

Dave Whalin, United States Magistrate Judge

Printed name and title

**AFFIDAVIT IN SUPPORT OF A CRIMINAL COMPLAINT**

I, Joseph C. Hicks, Special Agent, (hereinafter "Affiant"), having been duly sworn, hereby depose and state:

1. I am an investigative or law enforcement officer within the meaning of Federal Rule of Criminal Procedure 41(a)(2)(C), that is, a government agent engaged in enforcing the criminal laws and duly authorized by the Attorney General to make arrests.
2. I have been employed by the U.S. Bureau of Alcohol, Tobacco, Firearms, & Explosives (ATF) as a Special Agent (SA) since July of 2014. I am currently assigned to the Louisville Field Division (LFD). In connection with my official ATF duties, I investigate criminal violations of state and federal firearms and narcotics trafficking laws, including, but not limited to violations of Title 18, United States Code, Sections 922 and 924 and Title 21 United States Code 841 and 846. I have received specialized training in the enforcement of laws concerning firearm related offenses as found in Title 18 of the United States Code and controlled substances as found in Title 21 of the United States Code. I have testified in judicial proceedings and prosecutions for violations of federal firearms laws. I have also been involved in various types of electronic surveillance, as well as the debriefing of defendants, witnesses, informants, and others who have knowledge of firearms related offenses, the distribution and transportation of controlled substances, and of the laundering and concealing of proceeds from drug trafficking.

3. I have been involved in the investigation of this matter, along with other law enforcement officers and agents, concerning potential violations of the Gun Control Act, Title 18 United States Code, Section 922, namely the unlawful possession of a firearm by a prohibited person.
4. I am familiar with the information contained in this affidavit through my own personal participation in the investigation, my review of documents and records, and my conversations with other law enforcement officers and agents. Because this affidavit is submitted in support of application for a criminal complaint and arrest warrant, I have not included every fact known concerning this investigation. I have, however, set forth a statement of fact and circumstances sufficient to establish probable cause for the issuance of an arrest warrant.
5. On Wednesday April 12, 2017, members of ATF, Drug Enforcement Administration (DEA), Federal Bureau of Investigation (FBI), and Louisville Metro Police Department (LMPD) were conducting surveillance pursuant to an investigation at 1711 Wilson Avenue, Louisville, KY 40210. Investigators observed Chicoby SUMMERS' (B/M, DOB: 04/04/95; hereafter referred to as SUMMERS) exit the residence and get into the driver's seat of the 2016 black Chevrolet Malibu with NY license plate: HHA1935. Investigators also observed another black male, later identified as Byram WARD (B/M, DOB: 01/28/92), get into the same vehicle on the passenger side. LMPD Detective B. Cundiff observed the vehicle drive away from the location and fail to stop at a stop sign at the intersection of 17<sup>th</sup> street and Wilson Avenue. Detective Cundiff attempted to conduct a traffic stop of the vehicle by initiating his emergency equipment. The vehicle driven by SUMMERS failed to stop and disregarded another stop sign at the intersection

of 15<sup>th</sup> street and Wilson Avenue. Detectives followed the vehicle that was traveling at a high rate of speed, attempting to stop it until the vehicle stopped in the area of 1721 Nelson Avenue, Louisville, KY. Investigators observed three individuals exit the vehicle; SUMMERS was driving, Roman BROWN (B/M) exited the front passenger side of the vehicle, and Byram WARD exited the rear passenger side of the vehicle. All three individuals ran through the neighboring yards in a northwest direction. Investigators followed and observed SUMMERS run into the rear door of the residence located at 1728 Youngland Avenue. Investigators took Byram WARD into custody in the front yard of 1728 Youngland Avenue, and Roman BROWN into custody in the Dollar General parking lot bordering the residence on the west side. Investigators made entry into the front door of 1728 Youngland Avenue, in pursuit of SUMMERS. Once inside, Investigators called the residents out to the front entryway and observed Martez Banks come from a bedroom located at the top of the stairs and to the right (west) side and SUMMERS come from a bedroom located at the top of the stairs on the left (east) side. Both individuals were detained. SUMMERS had an empty holster located inside his waistband near his front pants zipper. Banks was on probation at the time of the incident. Banks was read his Miranda rights and agreed to talk to Investigators. Banks stated that he was in the bedroom located at the top of the stairs on the right (west) side and that SUMMERS was in the bedroom located at the top of the stairs on the left (east) side. This statement is consistent with what Investigators observed.

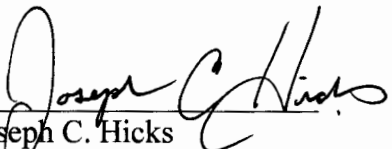
6. Investigators were notified by Shively Police department that a witness (hereafter referred to as "Witness", whose identity was made known to the Magistrate Judge) who stated that he/she observed a black vehicle drive past his residence being followed by Detective

Cundiff's vehicle contacted them. Witness stated he/she saw a gun thrown from the passenger side of the vehicle, hit the road, and slide across the pavement stopping in the grass near the sidewalk in front of a residence. The firearm is described as a Zastava, 7.62 caliber pistol, Model: PAP M92PV, SN: M92PV053161. Law enforcement recovered the firearm from the location.

7. Investigators were granted consent to search the residence located at 1728 Youngland Avenue, Louisville, KY by the owner of the residence (whose identity was made known to the Magistrate Judge). Investigators also notified Officer Richardson who works with Kentucky Probation and Parole, who agreed to do a search of the residence due to BANKS' presence there. During the search of the residence, Investigators found a Taurus, 9mm caliber pistol, Model: PT809, SN: TJW83525 located in a closet in the left bedroom located at the top of the stairs. This bedroom is where Investigators earlier observed SUMMERS come from before he was taken into custody. An LMPD K9 conducted a search around the exterior of the residence and found a Glock, .45 caliber pistol, Model: 36, SN: WZK770, located on the west side of a wooden fence located on the west side of the residence bordering the Dollar General parking lot.
8. On the same date, Investigators obtained and executed a state issued search warrant for the residence known to be utilized by SUMMERS located at 7924 Zelma Fields Avenue, Louisville, KY. Inside the residence, investigators recovered a Taurus, 9mm caliber pistol, Model: PT809, SN: TJY69069. This is the same make, model, and caliber as the handgun recovered in the room that SUMMERS was observed departing at 1728 Youngland Avenue. The Taurus firearm was located in an upstairs bedroom which is the only room in the house with a bed. This room contained male clothing and footwear

consistent with the sizes that SUMMERS wears. Investigators also found suitcases with Chicoby SUMMMERS airline name tags as well as LMPD impound forms for SUMMERS' Chevrolet Silverado.

9. SA Joe Persails conducted a preliminary interstate nexus examination and determined that the four (4) aforementioned firearms were not manufactured in the state of Kentucky and therefore each affected interstate commerce.
10. On or about October 9, 2014, in Louisville, Kentucky, SUMMERS was convicted in Jefferson County Circuit Court, Case Number 13-CR-003015, of Trafficking in a Controlled Substance, First Degree (cocaine), a felony.
11. Based on the above facts and circumstances, as well as this Affiant's training and experience, Affiant states that there is probable cause to believe that SUMMERS has committed violations of Title 18, USC Sections 922 (g)(1), felon in possession of a firearm.

  
Joseph C. Hicks  
Special Agent, ATF

Subscribed and sworn to before me this 13<sup>th</sup> day of April 2017.

  
Dave Whalin  
United States Magistrate Judge