

UNITED STATES DISTRICT COURT
for the
District of Minnesota

UNITED STATES OF AMERICA)

v.)

ANDREW THOMAS,)

Case No. 21-mj-308 (KMM)

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 April 18, 2021, in Hennepin County, in the State and District of Minnesota, the defendant, having previously been convicted of at least one crime punishable by imprisonment for a term exceeding one year, and knowing that he had been convicted of at least one crime punishable by imprisonment for a term exceeding one year, did knowingly possess, in and affecting interstate commerce, a firearm, that is, a Springfield Armory XD-9 9mm semi-automatic pistol bearing serial number BY529416, all in violation of Title 18, United States Code, Section 922(g)(1) and 924(a)(2).

I further state that I am a Special Agent of the Bureau of Alcohol, Tobacco, Firearms and Explosives, 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

Cory J. Shelton, ATF Special Agent

Printed name and title

SUBSCRIBED and SWORN before me
by reliable electronic means (means of video
conference and email) pursuant to
Fed. R. Crim. P. 41(d)(3).

Date: April 19, 2021

Judge's signature

City and state: Minneapolis, MN

The Honorable Katherine M. Menendez,
U.S. Magistrate Judge

Printed name and title

UNITED STATES DISTRICT COURT

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ANDREW THOMAS,

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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) ANDREW THOMAS

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 April 18, 2021, in Hennepin County, in the State and District of Minnesota, the defendant, having previously been convicted of at least one crime punishable by imprisonment for a term exceeding one year, and knowing that he had been convicted of at least one crime punishable by imprisonment for a term exceeding one year, did knowingly possess, in and affecting interstate commerce, a firearm, that is, a Springfield Armory XD-9 9mm semi-automatic pistol bearing serial number BY529416, all in violation of Title 18, United States Code, Section 922(g)(1) and 924(a)(2).

Date: April 19, 2021

City and state: Minneapolis, MN



Issuing officer's signature

The Honorable Katherine M. Menendez, U.S. Magistrate Judge
Printed name and title

STATE OF MINNESOTA)
)
COUNTY OF HENNEPIN) ss. AFFIDAVIT OF CORY J. SHELTON

1. I am a Special Agent with the Bureau of Alcohol, Tobacco, Firearms & Explosives, United States Department of Justice, (hereinafter ATF) and have been so employed since March 2014. I am currently assigned to the St. Paul Field Division where I investigate various facets of violations of Federal law. I am authorized to conduct criminal investigations, make arrests, and obtain search warrants. I am a graduate of the Federal Law Enforcement Training Center's Criminal Investigator Training Program and the Special Agent Basic Training at the ATF National Academy.

2. This affidavit is submitted for the limited purpose of establishing probable cause in support of issuing a complaint and arrest warrant for Andrew THOMAS, (hereinafter "THOMAS") for possession of a firearm by a convicted felon in violation of Title 18, United States Code, Section 922(g)(1).

3. 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. 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

4. Operation Safety Net is a multi-agency state and local effort designed to protect communities and people of Minnesota during the trial of Derek Chauvin in

Minneapolis. The goals of Operation Safety Net are to prevent large-scale violent civil disturbances, assaultive actions, property damage, fire, and looting to government buildings, businesses, and critical infrastructure, while also preserving and protecting lawful First Amendment protests and demonstrations. As part of Operation Safety Net, the Minnesota National Guard was activated and has been deployed throughout the Twin Cities metropolitan area.

5. On the early morning of April 18, 2021, a team of Minnesota National Guard soldiers, along with an officer of the Minneapolis Department, was stationed at the corner of Penn Avenue North and West Broadway Avenue in Minneapolis, Minnesota. At about 4:20 a.m., light-colored SUV driving west on West Broadway Avenue fired multiple shots at the team. One bullet went through the windshield of the team's military vehicle, which held four soldiers. Two soldiers of the Minnesota National Guard sustained minor injuries: one was transported to a nearby hospital for treatment of injuries from shattered glass; the other was treated at the scene for superficial wounds. Personnel from the Minneapolis Police Department Crime Laboratory collected multiple discharged cartridge casings from the location of the shots.

6. The suspect vehicle was captured on several video cameras. The video evidence indicated the following:

- a. The vehicle appeared to be a 2002 or 2003 gold or tan Ford Explorer, with heavily tinted windows.
- b. The rear window of the car was covered in dust.
- c. The vehicle appeared to have a black bike rack on the top of the vehicle.

- d. The vehicle appeared to have silver rims with five spokes that appeared to be the stock model on the vehicle.
- e. The vehicle's body appeared to be two-toned.
- f. The door handles of the vehicle were the same color as the door panels.
- g. The vehicle's rear license plate was illuminated only on the driver's side.

7. At around 9:52 p.m. on April 18, 2021, Minneapolis Police officers in a marked police vehicle were patrolling the area of 6th Street South and Cedar Avenue South when they encountered a gold 2002 Ford Explorer with heavily tinted windows. The officers had reviewed intelligence reports with photographs of the suspect vehicle, and were familiar with the identifying features listed above. The vehicle exited I-94 West onto Cedar Avenue South going southbound. The officers began to follow the vehicle. The vehicle then began to make what the officers recognized to be evasive maneuvers, veering in and out of lanes. As they followed, the officers saw that the vehicle had a black bike rack on top of it; that it appeared to be two-toned; that the door handles were the same color as the door panels; and that the rear window was covered in dust, consistent with the photographs the officers had seen. They also noted that the rear license plate was illuminated only on the driver's side. The officers concluded that the vehicle they were following was the suspect vehicle from the shooting, and other police vehicles moved to their location.

8. The vehicle eventually turned into a fenced parking lot on Bloomington Avenue South. Officers elected to make a felony stop of the vehicle. They activated their emergency lights and ordered the occupants of the vehicle to turn the vehicle off and exit

the vehicle. After about one minute, the driver, later identified as THOMAS, exited the vehicle and complied with the officers' directions. Officers also found another occupant in the vehicle, a juvenile whom officers identified. Officers placed THOMAS and the juvenile in separate police cars.

9. An officer opened the driver's side door of the Ford Explorer, and saw that the floor mat was elevated. He lifted the floor mat and found a discharged cartridge casing.

10. Meanwhile, the juvenile told officers that there was a firearm inside the Ford Explorer. The juvenile said the driver, whom the juvenile knew only as "Black," took a pistol out of the center console, reached behind the front seat, and put it somewhere in the vehicle. The juvenile told officers that the juvenile had met THOMAS at a motel in St. Paul the week before. The juvenile said the juvenile and THOMAS were going to get food when they were stopped. The juvenile said the juvenile did not know THOMAS had a gun until THOMAS took it out of the center console. The juvenile also asked if the juvenile could have a personal bag from the vehicle.

11. Officers obtained a warrant to search the vehicle. Inside, they found a Springfield Armory XD-9 9mm semi-automatic pistol bearing serial number BY529416. The firearm was located inside a brown purse in the front passenger seat. In the seatback behind the passenger's seat, officers found a zippered black pistol case with the words Springfield Armory on it. In that pistol case, officers found a partial box of .357 caliber ammunition, and two pistol magazines. Inside the sunglass compartment, officers found a bindle of suspected narcotics. Officers also recovered the discharged cartridge casing under the driver's floor mat, and located a second discharged cartridge casing behind the

driver's seat. Officers also found a .22 caliber revolver with an obliterated serial number. The firearm was located under a pile of men's clothing in the back of the vehicle.

12. Minneapolis police personnel test-fired the Springfield Armory XD-9 9mm semi-automatic pistol bearing serial number BY529416, and entered images of the discharged cartridge casings (DCCs) into the National Integrated Ballistic Information Network (NIBIN). Images of the DCCs from the shooting on April 18, and from the DCC recovered from THOMAS's vehicle, were entered as well. A preliminary analysis of tool mark identification indicates that all these DCCs have similar tool markings, indicating they were all fired by the Springfield Armory XD-9 9mm semi-automatic pistol bearing serial number BY529416.

13. I have consulted with an ATF Interstate Nexus Expert, who has determined that the Springfield Armory XD-9 9mm semi-automatic pistol bearing serial number BY529416 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 April 18, 2021.

14. THOMAS is the registered owner of the 2002 Ford Explorer. The insurance card and other documents found in the vehicle were all in THOMAS's name as well.

15. DNA and fingerprint analysis of the firearm is pending.

16. I have researched certain available criminal history records for THOMAS. Based on my review of those records, I believe that THOMAS had at least the following felony conviction, which was punishable by imprisonment for a term exceeding one year, prior to April 18, 2021:

Offense	Place of Conviction	Date of Conviction (On or About)
3rd Degree Assault	Hennepin County, MN	December 4, 2017

17. I note that conviction records indicate that THOMAS received a sentence in this felony conviction of 18 months' imprisonment, and therefore knew he had been convicted of at least one crime punishable by imprisonment for a term exceeding one year.

18. Based on the information set forth above, there is probable cause to believe that the Defendant, Andrew THOMAS, violated Title 18, United States Code, Section 922(g)(1), by possessing in and affecting interstate commerce a firearm, after having been convicted of at least one crime punishable by imprisonment for a term exceeding one year. Further your Affiant sayeth not.



Cory J. Shelton
Special Agent, ATF

SUBSCRIBED and SWORN before me
by reliable electronic means (FaceTime and
email) pursuant to Fed. R. Crim. P. 41(d)(3) on
April 19, 2021:



KATHERINE M. MENENDEZ
UNITED STATES MAGISTRATE JUDGE
DISTRICT OF MINNESOTA