

UNITED STATES DISTRICT COURT

for the

District of Minnesota

UNITED STATES OF AMERICA

v.

Case No. 21-MJ-764 HB

JEROME FLETCHER HORTON, JR.

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 July 31, 2021, in Anoka County, in the State and District of Minnesota, defendant,

in connection with the acquisition of a firearm, namely, a Mossberg model MC2C 9mm semiautomatic pistol bearing serial number 017520MC, from Fleet Farm, a federally licensed dealer of firearms within the meaning of Chapter 44, Title 18, United States Code, knowingly made a false and fictitious written statement to Fleet Farm, which statement was intended and likely to deceive Fleet Farm as to a fact material to the lawfulness of such sale of the said firearm to the defendant under Chapter 44 of Title 18, in that the defendant executed a Bureau of Alcohol, Tobacco, Firearms and Explosives Form 4473 in connection with the purchase of the said firearm, on which form the defendant indicated that he was the actual buyer of the firearm, when in fact the defendant was not the actual buyer of the firearm, and the defendant then knew he was not the actual buyer of the firearm;

in violation of Title 18, United States Code, Sections 922(a)(6) 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

[Handwritten signature of Kylie Williamson]
Complainant's signature

SUBSCRIBED and SWORN before me by reliable electronic means via FaceTime, Zoom, and email pursuant to Fed. R. Crim. P. 41(d)(3).

Kylie Williamson
ATF Special Agent
Printed name and title

Date: Oct. 18, 2021

[Handwritten signature of Hildy Bowbeer]
Judge's Signature

City and State: St. Paul, MN

Hildy Bowbeer
United States Magistrate Judge
Printed Name and Title

STATE OF MINNESOTA)
) ss. AFFIDAVIT OF KYLIE WILLIAMSON
COUNTY OF RAMSEY)

1. I am employed as a Special Agent with the Bureau of Alcohol, Tobacco, Firearms, and Explosives (“ATF”), and am thus an investigative or law enforcement officer of the United States within the meaning of Section 2510(7) of Title 18 of the United States Code. I have been employed as a Special Agent by the ATF since August of 2007. Prior to that, I was employed by ATF for two years as an Industry Operations Investigator. I am currently assigned to the Saint Paul Field Office. In my capacity as a Special Agent with the ATF, I have participated in numerous criminal investigations of individuals and entities related to violations of Federal Laws, particularly those under Titles 18 and 21 of the United States Code. I have received on-going training related to criminal investigations, gang investigations, drug trafficking, money laundering, undercover operations, Title III wiretaps, as well as electronic and physical surveillance procedures. I work with various law enforcement agencies and drug task forces throughout the state of Minnesota and have supervised, led, and/or otherwise been a part of hundreds of arrests and search warrants during my years as a law enforcement officer.

2. This affidavit is submitted for the limited purpose of establishing probable cause in support of issuing a complaint and arrest warrant for Jerome Fletcher HORTON, Jr. (hereinafter “HORTON”) for false statement during the purchase of a firearm, in violation of Title 18, United States Code, Section 922(a)(6).

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, and recordings. 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. On October 10, 2021, men opened fire within the Seventh Street Truck Park, a bar located at 214 West Seventh Street in St. Paul, Minnesota. A 27-year-old woman named Marquisha Wiley was killed in the gunfire exchange, and 14 others were injured.

5. Investigators of the St. Paul Police Department identified a suspect in the shooting: a man with the initials D.T.P., who had been shot in the incident. Investigators obtained surveillance video that showed D.T.P. appearing to possess and discharge a firearm within the Seventh Street Truck Park bar. Video showed D.T.P. leave the bar, still in apparent possession of his firearm, and get into the back of a vehicle after the shooting. Video then showed D.T.P. exit the vehicle; he no longer appeared to possess a firearm. Video did not show anyone else getting in or out of the vehicle during this timeframe. Investigators recovered from the vehicle a Mossberg model MC2C 9mm semiautomatic pistol bearing serial number 017520MC. The recovered firearm appeared to have fresh blood on it, and no other firearms were recovered from the vehicle. Investigators recovered numerous 9mm discharged cartridge casings inside of the bar, which were consistent with the caliber of the firearm recovered from the vehicle.

6. On October 11, 2021, I facilitated an urgent trace on the firearm, and learned that it was one of three 9mm semiautomatic pistols purchased by HORTON on July 31,

2021, documented on an ATF Multiple Sales Report. The firearms were purchased from Fleet Farm in Blaine, Minnesota.

7. When HORTON purchased the Mossberg model MC2C 9mm semiautomatic pistol bearing serial number 017520MC, he submitted an ATF Form 4473. On this form, HORTON indicated that he was the actual buyer of the firearm.

8. In my training and experience, I know that the actual buyer of the firearm is a material fact to an FFL. An FFL will not sell a firearm to a prohibited person (e.g., someone with a prior felony conviction), so the actual buyer of the firearm is a fact upon which the sale will depend.

9. A review of Multiple Sales Reports submitted by various Federal Firearms Licensees (FFLs) in and around the Twin Cities metropolitan area, as well as other documents and records, revealed that HORTON had purchased 33 firearms from June 15, 2021, through October 17, 2021. A table of HORTON's firearms purchases follows.

#	Firearm	Caliber	SN	Date of Purchase	FFL
1	Taurus model G2C	9mm	1C020445	6/15/2021	Fleet Farm, 8400 Lakeland Avenue North, Brooklyn Park, MN
2	Ruger model Security-9	9mm	38463707	7/04/2021	Fleet Farm, 8400 Lakeland Avenue North, Brooklyn Park, MN
3	Glock model 19	9mm	BTNX619	7/07/2021	Fleet Farm, 8400 Lakeland Avenue North, Brooklyn Park, MN
4	Glock model G43X	9mm	BTTU573	7/10/2021	Fleet Farm, 5635 Hadley Avenue North, Oakdale, MN

#	Firearm	Caliber	SN	Date of Purchase	FFL
5	Beretta model APX	9mm	A152030X	7/23/2021	Fleet Farm, 10250 Lexington Avenue NE, Blaine, MN
6	Springfield Armory model XDS	9mm	BA456304	7/24/2021	Fleet Farm, 5635 Hadley Avenue North, Oakdale, MN
7	FNH model 503	9mm	CV016470	7/24/2021	Fleet Farm, 5635 Hadley Avenue North, Oakdale, MN
8	Glock model 26	9mm	AFVB754	7/26/2021	Fleet Farm, 5635 Hadley Avenue North, Oakdale, MN
9	Glock model 43X	9mm	BTTU0778	7/27/2021	Fleet Farm, 10250 Lexington Avenue NE, Blaine, MN
10	Stoeger model STR-9C	9mm	T642921S02199	7/27/2021	Fleet Farm, 10250 Lexington Avenue NE, Blaine, MN
11	Ruger model EC95	9mm	45955269	7/31/2021	Fleet Farm, 10250 Lexington Avenue NE, Blaine, MN
12	Mossberg model MC2C	9mm	017520MC	7/31/2021	Fleet Farm, 10250 Lexington Avenue NE, Blaine, MN
13	Glock model 45	9mm	BSTE309	7/31/2021	Fleet Farm, 10250 Lexington Avenue NE, Blaine, MN
14	Glock model 19X	9mm	BUCB186	8/14/2021	Fleet Farm, 10250 Lexington Avenue NE, Blaine, MN
15	Glock model G19	9mm	BSXE226	8/20/2021	Fleet Farm, 8400 Lakeland Avenue North, Brooklyn Park, MN
16	Mossberg model MC2C	9mm	014211MC	8/31/2021	Fleet Farm, 17070 Kenrick Avenue, Lakeville, MN
17	Glock model 26	9mm	AFVC844	8/31/2021	Fleet Farm, 17070 Kenrick Avenue, Lakeville, MN

#	Firearm	Caliber	SN	Date of Purchase	FFL
18	Glock model 23	.40	BUGF388	9/08/2021	DKMags Inc., 443 Old Highway 8 NW #102, New Brighton, MN
19	Glock model 21	.45	AFUV823	9/10/2021	DKMags Inc., 443 Old Highway 8 NW #102, New Brighton, MN
20	Glock model 19	9mm	BUBY049	9/10/2021	DKMags Inc., 443 Old Highway 8 NW #102, New Brighton, MN
21	Glock model G17	9mm	BUGR628	9/13/2021	Fleet Farm, 10250 Lexington Avenue NE, Blaine, MN
22	Glock model 30	.45	BTEW814	9/17/2021	DKMags Inc., 443 Old Highway 8 NW #102, New Brighton, MN
23	Ruger model 57	5.7x28	64322362	9/17/2021	Fleet Farm, 8400 Lakeland Avenue North, Brooklyn Park, MN
24	Glock model G19	9mm	BUAS957	9/18/2021	Fleet Farm, 10250 Lexington Avenue NE, Blaine, MN
25	Radical Firearms model RF-15	.556	21046140	9/26/2021	Fleet Farm, 10250 Lexington Avenue NE, Blaine, MN
26	Glock model 26	9mm	AFSE457	9/26/2021	Fleet Farm, 10250 Lexington Avenue NE, Blaine, MN
27	Glock model 19	9mm	AFYL242	9/27/2021	Frontiersman Sports, 6925 Wayzata Blvd., St. Louis Park, MN
28	Glock model 43X	9mm	BUHT553	9/29/2021	Frontiersman Sports, 6925 Wayzata Blvd., St. Louis Park, MN

#	Firearm	Caliber	SN	Date of Purchase	FFL
29	Glock model 26	9mm	SBU095	9/29/2021	Frontiersman Sports, 6925 Wayzata Blvd., St. Louis Park, MN
30	SAR-Iraola Salaverria model B6C	9mm	T110221G50080	10/01/2021	Frontiersman Sports, 6925 Wayzata Blvd., St. Louis Park, MN
31	Taurus model G3C	9mm	1KA06796	10/11/2021	Fleet Farm, 8400 Lakeland Avenue North, Brooklyn Park, MN
32	Taurus model G2C	9mm	1C073052	10/14/2021	Frontiersman Sports, 6925 Wayzata Blvd., St. Louis Park, MN
33	Glock model 26	9mm	AGBR071	10/17/2021	Fleet Farm, 5635 Hadley Avenue North, Oakdale, MN

10. Surveillance video from these purchases indicates that in several of the purchases, other people accompanied HORTON to the purchase of the firearm, which can be an indication of straw purchasing.

11. On October 14, 2021, I spoke to an employee of Frontiersman Sports in St. Louis Park. The employee confirmed that HORTON had purchased firearms on more than one occasion, including the Taurus model G2C HORTON purchased earlier that day. The employee informed me that one of his co-workers had recorded the license plate of the vehicle in which HORTON had arrived due to suspicions regarding straw purchasing.

12. On October 15, 2021, I went to Frontiersman Sports in St. Louis Park. Employees provided me with ATF Forms 4473 for firearms HORTON had purchased on four different occasions. An employee also provided still photographs captured during each purchase, as well hand-written notes the employee had made related to HORTON's

purchase of two pistols on September 29, 2021. The notes indicated the following:

- a. HORTON's purchase was a suspected straw purchase.
- b. HORTON's vehicle parked in a nearby Jacuzzi business parking lot to avoid Frontiersman's surveillance cameras.
- c. HORTON presented a learner's permit as opposed to a driver's license.
- d. HORTON had made multiple purchase of firearms over two days.
- e. While HORTON was inside the store, he received a phone call and stated "I'm still in the store."
- f. HORTON paid cash and used small denominations for a total of \$1,160.
- g. As HORTON walked toward the Jacuzzi business parking lot, HORTON waived the gun boxes in the air to people waiting outside.



Fig. 1: a screen shot from surveillance video by the Frontiersman Sports employee surveillance, showing HORTON waving the gun boxes to people waiting outside.

13. On the evening of October 15, 2021, a representative from Frontiersman Sports contacted Special Agent Williamson to inform her that HORTON had just been in the store, and had attempted to purchase another firearm. The salesperson told HORTON that the purchase would have to be delayed until October 21, 2021, and did not transfer the firearm.

14. I have reviewed surveillance video of HORTON's purchase from FFL of his most recent firearm, on October 17, 2021. In the video, it appears that HORTON is using the camera feature on his video to either take photographs or videos. In my training and experience, it is common for straw purchasers of firearms to take photographs or video of available firearms to show to a third party intended recipient of the firearm, so that the third party recipient can select the firearm and avoid scrutiny by the FFL, and can avoid appearing on surveillance cameras.

15. On October 19, 2021, other law enforcements agents and I executed a federal warrant authorized by this Court to search the residence HORTON indicated on ATF Forms 4473. No firearms were found. In my training and experience, this is an indication of straw purchasing, since people who own multiple firearms typically keep at least one in their residence.

16. Also on October 19, 2021, another ATF special agent and I interviewed HORTON after a rights advisement and waiver. HORTON denied engaging in straw purchasing, but admitted to having sold seven firearms to four different people. HORTON claimed that between 10 and 15 firearms were stolen when an abandoned vehicle he had kept the firearms in was broken into. When asked why people would pay HORTON more

than the retail cost of the firearms, HORTON said he assumed it was because the buyers “can’t get their gun licenses,” or words to that effect. Later in the interview, HORTON admitted that firearms had not in fact been stolen from a vehicle. He claimed they had been taken from a location he had stashed them on the west side of the Lamplighter Lounge, a strip club near the intersection of Rice and Larpenteur streets in St. Paul.

17. Fleet Farm, DKMags, and Frontiersman Sports are all Federal Firearms Licensees (FFLs). For each of the firearm purchases described in paragraph 16, above, HORTON would have had to complete an ATF Form 4473. In all the ATF Forms 4473 I have reviewed, HORTON certified that he was the “actual” buyer of the firearms.

18. Based on my training and experience, straw purchasers often purchase numerous firearms at one time, or one firearm at a time, with multiple one-firearm transactions completed in a short period of time.

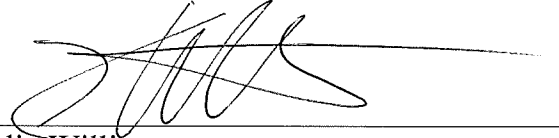
19. Based on my training and experience, straw purchasers often purchase firearms and sell them very shortly after purchase, selling to individuals both known and unknown to them.

20. Based on my training and experience, the firearms HORTON purchased are not collector firearms. It is not common for individuals to purchase more than one firearm at a time, or in a short period of time, unless they are collectors.

21. Based on my training and experience, individuals who are involved in firearms trafficking and/or straw purchasing often pay for the items in cash and bring other individuals with them when purchasing firearms in an attempt to make sure they are purchasing the correct firearm(s).

22. Based on the information set forth above, there is probable cause to believe that the Defendant, Jerome Fletcher HORTON, Jr., violated Title 18, United States Code, Section 922(a)(6), by making a false statement in the purchase of a firearm.

Further your Affiant sayeth not.



Kylie Williamson
Special Agent, ATF

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



HILDY BOWBEER
UNITED STATES MAGISTRATE JUDGE
DISTRICT OF MINNESOTA