

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

UNITED STATES OF AMERICA

v.

BRANDON PEGUES

CASE NUMBER:

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 May 31, 2020, at Chicago, in the Northern District of Illinois, Eastern Division, the defendant(s) violated:

Code Section

Title 18, United States Code, Section
922(g)(1)

Offense Description

knowing that he had previously been convicted of a crime punishable by a term of imprisonment exceeding one year, did knowingly possess, in and affecting interstate and foreign commerce, a firearm, namely, a loaded Glock model 19 9mm semiautomatic pistol bearing serial number SHA485, which firearm had traveled in interstate and foreign commerce prior to defendant's possession of the firearm

This criminal complaint is based upon these facts:

X Continued on the attached sheet.

CINDY M. BERND

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 foregoing affidavit by telephone.

Date: June 1, 2020

Judge's signature

City and state: Chicago, Illinois

Rebecca R. Pallmeyer, U.S. CHIEF DISTRICT JUDGE
Printed name and title

AFFIDAVIT

I, CINDY M. BERND, 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 over 18 and a half years. As part of my duties as an ATF Special Agent, I investigate the unlawful possession of firearms by felons.

2. This affidavit is submitted in support of a criminal complaint alleging that Brandon Pegues has violated Title 18, United States Code, Section 922(g)(1). Because this affidavit is being submitted for the limited purpose of establishing probable cause in support of a criminal complaint charging PEGUES with unlawful possession of a firearm by a felon, 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 my personal observations, my training and experience, and information provided to me by other law enforcement agents.

I. FACTS SUPPORTING PROBABLE CAUSE

A. Pegues Possession of a Firearm

4. On May 30, 2020, the Mayor of Chicago instituted a curfew of 9:00 p.m. for the city.

5. According to law enforcement reporting, at approximately 12:38 a.m. on May 31, 2020, during the curfew, Chicago Police Department (CPD) officers were in the vicinity of 801 South Financial Place in Chicago, in response to mass crowds and multiple reported ongoing crimes, including criminal damage to property.

6. Officers observed four men running southbound on South Financial Place, some of whom were carrying hammers.

7. Officers relocated to 801 South Financial Place to investigate further. Officers observed an individual, later identified as PEGUES, look at them, adjust the right side of his waistband, and then flee southbound on South Financial Place.

8. CPD officers pursued PEGUES on foot. As he ran, PEGUES stumbled and fell while reaching in his waistband. Officers observed a firearm fall to the ground, and further observed PEGUES push the firearm along the ground under a vehicle.

9. CPD officers apprehended PEGUES. A CPD officer recovered the firearm from underneath the vehicle. The firearm was determined to be a Glock model 19, 9mm semi-automatic pistol, bearing serial number SHA485. The firearm was loaded.

B. Pegues's Criminal History

10. Based on my review of his criminal history records, I know that on or about January 14, 2010, PEGUES was convicted of residential burglary, a felony, in the Circuit Court of Cook County, case number 09C66065402, for which he was sentenced to 30 months' probation.

C. Interstate Nexus

11. On or about June 1, 2020, I spoke to ATF Special Agent Ryan McBride, who advised the following:

a. Special Agent McBride is a certified interstate nexus expert for firearms and ammunition who has previously testified in federal court as an interstate nexus expert.

b. Special Agent McBride was informed of the make and model of the firearm recovered from where PEGUES had pushed it beneath the vehicle.

c. Based upon his training and experience and the research he conducted, Special Agent McBride determined that this Glock model 19 9mm pistol was manufactured outside the state of Illinois. Therefore, in order for the foregoing firearm to have been recovered in Illinois, it had to have moved in interstate or foreign commerce.

CONCLUSION

12. For all the reasons described above, there is probable cause to believe that PEGUES has committed a violation of Title 18, United States Code, Section 922(g)(1) (unlawful possession of a firearm by a felon).

FURTHER AFFIANT SAYETH NOT.

CINDY M. BERND
Special Agent, Bureau of Alcohol, Tobacco,
Firearms & Explosives

SUBSCRIBED AND SWORN to before me by telephone on June 1, 2020.

Honorable Rebecca R. Pallmeyer
United States Chief District Judge