

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

UNITED STATES OF AMERICA

v.

AMBER L. PELTZER

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 she 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 two-toned Smith & Wesson, model 659, 9mm pistol bearing serial number TAK8102, 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 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. District Judge
Printed name and title

AFFIDAVIT

I, CINDY 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. My current responsibilities include the investigation of federal firearms offenses, including unlawful possession of firearms or ammunition by convicted felons.

2. This affidavit is submitted in support of a criminal complaint alleging that Amber L. PELTZER has violated Title 18, United States Code, Section 922(g)(1).

3. The facts set forth in this affidavit are based on my personal knowledge, my training and experience, and information provided to me by various law enforcement personnel and witnesses. Because this affidavit is being submitted for the limited purpose of establishing probable cause in support of a criminal complaint charging PELTZER 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.

Statement of Probable Cause

A. Peltzer's Unlawful Possession of a Firearm

4. On May 30, 2020, the Mayor of Chicago instituted a curfew of 9:00 p.m. for the city. According to a Chicago Police Department report, at approximately 12:35

a.m., officers were in the area of 16th Street and Michigan Avenue in response to reports of looting in the area. Officers observed PELTZER peering out of the entryway of a bar located near the intersection of 16th Street and Michigan Avenue. Law enforcement observed PELTZER look in their direction and attempt to conceal herself.

5. According to the CPD report, officers made a U-turn to investigate. After making the U-turn, law enforcement officers observed that the glass on the front door of the bar had been shattered. The officers exited their car to look for PELTZER to further investigate.

6. According to the CPD report, officers observed PELTZER sitting in the driver's seat of a car on 16th Street near the bar. Officers approached to interview her. Upon approach, an officer observed PELTZER, alone in the car, reach towards the front passenger seat of the car. As the officer continued to approach, he observed a handgun on that seat. Officers subsequently recovered a loaded two-toned Smith & Wesson, Model 659, 9mm firearm bearing serial number TAK8102 from the passenger seat of the car in which PELTZER was seated.

B. PELTZER's Criminal History

7. Based on my review of PELTZER's criminal history, I know that on October 31, 2014, she was convicted of Aggravated Robbery, 13 CF 384, in the Circuit Court of Will County and sentenced to five years' incarceration in the Illinois Department of Corrections.

C. Interstate Nexus

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

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

b. Based upon his training and experience and the research he conducted, Special Agent Ryan McBride stated that Smith & Wesson firearms are manufactured outside the state of Illinois.

9. Therefore, in order for the foregoing firearm to have been recovered in Illinois, it had to have moved in interstate or foreign commerce.

Conclusion

10. For all the reasons described above, there is probable cause to believe that PELTZER 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 BERND
Special Agent, Bureau of Alcohol, Tobacco,
Firearms & Explosives

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

Honorable REBECCA R. PALLMEYER
United States District Judge