

FILED

7/30/2020

THOMAS G. BRITON
CLERK, U.S. DISTRICT COURT

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

UNITED STATES OF AMERICA

CASE NUMBER: **20 CR 432**

v.

JOHN DANUK

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 July 29, 2020, at Chicago, Illinois, in the Northern District of Illinois, Eastern Division, the defendant violated:

Code Section

Offense Description

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


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, seven rounds of 9mm ammunition, which ammunition had traveled in interstate and foreign commerce prior to defendant's possession of the ammunition

Title 18, United States Code, Section 924(c)

possession of a firearm in furtherance of a drug trafficking crime for which he may be prosecuted in a court of the United States, namely, knowingly and intentionally possessing with intent to distribute a controlled substance, in violation of Title 21, United States Code, Section 841(a)(1)

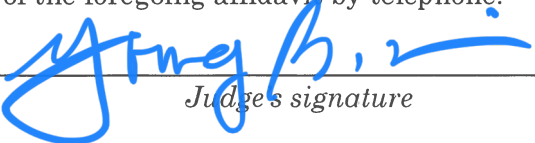
This criminal complaint is based upon these facts:

X Continued on the attached sheet.


CHRISTOPHER J. LABNO
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: July 30, 2020



Judge's signature

City and state: Chicago, Illinois

YOUNG B. KIM, U.S. Magistrate Judge
Printed name and title

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS

AFFIDAVIT

I, CHRISTOPHER J. LABNO, 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 since 2001. I am currently assigned to the Chicago Field Office, Organized Crime Drug Enforcement Task Force—Chicago I Enforcement Group. My responsibilities include the investigation of violations of law as they relate to federal firearms offenses, including the unlawful possession of firearms or ammunition by convicted felons, firearms trafficking, violent crime, and narcotics trafficking.

2. This affidavit is submitted in support of a criminal complaint alleging that John DANUK has violated Title 18, United States Code, Section 922(g)(1) and Title 18, United States Code, Section 924(c).

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 DANUK with possession of ammunition by a convicted felon and possession of a firearm in furtherance of a drug trafficking crime, 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 DANUK committed the offenses alleged in the complaint.

I. FACTS SUPPORTING PROBABLE CAUSE

A. DANUK's Drug Trafficking and Possession of Ammunition

4. On the morning of July 29, 2020, other law enforcement agents and I received information from a confidential source that John DANUK was in room 1327 at the Congress Plaza Hotel in Chicago, Illinois, selling pounds of marijuana and armed with several handguns.

5. I, along with other law enforcement agents, traveled to the Congress Plaza Hotel and conducted a brief surveillance of room 1327. We observed Individual A, a white male wearing a black shirt, exit room 1327 and walk up and down the hotel hallway while making a cellular telephone call. We watched as Individual A walked back into room 1327, and observed that the security bar / dead bolt was placed between room 1327's door frame and door, leaving the door ajar. We approached the door of room 1327 to conduct a field interview of Individual A in order to locate DANUK.¹

¹ In July 2019, DANUK gave DEA agents consent to search his residence. According to DEA reports, in that search, law enforcement recovered approximately 200 grams of suspect cocaine, 50 grams of suspect MDMA, and 3 pounds of suspect marijuana, as well as one AR-15 style rifle and four semiautomatic handguns. In August 2019, other law enforcement agents and I interviewed DANUK regarding his knowledge of firearms and narcotics trafficking. During the interview, DANUK explained that some of the firearms recovered from his residence were received from his narcotics customers, usually as a trade for narcotics. DANUK also stated that he typically would then sell the firearms to his narcotics suppliers. DANUK further explained that he had been selling cocaine and marijuana for approximately 18 months and that he would always carry a firearm on his person during narcotics transactions, as he had been shot at and was the victim of an armed robbery while

6. As we stood outside the door of room 1327, we heard a male voice saying words to the effect of, “I’ve got a Glock with an extended magazine, pounds of weed, and I should get a cab driver?” I recognized the male voice as DANUK’s voice based on my past interaction with DANUK.

7. We knocked forcefully on the door and announced our office as “Police.” The door opened wide and we observed that DANUK was standing near the doorway, on a cellular telephone, wearing a fanny pack slung across his chest.

8. We ordered DANUK to show his hands, and DANUK and Individual A proceeded to lay down on the ground. DANUK then stated “I have a gun,” and directed us to the fanny pack he was wearing. We entered the room and removed the fanny pack from around DANUK’s chest and found it to contain a loaded Glock-style 9mm semiautomatic pistol. This firearm is a personally-manufactured firearm and had no serial number.² I made this firearm safe, unloaded it, and found it to contain eight live 9mm rounds of ammunition. Below is a photograph of the firearm recovered from DANUK:

selling narcotics. DANUK has not been charged in connection with the drugs and firearms found at his residence in July 2019.

² Personally manufactured firearms are firearms manufactured by individuals either using a commercially available partially complete lower receiver, or in some cases a 3D printing fabrication process. Commercially available partially complete lower receivers-such as the popular and in common use Polymer 80—are incomplete lower receivers which require the end user to often remove material, drill holes and other wise complete the manufacturing process which takes the 80% complete lower receiver and transforms it into a firearm.



9. We observed that there were several kilogram-sized plastic bags containing a green leafy substance on the bed in the middle of the room. We later used a NIK marijuana field test kit to test a small portion of the green leafy substance in one of the kilogram-sized plastic bags. This test indicated positive for marijuana.

10. DANUK signed a consent for law enforcement to search hotel room 1327. During the search, we recovered 17.5 kilograms of suspect marijuana, \$1,400 in United States Currency, and the above-described 9mm semiautomatic pistol and ammunition.

B. DANUK's July 29, 2020 Interview

11. DANUK was arrested on July 29, 2020, and transported to ATF's office. In an audio and video recorded interview, law enforcement agents advised DANUK of his *Miranda* rights. DANUK waived his *Miranda* rights and agreed to speak with law enforcement. During the interview, in summary and not verbatim, DANUK explained that when agents encountered him in room 1327 at the Congress Plaza

Hotel, he was selling marijuana while armed with the above-described 9mm semiautomatic pistol.

12. During his interview, DANUK also explained, in summary and not verbatim, that he understood that he was a convicted felon and not legally able to possess a firearm or ammunition. Further, DANUK explained that he had been robbed several times while selling drugs and carried the firearm for protection while selling drugs.

C. DANUK's Criminal History

13. Based on my review of court records and criminal history databases, on or about January 27, 2020, DANUK pleaded guilty to Aggravated Battery of a Taxi Driver (Case No. 18CR1591301) in the Circuit Court of Cook County, Illinois, and was sentenced to 30 months of probation, with a projected discharge date of July 27, 2022. Court records and criminal history databases also indicate that the charge to which DANUK pleaded guilty is a Class 3 Felony.

14. According to my review of the applicable rules and statutes, I know that under 730 ILCS 5/5-4.5-40(a), a Class 3 felony in Illinois is punishable by 2 to 5 years' imprisonment. At the time DANUK pleaded guilty to the above offense, Illinois Supreme Court Rule 402 required judges, before accepting a defendant's plea of guilty, to address defendant personally in open court and to determine that he or she understood, among other things, the minimum and maximum sentence prescribed by law for the charge to which defendant intended to plead guilty.

D. Interstate Nexus

15. I have received extensive training regarding the manufacture and origin of firearms. Based upon my training and experience, I know that the Gun Control Act of 1968 requires ammunition manufacturers to affix a unique head stamp to each round of live ammunition to identify the manufacturer of origin.

16. Of the eight live 9mm rounds of ammunition found loaded in DANUK's firearm, six were made by Aguila, which manufactures ammunition in Mexico. Aguila has never manufactured ammunition in the State of Illinois.

17. Of the two remaining rounds of 9mm ammunition one was manufactured by Blazer, which manufactures ammunition in Idaho. Blazer has never manufactured ammunition in the State of Illinois.

18. Thus, ammunition loaded in DANUK's 9mm semiautomatic pistol was manufactured outside the State of Illinois and traveled in interstate and foreign commerce prior to DANUK's possession of the ammunition.

II. CONCLUSION

19. For the reasons described above, there is probable cause to believe that DANUK, knowing that he had been convicted of a crime punishable by a term of imprisonment exceeding one year, did knowingly possess, in and affecting interstate commerce, seven rounds of live 9mm ammunition, which ammunition traveled in interstate commerce prior to DANUK's possession of the ammunition, in violation of Title 18, United States Code, Section 922(g)(1). In addition, there is probable cause to believe that DANUK knowingly possessed a firearm in furtherance of a drug

trafficking crime for which he may be prosecuted in a court of the United States, namely, knowingly and intentionally possessing with intent to distribute a controlled substance, in violation of Title 21, United States Code, Section 841(a)(1), all in violation of Title 18, United States Code, Section 924(c).

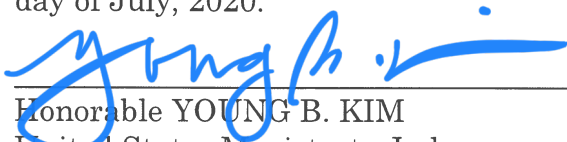
FURTHER AFFIANT SAYETH NOT.



CHRISTOPHER J. LABNO

Special Agent, Bureau of Alcohol, Tobacco,
Firearms & Explosives

SUBSCRIBED AND SWORN to by telephone or reliable electronic means this 30th day of July, 2020.



Honorable YOUNG B. KIM
United States Magistrate Judge