

FILED

1/29/2021

**THOMAS G. BRUTON
CLERK, U.S. DISTRICT COURT**

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

UNITED STATES OF AMERICA

v.

SCOTT TREECE

CASE NUMBER: 21CR66

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 January 25, 2021, at Addison, in the Northern District of Illinois, Eastern Division, the defendant, Scott TREECE, 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 commerce, a firearm, namely, a Springfield Arms, Model XD40, .40 caliber pistol bearing serial number BY446017, which firearm had traveled in interstate commerce prior to defendant's possession of the firearm

This criminal complaint is based upon these facts:

X Continued on the attached sheet.

Andrew Karceski by HKM

Andrew Karceski
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: January 29, 2021

Heather K. McShain

Judge's signature

City and state: Chicago, Illinois

HEATHER K. MCSHAIN, U.S. Magistrate Judge
Printed name and title

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS

AFFIDAVIT

I, Andrew Karceski, 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 approximately 13 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 Scott TREECE 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, my review of certain reports and video footage, information provided to me by various law enforcement personnel and witnesses, and the training and experience of other law enforcement officers with whom I have spoken.

4. Because this affidavit is being submitted for the limited purpose of establishing probable cause in support of a criminal complaint charging TREECE 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.

I. FACTS SUPPORTING PROBABLE CAUSE

A. TREECE Unlawfully Possessed a Firearm.

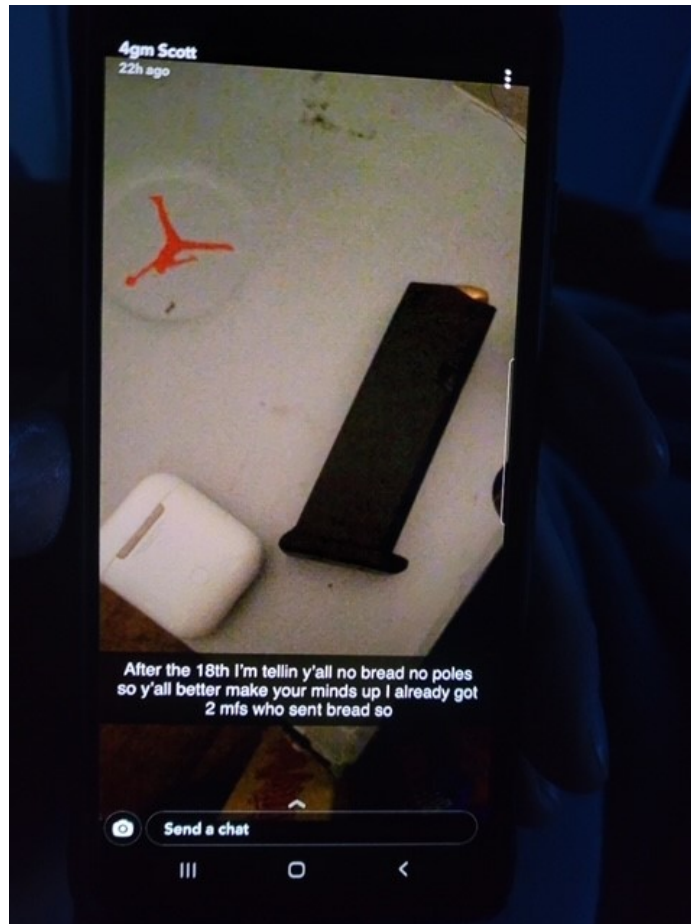
5. On or about January 14, 2021, a confidential source (the “CI”)¹ notified law enforcement that a subject known to the CI as Scott TREECE was planning on transporting firearms from Georgia to the Chicago area. According to the CI, TREECE was using the Snapchat username “4gm Scott.”

6. According to the CI, TREECE had posted on his Snapchat that he was leaving Georgia on or about January 22, 2021, and that if anyone wanted to purchase a firearm from him, they would have to send him money before that date. According to the CI,² and as shown on the below photograph, one post stated, “After the 18th I’m tellin y’all no bread [money] no poles [firearms] so y’all better make your minds up I already got 2 mf’s who sent bread so.”³ Under the text was a picture of what appeared to be a magazine loaded with ammunition:

¹ The CI has a felony conviction for larceny and a felony conviction for manufacture/delivery of a controlled substance. The CI has worked with ATF for approximately two years and is cooperating for consideration on an uncharged firearm case. Law enforcement believes the CI to be a reliable source of information because information provided by the CI has been corroborated by recorded communications and surveillance and has led to the seizure of firearms.

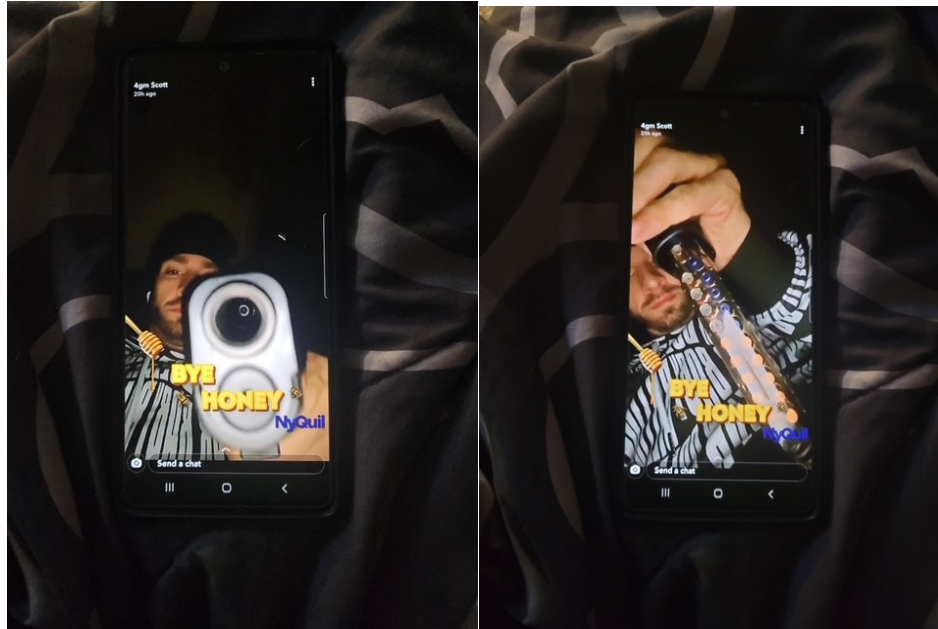
² The CI took pictures of the Snapchats and provided them to law enforcement.

³ At various points in this affidavit, I will offer my understanding and interpretation of certain statements, including intercepted or recorded conversations, in bracketed comments. My understanding and/or interpretation of these conversations is based upon the contents of the conversations, the context of both prior and subsequent conversations, information received from the CI and other law enforcement officials, my knowledge derived from this investigation, and my experience and familiarity with firearms trafficking. Except as noted, the summaries of conversations contained in this affidavit that occurred in relation to the controlled purchase of a firearm represent a review of the audio and video recordings and do not represent finalized transcripts of the conversations and may not represent the entire conversation that occurred between the identified individuals. In addition, the language that



7. According to the CI, and as shown on the below photograph, TREECE also posted photos of himself on Snapchat holding firearms and pointing them at the camera. The below picture shows what appears to be a firearm with a transparent extended clip containing multiple rounds of ammunition, some with blue tips:

is quoted from conversations not recorded is based on the memory and recitation of the informant.



8. According to the CI, on or about January 19, 2021, TREECE sent a Snapchat message stating, “We are going to the store Wednesday.” According to the CI, and based on my training and experience and the context of the communications, I believe TREECE planned on purchasing the firearms on Wednesday, January 20, 2021.

9. According to the CI, and as shown on the below photograph, also on or about January 19, 2021, TREECE sent a Snapchat message with text that stated, “Pipe [firearm] orders must be in and paid for by Friday . . . this is my last trip cause I’m moving back so if you don’t put your money up don’t expect shit from me cause all this shit coming out the stores n I’m not spending my moving money on y’all to send me off. Yes I ned the bread [money] down if anything coming up there idc if your money good or if I know it good I’m not doin it this time.” The text accompanied a photograph of what appeared to be a firearm:



10. On or about January 20, 2021, at approximately 11:56 a.m., TREECE, using telephone number XXX-XXX-2485 called the CI. The call was recorded. According to the CI, and as confirmed by the recording, TREECE told the CI that he had been trying to reach the CI and that this was TREECE's number.⁴ TREECE stated he was on the way from one store and headed to another. TREECE indicated he was driving to different stores to purchase firearms. TREECE told the CI to send him "five, five fifty" [\$500-\$550], and that TREECE would grab the CI something "nasty." During the call, TREECE provided the CI with prices of firearms including

⁴ Prior to January 2021, TREECE and the CI had a relationship. According to the CI, he/she identified TREECE as the individual who called the CI from the 2485 number based on prior in-person interactions that the CI had with TREECE.

an MP shield and an XD 40, which are two types of handguns. TREECE told the CI that he would send his girlfriend's CashApp⁵ user name for the CI to send money to TREECE.

11. That same day, TREECE told the CI to send the money to TREECE's CashApp user ID, "\$4nem0604."⁶

12. At approximately 1:30 p.m., law enforcement provided the CI with \$550 with prerecorded ATF funds to purchase the firearm from TREECE.

13. According to the CI, at approximately 1:46 p.m., the CI sent \$550 to CashApp user "\$4nem0604."

14. According to the CI, between on or about January 22, 2021 and on or about January 25, 2021, TREECE maintained contact with the CI by phone calls and Snapchat messages, and updated the CI on his travel from Georgia to Chicago.⁷ During those communications, TREECE told the CI that he would be back in the Chicago area sometime during the weekend of January 23 and 24, 2021. During these

⁵ Based on my training and experience, and the training and experience of other law enforcement officers with whom I have spoken, I know CashApp to be a mobile payment service that allows users to transfer money to one another using a mobile phone app.

⁶ This communication was not recorded. According to the CI, this communication was either over Snapchat messages or through a phone call, but the CI does not remember the exact method. According to the CI, the CI could not record the phone calls because he/she was usually at work or the calls from TREECE were unexpected. Also according to the CI, he/she could not record all of the Snapchat messages because Snapchat messages delete after a certain amount of time, and the CI was not able to capture the messages before they deleted due to where he/she was.

⁷ These communications were not recorded. According to the CI, the CI could not record the phone calls because he/she was usually at work or the calls from TREECE were unexpected. Also according to the CI, he/she could not record all of the Snapchat messages because Snapchat messages delete after a certain amount of time, and the CI was not able to capture the messages before they deleted due to where he/she was.

communications, TREECE and the CI agreed to meet sometime around noon or 1:00 p.m. at Store A in Addison, Illinois on or about January 25, 2021.

15. On or about January 25, 2021, at approximately 1:15 p.m., law enforcement agents met with the CI at a predetermined location and searched the CI and his/her vehicle for contraband, firearms, and excess U.S. currency, and found none. Law enforcement then placed an audio/video recording device in the CI's vehicle. The CI then drove to Store A while being followed by law enforcement.

16. At approximately 1:42 p.m., according to the CI and as observed by surveillance agents, a 2015 Black Jeep Cherokee pulled into the lot at Store A and parked next to the CI's vehicle. According to the CI and law enforcement surveillance, TREECE⁸ exited the Jeep with a backpack and entered the passenger side of the CI's vehicle. According to the CI, and as confirmed by the video recording, while in the passenger side of the CI's vehicle, TREECE opened the backpack and retrieved a box containing a firearm. TREECE then took the firearm out of the box and handed it to the CI. Screenshots taken from the video recording show TREECE handing the CI an object that appears to be a firearm:

⁸ Law enforcement identified TREECE by comparing a known photograph of TREECE to the individual who met with the CI.



17. According to the video recording, TREECE then expelled the magazine and handed the firearm and magazine to the CI. The CI examined the firearm and handed it back to TREECE. TREECE returned the firearm to the box and placed the box into the back seat of the CI's vehicle. According to the video recording, TREECE then pulled another handgun out of the backpack. A screenshot of the video recording

indicates that this firearm had a transparent extended clip with multiple different colored rounds of ammunition:



18. According to the video recording, TREECE then stated he had a “Jordan,” referring to a 23 round magazine, in the firearm. TREECE then began to describe the three different types of bullets he had in the magazine, stating, “It’s like a candy store in this bitch, you don’t know what’s going to hit you.” TREECE also described how some of the rounds split into three parts and a core. Based on my training and experience, as well as the context and content of the conversation, I believe that TREECE was referring to a type of ammunition that splits into several pieces when fired. TREECE described the dangerousness of the ammunition, stating, “at the end of the day the secondary wounds are going through [the body].”

19. According to the video recording, TREECE also described an individual who he called “little man,” who, according to TREECE, had threatened TREECE. TREECE stated that he had “something” for him. TREECE stated that he knows what vehicle “little man” drives and that TREECE is “shooting the fuck out of little man when” he catches him. Later in the conversation, TREECE stated, “I’m gonna kill little man.” During the conversation, TREECE also told the CI about shooting at a vehicle in Schaumburg on or about January 24, 2021, stating, “I blew out their back window.”

20. According to the video recording, the CI told TREECE to be careful “not to catch a case [get arrested].” TREECE replied, “I don’t care about no case, bro, I really don’t. I’m gonna be one hundred with you bro. It’s that time in this world right now where you can’t give a fuck. . . I’m not gonna be in that jam, cause . . . I’m just letting you know, shit, you’re gonna hear about me on the news, because I’m gonna go into a shootout, bro. I’m not going back to jail. And even if I catch a body, I got a BM [baby mamma] that’s going to hide me for the rest of my life till they catch me.”

21. At approximately 1:50 p.m., law enforcement surveillance observed TREECE exit the CI’s vehicle and return to the Jeep. Law enforcement then observed both the CI’s vehicle and the Jeep exit the parking lot. At approximately 2:10 p.m., law enforcement agents met with the CI at a predetermined location and removed the audio/video recording device from the CI’s vehicle. Agents again searched the CI and the CI’s vehicle for contraband or excess U.S. currency, with negative results. The CI then provided law enforcement with a firearm identified as a Springfield

Arms, model XD40, .40 caliber semi-automatic handgun, bearing serial number BY446017, loaded with seven rounds of ammunition.

B. TREECE is a Convicted Felon.

22. Based on my review of TREECE's criminal history, I know that on or about October 12, 2011, TREECE was convicted of Armed Robbery/Armed with a Firearm, in the Circuit Court of McHenry County, Illinois, and sentenced to 66 months' imprisonment.

C. The Firearm TREECE Unlawfully Possessed Traveled in Interstate or Foreign Commerce.

23. On or about January 28, 2021, I spoke to another ATF Special Agent who told me the following:

a. The agent is a certified interstate nexus expert for firearms and ammunition; and

b. Based on his training and experience and the research he conducted, the Springfield Arms firearm was manufactured outside of the state of Illinois.

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

II. CONCLUSION

25. For all the reasons described above, there is probable cause to believe that TREECE 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.

Andrew Karceski by HKM

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

SUBSCRIBED AND SWORN to before me on January 29, 2021

Heather K. McShain

HEATHER K. MCSHAIN
United States Magistrate Judge