

UNITED STATES DISTRICT COURT

for the

District of South Carolina

United States of America)

v.)

GREGORY EVANS, JR.)

Case No. 4:19mj162

Defendant(s)

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 the date(s) of January 30, 2019 in the county of Chesterfield in the District of South Carolina, the defendant(s) violated:

Code Section

Offense Description

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

Felon in possession of a firearm and/or ammunition

This criminal complaint is based on these facts:

See Attached Affidavit

Continued on the attached sheet.

Complainant's signature

Scott Gauger, TFO ATF Printed name and title

Sworn to before me and signed in my presence.

Date: Oct 29, 2019

Judge's signature

City and state: Florence, South Carolina

Thomas E. Rogers, III, US Magistrate Judge Printed name and title

ATTACHMENT A

Affidavit

I, Scott Gauger, Task Force Officer, United States Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives, having been duly sworn according to law, deposes and says that:

1. I am a Task Force Officer (TFO) of the Bureau of Alcohol, Tobacco, Firearms and Explosives (hereinafter "ATF") and have been so employed since February 2016, and have participated in numerous investigations involving firearms. I have received training, both formal and informal, in the investigation of firearms violations. Prior to being assigned to the ATF Task Force, I was assigned to the Narcotics/Vice Unit at the Darlington County Sheriff Office, Darlington, South Carolina, for approximately two years. During that time, I also investigated firearm offenses. As an ATF TFO, I am vested with the authority to investigate violations of Federal Alcohol, Tobacco, Firearms and Explosives Laws.
 - a. This affidavit is submitted for the limited purpose of establishing probable cause that Gregory EVANS Jr. (hereinafter EVANS) having been convicted of a crime punishable by a term of imprisonment exceeding one year, knowingly did possess in and affecting commerce, in the District of South Carolina, a firearm, in violation of Title 18, United States Code, Section 922(g)(1). EVANS also committed violations of Title 18, United States Code, Section 924(c) and Title 21, United States Code, Section 841(a)(1).

2. I am familiar with the facts and circumstances of this investigation. The information contained in this affidavit is the product of the ATF's investigation and investigation by other law enforcement officers.

BACKGROUND

1. On January 30, 2019, deputies with Chesterfield County Sheriff's Office, Chesterfield, South Carolina, responded to a fight in progress at Chesterfield Apartments located at 801 East Boulevard, Chesterfield, South Carolina. While on scene, a victim advised deputies that an occupant of a 2008 Grey Cadillac CTS had just pointed a firearm out of the window at them. Deputies observed the Cadillac at the stop sign exiting the apartment complex. Deputies made contact with the Cadillac and observed EVANS leaning over towards the passenger seat. EVANS was driving the Cadillac while Abigail HAWK, W/F, DOB: 01/27/1994, was the front seat passenger. Deputies smelled an odor of marijuana coming from inside the vehicle. Deputies searched the vehicle and located a Glock, model 39, .45 caliber GAP pistol, bearing serial number RUT805 underneath the front passenger seat of the vehicle. Sergeant Justin Carroll, Chesterfield County Sheriff's Office, conducted a K9 free air sniff of the vehicle. Sergeant Carroll's K9 alerted on the vehicle. Deputy Lauren Brock, Chesterfield County Sheriff's Office, asked EVANS and HAWK about the firearm. Both EVANS and HAWK stated that they did not know the firearm was inside the vehicle. Deputy Brock asked EVANS who owned the Cadillac, and EVANS stated he owned the vehicle. Deputy Brock asked EVANS to whom the firearm belonged and EVANS stated his friend "Sticky", even though EVANS previously stated he did not know the firearm was inside the vehicle. First Sergeant Stuart Robinson, Sergeant Graig Burns,

and Deputy Josh Newsome all with Chesterfield County Sheriff's Office, searched the vehicle a second time locating a small plastic baggie containing suspected methamphetamine in the center console of the vehicle. First Sergeant Robinson moved the vehicle to the Chesterfield County Sheriff's Office due to a large crowd being at the apartment complex. First Sergeant Robinson also located a pill bottle in the center console containing twelve oxycodone pills inscribed with RP/10 325 and six pills identified as Gabapentin. First Sergeant Robinson located a digital scale in the back seat pocket of the front passenger seat. First Sergeant Robinson located another small plastic bag containing a larger amount of suspected methamphetamine inside the vehicle underneath the center console/front dash area. While at the Sheriff's Office First Sergeant Robinson read EVANS his Miranda rights which EVANS waived agreeing to speak with law enforcement. First Sergeant Robinson asked EVANS about the incident. EVANS admitted to First Sergeant Robinson that he pointed the firearm at the victim because he had a broken hand and could not fight anyone.

2. On January 31, 2019, Deputy Josh Newsome met with EVANS at the Chesterfield County Detention Center during which time EVANS was read his Miranda rights, which EVANS waived and agreed to speak with law enforcement. Deputy Newsome asked EVANS about the Glock pistol, methamphetamine, and pills that were found inside EVANS'S vehicle on January 30, 2019. EVANS stated that the Glock pistol, methamphetamine, and pills belonged to him and that he had intended on selling the methamphetamine.

3. The suspected methamphetamine was analyzed by the South Carolina Law Enforcement Division (SLED) and was determined to be methamphetamine with a weight of 11.59 grams. The suspected oxycodone pills were analyzed by SLED and determined to be oxycodone and acetaminophen.
4. Prior to the January 30, 2019 incident, EVANS was convicted of Possession with Intent to Distribute Schedule I, II, III and Possession of ICE/Crack Cocaine both of which have a maximum sentence that carries more than one year and a day. All of the offenses occurred in Chesterfield County, South Carolina. TFO Scott Gauger submitted a pardon status request to the South Carolina Department of Probation, Parole and Pardon Services. It was discovered that EVANS has not been pardoned in the State of South Carolina.
5. Special Agent William Hardee, ATF Nexus Examiner, advised that, based upon his knowledge and research, the Glock, model 39, .45 caliber GAP, pistol, bearing serial number RUT805 was a firearm as defined in Title 18, United States Code 921(a)(3), and that the firearm was not manufactured in the State of South Carolina. Therefore, it was the opinion of Special Agent Hardee that the firearm must have traveled in, and thereby affected, interstate and/or foreign commerce if it was received or possessed in the State of South Carolina.
6. Based on the above information, this affiant believes that probable cause exists that on or about January 30, 2019, in the District of South Carolina, EVANS violated Title 18,

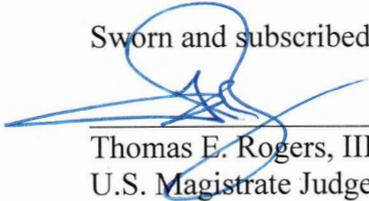
United States Code, Sections 922(g)(1) and 924(c) and Title 21 United States Code,
Section 841(a)(1).

This, the 29th day of October 2019.



Scott Gauger
Task Force Officer
Bureau of Alcohol, Tobacco,
Firearms and Explosives

Sworn and subscribed to me this the 29th day of October 2019.



Thomas E. Rogers, III
U.S. Magistrate Judge