

**ORIGINAL**

**United States District Court**  
NORTHERN DISTRICT OF GEORGIA

JAN 11 2019  
*[Signature]*  
U.S. MAGISTRATE JUDGE  
N.D. GEORGIA

UNITED STATES OF AMERICA

v.

**CRIMINAL COMPLAINT**

James Clifford Roberts

Case Number: 1:19-MJ-0019

I, the undersigned complainant being duly sworn, state the following is true and correct to the best of my knowledge and belief. On or about January 11, 2019 in Fulton County and elsewhere, in the Northern District of Georgia, defendant(s) did, knowingly possess a firearm as a convicted felon, knowing possess at least one stolen firearm and commit a theft of a federal firearms licensee and conspire to commit such theft

in violation of Title Title 18, United States Code, Section(s) 922(g)(1), 922(j), 922(u) and 371.

I further state that I am a(n) Gary Don Dorman and that this complaint is based on the following facts:

PLEASE SEE ATTACHED AFFIDAVIT

Continued on the attached sheet and made a part hereof. Yes

*[Signature]*  
\_\_\_\_\_  
Signature of Complainant  
Gary Don Dorman

Based upon this complaint, this Court finds that there is probable cause to believe that an offense has been committed and that the defendant has committed it. Sworn to before me, and subscribed in my presence

January 11, 2019  
Date

at Atlanta, Georgia  
City and State

ALAN J. BAVERMAN  
UNITED STATES MAGISTRATE JUDGE  
Name and Title of Judicial Officer  
AUSA Joseph Plummer / Enter USAO/LIONS No.

*[Signature]*  
\_\_\_\_\_  
Signature of Judicial Officer

## **AFFIDAVIT IN SUPPORT OF A COMPLAINT**

I, Gary D. Dorman, being first duly sworn, hereby depose and state as follows:

### **INTRODUCTION AND AGENT BACKGROUND**

1. I make this affidavit in support of an application for a complaint and arrest warrant for James Clifford Roberts for felon in possession of a firearm in violation of 18 U.S.C. § 922(g)(1), possession of a stolen firearm in violation of 18 U.S.C. § 922(j) and theft from a federal firearms licensee in violation of 18 U.S.C. § 922(u).

### **AFFIANT'S TRAINING AND EXPERIENCE**

2. Through my training, experience, and participation in federal firearms and drug trafficking investigations, I have learned that firearms traffickers, "straw purchasers," and prohibited persons in possession of firearms, involved in illegal firearms dealing and burglary/thefts from federal firearms licensees:
  - a. regularly maintain firearms and ammunition in their residence or personal space until they transfer or sell the property;
  - b. knowingly purchase, transfer, and sell firearms on behalf of prohibited persons, to include convicted felons and those involved in weapons trafficking and criminal organizations;
  - c. maintain notes, ledgers, journals, and/or documents for the purpose of tracking their weapon purchases/sales and monetary proceeds;

- d. utilize cell phones, computers, and other electronic media devices to coordinate the purchase, sale, or distribution of firearms;
- e. regularly pose for photographs while in possession of firearms and/or narcotics for posting on social media sites or for personal display in their residences; and
- f. retain within their residences evidence of their shooting experiences, to include spent cartridge casings and paper shooting targets that have been used during target practice, which indicates their possession of firearms.
- g. sometimes use scanners to monitor police activity before during and after burglaries.
- h. sometimes use walkie-talkies to communicate with each other during burglaries.
- i. use smart phones to search for federal firearms licensees and/or to communicate with co-conspirators about firearms (e.g., locations, types of firearms desired and number of firearms sought).
- j. maintain smart phones that contain geolocation data of places they have traveled to in order to scout, shop or burglarize federal firearms licensees.

3. During my tenure as an ATF SA and with other law enforcement agencies, I have participated in numerous investigations and in the execution of numerous search warrants, and arrest warrants, where illegally purchased/trafficked firearms, narcotics, electronic scales, packaging materials, cutting agents, books/ledgers indicating sales, receipts, computers, cellular telephones, and other items used to facilitate firearms and narcotics

trafficking, were seized. I have personally conducted and/or assisted in numerous investigations of criminal acts involving violations of Title 18, United States Code, Sections 922(u), theft of firearms from federally licensed firearms dealers, and 922(j), possession of stolen firearms and conspiracy to commit thefts from federal firearms licensees in violation of Title 18 United States Code, Sections 371 and 922(u).

4. The facts contained in this affidavit come from my personal observations, ATF records/documents, my training and experience, and information obtained from other agents and witnesses. This affidavit is intended to show that there is sufficient probable cause for the requested search warrant and does not set forth all of my knowledge about this matter.
5. Based on my training and experience and the facts as set forth in this affidavit, probable cause exists to believe that JAMES CLIFFORD ROBERTS committed the following violations of federal firearms laws: Title 18, United States Code, Section 922(g)(1) (felon in possession of a firearm), Title 18, United States Code, Section 922(u) (theft of firearms from federally licensed firearms dealers) and conspiracy to do the same in violation of Title 18, United States Code, Section 371, and 922(j), possession of stolen firearms,

#### **PROBABLE CAUSE**

1. ATF Atlanta Field Division, Group I, is investigating a series of firearm thefts from Federally Licensed Firearms dealers (FFL) throughout the Northern Judicial District in the State of Georgia. In most of the thefts, the suspects attempt (often successfully) to disable the power supply to the building by removing the meter box(s) and then cutting any/all cables within or near the meter box.

2. On October 25th, 2018 the Acme Pawn shop, a FFL, located at 7445 Tara Boulevard, Jonesboro, Georgia, 30236 was burglarized resulting in the theft of five (5) firearms. The theft occurred at approximately 4:25 AM. Video surveillance footage revealed that three unknown male subjects, whose identities were almost completely obscured by clothing, entered the curtilage of the business from the wooded area behind the store and cut the exterior cables to the business. The unknown subjects were not successful in disabling the power to the business; however, the internet service was disabled. After the cables were cut, the unknown subjects retreated to concealed location(s) around the business and waited approximately two and a half hours for the internet service provider (Comcast) to respond and repair the cables. Once the Comcast representative departed, the unknown subjects made entry into the business by using a cutting tool to cut a hole in the rear of the business. After making entry into the business, the subjects made their way directly to a discreet room within the business and disabled the video surveillance system. The suspects stole five (5) firearms.
3. Nine days later, on November 3, 2018, the Deer Creek Gun Shop, a FFL, located at 280 S. Fairground St., Marietta, GA was burglarized resulting in the theft of approximately twenty one (21) firearms. The theft occurred at approximately 4:46 AM. Prior to gaining entry into the business, the suspect(s) cut the power to the building, which disabled the video surveillance system. Specifically, the suspect(s) removed the power meter from the building. After the power to the business was cut, the suspect(s) used an unknown tool to physically pry open the front door. The tool was not recovered, however tool marks were left on the door where it was forced open. The suspects stole twenty one (21) firearms.

4. Six days later, on November 9, 2018, the Alpha Bravo Armory, a FFL, located at 41 Marietta Street, Alpharetta, Georgia 30009 was burglarized resulting in the theft of ten (10) firearms. The burglary occurred at approximately 1:16 AM. Prior to gaining entry into the store, the suspect(s) cut the power to the building which disabled the video surveillance system. Specifically, the suspect(s) removed the power meter from the building. After the power to the business was cut, the suspect(s) used an unknown tool to physically pry open the front door. The suspects stole ten (10) firearms.
5. Eleven days later, on November 20, 2018, Dead Center Gun Range, a FFL, located at 1759 Buford Hwy, Buford, GA, 30518 was burglarized resulting in the theft of approximately fifty eight (58) firearms. At approximately 1:00 AM, two suspects were captured on the business's video surveillance system disabling the power to the business. Specifically, the two suspects removed the power meter and some of the lights around the business, which ultimately ended the video surveillance footage. Investigators noted that the suspects arrived approximately 20 minutes before they made entry, took their time to trigger the front door alarm, left the area for several minutes, and then returned. After the power to the business was cut, the suspects used a crowbar to pry open the front door to the business. In addition to removing the power meter at the business, the suspects removed the audible alarm located on the exterior of the business. The suspects stole fifty eight (58) firearms.
6. Eight days later, on November 28, 2018, High Caliber, a FFL, located at 101 Overlook Circle, Canton, Georgia, 30115 was burglarized resulting in the theft of approximately one hundred eighty (180) firearms. Included in the stolen firearms were three silencers

regulated under the National Firearms Act (NFA). At approximately 1:17 AM, at least two subjects were captured on a nearby business's video surveillance system approaching the business before the power was cut to the FFL. It was later discovered that the power meter was removed and the power to the business was cut. After the power was disabled from the building, the suspect(s) used an unknown tool to pry open the front door and steal the firearms. The suspects stole approximately one hundred eighty (180) firearms.

7. One month later, on December 28, 2018, at Gun Commanders, a FFL, located at 5290 Highway 129 South, Cleveland, GA 30528, an attempt was made to burglarize the business. Surveillance video from the exterior of the business shows that at least two subjects, whose identities were obscured by clothing, approached the rear of the business at approximately 11:53 PM. Surveillance video also showed a red Hyundai Sonata at the business during the incident. No firearms were stolen.
8. Less than two hours later, at approximately 1:35 A.M on December 29, 2018, White County Sheriff Department (WCSO) Sgt. Cameron O'Kelly was passing Gun Commanders and noticed the lights surrounding the building were not on as normal. WCSO deputies responded to the FFL and found that the locks on the two power boxes had been cut and meters were removed. WCSO deputies observed that the levers that turn the power on and off were moved to the off position.
9. WCSO deputies met with FFL owners, Rebecca and Kimble Johnakin, later that morning. Mr. and Mrs. Johnakin explained that they owned the house directly next to the business and the home was equipped with motion activated lights and a security system. Mr. and Mrs. Johnakin told deputies that their security cameras would have been activated when

motion was detected and that a recording would have been made and sent to Mrs. Johnakin's cellular telephone phone. The Johnakins's video enabled security system captured video footage at 12:39 AM of a red in color passenger vehicle enter into the business parking lot and pull behind the house out of the cameras view. The red vehicle then turned around and left the parking lot at 12:51 AM on December 29, 2018. Deputy Casey notified all other units of the description of the vehicle, which appeared to be a red Hyundai Sonata.

10. Prior to being advised of the "look out", WCSO Deputy Tim Casey was patrolling the area of Highway 129 South in the area of 1706 Highway 129 at approximately 12:55 AM (December 29, 2018) when he observed a red Hyundai Sonata accelerate past him at a high rate of speed. Deputy Casey did not develop probable cause to stop the vehicle. However, the red Hyundai Sonata's license plate was captured by another WCSO Deputy's onboard License Plate Reader (LPR) at the approximate time it was observed by Deputy Casey.
11. Later that morning, after Deputy Casey learned of the "look out", he queried the LPR system which revealed the red vehicle to be a 2012 Hyundai Sonata VIN 5NPEB4ACXCH379399 bearing Georgia tag RQC3200 (SUBJECT VEHICLE). The vehicle registration information returned to JAX Automotive LLC 333 Nelson ST SW UNIT 201, Atlanta Georgia, 30313.
12. On December 29, 2018, Country Boy Sports, an FFL, located at 783 Caudell Road, Homer, Banks County, Georgia, was burglarized resulting in the theft of twenty one (21) firearms. At approximately 1:46 AM, the suspect(s) cut the exterior power to the



business, which disabled the surveillance system and the alarm. It was later determined that the power meter to the business was removed. The unknown subjects were also successful in disabling the phone lines to the business. Prior to the power being cut, a security camera at the business captured footage of a vehicle behind the business, but no footage was captured after the power was cut. The unknown subjects made entry into the business by breaking the glass on the front door. A counter was located inside the business to the left of the door and the suspects were able to break the glass on the counter and steal approximately twenty one (21) firearms from it. NOTE: Country Boy Sports is approximately twenty five miles away from Gun Commanders.

13. On January 2, 2019, ATF SA DeGennaro and SA Dorman interviewed the registered owner of the SUBJECT VEHICLE (a red 2012 Hyundai Sonata), Julius Bryant. Mr. Bryant explained that he is the co-owner of a rental car business called JAX Automotive and that the SUBJECT VEHICLE was in the company's rental inventory. Mr. Bryant stated that the particular vehicle had been rented to the same individual since November 27, 2018. Mr. Bryant identified the renter of the vehicle to be Ife BOSSERT (Phone number 404-952-3992). Mr. Bryant told agents that his business partner's name was Max Hockley and that Mr. Hockley would be a better resource for information. A review of the rental agreement revealed that BOSSERT is the only authorized driver of the SUBJECT VEHICLE (a red 2012 yundai Sonata).

14. On January 2, 2019, Mr. Hockley provided ATF SA's with a copy of the rental agreement, proof of insurance, Georgia Driver's License and vehicle registration. Mr. Hockley also told SA Dorman that the SUBJECT VEHICLE (a red 2012 Hyundai

Sonata) was equipped with Global Positioning System (GPS) equipment that allowed the vehicle to be monitored both in real time and historically. SA Dorman requested historical geolocation data for the SUBJECT VEHICLE (a red 2012 Hyundai Sonata) beginning on the date of rental to BOSSERT. Mr. Hockley agreed and explained the historical geolocation reports were generated by JAX Automotive, LLC's insurance company and would be made available as soon as possible. Mr. Hockley agreed to provide SA Dorman with the location of SUBJECT VEHICLE (a red 2012 Hyundai Sonata) upon request.

15. On January, 3, 2019, Mr. Hockley provided agents with the approximate location of the vehicle. Agents located the vehicle unoccupied and parked on the side of a residence located at **15 CHAPPELL ROAD**, NW, Atlanta, Georgia, 30314. Agents did not observe the vehicle move. However, Mr. Hockley confirmed later that the SUBJECT VEHICLE (a red 2012 Hyundai Sonata) did depart **15 CHAPPELL ROAD**, NW, Atlanta, Georgia, 30314 and returned back to said address.
16. A law enforcement database search and a review of historical Atlanta Police reports revealed a male occupant of the Target Premises (**15 CHAPPELL ROAD**, NW, Apartment B, Atlanta, Georgia) to be James Clifford ROBERTS (DOB: 10/28/1988). A review of ROBERT's Criminal History report revealed Felony convictions for Burglary in the Superior Court of DeKalb County on October 28, 2008 and Burglary in the Superior Court of Henry County on September 14, 2010.
17. On January 6, 2019, Mr. Hockley informed SA Dorman that he had not received the requested historical geolocation data from the insurance company. However, Mr.

Hockley explained that he discovered that he did, in fact, have the ability to retrieve limited historical geographical information on the vehicle. Mr. Hockley explained that he would not be able to provide the data with time stamps but could confirm a map of the vehicles travel for a specific date.

18. SA Dorman provided Mr. Hockley with the address for the attempted FFL burglary referenced in paragraph 13 (5290 Highway 129 South, Cleveland, GA 30528) on December 28, 2018, and the FFL burglary referenced in paragraph 17 (783 Caudell Road, Homer, Banks County, Georgia) on December 29, 2018. Mr. Hockley provided SA Dorman with several screen shots of a map with red markings which indicated the travel route of the SUBJECT VEHICLE on December 28, 2018. The path the vehicle took on December 28 starts near **15 CHAPPELL ROAD NW**, Atlanta, Georgia and follows Interstate 85 North to Georgia 129 to Cleveland, Georgia. The mapping image also shows the vehicle travel from Cleveland, Georgia to Homer, Georgia.
19. A review of the makes and models of the twenty one (21) firearms stolen from Country Boy Sports, FFL, indicated that the majority of the firearms were manufactured outside the State of Georgia, and therefore would have travelled in and affected interstate commerce if possessed in Georgia.
20. On January 7, 2019, SA Gary Dorman applied for and received a Federal Search Warrant (1:19-MC-0015) to install, use and monitor tracking device on the red Hyundai Sonata Georgia License plate RQC3200 later referred to as (SUBJECT VEHICLE).
21. On January 8, 2019, at approximately 3:30 am, ATF agents conducted surveillance at 1944 Lathrop Street SE, Atlanta, GA 30315 where the SUBJECT VEHICLE was parked.

The SUBJECT VEHICLE was parked in the driveway of the residence. At approximately 11:30 am SA Brown observed an unknown black/male (later identified as James Clifford Roberts, Jr.) exit the residence located at 1944 Lathrop Street SE, Atlanta, GA 30315 wearing gray shirt and blue jeans. Roberts moved the SUBJECT VEHICLE from the driveway to the street.

22. At approximately 11:38 am an unknown black female exited the residence at 1944 Lathrop Street SE, Atlanta, GA 30315 and got into the driver's seat of a Chevrolet Impala white in color bearing Florida License JBG117. Agents learned that the vehicle was a rental vehicle from Hertz Vehicles LLC and was rented by Jessica PHILLIPS (B/F DOB 5/16/1986). Agents also learned that PHILLIPS had active warrants for failure to appear on traffic violations out of Atlanta.
23. ATF agents observed the white Chevrolet Impala bearing Florida License JBG117 depart from 1944 Lathrop Street, SE, Atlanta, Georgia. ATF agents requested from the Atlanta Police Department (APD), that if officers were able to develop their own independent probable cause, that they initiate a traffic top to identify the occupant of the vehicle. APD Officer Allen initiated a traffic stop at 184 Claire Drive SE, Atlanta, GA for failure to yield to a traffic control device (APD incident report 190080944-00). APD Officer Allen identified PHILLIPS as the driver and arrested for the outstanding arrest warrant (Failure to appear).
24. After PHILLIPS was arrested, she requested to call someone to pick up the rental vehicle. Officer Allen permitted PHILLIPS to contact James Clifford ROBERTS (Phone number 404-914-7939). At approximately 12:06 pm SA Brown observed ROBERTS (the

previously unknown male referenced in paragraph 21) drive away from the residence in the SUBJECT VEHICLE, the red 2012 Hyundai Sonata linked to the attempted burglary of Gun Commanders as set forth above in paragraphs 7-11 and linked to the burglary of Country Boy Sports set forth above in paragraph 12). Agents surveilled the SUBJECT VEHICLE (red 2012 Hyundai Sonata) to the location of the aforementioned traffic stop being conducted by Officer Allen. Roberts spoke with Officer Allen in reference to PHILLIPS arrest and identified himself to the officer as James ROBERTS (DOB 10/28/1988). James ROBERTS is the same subject identified in paragraphs 16 and 21, who is linked to **15 CHAPPELL ROAD**, NW, Atlanta, Georgia.

25. ROBERTS parked the SUBJECT VEHICLE on the curb in front of a boarded up residence near 184 Claire Drive SE, Atlanta, GA and got into PHILLIPS vehicle and left the area. At this time SA DeGennaro and SA Brown approached the 1944 Lathrop Street ATF agents installed the tracking device.
26. On January 10, 2018, ATF Intelligence Research Specialist (IRS) Danielle Veasley reviewed GPS coordinates provided by JAX Automotive for SUBJECT VEHICLE. ATF IRS Veasley confirmed that SUBJECT VEHICLE was in close proximity to Gun Commanders located at 5290 Highway 129 South, Cleveland, GA 30528 on December 28, 2018, near the time of the attempted burglary referenced above in paragraphs 7-11. IRS Veasley also confirmed that, according to GPS records provided, the SUBJECT VEHICLE was in the vicinity of Country Boy Sports located at 783 Caudell Road, Homer, Banks County, Georgia on December 29, 2019 near the time of the theft of firearms referenced above in paragraph 12.

27. On January 11, 2018, SA Dorman received notification that the GPS tracker on SUBJECT VEHICLE was reporting (pinging) at Highway 53 and Foster Lusk Rd in Calhoun, Georgia. SA Dorman observed that the SUBJECT VEHICLE had been to Ringgold, GA. At approximately 3:45 am, SA Dorman contacted the City of Ringgold Police Department (RPD). RPD advised SA Dorman that the North Georgia Gun Trader a Federal Firearms Licensee (FFL) located at 6975 Nashville St, Ringgold, Georgia 30736 had a motion detector alarm activate at approximately 12:57 am. RPD also advised that it appeared that no physical entry was made into the business.
28. ATF agents initiated surveillance of SUBJECT VEHICLE at Interstate 75 south bound at Northside Dr. in the city of Atlanta. Agents surveilled the SUBJECT VEHICLE to Krystal's restaurant located at 626 14<sup>th</sup> Street NW, Atlanta, GA 30318. SA Spath observed the SUBJECT VEHICLE in the drive through and being occupied with two black males dressed in black hoodies. SA Spath then observed SUBJECT VEHICLE depart the Krystal's restaurant and travel to the BP gas Station located at 720 Donald Lee Parkway, NW, Atlanta, Georgia. A black male passenger was dropped off at this location.
29. Agents continued to surveil the SUBJECT VEHICLE via mobile surveillance and by monitoring the GPS Tracker. SA DeGennaro came in contact with the SUBJECT VEHICLE at Hank Aaron Drive and McDonough Blvd SE, Atlanta, GA 30315. Agents followed the SUBJECT VEHICLE to 1944 Lathrop St, Atlanta, GA. SA DeGennaro observed the SUBJECT VEHICLE (a red 2012 Hyundai Sonata) pull into the drive way of 1944 Lathrop St, Atlanta, GA. SA Southall and SA DeGennaro observed a black male exit the drives seat of the vehicle and go to the trunk of the SUBJECT VEHICLE. SA

DeGennaro then observed the black male wearing a black hoodie and black pants enter the residence through the front door. SA DeGennaro also observed the male carrying a black duffle bag into the residence.

30. On January 11, 2019, at 11:40 a.m., your affiant applied for and obtained a search warrant for 1944 Lathrop Street, SE, Atlanta, Georgia that was issued by United States Magistrate Judge Alan J. Baverman. While waiting for the Magistrate Judge to issue the search warrant, ATF surveillance agents advised that ROBERTS had exited from 1944 Lathrop and were about to depart. ATF agents detained ROBERTS a few minutes until being notified that the Magistrate Judge issued the search warrant.
31. Execution of the search warrant resulted in the seizure of burglar tools: two bolt cutters, two pry bars, one of which appeared to have fresh marks and a safe containing what is estimated to be more than 200 rounds of ammunition. ROBERTS opened the safe for the ATF agents so at the very least he jointly possessed the ammunition. Additionally, ROBERTS, who is a convicted felon, possessed a firearm: a Raven .25 caliber firearm, bearing serial number 123342. Based on this serial number it was stolen from Deer Creek on November 3, 2018, as discussed above in paragraph 3. Raven firearms are manufactured outside of the State of Georgia.
32. When ATF agents encountered ROBERTS on January 11, 2019, ROBERTS told the agents that he lived in the **B-side** of a duplex residence at **15 Chappell Road, NW**, Atlanta, Fulton County, Georgia (15 Chapell Road, NW, Apartment B, Atlanta, Fulton County, Georgia).

### **CONCLUSION**

Based on the forgoing, I respectfully request that the Court issue an arrest warrant for James Clifford Roberts for committing violations of Title 18, United States Code, Section 922(g)(1), Title 18, United States Code, Sections 922(j) and 922(u) and conspiracy to violate Section 922(u) in violation of Title 18, United States Code, Section 371.