

**FILED**  
**UNITED STATES DISTRICT COURT**  
AUG 10 2006

NORTHERN DISTRICT OF OKLAHOMA

Phil Lombardi, Clerk  
U.S. DISTRICT COURT

UNITED STATES OF AMERICA

CRIMINAL COMPLAINT

v.

CASE NUMBER: *06-MJ-81-FHM*

MORRIS RICHARD JONES, III  
a/k/a "Petey Gunn"

(Name and Address of Defendant)

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 August 9, 2006, in Tulsa, Oklahoma in the Northern District of Oklahoma defendant,

having previously been convicted of a crime punishable by imprisonment for a term exceeding one year, that is Possession of Stolen Vehicle on March 1, 2004, in Case No. CF - 2003-4192, in the 14<sup>th</sup> Judicial District Court, Tulsa County, Oklahoma, did knowingly possess in and affecting interstate commerce One Clerke, Liberty 1<sup>st</sup> Model, .22 LR caliber revolver, bearing serial No. 005008; and One Colt, Mark IV Series 70, .45 semi-automatic pistol, bearing serial No. 15160G70,

in violation of Title 18, United States Code, Sections 922(g)(1) and 924(a)(2).

I further state that I am a Special Agent with the Federal Bureau of Investigation and that this complaint is based on the following facts:

See attached Affidavit.

Continued on the attached sheet and made a part hereof.

Yes  No

*[Signature]*  
Josh Petree, Special Agent, ATF

Sworn to before me and subscribed in my presence

August 10, 2006  
Date

at Tulsa, Oklahoma  
City and State

Frank H. McCarthy, United States Magistrate Judge  
Name and Title of Judicial Officer

*[Signature]*  
Signature of Judicial Officer

## **AFFIDAVIT**

I, Josh Petree, being duly sworn, depose and state that I am a Special Agent with the Bureau of Alcohol, Tobacco & Firearms (ATF), United States Department of Justice, and have been so employed since July 1, 2002. I have four years prior law enforcement experience as a Police Officer for the University of Texas Police System and I am a graduate of the Federal Law Enforcement Training Center and the ATF National Academy. Currently I am assigned to the ATF Tulsa Field Office group tasked to investigate criminal street gangs in the city of Tulsa, Oklahoma, in the Northern District of Oklahoma. In the course of my work, I investigate violations of federal firearms laws as they relate to gang members involved in the use, carrying and/or possession of firearms during acts of violence, drug trafficking while armed and/or the illegal possession of a firearm by a prohibited person. My training and experience is derived from both my formal training and the investigations that I participate in, which include working alongside other ATF Agents and members of the Tulsa Police Department Organized Gang Unit.

As a result of my training and experience as an ATF Special Agent, I am familiar with Federal criminal laws and know that it is a violation of Title 18, United States Code, Section 922(g)(1), for any person who has been convicted of a felony to possess any firearm or ammunition in or affecting interstate commerce, or to receive any firearm which has been shipped or transported in interstate or foreign commerce. I know that it is a violation of Title 21, United States Code, Section 841(a)(1), for any person to manufacture, distribute, or dispense, or possess with intent to manufacture, distribute, or dispense, a controlled substance. I further know that is a violation of Title 18, United States Code, Section

924(c)(1), for any person to use or carry a firearm during and in relation to or to possess a firearm in furtherance of a drug trafficking crime. I am also aware that Title 18 United States Code, Section 521, describes a “criminal street gang” as an ongoing group, club, organization, or association of 5 or more persons that has as one of its primary purposes the commission of one or more of the following criminal offenses: Federal felony involving a controlled substance for which the maximum penalty is not less than 5 years; a Federal felony crime of violence that has an element the use or attempted use of physical force against the person of another; and a conspiracy to commit an offense described above.

1. On August 9, 2006, the Honorable Sam A. Joyner, United States Magistrate Judge, issued a search warrant for **1931 N. Gary Avenue, Apt #2, Tulsa, Tulsa County, Oklahoma**, in the Northern District of Oklahoma, the residence of **MORRIS RICHARD JONES, III, a/k/a “Petey Gunn.”**

2. On August 9, 2006, just prior to the execution of the Search Warrant, **JONES** was seen exiting the apartment by U.S. Secret Service Agent Scott Wagner and U.S. Postal Inspector Scott West. As a result of this, Tulsa Police Department attempted to stop **JONES** as he drove away and he subsequently led the officers on a high-speed pursuit before fleeing on foot. During this pursuit, **JONES** was observed by pursuing officers, as well as officers in the Tulsa Police Department Air-One helicopter, discarding another loaded firearm before his eventual capture. Upon his arrest, **JONES** resisted Officers and was sprayed with pepper spray. **JONES** also had a holster for the discarded firearm in his waistband. He was subsequently arrested for Possession of Firearm by Convicted Felon, numerous traffic and

obstruction violations, as well as five (5) outstanding misdemeanor warrants.

3. The firearm discarded by **JONES** was a loaded Colt, Mark IV Series 70 model, .45 auto caliber pistol, bearing serial number 15160G70.

4. On August 9, 2006, at approximately 6:00 p.m. the search warrant was executed by Special Agents of the Bureau of Alcohol, Tobacco, Firearms & Explosives.

Seized during the execution of the warrant were the following:

- a. One Clerke, Liberty 1<sup>st</sup> model, .22 LR caliber revolver, bearing serial number 005008, loaded with six (6) .22 LR caliber rounds of Remington brand ammunition;
  - b. Fifty-two (52) rounds of .22 LR Remington Brand ammunition;
  - c. Twenty-five (25) rounds of 9mm caliber CCI brand ammunition;
  - d. Eleven (11) rounds of .45 auto caliber Remington brand ammunition;
  - e. Thirty-one (31) rounds of .25 auto caliber CCI brand ammunition;
  - f. Forty-three (43) rounds of 9mm Makarov caliber Fiocchi brand ammunition;
  - g. One nylon holster/duty belt fitting the .22 LR revolver;
  - h. One set of American Weigh brand portable digital scales;
  - I. One magazine for an unknown rifle;
  - j. Man's wallet containing Oklahoma ID card in the **JONES'** name; and
  - k. Several letters addressed to **JONES** .
5. Also located throughout the residence were various items related to **JONES'** gang affiliation (Hoover Crips), such as jerseys, caps, jewelry, and photo albums (which were only photographed and not seized).

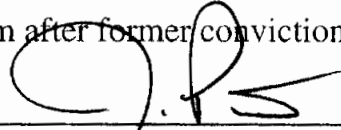
6. After the **JONES**' arrest, he was transported to the Tulsa Police Department's Uniform Division North where I interviewed him. Prior to questioning, I asked **JONES** if he would be willing to talk and **JONES** voluntarily stated "I'm guilty." I continued to advise him of his Miranda Rights, which he voluntarily waived and signed the waiver form, before **JONES** advised that he had acquired the guns in the past couple of months by trading some "crack heads" for some "rocks". He also stated that before he was arrested he was on his way to purchase some more "crack" to sell with the \$100 that he had in his pocket. **JONES** further advised that he had obtained his nickname (**Petey Gunn**) from his grandfather when he was young and that he has always liked and had guns even though he knew he was a convicted felon and was not supposed to have them.

7. On March 1, 2004, **JONES** was convicted of Possession of Stolen Vehicle in Case No. CF-2003-4192, in the 14<sup>th</sup> Judicial District Court, Tulsa County, Oklahoma. Department of Correction records indicate that he was incarcerated on this conviction from April 9, 2004, until May 4, 2005. These records also indicate that **JONES**, has a large tattoo on his forearm that reads "107", which is the set of the Hoover Crips gang of which **JONES** is documented through the Tulsa Police Department as being a member.

8. I am a qualified expert in interstate nexus and know that the Clerke, Liberty 1<sup>st</sup> model, .22 LR caliber revolver, bearing serial number 005008 and the Colt, Mark IV Series 70 model, .45 auto caliber pistol, bearing serial number 15160G70 were not manufactured in the State of Oklahoma and, therefore, traveled in interstate commerce.

Based on the foregoing information provided above, I believe there is probable cause

**MORRIS RICHARD JONES, III, a/k/a "Petey Gunn,"** violated Title 18, United States Code, Section 922(g)(1), possession of firearm after former conviction of a felony.



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

Sworn to and subscribed before me this 10<sup>th</sup> day of AUG., 2006.



UNITED STATES MAGISTRATE JUDGE

Janet S. Reincke, OBA #11693  
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