

AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT

for the

Middle District of Florida

United States of America)

v.)

RORN SORN)

Case No. 8:16-MJ-1817-T-AAS

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 December 17, 2016 in the county of Pinellas in the Middle District of Florida, the defendant(s) violated:

Code Section 18 U.S.C. § 922(g)(1) Offense Description Felon in possession of a firearm.

This criminal complaint is based on these facts:

See Affidavit

Continued on the attached sheet.

Complainant's signature

Scott Boshek, Special Agent, ATF

Printed name and title

Sworn to before me and signed in my presence.

Date: December 20, 2016

Judge's signature

City and state: Tampa, Florida

AMANDA A. SANSONE, U.S. Magistrate Judge

Printed name and title

AFFIDAVIT

I, Scott Boshek, being duly sworn, depose, and state:

1. I am a Special Agent with the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), and have been employed by ATF since February 2005. I have completed the Federal Law Enforcement Training Centers training course for Investigators and ATF's Special Agent Basic Training. During this training, I learned Federal Firearm statutes as well as other violations of the United States Code including violent crimes and narcotic offenses.

2. I submit this affidavit in support of a Criminal Complaint charging defendant Rorn SORN with committing the following offense:

- a. being a Felon in Possession of a Firearm, in violation of 18 U.S.C. § 922(g)(1).

3. The averments contained in this Affidavit are based on my personal knowledge, and/or reliable information related to me by members of the St. Petersburg Police Department (SPPD), the Pinellas County Sheriff's Office (PCSO), and/or others. Because of the limited purpose of this Affidavit, however, I have not included each and every fact known to me, but only those facts that I believe are necessary to establish probable cause in support of the requested complaint.

4. On or about December 17, 2016, the SPPD received a call for service from Club Lust located at 340 1st Avenue North in St. Petersburg, within the Middle

District of Florida, regarding a man with a gun. The call originated as a result of a subject discharging one round from a firearm in the club's men's bathroom in which the round penetrated the wall ending up inside the adjoining woman's restroom. A description of the subject, who had immediately left the club following the shooting, was of a short Asian male wearing a khaki jacket with a hat.

5. Moments after receiving the call for service, responding SPPD officers made contact with a subject matching the description, later identified as SORN, who was walking on foot approximately one block away from the club. During the interaction with SORN, officers could see two obvious bulges in his front pants pockets which led to the officers having to advise SORN they would need to pat him down for officer safety purposes. Prior to beginning the pat down, officers questioned SORN as to whether he in fact did have any weapons on his person to which SORN replied "fuck, yeah I do, in my pocket; it's not mine man! It's my friend's; he has a license to carry it." SORN then spontaneously stated, "it was an accident man; I didn't know it was going to go off!"

6. Officers then removed an Interarms Firestar .40 caliber pistol bearing serial number 2106417 from SORN's front right pocket and the firearm's ammunition magazine from the other pocket. SORN was then placed in handcuffs. It should be noted the firearm and magazine were both loaded with the same manufactured/caliber ammunition as the ammunition casing that was located inside the restroom at Club Lust following the shooting.

7. Following his arrest, SORN was transported to the SPPD headquarters where he was read his *Miranda* rights, acknowledged he understood his rights, and agreed to speak with law enforcement regarding his arrest. During this interview, officers questioned SORN as to why he had a firearm in his pocket to which SORN stated he was “trying to take YouTube and Facebook videos inside the club when boom, it went off!” SORN further stated it was an accident and that he didn’t mean for it to happen and that he wasn’t trying to hurt anyone. SORN stated he didn’t know there were any rounds in the chamber of the firearm.

8. On or about December 19, 2016, I performed a criminal history query of the Federal Bureau of Investigations’ National Crime Information Center and determined that SORN is a convicted felon based upon, but not limited to, the following offenses:

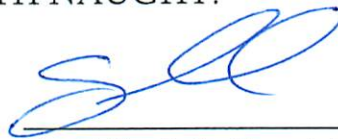
- a. Convicted on March 28, 2001, for 1ST Degree Murder or Attempted Murder, Pinellas County, Florida, case # 00-10205
- b. Convicted on March 11, 2011 for Burglary, Pinellas County, Florida, case # 10-21038

9. On or about December 19, 2016, I also contacted ATF SA Jeffrey Burt – an interstate nexus expert – who advised that the Interarms pistol bearing serial number 2106417 found in SORN’s possession was not made in the State of Florida. For the firearm to be found in the State of Florida, it would therefore have had to cross state lines, and thus affected interstate commerce.

10. Additionally, on or about December 19, 2016, I queried the Florida Office of Executive Clemency database to determine whether SORN has had his rights to own and possess a firearm restored. The query came back with negative results.


11. Based upon the foregoing information, I respectfully submit that there is probable cause to believe that the defendant, Rorn SORN, committed violations of Title 18 U.S.C. 922(g)(1).

FURTHER AFFIANT SAYETH NAUGHT.



Scott Boshek, Special Agent
Bureau of Alcohol, Tobacco, Firearms
and Explosives

Subscribed and sworn before me
This 20TH day of December 2016.



AMANDA A. SANSONE
United States Magistrate Judge