

UNITED STATES DISTRICT COURT

for the

WESTERN District of TEXAS

United States of America
v.

James David Dubose

Case No. SA-23-MJ-

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 March 10, 2023 in the county of Gonzales in the Western District of Texas, the defendant(s) violated:

Table with 2 columns: Code Section, Offense Description. Row 1: 18 U.S.C. § 922(g)(1), Felon In Possession of a Firearm

PENALTIES:

Up to 15 Years Imprisonment, \$250,000 Fine, 3 Years Supervised Release, \$100 Mandatory Special Assessment

This criminal complaint is based on these facts:

See attached affidavit

Continued on the attached sheet.

Kaitlin O'Connell signature

Complainant's signature

Kaitlin O'Connell, ATF SA

Printed name and title

- Sworn to before me and signed in my presence.
Sworn to telephonically and signed electronically.

Date: 3/10/2023

Elizabeth S. Chestney signature

Judge's signature

City and state: San Antonio, Texas

Elizabeth S. Chestney, U.S. Magistrate Judge

Printed name and title

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

AFFIDAVIT IN SUPPORT OF A CRIMINAL COMPLAINT

I, Special Agent Kaitlin O'Connell, being duly sworn do hereby depose and state:

1. Your affiant is currently employed as a Special Agent with the Bureau of Alcohol, Tobacco, Firearms and Explosives and has been so employed since January of 2015. Since January 2015, your affiant has participated in investigations concerning violations of Title 18.
2. On March 10, 2023, the Texas Department of Public Safety (TXDPS) SWAT team executed a Gonzales County state arrest warrant for **James David Dubose**, and search warrant his residence, including associated outbuildings and curtilage. This residence is on family property, located on the 2100 block of CR 308, Gonzales, in the Western District of Texas.
3. As the DPS SWAT team approached the residence and breached the side door. Officers heard shots fired inside the residence. One to three shots were heard after the side door of the residence was breached. Officers stated they believed the shot(s) came from the right side of the residence. It was later identified Dubose's bedroom was on the right side of the residence.
4. Shortly after, **James Dubose**, peeked out the front door, paused, then exited the same door. Dubose then walked towards Officer's, when Dubose was within arms distance of Officers, he became combative, but was detained. As a result of the search warrant, Dubose, who is a convicted felon, was found to be in possession of multiple firearms and ammunition. Additionally, a second male (roommate) was located in the residence, who was detained without incident.
5. The items seized include:
 - Glock, 22, .40 caliber pistol, SN: DTM727, loaded with 7 rounds of 9mm ammunition, including one in the chamber
 - i. Located on a floor freezer next to the front door of the residence
 - Smith and Wesson, M&P-15, .556 caliber rifle, SN:75467, loaded with 9 rounds of .556 ammunition, in a 20 round high capacity magazine
 - i. Located on the floor of Dubose's bedroom in plain view
 - Savage, Model 11, .308 caliber rifle, SN: K964470, loaded with 2 rounds of .308 ammunition
 - i. Located leaning against the wall on the floor in Dubose's bedroom in plain view
 - Ruger, SP106, .327 Magnum caliber, SN: 574-14436, not loaded

- i. Located on Dubose's bed, in plain view
- Mossberg, 600AT, 12-gauge shotgun, SN: H112491, not loaded
 - i. Located on bench at bottom of Dubose's bed, in plain view
- Stevens's G20-A, 16 Gauge shotgun, SN: 39259, not loaded
 - i. Located on bench at bottom of Dubose's bed, in plain view
- STI, Trojan, .45 caliber, SN: NC 4328, loaded with 6 rounds, including one in the chamber
 - i. Located wrapped in sheets, in the roommate's bedroom

Additionally, various ammunition, including shell casings, magazines, a cellphone, one black powder firearm and a flintlock firearm were also located.

6. In a post-Miranda interview, Dubose stated the bedroom on the right side of the residence was his bedroom. Dubose admitted the following firearms, including the AR rifle, and shotgun's located in the bedroom to the right of the residence were his. Dubose stated the Ruger pistol belonged to a female, who he planned to transfer custody to. Dubose admitted he shot 2 rounds during the execution of the search warrant with the Glock Pistol. Dubose admitted he placed the Glock pistol on the floor freezer near the front door prior to exiting the residence. Dubose admitted he was a convicted felon.
7. An ATF Interstate Nexus examination of the Glock, 22, .40 caliber pistol, SN: DTM727; Smith and Wesson, M&P-15, .556 caliber rifle, SN:75467; Savage, Model 11, .308 caliber rifle, SN: K964470; Ruger, SP106, .327 Magnum caliber, SN: 574-14436; Mossberg, 600AT, 12-gauge shotgun, SN: H112491; Stevens's G20-A, 16 Gauge shotgun, SN: 39259; reveals they were not manufactured in the State of Texas, and therefore traveled in interstate and foreign commerce.
8. Dubose has been convicted of the following state felonies:
 - Terroristic Threats, Gonzales County, Cause # 131-10-CR
 - Assault Against a Public Servant, Gonzales County/Cause #20-11-CR
 - Attempt to take Weapon from an Officer, Gonzales County/Cause #20-11-CR

Based on the above facts, your affiant believes that there is probable cause that **James David Dubose** knowingly committed the offense of being a felon in possession of a firearm, in violation of 18 U.S.C. § 922(g)(1).



Special Agent Kaitlin O'Connell
Bureau of Alcohol, Tobacco, Firearms, and
Explosives

SUBSCRIBED AND SWORN TO ME THIS 10 DAY OF March, 2023.



ELIZABETH S. CHESTNEY
UNITED STATES MAGISTRATE JUDGE

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

UNITED STATES OF AMERICA,

v.

JAMES DAVID DUBOSE

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Case No.: SA-23-MJ-

**GOVERNMENT’S MOTION FOR DETENTION HEARING, FOR DETENTION,
AND FOR CONTINUANCE**

TO THE UNITED STATES MAGISTRATE JUDGE:

The Government, by and through the United States Attorney for the Western District of Texas and the undersigned Assistant United States Attorney, and pursuant to 18 U.S.C. § 3141, *et. seq.*, moves for pretrial detention of Defendant; for a detention hearing regarding the above-named Defendant; and for a continuance of said hearing. In support of these motions, the Government shows as follows:

I. MOTION FOR DETENTION HEARING

The Government requests that a hearing be set regarding detention pursuant to 18 U.S.C. § 3142(f), as this matter involves one of more of the following:

- an offense with a maximum sentence of life imprisonment or death
- a qualifying controlled substance offense with a maximum sentence of 10 years or more
- a felony offense that involves the possession or use of a firearm (including but not limited to felon in possession of a firearm), destructive device, or any other dangerous weapon
- a felony offense that is a crime of violence as defined under 18 U.S.C. § 3156(a)(4) to include a felony offense under 18 U.S.C. chapter 77, 109a, 110 or 117
- a felony offense that involves a minor victim
- an offense that involves failure to register as a sex offender under 18 U.S.C. § 2250
- a serious risk that the Defendant will flee
- a serious risk that the Defendant will obstruct or attempt to obstruct justice

II. MOTION FOR DETENTION

Grounds for detention. The Government further requests that Defendant be detained pending trial in this case pursuant to 18 U.S.C. §§ 3141(a) and 3142(e), because no condition or combination of conditions will reasonably assure:

- Defendant's appearance as required
- the safety of any other person or the community

III. MOTION FOR CONTINUANCE

Three-day continuance. Pursuant to 18 U.S.C. § 3142(f), the Government moves for a three-day continuance of the detention hearing in the matter.

IV. NOTICE OF REBUTTABLE PRESUMPTION IN FAVOR OF DETENTION

Presumption of detention. In addition, the Government gives notice that 18 U.S.C. § 3142(e)(3) establishes a rebuttable presumption that no condition or combination of conditions will reasonably assure the appearance of the person as required and the safety of the community, because there is probable cause to believe that Defendant committed:

- a qualifying controlled substance offense with a maximum sentence of 10 years or more
- an offense under 18 U.S.C. § 924(c)
- an offense under 18 U.S.C. chapter 77 for which a maximum term of imprisonment of 20 years or more is prescribed
- a qualifying offense involving a minor victim

V. NOTICE OF APPLICABILITY OF TEMPORARY DETENTION OF UP TO 10 DAYS

Temporary detention. The Government gives notice, pursuant to 18 U.S.C. § 3142(d), that Defendant is subject to temporary detention of up to ten days, as Defendant may flee or pose a danger to any other person or the community, and Defendant was:

- at the time the offense was committed, on release pending trial for a felony offense
- at the time the offense was committed, on release pending imposition or execution of sentence, appeal of sentence or conviction, or completion of sentence for an offense
- at the time the offense was committed, on probation or parole for an offense
- and is not, a United States citizen or not admitted lawfully for permanent residence

Respectfully submitted,

JAIME ESPARZA
United States Attorney

/S/

BY: _____

Matthew Lathrop
Assistant United States Attorney
Bar No. 24060136
601 NW Loop 410, Suite 600
San Antonio, Texas 78216-5512
Phone: (210) 384-7006

UNITED STATES MAGISTRATE COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

JAMES DAVID DUBOSE

Defendant.

Case No.: SA-23-CR-

ORDER

On this date the Court considered the Government's Motion to Detain Defendant, and the Court having reviewed said motion enters the following Orders:

IT IS HEREBY ORDERED that the Defendant be temporarily detained pending a hearing on the Government's Motion and until further Order of the Court, pursuant to 18 USC 3142(f).

IT IS FURTHER ORDERED that Defendant's bond hearing is set for _____ at _____ a.m. / p.m.

SIGNED AND ENTERED on: _____

ELIZABETH S. CHESTNEY
UNITED STATES MAGISTRATE JUDGE