UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

UNITED STATES OF AMERICA	
v.	Case No. 26 CR 291
AMIR A. FAGAN, DEMOND EDWARDS, and CHASHONN TONEY	Hon. Keri L. Holleb Hotaling

GOVERNMENT'S MOTION TO DISMISS COMPLAINT WITHOUT PREJUDICE

The UNITED STATES OF AMERICA, by its attorney, ANDREW S. BOUTROS, United States Attorney for the Northern District of Illinois, respectfully moves this Court, pursuant to Federal Rule of Criminal Procedure 48(a), to dismiss without prejudice the Complaint against defendants AMIR A. FAGAN, DEMOND EDWARDS, and CHASHONN TONEY. In support thereof, the government states as follows:

1. On June 11, 2026, defendants AMIR A. FAGAN, DEMOND EDWARDS, and CHASHONN TONEY were charged by criminal complaint. Dkt. 1 (the "Complaint"). The Complaint charges FAGAN and EDWARDS with attempted robbery of a person having lawful charge, control, and custody of any money or other property of the United States, and, in effecting such attempted robbery, putting that person's life in jeopardy by the use of a dangerous weapon, namely, a firearm, in violation of Title 18, United States Code, Sections 2114(a) and 2. The Complaint charges TONEY with forcibly assaulting, resisting, opposing, impeding, intimidating, and interfering with a person designated in Title 18, United States Code, Section

1114, namely, an officer and employee of the United States, while he was engaged in the performance of his official duties, and in the commission of such acts using a deadly and dangerous weapon, in violation of Title 18, United States Code, Section 111(a). *Id*.

2. The Court held an initial appearance for TONEY on June 11, 2026. A preliminary examination hearing for TONEY is scheduled for June 18, 2026. Dkt. 9. TONEY waived his right to a detention hearing without prejudice and is currently in custody.

3. The Court held an initial appearance for FAGAN on June 12, 2026. Dkt. 8. The Court ordered FAGAN detained following a detention hearing on June 16, 2026. Dkt. 12. FAGAN is currently in custody.

4. According to agents of the Federal Bureau of Investigation, EDWARDS remains hospitalized. EDWARDS has not yet appeared before the Court.

5. The Complaint alleges, in summary and in part, that a law enforcement officer shot EDWARDS after EDWARDS fled the scene of the attempted robbery. Complaint at ¶ 17. The Complaint allegations contain a description of the shooting.

6. According to the Front Office, on June 12, 2026, a representative of the Bureau of Alcohol, Tobacco, Firearms, and Explosives ("ATF") informed members of the United States Attorney's Office's Front Office that a video existed depicting the shooting of EDWARDS. ATF did not provide a copy of the video to the Front Office at that time. The Front Office also did not see the video nor had they seen the affidavit in support of the criminal complaint. The purpose of the discussion between ATF and

the Front Office was about releasing additional video that had been captured by law enforcement depicting the robbery for use in Court, including to provide an accurate video timeline of the relevant events that transpired that day and to put whatever video depicting the shooting in the proper context. The Front Office was not aware that the prosecuting team had not seen a copy of the video that was being discussed, and in fact, assumed that the video had been given to the prosecuting team.

7. On June 16, 2026, the Front Office advised the prosecuting team that a video existed of the EDWARDS shooting. On the same date, the prosecuting team requested a copy of that video from ATF. On June 16, 2026, at approximately 4:22 p.m., an ATF Special Agent sent the prosecuting team an email containing two videos, one of which ATF reported contained the video of the EDWARDS shooting. A copy of that email from the ATF Special Agent to the prosecution team is attached hereto as **Exhibit 1**[1]. A copy of the two videos that ATF sent to the prosecuting team in that email are attached hereto as **Exhibit 2** and **Exhibit 3**. **Exhibit 2** depicts the EDWARDS shooting.

8. Aspects of the EDWARDS shooting, as depicted in **Exhibit 2**, appear inconsistent with the description of the shooting as set forth in the Complaint.

9. Additionally, the Complaint alleges, in summary and in part, that TONEY attempted to flee the scene of a robbery in a vehicle that he was driving and that the vehicle impacted an ATF undercover vehicle that was occupied by ATF agents. *See* Complaint at ¶ 16.

[1] The Exhibits to this motion are filed under seal in the interest of protecting an ongoing investigation.

10. On June 15, 2026, an ATF special agent drafted an email describing the incident, which members of the prosecution team received on June 15, 2026, at 11:34 a.m. That email is attached as **Exhibit 4**.

11. Aspects of the description of TONEY's flight in **Exhibit 4** appear to be potentially inconsistent with the description of the flight as set forth in Paragraph 16 of the Complaint.

WHEREFORE, the United States respectfully requests that the Complaint in this case be dismissed without prejudice.

Respectfully submitted,

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