

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA

v.

EDGAR MADDISON WELCH,

Defendant.

Case No. 1:16-

Honorable G. Michel Harvey

UNDER SEAL

MOTION TO SEAL AN AFFIDAVIT IN SUPPORT OF A CRIMINAL COMPLAINT

The United States, by and through its attorney, the United States Attorney for the District of Columbia, hereby respectfully submits this motion to seal affidavit in support of the criminal complaint and the instant motion to seal, until Edgar Maddison Welch (“WELCH”) appears for his initial hearing before this Court. In support of this motion, the government states as follows:

1. The requested criminal complaint in this case seeks to WELCH with one count of Transporting a Firearm with Intent to Commit an Offense or with Knowledge or Reasonable Cause to Believe that an Offense Would be Committed, in violation of 18 U.S.C. § 924(b). The affidavit seeks to establish probable cause to believe that WELCH transported, across state lines from North Carolina to the District of Columbia, multiple loaded firearms, with intent to commit offenses that are punishable by more than one year in prison under the law of the District of Columbia, or with knowledge or reasonable cause to believe that such offenses would be committed, including violations of 22 D.C. Code § 402 (Assault with a Dangerous Weapon), 22 D.C. Code § 4504(a) (Carrying a Pistol Without a License), and 22 D.C. Code 4504(a-1) (Carrying a Rifle or Shotgun).


2. The affidavit in support of the criminal complaint describes communications between WELCH and other people, “C.,” “B.,” and “M.R.,” in which WELCH discusses matters that are relevant to WELCH’s intent in transporting firearms to the District of Columbia. The affidavit includes quotes from text messages to these individuals, including one text message exchange which indicates that WELCH met with B. just before he drove to the District of Columbia with the firearms, and one text message exchange, after it was public that WELCH had been arrested, in which C. expresses his disappointment that WELCH “ditched” C. and went to Washington, D.C., without C. The communications between WELCH, C. and B. appear to have significant evidentiary value as to WELCH’s intent in transporting firearms to Washington, D.C.

3. The government is concerned that early disclosure of the contents of the affidavit, or of this motion, will allow potential witnesses an opportunity to destroy electronic evidence, adapt their statements, or avoid contact with law enforcement during the investigation. The sealing for a very limited time is necessary because the statement of facts contains sensitive information, the disclosure of which would not be in the interest of the government, the public, and a pending ongoing investigation.

4. Accordingly, the government submits that these facts present a a compelling governmental interest which justify the sealing of the affidavit and this motion until the initial appearance of Edgar Maddison Welch in the above-captioned case. See Washington Post v. Robinson, 935 F.2d 282, 289 (D.C. Cir. 1991). WHEREFORE, it is respectfully requested that this motion be granted.

Respectfully submitted,

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By: 
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D.C. Bar Number 49111

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UNDER SEAL

ORDER SEALING AN AFFIDAVIT IN SUPPORT OF A CRIMINAL COMPLAINT

The United States has filed a motion to seal the affidavit in the above-captioned case, as well as the motion to seal the affidavit.

The Court finds that the United States has established that a compelling governmental interest exists to justify the requested sealing, and that there is reason to believe that notification of the existence of the contents of the affidavit, as well as the motion to seal, could jeopardize the ongoing investigation, including by giving witnesses the opportunity to destroy or tamper with evidence. *See* 18 U.S.C. § 2705(b) (2), (3), (5).

It is, therefore, this _____ day of December, 2016,

ORDERED that the motion is hereby GRANTED, and that the affidavit in support of the above-captioned criminal complaint, as well as the motion to seal, be SEALED until further order of the Court, or at the time of an initial appearance in the above-captioned case.

HONORABLE G. MICHAEL HARVEY
UNITED STATES MAGISTRATE JUDGE

CC: Demian S. Ahn
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