

UNITED STATES DISTRICT COURT

for the
District of Massachusetts

In the Matter of the Search of
(Briefly describe the property to be searched
or identify the person by name and address)
27 ATHENS STREET APT. #,3 CAMBRIDGE, MA

Case No. 19-MJ-5101-JGD

APPLICATION FOR A SEARCH WARRANT

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property (identify the person or describe the property to be searched and give its location):

27 ATHENS STREET APT. #,3 CAMBRIDGE, MA AS MORE FULLY DESCRIBED IN ATTACHMENT 1,

located in the District of MASSACHUSETTS, there is now concealed (identify the person or describe the property to be seized):

THE ITEMS DESCRIBED IN ATTACHMENT 2

The basis for the search under Fed. R. Crim. P. 41(c) is (check one or more):

- [x] evidence of a crime;
[x] contraband, fruits of crime, or other items illegally possessed;
[x] property designed for use, intended for use, or used in committing a crime;
[] a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

Table with 2 columns: Code Section, Offense Description. Rows include 18 U.S.C. §922(a)(1)(A) DEALING IN FIREARMS WITHOUT A LICENSE and 18 U.S.C. §922(G)(1) FELON IN POSSESSION OF A FIREARM

The application is based on these facts:

ATTACHED AFFIDAVIT OF ATF S/A ROBERT JACOBSEN

- [] Continued on the attached sheet.
[] Delayed notice of days (give exact ending date if more than 30 days:) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.

Applicant's signature (handwritten signature)

ATF SPECIAL ROBERT JACOBSEN

Printed name and title

Sworn to before me and signed in my presence.

Date: 04/18/2019

Judith Gail Dein (handwritten signature)

Judge's signature

City and state: BOSTON, MASSACHUSETTS

U.S. MAGISTRATE JUDGE JUDITH G. DEIN

Printed name and title

MJ No. 19-5101-JGD

ATTACHMENT 1--PROPERTY TO BE SEARCHED

TARGET LOCATION #1

Target Location #1 is 27 Athens Street, Apartment #3, in Boston, Massachusetts. 27 Athens Street, Apartment #3 is a residential apartment unit on the third floor of a three (3) story, six (6) family apartment building. It is located on the right side of Athens Street, a one-way street. The building is made of yellow siding. There are steps leading to the front doors of the apartment building. The building has two sets of front doors. The front door on the right has the number "27" to the right of the door, under a porch light. The door to 27 Athens is a red double door with a clear glass window in the center.

The apartment to be searched is Apartment #3, located on the right side of the third floor. A photograph of 27 Athens Street appears below.



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ATTACHMENT 2

Description of Potential Items to be Seized

Evidence of a crime, contraband, fruits of a crime, other items illegally possessed, or property designed for use, intended for use, or used in committing violations of 18 U.S.C. Sections 922(a)(1), or 922(g)(1) including, without limitation:

1. Any and all firearms, ammunition, ammunition feeding devices, cartridges, cartridge cases, original boxes for firearms, holsters, cleaning kits and supplemental firearm devices such as silencers and/or laser sights or any other items related to firearms.
2. Books and papers reflecting debts and collections relating to monies owed or due for the purchase or sale of firearms or ammunition; and records relating to income and expenditures for the purchase or sale of firearms or ammunition which were generated during the period since July 1, 2018;
3. Photographs of firearms or ammunition or of persons in possession of firearms or ammunition;
4. Books, records, receipts, notes, ledgers, paper copies of emails or text messages and other papers relating to the acquisition or sale of firearms or ammunition which were generated during the period since July 1, 2018;
5. Cell phones and all of their digital contents, including text messages, call logs, address boxes, e-mail inboxes, records of Internet activity, location information, and software (or applications) used; voicemails, photographs, and videos relating to the acquisition or sale of firearms or ammunition and which were generated during the period since July 1, 2018;
6. Personal books and papers reflecting names, addresses, telephone numbers, and other contact or identification data relating to the acquisition or sale of firearms or ammunition;
7. Items of personal property that tend to identify the person(s) in residence, occupancy, control, or ownership of the Target Locations including but not limited to canceled mail, deeds, leases, rental agreements, photographs, utility and telephone bills, identification documents, and keys;
8. During the execution of the search of the Target Locations described in Attachment 1, law enforcement personnel are authorized to press the fingers (including thumbs) of **ROBERT BRITO-PINA** to the Touch ID sensor of any Apple cellular phone found at the Target Locations for the purpose of attempting to unlock the device(s) via Touch ID in order to search the contents as authorized by this warrant if they have reasonable

suspicion that **BRITO-PINA** is a user of the device. The fingers to be used shall be chosen only by the searching law enforcement personnel.

9. During the execution of the search warrant, law enforcement personnel shall be entitled to seize any cellular phone if they have reasonable suspicion that **BRITO-PINA** is a user of the device so that it may be searched off-site and then to return it to the owner as set forth below.
10. Nothing in this warrant shall authorize the search or seizure of any computer or computer related equipment (other than a cellular phone for which they have reasonable suspicion that **BRITO-PINA** is a user of the device) without further order of the Court.

RETURN OF SEIZED CELLULAR TELEPHONES

If the owner of the seized cellular phone requests that it be returned, the government will attempt to do so, under the terms set forth below. If, after inspecting any seized cellular phone, the government determines that some or all of this equipment does not contain contraband or the passwords, account information, or personally-identifying information of victims, and the original is no longer necessary to retrieve and preserve as evidence, fruits or instrumentalities of a crime, the cellular phone will be returned within a reasonable time, if the party seeking return will stipulate to a forensic copy's authenticity (but not necessarily relevancy or admissibility) for evidentiary purposes.

If a cellular phone cannot be returned, agents will make available to the phone's owner, within a reasonable time period after the execution of the warrant, copies of files that do not contain or constitute contraband; passwords, account information, or personally-identifying information of victims; or the fruits or instrumentalities of crime.

For purposes of authentication at trial, the Government is authorized to retain a digital copy of all cellular phones seized pursuant to this warrant for as long as is necessary for authentication purposes.

M.J. No. 19-5101-JGD

AFFIDAVIT

I, Robert Jacobsen, Special Agent, Bureau of Alcohol, Tobacco, Firearms & Explosives, being duly sworn, state as follows:

1. I am a Special Agent with the Bureau of Alcohol, Tobacco, Firearms and Explosives ("ATF") and have been so employed since November, 2017. I received 15 weeks of Criminal Investigator training at the Federal Law Enforcement Training Center and 17 weeks of ATF Special Agent training at the ATF National Academy. I was trained in Federal criminal law, firearms, and criminal investigation techniques.

2. Since joining ATF, I have investigated federal firearms violations which has included participating in the controlled purchases of firearms, surveillance of firearms traffickers, interviews of suspects, participating in search warrants, analyzing phone, text, and email data, and participating in electronic surveillance. I have investigated firearms trace data, classified advertisements, and online websites and forums in which firearms sales are facilitated.

3. Prior to my employment with the ATF, I was employed for approximately two-and-a-half years as a Deputy Sheriff with the Loudoun County Sheriff's Office in Loudoun County, Virginia.

For approximately the last year of that employment, I operated as a member of the Special Operations Unit, a full-time SWAT Team and Street Crimes Criminal Suppression Unit. I was trained and certified by the Columbus Police Department as a SWAT operator and hold numerous training certificates in domestic and foreign weapon systems, street crimes, criminal narcotic operations, and gang organizations. Prior to joining the Special Operations Unit, I spent approximately one-and-a-half years in a Patrol function, responding to public emergency calls for service, investigating crimes, and testifying in court. I graduated from the Northern Virginia Criminal Justice Academy with Virginia state certifications as a Police Officer and Jail Corrections Officer and received a Bachelor's of Science Degree from George Mason University.

4. As a result of my training and experience as an ATF Special Agent, I am that it is a violation of Title 18, United States Code, Section 922(g)(1), for any person who has been convicted in a court of a crime punishable by imprisonment for a term exceeding one year, to possess any firearm in or affecting commerce, or to receive any firearm which has been shipped or transported in interstate commerce. I am further aware that it is a violation of Title 18, United States Code, Section 922(a)(1)(A) for any person not a licensed importer, manufacturer and dealer under the provisions of Chapter 44 of

Title 18, United States Code, to willfully engage in the business of dealing in firearms.

5. I have personally participated in the gun trafficking investigation of MICHAEL LEBRON, LAKIM COLLINS, and others since late spring 2018. I am familiar with the facts and circumstances of this investigation based upon: (a) my personal knowledge and involvement in the investigation; (b) my discussions with fellow agents and officers who assisted in the investigation; (c) my interviews of the prior (lawful) owners of firearms sold to LEBRON for what we believe was resale here in Massachusetts; (d) my review of Reports prepared by other ATF Agents; (e) the execution of search warrants associated with both LEBRON and COLLINS; and (f) my experience and training as a criminal investigator. Because this affidavit is being submitted for the limited purpose of establishing probable cause for the requested warrants, I have not set forth every fact learned during the course of the investigation.

INTRODUCTION

6. I am submitting this affidavit in support of an application for the issuance of a Search Warrant to be executed at 27 Athens Street, Apartment #3, in Cambridge, MA ("Target Location #1"). As set forth below, this is believed to be the residence of **ROBERT BRITO-PINA**, and is more fully described in Attachment 1 to this affidavit.

7. As more fully described below, I assert that there is probable cause to believe that **ROBERT BRITO-PINA** is living at Target Location #1. As is also described more fully below, I assert there is probable cause to believe that evidence of **BRITO-PINA's** violations of the federal firearms laws exists at Target Location #1, including but not limited to firearms and ammunition purchased by him from LAKIM COLLINS, documentation (including emails and text messages) regarding what I believe were COLLINS's unlawful purchase of firearms and the subsequent sale of one or more firearms to **BRITO-PINA**, and **BRITO-PINA's** unlawful possession of firearms, and other items as described in Attachment 2 to this affidavit entitled "Description of Evidence to be Searched and Seized."

DESCRIPTION OF THE LOCATIONS TO BE SEARCHED

8. The Target Location (27 Athens Street, Apartment #3, in Cambridge, Massachusetts) is described as follows:

"TARGET LOCATION #1"

9. Target Location #1 is 27 Athens Street, Apartment #3, in Cambridge, Massachusetts. 27 Athens Street, Apartment #3 is a residential apartment unit on the third floor of a three (3) story, six (6) family apartment building. It is located on the right side of Athens Street, a one-way street. The building is made of yellow siding. There are steps leading to the front

doors of the apartment building. The building has two sets of front doors one to 27 Athens Street and one to 29 Athens Street. The front door on the right has the number "27" to the right of the door, under a porch light. The door to 27 Athens Street is a red double door with a clear glass window in the center.

10. The apartment to be searched is Apartment #3, located on the right side of the third floor. Target Location #1 is more fully described in Attachment 1 appended to this affidavit.

FACTS

11. The investigation into MICHAEL LEBRON was initiated in late spring, 2018, when ATF recovered a firearm in Boston, MA. The recovered firearm was a Glock 9mm semiautomatic. Based on its serial number, the firearm's ownership was traced and agents were able to track ownership of the firearm to John Mason, of Manchester, New Hampshire.

12. On August 21, 2018, ATF SA Daniel Campbell and I met with Mason in Manchester, New Hampshire regarding the recovered Glock. Mason works at the New Hampshire National Guard in and is an active guard reservist who has been deployed twice to the Middle East and anticipates being deployed a third time in the next year. He fully cooperated with us and provided information and documentation of his dealings with LEBRON.

13. Mason described himself as a gun enthusiast who has purchased

and sold numerous firearms over the years and who maintains documentation regarding such transactions. Mason also stated that he had recently received a Federal Firearm's License and a Collector's License from ATF after applying for those licenses and being interviewed.

14. Mason explained that he sold the recovered Glock to MICHAEL LEBRON in a private sale through the website Armslist.com. Mason stated that he had advertised multiple Glock firearms for sale through the website and was contacted via email by LEBRON on March 7, 2018, with LEBRON using the email address "MLBSOX9402@gmail.com". Mason provided me with a copy of email communications between him and LEBRON, which indicated that LEBRON's emails were sent from an Apple iPhone.

15. On April 5, 2018, Mason met with LEBRON at a Dunkin Donuts at 10 Eddy Road, Manchester, NH, where Mason sold LEBRON the recovered Glock and a second Glock firearm for \$680. During this purchase, Mason recalled that he asked to see LEBRON's driver's license and LEBRON showed him a New Hampshire driver's license prior to completing the sale. Mason also remembered LEBRON to be driving a white Jeep SUV with New Hampshire license plates.

16. On April 15, 2018, Mason was contacted by LEBRON again via email through the website Armslist.com. LEBRON told Mason

that he loved the Glock firearms and asked if he had any more of the same model for sale. Mason agreed to sell LEBRON another Glock firearm for \$350. Mason and LEBRON met again on April 15, 2018 at the same Dunkin Donuts, where Mason sold LEBRON a third Glock firearm for \$350.

17. The next day (April 16, 2018), LEBRON contacted Mason again via email inquiring about buying more firearms. LEBRON told Mason that he wanted to purchase a Glock firearm for his dad and a Glock for himself. Mason agreed to sell LEBRON two more Glock firearms for \$850. Prior to this sale, Mason explained to LEBRON via email that he was going to take a picture of LEBRON's driver's license for his records and asked if LEBRON's dad was a New Hampshire resident. LEBRON told Mason that his dad was a lifelong New Hampshire resident and agreed to have his driver's license documented. Mason and LEBRON met again on the afternoon of April 16, 2018, at the Dunkin Donuts where they had met twice before, and Mason sold LEBRON two Glock firearms for \$850.

18. Mason documented the sales of all five (5) firearms he sold to LEBRON on a Firearms Bill of Sale. LEBRON signed his name as the buyer of all five (5) firearms and listed his address as "26 Massabesic." LEBRON listed two (2) different phone numbers ("603-233-6948" and "603-233-4908") on the Firearms Bill of Sale. Mason also took a photograph of LEBRON's New Hampshire driver's license and provided me with

a copy of the driver's license photo and the Firearms Bill of Sale. Further investigation of LEBRON's driver's license indicated that the license provided to Mason was a temporary license that had expired as of February 26, 2018. According to the New Hampshire Division of Motor Vehicles, prior to the expiration of LEBRON's temporary license a new driver's license was mailed to 26 Massabesic Street, Manchester, NH, and was returned to sender. LEBRON's signature on the driver's license appears to match the signatures on the Firearms Bill of Sale. Mason also confirmed that LEBRON was driving a white Jeep SUV during all three (3) of their meetings.

19. Record checks on LEBRON revealed him to have an active Massachusetts Identification Card bearing the address of 547 Adams Street, Apartment #21, Boston, MA. LEBRON's Massachusetts Board of Probation Records also list 547 Adams Street Apartment 21 as his residence.

LEBRON'S CRIMINAL HISTORY AND INTERSTATE NEXUS ISSUES

20. I have reviewed LEBRON's criminal record as maintained by the Massachusetts Criminal History Systems Board. It reveals, among other things, that LEBRON's residence is listed as 547 Adams Street Apartment #21 and that LEBRON was convicted in 2012 in Dorchester District Court on charges of Assault with a

Dangerous Weapon and Larceny from the Person. I have determined these are both crimes punishable under Massachusetts law by imprisonment for more than one (1) year and therefore precluded LEBRON from both possessing a firearm or ammunition that has been shipped or transported in interstate commerce and from obtaining a federal license to deal in firearms. Based upon my training and experience as an ATF Agent who has conducted federal firearms investigations, I also know that Glock firearms are manufactured outside of New Hampshire and Massachusetts, meaning that the five (5) Glock firearms purchased by LEBRON from Mason necessarily traveled across state lines or international boundaries prior to being sold to LEBRON by Mason.

SEARCH WARRANT ON LEBRON'S RESIDENCE

21. On September 26, 2018, I obtained a federal search warrant for 547 Adams Street #21, Boston, Massachusetts, and the White Jeep Cherokee bearing New Hampshire license plates #4205186, the residence and vehicle of LEBRON.

22. On September 27, 2018, I and other agents executed the aforementioned search warrants. LEBRON was the sole occupant inside of the residence during execution of the search warrant. I read LEBRON his Miranda rights and he acknowledged his understanding of those rights. LEBRON identified his bedroom

inside of the apartment and explained to agents that he had ammunition inside of his bedroom.

23. Pursuant to the warrant, we seized 208 rounds of ammunition from a black bag located inside of the closet in the bedroom that LEBRON identified as being his. Among other items, firearm holsters and firearm accessories were also seized. Also pursuant to the warrant, the contents of LEBRON's cell phone was downloaded.

LEBRON'S POST-ARREST STATEMENT

24. LEBRON agreed to speak with myself and other Agents inside of the apartment immediately after the search. In a post-Miranda interview, LEBRON explained that he had purchased "north of ten" guns since February of 2018, though by the end of the interview acknowledged the number could be twenty or more as he did not remember exactly how many guns he had purchased. LEBRON described that all of his firearm purchases were made through armslist.com in New Hampshire, similar to classified ads where gun owners privately purchase, sell and trade firearms. LEBRON stated that he purchased firearms on armslist.com from at least ten (10) different people and the most that he has ever purchased in one transaction was two (2). LEBRON further explained that the most firearms he ever had in his possession at his residence was three (3) at one time and that all the firearms were purchased for resale in

Massachusetts. Further investigation into LEBRON's claims and admissions revealed that relevant details encapsulating his firearms purchases and sales were omitted, and the amount of guns he had purchased and sold as well as the amount of guns present in his possession at one time, was minimized.

25. LEBRON explained during the interview that he sold firearms to a person named "Friz," from whom he had bought marijuana in the past. LEBRON told Agents that he sold nearly all the firearms that he purchased in New Hampshire at a house in Braintree, Massachusetts to individuals who "were just there" and who he could not identify (a claim that we found not to be credible). LEBRON became familiar with the residence as he used to purchase marijuana there from "Friz" often, who he has known since approximately 2011. Further investigation confirmed the address of this residence to be 51 River Street, Braintree, Massachusetts. I determined the identity of "Friz" to be Frankie Wright with the assistance of local police agencies familiar with the individual and his street name, and his connection with the 51 River Street address identified by LEBRON. Shortly after this post-arrest interview, LEBRON notified us through counsel that he did not wish to speak with ATF any further or to cooperate on his case.

26. Pursuant to the search warrant executed on September 17, 2018, one of the photos I located on LEBRON's cell phone was a

picture of a Walther 9mm pistol which appeared to be sitting on his leg and inside of his bedroom, bearing the serial number "FAJ3367." Braintree and Taunton Police Departments, Massachusetts, executed two (2) search warrants on residences associated with Frankie Wright in June, 2018. Among other firearms and ammunition, a Walther 9mm semi-automatic firearm was located bearing serial number "FAJ3367" at 51 River Street, Braintree, Massachusetts. A Walther gun box bearing serial number "FAJ3367" was also located at the residence of Frankie Wright, 103 Hart Street, Apartment #1203, Taunton Massachusetts, corroborating LEBRON's post-Mirandized statements and account of firearm sales to Frankie Wright.

27. Taunton Police Department, Massachusetts, also located a black Palmetto Arms, AR-style rifle, with tan-colored magazines, and an obliterated serial number during the execution of a search warrant at 103 Hart Street, Apartment #1203, Taunton Massachusetts, the residence of Frankie Wright, as well as a Glock Model 22, .40 caliber pistol with obliterated serial numbers. Taunton Police Department provided me with a photo of the seized rifle from Wright's residence. I located several photos of a black Palmetto Arms, AR-style rifle, with tan-colored magazines in LEBRON's cell phone. In one photo, LEBRON is pictured holding the rifle. Both the seized rifle and the cell phone photos of the rifle in LEBRON's cell phone have the

same black "x" markings on the bottom corner of the tan magazine. Other identifying features of the rifle, to include the rail and the sights, in LEBRON's possession appear the same as the rifle seized from Wright's residence, further corroborating LEBRON's post-Mirandized statements and account of his firearm sales.

28. Taunton Police Department submitted the seized Palmetto Arms and Glock firearms to the Massachusetts State Police Crime Laboratory, requesting a restoration attempt of the obliterated serial numbers. I was provided a Serial Number Restoration Report from the Crime Laboratory stating that the serial numbers on both submitted firearms were successfully restored. The report indicated that the Glock, Model 22, .40 caliber pistol, had a serial number of BZP054. In a previous interview, SA Daniel Campbell and I interviewed a John Mason at his residence of 231 Exchange Street, Manchester, New Hampshire regarding a firearm. Mason advised that he sold five (5) Glock firearms to LEBRON on April 5, April 15, and April 16, 2018, one of which was a Glock, Model 22, .40 caliber pistol, with the serial number, BZP054. Mason provided Agents with a Bill of Sale highlighting the transaction, signed by LEBRON.

29. The serial number restoration report also indicated that the Palmetto Arms, .300 Blackout caliber rifle had a serial number of SCD015632. In a previous interview I spoke with a

Benjamin Percy of New Hampshire who explained to me that he sold the rifle and two other pistols to LEBRON via the website armlist.com, on April 24, 2018. Percy was unable to provide documentation or serial numbers for the firearms, however confirmed he sold LEBRON a black Palmetto Arms AR (Assault Rifle) pistol with tan magazines, with black "x" marking on them.

30. Other items observed inside LEBRON's residence included drills and a soldering iron that LEBRON stated he purchased for the sole purpose of allowing purchasers of guns he had for sale to obliterate the serial numbers on the firearms. Multiple photos of the firearms located on LEBRON's cell phone show firearms with obliterated serial numbers. The rifle located by Taunton Police Department at the residence of Frankie Wright also had an obliterated serial number.

31. LEBRON said that he created an email address specifically and only for his armlist.com firearms transactions. The email address that he created was MLBSOX9402@gmail.com. LEBRON stated that he had not deleted any emails in that Google (Gmail) account documenting his armlist.com interactions.

SEARCH WARRANT ON LEBRON'S GOOGLE EMAIL ACCOUNT

32. On November 19, 2018, I obtained a federal search warrant for LEBRON's Google (Gmail) account associated with the email address MLBSOX9402@gmail.com.

33. Pursuant to the search warrant, on November 27, 2018, I received digital copies of emails associated with MLBSOX9402@gmail.com, among other account data. A review of the emails provided to me associated with the email address MLBSOX9402@gmail.com, showed that the account was strictly used for communicating with armslist.com advertisements and planning firearms transactions, corroborating LEBRON's post-Mirandized account of his firearms dealing.

34. Ongoing investigation and review of LEBRON's incoming and outgoing emails indicate that LEBRON purchased at least thirty-two (32) firearms via verified transactions through armslist.com postings. The total number of purchased firearms via armslist.com is unknown at this point, however, may be greater than thirty-two (32) upon completion of the investigation. Twenty of the twenty-two confirmed armslist.com firearm sellers associated with the thirty-two (32) purchased firearms were interviewed and able to identify LEBRON as the buyer. All contacted sellers confirmed that the sales took place in New Hampshire, corroborating LEBRON's post-Mirandized statement.

ANAYLSIS OF LEBRON'S CELL PHONE

35. The call log saved in LEBRON's cell phone showed that he communicated with contacts saved as "Kimbo" and "Kimbo Trap" frequently via both voice calls and video calls between the dates of June 25, 2018, and August 6, 2018. Under the name

"Kimbo," LEBRON saved the phone number 857-334-8558. Under the name "Kimbo Trap," LEBRON saved the phone number 617-602-5025. LEBRON communicated with those contact numbers forty-three (43) times during this six-week period, and did not communicate before or after the aforementioned time-span.

36. During that time-span LEBRON's phone history shows that he inputted addresses into the Waze navigation application for approximately eighteen (18) different locations in New Hampshire, where he is known to have made his firearm purchases through armslist.com.

37. I inputted the phone number associated with the saved contact listed as "Kimbo" into Lexus-Nexus Accurint database which provided a subscriber named LAKIM COLLINS. Records checks on COLLINS reveal him to have an active Massachusetts Driver's License bearing the address of 40 Deckard Street, Apartment #2, Boston, MA and that he has no licenses or permits to own or carry firearms in Massachusetts, which absence also precludes him from being licensed to deal in firearms by the ATF. The contact number associated with the saved contact listed as "Kimbo Trap" could not be identified with a specific name. Based upon my training, experience, and information provided to me by other agents, a "trap phone" is commonly associated with a prepaid phone that is often used to conduct secret or illegal activities, keeping that communication separate from a

subscribed cellphone.

38. Between June 25, 2018, and August 6, 2018, the time-span in which LEBRON communicated with COLLINS via the contacts listed as "Kimbo" and "Kimbo Trap," ongoing examination into LEBRON's email account confirmed that he purchased at least nineteen (19) firearms in New Hampshire, the last of which took place on August 9, 2018, three days after LEBRON's last identifiable phone contact with COLLINS. The following timeline highlights the relationship between LEBRON's communication with COLLINS and LEBRON's confirmed firearm purchases:

- June 25, 2018: LEBRON made 2 outgoing calls to COLLINS and received 1 incoming call from COLLINS. The same day LEBRON purchased 1 Smith and Wesson pistol in New Hampshire.
- June 25 - July 18, 2018: LEBRON purchased 7 firearms in New Hampshire.
- July 18, 2018: LEBRON made 4 outgoing calls to COLLINS and received 4 incoming calls from COLLINS. The same day LEBRON purchased 1 Springfield pistol and 1 Glock pistol in New Hampshire.
- July 19, 2018: LEBRON purchased a Taurus pistol in New Hampshire.
- July 20, 2018: LEBRON made 3 outgoing calls to COLLINS and received 5 incoming calls from COLLINS.

- July 26, 2018: LEBRON made 1 outgoing call to COLLINS and received 1 incoming call from COLLINS. The same day LEBRON purchased 1 Glock pistol in New Hampshire.
- July 27, 2018: LEBRON made 1 outgoing call to COLLINS and received 3 incoming calls from COLLINS. The same day LEBRON purchased 1 Glock pistol in New Hampshire.
- July 28, 2018: LEBRON received 4 incoming calls from COLLINS. The same day LEBRON purchased 4 Glock pistols in New Hampshire.
- July 31, 2018: LEBRON made 8 outgoing calls to COLLINS. The same day LEBRON purchased 1 Glock pistol and 1 Taurus pistol in New Hampshire.

39. An incident records check through the Boston Police Department indicates that officers responded to 24 Weybosset Street, Mattapan, MA, on July 24, 2018 for a verbal argument where a Navaeh Johnson got into a verbal argument with COLLINS due to the fact that Johnson's parents wanted COLLINS out of the house. COLLINS had left the residence prior to the arrival of officers.

40. The location history saved in LEBRON's cell phone showed that he inputted 24 Weybosset Street into the Waze navigation application on June 3, 2018. Prior to LEBRON entering the address 24 Weybosset Street into his navigation, he purchased a

Ruger revolver in New Hampshire on May 27, 2018, and purchased seven (7) Glock firearms in New Hampshire in the month of April. On July 31, 2018, after the July 24, 2018, verbal argument where Johnson's parents wanted COLLINS removed from the residence, LEBRON inputted 40 Deckard Street into the Waze navigation application. 40 Deckard Street is COLLINS' residence as listed by the Massachusetts Registry of Motor Vehicles (RMV). As mentioned previously, that same day, July 31, 2018, LEBRON purchased 1 Glock pistol and 1 Taurus pistol in New Hampshire. Also previously mentioned, LEBRON purchased six (6) Glock pistols days before, between July 26 and July 28, 2018.

SEARCH WARRANT ON COLLINS' RESIDENCE

41. On January 25, 2019, I obtained a federal search warrant for 40 Deckard Street #2, Boston, Massachusetts, the residence of COLLINS.

42. On January 30, 2019, I and other agents executed the aforementioned search warrant. COLLINS was the sole occupant at the residence during execution of the search warrant. I read COLLINS his Miranda rights and he acknowledged his understanding of those rights.

43. Pursuant to the warrant, Agents seized a camouflage patterned backpack under the bed inside of COLLINS' bedroom containing 1 large bag (0.8 pounds) of marijuana, one small bag

(7.97 grams) of marijuana, a digital scale, and a roll of clear plastic bags. A black nylon, Ruger firearm case, and an additional bag (4.5 grams) of marijuana was located inside of COLLINS' bedroom on the television console. A black ZTE cell phone, located inside of COLLINS' bedroom was seized, as well as personal documents in the name of COLLINS. Also pursuant to the warrant, the contents of COLLINS' cell phone was downloaded.

ANAYLSIS OF COLLINS' CELL PHONE

44. Pursuant to the aforementioned search warrant, the contents of COLLINS' phone was downloaded and an extraction report with data between the allowable dates of June 25 and September 6, 2018 was provided to me. On February 20, 2019, I obtained a second federal search warrant allowing for agents to search the entirety of COLLINS' cell phone contents without date restrictions.

45. In my review of the contents of COLLINS' cell phone I located a text conversation between COLLINS and a contact listed as "Brito3," with a phone number of 617-233-4838. In the text conversation, COLLINS discussed multiple firearm sales with "Brito3."

46. On July 17, 2018 COLLINS texted "Brito3" stating, "Taurus 709 slim," followed by, "550," indicating a price of \$550 for a Taurus made firearm, Model 709 slim. "Brito3" replied, "I can get it today?" COLLINS then said, "Let me check." Hours later,

COLLINS texted "Brito3" offering a Glock, Model 26 Generation 4, for \$700. "Brito3" again asked if he could get it "tonight," and COLLINS replied by saying, "Tomorrow. I'd have to put the order in." Previous investigation into MICHAEL LEBRON found that LEBRON illegally purchased a Glock, Model 26 Generation 4, in New Hampshire from a Chris Rowe on July 18, 2018, the day after the aforementioned text conversation between COLLINS and "Brito3." The same day, on July 18, 2018, "Brito3" texted LEBRON asking, "Today?" COLLINS replied stating, "Yea." "Brito3" stated, "snm" (common abbreviation for "say no more"), and COLLINS replied with his location and time to meet stating, "Dot Ave," and "2 mins."

47. COLLINS continued his conversation with "Brito3," and on July 20, 2018, COLLINS texted "Brito3," "Taurus pt140." "Brito3" replied stating, "I need food" (food being a known and common slang term for ammo), and also asking, "What color and how much." COLLINS then sent a picture of a Taurus firearm with a visible serial number of SNH04648, offering it to "Brito3" for \$700. Previous investigation into MICHAEL LEBRON found that LEBRON illegally purchased a Taurus firearm in New Hampshire from a Jacob Fogarty on July 20, 2018. I previously interviewed the seller of the firearm to LEBRON, Jacob Fogarty, who confirmed the serial number of the firearm to be SNH04648. COLLINS' conversation with "Brito3" continued, telling him the

firearm held eleven bullets, plus one loaded in the chamber.

"Brito3" replied, "Nah," and "I want that grrt."

48. Later the same day, on July 20, 2018, the following conversation was had between COLLINS and "Brito3."

COLLINS - "Ay I can drop that Taurus down to 5 if u want it. My connect is desperate to get it off"

COLLINS - "Food included"

COLLINS - "I gotta go see him anyway"

"Brito3" - "Tell him I got 4"

COLLINS - "Let me see wassup"

"Brito3" - "???"

COLLINS - "Waiting for bro to get back to me"

COLLINS - "450?"

"Brito3" - "Bet"

The aforementioned conversation has COLLINS dropping the price of the Taurus firearm and ammunition (referred to as "food") from \$500 to \$450, after "Brito3" counter-offered \$400. "Brito3" appeared to confirm the price of \$450 for the Taurus firearm by saying "Bet," a known slang term for "OK."

49. In a continued conversation with "Brito3," on August 10, 2018, COLLINS texted "Brito3" offering to sell a Glock, Model 42 Generation 4 pistol and provided an address of 38 Wales Street. COLLINS further attempted to direct "Brito3" to the address telling him, "It's off blue hill, like driving past the zoo type shit." Previous investigation into MICHAEL LEBRON found that LEBRON illegally purchased a Glock Model 42 Generation 4 pistol, in New Hampshire from a Jason Yarosz the day prior, on August 9,

2018. I previously interviewed the seller of the firearm to LEBRON, Jason Yarosz, who provided the serial number of the firearm, ABCP801.

50. On October 13, 2018, COLLINS texted "Brito3" asking if he knew of anyone who wanted a Glock, Model 43 Generation 4 pistol for \$1000. COLLINS and "Brito3" continued their conversation about the firearm, and on October 14, 2018, "Brito3" told COLLINS, "Don't lose that bracelet." Bracelet is a known and common slang term for a firearm. COLLINS told "Brito3," he had the firearm at his house. COLLINS then lowered the price to "Brito3" to \$950 and "Brito3" asked COLLINS to FaceTime video call him.

51. COLLINS and "Brito3" continued to communicate with each other via text message until January 27, 2019, three days prior to the search warrant on COLLINS' residence and the download of COLLINS' cell phone contents. although they continued to discuss marijuana and other things, there is no further communication regarding COLLINS' sale of firearms to "Brito3," further suggesting that "Brito3" is a buyer and possessor of firearms rather than a re-seller. As further articulated later in this affidavit, based on my experience, training, and information provided to me by other agents, I know that individuals who own and possess firearms normally possess and maintain them for long periods of time because firearms are somewhat expensive and do

not easily wear out.

52. I entered the phone number associated with the contact listed as "Brito3", 617-233-4838, into the LexusNexus Accurint database and found the number to be active and registered to a **ROBERT K. BRITO-PINA**. Further investigation into **BRITO-PINA** using the LexusNexus Accurint Database shows him to be actively associated with the resident address of 27 Athens Street #3, Cambridge, MA.

BRITO-PINA'S CRIMINAL HISTORY

53. I have reviewed **BRITO-PINA's** criminal record as maintained by the Massachusetts Criminal History Systems Board. It reveals, among other things, that **BRITO-PINA's** residence is listed as 27 Athens Street #3, Cambridge, Massachusetts. Records also show that **BRITO-PINA** was convicted in 2018 in Cambridge District Court on charges of Reckless Endangerment of a Child, in 2014 in Lowell District Court on charges of Larceny Over, and in 2012 in Suffolk Superior Court on three charges of Assault with a Dangerous Weapon. I have determined these are all crimes punishable under Massachusetts law by imprisonment for more than one (1) year and therefore precluded **BRITO-PINA** from both possessing a firearm or ammunition that has been shipped or transported in interstate commerce and from obtaining a federal license to deal in firearms.

55. On October 15, 2018, BRITO-PINA was the passenger in a white BMW vehicle with Massachusetts license plates, "9TW725," registered to the mother of his son, Zinnia Wilson. According to the Boston Police Department, the vehicle was driven by Alicia Restrepo, a female known to associate with BRITO-PINA. Restrepo parked the vehicle on Charles Street in Boston, MA, when BRITO-PINA exited the vehicle and entered into a nearby residence, while Restrepo stayed inside the BMW. While BRITO-PINA was inside of the residence, an unknown person(s) approached the vehicle and fired multiple shots inside, killing Restrepo. According to the Boston Police Department, BRITO-PINA was known to drive the white BMW, which had heavily tinted windows making it hard to see individuals inside. Based on my experience, training, and information provided to me by other agents, I know that people who are the target of firearm violence, or closely associated with targets of firearm violence, are likely to possess firearms.

BRITO-PINA'S USE OF TARGET LOCATION #1

56. As previously mentioned, **BRITO-PINA's** criminal record as maintained by the Massachusetts Criminal History Systems Board reveals that **BRITO-PINA's** residence is listed as 27 Athens Street #3, Cambridge, Massachusetts. A records check of **BRITO-PINA** through the Accurant LexusNexus Database shows him to be actively

associated with the address of 27 Athens Street #3, Cambridge, Massachusetts. A records check of **BRITO-PINA** through the Massachusetts Registry of Motor Vehicles shows his mailing address to be 27 Athens Street #3, Cambridge, Massachusetts but lists his residential address at an address in Boston.

57. On September 20, 2018, Cambridge Police ("CPD") responded to 27 Athens Street #3, for the report of an unwanted person. Zinnia Wilson called the police to have her son's father, **BRITO-PINA** removed from the residence due to an argument. **BRITO-PINA** was present at the residence when CPD arrived, holding his son on the front porch of the building. According to CPD police reports, **BRITO-PINA** explained to police that he resided in apartment #3 with Zinnia Wilson and his son Robert Brito-Pina Jr. 55. On October 6, 2018, **BRITO-PINA**, in a text message conversation with COLLINS, gave COLLINS his address of, "27 Athens St Cambridge MA."

58. On October 30, 2018, **BRITO-PINA** again provided COLLINS with his address of 27 Athens Street in text message conversation, arranging for the two of them to meet.

59. On April 9, 2019, ATF S/A Campbell and I conducted surveillance at 27 Athens Street, Cambridge, MA. At approximately 1400 hours, I observed **BRITO-PINA** exit the building of 27 Athens Street, enter into, and drive away in a white Nissan Maxima with Massachusetts license plates, "2ND257." **BRITO-PINA** was identified

by Agents from previous arrest booking photos. **BRITO-PINA** was wearing dark framed glasses in similar fashion to those worn in his booking photos. The registered owner of the vehicle is Zinnia Wilson of 27 Athens Street, #3, who is also the mother of **BRITO-PINA**'s son. Zinnia Wilson was observed by Agents on April 8 and April 9, 2019 driving a black BMW with Massachusetts license plates, "7DC863." Records checks on the BMW show it to be registered to Zinnia Wilson of 27 Athens Street #3, Cambridge, MA.

60. On April 10, 2019, S/A Campbell conducted surveillance at 27 Athens Street, Cambridge, MA. SA Campbell initiated surveillance at 0500 hours, and observed the white Nissan Maxima with Massachusetts license plates, "2ND257" parked on Grant Street, in close proximity to the residence, perpendicular to Athens Street. As previously mentioned, **BRITO-PINA** had been observed driving the Nissan Maxima the day prior.

61. I was provided information by Officer LaMonica of CPD who responded to 27 Athens Street in 2018 for a call for service involving **BRITO-PINA** and Zinnia Wilson. Officer LaMonica told me that he believed apartment #3 to be on the third floor of 27 Athens Street but was not completely sure as he did not enter inside of the residence.

62. On April 16, 2019, I conducted surveillance on 27 Athens Street. 27 Athens and 29 Athens are the same three-story building,

split into two identical (reversed layout) units, with three apartments in each address, and one apartment per level. On April 16, I observed a person exit a vehicle and enter into the first floor apartment of 29 Athens Street, which shares the same building as 27 Athens, with a reversed layout. I then conducted a records check of the vehicle and found the person to be the registered owner of the vehicle with an address of 29 Athens Street #1. This observation confirms that apartment #1 is located on the first floor of the building and it is therefore reasonable to infer that apartment #3 of the building is located on the third floor.

63. I conducted further surveillance at Target Location #1 on April 17, 2019. On that day, I was able to get into the common area/entryway of Target Location #1 and speak to the resident of the first floor that is Apartment #1. She confirmed that Apartment #2 was immediately above her on the second level and that Apartment #3 was on the third floor. She also advised me that a black family with what she believed to be a young child lives on the third floor.

USE OF RESIDENCES AND VEHICLES BY THOSE
POSSESSING ILLEGAL FIREARMS

64. Based on my experience, training, and information provided to me by other agents, I know that individuals who own and possess firearms normally possess and maintain them for long periods of

time because firearms are somewhat expensive and do not easily wear out. In my experience and training, firearms are unlike narcotics or currency, which are often used or exchanged soon after being obtained. Firearms are similar to tools that a resident buys and maintains. Persons who own and possess firearms (and the information developed in this case to date indicates that **BRITO-PINA** is a buyer of guns rather than a seller) generally keep them in their residences unless they have a specific reason to bring them out such as for sale or to use in which case the firearms are often kept on the person or stored inside a vehicle for easy access.

USE OF CELLPHONES BY THOSE
POSSESSING OR DEALING IN ILLEGAL FIREARMS

65. Based on my experience, training, and information provided to me by other agents, I also know that individuals who buy, possess or sell illegal firearms often use cellular telephones to acquire or sell illegal guns. Cellular telephones are normally maintained them for reasonably long periods of time because they are expensive, can often be subject to long-term contracts that contain substantial penalties for early termination, can store large amounts of information, and do not easily wear out. In my experience, many individuals upgrade their phones periodically and often transfer the contents of the previous phone and use them to

communicate with others (including individuals from whom they are buying or selling guns) via email or text message. As already noted, COLLINS communicated with **BRITO-PINA** via cell phone regarding the sales and purchases of firearms. Cell phones also have text message and camera capabilities, and many users tend to store photos in their cell phones which are most often maintained by the user on his person or in his residence when not outside.

UNLOCKING AN APPLE DEVICE USING TOUCH ID FEATURE

66. Given the popularity of Apple brand devices, I believe it is likely that I will find Apple brand devices such as an Apple iPhone at the Target Location.

67. I know from my training and experience the experience of other agents with whom I have spoken, and from information found in publicly available materials including those published by Apple, that some models of Apple devices such as iPhones and iPads, offer their users the ability to unlock the device via the use of a fingerprint in lieu of a numeric or alphanumeric passcode or password. This feature is called Touch ID.

68. If a user enables Touch ID on a given Apple device, he or she can register up to 5 fingerprints that can be used to unlock that device. The user can then use any of the registered fingerprints to unlock the device by pressing the relevant

finger(s) to the device's Touch ID sensor, which is found in the round button (often referred to as the "home" button) at the bottom center of the front of the device. Users of Apple devices that offer Touch ID often enable it because it is considered to be a more convenient way to unlock the device than by entering a passcode, as well as a more secure way to protect the device's contents. This is particularly true when the user(s) of the device are engaged in criminal activities and thus have a heightened concern about securing the contents of the device.

69. In some circumstances, a fingerprint cannot be used to unlock a device that has Touch ID enabled, and a passcode must be used instead, such as: (1) when more than 48 hours has passed since the last time the device was unlocked and (2) when the device has not been unlocked via Touch ID in 8 hours and the passcode or password has not been entered in the last 6 days. Thus, in the event law enforcement encounters a locked Apple device, the opportunity to unlock the device via Touch ID exists only for a short time. Touch ID also will not work to unlock the device if (1) the device has been turned off or restarted; (2) the device has received a remote lock command; or (3) five unsuccessful attempts to unlock the device via Touch ID are made.

70. The passcode that would unlock any Apple device(s) found

during the searches of the Target Location is not presently known to law enforcement. Thus, it will likely be necessary to press the finger(s) of the user(s) of the Apple device(s) found during the searches to the device's Touch ID sensor in an attempt to unlock the device for the purpose of executing the search authorized by the requested warrants. Attempting to unlock the relevant Apple device(s) via Touch ID with the use of the fingerprints of the user(s) is necessary because the government may not otherwise be able to access the data contained on those devices for the purpose of executing the requested search warrants.

71. The person who is in possession of a device or has the device among his or her belongings at the time the device is found is likely a user of the device. However, that person may not be the only user of the device whose fingerprints are among those that will unlock the device via Touch ID, and it is also possible that the person in whose possession the device is found is not actually a user of that device at all. In some cases, it may not be possible to know with certainty who is the user of a given device, such as if the device is found in a common area of a premises without any identifying information on the exterior of the device. Thus, it will likely be necessary for law enforcement to have the ability to require any occupant of the Target Location to press their finger(s) against the Touch ID sensor of the locked Apple device(s) found during the search of the Subject Premises in order

to attempt to identify the device's user(s) and unlock the device(s) via Touch ID.

72. Based on these facts and my training and experience, it seems likely that **BRITO-PINA** may possess an Apple device and that his fingerprints are among those that are able to unlock those devices via Touch ID.

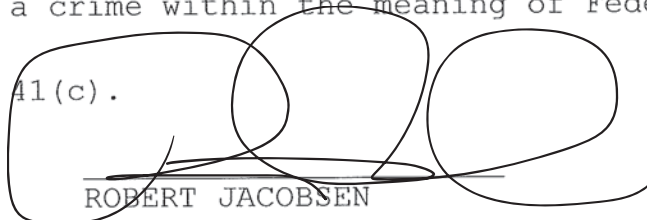
ITEMS TO BE SEIZED

73. Based upon all of the information I have obtained during the course of this investigation, and for the reasons more specifically set forth above, I submit that there is probable cause to believe that evidence regarding **BRITO-PINA's** illegal firearm purchases and possession, will be found in the Target Location. More specifically, I submit that there is probable cause to believe that the items described in Attachment 2 to this affidavit will be present at the Target Location #1 and should be subject to seizure because they will be evidence of a crime, contraband, fruits of a crime other items illegally possessed or property designed for use, intended for use or used in committing a crime.

CONCLUSION

74. Based on the foregoing, and based on my training and experience, I submit there is probable cause to believe that the premises located at 27 Athens Street, Apartment #3, Boston, MA

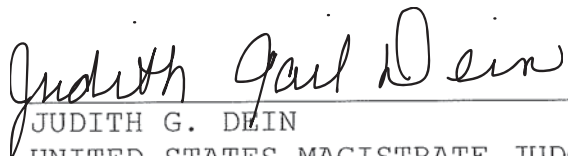
(Target Location #1), which is more specifically described in Attachment #1, presently contain the items described in Attachment 2 to this affidavit, and that those items constitute evidence of a crime, contraband, fruits of a crime, other items illegally possessed, or property designed for use, intended for use, or used in committing a crime within the meaning of Federal Rule of Criminal Procedure 41(c).



ROBERT JACOBSEN
SPECIAL AGENT, ATF

Apr 18, 2019

Sworn and subscribed to before me this _____ day of April,
2019.



JUDITH G. DEIN
UNITED STATES MAGISTRATE JUDGE
DISTRICT OF MASSACHUSETTS

MJ No. 19-5101-JGD

ATTACHMENT 1--PROPERTY TO BE SEARCHED

TARGET LOCATION #1

Target Location #1 is 27 Athens Street, Apartment #3, in Boston, Massachusetts. 27 Athens Street, Apartment #3 is a residential apartment unit on the third floor of a three (3) story, six (6) family apartment building. It is located on the right side of Athens Street, a one-way street. The building is made of yellow siding. There are steps leading to the front doors of the apartment building. The building has two sets of front doors. The front door on the right has the number "27" to the right of the door, under a porch light. The door to 27 Athens is a red double door with a clear glass window in the center.

The apartment to be searched is Apartment #3, located on the right side of the third floor. A photograph of 27 Athens Street appears below.



MJ No. 19-5101-JGD

ATTACHMENT 2

Description of Potential Items to be Seized

Evidence of a crime, contraband, fruits of a crime, other items illegally possessed, or property designed for use, intended for use, or used in committing violations of 18 U.S.C. Sections 922(a)(1), or 922(g)(1) including, without limitation:

1. Any and all firearms, ammunition, ammunition feeding devices, cartridges, cartridge cases, original boxes for firearms, holsters, cleaning kits and supplemental firearm devices such as silencers and/or laser sights or any other items related to firearms.
2. Books and papers reflecting debts and collections relating to monies owed or due for the purchase or sale of firearms or ammunition; and records relating to income and expenditures for the purchase or sale of firearms or ammunition which were generated during the period since July 1, 2018;
3. Photographs of firearms or ammunition or of persons in possession of firearms or ammunition;
4. Books, records, receipts, notes, ledgers, paper copies of emails or text messages and other papers relating to the acquisition or sale of firearms or ammunition which were generated during the period since July 1, 2018;
5. Cell phones and all of their digital contents, including text messages, call logs, address boxes, e-mail inboxes, records of Internet activity, location information, and software (or applications) used; voicemails, photographs, and videos relating to the acquisition or sale of firearms or ammunition and which were generated during the period since July 1, 2018;
6. Personal books and papers reflecting names, addresses, telephone numbers, and other contact or identification data relating to the acquisition or sale of firearms or ammunition;
7. Items of personal property that tend to identify the person(s) in residence, occupancy, control, or ownership of the Target Locations including but not limited to canceled mail, deeds, leases, rental agreements, photographs, utility and telephone bills, identification documents, and keys;
8. During the execution of the search of the Target Locations described in Attachment 1, law enforcement personnel are authorized to press the fingers (including thumbs) of **ROBERT BRITO-PINA** to the Touch ID sensor of any Apple cellular phone found at the Target Locations for the purpose of attempting to unlock the device(s) via Touch ID in order to search the contents as authorized by this warrant if they have reasonable

suspicion that **BRITO-PINA** is a user of the device. The fingers to be used shall be chosen only by the searching law enforcement personnel.

9. During the execution of the search warrant, law enforcement personnel shall be entitled to seize any cellular phone if they have reasonable suspicion that **BRITO-PINA** is a user of the device so that it may be searched off-site and then to return it to the owner as set forth below.
10. Nothing in this warrant shall authorize the search or seizure of any computer or computer related equipment (other than a cellular phone for which they have reasonable suspicion that **BRITO-PINA** is a user of the device) without further order of the Court.

RETURN OF SEIZED CELLULAR TELEPHONES

If the owner of the seized cellular phone requests that it be returned, the government will attempt to do so, under the terms set forth below. If, after inspecting any seized cellular phone, the government determines that some or all of this equipment does not contain contraband or the passwords, account information, or personally-identifying information of victims, and the original is no longer necessary to retrieve and preserve as evidence, fruits or instrumentalities of a crime, the cellular phone will be returned within a reasonable time, if the party seeking return will stipulate to a forensic copy's authenticity (but not necessarily relevancy or admissibility) for evidentiary purposes.

If a cellular phone cannot be returned, agents will make available to the phone's owner, within a reasonable time period after the execution of the warrant, copies of files that do not contain or constitute contraband; passwords, account information, or personally-identifying information of victims; or the fruits or instrumentalities of crime.

For purposes of authentication at trial, the Government is authorized to retain a digital copy of all cellular phones seized pursuant to this warrant for as long as is necessary for authentication purposes.