

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

I, Eric M. Toole, being first duly sworn, state as follows:

1. I am a Special Agent with the Federal Bureau of Investigation ("FBI"). I have been employed by the FBI for approximately ten years and assigned to the Boston Division since October of 2000. I am currently assigned to the Violent Crimes Task Force ("Task Force"), which is comprised of personnel from the FBI, the Massachusetts State Police, and the Boston, Cambridge, Somerville, Saugus and Malden Police Departments.

2. I am aware that Title 18, the United States Code, Section 922(g)(1), makes it a crime for a felon to possess a firearm. Having so said, I make this affidavit in support of a criminal complaint charging Robert H. BRADY, date of birth xx/xx/1978 ("Brady"), with being a felon in possession of a firearm on March 23, 2010.

3. The facts stated herein are based on my personal involvement in this investigation, my review of police reports, and my discussions with other law enforcement officers involved in the investigation. In submitting this affidavit, I have not included each and every fact known to me about this investigation. Rather, I have submitted only those facts that I believe are sufficient to establish the requisite probable cause.

4. On Tuesday, March 23, 2010, at approximately 11:48 a.m., police officers of the Somerville Police Department

("SPD"), while on routine patrol in West Somerville, queried a white Jeep Cherokee bearing Massachusetts ("MA") registration 679BB3. SPD dispatch confirmed that this vehicle was stolen from Charlestown, MA earlier on this day.

5. After confirmation that the vehicle was stolen, SPD attempted to stop the vehicle in a marked SPD cruiser. The vehicle, however, did not stop and sped away at a high rate of speed. The vehicle traveled down one-way streets going the wrong way and through intersections without stopping, nearly striking pedestrians and other cars. The pursuit ended with the operator and passenger jumping from the moving vehicle at the intersection of Waterhouse and Woodstock Streets in West Somerville, near the Arlington and Cambridge line. The driver-less vehicle came to a stop after striking a telephone pole. The operator was a white male wearing a beige hooded sweatshirt, a green baseball hat and blue pants. The passenger, who climbed over a fence and fled on foot toward Route 16, was a white male dressed in all black. No other occupants were observed in the vehicle as the pursuing SPD unit gave chase on foot after the operator.

6. Additional SPD units bolstered the search for the operator. A postal worker in the area notified pursuing SPD units of the direction of flight for the fleeing operator. SPD units began a yard to yard search between Victoria Street and Garrison Avenue in West Somerville. SPD located and arrested the

operator who was hiding underneath a porch to 71 Garrison Avenue in West Somerville. The operator was identified as being defendant BRADY.

7. At the time of arrest, BRADY was wearing the same blue pants; however, a different colored sweatshirt than the one he was seen wearing as he fled from the moving vehicle. Recovered under the porch where BRADY was arrested was a black hooded jacket containing a pair of latex gloves and a pair of sunglasses. Recovered from inside a trash barrel adjacent to the porch where BRADY was arrested was the beige sweatshirt and the green hat BRADY was observed wearing as he fled from the moving vehicle. Recovered from inside a recycling bin adjacent to the porch where BRADY was arrested was another pair of latex gloves. BRADY was advised of his rights and searched for weapons. BRADY was found to have on multiple layers of clothing with duct tape holding up his pants. Recovered from the location on the street where BRADY jumped from the moving vehicle was a screwdriver with a black handle. Recovered from inside a tan/gray backpack located on the front passenger seat of the vehicle was additional clothing, a blue Red Sox baseball hat, a plastic bag, another pair of latex gloves and a M. Escodin .32 caliber revolver, bearing serial number 19178, which was loaded with five rounds of Remington .32 caliber S&W Long ammunition. All evidence was secured by the SPD.

8. BRADY was transported to the SPD for arrest booking procedures.

9. Once at the SPD and after arrest booking, BRADY was again read his Miranda rights, waived those rights, and agreed to be interviewed by SPD Detective Paul Duffy and myself. BRADY was offered to have the interview recorded; BRADY declined.

10. During the interview, BRADY admitted that he was in fact the individual who fled from the SPD on this day in the white Jeep. BRADY admitted that he fled from the driver's side of the moving Jeep Cherokee and was later arrested from underneath a porch at 71 Garrison Avenue in West Somerville. BRADY admitted that he and the passenger had the Jeep stolen for them on the day prior to arrest. BRADY admitted that he and the passenger had planned to rob the Teamsters Federal Credit Union on Broadway in Arlington on the day of arrest. The plan was for the passenger to go into the bank and commit the robbery while BRADY drove the getaway vehicle. BRADY purchased the recovered revolver from an unidentified black male from the Bunkerhill projects for approximately \$300. The revolver was purchased loaded with ammunition.

11. I have reviewed BRADY's criminal record as maintained by the Massachusetts Criminal History Systems Board. Based on that review, I learned that BRADY was convicted in United States Federal Court, District of Massachusetts, on October 28, 2008,

for being a felon in possession of a firearm. BRADY was sentenced to 24 months imprisonment to be followed by 3 years of supervised release. I also learned that at the time of arrest on March 23, 2010, BRADY was on supervised release.

12. Based on my investigation I learned from Special Agent Philip Ball of the Bureau of Alcohol, Tobacco and Firearms that the M. Escodin .32 caliber revolver, bearing serial number 19178, and the five rounds of Remington .32 caliber S&W Long ammunition had traveled in interstate commerce, in that they were manufactured outside the Commonwealth of Massachusetts.

13. Based on the foregoing, there is probable cause to believe that on March 23, 2010, Robert H. BRADY was a felon in possession of a firearm, in violation of Title 18, United States Code, Section 922(g)(1).

I hereby certify that the foregoing is true and correct.

Executed this 7th day of June, 2010.



ERIC M. TOOLE
Special Agent, Federal Bureau of
Investigation

Subscribed and sworn to before me this 7th day of June,
2010.



JENNIFER C. SPILL
United States Magistrate Judge

