

AFFIDAVIT FOR CRIMINAL COMPLAINT

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

INTRODUCTION

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 violent crimes and federal firearms violations, which has included participating in the controlled purchases of firearms, interviews of suspects, participating in search warrants, electronic surveillance, and analyzing firearms trace data. I have investigated criminal gang organizations and the violent crime associated with those gangs.

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 Connections Officer. I received a Bachelor's of Science Degree from George Mason University.

PURPOSE OF AFFIDAVIT

4. I am aware that Title 18, United States Code, Section 1951(a) makes it a crime to obstruct, delay, or affect commerce by forcefully taking or obtaining property by way of physical violence.

5. I submit this Affidavit in support of a criminal complaint charging Diego Evangelista Da Silva ("Da Silva") DOB XX/XX/1988 with the April 21, 2020 armed robbery of Lanzilli's Grocery located on Bennington Street in East Boston, in violation of 18 U.S.C. § 1951(a). As noted below,

however, there is evidence indicating that Da Silva committed numerous other robberies.

6. 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 state/local law enforcement personnel who assisted in the investigation; (c) interviews of witnesses; (d) my review of reports; and (e) 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 criminal complaint, I have not set forth every fact learned during the course of the investigation.

INVESTIGATION

7. The ATF and local police departments are conducting a criminal investigation in connection with possible violations of, among other statutes, Title 18 United States Code Section 1951(a)-Interference with Commerce by Robbery. Between January 4, 2020 and April 21, 2020, twelve robberies occurred at commercial establishments ("the establishments"), including, but not limited to pharmacies, gas stations, convenience stores, and grocery stores in the metropolitan Boston area. The robbery suspect ("the Suspect") in each

instance appears to be the same person. Investigators believe the Suspect to be the same person based on consistent characteristics recorded on video surveillance and described in witness statements. The Suspect has been described as a light-skinned Hispanic male, medium build, 5'9" to 6' tall and wearing a baseball hat or hooded sweatshirt. In some of the robberies, the Suspect has worn a mask. In many of the robberies the Suspect passed the store clerk a demand note, made verbal demands for the stores' money, and displayed what appeared to be a firearm tucked into the waistband of his pants.

THE CHARGED ROBBERY

8. As noted above, this affidavit is being submitted in support of an application for a criminal complaint charging violations relating to one robbery - specifically:

a. On April 21, 2020 at approximately 8:20 p.m., BPD officers responded to an armed robbery call at Lanzilli's Grocery ("Lanzilli's"), 931 Bennington Street, East Boston, MA. Upon arrival, responding officers spoke with the clerk of the store who explained that an individual (*i.e.*, the Suspect) entered the store, handed a demand note to the clerk and stated words to the effect, "Give me your money." The clerk stated that the Suspect lifted his shirt and displayed

a handgun that he had in his pants waistband. The clerk described the Suspect as a white/Hispanic male, approximately 5'10", skinny, and approximately 190-200 pounds wearing a gray knit hat, flesh-colored mask, gray sweatshirt with a lighter gray stripe across the chest, blue jeans, and gray sneakers. Lanzilli's is equipped with video surveillance cameras, which were functioning and operating on the day of the robbery. The cameras captured video of the Suspect during the robbery. The Suspect is observed wearing a gray knit hat, flesh-colored mask, and a gray sweatshirt with a lighter gray stripe across the chest. The video also shows that the Suspect is wearing a red garment/jacket under the gray sweatshirt.

THE IDENTIFICATION OF Da SILVA AND ARREST

9. On April 21 and April 22, 2020, law enforcement canvassed the neighborhood adjacent to Lanzilli's and noted a number of different exterior video surveillance cameras on local businesses. Upon viewing the surveillance footage, law enforcement noted that, on the date of the robbery, an individual who matched the description of the Suspect (*i.e.*, the description provided by the clerk at Lanzilli's) in and around the neighborhood of Bennington Street near Lanzilli's at the time of the robbery. In the surveillance footage, this

individual appeared to be the same height, weight and build as the Suspect and was wearing similar clothing as the Suspect.¹

10. On April 23, 2020, law enforcement went to a Subway sandwich shop ("Subway") on Bennington Street. At that time, law enforcement spoke with a clerk who had been working at the Subway on the night of the robbery of Lanzilli's. The clerk provided law enforcement with copies of video surveillance taken from the night of the robbery. This video shows the Suspect (*i.e.*, the individual matching the description provided by the clerk at Lanzilli's) wearing a red outer-jacket. Written on the jacket in white letters were the words, "WESTON HOCKEY." In addition, the red jacket has two crossed hockey sticks between the words "WESTON" and "HOCKEY." The video appears to show that the Suspect has bulky clothing under the red jacket. The Subway clerk stated that the Suspect ordered a sandwich and asked the clerk for the store's WiFi password so he could call a cab as he needed to be dropped off in Chelsea.

11. On April 24, 2020, law enforcement spoke with the cab service that picked up the Suspect from the Subway. The cab dispatcher told law enforcement that a cab picked the Suspect up

¹ Surveillance footage showed this individual enter an alley between two house and then exit the alley wearing a red outer-jacket with white lettering on the jacket. Law enforcement noted that it appeared there was a bulge under the red outer-jacket.

in East Boston on April 21, 2020, and dropped the Suspect in the neighborhood of Washington Park in Chelsea. Law enforcement were able to obtain surveillance video from this area in Chelsea and confirmed that at approximately 10:00 p.m., an individual who appeared to be the Suspect was dropped off by a cab in the area of Washington Park.

12. On Sunday April 26, 2020, multiple law enforcement agencies set up physical surveillance in the neighborhood of Washington Park. During that time, law enforcement noted an individual who appeared to be the same height, weight and build as the Suspect walking with an unknown female and a minor child. The individual was wearing a gray jacket with a lighter gray stripe, which appeared to be similar to the jacket worn by the Suspect in the April 21 robbery of Lanzilli's. Law enforcement noted that the individuals entered into and then drove away in a gray Ford ("the Ford"). Law enforcement queried the Ford's registration and determined that the registered owner of the Ford did not have an active Massachusetts driver's license. Law enforcement proceeded to conduct a vehicle stop of the Ford in Everett and determined that the operator of the Ford was Da Silva. Da Silva was unable to provide law enforcement a valid driver's license. Law enforcement determined that the female passenger in the Ford ("Female 1") did not possess an active driver's license. The remaining passenger in the Ford was a

four-year old child. While speaking with the individuals in the Ford, law enforcement noted a gray knit cap in the car, which appeared to be consistent with the gray knit cap worn by the Suspect in the April 21 robbery of Lanzilli's. Da Silva was removed from the Ford, handcuffed and seated on a curb. Law enforcement spoke to Female 1 and showed her a surveillance photo taken from the Subway on April 21, 2020.² Female 1 stated that the individual in the photograph was Da Silva. During this period, and prior to Female 1 being removed from the Ford, law enforcement noted that Female 1 had been moving about the Ford and looking in the direction of the Ford's driver's seat, where Da Silva had been seated. Law enforcement looked at the area around the driver's seat and observed what appeared to be the barrel of a black firearm under the driver's seat.

13. Da Silva was placed under arrest and provided his *Miranda Rights* in Portuguese. Law enforcement asked Da Silva if he possessed a valid firearm permit and he stated he did not, and that the firearm was a "toy." Da Silva further stated that he recently rented an apartment in Chelsea and provided law enforcement the address. At that time, law enforcement went to

² In the photograph the Suspect is wearing a red jacket with the words 'WESTON HOCKEY" between the words "WESTON and HOCKEY are two crossed hockey sticks.

the Chelsea residence, froze the residence, and applied for a search warrant.

Da SILVA'S INTERVIEW

14. Following his arrest and booking, Da Silva agreed to an interview. The interview was both audio and video recorded. Prior to taking part in the interview, Da Silva was read his *Miranda Rights* and signed an acknowledgement of those rights. During the interview, Da Silva admitted to robbing Lanzilli's on April 21, 2020. Da Silva also admitted committing a series of eleven other armed robberies (total of twelve) in the Greater Boston area over the last few months. Da Silva was shown video surveillance photos taken from each of the robberies and wrote his initials next to surveillance photos identifying himself as the Suspect in each of these incidents. These robberies were:

- January 4, 2020: CVS Pharmacy, 32 Ferry Street, Malden, MA.
- January 6, 2020: CVS Pharmacy, 1080 Eastern Avenue, Malden, MA.
- January 13, 2020: Mobile Gas Station, 396 Chelsea Street, East Boston, MA.
- January 28, 2020: Sunoco Gas Station, 1030 Broadway, Revere, MA.
- February 3, 2020: Walgreen's Pharmacy, 841 Western Avenue, Lynn, MA.
- February 13, 2020: Rite Aid Pharmacy, 467 Broadway, Revere, MA.
- March 1, 2020: Walgreen's Pharmacy, 1010 Broadway Street, Chelsea, MA.
- March 10, 2020: Walgreen's Pharmacy, 1 Central Square, East Boston, MA.
- March 26, 2020: Walgreen's Pharmacy, 299 Broadway, Somerville, MA.
- April 14, 2020: CVS Pharmacy, 210 Border Street, Boston.

- April 20, 2020: Sunoco Gas Station, 1894 Revere Beach Parkway, Everett, MA.
- April 21, 2020: Lanzilli's Grocery, 931 Bennington Street, East Boston, MA (charged here).

SEARCH WARRANTS

15. On April 27, 2020, BPD officers obtained a search warrant for the Ford (*i.e.*, the vehicle Da Silva was driving prior to his arrest on April 26, 2020). During the search, officers seized a black Crossman Pro 077 BB gun ("the BB gun"), among other items. I have observed photographs of the BB gun and compared them to photographs taken from the various robberies. The BB gun appears to be the same color, shape and size of the gun utilized by the Suspect in the aforementioned robberies.

16. On April 27, 2020, BPD obtained a search warrant for the residence of Da Silva in Chelsea, MA. During the search officers seized, among other things, multiple baseball hats, a light-gray hooded sweatshirt with "NBA" printed on the front, a black baseball cap with a white Adidas logo on the front, a maroon jacket with the words, "WESTON HOCKEY," Between the words "WESTON and "HOCKEY" appear two crossed hockey sticks. Law enforcement also located and seized personal papers in the name of Da Silva. Clothing items recovered at this residence appear consistent with the clothing worn by the Suspect in the various robberies.

CONCLUSION

17. Based on the foregoing, I believe there is probable cause to believe **Diego Evangelista Da Silva**, on April 21, 2020, in the District of Massachusetts, did obstruct, delay, and affect commerce and the movement of articles and commodities in commerce by robbery of the Lanzilli's Grocery, at 931 Bennington Street, Boston, Massachusetts, in violation of 18 U.S.C. § 1951(a).

/s/ Robert Jacobson
Sworn telephonically pursuant
To Fed.R.Crim.P.41 (d)(3)
Special Agent ATF

Subscribed and sworn to telephonically in accordance with Federal Rule of Criminal Procedure 4.1 on May 6, 2020.



HONORABLE DONALD L.CABELL
UNITED STATES MAGISTRATE JUDGE
DISTRICT OF MASSACHUSETTS

