

23-mj-6363-MPK

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

I, Daniel Murphy, being duly sworn, depose and state that:

I. INTRODUCTION

1. I am a Special Agent with the Bureau of Alcohol Tobacco Firearms and Explosives (ATF) and have been since March 13, 2022. I am currently assigned to the Boston Field Office. I am a graduate of the Federal Law Enforcement Training Center, where I completed ATF Special Agent Basic Training and the Criminal Investigator Training Program. Before I was an ATF agent, I was a police officer with the Northborough Police Department in Northborough, MA for six years. I completed my basic police training at the Massachusetts State Police Municipal Academy. As a result of my training and experience, I have learned about firearms trafficking, narcotics distribution, the unlawful use and possession of firearms during crimes of violence and drug trafficking, and have become familiar with organized criminal groups, including drug cartels and violent street gangs.

2. I am currently investigating Tarik Muhammad (“MUHAMMAD”) for possession of a firearm and ammunition as a convicted felon in violation of 18 U.S.C. § 922(g)(1) (the “Target Offense”). This affidavit is made in support of an application for a criminal complaint charging MUHAMMAD with the Target Offense.

3. The facts in this affidavit come from my personal observations and review of records, my training and experience, and information obtained from other law enforcement officers. This affidavit includes only those facts I believe are necessary to establish probable cause for the requested complaint and does not include all of the facts uncovered during the investigation.

II. PROBABLE CAUSE

4. On or about June 21, 2022, MUHAMMAD was convicted of conspiracy to possess with intent to distribute cocaine and cocaine base in violation of 21 U.S.C. § 846 (*United States v. Muhammad*, 20-cr-10136-RGS (D.Mass. 2020)). MUHAMMAD was sentenced to 24 months in custody followed by three years of supervised release. Because MUHAMMAD had served his custodial sentence, his term of supervision began on or about June 21, 2022.

5. On or about February 4, 2023, shortly before midnight, MUHAMMAD and another man tried to enter the Encore Casino in Everett, MA. Encore security detected a firearm and denied MUHAMMAD entry. Security sent an alert to the police, but MUHAMMAD left before the police got there. Casino security cameras showed two men driving away from the Encore in a blue 2005 Toyota Rav 4 bearing Massachusetts license plate “GJONES.” The registered owner of the Rav 4 was MUHAMMAD’S grandmother. A condition of MUHAMMAD’S supervised release was that he reside at his grandmother’s home in Boston.

6. On or about February 5, 2023, the Commonwealth Fusion Center released an officer safety notice that showed a photo of MUHAMMAD, the man with whom MUHAMMAD tried to enter Encore, and the 2005 Blue Toyota Rav 4 with the GJONES license plate. The notice included a summary of the events at the Encore on February 4, 2023.

7. In the early morning of February 5, 2023, Boston Police received a ShotSpotter¹ activation in the area of 101 Dale Street, Boston, MA. Police responded at approximately 4:50 a.m. Although there was no one there when the police arrived, the police were able to find and review surveillance footage of the vicinity at the time of the ShotSpotter activation. Based on that

¹ ShotSpotter is an acoustic sensor system that detects and locates gunshots and alerts police to the area of the shooting.

review, the police saw that the Rav 4 with the GJONES license plate was in the area immediately before and immediately after the ShotSpotter activation. This led investigators to believe the Rav 4 was involved in a shooting.

8. On or about February 6, 2023, at approximately 6:00 p.m., Boston Police Officers saw the Rav 4 with the GJONES license plate, driving in the area of Linwood Square, Boston, MA. The officers who saw the Rav 4 were aware of the incident at the Encore Casino on February 4, 2023, and knew that the Rav 4 was believed to be involved in a shooting in the early morning of February 5, 2023. Based on that information, the officers attempted to conduct a traffic stop. The driver, later determined to be MUHAMMAD, failed to stop and led the police on a chase. MUHAMMAD drove into another car, got out of the Rav 4 and took off running. Ultimately, police caught MUHAMMAD, arrested him and searched him. During that search, the police found a Taurus, 9mm pistol, bearing serial number TAR19485, in MUHAMMAD'S waist-band. The recovery of the pistol was captured on Boston Police Department body-worn cameras. An image of the pistol is set forth below.



Image of firearm recovered from MUHAMMAD's person via body camera footage

9. I know, based on my training and experience and consultation with ATF experts in firearms interstate nexus, that Taurus is a Brazilian company with headquarters in Bainbridge, GA.

No Taurus firearms are manufactured in Massachusetts. Therefore, the firearm seized from MUHAMMAD on February 6, 2023, must have been shipped or transported across state lines before it was found on MUHAMMAD's person.

10. The Taurus was loaded with twelve rounds of 9mm ammunition. Of the twelve rounds, four were manufactured by Winchester, four were manufactured by Sellier & Bellot, three were manufactured by Sarsilmaz, and one was manufactured by Western Cartridge Company. Winchester has manufacturing facilities in Mississippi, Sellier & Bellot has manufacturing facilities in the Czech Republic, Sarsilmaz has manufacturing facilities in Turkey, and Western Cartridge Company has manufacturing facilities in Illinois. Therefore, none of the ammunition seized from MUHAMMAD on February 6, 2023 was manufactured in Massachusetts and must have been shipped or transported across state lines before it was found on MUHAMMAD's person.

11. As set forth above, on February 6, 2023, MUHAMMAD had previously been convicted of a crime punishable by more than one year in prison, and served more than one year in prison, in matter *United States v. Muhammad*, 20-cr-10136-RGS.

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III. CONCLUSION

12. Based on the above information, I have probable cause to believe and do believe that on or about February 6, 2023, in the District of Massachusetts, Tarik MUHAMMAD possessed a firearm and ammunition as a convicted felon in violation of 18 U.S.C. § 922(g)(1). I respectfully request that the Court issue a criminal complaint charging MUHAMMAD with violating 18 U.S.C. § 922(g)(1).

Sworn under the pains and penalties of perjury,

/s/ Daniel Murphy

DANIEL MURPHY
Special Agent, ATF

Sworn to by telephone in in accordance with the requirements of Fed. R. Crim. P.
4.1, on 8/11/2023



Page Kelley
HON. M. PAGE KELLEY
United States Magistrate Judge