

AFFIDAVIT

I, Matthew Shibley, being duly sworn, hereby depose and state as follows:

INTRODUCTION

1. I am a Special Agent with the Bureau of Alcohol, Tobacco, Firearms and Explosives (“ATF”). I have been employed as an ATF Special Agent since 2008 and am currently assigned to the Boston Group II Field Office. As an ATF Special Agent, my duties include the investigation of violations of laws related to firearms trafficking, firearm possession by prohibited persons, and the use of firearms in drug trafficking crimes. I am a graduate of the ATF National Academy and of the Federal Law Enforcement Training Center. During the course of my law enforcement career, I have written and/or participated in the execution of numerous state and federal search warrants for violations of firearms and narcotics laws.

2. As a Special Agent, my duties include conducting criminal investigations into cases of illegal possession/transfer of firearms, firearms trafficking, and violent crimes involving firearms and narcotics trafficking. Through my training, knowledge, and experience, I have become familiar with the habits, methods, routines, practices and procedures commonly employed by persons engaged in the use and trafficking of controlled substances. I have been the affiant on numerous affidavits in support of federal search warrants and arrest warrants. I have participated in and performed surveillance and made arrests of firearm and narcotics traffickers who utilize their electronic devices to further their illegal activity. During the course of my professional experience, I have interviewed numerous defendants, witnesses, victims, confidential informants, and other police officers regarding the illegal trafficking of controlled substances as well as firearms.

BASIS AND PURPOSE OF AFFIDAVIT

3. I submit this affidavit in support of an application for a criminal complaint charging DUMARI SHAKUR SCARLETT-DIXON with being a drug user in possession of a firearm and ammunition, in violation of Title 18, United States Code, Section 922(g)(3). This affidavit does not set forth all the facts developed during the course of this investigation. Rather, it sets forth only those facts that are necessary to establish probable cause to believe that the defendant has committed the violation set forth in the accompanying criminal complaint.

PROBABLE CAUSE

4. Snapchat is a popular social media application used to send and receive “self-destructing” messages, pictures, and videos. I began my investigation into SCARLETT-DIXON in August 2021. I have identified “dj2745” as the Snapchat account username of SCARLETT-DIXON, a member of Heath Street, a violent street gang whose members are from, or have historical ties to, the Bromley-Heath housing development in Boston, Massachusetts. I know SCARLETT-DIXON used the “dj2745” account because he regularly included images of himself in Snapchat messages he has posted or exchanged from this account.

5. At the time I commenced my investigation, SCARLETT-DIXON had **four** pending unlawful possession of a firearm cases in state court: a 2018 Suffolk County Juvenile Court case for unlawful possession of a firearm, unlawful possession of ammunition, and assault and battery on a police officer (Docket No. 18-DL-699); a 2019 Roxbury District Court case for unlawful possession of a firearm, unlawful possession of ammunition, and resisting arrest (Docket No. 1902-CR-2921); a February 2021 Dorchester District Court case for unlawful possession of a firearm, unlawful possession of a firearm with a defaced serial number, and unlawful possession

of ammunition (Docket No. 2107-CR-306); and a March 2021 Roxbury District Court case for unlawful possession of a firearm and ammunition (Docket No. 2102-CR-127).

6. The incident reports concerning SCARLETT-DIXON's gun arrests demonstrate that his possession of firearms is closely tied to his membership in the Heath Street gang:

- On November 17, 2018 (the 2018 Suffolk County Juvenile Court case noted above), Boston Police officers were on patrol in Bromley-Heath because of a recent gun arrest of a Heath Street member and a second incident near the development where a woman was shot in the head. Officers observed three men, including a Heath Street member out past curfew, turn and walk away as they passed them in an unmarked cruiser. When they approached the group, SCARLETT-DIXON ran toward his home in Bromley-Heath. During a struggle with him in the doorway to his apartment, officers recovered a loaded firearm from his waist while SCARLETT-DIXON's mother assaulted the officers in the doorway of the apartment.
- On September 9, 2019 (the 2019 Roxbury District Court case), Boston Police officers conducted a patrol inside a hallway and laundry room of a building inside the Bromley-Heath complex. Officers listed six different recent incidents of firearm arrests, firearm recoveries, shots fired calls, and response to persons shot in and around the complex as the reason for their patrol and explained that they checked the laundry room areas because gang members frequently congregated there. SCARLETT-DIXON and another Heath Street associate turned and walked quickly away when the officers approached the laundry room. Officers frisked SCARLETT-DIXON (he did not live in the building and the building had clearly marked "no trespassing" signs) and recovered a loaded firearm from him.
- On August 21, 2020, Boston Police officers conducted a stop of a car driven by SCARLETT-DIXON. On the floor by a woman in the passenger seat, officers recovered a loaded firearm. Months later, latent fingerprint analysis determined that SCARLETT-DIXON's fingerprints were on the magazine in the gun. Officers obtained an arrest warrant for SCARLETT-DIXON for unlawful possession of a firearm.
- On February 11, 2021, Boston Police officers saw SCARLETT-DIXON get into the back of a livery car. Officers knew SCARLETT-DIXON had the outstanding warrant for the August 2020 gun and pulled the car over. When officers placed SCARLETT-DIXON under arrest, they recovered yet another loaded firearm from him (the 2021 Dorchester District Court case). SCARLETT-DIXON was then arraigned in March 2021 on the earlier-occurring August 2020 gun seizure (the 2021 Roxbury District Court case).

7. As a condition of his release on these offenses, a state court judge ordered SCARLETT-DIXON to wear an electronic monitoring ankle bracelet that provides real time information about his location and to remain under “house arrest” at his grandmother’s residence, 210 Belmont Street, Weymouth, Massachusetts.

8. On August 18, 2021, SCARLETT-DIXON used his Snapchat account to post a video of himself holding two semi-automatic pistols. On the video, SCARLETT-DIXON continuously pointed the pistols at the camera in a “shooting” motion. SCARLETT-DIXON’s face was clearly visible throughout the video:



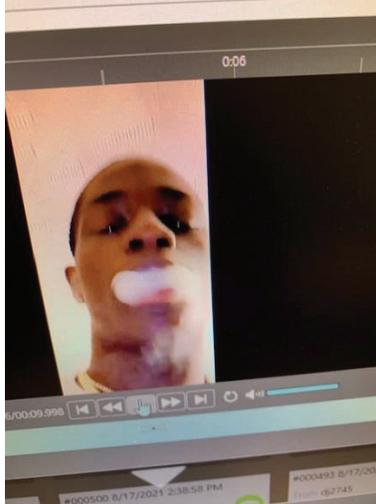
9. On August 23, 2021, SCARLETT-DIXON used his Snapchat account to stand in front of a black colored semi-automatic pistol with an extended magazine:



10. On August 27, 2021, SCARLETT-DIXON used his Snapchat account to post a video where he is observed holding two semi-automatic pistols, with one in each hand. Agents saw SCARLETT-DIXON continuously point the pistols at the camera in a “shooting” motion, with his finger on the trigger. SCARLETT-DIXON’s face was clearly visible throughout the video.



11. Between August 18, 2021, and September 3, 2021, agents observed SCARLETT-DIXON post numerous videos of himself smoking what appears to be marijuana:



12. On September 17, 2021, agents applied for and obtained a search warrant to search the person of SCARLETT-DIXON and his residence at 210 Belmont Street, Weymouth, Massachusetts for firearms and narcotics. On September 24, 2021, agents saw SCARLETT-DIXON leave the residence in a car. Agents stopped the car, advised SCARLETT-DIXON of the warrant, provided him with his Miranda warnings, and searched his person. Agents seized a black iPhone from SCARLETT-DIXON's person.

13. Agents proceeded to the residence, where they were met by SCARLETT-DIXON's grandmother and several small children. SCARLETT-DIXON advised agents that his belongings were all in his room and that he had a gun under his pillow and ammunition in his safe. From SCARLETT-DIXON's bedroom, agents seized a Bersa 9 millimeter semiautomatic pistol containing 14 rounds of 9 millimeter ammunition in a high capacity ammunition clip under a pillow on SCARLETT-DIXON's bed. From the closet in his room, agents also seized eight loose rounds of a 9 millimeter ammunition. From the safe in the closet, agents seized 27 rounds of 9 millimeter ammunition and 10 rounds of .380 caliber ammunition. Agents observed several marijuana blunts scattered throughout the room.

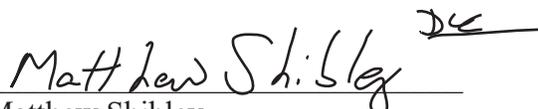
14. Based on my training and experience, I know that Bersa firearms are manufactured outside the Commonwealth of Massachusetts and that no commercial ammunition is manufactured inside the Commonwealth of Massachusetts. Accordingly, I know that the firearm and ammunition seized from SCARLETT-DIXON's bedroom moved in and affected interstate commerce prior to September 24, 2021. Based on my training and experience and an examination of the evidence seized on September 24, 2021, I believe that the weapon seized from SCARLETT-DIXON's residence meets the federal definition of a firearm, in that it will or is designed to or may readily be converted to expel a projectile by the action of an explosive. See Title 18, United States Code, Section 921(a)(1)(3). After its seizure, ATF Special Agent Michael Romeo successfully test-fired the Bersa 9 millimeter firearm. Finally, based on SCARLETT-DIXON's Snapchat posts and the drug evidence seized from his bedroom, there is probable cause to believe that SCARLETT-DIXON was a regular user of marijuana, a Schedule I controlled substance, while in possession of the firearms and ammunition described herein, including the Bersa 9 millimeter pistol and ammunition seized from his bedroom pursuant to the search warrant.

15. A search of SCARLETT-DIXON's cellular telephone revealed numerous posts depicting photos of him in possession of firearms and ammunition as well as photos/text messages indicating his use and distribution of marijuana. Finally, internet searches conducted on SCARLETT-DIXON's cellular telephone showed that SCARLETT-DIXON regularly searched for information about firearms, including searches for "Tactical Green Laser Light Combo Led Pistol Gun Rechargeable Battery," "High Capacity Magazines," and "Ruger ec9s laser light combo," and reviewed press releases for firearm and drug trafficking-related arrests, including "Man Sentenced to Prison in Fall River Court After Robbing Drug Dealer at Gunpoint" and "Police Arrest Four Teens, Including 15-Year Old Boy With Loaded Gun, After Pursuit in South Boston."

CONCLUSION

16. Based on the information set forth above, I submit that there is probable cause to believe that on September 24, 2021, DUMARI SHAKUR SCARLETT-DIXON was a drug user in possession of a firearm and ammunition, in violation of Title 18, United States Code, Section 922(g)(3).

I, Matthew Shibley, having signed this Affidavit under oath as to all assertions and allegations contained herein, state that its contents are true and correct to the best of my knowledge, information, and belief.


Matthew Shibley
Special Agent
Bureau of Alcohol, Tobacco, Firearms, and
Explosives

Sworn to and subscribed before me by telephone this 17th day of November 2021.


The Honorable Donald L. Cabell
United States Magistrate Judge

