

AO 91 (Rev. 01/09) Criminal Complaint

UNITED STATES DISTRICT COURT

for the
District of Rhode Island

United States of America
v.

CASEY DUNPHY, DOB: 1984, PROVIDENCE, RI

Defendant

Case No. 1:13-MJ-159A

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date of 03/22/2013 in the county of in the District of Rhode Island, the defendant violated 21 U. S. C. § 841a1b1D, an offense described as follows:

21 U.S.C. §§841(a)(1) and (b)(1)(D); 18 U.S.C. §922(g)(1); 18 U.S.C. §924(a)(2); 18 U.S.C. §924(c)(1)(A)(i); and 18 U.S.C. §924(c)(1)(B)(i)

- possession with intent to distribute marijuana, in violation of 21 U.S.C. §§841(a)(1) and (b)(1)(D);
• manufacture of marijuana, in violation of 21 U.S.C. §§841(a)(1) and (b)(1)(D);
• being a felon in possession of firearms, in violation of 18 U.S.C. §§922(g)(1) and 924(a)(2);
• possession of firearms in furtherance of a drug trafficking crime, in violation of 18 U.S.C. §924(c)(1)(A)(i); and
• possession of a semiautomatic assault weapon in furtherance of a drug trafficking crime, in violation of 18 U.S.C. §924(c)(1)(B)(i).

This criminal complaint is based on these facts:

See attached Affidavit of Jamie Schiffer, Special Agent, Bureau of Alcohol, Tobacco, Firearms and Explosives

Continued on the attached sheet.

Complainant's signature
Jamie Schiffer, Special Agent
Printed name and title

Sworn to before me and signed in my presence.

Date: 4/11/13

Judge's signature

City and state: Providence, Rhode Island

Lincoln D. Almond, U.S. Magistrate Judge
Printed name and title

AFFIDAVIT

I, Jamie Schiffer, upon oath depose and say:

1. I am and have since 2001 been a Special Agent with the Bureau of Alcohol, Tobacco, Firearms, and Explosives ("ATF") and am assigned to ATF's Providence office. Prior to working for ATF, I was a criminal investigator with the Internal Revenue Service for 6 years. Based on my training and experience, I am familiar with federal firearms and narcotics laws. As an ATF special agent, I have been involved, either as lead agent or as a member of an investigative team, in numerous investigations of firearms offenses and narcotics offenses.

2. This affidavit is submitted in support of a criminal complaint charging Casey Dunphy (year of birth 1984) ("Dunphy") of Providence, Rhode Island with five offenses:

- a. possession with intent to distribute marijuana, in violation of 21 U.S.C. §§ 841(a)(1) and (b)(1)(D);
- b. manufacture of marijuana, in violation of 21 U.S.C. §§ 841(a)(1) and (b)(1)(D);
- c. being a felon in possession of firearms, in violation of 18 U.S.C. §§ 922(g)(1) and 924(a)(2);
- d. possession of firearms in furtherance of a drug trafficking crime, in violation of 18 U.S.C. § 924(c)(1)(A)(i); and
- e. possession of a semiautomatic assault weapon in furtherance of a drug trafficking crime, in violation of 18 U.S.C. § 924(c)(1)(B)(i).

3. The facts and information contained in this Affidavit are based on information provided to me by law enforcement officers involved in this investigation. This Affidavit does not contain all facts known to me about this investigation; I included only those facts that I believe are necessary to establish probable cause.

4. On or about March 22, 2013 at approximately 5:55 pm, detectives with the Providence Police Department's Narcotics and Organized Crime Bureau observed a male, later identified as Ryan Sbardella ("Sbardella") in a white car parked outside a house at 33 Columbus Street in Providence, Rhode Island. Soon after, the detectives saw a male, later identified as Dunphy, step out of the house and enter the car through a passenger door. Detectives then

observed, through the front windshield of the car, Sbardella reach over to Dunphy in a manner consistent with a hand-to-hand transaction, and shortly after, Dunphy stepped out of the car and returned to the house at 33 Columbus Street.

5. Based on the training and experience of the detectives at the scene and based on my own training and experience, the described interaction is consistent with a narcotics transaction where one person hands the other money and obtains narcotics in return.

6. The detectives followed the car and stopped it a short distance from 33 Columbus Street. Sbardella was operating the car and advised the detectives that he had marijuana and that he had purchased it from his friend on Columbus Street. The detectives retrieved a bag from Sbardella's right front pant pocket, and the material in the bag was consistent in appearance with marijuana. Sbardella later told detectives that he was not enrolled as a medical marijuana patient and that he had purchased marijuana from Dunphy on multiple previous occasions.

7. Detectives then responded to 33 Columbus Street. In the driveway, they smelled a strong odor of marijuana. As they approached the house, the detectives saw Dunphy in a window, displayed their badges, and asked Dunphy to exit the house so that they could speak to him. Dunphy stepped out the house. He told detectives that he was a medical marijuana caregiver and that he had just given marijuana to Sbardella but had not asked whether Sbardella had a medical marijuana patient card. Dunphy said he had a marijuana grow in his residence and agreed to allow the detectives to examine the grow. Dunphy also said that he was currently on probation from a previous narcotics violation.

8. Dunphy led detectives into 33 Columbus Street and into the basement. There detectives saw high intensity lighting and several plants consistent in appearance with marijuana plants. The odor in the basement was also consistent with the odor of marijuana.

9. In a corner of the basement, detectives saw a black plastic case, consistent in shape and appearance with a rifle case. Detectives asked Dunphy what was in the case.

Dunphy said that there was an AR-15 assault rifle in the case, and also said that he had a shotgun elsewhere in the basement. Shortly thereafter, detectives stopped their search of the premises and secured the area in anticipation of obtaining a warrant to search the house. Dunphy was advised of his rights, arrested, and transported to the Providence Police Department's Central Station.

10. At approximately 10pm, detectives obtained a state warrant to search the house at 33 Columbus Street, and a search of the house commenced shortly thereafter.

11. In the basement, detectives found 34 marijuana plants at various stages of maturity. There were also 9 marijuana clippings found resting in water. I am advised by others with training in marijuana cultivation that such clippings typically grow roots when exposed to water and over time mature into marijuana plants.

12. In the basement, detectives found the aforementioned rifle case and inside found a .223 caliber Bushmaster Carbon Assault Rifle (serial number CT009646), also known as an AR-15. Behind the basement stairs, detectives found a 20 gauge Mossberg Model 500 shotgun (serial number R183675) loaded with one shotgun shell. In a nearby tool box, detectives found 4 unloaded .223 caliber ammunition magazines, two fully loaded .223 ammunition magazines (containing a total of 60 rounds of ammunition), a box containing 20 rounds of .223 caliber ammunition, and a box containing 19 rounds of 20 gauge shotgun shells. Elsewhere in the basement, detectives found three plastic containers and two plastic bag. Inside each of the containers and bags was material consistent in appearance with marijuana, and later field testing of the material indicated the presence of marijuana. The weight of the containers and bags, including the material inside, was slightly less than 750 grams. Near these containers and baggies were stalks of dried or drying marijuana suspended from the ceiling.

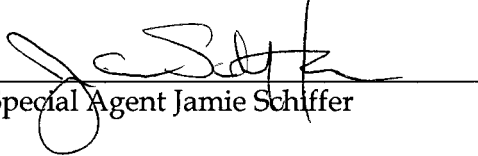
13. On the 1st floor of the house, detectives found papers bearing Dunphy's name and a metal safe. The safe was seized, and Detectives later obtained another warrant to search inside the safe. On executing that warrant, detectives found inside the safe, among other items,

\$15,500 in U.S. Currency (all in \$100 denominations); a .44 caliber Smith and Wesson revolver (serial number PKR3630) containing 5 rounds of .44 caliber hollow point ammunition; mail bearing Dunphy's name; two boxes containing a total of 46 rounds of .44 caliber ammunition; two boxes containing 41 20-gauge shotgun shells; and a .44 caliber revolver speed loader.

14. All of the aforementioned firearms – the assault rifle, the shotgun, and the revolver – were manufactured outside Rhode Island.

15. I reviewed Dunphy's criminal history. On February 15, 2011, he was convicted by a Rhode Island state court on one count of manufacture, delivery, or possession with intent to distribute a schedule I or II substance, a felony punishable by more than one year of imprisonment. Dunphy was sentenced to a 5-year term of probation, and that probationary term was in effect on the date of his arrest here, March 22, 2013.

16. Based on the foregoing, I believe that there is probable cause to believe that Dunphy possessed marijuana with intent to distribute, manufactured marijuana, was a felon in possession of firearms, and possessed firearms, including a semiautomatic assault weapon, in furtherance of a drug trafficking crime.


Special Agent Jamie Schiffer

Sworn and subscribed in my presence
on this 11th day of April 2013.


LINCOLN D. ALMOND
United States Magistrate Judge
District of Rhode Island

