

AO 91 (Rev. 01/09) Criminal Complaint

UNITED STATES DISTRICT COURT FILED

for the

District of Rhode Island

2013 SEP 27 P 3:20

United States of America )
v. )
DAVID BUNNELL, DOB: 1992 )
Defendant )

Case No. 1:13MJ352 PA

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 09/12/2013 in the county of in the District of Rhode Island, the defendant violated 18 U.S.C. § 1951(a), an offense described as follows:

- (a) interference with commerce by threats or violence, in violation of 18 U.S.C. § 1951(a);
(b) conspiracy to interfere with commerce by threats or violence, in violation of 18 U.S.C. § 1951(a);
(c) possession with intent to distribute cocaine, in violation of 21 U.S.C. § 841(a)(1) and (b)(1)(C);
(d) use or possession of a firearm in relation to a crime of violence, in violation of 18 U.S.C. § 924(c)(iii); and
(e) use or possession of a firearm in relation to a drug trafficking crime, in violation of 18 U.S.C. § 924(c)(iii).

This criminal complaint is based on these facts:

See attached Affidavit of Joseph Robitaille, Special Agent, Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF).

Continued on the attached sheet.

Complainant's signature
Joseph Robitaille, Special Agent - ATF
Printed name and title

Sworn to before me and signed in my presence.

Date: Sept. 27, 2013

Judge's signature

City and state: Providence, Rhode Island

Patricia A. Sullivan, U.S. Magistrate Judge
Printed name and title

AO 91 (Rev. 01/09) Criminal Complaint

UNITED STATES DISTRICT COURT

for the District of Rhode Island

United States of America
v.
TYRONNE SEAMS, DOB: 1986

Case No.

1:13MJ353 PAS

Defendant

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 09/12/2013 in the county of in the District of Rhode Island, the defendant violated 18 U.S.C. § 1951(a), an offense described as follows:

- (a) interference with commerce by threats or violence, in violation of 18 U.S.C. § 1951(a);
(b) conspiracy to interfere with commerce by threats or violence, in violation of 18 U.S.C. § 1951(a);
(c) possession with intent to distribute cocaine, in violation of 21 U.S.C. § 841(a)(1) and (b)(1)(C);
(d) use or possession of a firearm in relation to a crime of violence, in violation of 18 U.S.C. § 924(c)(iii);
(e) use or possession of a firearm in relation to a drug trafficking crime, in violation of 18 U.S.C. § 924(c)(iii); and
(f) being a felon in possession of a firearm, in violation of 18 U.S.C. § 922(g)(1).

This criminal complaint is based on these facts:

See attached Affidavit of Joseph Robitaille, Special Agent, Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF).

Continued on the attached sheet.

Complainant's signature
Joseph Robitaille, Special Agent - ATF
Printed name and title

Sworn to before me and signed in my presence.

Date: Sept 27, 2013

Judge's signature

City and state: Providence, Rhode Island

Patricia A. Sullivan, U.S. Magistrate Judge
Printed name and title

AFFIDAVIT

I, Joseph Robitaille, upon oath depose and say:

1. I am and have since 1989 been a special agent with the Bureau of Alcohol, Tobacco, Firearms, and Explosives ("ATF") and am assigned to ATF's Providence field office. Based on my training and experience, I am familiar with the laws that set forth or relate to federal firearms, robbery, and narcotics offenses. 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, robbery, and narcotics offenses.

2. This affidavit is submitted in support of criminal complaints charging Tyrone Seams (year of birth 1986 and hereinafter, "Seams") of Woonsocket, Rhode Island and David Bunnell (year of birth 1992 and hereinafter, "Bunnell") of Franklin, Massachusetts with the following offenses:

- (a) interference with commerce by threats or violence, in violation of 18 U.S.C. § 1951(a);
- (b) conspiracy to interfere with commerce by threats or violence, in violation of 18 U.S.C. § 1951(a);
- (c) possession with intent to distribute cocaine, in violation of 21 U.S.C. § 841(a)(1) and (b)(1)(C);
- (d) use or possession of a firearm in relation to a crime of violence, in violation of 18 U.S.C. § 924(c)(iii); and
- (e) use or possession of a firearm in relation to a drug trafficking crime, in violation of 18 U.S.C. § 924(c)(iii).

This affidavit is also submitted in support of a criminal complaint charging just Seams with the following additional offense:

- (f) being a felon in possession of a firearm, in violation of 18 U.S.C. § 922(g)(1).

3. The facts and information contained in this Affidavit are based on information provided to me by law enforcement officers involved in this investigation as well as witnesses to the incidents described below. 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 September 12, 2013 between 2 am and 3 am, police were dispatched to the multi-unit dwelling at 67 West Park Place to investigate complaints of shots fired. Officers who arrived at or around 2:14 am observed two males, later identified as Seams and Bunnell, exiting a rear door connected to the building's basement. One male had a black or dark complexion and was later identified as Seams; the other had a white or light complexion and was later identified as Bunnell. Bunnell was holding a sawed-off shotgun. On seeing police, Seams and Bunnell ran back into the basement. Seams ran up a set of steps, while Bunnell ran toward a washer and dryer in the basement and placed the sawed-off shotgun in the dryer.

5. Police apprehended Bunnell in the basement. While he was being placed in handcuffs, he said, "Sir, I have a gun in my pants. I don't want it to go off." From Bunnell's waistband, police recovered a black Ruger P95 9mm semi-automatic pistol. The pistol contained a round in the firing chamber, and fewer than 3 rounds in the magazine, which is less than the magazine's 14 or 15 round full capacity. While patting down Bunnell, police found on his person a dark blue winter hat and a large zip-tie (a type of restraint that I know can be used in place of handcuffs). Police also noticed that Bunnell was wearing gloves. In the dryer, police found a sawed-off shotgun. There were two shotgun shells in the gun, and at least one of those shells was spent. Bunnell was later taken to Woonsocket's police station. He asked to make a telephone call. During the course of that call, officers overheard Bunnell say, "I shot someone."

6. Other officers at the location saw Seams running up the steps, and police eventually found Seams on the ground on the second floor landing. He had been shot and was on the floor. An officer began to administer first aid, and shortly thereafter rescue personnel arrived. Prior to having Seams taken from the second floor landing to a hospital, an officer patted Seams down for weapons and found a plastic bag in his pocket containing a white material consistent in appearance with cocaine powder. Later field testing of the material indicated the presence of cocaine. The material, along with its bagging material, weighed approximately 8 ounces or 224 grams. Near Seams, on the roof of the porch which was accessible from the location in which Seams was found, police found a bandana and bloody .41

caliber Smith and Wesson revolver. There were six spent shell casings in the revolver's cylinder.

7. I estimate that the bagging material weighed less than 24 grams and that accordingly the material itself weighed approximately 200 grams. Based on my training and experience, such a quantity of cocaine, priced by the gram, would have a street value of \$15,000 to \$20,000, and such a quantity of cocaine is consistent with an amount possessed for the purpose of distribution. Common sense suggests that so valuable a quantity of cocaine would not be possessed for personal use or that possession for personal use would be highly unlikely.

8. After finding Seams, the police moved quickly from apartment to apartment to determine whether there were additional persons in need of aid. The first floor tenants allowed the police in, and police saw no signs of injury or shooting in that apartment. Police proceeded to the second floor apartment. They knocked on the door and announced themselves. There was no response. In light of the possibility that there were injured and unconscious persons in the apartment, police forced entry. On the kitchen floor, there were substantial amounts of blood, several zip-ties, and several different types of spent shell casings, including .45 caliber and 9mm rounds. There were bullet holes in the kitchen counter, bathroom door, and bathroom wall. There was a large pool of blood on the bathroom floor. A .45 caliber Sturm Ruger semi-automatic pistol was also recovered from the bathroom.

9. Police also found people in the apartment. One had head wounds consistent with blunt force trauma and was bleeding. The injured person was taken to a hospital for treatment.

10. Later in the day, police obtained a warrant to search the second floor apartment and returned to perform the search. They found, among other things, two digital scales, each with white residue, and a glass jar labeled "Best Bud" that contained material consistent in appearance with hashish. (Hashish is a resin derived from marijuana plants and contains higher concentrations of tetrahydrocannabinol ("THC"), the primary, active ingredient of marijuana.) Later field-testing of the residue on the scales indicated the presence of cocaine,

and later field-testing of the material in the jar indicated the presence of THC.

11. At a hospital, Seams underwent surgery and .45 caliber slugs were removed from his body. Only one of the guns found during the course of the investigation - the gun found in the apartment bathroom - was a .45 caliber. The guns found on Bunnell were a shotgun and a 9 mm semiautomatic. The gun found on the roof of the porch was a .41 caliber revolver.

12. On the lease for the second floor apartment, neither Seams nor Bunnell is listed as a lessors, resident, owner, or occupants. Neither of their names appear in the lease.

13. As the investigation proceeded, police turned to interviewing witnesses.

14. The police spoke to the person who had been found in the second floor apartment with head wounds. That person reported that a short time prior to the arrival of the police, two people had forced their way into the apartment. One had a black or dark complexion and wore a bandana; the other had a light or white complexion.

15. The police spoke to another person found in the second floor apartment. That person reported that two people had forced their way into the apartment. One had a black or dark complexion and wore a bandana and was holding a handgun; the other had a light or white complexion and was carrying a shotgun. Once the two entered the apartment, gunfire erupted. The two intruders were shooting at the people in the apartment, and one or more of the people in the apartment were shooting at the two intruders. Eventually, the shooting ceases and all of the occupants of the apartment were on the ground. The black intruder approached and pistol-whipped one of the occupants, namely the person later found with head wounds. That occupant eventually told the black intruder where drugs were hidden, the pistol-whipping stopped, and the black intruder took drugs from the apartment and left with the white intruder.

16. At a hospital, police spoke to a person who had suffered gunshot injuries but was not encountered at 67 West Park Place earlier. The person reported that the injuries were suffered at the apartment. The person arrived to the apartment during the early morning of September 12 to purchase marijuana. The person did not know the apartment's address, but

identified it by some of the people found by police in the apartment on September 12 during the early morning and by the description of the events that transpired in the apartment. The person arrived at approximately 2 am and attempted to leave a short time later. While leaving, the person encountered a black male on the second floor landing and was forced back into the apartment. The black male was wearing a bandana and holding a gun. The black male ordered the people in the apartment to get on the ground. The person also heard the voice of another man from the hallway. As the person was making his way to the ground, the black male began firing his gun, and the person was struck. Soon after, the person fled the apartment, made his way out of the building, and drove to the hospital. Examination of this person's body by physicians indicated that he had been hit by four handgun rounds and one or more rounds fired from a shotgun.

17. Police spoke to a person who came to the police station on September 12. The person expressed acquaintance with both Seams and Bunnell. The person said that Seams and Bunnell had, while in the person's company on September 12, said that they planned to steal money or drugs that evening or early the next morning.

18. There is probable cause to believe that Seams and Bunnell together forcibly stole cocaine powder from inside the apartment and jointly inflicted physical violence on the apartment and persons inside the apartment in the course of that theft. Based on my training and experience, I know that cocaine powder is typically manufactured outside of the United States and that primary ingredients for its manufacture only come from locations outside the United States. Therefore, there is probable cause to believe that theft of cocaine powder affects commerce or the movement of cocaine powder in commerce. Finally, there is probable cause to believe that Seams and Bunnell planned this theft and acted together to effectuate the theft. Therefore, I believe that there is probable cause to believe that Seams and Bunnell interfered with commerce by threats or violence and conspired to do so, as set forth in ¶ 2(a) and (b).

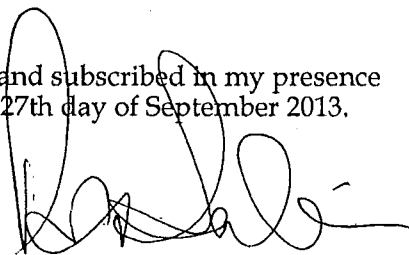
19. There is probable cause to believe that Seams and Bunnell jointly stole the cocaine powder from the apartment for the purpose of acquiring it and distributing it, and

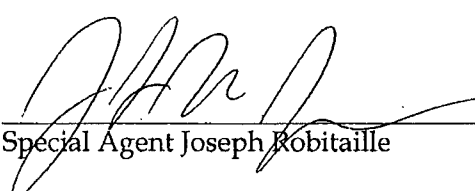
therefore, I believe that there is probable cause to believe that Seams and Bunnell possessed cocaine with intent to distribute, as set forth in ¶ 2(c).

20. Based on the foregoing, I believe that there is probable cause to believe that Seams and Bunnell used and possessed firearms in relation to their interference with commerce by threats or violence and in their possession or coming into possession of cocaine for the purpose of distribution, as set forth in ¶ 2(d) and (e).

21. All of the firearms recovered in this case were manufactured outside of Rhode Island, including the firearm recovered from the roof of the porch, which is close to and accessible from the location where Seams was found. Based on the foregoing, there is probable cause to believe that Seams possessed the .41 caliber revolver, and in the alternative, one of the other guns found during the course of this investigation. Furthermore, I examined Seams's criminal history. He has been convicted of a crime punishable by a term of imprisonment greater than one year. My review of Defendant's Massachusetts criminal history reveals a 2004 conviction for receipt of a stolen vehicle, which under Massachusetts law is punishable by a term of imprisonment greater than one year. Therefore, I believe that there is probable cause to believe that Seams is a felon and possessed a firearm, as set forth in ¶ 2(f).

Sworn and subscribed in my presence  
on this 27th day of September 2013.

  
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PATRICIA A. SULLIVAN  
United States Magistrate Judge  
District of Rhode Island

  
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Special Agent Joseph Robitaille