

AO 91 (Rev. 01/09) Criminal Complaint

UNITED STATES DISTRICT COURT
for the
District of Rhode Island

United States of America)

v.)

Henry Lee)

Case No. 1:11 MJ 252 M

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 _____ in the county of _____ in the _____ District of
Rhode Island, the defendant violated 18 U. S. C. § 922(g)(1), an offense described as follows:

Felon in possession of a firearm

This criminal complaint is based on these facts:

See attached Affidavit of Special Agent Edward Troiano.

Continued on the attached sheet.



Complainant's signature

Edward Troiano, Special Agent, ATF

Printed name and title

Sworn to before me and signed in my presence.

Date: 11-3-11



Judge's signature

City and state: Providence, RI

David L. Martin, U.S. Magistrate Judge

Printed name and title

AFFIDAVIT

I, Edward J. Troiano, do under oath depose and state that:

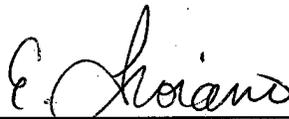
1. I am a Special Agent of the Bureau of Alcohol, Tobacco, Firearms and Explosives ("ATF"), Providence Field Office, and have been so employed for approximately 17 years.
2. This Affidavit is submitted in support of an Arrest Warrant for Henry LEE (born 1983) and a Criminal Complaint charging him with being a convicted 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 upon my own knowledge, gained in the course of this investigation, and on facts and information reliably supplied to me by fellow ATF Special Agents and members of the Providence Police Department.
4. At approximately 11:30 a.m. on November 3, 2011, members of the Providence Police Department Narcotics and Organized Crime Bureau culminated an investigation with the execution of a state authorized search warrant. While conducting surveillance of 88 Pleasant Avenue, Providence, Rhode Island, detectives observed LEE exiting the side door of his residence and enter a vehicle with Rhode Island registration 676-893. Detectives then approached the vehicle and advised LEE that he was a target of a firearm and narcotics investigation and that they possessed a signed search warrant for his residence located at 88 Pleasant Ave. LEE was also advised of his Constitutional Rights.

5. Detectives then executed the search warrant for 88 Pleasant Ave. At this time, LEE led Detective Poplaski to a rear bedroom containing several children's toys and stated that, "The drugs are in the top drawer and my gun is right in the box." Detectives then seized one clear plastic bag of suspected powder cocaine (net weight 4.8 grams), one clear plastic bag of suspected crack cocaine (net weight 7.3 grams), one large bag of suspected marijuana and three small plastic bags of suspected marijuana (net weight 24.7 grams), one box of plastic bags, and several pieces of paperwork in the name "Henry Lee." In addition, a .9mm V. Bernardelli handgun, serial number 03769 containing one .380 caliber round ammunition in the chamber and five rounds in the magazine was seized in a "Girl Gourmet" cupcake mixer box. Also inside the box was one plastic bag containing four additional rounds of .380 caliber ammunition. Lee then directed Detective Poplaski to the kitchen closet and told the detectives that his vest was inside. A U.S. Armor bullet proof vest was then seized from the closet.
6. The items seized were transported to Central Station. At Central Station, field tests were conducted of a portion the suspected cocaine and marijuana seized. Both tests proved positive and the remainder of the suspected narcotics was forwarded to State Toxicology. The firearm and ammunition

were turned over to the property room to be test fired by the Weapons Bureau.

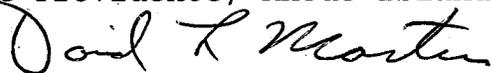
7. At Central Station, Detective Potter advised LEE of his Constitutional Rights. LEE also stated that he understood and signed a written rights form. LEE then gave Detective Potter a formal statement where LEE admitted that he stored a handgun, bullet proof vest, crack, cocaine and weed at 88 Pleasant Ave. LEE admitted that he bought the firearm because he was worried someone was going to rob him. LEE stated that the marijuana and cocaine were for personal use and the crack was to make some extra money selling to junkies.
8. I have conducted a criminal history check on LEE and learned that LEE has been previously convicted of felony assault in 2003 and sentenced to ten years imprisonment with three years to serve.
9. Based on my experience and training, I know that the firearm seized was manufactured outside the state of Rhode Island. The firearm therefore traveled in and affected interstate commerce. The firearm will or is designed to or may readily

be converted to expel a projectile by the action of an explosive.



Edward J. Troiano
Special Agent
Bureau of Alcohol, Tobacco &
Firearms

Subscribed and sworn to before
me this 3rd day of November, 2011
at Providence, Rhode Island



David L. Martin
United States Magistrate Judge

DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT

BY: INFORMATION INDICTMENT COMPLAINT

CASE NO. 1:11 MJ 252 M

Matter Sealed: Juvenile Other than Juvenile
 Pre-Indictment Plea Superseding Defendant Added
 Indictment Charges/Counts Added
 Information

USA vs.
 Defendant: Henry Lee

Name of District Court, and/or Judge/Magistrate Location (City)
 UNITED STATES DISTRICT COURT RHODE ISLAND
 DISTRICT OF Divisional Office

Addr: **REDACTED**

Name and Office of Person Furnishing Information on THIS FORM PETER F. NERONHA
 U.S. Atty Other U.S. Agency
 Phone No. (401) 709-5000
 Name of Asst. U.S. Attorney (if assigned) LY T. CHIN

Birth Date _____ (lien applicable)

PROCEEDING

Name of Complainant Agency, or Person (& Title, if any)
Alcohol, Tobacco, Firearms & Explosives

Soci _____

person is awaiting trial in another Federal or State Court (give name of court)

 this person/proceeding transferred from another district per (circle one) FRCrP 20, 21 or 40. Show District

 this is a re prosecution of charges previously dismissed which were dismissed on motion of:
 U.S. Atty Defense
 this prosecution relates to a pending case involving this same defendant. (Notice of Related Case must still be filed with the Clerk.)
 prior proceedings or appearance(s) before U.S. Magistrate Judge regarding this defendant were recorded under

SHOW DOCKET NO.

MAG. JUDGE CASE NO.

Issue: Warrant Summons

Location Status:

Arrest Date _____ or Date Transferred to Federal Custody _____

Currently in Federal Custody
 ~~Currently in State Custody~~
 Writ Required
 Currently on bond
 Fugitive

Defense Counsel (if any): _____

FPD CJA RET'D
 Appointed on Target Letter

Place of offense RHODE ISLAND County _____

This report amends AO 257 previously submitted

OFFENSE CHARGED - U.S.C. CITATION - STATUTORY MAXIMUM PENALTIES - ADDITIONAL INFORMATION OR COMMENTS

Total # of Counts 1

Set	Title & Section/Offense Level (Petty = 1 / Misdemeanor = 3 / Felony = 4)	Description of Offense Charged	Felony/Misd.
1	18 U.S.C. Section 922(g)(1)	Felon in possession of a firearm	<input checked="" type="checkbox"/> Felony <input type="checkbox"/> Misdemeanor
			<input type="checkbox"/> Felony <input type="checkbox"/> Misdemeanor
			<input type="checkbox"/> Felony <input type="checkbox"/> Misdemeanor
			<input type="checkbox"/> Felony <input type="checkbox"/> Misdemeanor
			<input type="checkbox"/> Felony <input type="checkbox"/> Misdemeanor