United States District Court
STATE AND DISTRICT OF MINNESOTA

UNITED STATES OF AMERICA

V.

EDWARD MCCABE ROBINSON

CRIMINAL COMPLAINT
Case Number: 11mj376 AJB

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about August 28, 2011, in Beltrami County, in the State and District of Minnesota, defendant(s)

Edward McCabe Robinson, having previously been convicted of multiple crimes punishable by imprisonment for a term exceeding one year, did knowingly possess a firearm, namely a Ruger brand New Model Blackhawk .357 caliber revolver with an obliterated serial number, in or affecting interstate or foreign commerce.

in violation of Title 18, United States Code, Section(s) 922(g)(1) and 924(a)(2).

I further state that I am a(n) Special Agent and that this complaint is based on the following facts:

SEE ATTACHED AFFIDAVIT

Continued on the attached sheet and made a part hereof: ☒ Yes ☐ No

Signature of Complainant
Jason Wambach
ATF

Sworn to before me, and subscribed in my presence,

September 12, 2011 at Minneapolis, MN

Date City and State

The Honorable Arthur J. Boylan
UNITED STATES MAGISTRATE JUDGE

Name & Title of Judicial Officer

Signature of Judicial Officer

FILED
SEP 14 2011
U.S. DISTRICT COURT ST. PAUL

STATE OF MINNESOTA)
) ss. AFFIDAVIT OF JASON WAMBACH
COUNTY OF HENNEPIN)

I, Jason Wambach, being duly sworn under oath, depose and state as follows:

1. Your affiant is a Special Agent with the Bureau of Alcohol, Tobacco, Firearms, and Explosives ("ATF") and has been so employed for approximately 3 years. Your affiant has investigated violations of federal law as either a special agent or federally deputized task force agent for approximately 6 years and has been involved in numerous cases related to violations of the federal firearms laws. These laws include Title 18 U.S.C. Section 922(g)(1), which states that it is unlawful for a person who has been convicted of a crime punishable by more than one year to possess a firearm. In the course of this investigation, your affiant has conferred with other law enforcement officers and reviewed reports and documentation that assisted him in providing the following details.

2. On the afternoon of August 28, 2011, Bemidji Police Department ("BPD") Officer Charboneau received information that Edward McCabe ROBINSON (d.o.b. 4/20/1984), was staying at the Kestral Pines Apartments, apartment 908F, and had a warrant for his arrest for a parole violation stemming from a weapons conviction. Officer Charboneau also learned that ROBINSON was possibly in possession of a .357 caliber handgun. After confirming the arrest warrant for ROBINSON, Officer Charboneau arranged a briefing with

other law enforcement officers prior to attempting to arrest ROBINSON and provided officers with a photograph of ROBINSON.

3. At approximately 2:10 p.m., law enforcement arrived at the Kestral Pines Apartments, and BPD Officer Regas walked to the rear of Apartment 908F to cover the building in case ROBINSON attempted to flee during the arrest. There, Officer Regas encountered 4-5 Native American males sitting and standing on the ground level patio. As Officer Regas shouted "[p]olice, show me your hands," a male, who Officer Regas recognized from the earlier photograph as ROBINSON, said "[o]h, shit" and ran through the sliding glass door into apartment 908F. Officer Regas pursued ROBINSON into the apartment as he radioed the foot pursuit information to other officers. Shortly after the pursuit began, Officer Regas and BPD Sergeant Plasschaert found ROBINSON hiding in the locked main floor bathroom/laundry of Apartment 908F. ROBINSON was placed under arrest and transported to the Beltrami County Jail.

4. After ROBINSON was removed from the residence, a female tenant, identified as J.M., asked officers if she could go back into the apartment. J.M. told officers that she knew ROBINSON and knew that he had a warrant for his arrest. Officers asked J.M. whether ROBINSON was in possession of a .357 caliber handgun, and J.M. confirmed that ROBINSON possessed a firearm and indicated that

the last time she observed the firearm it was upstairs in a closet. Law enforcement searched the closet, but did not locate a firearm.

5. Law enforcement then requested and received consent from J.M. to search the bathroom/laundry room where ROBINSON had been located. Subsequently, Officer Charboneau located a Ruger brand, New Model Blackhawk, .357 caliber revolver bearing an obliterated serial number, on the bathroom floor behind a washing machine. J.M. confirmed that this firearm was the firearm she observed ROBINSON possess earlier. After taking custody of the firearm, Officer Charboneau removed five live rounds of .38 caliber ammunition from the revolver.

6. An ATF Interstate Nexus Expert indicated to your affiant that the Ruger brand revolver was manufactured outside the state of Minnesota and therefore traveled in or affected interstate commerce.

7. Your affiant has conducted a criminal history check on ROBINSON. This record indicates that ROBINSON has at least two prior felony convictions, including a St. Louis County conviction in 2003 for First Degree Burglary and an Anoka County conviction in 2007 for Unlawful Possession of a Firearm. Either of these convictions would prohibit ROBINSON from legally possessing a firearm under federal law.

8. Based on the above facts, and on my training and experience, your affiant has probable cause to believe that the

foregoing facts establish that the defendant, Edward McCabe ROBINSON, having been convicted of a crime punishable by more than one year, did unlawfully possess a firearm on or about August 28, 2011, in Beltrami County within the District of Minnesota, all in violation of Title 18, United States Code, Sections 922(g)(1) and 924(a)(2).

Further your Affiant sayeth not.

JASON WAMBACH
Special Agent

SUBSCRIBED and SWORN to before me
this 12 day of September, 2011.

The Honorable Arthur J. Boylan
United States Magistrate Judge