

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND

IN THE MATTER OF ARREST WARRANT
FOR NAKELE FREEMAN, DATE OF BIRTH:
01/01/1994

UNDER SEAL

**AFFIDAVIT IN SUPPORT
ARREST WARRANT**

I, Special Agent Peter Murray, a Special Agent (SA) with the United States Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) Providence Field Office, being duly sworn, depose and say:

INTRODUCTION

1. I am a Special Agent with the Bureau of Alcohol, Tobacco, Firearms and Explosives ("ATF"), and have been so employed since 2001. I am currently assigned to the Providence, RI Field Office. My duties include, but are not limited to, investigation of state and federal firearm, arson and explosives violations. I have conducted numerous federal arson and explosives investigations. I completed Department of Homeland Security Criminal Investigator training and the ATF New Agent Training Academy at the Federal Law Enforcement Training Center in Glynco, Georgia. In addition, I am a Certified Explosives Specialist (CES). As a CES I have received

advanced training in explosives investigations to include the identification, proper handling, sampling and disposal of commercial, military and homemade explosives. I hold a Bachelor of Science degree in Criminal Justice from Northeastern University and a Masters degree in Regional Planning from the University of Massachusetts.

2. I have personally participated in the investigation set forth below. I am familiar with the facts and circumstances of the investigation through my personal participation; from discussions with investigators of the Providence, Rhode Island Fire Department, from information obtained through law enforcement interviews of witnesses with knowledge of certain information concerning facts related to this investigation; and from my review of records, reports and video surveillance recordings relating to the investigation. Unless otherwise noted, wherever in this affidavit I assert that a statement was made, the information was provided by another agent, law enforcement officer or witness who may have had either direct or hearsay knowledge of that statement and to whom I or others have spoken or whose reports I have read and reviewed. Such statements are among many statements made by others and are stated in substance and in part unless otherwise indicated. Since this affidavit is being submitted for the limited purpose of securing an arrest warrant for Nakele FREEMAN Date of Birth: 01/01/1994, a black male 5' 11" 160 pounds, with a last known address of 57 Stephen Hopkins Court, Providence, Rhode Island. I have not included details of every aspect

of the investigation. Facts not set forth herein are not being relied on in reaching my conclusion that the requested warrant should be issued. Nor do I request that this Court rely on any facts not set forth herein in reviewing this application.

3. On November 2, 2013 at 0307HRS the Providence Fire Department responded to 31-33 Ida Street in Providence for a reported fire. The building is a multi-family rental property. City of Providence records indicate the owner is Kormahyah KARMUE. The fire department extinguished the fire and contacted fire investigators from the Providence Fire Department. Fire investigators determined the fire was arson and originated in three points- one in a third floor bedroom and two in the kitchen. The fire damaged the carpet in the bedroom and created soot damage to the room. In the kitchen, fire investigators recovered a red five-gallon gas container, a clear one-gallon plastic container, a flashlight, a two pack of gloves of which one pair of gloves was missing and several small disposable paper funnels. Of particular note, fire investigators recovered a receipt from the Family Dollar retail store located at 320 Dexter Street, Pawtucket, Rhode Island. The receipt was dated November 1, 2013 at 1529 HRS and listed a one-gallon container, flashlight and two pack of gloves. Investigators later learned the clock on the register at the Family Dollar Store was four hours slow. The actual time of the transaction was 1929 HRS. The receipt indicated the purchase had been made with a debit card; the last four digits of the debit card were 0623.

4. On November 2, 2013 Investigators interviewed a witness to the events occurring at 31-33 Ida Street. The identity of this witness is known to me and I am deliberately omitting the witness's identity for his/her personal safety and to avoid any reprisal. I will hereafter refer to the witness in the masculine. The witness stated that at approximately 8:30 pm on November 1, 2013 he observed a dark skin, black male, tall and thin with a beard, wearing a black and red hooded top, and jean pants enter the left side entrance (side #2) to 31-33 Ida Street. The witness stated that he observed the individual he described use a key(s) to gain entry into the property. The witness stated that the left hand side door is always locked and a key is needed to gain entry to the property. The witness stated that he did not see the individual leave the property at this time. The witness stated that later on in the evening at approximately 2:30 am on November 2, 2013 while he was having a cigarette on the second floor front stairway and looking out the front window he observed a gold colored Toyota Camry drive around and around the block and stop in front of 31-33 Ida Street. The witness stated that the same dark skinned black male with the red and black hooded top he had seen enter the house earlier in the evening, exited the gold color Camry and opened the trunk and took out a red gas tank and two white bags and thereafter entered 31-33 Ida Street.

5. The witness stated that after the black male entered the property he heard the smoke detectors sounding within the house and then the alarms stopped

momentarily and resumed going into alarm. Immediately after the alarms stopped the witness heard a loud bang coming from the front of the property in the area of the third floor door. The witness stated that he smelled gasoline. The witness entered the second floor and awakened everyone to inform the occupants of the smell of gas.

6. Investigators went to the Family Dollar retail store located at 320 Dexter Street in Pawtucket, RI. Investigators learned the store utilized a recorded surveillance camera system. Investigators secured video footage of the purchase related to the receipt located at the fire scene. The video footage showed the purchase of the items being made by a dark skinned black male with a pointy beard wearing a dark blue or black and red sweatshirt. Two other subjects can also be seen on the video interacting with the subject inside the store. One of these individuals is a dark skinned black female and the other is a dark skinned black male. Family Dollar could only provide a partial number for the debit card used to purchase the items. The partial number provided was (first six numbers of the card) 512992 and 0623 (last four numbers of the card). The missing six digits from the card could not be accessed from the local store. Family Dollar records indicate the card was issued by Santander Bank. Investigators located and purchased a two-pack of gloves, a one-gallon clear plastic container and a flashlight matching the description of the items listed on the receipt. The items were of the same size and manufacturer. The UPC codes of the items purchased by investigators

matched the UPC codes from the receipt recovered at the fire scene. The gloves, flashlight and clear plastic jug recovered from the fire scene match the items purchased by investigators at the Family Dollar Store.

7. Subsequent to this discovery, Investigators canvassed retail stores and distributors for the Midwest brand five-gallon gas container that had been seized by investigators from the fire scene. Investigators located the Midwest five-gallon gas container for sale at Benny's located at 66 Branch Avenue, Providence, RI. The Midwest gas container contains a nozzle retracted inside the container and a paper tag on the nozzle neck. Benny's staff searched records and determined that one of the Midwest five-gallon gas containers had been sold on November 1, 2013 at 1954 HRS. The records indicate the purchase was made with a debit card; the last four numbers of the debit card were 0623, the same as the debit card used at the Family Dollar Store. Investigators purchased a Midwest five-gallon gas container which matched the Benny's retail code for the container purchased on the receipt. Benny's does not have video surveillance in their stores. This container matches the five gallon container seized at the scene of the fire.

8. Investigators, acting with the United States Attorney's Office for the District of Rhode Island, secured grand jury subpoenas directed to both the Family Dollar Store and Benny's for information related to the debit card number used to make the purchases on November 1, 2013 from each store. Records returned by Family Dollar and Benny's indicate the complete card

number associated with the card making the purchases at both locations was 512992 559675 0623.

9. A grand jury subpoena was secured for Santander Bank for records related to the debit card bearing number 512992 559675 0623. Santander reported that the debit card number is for an account with their bank for an account belonging to Nakele FREEMAN of 57 Stephen Hopkins Court, Providence, Rhode Island with a date of birth of 01/01/1994. Santander Bank records indicate the card had not been reported lost or stolen as of November 8, 2013 and the card appeared to be active and in use with transactions posting as late as November 5, 2013. In response to the grand jury subpoena Santander Bank provided investigators with information regarding other transactions made on the account. The transactions included a purchase of \$16.80 at a Stop & Shop gas station located at 301 Branch Avenue on November 1, 2013. Investigators contacted Stop & Shop and determined the Stop & Shop gas station at that location employs a video surveillance system.
10. Investigators responded to Stop & Shop and viewed the surveillance footage of the transaction reported by Santander. The footage shows that at approximately 8:03 pm¹ a tan four door vehicle approached pump three. A black male with a pointy beard and wearing a dark blue or black and red sweatshirt/jacket can be seen exiting the front passenger side with a red gas

¹ This time is obtained from a screen shot taken by investigators while viewing the Stop & Shop video footage.

container. The subject examined the container and removed a paper tag from the nozzle area and disappeared momentarily towards an area that contains a trash can. The subject returned to the area of the pump without the paper tag, leaving the can to approach the cashier. The subject can be seen speaking with the cashier (who has been fully identified by investigators) and provided her with a red colored credit/debit card. Santander Bank's debit cards are red. Investigators interviewed the cashier at the gas station. The cashier said the subject came to the window with his credit card and asked how much for five gallons of gasoline. The cashier calculated the cost and manually charged the subject's card for the amount. The subject purchased five gallons of gasoline. The subject can be seen on the video returning to the pump area and removing the cover from the gas container. The subject then removed a nozzle which retracts into the can and again momentarily went out of view towards the area of a trash can. The subject can be seen returning to the pump and filling the container. The subject then placed the now full container in the trunk and left the area of pump three. The Midwest brand gas container recovered at the fire scene did not contain the paper tag or a spout cover.

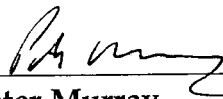
11. On November 8, 2013 investigators interviewed a witness who lives in the immediate area of 31-33 Ida Street, Providence, RI. This witness is a neighbor, who has been fully identified, and whose identity is being deliberately omitted from this affidavit. The witness owns/operates a

surveillance system alarm company and has several external video cameras on his own property. The neighbor reviewed the footage recorded from these cameras and told investigators it depicts a vehicle drop off a subject just prior to the fire. Investigators reviewed the footage. It shows a four door sedan driving down Ida Street from the direction of Hartford Avenue at approximately 0250 HRS. The vehicle can be seen going by 31 Ida Street and continuing towards Nye Street. A short time later the vehicle returned into view coming from the direction of Nye Street. The vehicle stopped in front of 31 Ida Street and thereafter made a multi-point turn around utilizing turn signals. The vehicle can then be seen again traveling in the direction of Nye Street. The vehicle stopped in front of 31 Ida Street. A subject can be seen exiting the front passenger side of the vehicle and retrieving items from the trunk. The vehicle can then be seen pulling away in the direction of Nye Street. The subject then carried the items from the trunk into the left side of 31-33 Ida Street. A few minutes later the subject exited the residence and can be seen running north on Ida Street in the direction of Hartford Avenue. A video camera located at Summit Liquors with an address of 452 Hartford Avenue captured a four door vehicle fitting the description of the vehicle seen on Ida Street drive down Hartford Avenue from Merino Street towards Ida Street. This would be consistent with the vehicle having "looped" the block. The first video recorded by the neighbor depicts several people (building occupants) emerge from the burning building and the Providence Fire

Department arrive on scene. The neighbor provided investigators with a copy of the video footage.

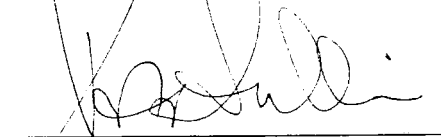
12. Further review of Santander Bank records revealed that FREEMAN's debit card was used to make three separate ATM withdrawals from ATM machines located at the Twin River Casino in Lincoln, Rhode Island. Santander reported that two of the withdrawals were made from terminal SCS4TN37 one at approximately 0100 hrs., on November 3, 2013, and the second at approximately 0117 hrs., also on November 3, 2013. A third ATM cash withdrawal was made from terminal SCS4TN47 at approximately 1:05 pm on November 5, 2013.
13. In furtherance of this investigation the investigative team secured a color photograph of Nakele FREEMAN. The photograph of Nakele FREEMAN matches the person who can be seen on the Family Dollar Store video. That individual matches the description provided by the neighbor who saw the male enter the 31-33 Ida Street location on two separate occasions including the distinctive two-toned color jacket.
14. Based upon this investigation and my experience and training, your affiant have reason to believe and does in fact believe that probable cause

exists to arrest Nakele FREEMAN DOB 01/01/1994 for violation of 18 U.S.C. § 844(i) arson of a building affecting interstate commerce and the conspiracy to commit arson affecting interstate commerce 18 U.S.C. § 371.



Peter Murray
Special Agent
Bureau of Alcohol, Tobacco, Firearms and Explosives

Sworn to before me this 13th day of November, 2013



PATRICIA A. SULLIVAN
UNITED STATES MAGISTRATE JUDGE
DISTRICT OF RHODE ISLAND