

AFFIDAVIT OF ANDRE LABIER

After being duly sworn, I, Andre LaBier, state:

A. Introduction

1. I have been employed by the United States Marshal Service as a Deputy United States Marshal for approximately 22 years. Before that, I worked as a New York State Parole Officer for approximately 2years.

2. As defined by Title 28, United States Code, Section 566, my principal duties include, the "execut[ion of] all lawful writs, process, and orders issued under the authority of the United States, and [the authority to] command all necessary assistance to execute [my] duties."

3. I am currently assigned to the U.S. Marshals Service headquarters' Investigative Services Division as a Chief Inspector.

4. While working for the USMS, I have participated in numerous fugitive investigations that have involved escape, aiding and abetting, accessory after the fact and false statements, in violation of federal and state laws. Accordingly, I am familiar with tactics fugitives use to avoid being arrested, and tactics other people use to intentionally prevent law enforcement officers from arresting fugitives.

4. I submit this affidavit in support of a criminal complaint that charges **CIRINO GONZALEZ**, with a violations of Title 18, United States Code, Sections 3,¹ 372² and 924(c).³

5. The information contained in this affidavit is based, in part, on my personal knowledge, my training and experience as a law enforcement officer and information that has been provided to me by Deputy U.S. Marshals David Taurino, Jeffrey White and Jamie Berry and other law enforcement officers.

¹ Section 3 of Title 18 provides, in relevant part:

Whoever, knowing that an offense against the United States has been committed, receives, relieves, comforts or assists the offender in order to hinder or prevent his apprehension . . . or punishment, is an accessory after the fact [and shall be guilty of an offense].

² Section 372 of Title 18 provides, in relevant part:

If two or more persons conspire to prevent by force, intimidation, or threat, any [official of the United States] from discharging any his duties [to the United States] . . . each person [shall be guilty of an offense].

³ Section 924 of Title 18 provides, in relevant part:

[A]ny person who, during and in relation to any crime of violence . . . uses or carries a firearm, or who, in furtherance of such crime, possesses a firearm [shall be guilty of an offense], and in addition to punishment provided for such crime of violence be sentenced to a term of imprisonment of not less than 5 years.

Title 18, Section 924(e)(1)(B) defines a crime of violence as: "any crime punishable by imprisonment for a term exceeding one year, or (ii) otherwise involves conduct that presents a serious potential risk of physical injury to another.

6. Since this affidavit is being submitted for the purpose of obtaining a criminal complaint, I have not included every fact known to me concerning the investigation of **GONZALEZ**. I have only set forth the facts which I believe are necessary to establish probable cause that **GONZALEZ** has committed violations of 18 U.S.C. §§ 3, 372 and 924(c).

B. **Facts**

7. Edward Brown and his wife, Elaine Brown, a dentist, live at 401 Center of Town Road in Plainfield, New Hampshire. Their home is located on approximately one hundred acres of real estate. The property includes a long driveway that extends from Center of Town Road to the Browns' home.

8. On or about January 18, 2007, the last day of a trial that started on January 9, a jury returned verdicts convicting Edward Brown and Elaine Brown of, among other offenses, conspiracy and a number of federal tax crimes.

9. The Browns defended themselves during their joint trial by asserting that there is no legal authority for the United States government to collect taxes.

10. The jury returned its verdict against Edward Brown in his absence. After the third day of evidence, January 11, 2007, Edward Brown returned to his and Elaine Brown's residence and never came back to court. On January 12, 2007, a federal warrant was issued for Edward Brown's arrest based upon his failure to

appear for the completion of his trial.

11. On April 24, 2007, Edward Brown and Elaine Brown were each sentenced to sixty-three (63) months in prison. Neither Edward Brown nor Elaine Brown appeared for the sentencing proceeding and the sentences against them were imposed in their absence.

12. While the Browns have been fugitives, officers of the United States Marshals Service have made efforts to arrest them. During the same period of time, the Browns have remained inside the boundaries of the property on which their home is located.

13. While they have been fugitives, the Browns have also used a number of public forums - including, but not limited to, television, newspaper, magazine and radio interviews and internet postings - to publicly declare their intention to forcibly resist any effort to arrest them. They have also permitted a number of people who apparently share their belief regarding the federal government's ability to collect taxes, including **GONZALEZ** and Daniel Riley, a resident Albany, New York, to enter and remain in their home for varying periods of time.

14. On approximately April 8, 2007, **GONZALEZ** traveled from his home in Alice, Texas to the Browns' home where he remained, as a guest, until approximately June 24, 2007.

15. On May 23, 2007, **GONZALEZ** purchased a high powered Sebru .50 rifle from a firearms dealer, Stoneagle Firearms, in

Newport, New Hampshire. On the same day, Riley also purchased a high-powered .50 rifle from Stoneagle Firearms.

16. From my training and experience as a law enforcement officer, I know that .50 rifles are designed to fire large caliber rounds at a high velocity that can penetrate military and law enforcement body armor.

17. On June 7, 2007, a number of Deputy U.S. Marshals concealed themselves within the boundaries of the Browns' property to conduct a closer surveillance of their home. While the Deputy U.S. Marshals were hiding on the Browns' property, Riley exited the home to walk the Browns' dog. While walking the dog, Riley observed a secreted Deputy U.S. Marshal and attempted to flee. As Riley was being chased by Deputy U.S. Marshals, he screamed to alert the occupants of the Browns' home, including Edward Brown, Elaine Brown and **GONZALEZ**.

18. At the time, Taurino was in an airplane conducting aerial surveillance of the Brown's property with a telescopic lense. Within minutes of Riley being taken into custody by Deputy United States Marshals, Taurino observed **GONZALEZ** walking toward the front of the Browns' home, paying careful attention to what was happening on the property. At the time, **GONZALEZ** was carrying a high-powered rifle in a manner that indicated that he was prepared to fire it immediately. Taurino then observed Edward Brown attempt to block vehicular access to the his home by

parking a car across the Browns' driveway near the Brown's home.

19. A few moments later, Edward Brown created a partial barricade to his home by parking another car with a few feet of the side entrance to the home. As Brown drove the cars, **GONZALEZ** walked within several feet of Brown and paid careful attention to what was happening on the property while carrying a high-powered rifle in a manner that indicated that he was prepared to use it immediately.

20. After Riley was taken into custody, he told Alandydy that **GONZALEZ** brought a .50 rifle into the Browns' home. Riley also told Alandydy that **GONZALEZ** was prepared to have a violent confrontation with any law enforcement officer who attempted to arrest the Browns.

21. On July 3, 2007, I viewed a video on the internet that contained images of **GONZALEZ** standing on the porch of the Browns' home, wearing a rifle strap on his shoulder. As the video played, a plane flew over or near the Browns' home. When **GONZALEZ** heard the sound of the plane, he stepped off the porch on to the Browns' property with a rifle clearly exposed.

22. The video also contains a somewhat lengthy interview of **GONZALEZ**. During the interview, **GONZALEZ** stated that he believed that his military experience and his experience as a civilian training military and police in Iraq would be useful to the Browns.

Based upon the foregoing it is my conclusion that there is probable cause to believe that **CIRINO GONZALEZ** has committed violations of 18 U.S.C. §3 (Accessory After the Fact), 18 U.S.C. §372 (Conspiracy to Impede or Injure an Officer), and 18 U.S.C. §924(c) (Possession and Use of a Firearm in Relation to a Crime of Violence).



Andre Labier
Chief Inspector, U.S. Marshal Service

Sworn to and subscribed before me
this 7th day of September 2007.



JAMES R. MUIRHEAD
United States Magistrate Judge