

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 U.S. Marshal's Service, 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 that fugitives use to avoid being arrested, and tactics other people use to intentionally prevent law enforcement officers from arresting fugitives.

5. I submit this affidavit in support of a criminal complaint that charges **DANIEL RILEY** with a violation of Title 18, United States Code, Sections 3,¹ 372² and 924(c).³

6. The information contained in this affidavit is based on my personal knowledge, my training and experience as a law enforcement officer and information that has been provided to me by Supervisory Inspector James Alandydy, Senior Inspector William Degan, Deputy United States Marshals Jeffrey White and Jamie

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.

Berry, Special Agents Phillip Christiana and Mark Alford of the Federal Bureau of Investigation and other law enforcement officers.

7. 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 **RILEY**. I have only set forth the facts which I believe are necessary to establish probable cause that **RILEY** has committed a violations of 18 U.S.C. §§ 3, 372 and 924(c).

B. Facts

8. 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.

9. 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.

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

11. 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.

12. 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.

13. 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.

14. 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 **RILEY**, and Cirino Gonzalez, a resident of Alice, Texas, to enter and remain in their home for varying periods of time.

15. On a number of different occasions from in approximately May 2007, to August 2007, **RILEY** has traveled from his home in Cohoes, New York, to Browns' where he remained for

varying periods of time as an overnight guest in the Browns' home.

16. On May 23, 2007, **RILEY** purchased a high-powered Sebru .50 rifle from a firearms dealer, Stoneagle Firearms, in Newport, New Hampshire. On the same day, Gonzalez also purchased a high-powered .50 rifle from Stoneagle Firearms.

17. 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 are capable of penetrating military and law enforcement body armor.

18. 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 Gonzales.

19. After **RILEY** was taken into custody, he told Alandydy that he (**RILEY**) wrote a letter in support of the Browns shortly after their trial ended in January 2007. **RILEY** said that a copy of the letter was published in the Concord Monitor. **RILEY** stated that he e-mailed a copy of the letter to Edward Brown and Brown

called **RILEY** to thank him for it. Sometime thereafter, a person whom **RILEY** referred to as "Reno" invited **RILEY** to visit the Browns in their home.⁴ **RILEY** stated that he accepted the invitation, knowing that federal arrest warrants for the Browns had been issued.

20. **RILEY** also told Alandydy that when he (**RILEY**) arrived at Browns' home in early May 2007, he delivered approximately \$100 worth of groceries to them. **RILEY** stated that he stayed in the Browns' home for three nights, and that Gonzales had brought a .9 mm assault rifle and a .22 handgun into the Browns' home. **RILEY** also reported that Gonzales performed armed patrols of the Browns' property with the .9 mm assault rifle.

21. **RILEY** also stated that he helped Gonzales and another person move approximately twenty-five extinguishers from Elaine Brown's dental office in Lebanon, New Hampshire to the Browns' home because Edward Brown believed that law enforcement agents might set fire to the Brown's home.

22. **RILEY** admitted to Alandydy that he brought a .20 gauge shot gun into the Brown's on June 5, 2007, and that he kept it near him when he slept.

⁴ From other information I have collected and received during this investigation, I know that "Rino" is Gonzales.

23. **RILEY** also told Alandydy that he purchased 12 pounds of Tannerite, a chemical agent for an explosive device, because he was asked to do so by Edward Brown. **RILEY** said that he believes the Tannerite was delivered to his residence in Albany, New York.

24. **RILEY** claimed to be a self-employed master electrician. He said that he helped to install motion detector lights on the Browns' property on June 6, 2007 because he was asked to do so by Edward Brown.

25. **RILEY** told Alandydy that he has seen at least ten (10) rifles, numerous handguns and two black powder explosive devices equipped with fuses in the Browns' home and on their property. **RILEY** also said that he believes that Edward Brown and Elaine Brown intend to use the explosive devices as grenades if law enforcement agents attempt to enter their home.

26. Based on statements made to him by Edward Brown, **RILEY** believes approximately ten (10) to twenty (20) additional black powder explosive devices are located in the Browns' home and on their property.

27. **RILEY** also told Alandydy that if he (**RILEY**) was in New York and learned that law enforcement agents were attempting to arrest the Browns, he would (a) arm himself, (b) drive to the Browns' residence, (c) defend the Browns against law enforcement, but not initiate any force, and (d) comply with an order from law enforcement not to enter the Brown's property or home. **RILEY** also

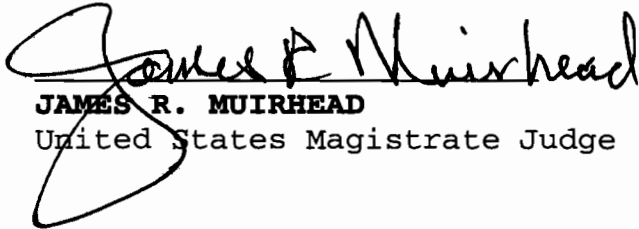
stated, that if he was inside the Browns' home when an attempt was made to arrest them, he would defend himself and the Browns with force.

Based upon the foregoing it is my conclusion that there is probable cause to believe that **DANIEL RILEY** has committed a violation of 18 U.S.C. §3 (Accessory After the Fact), §372 (Conspiracy to Impede or Injure an Officer) and §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