

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

**In the matter of the Search of
1999 gray Honda CR-V,
bearing Massachusetts license plate number 316ES9**

13-MS-2224-MB0

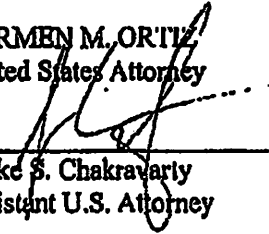
GOVERNMENT'S MOTION TO SEAL

The United States Attorney hereby respectfully moves the Court to seal the search warrant, supporting affidavit, this motion and all related documents (except for a copy of the warrant to be served at the location to be searched), until further order of this Court. As grounds for this motion, the government states that public disclosure of these materials might jeopardize the ongoing investigation of this case, as well as the government's ability to effectuate the search without interference or the destruction of property sought by this warrant.

June 3, 2013. Allowed.

Respectfully submitted,

CARMEN M. ORTIZ
United States Attorney

By: 
Aloke S. Chakravarty
Assistant U.S. Attorney

Date: June 3, 2013

Marianne B. Boulder, USMS

AO 106 (Rev. 04/10) Application for a Search Warrant

UNITED STATES DISTRICT COURT

for the District of Massachusetts

In the Matter of the Search of (Briefly describe the property to be searched or identify the person by name and address) 1999 gray Honda CR-V, bearing Massachusetts license plate number 316ES9

Case No. 13-MJ-224-MBB

APPLICATION FOR A SEARCH WARRANT

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property (identify the person or describe the property to be searched and give its location):

1999 gray Honda CR-V, bearing Massachusetts license plate number 316ES9, as described in Attachment A

located in the District of Massachusetts, there is now concealed (identify the person or describe the property to be searched):

evidence, fruits and instrumentalities of violations of 18 U.S.C. §1951 (Robbery Affecting Interstate Commerce), 18 U.S.C. §1519 (Obstruction of Justice), 18 U.S.C. § 924(c) (Use of a Firearm during a crime of violence), 18 U.S.C. §1001 (Providing False Material Information), and 371 (Conspiracy to Commit Offenses), as described in Attachment B

The basis for the search under Fed. R. Crim. P. 41(c) is (check one or more):

- [x] evidence of a crime; [x] contraband, fruits of crime, or other items illegally possessed; [x] property designed for use, intended for use, or used in committing a crime; [] a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

Table with 2 columns: Code Section (18 U.S.C. §§1951, 1519, 924(c) 1001, 371) and Offense Description (Robbery Affecting Interstate Commerce, Obstruction of Justice, Use of a Firearm during a crime of violence, Providing False Material Information Conspiracy to Commit Offenses)

The application is based on these facts:

See attached Affidavit of Special Agent Steven A. Kimball

- [x] Continued on the attached sheet. [] Delayed notice of ___ days (give exact ending date if more than 30 days: ___) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.

Sworn to before me and signed in my presence.

Date: 06/03/2013

City and state: Boston, Massachusetts

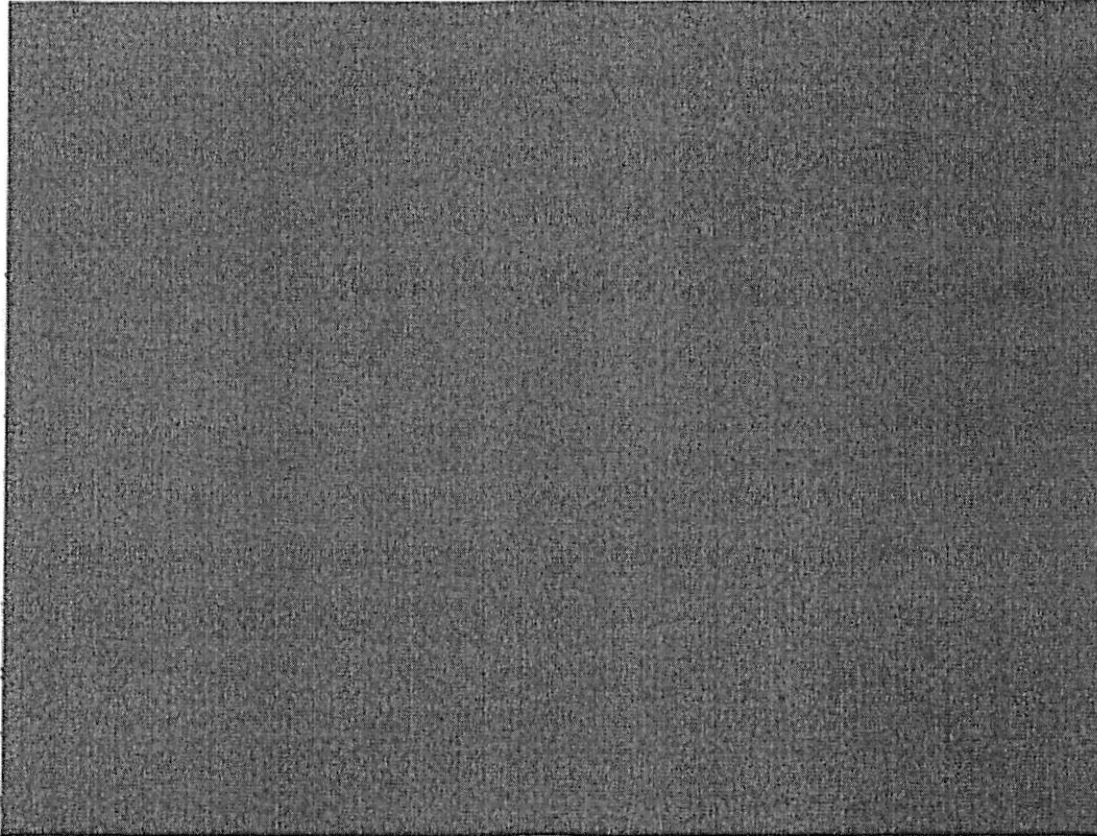
Signature of Steven A. Kimball, FBI Special Agent and Judge's Signature of Marianne B. Bowler, USMJ

Hon. Marianne B. Bowler, U.S. Magistrate Judge Printed name and title

13-MJ-2224-MB03

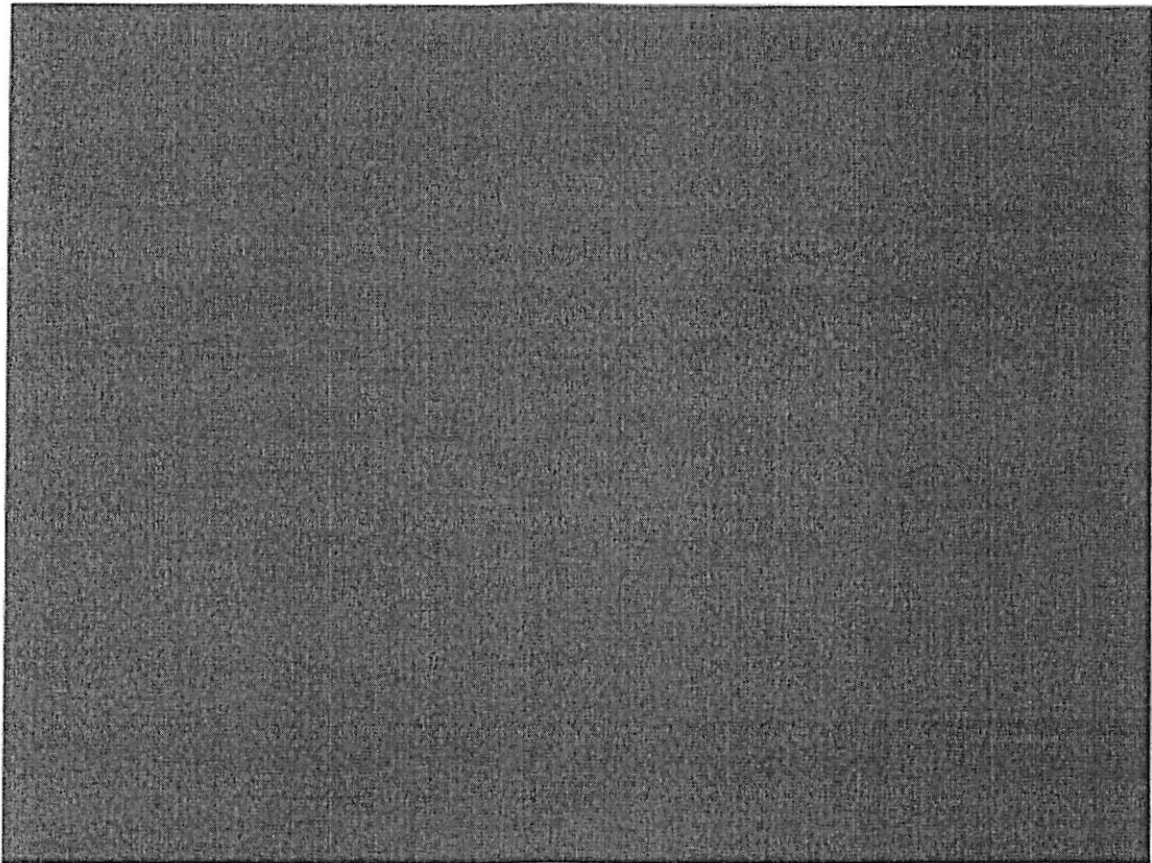
AFFIDAVIT OF SPECIAL AGENT

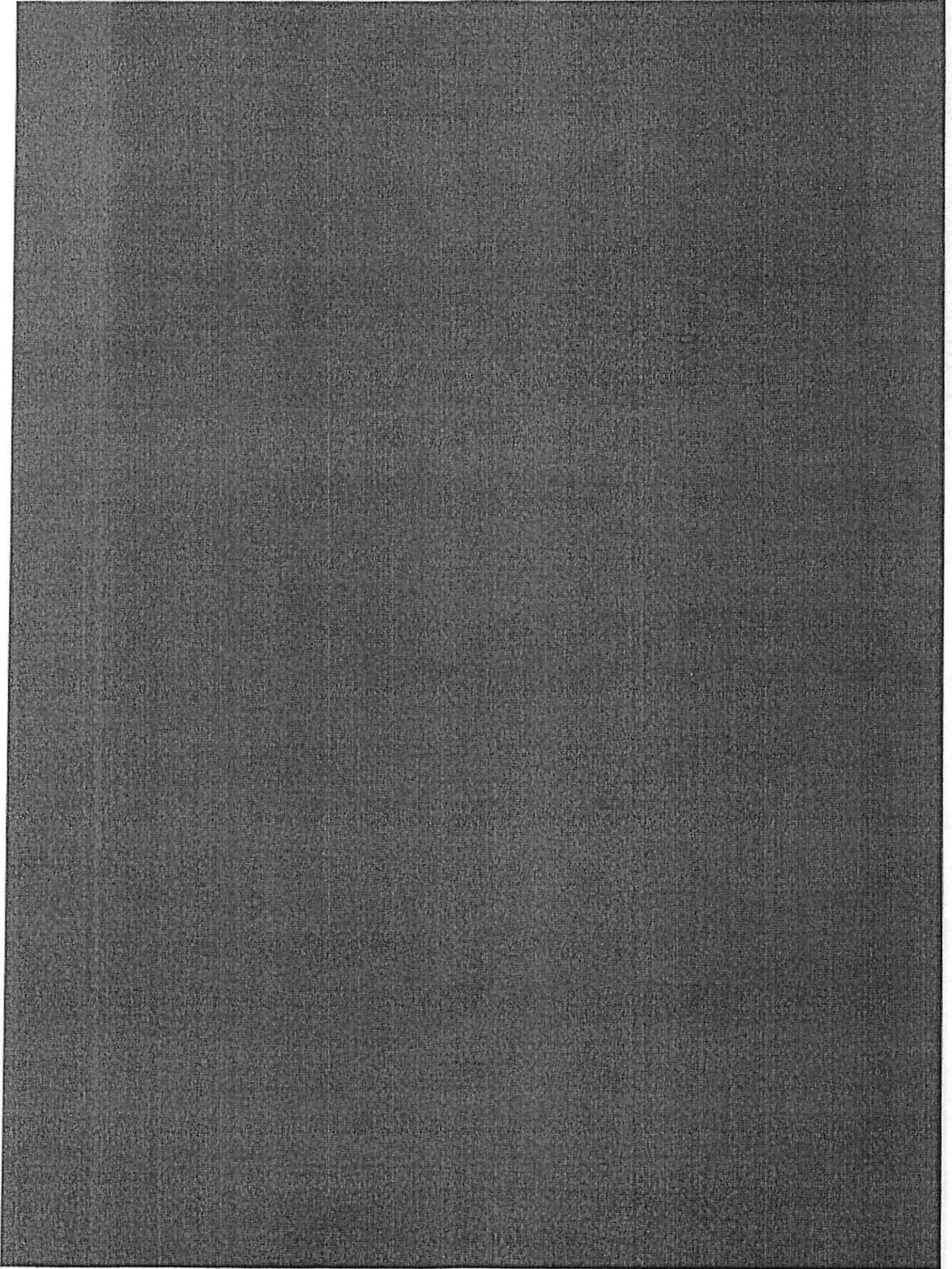
I, [REDACTED] being duly sworn, depose and state:

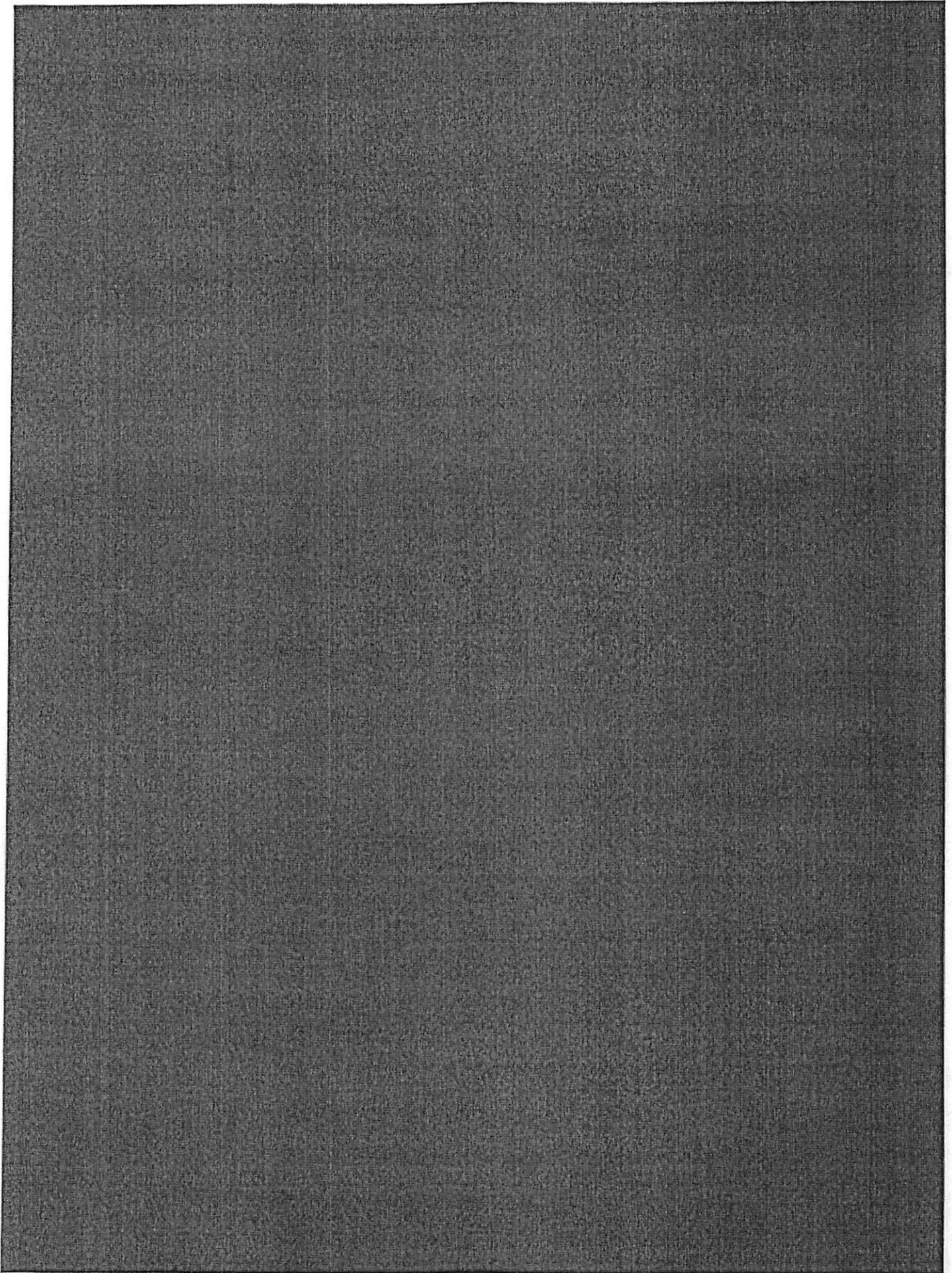


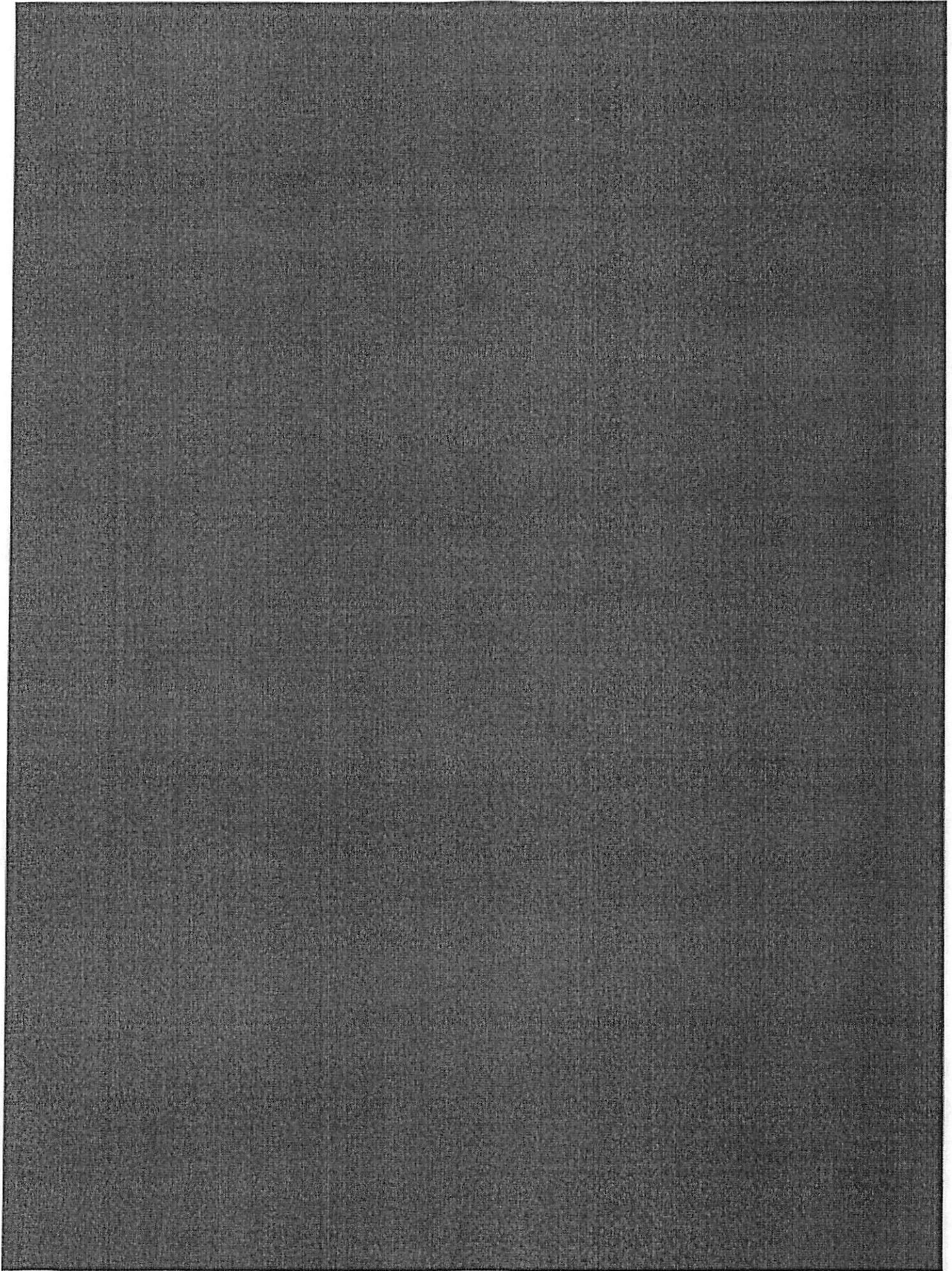
3. I am currently participating in the investigation of the two explosions that occurred on April 15, 2013 in Boston during the Boston Marathon and a subsequent carjacking and shootout that occurred on April 18-19, 2013 in Cambridge and Watertown, Massachusetts. I believe that the same individuals, Tamerlan Tsarnaev ("Tamerlan") and his brother Dzhokhar Tsarnaev ("Dzhokhar"), were involved in the Marathon bombing, the carjacking, and the shootout. This affidavit is submitted in support of a second search warrant for a 1999 gray Honda CR-V, bearing Massachusetts license plate number 316ES9 ("the Target Vehicle"), as

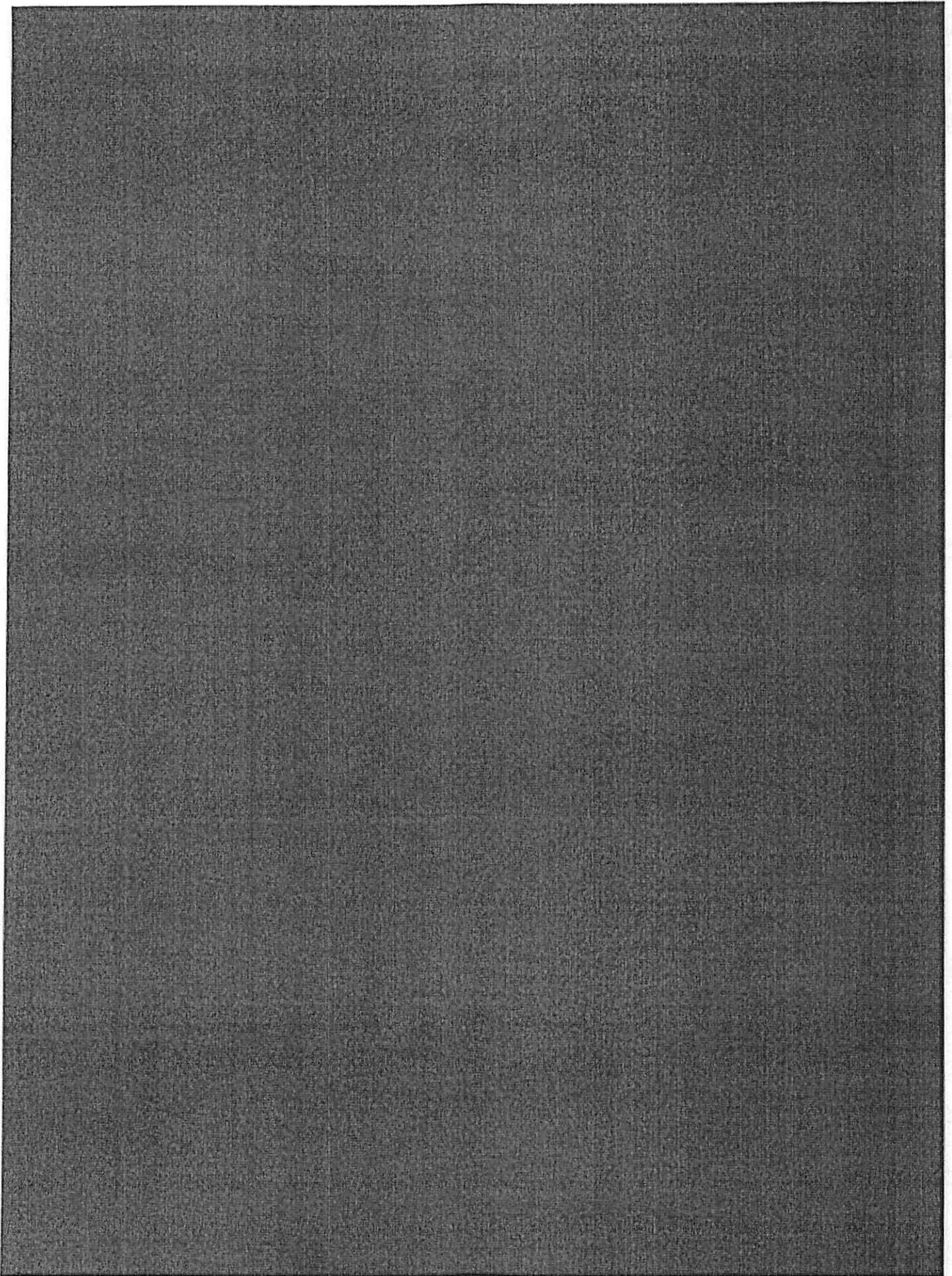
more particularly described in Attachment A hereto, which is incorporated herein by reference.¹ As set forth below, the Target Vehicle is the vehicle of Tamerlan and Dzhokhar. This requested second search warrant seeks a limited search of the Target Vehicle to seize blood, DNA, trace evidence and other items, all of which are more fully described below, that may have been transferred to or from the vehicle by Tamerlan or Ibragim Todashev ("Todashev"), one of his associates, after a triple murder that occurred in Waltham, Massachusetts in September 2011. I have probable cause to believe these additional items may be evidence of the commission of criminal offenses, in violation of 18 U.S.C. §§ 1951 (Robbery Affecting Interstate Commerce), 924(c) (Use of a Firearm During a Crime of Violence), 1519 (Obstruction of Justice) and 371 (Conspiracy to Commit Offenses).

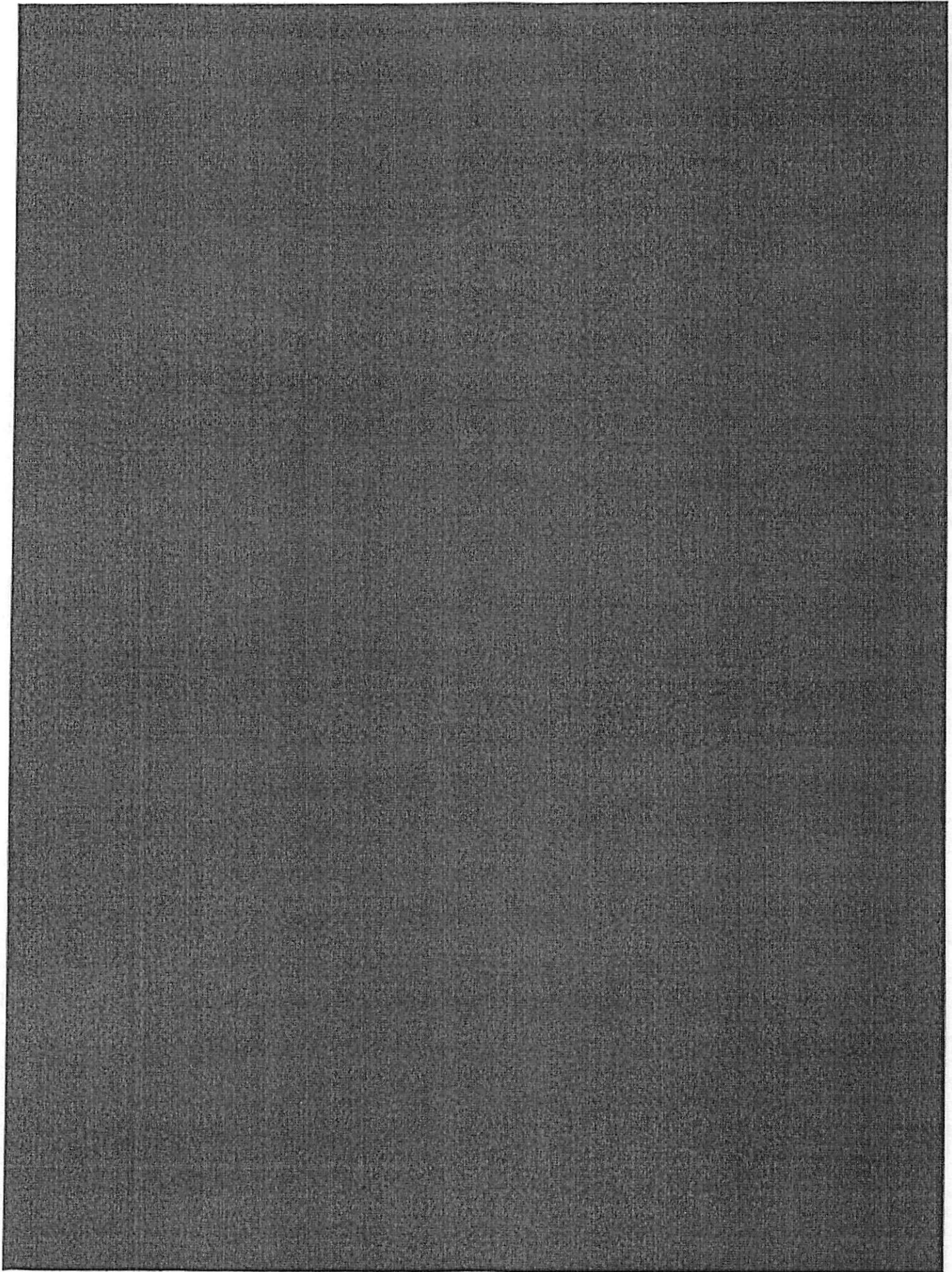


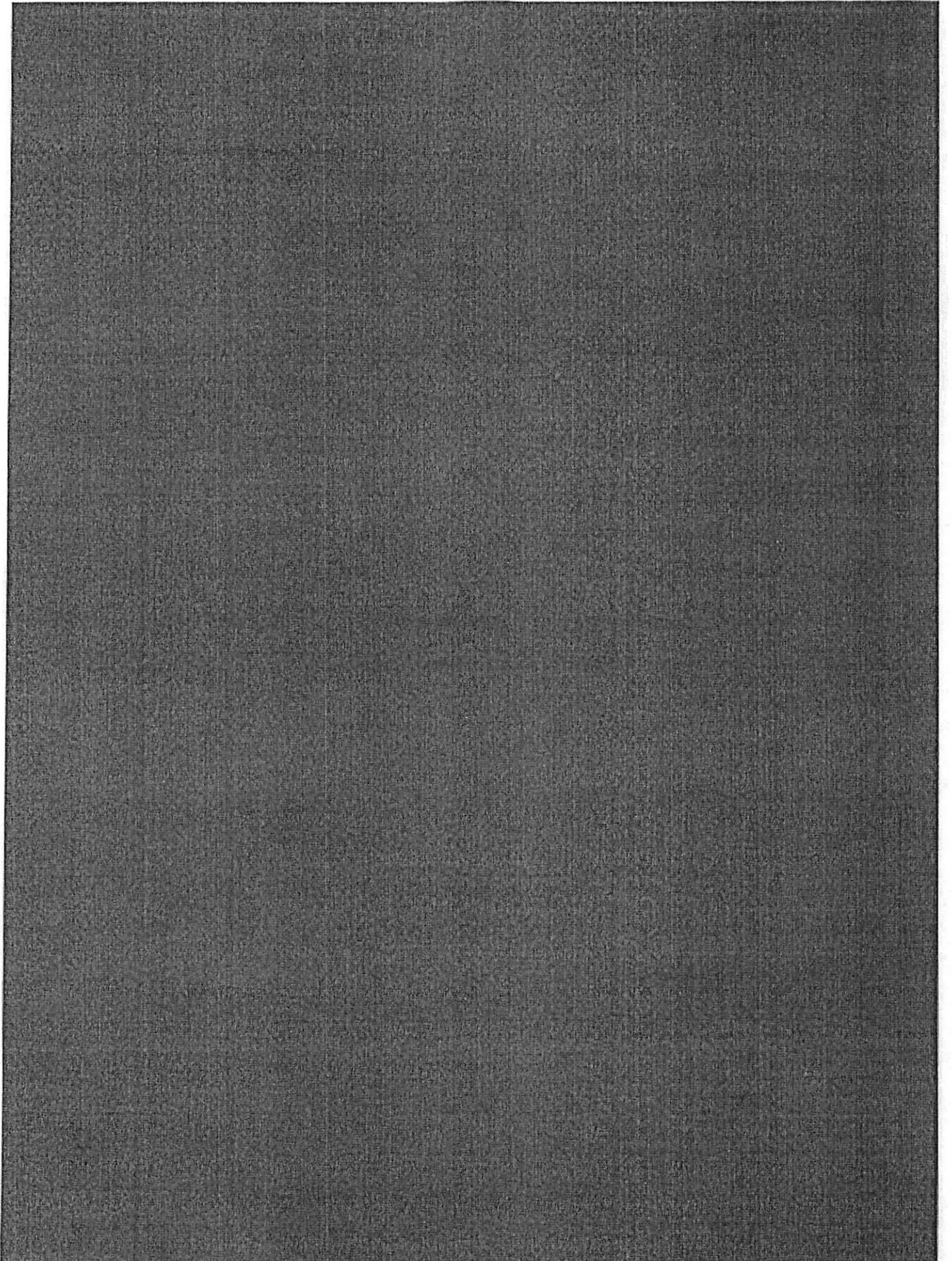


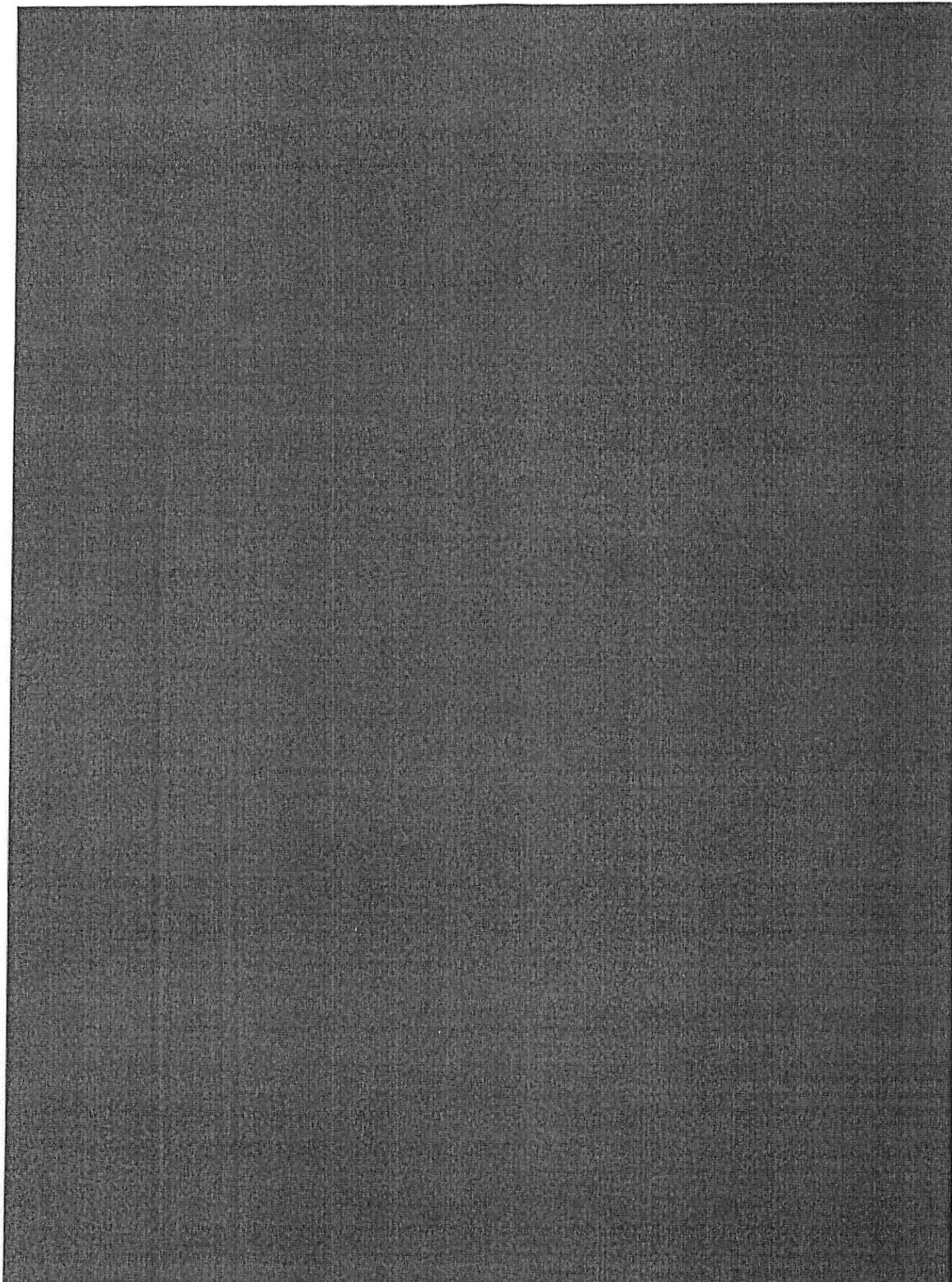


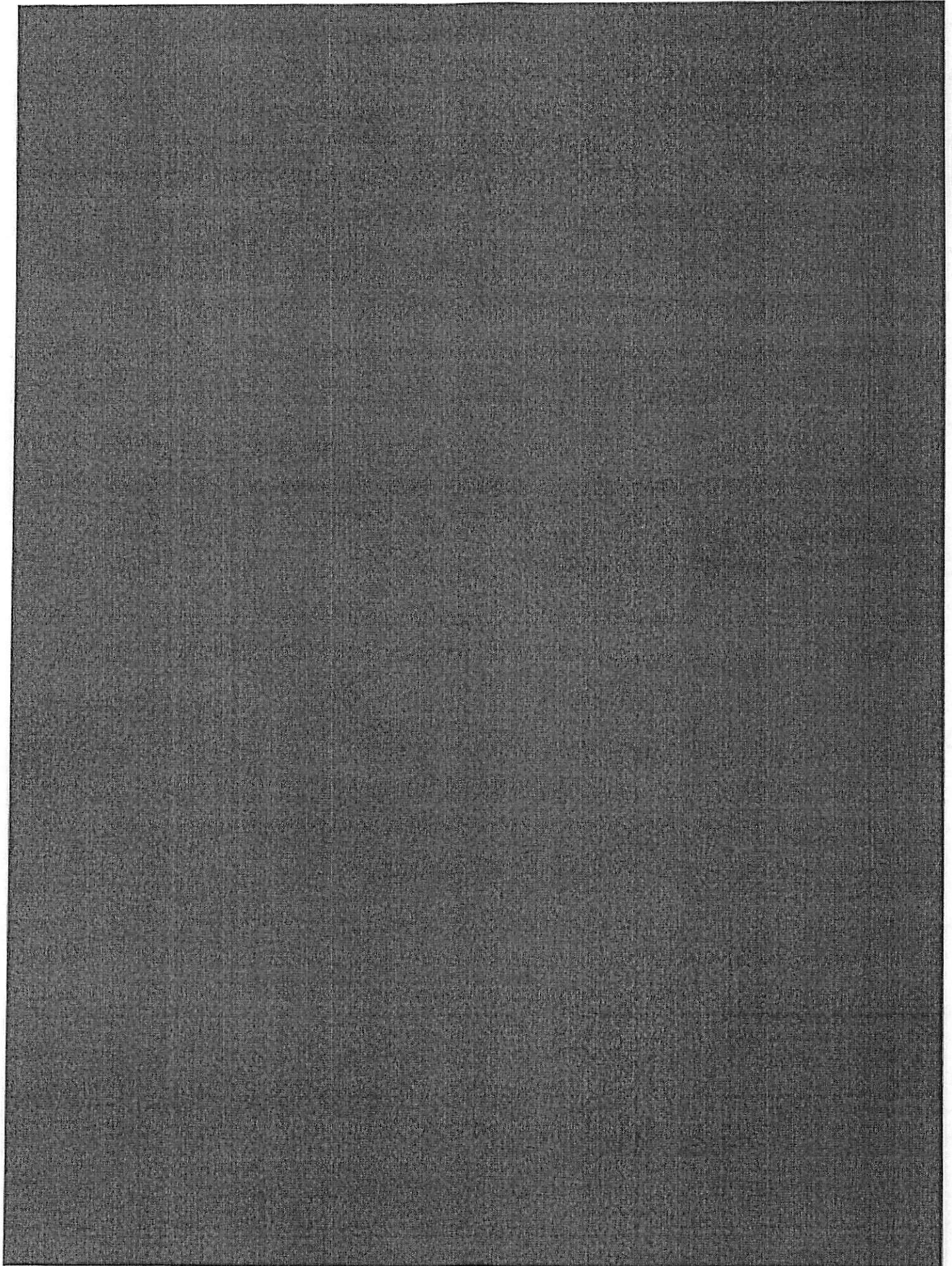


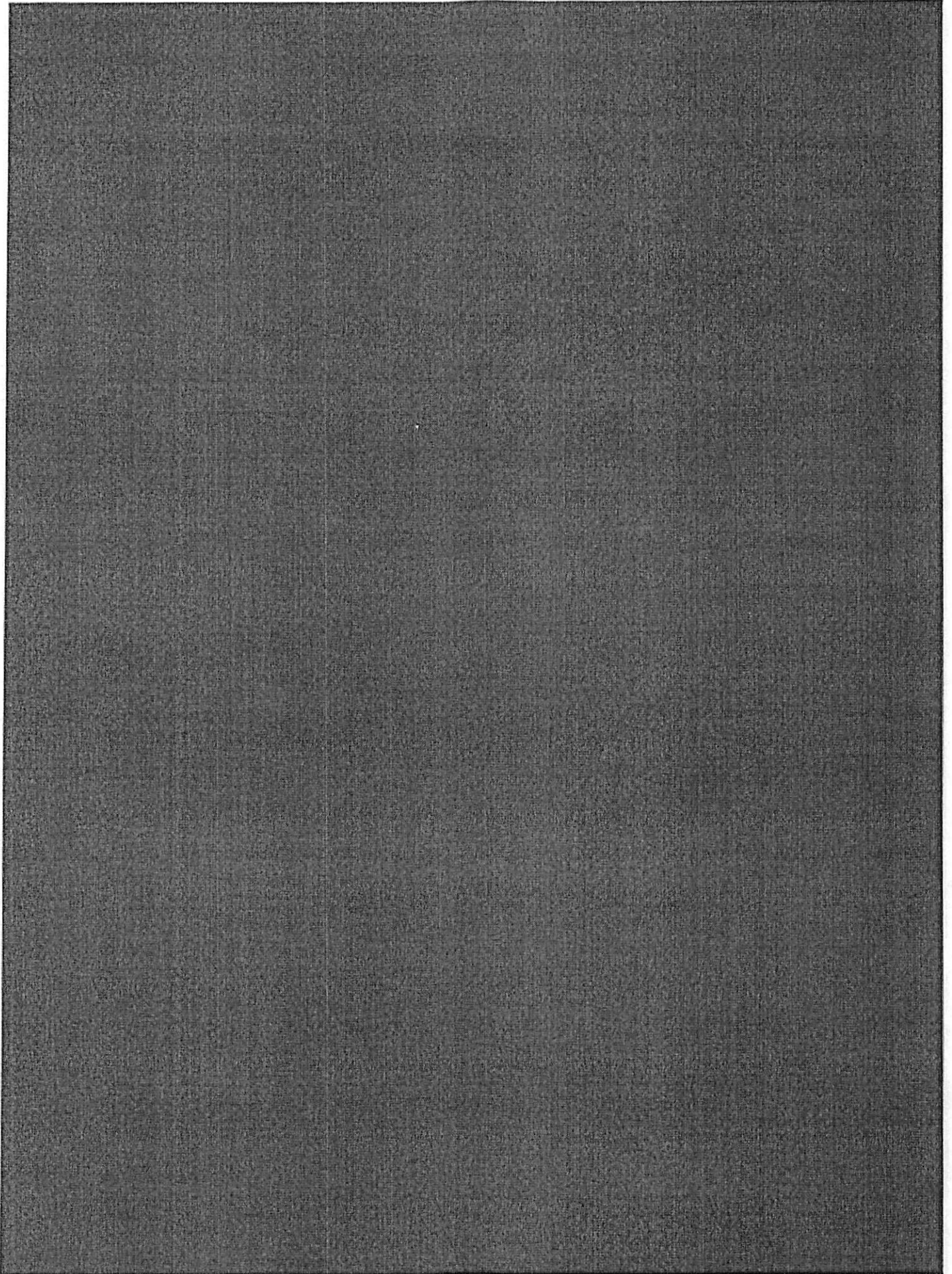


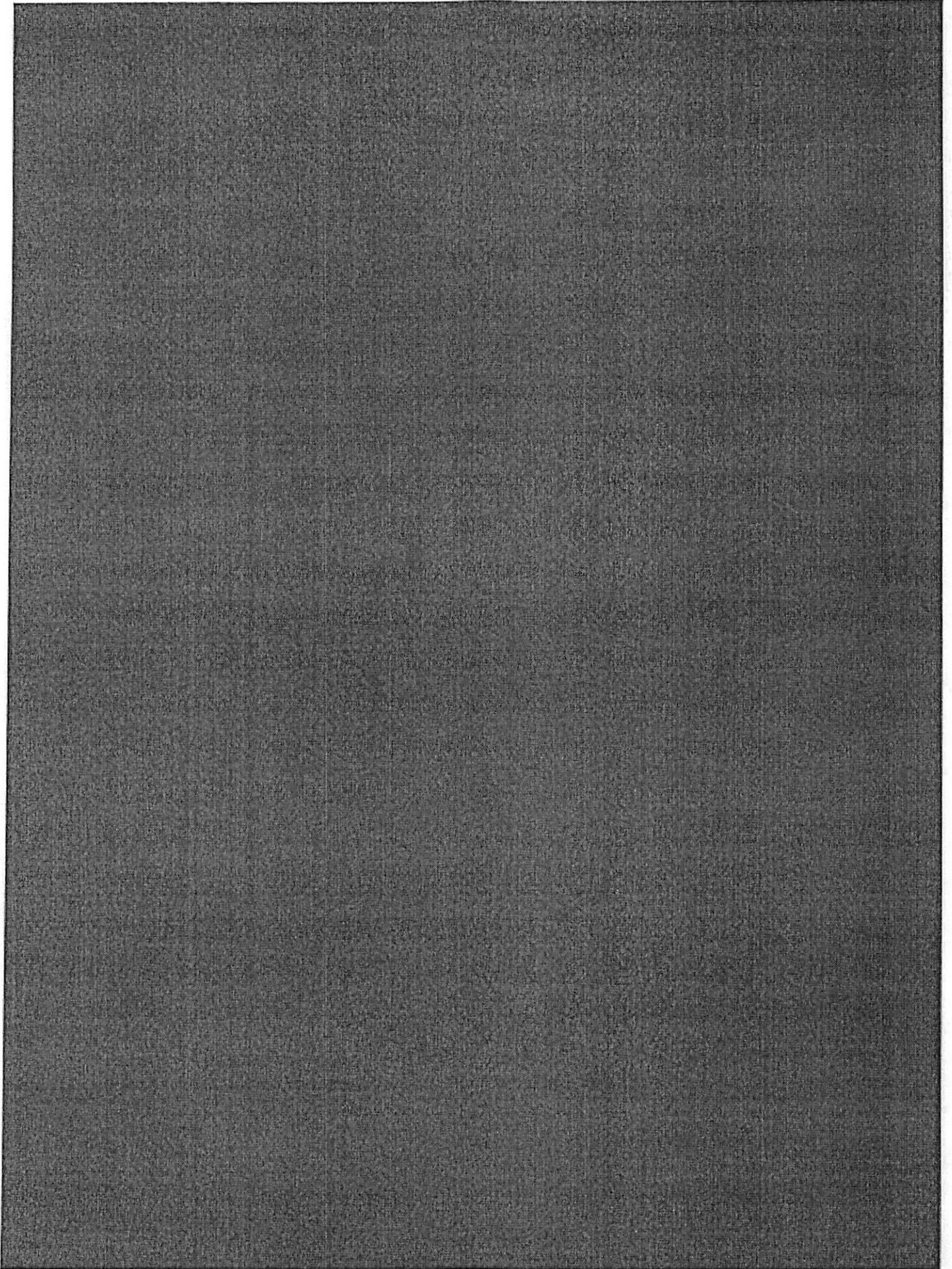


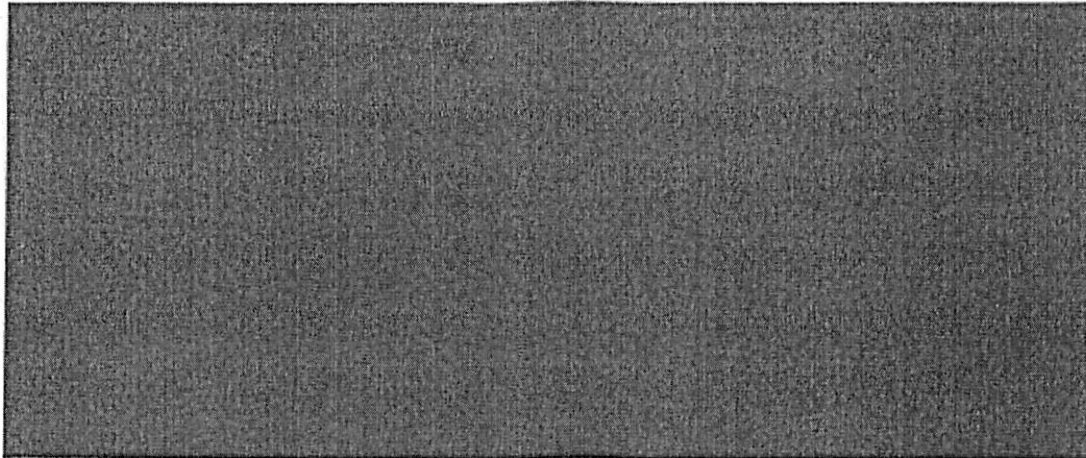














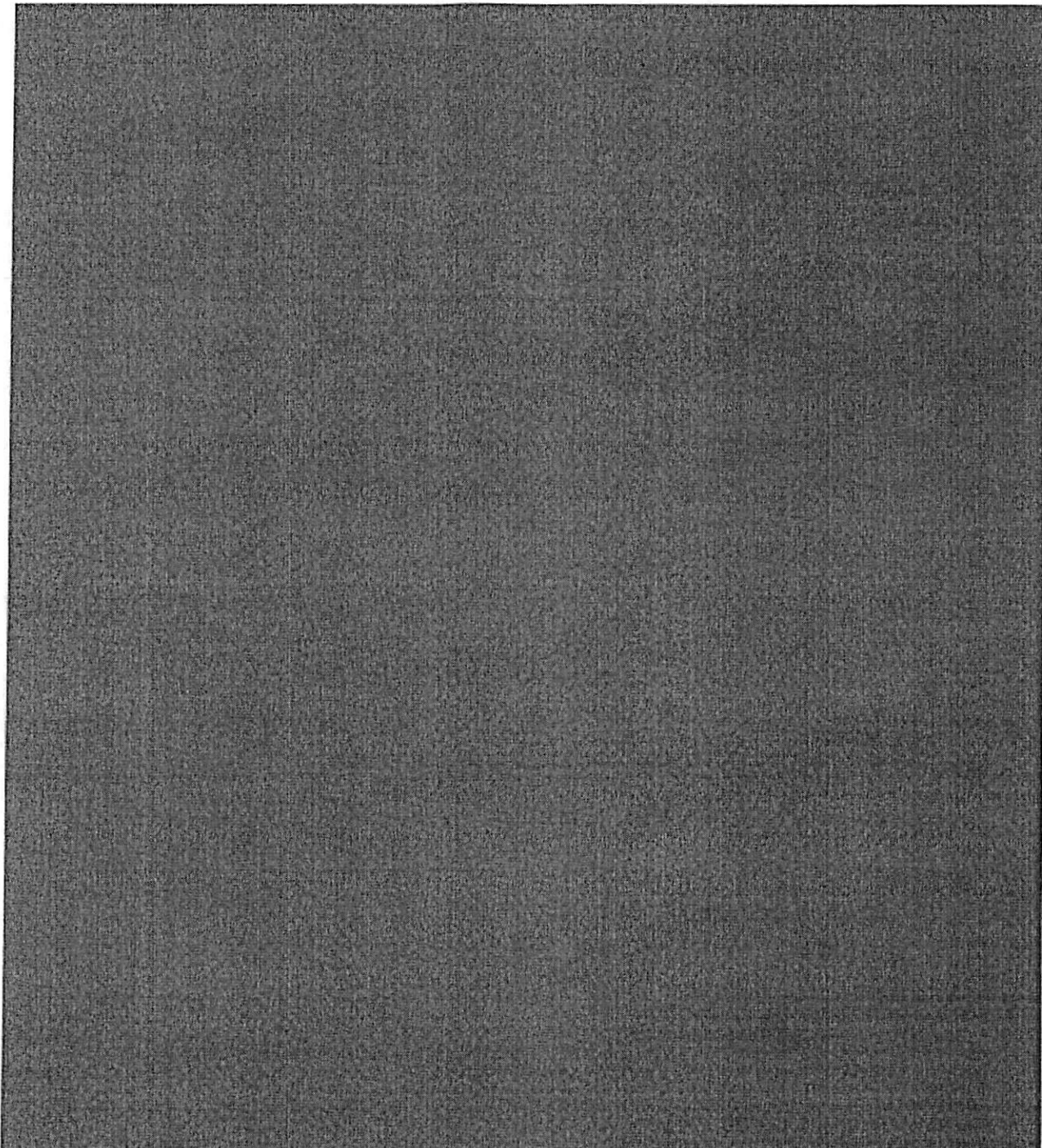
ii. 2011 Waltham Murders

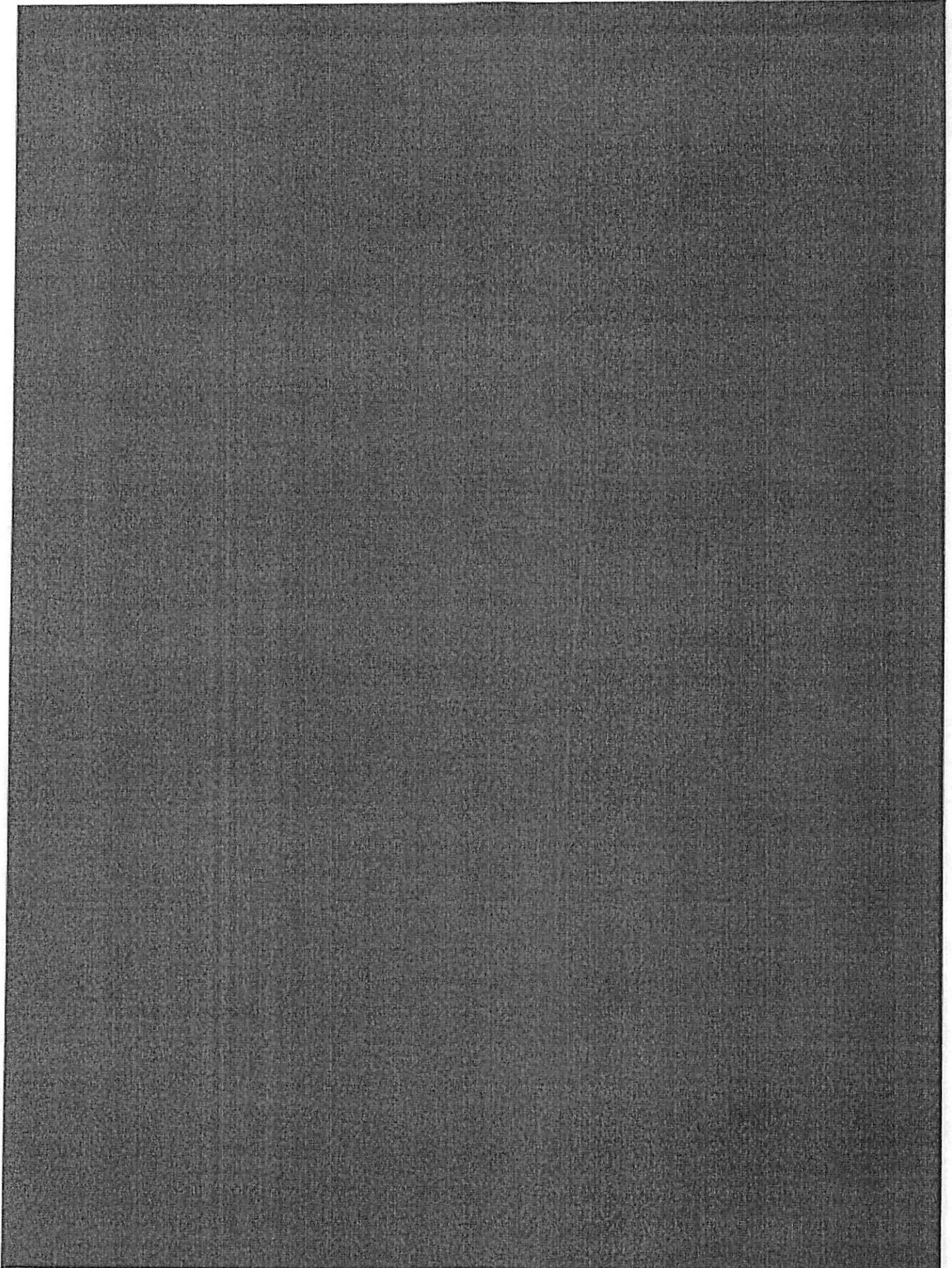
38. On the evening of September 11, 2011, three young men were killed at a residence at 12 Harding Avenue, Waltham, Massachusetts. One of the victims, Brendan Mess, Russell described as Tamerlan's very close friend. The murders were particularly grisly: the victims were bound, beaten, and had their throats cut. In addition, the victims were covered with marijuana. 

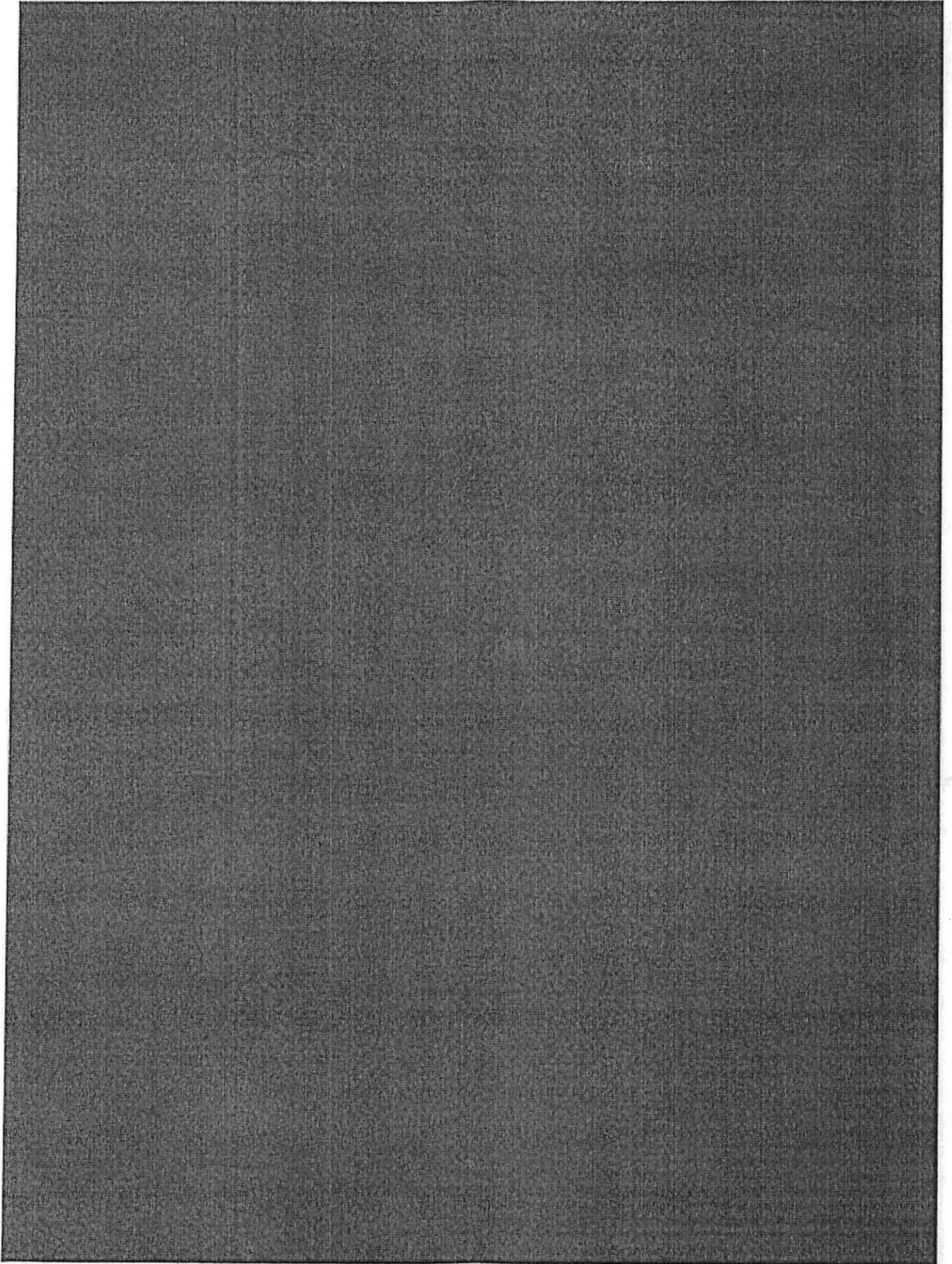
39. On May 21, 2013, as referenced above, law enforcement agents interviewed Todashev. Todashev confessed that he and Tamerlan participated in the Waltham murders. He said that he and Tamerlan had agreed initially just to rob the victims, whom they knew to be drug dealers who sold marijuana. Todashev said that he and Tamerlan took several thousand dollars from the residence and split the money. Todashev said that Tamerlan had a gun, which he brandished to enter the residence. Tamerlan decided that they should eliminate any witnesses to the crime, and then Todashev and Tamerlan bound the victims, who were ultimately murdered. Todashev went on to say that after the murders, Tamerlan and Todashev tried to clean the crime scene in order to remove traces of their fingerprints and other identifying details. 

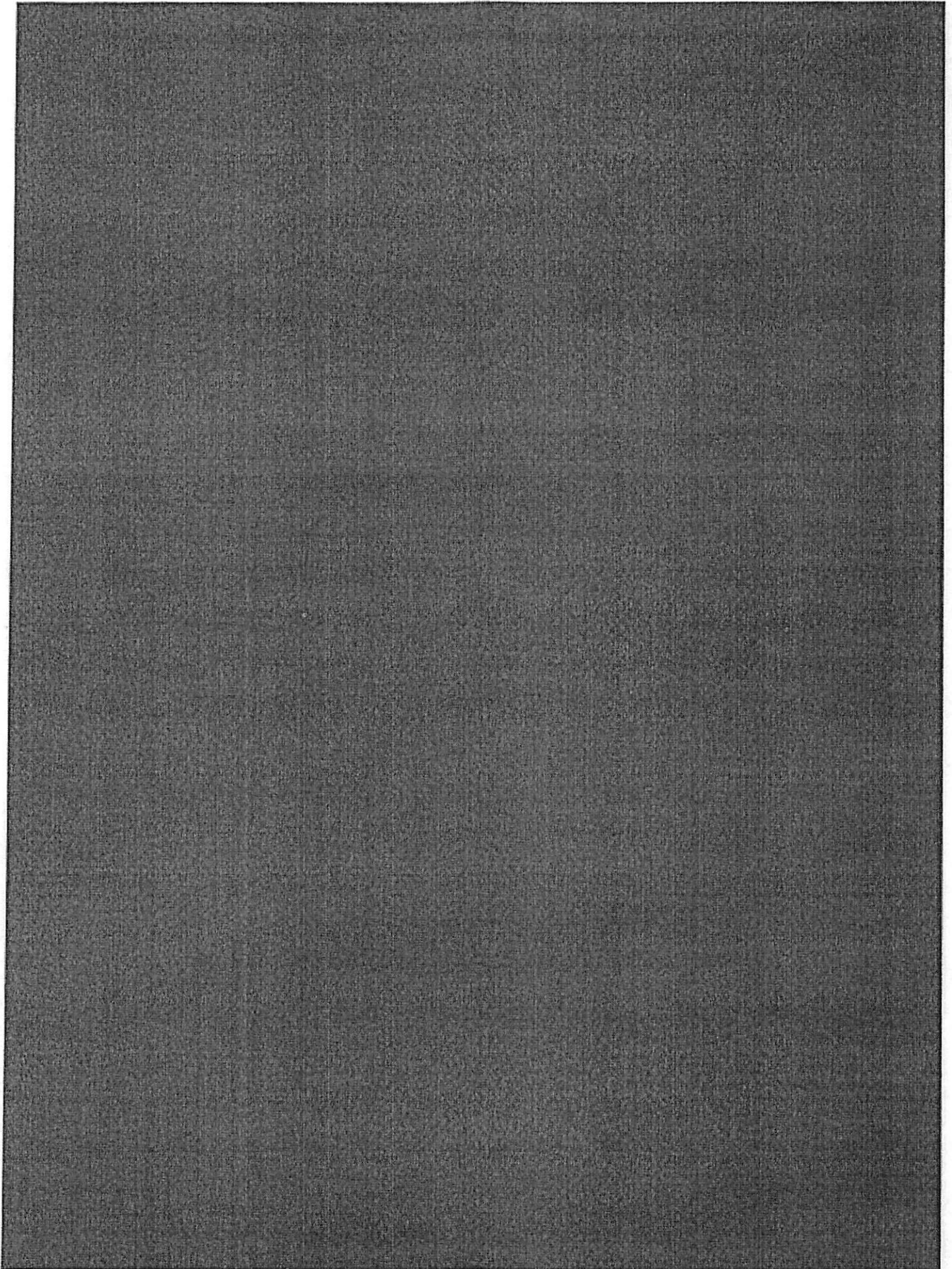


[REDACTED] Todashev said that they spent over an hour cleaning the scene. Todashev said that Tamerlan had picked Todashev up in the Target Vehicle and they traveled to the scene of the Waltham murders together. After the robbery and murder, they left the scene in the Target Vehicle.









ATTACHMENT A

PREMISES TO BE SEARCHED

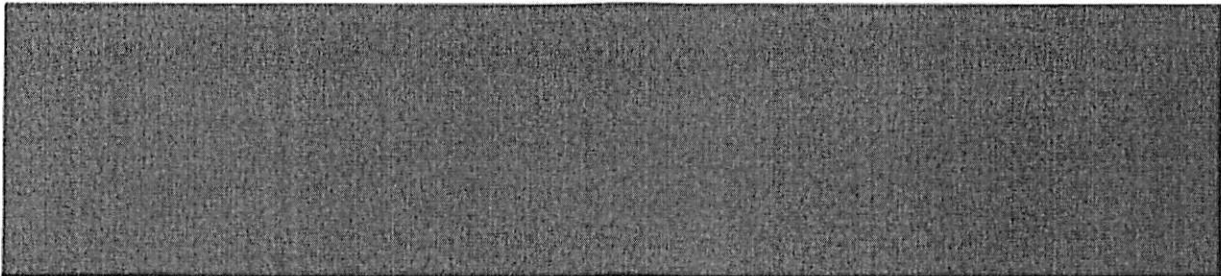
The location to be searched is a 1999 gray Honda CR-V, bearing Massachusetts license plate number 316ES9. The vehicle has been previously searched by the FBI, and was seized from across the street from 410 Norfolk Street, Apartment 3, Cambridge, Massachusetts, the residence of Tamerlan and Dzhokhar Tsarnaev.

ATTACHMENT B

ITEMS TO BE SEIZED

Evidence, in whatever form inside or on the Target Vehicle, related to violations of 18 U.S.C. §1951 (Robbery Affecting Interstate Commerce), 18 U.S.C. §1519 (Obstruction of Justice), 18 U.S.C. § 924(c) (Use of a Firearm during a crime of violence), 18 U.S.C. §1001 (Providing False Material Information), and 371 (Conspiracy to Commit Offenses), in connection with the robbery and triple murder in Waltham, Massachusetts in 2011, including:

1. Blood, tissue, DNA, hair and bodily fluids samples;
2. Fibers and portions of surfaces containing fibers;
3. Swatches of carpet, upholstery, fabric, wood, plastic metal and any other surface or under-surface anywhere on or in the vehicle;
4. Any absorbent substrate or materials;
5. Property, records, or information related to the September 2011 Waltham triple homicide;
6. Property, records, or information related to the state of mind and/or motive of Tamerlan Tsarnaev or Ibragim Todashev or others to undertake the September 2011 Waltham triple homicide;
7. Property, records, or other information related to contacts between Ibragim Todashev and Tamerlan Tsarnaev or Dzhokhar Tsarnaev or other co-conspirators;
8. Property, records, or other information, related to travel of the vehicle or Tamerlan Tsarnaev or Ibragim Todashev in September 2011;
9. Property, records, or information related to any bank records, checks, credit card bills, account information, and other financial records;



12. Chemical and physical testing of the vehicle.

13. Evidence of property, records, or information related to the victims of the September 2011 Waltham triple homicide, Brendan Mess, Erik Weissman, or Raphael Teken, or related to Tamerlan or Dzhokhar, or an as yet-unidentified co-conspirator;

14. Property, records, or other information related to martial arts, combat, or fighting;



16. Evidence not previously seized, evidencing a relationship between the 2011 Waltham triple homicide and the 2013 Boston Marathon bombings.

AO 93 (Rev. 12/09) Search and Seizure Warrant

UNITED STATES DISTRICT COURT

for the
District of Massachusetts

In the Matter of the Search of
*(Briefly describe the property to be searched
or identify the person by name and address)*
1999 gray Honda CR-V, bearing Massachusetts license
plate number 316ES9

)
) Case No. **13-MJ-2224-MBS**
)
)
)

SEARCH AND SEIZURE WARRANT

To: Any authorized law enforcement officer

An application by a federal law enforcement officer or an attorney for the government requests the search of the following person or property located in the _____ District of _____
(Identify the person or describe the property to be searched and give its location):

1999 gray Honda CR-V, bearing Massachusetts license plate number 316ES9, as described in Attachment A

The person or property to be searched, described above, is believed to conceal *(Identify the person or describe the property to be searched):*
evidence, fruits and instrumentalities of violations of 18 U.S.C. §1951 (Robbery Affecting Interstate Commerce), 18 U.S.C. §1519 (Obstruction of Justice), 18 U.S.C. § 924(c) (Use of a Firearm during a crime of violence), 18 U.S.C. §1001 (Providing False Material Information), and 371 (Conspiracy to Commit Offenses), as described in Attachment B

I find that the affidavit(s), or any recorded testimony, establish probable cause to search and seize the person or property.

YOU ARE COMMANDED to execute this warrant on or before June 17, 2013
(not to exceed 14 days)

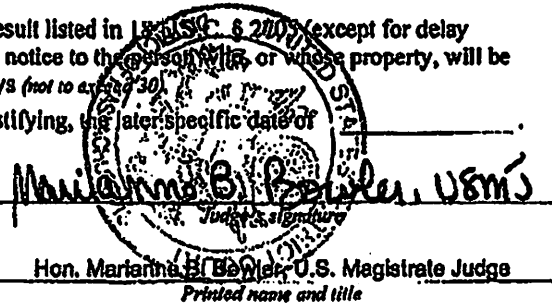
in the daytime 6:00 a.m. to 10 p.m. at any time in the day or night as I find reasonable cause has been established.

Unless delayed notice is authorized below, you must give a copy of the warrant and a receipt for the property taken to the person from whom, or from whose premises, the property was taken, or leave the copy and receipt at the place where the property was taken.

The officer executing this warrant, or an officer present during the execution of the warrant, must prepare an inventory as required by law and promptly return this warrant and inventory to United States Magistrate Judge Marianne B. Bowler
(name)

I find that immediate notification may have an adverse result listed in 18 U.S.C. § 2007 (except for delay of trial), and authorize the officer executing this warrant to delay notice to the person whose property will be searched or seized. *(check the appropriate box)* for _____ days *(not to exceed 30)* until, the facts justifying, the later specific date of _____

Date and time issued: 08/03/2013 0:00 am @ 5:45 PM


Hon. Marianne B. Bowler, U.S. Magistrate Judge
Printed name and title

City and state: Boston, Massachusetts

ATTACHMENT A

PREMISES TO BE SEARCHED

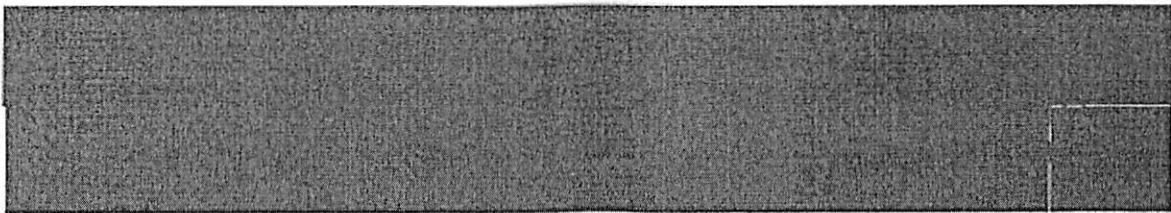
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