

AO 91 (Rev. 08/09) Criminal Complaint

UNITED STATES DISTRICT COURT

for the

District of Massachusetts

United States of America
v.

PERNELL POWELL

Defendant(s)

Case No. 11-mj-4253-TSH

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of July 27, 2011 in the county of Worcester in the District of Massachusetts, the defendant(s) violated:

Code Section

Offense Description

18 U.S.C. Section 1958(a)

Murder-for-Hire

This criminal complaint is based on these facts:

See Attached Affidavit of Michael E. Dwyer

Continued on the attached sheet.

Michael E. Dwyer
Complainant's signature

Michael E. Dwyer, Special Agent, FBI
Printed name and title

Sworn to before me and signed in my presence.

Date: 08/18/2011

City and state: Worcester, MA

Timothy S. Hillman
TIMOTHY S. HILLMAN, U.S.M.J.
Printed name and title
U.S. DISTRICT COURT
DISTRICT OF MASSACHUSETTS

11-mj-4253-TSH

Affidavit of Michael E. Dwyer

I, Michael E. Dwyer, being duly sworn, do depose and say:

1. I am a Special Agent with the Federal Bureau of Investigation ("FBI"), United States Department of Justice. I have been an FBI Special Agent for approximately five years. In December 2008, I was assigned to the FBI's Worcester Resident Agency. My duties included the investigation of violent gang and criminal enterprises. I have received specialized training in narcotics law enforcement, drug trafficking, and criminal enterprises. Prior to my assignment in Worcester, I was assigned to the Boston FBI Health Care Fraud Task Force where I conducted criminal investigations into illegal prescriptions of controlled substances. Over the past three years, I have participated in three investigations involving murder-for-hire.

2. This affidavit is submitted in support of an application for an arrest warrant for, and a criminal complaint against, PERNELL POWELL (b. 1937), charging him with using the U.S. Mail in the commission of a murder-for-hire, in violation of 18 U.S.C. § 1958(a). As described below, there is probable cause to believe that POWELL paid money in the form of money orders as consideration for the murder of an Assistant District Attorney.

3. Because this affidavit is submitted for the limited purpose of obtaining a criminal complaint against POWELL, I have not included each and every fact known to me and to other law

enforcement officers working in this investigation. Instead, I have included only those facts which I believe are necessary to establish the existence of probable cause to support the requested criminal complaint and arrest warrant.

FACTS AND CIRCUMSTANCES

4. In July 2011, FBI received a letter from a prisoner at the Worcester County House of Corrections ("WCHOC") asking to speak with an agent on a matter described in the letter as very important.

5. On July 28, 2011, I went to the WCHOC with another agent and interviewed the prisoner who wrote the letter. The prisoner confirmed that he had written the letter and reported that his former cellmate, PERNELL POWELL, wanted an Assistant District Attorney murdered.

6. More specifically, the prisoner reported that POWELL had asked the prisoner to have someone kill an Assistant District Attorney. POWELL said he was detained at the WCHOC for a fifth OUI, and complained that the District Attorney's office took the position that POWELL should serve four to six years in jail for the offense. POWELL wanted someone to conduct surveillance of, and then kill, an Assistant District Attorney.

7. The prisoner reported that POWELL offered to pay the prisoner a \$2,000 deposit, and then \$2,000 more after the Assistant District Attorney was murdered.

8. Intending to relieve POWELL of the \$2,000 deposit and not carry out the murder, the prisoner said he provided POWELL with the name and address of a relative of the prisoner in Florida to which the deposit, in the form of money orders, should be sent.

9. Finally, the prisoner reported that on July 27, 2011, POWELL made a telephone call from the WCHOC to someone outside the jail, during which POWELL instructed the person he called to get together money orders totalling \$2,050, and send them to the name and address in Florida the prisoner had given POWELL.

The WCHOC Telephone Call

10. I obtained a recording of the July 27, 2011 telephone call from POWELL to a male outside the WCHOC. In substance, POWELL instructed the male to get three money orders, two for \$1,000 each and one for \$50. POWELL said that he believed the highest amount for which a money order could be purchased was \$1,000.

11. During the call POWELL instructed the male, in substance, what names to place on the money orders, the address in Florida to which to send them, to whom the package should be addressed, and that it should be sent overnight. POWELL told the male that the money was for the purchase of a boat.

The Money Orders

12. Based on the foregoing information, FBI was able to

identify and locate an Express Mail package addressed to the name and address in Florida that the prisoner had given to POWELL for the deposit. The package was mailed from Roxbury, Massachusetts on July 27, 2011, and sent to Coral Springs, Florida.

13. FBI was also able to trace the contents of the package. Agents in Florida obtained photocopies of three Money Gram money orders, two for \$1,000 and one for \$50. Each was addressed to the party the prisoner identified to POWELL as the person to whom the money orders should be addressed and made payable.

The Consensual Recording

14. At the request of agents, the prisoner agreed to engage in a conversation with POWELL about the murder-for-hire and to wear a recording device.

15. In early August 2011, agents equipped the prisoner with a recording device. The prisoner then met with POWELL and asked to speak privately. The prisoner asked no questions about POWELL's pending case.

16. Rather, the prisoner asked POWELL whether POWELL was sure that he wanted an Assistant District Attorney murdered. POWELL responded, in substance, "I want it. I mean what do you think I put that money up for? I want his ass either way man." When asked again, POWELL said, "yea, I want it done."

17. During the conversation, the prisoner asked whether POWELL had sent the money orders according to the instructions

the prisoner had given POWELL. POWELL said that he had.

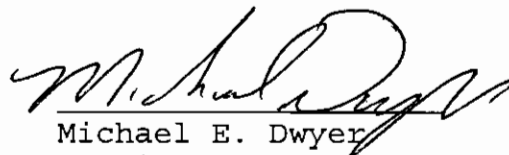
18. POWELL also told the prisoner to be careful, "I don't want you to get caught."

19. Later, the prisoner asked, "So you definitely want this done though, right?" POWELL responded: "I want it done. When I say put the money up, I want it done."

CONCLUSION

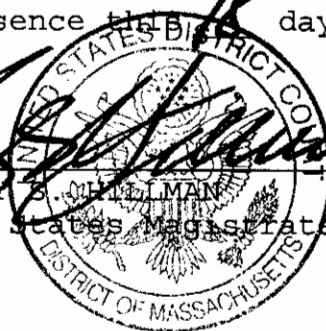
20. Based on the foregoing, I submit that there is probable cause to believe that from July 27, 2011 through early August 2011, PERNELL POWELL (b. 1937), used the U.S. Mail and caused the U.S. Mail to be used in the commission of murder-for-hire, in violation of 18 U.S.C. § 1958(a).

21. WHEREFORE, your deponent respectfully requests that an arrest warrant and a Criminal Complaint issue so that PERNELL POWELL may be dealt with according to law.



Michael E. Dwyer
Special Agent
Federal Bureau of
Investigation

Sworn to me and subscribed in my presence this 18 day of
August, 2011.


TIMOTHY S. MELICKMAN
United States Magistrate Judge

Criminal Case Cover Sheet

U.S. District Court - District of Massachusetts

Place of Offense: _____ Category No. II Investigating Agency FBI

City West Boylston

Related Case Information:

County Worcester

Superseding Ind./ Inf. _____ Case No. _____
Same Defendant _____ New Defendant _____
Magistrate Judge Case Number 11-4253-TSH
Search Warrant Case Number _____
R 20/R 40 from District of _____

Defendant Information:

Defendant Name Pernell Powell Juvenile: Yes No

Is this person an attorney and/or a member of any state/federal bar: Yes No

Alias Name _____

Address (City & State) Worc. Co House of Corrections, Tivnan Dr. West Boylston

Birth date (Yr only): 1937 SSN (last4#): 4684 Sex m Race: black Nationality: US

Defense Counsel if known: _____ Address _____

Bar Number _____

U.S. Attorney Information:

AUSA David Hennessy Bar Number if applicable _____

Interpreter: Yes No List language and/or dialect: _____

Victims: Yes No If yes, are there multiple crime victims under 18 USC§3771(d)(2) Yes No

Matter to be SEALED: Yes No

Warrant Requested Regular Process In Custody

Location Status:

Arrest Date _____

Already in Federal Custody as of _____ in _____

Already in State Custody at Worc Co HOC Serving Sentence Awaiting Trial

On Pretrial Release: Ordered by: _____ on _____

Charging Document: Complaint Information Indictment

Total # of Counts: Petty _____ Misdemeanor _____ Felony 1

Continue on Page 2 for Entry of U.S.C. Citations

I hereby certify that the case numbers of any prior proceedings before a Magistrate Judge are accurately set forth above.

Date: Aug 18, 2011 Signature of AUSA: David Hennessy

District Court Case Number (To be filled in by deputy clerk): _____

Name of Defendant Pernell Powell

U.S.C. Citations

	<u>Index Key/Code</u>	<u>Description of Offense Charged</u>	<u>Count Numbers</u>
Set 1	<u>18 USC 1958</u>	<u>Murder for hire</u>	<u>1</u>
Set 2	_____	_____	_____
Set 3	_____	_____	_____
Set 4	_____	_____	_____
Set 5	_____	_____	_____
Set 6	_____	_____	_____
Set 7	_____	_____	_____
Set 8	_____	_____	_____
Set 9	_____	_____	_____
Set 10	_____	_____	_____
Set 11	_____	_____	_____
Set 12	_____	_____	_____
Set 13	_____	_____	_____
Set 14	_____	_____	_____
Set 15	_____	_____	_____

ADDITIONAL INFORMATION: _____
