

UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

UNITED STATES OF AMERICA

v.

TIMOTHY FORBES,
WILLIAM DAVIS,
JEFFREY HOUSTON and
CHRISTOPHER GAY

FILED UNDER SEAL

MISC. NO. :

DATE: May 21, 2013

AFFIDAVIT IN SUPPORT OF COMPLAINTS AND ARREST WARRANTS

I, Jennifer Berry, being first duly sworn, hereby depose and state as follows:

1. I am a Special Agent with the Federal Bureau of Investigation ("FBI"). I have been a Special Agent with the FBI for approximately fourteen years. I am currently assigned to the Safe Streets Task Force, which is comprised of personnel from the FBI, the Bridgeport Police Department, the Norwalk Police Department, the Fairfield Police Department and the Trumbull Police Department. During the course of my career, I have participated in hundreds of criminal investigations, including investigations into domestic and international terrorism, murder, robbery, kidnapping, narcotics trafficking and firearms trafficking. I am the case agent assigned to the current investigation.

2. I am currently working with other members of the FBI, as well as with members of the United States Marshal Service ("USMS"), the Fairfield Police Department, the Meriden Police Department, the York Regional Police Department, the Allentown Police Department and other law enforcement officials to investigate Timothy Forbes, William Davis, Jeffrey Houston and Christopher Gay for violations of Title 18, United States Code, Section 1201 (kidnapping), Title 18, United States Code, Section 1951 (conspiracy to commit Hobbs Act robbery) and Title

18, United States Code, Section 924(c) (use of a firearm during and in relation to a crime of violence).

3. The statements contained in this affidavit are based on: (1) my personal participation in the investigation; (2) information provided by members of the FBI, the USMS, Fairfield PD, Meriden PD, York PD, Allentown PD and several other law enforcement agencies; (3) witness statements; (4) videotaped surveillance; (5) information from Departments of Motor Vehicles; (6) public information and law enforcement databases; (7) toll records; (8) historical and prospective cell site records obtained pursuant to court orders; (9) GPS records obtained pursuant to search warrants; and (10) my experience and training and several other sources of information. Unless otherwise indicated, all conversations and statements described in this affidavit are related in substance and in part.

4. Because this affidavit is being submitted for the limited purpose of securing criminal complaints and arrest warrants, I have not included each and every fact regarding this investigation. Rather, I have set forth only the facts necessary to establish probable cause to believe that Forbes, Davis, Houston and Gay have violated Title 18, United States Code, Section 1201 (kidnapping), Title 18, United States Code, Section 1951 (conspiracy to commit Hobbs Act robbery) and Title 18, United States Code, Section 924(c) (use of a firearm during and in relation to a crime of violence).

5. On the evening of April 11, 2013, at approximately 9:00 p.m., several unidentified subjects forced their way into a residence in the 100 block of Gravel Street in Meriden, Connecticut. The residence is a corporate apartment utilized by employees of Hannoush Jewelers, which is the parent company of several Connecticut-based jewelry stores. At least two of the subjects were armed with handguns; all of the subjects wore masks and gloves.

6. Once inside, the subjects bound four victims in the residence with duct tape and covered the victims' heads with pillowcases, towels and jackets. Two of the victims are employees of Lenox Jewelers located at 2379 Blackrock Turnpike in Fairfield and one of the victims is an employee of Harstan's Jewelers located at the Trumbull Mall.¹ While in the residence, one of the subjects repeatedly spoke to the victims. Amongst other things, the subject stated that "they" had been following the victims for months and commented that Victim #1 drove really fast.

7. Three of the subjects then forced Victims #1 and #2 into Victim #1's silver BMW and transported them to Lenox Jewelers; at least one, although possibly two, subjects remained at the Meriden residence guarding Victims #3 and #4.

8. During the approximately forty-five minute drive from the residence to Lenox Jewelers, Victim #1 believes that at least one of subjects was utilizing either a cellular telephone or a walkie-talkie type device. Similarly, the victims who were held in the Meriden residence believe that the subject guarding them was also utilizing a cellular telephone.

9. Once at Lenox Jewelers, Victim #1 and Victim #2 were directed to unlock the store, deactivate the alarm and to allow the subjects access to the store and the vault. The subjects stole numerous Rolex watches and an indeterminate amount of loose diamonds and jewelry, valued at approximately four to five million dollars. The subjects then fled in Victim #1's vehicle, leaving Victim #1 and Victim #2 bound inside the store. Later it was determined that the subjects abandoned Victim #1's vehicle on Dudley Drive in Fairfield, within approximately two miles of Lenox Jewelers.

¹ Both Harstan Jewelers and Lenox Jewelers are owned by Hannoush Jewelers.

10. Once the subjects fled, Victims #1 and #2 untied themselves. Victim #1 then called 911 to report the robbery. Fairfield PD received the 911 call at approximately 10:51 p.m. Meriden PD similarly received a 911 call from Victims #3 and #4 at approximately 10:52 p.m.

11. Following the robbery, during a law enforcement canvass of the Meriden neighborhood where the victims reside, one of their neighbors told the police that approximately one-week prior to the robbery he looked out the window of his apartment and saw a silver vehicle with a black male in the driver's seat parked next to Victim #2's Mercedes. The neighbor stated that he saw a second male lying on his back on the ground next to the Mercedes, with his head facing the rear of the vehicle. The neighbor described the male on the ground as a large black male, approximately 6'1" to 6'2" tall and weighing approximately 270 pounds.

12. The neighbor said that he saw the male lying by the Mercedes jump up and get into the passenger side of the silver vehicle. The vehicle, which the neighbor noticed had New Jersey license plates, then drove out of the parking lot without turning on its headlights. The neighbor said he called the police on his cell phone but hung up when the vehicle left the area. The neighbor showed the police his cellular telephone which showed a 911 call made on March 30, 2013 at approximately 1:21 a.m.

13. The neighbor said that about twenty to thirty minutes later, the same silver vehicle with New Jersey plates came back into the parking lot for approximately four or five minutes; no one got into or out of the vehicle. During that time, the neighbor used his binoculars to view the license plate of the silver vehicle, which he recorded as New Jersey registration Y45BWX. The vehicle then left the parking lot, again without turning on its headlights.

14. Further investigation revealed that New Jersey registration Y45BWX returns to a 2012 Silver Nissan Altima, VIN 1N4AL2APXCC208527, which was registered to Ride Share

pattern as the person in possession of the 610-703-7421 telephone from April 12, 2013 to April 25, 2013. That is, the person in possession of the 610-703-7421 telephone from March 1, 2013 to April 11, 2013 called or was called by approximately 20 of the same telephone numbers as the person in possession of the 610-703-7421 telephone from April 12, 2013 to April 25, 2013. Similarly, based upon a review of historical cell site records, the person in possession of the 610-703-7421 telephone from March 1, 2013 to April 11, 2013, frequented the same locations as the person in possession of the 610-703-7421 telephone from April 12, 2013 to April 25, 2013.

18. Additionally, based upon data obtained from a GPS on the 610-703-7421 telephone, investigators determined that on April 23, 2013, at approximately 12:08 p.m., the 610-703-7421 telephone was in the vicinity of Clay Avenue near East 168th Street in the Bronx, New York. On April 24, 2013, at 2:58 p.m., the GPS again placed the 610-703-7421 telephone in the vicinity of Clay Avenue in the Bronx, New York. Investigators have determined that Forbes' lives at , near the corner of East 168th Street in the Bronx.

19. Further, on the evening of April 24, 2013, at approximately 8:35 p.m., the GPS placed the 610-703-7421 telephone in the vicinity of East Mosser and South Carlisle Street in Allentown, Pennsylvania. Later that evening, at approximately 10:37 p.m., the 610-703-7421 telephone was in the vicinity of the Sands Casino in Bethlehem, Pennsylvania, for approximately one hour. Thereafter, on April 25, 2013, at approximately 1:00 a.m., the GPS again placed the 610-703-7421 telephone on East Mosser near the intersection of South Carlisle Street. Investigators have determined that Timothy Forbes resides at near the intersection of South Carlisle Street, in Allentown, Pennsylvania. Additionally, based upon information received from the Sands Casino, investigators determined that Timothy Forbes was at the Sands Casino in Bethlehem, Pennsylvania, on the evening of April 24, 2013, consistent

with the GPS. Investigators have also determined that Forbes has lost over \$83,000 in the Sands Casino over the past 18 months. Based upon the totality of the circumstances, there is probable cause to believe that Forbes was the person in possession of and utilizing the 610-703-7421 telephone from March 29, 2013 through April 25, 2013 (hereinafter "Forbes' telephone).

(2) Forbes used the 610-703-7421 telephone in furtherance of the conspiracy to rob Lenox Jewelers

20. Based upon a review of call detail records and historical cell site information for the Forbes telephone, investigators determined that on March 29, 2013, Forbes entered Connecticut at approximately 4:45 p.m. By approximately 5:50 p.m. Forbes was in Fairfield and his telephone was accessing a cellular tower within approximately 300 yards of Lenox Jewelers. Forbes remained in the vicinity of Lenox Jewelers until approximately 6:50 p.m., at which point he drove northbound toward the Trumbull Mall, where Harstan's Jewelers is located. Victim #1 previously worked at Harstan's Jewelers and Victim #4 currently works at Harstan's Jewelers. Forbes remained at the Trumbull Mall until approximately 8:33 p.m., as evidenced by his cell site activity, and then began driving southbound.

21. During the time Forbes was in Connecticut on March 29, 2013, Forbes communicated with 917-847-6273 and 484-951-1010 several times. Based upon the investigation, and as described in greater detail below, investigators believe that Christopher Gay was in possession of and utilized the 917-847-6273 telephone (hereafter "Gay's telephone") between at least March 29, 2013 and May 7, 2013, and that Jeffrey Houston was in possession of and utilized the 484-951-1010 telephone (hereafter "Houston's telephone") between at least March 29, 2013 and April 25, 2013.

22. On March 30, 2013, at approximately 1:00 a.m., Forbes telephone was accessing a cellular tower within .30 miles of the victims' Gravel Street residence. This is the time frame

during which the victims' neighbor saw two individuals in the parking lot of the victims' apartment complex, one of whom was lying on the ground next to Victim #2's vehicle.

23. Later on March 30, 2013, at approximately 5:58 p.m., Forbes placed an accidental 911 call that accessed a cellular tower located at Fairfield University. After apologizing for the misdial, Forbes hung up the phone. At approximately 5:59 p.m., the 911 dispatch operator dialed 610-703-7421 to determine whether there was an actual emergency. Forbes answered the telephone and advised the dispatch operator that he had dialed 911 accidentally.

24. Forbes then traveled from Fairfield to Meriden. By approximately 6:50 p.m., Forbes had arrived in Meriden, where he remained until approximately 10:00 p.m. While in Meriden, Forbes communicated with Houston via cellular telephone. The cellular tower used to connect Forbes and Houston was within approximately .30 miles of the victims' residence.

25. On April 4, 2013, at approximately 7:28 p.m., Forbes was in Fairfield and his telephone accessed a cellular tower within 300 yards of Lenox Jewelers. At 7:34 p.m., Forbes' telephone began accessing cellular towers in a northbound direction. Between approximately 7:39 p.m. and 7:59 p.m., Forbes was in Trumbull and his telephone was accessing a cellular tower at Trumbull Mall. At approximately 7:59 p.m., Forbes began a telephone call that started in the vicinity of the Trumbull Mall cellular tower and ended on the cellular tower within approximately 300 yards of Lenox Jewelers.² Forbes then remained in the vicinity of Lenox Jewelers until 9:39 p.m., as evidenced by his cell site activity. During that time period, Forbes communicated with Gay three times. At approximately 9:39 p.m., Forbes' telephone again started accessing cellular towers in a northbound direction. While traveling, Forbes called

² This call was to _____ on _____
is William Davis' girlfriend.

6. As explained in greater detail below,

Houston. By approximately 10:51 p.m., Forbes was in Meriden and his telephone was accessing a cellular tower within two miles of the victims' residence. Forbes remained in Meriden for only a short period of time before again traveling southbound.

26. On April 9, 2013, at approximately 6:20 p.m., Forbes was again in Fairfield and his telephone accessed a cellular tower located near Quarry Road in Trumbull, which is close to the Merritt Parkway.

27. On April 11, 2013, at approximately 6:26 p.m., Forbes was in the Bronx, New York, and his telephone accessed a cellular tower in the vicinity of Clay Avenue. Thereafter, between approximately 6:27 p.m. on April 11, 2013, and 2:30 a.m. on April 12, 2013, Forbes did not make or receive any calls. While call detail records show that both Davis and Houston attempted to call Forbes during this period, none of the inbound calls registered on Forbes' cell site or call detail records. Based upon my training and experience, the absence of an entry on Forbes' cell site and detail records is consistent with the Forbes' telephone having been turned off when Davis and Houston placed their calls. However, a review of Forbes' call detail records during the weeks before and after the robbery reveals that the long period of inactivity on April 11, 2013, is entirely inconsistent with Forbes' usual calling pattern. The next call that registered on Forbes' telephone was at approximately 2:30 a.m., when the telephone accessed a cellular tower in the vicinity of Fort Lee, New Jersey.

28. Prior to March 1, 2013, there is no indication that Forbes ever used his 610-703-7421 telephone in Connecticut.³ After April 11, 2013, Forbes never again used his telephone in Connecticut.

³ Forbes was stopped by the police in Darien, Connecticut, in March 2012. At the time of the police contact, Forbes had a bag in the car that contained rolls of duct tape, masks, gloves,

29. In mid-April 2013, investigators with York Police Department made an appointment to meet with Forbes and his attorney to interview Forbes about his alleged involvement in a July 2012 jewelry store robbery in York, Pennsylvania. The meeting was scheduled for April 30, 2013. However, on approximately April 25, 2013, Forbes' attorney called York PD and cancelled the interview. On that same day, Forbes ceased using the 610-703-7421 telephone.

30. On May 8, 2013, Forbes was arrested at his residence at _____ in Allentown, Pennsylvania, in connection with the July 2012 jewelry store robbery. When Forbes was arrested, he was in possession of approximately \$13,100, all in \$100 bills, a Connecticut Lottery ticket purchased on March 5, 2013 and seven cellular telephones, including one assigned telephone number 484-201-0084.⁴

B. William Davis

(1) Identification of the 610-674-5299 telephone

31. Based upon a review of Forbes' telephone calls, between February 8, 2013 and March 1, 2013, and then again between April 11, 2013 and April 13, 2013, investigators determined that Forbes communicated with telephone number 610-674-5299 approximately 357

hammers and other items consistent with tools that are likely to be used during the commission of a home invasion robbery.

⁴ Between approximately February 9, 2013 and April 25, 2013, Gay's telephone (917-847-6273) was in contact with Forbes' telephone (610-703-7421) more than 600 times. On approximately April 26, 2013, Gay ceased contact with the Forbes' telephone. The next day, April 27, 2013, Gay began contacting telephone number 484-201-0084 more frequently than any other number. Between April 27 and May 3, 2013, Gay was in contact with telephone number 484-201-0084 approximately 187 times. Investigators determined based upon a review of call detail records that the person utilizing 484-201-0084 – one of the telephones seized from Forbes when he was arrested on May 8, 2013 – was in contact with approximately 22 telephone numbers that, in turn, were in contact with Forbes' telephone. Investigators have thus concluded that Forbes was in possession of and utilizing the 484-201-0084 telephone after he disposed of his 610-703-7421 telephone.

times. Investigators believe that William Davis was in possession of the 610-674-5299 telephone during the above-described periods.

32. Specifically, Davis was incarcerated in Wernersville Community Correctional Center in Berks, Pennsylvania, from December 6, 2012 until January 24, 2013, when he escaped. Davis remained at large from January 24, 2013 until March 1, 2013, at which time he was apprehended and incarcerated at Berks County Jail. On March 21, 2013, Davis was returned to Wernersville CCC. On April 8, 2013, Davis again fled the Wernersville Facility. There is an outstanding fugitive warrant for his arrest.

33. During the fugitive investigation, a source close to Davis informed members of the USMS that he/she was communicating with Davis on 610-674-5299, which is subscribed to by [REDACTED].

In his Berks County Jail visitation records, Davis identified [REDACTED] as his "female friend." A review of recorded prison calls between Davis and [REDACTED] reveals that Davis is romantically involved with [REDACTED].

34. Investigators reviewed call detail records for the 610-674-5299 telephone and determined that between January 1, 2013 and March 1, 2013, the 610-674-5299 telephone communicated with telephone number [REDACTED] approximately 2821 times. In Davis' Berks County Jail records, Davis listed the [REDACTED] telephone number as belonging to [REDACTED], who Davis identified as his emergency contact and girlfriend. A review of recorded prison calls between Davis and [REDACTED] reveals that Davis is also romantically involved with [REDACTED].

35. Finally, between April 9, 2013 and April 13, 2013, the 610-674-5299 telephone communicated with telephone number [REDACTED] approximately 234 times. Law enforcement

databases show that () is subscribed to by (). While incarcerated at Berks County Jail, Davis repeatedly called () on both () and ().

36. Notably, also included amongst the telephone numbers on Davis' Berks County Jail authorized phone list are 610-703-7421 (Forbes' telephone) and 484-951-1010 (Houston's telephone).

37. Based upon the totality of the circumstances, there is probable cause to believe that Davis was in possession of and utilized the 610-674-5299 telephone (hereafter "Davis' telephone") during the time period described above, including the day of the robbery.

(2) Davis used the 610-674-5299 telephone in furtherance of the conspiracy to rob Lenox Jewelers

38. Based upon a review of historical cell site records and call detail records for Davis' telephone, investigators have determined that from approximately 5:37 p.m. to 5:51 p.m., on April 9, 2013 -- the day after Davis escaped from jail -- Davis was in Fairfield and his telephone was accessing a cellular tower within approximately 300 yards of Lenox Jewelers. At approximately 5:58 p.m., Davis' telephone began accessing cellular towers in a northbound direction. Between approximately 6:56 p.m. and 10:55 p.m., Davis was in Meriden and his telephone accessed a cellular tower within approximately .30 miles of the victims' residence. Several of the calls Davis made while in Meriden were to () and ().

39. On April 11, 2013, the day of the robbery, between approximately 7:16 p.m. and 9:32 p.m., Davis was in Meriden and his telephone again accessed a cellular tower within approximately .30 miles of the victims' residence. As noted above, the victims were accosted at approximately 9:00 p.m. Shortly thereafter, Davis' telephone began accessing cellular towers in a southbound direction. As he traveled, Davis communicated with Houston several times including at approximately 9:47 p.m., when Davis' telephone accessed a cellular tower in New

Haven, at approximately 9:57 p.m., when Davis' telephone accessed a cellular tower on Wheelers Farm Road off the Milford Parkway, at approximately 10:06 p.m., when Davis' telephone accessed a cellular tower in Bridgeport and at approximately 10:10 p.m., when Davis' telephone accessed a cellular tower on Woodhouse Road in Fairfield. Thereafter, between approximately 10:12 p.m. and 10:40 p.m., Davis was in Fairfield and his telephone was accessing a cellular tower within approximately 300 yards of Lenox Jewelers. This corresponds to the time of the robbery at Lenox Jewelers. At approximately 10:40 p.m., Houston called Davis. Thereafter, at approximately 10:45 p.m., Davis' telephone accessed a cellular tower on Old Academy Road in Fairfield. The sector of the cellular tower that Davis' telephone accessed is consistent with Davis driving toward Dudley Drive in Fairfield, which is the location where the robbers abandoned Victim #1's vehicle.

40. Prior to April 9, 2013, there is no indication that Davis ever used his telephone in Connecticut. After April 11, 2013, Davis never again used his telephone in Connecticut.

C. Jeffrey Houston

(1) Identification of the 484-951-1010 telephone

41. On March 7, 2013, Davis, during a recorded prison call, spoke to an individual who Davis identified as "Jeff." During the call, Davis advised Jeff that he might do his "max" sentence, which would extend until September 2013. "Jeff" replied that Davis should not "give them all of it (the max sentence)" explaining, "It's looking good. Niggas might have found a good, good situation." Later in the same conversation, Davis stated that his prison term was, "A minor setback. I'll be rich in a couple of months."

42. On March 12, 2013, during a recorded prison call, Davis spoke to [redacted]. During the call, Davis asked [redacted] to call "Jeff." [redacted] asked if Jeff's number was 484-951-1010. Davis replied, "yes."

43. Based upon a review of subscriber information and law enforcement databases, investigators determined that the account holder for the 484-951-1010 telephone is "[redacted]" in Allentown, Pennsylvania. Based upon a review of prison calls between Davis and Houston, it is apparent that Houston is romantically involved with a woman named [redacted]. Additionally, during April 2013, the person utilizing the 484-951-1010 telephone regularly called a landline at [redacted] Allentown, Pennsylvania.

44. On April 25, 2013, [redacted] changed the telephone number for the 484-951-1010 telephone to 484-951-6246. (This is the same day Forbes stopped using his 610-703-7421 telephone number). Investigators believe that Houston also possessed and utilized 484-951-6246, as the two numbers have consistent calling patterns. That is, the person utilizing the 484-951-6246 telephone called or was called by approximately 15 telephone numbers that called or were called by 484-951-1010, including several calls to another telephone subscribed to by [redacted] in Allentown, Pennsylvania.

45. On May 7, 2013, investigators obtained data from a GPS on the 484-951-6246 telephone. The GPS placed the 484-951-6246 telephone in the vicinity of [redacted] Allentown, Pennsylvania. Accordingly, surveillance was established on the residence. At approximately 10:30 a.m., a male came out of a first floor apartment and stood on the front porch while he made a telephone call. The male was later identified as Jeffrey Houston through the use of law enforcement databases, DMV records and surveillance photographs.

46. Approximately two hours later, Houston left the residence and got into a gold Jeep Grand Cherokee with Pennsylvania license plate . The Jeep is registered to n Allentown, Pennsylvania. This appears to be the same Jeep that picked up the two males from the Dollar Rent-a-Car agency on April 1, 2013. Houston drove the Jeep southbound on As he did, the GPS coordinates simultaneously followed in the same direction. Because no one else left the residence at the time that Houston drove off, investigators believe that Houston was in possession of the 484-951-6246 telephone. As noted above, given that 484-951-6246 and 484-951-1010 have consistent calling patterns, I believe that Houston was in possession of and utilizing the 484-951-1010 telephone (hereafter "Houston's telephone") during the period of the robbery.

(2) Houston used the 484-951-1010 telephone in furtherance of the conspiracy to rob Lenox Jewelers

47. Based upon a review of historical cell site and call detail records, investigators have determined that on March 29, 2013, Houston entered Connecticut at approximately 11:50 p.m. At approximately 1:00 a.m. on March 30, 2013, Houston was in Meriden and his cell phone was accessing a cellular tower within approximately .30 miles of the victims' residence. As noted above, Forbes was also in the vicinity of the victims' residence at 1:00 a.m., which was during the same period the victims' neighbor saw two individuals in the parking lot of the victims' apartment complex.

48. Thereafter, on March 30, 2013, from approximately 5:05 p.m. to 5:07 p.m., Houston was in Fairfield and his telephone was accessing a cellular tower within approximately 300 yards of Lenox Jewelers. After leaving the Fairfield area, Houston briefly drove north,

before turning around and heading southbound out of Connecticut. On March 30, 2013, Forbes and Houston communicated via cellular telephone several times.

49. On April 4, 2013, at approximately 7:01 p.m., Houston was in Fairfield and his telephone accessed a cellular tower within approximately 300 feet of Lenox Jewelers. Houston remained in the area for approximately 30 minutes, traveled to Trumbull Mall and then returned to the vicinity of Lenox Jewelers by approximately 8:55 p.m. At approximately 10:00 p.m., Houston's telephone began accessing cellular towers in a northbound direction. By approximately 10:41 pm., Houston was in Meriden and his telephone was accessing a cellular tower within approximately .30 miles of the victims' residence. Houston remained in Meriden for approximately 10 minutes, before he turned and traveled southbound. On April 4, 2013, Forbes communicated with Houston via cellular telephone approximately 15 times.

50. On April 9, 2013, from approximately 8:38 p.m. to 10:16 p.m., Houston was in Meriden and his telephone accessed a cellular tower within approximately .30 miles of the victims' residence. As noted above, Davis was also in the vicinity of the victims' residence during the same time period. By approximately 11:52 p.m., Houston was in Fairfield and his telephone accessed the cellular tower within approximately 300 yards of Lenox Jewelers. By 1:00 a.m. on April 10, 2013, Houston was traveling southbound toward New York.

51. On April 11, 2013, from approximately 7:27 p.m. to 9:33 p.m., Houston was in Meriden and his telephone accessed a cellular tower within approximately .30 miles of the victims' residence. During this time period, Houston communicated with Gay several times. Houston remained in Meriden until approximately 9:33 p.m., although during one call he accessed a cellular tower approximately 1½ miles from the victims' residence. As explained, Davis and Gay were both in the vicinity of the victims' residence at varying times during this

same period (Davis from approximately 7:16 p.m. to 9:32 p.m., and Gay from approximately 9:03 p.m. to approximately 10:45 p.m.). Thereafter, at approximately 9:44 p.m., Houston began accessing cellular towers in a southbound direction. At approximately 9:57 p.m., Houston received an inbound call from Davis. At the time of the call, Houston's telephone accessed a cellular tower on Wheelers Farm Road off the Milford Parkway. As noted above, Davis was similarly accessing a cellular tower on Wheelers Farm Road at the time he called Houston.

52. By approximately 10:11 p.m. and continuing until approximately 10:42 p.m., Houston, like Davis, was in Fairfield and his telephone accessed a cellular tower within approximately 300 yards of Lenox Jewelers. This corresponds to the time of the robbery. During this period, Houston communicated with both Davis and Gay more than ten times. After the robbery, and beginning at approximately 10:49 p.m., Houston's telephone began accessing cellular towers in a southbound direction, including a cellular tower on Reef Road in Fairfield. Houston's telephone then accessed cellular towers in Southport and Westport, indicating that Houston was traveling southbound out of Connecticut.

53. Prior to March 2, 2013, there is no indication that Houston ever used his telephone in Connecticut. After April 11, 2013, Houston never again used his telephone in Connecticut.

D. Christopher Gay

(1) Identification of the 917-847-6273 telephone

54. Based upon the investigation, investigators believe that Christopher Gay possessed and utilized the 917-847-6273 telephone between at least March 29, 2013 and May 9, 2013. Service on the 917-847-6273 telephone began on September 5, 2012 and continued to approximately May 9, 2013. Based upon a review of call detail records, the person in possession

of the 917-847-6273 telephone from March 29, 2013 to April 11, 2013 - prior to the robbery - had the same calling pattern as the person in possession of the 917-847-6273 telephone from April 12, 2013 to May 9, 2013. That is, the person in possession of the 917-847-6273 telephone from March 29, 2013 to April 11, 2013 called or was called by over 50 of the same telephone numbers as the person in possession of the 917-847-6273 telephone from April 12, 2013 to May 9, 2013. These commonly called numbers included calls between Gay and Forbes, Houston,

and the Days Inn in the Bronx, New York. Similarly, based upon a review of historical cell site records, the person in possession of the 917-847-6273 telephone from March 29, 2013 to April 11, 2013, frequented the same locations as the person in possession of the 917-847-6273 telephone from April 12, 2013 to May 9, 2013.

55. On May 7, 2013, investigators obtained data from a GPS on the 917-847-6273 telephone. The GPS placed 917-847-6273 telephone in the vicinity of Brook Avenue and Melrose Avenue, and between East 163rd and East 165th Streets in the Bronx, New York. Investigators observed that there was a Days Inn on Brook Avenue. Since the person in possession of the 917-847-6273 telephone had called a Days Inn on Brook Avenue between January 11, 2013 and May 6, 2013, law enforcement set up surveillance in the area of the Days Inn.

56. At approximately 1:15 p.m., a male came out of the Days Inn and walked northbound towards the intersection of Park Avenue, Melrose Avenue and East 165th Street. Information from the GPS placed the 917-847-6273 telephone in the same vicinity as the male who had walked from the Days Inn. Because no one else had left the Days Inn and traveled in the same direction during that period, investigators believe that the male they surveilled was in possession of the 917-847-6273 telephone.

57. Approximately 30 minutes later, GPS data on the 917-847-6273 telephone placed the phone near West 153rd Street and Frederick Douglass Boulevard in New York, New York. Officers set up surveillance in that area and saw the same male who came out of the Days Inn earlier come out of a barbershop on Frederick Douglass Boulevard. Officers approached the male and requested identification. The male provided a New York identification card in the name Christopher Gay. Gay also had a Days Inn key in his pocket. Officers returned to the Days Inn and learned that Christopher Gay was a guest at the motel. Based upon the totality of the circumstances, there is probable cause to believe that Gay was the person in possession of and utilizing the 917-847-6273 telephone (hereafter "Gay's telephone") from March 29, 2013 through April 25, 2013.

(2) Gay used the 917-847-6273 telephone in furtherance of the conspiracy to rob Lenox Jewelers

58. Based upon a review of historical cell site and call detail records, investigators have determined that on March 29, 2013, between approximately 5:53 p.m. and 6:54 p.m., Gay was in Fairfield and his telephone accessed a cellular tower within approximately 300 yards of Lenox Jewelers. Gay then traveled northbound to Trumbull, where his telephone accessed a cellular tower in Trumbull Mall beginning at approximately 7:04 p.m. As noted above, Forbes was in the vicinity of both Lenox Jewelers and Trumbull Mall during the same approximate periods as Gay. While at the mall, Forbes and Gay communicated with one another via cellular telephone several times. By approximately 7:54 p.m., Gay had returned to Fairfield and his telephone again accessed the cellular tower within approximately 300 yards of Lenox Jewelers. At approximately 8:54 p.m., Gay's telephone began accessing cellular towers in a southbound direction, indicating that he was traveling southbound out of Connecticut.

59. On March 30, 2013, between approximately 6:54 p.m. and 9:50 p.m., Gay was in Meriden and his telephone accessed, at various times, the cellular tower within approximately .30 miles of the victims' residence and other cellular towers within the vicinity of the victims' residence. As noted above, on March 30, 2013, Forbes was also in the vicinity of the victims' residence during the same period. A review of toll records reveals that Forbes and Gay communicated with one another numerous times throughout the day on March 30, 2013.

60. On April 4, 2013, at approximately 7:00 p.m., Gay was in Fairfield and his telephone accessed the cellular tower locate within approximately 300 yards of Lenox Jewelers. At approximately 7:07 p.m. Gay traveled to the Merritt Parkway and then north to Trumbull Mall, where he remained for a short time before returning to Fairfield. Between approximately 8:05 p.m. and 9:39 p.m., Gay was in Fairfield and his telephone accessed the cellular tower within 300 yards of Lenox Jewelers, including during communications with Forbes. At approximately 10:00 p.m., Gay's telephone began accessing cellular towers in a northbound direction. At approximately 10:37 p.m., Gay called Forbes. During the call, Gay's telephone accessed a cellular tower in Meriden near where the Merritt Parkway meets I-91. Gay then traveled approximately five miles past the victims' residence before he turned around and returned southbound. As indicated above, both Forbes and Houston took similar paths of travel on April 4, 2013, during the same approximate periods. That is, Forbes, Houston and Gay were all in the vicinity of Lenox Jewelers. All three then traveled to Trumbull Mall and returned to Lenox Jewelers. Finally, all three traveled to Meriden, remained for only a brief period of time and then turned and traveled southbound. Gay and Forbes communicated with one another at least twice during this period.

61. On April 11, 2013, between approximately 7:28 p.m. and 8:08 p.m., Gay was in Fairfield in the vicinity of both Lenox Jewelers and Woodhouse Road near the Merritt Parkway, as evidenced by his cellular tower activations. At approximately 8:11 p.m., Gay's telephone began accessing cellular towers in a northbound direction toward Meriden. Between approximately 9:03 p.m. and 10:45 p.m., Gay was in Meriden and his telephone accessed a cellular tower within approximately .30 miles of the victims' residence. As noted above, both Davis and Houston were near the victims' residence at varying times during the same period (Davis from approximately 7:16 p.m. to 9:32 p.m., and Houston from approximately 7:27 p.m. to 9:33 p.m.). At approximately 10:48 p.m., Gay's telephone began accessing cellular towers in a southbound direction. By approximately 11:54 p.m., Gay was in Greenwich at the border of New York, indicating that he was leaving Connecticut. Between approximately 7:28 p.m. and 11:57 p.m., Gay communicated via cellular telephone with Houston approximately 17 times.

62. Prior to March 5, 2013, there is no indication that Gay ever used his telephone in Connecticut. After April 11, 2013, Gay never again used his telephone in Connecticut.

SUMMARY

63. On **March 29, 2013**, both Forbes and Gay were within the vicinity of Lenox Jewelers at varying times between approximately 5:50 p.m. to 7:00 p.m. (Forbes from approximately 5:50 p.m. to 6:50 p.m. and Gay from approximately 5:53 p.m. to 6:54 p.m.). Both were then in the vicinity of Trumbull Mall, where Harstan's Jewelers is located, at varying times between approximately 7:00 p.m. to 8:40 p.m.

64. On **March 30, 2013**, Forbes and Houston were both in the vicinity of the victims' residence at 1:00 a.m., which is the approximate time the victims' neighbor saw someone lying beside Victim #1's vehicle. Thereafter, Houston was in the vicinity of Lenox Jewelers at

approximately 5:06 p.m. and Forbes was in Fairfield at approximately 6:00 p.m. Both Forbes and Gay were then in the vicinity of the victims' residence at varying times between approximately 6:40 p.m. and 10:00 p.m. (Forbes from approximately 6:50 p.m. to 10:00 p.m. and Gay from approximately 6:54 p.m. to 9:50 p.m.)

65. On **April 4, 2013**, at varying times between approximately 7:00 p.m. and 7:39 p.m., Forbes, Houston and Gay were all in Fairfield in the vicinity of Lenox Jewelers. Forbes, Houston and Gay each then traveled northbound to Trumbull Mall, returned southbound to Lenox Jewelers and then traveled northbound to Meriden to the vicinity of the victims' residence. Forbes, Houston and Gay each spent only a brief period of time in the Meriden area, before returning southbound. On April 4, 2013, while in Connecticut, Forbes communicated via cellular telephone several times with both Houston and Gay, suggesting that the three subjects were traveling in different cars. Based upon my training and experience, Forbes', Houston's and Gay's activities on Thursday, April 4, 2013, precisely one week prior to the kidnapping and robbery, appear to be a "dry run" of the robbery.

66. On **April 9, 2013**, Davis was in the vicinity of Lenox Jewelers between approximately 5:37 p.m. to 5:51 p.m., and Forbes was in Fairfield at approximately 6:20 p.m. Davis and Houston were both then in the vicinity of the victims' residence at varying times between approximately 6:56 p.m. and 10:55 p.m. (Davis from approximately 6:56 p.m. to 10:55 p.m. and Houston from approximately 8:38 p.m. to 10:16 p.m.). Houston then returned to the vicinity of Lenox Jewelers, where he remained from approximately 11:52 p.m. to approximately 1:00 a.m. on April 10, 2013.

67. On **April 11, 2013**, the day of the robbery, both Davis and Houston were in vicinity of the victim's residence at varying times between approximately 7:16 p.m. and 9:33

p.m. (Davis from approximately 7:16 p.m. to 9:32 p.m. and Houston from approximately 7:27 p.m. to 9:33 p.m.). Gay was also in the vicinity of the victims' residence from approximately 9:03 p.m. to 10:45 p.m. Thereafter, both Davis and Houston traveled to Lenox Jewelers, communicating with one another via cellular telephone en route. Davis and Houston remained in the vicinity of Lenox Jewelers from approximately 10:11 p.m. to 10:42 p.m., which corresponds with the time of the robbery. At approximately 10:40 p.m., Houston communicated with Davis. At approximately 10:41 p.m., Houston communicated with Gay. By approximately 10:49 p.m., Davis, Houston and Gay were all on the move and their telephone were accessing cellular towers in a southbound direction. While Davis, Houston and Gay all called Forbes during the evening of April 11, 2013, Forbes' telephone did not register any of their calls. In fact, Forbes' telephone did not register any inbound or outbound calls or text messages from approximately 6:27 p.m. on April 11, 2013 to approximately 2:30 a.m. on April 12, 2013, indicating that his telephone was turned off or out of the range of cellular towers for an eight hour period. Based upon my training and experience, I believe that Forbes likely turned off his telephone during the period of the robbery in an effort to avoid detection by law enforcement.

68. On April 11, 2013, Forbes communicated via cellular telephone with Davis approximately three times, with Gay approximately 11 times and with Houston approximately 13 times. Houston also communicated via cellular telephone with Davis approximately 16 times and with Gay approximately 17 times.

69. Finally, after the robbery, there is no indication that Forbes, Davis, Houston or Gay ever utilized their telephones in Connecticut.

70. Based on my investigation, and the investigation of others, there is probable cause to believe and I do believe that Timothy Forbes, William Davis, Jeffrey Houston and Christopher

Gay have committed violations of Title 18, United States Code, Section 1201 (kidnapping), Title 18, United States Code, Section 1951 (Hobbs Act robbery) and Title 18, United States Code, Section 924(c) (use of a firearm during and in relation to a crime of violence). Accordingly, I request the issuance of complaints and warrants authorizing their arrests.

71. Finally, I believe that public disclosure of the within affidavit and/or the existence of complaints and arrest warrants for Timothy Forbes, William Davis, Jeffrey Houston and Christopher Gay may tend to compromise the investigation or cause the suspects to flee in order to avoid apprehension, to destroy physical evidence or to conceal proceeds of criminal activity. Accordingly, your affiant respectfully requests that the Court direct Assistant United States Attorney Tracy Lee Dayton, who is assigned to investigate and prosecute this matter and who is an officer of the Court, to retain this affidavit, the complaints and the arrest warrants, and to maintain said documents in a secure place until further order of the Court.

The foregoing is true and correct to the best of this Applicant's knowledge.

JENNIFER BERRY
SPECIAL AGENT
FEDERAL BUREAU OF INVESTIGATION

Subscribed and sworn to before me 21st day of May 2013, at Bridgeport, Connecticut.

HONORABLE WILLIAM I. GARFINKEL
UNITED STATES MAGISTRATE JUDGE