

AFFIDAVIT OF GREG ABREU

I, Greg Abreu, being duly sworn, depose and state:

1. That I am a Special Agent of the Bureau of Alcohol, Tobacco and Firearms (ATF), United States Department of the Treasury, and have been so employed since June, 1990. Previous to that I was employed as a Special Agent of the United States Customs Service, United States Department of the Treasury, since September, 1986.
2. I am a graduate of the Federal Law Enforcement Training Center Criminal Investigation Course, the ATF National Academy New Agent Training Course, and the U.S. Customs Service Basic Investigation Course, each of which is approximately eight weeks in length. I have a Bachelor of Arts degree from San Jose State University, and two Administration of Arts degrees.
3. That as a result of my training and experience as a Special Agent for the Bureau of Alcohol, Tobacco and Firearms, I am familiar with the federal firearms laws and know that it is unlawful for any person, who having been convicted of a felony, to possess a firearm or ammunition which has affected interstate and/or foreign commerce. I also know that it is unlawful for any person to possess a firearm subject to registration but which is not registered to him in the National Firearms Registration and Transfer Record.

written summary of subsequent police radio transmissions, from which I learned the following:

8. At approximately 8:08 p.m., a female at 5924 Hayes Street, Unit B, called OPD and advised that someone in her house was carrying a gun. In the background, one or more males could be heard appearing to be arguing in a loud, excited manner. At approximately 8:09 p.m., an OPD dispatcher called back, spoke to the caller, who advised the dispatcher that a black male, of medium build, about 30 years old, was holding a gun inside the residence. The caller said the black male was the brother of her boyfriend.
9. The OPD dispatcher dispatched Ofcrs. Chris Crabtree and Chris Yanke to respond to a domestic disturbance at the above address. Shortly later, the OPD dispatcher advised the officers that the domestic disturbance involved the brandishing of a firearm.
10. Ofcrs. Crabtree and Yanke approached the apartment with caution, believing a high potential to exist for domestic violence involving a firearm. The officers heard loud voices appearing to be arguing inside. Ofcr. Crabtree looked through a kitchen window facing the front of the residence. Through open curtains, Ofcr. Crabtree observed a black male of medium build, in his 30's, wearing a red jacket, holding a short-barreled shotgun with a white taped pistol-grip in one of his hands. This male was later identified to be Maurice Hastings. Maurice Hastings appeared to be excited, sweating, waving his

hand, arguing and yelling. Ofcr. Crabtree heard Maurice Hastings say words resembling, "I'm 37 years old and I'm going to kill the m----rf----r." Ofcr. Crabtree also observed another black male inside, later identified as Samuel Brinson.

11. Ofcr. Crabtree advised Ofcr. Yanke of his observations, and they knocked on the door, identifying themselves as police officers. Brinson answered the door and the officers entered. Ofcr. Crabtree and Ofcr. Yanke observed Maurice [REDACTED] entering the living room area from a rear bedroom. He was wearing a red jacket. He was not carrying any objects. Ofcr. Crabtree and Ofcr. Yanke also observed a black female in her 50's, later identified as [REDACTED]'s mother, Madelyn Hastings, the primary occupant of the residence, and an additional black female in her 20's.
12. Madelyn [REDACTED] was repeatedly telling the officers in an excited manner and loud voice that she wanted the gun out of her house. She also said that someone was chasing her son, Maurice Hastings, and that she wanted him out of the residence. For purposes of the safety of the officers and individuals, Ofcr. Crabtree and Ofcr. Yanke then handcuffed Maurice Hastings and Brinson.
13. Madelyn [REDACTED] told the officers that the firearm was in the bedroom from which Ofcr. Crabtree had just observed Maurice [REDACTED] exiting. She said that she wanted the gun out of her residence. The officers could not see inside additional rooms from where they were standing in the living room area.

14. Ofcr. Crabtree and Ofcr. Yanke then conducted a protective sweep of the residence to determine if additional persons were hiding inside the residence.
15. As Ofcr. Crabtree stood in the doorway of the bedroom from which he saw Maurice [REDACTED] exiting, he observed in plain view the white-taped pistol grip of the short-barrelled shotgun protruding from between the mattress and boxspring of the bed. Ofcr. Crabtree believed this pistol grip to be the same one belonging to the firearm that Maurice [REDACTED] was carrying minutes earlier. Ofcr. Crabtree recovered the firearm, which was loaded with one unexpended shotgun cartridge.
16. I inspected the firearm, and determined that it is a Stevens Model 940E, .410 caliber, single-barrelled shotgun, serial number P080733. The barrel of the shotgun was approximately 11 3/8" long, and the firearm had an overall length of approximately 17 1/2 inches.
17. Maurice [REDACTED] was arrested for possession of a short-barrelled shotgun and for being a felon in possession of a firearm. Maurice Hastings was advised of his Miranda rights, and he refused to provide a statement.
18. I was advised by Special Agent Elias Bazan of the Bureau of Alcohol, Tobacco and Firearms that a search of the ATF National Firearms Registration and Transfer Record indicated that Maurice Hastings currently does not have any firearms registered to him under that name.

DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT

BY COMPLAINT INFORMATION INDICTMENT

Name of District Court and/or Judge Department Location (City)

NORTHERN DISTRICT OF CALIFORNIA

OFFENSE CHARGED

Title 18, United States Code, Section 922(g) (1) -- Possession of a Firearm by a Felon

Title 26, United States Code, Section 5861(d) -- Possession of Unregistered Firearm

- Petty
- Minor
- Misdemeanor
- Felony

DEFENDANT'S NAME

MAURICE H. [REDACTED]

DISTRICT COURT NUMBER

CR93 0054

BAC

PENALTY: 922(g) (1): 10 years, \$250,000 fine;
924(e): ~~15 years to life penalty enhancement~~
5861(d): 10 years, \$250,000 fine.

Name of Complainant Agency, or Person (& Title, if any)
**BUREAU OF ALCOHOL, TOBACCO AND FIREARMS
(Special Agent Greg Abreu)**

person is awaiting trial in another Federal or State Court, give name of court

ALAMEDA SUPERIOR COURT

this person/proceeding is transferred from another district per (circle one) FRCrP 20, 21 or 40. Show District

this is a re prosecution of charges previously dismissed which were dismissed on motion of:
 U.S. Att'y Defense

SHOW DOCKET NO.

this prosecution relates to a pending case involving this same defendant

DEFENDANT

IS NOT IN CUSTODY

- 1) Has not been arrested, pending outcome this proceeding. If not detained give date any prior summons was served on above charges
- 2) Is a Fugitive
- 3) Is on Bail or Release from (show District)

IS IN CUSTODY

- 4) On this charge
 - 5) On another conviction
 - 6) Awaiting trial on other charges
- If answer to (6) is "Yes", show name of institution

Fed'l State

SANTA RITA JAIL

Has detainer been filed? Yes No

If "Yes" give date filed

Mo. Day Year

DATE OF ARREST

Or... if Arresting Agency & Warrant were not Federal

DATE TRANSFERRED TO U.S. CUSTODY

Mo. Day Year

This report amends AO 257 previously submitted

ADDITIONAL INFORMATION OR COMMENTS

PROCESS:

SUMMONS

ISSUE ARREST WARRANT (No Bail)

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,
Plaintiff,
v.
MAURICE A. [REDACTED],
Defendants.

) Case No. C-93-0054 BAC

) VERDICT

We, the jury, in the above-entitled case, find the
defendant, Maurice A. [REDACTED]:

Guilty ~~Not Guilty~~ of Count One of the Indictment.

Guilty ~~Not Guilty~~ of Count Two of the Indictment.

Date: June 14, 1993

Mary Jo [REDACTED]
Lead Juror