

*Deane Mason*

*WT*

# United States District Court

Eastern DISTRICT OF Michigan

UNITED STATES OF AMERICA

v.

CRIMINAL COMPLAINT

Robert Joseph Burton  
[Redacted]  
Allen Park, Michigan

CASE NUMBER: **07-30281**

(Name and Address of Defendant)

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about January 2007 - May 2007 in Wayne county, in the Eastern District of Michigan defendant(s) did, (Track Statutory Language of Offense)

Did knowingly tamper with federal witness and the federal witness's family in an effort to influence and prevent testimony

in violation of Title 18 United States Code, Section(s) 1512

I further state that I am a(n) Special Agent, FBI and that this complaint is based on the following facts:  
Official Title

See Attached Affidavit

**FILED**  
MAY 31 2007  
CLERK'S OFFICE  
DETROIT

Continued on the attached sheet and made a part hereof: XYes No

*Edward L. Brzezinski*

Signature of Complainant  
Edward L. Brzezinski  
Special Agent  
Federal Bureau of Investigation

Sworn to before me and subscribed in my presence,

72 5/31/07

Detroit, MI

Date

City and State

U.S. Magistrate Judge

*[Signature]*

Title of Judicial Officer

Signature of Judicial Officer

Name &



1 witness was equipped with a concealed recording device.  
2 Robert Joseph Burton is currently on bond for his federal  
3 indictment for Distribution of Cocaine. Information has been  
4 developed that Robert Joseph Burton, and the HOMG, are aware  
5 of the true identity of the aforementioned cooperating  
6 witness.

7           The following facts and events support the probable  
8 cause that Robert Joseph Burton did commit violations of  
9 Title 18 U.S.C. 1512 (Tampering with a Witness). The  
10 information in the following paragraphs is for the limited  
11 purpose of establishing probable cause to obtain a federal  
12 arrest warrant and does not constitute all facts and evidence  
13 known to me.

14           2) In January 2007, Robert Joseph Burton was  
15 present at Subies Bar located on Southgate, Michigan. Burton  
16 told manager Dan Wilhelm (aka: Bo) the following: The  
17 Highwaymen Outlaw Motorcycle Gang (HOMG) and "Crypt Keeper"  
18 are actively looking for the cooperating witness because they  
19 believe that the cooperating witness is working for the  
20 "feds" (FBI). Burton stated that he believes the source is  
21 residing in either Tennessee or Georgia.

22           3) In February 2007, Robert Joseph Burton  
23 approached the cooperating witness's family member. Burton  
24 told the family, "Tell the Rat to get ahold of me" and  
25 explained that he knew that the cooperating witness was still  
26 in the area.

27           4) From January 2007 through present, Robert Joseph  
28 Burton has been constantly harassing the cooperating

1 witness's parents. The cooperating witness's parents reside  
2 in the same neighborhood as Robert Joseph Burton. On at least  
3 10 different occasions, Burton drove his vehicle and parked  
4 in front, or on the side, of the cooperating witness's  
5 parent's residence. Burton will then sit in his vehicle, for  
6 several minutes, revving the engine. When Burton pulls away  
7 he will "burn out" (squeal tires) as he speeds away from the  
8 location. On the street, in front of the cooperating  
9 witness's parent's residence, SA Brzezinski observed tire  
10 marks that are consistent with "burn outs".

11           5) In April 2007, an associate of the cooperating  
12 witness told the cooperating witness the following: Timothy  
13 Honto, a close associate of the HOMG, was contacted by Robert  
14 Joseph Burton. Burton told Honto that he and Johnny Jarrel  
15 had seen court documents with the cooperating witness's "true  
16 name" and they wanted to put "a hit" (murder) on the  
17 cooperating witness. Burton and Jarrell wanted Timothy Honto  
18 to find out, through one of Honto's associates, the  
19 cooperating witness's social security number and place of  
20 employment.

21           6) On April 13, 2007, SA Brzezinski, SA Kerry  
22 McCafferty and Brownstown Police Department Detective Michael  
23 McCarthy responded to Robert Joseph Burton's residence  
24 located at [REDACTED], Allen Park, Michigan. SA  
25 Brzezinski advised Burton that the FBI is aware that Burton  
26 knows the identity of the cooperating witness documented in  
27 this affidavit and Burton acknowledged that he was aware of  
28 the cooperating witness's true identity. Burton was also told

1 that the FBI is aware that he and the HOMG are actively  
2 attempting to locate the cooperating witness at this time.  
3 Burton was instructed to notify the HOMG and make everyone  
4 aware that the FBI is monitoring this situation and  
5 appropriate actions will be taken if efforts continue to  
6 locate the cooperating witness and harass the cooperating  
7 witness's family.

8           7) On May 5, 2007, the FBI conducted a federal  
9 search warrant at the Highwaymen Outlaw Motorcycle Gang's  
10 Detroit Clubhouse. Located inside the clubhouse was a  
11 photograph of the cooperating witness. Written on the  
12 photograph, in black marker, was the word "Rat". Through my  
13 training and experience, law enforcement informants and  
14 cooperating witnesses are commonly referred to as "Rats".

15           8) On May 10, 2007, the cooperating witness spoke  
16 with an individual who is a close associate of Glen  
17 Ballestero. This individual told the cooperating witness that  
18 Ballestero and Robert Joseph Burton have been "hanging out on  
19 daily basis" and Ballestero told him/her the following:  
20 Robert Burton wants to locate the cooperating witness because  
21 the cooperating witness has been "snitching" and Burton needs  
22 to take care of him. Ballestero hired a private investigator,  
23 at Burton's request, to attempt to locate the cooperating  
24 witness. Ballestero told this individual that Burton stated  
25 that "he could not actively look because the FBI told him not  
26 to", and that is why Ballestero hired the private  
27 investigator. The cooperating witness was told that he/she is  
28 in "danger" if Robert Burton finds out where he/she is

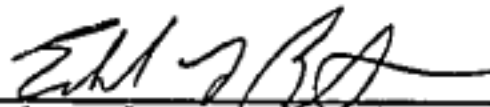
1 residing.

2           9) On May 29, 2007, a confidential informant, who  
3 is currently closely associated with the HOMG, reported the  
4 following: The HOMG is definitely aware of the identity of  
5 the cooperating witness and the are actively trying to locate  
6 the cooperating witness. The confidential information  
7 stated, "If he (cooperating witness) is seen by the HOMG  
8 today, it will be his last day on earth".


9           10) On May 30, 2007, the cooperating witness  
10 reported that Robert Joseph Burton was "at it again". The  
11 cooperating witness was contacted, by his father, and told  
12 that Burton had just drove up to the cooperating witness's  
13 parent's house on his motorcycle. Burton stopped and idled  
14 his motorcycle, on the corner, in front of the cooperating  
15 witnesses parent's residence. The cooperating witness's  
16 father was able to observe Burton shielding the sun from his  
17 eyes and looking into the front door of the residence. Burton  
18 sat, on his motorcycle, in front of the location for a couple  
19 of minutes. Burton then drove away, slowly, as he was looking  
20 towards the side windows and fence at the residence. The  
21 cooperating witness's father advised that it appeared that he  
22 was trying see what was inside the location and attempting to  
23 intimidate the cooperating witness's family.

24           11) Based on the facts outlined above, I have  
25 probable cause to believe that Robert Joseph Burton has  
26 committed overt and covert acts to locate, harass and  
27 intimidate the cooperating witness in violation of Title 18  
28 U.S.C. 1512.

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Edward L. Brzezinski  
Special Agent  
Federal Bureau of  
Investigation  
Detroit, Michigan

Subscribed and sworn to before me this 31<sup>st</sup> day of May,  
\_\_\_\_\_.

  
\_\_\_\_\_  
R. Steven Whalen  
U.S Magistrate