



CRIMINAL DOCKET

DOCKET NUMBER

NO. OF COUNTS

Trial Court of Massachusetts
District Court Department

2356CR000136

1

DEFENDANT NAME AND ADDRESS

Brian Walshe
Chief Justice Highway
Cohasset, MA 02025

DOB

DATE COMPLAINT ISSUED

GENDER

Male

PRECOMPLAINT ARREST DATE

01/08/2023

COURT NAME & ADDRESS
Quincy District Court
One Dennis Ryan Pkwy
Quincy, MA 02169

INTERPRETER REQUIRED

FIRST FIVE OFFENSE COUNTS

COUNT CODE OFFENSE DESCRIPTION

1 268/13B/A WITNESS/JUROR/POLICE/COURT OFFICIAL, INTIMIDATE c268 §13B

OFFENSE DATE

01/08/2023

DEFENSE ATTORNEY

Amathy

OFFENSE CITY/TOWN

Cohasset

POLICE DEPARTMENT

Cohasset PD

DATE & JUDGE

DOCKET ENTRY

DATE & JUDGE

FEES IMPOSED

*1-9-23
Counsel G
\$5 million Surety
\$506,000 CASH*

- Attorney appointed (SJC R. 3:10)
- Atty denied & Deft. Advised per 211 D §2A
- Waiver of Counsel found after colloquy
- PR Bail
- Terms of release set: See Docket for special condition
- Held (276 §58A)

Counsel Fee (211D § 2A(2)) WAIVED

Counsel Contribution (211D § 2) WAIVED

Default Warrant Fee (276 § 30(1)) WAIVED

Default Warrant Arrest Fee (276 § 30(2)) WAIVED

Probation Supervision Fee (276 § 87A) WAIVED

Bail Order Forfeited

Advised of right to jury trial:

Waiver of jury found after colloquy

Does not waive

Advised of trial rights as pro se (Dist. Ct. Supp.R.4)

Advised of right of appeal to Appeals Ct. (M.R. Crim P.R. 28)

SCHEDULING HISTORY

NO.	SCHEDULED DATE	EVENT	RESULT	JUDGE	TAPE START/STOP
1	01/09/2023	Arraignment	<input type="checkbox"/> Held <input type="checkbox"/> Not Held but Event Resolved <input type="checkbox"/> Cont'd		
2	2-9-23	<i>Arraignment</i>	<input type="checkbox"/> Held <input type="checkbox"/> Not Held but Event Resolved <input type="checkbox"/> Cont'd	<i>Courtem G</i>	
3			<input type="checkbox"/> Held <input type="checkbox"/> Not Held but Event Resolved <input type="checkbox"/> Cont'd		
4			<input type="checkbox"/> Held <input type="checkbox"/> Not Held but Event Resolved <input type="checkbox"/> Cont'd		
5			<input type="checkbox"/> Held <input type="checkbox"/> Not Held but Event Resolved <input type="checkbox"/> Cont'd		
6			<input type="checkbox"/> Held <input type="checkbox"/> Not Held but Event Resolved <input type="checkbox"/> Cont'd		
7			<input type="checkbox"/> Held <input type="checkbox"/> Not Held but Event Resolved <input type="checkbox"/> Cont'd		
8			<input type="checkbox"/> Held <input type="checkbox"/> Not Held but Event Resolved <input type="checkbox"/> Cont'd		
9			<input type="checkbox"/> Held <input type="checkbox"/> Not Held but Event Resolved <input type="checkbox"/> Cont'd		
10			<input type="checkbox"/> Held <input type="checkbox"/> Not Held but Event Resolved <input type="checkbox"/> Cont'd		

APPROVED ABBREVIATIONS

ARR = Arraignment PTH = Pretrial hearing DCE = Discovery compliance & jury selection BTR = Bench trial JTR = Jury trial PCH = Probable cause hearing MOT = Motion hearing SRE = Status review
SRP = Status review of payments FAT = First appearance in jury session SEN = Sentencing CWF = Continuance-without-finding scheduled to terminate PRO = Probation scheduled to terminate
DFTA = Defendant failed to appear & was defaulted WAR = Warrant Issued WARD = Default warrant issued WR = Warrant or default warrant recalled PVH = probation revocation hearing.

A TRUE COPY ATTEST:

CLERK-MAGISTRATE / ASST CLERK

X

TOTAL NO. OF PAGES

ON (DATE)



CRIMINAL DOCKET - OFFENSES

DEFENDANT NAME
Brian Walshe

DOCKET NUMBER
2356CR000136

COUNT / OFFENSE

1 WITNESS/JUROR/POLICE/COURT OFFICIAL, INTIMIDATE c268 §13B

DISPOSITION DATE AND JUDGE

DISPOSITION METHOD

- Guilty Plea or Admission to Sufficient Facts accepted after colloquy and alien warning pursuant to C278§29D and MRCrP12
- Bench Trial
- Jury Trial
- Dismissed upon:
 - Request of Commonwealth Request of Victim
 - Request of Defendant Failure to prosecute
 - Other:
- Filed with Defendant's consent
- Nolle Prosequi
- Decriminalized (277 §70 C)

FINE/ASSESSMENT

SURFINE

COSTS

OUI §24D FEE

OUI VICTIMS ASMT

HEAD INJURY ASMT

RESTITUTION

VW ASSESSMENT

BATTERER'S FEE

OTHER

SENTENCE OR OTHER DISPOSITION

- Sufficient facts found but continued without a finding until:
- Defendant placed on probation until:
 - Risk/Need or OUI Administrative Supervision
- Defendant placed on pretrial probation (276 §87) until:
- To be dismissed if court costs / restitution paid by:

FINDING

- Guilty Not Guilty
- Responsible Not Responsible
- Probable Cause No Probable Cause

FINAL DISPOSITION

JUDGE

DATE

- Dismissed on recommendation of Probation Dept.
- Probation terminated: defendant discharged
- Sentence or disposition revoked (see cont'd page)

COUNT / OFFENSE

DISPOSITION DATE AND JUDGE

DISPOSITION METHOD

- Guilty Plea or Admission to Sufficient Facts accepted after colloquy and alien warning pursuant to C278§29D and MRCrP12
- Bench Trial
- Jury Trial
- Dismissed upon:
 - Request of Commonwealth Request of Victim
 - Request of Defendant Failure to prosecute
 - Other:
- Filed with Defendant's consent
- Nolle Prosequi
- Decriminalized (277 §70 C)

FINE/ASSESSMENT

SURFINE

COSTS

OUI §24D FEE

OUI VICTIMS ASMT

HEAD INJURY ASMT

RESTITUTION

VW ASSESSMENT

BATTERER'S FEE

OTHER

SENTENCE OR OTHER DISPOSITION

- Sufficient facts found but continued without a finding until:
- Defendant placed on probation until:
 - Risk/Need or OUI Administrative Supervision
- Defendant placed on pretrial probation (276 §87) until:
- To be dismissed if court costs / restitution paid by:

FINDING

- Guilty Not Guilty
- Responsible Not Responsible
- Probable Cause No Probable Cause

FINAL DISPOSITION

JUDGE

DATE

- Dismissed on recommendation of Probation Dept.
- Probation terminated: defendant discharged
- Sentence or disposition revoked (see cont'd page)

COUNT / OFFENSE

DISPOSITION DATE AND JUDGE

DISPOSITION METHOD

- Guilty Plea or Admission to Sufficient Facts accepted after colloquy and alien warning pursuant to C278§29D and MRCrP12
- Bench Trial
- Jury Trial
- Dismissed upon:
 - Request of Commonwealth Request of Victim
 - Request of Defendant Failure to prosecute
 - Other:
- Filed with Defendant's consent
- Nolle Prosequi
- Decriminalized (277 §70 C)

FINE/ASSESSMENT

SURFINE

COSTS

OUI §24D FEE

OUI VICTIMS ASMT

HEAD INJURY ASMT

RESTITUTION

VW ASSESSMENT

BATTERER'S FEE

OTHER

SENTENCE OR OTHER DISPOSITION

- Sufficient facts found but continued without a finding until:
- Defendant placed on probation until:
 - Risk/Need or OUI Administrative Supervision
- Defendant placed on pretrial probation (276 §87) until:
- To be dismissed if court costs / restitution paid by:

FINDING

- Guilty Not Guilty
- Responsible Not Responsible
- Probable Cause No Probable Cause

FINAL DISPOSITION

JUDGE

DATE

- Dismissed on recommendation of Probation Dept.
- Probation terminated: defendant discharged
- Sentence or disposition revoked (see cont'd page)



CRIMINAL DOCKET
DOCKET ENTRIES

DEFENDANT NAME
Brian Walshe

DOCKET NUMBER
2356CR000136

DATE

DOCKET ENTRIES

1-9-23
Covered

Bail Hearing Bail \$ As Miller Smith 5060000
DeVlan 1/10/23

MITT to ISSUE at 2-9-23

gmc

276-58

WARNING

VIDEO CONFERENCE

APPROVED ABBREVIATIONS

ARR = Arraignment PTH = Pretrial hearing DCE = Discovery compliance & jury selection BTR = Bench trial JTR = Jury trial PCH = Probable cause hearing MOT = Motion hearing SRE = Status review
SRP = Status review of payments FAT = First appearance in jury session SEN = Sentencing CWF = Continuance-without-finding scheduled to terminate PRO = Probation scheduled to terminate
DFTA = Defendant failed to appear & was defaulted WAR = Warrant Issued WARD = Default warrant issued WR = Warrant or default warrant recalled PVH = probation revocation hearing.



APPLICATION FOR CRIMINAL COMPLAINT

APPLICATION NO. (COURT USE ONLY)

PAGE

1 of 1

Trial Court of Massachusetts District Court Department



Quincy District Court
1 DENNIS RYAN PKWY
Quincy, MA. 02169

I, the undersigned complainant, request that a criminal complaint issue against the accused charging the offense(s) listed below. If the accused **HAS NOT BEEN ARRESTED** and the charges involve:

- ONLY MISDEMEANOR(S), I request a hearing **WITHOUT NOTICE** because of an imminent threat of BODILY INJURY COMMISSION OF A CRIME FLIGHT **WITH NOTICE** to accused.
- ONE OR MORE FELONIES, I request a hearing **WITHOUT NOTICE** **WITH NOTICE** to accused.

WARRANT is requested because prosecutor represents that accused may not appear unless arrested.

ARREST STATUS OF ACCUSED
 HAS **HAS NOT** been arrested

INFORMATION ABOUT ACCUSED

NAME (FIRST MI LAST) AND ADDRESS BRIAN R WALSH CHIEF JUSTICE CUSHING HWY COHASSET, MA 02025				BIRTH DATE [REDACTED]		SOCIAL SECURITY NUMBER [REDACTED]	
				PCF NO. [REDACTED]		MARITAL STATUS MARRIED	
				DRIVERS LICENSE NO. [REDACTED]			STATE MA
HAIR BRO		RACE W		COMPLEXION		SCARS/MARKS/TATTOOS	INTERPRETER NEEDED (language)
						BIRTH STATE OR COUNTRY BOSTON, MA	
						DAY PHONE [REDACTED]	
EMPLOYER/SCHOOL LETS WE CAN LLC				MOTHER'S MAIDEN NAME (FIRST MI LAST) [REDACTED]		FATHER'S NAME (FIRST MI LAST) [REDACTED]	
GENDER M		HEIGHT 602		WEIGHT 215		EYES BRO	

CASE INFORMATION

COMPLAINANT NAME (FIRST MI LAST) DANIEL WILLIAMS		COMPLAINANT TYPE <input checked="" type="checkbox"/> POLICE <input type="checkbox"/> CITIZEN <input type="checkbox"/> OTHER		PD COH
ADDRESS Cohasset Police Department 62 Elm Street COHASSET, MA. 02025		PLACE OF OFFENSE COHASSET, MA		
		INCIDENT REPORT NO. 23COH-1-AR	OBTN TCOH202300001	
OFFENSE NO(S). [REDACTED]				

OFFENSE CODE	DESCRIPTION	OFFENSE DATE
1 268/13B/A	WITNESS/JUROR/POLICE/COURT OFFICER INTIMIDATE	01/08/2023
VARIABLES (e.g. victim name, controlled substance, type and value of property, other variables) (See Complaint Language Manual) VICTIM(S): COHASSET POLICE DEPARTMENT;		
2 VARIABLES		
3 VARIABLES		

REMARKS ID#	COMPLAINANT'S SIGNATURE <i>[Signature]</i>	DATE FILED 01/09/2023
----------------	---	--------------------------

COURT USE ONLY	A HEARING UPON THIS COMPLAINT APPLICATION } WILL BE HELD AT THE ABOVE COURT ADDRESS ON	DATE OF HEARING	TIME OF HEARING	COURT USE ONLY
		AT		

DATE	PROCESSING OF NON-ARREST APPLICATION (COURT USE ONLY)	CLERK/JUDGE
	NOTICE SENT OF CLERK'S HEARING SCHEDULED ON:	
	NOTICE SENT OF JUDGE'S HEARING SCHEDULED ON:	
	HEARING CONTINUED TO:	
	APPLICATION DECIDED WITHOUT NOTICE TO ACCUSED BECAUSE: <input type="checkbox"/> IMMINENT THREAT OF <input type="checkbox"/> BODILY INJURY <input type="checkbox"/> CRIME <input type="checkbox"/> FLIGHT BY ACCUSED <input type="checkbox"/> FELONY CHARGED AND POLICE DO NOT REQUEST NOTICE <input type="checkbox"/> FELONY CHARGED BY CIVILIAN; NO NOTICE AT CLERK'S DISCRETION	

DATE	COMPLAINT TO ISSUE	COMPLAINT DENIED	CLERK/JUDGE
1/9/23	<input checked="" type="checkbox"/> PROBABLE CAUSE FOUND FOR ABOVE OFFENSE(S) NO(S). <input checked="" type="checkbox"/> 1. <input type="checkbox"/> 2. <input type="checkbox"/> 3. BASED ON <input checked="" type="checkbox"/> FACTS SET FORTH IN ATTACHED STATEMENT(S) <input type="checkbox"/> TESTIMONY RECORDED: TAPE NO. _____ START NO. _____ END NO. _____ <input type="checkbox"/> WARRANT <input type="checkbox"/> SUMMONS TO ISSUE ARRAIGNMENT DATE:	<input type="checkbox"/> NO PROBABLE CAUSE FOUND <input type="checkbox"/> REQUEST OF COMPLAINANT <input type="checkbox"/> FAILURE TO PROSECUTE <input type="checkbox"/> AGREEMENT OF BOTH PARTIES <input type="checkbox"/> OTHER: COMMENT	<i>[Signature]</i>

NARRATIVE FOR DETECTIVE HARRISON W SCHMIDT

Ref: 23COH-1-AR

Entered: 01/08/2023 @ 2033

Entry ID: COHHWS

Modified: 01/08/2023 @ 2207

Modified ID: COHHWS

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

I, Harrison W. Schmidt, being duly sworn, depose and state as follows:

I. PURPOSE OF THE AFFIDAVIT

I submit this affidavit in support of a criminal complaint for Brian R. Walshe, date of birth: [REDACTED]; Social Security Account Number [REDACTED] for violation of G.L. c.268, § 13B(1)

WITNESS/JUROR/POLICE/COURT OFFICIAL, INTIMIDATE. This affidavit sets forth facts, and suggests reasonable inferences from those facts, to establish probable cause that between January 5th and 7th, 2023, WALSHE did, mislead, intimidate or harass another person who was a witness or potential witness | at some stage of a criminal investigation, grand jury proceeding, trial or other criminal proceeding of some type; or a person who was aware of information, | records, documents or objects that related to a violation of a criminal statute, or a violation of conditions of probation, parole or bail; or a person who was | a judge, juror, grand juror, prosecutor, police officer, federal agent, investigator, defense attorney, clerk, court officer, probation officer or parole officer; or | a person who was furthering a criminal investigation, grand jury proceeding, trial or other criminal proceeding of some type; with the intent to impede, obstruct, | delay, harm, punish or otherwise interfere thereby with a criminal investigation, grand jury proceeding, trial or other criminal proceeding of some type.

II. BASIS FOR FACTS ESTABLISHING PROBABLE CAUSE

Because this affidavit is submitted for the limited purpose of securing a criminal complaint for the individual listed in section I, I have not set forth every fact known to me regarding this investigation. Rather, I have set forth only those facts that I believe are necessary and sufficient to establish probable cause for the criminal complaint requested. However, I have not omitted facts that might tend to defeat a finding of probable cause. Facts not set forth in this affidavit are not being relied upon for probable cause.

Where I relate statements, conversations and actions of others, those statements, conversations and actions are related in substance and in part, except where otherwise indicated. Similarly, where I describe documents, the content of the documents is related in substance and in part, except where otherwise indicated.

The information contained in this affidavit is based on my personal knowledge and observations accumulated during the course of my participation in this investigation, my training and experience and as specifically attributed below, information I obtained during interviews, information provided by cooperating witnesses, information conveyed to me by other law enforcement personnel, my review of documents and interview reports, analysis of documentary and physical evidence, and records checks of various law enforcement and public databases. On the basis of this familiarity, I allege the following in support of the issuance of a criminal complaint.

I. RELEVANT FACTS ESTABLISHING PROBABLE CAUSE

NARRATIVE FOR DETECTIVE HARRISON W SCHMIDT

Ref: 23COH-1-AR

Entered: 01/08/2023 @ 2033

Entry ID: COHHWS

Modified: 01/08/2023 @ 2207

Modified ID: COHHWS

On January 4, 2023, The Cohasset Police Department responded to a call of service related to a wellbeing check at [REDACTED] Chief Justice Cushing Highway. Patrol Units suspected Mrs. Walshe to be a missing person and I was subsequently requested to the scene to assist in the investigation as a member of the Cohasset Police Department's Criminal Investigation Division.

On January 4, 2023 at approximately 1835, I arrived at [REDACTED] Chief Justice Cushing Highway to investigate a missing person, Ana Walshe. Investigators interviewed WALSH multiple times in relation to the disappearance of his wife. WALSH was asked specifically to provide a timeline for the days of January 1, 2023 and January 2, 2023, and did so on multiple occasions. WALSH related he had New Year's Eve dinner with a friend, Gem, which he and Ana hosted at their home. Gem arrived around 8:30pm and left around 1:00 or 1:30am. WALSH related he and Ana went to bed shortly after Gem left. WALSH further related Ana told him she had a work emergency and needed to fly back to D.C. in the morning. WALSH related Ana got ready and kissed him goodbye and told him to go back to sleep. Ana will usually then take an Uber, Lyft, or Taxi to the airport. Ana left between 6:00 and 7:00am. WALSH and Ana have three children, [REDACTED]

WALSH related he got up around 7:00am and made breakfast for the boys. In the afternoon, a babysitter arrived at the house and WALSH left to run errands at about 3:00pm. WALSH went to Shaw's to get OJ and milk then came back home. He then left again at about [REDACTED] to see his mother who lives at [REDACTED] #1320, Swampscott. At the time, WALSH did not have his cell phone so he did not use a GPS. WALSH related he drove to his mother's house via the route leading by Derry Street in Hingham, Route 3 north, Route 93 through Boston, and instead of taking Route 1A, he got lost and took Route 1 and then maybe Route 114. WALSH related the commute should have taken 60-70 minutes but ended up taking about 90 minutes. Within about 15 minutes of arriving at his mother's condo, he left to run errands for his mother at Whole Foods and CVS in Swampscott to get groceries and cleaning wipes. WALSH then went back to his mother's condo and then arrived home to Cohasset at about 8:00pm.

WALSH related one of the boys must have taken and lost his phone during new years eve and new year's day. WALSH related on Monday January 2, 2023, his cellphone was found under [REDACTED] pillow.

WALSH related on Monday January 2, he took [REDACTED] for ice cream while his babysitter watched [REDACTED] and [REDACTED] WALSH took [REDACTED] to get a chocolate shake at Press in Norwell.

On Friday, January 6, 2023, a massive search that included K-9 officers, METRO-LEC Search and Rescue, State Police SERT Team members, State Police investigators, Cohasset Police, and other local Police partners was underway for the missing person, Ana Walshe. The search resumed on the morning of January 7, 2023. That afternoon, at least six investigators were tasked with driving to the north shore area of Massachusetts to verify WALSH'S route of travel and verify his visits to establishments like Whole Foods and CVS. These investigators were reassigned from other tasks and efforts to locate Ana.

Multiple investigators spent multiple hours in the afternoon and evening of January 7, 2023, traveling and viewing video. WALSH was not observed on video from Whole Foods or CVS in the time frame he stated that he was there.

Ref: 23COH-1-AR

Entered: 01/08/2023 @ 2033
Modified: 01/08/2023 @ 2207

Entry ID: COHHWS
Modified ID: COHHWS

WALSHE has been convicted in Federal Court of Felony Fraud by Wire and is currently on pre-sentencing probation. The probation conditions include monitoring and home confinement. WALSHE must request leave from his home each week and specify the time and need for such leave. On the week beginning Sunday, January 1, 2023, WALSHE was granted leave for dropping his children off at school each day from 8:00am to 10:30am and picking up the kids from 3:15pm to 6:45pm. Among other approved leave times was 11:00am to 1:30pm for shopping on Wednesday, January 4, 2023.

On Sunday, January 1, 2023, WALSHE had requested travel between 3:00pm to 9:00pm to drop off his mother. WALSHE told investigators that his mother had a recent cataract surgery and she was staying with him at his residence so he could assist her. WALSHE said he had this time scheduled so he could bring her home after her recovery. During the interviews with WALSHE, he stated that his mother had recovered from the surgery quicker than expected and had driven herself home, however, he still used the time he had approved to go visit her and run errands for her. The errands were the trips to Whole Foods and CVS that investigators later showed did not occur through hours of viewing video evidence. It is also important to note that this is the day one of Ana being missing.

WALSHE'S statements to investigators about his whereabouts on Monday, January 2, 2023 were consistent in that he took his oldest child for ice cream, or a smoothie, at Press Juice bar in Norwell. This was during the morning hours he is allotted for school drop off, between 8:00am and 10:30am. There was no school on Monday, January 2, 2023 due to the holiday. Investigators later discovered video evidence of WALSHE at the Home Depot in Rockland, wearing a black surgical mask, blue surgical gloves, and making a cash purchase. This trip was made in violation of his probation conditions during the time he was allotted to pick up his kids from school.

The data from WALSHE'S cell phone data extraction, given on consent, also showed that the device traveled to the areas of Brockton and Abington during the week beginning January 1, 2023. The itinerary for WALSHE'S leave from home does not include such towns for approved travel. This is not a complete list of WALSHE'S approved leave from home and possible probation violations.

The intentional, willful, and direct responses to questions about his whereabouts on the days of Sunday, January 1, 2023 and Monday January 2, 2023 were a clear attempt to mislead and delay investigators. Investigators explained to WALSHE that he would naturally be suspected of harming his wife due to her disappearance and they would need to account for his whereabouts. The fact that he was asked a specific question and he gave an untruthful answer that led investigators out of the area caused a clear delay in the search for the missing person, Ana Walshe. WALSHE intentionally gave the untruthful statement knowing investigators would need to travel and corroborate such statements.

In any criminal investigation, or investigation into a missing person, physical evidence and video evidence has the risk of being lost. I know from training and experience that physical evidence, specifically evidence that is outside the elements, may deteriorate over time. I also know that video evidence varies in retention time. Video files may be overwritten as frequently as every 24 hours and every second is valuable when searching for such evidence before it is lost.

V. CONCLUSION

NARRATIVE FOR DETECTIVE HARRISON W SCHMIDT

Ref: 23COH-1-AR

Entered: 01/08/2023 @ 2033

Entry ID: COHHS

Modified: 01/08/2023 @ 2207

Modified ID: COHHS

Based on the facts set forth herein, and based on my training, education, experience and participation in this investigation, I submit that there is probable cause to believe that Brian R. WALSHE has violated G.L. c.268, § 13B(1) WITNESS/JUROR/POLICE/COURT OFFICIAL, INTIMIDATE.

WHEREFORE, by this affidavit and application, I respectfully request that the Court issue a criminal complaint for Brian R. WALSHE, date of birth [REDACTED], Social Security Account Number [REDACTED]



HARRISON W. SCHMIDT
Detective
Cohasset Police Department
Criminal Investigation Division