


STATEMENT OF FACTS IN SUPPORT OF APPLICATION FOR CRIMINAL COMPLAINT	APPLICATION NO. (court use only) 2388CR217	PAGE 1 OF 2	Trail Court of Massachusetts District Court Department	
	COURT DIVISION Nantucket District Court			

The undersigned alleges the following as a full or partial statement of the factual basis for the offense(s) for which a criminal complaint is sought.

On 09/05/2023, I, Officer Duce along with Officer McNeilly were dispatched to meet the Harbormaster and the Coast Guard, for the report of a female party, on board a Yacht, who did not want to be there, was under the influence of narcotics, and possibly has overdosed. The reporting party stated the female was on the Jess Con, an 80ft boat that is currently anchored in Nantucket Harbor.

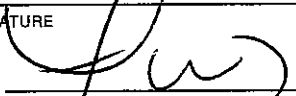
Officers, along with the Coast Guard made contact with the above-mentioned boat. We then proceeded on the boat and was met by the owner, **Scott Burke**. Burke was advised of why we were there and led us into his bedroom. In the bedroom, we located a female party, who appeared to be under the influence of an unknown substance, she also stated that she did not feel safe. Nantucket Fire Department arrived on scene a short time later, to render medical aid.

Inside the bedroom, in plain view, I observed a black semi-automatic handgun to be located on a bookshelf, that was on the right side of the bedroom. On the bedstand, located to the right of the bed, I observed a pink plastic baggie, containing a white powdery substance. Through my training and experience, I identified this powdery substance to be consistent with cocaine, a class B drug. Upon further investigation, while deeming the firearm safe, it was observed that the firearm was loaded, with one round of 9MM ammunition in the chamber and with 9MM ammunition in the magazine.

At this time, Burke was read his Miranda rights, at which time, he confirmed that he was the owner of the boat, the bedroom they were located in, was his and that the firearms on the boat were his. Burke stated that he had a License to carry firearms. Further investigation revealed that Burke had a license to carry only out of the state of Florida and it had expired in 09/2022. Burke stated that there was another firearm on the boat that was located on the top shelf of the bookshelf. The second firearm can be described as a short barrel rifle, that was in a safe condition.


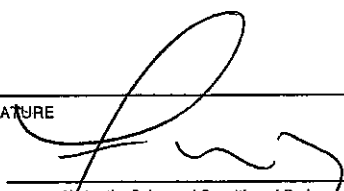
Due to the above facts and circumstances, **Scott Burke**, was placed under arrest

(Use additional sheets if necessary)

PRINTED NAME Farrell Duce	SIGNATURE X 	I AM A: <input checked="" type="checkbox"/> LAW ENFORCEMENT OFFICER <input type="checkbox"/> CIVILIAN COMPLAINANT OR WITNESS	DATE SIGNED 09/05/23
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ADDITIONAL FACTS FOUND BY CLERK-MAGISTRATE / ASST. CLERK / JUDGE BASED ON ORAL TESTIMONY

REMARKS			SIGNATURE OF CLERK-MAGISTRATE / ASST. CLERK / JUDGE X	DATE SIGNED
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STATEMENT OF FACTS IN SUPPORT OF APPLICATION FOR CRIMINAL COMPLAINT	APPLICATION NO. (court use only) <i>3 CR217</i>	PAGE 2 OF 2	Trail Court of Massachusetts District Court Department 
	The undersigned alleges the following as a <input type="checkbox"/> full or <input checked="" type="checkbox"/> partial statement of the factual basis for the offense(s) for which a criminal complaint is sought.		COURT DIVISION Nantucket District Court
for the following; M.G.L C. 269 S.10G - Possession of a firearm without an FID (2 counts) M.G.L C.269 S.10TT - Possession of ammunition without an FID M.G.L C.94C S.34C - Possession of a class B substance (Cocaine)			
PRINTED NAME Farrell Duce	SIGNATURE  X _____ <small>Under the Pains and Penalties of Perjury</small>	I AM A: <input checked="" type="checkbox"/> LAW ENFORCEMENT OFFICER <input type="checkbox"/> CIVILIAN COMPLAINANT OR WITNESS	DATE SIGNED 09/05/23
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IN SUPPORT OF
APPLICATION FOR CRIMINAL COMPLAINT

APPLICATION NO. (court use only)

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Trail Court of Massachusetts
 District Court Department



The undersigned alleges the following as a full or partial statement of the factual basis for the offense(s) for which a criminal complaint is sought.

COURT DIVISION

Nantucket District Court

On September 5, 2023, I, Detective Amanda Schwenk applied for and was granted a search warrant out of the Nantucket District Court based on probable cause from NPD Case #23-008554. During that case, Scott Burke was arrested and charged with possession of a Class B substance, cocaine and possession of a firearm without a FID card (2 counts).

At 3:25pm, Det. Lt. Mack, Bourne PD TFO Lucier, DEA Special Agent Jones, Officer Gale and members of the United States Coast Guard conducted a search of the vessel, JessConn, an 80 foot Nordhavn yacht anchored in Nantucket Harbor. During the search, the following items were located in the areas listed below:

- 1 clear zip lock bag containing a white powdery substance confirmed to be Cocaine, a Class B substance, through TruNarc located in the top drawer of the right side bed side table in main floor bedroom weighing approximately **11.7 grams**.

- 1 clear zip lock bag containing a white powdery substance confirmed to be Cocaine, a Class B substance, though TruNarc located in a safe on the first shelf of a built in cabinet to the right of the bed in the main floor bedroom weighing approximately **30.2 grams**.


- 1 brass circular small container containing a white powdery substance confirmed to be Cocaine, a Class B substance, through TruNarc located on top of right side bed side table in main floor bedroom weighing approximately **1.5 grams**.

- 1 clear small zip lock bag containing a pink powdery substance confirmed to be Ketamine, a Class A substance, through TruNarc located on top of the right side bed side table in the main floor bedroom weighing approximately **1.3 grams**.

- 1 clear small zip lock bag containing a pink powdery substance confirmed to be Ketamine, a Class A substance, through TruNarc located in a safe on the first shelf of a built in cabinet to the right of the bed in the main floor bedroom weighing approximately **6.5 grams**.

- 1 clear small zip lock bag containing a pink powdery substance confirmed to be Ketamine, a Class A substance, through TruNarc located in a safe on the first shelf of a built in cabinet to the right of the bed in the main floor bedroom

(Use additional sheets if necessary)

PRINTED NAME Amanda Schwenk	SIGNATURE X  Under the Pains and Penalties of Perjury	I AM A: <input checked="" type="checkbox"/> LAW ENFORCEMENT OFFICER <input type="checkbox"/> CIVILIAN COMPLAINANT OR WITNESS	DATE SIGNED 09/05/23
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COURT DIVISION

Nantucket District Court

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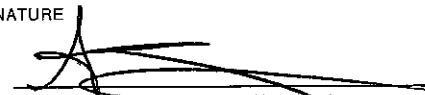
- 1 SW M&P Shield .380 pistol (Serial #REL8698) located on a top shelf of a built in cabinet to the right of the bed in the main floor bedroom.
- 3 30 round 9MM magazines located on the top two shelves of the built in cabinet to the right of the bed in the main floor bedroom.
- 1 12 round 9MM S&W pistol magazine located inserted into the 9MM S&W pistol (Serial #DTC0290). (Burke was previously arrest for the possession of that pistol firearm under NPD Case #23-008554).
- Various 9mm and .380 ammunition located in a bottom drawer of a built in cabinet to the right of the bed in the main floor bedroom and a green bag and black firearm case located on the same built in cabinets described above.

The approximate total weight of Cocaine, a Class B substance was **43.4 grams**. The approximate total weight of Ketamine, a Class A substance was **14.1 grams**. The Cocaine and Ketamine were confirmed by the TruNarc handheld narcotics analyzer administered by DEA Special Agent Rob Jones. Scott Burke does not possess a valid LTC or FID card.

Based on the above facts and circumstances, Scott Burke was arrested and charged with the following:

- M.G.L. Chapter 94C Section 32E(b): Trafficking Class B Substance 36 grams but less than 100, Cocaine (approx. total weight 43.4 grams)**
- M.G.L. Chapter 94C Section 32: Possession with the Intent to Distribute Class A Substance, Ketamine (approx. 14.1 grams)**
- M.G.L. Chapter 269 Section 10(h): Possession of Ammunition without a FID**
- M.G.L. Chapter 269 Section 10(a): Possession of a Firearm without a FID**
- M.G.L. Chapter 269 Section 10(m): Possession of a Large Capacity Feeding Device (4 counts)**

(Use additional sheets if necessary)

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