

CRIMINAL DOCKET

DOCKET NUMBER

2356CR000136

NO. OF COUNTS

1

Trial Court of Massachusetts  
District Court Department



DEFENDANT NAME AND ADDRESS

Brian Walshe  
Cohasset, MA 02025

DOB

01/31/1975

GENDER

Male

COURT NAME & ADDRESS

Quincy District Court  
One Dennis Ryan Pkwy  
Quincy, MA 02169

DATE COMPLAINT ISSUED

01/09/2023

PRECOMPLAINT ARREST DATE

01/08/2023

INTERPRETER REQUIRED

FIRST FIVE OFFENSE COUNTS

COUNT	CODE	OFFENSE DESCRIPTION	OFFENSE DATE
1	268/13B/A	WITNESS/JUROR/POLICE/COURT OFFICIAL, INTIMIDATE c268 §13B	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  
\$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(12))  WAIVED
- Counsel Contribution (211D § 2)  WAIVED
- Default Warrant Fee (276 § 30(1))  WAIVED
- Default Warrant Arrest Fee (276 § 30 (12))  WAIVED

- 1 Arraigned and advised:
  - Potential of bail revocation (276 §58B)
  - Right to bail to review (276 §58)
  - Right to drug exam (111E § 10)
  - Inquiry made by Court under 276 § 56A
- Abuse Allegation:
  - C276 § 56A form filed by Commonwealth
  - Allegation of abuse under C276 § 56A found
  - No allegation of abuse under C276 § 56A found

- 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	<i>2-9-23</i>	<i>Arraignment</i>	<input type="checkbox"/> Held <input type="checkbox"/> Not Held but Event Resolved <input type="checkbox"/> Cont'd	<i>Courten 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)



<b>CRIMINAL DOCKET - OFFENSES</b>	DEFENDANT NAME <b>Brian Walshe</b>	DOCKET NUMBER <b>2356CR000136</b>
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COUNT / OFFENSE <b>1 WITNESS/JUROR/POLICE/COURT OFFICIAL, INTIMIDATE c268 §13B</b>	DISPOSITION DATE AND JUDGE
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DISPOSITION METHOD <input type="checkbox"/> Guilty Plea or <input type="checkbox"/> Admission to Sufficient Facts accepted after colloquy and alien warning pursuant to C278§29D and MRCrP12 <input type="checkbox"/> Bench Trial <input type="checkbox"/> Jury Trial <input type="checkbox"/> Dismissed upon: <input type="checkbox"/> Request of Commonwealth <input type="checkbox"/> Request of Victim <input type="checkbox"/> Request of Defendant <input type="checkbox"/> Failure to prosecute  <input type="checkbox"/> Other: <input type="checkbox"/> Filed with Defendant's consent <input type="checkbox"/> Nolle Prosequi <input type="checkbox"/> Decriminalized (277 §70 C)	FINE/ASSESSMENT  HEAD INJURY ASMT	SURFINE  RESTITUTION	COSTS  V/W ASSESSMENT	OUI §24D FEE  BATTERER'S FEE	OUI VICTIMS ASMT  OTHER
SENTENCE OR OTHER DISPOSITION <input type="checkbox"/> Sufficient facts found but continued without a finding until: <input type="checkbox"/> Defendant placed on probation until: <input type="checkbox"/> Risk/Need or OUI <input type="checkbox"/> Administrative Supervision <input type="checkbox"/> Defendant placed on pretrial probation (276 §87) until: <input type="checkbox"/> To be dismissed if court costs / restitution paid by:					

FINDING <input type="checkbox"/> Guilty <input type="checkbox"/> Not Guilty <input type="checkbox"/> Responsible <input type="checkbox"/> Not Responsible <input type="checkbox"/> Probable Cause <input type="checkbox"/> No Probable Cause	FINAL DISPOSITION <input type="checkbox"/> Dismissed on recommendation of Probation Dept. <input type="checkbox"/> Probation terminated: defendant discharged <input type="checkbox"/> Sentence or disposition revoked (see cont'd page)	JUDGE	DATE
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COUNT / OFFENSE	DISPOSITION DATE AND JUDGE
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**APPLICATION FOR CRIMINAL COMPLAINT**

APPLICATION NO.(COURT USE ONLY)

PAGE

1 of 1

Trial Court of Massachusetts District Court Department



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.

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

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

**INFORMATION ABOUT ACCUSED**

NAME (FIRST MI LAST) AND ADDRESS  <b>BRIAN R WALSHE</b> [REDACTED] COHASSET, MA 02025				BIRTH DATE 01/31/1975		SOCIAL SECURITY NUMBER [REDACTED]	
				PCF NO. 3209316		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]
GENDER M		HEIGHT 602		WEIGHT 215		EYES BRO	
EMPLOYER/SCHOOL LETS WE CAN LLC			MOTHER'S MAIDEN NAME (FIRST MI LAST) DIANA ZARINTASH		FATHER'S NAME (FIRST MI LAST) THOMAS WLASHE		

**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	
CITATION NO(S).					

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

REMARKS SID#	COMPLAINANT'S SIGNATURE X <i>[Signature]</i>	DATE FILED 01/09/2023
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COURT USE ONLY	A HEARING UPON THIS COMPLAINT APPLICATION } WILL BE HELD AT THE ABOVE COURT ADDRESS ON	DATE OF HEARING	AT	TIME OF HEARING	COURT USE ONLY
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DATE	PROCESSING OF NON-ARREST APPLICATION(COURT USE ONLY)	CLERK/JUDGE
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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:  
 IMMINENT THREAT OF  BODILY INJURY  CRIME  FLIGHT BY ACCUSED  
 FELONY CHARGED AND POLICE DO NOT REQUEST NOTICE  
 FELONY CHARGED BY CIVILIAN; NO NOTICE AT CLERK'S DISCRETION

DATE	COMPLAINT TO ISSUE	COMPLAINT DENIED	CLERK/JUDGE
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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	
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NARRATIVE FOR DETECTIVE HARRISON W SCHMIDT

Ref: 23COH-1-AR

Entered: 01/08/2023 @ 2033

Entry ID: COHWS

Modified: 01/08/2023 @ 2207

Modified ID: COHWS

**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: January 1, 1975; 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 5<sup>th</sup> and 7<sup>th</sup>, 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.

**III. 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]. 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] 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 4:00pm to see his mother who lives at [REDACTED], 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 Derby 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 reviewing video. WALSH was not observed on video from Whole Foods or CVS in the time frame he stated that he was there.

## NARRATIVE FOR DETECTIVE HARRISON W SCHMIDT

Ref: 23COH-1-AR

Entered: 01/08/2023 @ 2033  
Modified: 01/08/2023 @ 2207Entry 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 is 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.

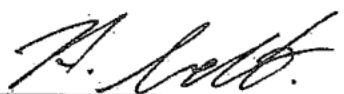
## V. CONCLUSION

COHASSET POLICE DEPARTMENT  
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: January 31, 1975; Social Security Account Number [REDACTED]



HARRISON W. SCHMIDT  
Detective  
Cohasset Police Department  
Criminal Investigation Division