

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)	Criminal No. 23cr10236
)	
v.)	Violations:
)	
DAVID S. FINNERTY,)	<u>Count One</u> : False Report, Aiding and Abetting
)	(18 U.S.C. §§ 1519, 2)
Defendant)	
)	<u>Count Two</u> : False Report
)	(18 U.S.C. § 1519)

INDICTMENT

1. At all times relevant to this Indictment, defendant David S. Finnerty (FINNERTY) was a Sergeant with the Massachusetts Bay Transportation Authority (the MBTA) Transit Police Department (Transit Police).

2. At all times relevant to this Indictment, D.B. was a Transit Police Officer.

3. From at or about 11:30 p.m. on July 26, 2018, until at or about 7:30 a.m. on July 27, 2018, FINNERTY was the Transit Police Officer in Charge and the supervisor of Officer D.B.

4. At or around 1:47 a.m. on or about July 27, 2018 at the Ashmont MBTA station, Officer D.B., while acting in his role as an officer, physically assaulted a man, without legal justification.

COUNT ONE

False Report; Aiding and Abetting
(18 U.S.C. §§ 1519, 2)

The Grand Jury charges:

5. The Grand Jury re-alleges and incorporates by reference paragraphs 1 through 4 of this Indictment.

6. On or about July 27, 2018, in the District of Massachusetts, the defendant,

DAVID S. FINNERTY,

knowingly concealed, covered up, falsified and made a false entry in a record and document with the intent to impede, obstruct and influence the investigation and proper administration of a matter within the jurisdiction of a department or agency of the United States and in relation to and contemplation of such a matter, to wit, FINNERTY falsified an Arrest Report regarding the incident involving Officer D.B. by including false and misleading statements and by omitting material information.

All in violation of Title 18, United States Code, Sections 1519 and 2.

COUNT TWO
False Report
(18 U.S.C. § 1519)

The Grand Jury further charges:

7. The Grand Jury re-alleges and incorporates by reference paragraphs 1 through 4 of this Indictment.

8. On or about July 27, 2018, in the District of Massachusetts, the defendant,

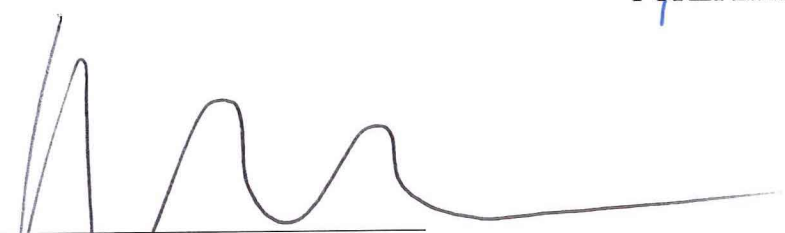
DAVID S. FINNERTY,

knowingly concealed, covered up, falsified and made a false entry in a record and document with the intent to impede, obstruct and influence the investigation and proper administration of a matter within the jurisdiction of a department or agency of the United States and in relation to and contemplation of such a matter, to wit, FINNERTY falsified a Duty Supervisor/OIC Command Staff Shift Briefing (As of 0600 hrs) regarding the incident involving Officer D.B. by including false and misleading statements and by omitting material information.

All in violation of Title 18, United States Code, Section 1519.

A TRUE BILL


FOREPERSON



KRISTINA E. BARCLAY
JULIEN MUNDELE
ASSISTANT UNITED STATES ATTORNEYS
DISTRICT OF MASSACHUSETTS

District of Massachusetts: August 30th, 2023
Returned into the District Court by the Grand Jurors and filed.



DEPUTY CLERK 08/30/2023