


<b>CRIMINAL COMPLAINT</b> ORIGINAL		DOCKET NUMBER <b>2363CR000611</b>	NO. OF COUNTS 1	<b>Trial Court of Massachusetts District Court Department</b>	
DEFENDANT NAME & ADDRESS Aaron M Pennington 42 Cherry Street Gardner, MA 01440				COURT NAME & ADDRESS Gardner District Court 108 Matthews Street Gardner, MA 01440 (978)632-2373	
DEFENDANT DOB 10/13/1990	COMPLAINT ISSUED 10/25/2023	DATE OF OFFENSE 10/22/2023	ARREST DATE		
OFFENSE CITY / TOWN Gardner		OFFENSE ADDRESS		NEXT EVENT DATE & TIME <b>WARRANT</b>	
POLICE DEPARTMENT SP WORCESTER DA'S UN		POLICE INCIDENT NUMBER 2023-115-705		NEXT SCHEDULED EVENT	
OBTN	PCF NUMBER 5632988	DEFENDANT XREF ID 50399308		ROOM / SESSION	
The undersigned complainant, on behalf of the Commonwealth, on oath complains that on the date(s) indicated below the defendant committed the offense(s) listed below and on any attached pages.					

COUNT	CODE	DESCRIPTION
1	265/1	MURDER c265 §1

On 10/22/2023 did assault and beat BREANNE PENNINGTON, with intent to murder such person, and by such assault and beating did kill and murder such person, in violation of G.L. c.265, §1.

NO DISTRICT COURT FINAL JURISDICTION IN ADULT SESSION.

SIGNATURE OF COMPLAINANT <i>X Tpr. 2-2 #4083</i>	SWORN TO BEFORE CLERK-MAGISTRATE/ASST. CLERK/DEP. ASST. CLERK <i>X [Signature]</i>	DATE 10/25/23
NAME OF COMPLAINANT <i>Tpr. Benjamin Breton #4083</i>	CLERK-MAGISTRATE/ASST. CLERK <i>X</i>	DATE

**Notice to Defendant:** 42 U.S.C. § 3796gg-4(e) requires this notice: If you are convicted of a misdemeanor crime of domestic violence you may be prohibited permanently from purchasing and/or possessing a firearm and/or ammunition pursuant to 18 U.S.C. § 922 (g) (9) and other applicable related Federal, State, or local laws.

APPLICATION FOR CRIMINAL COMPLAINT		APPLICATION NO. (COURT USE ONLY) 0303 CR 11	PAGE 1 OF 3	TRIAL COURT OF MASSACHUSETTS DISTRICT COURT DEPARTMENT	
<p>, the undersigned complainant, request that a criminal complaint issue against the accused charging the</p> <p>offense(s) listed below. If the accused <b>HAS NOT BEEN ARRESTED</b> and the charges involve:</p> <p><input type="checkbox"/> ONLY MISDEMEANOR(S), I request a hearing <input type="checkbox"/> WITHOUT NOTICE because of an imminent threat of</p> <p><input type="checkbox"/> BODILY INJURY <input type="checkbox"/> COMMISSION OF A CRIME <input type="checkbox"/> FLIGHT <input type="checkbox"/> WITH NOTICE to accused.</p> <p><input checked="" type="checkbox"/> ONE OR MORE FELONIES, I request a hearing <input checked="" type="checkbox"/> WITHOUT NOTICE <input type="checkbox"/> WITH NOTICE to accused.</p> <p><input checked="" type="checkbox"/> WARRANT is requested because prosecutor represents that accused may not appear unless arrested.</p>			<p>Gardner District Court 108 Matthews Road Gardner, MA 01440 (978)-632-2373</p>		
NAME (FIRST MI LAST) AND ADDRESS  Aaron M. Pennington 42 Cherry Street Gardner, MA 01440			ARREST STATUS OF ACCUSED <input type="checkbox"/> HAS <input checked="" type="checkbox"/> HAS NOT been arrested		
INFORMATION ABOUT ACCUSED					
BIRTH DATE 10/13/1990		SOCIAL SECURITY NO. 410-67-9287			
PCF NO. NONE		MARITAL STATUS Married			
DRIVERS LICENSE NO. J73536030		STATE AZ			
GENDER M	HEIGHT 6'02"	WEIGHT 172	EYES Blue		
HAIR Blonde	RACE White	COMPLEXION Light	SCARS/MARKS/TATOOS Unknown	BIRTH STATE OR COUNTRY Unknown	DAY PHONE Unknown
EMPLOYER/SCHOOL Unknown	MOTHER'S MAIDEN NAME (FIRST MI LAST) Unknown		FATHER'S NAME (FIRST MI LAST) Mark Pennington		
CASE INFORMATION					
COMPLAINANT NAME (FIRST MI LAST) Trooper Benjamin Breton #4083		COMPLAINANT TYPE <input checked="" type="checkbox"/> POLICE <input type="checkbox"/> CITIZEN <input type="checkbox"/> OTHER		PD State Police Detective Unit - Worcester County	
ADDRESS 81 Lafayette Street, Worcester, MA 01608		PLACE OF OFFENSE 42 Cherry St., Gardner, MA 01440			
		INCIDENT REPORT NO. ACISS Case: 2023-115-705		OBTN N/A	
		CITATION NO(S). N/A			
1	OFFENSE CODE M.G.L. Ch. 265, Sec. 1	DESCRIPTION Murder		OFFENSE DATE 10/22/2023	
VARIABLES (e.g. victim name, controlled substances, type and value of property, other variable information; see Complaint Language Manual) Breanne Pennington (DOB: 10/27/1992), to wit Firearm					
2	OFFENSE CODE	DESCRIPTION		OFFENSE DATE	
VARIABLES					
3	OFFENSE CODE	DESCRIPTION		OFFENSE DATE	
VARIABLES					
REMARKS		COMPLAINANT'S SIGNATURE X Tro. 2 2 #4083		DATE FILED 10/25/2023	
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
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 VCHARGED AND POLICE DO NOT REQUEST NOTICE <input type="checkbox"/> FELONY CHARGED BY CIVILIAN: NO NOTICE ATT CLERK'S DISCRETION				
DATE	COMPLAINT TO ISSUE		COMPLAINT DENIED		CLERK/JUDGE
10/26/23	<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. _____				St. Hamilton
10/25/23	<input checked="" type="checkbox"/> WARRANT <input type="checkbox"/> SUMMONS TO ISSUE ARRAIGNMENT DATE:		COMMENT		

- 2072
1. Based on the following statement of facts, there is probable cause to believe that Aaron Pennington (DOB: 10/13/1990) committed the crime of Murder in violation of Massachusetts General Laws, Chapter 265, Section 1.
  2. On Sunday, October 22, 2023, at approximately 0914 hours, the Gardner Police Department Dispatch received a 9-1-1 call from a party who had requested assistance after her neighbor's four children came over to her house reporting that they could not find their father and that their mother was in her bedroom crying. The four children were known to reside with their parents at 42 Cherry Street in the city of Gardner. The children also stated that their father's vehicle was no longer in the residence's driveway.
  3. The Gardner Police Department and Massachusetts Registry of Motor Vehicle Records indicated that 42 Cherry Street in Gardner was occupied by two adults identified as Breanne Pennington (DOB: 10/27/1992) and Aaron Pennington (DOB: 10/13/1990).
  4. At approximately 0919 hours, first responders arrived at the residence and found Breanne Pennington lying in bed in an upstairs bedroom with obvious signs of death from an apparent gunshot wound to the head. The responding Gardner PD Officers performed a protective sweep of the residence and were unable to locate anyone else inside the home or any visible weapons. Breanne Pennington was pronounced deceased inside the home by Woods Ambulance Paramedic Alexis Wheeler at 0930 hours.
  5. Investigators obtained video surveillance evidence from the Penningtons' neighbor, which showed Aaron Pennington exiting the driveway at 42 Cherry Street at approximately 0850 hours on October 22, 2023, in a white 2013 BMW 320 sedan that was registered to him. At 0907 hours, the four children were observed exiting the residence and walking over to the residence next door.
  6. Breanne Pennington was known to have a firearm at the residence for her protection. Investigators executed a search warrant at 42 Cherry Street and did not locate a firearm, however they did locate three spent shell casings in the bedroom.
  7. On Monday, October 23, 2023, an autopsy was performed on Breanne Pennington. The cause of death was determined to be gunshot wound(s) to the head and the manner of death was homicide.
  8. On Tuesday, October 24, 2023, a search warrant was issued authorizing the search of certain content on Aaron Pennington's cell phone. After reviewing a limited portion of the cell phone's content, Investigators learned that there was a note from 1904 hours on Saturday, October 21, 2023, that stated:

"Don't say anything. Be quite [sic] If she wakes up just say you're getting nasal spray

Get on side of bed – very close proximity to head

Put hole in her head”.

9. Accordingly, there is probable cause to believe that on or about Sunday, October 22, 2023, Aaron Pennington (DOB: 10/13/1990), did commit the crime of Murder upon Breanne Pennington, in violation of M.G.L. 265/1.

Signature: Tpr. 22 #4083

Sheila C. Harrington  
Witness: Sheila C. Harrington  
Clerk Magistrate  
Gardner District Court

Date: 10/25/2023