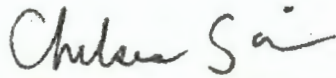


Approved:



CHELSEA L. SCISM
Assistant United States Attorney

Before: THE HONORABLE GABRIEL W. GORENSTEIN
United States Magistrate Judge
Southern District of New York

23 MAG 4912

UNITED STATES OF AMERICA

v.

ANTHONY GOMEZ,

Defendant.

COMPLAINT

Violations of 18 U.S.C. §§ 751(a),
922(g)(1), 4082(a), and 2

COUNTY OF OFFENSE:
BRONX

SOUTHERN DISTRICT OF NEW YORK, ss.:

DIANA SPANGENBERG, being duly sworn, deposes and says that she is a Detective with the New York City Police Department ("NYPD"), and charges as follows:

COUNT ONE

(Possession of Ammunition After a Felony Conviction)

1. On or about June 16, 2023, in the Southern District of New York and elsewhere, ANTHONY GOMEZ, the defendant, knowing he had previously been convicted in a court of a crime punishable by imprisonment for a term exceeding one year, knowingly possessed ammunition, to wit, a 9mm luger shell casing, and the ammunition was in and affecting commerce.

(Title 18, United States Code, Section 922(g)(1).)

COUNT TWO

(Escape from Custody)

2. On or about June 16, 2023, in the Southern District of New York and elsewhere, ANTHONY GOMEZ, the defendant, knowingly escaped and attempted to escape from the custody of the Attorney General and his authorized representative, and from an institution and facility in which he was confined by direction of the Attorney General, and from custody under and by virtue of process issued under the laws of the United States by a court, judge, and magistrate judge, and from the custody of an officer and employee of the United States pursuant to lawful arrest, which custody and confinement was by virtue of an arrest on a charge of felony, and conviction of an offense, to wit, ANTHONY GOMEZ, while in the custody of the Bronx Residential Re-Entry Center ("Bronx RRC"), following a conviction in the United States District Court for the Southern District of New York for conspiracy to commit Hobbs Act robbery, in violation of 18 U.S.C. § 1951, and using, possessing, and carrying a firearm during and in relation to a crime of violence,

in violation of 18 U.S.C. § 924(c)(1), left the Bronx RRC failed to return to the Bronx RRC as required.

(Title 18, United States Code, Sections 751(a), 4082(a), and 2.)

The bases for my knowledge and for the foregoing charges are, in part, as follows:

3. I am a Detective with the Bronx Violent Crimes Squad of the New York City Police Department (“NYPD”) and I have participated in numerous investigations of violent crimes, including unlawful firearms possession and shootings. I have been personally involved in the investigation of this matter. I base this affidavit on that experience and on training I have received, on my conversations with other law enforcement officials, and on my examination of various reports and records. Because this affidavit is being submitted for the limited purpose of demonstrating probable cause, it does not include all the facts I have learned during the course of my investigation. Where the contents of documents and the actions, statements, and conversations of others are reported herein, they are reported in substance and in part, except where otherwise indicated.

4. Based on my review of documents and reports from the United States Department of Justice, the Federal Bureau of Prisons (“BOP”), and the Bronx RRC, and my discussions with other law enforcement officers, I have learned, among other things, the following:

a. ANTHONY GOMEZ, the defendant, was convicted in the United States District Court for the Southern District of New York of conspiracy to commit Hobbs Act robbery, in violation of 18 U.S.C. § 1951; and using, carrying, and possessing firearms, during and in relation to a crime of violence, in violation of 18 U.S.C. § 924(c)(1)(A)(i). *See United States v. Anthony Gomez*, 15 Cr. 535 (SHS). In connection with that conviction, on or about January 27, 2016, the Honorable Sidney H. Stein, United States District Judge for the Southern District of New York, sentenced GOMEZ to a term of 120 months’ imprisonment to be served in the custody of the BOP. GOMEZ’s sentence of imprisonment has not been completed.

b. On or about April 26, 2023, GOMEZ was transferred from the United States Penitentiary Lee to the Bronx RRC to serve the remainder of his sentence. The Bronx RRC is a BOP facility.

Escape from the Bronx RRC

c. On or about June 16, 2023, GOMEZ was away from the Bronx RRC on an approved pass with a curfew of 8:30 p.m.

d. At approximately 8:27 p.m., GOMEZ called the Bronx RRC to report, in substance and in part, that he had stopped at his girlfriend’s apartment and, while he was there, NYPD designated the area outside of his girlfriend’s apartment as a crime scene. He falsely reported that the NYPD would not allow anyone in or out of the area. GOMEZ also falsely reported to the Bronx RRC that as a result, he was not able to return to the Bronx RRC in time for his 8:30 p.m. curfew. GOMEZ subsequently did not return to the Bronx RRC before his 8:30 p.m. curfew, or at all. The Bronx RRC, relying on GOMEZ’s false report, required GOMEZ to check in by phone approximately every half hour until he was permitted to leave the area. While hiding

from the police, GOMEZ did so until approximately 2:20 a.m., but thereafter discontinued contact with the Bronx RRC.

e. In actuality, it is not the case that NYPD prevented GOMEZ from leaving his girlfriend's apartment or leaving the crime scene area. As described in further detail below, the crime scene was established following a shooting aimed at NYPD police officers. The real reason that GOMEZ could not return to the Bronx RRC in time for his 8:30 p.m. curfew is that, as described in further detail below, he was hiding from the NYPD because he was wanted for committing that shooting.

June 16, 2023 Shooting Aimed at NYPD Police Officers

5. Based on my participation in this investigation, my review of documents and reports from the NYPD, my review of surveillance camera footage, and my conversations with other law enforcement officers, I have learned the following:

a. On or about June 16, 2023, at approximately 7:39 p.m. in the Bronx, New York, an individual wearing a grey hooded sweatshirt, jeans, and sneakers—who was later identified as ANTHONY GOMEZ, the defendant—was captured on surveillance video crossing Vyse Avenue, carrying an object believed to be a firearm in the front pocket of his sweatshirt. A still image from the surveillance footage is below.



b. As pictured below, the surveillance video next shows GOMEZ removing the firearm from his sweatshirt pocket and attempting to hide it in the front-right wheel well of a white sedan (“Vehicle-1”) parked on Vyse Avenue.



c. After hiding the firearm, GOMEZ initially walked away from Vehicle-1, heading northbound towards East 174th Street. Moments later, officers of the NYPD who were working a patrol shift on foot (the “Southbound Police Officers”) turned right from East 174th Street onto Vyse Avenue. When GOMEZ saw the Southbound Police Officers, he immediately removed the firearm from the wheel well of Vehicle-1 and put it back into his sweatshirt pocket. The Southbound Police Officers ordered GOMEZ, in substance and in part, to put the firearm down. GOMEZ did not comply and instead took off running southbound on Vyse Avenue. Below are still images from surveillance footage depicting GOMEZ removing the firearm from Vehicle-1 while a police officer approaches in the background, and subsequently fleeing.





d. While fleeing and being pursued by the Southbound Police Officers, GOMEZ came upon additional police officers on foot who were running northbound towards him on Vyse Avenue (the “Northbound Police Officers”). GOMEZ raised the firearm and aimed it at the Northbound Police Officers several times as he ran, and GOMEZ fired one shot in their direction. Below are still images from surveillance video depicting GOMEZ brandishing the firearm at the moment he discharged it. The Northbound Police Officers are circled in yellow in the first image, and GOMEZ is circled in red in the second image.





Flight from NYPD and Subsequent Arrest

e. After firing a gunshot aimed at NYPD officers, at approximately 7:40 p.m., GOMEZ—while still holding the firearm—ran inside a building on Vyse Avenue (“Building-1”). Below is a still image from Building-1’s security camera footage.



f. After the shooting, NYPD spoke to a witness (“Witness-1”) who knows GOMEZ, had seen him a couple of weeks prior to the shooting, and is familiar with GOMEZ’s Facebook profile. Witness-1 identified the individual believed to be the shooter depicted in a still

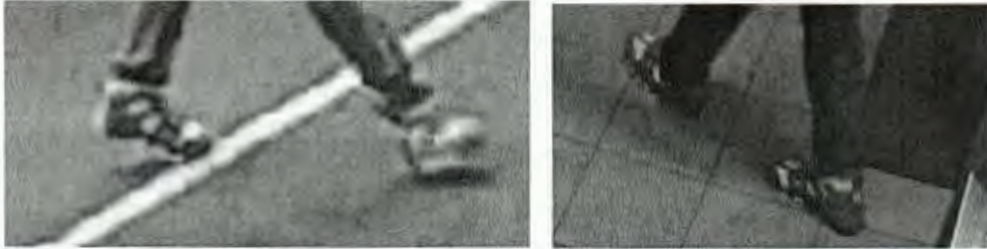
image from certain surveillance footage recorded on June 16, 2023, in the vicinity of Building-1, wearing the same clothing as the shooter (the “Still Image”), to be someone named “Anthony Gomez.” Witness-1 also viewed an NYPD photograph of GOMEZ and confirmed this to be the same person Witness-1 knows as “Anthony Gomez.”

g. NYPD also submitted the Still Image to a law enforcement facial recognition database, which likewise identified the individual depicted as “Anthony Gomez.”

h. At approximately 3:30 a.m. on June 17, 2023—about 8 hours after the shooting—GOMEZ exited a neighboring building with a rooftop that connects to Building-1 (“Building-2”) and was immediately arrested by NYPD. GOMEZ had removed his grey sweatshirt but wore similar jeans and the same sneakers he wore during the shooting. A still image from security camera footage from Building-2 is below.



i. Below is a comparison of GOMEZ's sneakers at the time of the shooting, on the left, with GOMEZ's sneakers at the time of his apprehension upon his exit from Building-2, on the right, with GOMEZ's sneakers following his arrest, on the bottom.



The Ammunition

j. The NYPD recovered one 9mm luger shell casing (the "Ammunition") from the scene of the shooting, on the sidewalk outside of Building-1. The Ammunition is pictured below:




k. The NYPD also recovered a deformed fired bullet from the upper door frame of the passenger side, rear door of a vehicle parked on Vyse Avenue during the shooting ("Vehicle-2"). A photograph of Vehicle-2 is below.



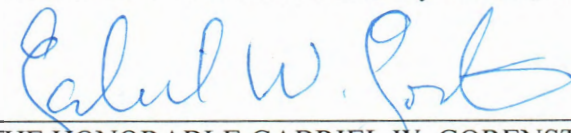
6. I have reviewed communications with a Special Agent with the United States Department of Justice's Bureau of Alcohol, Tobacco, Firearms and Explosives, who has confirmed that the Ammunition was manufactured outside the State of New York.

WHEREFORE, I respectfully request that ANTHONY GOMEZ, the defendant, be imprisoned or bailed, as the case may be.



DIANA SPANGENBERG
Detective
NYPD

Sworn to before me on this 20th day of June, 2023.



THE HONORABLE GABRIEL W. GORENSTEIN
United States Magistrate Judge
Southern District of New York