

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

v.

TERRENCE ALLEN,

Defendant.

23 MAG 6928

SEALED COMPLAINT

Violation of
18 U.S.C. § 922(g)(1)

COUNTY OF OFFENSE:
BRONX

SOUTHERN DISTRICT OF NEW YORK, ss.:

ALEXANDER LOIZIAS, being duly sworn, deposes and says that he is a Special Agent with the Federal Bureau of Investigation (“FBI”), and charges as follows:

COUNT ONE
(Possession of Ammunition After a Felony Conviction)

1. On or about September 21, 2023, in the Southern District of New York and elsewhere, TERRENCE ALLEN, 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, thirteen 9mm caliber shell casings, and the ammunition was in and affecting commerce.

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

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

2. I am a Special Agent with the FBI, currently assigned to the Joint Bank Robbery and Violent Crime Task Force. I have been assigned to the Joint Bank Robbery and Violent Crime Task Force for approximately two-and-a-half years. In addition to investigating bank robberies, kidnapping, and other violent acts, I have participated in more than a half-dozen felon-in-possession investigations. This affidavit is based upon my conversations with law enforcement personnel, my review of surveillance camera and body worn camera footage, and my examination of law enforcement databases, reports, and records. Because this affidavit is being submitted for the limited purpose of demonstrating probable cause, it does not include all the facts that 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.

September 21, 2023 Shooting

3. Based on my review of New York City Police Department (“NYPD”) reports and records, my review of surveillance camera footage, and my discussions with other law enforcement officers, I have learned the following about a shots-fired incident on September 21, 2023:

a. On or about September 21, 2023, at approximately 8:29 p.m., NYPD officers from Police Service Area 7 responded to a report of shots fired in the vicinity of 305 East 153rd Street, in the Bronx, New York (the “September 21 Shooting”). The building at 305 East 153rd Street is part of the New York City Housing Authority’s (“NYCHA”) Melrose development (the “Melrose Development”).

b. Upon arriving at the scene, NYPD officers found a total of thirteen 9mm shell casings on a walkway in the courtyard of the Melrose Development. NYPD officers processed and photographed the scene. Image 1 depicts where NYPD officers found the 13 shell casings—one orange cone marks each shell casing. Image 2 is a close-up of one of the 13 shell casings.



Image 1



Image 2

c. Upon arriving at the scene, NYPD officers submitted official requests to the NYCHA CCTV unit for surveillance camera footage from three buildings in the southwest corner of the Melrose Development: (1) 281 East 153rd Street, (2) 700 Morris Avenue, and (3) 305 East 153rd Street.

d. On or about September 21, 2023, a south-facing surveillance camera from 281 East 153rd Street captured the following:

i. At approximately 8:03 p.m., a silver four-door sedan with tinted windows and black rims, which appeared to be a Mercedes (the “September 21 Vehicle”), parallel parked on the south side of 153rd Street. At approximately 8:05 p.m., an individual in a white t-shirt, long, loose-fitting pants, a baseball hat, and white sneakers exited the front driver’s side door of the September 21 Vehicle (“Individual-1”). Image 3 shows Individual-1 and the September 21 Vehicle at approximately 8:06 p.m.



Image 3

ii. At approximately 8:07 p.m., Individual-1 walked north across 153rd Street.

e. On or about September 21, 2023, at approximately 8:09 p.m., a surveillance camera from the building located at 700 Morris Avenue capturing the building's interior exit door showed Individual-1 entering 700 Morris Avenue. In this surveillance footage, distinctive features of Individual-1's baseball hat are discernible: It is a dark blue hat with a red brim, a Yankees logo on its front, and a large logo on its right-hand side. Image 4 shows Individual-1 entering 700 Morris Avenue.



Image 4

f. On or about September 21, 2023, at approximately 8:09 p.m., a surveillance camera from 700 Morris Avenue’s lobby area (the “700 Morris Lobby Camera”) captured Individual-1 calling for the elevator in the lobby and waiting for it, as depicted in Image 5. In Image 5, certain of the distinctive features of Individual-1’s hat are again discernible—*e.g.*, the dark blue color, the red brim, and the Yankees logo—and it is also possible to see that the hat has a red button on its top.



Image 5

g. On or about September 21, 2023, at approximately 8:11 p.m., a surveillance camera from the interior of one of 700 Morris Avenue’s elevators captured Individual-1 entering the elevator and getting off at an unknown floor. At approximately 8:18 p.m., Individual-1 re-entered the elevator and exited the elevator in the lobby.

h. On or about September 21, 2023, at approximately 8:18 p.m., the 700 Morris Lobby Camera captured Individual-1 exiting 700 Morris Avenue, as seen below in Image 6. Moments later, a surveillance camera from 700 Morris Avenue’s exterior entrance door (the “700 Morris Entry Camera”) captured Individual-1 exiting the building, as depicted in Image 7. At approximately 8:19 p.m., a surveillance camera from 700 Morris Avenue facing the Melrose Development’s courtyard (the “700 Morris Courtyard Camera”) captured Individual-1 walking away from 700 Morris Avenue, as depicted in Image 8.



Image 6



Image 7

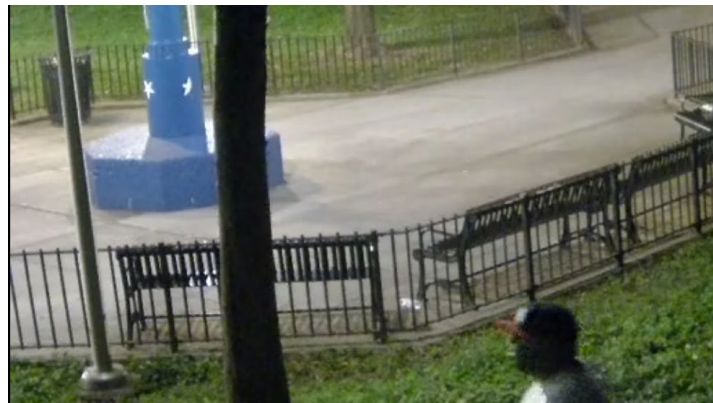


Image 8

i. On or about September 21, 2023, at approximately 8:28 p.m., the 700 Morris Courtyard Camera depicted Individual-1 walking back towards 700 Morris Avenue. As he walked, Individual-1 discharged a firearm multiple times by shooting to his right. Three still images from this surveillance footage appear below. In Images 9 and 10, a yellow oval highlights muzzle flashes and smoke from the gun barrel. In Image 11, a red oval highlights Individual-1's placing the firearm back into his waistband.



Image 9



Image 10

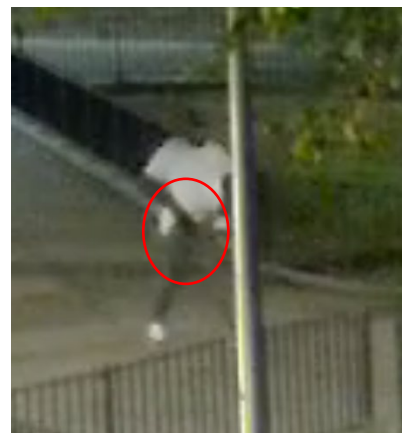


Image 11

j. On or about September 21, 2023, at approximately 8:28 p.m., a surveillance camera from 305 East 153rd Street, which faces the Melrose Development's interior courtyard, captured a different angle of Individual-1's discharging a firearm multiple times. The yellow oval in Image 12 highlights a muzzle flash from one of those shots.



Image 12

k. On or about September 21, 2023, at approximately 8:29 p.m., the 700 Morris Entry Camera captured Individual-1 about to enter 700 Morris Avenue, as depicted in Image 13. Moments later, the 700 Morris Lobby Camera showed Individual-1 entering the lobby of 700 Morris Avenue, as depicted in Image 14.

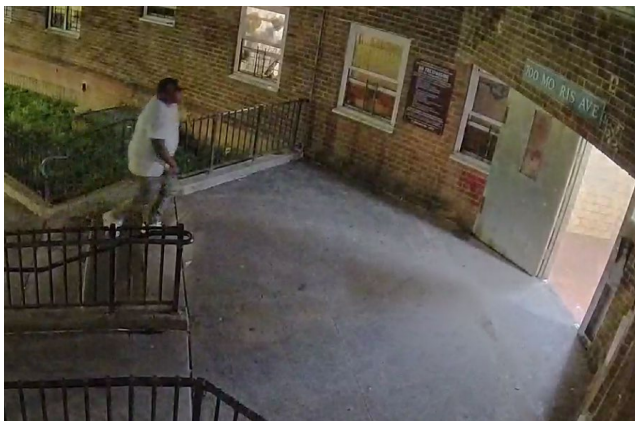


Image 13



Image 14

l. On or about September 21, 2023, at approximately 8:29 p.m., a surveillance camera capturing the interior of one of 700 Morris Avenue's elevators showed Individual-1 enter the elevator and exit on Floor 12.

4. From my review of NYPD reports and records, I know that on or about September 23, 2023, NYPD officers created a wanted poster, which displayed three still images of Individual-1 from some of the surveillance footage described above (the “Wanted Poster”). The Wanted Poster is reproduced in Image 15.



Image 15

September 28, 2023 Stop

5. Based on my review of NYPD reports and records, my inspection of law enforcement databases, my examination of body worn camera footage, and my discussions with other law enforcement officers, I have learned the following regarding a motor vehicle stop on September 28, 2023:

a. On or about September 28, 2023, an individual named TERRENCE ALLEN was stopped by NYPD officers from the 40th Precinct (the “September 28 Stop”) in an incident that was unrelated to the September 21 Shooting.

b. At approximately 12:45 a.m., NYPD officers stopped a silver Mercedes four-door sedan with tinted windows and black rims (the “September 28 Vehicle”) going northbound on Morris Avenue in the vicinity of East 150th Street in the Bronx, New York. The September 28 Vehicle displayed a New York State License Plate with a particular license number (“License Plate Number-1”) and a particular vehicle identification number or VIN (“VIN-1”). Officers stopped the September 28 Vehicle due to its heavily tinted rear windows.

c. Based on my review of photographs of the September 28 Vehicle and the September 21 Vehicle, I know that the September 28 Vehicle has the same features as the September 21 Vehicle, *i.e.*, both cars are silver four-door Mercedes sedans with tinted windows with black rims. Image 16, a still image of surveillance footage collected as part of the investigation into the September 21 Shooting (*see supra* ¶ 3(d)(i)) depicts the September 21

Vehicle. Image 17 depicts the September 28 Vehicle and was obtained from an NYPD officer's body worn camera footage in connection with the September 28 Stop.



Image 16



Image 17

d. The individual driving the September 28 Vehicle produced a New York State Driver's License identifying him as TERRENCE ALLEN, with a particular address (the "ALLEN Address"), and a particular date of birth (the "ALLEN Date of Birth"). Based on my review of images of Individual-1 from the September 21 Shooting and images of TERRENCE ALLEN obtained in connection with the September 28 Stop, I know that ALLEN appears to be Individual-1 from the September 21 Shooting. Image 18 depicts Individual-1 (*see supra* ¶ 3(e)). Image 19 depicts TERRENCE ALLEN as captured on an officer's body worn camera on September 28, 2023.



Image 18



Image 19

e. On or about September 28, 2023, at approximately 1:29 a.m., NYPD officers conducted a search of the September 28 Vehicle. During that search, NYPD officers discovered a brown paper bag in the trunk of the September 28 Vehicle. Inside that brown paper bag was a dark blue baseball hat with a red brim, a red button on top, and a large logo on its right-

hand side (the “September 28 Hat”). Based on my review of images of the hat worn by Individual-1 on September 21, 2023, and the hat seen in ALLEN’s car on September 28, 2023, I know that the September 28 Hat appears to be the same baseball cap worn by Individual-1 during the September 21 Shooting. Image 20 depicts Individual-1 on the night of the September 21 Shooting (*see supra* ¶ 3(e)). Images 21 and 22 depict the September 28 Hat as captured on an officer’s body worn camera on September 28, 2023.



Image 20



Image 21

Image 22 →



**Post-September 28 Investigation and Identification
of TERRENCE ALLEN as Individual-1**

6. Based on my review of NYPD reports and records, my review of body worn camera footage, and my discussions with other law enforcement officers, I have learned the following:

a. On or about October 5, 2023, at approximately 5:52 p.m., NYPD officers conducted a canvass of the area around the Melrose Development, looking for the September 21 Vehicle. NYPD officers found a car with matching characteristics (the “October 5 Vehicle”) parked in front of 321 East 153rd Street, which is another building in the Melrose Development. The October 5 Vehicle was a silver, four-door Mercedes sedan with tinted windows, black rims, a license plate bearing License Plate Number-1, and VIN-1. Based on a review of records from a law enforcement database, NYPD officers learned that the October 5 Vehicle was registered to an individual named “Terrence Allen,” with the ALLEN Address and the ALLEN Date of Birth.

i. I respectfully submit that the September 28 Vehicle and the October 5 Vehicle are the same vehicle. The September 28 Vehicle and the October 5 Vehicle have the same characteristics, including the same license plate number and VIN, and they are both registered to TERRENCE ALLEN.

ii. I also respectfully submit that the September 21 Vehicle is the same vehicle as both the September 28 Vehicle and the October 5 Vehicle. The September 21 Vehicle has the same characteristics as the both the September 28 Vehicle and the October 5 Vehicle—*i.e.*, they are all silver, four-door Mercedes sedans with tinted windows and black rims. Furthermore, for the reasons identified above (*see supra* ¶ 5(d)), Individual-1, who was driving the September 21 Vehicle, appears to be TERRENCE ALLEN, to whom the September 28 Vehicle and October 5 Vehicle are registered.

b. On or about October 5, 2023, at approximately 8:06 p.m., certain NYPD officers showed the Wanted Poster to an officer involved in TERRENCE ALLEN’s September 28 Stop. That officer positively identified Individual-1 as ALLEN.

7. Based on my review of NYPD records and reports and my examination of body worn camera footage, I know that, on or about October 10, 2023, at approximately 12:00 a.m., NYPD officers arrested TERRENCE ALLEN in the vicinity of 257 Alexander Avenue in the Bronx, New York. When he was arrested, ALLEN was driving a silver, four-door Mercedes sedan with tinted windows, black rims, and License Plate Number-1. Image 23 shows ALLEN being placed in handcuffs just outside the driver’s side door during his October 10 arrest. And Image 24 depicts the vehicle’s license plate number, which is redacted but is License Plate Number-1. For the reasons explained above (*see supra* ¶¶ 5(b), 5(c), 6(a)), I respectfully submit that the vehicle in which ALLEN was found on October 10, the September 21 Vehicle, the September 28 Vehicle, and the October 5 Vehicle are one and the same vehicle.



Image 23



Image 24

8. Based on communications I have had with a Special Agent from the Bureau of Alcohol, Tobacco, Firearms and Explosives who is familiar with the manufacturing of firearms and ammunition, I know that the thirteen 9mm shell casings recovered from the scene of the September 21 Shooting (*see supra* ¶ 3(b)) were not manufactured in the State of New York.

9. Based on my review of criminal history records for TERRENCE ALLEN, the defendant, I have learned that ALLEN was previously convicted of a crime punishable by more than one year in prison. Specifically, on or about September 25, 2007, ALLEN was convicted

following a jury trial in New York County Supreme Court of, among other things, robbery in the first degree in violation of New York Penal Law § 160.15, the maximum penalty for which is 25 years' imprisonment. On or about October 25, 2007, ALLEN was sentenced to eight years' imprisonment and five years' post-release supervision.

WHEREFORE, I respectfully request that a warrant be issued for the arrest of TERRENCE ALLEN, the defendant, and that he be arrested, and imprisoned or bailed, as the case may be.

Alexander Loizias w/ permission
Alexander Loizias
Special Agent
Federal Bureau of Investigation

Sworn to before me this 24 day of October 2023. by reliable electronic means.

Katharine H Parker
THE HONORABLE KATHARINE H. PARKER
United States Magistrate Judge
Southern District of New York