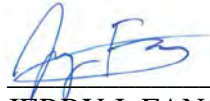


Approved:



JERRY J. FANG
Assistant United States Attorney

Before:

THE HONORABLE SARAH L. CAVE
United States Magistrate Judge
Southern District of New York

23 MAG 5264

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UNITED STATES OF AMERICA

- v. -

AUSTIN MORRISHOW, and
CURTIS WHITE,

Defendants.

----- X

SEALED COMPLAINT

Violations of
18 U.S.C. §§ 922(g)(1), 924(a)(8),
and 2.

COUNTY OF OFFENSE:
BRONX

SOUTHERN DISTRICT OF NEW YORK, ss.:

NICHOLAS LEVESQUE, being duly sworn, deposes and says that he 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 30, 2023, in the Southern District of New York, AUSTIN MORRISHOW, 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, seven .40 caliber shell casings, and the ammunition was in or affecting commerce.

(Title 18, United States Code, Sections 922(g)(1), 924(a)(8), and 2.)

COUNT TWO

(Possession of Ammunition After a Felony Conviction)

2. On or about June 30, 2023, in the Southern District of New York, CURTIS WHITE, 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, two .380 caliber shell casings, and the ammunition was in or affecting commerce.

(Title 18, United States Code, Sections 922(g)(1), 924(a)(8), and 2.)

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

3. I am a Detective with the NYPD's Bronx Violent Crimes Squad. I have been personally involved in the investigation of this matter, and I base this affidavit on that experience, on my conversations with other law enforcement agents and other individuals, and 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 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.

The Shooting

4. Based on my participation in the investigation, my conversations with other law enforcement officers, my review of interviews between law enforcement officers and victims and witnesses, and my review of reports, records, and surveillance video footage, I have learned, in substance and in part, the following:

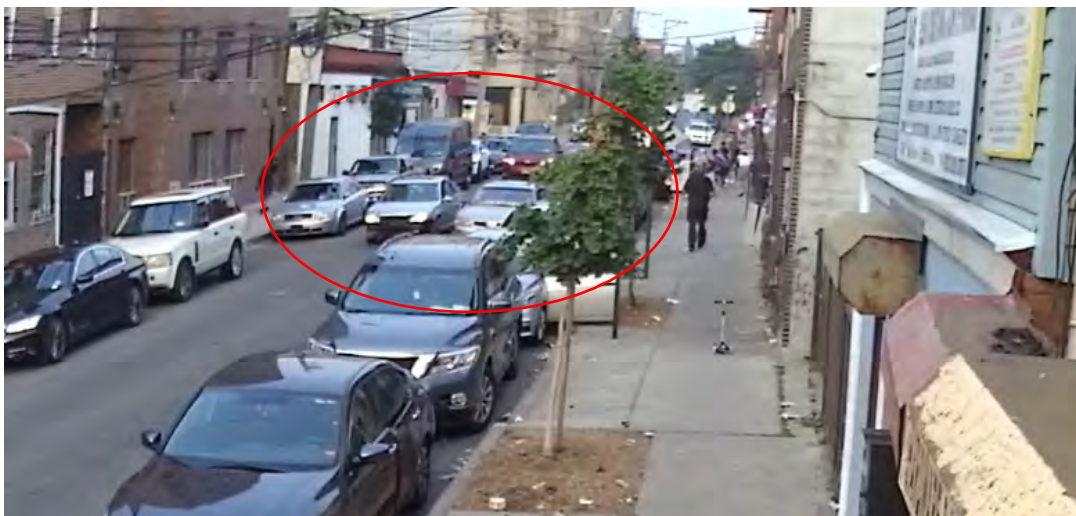
a. On or about June 30, 2023, at approximately 7:00 p.m., Victim-1—a five-year-old-girl—was sitting in the backseat of her father's tan sedan, which was double-parked in front of a residential building located on East 214th Street between White Plains Road and Holland Avenue in the Bronx, New York. Victim-1's father ("Victim-2") was sitting in the driver's seat. A still image from surveillance video footage depicting Victim-2's car parked on East 214th Street at approximately 7:00 p.m., facing westbound toward White Plains Road, is below:



b. A couple car lengths east of Victim-2's car, behind where Victim-1 and Victim-2 were parked, a group of approximately a dozen individuals congregated outside Victim-2's neighbor's house on East 214th Street near a makeshift memorial for an individual who had been shot and killed the day before. A still image from surveillance video footage depicting the group of individuals on East 214th Street is below:



c. Shortly after 7:00 p.m., a friend of Victim-2 ("Witness-1") pulled up in a silver sedan next to the passenger side window of Victim-2's car. Victim-2 and Witness-1 had planned to go to a car show in Queens with another friend of theirs ("Witness-2"), who was driving a red minivan behind Witness-1's car. Victim-2 informed Witness-1 that a memorial was being held on the street for a person that was just killed and cautioned Witness-1 not to accelerate on the gas pedal to avoid the vehicle backfiring and the sound of the vehicle backfiring being mistaken for gunshots. A still image from surveillance video footage depicting Witness-1's and Witness-2's vehicles is below:



d. However, Witness-1 had already started revving the engine, causing his car to backfire. Almost immediately, the group congregating outside Victim-2's neighbor's house scattered. Two individuals, subsequently identified as AUSTIN MORRISHOW and CURTIS WHITE, the defendants, fired multiple times in the direction of Victim-2's vehicle, striking Victim-2's vehicle from behind.

e. A still image from surveillance video footage from a residential building located on East 214th Street between Holland Avenue and White Plains Road depicting one of the shooters dressed in a white t-shirt and teal shorts, subsequently identified as MORRISHOW, shooting at Victim-2's Witness-1's and Witness-2's fleeing vehicles from behind a parked vehicle, is below:



f. A still image from surveillance video footage from another residential building located on East 214th Street between Holland Avenue and White Plains Road, depicting MORRISHOW shooting at Victim-2's Witness-1's and Witness-2's fleeing vehicles from behind a parked vehicle belonging to WHITE (the "Vehicle"), is below:



g. A still image from surveillance video footage from a residential building located on East 214th Street between Holland Avenue and White Plains Road depicting the other shooter dressed in a brown t-shirt and brown shorts, subsequently identified as WHITE, shooting at Victim-2's Witness-1's and Witness-2's fleeing vehicles, is below:



h. Still images from surveillance video footage from another residential building located on East 214th Street between Holland Avenue and White Plains Road, depicting WHITE shooting at Victim-2's Witness-1's and Witness-2's fleeing vehicles, are below:



i. As MORRISHOW and WHITE began firing, Witness-2 pulled behind Witness-1 and began honking his horn. Witness-1 sped westbound down East 214th Street toward White Plains Road, making a left at the intersection. Victim-2—along with Witness-2—followed Witness-1, fleeing with Victim-1 in the backseat westbound toward White Plains Road before making a left onto White Plains Road. When he reached White Plains Road and East 213th Street, Victim-2 stopped the car and went to check on Victim-1, who was sitting in her car seat in the back of the car. Upon realizing that Victim-1 had been shot in her back, Victim-1's father cradled her in his arms and yelled for someone to call an ambulance.

j. Witness-1 dialed 911. Minutes later, NYPD officers arrived and transported Victim-1 to the hospital, where she underwent surgery to remove the bullet lodged in her chest.

Identification of the Shooters

5. Based on my participation in this investigation, my conversations with other law enforcement officers, and my review of law enforcement reports, records, and surveillance video footage, I have learned, in substance and in part, the following:

a. Surveillance video footage for a hardware store located on East 214th Street between White Plains Road and Holland Avenue shows the shooter wearing a brown t-shirt and brown shorts, subsequently identified as CURTIS WHITE, the defendant, running westbound on East 214th Street holding an object consistent with a firearm moments after the shooting. Still images from surveillance video footage depicting WHITE running westbound after the shooting is below:



b. NYPD detectives reviewed video surveillance showing WHITE running inside an apartment unit in an apartment building located at 720 East 214th Street (the "Apartment") immediately after the shooting and exiting the Apartment shortly after. NYPD detectives obtained consent to search the Apartment and recovered a .380 Ruger pistol (the ".380 Firearm") hidden underneath a pillow. Photographs of the .380 Firearm, depicting the location in which it was found, are below:



c. An NYPD detective (“Detective-1”) who reviewed surveillance video footage from 720 East 214th Street from the date and time of the shooting identified the shooter who was wearing a brown t-shirt and brown shorts as WHITE based on the NYPD’s detective’s familiarity with WHITE based on the detective’s prior interactions with WHITE, including a prior arrest, a prior interview with WHITE, and a prior conversation that the detective had with WHITE. A still image from surveillance video footage that Detective-1 reviewed is below:



d. Based on my comparison of surveillance video footage depicting the shooter who was wearing a brown t-shirt and brown shorts and a photograph of WHITE from law enforcement databases, depicted below, I believe that the shooter who was wearing a brown t-shirt and brown shorts is WHITE based on his complexion, facial features, and haircut.



6. Based on my participation in this investigation, my conversations with other law enforcement officers, and my review of law enforcement reports, records, and surveillance video footage, I have learned, in substance and in part, the following:

a. In the moments following the shooting, the shooter wearing a white t-shirt and teal shorts, subsequently identified as AUSTIN MORRISHOW, the defendant, walked westbound on East 214th Street before turning left onto White Plains Road. A still image from surveillance video footage from a grocery store located at the intersection of East 214th Street and White Plains Road depicting MORRISHOW walking westbound on East 214th Street seconds after Victim-2, Witness-1, and Witness-2 turned left onto White Plains Road is below:



b. MORRISHOW's U.S. Probation Officer ("Probation Officer-1") reviewed surveillance video footage depicting the shooter wearing a white t-shirt and teal shorts from the date and time of the shooting and identified that individual as MORRISHOW based on her familiarity with MORRISHOW.

c. Based on my comparison of surveillance video footage depicting the shooter who was wearing a white t-shirt and teal shorts and a photograph of MORRISHOW from law enforcement databases, depicted below, I believe that the shooter who was wearing a white t-shirt and teal shorts is MORRISHOW based on his complexion, facial features, and hairstyle.



7. NYPD officers subsequently recovered from East 214th Street seven .40 caliber shell casings from the vicinity of the Vehicle, where AUSTIN MORRISHOW, the defendant, fired his gun (the “.40 Caliber Ammunition”). NYPD officers also recovered two .380 caliber shell casings from East 214th Street in the vicinity of where CURTIS WHITE, the defendant, fired his gun (the “.380 Caliber Ammunition”). In addition, NYPD officers recovered two bullet fragments from East 214th Street and two bullet fragments from the trunk and front passenger seat of a blue sedan that was parked on East 214th Street during the shooting. Photographs of the blue sedan showing the bullet holes from the shooting are below:



8. Based on communications I have had with a Special Agent from the ATF who is familiar with the manufacturing of firearms and ammunition, and who examined the .40 Caliber Ammunition and the .380 Caliber Ammunition, I know that the .40 Caliber Ammunition and the .380 Caliber Ammunition were not manufactured in the State of New York.

The Defendants' Criminal History

9. I have reviewed criminal history records pertaining to AUSTIN MORRISHOW and CURTIS WHITE, the defendants, which show, among other things, the following:

a. MORRISHOW was previously convicted of a crime punishable by more than one year in prison. Specifically, on or about April 2, 2019, MORRISHOW pled guilty in the U.S. District Court for the Southern District of New York to using and carrying a firearm during and in relation to a narcotics conspiracy, in violation of 18 U.S.C. § 924(c)(1)(A)(i), which carries a maximum term of imprisonment of life in prison. On or about July 26, 2019, MORRISHOW was sentenced to a term of imprisonment of 60 months and a term of post-release supervision of three years.

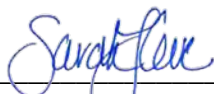
b. WHITE was previously convicted of a crime punishable by more than one year in prison. Specifically, on or about January 5, 2016, WHITE pled guilty in the Bronx County Supreme Court to attempted first-degree assault with intent to cause serious injury with a weapon, in violation of New York Penal Law § 120.10. On or about January 21, 2016, WHITE was sentenced to a term of imprisonment of 48 months and a term of post-release supervision of four years.

WHEREFORE, I respectfully request that warrants be issued for the arrest of AUSTIN MORRISHOW and CURTIS WHITE, the defendants, and that they be arrested, and imprisoned or bailed, as the case may be.

/s Nicholas Levesque (By Court with Authorization)

NICHOLAS LEVESQUE
Detective
New York City Police Department

Sworn to me through the transmission of
this Complaint by reliable electronic
means (telephone), this 2d day of July, 2023.



THE HONORABLE SARAH L. CAVE
United States Magistrate Judge
Southern District of New York