

Approved: Mollie Bracewell  
MOLLIE BRACEWELL  
Assistant United States Attorney

Before: THE HONORABLE KEVIN NATHANIEL FOX  
United States Magistrate Judge  
Southern District of New York

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	:	<b><u>COMPLAINT</u></b>
UNITED STATES OF AMERICA	:	
	:	Violation of
- v. -	:	18 U.S.C. §§ 1951,
	:	924(c), and 2
MARIO POWELL,	:	
	:	COUNTY OF OFFENSE:
Defendant.	:	BRONX
	:	

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SOUTHERN DISTRICT OF NEW YORK, ss.:

JOSE CHEVERE, being duly sworn, deposes and says that he is a Task Force Officer with the Bureau of Alcohol, Tobacco, Firearms, and Explosives, and charges as follows:

**COUNT ONE**  
(Hobbs Act Robbery)

1. On or about March 17, 2018, in the Southern District of New York, MARIO POWELL, the defendant, did knowingly commit robbery, as that term is defined in Title 18, United States Code, Section 1951(b)(1), and would and did thereby obstruct, delay, and affect commerce and the movement of articles and commodities in commerce, as that term is defined in Title 18, United States Code, Section 1951(b)(3), to wit, POWELL robbed at gunpoint a livery cab driver in the Bronx, New York.

(Title 18, United States Code, Sections 1951 and 2.)

**COUNT TWO**  
(Use of a Firearm)

2. On or about March 17, 2018, in the Southern District of New York, MARIO POWELL, the defendant, during and in relation to a crime of violence for which he may be prosecuted in a court of the United States, namely, the robbery charged in

Count One of this Complaint, knowingly did use and carry a firearm, and, in furtherance of such crime, did possess a firearm, which was brandished and discharged during the robbery of a livery cab driver in the Bronx, New York, and aided and abetted the same.

(Title 18, United States Code, Sections 924(c)(1)(A)(ii), (iii), and 2.)

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

2. I have been involved in the investigation of this matter, and I base this affidavit on that experience, as well as on my conversations with other law enforcement agents, 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.

3. Based on interviews of a livery cab driver ("Victim-1") and my discussion with other law enforcement officers who participated in those interviews, I have learned the following, among other things:

a. In the course of Victim-1's work as a livery cab driver, Victim-1 transports paying customers from points in the state of New York to points outside of the state of New York on a regular basis.

b. On or about March 17, 2018, Victim-1, who at the time was working as a paid driver, was driving a gray 2007 Prius (the "Cab") and received a call for a pick up at 3439 Boston Road in the Bronx (the "Pick-Up Location"), to which Victim-1 responded. A male customer ("Customer-1") entered the Cab and directed Victim-1 to drive to another location in the Bronx.

c. After reaching the destination of Morrison Avenue between East 172nd and East 174th Streets in the Bronx, New York, Customer-1 pulled out a firearm, pointed the firearm at Victim-1, and demanded cash. Victim-1 retrieved approximately \$23 in cash and gave it to Customer-1.

d. After Victim-1 handed over the cash,

Customer-1 got out of the Cab. Customer-1 discharged the firearm through the open rear passenger door, shooting Victim-1 seven times.

e. After sustaining multiple gunshot wounds, Victim-1 lost control of the Cab, and the Cab sped forward northbound on Morrison Avenue. Officers with the New York City Police Department saw the Cab moving in an erratic fashion and responded at approximately 12:46 a.m.

f. Victim-1 observed that Customer-1 had a tattoo on his face and was wearing dark clothing. Victim-1 observed that Customer-1 had eyebrow "slits," which are thin vertical cuts in a person's eyebrow hair.

4. Based on my review of surveillance footage retrieved from nearby residential and retail establishments and my discussion with other law enforcement officers, I have learned, among other things, the following:

a. Video surveillance recording an area approximately 100 feet from where the shooting took place shows that immediately after the shooting an individual sprinted southbound on Morrison Avenue ("Individual-1"). Individual-1 then made a right turn to continue sprinting westbound on East 172nd Street.

b. Video surveillance further shows that Individual-1 ran westbound on East 172nd Street until turning left onto, and continuing down, Stratford Avenue. On Stratford Avenue, Individual-1 stopped running and continued at a brisk pace towards Westchester Avenue.

c. Individual-1 was wearing blue sneakers, a dark-colored puffy down coat with a hood, and black pants. Throughout the surveillance footage described above, Individual-1 kept his right hand in the pocket of his puffy down coat, which is consistent with hiding a firearm. Still images from the surveillance footage show that Individual-1 has a tattoo on his forehead.

d. Based on my training and experience, my review of the surveillance footage, and my discussions with other law enforcement officers, I believe that Individual-1 was fleeing from the Cab where Victim-1 had been shot, and is the same individual as Customer-1.

5. Based on my discussions with other law

enforcement officers and my involvement in the investigation, I have learned the following:

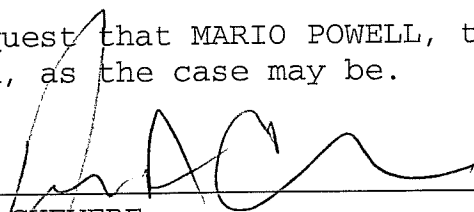
a. Law enforcement officers aired excerpts from the above surveillance footage on the local news on or about March 20, 2018. A witness ("Witness-1") who viewed the footage came forward and identified Individual-1 as his relative MARIO POWELL, the defendant, and provided a home address for POWELL on a building on Seymour Avenue in the Bronx (the "POWELL Residence"). Witness-1 recognized Individual-1's blue sneakers as belonging to POWELL. Witness-1 also described that POWELL had eyebrow slits and a facial tattoo.

b. A recent photograph of POWELL provided to law enforcement officers by another family member shows that POWELL has a facial tattoo on his forehead.

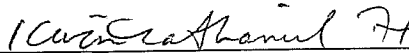
c. Black and white surveillance footage from on or about March 17, 2018, retrieved from the building where the POWELL Residence is located, shows POWELL leaving the premises in what appears to be the same clothing that Individual-1 was wearing in the surveillance footage showing the vicinity of the shooting.

d. The POWELL Residence is located approximately 50 feet from the Pick-Up Location.

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

  
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JOSE CHEVERE  
Task Force Officer  
Bureau of Alcohol, Tobacco,  
Firearms, and Explosives

Sworn to before me this  
24th day of March, 2018

  
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HONORABLE KEVIN NATHANIEL FOX  
UNITED STATES MAGISTRATE JUDGE  
SOUTHERN DISTRICT OF NEW YORK