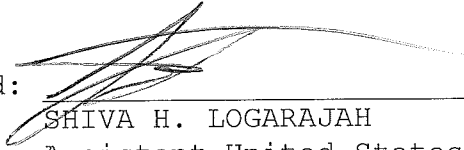


Approved: \_\_\_\_\_

  
SHIVA H. LOGARAJAH  
Assistant United States Attorney

Before: THE HONORABLE JUDITH C. MCCARTHY  
United States Magistrate Judge  
Southern District of New York

----- X

UNITED STATES OF AMERICA	:	<u>COMPLAINT</u>
- v. -	:	Violations of
DARREN SMITH,	:	18 U.S.C. §§ 111, 1114,
	:	and 924(c) (1)
Defendant.	:	COUNTY OF OFFENSE:
	:	WESTCHESTER
	:	

----- X

SOUTHERN DISTRICT OF NEW YORK, ss.:

KARMA SMITH, being duly sworn, deposes and says that she is a Special Agent with the Federal Bureau of Investigation ("FBI"), and charges as follows:

**COUNT ONE**  
(Attempted Murder of a Federal Officer)

1. On or about September 25, 2020, in the Southern District of New York and elsewhere, DARREN SMITH, the defendant, did knowingly and intentionally attempt to kill an officer and employee of an agency of the United States Government, to wit, a Task Force Officer of the FBI, while such officer and employee was engaged in and on account of the performance of his official duties.

(Title 18, United States Code, 1114 (3).)

**COUNT TWO**  
(Assaulting, Resisting, and Interfering with Arresting Officer)

2. On or about September 25, 2020, in the Southern District of New York and elsewhere, DARREN SMITH, the defendant,

willfully and knowingly did forcibly assault, resist, oppose, impede, intimidate, and interfere, using a deadly weapon, with a person designated in Title 18, United States Code, Section 1114, while such person was engaged in and on account of the performance of his official duties, to wit, SMITH forcibly assaulted, resisted, and interfered with a FBI Task Force Officer who was attempting to arrest SMITH by firing a Glock-37 - a .45 Caliber handgun (the "Handgun").

(Title 18, United States Code, Sections 111(a)(1), 111(b) and 1114.)

**COUNT THREE**

(Use of a Firearm)

3. On or about September 25, 2020, in the Southern District of New York and elsewhere, DARREN SMITH, the defendant, and others known and unknown, during and in relation to a crime of violence for which he may be prosecuted in a court of the United States, namely, the attempted murder and assault of a federal officer charged in Counts One and Two of this Complaint, knowingly did use and carry a firearm, and, in furtherance of such crime, did possess a firearm, to wit, the Handgun, which SMITH discharged during the attempted murder and assault of an FBI Task Force Officer.

(Title 18, United States Code, Sections 924(c)(1)(A)(i), (iii).)

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

4. I am a Special Agent with the FBI, and I have been personally involved in the investigation of this matter. This affidavit is based upon my investigation, my conversations with the FBI Task Force Officer who was injured in the performance of his duties ("Victim-1"), my conversations with other law enforcement officers who were at the scene, and my examination of reports and records. Because this affidavit is being submitted for the limited purpose of establishing 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.

**VICTIM-1's ROLE AS A FBI TASK FORCE OFFICER**

5. Based on my review of records kept by the FBI and my conversations with other law enforcement officers, including the Supervisory Senior Resident Agent ("Supervisor-1") who supervises the Westchester County Safe Streets Task Force ("Task Force") and Victim-1, I have learned the following:

a. Victim-1 has been a Task Force Officer with the Task Force since in or about 2009 and is also a Detective with the Yonkers Police Department ("YPD"). A Task Force Officer is generally a member of local law enforcement who has been deputized to perform the same duties as a FBI Special Agent. I know Victim-1 is a full-time Task Force Officer with the FBI and reports to Supervisor-1.

b. Victim-1's role on the Task Force is to act as a liaison between the Task Force and the YPD. Part of his duties include working with the YPD to investigate crimes where there may be concurrent jurisdiction - meaning crimes that could be charged locally or federally - and help make a determination of whether certain crimes committed in Yonkers should be charged federally. This means that he is often in Yonkers to assist the YPD in investigating crimes as they arise.

c. It is part of Victim-1's federal duties to pursue leads and assist the YPD as needed so that the Task Force may continue to pursue federal crimes in Yonkers efficiently and effectively.

**THE SEPTEMBER 25, 2020 INCIDENT**

6. Based on my conversations with members of the YPD, Victim-1, my review of law enforcement reports and surveillance footage, I have learned the following:

a. At approximately 3:54 P.M., a call for assistance was put out by YPD officers after a vehicle bearing Virginia registration USX8319 (the "Vehicle") failed to stop when directed to do so by YPD officers. The YPD officers were attempting to stop the Vehicle after it had committed several traffic violations. The Vehicle fled those officers and led law enforcement on a chase.

b. Victim-1 heard the call for assistance and decided to assist using his FBI vehicle.

c. Eventually the driver of the Vehicle, later identified as DARREN SMITH, the defendant, exited the Vehicle and fled on foot. Victim-1 exited his FBI vehicle and pursued SMITH on foot. During his foot pursuit, Victim-1 noticed the Handgun in SMITH's hand.

d. Within minutes of SMITH exiting the Vehicle, a uniformed YPD officer stopped SMITH in the vicinity of Getty Square in Yonkers. Victim-1, who was pursuing SMITH, went to assist the uniformed YPD Officer arrest SMITH. Victim-1 immediately moved to secure the Handgun in SMITH's right hand and ended up on the ground on SMITH's right side.

e. As Victim-1 endeavored to secure the Handgun by controlling SMITH's right arm, SMITH began to fire the Handgun. After SMITH fired the Handgun initially, Victim-1 attempted to control SMITH's right hand. Victim-1 then felt SMITH try to turn his right arm and right hand towards Victim-1 so that the Handgun would be pointed at Victim-1. Victim-1 struggled with SMITH to prevent him from doing so and, in the course of that struggle, SMITH fired the Handgun again.

f. Victim-1 suffered injuries during the course of restraining SMITH to prevent him from pointing the Handgun at him. Victim-1 fractured his right index finger and suffered several abrasions on his right hand in addition to a sprained right knee. The injuries to Victim-1's hand were incurred because Victim-1's hand was on top of the slide of the Handgun as SMITH was firing the Handgun. He was taken to a nearby hospital for treatment of those injuries.

g. I know that at least four shell casings, consistent with the type of ammunition used in the Handgun, and the Handgun, were recovered by the YPD in the vicinity of SMITH's arrest. Moreover, I know that there is a bullet hole in the driver's side door of Victim-1's FBI vehicle.<sup>1</sup>

h. No member of law enforcement, including Victim-1, fired a weapon while pursuing or arresting SMITH.

---

<sup>1</sup>Another member of law enforcement drove Victim-1's FBI vehicle to the vicinity of Getty Square after Victim-1 left the FBI vehicle to engage in a foot pursuit of SMITH.

WHEREFORE, deponent respectfully requests that DARREN SMITH, the defendant, be imprisoned or bailed, as the case may be.

/s/ Karma Smith, Credential No. 17959

KARMA SMITH  
Special Agent  
Federal Bureau of Investigation

Sworn to before me this  
26th day of September, 2020

*Judith C. McCarthy*

THE HONORABLE JUDITH C. MCCARTHY  
UNITED STATES MAGISTRATE JUDGE  
SOUTHERN DISTRICT OF NEW YORK