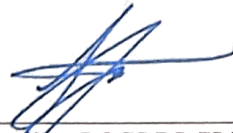



Approved:  
SHIVA M. LOGARAJAH / KEVIN T. SULLIVAN
Assistant United States Attorney

Before: THE HONORABLE ANDREW E. KRAUSE
United States Magistrate Judge
Southern District of New York

- - - - - X
UNITED STATES OF AMERICA : COMPLAINT 22mj 3652
:
- v.- : Violation of
: 18 U.S.C. § 371
BRYCE MARTIN and :
XAVIER SIMMS : COUNTY OF OFFENSE:
: WESTCHESTER
Defendants. :
:
- - - - - X

SOUTHERN DISTRICT OF NEW YORK, ss.:

GEORGE V. LANE, Jr., being duly sworn, deposes and says that he is a Special Agent with the Federal Bureau of Investigation, and charges as follows:

COUNT ONE
(Firearms Trafficking Conspiracy)

1. From at least in or about December 2020 up to and including at least on or about April 20, 2022, in the Southern District of New York and elsewhere, BRYCE MARTIN and XAVIER SIMMS, the defendants, and others known and unknown, willfully and knowingly did combine, conspire, confederate, and agree together and with each other to commit an offense against the United States, to wit, trafficking in firearms in violation of Title 18, United States Code, Section 922(a)(1)(A).

2. It was a part and an object of the conspiracy that BRYCE MARTIN and XAIVER SIMMS, the defendants, and others known and unknown, not being licensed importers, licensed manufacturers, and licensed dealers of firearms within the meaning of Chapter 44, Title 18, United States Code, would and did willfully and knowingly engage in the business of dealing in firearms, and in the course of such business would and did ship, transport, and receive firearms in interstate and foreign commerce, in violation of Title 18, United States Code, Section 922(a)(1)(A).

Overt Acts

3. In furtherance of the conspiracy and to effect the illegal object thereof, the following overt acts, among others, were committed in the Southern District of New York and elsewhere:

a. On or about April 20, 2022, a co-conspirator (Suspect-1, as defined below) opened fire on a law enforcement officer in Yonkers, New York after law enforcement attempted to interdict members of the conspiracy.

b. On or about April 19, 2022, BRYCE MARTIN and XAVIER SIMMS, the defendants, traveled to New York State, specifically Yonkers, New York, from Georgia with multiple firearms for resale.

c. On or about April 18, 2022, MARTIN took several photos of firearms for resale and priced them.

d. In or about December 2020, SIMMS took several display photos of firearms, including machinegun-style firearms, consistent with potential resale of those firearms.

(Title 18, United States Code, Section 371.)

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

4. I am a Special Agent with the Federal Bureau of Investigation ("FBI"), and I have been personally involved in the investigation of this matter. This Affidavit is based upon my personal participation in the investigation of this matter, 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.

The April 20, 2022 Attempted Murder of a Federal Officer

5. Based on my participation in this investigation, I know, among other things, the following:

a. On or about April 20, 2022, a Task Force Officer ("Task Force Officer-1") and a Special Agent ("Agent-1") with the Federal Bureau of Investigation ("FBI") Westchester

County Safe Streets Task Force (the "WSSTF") were investigating illegal firearms activity in the vicinity of Elm and Linden streets in Yonkers, New York.¹

b. During the course of that investigation, Task Force Officer-1 and Agent-1 followed an individual ("Suspect-1") and others, including BRYCE MARTIN and XAVIER SIMMS, the defendants, into a deli at the corner of Elm and Linden (the "Deli"). While inside the Deli, Suspect-1 pulled out and fired a gun (the "Discharged Firearm"), at close range, at Taskforce Officer-1, hitting Taskforce Officer-1 in the stomach (the "Attempted Murder").² After that, Agent-1 fired his gun at Suspect-1 and critically wounded Suspect-1.

c. In the immediate aftermath of the Attempted Murder, MARTIN was detained with a loaded "ghost gun"-style firearm (the "Recovered Ghost Gun") on his person. Based on my training and experience, I know that "ghost guns" are easily assembled firearms that are designed to evade law enforcement detection.

d. In addition, two firearms were recovered at the back of the Deli in a bathroom area (the "Simms Firearms"). Based on my review of surveillance footage of the Attempted Murder from the Deli, I know that, immediately after the Attempted Murder, Xavier SIMMS - who I recognize based off my review of his criminal history photographs and a distinctive luxury-branded satchel he had draped across his body - ran to the back of the Deli and disposed of items in the back bathroom area. In a later *Mirandized* statement, SIMMS admitted that the Simms Firearms, recovered from the Deli, were, in fact, his.

The Firearms Trafficking Conspiracy

6. Based on my review of criminal history records, I know that BRYCE MARTIN and XAVIER SIMMS, the defendants, along with Suspect-1, are all residents of Georgia. As set forth below, I believe that all were members of a firearms trafficking

¹ The WSSTF is comprised of Special Agents of the FBI and Task Force Officers from local police departments across Westchester County. The WSSTF is responsible for investigating, among other things, illegal firearms possession and gang-related activity.

² Task Force Officer-1 is currently in critical condition after the Attempted Murder.

conspiracy which trafficked firearms from Georgia into New York (the "Firearms Trafficking Conspiracy").

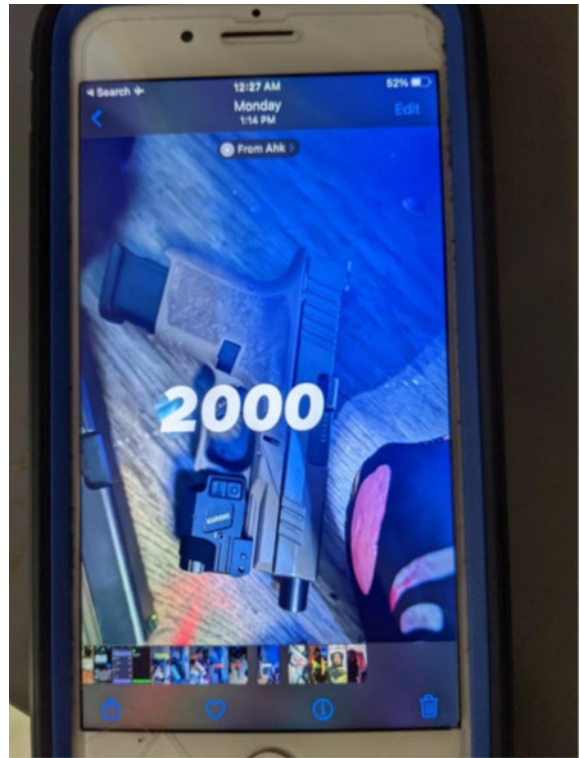
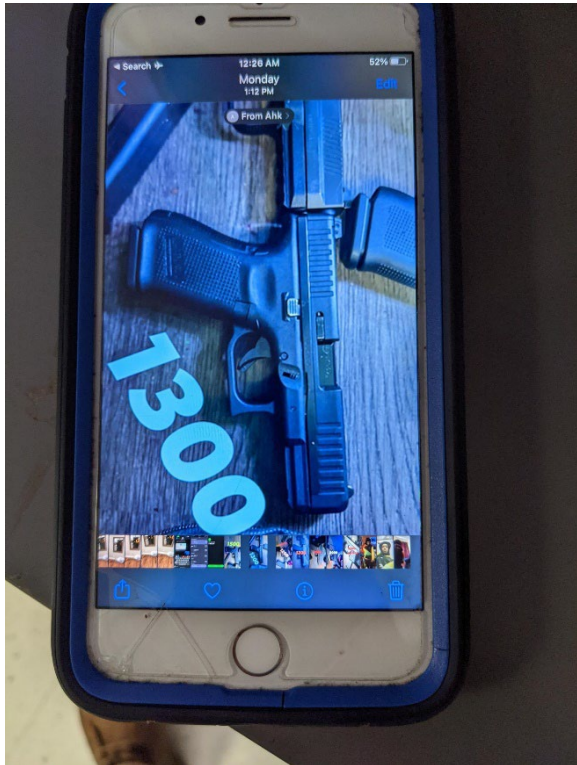
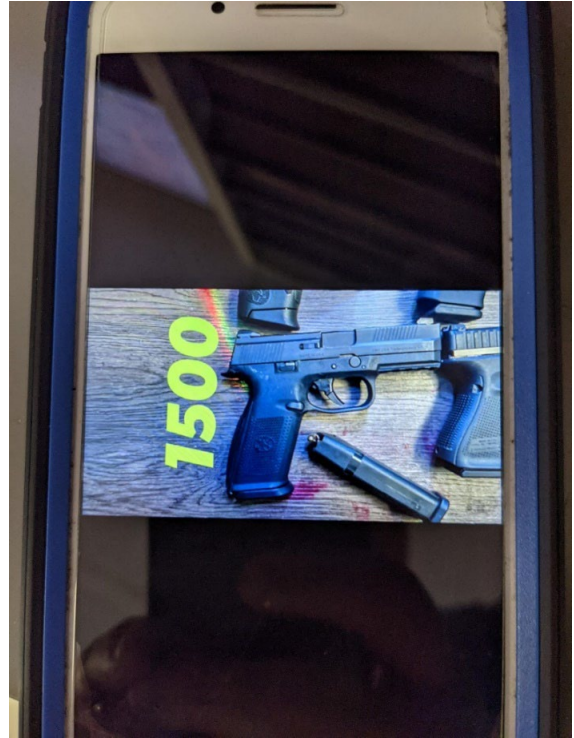
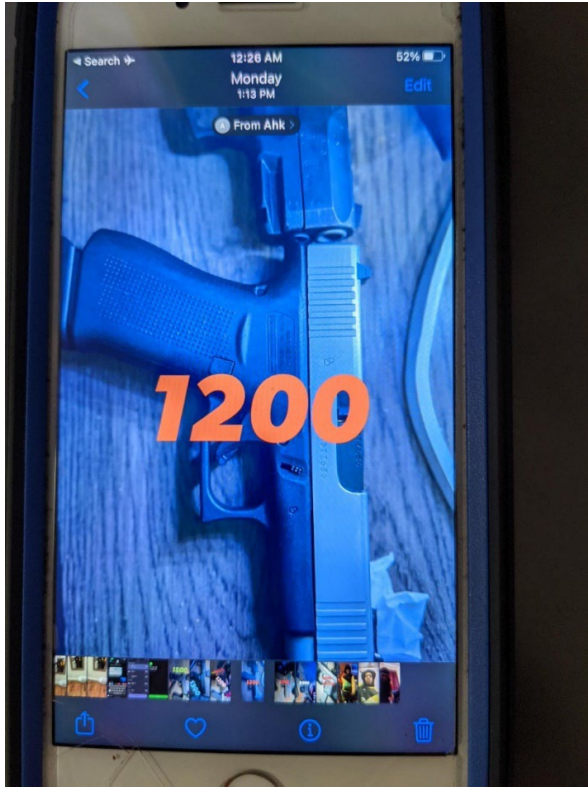
7. Based on my participation in this investigation and my discussions with other law enforcement agents, I have learned the following about the Firearms Trafficking Conspiracy:

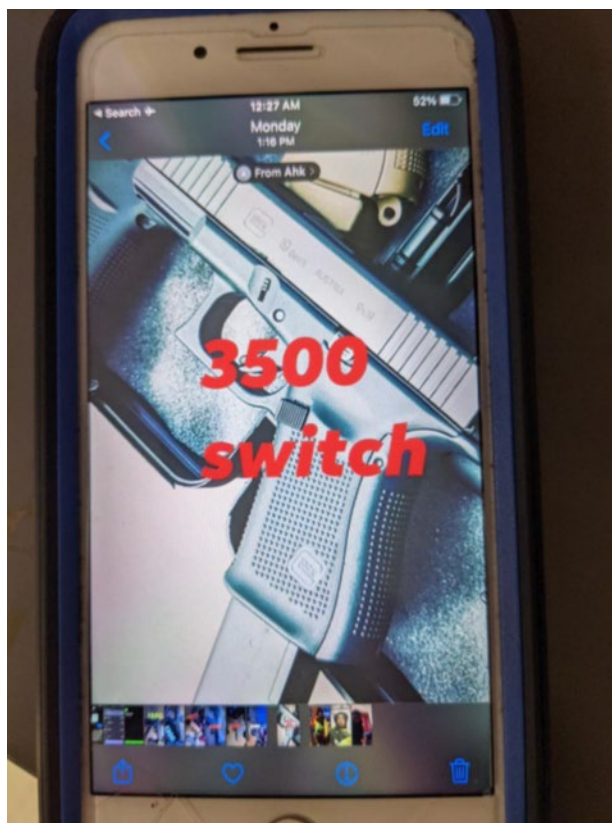
a. In a *Mirandized* statement, MARTIN admitted that he had traveled to New York from Georgia with SIMMS and Suspect-1 and accompanied Suspect-1 as he sold illegal firearms. MARTIN admitted to law enforcement that they arrived in New York on or about April 19 - the day before the Attempted Murder. And MARTIN admitted that they all stayed at the same address in Yonkers, New York ("Residence-1").³

b. MARTIN also consented to a search of his phone (the "Martin Cellphone"). Law enforcement recovered several photos of firearms, along with prices, as displayed below. Based on my review of the timestamps of the photos, they were taken on or about April 18, 2022 - a day before MARTIN traveled to New York from Georgia and two days prior to the Attempted Murder. Based on my training and experience, I believe this is consistent with advertisement for illicit firearms traffickers typically place on social media and elsewhere on the Internet to sell their illegal firearms. The last picture displayed below is the same make and model of the Discharged Firearm. Moreover, the last picture is emblazoned with "Switch." I believe the "Switch" caption is a reference to an aftermarket device that is added to a Glock semi-automatic firearm to make it a fully automatic, machinegun style weapon.

(Photographs Recovered from the Martin Cellphone Below)

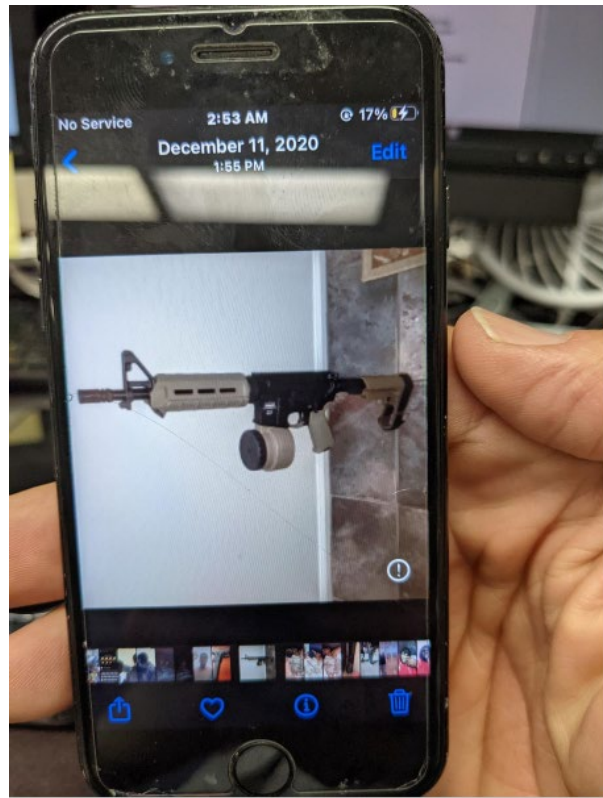
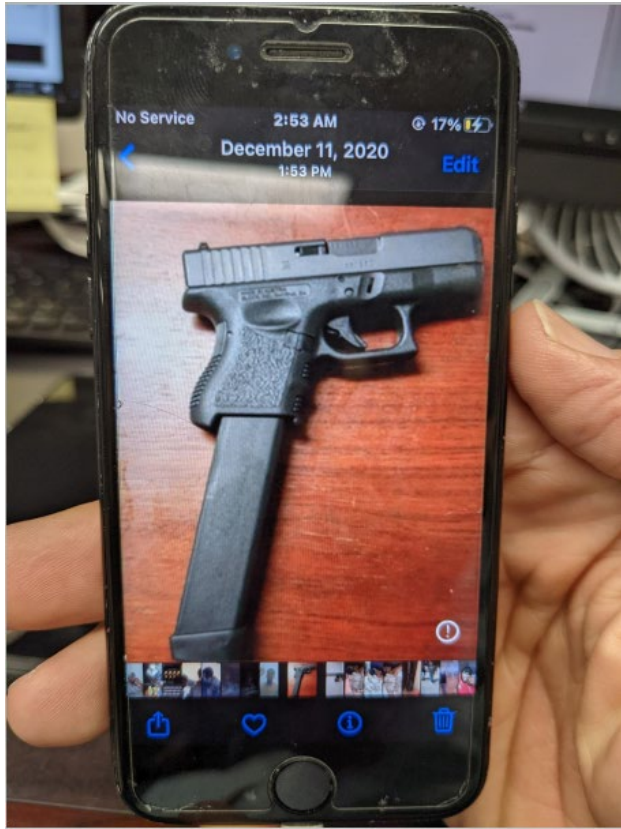
³ Law enforcement searched Residence-1 pursuant to a warrant and recovered Suspect-1's wallet as well as a box of .380 caliber style ammunition.





c. SIMMS also consented to a search of his cellphone (the "Simms Cellphone"). Based on my review of the contents of the Simms Cellphone, I know that there are several photos of firearms on display on the Simms Cellphone, from December 2020 onwards, including firearms with extended magazines and machine gun-style weapons as displayed below. Based on my training and experience, I believe the style of the photos is consistent with how illicit firearms traffickers would display their goods. Moreover, I know the variety and number firearms on SIMMS Cellphone - in addition to his admission of the possession of the Simms Firearms - is consistent with the deep supply of firearms to which a firearms trafficker would typically have access.

(Photographs Recovered from the Simm Cellphone Below)

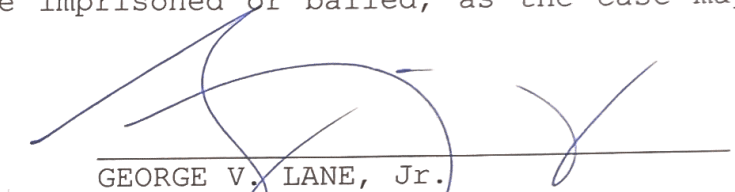




8. Based on the foregoing, I believe that MARTIN, SIMMS, and Suspect-1 - who carried out the Attempted Murder - were all part of the Firearms Trafficking Conspiracy because (1) MARTIN admitted that they all traveled together to New York from Georgia and stayed at Residence-1, (2) the photos of firearms recovered from the Martin Cellphone and Simms Cellphone - including of machinegun-style firearms - are consistent with resale, (3) MARTIN's admission that Suspect-1 sold firearms while in New York, and (4) their possession of multiple firearms - including a ghost gun-style firearm, (5) Suspect-1's possession of the Discharged Firearm, which is the same make and model as the "Switch"-listed firearm in the photo recovered from the Martin Cellphone above - at the Deli immediately prior to and in the aftermath of the Attempted Murder.


9. Based on my conversations with an agent with the Bureau of Alcohol, Tobacco, Firearms, and Explosives ("ATF"), I have learned, among other things, that an intelligence analyst with the ATF searched a national database of ATF license holders and there are no records of or entries with respect to an application for or issuance of a firearms license to BRYCE MARTIN and XAVIER SIMMS, the defendants, within Georgia or New York for the period of December 1, 2020 through April 21, 2022.

WHEREFORE, deponent prays that BRYCE MARTIN and XAVIER SIMMS, the defendants, be imprisoned or bailed, as the case may be.



GEORGE V. LANE, Jr.
Special Agent
Federal Bureau of Investigation

Sworn to me this
21st day of April, 2022.



THE HONORABLE ANDREW E. KRAUSE
United States Magistrate Judge
Southern District of New York