

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

25 MAG 352

UNITED STATES OF AMERICA

v.

LEO BONILLA,
RIMEL MACK,
YOMEL MACK, and
BRYANT TORRES,

Defendants.

SEALED COMPLAINT

Violations of 18 U.S.C. §§ 371,
922(g)(1), (q)

COUNTY OF OFFENSES:
BRONX

SOUTHERN DISTRICT OF NEW YORK, ss.:

ANDREW ULICH, 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

(Conspiracy to Possess a Firearm in a School Zone)

1. On or about August 24, 2024, in the Southern District of New York and elsewhere, RIMEL MACK (“RIMEL”), YOMEL MACK (“YOMEL”), and BRYANT TORRES, the defendants, and others known and unknown, willfully and knowingly combined, conspired, confederated, and agreed together and with each other to commit an offense against the United States, to wit, the knowing possession of a firearm that was in and affecting commerce—namely, a black SCCY CPX-2 9mm firearm, Serial #C170041—having reasonable cause to believe they were within a distance of 1,000 feet from the grounds of a public school, parochial school, and private school, in violation of Title 18, United States Code, Section 922(q).

Overt Acts

2. 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 August 24, 2024, RIMEL MACK, YOMEL MACK, and BRYANT TORRES, the defendants, each armed with a loaded gun, walked together through the vicinity of Andrews Avenue between West 179th Street and West Burnside Avenue in the Bronx, New York, seeking to commit an act of violence as retaliation for an act of violence that had been committed against YOMEL earlier in the day.

b. On or about August 24, 2024, RIMEL, YOMEL, and TORRES, the defendants, knowingly engaged in a shootout with LEO BONILLA, the defendant, and others in

the vicinity of Andrews Avenue between West 179th Street and West Burnside Avenue in the Bronx, New York, including by using a black SCCY CPX-2 9mm firearm, Serial #C170041.

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

COUNT TWO
(Possession of a Firearm in a School Zone)

3. On or about August 24, 2024, in the Southern District of New York and elsewhere, BRYANT TORRES, RIMEL MACK, and YOMEL MACK, the defendants, knowing and having reasonable cause to believe that they were within a distance of 1,000 feet from the grounds of a public school, parochial school, and private school, knowingly possessed a firearm, to wit, a black SCCY CPX-2 9mm firearm, Serial #C170041, and aided and abetted the same, and the firearm moved in and otherwise affected interstate and foreign commerce.

(Title 18, United States Code, Sections 922(q) and 2.)

COUNT THREE
(Possession of Ammunition After a Felony Conviction)

4. On or about August 24, 2024, in the Southern District of New York and elsewhere, LEO BONILLA, 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, one or more cartridge cases discharged and recovered in the vicinity of Andrews Avenue in the Bronx, New York, and the ammunition was in and affecting commerce.

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

COUNT FOUR
(Possession of Ammunition After a Felony Conviction)

5. On or about August 24, 2024, in the Southern District of New York and elsewhere, YOMEL MACK, 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, one or more cartridge cases discharged and recovered in the vicinity of Andrews Avenue in the Bronx, New York, 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:

6. I am a detective with the NYPD. I have worked for the NYPD for approximately 21 years, and I have been a detective for approximately eight years. In the course of my work for the NYPD, I have participated in multiple investigations of firearms offenses and crimes of violence, including shootings. I have been personally involved in the investigation of this matter.

7. This affidavit is based upon my personal participation in the investigation of this matter, my conversations with law enforcement agents, 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.

The August 24, 2024 Shootout Near Two Bronx Schools

8. Based on my participation in this investigation, conversations with NYPD officers, and review of surveillance video NYPD reports, I have learned, among other things and as more particularly described below, that on or about August 24, 2024, a shootout (the “Shootout”) occurred in the vicinity of P.S. 396 and Middle School 390 on Andrews Avenue in the Bronx, New York (the “Schools”), during which at least five individuals discharged a total of at least 20 rounds, and at least three people were shot and injured.

9. As depicted on the map below, the Schools are located on Andrews Avenue, with P.S. 396 serving students in pre-kindergarten through fifth grade and Middle School 390 serving students in grades six through eight. The Shootout began with shots fired from a residential building on Andrews Avenue (the “Residential Building”), marked on the map below by a red flag. The Shootout then continued in the middle of Andrews Avenue in front of the Schools.



10. In the vicinity of Andrews Avenue depicted in the map above, there are several clear indications that the Schools are, in fact, either public schools, parochial schools, and/or private schools. A bright blue fence, as depicted in the image below, *see* ¶ 11(g), surrounds the Schools beginning at Middle School 390, continuing down past P.S. 396 to West Burnside Avenue and around the corner. The bright blue fence stands in contrast to rest of the buildings on that block. Additionally, an entrance to Middle School 390 on Andrews Avenue has two bright blue doors over which a sign reads in large lettering, “MIDDLE SCHOOL 390” and “Inspiring Greatness.” The bright blue fence near Middle School 390 also contains large signs that read the same. Moreover, a parking sign in front of the Schools states: “Authorized Vehicles Only Dept. of Education” and multiple signs on Andrews Avenue provide warnings to motorists that a school is down the street as depicted below:



11. Based on my review of surveillance video and audio captured from residences and storefronts on Anderson Avenue, I have learned, among other things, the following:

a. On or about August 24, 2024, at approximately 4:30 p.m., a group of four male individuals—three of whom were later identified RIMEL MACK (“RIMEL”), YOMEL MACK (“YOMEL”), and BRYANT TORRES, the defendants, as well as a fourth individual (“Individual-1”)—walked southbound on Andrews Avenue towards West Burnside Avenue in the Bronx (*see map above*).¹ In the below surveillance video still images, the following defendants are depicted from left to right: (1) RIMEL, who wore a black sweatshirt, black sweatpants, rectangular eyeglasses, and bright blue sneakers, and had a beard and long black hair in dreadlocks; (2) YOMEL, wearing a black sweatshirt, black sweatpants, and black sneakers with blue midsoles, with a beard and long black and red hair in dreadlocks tied up in a ponytail; and (3) TORRES, who had a beard and wore a blue t-shirt with “POLO” in red lettering, black sweatpants, white and grey sneakers, eyeglasses, and a black and white baseball cap:

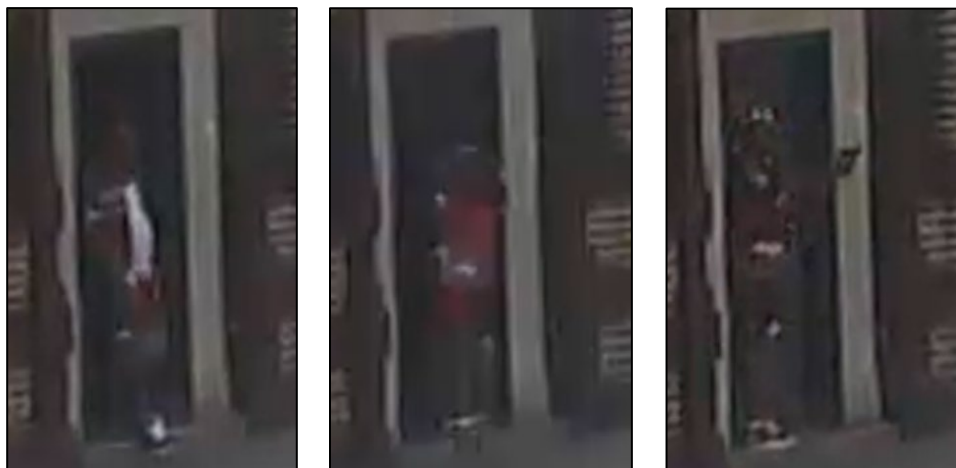


b. After they approached West Burnside Avenue, RIMEL, YOMEL, TORRES, and Individual-1 turned around and went back northbound on Andrews Avenue. From my training and experience—including work on other investigations of street violence and

¹ Based on law enforcement records, I am aware that RIMEL and YOMEL resided at the same address at the time of the Shootout, and I believe they are brothers.

shootings—I have learned that individuals who seek out others for violence often walk through a certain neighborhood, sometimes referred to as “spinning the block,” so that perpetrators may find and attack rivals, and failing that, demonstrate toughness and dominance in a certain neighborhood. As detailed in ¶ 12(e), YOMEL had been stabbed earlier in the same day. Based on the behaviors of RIMEL, YOMEL, TORRES, and Individual-1 as captured on the security camera footage, as well as the fact that at least the three defendants were armed with guns and prepared to engage in a shootout, I believe that RIMEL, YOMEL, and TORRES were walking through this area to find, attack, and/or provoke people with whom they had a preexisting conflict.

c. At approximately the same time, surveillance video captured a male individual who, as detailed below, was later identified as LEO BONILLA, the defendant, walking in and out of the front door of the Residential Building. In the surveillance video, BONILLA was wearing a white shirt, a red and black shirt or jacket, red and black shorts, and sneakers that were partially white. Below are still images of surveillance video showing BONILLA facing out from the Residential Building (left photo) and entering the building (center photo). As RIMEL, YOMEL, TORRES, and Individual-1 walked northbound past the Residential Building, BONILLA emerged and fired multiple shots in their direction (right photo):



d. At that point, another individual dressed in all black (“Shooter-2”) emerged from the Residential Building and also fired multiple shots towards RIMEL, YOMEL, and TORRES.

e. RIMEL, YOMEL, and TORRES then drew firearms and began shooting back in the direction of BONILLA and Shooter-2. In the exchange of gunfire, both YOMEL and TORRES were hit. TORRES crawled across Andrews Avenue near a parked black SUV (on the side of the street where the Schools are located). Surveillance video captured TORRES reaching up near the rear driver’s-side tire of the SUV—the same location where a black SCCY CPX-2 9mm firearm, Serial #C170041 was later recovered, *see* ¶ 14(m). TORRES stayed near the black SUV until the Shootout was over, at which time he then crawled back across the street (to where the Residential Building was) and hid underneath a parked red pickup truck.

f. RIMEL and YOMEL ran towards the middle of Andrews Avenue and began to flee northbound away from BONILLA and Shooter-2, but RIMEL ran back to the sidewalk on

the side of the street with the Residential Building and RIMEL fired multiple rounds back in the direction of BONILLA and Shooter-2.

g. RIMEL and YOMEL then fled northbound on Andrews Avenue. As depicted in the still image from surveillance video and audio below, as the two fled northbound, YOMEL (left) and RIMEL (right) brandished firearms, and RIMEL and YOMEL fired multiple gunshots at an individual hiding underneath the red pickup truck (the “Victim”).



h. Following the Shootout, BONILLA fled southbound on Andrews Avenue. As detailed below, RIMEL and YOMEL continued to flee northbound on Andrews Avenue, and YOMEL was eventually taken to Lincoln Hospital in the Bronx. TORRES and the Victim were loaded onto the red pickup truck and transported to Bronx Care Hospital.

Identification of the Defendants

12. Based on my review of reports prepared by NYPD officers and conversations with NYPD officers, I am aware of the following:

a. On or about August 24, 2024—a few minutes before the Shootout began—surveillance video captured an individual in the vicinity of the Residential Building who matched the description of Shooter-1. As depicted in the still image from surveillance video below, the individual wore a white undershirt, a red and black button-down shirt left open to expose the white shirt underneath it, red and black shorts, and sneakers that were partially white; the individual depicted below also has tattoos on his chest.



b. Moments after the Shootout, NYPD officers responded to Andrews Avenue and secured the area. Upon arrival, certain NYPD officers followed the red pickup truck that was transporting BRYANT TORRES, the defendant, and the Victim to Bronx Care Hospital. TORRES suffered three gunshot wounds to his buttocks and a fractured pelvis. The Victim suffered nine gunshot wounds, including two to his left arm, two to his right hip, one to his left hip, two to his left knee, and two to this left arm.

c. At the hospital, TORRES provided his pedigree information to the NYPD officers, which included the name “BRYANT TORRES.” TORRES also had his fingerprints taken at the hospital, and his fingerprints returned to a match to a New York State Identification Number belonging to BRYANT TORRES, the defendant.

d. Later on August 24, 2024, NYPD officers spoke with YOMEL MACK, the defendant, at Lincoln Hospital. YOMEL had suffered one gunshot wound to his left knee. When NYPD officers asked YOMEL where he sustained gunshot wounds, YOMEL told NYPD officers that he was in Manhattan at a cookout near 177th Street and Amsterdam Avenue when he was getting into a cab and heard gunshots, and then realized he was shot. YOMEL also incorrectly told NYPD officers his name was “Rimel Mack.”

e. On or about August 25, 2024, NYPD officers interviewed an eyewitness (“Witness-1”) of the Shootout. Witness-1 stated s/he saw one of the participants in the Shootout firing shots. Looking at a single photograph, Witness-1 identified the male individual who fired shots from the Residential Building as LEO BONILLA, the defendant, and stated that BONILLA “runs the block.” Looking at a different photograph with four individuals depicted, Witness-1 identified (i) a male individual as YOMEL MACK, the defendant, and stated that YOMEL had been stabbed earlier in the same day; and (ii) a male individual as BRYANT TORRES, the defendant, and stated that TORRES was friends with YOMEL.

f. Thereafter, NYPD officers interrogated BONILLA who was advised of his *Miranda* rights and waived. BONILLA then identified himself in a single photograph from at or around the time of the Shootout, in which he was seen wearing the outfit pictured above. See ¶ 12(a). BONILLA denied his involvement in the Shootout.

g. Once BONILLA was identified, I compared images from the security footage prior to the Shootout (*see below left*) to an image of BONILLA from his criminal history records (*see below right*), and I believe that the appearance is consistent in all material respects, indicating that BONILLA participated in the Shootout as described above.



13. Based on my review of reports prepared by NYPD officers and conversations with NYPD officers, I am aware of the following:

a. On or about July 16, 2024, NYPD officers performed a traffic stop in the vicinity of East Tremont and St. Raymond Avenues in the Bronx, during which the officers wore body-worn cameras (“BWC”). As captured on the BWC, during the traffic stop, the driver of the vehicle handed an NYPD officer a New York driver’s license with the name “RIMEL MACK.” As captured on the BWC and depicted in the still image below right, the driver of the vehicle had long black hair in dreadlocks and wore rectangular glasses. I compared the image of the driver at the July 16 traffic stop (*see below left*) to an image of an individual who participated in the Shootout on August 24, 2024 (*see below right*), and I believe that the appearance is consistent in all material respects, indicating that RIMEL participated in the Shootout as described above.



b. Additionally, during the traffic stop on or about July 16, 2024, BWC captured another individual seated in the front passenger’s side of the vehicle, who had a beard and long black and red hair in dreadlocks tied up in a ponytail. I compared images of the passenger at the July 16 traffic stop (*see below left*) to images of the individual who Witness-1 said was YOMEL MACK and who participated in the Shootout on August 24, 2024 (*see images below*

right), and I believe that the appearance is consistent in all material respects, indicating that YOMEL participated in the Shootout as described above.



Thirty Rounds of Ammunition and a Firearm Were Recovered Following the Shootout

14. As detailed above, following the Shootout, NYPD officers responded to Andrews Avenue and secured the area. NYPD officers then canvassed the vicinity of the Shootout for evidence. A total of twenty-five shell casings and five fired bullets were collected from the scene, as well as a firearm. The following rounds of ammunition and the firearm were recovered in the following locations, and based on their respective locations, I believe the following individuals possessed these rounds of ammunition and/or the firearm:

a. Just outside of the Residential Building, *i.e.*, the location from which BONILLA and Shooter-2 fired multiple rounds at RIMEL, YOMEL, TORRES, and Individual-1, NYPD officers recovered four .380 shell casings and three .40 caliber shell casings. Based on the location of these shell casings and my review of video and audio surveillance, I believe that these shell casings fell as a result of gunshots of ammunition fired by BONILLA and Shooter-2 while standing just outside the Residential Building. An interstate nexus expert with the ATF evaluated the four .380 shell casings and three .40 caliber shell casings and concluded that they were manufactured outside of New York State.

b. In the vicinity where RIMEL, YOMEL, and TORRES, and Individual-1 were initially shot at by BONILLA and Shooter-2—which is where RIMEL, YOMEL, and TORRES began shooting back at BONILLA and Shooter-2—NYPD officers recovered four .380 shell casings and two Luger 9mm shell casings. Based on the location of these shell casings and my review of video and audio surveillance, I believe that these shell casings fell as a result of gunshots of ammunition fired by a combination of RIMEL, YOMEL, and TORRES as they shot back at BONILLA and Shooter-2. An interstate nexus expert with the ATF evaluated the four .380 shell casings and two 9mm shell casings and concluded that all of them were manufactured outside of New York State.

c. In the vicinity of the red pickup truck from which RIMEL and YOMEL fired multiple shots, NYPD officers recovered four 9mm casings and four Luger 9mm shell casings. Based on the location of these shell casings, and my review of video and audio surveillance, I believe that these shell casings fell as a result of gunshots of ammunition fired by a combination of RIMEL and YOMEL. An interstate nexus expert with the ATF evaluated the four 9mm casings and four Luger 9mm casings and concluded that they were manufactured outside of New York State.

d. In the middle of Andrews Avenue, where RIMEL and YOMEL fired multiple rounds at the Victim underneath the red pickup truck, NYPD recovered three Luger 9mm casings and one .380 casing. Based on the location of these rounds of casings and my review of video and audio surveillance, I believe that these casings fell as a result of gunshots of ammunition fired by RIMEL and/or YOMEL while shooting at the Victim underneath the red pickup truck.

e. NYPD officers also searched the vicinity of the black SUV to which TORRES crawled after getting shot, and they recovered a black SCCY CPX-2 9mm firearm, Serial #C170041, resting on the rear tire on the driver's side of a black vehicle with three 9mm rounds in the magazine and one 9mm round in the chamber. Based on the location of the firearm and these rounds of ammunition, and my review of video and audio surveillance, I believe that the firearm was placed there by TORRES when he crawled towards the black SUV and reached up near the rear tire on the driver's side. An interstate nexus expert with the ATF evaluated the firearm and the rounds of ammunition were manufactured outside of New York State.

Criminal Histories

15. I reviewed criminal history records pertaining to LEO BONILLA, the defendant, which show that on or about November 26, 2008, in New York County Supreme Court, BONILLA was convicted of Criminal Sale of a Controlled Substance in the Second Degree, in violation of New York Penal Law § 220.41, which is punishable by imprisonment for a term exceeding one year, and for which BONILLA was sentenced to three years' imprisonment.


16. I reviewed criminal history records pertaining to YOMEL MACK, the defendant, which show that on or about April 2, 2019, in Bronx County Supreme Court, YOMEL was convicted of Attempted Robbery in the Second Degree, in violation of New York Penal Law § 160.10, which is punishable by imprisonment for a term exceeding one year, and for which YOMEL was sentenced to three years' imprisonment.

WHEREFORE, I respectfully request that a warrant be issued for the arrest of LEO BONILLA, RIMEL MACK, YOMEL MACK, and BRYANT TORRES, the defendants, and that they be arrested, and imprisoned or bailed, as the case may be.

s/ Andrew Ulich /otw

Andrew Ulich, Detective
New York City Police Department

Sworn to me through the transmission of
this Complaint by reliable electronic
means (telephone), this 3rd day of February, 2025.



THE HONORABLE ONA T. WANG
United States Magistrate Judge
Southern District of New York