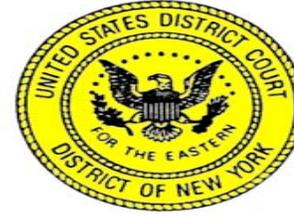


**TO: Clerk's Office
UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**



**APPLICATION FOR LEAVE
TO FILE DOCUMENT UNDER SEAL**

-v.-

_____ Docket Number

SUBMITTED BY: Plaintiff ___ Defendant ___ DOJ ___
Name: _____
Firm Name: _____
Address: _____

Phone Number: _____
E-Mail Address: _____

INDICATE UPON THE PUBLIC DOCKET SHEET: YES ___ NO ___
If yes, state description of document to be entered on docket sheet:

MANDATORY CERTIFICATION OF SERVICE:

A.) ___ A copy of this application either has been or will be promptly served upon all parties to this action, **B.)** ___ Service is excused by 31 U.S.C. 3730(b), or by the following other statute or regulation: _____; or **C.)** ___ This is a criminal document submitted, and flight public safety, or security are significant concerns. (Check one)

_____ DATE

_____ SIGNATURE

A) If pursuant to a prior Court Order:

Docket Number of Case in Which Entered: _____
Judge/Magistrate Judge: _____
Date Entered: _____

B) If a new application, the statute, regulation, or other legal basis that authorizes filing under seal

**ORDERED SEALED AND PLACED IN THE CLERK'S OFFICE,
AND MAY NOT BE UNSEALED UNLESS ORDERED BY
THE COURT.**

DATED: _____, NEW _____

U.S. MAGISTRATE JUDGE

RECEIVED IN CLERK'S OFFICE _____
DATE

UNITED STATES DISTRICT COURT

for the

Eastern District of New York

United States of America

v.

KEENEN NURSE,

)
)
)
)
)
)

Case No. 20-MJ-602

Defendant

ARREST WARRANT

To: Any authorized law enforcement officer

YOU ARE COMMANDED to arrest and bring before a United States magistrate judge without unnecessary delay
(name of person to be arrested) KEENEN NURSE,
who is accused of an offense or violation based on the following document filed with the court:

- Indictment Superseding Indictment Information Superseding Information Complaint
- Probation Violation Petition Supervised Release Violation Petition Violation Notice Order of the Court

This offense is briefly described as follows:

Felon in possession of a firearm, in violation of Title 18, United States Code, Section 922(g)

Date: 7/30/20



Issuing officer's signature

City and state: Brooklyn, NY

Hon. Robert M. Levy, U.S.M.J.

Printed name and title

Return

This warrant was received on (date) _____, and the person was arrested on (date) _____
at (city and state) _____.

Date: _____

Arresting officer's signature

Printed name and title

This second page contains personal identifiers provided for law-enforcement use only and therefore should not be filed in court with the executed warrant unless under seal.

(Not for Public Disclosure)

Name of defendant/offender: _____

Known aliases: _____

Last known residence: _____

Prior addresses to which defendant/offender may still have ties: _____

Last known employment: _____

Last known telephone numbers: _____

Place of birth: _____

Date of birth: _____

Social Security number: _____

Height: _____ Weight: _____

Sex: _____ Race: _____

Hair: _____ Eyes: _____

Scars, tattoos, other distinguishing marks: _____

History of violence, weapons, drug use: _____

Known family, friends, and other associates (*name, relation, address, phone number*): _____

FBI number: _____

Complete description of auto: _____

Investigative agency and address: _____

Name and telephone numbers (office and cell) of pretrial services or probation officer (*if applicable*): _____

Date of last contact with pretrial services or probation officer (*if applicable*): _____

KDE:JPM/NJM/DGR
F. #2019R01194

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

----- X

TO BE FILED UNDER SEAL

UNITED STATES OF AMERICA

- against -

AFFIDAVIT AND COMPLAINT IN
SUPPORT OF AN APPLICATION
FOR AN ARREST WARRANT

KEENEN NURSE,

Defendant.

Docket No. 20-MJ-602

(18 U.S.C. § 922(g))

----- X

EASTERN DISTRICT OF NEW YORK, SS:

ANTHONY SNEAD, JR., being duly sworn, deposes and states that he is a Special Agent with the Federal Bureau of Investigation, duly appointed according to law and acting as such.

On or about July 23, 2019, within the Eastern District of New York, the defendant KEENEN NURSE, knowing that he had previously been convicted in a court of one or more crimes punishable by a term of imprisonment exceeding one year, did knowingly and intentionally possess in and affecting commerce a firearm, to wit: a Jimenez Arms .380 caliber semi-automatic pistol bearing serial number 404728.

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

The source of your deponent's information and the grounds for his belief are as follows:¹

¹ Because the purpose of this Complaint is to set forth only those facts necessary to establish probable cause to arrest, I have not described all the relevant facts and circumstances of which I am aware.

1. I am a Special Agent with the Federal Bureau of Investigation (“FBI”) and have been for the past five years. I have been involved in the investigation of numerous cases involving the illegal possession and use of firearms and ammunition. I am familiar with the facts and circumstances set forth below from my participation in the investigation; my review of the investigative file, including the defendant’s criminal history record; and from reports of other law enforcement officers involved in the investigation.

2. On or about July 24, 2019, New York City Police Department (“NYPD”) officers received information that a firearm was located in the first floor lobby of a building located on Eastern Parkway in Brooklyn, New York. NYPD officers responded to the location, which was a multi-unit residential building (the “Building”). NYPD officers entered the first floor lobby of the Building which provided access to various apartments and to a staircase leading to higher floors in the Building. The staircase was adjacent to a side service door entrance to the Building.

3. Based on my interview of one of the NYPD officers involved in the search of the Building’s lobby and my review of surveillance video footage from a camera located in the first floor lobby area, I believe that beginning at approximately 10:47 p.m. on July 24, 2019, NYPD officers searched the first floor lobby area, including behind a radiator and underneath the staircase. During the search underneath the staircase, at approximately 10:52 p.m., NYPD officers found a small bag containing a firearm loaded with ammunition. Upon examination, the firearm was identified as a Jimenez Arms .380 caliber semi-automatic pistol bearing serial number 404728 (the “Firearm”). I have received training in the identification of firearms and the determination as to where they were manufactured. Based

on my training and research, I believe that the Firearm was manufactured outside of New York State.

4. Based on my review of video surveillance that captured the first floor lobby of the Building prior to the time that the Firearm was found by NYPD officers, on or about July 23, 2019, at approximately 3:31 p.m., the defendant KEENEN NURSE can be seen in the lobby and walking up the staircase in the Building toward a higher floor. Among other things, I recognize NURSE on the surveillance video based on my comparison of known law enforcement photographs of NURSE to the video and based on my own personal observations of NURSE during my investigation. At approximately 3:32 p.m., NURSE returned to the first floor carrying a small bag in his left hand and walked to the area underneath the stairwell. At approximately 3:35 p.m., NURSE can be seen crouching under the stairwell and moving items around at the base of the stairwell. Shortly after, NURSE can be seen quickly wiping down an object under the stairwell and then appearing to place the object at the back of the base of the stairwell.

5. As stated above, on or about July 24, 2019, at approximately 10:52 p.m., NYPD officers recovered a small bag containing the Firearm underneath the base of the stairwell in the same area where the defendant KEENEN NURSE can be seen reaching and placing an object on the July 23, 2019 surveillance footage described above in paragraph 4. NYPD officers took custody of the Firearm and transported it to the NYPD's 71st Precinct where it was processed by an evidence collection team for the presence of DNA and fingerprints.

6. Based on my review of video surveillance, on or about July 24, 2019, at approximately 11:10 p.m., the last NYPD officer involved in the recovery of the Firearm

exited the lobby of the Building. Approximately five minutes later, the defendant KEENEN NURSE can be seen entering the lobby of the Building and walking directly to the base of the staircase where the Firearm had been recovered by the NYPD. NURSE can be seen examining the area where the Firearm was found and then exiting the Building with multiple other male individuals.

7. On or about January 16, 2020, law enforcement officers arrested the defendant KEENEN NURSE for possession of marijuana and possession of counterfeit currency. After being read his Miranda rights, indicating he understood these rights and waiving them, NURSE stated, in sum and substance and in part, that he had been present when a “gun” had been found by police in the Building in July 2019. NURSE further stated, in sum and substance and in part, that he stored marijuana underneath the staircase and that he had been aware there was a firearm under the staircase that was inside of a bag. When shown a photograph of the Firearm, Nurse identified that this was the firearm to which he had been referring. NURSE stated that he had touched the firearm and put it back, and that the firearm did not belong to him. NURSE additionally acknowledged that he had attempted to wipe down the firearm under the staircase, which is consistent with my review of the video surveillance from July 23, 2019 showing NURSE wiping something underneath the staircase. NURSE also provided a DNA sample to law enforcement officers.

8. According to reports from the Office of the Chief Medical Examiner for the City of New York (“OCME”), a swab taken of the Firearm’s trigger and trigger guard indicated the presence of DNA of one person on the Firearm. According to the OCME’s analysis of the DNA recovered from that swab, that sample of DNA was 251 trillion times more likely to have originated from the defendant KEENEN NURSE than from an unknown

person. Additionally, a swab of the Firearm's front and back strap and side grips showed the presence of DNA from three persons. According to the OCME, it was 169 billion times more likely that this mixture of DNA contained NURSE's DNA and the DNA of two unknown persons than if it contained the DNA of three unknown persons. Based on my training and experience and involvement in these investigations, these DNA results indicate that NURSE touched multiple parts of the Firearm.

9. I have reviewed the defendant's criminal history records, which reveal that on or about July 21, 2009, in Kings County Supreme Court, the defendant KEENEN NURSE was convicted of Robbery in the Second Degree (Displaying What Appears to Be a Firearm), in violation of New York Penal Law ("NYPL") § 160.10, which is a class C felony and a crime punishable by a term of imprisonment of more than one year. NURSE was sentenced to a term of four-years' imprisonment. Additionally, on or about February 5, 2015, in Kings County Supreme Court, NURSE was convicted of criminal possession of a firearm, in violation of NYPL § 265.01, which is a class E felony and a crime punishable by a term of imprisonment of more than one year. NURSE was sentenced to term of 18-months' to three-years' imprisonment.

REQUEST FOR SEALING

10. Because the defendant KEENEN NURSE is currently at liberty, it is respectfully requested that this Court issue an order sealing, until further order of the Court, all papers submitted in support of this application, including the application and arrest warrant, as disclosure would give the target of the investigation an opportunity to destroy evidence, harm or threaten witnesses, change patterns of behavior, notify confederates and

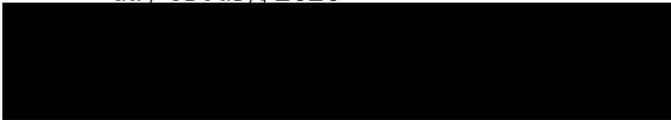
flee from or evade prosecution and therefore have a significant and negative impact on the continuing investigation and may severely jeopardize its effectiveness.

WHEREFORE, your deponent respectfully requests that an arrest warrant be issued for the defendant KEENEN NURSE so that he may be dealt with according to law.

/s/ Anthony Snead Jr

ANTHONY SNEAD, JR.
Special Agent, Federal Bureau of Investigation

Sworn to before me by telephone this
day of July, 2020



THE HONORABLE ROBERT M. LEVY
UNITED STATES MAGISTRATE JUDGE
EASTERN DISTRICT OF NEW YORK