

SA:MKP/TH

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

16 M 0079

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UNITED STATES OF AMERICA

COMPLAINT

-against-

(T. 18, U.S.C., §§ 2119, 922(g),
924(c)(1)(A)(i), 924(c)(1)(A)(ii),
924(c)(1)(A)(iii) and 2)

JOHN HOWARD,

Defendant.

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EASTERN DISTRICT OF NEW YORK, SS:

WILLIAM J. SCHIERLE, being duly sworn, deposes and says that he is a Task Force Officer with the Joint Robbery Task Force of the Bureau of Alcohol, Tobacco, Firearms and Explosives (“ATF”) and with the New York City Police Department (“NYPD”), duly appointed according to law and acting as such.

On or about December 18, 2015, within the Eastern District of New York, the defendant JOHN HOWARD, together with others, did knowingly and intentionally and with intent to cause death and serious bodily harm, attempt to take a motor vehicle, to wit: a Volkswagen Jetta, that had been transported, shipped, and received in interstate or foreign commerce from the person and presence of another, to wit: Victim 1, whose identity is known to the Affiant, by force and violence and by intimidation.

(Title 18, United States Code, Sections 2119 and 2).

On or about December 28, 2015, within the Eastern District of New York, the defendant JOHN HOWARD, together with others, did knowingly and intentionally and with intent to cause death and serious bodily harm, attempt to take a motor vehicle, to wit: a Mercedes Benz, that had been transported, shipped, and received in interstate or foreign commerce from the person and presence of another, to wit: Victim 2, whose identity is known to the Affiant, by force and violence and by intimidation.

(Title 18, United States Code, Sections 2119 and 2).

On or about January 21, 2016, within the Eastern District of New York, the defendant JOHN HOWARD, together with others, did knowingly and intentionally and with intent to cause death and serious bodily harm, attempt to take a motor vehicle, to wit: a Hyundai Santa Fe, that had been transported, shipped, and received in interstate or foreign commerce from the person and presence of another, to wit: Victim 3 and Victim 4, whose identities are known to the Affiant, by force and violence and by intimidation.

(Title 18, United States Code, Sections 2119 and 2)

On or about and between December 18, 2015, and January 25, 2016, within the Eastern District of New York, the defendant JOHN HOWARD, together with others, did knowingly and intentionally use and carry a firearm during and in relation to one or more crimes of violence, to wit: the carjackings described above, in violation of Title 18, United States Code, Section 2119, which firearms were brandished and discharged.

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

The source of your deponent's information and the grounds for his belief are as follows¹:

1. I am a Detective with the Joint Robbery Task Force at the ATF and have been involved in the investigation of numerous cases involving firearms offenses. My information in this case comes from a review of records of the ATF, NYPD, and other government agencies, and conversations with other law enforcement officers.
2. I have personally participated in the investigation set forth below. I am familiar with the facts and circumstances of the investigation through my personal participation; from discussions with other NYPD detectives and other law enforcement agencies; and from my review of records and reports relating to the investigation. Unless otherwise noted, wherever in this Affidavit I assert that a statement was made, the information was provided by another agent or law enforcement officer or witness who may have had either direct or hearsay knowledge of that statement and to whom I or others have spoken or whose reports I have read and reviewed. Such statements are among many statements made by others and are stated in substance and in part unless otherwise indicated. Likewise, information resulting from surveillance sets forth either my personal observations or information provided directly or indirectly through other law enforcement officers who conducted such surveillance.

¹ Because this affidavit is being submitted for the limited purpose of establishing probable cause to arrest, I have not set forth every fact learned during the course of this investigation.

December 18, 2015 – 640 Merrick Road Carjacking of the Volkswagen Jetta

3. On or about December 18, 2015, at approximately 6:50 p.m., the Nassau County Police Department (“NCPD”) was notified of an attempted burglary of a residence at 153 Ash Street, Valley Stream, New York. A window at the residence was broken and blood was found on the windowsill. A forensic geneticist with the Nassau County Office of the Medical Examiner (“OME”) conducted a forensic analysis comparing a DNA profile generated from the blood found on the windowsill with a DNA profile associated with JOHN HOWARD and concluded that the DNA profiles “matche[d].”

4. About eighteen minutes later, approximately a half-mile from the location of the burglary, a white Volkswagen Jetta with license plate GEF7248 (“Stolen Volkswagen”) was stolen at gunpoint. The victim (“Victim 1”) was in the driver’s seat of the Volkswagen Jetta, which was parked in front of Da Vinci’s Pizzeria Restaurant located at 640 West Merrick Road, Valley Stream, New York. Victim 1 leaned over to retrieve her purse from the passenger side when she was approached by a man, later identified as HOWARD (in light of the forensic analyses discussed above and below). The man pressed a hard object against Victim 1’s back and stated, in sum and substance, “You know what this is. If you want to see your family and not be on the news, give me your money.” Victim 1 gave the man forty dollars in cash. The man then forced the victim out of the car at gunpoint and drove away, fleeing eastbound on West Merrick Road.

5. After her assailant drove away, Victim 1 called 911 and NCPD officers responded. Victim 1’s iPhone remained in the car when the car was stolen from her. “Find My iPhone” is an application that allows owners of Apple products to register their devices

using a unique username and password and, if one of the owner's devices is lost or stolen, the Find My iPhone application uses the Global Positioning System within the device to notify the owner of where the device is physically located. Victim 1 used her own credentials to log into the "Find My iPhone" application on someone else's iPhone. When Victim 1 logged into the application, it revealed that her phone was approximately 0.7 miles away at the corner of West Merrick Road and North Central Avenue. The NCPD officers recovered Victim 1's phone, which had blood on it. A forensic geneticist with the Nassau County OME conducted a forensic analysis comparing a DNA profile generated from the blood found on the iPhone with a DNA profile associated with JOHN HOWARD and concluded that the DNA profiles "matche[d]."

December 28, 2015 – Best Western JFK Airport Carjacking of the Black Mercedes Benz

6. On or about December 28, 2015, at approximately 7:00 p.m., in front of the Best Western hotel located at 144-25 153rd Lane, Jamaica, New York, a black Mercedes Benz with license plate EGACPA was taken at gunpoint.

7. The victim ("Victim 2") had just used a restroom at the Comfort Inn located across the street from the Best Western and was sitting in his parked Mercedes Benz when he was approached by two black males. One male entered Victim 2's car through the passenger side door. The second man, who Victim 2 later visually identified as HOWARD (as discussed in more detail below), approached the driver's side door and opened it. HOWARD then told the man, in sum and substance, "Give me your wallet or I'm going to shoot you." HOWARD then proceeded to hit the Victim 2 in the head, forced him out of the car, and stole Victim 2's wallet out of his back pocket.

8. NYPD responded and Victim 2 provided a description of his assailant. Victim 2 also told NYPD officers that he believed he would be able to identify one of his assailants if he saw a photograph of him.

9. On or about January 26, 2016, Victim 2 was shown a photo array by law enforcement which included a picture of HOWARD. Victim 2 positively identified HOWARD as the man who approached the driver's side door, threatened to shoot, beat him on the head, stole his wallet and drove off in his car.

January 21, 2016 – Hampton Inn JFK Carjacking of the Hyundai

10. On or about January 21, 2016, at approximately 8 p.m., a black male approached a woman ("Victim 3") sitting in the passenger seat of a 2007 Hyundai Santa Fe ("Hyundai"), parked in front of the lobby of the Hampton Inn located at 144-10 135th Ave, South Ozone Park, New York, approximately a mile away from the location of the Best Western carjacking that occurred on December 28, 2015. The woman was waiting for her mother ("Victim 4"), who was checking in to the hotel.

11. The black male, wearing a black mask and armed with a black firearm, entered the Hyundai through the driver's side door. The male told Victim 3 to give him all her money. When Victim 3 responded that she did not have any money with her but that her mother did, the suspect demanded that Victim 3 give him the four rings that she was wearing. Victim 3 complied.

12. The suspect then struck Victim 3 in the head with the firearm and began driving the Hyundai with Victim 3 still inside of it. He told Victim 3, in sum and substance, "If your mother has no money, then I'm going to shoot you." Surveillance camera

footage recovered from the Hampton Inn captured the Hyundai circling the Hampton Inn parking lot at approximately 8:21 p.m.

13. At approximately 8:23 p.m., Victim 4 exited the lobby of the Hampton Inn, approached the Hyundai, and observed the male in the driver's seat. The male exited the vehicle and demanded Victim 4's purse. Victim 4 refused and began to scream. The male struggled with Victim 4 and struck her with his firearm. When Victim 4 hit her assailant, he aimed his firearm at her and shot, striking Victim 4 in the upper torso. Although surveillance camera footage did not capture the shooting, the footage does reveal the assailant running through the Hampton Inn parking lot and entering the passenger side of a waiting white Volkswagen Jetta, which appears to be the Stolen Volkswagen in that it is the same make and model and has the same features as the Stolen Volkswagen.

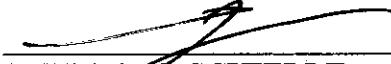
14. When interviewed at the hospital, Victim 4 supplied NYPD detectives with her email and password to her Apple iCloud account, which enabled the detectives to track her stolen cell phone which had been in her purse. The phone was tracked to the service road of the Van Wyck Expressway between 133rd Avenue and 134th Avenue where it was located, apparently discarded, off the side of the road.

January 25, 2016 – Arrest of John Howard

15. On January 25, 2016, four days after the January 21, 2016 Hampton Inn carjacking, the Stolen Volkswagen was located during a search for the stolen vehicle conducted after several license plate recognition (“LPR”) hits revealed the Stolen Volkswagen’s general location in Brooklyn, New York. Law enforcement placed the vehicle under surveillance and, thereafter, observed a black male approach and enter the Stolen Volkswagen. NYPD detectives arrested the individual, who was identified as the defendant JOHN HOWARD. HOWARD was thereafter charged with Criminal Possession of Stolen Property, NYPL 165.50, and is currently in state custody.

WHEREFORE, your deponent respectfully requests that the Court issue an arrest warrant for JOHN HOWARD so that he may be dealt with according to law. I further request that this complaint, as well as any arrest warrant issued in connection with this

complaint, be filed under seal. Public filing of this document could jeopardize the government's ongoing investigation.



WILLIAM J. SCHIERLE
Task Force Officer
Joint Robbery Task Force
ATF

Sworn to before me this
1 st day of February, 2016

THE HONORABLE STEVEN M. GOLD
UNITED STATES CHIEF MAGISTRATE JUDGE
EASTERN DISTRICT OF NEW YORK