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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

- against -

TONY McQUEEN,

Defendant.

COMPLAINT

(T. 18, U.S.C., § 922(g)(1))

20-MJ-643

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EASTERN DISTRICT OF NEW YORK, SS

JEFFREY VALENZANO, being duly sworn, deposes and states that he is a Detective with the New York City Police Department (“NYPD”) and a Task Force Officer with the “FBI/NYPD Safe Streets Task Force,” duly appointed according to law and acting as such.

Upon information and belief, on or about August 6, 2020, within the Eastern District of New York, the defendant TONY MCQUEEN, 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 Smith & Wesson Model M&P 9C caliber 9mm pistol bearing serial number DWP2010.

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

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

I am a Task Force Officer with the Federal Bureau of Investigation ("FBI") and have been for approximately five years. I am currently assigned to the New York Metro Safe Streets Gang Task Force, where I investigate gangs, narcotics trafficking, firearms trafficking, robbery, kidnapping and other offenses. These investigations are conducted both overtly and covertly. I am also a Detective with the New York City Police Department ("NYPD") and have been so employed for approximately 19 years. Through my training, education and experience, I have become familiar with the manner in which narcotics distribution, robberies, firearms trafficking and other schemes are carried out, and the efforts of persons involved in such activity to avoid detection by law enforcement.

1. I am familiar with the facts and circumstances set forth below from my personal involvement in this investigation, my review of documents, records and reports, and from reports made to me by other law enforcement officers and personnel. Where I describe the statements of others, I am doing so only in sum and substance and in part.

2. On or about August 6, 2020, at approximately 4:11 a.m., Officer-1 and Officer-2² of the NYPD were on patrol in a marked police car near the intersection of

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

² Because multiple law enforcement personnel were involved in the incident, I refer to the officers as Officer-1 and Officer-2 for ease of reference. The identities of each of these individuals are known to the affiant, and I have interviewed Officer-1 and Officer -2 about

Atlantic Avenue and Boyland Street in Brooklyn, New York. At that time a broadcast was put over the police radio by Emergency Medical Service (“EMS”) alerting Officer-1 and Officer-2 of a male asleep at the wheel of a vehicle at that intersection.

3. Officer-1 and Officer-2 observed a black Hyundai Genesis sedan (the “Vehicle”) stopped at a green light at that intersection. The Vehicle was running, and in “Drive”.

4. Officer-1 and Officer-2 observed the defendant, TONY MCQUEEN (“MCQUEEN”), seated in the driver’s seat of the Vehicle. MCQUEEN was completely unresponsive and passed out at the wheel. After approximately five to ten minutes of banging on the car windows and shouting, the defendant MCQUEEN awoke and was removed from the Vehicle. A black zippered bag was removed from the defendant MCQUEEN’s hand and placed on top of the Vehicle. The defendant MCQUEEN had red watery eyes, an unsteady gait and the odor of alcohol on his breath. He was arrested on suspicion of driving while intoxicated at approximately 4:33 a.m.

5. The defendant MCQUEEN was taken to the Intoxicated Driver Testing Unit (“IDTU”) at the 78th Pct, where he refused to take a breathalyzer exam. The defendant was then transported to the 73rd Precinct for arrest processing. When searched, the black bag was found to contain a Smith & Wesson Model M&P 9C caliber 9mm pistol bearing serial number DWP2010, loaded with thirteen rounds of .9mm ammunition (“The Firearm”). The Firearm had a “high capacity” magazine. Also discovered in the bag were New York State

the events set forth herein reviewed video footage of the incident set forth herein from Officer-1 and Officer-2’s body worn camera.

Identification cards containing the defendant's photograph and the name TONY MCQUEEN, a social security card in the name of TONY MCQUEEN, and a Visa debit card in the name TONY MCQUEEN. The defendant MCQUEEN also possessed approximately \$400 in cash in his waistband.

6. I have been advised by an agent of the Bureau of Alcohol, Tobacco Firearms and Explosives ("ATF") that the Firearm was manufactured outside the State of New York.

7. I have also reviewed the defendant's criminal history records and have determined that, on or about May 13, 2014, in the Supreme Court of the State of New York, Kings County, the defendant was convicted of Attempted Robbery in the second degree (physical injury), in violation of New York Penal Law § 110/160.10, a felony punishable by a term of imprisonment of more than one year.

WHEREFORE, your deponent respectfully requests that the defendant TONY MCQUEEN be dealt with according to law.


JEFFREY VALENZANO
Detective/Task Force Officer
FBI/NYPD Safe Streets Task Force

Sworn to before me this
7th day of August, 2020

Steven M. Gold

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