

UNITED STATES DISTRICT COURT

for the

Middle District of Florida

United States of America
v.

Shawn O'Neil Smith

Case No.

8:20 MJ2043 TGW

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of October 10, 2020 in the county of Hillsborough in the
Middle District of Florida, the defendant(s) violated:

Code Section

Offense Description

18 U.S.C. § 1951

Interfering with commerce by robbery.

This criminal complaint is based on these facts:

See affidavit.

☒ Continued on the attached sheet.



Complainant's signature

Steve Gomez, Special Agent, ATF

Printed name and title

Sworn to before me and signed in my presence.

Date:

Oct 16, 2020



Judge's signature

City and state:

Tampa, Florida

THOMAS G. WILSON, U.S. MAGISTRATE JUDGE

Printed name and title

AFFIDAVIT

I, Special Agent Steve Gomez of the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), being duly sworn, state as follows:

1. I am a sworn federal law enforcement officer of the United States of America and thus am charged with the duty of enforcing the laws of the United States and possess the authority to request, obtain, and execute orders of the United States Courts.

2. I have been a Special Agent with ATF for over three years. I successfully completed the 15-week ATF Special Agent Basic Training (SABT) at the Federal Law Enforcement Training Center (FLETC). I also successfully completed the 11-week Criminal Investigator Training Program (CITP) at the FLETC. I also served in the United States Air Force, for approximately ten (10) years, 5 years as a Security Forces member. I graduated from the University of Miami in 2014 with a Bachelor of Arts Degree. While employed in these positions, I received additional training in subject matters specified to each position, requirements in furtherance of law enforcement duties. In connection with my official duties, I investigate a variety of criminal violations of federal laws, including the investigation of violent crimes and other firearms-related offenses such as armed robberies.

3. I submit this affidavit in support of a complaint against Shawn O'Neil Smith, for interfering with commerce by robbery, in violation of 18 U.S.C. § 1951. I have included only those facts believed to be relevant to the determination of

whether there is probable cause to issue the complaint. Thus, this affidavit should not be construed as a complete statement of all the facts in this investigation. I derived the following pertinent facts through consultation with other law enforcement officers, review of documents, and through my own investigative efforts and experiences.

Background of investigation

4. This investigation involves the October 10, 2020, armed robbery of the Shell gas station located at 4330 Lithia Pinecrest Rd. Valrico, which is in the Middle District of Florida.

5. At approximately 10:50PM, on Saturday, October 10, 2020, a white man entered the Shell through the front door, wearing sunglasses, a face covering, a camouflage hooded jacket with the hood over his head, a camouflage baseball style hat, gray sweatpants, black shirt, purple and black gloves, and black Crocs. The man approached the clerk and placed his hand on the back of the clerk's neck while brandishing a silver handgun and demanded her to open the register. The clerk stated that she could not open the register. The man walked over to the register and removed a plastic container containing rolled coins from underneath the counter. The clerk followed the man to the register where he demanded her to open it several times. The clerk stated again that she could not open the register. The man paused and pointed the gun at the clerk, yelling several times to "open it". The suspect then pointed the revolver away from the clerk as he pulled the trigger approximately three

times. The suspect fired a single round through a tobacco display shelf. The man then stated "the next one is for you". The clerk opened the register and the man removed the cash from the register and exited the store from the front door.

6. On October 15, 2020, the Hillsborough County Sheriff's Office (HCSO) received a Crime Stoppers tip that the offender was Shawn Smith Jr from Zephyrhills. The tip also included that Smith had a Facebook page which was under "Shawn Smith". Investigators queried Facebook and found a Shawn Smith who lives in Zephyrhills. Investigators observed that the user "Tuesday Smith (Watts)" was tagged often to "Shawn Smith's" posts. Upon review of Smith (Watts) friends, investigators located a younger white male with the Facebook name of "Shawn Smith" compared to the first Shawn Smith page. Investigators queried the Florida Driver's License database and found that Tuesday Smith was the co-registrant on a black Dodge utility vehicle with Shawn O'Neal Smith Jr. They both had 40337 Laird Ave, Zephyrhills, FL listed as their address. The Florida Driver's License database also showed that Smith's physical build matched the robber on video. Additionally investigators identified Shawn Smith's girlfriend as Mandy Gebard after viewing her tagged Facebook page. The Florida Driver's License database showed that Gebard had a current address of 2632 Hideaway Lane, Lithia, FL; approximately 1.4 miles of the robbery location.

7. Additionally investigators identified that Pasco County Sheriff Deputies were dispatched to the 40337 Laird Ave, Zephyrhills, FL address on a domestic

violence call on Monday, October 12, 2020 between Shawn Smith Jr. and his biological sister, Keri Smith. The interviews were recorded using agency issued body worn cameras. Smith's voice in the recorded interview was consistent with the armed robber's voice. On October 15, 2020, ATF Special Agents met with a Pasco County Sheriff's Deputy and reviewed the body worn camera footage of the domestic call that occurred on October 12, 2020. Investigators observed that Shawn Smith Jr. was wearing black Crocs during the interview. Additionally, Smith provided the deputy with a phone number of 813-822-6484.

8. On October 15, 2020, ATF Special Agents traveled to 40337 Laird Ave, Zephyrhills, FL and interviewed Shawn Smith's mother; Tuesday Watts Smith. Watts Smith stated that she last saw Smith on Monday, when the domestic violence incident occurred. Watts Smith told the agents that Smith, Mandy Gebard, and his children went to Flamingo Hotel and Resort in Kissimmee, FL the following day of the incident. Watts Smith told the agents that Smith should be at Mandy Gebard's residence and that she last spoke with him Wednesday, October 13. The agents showed Watts Smith the store surveillance video which recorded the armed robbery on October 10. Watts Smith identified the man in the video as her son; Shawn Smith. She identified him by his voice and the crocs he was wearing. The agents also spoke with Keri Smith, who also identified the man in the video as her brother, Shawn Smith. She also mentioned Mandy Gebard owns a camouflage jacket similar to the one in the video.

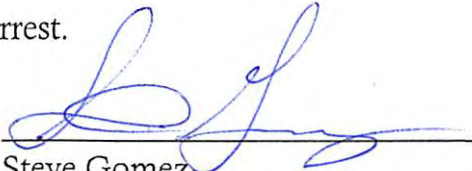
9. On October 15, 2020, HCSO detectives and ATF Special Agent traveled to Mandy Gebard's listed residence at 2632 Hideaway Lane, Lithia, FL and spoke with her parents; Polly Marie Gebard and Vincent Eugene Gebard. The Gebard's stated that Mandy no longer lived with them and informed them that she now lives in Zephyrhills with her boyfriend; Shawn. Polly stated that Mandy and Smith stayed over the night of October 9 and left the house in the late morning of October 10. Polly indicated Mandy was last at her house on Tuesday, October 13, 2020, for a short visit to pick up a few items. Polly stated SMITH stayed in his vehicle the entire time. Polly stated that they left with Smith's children and her grandson to the Orlando area for the night. Polly included that Mandy and Smith were in SMITH's dark colored Dodge SUV. Polly told investigators that she saw her daughter the previous day, October 14, in Plant City to pick up her grandson. Polly provided the telephone number 813-822-1518 for Mandy and telephone number 813-822-6484 for SMITH. Investigators showed Polly the store surveillance video which recorded the armed robbery on October 10. Polly stated she recognized the black "Croc" shoes, explaining that SMITH had recently purchased shoes identical to the ones worn by the robber. Polly also indicated Mandy owned a camouflage hooded jacket identical to the one worn by the robber. Polly also included that Mandy currently works part time at the Shell station that was robbed on October 10.

10. Additionally investigators spoke with Christopher Buchanan who also resides at 2632 Hideaway Ln and he stated that he saw Smith with a revolver last


week. Shawn wanted to test fire the revolver in the yard and Buchanan advised that it was not a good idea.

11. I am aware, based on prior investigative experience, that the Shell gas station at issue is part of a chain establishment with franchises all over the United States and therefore conducts business transactions in and affecting interstate commerce. The Shell sell various products which were manufactured outside the State of Florida and transported across state lines for sale. Further, the store's ability to conduct business affecting this interstate commerce would have been hindered during and following these armed robberies. Additionally, the depletion of store assets through the taking of business funds impacted the store's ability to participate in interstate commerce.

12. Based on the forgoing information, I submit that probable cause exists to believe that Shawn O'Neal Smith II committed the offense of interference with commerce by robbery, in violation of 18 U.S.C. § 1951(a). I respectfully request that a criminal complaint be issued for his arrest.


Steve Gomez
Special Agent, ATF

Sworn to and subscribed before me
this 16th day of October, 2020



THOMAS G. WILSON
UNITED STATES MAGISTRATE JUDGE