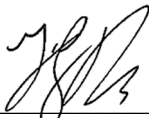


Approved: 
HENRY L. ROSS
Assistant United States Attorney

Before: THE HONORABLE ROBERT W. LEHRBURGER
United States Magistrate Judge
Southern District of New York

----- X
UNITED STATES OF AMERICA
- v. -
LENNY REYES,
Defendant.
----- X

SEALED COMPLAINT
Violations of 18 U.S.C. §§ 922(g)(1)
and 2
COUNTY OF OFFENSE:
BRONX

SOUTHERN DISTRICT OF NEW YORK, ss.:

THOMAS FORD, being duly sworn, deposes and says that he is a Special Agent with the Federal Bureau of Investigation (“FBI”), and charges as follows:

COUNT ONE
(Felon in Possession)

1. On or about March 8, 2023, in the Southern District of New York and elsewhere, LENNY REYES, 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, a 5.7mm FN Herstal shell casing, and the ammunition was in and affecting commerce.

(Title 18, United States Code, Sections 922(g)(1) and 2.)

The bases for my knowledge and the foregoing charges are, in part, as follows:

2. I have been a Special Agent with the FBI for approximately five years, and I am currently a member of the FBI-New York City Police Department Joint Bank Robbery/Violent Crime Task Force. I have been personally involved in the investigation of this matter. This affidavit is based upon my conversations with other law enforcement officers and other individuals; my examination of surveillance video footage, photographs, law enforcement reports, and other law enforcement records; and my involvement in this investigation. Because this affidavit is being submitted for the limited purpose of demonstrating 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 March 8, 2023 Shooting

3. Based on my review of New York City Police Department (“NYPD”) reports and records, my review of surveillance video footage, and my discussions with other law enforcement officers, I have learned the following:

a. On or about March 8, 2023 at approximately 12:35 p.m., NYPD officers from the 44th Precinct responded to shots fired in the vicinity of 230 East 167th Street in the Bronx, New York, which is located near the intersection of East 167th Street and Sherman Avenue.

b. Upon arriving at the scene, NYPD officers found a total of six shell casings: one 5.7mm FN Herstal shell casing on the west side of Sherman Avenue; two .40 caliber shell casings in the center of Sherman Avenue; and three .40 caliber shell casings on the sidewalk in front of 1217 Sherman Avenue. NYPD officers also found bullet fragments on the northeast corner of East 167th Street and Sherman Avenue, and observed a bullet hole in the rear left passenger side door of a BMW sedan parked on the west side of Sherman Avenue.

c. NYPD officers obtained surveillance video footage from two cameras outside a deli located at 1217 Sherman Avenue: one facing south (“Camera-1”) and the other facing north (“Camera-2”). At approximately 12:31 p.m.,¹ surveillance video footage from Camera-1 captured a man, who has since been identified as LENNY REYES, the defendant, for the reasons detailed in paragraph 7, *infra*, wearing a gray hooded sweatshirt over a baseball cap, a ski mask, dark pants, and a black and white camouflage shoulder bag over his right shoulder. The surveillance video footage captured LENNY REYES, the defendant, running from the east side of Sherman Avenue toward a group of people assembled on the sidewalk in front of 1217 Sherman Avenue on the west side of Sherman Avenue.

d. Surveillance video footage from Camera-1 then captured REYES raising his arms and pointing a handgun in the direction of the group of individuals assembled on the sidewalk in front of 1217 Sherman Avenue, causing those individuals to flee. Surveillance video footage from Camera-1 further captured REYES firing a shot in the direction of an individual located behind a BMW sedan parked on the west side of Sherman Avenue (“Individual-1”). A still image of REYES at the moment of discharge, as captured by surveillance video footage, is below.

¹ The timestamps for both surveillance video cameras, which appear to be approximately 48 minutes fast, reflect a time of 1:19 p.m.



e. Surveillance video footage from Camera-1 then captured REYES chasing and pointing his handgun, which appears to have malfunctioned, at Individual-1, before looking down at his handgun, turning around, and pointing and shaking his handgun at another individual.

f. Surveillance video footage from Camera-2 then captured an individual wearing a black jacket, skullcap, dark pants, and white sneakers (“Individual-2”) exiting a vehicle on the east side of Sherman Avenue (“Vehicle-1”). Surveillance video footage from Camera-1 and Camera-2 then captured Individual-2 firing six shots in the direction of REYES: three shots fired from the center of Sherman Avenue, and three shots fired from the sidewalk curb on the west side of Sherman Avenue.

g. Surveillance video footage from Camera-1 and Camera-2 then captured REYES fleeing southbound in the direction of East 167th Street.

h. Surveillance video footage from Camera-2 then captured Individual-2 returning to Vehicle-1 and picking objects up off the ground outside Vehicle-1, before entering Vehicle-1.

i. At approximately 12:35 p.m., surveillance video footage taken from at or around 1291 Sheridan Avenue captured REYES entering a building located at or around 1305 Sheridan Avenue, which is located approximately 0.2 miles from the location of the shooting at 1217 Sherman Avenue.

4. Based on my review of surveillance video footage and NYPD photographs taken at the scene of the shooting, I know that the 5.7mm shell casing recovered from the scene was found on the west side of Sherman Avenue, in the vicinity of where LENNY REYES, the

defendant, fired a handgun in the Camera-1 surveillance video footage.²

5. Based on my training and experience, I recognize the handgun fired by LENNY REYES, the defendant, as an FN Five-seven pistol. I know that the FN Five-seven pistol takes 5.7mm ammunition consistent with the 5.7mm shell casing that was recovered from the scene, and that the FN Five-seven pistol does not take .40 caliber ammunition.

6. Based on my review of surveillance video footage and NYPD photographs, I know that the BMW sedan that NYPD officers found with a bullet hole in the rear left passenger door is the BMW sedan parked on the west side of Sherman Avenue that Individual-1 was behind when LENNY REYES, the defendant, fired his handgun in the Camera-1 surveillance video footage.

Identification of Lenny Reyes

7. Based on my participation in this investigation, my review of surveillance video footage, my review of a video recording of an interview with LENNY REYES, the defendant, my review of other records and documents, and my discussions with other law enforcement officers, I have learned, in substance and in part, the following:

a. NYPD officers obtained surveillance video footage from a deli located at or around 1296 Sheridan Avenue in the Bronx, New York (“Deli-1”), which is located approximately 0.2 miles from the location of the shooting. On March 8, 2023 at approximately 10:30 a.m., surveillance video footage captured an individual matching the appearance of LENNY REYES, the defendant, wearing a gray hooded sweatshirt over a baseball cap, a ski mask, and a black and white camouflage shoulder bag over his right shoulder. Still images of, from left to right, the individual, as captured by Deli-1’s surveillance video footage; REYES, as captured by Camera-1 surveillance video footage; and REYES, as captured by Camera-2 surveillance video footage, are below.

² Based on my review of surveillance video footage and NYPD photographs taken at the scene of the shooting, I know that all five .40 caliber shell casings were found in areas in which Individual-2 fired shots and where LENNY REYES, the defendant, did not fire any shots: two .40 caliber shell casings were found in the center of Sherman Avenue in the vicinity of where Individual-2 exited his vehicle, fired three shots at REYES, and later returned to pick up objects and enter the vehicle; and three .40 caliber shell casings were found on the sidewalk on the west side of Sherman Avenue in the vicinity of where Individual-2 fired three shots at REYES.



b. On March 18, 2023, an NYPD officer reviewed still images from the surveillance video footage described above that captured the individual inside Deli-1 on or about March 8, 2023 at approximately 10:30 a.m. (the “Deli-1 Still Images”). The NYPD officer stated that he recognized the individual in the Deli-1 Still Images as REYES based on having previously interacted with REYES.

c. On or about March 23, 2023, REYES appeared voluntarily at the 44th Precinct where, after being advised of his rights, he agreed to an interview, which was video recorded.

i. During the interview, law enforcement officers showed REYES the Deli-1 Still Images. REYES identified himself as the individual in the still images wearing a gray hooded sweatshirt over a baseball cap, a ski mask, and a black and white camouflage shoulder bag over his right shoulder.

ii. During the interview, REYES admitted his involvement in the shooting to law enforcement officers. Specifically, REYES told law enforcement officers, in sum and substance, that REYES’s younger brother had been murdered, and that REYES went to the area around the intersection of East 167th Street and Sherman Avenue to commit a shooting because he had been told that the individuals who had murdered his younger brother were in that area.

8. Based on communications I have had with a Special Agent from the Bureau of Alcohol, Tobacco, Firearms and Explosives who is familiar with the manufacturing of firearms and ammunition, I know that the 5.7mm FN Herstal shell casing was not manufactured in the State of New York.

9. I have reviewed criminal history records pertaining to LENNY REYES, the defendant, which show, among other things, the following:

a. REYES was previously convicted of a crime punishable by more than one year in prison. Specifically, on or about October 1, 2007, REYES pled guilty in Bronx County Supreme Court to fourth-degree criminal possession of a narcotic drug, in violation of New York Penal Law 220.09, which carries a maximum term of imprisonment of 5.5 years. On or about October 19, 2007, REYES was sentenced to a term of imprisonment of 2 years and a term of post-release supervision of 2 years.

WHEREFORE, I respectfully request that a warrant be issued for the arrest of LENNY REYES, the defendant, and that he be arrested, and imprisoned or bailed, as the case may be.

S/ by the Court with permission

THOMAS FORD
Special Agent
Federal Bureau of Investigation

Sworn to me through the transmission of this
Affidavit by reliable electronic means,
pursuant to Federal Rules of Criminal Procedure
41(d)(3) and 4.1 this

14h day of June, 2023



THE HONORABLE ROBERT W. LEHRBURGER
United States Magistrate Judge
Southern District of New York