

UNITED STATES OF AMERICA

v.

DANTE PETTEWAY,

Defendant.

SEALED COMPLAINT

Violations of 18 U.S.C. §§ 922(g)(1)
and 2

COUNTY OF OFFENSE:
BRONX

SOUTHERN DISTRICT OF NEW YORK, ss.:

23 MAG 6973

SARAH VAN FOSSEN, being duly sworn, deposes and says that she is a Special Agent with the Federal Bureau of Investigation (“FBI”) and charges as follows:

COUNT ONE
(Felon in Possession of Ammunition)

1. On or about June 21, 2023, in the Southern District of New York and elsewhere, DANTE PETTEWAY, 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, five .40 caliber shell casings, 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 for the foregoing charges are, in part, as follows:

2. I am a Special Agent with the Federal Bureau of Investigation. I have been involved in the investigation of this matter, and I base this affidavit on that experience, as well as on my review of security camera footage, my conversations with other law enforcement agents, and my examination of various reports and records. 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 JUNE 21, 2023 SHOOTING

3. Based on my participation in the investigation, my conversations with law enforcement officers and others, and my review of surveillance footage, I have learned, in substance and in part, the following:

a. On or about June 21, 2023 at 8:20 p.m., surveillance video footage obtained from 482 East 167th Street (the “Apartment Building”) shows an individual, who has subsequently been identified as DANTE PETTEWAY, the defendant, leaving the Apartment Building.

PETTEWAY was wearing a dark hooded sweatshirt with a checkerboard pattern on the back, and dark sweatpants with a white stripe. Still images of PETTEWAY from the Apartment Building's surveillance video are provided below.



b. At 8:21 p.m., PETTEWAY and another individual walked down the sidewalk of East 167th Street. PETTEWAY then drew a firearm and shot multiple rounds. Still images from the surveillance video depicting PETTEWAY drawing, and then discharging, the firearm are provided below.



c. At 8:21 p.m., surveillance video then shows PETTEWAY running back into the Apartment Building while holding a firearm in his right hand.



d. At approximately 8:29 p.m., an individual (“Witness-1”) called 911 and reported that the individual had heard shots fired at the intersection of 167th Street and Third Avenue. The following day, on or about June 22, 2023, New York City Police Department (“NYPD”) officers responded to Witness-1’s report. Upon canvassing the scene, the responding officers found five .40 caliber Smith & Wesson shell casings in approximately the same location where the shooting took place, in front of 488 East 167th Street in the Bronx. The five recovered shell casings are depicted below.





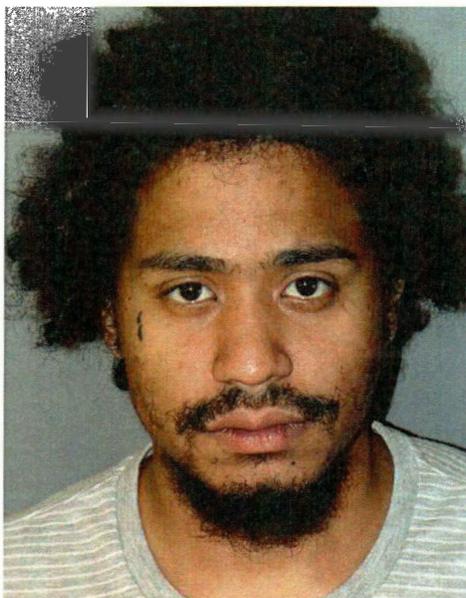
e. In approximately the same location where the shooting took place, NYPD officers also located a vehicle that had been damaged by several bullet holes.



IDENTIFICATION OF DANTE PETTEWAY AS THE SHOOTER

4. Based on my review of NYPD reports and records, and my discussions with other law enforcement personnel, I have learned the following:

a. After the June 21, 2023 shooting, NYPD detectives began investigating DANTE PETTEWAY, the defendant, as the shooter. Based on my review of law enforcement photographs of PETTEWAY, as well as surveillance footage of the shooting, I believe PETTEWAY has the same physical characteristics as the shooter. Below is a law enforcement photograph of PETTEWAY.



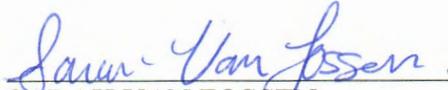
b. NYPD detectives also conducted an identification procedure with an individual whose identity is known to the Government, and who is familiar with PETTEWAY (“Individual-1”). After reviewing still images from the June 21, 2023 shooting, Individual-1 identified the shooter as PETTEWAY.

MANUFACTURE OF AMMUNITION AND FELON STATUS

5. Based on my discussions with a Special Agent from the Bureau of Alcohol, Tobacco, Firearms and Explosives who is familiar with the manufacturing of firearms and ammunition, and who reviewed the shell casing evidence collected by the NYPD, I know that the shell casings recovered from the location of the shooting were not manufactured in New York State.

6. Based on my review of law enforcement and court databases, I know that on or about September 4, 2014, DANTE PETTEWAY, the defendant, was convicted in the Supreme Court of the State of New York of two counts of Robbery in the Second Degree, in violation of New York Penal Law Section 160.10(1), which is a Class C felony that carries of maximum term of imprisonment of 15 years. On or about September 4, 2014, PETTEWAY was sentenced to a term of imprisonment of five years in connection with this conviction.

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



SARAH VAN FOSSEN
Special Agent
Federal Bureau of Investigation

Sworn to before me this 26th day of October, 2023.



THE HONORABLE KATHARINE H. PARKER
United States Magistrate Judge
Southern District of New York

