

Approved: Gillian Grossman  
CHRISTOPHER J. CLORE / GILLIAN GROSSMAN  
Assistant United States Attorneys

Before: HONORABLE PAUL E. DAVISON  
United States Magistrate Judge  
Southern District of New York

- - - - - x  
: UNITED STATES OF AMERICA : **COMPLAINT**  
: :  
: - v. - : Violation of  
: : 18 U.S.C. §§ 924(c),  
SEAN AUSTIN, : : 1951, and 2  
and : :  
BRAULIO MONCION, : : COUNTY OF OFFENSE:  
: : WESTCHESTER  
Defendants. : :  
- - - - - x

SOUTHERN DISTRICT OF NEW YORK, ss.:

PAO MEI FISHER, 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**  
**(Hobbs Act Robbery)**

On or about August 12, 2017, in the Southern District of New York, SEAN AUSTIN and BRAULIO MONCION, the defendants, unlawfully and knowingly did commit robbery, as that term is defined in Title 18, United States Code, Section 1951(b)(1), and did thereby obstruct, delay and affect commerce and the movement of articles and commodities in commerce, as that term is defined in Title 18, United States Code, Section 1951(b)(3), to wit, on or about August 12, 2017, AUSTIN and MONCION robbed at gunpoint The Customer Center store, doing business as Sprint, located in and around Yonkers, New York.

(Title 18, United States Code, Sections 1951(a) and 2.)

**COUNT TWO**  
**(Firearms Offense)**

On or about August 12, 2017, in the Southern District of New York, SEAN AUSTIN and BRAULIO MONCION, the defendants, during and in relation to a crime of violence for which they may be prosecuted in a court of the United States, namely the Hobbs Act robbery charged in Count One of this Complaint, knowingly did use and carry a firearm, and, in furtherance of such crime, did possess a firearm, and did aid and abet the use, carrying, and possession of a firearm.

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

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

1. I am a Special Agent with the FBI. I have been personally involved in the investigation of this matter. This Affidavit is based upon my personal participation in the investigation, my examination of reports and records, and my conversations with other law enforcement officers and witnesses. Because this Affidavit is being submitted for the limited purpose of demonstrating probable cause, it does not include all of 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.

**Investigation**

2. Based on my personal involvement in this investigation, my conversations with officers from the Yonkers Police Department (the "YPD"), and my review of reports prepared by the YPD and other members of law enforcement in connection with this investigation, I have learned, in substance and in part, the following:

a. On or about August 12, 2017, the YPD received a report of an armed robbery of The Customer Center store, doing business as Sprint, located at 622 Yonkers Avenue, Yonkers, New York (the "Store"). The Store sells cellphones and other electronic devices. YPD officers responded to the Store, reviewed surveillance video, and spoke with two employees of the Store who were present in and around the Store during the robbery ("Victim-1" and "Victim-2"), and whose accounts of the events of the robbery were substantially similar.

b. Victim-1 reported the following to law enforcement, in substance and in part:

i. On or about August 12, 2017, at approximately 5:45 p.m., an unknown black male ("UM-1") entered the Store and approached the counter. UM-1 was wearing a burgundy shirt and camouflage shorts. Victim-1 observed UM-1 carrying a silver firearm in his hand.

ii. UM-1 racked the slide of the gun and instructed Victim-1 and Victim-2 not to move.

iii. A second unknown black male ("UM-2") entered the store and put on gloves. UM-2 was wearing a black baseball cap.

iv. UM-1 and UM-2 instructed Victim-1 and Victim-2 to direct them to the bathroom in the Store. Outside the bathroom, UM-2 removed Victim-1's car keys from Victim-1's pocket. UM-1 and UM-2 asked, in sum and substance, if a Nissan outside the Store belonged to Victim-1. UM-1 and UM-2 took Victim-1's cellphone, which Victim-1 had been holding in his hand. They also removed \$1,000 from Victim-1's right pants pocket.

v. UM-1 and UM-2 put Victim-1 and Victim-2 in the bathroom and closed the door. UM-1 and UM-2 subsequently opened the door and asked, in sum and substance, if there were iPads in the Store. Victim-1 said there were no iPads.

vi. A short time later, Victim-1 heard the back exit door of the Store slam shut. Victim-1 and Victim-2 exited the bathroom. Victim-1 observed UM-1 and UM-2 driving away in a blue Nissan Altima with license plate NY HRE-4356 (the "Nissan"), which belongs to Victim-1. Victim-2 called the police.

c. Victim-2 provided a substantially similar account to law enforcement. Victim-2 also reported the following, in substance and in part:

i. Victim-2 saw what appeared to be a magazine inserted in the handle of the firearm carried by UM-1.

ii. When UM-2 entered the Store, he pulled his shirt up to cover the lower half of his face.

iii. When UM-2 entered the Store, he asked Victim-1 and Victim-2, in sum and substance, where the cellphones

were located. Victim-1 and Victim-2 at first made no reply; Victim-1 later stated, in sum and substance, that the phones were in a cabinet at the back of the Store.

iv. Before Victim-2 entered the bathroom, UM-1 took Victim-2's cellphone and \$30 in cash from his pocket.

3. Based on my conversation with officers of the YPD and my review of reports prepared by YPD officers in connection with this investigation, I have learned the following:

a. After Victim-2 reported the robbery of the Store to the YPD, YPD officers began canvassing the area in and around 633 Yonkers Avenue in an attempt to locate UM-1 and UM-2.

b. While canvassing, a YPD sergeant ("Officer-1") drove to the intersection of Central Park Avenue South and Clarke Street and took up a position in his vehicle. Shortly after, Officer-1 observed two black males traveling southbound, toward Officer-1, in the Nissan. Officer-1 attempted to block the Nissan from proceeding further. The Nissan accelerated, collided into the front of Officer-1's vehicle, and continued driving. Officer-1 activated his emergency lights and siren and began to pursue the Nissan. Other YPD officers in separate vehicles also pursued the Nissan.

c. The Nissan entered the New York State Thruway and continued driving at a high rate of speed. Officer-1 pursued the Nissan into the Bronx. As the Nissan approached Exit 10 to West 230th Street, the Nissan pulled over just below the exit ramp. Two men exited the vehicle and jumped over a wall to an area several feet below the highway.

d. Officer-1 observed the two men running southbound and then make their way into a fenced-in construction site area. The construction site was located in and around 2880 Exterior Street, Bronx, New York (the "Construction Site").

e. A YPD captain ("Officer-2") responded to the base of the Exit 10 ramp and observed the two men running southbound. Officer-2 gave numerous loud verbal commands for the two men to stop. The men did not comply. Officer-2 observed the two men reach toward their waistbands and look in his direction. Officer-2 again ordered the men to show their hands and stop. The men did not comply. Officer-2 observed one of the men drop what appears to be a piece of clear plastic from his back pocket as he ran.

f. Officer-2 observed one of the men, later identified as SEAN AUSTIN, the defendant, remove a burgundy shirt and throw it on the ground. AUSTIN was wearing a white shirt beneath the burgundy shirt and camouflage shorts.

g. A third YPD officer ("Officer-3") responded to a parking lot north of the Construction Site and observed AUSTIN roll under a trailer at the north end of a parking lot. Officer-3 also observed a second man, later identified as BRAULIO MONCION, the defendant, wearing a white shirt and black shorts running through the parking lot.

h. Officer-3, along with another YPD officer, ordered AUSTIN to roll out from under the trailer. AUSTIN complied, and YPD officers placed him under arrest.

i. In a search of AUSTIN's person incident to his arrest, YPD officers recovered a clear rubber glove from AUSTIN's left front pocket.

j. YPD officers issued verbal commands to MONCION to place his hands in the air and lie on the ground. MONCION complied and was placed under arrest.

k. Officer-2 returned to the area where he had observed AUSTIN or MONCION drop an item from his back pocket. Officer-2 recovered a clear latex glove.

4. Based on my conversations with YPD officers and my review of reports prepared by the YPD and other members of law enforcement, I have learned, in substance and in part, that Victim-1 identified BRAULIO MONCION, the defendant, in a photo array as UM-2. Victim-2 identified SEAN AUSTIN, the defendant, in a photo array as UM-1. Victim-2 also identified MONCION in a separate photo array as UM-2.

5. After the arrest of BRAULIO MONCION, the defendant, an FBI agent ("Agent-1") read MONCION his *Miranda* warnings. MONCION waived his rights. I was present during the post-arrest interview, during which MONCION made the following statements, in substance and in part:

a. MONCION identified SEAN AUSTIN, the defendant, from a still photograph taken from the Store surveillance video as "S," and stated that MONCION and "S" committed the robbery of the Store.

c. MONCION was unaware how many phones were taken

during the robbery.

d. As MONCION and AUSTIN fled in the Nissan, AUSTIN threw a firearm out the car window as MONCION and AUSTIN were entering the i87 Major Deegan highway. The gun was thrown from the right-hand highway lane.

6. Following the interview of MONCION, I and other law enforcement officers canvassed the area alongside the guard rail opposite 441 Central Park Avenue on the i87 Major Deegan highway. Law enforcement recovered a Ruger 9mm firearm, model P93DC, with serial number 30607012 (the "Firearm") from that area. The Firearm did not contain a magazine. While canvassing the area, YPD officers also located a black magazine containing bullets, submerged in water, alongside the curb in front of 441 Central Park Avenue.

7. Based on my conversation with an FBI agent ("Agent-2"), I have learned that Agent-2 spoke with a manager of the Store. The manager informed Agent-2 that the cellphones sold by the Store are sent to the Store from Chicago.

8. Based on my communication with an agent with the Bureau of Alcohol, Tobacco, Firearms, and Explosives, I have learned that the Firearm was manufactured outside the State of New York.

WHEREFORE, I respectfully request that SEAN AUSTIN and BRAULIO MONCION, the defendants, be imprisoned or bailed as the case may be.

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PAO MEI FISHER  
Special Agent  
Federal Bureau of Investigation

Sworn to before me this  
\_\_\_ day of August 2017

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HONORABLE PAUL E. DAVISON  
UNITED STATES MAGISTRATE JUDGE  
SOUTHERN DISTRICT OF NEW YORK