

Approved:   
RUSSELL CAPONE/SHAWN CROWLEY/ROBERT ALLEN  
Assistant United States Attorneys

Before: THE HONORABLE FRANK MAAS  
United States Magistrate Judge  
Southern District of New York

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: SEALED  
: COMPLAINT  
UNITED STATES OF AMERICA :  
: Violations of  
- v. - : 18 U.S.C. §§  
: 924(j), and 2  
:   
RUBEN PIZZARO, : COUNTY OF OFFENSE:  
: BRONX  
Defendant. :  
:   
-----x

15 MAG 4970

SOUTHERN DISTRICT OF NEW YORK, ss.:

JOHN REYNOLDS, 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

1. On or about November 24, 2015, in the Southern District of New York and elsewhere, RUBEN PIZZARO, the defendant, during and in relation to a crime of violence for which he may be prosecuted in a court of the United States, namely, a racketeering conspiracy involving a criminal enterprise referred to herein as "Gang-1," willfully and knowingly did use and carry a firearm, and, in furtherance of such crimes, did possess a firearm, and did aid and abet the use, carrying, and possession of a firearm, and in the course of those crimes did cause the death of a person through the use of a firearm, which killing is murder as defined in Title 18, United States Code, Section 1111(a), to wit, PIZZARO participated in and caused the death of David Rivera by shooting Rivera in the vicinity of Crotona Avenue in Bronx, New York, and aiding and abetting the same.

(Title 18, United States Code, Sections 924(j) 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 FBI, and I have been personally involved in the investigation of this matter. This Complaint is based upon my participation in the investigation of this matter, my conversations with law enforcement agents, witnesses and others, as well as my examination of reports, and recordings. Because this Complaint is being submitted for the limited purpose of establishing 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.

3. Other members of the FBI and I are investigating violent gang activity and drug dealing in certain areas of the Bronx, including the 48th Precinct. As part of this investigation, other law enforcement agents and I have conducted physical surveillance; debriefed cooperating witnesses and informants, including CS-1 and CS-2;<sup>1</sup> and arranged recorded meetings and/or conversations with suspected gang members and associates. Based in part on my participation in this investigation, including my review of documents maintained by the New York City Police Department ("NYPD"), I have learned the following, in substance and in part:

a. One of the gangs under investigation is a street gang referred to herein as "Gang-1." Gang-1 is the Bronx component or faction of a national gang. Gang-1 is a violent gang that is involved in narcotics trafficking, including of heroin and cocaine, and is highly territorial. The violent acts of Gang-1 include shootings against rival gang members and individuals not associated with Gang-1. Based in part on my conversations with CS-2, as well as NYPD detectives from the 48th Precinct, I have learned that RUBEN PIZZARO, the defendant, is a member of Gang-1.

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<sup>1</sup> CS-1 and CS-2 both have criminal histories, are charged with controlled substances offenses, and are both cooperating with law enforcement in hopes of receiving leniency at sentencing. Information provided by CS-1 and CS-2 has proven reliable, and has been corroborated in part by recordings made by CS-1 and CS-2 at the direction of law enforcement, and by information known independently by law enforcement.

b. Another of the gangs under investigation, referred to herein as Gang-2, is a rival street gang to Gang-1. Gang-2 is also the Bronx component or faction of a national gang, is also highly territorial, and is also engaged in narcotics trafficking and acts of violence. The violent acts of Gang-2 include shootings and robberies against rival gang members and individuals not associated with the gang.

c. Gang-2 distributes narcotics in certain areas of the Bronx, including an area located in the vicinity of Hughes Avenue and East 178th Street. Based in part on my conversations with CS-1 and CS-2, I have learned that members of Gang-2 receive and distribute narcotics sold to them by individuals including two individuals not named in this Complaint ("CC-1" and "CC-2"). CC-2 functions as a lieutenant for CC-1, in part by organizing the retail distribution of narcotics supplied by CC-1. I have also learned that David Rivera and other individuals not named in this Complaint (including "CC-3" and "CC-4") are members of Gang-2, and that Rivera sold narcotics sourced from CC-1 and CC-2.

d. Based on my training and experience, I know that members of Gang-1 (and Gang-2) commit acts of violence in order to further their reputation and status as members of Gang-1 (and Gang-2). I also know that acts of violence are oftentimes committed by members of Gang-1 (and Gang-2) in order to establish control over territory in which narcotics are distributed.

4. Based on my review of NYPD reports and my conversations with CS-1 and CS-2, I have learned that Gang-1 and Gang-2 have been involved in a number of violent conflicts with each other, including shootings, in the recent past. RUBEN PIZZARO, the defendant, has been involved in certain of these shootings. For example, I have learned that:

a. On or about October 31, 2015, PIZZARO fired gunshots at a group of individuals including David Rivera, CC-2, and CC-3 in the vicinity of East 178th Street and Hughes Avenue. CC-3 was non-fatally injured.

b. On or about November 1, 2015, Rivera, CC-2, and others fired shots at PIZZARO in the vicinity of East 180th Street and Arthur Avenue. PIZZARO returned fire. During the course of the exchange, PIZZARO stated, in substance and in part, "You guys are from Hughes. I'm from Arthur. You're pussies." Based on my training and experience, I know that certain areas around Hughes Avenue are associated with Gang-2,

and that certain areas around Arthur Avenue are associated with Gang-1.

c. On or about November 2, 2015, PIZZARO fired multiple shots at CC-4 in the vicinity of Hughes Avenue and East Tremont Avenue in the Bronx, New York. Before the shooting, PIZZARO stated, in substance and in part, "That's a new [Gang-2 member]." CC-4 was shot in the hand during the incident.

5. Based on my conversations with certain NYPD detectives (collectively, the "Detectives") who have participated in the investigation into a homicide that occurred on or about November 24, 2015 (the "November 24 Murder"), I have learned the following, in substance and in part:

a. At approximately 9:15 a.m. on November 24, 2015, David Rivera was shot and killed in the vicinity of 175th Street and Crotona Avenue in the Bronx, New York.

b. Minutes before Rivera was murdered, a NYPD officer received a tip from a confidential informant ("CS-3")<sup>2</sup> that RUBEN PIZZARO, the defendant, was approaching the vicinity of 175th Street and Crotona Avenue in the Bronx, New York dressed in clothing associated with Gang-2. Based on my conversations with CS-2, I have learned that PIZZARO has dressed up as a member of Gang-2 in the past when contemplating committing certain acts of violence against members of Gang-2.

c. An individual who was in the vicinity of East 175th Street and Crotona Avenue ("Witness-1") witnessed the shooting. Witness-1 informed the NYPD officers, in sum and substance, that Witness-1 observed two men approach a man later identified by the NYPD as Rivera. One of the approaching men (the "Shooter") began shooting Rivera. NYPD officers showed photo arrays that included PIZZARO to Witness-1. Witness-1 identified PIZZARO as the Shooter.

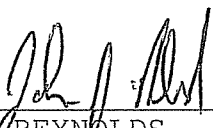
d. Another individual ("Witness-2") who was in the vicinity of the location of the November 24 Murder, heard gunshots and observed two men chasing an individual later identified by the police as Rivera. Witness-2 then observed one of the men shoot at Rivera. NYPD officer showed photos arrays that included PIZZARO to Witness-2. Witness-2 identified PIZZARO as the shooter.

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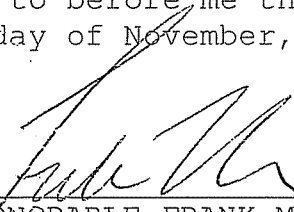
<sup>2</sup> CS-3 is a paid informant who has provided reliable information that has been corroborated by, among other things, arrests and seizures of drugs and money.

e. NYPD officers have reviewed surveillance footage showing an individual in the vicinity of 175th and Crotona Avenue in the Bronx, New York near the time of the November 24 Murder. I understand that this surveillance footage depicts the individual shooting a firearm. Based on my conversations with the Detectives, I understand that the shooter depicted in the video is believed to be PIZZARO.

WHEREFORE, the deponent respectfully requests that a warrant be issued for the arrest of RUBEN PIZZARO, the defendant, and that he be imprisoned or bailed, as the case may be.

  
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JOHN REYNOLDS  
Special Agent, FBI

Sworn to before me this  
27th day of November, 2015

  
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THE HONORABLE FRANK MAAS  
UNITED STATES MAGISTRATE JUDGE  
SOUTHERN DISTRICT OF NEW YORK