

Approved: Nicholas S. Folly  
NICHOLAS FOLLY  
Assistant United States Attorney

Before: THE HONORABLE ONA T. WANG  
United States Magistrate Judge  
Southern District of New York

**21 MAG 8995**

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: UNITED STATES OF AMERICA

: SEALED COMPLAINT

-v.-

: Violations of 18 U.S.C.  
: §§ 922(g)(1), 924(a)(2)  
: and 2

MARVIN MINOTT, a/k/a "Tyson Smith"

:  
: COUNTY OF OFFENSES:  
: BRONX

Defendant.

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SOUTHERN DISTRICT OF NEW YORK, ss.:

JOSEPH BOYER, being duly sworn, deposes and says that he is a Detective with the New York City Police Department ("NYPD") and charges as follows:

COUNT ONE

1. On or about August 12, 2021, in the Southern District of New York, MARVIN MINOTT, a/k/a, "Tyson Smith," the defendant, knowing he had previously been convicted in a court of a crime punishable by imprisonment for a term exceeding one year, knowingly did possess ammunition, to wit, one .38 caliber shell casing, manufactured by Federal, and the ammunition was in and affecting commerce.

(Title 18, United States Code, Sections 922(g)(1), 924(a)(2) and 2.)

COUNT TWO

2. On or about September 16, 2021, in the Southern District of New York, MARVIN MINOTT, a/k/a, "Tyson Smith," the defendant, knowing he had previously been convicted in a court of a crime punishable by imprisonment for a term exceeding one year, knowingly did possess ammunition, to wit, rounds of 9mm

ammunition manufactured by GFL, Speer, and Sellier & Bellot, which had previously been shipped and transported in interstate commerce.

(Title 18, United States Code, Sections 922(g)(1), 924(a)(2) and 2.)

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

3. I have been involved in the investigation of this matter, and I base this affidavit on that experience, as well as on 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 Defendant's Criminal History**

4. Based on my review of criminal history records for MARVIN MINOTT, a/k/a, "Tyson Smith," the defendant, I have learned the following:

a. On or about November 1, 2013, MINOTT pleaded guilty in Bronx County Supreme Court to one count of Attempted Assault in the First Degree, in violation of New York Penal Law Section 120.10, which is a Class B felony that carries a maximum term of imprisonment of 25 years. On or about November 1, 2013, MINOTT was sentenced to a term of imprisonment of 7 years.

#### **Overview of the August 12, 2021 Shooting Incident**

5. As set forth in greater detail below, it appears that MARVIN MINOTT, a/k/a, "Tyson Smith," the defendant, committed a shooting on or about August 12, 2021, during which he possessed a firearm (the "Firearm") and ammunition. Specifically, it appears that on or about August 12, 2021, MINOTT was involved in an initial physical altercation, see *infra* ¶¶6-7. MINOTT subsequently walked to his residence located in an apartment building on Davidson Avenue in the Bronx, New York ("Minott's Apartment"), where he changed his clothes and shoes. See *infra* ¶¶ 8-10. MINOTT eventually returned to the vicinity of the initial altercation, drew his Firearm, and proceeded to shoot at the occupant(s) of a black

Mazda (the "Mazda"). A shell casing from the Firearm was recovered by law enforcement at the scene of the shooting. See *infra* ¶ 14. On or about September 16, 2021, law enforcement personnel conducted a search of Minott's Apartment pursuant to a search warrant and recovered, among other things, a firearm that appeared to be one and the same as the Firearm used in the August 12, 2021 shooting, ammunition, as well as clothing that appeared to be one and the same as clothing worn by MINOTT on August 12, 2021. See *infra* ¶ 19(a)-(e).

### **The First Altercation**

6. Based on my review of surveillance footage recovered from 1973 Walton Avenue in the Bronx, New York, I have learned the following, among other things:

a. At approximately 6:31 PM, a man ("Subject-1") wearing a red hat, gray shirt, dark-colored jeans, and black sneakers, exited a black Mazda car that was double-parked on Walton Avenue, near the intersection of East Tremont Avenue. Subject-1 then engaged in conversation with a man on the sidewalk in front of a grocery store located at 1973 Walton Avenue (the "Grocery Store").

b. At approximately 6:35 PM, Subject-1 walked northbound on the sidewalk on Walton Avenue and approached a group of three men, including an individual who appears to be MARVIN MINOTT, a/k/a, "Tyson Smith," the defendant. Subject-1 and MINOTT then engaged in a physical altercation on the sidewalk. After the altercation, Subject-1 ran back to the Mazda, opened the driver's side door, and reached into the Mazda, where he appears to retrieve an object from the center console. Subject-1 then pursued MINOTT on foot up the sidewalk on Walton Avenue.

7. Based on my review of surveillance footage recovered from 20 East 179th Street, which is around the corner from the Grocery Store, I have learned the following, among other things:

a. The surveillance footage shows the same physical altercation between MARVIN MINOTT, a/k/a, "Tyson Smith," the defendant, and Subject-1, described above, see *supra* ¶ 6.

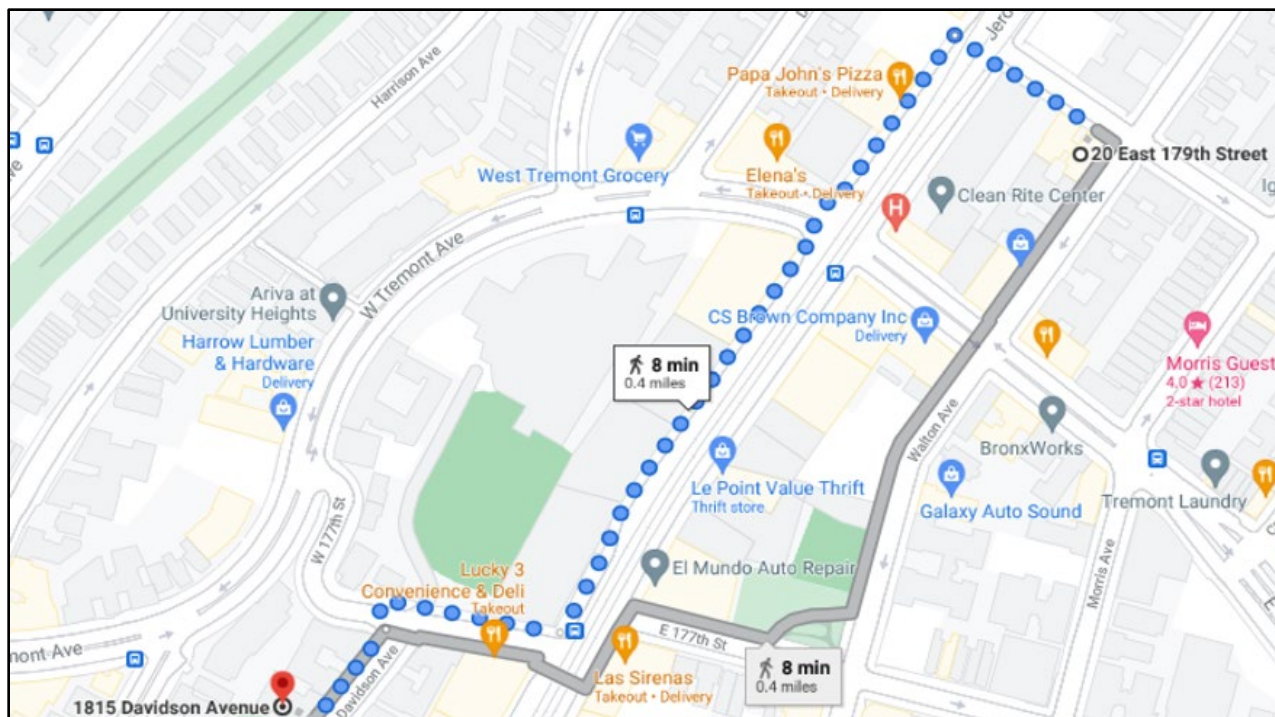
b. The surveillance footage shows MINOTT walking up the sidewalk, away from the altercation, wearing the following clothes: a black hat with a yellow letter P; a black

t-shirt with red, yellow, and white writing; grey-colored pants; and black and yellow Nike shoes. A still photograph of MINOTT from the surveillance footage is shown below:



**The Defendant Returns to His Apartment and Changes His Clothes**

8. Based on my review of the above-described surveillance footage, as well as surveillance footage recovered from 1815 Davidson Avenue in the Bronx, New York ("Minott's Apartment Building"), described below, and my review of a map from Google, it appears that MARVIN MINOTT, a/k/a, "Tyson Smith," the defendant, ran from the location of the altercation with Subject-1 to Minott's Apartment Building. A map depicting the approximate route between these two locations is shown below:



9. Based on my review of surveillance footage recovered from Minott's Apartment Building, I have learned that MARVIN MINOTT, a/k/a, "Tyson Smith," the defendant, arrived outside of Minott's Apartment Building at approximately 6:41 PM and proceeded to immediately enter the building.

10. Based on my review of surveillance footage recovered from directly outside of Minott's Apartment, I have learned that MARVIN MINOTT, a/k/a, "Tyson Smith," the defendant entered his apartment (i.e., Minott's Apartment) at approximately 6:43 PM, wearing the outfit described above. Within approximately four minutes, MINOTT exited his apartment wearing a new outfit: a black t-shirt, black do-rag, blue jeans with a ripped pattern, a black Apple watch, and tan-colored sneakers.

### **The Second Altercation**

11. Based on my review of surveillance footage recovered from 1973 Walton Avenue in the Bronx, New York, I have learned the following, among other things:

a. At approximately 6:43 PM, a man wearing a white shirt, white and black shorts, black hat, and black sandals ("Subject-2"), was confronted by a male wearing a blue shirt, colorful shorts, and white sneakers ("Subject-3"). A physical fight took place between Subject-2 and Subject-3.

Subject-2 then walked to the other side of the street and moments later, at approximately 6:54 PM, a crowd of bystanders on the street reacted to something (e.g., gunshots), and took cover.

12. Based on my review of surveillance footage recovered from 54 East 179th Street, I have learned the following, among other things:

a. At approximately 6:55 PM, Subject-2 met with a woman and two children.

b. Subject-2 then pulled out a firearm, which appears to malfunction as Subject-2 attempts to "rack-the-slide", i.e., to place the first round in the chamber of the gun by manually pulling back the slide of the gun.

c. At around the same time, an individual who appears to be MARVIN MINOTT, a/k/a, "Tyson Smith," the defendant, arrived on the opposite side of the street from where Subject-2, the woman, and two children are walking. MINOTT, who appears to be holding the Firearm in his hand, then began to chase Subject-2.

d. Shortly thereafter, MINOTT stopped chasing Subject-2, who was still running away from MINOTT. Subject-2 and the woman and two children then entered 20 East 179th Street.

### **The Third Altercation**

13. Based on my review of surveillance footage recovered from 1973 Walton Avenue i.e., the location of the first incident described above, I have learned the following, among other things:

a. At approximately 6:55 PM, an individual who appears to be MARVIN MINOTT, a/k/a, "Tyson Smith," the defendant, returned to the vicinity of the Grocery Store, where he had a brief conversation with Subject-3.

b. At approximately 7:22 PM, an individual driving the Mazda arrived in the vicinity of the Grocery Store. At the time the Mazda arrived, MINOTT was standing in front of the Grocery Store. Within moments of the arrival of the Mazda, an individual in the Mazda fired shots at MINOTT, who ducked his head and pulled out the Firearm. Other bystanders also ducked and took cover. Pictures of MINOTT as he is being shot at (on

the left), and with his Firearm drawn (on the right) are shown below:



14. Based on my review of a report from the evidence collection team ("ECT"), I have learned that on the night of the shooting, August 12, 2021, ECT recovered a .38 caliber shell casing in the vicinity of where MARVIN MINOTT, a/k/a, "Tyson Smith," the defendant, had drawn the Firearm and appeared to discharge the Firearm at the occupant of the Mazda.

15. Based on my review of surveillance footage from Minott's Apartment Building, I have learned that an individual who appears to be MARVIN MINOTT, a/k/a, "Tyson Smith," the defendant, returned to Minott's Apartment Building at approximately 7:50 PM, and entered Minott's Apartment, at approximately 7:51 PM.

16. Based on my review of the security footage described above, and a photo of MARVIN MINOTT, a/k/a, "Tyson Smith," the defendant, from his criminal history report, the individual described as MINOTT throughout this affidavit appears to be the same person as the individual in MINOTT's criminal history report (i.e., MINOTT).

**Social Media Photos**

17. Based on my review of photos from the Facebook account page at <https://www.facebook.com/marvin.minott.161> (the "Minott Facebook Account"), and my review of the criminal history report of MARVIN MINOTT, a/k/a, "Tyson Smith," the defendant, I have learned the following, among other things:

a. MINOTT's criminal history report includes both the name "Tyson Smith," which is listed as the primary name, as well "Marvin Minott."

b. On or about December 10, 2020, and July 18, 2021, the Minott Facebook Account posted the following two photos, respectively (from left to right):





18. Based on my comparison of the two images above to surveillance footage from the Third Altercation described above, see *supra* ¶¶ 13-14, I have observed that MARVIN MINOTT, a/k/a, "Tyson Smith," appears to be wearing the same sneakers, as well as the same black Apple watch as shown above in the Minott Facebook Account pictures. A still photo captured from the video surveillance footage of MINOTT during the shooting incident is shown below. The black Apple watch and tan sneakers are circled in red:



**The September 16, 2021 Search of Minott's Apartment**

19. Based on my participation in a search of Minott's Apartment that took place on or about September 16, 2021, pursuant to a judicially-authorized search warrant (the "Search"), I have learned the following, among other things:

a. When I and other law enforcement personnel arrived at Minott's Apartment to conduct the Search, MARVIN MINOTT, a/k/a, "Tyson Smith," the defendant, was present in the apartment, as well as a woman, believed to his significant other. MINOTT's mother and sister were also present in the apartment at the time of the Search. Based on my observations of MINOTT during the Search and my review of the individual in the surveillance photos shown above, *see supra* ¶¶ 6-18, it appears that they are one and the same person. There were no other occupants present in the apartment.

b. Law enforcement personnel recovered a New York State identification card in the name of "Marvin Minott" during the Search.

c. Law enforcement personnel recovered a firearm (the "Recovered Firearm") and magazine in the bedroom closet of Minott's Apartment, inside of a red container. The Recovered Firearm appears to be a privately manufactured firearm or "ghost gun," meaning that it was not manufactured or assembled by a traditional firearms manufacturer and does not contain a serial number. The Recovered Firearm resembled the size, shape, and color of the Firearm, *see supra* ¶ 13(b). A photo of the Recovered Firearm is shown below:



d. The ammunition was found inside of the magazine in the bedroom closet of Minott's Apartment. The rounds of ammunition included, among other ammunition, 9mm

ammunition manufactured by GFL, Speer, and Sellier & Bellot ("S&B").

e. Law enforcement agents recovered clothing, shoes, and other items, that appeared to be the same items worn by MARVIN MINOTT, a/k/a, "Tyson Smith," the defendant, on the day of the altercation and shooting incidents described above, see *supra* ¶¶ 6-18. Among other items, law enforcement recovered a pair of Nike tan-colored sneakers, a pair of black and yellow-colored Nike sneakers, a black Apple watch, and a black hat with a yellow letter P on the front. Photos of the sneakers and hat are shown below:



20. Based on my training, experience, and participation in this investigation, I have learned that Federal, GFL, Speer, and S&B ammunition are manufactured outside of New York.

WHEREFORE, deponent respectfully requests that MARVIN MINOTT, a/k/a, "Tyson Smith," the defendant, be imprisoned or bailed, as the case may be.

S/ Joseph Boyer /otw

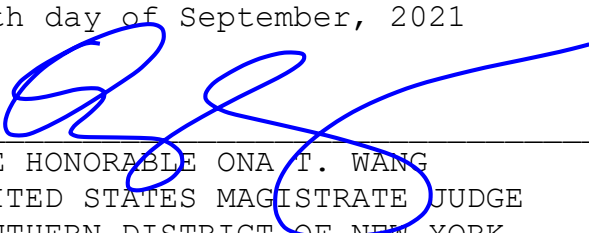
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JOSEPH BOYER

Detective

New York Police Department

Sworn to me through the transmission of this Complaint by reliable electronic means, pursuant to Federal Rules of Criminal Procedure 41(d)(3) and 4.1, this 16th day of September, 2021



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THE HONORABLE ONA T. WANG  
UNITED STATES MAGISTRATE JUDGE  
SOUTHERN DISTRICT OF NEW YORK