

# UNITED STATES DISTRICT COURT

for the

Southern District of New York

United States of America

v.

LEON FENNER,

*Defendant*

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)  
)  
)  
)  
)

Case No.

**14 MAG 2572**

## ARREST WARRANT

To: Any authorized law enforcement officer

**YOU ARE COMMANDED** to arrest and bring before a United States magistrate judge without unnecessary delay

(name of person to be arrested) Leon Fenner

who is accused of an offense or violation based on the following document filed with the court:

- Indictment       Superseding Indictment       Information       Superseding Information       Complaint
- Probation Violation Petition       Supervised Release Violation Petition       Violation Notice       Order of the Court

This offense is briefly described as follows:

- 18 U.S.C 1951, Interference with Commerce by Robbery
- 18 U.S.C. 924(c), Brandishing of Firearm During Crime of Violence

Date: 11/14/2014

*S/ Sarah Netburn*  
Issuing officer's signature

City and state: New York, NY

Honorable Sarah Netburn, U.S.M.J.  
Printed name and title

### Return

This warrant was received on (date) \_\_\_\_\_, and the person was arrested on (date) \_\_\_\_\_  
at (city and state) \_\_\_\_\_

Date: \_\_\_\_\_

\_\_\_\_\_  
Arresting officer's signature

\_\_\_\_\_  
Printed name and title

14 MAG 2572

Approved: Russell Capone  
RUSSELL CAPONE  
Assistant United States Attorney

Before: HONORABLE SARAH NETBURN  
United States Magistrate Judge  
Southern District of New York

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UNITED STATES OF AMERICA : SEALED COMPLAINT  
- v. - : Violations of 18 U.S.C.  
LEON FENNER, : §§ 1951, 924(c)  
 : COUNTY OF OFFENSE:  
Defendant. : NEW YORK  
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SOUTHERN DISTRICT OF NEW YORK, ss.:

Robert Hahn, 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 November 11, 2014, in the Southern District of New York, LEON FENNER, the defendant, 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, FENNER committed an armed robbery of a jewelry business that operates in interstate commerce on 47<sup>th</sup> Street in Manhattan.

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

COUNT TWO

2. On or about November 11, 2014, in the Southern District of New York, LEON FENNER, 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, the 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, which was brandished.

(Title 18, United States Code, Section 924(c).)

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

3. I have been a Detective with the New York City Police Department for approximately 20 years. 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 agents and other individuals. 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.

4. On November 11, 2014, the NYPD received a report of a commercial robbery that took place at a jewelry store (the "Store") on the 8th Floor of a building on 47th Street in the Diamond District of Manhattan. Based on my discussions with the owner of the Store (the "Owner"), I learned that the Store is not open to the public but is a space where private clients can view and purchase jewelry.

5. At the time of the robbery, the Owner and three other individuals were present inside of the Store although, as explained below, other individuals showed up during the course of the robbery. I and other members of the NYPD have interviewed the four individuals who were present at the beginning of the robbery, and their accounts of the events of the robbery were substantially similar. Based on my attendance at those interviews and discussions with other NYPD personnel who were present at those interviews, I learned the following:

a. At approximately 2:20 p.m., a male ("Perpetrator-1") dressed in a suit and overcoat, wearing a hat, and without gloves, came to the door of the Store and rang the doorbell. Perpetrator-1 was carrying a black bag. The door is typically locked and was at the time.

b. The Owner viewed Perpetrator-1 through a closed-circuit video monitor, and thought that Perpetrator-1 was a messenger. Another individual in the Store opened the door and Perpetrator-1 entered the Store.

c. After entering the Store, Perpetrator-1 asked for the Owner and said, in sum and substance, that he was there to serve the Owner with papers. Perpetrator-1 then took two large yellow envelopes (the "Envelopes") out of his bag and placed them on a desk. The Owner was identified and Perpetrator-1 then took out a black semiautomatic gun and pointed it at the Owner and the other three individuals in the Store and demanded that they give him all the jewelry in the Store. The Owner and the others began taking watches and jewelry out of the safe in the Store as well as from a display case and other locations and placed them in Perpetrator-1's bag.

d. At the time that Perpetrator-1 was robbing the Store, another male ("Perpetrator-2"), wearing a black sweatshirt and a red baseball hat, was standing in the hallway outside of the Store. Individuals inside the Store were able to see Perpetrator-2 by virtue of the closed circuit video monitor that is inside the Store.

e. As the robbery was occurring, a relative of the Owner arrived and was let into the Store. Perpetrator-1 pistol-whipped the Owner's relative as he entered the Store. Subsequently, three other associates of the Owner arrived outside the Store entrance, where they saw Perpetrator-2 in the hallway. The individuals were let into the Store, where they saw Perpetrator-1. Very soon after they entered, Perpetrator-1 left the Store, carrying the bag containing the stolen merchandise, and he and Perpetrator-2 got in the elevator and left the building.

f. Among the items robbed by Perpetrator-1 were more than 20 luxury watches, as well as other expensive gold jewelry, with at least a value of \$600,000.

6. Based on my discussions with the Owner, I know that the Store obtains high-end jewelry and watches from providers outside of New York and sells that merchandise to various clients both in and out of state.

7. The Envelopes left at the Store by Perpetrator-1 were provided to an NYPD laboratory (the "Laboratory") for

analysis. Based on my discussion with an analyst at the NYPD's latent print unit, I learned the following:

a. Three latent fingerprints suitable for analysis were recovered from one of the Envelopes. Those prints were provided to the latent print unit.

b. Analysis at the latent print unit determined that all three fingerprints recovered from one of the Envelopes matched fingerprints in a law enforcement database for LEON FENNER, the defendant.

8. I have reviewed surveillance footage from the vicinity of 47<sup>th</sup> Street between 5<sup>th</sup> and 6<sup>th</sup> avenues from the time immediately preceding and following the robbery of the Store on November 11, 2014. I have also shown some of the surveillance footage from before the robbery to one of the individuals inside of the Store during the robbery (the "Victim"). Based on my review of the footage, including showing the footage to the Victim, I learned the following:

a. Just before the Robbery, two males matching the physical and clothing descriptions of Perpetrator-1 and Perpetrator-2 provided by the individuals inside the Store can be seen walking, separately, eastbound on 47<sup>th</sup> Street toward the Store, and then directly across the street from the Store.

b. The Victim identified the surveillance images of these two individuals as depicting Perpetrator-1 and Perpetrator-2.

9. I have reviewed a photograph and other physical descriptors of LEON FENNER, the defendant, obtained from an NYPD database. I believe, based on my comparison of that photograph and information to the surveillance images of the individual identified as Perpetrator-1, that FENNER is Perpetrator-1.

WHEREFORE, the deponent respectfully requests that LEON FENNER, the defendant, be imprisoned, or bailed, as the case may be.



Robert Hahn  
Detective  
New York City Police Department

Sworn to before me this  
14th day of November, 2014.



THE HONORABLE SARAH NETBURN  
UNITED STATES MAGISTRATE JUDGE  
SOUTHERN DISTRICT OF NEW YORK