

Approved: [Signature]  
BRENT S. WIBLE/DANIEL L. STEIN  
Assistant United States Attorneys

Before: THE HONORABLE DOUGLAS F. EATON  
United States Magistrate Judge  
Southern District of New York

09 MAG 1192  
SEALED  
COMPLAINT

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UNITED STATES OF AMERICA :  
- v. - :  
SHAWN JENKINS, :  
Defendant. :  
: Violation of 18  
: U.S.C. § 1951(a)  
: COUNTY OF OFFENSE:  
: NEW YORK  
: :  
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SOUTHERN DISTRICT OF NEW YORK, ss.:

SEAN SMYTH, being duly sworn, deposes and says that he is a Senior Special Agent with Immigration and Customs Enforcement ("ICE"), in the Department of Homeland Security, currently assigned to the Organized Crime Drug Enforcement Strike Force ("Strike Force") and charges as follows:

COUNT ONE

1. In or about May 2009, in the Southern District of New York, SHAWN JENKINS, the defendant, unlawfully, wilfully and knowingly, did attempt to commit robbery, as that term is defined in Title 18, United States Code, Section 1951(b)(1), and thereby obstructed, delayed, and affected 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, JENKINS gave a confidential informant an NYPD document in furtherance of his plan to invade an apartment formerly inhabited by a drug dealer and forcibly steal approximately \$900,000 in narcotics proceeds.

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

COUNT TWO

2. In or about May 2009, in the Southern District of

New York, SHAWN JENKINS, the defendant, together with others known and unknown, unlawfully, wilfully and knowingly, conspired to commit robbery, as that term is defined in Title 18, United States Code, Section 1951(b)(1), and thereby obstructed, delayed, and affected 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, JENKINS conspired to invade an apartment formerly inhabited by a drug dealer and forcibly steal approximately \$900,000 in narcotics proceeds.

(Title 18, United States Code, Section 1951(a).)

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

3. I am a Senior Special Agent with ICE and am currently assigned to the Strike Force. I have been personally involved in the investigation of this matter. This affidavit is based upon my conversations with a confidential informant as well as other law enforcement officials, and my examination of pertinent documents and recordings. Because this affidavit is being submitted for the limited purpose of establishing 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.

4. SHAWN JENKINS, the defendant, is employed as a police officer with the New York City Police Department. He is currently assigned to the 23<sup>rd</sup> precinct in Manhattan, and works as a highway safety officer whose primary responsibility consists of issuing summonses for traffic violations.

5. I have met with a confidential informant ("CI"),<sup>1</sup> and have learned the following, in substance and in part:

a. During the course of several telephone calls and meetings between on or about May 5, 2009, and on or about May 12, 2009, SHAWN JENKINS, the defendant, discussed robbing an apartment located on Broadway in upper Manhattan (the "Apartment") with the CI. Many of those phone calls, and one of the meetings, were audio-recorded. I have reviewed many of those

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<sup>1</sup> The CI has provided accurate and reliable information that has been corroborated through the use of other investigative techniques.

recordings.

b. JENKINS told the CI that a drug dealer used to live in the Apartment (the "Former Occupant") and store money there, but the Former Occupant had been arrested and deported. JENKINS further told the CI that the Former Occupant knew there was approximately \$900,000 hidden under the floor in a closet in the Apartment. JENKINS also told the CI that he used to work for the Former Occupant as a bodyguard, and that the Former Occupant wanted him to retrieve the money from the Apartment and give approximately \$500,000 of it to the Former Occupant's mother. JENKINS said that the Former Occupant had sent him a letter containing a diagram of the Apartment.

c. On or about May 7, 2009, the CI, under the supervision of law enforcement officers, met with JENKINS in the vicinity of the 23<sup>rd</sup> precinct. That meeting, which took place in JENKINS' car, was both video- and audio-recorded. During the meeting, JENKINS and the CI discussed stealing approximately \$900,000 from the Apartment. They discussed a plan in which the CI would pose as a law enforcement officer, knock on the Apartment door, serve an official document on the Apartment's current occupant (the "Current Occupant") in order to enter the Apartment, then use a stun gun to immobilize the Current Occupant. JENKINS specified that he wanted to commit the robbery in the presence of the Current Occupant. JENKINS and the CI would then take the money out of the Apartment in a suitcase or laundry bags. JENKINS and the CI discussed wearing disguises, including possibly raid jackets or other police clothing, and using handcuffs to secure the Current Occupant. During this meeting, JENKINS gave the CI a blank NYPD form labeled "Statement of Personal Service" to serve on the Current Occupant, which the CI, in turn, provided to law enforcement.

6. Based on information provided by the CI and a review of ICE records, law enforcement officers identified the Former Occupant, who was convicted of conspiracy to distribute cocaine and cocaine base, in a form commonly known as "crack," in the United States District Court for the Southern District of New York in or about 2002, and was subsequently deported to the Dominican Republic from the United States in or about January 2008.

7. Based on my training and experience, I believe that the reason the Former Occupant wanted SHAWN JENKINS, the defendant, to provide the money to the Former Occupant's mother was either to pay a drug-related debt or to remit the money to the Former Occupant in the Dominican Republic. I therefore

believe that the planned robbery would have a potential effect on commerce.

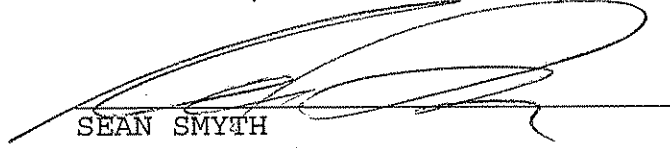
8. I have met with the Current Occupant and have learned the following, in substance and in part:

a. The Current Occupant moved into the Apartment in or about April 2008.

b. Since in or about April 2008, there have been several attempted burglaries of the Apartment. For example, in or about July 2008, while the Current Occupant was on vacation, the Apartment was burglarized. During that burglary, the burglars ripped up the floorboard of a closet in the Apartment.

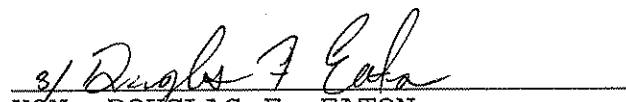
9. On or about May 12, 2009, SHAWN JENKINS, the defendant, spoke to the CI on the telephone and told the CI that he wanted to rob the Apartment tonight.

WHEREFORE, deponent prays that a warrant be issued for the arrest of SHAWN JENKINS, the defendant, and that he thereafter be imprisoned or bailed, as the case may be.



SEAN SMYTH  
Senior Special Agent  
Immigration and Customs Enforcement  
Dept. of Homeland Security

Sworn to before me this  
12<sup>th</sup> day of May, 2009

  
HON. DOUGLAS F. EATON  
UNITED STATES MAGISTRATE JUDGE  
SOUTHERN DISTRICT OF NEW YORK