



U.S. Department of Justice

*United States Attorney
Eastern District of New York*

JPM:AMR
F. #2023R00487

*271 Cadman Plaza East
Brooklyn, New York 11201*

July 25, 2023

By ECF

The Honorable Marcia M. Henry
United States Magistrate Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: United States v. Tony Clanton and Lawrence Dotson
Docket No. 23-MJ-664

Dear Judge Henry:

The government respectfully submits this letter in support of its application for the detention of the defendants Tony Clanton and Lawrence Dotson, who will be presented today on a complaint charging them with conspiracy to commit Hobbs Act robbery using firearms. As described below, the defendants, each of whom has a violent criminal history, participated in at least five completed or attempted robberies between January 20, 2023 and July 12, 2023. Detention is the only means to protect the public and ensure the defendants' appearance in court.

I. Factual Background

A. Offense Conduct

1. January 20, 2023: Home Invasion on Staten Island, New York

On January 20, 2023, the defendants Tony Clanton and Lawrence Dotson attempted to burglarize a residence on Clinton Avenue in Staten Island, New York using guns. Surveillance video from the apartment complex where the crime happened shows a man wearing a white Tyvek-style painting suit and gloves walking into the apartment building, leaving and getting into a U-Haul van parked across the street, and reentering the building. The video shows the resident of the apartment ("Victim-1") and Victim-1's child entering the vestibule and the man in the Tyvek suit closing the door behind them. The man in the Tyvek suit then pointed a silver revolver at Victim-1 and said, in substance, "Don't make this a homicide," struck Victim-1 in the head with the gun, causing Victim-1 to fall to the floor, and fired a shot from the gun. A second perpetrator armed with a gun is then shown on video running into the door and entering

the building. This second gunman took Victim-1's apartment keys and tried unsuccessfully to use them to open Victim-1's apartment door, after which point both perpetrators fled in the U-Haul van. Figures 1 and 2 below show the man in the Tyvek suit and the second gunman who rushed the door entering separately; Figure 3 shows them fleeing together.



Figure 1



Figure 2



Figure 3

Video footage from the days leading up to the home invasion described above shows the two perpetrators surveilling the building as part of the planning of the crime using the U-Haul van and a white Mercedes registered to the defendant Lawrence Dotson (the “Dotson Mercedes”). Records from U-Haul show that the van used in the surveillance and the home invasion was rented using information associated with the defendant Tony Clanton.

Cell phone location information shows that the defendants’ cell phones were in the vicinity of the January 20, 2023 home invasion around the time it occurred.

2. June 3, 2023: Gunpoint Robbery of Annadale Smoke Shop

On June 3, 2023, the defendants Tony Clanton and Lawrence Dotson robbed Annadale Smoke Shop, which is located in Staten Island, New York, approximately 0.3 miles from Dotson’s residence. At approximately 10:15 p.m., the defendants, wearing masks, approached a person working at the smoke shop (“Victim-2”) and each brandished a firearm.¹ The defendants then pushed Victim-2 into the inside the store, tied up Victim-2’s hands using zip ties, and pressed a gun to the back of Victim-2’s head. The defendants took approximately \$4,700 from Victim-2’s person, approximately \$1,000 in cash from the store’s register, and packages of cigarettes from behind the counter.

Figure 4 below shows the defendants holding guns while forcing Victim-2 to lie on the pavement outside of the store. The guns are indicated with red circles.

¹ The gunmen are identified as the defendants Tony Clanton and Lawrence Dotson based on, among other things, their height, weight, build, skin tone, and modus operandi in other robberies, which are consistent with those of the defendants.

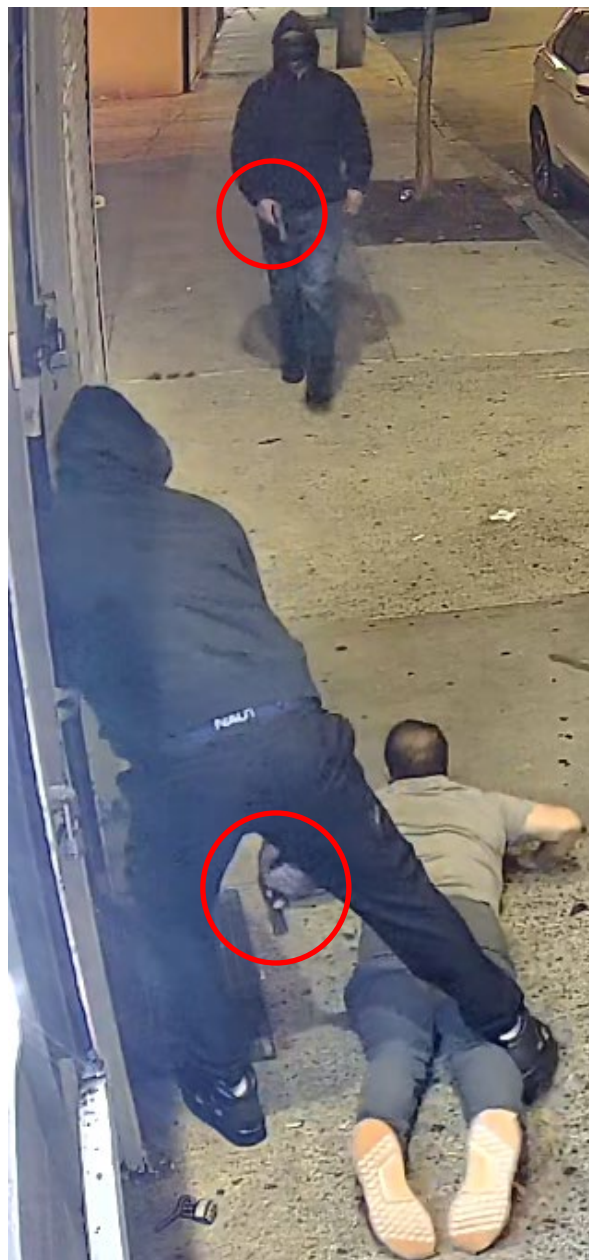


Figure 4

Video footage from a traffic camera near Annadale Smoke Shop shows a gray sedan that appears to be a gray BMW sedan registered to defendant Tony Clanton's business (the "Clanton BMW"), followed by an SUV that appears to be a black Infiniti SUV registered to Clanton's brother (the "black Infiniti"), followed by the defendant Lawrence Dotson's white Mercedes. New York City Police Department records show that a speeding ticket was issued to Dotson's white Mercedes at that location around the time of the video. Figure 5 below indicates the approximate location of Annadale Smoke Shop, which is marked with a red pin near the bottom right, and the intersection of Jefferson Boulevard and Carlton Boulevard, which is marked with a red circle near the top left.

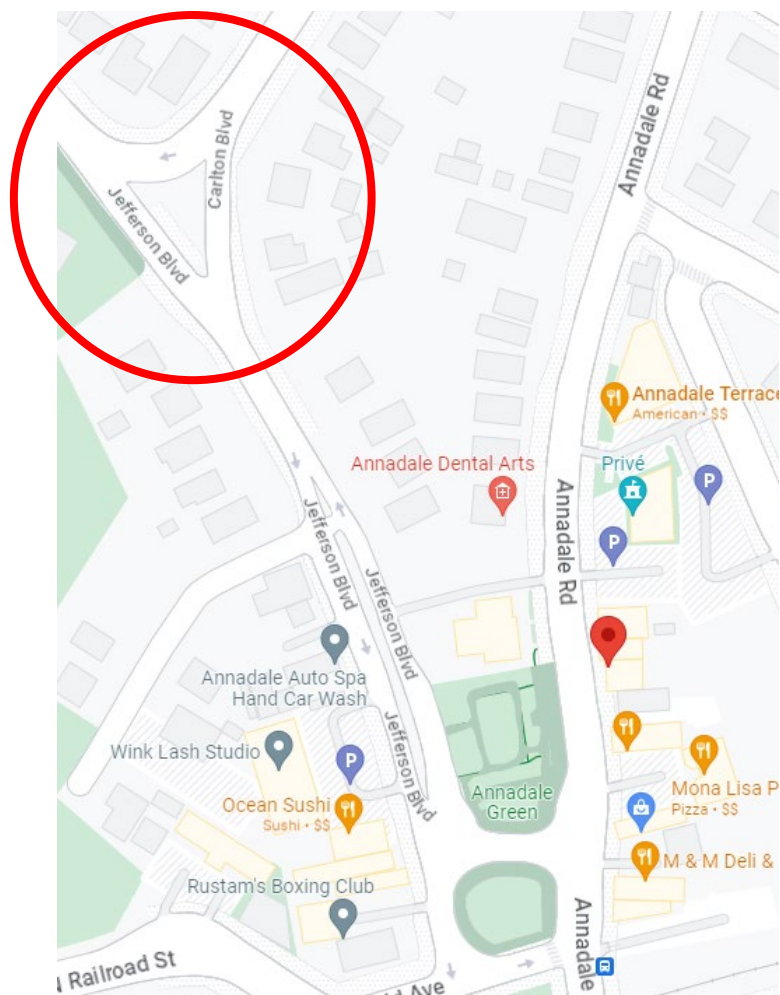


Figure 5

Cell phone location information shows that the defendants' cell phones were in the vicinity of Annadale Smoke Shop around the time of the robbery. Phone company records also show that at approximately 10:08 p.m., the defendants' phone numbers had a phone call with each other lasting approximately 30 minutes. During that call, both phones connected to a cell tower and sector that covered the vicinity of Annadale Smoke Shop but did not cover Dotson's nearby residence. The location and duration of this call indicate that the defendants met in person and used these phones to communicate with each other around the time of the Annadale Smoke Shop robbery. As described below, the defendants used a similar modus operandi to communicate with each other around the time of an attempted home invasion three weeks later, on June 24, 2023.

3. June 24, 2023 Menacing and Attempted Home Invasion

On the evening of June 24, 2023, on Gunton Place in Staten Island, New York, a man with a gun menaced a resident of that block ("Victim-3") and tried to force his way into Victim-3's home.

On June 24, 2023, at approximately 8:30 p.m., Victim-3 was seated in the front passenger seat of the Dotson Mercedes, the same car driven in the January 20 and June 3, 2023 crimes. Lawrence Dotson, who Victim-3 later identified to law enforcement officers as Victim-3's friend, was seated in the driver's seat.

Video footage from Victim-3's residence shows that shortly before the incident, the Clanton BMW drove eastbound on Gunton Place past the Dotson Mercedes in the direction of Totten Street. While Victim-3 was speaking with Dotson, a man entered the rear passenger door of the Dotson Mercedes, displayed a gun to Victim-3, and told Victim-3 not to move.

The video footage shows that Victim-3 got out of the Dotson Mercedes and ran into Victim-3's home, and the gunman also got out of the Dotson Mercedes, ran to the door of the home, and attempted unsuccessfully to force his way inside seconds after Victim-3 and a child closed the door. Figure 6 below shows the gunman trying to force open Victim-3's door.



Figure 6

Video footage from another home on Gunton Place shows the gunman running away and getting into the Clanton BMW on Totten Street, which then drove away.

Phone company records show that on June 24, 2023, at approximately 8:31 p.m., the defendants' phone numbers had a phone call lasting approximately five minutes during which both phones connected to a cell tower located approximately 2.2 miles from the attempted home invasion. Phone company records also show that at approximately 8:40 p.m., the defendant's phone numbers had a phone call lasting approximately 22 minutes during which both phones connected to a cell tower in the vicinity of the attempted home invasion. Like the calls around the time of the June 3, 2023 robbery, the locations and durations of these calls indicate that the defendants met in person and communicated with each other by phone around the time of the attempted home invasion.

4. June 27, 2023 Impersonation and Attempted Robbery in Edison, New Jersey

On the evening of June 27, 2023, two men armed with guns impersonated FBI agents in an attempt to rob a jewelry store owner (“Victim-4”) at Victim-4’s home in Edison, New Jersey. Video footage and license plate reader records show that the Dotson Mercedes, the Clanton BMW, and the black Infiniti were in the area for hours before the robbery, surveilling Victim-4’s jewelry store and home. When Victim-4 left the jewelry store, the defendants followed Victim-4’s car to Victim-4’s driveway. Victim-4 reported that two men approached Victim-4’s car while wearing masks, what appeared to be bulletproof vests with the letters “FBI,” and an FBI badge. One of the men had a gun raised in his right hand, used it to knock on the passenger side window of Victim-4’s car, and said, in substance, “Come out of the car,” while the other man stood at the driver’s side window. Victim-4 drove away from the residence.

Dash camera videos from two police cars show that the Dotson Mercedes, the Clanton BMW, and the black Infiniti were traveling together near the vicinity of the attempted robbery of Victim-4 shortly after it was reported. Additionally, cell phone location information shows that the defendants’ cell phones were in the vicinity of the attempted robbery around the time it occurred. Phone company records also show that around certain times that the license plate reader records indicate that the defendants’ cars were traveling together, the defendants’ cell phones were communicating with each other and were near each other, as they were on June 3 and 24, 2023.

Video footage and records from a Harbor Freight Tools store on Staten Island show that on the morning of June 27, 2023, before the attempted robbery in Edison, New Jersey, defendant Tony Clanton drove the Clanton BMW to the store, purchased a 10-pack of zip ties, and drove away in the Clanton BMW. Significantly, zip ties were the same items the defendants used to restrain Victim-2 during the June 3, 2023 Annadale Smoke Shop robbery.

5. July 12, 2023: Armed Robbery in Brooklyn, New York

On July 12, 2023, at approximately 2:50 p.m., a man armed with a gun robbed an owner of an ice cream store (“Victim-5”) at Victim-5’s home in Brooklyn, New York. That afternoon, Victim-5 visited the ice cream store, collected approximately \$6,700 in cash from the store, and changed the cash into larger bills at a TD Bank branch in Brooklyn. Victim-5 then drove toward Victim-5’s home, tailed by a white Mercedes-Benz registered to defendant Tony Clanton (the “Clanton Mercedes”). As Victim-5 walked to the door, a man wearing a ski mask approached Victim-5, displayed a gun, and took Victim-5’s bag while pointing the gun. The gunman then drove away in the Clanton Mercedes.

Video footage from a traffic camera located approximately 1.5 blocks from the location of the robbery shows the Clanton Mercedes driving past that area approximately one to two minutes before the robbery. Location information for defendant Tony Clanton’s phone number shows that it was in the vicinity of the TD Bank branch and Victim-5’s residence around the time of the robbery.

B. Criminal Histories

Both defendants have serious and violent criminal histories. The government's assessment is that, if convicted, defendant Clanton will fall within Criminal History Category VI, owing to his convictions for Hobbs Act robbery and firearm possession (1997), robbery (1998), possession of a controlled substance and a firearm (2008), and assault in the second degree (2009), all of which resulted in substantial prison sentences. If defendant Dotson is convicted, the government's assessment is that he will fall within Criminal History Category III due to his 1991 conviction for attempted homicide and his 1992 convictions for murder and firearm possession.

1. Tony Clanton

Clanton's Hobbs Act and firearm convictions stemmed from his robbery of an undercover police officer who had arranged to buy guns from him. Clanton robbed the undercover officer of jewelry and the buy money at gunpoint and, when other officers approached, Clanton tried to shoot the undercover officer. See Docket No. 97-CR-776 (ERK) (RER), ECF No. 105 (Proposed Findings of Fact and Recommendation) at 2. After his release from custody in 2005, Clanton violated the terms of his supervised release by committing an armed home invasion robbery the following year during which he shot a man in the leg. See id. at 4-7, 25.

The facts of Clanton's 2008 conviction for possessing a controlled substance and a firearm involved another home invasion robbery while impersonating a federal agent—the same type of crime Clanton appears to have attempted on June 27, 2023. In that case, Clanton approached a person (“the victim”) at home and showed the victim a fake Drug Enforcement Administration (“DEA”) shield and a fake search warrant. Clanton then kicked down an apartment door and stole a safe, approximately \$4,000 in cash, and personal papers. When law enforcement agents searched Clanton's residence, they found, among other things, a similar fake search warrant, a bulletproof vest, handcuffs, a counterfeit law enforcement identification card, drugs, guns, and other contraband.

The New York State Department of Corrections and Community Supervision (“DOCCS”) website indicates that Clanton was most recently released from state custody in 2016 and discharged from parole in July 2021, approximately 18 months before beginning to commit the crimes described herein.

2. Lawrence Dotson

Dotson was convicted of attempted homicide in New Jersey in 1991 and was sentenced to 30 days' imprisonment. Following his 1992 conviction in Richmond County, New York for murder and firearm possession, Dotson served over 26 years in prison. The DOCCS website indicates that Dotson was released in 2018 and, like Clanton, discharged from parole in July 2021, approximately 18 months before beginning to commit the crimes described herein.

II. Legal Standard

As a threshold matter, under the Bail Reform Act, Title 18, United States Code, Section 3141 *et seq.*, “[t]he judicial officer shall hold” a detention hearing on the government’s motion when a defendant is charged with a felony that “involves the possession or use of a firearm,” as defendants Clanton and Dotson are, or has previously been convicted of two or more crimes of violence, as both defendants have. 18 U.S.C. § 3142(f)(1)(D)-(E). A detention hearing must also be held in a case involving a “serious risk” that the defendant will flee, obstruct justice, or interfere with a prospective witness or juror. 18 U.S.C. § 3142(f)(2). Both subdivisions of § 3142 requiring a detention hearing—(f)(1) and (f)(2)—apply here.

Under the Bail Reform Act, federal courts are empowered to order a defendant’s detention pending trial upon a determination that “no condition or combination of conditions would reasonably assure the appearance of the person as required and the safety of any other person and the community[.]” 18 U.S.C. § 3142(e). A finding of dangerousness must be supported by clear and convincing evidence. *See United States v. Ferranti*, 66 F.3d 540, 542 (2d Cir. 1995). A finding of risk of flight need only be based on a preponderance of the evidence. *See United States v. Boustani*, 932 F.3d 79, 81 (2d Cir. 2019) (citing *United States v. Sabhani*, 493 F.3d 63, 75 (2d Cir. 2007)). In meeting its burden, the government is “not...bound by the rules of evidence...and may proceed by proffer.” *See United States v. Williams*, 654 Fed. Appx. 3, 3 (2d Cir. 2016) (citing *Ferranti*, 66 F.3d at 542); *see also United States v. LaFontaine*, 210 F.3d 125, 130-31 (2d Cir. 2000). In the pre-trial context, few detention hearings involve live testimony or cross-examination; most proceed by proffer. *Id.* at 131. This is because bail hearings are “typically informal affairs, not substitutes for trial or discovery.” *Id.* (internal quotation marks omitted); *see also United States v. Mercedes*, 254 F.3d 433, 437 (2d Cir. 2001) (“[The defendant] has twice been convicted of weapon possession—one felony conviction, and one misdemeanor conviction. We find the district court committed clear error in failing to credit the government’s proffer with respect to [the defendant’s] dangerousness”).

The concept of “dangerousness” encompasses not only the effect of a defendant’s release on the safety of identifiable individuals, such as victims and witnesses, but also “the danger that the defendant might engage in criminal activity to the detriment of the community.” *United States v. Millan*, 4 F.3d 1038, 1048 (2d Cir. 1993) (quoting legislative history). To put it differently, defendants “pose a danger to the community not only when they commit acts of violence, but also when it is likely they will commit non-violent acts that are detrimental to the community.” *United States v. Maratea*, No. 18-CR-337-5 (WFK), 2018 WL 11191537, at *3 (E.D.N.Y. Nov. 20, 2018).

Whether detention is sought on the basis of flight or dangerousness, the Bail Reform Act lists four factors to be considered in the detention analysis: (1) the nature and circumstances of the crimes charged, including whether the offense involves a firearm; (2) the history and characteristics of the defendant, including whether the defendant is currently on probation, parole, or other release; (3) the seriousness of the danger posed by the defendant’s release; and (4) the evidence of the defendant’s guilt. *See* 18 U.S.C. § 3142(g); *see also United States v. Jacobson*, 502 F. App’x 31, 32 (2d Cir. 2012). Where the evidence of guilt is strong, it provides “a considerable incentive to flee.” *Millan*, 4 F.3d at 1046; *see also United States v.*

Palmer-Contreras, 835 F.2d 15, 18 (1st Cir. 1987) (*per curiam*) (where “the evidence against defendants is strong, the incentive for relocation is increased”).

Where a judicial officer concludes after a hearing that “no condition or combination of conditions will reasonably assure the appearance of the person as required and the safety of any other person and the community, such judicial officer shall order the detention of the person before trial.” 18 U.S.C. § 3142(e)(1).

III. The Defendants Should Be Detained Pending Trial

The factors specified in the Bail Reform Act all weigh heavily in favor of the defendants’ detention. The defendants, recidivist violent criminals, have engaged in at least five gunpoint robberies in approximately the last six months, four of which took place over a five-week span in June and July 2023. They face long prison terms, and the evidence of their crimes is inescapably compelling. Detention is the only means to protect the public and prevent them from fleeing.

A. The Crimes Charged Are Serious and Dangerous

The defendants’ actions were extremely dangerous. By carrying guns in all five crimes, they created the potential for deadly violence to erupt at any moment, putting at risk the lives of a child, an ice cream store owner, and several others. In this case, the threat of mortal danger is far from hypothetical: a shot was fired on January 20, 2023, Clanton shot a man in 2006, and Dotson is a convicted murderer. Each time the defendants robbed someone, they put innocent lives at risk out of pure greed.

B. The Evidence Is Overwhelming

The proof of the defendants’ guilt is strong: as described above, video footage, license plate readers, cell phone location data, records from Harbor Freight Tools and U-Haul, and eyewitness testimony all connect them to the robberies. As a result of this evidence, they face a potential 20-year sentence if they are convicted of the crime charged in the complaint—to say nothing of any potential additional charges—counseling strongly against their release under any conditions. See Millan, 4 F.3d at 1046; Palmer-Contreras, 835 F.2d at 18.

C. Each of the Defendants Has a Serious Criminal History

The defendants’ histories of gun violence stretching back decades further establish that detention is necessary. In spite of significant prior terms of imprisonment, neither defendant has been sufficiently deterred from recidivating and there is no reason to believe that either would adhere to the conditions of pre-trial release. Troublingly, in Clanton’s case, he committed a shooting during a home invasion robbery while on supervised release for another robbery and attempted shooting, showing that he will not abide by any conditions of pretrial release. Furthermore, both defendants had been discharged from parole supervision close in time to the instant robbery spree, strongly suggesting that their return to theft and violent criminal activity has been underway for a considerable length of time.

D. The Defendants' Release Would Pose a Grave Danger to the Community

The danger these defendants pose is connected to their possession, use, and discharge of firearms. In the detention context and other contexts, courts have recognized not only the danger inherent in guns themselves, but the additional threat posed by a felon who chooses to arm himself with an instrument of death. See United States v. Williams, No. 20-CR-293-2, 2020 WL 4719982, at *3 (E.D.N.Y. Aug. 13, 2020) (“[T]he danger of Defendant’s release is demonstrated through the fact [that] Defendant’s instant and past offense involved the use of a firearm”); United States v. Harris, No. 19-CR-300, 2020 WL 4014901, at *7 (S.D.N.Y. July 16, 2020) (“Defendant’s arrest for being a felon in possession itself raises the specter of danger to the community”); United States v. Smalls, No. 20-CR-126, 2020 WL 1866034, at *1 (S.D.N.Y. Apr. 14, 2020) (affirming a magistrate judge’s order of detention that was based, in part, on “the general danger to the community posed by [the defendant’s] apparently ready access to firearms”); United States v. Gumora, 454 F. Supp. 3d 280, 291 (S.D.N.Y. 2020) (defendant charged with being a felon in possession and possession of narcotics held without bond on dangerousness grounds, despite his contention that his asthma put him at “increased risk of getting severely ill or dying” from COVID-19 while incarcerated); see also United States v. Lyons, 675 F. App’x 28, 30 (2d Cir. 2017) (“The district judge indicated that felons in possession of firearms are a danger to society—the comment does not reflect an improper bias against firearms. To the contrary, it is an opinion shared by Congress, which criminalized such conduct”); United States v. Cavera, 550 F.3d 180, 204 (2d Cir. 2008) (Raggi, J., concurring) (“To be sure, if a gunman, in any part of the country, shoots at an intended victim and hits his target, the results are equally tragic. But if the gunman misses his target, the cited statistics plainly support an inference that the risk of injury, if not death, to a nearby person is many times greater in the Eastern District of New York than in most parts of the country”).

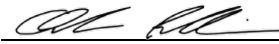
The defendants’ acts of deceit in posing as law enforcement officers (and in Clanton’s case, showing a forged search warrant) presents additional danger not only for the victims themselves, who were forced to submit to the defendants’ show of authority, but also for actual law enforcement officers whose legitimacy is at risk of being doubted when members of the public are unsure whether they are dealing with real officers or impostors.

IV. Conclusion

For all of the foregoing reasons, the government respectfully submits that the defendants should be detained.

Respectfully submitted,

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cc: Clerk of the Court
Defense Counsel of Record