

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK

THE PEOPLE OF THE STATE OF NEW YORK

-against-

YOHENRY BRITO,  
DARWIN ANDRES GOMEZ-IZQUIEL,  
WILSON JUAREZ,  
YORMAN REVERON,  
KELVIN SERVITA AROCHA,  
**INDICTED CO-DEFENDANT 1,**  
**INDICTED CO-DEFENDANT 2,**

Defendants.

STATEMENT OF FACTS  
IND-70508-24

## INTRODUCTION<sup>1</sup>

1. At approximately 8:33 P.M., on January 27, 2024, NYPD Lieutenant Ben Kurian and NYPD Police Officer Zunxu Tian approached a group of persons—including defendants—congregating in the vicinity of 220 West 42nd Street and instructed the persons to move from that location. Two overhead cameras and two body worn cameras captured much of the ensuing interaction between Lt. Kurian, P.O. Tian and the group. Video from those cameras are attached as Exhibits A-D.<sup>2</sup>

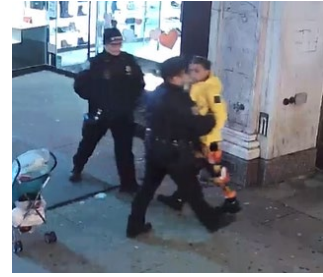
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<sup>1</sup> This Statement of Facts contains certain of the information that is relevant to the events described herein and does not contain all facts relevant to the charged conduct.

<sup>2</sup> Exhibit A is footage from an eastern facing overhead camera; Exhibit B is footage from a western facing overhead camera; Exhibit C is footage from Lt. Kurian’s body worn camera; Exhibit D is footage from P.O. Tian’s body worn camera. Images contained herein are still captures from Exhibits A & B, as indicated. Some images have a “spotlight” effect overlaid on the original image to aid in identifying the relevant subject.

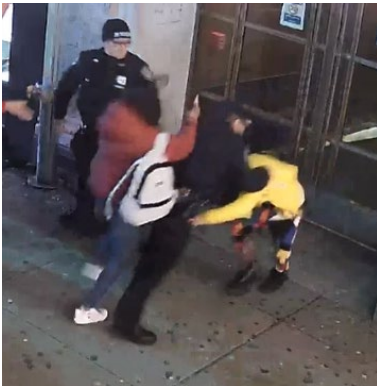
**BRITO**

2. While some of the group promptly moved on, others—including defendant BRITO—did not. Eventually, Lt. Kurian grabbed BRITO and physically directed him from the center of the sidewalk to against the façade of a nearby building (Pic 1).

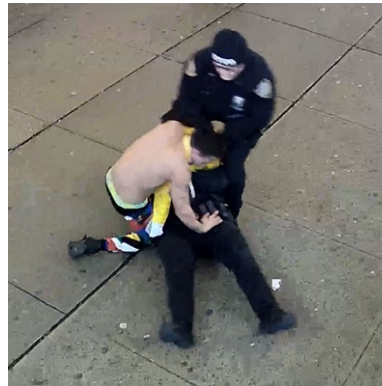


*Pic 1 (from Exhibit A)*

3. BRITO then attempted to escape from Lt. Kurian, pushing Lt. Kurian into the center of the sidewalk (Pic 2). Lt. Kurian and P.O. Tian each grabbed hold of BRITO’s clothing and body as BRITO continued to struggle against them (Pic 3). The two officers and BRITO tumbled to the ground. Throughout the struggle, others from the group interfered with the officers—for example, by pulling, grabbing, or kicking the officers—and ultimately prevented the officers from gaining control over BRITO. BRITO, then wearing no jacket or shirt, escaped the officers and fled, carrying his yellow jacket (Pic 4).



*Pic 2 (from Exhibit A)*



*Pic 3 (from Exhibit B)*

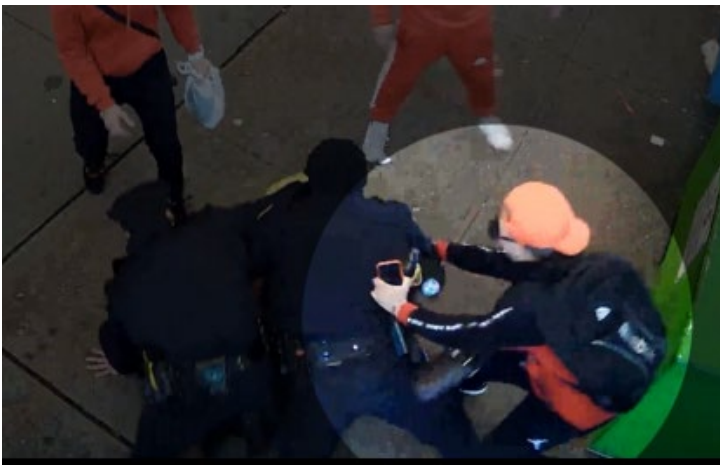


*Pic 4 (from Exhibit B)*

4. Later the same evening, with NYPD Officers in pursuit, BRITO (now wearing the gray jacket that had previously been worn by defendant WILSON JUAREZ) discarded his distinctive yellow jacket. BRITO was arrested on January 31, 2024, wearing that gray jacket.

**DARWIN ANDRES GOMEZ-IZQUIEL**

5. As Lt. Kurian and P.O. Tian struggled with BRITO, defendant DARWIN ANDRES GOMEZ-IZQUIEL (wearing a black and red jacket and orange hat) interfered with the officers, who were unable to regain control over BRITO. GOMEZ-IZQUIEL's actions include: grabbing one officer (Pic 5) and kicking one officer (Pic 6).



*Pic 5 (from Exhibit B)*

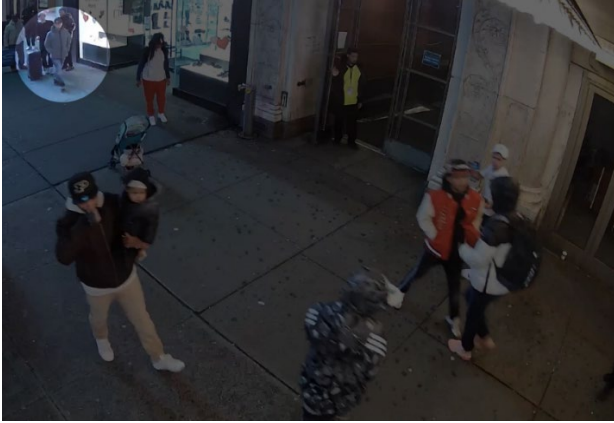


*Pic 6 (from Exhibit B)*

6. GOMEZ-IZQUIEL was arrested in the vicinity a short time later, wearing the clothes described above.

**WILSON JUAREZ**

7. Defendant WILSON JUAREZ (wearing a grey jacket and green hat) was walking eastbound and was several storefronts away when BRITO began struggling with Lt. Kurian and P.O. Tian. JUAREZ turned around and walked towards the struggle (Pic 7), which he watched from several yards away, not making physical contact with the officers. JUAREZ was proximate to BRITO only after BRITO broke free and fled while carrying his yellow jacket. (Pic 8).



*Pic 7 (from Exhibit A)*



*Pic 8 (from Exhibit A)*

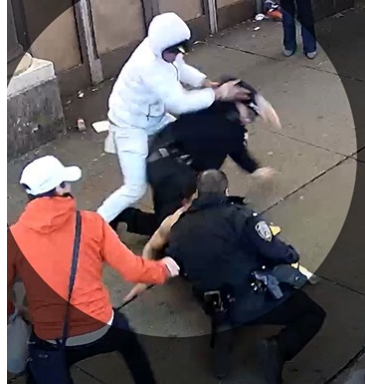
8. Later the same evening, JUAREZ was arrested following a short foot pursuit by NYPD Officers. During the pursuit, JUAREZ wore a red, white, and blue FILA sweatshirt previously worn by defendant **INDICTED CO-DEFENDANT 1**. JUAREZ removed and dropped that sweatshirt during the pursuit and before his arrest. At the time of his arrest, JUAREZ was not wearing a jacket or sweatshirt. Around the same time, BRITO was observed entering a subway station wearing the grey jacket that JUAREZ had previously been wearing.

### **YORMAN REVERON**

9. As Lt. Kurian and P.O. Tian struggled with BRITO, defendant YORMAN REVERON (wearing white pants, white jacket, and white sneakers) interfered with the officers (Pic 9), who were unable to regain control over BRITO. REVERON's actions include: grabbing one officer, pulling that officer away from the struggle, and throwing that officer to the ground (Pic 10); and pushing the other officer to the ground (Pic 11).



Pic 9 (from Exhibit B)



Pic 10 (from Exhibit B)

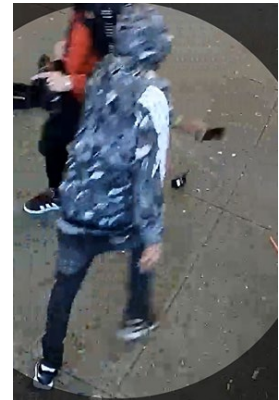


Pic 11 (from Exhibit B)

10. REVERON was arrested in the vicinity a short time later, wearing the clothes described above.

**KELVIN SERVITA AROCHA**

11. As Lt. Kurian and P.O. Tian struggled with BRITO, defendant KELVIN SERVITA AROCHA (wearing a grey camouflage pattern jacket with hood) interfered with the officers. Although AROCHA did not make physical contact with the officers, AROCHA kicked away an officer’s radio, which had dropped to the ground. (Pic 12).



Pic 12

12. Later the same evening, following a short foot pursuit by NYPD officers, AROCHA was arrested wearing the clothes described above.

**INDICTED CO-DEFENDANT 1**

13. As Lt. Kurian and P.O. Tian struggled with BRITO, defendant **INDICTED CO-DEFENDANT 1** (wearing a red, white, and blue FILA jacket and red pants) interfered with the officers, who were unable to regain control over BRITO. **INDICTED CO-DEFENDANT 1’S** actions include: grabbing one officer (Pic 13) and advancing on one officer (Pic 14).



Pic 13 (from Exhibit B)

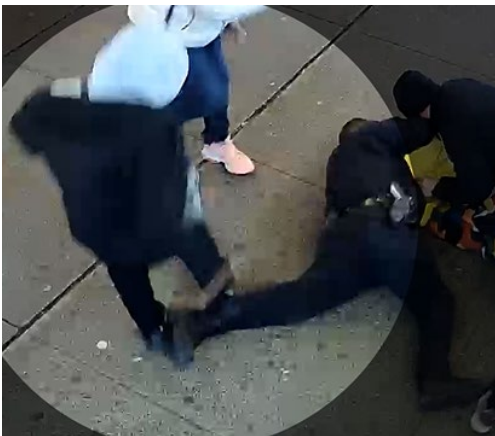


Pic 14 (from Exhibit B)

14. Afterwards, **INDICTED CO-DEFENDANT 1** removed his red, white, and blue FILA sweatshirt. Later the same evening, JUAREZ discarded that sweatshirt as he was pursued by NYPD officers.

**INDICTED CO-DEFENDANT 2**

15. As Lt. Kurian and P.O. Tian struggled with BRITO, defendant **INDICTED CO-DEFENDANT 2** (wearing a black jacket, light blue hood, and black pants) interfered with the officers, who were unable to regain control over BRITO. **INDICTED CO-DEFENDANT 2'S** actions include: kicking one officer's foot (Pic 15) and grabbing the leg of one officer (Pic 16).



Pic 15



Pic 16

16. Later the same evening, **INDICTED CO-DEFENDANT 2** was apprehended and subsequently released by NYPD officers. At the time of his initial arrest, **INDICTED CO-DEFENDANT 2** wore the red Adidas sweatshirt that had previously been worn by another person when that other person (described in paragraph 14(b), *infra*) participated in the struggle with Lt. Kurian and P.O. Tian.

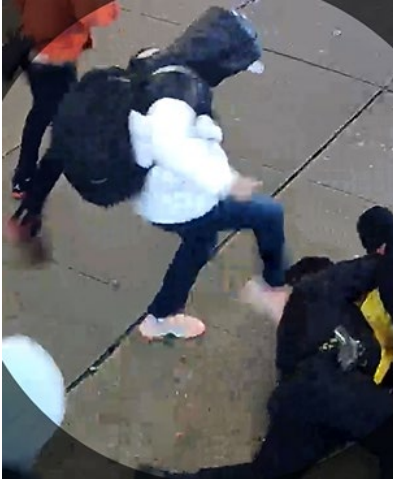
### **OTHERS**

17. Other persons also participated in BRITO's struggle with Lt. Kurian and P.O. Tian. Specifically,

- a. A person (wearing a black and white jacket and light pink sneakers): kicks one of the officers at least once (Pic 17).<sup>3</sup>
- b. A currently unidentified and unapprehended person (wearing a red Adidas sweatshirt and a white hat): kicks an officer's head more than once (Pic 18, 19); grabs and pulls the collar of an officer (Pic 20).
- c. A currently unidentified and unapprehended person (wearing a black puffer coat with hood over a red brimmed hat): kicks an officer's head (Pic 21).
- d. A currently unidentified and unapprehended person (wearing a black jacket with hood over a white brimmed hat): kicks an officer's foot (Pic 22).

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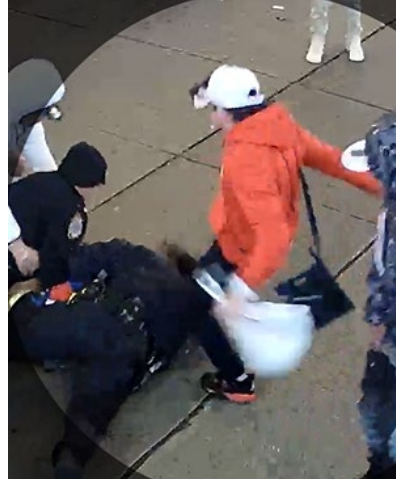
<sup>3</sup> An individual, JHOAN BOADA, has been charged by complaint for this alleged conduct; BOADA is not charged in this Indictment.



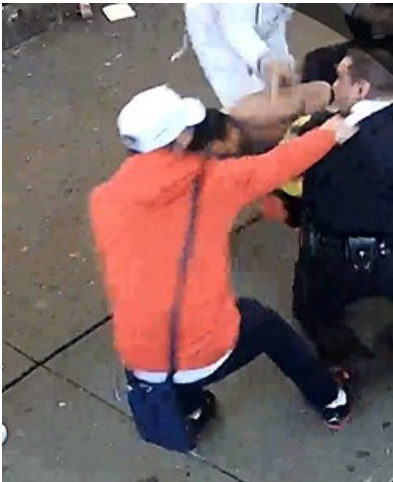
*Pic 17 (from Exhibit B)*



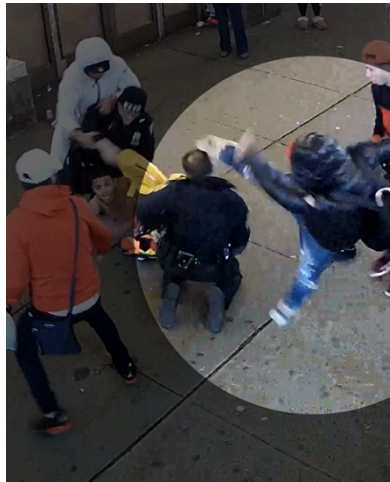
*Pic 18 (from Exhibit B)*



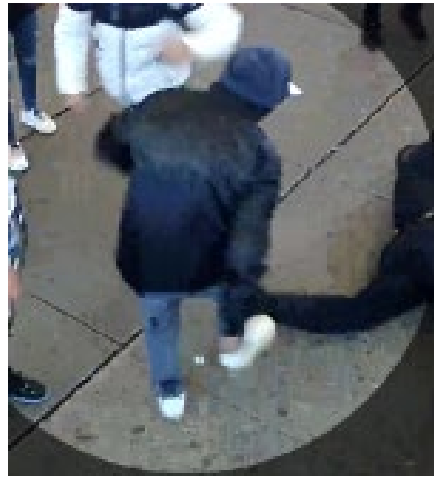
*Pic 19 (from Exhibit B)*



*Pic 20 (from Exhibit B)*



*Pic 21 (from Exhibit B)*



*Pic 22 (from Exhibit B)*

DATED: New York, New York  
February 8, 2024

ALVIN L. BRAGG, JR.  
*District Attorney*  
*New York County*