

United States District Court

SOUTHERN DISTRICT OF FLORIDA

UNITED STATES OF AMERICA

v.

CRIMINAL COMPLAINT

EMMANUEL MAXIME and DWIGHT CARTER,

CASE NUMBER: 09-2679-Bandstra

I, Robert Christie, the undersigned complainant, being duly sworn state the following is true and correct to the best of our knowledge and belief. On or about December 1, 2008, in Miami-Dade County, in the Southern District of Florida, the defendants EMMANUEL MAXIME and DWIGHT CARTER did knowingly interfere with interstate commerce by robbery, in violation of Title 21, United States Code, Section 1951(a) and did knowingly possess a firearm in furtherance of a crime of violence and did cause the death of a person through use of a firearm, in violation of Title 18, United States Code, Sections 924( c)(1)(A) and 924(j).

I further state that I am a Task Force Officer with the Bureau of Tobacco, Firearms, & Explosives and that this complaint is based on the following facts:

SEE ATTACHED AFFIDAVIT

Robert A Christie
MDFD DETECTIVE ROBERT CHRISTIE,
ATF/HIDTA TASK FORCE

Sworn to before me, and subscribed in my presence,

May 19, 2009 at
Date

Miami, Florida
City and State

TED E. BANDSTRA
UNITED STATES MAGISTRATE JUDGE
Name and Title of Judicial Officer

T.E. Bandstra
Signature of Judicial Officer

## **AFFIDAVIT**

1. Your affiant, Detective Robert Christie, has been a MDPD detective for twenty-one years. For the last 14 years, I have been cross-designated as a Task Force Officer (TFO) assigned to an ATF Task Force called the Street Terror Offender Program (STOP). STOP is a multi-agency task force specializing in the investigation of violent crime associated with the narcotics trade in South Florida. As a TFO with STOP, I am responsible for the investigation of violations of Federal and State narcotics, robbery, and firearms laws, including violations of Title 18, United States Code, Sections 924(c)(1)(A) and 1951(a).

2. Miami-Dade Police Department (MDPD), the U.S. Marshals, and Bureau of Alcohol Tobacco and Firearms (ATF) are conducting a joint investigation of the robbery and murder of a Dunbar security guard on December 1, 2008. This affidavit is provided for the limited purpose of obtaining warrants for the arrest of Emmanuel MAXIME and Dwight CARTER for interfering with interstate commerce by robbery, and possessing a firearm in furtherance of a crime of violence, during which use of a firearm resulted in the death of another, in violation of Title 18, United States Code, Sections 1951(a), 924(c)(1)(A), 924(j) and 2. This affidavit is based upon information personally known to your affiant, or communicated to your affiant from other law enforcement officers. Because this affidavit is provided for the limited purpose of establishing probable cause, it does not contain every fact known to law enforcement regarding this investigation.

3. In December 2008, Carlos Alvarado was employed as a security guard by Dunbar Security Incorporated. Alvarado's assignment included making daily cash pickups at local businesses. Alvarado routinely picked up money and checks from the Limited Too, Express, Bed Bath & Beyond and other stores at the Dadeland Mall. Alvarado routinely passed through a clothing

store named Express on his way back to the Dunbar armored truck. These pickup occurred between 10:30 and 11:30 a.m. on weekdays.

4. On December 1, 2008, at approximately 10:51 a.m., Carlos Alvarado's partner dropped Alvarado off outside the Limited Too clothing store. Alvarado started to pick up cash at several businesses, including the Express. At approximately 11:16 a.m.,<sup>1</sup> the store video camera captured Alvarado walking through the ground floor of the store toward the street exit. Two males confronted Alvarado before Alvarado reached the store exit. One of the two males shot approximately fourteen 9mm rounds at Alvarado, striking him four times. Witnesses described the shooter's firearm as a large black handgun. Review of video surveillance indicates the other male was also armed with a silver handgun. The store surveillance indicates both men were black males and dressed in dark clothing. The skinnier male shot Alvarado and seized the money bags, which contained approximately \$63,650.47 in cash and checks. After the shooting, both assailants ran out of the store, into the common area, and then out of the mall through a side exit. Both assailants escaped. Carlos Alvarado died as a result of his injuries.

5. MDPD detectives interviewed witnesses inside the Express store and surrounding area. Witnesses stated there were two people involved in the robbery. Express customers and staff noticed the first subject (Subject 1) loitering inside the Express store about 15 to 20 minutes before the robbery. The witnesses collectively described Subject 1 as tall (5'10" to 6'3"), heavy (250 to 350 lbs), wearing dark clothing, and a baseball cap. Subject 1 attracted the attention of several store employees, who stated Subject 1 was acting suspicious because he was aimlessly picking up clothing items, looking out the store window, and constantly talking on his cellular telephone.

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<sup>1</sup> This time was taken from the store video cameras. The clock on these store video cameras and the clock used by the 911 operator and Metro PCS telephones are not synchronized, so the times may vary one to two minutes depending upon which clock is being used.

6. Witnesses also noticed Subject 2 standing by some columns inside the mall and near the Express during the 15 to 20 minute period before the robbery. Subject 2 was seen talking on his phone during the 15-20 minute period before the robbery. Subject 2 was described as a black male, shorter than Subject 1 (5'5" to 5'10"), thinner than Subject 1 (140 to 240 lbs), and also wearing dark clothing.

7. Before the robbery, a store employee noticed that Subject 1 appeared to be communicating with Subject 2 on the cellular telephone. Subject 1 and Subject 2 appeared to be looking at one another through the store window. The store employee alerted other store employees of Subject 1's and Subject 2's presence.

8. At one point, the same store employee noticed Subject 1 walking outside the store towards the Starbucks kiosk area. Subject 1 was talking on his cellular telephone. Within a minute, Subject 2 ran into the Express, followed by Subject 1. Subject 2 ran towards the victim, Alvarado, who was passing through the Express on his way back to the Dunbar armored truck. Alvarado was carrying money bags after picking up money and checks at several stores. Subject 2 shot Alvarado multiple times, causing him to fall to the ground. Subject 2 grabbed the money bags. Store cameras confirm Subject 1 ran into the store behind Subject 2 and also that Subject 1 was armed with a silver handgun. Subject 1 does not appear to have fired his handgun.

9. After Subject 2 picked up the money bags, Subject 2 ran to the area of the store where Subject 1 was waiting. Both Subject 1 and Subject 2 ran out of the store into the mall hallway and then used a side door to escape to an outside parking lot.<sup>2</sup>

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<sup>2</sup> These facts are a summary of the witness statements. There are differences in some of the descriptions of what the subjects looked like and the exact path that the subjects traveled. At different times, some witnesses state that they saw one or both of the subjects wearing sunglasses inside the store and in the mall hallway. Other witnesses state, however, that they saw the subjects without sunglasses, including witnesses 1 through 4 below.

10. Dwight CARTER and Emmanuel MAXIME were subsequently identified as suspects. According to Florida DMV records, Emmanuel MAXIME is a black male, 5'10" tall, and weighs 250 pounds. Dwight CARTER is shorter and thinner than MAXIME. CARTER is 5'6" and weighs 150 pounds. Using CARTER's and MAXIME's DMV photographs, your affiant and/or other MDPD investigators created six-person photographic line-ups.

11. In January 2009, MDPD investigators showed witnesses photo displays which included CARTER's and MAXIME's photograph. Four witnesses (Witness 1 through 4) picked CARTER's or MAXIME's photograph. Each witness's identification is as follows:

a. **Witness 1.** Witness 1 has identified MAXIME as Subject 1. According to this witness, Maxime was inside the women's clothing section at the Express store shortly before the shooting took place.

b. **Witness 2.** Witness 2 has identified MAXIME as Subject 1. This witness noticed MAXIME in the women's clothing section of the store. This witness approached MAXIME and spoke to MAXIME briefly to see if MAXIME needed assistance. After MAXIME indicated that he did not need help, the witness continued to watch MAXIME as MAXIME wandered through the store, touching clothing and speaking on his cellular telephone. Witness 2 watched MAXIME appear to communicate with Subject 2 on his cellular telephone while looking at Subject 2 through the store window. Witness 2 also saw MAXIME run into the store following Subject 2, when Subject 2 shot and killed Carlos Alvarado.

c. **Witness 3.** Witness 3 identified CARTER as Subject 2. Witness 3 saw CARTER standing above Carlos Alvarado, who was lying on the ground. Witness 3 saw CARTER shoot Alvarado with a handgun. Witness 3 picked CARTER's photograph out of a photographic line-up. Witness 3 has stated she is 99% certain that the photograph she picked out is the face of the

man who shot Alvarado.

d. **Witness 4** was in a store across from the Express on the morning of December 1, 2008. After Witness 4 heard gunshots, she looked in the direction of the Express and saw two black males wearing dark clothing run from the Express and through a side exit of the mall. In January 2009, Witness 4 picked CARTER out of two photographic line-ups on separate occasions; one photograph showing CARTER's face from the front and one photograph showing CARTER's face from the side. Witness 4 stated that CARTER was the larger man carrying a silver handgun.

12. Your affiant is aware of information which corroborates the eyewitness identifications. This information includes review of cellular telephone records. As a general rule, when a cellular telephone receives or places a call, that cellular telephone uses the closest unobstructed cell site tower. Thus, by analyzing the towers used by a subject's telephone, investigators can identify the approximate geographic area that the cellular telephone was operating at the time the phone received or placed a call. Analysis of MAXIME's and CARTER's cellular telephones are consistent with the eyewitness identifications.

13. On December 1, 2008, Emmanuel MAXIME used a Metro PCS cellular telephone registered in his name. On December 1, 2008, Dwight CARTER was using a Metro PCS cellular telephone registered in the name of his mother.<sup>3</sup>

14. Review of the toll and cell site records confirms that both CARTER and MAXIME were in the area of the Dadeland Mall at the time of the robbery. For example, during the 20 minute period before the robbery (between approximately 10:59 a.m. and 11:17 a.m.), CARTER and MAXIME spoke multiple times while using cellular telephone towers that cover the Dadeland Mall

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<sup>3</sup> Investigators have analyzed the call patterns on this telephone and determined that, based on the persons the phone is calling, that CARTER was using this cellular telephone on December 1, 2009.


area. The men stop calling one another after 11:17 a.m., the approximate time of the robbery. Both CARTER's and MAXIME's cellular telephones show that the men moved north, towards CARTER'S house, after the robbery.

15. Two days before the robbery, on Saturday, November 29, 2008, CARTER's and MAXIME's cellular telephone records indicate that CARTER and MAXIME were in the area of the Dadeland Mall two days before the robbery (MAXIME at 10:51 a.m. and CARTER at 10:53 a.m.). At approximately 10:30 a.m, a silver Chevrolet Monte Carlo was videotaped in the Dadeland Mall parking lot. The Monte Carlos in the photograph has distinctive rims. In January 2009, investigators watched CARTER drive a silver Chevrolet Monte Carlo with distinctive rims.

16. Dunbar Security Inc. is a company that operates in multiple states. For example, Dunbar's headquarters is in North Carolina. Express clothing store also has multiple stores in multiple states. The clothing sold by the Dadeland Express store is shipped to that store from outside the state of Florida. Express was unable to sell this out-of-state merchandise during the several day period that the store was closed following the robbery.

17. The Dadeland Mall is located in Miami-Dade County, which is in the Southern District of Florida.

FURTHER YOUR AFFIANT SAYETH NAUGHT.

  
ROBERT CHRISTIE, TASK FORCE AGENT  
ATF-HIDTA-STOP TASK FORCE

Subscribed and sworn to before me in Miami,  
Florida, on May 18, 2009.

  
TED E. BANDSTRA  
UNITED STATES MAGISTRATE JUDGE - SDFL