

United States District Court

SOUTHERN DISTRICT OF FLORIDA

UNITED STATES OF AMERICA

v.

CRIMINAL COMPLAINT

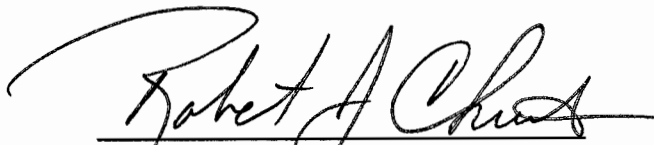
ERSKANESHIA RITCHIE and
NIKKIA THOMAS,

CASE NUMBER: 09-2707-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 ERSKANESHIA RITCHIE and NIKKIA THOMAS did knowingly and willfully conspire to interfere with interstate commerce by robbery, in violation of Title 18, United States Code, Section 1951(a), did knowingly interfere with interstate commerce by robbery, in violation of Title 18, United States Code, Sections 1951(a) and 2, 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), 924(j) and 2.

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



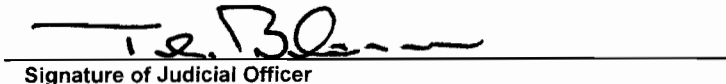
MDPD DETECTIVE ROBERT CHRISTIE,
ATF/HIDTA TASK FORCE

Sworn to before me, and subscribed in my presence,

May 21, 2009 at
Date

Miami, Florida
City and State

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


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 ERSKANESHIA RITCHIE and NIKKIA THOMAS for knowingly and willfully conspiring to interfere with interstate commerce by robbery, knowingly interfering with interstate commerce by robbery, and knowingly 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.

GENERAL OVERVIEW

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, Bath and Body Works, 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 pickups 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.,¹ 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

¹ 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.

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.

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.²

DWIGHT CARTER & EMMANUEL MAXIME

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

² 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.

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.³

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 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.

³ 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.

ERSKANESHIA RITCHIE

18. On December 1, 2008, RITCHIE had a Metro PCS cellular telephone which was subscribed in her name. Review of cellular telephone records, indicates that RITCHIE was in the area of the Dadeland Mall during the time frame of the robbery on December 1, 2008. For example, at approximately at 10:56 and 10:59 a.m., there was contact between CARTER's and RITCHIE's cellular telephones using cell towers which service the Dadeland Mall area. RITCHIE's cellular telephone moved northward shortly after the robbery occurred. For example, by 11:24 a.m., RITCHIE's and CARTER's cellular telephones were both in contact with one another in an area 3 to 5 miles north of the mall.

19. On May 20, 2009, RITCHIE was present when her boyfriend, CARTER, was arrested by a joint state and federal task force investigating the robbery/homicide. RITCHIE agreed to be interviewed by Miami Dade homicide investigators. After RITCHIE waived her *Miranda* rights, RITCHIE admitted she agreed to participate in a plan to rob an armoured car with CARTER and MAXIME in November 2008. RITCHIE admitted she called her friend, NIKKIA THOMAS, and told THOMAS that CARTER wanted to borrow THOMAS's car to commit a robbery at Dadeland.

20. RITCHIE admitted that on December 1, 2008, that THOMAS, CARTER and MAXIME gathered at CARTER's house before the robbery. RITCHIE said that she and THOMAS traveled to the Dadeland Mall in one car and CARTER and MAXIME traveled to the mall in THOMAS's car. RITCHIE said she was a lookout and saw the armoured car arrive. A short time later, RITCHIE said that CARTER fled the mall at a high rate of speed and that CARTER told her on the phone that he shot the guard. RITCHIE and THOMAS drove to CARTER's house after the robbery and met with MAXIME and CARTER at that location. Inside the house, RITCHIE said she saw money in clear plastic bags, two guns on the floor, and that CARTER admitted shooting the

guard again.

NIKKIA THOMAS

21. On December 1, 2008, Nikkia THOMAS had a T-Mobile cellular telephone in her name. Review of cellular telephone records reveals that during the timeframe of the December 1st robbery, Nikkia THOMAS's cellular telephone was in the area of the Dadeland Mall. For example, at 11:07 a.m., THOMAS made a call registered on a T-Mobile tower servicing the Dadeland Mall area. After the robbery, however, the cellphone for THOMAS started to move in a northly direction. For example, at 11:22 a.m., the cellphone for THOMAS was north of the Dadeland Mall using a tower near State Road 836.

22. THOMAS had cellular telephone contacts with both RITCHIE before and after the robbery, and contacts with MAXIME after the robbery.

23. A witness at the Dadeland Mall stated a 1997 burgundy 4-door Chevrolet Malibu left the parking lot of the mall at a high rate of speed, driving in a reckless manner, immediately after the robbery/homicide. The Malibu was seen fleeing from the area of the mall parking lot where the subjects were last seen running toward by witnesses inside the mall. DMV records indicated that THOMAS drives a 2000 burgundy 4-door Chevrolet Malibu, which has the same body style as a 1997 Malibu.

24. On Decemer 1, 2009, Nikkia THOMAS agreed to be interviewed by MDPD homicide investigators. After waiving her *Miranda* rights, THOMAS provided a statement admitting that she knowingly assisted in the commission of the robbery described above. Specifically, THOMAS stated that her friend, ERSKANESHIA RITCHIE, told THOMAS that CARTER needed to borrow THOMAS's car for a robbery. On December 1, 2008, THOMAS took her car (the Malibu) to CARTER's house. RITCHIE and THOMAS left in another car, leaving THOMAS's car behind with

CARTER and MAXIME. At the time, THOMAS left her car behind, she knew that CARTER and MAXIME were going to use her car for an armored truck robbery.

25. THOMAS stated RITCHIE drove THOMAS to the Dadeland Mall. When the women arrived at the mall, they started to drive around mall parking lot area. THOMAS stated she understood that they were timing the arrival of the armored truck and doing surveillance at the mall in preparation for a future robbery. THOMAS states that they parked in view of the Express store and Cheesecake factory, that THOMAS saw the armored car pull up to the area outside the Express Store, and that RITCHIE then called CARTER and advised CARTER the truck had arrived. THOMAS claimed that while she knew they were preparing to commit the robbery, this was the first time she realized the robbery was going to happen at that very moment. THOMAS said a short time later, she saw people running out of the mall and RITCHIE drove off and pulled behind THOMAS's car (the Malibu), which was fleeing from the area of the Cheesecake factory. They all ended up at CARTER's house, with CARTER and MAXIME arriving first and the women arriving a short time later. When they were at the house, CARTER stated he had to shoot the guard because the guard was going to pull his gun. THOMAS stated she saw money on a bed that was in plastic wrappers and a Dunbar bag. THOMAS said she observed a black gun with a long magazine in CARTER's bedroom, which CARTER referred to as a "Tec." THOMAS said she was paid \$3000 by MAXIME for the use of her car during the robbery.

26. Based on the forgoing, your affiant respectfully submits there is probable cause for the arrest of RITCHIE and THOMAS for knowingly and willfully conspiring to interfere with

interstate commerce by robbery, knowingly interfering with interstate commerce robbery, and knowingly possessing a firearm in furtherance of a crime of violence, during which use of a firearm resulted in death, all in violation of Title 18, United States Code, Section 1951(a), 924(c)(1)(A), 924(j) and 2.

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 21, 2009.



TED E. BANDSTRA
UNITED STATES MAGISTRATE JUDGE - SDFL