

14 MAG 2583

Approved: Russell Capone  
RUSSELL CAPONE  
Assistant United States Attorney

Before: HONORABLE SARAH NETBURN  
United States Magistrate Judge  
Southern District of New York

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UNITED STATES OF AMERICA : SEALED COMPLAINT  
- v. - : Violations of 18 U.S.C.  
 : §§ 1951, 924(c)  
RONDU FRISBY, :  
a/k/a "Reef," : COUNTY OF OFFENSE:  
 : NEW YORK  
Defendant.

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SOUTHERN DISTRICT OF NEW YORK, ss.:

Howard Stern, being duly sworn, deposes and says that he is a Special Agent with the Bureau of Alcohol, Tobacco, Firearms and Explosives ("ATF"), and charges as follows:

COUNT ONE

1. On or about November 11, 2014, in the Southern District of New York, RONDU FRISBY, a/k/a "Reef," the defendant, and others known and unknown, intentionally and knowingly did combine, conspire, confederate, and agree together and with each other, to commit robbery, as that term is defined in Title 18, United States Code, Section 1951(b)(1), and to thereby obstruct, delay, and affect 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, FRISBY agreed with others to carry out an armed robbery of a jewelry business that operates in interstate commerce on 47<sup>th</sup> Street in Manhattan.

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

COUNT TWO

2. On or about November 11, 2014, in the Southern District of New York, RONDU FRISBY, a/k/a "Reef," the defendant, during and in relation to a crime of violence for which he may

be prosecuted in a court of the United States, namely, the robbery conspiracy charged in Count One of this Complaint, knowingly did use and carry a firearm, and, in furtherance of such crime, did possess a firearm, and did aid and abet the use, carrying, and possession of a firearm, which was brandished.

(Title 18, United States Code, Section 924(c) and 2.)

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

3. I have been a Special Agent with the ATF for approximately 24 years. I have been personally involved in the investigation of this matter. This Affidavit is based upon my personal participation in the investigation, my examination of reports and records, and my conversations with other law enforcement agents and other individuals. Because this Affidavit is being submitted for the limited purpose of demonstrating probable cause, it does not include all 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. On November 11, 2014, the New York City Police Department ("NYPD") received a report of a commercial robbery that took place at a jewelry store (the "Store") on the 8th Floor of a building on 47th Street in the Diamond District of Manhattan. I have spoken to an NYPD Detective ("Detective-1") who has debriefed the owner of the Store (the "Owner"), and learned that the Store is not open to the public but is a space where private clients can view and purchase jewelry.

5. At the time of the robbery, the Owner, RONDU FRISBY, a/k/a "Reef," the defendant, and two other individuals were present inside of the Store although, as explained below, other individuals showed up during the course of the robbery. Detective-1 and other members of the NYPD have interviewed the four individuals who were present at the beginning of the robbery, and their accounts of the events of the robbery were substantially similar. Based on my discussions with the NYPD officials who conducted these interviews and review of NYPD reports, I learned the following:

a. At approximately 2:20 p.m., a male ("Perpetrator-1") dressed in a suit and overcoat, wearing a hat, and without gloves, came to the door of the Store and rang the

doorbell. Perpetrator-1 was carrying a black bag. The door is typically locked and was at the time.

b. The Owner viewed Perpetrator-1 through a closed-circuit video monitor, and thought that Perpetrator-1 was a messenger. RONDU FRISBY, a/k/a "Reef," opened the door and Perpetrator-1 entered the Store.

c. After entering the Store, Perpetrator-1 asked for the Owner and said, in sum and substance, that he was there to serve the Owner with papers. Perpetrator-1 then took two large yellow envelopes (the "Envelopes") out of his bag and placed them on a desk. The Owner was identified and Perpetrator-1 then took out a black semiautomatic gun and pointed it at the Owner and the other three individuals in the Store and demanded that they give him all the jewelry in the Store. The Owner, FRISBY and the others began taking watches and jewelry out of the safe in the Store as well as from a display case and other locations and placed them in Perpetrator-1's bag.

d. At the time that Perpetrator-1 was robbing the Store, another male ("Perpetrator-2"), wearing a black sweatshirt and a red baseball hat, was standing in the hallway outside of the Store. Individuals inside the Store were able to see Perpetrator-2 by virtue of the closed circuit video monitor that is inside the Store.

e. As the robbery was occurring, a relative of the Owner arrived and was let into the Store. Perpetrator-1 pistol-whipped the Owner's relative as he entered the Store. Subsequently, three other associates of the Owner arrived outside the Store entrance, where they saw Perpetrator-2 in the hallway. The individuals were let into the Store, where they saw Perpetrator-1. Very soon after they entered, Perpetrator-1 left the Store, carrying the bag containing the stolen merchandise, and he and Perpetrator-2 got in the elevator and left the building.

f. Among the items robbed by Perpetrator-1 were more than 20 luxury watches, as well as other expensive gold jewelry, with at least a value of \$600,000.

6. Based on my discussions with Detective-1 regarding his interviews of the Owner, I learned the following:

a. The Store obtains high-end jewelry and watches from providers outside of New York and sells that merchandise to various clients both in and out of state.

b. The Owner of the Store described RONDU FRISBY, a/k/a "Reef," the defendant, to law enforcement officers as a friend, who also sometimes conducts business with and at the Store.

c. FRISBY arrived at the Store only moments before the Robbery. FRISBY came to the Store on the day of the robbery because he had told Owner he wanted to help a friend pick out some jewelry for the friend's girlfriend.

d. FRISBY was using a cellphone to text or conduct similar activity during the robbery.

e. The Owner provided Detective-1 with the numbers of two cellphones used by FRISBY. The owner described one cellphone ("Frisby Phone-1"), which ended with digits 4159, as FRISBY's "secret" phone, and the second cellphone ("Frisby Phone-2"), which ends with digits 3101, as FRISBY's "regular" phone.

7. Based on my review of a report of a debriefing of RONDU FRISBY, a/k/a "Reef," the defendant, by the NYPD, I learned that FRISBY's account of the robbery was substantially similar to the account given by the other individuals present. FRISBY did not state that he knew or recognized Perpetrator-1 or Perpetrator-2.

8. The Envelopes left at the Store by Perpetrator-1 were provided to an NYPD laboratory (the "Laboratory") for analysis. Based on my discussion with Detective-1 regarding his debriefing of an analyst at the NYPD's latent print unit, I learned the following:

a. Three latent fingerprints suitable for analysis were recovered from one of the Envelopes. Those prints were provided to the latent print unit.

b. Analysis at the latent print unit determined that all three fingerprints recovered from one of the Envelopes matched fingerprints in a law enforcement database for an identified male ("Person-1").

9. On or about November 14, 2014, law enforcement officers working on this investigation went to an apartment building in the Bronx, New York, where Person-1 was believed to reside, based on various NYPD records and other public records. Officers spoke to the superintendent of the apartment building, who confirmed that Person-1 resided there and also provided the officers with the number of a cellphone ending with the digits 5055 as the current cellphone number of Person-1 (the "Person-1 Phone").

10. I have reviewed the call detail records for Frisby Phone-1 from November 11, 2014, the day of the robbery. Those records show more than 25 contacts between Frisby Phone-1 and the Person-1 Phone. These contacts include both text messages and telephone conversations. These contacts occur both just before and after the robbery described above, but not during the robbery itself. In particular, there is a telephone call between Frisby Phone-1 and the Person-1 Phone at 2:14 pm on November 11, 2014.

11. I have reviewed surveillance footage from the vicinity of 47<sup>th</sup> Street between 5<sup>th</sup> and 6<sup>th</sup> avenues from the time immediately preceding and following the robbery of the Store on November 11, 2014. Detective-1 has also shown some of the surveillance footage from before the robbery to one of the individuals inside of the Store during the robbery (the "Victim"). Based on my review of the footage and discussions with Detective-1, including regarding his showing of the footage to the Victim, I learned the following:

a. Just before the Robbery, RONDU FRISBY, a/k/a "Reef," the defendant, can be seen walking westbound on 47<sup>th</sup> Street between 5<sup>th</sup> and 6<sup>th</sup> Avenues. An individual matching the physical and clothing descriptions of Perpetrator-1 can be seen walking approximately 20 feet behind FRISBY. An individual matching the physical and clothing descriptions of Perpetrator-2 can be seen walking approximately 30 feet behind Perpetrator-1.

b. The Victim identified the surveillance images of the two individuals walking behind FRISBY as depicting Perpetrator-1 and Perpetrator-2.

12. I have reviewed a photograph and other physical descriptors of Person-1 obtained from an NYPD database. I believe, based on my comparison of that photograph and information to the surveillance images of the individual identified as Perpetrator-1, that Person-1 is Perpetrator-1.

13. On the video surveillance footage described in paragraph 9 above, at approximately 2:14 p.m., moments before the robbery, both RONDU FRISBY, a/k/a "Reef," the defendant, and Perpetrator-1, who I believe to be Person-1, can be seen talking on cellphones. As noted above, toll records for Frisby Phone-1 show a phone call between Frisby Phone-1 and the Person-1 Phone at this time.

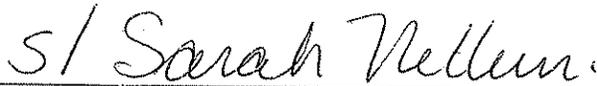
WHEREFORE, the deponent respectfully requests that RONDU FRISBY, a/k/a "Reef," the defendant, be imprisoned, or bailed, as the case may be.



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Howard Stern  
Special Agent  
Bureau of Alcohol, Tobacco, Firearms  
and Explosives

Sworn to before me this  
15th day of November, 2014.



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THE HONORABLE SARAH NETBURN  
UNITED STATES MAGISTRATE JUDGE  
SOUTHERN DISTRICT OF NEW YORK