

MKM:PAS
F. #2018R01782

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

- against -

ALLAN FLOYD,
also known as "Rugar Richmond Ace,"

Defendant.

COMPLAINT AND AFFIDAVIT
IN SUPPORT OF AN
APPLICATION FOR AN ARREST
WARRANT

(T. 18, U.S.C., §§ 1201(a)(1), 1201(g)(1),
1951(a), 924(c)(1)(A)(i),
924(c)(1)(A)(ii) and 2)

Cr. No. 19-MJ-181

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EASTERN DISTRICT OF NEW YORK, SS:

FINBARR FLEMING, being duly sworn, deposes and states that he is a Task Force Officer with the Bureau of Alcohol, Tobacco, Firearms and Explosives ("ATF"), duly appointed according to law and acting as such and states as follows:

In or about July 2018, within the Eastern District of New York and elsewhere, the defendant ALLAN FLOYD, also known as "Rugar Richmond Ace," together with others, did knowingly and intentionally conspire to seize, confine, inveigle, kidnap, abduct and carry away and hold, for ransom and reward and otherwise, one or more persons, to wit: Victim-1, Victim-2 and Victim-3 (a child who was approximately 16-months old), individuals whose identities are known to the Affiant, and to use one or more means, facilities and instrumentalities of interstate and foreign commerce, to wit: cellular telephones, in committing and in furtherance of the commission of the offense, contrary to Title 18, United States Code, Sections 1201(a)(1) and 1201(g)(1).

In furtherance of the conspiracy and to effect its objects, within the Eastern District of New York and elsewhere, defendant ALLAN FLOYD, also known as “Rugar Richmond Ace,” together with others, did commit and cause to be committed, among others, the following overt acts:

(a) On or about July 8, 2018, defendant ALLAN FLOYD, also known as “Rugar Richmond Ace,” in the presence of two co-conspirators, pointed a firearm at the head and chest of Victim-1;

(b) On or about July 8, 2018, defendant ALLAN FLOYD, also known as “Rugar Richmond Ace,” along with two co-conspirators, forced Victim-1 and Victim-2 into the victims’ car;

(c) On or about July 8, 2018, defendant ALLAN FLOYD, also known as “Rugar Richmond Ace,” along with two co-conspirators, transported Victim-1, Victim-2 and Victim-3, by their car, to their residence and forced Victim-1 to enter the residence; and

(d) On or about July 8, 2018, defendant ALLAN FLOYD, also known as “Rugar Richmond Ace,” and two of his co-conspirators, took Victim-1 and Victim-2’s property including, but not limited to, marijuana, United States currency, a safe, jewelry, clothing, collector edition Michael Jordan sneakers and a BB gun.

(Title 18, United States Code, Sections 1201(c)(1) and 1201(g)(1))

On or about July 8, 2018, within the Eastern District of New York, the defendant ALLAN FLOYD, also known as “Rugar Richmond Ace,” together with others, did knowingly and intentionally obstruct, delay and affect commerce and the movement of articles and commodities in commerce, by robbery, to wit: the robbery of a narcotics trafficker in Staten Island, New York.

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

On or about July 8, 2018, within the Eastern District of New York, the defendant ALLAN FLOYD, also known as “Rugar Richmond Ace,” together with others, did knowingly and intentionally use and carry one or more firearms during and in relation to a crime of violence, to wit: the July 8, 2018 robbery referred to above, and did knowingly and intentionally possess said firearms in furtherance of said crime of violence, one or more of which firearms were brandished.

(Title 18, United States Code, Sections 924(c)(1)(A)(i), 924(c)(1)(A)(ii) and 2)

The source of your deponent’s information and the grounds for his belief are as follows:¹

1. I am a Task Force Officer (hereafter “TFO”) with the ATF. I have been a TFO since 2014 and have served in the New York City Police Department (hereafter “NYPD”) for approximately 24 years. I have been involved in the investigation of numerous cases involving kidnappings, armed robberies and firearms offenses. The information in this

¹ Because the purpose of this Complaint and Affidavit in Support of an Arrest Warrant are to set forth only those facts necessary to establish probable cause to arrest, I have not described all the relevant facts and circumstances of which I am aware.

Complaint comes from my personal involvement in the investigation, a review of records of the ATF, NYPD and other government agencies, including video footage recorded by surveillance cameras, reports of victim interviews and conversations with other law enforcement officers. Unless specifically indicated, all conversations and statements described in this affidavit are related in sum and substance and in part only.

2. On or about July 8, 2018 at approximately 2:00 p.m., Allan Floyd, also known as “Rugar Richmond Ace,” (hereafter “FLOYD”), and three co-conspirators (hereafter “Co-Conspirator-1,” “Co-Conspirator-2” and “Co-Conspirator-3”) participated in the armed kidnapping and armed robbery of a Staten Island, New York marijuana dealer (hereafter “Victim-1”) along with Victim-1’s fiancée (hereafter “Victim-2”) and their approximately 16-month old child (hereafter “Victim-3”) in the Eastern District of New York.²

3. During interviews by the ATF and NYPD, Victim-1 stated that on or about July 8, 2018, Victim-1 spoke with Co-Conspirator-1 about purchasing high quality marijuana from Co-Conspirator-1.³ Victim-1 planned to resell some of the high quality marijuana to Victim-1’s cousin. On at least one prior occasion, Victim-1 purchased marijuana from Co-Conspirator-1 and had also previously smoked marijuana with Co-Conspirator-1 at Victim-1’s

² Victim-1 has not received any benefits related to this investigation. Victim-1’s criminal history includes convictions under New York Penal law for: criminal trespass, criminal possession of marijuana, aggravated harassment, attempted criminal sale controlled substance and attempted criminal mischief. Victim-2 has not received any benefits related to this investigation and does not have a criminal record.

³ This and all other statements by the victims and eyewitnesses to law enforcement are set forth in sum and substance and in part.

Staten Island home. During Co-Conspirator-1's visits to Victim-1's home, Victim-1 showed Co-Conspirator-1 where Victim-1 stored marijuana, United States currency, a safe, jewelry, clothing, collector edition Michael Jordan sneakers and a BB gun.

4. Victim-1 further stated that on or about July 8, 2018 at approximately 2:15 p.m., Co-Conspirator-1 and Victim-1 agreed by phone to meet regarding the sale of the high quality marijuana at the corner of Slaight Street and Nicholson Avenue in Staten Island, New York. Feeling comfortable based on their prior interactions, Victim-1 drove to the meeting along with Victim-2 and Victim-3. After arriving at the location, Victim-1 saw Co-Conspirator-1, but as Victim-1 prepared to purchase the marijuana, three unknown men appeared and one of the men, later identified as FLOYD, displayed a firearm and pointed it at Victim-1's head and chest. Co-Conspirator-1 immediately ran away. FLOYD then stated in sum and substance, "take your chain off," and, "give me all your money before I smack you with this Duce-Duce." Along with FLOYD were men later identified as Co-Conspirator-2 and Co-Conspirator-3.

5. According to both Victim-1 and Victim-2, after FLOYD demanded Victim-1's chain and money, FLOYD then told Victim-1 and Victim-2 to get out of the car. Victim-2 responded that Victim-3 was in the back seat of the car and FLOYD stated in sum and substance, "get in the back seat we are not doing this here." FLOYD, Victim-1 and Victim-2 then sat in the back seat of the car with Victim-3. Co-Conspirator-2 got into the car's driver's seat and Co-Conspirator-3 sat in the car's front passenger seat. FLOYD continued to point the gun at Victim-1's head and chest as Co-Conspirator-3 took Victim-1 and Victim-2's cellphones. Co-Conspirator-2 then drove to Victim-1 and Victim-2's Staten Island home.

Neither Victim-1 nor Victim-2, provided directions or their home address to Co-Conspirator-2.

6. Surveillance cameras at Victim-1 and Victim-2's home captured video footage of FLOYD, Co-Conspirator-2 and Co-Conspirator-3. None of the men wore masks, and the images captured by the surveillance cameras show Victim-1, FLOYD and Co-Conspirator-3 entering the home. FLOYD was wearing a black t-shirt, black pants and black and white sneakers. Co-Conspirator-3 was wearing a black du-rag, white t-shirt, tan colored shorts and white sneakers. When FLOYD and Co-Conspirator-3 entered the home they did not have anything covering their hands.

7. Victim-1 stated that, once inside the home, FLOYD and Co-Conspirator-3 put on latex gloves. FLOYD and Co-Conspirator-3 immediately went to the area of the house where Victim-1 had previously shown Co-Conspirator-1 marijuana, United States currency, a safe, jewelry, clothing, collector edition Michael Jordan sneakers and a BB gun. Also while inside the home Co-Conspirator-3 told Victim-1 that he had a gun, but that it was not as large as FLOYD's gun. Co-Conspirator-3 did not show Victim-1 the additional firearm.

8. Victim-1 further explained that FLOYD and Co-Conspirator-3 placed Victim-1 and Victim-2's property from their house into various bags. When FLOYD was unable to locate the BB gun he demanded that Victim-1 give him the BB gun.⁴ Victim-1

⁴ Before the July 8, 2018 kidnapping and armed robbery, but after Victim-1 showed Co-Conspirator-1 the location of Victim-1's BB gun, Victim-1 moved the location of the BB gun because Victim-1 was afraid of an investigation concerning Victim-1's neighbors and Child and Protective Services.

located the BB gun and gave it to FLOYD. Co-Conspirator-3 then told Victim-1 that in order to avoid suspicion by Victim-1 and Victim-2's neighbors, Victim-1 had to help FLOYD and Co-Conspirator-3 carry Victim-1 and Victim-2's property outside of the house.

9. While FLOYD, Co-Conspirator-3 and Victim-1 were inside the residence, surveillance video also captured Co-Conspirator-2, Victim-2 and Victim-3 outside the residence. Co-Conspirator-2, did not wear a mask. He wore a black du-rag, black shirt and dark pants, along with white and dark colored shoes. Co-Conspirator-2 initially had his hands in his pants' pockets concealing the fact that he was wearing what Victim-2 described, and later parts of the surveillance video corroborates, as white latex gloves. As Co-Conspirator-2 and Victim-2 waited for the men inside the home, Victim-2 stated that Victim-2 asked Co-Conspirator-2 to take off the white latex gloves in order to avoid suspicion by Victim-2's neighbors. Victim-2 feared for Victim-1's safety if police arrived while the men were inside Victim-2's home with Victim-1. Co-Conspirator-2 complied with Victim-2's request, and surveillance video corroborates Victim-2's description of Co-Conspirator-2 removing his white latex gloves.

10. At approximately 3:00 p.m. surveillance videos further captured FLOYD, Co-Conspirator-2 and Co-Conspirator-3 carry Victim-1 and Victim-2's property away from the residence. As FLOYD, Co-Conspirator-2 and Co-Conspirator-3 walked away from the home, Co-Conspirator-3 was no longer wearing his black du-rag.⁵ As they exit the

⁵ On July 8, 2018 following the kidnapping and armed robbery, Victim-2 was cleaning Victim-1 and Victim-2's home and found a black du-rag. Victim-2 reported the

home, Co-Conspirator-3 appeared to be wearing blue latex gloves and FLOYD appeared to be wearing white latex gloves. According to both Victim-1 and Victim-2, they begged Co-Conspirator-3 for the return of their cell phones. Additional surveillance videos then captured Co-Conspirator-3 returning the cellphones as FLOYD, Co-Conspirator-2 and Co-Conspirator-3 then walked approximately one block to the intersection of Orange Avenue and Seymour Street.

11. Also at approximately 3:00 p.m., an eyewitness (hereafter "EW-1") stated that EW-1 parked near the corner of Orange Avenue and Seymour Avenue, and noticed what EW-1 believed was either a 2007 or a 2008 black model 740 BMW. EW-1 also noticed that the car was idling and was occupied by what appeared to be one male driver. The driver's head was down and EW-1 thought it was strange that the driver was wearing a black hooded sweatshirt with the hood up. EW-1 also remembered the black BMW had an orange New York license plate. EW-1, also thought that the driver of the black BMW might have had dreadlocks coming out from underneath the hood of the sweatshirt. Additional surveillance cameras from a residence also on Seymour Avenue captured what appeared to be the black BMW driving at a high rate of speed following the kidnapping and armed robbery towards Port Richmond Avenue.

12. Shortly after the kidnapping and armed robbery, Victim-1 received a text message from Co-Conspirator-1, stating, "I didn't no DAT short was gonna happen dey must been plotting on me Call me." Victim-1 did not respond back to this text message. Victim-1

recovery of the du-rag to police and the Office of Chief Medical Examiner tested the du-rag for DNA. The DNA sample results include three DNA contributors.

has not heard from Co-Conspirator-1 since this July 8, 2018 text message. In the period prior to the armed kidnapping and armed robbery, Victim-1 and Co-Conspirator-1 were in contact approximately several times per month.⁶

13. Records from AT&T, Inc. and Sprint, Inc. reflect that Co-Conspirator-1's cellular telephone number exchanged multiple communications with the FLOYD's cellular telephone, between July 7, 2018 through July 9, 2018.⁷ Including on or about July 8, 2018, the date of the armed kidnapping and armed robbery, there were 22 phone contacts between Co-Conspirator-1's cellular telephone number and FLOYD's cellular telephone.

14. On August 2, 2018, law enforcement agents showed photo arrays to Victim-1 and Victim-2 a photo array containing a picture of FLOYD. Victim-1 and Victim-2 each separately identified FLOYD and stated that he was the man with the gun on July 8, 2018.

15. Later the same day, outside the presence of law enforcement, Victim-2 found that Victim-2 had received a Facebook friend suggestion to add "Allan Floyd" as a "friend." Victim-2 immediately recognized the friend suggestion as the man with the gun and the person Victim-2 earlier identified in the photo array. Victim-2 reviewed FLOYD's

⁶ In addition to Victim-1 communicating with Co-Conspirator-1 through text messages, on August 4, 2018, law enforcement officers responded to a domestic incident involving Co-Conspirator-1 where he provided the telephone number associated with the prior text messages with Victim-1.

⁷ On or about August 7, 2018, FLOYD was involved in a traffic stop by law enforcement officers where FLOYD provided the telephone number associated with prior communications with Co-Conspirator-1's telephone number.

Facebook photos and saw FLOYD wearing what appeared to be a pair of Victim-1's Air Jordan sneakers and Victim-2's watch, both of which were taken on July 8, 2018.

WHEREFORE, your deponent respectfully requests that defendant ALLAN FLOYD, also known as "Rugar Richmond Ace," be dealt with according to law.

Respectfully submitted.

FINBARR FLEMING
Task Force Officer
Bureau of Alcohol, Tobacco, Firearms and
Explosives

Subscribed and sworn to before this
27 day of February, 2019

/s/ SLT

HONORABLE STEVEN L. TISCIONE
UNITED STATES MAGISTRATE JUDGE
EASTERN DISTRICT OF NEW YORK