

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
TAMPA DIVISION

FILED  
2020 JAN 23 PM 12:01  
CLERK US DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
TAMPA, FLORIDA

UNITED STATES OF AMERICA

v.

CASE NO. 8:19-cr-293-T-36CPT

KERMON WILLIAMS,  
a/k/a "THE GENERAL,"  
JHAPHRE HIGGS,  
a/k/a "PRE," and  
JAMES HIGGS, JR.,  
a/k/a "HAMMER"

18 U.S.C. § 1958  
18 U.S.C. § 922  
18 U.S.C. § 924  
21 U.S.C. § 846  
18 U.S.C. § 2

**SUPERSEDING INDICTMENT**

The Grand Jury charges:

**COUNT ONE**  
**(Conspiracy to Commit Murder-for-Hire)**

**A. Introduction**

At times material to this Indictment:

1. KERMON WILLIAMS, a/k/a "THE GENERAL," was a drug trafficker in St. Petersburg, Florida, and a rival of victim Tywan Armstrong. WILLIAMS offered a reward for the murder of Tywan Armstrong, to protect his drug business, in response to a perceived threat by Armstrong.
2. JHAPHRE HIGGS, a/k/a "PRE," and JAMES HIGGS, JR., a/k/a "HAMMER," were brothers residing in St. Petersburg, Florida, and were distributors of drugs.

3. The HIGGS brothers accepted WILLIAMS' contract to kill Tywan Armstrong, in exchange for a distribution amount of a controlled substance and currency.

**B. The Conspiracy**

4. From an unknown date, but no later than in or around September 2018, and continuing through and including the date of this Superseding Indictment, in the Middle District of Florida and elsewhere, the defendants,

KERMON WILLIAMS, a/k/a "THE GENERAL,"  
JHAPHRE HIGGS, a/k/a "PRE," and  
JAMES HIGGS, JR., a/k/a "HAMMER,"

did knowingly, willfully, and unlawfully conspire and agree with each other, and with other persons, both known and unknown to the Grand Jury, to knowingly use and cause another to use a facility of interstate commerce, with the intent that the murder of Tywan Armstrong be committed in violation of the laws of the State of Florida, as consideration for the promise and agreement to pay something of pecuniary value, specifically, United States currency and a controlled substance, and the deaths of Tywan Armstrong and Roger Ford, and personal injury to C.Y., resulted.

**C. Manner And Means**

5. The manner and means by which the defendants and others sought to accomplish the object of the conspiracy included, among other things, the following:

a. WILLIAMS would and did offer the HIGGS brothers currency and a controlled substance to eliminate a perceived threat to his drug business, to protect his drug business, and to project a reputation for violence and strength for his drug business, by killing Tywan Armstrong.

b. WILLIAMS would and did give the HIGGS brothers an AR-15 to carry out the murder of Tywan Armstrong.

c. On or about September 22, 2018, the HIGGS brothers would and did track the location of Tywan Armstrong.

d. On or about September 22, 2018, the HIGGS brothers would and did shoot with an AR-15, and attempt to kill, Tywan Armstrong.

e. Following the September 22, 2018 shooting, the HIGGS brothers would and did disguise the automobile used in the shooting to prevent its detection by Tywan Armstrong and by law enforcement.

f. The conspirators would and did illegally obtain additional firearms for use in the murder of Tywan Armstrong.

g. On or about January 10, 2019, the coconspirators would and did change the appearance of their automobile again, to prevent its detection by Tywan Armstrong and by law enforcement.

h. On or about January 21, 2019, the coconspirators would and did track Tywan Armstrong's location.

i. On or about January 21, 2019, the conspirators would and did follow Tywan Armstrong's vehicle, pull up beside it, and fire multiple rounds into the vehicle, killing Tywan Armstrong and Roger Ford, and injuring C.Y.

j. The conspirators would and did dispose of evidence, develop false alibis, engage in coded communications with coconspirators, and give false statements to law enforcement officers.

k. The conspirators would and did perform acts and make statements to hide and conceal, and cause to be hidden and concealed, the purpose of the conspiracy and the acts committed in furtherance thereof.

#### **D. Overt Acts**

6. In furtherance of the conspiracy, and to effectuate the object thereof, the conspirators committed the following overt acts, among others, in the Middle District of Florida and elsewhere:

a. On or about September 19, 2018, KERMON WILLIAMS, a/k/a "THE GENERAL," offered JHAPHRE HIGGS, a/k/a "PRE," and JAMES HIGGS, JR., a/k/a "HAMMER," a controlled substance and currency to kill Tywan Armstrong.

b. On or about September 19, 2018, JHAPHRE HIGGS, a/k/a "PRE," and JAMES HIGGS, JR., a/k/a "HAMMER," accepted WILLIAMS' contract to kill Tywan Armstrong in exchange for a controlled substance and currency.

c. On or about September 19, 2018, KERMON WILLIAMS, a/k/a "THE GENERAL," provided an AR-15 to JHAPHRE HIGGS, a/k/a "PRE," and JAMES HIGGS, JR., a/k/a "HAMMER," to facilitate the murder of Tywan Armstrong.

d. On or about September 22, 2018, JHAPHRE HIGGS, a/k/a "PRE," and JAMES HIGGS, JR., a/k/a "HAMMER," shot and attempted to kill Tywan Armstrong, inflicting serious bodily injury on Armstrong.

e. On or about September 25, 2018, JAMES HIGGS, JR., a/k/a "HAMMER," paid to have the Lexus automobile that he used in the September 22, 2018 shooting painted to disguise it from Tywan Armstrong and law enforcement.

f. On an unknown date no later than on or about January 10, 2019, JAMES HIGGS, JR., a/k/a "HAMMER," acquired a .40-caliber firearm, one of the weapons ultimately used to kill Tywan Armstrong.

g. On or about January 10, 2019, JAMES HIGGS, JR., a/k/a "HAMMER," had his Lexus automobile repainted to disguise it.

h. On or about January 17, 2019, JHAPHRE HIGGS, a/k/a "PRE," retrieved the painted Lexus automobile.

i. On or about January 21, 2019, JHAPHRE HIGGS, a/k/a "PRE," and JAMES HIGGS, JR., a/k/a "HAMMER," tracked the location of Tywan Armstrong in anticipation of killing him.

j. On or about January 21, 2019, JHAPHRE HIGGS, a/k/a "PRE," and JAMES HIGGS, JR., a/k/a "HAMMER," shot into the vehicle of Tywan Armstrong, killing Tywan Armstrong and Roger Ford, and injuring C.Y.

k. On or about January 21, 2019, JHAPHRE HIGGS, a/k/a "PRE," JAMES HIGGS, JR., a/k/a "HAMMER," and KERMON WILLIAMS attempted to develop a false alibi for their whereabouts during the shooting and killing of Tywan Armstrong and Roger Ford and the injury of C.Y.

l. On or about January 23, 2019, JAMES HIGGS, JR., a/k/a “HAMMER,” changed cellphones in an attempt to dispose of evidence of the murder-for-hire.

m. On or about January 25, 2019, JHAPHRE HIGGS, a/k/a “PRE,” and coconspirator S.R. changed cellphones in an attempt to dispose of evidence of the murder-for-hire.

n. On or about January 26, 2019, JHAPHRE HIGGS, a/k/a “PRE,” and coconspirator S.R. spent a portion of the proceeds of the murder-for-hire.

All in violation of 18 U.S.C. § 1958.

**COUNT TWO**  
**(Murder-for-Hire)**

From an unknown date, but no later than in or around September 2018, and continuing through and including on or about January 21, 2019, in the Middle District of Florida, the defendants,

KERMON WILLIAMS, a/k/a “THE GENERAL,”  
JHAPHRE HIGGS, a/k/a “PRE,” and  
JAMES HIGGS, JR., a/k/a “HAMMER,”

while aiding and abetting each other and others, both known and unknown to the Grand Jury, used and caused another to use a facility of interstate commerce, with the intent that the murder of Tywan Armstrong be committed in violation of the laws of the State of Florida, as consideration for the promise

and agreement to pay something of pecuniary value, specifically, a sum of United States currency and a controlled substance, and the deaths of Tywan Armstrong and Roger Ford, and personal injury to C.Y., resulted.

All in violation of 18 U.S.C. §§ 1958 and 2.

**COUNT THREE**  
**(Drug Conspiracy)**

1. Paragraphs A1 and A2 of Count One are hereby incorporated by reference.

2. Beginning on an unknown date and continuing through at least on or about January 21, 2019, in the Middle District of Florida, and elsewhere, the defendants,

KERMON WILLIAMS, a/k/a "THE GENERAL,"  
JHAPHRE HIGGS, a/k/a "PRE," and  
JAMES HIGGS, JR., a/k/a "HAMMER,"

did knowingly and willfully conspire with each other and other persons, both known and unknown to the Grand Jury, to distribute a controlled substance. The violation involved a mixture and substance containing a detectable amount of cocaine, a Schedule II controlled substance, and a mixture and substance containing a detectable amount of cocaine base ("crack cocaine"), a Schedule II controlled substance.

All in violation of 21 U.S.C. § 846 and punishable under 21 U.S.C. § 841(b)(1)(C).



**COUNT FOUR**

**(Attempt to Possess a Controlled Substance with Intent to Distribute It)**

Beginning on an unknown date, but no later than in or around September 2018, and continuing through and including on or about January 21, 2019, in the Middle District of Florida, and elsewhere, the defendants,

JHAPHRE HIGGS, a/k/a "PRE," and  
JAMES HIGGS, JR., a/k/a "HAMMER,"

while aiding and abetting each other and other persons, both known and unknown to the Grand Jury, did knowingly and willfully attempt to possess a controlled substance with the intent to distribute it. The violation involved a mixture and substance containing a detectable amount of cocaine, a Schedule II controlled substance, and a mixture and substance containing a detectable amount of cocaine base ("crack cocaine"), a Schedule II controlled substance.

All in violation of 21 U.S.C. § 846, and punishable under 21 U.S.C. § 841(b)(1)(C).

**COUNT FIVE**

**(Use of a Firearm During and in Relation to Drug Trafficking Crimes,  
Causing the Death of Tywan Armstrong)**

On or about January 21, 2019, in the Middle District of Florida, the defendants,

KERMON WILLIAMS, a/k/a "THE GENERAL,"  
JHAPHRE HIGGS, a/k/a "PRE," and  
JAMES HIGGS, JR., a/k/a "HAMMER,"

while aiding and abetting each other, did knowingly use, carry, brandish, and discharge a firearm, during and in relation to drug trafficking crimes for which the defendants may be prosecuted in a Court of the United States, specifically, the Drug Conspiracy alleged in Count Three of this Superseding Indictment, and the Attempt to Possess a Controlled Substance alleged in Count Four of this Superseding Indictment, and, in the course of those crimes, did cause the death of Tywan Armstrong through the use of the firearm, the killing of whom was murder, as defined in 18 U.S.C. § 1111.

In violation of 18 U.S.C. §§ 924(c), 924(c)(1)(A)(iii), 924(j)(1), and 2.

**COUNT SIX**  
**(Use of a Firearm During and in Relation to Drug Trafficking Crimes,  
Causing the Death of Roger Ford)**

On or about January 21, 2019, in the Middle District of Florida, the defendants,

KERMON WILLIAMS, a/k/a "THE GENERAL,"  
JHAPHRE HIGGS, a/k/a "PRE," and  
JAMES HIGGS, JR., a/k/a "HAMMER,"

while aiding and abetting each other, did knowingly use, carry, brandish, and discharge a firearm, during and in relation to drug trafficking crimes for which the defendants may be prosecuted in a Court of the United States, specifically, the Drug Conspiracy alleged in Count Three of this Superseding Indictment, and the Attempt to Possess a Controlled Substance alleged in Count Four of

this Superseding Indictment, and, in the course of those crimes, did cause the death of Roger Ford, through the use of the firearm, the killing of whom was murder, as defined in 18 U.S.C. § 1111.

In violation of 18 U.S.C. §§ 924(c), 924(c)(1)(A)(iii), 924(j)(1), and 2.

**COUNT SEVEN**  
**(Felon in Possession of Ammunition)**

On or about January 21, 2019, in the Middle District of Florida, the defendant,

JHAPHRE HIGGS, a/k/a “PRE,”

knowing that he had been previously convicted in any court of a felony, that is, a crime punishable by imprisonment for a term exceeding one year, including:

1. **aggravated battery with possession of a firearm**, on or about August 31, 2004;
2. **delinquent in possession of a firearm**, on or about August 31, 2004;
3. **possession of cocaine**, on or about November 18, 2015;
4. **possession of hydromorphone**, on or about November 18, 2015;  
and
5. **fleeing or eluding a law enforcement officer**, on or about November 18, 2015,

and the defendant,

JAMES HIGGS, JR., a/k/a "HAMMER,"

knowing that he had been previously convicted in any court of a felony, that is, a crime punishable by imprisonment for a term exceeding one year, including:

1. **accessory after the fact (capital offense)**, on or about April 6, 2001;
2. **possession of cocaine**, on or about April 6, 2001;
3. **failure to appear**, on or about April 6, 2001;
4. **assault or battery in a prison, jail, or detention facility on a visitor or other detainee**, on or about April 6, 2001;
5. **felon in possession of a firearm**, on or about March 24, 2017;
6. **possession of cocaine**, on or about March 24, 2017; and
7. **fleeing from or eluding a law enforcement officer**, on or about March 24, 2017,

did knowingly and intentionally possess, in and affecting interstate commerce, ammunition.

In violation of 18 U.S.C. §§ 922(g)(1) and 924(a)(2).

**COUNT EIGHT**  
**(Felon in Possession of a Firearm and Ammunition)**

On or about November 23, 2018, in the Middle District of Florida, the defendant,

JHAPHRE HIGGS, a/k/a "PRE,"

knowing he had been previously convicted in any court of a felony, that is, a crime punishable by imprisonment for a term exceeding one year, including:

1. **aggravated battery with possession of a firearm**, on or about August 31, 2004;
2. **delinquent in possession of a firearm**, on or about August 31, 2004;
3. **possession of cocaine**, on or about November 18, 2015;
4. **possession of hydromorphone**, on or about November 18, 2015;  
and
5. **fleeing from or eluding a law enforcement officer**, on or about November 18, 2015,

did knowingly possess, in and affecting interstate commerce, a firearm and ammunition.

In violation of 18 U.S.C. §§ 922(g)(1) and 924(a)(2).

**COUNT NINE**  
**(Felon in Possession of a Firearm and Ammunition)**

On or about February 6, 2019, in the Middle District of Florida, the defendant,

JHAPHRE HIGGS, a/k/a "PRE,"

knowing he had been previously convicted in any court of a felony, that is, a crime punishable by imprisonment for a term exceeding one year, including:

1. **aggravated battery with possession of a firearm**, on or about August 31, 2004;

2. **delinquent in possession of a firearm**, on or about August 31, 2004;
3. **possession of cocaine**, on or about November 18, 2015;
4. **possession of hydromorphone**, on or about November 18, 2015;  
and
5. **fleeing from or eluding a law enforcement officer**, on or about November 18, 2015,

did knowingly possess, in and affecting interstate commerce, a firearm and ammunition.

In violation of 18 U.S.C. §§ 922(g)(1) and 924(a)(2).

**SPECIAL FINDINGS AS TO ALL DEFENDANTS**

1. Counts One, Two, Five, and Six of the Superseding Indictment are re-alleged and incorporated by reference as though fully set forth herein.

2. As to Counts One, Two, Five, and Six of the Superseding Indictment, alleging conspiracy to commit murder-for-hire, murder-for-hire, and use of a firearm in furtherance of a drug trafficking crime causing death, the defendant KERMON WILLIAMS, a/k/a "THE GENERAL":

- a. was 18 years of age or older at the time of the offense;
- b. intentionally participated in an act, contemplating that the life of a person would be taken or intending that lethal force could be used in connection with a person, other than one of the participants in the offenses,

and the victims, Tywan Armstrong and Roger Ford, died as a direct result of the act (18 U.S.C. § 3591(a)(2)(C)); and

c. procured the commission of the offense by payment, and promise of payment, and anything of pecuniary value (18 U.S.C. § 3592(c)(7)).

3. As to Counts One, Two, Five, and Six of the Superseding Indictment, alleging conspiracy to commit murder-for-hire, murder-for-hire, and use of a firearm in furtherance of a drug trafficking crime causing death, the defendant, JHAPHRE HIGGS, a/k/a "PRE":

a. was 18 years of age or older at the time of the offenses;

b. intentionally killed the victim, Tywan Armstrong (18 U.S.C. § 3591(a)(2)(A));

c. intentionally participated in an act, contemplating that the life of a person would be taken or intending that lethal force could be used in connection with a person, other than one of the participants in the offenses, and the victims, Tywan Armstrong and Roger Ford, died as a direct result of the act (18 U.S.C. § 3591(a)(2)(C));

d. intentionally and specifically engaged in an act of violence, knowing that the act created a grave risk of death to a person, other than one of the participants in the offense, such that participation in the act constituted a reckless disregard for human life, and the victims, Tywan

Armstrong and Roger Ford, died as a direct result of the act (18 U.S.C. § 3591(a)(1)(D));

e. committed the offense after substantial planning and premeditation to cause the death of a person (18 U.S.C. § 3592(c)(9));

f. in commission of the offense, knowingly created a grave risk of death to one or more persons in addition to the victim of the offense (18 U.S.C. § 3592(c)(5)); and

g. committed the offense as consideration for the receipt, and in the expectation of the receipt, of anything of pecuniary value (18 U.S.C. § 3592(c)(8)).

4. As to Counts One, Two, Five, and Six of the Superseding Indictment, alleging conspiracy to commit murder-for-hire, murder-for-hire, and use of a firearm in furtherance of a drug trafficking crime causing death, the defendant, JAMES HIGGS, a/k/a “HAMMER”:

a. was 18 years of age or older at the time of the offenses;

b. intentionally killed the victim, Tywan Armstrong (18 U.S.C. § 3591(a)(2)(A));

c. intentionally participated in an act, contemplating that the life of a person would be taken or intending that lethal force could be used in connection with a person, other than one of the participants in the offenses,



and the victims, Tywan Armstrong and Roger Ford, died as a direct result of the act (18 U.S.C. § 3591(a)(2)(C));

d. intentionally and specifically engaged in an act of violence, knowing that the act created a grave risk of death to a person, other than one of the participants in the offense, such that participation in the act constituted a reckless disregard for human life, and the victims, Tywan Armstrong and Roger Ford, died as a direct result of the act (18 U.S.C. § 3591(a)(1)(D));

e. committed the offense after substantial planning and premeditation to cause the death of a person (18 U.S.C. § 3592(c)(9));

f. in commission of the offense, knowingly created a grave risk of death to one or more persons in addition to the victim of the offense (18 U.S.C. § 3592(c)(5)); and

g. committed the offense as consideration for the receipt, and in the expectation of the receipt, of anything of pecuniary value (18 U.S.C. § 3592(c)(8)).

### **FORFEITURE**

1. The allegations contained in the Counts above are hereby incorporated by reference for the purpose of alleging forfeiture pursuant to the provisions of 18 U.S.C. § 924(d) and 28 U.S.C. § 2461(c).

2. Upon conviction of a violation of 18 U.S.C. § 924(c), the defendants shall forfeit to the United States, pursuant to 18 U.S.C. § 924(d) and 28 U.S.C. § 2461(c), all firearms and ammunition involved in or used in the violation.

3. The property to be forfeited includes, but is not limited to, the following: a Smith and Wesson pistol, a Hi-Point pistol, and 13 rounds of ammunition.

4. If any of the property described above, as a result of any act or omission of the defendants:


- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third party;
- c. has been placed beyond the jurisdiction of the court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be divided without difficulty,

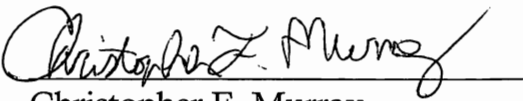
the United States shall be entitled to forfeiture of substitute property under the provisions of 21 U.S.C. § 853(p), as incorporated by 28 U.S.C. § 2461(c).

A TRUE BILL,

  
\_\_\_\_\_  
Foreperson

MARIA CHAPA LOPEZ  
United States Attorney

By:   
Natalie Hirt Adams  
Assistant United States Attorney

By:   
Christopher F. Murray  
Assistant United States Attorney  
Chief, Violent Crimes and Narcotics Section

No. **8:19-cr-293-T-36CPT**

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**UNITED STATES DISTRICT COURT**  
Middle District of Florida  
Tampa Division

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THE UNITED STATES OF AMERICA

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**SUPERSEDING INDICTMENT**

Violations: Title 18, United States Code, Section 1958  
Title 18, United States Code, Section 922  
Title 18, United States Code, Section 924  
Title 21, United States Code, Section 846  
Title 18, United States Code, Section 2

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A true bill.



Foreperson

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Filed in open court this 23rd day  
of January, 2020.

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Clerk

Bail \$ \_\_\_\_\_

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FILED  
2020 JAN 23 PM 12:01  
CLERK US DISTRICT COURT  
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