
UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA : **CRIMINAL COMPLAINT**
:
v. : Hon. Edward S. Kiel, U.S.M.J.
:
CARLOS DIAZ and : Mag. No. 22-15318
EDWARD PORTER :
:

I, Ricky Shaw, the undersigned complainant being duly sworn, state the following is true and correct to the best of my knowledge and belief:

SEE ATTACHMENT A

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

SEE ATTACHMENT B

/s/ Ricky Shaw
Ricky Shaw, Task Force Officer
Bureau of Alcohol, Tobacco,
Firearms, and Explosives

Task Force Officer Ricky Shaw attested to this Complaint by telephone pursuant to Fed. R. Crim. Pro. 4.1(b)(2)(A) on November 28, 2022 in the District of New Jersey

Honorable Edward S. Kiel
United States Magistrate Judge

/s/ Hon. Edward S. Kiel
Signature of Judicial Officer

ATTACHMENT A

COUNT ONE

(Conspiracy to Obstruct Commerce by Robbery)

From on or about August 22, 2022, through on or about August 23, 2022, in Passaic County, in the District of New Jersey and elsewhere, the defendants,

**CARLOS DIAZ and
EDWARD PORTER**

did knowingly and intentionally conspire and agree to obstruct, delay, or affect, commerce and the movement of articles and commodities in such commerce, by robbery, by means of actual and threatened force, or violence, or fear of injury, immediate or future, to the person and property of another.

In violation of Title 18, United States Code, Section 1951(a).

COUNT TWO

(Using, Carrying, and Brandishing a Firearm
During and in Relation to a Crime of Violence)

On or about August 22, 2022, in Passaic County, in the District of New Jersey, and elsewhere, the defendants,

**CARLOS DIAZ and
EDWARD PORTER**

during and in relation to a crime of violence for which the defendants may be prosecuted in a court of the United States, namely, the conspiracy to obstruct commerce by robbery charged in Count One of this Complaint, did knowingly brandish and use a firearm.

In violation of Title 18, United States Code, Section 924(c)(1)(A)(ii).

ATTACHMENT B

I, Ricky Shaw, am a Task Force Officer with the Bureau of Alcohol, Tobacco, Firearms, and Explosives ("ATF"). I am fully familiar with the facts set forth herein based on my own investigation, my conversations with other law enforcement officers, and my review of reports, documents, and video recordings of the evidence. Because this Complaint is being submitted for a limited purpose, I have not set forth each and every fact that I know concerning this investigation. Where statements of others are related herein, they are related in substance and part. Where I assert that an event took place on a particular date, I am asserting that it took place on or about the date alleged.

Background of the Investigation

1. Law enforcement, including the ATF, has been investigating three armed robberies of small businesses (the "Robberies") in Passaic County, New Jersey. Over the course of the investigation, as described herein, law enforcement has identified the defendants, Carlos Diaz ("DIAZ") and Edward Porter ("PORTER," and together with DIAZ, the "Defendants"), as the perpetrators of the Robberies. The Defendants utilized a similar approach for each of the Robberies, including using a firearm, committing the Robberies in the early evening, having PORTER approach the employee nearest to the cash register while DIAZ guarded the entrance of the business, having DIAZ prevent patrons seeking to enter the business from coming through the front door, performing the Robberies in approximately two minutes, and mandating that individuals inside the businesses lie on the floor during the Robberies.

2. During the investigation, law enforcement learned that a black Acura RDX (the "Acura") was used in the course of at least two of the Robberies, and that the Vehicle is registered to DIAZ's partner ("Individual-1") at DIAZ and Individual-1's shared address in Paterson, New Jersey (the "DIAZ Residence").

August 22, 2022 Armed Robbery ("Robbery-1")

3. Video surveillance shows that on or about the late afternoon of August 22, 2022, DIAZ and PORTER gathered in front of the entrance door to the DIAZ Residence.¹ DIAZ wore a distinctive blue T-Shirt with a graphic on the front depicting two large eyes (resembling the eyes of "Cookie Monster" from Sesame Street) (the "blue Cookie Monster Shirt").

4. In the early evening of on or about August 22, 2022, DIAZ changed clothes, wearing dark shoes and dark pants, and carrying a neon green shirt.

¹ When reviewing the video surveillance footage from on or about August 22, 2022, a law enforcement officer familiar with PORTER through multiple in-person interactions identified him based on his body language, mannerisms, and appearance.

PORTER carried a dark baseball hat, and he wore pale blue pants and a dark jacket with three stripes down the shoulders and arms. DIAZ, PORTER, and a third male ("Individual-2") entered the Acura and departed the location.

5. Approximately one hour later, the Acura parked approximately one block away from a bodega in Passaic, New Jersey ("Business-1"). PORTER, DIAZ, and Individual-2 exited the Acura. DIAZ wore a neon green shirt. PORTER wore a dark baseball hat, pale blue pants, and a dark jacket with three stripes down the shoulders and arms. The Defendants and Individual-2 walked to Business-1, where they each displayed semi-automatic handguns while wearing facemasks. DIAZ stood by the entrance of Business-1 and ordered customers to get on the ground, while PORTER and Individual-2 approached the register counter and proceeded to empty the register, stealing approximately \$2,000 in United States currency, a jug containing coins, and numerous boxes of cigarettes, which PORTER placed into a plastic bag. The Defendants and Individual-2 then exited Business-1 approximately two minutes after entering, ran to the Acura, and departed the location.

6. Approximately one hour and fifteen minutes later, DIAZ and PORTER gathered outside the front door of the DIAZ Residence. DIAZ wore the blue Cookie Monster Shirt.

August 23, 2022 Armed Robbery in Passaic ("Robbery-2")

7. Video surveillance shows that on or about the afternoon of August 23, 2022, DIAZ and PORTER were present outside the DIAZ Residence in the Acura. DIAZ wore the blue Cookie Monster Shirt.

8. On or about the evening of August 23, 2022, the Acura parked approximately one block from a liquor store in Passaic, New Jersey ("Business-2"). DIAZ and PORTER exited the Acura. DIAZ wore a blue head covering and a dark long-sleeved shirt partially covering the blue Cookie Monster Shirt. PORTER wore pale blue pants and a dark baseball hat.

9. DIAZ and PORTER entered Business-2 and displayed semi-automatic handguns. DIAZ and PORTER ordered customers to get on the ground. PORTER struck an employee on the side of the face using a handgun. PORTER removed approximately \$2,500 in United States currency from the store's register and approximately \$1,500 in United States currency from the lottery kiosk, filling a tan plastic bag with the cash. PORTER also took several bottles of varying sizes of Hennessy cognac. PORTER and DIAZ exited Business-1 approximately two minutes after entering, ran to the Acura, and departed the location.

August 23, 2022 Armed Robbery in Paterson ("Robbery-3")

10. On or about the evening of August 23, 2022, approximately fifteen minutes after Robbery-2, DIAZ and PORTER entered a bodega in Paterson, New Jersey ("Business-3"). Both DIAZ and PORTER wore the same clothing as they did during Robbery-2, with DIAZ wearing a blue head covering and a dark sleeved shirt partially concealing the blue Cookie Monster Shirt.

11. Video surveillance shows that DIAZ stood near the entrance of Business-3 while PORTER robbed several victims and removed cash from the cash register. PORTER also pushed one male victim and wrestled with a female victim, dragging her to the floor while attempting to take her handbag. Both Defendants displayed semi-automatic handguns inside Business-3. The Defendants exited Business-3 approximately two minutes after entering.

12. Approximately ten minutes after Robbery-3, PORTER and DIAZ entered the front door of the DIAZ Residence located approximately one mile from Business-3. Both PORTER and DIAZ wore the same clothing they were wearing during Robbery-2 and Robbery-3. DIAZ carried two large dark bottles, consistent with the size and shape of bottles of Hennessy cognac. PORTER carried a tan plastic bag, consistent with the bag he carried when exiting Robbery-2.

The Continued Investigation

13. On or about the evening of August 25, 2022, law enforcement observed the Acura in Passaic, New Jersey. A motor vehicle stop was conducted, during which DIAZ was observed driving the Acura with PORTER in the front passenger seat. On or about the same night, the Defendants provided audio-and-video-recorded statements after waiving their Miranda rights in writing.

14. DIAZ informed law enforcement that the Acura belongs to Individual-1, and he stated that Individual-1 regularly allows him to use the Acura without Individual-1 being present.

15. During the search of the Acura, law enforcement recovered two black facemasks, a blue head covering, and one neon green shirt.

16. On or about September 9, 2022, a search warrant was executed at the Diaz Residence, during which law enforcement recovered the blue Cookie Monster Shirt, two neon green shirts, and a bottle of Hennessy cognac.

17. The owners of Business-1, Business-2, and Business-3 each informed law enforcement that the businesses order and sell inventory from out-of-state suppliers and process payments through interstate credit card companies.