

Approved: Derek Wikstrom
DEREK WIKSTROM / T. JOSIAH PERTZ
Assistant United States Attorneys

Before: THE HONORABLE JUDITH C. McCARTHY
United States Magistrate Judge
Southern District of New York

21 MAG 2431

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: SEALED COMPLAINT
UNITED STATES OF AMERICA :
: Violations of 18 U.S.C.
- v. - : §§ 371, 2119, and 2
:
DWAYNE HICKS, and :
TNAIYA WILLIAMS, : COUNTY OF OFFENSE:
: ROCKLAND
Defendants. :
:
- - - - - X

SOUTHERN DISTRICT OF NEW YORK, ss.:

MOISES HASSELL, being duly sworn, deposes and says that he is a Special Agent with the Federal Bureau of Investigation ("FBI"), and charges as follows:

COUNT ONE
(Carjacking Conspiracy)

1. On or about February 28, 2021, in the Southern District of New York and elsewhere, DWAYNE HICKS and TNAIYA WILLIAMS, the defendants, and others known and unknown, unlawfully and knowingly did combine, conspire, confederate, and agree together and with each other, and with others known and unknown, to commit an offense against the United States, to wit, carjacking, in violation of Title 18, United States Code, Section 2119.

2. It was a part and object of the conspiracy that DWAYNE HICKS and TNAIYA WILLIAMS, the defendants, and others known and unknown, with the intent to cause death and serious bodily harm, knowingly took a motor vehicle that had been transported, shipped and received in interstate and foreign commerce from the person and presence of another by force and violence and by intimidation, to wit, in New City, New York, HICKS, WILLIAMS, and others known and unknown agreed to take a Honda Accord that had been

transported, shipped and received in interstate and foreign commerce, from another person by force.

Overt Acts

3. In furtherance of the conspiracy, and to effect the illegal object thereof, the following overt acts were committed in the Southern District of New York and elsewhere:

a. On or about February 28, 2021, DWAYNE HICKS, the defendant, lured a victim ("Victim-1") to a certain residence in New City, New York (the "Residence");

b. In the driveway outside of the Residence, on or about February 28, 2021, HICKS and TNAIYA WILLIAMS, the defendants, and others known and unknown, beat, whipped and threatened Victim-1 with a baseball bat, belts, and a knife, forced Victim-1 to strip naked, stole Victim-1's personal property, including the keys to Victim-1's 2002 Honda Accord (the "Honda"), and repeatedly cut Victim-1's legs with a knife as he pleaded for mercy;

c. At one point during the assault described above, Victim-1 had his upper body in the front passenger seat of the Honda and his legs hanging out the front passenger door. Through verbal threats and physical force and intimidation, HICKS and WILLIAMS, and others known and unknown, removed Victim-1 from the Honda and moved Victim-1 away from the vehicle; and

d. On or about February 28, 2021, Victim-1 fled from the residence, and the assailants kept the Honda, and thereafter drove the Honda away from the Residence.

(Title 18, United States Code, Section 371.)

COUNT TWO
(Carjacking)

4. On or about February 28, 2021, in the Southern District of New York, DWAYNE HICKS and TNAIYA WILLIAMS, the defendants, with the intent to cause death and serious bodily harm, knowingly took a motor vehicle that had been transported, shipped and received in interstate and foreign commerce from the person and presence of another by force and violence and by intimidation, and did aid and abet the same.

(Title 18, United States Code, Sections 2119 and 2.)

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

5. I am a Special Agent with the FBI and a member of its Westchester County Safe Streets Task Force. I have been personally involved in the investigation of this matter. This affidavit is based upon my personal participation in the investigation of this matter, my conversations with other law enforcement officers, and my examination of reports and records. Because this affidavit is being submitted for the limited purpose of establishing probable cause, it does not include all the facts that I have learned during the course of my participation in the 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.

6. Based on my discussions with law enforcement officials from the Clarkstown Police Department ("CPD"), my review of related reports, and my discussions with Victim-1, I have learned, among other things, the following:

a. On or about February 28, 2021, DWAYNE HICKS, the defendant, using his cellphone, invited Victim-1 to come to the Residence. HICKS told Victim-1 that there was a small house party taking place at the Residence, and because of the party's small size, told Victim-1 to come alone. HICKS was known to Victim-1 through previous in-person interactions.

b. On or about the evening of February 28, 2021, Victim-1 drove the Honda¹ to the Residence. When Victim-1 arrived at the residence, he got out of the Honda and placed the car's keys in his pants pocket. HICKS met Victim-1 in the driveway of the Residence, and walked him towards the back of the house.

c. As Victim-1 and HICKS were talking in the driveway, near the back of the Residence, HICKS suddenly punched Victim-1 in the face. Then, two other men, one of whom was carrying a baseball bat, and both of whom were wearing masks, came out of the Residence.

¹Based on my discussions with CPD officers and my review of related reports, I learned the VIN number of the Honda. Based on information obtained from an open-source database used by law enforcement, I have learned that the Honda was manufactured in Japan.

d. HICKS and the other two men began to beat Victim-1 with their hands and the baseball bat. As this was happening, TNAIYA WILLIAMS, the defendant, exited the Residence and began verbally encouraging the men to continue beating Victim-1. WILLIAMS brought a rainbow-colored knife from the Residence.

e. HICKS, WILLIAMS, and the two other men then forced Victim-1, through verbal and physical intimidation and by brandishing the baseball bat and knife, to give them his personal belongings and strip off his clothes. HICKS, WILLIAMS, and the two other men took Victim-1's keys to the Honda, his cellphone, approximately \$400 in cash, a quantity of medical marijuana, bank cards, and an unemployment card. The assailants also took a large knife that was in the trunk of Victim-1's Honda, which they subsequently used in the assault. In addition, WILLIAMS ripped a gold chain off of Victim-1's neck.

f. Once Victim-1's clothes had been removed, the assailants continued to beat him with hands and feet, the baseball bat, and Victim-1's own belt, which had a metal buckle. At some point during the beating, HICKS told WILLIAMS to go get alcohol. WILLIAMS then went into the Residence, and returned with a bottle of rubbing alcohol. One of the assailants then began to cut Victim-1's calves with one of the knives, and then put alcohol on the resulting wounds.

g. After some time, Victim-1 was able to flee on foot. He went to a house down the road from the Residence and called the police. Meanwhile, HICKS and the two male assailants left the Residence in Victim-1's Honda.

h. WILLIAMS remained at the Residence. She was at the Residence when members of the CPD arrived, responding to the 911 call. WILLIAMS told the CPD officers that she lived at the Residence. After a short time, WILLIAMS refused to answer questions and closed the door on the officers.

7. I have reviewed video footage of a portion of the beating described above, which was provided anonymously to the CPD. Based on my review of video footage, I know, among other things, the following:

a. At one point in the video footage, an individual I recognize as Victim-1 is shown naked, with his upper body in the front passenger seat of the Honda and his legs hanging out the door. During the video, multiple people can be seen repeatedly striking Victim-1, using such means as their fists, a baseball

bat, and a belt. The video footage includes a close-up of Victim-1's face, which is bloodied.

b. During a portion of the video, TNAIYA WILLIAMS, the defendant, can be seen repeatedly beating Victim-1 with a belt, as she stands over the passenger door. Based on my discussions with Victim-1, I know that Victim-1 recognized this person as TNAIYA WILLIAMS, the defendant.

c. During another portion of the video footage, an individual can be seen holding up an Apple iPhone (the "iPhone"), facing it toward Victim-1. Based on my discussions with Victim-1, I know that Victim-1 recognized the person holding the iPhone as DWAYNE HICKS, the defendant. The video footage appears to show HICKS using the iPhone to communicate with a third-party ("CC-1") via FaceTime, both speaking to CC-1 and simultaneously broadcasting the beating.

d. Based on my review of mug shot photographs of HICKS, I recognize the person in the video as HICKS, including because HICKS has a distinctive tattoo—a series of stars behind and below his right ear—that is visible both in mug shots of HICKS and in the video footage of the beating of Victim-1.

e. At one point in the video footage, while Victim-1 is inside the Honda, the assailants demanded that Victim-1 exit the Honda, and then one of the assailants pulled Victim-1 out of the Honda by the legs.

f. At another point in the video footage, Victim-1 sat, naked and bloody, on a pile of snow, pleading for his assailants to "stop" as HICKS repeatedly struck and stabbed Victim-1 with a large knife.

WHEREFORE, deponent respectfully requests that warrants issue for the arrest of DWAYNE HICKS and TNAIYA WILLIAMS, the defendants, and that they be imprisoned or bailed, as the case may be.

/s/ Moises Hassell by JCM with permission
MOISES HASSELL (Agent Hassell is known to the court)
Special Agent
Federal Bureau of Investigation

Sworn to me through the transmission of this Complaint by reliable electronic means, pursuant to Federal Rule of Criminal Procedure 4.1, this 4th day of March 2021.

Judith C. McCarthy
THE HONORABLE JUDITH C. McCARTHY
UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT OF NEW YORK