

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

v.

KAHEEM PALMER,

Defendant.

24 mJ 266

SEALED COMPLAINT

Violations of 18 U.S.C. §§ 1951,
924(c)(1)(A)(i) and (ii)

COUNTY OF OFFENSE:
ORANGE

SOUTHERN DISTRICT OF NEW YORK, ss.:

THOMAS L. ANDERSON 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
(Hobbs Act Robbery)

1. On or about December 4, 2023, in the Southern District of New York and elsewhere, KAHEEM PALMER, the defendant, knowingly committed robbery, as that term is defined in Title 18, United States Code, Section 1951(b)(1), and thereby obstructed, delayed, and affected 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), and aided and abetted the same, to wit, PALMER and another person robbed at gunpoint a home in the vicinity of South Clark Street, Newburgh, New York.

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

COUNT TWO
(Firearms Use, Carrying, and Possession)

2. On or about December 4, 2023 in the Southern District of New York and elsewhere, KAHEEM PALMER, 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 Hobbs Act robbery charged in Count One of this Complaint, knowingly used and carried a firearm, and in furtherance of such crime,

possessed a firearm, and aided and abetted the use, carrying, and possession of a firearm, which was brandished.

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

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

3. I am a Special Agent with the FBI, and I have been personally involved in the investigation of this matter. This affidavit is based in part on my conversations with other law enforcement officers and others, and my examination of correspondence, video surveillance, 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 my investigation. Where the contents of documents or the actions, statements, and conversations of others are reported herein, they are reported in substance and in part, except where otherwise indicated.

4. Based on my review of reports and records in this investigation, sworn statements from the victims, GPS and cellphone location records, and video surveillance footage, as well as my conversations with other law enforcement officers, and my own participation in this investigation, I know that the FBI and the City of Newburgh Police Department (“CNPDP”) have been investigating the armed robbery of a known marijuana-dealing location in the City of Newburgh, New York by KAHEEM PALMER, the defendant, and at least one other co-conspirator.

[Continued on the next page]

The Report of the Robbery

5. In or about the early morning hours of December 5, 2023, two individuals reported an armed robbery of a residence on South Clark Street in Newburgh, New York (the “Residence”).¹

Victim-1’s Report of the Robbery

6. One individual, who represented that he lives at, and also sold marijuana out of, the Residence (“Victim-1”) was interviewed by CNPD and provided the following information:

a. He was sitting in the Residence when he heard a knock at the front door, which he knew had trouble closing and locking. After going to the door and looking through the peep hole, he attempted to move his sofa to block the door. An individual on the other side of the door was able to open the door enough to stick a gun into the crack in the door and prevent it from closing.

b. The individuals on the other side of the door were able to overpower him, and three individuals entered the Residence: two unknown men (the “Intruders”), both of whom had guns, and one Hispanic man who Victim-1 recognized as a regular customer of his and who Victim-1 understood had come to the Residence to buy marijuana from him (“Victim-2”).

c. The Intruders yelled not to look at them and forced him and Victim-2, at gunpoint, into the bedroom and to kneel down facing the bed. The Intruders then placed fabric bags over Victim-1 and Victim-2’s heads and placed handcuffs on Victim-1.

d. One of the Intruders stood over him and Victim-2, while the other went through the Residence, taking things.

e. The Intruders “kept asking where the money was, where the safe was, and told [him] that they would kill [him].” Victim-1 told the Intruders that he only had \$1,000 in his pocket, and they took that money.

¹ The Residence is known to law enforcement in Newburgh as a marijuana-dealing location.

f. At one point, one of the Intruders hit him over the head approximately three times with a gun. He also stated that at one point, one of the intruders placed the barrel of a gun to the back of his neck and said, "I feel like you are lying to me." The Intruder who was holding the gun to Victim-1's neck then moved the gun down his neck, and back, and onto his left thigh.

g. The Intruders told him "they know who [he is] and are coming back for [him]."

h. Before the Intruders left, they removed the fabric bag from his head, duck taped his mouth, removed the handcuffs to replace them with duct tape, and tied his legs up with a belt.

i. He instructed Victim-2 to call the police, because the Intruders had taken his phone.

j. Victim-1 reported the following items stolen:

(i) A FedEx envelope containing his birth certificate, immigration paperwork, social security card, and Jamaican passport;

(ii) His phone, a Samsung Galaxy 6 that corresponds to the cellphone number ending in 6229;

(iii) Approximately $\frac{3}{4}$ of a pound of marihuana;

(iv) Approximately \$1,000 in cash, representing the proceeds of marijuana sales;

(v) A gold-plated watch;

(vi) A blue jug filled with quarters;

(vii) A plastic food container filled with coins; and

(viii) A gallon bottle filled with coins, worth approximately \$2,000.

k. Victim-1 reported that he only saw one of the Intruders and described him as black. He identified both as men and reported that one was taller than the other and that one was wearing black Nike Air Max shoes. Victim-1 reported that he was not familiar with the Intruders.

l. Victim-1 also reported that both of the Intruders had guns – that one had a small revolver and the other had a black semi-automatic, and that the semi-automatic gun was the one used to get into the door of the Residence.

Victim-2's Report of the Robbery

7. Victim-2 was interviewed by CNPD and provided the following information:

a. He was on the sidewalk in front of the Residence when a light-skinned black male grabbed him (“Intruder-1”), and then, after Victim-2 had shaken him off, pointed a gun at him and dragged him inside the common hallway of the building in which the Residence is located.

b. There he saw a darker-skinned black male inside (“Intruder-2” and, together with Intruder-1, the “Intruders”), who had two guns. The Intruders instructed Victim-2 to knock on the door of the Residence, and when he initially refused, both Intruders pointed guns at Victim-2’s head. Intruder-1 then struck Victim-2 on the neck with the butt of his gun. Victim-2 fell, and Intruder-1 then held Victim-2 in a headlock with the gun pointed at Victim-2’s head. Intruder-2 then rang the doorbell and announced “delivery” before beginning to kick down the door to the Residence.

c. Once inside, Intruder-2 pistol-whipped Victim-1 before putting Victim-1 in handcuffs. The Intruders brought Victim-2, along with Victim-1, into a dark room and threw Victim-2 to the ground. At this point, Victim-2 observed Victim-1 was knelt over the bed with his hands handcuffed behind him. Intruder-1 had a gun pointed at Victim-2 and repeated “don’t look at me.” The Intruders went through Victim-2’s pockets and took his rent money and his phone.

d. Victim-2 believed that a notification had popped up on his phone while the Intruders were looking at it, and that because of his immigration status, his phone has GPS tracking. Victim-2 believed that this upset the Intruders, and Intruder-1 then hit Victim-2 with the butt of a gun once again. At this point, the Intruders placed pillowcases over Victim-2 and Victim-1's heads and instructed Victim-2 to kneel beside Victim-1.

e. The Intruders then ransacked the Residence and continued to yell at him and Victim-1 the whole time.

f. Before the Intruders left, they removed the handcuffs from Victim-1, duct taped Victim-1's hands and mouth and tied together Victim-1's legs with a belt. The Intruders also tied Victim-2's legs with a belt.

g. The Intruders told Victim-2 and Victim-1 that they were going to come back and kill the two of them because both he and Victim-1 had seen their faces.

h. Victim-2 reported that the Intruders stole \$1,600 from him.

i. Victim-2 further described Intruder-1 as tall and stocky, wearing a black jacket with a black hoodie underneath, black pants, a black beanie, and black Nike shoes. Victim-2 estimated that Intruder-1 was in his late twenties.

j. Victim-2 further described Intruder-2 as tall and skinnier, wearing a black coat, black hoodie, and black sweatpants and as having a tight, groomed beard. Victim-2 estimated that Intruder-2 was older than Intruder-1, perhaps in his thirties.

k. Victim-2 stated that the Intruders spoke English and used what he understood to be Jamaican words at times.

l. Victim-2 noted that Intruder-2 had two guns and Intruder-1 had one gun. He described all three as black guns and noted that they appeared to him to look like law enforcement weapons.

Identification of Kaheem Palmer

Video Footage

8. Video footage from the late evening hours of on or about December 4, 2023 collected from surveillance cameras owned by residents near the Residence shows the following:

a. At approximately 11:15 p.m. on December 4, 2023, two male individuals (“Suspect-1” and “Suspect-2,” respectively, together, the “Suspects”) are observed walking west on Renwick Street before turning right onto South Clark Street and walking north on South Clark Street, on the eastern side of the street, headed towards Benkard Avenue.

a. Suspect-1 has since been identified, including through self-identification during a *Mirandized* post-arrest statement, by Recaldo Fray of Mount Vernon, New York.²

b. During the same post-arrest statement, after waiving his *Miranda* rights, Fray identified the other individual in the video footage, Suspect-2, as Kaheem PALMER.

b. Shortly thereafter, and from another camera angle, at approximately 11:16 p.m., the Suspects are observed walking north on the eastern side of South Clark Street, in front of the Residence as they pass out of the view of the camera.

c. At approximately 11:32 p.m., Suspect-2 is seen walking south on the eastern side of South Clark Street, just outside of the Residence, carrying a medium sized item in his left hand and a smaller item in his right hand.

d. At approximately 11:35 p.m., a light-colored sedan (the “Suspect Vehicle”) is observed driving west on Renwick Street before turning right on South Clark Street and parking

² Recaldo Fray was charged in a three-count Complaint on or about January 15, 2024 and arrested the following day, on or about January 16, 2024.

shortly thereafter on the northeast corner of South Clark Street and Renwick Street, approximately a half of a block south of the Residence. Fray exits the driver's side of the Suspect Vehicle and walks north on the eastern side of South Clark Street.

e. At approximately 11:46 p.m., Suspect-2 is seen walking south on the eastern side of South Clark Street, just outside of the Residence, carrying what appears to be a suitcase in his left hand before loading the item into the trunk of the Suspect Vehicle parked on the northeast corner of South Clark Street and Renwick Street approximately a half of a block south of the Residence. Suspect-2 then walks back toward the Residence, walking on the eastern side of South Clark Street. At approximately 11:47 p.m., Suspect-2 reappears, again walking south on the eastern side of South Clark Street, just outside of the Residence, carrying what appears to be a 5-gallon water cooler jug in his right hand, before loading the item into the trunk of the Suspect Vehicle. The nature of Suspect-2's gait suggests that the item in his right hand is quite heavy, as Suspect-2 is seen holding out his left arm for balance. Suspect-2 then returns towards the Residence, walking north on the eastern side of South Clark Street.

f. At approximately 11:51 p.m., the Suspects are seen walking south on the eastern side of South Clark Street just outside of the Residence. Suspect-2 appears to be carrying a clear plastic gallon jug. Suspect-2 loads the item in his hand into the trunk of the Suspect Vehicle, before entering the passenger side, as Fray enters the driver's side of the vehicle. At approximately 11:52 p.m., the Suspect Vehicle pulls away, driving north on South Clark Street and out of the camera's view.

g. At approximately 11:52 p.m., another camera angle picks up what appears to be the Suspect Vehicle driving north on South Clark Street before making a left onto Benkard Avenue and out of camera view.

9. Video footage from the late evening hours of on or about December 4, 2023 collected from Newburgh City Street cameras shows that at approximately 11:52 p.m., a vehicle comes off of Benkard Avenue and goes south on William Street, where the Suspect Vehicle appears to stop for a red light before making a right, either onto Renwick Street or Bridge Street, and driving out of camera view.

10. Video footage from the late evening hours of on or about December 4, 2023 collected from the local school district shows a vehicle that appears to be the Suspect Vehicle traveling south towards New Windsor at approximately 11:53 p.m.

11. Video surveillance footage from the early morning hours of on or about December 5, 2023 collected from a particular residential building on South 9th Avenue in Mount Vernon, New York shows the following:

- a. At approximately 1:02 a.m., a vehicle that appears to be the Suspect Vehicle pulls up to a stop in front of the residential building; and
- b. Shortly thereafter, at approximately 1:04 a.m., a male individual who appears to be Suspect-2 exits the Suspect Vehicle on the passenger side and walks towards the entrance of the residential building.

Text Message Exchanges

12. Based on my review of information provided by AT&T Wireless, I know that the subscriber for the cellphone assigned a particular number ending in 4567 (the “4567 Number”) is listed as “Rastanautz.”


13. I have reviewed the public profile of an Instagram page for a business account titled “Rastanautz.” The “email” tab of the same Instagram page provides a linked email address that is a particular email account (the “Email Account”).

14. Moreover, I know from my review of records provided by a particular email service provider that the subscriber for the Email Account submitted the 4567 Number as the Recovery Text Message Number for that account. I know from my review of those same records that the subscriber for the Email Account is Kaheem PALMER.

15. Based on my review of the contents of a cellphone belonging to Fray, I know that the 4567 Number was saved in Fray’s phone as “Kaheem Palmer.”

16. Based on the information described in Paragraphs 12-15 above, I believe that the 4567 Number is used by Kaheem PALMER.

17. Based on the same review of cellphone contents described in Paragraph 15 above, as well as my review of records provided by the particular email service provider described in Paragraph 14 above, I know that the 4567 Number had the following text message exchange with Fray³ on or about December 4, 2023 between approximately 6:44 a.m. and 9:27 a.m.:

4567 Number	Fray’s Phone
	Top a di mawnin
Top of the sun beloved	
I’m off on Friday	
	Need that dress to go up top
Kopy lemme get on the [<i>particular map service provider</i>] maps imma grab I	
	Sayless
	

³ The content of the text messages below are included exactly as they appear in Fray’s phone. Any typographical errors included here are in the original messages.

[Street Number Redacted]⁴ south Clark st that black bm his shit



In through the door is a camera idk if it's valid

This Friday you off?

This Friday

Ahh, then, so we leave in the night or day, which is better?

It's up to you

You tell me

I think hell fumble in the night but idk he get up by 7 traffic is spotty so I honestly can't say

7 in the morning?

Mmhm

Go up there in the night

Sayless

Yo schedule change I'm free till Wednesday

I'm at work not imma be here for a little then I'll link you when I'm done

- a. the text message exchange between the 4567 Number and Fray on or about December 4, 2023 resumed at approximately 12:05 p.m. and continued as shown below through approximately 3:24 p.m.:

⁴ The street number redacted from this text message, as well as the image below, is the same street number as the Residence, which is on South Clark Street, in Newburgh.

4567 Number	Fray's Phone
	Okay
	You sent back the Amazon package? Send me the scan
Nah I didn't send it back	
	Okay copy
Imma get that now I'm going to deal with summing then imma forward	
Omw back to Y O now	
	Link me when u around. I'm going to city all over there
Kopy	
	I'm in the post office

b. the text message exchange between the 4567 Number and Fray's Phone resumed at approximately 2:04 a.m. on or about December 5, 2023, when Fray sent the following text message to the 4567 Number: "Home in bed cuz"

18. On or about January 18, 2024, I conducted a search for the Residence address using the same maps the service provider identified in the text message exchange above and reviewed the street view of the Residence available (the "Maps Street View"). In the Maps Street View for the Residence, which is excerpted below, a vehicle that appears to be a black BMW is visible parked across the street from the Residence (the "BMW Vehicle").

[Continued on the next page]



*Excerpted Screenshot of Maps Street View for Area Near the Residence
Image Captured in August of 2023
Screenshot Captured on January 19, 2024 at approximately 11:30 a.m.*

19. The BMW Vehicle visible in the Maps Street View for the area near the Residence appears to be the same vehicle driven by Victim-1 observable in video surveillance footage near the Residence and matches the description of Victim-1’s vehicle provided to CNPD – a BMW – provided by a witness to another incident involving Fray and Victim-1.


20. Based on my review of the contents of Fray’s cellphone, I know that:

- a. the 4567 Number had the following text message exchange with Fray on or about December 6, 2023 between approximately 6:34 a.m. and 1:45 p.m.:

4567 Number	-Fray’s Phone
	[One voice message sent, unavailable]
Top of the sun link yuh when I get off	
	Cool
	Yo u asked home boy if he could take care of the herbz
I’ll check him tonight but my dawgz in queens say he can take one imma charge him 18 but if he takes longer than a week 22	
	Word
Idk bout that nigga but the queens dawgz a valid flex	

Imma link my next dawgz see if he can help me out	
You got nobody	
	Everybody stopped selling too many people here they said
That's why I kick back	
	Lol. . I searching need everything to be gone quick
Lemme see what I can do	
If nothing we leave it on my dogs in queens	
And give him a low number	
	Yea got u
Imma link my next dawgz little later too	
	Copy
Might need you to spin me around after work you valid?	
	Yeah I have to got to get rid of them
Kopy	

- b. The text message conversation between the 4567 Number and Fray's phone resumed at approximately 11:10 p.m. on or about December 6, 2023 and continued until approximately 11:24 p.m. on or about the same day:

4567 Number	Fray's Phone
	[One video sent, appears to be a video of multiple vacuum sealed packages of marihuana, screenshot below] 
Bring the gelato	
The compress ones dont got no writings	
	No
Bring all four of those big bags duck it	
The two compress	
And the two other shits	
Brio	

21. Based on my training and experience, I understand the words “herbz” and “gelato” to be references to marihuana.

Cellphone Location Data

22. Cellsite location data for the cellphone assigned the 4567 Number (the “Palmer Phone”) shows that the device was in or around the area of Mount Vernon at approximately 9:26 p.m. on or about December 4, 2023.

23. The same data shows that by approximately 9:35 p.m. on or about December 4, 2023, the Palmer Phone had moved and was in or around the area of White Plains and that by approximately 10:02 p.m. on or about December 4, 2023, the Palmer Phone had reached the Peekskill area.

24. The same cellsite location data shows that the Palmer Phone was in the City of Newburgh between approximately 10:30 p.m. and 11:27 p.m. on or about December 4, 2023.

25. The Palmer Phone does not reappear on cellsite location data again until approximately 5:35 a.m. on or about December 5, 2023, at which point it was in Mount Vernon.

26. Based on my training and experience, this data is consistent with an individual traveling in a vehicle from Mount Vernon, New York to the City of Newburgh, and then back to Mount Vernon.

[Continued on the next page]

WHEREFORE, I respectfully request that a warrant be issued for the arrest of KAHEEM PALMER, the defendant, and that he be arrested, and imprisoned or bailed, as the case may be.

1st Thomas L. Anderson by JCM
THOMAS L. ANDERSON *w/permission*
Special Agent
Federal Bureau of Investigation

Sworn to me through the transmission of this Complaint by reliable electronic means, pursuant to Federal Rules of Criminal Procedure 41(d)(3) and 4.1, this 22nd day of January, 2024

Judith C. McCarthy
THE HONORABLE JUDITH C. McCARTHY
United States Magistrate Judge
Southern District of New York