


Approved: 
MATTHEW R. SHAHABIAN
Assistant United States Attorney

Before: THE HONORABLE GABRIEL W. GORENSTEIN
United States Magistrate Judge
Southern District of New York

21 MAG 1591

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: SEALED COMPLAINT
UNITED STATES OF AMERICA :
: Violations of 18 U.S.C.
- v. - : §§ 1951 and 2
: ERIC SPENCER, : COUNTY OF OFFENSE:
: NEW YORK
Defendant. :
: :
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SOUTHERN DISTRICT OF NEW YORK, ss.:

BRIAN SMITH, 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 February 2, 2021, in the Southern District of New York and elsewhere, ERIC SPENCER, the defendant, knowingly did commit robbery, as that term is defined in Title 18, United States Code, Section 1951(b)(1), and did thereby obstruct, delay, and affect 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), to wit, SPENCER robbed a luxury retail store in the vicinity of Spring Street in Manhattan, New York.

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

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

2. I am a Special Agent with the FBI. This affidavit is based on my personal participation in the

investigation of this matter, my conversations with other law enforcement officers, witnesses and others, my review of surveillance videos and stills, as well as my examination of reports and records. Because this affidavit is being submitted for the limited purpose of demonstrating probable cause, it does not include all the facts that I have learned during the course of my 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.

3. Based on my conversations with other law enforcement officers investigating this case who spoke with security guards and other witnesses, my review of law enforcement reports and records about this incident, and my review of surveillance footage and stills from the scene of the crime, I have learned the following:

a. On or about February 2, 2021 at approximately 1:45 p.m., a man ("Suspect-1"), later identified as ERIC SPENCER, the defendant, and three other individuals ("Coconspirators-1, -2, and -3") entered a luxury retail store in the vicinity of Spring Street in Manhattan, New York (the "Store"). Suspect-1 and Coconspirators-1, -2, and -3 began ripping handbags off the walls and removing the security cords designed to prevent thefts.

b. A security guard for the Store ("Security Guard-1") confronted Suspect-1. Suspect-1 told Security Guard-1, in sum and substance, "What are you going to do? Shoot me?" Suspect-1 then reached into his waistband, where Security Guard-1 saw the black handle of a firearm. Suspect-1 yelled, in sum and substance, "Nobody touch me! Get everything! Grab everything!"

c. A second security guard for the Store ("Security Guard-2") overheard Security Guard-1 confronting Suspect-1. Security Guard-2 saw the imprint of a firearm in the waistband of Suspect-1's sweatpants and believed Suspect-1 was carrying a firearm. Coconspirator-1 told Security Guard-2 to, in sum and substance, "Back up." Security Guard-2 responded by raising Security Guard-2's hands to show Security Guard-2 was not a threat.

d. A third security guard for the Store ("Security Guard-3") also witnessed Suspect-1 and Coconspirators-1, -2, and -3 grabbing handbags. Security Guard-3

observed Suspect-1 repeatedly reaching in to the waistband of his sweatpants as if he was carrying a firearm as Security Guard-3 yelled at Suspect-1 and Coconspirators-1, -2, and -3. Security Guard-3 believed Suspect-1 was carrying a firearm.

e. Security Guards-1, -2, and -3 each observed that Suspect-1 was wearing green sweatpants, a grey hooded sweatshirt, and a mask.

f. Suspect-1 and Coconspirators-1, -2, and -3 removed handbags and other items of merchandise valued at approximately \$189,500 and exited through the Store's entrance facing Wooster Street.

4. Based on my conversations with other law enforcement officers who are investigating this case and who identified Suspect-1 as ERIC SPENCER, the defendant, my review of law enforcement reports and records regarding this case and that identification, my review of surveillance footage and stills from the scene of the crime, nearby locations, and a building in Brooklyn, and my review of publicly available profiles on a social media website (the "Website"), I have learned the following, in substance and in part:

a. I reviewed surveillance video ("Video-1") taken from inside of the Store at approximately the time of the robbery. Video-1 shows Suspect-1 wearing dark sweatpants with white by the ankles, a grey hooded sweatshirt, and a mask. A still of Suspect-1 from Video-1 appears below:

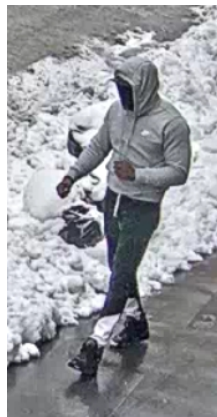


b. I also reviewed stills of surveillance video ("Video-2") taken from the exterior of the Store immediately after the robbery. Video-2 shows Suspect-1 carrying what appear

to be handbags from the Store. A still of Suspect-1 from Video-2 appears below:



c. I also reviewed surveillance video ("Video-3") taken from the vicinity of Wooster Street across the street from the Store immediately before the robbery. Video-3 shows a man ("Man-1") wearing dark sweatpants with white by the ankles and a grey hooded sweatshirt walking down Wooster Street on the same block as the Wooster Street entrance to the Store. Based on the similar clothing and appearance, I believe Man-1 is Suspect-1. Stills of Man-1 from Video-3 appear below:



d. Video-3 also shows a dark, 4-door Audi car (the "Audi") with temporary tags in the vicinity of Wooster Street near the time of the robbery. A still of the Audi from Video-3 appears below:



e. I also reviewed surveillance video ("Video-4") taken from the vicinity of the 4th floor hallway of 260 Herkimer Street, Brooklyn, New York, on or about February 2, 2021. At approximately 11:30 a.m., Video-4 shows a man ("Man-2") waiting in the hallway of a building wearing dark sweatpants with white by the ankles, a grey hooded sweatshirt, and a dark puffy vest. The man's face is visible. Based on the similar clothing and appearance, I believe Man-2 is also Man-1 and Suspect-1. A still of Man-2 from Video-4 appears below:



f. I also reviewed surveillance video ("Video-5") taken from an elevator inside 260 Herkimer Street on or about February 2, 2021. At approximately 12:36 p.m. - a little more than one hour before the robbery - Video-5 shows a man ("Man-3") wearing dark sweatpants with white by the ankles, a grey hooded sweatshirt, and a dark puffy vest getting into an elevator. Man-3 adjusts the waist of his sweatpants in the elevator in a manner that, based on my training and experience, I believe indicates the presence of a handgun in the vicinity of his waistband. Man-3's face is visible. Based on the similar

clothing and appearance, I believe Man-3 is also Man-1, Man-2, and Suspect-1. A still of Man-3 from Video-5 appears below:



g. Based on law enforcement officers' previous experience with SPENCER during prior arrests and the investigation in this case, officers recognized Man-2 and Man-3 as SPENCER. I know from my review of SPENCER's criminal history records that SPENCER was arrested in the vicinity of 260 Herkimer Street as recently as on or about September 2019. Based on that information, as well as my comparison of Man-2 and Man-3 to a law enforcement photo ("Photo-1") of SPENCER, I believe Man-2 and Man-3 are SPENCER. Photo-1 appears below:



h. I also reviewed surveillance video ("Video-6") taken in the vicinity of 260 Herkimer Street, on or about February 2, 2021. At approximately 12:39 p.m., Video-6 shows a man ("Man-4") wearing dark sweatpants with white by the ankles, a grey hooded sweatshirt, and a puffy vest loading and then entering a dark, 4-door Audi car with at least 3 other individuals. Based on the similar clothing, appearance, and location and time of Video-6, i.e., three minutes after Video-5,

I believe Man-4 is also SPENCER and that the car is the Audi. A still from Video-6 appears below:



i. I have learned that law enforcement officers identified a specific user's social media profile ("User-1") on the Website as belonging to SPENCER. Law enforcement officers identified User-1 as SPENCER by comparing images publicly available on User-1's profile to a law enforcement photo of SPENCER, and by identifying User-1's "friends" as associates of SPENCER's already known to law enforcement. On or about January 6, 2021, User-1 posted a photo ("Photo-2") of SPENCER wearing what appears to be the same dark green sweatpants with white by the ankles worn by Suspect-1 and Man-1, -2, -3, and -4. A still of SPENCER from Photo-2 appears below:



j. The day after Suspect-1 robbed the Store, User-1 posted references to "DOUBLE C" to his profile on the

Website. For example, on or about February 3, 2021, User-1 posted "SO MUCH DOUBLE C RN I COULD OPEN A SMALL BOUTIQUE FRFR." I know from my training and experience that "DOUBLE C" is a nickname for the Store and that the Store frequently uses two paired "Cs" as a logo on the Store's handbags and other merchandise. I also know from my training and experience that "RN" means "right now" and "FRFR" means "for real, for real," i.e., "seriously." Based on my training and experience, I believe that User-1 was stating that he was currently in possession of many items of merchandise sold by the Store. User-1 has since deleted this post.

k. Based on the foregoing, there is probable cause believe that SPENCER is Suspect-1.

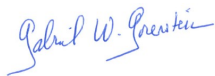
5. Based on the investigation in this case, I have learned that products for sale in the Store were manufactured outside of New York State.

WHEREFORE, deponent respectfully requests ERIC SPENCER, the defendant, be imprisoned or bailed, as the case may be.

/s/ sworn telephonically

Brian Smith
Special Agent
Federal Bureau of Investigation

Sworn to before me by reliable electronic means this
10th day of February, 2021



THE HONORABLE GABRIEL W. GORENSTEIN
UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT OF NEW YORK