

Approved: Sarah L. Kushner
SARAH L. KUSHNER
Assistant United States Attorney

Before: HONORABLE BARBARA MOSES
United States Magistrate Judge
Southern District of New York

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UNITED STATES OF AMERICA :
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- v. - :
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RASHIEM COUNCIL, :
PARIS FULTON, :
TERRENCE MCKEE, and :
MICHAEL GARCIA, :
:
Defendants. :
:
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SEALED COMPLAINT

Violations of 21 U.S.C.
§§ 841 and 846;
18 U.S.C. §§ 924(c) and
2

COUNTY OF OFFENSE:
BRONX

SOUTHERN DISTRICT OF NEW YORK, ss.:

GARY HABER, being duly sworn, deposes and says that he is a Detective with the New York City Police Department ("NYPD") and a deputized federal task force officer with the United States Attorney's Office for the Southern District of New York ("USAO" or "Investigating Agency") and charges as follows:

COUNT ONE
(Narcotics Conspiracy)
(RASHIEM COUNCIL, PARIS FULTON, and TERRENCE MCKEE)

1. On or about January 11, 2022, in the Southern District of New York and elsewhere, RASHIEM COUNCIL, PARIS FULTON, and TERRENCE MCKEE, the defendants, and others known and unknown, intentionally and knowingly did combine, conspire, confederate, and agree together and with each other to violate the narcotics laws of the United States.

2. It was a part and an object of the conspiracy that RASHIEM COUNCIL, PARIS FULTON, and TERRENCE MCKEE, the defendants, and others known and unknown, would and did distribute and possess with the intent to distribute a

controlled substance, in violation of Title 21, United States Code, Section 841(a)(1).

3. The controlled substance that RASHIEM COUNCIL, PARIS FULTON, and TERRENCE MCKEE, the defendants, conspired to distribute and possess with the intent to distribute was 500 grams and more of mixtures and substances containing a detectable amount of cocaine, in violation of Title 21, United States Code, Section 841(b)(1)(B).

(Title 21, United States Code, Section 846.)

COUNT TWO
(Firearms Use)

(RASHIEM COUNCIL, PARIS FULTON, and TERRENCE MCKEE)

4. On or about January 11, 2022, in the Southern District of New York and elsewhere, RASHIEM COUNCIL, PARIS FULTON, and TERRENCE MCKEE, the defendants, during and in relation to a drug trafficking crime, namely, the narcotics offense charged in Count One of this Complaint, knowingly did use and carry firearms, and in furtherance of such crime, did possess firearms, which firearms were brandished, and did aid and abet the same.

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

COUNT THREE
(Possession with Intent to Distribute Cocaine)
(MICHAEL GARCIA)

5. On or about January 11, 2022, in the Southern District of New York and elsewhere, MICHAEL GARCIA, the defendant, intentionally and knowingly distributed and possessed with intent to distribute a controlled substance, in violation of Title 21, United States Code, Section 841(a)(1).

6. The controlled substance involved in the offense was 500 grams and more of mixtures and substances containing a detectable amount of cocaine, in violation of Title 21, United States Code, Section 841(b)(1)(B).

(Title 21, United States Code, Sections 812, 841(a)(1), and 841(b)(1)(B).)

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

7. I am a Detective with the NYPD and am assigned to the United States Attorney's Office for the Southern District of New York as a deputized federal task force officer. 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 law enforcement agents, witnesses, and others, as well as my examination of report 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 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. Where figures, calculations, and dates are set forth herein, they are approximate, unless stated otherwise.

8. As discussed in detail below, I have been involved in the investigation of an armed home invasion (the "Home Invasion") that occurred in an apartment (the "Apartment") in a building (the "Building") in the Bronx, New York, on or about January 11, 2022, during which three individuals posed as law enforcement officers (the "Police Impersonators") and stole approximately \$160,000 in cash and approximately three kilograms of cocaine.

9. Based on my review of body-worn camera footage, 911 audio recordings, and my conversations with other law enforcement officers and with the two adult individuals who live in the Apartment—that is, MICHAEL GARCIA, the defendant, and his partner ("Individual-1")—I have learned, among other things, the following:

a. On or about January 11, 2022, at approximately 5:00 a.m., the Police Impersonators, subsequently identified as RASHIEM COUNCIL, PARIS FULTON, and TERRENCE MCKEE, the defendants, stood outside the front door of the Apartment, announced that they were the "police," and forced their way into the Apartment. The Police Impersonators were dressed as though they were law enforcement officers. For example, one of the Police Impersonators was wearing a holster and a black vest with buckles that mimicked a bullet proof vest. At least one Police Impersonator had a taser gun and a security badge, and another wore a jacket that read "SECURITY" on the back.

b. GARCIA, Individual-1, and their two minor children were in the Apartment during the Home Invasion.

c. As the Police Impersonators entered the Apartment, GARCIA ran into his bedroom (the "Bedroom"). Individual-1 was already inside the Bedroom. The Police Impersonators then barged into the Bedroom. At least one of them had a gun in his hand when he entered the Bedroom. Inside the Bedroom, the Police Impersonators continued to claim that they were police officers. They demanded that GARCIA and Individual-1 get down on the Bedroom floor; one of the Police Impersonators held GARCIA at gun point, handcuffed GARCIA, and demanded to know where GARCIA stored GARCIA's drugs and money. GARCIA gestured to a closet in the Bedroom, which had shopping bags filled with drugs and cash. The Police Impersonators took at least some of those bags.

d. The Police Impersonators then escorted GARCIA, in handcuffs, out of the Apartment and into the elevator. By then, in response to another individual's ("Witness-1") 911 call about the Police Impersonators, officers (the "Officers") from the NYPD had arrived at the Building, and had just entered the lobby when the elevator door opened. The Police Impersonators and GARCIA, who was still in handcuffs, walked out of the elevator. They tried to avoid the Officers and continued walking towards the front door. The Officers asked the Police Impersonators what law enforcement unit they were with, and the Police Impersonators claimed that their sergeant was waiting for them outside. As soon as the Police Impersonators and GARCIA exited the Building, however, they began to run. The Officers pursued them. After a short pursuit, the Officers caught up to and apprehended GARCIA and two of the Police Impersonators, who were subsequently identified as COUNCIL and MCKEE. During that pursuit, one Officer saw one of the Police Impersonators throw a firearm ("Firearm-1") into the street. Immediately after COUNCIL and MCKEE were arrested, the Officers also found and recovered two more firearms ("Firearm-2" and "Firearm-3") near the Building.

10. Shortly thereafter, the Officers arrested the third Police Impersonator. Specifically, based on my conversations with other law enforcement officers, I have learned, among other things, the following:

a. On or about January 11, 2022, shortly before the Home Invasion, Witness-1, a security officer for the

Building, saw the three Police Impersonators approach the Building; at the same time, Witness-1 saw the lights of a car ("Car-1") parked near the Building go off, indicating to Witness-1 that someone had just locked Car-1 at the same time that the Police Impersonators were approaching the Building.

b. After the Home Invasion, Witness-1 told the Officers about Car-1.

c. Shortly after RASHIEM COUNCIL and TERRENCE MCKEE, the defendants, were arrested, the Officers went to conduct surveillance on Car-1, which was still parked near the Building. The Officers noted that Car-1 had a Connecticut license plate. While they were watching Car-1, the Officers observed an individual ("Individual-3") approach and attempt to enter Car-1, at which point the Officers approached Individual-3 and told him that they were watching Car-1 in connection with an ongoing investigation. The Officers asked for and Individual-3 provided them with a driver's license in the name of "Shamone Fulton." Individual-3 told the Officers that Car-1 was his car, and gave the Officers consent to search Car-1. The Officers searched Car-1, and found another firearm ("Firearm-4") in a backpack in Car-1. At that point, the Officers arrested Individual-3, whose name they subsequently determined was PARIS FULTON, the defendant.¹

11. Based on my review of video surveillance obtained from the Building, I know that the Police Impersonators were not carrying any bags when they entered the Apartment. When they left the Apartment, however, they were carrying several shopping bags that the Officers recovered at the time of the first two Police Impersonators' arrests.

12. Based on my conversations with other law enforcement officers and my personal involvement in this case, including my review of the physical evidence seized in this

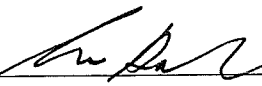
¹ Based on my involvement in this case, I know that after his arrest, PARIS FULTON, the defendant, was *Mirandized* and agreed to waive his *Miranda* rights. Based on my *Mirandized* conversations with FULTON and my conversations with other law enforcement officers who have also spoken with FULTON, I have learned, among other things that "Shamone Fulton" is FULTON's brother. Moreover, based on my review of records obtained from a law enforcement database, I have learned, among other things, that Car-1 is registered to FULTON.

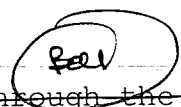
case, and my review of lab reports, I know that those shopping bags contained more than one hundred and sixty thousand dollars in cash and approximately three kilograms of cocaine.²

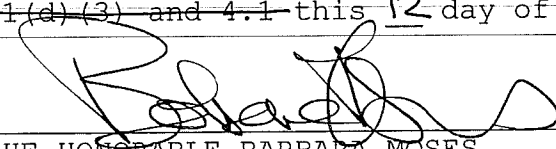
13. Based on my discussions with other law enforcement officers and my review of law enforcement reports, including reports containing the Police Impersonators' pedigree information, I have learned, among other things, that the Police Impersonators are RASHIEM COUNCIL, PARIS FULTON, and TERRENCE MCKEE, the defendants.

² Based on my and other law enforcement officers' *Mirandized* conversations with PARIS FULTON, the defendant, I have learned, among other things, that FULTON claimed that MICHAEL GARCIA, the defendant, worked with FULTON and the other two Police Impersonators to stage the Home Invasion and make it seem as though GARCIA was arrested, and that drugs and drug proceeds found in his Apartment were seized, by law enforcement. Moreover, based on my review of body-worn camera footage, I have learned, among other things, that GARCIA, like the other defendants, attempted to run away from the Officers when they approached the defendants outside the Building.

WHEREFORE, deponent respectfully requests that RASHIEM COUNCIL, PARIS FULTON, TERRENCE MCKEE, and MICHAEL GARCIA, the defendants, be imprisoned or bailed, as the case may be.

DAS/TTS 
GARY HABER
Federal Task Force Officer
U.S. Attorney's Office for the
Southern District of New York

before 
Sworn to ^{me} ~~through the transmission of this~~
~~Affidavit by reliable electronic means,~~
~~pursuant to Federal Rules of Criminal Procedure~~
~~41(d)(3) and 4.1~~ this 12 day of January, 2022


THE HONORABLE BARBARA MOSES
UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT OF NEW YORK