

**UNITED STATES DISTRICT COURT**  
U.S. District Court  
District of Kansas  
**District of Kansas**

**MAY 26 2016**

**UNITED STATES OF AMERICA,**

Clerk, U.S. District Court  
By *[Signature]* Deputy Clerk

**Plaintiff,**

v.

**CASE NO. 16-6064 -01-02-GEB**

**ROLAND DONELL ROSS and  
MICHAEL RAY PHILLIPS, JR.**

**Defendants.**

**CRIMINAL COMPLAINT**

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

**COUNT ONE**

**18 U.S.C. § § 1951(a) and 2  
(Interference with Commerce by Means of Robbery)**

1. At all times material to this Complaint, MGS Liquor Store, located at 6200 N. Broadway, Park City, Kansas, was engaged in the wholesale purchase, distribution and retail sale of products in interstate commerce and was an industry which affects interstate commerce.

2. On or about May 24, 2016, in the District of Kansas, the defendants,

**ROLAND DONELL ROSS and MICHAEL RAY PHILLIPS, JR.,**

did intentionally and unlawfully attempt to obstruct, delay and affect commerce, as that term is defined in Title 18, United States Code, Section 1951(b)(3), and the movement of articles and commodities in such commerce by robbery, as that term is defined in Title 18, United States Code, Section 1951(b)(1), in that defendants **ROLAND DONELL ROSS and MICHAEL RAY PHILLIPS, JR.,** did knowingly, intentionally and unlawfully attempt to take and obtain personal property consisting of United States currency in the presence of an employee of MGS Liquor Store, against the employee's will by means of actual and threatened force, violence, and fear of injury immediate or future, to the person or property, and to property in the employee's custody and possession.

All in violation of Title 18, United States Code, Sections 1951(a) and 2.

**COUNT TWO**

**18 U.S.C. § § 924(c)(1) and 2**

**(Brandishing a Firearm During and In Relation to a Hobbs Act Robbery)**

That on or about May 24, 2016, in the District of Kansas, the defendants,

**ROLAND DONELL ROSS and MICHAEL RAY PHILLIPS, JR.,**

did knowingly brandish a firearm, during and in relation to a crime of violence, to wit, the commission of a Hobbs Act robbery of MGS Liquor Store, for which the defendants

may be prosecuted in a court of the United States, and brandished the firearm, in violation of Title 18, United States Code, Sections 924(c)(1) and 2.

I, Justin Sprague, further state that I am a Special Agent with the Bureau of Alcohol, Tobacco, Firearms and Explosives, in Wichita, Kansas and that this Complaint is based upon the following facts:

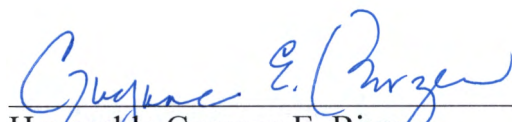
**See attached affidavit which is incorporated herein by reference.**

Continued on the attached sheet and made a part hereof:

X  Yes           No

  
Justin Sprague  
Special Agent - ATF

Sworn to before me and subscribed in my presence this 26th day of May, 2016 at  
Wichita Kansas.

  
Honorable Gwynne E. Birzer  
U.S. Magistrate Judge  
District of Kansas

**AFFIDAVIT**

I, Justin D. Sprague, the Affiant being duly sworn, declare and state:

1. I have been employed as a Special Agent (SA) for the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) since December of 2013. I am currently assigned to the Wichita Field Office in Wichita, KS. As a Special Agent with ATF, I have attended the Federal Law Enforcement Training Center's Criminal Investigator Training Program and ATF Special Agent Basic Training. I have also attended Firearms Interstate Nexus Training hosted by ATF and am in the process of becoming a Firearm and Ammunition Interstate Nexus Expert. Previous to this, I was an Industry Operations Investigator with ATF for six years specializing in regulatory enforcement of firearms and explosives regulations. I have two years with the Emporia Police Department as a police officer conducting daily patrol activities. I am also a graduate from Pittsburg State University with a Bachelor of Science in Justice Studies.

2. I make this affidavit from personal knowledge based on my participation in this investigation, including observations by myself and/or other law enforcement agents, communications with others who have personal knowledge of the events and circumstances described herein, reviewing court documents and information gained through my training and experience. The information outlined below is provided for the limited purpose of establishing probable cause and does not contain all details or all facts of which I am aware of relating to this investigation.

3. On May 24, 2016, officers with the Park City Police Department (PCPD) Officers were dispatched to a hold up alarm at MGS Liquor located at 6200 N. Broadway, Park City, Sedgwick County, Kansas. Upon arrival the officers learned that there was an attempted robbery involving two suspects and an employee of the business had one of the suspects held at gunpoint, while there other had ran out of the store. The officers took the suspect still at the store into custody, he was identified as Roland Donnell ROSS (DOB 2-22-1988, B/M, approximately 5'7" and 175 pounds).

4. The officers interviewed the store employee regarding the incident. The employee stated that two black males entered the store and he was asked by one of them if he was ready to die because this was a robbery and to give them all the money. The employee stated that he saw that both the suspects were carrying guns. The employee grabbed a firearm that he had with him in the office and confronted the suspects firing two shots at one of the suspects and ordered the other suspect (ROSS) to put down his gun. ROSS eventually complied and put his gun on a window sill in the business and laid on the floor until the officers arrived. The suspect that the employee had shot at ran from business and was not located at that time. After firing the shots the employee hit the businesses hold up alarm and called 911, initiating dispatches call for service.

5. In the moments previous to the call for service at the liquor store, an officer had identified a green Toyota Camry bearing Kansas license place 091HWW driving through a parking lot at a closed business across the street from the liquor store. The officer checked that tag with police dispatch when the alarm call came out. The registration on that vehicle came back to a 2001 green Toyota Camry, registered to

Monique Deshawn Warren at 11736 SW 148<sup>th</sup> Terrance, Augusta, KS, 67010. Based on a previous contact by the Wichita Police Department in 2015 both ROSS and Warren were contacted during that incident.

6. After ROSS was taken into custody he was transported to the PCPD located at 6110 N. Hydraulic, Park City, KS, and was placed in an interview room. Previous to being placed into the interview room, ROSS asked to use the restroom and was escorted to the stations restroom by PCPD officers. After using the restroom, Officer Green asked ROSS if he was going to wash his hands, ROSS responded, "I might be a robber but I ain't a nasty motherfucker." ROSS then stated, "it is what it is, I got caught fuckin' up, trust me."

7. PCPD Detective Dwight Wilkes interviewed ROSS at the station. ROSS was provided a written Miranda warning that was read to him by Det. Wilkes, and ROSS signed the document and agreed to speak with him. During the interview ROSS admitted that he and the second suspect went into the business to scare the employee and the other suspect turned the incident into an actual robbery. ROSS also admitted to having the gun and placing it on the window sill as directed by the employee.

8. At the time of the initial investigation it was unknown if the second suspect had been hit by the shots fired by the store employee. The following day the employee had noticed blood on one of the entrance/exit doors to the business. When reviewing surveillance footage of the incident, the second suspect runs into that door, which was locked, as he was leaving the business through the second door. After discovering the blood on the door it was believed that the second suspect had been hit by one of the

bullets fired at him by the store employee. Personnel from the PCPD collected the blood evidence from the door.

9. Additionally the surveillance video footage shows ROSS and the second suspect enter the business at approximately 10:40 p.m., the second suspect is wearing dark colored t-shirt and dark colored pants carrying a small silver handgun. That suspect's face is covered by a bandana, sunglasses, and is wearing a stocking cap. It is noted that the video shows two lighter colored spots on the right shoulder of the second suspects t-shirt and a single lighter colored spot the left shoulder of the t-shirt.

10. On May 25, 2016, Det. Wilkes received information that a black male had been admitted to Saint Luke's Hospital of Kansas City in Kansas City, MO, for a gunshot wound to the chest, but was stating that he received the wound from a stick poking him while running. The medical examination revealed that a bullet was lodged under his sternum. The black male was identified as Michael Ray PHILLIPS Jr (DOB 11-29-1978). Based on PHILLIPS's computerized criminal history he is described as being 5'09" and 250 pounds. This description is similar to the second subject from the robbery, as seen in the surveillance video, which may have been shot during the incident.

11. Kansas City, Missouri, Police Department (KCPD) Detective Dawn Jones responded to the hospital to assist since the PHILLIPS's story of being stuck by a stick did not match the bullet lodged in his chest. Det. Jones stated that PHILLIPS's was transported to the hospital by Lashaele Dorsey in 2006 black Chrysler 300 bearing Kansas tag 205JJA registered to Dorsey. Det. Jones requested consent to search Dorsey's vehicle and Dorsey allowed her to search the vehicle. During that search a silver

handgun was found along with ammunition and clothing consisting of but not limited to dark colored pants, a dark colored t-shirt with two light colored stains on the right shoulder and one light colored stain on the left shoulder with a hole in the center of the shirt surrounded by a blood stain. These items and others were collected from the vehicle by a KCPD Crime Scene Tech. Det. Jones provided photographs of the clothing and the firearm to Det. Wilkes.

12. Det. Wilkes accompanied by Special Agent Justin Sprague decided to re-interview ROSS using the aid of the photographs to get ROSS to identify PHILLIPS's as the second suspect. Prior to going to interview ROSS, who was confined at the Sedgwick County Detention Facility, a review of ROSS's phone calls revealed that he had contacted Monique Warren via telephone. During that phone call, ROSS asked about the condition of an unidentified person and Warren stated that this person was in Kansas City.

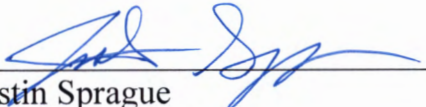
13. Det. Wilkes and SA Sprague, after identifying themselves, interviewed ROSS at the Sedgwick County Sheriff's Office on May 25, 2016. Det. Wilkes read ROSS his Miranda warning. ROSS agreed to speak with Det. Wilkes and SA Sprague. During the interview ROSS was shown the photograph of the shirt that was provided by Det. Jones, and ROSS stated that it was the same shirt worn by the person that committed the robbery with him. ROSS did not provide the name of the person and when shown the photograph of PHILLIPS, he stated that it wasn't him.

14. Following the interview Det. Wilkes and SA Sprague contacted MGS Liquor to determine where they acquire the goods that they sell from their business if the

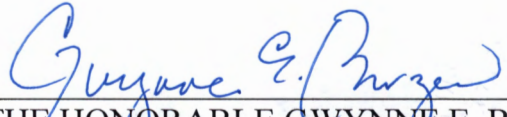


products they sell affect interstate and/or foreign commerce. MGS provided a distributor of Glazer's Inc. Glazer's Inc., was contacted and confirmed that they provide goods to MGS Liquor and recently provided the business with Absolut brand vodka. Glazier's Inc. further confirmed that they import this product from Sweden.

15. Based on the foregoing, I have probable cause to believe that Roland D. ROSS and Michael R. PHILLIPS Jr did knowingly and willfully obstruct, delay and affect commerce by robbery, to-wit: the defendants did attempt to take United States Currency from the business a violation of 18 United States Code (U.S.C.) 1951 and in doing so brandished firearms during this crime of violence in violation 18 U.S.C. 924(c)(1). These violations occurred in Sedgwick County, Judicial District of Kansas.

  
Justin Sprague  
Special Agent, ATF

Sworn and subscribed to before me on this 26<sup>th</sup> day of May 2016.

  
THE HONORABLE GWYNNE E. BIRZER  
UNITED STATES MAGISTRATE JUDGE