

UNITED STATES DISTRICT COURT

for the

Middle District of Tennessee

United States of America
v.
STEVEN JOSHUA WIGGINS

Case No. **18 MJ-1099**

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of May 30, 2018 in the county of Dickson in the
Middle District of Tennessee, the defendant(s) violated:

Code Section

Title, 18, United States Code,
Sections 922(g), 924(c), 924(j), and
2119(3)

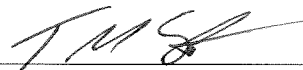
Offense Description

Carjacking Resulting in Death; Use, Carry, and Discharge of a Firearm
During and in Relation to a Crime of Violence; Use, Carry, and Discharge of a
Firearm During and in Relation to a Crime of Violence Resulting in Death;
Possession of a Weapon by a Convicted Felon; Possession of a Weapon by
a Person Convicted of Domestic Violence

This criminal complaint is based on these facts:

Please see the attached statement in support of criminal complaint.

☒ Continued on the attached sheet.



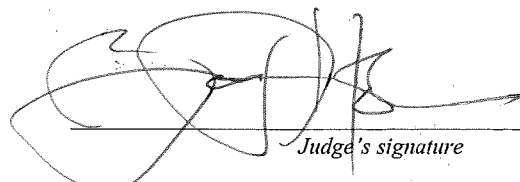
Complainant's signature

ATF S/A Todd Stacy

Printed name and title

Sworn to before me and signed in my presence.

Date: 06/07/2018



Judge's signature

City and state: NASHVILLE, TN

Barbara D. Holmes, United States Magistrate Judge

Printed name and title

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

I, Todd Stacy, having been duly sworn, hereby depose and swear to the following:

1. I, Todd Stacy, am a Special Agent with the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), currently assigned to the Middle District of Tennessee. I have been so employed since 2014. As a Special Agent for the ATF, I am familiar with federal statutes, including: 1) 18 U.S.C. § 2119(3), which makes it unlawful to, with the intent to cause death and serious bodily harm, take or attempt to take from a person and presence of another, by force or violence, a motor vehicle that has been transported, shipped, and received in interstate and foreign commerce; 2) 18 U.S.C. § 924(c), which makes it unlawful to use, carry, brandish, and discharge a firearm during and in relation to a crime of violence; 3) 18 U.S.C. § 924(j) which makes it unlawful to use, carry, brandish, and discharge a firearm during a crime of violence, and in the course of that crime, cause the death of a person through the use of that firearm; and 4) 18 U.S.C. § 922, which makes it unlawful for a prohibited person – defined as a person who has been convicted of a crime punishable by imprisonment for a term exceeding one (1) year or a person who has been convicted of a crime of misdemeanor domestic violence – to possess, in and affecting interstate commerce, a firearm.

2. The facts contained in this affidavit are based on first-hand knowledge or information learned during this investigation from law enforcement sources or from witnesses. In addition, I have personally viewed Sgt. Daniel Baker's body camera footage as well as the recorded post-arrest interview of Steven Joshua WIGGINS. This affidavit does not contain each and every detail known by your affiant regarding this investigation. Instead, this affidavit provides information necessary to establish probable cause to arrest Steven Joshua WIGGINS for violations of 18 U.S.C. § 2119(3), 18 U.S.C. § 924(c), 18 U.S.C. § 924(j), and 18 U.S.C. § 922. Except where indicated, all statements referenced herein are set forth in substance and in part, rather than verbatim.

3. On May 30, 2018, Sgt. Daniel Baker was a law enforcement officer with the Dickson County Sheriff's Office. On that day, Sgt. Baker responded to the intersection of Sam Vineyard Rd. and Tidwell Switch Rd., in Dickson County, Tennessee. Dickson County is in the Middle District of Tennessee. Sgt. Baker came to that location in response to a call about a suspicious vehicle. On this occasion, Sgt. Baker was wearing a body camera that was functional, recorded the encounter, and was able to be used in this investigation.

4. Upon Sgt. Baker's arrival to the intersection of Sam Vineyard Rd. and Tidwell Switch Rd., his body camera shows a brown four door sedan (later identified as a Saturn), license plate BRY103, parked in the roadway and in the wrong lane for the vehicle's direction of travel. The vehicle had two occupants who were later determined to be Steven Joshua WIGGINS and Erika Castro-Miles, who WIGGINS later described as his wife. When Sgt. Baker approached the vehicle, WIGGINS told Sgt. Baker that the Saturn had a flat tire and someone was on the way (presumably to assist WIGGINS). WIGGINS was in the driver's seat and Castro-Miles was in the passenger seat. WIGGINS told Sgt. Baker that he (WIGGINS) and Castro-Miles had been stopped in the Saturn at that location for about four hours. Sgt. Baker asked for identification from WIGGINS and Castro-Miles. WIGGINS did not provide an ID, but did provide a social security number. The social security number WIGGINS provided to Sgt. Baker at the scene was later determined to be the social security number for a different individual and not WIGGINS. It does

not appear, however, that Sergeant Baker learned this fact at the time he was interacting with WIGGINS.

5. Sgt. Baker radioed in the license plate of the vehicle to other law enforcement personnel and was told that the Saturn had been reported stolen. At that point, Sgt. Baker ordered WIGGINS and Castro-Miles out of the vehicle. WIGGINS then claimed that his door (the front driver side door) would not open and that he could not exit the vehicle. After some additional discussion, Sgt. Baker then told WIGGINS to exit out the front passenger side door. Sgt. Baker walked around the rear of the vehicle towards the front passenger side door, at which point WIGGINS opened fire with a .45 caliber pistol. Based on the body camera footage, WIGGINS initially fired approximately five shots, at least one of which struck Sgt. Baker as he attempted to get away from WIGGINS and get to cover. Sgt. Baker only traveled a short distance down the road before he collapsed. Once Sgt. Baker was lying on the ground, WIGGINS fired five more times. Preliminary autopsy findings showed that Sgt. Baker suffered six gunshot wounds: two to his torso, one to his hand and three to the left side of his head. The final three shots, based on the body camera footage, appeared to have been fired by WIGGINS at Sgt. Baker at close range and while Sgt. Baker was lying wounded on the ground. The Tennessee Bureau of Investigation later collected multiple .45 caliber spent cartridge casings from the scene.

6. WIGGINS then went to Sgt. Baker's patrol vehicle, which was identified by the Dickson County Sheriff's Office as a 2016 Ford, Police Interceptor Utility, Vehicle Identification Number (VIN) 1FM5K8AR0GGC26306, and drove it from where Sgt. Baker had initially parked it at the scene to a location closer to Sgt. Baker's body. WIGGINS then dragged Sgt. Baker's body to the rear driver's side door of the vehicle. WIGGINS placed Sgt. Baker's body into the back seat of the vehicle and drove away from the scene of the shooting.

7. WIGGINS drove Sgt. Baker's vehicle into a field near Bear Creek Valley Rd., and Byrd Rd. in Dickson County, Tennessee; this location is approximately three to four miles away from where Sgt. Baker was shot. Wiggins then started a fire in the vehicle before departing. Preliminary autopsy findings showed that the right side of Sgt. Baker's uniform was charred and his skin under that part of his uniform was blackened.

8. Meanwhile, Dickson County Sheriff's deputies were searching for Sgt. Baker and his vehicle. A short time later, officers located Sgt. Baker's vehicle at the location described above, and discovered Sgt. Baker to be deceased in the back seat. Sgt. Baker's body camera was then recovered.

9. When law enforcement officers followed up on the original stolen car report connected to the Saturn described in Paragraphs Four and Five, officers learned the identities of Erika Castro-Miles and Steven J. WIGGINS. Shortly thereafter, law enforcement officers determined that they were both people of interest in the shooting of Sgt. Baker. After reviewing the body camera footage, local law enforcement established WIGGINS as a suspect in the death of Sgt. Baker.

10. On June 1, 2018, WIGGINS was located by a Tennessee Highway Patrol Trooper near Stinson Rd., in Dickson County, TN and taken into custody. A backpack was located near WIGGINS when he was arrested. The backpack contained two firearms, a Glock, model 33, .357 caliber pistol, S/N: TRG605, and a Haskell, model JHP, .45 caliber pistol, S/N: X4308934. The

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TBI laboratory confirmed that the casings found at the scene of the shooting were fired from this same Haskell .45 caliber pistol. An urgent trace of the Glock model 33 indicated it had been previously purchased by Sgt. Baker's wife. An ATF interstate nexus analysis showed that both of these firearms have traveled in interstate commerce.

11. WIGGINS was interviewed by the Tennessee Bureau of Investigation following his arrest. The interview was audio and video recorded and I have reviewed the recording.

12. WIGGINS was read his *Miranda* rights and agreed to waive his rights and speak to the agents. Unless otherwise noted, the following is a summary of statements made by WIGGINS in the interview and is not verbatim. WIGGINS stated his firearm was under his seat at the time of the incident with Sgt. Baker. WIGGINS said that he did not carry a gun to hurt anyone, but he said he needed to keep himself safe. WIGGINS knew he was a convicted felon. WIGGINS stated when Sgt. Baker came around to the passenger side of the vehicle WIGGINS stated that he (WIGGINS) started "squeezing" the trigger until he was out of ammunition. However, the TBI agents – at the time they interviewed WIGGINS – had already reviewed Sgt. Baker's body camera footage and knew that this was a false statement by WIGGINS: of ten shots fired by him, there are distinct and noticeable pauses between groups of shots. WIGGINS stated he normally carried the firearm with one round in the chamber and nine rounds in the magazine for a total of ten rounds.

13. WIGGINS initially told the agents that after he shot Sgt. Baker, he (WIGGINS) went to where Sgt. Baker was lying and attempted to perform CPR on Sgt. Baker. WIGGINS stated that he performed approximately five to ten chest compressions on Sgt. Baker. The TBI agents eventually confronted WIGGINS about this statement. The body camera footage does not show that WIGGINS attempted CPR on Sgt. Baker. The TBI agents also confronted WIGGINS about the fact that he (WIGGINS) had fired all of the rounds in the .45 pistol at once as WIGGINS originally claimed. WIGGINS then amended his statement to the agents to say that he did not fire all of his shots at once as he had originally said. WIGGINS stated that after he had fired the first set of shots, WIGGINS had gone to where Sgt. Baker was lying, thought that Sgt. Baker was dead, but "didn't want the man [Baker] to suffer." Therefore, he stated he shot Sgt. Baker in the head multiple times: "like a dog, you know, man, its suffering. You make sure."

14. WIGGINS explained that when he knew Sgt. Baker was dead, he moved Sgt. Baker's patrol car and put Sgt. Baker's body into the backseat. WIGGINS then stated that he left the scene in Sgt. Baker's patrol car. WIGGINS stated that he took Sgt. Baker's backup weapon, which he believed was a .380 caliber pistol. Based on the trace performed on the Glock, described in Paragraph 9, this firearm was, in fact, Sgt. Baker's backup weapon. WIGGINS then stated he was thinking about the television show CSI and was worried about forensic evidence and fingerprints, so he found some paperwork and started fires in the front seat and the back seat. WIGGINS stated that he was worried about potential evidence because he "just killed a cop." WIGGINS then stated he grabbed his backpack and took off into a field.

15. On December 15, 2017, WIGGINS was convicted in the Criminal/Circuit Court for Williamson County, TN, of Aggravated Assault, a Class C Felony. He had been previously convicted of Domestic Violence, an A Misdemeanor, in Dickson County, Tennessee in 2009.

16. I received the Vehicle Identification Number (VIN) for Sgt. Baker's patrol vehicle, which is described in Paragraph 6, from personnel at the Dickson County Sheriff's Office. I learned

from other law enforcement officers and agencies that the vehicle corresponding to that VIN (a 2016 Ford Explorer) was manufactured outside of the state of Tennessee and, therefore, had to have traveled and affected interstate commerce prior to being in Dickson County, Tennessee on May 30, 2018.

17. Therefore, your affiant requests a warrant authorizing the arrest of Steven J. WIGGINS for violations of 18 U.S.C. § 2119(3), 18 U.S.C. § 924(c), 18 U.S.C. § 924(j), and 18 U.S.C. § 922.

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