

**IN THE CIRCUIT / COUNTY COURT OF THE THIRTEENTH JUDICIAL
CIRCUIT IN AND FOR HILLSBOROUGH COUNTY, FLORIDA**

CASE #

ARREST WARRANT

18-CF-008164-A

In the name of the State of Florida:

TO: All and singular, the sheriffs of Florida and other authorized law enforcement officers.

WHEREAS the Court has found probable cause from sworn complaint affidavit or other testimony under oath to believe that the person named below committed the offense(s) of

Number of Counts	Charge	Degree	Per Count	Total Bond Amount
1	782.04 (3) - Murder in the Second Degree Felony Murder	First Degree Felony	\$0.00	\$0.00

DATE OF OFFENSE: 11/28/2017

YOU ARE HEREBY COMMANDED to arrest, instanter, the person named below for the offense(s) described above to be brought before the Court to be dealt with according to law.

DEFENDANT Earnest Eugene Cherry Jr. **ALIAS** Pumkin

DOB 03/09/1982

STREET 2917 Yukon Street East **CITY** Tampa **STATE** FL **ZIP** 33604

SEX Male **RACE** Black **HT.** 5'08" **WT.** 160 **Hair** BLK **Eyes** BRO

SS# ██████████ **DL#** C600205820890 **POB** Florida

SCARS UNK **COMPLEXION** Brown

MARITAL STATUS Single **OCCUPATION** UNK

EMPLOYER UNK

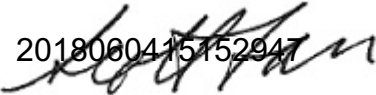
INITIATING AGENCY Hillsborough County Sheriff's Office **CASE#** 17-844691

INITIATING OFFICER S. Royal **BADGE # & DIV.** 222880 / CID

GIVEN UNDER MY HAND AND SEAL THIS 4 DAY OF June , 2018

Other conditions of release imposed by judge:

Picture Attached

2018060415752947 

2018060415152947

JudgeScottFarr
Circuit Judge, Thirteenth Judicial Circuit of Florida
Hillsborough County, Florida

CRIMINAL REPORT AFFIDAVIT/HILLSBOROUGH COUNTY, FLORIDA

Supplemental Page
 Plant City Courthouse
 Notice To Appear
 CRA #: HS18014004

Fel
 Misd
 (APAD) Adult Pre-Arrest Div
 Traffic
 Tampa Ord
 Juv Delinq
 JAAP
 Booking #:

Arrest Type: PC
 Warrant
 PC VOP/VOCC
Request: Warrant
 SAO Review Direct File
 JUV Pick-Up Order

Court Case #	Family #	SOID #																																													
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Agency: HCSO
 TPD
 PCPD
 TTPD
 FHP
Report Written
 Other: _____
Report # 17-844691
 Yes No

Offense Location: 1346 RIVAGE CR., BRANDON, FL 33511
Offense Date: 11/28/2017
Offense Time: 1436

Arrest Location: _____
Arrest Date: _____
Arrest Time: _____

Defendant: Last Name: **CHERRY, JR.**
 First Name: **EARNEST**
 Middle Name: **EUGENE**
 Gang Name: _____

Race Black	Gender <input checked="" type="radio"/> M <input type="radio"/> F	DOB 03/09/1982	DL# C600205820890	State FL	POB (City, State) FL
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Address Street: 2917 YUKON ST E.
City: TAMPA
State: FL
Zip: 33604

School (JUV) _____
Parent/Guardian (JUV) _____

No Co-defendants Found						
Statute	Level	Degree	Charge	Count	Citation #	DV
782.04(3)	Fel	F	HOMICIDE MURDER NOT PREMEDITATED DURING SPECIFIC FELONY	1		<input type="radio"/>

The undersigned swears there are reasonable grounds to believe that the above named defendant in Hillsborough County, Florida, did:
 On November 28, 2017, at approximately 2:36 P.M., the homeowner (Courtney Mallory, white female, date of birth, September 24, 1988) advised she was home alone inside her residence when she observed a white vehicle, possibly a Pontiac, parked in front of her residence. She observed a male, identified as the victim (Chike Tim, black male, date of birth, April 5, 1978) exit the passenger side of the vehicle and walk towards her residence. Moments later, Mr. Tim unlawfully forced entry into Ms. Mallory's residence located at 1346 Rivage Circle Brandon, FL 33511, within Hillsborough County Florida. As Mr. Tim entered her residence, via the front door, Ms. Mallory armed herself with a 9mm handgun and fired one round towards Mr. Tim. Mr. Tim was struck behind his right ear and he was pronounced deceased at the scene. During the investigation, surveillance camera footage was obtained. The footage captured a white in color vehicle (which appeared to be a Pontiac) leaving the scene one minute prior to the 911 call, which confirms the homeowner's statement.

A court-authorized search warrant was executed at the listed residence. Chike Tim was located in front of the residence by the front door. The front door of the residence was damaged, consistent with forced entry. Mr. Tim had what appeared to be socks covering his hands. Illegal narcotics and approximately \$66,000 in U.S. Currency was located inside the residence.

Witness #1 (Gerald Edwards, black male, date of birth, January 27, 1970) advised he was with Mr. Tim on November 28, 2017, (same date as the incident) from 9:00 A.M. until 11:30 A.M. Mr. Edwards stated at approximately 11:30 A.M., Mr. Tim was on the phone with an unknown male. Mr. Edwards heard Mr. Tim and the unknown male discussing breaking into a residence in Brandon. Mr. Edwards said Mr. Tim claimed the residence had a lot of narcotics and money inside. Mr. Edwards stated Mr. Tim claimed it would be "easy" and he did not need a "gun." Mr. Tim's phone records were obtained from Merto PCS. The records revealed Mr. Tim received three phone calls, from 813-502-9559, on November 28, 2017, at approximately 11:17 A.M, 11:21 A.M., and 11:26 A.M. The phone records confirmed the information Mr. Edwards provided. No other phone numbers were received, three separate times, around the time Mr. Edwards heard the victim talking on the phone with the unknown male. A HCSO database search revealed the phone number, 813-502-9559, was associated with the defendant (Earnest Cherry Jr., black male, date of birth, March 9, 1982).

Mr. Cherry's phone records were obtained from T-Mobile. Mr. Cherry's phone records revealed, on November 28, 2017, he spoke to spoke to Witness #2 (Tahisha Bonaparte, black female, date of birth, September 30, 1985) multiple times. Per HCSO databases, Ms. Bonaparte had a white 2005 Pontiac (FL tag DWGH24, VIN: 2G2WS522551160679) registered to her, which was similar to the vehicle seen leaving the incident scene.

During the investigation, it was learned Mr. Cherry was on Federal Probation at the time of the incident. Mr. Cherry's phone

Clerk of Court

records revealed on November 28, 2017, at approximately 1:44 P.M., Mr. Cherry called his Probation Officer, Charisse Alston. Officer Alston confirmed she spoke to Mr. Cherry via phone and she conducted a home visit with him at 2917 Yukon Street East Tampa, FL 33604, on November 28, 2017, at approximately 4:30 P.M. Officer Alston confirmed the phone number Mr. Cherry called (813-664-5448) was her direct line to her office.

Ms. Bonaparte stated On November 28, 2017, the defendant drove to Lakeland Florida and borrowed her vehicle while she was at work. Ms. Bonaparte advised she saw the defendant was in the company of an unknown, large, bald, black male, who was wearing reading glasses. Ms. Bonaparte was able to identify Chike Tim, via a photograph, as the person she saw with Mr. Cherry. Ms. Bonaparte was shown a photograph of the white Pontiac vehicle seen at the incident scene and she immediately identified the vehicle in the picture as her vehicle. Ms. Bonaparte advised Mr. Cherry told her to report her car stolen but he did not tell her why.

Mr. Tim and Mr. Cherry's cell tower data were obtained, pursuant a court authorized search warrant. Mr. Cherry's cell site locations confirmed he was in Lakeland Florida on November 28, 2017, at approximately 1300 hours, which was consistent with Ms. Bonaparte's statement. Mr. Cherry's cell site locations revealed he was in the area of 2917 Yukon Street East at approximately 4:30 P.M., which was consistent with Officer Alston's statement. Cell site locations confirmed Mr. Tim and Mr. Cherry were in the Clair Mel area, at approximately 1130 hours, which was consistent with Mr. Edward's statement. Cell site locations confirmed Mr. Tim and Mr. Cherry were in the area of the incident scene at the time of the Mr. Tim's death.

Pursuant to Florida Statute §92.525 and under penalties of perjury, I declare that I have read the foregoing document and the facts stated in it are true to the best of my knowledge. For Notices to Appear, I also certify that a complete list of witnesses and evidence known to me is attached.

Affiant:	Officer #	DIST: CID	SWORN TO AND SUBSCRIBED BEFORE ME THIS DATE	Officer #
DET S Royal Digitally signed on 2018.06.04 13:50:11	222880	SQD: 511	SGT S Bailey Digitally signed on 2018.06.04 13:53:15	140990

Judgment requested against defendant for agency investigative cost per Florida Statute 938.27:	\$360.00

