

UNITED STATES DISTRICT COURT

for the

District of Minnesota

UNITED STATES OF AMERICA

v.

Case No.

MARK STEVEN SMITH,

13-mj-689 AJB

CRIMINAL COMPLAINT

I, the undersigned complainant, being duly sworn, state the following is true and correct to the best of my knowledge and belief. On or about October 8, 2013, in Dakota County, in the State and District of Minnesota, the defendant, Mark Steven SMITH, did by force, violence and intimidation, take from the person and presence of the victim teller approximately \$1,823, money which belonged to and was in the care, custody, control, management and possession of TCF Bank, located on Cedar Avenue, in Apple Valley, Minnesota, the deposits of which were then insured by the Federal Deposit Insurance Corporation,

all in violation of Title 18, United States Code, Section 2113(a).

I further state that I am a Special Agent with the Federal Bureau of Investigation (FBI) and that this complaint is based on the following facts:

SEE ATTACHED AFFIDAVIT

Continued on the attached sheet and made a part hereof: ☒ Yes ☐ No
Complainant's signatureDavid Walden, FBI Special Agent
Printed name and title

Sworn to before me and signed in my presence.

Date: 10/11/13


Judge's signature

City and state: Minneapolis, MN

The Honorable Arthur J. Boylan
U.S. Chief Magistrate Judge
Printed name and title

SCANNED

OCT 15 2013

U.S. DISTRICT COURT MPLS

STATE OF MINNESOTA)
)
COUNTY OF HENNEPIN)

ss. **AFFIDAVIT OF DAVID T. WALDEN**

I, David T. Walden, being duly sworn under oath, depose and state as follows:

1. I am a Special Agent (SA) of the Federal Bureau of Investigation (FBI) and my primary assignment is the investigation of bank robbery matters and other violent crimes. I have been a Special Agent since November 1999.

2. This affidavit is submitted in support of a criminal complaint against MARK STEVEN SMITH, date of birth (DOB) XXXX XX, 1987, on grounds that he committed a violation of Title 18, United States Code, Section 2113(a) – Bank Robbery. The elements of this offense are as follows: (1) the defendant used force, violence, or intimidation; (2) in taking money belonging to a financial institution; and (3) the deposits of that financial institution were then insured by the Federal Deposit Insurance Corporation (FDIC).

3. This affidavit is based on my training, experience, personal knowledge and observations in this investigation; upon my discussions with other law enforcement officers and agents directly involved in this investigation; and, upon my review of official reports submitted in relation to this investigation. In connection with my official duties, I have participated in the investigation of the October 8, 2013, robbery of the TCF Bank, located on Cedar Avenue, in Apple Valley, Minnesota (hereinafter, "the bank"). In connection with my official duties, I have obtained the following information through my investigation, from other FBI agents, and from Apple Valley Police Department (AVPD) Officers.

4. This affidavit is made for the purpose of establishing probable cause in support of a federal arrest warrant and therefore contains only a summary of relevant facts.

5. On or about Tuesday, October 8, 2013, at approximately 4:00 p.m., a white male adult (hereinafter, "the robber") approximately 25 years of age, 5'10" to 6'00", 175 lbs., with a goatee and mustache, wearing a black Boston Red Sox baseball cap, black hooded jacket with white lettering which read, "ZOO YORK," and blue jeans entered the bank and approached the teller counter. The robber presented note demanding money to the victim teller (VT) and displayed a black handgun in his waistband. The teller gave the robber money from her cash drawer and the robber put the money in a black drawstring backpack. The robber retrieved the note and fled on foot. The demand note was written with ink on a half sheet of spiral notebook paper and stated something to the effect, "This is a robbery. No tricks. No bait. No dye packs. I've got nothing to lose, you do."

6. Following the robbery, bank employees completed an audit. According to the audit, the bank suffered a loss of \$1823 in United States currency. At the time of the robbery, the deposits at the bank were federally insured by the Federal Deposit Insurance Corporation (FDIC) with certificate number 28330.

7. Following the robbery, bank security personnel provided investigating agents with copies of the digital images derived from the bank's digital surveillance security system. The digital images depicted a white male as described above. The digital images were released to the public with a brief description of the robbery via an

AVPD press release. The press release requested information leading to the identification of the robber.


8. That next day, October 9, 2013, the AVPD received a telephone call from a caller at the Holiday Gas station nearest to the bank. The caller advised that two of his customers had information regarding the bank robbery and could identify the robber. An AVPD officer responded and took their statements. The reporting parties stated they knew the person in the bank robbery surveillance photo. His name was MARK STEVEN SMITH. They both had known SMITH for approximately ten (10) years and were very confident with their identification. In fact, one of the reporting parties observed SMITH wearing a black baseball cap, a black hooded jacket with the words, "ZOO YORK," in white lettering and blue jeans approximately fifteen minutes (15) before the robbery occurred. SMITH had been staying with the reporting parties at their residence. The reporting parties had not seen SMITH since before the robbery, but had received text messages indicating he had money for rent and was "Getting paid."

9. A subsequent investigation by AVPD further identified SMITH, with DOB XXXX XX, 1987, 5'11" tall, 175 lbs., brown hair and green eyes. Numerous images of SMITH were located by investigating AVPD officers, to include DVS, booking photos, and others. After viewing the images, numerous AVPD officers were able to identify SMITH as the robber depicted in the surveillance photos from the bank robbery.

10. On October 10, 2013, investigating AVPD officers conducted a State of Minnesota authorized search warrant at the reporting parties' and SMITH's residence. Within the bedroom SMITH occupied at the residence, numerous items of evidence were located. Among the items was a spiral notebook with a page torn out. On the top of the page was the word, "This." The bottom of the page was missing; the page was torn in half. However, on the following page, SA Walden was able to observe the resulting imprint from the words written on the missing bottom half of the previous page. SA Walden observed the words, "This is a robbery;" and "No ALARMS," with the naked eye.

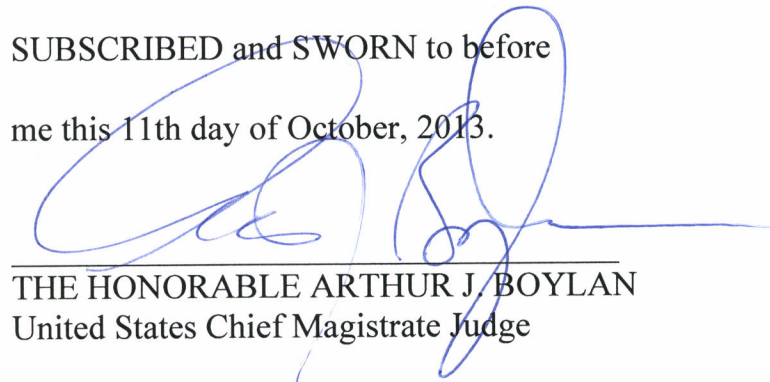
11. Based on the above information, I submit there is probable cause to believe that MARK STEVEN SMITH, DOB XXXX XX, 1987, did commit bank robbery against the United States, in violation of Title 18, United States Code, Section 2113 (a).

Further your Affiant sayeth not.



DAVID T. WALDEN
Special Agent,
Federal Bureau of Investigation

SUBSCRIBED and SWORN to before
me this 11th day of October, 2013.



THE HONORABLE ARTHUR J. BOYLAN
United States Chief Magistrate Judge