

# NEWS

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***Ralph J. Marra, Jr., Acting U.S. Attorney***

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FOR IMMEDIATE RELEASE

May 11, 2009

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## Leader of Violent Bank Robbery Gang Sentenced to More than 117 Years in Federal Prison

– FBI Agent Tragically Killed During Last Attempted Robbery –

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TRENTON – The leader of a bank robbery gang whose spree included an attempted robbery during which an FBI Special Agent was tragically killed was sentenced today to more than 117 years in federal prison, Acting U.S. Attorney Ralph J. Marra, Jr., announced.

U.S. District Judge Anne E. Thompson sentenced Francisco Herrera-Genao, 24, of New Brunswick to the mandatory minimum of 110 years in prison for convictions related to the carrying and, in three instances, firing of a weapon during the robberies. Judge Thompson also sentenced him to a consecutive 87-month term for conspiracy to commit armed bank robbery and for four robberies and the attempted robbery during which Special Agent Barry Lee Bush was accidentally killed.

As seen with today’s sentencing, the cumulative impact of convictions on each of the counts is considerable, given the fact that weapons were used and fired during the robberies and that someone was killed. There is no parole in the federal system. Consequently, Herrera-Genao’s sentence is in effect a life sentence.

“The conduct was so brazen, repetitive and violent that this defendant deserves nothing less than this,” said Marra. “The tragedy is that someone died as a result of the conduct of Herrera-Genao and the rest of his gang. But for their actions, there would have been no need for Agent Bush to have been out there that day with a task force formed specifically to stop their violent crime spree.”

“Although this sentence will never bring back our colleague, FBI agent Barry Bush, we are pleased justice has been served,” said Weysan Dun, FBI Special Agent in Charge in Newark. “This sentence is perhaps the most fitting way to honor agent Bush and the sacrifice both he and his family have made to keep the citizens of New Jersey and elsewhere safe.”

On Dec. 10, a jury convicted Herrera-Genao and two co-defendants for a string of armed bank robberies in central New Jersey. Herrera-Genao was convicted on all 11 counts of an indictment: one count of conspiracy to commit armed bank robbery, four counts of bank robbery, one count of attempted bank robbery, and five counts of possessing a weapon in furtherance of a crime of violence.

The jury also convicted Wilfredo Berrios, aka “Robo Cop”; and Efrain Lynn, 22, aka “Pepino.” The defendants were all from New Brunswick. A fourth defendant involved in the bank robbery crew, Michael Cruz, of New Brunswick, pleaded guilty in January 2008 to the attempted robbery in Readington and another armed robbery preceding it.

Berrios and Lynn are scheduled to be sentenced on May 22, Cruz on May 27th.

All four of the defendants had been suspected in a series of violent bank robberies in central New Jersey in February and March 2007. Berrios, Herrera-Genao and Cruz were being shadowed by an FBI task force which closed in on them on April 5, 2007, outside the PNC Bank branch on Route 22 in Readington. During the arrest of Cruz in a car nearby the bank, Special Agent Bush was shot and killed by an accidental discharge from the weapon of another agent.

Berrios was arrested at the PNC Bank in a car which held a .380 handgun, an SKS assault rifle and an MDL assault rifle, all of which had been used by the crew in prior bank robberies. Herrera-Genao fled on foot from the car, and was arrested the next day. Lynn, who was not involved in the attempted robbery of the PNC Bank, was arrested later in the day on April 5 in New Brunswick.

In each of the bank robberies, the heavily armed suspects entered the banks and, in three cases, discharged weapons to intimidate employees and patrons and take control of the scene. In one case, a bullet that ricocheted off the ceiling grazed a customer's leg. In another instance, a fired bullet ricocheted into teller glass, shattered the glass and caused a bank employee to be struck in the face with glass and bullet fragments.

The case has been prosecuted by Charles B. McKenna, Chief of the U.S. Attorney's Office Criminal Division, and by Assistant U.S. Attorney Jacob T. Elberg.

Marra credited Special Agents of the FBI, as well as the numerous other local police departments, including Piscataway, East Brunswick, New Brunswick, Ocean Township, South Brunswick, Readington and the State Police, as well as the Monmouth, Somerset and Middlesex County Prosecutor's Office, all of whom comprised the task force charged with ending the gang's serial bank robbery spree.

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Defense counsel:

For Herrera-Genao – Martin Matlaga, Esq., New Brunswick

For Berrios – John Furlong, Esq., West Trenton

For Lynn – David Oakley, Esq., Princeton

For Cruz – Michael Pedicini, Esq., Morristown

