

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA : Hon.
 :
 v. : Criminal No. 07-
 :
 WILFREDO BERRIOS, : 18 U.S.C. §§ 371, 2113(a),
 a/k/a "Robo Cop," : 2113(d), 924(c) and 2
 FRANCISCO HERRERA-GENEO, :
 a/k/a "Fongi," and
 EFRAIN LYNN,
 a/k/a "Pepino"

I N D I C T M E N T

The Grand Jury in and for the District of New Jersey,
sitting at Newark, charges:

COUNT ONE

1. From on or about February 8, 2007 to on or about April
5, 2007, in Middlesex County, in the District of New Jersey, and
elsewhere, the defendants

**WILFREDO BERRIOS, a/k/a "Robo Cop,"
FRANCISCO HERRERA-GENEO, a/k/a "Fongi," and
EFRAIN LYNN, a/k/a "Pepino,"**

knowingly and willfully conspired and agreed with each other and
others to commit offenses against the United States, namely, to
take, by force and violence, and by intimidation, from the person
and presence of another, money belonging to, and in the care,
custody, control, management, and possession of the Commerce Bank
in Piscataway, New Jersey, the Bank of America in East Brunswick,
New Jersey, the Bank of America in Ocean Township, New Jersey,
the Bank of America in South Brunswick, New Jersey, and the PNC
Bank in Readington, New Jersey, the deposits of which were at

that time insured by the Federal Deposit Insurance Corporation, contrary to Title 18, United States Code, Section 2113(a).

OVERT ACTS

2. In furtherance of the conspiracy and to effect its objects, defendants WILFREDO BERRIOS, FRANCISCO HERRERA-GENEO, EFRAIN LYNN, and CC-1, a co-conspirator not charged as a defendant herein, committed and caused to be committed the following overt acts in the District of New Jersey and elsewhere:

a. On or about February 8, 2007, defendant FRANCISCO HERRERA-GENEO entered the Commerce Bank in Piscataway, New Jersey, and robbed the bank of approximately \$9,609 in cash.

b. On or about February 16, 2007, defendants FRANCISCO HERRERA-GENEO and EFRAIN LYNN entered the Bank of America in East Brunswick, New Jersey and robbed the bank of approximately \$28,980 in cash.

c. On or about March 2, 2007, defendants FRANCISCO HERRERA-GENEO and WILFREDO BERRIOS entered the Bank of America in Ocean Township, New Jersey and robbed the bank of approximately \$15,960 in cash.

d. On or about March 13, 2007, CC-1 purchased 7.62 caliber ammunition, appropriate for use in rifles, at a store in East Brunswick, New Jersey.

e. On or about March 15, 2007, CC-1 purchased 7.62 caliber ammunition, appropriate for use in rifles, at a store in

East Brunswick, New Jersey.

f. On or about March 16, 2007, defendants FRANCISCO HERRERA-GENEO, EFRAIN LYNN and WILFREDO BERRIOS entered the Bank of America in South Brunswick, New Jersey and robbed the bank of approximately \$33,066 cash.

g. On or about March 16, 2007, after the bank robbery, defendants FRANCISCO HERRERA-GENEO, EFRAIN LYNN and WILFREDO BERRIOS met CC-1 in an automobile at a predetermined location and together fled the area.

h. On or about April 4, 2007, CC-1 purchased .380 caliber ammunition from a store in East Brunswick, New Jersey.

i. On or about April 5, 2007, CC-1 and defendants WILFREDO BERRIOS and FRANCISCO HERRERA-GENEO drove to the PNC Bank in Readington, New Jersey in an attempt to rob the bank.

In violation of Title 18, United States Code, Section 371.

COUNT TWO

On or about February 8, 2007, in Middlesex County, in the District of New Jersey, and elsewhere, the defendants

**WILFREDO BERRIOS, a/k/a "Robo Cop," and
FRANCISCO HERRERA-GENEO, a/k/a "Fongi,"**

did knowingly, by force and violence, and by intimidation, take from the person and presence of others approximately \$9,609 in cash belonging to, and in the care, custody, control, management and possession of the Commerce Bank in Piscataway, New Jersey, the deposits of which were at that time insured by the Federal Deposit Insurance Corporation, and in committing this bank robbery did knowingly and willfully assault a person, and put in jeopardy the life of a person by the use of a dangerous weapon, to wit, a .380 caliber handgun, and did knowingly and willfully aid, abet, counsel and induce another in the commission of this offense.

In violation of Title 18, United States Code, Sections 2113(a), 2113(d) and 2.

COUNT THREE

1. The allegations set forth in Count Two of this Indictment are realleged and incorporated as if fully set forth herein.

2. On or about February 8, 2007, in Middlesex County, in the District of New Jersey, and elsewhere, the defendants

**WILFREDO BERRIOS, a/k/a "Robo Cop," and
FRANCISCO HERRERA-GENEO, a/k/a "Fongi,"**

during and in relation to a crime of violence for which they may be prosecuted in a court of the United States, that is, the robbery of the Commerce Bank in Piscataway, New Jersey charged in Count Two of this Indictment, did knowingly and willfully use and carry a firearm, and in furtherance of such crime, possess a firearm, specifically, a .380 caliber handgun, which firearm was discharged, and did knowingly and willfully aid, abet, counsel and induce another in the commission of this offense.

In violation of Title 18, United States Code, Sections 924(c)(1)(A)(iii) and 2.

COUNT FOUR

On or about February 16, 2007, in Middlesex County, in the District of New Jersey, and elsewhere, the defendants

**WILFREDO BERRIOS, a/k/a "Robo Cop,"
FRANCISCO HERRERA-GENEO, a/k/a "Fongi," and
EFRAIN LYNN, a/k/a "Pepino,"**

did knowingly, by force and violence, and by intimidation, take from the person and presence of others approximately \$28,980 in cash belonging to, and in the care, custody, control, management and possession of the Bank of America in East Brunswick, New Jersey, the deposits of which were at that time insured by the Federal Deposit Insurance Corporation, and in committing this bank robbery did knowingly and willfully assault a person and put in jeopardy the life of a person by the use of a dangerous weapon, to wit, a .380 caliber handgun, and did knowingly and willfully aid, abet, counsel and induce another in the commission of this offense.

In violation of Title 18, United States Code, Sections 2113(a), 2113(d) and 2.

COUNT FIVE

1. The allegations set forth in Count Four of this Indictment are realleged and incorporated as if fully set forth herein.

2. On or about February 16, 2007, in Middlesex County, in the District of New Jersey, and elsewhere, the defendants

**WILFREDO BERRIOS, a/k/a "Robo Cop,"
FRANCISCO HERRERA-GENEO, a/k/a "Fongi," and
EFRAIN LYNN, a/k/a "Pepino,"**

during and in relation to a crime of violence for which they may be prosecuted in a court of the United States, that is the robbery of the Bank of America in East Brunswick, New Jersey charged in Count Four of this Indictment, did knowingly and willfully use and carry a firearm, and in furtherance of such crime, possess a firearm, specifically, a .380 caliber handgun, which firearm was discharged, and did knowingly and willfully aid, abet, counsel and induce another in the commission of this offense.

In violation of Title 18, United States Code, Sections 924(c)(1)(A)(iii) and 2.

COUNT SIX

On or about March 2, 2007, in Monmouth County, in the District of New Jersey, and elsewhere, the defendants

**WILFREDO BERRIOS, a/k/a "Robo Cop,"
FRANCISCO HERRERA-GENEO, a/k/a "Fongi," and
EFRAIN LYNN a/k/a, "Pepino,"**

did knowingly, by force and violence, and by intimidation, take from the person and presence of others approximately \$15,960 in cash belonging to, and in the care, custody, control, management and possession of the Bank of America in Ocean Township, New Jersey, the deposits of which were at that time insured by the Federal Deposit Insurance Corporation, and in committing this bank robbery did knowingly and willfully assault a person, and put in jeopardy the life of a person by the use of dangerous weapons, to wit, a .380 caliber handgun and a rifle, and did knowingly and willfully aid, abet, counsel and induce another in the commission of this offense.

In violation of Title 18, United States Code, Sections 2113(a), 2113(d) and 2.

COUNT SEVEN

1. The allegations set forth in Count Six of this Indictment are realleged and incorporated as if fully set forth herein.

2. On or about March 2, 2007, in Monmouth County, in the District of New Jersey, and elsewhere, the defendants

**WILFREDO BERRIOS, a/k/a "Robo Cop,"
FRANCISCO HERRERA-GENEO, a/k/a "Fongi," and
EFRAIN LYNN, a/k/a "Pepino,"**

during and in relation to a crime of violence for which they may be prosecuted in a court of the United States, that is the robbery of the Bank of America in Ocean Township, New Jersey charged in Count Six of this Indictment, did knowingly and willfully use and carry firearms, and in furtherance of such crime, possess firearms, specifically, a .380 caliber handgun and a rifle, which firearms were brandished, and did knowingly and willfully aid, abet, counsel and induce another in the commission of this offense.

In violation of Title 18, United States Code, Sections 924(c)(1)(A)(ii) and 2.

COUNT EIGHT

On or about March 16, 2007, in Middlesex County, in the District of New Jersey, and elsewhere, the defendants

**WILFREDO BERRIOS, a/k/a "Robo Cop,"
FRANCISCO HERRERA-GENEO, a/k/a "Fongi," and
EFRAIN LYNN, a/k/a "Pepino,"**

did knowingly, by force and violence, and by intimidation, take from the person and presence of others approximately \$33,066 in cash belonging to, and in the care, custody, control, management and possession of the Bank of America in South Brunswick, New Jersey, the deposits of which were at that time insured by the Federal Deposit Insurance Corporation, and in committing this bank robbery did knowingly and willfully assault a person, and put in jeopardy the life of a person by the use of a dangerous weapon, to wit, a .380 caliber handgun, and did knowingly and willfully aid, abet, counsel and induce another in the commission of this offense.

In violation of Title 18, United States Code, Sections 2113(a), 2113(d) and 2.

COUNT NINE

1. The allegations set forth in Count Eight of this Indictment are realleged and incorporated as if fully set forth herein.

2. On or about March 16, 2007, in Middlesex County, in the District of New Jersey, and elsewhere, the defendants

**WILFREDO BERRIOS, a/k/a "Robo Cop,"
FRANCISCO HERRERA-GENEO, a/k/a "Fongi," and
EFRAIN LYNN, a/k/a "Pepino,"**

during and in relation to a crime of violence for which they may be prosecuted in a court of the United States, that is the robbery of the Bank of America in South Brunswick, New Jersey charged in Count Eight of this Indictment, did knowingly and willfully use and carry a firearm, and in furtherance of such crime, possess a firearm, specifically, a .380 caliber handgun, which firearm was discharged, and did knowingly and willfully aid, abet, counsel and induce another in the commission of this offense.

In violation of Title 18, United States Code, Sections 924(c)(1)(A)(iii) and 2.

COUNT TEN

On or about April 5, 2007, in Hunterdon County, in the District of New Jersey, and elsewhere, the defendants

WILFREDO BERRIOS, a/k/a "Robo Cop,"
FRANCISCO HERRERA-GENEO, a/k/a "Fongi,"

did knowingly, by force and violence, and by intimidation, attempt to take from the person and presence of others money belonging to and in the care, custody, control, management and possession of the PNC Bank in Readington, New Jersey, the deposits of which were at that time insured by the Federal Deposit Insurance Corporation, and did knowingly and willfully aid, abet, counsel and induce another in the commission of this offense.

In violation of Title 18, United States Code, Sections 2113(a) and 2.

COUNT ELEVEN

1. The allegations set forth in Count Ten of this Indictment are realleged and incorporated as if fully set forth herein.

2. On or about April 5, 2007, in Hunterdon County, in the District of New Jersey, and elsewhere, the defendants

**WILFREDO BERRIOS, a/k/a "Robo Cop,"
FRANCISCO HERRERA-GENEO, a/k/a "Fongi,"**

during and in relation to a crime of violence for which they may be prosecuted in a court of the United States, that is the attempted robbery of the PNC Bank in Readington, New Jersey charged in Count Ten of this Indictment, did knowingly and willfully carry firearms, and in furtherance of such crime, possess firearms, specifically, a .380 caliber handgun, an SKS rifle, and an MDL rifle, and did knowingly and willfully aid, abet, counsel and induce another in the commission of this offense.

In violation of Title 18, United States Code, Sections 924(c)(1)(A)(i) and 2.

FORFEITURE ALLEGATIONS

1. The allegations contained in Counts One through Eleven of this Indictment are incorporated by reference as though set forth in full herein for the purpose of alleging forfeitures pursuant to Title 18, United States Code, Section 924(d)(1) and Title 28, United States Code, Section 2461(c).

2. Upon conviction of the offenses in violation of Title 18, United States Code, Sections 371, 2113(a), 2113(d), 924(c), and 2, charged in Counts One through Eleven of this Indictment, the defendants,

**WILFREDO BERRIOS, a/k/a "Robo Cop,"
FRANCISCO HERRERA-GENEO, a/k/a "Fongi," and
EFRAIN LYNN, a/k/a "Pepino"**

shall forfeit to the United States any firearms and ammunition involved in or used in the commission of that offense, including the following:

- a. one (1) .380 caliber Hi Point handgun, bearing serial number P774057, loaded with six (6)

bullets;

- b. one (1) 7.62 caliber Norinko SKS rifle, bearing serial number CCCP 56162, loaded with ten (10) bullets;

- c. one (1) 7.62 caliber Cugir MDL rifle bearing serial number GH2223, loaded with thirty-three (33) bullets;

- d. one (1) .30 caliber Sturm mini-Ruger rifle bearing serial number 189-97777;
- e. one (1) .22 caliber L.R. rifle bearing serial number Y004590H;
- f. three (3) magazines loaded with eight (8) rounds each of .380 caliber ammunition for a total of twenty-four (24) bullets;
- g. ten (10) 7.62 caliber bullets;
- h. two (2) boxes of .380 caliber bullets, fifty (50) bullets per box for a total of one hundred (100) bullets;
- i. one (1) box containing twenty (20) Remington 7.62 caliber bullets;
- j. three (3) loose Remington 7.62 caliber bullets;
- k. thirty-two (32) loose .380 caliber bullets; and
- l. one (1) 9mm caliber bullet.

All pursuant to Title 18, United States Code, Section 924(d) and Title 28, United States Code, Section 2461(c).

A TRUE BILL

FOREPERSON

CHRISTOPHER J. CHRISTIE
United States Attorney