

# NEWS

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

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## Jury Convicts Three Serial Bank Robbers

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Last Attempted Heist Led to Death of FBI Agent

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TRENTON – A federal jury today convicted three men for conspiring to commit a series of violent bank robberies in central New Jersey in February and March 2007. Two of the three were convicted for the April 2007 attempted armed bank robbery in Readington during which FBI Special Agent Barry Lee Bush was shot and killed. The third was not charged with that bank robbery. The jury also convicted the three for roles in four other armed bank robberies, Acting U.S. Attorney Ralph J. Marra, Jr., announced.

The jury convicted defendants Wilfredo Berrios, 30, aka “Robo Cop”; Francisco Herrera-Genao, 23, aka “Fongi”; and Efrain Lynn, 22, aka “Pepino.” The defendants were all from New Brunswick.

The trial began with opening arguments on Dec. 1 before U.S. District Judge Anne E. Thompson. Closing arguments took place Monday. The jury deliberated a full day on Tuesday and returned its verdicts at 3:15 p.m. today.

“It was our intention to prosecute these individuals to the fullest extent possible under federal law,” said Marra. “We’ve accomplished that and will now seek appropriately harsh and well-deserved prison sentences for each of them.”

“The FBI’s commitment to unbiased investigation could not be better exemplified than in this case,” said FBI Special Agent in Charge Weysan Dun. “Even through the tragic loss of Special Agent Barry Lee Bush, this case was investigated by the FBI and prosecuted by the United States Attorney as if it were any other case.”

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

Each of the defendants faces decades in prison and potentially up to life in prison. Herrera-Genao, Berrios, and Lynn face mandatory prison terms of 110 years, 85 years, and 30 years, respectively, in addition to sentences imposed for the bank robberies. (See conviction details for each defendant below.) Judge Thompson scheduled sentencing for March 20. The defendants remain in custody.

A fourth defendant involved in the bank robbery crew, Michael Cruz, 22, of New Brunswick, pleaded guilty in January to the attempted robbery in Readington and another armed robbery preceding it.

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. 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.

Two of the defendants, Berrios and Lynn, were each acquitted of one count of bank robbery and using a weapon.

Following is a summary of each of the bank robberies, followed by details of the convictions for each of the defendants:

- The armed robbery of a Commerce Bank branch in Piscataway on Feb. 8, 2007, in which \$9,609 in cash was taken.
- The armed robbery of a Bank of America branch in East Brunswick on Feb. 16, 2007, in which \$28,980 in cash was taken.
- The armed robbery of a Bank of America branch in Ocean Township on March 2, 2007, in which \$15,960 in cash was taken.
- The armed robbery of a Bank of America branch in South Brunswick on March 16, 2007, in which \$33,066 in cash was taken.
- The attempted robbery of the PNC Bank branch in Whitehouse, during which Special Agent Bush was killed.

## **CONVICTIONS:**

In addition to conspiracy convictions for each of the defendants, the other convictions were as follows:

- Herrera-Genao – guilty on all counts in which he was named: 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.

- Berrios – guilty of three counts of bank robbery, one count of attempted bank robbery, and four counts of possessing a weapon in furtherance of a crime of violence. Berrios was acquitted of activity relating to the robbery of the Commerce Bank in Piscataway on Feb. 8, 2007.
- Lynn – guilty of two counts of bank robbery and two counts of possessing a weapon in furtherance of a crime of violence. Lynn was acquitted of activity relating to the robbery of the Bank of American in East Brunswick on Feb. 16, 2007.

Each of the bank robbery counts carries a maximum penalty of 25 years in prison. A conviction on the first related weapons offense for Berrios and Herrera-Genao carries a mandatory consecutive 10 years in prison, because the gun was fired in that bank robbery. Lynn faces a mandatory 5 years in prison for the first related weapons offense, because the gun was not fired in that bank robbery. A conviction on each subsequent weapons offense carries a mandatory consecutive 25 years in prison per count.

The cumulative impact of convictions on each of the counts is considerable, given the fact that in each of the bank robberies weapons were used, including a .380 handgun, an SKS assault rifle and an MDL assault rifle.

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 Berrios – John Furlong, Esq., West Trenton

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

For Lynn – David Oakley, Esq., Princeton

For Cruz – Michael Pedicini, Esq., Morristown

