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# **News Release**

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[WWW.JUSTICE.GOV/USAO/MN](http://WWW.JUSTICE.GOV/USAO/MN)

## **Hugo man indicted for armed robbery of Falcon Heights liquor store**

ST. PAUL – Yesterday in federal court, an indictment was unsealed charging a 19-year-old Hugo man for the February 23, 2011, armed robbery of J's Liquors in Falcon Heights. Cody Joseph Diaz was charged with one count of use of a firearm during a crime of violence, pursuant to the Hobbs Act. The indictment, which was filed on May 11, 2011, was unsealed following Diaz's initial appearance in court.

According to law enforcement documents filed in this case, Diaz robbed the liquor store while armed with a 12-gauge, pump-action shotgun. During the robbery, he allegedly fired the gun, which resulted in a round penetrating the wall and entering the neighboring business. Upon responding to the robbery, officers observed Diaz drop a duffle bag and flee the scene. The duffle bag contained money. Reportedly, Diaz was apprehended a short time later, after he was spotted on the roof of a nearby home, wearing only a t-shirt and jeans despite the cold weather. Outside another residence, also located close to the crime scene, police recovered a shotgun like the one used in the robbery as well as gloves and other clothing that matched what was worn by the robber.

The Hobbs Act, passed by Congress in 1946, allows federal prosecutors to prosecute individuals who commit armed robbery in places of business that participate in interstate commerce. Federal prosecution of these cases sometimes is beneficial since the penalties are often tougher than under state law. Furthermore, because the federal system has no parole, those who receive federal sentences serve virtually the entire time imposed.

If convicted in this matter, Diaz will be sentenced to ten years in federal prison. All sentences will be determined by a federal district court judge. This case is the result of an investigation by the United States Bureau of Alcohol, Tobacco, Firearms and Explosives; the

White Bear Lake Police Department; the South St. Paul Police Department; the St. Paul Police Department; the Eden Prairie Police Department; the Maplewood Police Department; the Roseville Police Department; the St. Anthony Police Department; the Ramsey County Sheriff's Office; the Wyoming Police Department; and the Forest Lake Police Department. It is being prosecuted by Assistant U.S. Attorney LeeAnn K. Bell.

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An indictment is a determination by a grand jury that there is probable cause to believe that offenses have been committed by a defendant. A defendant, of course, is presumed innocent until he or she pleads guilty or is proven guilty at trial.