

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA : Criminal No. 10-
 :
 v. : 18 U.S.C. § 1951(a)
 : 18 U.S.C. § 2314 & § 2
 GABRIEL VARGAS :
 : I N F O R M A T I O N

The defendant having waived in open court prosecution by Indictment, the United States Attorney for the District of New Jersey charges that:

COUNT ONE
(Conspiracy to Obstruct Interstate
Commerce by Armed Robbery)

1. At all times relevant to this Information, defendant Gabriel Vargas ("defendant VARGAS") was a resident of the State of New York with experience driving commercial trucks.

2. At all times relevant to this Information, In Style USA, Inc., a distributor of various perfumes and fragrances, was a corporation that operated and maintained a warehouse located in Carlstadt, New Jersey (hereinafter, "the Storage Facility"). In Style USA, Inc. used the Storage Facility for, among other purposes, storage of various types of perfume that were sold at an In Style USA site located in Manhattan.

3. From in or about December 2009 to in or about February 2010, defendant Vargas agreed and conspired with Alan A. Bannout ("A. BANNOUT"), four uncharged co-conspirators ("co-conspirators #1 through #4"), Luis R. Morales ("MORALES"), Anselmo Jimenes,

a/k/a "Ansemo Jimenes" ("JIMENES"), and others, including three members of the New York City Police Department ("NYPD"), Kelvin L. Jones, a/k/a "Mike Smith" ("JONES"), Richard LeBlanca ("LeBLANCA") and Brian Checo ("CHECO"), and one former member of the NYPD, Orlando Garcia ("GARCIA"), to commit an armed robbery of the Storage Facility, and thereafter did endeavor to carry out the armed robbery, of the Storage Facility, targeting in excess of \$500,000 worth of perfume. Aspects of this criminal conduct included, but were not limited to, the following:

a. Beginning in or about December 2009 through February 2010, defendant VARGAS was contacted by co-conspirator #1 to participate in the robbery of the Storage Facility in exchange for approximately \$5,000. Among other things, co-conspirator #1 enlisted defendant VARGAS to drive the trucks that were going to be used to remove the merchandise to be stolen from the Storage Facility. At co-conspirator #1's direction, defendant VARGAS enlisted MORALES to assist with driving the trucks.

b. Approximately one week prior to the armed robbery of the Storage Facility, A. BANNOUT, co-conspirator #1 and defendant VARGAS drove to the Storage Facility to surveil the area in preparation for the robbery.

c. On or about February 9, 2010, defendant VARGAS met A. BANNOUT, JIMENES, MORALES, and co-conspirators #1 and #3

at a truck rental facility located in Brooklyn, New York (hereinafter, "the NY Truck Rental Facility"). There, defendant VARGAS paid approximately \$1,600 cash given to him by co-conspirator #1 to rent approximately four box trucks for the transport of the merchandise to be stolen from the Storage Facility. At the NY Truck Rental Facility, defendant VARGAS provided the rental representative with identifying information from defendant VARGAS's driver's license, and thereafter defendant VARGAS, A. BANNOUT, MORALES and co-conspirator #3 each drove one of the four trucks away from the NY Truck Rental Facility. In the truck that he drove, defendant VARGAS transported, approximately sixteen (16) day laborers (the "Day Laborers") who were hired by JIMENES to assist with the removal of the stolen merchandise.

d. On or about the same date, LeBLANCA, JONES, CHECO, GARCIA and co-conspirator #4 went to a truck rental facility located in Jersey City, New Jersey (hereinafter, "the NJ Truck Rental Facility"), where two box trucks were rented for the transport of the merchandise to be stolen from the Storage Facility. At the NJ Truck Rental Facility, LeBLANCA, at JONES's request, paid for one of the two rental trucks with LeBLANCA's ATM debit card and GARCIA paid for the second rental truck using his credit card. Thereafter, LeBLANCA and CHECO each drove one of the rental trucks and followed JONES to the Storage Facility.

e. Defendant VARGAS, A. BANNOUT, MORALES, and co-conspirator #3 drove the trucks to a motel located in Jersey City, New Jersey (hereinafter, the "Motel"). Co-conspirator #1 met them at the Motel. Once at the Motel, JIMENES paid for three motel rooms with money provided to him by co-conspirator #1. The Day Laborers were directed to wait in those rooms.

f. After leaving the Motel, defendant VARGAS met with co-conspirators #1, #2 and #3, A. BANNOUT, and MORALES, at a nearby restaurant to discuss and plan the robbery. Specifically, it was discussed at this meeting that "police officers" were going to use guns to hold the employees of In-Style Inc. hostage while the Day Laborers loaded the merchandise from the Storage Facility into the rental trucks, which were to be driven away from the Storage Facility by defendant VARGAS and MORALES and parked on the street at a nearby pre-determined location.

g. After the meeting at the restaurant, defendant VARGAS picked up JIMENES and the Day Laborers from the Motel and drove them to the Storage Facility.

h. At approximately 6:00 p.m. on or about February 9, 2010, JONES, LeBLANCA, CHECO, GARCIA and co-conspirator #4 entered the Storage Facility office while brandishing firearms (some police-issued weapons) and displaying NYPD-issued badges. After encountering approximately eleven (11) company employees (hereinafter, collectively referred to as "the Victims"), JONES,

CHECO, LeBLANCA, GARCIA and co-conspirator #4 restrained the Victims, tying their hands behind their backs with plastic ties, and holding them hostage.

i. As the Victims were held in the Storage Facility office, defendant VARGAS, MORALES, JIMENES, co-conspirator #3 and others directed the Day Laborers to load hundreds of boxes of perfume from the Storage Facility onto the rental trucks that were on site.

j. Once a rental truck was filled with merchandise, defendant VARGAS drove that truck away from the Storage Facility and parked it at a nearby pre-determined location with the keys inside. The trucks were to be retrieved by A. BANNOUT and other co-conspirators who would then drive the trucks to a nearby parking lot.

k. After defendant VARGAS had driven away up to four trucks filled with merchandise stolen from the Storage Facility, he departed the Storage Facility for a nearby location, while MORALES, JIMENES, co-conspirator #3 and the Day Laborers loaded two other trucks. While defendant VARGAS was waiting at a nearby location for the remaining two trucks to be filled, he saw members of the Carlstadt police arrive at the Storage Facility and then exited the area in one of the loaded trucks to avoid being apprehended by the Carlstadt Police.

l. Later that evening, on or about February 9, 2010,

defendant VARGAS, A. BANNOUT, co-conspirator #1, JONES, LeBLANCA, CHECO and GARCIA met in a location in New York City where a plan to conceal their involvement in the robbery in light of law enforcement's arrest of some of the remaining conspirators, including MORALES and JIMENES, at the Storage Facility.

m. Approximately one week after the robbery, A. BANNOUT drove defendant VARGAS to a parking lot in New Jersey where three rental trucks with the merchandise stolen from the Storage Facility had been parked since the day after the robbery. One at a time, defendant VARGAS then drove the trucks, following A. BANNOUT, to a storage facility in Staten Island, New York where the stolen merchandise was unloaded by different day laborers and placed in a storage unit at that facility.

4. From in or about December 2009 to in or about February 2010, in Bergen County, in the District of New Jersey and elsewhere, defendant

GABRIEL VARGAS

did knowingly and willfully conspire with A. BANNOUT, co-conspirators #1 through #4, MORALES, JIMENES, JONES, LeBLANCA, CHECO, GARCIA and others known and unknown, to obstruct, delay and affect commerce and the movement of articles and commodities in commerce by robbery.

In violation of Title 18, United States Code, Section 1951(a).

COUNT TWO

(Transporting Stolen Goods In Interstate Commerce)

1. Paragraph 1 of Count One of this Information is incorporated and realleged as if set forth fully herein.

2. In or about December 2009, defendant VARGAS transported merchandise stolen from a storage facility located in North Brunswick, New Jersey (the "North Brunswick Storage Facility") to a storage facility located in New York. Aspects of this criminal conduct included, but were not limited to, the following:

a. In or about December 2009, defendant VARGAS was enlisted by co-conspirator #1 to rent a truck from the NY Truck Rental Facility and drive it to the North Brunswick Storage Facility.

b. When defendant VARGAS arrived at the North Brunswick Storage Facility with the rental truck, A. BANNOUT, co-conspirators #1 and #2 had broken into a storage unit containing cigarettes, cigars, cigarette rolling paper, batteries and other miscellaneous merchandise worth well in excess of \$5,000.

c. The merchandise was removed from the storage unit by day laborers hired by JIMENES, who also was present at the storage unit. The day laborers loaded the merchandise into the truck driven by defendant VARGAS. Once the rental truck was loaded, defendant VARGAS followed co-conspirator #1 to a storage facility located in New York where the merchandise was unloaded

and stored.

d. At the time that defendant VARGAS transported the merchandise from the North Brunswick Storage Facility to New York, he knew that it was stolen.

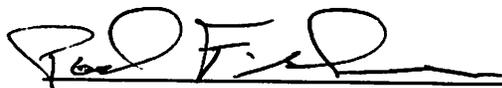
e. Defendant VARGAS received \$4,000 from co-conspirator #1 in exchange for his transportation of the stolen merchandise from the North Brunswick Storage Facility to the storage facility in New York.

2. In or about December 2009, in Middlesex County, in the District of New Jersey and elsewhere, defendant

GABRIEL VARGAS

did transport, transmit, and transfer in interstate and foreign commerce any goods, wares, merchandise, securities and money, of the value of \$5,000 and more, knowing the same to have been stolen, converted and taken by fraud.

In violation of Title 18, United States Code, Section 2314 & Section 2.


PAUL J. FISHMAN
United States Attorney