

ORIGINAL

Approved: _____

DANIEL P. CHUNG
Assistant United States Attorney

Before: HONORABLE GABRIEL W. GORENSTEIN
United States Magistrate Judge
Southern District of New York

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UNITED STATES OF AMERICA	:	<u>COMPLAINT</u>
	:	Violation of 18 U.S.C.
-v.-	:	§ 1951
HONG FENG LIN,	:	
a/k/a "Bus,"	:	
a/k/a "Peter,	:	
LIANG CHEN,	:	
ZHU ZAI XIN, and	:	
LIN XIN HUI,	:	
	:	COUNTY OF OFFENSE:
Defendants.	:	NEW YORK
	:	

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SOUTHERN DISTRICT OF NEW YORK, ss.:

JOHN LEE, being duly sworn, deposes and says that he is a Special Agent with the United States Department of Homeland Security, Immigration and Customs Enforcement, Homeland Security Investigations ("HSI") and charges as follows:

COUNT ONE

From at least on or about August 1, 2012 through on or about September 19, 2012, in the Southern District of New York and elsewhere, HONG FENG LIN, a/k/a "Bus," a/k/a "Peter," LIANG CHEN, ZHU ZAI XIN, and LIN XIN HUI, the defendants, and others known and unknown, unlawfully, willfully and knowingly did combine, conspire, confederate, and agree together and with each other to commit robbery, as that term is defined in Title 18, United States Code, Section 1951(b)(1), and would and did thereby obstruct, delay, and affect commerce and the movement of articles and commodities in commerce, as that term is defined in Title 18, United States Code, Section 1951(b)(3), to wit, LIN, CHEN, XIN, and HUI agreed to commit a robbery of a home in Westchester County, New York, which they believed belonged to an individual who owned restaurant businesses.

(Title 18, United States Code, Section 1951.)

The bases for my knowledge and for the foregoing charges are, in part, as follows:

1. I am a Special Agent with HSI, and I have been personally involved in the investigation of this matter. This affidavit is based in part upon my conversations with law enforcement agents and others and my examination of reports and records. Because this affidavit is being submitted for the limited purpose of establishing probable cause, it does not include all the facts that I have learned during the course of my investigation. Where the contents of documents and the actions, statements, and conversations of others are reported herein, they are reported in substance and in part, except where otherwise indicated.

2. On or about August 1, 2012, a confidential informant (the "CI") and a law enforcement agent (the "UC") acting in an undercover capacity as a criminal associate of the CI met HONG FENG LIN, a/k/a "Bus," a/k/a "Peter," the defendant, in a parking lot in downtown New York, New York.^{1 2} During that meeting, the following, among other things, occurred:

a. LIN stated that his friend needed money and had two "pieces" [firearms] to sell for \$1,300 each. The CI asked LIN whether LIN could still obtain the firearms, to which LIN replied stated he would find out, and that his friend had a gun, used it for home invasions, and had recently robbed a home outside of New York. LIN further stated that his friend had robbed seven or eight homes previously and that on one occasion, they stole \$750,000 from one home.

¹ Agents with HSI have been working with the CI for several years, with the understanding that the CI will be paid should the CI's information and assistance prove useful. Information obtained from the CI while he has been working with HSI has led to numerous arrests and seizures of contraband.

² I obtained a photograph of a "Hong Feng Lin" from a criminal history record indicating that the individual depicted in the photograph was arrested on or about November 2, 2011, by Waterbury Police Department officers in Waterbury, Connecticut for possession of narcotics and burglar tools. The CI and the UC identified the individual depicted in the photograph as HONG FENG LIN, a/k/a "Bus," a/k/a "Peter," the defendant. During the November 2, 2011 arrest, Waterbury Police Department officers found narcotics, a baseball bat, several crow bars, rope, duct tape, gloves, and knives in the automobile in which LIN was arrested.

b. The CI asked LIN how LIN would split the proceeds of the home invasion. LIN responded that if the CI told him the address and the number of inhabitants in the home, the CI would receive 20 percent of the proceeds. LIN further stated that if during the home invasion, one of the inhabitants was present or returned to the home, he and his team would drag the inhabitant into the house and tie him/her up. LIN further stated that he needed at least two days to recruit enough people to do the home invasion.

3. On or about August 31, 2012, the CI and the UC again met with HONG FENG LIN, a/k/a "Bus," a/k/a "Peter," in the vicinity of Monroe Street in downtown New York, New York. During that meeting, the following, among other things, occurred:

a. The CI and the UC stated that they had identified the home of a wealthy man who owned several restaurants in Connecticut, and that the home was located in Westchester County. The CI and the UC also stated that the owner collects money from his restaurants every evening and brings the money to his home.

b. LIN stated that at one home invasion in which he had participated, the front door to the home did not have an alarm, but the master bedroom did. He further stated that after his team disarms the alarm, they often do not go into the home immediately and instead wait to see whether law enforcement arrives at the home. He further stated that he would probably bring four people to do the home invasion.

4. On or about September 19, 2012, the UC called HONG FENG LIN, a/k/a "Bus," a/k/a "Peter," the defendant, who agreed to bring his team and meet the UC at a parking lot in Yonkers, New York. Later that same date, LIN, LIANG CHEN, ZHU ZAI XIN, and LIN XIN HUI, the defendants, arrived at the Yonkers parking lot in a Lexus SUV (the "SUV") and met the UC. HUI was driving the SUV. The following occurred:

a. LIN, CHEN, XIN, and HUI exited the SUV to meet the UC. The UC stated to LIN, CHEN, XIN, and HUI that the individual whose home they were going to rob owned several restaurants, brought proceeds from his restaurants to his home on a nightly basis, and had a safe in his home that was bolted to the floor. The UC showed LIN, CHEN, XIN, and HUI a mock handwritten layout of the home. The UC further stated that two children and their nanny were inside the home.

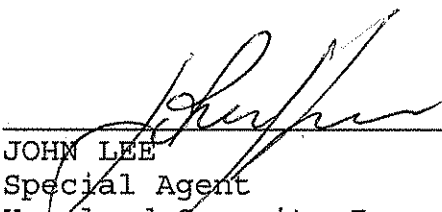
b. LIN asked the UC whether the UC had brought any tools, to which the UC responded that he had not. CHEN then stated that they could grab knives from the kitchen of the home and pry the safe open. HUI stated that he agreed with CHEN.

c. Agents arrested LIN, CHEN, XIN, and HUI. Agents searched the SUV and found, among other things, a crowbar, rubber gloves, and a screwdriver.

5. Upon being advised of his *Miranda* rights, ZHU ZAI XIN, the defendant, waived his rights and agreed to speak to agents. He then stated, in substance and in part, that he knew that two children and their babysitter were going to be in the home that he and his co-conspirators were planning to rob. XIN further stated that HONG FENG LIN, a/k/a "Bus," a/k/a "Peter," was going to divide the proceeds from the home invasion, and that LIN had stated that he expected to rob approximately \$70,000 to \$80,000 from the home. XIN further stated that the driver of the SUV asked while driving to Yonkers where they were going to celebrate after the break-in.

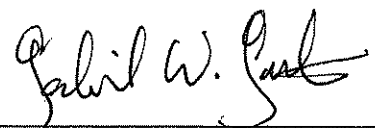
6. Upon being advised of his *Miranda* rights, LIN XIN HUI, the defendant, waived his rights and agreed to speak to agents. HUI then stated, in substance and in part, that LIANG CHEN, the defendant, had called HUI the day before and asked HUI if he wanted to make some money, and asked HUI to drive him to a location upstate. HUI further stated that earlier in the day, he picked up CHEN and two other male individuals in Manhattan Chinatown, and was instructed by HONG FENG LIN, a/k/a "Bus," a/k/a "Peter" to drive to Yonkers. HUI further stated that it was his first time "doing this" and that he was going to be paid several hundreds of dollars to drive the three other individuals and to serve as a "look-out."

WHEREFORE, deponent respectfully requests that HONG FENG LIN, a/k/a "Bus," a/k/a "Peter," LIANG CHEN, ZHU ZAI XIN, and LIN XIN HUI, the defendants, be imprisoned, or bailed, as the case may be.



JOHN LEE
Special Agent
Homeland Security Investigations

Sworn to before me this
20th day of September, 2012



HONORABLE GABRIEL W. GORENSTEIN
UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT OF NEW YORK