IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA	:	**CRIMINAL NO.**
v.	:	**DATE FILED: _____**
JAMES GARNER, **a/k/a Abd Al Rahman,**	:	**VIOLATIONS:**
RUBEN MARSHALL, **a/k/a "Ru"**	: :	**18 U.S.C. § 371 (conspiracy to commit armed bank robbery – 1 count)** **18 U.S.C. § 2113(a)(attempt to commit armed bank robbery – 1 count)** **18 U.S.C. § 924(c) (possession of a firearm in furtherance of a crime of violence-1 count)** **18 U.S.C. 2 (aiding and abetting)** **Notice of forfeiture**

INDICTMENT

COUNT ONE

THE GRAND JURY CHARGES THAT:

At all times material to this indictment:

1. The Apex Community Federal Credit Union ("Apex FCU") was a credit union located at 540 Old Reading Pike, Stowe, Pennsylvania. The deposits of Apex FCU were federally insured by the National Credit Union Administration.

2. From on or about February 6, 2015 through on or about February 13, 2015, in Pottstown and Stowe, in the Eastern District of Pennsylvania, defendants

JAMES GARNER,
a/k/a "Abd Al Rahman," and
RUBEN MARSHALL,
a/k/a "Ru,"

conspired and agreed to commit an offense against the United States; that is, to knowingly and unlawfully commit armed bank robbery, in that defendants GARNER and MARSHALL

conspired to enter Apex FCU and by violence and intimidation and at gunpoint take from the person and presence of bank employees cash belonging to and in the care, custody, control, management, and possession of Apex FCU, the deposits of which were insured by the national Credit Union Administration; and in committing said offense to use one or more firearms and put in jeopardy the life of another person or persons, in violation of Title 18, United States Code, Sections 2113(a) and 2113(d).

MANNER AND MEANS

It was part of the conspiracy that:

3. Defendant JAMES GARNER selected the bank to be robbed; solicited and recruited another individual, Person #1, known to the grand jury, to serve as the getaway driver in the robbery; directed Person #1 to conduct reconnaissance of the bank in preparation for the robbery; assembled equipment including masks, gloves, handheld radios, and a firearm to be used in the robbery; and personally "cased" the target bank.

4. Defendant RUBEN MARSHALL participated in a planning meeting for the robbery and agreed that he would be armed with a firearm containing live ammunition during the robbery.

OVERT ACTS

In furtherance of the conspiracy and to accomplish its objects, defendants JAMES GARNER and RUBEN MARSHALL committed the following overt acts, among others, in the Eastern District of Pennsylvania:

On or about February 6, 2015:

1. Defendant JAMES GARNER approached Person #1, known to the grand jury,

and offered Person #1 the opportunity to participate in a bank robbery with defendant GARNER and another "brother," as a getaway driver. Defendant GARNER told Person #1 that the targeted bank was "waiting to get hit," and expressed surprise that "none of these idiots have hit it yet."

2. Defendant JAMES GARNER directed Person #1 to drive defendant GARNER to the targeted bank, which was Apex FCU.

3. While en route to Apex FCU, defendant JAMES GARNER directed Person #1 to first stop in the area of College Drive in Pottstown, where defendant GARNER pointed out an armored truck, told Person #1 that he (defendant GARNER) wished to rob the truck, and described how he would carry out the robbery by overcoming the driver with mace and using a false fire alarm as a diversion.

4. Once in the area of Apex FCU, defendant JAMES GARNER described details of the robbery plan to Person #1, including potential means of entry into the bank and potential escape routes.

5. Defendant JAMES GARNER told Person #1 that he (defendant GARNER) planned to use a firearm to carry out the robbery, and would provide one to Person #1 as well.

6. Defendant JAMES GARNER instructed Person #1 that, as the getaway driver, Person#1 was to wait in the car during the robbery, and was to drive the robbers away from the scene on a nearby state highway, being careful not to speed or otherwise draw attention to them. Defendant GARNER said he would obtain a white van for use as the getaway vehicle because such a vehicle would blend with others on the road.

7. Defendant JAMES GARNER told Person #1 that he anticipated that the robbery would yield so much cash that an automated money counter would be needed to count it all.

8. Defendant JAMES GARNER arranged to meet with Person #1 again on either February 8 or February 9, 2015, to further discuss and refine the robbery scheme.

9. On or about February 9, 2015, defendant JAMES GARNER instructed Person #1 to conduct an early morning surveillance of Apex FCU on the morning of February 10, 2015, noting the arrival times and physical characteristics of bank employees as they came to work, and how many employees there were.

On or about February 10, 2015:

10. Defendant RUBEN MARSHALL met with defendant JAMES GARNER and Person#1 inside defendant MARSHALL's van and discussed details of the robbery plan with them.

11. Defendant RUBEN MARSHALL assured defendant JAMES GARNER and Person #1 that he (defendant MARSHALL) was an experienced bank robber, telling them that it was "a road I've travelled before."

12. Defendant RUBEN MARSHALL reminded defendant JAMES GARNER and Person #1 of the need to be alert for "dye packs," security devices that are used by banks to capture robbers.

13. Defendant RUBEN MARSHALL described his desire that the robbers take over Apex FCU to carry out the robbery.

14. Defendant RUBEN MARSHALL told defendant JAMES GARNER and Person #1 that he (defendant MARSHALL) would have a firearm loaded with live ammunition during the robbery, and that he would "lay down" (kill) anybody who stood between him and the money he wished to steal.

15. Defendant RUBEN MARSHALL also drove defendant JAMES GARNER and Person #1 in defendant MARSHALL's van to stake out a second bank as another possible target for a future robbery.

16. Later, defendant JAMES GARNER again traveled to the area of Apex FCU with Person #1 to further case the bank.

17. Defendant JAMES GARNER reassured Person #1 that he (defendant GARNER) and defendant RUBEN Marshall were both experienced armed robbers. Defendant GARNER told Person #1 that defendant GARNER and defendant RUBEN MARSHALL had committed robberies together in the past, and that the robbery of Apex, together with two other potential future heists defendant GARNER hoped to commit, would bring their total to ten such robberies.

18. Defendant JAMES GARNER further reinforced his credentials as an armed robber by telling Person #1 that he (defendant GARNER) had recently committed the gunpoint robbery of a Dollar General Store located in Stowe, Pennsylvania, near Apex FCU.

19. On or about February 11, 2015, defendant JAMES GARNER told Person #1 that he (defendant GARNER) intended to conduct more surveillance of Apex FCU, and that defendant GARNER, defendant RUBEN MARSHALL, and Person #1 would have another planning meeting on February 12, 2015 to make arrangements for the robbery, which was to occur on February 13, 2015.

On February 12, 2015:

20. Defendant JAMES GARNER told Person #1 that he (defendant GARNER) was going to "get the equipment" for the Apex FCU robbery, which was to happen the next morning.

21. Defendant JAMES GARNER assembled the "equipment," items intended to be used in the next day's robbery of Apex FCU, including a loaded .38 caliber revolver, extra ammunition for the revolver, a set of two-way hand held radios, four ski masks, two pair of gloves, and several additional loose gloves.

22. Defendant JAMES GARNER packed the robbery "equipment" in a backpack in preparation for the next day's robbery.

All in violation of Title 18, United States Code, Section 371.

COUNT TWO

THE GRAND JURY FURTHER CHARGES THAT:

1. Paragraphs 1, 3, and 4, and Overt Acts 1 through 22 of Count One of this indictment are incorporated here.

2. On or about February 12, 2015, in Pottstown and Stowe, in the Eastern District of Pennsylvania, defendant

JAMES GARNER,
a/k/a "Abd Al Rahman,"

attempted to knowingly and unlawfully take by force and violence, and by intimidation, from employees of Apex FCU, located at 540 Old Reading Pike, Stowe, Pennsylvania, lawful currency of the United States belonging to, and in the care, custody, control, management, and possession of Apex FCU, the deposits of which were insured by the National Credit Union Administration.

In violation of Title 18, United States Code, Section 2113(a).

COUNT THREE

THE GRAND JURY FURTHER CHARGES THAT:

1. Paragraphs 1, 3, and 4, and Overt Acts 1 through 22 of Count One of this indictment are incorporated here.

2. On or about February 12, 2015, in Pottstown, in the Eastern District of Pennsylvania, defendants

JAMES GARNER,
a/k/a "Abd Al Rahman," and
RUBEN MARSHALL,
a/k/a "Ru,"

knowingly possessed and aided and abetted the possession of a firearm, that is, a Smith and Wesson Model 36, .38 caliber revolver, serial number J269667, loaded with five rounds of ammunition, in furtherance of a crime of violence for which they may be prosecuted in a court of the United States, that is, conspiracy to commit armed bank robbery as charged in Count One of this indictment, and attempted armed bank robbery as charged in Count Two of this indictment.

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

NOTICE OF FORFEITURE

THE GRAND JURY FURTHER CHARGES THAT:

As a result of the violations of Title 18, United States Code, Sections 371, 2113, and 924(c) set forth in this indictment, defendants

JAMES GARNER,
a/k/a "Abd Al Rahman," and
RUBEN MARSHALL,
a/k/a "Ru,"

shall forfeit to the United States of America the firearms and ammunition involved in the commission of this offense, including, but not limited to:

1. A Smith and Wesson .38 caliber revolver, serial number J269667, and
2. 13 rounds of .38 caliber ammunition.

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

A TRUE BILL:

FOREPERSON

Christine E. Jones for

ZANE DAVID MEMEGER
United States Attorney