

AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT
for the
Northern District of California

FILED *a*
FEB 22 2013

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND
MAG

United States of America)
v.)
AMANUEL MORENO)
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Case No.
4-13-70187

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of January 16, 2013 in the county of Alameda in the
Northern District of California, the defendant(s) violated:

Code Section

Offense Description

18 U.S.C. § 2113(a)

The defendant did, by force and violence and by intimidation, take from the person and presence of another and obtain by extortion money belonging to, and in the care, custody, control, management, and possession of, a bank.

The maximum penalties for this offense are: 20 years in prison, \$250,000 fine, 3 years of supervised release, and a \$100 special assessment.

This criminal complaint is based on these facts:

SEE ATTACHED AFFIDAVIT IN SUPPORT OF THIS COMPLAINT

Continued on the attached sheet.

Approved as to form:

Brian C. Lewis
Brian Lewis, AUSA

Lesline S. Wimbley
Complainant's signature

Lesline Wimbley, FBI Special Agent
Printed name and title

Sworn to before me and signed in my presence.

Date: Feb. 22, 2013

Donna M. Ryu
Judge's signature

City and state: Oakland, CA

Donna M. Ryu, U.S. Magistrate Judge
Printed name and title

AFFIDAVIT OF LESLINE WIMBLEY

I, Lesline S. Wimbley, Special Agent, Federal Bureau of Investigation (FBI), Oakland, California, being duly sworn state:

INTRODUCTION

1. I am a Special Agent of the FBI and have been so employed since April of 2005. Currently I am assigned to the Violent Crimes and Major Offender Squad at the Oakland Resident Agency, San Francisco Field Office, where my responsibilities include the investigation of bank robberies.

2. I make this affidavit in support of a Criminal Complaint and Arrest Warrant charging AMANUEL MORENO with armed bank robbery in violation of Title 18 United States Code § 2113(a).

3. In connection with my official duties, I have participated in the investigation of AMANUEL MORENO for robbing the Bank of the West, 4900 Telegraph Avenue, Oakland, California, which occurred on January 16, 2013. I have obtained the information set out in this affidavit from officers and detectives from Oakland Police Department (OPD) and from my own investigation. My 7 years of experience as an FBI Special Agent, during which I have received training in the investigation of bank robberies and other criminal investigations, and my participation in this investigation as described above, form the basis of the opinions and conclusions set forth below.

4. Because this affidavit is submitted for the limited purpose of this criminal complaint, I have not included each and every fact known to me about this investigation. Rather, I have set forth those facts that I believe are sufficient to establish probable cause that AMANUEL MORENO committed the aforementioned offense.

APPLICABLE STATUTE

5. 18 U.S.C. § 2113(a) provides in relevant part that: “Whoever, by force and violence, or by intimidation, takes, or attempts to take, from the person or presence of another, or obtains or attempts to obtain by extortion any property or money or any other thing of value belonging to, or in the care, custody, control, management, or possession of, any bank, credit union, or any savings and loan association . . . [s]hall be fined under this title or imprisoned not more than 20 years, or both.”

FACTS ESTABLISHING PROBABLE CAUSE

6. On January 16, 2013, at approximately 12:15 p.m., the Bank of the West at 4900 Telegraph Avenue, Oakland, California (the bank), a financial institution with deposits insured by the Federal Deposit Insurance Corporation (FDIC), was robbed. The robber, who was wearing a black jacket and a black and purple hat with a bumble bee logo on the front, entered the bank and walked up to a counter in the center of the bank. The robber started writing on a piece of paper and the victim teller, AP, asked if she could help him. The robber approached AP’s teller station and handed her a note, which said “Give me all your cash. If you don’t I will shoot.” AP, fearing for her personal safety gave the robber cash from her teller drawer. The robber walked out of the bank and went south on Telegraph Avenue.

7. The robber was described by witnesses as a possibly Hispanic male, approximately 25 years of age, 5 feet and 11 inches tall, 140 pounds, and wearing a purple and black Charlotte Hornets baseball cap with a hornet logo on front in addition to a black coat.

8. An audit conducted by bank personnel following the robbery determined the loss to be \$3,321 in FDIC-insured currency.

9. Good quality photographs of the robber were obtained from the bank’s digital

surveillance cameras. The bank surveillance photographs depict images of the robber which are consistent with witnesses' descriptions. Photographs of the robber were published to law enforcement agencies to help identify a suspect.

10. On January 17, 2013, MORENO was identified as being a possible suspect. A booking photo of MORENO was compared to Bank of the West's surveillance footage of the robber that deemed to be a close match.

11. Later that date, at around 4:45 p.m., OPD officers met with bank employees who were working at the time of the robbery, in order to present them photo lineups containing MORENO's picture. The victim teller, and two other employees, reviewed photo lineups and identified MORENO as the robber. Another employee selected a different individual.

12. On January 18, 2013, a warrant was issued for MORENO's arrest. On January 25, 2013, MORENO was arrested by OPD in Oakland. MORENO was advised of and waived his *Miranda* rights. Moreno gave a videotaped confession, admitting that he robbed the Bank of the West on January 16, 2013.

* * *

CONCLUSION


13. Based on the above information, I believe that AMANUEL MORENO robbed the Bank of the West, 4900 Telegraph Avenue, Oakland, California, on January 16, 2013 in violation of Title 18, United States Code Section 2113(a).

I declare under penalty of perjury that the statement above are true and correct to the best of my knowledge and belief.



Lesline S. Wimbley, Special Agent
Federal Bureau of Investigation

SWORN AND SUBSCRIBED TO BEFORE ME
THIS 22nd DAY OF FEBRUARY, 2013.



DONNA M. RYU
United States Magistrate Judge