

AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT
for the
Northern District of California

FILED
APR 22 2013
RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND

United States of America
v.
JOSHUA JAMES METOXEN

Case No.

4-13-70446

MAG

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 March 18, 2013 in the county of Contra Costa 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:

Christina McCall
Christina McCall, AUSA

Matthew Ernst
Complainant's signature

Matthew Ernst, FBI Special Agent
Printed name and title

Sworn to before me and signed in my presence.

Date: 4/22/13

Donna M. Ryu
Judge's signature

City and state: Oakland, CA

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

Affidavit in Support of Bank Robbery Complaint

1. I, Matthew Ernst, Special Agent, Federal Bureau of Investigation ("FBI"), Concord, California, being duly sworn state:

2. I am a Special Agent of the FBI and have been so employed since March of 2004. Prior to working for the FBI, I was a police officer for the City of Antioch for over 5 years. Currently I am assigned to the Violent Crimes and Major Offender Squad at the Concord Resident Agency, San Francisco Field Office, where my responsibilities include the investigation of bank robberies. In connection with my official duties, I have participated in the investigation of Joshua James Metoxen ("Metoxen") for the offense relating to the robbery of the US Bank, located at 155 Crescent Plaza, Pleasant Hill, California, which occurred on March 18, 2013. In connection with my official duties, I have obtained the following information from officers and detectives from the Pleasant Hill Police Department (PHPD), the San Ramon Police Department, the Novato Police Department (NPD), Lake County Sheriff's Office, the FBI in Santa Rosa, and from my own investigation. Due to my personal participation in this investigation, I am familiar with the facts and circumstances of this case. My experience as an FBI Special Agent and as a police officer, 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.

3. Because this affidavit is being submitted for the limited purpose of securing a criminal complaint and arrest warrant, I have not included each and every fact known to me concerning this investigation. I have set forth only those facts that I believe are sufficient to establish probable cause to believe that, on or about March 18, 2013, Metoxen committed a bank robbery in violation of Title 18 United States Code, section 2113(a).

4. On February 23, 2013, around 3:01 p.m., US Bank, located inside the Safeway grocery store at 2505 San Ramon Valley Boulevard, San Ramon, California, a financial institution with deposits insured by the Federal Deposit Insurance Corporation (FDIC), was robbed by a white male (the robber). The robber approached victim teller AK, dropped a \$20 bill on the teller counter and said, "can I get change for this. A ten and two fives." AK picked up the \$20 and turned toward his cash drawer. As AK removed the change from his cash drawer the robber placed a note on the teller counter and slid it toward AK. The robber also told AK to look at the note. AK looked at the note and it said something to the effect of: "Empty your register with all your money. I'm not to be fucked with." The robber then verbally instructed AK not to give him any marked bills. AK described the robber as a white male, mid-late 20s, 6'0" tall, 210 pounds, wearing a black hooded sweatshirt with the hood pulled over his head and sunglasses with reflective lenses. Based on the robber's size, the note, and the robber's verbal instructions, AK gave the robber money from his teller drawer. The robber took the money and walked out of the grocery store.

5. A subsequent audit conducted by bank employees determined the total loss to be \$2,108.00 in FDIC insured funds. Bank surveillance photos were obtained which provided a good view of the robber's face.

6. On March 18, 2013, around 12:42 pm, US Bank, located inside the Lucky's grocery store at 155 Crescent Plaza, Pleasant Hill, California, a financial institution with deposits insured by the FDIC, was robbed by a white male (the robber). The robber approached the teller station of DH. The robber placed a \$20 bill on the teller counter and asked DH for change. As soon as DH opened his cash drawer, the robber placed a note on the teller counter and asked if he could look at this as well. DH did not read the note because when he saw the note, he

immediately knew he was being robbed. DH described the robber as a large male wearing dark sunglasses and a hooded sweatshirt. Based on the robber's size and appearance DH felt nervous and scared. After placing the note on the teller counter the robber verbally demanded all the "large bills." Fearing for his safety, DH began to take money from his teller drawer to give to the robber. As DH was taking money from his drawer the robber demanded the \$100s. DH said he did not have any \$100s in his drawer, at which point the robber demanded the \$50s. DH took money from his teller drawer and placed it on his teller counter. When DH placed the money on his teller counter the robber picked it up and started to sort and/or count the money. The robber then took the money and the note and walked out of the bank.

7. DB, a bank employee, was a witness to the robbery at the US Bank in Pleasant Hill. DB said as the robber approached DH, DB saw the robber and stayed away from the teller line. Upon seeing the robber, DB recognized the robber from one week prior when the robber had asked for change. At that time, DB saw the robber loitering around the bank before asking for change. DB did not feel comfortable helping the robber so she asked her manager to assist him. This appeared to frustrate the robber, so he walked away after receiving his change. On March 18, when DB saw the robber place a note on the teller counter she knew he was robbing the bank. DB was able to get a good look at the robber.

8. After leaving the bank an exterior video camera, on a public bus, caught the robber run to a four door, brown or gold Honda Accord with the front bumper hanging down, get into the passenger side of the vehicle, and drive away in the vehicle.

9. A subsequent audit conducted by bank employees determined the total loss to be \$1,479.00 in FDIC insured funds.

10. DH described the robber as a white male, mid-20s to early 30s, approximately

5'9"-5'10" tall, heavy build, wearing a black hooded sweatshirt, sunglasses and a red baseball hat with a black bill. Numerous bank surveillance photographs were obtained which provided different views of the robber to include a partial image of his face.

11. A few days after this robbery, Joshua Metoxen was identified as a suspect in this robbery. Deputy Doug Dahmen with the Lake County Sheriff's Office advised he had identified Metoxen as a suspect in two bank robberies in his county. On February 27, 2013, the West America Bank in Middletown, Lake County, California, was robbed. The robber approached the victim teller, presented a \$100 bill and asked for change. The robber then presented a note stating words to the effect of: "Give me all the money in the till, no marked bills and don't contact the police. Don't make any rash judgments." The robber was described as a white male, 5'9", thick build, wearing a black hooded sweatshirt, black baseball hat and sunglasses.

12. On March 7, 2013, the Tri Counties Bank in Middletown, Lake County, California, was robbed. The robber approached the victim teller, presented a \$10 bill and asked for change. When the teller started to remove the change from her cash drawer, the robber placed a white envelope on the counter. The envelope had something similar to "don't fuck with me hand me all of your large bills", written on it. The victim teller was shaken by the note and started to remove money from her teller drawer. The robber then verbally demanded the teller to put in all of the large bills, namely the hundreds and fifties. After receiving the money the robber left the bank. The robber was described as a white male, 23-28 years old, 5'11" tall, heavy set, wearing a dark gray hooded sweatshirt with the hood pulled over his head and black framed glasses.

13. The M.O. of both the West America Bank robbery and the Tri Counties Bank robbery matched the M.O. of the robbery in San Ramon on February 23, and the robbery in

Pleasant Hill on March 18, 2013. The description of the robber provided in the West America bank robbery and the Tri Counties Bank robbery are similar to the one provided by AK at the US Bank in San Ramon and by DH and DB at the US Bank in Pleasant Hill, of a white male, mid-20's to early 30's, approximately 5'9"-5'10" tall with a heavy build. I reviewed a surveillance photo from the West America Bank robbery and it was the same individual captured on surveillance photos from the US Bank robbery in San Ramon. The subject also looked similar to the robber captured on surveillance photos at the US Bank robbery in Pleasant Hill.

14. Metoxen is described on his California driver's license as a white male, 23 years old, 5'10", 235 pounds, brown hair and brown eyes. This description is similar to the description of the robber provided by witnesses at the US Bank robberies in San Ramon and Pleasant Hill. I compared a 2012 booking photograph of Metoxen to the bank surveillance photos from San Ramon and confirmed it was the same individual. A comparison of the booking photograph of Metoxen to bank surveillance photos in Pleasant Hill also appear to be similar, however the quality of the photographs are not high enough to make a positive identification.

15. The Pleasant Hill Police Department prepared a photographic line-up of Metoxen and five others of similar appearance for witnesses to the March 18th robbery. Metoxen was placed in the number three position. The line-up was shown to the victim teller DH, DB, and another potential witness RR. DH was unable to identify anyone. DB looked at the line-up and identified Metoxen as the individual who robbed the bank. RR said Metoxen looked closest to what RR remembered.

16. On March 28, 2013, Metoxen attempted to rob the US Bank inside the Safeway grocery store, located at 5720 Nave Drive, Novato, California. As Metoxen approached the teller counter, JB, a teller, recognized Metoxen from a robbery he had committed at the same

bank on February 19, 2013. Metoxen was carrying a white piece of paper that appeared to be a note. JB immediately walked away from the teller line, into an office and called 911. Metoxen waited by the teller counter for a short time and then left the area. Due to the number of robberies Metoxen was suspected of committing, Novato police had been given a description of a gold Honda Accord with front end damage, which Metoxen was suspected of using in previous robberies. Responding police officers located a four door, gold Honda Accord, with no front bumper, California license plate #5BWR259, leaving the area of the bank. The vehicle was driven by a thin white male, approximately 20 years old. The driver appeared to be the only occupant inside the vehicle. This vehicle is similar to the one the robber was observed, on video, entering after the March 18th US Bank robbery in Pleasant Hill. Novato Police conducted a traffic stop on the vehicle. When Novato Police stopped the vehicle, Metoxen, who had not been seen in the vehicle previously, stuck his head up from the back seat of the vehicle. Metoxen and the driver were subsequently arrested by Novato Police. A consent search of the vehicle located a demand note stating, "Don't Fuck with me!!! Hand me all the large bills!!! Quietly!" A birth certificate for Metoxen was also located in the trunk of the vehicle.

17. On March 28, 2013, after Metoxen's arrest, I responded to the Novato Police Department. I saw Metoxen in person and noticed he was a white male, mid 20s, 5'11" tall, approximately 250 pounds. He had dark short cut hair with brown eyes and had facial hair under his bottom lip and on his chin. Metoxen was wearing a grey hooded sweatshirt and jeans. Upon seeing Metoxen, I immediately recognized him as the same individual depicted in the bank surveillance photograph from the February 23rd US Bank robbery in San Ramon. Metoxen also looked like the individual depicted in bank surveillance photos from the March 18th US Bank robbery in Pleasant Hill, but due to the quality of the photographs I could not make a positive

identification.

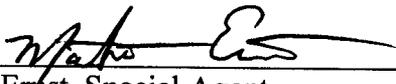
18. On April 9, 2013, a surveillance photograph of the robber from the US Bank robbery in San Ramon and a surveillance photograph of the robber from the US Bank in Pleasant Hill, California, were shown to three individuals with personal relationships with Metoxen. Individual 1 said the person in the surveillance photo from San Ramon was "Josh" referring to Metoxen. Individual 1 said the person in the surveillance photo from Pleasant Hill said it looked like Metoxen. Individual 2 said the person in the surveillance photo from San Ramon was Metoxen and the individual in the surveillance photo from Pleasant Hill looked like Metoxen, but individual 2 was "not 100%." Individual 3 said the person in the surveillance photo from San Ramon was "definitely" Metoxen and the individual in the surveillance photo from Pleasant Hill looked like Metoxen, but individual 3 was not positive.

* * *

19. Based on the above information, I believe Joshua James Metoxen committed the robbery at the US Bank, located at 155 Crescent Plaza, Pleasant Hill, California, which occurred on March 18, 2013, in violation of Title 18 United States Code § 2113(a).

WHEREFORE, I request that a no bail arrest warrant be issued for JOSHUA JAMES METOXEN.

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



Matthew Ernst, Special Agent
Federal Bureau of Investigation

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



DONNA M. RYU
United States Magistrate Judge