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UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

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UNITED STATES OF AMERICA : Hon. Mark Falk  
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 v. : Mag. No. 13-3642  
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 EDWIN AYALA and :  
 WALDER MORALES : **CRIMINAL COMPLAINT**

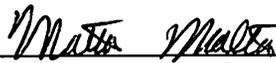
I, Matthew Maltese, being duly sworn, state the following is true and correct to the best of my knowledge and belief:

SEE ATTACHMENT A

I further state that I am a Criminal Investigator with the United States Attorney's Office, and that this complaint is based on the following facts:

SEE ATTACHMENT B

continued on the attached page and made a part hereof.

  
\_\_\_\_\_  
Matthew Maltese, Criminal Investigator  
United States Attorney's Office

Sworn to before me and  
subscribed in my presence,

July 10, 2013, at  
Newark, New Jersey

HON. MARK FALK  
U.S. MAGISTRATE JUDGE

  
\_\_\_\_\_  
Signature of Judicial Officer

ATTACHMENT A

**Count One (Attempted Theft of a Motor Vehicle by Force, Violence, and by Intimidation)**

On or about December 15, 2012, in Essex County, in the District of New Jersey and elsewhere, defendants EDWIN AYALA and WALDER MORALES, with the intent to cause death and serious bodily harm, intentionally attempted to take a motor vehicle, namely a Chevrolet Equinox, that had been transported, shipped, and received in interstate and foreign commerce from the person and presence of another, namely Victim #1, by force and violence and by intimidation.

In violation of Title 18, United States Code, Section 2119 and Section 2.

**Count Two (Use of a Firearm in Furtherance of a Crime of Violence)**

On or about December 15, 2012, in Essex County, in the District of New Jersey and elsewhere, defendant EDWIN AYALA and WALDER MORALES, during and in relation to a crime of violence for which the defendant may be prosecuted in a court of the United States, specifically the attempted carjacking set forth in Count One, did knowingly use, carry, and, in furtherance of such crime, possess a firearm, which was brandished.

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

## ATTACHMENT B

I, Matthew Maltese, am a Criminal Investigator with the United States Attorney's Office. I am fully familiar with the facts set forth herein based on my own investigation, my conversations with other law enforcement officers, and my review of reports, documents, and items of evidence. Where statements of others are related herein, they are related in substance and part. Since this complaint is being submitted for a limited purpose, I have not set forth each and every fact that I know concerning this investigation. Where I assert that an event took place on a particular date, I am asserting that it took place on or about the date alleged.

1. On or about December 15, 2012, at or around 12:50 a.m., Victim #1, was sitting in his/her vehicle, a Chevrolet Equinox. Another passenger, Victim #2, was sitting next to Victim #1 in the front passenger seat. As they talked, Victim #1 noticed three individuals slowing down as they approached his/her vehicle. One of the individuals, who was later identified as defendant EDWIN AYALA, approached the driver's side of Victim #1's vehicle. As he did so, defendant EDWIN AYALA pulled down over his face a black ski mask with a large cut-out around the eyes and pointed a handgun at Victim #1's head.

2. Defendant EDWIN AYALA ordered Victim #1 to open the door and demanded Victim #1's wallet and cellular phone. Defendant EDWIN AYALA repeatedly threatened to shoot Victim #1 in the face if he/she did not comply with his demands. Victim #1 gave defendant EDWIN AYALA the money that he/she had in his/her pocket. Defendant EDWIN AYALA then proceeded to pat down Victim #1 to see if he/she had a cellular phone. When defendant EDWIN AYALA located Victim #1's cellular phone in his/her pocket, he took it and again threatened to shoot Victim #1 for not giving him the phone.

3. After taking Victim #1's money and cellular phone, defendant EDWIN AYALA, who was still pointing the gun at Victim #1's head, demanded Victim #1's car keys, which were still in the vehicle. Victim #1 began pleading with defendant EDWIN AYALA not to take his/her vehicle. When defendant EDWIN AYALA persisted in his demand for Victim #1's car keys, Victim #1 took the keys out of the car, but instead of handing them to defendant EDWIN AYALA, he/she threw them under his/her vehicle.

4. Defendant EDWIN AYALA told one of the other individuals, later identified as defendant WALDER MORALES, to come to Victim #1's vehicle to look for the car keys. Defendant WALDER MORALES, who was wearing a New York baseball cap and a hooded sweatshirt under a jacket, approached the driver's side of the vehicle and began looking under the vehicle for the car keys, while defendant EDWIN AYALA kept the gun pointed at Victim #1's head. When defendant WALDER MORALES found the car keys, he handed them to defendant EDWIN AYALA and went back to his position away from Victim #1's vehicle.

5. Victim #1 continued to plead with defendant EDWIN AYALA not to shoot him/her. Defendant EDWIN AYALA, who was still in possession of Victim #1's car keys, threatened to shoot

Victim #1 if he/she tried to get out of the vehicle. Defendant EDWIN AYALA and WALDER MORALES, along with the third unidentified individual, then fled away from the area of Victim #1's vehicle, still in possession of Victim #1's car keys, money, and iPhone. After they fled the area, Victim #1 called the police.

6. Officers with the Newark Police Department immediately arrived on the scene and utilized an application ("app") on Victim #1's cellular phone that enabled them to track the location of the iPhone. The app showed that Victim #1's cellular phone was nearby. Based on this information, Newark police officers were immediately dispatched to the area in which the cellular phone was located, where they encountered defendants EDWIN AYALA and WALDER MORALES sitting outside a residence. Defendants EDWIN AYALA and WALDER MORALES were in possession of a cellular phone, which they tried to hide as the police officers approached them.

7. Newark police officers then drove Victim #1 and Victim #2 to the area where Victim #1's phone and defendants EDWIN AYALA and WALDER MORALES were located. Officers showed Victim #1 the phone that they recovered from defendants EDWIN AYALA and WALDER MORALES, and Victim #1 positively identified the phone as his/her phone. Victim #1 was also able to identify defendants EDWIN AYALA and WALDER MORALES as the individuals who attempted to carjack him/her at gunpoint. Victim #2 was also able to positively identify defendants WALDER MORALES and EDWIN AYALA as the individuals who attempted to carjack him/her at gunpoint.

8. Officers recovered, among other things, a New York baseball cap, hooded sweatshirt, and black ski mask with a large cut-out around the eyes, from defendants EDWIN AYALA and WALDER MORALES at the time of their arrests.

9. Victim #1's Chevrolet Equinox was not manufactured in the State of New Jersey.