

NEWS

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Christopher J. Christie, U.S. Attorney

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Three Indicted for Armed Bank Robberies, Including Attempted Robbery Leading to Death of FBI Agent

(More)

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NEWARK – Three men charged in April with an attempted armed bank robbery in Readington, during which an FBI agent was shot and killed, were indicted today for that attempted robbery and four other armed bank robberies, U.S. Attorney Christopher J. Christie announced.

The three men indicted are Wilfredo Berrios, aka “Robo Cop”; Francisco Herrera-Geneo, aka “Fongi”; and Efrain Lynn, aka “Pepino.” In addition to four armed bank robbery counts and one attempted armed robbery count, the 11-count Indictment charges each defendant with conspiracy to commit the armed robberies.

Michael Cruz, a fourth man arrested on April 5 – the day that 52-year-old Special Agent Barry Lee Bush was killed – was not charged in today’s Indictment. A criminal complaint at the time of his arrest charged him in connection with the April 5 attempted armed bank robbery, and that charge remains pending.

Berrios and Cruz were arrested at the PNC Bank on Route 22 in Readington as FBI agents closed in on them. Lynn was arrested later in the day on April 5 in New Brunswick. Herrera-Geneo, who fled on foot from the PNC branch, was arrested the next day.

All four men remain in federal custody without bail. The three charged in today’s Indictment will appear in federal court for arraignment on the Indictment on a date to be set.

“It was inevitable that this gang’s string of armed assaults on banks would end in tragedy,” said Christie. “Fatefully it did with the death of Special Agent Barry Bush. It is our intention to prosecute these individuals aggressively under federal law and to see that they each spend a very long time in prison.”

“The arrests of these violent criminals was the first step in preventing any further acts of violence by these men,” said Acting Special Agent in Charge Pedro D. Ruiz. “This indictment marks the next step in bringing these criminals to justice. The charges and potential sentences if convicted are reflective of the levels of violence used in these crimes.”

In each of the bank robberies, the heavily armed suspects entered the banks and, in one case, discharged a weapon that ricocheted off the ceiling and grazed a customer's leg. In another instance, a fired bullet ricocheted into teller glass, shattered the glass and caused a bank employee to be struck in the face with glass and bullet fragments.

Following is a summary of each of the alleged armed robberies charged in the Indictment:

- The armed robbery of a Commerce Bank branch in Piscataway on Feb. 8, 2007, in which Herrera-Geneo, a lone gunman, escaped with \$9,609 in cash.
- The armed robbery of a Bank of America branch in East Brunswick on Feb. 16, 2007, in which Herrera-Geneo and Lynn escaped with \$28,980 in cash.
- The armed robbery of a Bank of America branch in Ocean Township on March 2, 2007, in which Herrera-Geneo and Berrios escaped with \$15,960 in cash.
- The armed robbery of a Bank of America branch in South Brunswick on March 16, 2007, in which Herrera, Lynn and Berrios escaped with \$33,066 in cash.
- The attempted robbery of the PNC bank Readington, during which Special Agent Bush was killed.

The conspiracy count, which includes all of those bank robberies, also alleges that on three occasions one of the members of the gang purchased ammunition at a store in East Brunswick in furtherance of the conspiracy.

In addition to conspiracy, each of the three defendants, who are all from New Brunswick, are charged as follows:

- Berrios, 28, with five counts of armed bank robbery and five counts of possessing a weapon in furtherance of a crime of violence.
- Herrera-Geneo, 22, with five counts of armed bank robbery and five counts of possessing a weapon in furtherance of a crime of violence.
- Lynn, 21, with three counts of armed bank robbery and three counts of possessing a weapon in furtherance of a crime of violence.

Each of the bank robbery counts carries a maximum penalty of 25 years in prison. A conviction on the first related weapons offense carries a mandatory consecutive 10 years in prison. A conviction on each subsequent weapons offense carries a mandatory consecutive 25 years in prison per count.

The cumulative impact of convictions on each of the counts would be considerable, given the fact that in each of the bank robberies weapons were used, including a .380 handgun, an SKS assault rifle and an MDL assault rifle.

Berrios and Herreo-Geneo, if convicted of all gun charges, would face a mandatory minimum of 110 years in prison, without counting any additional time for the bank

robberies themselves. Lynn, if convicted of all weapons offenses, faces a mandatory minimum of 60 years, before taking into account the robberies.

(There is no federal murder or felony murder charge that fits the circumstances surrounding Agent Bush's death. However, the advisory U.S. Sentencing Guidelines, which a judge must consult in determining an actual sentence, could take into account the killing of a person during a crime of violence, and expose the defendants to a substantially harsher sentence under the Sentencing Guidelines.)

Despite indictment, each of the defendants are presumed innocent unless and until proven guilty beyond a reasonable doubt.

Christie credited Special Agents of the FBI, as well as the numerous other local police departments and State Police that comprised the task force charged with ending the gang's serial bank robbery spree.

The case is being prosecuted by Assistant U.S. Attorneys Julia Epstein and Charles B. McKenna, the Executive Assistant U.S. Attorney.

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Defense counsel:

For Berrios – William T. Harth, Esq., Westfield; and F. Kevin Lynch, Esq., East Brunswick

For Herrera-Geneo – Martin Matlaga, Esq., New Brunswick

For Lynn – Troy Smith, Esq., East Brunswick

For Cruz – Michael Pedicini, Esq., Morristown