

ALB:CPK
F. #2018R02155

★ DEC 17 2018 ★

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

LONG ISLAND OFFICE

FILED UNDER SEAL

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UNITED STATES OF AMERICA

COMPLAINT

- against -

(18 U.S.C. § 2113(b))

ALEXIS LAGUERRA,

Defendant.

MJ 18-1229

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EASTERN DISTRICT OF NEW YORK, SS:

MARTHA M. BERDOTE, being duly sworn, deposes and states that she is a Special Agent with the Federal Bureau of Investigation, duly appointed according to law and acting as such.

On or about and between, November 1 and 2, 2018, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendant ALEXIS LAGUERRA, did knowingly and intentionally devise a scheme to take and carry away, with intent to steal and purloin, money exceeding \$1,000 belonging to and in the care, custody, control, management and possession of Bank #1, which is an entity whose identity is known to the United States Attorney and which entity's deposits were insured by the Federal Deposit Insurance Corporation, contrary to Title 18, United States Code, Section 2113(b).

(Title 18, United States Code, Section 2113(b))

The source of your deponent's information and the grounds for his belief are as follows:¹

1. I have been a Special Agent with Federal Bureau of Investigation ("FBI") for approximately 16 years. I have participated in numerous investigations of white collar crimes, thefts, fraud and related violent crimes. In the course of those investigations, I have conducted physical surveillance, monitored undercover operations, debriefed cooperating witnesses and confidential informants, reviewed wiretaps, reviewed cell site information, reviewed social media evidence and interviewed civilian witnesses. As a result of my training and experience, I am learned in the practice of using various forms of electronic evidence and surveillance to investigate, locate and apprehend suspects, including the use of phone location information. Currently, I am assigned to an FBI squad that handles violent crimes. I am familiar with the facts and circumstances set forth below from my participation in the investigation; my review of the investigative file; and from reports of other law enforcement officers involved in the investigation.

2. The facts in this affidavit come from my personal observations, my training and experience, and information obtained from other agents and witnesses. This affidavit is intended to show merely that there is sufficient probable cause for the requested warrant and does not set forth all of my knowledge about this matter.

¹ Because the purpose of this Complaint is to set forth only those facts necessary to establish probable cause to arrest, I have not described all the relevant facts and circumstances of which I am aware.

PROBABLE CAUSE

3. Since November 2, 2018, the FBI, together with the Nassau County Police Department, has been investigating the theft of over half a million dollars from an armored car belonging to Garda (“Garda Armored Car”) which was parked next to a branch of Bank #1 in Valley Stream, New York on November 2, 2018.

4. On November 2, 2018, between 2:00 a.m. and 3:00 a.m., a Garda Armored Car was stolen from outside a branch of Bank #1, a financial institution whose deposits are insured by the Federal Deposit Insurance Corporation, located at 260 West Sunrise Highway, Valley Stream, New York (“Bank #1 Branch”). That evening, two employees of Garda, the defendant ALEXIS LAGUERRA and John Doe #1, a person whose identity is known to the United States Attorney, were working on the Garda Armored Car. LAGUERRA was working as the driver of the Garda Armored Car and John Doe #1 was working as the messenger. John Doe #1 was the employee who decided on the itinerary for the armored car and was armed. LAGUERRA and John Doe #1 were working the overnight shift from 8:00 p.m. to 6:00 a.m. The investigation has disclosed that LAGUERRA had requested to be reassigned to the overnight shift a few months earlier. The overnight shift does not provide any more pay than the day shift.

5. The assignment for ALEXIS LAGUERRA and John Doe #1 that evening was to empty ATM machines at bank branches and to refill each ATM machine with “fresh money” of between \$99,800 to \$275,000. Based on the route devised by John Doe #1, the branch of Bank #1 was one of the stops of the evening. Upon arriving at the branch

of Bank #1 around 2:22 a.m., both LAGUERRA and John Doe #1 exited the Garda Armored Car and entered the branch of Bank #1 approximately two minutes later.

6. While the defendant ALEXIS LAGUERRA and John Doe #1 were in the branch of Bank #1, the Garda Armored Car was stolen. When the Garda Armored Car was recovered nearby, three bags of cash each containing \$170,000 (totaling over half a million dollars) had been taken from the Garda Armored Car.

7. A Black Range Rover vehicle operated by John Doe #2, a person whose identity is known to the United States Attorney, was observed nearby the branch of Bank #1 shortly before the Garda Armored Car was stolen. John Doe #2 dropped off a passenger near the branch of Bank #1 shortly before the Garda Armored Car was stolen. At the same location, the Garda Armored Car was abandoned shortly thereafter. The operator of the stolen Garda Armored Car, believed to be the passenger who exited the Range Rover vehicle shortly before, then walked towards the location of the Range Rover vehicle operated by John Doe #2 which then left the area. When the passenger was walking in the area where the Range Rover vehicle was situated, he was carrying a large duffel bag over his shoulder in the manner of Santa Claus. It is believed that the individual who stole the Garda Armored Car took the three bags each containing \$170,000 of money belonging to Bank #1.

8. Based on a subsequent consensual search, it was learned that earlier that evening, at approximately 9:52 p.m., the defendant ALEXIS LAGUERRA had sent an instant message to John Doe #3, an individual whose identity is known to the United States Attorney, which stated: "260 west sunrise highway valley steam (Stream) ny, I'll be there around 2-3 am." This instant message evidences the fact that LAGUERRA had obtained

information about the schedule of bank stops. That schedule was created by John Doe #1 that evening and was, according to John Doe #1, known only to him. This message was sent from LAGUERRA's "dirty phone" (as discussed below) to the phone of John Doe #3.

9. Based on subsequent consensual examination of phones and further investigation, it was determined that the defendant ALEXIS LAGUERRA had two phones, his "clean phone" which was his usual phone and his "dirty phone" ("LDP") which he only used for a short time prior to, and during, this November 2, 2018 scheme at the branch of Bank #1. LDP is the phone that LAGUERRA agreed to destroy after he was instructed by John Doe #3, as detailed below, to trash after removing the sim card and deleting the messages which LAGUERRA agreed to do. Throughout the evening of November 1-2, 2018, LAGUERRA was sending John Doe #3 messages from his LDP concerning the theft of the bank funds. Those messages in the early morning of November 2, 2018 included the following (all times are approximate):

JOHN DOE #3: 1:14 a.m.: "10 min away leaving 130"

LDP: 1:18 a.m.: "I'll be there around 2"

JOHN DOE #3: 2:11 a.m.: "How u know the go pro broke"

LDP: 2:11 a.m.: "Trust me"

JOHN DOE #3: 2:13 a.m.: "Don't forget nuttin and leave open"

LDP: 2:13 a.m.: "Yea."

LDP: 2:18 a.m.: "there a bag inside use it. Get in peep pull off then dip."

LDP: 2:19 a.m.: "2 min away."

LDP: 2:22 a.m.: "I'm here"

JOHN DOE #3: 2:23 a.m.: "K let me know as soon as I'm good to go"

JOHN DOE #3: 2:24 a.m.: "I'll tell u when to take sim out break it and smash and toss phon."

JOHN DOE #3: 2:24 a.m.: "where won't be found"

JOHN DOE 33: 2:25 a.m.: "Delete these before trashing its"

LDP: 2:26 a.m.: "Copy." [When SUBJECT PHONE #4 was examined by law enforcement after this exchange, the sim card was gone and these messages had been deleted but were retrievable]
LDP: 2:26 a.m.: "Goo"
LDP: 2:26 a.m.: "Now" (At 2:26 a.m., LAGUERRA is in the bank operating a cell phone and at 2:27 a.m., a subject exits the passenger side of the Range Rover vehicle and seen walking towards the bank)
JOHN DOE #3: 2:31 a.m.: "K"
JOHN DOE #3: 2:41 a.m.: "Toss everything."
LDP: 2:45 a.m.: "Copy"
JOHN DOE #1 2:49 a.m.: 911 call made by LAGUERRA using JOHN DOE #1'S cell phone.

10. The Investigation has disclosed that the reference to (i) "go pro" in the 2:11 a.m. text refers to the camera in the Garda Armored Car, (ii) "leave open" in the 2:13 a.m. text refers to the door of the Garda Armored Car, (iii) "toss phon" refers to LAGUERRA'S LDP and (iv) "Delete these before trashing it" refers to, among others, the messages listed above. These messages were obtained as a result of consensual searches of the three phones, including the LDP. The search of the LDP recovered messages that had been deleted. When searched, the LDP was missing the sim card.

11. Due to the continuing investigation, the government requests that this affidavit and the Arrest Warrant be held under seal until further order of the Court.

WHEREFORE, the government requests that an Arrest Warrant issue for defendant ALEXIS LAGUERRA.


MARTHA M. BERDOTE
Special Agent, Federal Bureau of Investigation

Sworn to before me this 17th
day of December, 2018


THE HONORABLE A. KATHLEEN TOMLINSON
UNITED STATES MAGISTRATE JUDGE
EASTERN DISTRICT OF NEW YORK