

UNITED STATES DISTRICT COURT

for the

Middle District of Florida

United States of America)

v.)

JOHN ARMSTRONG JR.)

Case No.)

2:19-mj-)

1118-NPM)

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 June 14, 2019 and Sept. 25, 2019 in the county of Lee and Osceola in the
Middle District of Florida, the defendant(s) violated:

Code Section

18 U.S.C. § 1951
 18 U.S.C. § 2113(a)

Offense Description

Hobbs Act robbery; Attempted bank robbery

This criminal complaint is based on these facts:

See attached affidavit.

☒ Continued on the attached sheet.


Complainant's signature

Brandon Bottom, FBI Task Force Officer

Printed name and title

Sworn to before me and signed in my presence.

Date: 10/07/2019


Judge's signature

City and state: Ft Myers, FL

Nicholas P. Mizell, U.S. Magistrate Judge

Printed name and title

2019 OCT -7 PM 4:21
 U.S. DISTRICT COURT
 MIDDLE DISTRICT OF FLORIDA
 FT. MYERS, FLORIDA

FILED

**STATE OF FLORIDA
COUNTY OF ORANGE**

MASTER AFFIDAVIT

I, Brandan Bottom, being duly sworn, state the following:

Agent Background

1. I am a Task Force Officer with the Federal Bureau of Investigation ("FBI"), and have been since April 2013. I have been employed by the Orlando Police Department ("OPD") since May 2005 and am assigned to the OPD Criminal Investigations Division. Prior to being a TFO, I was assigned to the Orlando Police Department TAC unit. During this time I was responsible for investigating street level violent crime while being tasked to locate and arrest violent offenders. I have received extensive training pertaining to investigating criminal street gangs and violent crime organizations. I have participated in investigations involving, among other offenses, armed robbery, conspiracy, murder, witness tampering, home invasion, human trafficking, and money laundering.

2. I have also conducted investigations concerning the identification of co-conspirators through the use of interviews, telephone records and bills, financial records, ledgers, photographs, and other documents. I have also investigated violent robbery crews, and drug trafficking organizations, and other criminal organizations. I am experienced with the use of cellular telephone analysis and current violent crime trends. I have also participated in

the debriefings of arrested individuals who later cooperated with the United States Government.

3. My training and experience as an Orlando Police officer and an FBI TFO, together with the facts set forth herein, form the basis of my opinions and conclusions in this affidavit.

Purpose of Affidavit

4. The information set forth herein is based on the following: (a) my own personal observations; (b) information that I received from other law enforcement officers involved in this investigation, including by reviewing official reports prepared by other law enforcement officers; (c) interviews of witnesses and the review of reports summarizing the interviews of witnesses; and (d) information provided to me by law enforcement officials who met with and interviewed said witnesses.

5. Because this affidavit is being submitted for the limited purpose of establishing probable cause for the issuance of a criminal complaint and search warrants, I have not set forth each and every fact that I learned as a result of this investigation. Rather, I have set forth only those facts that I believe are necessary to establish probable cause that a violation of federal law has been committed. Unless otherwise noted, all statements of other persons described in this affidavit are set forth in substance and in part, rather than verbatim.

6. As set forth below, there is probable cause to believe that on or about June 14, 2019, in the Middle District of Florida, JOHN ARMSTRONG JR. (referred to herein as “ARMSTRONG”) obstructed, delayed, or affected commerce or the movement of any article or commodity in commerce, by robbery, in violation of 18 U.S.C. § 1951. There is also probable cause to believe that on or about September 25, 2019, in the Middle District of Florida, ARMSTRONG attempted to commit bank robbery, in violation of 18 U.S.C. § 2113(a).

7. I also make this affidavit in support of an application for a warrant to search the premises known as 150 Herron Road, North Fort Myers, Florida 33903, hereinafter “PREMISES,” further described in Attachment A, for the things described in Attachment C. In addition, I submit this affidavit in support of an application for a warrant to search the black 2006 Lincoln Zephyr bearing Florida license plate IK13BB, further described in Attachment B, for the things described in Attachment C.

Probable Cause Basis

Robbery of 7-11 on June 14, 2019

8. On June 14, 2019, the Lee County Sheriff's Office (LCSO) responded to a reported robbery at a 7-11 located at 17930 North Tamiami Trail, North Fort Myers, Lee County, Florida. Deputies arrived on scene and met with a victim named L.S. L.S. informed the responding deputy that her and a co-worker, A.N., observed a black male, later identified as JOHN

ARMSTRONG (ARMSTRONG), run into the 7-11 wearing all black clothing and a blue and white mask (pictured below).



9. ARMSTRONG was armed with a firearm and demanded that both L.S. and A.N. put their hands up. ARMSTRONG demanded money from A.N. who was behind the counter. A.N. froze and ARMSTRONG jumped over the counter. ARMSTRONG then struck A.N. in the head with the firearm he was carrying, causing a laceration to the bottom corner of A.N.'s left eye. L.S. opened both registers for ARMSTRONG and gave ARMSTRONG the money in the registers. ARMSTRONG took the money and exited the store. L.S. hit the panic button to alert the police and called 911.

10. As responding deputies were arriving, they observed a knife sitting on the ground outside the front door of the 7-11. The knife had a black handle and a silver blade with a white sheath over the blade. The knife was photographed and collected for evidence along with video surveillance of the robbery. LCSO Detective Thomas Rall arrived on scene and spoke with the victims. While on scene, Detective Rall collected DNA swabs and requested that the knife be sent to the laboratory for forensic testing. Images and information about the robbery were sent to Crime Stoppers, a community program that allows people to provide anonymous information about criminal activity. A couple days after the robbery, an anonymous tip was received stating that ARMSTRONG was the person who robbed the 7-11. Based on the height and weight descriptions provided by the witness, Detective Rall believed ARMSTRONG could have conducted the robbery of the 7-11 on June 14, 2019.

11. On August 26, 2019, Detective Rall received a report from the Florida Department of Law Enforcement (FDLE) regarding the knife collected at the scene of the June 14, 2019 robbery. The knife had been processed for latent fingerprints and during the processing a latent finger print was discovered. By comparing ARMSTRONG's known fingerprints with the fingerprint recovered from the knife, FDLE determined that the latent fingerprint recovered off the knife belonged to ARMSTRONG. On August 28, 2019, Detective Rall reviewed the surveillance video of the robbery. While

reviewing the surveillance footage, Detective Rall observed that the knife that was collected fell off of ARMSTRONG's person as he entered the 7-11 to rob it.

12. ARMSTRONG has prior felony convictions for carrying a concealed firearm (2009) and aggravated battery/aggravated assault (2009), a case in which he similarly hit the victim in the face repeatedly with his firearm.

Robbery of Bank of Ozarks on July 31, 2019

13. On July 31, 2019, at approximately 8:43 a.m., the Punta Gorda Police Department responded to the Bank of Ozarks located at 3855 Tamiami Trail, Punta Gorda, Florida in reference to a bank robbery. At 8:36 a.m., a black male armed with a silver semi-automatic handgun forced entry into the bank after catching a teller who was arriving for work at the front door. The male ordered this teller, together with another teller who was already inside the bank, to the vault, telling the tellers to fill a bag and a backpack with cash. The male then ordered the tellers into the bank's bathroom and instructed the tellers to stay in the bathroom for two minutes. The tellers exited the bathroom and called the police. The male stole approximately \$151,000 as a result of that robbery.

14. Video surveillance taken from the bank depicts what appears to be a black 2006 Lincoln Zephyr (pictured below) parking at a location near the bank at approximately 7:47 a.m., *i.e.* less than an hour before the robbery. A

male, whose height and build was consistent with ARMSTRONG's height and build, was then seen approaching the bank and hiding in the bushes near the front door. Immediately after the robbery, the black Lincoln can be seen leaving the area. It is believed that the black Lincoln was the getaway vehicle occupied by the male.



Residence of ARMSTRONG and his Girlfriend

15. ARMSTRONG and his girlfriend, a white, 43-year-old female, are both currently living at 150 Herron Road, North Fort Myers, Florida 33903 (the PREMISES), which is the residence located on the far north side of a blue, single story, multi-residence building. Both ARMSTRONG and his girlfriend have been observed living at the PREMISES between October 4, 2019 and October 7, 2019 by officers conducting surveillance at the PREMISES.

16. A Florida Department of Corrections report provides further evidence that ARMSTRONG and his girlfriend are in a relationship: According to this report, on July 8, 2015, when ARMSTRONG was in State custody, ARMSTRONG's girlfriend called the Florida Department of Corrections Inspector General's District 10 office using a fake name. This female alleged that she had information on crimes being committed inside the Dade Correctional Institution and wanted to report those crimes on behalf of a current inmate, John ARMSTRONG. A preliminary investigation revealed the true identity of the caller, who at that time was listed as ARMSTRONG's girlfriend on his jail visitation logs. She later admitted her identity and indicated she was calling on behalf of ARMSTRONG. In addition, according to the Florida Driver and Vehicle Identification Database (DAVID), ARMSTRONG and his girlfriend both have the same address listed on their driver's licenses of 14151 Warner Circle, North Fort Myers, Florida, which address is approximately one mile as the crow flies from their current residence at the PREMISES.

Arrest of ARMSTRONG on State Charge on August 30, 2019

17. On August 30, 2019, ARMSTRONG was arrested on a State warrant for the robbery of the 7-11 on June 14, 2019. When law enforcement officers tried to effectuate the arrest, ARMSTRONG fled in a Chevy Blazer that was registered to the daughter of ARMSTRONG's girlfriend. As a result of ARMSTRONG's flight in the Blazer, he crashed into another vehicle and

an occupant of that vehicle was killed. After crashing the Blazer, ARMSTRONG was arrested on the robbery charge. ARMSTRONG bonded out of jail on that charge on September 4, 2019, and the State robbery charge remains pending.

Carjacking on September 25, 2019

18. On September 25, 2019, the Orange County Sheriff Office (OCSO) responded to 6750 Forest City Rd, Orlando, Florida in response to a carjacking. At approximately 4:30 a.m., A.L. was sitting in a four-door white 2018 Toyota Camry, Florida license plate XXX5P, at the 7-11 located at 6750 Forest City Road, Orlando, Florida. While sitting in the vehicle, A.L. was approached by a black male approximately 5'11-6'0 in height, weighing approximately 165-170 lbs., with black, close cut hair, wearing a gray shirt to cover his face and black sunglasses.

19. The male approached A.L.'s vehicle and entered the vehicle from the front passenger's side door. The male proceeded to take out a black handgun and pointed it at A.L. and demanded A.L.'s cellular telephone. The male instructed A.L. to exit the vehicle while pointing the weapon at A.L. A.L. complied and exited the vehicle. The male then jumped into the driver's seat of the vehicle and drove away.

20. Surveillance footage from the 7-11 shows that just prior to the carjacking, a black sedan with large, aftermarket rims drove by the 7-11 approximately three times. Moments after the black sedan passed the 7-11 the

final time, a black male is observed running from the roadway to A.L.'s vehicle. As the male leaves in A.L.'s white Toyota Camry, the black sedan with large aftermarket rims can be seen on surveillance following the Camry.

21. A.L.'s vehicle was equipped with a GPS tracking device that monitored the location of the vehicle after it was stolen. Investigators gained access to this information which assisted investigators in locating the vehicle on a red light camera at the intersection of Pine Hills Rd. and Clarcona Ocoee Rd. In the image, the stolen vehicle is located directly behind a black four-door sedan with large aftermarket rims.



22. Later on September 25, 2019, A.L. tracked her iPhone (which she had left inside of the vehicle), using the application "Find My iPhone,"

which showed that her phone was located in the parking lot of the PNC Bank, located at 8321 Champions Gate Blvd., Davenport, Florida.

Attempted Bank Robbery of PNC Bank on September 25, 2019

23. On September 25, 2019, at approximately 8:32 a.m., the Osceola County Sheriff's Office received a call from a female who witnessed two armed males robbing the PNC Bank located at 8321 Champions Gate Blvd. in Davenport. Deputies arrived on scene about ten minutes later and spoke to the employees at the bank. The witnesses were interviewed and stated that two males, one of whom was later determined to be ARMSTRONG, entered the bank and attempted to rob them.

24. Witnesses stated that both ARMSTRONG and the other male forced one of the bank employees into the bank at gunpoint. ARMSTRONG was in possession of a silver handgun while the other male possessed a black handgun and wore a red bandana around his neck. Both males demanded that the vault be opened. The employee told both ARMSTRONG and the other male that she could not open the vault alone, and shortly thereafter the bank alarm went off. At this time ARMSTRONG and the other male panicked and ran out of the bank.



25. Video surveillance taken from the bank confirmed the information provided by the employees and witnesses. The video further showed that the two males arrived in a white Toyota Camry. When ARMSTRONG approached the bank, ARMSTRONG was unmasked and was not wearing gloves. ARMSTRONG crouched down and snuck into the bushes to wait for the employees to arrive.



26. Surveillance video also showed that the white Toyota Camry arrived in the area of the bank at about 6:30 a.m. immediately behind a black four-door sedan with aftermarket rims.



27. After the bank robbery, ARMSTRONG and the other male fled in the white Toyota Camry. The black four-door sedan was not visible on the surveillance at this time.



28. Surveillance footage from a nearby neighborhood on Masters Boulevard showed the Toyota fleeing. The video surveillance showed the vehicle making a U-turn prior to entering a parking lot. Officers from the Osceola County Sheriff's Office who went to this parking lot located the abandoned 2018 white Toyota Camry bearing Florida tag XXX5P, the same Toyota Camry that had been stolen from A.L. The location where the Toyota Camry was abandoned is approximately one mile away from the PNC bank.

29. During the investigation of the bank robbery, a witness who wished to remain anonymous approached investigators and stated that he had observed a black 2006 Zephyr with large aftermarket rims parked in the parking lot by the bank from approximately 4:00 to 6:00 p.m. the day prior to the robbery. The witness stated that nobody ever exited the vehicle while the vehicle was parked.

30. On September 24, 2019, at approximately 5:12 p.m., video surveillance footage from a nearby Publix supermarket depicted a black 2006 Lincoln Zephyr with aftermarket rims driving through the parking lot where the bank is located.



Robbery of BB&T Bank on September 26, 2019

31. On September 26, 2019, at approximately 7:51 a.m., two males, one of whom is believed to be ARMSTRONG, utilized handguns to rob the BB&T Bank located at 151 N State Road 434, Altamonte Springs, Florida.

32. On the morning of the robbery, the male believed to be ARMSTRONG and another unknown male hid in the bushes beside the bank entrance prior to the bank opening. A BB&T bank employee subsequently arrived at the bank, cleared the bank per the bank's opening procedures, and signaled to another bank employee who was parked in the parking lot that the bank was clear. The employee exited her vehicle in the parking lot and walked to the front doors of the bank. As she approached the doors of the bank, the two male suspects exited the bushes and pointed their handguns at her. The males yelled at the employee inside of the bank not to warn the police or they would kill the female bank employee. The robbers demanded that the female employee unlock the bank doors and threatened to kill her if she did not comply. The female unlocked the doors and the male suspects followed the employee into the bank at gunpoint. They threatened to kill the employees if they did not comply.

33. The male suspects demanded that the bank employees move to the bank safe and open it using their keys. The suspects took the contents of one of the opened drawers from the safe, including approximately \$22,000 in cash, as well as personal possessions belonging to the bank employees, including car keys. The male suspects then entered the white vehicle of one of the bank employees using the keys they stole and fled.

34. Video surveillance taken from the bank and surrounding businesses captured the stolen white vehicle fleeing. This surveillance shows

that as the white vehicle fled, a black, Lincoln four-door sedan with large aftermarket rims left the parking lot of an adjacent business. Both the stolen white vehicle and the black Lincoln can then be observed driving to a nearby closed business's parking lot. Officers from the Altamonte Police Department located the stolen bank employee's vehicle just off Laurel Street at the back entrance to the closed business. A Seminole County Sheriff's Office blood hound subsequently conducted a track from the vehicle. The canine tracked approximately 10 feet.

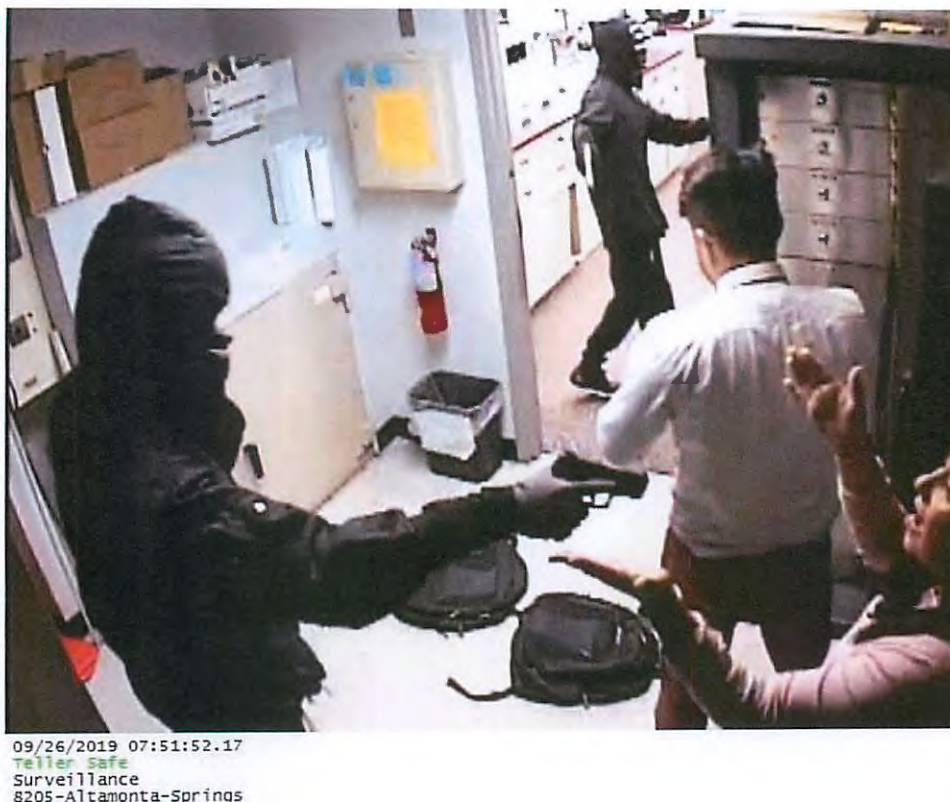




35. The video surveillance taken by the BB&T Bank surveillance system captured the clothing of the males who committed the robbery. The blue shoes that ARMSTRONG was wearing as he jumped into the bushes during the attempted bank robbery of the PNC Bank were identical to the shoes worn by the male believed to be ARMSTRONG during the BB&T Bank robbery. In addition, the Eastsport black backpack carried by ARMSTRONG during the attempted PNC Bank robbery appears identical to the backpack that the male believed to be ARMSTRONG was wearing during the BB&T bank robbery. Additionally, the silver handgun that ARMSTRONG was holding during the BB&T Bank robbery appears identical to the silver

handgun used by ARMSTRONG in the previous bank robberies at the Bank of Ozarks and PNC Bank.





**Additional Identification of ARMSTRONG, the Second Male Gunman,
and ARMSTRONG's Girlfriend**

36. Further analysis of the data tracker from A.L.'s stolen Toyota Camry showed that approximately 45 minutes after the vehicle was stolen, the stolen vehicle parked near a residence located at 3725 Guinyard Way, Orlando, Florida at approximately 5:14 a.m. on September 25, 2019. The vehicle remained parked at this location for approximately 45 minutes. Investigators conducted a canvass of surrounding neighborhood businesses for surveillance footage. Investigators located video surveillance of a black four-door sedan with large aftermarket rims arriving at a 7-11 located at 3555 Vineland Road Orlando, Florida at approximately 5:41 a.m. The 7-11 is

located approximately one mile from the location on Guinyard Way where the stolen vehicle parked.

37. In the video surveillance, ARMSTRONG's girlfriend (see paragraph 15 above) exited the black sedan and entered the store, where she purchased two bananas and \$4.50 worth of gas. She used a Suncoast Credit Union debit card that was later identified through bank records as belonging to ARMSTRONG, to complete the purchase. Within the bank records obtained, investigators discovered telephone number 239-672-3888. The subscriber of this telephone was determined to be ARMSTRONG's girlfriend. Investigators were able to identify the female in the video surveillance as ARMSTRONG's girlfriend based on her Florida driver's license photograph.

38. Further DAVID checks revealed that the daughter of ARMSTRONG's girlfriend has a black 2006 Lincoln Zephyr registered to her bearing Florida license plate IK13BB. This vehicle is registered at 14151 Warner Circle, North Fort Myers, Florida—the same address which ARMSTRONG and his girlfriend listed as their address on their driver's licenses.

39. ARMSTRONG and the second unidentified male who assisted him in the PNC Bank and BB&T Bank robberies are similar in height, weight, and build. Investigators located video surveillance which shows that on September 25, 2019 at approximately 10:06 a.m. (*i.e.* approximately 1.5 hours after the attempted PNC Bank robbery), ARMSTRONG's girlfriend

completed an EBT transaction at a 7-11 convenience store located at 5942 International Drive, Orlando, Florida in the amount of \$28.29. Surveillance footage from the store clearly shows ARMSTRONG's girlfriend and an unidentified black male purchasing items in the 7-11 store. The image of this unidentified male is clear and it is not ARMSTRONG. The unidentified male's height, weight, and build are consistent with the height, weight, and build of the unknown male who entered the PNC and BB&T banks with ARMSTRONG, and the unidentified male is wearing white shoes with a distinct design near their soles that appears identical to the white shoes with the same design worn by ARMSTRONG's companion during these robberies.

40. On August 6, 2019 at approximately 11:55 a.m., a law enforcement database that captures vehicle license plates and vehicle location information captured footage of the black 2006 Lincoln Zephyr bearing Florida license plate IK13BB traveling in the Fort Myers area. This vehicle is the same make and model as the vehicle used in the bank robbery on July 31, 2019. As of August 6, 2019, the rims of the vehicle had not yet be altered and were the same as the rims on the vehicle in the surveillance footage of the robbery on July 31, 2019.

Scan Data:
Plate # 1: IK13BB
Plate # 2: IK13BB
Date: 08-06-19
Time: 11:55:41 AM GMT-05:00
Longitude: -81.857834
Latitude: 26.640726
Scanned By:
Agency: Fort Myers Police Department
User: MLK_Cranford_East_1
System: MLK_Cranford_East_1
Output Report
Show Address



41. On August 9, 2019, at approximately 1:50 p.m., a law enforcement database that captures vehicle license plates and vehicle location information captured the black 2006 Lincoln Zephyr bearing Florida license plate IK13BB traveling in the Fort Myers area. By this time the rims on the vehicle had been changed to large aftermarket rims that appear to be the same as the rims on the vehicle utilized during the September 25, 2019 and September 26, 2019 robberies.

Vehicle Data:

IK13BB

Plate Image



Vehicle Image

**Scan Data:**

Plate # 1: IK13BB

Plate # 2: IK13BB

Date: 08-09-19

Time: 1:50:50 PM ADT

Longitude: -81.825849

Latitude: 26.643181

Scanned By:Agency: Fort Myers Police
Department

User: Self-sustaining Trailer 2

System: Self-sustaining Trailer 2

Output Report**Show Address**

42. Further results revealed that on September 27, 2019, the vehicle was in Fort Myers, Florida. Investigators checked toll records and discovered that the vehicle traveled from Orlando, Florida to Fort Myers, Florida on September 26, 2019.



Plate Image

Plate Image

Vehicle Image

Vehicle Image

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43. A photograph taken at a toll plaza during the black Lincoln's return to Fort Meyers from the Orlando area on September 26, 2019, shows that ARMSTRONG's girlfriend was in the front passenger seat of the Lincoln at that time and that a black male who is difficult to identify due to the quality of the photo was driving the vehicle at that time.

Cellular Analysis for Robbery of PNC Bank on September 25, 2019

44. As explained, the robbery of the PNC Bank occurred on September 25, 2019 at approximately 8:32 a.m. Cellular telephone analysis was conducted on the telephone number ending in 3888 belonging to ARMSTRONG's girlfriend. On September 25, 2019 at approximately 4:31 a.m., this telephone number connected to a tower in the vicinity of the carjacking that occurred at 6750 Forest City Road, Orlando. At approximately 5:09 a.m., this phone connected to a tower in the vicinity of 3725 Guinyard Way, Orlando, the location in which the stolen vehicle was parked. Between 7:05 a.m. and 8:25 a.m. the cellular phone ending in 3888

connected for approximately 12 calls and texts to a tower in the vicinity of 8321 Champions Gate Blvd, namely the location of the bank. For instance, this phone number connected to the tower in the vicinity of 8321 Champions Gate Blvd. for an incoming phone call at approximately 8:25 a.m. from phone number 239-286-2515 (which as set forth below belongs to ARMSTRONG) that lasted for approximately 6 minutes. Following the 8:25 a.m. phone call, the next phone call on the phone of ARMSTRONG's girlfriend occurred at 9:21 a.m., which connected to a tower approximately 15 miles northwest of the bank robbery location.

45. As explained below, evidence shows that ARMSTRONG was in possession of the phone assigned phone number 239-286-2515 on October 6, 2019. In addition, the telephone records of ARMSTRONG's girlfriend, including phone calls between her and the number ending in 2515 at the time that ARMSTRONG was hiding in the bushes outside of the PNC Bank and the BB&T Bank, provide further evidence that the number ending in 2515 is used by ARMSTRONG. Phone number 239-286-2515 is a prepaid phone with no subscriber information.

46. On September 25, 2019 at approximately 4:38 a.m., telephone number 239-286-2515 connected to a tower in the vicinity of the carjacking which occurred at 6750 Forest City Road, Orlando. At approximately 5:14 a.m. and 6:02 a.m., telephone number 239-286-2515 connected to a tower in the vicinity of 3725 Guinyard Way, Orlando, the location in which the stolen

vehicle was parked. At approximately 7:19 a.m., 7:29 a.m., and 8:25 a.m., telephone number 239-286-2515 connected to a tower in the vicinity of 8321 Champions Gate Blvd, namely the location of the bank. All three calls were calls between ARMSTRONG's phone and the phone number ending in 3888 belonging to ARMSTRONG's girlfriend.

Cellular Analysis for Robbery of BB&T Bank on September 26, 2019

47. As explained, the robbery of the BB&T Bank occurred on September 26, 2019 at approximately 7:51 a.m. Between 6:13 a.m. and 7:47 a.m. on September 26, 2019, the cellular phone number belonging to ARMSTRONG's girlfriend connected to a tower in the vicinity of the BB&T Bank located at 151 N State Road 434, Altamonte Springs for approximately 20 calls and texts. Following a 7:47 a.m. text, the next phone call was at 8:44 a.m., at which time the phone connected to a tower located approximately nine miles south of the bank robbery location.

48. Similarly, between 7:01 a.m. and 7:46 a.m. on September 26, 2019, telephone number 239-286-2515 connected to a tower in the vicinity of the BB&T Bank for approximately four calls. Following the 7:46 a.m. call, the next phone call was at 8:24 a.m., at which time the phone connected to a tower located approximately eight miles south of the bank robbery location.

Further Cellular Analysis and Location of Black Lincoln

49. On October 4, 2019 starting at approximately 1:57 a.m., telephone pings placed the cellular telephone ending in 3888 belonging to

ARMSTRONG's girlfriend at the PREMISES. This locational pinging had an accuracy level of within seven meters or less. Investigators began conducting surveillance on the PREMISES and located the black 2006 Lincoln Zephyr bearing Florida license plate IK13BB parked at the PREMISES. On October 4, 2019, investigators observed ARMSTRONG get into the black Lincoln after exiting the PREMISES and drive to a Suncoast credit union located near the PREMISES. After visiting the Suncoast, ARMSTRONG returned to the PREMISES.





50. Further cellular site analysis shows that by September 26, 2019, at approximately 8:37 p.m., both the telephone assigned the call number ending in 3888, and the telephone assigned the call number ending in 2515 had returned from the Orlando area to North Fort Meyers, Florida. Since returning to the North Fort Myers area in the evening of September 26, 2019, the telephone assigned the number ending in 2515 has remained within the Fort Myers area of Florida. The telephone assigned the number ending in

3888 traveled to Miami, Florida on September 30, 2019, but then returned to the Fort Myers area that same day. Since September 30, 2019, telephone records indicate that both phones have consistently connected to cellular towers within the vicinity of the PREMISES.¹

51. On October 6, 2019, at approximately 4:14 p.m., investigators observed ARMSTONG exit the front door of the PREMISES, enter the black 2006 Lincoln Zephyr bearing Florida tag IK13BB, and drive away from the residence. ARMSTONG then travelled south across the Caloosahatchee River and into Fort Myers. As ARMSTRONG travelled south, the telephone number ending in 2515 changed towers from north of 150 Herron Road to south of the Caloosahatchee River in the immediate area ARMSTRONG was now located. Continued surveillance showed that as Armstrong moved east through Fort Myers the telephone number ending in 2515 also moved to a tower further east. At approximately 5:44 p.m., ARMSTRONG returned to the PREMISES in the black Lincoln Zephyr, at which time the phone number ending in 2515 returned to the original tower north of the PREMISES to which the phone number had been connecting prior to ARMSTRONG leaving the PREMISES. Thus, based on my training and experience,

¹ Note that this tower is also in the vicinity of the residence at 14151 Warner Circle, North Fort Myers, Florida that is listed on the driver's licenses of ARMSTRONG and his girlfriend, which is approximately one mile as the crow flies from the PREMISES. However, since October 4, 2019 when law enforcement started conducting surveillance, ARMSTRONG and his girlfriend have been observed residing at the PREMISES only, and the black Lincoln Zephyr bearing Florida tag IK13BB has not driven to the address on Warner Circle during the entirety of that time period.

ARMSTRONG was in possession of the cellular telephone assigned the call number ending in 2515, traveled with this phone to another location, and then brought the phone back with him to the PREMISES.

Interstate Nexus

52. Each of the banks listed above was insured by the Federal Deposit Insurance Corporation at the times of the aforementioned incidents. In addition, 7-11 is a corporation headquartered in Dallas, Texas, the activities of which affect interstate commerce.

Computers, Electronic Storage, and Forensic Analysis

53. As described above and in Attachment C, this application seeks permission to search for records that might be found in whatever form they are found. One form in which the records might be found is data stored on a cellular telephone or other electronic storage media. Thus, the warrant applied for would authorize the seizure of electronic storage media or, potentially, the copying of electronically stored information, all under Rule 41(e)(2)(B).

54. *Probable cause.* I submit that if a cellular telephone is found on the PREMISES or in the black Lincoln, there is probable cause to believe those records will be stored on that cellular telephone, which functions like a computer with electronic storage capabilities, for at least the following reasons:

- a. Based on my knowledge, training, and experience, I know that computer files or remnants of such files can be recovered months or even years after they have been downloaded onto a storage medium, deleted, or viewed via the Internet. Electronic files downloaded to a storage medium can be stored for years at little or no cost. Even when files have been deleted, they can be recovered months or years later using forensic tools. This is so because when a person “deletes” a file on a computer, the data contained in the file does not actually disappear; rather, that data remains on the storage medium until it is overwritten by new data.
- b. Therefore, deleted files, or remnants of deleted files, may reside in free space or slack space—that is, in space on the storage medium that is not currently being used by an active file—for long periods of time before they are overwritten. In addition, a computer’s operating system may also keep a record of deleted data in a “swap” or “recovery” file.
- c. Wholly apart from user-generated files, computer storage media contain electronic evidence of how a computer has

been used, what it has been used for, and who has used it.

To give a few examples, this forensic evidence can take the form of operating system configurations, artifacts from operating system or application operation, file system data structures, and virtual memory “swap” or paging files.

Computer users typically do not erase or delete this evidence, because special software is typically required for that task. However, it is technically possible to delete this information.

- d. Similarly, files that have been viewed via the Internet are sometimes automatically downloaded into a temporary Internet directory or “cache.”

55. *Forensic evidence.* As further described in Attachment C, this application seeks permission to locate not only electronic files that might serve as direct evidence of the crimes described on the warrant, but also for forensic electronic evidence that establishes how the cellular telephones were used, the purpose of their use, who used them, and when. There is probable cause to believe that this forensic electronic evidence will be on any storage medium in the PREMISES because:

- a. Data on the storage medium can provide evidence of a file that was once on the storage medium but has since been

deleted or edited, or of a deleted portion of a file (such as a paragraph that has been deleted from a word processing file). Virtual memory paging systems can leave traces of information on the storage medium that show what tasks and processes were recently active. Web browsers, e-mail programs, and chat programs store configuration information on the storage medium that can reveal information such as online nicknames and passwords. Operating systems can record additional information, such as the attachment of peripherals, the attachment of USB flash storage devices or other external storage media, and the times the computer was in use. Computer file systems can record information about the dates files were created and the sequence in which they were created, although this information can later be falsified.

- b. As explained herein, information stored within a computer and other electronic storage media may provide crucial evidence of the “who, what, why, when, where, and how” of the criminal conduct under investigation, thus enabling the United States to establish and prove each element or alternatively, to exclude the innocent from further

suspicion. In my training and experience, information stored within a computer or storage media (e.g., registry information, communications, images and movies, transactional information, records of session times and durations, internet history, and anti-virus, spyware, and malware detection programs) can indicate who has used or controlled the computer or storage media. This “user attribution” evidence is analogous to the search for “indicia of occupancy” while executing a search warrant at a residence. The existence or absence of anti-virus, spyware, and malware detection programs may indicate whether the computer was remotely accessed, thus inculcating or exculpating the computer owner. Further, computer and storage media activity can indicate how and when the computer or storage media was accessed or used. For example, as described herein, computers typically contain information that log: computer user account session times and durations, computer activity associated with user accounts, electronic storage media that connected with the computer, and the IP addresses through which the computer accessed networks and the internet. Such information allows investigators to

understand the chronological context of computer or electronic storage media access, use, and events relating to the crime under investigation. Additionally, some information stored within a computer or electronic storage media may provide crucial evidence relating to the physical location of other evidence and the suspect. For example, images stored on a computer may both show a particular location and have geolocation information incorporated into its file data. Such file data typically also contains information indicating when the file or image was created. The existence of such image files, along with external device connection logs, may also indicate the presence of additional electronic storage media (e.g., a digital camera or cellular phone with an incorporated camera). The geographic and timeline information described herein may either inculcate or exculpate the computer user. Last, information stored within a computer may provide relevant insight into the computer user's state of mind as it relates to the offense under investigation. For example, information within the computer may indicate the owner's motive and intent to commit a crime (e.g., internet searches indicating criminal

planning), or consciousness of guilt (e.g., running a “wiping” program to destroy evidence on the computer or password protecting/encrypting such evidence in an effort to conceal it from law enforcement).

- c. A person with appropriate familiarity with how a computer works can, after examining this forensic evidence in its proper context, draw conclusions about how computers were used, the purpose of their use, who used them, and when.
- d. The process of identifying the exact files, blocks, registry entries, logs, or other forms of forensic evidence on a storage medium that are necessary to draw an accurate conclusion is a dynamic process. While it is possible to specify in advance the records to be sought, computer evidence is not always data that can be merely reviewed by a review team and passed along to investigators. Whether data stored on a computer is evidence may depend on other information stored on the computer and the application of knowledge about how a computer behaves. Therefore, contextual information necessary to understand other evidence also falls within the scope of the warrant.

- e. Further, in finding evidence of how a computer was used, the purpose of its use, who used it, and when, sometimes it is necessary to establish that a particular thing is not present on a storage medium. For example, the presence or absence of counter-forensic programs or anti-virus programs (and associated data) may be relevant to establishing the user's intent.

56. *Necessity of seizing or copying entire computers or storage media.* In most cases, a thorough search of a premises for information that might be stored on storage media often requires the seizure of the physical storage media and later off-site review consistent with the warrant. In lieu of removing storage media from the premises, it is sometimes possible to make an image copy of storage media. Generally speaking, imaging is the taking of a complete electronic picture of the computer's data, including all hidden sectors and deleted files. Either seizure or imaging is often necessary to ensure the accuracy and completeness of data recorded on the storage media, and to prevent the loss of the data either from accidental or intentional destruction. This is true because of the following:

- a. The time required for an examination. As noted above, not all evidence takes the form of documents and files that can be easily viewed on site. Analyzing evidence of how a

computer has been used, what it has been used for, and who has used it requires considerable time, and taking that much time on premises could be unreasonable. As explained above, because the warrant calls for forensic electronic evidence, it is exceedingly likely that it will be necessary to thoroughly examine storage media to obtain evidence. Storage media can store a large volume of information. Reviewing that information for things described in the warrant can take weeks or months, depending on the volume of data stored, and would be impractical and invasive to attempt on-site.

- b. Technical requirements. Computers can be configured in several different ways, featuring a variety of different operating systems, application software, and configurations. Therefore, searching them sometimes requires tools or knowledge that might not be present on the search site. The vast array of computer hardware and software available makes it difficult to know before a search what tools or knowledge will be required to analyze the system and its data on the Premises. However, taking the storage media off-site and reviewing it in a controlled

environment will allow its examination with the proper tools and knowledge.

- c. Variety of forms of electronic media. Records sought under this warrant could be stored in a variety of storage media formats that may require off-site reviewing with specialized forensic tools.

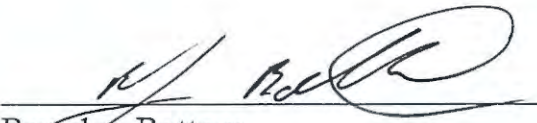
57. *Nature of examination.* Based on the foregoing, and consistent with Rule 41(e)(2)(B), the warrant I am applying for would permit seizing, imaging, or otherwise copying storage media that reasonably appear to contain some or all of the evidence described in the warrant, and would authorize a later review of the media or information consistent with the warrant. The later review may require techniques, including but not limited to computer-assisted scans of the entire medium, that might expose many parts of a hard drive to human inspection in order to determine whether it is evidence described by the warrant.

Conclusion

58. Based on the foregoing facts and evidence, I believe that probable cause exists to charge ARMSTRONG with obstructing, delaying, or affecting commerce or the movement of any article or commodity in commerce, by robbery on or about June 14, 2019, in violation of 18 U.S.C. § 1951, as well as to charge ARMSTRONG with attempting to commit bank robbery on or


about September 25, 2019, in violation of 18 U.S.C. §§ 2113(a). I also submit that probable cause exists to search the premises at 150 Herron Road, North Fort Myers, Florida, as well as the black 2006 Lincoln Zephyr bearing Florida license plate IK13BB, for the things described in Attachment C.

This concludes my affidavit.



Brandon Bottom
Task Force Officer, FBI

Sworn to and subscribed to this
7th day of October, 2019.



The Honorable Nicholas P. Mizell
United States Magistrate Judge

defendant, JOHN ARMSTRONG JR., is taken into custody.

Respectfully submitted,

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United States Attorney

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