

UNITED STATES DISTRICT COURT

for the

Northern District of California

United States of America

v.

Rain Olson Daugherty

Case No.

3 18 717496K

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 November 29, 2018 in the county of San Francisco in the
Northern District of California, the defendant(s) violated:

Code Section

18 USC s 2113(a)

Offense Description

Bank robbery

This criminal complaint is based on these facts:

See attached affidavit of FBI SA Gary F. Grzymala

☒ Continued on the attached sheet.

Approved as to form

AUSA

Ajay Krishnamurthy

Complainant's signature

FBI SA Gary F. Grzymala

Printed name and title

Sworn to before me and signed in my presence.

Date: 12-18-18

Judge's signature

City and state: San Francisco, CA

Hon. Sallie Kim, United States Magistrate Judge

Printed name and title

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

I, Gary Grzymala, being duly sworn, hereby state as follows:

1. I am a Special Agent of the Federal Bureau of Investigation ("FBI") and have been so employed since January 2018. I am presently assigned to the San Francisco Office of the FBI, where I investigate criminal violations of federal law, with a focus on violent crimes and bank robberies. I have received training at the FBI Academy in Quantico, Virginia, to include training on criminal procedure, search and seizure, violent crimes, and gang organization. During the course of my career with the FBI, I have participated in numerous investigations involving bank robberies and gang-related crimes and in the execution of numerous arrests and search warrants relating to such investigations.

2. This affidavit is made in support of an application for a criminal complaint against RAIN OLSON DAUGHERTY, (hereafter referred to as "DAUGHERTY"), date of birth August 27, 1974, for Bank Robbery violation of 18 U.S.C. § 2113(a). In particular, as set forth in further paragraphs below, there is probable cause to believe that on November 29, 2018, at approximately 2:03 p.m., DAUGHERTY entered the East West Bank located at 2219 Irving Street, San Francisco, California, within the Northern District of California, displayed a demand note to the victim teller, S.C., which purportedly demanded cash in 50 and 100 dollar bills, and then fled with approximately \$9,050 in cash.

3. The facts and information set forth in this affidavit are based on my personal observations, my training and experience, and, as specifically attributed below, information obtained from law enforcement officers and witnesses. To the extent that any information in the affidavit is not within my personal knowledge, it has been made available to me through reliable law enforcement sources, and I believe such information to be true. This affidavit is made for

the sole purpose of demonstrating probable cause for the issuance of the requested complaint and does not purport to set forth all my knowledge of, or investigation into, this matter. In addition, where I report information I learned from others or from reviewing documents and reports prepared by others, such information is recounted in sum and substance and in relevant part.

APPLICABLE STATUTES

4. Title 18 U.S.C. § 2113(a) provides that: “Whoever, by force and violence, or by intimidation, takes, or attempts to take, from the person or presence of another, or obtains or attempts to obtain by extortion any property or money or any other thing of value belonging to, or in the care, custody, control, management, or possession of, any bank, credit union, or any savings and loan association ... [s]hall be fined under this title or imprisoned not more than 20 years, or both.”

5. Title 18 U.S.C. § 2113(a) also provides that: “Whoever enters or attempts to enter any bank, credit union, or any savings and loan association, or any building used in whole or in part as a bank, credit union, or as a savings and loan association, with intent to commit in such bank, credit union, or in such savings and loan association, or building, or part thereof, so used, any felony affecting such bank, credit union, or such savings and loan association and in violation of any statute of the United States, or any larceny . . . [s]hall be fined under this title or imprisoned not more than twenty years, or both.”

STATEMENT OF PROBABLE CAUSE

6. On November 29, 2018, I responded to the scene of a bank robbery, which occurred at the East West Bank located at 2219 Irving Street, San Francisco, California, and subsequently conducted witness and victim interviews. Additionally, I reviewed still images and

video footage from East West Bank's security cameras, which captured the entire bank robbery and the subject, as well as spoke with the SFPD officers who responded to the robbery.

7. The victim teller, S.C., told me the following: On the day of the robbery, S.C. was working at her teller station when the robber approached her. Once at her station, the robber showed S.C. a piece of paper which, according to her, displayed a note which demanded money in 50 and 100 dollar bill denominations. According to S.C., the robber said something to the effect of "calm down, just do it." S.C. grabbed a stack of cash from her second drawer, and gave it to the robber. The robber then departed the bank.

8. S.C. described the robber as a white male, in his 40s, approximately 5'6", with gray/white facial hair, wearing a black baseball cap style hat.

9. A second teller, M.C., was standing next to S.C. at the time of the robbery. M.C. observed the robber pass the note to S.C. M.C. pressed the alarm on the adjacent teller station and left the area to notify the manager of the robbery.

10. M.C. described the robber as a white male, 45-50 years old, approximately 5'6", wearing a green and gray patterned shirt.

11. In total, the robber took approximately \$9,050 in United States currency from East West Bank. At the time of the robbery, the bank and its deposits were insured by the Federal Deposit Insurance Corporation ("FDIC"). FDIC coverage was confirmed using fdic.gov and returned an FDIC certificate number of 31628.

12. I reviewed the surveillance camera footage and found the robber to be one white male (hereafter referred to as "the robber"), approximately 5'6" to 5'8", in his 40s, with an average build, a light beard, and wearing a distinctly patterned plaid button down shirt, a light colored long sleeve shirt underneath the button down, a dark colored baseball cap style hat, blue

jeans, and black and white colored athletic shoes with tan soles. The robber entered the East West Bank from its main entrance. Once inside the bank, the robber approached the teller's station. The robber then displayed a demand note. The teller gave the robber cash from her second teller cash drawer to the robber. The robber then took the cash and departed from the bank's main entrance. The robber did not wear any facial disguise. As a result, East West Bank's security cameras were able to capture the robber's entire outfit (including the distinctly patterned plaid button down shirt), facial hair, and a portion of his face.

13. Photographs of the robber were distributed through a bulletin to the San Francisco Police Department (SFPD). Two SFPD Internal Affairs (IA) Officers identified the robber as DAUGHERTY. DAUGHERTY is a SFPD officer currently under suspension without pay due to an unrelated and ongoing criminal investigation in San Mateo County. One of the IA officers, Sergeant B. O'Connor, previously worked with DAUGHERTY at Mission Station and is familiar with DAUGHERTY and his mannerisms. The other IA officer, Sergeant J. O'Bidi, is the investigator assigned to the investigation and is thus familiar with DAUGHERTY.

14. The IA officers showed me surveillance videos and images from their unrelated investigation. In one such video, DAUGHERTY was pictured wearing a button down shirt identical to the shirt worn by the bank robber. In another video, DAUGHERTY was pictured wearing black and white athletic shoes with tan soles that appeared to be identical to the shoes worn by the bank robber. DAUGHERTY closely resembled the robber's race, age, sex, general height, and build.

15. An FBI Special Agent who had not seen any surveillance images or photographs of the identified subject interviewed both S.C. and M.C. in order to conduct photographic lineup of six unidentified individuals. The Agent did not have knowledge of nor access to the key to

the photographic lineup. The victim teller, S.C., was interviewed and shown the photographs on December 6, 2018. S.C. was unable to identify any of the individuals as the subject. The second teller, M.C., was interviewed and shown the same photographic lineup on December 7, 2018. M.C. positively identified one of the photographs as the robber. The photograph M.C. identified was DAUGHERTY. M.C. was positive in her identification and did not identify any of the other photographs.

CONCLUSION

16. Based upon the comparison of the East West Bank security camera footage to the video footage obtained from his SFPD Internal Affairs investigation, as well as the positive identification from two trained law enforcement officers and the bank teller, I believe that RAIN DAUGHERTY is the bank robber. For this reason, there is probable cause to believe that RAIN DAUGHERTY robbed the East West Bank located on Irving Street in San Francisco.

Dated: _____

GARY GRZYMALA
Special Agent
Federal Bureau of Investigation

Subscribed to and sworn to before me this ____ day of December, 2018

HON. SALLIE KIM
United States Magistrate Judge