

**IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF FLORIDA
PENSACOLA DIVISION**

UNITED STATES OF AMERICA

vs.

Case No. 3:18-cr-98-MCR

EMIL JOSEPH BAYUS

STATEMENT OF FACTS

This statement of facts is submitted on behalf of the undersigned parties.

All parties agree that if the above-styled case were to go to trial, the government could produce competent, substantial evidence of the following facts to prove the Defendant is guilty of the offense charged in the Indictment to which the Defendant is pleading guilty. The parties further agree that not all of the facts known from or related to this investigation are contained in this brief summary.

On the afternoon of June 15, 2017, Pensacola Police Department (PPD) was dispatched to 6700 North Davis Highway (Sun Trust Bank) in reference to a robbery. On-scene officers spoke to witness M.M. who provided a statement. M.M. stated a short, thin, white male approximately 5 feet 5 inches tall entered the bank through the east entrance doors. The suspect was wearing a long sleeve tan shirt, blue sweat pants, red socks, and black shoes. M.M. noticed the suspect waiting in line for the bank teller. M.M.'s co-worker was helping two other

people. M.M. went behind the counter to greet the suspect at window number two. The suspect told M.M. "this is a robbery." M.M. thought the suspect was joking with her. The suspect then slid a note to M.M. through the secured teller slot that had the word "Robbery" on it.

M.M. stated she then went to her co-worker, L.K., and told her to give the male the money in the drawer. After getting the money, the suspect left the building through the same doors he entered. M.M. stated the suspect ran across the parking lot, through the retention pond, and got into a light blue SUV on the front passenger side. The vehicle then drove eastbound on Burgess Road.

Law enforcement officers then took a statement from L.K. L.K. stated she was in teller window number three working with two customers and did not see the suspect come into the bank. L.K. noticed the suspect talking to M.M. L.K. heard M.M. tell the suspect that she did not have a drawer out, then M.M. walked to L.K. and told her to give the suspect the money from her drawer. L.K. was confused by this and M.M. told her to give him the money because he gave her a note that said "Robbery" on it. While giving the suspect the money, he told L.K. twice to "hurry up." L.K. stated she gave the suspect approximately \$2,090.00. L.K. stated the suspect who robbed the bank was a white male, short, and looked homeless. The male was wearing sweat pants and a tan long-sleeve shirt. L.K. stated the suspect was in his late 50s to early 60s.

E.S. was standing outside the bank in a nearby parking lot when the incident occurred. E.S. provided a statement to law enforcement officers. E.S. stated he saw a man in his peripheral vision running eastbound through the parking lot of Sun Trust Bank. E.S. stated the male was wearing light gray baggy pants, short hair, and was between 5'8" and 5'10" in height. E.S. stated the male ran east through the parking lot and the retention pond. The male got into a dark SUV on the front passenger side, and the vehicle started to drive away before the male could shut the door.

On June 16, 2017, the Pensacola Police Department was contacted by a detective with the Lorain City Police Department in Lorain, Ohio, who stated he was aware of the bank robbery in Pensacola. The detective advised that he observed the photos that were sent out and the vehicle and tag match that of a bank robbery that occurred in Lorain, Ohio by suspect Emil Bayus ("BAYUS"). The detective from Lorain put PPD detectives in contact with BAYUS' sister, C.B. C.B. stated she was in contact with her brother BAYUS who was in Milton, Florida, and that he was ready to turn himself in for the bank robbery in Ohio. C.B. stated that she believed her brother BAYUS was in the company of Louis Cillo ("Cillo") in the Pensacola area.

Detectives discovered Cillo has a brother named B.R., who lives in Pace, Florida. Detectives interviewed B.R. who confirmed he has a brother named Louis

Cillo. B.R. was shown a photograph from the Pensacola bank robbery and he replied, "That's my fucking brother." B.R. stated Cillo arrived at his house with another guy who was white, balding, and had a disfigured nose (an accurate description of BAYUS). B.R. advised that Cillo and the other guy stayed at his residence until Thursday, June 15, 2017.

On June 17, 2017, a BOLO ("be on the look-out") was put out for the suspect's vehicle. The Escambia County Sheriff's Office located the vehicle at a gas station on North Highway 29 in Pensacola, Florida. The driver of the vehicle, BAYUS, along with two female passengers, were detained. BAYUS was arrested on a bank robbery warrant from Lorain, Ohio. Detectives obtained Cillo's active cell phone number and a Court Order for the GPS coordinates of the phone. Through Verizon, detectives tracked Cillo's cell phone to Milton, Florida, and Cillo was eventually located and taken into custody.

Cillo was interviewed by detectives at the Santa Rosa County Jail. After being advised of his Miranda warnings, Cillo admitted that he was the individual who robbed the Sun Trust Bank on June 15, 2017 in Pensacola. Cillo admitted that he has a "demonic" addiction to heroin and he had used all of the money on food, hotels, and heroin. Cillo also stated that BAYUS was his get-away driver for the bank robbery in Pensacola, and that BAYUS, likewise, has an addiction to heroin.

With defense counsel present, BAYUS agreed to provide a voluntary statement to law enforcement agents. BAYUS stated he and Cillo needed money to buy heroin. BAYUS stated he drove while Cillo directed him to park in front of a house and across from a lot with vegetation. BAYUS admitted that after Cillo exited the vehicle and started walking through the tree-lined lot towards the bank, BAYUS knew Cillo was going to rob it. BAYUS admitted he made the conscious decision to remain in the vehicle, in the driver's seat, and wait for Cillo. BAYUS admitted he saw Cillo running from the bank and as soon as Cillo jumped into the passenger seat, BAYUS sped off. BAYUS stated Cillo later gave him \$250 to go and purchase heroin with two females, which he did. Thereafter they all got high together.

ELEMENTS OF THE OFFENSE-COUNT 1

- (1) The Defendant knowingly took money or property possessed by a federally insured bank from or in the presence of the person described in the indictment; and,
- (2) The Defendant did so by means of intimidation.

AIDING AND ABETTING

It is possible to prove the Defendant guilty of a crime even without evidence that the Defendant personally performed every act charged.

Ordinarily, any act a person can do may be done by directing another person, or “agent.” Or it may be done by acting with or under the direction of others.


A Defendant “aids and abets” a person if the Defendant intentionally joins with the person to commit a crime.

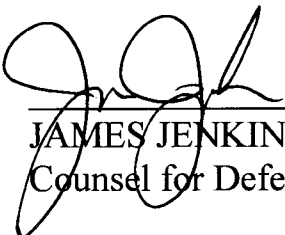
A Defendant is criminally responsible for the acts of another person if the Defendant aids and abets the other person.

But finding that a Defendant is criminally responsible for the acts of another person requires proof that the Defendant intentionally associated with or participated in the crime—not just proof that the Defendant was simply present at the scene of a crime or knew about it.

Respectfully Submitted,

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JAMES JENKINS
Counsel for Defendant

12/12/18
Date


EMIL JOSEPH BAYUS
Defendant

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