

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

UNITED STATES OF AMERICA

v.

KENNETH HAYES, and
ANTONIO DUNNER

No. 15 CR 658

Violations: Title 18, United States
Code, Sections 924(c)(1)(A), 1951(a),
and 2

COUNT ONE

The SPECIAL FEBRUARY 2016 GRAND JURY charges:

1. Beginning on or about September 16, 2015, and continuing until on or about November 2, 2015, at Glen Ellyn, Park Ridge, Northbrook, Arlington Heights, Elmhurst, and Elgin, in the Northern District of Illinois, Eastern Division, and elsewhere,

KENNETH HAYES and
ANTONIO DUNNER,

defendants herein, did conspire with each other and with others known and unknown to the Grand Jury to obstruct, delay, and affect commerce by robbery, as “robbery” and “commerce” are defined in Title 18, United States Code, Section 1951.

2. It was the object of the conspiracy that HAYES and DUNNER agreed to commit armed robberies together of individuals using drive-thru ATM locations and to use a firearm that HAYES obtained for this purpose.

3. It was further part of the conspiracy that HAYES and DUNNER identified drive-thru ATM locations of Bank A where they wanted to rob individuals using ATMs.

4. It was further part of the conspiracy that defendants traveled together in HAYES's vehicle, and in possession of the firearm, to the identified ATM locations of Bank A to commit the armed robberies. Upon arriving in the area of the identified ATM locations, defendants parked HAYES's vehicle and then concealed themselves in order to watch for individuals using the drive-thru ATMs.

5. It was further part of the conspiracy that, upon identifying an individual using a drive-thru ATM who they wanted to rob, defendants forced these individuals to withdraw money from the drive-thru ATMs of Bank A while HAYES brandished the firearm and HAYES and DUNNER verbally threatened the individuals. Defendants then took the money that the individuals withdrew from the drive-thru ATMs.

6. It was further part of the conspiracy that, on at least one occasion, defendants entered a gas station and robbed the gas station while HAYES brandished the firearm.

7. It was further part of the conspiracy that defendants disguised themselves during the robberies by wearing dark clothing and covering their faces.

8. It was further part of the conspiracy that defendants often stole the victims' cellular telephones and disposed of them in order to prevent the victims from quickly being able to contact law enforcement.

9. It was further part of the conspiracy that defendants divided the proceeds of the robberies between themselves.

10. It was further part of the conspiracy that:

a. On or about September 16, 2015, defendants attempted to rob an individual at a drive-thru ATM of Bank A located at 727 Roosevelt Road, Glen Ellyn, Illinois;

b. On or about September 23, 2015, defendants attempted to rob an individual at a drive-thru ATM of Bank A located at 2801 Dundee Road, Northbrook, Illinois;

c. On or about September 23, 2015, defendants robbed an individual at a drive-thru ATM of Bank A located at 500 Busse Highway, Park Ridge, Illinois;

d. On or about October 8, 2015, defendants attempted to rob an individual at a drive-thru ATM of Bank A located at 4200 Dundee Road, Northbrook, Illinois;

e. On or about October 19, 2015, defendants robbed an individual at a drive-thru ATM of Bank A located at 43 East Golf Road, Arlington Heights, Illinois;

f. On or about November 1, 2015, defendants robbed a gas station located at 301 West Butterfield Road, Elmhurst, Illinois.

11. It was further part of the conspiracy that defendants concealed and hid, and caused to be concealed and hidden, the purpose of acts done in furtherance of the conspiracy.

In violation of Title 18, United States Code, Section 1951(a).

COUNT TWO

The SPECIAL FEBRUARY 2016 GRAND JURY further charges:

On or about September 16, 2015, at Glen Ellyn, in the Northern District of Illinois, Eastern Division,

KENNETH HAYES and
ANTONIO DUNNER,

defendants herein, did attempt to obstruct, delay, and affect “commerce,” and the movement of articles and commodities in commerce, by “robbery,” as defined in Title 18, United States Code, Section 1951(b), in that defendants did attempt to unlawfully take and obtain a quantity of United States currency from the person and presence of an individual using an ATM of Bank A located at 727 Roosevelt Road, Glen Ellyn, Illinois, against her will, by means of threatened force, and fear of injury to that individual;

In violation of Title 18, United States Code, Section 1951(a).

COUNT THREE

The SPECIAL FEBRUARY 2016 GRAND JURY further charges:

On or about September 23, 2015, at Park Ridge, in the Northern District of Illinois, Eastern Division,

KENNETH HAYES and
ANTONIO DUNNER,

defendants herein, did obstruct, delay, and affect “commerce,” and the movement of articles and commodities in commerce, by “robbery,” as defined in Title 18, United States Code, Section 1951(b), in that defendants did unlawfully take and obtain a quantity of United States currency from the person and presence of an individual using an ATM of Bank A located at 500 Busse Highway, Park Ridge, Illinois, against his will, by means of threatened force, and fear of injury to that individual;

In violation of Title 18, United States Code, Section 1951(a).

COUNT FOUR

The SPECIAL FEBRUARY 2016 GRAND JURY further charges:

On or about October 8, 2015, at Northbrook, in the Northern District of Illinois, Eastern Division,

KENNETH HAYES and
ANTONIO DUNNER,

defendants herein, did attempt to obstruct, delay, and affect “commerce,” and the movement of articles and commodities in commerce, by “robbery,” as defined in Title 18, United States Code, Section 1951(b), in that defendants did attempt to unlawfully take and obtain a quantity of United States currency from the person and presence of an individual using an ATM of Bank A located at 4200 Dundee Road, Northbrook, Illinois, against his will, by means of force and threatened force, and injury and fear of injury to that individual;

In violation of Title 18, United States Code, Section 1951(a).

COUNT FIVE

The SPECIAL FEBRUARY 2016 GRAND JURY further charges:

On or about October 8, 2015, at Northbrook, in the Northern District of Illinois, Eastern Division,

KENNETH HAYES and
ANTONIO DUNNER,

defendants herein, did use, carry, and brandish a firearm during and in relation to a crime of violence for which they each may be prosecuted in a court of the United States, namely, robbery affecting commerce, in violation of Title 18, United States Code, Section 1951(a), as charged in Count Four of this Indictment;

In violation of Title 18, United States Code, Sections 924(c)(1)(A) and 2.

COUNT SIX

The SPECIAL FEBRUARY 2016 GRAND JURY further charges:

On or about October 19, 2015, at Arlington Heights, in the Northern District of Illinois, Eastern Division,

KENNETH HAYES and
ANTONIO DUNNER,

defendants herein, did obstruct, delay, and affect “commerce,” and the movement of articles and commodities in commerce, by “robbery,” as defined in Title 18, United States Code, Section 1951(b), in that defendants did unlawfully take and obtain a quantity of United States currency from the person and presence of an individual using an ATM of Bank A located at 43 East Golf Road, Arlington Heights, Illinois, against his will, by means of threatened force, and fear of injury to that individual;

In violation of Title 18, United States Code, Section 1951(a).

COUNT SEVEN

The SPECIAL FEBRUARY 2016 GRAND JURY further charges:

On or about October 19, 2015, at Arlington Heights, in the Northern District of Illinois, Eastern Division,

KENNETH HAYES and
ANTONIO DUNNER,

defendants herein, did use, carry, and brandish a firearm during and in relation to a crime of violence for which they each may be prosecuted in a court of the United States, namely, robbery affecting commerce, in violation of Title 18, United States Code, Section 1951(a), as charged in Count Nine of this Indictment;

In violation of Title 18, United States Code, Sections 924(c)(1)(A) and 2.

COUNT EIGHT

The SPECIAL FEBRUARY 2016 GRAND JURY further charges:

On or about November 1, 2015, at Elmhurst, in the Northern District of Illinois, Eastern Division,

KENNETH HAYES and
ANTONIO DUNNER,

defendants herein, did obstruct, delay, and affect “commerce,” and the movement of articles and commodities in commerce, by “robbery,” as defined in Title 18, United States Code, Section 1951(b), in that defendants did unlawfully take and obtain a quantity of United States currency belonging to Gas Station A located at 301 West Butterfield Road, Elmhurst, Illinois, from the person and presence of an employee of Gas Station A, against the employee’s will, by means of threatened force, and fear of injury to that employee;

In violation of Title 18, United States Code, Section 1951(a).

A TRUE BILL:

FOREPERSON

UNITED STATES ATTORNEY