

FILED

3/16/99
97R04119

MAR 16 1999

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA : Hon. Joseph A. Greenaway, Jr.
v. : Criminal No. 98-547
: 18 U.S.C. §§ 371, 922, 924,
CHARLES RODRIGUEZ, : 1951, 2113, 2119 & 2
JOSEPH RODRIGUEZ, and :
JOSE SOTO : SUPERSEDING INDICTMENT

The Grand Jury in and for the District of New Jersey,
sitting at Camden, charges:

Count 1
(Conspiracy)

The Entities

1. At all relevant times, Corestates Bank owned and operated a bank branch in Woodlynne, New Jersey ("Corestates Bank").

2. At all relevant times, Commerce Bank owned and operated a bank branch in Moorestown, New Jersey ("Commerce Bank").

3. At all relevant times, the deposits of Corestates Bank and Commerce Bank were insured by the Federal Deposit Insurance Corporation.

4. At all relevant times, PNC Bank, NA ("PNC Bank") owned and operated the automated teller machine (the "ATM") at the Walt Whitman rest stop on the New Jersey Turnpike, Cherry Hill, New Jersey.

- 5. At relevant times, Loomis, Fargo & Co. ("Loomis")

regularly delivered and picked up monies and property of PNC Bank in servicing its ATM. Loomis employed guards and used armored cars to deliver and pick up monies and property of PNC Bank.

6. At all relevant times, the activities of Loomis affected commerce, as that term is defined in Title 18, United States Code, Section 1951(b)(3).

The Conspiracy

7. From at least on or about July 19, 1997, to on or about September 1, 1998, at Camden County, in the District of New Jersey, and elsewhere, defendants

CHARLES RODRIGUEZ,
JOSEPH RODRIGUEZ, and
JOSE SOTO

did knowingly and wilfully conspire and agree with one another, and with others, to commit offenses against the United States, namely:

(i) to take from the person and presence of employees of Corestates Bank and Commerce Bank, by force, violence, and intimidation, money belonging to, and in the care, custody, control, management, and possession of the banks, and, to put in jeopardy the life of a person by the use of a dangerous weapon in the course of committing the offense, contrary to Title 18, United States Code, Sections 2113(a) and (d); and

(ii) to obstruct, delay, and affect commerce and the movement of articles and commodities in commerce by robbery, specifically the robbery of a Loomis armored car, contrary to Title 18, United States Code, Section 1951(a).

8. It was a part of the conspiracy that on or about July 19, 1997, defendants CHARLES RODRIGUEZ, JOSEPH RODRIGUEZ, JOSE SOTO, and another person robbed Corestates Bank at gunpoint of approximately \$64,039.

9. It was a further part of the conspiracy that on or about May 23, 1998, defendants CHARLES RODRIGUEZ, JOSEPH RODRIGUEZ, and JOSE SOTO robbed Commerce Bank at gunpoint of approximately \$15,373 and, in the course of that robbery, carjacked a vehicle.

10. It was a further part of the conspiracy that defendant CHARLES RODRIGUEZ traveled in Philadelphia to avoid detection and capture by law enforcement officials in New Jersey.

11. It was a further part of the conspiracy that on or about September 1, 1998, defendants CHARLES RODRIGUEZ, JOSEPH RODRIGUEZ, and JOSE SOTO armed themselves with, among other items, approximately 1,000 rounds of ammunition and the following firearms (the "Firearms"):

- (a) a loaded Ruger, Model GP100, .357 Magnum caliber revolver, with an obliterated serial number,
- (b) a loaded Ruger, Model P89DC, 9mm semiautomatic pistol, serial number 303-51074,
- (c) a loaded Beretta, Model 92F, 9mm semiautomatic pistol, serial number BER003732Z,
- (d) a loaded Essential Arms, Model J-15, .223 caliber rifle (which constitutes a "machinegun" under relevant federal law), with an obliterated serial number,

- (e) a loaded Polytechnologies, 7.62mm x .39 caliber rifle, serial number CW-17981, and
- (f) a loaded Cobray, 9mm machine pistol (which constitutes a "machinegun" under relevant federal law), with no serial number, equipped with a firearm silencer and firearm muffler.

12. It was a further part of the conspiracy that on or about September 1, 1998, defendants CHARLES RODRIGUEZ, JOSEPH RODRIGUEZ, and JOSE SOTO, while armed as described above, traveled to the Walt Whitman rest stop of the New Jersey Turnpike to rob the Loomis guards as they delivered cash to supply the ATM.

13. It was a further part of the conspiracy that defendants CHARLES RODRIGUEZ, JOSEPH RODRIGUEZ, and JOSE SOTO stole vehicles to facilitate the above-described robberies.

Overt Acts

In furtherance of the conspiracy, and to effect its objects, the following overt acts were committed:

14. On or about July 19, 1997, defendants CHARLES RODRIGUEZ, JOSEPH RODRIGUEZ, JOSE SOTO, and another person robbed Corestates Bank at gunpoint of approximately \$64,039.

15. On or about May 23, 1998, defendants CHARLES RODRIGUEZ, JOSEPH RODRIGUEZ, and JOSE SOTO robbed Commerce Bank at gunpoint of approximately \$15,373.

16. On or about September 1, 1998, defendants CHARLES RODRIGUEZ, JOSEPH RODRIGUEZ, and JOSE SOTO traveled to the Walt Whitman rest stop of the New Jersey Turnpike to rob an armored car.

All in violation of Title 18, United States Code,
Section 371.

Count 2
(Bank Robbery--Corestates Bank)

1. The allegations set forth in Paragraphs 1, 3, 8, 13 and 14 of Count 1 are incorporated herein.

2. On or about July 19, 1997, at Woodlynne, in the District of New Jersey, defendants

CHARLES RODRIGUEZ,
JOSEPH RODRIGUEZ,
JOSE SOTO

and another person did knowingly, willfully, and by force, violence, and intimidation, take from the person and presence of employees of Corestates Bank approximately \$64,039 belonging to, and in the care, custody, control, management, and possession of the bank, and in committing this offense, did knowingly and willfully put in jeopardy the life of a person by the use of a dangerous weapon.

In violation of Title 18, United States Code, Sections 2113(a) and (d), and 2.

Count 3
(Firearms Offense--Corestates Bank)

1. The allegations of Paragraphs 1, 3, 8, 13 and 14 of Count 1 are incorporated herein.

2. On or about July 19, 1997, at Woodlynne, in the District of New Jersey, and elsewhere, defendants

CHARLES RODRIGUEZ,
JOSEPH RODRIGUEZ,
JOSE SOTO

and another person did knowingly and wilfully use and carry firearms during and in relation to a crime of violence which may be prosecuted in a court of the United States, specifically the bank robbery of Corestates Bank alleged in Count 2.

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

Count 4
(Bank Robbery--Commerce Bank)

1. The allegations set forth in Paragraphs 2, 3, 9, 13 and 15 of Count 1 are incorporated herein.

2. On or about May 23, 1998, at Moorestown, in the District of New Jersey, defendants

CHARLES RODRIGUEZ,
JOSEPH RODRIGUEZ, and
JOSE SOTO

did knowingly, willfully, and by force, violence, and intimidation, take from the person and presence of employees of Commerce Bank approximately \$15,373 belonging to, and in the care, custody, control, management, and possession of the bank, and in committing this offense, did knowingly and willfully put in jeopardy the life of a person by the use of a dangerous weapon.

In violation of Title 18, United States Code, Sections 2113(a) and (d), and 2.

Count 5
(Firearms Offense--Commerce Bank)

1. The allegations of Paragraphs 2, 3, 9, 13 and 15 of Count 1 are incorporated herein.

2. On or about May 23, 1998, at Moorestown, in the District of New Jersey, and elsewhere, defendants

CHARLES RODRIGUEZ,
JOSEPH RODRIGUEZ, and
JOSE SOTO

did knowingly and wilfully use and carry firearms during and in relation to a crime of violence which may be prosecuted in a court of the United States, specifically the bank robbery of Commerce Bank alleged in Count 4.

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

Count 6
(Carjacking)

1. The allegations set forth in Paragraphs 2, 3, 9 and 15 of Count 1 are incorporated herein.

2. On or about May 23, 1998, at Moorestown, in the District of New Jersey, and elsewhere, defendants

CHARLES RODRIGUEZ,
JOSEPH RODRIGUEZ, and
JOSE SOTO

did knowingly, wilfully, and with intent to cause death and serious bodily harm, take a motor vehicle that had been transported, shipped, and received in interstate and foreign commerce, namely a 1997 Mazda Protégé, from the person and presence of another by force and violence and by intimidation.

In violation of Title 18, United States Code, Sections 2119 and 2.

Count 7
(Attempted Robbery--Loomis Armored Car)

1. The allegations of Paragraphs 4-6, 11-13, and 16 of Count 1 are incorporated herein.

2. From at least on or about August 18, 1998, to on or about September 1, 1998, at Cherry Hill, in the District of New Jersey, and elsewhere, defendants

CHARLES RODRIGUEZ,
JOSEPH RODRIGUEZ, and
JOSE SOTO

did knowingly and wilfully attempt to obstruct, delay, and affect commerce and the movement of articles and commodities in commerce by robbery, specifically the attempted robbery of a Loomis armored car.

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

Count 8
(Firearms Offense--Conspiracy & Loomis Armored Car)

1. The allegations set forth in Paragraphs 4-6, 11-13, and 16 of Count 1 are incorporated herein.

2. On or about September 1, 1998, at Cherry Hill, in the District of New Jersey, and elsewhere, the defendants

CHARLES RODRIGUEZ,
JOSEPH RODRIGUEZ, and
JOSE SOTO

did knowingly and wilfully use and carry the Firearms listed below during and in relation to crimes of violence which may be prosecuted in a court of the United States, specifically the robbery conspiracy alleged in Count 1, and the attempted robbery of a Loomis armored car alleged in Count 7:

- (a) a loaded Ruger, Model GP100, .357 Magnum caliber revolver, with an obliterated serial number,
- (b) a loaded Ruger, Model P89DC, 9mm semiautomatic pistol, serial number 303-51074,
- (c) a loaded Beretta, Model 92F, 9mm semiautomatic pistol, serial number BER003732Z,
- (d) a loaded Essential Arms, Model J-15, .223 caliber rifle (which constitutes a "machinegun" under relevant federal law), with an obliterated serial number,
- (e) a loaded Polytechnologies, 7.62mm x .39 caliber rifle, serial number CW-17981, and
- (f) a loaded Cobray, 9mm machine pistol (which constitutes a "machinegun" under relevant federal law), with no serial number, equipped with a firearm silencer and firearm muffler.

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

Count 9

1. The allegations set forth in Paragraphs 10-12 and 16 of Count 1 are incorporated herein.

2. On or about April 19, 1984, the defendant CHARLES RODRIGUEZ was convicted in the Superior Court, Camden County, New Jersey, Accusation Nos. A-755-3-84 and A-756-3-84, of crimes, each punishable by imprisonment for a term exceeding one year.

3. On or about June 21, 1991, the defendant CHARLES RODRIGUEZ was convicted in the Superior Court, Camden County, New Jersey, Indictment No. I-2799-10-89, of crimes, each punishable by imprisonment for a term exceeding one year.

4. On or about February 26, 1993, the defendant CHARLES RODRIGUEZ was convicted in the Superior Court, Camden County, New Jersey, Indictment No. I-114-1-90, of a crime punishable by imprisonment for a term exceeding one year.

5. On or about September 1, 1998, at Cherry Hill, in the District of New Jersey, and elsewhere, the defendant

CHARLES RODRIGUEZ,

having been convicted of crimes as set forth in Paragraphs 2, 3 and 4 above, did knowingly possess in and affecting commerce the Firearms and about 1,500 rounds of ammunition.

In violation of Title 18, United States Code, Sections 922(g)(1) and 2.

Count 10

1. The allegations set forth in Paragraphs 11, 12 and 16 of Count 1 are incorporated herein.

2. On or about May 31, 1996, the defendant JOSEPH RODRIGUEZ was convicted in the Superior Court, Camden County, New Jersey, Indictment No. I-2484-10-91, of a crime punishable by imprisonment for a term exceeding one year.

3. On or about September 1, 1998, at Cherry Hill, in the District of New Jersey, and elsewhere, the defendant

JOSEPH RODRIGUEZ, having been convicted of a crime as set forth in Paragraph 2 above, did knowingly possess in and affecting commerce the Firearms and about 1,500 rounds of ammunition.

In violation of Title 18, United States Code, Sections 922(g)(1) and 2.

Count 11

1. The allegations set forth in Paragraphs 11, 12 and 16 of Count 1 are incorporated herein.

2. On or about December 11, 1992, the defendant JOSE SOTO was convicted in the Superior Court, Camden County, New Jersey, Accusation No. A-2561-11-92, of a crime punishable by imprisonment for a term exceeding one year.

3. On or about September 1, 1998, at Cherry Hill, in the District of New Jersey, and elsewhere, the defendant

JOSE SOTO,

having been convicted of a crime as set forth in Paragraph 2 above, did knowingly possess in and affecting commerce the Firearms and about 1,500 rounds of ammunition.

In violation of Title 18, United States Code, Sections 922(g)(1) and 2.

A TRUE BILL

FOREPERSON

FAITH S. HOCHBERG
United States Attorney

CASE NUMBER: 98-547

**United States District Court
District of New Jersey**

UNITED STATES OF AMERICA

V.

CHARLES RODRIGUEZ,
JOSEPH RODRIGUEZ, and
JOSE SOTO

SUPERSEDING

INDICTMENT FOR

18 U.S.C. §§ 371, 922, 924,
1951, 2113, 2119 & 2

A True Bill,

Foreperson

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