

**FILED**  
UNITED STATES DISTRICT COURT  
ALBUQUERQUE, NEW MEXICO

AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT  
for the  
District of New Mexico

JAN 12 2016

**MATTHEW J. DYKMAN**  
CLERK

United States of America  
v.  
Darrel Salazar (YOB 1968, SSN xxx-xx-1530)

Case No. **16-MJ-107**

Defendant(s)

**CRIMINAL COMPLAINT**

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

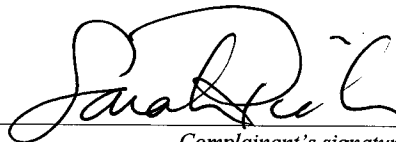
On or about the date(s) of January 11, 2016 in the county of Bernalillo in the  
       District of New Mexico, the defendant(s) violated:

<i>Code Section</i>	<i>Offense Description</i>
18 USC § 2113	Attempted Bank Robbery

This criminal complaint is based on these facts:

See attached affidavit.

Continued on the attached sheet.



Complainant's signature

Sarah Rich, Special Agent, FBI

Printed name and title

Sworn to before me and signed in my presence.

Date: 1/12/2016

City and state: Albuquerque, NM



Judge's signature

Laura Fashing, U.S. Magistrate

Printed name and title

**Judge**

### AFFIDAVIT OF SARAH RICH

Your Affiant, Sarah Rich, having been first duly sworn, does hereby depose and state as follows:

1. I am a Special Agent of the Federal Bureau of Investigation (FBI), United States Department of Justice. I have been so employed since November 2014. I am therefore authorized to investigate federal criminal offenses. I am currently assigned to the Violent Crime Squad of the Albuquerque Division of the FBI and as such have participated in investigations of suspected violations of federal bank robbery laws, including Title 18, United States Code (USC), Section (§) 2113. The information set forth in this affidavit has been derived from my own investigation or communicated to me by other sworn law enforcement officers or from reliable sources.
2. This affidavit will show that there is probable cause in support of a criminal complaint against Darrel Salazar (year of birth 1968, Social Security number xxx-xx-1530), for a violation of 18 USC § 2113, that being attempted bank robbery.
3. The statements contained in this affidavit are based upon your Affiant's investigation, training and experience and information provided by other law enforcement officers. Because this affidavit is being submitted for the limited purpose of securing a criminal complaint, your Affiant has not included each and every fact known to me concerning this investigation. Your Affiant has set forth only the facts which your Affiant believes are necessary to establish probable cause to support a criminal complaint against Darrel Salazar, in violation of 18 USC § 2113.
4. This investigation concerns an alleged violation of 18 USC § 2113.

5. 18 USC § 2113 prohibits taking or attempting to take, by force and violence or by intimidation, money in the possession of a bank or credit union.
6. On January 11, 2016, at approximately 3:44 p.m., a male subject entered the branch of Bank of America located at 3101 Carlisle Boulevard (Blvd) NE, Albuquerque, New Mexico, in Bernalillo County, New Mexico. The subject wore what was described as a black beanie, glasses, a black sweatshirt, black pants and two gloves, a lime green one on his left hand and a black one on his right hand. The subject was described by witnesses as a Hispanic male in his forties, approximately 5'5" tall, of slender build, with a dark-colored mustache. Surveillance camera images depict what appears to be a long cigarette dangling from the subject's mouth.
7. The subject waited in line behind a customer (Customer 1) and then approached the teller counter once a teller was available. A second customer (Customer 2) waited in line behind the subject. The subject approached the victim teller, whose station was located on the extreme right as one faces the teller counter. It is noted that the aforementioned bank branch is equipped with a transparent, bullet-resistant barrier known as a bandit barrier, which separates employees who are behind the counter from the lobby. The subject produced a paper containing a handwritten note. The note contained a demand for money. Once the victim teller had read the demand for money, she did not read the remainder of the note in its entirety. The victim teller furthermore did not comply with the demand for money. The subject then brandished what appeared to be a handgun, pointed it at the victim teller and stated to the effect of, "Read the note, read the note." The victim teller still did not comply with the subject's demand for money. The subject then stated to the effect of, "Forget it," retrieved the note and exited the branch without receiving any money.
8. Customer 2 became suspicious of the subject because the subject was smoking a cigarette indoors. Customer 2 became suspicious that the subject was robbing the bank when he

overheard the subject order the victim teller twice to read the note. Customer 2 watched the subject intently and as the subject turned to exit the branch, Customer 2 noticed that the subject was brandishing what appeared to be a handgun. After the subject exited the branch, Customer 2 also exited the branch with the intention of observing the subject as he fled. Customer 2 also feared for the safety of family members of his, who were seated in an automobile in the branch parking lot, waiting for Customer 2. Upon exiting the branch, Customer 2 used a cellular telephone to call a 911 emergency dispatch operator. Customer 2 observed the subject cross Carlisle Boulevard and Candelaria Road until the subject reached the parking lot of a 7-Eleven convenience store located at 3610 Candelaria Road NE. Customer 2 observed the subject step near a white sport utility vehicle and then walk across the front of the 7-Eleven store. Customer 2 observed that the subject had appeared to remove his sweatshirt and pants and now wore a gray and white long-sleeved shirt and dark-colored short pants. Customer 2 continually reported the subject's movements, activities and apparent change of clothing to the 911 emergency dispatch operator.

9. Bank employees activated alarms and contacted a police dispatch operator after the subject had exited the branch. Dispatch operators dispatched officers of the Albuquerque Police Department to the bank based on the calls of Customer 2 and of bank employees. Your affiant listened to a recording of Customer 2's call to the emergency dispatch operator. During the recording, Customer 2, as he continues to report the activities of the subject, also notes the arrival of at least two marked police cars.
10. Officers of the Albuquerque Police Department arrived at the vicinity of Carlisle Boulevard and Candelaria Road, where they located the subject. The subject ran behind the 7-Eleven and then southbound along Carlisle Boulevard. Employees of the the 7-Eleven observed the subject remove his pants and run behind the store. Officers confronted the subject and issued verbal commands in an effort to detain the subject. The subject did not comply with the officers' verbal commands. The subject further drew

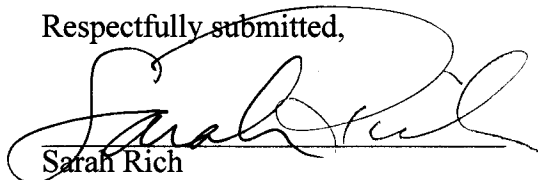
what appeared to be a handgun and pointed it in the direction of officers. At least one officer fired his or her firearm at the subject and the subject appeared to sustain what appeared to be at least one gunshot wound. An officer provided first aid to the subject. Officers further requested emergency medical personnel to respond to the scene. Emergency medical personnel responded, treated the subject and transported the subject to the University of New Mexico Hospital for further medical treatment. Officers identified the subject as Darrel Salazar, the individual named in this affidavit and the criminal complaint which it supports.

11. Law enforcement officers searched a trash receptacle at the 7-Eleven, located behind the store, near where employees had seen the subject run. Officers located a pair of black pants, consistent in appearance with those worn by the subject during the robbery, a brown belt, and two gloves, one of them lime green in color and the other black in color, both consistent in appearance with those worn by the subject at the time of the robbery. Officers further located a black sweatshirt, consistent in appearance with that worn by the subject at the time of the robbery, on the pavement of the parking lot, near the southwestern corner of the store.
12. Medical personnel cut away the subject's shirt in order to tend to his injuries. The shirt was gray and white and consistent in appearance with the shirt described by Customer 2.
13. Special Agents of the FBI, advised Salazar of his Miranda Rights with the intent to interview him. Salazar, however, invoked his right not to answer any questions without having an attorney present. The FBI agents therefore did not attempt to elicit any information regarding the aforementioned bank robbery from Salazar after he had requested an attorney. The FBI agents informed Salazar that he was under arrest for bank robbery. Salazar spontaneously uttered, "I didn't rob no bank, though, I got scared and left."
14. The Bank of America's deposits are insured by the Federal Deposit Insurance Corporation and it is therefore a bank as defined under 18 USC § 2113.

15. The aforementioned branch of the Bank of America is located in Bernalillo County, New Mexico.

I swear that this information is true and correct to the best of my knowledge, information and belief.

Respectfully submitted,



Sarah Rich  
Special Agent  
Federal Bureau of Investigation

Subscribed to and sworn to  
before me, this 12<sup>th</sup> of January, 2016



United States Magistrate Judge  
Albuquerque, New Mexico