

FILED

UNITED STATES DISTRICT COURT
ALBUQUERQUE, NEW MEXICO

AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT

SEP 27 2019

for the

District of New Mexico

MITCHELL R. ELFERS
CLERK

United States of America

v.

Lester Padilla

Case No.

19mj 3429

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 September 26, 2019 in the county of Santa Fe in the
District of New Mexico, the defendant(s) violated:

Code Section

Offense Description

18 U.S.C. § 2113(a)

Bank Robbery (x3)

This criminal complaint is based on these facts:
contained in the attached affidavit.

☒ Continued on the attached sheet.


Complainant's signature

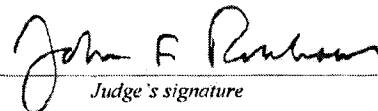
Kyle Marcum, FBI Special Agent

Printed name and title

by reasonable electronic means -- JFR
Sworn to before me and signed in my presence.

Date: September 27, 2019

City and state: Albuquerque, New Mexico


Judge's signature

John F. Robbenhaar, US Magistrate Judge

Printed name and title

AFFIDAVIT

I, Kyle Marcum, Special Agent of the Federal Bureau of Investigation (FBI),
United States Department of Justice, having been duly sworn, state:

Introduction

1. I am a Special Agent (SA) of the FBI, and have been since January 2017. I am currently assigned to the Albuquerque Division, Santa Fe Resident Agency. During my employment with FBI, I have conducted numerous investigations for suspected violations of federal law, including participation in other bank robbery investigations. I have received training in how to conduct complex investigations and I have participated in the execution of arrest and search warrants involving bank robbery subjects in the past.

2. The information set forth in this affidavit was derived from my own investigation and/or communicated to me by other employees of the FBI, members of the Espanola Police Department (EPD), Santa Fe Police Department (SFPD), other law enforcement agencies, and from records and documents that I, and others, have reviewed. Since this affidavit is being submitted for the limited purpose of securing an arrest warrant on a complaint, I have not included each and every fact known to me concerning this investigation. I have set forth only the facts that I believe are necessary to demonstrate probable cause for the issuance of the requested arrest warrant.

Probable Cause

3. On September 9, 2019, September 24, 2019 and September 26, 2019 three different Wells Fargo Banks were robbed in Espanola and Santa Fe, New Mexico. All three

robberies were committed in the same fashion by a Hispanic male subject who presented a note to bank employees demanding money.

September 9, 2019 Wells Fargo Bank Robbery in Espanola

4. On September 9, 2019 at approximately 10:15am a bald Hispanic male entered the Wells Fargo Bank at 645 North Riverside Drive, Espanola, New Mexico, 87532, picked up a pink deposit slip, wrote on the slip and approached a teller. The Hispanic male handed the teller the note which read, "Give me your loose cash or I'll shoot you." The teller then took cash from different teller's drawers and handed it to the Hispanic male. The Hispanic male then exited the bank and walked South on North Riverside Drive. Employees of the store described the subject as a Hispanic male, thin, about 5'8, shaved head, no facial hair and walked with a distinctive limp and was wearing a grey and black striped shirt and baggie jeans. Agents viewed the security footage from the bank and the description provided by employees appeared to match the subject. The subject's face was fully visible and he did not attempt to use any kind of disguise.

5. Officers from the Espanola Police Department (EPD) arrived on scene shortly after the bank robbery and obtained a description of the subject. EPD officers began to canvass the area around the bank when they learned that an individual matching the subject's description was seen shortly after the robbery asking people for a ride at the Allsup's Convenience Store that is located south of the bank along North Riverside Drive. An employee of the Allsup's Convenience Store, J.M., contacted law enforcement and stated that a man had approached her father J.M.J. and asked him for a ride on his motorcycle. J.M.J. was interviewed by FBI agents and stated that he had agreed to give the man a ride and in exchange the subject gave J.M.J. three ten dollar bills. J.M.J. stated that he dropped the subject off at a residence located at 613 West

Chamisa Street, Espanola, NM, 87532.

6. On September 9, 2019, video footage and a still photograph obtained from the bank was obtained and posted on the EPD Facebook page asking the public for information on the subject. On that same day three people contacted EPD Detective and FBI Task Force Officer Byron Abeyta to state that the individual in the photo posted to the EPD Facebook page was Lester PADILLA. One of those callers was anonymous, one caller was a women by name J.T. and another was women named M.Q. who identified herself as PADILLA's sister.

7. On September 9, 2019 FBI agents talked to a person who was at the 613 West Chamisa Street address, this individual stated that "Lester" lived at this residence but was no longer there.

8. On September 9, 2019 EPD employee F.G. notified the FBI they had been contacted by a family member, E.L., who stated they rode the RTD "Blue Bus" with the same Hispanic male who had robbed the Wells Fargo Bank on September 9, 2019. On September 16, 2019 FBI agents reviewed security footage from a RTD bus which shows a Hispanic male whose appearance matches the video footage from inside the Wells Fargo Bank get on the bus and ride it until it stops just north of the Wells Fargo Bank. The Hispanic male can be seen exiting the RTD bus walking south toward Wells Fargo Bank.

September 24, 2019 Wells Fargo Bank Robbery in Santa Fe

9. On September 24, 2019 at approximately 1:23pm a Hispanic male entered the Wells Fargo Bank located at 502 North Guadalupe Street, Santa Fe, NM 87501 and gave a note written on yellow paper to a teller that approximately stated, "This is a bank robbery." The teller then opened a cash drawer and gave the Hispanic male cash. After the robbery the Hispanic

male walked out of the Wells Fargo Bank and walked west. Employees of the bank described the subject as a Hispanic male in his 40s, thin, short black hair, about 5'8 tall, wore a black baseball cap, a black long sleeve shirt and baggie blue jeans. Agents viewed the security footage from the bank and description provided by employees appeared to match the subject. The subject's face was only partially due to the black baseball cap.

10. SFPD officers responded to the bank and after obtaining a description of the subject they begin to canvass the area looking for the subject and viewing security footage from nearby businesses. Officers from SFPD identified an individual matching the description of the subject walking through a CVS drug store that was west of the bank. On September 24, 2019 agents viewed this security footage and could observe a Hispanic male walking into the CVS wearing the same clothing that was visible in bank security footage. As the subject walked into the CVS he removed a black hat from his head. The subject walked with a pronounced limp and appeared to be PADILLA.

11. On September 26, 2019 the FBI received a tip from V.B. stating that on September 24, 2019 they were at the Pizza Etc. store located next to the Wells Fargo Bank. V.B. observed a male subject request to use a paper and pen from the pizza store. The employee of the store allowed him to use a pen and a yellow pad of paper and V.B. observed the subject write on the paper. Then the subject and another male walked in the direction of the Wells Fargo Bank. V.B. had seen the description of the subject in the newspaper and believed this was the same person who had robbed the Wells Fargo Bank on September 24, 2019.

12. On September 27, 2019 FBI agents interviewed S.B, an employee of Pizza Etc. S.B. confirmed the information provided to the FBI by V.B. The employee was shown a

photograph of PADILLA and asked if he was the same male who had asked to borrow paper and pen; the employee confirmed it was PADILLA and stated, "Yeah, for sure" it was PADILLA. S.B. also stated that PADILLA walks with a significant limp and demonstrated the limp for agents.

September 26, 2019 Wells Fargo Bank Robbery in Santa Fe

13. On September 26, 2019 at approximately 2:22pm the Wells Fargo Bank located at 545 West Cordova Road, Santa Fe, NM, 87501 was robbed by a Hispanic male. The Hispanic male gave a note to a bank employee that read, "Give me the money or I will shoot you." Employees of the bank described the subject as a Hispanic male, thin, bald with "buzzed" hair, approximately 5'11 tall, walked with a "gangster walk" and wore a navy blue windbreaker and black or faded grey pants that were baggy. Agents viewed the security footage from the bank and the description provided by employees appeared to match the subject. The subject's face was fully visible and he did not attempt to use any kind of disguise.

14. On September 27, 2019 I interviewed K.E. who advised that the residence of 613 West Chamisa Street belonged to PADILLA's brother, V.P. and that PADILLA stayed there when not staying with his girlfriend. Agents showed K.E. surveillance photographs from inside the Wells Fargo Bank that was robbed on September 26, 2019 and she identified the subject as PADILLA and stated she was, "100% confident" it was him. K.E. also stated that PADILLA's girlfriend is Jennifer CASTELLANO and that PADILLA stays with CASTELLANO at her residence at the Enchanted Mesa Mobile Home Park, trailer 47. CASTELLANO's father, T.C., also lives at this residence and was shown photographs and video of the subject from the bank robberies. T.C. identified the person in the photographs and video as PADILLA.

15. K.E. told agents that PADILLA has a severe limp that is very noticeable. K.E. stated that PADILLA had the limp because he was shot in the ankle with a shotgun while trying to rob a residence in Hernandez, New Mexico. Video footage in relation to all three bank robberies show a Hispanic male with a limp inside the banks and in the surrounding area of the banks either before and or after the robberies.

16. Agents compared photographs and video from the Wells Fargo Banks, the RTD bus and the CVS drug store to Santa Fe County Adult Detention Center booking photographs taken in 2011 and in 2018. The photographs of PADILLA matched the video and photographs from the banks, RTD bus and the CVS drug store.

17. A National Criminal Information Center (NCIC) database check was conducted to PADILLA; his criminal history in NCIC includes but is not limited to:

- a. Receiving a stolen vehicle – 1993, New Mexico
- b. Robbery – 1998, New Mexico
- c. Taking of a motor vehicle – 1999, New Mexico
- d. Aggravated battery with a deadly weapon – 2000, New Mexico
- e. Aggravated battery and taking of a motor vehicle – 2004, New Mexico
- f. Armed robbery and aggravated assault – 2011, New Mexico
- g. Assault with intent to commit a violent felony – 2011, New Mexico
- h. Unlawful taking of a motor vehicle – 2011, New Mexico
- i. Probation violation – 2015, New Mexico
- j. Failure to appear on misdemeanor charges – 2018, New Mexico

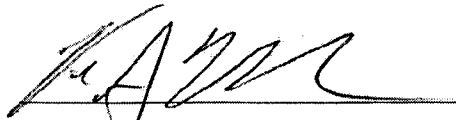
18. All three Wells Fargo Banks are insured by the Federal Deposit Insurance

Corporation (FDIC), wherefore they are banks as defined under 18 U.S. Code 2113. All three locations suffered a financial loss during PADILLA's robberies.

19. Based on the information set forth in this affidavit, I submit that there is probable cause to believe that Lester PADILLA did unlawfully commit the following felony offenses:

- a. 3 counts of 18 U.S. Code § 2113(a) - Bank Robbery.

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

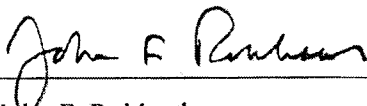


KYLE MARCUM

Special Agent

Federal Bureau of Investigation

Subscribed and sworn through reasonable electronic means on this 27 day of September, 2019.



John F. Robbenhaar

UNITED STATES MAGISTRATE JUDGE

Albuquerque, New Mexico