

COPY

Approved: D.S.Z.
Douglas S. Zolkind
Assistant United States Attorney

Before: The Honorable Judith C. McCarthy
United States Magistrate Judge
Southern District of New York

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: SEALED COMPLAINT
UNITED STATES OF AMERICA :
: Violations of
-v.- : 18 U.S.C. §§ 371, 2113,
: 924(c), and 2
GIOVANNI MARTE, :
a/k/a "Gio," : COUNTY OF OFFENSE:
: WESTCHESTER
Defendant. :
----- X

SOUTHERN DISTRICT OF NEW YORK, ss.:

BRENDAN KENNEY, being duly sworn, deposes and says that he is a Special Agent with the Federal Bureau of Investigation ("FBI"), and charges as follows:

COUNT ONE

1. In or about October 2013, in the Southern District of New York and elsewhere, GIOVANNI MARTE, a/k/a "Gio," the defendant, and others known and unknown, willfully and knowingly did combine, conspire, confederate and agree together and with each other to commit offenses against the United States, to wit, bank robbery, in violation of Title 18, United States Code, Section 2113.

2. It was a part and an object of the conspiracy that GIOVANNI MARTE, a/k/a "Gio," the defendant, and others known and unknown, knowingly, by force and violence, and by intimidation, did take, and attempt to take, from the person and presence of another, property and money and other things of value belonging to, and in the care, custody, control, management and possession of, a bank, the deposits of which were then insured by the Federal Deposit Insurance Corporation.

Overt Acts

3. In furtherance of the conspiracy and to effect the illegal object thereof, GIOVANNI MARTE, a/k/a "Gio," the defendant, together and with others known and unknown, committed the following overt acts, among others, in the Southern District of New York and elsewhere:

a. On or about October 29, 2013, MARTE traveled from New York City to a Wells Fargo Bank branch located at 500 Odell Avenue in Yonkers, New York (the "Wells Fargo Branch").

b. On or about the same date, MARTE received some of the money taken from the Wells Fargo Branch.

(Title 18, United States Code, Section 371.)

COUNT TWO

4. On or about October 29, 2013, in the Southern District of New York, GIOVANNI MARTE, a/k/a "Gio," the defendant, knowingly, by force and violence, and by intimidation, did take, and attempt to take, from the person and presence of another, property and money and other things of value belonging to, and in the care, custody, control, management and possession of, a bank, the deposits of which were then insured by the Federal Deposit Insurance Corporation, to wit, MARTE robbed and aided and abetted the robbery of the Wells Fargo Branch.

(Title 18, United States Code, Sections 2113(a) and 2.)

COUNT THREE

5. On or about October 29, 2013, in the Southern District of New York, GIOVANNI MARTE, a/k/a "Gio," the defendant, during and in relation to a crime of violence for which he may be prosecuted in a court of the United States, namely, the crimes charged in Counts One and Two of this Complaint, knowingly did use and carry a firearm, and, in furtherance of such crime, did possess a firearm, which firearm was discharged, and did aid and abet the use, carrying, possession, and discharging of a firearm.

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

The bases for my knowledge and for the foregoing charges are, in part, as follows:

6. I have been involved in the investigation of the above-described offenses. I am familiar with the facts and circumstances set forth below from my personal participation in the investigation, including my review of pertinent documents, and from my conversations with fellow law enforcement officers. Because this affidavit is being submitted for the limited purpose of establishing probable cause, it does not include all the facts that I have learned during the course of my investigation. Where the contents of documents and the actions, statements and conversations of others are reported herein, they are reported in substance and in part, except where otherwise indicated.

7. Based on my discussions with fellow law enforcement officers, including members of the Police Department of the City of Yonkers, New York ("YPD"), my review of FBI and YPD documents, my discussions with witnesses, and my review of surveillance video, I have learned the following, among other things:

a. On or about Tuesday, October 29, 2013 at approximately 3:17 p.m., surveillance video captured a dark sedan later identified as a Nissan Maxima (the "Nissan") approaching the Wells Fargo Branch.

b. At approximately the same time, a male later identified as GIOVANNI MARTE, a/k/a "Gio," the defendant, and two other males ("CC-2" and "CC-3") entered the Wells Fargo Branch. While they were inside the bank, the Nissan drove away and then returned.

c. Witnesses inside the bank observed the following, which was also captured by surveillance video:

i. The male later identified as MARTE was wearing a black Nike hooded sweatshirt and dark athletic pants. CC-2 was wearing a gray hooded sweatshirt, a red hat, and blue pants. CC-3 was wearing a gray Nike hooded sweatshirt and dark athletic pants. MARTE, CC-2, and CC-3 were each wearing gloves and had clothing hiding their faces.

ii. Upon entering the bank, the male later identified as MARTE and CC-3 each brandished a handgun, and CC-2 brandished a wood saw. They demanded that everyone get on the ground. The male later identified as MARTE climbed onto the

teller counter and pointed his gun at one of the tellers, and entered the vault room and demanded that the manager assist him in opening the vault.

iii. As the manager tried to open the vault, two shots were discharged. No one was hit. Ultimately, the manager opened the vault. The robbers filled a bag with cash and ran out of the bank.

d. At approximately 3:21 p.m., surveillance video captured the male later identified as MARTE, CC-2, and CC-3 exiting the Wells Fargo Branch and entering the Nissan, which was being driven by another individual ("CC-4"). Seconds later, surveillance video captured the Nissan approaching the intersection of Nepperhan and Odell Avenues and proceeding into the intersection, then reversing against traffic, and turning right to continue south on Nepperhan Avenue.

e. During the robbery, two Wells Fargo employees were in the break room. They observed the robbers on the surveillance video, and one of the employees ("Employee-1") called 911.

f. Officers with the YPD responded to the Wells Fargo Branch in response to Employee-1's 911 call. By the time they arrived, the robbers had fled the scene. Inside the bank, officers observed, among other things, a bullet hole in the wall behind the teller counter, and another bullet hole in the room with the vault.

g. Based on my discussions with employees of Wells Fargo and my review of Wells Fargo documents, I learned that approximately \$303,500 was stolen from the Wells Fargo Branch during the above-referenced robbery.

8. In or about June 2015, I and fellow law enforcement officers met with an individual ("CS-1")¹ who stated that he had seen surveillance video of the robbery, which the FBI had released to the public, and could identify the robbers depicted in the video.² CS-1 identified GIOVANNI MARTE, a/k/a

¹ CS-1 is assisting authorities in the hope of receiving money that Wells Fargo has offered as a reward for information leading to the arrest and conviction of the individuals responsible for robbing the Wells Fargo Branch.

² The video is publicly available at <https://www.youtube.com/watch?v=z1DyzrjZwi8&>.

"Gio," as the individual described above as wearing a black Nike hooded sweatshirt and dark athletic pants. CS-1 stated that he knows MARTE because they are from the same neighborhood. CS-1 further stated that he was told by another member of the neighborhood that MARTE and two other individuals robbed the Wells Fargo Branch.

9. In or about late 2015 or early 2016, an individual ("CW-1") was charged by complaint with conspiring to rob the Wells Fargo Branch in or about October 2013; robbing and aiding and abetting the robbery of the Wells Fargo Branch on or about October 29, 2013; and discharging and aiding and abetting the discharge of a firearm during and in relation to this robbery. Shortly thereafter, I and fellow law enforcement officers arrested CW-1. CW-1 agreed to cooperate with law enforcement in the hope of obtaining a more lenient sentence.³ CW-1 has met with the Government on multiple occasions. During those meetings, which were attended by myself and/or by other law enforcement officers with whom I have spoken, CW-1 stated the following, in substance and in part:

a. CW-1 admitted to entering the Wells Fargo Branch on or about October 29, 2013 and robbing it. He admitted that he is the same person identified above as CC-2 or CC-3.⁴

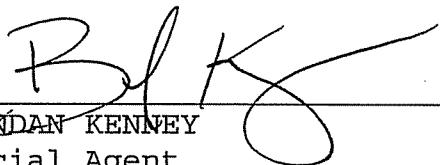
b. CW-1 stated, in substance and in part, the following: CW-1 entered the Wells Fargo Branch with MARTE and one other robber, while a fourth co-conspirator (the driver) waited in their Nissan sedan. MARTE was carrying a firearm and discharged two shots during the robbery, but did not hit anyone. During the robbery, MARTE entered the vault room and filled a bag with cash. During the getaway, they initially missed the turn onto Nepperhan Avenue and had to reverse against traffic to make the turn. MARTE later provided CW-1 with a portion of the cash stolen from the bank.

c. I and fellow law enforcement officers showed CW-1 a series of photographs. CW-1 identified a booking photograph of GIOVANNI MARTE, a/k/a "Gio," the defendant, as the same individual who robbed the Wells Fargo Branch and discharged a firearm during the robbery as described above.

³ CW-1's case is under seal. To protect CW-1's identity, the date of the complaint and the date of his/her arrest are not stated herein.

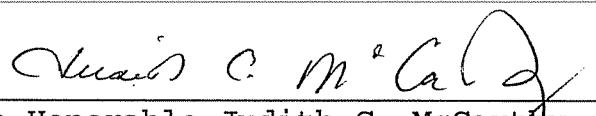
⁴ To protect CW-1's identity, CW's precise role in the robbery is not stated herein.

WHEREFORE, the deponent respectfully requests that GIOVANNI MARTE, a/k/a "Gio," the defendant, be arrested and imprisoned or bailed, as the case may be.



BRENDAN KENNEY
Special Agent
Federal Bureau of Investigation

Sworn to before me this
20th Day of May 2016



The Honorable Judith C. McCarthy
United States Magistrate Judge
Southern District of New York