

COPY

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GILLIAN GROSSMAN / CHRISTOPHER J. CLORE  
Assistant United States Attorneys

Before: THE HONORABLE PAUL E. DAVISON  
United States Magistrate Judge  
Southern District of New York

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UNITED STATES OF AMERICA :  
- v. - :  
MAMADOU NDAO, and :  
DIABEL SAMB, :  
Defendants. :  
----- X

COMPLAINT

Violations of 18 U.S.C.  
§§ 1951, 924(c), and 2

COUNTIES OF OFFENSE:  
WESTCHESTER & ORANGE

17m8072

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  
(Hobbs Act Robbery)

1. On or about October 24, 2017, in the Southern District of New York and elsewhere, MAMADOU NDAO and DIABEL SAMB, the defendants, unlawfully and knowingly did commit robbery, as that term is defined in Title 18, United States Code, Section 1951(b)(1), and would and did thereby obstruct, delay, and affect commerce and the movement of articles and commodities in commerce, as that term is defined in Title 18, United States Code, Section 1951(b)(3), to wit, on or about October 24, 2017, NDAO and SAMB robbed at gunpoint The Verizon Wireless store located at 355 Central Avenue in Scarsdale, New York.

(Title 18, United States Code, Section 1951(a) and 2.)

COUNT TWO

(Conspiracy to Commit Hobbs Act Robbery)

2. From at least on or about March 3, 2017, up to and including on or about October 24, 2017, in the Southern District of New York and elsewhere, MAMADOU NDAO and DIABEL SAMB, the defendants, and others known and unknown, unlawfully and knowingly did combine, conspire, confederate, and agree together and with each other to commit robbery, as that term is defined in Title 18, United States Code, Section 1951(b)(1), and would and did thereby obstruct, delay, and affect commerce and the movement of articles and commodities in commerce, as that term is defined in Title 18, United States Code, Section 1951(b)(3), to wit, NDAO and SAMB conspired to rob several cellphone stores located in Westchester and Orange counties in New York.

(Title 18, United States Code, Section 1951 and 2.)

COUNT THREE

(Firearms Offense)

3. From on or about March 3, 2017, up to and including on or about October 24, 2017, in the Southern District of New York and elsewhere, MAMADOU NDAO and DIABEL SAMB, the defendants, during and in relation to a crime of violence for which they may be prosecuted in a court of the United States, namely the Hobbs Act robberies 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, and did aid and abet the use, carrying, and possession of a firearm, which was brandished during the robberies charged in Counts One and Two.

(Title 18, United States Code, Section 924(c)(1)(A)(ii) and 2.)

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

4. I am a Special Agent with the FBI. I have been personally involved in the investigation of this matter. This Affidavit is based upon my personal participation in the investigation, my examination of reports and records, and my conversations with other law enforcement officers and witnesses. Because this Affidavit is being submitted for the limited purpose of demonstrating probable cause, it does not include all of 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.

### The Investigation

5. Based on my personal involvement in this investigation, my conversations with other law enforcement officers, and my review of reports prepared by other law enforcement officers, I know that, the FBI has been investigating a series of robberies that have occurred between on or about March 3, 2017, and on or about October 24, 2017, in Westchester and Orange counties (the "Robberies"). In each of the Robberies: (i) the target location was a cellphone store; (ii) DIABEL SAMB, the defendant, entered the store first, brandished a firearm, and demanded to be taken to the store's safe where the cellphones were kept; (iii) MAMADOU NDAO, the defendant, entered the store second carrying a bag and stole several cellphones; and (iv) SAMB and NDAU fled the scene.

### The Robbery Pattern

#### **Tarrytown Verizon Store Robbery**

6. Based on my personal involvement in this investigation, my conversations with other law enforcement officers and witnesses, my review of reports and documents prepared by other law enforcement officers, and my review of surveillance video and images, I have learned the following:

a. On or about March 3, 2017, at approximately 10:15 a.m., two black males, later identified as MAMADOU NDAO and DIABEL SAMB, the defendants, committed an armed robbery at the Verizon Store located at 15 N. Broadway in Tarrytown, New York (the "Tarrytown Verizon Store"). The manager of the Tarrytown Verizon Store (the "Tarrytown Manager") was present during the robbery.

b. On or about March 3, 2017, at approximately 10:15 a.m., a black male later identified as SAMB entered the Tarrytown Verizon Store wearing a ski mask and a lime-green traffic vest. SAMB removed a gun from his right side and racked the slide.

c. The Tarrytown Manager informed law enforcement, in sum and substance, that the man identified as SAMB demanded, in substance and in part, to be taken to where the phones were located. At gunpoint, the Tarrytown Manager took SAMB to a back room of the store where a safe was located. The safe was

open and cellphones were visible inside. SAMB asked the Tarrytown Manager, in substance and in part, where the money was located. The Tarrytown Manager and SAMB returned to a register in the front portion of the store, and the Tarrytown Manager opened the register. SAMB asked, in substance and in part, where the \$100 bills were located. The Tarrytown Manager replied, in substance and in part, that he did not have any \$100 bills. SAMB did not take any money and returned with the Tarrytown Manager to the back room. SAMB told the Tarrytown Manager at gunpoint to lay on the floor with his head down.

d. A man later identified as NDAO entered the store carrying a blue suitcase. The Tarrytown Manager informed law enforcement, in sum and substance, that SAMB instructed NDAO to bind the Tarrytown Manager with tape. Either SAMB or NDAO then bound the Tarrytown Manager's hands and legs with tape.

e. The defendants began taking cellphones out of the safe and placing them into the blue suitcase. The Tarrytown Manager heard them speaking to one another in a foreign language.

#### **Thornwood Verizon Store Robbery**

7. Based on my personal involvement in this investigation, my conversations with other law enforcement officers and witnesses, my review of reports and documents, and my review of surveillance video and images, I have learned the following:

a. On or about April 26, 2017, at approximately 10:45 a.m., the defendants committed an armed robbery of a Verizon store located at 660 Columbus Avenue in or around Thornwood, New York (the "Thornwood Verizon Store"). A store employee was present during the robbery (the "Thornwood Employee").

b. The Thornwood Employee informed law enforcement, in sum and substance, that on or about April 26, 2017, at approximately 9:50 a.m., she parked near the Thornwood Verizon Store. As the Thornwood Employee exited her car, she saw a vehicle that appeared to be dark blue parked behind her car. The driver of the dark blue vehicle was wearing a lime-green traffic-type jacket. The Thornwood Employee entered the store. While assisting a customer a short time later, the Thornwood Employee looked out the store window and noticed that the dark blue car was no longer parked near the store. A short time later, the Thornwood Employee looked out the store window again, and noticed that the dark blue car was once again parked near the Thornwood Verizon Store.

c. A short time later, a tall black man, later identified as SAMB, wearing an orange construction helmet and a lime-green traffic-type jacket entered the Thornwood Verizon Store.

d. The Thornwood Employee informed law enforcement, in sum and substance, that SAMB displayed a black handgun in his right hand, racked the slide, and pointed it at the Thornwood Employee while ordering her to go to the back of the store. The Thornwood Employee went to the storage area at the back of the store.

e. The Thornwood Employee informed law enforcement, in sum and substance, that SAMB had asked whether a safe in the storage area was the only safe in the store. The Thornwood Employee advised him that there was no other safe. SAMB then called out, in what appeared to be a foreign accent, "come in, come in."

f. A second black male, later identified as NDAO, entered the storage area with a suitcase. There was an open safe located in the storage area, and NDAO and SAMB began removing cellphones from the safe and placing them into the suitcase. Based on my review of surveillance video taken from inside the Thornwood Verizon Store, I believe the suitcase was dark-colored.

g. The Thornwood Employee informed law enforcement, in sum and substance, that SAMB asked where the money was located. The Thornwood Employee responded that there was no money. The defendants exited the store shortly after.

h. Surveillance video from the vicinity of the Thornwood Verizon Store depicts a black car, at least one occupant of which appears to be wearing a bright lime-green jacket, in the vicinity of the store on April 26, 2017 between approximately 9:30 a.m. and approximately 10:45 a.m. Based on my review of an image captured by a license plate reader ("LPR") camera in the vicinity of the Thornwood Verizon Store, I have learned that the defendants fled the scene of the robbery in a black, late model Toyota Camry bearing a gold novelty license plate that read "BROADWAY."

#### **Newburgh Verizon Store**

8. Based on my personal involvement in this investigation, my conversations with other law enforcement officers and witnesses, my review of reports and documents, and my

review of surveillance video and images, I have learned the following:

a. On or about May 30, 2017, at approximately 10:47 a.m., the defendants committed an armed robbery of the Verizon store located at 39 North Plank Road in Newburgh, New York (the "Newburgh Verizon Store"). The store manager (the "Newburgh Manager" was present during the robbery.

b. At approximately 10:47 a.m. on May 30, 2017, a black male, later identified as SAMB, entered the Newburgh Verizon Store wearing a black hooded sweatshirt, black pants, black gloves, and black sneakers.

c. Shortly thereafter, a second black male, later identified as NDAO, entered the Newburgh Verizon Store. NDAO was wearing a light gray hooded sweatshirt, light gray pants, black sneakers, black gloves, and a light-colored backpack, and he was holding a black bag.

d. The Newburgh Manager informed law enforcement, in sum and substance, that SAMB had brandished a black firearm, pointed it at the Newburgh Manager, and asked where the phones were located. The Newburgh Manager indicated that the phones were kept in the back room of the store. NDAO then proceeded to the back room carrying the black bag.

e. The defendants then exited the store and fled west from the store parking lot toward Gidney Avenue in a charcoal gray sedan with a gold New York license plate that read "BROADWAY."

f. The defendants stole approximately six cell phones - with a total value of approximately \$3,800 - from the Newburgh Verizon Store.

g. Surveillance video from the vicinity of the Newburgh Verizon Store depicts a gray sedan in the vicinity of the store on May 30, 2017 at approximately 10:24 a.m. Surveillance video taken from inside the Newburgh Verizon Store on the morning of May 30, 2017, depicts SAMB, wearing a dark hooded sweatshirt, and dark colored pants leaning over the counter. Surveillance video taken from inside the Newburgh Verizon Store's back room on the morning of May 30, 2017, depicts NDAO, wearing a light colored hooded sweatshirt, light colored pants, black sneakers, and light colored gloves, holding a black bag.

