

UNITED STATES DISTRICT COURT

for the

Northern District of California

United States of America

v.

NOAH BLUE

Case No.

4-13-71293

FILED

OCT 17 2013

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND

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 7/26/13; 8/1/13; 8/26/13; 9/4/13 in the county of Alameda in the
Northern District of California, the defendant(s) violated:

Code Section

Offense Description

18 U.S.C. § 2113(a)

Unarmed Bank Robbery

The maximum penalties for this offense are: 20 years in prison, \$250,000 fine, 3 years of supervised release, and a \$100 special assessment.

18 U.S.C. §§ 2113(a) and (d)

Armed Bank Robbery

The maximum penalties for this offense are: 25 years in prison, \$250,000 fine, 5 years of supervised release, and a \$100 special assessment.

This criminal complaint is based on these facts:

SEE ATTACHED AFFIDAVIT IN SUPPORT OF THIS COMPLAINT

☒ Continued on the attached sheet.

Approved as to form:

Brian C. Lewis

Brian Lewis, AUSA

Beth Alvarez

Complainant's signature

Beth Alvarez, FBI Special Agent

Printed name and title

Sworn to before me and signed in my presence.

Date:

10/17/13Donna M. Ryu

Judge's signature

City and state:

Donna M. Ryu, U.S. Magistrate Judge

Printed name and title

AFFIDAVIT OF BETH ALVAREZ

I, Beth Alvarez, Special Agent, Federal Bureau of Investigation (FBI), Oakland, California, being duly sworn state:

INTRODUCTION

1. I am a Special Agent of the FBI and have been so employed since November of 2002. Currently I am assigned to the Violent Crimes and Major Offender Squad at the Oakland Resident Agency, San Francisco Field Office, where my responsibilities include the investigation of bank robberies.

2. I make this affidavit in support of a Criminal Complaint and Arrest Warrant charging Noah Blue with unarmed bank robbery, in violation of Title 18 United States Code § 2113(a), and armed bank robbery, in violation of Title 18 United States Code § 2113(a) and (d).

3. In connection with my official duties, I have participated in the investigation of Noah Blue for robbing the Bank of the West, 2023 Mountain Boulevard, Oakland, California, on three separate occasions: July 26, 2013, August 1, 2013, and August 26, 2013; and for robbing Chase Bank, 3310 International Boulevard, Oakland, California, on September 4, 2013. I have obtained the information set out in this affidavit from officers and detectives from Oakland Police Department and from my own investigation. My 10 years of experience as an FBI Special Agent, during which I have received training in the investigation of bank robberies and other criminal investigations, and my participation in this investigation as described above, form the basis of the opinions and conclusions set forth below.

4. Because this affidavit is submitted for the limited purpose of this criminal complaint, I have not included each and every fact known to me about this investigation. Rather,

I have set forth those facts that I believe are sufficient to establish probable cause that Noah Blue committed the aforementioned offenses.

APPLICABLE STATUTE

5. 18 U.S.C. § 2113(a) provides in relevant part that: “Whoever, by force and violence, or by intimidation, takes, or attempts to take, from the person or presence of another, or obtains or attempts to obtain by extortion any property or money or any other thing of value belonging to, or in the care, custody, control, management, or possession of, any bank, credit union, or any savings and loan association . . . [s]hall be fined under this title or imprisoned not more than 20 years, or both.” 18 U.S.C. § 2113(d) provides in relevant part that: “Whoever, in committing, or in attempting to commit, [the offense of bank robbery], puts in jeopardy the life of any person by the use of a dangerous weapon or device, shall be fined under this title or imprisoned not more than 25 years, or both.”

FACTS ESTABLISHING PROBABLE CAUSE

A Masked Robber Steals \$1,805 from the Bank of the West on July 26.

6. At approximately 2:00 p.m. on July 26, 2013, the Bank of the West, 2023 Mountain Boulevard, Oakland, California, was robbed. The bank robber entered the branch wearing a white-striped, blue hooded sweatshirt with a white mask that covered his entire head and face, except for eyeholes. The robber was also wearing gloves. The robber approached the victim teller, and said, “This is serious,” while handing him a note. The note stated, “Give me all the money quickly. No GPS or dye!!” The robber then placed a backpack on the counter. Fearing for his safety, the victim teller took money from his drawer and placed it into the open backpack. The robber took the backpack and fled the bank on foot, leaving the demand note behind. The

robber stole \$1,805 from the Bank of the West. At the time of the robbery, the Bank of the West's deposits were insured by the Federal Deposit Insurance Corporation (FDIC).

7. Witnesses described the robber as approximately 6'3" tall, weighing around 180 lbs. Witnesses were unable to provide additional information about the robber because his face and hands were fully covered by the mask and gloves.

8. The Oakland Police Department (OPD) collected the demand note as evidence and submitted it for forensic analysis, but no forensic evidence was recovered.

A Masked Robber Steals \$684 from the Bank of the West on August 1.

9. At approximately 1:30 p.m. on August 1, 2013, the Bank of the West, 2023 Mountain Boulevard, Oakland, California, was robbed again by a hooded and masked robber wearing gloves. The victim teller from the first robbery, who had just returned from his lunch break, saw the hooded and masked robber approaching and initially tried to keep the robber from entering the bank by holding the doors. But, the robber continued into the bank, saying, "Excuse me," causing the bank employee to let go of the doors. The robber was wearing a solid dark colored sweatshirt with a mask and gloves. After entering the bank, the robber approached a teller window and handed the victim teller a note that stated, "Give me the money, no GPS or dye." As the victim teller reached for her keys to open her drawer, the robber stated, "Hurry up, give me the money! All the money, give me the money! Give me more! This is serious!" Fearing for her safety, the victim teller opened her drawer and placed money into a backpack the robber was holding. The robber took the backpack and fled the bank on foot, leaving the demand note behind. The robber stole \$684 from the Bank of the West, which at the time was insured by the FDIC.

10. Witnesses stated the robber had a tall, thin build, was approximately 6'3" tall and weighed about 170-80 lbs. Again, witnesses were unable to provide additional information about the robber because his face and hands were fully covered by the mask and gloves.

11. OPD collected the demand note as evidence. The handwriting on the demand note was very similar to the handwriting on the note from the July 26 robbery. The demand note from this robbery was also submitted for forensic analysis, but the analysis has not yet been completed.

A Masked Robber Steals \$1,849 from the Bank of the West on August 26.

12. At approximately 11:45 a.m. on August 26, 2013, the Bank of the West, 2023 Mountain Boulevard, Oakland, California, was robbed yet again by a hooded and masked robber wearing gloves. The robber wore a dark blue jacket, a red hood, a black mask that covered the robber's entire face, and gloves. The robber also had a backpack. The robber entered the bank, walked to the teller line, and jumped over the counter. The robber pulled out an 18-inch baton, and said "Open the drawer or I'll beat you." Fearing for his safety, the teller complied, and the robber removed money from the drawer. The robber then said, "Who's next?" The robber proceeded to another victim teller, and then demanded that she open her drawer. With the robber close to her with baton in hand, the second victim teller was shaking and crying while attempting to open her drawer. The robber then delivered the same threat, "Open the drawer, or I'll beat you." After the drawer was open, the robber took money from it. The robber put the money in his backpack and fled the bank on foot. The robber stole \$1,849 from the Bank of the West, which at the time was insured by the FDIC.

13. Witnesses stated the robber was tall and thin, approximately 6'2" tall and weighing about 170 lbs. Yet again, witnesses were unable to provide additional information about the

robber because his face and hands were fully covered by the mask and gloves.

14. However, a witness who worked at a nearby business saw the robber leave the bank with the mask on and began chasing him. The robber was holding a baton and a backpack. The robber ran westbound on Mountain Boulevard, then northbound on Medau Place and through a pedestrian tunnel. The witness saw the robber remove various clothing items and throw them down on the ground while fleeing. When the robber removed his mask, the witness saw his face. The witness believed that the robber was a lightly complected black male with curly hair.

15. An OPD crime scene technician collected the following evidence items from the walking trail that the robber had been seen on: a balaclava mask, an Under Armour skull cap, five black disposable rubber gloves, and a sweatshirt. These items were submitted to the OPD Criminalistics Laboratory for DNA testing.

A Masked Man Steals \$1,732 from the Chase Bank on September 4.

16. At approximately 1:27 p.m. on September 4, 2013, the Chase Bank, 3310 International Boulevard, Oakland, California, was robbed by a hooded and masked robber. The robber entered the bank and approached a teller window, sliding a demand note under the bulletproof glass barrier. The note stated, "Give me all the money quickly!!! No dye!!!" The victim teller was afraid because the robber threatened to hurt people in the bank lobby if she did not comply with the demands and give the robber money. She gave the robber money from her drawer and he fled the bank on foot, leaving the demand note behind. The robber stole \$1,732 from the Chase Bank, which at the time was insured by the FDIC.

17. The demand note was recovered, and the handwriting on the demand note was similar to the notes presented in the July 26 and August 1 Bank of the West robberies.

Noah Blue is Apprehended Fleeing the Scene of the September 4 Robbery.

18. Witnesses outside the bank told responding officers that they saw a masked individual exiting the bank and that they believed the bank had just been robbed. The witnesses pointed officers in the direction of the fleeing suspect. OPD officers and Alameda County Sheriffs deputies pursued the fleeing suspect. As the suspect fled, he discarded a backpack and items of clothing, which were later collected. The officers and deputies pursued the suspect through city streets, yards of houses in a residential area, and school grounds, eventually apprehending him in a creek that intersects with Foothill Boulevard. The suspect was identified as Noah Blue, a lightly complected black male with curly hair, standing 6'2" tall, weighing 195 lbs.

19. After placing Blue in handcuffs, one of the deputies involved in the pursuit told Blue that if he had dropped a handgun in the school yard he had run through, he needed to tell them, because if the gun was found by a child, Blue would be responsible for any harm that resulted. Blue responded, "I didn't use a gun, officer, I swear on my life. I only handed them a note."

20. A Chase Bank employee who was brought to the scene for an in-field show-up identified the shoes Blue was wearing as the same ones worn by the individual who robbed the bank. In Blue's pockets, police located \$1,627.

21. Blue was interviewed later that evening by OPD officers, but he did not confess to robbing any of the banks. He stated that he commonly walks around with large amounts of cash in his pockets, and said that on the day of the Chase Bank robbery, he had watched a movie with his girlfriend in San Francisco. However, OPD officers also interviewed the girlfriend, and she

told officers that it is not normal for Blue to have that much money, and that she had not seen him on September 4 at all.

22. Police obtained a search warrant for Blue's residence. In his room, they located pieces of paper that appeared to be practice or partially written demand notes with handwriting extremely similar to the demand notes presented in the July 26, August 1, and September 4 robberies.

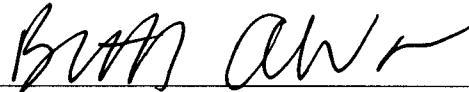
Noah Blue's DNA Matches Items Seized After August 26 Robbery.

23. Two of the gloves and the Under Armour skull cap recovered from the August 26 Bank of the West robbery were submitted to the Oakland Police Department Criminalistics Laboratory for DNA testing. The DNA profile obtained from the gloves matched the DNA profile obtained from the skull cap. After Blue's arrest on September 4, 2013, an OPD detective obtained a search warrant authorizing him to collect Blue's DNA. Blue's known DNA sample was compared with the DNA profile obtained from the gloves and skull cap and they were found to be consistent. According to the report issued by the OPD Criminalistics Laboratory, the DNA profile obtained from the gloves and skull cap is expected to occur approximately 1 in 102 quintillion members of the Caucasian, African American, and Southwest Hispanic populations.

CONCLUSION

24. Based on the above information, I believe that Noah Blue robbed the Bank of the West, 2023 Mountain Boulevard, Oakland, California, on July 26, 2013, and August 1, 2013, in violation of Title 18, United States Code Section 2113(a), and on August 26, 2013, in violation of Title 18, United States Code Section 2113 (a) and (d); and that he robbed Chase Bank, 3310 International Boulevard, Oakland, California, on September 4, 2013, in violation of Title 18, United States Code Section 2113(a).

I declare under penalty of perjury that the statement above are true and correct to the best of my knowledge and belief.



Beth Alvarez, Special Agent
Federal Bureau of Investigation

SWORN AND SUBSCRIBED TO BEFORE ME
THIS 17th DAY OF OCTOBER, 2013.



DONNA M. RYU
United States Magistrate Judge