

Entered on 7/2/10
SEALED

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

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UNITED STATES OF AMERICA,

Magistrate Case No.

Plaintiff,

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

COMPLAINT
FOR VIOLATION OF:

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DEPUTY

v.

Title 18, U.S.C., Sec. 2113
Bank Robbery

Tamin Abdul-SAMAD (1),
aka Brandon Harris,
Mustafa Ahmad NAUSHAD (2),
Darryl Eugene PETERSON (3),
aka "Najm"

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Defendant(s)

The undersigned complainant, being duly sworn, states:

On or about **April 19, 2010**, within the Southern District of California, defendants **Tamin Abdul SAMAD, aka Brandon Harris, Mustafa Ahmad NAUSHAD, and Darryl Eugene PETERSON, aka "Najm,"** did by force, violence, and intimidation unlawfully take from the person and presence of another, namely employees of CitiBank, 3777 Avocado Avenue, La Mesa, California, United States currency in the sum of \$11,745.12, belonging to, or in the care, custody, control, management or possession of, CitiBank, whose deposits were then insured by the Federal Deposit Insurance Corporation, in violation of Title 18, United States Code, Section 2113(a).

And the complainant further states that this complaint is based on the attached affidavit, which is incorporated herein by reference.

Craig Johnson

SIGNATURE OF COMPLAINANT
Craig Johnson
FBI Task Force Officer

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 2 th DAY OF July , 2010

John P. Cooney

Honorable John P. Cooney
UNITED STATES MAGISTRATE JUDGE

#1 of

PROBABLE CAUSE AFFIDAVIT

I, Task Force Officer Craig Johnson, being duly sworn, depose and state that:

A. Experience and Training

1. I am a Task Force Officer (TFO) with the Federal Bureau of Investigation (FBI). I have been working with the FBI for approximately six months. I am currently assigned to the FBI Violent Crimes Squad, San Diego, California. Prior to my assignment at the FBI, I was a Deputy Sheriff at the San Diego County Sheriff's Department for more than twenty years.

B. Purpose of Affidavit

2. This affidavit is submitted in support of a complaint for Tamin Abdul-SAMAD, aka Brandon Harris, Mustafa Ahmad NAUSHAD, and Darryl Eugene PETERSON, aka "Najm," for violation of Title 18, United States Code, Section 2113(a) (bank robbery).

C. Basis for Affidavit

3. The statements made in this affidavit are made based on the personal observations and investigation by your affiant; information gained by the affiant's training and experience; and information communicated or reported to your affiant during the investigation by other participants in the investigation.

D. Probable Cause

APRIL 19, 2010 BANK ROBBERY

4. On April 19, 2010, at approximately 11:00 a.m., three males robbed the CitiBank at 3777 Avocado Boulevard, La Mesa, California. According to interviews conducted by law enforcement officials after the robbery, the robbery occurred as follows:

a. First, a black male (Robber #1) entered the CitiBank through the north entrance. As he entered the CitiBank, Robber #1 pointed a semi-automatic pistol at a bank teller. Robber #1 held the gun in front of his body and then canted the gun to his left and yelled "Get Down!" at the individuals in the bank. As the tellers and customers went to the ground, two other males entered the bank (Robber #2 and Robber #3).

1 b. As Robber #1 stayed on the customer side of the bank and yelled
2 commands, Robber #2 and Robber #3 jumped over the teller counter and ordered the tellers to
3 give them money.

4 c. During the robbery, the robbers kicked three tellers in the head/neck.
5 After Robber #2 and Robber #3 emptied the money from the teller cash drawers, they jumped
6 over the counter and exited from the north entrance.

7 5. Witnesses described Robber #1 as a black male, approximately 5'10"-6' tall,
8 with medium build, a full beard and his hair in corn rows. Witnesses stated that Robber #1
9 wore dark sunglasses, a long-sleeve white button-down shirt, black gloves, and dark
10 pants/jeans. This description matches bank surveillance photographs taken at the robbery.

11 6. Witnesses described Robber #2 as a black male, approximately 5'8"-5'10" tall,
12 with medium build and a full beard. Witnesses stated that Robber #2 wore a dark jacket with
13 two stripes running down the sleeves, dark jean shorts, white gloves and a camouflage-style
14 baseball hat. This description matches bank surveillance photographs taken at the robbery.

15 7. Witnesses described Robber #3 as a light-skinned male of unknown ethnicity,
16 approximately 5'8"-5'10" tall, with medium build, and had a full beard or was unshaven.
17 Witnesses stated that Robber #3 wore dark sunglasses, a hat, white shirt, tan pants and dark
18 mocassin or loafer-style shoes. This description matches bank surveillance photographs taken
19 at the robbery.

20 8. At the time of the robbery, the bank was insured by the Federal Deposit
21 Insurance Corporation, certificate number 7213. Bank officials informed law enforcement that
22 the bank suffered a loss of \$11,745.12 from the robbery.

23 **OFFICER WOODLAND'S IDENTIFICATION OF SAMAD AS ROBBER #1**

24 9. On April 20, 2010, the San Diego County Sheriff's Department issued a "Law
25 Enforcement Only-Special Bulletin" containing bank surveillance photographs taken during
26 the above-described bank robbery. On April 21, 2010, Officer Woodland from the San Diego
27 Police Department contacted San Diego Sheriff's Department Detective Pete Carrillo. Officer
28 Woodland stated that he believed that the individual depicted in the bank surveillance

1 photographs who was holding the black handgun (Robber #1) was Tamim Abdul-SAMAD,
2 date of birth April 14, 1976.

3 10. Officer Woodland stated that he and Officer Dagostino encountered SAMAD
4 on April 6, 2010 at the 3600 block of Orange Avenue, San Diego, while on patrol. Officer
5 Woodland recognized SAMAD from a "Safety Alert" distributed to San Diego Police
6 Department Officers, dated February 25, 2010, that contained SAMAD's name, date of birth,
7 and four booking photos.

8 a. Officer Woodland said that when he called out to SAMAD and asked
9 for his name, SAMAD became aggressive. Officer Woodland placed SAMAD in handcuffs
10 and issued him a citation for interfering with traffic. Officer Woodland then released SAMAD,
11 who the officers then observed entering a black or dark blue Ford F-150 pick-up truck bearing
12 California license plate 8E19015 (**TARGET VEHICLE #1**).

13 b. Officer Woodland noted that, on April 6, 2010, SAMAD had his hair
14 in corn rows and was wearing sunglasses and a full beard.

15 **SURVEILLANCE OF SAMAD**

16 11. On May 26, 2010, FBI Agents conducted physical surveillance of SAMAD.
17 Agents observed SAMAD leaving the Costco store at 650 Gateway Drive, San Diego,
18 California at 11:47 a.m. Surveillance photographs show that SAMAD was wearing a white
19 long-sleeve button-down shirt and dark blue or black jeans, with the pant legs rolled up. These
20 items of clothing are very similar to the clothing worn by Robber #1 on April 19, 2010.

21 **TELLER CORONA'S IDENTIFICATION OF SAMAD AS ROBBER #1**

22 12. On June 22, 2010, Detective Carrillo and your affiant met with Julian Corona,
23 a bank teller at the CitiBank in La Mesa. Corona was working at the CitiBank at the time of
24 the April 19, 2010 robbery described above.

25 13. First, Corona reviewed bank surveillance photographs of the April 19, 2010
26 robbery. The surveillance photographs were then put away. Second, Detective Carrillo and
27 your affiant asked Corona to describe the events at the CitiBank on April 19, 2010. Corona's
28 description corresponded with the description provided by Corona and other witnesses to law

1 enforcement on the day of the robbery. Third, Corona reviewed a lineup containing color
2 photographs of six black males with similar physical characteristics. After viewing the
3 photographs for several minutes, Corona identified the person in photograph number five as
4 one of the robbers involved in the April 19, 2010 robbery at the CitiBank in La Mesa. Lineup
5 photograph number 5 was a photograph of SAMAD.

6 a. Corona noted that, at the time of the robbery, the individual he had
7 selected from the lineup photographs had a corn row hair style, his beard was longer, and he
8 was wearing dark sunglasses.

9 b. Corona was then shown the surveillance photographs and was asked
10 to identify which individual in the surveillance photographs was the person whom he had
11 previously identified in photograph number 5. Corona circled the photograph of the suspect
12 who was carrying a firearm and had a corn row hair style, a full beard, a white long sleeve
13 button down shirt, and blue jeans that were rolled up at the bottom (Robber #1).

14 14. Victim teller Vivian Crow reviewed the same photographic lineup as Corona.
15 However, Crow stated that she was unable to identify any of the individuals in the lineup.
16 Crow told the agents that it was difficult for her to recognize the robber without sunglasses.

17 **IDENTIFICATION OF NAUSHAD AS ROBBER #3**

18 15. As part of an unrelated investigation, the FBI had installed and used a tracking
19 device on a white 1997 Nissan Sentra, bearing California license plate 4ZMB265 (**TARGET**
20 **VEHICLE #2**), which is registered to Mustafa NAUSHAD, date of birth August 9, 1979, at
21 4827 Parks Avenue #3, La Mesa, California.

22 a. A review of the tracking device data has revealed that **TARGET**
23 **VEHICLE #2** was at the CitiBank on 3777 Avocado Boulevard, La Mesa, California, at the
24 time of the robbery on April 19, 2010.

25 b. The tracking device data corresponds with a statement made by
26 CitiBank Personal Banker McKenzie Williams who stated that after the robbery he saw all
27 three robbers exit the bank and flee the scene in a white compact car.

28

1 16. In addition, FBI agents have conducted many months of physical and video
2 surveillance on NAUSHAD's residence at 4827 Parks Avenue #3, La Mesa, California.
3 According to Special Agent Colby O'Very, individual garages are attached to 4831 Parks
4 Avenue, which is the building next to and in the same complex as NAUSHAD's apartment
5 building. These garages do not have direct access to any apartment. Based on surveillance, the
6 garage assigned to NAUSHAD, which is not marked, is the fourth garage to the right from the
7 west end of the building (**TARGET GARAGE**).

8 a. Special Agent O'Very reviewed the surveillance video from April 18
9 and 20, 2010 of the **TARGET GARAGE** and observed SAMAD inside the garage.

10 b. Review of the surveillance video of the **TARGET GARAGE** on
11 April 19, 2010, reveals that, at about 7:00 a.m., NAUSHAD left the garage wearing sunglasses,
12 a white long sleeved button down shirt, and tan pants, which matches the description and bank
13 surveillance photograph of Robber #3.

14 17. Based on the above information, your affiant and Special Agent O'Very
15 believe that NAUSHAD is Robber #3.

16 **IDENTIFICATION OF PETERSON AS ROBBER #2**

17 18. Special Agent O'Very further stated that the FBI was investigating Darryl
18 Eugene PETERSON, a.k.a. "Najm," date of birth of April 22, 1984, in connection with the
19 investigation of NAUSHAD.

20 a. Special Agent O'Very advised that FBI surveillance has revealed
21 PETERSON and NASHAUD together on numerous occasions, often in **TARGET**
22 **VEHICLE #2**. Special Agent O'Very further advised that SAMAD and PETERSON were
23 known to worship at the same mosque.

24 b. Special Agent O'Very located surveillance photographs of
25 PETERSEN taken on January 29, 2010. In those photographs, PETERSON was captured
26 wearing a dark blue or black zip up track-style jacket with two distinctive vertical white stripes
27 running down the arms of the jacket.

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1 c. A comparison of the robbery surveillance photographs and the January
2 29, 2010 surveillance photographs, reveal that Robber #2 appears to be wearing the same
3 distinctive striped jacket that PETERSON was wearing in the surveillance photographs. In
4 addition, Robber #2 and PETERSON had a similar style beard.

5 d. A review of SAMAD's telephone toll records revealed that, during the
6 days preceding the robbery, his telephone was used to contact a telephone number subscribed
7 to "Agin Shaheed." In connection with the FBI's separate investigation of NAUSHAD,
8 Shaheed was interviewed and stated that he paid for the telephone, but it was being used by
9 PETERSON. Specifically, the toll records revealed one contact between SAMAD and
10 PETERSON's telephones at 3:04 p.m. on April 17, five contacts between 1:18 p.m. and
11 5:31 p.m. on April 18, and one contact at 7:00 a.m. on April 19 (the morning of the robbery).
12 The toll records did not reveal any further contacts between SAMAD and PETERSON's
13 phones until April 30. Prior to April 17, the most recent contact between SAMAD and
14 PETERSON's phones occurred on April 5.

15 19. Based on the above information, your affiant and Special Agent O'Very
16 believe that PETERSON was Robber #2.

17 **E. Conclusion**

18 20. The foregoing information and evidence indicates that SAMAD, NAUSHAD,
19 and PETERSON, on April 19, 2010, did by force take from the person and presence of
20 employees of CitiBank, 3777 Avocado Boulevard in La Mesa, California, the deposits of which
21 were then insured by the FDIC, approximately \$11,745.12 in United States currency, belonging
22 to and in the care, custody, control, management and possession of such bank.

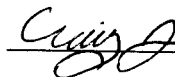
23 **F. Request for Sealing**

24 21. It is further respectfully requested that this Court issue an Order sealing, until
25 further order of this Court, all papers submitted in support of this Complaint, including the
26 Probable Cause Statement. Sealing is necessary because the items and information to be seized
27 are relevant to an ongoing investigation and premature disclosure of the contents of this
28

1 affidavit and related documents may have a negative impact on this continuing investigation
2 and may jeopardize its effectiveness.


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4 I declare under penalty of perjury that the foregoing is true and correct to the best of my
5 knowledge.

6 Dated: 7-2-10



7 Craig Johnson
8 Task Force Officer
9 Federal Bureau of Investigation

10 Subscribed and sworn to before me
11 this 2nd day of July , 2010.

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13 
14 HONORABLE JOHN P. COONEY
15 United States Magistrate Judge