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10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 OAKLAND DIVISION

FILED

FEB 26 2015

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

13 UNITED STATES OF AMERICA,

14 Plaintiff,

15 v.

16 ANTHONY TYREE,

17 Defendant.

CRIMINAL NO. 4-15-70240

MAG

NOTICE OF PROCEEDINGS ON OUT-OF-DISTRICT CRIMINAL CHARGES PURSUANT TO RULES 5(c)(2) AND (3) OF THE FEDERAL RULES OF CRIMINAL PROCEDURE

18 Please take notice pursuant to Rules 5(c)(2) and (3) of the Federal Rules of Criminal Procedure
19 that on February 25, 2015, the above-named defendant was arrested based upon an arrest
20 warrant (copy attached) issued upon an

- 21 Indictment
- 22 Information
- 23 Criminal Complaint
- 24 Other:

25 pending in the District of Colorado, Case Number 15-MJ-01030.

26 In that case, the defendant is charged with violations of Title 18 United States Code, Sections
27 1951(a) and 371.
28

NOTICE OF PROCEEDINGS ON OUT-OF-DISTRICT
CRIMINAL CHARGES PURSUANT TO RULES 5(c)
AND (3) OF THE FEDERAL RULES OF CRIMINAL PROCEDURE

1 Description of Charges: Count One – Robbery Affecting Commerce; Count Two - Conspiracy to
2 Commit Robbery Affecting Commerce.

3 MAXIMUM PENALTIES:

4 Count One: Imprisonment: 20 years
5 Fine: \$250,000
6 Supervised Release: 3 Years
7 Special Assessment: Mandatory \$100

8 Count Two: Imprisonment: 5 years
9 Fine: \$250,000
10 Supervised Release: 3 Years
11 Special Assessment: Mandatory \$100

12 Respectfully Submitted,

13 MELINDA HAAG
14 UNITED STATES ATTORNEY



15 TAI S. MILDER
16 Special Assistant U.S. Attorney

17 Date: February 26, 2015

AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT

for the

District of Colorado

United States of America

v.

ANTHONY TYREE

Defendant(s)

)
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Case No. 15-MJ-01030

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 February 24, 2015, in the county of Denver in the State and District of Colorado, the defendant violated:

Code Section

18 USC 1951(a)

18 USC 371

Offense Description

Robbery affecting commerce

Conspiracy to commit robbery affecting commerce

This criminal complaint is based on these facts:

See Affidavit attached hereto and herein incorporated by reference.

X Continued on attached sheet.

s/John Pierson

Complainant's signature

John Pierson, Special Agent, FBI - RMSSTF

Printed name and title

Sworn to before me and: signed in my presence.

submitted, attested to, and acknowledged by reliable electronic means.

Date: 25 Feb 2015

Michael J. Watanabe

Judge's signature

City and state: Denver, Colorado

Michael J. Watanabe U.S. Magistrate Judge

Printed name and title

DEFENDANT: ANTHONY TYREE

YOB: 1991

ADDRESS (CITY/STATE): San Francisco, CA

OFFENSE: **COUNT 1:** Robbery affecting commerce, 18 U.S.C. § 1951(a)

COUNT 2: Conspiracy to commit robbery affecting commerce; 18 U.S.C. § 371

LOCATION OF OFFENSE (COUNTY/STATE): Denver County, Colorado

PENALTY: **COUNT 1:** NMT 20 years imprisonment, NMT \$250,000.00 fine, or both; NMT 3 years supervised release; and \$100.00 Special Assessment; Restitution of at least \$750.00.

COUNT 2: NMT 5 years imprisonment, \$250,000 fine, or both, 3 years supervised release, \$100 special assessment.

AGENT: Special Agent John A. Pierson
FBI, Rocky Mountain Safe Streets Task Force

AUTHORIZED BY: Celeste Rangel
Assistant U.S. Attorney

ESTIMATED TIME OF TRIAL:

five days or less over five days other

THE GOVERNMENT

will seek detention in this case will **not** seek detention in this case

The statutory presumption of detention is applicable to this defendant.

OCDETF CASE: Yes No

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

I, John Pierson, Special Agent with the Federal Bureau of Investigation, Rocky Mountain Safe Streets Task Force (RMSSTF), being duly sworn, deposes and states under penalty of perjury that the following is true to the best of my information, knowledge and belief.

1. I am a Special Agent with the Federal Bureau of Investigation (FBI) and have been so employed for approximately twelve years. I am currently assigned to the Denver Field Office, Rocky Mountain Safe Streets Task Force (RMSSTF), and am charged with investigating various violations of federal law, including violations of 18 U.S.C. §§ 1951 and 371. As a result of my training and experience, I am familiar with investigations of violent crimes, including armed robberies.

2. I, along with other experienced Special Agents of the FBI as well as other law enforcement agents and officials, am conducting an investigation of the armed robbery of the Williams Jewelers store in Denver, Colorado, which occurred on 02/24/2015, in violation of 18 U.S.C. §§ 1951 and 371.

3. The information contained in this affidavit is based upon my investigation and information provided by other law enforcement officers and other persons whom I believe to be reliable. This affidavit is submitted for the limited purpose of conveying information necessary

to support probable cause for this application. It is not intended to include each and every fact and matter observed by me or known to the Government.

4. On 02/24/15, at about 1030 hours, Denver Police Department (DPD) Officer Sanchez reported that he responded to 2825 E 3rd Avenue, Denver, CO, Williams Jewelers, on a robbery. Officer Sanchez met with the owner/victim, Bruce Williams, who reported that a black female, hereafter referred to as "the female," entered the store and looked at watches. During this time, the female attempted to purchase a watch, but said that she left her credit card in the vehicle. The female related that she would be right back.

5. As the female left the store, 3 black males wearing black hoodies and black masks and armed with handguns entered the store and robbed the victims at gunpoint. Williams reported that he heard his employees screaming, so he came to the front, after which a black male wearing a hoodie pointed a gun at him and told him to get on the ground. Williams reported that the male moved him from the back of the store to the desk area of the store at gunpoint.

6. Another victim, Keri Jones, reported that she waited on the female and noticed that the female had long black hair, long finger nails, fake eye lashes and a tattoo on the inside wrist of her right arm, which may have depicted stars. Jones reported that she was in the back packaging the watch for the female and the female stated she would be right back. At that time, Jones witnessed 3 black males enter the stores at gunpoint. Jones reported that the female tried on 1 watch and attempted to purchase another watch.

7. Another victim, Dara Edison, reported that she saw the female enter the store shopping for watches and the female forgot her credit card. As the female left the store, Edison reported that 3 black males entered the store running with guns in their hands. Edison reported that 1 male came behind the counter and made Edison and Williams get down on the ground and the other 2 males smashed the Rolex case and took the Rolex watches.

8. Another victim, Kay Sweeney, reported that she saw the female looking at the watches for her grandmother and the female used the excuse that she had to get her credit card. As the female left, 3 males came running in the store with guns and took the Rolexes.

9. Several witnesses observed a maroon Chevy Blazer fleeing the area of the robbery at a high rate of speed. Witness Lauren Butner stated that she observed people yelling with urgent voices as they jumped in to a running, red SUV. As the people entered the running SUV on the passenger side, the vehicle spun its tires before gaining traction and driving away. As the passengers were entering the SUV the vehicle was already in motion. DPD Officers located a maroon Chevy Blazer in an alley next to 370 Clayton Street, Denver, CO. Another witness, Ruthann Robinson, identified the Chevy Blazer at 370 Clayton Street, Denver, CO, as being the same one that fled the area of the jewelry store at a high rate of speed.

10. DPD Detective Erickson responded to the scene and observed that the Chevy Blazer did not have any license plates. DPD Detective Erickson observed that the Vehicle Identification Number (VIN) on the Chevy Blazer was 1GN1T13W4S2226670. A computer records check revealed that the VIN came back to a 1995 Chevy Blazer registered to a Javier Munoz of 1243 Iola Street in Aurora, Colorado. Detective Erickson had the vehicle towed to the DPD vehicle impound lot.

11. DPD Detective Erickson responded to the scene and met with each victim, who confirmed the facts of the case. Bruce Williams informed Detective Erickson that a black female may have scouted the Williams Jewelers store located at 5106 S. Broadway, Englewood, CO, on 02/23/2015, but no robbery occurred.

12. To date, no witnesses have been located who saw how the suspects fled the area after parking the Chevy Blazer.

13. RMSSTF TFO Eric Denke received information from Aurora Police Officer Patricia Perea. Perea had been dispatched to contact the registered owner of the 1995 Chevrolet Blazer that had been recovered in the rear of 370 N. Clayton St., Denver, CO. Perea had responded to the address of 1243 Iola St., Aurora, Colorado, to contact Javier Munoz. Upon contact at the address, Perea was informed by relatives at the Iola address that Munoz no longer resided at the address. The relatives provided Perea with a telephone number for Javier Munoz.

14. Perea contacted Javier Munoz by telephone at 720-900-6941. Perea then spoke with Javier Munoz and his son, Uries Munoz. Both told Perea that the 1995 Chevrolet Blazer had been sold the night before, 02/23/2015, to 2 unknown black males and 2 unknown black females. They stated that they initially were contacted by telephone from an out-of-state number, 925-812-3617, in response to a Craigslist advertisement. They met with the buyers at the University of Colorado Hospital parking lot, at 12605 E. 16th Avenue, Aurora, CO. They then arranged the sale of the vehicle for \$1,550.00 in U.S. currency. Uries Munoz said that the buyers had arrived in a Cadillac "Crossover" SUV with a California plate of 7GJM872. Uries Munoz stated that he had taken a photo of the Cadillac and the license plate when the buyers were leaving.

15. TFO Denke then contacted Uries Munoz to confirm the information that had been obtained from Perea. Uries stated that the buyers had contacted him from the out-of-state number on Sunday, 02/22/2015, and then again on the afternoon of Monday, 02/23/2015. Uries stated that the last message he received was at approximately 5:39 PM, indicating that the buyers were at the hospital to meet and look at the Blazer. They met at the hospital and the buyers agreed to purchase the vehicle; they paid \$1550.00 in cash. Uries Munoz then had to take the buyers to another location to obtain the title for the vehicle and complete the sale. Uries Munoz stated that the buyers appeared to be nervous during the transaction.

16. After providing the title, Uries Munoz took a photo of the Cadillac with his cellular telephone. The photograph captured the rear of the vehicle including the license plate, California 7GJM872. The 1995 Chevrolet Blazer that was sold by Uries Munoz was also captured in the photo.

17. Based on the information provided by Uries Munoz, TFO Denke conducted an NCIC search for the California plate 7GJM872. The vehicle was listed as a 2015 Cadillac registered to EAN Holdings, LLC, 6929 N. Lakewood Ave, Suite 100, Tulsa City, Oklahoma, which is known to your affiant to be listed as the registered agent for rental vehicles belonging to Enterprise, Alamo, and National Rental Cars entity doing business as Enterprise Rent-A-Car (Enterprise). RMSSTF Officer Jeff Hart confirmed that the subject vehicle is equipped with a motor vehicle telematics system served by OnStar by speaking with an OnStar representative who confirmed that the vehicle contained this system and can be activated by OnStar.

18. On 02/25/2015, subsequent to a federal court order, Affiant spoke, via telephone, with Jocquelyn, an employee at OnStar. Jocquelyn utilized the GPS feature in the 2015 Cadillac bearing California license plate 7GJM872. On 02/25/15, at approximately 3:15 AM, Mountain Standard

Time, roughly 16 hours and 45 minutes after the robbery of the Williams Jewelers, the vehicle was located driving in a southbound direction on Interstate 80 near Roseville, CA. According to Google Maps, drive time from Denver, CO, to Roseville, CA, was approximately 16 hours and 30 minutes.

19. Members of the RMSSTF made telephonic contact with Sergeant Berndt of the California Highway Patrol (CHP). Sergeant Berndt advised that marked CHP units attempted to make contact with the Cadillac and the Cadillac led the units on a vehicle pursuit. After the Cadillac was involved in a single vehicle crash off of Interstate 80, near Mountain View, California, in the San Francisco Bay Area, officers reported that 4 to 5 occupants fled the vehicle on foot. Ultimately, 5 occupants were taken into custody by the CHP. Initially, 3 occupants were arrested immediately after the vehicle crash; SEAN D. MCCULLOUGH (the driver), ANTHONY D. DOMINO (front seat passenger), and SHARDE SUWANNABART (a/k/a/ SHARDE SMITH), were immediately arrested. Officers established a perimeter and utilized the assistance of K9's to apprehend the remaining 2 occupants; ANTHONY TYREE and SUMMER P. SAWYER.

20. California Highway Patrol Officer Mendenhall provided a description of a Glock semi-automatic handgun that was observed in plain view on top of the center console of the vehicle and then recovered from the Cadillac. The serial number plate located below the barrel on the frame of the handgun had been removed. The secondary serial number located in the ejection port area of the handgun showed a serial number of "CRU841".

21. Officer Mendenhall advised that ANTHONY DOMINO had at least 5 Rolex watches on his person at the time of his arrest. 1 of the watches recovered from ANTHONY DOMINO was found to bear serial number V33N9042. Investigators confirmed that this serial number matched one of the watches on the itemized list of stolen watches provided by Williams Jewelers from the

robbery that occurred on 02/24/2015, in Denver, Colorado. Investigators are currently working to verify if the other Rolex watches recovered can be tied to the Williams Jewelers robbery.

22. Affiant visually reviewed good quality surveillance photographs from the Williams Jewelers robbery. 2 of the three 3 masked robbers were wearing dark hooded sweatshirts with light-colored full-front zippers and light strings hanging down from the hood. Affiant then visually reviewed a good quality photograph of ANTHONY TYREE taken after his arrest in CA. In the photograph ANTHONY TYREE was wearing a dark hooded sweatshirt with a light-colored full-front zipper and a light-color string hanging down from the hood. At least 1 of the masked robbers was shown holding a semi-automatic handgun in the photographs.

23. Affiant visually reviewed good quality surveillance photographs from the Williams Jewelers robbery. Affiant then reviewed a good quality photograph of SUMMER P. SAWYER taken after her arrest in CA. The female who opened the door when the robbers entered the store had similar hair color, hair length similar nose shape, eyebrow shape and mouth shape as well as similar fingernails to SUMMER P. SAWYER.

24. Witnesses at the Williams Jewelers robbery described the 3 masked robbers as being medium height and medium build Black males. These descriptions match the general physical descriptions of ANTHONY TYREE, SEAN D. MCCULLOUGH and ANTHONY D. DOMINO.

25. Affiant visually reviewed good quality surveillance photographs from the Williams Jewelers scouting that occurred at the Englewood, CO, store on 02/23/2015. Affiant then visually reviewed a good quality photograph of SHARDE SUWANNABART (also known as SHARDE SMITH) that was taken after her arrest in CA. Affiant observed that the female that scouted the store had similar hair color, hair length, similar nose shape and mouth shape to SHARDE

SUWANNABART's (also known as SHARDE SMITH's) hair color, hair length, nose shape and mouth shape.

26. TFO Jeff Harts determined that the 2015 Cadillac was rented at the San Francisco International Airport on 2/18/15 in the name of EBANY MCDOWELL. Affiant reviewed a department of motor vehicles identification of EBANY MCDOWELL, born in 1987, who is similar in age, race, gender, and build to SHARDE SUWANNABART (also known as SHARDE SMITH).

I, John Pierson, being duly sworn according to law, depose and say that the facts stated in the foregoing affidavit are true and correct to the best of my knowledge, information and belief.

s/John Pierson
JOHN PIERSON
FBI, RMSSTF

Sworn to before me this 25th day of February, 2015.



United States Magistrate Judge
Michael J. Watanabe

Affidavit reviewed and submitted by Celeste Rangel, Assistant United States Attorney.

AO 442 (Rev. 11/11) Arrest Warrant

UNITED STATES DISTRICT COURT

for the

District of Colorado

United States of America
v.
ANTHONY TYREE

Defendant

Case No. 15-MJ-01030

ARREST WARRANT

TO: Any authorized law enforcement officer

YOU ARE COMMANDED to arrest and bring before a United States magistrate judge without unnecessary delay (name of person to be arrested) ANTHONY TYREE, who is accused of an offense or violation based on the following document filed with the court:

- Indictment, Superseding Indictment, Information, Superseding Information, Complaint, Probation Violation Petition, Supervised Release Violation Petition, Violation Notice, Order of the Court

This offense is briefly described as follows:

Robbery affecting commerce in violation of 18 USC Section 1951(a); Conspiracy to commit robbery affecting commerce in violation of 18 USC Section 371.

Date: 4:13 pm, Feb 25, 2015

City and state: Denver, Colorado

Handwritten signature of Michael J. Watanabe

Issuing officer's signature

Michael J. Watanabe U.S. Magistrate Judge

Printed name and title

Return

This warrant was received on (date) and the person was arrested on (date) at (city and state)

Date:

Arresting officer's signature

Printed name and title