

Bme
7-31-15

AO 91 (Rev. 08/09) Criminal Complaint

UNITED STATES DISTRICT COURT

for the

Northern District of Ohio

United States of America

v.

Russell C. Bowers

Case No. **1:15 MJ 3167**

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 6/26/15 in the county of Cuyahoga in the
Northern District of Ohio, the defendant(s) violated:

Code Section
18 U.S.C. §§ 2113(a) and (d)

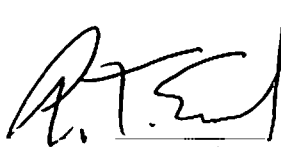
Bank robbery

Offense Description

This criminal complaint is based on these facts:
see attached Affidavit, incorporated by reference.

2015 JUL 31 AM 10:15

☒ Continued on the attached sheet.



Complainant's signature

Andrew Earl, Special Agent FBI
Printed name and title

Sworn to before me and signed in my presence.

Date:

July 31, 2015

City and state: Cleveland, Ohio



Judge's signature

Gregory A. White, US Magistrate Judge
Printed name and title

BMG
7-31-15

**IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

I, ANDREW EARL, Special Agent of the Federal Bureau of Investigation, United States Department of Justice, hereinafter referred to as Affiant, being duly sworn on oath, hereby deposes and states as follows:

I. INTRODUCTION

1. Affiant is an investigative or law enforcement officer of the United States, as a Special Agent (SA) of the Federal Bureau of Investigation (FBI). Affiant is empowered to conduct investigations of and to make arrests for federal offenses, *see* 18 U.S.C. § 3052. Affiant has been employed by the FBI since September of 2012, and has been assigned to the investigation of violent crime matters in the Cleveland Division for approximately 2 years and 5 months. Affiant has been charged with the investigation of federal crimes involving bank robberies, drugs, weapons violations, kidnapping, human trafficking, and other general criminal offenses in the Northern District of Ohio. At all times during the investigation described in this affidavit, Affiant has acted in an official capacity as a SA of the FBI. Prior to joining the FBI, from January 2010 to September 2012, Affiant was appointed as a Police Officer for the City of Raleigh, North Carolina. While in that position, Affiant was charged with investigating violent crimes, drugs, weapons violations, and other general criminal offenses under North Carolina law.

2. Affiant has participated in all of the usual methods of investigation, including, but not limited to, physical surveillance, the questioning of witnesses, and the analysis of evidence. Affiant has participated in the execution of arrest and search warrants resulting in the seizure of illegal weapons, drugs, currency, and stolen property. Affiant has supervised the activities of informants and participated in the execution of consensual monitoring and court ordered Title III wiretaps.

3. This affidavit is offered in support of a Complaint and Arrest Warrants for

RUSSELL C. BOWERS, (hereinafter referred to as "BOWERS") for one count of armed bank robbery in violation of Title 18, United States Code, Section 2113(a) and (d), ASHLEY WENTZ (hereinafter referred to as "WENTZ") for one count of armed bank robbery in violation of Title 18, United States Code, Section 2113(a) and (d), and JASON D. SPINELLI (hereinafter referred to as "SPINELLI") for one count of armed bank robbery in violation of Title 18, United States Code, Section 2113(a) and (d).

4. The statements contained in this affidavit are based in part on information developed by other SAs of the FBI, Officers, Detectives of Parma Police Department (PPD), and Officers and Detectives of Parma Heights Police Department (PHPD), who aided in the investigation of the robbery. Unless otherwise noted, whenever in this affidavit your Affiant asserts that a statement was made, the information was provided by another law enforcement officer or an investigator (who may have had either direct or hearsay knowledge of the statement) to whom your Affiant has spoken or whose report your Affiant has read and reviewed. Likewise, any information pertaining to vehicles and registrations, personal data on subjects, and record checks, has been obtained through the Law Enforcement Automated Data System (LEADS), various state driver's license motor vehicle records, online database searches or the National Crime Information Center (NCIC) computers, and various open source databases such as LexisNexis.

5. Since this affidavit is being submitted for the limited purpose of supporting the application in this matter, Affiant has not included each and every fact known to him concerning this investigation. Affiant has set forth only the facts that he believes are necessary to establish the probable cause for the issuance of the arrest warrants sought.

II. FACTS AND CIRCUMSTANCES REGARDING PROBABLE CAUSE

A. June 26, 2015 Armed Bank Robbery:

6. On Friday, June 26, 2015, at approximately 10:35 a.m., Agents of the FBI Violent Crime Task Force (VCTF) along with Officers and Detectives of the PPD responded to the report of a bank robbery that occurred at the Citizens Bank, located at 5775 Chevy Road, Parma, Ohio. This location is within the Northern District of Ohio, Eastern Division.

7. Through personal experience and through confirmation by Loss Prevention for Citizens Bank, Affiant is aware that deposits of Ohio Savings Bank were, at the time of the robbery, and remain, insured by the Federal Deposit Insurance Corporation (FDIC).

8. The investigation revealed that the Citizens Bank robbery was committed as follows:

a. On Friday, June 26, 2015, at approximately 10:32 a.m. two masked white males (hereinafter referred to as bank robber #1 and bank robber #2) entered the Citizens Bank through the bank's east entrance/exit. Video surveillance captured bank robber #2 brandishing what appeared to be a black semi-automatic pistol upon entering the bank. Bank robber #2 confronted a bank employee, and directed her behind the teller counter. Bank robber #1 approached the victim teller, positioned at teller station #2, provided the victim teller a black backpack, and made an oral demand for money by stating the following in a robbery, "Don't be stupid, fill it up, I don't want any strapped money, don't push any buttons." In fear for their lives, and knowing the bank was being robbed, the bank employees complied with the bank robber's oral demands for money. The victim teller gave the bank robber approximately \$4,600.00 dollars.

b. Bank robber #1 was described as a white male, approximately 5'10" to 6'00" tall, approximately 150 pounds, and thinly built. Bank robber #1 appeared to be wearing urban camouflaged patterned bandana on his head, woodland camouflaged bandana over his face, black sunglasses, a baggy black "Volcom Skeleton" sweat shirt, baggy blue jeans, and white or yellow colored work gloves with rubber palms and fingers. Bank robber #2 was described as a white male, approximately 5'10" to 6'00" tall, approximately 190 pounds, and medium build. Bank robber #2 appeared to be wearing a black brimmed baseball cap, black sunglasses, dark bandana over his face, a baggy dark colored hooded sweat shirt, baggy light colored blue jeans, white sneakers, black work gloves, and brandishing a black semi-automatic pistol in his right hand.

c. The bank robbers exited the bank through the east entrance/exit with the stolen bank loot.

d. A bank audit, conducted by a Citizens Bank employee after the robbery revealed a loss of \$4,600.00 dollars USD.

B. Identification of BOWERS and WENTZ:

9. Two subsequent bank robberies with a similar modus operandi and suspect description of bank robber #1, occurred on July 12, 2015, at the Fifth Third Bank, located at 6809 West 130th Street, Parma Heights, Ohio, and on July 17, 2015, at the Citizens Bank located at 6555 Pearl Road, Parma Heights, Ohio. A witness outside of the Citizens Bank, located at 6555 Pearl Road, Parma Heights, Ohio, reported observing a masked suspect entering a gold Buick Rendezvous, bearing Ohio license plate, GAS-6491. The witness also observed what was described as a large billow of red smoke emanating from the rear of the gold Buick Rendezvous, near Parma Park Boulevard and Appleton Drive, Parma, Ohio, approximately 0.1 miles from the Citizens Bank. Another witness recovered an exploded "dye pack" in the area of Beverly Drive and Huffman Road, Parma Heights, Ohio, approximately 0.9 miles from the Citizens Bank, and 0.4 miles from WENTZ'S residence address of 5932 Stumph Road, apartment 208, Parma, Ohio. The witness later reported the recovered currency dye pack to the PHPD.

10. Affiant is aware through training and experience that banking institutions employee security devices to deter robberies. One such device is known as a "dye pack". A "dye pack" is a radio-controlled incendiary device used by some banks to preemptively foil a bank robbery by causing stolen cash to be permanently marked with dye shortly after a robbery. A "dye pack will explode and release an aerosol (usually of Disperse Red 9) and sometimes tear gas, intended to destroy the stolen money and mark the robber's body with a bright red stain. The chemical reaction causing the explosion of the pack and the release of the dye creates high temperatures of about 200 °C (392 °F) which further discourages a criminal from touching the pack or removing it from the bag or getaway vehicle.

11. A query of law enforcement databases for Ohio license plate, GAS-6491, revealed a 2003 gold Buick Rendezvous, VIN 3G5DB03E03S572936, registered to WENTZ. An additional query of law enforcement databases revealed a connection between WENTZ and BOWERS. Additionally, BOWERS appeared to fit the physical description of bank robber #1, the suspect in the above captioned bank robberies.

C. Surveillance and Arrest of WENTZ:

12. On July 18, 2015, at approximately 3:45 p.m., a member of the VCTF received information that WENTZ would be in the area of 12859 Brookpark Road, Parma, Ohio.

13. On July 18, 2015, at approximately 9:45 p.m., WENTZ was observed by members of the VCTF and detectives of the PHPD on foot, walking southbound on West 130th Street, Parma, Ohio. WENTZ was observed entering the front passenger seat of a vehicle parked in the Shell parking lot, located at 13030 Brookpark Road, Parma, Ohio.

14. On July 18, 2015, at approximately 9:50 p.m., WENTZ was arrested by members of the VCTF, detectives of the PHPD, and PPD Officers, pursuant to a verified locally authorized warrant issued by the PHPD Municipal Court for aggravated robbery, in the parking lot of 13030 Brookpark Road, Parma, Ohio. A search incident to arrest revealed dye stained money located in a pack of cigarettes, observed on her person. WENTZ was transported to the PHPD, located at 6148 Pearl Road, Parma Heights, Ohio.

D. Surveillance and Arrest of BOWERS:

15. On July 18, 2015, at approximately 9:55 p.m., members of the VCTF observed a 2003 gold Buick Rendezvous, bearing Ohio license plate GAS-6491, parked on the street in front of 12821 Sprecher Avenue, Parma, Ohio, approximately 0.5 miles from 13030 Brookpark Road, Parma, Ohio. The 2003 gold Buick Rendezvous, bearing Ohio license plate GAS-6491 was occupied by a white male, seated in the front passenger seat. The passenger appeared to be BOWERS.

16. On July 18, 2015, at approximately 9:55 p.m., BOWERS was arrested by members of the VCTF and detectives of the PHPD, pursuant to a verified locally authorized warrant issued by the PHPD Municipal Court for aggravated robbery, at 12821 Sprecher Avenue, Parma, Ohio. Upon exiting the passenger side of the vehicle, dye stained money was observed in plain view, inside the passenger door storage pocket. BOWERS was transported to the PHPD, located at 6148 Pearl Road, Parma Heights, Ohio.

E. Interview of BOWERS:

17. After being advised of his constitutional rights under Miranda pursuant to a PHPD Advice of Rights Form, BOWERS provided a written and verbal waiver of those rights witnessed by a PHPD, and

Affiant. During the audio and video recorded interview, BOWERS made a verbal and written admission to planning and robbing the Citizens Bank on June 26, 2015, with WENTZ and JASON Last Name Unknown (LNU). BOWERS was presented photographs taken from the video surveillance of the June 26, 2015, Citizens Bank robbery. BOWERS both verbally and in writing identified himself as the bank robber #1, depicted in the photographs taken from the surveillance video. BOWERS both verbally and in writing identified JASON LNU as bank robber #2, depicted in the photographs taken from the surveillance video. BOWERS advised that JASON LNU had brandished a black pellet gun during the commission of the bank robbery. BOWERS verbally identified WENTZ as the getaway driver, using her 2003 gold Buick Rendezvous, (Ohio license plate GAS-6491), as the getaway vehicle during the commission of the bank robbery.

18. Based on the physical description and approximate location of JASON LNU's the residence address for JASON LNU, provided by BOWERS, detectives of the PHPD were able to identify JASON SPINELLI, as bank robber #2.

19. BOWERS was presented a Six-Pack Photographic Line-up, administered by a PHPD Officer. BOWERS identified SPINELLI as bank robber #2, depicted in the photographs taken from the surveillance video of the June 26, 2015 Citizens bank robbery.

F. Interview of WENTZ:

20. After being advised of her constitutional rights under Miranda pursuant to a PHPD Advice of Rights Form, WENTZ provided a written and verbal waiver of those rights witnessed by a PHPD, and Affiant. During the audio and video recorded interview, WENTZ made a verbal and written admission to planning and robbing the Citizens Bank on June 26, 2015, with BOWERS and JAY LNU. WENTZ was presented photographs taken from the video surveillance of the June 26, 2015, Citizens Bank robbery. WENTZ both verbally and in writing identified BOWERS as bank robber #1, depicted in the photographs taken from the surveillance video. WENTZ both verbally and in writing identified JAY LNU as bank robber #2, depicted in the photographs taken from the surveillance video. WENTZ both verbally and in writing identified herself as the getaway driver, using her 2003 gold Buick Rendezvous, (Ohio license

plate GAS-6491), as the getaway vehicle during the commission of the bank robbery. WENTZ was presented a Six-Pack Photographic Line-up, administered by a PHPD Officer. WENTZ identified SPINELLI as bank robber #2, depicted in the photographs taken from the surveillance video of the June 26, 2015 Citizens bank robbery.

G. Arrest of SPINELLI:

21. On July 30, 2015, at approximately 8:05 a.m., SPINELLI was located and arrested at the Metrohealth Hospital, room 1171, ward C, located at 2500 Metrohealth Drive, Cleveland Ohio, by a member of the VCTF, a PPD detective, and Affiant, pursuant to a verified locally authorized warrant issued by the Cuyahoga County Court of Common Pleas, for aggravated robbery.

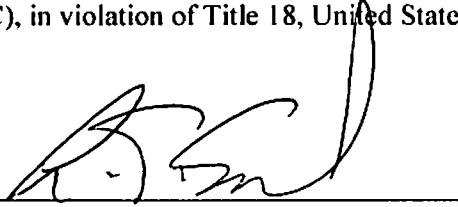
H. Interview of SPINELLI:

22. After being advised of his constitutional rights under Miranda pursuant to an FD-395 Advice of Rights Form, SPINELLI provided a written and verbal waiver of those rights witnessed by a PPD, and Affiant. During the interview, SPINELLI made a verbal and written admission to planning and robbing the Citizens Bank on June 26, 2015, with RUSS LNU and ASHLEY LNU. SPINELLI verbally identified BOWERS and WENTZ from photographs with no identifiers. (Note: While attempting to present the photographs to SPINELLI, he immediately and spontaneously said, "I can already see the pictures, that's Russ and Ashley.") SPINELLI was presented photographs taken from the video surveillance of the June 26, 2015, Citizens Bank robbery. SPINELLI both verbally and in writing identified himself as the bank robber #2, depicted in the photographs taken from the surveillance video. SPINELLI both verbally and in writing identified BOWERS as bank robber #1, depicted in the photographs taken from the surveillance video. SPINELLI advised that he had brandished a black pellet gun during the commission of the bank robbery. SPINELLI verbally identified WENTZ as the getaway driver, using her 2003 gold Buick Rendezvous, (Ohio license plate GAS-6491), as the getaway vehicle during the commission of the bank robbery.

III. CONCLUSION:

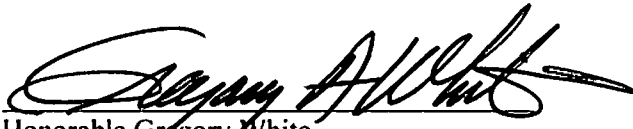
24. Based on the foregoing facts, your Affiant respectfully submits that probable

cause exists to believe that on Friday, June 26, 2015, RUSSELL C. BOWERS, ASHLEY WENTZ, and JASON D. SPINELLI did, by force, violence, and intimidation, attempt to take from the victim teller's bank monies belonging to, or in the care, custody, control, or possession of the aforementioned Citizens Bank, located at 5775 Chevy Road, Parma, Ohio. This location is within the Northern District of Ohio, Eastern Division, the deposits of which were then insured by the Federal Deposit Insurance Corporation (FDIC), in violation of Title 18, United States Code, Section 2113(a)(d).

A handwritten signature in black ink, appearing to read 'A. Earl', written over a horizontal line.

Andrew Earl
Special Agent
Federal Bureau of Investigation
Cleveland, Ohio

Subscribed and sworn to before me this 30th day of July, 2015.

A handwritten signature in black ink, appearing to read 'Gregory White', written over a horizontal line.

Honorable Gregory White
United States Magistrate Judge