

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

- - - - -	x	
	:	
UNITED STATES OF AMERICA	:	
	:	
v.	:	<u>INDICTMENT</u>
	:	
JOSEPH MCCRIMON and	:	13 Cr. _____
JAMES SHERROD,	:	
	:	
Defendants.	:	
	:	
- - - - -	x	

COUNT ONE

Conspiracy to Commit Bank Robbery

The Grand Jury charges:

1. On or about March 29, 2013, in the Southern District of New York and elsewhere, JOSEPH MCCRIMON and JAMES SHERROD, the defendants, and others known and unknown, knowingly did combine, conspire, confederate, and agree together and with each other to violate Title 18, United States Code, Section 2113(a).

2. It was a part and an object of the conspiracy that JOSEPH MCCRIMON and JAMES SHERROD, the defendants, and others known and unknown, knowingly, by force and violence, and by intimidation, would take and attempt to take, from the persons and presence of others, property and money belonging to, and in the care, custody, control, management, and possession of, a bank, to wit, Wells Fargo Bank, N.A., located at 921 Saw Mill River Road, Ardsley, New York (the "Bank"), the deposits of which

were insured by the Federal Deposit Insurance Corporation, in violation of Title 18, United States Code, Section 2113(a).

Overt Act

3. In furtherance of the conspiracy and to effect the illegal object thereof, the following overt acts, among others, were committed in the Southern District of New York:

a. On or about March 29, 2013, JOSEPH MCCRIMON and JAMES SHERROD, the defendants, drove to the Bank.

b. Upon arriving at the Bank, JOSEPH MCCRIMON, the defendant, entered the Bank and displayed to a teller a note in which he threatened to activate an explosive device unless the teller gave him \$20,000.

c. JOSEPH MCCRIMON, the defendant, took possession of approximately \$10,000 in currency from the teller.

d. Following the robbery, JOSEPH MCCRIMON and JAMES SHERROD, the defendants, fled the Bank in a car driven by JAMES SHERROD.

e. While fleeing the Bank in the car, JAMES SHERROD, the defendant, consciously disregarded the signal of a law enforcement officer to stop.

f. After a crash rendered the car inoperable, JOSEPH MCCRIMON and JAMES SHERROD, the defendants, continued to flee on foot.

(Title 18, United States Code, Section 371.)

COUNT TWO

The Grand Jury further charges:

4. On or about March 29, 2013, in the Southern District of New York and elsewhere, JOSEPH MCCRIMON and JAMES SHERROD, the defendants, knowingly, by force and violence, and by intimidation, did take, and attempt to take, from the persons and presence of others, property and money belonging to, and in the care, custody, control, management, and possession of a bank, to wit, the Bank, the deposits of which were insured by the Federal Deposit Insurance Corporation.

(Title 18, United States Code, Sections 2113(a) and 2.)

FORFEITURE ALLEGATION

5. As the result of committing the bank robbery and bank robbery conspiracy offenses in violation of Title 18, United States Code, Sections 371 and 2113(a) as charged in Counts One and Two of this Indictment, JOSEPH MCCRIMON and JAMES SHERROD, the defendants, shall forfeit to the United States, pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461, all property, real and personal, that constitutes or is derived from proceeds traceable to the commission of the offenses.

Substitute Asset Provision

6. If any of the above-described forfeitable property, as a result of any act or omission of the defendants:

(a) cannot be located upon the exercise of due

diligence;

(b) has been transferred or sold to, or deposited with, a third person;

(c) has been placed beyond the jurisdiction of the Court;

(d) has been substantially diminished in value;

or

(e) has been comingled with other property which cannot be subdivided without difficulty;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of said defendants up to the value of the above forfeitable property.

(Title 18, United States Code, Section 981(a)(1)(C);
Title 21, United States Code, Section 853(p);
Title 28, United States Code, Section 2461.)

FOREPERSON

PREET BHARARA
United States Attorney

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

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JOSEPH MCCRIMON and
JAMES SHERROD,

Defendants.

INDICTMENT

13 Cr. _____

(18 U.S.C. §§ 371, 2113(a) and 2.)

PREET BHARARA

United States Attorney

A TRUE BILL

Foreperson
