

ORIGINAL

Approved: Daniel P. Chung
DANIEL P. CHUNG
Assistant United States Attorney

12 MAG 2464

Before: HONORABLE GABRIEL W. GORENSTEIN
United States Magistrate Judge
Southern District of New York

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UNITED STATES OF AMERICA	:	<u>COMPLAINT</u>
	:	Violation of 18 U.S.C.
-v.-	:	§ 1951
LIN WU,	:	
XIAO QIN FENG,	:	
YI LI, and	:	
GUO YANG,	:	
	:	COUNTY OF OFFENSE:
Defendants.	:	NEW YORK

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SOUTHERN DISTRICT OF NEW YORK, ss.:

JOHN LEE, being duly sworn, deposes and says that he is a Special Agent with the United States Department of Homeland Security, Immigration and Customs Enforcement, Homeland Security Investigations ("HSI") and charges as follows:

COUNT ONE

From at least on or about August 1, 2012 through on or about September 19, 2012, in the Southern District of New York and elsewhere, LIN WU, XIAO QIN FENG, YI LI, and GUO YANG, the defendants, and others known and unknown, unlawfully, willfully and knowingly did combine, conspire, confederate, and agree together and with each other to commit robbery, as that term is defined in Title 18, United States Code, Section 1951(b)(1), and would and did thereby obstruct, delay, and affect commerce and the movement of articles and commodities in commerce, as that term is defined in Title 18, United States Code, Section 1951(b)(3), to wit, WU, FENG, LI, and YANG, agreed to commit a robbery of a home in Westchester County, New York, which they believed belonged to an individual who owned restaurant businesses.

(Title 18, United States Code, Section 1951.)

The bases for my knowledge and for the foregoing charges are, in part, as follows:

1. I am a Special Agent with HSI, and I have been personally involved in the investigation of this matter. This affidavit is based in part upon my conversations with law enforcement agents and others and my examination of reports and records. Because this affidavit is being submitted for the limited purpose of establishing probable cause, it does not include all the facts that I have learned during the course of my investigation. Where the contents of documents and the actions, statements, and conversations of others are reported herein, they are reported in substance and in part, except where otherwise indicated.

2. On or about August 1, 2012, a confidential informant (the "CI") and a law enforcement agent (the "UC") acting in an undercover capacity as a criminal associate of the CI met LIN WU, the defendant, in a parking lot in downtown New York, New York.¹ WU arrived in the parking lot in a gray Toyota minivan with New York license plate number FTX6589 ("Minivan-1").² During that meeting, the following, among other things, occurred:

a. The CI stated that he/she knew the owner of a restaurant who had a lot of money and asked WU whether he had ever committed a home invasion. WU responded that his friends had done so previously and that he would need more information about the home to be robbed, including whether the home had an alarm system, the number of inhabitants in the home, whether the inhabitants included children or the elderly, and when the inhabitants entered and exited the home. WU further stated that it would be better for the inhabitants to be in the home at the time of the home invasion, because the home alarm likely would be turned off. WU stated that he would arrange a team to rob the home.

¹ Agents with HSI have been working with the CI for several years, with the understanding that the CI will be paid should the CI's information and assistance prove useful. Information obtained from the CI while he has been working with HSI has led to numerous arrests and seizures of contraband.

² Upon a search of law enforcement databases, I found that the Minivan is registered to "Lin Wu" at 6319 9th Avenue, Brooklyn, New York. I obtained a photograph of "Lin Wu" from the database. The UC and CI identified the individual depicted in the photograph as LIN WU, the defendant.

b. WU further stated that he would pay the CI 30 percent of any proceeds from the home invasion should those proceeds total between \$200,000 and \$300,000; otherwise, WU would pay the CI a 10 or 15 percent cut of the proceeds.

3. On or about August 31, 2012, the UC and CI met again with LIN WU, the defendant, in the same downtown New York, New York parking lot to discuss the home invasion. WU again arrived in the parking lot in Minivan-1. During that meeting, the following, among other things, occurred:

a. The CI and the UC stated that the wealthy restaurant owner's home was located in Westchester County and that he owned several restaurants in Connecticut. The CI and the UC also stated that the owner collects money from his restaurants every evening and brings the money to his home.

b. WU stated that he would bring four people to perform the home invasion. He stated that one would stay in a car while the remaining three would enter the home. WU further stated that if there is a child in the home, he and his team would "tie up" the child and that "if we hold the kids, the adults won't dare to run."

4. On or about September 19, 2012, the UC called LIN WU, the defendant. During that call, WU stated that he would prepare for the home invasion and meet the UC at a parking lot in Yonkers, New York. Later that same date, WU, XIAO QIN FENG, YI LI, and GUO YANG, the defendants arrived at the Yonkers parking lot in a blue Honda minivan ("Minivan-2") and met the UC. LI was driving Minivan-2. The following occurred:

a. WU and GUO exited Minivan-2 while FENG and LI remained in Minivan-2. The UC stated that the restaurant owner kept a safe in his home and asked WU and GUO what they would do if there was anyone in the home. GUO stated that they would tie them up.

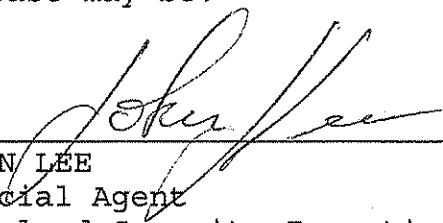
b. Agents arrested WU, FENG, LI, and YANG. Agents searched the minivan and found, among other things, plastic zip ties, two crowbars, rubber gloves, a hammer, a flashlight, and multiple screwdrivers. In addition, FENG had several plastic zip ties in his pants pocket.

5. Upon being advised of his *Miranda* rights, XIAO QIN FENG, the defendant, waived his rights and agreed to speak to agents. He then stated, in substance and in part, that he had been asked by LIN WU, the defendant, the previous day to participate in a home invasion, to which FENG agreed. FENG stated that he met WU and the two other participants in Manhattan

Chinatown and then drove with them to Yonkers. FENG further stated that the plastic zip ties he had on his person were going to be used to restrain any inhabitants in the home.

6. Upon being advised of his *Miranda* rights, YI LI, the defendant, waived his rights and agreed to speak to agents. He then stated, in substance and in part, that LIN WU, the defendant, was the "mastermind" and had contacted him earlier that day about participating in the home invasion. YI LI stated that he picked up LIN WU and the two other individuals in Brooklyn. LI stated that it was going to be his first time participating in a home invasion.

WHEREFORE, deponent respectfully requests that LIN WU, XIAO QIN FENG, YI LI, and GUO YANG, the defendants, be arrested imprisoned, or bailed, as the case may be.



JOHN LEE
Special Agent
Homeland Security Investigations

Sworn to before me this
20th day of September, 2012



HONORABLE GABRIEL W. GORENSTEIN
UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT OF NEW YORK