

Approved: Kaylan E. Lasky  
KAYLAN E. LASKY  
Assistant United States Attorney

Before: HONORABLE DEBRA FREEMAN  
United States Magistrate Judge  
Southern District of New York

20 MAG 5969

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	:	<b><u>COMPLAINT</u></b>
UNITED STATES OF AMERICA	:	
	:	Violations of
- v. -	:	18 U.S.C. §§ 1951,
	:	924(c)(1)(A),
ISMAEL IGARTUA,	:	922(g)(1), 924(a)(2),
a/k/a "Ismeal John,"	:	and 2.
a/k/a "John Igartua," and	:	
JOSE RODRIGUEZ,	:	COUNTY OF OFFENSE:
	:	NEW YORK
Defendants.	:	
	:	
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SOUTHERN DISTRICT OF NEW YORK, ss.:

DETECTIVE NICHOLAS ALBANO, being duly sworn, deposes and says that he is a Detective with the New York Police Department and Federal Bureau of Investigation Joint Major Theft Task Force, and charges as follows:

**COUNT ONE**

(Conspiracy to Commit Hobbs Act Robbery)

1. On or about June 6, 2020, in the Southern District of New York and elsewhere, ISMAEL IGARTUA, a/k/a "Ismeal John," a/k/a "John Igartua," and JOSE RODRIGUEZ, the defendants, and others known and unknown, 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).

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

**COUNT TWO**

(Hobbs Act Robbery)

2. On or about June 6, 2020, in the Southern District of New York and elsewhere, ISMAEL IGARTUA, a/k/a "Ismeal John," a/k/a "John Igartua," and JOSE RODRIGUEZ, the defendants, did knowingly commit robbery, as that term is defined in Title 18, United States Code, Section 1951(b)(1), 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, IGARTUA and RODRIGUEZ robbed at gunpoint a commercial establishment in New York, New York.

(Title 18, United States Code, Sections 1951 and 2.)

**COUNT THREE**

(Use of a Firearm)

3. On or about June 6, 2020, in the Southern District of New York, ISMAEL IGARTUA, a/k/a "Ismeal John," a/k/a "John Igartua," and JOSE RODRIGUEZ, the defendants, during and in relation to a crime of violence for which they may be prosecuted in a court of the United States, namely, the robbery charged in Count Two of this Complaint, knowingly did use and carry firearms, and, in furtherance of such crime, did possess firearms, and did aid and abet the use, carrying, and possession of firearms, one of which was brandished during the robbery charged in Count Two of this Complaint.

(Title 18, United States Code, Sections 924(c)(1)(A)(i),(ii)  
and 2.)

**COUNT FOUR**

(Felon in Possession)

4. On or about June 6, 2020, in the Southern District of New York and elsewhere, ISMAEL IGARTUA, a/k/a "Ismeal John," a/k/a "John Igartua," the defendant, knowing that he had previously been convicted in a court of a crime punishable by imprisonment for a term exceeding one year, knowingly did possess firearms, to wit, a Smith and Wesson .38 revolver, a Smith and Wesson .357 Magnum revolver, and a Raven .25 pistol, and the firearms were in and affecting commerce.

(Title 18, United States Code, Sections 922(g)(1),  
924(a)(2), and 2.)

**COUNT FIVE**

(Felon in Possession)

5. On or about June 6, 2020, in the Southern District of New York and elsewhere, JOSE RODRIGUEZ, the defendant, knowing that he had previously been convicted in a court of a crime punishable by imprisonment for a term exceeding one year, knowingly did possess a firearm, to wit, a Smith and Wesson .38 revolver, and the firearm was in and affecting commerce.

(Title 18, United States Code, Sections 922(g)(1),  
924(a)(2), and 2.)

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

6. I am a Detective with the New York Police Department ("NYPD") and FBI ("FBI") Joint Major Theft Task Force, and I have been involved in the investigation of the above-described offenses. I am familiar with the facts and circumstances set forth below based on my review of pertinent documents and records, including video footage, my conversations with fellow NYPD officers, and my interview of a victim (the "Victim"). Because this affidavit is being submitted for the limited purpose of establishing probable cause, it does not include all of 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.

The Robbery

7. Based on my review of documents and records, body camera footage from other NYPD officers, and surveillance footage recovered from a jewelry store located in New York, New York, around 92<sup>nd</sup> Street between Second Avenue and Third Avenue (the "Jewelry Store"); as well as my discussions with other NYPD officers, who interviewed the Victim after the incident described *infra* (the "Robbery"), I have learned, in substance and in part, the following:

a. On or about June 6, 2020 at approximately 1:26 p.m., two males ("Robber-1" and "Robber-2," or together, the "Robbers"), approached the Jewelry Store and identified themselves, in substance and in part, to the Victim, who is the

owner of the Jewelry Store, as police officers from the 19<sup>th</sup> Precinct. The Victim then pressed a button unlocking the front door to the Jewelry Store, permitting the Robbers to enter.

b. The Robbers were wearing, among other things, medical masks, gloves, and what appeared to be bulletproof vests underneath their clothes, and one of the Robbers was wearing what appeared to be an NYPD detective badge.<sup>1</sup> Additionally, Robber-1 was wearing a dark jacket with a distinctive logo.

c. Around this time, Robber-1 and/or Robber-2 asked the Victim, in substance and in part, whether the Victim had a firearm, and stated, in substance and in part, that due to the looting of commercial establishments presently occurring in New York City, firearms were at risk of being stolen. At the request of Robber-1 and/or Robber-2, the Victim, who was standing behind the counter, provided the Victim's firearm permit (the "Victim Permit") to the Robbers, unloaded his firearm (the "Victim Firearm"), placed the ammunition on the counter, and provided the Victim Firearm to Robber-1.

d. Around this time, Robber-1 reloaded the Victim Firearm with the ammunition and handed the Victim Firearm to Robber-2. Robber-2 pretended to look up information on Robber-2's cellphone, and Robber-1 and/or Robber-2 indicated, in substance and in part, that something was wrong with the Victim Permit and/or Victim Firearm.

e. Around this time, Robber-1 brandished a firearm other than the Victim Firearm, and Robber-1 and/or Robber-2 indicated that the Victim should come out from behind the counter, which the Victim did. Robber-1 attempted to handcuff the Victim, but was unable to do so. Robber-1 then secured the Victim's wrists with a zip tie, and one of the Robbers stated, in substance and in part, "this is a stick-up, motherfucker."

f. Around this time, the Robbers moved the Victim behind the counter again. Robber-1 and/or Robber-2 unsuccessfully attempted to access a cash register. Robber-1 pushed the Victim to the ground and secured the Victim's legs with another zip tie.

g. Around this time, Robber-1 and/or Robber-2 located the key to a safe. The Robbers took jewelry from the safe valued at approximately \$150,000 to \$165,000 (the "Stolen

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<sup>1</sup> The NYPD detective badge and the bulletproof vests were subsequently determined to be fake, *see infra* ¶ 8(c).

Jewelry"), and placed the Stolen Jewelry in approximately two bags, one of which belonged to the Victim (the "Victim Bag"). At various times, Robber-1 pointed a firearm at the Victim, and at one point, Robber-1 hit the Victim with Robber-1's hand.

h. At approximately 1:41 p.m., the Robbers exited the Jewelry Store and fled northbound, taking the Stolen Jewelry with them.

i. After the Robbers fled, the Victim began yelling. Soon after, individuals outside the Jewelry Store who heard and/or observed the Victim called 9-1-1.

j. At approximately 1:53 p.m., NYPD officers arrived at the Jewelry Store. The Victim described the Robbers to the NYPD officers, explaining, among other things, that the Robbers were wearing what appeared to be bulletproof vests, carrying firearms, and impersonating police officers; and the Victim further stated that the Robbers fled north upon exiting the Jewelry Store (the "Victim's Description").

#### The Stop and Identification of the Defendants

8. Based on my discussions with other NYPD officers and my review of documents and records, including body camera footage from other NYPD officers, I have learned, in substance and in part, the following:

a. After the Robbery, NYPD officers canvassed the area around the Jewelry Store for the Robbers, based on, among other things, the Victim's Description. Approximately twenty-one minutes after the Robbers exited the Jewelry Store, in a subway station located approximately a few blocks north of the Jewelry Store (the "Subway Station"), an NYPD officer ("Officer-1") observed a male, later identified as JOSE RODRIGUEZ, the defendant, who, upon seeing Officer-1, began walking in a different direction. Officer-1 then noticed a different male, later identified as ISMAEL IGARTUA, a/k/a "Ismeal John," a/k/a "John Igartua," the defendant, and observed that the defendant was wearing, among other things, a sweaty shirt, what appeared to be a NYPD patch, and what appeared to be a bulletproof vest. Officer-1 and/or his partner ("Officer-2") asked IGARTUA, in substance and in part, to stop because a crime had occurred and the NYPD was gathering information. A different NYPD officer nearby ("Officer-3") asked RODRIGUEZ to stop soon after.

b. Approximately five minutes later, NYPD officers other than Officer-1, Officer-2, and Officer-3 accompanied the Victim to the Subway Station, and asked, in substance and in part, if the Victim recognized IGARTUA and RODRIGUEZ. The Victim, in substance and in part, indicated that IGARTUA and RODRIGUEZ were the Robbers from the Robbery and that the Victim Bag, which RODRIGUEZ was carrying, belonged to the Victim.

c. Thereafter, NYPD officers arrested IGARTUA and RODRIGUEZ. When IGARTUA was searched incident to arrest, NYPD officers discovered a loaded Smith and Wesson .357 Magnum revolver ("IGARTUA Firearm-1"), approximately 32 loose rounds of ammunition, and some jewelry subsequently identified as part of the Stolen Jewelry, inside of a bag that IGARTUA was carrying, as well as a loaded Raven .25 pistol ("IGARTUA Firearm-2"), located in the right back pocket of IGARTUA's pants. When RODRIGUEZ was searched incident to arrest, the NYPD officers discovered the loaded Victim Firearm, which was a Smith and Wesson .38 revolver, as well as some jewelry subsequently identified as a different part of the Stolen Jewelry, in the Victim Bag, which RODRIGUEZ was carrying. Additionally, NYPD officers identified, among other things, what appeared to be a NYPD patch, a NYPD detective badge, and bulletproof vests, all of which were determined to be fake; a pair of handcuffs, and a dark jacket with a distinctive logo.

9. Based on my comparison of surveillance videos recovered from the Jewelry Store with still images of the defendants taken subsequent to arrest, as well as my training and experience and my discussion with other NYPD officers, I believe that Robber-1 is ISMAEL IGARTUA, a/k/a "Ismeal John," a/k/a "John Igartua," the defendant, and Robber-2 is JOSE RODRIGUEZ, the defendant.

#### Additional Investigative Steps

10. Based on public record searches, I learned that a grey Kia sedan with a vehicle plate number ending in 3069 (the "Kia") is registered to ISMAEL IGARTUA, a/k/a "Ismeal John," a/k/a "John Igartua," the defendant, with a home address located in Queens, New York (the "Registration Address").

11. Based on my review of documents and records from law enforcement databases and my conversations with other NYPD officers, I learned that the Registration Address matches the listed address on the driver license of ISMAEL IGARTUA, a/k/a

"Ismeal John," a/k/a "John Igartua," the defendant, which was discovered incident to the arrest of IGARTUA.

12. Based on my review of License Plate Reader records ("LPR") and my participation in this investigation, I learned the following:

a. The Kia traveled from the Bronx into Manhattan, the borough in which the robbery occurred, less than a half-hour before the Robbers entered the Jewelry Store on or about June 6, 2020.

b. The Kia was parked at approximately 89<sup>th</sup> Street between Second Avenue and Third Avenue (the "Kia Location"), a few blocks away from the Jewelry Store, as of at least approximately 9:54 p.m. on or about June 6, 2020.

13. Based on my review of documents and records from law enforcement databases and my conversations with other NYPD officers, I learned that the listed address on the driver license of JOSE RODRIGUEZ, the defendant, which was discovered incident to the arrest of RODRIGUEZ, is located in the Bronx, New York, the borough from which the Kia traveled shortly before arriving in the vicinity of the Jewelry Store.

14. Based on my participation in this investigation, I am aware that, at approximately 5:30 p.m. on or about June 7, 2020, I searched the Kia, at the Kia Location, pursuant to the automobile exception to the Fourth Amendment's warrant requirement. Inside of the Kia, I discovered the following, in substance and in part:

a. A store receipt reflecting a purchase of zip ties on or about June 5, 2020 at approximately 6:47 p.m., located in a box in the trunk.

b. Approximately four zip ties in bags located in the trunk.

c. Approximately two zip ties located in a bag in the floor area behind the driver's seat.

15. Based on my participation in this investigation, my review of documents and records, and my review of surveillance footage recovered from the Jewelry Store, I believe that the zip ties discovered in the Kia are of the same type as the zip ties used by the Robbers during the Robbery.

16. Based on my discussions with other NYPD officers, I have learned that IGARTUA Firearm-1, IGARTUA Firearm-2 and the Victim Firearm were loaded with live ammunition, and, based on my training and experience, were operable.

17. As part of my investigation, I have been informed by an agent of the United States Bureau of Alcohol, Tobacco, Firearms, and Explosives, who has expertise concerning the manufacturing of firearms, that IGARTUA Firearm-1, IGARTUA Firearm-2, and the Victim Firearm were manufactured outside of the State of New York.

18. I have reviewed a criminal history report pertaining to ISMAEL IGARTUA, a/k/a "Ismeal John," a/k/a "John Igartua," the defendant, from which I have learned that, on or about June 24, 1988, IGARTUA was convicted, after a trial, in New York County Supreme Court of, among other things, Burglary in the First Degree, a felony, in violation of New York Penal Law 140.30. Based on my training and experience, I am aware that this crime is punishable by a term of imprisonment that may exceed one year.

19. I have reviewed a criminal history report pertaining to JOSE RODRIGUEZ, the defendant, from which I have learned that, on or about September 29, 1988, RODRIGUEZ pleaded guilty in New York County Supreme Court to Attempted Burglary in the Second Degree, a felony, in violation of New York Penal Law 140.25. Based on my training and experience, I am aware that this crime is punishable by a term of imprisonment that may exceed one year.


20. Based on my interview of the Victim on or about June 6, 2020, I am aware that certain of the items that the Jewelry Store offers for sale move in interstate commerce.



WHEREFORE, the deponent respectfully requests that ISMAEL IGARTUA, a/k/a "Ismeal John," a/k/a "John Igartua," and JOSE RODRIGUEZ, the defendants, be imprisoned or bailed, as the case may be.

s/Nicholas Albano, by the Court, with permission  
NICHOLAS ALBANO  
New York Police Department and  
Federal Bureau of Investigation Joint  
Major Theft Task Force

Sworn to me through reliable  
electronic means this  
8th day of June 2020 (via telephone)

  
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HONORABLE DEBRA FREEMAN  
United States Magistrate Judge  
Southern District of New York