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Sorry for arrest? Nope, FBI says

Agents say they did no wrong and owe no apology to former "Waddling Bandit" suspect

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TILLAMOOK -- The FBI professed no regrets Wednesday with its handling of the "Waddling Bandit" case, arguing there was nothing wrong with arresting, charging and jailing Tillamook retiree Robert A. Christie in a two-year string of bank robberies based mostly on photo evidence.

"If I thought the FBI didn't follow the rules, then I think we'd issue him an apology," said Dan Nielsen, assistant special agent in charge of the bureau's Portland field office. "Did the guy do it or not?" he asked with a shrug. "I don't know."

That struck the 71-year-old Christie and some of his supporters Wednesday as absurd, given the turnaround in the case.

Many expressed frustration the government could arrest Christie, charge him with bank robbery, jail him for 10 days, search his home, then tether him to an electronic monitoring bracelet -- all, apparently, because his photo looked like the robber's.

It's a rare day when the FBI files a criminal complaint in such a high-profile case in Oregon and Washington, actually arrests a suspect and then dismisses the charge, said Ken Lerner, who has spent the past 27 years as a criminal defense lawyer.

"Sounds like the Mayfield case all over again," he said, referring to the Portland-area lawyer the FBI wrongly detained after a botched fingerprint analysis linked him to the March 2004 bombing of the Madrid, Spain, subway.

The bureau eventually apologized to Mayfield, and the government paid a \$2 million civil judgment to his family. The FBI has offered nothing of the kind to Christie, a former high school math and finance teacher.

The bank robbery charge filed against him in an Oct. 26 criminal complaint was dropped Friday. That came after Christie's attorney produced evidence -- obtained under subpoena -- showing Christie was making stock transactions over the phone at the time of the lone robbery for which he was formally charged, an Oct. 16 heist of a Bank of America branch in Albany. The FBI also considered him a suspect in 19 other robberies in Oregon and Washington over the past two years.

Nielsen described the new information as "exculpatory evidence" that caused Assistant U.S. Attorney Frank Papagni to dismiss the charge against Christie.

The FBI supervisor said some of the evidence collected during the serial bank robbery investigation pointed toward Christie, while other evidence pointed away from him. But Nielsen declined to provide any details, saying he didn't want his comments to compromise an ongoing investigation.

"I would have hoped that they would have admitted they made an honest mistake with Mr. Christie," said his Eugene lawyer, Terri Wood. "They had a similarity of appearance -- and that's it. But apparently they're not that forthright.

"Hopefully, they'll catch the right guy," Wood said. "And then they'll say Mr. Christie is innocent."

Dennis Christie, the former suspect's 45-year-old son, said he believes the FBI could have cleared his father much more quickly by checking his phone and credit card records to see if he could have been in the cities when and where the robberies took place.

"I mean, they're the FBI, right?" said Christie, who had pledged his house and a \$500,000 security to bail his father out of jail. "You see these TV shows, you get a mighty high impression of the FBI. . . . You see them do all this forensic science. They can get a guy on a toothpick left at the wrong place, and then you get something like this."

"We followed evidence"

Nielsen said that at least initially, the FBI team investigating the robberies sought evidence that Christie was guilty of the crimes, not evidence showing he wasn't.

"One of the tools that neither the FBI nor any law enforcement agency has ever been issued is a crystal ball," Nielsen said. "What we did is, we followed the evidence."

An FBI affidavit used to charge Christie in the Albany holdup noted that the robber -- whom they nicknamed the "Waddling Bandit," for his distinctive side-to-side gait -- wore a hat, often a floppy, fishing-style one, in all of the heists.

Leads pointed to Christie about a week after the Albany holdup, when a citizen phoned police and told them a bank surveillance photo he'd seen in a newspaper looked like a guy who played poker at Chinook Winds Casino in Lincoln City.

Security officials at the casino provided investigators with photos of the man.

"I have reviewed the bank robbery surveillance photos and the photos from Chinook Winds Casino," FBI Special Agent Timothy W. Suttles wrote in his Oct. 26 affidavit. "Both sets of photos appear to be the same man, further identified as Robert A. Christie."

Suttles also looked at a copy of Christie's driver's license photo, noting that both Christie and the robber had a distinct line running vertically through their right cheeks. The agent also noted that bank tellers described the robber as being about 6 feet and heavyset, and Christie's drivers license listed him as 6 feet and 270 pounds.

This was the evidence that U.S. Magistrate Judge Thomas M. Coffin used to sign a criminal complaint the following afternoon charging Christie with the Albany heist, according to Assistant U.S. Attorney Kent Robinson. Christie was arrested soon afterward as he drove home with the family's Newfoundland after an afternoon playing cards at a La Center casino.

Family comes to defense

With his arrest, Christie's family went into defense mode. His adult children tracked down the dates of the robberies from the FBI's Web site. Then his wife, Joan, began calling police departments in Oregon and Washington, asking what time the crimes took place. For 50 days, she jotted the answers in a small spiral notebook with blue and white daisies on the cover.

Early on, she turned to son Dennis for help.

"I called him up and said, 'Dennis, we have to do something. I've done all I can,' " she said Wednesday, sitting in a blue striped recliner in the couple's comfortable ranch house on a 140-acre Tillamook spread.

When Robert Christie made bail after 10 days behind bars, he was confined to the house for all but two hours a day.

He said he used tips from fellow inmates in Clark, Linn and Multnomah county jails to find a good attorney. His handyman provided the name of a cousin who works as a private investigator. Christie called and asked the man to find him the best lawyer for the job. Five hours later, he had Wood's name.

"I'm a cheap bugger," said Christie, who had already paid a \$75,000 retainer to Tillamook attorney Michael R. Levine. Wood would do the work for far less, and the family trusted her reputation.

With her help, they quickly compiled alibis for as many as 12 of the 20 bank robberies, including a deposit slip and security tape from a bank branch in Tillamook 90 minutes before and 106 miles from a Sept. 28 holdup in Springfield.

The attorney and her investigator also uncovered seven AmeriTrade transactions made from Christie's home in Tillamook on mornings when the Waddling Bandit struck in other towns across the region.

Wood outlined this progress in a Nov. 29 letter to Papagni, the chief prosecutor in the case.

"It is our hope that the FBI investigation, and the materials provided by the defense to date, will eliminate the need for additional defense investigation," she wrote.

Missing front teeth

The attorney did not point out one of the most striking differences between Christie and the Waddler: the upper row of Christie's teeth, which were knocked out in September 2006. As the robberies continued through last fall and winter, bank tellers who described the robber's appearance and mannerisms in detail never made mention of missing front teeth.

"They said, 'We have somebody who says he looks like him,' " Joan Christie said, gazing at her husband, sitting in an identical tan lounge with the massive dog, Alex, lolling at his feet. "I never saw the resemblance: He doesn't have a dimple in his chin, his lips are shaped different, his shoulders aren't shaped at a slope -- he just didn't look anything like the man in the bank photos."

Christie didn't think so, either. And he was angered to think that checks and balances he always assumed protected innocent people failed him.

Convicted serial killer "Ward Weaver killed two girls, and they still couldn't search his house," Christie said, indignantly. "The detective, Stutter, should not have asked the judge anything before he did some investigating. The judge, Coffin, rubber-stamped it. That was two steps, and it was automatic.

"From there on, your only out is an expensive attorney. And I am lucky I could afford one to scrape through."

Even after he was released from jail with the wrist bracelet for monitoring, Christie said, he remained nervous and worried.

Storm wreaks havoc

When a powerful storm whipped across the coast earlier this month, it knocked out power and telephone lines. For his neighbors, that meant surviving chilly nights and severed contact with loved ones far away. For Christie, it also meant enduring an electronic monitoring system working on backup batteries that barked commands over and over: "Hang up the phone! Hang up the phone!"

"I was scared," he said. "I kept waiting for the police to come back here because there was no way to monitor me. I couldn't reach them, and they couldn't reach me."

He speaks with little emotion about the past two months. Mostly, he sounds disillusioned. His was a serious case, managed in what he considers a sloppy manner.

But the FBI wouldn't have done it any other way.

Considering the evidence it had and the gravity of the case -- a string of violent crimes in two states -- the agency moved quickly to arrest Christie and attempt to collect further evidence linking him to one or more of the bank robberies, said Nielsen, the FBI supervisor.

Had his agents been working a white-collar crime case with no hint of violence, Nielsen said, they might have had the luxury of being more deliberate before making an arrest. But the public would have come down hard on the bureau if it failed to take an armed suspect into custody who later killed a bank teller or customer, he said.

As for evidence collected before or since Christie's arrest in the string of robberies, Nielsen declined to comment, saying the cases were still under investigation.

"There's somebody out there," he said, "we'd still like to arrest in this case."

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Arrest ordeal leaves man full of doubts about justice system

By Bill Bishop The Register-Guard

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Records of phone calls and stock trades, a bank surveillance camera and long work by private investigators persuaded federal prosecutors to drop charges against the 71-year-old Tillamook man falsely accused of being the “Waddling Bandit.”

Once investigators saw proof that Robert Christie was innocent, they dropped the case. And, in following the evidence that led to Christie’s arrest, they did nothing wrong, an FBI supervisor said Wednesday.

But it cost Christie, a retired math teacher with no criminal record, more than \$20,000 and took a full month of work by his lawyer and a private investigator to put together the truth.

Now free, Christie says he isn’t letting the experience ruin his life, but he admits it left him with a bitter taste for the FBI for using skimpy evidence, and for the federal judiciary for rubber stamping the investigation.

“I’m not going to dwell on it, let it affect me,” Christie said Wednesday, speaking by phone from his 140-acre farm five days after his release.

“I know you’ve got to have the FBI. But you can damn well change the people that run it, be a little more concerned about the presumption of innocence and treating people like people. There was none of that in my case,” he said.

From the moment Christie hired her, Eugene lawyer Terri Wood knew it would take more than eyewitness evidence to prove that Christie was somewhere else at the time of about 20 robberies for which he was a suspect in two states over two years.

“I was focused on giving them document-type evidence: phone records, bank records, credit card receipts,” Wood said. She and investigator Mike Olsen began backtracking Christie. Wood said it turned out to be “a considerable amount of work.”

They found that he was on the phone buying and selling stocks on Oct. 16, when the “Waddling Bandit” robbed a bank in Albany — the robbery cited in court documents that brought Christie’s arrest on Oct. 26, followed by 10 days in jail before his release for a month on house arrest.

They found that Christie had greeted visitors at his Tillamook home just 90 minutes after another robbery in far-off Springfield on Sept. 28.

A bank surveillance camera photographed Christie making a deposit at a Tillamook-area bank about the same time a surveillance camera in another bank was recording another robbery by the “Waddling Bandit.”

Another of the robberies happened nine days after a Feb. 17 car wreck left Christie

bedridden for a week. On the day of that robbery, Christie had just had stitches removed from his eye and still had bruises on his face from the air bag — none of which showed up in bank photos of the robbery suspect.

Christie said his own teeth — all five of them — should have been enough. His five implants must be in place for months before bridges can be installed to complete his dental work. Yet, recent photos of the “Waddling Bandit” show the real robber has teeth, he said.

Seizing on a tip generated by a \$10,000 reward offer, the FBI compared Christie’s driver’s license photo with surveillance photos. They sought a search warrant on that evidence, and on the suspicion that he had a gambling problem because he regularly plays hold ’em for \$40 and \$50 buy-ins, Christie said.

No judge should have allowed a search with so little evidence of his involvement, Christie said.

“It’s quite a shock. It certainly alters your opinion of the people in charge of the justice system,” he says. “My freedom was thrown out the window. It could happen to you. I hadn’t heard of these robberies. I didn’t know there was a ‘Waddling Bandit.’ ”

Christie said he deserves more than an apology from the FBI, but he doesn’t expect to get a sincere one if he has to ask for it.

The FBI won’t be offering any, Assistant Special Agent in Charge Dan Nielsen said Wednesday.

“What I can’t say is the FBI did anything wrong. We followed the evidence. That’s what the public expects the FBI to do,” Nielsen said.

Because people can be hurt in bank robberies, investigators could not risk leaving a suspect at large long enough to develop the complete evidence, he said. Agents broke no laws or policies in the way they gathered evidence, he added.

“Does that mean they had a crystal ball? I don’t think we have perfect evidence in any trial. I don’t think that exists,” Nielson said.

Wood said the case is a lesson in the weakness of using solely eyewitness testimony to identify a suspect. “Particularly in robbery cases that involve eyewitness testimony, the risk of someone being falsely accused and convicted is very real,” Wood said. “You would like to believe that the government has the integrity to — when it has made a mistake — apologize to one of its citizens. Mr. Christie has gone through a lot.”

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