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Approved: 
SCOTT A. HARTMAN / DANIEL FILOR
Assistant United States Attorney

Before: HONORABLE PAUL E. DAVISON
United States Magistrate Judge
Southern District of New York

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UNITED STATES OF AMERICA	:	<u>COMPLAINT</u>
	:	
- v. -	:	Violations of
	:	21 U.S.C. §§ 812, 841,
THOMAS J. SUPPA,	:	846
a/k/a "GUS,"	:	
	:	COUNTY OF OFFENSE:
Defendant.	:	WESTCHESTER
----- X	:	
SOUTHERN DISTRICT OF NEW YORK, ss.:	:	

KARMA M. SMITH, being duly sworn, deposes and says that she is a Special Agent with the Federal Bureau of Investigation ("FBI") and charges as follows:

COUNT ONE

From at least in or about 2010, up to and including on or about July 24, 2013, in the Southern District of New York and elsewhere, THOMAS J. SUPPA, a/k/a "GUS," the defendant, and others known and unknown, intentionally and knowingly combined, conspired, confederated, and agreed together and with each other to violate the narcotics laws of the United States. It was a part and an object of the conspiracy that THOMAS J. SUPPA, a/k/a "GUS," the defendant, and others known and unknown, unlawfully, intentionally, and knowingly would and did distribute and possess with intent to distribute controlled substances, in violation of Title 21 United States Code § 841(a)(1). The controlled substances involved in the offense were (1) 280 grams and more of mixtures and substances containing a detectable amount of cocaine base, commonly known as "crack," and (2) mixtures and substances containing a detectable amount of cocaine, in violation of Title 21 United States Code §§ 812, 841(a), and 841(b)(1)(A).

OVERT ACTS

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 and elsewhere:

- a. On or about May 6, 2013, in Yonkers, New York, THOMAS J. SUPPA, a/k/a "GUS," the defendant, met with another individual and in exchange for \$1,900 gave the individual approximately 34 grams of cocaine base.
- b. On or about June 27, 2013, in Yonkers, New York, a co-conspirator not identified as a defendant herein ("CC-1"), met with another individual and in exchange for \$2,450 gave approximately 40 grams of cocaine base and approximately 3 grams of powder cocaine.
- c. On or about July 17, 2013, in Yonkers, New York, THOMAS J. SUPPA, a/k/a "GUS," the defendant, met with another individual and in exchange for \$1,375 gave the individual approximately 25 grams of a substance purported to be cocaine base.

(Title 21, United States Code, Section 846.)

COUNT TWO

On or about May 6, 2013, in the Southern District of New York, THOMAS J. SUPPA, a/k/a "GUS," the defendant, intentionally and knowingly did distribute and possess with the intent to distribute approximately 34 grams and more of mixtures and substances containing a detectable amount of cocaine base, commonly known as "crack," in violation of Title 21 United States Code §§ 812, 841(a), and 841(b)(1)(B).

(Title 21, United States Code, Sections 812 and 841.)

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

1. I have been a Special Agent with the FBI for approximately 11 years. I have participated in numerous investigations of federal crimes, including unlawful drug trafficking, firearms offenses, and acts of violence and, among other things, have conducted or participated in surveillance,

the execution of search warrants, debriefings of informants, reviews of taped conversations and drug records, and have participated in investigations that included the interception of wire communications. Through my training, education and experience, I have become familiar with the manner in which illegal drugs are transported, stored, and distributed, the methods of payment for such drugs, and the lingo and coded language used by narcotics traffickers. I have also become familiar with the ways that narcotics traffickers protect their business through possessing and using firearms, as well as through acts of violence.

2. I have personally participated in the investigation set forth below. I am familiar with the facts and circumstances of the investigation through my personal participation; from discussions with agents and officers of the FBI, as well as other law enforcement agents, including officers and agents who are members of the Westchester County Violent Crimes Task Force (the "Task Force"), which investigates, among other things, gang and drug activity in Westchester, Rockland, and Putnam Counties in the Southern District of New York; and from my review of records and reports relating to the investigation. Unless otherwise noted herein, wherever I assert that a statement was made, the information was provided by another law enforcement officer involved in this investigation or witness who may have had either direct or hearsay knowledge of that statement and to whom I or others have spoken or whose reports I have read and reviewed. Such statements are among many statements made by others and are stated in substance and in part unless otherwise indicated. Likewise, information resulting from surveillance sets forth either my personal observations or information provided directly or indirectly through other law enforcement officers who conducted such surveillance. Because this affidavit is being submitted for the limited purpose of establishing probable cause, I have not included details of every aspect of the 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 Investigation

3. Since in or about April 2013, the Task Force has been conducting an investigation into narcotics distribution and other criminal activity in and around Hoover Road in Yonkers, New York.

4. I have reviewed the report of an undercover officer working with the Task Force ("UC-1") regarding a controlled purchase of cocaine base, commonly known as "crack" or "crack cocaine," by UC-1 on or about May 6, 2013 (the "May 6 Purchase"). Based on my review of this report, on know the following:

a. On or about May 6, 2013, UC-1 made arrangements to meet an individual known to him as "GUS," later identified as THOMAS J. SUPPA ("SUPPA"), a/k/a "GUS," the defendant, at a location in Yonkers for the purpose of purchasing crack cocaine.

b. Soon after arriving at the designated location, UC-1 observed SUPPA approach him driving a dark Hyundai Accent (the "Hyundai"). UC-1 entered the Hyundai, after which SUPPA handed UC-1 a clear plastic bag containing a white chunky substance. UC-1 then handed SUPPA \$1900 in pre-recorded buy money. Prerecorded buy money is United States currency that law enforcement either photocopies or records the serial numbers of in order to track the monies following a transaction.

5. I conducted visual surveillance during the May 6 Purchase, as did other law enforcement officers. Our observations were consistent with the facts as described by UC-1 in his report. On the basis of my surveillance of the individual known to UC-1 as "GUS," my review of criminal history records and photographs maintained in law enforcement databases, and my conversations with UC-1, I have confirmed that the individual known to UC-1 as "GUS" is in fact THOMAS J. SUPPA, the defendant.

6. I have reviewed a laboratory report prepared by a technician working in the Forensic Science Laboratory for the City of Yonkers Police Department. That report indicates that the substance that THOMAS J. SUPPA, a/k/a "GUS," the defendant, provided to UC-1 during the May 6 Purchase tested positive for the presence of cocaine base, and the weight of the substance was measured to be more than 34 grams.

7. Based on my discussions with UC-1 and my review of a report written by UC-1, I have learned the following:

a. On or about June 24, 2013, UC-1 contacted THOMAS J. SUPPA, a/k/a "GUS," the defendant, and made arrangements to purchase additional narcotics. In subsequent communications with UC-1, SUPPA explained that he was leaving town but would make arrangements for UC-1 to purchase narcotics from a co-

conspirator. UC-1 agreed that he would meet CC-1, the co-conspirator, on June 27, 2013, to make the purchase.

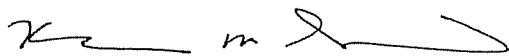
b. On June 27, 2013, UC-1 met with CC-1 in Yonkers and in exchange for \$2,450 purchased over 40 grams of a chunky substance that tested positive for the presence of crack cocaine, and approximately 3 grams of a powdery substance that tested positive for cocaine.

c. On or about July 17, 2013, UC-1 spoke with SUPPA and made arrangements to purchase additional narcotics. On July 17, 2013, UC-1 met with SUPPA in Yonkers and in exchange for \$1375 purchased approximately 25 grams of a chunky substance, purported to be crack cocaine. According to UC-1, the substance field tested positive for the presence of cocaine.

d. During the course of his dealings with UC-1, SUPPA, at various times, stated that he sells "hard" and "soft" cocaine; he cooks cocaine into crack cocaine and could teach UC-1 how to cook crack cocaine; he has been selling cocaine all his life; and that he could get "anything he wants" to sell to UC-1.

8. Based on probable cause to believe THOMAS J. SUPPA, a/k/a "GUS," the defendant, had violated the narcotics laws as described above, on July 24, 2013, I and other law enforcement officers arrested SUPPA. At the time of his arrest, SUPPA was in possession of approximately 60 grams of a substance that he reported to be crack cocaine. After being read his Miranda warnings on July 24, 2013, SUPPA agreed to waive his rights. SUPPA stated, in substance and in part, that (1) from 2009 or 2010 until approximately April 2013, he had been purchasing approximately 10 to 20 grams of crack cocaine every one-to-two weeks in order to sell it, and (2) for the past three-to-four months, he had been purchasing between 40 and 60 grams of crack cocaine on a weekly or more frequent basis in order to sell it.

WHEREFORE, deponent respectfully requests that THOMAS J. SUPPA, a/k/a "GUS," the defendant, be imprisoned or bailed, as the case may be.



KARMA M. SMITH
Special Agent
Federal Bureau of Investigation

Sworn to before me this
25th day of July, 2013

HONORABLE PAUL E. DAVISON
UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT OF NEW YORK