

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA : CRIMINAL COMPLAINT

v. :

DAVID WAX and : Mag. No. 11-2525 (DEA)
JUDY WAX :

I, Bruce D. Kamerman, being duly sworn, state the following is true and correct to the best of my knowledge and belief:

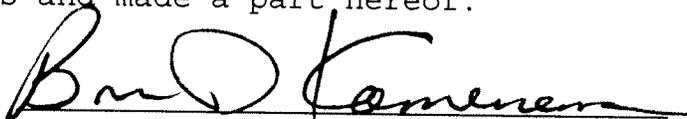
SEE ATTACHMENT A

in violation of Title 18, United States Code, Section 1201(a)(1), Title 18, United States Code, Section 875(c), and Title 18, United States Code, Section 2.

I further state that I am a Special Agent with the Federal Bureau of Investigation and that this complaint is based on the following facts:

SEE ATTACHMENT B

continued on the attached pages and made a part hereof.

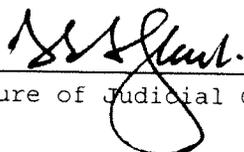


Bruce D. Kamerman
Special Agent
Federal Bureau of Investigation

Sworn to before me and subscribed in my presence,

May 27th, 2011 at Trenton, New Jersey

HONORABLE DOUGLAS E. ARPERT
UNITED STATES MAGISTRATE JUDGE



Signature of Judicial Officer

ATTACHMENT A

COUNT ONE

From on or about October 16, 2010 to on or about October 17, 2010, in Ocean County, in the District of New Jersey and elsewhere, defendants

DAVID WAX and JUDY WAX

did unlawfully seize, confine, inveigle, decoy, kidnap, abduct, and carry away and hold for ransom and reward and otherwise any person, namely, Y.M.B., and did willfully transport Y.M.B. in interstate commerce, namely from New York to New Jersey, and from New Jersey to New York.

In violation of Title 18, United States Code, Section 1201 and Title 18, United States Code, Section 2.

COUNT TWO

On or about October 17, 2010, in Ocean County, in the District of New Jersey and elsewhere, defendant

DAVID WAX

did knowingly transmit in interstate and foreign commerce from the State of New Jersey to the Nation of Israel, a telephonic communication to M.Z.B., and the communication contained a threat to kidnap and injure Y.M.B. unless M.Z.B. paid \$100,000 to the family of C.D.S.

In violation of Title 18, United States Code, Section 875(c) and Title 18, United States Code, Section 2.

ATTACHMENT B

I, Bruce D. Kamerman, am a Special Agent of the Federal Bureau of Investigation presently assigned to the Newark Division, Red Bank Resident Agency. I have personally participated in this investigation and am aware of the facts contained herein based upon my own investigation as well as information provided to me by other law enforcement officers. Since this Affidavit is submitted for the sole purpose of establishing probable cause to support the issuance of a complaint, I have not necessarily included each and every fact known by the government concerning this investigation. Except as otherwise indicated, the actions, conversations, and statements of others identified in this affidavit are reported in substance and in part.

1. Defendants David Wax and Judy Wax are husband and wife and reside in Lakewood, New Jersey.
2. Y.M.B., the alleged victim of this offense (hereinafter referred to as Y.M.B. or "the victim"), is a citizen of the Nation of Israel and presently resides in the United States.
3. M.Z.B. is the father of the victim and is a citizen of the Nation of Israel. M.Z.B. presently resides in the Nation of Israel.
4. C.D.S. is the former wife of the victim. C.D.S. is a citizen of the Nation of Israel and presently resides in the Nation of Israel.

5. The Federal Bureau of Investigation ("FBI") and the Lakewood Police Department have been investigating the kidnapping of Y.M.B. and related offenses since October 2010. In furtherance of that investigation, the officers have reviewed an audio recording of a conversation that occurred on October 17, 2010 between David Wax and M.Z.B., interviewed people with knowledge of the events that occurred at that time, conducted a search warrant at the home of David and Judy Wax, reviewed medical records of the victim, reviewed travel records of individuals involved in the kidnapping and related offenses, and have reviewed telephone records relating to the events described.
6. The victim and C.D.S. were engaged in a contested divorce and custody issues in a Rabbinical Court in the Nation of Israel. During the course of those proceedings, the victim moved from the Nation of Israel to the United States. The victim refused to give consent for the divorce, which under Rabbinical law, would permit C.D.S. to remarry. This consent is commonly referred to as a "Get."
7. The victim was interviewed by law enforcement on October 19, 2010. He provided the following information:
 - a. On Saturday night October 16, 2010, after the Sabbath, the victim traveled from New York to Lakewood by bus. While in route, the victim received a call from David Wax asking the victim to accept a ride from David Wax's associate, G.B. The

victim insisted that he was on the bus and did not need a ride. The victim understood the purpose of the meeting to be further discussion between Wax and the victim regarding work the victim was doing with Wax on Wax's Talmudic books. When the victim arrived at the Wax home at approximately 12:00 a.m. on October 17, 2010, both David and Judy Wax were present. Shortly after arriving at the Wax home, the victim was led to a second floor bedroom by David Wax; the victim thought that they were going to start the planned meeting. Instead, Wax ushered the victim into a bedroom at the top of the stairs. After the victim walked through the door of the bedroom, two unidentified males grabbed the victim from behind, jumped on him, and punched him in the face. The victim was handcuffed, blindfolded and his legs and arms were bound. The victim was positioned face down on the floor and his personal belongings were taken from him. The victim identified a voice speaking during the assault as that of David Wax.

b. The attackers spoke of the victim divorcing his wife and told the victim that he will give the divorce without receiving custody of his children. At one point, the victim stated that Wax picked up the victim's head allowing the victim to see Wax from under the blindfold at which time Wax was wearing a white cowboy hat and asked the victim "do you like my hat" then started kicking the victim in the ribs. The victim was shown a body bag and told that if he did not comply that he would be

buried alive in the Pocono Mountains. A dark colored body bag was brought into the room and laid on the victim by Wax who stated "for you to get used to the size."

c. The victim stated that the assault lasted for multiple hours and that he was threatened repeatedly and forced to verbally consent to a "Get" which is a divorce under Orthodox Jewish law. The victim stated that his attackers went through the divorce process and made him answer the questions with the responses they wanted. Within the first half an hour of the attack, the victim gave verbal consent to the divorce. While he was beaten and interrogated, one of the attackers stated to the victim that "this" was revenge because C.D.S., the victim's former wife, was angry that the divorce was delayed.

d. The victim heard David Wax's voice and the voice of at least two other males during the beating and attack. The first punch that the victim received was not from Wax, but Wax was the main person for questioning and violence. The victim was asked to raise his voice and consent to the divorce over and over again. The victim was told what to say word for word in English and in Hebrew.

e. The victim was told that he would be taken out of the house and that the attackers wanted M.Z.B., the victim's father, to pay C.D.S.'s family and if M.Z.B. cooperated, the victim would be freed. If not, M.Z.B. would not see the victim again and M.Z.B. would get a bullet. The victim was then taken

down the stairs of the Wax home and outside via the side door of the house where the handcuffs were removed and the attackers (all but Wax) left in a van.

f. Wax called for a taxi. When the taxi arrived, Wax instructed the victim to pay for the taxi but the victim's money had not been returned to him. Wax then told the victim to withdraw \$800 from the ATM at Sovereign Bank in Lakewood. The taxi drove David Wax and the victim to the Sovereign Bank in Lakewood. However, the victim was unable to retrieve money from the ATM machine.

8. A review by law enforcement of the surveillance camera images from the Sovereign Bank in Lakewood revealed images of the victim at the ATM machine, with a taxi in the background.
9. Records received by law enforcement from Latino Express Taxi in Lakewood, New Jersey confirmed the pick-up at the Wax home at approximately 3:00 a.m. on October 17, 2010.
10. The victim further stated the following:
 - a. The victim stated that Wax paid the taxi driver and the taxi started toward New York. The taxi driver told Wax that a car was following them to which Wax replied that he was aware. During the kidnapping, David Wax told the victim that he had an Italian team in a follow-car that would take the victim to the Poconos and bury him alive. The victim did not think that

escape was an option based on David Wax's threats and that there was a car following them.

11. While in the taxi, Wax forced the victim to place a call to M.Z.B., the victim's father in Israel. M.Z.B. recorded the audio of this telephone call. During this call, Wax told M.Z.B. that "[Y.M.B., the victim] already gave a divorce." Wax also told M.Z.B. that "they know where you are at every second ... at Heimish two days ago at quarter to six [referring to a location where M.Z.B. had been two days earlier indicating that Wax and his associates were maintaining surveillance on M.Z.B.]. They know everything. For you there's a special gift. It's called a bullet ... in your head. I'm helping [Y.M.B., the victim] and I'm saving him, because between us they didn't want to give a divorce. They wanted to give him to mice in the mountains to eat him. But that's all over. [inaudible] got what she deserves. There's a rich guy here who works with the Yeshiva, the Jewish Press, and he was there. Now like this ... listen...listen well. If they don't hear that you sent \$100,000 to [C.D.S., the victim's former wife's] family ... you have two hours ... I'm telling you ... two hours on the clock." During much of the call, M.Z.B. asked Wax what he could do because M.Z.B. didn't have that kind of money to come up with. As the call continued, Wax stated "[The victim's dad] ... a dad can't give a divorce ... only

money." Wax continued "do you want a funeral or a divorce?" The call concluded with Wax stating "Listen, listen, listen good. You have ... you a phone. I will call you in an hour ... in an hour. Life ...it's your son's life [inaudible] thousand dollars in dollars to their family for the sorrow. I will talk to these people in order to end this matter here and there. Period. Bye." Nevertheless, the victim was released on October 17, 2010.

12. A review of call detail records from calling card calls placed from David Wax's cellular telephone confirmed an approximately 18 minute call from David Wax's cellular telephone to M.Z.B. at 4:11 a.m. on October 17, 2010.
13. The victim further stated to law enforcement that at some point during the travel, the victim was transferred from the taxi to the Wax's vehicle which was driven by Judy Wax. The victim sat in the back seat and David Wax sat in the front passenger seat. The victim was told that he was going to be driven to New York and dropped off. The victim was still in fear for his life and asked to be released right there. David and Judy Wax did not comply. During this drive, David Wax told the victim not to go to the police or that they would kill him or the victim's father and that the victim should not return to Lakewood. Wax also told the victim that he should not tell anyone the divorce was forced.

14. The victim gave Wax, the victim's cousin's address in Brooklyn where the victim had been staying. The victim was driven to his cousin's house by Judy Wax. David and Judy Wax waited outside in the car for the victim to go into the house.
15. On October 19, 2010, search warrants were authorized for the Wax home and a 2004 Chevrolet Van, the Wax's car. These search warrants were authorized by the Honorable Stephanie Wauters, J.S.C., Ocean County. Among the items of note were the following: a white cowboy hat on the floor of the master bathroom; the bedroom carpet had no signs of blood but there was a presence of green carpet fibers and it did not appear to be from the current carpet; an invoice from Step on Me Carpet & Flooring. The invoice indicated that an installation was done at the Wax home in the master bedroom, in the name of David Wax, on October 17, 2010 for \$1,311.10, paid part in cash and part in a check with Judy Wax's name on it.
16. On October 20, 2010, law enforcement contacted an employee of Step on Me Flooring and Carpet. This employee stated the following. He received a call on October 17, 2010 to do an installation at the Wax home in Lakewood. The call came from someone who identified himself as David Wax. This employee informed the caller that they do not do installations on Sundays. The caller stated that he really

needed it done and would pay extra. This employee arranged for the installation to be done by Jim's Carpeting. The new carpet was installed in the same room where the victim stated the beating took place.

17. A review of travel records for C.D.S., the victim's former wife, reveals that she arrived at Newark Liberty International Airport from Tel Aviv, Israel on El Al Airline on October 15, 2010 and departed John F. Kennedy International Airport on October 18, 2010 for Tel Aviv, Israel.
18. A review of David Wax's cellular telephone records details approximately five calls between October 17, 2010 and October 19, 2010 to or from his cellular telephone and a telephone number known to the victim to be a telephone number associated with C.D.S. and her family in Israel.