
UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA

v.

JOSEPH A. GIORGIANNI,
a/k/a "JoJo,"
MARY MANFREDO,
ANTHONY DIMATTEO,
RALPH DIMATTEO, SR.,
GIUSEPPE SCORDATO,
a/k/a "Joe,"
a/k/a "Joey,"
CAROL KOUNITZ,
STEPHANIE LIMA,
MARK BETHEA, and
EUGENE BROWN,
a/k/a "Raheem"

CRIMINAL COMPLAINT

Mag. No. 12-2574 (DEA)


I, Michael Doyle, being duly sworn, state the following is true and correct to the best of my knowledge and belief:

SEE ATTACHMENT A

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

SEE ATTACHMENT B

continued on the attached page and made a part hereof.


Michael Doyle, Special Agent
Federal Bureau of Investigation

Sworn to before me and subscribed in my presence,
September 4, 2012 at Trenton, New Jersey

HONORABLE DOUGLAS E. ARPERT
UNITED STATES MAGISTRATE JUDGE


Signature of Judicial Officer

ATTACHMENT A

Count 1

(Conspiracy to Distribute Oxycodone)

From in or about May 2011 to in or about July 2012, in Mercer, Essex and Atlantic Counties, in the District of New Jersey and elsewhere, defendants

JOSEPH A. GIORGIANNI,
a/k/a "JoJo,"
MARY MANFREDO,
ANTHONY DIMATTEO,
RALPH DIMATTEO, SR.,
GIUSEPPE SCORDATO,
a/k/a "Joe,"
a/k/a "Joey,"
CAROL KOUNITZ,
STEPHANIE LIMA,
MARK BETHEA, and
EUGENE BROWN,
a/k/a "Raheem"

and others did knowingly and intentionally conspire to distribute and to possess with intent to distribute a mixture or substance containing a detectable amount of oxycodone, a Schedule II controlled substance, contrary to Title 21, United States Code, Section 841(a)(1) and (b)(1)(C).

In violation of Title 21, United States Code, Section 846.

Count 2

(Possession of a Firearm by a Convicted Felon)

On or about July 18, 2012, in Mercer County, in the District of New Jersey and elsewhere, defendant

JOSEPH A. GIORGIANNI,
a/k/a "JoJo"

having been convicted of a crime punishable by imprisonment for a term exceeding one year in a court in the State of New Jersey, did knowingly possess, in and affecting commerce, four firearms, namely: one Mossberg pistol grip pump action shotgun, Model 500 C, bearing serial number J893695; one Colt, .380 semi-automatic pistol, bearing serial number 132659; one Beretta 3032 Tomcat .32 pistol, bearing serial number DAA237867; and one FEG SMC-22 semiautomatic pistol, bearing serial number B02831.

In violation of Title 18, United States Code, Section 922(g)(1).

Count 3
(Possession of a Firearm by a Convicted Felon)

On or about July 20, 2012, in Atlantic County, in the District of New Jersey and elsewhere, defendant

EUGENE BROWN,
a/k/a "Raheem"

having been convicted of a crime punishable by imprisonment for a term exceeding one year in a court in the State of New Jersey, did knowingly possess, in and affecting commerce, a firearm, namely, one American Arms, .22 caliber semi-automatic pistol, bearing serial number 051088.

In violation of Title 18, United States Code, Section 922(g)(1).

ATTACHMENT B

I, Michael Doyle, am a Special Agent with the Federal Bureau of Investigation ("FBI"). I have personally participated in this investigation and am aware of the facts contained herein based upon my own participation in this investigation, interviews and briefing with other law enforcement officers and interviews and briefing with confidential sources of information and witnesses. I also have reviewed available media coverage, publicly available documents and reports, and other evidence, including pen registers, telephone toll information, reports, consensual audio and video recordings, surveillance and FBI pole camera footage and wire and electronic (text messages) court-authorized intercepts from the telephones used by certain of the defendants and others. Because this Attachment B is submitted for the limited purpose of establishing probable cause, I have not included herein the details of every aspect of the investigation. Statements attributable to individuals contained in this Attachment are related in substance and in part.

I. SUMMARY OF INVESTIGATION

1. The FBI's investigation has revealed that the defendants were involved in a conspiracy to obtain prescriptions for oxycodone-based pain medication, fill those prescriptions and distribute the pain medication.¹ Additionally, **JOSEPH A. GIORGIANNI**, a/k/a "JoJo" and **EUGENE BROWN**, a/k/a "Raheem," both convicted felons, unlawfully possessed firearms, with **GIORGIANNI** having four separate firearms.

2. **JOSEPH A. GIORGIANNI** organized and facilitated the distribution of prescription pain pills by members of the conspiracy. According to records obtained from a Trenton, New Jersey pharmacy ("Pharmacy #1"), **GIORGIANNI** or persons acting on **GIORGIANNI**'s behalf, filled approximately 27 prescriptions in **GIORGIANNI**'s name, each issued by a doctor based in Hamilton, New Jersey ("Physician #1"), between on or about May 26, 2011 and June 21, 2012, totaling approximately 3,240 oxycodone-based pills. **GIORGIANNI** arranged for the distribution of a portion of these pills and also facilitated the distribution of oxycodone-based pain pills obtained by Co-conspirator-1 ("CC-1") and other sources. **GIORGIANNI** owned JoJo's Steakhouse, a restaurant located on Martin Luther King Boulevard

1. Oxycodone, also known as "oxy," is a narcotic analgesic or painkiller and is classified as a Schedule II controlled substance - meaning that it has a high potential for abuse. Oxycodone, which is sold in tablet, capsule, and liquid forms, is marketed either alone as a controlled release medication, for example, under the brand name Oxycontin, or immediate release, for example, under the brand name Roxicodone, or in combination with other non-narcotic analgesics like acetaminophen, for example under the brand name Percocet. Demand for oxycodone-based prescription pain medication has grown to epidemic proportions in the United States, and dealers profit by selling such medication on the street. Users will often crush and snort pills or dissolve and inject them to get an immediate high. This can lead to addiction, overdose, and death.

in Trenton and the property next door to JoJo's Steakhouse, referred to herein as "Giorgianni's Clubhouse."

3. **MARY MANFREDO** operated JoJo's Steakhouse, which served as a front for the drug distribution operation. **GIORGIANNI** and CC-1 arranged for oxycodone-based pain pills to be delivered to **MANFREDO** at JoJo's Steakhouse. Following the receipt of oxycodone, **MANFREDO** provided the prescription pain medication to individuals, such as **ANTHONY DIMATTEO** and **GIUSEPPE SCORDATO**, a/k/a "Joe," a/k/a "Joey" who would sell it. **RALPH DIMATTEO, SR.** also was involved in the distribution of oxycodone-based pain pills. **MANFREDO** collected the profits of drug sales and held proceeds of these sales for **GIORGIANNI** at JoJo's Steakhouse.

4. CC-1 obtained prescriptions for oxycodone-based pain pills, filled those prescriptions and arranged for the distribution of these pills. According to the records of a national pharmacy with locations throughout New Jersey ("Pharmacy #2"), CC-1 filled approximately 12 prescriptions in CC-1's name, each issued by a doctor, based at that time in Nutley, New Jersey ("Physician #2"), between on or about September 2, 2011 and May 22, 2012 totaling approximately 1,440 oxycodone-based pills. CC-1 further arranged with other individuals, including **CAROL KOUNITZ**, **STEPHANIE LIMA**, **EUGENE BROWN**, and Co-conspirator-2 ("CC-2"), who would obtain oxycodone-based pills and provide them to CC-1. C-1 then either delivered the drugs to **MANFREDO** or **GIORGIANNI** at JoJo's Steakhouse for distribution or provided them directly to **ANTHONY DIMATTEO**, **RALPH DIMATTEO, SR.**, and **MARK BETHEA**, who would arrange for their sale.²

II. INFORMATION RECEIVED FROM CC-1

5. CC-1 was an active member of the conspiracy until he was interviewed by FBI Special Agents on June 21, 2012. Thereafter, CC-1 agreed to cooperate with law enforcement officers. On June 21, 2012 and over the course of a series of subsequent interviews, CC-1 provided information concerning the activities of the drug distribution conspiracy:

- a. CC-1 stated that **GIORGIANNI** was the individual who introduced CC-1 to the idea of selling oxycodone-based pain medication. CC-1 stated that **GIORGIANNI** sold a portion of the prescription pain pills, which **GIORGIANNI** received from his own doctor.

2. According to records received from Pharmacy #2, **ANTHONY DIMATTEO** obtained 7,620 oxycodone-based pills between May 26, 2011 and May 31, 2012 and **RALPH DIMATTEO, SR.** obtained 6,030 oxycodone-based pills, between May 27, 2011 and May 17, 2012. These pills all were obtained as a result of prescriptions issued by Physician #2.

- b. CC-1 stated that **ANTHONY DIMATTEO** and **RALPH DIMATTEO, SR.** were the individuals who introduced CC-1 to the idea of going to Physician #2 to be prescribed oxycodone-based pain pills. CC-1 stated that when CC-1 went to Physician #2, CC-1 typically received a 120 pill supply of oxycodone. CC-1 stated that this pain medication was obtained for the purpose of distribution. CC-1 also advised that CC-1 obtained oxycodone based prescription pain medication from **EUGENE BROWN**, CC-2, and others, for the purpose of distribution.
- c. CC-1 stated that after filling a prescription, CC-1 would provide the pain medication directly to **ANTHONY DIMATTEO** for the purpose of distribution or CC-1 would travel to JoJo's Steakhouse, where CC-1 would leave the drugs with **MANFREDO** or **GIORGIANNI**, who in turn used **ANTHONY DIMATTEO, RALPH DIMATTEO, SR.**, or **SCORDATO** to sell the drugs. CC-1 stated that these individuals then returned the cash to **MANFREDO** or **GIORGIANNI** at JoJo's Steakhouse. When the drugs were sold, CC-1 was paid about \$1,200 for the 120 pill supply by **GIORGIANNI** and **MANFREDO** or \$10 a pill. After CC-1 picked up the money from **GIORGIANNI** and **MANFREDO** at JoJo's Steakhouse, CC-1 typically gave **GIORGIANNI** \$200 or \$300 as a kickback.
- d. CC-1 brought **KOUNITZ** and **LIMA** to Physician #2 to obtain prescription pain pills. CC-1 stated that **KOUNITZ** obtained prescription pain pills twice and that **LIMA** was denied once or twice but CC-1 was unsure if **LIMA** ever obtained a prescription.
- e. CC-1 directly provided prescription pain pills to **MARK BETHEA**, who would distribute the pills and provide CC-1 with cash proceeds. CC-1 used pills, which CC-1 obtained from **BROWN**, to supply **BETHEA**. CC-1 advised that **GIORGIANNI** did not receive a kickback on drugs that CC-1 provided directly to **BETHEA**.
- f. CC-1, as part of his cooperation, conducted a consensually recorded meeting with **GIORGIANNI** on June 28, 2012, which demonstrated that **GIORGIANNI** also directly obtained prescription pain pills from other individuals, in addition to Physician #1. During that meeting, **GIORGIANNI** stated to CC-1, "now, there's pills down there" and "... got some prescription pills, next door. Roxys-, ex-, uh, Percocet. They're the big ones. Ten milligrams, 325," and "Mary's got 'em," meaning **MARY MANFREDO**.³ **GIORGIANNI** asked CC-1, "can you move

3. According to publicly available records, Percocet is a brand name prescription drug manufactured by Endo Pharmaceuticals, which contains oxycodone and acetaminophen in various strengths, according to publicly available records. **GIORGIANNI**, in this consensual

'em?" CC-1 stated, "that guy. I gotta call him and find out."

III. INTERCEPTED COMMUNICATIONS

6. Numerous conversations and text messages were intercepted pursuant to court-authorized wiretaps, in which the coconspirators arranged to obtain and distribute oxycodone-based prescription pain pills. This Affidavit recounts certain intercepted communications.

A. July and September 2011 Narcotics Transactions Involving JOSEPH A. GIORGIANNI, ANTHONY DIMATTEO, MARY MANFREDO, and CC-1

7. According to records received from Pharmacy #1, **GIORGIANNI**, or an individual acting on **GIORGIANNI**'s behalf, obtained approximately 120 eighty-milligram Oxycontin pills and approximately 120 thirty-milligram oxycodone pills on or about July 25, 2011 at Pharmacy #1, which were prescribed for **GIORGIANNI** by Physician #1. A series of intercepted telephone calls around July 25, 2011 demonstrate **GIORGIANNI**'s leadership role in this conspiracy and **ANTHONY DIMATTEO**, **MANFREDO**, and **CC-1**'s roles in facilitating the drug distribution:

- a. On July 22, 2011, at approximately 2:02 p.m., **GIORGIANNI** received a telephone call from **MANFREDO** and spoke to **MANFREDO** and **ANTHONY DIMATTEO**. **GIORGIANNI** told **MANFREDO** that the "druggist," referring to the pharmacist who worked at Pharmacy #1, was on vacation until the following Monday, July 25, 2011. **MANFREDO** put **ANTHONY DIMATTEO** on the telephone, and **GIORGIANNI** repeated that "my guy," referring to the pharmacist, was on vacation. **ANTHONY DIMATTEO** responded "alright, so then Monday, that's all."
- b. On July 25, 2011, at approximately 12:43 p.m., **GIORGIANNI** called the pharmacist and arranged to fill prescriptions for "pain medicine, both of them, you got the scripts there," referring to two prescriptions for oxycodone-based pain medication. Following this conversation, **GIORGIANNI** made arrangements with **ANTHONY DIMATTEO** to obtain oxycodone-based pain pills. According to records provided by Pharmacy #1, **GIORGIANNI**'S prescriptions were filled on July 25, 2011.
- c. On August 3, 2011, at approximately 10:29 p.m., **GIORGIANNI** received a telephone call from **MANFREDO** and **ANTHONY DIMATTEO**. **ANTHONY DIMATTEO** stated that he "had a lot of running around to do," that he "got a

recording, is referring to Percocet pills containing 10 milligrams of oxycodone and 325 milligrams of acetaminophen.

bunch of things straightened out,” and that he had “seen Mar [**MARY MANFREDO**], I left something with, you know, with her for you.” **ANTHONY DIMATTEO** further stated that he had “everything written down, she’ll [**MANFREDO**] show you, you know” and that he had given what he had written to **MANFREDO** to show **GIORGIANNI**. Following further drug-related conversation, **MANFREDO** got on the telephone and stated, “I got 1,850 on me. No, 1,880,” referring to the amount of money that **ANTHONY DIMATTEO** had left for **GIORGIANNI**. **MANFREDO** further stated that “I wrote it down, what is what,” and that she “wrote everything down,” referring to an accounting of the proceeds of **ANTHONY DIMATTEO**’s drug distribution activities.

8. According to records received from Pharmacy #2, CC-1 obtained approximately 120 thirty-milligram oxycodone pills on or about September 2, 2011, which were prescribed by Physician #2. CC-1 obtained these pills following a visit to Physician #2 on this day. A series of intercepted telephone calls surrounding September 2, 2011 demonstrate **GIORGIANNI**, **ANTHONY DIMATTEO**, and CC-1’s coordination in the distribution of the prescription pain pills:

- a. CC-1 visited Physician #2 on or about September 2, 2011. Prior to that visit, **ANTHONY DIMATTEO** coached CC-1 on how to fraudulently obtain prescription drugs from Physician #2. On September 2, 2011, at approximately 11:23 a.m., **ANTHONY DIMATTEO** told CC-1 “right before you go in, call me in and I’ll tell you exactly what to say.” CC-1 stated “tell me now because I am on the road now,” meaning CC-1 was on the way to his appointment with Physician #2. **ANTHONY DIMATTEO** instructed CC-1 how to fraudulently obtain a prescription for Opana, which is the brand name for Endo Pharmaceuticals’ oxymorphone product, according to publicly available records.⁴ CC-1 asked, “what’s this Opana?,” and **ANTHONY DIMATTEO** responded, “it’s some other strong-ass shit,” referring to the strength of the prescription pain medication. **ANTHONY DIMATTEO** stated that, “today, you should be getting Opana 15s and 30s,” referring to the strength of the prescription for Opana pills that CC-1 should request from the doctor. CC-1 stated, “that’s what I want?,” and **ANTHONY DIMATTEO** responded, “yeah, why not, fuck it, I mean the Opanas, you can make money here and there with ‘em,” “for you,” and to “put money in your pocket,” meaning that CC-1 could sell Opana pills at a profit.
- b. On September 2, 2011, at approximately 3:57 p.m., following CC-1’s appointment with Physician #2, **ANTHONY DIMATTEO** telephoned CC-1 and asked him

4. According to publicly available records, Oxymorphone is an opiod analgesic painkiller and is classified as a Schedule II controlled substance. Oxymorphone is sold in immediate release and extended release tablets.

“what time you coming down here,” meaning what time was CC-1 going to meet **ANTHONY DIMATTEO** to deliver the prescription pain medication, which CC-1 obtained for distribution. CC-1 stated that CC-1 was stuck in traffic.

ANTHONY DIMATTEO informed CC-1 that “my man is going out of town to Maryland” and “he could hold off until like 4:25 but he’s got to leave then.”

ANTHONY DIMATTEO was referring to the individual who would distribute the pills on behalf of the operation. **ANTHONY DIMATTEO** stated “I’ll tell him to stick around and if fuckin’, if it, fuckin’, 4:30 comes, he’ll roll out but then I’ll just go to my other guy, alright” meaning that the individual who was going to distribute the drugs on behalf of the operation was leaving at 4:30 p.m. and that if CC-1 could not deliver the drugs by 4:30 p.m. to **ANTHONY DIMATTEO** then **ANTHONY DIMATTEO** would utilize another individual to distribute the drugs.

- c. On September 2, 2011, at approximately 4:14 p.m., **ANTHONY DIMATTEO** and CC-1 engaged in a telephone conversation. CC-1 provided **ANTHONY DIMATTEO** with CC-1's location. **ANTHONY DIMATTEO** stated that his father, **RALPH DIMATTEO, SR.** would come downstairs to meet CC-1, meaning to pick up the drugs from CC-1.
- d. On September 2, 2011, at 4:48 p.m., **ANTHONY DIMATTEO** called CC-1 and CC-1 clarified that he provided 100 pills to **ANTHONY DIMATTEO**. **ANTHONY DIMATTEO** asked if CC-1 wanted to “dump” additional pills, meaning provide them to **ANTHONY DIMATTEO** for distribution. When subsequently interviewed by law enforcement officers, CC-1 advised that he provided **ANTHONY DIMATTEO** with approximately 100 pills on this day for distribution.
- e. On September 2, 2011, at 11:00 p.m., **GIORGIANNI** received a call from CC-1. During this call, **GIORGIANNI** asked how Anthony [**DIMATTEO**] was doing, meaning what was the status of the pills that **ANTHONY DIMATTEO** received from CC-1 on September 2, 2011 and was distributing on behalf of the operation. CC-1 replied that he was meeting with **ANTHONY DIMATTEO** tomorrow, meaning that he would be meeting with **ANTHONY DIMATTEO** concerning the sale of the oxycodone-based pills.

B. August and September 2011 Narcotics Transactions Involving ANTHONY DIMATTEO, CAROL KOUNITZ, STEPHANIE LIMA, and CC-1

9. A series of intercepted telephone calls surrounding August 15, and September 14, 2011 demonstrated that **ANTHONY DIMATTEO** and **CC-1** arranged for **CAROL KOUNITZ** and **STEPHANIE LIMA** to fraudulently obtain prescriptions for oxycodone-based pain pills from Physician #2 for the purpose of supplying those pills to **ANTHONY DIMATTEO** and **CC-1** for distribution:

- a. On August 15, 2011, at approximately 10:08 p.m., **KOUNITZ** and **CC-1** engaged in a telephone conversation. **KOUNITZ** and **CC-1** discussed preparations for her appointment and **STEPHANIE LIMA**'s appointment with Physician #2, in which **KOUNITZ** and **LIMA** each would seek to fraudulently obtain prescriptions for pain medication, which would be distributed by the operation. **CC-1** explained that "Anthony [**DIMATTEO**] gonna to be with us, too," that **ANTHONY DIMATTEO** is "one of our crew," and I want "Anthony [**DIMATTEO**] to, you know, explain some things to you." **CC-1** asked "you got your x-rays right?" **KOUNITZ** responded, "I have a cd" and "I also have my medication list and I have notes from some doctors' visits that said I have back pain. Yeah, I think I'm good." **CC-1** asked, "how about Stephanie [**LIMA**]?" **KOUNITZ** responded, "she has some notes from her doctors, she doesn't have any x-rays though and she has her medication list. **KOUNITZ** stated, "I think we're good."
- b. On August 17, 2011, **KOUNITZ** and **LIMA** attended an appointment at Physician #2's office, in Nutley, New Jersey. At approximately 2:16 p.m., while **KOUNITZ** and **LIMA**, were in Physician #2's office, **CC-1** called **KOUNITZ** to check on her and **LIMA**'s status. **KOUNITZ** stated, "I'm in the room but they won't let her go," meaning that **KOUNITZ** was able to meet with Physician #2 to obtain a prescription but that **LIMA** was unable to obtain a prescription from Physician #2. **KOUNITZ** then stated, "I'm going to talk to him," referring to Physician #2. **CC-1** told **KOUNITZ** that **LIMA** should just reschedule her appointment. **KOUNITZ** stated, "name the medication again, name it." **CC-1** responded "you forgot that quick" and then **CC-1** stated "oxycon."
- c. On August 17, 2011, at approximately 4:00 p.m., **ANTHONY DIMATTEO** called **CC-1**. **ANTHONY DIMATTEO** stated "I don't understand" and "we got to talk." **ANTHONY DIMATTEO** was expressing frustration that **LIMA** did not bring sufficient medical documentation to the appointment with Physician #2 and as a result did not receive a prescription for oxycodone-based pain pills.
- d. On August 17, 2011, at approximately 4:39 p.m., **KOUNITZ**, utilizing **CC-1**'s telephone, called Pharmacy #2 and stated, "Hi. I'm calling because I have a

prescription I need to fill, um, and I'm hoping that you have, its Roxicodone, it's a 15 milligram prescription."⁵ The representative from Pharmacy #2 confirmed that Pharmacy #2 had the pills available.

- e. On August 23, 2011, at approximately 1:09 p.m., **KOUNITZ** called CC-1 and said "Stephanie [**LIMA**] rescheduled for the day I'm going back and she's gonna have her MRI done." CC-1 stated she needs "x-rays." **KOUNITZ** confirmed that the next appointment with Physician #2 was scheduled for September 14, 2011.
- f. On September 13, 2011, at approximately 8:48 p.m., CC-1 received a text message from **ANTHONY DIMATTEO** that was intercepted that read "Yo [CC-1] let me know what te u leave tomorrow. Make sure u got money on ya."⁶ **ANTHONY DIMATTEO** was asking CC-1 what time CC-1 was leaving with **KOUNITZ** and **LIMA** for the appointment with Physician #2. In addition, **ANTHONY DIMATTEO** was reminding CC-1 to bring money to cover any expenses associated with the visit to Physician #2. CC-1 confirmed by text message that they were leaving at 11:00 a.m. the next day.
- g. On September 14, 2011, I observed individuals matching the description of CC-1, **KOUNITZ**, and **LIMA** sitting in a vehicle outside the building in which Physician #2's office was then located, in Nutley, New Jersey. I then observed the females believed to be **KOUNITZ** and **LIMA** enter the building.
- h. Following this observation, a series of text messages were intercepted wherein CC-1 checked with and sought updates from **KOUNITZ** regarding the progress of **KOUNITZ** and **LIMA** in obtaining the prescriptions. The following is a sample of those messages:

Time	Direction	Message
12:58 p.m.	CC-1 to KOUNITZ	What's up did they ask for your P.....
1:08 p.m.	KOUNITZ to CC-1	Still waiting. Giving Steph a hard time again!

5. Roxicodone is a brand name brand name prescription drug manufactured by Xanodyne Pharmaceuticals, Inc, which contains oxycodone, according to publicly available records. Each tablet of Roxicodone for oral administration contains either 5, 15, or 30 milligrams of oxycodone.

6. Text messages described in this Affidavit often contain capitalization, spelling and grammatical errors. Such messages are quoted in this Affidavit as originally transmitted.

Time	Direction	Message
1:13 p.m.	CC-1 to KOUNITZ	About what
1:15 p.m.	CC-1 to KOUNITZ	What going on
1:44 p.m.	KOUNITZ to CC-1	She wants notes from her medical dr as to why she's on the meds
1:45 p.m.	KOUNITZ to CC-1	Im done. All cool. No pee test asked.
1:47 p.m.	KOUNITZ to CC-1	Steph is waiting to go in. Her Dr. Faxed the notes
1:47 p.m.	CC-1 to KOUNITZ	Ok they did the same to me, so what is she going to do, I had my doctor fax over the paper work
1:48 p.m.	KOUNITZ to CC-1	She's all good now
1:51 p.m.	KOUNITZ to CC-1	She just went in
1:54 p.m.	CC-1 to KOUNITZ	Ok that's what's up
1:54 p.m.	KOUNITZ to CC-1	She is in the room now
1:55 p.m.	CC-1 to KOUNITZ	Come out of the waiting room to the car she will come to the car

- i. On September 14, 2011, at approximately 2:33 p.m., **KOUNITZ** sent CC-1 a text message confirming that she was in the process of filling the prescription. Records obtained from Pharmacy #2 confirmed that on September 14, 2011, **KOUNITZ** obtained 120 thirty-milligram oxycodone immediate release tablets and **LIMA** obtained 120 fifteen-milligram oxycodone immediate release tablets.
- j. On September 14, 2011, between approximately 4:11 p.m. and 4:27 p.m., **ANTHONY DIMATTEO** and CC-1 exchanged a series of text messages concerning the transaction. **DIMATTEO** sent CC-1 a text message, which read: "Yo you OK I'm worried let me know your ok." CC-1 responded with a text message that read "Yeah I'm on my way back." **ANTHONY DIMATTEO** responded with a text message that read "I'm home waiting 4 you stop by u got it

down there right.” CC-1 responded with a text message that read “Be there iin 1o min.”

- k. On September 14, 2011, at approximately 7:50 p.m., **ANTHONY DIMATTEO** received a text message from CC-1 that read “Ok, are we go for tonight, so I can let those young ladys no what’s up.” CC-1 was inquiring if **DIMATTEO** successfully distributed the pain pills in order to determine if CC-1 could provide **KOUNITZ** and **LIMA** with their share of the profit that evening.
- l. On September 14, 2011, at approximately 9:00 p.m., CC-1 and **KOUNITZ** engaged in a telephone conversation. In reference to when **KOUNITZ** and **LIMA** would receive payment for fraudulently obtaining prescription pain pills on September 12, 2011, CC-1 stated, “Its probably tomorrow cause right now the person ain’t around,” meaning that **ANTHONY DIMATTEO** still was in the process of arranging for the drugs to be distributed. On September 14, 2011, at approximately 9:06 p.m., **KOUNITZ** and CC-1 engaged in a telephone conversation, in which **KOUNITZ** asked CC-1, “ballpark, between the two of us, what do you think, how much?,” meaning how much money would she and **LIMA** receive from the distribution of the prescription pain medication they fraudulently obtained. CC-1 responded, “I’ll let you know.”
- m. On September 15, 2011, at approximately 12:39 a.m., **ANTHONY DIMATTEO** sent CC-1 a text message, which read “Tomorrow. At 1pm at the steak house ill meet u there customer everything’s good.” **ANTHONY DIMATTEO** was arranging to meet with CC-1 to provide CC-1 with CC-1’s share of the profits from sale of the drugs. At approximately 3:46 p.m., **ANTHONY DIMATTEO** sent CC-1 a text message, which read “JoJos 15-mins.” According to pole camera surveillance, **ANTHONY DIMATTEO**’s vehicle and an individual believed to be CC-1 were observed at JoJo’s Steakhouse shortly after 4:00 p.m.
- n. On September 15, 2011, at approximately 6:52 p.m., **ANTHONY DIMATTEO** and CC-1 engaged in a telephone conversation in which **ANTHONY DIMATTEO** explained CC-1’s share of the drug distribution profits and addressed CC-1’s concerns that he did not receive sufficient profits. When subsequently interviewed, CC-1 explained that **GIORGIANNI** received a share of the profits for drugs distributed by **ANTHONY DIMATTEO**.

C. October 2011 Narcotics Transaction Involving ANTHONY DIMATTEO, JOSEPH A. GIORGIANNI, and CC-1

10. According to records received from Pharmacy #2, CC-1 obtained approximately 120 thirty-milligram oxycodone pills on or about October 17, 2011, which were prescribed by Physician #2. CC-1 obtained these pills following a visit to Physician #2 on this day. A series of

intercepted telephone calls and text messages surrounding October 17, 2011 demonstrate **DIMATTEO** and CC-1's coordination in the distribution of the prescription pain pills and **GIORGIANNI**'s oversight of the sales:

- a. On October 17, 2011, at 11:14 a.m., **ANTHONY DIMATTEO** and CC-1 engaged in a telephone conversation. **ANTHONY DIMATTEO** asked, "you're taking a trip today, aren't ya?" **ANTHONY DIMATTEO** was inquiring if CC-1 was driving to Nutley, New Jersey to obtain a prescription for oxycodone-based pain medication from Physician #2. **ANTHONY DIMATTEO** advised CC-1 that "I'm down here now, actually," meaning that he also was meeting with Physician #2 to obtain prescription pain medication on October 17, 2011.⁷ **ANTHONY DIMATTEO** and CC-1 agreed to meet later that day at approximately 5:00 p.m., in order that CC-1 could provide his pills to **ANTHONY DIMATTEO** for distribution on behalf of the operation.
- b. Between 1:47 p.m. and 4:03 p.m. on October 17, 2011, **ANTHONY DIMATTEO** and CC-1 engaged in a series of text messages concerning the prescription that CC-1 should attempt to obtain from Physician #2:

Time	Direction	Message
1:47 p.m.	ANTHONY DIMATTEO to CC-1	u at docs? yey
1:48 p.m.	ANTHONY DIMATTEO to CC-1	yet
1:49 p.m.	CC-1 to ANTHONY DIMATTEO	I am comingup now
1:56 p.m.	CC-1 to ANTHONY DIMATTEO	Are you here, I see your car out front
2:29 p.m.	ANTHONY DIMATTEO to CC-1	just left when u get done call me
2:30 p.m.	CC-1 to ANTHONY DIMATTEO	Ok

7. According to records received from Pharmacy #2, **ANTHONY DIMATTEO** obtained 150 fifteen-milligram immediate release oxycodone tablets and 150 thirty-milligram immediate release oxycodone tablets, each prescribed by Physician #2.

Time	Direction	Message
2:35 p.m.	ANTHONY DIMATTEO to CC-1	tell um u need 150
2:45 p.m.	CC-1 to ANTHONY DIMATTEO	150 Qty :)
3:42 p.m.	ANTHONY DIMATTEO to CC-1	ya you. will get em
3:45 p.m.	CC-1 to ANTHONY DIMATTEO	No 120 Qty, I guess I am not Italian
4:03 p.m.	ANTHONY DIMATTEO to CC-1	I still love u lol

- c. On October 17, 2011, at approximately 5:11 p.m., **ANTHONY DIMATTEO** called CC-1. CC-1 told **ANTHONY DIMATTEO** that he would meet him at approximately 5:30 p.m. CC-1 stated, "you want to stop by, because I'm going to Philly and I got to see the kid soon as I get done, like y'know I gotta text him on the way back so, uh, it would, uh, make, uh, make a big difference in time. CC-1 asked, "so what you want me to do, shoot straight to your house?" **ANTHONY DIMATTEO** told CC-1 "just come right to me cause I gotta hit the road around 5:30 anyway to shoot out so hopefully I'll see you before and I'll just, y'know, bring it with me and catch him on the way back." **ANTHONY DIMATTEO** was instructing CC-1 to bring the pills to him so that **ANTHONY DIMATTEO** could provide the drugs to the individual that would distribute them on behalf of the operation.

11. On October 20, 2011, **GIORGIANNI** and CC-1 engaged in a telephone conversation. **GIORGIANNI** stated "Anthony [**DIMATTEO**] told me that, uh, I don't know if its you but me, getting less dinero for, uh, steak sandwiches" and "he said that the price of the steaks went down, I guess maybe because of the recession or something. I don't know but that don't sound right to me." **GIORGIANNI** then said "In other words, I used to get 14-40, he said now 10-50. What the fuck is that? That is a hell of a fucking chop, ain't it? What the fuck?" CC-1 responded, "like 1200 now down to 8." **GIORGIANNI** stated "that's right and then 14-40 down to fuckin', uh, 10-50." **GIORGIANNI** told CC-1 "see what's up with that fucking shit" and "I ain't never heard of that kinda fucking steak sandwich taking a drop like that especially when them mother-fuckers love them steak sandwiches." **GIORGIANNI** was complaining that there was approximately a \$400 drop in the profit generated from the sale of oxycodone-based pain medication, which he provided **ANTHONY DIMATTEO** and CC-1 was explaining that he also was experiencing a reduction in profits for the pills CC-1 provided to **ANTHONY DIMATTEO**. When subsequently interviewed by law enforcement, CC-1 explained that

GIORGIANNI became suspicious of **ANTHONY DIMATTEO** following the reduced drug distribution profits. As a result, **GIUSEPPE SCORDATO** began distributing prescription pain pills on behalf of the operation.

D. August and December 2011 Narcotics Transactions Involving JOSEPH A. GIORGIANNI, CC-1, RALPH DIMATTEO, SR., ANTHONY DIMATTEO and CC-2

12. Numerous communications were intercepted during which **GIORGIANNI, CC-1,** and **RALPH DIMATTEO, SR.** arranged for the further receipt and distribution of oxycodone-based pain pills:

- a. On August 13, 2011, at approximately 1:26 p.m., **RALPH DIMATTEO, SR.** called CC-1 and asked, "do you have ten mil Percs?" CC-1 stated he had "five and three twenty-five," referring to Percocet pills containing five milligrams of oxycodone and three hundred twenty-five milligrams of acetaminophen. **RALPH DIMATTEO, SR.** stated, "five, three twenty-five. How many?" CC-1 stated, "about 50 or 60 of them." **RALPH DIMATTEO, SR.** stated, "what kind of number you want?" CC-1 stated he would call **RALPH DIMATTEO, SR.** back in ten minutes.
- b. On August 13, 2011, at approximately 1:46 p.m., CC-1 received a telephone call from CC-2. During this intercepted call, CC-1 stated, "what we talked about last night?," meaning oxycodone-based pills, "Yeah, I need, I need 'em." CC-2 asked "what's the number?," meaning how much was CC-1 willing to pay. CC-1 stated, "give me, um, what number you want?," meaning how much would the pills cost. CC-2 stated, "how many you need?" CC-1 stated, "all of 'em." CC-2 stated that he would "give you a call back in five minutes, let me see how many I have here."
- c. On August 13, 2011, at approximately 2:03 p.m., CC-1 called **RALPH DIMATTEO, SR.** and asked him "how much you want for 'em," likely referring to the price that **RALPH DIMATTEO, SR.** was willing to pay for each Percocet pill. **RALPH DIMATTEO, SR.** stated, "how much do I want for them? You got 'em," and "I don't know, a deuce apiece," and asked, "how many you got?" CC-1 stated, "trying to get a count on them now." The two arranged to meet on "Chambers Street," a street in Trenton. CC-1 thereafter received a call from CC-2 and CC-1 arranged to meet with CC-2.
- d. On August 13, 2011, at approximately 4:11 p.m., CC-1 called **RALPH DIMATTEO SR.** and told him that CC-1 was coming to "Chambers Street" to meet him.

- e. On August 14, 2011, **ANTHONY DIMATTEO** telephoned CC-1. During this intercepted call, **ANTHONY DIMATTEO** asked, "hey, my old man [**RALPH DIMATTEO, SR.**], he said you gave him some, right?" CC-1 stated, "yeah," and **ANTHONY DIMATTEO** asked, "is there any more of them?" CC-1 stated, "no." **ANTHONY DIMATTEO** stated, "not the ten-, not the double sized ones, right?" **ANTHONY DIMATTEO** was referring to 10/325 Percocet pills, which contain 10 milligrams of oxycodone and 325 milligrams of acetaminophen. CC-1 stated, "yeah," and **ANTHONY DIMATTEO** stated, "you got them, or no?" CC-1 stated he had nothing but that he was "trying to call some other people," meaning to obtain more Percocet to sell.
- f. On December 1, 2011, at approximately 1:32 p.m., **GIORGIANNI** called **RALPH DIMATTEO, SR.** **GIORGIANNI** stated he was "going to Florida, see the Toronto Blue Jays" and that "one of the guys stopped here if you're interested." **GIORGIANNI** was using code to say that he had prescription pain pills for sale. **RALPH DIMATTEO, SR.** stated, "the whole 120, or-," meaning 120 pain pills. **GIORGIANNI** stated, "one, one hundred." **RALPH DIMATTEO, SR.** stated, "one hundred, he's doing it again." **GIORGIANNI** stated, "yeah." **RALPH DIMATTEO, SR.** stated, "yeah, I can take care of it but I can't put the money up front," likely meaning that he could distribute 100 prescription pain medication pills but that he would have to take them on credit and pay **GIORGIANNI** only after he received the money from his customers. In reference to the sale of prescription pain medication, **RALPH DIMATTEO, SR.** stated, "if that kid wants me to dump 'em, I got the guy, I know the guys, I'll dump 'em but I ain't putting the cash up. I don't have the cash to put up." **GIORGIANNI** stated, "Anthony's got me strung pretty good. You know what I mean, seven, eight. You know, so I'm pretty short myself, you know." In the context of this and prior calls, **GIORGIANNI** was saying that **ANTHONY DIMATTEO** had taken money from **GIORGIANNI's** prescription pain medication distribution scheme and, therefore, **GIORGIANNI** was "short" on cash.
- g. On December 1, 2011, at approximately 3:46 p.m., **RALPH DIMATTEO, SR.**, called **GIORGIANNI** and stated that "I was just talking to that kid, he called me. He'll take 'em but, uh, I got to give you my money. I could only give you like \$4 and then bring you the rest when I, when he picks 'em up." **RALPH DIMATTEO, SR.** was saying that he could only provide **GIORGIANNI** with a portion of the cost of the prescription pain medication and would give **GIORGIANNI** the balance once he distributed them to the "kid," likely a narcotics associate of **RALPH DIMATTEO, SR.** **GIORGIANNI** stated, "talk to me in person" and said that he would call **RALPH DIMATTEO, SR.** back.
- h. On December 1, 2011, at approximately 3:52 p.m., **RALPH DIMATTEO, SR.** left **GIORGIANNI** a voice mail stating "yeah, call me back. I reached out and

grabbed it, cash," meaning money to pay **GIORGIANNI** for 100 prescription pain medication pills that **RALPH DIMATTEO, SR.** would, in turn, distribute.

E. January and April 2012 Narcotics Transactions Involving JOSEPH A. GIORGIANNI, MARY MANFREDO, GIUSEPPE SCORDATO and CC-1

13. **GIUSEPPE SCORDATO** distributed prescription pain pills on behalf of the operation. **SCORDATO** and **GIORGIANNI** have been intercepted discussing **SCORDATO's** efforts to secure new customers for their drug distribution operation by causing individuals to become addicted to pain medication:

- a. During a November 30, 2011 telephone conversation with **GIORGIANNI**, **SCORDATO** explained how he had recently taken steps to secure a new drug customer by causing this individual to become addicted to pain medication. **SCORDATO** stated that he went to see "our buddy," who had just undergone "open heart surgery." **SCORDATO** stated, "I'll get him. Oh, yeah. Oh yeah, believe you me" and that "I left him one. I'm no fucking dummy," and "just one for a sample. He'll be calling me in a week" and "you know me, I'm a evil fuck," and that "his fucking eyes lit up." During this same telephone call, **GIORGIANNI** and **SCORDATO** discussed the price of the prescription pain medication. **SCORDATO** stated, "I'm trying to open doors," likely meaning that he was trying to obtain new customers by lowering his price. **SCORDATO** stated that he had "reached out to" other people and "what they're coming back at, y'know they're trying to beat me up" but that he could "probably grab 14 now," and that if **GIORGIANNI** wanted to "whack that up," meaning share in the profit, that "we could do that," and that "otherwise I'll wait" but "it ain't gonna be much, much better," and that "we'll still split like a nickel a piece, I think." **GIORGIANNI** stated, "we ain't starvin'. It's up to you, you know. It's like gold, it only goes up." **SCORDATO** stated, "you'll never go broke making small profits" and "I'd rather have, uh, cash in hand."
- b. During a December 5, 2011 telephone conversation between **GIORGIANNI** and **SCORDATO**, **SCORDATO** stated he had been "fishing," and that the "fish, uh, came to the fucking bait" and that they were "biting good." **GIORGIANNI** stated, "oh, good. Good." **SCORDATO** continued, stating, "I told you. We leave the fucking bait out and they come fishing." **SCORDATO** was reporting on his success in distributing prescription pain pills provided to him by **GIORGIANNI**. **GIORGIANNI** stated, "we got a few good things going for us." **SCORDATO** stated that he was going to "go fishing again tomorrow. I just got off the boat now," and that "tonight I'm gonna go out to eat, finish my other fishing," meaning that **SCORDATO** was going to try and distribute additional prescription pain pills.

14. On January 17, 2012, **SCORDATO**, in coordination with **GIORGIANNI** and **MANFREDO**, received oxycodone-based pain pills from CC-1 for distribution. According to records received from Pharmacy #2, CC-1 obtained 120 thirty-milligram oxycodone pills on January 17, 2012. A series of intercepted telephone calls and text messages demonstrate that those pills were provided to **SCORDATO** for distribution:

- a. On January 17, 2012, at approximately 10:33 a.m., **GIORGIANNI** received a telephone call from CC-1. CC-1 stated that he was "getting ready to go up to, uh, see my doctor up in North Jersey," referring to Physician #2. At approximately 1:38 p.m., CC-1 advised that he was in northern New Jersey, which is where Physician #2 was located.
- b. On January 17, 2012, at approximately 4:56 p.m., **GIORGIANNI** received a telephone call from CC-1. CC-1 stated, "yeah, I'll stop by and see Mary, too," meaning that he was going to drop off prescription pain pills that he obtained earlier that day with **MARY MANFREDO**. CC-1 stated, "call your cousin, Joe," meaning **GIUSEPPE SCORDATO**, to "see if he want to get something to eat." CC-1 was using code to tell **GIORGIANNI** to have **SCORDATO** go to JoJo's Steakhouse to pick up the prescription pain pills for distribution. **GIORGIANNI** stated that he would "call him [**SCORDATO**] now" and "tell him go over there," meaning to JoJo's Steakhouse.
- c. On January 17, 2012, at approximately 4:58 p.m., **GIORGIANNI** called **SCORDATO**. **GIORGIANNI** stated, "those steaks you ordered are ready. Mary's got 'em ready. About an hour or so," meaning that **MANFREDO** had prescription pain pills for **SCORDATO** to pick up and distribute. **SCORDATO** stated, "oh, good. I'm gonna go pick them up. Everybody's starving," meaning that his customers were looking to purchase prescription pain pills. **SCORDATO** stated, "they don't, they don't like the flavor of the other sandwiches," and "weird, I don't know why. Same meat," meaning that his customers had complained about the prescription pain pills that **GIORGIANNI** had provided to **SCORDATO** to distribute in the past. **GIORGIANNI** stated, "y'know, they get spoiled on that meat that you cut," referring to a particular kind of prescription pain pill that can be cut into powder and snorted. **SCORDATO** stated, "I went last week" and that "it didn't work out up there," referring to his unsuccessful attempt to attend an appointment with Physician #2 to obtain a prescription for pain medication in furtherance of the narcotics distribution scheme. **SCORDATO** stated, "he [CC-1] didn't give me the right information." **GIORGIANNI** stated, "he's [CC-1] got no brain-," and **SCORDATO** stated, "he's a fucking idiot." **GIORGIANNI** and **SCORDATO** then discussed a particular employee in Physician #2's office. **GIORGIANNI** stated, "yeah, just corrupt her a little bit, that's all," meaning to offer her payment. **SCORDATO** stated he would "stop by there," meaning JoJo's Steakhouse.

- d. On January 17, 2012, at approximately 5:14 p.m., **GIORGIANNI** sent CC-1 a text message, which read, "I told joe the in one hour the cigars will be their." **GIORGIANNI** was using coded language to inform CC-1 that **SCORDATO** was going to JoJo's Steakhouse to pick up prescription pain pills to be distributed. Moments later, CC-1 replied with a text message, stating, "Ok they are their." CC-1 was confirming that the prescription pain pills, which he obtained from a prescription issued earlier that day by Physician #2, were at JoJo's Steakhouse waiting to be picked up by **SCORDATO**. **GIORGIANNI** replied with a text message stating, "ok."
- e. On January 17, 2012, at approximately 5:18 p.m., **GIORGIANNI** called **MANFREDO** and asked whether "[CC-1] drop off the cigars," meaning the prescription pain pills. **MANFREDO** stated, "yeah, he's right here," and "he took two out, though," likely meaning that CC-1 took two prescription pain pills for himself and gave her the rest of the pills. **GIORGIANNI** stated, "that's alright," and "tell Joey," meaning **GIUSEPPE SCORDATO**. **MANFREDO** stated, "oh, yeah. I will. Yeah, yeah." **GIORGIANNI** stated, "he'll be down in an hour." **MANFREDO** asked, "is he supposed to bring me anything?," meaning narcotics proceeds. **GIORGIANNI** stated, "no, no." **MANFREDO** stated, "oh, he still has the other ones, right?," and **GIORGIANNI** stated "yeah." **MANFREDO** and **GIORGIANNI** likely were discussing that **SCORDATO** had not yet sold other prescription pain pills, and that he did not yet have narcotics proceeds to give to **MANFREDO**. **MANFREDO** stated, "I'll call you when he [**SCORDATO**] comes."
- f. On January 17, 2012, at approximately 10:23 p.m., **GIORGIANNI** called **MANFREDO**. **MANFREDO** stated, "Joey came in," meaning **SCORDATO** came to JoJo's Steakhouse.

15. On April 10, 2012, CC-1, in coordination with **GIORGIANNI** and **MANFREDO**, supplied **SCORDATO** with oxycodone-based pain pills for distribution. According to records received from Pharmacy #2, CC-1 obtained 120 thirty-milligram oxycodone pills on April 10, 2012. A series of intercepted telephone calls and text messages on April 10, 2012 demonstrate that those pills were provided to **SCORDATO** for distribution:

- a. At approximately 12:27 p.m., CC-1 called **GIORGIANNI** and informed him, "I'm, um, going up right, um, now to see my doctor." **GIORGIANNI** stated, "oh, good, good." **GIORGIANNI** further stated, "I'll see you when you get back" and "because, uh, might as well get 'em out and get it in," meaning have the prescription pain pills delivered to **MANFREDO** at JoJo's Steakhouse and then to **SCORDATO** for distribution. CC-1 stated, "yeah."

- b. At approximately 5:12 p.m., CC-1 called Giorgianni, who was at home, and CC-1 stated that CC-1 was "getting off the highway now." CC-1 further asked **GIORGIANNI** to "call, um, cousin Joey," referring to **SCORDATO**. **GIORGIANNI** stated, "yeah, yeah," and "I told him." CC-1 stated, "okay." **GIORGIANNI** stated, "as soon as they land, hurry up with an eagle." CC-1 stated, "okay" and "I'm going down there now. Get me a steak, " meaning that CC-1 was informing **GIORGIANNI** that CC-1 was going to JoJo's Steakhouse, to deliver prescription pain medication for distribution. CC-1 further was confirming that **SCORDATO** was aware that the prescription pain pills would be at JoJo's Steakhouse so that **SCORDATO** could pick up and distribute the pills.
- c. At approximately 8:12 p.m., **SCORDATO** received a call from CC-1. CC-1 stated, "when you get a chance, man, stop by the Steakhouse," meaning JoJo's Steakhouse, "get something to eat." **SCORDATO** stated, "alright. I'll stop by later." CC-1 stated, "yeah, pick up some steaks and stuff." **SCORDATO** stated, "you got it, baby." In the context of this and other communications, CC-1 was informing **SCORDATO** that CC-1 had delivered prescription pain pills to **MANFREDO** at JoJo's Steakhouse and that they were available for **SCORDATO** to pick up for distribution.
- d. According to pole camera surveillance, CC-1 was seen arriving at JoJo's Steakhouse at approximately 8:20 p.m. At approximately 8:21 p.m., CC-1 again called **SCORDATO**. CC-1 stated, "Mary [**MANFREDO**] want to know what time you're coming" because "she want to close up a little early." **SCORDATO** stated, "I'll be there in 20 minutes." In the context of this and other calls, the two were arranging to meet in furtherance of the narcotics distribution scheme. **SCORDATO** arrived at approximately 8:37 p.m., according to pole camera footage.

16. In addition to maintaining the prescription pain pills which CC-1 left at JoJo's Steakhouse and providing these pills to **SCORDATO** for distribution, **MANFREDO** also maintained the proceeds of narcotics distribution at JoJo's Steakhouse for the benefit of **GIORGIANNI**. **GIORGIANNI** utilized **MANFREDO** to maintain control over the operation and to insure that he continued to receive a share of the proceeds for prescription pain pills provided by CC-1 to **SCORDATO**:

- a. On February 11, 2012, at approximately 5:45 p.m., **GIORGIANNI** called **MANFREDO** and said, "if Joey [**SCORDATO**] drops you anything off, don't say nothing to nobody. Not [CC-1] or anybody." **MANFREDO** stated, "you mean, like who?" **GIORGIANNI** stated, "y'know, if he [**SCORDATO**] drops anything off for me, just don't say nothing. Just keep it 'til you see me, y'know?" **MANFREDO** stated, "oh, alright." **GIORGIANNI** stated, "anybody ask, he [**SCORDATO**] wasn't there unless he [CC-1] sees him [**SCORDATO**], y'know."

GIORGIANNI was instructing **MANFREDO** that, if **SCORDATO** dropped off proceeds from narcotics activity for **GIORGIANNI**, **MANFREDO** was not to tell CC-1 unless CC-1 saw **SCORDATO** at JoJo's Steakhouse.

- b. On March 21, 2012, at approximately 8:41 p.m., **GIORGIANNI** and CC-1 engaged in a telephone conversation. **GIORGIANNI** asked, "when's your date coming up for up there?" CC-1 stated, "I did, I already did and came back." **GIORGIANNI** stated, "oh, you got 'em?" CC-1 stated, "yeah" and "the other day, I was at the Steakhouse and gave 'em to him." **GIORGIANNI** stated, "oh, you did it today?" and CC-1 stated, "no, I gave it to him [**SCORDATO**] yesterday." **GIORGIANNI** stated, "oh, oh, you met Joey?," referring to **SCORDATO**, and CC-1 stated, "yeah." At approximately 8:46 p.m., **GIORGIANNI** then called **MANFREDO**. **GIORGIANNI** directed **MANFREDO** to "give big Joey a call" and to "tell him, uh, always drop any, y'know, green with you." **MANFREDO** stated, "alright. Why, was [CC-1] around today?" **GIORGIANNI** stated, "I don't know. I think he maybe gave it-, hold on, my phone's beeping," and "this is [CC-1] now. Call Joey." **GIORGIANNI** was instructing **MANFREDO** to direct **SCORDATO** to deliver the proceeds from his narcotics distribution activities only to **MANFREDO** and not to give it to CC-1, likely due to CC-1's statement that he had dealt directly with **SCORDATO** on matters concerning the narcotics distribution scheme. According to records received from Pharmacy #2, CC-1 had previously obtained oxycodone on March 20, 2012 from Pharmacy #2 after receiving a prescription from Physician #2.

F. April and May 2012 Narcotics Transactions Involving EUGENE BROWN, a/k/a "Raheem" and CC-1

17. Numerous telephone conversations were intercepted during which **EUGENE BROWN**, an Atlantic City resident, and CC-1 schemed to obtain oxycodone-based pain pills for the purpose of distribution:

- a. On April 10, 2012, **EUGENE BROWN** called CC-1 and arranged to meet CC-1 because **BROWN** was going to see the "doctor." In the context of this and other intercepted telephone calls, CC-1 was arranging to meet with **BROWN** to purchase prescription pain medication from **BROWN** for distribution. **BROWN** discussed his medical conditions with CC-1 and stated that since he was not on "dialysis" anymore, **BROWN** would have to "pee in a cup," meaning that his intake of prescription pain medication would be monitored. **BROWN** stated that he should "keep one around all the time so when I go out there, the day before, you got to drop one, y'know?," meaning that he would need to keep one prescription pain pill available so that he could "drop," or take, the pill and a urinalysis would reveal that he was taking his medication, describing how

BROWN planned to avoid any discovery that he was distributing, rather than consuming, his prescription pain medication.

- b. On April 12, 2012, at approximately 1:29 p.m., **BROWN** received a telephone call from CC-1. CC-1 asked if the two could meet "tomorrow." **BROWN** stated he was going "over there" the next day, and "every thirty days, I go," and "I'm going over there tomorrow morning," and "whenever you get off, come on down. I'll be straight," and "thirty days is the requirement" and "they don't want you to run out completely," and "it's not on the drug store, it's on the insurance company," and "once I get to the drug store, I'll call you." In the context of this and other calls, **BROWN** and CC-1 were arranging to meet in Atlantic City, New Jersey in furtherance of the narcotics distribution operation, but only after **BROWN** attended his monthly doctor's appointment to receive his pain medication prescription.
- c. On April 12, 2012, at approximately 8:08 p.m., **BROWN** called CC-1 and stated, "I had called them people," and "they told me I'll come out there tomorrow, right," likely referring to a doctor's appointment that he arranged to attend to obtain a prescription for pain medication for distribution. **BROWN** and CC-1 arranged to meet the following night at approximately 8:30 p.m in Atlantic City, New Jersey.
- d. On May 7, 2012, at approximately 7:02 p.m., **BROWN** was called by CC-1 and asked "when am I going to come down and see you?," meaning when would CC-1 be able to meet with **BROWN** to purchase his oxycodone-based pain pills for distribution. **BROWN** stated "I see the doctor Friday but I can't go to the drug store until...the 13th or 14th, I'll find out Friday," meaning that while **BROWN** had a doctor appointment on May 11, 2012, at which time **BROWN** expected to receive a prescription for oxycodone-based pain pills, **BROWN** would not be able to fill the prescription on that date to provide the pills to CC-1. This is consistent with an April 12, 2012 call, in which **BROWN** explained that he needed to wait approximately 30 days between obtaining prescription pain medication.
- e. On May 7, 2012, at approximately 7:38 p.m., **BROWN** called CC-1. During the call, **BROWN** stated "that last, last time I went to the drug store . . . I got it on my bottle, empty bottle and it say the 13th, so that when I'll be able to go out there. That's Saturday." CC-1 confirmed "this coming Saturday" and **BROWN** stated "okay, I'll call you." **BROWN** was confirming that, according to the bottle that he received and retained from the pharmacy, he last obtained prescription pain medication on April 13, 2012 and that he would be able to obtain prescription pain medication from the drug store on Saturday May 12, 2012, which **BROWN** would then provide to CC-1.

- f. On May 12, 2012, **BROWN** agreed to take the train to Trenton to provide the pills to CC-1 and CC-1 agreed to meet **BROWN**. At approximately 12:39 p.m., **BROWN** called CC-1. During the conversation, **BROWN**, who had arrived in Trenton, asked CC-1 "where you at, man?" **BROWN** stated "you should have been here already" and "you always got a bullshit ass excuse." **BROWN**, while laughing, stated "I couldn't fuck with you in no real-real deal. Shit. You'd make me shoot you." **BROWN** was complaining that CC-1 was not punctual and should have been ready to pick him up in Trenton in light of their earlier agreement. When **BROWN** stated "I couldn't fuck with you in no real-real deal," **BROWN** likely was joking that he would be unwilling to deal with CC-1 in any other illicit drug transactions besides their current arrangement to obtain and sell prescription drugs due to CC-1's lack of punctuality to their meetings. During the call, CC-1 asked **BROWN**, "you got your pistol with you?" **BROWN** responded "do I got my shoes on?," likely confirming that he was in possession of a firearm.
- g. When interviewed by law enforcement, CC-1 stated that he obtained 50 to 100 pills from **BROWN** on approximately 4 to 6 occasions. CC-1 stated that he obtained these pills in Atlantic City, Camden, and Trenton. CC-1 stated that he typically delivered these pills to JoJo's Steakhouse for distribution. CC-1 also provided pills that he obtained from **BROWN** directly to **MARK BETHEA** for further distribution.

G. Narcotics Transactions Involving MARK BETHEA

18. **MARK BETHEA** distributed oxycodone-based prescription pain pills, which were supplied to him by CC-1. CC-1 has advised that CC-1 supplied **BETHEA** with pills, namely 10-milligram oxycodone, on various occasions. In this regard, intercepted telephone calls and text messages revealed that:

- a. On September 2, 2011, **BETHEA** called CC-1. **BETHEA** stated "I gotta order, they're coming from PA," meaning that he has a customer from Pennsylvania interested in purchasing oxycodone-based pain pills.
- b. On September 9, 2011, **BETHEA** discussed with CC-1 the arrangement for the pills that **BETHEA** was selling. **BETHEA** stated "I mean, like I said, the most you will get from [racial epithet] is \$7 to \$8. [Racial epithet] buy 3, they want 3 for the twenty, you know what I mean. What you want? \$5 off of each pill so if I sell 'em for \$7, I'm at least making \$2." CC-1 stated "ok." **BETHEA** stated "alright, that's how we're going to work it but if I get the white boys for 10, we're going to make more money." **BETHEA** was explaining to CC-1 that if the pills were sold to certain customers at a price of \$7 per pill, **BETHEA** would make \$2 per pill and CC-1 would make \$5. **BETHEA** was further explaining that if he secured other customers, who would pay \$10 per pill, **BETHEA** and CC-1 would

make a larger profit.

19. When interviewed by law enforcement officers, CC-1 stated that **BETHEA** would contact CC-1 over the telephone and inquire about the availability of pills for purchase and subsequent distribution. CC-1 stated that when CC-1 had pills available, **BETHEA** received those pills from CC-1 at a local Trenton football field. Between September 30, 2011 and October 26, 2012, **BETHEA** and CC-1 engaged in the following text messages concerning **BETHEA**'s receipt of oxycodone-based pills from CC-1 for the purpose of distribution:

Date and Time	Direction	Message
9/30/2011 at 4:11 p.m.	BETHEA to CC-1	Yo u still got them 30
9/30/2011 at 4:13 p.m.	CC-1 to BETHEA	Yes see you at practice
9/30/2011 at 4:14 p.m.	BETHEA to CC-1	Wht ur count
9/30/2011 at 4:16 p.m.	CC-1 to BETHEA	See you at practice
10/4/2011 at 12:51 p.m.	BETHEA to CC-1	Yo bring Wht u got
10/4/2011 at 12:52 p.m.	CC-1 to BETHEA	Ok
10/8/2011 at 2:28 p.m.	BETHEA to CC-1	Yo bring 5
10/26/2011 at 6:45 p.m.	BETHEA to CC-1	Yo u around got someone want 15 text. Me

20. Numerous telephone calls and text messages were intercepted during the course of the investigation in which **BETHEA** made and attempted to make arrangements with CC-1 to deliver money to CC-1. When subsequently interviewed by law enforcement officers, CC-1 explained that this money represented proceeds due to CC-1 from the narcotics distribution activity.

IV. INTERVIEWS AND EXECUTION OF SEARCH WARRANTS

21. On July 18, 2012, FBI Special Agents executed court-authorized search warrants, including a warrant at **GIORGIANNI'S** residence in Mercer County, New Jersey. During the execution of the warrant, special agents found four firearms in **GIORGIANNI'S** residence, where **GIORGIANNI** lived alone. Pursuant to the search warrant, the FBI seized the following four firearms, as well as hundreds of rounds of ammunition:

- a. Mossberg pistol grip pump action shotgun, Model 500 C, bearing serial number J893695;
- b. Colt, .380 semi-automatic pistol, bearing serial number 132659;
- c. Beretta 3032 Tomcat .32 pistol, bearing serial number DAA237867; and
- d. FEG SMC-22 semiautomatic pistol, bearing serial number B02831

Each of these weapons was manufactured outside of the State of New Jersey and thus moved in and affected interstate commerce in order for **GIORGIANNI** to have possessed these weapons on July 18, 2012. **GIORGIANNI** had sustained a felony conviction in the State of New Jersey prior to July 18, 2012.

22. On July 20, 2012, FBI Special Agents executed a search warrant at **EUGENE BROWN'S** residence in Atlantic County, New Jersey. During the execution of the search warrant, special agents seized a loaded American Arms, .22 caliber semi-automatic pistol, bearing serial number 051088. Special agents also interviewed **BROWN** at the time of the search warrant's execution. **BROWN** stated that he was prescribed Endocet, a generic prescription pain medication, containing oxycodone and acetaminophen, for pain. **BROWN** stated that he received 120 Endocet pills a month and that he typically refilled the prescription on the fifth of the month. **BROWN** stated that he took three to four Endocet pills per day and that he did not take more than four in any given day. **BROWN** stated that he provided CC-1 Endocet pills on multiple occasions starting in February 2012. Despite initially stating that he has not seen CC-1 for at least three months, **BROWN** admitted to providing CC-1 pills in April 2012 and at the end of May or beginning of June 2012. **BROWN** stated that on one occasion, **BROWN** gave CC-1 ten pills. **BROWN** further stated that on one occasion when **BROWN** provided CC-1 with pills, **BROWN** received thirty dollars from CC-1.

23. During the interview and search of his residence, **BROWN** also stated he only had two Endocet pills. **BROWN** was shown a weekly pill case, which contained two yellow pills in the Sunday container. **BROWN** indicated that the two pills were the only remaining Endocet and that he received 120 pills when he filled the prescription on July 5, 2012. **BROWN** stated that he last took Endocet on July 18, 2012 and that the most he ever took in one day was 4 pills. **BROWN** was unable to explain the discrepancy with his statements concerning the 120 pills that

he obtained, the amount that he personally used, and the fact that only two remained.

24. During the interview, **BROWN** stated he previously possessed firearms and used firearms during the commission of crimes but indicated that there were no firearms in his residence. **BROWN** was asked about with the American Arms, .22 caliber semi-automatic pistol, bearing serial number 051088 found during the search of his residence. **BROWN** stated the firearm must belong to another individual, who recently was in his apartment. **BROWN** stated that he never saw the firearm before and that he knew he was prohibited from possessing a firearm based on his prior convictions. **BROWN** stated that his fingerprints will not be found on the firearm. At the conclusion of the interview, **BROWN** was provided with the contact information for one of the special agents conducting the interview. Later in the day on July 20, 2012, **BROWN** called the special agent and left a voice mail, in which he admitted that the firearm seized from his residence belonged to him and that his fingerprints were likely on the weapon. The American Arms, .22 caliber semi-automatic pistol, bearing serial number 051088 found during the search of **BROWN**'s residence was manufactured outside of the State of New Jersey and thus moved in and affected interstate commerce in order for **BROWN** to have possessed this weapon on July 20, 2012. **BROWN** had sustained multiple felony convictions in the State of New Jersey and the State of Pennsylvania prior to July 20, 2012.

25. On August 8, 2012, FBI Special Agents interviewed **CAROL KOUNITZ**. During the interview, **KOUNITZ** advised that she and **LIMA** met **GIORGIANNI** and CC-1 at a restaurant and banquet hall in Hamilton, New Jersey. **KOUNITZ** stated that CC-1 advised that she and **LIMA** could make extra money on the side, and that CC-1 would set up appointments for **KOUNITZ** and **LIMA** to visit a doctor in New Jersey. **KOUNITZ** stated that CC-1 had to ask **GIORGIANNI** permission to do so and **KOUNITZ** was under the impression that **GIORGIANNI** personally knew the doctor. **KOUNITZ** stated that CC-1 drove **LIMA** and her to the doctor in northern New Jersey. **KOUNITZ** stated that during the first visit to the doctor, she received three prescriptions, one of which was oxycodone. **KOUNITZ** stated that **LIMA** did not have x-rays with her at the time of the first visit and was unable to obtain a prescription.

26. **KOUNITZ** further stated that after the first visit to the doctor, CC-1 drove **KOUNITZ** to a pharmacy in Nutley, New Jersey and **KOUNITZ** obtained the oxycodone. **KOUNITZ** immediately provided the pills to CC-1 and CC-1 told **KOUNITZ** that CC-1 would provide the money to **KOUNITZ** later that night. **KOUNITZ** stated that she met CC-1 later that night and received \$300 to \$400. **KOUNITZ** stated that she, **LIMA**, and CC-1 visited the doctor three or four times and each time CC-1 would pay **KOUNITZ** and **LIMA** \$300 to \$400 each. **KOUNITZ** stated that she told CC-1 in September 2011 that she did not want to obtain oxycodone anymore.

27. On August 8, 2012, FBI Special Agents interviewed **STEPHANIE LIMA**. During the interview, **LIMA** stated that **KOUNITZ** told her that CC-1 was involved with oxycontin and wanted to know if **LIMA** had access to any pills. **LIMA** advised that according to **KOUNITZ**, CC-1 would pay two to three hundred dollars per oxycontin prescription filled.

LIMA stated that she agreed to go to a doctor with **KOUNITZ** and get a prescription filled for CC-1. **LIMA** stated that she and **KOUNITZ** went to Physician #2's office two times during the summer of 2011. **LIMA** advised that the first time she was turned away by the receptionist because she did not have x-rays, but that **KOUNITZ** received a prescription for oxycodone-based pain medication. **LIMA** stated that she returned to Physician #2's office a few weeks later with x-rays and successfully obtained a prescription. **LIMA** advised that **KOUNITZ** also received a prescription at this time. **LIMA** stated that after getting the prescription from Physician #2, she filled it at Pharmacy #2. **LIMA** stated that she kept 10 pills and provided the other 20 to **KOUNITZ**, who was to provide them to CC-1. **LIMA** stated she received \$50 for fraudulently obtaining the prescription pills.

28. On or about July 19, 2012, FBI Special Agents interviewed **MARK BETHEA**. During the interview, **BETHEA** initially stated that he had never been involved in any criminal activity with CC-1 and that he had never been involved in the sale or trafficking of prescription pain medication or illegal drugs of any kind. **BETHEA** eventually stated that he may have had a conversation at a football game or practice with CC-1 regarding CC-1's access to pain medications prescribed to CC-1 for his leg pain. **BETHEA** stated that CC-1 had approached him and they discussed how CC-1 could potentially sell his pain medication to supplement CC-1's income. **BETHEA** stated he had never done any drug dealing with CC-1.