

11 MAG 2730

Approved: \_\_\_\_\_

Carrie H. Cohen/Brent S. Wible/Amanda Kramer  
Assistant United States Attorneys

Before: HONORABLE KEVIN N. FOX  
United States Magistrate Judge  
Southern District of New York

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UNITED STATES OF AMERICA

- v. -

WILLIAM MASSO,  
EDDIE GORIS,  
ALI OKLU,  
GARY ORTIZ,  
JOHN MAHONEY,  
JOSEPH TRISCHITTA,  
MARCO VENEZIA,  
RICHARD MELNIK,  
ANTHONY SANTIAGO,  
DAVID KANWISHER,  
MICHAEL GEE, and  
ERIC GOMER,

Defendants.

SEALED COMPLAINT

Violations of  
18 U.S.C. §§ 371  
922(a)(3), 922(k)  
922(a)(5), 2314, and  
2315.

COUNTY OF OFFENSE:  
NEW YORK

SOUTHERN DISTRICT OF NEW YORK, ss.:

KENNETH HOSEY, being duly sworn, deposes and says that  
he is a Special Agent with the Federal Bureau of Investigation  
("FBI"), and charges as follows:

COUNT ONE

(Conspiracy to Transport Firearms Interstate)

1. From in or about July 2011, up to and including in  
or about the present, in the Southern District of New York and  
elsewhere, WILLIAM MASSO, EDDIE GORIS, ALI OKLU, GARY ORTIZ,  
JOSEPH TRISCHITTA, MARCO VENEZIA, ANTHONY SANTIAGO, and DAVID  
KANWISHER, the defendants, and others known and unknown,  
willfully and knowingly combined, conspired, confederated, and  
agreed together and with each other to commit an offense against  
the United States, to wit, to violate Section 922(a)(3) of Title  
18, United States Code.

2. It was a part and an object of the conspiracy that WILLIAM MASSO, EDDIE GORIS, ALI OKLU, GARY ORTIZ, JOSEPH TRISCHITTA, MARCO VENEZIA, ANTHONY SANTIAGO, and DAVID KANWISHER, the defendants, and others known and unknown, would and did transport into or receive in the State where a person resides a firearm purchased and otherwise obtained by such person outside that State, in violation of Title 18, United States Code, Section 922(a)(3).

Overt Act

3. In furtherance of said conspiracy and to effect the illegal object thereof, the following overt act, among others, was committed in the Southern District of New York:

a. On or about September 22, 2011, WILLIAM MASSO, EDDIE GORIS, ALI OKLU, GARY ORTIZ, JOSEPH TRISCHITTA, MARCO VENEZIA, ANTHONY SANTIAGO, and DAVID KANWISHER, the defendants, transported firearms, some of which had been defaced, from New Jersey to New York via the Verrazano Bridge.

(Title 18, United States Code, Section 371.)

COUNT TWO

(Conspiracy to Transport Defaced Firearms Interstate)

4. At least in or about September 2011, in the Southern District of New York and elsewhere, WILLIAM MASSO, EDDIE GORIS, and ALI OKLU, the defendants, and others known and unknown, willfully and knowingly combined, conspired, confederated, and agreed together and with each other to commit an offense against the United States, to wit, to violate Section 922(k) of Title 18, United States Code.

5. It was a part and an object of the conspiracy that WILLIAM MASSO, EDDIE GORIS, and ALI OKLU, the defendants, and others known and unknown, willfully and knowingly, would and did transport, ship, and receive, in interstate and foreign commerce, firearms which had the importer's and manufacturer's serial numbers removed, obliterated, and altered and would and did possess and receive firearms which had the importer's and manufacturer's serial numbers removed, obliterated, and altered and had been shipped and transported in interstate and foreign commerce, in violation of Title 18, United States Code, Section 922(k).

Overt Act

6. In furtherance of said conspiracy and to effect the illegal object thereof, the following overt act, among others, was committed in the Southern District of New York and elsewhere:

a. On or about September 22, 2011, WILLIAM MASSO, EDDIE GORIS, and ALI OKLU, the defendants, transported firearms, some of whose serial numbers had been removed, obliterated, and altered, from New Jersey to New York via the Verrazano Bridge.

COUNT THREE

(Conspiracy to Sell a Firearm to an Out Of State Resident)

7. In or about July 2011, in the Southern District of New York, WILLIAM MASSO, ANTHONY SANTIAGO, and MICHAEL GEE, the defendants, and others known and unknown, willfully and knowingly combined, conspired, confederated, and agreed together and with each other to commit an offense against the United States, to wit, to violate Section 922(a)(5) of Title 18, United States Code.

8. It was a part and an object of the conspiracy that WILLIAM MASSO, ANTHONY SANTIAGO, and MICHAEL GEE, the defendants, and others known and unknown, not being licensed importers, manufacturers, dealers or collectors of firearms, willfully and knowingly, would and did transfer, sell, and deliver a firearm to a person who they knew did not reside in the State in which they reside, in violation of Title 18, United States Code, Section 922(a)(5).

Overt Act

9. In furtherance of said conspiracy and to effect the illegal object thereof, the following overt act, among others, was committed in the Southern District of New York:

a. On or about July 7, 2011, in New York, New York, WILLIAM MASSO, ANTHONY SANTIAGO, and MICHAEL GEE, the defendants, sold a shotgun to an undercover law enforcement officer, who had previously indicated that s/he lived outside of the State of New York ("New York State").

(Title 18, United States Code, Section 371.)

#### COUNT FOUR

(Conspiracy to Transport and Receive Stolen Merchandise)

10. From in or about September 2010, up to and including in or about the present, in the Southern District of New York and elsewhere, WILLIAM MASSO, EDDIE GORIS, ALI OKLU, GARY ORTIZ, JOHN MAHONEY, JOSEPH TRISCHITTA, MARCO VENEZIA, RICHARD MELNIK, ANTHONY SANTIAGO, DAVID KANWISHER, MICHAEL GEE, and ERIC GOMER, the defendants, and others known and unknown, willfully and knowingly combined, conspired, confederated, and agreed together and with each other to commit offenses against the United States, to wit, to violate Sections 2314 and 2315 of Title 18, United States Code.

11. It was a part and an object of the conspiracy that WILLIAM MASSO, EDDIE GORIS, ALI OKLU, GARY ORTIZ, JOHN MAHONEY, JOSEPH TRISCHITTA, MARCO VENEZIA, RICHARD MELNIK, ANTHONY SANTIAGO, DAVID KANWISHER, MICHAEL GEE, and ERIC GOMER, the defendants, and others known and unknown, willfully and knowingly, would and did transport, transmit, and transfer in interstate commerce goods and merchandise of the value of \$5,000 and more, knowing the same to have been stolen, in violation of Title 18, United States Code, Section 2314.

12. It was further a part and an object of the conspiracy that WILLIAM MASSO, EDDIE GORIS, ALI OKLU, GARY ORTIZ, JOHN MAHONEY, JOSEPH TRISCHITTA, MARCO VENEZIA, RICHARD MELNIK, ANTHONY SANTIAGO, DAVID KANWISHER, MICHAEL GEE, and ERIC GOMER, the defendants, and others known and unknown, willfully and knowingly, would and did receive, possess, sell, and dispose of goods and merchandise of the value of \$5,000 and more which have crossed a State boundary after being stolen, knowing the same to have been stolen, in violation of Title 18, United States Code, Section 2315.

#### Overt Acts

13. In furtherance of said conspiracy and to effect the illegal objects thereof, the following overt acts, among others, were committed in the Southern District of New York and elsewhere:

a. On or about March 25, 2011, WILLIAM MASSO, EDDIE GORIS, ALI OKLU, JOHN MAHONEY, JOSEPH TRISCHITTA, MARCO VENEZIA, RICHARD MELNIK, ANTHONY SANTIAGO, DAVID KANWISHER, the defendants, participated in transporting slot machines they believed had been stolen from Atlantic City, New Jersey to Port

Chester, New York.

b. On or about May 9, 2011, WILLIAM MASSO, ANTHONY SANTIAGO, EDDIE GORIS, ALI OKLU, DAVID KANWISHER, GARY ORTIZ and ERIC GOMER, the defendants, participated in stealing more than 200 cases of cigarettes<sup>1</sup> from trucks located in Virginia and transporting the cigarettes to New York.

c. On or about May 9, 2011, in Long Island, New York, MICHAEL GEE, the defendant, received a portion of the more than 200 cases of cigarettes referred to in the preceding paragraph from his co-defendants with the knowledge that such cigarettes purportedly were stolen and transported to New York from Virginia.

(Title 18, United States Code, Section 371.)

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

14. I am a Special Agent with the FBI and have been personally involved in the investigation of this matter. The investigation has consisted of, among other things, interviews of a confidential informant and undercover law enforcement officers, physical surveillance, consensual recordings, and the court-authorized interception of telephone communications. This affidavit is based upon my investigation, my conversations with the confidential informant, the undercover officers, and other law enforcement personnel, my review of recorded conversations and summaries of recorded conversations, and my examination of reports and other records. Because this affidavit is being submitted for the limited purpose of establishing probable cause, it does not include all the facts that I have learned during the course of my investigation. Where the contents of documents and the actions, statements, and conversations of others are reported herein, they are reported in substance and in part, except where otherwise indicated. In addition, where quotations are used to describe the contents of intercepted phone communications or consensually recorded conversations, those quotations are based on my review of summaries of those conversations prepared by

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<sup>1</sup>Cigarettes are typically packaged for sale as follows: a case of cigarettes contains 60 cartons of cigarettes; a carton of cigarettes contains ten packs of cigarettes; and each pack of cigarettes contains 20 individual cigarettes. Accordingly, 200 cases of cigarettes contain 2.4 million cigarettes (12,000 cartons; 120,000 packs; and 2,400,000 cigarettes).

others, and/or my preliminary review of the recordings, and are subject to revision upon further review of the recorded conversations and receipt of full transcripts.

### Overview of the Defendants' Schemes

15. For approximately the past year, the defendants - most of whom are active duty or former law enforcement officers in the New York City area - exploited their experience and credentials to assist in a variety of schemes involving the illegal interstate transportation of goods. As described more fully below, these schemes included: (1) the interstate transportation of firearms, including M-16 rifles and firearms with obliterated serial numbers; (2) the interstate transportation of stolen slot machines; and (3) the interstate transportation of stolen cigarettes and counterfeit goods. All told, the defendants participated in schemes involving the illegal interstate transportation of goods carrying a street value of in excess of one million dollars.

### The Participants in the Schemes

16. Based on the investigation, including interviews of a confidential informant (the "CI")<sup>2</sup> and an undercover law enforcement officer ("UC-1"), physical surveillance, consensual recordings, and the court-authorized interception of telephone calls over cellular telephones used by WILLIAM MASSO and ANTHONY SANTIAGO, the defendants, I believe that the roles played by the participants in the schemes described herein, were as follows:

a. MASSO, EDDIE GORIS, ALI OKLU, and GARY ORTIZ, the defendants, are active-duty police officers with the New York City Police Department ("NYPD") who have transported firearms, including defaced firearms, interstate; aided in the transportation of purportedly stolen slot machines and cigarettes and/or other merchandise interstate; and received and/or sold purportedly stolen cigarettes. MASSO, GORIS, OKLU, and ORTIZ also participated in a purported theft of more than \$500,000 worth of purportedly stolen cigarettes in Virginia and the interstate transportation and/or receipt and/or sale of those

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<sup>2</sup>The CI, who is not a U.S. citizen, has been assisting the FBI in exchange for payment and aid in remaining in the United States. The information the CI has provided in this investigation has been corroborated through other investigative methods, including physical surveillance, consensual recordings, and court-authorized interception of telephone communications.

cigarettes. MASSO also took part in the sale of a shotgun to UC-1. MASSO, GORIS, OKLU, and ORTIZ have been residents of New York State at all times relevant to this Complaint.<sup>3</sup> MASSO and GORIS currently work in the 68<sup>th</sup> precinct in Brooklyn; OKLU currently works on the Brooklyn South Task Force; and ORTIZ currently works in the 71<sup>st</sup> precinct in Brooklyn.

b. JOHN MAHONEY, the defendant, is an active-duty police officer with the NYPD who aided in the interstate transportation of purportedly stolen slot machines. MAHONEY was a resident of New York State at all times relevant to this Complaint. He currently works in the 68<sup>th</sup> precinct in Brooklyn.

c. JOSEPH TRISCHITTA and MARCO VENEZIA, the defendants, were active-duty NYPD officers for part of the time that they committed the offenses described herein and now are retired. TRISCHITTA and VENEZIA transported firearms, including defaced firearms, interstate, aided in the transportation of purportedly stolen slot machines and cigarettes and/or other merchandise interstate; and received and/or sold purportedly stolen cigarettes. TRISCHITTA and VENEZIA have been residents of New York State at all times relevant to this Complaint. Prior to their retirement, both TRISCHITTA and VENEZIA worked in the 68<sup>th</sup> precinct in Brooklyn.

d. RICHARD MELNIK, the defendant, is a retired NYPD officer who was retired at the time he committed the offenses described herein. MELNIK aided in the transportation of purportedly stolen slot machines and cigarettes and/or other merchandise interstate and received and/or sold purportedly stolen cigarettes. MELNIK was a resident of New York State at all times relevant to this Complaint. Prior to his retirement, MELNIK worked in the 68<sup>th</sup> precinct in Brooklyn.

e. SANTIAGO is a former officer with the New York City Department of Sanitation Police who has transported firearms, including defaced firearms, interstate; received and sold purportedly stolen cigarettes; aided in the transportation of purportedly stolen slot machines, cigarettes, and other merchandise interstate; and participated in a theft of more than \$500,000 worth of purportedly stolen cigarettes and the

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<sup>3</sup>To work as an NYPD police officer, an individual must, on the day of his or her appointment, reside in the City of New York ("New York City") or one of several New York State counties surrounding New York City, including Westchester, Rockland, Orange, Putnam, Nassau, and Suffolk.

transportation of those cigarettes interstate. Additionally, SANTIAGO took part in the sale of a shotgun to UC-1. SANTIAGO was a resident of New Jersey at all times relevant to this Complaint.

f. DAVID KANWISHER, the defendant, is a Corrections Officer in New Jersey who has held himself out as a trooper with the New Jersey State Police. KANWISHER has transported firearms, including defaced firearms, interstate; received and sold purportedly stolen cigarettes; aided in the transportation of purportedly stolen slot machines, cigarettes, and other merchandise interstate; and participated in a theft of more than \$500,000 worth of purportedly stolen cigarettes and the transportation of those cigarettes interstate. KANWISHER was a resident of New Jersey at all times relevant to this Complaint.

g. MICHAEL GEE, the defendant, is an associate of SANTIAGO's who has received numerous deliveries of purportedly stolen cigarettes, and took part, along with MASSO and SANTIAGO, in the sale of a shotgun to UC-1. GEE was a resident of New York State at all times relevant to this Complaint.

h. ERIC GOMER, the defendant, is an associate of SANTIAGO who aided in the transportation of purportedly stolen slot machines interstate and participated in a theft of more than \$500,000 worth of purportedly stolen cigarettes and the transportation of those cigarettes interstate. GOMER was a resident of New York State at all times relevant to this Complaint.

#### Background of the Investigation

17. In late 2009, the CI, who was seeking to "fix" NYPD traffic tickets in exchange for payment, was introduced to WILLIAM MASSO, the defendant, as a person who could "fix" the CI's traffic tickets. During MASSO's conversations with the CI, MASSO discussed his willingness to "fix" tickets. The CI thereafter developed an independent relationship with MASSO.

18. Between in or about February 2010 and in or about March 2010, the CI had several conversations with WILLIAM MASSO, the defendant, during which MASSO expressed interest in working with the CI to obtain and sell certain types of contraband merchandise, including cigarettes. During one of these conversations on or about March 16, 2010, which was recorded, MASSO explained that he had previously gotten cigarettes from a woman who bought them at a Native American reservation and put



fraudulent tax stamps on the cigarette boxes.<sup>4</sup> MASSO further explained that he had made \$5,000 each week selling the cigarettes. Specifically, MASSO said, "I was sticking them in my car, I was driving around, they said 'be careful, you get caught, you're f--ked.' I says, 'I know . . . but it was good money. I needed it at the time.'" MASSO continued, "I want to try to find the girl with the stickers," which I believe referred to tax stamps, and said to the CI, "If I can get the f--king stickers, do you know how much money you'll make with that?"

19. During the conversations in early 2010 between the CI and WILLIAM MASSO, the defendant, the CI told MASSO that the merchandise that was available to the CI had been stolen out of state and transported into New York. For example, on or about March 17, 2010, the CI had a consensually recorded conversation with MASSO during which the CI told MASSO, "It's not like Indian reservation cigarettes. No . . . the truck . . . they never made it to whatever." Masso said, "right, the place." The CI later told MASSO, "Anyway, they are [U/I] from different state, so nobody's going to knows about they stole the truck or they stole the cigarette or stuff like . . . ." The CI continued, "So I don't want to get caught with stuff like that." MASSO replied, "You can't. Don't. Try not to."

20. Thereafter, and over the following months, the CI supplied cigarettes and other merchandise to WILLIAM MASSO, the defendant, and others not named herein for resale. During the course of these transactions, the CI told MASSO that the CI worked for another individual but such individual actually was UC-1. MASSO agreed to more directly assist the CI and UC-1 and engaged in the following transactions and discussions, for example:

a. On or about April 3, 2010, the CI met with MASSO in Brooklyn, New York. During this meeting, which the CI recorded, MASSO paid the CI for twelve cases of cigarettes that the CI had previously given to MASSO. MASSO explained that he owed the CI \$1,800 per case of cigarettes (at \$30 per carton), for a total of \$21,600 for the twelve cases. MASSO then counted the money as \$21,600 and gave the cash to the CI, but it was in fact only \$20,700.

b. On or about June 2, 2010, the CI had a consensually recorded telephone conversation with MASSO in which

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<sup>4</sup>A cigarette tax stamp is a stamp that evidences payment of the required state cigarette tax by the vendor/distributor.

the CI told MASSO that the CI's cigarette suppliers were delayed in bringing cigarettes to New York because, for security reasons, they were changing the warehouse where they stored the cigarettes. Specifically, the CI said, "What happened is, they're moving their warehouse from one to the other." The CI continued, "for something, they call it security reasons or something." MASSO replied, "you got to be today especially, you got to watch, you got to be careful, you know what I mean, you got to watch everything you do. You got to change once a month or once everything . . . you got to keep changing." MASSO then said that he had a number of customers who were waiting to purchase cigarettes.

c. During a meeting between the CI and MASSO in Brooklyn, New York on or about April 21, 2010, which the CI recorded, MASSO and the CI discussed MASSO providing certain services in connection with the CI's and UC-1's business to ensure that law enforcement officers did not disrupt it. Specifically, MASSO indicated that he could provide various sorts of personnel to assist them. MASSO told the CI that he could get a "retired cop, active cop, ex-cop, bad guy . . . I have good guy, bad guy, like my partner's saying, whatever he wants we get - one guy seven foot tall, with muscles out to here. We get him. You want a guy who beat the s--t out of somebody who bothers him, we got that. We got cops with vests and guns. They don't touch . . . we got anything [the UC] wants."

#### Trafficking in Purportedly Stolen Merchandise

21. From in or about September 2010, up to and including in or about the present, WILLIAM MASSO, ANTHONY SANTIAGO, EDDIE GORIS, ALI OKLU, DAVID KANWISHER, GARY ORTIZ, ERIC GOMER, JOSEPH TRISCHITTA, RICHARD MELNIK, MARCO VENEZIA, JOHN MAHONEY, and MICHAEL GEE, the defendants, engaged in a conspiracy to transport purportedly stolen merchandise, including slot machines and/or cigarettes, into New York from out of state. The CI and UC-1, posing as dealers in such stolen merchandise, relied on the current and former law enforcement defendants to, among other things, transport the purportedly stolen merchandise across state lines and provide protection from law enforcement during such transportation.

22. In addition, during the conspiracy, some of the current and former law enforcement defendants participated in what they believed to be the theft of more than \$500,000 worth of cigarettes by breaking into tractor-trailers where such cigarettes were being stored and transporting the cigarettes from Virginia to New York. Further, some of the defendants have

worked with the CI and UC-1 to sell the purportedly stolen merchandise after it was transported to New York.

A. Slot Machines

23. On or about October 5, 2010, WILLIAM MASSO, ANTHONY SANTIAGO, EDDIE GORIS, ERIC GOMER, and ALI OKLU, the defendants, and on or about March 25, 2011, MASSO, SANTIAGO, GORIS, OKLU, MARCO VENEZIA, JOHN MAHONEY, RICHARD MELNIK, JOSEPH TRISCHITTA, and DAVID KANWISHER, the defendants, conspired to transport purportedly stolen slot machines from New Jersey to New York.<sup>5</sup>

24. On or about September 10, 2010, at approximately 9:57 p.m., agents intercepted a telephone call between WILLIAM MASSO, the defendant, and UC-1. In this call, UC-1 told MASSO that UC-1's contacts had five or six slot machines that they wanted to transport from New Jersey to New York. UC-1 indicated that the machines were stolen, describing them as having come "out the back door." MASSO confirmed that he would provide individuals to transport the slot machines. UC-1 indicated he wanted law enforcement officers to transport the slot machines in the event the trucks were stopped en route.

25. Thereafter, on or about September 21, 2010, UC-1 had a consensually recorded telephone conversation with WILLIAM MASSO, the defendant. During this call, MASSO agreed to provide the four or five individuals necessary to transport the purportedly stolen slot machines from Atlantic City, New Jersey to New York during the week of October 4, 2010. MASSO agreed that ANTHONY SANTIAGO, the defendant, and he would follow the trucks carrying the slot machines to ensure that the machines arrived at their destination safely.

26. On or about October 4, 2010, WILLIAM MASSO and ANTHONY SANTIAGO, the defendants, met with UC-1, the CI, and several other undercover law enforcement officers at a restaurant in New York, New York. During this meeting, they discussed how to transport the purportedly stolen slot machines from New Jersey to New York.

27. The following day, on or about October 5, 2010, WILLIAM MASSO, the defendant, introduced EDDIE GORIS and ALI OKLU, the defendants, to the CI. The CI then drove with MASSO,

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<sup>5</sup>The slot machines were supplied by the FBI and were not in fact stolen.

GORIS, and OKLU from New York to New Jersey in order to transport the purportedly stolen slot machines back to New York. They stopped first at the residence of ANTHONY SANTIAGO, the defendant, in New Jersey, where they met SANTIAGO, as well as ERIC GOMER, the defendant, and two other co-conspirators not named herein. The men then drove to a restaurant parking lot in New Jersey, where they met with UC-1 and a second law enforcement officer who was acting in an undercover capacity ("UC-2"). Two U-Haul trucks containing the purportedly stolen slot machines were parked in the lot. While at the lot, UC-2 indicated to MASSO and others that the slot machines in the U-Haul trucks were stolen, warning them "you don't want [others to see] the serial numbers" on the machines. The men then departed en route to Port Chester, New York. The U-Haul trucks were driven by GORIS and OKLU. MASSO and the CI drove together in a separate vehicle. During the drive, MASSO expressed concern to the CI that U-Haul trucks were being used to transport the slot machines and stated that law enforcement officers usually "don't bother" regular vans.

28. After delivering the purportedly stolen slot machines to a location in Port Chester, New York, the CI, WILLIAM MASSO, EDDIE GORIS, and ALI OKLU, the defendants, continued to New York, New York, where they met UC-1, other undercover law enforcement officers, and the CI at a hotel bar. UC-1 paid MASSO for his role in the transportation of the slot machines and also gave him money to pay GORIS and OKLU for their participation in the transportation of the slot machines.

29. The following morning, on or about October 6, 2010, at approximately 10:52 a.m., agents intercepted a telephone call between WILLIAM MASSO and ANTHONY SANTIAGO, the defendants. During this call, MASSO and SANTIAGO discussed the transportation of the purportedly stolen slot machines that occurred the prior day. MASSO complained about the amount of money MASSO and SANTIAGO had received. MASSO indicated that even though the machines were worth \$300,000 to \$500,000, UC-1 and the other individuals with whom he supposedly was working but who actually were undercover law enforcement officers "got all the f--kin' big cash and we got d--k." SANTIAGO told MASSO that MASSO was missing the point. SANTIAGO indicated that they should have received more money because they were transporting stolen goods, which were large and noticeable, over state lines. Specifically, SANTIAGO and MASSO had the following exchange:

SANTIAGO: You know where those things [the slot machines] came from?

MASSO: Yeah, of course.

SANTIAGO: Okay. They, they were abstracted [stolen] ... not only that ... you're talking about bigger than, than a f--kin' Rolls Royce coming across state lines.

MASSO: Right. One hundred percent.

MASSO also discussed his displeasure that the CI had asked EDDIE GORIS and ALI OKLU, the defendants, for their telephone numbers, saying, "they're my guys."

30. For the second slot machine deal, on or about March 22, 2011, the CI met with WILLIAM MASSO, ANTHONY SANTIAGO, and DAVID KANWISHER, the defendants, at a restaurant in Staten Island, New York, to discuss transporting purportedly stolen slot machines from New Jersey to New York several days later. At the beginning of this meeting, which was recorded, MASSO asked SANTIAGO whether SANTIAGO had "explained to him," meaning KANWISHER, "what we're doing." SANTIAGO responded that he had. MASSO then said, "right now we're transporting machines . . . but we do . . . a lot of transportation between . . . um . . . goods . . . it could be cigarettes, it could be uh . . . slot machines, we just want to make sure when we're going down the road, God forbid . . . it never happen, but God forbid, it could happen . . . you get pulled over. . . make a phone call . . . you know?" MASSO then further explained, "Just so we can be safe, we can be secure, we're protected." Moments later, SANTIAGO stated that KANWISHER always carried a gun.

31. Later in that same conversation, the CI said to ANTHONY SANTIAGO, the defendant, "the most important thing [is] they," meaning the slot machines, "need to be protected against law enforcement." Still later in the conversation, DAVID KANWISHER, the defendant, asked WILLIAM MASSO, the defendant, what "the cut" was for participating in the transport. MASSO indicated it was usually between \$2,000 and \$3,000. The CI indicated he would try to get KANWISHER \$3,000. KANWISHER responded, "Okay." Somewhat later, MASSO explained that in transporting merchandise from New Jersey to New York, "we put the tarp on top [of the merchandise] . . . you really can't tell." MASSO then indicated he had been nervous driving through New Jersey on previous occasions, and that he was happy that KANWISHER would now be working with them and could help them in New Jersey. After further discussion of the scheme, KANWISHER asked, "But . . . nobody else knows that, what you're transporting or what you're doing so nobody can like intercept

anything . . .?" SANTIAGO stated that was why they tried to keep a "tight circle." At the conclusion of this meeting, after MASSO and the CI had left together, MASSO told the CI, "I'm getting [UC-1] a good army set up here . . . a good f--kin' army."

32. Two days later, on or about March 24, 2011, the CI, UC-1, and UC-2 met with WILLIAM MASSO, EDDIE GORIS, ALI OKLU, MARCO VENEZIA, JOHN MAHONEY, RICHARD MELNIK, and JOSEPH TRISCHITTA, the defendants, and a co-conspirator not named herein, in a hotel room in Atlantic City, New Jersey to discuss the transportation of purportedly stolen slot machines to New York planned for the following day. Early during the meeting, which was recorded, when the CI, UC-1, UC-2, MASSO, VENEZIA, MAHONEY, MELNIK, and TRISCHITTA were present, MASSO explained that the men should carry their law enforcement badges during the operation. Then, after UC-1 stated that the men would transport the slot machines in Ryder trucks, TRISCHITTA said, "The problem is, what happens is, and we had discussed this, is that everybody that's out there as far as law enforcement is trained to look for Ryder trucks and U-Hauls." The group then continued to discuss the use of vans to transport the slot machines.

33. EDDIE GORIS and ALI OKLU, the defendants, and another individual entered the room as the discussion continued regarding the vans and the plan for the following day to transport the purportedly stolen slot machines. UC-1 said to the group, "the machines are . . . I mean, he just took 'em." UC-2 then added that the machines "never made it to the [casino] floor," and were worth up to \$40,000 to \$50,000 each. JOHN MAHONEY, the defendant, described a route they could take in order to avoid law enforcement and UC-1 asked what they should say if the vans were stopped by law enforcement. MASSO instructed the group to say that they were police officers working off duty to deliver items another person had purchased at an auction. Later that night, the CI and UC-1 met with MASSO, ANTHONY SANTIAGO, and DAVID KANWISHER, the defendants, in the hotel room and they discussed how SANTIAGO and KANWISHER would follow the vans to assist anyone if they were pulled over by law enforcement.

34. The following day, on or about March 25, 2011, WILLIAM MASSO, EDDIE GORIS, ALI OKLU, RICHARD MELNIK, ANTHONY SANTIAGO, and DAVID KANWISHER, the defendants, the CI, UC-1, and UC-2 all met at a pre-agreed upon location in New Jersey. From the meeting location, MASSO, GORIS, OKLU, MELNIK, the CI, UC-1, and UC-2 drove to the warehouse where three vans rented from Ryder were parked and loaded with the purportedly stolen slot machines. UC-2 told the men, "[If] I remember correctly, the

serial numbers are on the sides" of the slot machines, and warned the men to "make sure no one looks at the serial numbers." OKLU then explained that the three vans should not travel together on the highway and should instead drive separately. The men then left the warehouse, some in the Ryder vans and others in separate vehicles, and returned to the pre-arranged meeting place where SANTIAGO and KANWISHER re-joined the group. The men then departed toward New York, some in the Ryder vans and others in separate vehicles.

35. Subsequently, while driving back to New York from New Jersey, WILLIAM MASSO, the defendant, said to the CI, "Listen. When you're doing stuff like this you gotta be intelligent. You gotta take every, you gotta look at every pinpoint of everything and you gotta set it up where if I'm a cop on the side of the road am I gonna stop that Ryder truck there?" Later in the conversation, MASSO, referring to the other police officers who were transporting the purportedly stolen slot machines, said, "They're risking a lot for a little." He continued, "Three thousand is nothing for what they're getting . . . They know what's going, and how much trouble they could get in, and what they're risking. They're risking a lot."

36. Later that day, UC-1 and the CI met at a restaurant in Brooklyn, New York with WILLIAM MASSO, EDDIE GORIS, ALI OKLU, JOHN MAHONEY, JOSEPH TRISCHITTA, MARCO VENEZIA, DAVID KANWISHER, RICHARD MELNIK, and ANTHONY SANTIAGO, the defendants, and a co-conspirator not named herein. During this meeting, after learning that DAVID KANWISHER, the defendant, had not driven along with the three vans, UC-1 asked how KANWISHER could have helped if they had been stopped by police in New Jersey. MELNIK defended KANWISHER, saying, "while we were in Jersey . . . he was close by," and TRISCHITTA agreed. Later in the conversation, MELNIK said that they needed to coordinate better in the future. Specifically, he said, "from my point of view, we only have so long . . . six guys in an SUV Escalade . . . sitting in the Burger King parking lot . . . we're in south Jersey where there's nobody around. If somebody got on the phone and called the local cops . . . 'I got six guys just sitting here . . . just sitting in the parking lot that look like they are scoping out the area,' all of a sudden there's a car, they're gonna pull us out of the car . . . ." For their participation in the transportation of the purportedly stolen slot machines, UC-1 paid the defendants in cash as follows:

WILLIAM MASSO	\$10,000
ANTHONY SANTIAGO	\$7,000
EDDIE GORIS	\$5,000
JOSEPH TRISCHITTA	\$5,000
RICHARD MELNIK	\$4,000
ALI OKLU	\$4,000
DAVID KANWISHER	\$3,000
JOHN MAHONEY	\$2,500
MARCO VENEZIA	\$2,000

**B. Cigarettes**

37. From in or about September 2010 up to and including in or about the present, WILLIAM MASSO, ANTHONY SANTIAGO, EDDIE GORIS, ALI OKLU, DAVID KANWISHER, GARY ORTIZ, ERIC GOMER, JOSEPH TRISCHITTA, RICHARD MELNIK, MARCO VENEZIA, JOHN MAHONEY, and MICHAEL GEE, the defendants, participated in a conspiracy to transport what they believed to be stolen cigarettes from New Jersey to New York, often traveling through New York, New York. On some of these occasions, the defendants also transported other items they believed had been stolen as well as counterfeit merchandise, such as bags and clothing. During one deal, certain of the defendants broke into tractor-trailers in Virginia to engage in what they believed to be a theft of cigarettes worth more than \$500,000 and transported those cigarettes from Virginia to New York.

38. The CI and UC-1 (through the FBI) supplied the purportedly stolen cigarettes and other merchandise for transport. In the beginning, certain of the defendants drove from New York to New Jersey to pick up the purportedly stolen cigarettes and other merchandise that had been preloaded into minivans. These defendants then drove those minivans to New York where the merchandise was unloaded. For the majority of the trips, however, the minivans were rented in New York and driven by certain of the defendants, as described below, from New York to New Jersey where the stolen cigarettes and other merchandise were loaded into the minivans and then driven back to New York where such goods were unloaded into storage facilities and other locations. The defendants were paid various amounts for their role in this scheme and some of the defendants also bought or helped to sell the purportedly stolen cigarettes and other



merchandise after such goods had arrived in New York.

39. In the beginning, in or about October and November 2010, WILLIAM MASSO, EDDIE GORIS, and ALI OKLU, the defendants, and the CI transported cigarettes interstate where they were purchased by MICHAEL GEE, the defendant, with MASSO and ANTHONY SANTIAGO, the defendants, receiving a portion of the proceeds and GORIS and OKLU being paid a fee for participating in the transport of such cigarettes. During these deals, the following conversations, which were recorded, occurred:

a. GEE indicated to the CI that minivans were the "safest way" to avoid law enforcement detection while transporting the cigarettes by stating, "they don't stop you, nothing like that. If you, you get a cargo van, sometimes they stop you in the cargo van."

b. The CI stated that they should use minivans, rather than larger trucks and OKLU agreed that the minivans were "much safer." The CI also indicated that they should find a warehouse to use to store the cigarettes and that such warehouse would need to be protected against law enforcement. OKLU indicated his willingness to provide such protection for the warehouse in exchange for payment.

40. On or about November 18, 2010, EDDIE GORIS and ALI OKLU, the defendants, along with the CI and WILLIAM MASSO, the defendant, transported interstate cigarettes they believed had been stolen. The men drove two rented vans from Brooklyn, New York to New Jersey, where they loaded the vans with purportedly stolen cigarettes. While MASSO, GORIS, and OKLU loaded the purportedly stolen cigarettes into one of the rented vans, the CI said "oh man, these [people], they steal too much cigarette man . . ." The men then drove the rented vans loaded with the purportedly stolen cigarettes from New Jersey back to New York. After delivering a portion of the cigarettes to a storage facility, the men traveled to the home of MASSO's parents. During the ride, MASSO and the CI agreed that MASSO would pay GORIS \$1,300 and OKLU \$1,200 for their work transporting the cigarettes. Before returning the rented vans, the CI told GORIS and OKLU that the trucks leaving the cigarette manufacturer, ". . . leave the manufacturer, [but they] never reach the destination."

41. Again, on or about December 11, 2010, as had been previously arranged, the CI met with WILLIAM MASSO, JOSEPH TRISCHITTA, and RICHARD MELNIK, the defendants, at a car rental facility in Brooklyn, New York, which was the first time the CI

had met MELNIK. The CI explained to MELNIK, "Most of the stuff they come up from down south." MELNIK responded, "Yeah, Billy," meaning MASSO, "was telling me." The CI continued, "Yup, they boost it . . . last time we got some t.v., some DVD," and MELNIK again responded, "Yeah, he was saying." After the men had rented a van, TRISCHITTA and MELNIK got in the van and drove away. MASSO drove to New Jersey with the CI and during such drive told the CI that he, meaning MASSO, had rented the van in his name because TRISCHITTA and MELNIK were concerned about renting the vans in their names. Once in New Jersey, MASSO and the CI rejoined TRISCHITTA and MELNIK at a storage facility. The men then loaded the rented van with purportedly stolen cigarettes and other purportedly stolen items. The men then drove the loaded van from New Jersey through New York, New York to Brooklyn, New York. After the men had unloaded most of the merchandise from the vehicles and put the purportedly stolen cigarettes and other merchandise into a storage unit, the CI paid TRISCHITTA \$1,500 and MELNIK \$1,000 in cash. The men then continued to the home of MASSO's parents, where the men unloaded the remaining merchandise from the van.

42. On or about December 15, 2010, WILLIAM MASSO, JOSEPH TRISCHITTA, and RICHARD MELNIK, the defendants, traveled from New York to New Jersey, where they loaded purportedly stolen handbags and clothing into vans and transported the merchandise to a storage unit in Brooklyn, New York.

43. On or about February 8, 2011, the CI met with WILLIAM MASSO, ALI OKLU, EDDIE GORIS, and GARY ORTIZ, the defendants, at a restaurant in Brooklyn, New York. This was the first time that the CI had met ORTIZ. During this meeting, which was recorded, the men discussed transporting purportedly stolen property the following day. During the conversation, in the presence of MASSO, OKLU, GORIS, and ORTIZ, the CI explained, "This is stuff that's coming from down south . . . hot," and further stated that the items "fell off the truck."

44. Subsequently, on or about February 10, 2011, the CI met with WILLIAM MASSO, ALI OKLU, EDDIE GORIS, GARY ORTIZ, MARCO VENEZIA, JOSEPH TRISCHITTA, and RICHARD MELNIK, the defendants, at a coffee shop in Brooklyn, New York, then drove to a warehouse in New Jersey, where they loaded several cars with purportedly stolen cigarettes with an estimated street value in excess of \$100,000 before driving the cigarettes back to a storage facility in Brooklyn, New York. The CI paid the men, in total, several thousand dollars in cash for transporting the cigarettes.

45. On or about May 5, 2011, UC-1 and the CI met with WILLIAM MASSO, JOSEPH TRISCHITTA, and RICHARD MELNIK, the defendants, at a hotel in New York, New York to discuss the theft of purportedly stolen cigarettes that was planned for later that week. During this meeting, UC-1 explained that the trucks would be parked outside a warehouse and that no one should be in the area late at night. The men then discussed what sorts of trucks they would use to transport the cigarettes back to New York without being stopped by law enforcement officers.

46. Subsequently, on or about May 8, 2011, EDDIE GORIS, ALI OKLU, ANTHONY SANTIAGO, GARY ORTIZ, DAVID KANWISHER, and ERIC GOMER, the defendants, traveled from the New York/New Jersey area to Virginia to take part in a purported theft of more than \$500,000 worth of cigarettes from two trucks parked outside a warehouse.<sup>6</sup> At approximately 3:30 a.m. on or about May 9, 2011, the men met briefly with UC-1 and the CI in a hotel room in Virginia. During this meeting, which was recorded, UC-1 and SANTIAGO had a discussion about the need to have a bolt cutter to break the locks on the trucks so that the men could steal the cigarettes from the trucks. On the way to the warehouse where the men were to steal the cigarettes, UC-1, the CI, and SANTIAGO stopped at a store to buy a bolt cutter and duct tape. The men then continued to the warehouse, where there were two box trucks loaded with approximately 270 cases of cigarettes, with an estimated street value of approximately \$500,000.

47. Once at the warehouse, ERIC GOMER, the defendant, used the bolt cutter to break the locks on each of the two box trucks. The men then transferred more than 200 cases of cigarettes from the trucks to a box truck and a cargo van that they had rented. Shortly after 5:00 a.m., the box truck and cargo van were observed leaving the warehouse parking lot and driving back toward New York, traveling across the Verrazano Bridge, to a storage facility in Long Island, New York.

48. In the early afternoon of May 9, 2011, EDDIE GORIS, ALI OKLU, ANTHONY SANTIAGO, GARY ORTIZ, DAVID KANWISHER, and ERIC GOMER, the defendants, arrived at the storage facility in Long Island, New York. WILLIAM MASSO and MICHAEL GEE, the defendants, also were present at the storage facility. While at the storage facility, UC-1 indicated to GEE that they had "robbed [the] whole trailer." UC-1 and the CI sold nearly 200 of the cases of the cigarettes to various buyers, including GEE. After

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<sup>6</sup>In actuality, the FBI supplied the cigarettes and tractor-trailers.

the sales were completed, UC-1 and the CI paid GORIS, OKLU, SANTIAGO, ORTIZ, KANWISHER, and GOMER cash for their participation in the theft and transportation of the cigarettes. UC-1 paid the defendants cash as follows:

ANTHONY SANTIAGO	\$23,000
EDDIE GORIS	\$20,000
ALI OKLU	\$15,000
DAVID KANWISHER	\$10,000
GARY ORTIZ	\$10,000
ERIC GOMER	\$5,000

After receiving his money, OKLU indicated that some of the men were concerned about the risk associated with the theft of the cigarettes. OKLU and UC-1 had the following exchange:

OKLU: As long as we're not tying anybody up, I don't care . . . as long as there's no drugs and guns involved, I don't give a f--k.

UC-1: Well, we'll see about . . . .

OKLU: . . . I'm not in that one, brother. That's not good . . . .

UC-1: . . . If you tell me, 'Hey man, what do you got in there,' if you don't want it, I ain't gonna push you to do it.

OKLU: No, you let me know . . . I see the facts, I'm down with it . . . I'm always ready.

Additionally, because MASSO had arranged for at least one of the cigarette buyers to be present at the storage facility, MASSO received approximately \$9,000 in cash plus cases of the purportedly stolen cigarettes, which MASSO said he intended to share with a family member and another associate.

49. Lastly, on or about September 22, 2011, WILLIAM MASSO, EDDIE GORIS, ALI OKLU, GARY ORTIZ, ANTHONY SANTIAGO, DAVID KANWISHER, JOSEPH TRISCHITTA, and MARCO VENEZIA, the defendants, transported interstate more than 80 cases of purportedly stolen cigarettes as more fully described below.

**Sale of a Firearm and  
Unlawful Interstate Transportation of Firearms**

50. During the course of the conspiracy to transport stolen cigarettes and merchandise interstate, ANTHONY SANTIAGO, and MICHAEL GEE, the defendants, repeatedly told UC-1 that they could obtain handguns to sell to UC-1, and UC-1 agreed to purchase any guns they could procure. UC-1 also had conversations with WILLIAM MASSO, the defendant, regarding the possibility that SANTIAGO and GEE could supply handguns to UC-1.

51. On or about July 7, 2011, UC-1 met with WILLIAM MASSO, ANTHONY SANTIAGO, and MICHAEL GEE, the defendants, at a hotel in New York, New York. At the hotel, SANTIAGO took a customized shotgun out of a zippered bag and told UC-1 that the shotgun was a "little taste." SANTIAGO then explained that he could supply two or three guns each week. MASSO told UC-1 to tell UC-1's customer that this was a "sample," and that they could get anything "from A to Z." GEE added that UC-1 could promise UC-1's customers six to eight guns per month. UC-1 ultimately paid SANTIAGO \$2,000 for the shotgun.

52. According to records of the Bureau of Alcohol, Tobacco, Firearms, and Explosives, ANTHONY SANTIAGO, the defendant, bought the shotgun from a gun store in Florida in 2006.

53. After WILLIAM MASSO, ANTHONY SANTIAGO, and MICHAEL GEE, the defendants, participated in the sale of the shotgun to UC-1, MASSO and SANTIAGO continued to have multiple conversations with UC-1 about the possibility of obtaining handguns and transporting those handguns interstate. Ultimately, UC-1 informed MASSO that he could obtain firearms but needed them transported to New York and MASSO informed UC-1 that many of the individuals with whom they had transported the purportedly stolen cigarettes and merchandise also were willing to transport these firearms.

54. On or about September 16, 2011, there were a series of meetings among and between UC-1 and WILLIAM MASSO, ANTHONY SANTIAGO, EDDIE GORIS, GARY ORTIZ, JOSEPH TRISCHITTA, RICHARD MELNIK, and MARCO VENEZIA, the defendants, to discuss and plan for the transportation of firearms and purportedly stolen cigarettes from New Jersey to New York the following week. During these meetings, each of the defendants was made aware that the planned transaction would, in fact, involve the transportation of firearms and purportedly stolen cigarettes. That same night, MASSO called UC-1, which conversation was

recorded, and told UC-1 that the other defendants were concerned because the planned transaction was "way bigger" than prior transports but they were willing to participate if the "price is right."

55. On or about September 22, 2011, WILLIAM MASSO, EDDIE GORIS, ALI OKLU, GARY ORTIZ, ANTHONY SANTIAGO, DAVID KANWISHER, JOSEPH TRISCHITTA, and MARCO VENEZIA, the defendants, transported 20 firearms, including three M-16 rifles, one shotgun, and 16 handguns, the majority of which had obliterated or altered serial numbers, across state lines from New Jersey to New York. These firearms - all of which had been rendered inoperable by the FBI prior to September 22, 2011 - were transported as follows:

a. In the afternoon on September 22, 2010, MASSO, GORIS, OKLU, ORTIZ, SANTIAGO, KANWISHER, TRISCHITTA, and VENEZIA met UC-1 and UC-2 at a pre-agreed upon location in New Jersey arriving there in three rented minivans and personal vehicles. While at this location, UC-1 separately spoke with OKLU and UC-1 also spoke with KANWISHER to make clear that, along with the cigarettes, firearms also would be transported.

b. From the meeting location, MASSO, GORIS, OKLU, ORTIZ, TRISCHITTA, VENEZIA, UC-1, and UC-2 drove to a warehouse to pick up the firearms and purportedly stolen cigarettes.

c. At an office in the warehouse, MASSO viewed the handguns, which had been prepackaged in a suitcase, and the M-16 rifles and the shotgun, which had been prepackaged together in a large duffle bag. The serial numbers on a majority of the handguns had been visibly altered or obliterated. MASSO and the UCs then loaded the suitcase and duffle bag into MASSO's vehicle. GORIS and OKLU subsequently viewed the M-16s and handguns in MASSO's vehicle, while ORTIZ was in the vicinity of that car. Meanwhile, the cigarettes were loaded into the minivans.

d. The men then left the warehouse, with GORIS, OKLU, and TRISCHITTA each driving a rented minivan loaded with purportedly stolen cigarettes, and MASSO driving his vehicle, which contained the suitcase and the duffle bag of firearms.

e. The men returned to the pre-arranged meeting place and all the participants then departed toward New York, some in the minivans and others in personal vehicles, including MASSO and UC-1 in MASSO's personal vehicle with the two bags loaded with the firearms. During the drive back to New York,

MASSO's NYPD jacket was displayed in the window of his vehicle.

f. MASSO and UC-1 drove the firearms over the Verrazano Bridge to a warehouse on Long Island where they met up with another law enforcement officer acting in an undercover capacity ("UC-3"). They soon were joined at that warehouse by another law enforcement officer acting in an undercover capacity ("UC-4") who took the firearms and departed.

g. The rented minivans loaded with the purportedly stolen cigarettes traveled over the Verrazano Bridge to a pre-arranged location on Long Island from which the cigarettes were disbursed and sold to various buyers prearranged by MASSO and SANTIAGO. For their participation in the transportation of the firearms and purportedly stolen cigarettes, UC-1 paid the defendants in cash as follows:


WILLIAM MASSO	\$6,000
EDDIE GORIS	\$5,000
GARY ORTIZ	\$5,000
JOSEPH TRISCHITTA	\$5,000
ALI OKLU	\$5,000
DAVID KANWISHER	\$5,000
MARCO VENEZIA	\$5,000
ANTHONY SANTIAGO	\$2,000

MASSO and SANTIAGO also were supposed to receive additional money from the subsequent sale of the cigarettes.

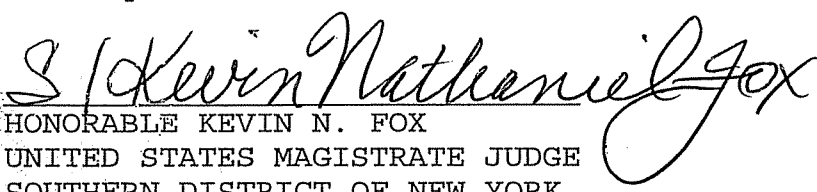
56. According to records of the Bureau of Alcohol, Tobacco, Firearms, and Explosives, WILLIAM MASSO, EDDIE GORIS, ALI OKLU, GARY ORTIZ, ANTHONY SANTIAGO, DAVID KANWISHER, JOSEPH TRISCHITTA, and MARCO VENEZIA, the defendants, are not licensed importers, manufacturers, or dealers of firearms.

57. On or about October 5, 2011, UC-1 met with WILLIAM MASSO, the defendant, in a hotel in New York, New York. During the meeting, MASSO paid UC-1 \$147,600 in cash as UC-1's share of the purportedly stolen cigarettes transported on September 22, 2011.

WHEREFORE, deponent respectfully requests that arrest warrants be issued for WILLIAM MASSO, EDDIE GORIS, ALI OKLU, GARY ORTIZ, JOHN MAHONEY, JOSEPH TRISCHITTA, MARCO VENEZIA, RICHARD MELNIK, ANTHONY SANTIAGO, DAVID KANWISHER, MICHAEL GEE, and ERIC GOMER, the defendants, and that they thereafter be arrested and imprisoned or bailed, as the case may be.

  
KENNETH HOSEY  
Special Agent  
Federal Bureau of Investigation

Sworn to before me this  
24<sup>TH</sup> day of October, 2011

  
HONORABLE KEVIN N. FOX  
UNITED STATES MAGISTRATE JUDGE  
SOUTHERN DISTRICT OF NEW YORK