

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**UNITED STATES OF AMERICA** : **DATE FILED:** \_\_\_\_\_  
**v.** : **CRIMINAL NO. 10-**\_\_\_\_\_  
**DOMINICK DIPATRE** : **VIOLATIONS:**  
: **21 U.S.C. § 846 (conspiracy to distribute**  
: **500 grams or more of methamphetamine**  
: **- 1 count)**  
: **21 U.S.C. § 841(a)(1) (possession with**  
: **intent to distribute 50 grams or more of**  
: **methamphetamine - 1 count)**  
: **Notice of prior conviction**  
: **Notice of forfeiture**

**INFORMATION**

**COUNT ONE**

**THE UNITED STATES ATTORNEY CHARGES THAT:**

1. From at least in or about August 2007, through in or about October 2009, in Chester County, in the Eastern District of Pennsylvania, and elsewhere, defendant

**DOMINICK DIPATRE**

conspired and agreed, with others known and unknown to the United States Attorney, to knowingly and intentionally distribute 500 grams or more of a mixture and substance containing a detectable amount of methamphetamine, a Schedule II controlled substance, in violation of Title 21, United States Code, Section 841(a)(1), (b)(1)(A).

**MANNER AND MEANS**

It was part of the conspiracy that:

2. Michael Cupeto, charged elsewhere, was the organizer and leader of a methamphetamine drug trafficking organization (“Cupeto DTO”) which included other persons

known and unknown to the United States Attorney.

3. From at least in or about August 2007 through at least on or about August 5, 2009, Michael Cupeto obtained bulk quantities of methamphetamine from Thomas Eugene Hayman, charged elsewhere, who agreed to travel to Arizona to purchase methamphetamine for the Cupeto DTO from a supplier unknown to the United States Attorney (“Person #1”) for approximately \$9,000 per pound. Person #1 was assisted by another person known to the United States Attorney (“Person #2”).

4. After obtaining bulk quantities of methamphetamine from Thomas Eugene Hayman, including at least 35-pound quantities on at least two occasions, Michael Cupeto used co-conspirators, including defendant DOMINICK DIPATRE, Robert Sampson, charged elsewhere, and another person known to the United States Attorney (“Person #3”), to distribute the methamphetamine in Chester County, in the Eastern District of Pennsylvania, in Cecil County, in the District of Maryland, and elsewhere.

5. After receiving methamphetamine from Michael Cupeto, Robert Sampson and Person #3 regularly distributed a large portion of the methamphetamine to another person known to the United States Attorney (“Person #4”), who would buy it for approximately \$1,600 per ounce.

6. After receiving methamphetamine from Michael Cupeto, defendant DOMINICK DIPATRE regularly distributed a large portion of the methamphetamine to other persons known and unknown to the United States Attorney, who would buy it for approximately \$1300 to \$1400 per ounce.

7. Defendant DOMINICK DIPATRE, Michael Cupeto, Thomas Eugene

Hayman and Robert Sampson routinely communicated with others known and unknown to the United States Attorney by cellphone to arrange meetings to discuss drug transactions and other drug related activity. They often spoke cryptically about the drug transactions during the phone conversations.

### **OVERT ACTS**

In furtherance of the conspiracy and to accomplish its objects, defendant DOMINICK DIPATRE, and Michael Cupeto, Thomas Eugene Hayman and Robert Sampson, and others known and unknown to the United States Attorney, committed the following overt acts, among others, in the Eastern District of Pennsylvania, and elsewhere:

1. On or about August 29, 2007, Michael Cupeto possessed for resale approximately 168 grams of a substance containing methamphetamine in Jefferson Township, Pennsylvania.
2. From at least in or about August 2007, through in or about November 2008, Michael Cupeto regularly distributed multi-ounce quantities of methamphetamine to Person #3, who then sold the methamphetamine to Person #4 and others.
3. In or about February 2009, Michael Cupeto met with Robert Sampson in Maryland and made arrangements for Sampson to take over Person #3's position in the Cupeto DTO and to distribute one-pound quantities of methamphetamine for the Cupeto DTO in the Chester County, Pennsylvania area.
4. On or about June 21, 2009, Person #4 traveled to Robert Sampson's house in Nottingham, Pennsylvania, to pick up approximately eight ounces of methamphetamine from Sampson, who himself obtained the methamphetamine directly from Michael Cupeto.

5. On or about June 30, 2009, Person #4 drove to Robert Sampson's house to purchase additional methamphetamine.

6. On or about July 15, 2009, Michael Cupeto met with Robert Sampson at Cupeto's shop in Elkton, Maryland, where Cupeto told Sampson that it would be a couple of more weeks before the next shipment of methamphetamine arrived.

7. In or about July 2009, Michael Cupeto met with Thomas Eugene Hayman and gave Hayman approximately \$180,000 in cash for the purchase of 20 pounds of methamphetamine from Person #1 in Arizona.

8. On or about July 22, 2009, Robert Sampson called Person #4 to tell him that Michael Cupeto said that the next shipment of methamphetamine would be available around August 1, 2009 and that he would call Person #4 first when the methamphetamine arrived.

9. In or about late July 2009, Thomas Eugene Hayman purchased approximately 20 pounds of methamphetamine in Arizona from Person #1 for \$180,000 in cash, that had been provided by Michael Cupeto.

10. On or about August 1, 2009, during a telephone call, Michael Cupeto and Thomas Eugene Hayman made arrangements to meet so that Cupeto could receive a large quantity of methamphetamine from Hayman.

On or about August 5, 2009:

11. Thomas Eugene Hayman called Michael Cupeto to let him know that he would be arriving later that day at Cupeto's shop in Elkton, Maryland, to deliver the 20 pounds of methamphetamine that Hayman was carrying in his truck.

12. Michael Cupeto called defendant Robert Sampson in Nottingham,

Pennsylvania, and instructed Sampson to come to Cupeto's shop in Elkton, Maryland.

13. Thomas Eugene Hayman delivered approximately 20 pounds of methamphetamine to Michael Cupeto's shop in Elkton, Maryland.

14. After Robert Sampson arrived at Michael Cupeto's shop in Elkton, Maryland, Cupeto gave approximately one pound of methamphetamine to Sampson for distribution in the Chester County, Pennsylvania, area.

15. Robert Sampson called Person #4 and left him a voicemail message to indicate that the methamphetamine had arrived by telling him "to get rid of the summertime blues."

16. Robert Sampson brought the methamphetamine given to him by Michael Cupeto to Sampson's house in Nottingham, Pennsylvania, and then further distributed quantities of the methamphetamine to at least three other persons known to the United States Attorney.

17. Michael Cupeto called defendant DOMINICK DIPATRE and made arrangements with defendant DIPATRE for defendant DIPATRE to come to Cupeto's shop in Elkton, Maryland, later that night.

18. After defendant DOMINICK DIPATRE arrived at Michael Cupeto's shop in Elkton, Maryland, Cupeto distributed a multi-ounce quantity of methamphetamine to defendant DIPATRE.

19. On or about August 19, 2009, defendant DOMINICK DIPATRE distributed a quantity of methamphetamine to a person known to the United States Attorney ("Person #5").

20. On or about August 22, 2009, Michael Cupeto agreed to deliver

methamphetamine to another person known to the United States Attorney during a telephone call.

21. On or about October 29, 2009, Michael Cupeto possessed various items in his home and in his shop in Elkton, Maryland, related to his activities in methamphetamine trafficking, including two digital scales of a type commonly used by narcotics traffickers to measure the weight of narcotics, three cans with false bottoms, zip-lock bags, and over \$12,000 in cash.

22. On or about October 29, 2009, defendant DOMINICK DIPATRE possessed various items in his home in Elkton, Maryland, related to his activities in methamphetamine trafficking, including a quantity of methamphetamine, plastic bags with methamphetamine residue, and a digital scale of a type commonly used by narcotics traffickers to measure the weight of narcotics.

All in violation of Title 21, United States Code, Section 846.

**COUNT TWO**

**THE UNITED STATES ATTORNEY FURTHER CHARGES THAT:**

On or about August 5, 2009, in Elkton, in the District of Maryland, defendant

**DOMINICK DIPATRE**

knowingly and intentionally possessed with intent to distribute 50 grams or more of a mixture and substance containing a detectable amount of methamphetamine, a Schedule II controlled substance.

In violation of Title 21, United States Code, Section 841(a)(1), (b)(1)(B).

**NOTICE OF PRIOR CONVICTION**

**THE UNITED STATES ATTORNEY FURTHER CHARGES THAT:**

Defendant DOMINICK DIPATRE committed the offenses charged in Count One and Count Two of this Information after having been convicted of a felony drug offense as follows: on or about July 30, 2002, in the Circuit Court for Cecil County, Maryland, defendant DIPATRE was sentenced to one year imprisonment following his conviction for a felony controlled substance violation in Case Number 07K01000470, arising from a June 8, 2001 arrest by the Maryland State Police for a violation of Section 286 of Article 27 of the Maryland Code, a felony under the laws of the State of Maryland.

**NOTICE OF FORFEITURE**

**THE UNITED STATES ATTORNEY FURTHER CHARGES THAT:**

1. As a result of the violations of Title 21, United States Code, Sections 846 and 841(a)(1), set forth in this Information, defendant

**DOMINICK DIPATRE**

shall forfeit to the United States of America:

(a) any property used or intended to be used, in any manner or part, to commit, or to facilitate the commission of such violations; and

(b) any property constituting, or derived from, any proceeds obtained directly or indirectly as a result of such violations.

2. If any of the property described above as being subject to forfeiture, as a result of any act of omission of the defendants:

(a) cannot be located upon the exercise of due diligence;

(b) has been transferred or sold to, or deposited with a third person;

(c) has been placed beyond the jurisdiction of the Court;

(d) has been substantially diminished in value; or

(e) has been commingled with other property which cannot be subdivided without difficulty,

it is the intent of the United States of America, pursuant to Title 21, United States Code, Section

853(p), to seek forfeiture of any other property of said defendants up to the value of the property subject to forfeiture.

All pursuant to Title 21, United States Code, Section 853.

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**ZANE DAVID MEMEGER**  
**United States Attorney**