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UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

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UNITED STATES OF AMERICA : **CRIMINAL COMPLAINT**  
 :  
 v. : Hon. Michael A. Hammer, U.S.M.J.  
 :  
 ONIJEE BURGESS : Mag. No. 23-10265  
 :

I, Matthew Barile, the undersigned complainant 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 with the Federal Bureau of Investigation and that this complaint is based on the following facts:

**SEE ATTACHMENT B**

*/s/ Matthew Barile*

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Matthew Barile, Special Agent  
Federal Bureau of Investigation

Special Agent Matthew Barile attested to this Complaint by telephone pursuant to Fed. R. Crim. Pro. 4.1(b)(2)(A) on October 5th, 2023 in the District of New Jersey

*/s/ Hon. Michael A. Hammer*

Honorable Michael A. Hammer  
United States Magistrate Judge

\_\_\_\_\_  
Signature of Judicial Officer

**ATTACHMENT A**

**COUNT ONE**

(Conspiracy to Interfere with Commerce by Robbery)

From in or around November 2022 through on or about April 5, 2023, in Passaic County, in the District of New Jersey and elsewhere, the defendant,

**ONIJEE BURGESS,**

did knowingly and willfully conspire and agree with others, to obstruct, delay and affect commerce, as that term is defined in Title 18, United States Code, Section 1951, and the movement of articles and commodities in such commerce, by robbery, by means of actual and threatened force, violence, and fear of injury, immediate and future, to the person and property of another.

In violation of Title 18, United States Code, Section 1951(a).

## **ATTACHMENT B**

I, Matthew Barile, am a Special Agent with the Federal Bureau of Investigation. I am fully familiar with the facts set forth herein based on my own investigation, my conversations with other law enforcement officers, and my review of reports, documents, video recordings, and the evidence. Because this Complaint is being submitted for a limited purpose, I have not set forth each and every fact that I know concerning this investigation. Where statements of others are related herein, they are related in substance and part. Where I assert that an event took place on a particular date, I am asserting that it took place on or about the date alleged.

### **Background**

1. Law enforcement, including the Federal Bureau of Investigation (“FBI”), is investigating Onijee Burgess (“BURGESS”) and Antonio Rivera, a/k/a “Hagie,” (“Rivera”) for conspiring to commit at least seven armed robberies of pharmacies in Paterson and Passaic, New Jersey:

- a. an armed robbery of a pharmacy in Paterson on or about November 28, 2022 (“Hospital Pharmacy Robbery-1”);
- b. an armed robbery of another pharmacy in Paterson on or about December 19, 2022 (“Mort Jacobs Pharmacy Robbery”);
- c. an armed robbery of another pharmacy in Paterson on or about December 30, 2022 (“Tony’s Pharmacy Robbery-2”);
- d. a second armed robbery of Hospital Pharmacy in Paterson on or about February 8, 2023 (“Hospital Pharmacy Robbery-2”);
- e. a second armed robbery of Tony’s Pharmacy in Paterson on or about March 10, 2023 (“Tony’s Pharmacy Robbery-2”);
- f. an armed robbery of a pharmacy in Passaic on or about March 16, 2022 (“Das Pharmacy Robbery”); and
- g. an armed robbery of another pharmacy in Passaic on or about April 5, 2023 (“Passaic Community Pharmacy Robbery”)

(collectively, the “Robberies”).

2. As set forth below, one individual, whom law enforcement believes to be Rivera, wore a mask and was described by victims as an approximately five-foot six-inch Hispanic or white male (“Suspect-1”). Another individual,

whom law enforcement believes to be BURGESS, wore a mask and was described by victims as an approximately five-foot nine-inch black male (“Suspect-2”).

3. Suspect-1 brandished and fired a gun during the Mort Jacobs Pharmacy Robbery, Hospital Pharmacy Robbery-2, Das Pharmacy Robbery, and Passaic Community Pharmacy Robbery. Suspect-2 brandished and fired a gun during Tony’s Pharmacy Robbery-2.

4. Ballistics evidence shows that the same Glock 23, 40-caliber gun was fired during Hospital Pharmacy Robbery-2, Tony’s Pharmacy Robbery-2, Das Pharmacy Robbery, and Passaic Community Pharmacy Robbery.

5. On or about April 20, 2023, the Honorable Michael A. Hammer, U.S.M.J., signed a criminal complaint and arrest warrant charging Rivera with committing Hospital Pharmacy Robbery-2 and Passaic Community Pharmacy Robbery. *See United States v. Rivera*, Mag. No. 23-10166.

6. Following Rivera’s arrest, law enforcement seized and searched Rivera’s cellphone pursuant to a lawfully executed search warrant, discovering that:

- a. Rivera conducted a search for “pharmacy on paterson” on or about February 28, 2023, approximately ten days before Tony’s Pharmacy Robbery-2 in Paterson.
- b. Rivera visited the website of Passaic Community Pharmacy on or about April 7, 2023, two days after the Passaic Community Pharmacy Robbery.

7. During the course of the investigation, law enforcement identified the cellphone numbers used by Rivera. Specifically, a review of the cellphone seized from Rivera following his arrest indicated that it had previously been associated with one phone number (“Rivera Phone-1”) but was currently associated with another phone number (“Rivera Phone-2”). Rivera Phone-2 was associated with a mobile payment service account in the name of “Antonio Rivera.”

8. Law enforcement also identified the cell phone number used by BURGESS which is subscribed to an individual related to BURGESS (the “Burgess Phone”). The Burgess Phone is associated with a mobile payment service account in the name of “Onijee Burgess”. The Burgess Phone is also associated with an Apple iCloud account in the name of “Onijee Burgess” (“Apple ID-1”). The Burgess Phone was twice listed in the contacts of the cellphone seized from Rivera: once under the name “Dirt” and again under the name “Sucio,” which means “dirty” in Spanish.

9. Pursuant to a lawfully executed search warrant, law enforcement discovered photos on Apple ID-1 associated with the Burgess Phone. Those photos included:

- a. a photo taken on or about December 31, 2022, of a black individual holding a Promethazine bottle of 473 milliliters, which is one day after Tony's Pharmacy Robbery-1, where a Promethazine bottle of 473 milliliters was stolen, as described below;
- b. in that same photo, the individual was wearing white-and-gray sneakers that match those worn by Suspect-2 in Tony's Pharmacy Robbery-2, as described below;
- c. a photo, taken from what appears to be a vehicle, of the outside of Hospital Pharmacy in Paterson on or about January 11, 2023, in between Hospital Pharmacy Robbery-1 and Hospital Pharmacy Robbery-2;
- d. a photo of a black male, whom law enforcement believes is BURGESS<sup>1</sup>, displaying a large amount of cash and wearing black adidas pants with stripes on the side, which matches the pants Suspect-2 was reported to have worn at Tony's Pharmacy Robbery-1;
- e. a photo, of a Glock 23, 40-caliber firearm with a weapon-mounted light added, taken on or about April 7, 2023, two days after the Passaic Community Pharmacy Robbery, where a Glock 23, 40-caliber firearm with a weapon-mounted light was fired<sup>2</sup>;
- f. several photos of a white BMW 3 Series wagon, the vehicle law enforcement believes was used in Tony's Pharmacy Robbery-2 and Das Pharmacy Robbery, as described below;
- g. a photo of a black male, whom law enforcement believes is BURGESS, wearing a black ski mask and pointing the muzzle

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<sup>1</sup> This belief is based on social media photos, photos from law enforcement databases, and physical surveillance.

<sup>2</sup> The video surveillance of the Passaic Community Pharmacy Robbery shows Suspect-1 brandishing a firearm with a weapon-mounted light, a firearm which, as described above, was the same Glock 23, 40-caliber firearm also fired in Hospital Pharmacy Robbery-2, Das Pharmacy Robbery, and Tony's Pharmacy Robbery-2.

of a firearm at the camera, taken on or about November 26, 2022, two days before Hospital Pharmacy Robbery-1;

- h. a photo of a black male, whom law enforcement believes is BURGESS, wearing a black Nike ski mask, taken on or about November 26, 2022, two days before Hospital Pharmacy Robbery-1; and
- i. a photo of an Amazon order for two weapon-mounted lights and a black Nike ski mask to “Onijee Burgess” shipped to Residence-1 with the Burgess Phone listed.

10. Pursuant to lawfully executed search warrants, law enforcement obtained historical cell site location information and historical location data (“cell phone location data”) associated with the Burgess Phone, Rivera Phone-1, and Rivera Phone-2. As discussed in more detail below, the cell phone location data places the Burgess Phone and Rivera Phone-1 or Rivera Phone-2 near many of the Robberies close to the time of those Robberies.

### **The Black BMW**

11. According to records obtained by law enforcement, an individual known to law enforcement (“Individual-1”) rented a black 2018 BMW 3 Series, four-door sedan with a Pennsylvania license plate (“the Black BMW”) for the dates of March 30, 2023 through April 7, 2023, which includes the date of the Passaic Community Pharmacy Robbery. For this rental, Individual-1 provided a residence in Paterson, New Jersey (“Residence-1”) as Individual-1’s address as well as a copy of Individual-1’s driver’s license listing Residence-1. Law enforcement records confirm that Residence-1 is Individual-1’s motor vehicle address. Law enforcement also learned that BURGESS resided at Residence-1.

12. On or about April 3, 2023, two days before the Passaic Community Pharmacy Robbery, law enforcement observed the Black BMW parked on the street outside Residence-1. On or about April 6, 2023, the day after the Passaic Community Pharmacy Robbery, law enforcement observed the Black BMW parked on the street outside Residence-1.

13. As shown in the photos below, the Black BMW matches the one used to commit the Passaic Community Pharmacy Robbery, as both vehicles are black BMW sedans, with tinted windows all around, a single exhaust, and a fin antenna:

Video surveillance from Passaic Community Pharmacy Robbery	Surveillance outside Residence-1
	

**The White BMW**

14. On or about March 17, 2023, law enforcement observed a white 2010 BMW 3 Series wagon with a New Jersey license plate (“White BMW”) parked outside Residence-1.

15. On or about April 6, 2023, law enforcement observed the White BMW parked in the driveway of Residence-1.

16. During the course of the investigation, law enforcement has learned that BURGESS drives the White BMW. On or about May 25, 2023, at approximately 10:30 a.m., law enforcement observed BURGESS inside the White BMW at a gas station in Paterson, New Jersey. On or about July 11, 2023, at approximately 10:31 a.m., law enforcement observed the White BMW parked outside Residence-1. Then, at approximately 1:54 p.m., law enforcement observed BURGESS exit Residence-1 and enter the White BMW.

17. As shown below, images of the White BMW from the surveillance video of Tony’s Pharmacy Robbery-2 and Das Pharmacy Robbery match images of the White BMW observed outside of Residence-1 and driven by BURGESS. The images show BMW wagons, with tinted back windows (but not tinted front windows), with a bumper guard added on, and a sticker next to the New Jersey license plate:

Video surveillance from Tony's Pharmacy Robbery-2	Video surveillance from Das Pharmacy Robbery	Surveillance outside Residence-1
		

**Hospital Pharmacy Robbery-1: The November 28, 2022 Robbery**

18. On or about November 28, 2022, at approximately 5:59 p.m., Suspect-1 entered Hospital Pharmacy on Market Street in Paterson, New Jersey. Surveillance video shows Suspect-1 wearing a black hoodie, black pants, white sneakers, a black ski mask, what appears to be a Yankees baseball hat, and carrying a black backpack with Nike white lettering.

19. According to witness accounts, Suspect-1 entered Hospital Pharmacy, brandished a handgun, and demanded money from the cash register in Spanish from a Hospital Pharmacy employee at the cash register ("Victim-1"). Suspect-1 then pointed the handgun at another Hospital Pharmacy employee ("Victim-2") and demanded that Victim-2 put medication and money inside Rivera's backpack, which Victim-2 did. According to witness accounts, Suspect-1 left Hospital Pharmacy at approximately 6:04 p.m.

20. According to lawfully obtained cell phone location data, the Burgess Phone connected to a cellular tower that provides coverage to Hospital Pharmacy at approximately 6:01 p.m., approximately two minutes after Hospital Pharmacy Robbery-1 began.



### **Mort Jacobs Pharmacy Robbery: The December 19, 2022 Robbery**

21. On or about December 19, 2022, at approximately 6:13 p.m., Suspect-1 entered Mort Jacobs Pharmacy in Paterson, New Jersey. According to video surveillance, Suspect-1 was wearing dark clothes, a black ski mask, and carrying what appears to be a black backpack with Nike white lettering. According to witness accounts, Suspect-1 pointed a handgun at a Mort Jacobs Pharmacy employee ("Victim-3") while demanding Codeine and Promethazine.

22. Suspect-1 dragged Victim-3 to the back of the pharmacy and struck another Mort Jacobs Pharmacy employee ("Victim-4") in the face with the handgun, causing excessive bleeding and cuts to Victim-4's face. Suspect-1 demanded cash, which he took from the cash register. While attempting to flee and fumbling with the cash and medications, Suspect-1 discharged the firearm.

23. According to lawfully obtained cell phone location data, the Burgess Phone connected to a cellular tower located approximately one block from Mort Jacobs Pharmacy at approximately 6:11 p.m., approximately two minutes before the robbery began. The Burgess Phone called Rivera Phone-1 at approximately 6:10 p.m., approximately three minutes before the robbery began.

### **Tony's Pharmacy Robbery-1: The December 30, 2022 Robbery**

24. According to witness accounts, on or about December 30, 2022, at approximately 6:45 p.m., Suspect-2 entered Tony's Pharmacy in Paterson, New Jersey wearing a black Nike ski mask and black Adidas pants with stripes on the side, which are consistent with the pants worn in the Apple ID-1 photo associated with the Burgess Phone, as described above.

25. Suspect-2 pointed a gun at a pharmacy employee ("Victim-5") while demanding Xanax, Oxycodone, Lorazepam, and Promethazine. Suspect-2 also demanded cash, which another pharmacy employee ("Victim-6") threw in Suspect-2's bag. Suspect-2 then fled Tony's Pharmacy.

26. Among the medications reported stolen by Suspect-2 was one Promethazine bottle of 473 milliliters, which is consistent with the bottle in the Apple ID-1 photo associated with the Burgess Phone, as described above.

27. According to lawfully obtained cell phone location data, approximately nine minutes prior to the robbery, at approximately 6:36 p.m., the Burgess Phone called Rivera Phone-1. At that time, the Burgess Phone connected to a cellular tower located approximately 9 blocks north of Tony's Pharmacy. At approximately 6:39 p.m., approximately six minutes prior to the robbery, Rivera Phone-1 called the Burgess Phone. At that time, Rivera Phone-1 connected to a cellular tower located approximately 10 blocks north of Tony's Pharmacy. Also at approximately 6:39 p.m., the Burgess Phone connected to a

cellular tower located approximately eleven blocks north of Tony's Pharmacy and approximately three blocks away from Rivera Phone-1.

### **Hospital Pharmacy Robbery-2: The February 8, 2023 Robbery**

28. On or about February 8, 2023, at approximately 5:36 p.m., Rivera entered Hospital Pharmacy. Video surveillance shows Rivera wearing a black hoodie, black pants, black sneakers, a black ski mask, and carrying a black backpack with the same Nike white lettering observed in Hospital Pharmacy Robbery-1 and the Mort Jacobs Pharmacy Robbery.

29. According to video surveillance and witness accounts, Rivera entered Pharmacy-1, brandished a handgun, discharged one round, and demanded Percocet, Morphine, and Oxycodone. An employee of Pharmacy-1 ("Victim-7") grabbed medication bottles and placed them inside Rivera's backpack. Another employee of Pharmacy-1 ("Victim-8") gave Rivera cash from the cash register. Rivera attempted to grab a gold necklace from Victim-4's neck and then ran out of Hospital Pharmacy.

30. According to lawfully obtained cell phone location data, both the Burgess Phone and Rivera Phone-2 connected to a cellular tower that provides coverage to Hospital Pharmacy at approximately 5:33 p.m. and 5:35 p.m., respectively, a few minutes prior to the robbery. Minutes later at approximately 5:39 p.m. and 5:41 p.m., both the Burgess Phone and Rivera Phone-2, respectively, connected to the same cellular tower approximately four blocks north of Hospital Pharmacy. As a result, law enforcement believes that BURGESS and Rivera were together minutes before and after the robbery.

### **Tony's Pharmacy Robbery-2: The March 10, 2023 Robbery**

31. According to video surveillance, on or about March 10, 2023 at approximately 5:53 p.m., Suspect-1, Suspect-2, and Co-conspirator-1 exited a white wagon vehicle, similar in appearance to the White BMW, near Tony's Pharmacy in Paterson, New Jersey. Co-conspirator-1 entered the driver's seat while Suspect-1 and Suspect-2 walked away from the vehicle towards Tony's Pharmacy.

32. According to video surveillance and witness accounts, Suspect-2 was wearing a black hoodie, a black ski mask, and white-and-gray sneakers that match those sneakers worn by the individual holding the Promethazine bottle in the photo found in the Apple ID-1 account associated with the Burgess Phone, as described above.

33. Suspect-2 brandished a handgun from a black backpack with distinct Nike white lettering—consistent with the bag in Hospital Pharmacy Robbery-1, Mort Jacobs Pharmacy Robbery, and Hospital Pharmacy Robbery-

2—discharged one round and demanded Oxycodone. Suspect-2 told the same victim from Tony’s Pharmacy Robbery-1, Victim-5, that he should shoot Victim-5 for not putting Oxycodone in the bag the last time, referring to a prior robbery. According to video surveillance, Suspect-1 grabbed cash from the cash register.

34. According to video surveillance, at approximately 5:55 p.m., Suspect-1 and Suspect-2 fled Tony’s Pharmacy and entered the same white wagon vehicle that had dropped them off.

35. According to lawfully obtained cell phone location data, the Burgess Phone called Rivera Phone-2 at approximately 5:12 p.m., approximately 41 minutes prior to the robbery. At approximately 5:58 p.m., Rivera Phone-2 connected to a cellular tower located approximately seven blocks north of Tony’s Pharmacy. At approximately 6:33 p.m. and 6:40 p.m., the Burgess Phone and Rivera Phone-2, respectively, connected to the same cellular tower located near 67 Ellison Street in Paterson, which is approximately two miles from Tony’s Pharmacy. As a result, law enforcement believes that BURGESS and Rivera were together after the robbery.

### **Das Pharmacy Robbery: The March 16, 2023 Robbery in Passaic**

36. According to video surveillance, on or about March 16, 2023 at approximately 5:45 p.m., a white wagon vehicle, similar in appearance to the White BMW, pulled up across the street from Das Pharmacy on Van Houten Avenue in Passaic, New Jersey. Suspect-1 and Suspect-2 exited the vehicle and entered the pharmacy. Suspect-1 was wearing a white hoodie, a black jacket, a black ski mask, and carrying a black BAPE backpack. Suspect-2 was wearing a black-and-red hoodie, a ski mask, and white sneakers.

37. Suspect-1 brandished a handgun, went behind the counter, and demanded Percocet and Xanax. Suspect-1 pointed the handgun at a pharmacy employee (“Victim-9”), demanded Percocet and Xanax, and discharged one round away from Victim-9. Suspect-1 placed controlled substances inside the backpack. Suspect-2, who had been blocking the front door, took cash from the cash register. Suspect-1 and Suspect-2 then fled the pharmacy.

38. According to video surveillance, at approximately 5:46 p.m., a white wagon vehicle, similar in appearance to the one that dropped off the Suspects, crossed the intersection of Main Avenue and Van Houten Avenue. Within seconds, Suspect-1 and Suspect-2 crossed that intersection running in the direction of that white wagon vehicle.

39. According to cellphone records and lawfully obtained cell phone location data, hours before the Das Pharmacy Robbery, at approximately 2:27 p.m., Rivera Phone-2 called the Burgess Phone. At approximately 5:14 p.m., approximately 30 minutes before the robbery, the Burgess Phone and Rivera

Phone-2 connected to the same cellular tower located near 67 Ellison Street in Paterson, which is approximately eight miles north of Das Pharmacy. At approximately 6:08 p.m., approximately 23 minutes after the robbery, the Burgess Phone and Rivera Phone-2 connected to the same cellular tower located near 58 Broadway in Elmwood Park, which is approximately seven miles north of Das Pharmacy. As a result, law enforcement believes that BURGESS and Rivera were together before and after the robbery.

### **Passaic Community Pharmacy Robbery: The April 5, 2023 Robbery**

40. According to video surveillance, on or about April 5, 2023 at approximately 5:38 p.m., Rivera exited the front passenger side of a black sedan, similar in appearance to the Black BMW, near Passaic Community Pharmacy in Passaic, New Jersey. Rivera was wearing a white hoodie, a dark jacket, dark pants, and carrying a black BAPE backpack.

41. Two minutes later, at approximately 5:40 p.m., video surveillance shows RIVERA unmasked and carrying, in addition to the backpack, what appears to be a cell phone which Rivera briefly holds near his ear. According to lawfully obtained cell phone location data, at that same time, at approximately 5:40 p.m.: 1) the Burgess Phone called Rivera Phone-2; and 2) the Burgess Phone and Rivera Phone-2 connected to the same cellular tower located around the corner from Passaic Community Pharmacy. As a result, law enforcement believes that Rivera was answering a call from BURGESS who was around the corner.

42. According to video surveillance and witness accounts, Rivera wore a black ski mask, entered Passaic Community Pharmacy, raised a firearm with a weapon-mounted light to a pharmacy employee's head ("Victim-10") and demanded that Victim-10 put money from the cash register in a bag. When Victim-10 refused, Rivera went to the back of the pharmacy and demanded "pills" while pointing the firearm at other pharmacy employees. Rivera fired a shot that struck a file cabinet. Rivera then fled the pharmacy through the rear.

43. According to video surveillance, at approximately 5:46 p.m., Rivera entered the front passenger side of the same black sedan that had dropped him off, which then drove away.

44. According to lawfully obtained cell phone location data, at approximately 4:59 p.m., approximately 40 minutes prior to the robbery, the Burgess Phone and Rivera Phone-2 connected to the same cellular tower located near Residence-1. After the robbery, at approximately 6:11 p.m. and 6:15 p.m., Rivera Phone-2 and the Burgess Phone, respectively, connected to cellular towers near Residence-1 and approximately four blocks from each other. As a result, law enforcement believes that Rivera and BURGESS were together near Residence-1 before and after the robbery.

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45. During the investigation, law enforcement learned that some medications at Hospital Pharmacy, Mort Jacobs Pharmacy, Tony's Pharmacy, Das Pharmacy, and Passaic Community Pharmacy were manufactured outside the State of New Jersey and thus traveled in interstate commerce prior to Hospital Pharmacy Robbery-1, Mort Jacobs Pharmacy Robbery, Tony's Pharmacy Robbery-1, Hospital Pharmacy Robbery-2, Tony's Pharmacy Robbery-2, Das Pharmacy Robbery, and Passaic Community Pharmacy Robbery.