

COPY

Approved: Ilan Graff  
Ilan Graff  
Assistant United States Attorney

Before: HONORABLE LISA M. SMITH  
United States Magistrate Judge  
Southern District of New York

13 MS 747

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UNITED STATES OF AMERICA	:	<u>SEALED</u>
	:	<u>COMPLAINT</u>
- v. -	:	
HAKIM ANDERSON,	:	Violation of
a/k/a "Hak,"	:	21 U.S.C. §§ 841(a),
	:	841(b) (1) (B), 846
Defendant.	:	COUNTY OF OFFENSE:
	:	WESTCHESTER

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SOUTHERN DISTRICT OF NEW YORK, ss.:

JOSEPH ALTIMARI, 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

1. From at least in or about June 2012, up to and including in or about February 2013, in the Southern District of New York and elsewhere, HAKIM ANDERSON, a/k/a "Hak," the defendant, and others known and unknown, intentionally and knowingly did combine, conspire, confederate, and agree together and with each other to violate the narcotics laws of the United States.

2. It was a part and an object of the conspiracy that HAKIM ANDERSON, a/k/a "Hak," and others known and unknown, would and did distribute and possess with intent to distribute a controlled substance, in violation of Title 21, United States Code, Section 841(a) (1).

3. The controlled substance involved in the offense was 28 grams and more of mixtures and substances containing a detectable amount of cocaine base, in a form commonly known as

"crack," in violation of Title 21, United States Code, Sections 841(a) and 841(b)(1)(B).

OVERT ACT

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

a. On or about October 11, 2012, HAKIM ANDERSON, a/k/a "Hak," the defendant, sold approximately 30 grams of crack cocaine to a cooperating witness ("CW-2") in or around Peekskill, New York.

(Title 21, United States Code, Sections 841(a), 841(b)(1)(B), and 846.)

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

5. I am a Special Agent with the FBI, and I have been involved in the investigation of the above-described offense. I am familiar with the facts and circumstances set forth below from my personal participation in the investigation, including my review of pertinent documents, and from my conversations with fellow law enforcement officers. 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.

The Conspiracy

6. Since in or around January 2011, I have participated in an investigation of HAKIM ANDERSON, a/k/a "Hak," and others, known and unknown, concerning several linked narcotics conspiracies operating in and around Peekskill, New York.

7. From my conversations with a cooperating witness ("CW-1"),<sup>1</sup> and review of statements made by CW-1, I have learned the following:

a. Between at least in or around June 2012, and in or around October 2012, ANDERSON supplied crack cocaine to drug dealers in Peekskill, New York. Based on CW-1's interactions with ANDERSON and others, CW-1 believed ANDERSON had access to significant quantities of crack cocaine.

b. On two occasions between June and October 2012, CW-1 purchased between 7 and 10 grams of crack from ANDERSON. On both occasions, CW-1 called ANDERSON's telephone number, spoke to an individual whom CW-1 believed to be ANDERSON, and placed CW-1's order for crack. The crack was later delivered to CW-1 by another individual, whom CW-1 knows to be ANDERSON's associate.

8. On multiple occasions between September 2012 and February 2013, I and other law enforcement agents have supervised another cooperating witness's ("CW-2")<sup>2</sup> controlled purchases of crack from ANDERSON. The total amount of crack that CW-2 has purchased from ANDERSON over this period is more than 70 grams.

#### The October 11, 2012 Sale

9. For instance, on or about October 11, 2012, I and other law enforcement officers met with CW-2 at a particular location in Peekskill, New York. I searched CW-2 and CW-2's car and found neither narcotics nor money. I then provided CW-2 with \$1,800 to purchase crack from ANDERSON and outfitted CW-2 with a concealed device that captured and recorded audio and video (the "Device").

10. I then got into a law enforcement vehicle and watched as CW-2 drove CW-2's car to a particular parking lot in Peekskill. Shortly after CW-2 stopped, CW-2 notified me that ANDERSON was en route from another town and would arrive soon.

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<sup>1</sup> CW-1 has pled guilty to federal narcotics and firearms offenses and is cooperating in the hopes of achieving a reduced sentence. CW-1 has previously provided reliable information, which has been corroborated by independent evidence.

<sup>2</sup> CW-2 has been charged with a federal narcotics crime and is cooperating in the hopes of achieving a reduced sentence. Since CW-2 began working with state and federal law enforcement authorities, CW-2's information has proven reliable and has been consistently corroborated by independent evidence.

11. Approximately forty minutes later, CW-2 informed me that ANDERSON was going to meet CW-2 in a restaurant near where CW-2 had stopped (the "Restaurant"). I then watched as CW-2 went into the Restaurant. About two minutes later, I observed ANDERSON arrive in a maroon car and walk into the Restaurant. I recognized ANDERSON from previous surveillance, and my review of prior arrest photographs.

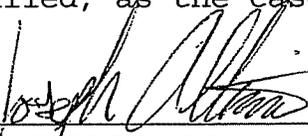
12. Approximately ten minutes later, I watched ANDERSON leave the Restaurant. Shortly thereafter, CW-2 left the Restaurant. After CW-2 got into CW-2's car, CW-2 informed me that ANDERSON had provided CW-2 with 31 grams of what CW-2 believed to be crack cocaine, in exchange for \$1,400.

13. About ten minutes after CW-2 left the Restaurant, I met with CW-2 at a prearranged meeting spot, where I took possession of a quantity of an off-white rocky substance, \$400 cash, and the Device. Based on my training and experience, I know that the off-white rocky substance had both the consistency and the odor of crack cocaine.

14. At the prearranged meeting spot, I debriefed CW-2. During our conversation, CW-2 informed me that ANDERSON had met CW-2 in the Restaurant and had placed the off-white rocky substance in CW-2's bag of food.

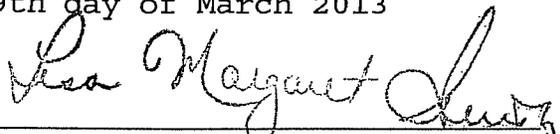
15. I field tested and weighed the off-white rocky substance that CW-2 provided me. It field tested positive for cocaine and weighed approximately 30 grams. It has been sent to the Drug Enforcement Administration laboratory in Manhattan, New York, for further analysis.

WHEREFORE, I respectfully request that a warrant be issued for the arrest of HAKIM ANDERSON, a/k/a "Hak," the defendant, and that he be imprisoned or bailed, as the case may be.

 SA, FBI

JOSEPH ALTIMARI  
Special Agent  
Federal Bureau of Investigation

Sworn to before me this  
19th day of March 2013



HONORABLE LISA M. SMITH  
United States Magistrate Judge  
Southern District of New York