

Approved: MICHAEL GERBER / SCOTT HARTMAN
Assistant United States Attorney

COPY

Before: HONORABLE JUDITH C. McCARTHY
United States Magistrate Judge
Southern District of New York

14 MAG 2405

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UNITED STATES OF AMERICA :
 :
 : COMPLAINT
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 : Violations of 18 U.S.C.
 : §§ 1951 and ~~2~~
 :
 : COUNTY OF OFFENSE:
 : WESTCHESTER
 :
 ANTHONY GRECCO, and :
 ANDREA BEATTY, :
 :
 Defendants. :
 :
 X

SOUTHERN DISTRICT OF NEW YORK, ss.:

BRENDAN KENNEY, 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
(Hobbs Act Robbery Conspiracy)

1. In or about August 2014, in the Southern District of New York and elsewhere, ANTHONY GRECCO and ANDREA BEATTY, the defendants, and others known and unknown, unlawfully and knowingly did combine, conspire, confederate, and agree together and with each other to commit robbery, as that term is defined in Title 18, United States Code, Section 1951(b)(1), and would and did thereby obstruct, delay, and affect commerce and the movement of articles and commodities in commerce, as that term is defined in Title 18, United States Code, Section 1951(b)(3), to wit, GRECCO, BEATTY, and others known and unknown, agreed to rob a marijuana dealer in Ossining, New York, whose marijuana supply came, at least in part, from New Jersey.

(Title 18, United States Code, Section 1951.)

COUNT TWO
(Hobbs Act Robbery)

2. On or about August 26, 2014, in the Southern District of New York, ANTHONY GRECCO and ANDREA BEATTY, the defendants, unlawfully and knowingly did commit robbery, as that term is defined in Title 18, United States Code, Section 1951(b)(1), and did aid and abet the same, and did thereby obstruct, delay, and affect commerce and the movement of articles and commodities in commerce, as that term is defined in Title 18, United States Code, Section 1951(b)(3), to wit, BEATTY drove GRECCO to Ossining, New York, with the understanding and intent that GRECCO would rob a marijuana dealer whose marijuana supply came, at least in part, from New Jersey, and GRECCO did in fact rob that marijuana dealer at knifepoint, in the process causing the marijuana dealer's death.

(Title 18, United States Code, Section 1951.)

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

3. I have been involved in the investigation of this matter, and I base this affidavit on that experience, as well as on my conversations with other law enforcement agents, and my examination of various reports and records. Because this affidavit is being submitted for the limited purpose of demonstrating 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.

4. The FBI and the Village of Ossining Police Department ("VOPD") (collectively, the "Investigating Agencies") are investigating a planned drug transaction that resulted in a robbery and murder. Based upon conversations I have had with VOPD officers and detectives, as well my review of VOPD reports and a sworn affidavit by a VOPD detective ("Detective-1"), I have learned, in substance and in part, the following:

5. On or about August 27, 2014, Ryan Ennis was found dead in an apartment located at 38 ½ Wolden Road, Apartment B-2-1, Ossining, New York (the "Apartment"). VOPD officers arrived at the Apartment at approximately 9:45 p.m. in response to a 911 call, and

Ennis was pronounced dead at approximately 9:53 p.m.

6. An autopsy was performed, and Ennis's death was ruled a homicide. There was a large wound to the left side of Ennis's neck, a large wound to the back of Ennis's head, and additional wounds on his abdomen and upper left arm. The medical examiner determined that Ennis had been killed between 18 and 36 hours earlier.

7. VOPD officers learned that Ryan Ennis resided with his mother and step-father at a residence on Sherwood Avenue in Ossining (the "Sherwood Avenue Residence"). Ennis also had keys to the Apartment, where his father resided, and spent time there when his father was away. On or about August 23, 2014, Ryan Ennis's mother and step-father left the Sherwood Avenue Residence for a trip to Maine. On or about August 26, 2014, Ennis's father left Ossining with several other individuals on a motorcycle trip. Ennis's father spoke with Ennis via cellphone on the morning of August 26, but was unable to reach Ennis on August 27. He contacted the former superintendent of the building where the Apartment is located, and asked the former superintendent to check on his son. The former superintendent found the door to the Apartment unlocked, entered the Apartment, discovered Ennis's body, and called 911.

8. Ennis's cellphone and wallet were not on his person, in the Apartment, at the Sherwood Avenue Residence, or in the two cars registered to Ennis.

9. VOPD officers have spoken with an individual who lives directly below the Apartment ("Witness-1"). Witness-1 stated, in substance and in part, that on August 26 at approximately 8:00 p.m. Witness-1 heard a loud rumbling, which sounded like a fight, coming from the Apartment and lasting approximately 30 seconds.

10. VOPD officers have spoken with an individual who lives in the building complex where the Apartment is located ("Witness-2"). Witness-2 stated, in substance and in part, that on the evening of August 26, Witness-2 heard a scream, which sounded like that of a woman.

11. VOPD officers have spoken to multiple friends of Ennis, who stated, in substance, that Ennis was in the business of selling marijuana and that Ennis dealt in pounds.

12. The account history for Ennis's cellphone shows that on August 26, 2014, between the hours of 9:37 a.m. and 7:28 p.m., there were 35 text messages between Ennis's cellphone and a cellphone ending with the numbers 6597 (the "6957 Cellphone"). No other text

messages were received by, or transmitted from, Ennis's cellphone, after August 26, 2014 at 7:28 p.m. There was an incoming call to Ennis's cellphone at 7:36 p.m. from the 6957 Cellphone.

13. Cell tower data show that on August 26, 2014, the 6597 Cellphone was travelling from Manville, New Jersey to Ossining, New York. At approximately 7:36 p.m., when the 6597 called Ennis's phone, the 6597 was located in the vicinity of Croton Avenue, at the intersection of Routes 9 and 133, approximately half a mile from the Apartment.

14. Cell phone data shows that at the time of the 7:36 p.m. call, Ennis's phone was also located in the vicinity of Croton Avenue, at the intersection of Routes 9 and 133, approximately half a mile from the Apartment.

15. Detective-1 obtained a state court search warrant for the text messages to and from the 6597 Phone that were in the possession of the service provider for the 6597 Phone. I have reviewed text messages from August 26 between the 6597 Phone and the Ennis Phone. Those text messages discuss, in substance and in part, a drug transaction between Ennis and the user of the 6597 Phone. Specifically, the following exchange of messages took place:

TIME	SENDER	MESSAGE
11:51 a.m.	6597 Cellphone	Hey boss if you still trying to do that today what time where you thinking, I know you weren't sure just trying to plan my day out
11:51 a.m.	Ennis Cellphone	A day or two now this asshole is playing games and has a majority of what I fronted
11:55 a.m.	6597 Cellphone	Ok boss no worries just hit me up, and I was gonna say if you have enough for 3 I can float one
11:56 a.m.	Ennis Cellphone	Ya I'll have enough for 3 today
11:56 a.m.	Ennis Cellphone	At like 4
12:00 p.m.	6597 Cellphone	do you want me to come at 4 then or wait till I hear from you
12:00 p.m.	Ennis Cellphone	If rather wait just incase this kid insnt 100%
12:03 p.m.	6597 Cellphone	Ok boss that works

4:31 p.m.	Ennis Cellphone	I got 9 together
4:39 p.m.	6597 Cellphone	Ok boss I'll be on my way in a bit

16. Based upon my training, experience, and participation in this investigation, including information detailed below, I believe that during this exchange of messages, the user of the 6597 Cellphone made reference to potentially selling marijuana to Ennis ("do that"). Ennis replied that he would need additional time to come up with the money for the transaction, because he had given the majority of his marijuana to an associate on consignment and had not yet been repaid ("this asshole is playing games and has a majority of what I fronted"). In response, the user of the 6597 cellphone offered to front Ennis one pound of marijuana if Ennis agreed to pay for three pounds of marijuana immediately ("I was gonna say if you have enough for 3 I can float one."). Ennis agreed and asked that the user of the 6597 Cellphone come by after 4:00 p.m. Ennis later texted the user of the 6597 Cellphone that he had been able to get together \$9,000 for the marijuana purchase ("I got 9 together.").

17. Based upon my training and experience, I know that 4 pounds of marijuana is much more marijuana that a single person could use in a reasonable period of time. I also know that Ennis's purchase of such a large quantity of marijuana is indicative of his being in the business of distributing marijuana, as is his reference to "fronting" marijuana to another individual with the expectation that he would be repaid.

18. I have also reviewed an exchange of text messages that took place on August 26, 2014, between the 6597 Cellphone and another cellphone with the last four digits 7527 (the "7527 Cellphone"). During the exchange, a portion of which appears below, the user of the 6597 Cellphone appeared to make arrangements for the user of the 7527 Cellphone to transport him to meet Ennis that evening:

TIME	SENDER	MESSAGE
12:05 p.m.	6597 Cellphone	my boy won't be home till 4 if that's ok sir, for that ride
12:06 p.m.	7527 Cellphone	Ok cool
5:03 p.m.	6597 Cellphone	you still be down in about 30 min
5:05 p.m.	7527 Cellphone	Yeah...

5:38 p.m.	6597 Cellphone	I'm ready when you are sir
5:39 p.m.	7527 Cellphone	Ok on my way
5:54 p.m.	7527 Cellphone	Here bro outside

19. On August 26, subsequent to the above text messages, the user of the 6597 Cellphone and Ennis exchanged multiple text messages regarding the fact that the user of the 6597 Cellphone was travelling to meet Ennis. To give just a few examples:

a. At approximately 6:37 p.m., a text message from the 6597 Cellphone to Ennis stated: "just hit the 87 boss accident had traffic backed up."

b. At approximately 7:09 p.m., a text message from 6597 Cellphone to Ennis stated: "I'm going over the bridge I'll let you know when I hit your town."

c. At approximately 7:27 p.m., a text message from Ennis to the 6597 Cellphone stated: "I'm at apartment."

d. At approximately 7:27 p.m., a message from Ennis to the 6957 Cellphone stated: "So just call me when your walkin up to door."

e. At approximately 7:28 p.m., a message from the 6597 Cellphone to Ennis stated: "Ok will do."

20. On or about September 23, 2014, law enforcement officers, acting at my direction, conducted a ruse at an apartment building in Manville, New Jersey. In response to being notified that there was a gas leak in the building, an occupant of one of the apartments identified himself as ANTHONY GRECCO, the defendant, and provided the 6597 Cellphone number as his contact number.

21. After identifying ANTHONY GRECCO, the defendant, I and other law enforcement officers obtained a search warrant for GRECCO's apartment, which we executed later that day. During the search we recovered, among other things, the 6597 Cellphone and items consistent with packaging marijuana for distribution, including heat sealed bags and a heat sealer.

22. Following the execution of the search warrant, GRECCO was detained and transported to the Manville Police Department stationhouse, where he was interviewed by Detective-1 and another

detective from Ossining. There, GRECCO was informed of his Miranda rights. GRECCO waived those rights and stated, in substance and in part, that in August he traveled to New York with a co-conspirator ("CC-1") for the purposes of robbing Ennis, to whom GRECCO had sold marijuana in the past. GRECCO admitted that the robbery had not gone according to plan, but he did not admit to killing Ennis.

23. On or about September 30, 2014, law enforcement officers located a vehicle registered to CC-1 parked in the driveway of a private home in New Brunswick, New Jersey (the "New Brunswick Residence"). Parked on the street directly adjacent to the home was an automobile registered in the name of "Andrea Beatty" (the "Beatty Automobile")

24. Later that afternoon, law enforcement officers acting at my direction stopped a woman who had been observed exiting the New Brunswick Residence and driving away while speaking on her cellular telephone. A check of the woman's identifying information revealed that her driver's license was suspended. The officer who stopped the woman told her that she should call a licensed driver to pick up her car. The officer watched as the woman used her cellular telephone to dial the number of the 7527 Cellphone.

25. Several minutes later, I observed CC-1 and a female later identified as ANDREA BEATTY exit the New Brunswick Residence, enter the Beatty Automobile, and proceed to the location of the car stop. The car pulled up and BEATTY immediately exited the vehicle from the front passenger's side. Law enforcement officers made contact with BEATTY at the passenger doorway and observed what they believe could possibly be blood on the speaker of the front, passenger side door.

26. As law enforcement approached the car, CC-1 began to drive away. A law enforcement officer instructed him to stop, and he complied. At the request of law enforcement, CC-1 then stepped out of the vehicle. A pat down search of his waistband revealed two cellular telephones, which were removed and placed on the trunk. I then placed a telephone call to the 7527 Cellphone and observed one of the telephones to be ringing and displaying my phone number.

27. ANDREA BEATTY, the defendant, was detained at the New Brunswick Police Department for a period but was ultimately released without being charged. BEATTY agreed to allow law enforcement to transport the Beatty Vehicle to New York, so that it could be searched for evidence of the robbery. A subsequent search of the car revealed that the mark that officers believed might be blood was not in fact blood.

28. On October 22, 2014, ANDREA BEATTY, the defendant, voluntarily came to the offices of the Ossining Police Department. At that time, I met BEATTY again. I informed her that she was not under arrest and that she was viewed as a witness in the case. BEATTY agreed to speak with me and then provided the following information, in substance and in part, regarding a trip she took to New York with CC-1 and ANTHONY GRECCO, the defendant in August 2014:

a. BEATTY admitted that the purpose for which she, CC-1 and GRECCO went to New York was so that GRECCO could commit a robbery. BEATTY knew before she made the trip that GRECCO intended to rob a man who owed him money in connection with drugs.

b. BEATTY stated that when she picked up GRECCO at the beginning of the trip, he was carrying a black bag containing clothing.

c. BEATTY described the apartment complex where she drove GRECCO to commit the robbery, and in fact led myself and other law enforcement officers to the complex where the Apartment is located.

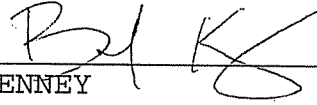
d. BEATTY recalled that when GRECCO came back to her car after going into the apartment building, he appeared flustered and said that the robbery had not proceeded according to plan. GRECCO also said, in effect, that "it" had been easier than he thought it would have been. Later that night, BEATTY came to believe that by "it," GRECCO was referring to the act of killing Ennis.

e. After they left the apartment complex, BEATTY drove CC-2 to the rooming house where CC-1 was staying. Inside of BEATTY's room, GRECCO handed BEATTY a stack of money. She later counted it and found that it totaled \$8900. GRECCO asked BEATTY for a black garbage bag, which she supplied to him.

f. GRECCO used the bathroom at CC-1's rooming house to shower. When he came out of the bathroom, he was carrying the garbage bag with clothing in it. GRECCO asked BEATTY if she knew where he could dispose of the clothing. BEATTY claimed not to know what GRECCO ultimately did with the clothing.

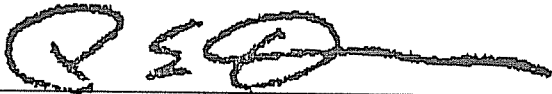
29. After the interview, ANDREA BEATTY, the defendant, was released without being charged.

WHEREFORE, deponent prays that warrants be issued for the arrests of ANTHONY GRECCO and ANDREA BEATTY, the defendants, and that they be arrested and imprisoned, or bailed, as the case may be.



BRENDAN KENNEY
Special Agent
Federal Bureau of Investigation

Sworn to before me this
28th day of October, 2014



HONORABLE JUDITH C. MCCARTHY
UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT OF NEW YORK